

23 July 2020

**Western Cape Provincial Government:  
Department of Transport and Public Works  
Upgrade of the DR 1797**

Distribution

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# **Public Participation Plan**

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## **1. Introduction**

Public participation (PP) is an integral aspect of any environmental assessment process and should aim to meaningfully engage stakeholders at all levels throughout the project, to ensure that the public's views on the project are taken into consideration by decision-makers. PP therefore involves consultation with, amongst others, the general public, nearby communities, relevant authorities and community-based and non-governmental organisations.

According to Section (2)(4)(f) and (o) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA):

- The participation of all interested and affected parties (I&APs) in environmental governance must be promoted and all people must have the opportunity to develop the understanding, skills and capacity necessary for achieving equitable and effective participation, and participation by vulnerable and disadvantaged persons must be ensured, and
- The environment is held in public trust for the people, the beneficial use of environmental resources must serve the public interest and the environment must be protected as the people's common heritage.

In order to give effect to the above sections, it is essential to ensure that there is adequate and appropriate opportunity for PP in decisions that may affect the environment. Section 24(1A) (c) of the NEMA allows for this participation by requiring that the environmental assessment practitioner (EAP) conducting PP comply with any regulated procedure related to public consultation and information gathering through the public participation process (PPP). Further to this, the NEMA requires that the EAP conducting a PPP must take into account any relevant guidelines applicable to PP as contemplated in section 24J of the NEMA.

The Department of Environmental Affairs (DEA) released the Public Participation guideline in terms of NEMA in 2017. This Guideline provides guidance on the procedure and provisions of the PPP in terms of NEMA and its Environmental Impact Assessment (EIA) Regulations, 2014 (as amended 7 April 2017) (the "EIA Regulations")<sup>1</sup>. This guideline is intended to be read together with the NEMA and the EIA Regulations.

### **1.1 Disaster Management Act (57/2002)**

On 5 of June 2020, the Minister of Forestry, Fisheries and the Environment issued Directions<sup>2</sup> regarding measures to address, prevent and combat the spread of COVID-19 relating to National Environmental Management Permits and Licences.

The purpose of these Directions is to limit the threat posed by the COVID-19 pandemic, as well as to alleviate, contain and minimise the effects of the National State of Disaster. This is particularly relevant to environmental licencing, as well as the PPP.

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<sup>1</sup> Environmental Impact Assessment (EIA) Regulations, 2014 (as amended 7 April 2017), published under Government Notice No. 982 in Gazette No. 3822 of 4 December 2014, in terms of sections 24(5) and 44 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

<sup>2</sup> Disaster Management Act (57/2002): Directions Regarding Measures to Address, Prevent and Combat the Spread of COVID-19 Relating to National Environmental Management Permits and Licences (5 June 2020).

In accordance with Annexure 3 of the Directions, a PP Plan is required prior to submission of an application for environmental authorisation (EA). The PP Plan must be agreed to, and approved by, the competent authority (CA) prior to the application being submitted.

The purpose of this document is to present the PP Plan for the upgrade of the DR 1797 Project (the Project) to the CA, that being the Department of Environmental Affairs and Development Planning (DEA&DP).

### **1.1.1 Additional 30 Day Public Participation Process**

In accordance with the Directions issued on 5 June 2020, the PPP will automatically be extended by an additional 30 days, resulting in draft Basic Assessment Reports (BAR) / Scoping and Environmental Impact Assessment Reports and Environmental Management Programmes (EMPr) being made available to I&APs for a period of 60 calendar days. In accordance with Section 4.4 of the Directions, if it is determined that a shorter period than 60 days is required, this may be granted as long as the CA approves the proposed timeframe.

The main objective of the Project is to upgrade the DR 1797 from a gravel road to a tarred road. The engineering, technology and process to upgrade gravel roads to tarred is widely known and clearly understood by Hatch. Based on the information collected to date, as well as the specialist studies conducted, the impacts of the Project are clearly understood and will be limited. Furthermore, based on the interactions to date (Section 4.2.1.15), I&APs have responded positively to the Project as it will reduce fugitive dust emissions and increase the flow of tourism within the area.

Due to this, it is anticipated that the additional 30 days mandated as part of the Directions will not be required for this Project and a 30 day PP will suffice. However, should registered I&APs request additional time to review and comment on the Draft BAR and EMPr, the EAP will approach the DEA&DP and request additional time.

## **1.2 Objectives of this Public Participation Plan**

The objectives of this PP Plan for the Project are as follows:

- To provide the opportunity for all role players including potential and registered I&APs, EAPs, state departments, organs of state, and the CA to obtain clear, accurate and understandable information about the environmental impacts of the proposed activity or implications of a decision
- To provide for role-players to voice their support, concerns and questions regarding the project, application or decision
- To provide the opportunity for role-players to suggest ways for reducing or mitigating any negative impacts of the project and for enhancing its positive impacts
- To enable the EAP conducting PP to incorporate the needs, preferences and values of potential or registered I&AP's into the Project that becomes the subject of an application for an EA
- To provide opportunities for clearing up misunderstandings about technical issues, resolving disputes and reconciling conflicting interests

- To encourage transparency and accountability in decision-making
- To contribute towards maintaining a healthy, vibrant democracy
- To give effect to the requirement for procedural fairness of administrative action as contained in the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

## **2. Project Description**

The Western Cape Provincial Government: Department of Transport and Public Works' (WCG) objective is to upgrade, rehabilitate and maintain provincial roads in the Western Cape Province. This Project's main objective is to upgrade the DR 1797 from km 0.00 to km 4.87 from a gravel road (Class 4) to a tarred road (Special Class 4).

The DR 1797 is located just over 25 km from the town of Plettenberg Bay, within the Garden Route District Municipality (formally Eden District Municipality), in the Western Cape Province (refer to Figure 2-1).

The predominant land use within the surrounding area is classified as Agriculture. The following landcover activities have been observed along the DR 1797:

- Cultivated fields / orchards / vines: Several farming activities occur along the existing DR 1797 road – these activities range from cattle farming to viticulture and crop cultivation
- Natural vegetation: The existing DR 1797 road runs through a Critical Biodiverse Area (CBA) and several Ecological Support Areas (ESAs), as well as an indigenous forest at km 3.5
- Accommodation: Accommodation facilities observed, appear to be accessed via the existing DR 1797 road
- Residential: Small holdings were observed along the existing DR 1797 road, these appear to be accessed via the existing DR 1797 road
- Forestry: The existing DR 1797 road ends at a forestry plantation. Timber trucks access the plantation via the exiting DR 1797 road.

To meet engineering design requirements and safe operating conditions, the DR 1797 will be, at selected intervals, marginally adjusted from its current alignment. The WCG will expropriate land required to achieve the realignment of the DR 1797.



In terms of section 24F of the NEMA, no person may commence an activity listed in terms of sections 24(2)(a) or (b) of the NEMA (listed activity) without an EA issued in terms of the NEMA. Government Notice Regulation (GNR) 983, 984 and 985 (as amended) published in terms of the NEMA set out the listed activities that cannot be undertaken without an EA.

The objective of the EIA Regulations, is to establish the procedures that must be followed in the consideration, investigation, assessment and reporting of the activities that have been identified. The purpose of these procedures is to provide the CA with adequate information to make decisions which ensure that activities which may impact negatively on the environment are not authorised, and that activities which are authorised are undertaken in such a manner that the environmental impacts are managed to acceptable levels.

GNR 983 identifies those activities for which a Basic Assessment (BA) must be undertaken in accordance with the procedure set out in the EIA Regulations; GNR 984 identifies those activities for which a full scoping and environmental impact report process must be undertaken in accordance with the procedure set out in the EIA Regulations; and GNR 985 identifies geographical areas in respect of which an environmental authorisation must be applied for by undertaking the BA process. It must be noted that GNR 983 and GNR 985 pertains to those activities which are deemed to have a lesser environmental impact whilst those listed in GNR 984 have a more significant impact on the environment and accordingly, a more detailed and extensive level of assessment is required.



Several listed activities in terms of GNR 983 of the EIA Regulations will be triggered, in addition to possible GNR 985 activities. It is the opinion of the EAP that the Project will thus trigger the need for EA to be obtained, through a BA process.

## 3.1 Listed Activities Triggered

The following activities will be triggered under GNR 983 and GNR 985.

### GNR 983: Listing Notice 1

Activity No.	Relevant BA Listed Activity(ies) as set out in GNR 983
12	The development of (ii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs (a) within a watercourse.
19	The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse.
30	Any process or activity identified in terms of section 53(1) of the National Environmental Management: Biodiversity Act, 2004 (NEMBA) (Act No. 10 of 2004). <i>(potentially triggered)</i>

### GNR 985: Listing Notice 3

Activity No.	Relevant BA Listed Activity as set out in GNR 985
12	The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan: <u>i. Western Cape</u> i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004. <i>(potentially triggered)</i>

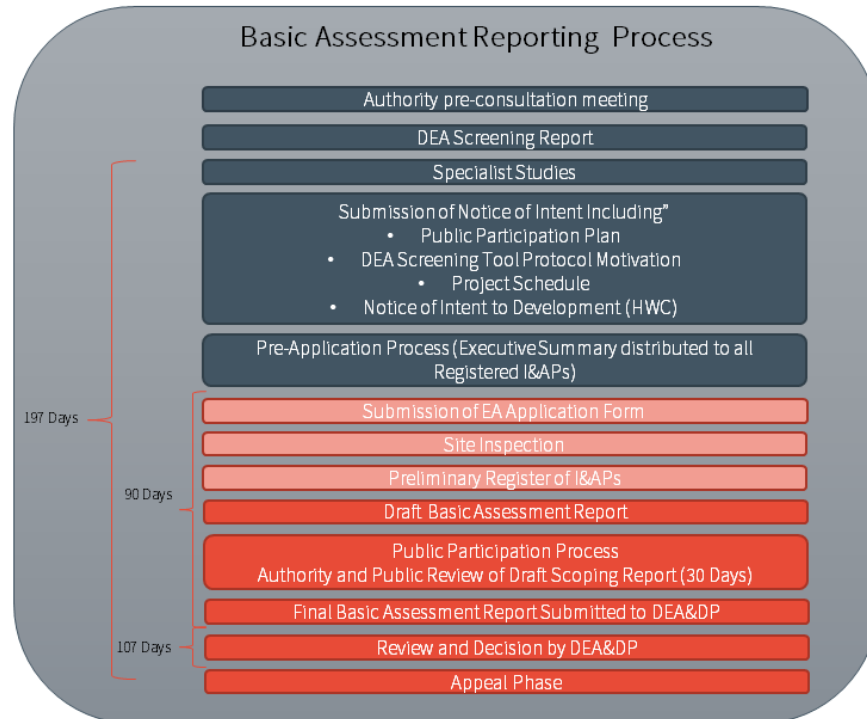
## 3.2 Basic Assessment Process

The BA process (Figure 3-1), as detailed in regulation 19 and Appendix 1 of the EIA Regulations, encompasses:

- Pre-application process
- Application process as described in regulation 16
- PPP as described in regulations 41, 42, 43 and 44
- Compilation of a BAR in accordance with regulation 19(3) and Appendix 4
- Undertaking of specialist's study reports in accordance with regulation 19(8) and Appendix 6<sup>3</sup>

<sup>3</sup> In terms of GNR 320 for the procedures for the assessment and minimum criteria for reporting on identified environmental themes in terms of Sections 24(5)(a) and (h) and 44 of the NEMA, when applying for an EA as released on the 20 March 2020, when the requirements for the protocols apply, the requirements for Appendix 6 of the EIA Regulations are replaced by these requirements.

- Compilation of an EMPr in accordance with regulation 19(4) and Appendix 4
- Review and decision taken by the DEA&DP in accordance with regulation 20.



**Figure 3-1: The Basic Assessment Process to be followed**

### 3.2.1 Pre-Application Process

Hatch propose the following be undertaken as part of the pre-application process:

- Screening Assessment
  - The EIA Regulations require that a screening report be generated by the National Web Based Environmental Screening Tool in terms of section 24(5)(h) of the NEMA, which is to be submitted along with the environmental application. The screening tool can be described as an online, geographic information system, which enables the user to assess the proposed area of development for any potential sensitivities. Moreover, the tool provides additional information that might be required during the environmental assessment process. The report generated by the screening tool provides a list of specialist's studies to be undertaken during the environmental assessment process.
- Specialist Studies
  - There are currently two specialist studies required and both specialist have been appointed; a Botanical Specialist and a Freshwater Specialist. The specialists visited the site, prior to the COVID-19 pandemic, to assess the environment. However, this was prior to the decision to marginally expropriate land along the DR 1797, as well as the Gazetting of the Environmental Site Sensitivity Protocols relating to the Screening Assessment. Due to this, the Botanical Specialist requested to revisit the site, which took place at the end of June 2020. Based on



the information collected during the site visits, no additional site visit will be required.

- Submission of the Notice of Intent to submit an Application for Environmental Authorisation (NOI) to the DEA&DP, which will include:
  - PP Plan (this report)
  - Screening Assessment and Protocol Motivation
  - Project Schedule
  - Notice of Intent to Development Application Form (NID) (as required by the Heritage Western Cape)
  - An Executive Summary of the Draft BAR and EMPr.

Hatch propose that an Executive Summary of the Draft BAR and EMPr be provided to the DEA&DP and registered I&APs. The purpose of the Executive Summary is to provide registered I&APs with introductory information on the Project, the BA process and the PPP. The Executive Summary will also provide registered I&APs who are interested in the project with the opportunity to provide the EAP with written comments and feedback.

### **3.2.2      *Application Process***

Once the pre-application process has been concluded, the application for EA will be submitted to the DEA&DP. The DEA&DP has 10 calendar days to acknowledge receipt of the application.

### **3.2.3      *Draft Basic Assessment Report and Environmental Management Programme***

The Draft BAR and EMPr will be made available for public comment for a period of 30 calendar days. This will provide the DEA&DP, public and registered I&APs an opportunity to comment on the draft reports and raise their issues and concerns. Comments raised during the review period will be considered, responded to and documented in the Final BAR and EMPr.

### **3.2.4      *Final Basic Assessment Report and Environmental Management Programme***

Based on the EIA Regulations, the EAP must within 90 calendar days compile and submit the Final BAR and EMPr to the DEA&DP, that has been subject to PP of 30 calendar days. The Final BAR and EMPr will be made available for registered I&AP's review and be submitted to the DEA&DP, who will consider the findings in consultation with various other authorities, and issue a decision on whether an EA will be granted or refused.

### **3.2.5      *Department of Environmental Affairs and Development Planning Review and Decision***

The DEA&DP must, within 107 calendar days of receipt of the BAR and EMPr, in writing grant an EA in respect of all or part of the activity applied for; or refuse an EA. On having reached a decision, the DEA&DP must, in writing and within 5 calendar days:

- Provide the applicant with the decision

- Give reasons for the decision to the applicant
- Where applicable, draw the attention of the applicant to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, if such appeal is available in the circumstances of the decision.

### 3.2.6 **Appeal Process**

The EAP will, in writing, within 14 calendar days of the date of the decision on the application, ensure that:

- All registered I&APs are provided with access to the decision and the reasons for such decision
- The attention of all registered I&APs is drawn to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, if such appeal is available in the circumstances of the decision.

### 3.3 **Project Timeframes**

A Project schedule (Appendix 1) has been developed for the Project, with key dates as noted below:

Deliverable	Completion Date
Submission of NOI to DEA&DP	23 July 2020
Pre-Application Process (distribution of Executive Summary)	30 July 2020
Submission of Environmental Application to DEA&DP	6 August 2020
PPP (Draft BAR and EMPr distributed to I&APs for 30 days)	20 August – 21 September 2020
Submission of Final BAR and EMPr to DEA&DP	23 September 2020

## 4. **Public Participation Plan**

### 4.1 **Approach to Public Participation**

Hatch's approach to PP will be based on the following principals:

- Undertake meaningful and timely participation with I&APs
- Focus on important issues during the BA process
- Undertake due consideration of alternatives
- Take accountability for information used
- Encourage co-regulation, shared responsibility and a sense of ownership over the project lifecycle
- Apply "due process" particularly with regard to public participation as provided for in the EIA Regulations
- Consider the needs, interests and values of I&APs.

## 4.2 Methodology

PP varies given the technical nature of the activity, the geographical location, extent, duration, intensity and frequency of potential impacts associated with the existing and proposed activities, as well as the capacity of the receptive community to participate in the Project. The processes outlined below are specific to this Project.

### 4.2.1 *Identification of Interested and Affected Parties*

I&APs will be identified through several mechanisms. These include:

- Networking with local business owners, farmers associations, non-governmental agencies, community based organisations, and local council representatives
- Advertising in the press, placement of community notices, and distribution of BIDs (discussed separately)
- Researching and reviewing of other studies undertaken in the area.

All I&APs identified will be registered on the I&AP database. The EAP will endeavour to ensure that individuals / organisations from referrals and networking are notified of the Project.

#### 4.2.1.1 *Preliminary Identification of Interested and Affected Parties*

During the initiation of the Project, the Environmental Management Officer for the Bitou Local Municipality was identified as an I&AP. The Environmental Management Officer requested that the Redford Conservancy be added to the I&AP database.

Hatch contacted the Redford Conservancy and requested a list of I&APs who fall within the area of the Project, and such was provided. Further to this, the surrounding landowners of the DR 1797 have been added to the I&AP database.

To date, there have been numerous requests by I&APs to be added to the I&AP database. These I&APs have been registered on the Project (refer to Appendix 2).

### 4.2.2 *Creating Awareness*

#### 4.2.2.1 *Site Notice*

In total three English site notices, announcing the project and inviting I&APs to register and comment on the Draft BAR and EMP, will be erected. It is anticipated that three site notices will be erected at the following locations:

- Along the DR 1797 where the DR 1797 intersects with the N2 Highway
- Halfway along the DR 1797 (km 2)
- At the end of the DR 1797 (km 4).

Please see Appendix 4 for the Site Notice template.

#### 4.2.2.2 *Newspaper*

One advertisement, announcing the Project, inviting I&APs to register and announcing the availability of the Draft BAR and EMP, will be placed in the Knysna-Plett Herald, as this is the most popular newspaper in the area.

Please see Appendix 5 for the Newspaper Advisement template.

**4.2.3 Register / Database of Interested and Affected Parties**

When the Project commenced, a database of I&APs was created. This database records the I&AP name, surname, contact information such as cell phone / landline number and email address, as well as their physical address if they wish to provide such.

As part of the pre-application process, currently registered I&APs will be contacted via email to complete an updated contact information form (Appendix 3). This email will also request their preferred method of communication and their accessibility to electronic media. The Executive Summary (Section 3.2.1) of the Draft BAR and EMPr will be distributed to the I&APs as part of the pre-application process to obtain any potential concerns early on in the process.

**4.2.3.1 Preferred Method of Communication**

Prior to the submission of the application for EA to the DEA&DP, all registered I&APs will receive an email whereby the following information will be requested from them:

- Preferred method of receiving notifications
- Preference for receiving the BAR and EMPr, and other correspondence
- Whether the I&AP has any disadvantages which may include not being able to access documents digitally.

**4.2.3.2 The Roles and Responsibilities of the Registered Interested and Affected Parties**

Registered I&APs have the right to bring to the attention of the CA any issues that they believe may be of significance to the consideration of the application.

The rights of registered I&APs are qualified by certain obligations, namely:

- Registered I&APs must ensure that their comments are submitted within the timeframes that have been approved by the DEA&DP, or within any extension of a timeframe agreed by the proponent, EAP or the DEA&DP
- Serve a copy of the comments submitted directly to the competent authorities, the proponent or the EAP
- Disclose to the EAP any direct business, financial, personal or other interest that they might have in the approval or refusal of the application.

The roles of registered I&APs in a PPP usually include one or more of the following:

- Assisting in the identification and prioritisation of issues that need to be investigated
- Making suggestions on alternatives and means of preventing, minimising and managing negative impacts and enhancing project benefits
- Assisting in or commenting on the development of mutually acceptable criteria for the evaluation of decision options
- Contributing information on public needs, values and expectations
- Contributing local and traditional knowledge
- Verifying that their issues have been considered.

In order to participate effectively, I&APs should:

- Become involved in the process as early as possible
- Register as an I&AP
- Advise the EAP of other I&APs who should be consulted
- Contribute towards the design of the PPP (including timeframes) to ensure that it is acceptable to all I&APs
- Follow the process once it has been accepted
- Read the material provided and actively seek to understand the issues involved
- Give timeous responses to correspondence
- Be respectful and courteous towards other I&APs
- Refrain from making subjective, unfounded or ill-informed statements
- Recognize that the process is confined to issues that are directly relevant to the application.

#### **4.3 Draft Basic Assessment Report and Environmental Management Programme**

The Draft BAR and EMPr will be made available for public comment, on the Hatch website, for a period of 30 calendar days. This will provide to the DEA&DP, public and registered I&APs with an opportunity to comment on the draft reports and raise their issues and concerns. Comments raised during the review period will be considered, responded to and documented in the Final BAR.

Registered I&APs will be provided with a link to Hatch's website; alternatively should registered I&APs have difficulty accessing the Draft BAR and EMPr such will be emailed to them or electronically transferred via an alternative means such as Zero Data Portal or Cloud Based Services.

##### **4.3.1 Focus Group Meeting**

Currently, due to the COVID-19 pandemic, it is not possible to conduct a physical Focus Group Meeting. However, should a landowner or any other registered I&AP request a meeting, this will be conducted via Microsoft Teams or Zoom.

#### **4.4 Final Basic Assessment Report and Environmental Management Programme**

Based on the EIA Regulations, the EAP must within 90 calendar days, compile and submit the Final BAR and EMPr to the DEA&DP, that has been subject to a PPP of 30 calendar days. The Final BAR and EMPr will be made available on the Hatch website for registered I&AP's review. The Final BAR and EMPr will be submitted to the DEA&DP, who will consider the findings in consultation with various other authorities, and issue a decision on whether an EA will be granted.

#### **4.5 Notification of the Decision Made by the Department of Environmental Affairs and Development Planning**

Once the DEA&DP has made a decision on the Final BAR and EMPr, an email will be sent to each registered I&AP notifying them of the decision, as well as the link to the Hatch website where a copy of the EA will be available.

Registered I&APs will be provided with a link to Hatch's website; alternatively should registered I&APs have difficulty accessing the EA, such will be emailed to them or electronically transferred via an alternative means such as Zero Data Portal or Cloud Based Services.

## 5. Public Participation Consultation to Date

### 5.1 Consultation with the Competent Authority

The CA for this Project is the DEA&DP and the following been assigned to the Project:

Case Officer Details	
Name	Jessica Christie
Contact Number	044 805 8617
Email Address	<a href="mailto:Jessica.Christie@westerncape.gov.za">Jessica.Christie@westerncape.gov.za</a>
Postal Address	Private Bag X6509, GEORGE, 6530
DEA&DP Supervisor	
Name	Francois Naudé
Contact Number	N/A
Email Address	<a href="mailto:Francois.Naude@westerncape.gov.za">Francois.Naude@westerncape.gov.za</a>
Postal Address	Private Bag X6509, GEORGE, 6530

#### 5.1.1 Pre-Application Meeting (6<sup>th</sup> July 2020)

A virtual pre-application meeting via Microsoft Teams was requested and scheduled by the EAP with the DEA&DP. The pre-application meeting was held on 6 July 2020, at which the Project was presented, as well as the BA process, including the PP Plan. Minutes of the meeting were taken by the EAP and issued to meeting participants for comment.

Please see Appendix 6 for the Pre-Application Meeting Minutes.

Additional meetings required with the DEA&DP will be conducted virtually via Microsoft Teams or telephonically.

#### 5.1.2 Site Visit (date to be determined)

A site visit with the DEA&DP will be arranged as discussed during the pre-application meeting held with the DEA&DP, at a date to be determined.

### 5.2 Landowner Consultation

The WCG has commenced with consultation to impacted landowners to ensure they are well informed of the Project. In this regard, letters are currently being drawn up which will be signed by the relevant landowner. To date, no formal public consultation has taken place.

### 5.3 Consultation with I&APs

To ensure I&APs have been identified prior to the commencement of the PPP, the Redford Conservancy and the Craggs Residence Association was contacted and informed of the Project. In addition, members of these groups / associations were informed of the Project and have since registered as I&APs. As mentioned in Section (4.2.1.1) an I&AP database has been compiled with all those who have registered thus far.





## Appendix 1: Project Schedule

## **Appendix 2: I&AP Database**

## DR 1797 Rd Upgrade

### Interested and Affected Parties Database/ Register

Authority / Organ of State/I&AP	Contact Person	Tel No.	e-mail	Postal Address
<b>Municipalities</b>				
Garden Route District Municipality	Dr Nina Viljoen (UCT)	+27 (0)44 803 1318   +27 (0)67 035 9203	Nina@gardenroute.gov.za	54 York Street, George, 6530, South Africa
Bitou Local Municipality Environmental Management Officer Directorate: Economic Development & Planning	Anjé Taljaard	(044) 501 3318	ataljaard@plett.gov.za	Office No. 50, Second Floor, Melville's Corner, 3 Kloof Street, Plettenberg Bay 6600
Bitou Local Municipality Ward Councillor: Ward 2	Councillor Jessica N. Kamkam	072 769 2342	jkamkam@plett.gov.za	Privaye Bag X 1002, Plettenberg Bay, 6600
<b>Governmental Departments</b>				
Department of Environmental Affairs and Development Planning	DEADP EIA Admin	044-805 8600	<a href="mailto:DEADPEIAAdmin.George@westerncape.gov.za">DEADPEIAAdmin.George@westerncape.gov.za</a>	3rd Floor, Rentzburghof building, 42 Courtenay Street, George, 6529
Department of Environmental Affairs and Development Planning: Case Officer	Mr. Francois Naude Ms Jessica Christie	N/A 044 805 8617	Francois.Naude@westerncape.gov.za Jessica.Christie@westerncape.gov.za	
Western Cape Government: Agriculture, Elsenburg	Ms Carol Levendal	+27 21 808 5199	<a href="mailto:CarolL@elsenburg.com">CarolL@elsenburg.com</a> <a href="mailto:info@elsenburg.com">info@elsenburg.com</a>	
Department of Social Development	M Hendricks	044 814 1687/1650	Marie.Hendricks@westerncape.gov.za	
CapeNature	Colin Fordham	044 802 5329	<a href="mailto:cfordham@capenature.co.za">cfordham@capenature.co.za</a> <a href="mailto:landuseadvicesouth@capenature.co.za">landuseadvicesouth@capenature.co.za</a>	4th Floor, Rentzburg Hof, 42 Courtney Street, Bodorp, George, 6529
	Megan Simons	TBC	msimons@capenature.co.za	
Breede Gouritz Catchment Management Agency	Andiswa Sam	023 346 8038	ASam@bgcma.co.za	TBC
Heritage Western Cape	Stephanie-Anne Barnardt	0214839370	stephanie.barnardt@westerncape.gov.za	3rd Floor, Protea Assurance Building Green Market Square Cape Town

Authority / Organ of State/I&AP	Contact Person	Tel No.	e-mail	Postal Address
Civil Aviation Authority	Evelyn Shogole	+27 11 545 1199	ShogoleE@caa.co.za	TBC
<b>Surrounding Landowners Contact Details</b>				
Redford Conservancy	Sharon& Neil von Hees	083-4097556	mazoe5@mweb.co.za	Co-owner of Portion 12 / Farm 232 Redford Resident with my husband Neil (owner) on Portion 11/Farm 232 Redford
Redford Conservancy – Chairmen	Anton Wolfaardt	071-6229678	acwolfaardt@gmail.com	TBC
Lombard Vineyards	Michela Moroni	0727553062	lombardvilla@gmail.com	Portion 1 of 232 of Farm Redford
Surrounding Landowners	Wania Fouche	0828836259	wania1602@icloud.com	Portion 5 of 232 of Farm Redford
	Johann Fouche	0825232449	fsureaccess@gmail.com	
Trevor Daws Pty Ltd	Trevor Daws	0828528192	trevor@wavesolutions.co.za	Portion 27 of 290 of The Craggs
Surrounding Landowner	Raymond Beresford	0722790555	info@parklandsfieldsfarm.com	Portion 28 of 288 of Farm Buffels Rivier
Surrounding Landowner	Andrew Scott	0823391240	drew@simplygreen.org.za	Portion 42 of 232 of Farm Redford
Surrounding Landowner	Jack Faure Goedhals	0822113425	northnife@gmail.com	Portion 43 of 232 of Farm Redford
Surrounding Landowner	Alexnder Behr	0843590761	alex@capeteaco.co.za	Portion 7 of 233 Farm 233 (Redford)
Surrounding Landowner	Inez Jamieson	N/A	tendele@mweb.co.za	N/A
Blue Dot Trust	Alexnder Behr	0843590761	alex@capeteaco.co.za	Portion 3 of 233 Farm 233 (Redford)
Rondebosch River Water Users Association Chairman	Fred Oelschig	Not available	fredko263@gmail.com	TBC
Craggs Residents Association	Lizette Van Huyssteen	0839521080	ebulizzie@gmail.com	TBC
Surrounding Landowner	Andy & Cheryl Mynhardt	TBC	cherylm19@yahoo.com	TBC
Surrounding Landowner	Peter Gage	0824409806	gage@jaws.co.za	P O Box 2003 Plettenberg Bay 6600 South Africa
Surrounding Landowner	Clive and Colleen Noble	+27(0)769071019	<a href="mailto:redfordhouse.plett@gmail.com">redfordhouse.plett@gmail.com</a> noble.plett@gmail.com	Redford House 12 Redford Road The Craggs

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Authority / Organ of State/I&AP	Contact Person	Tel No.	e-mail	Postal Address
Surrounding Landowner	Brenda Niehaus t/a Redhaus	082-880-7235	b-niehaus@mweb.co.za	Portion 4 and Portion 9 of Plot 232, Redford Farm, The Craggs



## **Appendix 3: Email Template**

## Miles, Michelle

---

**From:** Miles, Michelle  
**Sent:** Tuesday, July 21, 2020 10:52 AM  
**To:** landuseadvicesouth@capenature.co.za; cfordham@capenature.co.za  
**Cc:** Muller, Margaret  
**Subject:** Upgrade of the DR 1797 Rd - Basic Assessment  
**Attachments:** Background Information Document - Upgrade of the DR 1797.pdf

Good morning Mr. Fordham,

I hope this email finds you well.

Hatch has been appointed by the Western Cape Government to conduct the engineering for the upgrade of the DR 1797 (Redford) Road in the Eden area of the Western Cape. In addition, Hatch has also been appointed to conduct the associated environmental approvals process for the upgrade of the DR 1797. We are currently compiling the Environmental Authorisation Application form and, in accordance with the new regulations with regards to the Disaster Management Act, it is now a requirement to present the Department of Environmental Affairs and Development Planning with a Public Participation Plan.

While we are still in early stages of this process, we thought it would be a good idea to start compiling our Interested and Affected Parties (I&APs) Database which we will need as part of the Public Participation Plan. Once we have started the Environmental Authorisation Process, we will use this database to provide all I&APs with information on the project, as well as inform them of the environmental approvals process.

I have attached the Background Information Document (BID) for the DR 1797 Rd Upgrade Project which will give you a brief background on the project.

Please advise whether you are the correct person within CapeNature who would like to be part of this process and whether there are additional people who would like to receive information on this project? If you would like to be an I&AP please click [here](#) to register using the online registration form.

Thank you so much for your time and have a great rest of your day.

Kind regards

**Michelle Miles** Registered EAP

Environmental Advisor / Environmental Services Group

**Tel: +27 (0) 11 612 4587**

**Cell: +27 (0) 83 602 4988**

58 Emerald Parkway Road

Greenstone Hill

Johannesburg

**HATCH**



## Upgrade of the DR 1797 Road - Interested and Affected Parties Information

\* Required

### Contact Information

Please provide us with your information, as well as your preferred method of communication, with regards to project information.

1. Name and surname \*

Enter your answer

2. Organisation/ Organ of State

Enter your answer

3. Reason for interest in project \*

Enter your answer

4. Contact number \*

Enter your answer

5. Email address \*

Enter your answer

6. Physical address \*

*This address will be used in the event that hardcopies of project documents are required by the IBAP.*

Enter your answer

7. How would you like to be contacted? \*

☐ Telephone

☐ Email

Next



\* Required

### Receiving the Draft Basic Assessment Report and other relevant documentation

The Draft Basic Assessment Report (BAR) and Environmental Management Programme (EMP), and relevant documentation, will be made available on the Hatch Website, with a link provided to all registered I&APS.

#### 8. Do you have any accessibility requirements? E.g. visual impairment \*

*If yes, please indicate your accessibility requirement in the other box*

☐ Yes

☐ No

☐ Other

#### 9. Do you have any disadvantage in terms of accessing the relevant document online? \*

☐ Yes

☐ No

Back

Submit

## **Appendix 4: Site Notice Template**

## Western Cape Provincial Government: Department of Transport and Public Works

### **PROJECT ANNOUNCEMENT AND AVAILABILITY OF DRAFT BASIC ASSESSMENT REPORT:**

#### **PUBLIC PARTICIPATION NOTICE OF THE ENVIRONMENTAL AUTHORISATION PROCESS FOR THE PROPOSED UPGRADE OF THE DR 1797 ROAD WITHIN THE WESTERN CAPE PROVINCE**

**Notice is hereby given of the Basic Assessment (BA) process for the upgrade of the DR 1797 Road within the Western Cape Province: This process will take place in accordance with the provisions of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment (EIA) Regulations 2014, as amended 2017.**

An Environmental Application has been submitted to the Western Cape Provincial Department of Environmental Affairs and Development Planning (DEA&DP) for the proposed upgrade of the DR 1797 Road in terms of Government Notices 983 and 985 (Listing Notices 1 and 3) of the EIA Regulations. The proposed project activities trigger the need for a BA process to be followed to apply for an Environmental Authorisation.

#### **PROJECT LOCATION**

The proposed project is for the upgrade of the DR 1797 Road from a gravel to tarred road. The DR 1797 Road is situated within the Garden Route District Municipality (formally Eden District Municipality), east of Plettenberg Bay, within the Western Cape Province.

#### **PROJECT ACTIVITIES**

The following listed activities in terms of the EIA Regulations, will be triggered:

<b>Listing Notice</b>	<b>Listed Activity</b>	
Listing Notice 1 of 4 December 2014, as amended 7 April 2017, Government Notice No. 983	No. 12	The development of— (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or (ii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs— (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;
	No. 19	The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;
Listing Notice 3 of 4 December 2014, as amended 7 April 2017, Government Notice No. 985	No.12	The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.  Western Cape: i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;

As part of the BA process, the EIA Regulations require a 30 day Public Participation Process to be followed, during which all registered Interested and Affected Parties (I&APs) have the opportunity to participate in the process.

In accordance with the Disaster Management Act Direction regarding measures to address, prevent and combat the spread of COVID-19 which were released on 5 June 2020, if any I&AP feels the 30 day period is not long enough to review and comment on the Draft Basic Assessment Report and Environmental Management Programme, a further 30 day period can be requested from the DEA&DP.

#### **INVITATION TO PARTICIPATE**

To register as an I&AP, and to obtain further information related to the proposed project, please contact Hatch Africa (Pty) Ltd. (Hatch) by 20 August 2020 or register online by scanning the QR Code or visiting the following link:

[https://forms.office.com/Pages/ResponsePage.aspx?id=o8tU4\\_wuy0GWR7BYj5NGqwhjQEQR6QNOglrnuIrmu0ZUNDkyRDNKTjZRNTY3S05QRE9PRDdYREZWNC4u](https://forms.office.com/Pages/ResponsePage.aspx?id=o8tU4_wuy0GWR7BYj5NGqwhjQEQR6QNOglrnuIrmu0ZUNDkyRDNKTjZRNTY3S05QRE9PRDdYREZWNC4u)

Contact details are as follows:

<b>Name</b>	Margaret Muller
<b>Company</b>	Hatch Africa (Pty) Ltd.
<b>E-mail</b>	Margaret.muller@hatch.com
<b>Tel</b>	+27(0) 73 765 3760

**Copies of the Draft Basic Assessment Report and Environmental Management Programme, as well as supporting documentation, are available for a 30-day review period from 20 August 2020 to the 21 September 2020.**

**Date of Notice: 20 August 2020**







LEGEND

- Town
- Chainage
- Road alignment: DR1797

Chainage: DR1797

CHAINAGE	LONG	LAT
0 KM	23° 28' 29.0593" E	33° 57' 16.9604" S
0.5 KM	23° 28' 15.5327" E	33° 57' 05.1141" S
1 KM	23° 28' 03.0082" E	33° 56' 52.6916" S
1.5 KM	23° 27' 47.3214" E	33° 56' 43.3716" S
2 KM	23° 27' 32.6262" E	33° 56' 33.0536" S
2.5 KM	23° 27' 21.2991" E	33° 56' 19.9031" S
3 KM	23° 27' 08.7277" E	33° 56' 07.9876" S
3.5 KM	23° 26' 57.4723" E	33° 55' 55.9246" S
4 KM	23° 26' 41.2315" E	33° 55' 50.2424" S
4.5 KM	23° 26' 22.8907" E	33° 55' 44.8548" S
4.854 KM	23° 26' 11.1616" E	33° 55' 38.8414" S

Distance to Kurkland:  
Chainage 0 Km to Kurkland town  
2 Km



CONSULTANTS:

HATCH

MAP TITLE:

TR2\_21 Periodic Maintenance  
LOCALITY MAP

DATE COMPLETED:

MARCH 2020

DISCLAIMER

THE INFORMATION PRESENTED ON THIS PAGE HAS BEEN  
COLLATED FROM INFORMATION COLLECTED FROM VARIOUS  
SOURCES AS THE BEST INFORMATION, MADE AVAILABLE.  
NO WARRANTY, EXPRESSED OR IMPLIED, IS MADE REGARDING  
THE ACCURACY OR COMPLETENESS OF THIS INFORMATION.

LOCALITY:





## **Appendix 5: Newspaper Advertisement Template**

**PROJECT ANNOUNCEMENT AND AVAILABILITY OF DRAFT BASIC ASSESSMENT REPORT:****PUBLIC PARTICIPATION NOTICE OF THE ENVIRONMENTAL AUTHORISATION PROCESS FOR  
THE PROPOSED UPGRADE OF THE DR 1797 ROAD WITHIN THE WESTERN CAPE PROVINCE**

Notice is hereby given of the Basic Assessment (BA) process, as well as the General Authorisation (GA) process, for the upgrade of the DR 1797 Road within the Western Cape Province:

- The BA process will be undertaken in accordance with the provisions of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment (EIA) Regulations 2014, as amended 2017.
- The GA process will be conducted in accordance with Section 39 of the National Water Act, 1998 (Act No. 36 of 1998).

An Environmental Application has been submitted to the Western Cape Provincial Department of Environmental Affairs and Development Planning (DEA&DP) for the proposed upgrade of the DR 1797 Road in terms of Government Notices 983 and 985 (Listing Notices 1 and 3) of the EIA Regulations. The proposed project activities trigger the need for a BA process to be followed to apply for an Environmental Authorisation.

The Competent Authority for the BA process is the Western Cape Provincial DEA&DP and the Competent Authority for the GA will be the Breede-Gouritz Catchment Management Agency (BGCMA).

**Project Location**

The proposed project is for the upgrade of the DR 1797 Road from a gravel to tarred road. The DR 1797 Road is situated within the Garden Route District Municipality (formally Eden District Municipality), east of Plettenberg Bay, within the Western Cape Province.

**Project Description**

The Western Cape Provincial Government: Department of Transport and Public Works (WCG) is conducting periodic maintenance of roads within the Western Cape Province. As part of this maintenance, the WCG will be upgrading the DR 1797 Road. This project entails upgrading the current gravel road to a tarred road, as well as realigning some areas to ensure the road is safe and easy to drive. The culverts which allow drainage around the DR 1797 Road, will be replaced and / or cleaned out to ensure flow is not restricted. There will be one major culvert constructed, which will include raising the road to ensure it is safe for use.

**Invitation to Participate**

To register as an Interested & Affected Party (I&AP), and to obtain further information related to the proposed project, please contact Hatch Africa (Pty) Ltd. (Hatch).

Contact details are as follows:

<b>Name</b>	Margaret Muller
<b>E-mail</b>	Margaret.muller@hatch.com
<b>Tel</b>	+27(0) 73 765 3760

Copies of the Draft Basic Assessment Report and Environmental Management Programme, as well as supporting documentation, are available for a 30-day review period from 20 August 2020 to 21 September 2020.

## **Appendix 6: Pre-Application Meeting Minutes**

Minutes of Meeting

H357403

8 July 2020

**Western Cape Provincial Government:  
Department of Transport and Public Works  
Upgrade of the DR 1797**

**DISTRIBUTION**

Those present

## **Minutes of Pre-Application Meeting**

DATE: 6 July 2020

LOCATION: Microsoft Teams

PRESENT: Margaret Muller (Hatch) Azni November (WCG)  
Michelle Miles (Hatch) Jessica Christie (DEA&DP)  
Glynn Llewellyn (Hatch) Francois Naude (DEA&DP)

APOLOGIES: None

PURPOSE: Pre-Application Meeting with the DEA&DP

### **ITEM**

#### **1. Introduction**

1.1 The team around the virtual table introduced themselves.

#### **2. Safety Share**

2.1 COVID-19 is everywhere and most people know someone who has been infected. It is essential to maintain social distancing and take all necessary measures to protect yourself and others around you.

#### **3. Meeting Purpose**

3.1 The purpose of the meeting is to give the Department of Environmental Affairs and Development Planning (DEA&DP) background to the project and discuss the proposed environmental authorisation process.

#### **4. Role Players**

4.1 The key role players on the project were explained.

If you disagree with any information contained herein, please advise immediately.

H357403-00000-121-034-0001, Rev A

## 5. Project Background

- 5.1 An overview of the background to the project and the proposed upgrade work, was given (refer to attached presentation).

## 6. Environmental Authorisation Process

- 6.1 The proposed environmental authorisation process was discussed (refer to attached presentation).
- 6.2 For Activity #12 under Listing Notice (LN) 3, no bioregional plans have been adopted by Province; thus items i & ii under the 'Western Cape' activities, will not be applicable unless there are critically endangered / endangered ecosystems in terms of the National Environmental Management: Biodiversity Act (No. 10 of 2004) (NEM:BA) present.
- 6.3 For Activity #14 under LN3, it is the same scenario with the Critical Biodiversity Areas (CBAs) and Ecological Support Areas (ESAs) – no bioregional plans have been adopted by Province; thus, unless any other items under the 'Western Cape' activities are applicable, this activity is not triggered.
- 6.4 It is also important to note that if the area has not been mapped as a critically endangered / endangered ecosystem in the 2011 Cape Farm Mapper dataset, then it is not applicable. Cape Farm Mapper has a 2011 and 2016 status of the NEM:BA ecosystem types, and only the 2011 status has been Gazetted (and not 2016).
- 6.5 Furthermore, SANBI's website is the official one which has been Gazetted; therefore this must also be used. Hatch will confirm, with our GIS department, the data used for the sensitivity maps.
- 6.6 The DEA Screening Tool is to be run for the expropriation areas only.
- 6.7 The DEA&DP recommends not starting with any upgrade works – even in areas where authorisation is not required – until authorisation is received as one may still be considering alternatives in terms of expropriation areas. Hatch confirmed that the upgrade works are scheduled for February 2021 and thus falls within the Basic Assessment (BA) process timeframes.
- 6.8 The DEA&DP raised a question regarding the status of dams along the road and whether the relevant Catchment Management Agency (CMA) has been consulted with. Hatch confirmed that the CMA has been included as an Interested and Affected Party (I&AP).
- 6.9 The DEA&DP stated that it would be of value to understand if any of the dams are unlawful and whether they would be affected by the proposed upgrade work. Even though unlawful dams would fall outside the BA application process, they may influence the authorisation. Thus it is something to look at and consider in terms of the route alignment.
- 6.10 Hatch confirmed that no dams would be affected by the road upgrade route. The route has been realigned so that any dams are avoided.

## 7. DEA Screening Tool

- 7.1 In terms of the site sensitivity verification, it was confirmed that it is sufficient for the SACNASP registered specialists to undertake this verification.

## 8. Public Participation Plan

- 8.1 The proposed Public Participation Plan (PPP) was discussed (refer to attached presentation).
- 8.2 According to the DEA&DP, the biggest challenge with the promulgation of the 5 June 2020 Regulations<sup>1</sup>, is the determination of timeframes with the PPP. All processes are automatically extended by 30 days<sup>2</sup>. Thus, the PPP should indicate the environmental authorisation programme, specifically around Regulation 41 (Public Participation Process) of the NEMA EIA Regulations. Motivation must be given if the automatic 30 day extension is not required.
- 8.3 The DEA&DP stated that Environmental Assessment Practitioners (EAPs) are generally sticking to the normal 30 day public participation period in order for the final report to be submitted within the legislated 90 day period of receipt of the Environmental Application (EA) by the DEA&DP.
- 8.4 However, if there is any difficulty with registering I&APs, or if I&APs do not have access to Zoom or Microsoft Teams in order to attend a potential Focus Group Meeting, or if they difficulty accessing electronic documents, the public participation period may require the additional 30 days. If this is the case, the overall BA process timeframe will be extended accordingly.
- 8.5 One way of trying to aim for the submission of the BA Report within the 90 day period, is to first have a pre-application process to get all potential issues dealt with upfront. The “pre-application BA Report / Draft BA Report” is submitted (together with the site notices, newspaper advert, etc.) for the 30 day public participation period, before the EA application is submitted. This can then serve as the motivation that no additional 30 day period is required.
- 8.6 Thus, the pre-application process is undertaken to include the 30 day public participation period, after which the EA Application is submitted. The DEA&DP then have 10 days to acknowledge the application. After the 10 days, the Draft BA Report can then be submitted

---

<sup>1</sup> Directions Regarding Measures to Address, Prevent and Combat the Spread of COVID-19 relating to National Environmental Management Permits and Licences (5 June 2020), in terms of regulation 4(10) of the regulations issued in terms of section 27(2) of the Disaster Management Act (Act no. 57 of 2002).

<sup>2</sup> **4. Extension of timeframes**

4.1 The timeframes contemplated in paragraphs 5.1 and 5.2 (a), (b) and (d) of the repealed Directions, for which services and actions are not undertaken from the date of publication of these Directions as referred to in any of the Annexures, remain extended, or deemed to be extended, by the number of days calculated from 27 March 2020 until further notice.

4.4 The prescribed timeframes of any services and actions referred to in the Annexures initiated after the date of publication of these Directions are extended or deemed to be extended by a **period of 30 days**, on condition that where a service or action can be concluded within a shorter timeframe, it may be concluded within such shorter timeframe and on condition that the relevant authority may determine that a specific action must be performed by a specific date.”

for DEA&DP consideration and approval. Regulation 40(3)<sup>3</sup> of the NEMA EIA Regulations, provides for this. The DEA&DP uses this Regulation to buy more time.

- 8.7 It is important to note that Regulation 41 must be complied with, either with the pre-application BA Report or EA Application + Draft BA Report. Any public participation which is solely done with a background information document, is not recognised as such. i.e. The pre-application / draft BA Report must be made available to I&APs.
- 8.8 The DEA&DP recommended that the project programme be submitted upfront in the process. Thus, this is to be submitted with the Notice of Intent (NIT) Form, together with the motivation that no additional 30 day period is required.
- 8.9 The DEA&DP confirmed that electronic submissions of all documents are acceptable. They will inform Hatch if and when hard copies will be required.

## 9. Questions

- 9.1 The DEA&DP wanted to confirm whether our specialists are aware of the new Protocols<sup>4</sup> that need to be followed. Hatch confirmed that the specialists are aware and will be following these Protocols.
- 9.2 The Screening Tool Report needs to be submitted with the NIT Form. In addition, a motivation as to why some specialist studies are not required, must be included.
- 9.3 Thus, the NIT Form must include following information:
- Screening Tool Report
  - Specialist study(s) motivation
  - PPP
  - Environmental authorisation programme / schedule.
- (It must be noted that this information will also need to be appended to the EA Application).
- 9.4 Both Jessica Christie and Francois Naude are to be included all correspondence.
- 9.5 Hatch will liaise with the DEA&DP before site notices are put up, so that a site visit can be arranged with them.
- 9.6 Meeting participants were thanked for their time.

Margaret Muller

MM:mm  
Attachment(s)/Enclosure:  
Pre-Application Meeting Presentation

---

<sup>3</sup> “(3) Potential or registered interested and affected parties, including the competent authority, may be provided with an opportunity to comment on reports and plans contemplated in subregulation (1) prior to submission of an application but must be provided with an opportunity to comment on such reports once an application has been submitted to the competent authority.”

<sup>4</sup> Procedures for the Assessment and Minimum Criteria for Reporting on Identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation (20 March 2020).



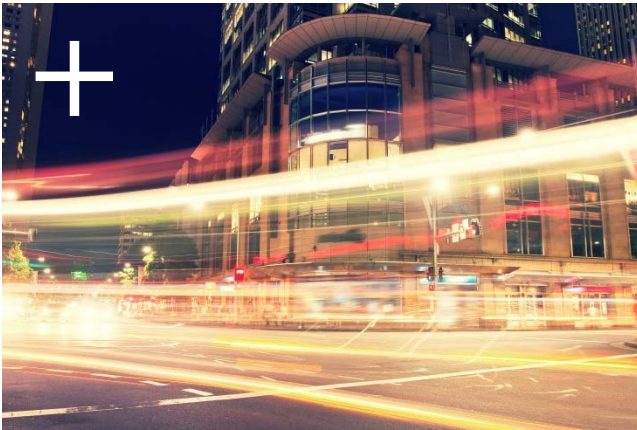
## **Appendix A: Pre-Application Meeting Presentation**

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If you disagree with any information contained herein, please advise immediately.

H357403-00000-121-034-0001, Rev A

# + Western Cape Provincial Government: Department of Transport and Public Works – Upgrade of the DR 1797



DEA&DP Pre-Application Meeting – 6 July 2020

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**HATCH**

# Agenda

- Introductions
- Role Players
- Purpose of Meeting
- Project Background
- Environmental Authorisation Process



# Role Players

## Role Players

- Western Cape Provincial Government:  
Department of Transport and Public Works –  
Applicant
- Hatch: Engineering Consultant & EAP



# Purpose of Meeting

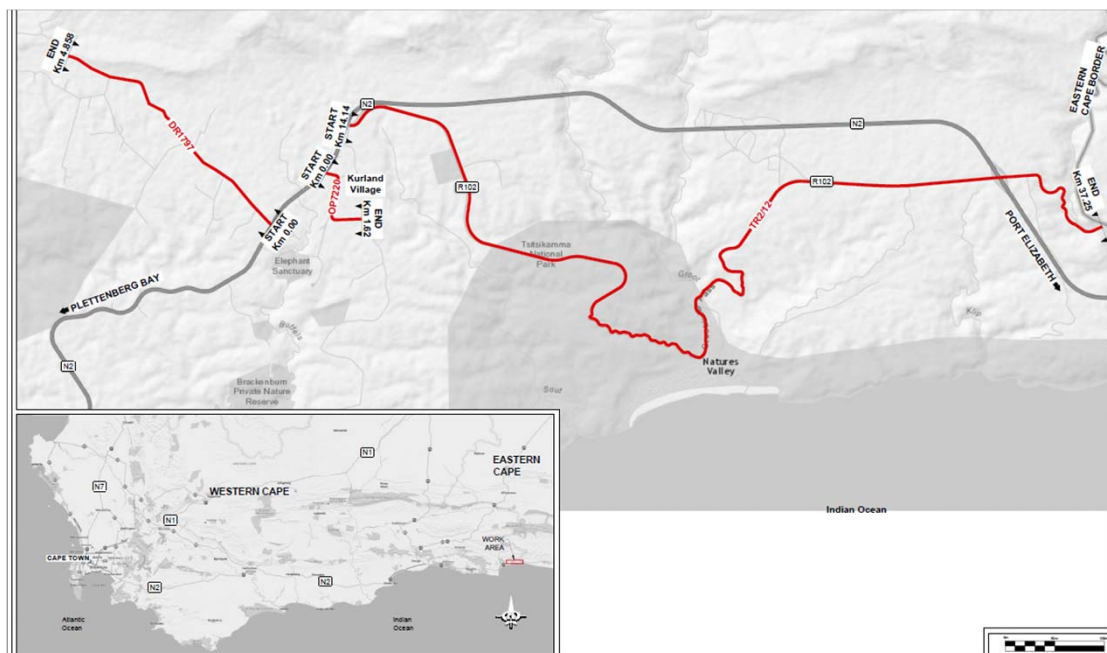
## Purpose of Meeting

- Give DEA&DP background to proposed project
- Confirm NEMA EIA Listed Activities and associated environmental authorisation process
- Confirm site sensitivity verification process
- Discuss Public Participation Plan



# Project Background





# Scope of Works

- TR2/12(R102) between Kurland and the Eastern Cape Border (km 14.14 to km 37.25)
  - Periodic Maintenance – Asphalt overlay
  - Slip repairs
- Rehabilitation of OP7220 (minor road) from km 0.00 to km 1.62
  - Rehabilitation of entire road
  - Alignment unchanged
- Upgrade of DR1797 (Redford Road) from km 0.00 to km 4.87
  - Upgrade from gravel to Special Class 4
  - Requires expropriation and BA



DR1797

- Upgrade of existing road
  - Special Class 4 (2x3,4m wide lanes with 0,3m shoulder
  - 20mm Cape Seal
  - 150mm G4
  - 150mm C4
  - 150mm G7
- New Culvert at km 0.705
  - Construction of a new double cell reinforced concrete culvert with cell dimensions of 2.4m wide x 1.5m high
- Re-alignment, Expropriation and BA
- Ancillary works





# Land Use

- Wine Farms
- Vegetable Farms
- Forestry
- Accommodation
- Arts & Crafts

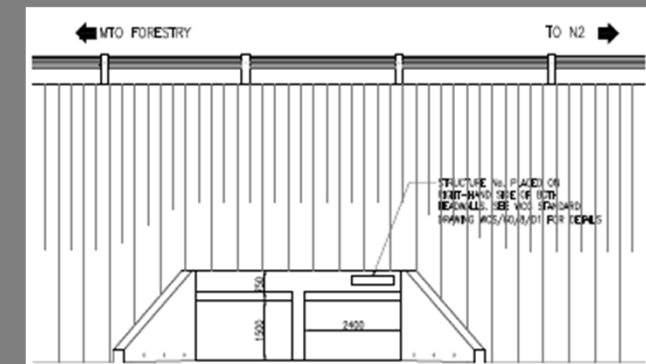






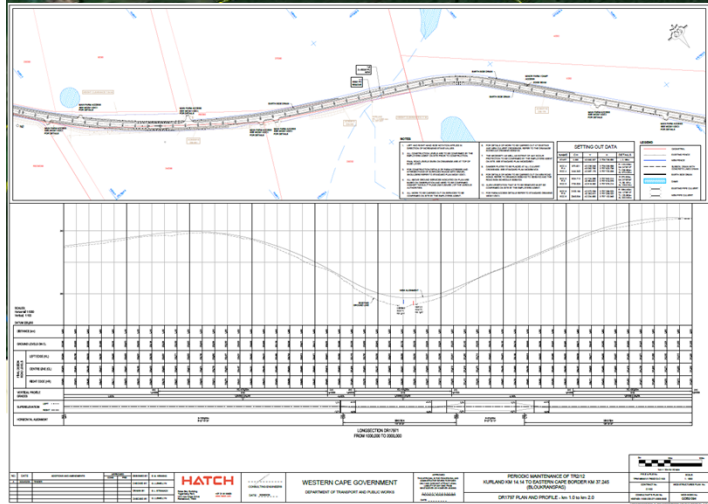
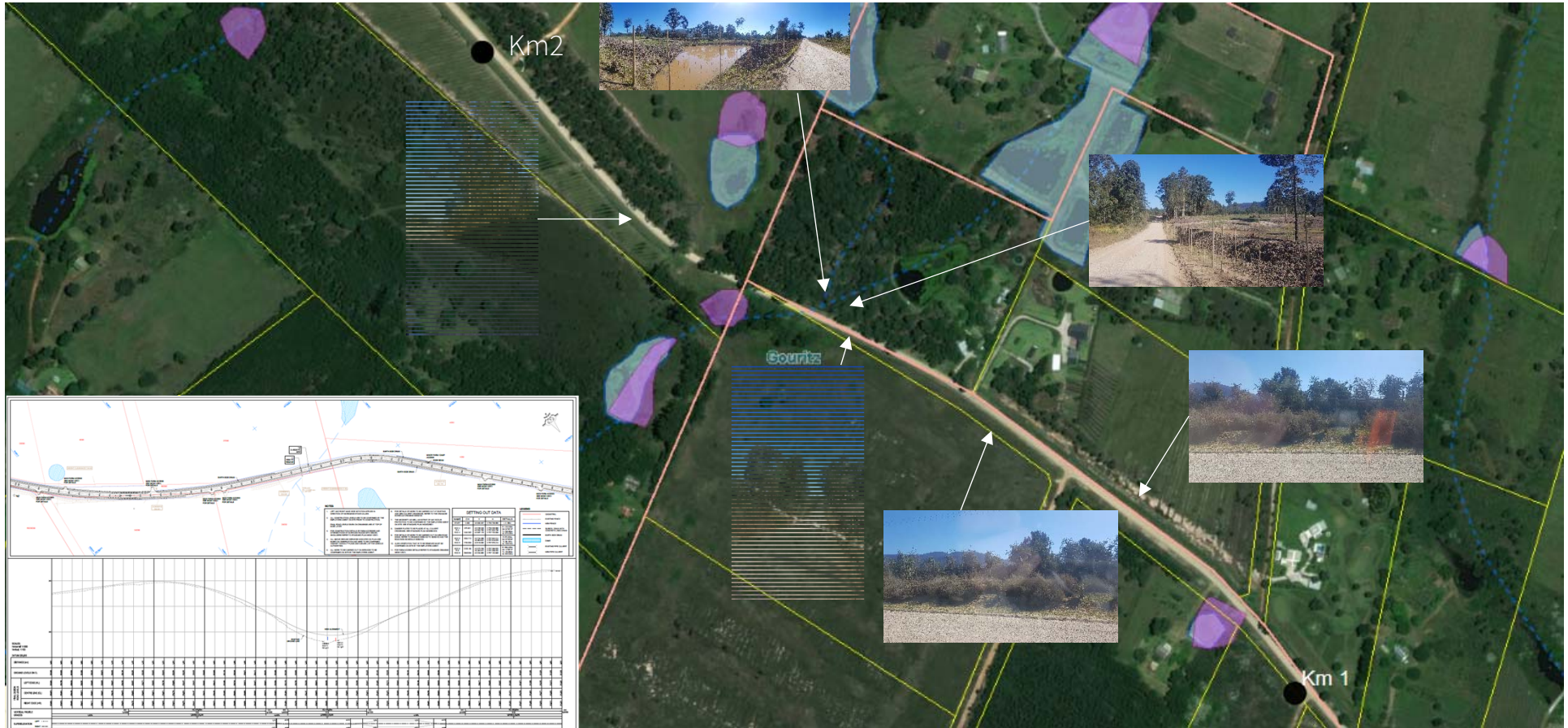


DR1797



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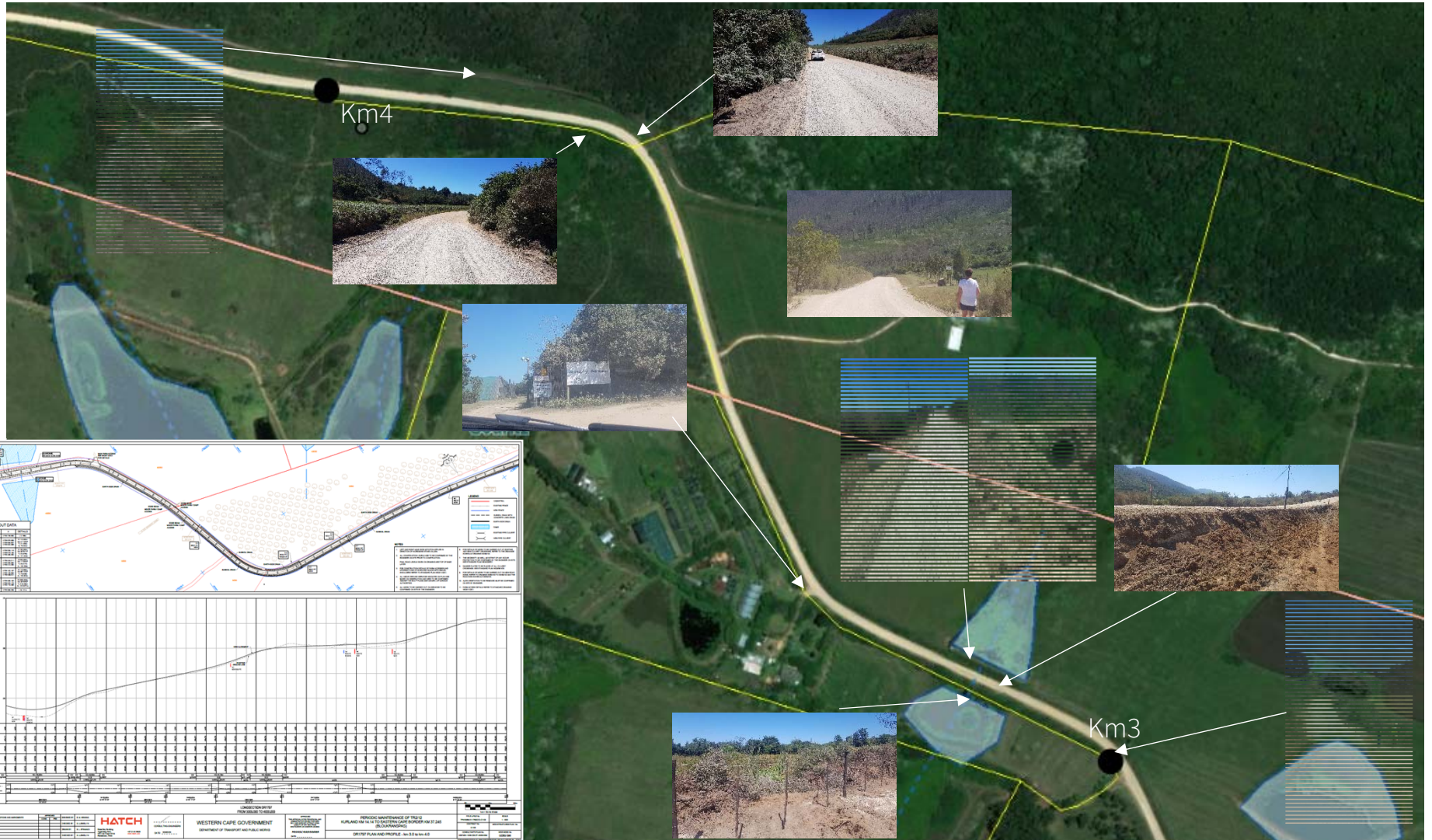


**HATCH**

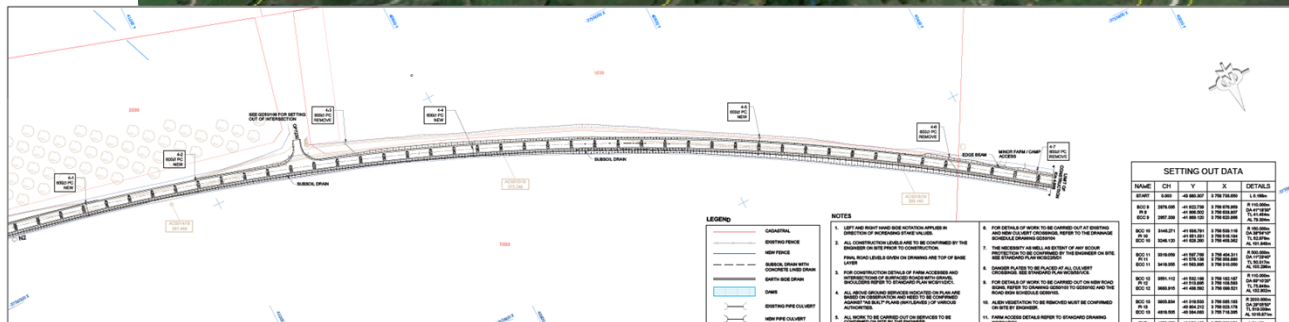
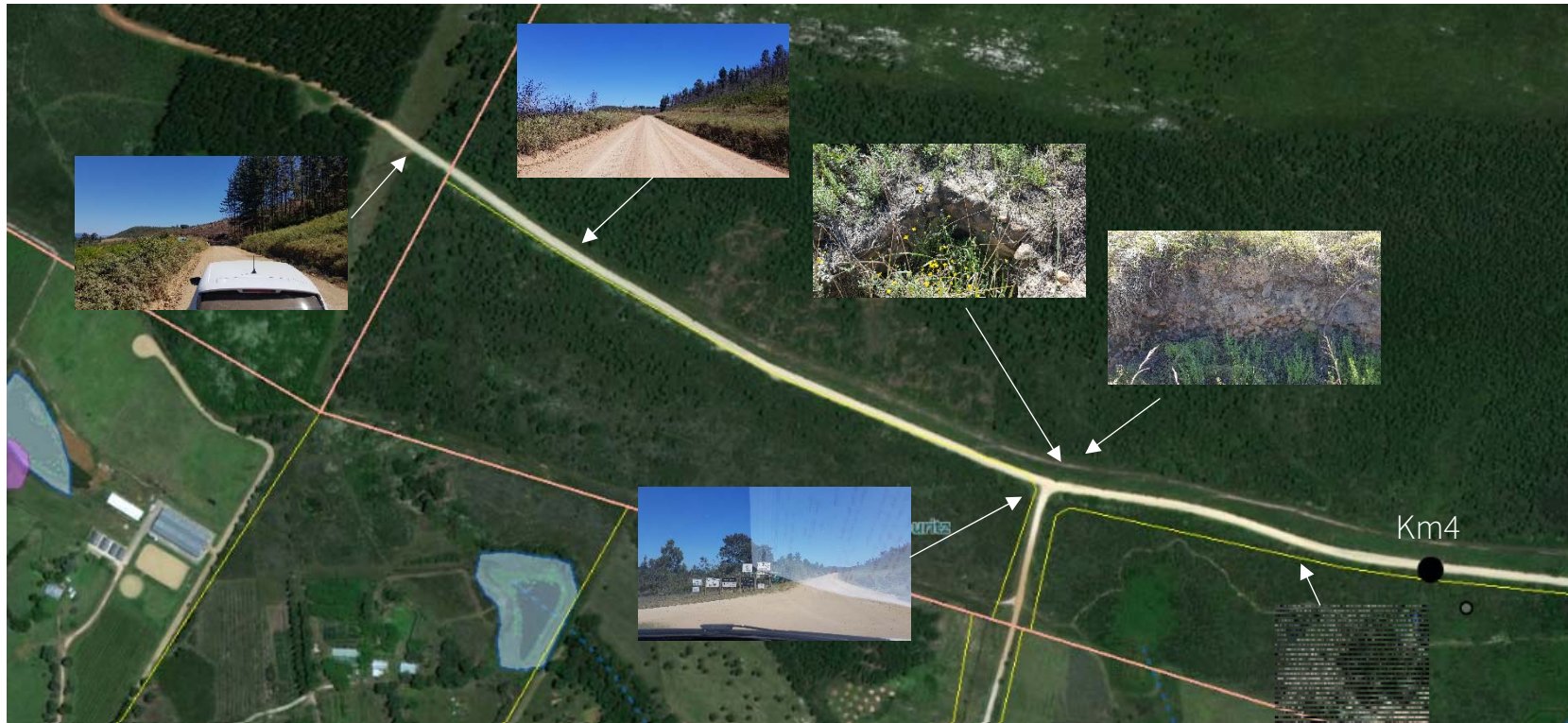












# DR 1797 - Expropriation



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**HATCH**



# Environmental Authorisation Process

# Environmental Authorisation Process

- Proposed road upgrade work will trigger the need for EA to be obtained, through a BA process
- Several listed activities in terms of LN1 of EIA Regulations, 2014 (as amended) triggered
- Possible LN3 activities triggered
- GA required for 21(c)&(i) water uses

## GNR 983 Listing Notice 1 Listed Activities

Listed Activity	Applicability to Project
<p><i>Activity 12.</i> The development of— (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or (ii) infrastructure or structures with a physical footprint of 100 square metres or more;</p> <p>where such development occurs— (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse</p>	<p>This activity <b>will be</b> triggered due to the development of the major culvert at km 0.705 over a tributary of the Whiskey Creek. The culvert structure will be 5 m wide X 3 m high X 19.5 m long (i.e. <math>\pm 850 \text{ m}^2</math>), with the culvert extension just outside the Road Reserve.</p>
<p><i>Activity 19.</i> The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse</p>	<p>This activity <b>will be</b> triggered as more than <math>10 \text{ m}^3</math> of soil, sand, shells, shell grit, pebbles or rock will be infilled at the tributary of the Whiskey Creek, for the development of the major culvert at km 0.705. In addition, the vertical and horizontal realignment between km 0.00 and km 4.87 will entail cut and fill operations, which may entail the infilling of soil, etc. from water courses along the route.</p>
<p><i>Activity 30</i> Any process or activity identified in terms of section 53(1) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)</p>	<p>This activity <b>may be</b> triggered as there several areas along the road upgrade route that fall within CBAs (Critical Biodiversity Areas) and ESAs (Ecological Support Areas). This will be confirmed once the initial site sensitivity verification has taken place.</p>

**HATCH**

## GNR 985 Listing Notice 3 Listed Activities

Listed Activity	Applicability to Project
<p><i>Activity 12.</i> The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p>i. <u>Western Cape</u></p> <p>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</p> <p>ii. Within critical biodiversity areas identified in bioregional plans;</p> <p>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</p> <p>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</p> <p>v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</p>	<p>This activity may be triggered as the road upgrade will require expropriation of 4,110 m<sup>2</sup>. Indigenous vegetation will most likely need to be cleared in some of the sensitive areas highlighted above. This will be confirmed once the initial site sensitivity verification has taken place.</p>

## GNR 985 Listing Notice 3 Listed Activities

Listed Activity	Applicability to Project
<p><i>Activity 14.</i> The development of—</p> <ul style="list-style-type: none"> <li>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area exceeds 10 square metres; or</li> <li>(ii) infrastructure or structures with a physical footprint of 10 square metres or more; where such development occurs— <ul style="list-style-type: none"> <li>(a) within a watercourse;</li> <li>(b) in front of a development setback; or</li> <li>(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;</li> </ul> </li> </ul> <p>i. <u>Western Cape</u></p> <ul style="list-style-type: none"> <li>i. Outside urban areas: <ul style="list-style-type: none"> <li>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</li> <li>(bb) National Protected Area Expansion Strategy Focus areas;</li> <li>(cc) World Heritage Sites;</li> <li>(dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</li> <li>(ee) Sites or areas listed in terms of an international convention;</li> <li>(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</li> <li>(gg) Core areas in biosphere reserves; or</li> <li>(hh) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined.</li> </ul> </li> </ul>	<p>This activity may be triggered due to the development of the major culvert at km 0.705 over a tributary of the Whiskey Creek, which falls within an ESA. The culvert structure will be 5 m wide X 3 m high X 19.5 m long, with the culvert extension just outside the Road Reserve. This will be confirmed once the initial site sensitivity verification has taken place.</p>



## NWA S21(c) & (i) Water Uses

Water Use	Applicability to Project
21(c): Impeding or diverting the flow of water in a watercourse	<p>The Upgrade of the DR 1797 will result in the replacement and clearing of culverts along the road. Due to this, the construction activities, will trigger a General Authorisation in terms of Section 21(C) &amp; (i).</p> <p>As this project is a provincial Department of Transport project, these water uses may be Generally Authorized, i.e. exempt from applying for a Water Use Licence, subject to compliance to conditions of Notice 509 of 2016. These water uses will need to be registered with the Regional Department of Water and Sanitation (DWS) or Catchment Management Agency (CMA), after which a certificate of registration will be provided within 30 working days of the submission.</p>
21(i): Altering the bed, banks, course or characteristics of a watercourse	



# DEA Screening Tool

## DEA Screening Tool

- Only done for Expropriation area only
- Site Sensitivity Verification



# Public Participation Plan

# Public Participation Plan

- Meetings and Site Visits
- I&AP Database
- Site Notice
- Newspaper
- Focus Group Meeting
- Specialist Studies
- Submission of Documents – Electronic



# Questions?

