

Inner City Lanes

COMMENTS AND RESPONSE REPORT

1 INTRODUCTION

This Comments and Response Report summarises the salient issues and queries raised, as well as statements made by Interested and Affected Parties (IAPs) through correspondence received (including letters, faxes and emails) and discussions at meetings during the **Public Participation** phase. This report also attempts to address the comments through responses and input provided by the project team.

No	COMMENT / QUERY / ISSUE	RAISED BY	SOURCE	RESPONSE	RESPONSE BY
1.	Could you please clarify the exact name of the street that the project is happening on as we have two streets with the same name, Eloff Street and Eloff Extension.	Brian Mckechnie	Email 7/10/2017	The project is along Eloff Street from Anderson to Plein Street.	Nemai Consulting
2.	When will the public participation take place? I have copied other interested and affected parties also. Can we please have site of the HIA document prior to the appeal.	Brian Mckechnie	Email 18/10/2017	We are still confirming a date for the public meeting with the Ward Councillors and the CLO. The HIA document is in draft format but will be circulated during the public review process. The date for the public review process also needs to be confirmed, you will be informed when the public meeting and HIA review will take place.	Nemai Consulting
3.	Is it not a requirement to make the public aware of the meeting two weeks prior to the scheduled date of the meeting and that the scheduled date is falling short of the requirements stated in the Act.	Brian Mckechnie	Email 30/10/2017	We met with Councillor Xaba of Ward 60 to introduce the project. She indicated that she will organise the public meeting as part of her function. She confirmed the venue of the public meeting on 30 October 2017. We immediately notified all registered IAPs of the public meeting on 02/11/17.	Nemai Consulting
4.	Will Ward 124 be entitled to its own CLO?	Member of the public	Public meeting 30/10/2017	The JDA confirmed that there is only budget for 1 CLO. The bulk of the project falls within Ward 60 therefore the CLO will be appointed from Ward 60. During the public meeting Tulane Thethwa suggested that the CLO can come from Ward 60 on condition that the SMME's are equally shared amongst the wards and the general labours be shared 60-40% (40% from ward 60 and 60% ward 124). Councillor M Mnyameni undertook to confirm the approach with Councillor Xaba.	JDA Councillor M Mnyameni Tulane Thethwa - Ward 124 -PCO
5.	What are the recycling plans for the material from the road construction?	Member of the public	Public meeting 30/10/2017	Louis Marais, from GMH Tswelelo Consulting Engineers, confirmed that they will have to follow proper measures in the disposal of recyclable material when milling the road and other activities thereof.	JDA
6.	Is there going to be any budget cutting with regards	Member of the	Public	The project value is R20M, it is expected to last for seven	JDA

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	to the project.	public	meeting 30/10/2017	month. The first two months will be allocated to Phase 1 – and the remaining five months will be for Phase 2 of the project. No budget cuts are anticipated.	
7.	Who is the main contractor as the Ward has experienced problems in the past where previous contractors have failed to pay.	Member of the public	Public meeting 30/10/2017	The main contractor has been appointed since the meeting and is Phagama Civil and Maintenance.	JDA
8.	What are the opportunities for this Ward in terms of employment?	Member of the public	Public meeting 30/10/2017	All workers will be appointed from the beginning until the end of the project. At the end of the project, 1% of the workers will be issued with certificates highlighting skill acquired that they can utilised elsewhere.	JDA
9.	What is the exact percentage split and what would this mean for this Ward?	Member of the public	Public meeting 02/11/2017	CLO to come from Ward 60. SMME's to be divided 50:50 between the two Wards. Local labour to be 60% from Ward 124 and 40% from Ward 60.	JDA
10.	What is the process for the appointment of SMMEs and local labour?	Member of the public	Public meeting 02/11/2017	SMME's and local labour will be appointed through the main contractor using the database obtained from the adverts.	JDA
11.	We have concerns about the process of dropping off the CVs at the JDA offices. The process would not be fair. People outside the Wards affected would benefit and this will exclude people from the inner city itself.	Member of the public	Public meeting 02/11/2017	The Ward Councillors will vet all addresses on the CV's to ensure that only people from the affected Wards qualify.	Nemai Consulting
12.	The forum, a political meeting, chaired by the Ward councillor, was not the correct place to discuss heritage issues and objections.	Brian Mckechnie	Email 03/11/2017	The public meeting was advertised as both an introductory meeting and to provide an opportunity to engage with the project team to raise queries including the draft HIA report. The meeting was chaired by the Councillor because it is the approach in this Ward.	Nemai Consulting
13.	The JDA presentation was underwhelming - no plan was presented for the proposed upgrades to Eloff Street.	Brian Mckechnie	Email 03/11/2017	Noted. A separate meeting will be held to present the revised HIA Report. Revised HIA Report have been compiled since the email was received	Nemai Consulting

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14.	It would be helpful if the proposed design for the street could be circulated. Without a design proposal, the document which has been compiled is NOT an HIA, since it cannot evaluate or identify the impact of a non-existent proposal on existing heritage resources.	Brian Mckechnie	Email 03/11/2017	Noted.	JDA/GMH/HIA Consultant
15.	Nemai outlined that heritage approvals would be obtained within the next two weeks - this is impossible, since the period for comment on the HIA only closes on the 30th. After the period for comment closes, the HIA will need to be updated, in line with comments received, of which I'm sure there will be several.	Brian Mckechnie	Email 03/11/2017	Nemai Consulting did not state that the heritage approval will be obtained within the next two weeks. Instead, the JDA Project Manager stated that the approval to appoint the Contractor will be within the next 2 weeks and that the HIA approval will have to be completed before Phase 2 of the project commences. Nemai Consulting stated that the public had until 30/11/17 to provide comment on the draft HIA report.	Nemai Consulting
16.	Requested if the PowerPoint (used at the public meeting) as well as the proposed design for the street can be circulated.	Brian Mckechnie	Email 03/11/2017	Noted.	JDA
17.	Requested a forum whereby the HIA is presented to the interested and affected Heritage parties, in order to discuss and unpack Heritage issues.	Brian Mckechnie	Email 03/11/2017	The involvement of the public early in the development phases of a project is to inform and sensitise members of the public, interested and affected parties of the proposed development. It is an acceptable procedure and assists in buy-in in the planning and may assist in the design process. When it happens in tandem with the Phase 1 of a Heritage Impact Assessment it becomes a useful collaborative element of the design process. Including the interested and affected parties during a Phase I often results in them contributing to historic and other aspects of the area affected by the proposed development and is not an event of conflict. What happened in this case was the Phase 1 part of the Heritage Impact Assessment (HIA) was presented to the	African Heritage Consultants CC

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				interested and affected parties in the HIA Report as a complete Impact Assessment. However, the results of the HIA must include the contributions of the interested and affected parties and implies that the HIA report must be the result of a collaborative process.	
18.	Brett McDougall provided the following comments regarding the project: The notice given for the meeting was 3 days. The meeting was scheduled in a difficult to reach part of the City, with no parking provided, during rush hour.	Brett McDougall (Chairman) Johannesburg Heritage Foundation	Email 03/11/2017	We met with Councillor Xaba of Ward 60 to introduce the project. She indicated that she will organise the public meeting as part of her function. She confirmed the venue of the public meeting 30 th October 2017. We immediately thereafter notified all registered IAPs of the public meeting. A second meeting will be held to present the revised HIA Report.	Nemai Consulting
19.	The JDA and Nemai provided incorrect information regarding the Heritage process. It was mentioned that the process was weeks away from conclusion and that the contractor would soon start.	Brett McDougall (Chairman) Johannesburg Heritage Foundation	Email 03/11/2017	The JDA stated that the Contractor will be appointed in 2 weeks and that the project is made up of 2 phases. Phase 1 is the re-surfacing of the road which is a maintenance related function and does not require heritage approval. However, Phase 2 includes the pavement upgrade and street furniture. The approval of the HIA Report is required before Phase 2 commences which will be next year.	Nemai Consulting & JDA
20.	The HIA report is off a poor quality consisting of irrelevant information on iron age settlements, unsubstantiated and dubious conclusions.	Brett McDougall (Chairman) Johannesburg Heritage Foundation	Email 03/11/2017	The descriptions of Stone Age and Iron Age aspects of the area have become standard procedure in order to comply with the obligations of the Provincial Heritage Resources Agency. This is a general obligation and clearly does not take cognisance of where the proposed development will take place. In the case of Eloff Street such prehistoric evidence have already been exposed or covered and even discarded due to construction work of the past 100 years.	African Heritage Consultants CC
21.	Jacques Stoltz of the Egoli Heritage Foundation (EHF) wrote that the EHF wishes to lodge its objections on two grounds- procedurally and in terms of the impact of the proposed development.	Jacques Stoltz Acting Chairman: Egoli Heritage Foundation	Letter 03/11/2017	We met with Councillor Xaba of Ward 60 to introduce the project. She indicated that she will organise the public meeting as part of her function. She confirmed the venue of the public meeting on 30 th October 2017. We immediately	Nemai Consulting

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	<p>Procedure In terms of Section 10 of the NHRA, Subsection (c): “ a person who may be affected by a decision has the right of appearance at such meetings”.</p> <p>The short notice given for the public meeting (three days) is procedurally inadequate. This is an infringement on the rights of the Interested and Affected parties.</p>			<p>thereafter notified all registered IAPs of the public meeting. However, the Public Participation process will be repeated whereby IAPs will be given the opportunity to comment on the revised HIA Report during a 30-day review period. IAPs will be notified two weeks in advance of the meeting.</p>	
22.	<p>Impact of Development on Heritage The brief for the Heritage Impact Assessment for the resurfacing of the road, upgrading of pedestrian sidewalks in Eloff Street, between Plein and Anderson Streets, Johannesburg, Gauteng Province, is not well-defined. In fact, the Phase 1 HIA report states unequivocally on page 6, that the terms of reference is “To conduct a Heritage Impact Assessment to assess if there is any material of cultural or heritage value under the footprint of the proposed development.” This limited scope is patently inadequate.</p> <p>The resurfacing of Eloff Street and the upgrading of the pedestrian sidewalks will no doubt have an impact on the environment, and in particular on the culturally significant fabric of the buildings that constitute the facades. For example, the way this will be treated at the junction of the sidewalks with the lower shopfronts or boundary walls is not dealt with, except in a generalized manner, as though the</p>	<p>Jacques Stoltz Acting Chairman: Egoli Heritage Foundation</p>	<p>Letter 03/11/2017</p>	<p>The brief to the Heritage consultants determined that the street will be resurfaced and the pavement will be upgraded. This defined two areas of intervention namely the street and the pavement. The sidewalk would be the core area of intervention while the pavement defines a zone to be categorised as an interface area. None of the buildings along Eloff street will be demolished neither will their facades be altered in any way.</p> <p>During the Phase 1 investigation a quick field investigation was done to identify any obvious red flag areas, buildings or structures and these were indicated in the Phase 1 report. There is no way that a Phase 1 investigation can identify subterranean heritage elements. The general assumption is that all manmade structures or construction works are considered as 'heritage', but it needs to be determined whether what is observed and found in situ, during the investigation is of exceptional heritage significance. This is primarily guided by the 60 years clause of Sect 34 of the National Heritage Resources Act and the identification of any original fabric/features that qualify according to this legal</p>	<p>African Heritage Consultants CC</p>

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	<p>facades of Eloff Street are homogenous and not influenced by the architectural style of each building. The changes that will be wrought to the ambiance of Eloff Street will impact on the specific significance of the streetscape, and have an impact on the historic buildings in that street.</p> <p>Accordingly, the EHF records its objection to both the procedure employed and to the impact of the development on heritage- and ask that this objection be noted formally.</p> <p>We urge that the Johannesburg Development Agency reconsider the terms of reference for the heritage impact assessment.</p>			<p>obligation. During the Phase 1 investigation such features were identified. No evidence of the street and pavement fabric and trees older than 60 years could be identified. Only buildings were identified adjacent to the development area. However they fall outside the area of intervention with two exceptions where the covered walkways are supported with columns on the pavement.</p> <p>According to the brief only the roads and pavements will be resurfaced, implying the replacement of horizontal surfaces and no introduction of new construction work such as new buildings.</p>	
23.	<p>Brett McDougall of the Johannesburg Heritage Foundation provided the following comments on for the Inner-City Lanes Project:</p> <p>Public Participation The JHF did not receive notice of the public participation meeting from the Heritage Consultants, Nemaï or the JDA, even though the JDA knows that we are an important stakeholder in heritage matters in the city. We were fortunate enough to have received correspondence from Brian McKechnie alerting us to the meeting.</p>	Brett McDougall (Chairman) Johannesburg Heritage Foundation	Letter 24/11/2017	Councillor Xaba of Ward 60 indicated that she will organise the public meeting as part of her function. She confirmed the venue of the public meeting on 30 th October 2017. We immediately thereafter notified all registered IAPs of the public meeting. However, the Public Participation process will be repeated whereby IAPs will be given the opportunity to comment on the revised HIA Report during a 30-day review period. A IAPs will be notified of the meeting two weeks in advance.	Nemaï Consulting
24.	The notice given for the meeting was 3 days. The meeting was scheduled in a difficult to reach part of the city, with no parking provided, during rush hour. The NHRA requires that reasonable notice be	Brett McDougall (Chairman) Johannesburg Heritage	Letter 24/11/2017	The public meeting was organised by Councillor Xaba of Ward 60 as part of her function. Councillor Xaba confirmed the venue of the public meeting on 30 th October 2017. We immediately thereafter notified all registered IAPs of the	Councillor Xaba

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	given, a requirement that was not met.	Foundation		public meeting. However, the Public Participation process will be repeated whereby IAPs will be given the opportunity to comment on the Final Phase 2 HIA during a 30-day commenting period. A second HIA meeting will be held whereby IAPs will be notified of the meeting in advance.	
25.	The meeting proved a waste of time: The JDA project manager glossed over the actual scope of the project, the HIA was not discussed, and incorrect information was provided on the Heritage process.	Brett McDougall (Chairman) Johannesburg Heritage Foundation	Letter 24/11/2017	A second meeting will be held to present the revised HIA Report.	Nemai Consulting
26.	Heritage Impact Assessment The HIA compiled is completely inadequate for a project of this magnitude. It consists of irrelevant information on iron age settlements, the Voortrekkers, photos taken from a moving car, and unsubstantiated and dubious conclusions. No information is provided on the history of Eloff Street-how it came into being and why it became the City's most important retail street, and of the historic streetscape itself which should influence the design. No information is given on the proposed design, so it cannot be assessing the " Impact".	Brett McDougall (Chairman) Johannesburg Heritage Foundation	Letter 24/11/2017	The issue has been addressed above. Such an investigation would form part of the more complete HIA. The heritage consultants agree to this principle as it is standard point of departure when designing in a historic site or precinct. However this is an engineering project with an engineering objective and not a landscape architecture and urban design project. This issue will be addressed in the HIA as part of the mitigation aspects.	African Heritage Consultants CC
27.	Brendan Hart for the Heritage Committee of the Gauteng Institute for Architecture lodged objections to the proposed project. The objections are as follows: <ul style="list-style-type: none"> The HIA supplied does not comply with the HIA requirements outlined by PHRAG (a copy of which is attached). It also falls short of the recommended standards for HIA's currently being compiled by the 	Brendan Hart The Heritage Committee of the Gauteng Institute for Architecture	Letter 27/11/2017	The document presented to the I&APs was not a completed HIA as no design aspects were presented or discussed.	African Heritage Consultants CC

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	<p>South African Heritage Resource Agency (SAHRA). This can be viewed at http://www.shangoni.co.za/wp-content/uploads/KPI-1.1.2-Draft-Updated-Minimum-Standards-2016-2.pdf for reference.</p> <ul style="list-style-type: none"> The HIA report does not give a description of the proposed work or the impact of the proposed work on the historic context in which it is being conducted. As such we cannot give any comment on this. The history of the area included in the report is not relevant. The HIA does not do any assessment of historical or cultural significance of the buildings along the section of Eloff Street where the proposed work is being conducted. Eloff Street has a number of very significant buildings located on it. In addition to this the street itself is of cultural significance. This assessment and understanding is essential in order to assess the impact and propose mitigating measures. While the changes proposed are to the physical fabric of the street the impact will primarily be on the streets architectural fabric. 				

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28.	<p>Jacques Stoltz of the Egoli Heritage Foundation wrote that the EHF reiterates their objection to the draft report both on substantive procedural and content grounds.</p> <p>It is worrying that the consultant has not been in contact to engage our organisation on these concerns. If they had, we could've been able to resolve these matters before the deadline.</p>	Jacques Stoltz Acting Chairman: Egoli Heritage Foundation	Email 27/11/2017	This can still happen.	African Heritage Consultants CC
29.	<p>Brian McKechnie lodge an objection to the proposed project on the following grounds: Proper public participation was not undertaken: In terms of Section 10 of the NHRA, Subsection (c): "a person who may be affected by a decision has the right of appearance at such meetings." The short notice given for the public meeting (three days) is procedurally inadequate. This is an infringement on the rights of Interested and Affected parties. The public participation process was procedurally flawed, without proper consultation of interested and affected parties.</p>	Brian McKechnie On Behalf of Preservation of Ansteys Building Trust	Emailed Letter 27/11/17	The public meeting was organised by Councillor Xaba of Ward 60 as part of her function. Councillor Xaba confirmed the venue of the public meeting on 30 th October 2017. We immediately thereafter notified all registered IAPs of the public meeting. However, the Public Participation process will be repeated whereby IAPs will be given the opportunity to comment on the revised HIA Report during a 30-day review period. IAPs will be notified of the meeting two weeks in advance.	Nemai Consulting
30.	<p>The report complied for the HIA is inadequate: The report does not;</p> <ul style="list-style-type: none"> • Identify heritage resources or how these will be affected by the proposed upgrade. • Outline what the upgrade proposal is - without a design or proposed design for the street this is not an HIA since no assessment can be made regarding the impact of the proposed development. • Investigate the history of the street, the author details eras of development such as the Stone Age 	Brian McKechnie On Behalf of Preservation of Ansteys Building Trust	Emailed Letter 27/11/17	<p>The Phase II of the HIA addresses the detail of the precinct such as the probability of any impact of the development on the entrances of the historic buildings, where these are located and what mitigating aspects may be applicable at these locations.</p> <p>Although this aspect will be addressed very briefly in the HIA (see Sect 38(3)(d), it remains the JDA's and City Council's responsibility to assess the economics of their legal jurisdiction and properties.</p>	African Heritage Consultants CC

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	<p>and the Great Treck, but they do not identify the importance of the street as a major economic artery of downtown Joburg.</p> <ul style="list-style-type: none"> • Locate the Eloff Street within the context of the development of the city. • Investigate or define the various development phases of the Street. • Identify important structures along the street, or investigate the relationship between important structures and the exiting streetscape <p>No mention is made of the connection of the street to the Old Park Station.</p> <p>No mention is made of the Stinkwood trees, which are integral to the character of the street, and which were planted when the street was made into a busway in the 1970s.</p> <p>The report is inadequate, in terms of the requirements set out by the PHRA-G and Sarah the report does not constitute an HIA.</p>			<p>This would imply a detailed historical study to reconstruct the historical layering of Eloff Street. This type of study can continue during and after the construction work as Eloff Street will not cease to exist. The proposed construction work will merely add another historical layer on top of what exists already.</p> <p>Such work forms part of the Phase II study.</p> <p>As Eloff Street and old Park Station will remain in situ, they will retain their relationship. None of these entities will be destroyed. The proposed project will alter or impact on this relationship.</p> <p>These trees are not older than 60 years but make a significant contribution to the character of the streetscape. According to the proposed design they will be retained and will not be impacted on by the development. Some mitigation measures need to be proposed in the recommendations though.</p>	