



Cape EA Prac

Cape Environmental Assessment Practitioners (Pty) Ltd

Reg. No. 2008/004627/07

VAT No 4720248386



Telephone: (044) 874 0365

17 Progress Street, George

Facsimile: (044) 874 0432

Web: www.cape-eaprac.co.za

PO Box 2070, George 6530

PUBLIC PARTICIPATION PLAN (Version 1)

for

ZANDHOOGTE ESTATE

Remainder Farm Zandhoogte 139, Tergniet (Mossel Bay Municipality)

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|-------------------------|---|------------------------|
| Date | : | 30 October 2020 |
| Reference | : | MOS003b/02 |
| Applicant | : | IDEAL TRADING 301 cc |
| DEADP Reference | : | DEADP Ref: G-BA-EIA-G7 |
| DEA Case Officer | : | To be confirmed |

This plan is submitted in compliance with regulation GNR650 published on 05 June 2020 in terms of the Disaster Management Act (57/2002) for Level 3 and titled: *Directions Regarding Measures to Address, Prevent and Combat the Spread of COVID-19 Relating to National Environmental Management Permits and Licences*; as well as GN663 published on 9 September 2020 for Level 2 and lower.

In compliance with section 5.1 and annexure 2 of these regulations a Public Participation Plan must be presented to the competent authority for approval prior to implementation.

The **Fee Reference Application** submitted to the Department on 23 March 2020 and the case **reference number** issued on 23 March 2020 refer.

Section 40(2) in Chapter 6 of regulation 982 requires that the public participation process contemplated in this regulation must provide access to all information that reasonably has, or may have the potential to influence any decision with regard to an application unless access to that information is protected by law and must include consultation with—

- (a) the competent authority;
- (b) every State Department that administers a law relating to a matter affecting the environment relevant to an application for an environmental authorisation;
- (c) all organs of state which have jurisdiction in respect of the activity to which the application relates; and
- (d) all potential, or where relevant, registered interested and affected parties.

It must be noted that the greater portion of the study site obtained Environmental Authorisation (EA) in 2009 and a further extension was granted for the same EA in 2012. Residents and stakeholders from the area is therefor informed of the fact that the site is earmarked for development and the preceding environmental and planning processes included comprehensive public participation.

Due to the extensive consultation process that preceded the environmental application for this property in question, *Cape EAPrac* is of the opinion that there is general awareness of the fact that the property is earmarked for development and particulars about the type of development proposed for the site is also common knowledge.

We therefore do not propose to undertake *pre-application* stakeholder consultation as part of the environmental process. The public participation process will however still comply with the requirements of Regulation 41 of the EIA Regulations, 2014.

CONSULTATION WITH AUTHORITIES AND ORGANS OF STATE:

In order to comply with these requirements, the proposal is to provide all parties listed in sub sections a, b and c above with full digital copies of the Draft Basic Assessment, Draft Environmental Management Programme and all specialist studies and programmes. Such digital copies will be provided to the competent authority, organs of state and state departments via email, or on CD/flash drive via post, or where possible, via digital transfer platforms such as Dropbox, WeTransfer and/or Skype. Where no postal service is available, the documents will be provided by courier service or fax.

The following Authorities and Organs of State have been identified for this project:

- Mossel Bay Municipality (local municipality divisions for services and planning)
- Garden Route District Municipality (district municipality)
- Department of Health (for health & services)
- Department of Water Affairs (off-site aquatic features)
- Breede-Gouritz Catchment Management Agency (alongside DWA)
- Department of Forestry
- Department of Transport (for access/mobility)
- Heritage Western Cape (ito MoU with DEADP)
- CapeNature (custodians of biodiversity in the Western Cape Province)
- Transnet
- South Africa Civil Aviation Authority (SACAA)
- Department of Agriculture

CONSULTATION WITH POTENTIAL I&APs:

The site is situated within an established upmarket residential area in the centre of Tergniet. Residents from this area is generally well-educated, well-informed members of the public with a keen interest in their environment. These groups/individuals/institutions typically have a high level of access to electronic media, they are able to use electronic media and typically do not have data constraints.

It is therefore with a high level of confidence that we submit that a consultation process relying mostly on electronic communication, will be effective in ensuring that sufficient information about the proposed development will reach interested and affected parties who may be affected by the proposed development.

In terms of point d above, all I&APs that register as part of the process:

- will be registered on the Stakeholder Register for the application process;
- will be notified that the extended 30-day timeframe will not be implemented for this application;
- will be requested to specify their preferred method of receiving notifications / reports / communication within 48h¹ of the date of a written notification;

¹ This period is to ensure that courier services can be organised in time to ensure that a copy of the document/notification/correspondence can be couriered/faxed in time to still ensure a full 30-day

- will be requested to inform the EAP within 48h² of the date of a written notification, should they have any specific needs / restrictions / disadvantages, which must be considered when participating in the public participation process;
- will receive notification of the availability of the DBAR no less than 3-days prior to the 30-day period commencing; and they
- will be afforded a minimum of 30-days to comment on the draft BAR.

Potential and registered I&APs will be provided access to the Draft BAR/EMP via the following:

1. Notifications, reports and correspondence will be distributed via email, or on CD/flash drive via post, or where possible, via digital transfer platforms such as Dropbox, WeTransfer and/or Skype. Where no postal service is available, the documents will be provided by courier service or fax.
2. Digital copies of the documentation that will be available for download on the *Cape EAPrac* website and links to digital platforms such as Skype / WeTransfer / Dropbox will be communicated with all registered I&AP throughout the process where applicable;
3. In the event that registered I&APs do not have sufficient data to download electronic documents from our website or other digital platforms, electronic copies will be provided to them via email, or CD/flash drive via post/courier, or via fax or alternatively in hard copy format.
4. Notices of the process will be put up on the site which is highly visible for most residents as they all must use Impale Way to enter/exit Tergiet.

Potential and registered I&APs will be notified of the outcome of the application and provided access to the decision via the following:

1. The decision will be distributed via email, or on CD/flash drive via post, or where possible, via digital transfer platforms such as Dropbox, WeTransfer and/or Skype. Where no postal service is available, the documents will be provided by courier service or fax.
2. Digital copies of the decision will be available for download on the *Cape EAPrac* website and links to digital platforms such as Skype / WeTransfer / Dropbox will be communicated with all registered I&AP throughout the process;
3. In the event that registered I&APs do not have sufficient data to download electronic documents from our website or other digital platforms, electronic copies will be provided to them via email, or CD/flash drive via post/courier, via fax or post.

Section 41 in Chapter 6 of regulation 982 details the public participation process that has to take place as part of an environmental process. The table below provides lists these requirements along with the proposed actions in order to comply with both Section 41 in regulation 982 as well as well as section 5.1 and annexure 2 of regulation 650.

| Regulated Requirement | Proposed Actions |
|--|---|
| (1) If the proponent is not the owner or person in control of the land on which the activity is to be undertaken, the proponent must, before applying for an environmental authorisation in respect of such activity, obtain the written consent of the landowner or person in control of the land to undertake such activity on that land. (2) Subregulation (1) does not apply in respect of- (a) linear activities; | Landowner and Applicant is the same entity. |

commenting period, or alternatively to refer the I&AP to the closest venue where a hard copy can be inspected.

² This period is to ensure that courier services can be organised in time to ensure that a copy of the document/notification/correspondence can be couriered/faxed in time to still ensure a full 30-day commenting period, or alternatively to refer the I&AP to the closest venue where a hard copy can be inspected.

| Regulated Requirement | Proposed Actions |
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| The person conducting a public participation process must take into account any relevant guidelines applicable to public participation as contemplated in section 24J of the Act and must give notice to all potential interested and affected parties of an application or proposed application which is subjected to public participation by - | |
| (a) fixing a notice board at a place conspicuous to and accessible by the public at the boundary, on the fence or along the corridor of - (i) the site where the activity to which the application or proposed application relates is or is to be undertaken; and (ii) any alternative site; | Site notices will be placed on-site along Impala Way which is the main road into and out of Tergniet. |
| (b) giving written notice, in any of the manners provided for in section 47D of the Act, to - | |
| (i) the occupiers of the site and, if the proponent or applicant is not the owner or person in control of the site on which the activity is to be undertaken, the owner or person in control of the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken; | There are no tenants/occupiers on the property. No deviation or additional actions in terms of regulation 660 is required. |
| (ii) owners, persons in control of, and occupiers of land adjacent to the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken; | Owners of immediate adjacent properties will be notified of this environmental process. |
| (iii) the municipal councillor of the ward in which the site or alternative site is situated and any organisation of ratepayers that represent the community in the area; | The ward councillor will be notified of this environmental process. |
| (iv) the municipality which has jurisdiction in the area; | The Mossel Bay municipality (Planning and Technical Services) will be notified of this environmental process. |
| (v) any organ of state having jurisdiction in respect of any aspect of the activity; and | All organs of state that have jurisdiction in respect of the activity will be notified of this environmental process. |
| (vi) any other party as required by the competent authority; | DEADP will be given an opportunity to comment on the Draft BAR and EMPr. Should they identify additional parties that need to provide comment, copies of the documentation and opportunity to comment will be provided to such parties. |
| (c) placing an advertisement in - (i) one local newspaper; or (ii) any official Gazette that is published specifically for the purpose of providing public notice of applications or other submissions made in terms of these Regulations; | An advert calling for registration of I&APs will be placed in the local newspaper. There is currently no official Gazette that has been published specifically for the purpose of providing public notice of applications |
| (d) placing an advertisement in at least one provincial newspaper or national newspaper, if the activity has or may have an impact that extends beyond the boundaries of the metropolitan or district municipality in which it is or will be undertaken: Provided that this paragraph need not be complied with if an advertisement has been placed in an official Gazette referred to in paragraph (c)(ii);and | Adverts will not be placed in provincial or national newspapers, as the potential impacts will not extend beyond the borders of the municipal area. |
| (e) using reasonable alternative methods, as agreed to by the competent authority, in those instances where a person is desirous of but unable to participate in the process due to - (i) illiteracy; (ii) disability; or (iii) any other disadvantage. | Notifications will include provision for alternative engagement in the event of illiteracy, disability or any other disadvantage. In such instances, Cape EAPrac will engage with such individuals in such a manner as agreed on with the competent authority. |
| (3) A notice, notice board or advertisement referred to in subregulation (2) must - (a) give details of the application or proposed application which is subjected to public participation; and (b) state - (i) whether basic assessment or S&EIR procedures are being applied to the application; (ii) the nature and location of the activity to which the application relates; (iii) where further information on the application or proposed application can be obtained; and | A notice board will be placed in terms of this requirement and no deviation or additional actions in terms of regulation 650 is required. |

| Regulated Requirement | Proposed Actions |
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| (iv) the manner in which and the person to whom representations in respect of the application or proposed application may be made. | |
| (4) A notice board referred to in subregulation (2) must - (a) be of a size at least 60cm by 42cm; and (b) display the required information in lettering and in a format as may be determined by the competent authority. | The notice board placed will comply with this requirement. |
| (5) Where public participation is conducted in terms of this regulation for an application or proposed application, subregulation (2)(a), (b), (c) and (d) need not be complied with again during the additional public participation process contemplated in regulations 19(1)(b) or 23(1)(b) or the public participation process contemplated in regulation 21(2)(d), on condition that - (a) such process has been preceded by a public participation process which included compliance with subregulation (2)(a), (b), (c) and (d); and (b) written notice is given to registered interested and affected parties regarding where the - (i) revised basic assessment report or, EMPr or closure plan, as contemplated in regulation 19(1)(b); (ii) revised environmental impact report or EMPr as contemplated in regulation 23(1)(b); or (iii) environmental impact report and EMPr as contemplated in regulation 21(2)(d); may be obtained, the manner in which and the person to whom representations on these reports or plans may be made and the date on which such representations are due. | This will be complied with if final reports are produced later on in the environmental process. |
| (6) When complying with this regulation, the person conducting the public participation process must ensure that - (a) information containing all relevant facts in respect of the application or proposed application is made available to potential interested and affected parties; and (b) participation by potential or registered interested and affected parties is facilitated in such a manner that all potential or registered interested and affected parties are provided with a reasonable opportunity to comment on the application or proposed application. (7) Where an environmental authorisation is required in terms of these Regulations and an authorisation, permit or licence is required in terms of a specific environmental management Act, the public participation process contemplated in this Chapter may be combined with any public participation processes prescribed in terms of a specific environmental management Act, on condition that all relevant authorities agree to such combination of processes. | All reports that are submitted to the competent authority will be subject to a 30-day public participation process. These include: <ul style="list-style-type: none"> - Draft BAR - Draft EMPr - All specialist reports that form part of this environmental process. |

TIMEFRAMES:

The following timeframe is proposed for this application:

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| Application Fee Reference Number submitted to the DEADP | 23 March 2020 |
| Notice of Intent to Apply submitted to DEADP | 2 November 2020 |
| Application Form submitted to the DEADP | 11 November 2020 |
| Notification of availability of DBAR (3-days) | 13 November 2020 (3-days notification prior to 30-day commenting period commencing) |
| Draft BAR/EMP available for public review and comment for a period of 30-days | 17 November 2020 – 8 January 2021 |

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| | Bear in mind that newspaper adverts only appear weekly, thus the notification will appear the week before the commenting period commences |
| Review comments received by stakeholders & I&APs | 11 - 21 January 2021 |
| Final BAR/EMP submitted to the DEADP for review & decision-making | 9 February 2021 |

AMENDMENTS TO THIS PLAN:

We submit that changes to this plan may be necessitated depending on COVID lockdown levels that are subject to change.

Should there be a need to make use of the permissible additional 30-day period (per step in the BAR process) that may require amendments to this public participation plan, it will be done in consultation with the DEADP.
