



Cape EA Prac

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PUBLIC PARTICIPATION PLAN (Version 2)

for
Stilbaai Lifestyle Village

On
ERF 4784 (A portion of Erf 657), Stilbaai (Hessequa Municipality)

Date	:	20 July 2020 (revised 9 September 2020)
Reference	:	HES592/03
Applicant	:	ELLENRUST PROPERTIES (Pty) LTD
DEADP Reference	:	DEADP Ref: G-BA-EIA-G5
DEA Case Officer	:	Steve Kleinhans (George office)

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 Notice of Intent (NoI) was submitted to the Department on 5 March 2020 and the case reference number issued on 10 March 2020.

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 development site is in the process of being transferred to the Applicant as part of a sale agreement. Due to the fact that it was municipal land (sold and to be transferred to private ownership) was subject to a detailed alienation process which included the following:

- A formal public tender process was followed to elicit tender applications for a residential development;
- Once the tender was awarded (to the Applicant) and because it was Municipal land at the time still, the Municipality followed a process whereby the type of land use was subject to public input (the outcome of the process was in favour of a lifestyle village with frail care facilities). This process was informed by consultation with key stakeholders such as the ratepayers association, neighbouring developments and property owners, the business chamber, the Ward Councillor and the Housing Committee of the Municipality;
- The planning application was then compiled and advertised for stakeholder review and comment.

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.

Stakeholder fatigue is a real challenge with projects that undergo this level of stakeholder engagement as part of different processes and should be considered when planning further stakeholder engagement as part of the environmental application process.

We therefore do not propose to undertake *pre-application* stakeholder consultation as part of the environmental process. **The public participation process will 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:

- Hessequa 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 (protected trees occur on the property)
- Department of Transport (for access/mobility)
- Department of Public Works (as neighbouring property owner to the north)
- Heritage Western Cape (ito MoU with DEADP)
- CapeNature (custodians of biodiversity in the Western Cape Province)

CONSULTATION WITH POTENTIAL I&APs:

The site is situated within an upmarket residential area in the centre of Stilbaai West near the business centre. Surrounding land use include the Municipality (library, municipal offices etc), a number of private group housing developments, limited private households and Department of Public Works. 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;**
- **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;
3. A hardcopy of the document will be made available at the Municipal offices where safety and health protocols are already being followed by the Municipality with hand sanitising / temperature controls before entering the facility;
4. The hard copy document will be fitted with a sign informing I&APs to not handle the document unless they have sanitised prior to reading it;
5. 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.
6. Notices of the process will be put up at the Municipal offices (information board), as well as at the Spar approximately 300m up the road from this site, as well as on the site.

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;**

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 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.

3. A hardcopy of the decision will be made available at the Municipal offices where safety and health protocols are already being followed by the Municipality with hand sanitising / temperature controls before entering the facility;
4. The hard copy document will be fitted with a sign informing I&APs to not handle the document unless they have sanitised prior to reading it;
5. 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.

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;	A landowner consent for the development has been obtained in terms of this requirement and no deviation or additional actions in terms of regulation 660 is required.
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 at the entrance where it will be visible for any person driving past along the Stilbaai Main Road or turning off to Jongensfontein.
(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 affected portions, other than the landowner who has provided consent for the development. 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 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 Hessequa 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 EMP. 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

Regulated Requirement	Proposed Actions
(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 (iv) the manner in which and the person to whom representations in respect of the application or proposed application may be made.	A notice board will be placed in terms of this requirement and no deviation or additional actions in terms of regulation 650 is required.
(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	All reports that are submitted to the competent authority will be subject to a 30-day public participation process. These include: - Draft BAR - Draft EMPr - All specialist reports that form part of this environmental process.

Regulated Requirement	Proposed Actions
<p>potential or registered interested and affected parties are provided with a reasonable opportunity to comment on the application or proposed application.</p> <p>(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.</p>	

TIMEFRAMES:

The following timeframe is proposed for this application:

Pre-Application Meeting with the DEADP	3 August 2020
Application Form submitted to the DEADP	9 September 2020
Notification of availability of DBAR (3-days)	14 September 2020
Draft BAR/EMP available for public review and comment for a period of 30-days	17 September – 19 October 2020
Review comments received by stakeholders & I&APs	19 October -30 October 2020
Final BAR/EMP submitted to the DEADP for review & decision-making	2 November 2020

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.