



Cape EAPrac

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PUBLIC PARTICIPATION PLAN

for

Patrys Development

on

Erf 3927 Still Bay West

Date : 22 November 2020
EAP : Melissa Mackay for Cape EAPrac
Reference : HES651/05
Applicant : Daily Double Trading 447 cc
DEA&DP Reference : 16/3/3/6/7/1/D5/19/0117/21
DEA&DP Case Officer : Ms Shireen Pullen

This plan is submitted in compliance with regulation GNR650 published on 05 June 2020 in terms of the Disaster Management Act (57/2002) and titled: Directions Regarding Measures to Address, Prevent and Combat the Spread of COVID-19 Relating to National Environmental Management Permits and Licences. 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 mechanism of an email submission will be utilised to present this plan to the Department of Environmental Affairs (DEA) for approval. The approval / refusal of this plan will be included in the Draft Basic Assessment Report to be drafted. **It is noted that the country has been downgraded to Alert Level 1 and the applicability of these regulations has not yet been determined, however, in the interests of maintaining the safety precautions, this Public Participation Plan will follow these requirements in the meantime.**

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.

In order to comply with this requirement, the proposal is to provide all parties, listed in subsections a, b and c above, with full digital copies of the Draft Basic Assessment Report, Draft Environmental Management Programme and all specialist studies and plans. Such digital copies will be provided to the competent authority, organs of state and state departments on CD by post / courier.

In terms of point d above, all Interested & Affected Parties (I&APs) that are identified or register as part of the process will be provided access to the Draft BAR via the following:

1. The digital copy of the documentation that will be on the Cape EAPrac website and any other digital platform that is identified by Cape EAPrac or the recipients.
2. I&AP's that do not have access to digital platforms will be provided with printed hardcopies of the executive summary and any specialist reports that they may have interest in. Such copies will be provided by courier or postal service.
3. Potential and registered I&APs will be informed that copies of the documentation can be provided via postal or courier services.

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 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 660.

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;	The landowner is the applicant therefore this item is not applicable. No deviation or additional actions in terms of regulation 660 are 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;	Two site notices have been placed at the boundary of the property and at the entrance to the shared access with the neighbouring property. No deviation or additional actions in terms of regulation 650 are required.
(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 on the affected property. No deviation or additional actions in terms of regulation 650 are required.
(ii) owners, persons in control of, and occupiers of land adjacent to the site where the activity is or is to be	Owners of adjacent properties will be notified of this environmental process and will be provided with digital

Regulated Requirement	Proposed Actions
undertaken or to any alternative site where the activity is to be undertaken;	copies of the documents via postal or courier services (where available), if they do not have access to online platforms. Such owners have been requested to inform the occupiers of the land of this environmental process and the process to obtain copies of the relevant reports.
(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 and will be provided with a digital copy of the documentation via postal or courier services.
(iv) the municipality which has jurisdiction in the area;	The Hessequa Municipality (Planning and Technical Services & Environmental) will be notified of this environmental process and will be provided with digital copies of all documentation via postal or courier service.
(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 and will be provided with digital copies of all documentation via postal or courier service (where available).
(vi) any other party as required by the competent authority;	DEA&DP 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 Suid Kaap Forum which is 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. Given the location of the property and the type of landuse in the area, there is an assumption that I&APs will have access to email and digital communication mechanisms.
(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 -	All notification and adverts will comply with this requirement. No deviation or additional actions in terms of regulation 650 are required.

Regulated Requirement	Proposed Actions
<p>(i) whether basic assessment or S&EIR procedures are being applied to the application;</p> <p>(ii) the nature and location of the activity to which the application relates;</p> <p>(iii) where further information on the application or proposed application can be obtained; and</p> <p>(iv) the manner in which and the person to whom representations in respect of the application or proposed application may be made.</p>	
<p>(4) A notice board referred to in subregulation (2) must -</p> <p>(a) be of a size at least 60cm by 42cm; and</p> <p>(b) display the required information in lettering and in a format as may be determined by the competent authority.</p>	<p>The notice board which has been placed on the site boundary complies with this requirement.</p>
<p>(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 -</p> <p>(a) such process has been preceded by a public participation process which included compliance with subregulation (2)(a), (b), (c) and (d); and</p> <p>(b) written notice is given to registered interested and affected parties regarding where the -</p> <p>(i) revised basic assessment report or, EMPr or closure plan, as contemplated in regulation 19(1)(b);</p> <p>(ii) revised environmental impact report or EMPr as contemplated in regulation 23(1)(b); or</p> <p>(iii) environmental impact report and EMPr as contemplated in regulation 21(2)(d);</p> <p>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.</p>	<p>This will be complied with if final reports are produced later in the environmental process.</p>
<p>(6) When complying with this regulation, the person conducting the public participation process must ensure that -</p> <p>(a) information containing all relevant facts in respect of the application or proposed application is made available to potential interested and affected parties; and</p> <p>(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.</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</p>	<p>All reports that are submitted to the competent authority will be subject to a public participation process. These include:</p> <ul style="list-style-type: none"> - Draft Basic Assessment Report - Draft EMPr - All specialist reports that form part of this environmental process.

Regulated Requirement	Proposed Actions
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.	