



# Cape EA Prac

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## PUBLIC PARTICIPATION PLAN

for

### THESEN ISLANDS MAINTENANCE MANAGEMENT PLAN

on

Thesen Islands, Knysna Municipal District

**Date** : 1 July 2021  
**Reference** : KNY507/05  
**Applicant** : Thesen Islands Home Owners Association  
**DEFF Reference** : 14/12/16/3/1/1/151/MP1  
**DEFF Case Officer** : Ms Constance Musemburi

This plan is submitted in response to the DEFFs refusal dated 22 June 2021, to process the Maintenance Management Plan (MMP) for Thesen Islands on the basis that an approved Public Participation Plan did not accompany the document upon submission. The Department referenced compliance with regulation GNR660 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 DEFF was advised that public participation for the MMP was conducted and completed prior to this regulation coming into effect and thus it cannot be applied retrospectively. Due to the timelapse between the initial public participation and submission however this plan is submitted to DEFF for consideration.

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 access to a digital copy of the Thesen Islands Maintenance Management Plan. Such digital copy will be provided to the competent authority, organs of state and state departments via online download links.

As previously discussed with DEA, CD copies (i.e. physical copies of these documentation) should only be provided in such instances, where state departments and organs of state do not have access to internet connectivity to allow download of documents (notification letters to these parties will indicate the procedure to obtain physical copies on CD). Such documents will be provided by postal service, and where such service is not available, the documents will be provided by courier service if COVID Regulations permits.

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 Thesen Islands MMP report 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. Thesen Islands HOA will distribute an electronic notice of the availability of the MMP to all of its homeowners as key stakeholders.
3. I&AP's that may indicate that they do not have access to digital platforms will be provided with printed hardcopies of the report. Such copies will be provided by courier or postal service if COVID Regulations permits.
4. Potential and registered I&APs will be informed that copies of the documentation can be provided via postal or courier services if not downloaded from the Cape EAPrac website.

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
<p>(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.</p> <p>(2) Subregulation (1) does not apply in respect of-</p> <p>(a) linear activities;</p>	<p>Thesen Islands HOA is both the Applicant and landowner.</p>
<p>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 -</p>	
<p>(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 -</p> <p>(i) the site where the activity to which the application or proposed application relates is or is to be undertaken; and</p> <p>(ii) any alternative site;</p>	<p>A site notice will be placed at the Thesen Islands HOA offices on the premises that form the subject of this MMP.</p> <p>The perimeter of Thesen Islands is not accessible to the public due to tidal influence of the Estuary surrounding Thesen Islands, therefore placing site notices on a boundary or fence is not feasible.</p>
<p>(b) giving written notice, in any of the manners provided for in section 47D of the Act, to -</p>	

Regulated Requirement	Proposed Actions
(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;	Thesen Islands HOA will send electronic notifications of the MMP to all of its homeowners.
(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;	The Knysna Estuary is under management of the South African National Parks Board (SanParks) who will be given written notice of the availability of the MMP for comment.
(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;	Knysna Municipality (Pam Booth / Environmental & Planning Directorate) will be notified of this environmental process.
(v) any organ of state having jurisdiction in respect of any aspect of the activity; and	<p>Below 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 download links (in instances where these parties do not have access to internet connectivity) a CD with documentation will be provided. We submit the following list of authorities to be consulted:</p> <ul style="list-style-type: none"> <li>• Provincial DEADP (George office)</li> <li>• Knysna Municipality</li> <li>• SanParks (Knysna office)</li> <li>• Coastal Management (DEADP, Cape Town)</li> <li>• DEA Conservation &amp; Biodiversity Directorate</li> </ul>
(vi) any other party as required by the competent authority;	DEFF will consider the PPP plan and provide reference to any additional specified authorities/I&APs to be consulted.
(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;	<p>An advert calling for registration of I&amp;APs will be placed in the Knysna Plett Herald of 8 July 2021.</p> <p>There is currently no official Gazette that has been published specifically for the purpose of providing public notice of applications.</p>
(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	Advert 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.	Notification 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 if any are identified through the process.

Regulated Requirement	Proposed Actions
<p>(3) A notice, notice board or advertisement referred to in subregulation (2) must -</p> <p>(a) give details of the application or proposed application which is subjected to public participation; and</p> <p>(b) state -</p> <p>(i) whether basic assessment or S&amp;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>All notification and adverts will comply with this requirement. No deviation or additional actions in terms of regulation 660 are required.</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 will be placed on the Thesen Island HOA offices.</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 updated 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</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"> <li>- Thesen Islands Maintenance Management Plan</li> </ul>

Regulated Requirement	Proposed Actions
<p>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>	

Comment period on the MMP will run from Friday, 9 July 2021 – 9 August 2021.

Due to prior public participation process already conducted in response to the Draft EMMP during the course of 2019 and 2020, *Cape EAPrac* is of the confident that there is general awareness of the HOAs intention to have a formal Maintenance Management Plan approved for ongoing maintenance activities on the estate.

No additional measures are therefore envisaged other than what is described in this public participation plan.

**AMENDMENTS TO THIS PLAN:**

At this stage, we do not intend to utilise additional permissible periods for public participation or updates to the report due to COVID Regulations and we are confident that we'll be able to repeat the public participation process within the 30-day commenting period as contained in the EIA Regulations.

We submit that material changes to this plan are unlikely as a result of the repeated public participation. Comments received during the additional 30-day commenting period will however be considered and included with the MMP when submitted to the Department for decision-making. In the event that any substantial changes are necessary, the DEFF will be approached on the need for further consultation.

Please contact the undersigned, should there be any queries regarding the implementation of this PP Plan.

Sincerely,



**Louise-Mari van Zyl**  
 Director: *Cape EAPrac*  
 EAPSA registered: 2019/1444  
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