



Cape EAPrac

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

for

PARKDENE FILLING STATION – PART 2 AMENDMENT APPLICATION PROCESS

on

Erf 11221, Parkdene, George

Date : 11 October 2022
EAP : Louise-Mari van Zyl for *Cape EAPrac*
Reference : GEO139c/03
Applicant : Look Forward Construction (Pty) Ltd.
DEA&DP Reference : G-AMEND-EIA-i5
EG12/2/4/1-D2/22-0067/11 & 16/3/3/5/D2/45/0008/17
DEA&DP Case Officer : To Be Confirmed

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 Part 2 Amendment Impact Assessment Report (draft), updated Environmental Management Programme and specialist studies and plans. Such digital copies will be provided to the competent authority, organs of state and state departments on CD/flashdrive, or by post, or via WeTransfer, or via a Dropbox link whichever may be deemed appropriate by the EAP.

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 Impact 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, such as WeTransfer and / or Dropbox.

2. I&AP's that do not have access to digital platforms will offered to review a copy of the report at the *Cape EAPrac* offices.
3. Potential and registered I&APs will be informed that copies of the documentation can be provided in the above manner or via email links.

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.

SUBMISSIONS, COMMENTING PERIOD AND PRE-APPLICATION

Given the restricted timeframe for this Amendment application, pre-application public participation will not be undertaken. As such there will not be a pre-application impact assessment report.

A comment period of **30 days** for registered I&APs, neighbours & identified stakeholders will be implemented unless BGCMA advises that a Water Use License is required in which case the commenting period will be extended to 60-days as per the One Integrated System (unlikely).

It is noted that a 60-day commenting period may result in the need for an extension of regulated timeframe to complete and submit the Final Assessment Report for decision-making.

The draft Impact Assessment Report/EMP will be circulated for comment for the stipulated period with a minimum notice period of **3-days** from when written notifications/site notices/newspaper adverts are placed/issued.

Submissions received during this period will be considered by the project team and specialists and responded to. The final Impact Assessment will reflect the outcome of the stakeholder engagement process in accordance with the POPIA.

MINIMUM REQUIREMENTS AS PER THE REGULATIONS

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>The proponent is the person in control of the land.</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>Site notices will be placed on the existing erf boundary fence where the activity will take place i.e. at the proposed entrance to the Filing Station and facing the busy Sandkraal Road.</p> <p>The site notice will provide all regulated information required for an I&AP to contact the EAP in order to register. The site notice/s also identifies listed activities & stipulates the applicable legislation.</p> <p>No deviation or additional actions in terms of regulation 660 are required.</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;	There are no occupiers on the property. There is a security woman employed to deter trespassing and illegal dumping and to let a community member onto the property from time-to-time to graze a horse. She has already been verbally notified, however written notifications will be provided to her and the horse owner.
(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;	<p>Owners of adjacent properties will be notified of this environmental process and will be provided with access to digital copies of the documents via email or digital platforms.</p> <p>George Municipality will be approached to confirm neighbouring property details.</p> <p>It is noted with concern that obtaining contact details from the Municipality under the new POPIA requirements is a very time consuming process that can impact on the overall project programme.</p>
(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 Councillor of Ward 7, within which the property falls, will be notified of this environmental process and will be provided access to a digital copy of the documentation.
(iv) the municipality which has jurisdiction in the area;	The George Municipality (Environmental / Planning / Technical Departments) will be notified of this environmental process and will be provided with access to digital copies of all documentation.
(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 access to digital copies of all documentation.
(vi) any other party as required by the competent authority;	DEA&DP & DMRE will be given an opportunity to comment on the Draft Impact Assessment report 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;	<p>An advert will be placed in the George Herald calling for I&APs to register and advising on what documentation is available and how to access it.</p> <p>There is currently no official EIA 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	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.	<p>Written notifications will include provision for alternative engagement in the event of illiteracy, disability or any other disadvantage. In such instances, <i>Cape EAPrac</i> will engage with such individuals in such a manner as agreed on with the competent authority.</p> <p>Virtual meetings / telephone calls as reasonable alternative methods of public participation will be utilised, where I&APs</p>

Regulated Requirement	Proposed Actions
	<p>request such, because they are unable to utilise some of the methods provided.</p> <p>Should it become necessary to consult in person with such stakeholders focus group or public meetings will be scheduled.</p>
<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&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 boards that will be placed on the site will comply 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>All reports that are submitted to the competent authority will be subject to a public participation process of 30 days.</p> <p>These include:</p> <ul style="list-style-type: none"> - Draft Impact Assessment Report - Draft EMPr

Regulated Requirement	Proposed Actions
<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 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>	<p>- All specialist reports that form part of this environmental process.</p> <p>It is not anticipated that a pre-application assessment report will be circulated due to time constraints linked to the validity of the existing EA.</p>

REGISTER I&APS

A **stakeholder register** has been opened for this project and will be continuously updated as registrations are received or changes made to already registered stakeholders.

Registered I&APs from the original environmental process and subsequent amendment application will be contacted and extended the opportunity to register as I&APs for this Part 2 Amendment Application in a similar fashion as all of the other potential I&APs.

All potential I&APs will be provided with notifications by the following hierarchy: **email, fax, post** (where such details are available to the EAP), alternatively **letter drops** should contact details not be obtainable. All I&APs are provided with the option to change their preferences (of communication) at any stage, provided correct information is supplied.

The following **neighbouring properties** have been identified a direct neighbours for purposes of notification in terms of the Regulations (red polygons with study site indicated in yellow). These are Erf 11222 to the south and the Street properties surrounding the remainder of the Erf. George Municipality has been approached for confirmation of contact details in keeping with the POPIA requirements.



The EAP will make use of & update (where necessary) the original list of registered I&APs associated with the original BA process.

The following organs of state / state departments have already been included in the I&AP register:

State Department	Name of person	Contact details
Dept. of Mineral Resources & Energy	Lungisile Pakati	Tel:
		Fax:
		Email: Lungisile.Pakati@dmre.gov.za
Nicole Abrahams	SANRAL	Tel: 021 957 4602
		Fax:
		Email: abrahamsn@nra.co.za
Provincial Roads	Evan Burger	Tel: 021 483 2180
		Fax:
		Email: Evan.Burger@westerncape.gov.za
Department Agriculture	Cor vd Walt	Tel: 021 808 5093
		Fax:
		Email: corvdw@elsenburg.com
George Municipality	Ricus Fivaz (Technical)	Tel: 044 801 9350
		Email: _jmfivaz@george.gov.za
George Municipality	Priscilla Burgoyne (Environmental)	Tel: 044 801 9156
		Fax:
		Email: pburgoyne@george.gov.za
George Municipality	Mr Clinton Pietersen (Planning)	Tel: 044 801 9182
		Fax:
		E-mail: cpietersen@george.gov.za
Cape Nature	Ms Megan Simons	Tel: 087 087 3058
		Fax: 044 802 5313
		E-mail: msimons@capenature.co.za
BGCMA	Mr Carlo Abrahams	Tel: 023 346 8000
		Fax:
		E-mail: cabrahams@bgcma.co.za
Heritage Western Cape	Waseefa Dhansey	Tel: 021 483 9533
		Fax:
		E-mail: Waseefa.Dhansay@westerncape.gov.za
Garden Route District Municipality	Johan Compion	Tel: 044 803 1525
		Fax:
		E-mail: jcompion@gardenroute.gov.za

South African Civil Aviation Association are not mandated to comment on this application as it (the development) does not trigger the Civil Aviation Regulations, as such they have not been added to the provisional Stakeholder Register.

Proof of all notices, site notices, written notices, meetings etc (as undertaken) will be included in the Final Assessment Report for submission to the competent authority.

Registered I&APs will be notified of any decision, in writing by means of the communication preference they provided.

Please note that this plan is drafted to provide clarity regarding compliance with Section 41 in Regulation 982 and must be read in conjunction with the Amendment Application stipulations for public participation. Any deviations to this plan that may take place will be reflected in the Final Assessment Report submitted to the competent authority.

APPLICABILITY OF POPIA

The following notice will appear on communication/adverts/site notices to potential and registered stakeholders as part of this basic assessment process.

Please Note: When registering as an Interested and Affected Party (I&AP), you consent to the lawful processing of personal information for the intended purposes, as described by the Protection of Personal Information Act, 2013 (Act no. 4 of 2013). You agree that by submitting comment to inform this process or by registering, your contact details will, where required by a public body, be reflected in our regulated reports that must be compiled and submitted to the general public, registered stakeholders, organs of state as well as the competent authority for consideration and decision-making.
