

## Cape Environmental Assessment Practitioners (Pty) Ltd

Stakeholder Register for Project: Fransmanshoek BAR

Cape EAPrac Project No : 618

Name	Organisation	Registered
Carlo Abrahams	Breede-Gouritz Catchment Management Agency	2021/11/22
Mushfiqah Abrahams	Mossel Bay Municipality	2022/05/09
Ieptieshaam Bekko	DEA&DP: Coastal Management	2021/11/22
Nicholas Blyth		2022/01/25
Johann Boshoff		2022/01/25
Natie De Swardt	Simon van der Stel Foundation	2020/09/30
Eugene Engle	Department of Health	2022/03/10
Gregory Fenn	Nutifor (Pty) Ltd	2022/01/20
Raimo Fernandez	Mossel Bay Municipality	2021/11/22
Erich Goold	Fransmanshoek Conservancy	2020/07/21
Coenraad Hanekom		2021/11/23
EJ Janse van Rensburg		2022/01/25
Hendrik Janse Van Rensburg		2022/01/25
Lesla La Grange	SAHRA	2020/09/30
Brandon Layman	Department of Agriculture	2021/11/22
Mercia Liddle	DEA&DP: Coastal Management	2022/04/05
Rudzani Makahane	Breede-Gouritz Catchment Management Agency	2022/02/17
Cornelius Malgas	Department of Transport and Public Works - Provincial	2021/11/24
Soundrajan (Sedick) Naidoo	Mossel Bay Municipality	2022/02/23
Oceans & Coasts EIA	DFFE: Oceans and Coast Management	2022/01/25
Dora Orban		2022/01/25
Martin Paauw	Fransmanshoek Conservancy	2022/01/20
Gawie and Hester Parsons		2022/01/26
Jaco Roux	Mossel Bay Municipality	2021/11/22
George Sabbagha	Stilbaai Bewaringstrust	2020/09/30
Megan Simons	Cape Nature	2021/05/20
Lizelle Stroh	South African Civil Aviation Authority	2022/01/25
Cor Van der Walt	Department of Agriculture	2021/11/22
Nina Viljoen	Garden Route District Municipality	2021/11/22
Carina Wiggill	Heritage society	2020/09/30

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# Cape EA Prac

Cape Environmental Assessment Practitioners (Pty) Ltd



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PO Box 2070, George 6530

## PUBLIC PARTICIPATION PLAN - VERSION 2

for

House Steenekamp

On

Portion 19 of 257 Farm Misgunst aan de Gouritz Rivier, Vleesbaai (Mossel Bay Municipality)

<b>Date</b>	:	24 November 2021 (updated 20 January 2022)
<b>Reference</b>	:	MOS618 V2
<b>Applicant</b>	:	Aquifer Resource Management (Pty.) Ltd
<b>DEADP Reference</b>	:	16/3/3/6/7/1/D6/37/0159/20
<b>DEA Case Officer</b>	:	Mr Steve Kleinhans

This plan has been revised in response to the DEA&DP correspondence dated 14 December 2021. Updates to the plan are underlined for ease of understanding.

This plan is submitted in 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; 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.

This plan is being submitted together with the Notice of Intent (NOI).

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.

### **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:

- WC Department of Agriculture
- DEA&DP: Coastal Management
- Mossel Bay Municipality (local municipality divisions for services and planning)
- Garden Route District Municipality (district municipality)
- Heritage Western Cape (its MoU with DEADP)
- CapeNature (custodians of biodiversity in the Western Cape Province)

In addition to the above, the following authorities have also been registered and will be requested to provide comment, as per the DEA&DP correspondence of 14 December 2021:

- Breede Gouritz Catchment Management Agency (BGCMA);
- National Department of Forestry, Fisheries & the Environment (DFFE): Oceans & Coasts; and
- South African Civil Aviation Authority (SACAA)

### **CONSULTATION WITH POTENTIAL I&APs:**

The site is in a rural coastal environment and forms part of the Fransmanshoek Conservancy. Surrounding land use includes the lifestyle properties, agriculture and the town of Vleesbaai. 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.

Initial site notices were placed on site on 13 November 2021 to which the Department requested that new ones be put up in response to the Department's correspondence of 14 December 2021. Such new notices will be put up once the commenting period has been confirmed.

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 requested to specify their preferred method of receiving notifications / reports / communication within 48h<sup>1</sup> of the date of a written notification;**
- **will be requested to inform the EAP within 48h<sup>2</sup> 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/applicable documents.**

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

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<sup>1</sup> 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.

<sup>2</sup> 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.

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. Links to other digital platforms such as Skype / WeTransfer / Dropbox (the platform may differ according to preference of different I&APs) will be sent to I&AP who prefer such methods rather than downloading from websites, to access at their discretion.
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 upon written request from such I&APs.
4. Notices of the process will be put up on the site and along the servitude leading to the site once the commenting period/dates have been confirmed.

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 if requested, 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;
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.

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 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 is not necessary 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/ <u>servitude</u> where it will be visible for any person driving past along the servitude road. Notice will reflect the <u>commenting period and the date by which comment must be submitted.</u> <u>POPIA information will be referenced.</u> <u>Will state that documentation is available on website (digitally) and on request from I&amp;APs who cannot access the website version.<sup>3</sup></u>

<sup>3</sup> Digital files are very large and can easily use up data of potential I&APs therefore it is made available on digital platforms i.e. website where an I&AP can choose to download and/or choose which parts of a report he/she is interested in. For this reason I&APs are also given the option to request copies of the report/documents rather it being sent to them directly.

Regulated Requirement	Proposed Actions
<p>(b) giving written notice, in any of the manners provided for in section 47D of the Act, to -</p>	<p>section 47D of the Act, to -</p>
<p>(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;</p>	<p>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.</p>
<p>(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>	<p>Owners of adjacent properties will be notified of this environmental process <u>once the commenting period is confirmed.</u></p>
<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;</p>	<p>The ward councillor will be notified of this environmental process <u>once the commenting period is confirmed.</u></p>
<p>(iv) the municipality which has jurisdiction in the area;</p>	<p>The Mossel Bay municipality (Planning) will be notified of this environmental process <u>once the commenting period is confirmed.</u></p>
<p>(v) any organ of state having jurisdiction in respect of any aspect of the activity; and</p>	<p>All organs of state that have jurisdiction in respect of the activity will be notified of this environmental process <u>once the commenting period is confirmed.</u></p>
<p>(vi) any other party as required by the competent authority;</p>	<p>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.</p>
<p>(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>	<p>An advert calling for registration of I&amp;APs will be placed in the local newspaper.  <u>In addition to the Regulation requirements the commenting date and end date for comment will be stipulated.</u>  <u>Website link will be reflected.</u>  <u>POPIA details will be stipulated.</u>            There is currently no official Gazette that has been published specifically for the purpose of providing public notice of applications</p>
<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</p>	<p>Adverts will not be placed in provincial or national newspapers, as the potential impacts will not extend beyond the borders of the municipal area.</p>
<p>(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>	<p>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.</p>
<p>(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&amp;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.</p>	<p>A notice board will be placed in terms of this requirement and no deviation or additional actions in terms of regulation 650 is required.   <u>In addition to the requirements of the Regulations the requirements the commenting date and end date for comment will be stipulated.</u>  <u>Website link will be reflected.</u>  <u>POPIA details will be stipulated.</u></p>
<p>(4) A notice board referred to in subregulation (2) must -</p>	<p>The notice board placed will comply with this requirement.</p>

Regulated Requirement	Proposed Actions
(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.	
(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"> <li>- Draft BAR</li> <li>- Draft EMPr</li> <li>- All specialist reports that form part of this environmental process.</li> </ul>

The following neighbouring properties have been identified and to whom notifications will be sent once the commenting period of the DBAR is finalised:

SG NUMBER	AREA	Label
C0510000000025700018	119764,88	18/257
C0510000000025700030	104585,92	30/257
C0510000000025700000	2046318,054	RE/257
C0510000000025700002	3688470,22	2/257
C0510000000025700020	103062,79	20/257
C0510000000025700031	104065,3	31/257
C0510000000025700004	1621741,411	RE/4/257

**AMENDMENTS TO THIS PLAN:**

This plan has been amended from the previous version dated 24 November 2021 in response to the correspondence from the DEA&DP dated 14 December 2021.

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

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