



Cape EAPrac

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PUBLIC PARTICIPATION PLAN

for

DIAZ VILLAGE

on

Erf 3991, Hartenbos, Mossel Bay

Date	:	24 August 2022
EAP	:	Louise-Mari van Zyl for <i>Cape EAPrac</i>
Reference	:	GEO708/03
Applicant	:	Neotrend Properties 2 (Pty) Ltd
DEA&DP Reference	:	To Be Confirmed
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 Draft Basic Assessment Report (DBAR), 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/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 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 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, or alternatively printed hardcopies of the executive summary and any specialist reports that they may have interest in, alternatively flashdrives with the complete draft Basic Assessment Report will be offered to stakeholder who may not be able to access websites or visit the Cape EAPrac office.
3. Potential and registered I&APs will be informed that copies of the documentation can be provided in the above manner.

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 type of development proposal and the outcome of the site sensitivity verification, this office does not foresee the need to conduct pre-application public participation. As such there will not be a pre-application basic assessment report.

A comment period of **30 days** for registered I&APs, neighbours & identified stakeholders will be implemented. Given the nature of the activity a Water Use License Application is *not* necessary therefore there is no need to extend the 30-days to 60-days.

The commenting period will commence no later than **10-days** from when the Application Form is submitted to the Department of Environmental Affairs & Development Planning.

Written notifications to potential I&APs will be issued three (3) days prior to the starting date of the 30-day commenting period. NOTE that this does not apply to the newspaper advert as its date (for placement) may not allow a 3-day notification period. The advert will however not appear later than the day prior to the 30-day commenting period commencing.

The draft BAR will be circulated for comment for a 30-day period. Submissions received during this period will be considered by the project team and specialists and responded to. The final Basic 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
(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 proponent is the landowner.

Regulated Requirement	Proposed Actions
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>(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 area where the activity will take place. The site notice will provide all regulated information required for an I&AP to contact the EAP in order to register. The site notice also identifies listed activities, stipulates the applicable legislation.</p> <p>No deviation or additional actions in terms of regulation 660 are required.</p>
(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 occupiers on the site.
(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 and will be provided with access to digital copies of the documents via email or digital platforms.
(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 access to a digital copy of the documentation.
(iv) the municipality which has jurisdiction in the area;	The Mossel Bay Municipality (Environmental/Civil Engineering and Planning) 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 <u>have jurisdiction</u> 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 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>(c) placing an advertisement in -</p> <p>(i) one local newspaper; or</p> <p>(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 will be placed in the <i>Mossel Bay Advertiser</i> 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>

Regulated Requirement	Proposed Actions
<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 -</p> <p>(i) illiteracy;</p> <p>(ii) disability; or</p> <p>(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>Virtual meetings / telephone calls as reasonable alternative methods of public participation will be utilised, where I&APs request such, because they are unable to utilise some of the methods provided.</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 board 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>This will be complied with if final reports are produced later in the environmental process.</p>

Regulated Requirement	Proposed Actions
<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>(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 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 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 BAR - Draft EMPr - All specialist reports that form part of this environmental process. <p>It is not anticipated that pre-application stakeholder engagement in the form of a p-reapplication Basic Assessment Report will take place for this application.</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.

All I&APs are provided with notifications by the following hierarchy: **email, 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 initial notification in terms of the Regulations. The Mossel Bay Municipality has been approached to provide contact details for these property owners in keeping with the POPIA requirements.

FARM/ERF NUMBER	SG CODE
4320	C05100040000432000000
Bardolino Estate	Bardolino Estate
3985	C051000400003985000000
3986	C051000400003986000000
3987	C051000400003987000000

3988	C05100040000398800000
3989	C05100040000398900000
3990	C05100040000399000000
4051	C05100040000405100000
4066	C05100040000406600000
4065	C05100040000406500000
4064	C05100040000406400000
FARM/ERF NUMBER	SG CODE
4063	C05100040000406300000
4062	C05100040000406200000
4061	C05100040000406100000
4060	C05100040000406000000
7679	C05100040000767900000
RE/6041	C05100040000604100000
RE/4312	C05100040000431200000
1/220	C0510000000022000001
450	C05100040000045000000
449	C05100040000044900000
140	C05100040000014000000
139	C05100040000013900000
138	C05100040000013800000
137	C05100040000013700000
136	C05100040000013600000
135	C05100040000013500000
134	C05100040000013400000
133	C05100040000013300000
5853	C05100040000585300000
RE/131	C05100040000013100000
37/220	C0510000000022000037
4217	C05100040000421700000
RE/3971	C05100040000397100000
0/220	C0510000000022000000

The following organs of state / state departments have already been registered:

State Department	Name of person	Contact details	
Mossel Bay Municipality	Carel Venter	Tel	044 606 5073
		Fax	
		E-mail	cventer@mosselbay.gov.za
	Nina Viljoen	Tel	044 803 1448
		Fax	

Garden Route District Municipality		E-mail	nina@gardenroute.gov.za
Cape Nature	Ms Megan Simons	Tel	087 087 3058
		Fax	044 802 5313
		E-mail	msimons@capenature.co.za
Provincial Department of Transport	Grace Swanepoel	Tel	021 483 4669
		Fax	
		E-mail	Grace.swanepoel@westerncape.gov.za
Heritage Western Cape	Stephanie-Anne Barnardt	Tel	021 483 5959
		Fax	
		E-mail	Stephanie.barndardt@westerncape.gov.za
Dept of Forestry	Melanie Koen	Tel	044 302 6907
		E-mail	mkoen@dfpe.gov.za
Transnet	Contact to be confirmed still	Tel	
		E-mail	
BGCMA	Carlo Abrahams	Tel	023 346 8000
		Fax	
		E-mail	cabrahams@bgcma.co.za

It is the view of the EAP that the Provincial Department of Agriculture, South African Civil Aviation Authority and the Provincial Department of Defence have no mandate/jurisdiction over this application. As such they have not been automatically registered for this application.

Proof of all notices, site notices, written notices, meetings etc (as undertaken) will be included in the Final BAR 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 Nol stipulations for public participation. Any deviations to this plan that may take place will be reflected in the Final BAR 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.