

THE PROPOSED 160MM uPVC BULK WATER CONVEYANCE PIPELINE FROM TESSELAARSDAL TO BETHOESKLOOF, WESTERN CAPE.

PROPOSED PUBLIC PARTICIPATION PLAN

DEA&DP PRE-APP REFERENCE NUMBER: 16/3/3/6/7/1/E4/5/1088/20

Submitted to:

Department of Environmental Affairs and Development Planning

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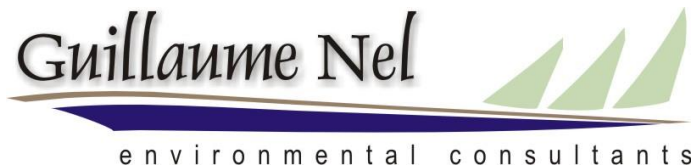
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5 October 2020

Table of Contents

SUBSEQUENT PUBLIC PARTICIPATION PERIOD ROUNDS	2
REGISTER OF INTERESTED AND AFFECTED PARTIES.....	4
REGISTERED INTERESTED AND AFFECTED PARTIES ENTITLED TO COMMENT ON REPORTS AND PLANS	5
COMMENTS OF INTERESTED AND AFFECTED PARTIES TO BE RECORDED IN REPORTS AND PLANS.....	6
CIRCULAR: DEA&DP NO 0024/2020.....	7

Dear Ms. Lorretta Osborne

On 15 March 2020 a National State of Disaster was declared in terms of COVID-19 which has since been extended to 15 October 2020. Regulations, as well as numerous Directions, have since the declaration of the National State of Disaster been issued in terms of the Disaster Management Act, 2002 (Act No. 57 of 2002) ("DMA") regarding COVID-19 related measures. On 18 September 2020 amendments to the Lockdown Regulations were published in terms of the DMA, which brought into effect Alert Level 1, with effect from 21 September 2020.

On 31 March 2020 Directions were issued by the Minister of Forestry, Fisheries and the Environment in respect of the undertaking and administration of Environmental Impact Assessment ("EIA") and related processes during the Lockdown.

On 5 June 2020 new Directions were issued by the Minister of Forestry, Fisheries and the Environment in respect of the undertaking and administration of EIA and related processes during Lockdown Alert Level 3. The Directions of 5 June 2020 repealed the Directions of 31 March 2020. The Directions of 5 June 2020, however, made it clear that in terms of the "*Commencement and duration*", these Directions came "*into effect on the date of publication in the Government Gazette, and will apply during Alert Level 3.*" In other words, these Directions came into effect on 5 June 2020, but the duration of these Directions came to an end at midnight on 17 August 2020 when Alert Level 3 came to an end.

On 9 September 2020 new Directions were issued by the Minister of Forestry, Fisheries and the Environment in respect of the undertaking and administration of EIA and related processes during Lockdown Alert Level 2 and lower. The Directions of 9 September 2020 apply from 9 September 2020 for the remainder of the period of the National State of Disaster.

On 30 September 2020 a new Circular (DEA&DP NO. 0024/2020) was circulated to all Public and Private Sector Stakeholders in Environmental Authorisation and Permitting Processes. This circular was issued in order to withdraw Circular (DEA&DP No. 0017/2020) issued on 18 August 2020 and to confirm that the arrangements set out in Paragraph 4 of the Directions of 9 September 2020 apply to all matters in respect of processes in terms of which Minister Anton Bredell (the Western Cape Provincial Minister of Local Government, Environmental Affairs and Development Planning) or officials of the Western Cape Department of Environmental Affairs and Development Planning (DEA&DP) are the relevant Competent/Licencing Authority.

The new Circular (DEA&DP NO. 0024/2020) must be read together with the applicable legislation, including the Regulations and Directions issued in terms of the DMA and in particular the Directions of 9 September 2020, and is not intended to be a substitute for the provisions of the legislation or Directions in any way. If there is a conflict between the content of the new Circular and a provision in the legislation or Directions, then the provisions in the legislation or Directions prevail. If there is any uncertainty about the requirements or arrangements, the relevant Competent/Licencing Authority in DEA&DP should be approached for guidance and/or confirmation.

While even more restrictions are lifted in terms of Alert Level 1, we must continue to implement the necessary protocols to limit the spread of the COVID-19.

Please refer to the table below for GNEC's proposed Public Participation Plan, in compliance with the stipulation above and Regulations 41 to 44 in Government Notice No. 326 of 7 April 2017.

SUBSEQUENT PUBLIC PARTICIPATION PERIOD ROUNDS		
Regulation No.	Action	GNEC Response
41(5)	Where public participation is conducted in terms of this regulation for an application or proposed application, sub-regulation 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 -	N/A
41(5)(a)	Such process has been preceded by a public participation process which included compliance with sub-regulation 2(a), (b), (c) and (d); and	N/A
41(5)(b)	Written notice is given to registered interested and affected parties regarding where the -	During the pre-app PP (Public Participation), a comprehensive executive summary document were dropped in post boxes of proposed affected property owners/occupants and neighbouring property owners/occupants. Very few owners/occupants registered as I&APs during the pre-app PP. Those who registered supplied their email addresses and contact numbers. The EAP will therefore notify the registered I&APs via email (preferred method during COVID) on the submission of the in process draft BAR. Should additional I&AP's approach the EAP during the in-process PP, the executive summary documents or the full in process draft BAR will be made available on request. Both documents will be made available on GNEC's website. If a need for a hard copy of the in-process draft BAR is expressed by any I&AP, a hard copy will be made available. No request for a hard copy was received during the pre-app PP.
	(i) Revised basic assessment report, or EMPr or closure plan, as contemplated in regulation 19(1)(b);	
	(ii) Revised environmental impact assessment report or EMPr as contemplated in regulation 23(1)(b); or	
	(iii) Environmental impact assessment 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.	
41(6)	When complying with this regulation, the person conducting the public participation process must ensure that -	

41(6)(a)	Information containing all relevant facts in respect of the application or proposed application is made available to potential interested and affected parties; and	No alternative preventative measures are proposed.
41(6)(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.	No alternative preventative measures are proposed.
41(7)	Where an environmental authorisation is required in terms of these Regulations and an authorisation, permit or license 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 process prescribed in terms of a specific environmental management Act, on condition that all relevant authorities agree to such combination of processes.	No alternative preventative measures are proposed.

REGISTER OF INTERESTED AND AFFECTED PARTIES		
Regulation No.	Action	GNEC Response
42	A proponent or applicant must ensure the opening and maintenance of a register of interested and affected parties and submit such a register to the competent authority, which register must contain the names, contact details and addresses of -	No alternative preventative measures are proposed.
	(a) All persons who, as consequence of the public participation process conducted in respect of that application, have submitted written comments or attended meetings with the proponent, applicant or EAP	
	(b) All persons who have requested the proponent or applicant, in writing, for their names to be placed on the register; and	
	(c) All organs of state which have jurisdiction in respect of the activity to which the application relates.	

REGISTERED INTERESTED AND AFFECTED PARTIES ENTITLED TO COMMENT ON REPORTS AND PLANS		
Regulation No.	Action	GNEC Response
43	(1)	<p>A registered interested and affected party is entitled to comment, in writing, on all reports or plans submitted to such party during the public participation process contemplated in these Regulations and to bring to the attention of the proponent or applicant any issues which that party believes may be of significance to the consideration of the application, provided that the interested and affected party discloses any direct business, financial, personal or other interest which that party may have in the approval or refusal of the application.</p>
	(2)	<p>In order to give effect to section 24O of the Act, any State department that administers a law relating to a matter affecting the environment must be requested, subject to regulation 7(2), to comment within 30 days.</p> <p>The EAP will notify relevant state departments that administer the law, of the 30-day commenting period, via email or registered letter (due to the backlog at the Post Office emails are the preferred option).</p> <p>All relevant state departments provided comments on the pre-app draft BAR. The EAP will notify them of the in-process draft BAR submission for 2nd round of comments should they want to comment again. The in-process draft BAR will be made available on GNEC's website, but a One Drive link will also be circulated with the Notification Letter email for them to access the documents via One Drive.</p>

COMMENTS OF INTERESTED AND AFFECTED PARTIES TO BE RECORDED IN REPORTS AND PLANS		
Regulation No.	Action	GNEC Response
44(1)	The applicant must ensure that the comments of interested and affected parties are recorded in reports and plans and that such written comments, including responses to such comments and records of meetings, are attached to the reports and plans that are submitted to the competent authority in terms of these Regulations.	This regulation is not influenced by the lockdown regulations and can continue as per usual without any risk.
44(2)	Where a person desires but is unable to access written comments as contemplated in sub-regulation (1) due to -	<p>Currently there has been no indication that an interested and affected party is having trouble commenting on any of the reports and plans. However, in the instance where there is a need for an alternative method, it will be identified in consultation with the relevant party and relayed to the Department for approval.</p> <p>The national standards will always be complied with as a minimum. The EAP will always wear a mask and request that the interested and affected party also wear a mask throughout the communication period. An acceptable distance of 1.5m between the EAP and the I&AP will be encouraged and any device used to facilitate communication will be sanitised before and after communication. The EAP and the I&APs must always sanitise their hands before and after communication.</p>
	(a) A lack of skills to read or write;	
	(b) Disability; or	
	(c) Any other disadvantage;	
	Reasonable alternative methods of recording comments must be provided for	

CIRCULAR: DEA&DP NO 0024/2020		
Section	Action	GNEC Response
6.3	1. Emails, websites, Zero Data Portals, Cloud Based services, or similar platforms	<p>Although it is impossible to predict the type of alternative methods that will be required before the I&AP has identified him/herself, in the instance where there is a need for an alternative method, GNEC will make use of relevant alternative methods as set out in the circular to inform/ make a relevant information available for all I&APs.</p> <ul style="list-style-type: none"> • Emails will be sent to all Government Departments to inform them of the in-process public participation period. During and after the pre-app public participation period, correspondence with I&APs will also take place via e-mail. • All documentation will be made available on GNEC's website. • All GNEC's contact details were made available during the pre-app PP and will again during the in-process PP, i.e. telephone number, cell phone number etc., and therefore I&APs can contact GNEC telephonically. • Virtual meetings can be facilitated at the request of an I&AP or Government Department. • A newspaper advertisement was published in the local newspaper at the start of the pre-app public participation period. • In GNEC's option Radio Advertisements will not be necessary as numerous other methods will be implemented to inform I&APs. • The Ward Councillor was notified of the pre-app PP and will be notified of the in-process PP as well.
	2. Direct telephone calls	
	3. Virtual meetings	
	4. Newspaper notices	
	5. Radio advertisements	
	6. Community representatives	
	7. Distribution of notices at places that are accessible to potential I&APs.	

	<p>8. Commenting Box</p>	<ul style="list-style-type: none"> • If a hard copy of the documentation is requested by an I&AP, one will be made available at the nearest police station/ or local library. • Additional site notices were made available during the pre-app PP at the two local shops. <p>Upon request of the preferred method of communication, GNEC will ensure that all necessary methods are implemented.</p>
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