



ENVIRONMENTAL AND SOCIAL ADVISORY SERVICES

CES Coastal & Environmental Services
P.O Box 8145,
Nahoon, East London, 5210
Tel: (087) 830 9807
Fax: (086) 410 7822
Email: a.carter@cesnet.co.za
6th April 2021

REF: EC/11/A/LN1/M/21-08

Regional Manager: Ms Hlomela Hanise
Department of Economic Development,
Environmental Affairs & Tourism,
Alderwood House, Palm Square Business Park,
Bonza Bay Road, Beacon Bay, East London, 5241

Email: Hlomela.Hanise@dedea.gov.za

Dear Ms Hanise

BREIDBACH MIXED-USE HOUSING DEVELOPMENT AND SERVICE STATION BASIC ASSESSMENT PUBLIC PARTICIPATION PLAN IN ACCORDANCE WITH THE COVID-19 DIRECTIONS (9 September 2020)

BACKGROUND AND INTRODUCTION

The proposed Breidbach Mixed-Use Housing Development and business area including a service station, is located in the area of Breidbach near King Williams Town within the Buffalo City Metropolitan Municipality (BCMM), Province of the Eastern Cape. The site is accessed via the National Route 2 from East London to King Williams Town approximately 50Km from East London. The properties that form part of the development are Erf 447 and Erf 34 and both fall within the jurisdiction of the BCMM.

Breidbach Properties CC. proposes the subdivision of the development area into separate uses (15 separate erven) including a service station with storage capacity of 79 m³, office space, retail as well as residential area. The Breidbach Mixed Use Development as a whole consists of the following:

- Institutional Zone 1;
- Residential Zone 3B;
- Private Open Space; and
- Transport zone.

ENVIRONMENTAL AUTHORISATION REQUIREMENTS

In terms of the Environmental Impact Assessment (EIA) Regulations 2014 (as amended), promulgated in terms of Section 24 (5) of the National Environmental Management Act (NEMA, Act No. 107 of 1998), a Basic Assessment (BA) Process is triggered by the following listed activities:

Coastal and Environmental Services (Pty) Ltd
T +27 43 726 7809 | F +27 86 410 7822
PO Box 8145, Nahoon, East London, 5210
Reg no: 2012/151672/07
www.cesnet.co.za

Directors: AM Avis, AR Carter, M Streak & Q Botha



ENVIRONMENTAL AND SOCIAL ADVISORY SERVICES

- **Listing Notice 1:** 27 The clearance of an area of 1 hectare or more but less than 20 hectares of indigenous vegetation.
- **Listing Notice 2:** 28 Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1988 and where such development- will occur inside an urban area, where the total land to be developed is bigger than 5ha.

As such, a **BA Process** will be undertaken in accordance with Regulations 19 to 20 and Appendix 1 of the EIA Regulations 2014 (as amended).

PUBLIC PARTICIPATION

Public consultation is a requirement in terms of Chapter 6 of the NEMA EIA Regulations (2014, as amended) for all Applications for Environmental Authorisation (EA). Formal EIA documents are required to be made available for public review and comment by the authorities. For the BA Process, these include the Basic Assessment Report (BAR), and the decision of the competent authority.

EIA SERVICES DURING COVID-19 LOCKDOWN ALERT LEVEL 3 AND FOR THE REMAINDER OF THE COVID-19 NATIONAL STATE OF DISASTER

1. On 15 March 2020 a National State of Disaster was declared in terms of COVID-19 which has since been extended and is still in place. 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. During December 2020 amendments to the Lockdown Regulations were published in terms of the DMA, which put South Africa back in Alert Level 3.
2. 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.
3. 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 duration of Directions of 5 June 2020 came to an end at midnight on 17 August 2020.
4. 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 the national state of disaster declared in terms of COVID-19. The Directions of 9 September 2020 came into effect from 9 September 2020 and apply for as long as the national state of disaster declared in terms of COVID-19 remains in place (i.e. irrespective of the Alert Level that is in place, the Directions of 9 September 2020 apply for as long as the national state of disaster is still in place).

The COVID-19 crisis has significant implications for the public consultation process due to the limitations imposed regarding public gatherings. As such, physical public meetings are no longer possible and it is unclear when these will be permissible again. Disadvantaged communities do not have ready access to the technology

Coastal and Environmental Services (Pty) Ltd
T +27 43 726 7809 | F +27 86 410 7822
PO Box 8145, Nahoon, East London, 5210
Reg no: 2012/151672/07
www.cesnet.co.za

Directors: AM Avis, AR Carter, M Streak & Q Botha



ENVIRONMENTAL AND SOCIAL ADVISORY SERVICES

required to participate in online meetings. However, alternative measures are provided below which will ensure inclusive participation by the local community.

This Public Participation Plan is submitted to the Department of Economic Development, Environmental Affairs and Tourism (DEDEAT), the identified competent authority to consider the Application for EA for the proposed Breidbach mixed-use development and service station.

The means of public consultation proposed in this plan include:

- Site notice;
- Newspaper advertisement;
- Written notification and information to stakeholders and registered I&APs;
- Written notification and information to affected landowner(s) via the Department of Agriculture, Land Reform and Rural Development (DALRRD) and Buffalo City Metropolitan Municipality ward councillors;
- Direct telephonic communication with community representatives (including a written summary);
- Distribution of the Background Information Document (BID) and Executive Summary of the Draft BAR to the community via the relevant ward councillor;
- Full hardcopy report (Draft BAR) with the ward councillor;
- BID and DBAR distribution register;
- BID and DBAR original comment slips; and
- Authority and Stakeholder engagement (See Table 1).

1. Site Notice

According to Regulation 41(2) of the NEMA EIA Regulations 2014 (as amended) "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.*

A site notice (English) will be placed at the entrance of the site to notify adjacent landowners, occupants and people in the vicinity of the site of the proposed development.

2. Newspaper advertisement

Coastal and Environmental Services (Pty) Ltd
T +27 43 726 7809 | F +27 86 410 7822
PO Box 8145, Nahoon, East London, 5210
Reg no: 2012/151672/07
www.cesnet.co.za

Directors: AM Avis, AR Carter, M Streak & Q Botha



ENVIRONMENTAL AND SOCIAL ADVISORY SERVICES

- (b) *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;*
- (c) *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);*

A newspaper advertisement will be placed in the Daily Dispatch (provincial newspaper), in order to notify the general public of the proposed development and of the availability of the Draft BAR for a thirty (30) day public review period.

3. I&AP and Stakeholder Notifications

- (d) *giving written notice, in any of the manners provided for in section 47 D 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 and to any alternative site where the activity is to be undertaken;*
 - (ii) *owners, persons in control of, and occupiers of land adjacent to the site where the activity is or is to be undertaken and to any alternative site where the activity is to be undertaken;*
 - (iii) *the municipal councillor of the ward in which the site and alternative site is situated and any organisation of ratepayers that represent the community in the area;*
 - (iv) *the municipality which has jurisdiction in the area;*
 - (v) *any organ of state having jurisdiction in respect of any aspect of the activity; and*
 - (vi) *any other party as required by the competent authority;*

Identified Interested and Affected Parties (I&APs) and stakeholders will be notified in writing and invited to comment and register. Initial notifications, including Letters of Notification and BID, will be sent out. As the competent authorities, the DALRRD and the Buffalo City Metropolitan Municipality need to be informed of the proposed development and as such, will be notified of the project, and invited to comment. The relevant ward councillor(s) (community representatives) will be engaged with telephonically and provided with BIDs to distribute to the community. A delivery register will be provided as proof of distribution. The BID will include a registration sheet and comment slip that can be completed and returned to CES via the ward councillor. Once contact details have been received via the registration sheets, I&APs will also be sent SMS notifications of all comment opportunities and report submissions. All proof of stakeholder notification throughout the process will be included in the subsequent Final Basic Assessment Report.

4. Stakeholder Identification and Registered I&APs

Coastal and Environmental Services (Pty) Ltd
T +27 43 726 7809 | F +27 86 410 7822
PO Box 8145, Nahoon, East London, 5210
Reg no: 2012/151672/07
www.cesnet.co.za

Directors: AM Avis, AR Carter, M Streak & Q Botha



ENVIRONMENTAL AND SOCIAL ADVISORY SERVICES

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:

- (a) all persons who, as a 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.*

A preliminary I&AP database, including all identified Stakeholders and I&APs, has been included in Table 1 on Page 6 of this plan.

5. Public Review of Reports

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 the EIA Regulations (2014, as amended) 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.

The public participation process must give all potential or registered interested and affected parties, including the competent authority and any State department that administers a law relating to a matter affecting the environment, a period of at least 30 days to submit comments on the Basic Assessment Report.

The Draft BAR will be made available for a thirty (30) day public review period. All registered I&APs will be notified (via the means indicated above in Section 3) of the availability of the Draft BAR for public comment. A full copy of the Draft BAR will be available on the CES website (<http://www.cesnet.co.za/public-documents>) and a hardcopy will be provided to the ward councillor to place in a community venue which is open to the public under the current lockdown level.

6. Issues Raised by I&APs

(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.

(2) Where a person desires but is unable to access written comments as contemplated in subregulation (1) due to—

- (a) a lack of skills to read or write;*

Coastal and Environmental Services (Pty) Ltd
T +27 43 726 7809 | F +27 86 410 7822
PO Box 8145, Nahoon, East London, 5210
Reg no: 2012/151672/07
www.cesnet.co.za

Directors: AM Avis, AR Carter, M Streak & Q Botha



ENVIRONMENTAL AND SOCIAL ADVISORY SERVICES

*(b) disability; or
(c) any other disadvantage;
reasonable alternative methods of recording comments must be provided for.*

Stakeholders and I&APs will provide written comments via post, email or facsimile. Alternatively, community comments will be obtained via a registration sheet and comment slip that can be completed and returned to CES via the ward councillor. In addition, if people prefer verbal (telephonic) engagement, a written record of comments and issues raised in the conversations with I&APs and stakeholders will be maintained.

All public participation activities will be collated into a Comments and Response Report (CRR), which will be included in the Draft and Final BARs respectively.

7. Notification of the authority decision

*(2) The applicant must, in writing, within 14 days of the date of the decision on the application ensure that
(a) all registered interested and affected parties are provided with access to the decision and the reasons for such decision; and
(b) the attention of all registered interested and affected parties is drawn to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, if such appeal is available in the circumstances of the decision.*

I&APs will be notified (via the means indicated above in Section 3) of the Competent Authority Decision in relation to the application and the availability thereof for review. A full copy of the Authority Decision will be available on the CES website and a hardcopy will be provided to the ward councillors to place in community venues.

Table 1 Preliminary List of Stakeholders and Interested and Affected Parties

Name	Surname	Organisation	Email
PROVINCIAL DEPARTMENTS			
Andiswa	Mgadle	DWS	MgadleA@dws.gov.za
Lizna	Fourie	DWS	FourieL4@dws.gov.za
Sello	Mokyana	ECPHRA	smokhanya@ecphra.org.za
Hlomela	Hanise	DEDEAT	hlomela.hanise@dedea.gov.za
Nonzukiso	Nthutsha	DEDEAT	nonzukiso.ntshutsha@dedea.gov.za
Mbulelo	Songqishe	ECDRT	mbulelo.songqishe@dpw.ecape.gov.za
Randall	Moore	ECDRT	randall.moore@ectransport.gov.za
Nenekazi	Sonxaba	SANRAL	songxaban@nra.co.za
Nomantombaza	Gazi	DEFF	NomantombazanaG@daff.gov.za
TV	Ramantshibila	DAFF	TshifhiwaRa@daff.gov.za
Sonwabile	Bavu	Department of Human Settlements	sonwabileB@ecdhs.gov.za

Coastal and Environmental Services (Pty) Ltd
 T +27 43 726 7809 | F +27 86 410 7822
 PO Box 8145, Nahoon, East London, 5210
 Reg no: 2012/151672/07
www.cesnet.co.za

Directors: AM Avis, AR Carter, M Streak & Q Botha



ENVIRONMENTAL AND SOCIAL ADVISORY SERVICES

Name	Surname	Organisation	Email
Sazi	Sobopa	Department of Human Settlements	SaziS@ecdhs.gov.za
MUNICIPALITIES			
Andile	Sihlahla	BCMM	citymanager@buffalocity.gov.za
Adrian	van der Merwe	BCMM	adrianva@buffalocity.gov.za
Kevin	Kalazani	BCMM	kevink@buffalocity.gov.za
Graham	Cowley	BCMM	grahamc@buffalocity.gov.za
Owen	Becker	BCMM	traceyk@buffalocity.gov.za
Jane	Galo	BCMM	janeg@buffalocity.gov.za
Nomathandazo	Hanise	BCMM	tandih@buffalocity.gov.za
Nosisa	Rubushe	BCMM	nosisar@buffalocity.gov.za
COMMUNITY			
Sixolisiwe	Ntsasela	BCMM Ward 44 Councillor	SixolisiweN@buffalocity.gov.za
Terence	Fritz	BCMM Ward 44 Councillor	mrtee@border.co.za

Coastal and Environmental Services (Pty) Ltd
 T +27 43 726 7809 | F +27 86 410 7822
 PO Box 8145, Nahoon, East London, 5210
 Reg no: 2012/151672/07
www.cesnet.co.za

Directors: AM Avis, AR Carter, M Streak & Q Botha