



GA Environment

**PUBLIC PARTICIPATION PLAN (PPP)
FOR THE SCOPING AND ENVIRONMENTAL IMPACT ASSESSMENT AND THE
WATER USE LICENSE AUTHORISATION APPLICATIONS FOR THE PROPOSED
LOWER COERNEY BALANCING DAM,
SUNDAY'S RIVER VALLEY LOCAL MUNICIPALITY, EASTERN CAPE**

November 2021

This plan has been submitted as per the requirements of the Directions regarding the measures to address, prevent and combat the spread of the COVID-19 relating to the National Environmental Management Permits and Licences issued by the Minister of Forestry, Fisheries and the Environment (DFFE) on 05 June 2020 and 09 September 2020.

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1. INTRODUCTION

GA Environment (Pty) Ltd has been appointed by the DWS as independent Environmental Assessment Practitioners to undertake an Environmental Authorisation (EA) through a Scoping and Environmental Impact Assessment (EIA) and a Water Use Authorisation (WUA) through a Water Use License (WUL) process for the proposed Lower Coerney Balancing Dam in Sunday's River Valley Local Municipality, Eastern Cape Province.

The proposed Lower Coerney Balancing Dam development is located on Portion 7 of the Farm Scheepersvlakte No. 98, owned by Scheepersvlakte Farms (Pty) Ltd, Farm 713 and Farm Enon Mission 574 (Remaining Extent of Farm 40). The site has approximate site center coordinates of 33°26'29.77"S and 25°37'23.68"E. The proposed location of the Coerney Dam is upstream of the Coerney Siphon outlet in a valley east of and adjacent to the existing Scheepersvlakte Dam. The site can be accessed from a gravel road which connects to the R336 approximately 4km south west of the site. There are currently no formal roads within the Scheepers Vlake farm. Coerney Dam's footprint is approximately 77.1 hectares. The footprint of the proposed Coerney Dam overlaps with portions of the planned future Scheepersvlakte Farms development. The area of proposed future citrus orchards impacted by the proposed dam is approximately 36 hectares.

The existing Scheepersvlakte Balancing Dam is a balancing facility for water supply to the Lower Sundays River Government Water Scheme (LSRGWS) and the Nelson Mandela Bay Metropolitan Municipality (NMBM), and for emergency supply. The need for this authorisation process for the new balancing dam is to provide additional balancing storage in addition to the existing Scheepersvlakte Balancing Dam, which has lost storage due to siltation. The main purpose of the proposed new balancing dam at the Coerney site is to eliminate the operational and balancing storage limitations imposed by Scheepersvlakte Dam.

The main advantage of the dam is that it will be operated under gravity. The dam will be filled from the Kirkwood primary canal via a new pipeline and the dam will supply the Nooitgedacht Wastewater Treatment Works (WTW) via a new connecting pipeline to the existing 1 400mm Nooitgedacht pipeline. The proposed Coerney Dam will be filled, and topped up, over a lengthy filling period through gravity supply. The existing Scheepersvlakte Dam and proposed Coerney Dam, although filled from the same source, should be operated separately under normal operations. The proposed Coerney Dam will be used as balancing storage for NMBM (and the landowner), and the Scheepersvlakte Dam will revert to its original function and will only be used as balancing storage for irrigation.

The development of Coerney Dam and associated infrastructure will result in the clearance of indigenous vegetation and infilling or depositing of material from a watercourse.

According to the EIA Regulations 2014, as amended, a Scoping and EIA Process is required for the project based on the following triggered activities: **GNR 983 Listing Notice 1** (Activities 9, 12 and 16) and **GNR 984 Listing Notice 2** (Activities 15 and 16) and **Listing Notice 3**. These activities pertain to the development of the dam and associated infrastructure, infilling or deposition of material from a watercourse and the clearance of indigenous vegetation of more than 20 hectares respectively. A

Water Use Authorization (WUA) will be triggered in terms of Section 21 of the National Water Act (NWA), 1998 (Act No. 36 of 1998). The triggered Section 21 activities are; (b) storing of water, (c) impeding or diverting the flow in a watercourse, (d) engaging in a streamflow reduction activity, and (i) altering the bed, banks, course or characteristics of a watercourse.

On the 5th of June and the 9th of September 2020, the Minister issued directions regarding the measures to address, prevent and combat the spread of the COVID-19 relating to the National Environmental Management Permits and Licences. One of the requirements provided in the directions is that a Public Participation Plan (PP Plan) shall be submitted to the Department of Forestry, Fisheries and the Environment (DFFE), in instances where a case officer has been assigned to the project then the Public Participation Plan shall be submitted to the case officer.

According to Section (2)(4)(f) of the National Environmental Management Act, the participation of all Interested and Affected parties (I&APs) must be promoted and all potential I&AP's must be informed early and in an informative and proactive way regarding applications that may affect their lives or livelihood. In order to give effect to the above sections, it is essential to ensure that there is adequate and appropriate opportunity for Public Participation (PP) in decisions that may affect the environment.

The purpose of this document is to provide the competent authority with direction on the public participation processes to be fulfilled while ensuring that the Environmental Assessment Practitioner's actions limit the threat posed by the Covid-19 pandemic and to alleviate, contain and minimise the effects of the national state of disaster. It is the intention of GA Environment to ensure that reasonable opportunity is provided for public participation and that all administrative actions are reasonable. While the challenges posed by COVID-19 pandemic are drastic, the specific measures recommended have been carefully considered to ensure that the process is clear and participatory to all I&APs.

The NEMA EIA Regulations 2014 (as amended) prescribe the minimum requirements for public participation as summarised in **Table 1**. Due to the COVID-19 pandemic and in line with the Section 27(2) of the Disaster Management Act, additional measures have been proposed in this PP Plan. The level of public participation required for the proposed Lower Coerney Balancing Dam has been informed by:

- the scale of anticipated impacts of the proposed project;
- the sensitivity of the affected environment and the community interest in the matters related to the project; and
- the characteristics of the potentially affected parties.

2. LEGISLATIVE REQUIREMENTS

Chapter 6 of the NEMA EIA Regulations 2014, as amended (Government Notice R. 982 in Government Gazette No. 40772 of 07 April 2017) prescribes the minimum requirements for Public Participation through which all role players including potential I&APs, state departments, organs of state, and the competent authority (CA) to obtain clear, accurate and understandable information about the environmental impacts of the proposed activity or implications of a decision. These requirements and the sections of the report in which they have been addressed is provided in **Table 1**.

Table 1: Minimum requirements for Public Participation

GN 982, Reference	Content	Reference in Table 2
41 (2) (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;	1.9
41 (2) (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	1.3
(ii)	owners, persons in control of, and occupiers of land adjacent to the site where the activity is or is to be undertaken	1.4
(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;	1.5
(iv)	the municipality which has jurisdiction in the area;	1.6
(v)	any organ of state having jurisdiction in respect of any aspect of the activity; and	1.7
(vi)	any other party as required by the competent authority;	1.2, 1.4 & 1.7
41 (2) (c)	placing an advertisement in—	
(i)	one local newspaper;	1.8
(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;	N/A
42 (a)	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	1.2
43 (1)	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	2.1
43 (1)	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.	2.2

3. PUBLIC PARTICIPATION PLAN

The provision of public participation tasks has been outlined in **Table 2**. In addition to the public participation requirements, mechanisms for the undertaking of Public Participation, is subjected to all the applicable health and safety and other restrictions, directions and requirements determined in terms of section 27(2) of the Disaster Management Act.

Table 2: Public Participation Procedure to be followed

No.	PUBLIC PARTICIPATION TASK TO BE PERFORMED	MECHANISM FOR THE UNDERTAKING OF THE PUBLIC PARTICIPATION TASK	Date & Status
Section 1. Initial Public Participation Phase			
1.1	Pre-application meeting	This task will not be undertaken as all aspects of the proposed activity and processes are understood.	The Pre-Application form will be submitted only for purposes of the approval of the PP Plan.
1.2	Identifying and approaching specific I&AP's	A register of all I&APs will be opened and maintained throughout the project. Consultation will be mainly through telephone and e-mails to minimise the risk of the spread of the Covid-19 virus.	Ongoing. Evidence will be included in the Scoping Report and EIR.
1.3	Written Notification of the owner or person in control of the site	Each landowner will be contacted telephonically/emailed and informed of the project and written notification will be provided to all potentially affected landowners. A land acquisition process will be undertaken after the authorisation phase of the project.	Ongoing. This task will be undertaken upon approval of the public participation plan in November 2021. Evidence will be included in the Scoping Report and EIR.
1.4	Written Notification of occupiers of land adjacent to the site	Written notification will be provided to adjacent landowners during the initial public participation phase. The distribution of electronic notification letters will be undertaken. The Ward Councillor and ward committee members will be contacted regarding the adjacent businesses, as well as the farming community and the community forums that shall be informed of the proposed development.	Ongoing. This task will be undertaken upon approval of the public participation plan during November 2021. Evidence will be included in the Scoping Report and EIR.
1.5	Written Notification of the municipal	The Ward Councillors of Ward 8 Sundays River Valley Local Municipality will be contacted	Ongoing. This task will be

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	councillor of the ward in which the site is located.	regarding the proposed project. A notification letter will be provided electronically to the ward councillor. The Ward Councillor will be contacted to discuss the Public Participation Plan and to obtain details of the community structure and the community forums.	undertaken upon approval of the public participation plan in November 2021. Evidence will be included in the Scoping Report and EIR.
1.6	Written Notification of the municipality which has jurisdiction in the area.	Notification letters will be sent through electronically to the following municipal departments: <ul style="list-style-type: none"> • District Municipality: <ul style="list-style-type: none"> ➢ Sarah Baartman District Municipality <ul style="list-style-type: none"> ○ Infrastructure Development and Community Services; and ○ Economic Development and Planning. • Local Municipality: <ul style="list-style-type: none"> ➢ Sundays River Valley Local Municipality <ul style="list-style-type: none"> ○ Infrastructure Planning and Development; and ○ Water Department. 	Ongoing. This task will be undertaken upon approval of the public participation plan in November 2021. Evidence will be included in the Scoping Report and EIR.
1.7	Written Notification of any organ of state having jurisdiction in respect of any aspect of the activity	The following Organs of State have been identified as Commentary Authorities: <ul style="list-style-type: none"> • Department of Forestry, Fisheries and the Environment: <ul style="list-style-type: none"> ○ Legal Authorisations and Compliance Inspectorate ○ Biodiversity and Conservation • Eastern Cape Department of Economic Development, Environmental Affairs and Tourism <ul style="list-style-type: none"> ○ Environmental Management Department; and ○ Environmental Affairs. • Department of Water and Sanitation: <ul style="list-style-type: none"> ○ Eastern Cape Region • Eastern Cape Provincial Heritage Resources Authority; • South African Heritage Resources Agency (SAHRA), and; • The Eastern Cape Department: Rural Development and Agrarian Reform (Agricultural Department – Eastern Cape). <p>The above-mentioned organs of state will be informed of the proposed project. Notification letters will be submitted to them electronically.</p>	Ongoing. This task will be undertaken upon approval of the public participation plan during November 2021. Evidence will be included in the Scoping Report and EIR.
1.8	Placing an advertisement	A newspaper advertisement will be placed on The Herald I (Kirkwood to Gqeberha circulation	This task will be undertaken

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		areas), notifying the public about the project and calling on all I&APs to register with the project.	upon approval of the public participation plan in November 2021. Evidence will be included in the Scoping Report and EIR.
1.9	Fixing a notice board	On-site notices presenting the project will be erected at visible and accessible locations close to and along the farm boundaries of Scheepersvlakte Farms (Pty) Ltd, the town of Kirkwood and the offices of the Sundays River Valley Local Municipality..	Ongoing. This task will be undertaken upon approval of the public participation plan in November 2021. Evidence will be included in the Draft Scoping Report.
Section 2: Draft Scoping Report (DSR) Review Phase			
2.1	Distribution of DSR to registered I&APs and members of the public and notification of the availability of the report.	<p>The Draft Scoping report will be made available to the public by the following means:</p> <ul style="list-style-type: none"> • Sundays River Valley Local Municipality Community Library • GladAfrica Group (Pty) Ltd Website; • Electronic copies via a link whereby the report can be downloaded. • Online SMS portal to send bulk SMSs to I&APs where email addresses were not made available. <p>The public review period of the DSR will commence as soon as the PP Plan has been approved. Due to the national lockdown and regulations regarding public venues, the availability of the report at the community library may be affected should the fourth wave be experienced. However, all registered I&APs will be informed about the availability of the report electronically. All I&APs will be provided with a link whereby the report can be easily downloaded. Hard copies of the report will be made available only to I&APs upon request in order to limit the risk of any possible contamination.</p> <p>GA Environment will engage with the councillor and local authorities moving forward regarding the communication of the project and the availability of the DSR. Proof of such communication will be included in the Final Scoping Report.</p>	The process will be undertaken in line with the directions provided by the Minister of Forestry, Fisheries and the Environment (DFFE) regarding the measures to address, prevent and combat the spread of the COVID-19 relating to the National Environmental Management Permits and Licences. DFFE to approve or advice regarding the way forward.
2.2	Distribution of Draft DSR to organs of state having jurisdiction in respect of any aspect of the activity	<p>The Draft Scoping Report will be made available to the following Organs of State:</p> <ul style="list-style-type: none"> • Department of Forestry, Fisheries and the Environment; • Eastern Cape Department of Economic Development, Environmental Affairs and Tourism 	The process will be undertaken in line with the directions provided by the

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		<ul style="list-style-type: none"> Department of Water and Sanitation (Eastern Cape Region); South African Heritage Resource Agency; and Eastern Cape Provincial Heritage Resources Authority What about the Dept of Agric??. <p>Proof of submission will be submitted to DFFE with the Final Scoping Report. The above mentioned I&Ps will be informed of the directions given by DFFE and a link whereby the report and appendices can be downloaded. GA Environment will also make telephonic updates with the respective I&APs to confirm receipt of the report.</p>	Minister of the Department of Forestry, Fisheries and the Environment (DFFE) regarding the measures to address, prevent and combat the spread of the COVID-19 relating to the National Environmental Management Permits and Licences. DFFE to approve or advice regarding the way forward.
2.3	Public Meeting	<p>The need for a public meeting will be determined by the response received in the Initial Public Participation phase. At this stage, a public open day will be held for the proposed project with the farmers and stakeholders on and around the Scheepersvlakte Farms. The following alternative means are however available:</p> <ul style="list-style-type: none"> All I&APs that provide comments will be acknowledgment by GA Environment. GA Environment will respond to all comments received from I&APs; The comments and response report will be updated and made available in the Final Scoping Report; and All I&APs will also be provided with the link to download an electronic copy of the Final Scoping Report. <p>However, should the comments received on the proposed project warrant the need for a public open day, then the Disaster Management Act requirements prescribed at a time of undertaking this activity will be applicable and therefore, applied. The open day will be broken up into various sessions which will limit the number of I&APs to each session, however each I&AP will be afforded the opportunity to meet the project team and obtain additional information on the project and provide their comments.</p>	The process will be undertaken in line with the directions provided by the Ministry of DFFE regarding the measures to address, prevent and combat the spread of the COVID-19 relating to the National Environmental Management Permits and Licences. DFFE to approve or advice regarding the way forward.
2.4	Focus Group Meeting with representatives of organs of state having jurisdiction	Focus group meetings if required, will be undertaken based on the comments received from I&APs and the request of I&APs to have a meeting. The meeting can be held in person provided that the Disaster Management Regulations are adhered to. These meetings will be recorded and provided if requested by the competent authority.	The process will be undertaken in line with the directions provided by the DFFE regarding the measures to

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			address, prevent and combat the spread of the COVID-19 relating to the National Environmental Management Permits and Licences. DFFE to approve or advice regarding the way forward.
2.5	Focus Group meetings with vulnerable and marginalised groups; and	GA Environment will liaise with the Ward Councillor regarding vulnerable and marginalised communities other than those identified and then contacted by GA Environment. GA Environment will inform the Ward Councillor regarding the proposed project and the directions issued by the Minister of DFFE regarding the COVID 19 and its impact on local communication. GA Environment will provide the Ward Councillor with an electronic notification as well as a WhatsApp notification. The WhatsApp notification will be distributed to the various community groups. All responses from these groups will be consolidated and sent back to GA Environment for a response. Should there be a need, based on the comments raised and GA Environment's assessment of the comments, focus group meetings will be considered, bearing in mind COVID 19 restrictions and social distancing.	The process will be undertaken in line directions regarding the measures to address, prevent and combat the spread of the COVID-19 relating to the National Environmental Management Permits and Licences. DFFE to approve or advise on the way forward.
2.6	CA Site Visit	A site visit will only be undertaken should it be required by DFFE. Social distancing and hygiene practices will be followed. GA Environment will provide as much photographic evidence of the site as possible in the Draft Scoping Report.	The process will be undertaken in line with the directions provided by the Ministry of DFFE regarding the measures to address, prevent and combat the spread of the COVID-19 relating to the National Environmental Management Permits and Licences. DFFE to approve or advice regarding the way forward.

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Section 3: EIA Phase			
3.1	Distribution of Draft EIR to registered I&APs and members of the public and notification of the availability of the report.	The I&AP database will be maintained throughout the duration of the project. All I&APs on the database will receive an email notification on the availability of the Draft Environmental Impact Assessment Report (EIR). The report will be made available electronically however should public venues be open during the EIR phase the reports will be placed at the community library in Middelstraat in Kirkwood (across from the Clinicare Private Hospital). Before the placement of the reports at the venue, GA Environment will confirm the COVID 19 measures that are in place for all visitors. Copies of the report will also be made available to the Ward Councillor for discussions in her committee meetings.	To be confirmed and will follow the then Disaster Management Act requirements prescribed at a time of undertaking the activity.
3.2	Distribution of Draft EIR to organs of state having jurisdiction in respect of any aspect of the activity	The Draft EIR will be made available to organs of state electronically or should they prefer a hard copy report, such will be made available upon request.	To be confirmed and will follow the then Disaster Management Act requirements prescribed at a time of undertaking the activity.
3.3	Public Meeting/Open Day	Based on the legislated timeframes of a Scoping and EIA process, it is anticipated that a Public Meeting or Public Open Day could be held during the latter part of the second quarter of 2022. The EAP will assess the comments received from I&APs. The necessary arrangements will then be made through liaising with the ward councillor. GA Environment will adhere to Disaster Management Act requirements. The public meeting or open day may be broken up into various sessions which will limit the number of I&APs to each session, however each I&AP will be afforded the opportunity to meet the project team and obtain additional information on the project and provide their comments.	To be confirmed and will follow the then Disaster Management Act requirements prescribed at a time of undertaking the activity
3.4	Focus Group Meeting with representatives of organs of state having jurisdiction	The necessity of focus group meetings will be assessed based on the comments received from I&APs and the request of I&APs to have a meeting.	To be confirmed and will follow the then Disaster Management Act requirements (if applicable) prescribed at a time of undertaking the activity

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Section 4: Post Environmental Authorisation Notification Phase			
4.1	Notification and Distribution of decision/outcome of Environmental Application to registered I&APs and organs of state.	The I&AP database will be maintained throughout the duration of the project. All IAPs on the database will receive an email or SMS notification of the decision made by DFFE including a copy of the National Appeal Regulations 2014. A copy of the decision will be circulated to registered IAPs.	This Notification will be issued as per Annexure 8 of the Directions Regarding Measures to address, prevent and combat the spread of COVID-19 relating to NEMA Permits and Licenses issued on 5 th June 2020 and 9 th September 2020.
4.2	Notification of vulnerable and marginalised groups.	GA Environment will liaise with the Ward Councillors regarding communities other than those identified and contacted by GA Environment. GA Environment will set up a telephonic/virtual meeting with the IAPs to notify them of the decision in a language they are comfortable with. SMS portal will be used to inform those with cell phone handsets of the decision. In the event that specific groups or individuals do not have access to telephone or cell phone handsets, communication will be arranged with these parties through the Ward Councillor.	The process will be undertaken in line with the directions provided by the Ministry of DFFE regarding the measures to address, prevent and combat the spread of the COVID-19 relating to the National Environmental Management Permits and Licences. DFFE to approve or advice regarding the way forward.

3 CONCLUSION

The PP Plan will afford all potential and / or registered Interested and Affected Parties including the competent authority and any other stakeholder or organ of state, an opportunity to become involved in the Scoping and Environmental Impact Assessment Process and provide comments during the various phases of the project. GA Environment will ensure that reasonable opportunity is provided for Public Participation and that all administrative actions are reasonable. While the COVID-19 pandemic is unique, the specific measures recommended have been carefully considered and are sufficient to ensure a complete and effective Public Participation, whilst avoiding the spread of COVID-19.