

HilLand Environmental

Environmental Assessment Practitioners

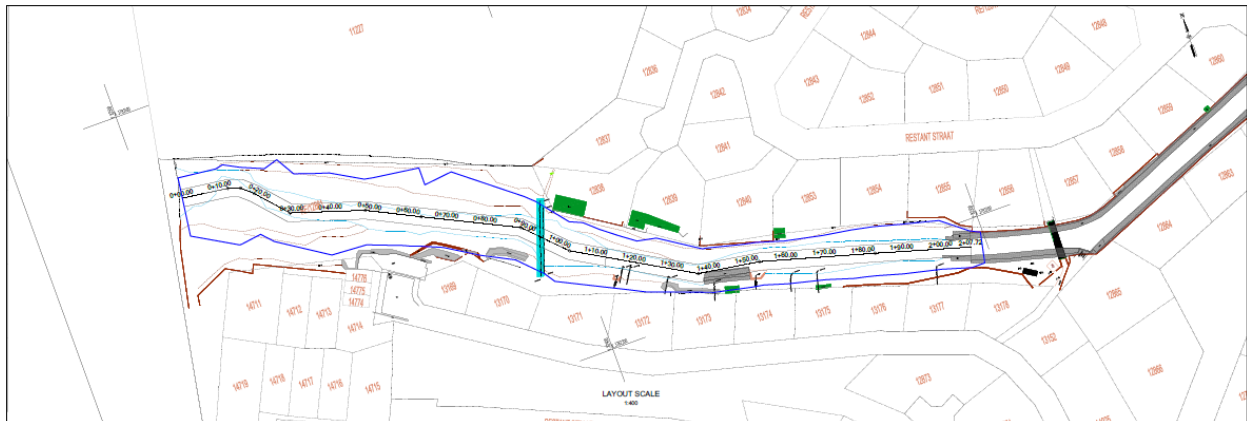
166 Mount View, Victoria Heights
 P.O. Box 590, GEORGE, 6530
 Western Cape, South Africa

Tel: +27(0)44 889 0229
 Fax: +27 (0) 86 542 5248
 Mobile: + 27 (0) 82 5586 589
 E-mail: info@hilland.co.za
 www.hilland.co.za

BASIC ASSESSMENT PUBLIC PARTICIPATION PROCESS REPORT

In terms of Section 56 of the National Environmental Management Act (NEMA Act No 107 of 1998, as amended) and Environmental Impact Regulations, 2014 (as amended)

**FOR THE BOLAND PARK STORMWATER CHANNEL UPGRADE AND MAINTENANCE,
 MOSSEL BAY**



| | |
|----------------------|-------------------------------|
| Compiled by | HilLand Environmental |
| Date | 18 September 2023 |
| Reference | MOS23/1131/05 |
| DEA&DP reference no. | 16/3/3/1/D6/29/0018/23 |

HillLand Environmental Report
MOS23/1131/05
18 September 2023

ISSUED BY:

HillLand Environmental
P.O. Box 590
George, 6530

Tel: 044 889 0229

Fax: 086 542 5248

E-mail: admin@hilland.co.za / cathy@hilland.co.za /
environmental@hilland.co.za

Web site: www.hilland.co.za

BAR - PUBLIC PARTICIPATION PROCESS REPORT

in terms of Section 41 of
ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014
NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998
(ACT NO. 107 OF 1998)

For

**FOR THE BOLAND PARK STORMWATER CHANNEL UPGRADE AND MAINTENANCE,
MOSSEL BAY**

Submitted for:

BAR commenting

Conditions of report use:

The report is the property of the sponsor and the author, who may publish it, in whole, provided:

- 1 That written approval is obtained from the author and that **HillLand Environmental** is acknowledged in the publication;
- 2 That **HillLand Environmental** is indemnified against any claim for damages that may result from publication;
- 3 The contents of this report may not be used for purposes of sale or publicity or advertisement without the prior written approval of **HillLand Environmental**.
- 4 That it is understood that **HillLand Environmental** accepts no responsibility for the contractor's failure to follow the recommended programme.
- 5 That it is understood that **HillLand Environmental** accepts no responsibility for the contractor's deviation or non-compliance to any specifications or guidelines provided in the report.
- 6 That it is understood that all figures, plates and diagrams are copyrighted and may not be reproduced by any means, in any form, in part or whole.

Table of Contents

1 INTRODUCTION 4

REQUIREMENT OF THE PUBLIC PARTICIPATION PROCESS 4

2 ROLES OF THE INTERESTED AND AFFECTED PARTY 12

3 LIST OF INTERESTED AND AFFECTED PARTIES (I&APs) 13

4 PUBLIC PARTICIPATION PROCESS..... 13

5 COMMENT RECEIVED..... 14

 5.1 COMMENT RECEIVED PRIOR TO THE DRAFT BAR 14

 5.2 COMMENT ON DRAFT BASIC ASSESSMENT REPORT 14

6 CONCLUSION..... 14

List of Annexures:

| | |
|-------------------|--|
| Annexure A | Notification of I&AP's |
| Annexure B | Legal advert |
| Annexure C | Site notice |
| Annexure D | List of registered I&APs |
| Annexure E | Comments and correspondences (prior to Draft BAR) |

1 INTRODUCTION

HilLand Environmental, independent Environmental Assessment Practitioners (EAP) have been appointed by the consulting engineers, **SMEC South Africa**, on behalf of the applicant, **Mossel Bay Municipality**, to ensure compliance with the regulations contained in the National Environmental Management Act (NEMA, No 107 of 1998) and the Environmental Impact Assessment Regulations, 2014 (as amended) for the Boland Park storm water channel upgrade and maintenance on Remainder of Erf 12861, Mossel Bay.

The proposal will entail the upgrade of the existing stormwater channel and watercourse at Boland Park, Voorbaai, Mossel Bay. The channel is located within the existing watercourse on Municipal land, the remainder of Erf 12861. It consists of a formalised section under the main road and bridge with gabion side walls and an armourflex concrete block base for the first approximately 115m. From there the watercourse continues upstream in the form of an existing natural channel with modified banks to various degrees to protect homes.

As the various houses along the banks were built over time, numerous bank stabilisation, stormwater management and erosion measures were undertaken adjacent to these properties in an ad hoc manner.

The formal channelisation of the watercourse leading up to the bridge and outlets with gabion sides and an armourflex base will not be modified other than to tie into the upstream modifications required.

The aim is to formalise the ad hoc measures protecting the homes and upgrade the watercourse and storm water channel in a rational manner taking all the risks into account.

A permeable Reno mattress base with gabion side walls is proposed, at different gradients based on the slopes and natural topography and surrounding infrastructure and installed as per the engineering drawings.

This report serves as the public participation report that accompanies the Basic Assessment Report (BAR). All comments received during the commenting period of the BAR, will be included and addressed in this report that will be submitted to the department for their decision-making process.


REQUIREMENT OF THE PUBLIC PARTICIPATION PROCESS

Section 41 of NEMA specifies that a person conducting a public participation process must comply with the following minimum requirements as stipulated in the Regulations:

- (a) fixing a notice board (of a size at least 60cm by 42cm; and must display the required information in lettering and in a format as may be determined by the competent authority) at a place conspicuous to the public at the boundary or on the fence of:
 - (i) the site where the activity to which the application relates is or is to be undertaken; **Two (2) notice boards, at the entrance to Boland Park and at the**

Rooibekkie street parking area (Annexure C) were placed (15th September 2023),

(ii) any alternative site mentioned in the application; Two (2) notice boards, at the entrance to Boland Park and at the Rooibekkie street parking area (Annexure C) (15th September 2023),



Hiland Environmental
Environmental Assessment Practitioners

166 Mount View, Victoria Heights
P.O. Box 590, GEORGE, 6530
Western Cape, South Africa

Tel: +27(0)44 889 0229
Fax: +27 (0) 86 542 5248
Mobile: + 27 (0) 82 5386 589
E-mail: info@hilland.co.za
www.hiland.co.za

SITE NOTICE

Call for Interested and Affected Parties (I&APs) to register and comment on the Basic Assessment Reports (BAR) for the upgrading and maintenance to the storm water system in Boland Park, Mossel Bay

Notice is hereby given in terms of the National Environmental Management Act (NEMA, 107 of 1998) and Environmental Impact Assessment Regulations, 2014 (as amended) in respect of activities identified in terms of Regulations No. 324 & 327 (2014 as amended) and public participation requirements of the Act.

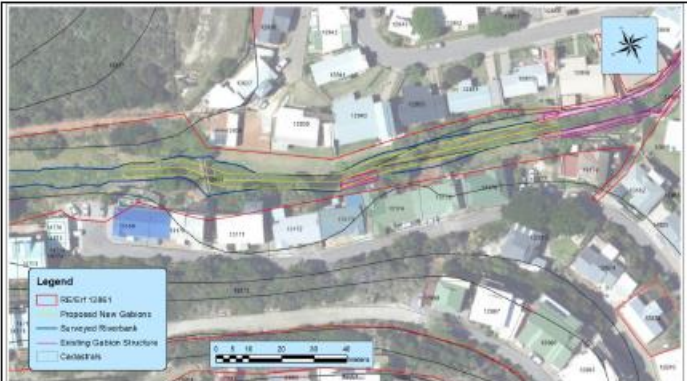
Background on activity: The proposal will entail the upgrade of the existing storm water channel at Boland Park, Voorbaai, Mossel Bay. The upgrade and maintenance of the storm water channel extends from west of Erf 13169 to where it ties in with the existing storm water gabion structure.

Location: Remainder of Erf 12861, Boland Park, Voorbaai, Mossel Bay.
Date of Advertisement: 15 September 2023
Proponent: Mossel Bay Municipality
Consultants: Hilland Environmental, P O Box 590, George, 6530. Tel: 044 889 0229. Fax: 086 542 5248. Email: admin@hilland.co.za
Activities applied for: NEMA EIA - LN1 (19 – infilling/excavation of more than 10m³ within a watercourse and the maintenance management plan exclusion for operational aspect); LN3 (12 – clearing of 300m² or more of endangered vegetation)

In order to ensure that you are registered as an Interested and Affected Party (I&AP), please send your details, motivation for participation and inputs in written format via email (admin@hilland.co.za) to Hilland Environmental. Only registered I&APs will receive further notifications on processes.

The Basic Assessment Report and associated appendices will be available for review and comment for a 30-day commenting period (18 September 2023 to 20 October 2023). All reports will be available on our website at www.hiland.co.za/public-processes.

Written inputs to reach us within the specified commenting periods via email (admin@hilland.co.za). Please note all information will form part of the public record in terms of POPIA.



Site Layout Plan: Upgrading of the storm water system in Boland Park, Mossel Bay

Date: 07 August 2023
Project No: 1131
Drawn By: S. Deppert

Aerial Image - CPM 2002
Cadastral Data - Surveyor General 2019
Site layout table - SWMCC 2023

Projected Coordinate System: GCS_1984_UTM_Zone_34S
Scale: 1:500
Contour: 5m

Hiland Environmental
Environmental Assessment Practitioners

Hiland Environmental
166 Mount View, Victoria Heights
P.O. Box 590, George, 6530
Western Cape, South Africa
Tel: +27(0)44 889 0229
Fax: +27 (0) 86 542 5248
Mobile: + 27 (0) 82 5386 589
E-mail: info@hilland.co.za
www.hiland.co.za



HillLand Environmental
15.09.2023 11:53
-34.16359, 22.10825
29 Kiewiet Cres, Mossel Bay Remainder, Mossel Bay

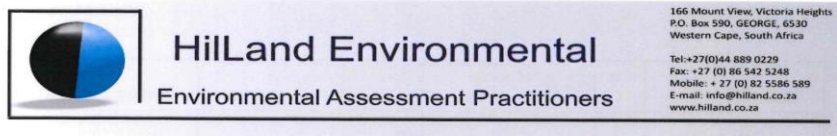
Site notice at the entrance to Boland Park



HilLand Environmental
15.09.2023 11:36
-34.16351, 22.10589
8 Rooibekkie Ave, Mossel Bay Remainder, Mossel Bay

Site notice at the Rooibekkie street parking area

- (b) giving written notice, in any of the manners provided for in section 47D of the Act, to:
- (i) the **owner** or **person in control** of that land if the applicant is not the owner or person in control of the land; the occupiers of the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken – **The owner/person in control of the land is the applicant, Mossel Bay Municipality (Annexure A)**
 - (ii) owners 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 **Notification letters were sent via email and/or letter drop to the neighboring landowners – Annexure A**



Letter distribution to neighbouring properties for notification of the NEMA and NWA process for the upgrading of and maintenance to the storm water system in Boland Park, Mossel Bay


Letters delivered on 15 September 2023

| Property | Signature (if available) | Contact information (if available) | Delivery method |
|-----------------|--------------------------|------------------------------------|-----------------|
| Aloe woonstalle | / | / | Post |
| Rooi bekke 67 L | / | / | Front door |
| 67 K | / | / | Front door |
| 67 J | / | / | Post |
| 67 I | / | / | Post |
| 67 H | / | / | door |
| 67 G | / | / | door |
| 67 F | / | / | door |
| 67 E | N/A | / | Hand |
| 67 C | / | / | gate |
| 67 B | | | |
| 67 A | / | / | Post |
| Park 42 | / | / | Post |

| | | | |
|------------|-----|---|--------------|
| Part 41 | N/A | | Fence - Hand |
| 40 | | / | door |
| 39 | | / | wall |
| 38 | | / | Post |
| kwana 9 | | / | door |
| 12 | N/A | | Hand |
| Kwena 1 | | / | door |
| 2 | | / | Post |
| 3 | | / | door |
| 4 | | / | door |
| 5 | | / | Fence / hand |
| 6 | N/A | | Hand |
| 7 | | / | door |
| | | | / |

Hand delivered notification letters – owners were provided with the option to sign but chose not to.

- (iii) the municipal councilor 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 10 councilor was notified. Annexure A & D.**
 - (iv) the municipality which has jurisdiction in the area – **Mossel Bay Municipality (also the applicant) was notified. Annexure A & D.**
 - (v) any organ of state having jurisdiction in respect of any aspect of the activity; - **All organs of state (and state departments) with jurisdiction were notified. Annexure A & D.**
 - (vi) any other party as required by the competent authority; **DEA&DP has not requested any other parties.**
- (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; **An advert was placed in the Mossel Bay Advertiser on the 15th September 2023. Annexure B.**



HilLand Environmental

Environmental Assessment Practitioners

368 Mount View, Victoria Heights
P.O. Box 590, GEORGE, 6530
Western Cape, South Africa

Tel: +27(0)44 889 0229
Fax: +27 (0) 86 542 5248
Mobile: + 27 (0) 82 5586 589
E-mail: info@hilland.co.za
www.hilland.co.za

Public Participation Process

Call for Interested and Affected Parties (I&APs) to register and comment on the Basic Assessment Reports (BAR) for the upgrading of and maintenance to the storm water system in Boland Park, Mossel Bay

Notice is hereby given in terms of the National Environmental Management Act (NEMA, 107 of 1998) and Environmental Impact Assessment Regulations, 2014 (as amended) in respect of activities identified in terms of Regulations No. 324 & 327 (2014 as amended) and public participation requirements of the Act.

Background on activity: The proposal will entail the upgrade of the existing storm water channel at Boland Park, Voorbaai, Mossel Bay. The upgrade and maintenance of the storm water channel extends from west of Erf 13169 to where it ties in with the existing storm water gabion structure.

Location: Remainder of Erf 12861, Boland Park, Voorbaai, Mossel Bay.
Date of Advertisement: 15 September 2023
Proponent: Mossel Bay Municipality
Consultants: HilLand Environmental (Pty) Ltd. P O Box 590, George, 6530. Tel: 044 889 0229. Fax: 086 542 5248. Email: admin@hilland.co.za
Activities applied for: NEMA EIA - LN1 (19 – infilling/excavation of more than 10m³ within a watercourse and the maintenance management plan exclusion for operational aspect); LN3 (12 – clearing of 300m² or more of endangered vegetation)

In order to ensure that you are **registered** as an Interested and Affected Party (I&AP), please send your details, motivation for participation and inputs in written format via email (admin@hilland.co.za) to HilLand Environmental. **Only registered I&APs** will receive further notifications on processes.

The Basic Assessment Report and associated appendices will be available for review and comment for a 30-day commenting period (**18 September 2023 to 20 October 2023**). All reports will be available on our website at www.hilland.co.za/public-processes.

Written inputs to reach us within the specified commenting periods via email (admin@hilland.co.za).

Please note all information will form part of the public record in terms of POPIA

Mossel Bay Advertiser – 15th September 2023

- (d) 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 **-Yes**

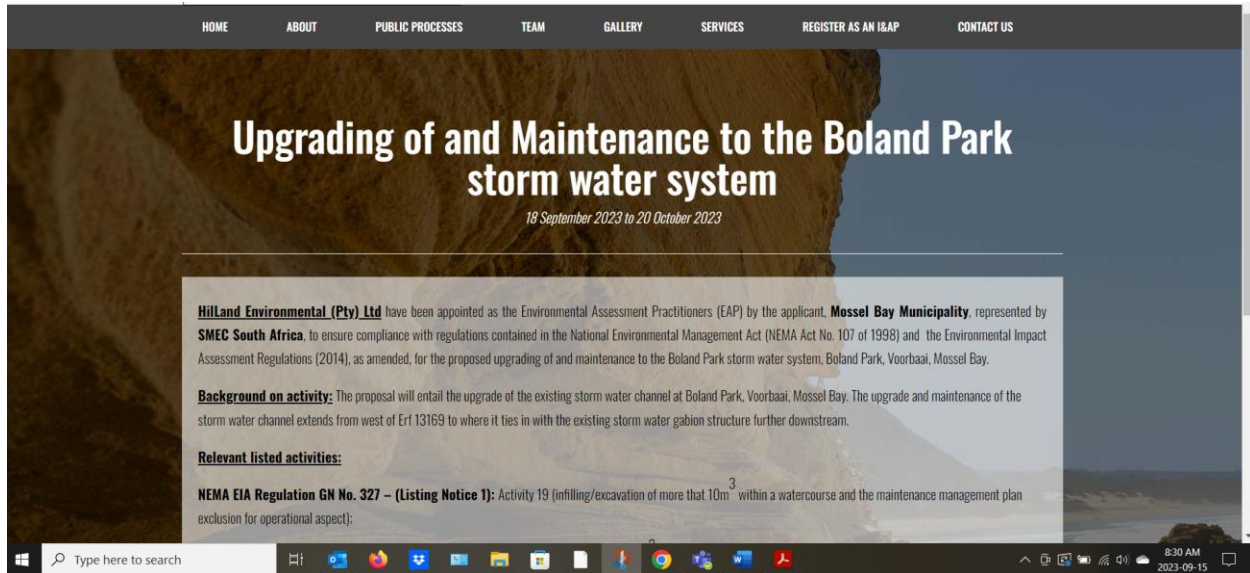
The public participation round (advertisement and site notices) was compiled according to **Regulation 41 (3)** - a notice board or advertisement must-

- (a) – give details of the application or proposed application which is subjected to public participation, and
- (b) state –
- (i) whether **basic assessment** or S&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

Please refer to Annexure B & C

HilLand Environmental website – public participation – Boland Park (15th September 2023)



Notices were sent to all I&AP's on 15th September 2023, notifying of the availability of the BAR from the 18th September 2023 to the 20th October 2023– see Annexure A

2 ROLES OF THE INTERESTED AND AFFECTED PARTY

In terms of Sections 42, 43 & 44 of NEMA EIA Regulations, a registered interested & affected party (I&AP) is entitled to comment, in writing, on all written submissions, including draft reports made to the competent authority by the applicant or the Environmental Assessment Practitioner (EAP) managing an application, and to bring to the attention of the competent authority any issues which that party believes may be of significance to the consideration of the application, provided that **(All comments will be included and attached to the Final Report, once this commenting period ends)**–

- (a) comments are submitted within (i) the timeframes that have been approved or set by the competent authority; (ii) any extensions of a timeframe agreed to by the Applicant or EAP.

- (b) A copy of comments submitted directly to the competent authority is served on the Applicant or EAP; and
- (c) The I&AP discloses any direct business, financial, personal or other interest which that party may have in the approval or refusal of the application, via an advert in the local press.

Sections 43 & 44 of NEMA further specify that all written comments received by the EAP from a registered I&AP must accompany the (public participation) report when the report is submitted to the competent authority with the Final BAR.

The Basic Assessment Report (BAR) is available for public and organs of state and State Department's review and comment. I&APs has 30-day comment period (**18th September 2023 – 20th October 2023**) to submit their comments on the proposal. All comments on the BAR will be included in the Final BAR and PP Report.

3 LIST OF INTERESTED AND AFFECTED PARTIES (I&APs)

| I&AP | Represented by: |
|---|-----------------------------------|
| CapeNature | Megan Simons |
| Department of Environmental Affairs and Development Planning - George office | Shireen Pullen |
| Breede-Olifants Catchment Management Agency - George office | Rudzani Makahane |
| Mossel Bay Municipality | Rudi Minnie and Jean Cox |
| Heritage Western Cape | HWC |
| Department of Forestry | Melanie Koen |
| Department of Agriculture | Cor van der Walt |
| Garden Route District Municipality | Dr Nina Viljoen |
| Department of Transport | Xander Smuts / Evan Burger |
| Department of Environmental Affairs and Development Planning – Coastal Management | leptieshaam Bekko / Mercia Liddle |
| Department of Fisheries, Forestry and Environment – Oceans and Coast | OCEIA |
| Civil Aviation | Lizell Stroh |
| Department of Health | Nathan Jacobs |

4 PUBLIC PARTICIPATION PROCESS

In terms of Section 41 of the NEMA regulations, the following minimum requirements have been attended to under the Public Participation Process:

- Notification letter circulated to Interested and Affected Parties, Organs of State and State Departments (15th September 2023).

- Site notification on the property in accordance with the requirements of the NEMA EIA Regulations (as amended) (15th September 2023).
- Placing an advert in the local newspaper (Mossel Bay Advertiser) notifying potential I&AP's of the proposed project and need to register (15th September 2023)
- Making the BAR and associated appendices available for a 30-day commenting period (18th September 2023 to 20th October 2023).
- Comment and response report formulated after the comment period closes and informing the final BAR submission.

5 COMMENT RECEIVED

5.1 COMMENT RECEIVED PRIOR TO THE DRAFT BAR

The following comments/input were received prior to the submission of the draft BAR (Annexure E):

| I&AP | Date |
|-----------------------|--------------------------------|
| Heritage Western Cape | 10 th November 2022 |

| Heritage Western Cape – 10 th November 2022 | |
|--|---------------|
| Comment | Response |
| The proposal is not triggering a change in character nor the length of 300m for a linear development. No trigger in terms of Section 38 of the NHRA is applicable. | Noted. |

5.2 COMMENT ON DRAFT BASIC ASSESSMENT REPORT

All comments on the BAR and associated appendices will be included and responded to in this section

6 CONCLUSION

Preliminary/pre-application comments received have been incorporated and addressed in the BAR.

All comments on the BAR will be responded to in the Final Public Participation Process Report and will be submit to the Department of Environmental Affairs and Development Planning for decision making.

It is important to remember the following with regards to the Environmental Impact Assessment process:

- It is a process to ensure that any potential impacts associated with the listed activity are identified so that they can be effectively assessed and where possible, be mitigated. – resulting in no adverse impacts to the environment or limiting any adverse impacts on the environment;
- The EIA process is to identify potential environmental issues and to address these.
- **Any alternatives to those proposed in this report that an I&AP would like to put forward, should be submitted as soon as possible so that it can be considered and if deemed feasible, be included as an alternative to this application.**