



**TO: MINISTER ANTON BREDELL: WESTERN CAPE MINISTER OF LOCAL GOVERNMENT,  
ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

**FROM: HEAD OF DEPARTMENT: WESTERN CAPE DEPARTMENT OF ENVIRONMENTAL AFFAIRS  
AND DEVELOPMENT PLANNING**

**REFERENCE NO: 14/3/10/A6/36/0542/21**

**ENQUIRIES: JAQUETA KEET/ LUXOLO KULA**

**TEL: 5116/ 2896**

**PUBLIC PARTICIPATION PLAN: AMENDMENT TO THE AMENDED APPEAL ENVIRONMENTAL  
AUTHORISATION GRANTED FOR THE ESTABLISHMENT OF A RESIDENTIAL DEVELOPMENT ON ERF NO.  
3477, HOUT BAY**

**1. PURPOSE:**

The matter for consideration is a letter to accept the proposed public participation plan for the proposed amendment of the Amended Appeal Environmental Authorisation ("EA") which was granted on 28 November 2012 for the establishment of a residential development on Erf No. 3477, Hout Bay.

**2. EMPOWERING PROVISIONS IN THE APPLICABLE LEGISLATION:**

Circular: Department of Environmental Affairs and Development Planning ("DEA&DP") No. 0024/2020 states that:

*"To ensure that reasonable notice is given to potential and registered interested and affected parties ("I&APs"), DEA&DP should be approached with a proposed Public Participation Plan setting out all the public participation steps, including the additional measures, proposed."*

**3. BACKGROUND:**

3.1 An application was submitted by the applicant, i.e. Elegant Earth Trading CC, to the competent authority to obtain an EA in terms of the *National Environmental Management*

Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 for the establishment of a residential development on Erf No. 3477, Hout Bay. A copy of the locality map of the site is contained in **Appendix A**.

- 3.2 On 12 October 2010, an EA authorising the listed activities applied for was granted to the applicant.
- 3.3 Subsequently, Appeals were lodged against the abovementioned EA.
- 3.4 On 28 November 2012, the appeals were dismissed and the abovementioned EA was varied for the aforementioned development. A copy of the Appeal EA is contained in **Appendix B**.
- 3.5 On 21 January 2018, the validity period of the Appeal EA was extended with 5 years. A copy of the Amended Appeal EA is contained in **Appendix C**.
- 3.6 On 29 July 2021, the public participation plan (contained in **Appendix D**) was received from the Environmental Assessment Practitioner ("EAP") Doug Jeffery Environmental Consultants for the proposed amendment of the Amended Appeal EA which states that the following will be undertaken:
  - 3.6.1 A site notice shall be placed along the boundary of the site along Bayview Road.
  - 3.6.2 All landowners and occupiers of the site, person in control of the site, adjacent landowners and occupiers, municipal councillor, any ratepayers organisations, or community representatives in the area, registered I&APs from previous environmental processes, the municipality which has jurisdiction in the area, organ of state having jurisdiction in respect of any of the aspects of the activity shall be notified of the proposed development and the environmental assessment process being followed.
  - 3.6.3 Notifications shall be sent via email or post.
  - 3.6.4 A media notice shall be placed in the local newspaper providing the same information as the site notice.
  - 3.6.5 Reasonable alternative methods will be provided for, if required, appropriate to the persons' disadvantage.
  - 3.6.6 A copy of the Amendment Report shall be placed on the Doug Jeffery Environmental Consultants website, <https://www.dougjeff.co.za>. Organs of State, and registered and potential I&APs (those identified shall be provided with the link to access a full copy of the report and all appendices thereof).
  - 3.6.7 A copy of the report will be placed at the Hangberg Public Library (Bayview Road, Hout Bay Harbour) for the duration of the commenting period. However, this is only permissible if the library is open during the lockdown level prescribed at the time of the PPP, and if this will be allowed.

3.6.8 The Ward Councillor and/or local community representative(s) shall be requested to assist with distribution of notices via their respective online platforms (websites or social media). The Councillor shall also be notified via email of the proposed development.

3.6.9 A 30-day commenting period shall be undertaken within which time comments may be made on the Amendment Report. Organs of State shall be requested to submit their comment in terms of section 24(O) of NEMA.

3.6.10 Comments received on the Amendment Report shall be responded to in the comments and responses report that shall be included in the final Amendment Report submitted for decision.

3.6.11 A Public Participation Process Report shall be attached to the final Amendment Report providing proof of the public participation process undertaken.

#### 4. DISCUSSION:

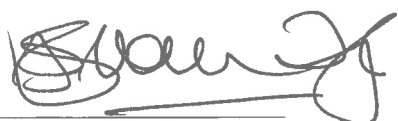
The Sub-directorate: Environmental Appeals Management recommends that the public participation plan for the proposed amendment of the Amended Appeal EA should be accepted in terms of the Circular: DEA&DP No. 0024/2020.

#### 5. RECOMMENDATION:

The correspondence contained in **Appendix E** is recommended for your consideration and signature.

Recommendation supported ~~not supported~~ ~~amended~~ *Amended*

Comments:



PIET VAN ZYL  
HEAD OF DEPARTMENT

13.09.2021

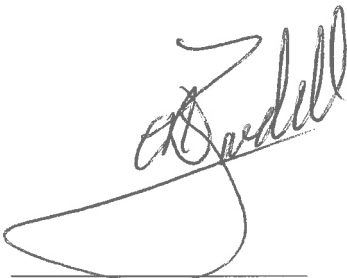
DATE:

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Recommendation approved/~~not approved~~/ amended.

Comments:



ANTON BREDELL  
PROVINCIAL MINISTER OF LOCAL GOVERNMENT,  
ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

22/9/2021  
DATE: