

BACKGROUND INFORMATION DOCUMENT

BASIC ASSESSMENT PROCESS: PROPOSED STORMWATER MANAGEMENT INFRASTRUCTURE IN COLCHESTER, NELSON MANDELA BAY MUNICIPALITY, EASTERN CAPE

16 September 2015

CEN Integrated Environmental Management Unit

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Purpose of the Background Information Document

The purpose of this Background Information Document (BID) is to provide stakeholders with the opportunity to register as Interested and Affected Parties in the Basic Assessment Process and to obtain their initial comments on the proposed **Stormwater Management Infrastructure in Colchester**, Nelson Mandela Bay Municipality Eastern Cape Province.

The **Nelson Mandela Bay Municipality** (NMBM) will be applying for an Environmental Authorisation (EA) from the Eastern Cape **Department of Economic Development, Environmental Affairs and Tourism** (DEDEAT) for the proposed Stormwater Management Infrastructure in Colchester. The activity(s) require a **Basic Assessment** process to be undertaken in terms of Government Notice Regulations (GNR) No. 982, 983 and 985 of the **Environmental Impact Assessment (EIA) Regulations of 2014** published in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended (NEMA).

The NMBM will also apply for a **General Authorisation/Water Use Licence** for water uses, which is done in terms of the National Water Act, 1998 (Act No. 36 of 1998).

The purpose of the environmental assessment is to identify potential impacts associated with the proposed Stormwater Management Infrastructure and to recommend measures to avoid or reduce adverse impacts and enhance beneficial or positive impacts.

If you would like to participate in the process please register yourself and/or your organization as an Interested and Affected Party. Submit issues that you feel need to be addressed in the assessment by completing the response form or in a letter or by fax or email to:

Dr Mike Cohen, CEN IEM Unit

Post: 36 River Road, Walmer, Port Elizabeth, 6070

Fax: 086 504 2549

<mailto:steenbok@aerosat.co.za>

Registration as an Interested and Affected Party and all comments must be submitted within 30 days of the date of this notice.

DATE OF NOTICE – 16 SEPTEMBER 2015
CLOSING DATE FOR REGISTRATION – 17 OCTOBER 2015

PROPOSED PROJECT:

Proposed Project Description

The proposed project entails the development of stormwater management infrastructure along the northern and eastern area of Colchester in order to partially alleviate flooding, as recommended in the Stormwater Management Plan. The stormwater management infrastructure will be sized to accommodate the 1:5 year flow from the developed area of Colchester.

This will include the construction of a stormwater retention pond (approximately 4 hectares) with a surrounding fence, a bulk stormwater pipeline, a stormwater ditch and berm (approximately 1.7km in length), and a temporary water main for discharge of water into the Sundays River during construction.

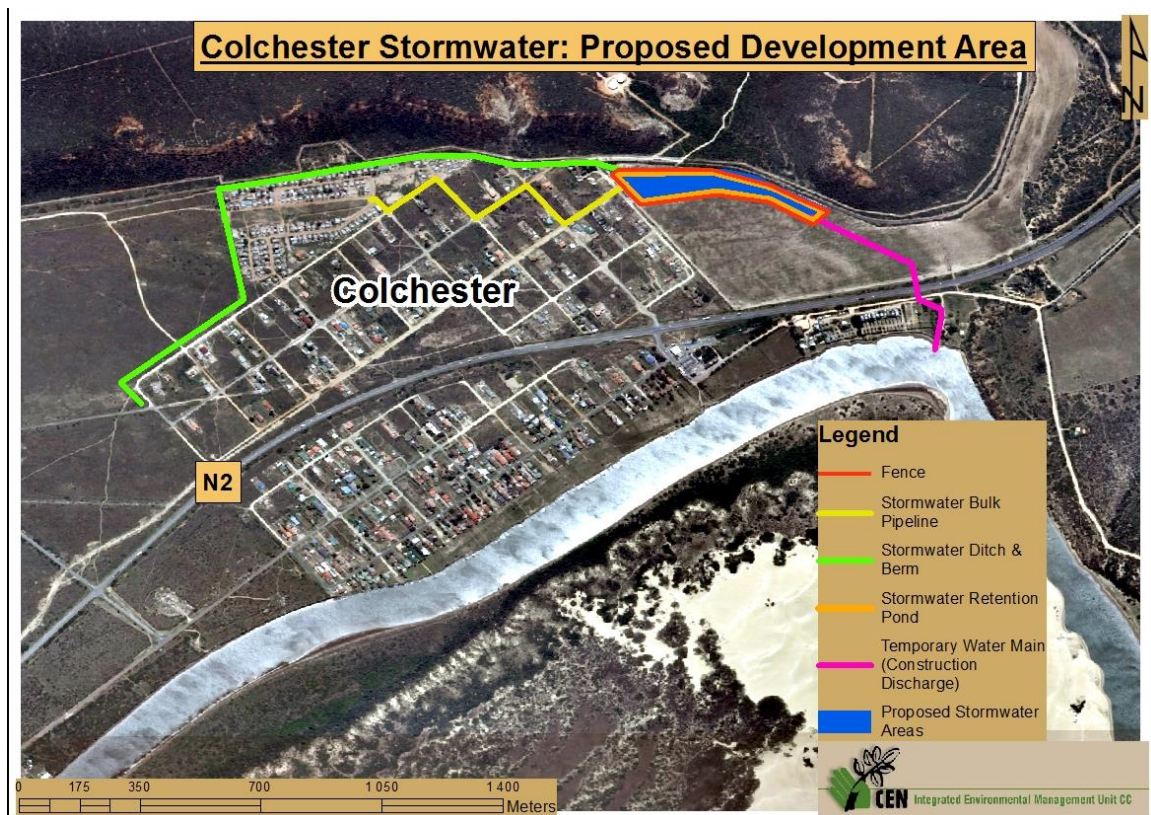


Figure 1: The stormwater area located to the North East of Colchester, NMBM, Eastern Cape.

Locality

The proposed project is located in Colchester, in the Nelson Mandela Bay Municipality (NMBM) of the Eastern Cape.

Proposed Stormwater Retention Pond: Farm Florida No 321, Uitenhage Farms, Colchester, NMBM, Eastern Cape, located at 33° 41' 13.29" S and 25° 49' 34.18" E (central point).

Bulk Stormwater Pipeline, Stormwater Ditch and Berm and the Temporary Water Main: Crosses over a number of properties in Colchester, NMBM, Eastern Cape.

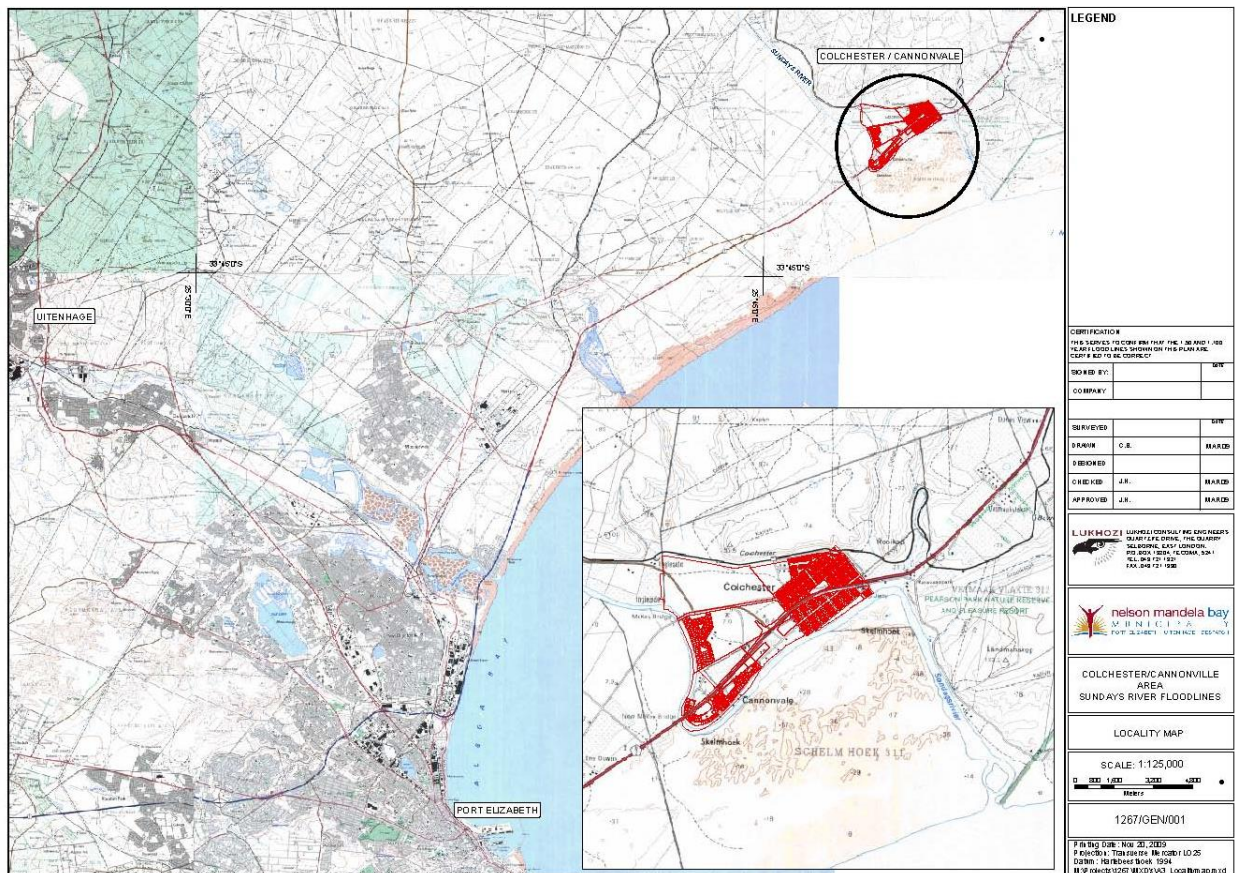


Figure 2: Locality within the Nelson Mandela Bay Municipality

ENVIRONMENTAL ASSESSMENT PROCESS

National Environmental Management Act and EIA Regulations (2014)

The Minister of Environmental Affairs has in terms of Sections 24 and 24D of the National Environmental Management Act (Act No. 107 of 1998) as amended, listed the activities that require an environmental assessment. In terms of the Environmental Impact Assessment Regulations, 2014, made under Section 24(5) of the Act and published in Government Notice R.983, 984 and 985 in Government Gazette 38282 of 4 December 2014 the following activities are subject to a Basic Assessment:

Activity No.	Activity Description
GNR983 (Listing 1)	
9	<p>The development of infrastructure exceeding 1000 metres in length for the bulk transportation of water or storm water—</p> <ul style="list-style-type: none"> (i) with an internal diameter of 0,36 metres or more; or (ii) with a peak throughput of 120 litres per second or more; <p>excluding where—</p> <ul style="list-style-type: none"> (a) such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve; or (b) where such development will occur within an urban area. <p><i>The bulk stormwater pipeline and temporary water main fall under the 1000m threshold. The stormwater berm is approximately 1750m in length. This activity is included as a precautionary approach.</i></p>
12	<p>The development of—</p> <ul style="list-style-type: none"> (vi) bulk storm water outlet structures exceeding 100 square metres in size; (xii) infrastructure or structures with a physical footprint of 100 square metres or more <p>where such development occurs—</p> <ul style="list-style-type: none"> (a) within a watercourse; (b) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; — <p>excluding—</p> <ul style="list-style-type: none"> (cc) Activity 14 in Listing Notice 3 of 2014, in which case that activity applies (dd) where such development occurs within an urban area; or

Activity No.	Activity Description
	<p>(ee) where such development occurs within existing roads or road reserves.</p> <p><i>The proposed stormwater retention pond (approximately 4 ha), stormwater berm, temporary water main and the bulk stormwater outlet structure is located within the 1:50 year flood line of the Sundays River.</i></p> <p><i>This activity is included as a precautionary approach, as the exclusion in (cc) would be applicable.</i></p>
13	<p>The development of facilities or infrastructure for the off-stream storage of water, including dams and reservoirs, with a combined capacity of 50000 cubic metres or more, unless such storage falls within the ambit of activity 16 in Listing Notice 2 of 2014.</p> <p><i>The proposed stormwater retention pond is approximately 4 ha in extent.</i></p>
17	<p>Development—</p> <p>(ii) in an estuary;</p> <p>(v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater;</p> <p>in respect of—</p> <p>(c) embankments;</p> <p>(f) infrastructure with a development footprint of 50 square metres or more — but excluding—</p> <p>(dd) where such development occurs within an urban area.</p> <p><i>The proposed stormwater retention pond (approximately 4 ha), stormwater berm, bulk stormwater pipeline and the temporary water main is located within 100m of the Sundays River estuary floodplain.</i></p>
19	<p>The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from—</p> <p>(i) a watercourse;</p> <p>(iii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater—</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <p>(a) will occur behind a development setback;</p> <p>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan</p> <p><i>The proposed stormwater retention pond (approximately 4 ha), stormwater berm, bulk stormwater pipeline and the temporary water main is located within 100m of the Sundays River estuary floodplain. The proposed stormwater</i></p>

Activity No.	Activity Description
	<i>management infrastructure will require depositing or removal of more than 5m³ of material.</i>
27	<p>The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</p> <ul style="list-style-type: none"> (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan. <p><i>The proposed stormwater retention pond is approximately 4 ha in extent.</i></p>
GNR985 (Listing 3)	
12	<p>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p>(a) In Eastern Cape:</p> <ul style="list-style-type: none"> iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas. <p><i>The proposed stormwater retention pond (approximately 4 ha), stormwater berm, bulk stormwater pipeline and the temporary water main is located within 100m of the Sundays River estuary floodplain.</i></p>
14	<p>The development of—</p> <ul style="list-style-type: none"> (vi) bulk storm water outlet structures exceeding 10 square metres in size; (xii) infrastructure or structures with a physical footprint of 10 square metres or more; <p>where such development occurs—</p> <ul style="list-style-type: none"> (a) within a watercourse; (c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse; (c) In Eastern Cape: <ul style="list-style-type: none"> i. In an estuarine functional zone; ii. Outside urban areas, in: <ul style="list-style-type: none"> (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (hh) Areas within 10 kilometres from national parks or world heritage sites

Activity No.	Activity Description
	<p>or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; or</p> <p><i>The proposed stormwater retention pond (approximately 4 ha), stormwater berm, temporary water main and the bulk stormwater outlet structure is located within the 1:50 year flood line of the Sundays River.</i></p> <p><i>The site falls within:</i></p> <ul style="list-style-type: none"> <i>a) 100m of the Sundays River estuary floodplain</i> <i>b) Aquatic CBA areas of the Eastern Cape Biodiversity Conservation Plan</i> <i>c) 10km of the Addo Elephant National Park</i>

National Water Act

The National Water Act, 1998 (Act No. 36 of 1998) [NWA] aims to regulate the use of water and activities, which may impact on water resources through the categorisation of 'listed water uses'. Such activities require authorisation by the Department of Water and Sanitation (DWS) before such an activity may take place.

Activities for the water uses associated with the proposed project, include the following:

- 1) Section 21 (c) Impeding or diverting the flow of water in a watercourse.
- 2) Section 21 (i) Altering the bed, banks, course or characteristics of a watercourse.
- 3) Section 21 (j) Removing, discharging or disposing of water found underground.

Basic Assessment Process

The Basic Assessment Process identifies and assesses potential impacts, then provides mitigation measures to reduce the anticipated negative impacts. Appropriate public participation process is undertaken as part of this process. The Basic Assessment ends with recommendations for authorisation and under what conditions.

Some Identified Issues

As we progress with the environmental investigations we will identify potentially beneficial and adverse impacts. All identified issues will be subjected to an assessment to determine if they are significant and if they require additional investigation. Possible mitigation measures will also be provided to reduce the anticipated adverse impacts. Based on our preliminary investigations we have identified the following issues:

- ❖ Terrestrial and Aquatic Biodiversity impacts
- ❖ Potential Pollution: noise, air, soil, surface and groundwater
- ❖ Erosion and sedimentation; stormwater management
- ❖ Socio-economic Impacts

How Do I Participate

Every proposed project and / or development has the potential to significantly affect the natural and social environments, both at, as well as surrounding the proposed development site. While some of the impacts will have an adverse impact on the environment others will have a beneficial impact.

For this reason it is imperative that you register as an Interested and / or Affected Party (I&AP) and comment on the proposed development and raise issues or concerns that you feel need to be considered during the proposed planning and implementation process. This can be done by completing the attached registration form and submitting it to the contact details as reflected thereon.

Upon submission of the registration form to CEN IEM Unit, you will be registered as an I&AP, and be included on an I&APs database which will ensure that you receive future project information and notifications regarding reports available for public comment.

If you intend to register as an I&AP or forward comments regarding the proposed development, please submit your completed registration form to CEN IEM Unit by 17 October 2015.

Description of Tasks within the Basic Assessment Process

- ✱ Public participation starts announcing the proposed project, and registration of Interested and Affected Parties (I&APs). Newspaper advertisements and site notices are placed, and notifications are also sent to identified stakeholders. – We are here in the process.
- ✱ An application for Environmental Authorisation will be submitted to the competent authority, namely the DEDEAT for this project.
- ✱ A Basic Assessment Report is compiled that considers inputs from stakeholders, I&APs and specialists, in terms of:
 - potential impacts of the activity on the environment;

- whether the impacts can be mitigated, and if so to what extent; and,
- whether there are any other significant issues / impacts to be investigated.
- ✱ Once the Basic Assessment Report is compiled, it is then submitted for a 30 day review period to registered I&APs and stakeholders. This enables you to comment on the Draft Basic Assessment Report and accompanying Draft Environmental Management Programme.
- ✱ Your comments are incorporated and the reports are then finalised.
- ✱ These final reports are submitted to the DEDEAT for consideration.
- ✱ The DEDEAT reviews the documents and decides whether the project can proceed or not, their decision is known as an Environmental Authorisation (EA).
- ✱ A copy of the EA is made available to you to consider, along with the reasons for the decision made. If you disagree with the decision, you are provided with information on how to lodge an appeal.



CEN IEM UNIT

36 River Road, Walmer, Port Elizabeth 6070

Fax 086 504 2549 Email steenbok@aerosat.co.za; mike@environmentcen.co.za

REGISTRATION / COMMENT SHEET

PROPOSED STORMWATER MANAGEMENT INFRASTRUCTURE IN COLCHESTER, NELSON MANDELA BAY MUNICIPALITY, EASTERN CAPE

16 SEPTEMBER 2015

I wish to register as an Interested and / or Affected Party and request that the following issues receive attention during the assessment process

Closing Date for Comments: 17 October 2015

Name of Respondent: _____

Organisation / Company: _____

Address: _____

Fax Number: _____

Tel Number: _____

Email: _____

Please use additional sheets as necessary

Signature: _____

Date: _____