

ENVIRONMENTAL AUTHORISATION AND WATER USE LICENSE APPLICATION PROCESSES FOR SG GARDENS (PTY) LTD

DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED DEVELOPMENT OF NEW RESIDENTIAL UNITS AND ASSOCIATED INFRASTRUCTURE ON PORTION 9 (OF 1) IN FARM LENNOXTON NO. 2968 WITHIN NEWCASTLE LOCAL MUNICIPALITY IN THE KWAZULU NATAL PROVINCE

BACKGROUND INFORMATION DOCUMENT (BID) AND INVITATION TO COMMENT

REFERENCE NUMBER: NEWCASTLE EA_57_22

DATE: AUGUST 2022

PURPOSE OF THIS DOCUMENT

The purpose of this document is to provide all Interested and Affected Parties (I&APs) with information about the proposed SG Garden (Pty) Ltd.'s new residential units. In addition, the document also aims to:

- Introduce and explain the Environmental Authorisation Application (Basic Assessment) process, including the public participation process (PPP) that will be followed; and
- Invite all I&APs to comment on the proposed project by raising issues of concern and/or suggestions for enhanced benefits/alternatives on any aspect related to the proposed development.

To register as an I&AP on the project please contact the following person(s):

- Ms. Masala Mugwagwa and/or Ms. Sonja van de Giessen
- Elemental Sustainability (Pty) Ltd.
- 073 504 3122 / 083 388 4633 (Tel)
- masala@elemental-s.co.za and/or sonja@elemental-s.co.za

Any comments received should be forwarded to Elemental Sustainability to be addressed.

INTRODUCTION AND BACKGROUND

Newcastle is regarded as one of the growing towns within the KwaZulu Natal (KZN) Province, coupled with this is the opportunity of being a regional centre of Northern KZN. The municipal vision in terms of the Integrated Development Plan (IDP) states that "By 2030 Newcastle Municipality will be a sustainable economically vibrant city region that affords its citizens a high quality of life". To achieve this vision the Department of Development Planning and Human Settlement will be playing a big role towards providing a long-term direction for the municipality in terms of planning for spatial growth, economic development and ensuring provision of integrated and sustainable human settlements for a sustainable economically vibrant city (<https://newcastle.gov.za/development-planning/about-dev-planning->

The proposed upgrade triggers activities listed under the GNR 983 (Listing Notice 1) and GNR 985 (Listing Notice 3) of the Environmental Impact Assessment (EIA) Regulations of December 2014 as amended, promulgated under the National Environmental Management Act, 107 of 1998 (NEMA), as such, an Environmental Authorisation must be obtained before commencement of the project.

The development will be within a 500m radius of any wetlands and triggers listed activities under Section 21 of the National Water Act, 36 of 1998, therefore, a Water Use License/General Authorisation must be obtained before construction activities commence.

Notice is hereby given in terms of Chapter 6 of the EIA Regulations of 2014 as amended and Section 40 of the National Water Act, 1998 (Act No. 36 of 1998), that SG Gardens proposes to lodge applications for Environmental Authorisation and Water Use License for the proposed project.

The proposed development area comprises 7,3ha and will be situated on Portion 9 (of 1) of Farm Lennoxton 2968 within Newcastle Local Municipality in the KwaZulu Natal Province. SG Gardens has purchased the afore-mentioned 7,3 ha property, however, it must be noted that the developmental footprint will be approximately 4,32ha in extent. The proposed project area is presented below.



DESCRIPTION OF THE PROPOSED PROJECT

The proposed activities will entail but not limited to the following:

- 246 sectional title units totaling to 21 three-story blocks,
- A guard house;
- Water pipeline;
- Sewage pipeline; and
- Associated infrastructure.

PROCESS – ACTIVITIES TRIGGERED

The proposed construction of residential units triggers activities in terms of the NEMA 2014 EIA Regulations (as amended) as indicated in the Table below:

Activity Number	Description of Activity	Description of Applicability of Activity
Listing Notice 1 (GNR 983)		
Activity 12	<p><i>The development of-</i></p> <p><i>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i></p> <p><i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</i></p> <p><i>where such development occurs-</i></p> <p><i>(a) within a watercourse;</i></p> <p><i>(b) in front of a development setback; or</i></p> <p><i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse</i></p> <p><i>Excluding-</i></p> <p><i>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</i></p> <p><i>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</i></p> <p><i>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</i></p> <p><i>(dd) where such development occurs within an urban area;</i></p> <p><i>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</i></p>	<p>The proposed development will exceed 100 square metres and a portion of it may be located within 32m of the watercourse.</p>

	<i>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of the development and where indigenous vegetation will not be cleared.</i>	
Activity 19	<p><i>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse; but excluding where such infilling, depositing, dredging, excavation, removal or moving-</i></p> <p><i>(a) will occur behind a development setback;</i></p> <p><i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i></p> <p><i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i></p> <p><i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or (e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</i></p>	It is anticipated that the development may require infilling or depositing of more than 10 cubic metres of material into the watercourse.
Activity 27	<p><i>The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for-</i></p> <p><i>(i) the undertaking of a linear activity; or</i></p> <p><i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</i></p>	Approximately 3.72 hectares of vegetation will be cleared and more than 1 hectare of this may be indigenous.
Activity 28	<p><i>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 1998 and where such development-</i></p> <p><i>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</i></p> <p><i>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</i></p> <p><i>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</i></p>	<p>The proposed land is vacant and is zoned as agriculture, but the developer intends to rezone it to "Residential".</p> <p>The proposed property is 7,3ha, however, the developmental footprint will be approximately 4,32ha in extent.</p> <p>The proposed site is located within the urban edge.</p>
Listing Notice 3 (GNR 985)		

Activity 4	<p><i>The development of a road wider than 4 metres with a reserve less than 13,5 metres.</i></p> <p><i>(d) KwaZulu-Natal</i></p> <p><i>(vi) A protected area identified in terms of NEMPAA;</i></p> <p><i>(viii) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</i></p> <p><i>(ix) Core areas in biosphere reserves;</i></p> <p><i>(x) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;</i></p> <p><i>(xi) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</i></p>	The proposed development may be undertaken within a protected area.
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It must be noted the afore-mentioned list may be revised as the proposed project continues.

PRELIMINARY ISSUES FOR INVESTIGATION

The following potential impacts are anticipated and will be assessed during the Basic Assessment process:

- Loss of soil characteristics - erosion and compaction
- Contamination of soil
- Potential for establishment of alien invasive species
- Loss of biodiversity (terrestrial and aquatic)
- Impacts on nearby wetlands
- Potential pollution to water resources (surface and groundwater)
- Air quality (emissions)
- Increased noise levels
- Negative visual views
- Potential damage to heritage sites (grave and/or archaeological artefacts)
- Positive and negative socio-economic impact
- Influx of job seekers to the area
- Increased traffic

SPECIALIST INVESTIGATIONS

Several specialist investigations are being conducted to assess the impacts associated with the project, these preliminary studies include:

- Terrestrial Biodiversity Assessment (Plant and animal species);
- Visual Impact Assessment;
- Wetland and Risk Assessment;
- Palaeontological Impact Assessment; and
- Desktop Archaeological and Cultural Heritage Impact Assessment.

LEGAL REQUIREMENTS

Prior to the granting of Environmental Authorisation for the proposed project, a Basic Assessment (BA) (including an Environmental Management Programme) process must be undertaken in terms of the NEMA, as activities which require authorization are listed in the EIA Regulations (Listing Notice 1) 2014 published in Government Notice (GN) No. 983 and 985 of 4 December 2014 and amended in June 2021) under the NEMA.

In addition, a Water Use License in terms of the National Water Act, 36 of 1998 is required and will be undertaken in accordance with Regulations regarding the Procedural Requirements for Water Use License Applications WULA's (GNR 267 of 2017). The water uses that are likely to be triggered include the following:

- 21(c): *Impeding or diverting the flow of water in a watercourse; and*
- 21(i): *Altering the bed, banks, course or characteristics of a watercourse.*

The intent to construct the proposed development of residential units requires the following applications and subsequent approvals prior to commencement:

Legislation	Listed activities	Authorisation required and key process elements	Competent Authority
NEMA and the EIA Regulations, 2014, as amended in 2021.	Listing Notice 1 - Activities: 12, 19, 27 and 28 Listing Notice 3 - Activity: 4	Environmental Authorisation: application; Basic Assessment including an EMPr and a public participation process.	KZN Department of Economic Development, Tourism and Environmental Affairs (EDTEA)
National Water Act, 1998 (Act No. 36 of 1998)	Section 21 water uses: Section 21 c and i	Water use license application and public participation process	KZN DWS

To this effect, an environmental application process will be followed by means of BA/EMPR and WULA. You are therefore requested to register as an Interested and Affected Party (I&AP). The Draft Basic Assessment Report will be made available for a 30 day review and comment period. A link to the electronic report will be provided to all registered I&APs. A hard copy report will also be made available at Newcastle Public Library. Should you require a CD copy of the report, please contact ELEMENTAL. Upon request, Zoom, Microsoft Teams or Skype meetings will be arranged and communicated with registered I&APs.

BASIC ASSESSMENT PROCESS AND WATER USE LICENCE APPLICATION

The BA/EMPR process typically has two phases as illustrated by the figure below.

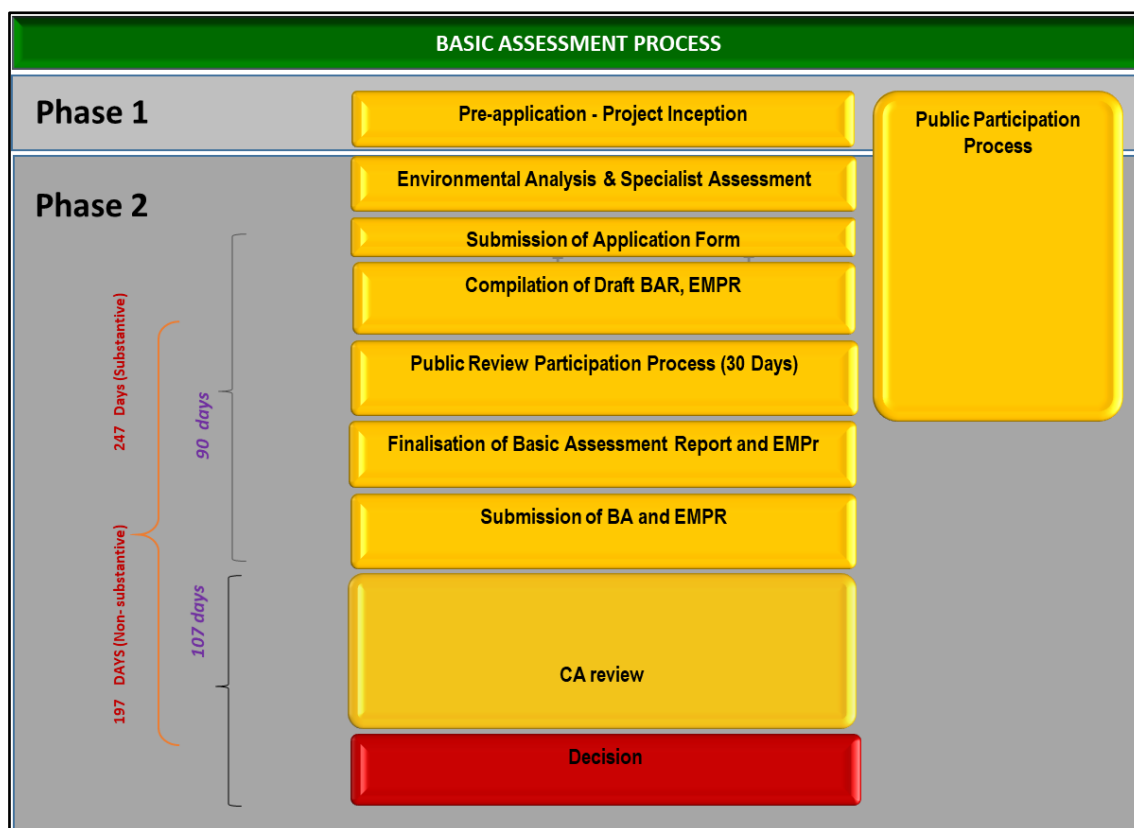


Figure 2: BA/EMPR flow diagram

It is likely that the proposed project will require a General Authorisation in line with the National Water Act, 36 of 1998. However, this will be confirmed after the pre-application meeting with the Competent Authority and completion of specialist studies. Therefore, the diagram below includes the process to be followed for a full WULA.

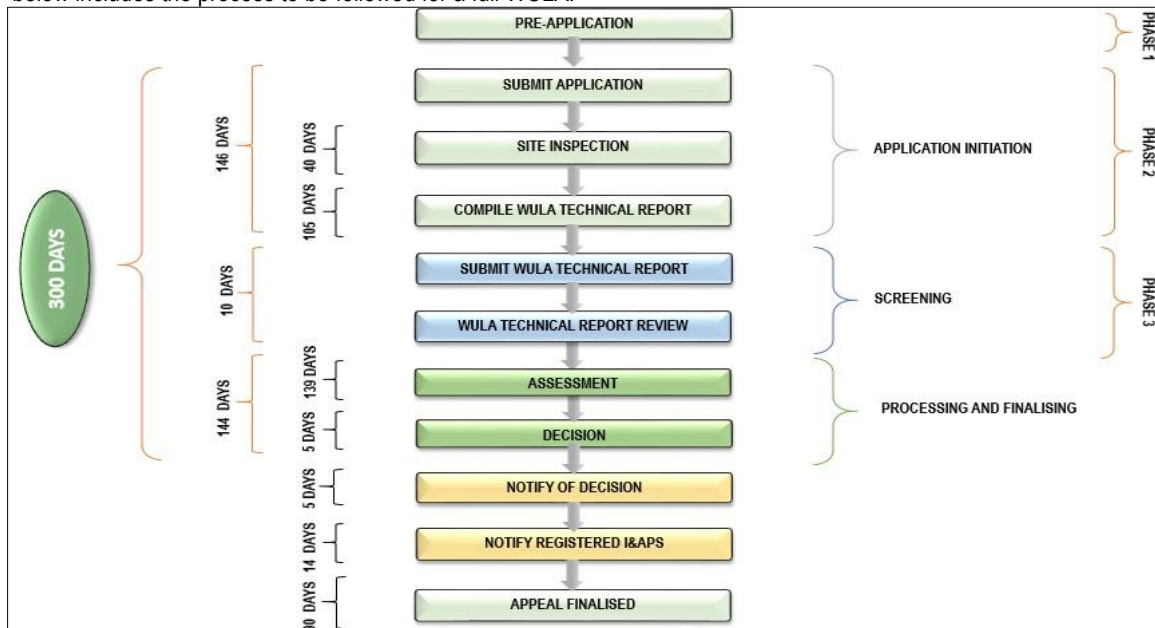


Figure 3: Water Use License Flow Diagram

HOW CAN I GET INVOLVED?

Please send Elemental Sustainability your comments/views so that these can be addressed during the environmental authorisation/WULA process. Please provide any comments that you may have on the Draft Basic Assessment Report. If you know of anyone that would be affected by the project, then please request them to register (see attached registration form) or send Elemental Sustainability the contact details of the person. All registered I&APs will be informed of the availability of the Draft Basic Assessment Report.

PARTIES INVOLVED IN THE BASIC ASSESSMENT PROCESS

- Landowners, Surrounding landowners, land users, adjacent landowners and communities;
- Non-governmental organizations and associations; and
- Parastatals

COMMENTING AND LOCAL AUTHORITIES

- KZN Department of Agriculture and Rural Development
- KZN Department of Water and Sanitation
- KZN Department of Human Settlements
- KZN Department of Transport
- Amafa Akwazulu-Natal
- New Castle Local Municipality
- Amajuba District Municipality
- Ward Councilor
- Eskom Holdings SOC Limited

DECISION MAKING AUTHORITIES

- KwaZulu Natal Department of Economic Development, Tourism and Environmental Affairs
- Department of Water and Sanitation

Please let us know if there are any additional parties that should be involved.

Interested and Affected Parties (I&APs) are invited to register and provide written comments to:

- Ms. Masala Mugwagwa and/or Ms. Sonja van de Giessen
- Elemental Sustainability (Pty) Ltd.
- 073 504 3122 and/or 083 388 4633 (Tel)
- masala@elemental-s.co.za and/or sonja@elemental-s.co.za

I&APs should refer to the relevant reference number(s), and must provide their comments together with their name, contact details (preferred method of notification, e.g., e-mail address or fax number) and an indication of any direct business, financial, personal or other interest which they have in the application to the contact person indicated below.

BACKGROUND INFORMATION DOCUMENT FOR THE PROPOSED DEVELOPMENT OF NEW RESIDENTIAL UNITS AND ASSOCIATED INFRASTRUCTURE

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PLEASE IDENTIFY YOUR INTEREST IN THE PROPOSED PROJECT

PLEASE WRITE YOUR COMMENTS AND QUESTIONS HERE

Please return completed forms to:

- Ms. Masala Mugwagwa and/or Ms. Sonja van de Giessen
- Elemental Sustainability (Pty) Ltd.
- 073 504 3122 / 083 388 4633 (Tel) and/or 087 238 7092 (Fax)
- masala@elemental-s.co.za and/or sonja@elemental-s.co.za

The following policy applies to the processing of personal information required and acquired during the Public Participation Processes required by the Specific Environmental management Acts (SEMA's) defined in the National Environmental Management Act, 1998 (Act 107 of 1998, as amended-NEMA).

ELEMENTAL respects the privacy of your information and is committed to the protection of personal information in compliance with the laws of South Africa.

In fulfilling our obligations under the relevant SEMAs and other legal duties and rights, ELEMENTAL collects personal information from registered interested and affected parties as well as making such information publicly available and submission to the relevant competent authorities.

By registering as an interested and affected party you consent to the collection and processing of your personal information (as defined below). Personal information collected from registered interested and affected parties includes names; contact details; views, opinions, comments, responses and/or objections; and any submissions, communications or correspondence submitted to or received from ELEMENTAL. A registered interested and affected party is defined in Regulation 42 of the NEMA EIA

Regulations and includes: 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; and all persons who have requested the proponent or applicant, in writing, for their names to be placed on the register.

By accepting this notice you also confirm that the information contained on this document will only be used for the purposes of fulfilling your obligations and rights defined in the NEMA or other specific law.

Personal information collected is stored and disposed of in accordance with the requirements of the POPIA.

Should you not wish to accept the contents of this notice and still wish to participate and/or access the documentation or should you have any further queries about this notice, please contact the EAP.