

ENVIRONMENTAL IMPACT ASSESSMENT BACKGROUND INFORMATION DOCUMENT



NOTIFICATION OF ENVIRONMENTAL IMPACT ASSESSMENT PROCESS FOR THE PROPOSED COMMERCIAL AND RESIDENTIAL DEVELOPMENT ON SUBDIVIDED ERVEN WITHIN PORTION 13 OF THE FARM KABELJAUWS 328, JEFFREYS BAY, WITHIN THE KOUGA LOCAL MUNICIPALITY

INTRODUCTION

Habitat Link Consulting (Pty) Ltd has been appointed by Eedenprop (Pty) Ltd (the Proponent) to submit an application for the abovementioned development in terms of the National Environmental Management Act (NEMA) (Act No. 107 of 1998, as amended). The proponent intends to conduct a Basic Assessment process for the development of various commercial and residential buildings located in the Kabeljous area of Jeffreys Bay, within the Kouga Local Municipality, Eastern Cape Province (Figure 1).



Figure 1: Locality map of the proposed development.

AIM OF THIS DOCUMENT

The purpose of this Background Information Document (BID) is to ensure that people who are interested in, or affected by, the project are provided with the relevant information, including the process being followed. Registering as an Interested and/or Affected Party (I&AP) allows individuals or groups to contribute ideas, issues and concerns relating to the project. I&APs also have an opportunity to review all of the reports and submit their comments on these reports. All of the comments that are received will be included in the final reports that are submitted to the Competent Authority (CA). All I&APs are hereby invited to register their interest and submit initial comments on any aspect of the project.

PROJECT DESCRIPTION

The Proponent, Eedenprop (Pty) Ltd, wishes to undertake development on the subdivided erven of the property previously named Portion 13 of the Farm Kabeljous No 328, Jeffreys Bay. The Department of Economic Development & Environmental Affairs (DEDEA) authorised the development in the Record of Decision (RoD) dated 20 March 2009. The RoD has since lapsed and the Proponent is required to reapply for Environmental Authorisation (EA).

The proposed development will involve the construction of shops, restaurant, stores and supermarkets as well as other offices/businesses (within the 5.7 ha Business Zone), a residential area (4.5 ha), a tourism/hotel area (2.1 ha) and open space areas (0.9 ha area). The development area will be serviced by approximately 0.9 ha of new roads and therefore the total development area will be approximately 14.1 ha (Figure 2).



Figure 2: Layout of the proposed development.

The proposed development will be located directly east of the existing Eedenglen Retirement Village, with access to the development obtained from Da Gama Road. The tourism/hotel area will consist of a 60 room hotel and a multi-purpose centre, while the shopping centre will comprise of approximately 1 100 parking bays, which is proposed for one of the business erven. The remaining business erven will provide for a restaurant and other businesses with associated parking and single-story buildings.

During the previous EIA process, the Kouga Local Municipality confirmed that bulk services were available and that the developer would be required to pay a capital augmentation fee to the Council for the upgrading of services. A new reservoir may be required to ensure water supply, but this will be supplemented by rainwater harvesting tanks. The sewer reticulation would connect to the existing waterborne system. Solar panels and household inverters will be installed to reduce the electricity requirements associated with the proposed development. The availability of these services would need to be reconfirmed by the Kouga Local Municipality.

A portion of the proposed development footprint is located within a Critical Biodiversity Area (CBA), as identified in the Eastern Cape Biodiversity Conservation Plan (ECBCP, 2019). The vegetation of the area is identified by Mucina and Rutherford (2018) as Sundays Mesic Thicket, but the property currently has various uses including agricultural (dairy farm) and equestrian purposes. A vegetation specialist will be appointed to provide information on the current vegetation status of the property, which appears to be completely transformed.

APPLICABLE LEGISLATION

National Environmental Management Act (NEMA) (Act No. 107 of 1998, as amended)

NEMA makes provision for the identification and assessment of activities that are potentially detrimental to the environment and which require authorisation from the competent authority based on findings of an environmental assessment. In the Eastern Cape, these powers are delegated to the Department of Economic Development, Environmental Affairs and Tourism (DEDEAT).

The EIA Regulations (GN R. 326 of 2014, as amended) and associated Listing Notices (GN R. 327, 325 & 324 of 2014, as amended), promulgated in terms of section 24(5) of NEMA, set out the activities for which authorisation is required following an environmental assessment. Activities under Listing Notices 1 and 3 require a Basic Assessment process to be followed, whilst activities under Listing Notice 2 require a full Scoping & EIR. The development proposal triggers the following listed activities:

Activity No.	Description	Triggering activity
2014 NEMA EIA REGULATIONS LISTING NOTICE 1 – GN R. 983 (GN R 327)		
Activity 27	The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation. ¹	The development will require the clearance of 14.1 ha of vegetation that could be considered indigenous.
Activity 28	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) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;	The development, which is approximately 14.1 ha, will include a mixed use development on land that has recently been utilised for agricultural and/or equestrian purposes.

A Basic Assessment process is thus required for the proposed development. A Basic Assessment is a planning tool to assist in the identification and assessment of potential positive and negative impacts of a proposed development on the environment. It also recommends ways to avoid and minimise negative impacts, and ensure that developments are sustainable, without affecting people’s lives and the environment adversely. The Basic Assessment will be undertaken in terms of the NEMA, as amended, and the EIA Regulations (2014, as amended).

¹ “indigenous vegetation” refers to vegetation consisting of indigenous plant species occurring naturally in an area, regardless of the level of alien infestation and where the topsoil has not been lawfully disturbed during the preceding ten years.

National Heritage Resources Act (NHRA) (Act No. 25 of 1999)

The NHRA provides for the protection and management of South Africa's heritage resources. Section 38 of the NHRA notes that '*any person who intends to undertake a development categorized as –*

(c) any development or other activity which will change the character of a site—

(i) exceeding 5 000 m² in extent; or

(d) the re-zoning of a site exceeding 10 000 m² in extent...

must at the very early stages of initiating such a development, notify the responsible heritage resources authority and furnish it with details regarding the location, nature and extent of the proposed development.'

The proposed development will exceed 5 000 m² in extent, required the rezoning of the property (which exceeds 10 000 m²), and will change the character of the site. The provincial heritage authority will need to be notified of the project and the relevant heritage studies (archaeological and paleontological) conducted in conjunction with the NEMA process.

National Water Act (NWA) (Act No. 36 of 1998, as amended)

The NWA is the primary regulatory legislation for the control, management and use of water resources. Section 21 of the NWA sets out water uses that may require registration or licencing in terms of the Act. This includes the impacts on the banks and flow characteristics of a watercourse.

According to the National Water Act (36 of 1998) Section 21c and 21i General Authorisation (August 2016), a risk assessment must be undertaken for developments within the regulated area of watercourses in order to determine the requirement for a Water Use Licence (moderate to high-risk results post mitigation) or General Authorisation (low risk post mitigation).

The proposed development footprint will be within the 100 m buffer of several watercourses and therefore a water use authorisation (WUA) will likely be required. The aquatic study will delineate the extent of the watercourses in and around the site and if any construction is proposed to take place within the 100 m of the watercourse, a WUA will be undertaken in conjunction with the NEMA process.

POTENTIAL IMPACTS ASSOCIATED WITH THE DEVELOPMENT

The following potential impacts have been identified for the various project phases (planning, construction and operation). These impacts will be addressed in the assessment in order to identify measures to avoid or reduce negative impacts and enhance positive impacts:

- Loss of vegetation communities;
- Loss of agricultural land;
- Disruption of ecosystem function and processes (e.g. invasion of alien plant species);
- Storm water and erosion;
- Impact on aquatic systems;
- Dust, noise and other nuisance aspects;
- Utilisation of municipal resources (water, electricity etc.);
- Generation of waste and effluent;
- Impact on visual aesthetics;
- Socio-economic impacts;
- Compatibility with surrounding area;
- Provision of housing; and
- Employment creation and business growth.

These and other impacts will be assessed in detail during the Basic Assessment process and mitigation measures to reduce the significance of the negative impacts, and to enhance the positive impacts, will be provided in the Environmental Management Programme (EMPr).

BASIC ASSESSMENT PROCESS

The listed activities trigger the requirement of a Basic Assessment process (Figure 3). A draft Basic Assessment Report (BAR) will be compiled and will comprehensively describe the activities and impacts that the project may have on the receiving environment, including specialist reports and details from the public participation (PPP) process.

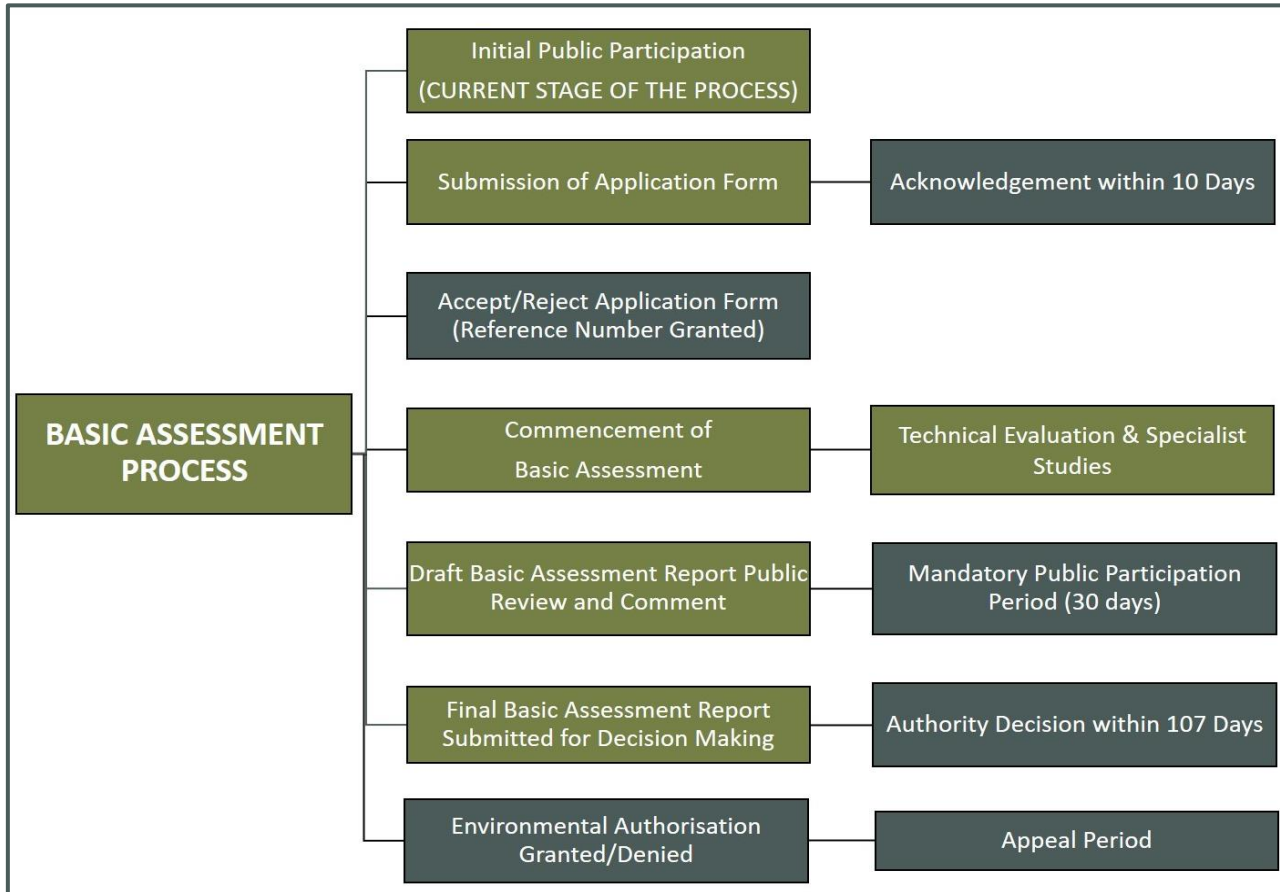


Figure 4: Basic Assessment process.

PUBLIC PARTICIPATION PROCESS AND INVITATION TO COMMENT

In terms of NEMA, public participation forms an integral part of the EIA process. Comments and issues raised during the PPP will be captured, evaluated and included in an Issues and Responses Trail (IRT). These issues will be addressed and included in the final versions of the reports, which will be submitted to the authorities.

Should you wish to express your views regarding this development, please send us your written comments. The names of all registered Interested and Affected Parties (I&APs), together with the comments received, will be incorporated into the IRT and will be submitted to the competent authority.

Please submit your name, contact information (address, telephone number, email address, postal address) and any written comments to Habitat Link Consulting:



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