

NOTIFICATION OF PUBLIC PARTICIPATION

Environmental authorisation application process in terms of Section 24G of the National Environmental Management Act, 1998 (Act 107 of 1998)

Activities carried out on Portion 12 of the Farm Ongegunde Vryheid No 746, Cape st Francis

**Kouga Local Municipality, Sarah Baartman District Municipality
Eastern Cape**

DEDEAT reference: SBROB#2021-05-21

Introduction

Portion 12 of the Farm Ongegunde Vryheid No 746 (approximately 46.21 ha in extent) is located in Cape St Francis Bay in the Kouga Local Municipality, Eastern Cape.

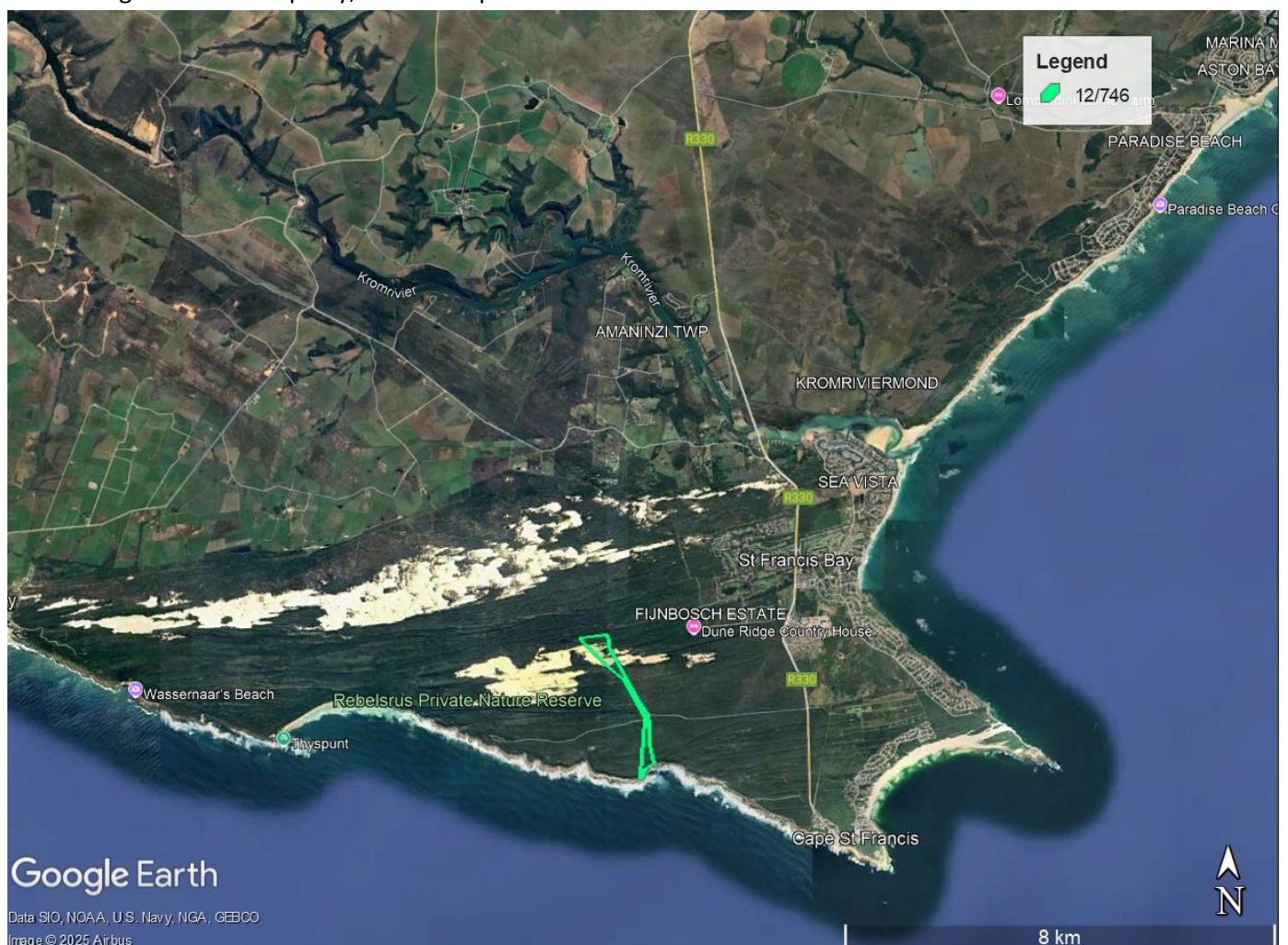


Figure 1: Location of Portion 12 of the Farm Ongegunde Vryheid No 746

The Eastern Cape Department of Economic Development and Environmental Affairs and Tourism (DEDEAT) issued a notice of intention to issue a compliance notice to the landowner (Soundprops 1246 cc) on 23 October and 26 October 2024.

The notice was issued in terms of section 31L of the National Environmental Management Act, 1998 (Act 107 of 1998) as amended in respect of the commencement of activities on portion 12 of the Farm Ongegunde Vryheid No 746.

Listed activities in terms of the 2014 Environmental Impact assessment (EIA) regulations, as amended, 2017 included in the notice dated 23 October 2024:

LN 1 (GNR 327): Activity 19A

LN 1 (GNR 327): Activity 54

Listed activities in terms of the 2014 EIA regulations, as amended, 2017 included in the notice dated 26 October 2024:

LN 1 (GNR 327): Activity 54

LN 3 (GNR 324): Activity 5

Soundprops 1246 cc responded on 4 November 2024 to indicate that the intention is to apply to the DEDEAT for the regularization of unlawful commencement or continuation of listed activities in terms of Section 24G of the NEMA.

Purpose of the BID

The main purpose of this Background Information Document (BID) is to:

- Provide potential Interested and Affected Parties (IAPs) with information regarding the proposed development;
- Describe the environmental process being undertaken in terms of the NEMA and the EIA regulations, 2014, as amended
- Outline the 24G application process and the public participation process

Background

The property was purchased by the current landowner in 1993; two dwellings were in place at the time. Google Earth historical imagery (2005) shows two dwellings in place on the property. The south western dwelling has been used by the landowners as a private holiday residence; the north eastern dwelling consists of 5 rooms and an outside cottage; the 5 rooms can sleep 2 persons per room and have been rented to guests since ownership in 1993. The outside room is not rented. A maximum of 12 guests (10 adults; 2 children) have been permitted at the NE dwelling over the years. In about 2021 the owner refurbished and renovated the dwellings; the following activities took place:

- Rerouting of road (200m²) behind the NE dwelling, renovation of dwelling, putting in place a deck with a plunge pool (140m²) in the footprint of the old road
- Renovation of south western dwelling in the same development footprint.

The total development footprint of the two dwellings and road is approximately 1600m².



Figure 2: Activities carried out within 100 m of HWM; NE dwelling is rented to holiday makers; maximum 12 guest permitted; SW dwelling is used for private residential / holiday purposes.

Environmental Sensitivities

The following is applicable to the site:

- The National Freshwater Ecosystem Priority Areas map for the study area shows no wetland areas, minor streams or watercourses mapped within 100 meters of the site.
- In terms of the National Vegetation Map, 2018, vegetation on the property is mapped as St Francis Dune Thicket (AT57) (Ecosystem Status, 2022: *least concern*).
- The site is located within 5km of a Rebelsrus Private Nature Reserve (NEMPA: informal protected)
- In terms of the Eastern Cape Biodiversity Conservation Plan, 2019 (ECBCP) the site falls within a terrestrial Critical biodiversity area (CBA) 1.
- Both dwellings are located in close proximity to the High-Water Mark of the sea.



Figure 3: Vegetation types in terms of NatVEG Map, 2019



Figure 4: Site located within 5km of Rebelsrus Private Nature Reserve



Figure 5: Site falls within terrestrial CBA 1 (ECBCP, 2019)

Legal Requirements - National Environmental Management Act (Act 107 of 1998)

The NEMA 2014 Environmental Impact Assessment (EIA) Regulations (as amended, 2017) sets out a list of identified activities that may not commence without environmental authorisation from the competent authority. The activities took place in 2021; an application for environmental authorisation will be submitted in terms of section 24G of the NEMA for the following NEMA EIA activities:

Listing Notice; Activity	Description of Listed activity	Description of development
Activity 19A LN 1 (GNR 327):	The infilling or depositing of any material of more than 5 cubic meters into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic meters from— (ii) the littoral active zone, an estuary or a distance of 100 meters inland of the high-water mark of the sea or an estuary, whichever distance is the greater; ...	Renovations occurred within 100 meters of the HWM of the sea
Activity 54 LN 1 (GNR 327):	Commencing with: The expansion of facilities- (i)...; (ii)...; (iii)...; (iv)...; (v) if no development setback exists, within a distance of 100 meters inland of the high-water mark of the sea or an estuary,	Renovations occurred within 100 meters of the HWM of the sea



	<p>whichever is the greater; In respect of-</p> <p>(a)...; (b)...; (c)...; (d)...; (e) buildings where the building is expanded by 50 square meters or more; (f) infrastructure where the development footprint is expanded by 50 squares or more; but excluding- (aa)-(bb).</p>	
LN 3 (GNR 324): Activity 5	<p>The development of resorts, lodges, hotels and tourism or hospitality facilities that sleep less than 15 people. (d) In Eastern Cape: (ii) Outside urban areas, in: (bb) Areas seawards of the development setback line or within 1 kilometer from the high-water mark of the sea if no such development setback line is determined; or...</p>	<p>Renovations occurred within 100 meters of the HWM of the sea. NE dwelling is used as tourism / hospitality facilities that sleeps less than 15 people.</p>

Screening Tool

A screening tool has been developed by the Department of Forestry, Fisheries and Environmental Affairs (DFFE). The Screening Tool identifies related exclusions and/or specific requirements including specialist studies applicable to the proposed site and/or development, based on the national sector classification and the environmental sensitivity of the site. A screening report was generated for the proposed project; the sensitivities identified are provided below.

- Agricultural theme - Medium Sensitivity
- Animal Species - High Sensitivity
- Aquatic Biodiversity - Low sensitivity
- Archaeological and Cultural Heritage - Very High Sensitivity
- Paleontological - Very High sensitivity
- Plant Species Assessment - Medium sensitivity
- Terrestrial Biodiversity - Very High Sensitivity
- Civil Aviation Assessment - High sensitivity
- Defence theme - Low sensitivity

Specialist Studies

The following specialist studies will be carried out:

- Aquatic compliance statement
- Terrestrial Biodiversity Assessment including Flora and Fauna

Application Processes – NEMA Section 24 G

The following steps will be undertaken:

- Generation of screening tool report; complete
- Submission of Notice of Intent to apply for Environmental Authorisation to the competent authority (DEDEAT) (current)
- Public participation starts (**current**) and entails:



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- Identifying potential Interested and Affected Parties (IAPS) including landowners, adjacent landowners, relevant organs of state and stakeholders
- Notice of intent to apply for EA and 30-day registration by IAPS (Current) (27 March – 2 May 2025)
 - Placement of Site Notices at the site
 - Placement of advert in a local newspaper
 - Email notice and background information
- Maintain stakeholder database; keep record of comments received, responses provided, throughout the process
- Specialist studies, site verification, impact assessment and associated recommendations / mitigation / rehabilitation measures, Comments and Response Report
- Submission of draft S24G application for 30-day comment and review period
- Submit final S24G application to DEDEAT for decision making
- An Environmental Authorisation (EA) with conditions, may be issued to the applicant
- A copy of the EA is made available to all IAPs 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.

Public participation process

A vital part of the process is public consultation. The public participation process provides IAPs with an opportunity to gain an informed understanding of the activities through the review relevant reports and provides an opportunity for IAPs to comment on the activities and raise issues or concerns.

Notice is hereby given in terms of Regulation 41 of the NEMA EIA regulations that the landowner will be applying for an environmental authorisation from the DEDEAT for the regularization of activities which have commenced on Portion 12 of the Farm Ongegunde Vryheid No 746, Cape st Francis.

A public participation process will be conducted according to Regulation 41 of the NEMA 2014 EIA Regulations (as amended, 2017). All interested and affected parties (IAPs) are encouraged to participate in the process. Register and submit initial comments as an IAP within 30 days of this notice

Registration: 27 March – 2 May 2025

Environmental Assessment Practitioner: Claire De Jongh (EAPASA Reg: 2021/3519)

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Project related information will be made available via our website: www.ecoroute.co.za

Registered IAPs will be sent the draft S24G application report for a 30-day review and comment period. Thereafter the final S24G application will be submitted.