

BASIC ASSESSMENT PROCESS

Rocky Coast Housing Development

Proposed Residential Development of a Portion of Portions 78 & 79 of Farm Ongegunde Vryheid No. 746, Cape St. Francis, Kouga Local Municipality



Public Process Consultants
Environmental Impact Assessment and
Public Participation Management

BACKGROUND INFORMATION DOCUMENT: July 2019

INTRODUCTION

The proponent, Rocky Coast Farm (Pty) Ltd, proposes the residential development of a portion of Portions 78 and 79 of Farm Ongegunde Vryheid No. 746, Cape St. Francis, Kouga Local Municipality, hereinafter referred to as Rocky Coast Farm. It is proposed that a maximum of 46 residential erven, measuring 950m² each, as well as associated services infrastructure are developed (approximately 6.5 ha or 1.42% of the site), and the remainder is proposed to be zoned Open Space III and declared as a private Nature Reserve (approximately 451.98 ha or 98.58 % of the site), with continued public recreational access to the coastline. The farm portions, measuring 458.48 in combined extent are currently zoned as Agriculture I.

The total proposed development footprint is anticipated to be ~6.5 hectares (~950m² per unit and associated service infrastructure ~2ha) which will be rezoned to Resort Zone II. The remainder of the farm (~451.98ha) which is proposed to be declared a private Nature Reserve, with continued public recreational access to the coastline, will link into adjacent Nature Reserves. The proposed development will comply with the Kouga Spatial Development Framework which allows for 1 residential unit per 10ha, amounting to a total of 46 proposed units. The proposed development will include the establishment of access roads and infrastructure for the provision of services (eg. access, internal roads, electricity, water, domestic effluent and overland stormwater management).

In terms of the NEMA EIA Regulations, 2014 (as amended), published in GN R326, 327, 325 and 324, promulgated under Chapter Five of the National Environmental Management Act (Act 107 of 1998) (NEMAA), and published in Government Gazette 40772 on the 7 April 2017, the project requires a Basic Assessment, because it triggers, amongst others, the following listed activity, in Listing Notice 1 (GN R327):

“27. The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, ...”

PROJECT LOCALITY

Portion 78 & 79 of Farm Ongegunde Vryheid No 746 (Rocky Coast Farm) is located immediately west of Cape St. Francis and is currently zoned as Agriculture I. The site can be accessed via the gravel road which intersects with the R330 approximately 240m north of the entrance to Cape St. Francis.

HOW CAN I PARTICIPATE IN THIS ENVIRONMENTAL ASSESSMENT PROCESS?

In terms of regulation 42(b) of Government Notice R326, interested and affected parties (I&APs) are to request in writing that their names be placed on the register of interested and affected parties. To register as an I&AP, complete the comment and registration form included with this correspondence or submit your contact details (via fax or email), stating your full name, address and contact numbers, to the consultant indicated in this documentation. In terms of regulation 43(1), a registered I&AP is entitled to comment in writing on all reports and plans submitted as part of the public participation process and raise any issues which may be of significance to the consideration of the application. Additionally, I&APs are required to disclose any direct business, financial, personal or other interest which they may have in the approval or refusal of the application. By registering on the project register, you will be notified as and when information on the project is available for I&AP review and comment.

WHAT DOES THIS DOCUMENT TELL YOU?

This document provides you, as an I&AP, with background information on the proposed project, the Basic Assessment, as well as Public Participation process that will be undertaken. It indicates how you can become involved in the project, receive information and raise issues that may interest and/ or concern you. The sharing of information forms an important component of the Public Participation Process and provides you with the opportunity to become actively involved in the Basic Assessment process from the outset. Public Participation is an important component of the Basic Assessment process and together with scientific investigations assists the competent authority, in this instance the Department of Economic Development Environmental Affairs and Tourism (DEDEAT), Sarah Baartman Region, with their decision-making.

PROJECT OVERVIEW

The proposed development will consist of 46 residential erven (~950m² per erf) and associated service infrastructure such as access, internal roads, water, stormwater management, and domestic effluent (approximately 6.5 ha or 1.42% of the site). The remainder of the farm, ~451.98 ha (98.58% of the site), is proposed to be rezoned as Open Space

Zone III and declared a private Nature Reserve in terms of section 23 of the NEM: Protected Areas Act (No. 57 of 2003) through the Eastern Cape Biodiversity Stewardship Programme which is administered by the Eastern Cape Parks and Tourism Agency (ECPTA).

The proposed development will include the following components:

- Clearing vegetation for construction (~950m² for 46 units and ~2ha for associated infrastructure; totaling ~6.5ha)
- Construction of houses and establishment of domestic gardens
- Installation of roof rainwater harvesting tanks
- Installation of domestic water supply (water pipeline) and treatment facilities, proposed from an onsite borehole, upgraded reservoir and water treatment plant
- Construction of access and internal road/s (width ranging from 4 meters to 5.5 meters)
- Construction of a domestic effluent treatment facility (Cleardge Sewage Treatment System)
- Establishment of a stormwater management system

A detailed project description and layout will be provided in the Consultation Draft Basic Assessment Report. A draft layout plan as well as a locality map is attached to this Background Information Document.

The total development footprint, individual erven and associated services infrastructure is anticipated to be approximately 6,5ha. The erven on Rocky Coast Farm are proposed to be rezoned to Resort Zone II, while the remainder of the farm, ~451.98 ha, is proposed to be rezoned as Open Space Zone III and declared a private Nature Reserve. . The site qualifies for Nature Reserve status, as outlined by the Biodiversity Stewardship framework and contemplated in section 23(2) of the NEM: Protected Areas Act (No. 57 of 2003).

ALTERNATIVES AND SITE SELECTION

A key component of the Basic Assessment process is the identification and assessment of reasonable and feasible alternatives. Reasonable and feasible alternatives as raised by I&APs, specialists and the technical team will be considered in the assessment process. The following alternatives have been identified and will be considered in the assessment process:

- No-go alternative
- Layout/ footprint alternatives
- Land Use Alternatives - Agriculture
- Alternatives as identified by I&APs

A previous environmental assessment process was undertaken for a proposed housing development on Rocky Coast Farm (circa 2008). The preferred alternative assessed in the previous assessment included a total of 71 residential units clustered into 2 nodes, one to the west of the farm and one to the east. However, this layout does not comply with the Kouga Spatial Development Framework and is therefore not considered a feasible alternative.

Prior to the undertaking of **the current** assessment process an environmental screening process was undertaken in order to identify potential constraints the environment may pose on the development. The screening assessment included the input from a number of independent specialists (aquatic, vegetation, coastal zone, town planning and heritage) and identified portions of the farm which would potentially be sensitive to development, as well as be considered No-Go areas. The proposed draft layout included with this documentation has thus been determined based on the exclusion of these sensitive areas (No-Go areas considered not suitable for development). The map attached to this documentation indicates the proposed draft layout which will be assessed in this Basic Assessment Process.

OVERVIEW OF THE BASIC ASSESSMENT PROCESS AND PUBLIC PARTICIPATION

In terms of the NEMA EIA Regulations 2014 (as amended), published in GN R326, 327, 325 and 324, promulgated under Chapter Five of the National Environmental Management Act (Act 107 of 1998) (NEMAA), and published in Government Gazette 40772 on the 7 April 2017, the project requires a Basic Assessment and Environmental Authorisation is required prior to the commencement of any activities on site. The table below lists potential listed activities in GN R327 and 324, which trigger the need for a Basic Assessment. A cautious approach has been adopted towards the identification of listed activities. Where there is currently uncertainty with regards to the applicability of a listed activity, it has been included in the table below, in terms of the following:

EIA Regulations (2014), as amended on 7 April 2017	Project Component
GN R327 (Listing Notice 1)	
17. Development – (iii) within the littoral active zone;	Included in the development proposal is the provision of fire/service tracks throughout Rocky Coast Farm. In some instances, these proposed tracks may have to be established within a portion of the littoral active zone and

<p>(v) if no development setback exists, within a distance of 100 meters inland of the high-water mark of the sea...</p> <p>In respect of –</p> <p>(e) infrastructure or structures with a development footprint of 50 square meters or more –</p>	<p>may extend to within 100 meters of the high-water mark of the sea. The total footprint of the fire/service tracks may exceed 50 square meters. The location and extent thereof will be determined by the project engineer through the assessment process.</p>
<p>19. 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;</p>	<p>The proposed development will include the installation of a new water main (ø110mm) within an existing municipal servitude, which traverses a wetland. This may require the removal of more than 10 cubic meters of material from the wetland, which is defined as a watercourse in terms of the EIA Regulations, 2014 (as amended).</p>
<p>19A. 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>(ii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea...</p>	<p>Included in the development proposal is the provision of fire/service tracks throughout the Farm. In some instances, these proposed tracks may have to be established within a portion of the littoral active zone and may extend to within 100 meters of the high-water mark of the sea. The development of these tracks may require the removal of more than 5 cubic meters of material. The location and extent thereof will be determined by the project engineer through the assessment process.</p>
<p>27. The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation,</p>	<p>The proposed development consists of 46 erven that will require clearing of 0.095 hectares (950 square meters) of indigenous vegetation, for each erf, including domestic gardens. The total proposed development footprint, including associated infrastructure (roads, etc.) is proposed to be approximately 6.5 hectares and will not exceed 20 hectares.</p>
<p>GN R324 (Listing Notice 3)</p>	
<p>2. The development of reservoirs, excluding dams, with a capacity of more than 250 cubic metres.</p> <p>a. Eastern Cape</p> <p>ii. Outside urban areas, in:</p> <p>(dd) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(ff) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve;</p> <p>(hh) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or...</p>	<p>The proposed development will require the construction of an irrigation / emergency retention pond as part of the domestic effluent treatment facility. The size is estimated to be 520 cubic meters. In addition, it is proposed that the existing water reservoir is upgraded to have a minimum store capacity of 100 cubic meters.</p> <p>The proposed residential development site falls in the Eastern Cape, outside urban areas, within a CBAT 2, in terms of the ECBCP.</p> <p>Additionally, the site is located within 5 kilometres of the Irma Booyesen Flora Reserve (adjacent to the eastern boundary of the site), Rebelsrus Private Nature Reserve (~1.9 kilometres west of the site), Cape St. Francis Provincial Nature Reserve (~2.8 kilometres east of the site) and the Sand River Private Nature Reserve (~3.2 kilometres north of the site), which are all protected areas in terms of NEMPAA.</p> <p>The proposed development footprint including associated infrastructure and the irrigation/ emergency pond is proposed to be located within 250 meters of the high-water mark of the sea. No development setback line exists.</p>

<p>4. The development of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <p>a. Eastern Cape</p> <p>i. Outside urban areas:</p> <p>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve, excluding disturbed areas;</p> <p>(hh) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or...</p>	<p>The proposed residential development will require the construction of an access road with a minimum width of 5.5 meters. Additionally, the width of main internal roads is proposed to vary between 4.0 and 5.5 meters.</p> <p>The proposed development site falls in the Eastern Cape, outside urban areas, within a CBAT 2, in terms of the ECBCP.</p> <p>Additionally, the site is located within 5 kilometres of the Irma Booyesen Flora Reserve (adjacent to the eastern boundary of the site), Rebelsrus Private Nature Reserve (~1.9 kilometres west of the site), Cape St. Francis Provincial Nature Reserve (~2.8 kilometres east of the site) and the Sand River Private Nature Reserve (~3.2 kilometres north of the site), which are all protected areas in terms of NEMPAA.</p> <p>The proposed development footprint including associated infrastructure and internal roads are proposed to be located within 250 meters of the high-water mark of the sea. No development setback line exists.</p>
<p>12. 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. Eastern Cape</p> <p>iii. Within the littoral active zone or 100 metres inland from the high water mark of the sea, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</p>	<p>Included in the development proposal is the provision of fire/service tracks throughout the Farm. In some instances, these proposed tracks may have to be established within a portion of the littoral active zone and may extend to within 100 meters of the high-water mark of the sea. The development of these tracks may require the clearance of 300 square meters or more of indigenous vegetation. The location and extent thereof will be determined by the project engineer through the assessment process.</p>
<p>14. The development of—</p> <p>(ii) infrastructure or structures with a physical footprint of 10 square metres or more; where such development occurs—</p> <p>(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse; excluding</p> <p>a. Eastern Cape</p> <p>i. Outside urban areas:</p> <p>(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(hh) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve;</p> <p>(ii) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or</p>	<p>The proposed development will include the installation,) of a new water main(ø110mm) within an existing municipal servitude, which traverses a wetland. The total development footprint of the pipeline within the wetland and within 32 metres of the wetland, which is defined as a watercourse in terms of the EIA Regulations, 2014 (as amended), may exceed 10 square metres.</p> <p>The proposed residential development site falls in the Eastern Cape, outside urban areas, within a CBAT 2, in terms of the ECBCP.</p> <p>Additionally, the site is located within 5 kilometres of the Irma Booyesen Flora Reserve (adjacent to the eastern boundary of the site), Rebelsrus Private Nature Reserve (~1.9 kilometres west of the site), Cape St. Francis Provincial Nature Reserve (~2.8 kilometres east of the site) and the Sand River Private Nature Reserve (~3.2 kilometres north of the site), which are all protected areas in terms of NEMPAA.</p> <p>The proposed development footprint including associated infrastructure is proposed to be located within 250 meters of the high-water mark of the sea. No development setback line exists.</p>

The applicability of all the listed activities indicated above will be determined through the assessment process. The listed activities require Environmental Authorisation from the DEDEAT prior to the commencement of any activities on

the site. The environmental assessment needs to show the responsible authority, DEDEAT, and the project proponent, Rocky Coast Farm (Pty) Ltd, what the consequences of their choices will be in biophysical, social and economic terms.

Public Process Consultants has been appointed as the independent Environmental Assessment Practitioner (EAP) to undertake the Basic Assessment for the project. Public involvement forms an important component of this process, by assisting in the identification of issues and alternatives to be evaluated. The assessment process being implemented can be divided into three phases namely:

- **Pre-Application Phase**
 - Notification to DEDEAT (**We Are Here**)
 - Project announcement, registration of I&APs and comment period (30 days) (**We Are Here**)
 - Preliminary specialist input
 - Draft Consultation Basic Assessment Report review period (30 days)
- **Application and Basic Assessment Phase**
 - Application Form prepared and submitted to DEDEAT
 - Consultation Basic Assessment Report review period (30 days)
 - Final Basic Assessment Report submitted to DEDEAT
- **Decision Making and Appeal Period**

To meet the timeframes as prescribed in the EIA Regulations, 2014 (as amended), specialist studies to be included as part of this assessment process have already commenced in parallel with the Pre-application Phase. The following specialist studies are proposed to form part of the assessment process:

SPECIALIST STUDY	SPECIALIST
Vegetation Assessment	Dr Adriaan Grobler, report review and assistance with plant identification by Prof Richard Cowling
Aquatic Assessment	Deborah Vromans
Traffic Impact Assessment	Engineering Advice and Services, Cary Hastie
Archaeological Assessment	Eastern Cape Heritage Consultants, Dr Johan Binneman and Kobus Reichert
Palaeontological Assessment	Cedar Towers
Coastal Impact Assessment	Dr Paul-Pierre Steyn
Geohydrological Assessment	SRK Consulting South Africa, Riona Kruger
Engineering Assessment (roads, stormwater, effluent and water reticulation)	JJ Spies Civil Engineers, Jaco Spies

Phase 1: Pre-Application Phase (Current Stage)

• **Project Announcement and Registration of I&APs (30 days)**

The first stage in the process entails notification to the DEDEAT, as well as I&APs of the intention to proceed with the Basic Assessment Process. Identified I&APs are provided with a Background Information Document (BID) on the project, a locality map and a comment form. An advertisement will be placed in a local newspaper and a site notice board will be erected at the site. I&APs are required to register their interest in the project to receive further project information. I&APs will be provided with a 30-day period to register their interest and raise any issues for inclusion in the Draft Consultation Basic Assessment Report (Draft CBAR).

• **Draft Consultation Basic Assessment Report (30 days)**

In terms of the NEMA EIA Regulations, 2014 (as amended), the objective of the Basic Assessment Process is to, amongst others, through a consultative process:

- determine policies and legislation relevant to the activity;
- identify the alternatives considered;
- describe the need and desirability of the proposed alternatives;
- undertake an impact and risk assessment process focussing on the geographical, physical, biological, social, economic, heritage and cultural sensitivity of the site;
- based on the impact assessment determine the preferred alternative, identify suitable mitigation measures and any residual risks that need to be managed or monitored.

A Draft CBAR will be compiled, which will include a Comments and Responses Trail – indicating the issues and concerns raised by I&APs during the 30-day project announcement period. The Draft CBAR will be made available for a 30-day review period. All registered I&APs will be notified in writing of the opportunity to comment. In order to assist I&APs with their understanding of the project and to facilitate the identification of issues for inclusion in the Consultation Basic Assessment Report (CBAR), I&APs will be provided with an executive summary of the Draft

CBAR, as well as a comment form. Copies of the report will also be made available on the website www.publicprocess.co.za.

Phase 2: Application and Basic Assessment Phase (30 days)

• Application Form and Consultation Basic Assessment Report (CBAR)

In parallel to the compilation and submission of the application form, the Consultation Basic Assessment Report (CBAR) will be compiled which will include a Comments and Responses Trail – indicating the issues and concerns raised by I&APs during the 30-day project announcement period as well as the 30-day review of the Draft CBAR (Phase 1: Pre-application phase).

Subsequent to the submission of the application form to the competent authority, the CBAR will be released for a minimum, legislated 30-day comment period. All registered I&APs will be notified in writing of the opportunity to comment. In order to assist I&APs with their understanding of the project and to facilitate the identification of issues for inclusion in the Final Basic Assessment Report (FBAR), I&APs will be provided with an executive summary of the CBAR, as well as a comment form. Copies of the report will also be made available on the website www.publicprocess.co.za.

• Final Basic Assessment Report Submission

The Final Basic Assessment Report (FBAR), including the Comments and Responses Trail and EMPr will be compiled for submission to the competent authority (DEDEAT) for their consideration. In terms of the NEMA EIA Regulations 2014 (as amended) where Basic Assessment is applied to an application *the applicant must within 90 days of receipt of the application by the competent authority, submit to the competent authority, a Basic Assessment Report, including specialist studies, which has been subject to a 30-day public participation process.* This Basic Assessment Report should include all the comments received during the 30-day comment period. All I&APs on the project database will be notified in writing of the submission of the Final BAR.

Phase 3: Decision Making and Appeal Period

The competent authority must within 107 days of receipt of the Basic Assessment report grant or refuse environmental authorisation. The applicant must, within 14 days of the date of the decision, notify all registered I&APs of the decision and provide them with access to the decision and reasons for the decision, as well as indicate the manner of appeal.

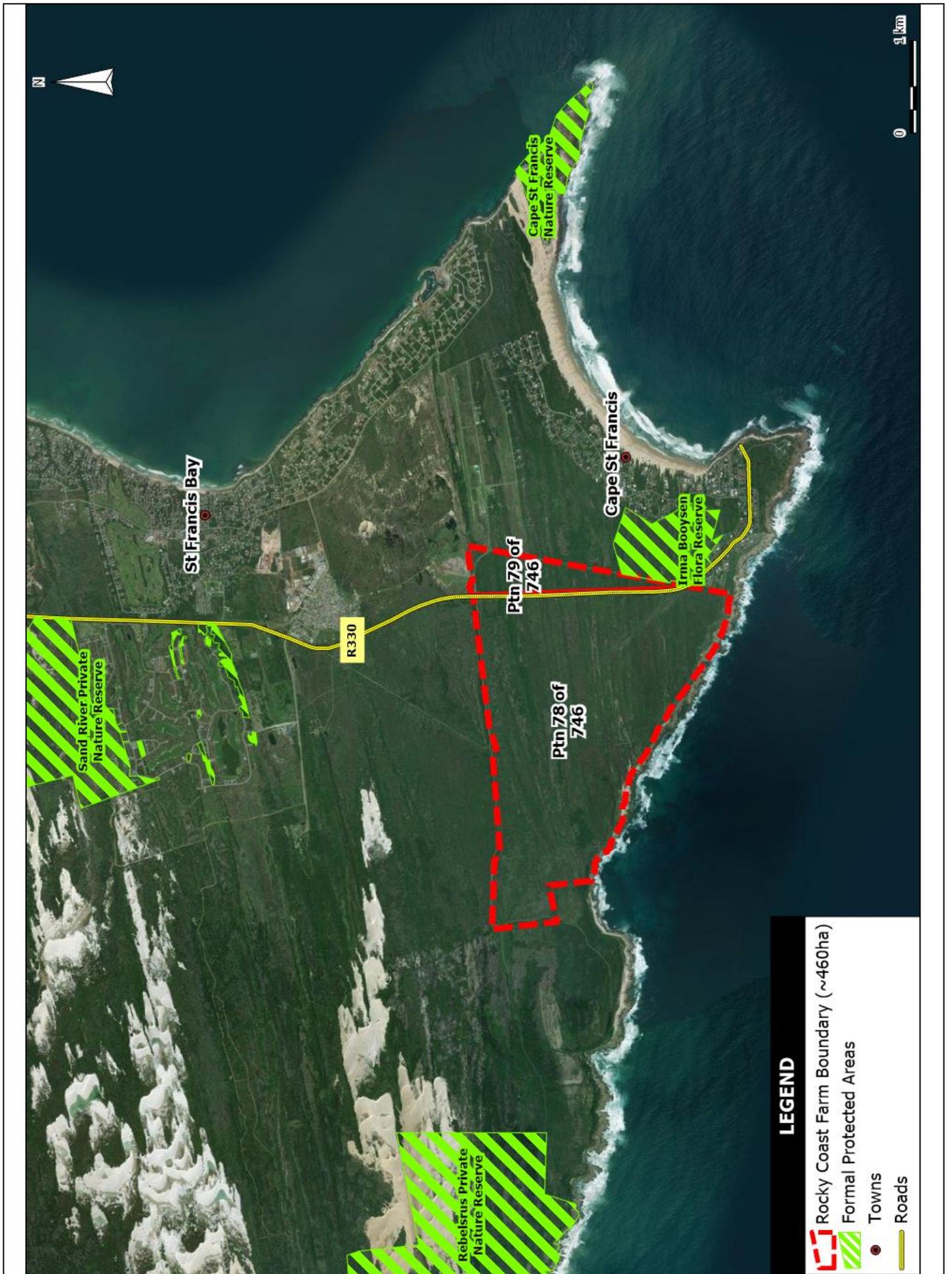
WHAT IS YOUR ROLE AS AN I&AP?

1. I&APs are required to respond to the letters of notification and/ or newspaper advertisements to register their interest on the project database and raise any issues or concerns.
 - By emailing, faxing or mailing a comment form to the participation consultant indicated below.
 - By registering your interest in the project, you will be kept informed of the process and will be notified of any opportunities to comment.
2. I&APs are required to state their area of interest and/ or concern in the matter.
 - By emailing, faxing or mailing a comment form to the public participation consultant indicated below.
3. By telephonically contacting the public participation consultant if you have a query, comment, or require further project information.
4. By reviewing the Draft Reports and submitting any comments/ issues within the specified comment periods.

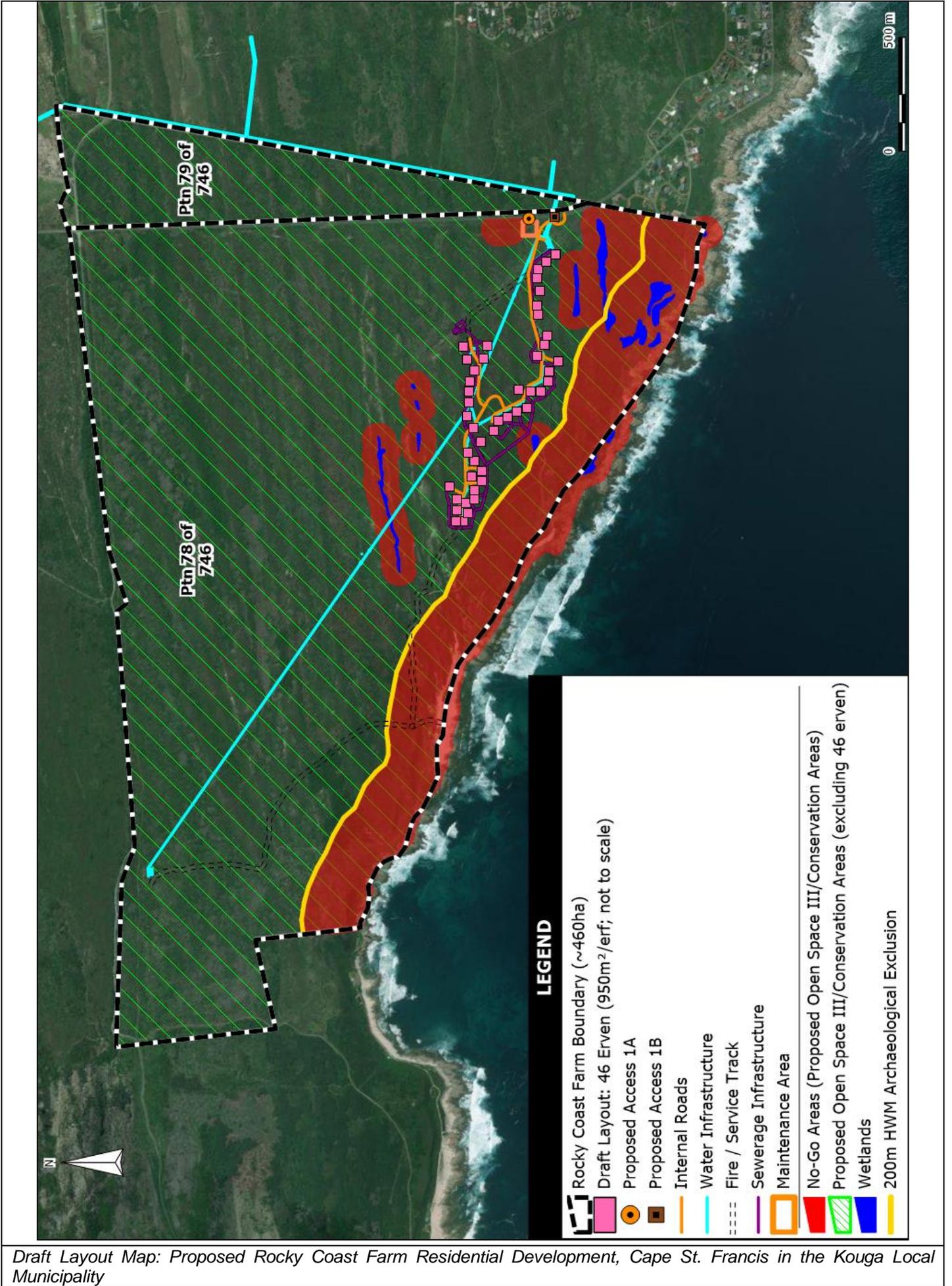
WHO SHOULD YOU CONTACT?

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6057
Phone: 041-374 8426 or Fax: 041-373 2002
Email : sandy@publicprocess.co.za

Information on the project can be downloaded from the following website: www.publicprocess.co.za



Locality Map: Portions 78 & 79 of Farm Ongegunde Vryheid No. 746 (Rocky Coast Farm), Cape St. Francis in the Kouga Local Municipality



Draft Layout Map: Proposed Rocky Coast Farm Residential Development, Cape St. Francis in the Kouga Local Municipality