

## CHAPTER FOUR: ENVIRONMENTAL IMPACT ASSESSMENT PROCESS AND PUBLIC PARTICIPATION

### 4.1 INTRODUCTION

This Chapter of the report provides the legal context for this Environmental Impact Assessment (EIA) in line with Appendix 2, Section 2, of NEMA EIA Regulations, 2014 (as amended). This includes an overview of the approach to the EIA process, with a focus on the public participation process, as well as a schedule for the EIA process, as follows:

- As required in GN R326, Appendix 2 2. (1) (e) *“a description of the policy and legislative context within which the development is proposed including an identification of all legislation, policies, plans, guidelines, spatial tools, municipal development planning frameworks and instruments that are applicable to this activity and are to be considered in the assessment process”*; and
- As required by GN R326, Chapter 6, Regulation 39 to 44, the steps to follow regarding the public participation process for the Scoping phase of the assessment.

The plans, guidelines, spatial tools, municipal development planning frameworks and instruments which have been considered in the Scoping Phase of this assessment are listed below and are discussed in more detail in Chapter One and Three of this report.

### 4.2 LEGAL CONTEXT FOR THIS EIA

Section 24(1) of NEMA (as amended) provides as follows:

*"In order to give effect to the general objectives of integrated environmental management laid down in this Chapter, the potential impact of the environment of listed activities must be considered, investigated, assessed and reported on to the competent authority charged by this Act with granting the relevant environmental authorization."*

The reference to "listed activities" in section 24 of NEMAA relates to the NEMA EIA Regulations, 2014 (as amended), which came into effect on the 8 December 2014 and were amended on the 7 April 2017 by Government Notice R326, 327, 325 and 324 published in Government Gazette 40772. The Government Notices published are collectively referred to as the NEMA EIA Regulations 2014 (as amended) and amongst others, comprise listed activities that require either Basic Assessment (BA), or a Scoping and Environmental Impact Assessment (Scoping & EIA), which is to be undertaken prior to commencement of any activities on site. This proposed project requires full Scoping & EIA in order to obtain Environmental Authorization for activities listed in GN R327, 325 and 324, for which the decision-making authority is the Provincial Department of Economic Development, Environmental Affairs and Tourism (DEDEAT), Cacadu Region.

The listed activities that potentially require Environmental Authorisation are outlined in the table below (Table 4.1). At this stage of the assessment process a cautious approach has been adopted towards the identification of listed activities, and where there is uncertainty as to whether a listed activity applies to this project, it has been included in the table below. As noted in Chapter One of this report, DEDEAT was notified in writing of the intention to commence a Scoping & EIA process for the proposed project in correspondence dated the 11 April 2017. Included with this correspondence was a Background Information Document (BID) on the project which, amongst others, outlined the approach to this Scoping & EIA process, potential listed activities and included a locality map for the development. However, notification was provided in terms of the NEMA EIA Regulations, 2014 published in Government Notice R982, 983, 984 and 985 on the 4 December 2014, in Government Gazette 38282. Subsequent to initiation of the Scoping and EIA process, it

was brought to the EAP's attention that these regulations had been amended by the publication of GN R326, 327, 325 and 324 in Government Gazette 40772 on the 7 April 2017. Therefore, the proposed S&EIA process and identification of potential listed activities must be undertaken in terms of the NEMA EIA Regulations, 2014 (as amended). In line with the amended EIA Regulations, 2014, the project has been re-advertised (see copy of advert and notice board in Appendix C). The applicability of listed activities will be refined during the course of the EIA process and DEDEAT will be notified accordingly.

The EIA process is a planning, design and decision-making tool which needs to show the competent authority, DEDEAT, and the project applicant, what the consequences of their choices will be in biophysical, social and economic terms. As such, it identifies potential impacts that the project may have on the environment, as well as identifying potential constraints the environment may place on the development. The EIA makes recommendations to mitigate potentially negative impacts and maximize potentially positive impacts associated with the project.

*Table 4.1: Listed activities according to GN R327, 325 and 324 requiring Environmental Authorisation in terms of the NEMA EIA Regulations, 2014 (as amended).*

Activity Number	Project Component
<b>GN R327 (Listing Notice 1 – Basic Assessment)</b>	
19. <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;</i>	<p>A watercourse, the Wit River, has been identified on site. It is anticipated that an existing low-level crossing be utilised to access the proposed agricultural area along the western boundary of the Farm.</p> <p>The upgrading and maintenance of this existing crossing to a standard necessary to provide suitable access may require the depositing of material, excavation, removal or moving of soil, sand, pebbles or rock of more than 10 cubic metres from the watercourse.</p>
<b>GN R325 (Listing Notice 2 – full Scoping &amp; EIA)</b>	
15. <i>The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for—</i>	The proposed agricultural development will entail the clearance of up to 65 hectares of vegetation, most of which is anticipated to be indigenous.
<b>GN R324 (Listing Notice 3 – Basic Assessment)</b>	
2. <i>The development of reservoirs, excluding dams, with a capacity of more than 250 cubic metres.</i>	In order to ensure sufficient supply of irrigation water for the proposed agricultural development, it is proposed that a new irrigation dam, with an anticipated capacity of approximately 30 000 cubic metres, be constructed.
<p>a. <i>In Eastern Cape</i></p> <p>ii. <i>Outside urban areas, in:</i></p> <p>(dd) <i>Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</i></p> <p>(ff) <i>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; or</i></p>	<p>The area under assessment is located outside of an urban area, in the Eastern Cape and approximately 7.5 kilometres from the nearest boundary of the Addo Elephant National Park. The area under assessment has been identified as a Terrestrial CBA (BLMC2) and an Aquatic CBA (ABLMC 2b) in terms of the Eastern Cape Biodiversity Conservation Plan.</p>

<p>4. <i>The development of a road wider than 4 metres with a reserve less than 13,5 metres.</i></p> <p>a. <i>Eastern Cape</i></p> <p>i. <i>Outside urban areas:</i></p> <p>(ee) <i>Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</i></p> <p>(gg) <i>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;</i></p>	<p>A number of unpaved, internal vehicle tracks will be required to provide access within the orchards. The width of these roads will be established by the relevant technical specialists during the assessment, but it is anticipated that they may be wider than 4 metres in some instances.</p> <p>The area under assessment is located outside of an urban area, in the Eastern Cape and approximately 7.5 kilometres from the nearest boundary of the Addo Elephant National Park. The area under assessment has been identified as a Terrestrial CBA (BLMC2) and an Aquatic CBA (ABLMC 2b) in terms of the Eastern Cape Biodiversity Conservation Plan.</p>
<p>12. <i>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.</i></p> <p>a. <i>Eastern Cape</i></p> <p>i. <i>Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</i></p>	<p>The proposed agricultural development will entail the clearance of up to 65 hectares (650 000 square metres) of vegetation, most of which is anticipated to be indigenous.</p> <p>A portion of the vegetation which is proposed for transformation has been identified as Albany Alluvial Vegetation in terms of the NBA mapping resources. This vegetation type has been listed as an Endangered ecosystem in terms of section 52 of the NEMBA.</p> <p>The vegetation type that occurs on the site and therefore the applicability of this listed activity will be determined by a vegetation specialist during the EIA phase of this assessment.</p>
<p>23. <i>The expansion of –</i></p> <p>(ii) <i>infrastructure or structures where the physical footprint is expanded by 10 square metres or more;</i></p> <p><i>where such expansion occurs—</i></p> <p>(a) <i>within a watercourse;</i></p> <p>(c) <i>if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;</i></p> <p>a. <i>Eastern Cape</i></p> <p>i. <i>Outside urban areas:</i></p> <p>(ee) <i>Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</i></p> <p>(gg) <i>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;</i></p>	<p>A watercourse, the Wit River, has been identified on site. It is anticipated that an existing low-level crossing be utilised to access the proposed agricultural area along the western boundary of the Farm.</p> <p>The existing crossing is proposed to be upgraded and maintained to a standard necessary to provide suitable access. The footprint of the existing crossing is likely to be increased by 10 cubic metres or more within the watercourse and within 32 metres of a watercourse.</p> <p>The area under assessment is located outside of an urban area, in the Eastern Cape and approximately 7.5 kilometres from the nearest boundary of the Addo Elephant National Park. The area under assessment has been identified as a Terrestrial CBA (BLMC2) and an Aquatic CBA (ABLMC 2b) in terms of the Eastern Cape Biodiversity Conservation Plan.</p>

### 4.3 LEGISLATION AND GUIDELINES APPLICABLE TO THIS EIA

As per Appendix 2 of GN R326 (Regulation 2 (1) (e) the scope and content of this report has been informed by the following legislation, policies, plans, guidelines, spatial tools, municipal development planning frameworks, instruments, and information series documents, which are potentially applicable to this project and considered in the assessment process:

#### 4.3.1 National Legislation

##### 4.3.1.1 *The Constitution of the Republic of South Africa (Act 108 of 1996):*

The Constitution, is the supreme law of South Africa and provides the legal framework for legislation regulating environmental management in general, against the backdrop of the Bill of Rights contained in Chapter Two of the constitution and enshrining fundamental human rights. Section 24 of the Constitution states that everyone has the right:

- “a) to an environment that is not harmful to their health or well-being; and*
- b) to have the environment protected, for the benefit of present and future generations through reasonable legislative and other measures that:*
  - (i) prevent pollution and ecological degradation;*
  - (ii) promote conservation; and*
  - (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.”*

**Applicability to this proposed project:** The proposed development must be implemented in a manner to 1) prevent pollution and ecological degradation; 2) promote conservation; and 3) secure ecologically sustainable development and use of natural resources, while promoting justifiable economic and social development. The State has a duty to promulgate legislation and take other steps that ensure that these rights are upheld and that, among other things, ecological degradation and pollution are prevented.

##### 4.3.1.2 *National Environmental Management Act (as amended) and the Environmental Impact Assessment Regulations 2014 (as amended), published under Chapter Five of NEMA (GN R326, GN R327, GN R325 and GN R324):*

The NEMA sets out a number of principles (Chapter One, Section 2) to give guidance to developers, private land owners, members of public and authorities. The proclamation of the NEMA gives expression to an overarching environmental law. Various mechanisms, such as cooperative environmental governance, compliance and non-compliance, enforcement, and regulating government and business impacts on the environment, underpin NEMA.

NEMA, as the primary environmental legislation, is complemented by a number of sectoral laws governing marine living resources, mining, forestry, biodiversity, protected areas, pollution, air quality, waste and integrated coastal management. Principle number 3 determines that a development must be socially, environmentally and economically sustainable. Principle Number 4(a) states that all relevant factors must be considered, inter alia i) that the disturbance of ecosystems and loss of biological diversity are avoided, or, where they cannot be altogether avoided, are minimized and remedied; ii) that pollution and degradation of the environment are avoided, or, where they cannot be altogether avoided, are minimised and remedied; vi) that the development, use and exploitation of renewable resources and the ecosystems of which they are part do not exceed the level beyond which their integrity is jeopardised; and viii) that negative impacts on the environment and on peoples' environmental rights be anticipated and prevented, and where they cannot be altogether prevented, are minimized and remedied.

**Applicability to this proposed project:** The activity requires full Scoping & EIA in order to obtain Environmental Authorization for activities listed in GN R327, 325 and 324, for which the competent authority is the Provincial Department of Economic Development, Environmental Affairs and Tourism (DEDEAT), Cacadu Region. This report serves to inform the process and governing principles of NEMAA and the requirements of the NEMA EIA Regulations, 2014 (as amended).

In terms of the requirements for good governance prescribed by the Act, there is an obligation to use all available information when making decisions, and to ensure that decisions are informed by the most up to date and relevant information available.

#### 4.3.1.3 *National Environmental Management Biodiversity Act (Act 10 of 2004):*

The NEMBA provides for the protection of listed endangered ecosystems and restricts activities according to the categorization of the area (not just by listed activity as specified in the NEMA EIA Regulations 2014 (as amended)). It promotes the application of appropriate environmental management tools to protect biodiversity. Chapter Three allows for the publication of bioregional plans. Chapter Five of the Act refers to the introduction and control of alien invasive species. The Threatened or Protected Species (TOPS) Regulations, in terms of Section 97 (Chapter Eight), requires an authorization/ permitting process to be followed.

**Applicability to this proposed project:** The site falls within the SRVM and no bioregional plans have been gazetted for this region. However, environmental management tools that are available for this region include, the Eastern Cape Biodiversity Conservation Plan (ECBCP), as well as the Sundays River Valley Municipality Biodiversity Sector Plan (SRVM BSP). These biodiversity planning frameworks must be consulted to inform decision making. Amongst others, these documents identify Aquatic and Terrestrial Critical Biodiversity Areas and Ecologically Sensitive Areas, which are coupled with relevant land use guidelines. However, these planning frameworks only serve as an identification tool and thus, require site verification, the results of which need to be considered by the development proposal.

Any threatened or protected species in terms of the NEMBA Threatened or Protected Species (TOPS) list cannot be removed without an authorization/ permit. Alien species listed in terms of NEMBA identified on a site are required to be controlled and /or eradicated. This assessment process includes a Vegetation and Aquatic Specialist Assessment which will include a consideration of the abovementioned planning frameworks and applicable legislation.

#### 4.3.1.4 *National Forests Act (Act 84 of 1998):*

The NFA (Act 84 of 1998) allows for the protection of certain tree species. The Minister has the power to declare a particular tree to be a protected tree. According to Section 12 (1) d (read with Sections (5) 1 and 62 (2) (c)) of the National Forest Act (Act 84 of 1998), a license is required to remove, cut, disturb, damage or destroy any of the listed protected trees. The most recent list of protected tree species was published in December 2016. The Department of Agriculture, Forestry and Fisheries (DAFF) is authorised to issue licences for any removal, cutting, disturbance, damage to or destruction of any protected trees.

**Applicability to this proposed project:** The protected trees that commonly occur in this region are *Sideroxylon inerme* (Milkwood). The presence of these trees on site will be confirmed as part of the Vegetation Specialist Assessment, to be conducted during the EIA Phase.

#### 4.3.1.5 National Heritage Resources Act (Act 25 of 1999):

The NHRA (Act 25 of 1999) introduces an integrated and interactive system for the managements of national heritage resources (which include landscapes and natural features of cultural significance). The protection of archaeological and paleontological resources is the responsibility of a provincial heritage resources authority and all archaeological objects, paleontological material and meteorites are the property of the State.

#### **Archaeology, palaeontology and meteorites:**

*“Section 35 (4) No person may, without a permit issued by the responsible heritage resources authority:*

- a) destroy, damage, excavate, alter, deface or otherwise disturb any archaeological or palaeontological site or any meteorite;*
- b) destroy, damage, excavate, remove from its original position, collect or own any archaeological or palaeontological material or object or any meteorite;*
- c) bring onto or use at an archaeological or palaeontological site any excavation equipment or any equipment which assist in the detection or recovery of metals or archaeological and palaeontological material or objects, or use such equipment for the recovery of meteorites.”*

#### **Heritage resources management:**

*“38. (1) Subject to the provisions of subsections (7), (8) and (9), any person who intends to undertake a development categorized as:*

- a) the construction of a road, wall, power line, pipeline, canal or other similar form of linear development or barrier exceeding 300 m in length;*
- b) the construction of a bridge or similar structure exceeding 50 m in length;*
- c) any development or other activity which will change the character of the site –*
  - (i) exceeding 5000 m<sup>2</sup> in extent, or”*

**Applicability to this proposed project:** A Heritage Impact Assessment will be undertaken for the proposed development, as part of the EIA phase of the assessment. The East Cape Provincial Heritage Resources Agency (ECPHRA) is required to provide comment on these reports to assist DEDEAT in their decision making. In order to facilitate their input, the respective reports will be loaded onto the SAHRIS website and the ECPHRA will be provided with copies of reports during the various stages of the assessment process.

#### 4.3.1.6 National Water Act (Act 36 of 1998):

The NWA is concerned with the overall management, equitable allocation and conservation of water resources in South Africa. It controls and manages water use in terms of water abstraction, water storage, wastewater discharge, impact on watercourses, altering watercourse flow and the determination of the Reserve. The General Authorizations in terms of Section 39 of the Act identify certain activities that require registration or licensing via the Department of Water Affairs that impact aquatic resources (watercourses and wetlands).

Section 144 states the Departments view on development surrounding water resources: 144) For the purposes of ensuring that all persons who might be affected have access to information regarding potential flood hazards, no person may establish a township unless the layout plan shows, in a form acceptable to the local authority concerned, lines indicating the maximum level likely to be reached by floodwaters on average once in every 100 years. In other words, the township developer must delineate the 1:100-year flood line on a map when developing a township. Measures must be implemented that prevent pollution and ecological degradation of aquatic resources i.e. rivers and wetlands.

A water use licensing application or registration is generally processed in the event that a proposed development lies within 500m of wetland habitat, in close proximity to aquatic features (wetlands, dams, rivers) or where a development crosses a watercourse; in terms of Section 21(c): impeding or diverting flow in a watercourse and 21(i): altering the beds and banks etc. of a watercourse. Application is made in terms of the Dam Safety Regulations for dams exceeding 50 000 m<sup>3</sup> and with a berm wall height exceeding 5 m in height.

**Applicability to this proposed project:** Due to the occurrence of a number of water resources (wetlands, irrigation/ storage dams and watercourses) on and in close proximity to Sylvania, as well as the proposal to upgrade the existing low-level crossing across the Wit River, an Aquatic Specialist Assessment will be undertaken. The results of the full Aquatic Report will be included in the Final EIA Report.

Confirmation is required from the Department of Water and Sanitation (DWS) whether the upgrading of the low-level crossing across the Wit River, as well as the undertaking of activities within 500m of the wetlands that have been preliminarily identified on the Farm and within 500m radius of the Farm, will require a General Authorisation (GA) or the submission of a Water Use Licence Application (WULA) in terms of Section 21 (c) and (i) of the Water Act.

It is proposed that a new dam with a capacity of ~30 000m<sup>3</sup> (~2.1ha footprint) be constructed to supply the required irrigation water for the proposed agricultural development. A GA or WULA is not usually required in terms of Section 21 (a) (water abstraction) when water is supplied from the existing Lower Sundays River Water Users Association (LSRWUA) canal system. Similarly, it is also unlikely that Section 21 (b) (water storage) should apply. Water from the LSRWUA canal system is not readily available during the day and is only released during prescribed times. The proposed balancing dam is thus needed to access and temporarily store the water from the LSRWUA canal system during the prescribed time periods. The DWS has been included on the database for this project.

#### *4.3.1.7 National Environmental Management: Protected Areas Act (Act 57 of 2003):*

The NEMPAA provides for the declaration of Protected Areas (PAs) in three forms (Chapter Three), namely Special Nature Reserves (Part 2), Nature Reserves (Part 3) and Protected Environments (Part 4). National Parks are the equivalent of National Protected Areas. Section 10 states that a Protected Area, declared in terms of provincial legislation, is either a nature reserve or protected environment.

**Applicability to this proposed project:** The nearest boundary of the Addo Elephant National Park is located ~7.5km north of Sylvania, therefore SANParks, as well as representatives of Addo Elephant National Park have been included on the project database and will be notified in writing of the various stages to comment on the assessment process.

#### *4.3.1.8 Conservation of Agricultural Resources Act (Act 43 of 1983):*

The objectives of the CARA (Act 43 of 1983) are to provide for the conservation of the natural agricultural resources of South Africa by the:

- Maintenance of the production potential of land;
- Combating and prevention of erosion and weakening or destruction of the water sources; and
- Protection of the vegetation and the combating of weeds and invader plants.

The CARA states that no land user shall utilise the vegetation of wetlands (a watercourse or pans) in a manner that will cause its deterioration or damage. This includes cultivation, overgrazing, diverting water run-off and other developments that damage the water resource. The CARA includes regulations on alien invasive plants. According to the amended regulations (GN R280 of March 2001), declared weeds and invader plants are divided into three categories:

- Category 1 may not be grown and must be eradicated and controlled,
- Category 2 may only be grown in an area demarcated for commercial cultivation purposes and for which a permit has been issued, and must be controlled, and
- Category 3 plants may no longer be planted and existing plants may remain as long as their spread is prevented, except within the flood line of watercourses and wetlands. It is the legal duty of the land user or land owner to control invasive alien plants occurring on the land under their control.

The provisions of Regulation 2 of CARA relate to the cultivation of virgin or new land. The landowner or applicant must obtain permission or authorisation in terms of Regulation 2 of the CARA Act, before virgin soil may be disturbed mechanically.

**Applicability to this proposed project:** The Vegetation Specialist Assessment will identify CARA listed species on site. Should alien plant species occur within the study area; this will be managed in line with the EMP. The Land Use and Soil Management Directorate of the Department of Agriculture, Forestry and Fisheries, as well as the Provincial Department of Rural Development and Agrarian Reform, Resource Planning Section, have been included on the project database and will be notified in writing of the various stages to comment on the assessment process. The applicant has been advised of the requirement to obtain permission from these departments to cultivate virgin land.

#### *4.3.1.9 Other Applicable National Legislation:*

- Occupational Health and Safety Act (Act 85 of 1993), as amended by Occupational Health and Safety Amendment (Act 181 of 1993);
- Hazardous Substances Act (Act 15 of 1973)

### **4.3.2 Provincial and Local Legislation**

#### *4.3.2.1 Cape Nature and Environmental Conservation Ordinance (Act 19 of 1974):*

The Ordinance allows for conservation of the natural environment; and the protection of wildlife. Certain biota are scheduled and, therefore, protected. A permit must be obtained from the Provincial DEDEAT, Biodiversity Section, to remove or destroy any plants listed in the Ordinance.

**Applicability to this proposed project:** A Vegetation Specialist Assessment will be undertaken during the EIA phase of the assessment. DEDEAT's Biodiversity Division have been included on the project database and will be notified in writing of the various stages to comment on the assessment process.

#### *4.3.2.2 Eastern Cape Provincial Heritage Resources Act (Act 9 of 2003):*

This Act provides for the establishment of a statutory body to identify, manage, conserve and promote heritage resources in the Province and matter related thereto.

**Applicability to this proposed project:** As noted under 4.3.1.5, a Heritage Impact Assessment will be undertaken for this project. The ECPHRA is registered on the project database and all

reports as a result of this assessment process will be uploaded onto the SAHRIS website to facilitate their input. In addition, the ECPHRA is emailed an electronic copy of reports during the comment period for the various stages of this assessment process.

#### 4.3.2.3 Other Applicable Provincial and Local Legislation:

- SRVM Integrated Development Plan (IDP), 2015/2016
- SRVM Spatial Development Plan (SDP), 2013
- Section 8 Zoning Scheme Regulations

#### 4.3.3 Policies and Guidelines

The policies and plans listed below have been considered in the compilation of this report. The applicability of the relevant conservation and other planning frameworks is discussed in more detail in Chapter Three of this report and will be considered by the relevant specialists in their respective assessments.

- South African National Development Plan, 2011.
- Integrated Environmental Management Information Series (Booklets 0 to 23) published by DEA over the period 2002 to 2005.
- Integrated Environmental Management Series Guidelines:
  - Guideline 7: Public Participation in the EIA process, (DEA, 10 October 2012, No 35769).
  - Guideline on Need and Desirability (DEA 2017).
- Conservation and Other Planning Frameworks:
  - National Biodiversity Assessment (NBA).
  - National Freshwater Ecosystem Priority Areas (NFEPA).
  - National Protected Areas Expansion Strategy (NPAES).
  - South African Heritage Resources Agency (SAHRA).
  - Agricultural Geo-Referenced Information System (AGIS).
  - Eastern Cape Biodiversity Conservation Plan (ECBCP).
  - Subtropical Thicket Ecosystem Programme (STEP).
  - Sundays River Valley Municipality Biodiversity Sector Plan (SRVM BSP).

#### 4.4 OVERVIEW OF THE SCOPING AND EIA PROCESS

The Scoping & EIA process for this assessment has been divided into the following phases and is discussed in more detail below:

##### **Pre-Application Scoping Phase (section 4.5 below)**

- Project Announcement and Registration of I&APs (30 days)
- Draft Consultation Scoping Report review (30 days)

##### **Application and Scoping Phase (section 4.6 below)**

- Submit Application form for Environmental Authorisation to DEDEAT
- Review of the Consultation Scoping Report (30 days)
- Submit Final Scoping Report to DEDEAT (**WE ARE HERE NOW**)

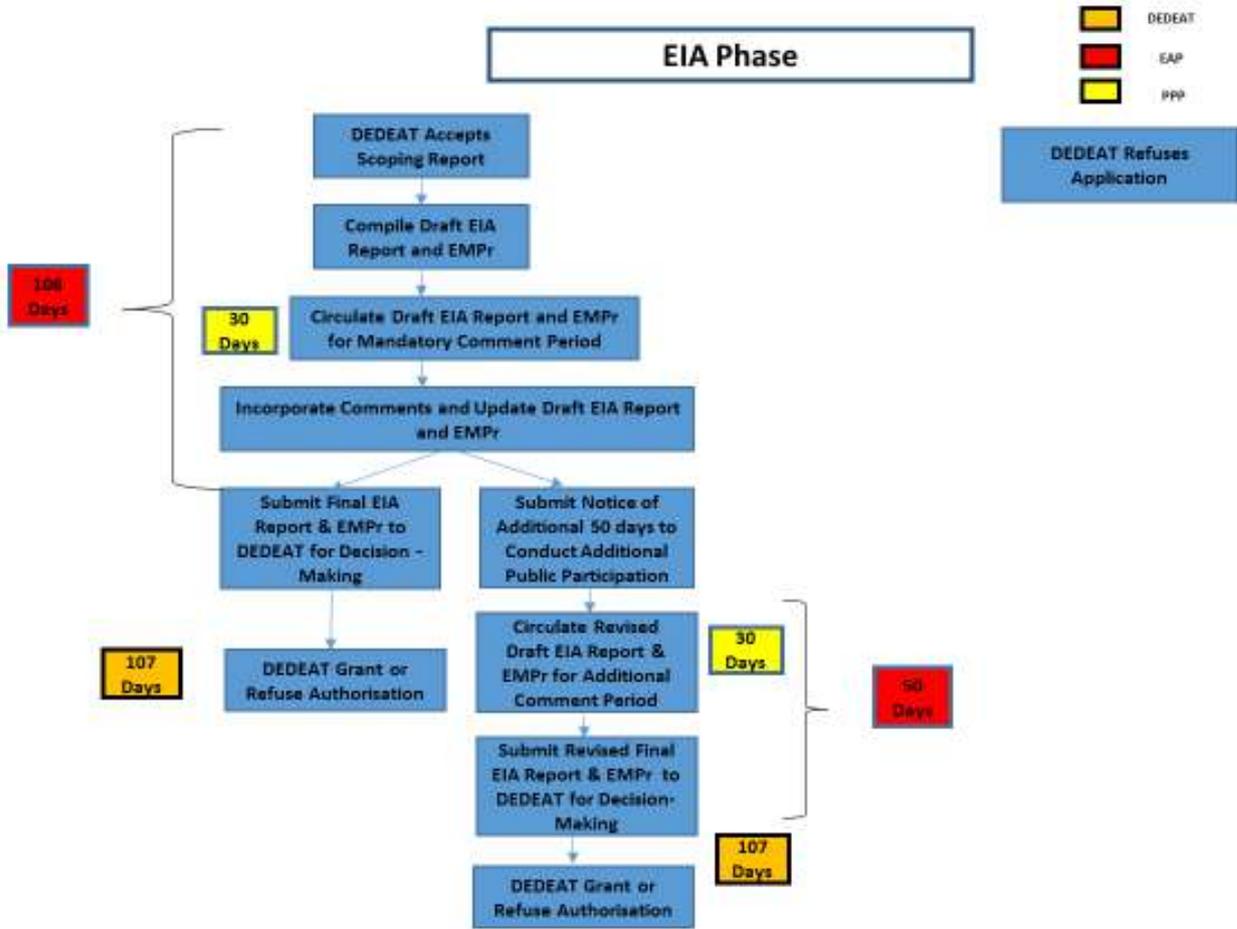
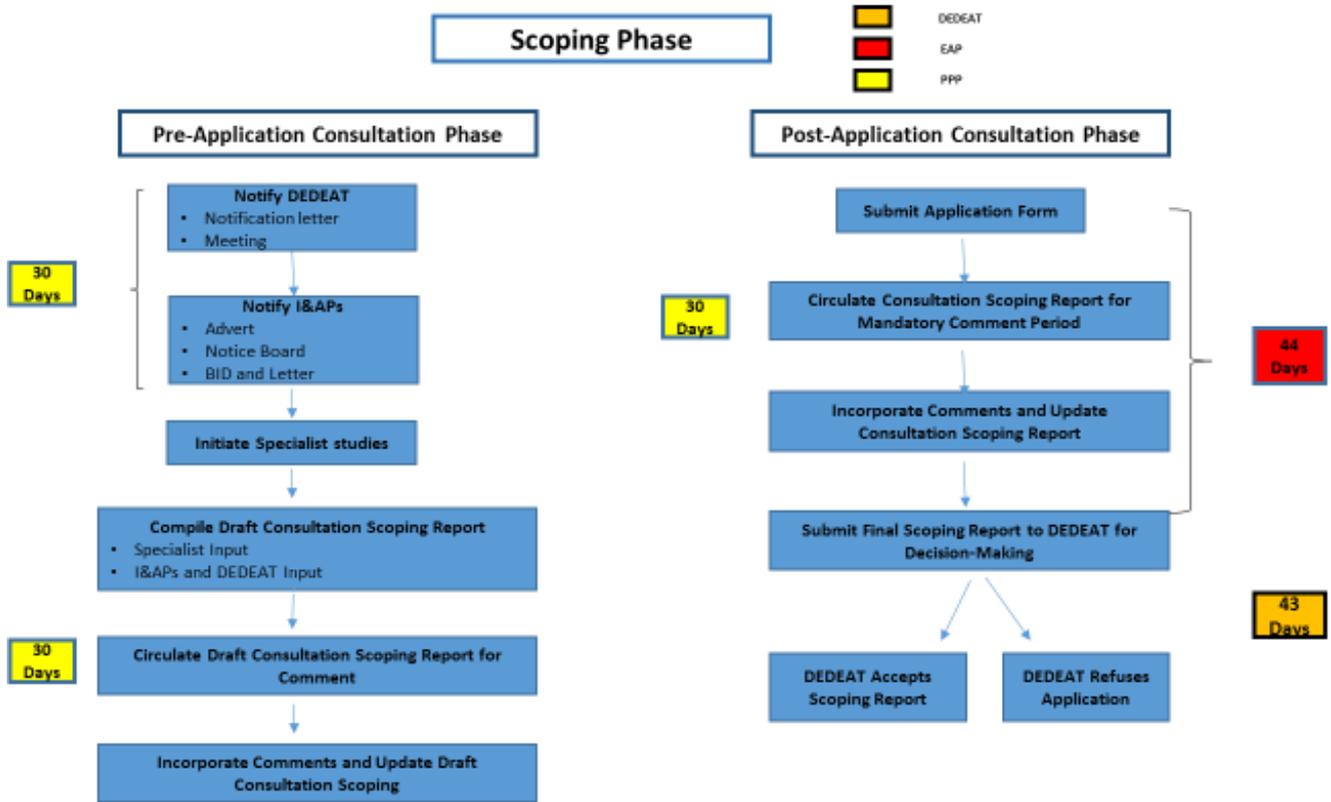
##### **Environmental Impact Assessment Phase (see Chapter Six of this report)**

- Draft Environmental Impact Assessment (30 days)
- Submit Final Environmental Impact Assessment to DEDEAT

##### **Decision Making and Appeal Period (see Chapter Six of this report)**

- Notice to I&APs of decision and appeal period

The project is currently at the stage where the Final Scoping Report (FSR) is being submitted to DEDEAT for their decision-making. The diagram below depicts the S&EIA process being implemented for the proposed project.



#### 4.4.1 Principles for Scoping and Public Participation

The Scoping & EIA process is being driven by a stakeholder engagement process that will include inputs from the competent authority, affected Organs of State, Interested and Affected Parties (I&APs), specialists and the project applicant.

Guideline 7 on “Public Participation in the EIA Process”, published by DEA in October 2012, states that public participation is one of the most important aspects of the Environmental Authorisation process. This stems from the requirement that people have a right to be informed about potential decisions that may affect them and that they must be afforded an opportunity to influence those decisions. Effective public participation also improves the ability of the competent authority to make informed decisions and results in improved decision-making as the view of all parties are considered (DEA, 2012: pg. 5). An effective public participation process could therefore result in stakeholders working together to produce better decisions than if they had worked independently. The Guideline (DEA, 2012) further notes that the benefits of public participation include the following:

- *“it provides an opportunity for I&APs, EAPs and the competent authority (CA) to obtain clear, accurate and understandable information about the environmental impacts of the proposed activity or implications of a decision;*
- *it provides I&APs with an opportunity to voice their support, concerns and questions regarding the project, application or decision;*
- *it provides I&APs with the opportunity of suggesting ways for reducing or mitigating any negative impacts of the project and for enhancing its positive impacts;*
- *it enables an applicant to incorporate the needs, preferences and values of affected parties into its application;*
- *it provides opportunities for clearing up misunderstandings about technical issues, resolving disputes and reconciling conflicting interests;*
- *it is an important aspect of securing transparency and accountability in decision-making; and*
- *it contributes toward maintaining a healthy, vibrant democracy.”*

The Scoping process is designed to, amongst others, satisfy the requirements of Chapter Six (Regulations 39-44) of GN R326 of the NEMA EIA Regulations, 2014 (as amended), which relates to the public participation process and the registration of interested and affected parties (I&APs) and the acknowledgment of their comments on the proposed project. Issues raised during the Scoping process have been included in a Comments and Responses Trail as part of this Chapter of the Report. Copies of comments received from I&APs and requests to register interest on the project database are included in Appendix F of this report.

Regulation 43 (1) states the following:

43. (1) ***“A registered interested and affected party is entitled to comment, in writing, on all reports or plans submitted to such party during the public participation process contemplated in these Regulations and to bring to the attention of the proponent or applicant any issues which that party believes may be of significance to the consideration of the application, provided that the interested and affected party discloses any direct business, financial, personal or other interest which that party may have in the approval or refusal of the application.”***

An effective public participation process could therefore result in stakeholders working together to produce better decisions than if they had worked independently.

#### 4.4.2 Authority Consultation

All public participation documentation (Draft and Final Reports) will be sent to the competent authority (DEDEAT), as well as other Organs of State, which may have jurisdiction over an aspect of the project and are included on the I&AP database. Authorities are required to provide their input into the assessment process, within the timeframes stipulated. Input from authorities will be included in the Comments and Responses Trail for the Scoping & EIA process.

In order to initiate the Scoping and EIA process, notification of the intention to commence with a Scoping & EIA process, was submitted to the DEDEAT and Organs of State on 11 April 2017. Included with this correspondence was a Background Information Document (BID), locality map and comment form.

On the 20 October 2017, an Application Form for Environmental Authorisation in order to commence the legislated portion of the Scoping & EIA process in terms of the NEMA EIA Regulations 2014 (as amended), was submitted to the competent authority, prior to the release of the Consultation Scoping Report (CSR) for a legislated 30-day consultation period. Acknowledgement of receipt of the submission of the Application Form as well as the Consultation Scoping Report was received from DEDEAT on the 2 November 2017 and reference number EC06/C/LN2/M/64-2017 has been assigned to this application. The project is currently at the stage where the Final Scoping Report (FSR) will be submitted to DEDEAT for their decision-making. Correspondence to and from DEDEAT and to I&APs, including Organs of State, are attached as Appendix B and E of this report, respectively.

Organs of State and/ or State Departments, which may be required to issue a licence or permit prior to commencement of the project, will be consulted and are included on the project database. Appendix D.2 includes the database of Organs of State and/ or State Departments, which may have jurisdiction over an aspect of the project, with their contact details. The following National, Provincial and Local Government Departments, as well as other Organs of State, were proactively identified and included on the database for this project prior to advertising the Scoping Process (Pre-Application Phase) and have been notified of the various stages to comment on the Scoping process:

- National and Provincial Government Departments (Potential Juristic Organs of State)
  - National Department of Agriculture, Forestry and Fisheries (DAFF)
  - Provincial Department of Economic Development, Environmental Affairs and Tourism (DEDEAT: EIM - Competent Authority)
  - Provincial Department of Economic Development, Environmental Affairs and Tourism (DEDEAT: Biodiversity Section)
  - Provincial Department of Rural Development and Agrarian Reform
  - Provincial Department of Water and Sanitation (DWS)
  - East Cape Department of Roads and Public Works (EC DR&PW)
  - East Cape Provincial Heritage Resources Agency (ECPHRA)
- Local Government Departments
  - Sundays River Valley Municipality: Local Authority
  - South African National Parks (Addo Elephant National Park)
  - Lower Sundays River Water Users Association (LSRWUA)
  - Sundays River Valley Municipal Ward Councillor, Ward 8

These Organs of State/ State Departments will remain on the database for the duration of the S&EIA process for this project and receive information in the format as agreed to with the relative departments (hard copy, CD or email). Information available for I&AP review will be placed on the website [www.publicprocess.co.za](http://www.publicprocess.co.za) for the duration of the Scoping & EIA process.

#### 4.4.3 Database Development, Maintenance and Ongoing Information Sharing

The following provides an outline of the approach to the development of the Project Announcement Phase database for this project, as well as the maintenance of the database and ongoing information sharing throughout the Scoping & EIA process.

Prior to advertising the Scoping & EIA process, the EAP, drawing on experience in the local SRV municipal area and by means of a deed search, developed an initial database of potential I&APs for the initiation of the Scoping process. Adjacent landowners/ tenants were identified through a deeds search (Windeed) and, where required, contact information was confirmed by telephonic communication. This database included, amongst others, adjacent landowners/ tenants, affected/ juristic Organs of State and the competent authority (as outlined in Section 4.4.2 above), the Councillor for Ward 8 and other potential I&APs (e.g. WESSA EP Region and CREW). A copy of the database for the project is included as Appendix D.1 of this report and **prior to advertising the Scoping & EIA process, included 24 registered IA&Ps.**

I&APs were notified of the requirement to register their interest on the database for this project from the outset of the Scoping process, via Letter 1 to I&APs. However, the identification and registration of I&APs will be ongoing for the duration of the Scoping & EIA process. While not required by the regulations, those I&APs identified at the outset of the Scoping Process will remain on the project database and will be kept informed of all opportunities to comment and will only be removed from the database by request.

In response to the initial notification of the Scoping & EIA process, via Letter 1, sent to 24 I&APs, **four (4) I&APs requested to register** their interest on the project database. Three of these I&APs: Mr Hannes Joubert (adjacent landowner), Mr Peter Lotter (DR&PW representative) and Mr Gcinile Dumse (DAFF representative) were proactively identified and included on the project database prior to commencement with the assessment process and will remain on the database as registered I&APs. In addition, a request to register was received from Mr Jesse Jegels, in his private capacity and he has been added to the database. The requests to register, as well as the comments received from these I&APs have been recorded in the Comments and Responses Trail and copies of the comments are included in Appendix F.

Subsequent to the commencement of the assessment process, SANParks representative Jayshree Govender commented on another project being undertaken by Public Process Consultants and indicated that another representative must be included on all the I&AP databases for current and future projects. Thus, Mr Russel Smart (SANParks Park Planning & Development Coordinator) has been added to the database. The aquatic specialist has been registered on the project databases for all the projects that she undertakes aquatic specialist assessments in order to facilitate liaison with DWS. One I&AP that was identified as an adjacent landowner prior to commencement with the assessment process, Mr Vaughan Attwell, requested to be deregistered from the database. At the time of the **release of the Draft CSR the database of I&APs included 26 registered I&APs.**

Following the 30-day comment period and the review of the Draft CSR, one registered I&AP, Cllr Gloria Kausele, submitted comments on the Draft CSR after the closure of the comment period. However, these comments have been included in the Comments and Responses Trail of the CSR. At the time of the **release of the CSR, the database of I&APs included 26 registered I&APs.**

During the 30-day comment period for the review of the CSR, comments were received from Marisa Bloem (DWS). See Appendix F for copies of correspondence received from I&APs. The

comments received during the CSR comment period have been included in the Comments and Responses Trail of the Final Scoping Report (FSR). At the time of the **release of the FSR, the database included 26 registered I&APs.**

The I&AP details on the database will be regularly captured and automatically updated as and when information is distributed to or received from I&APs, throughout the assessment process. This ongoing and up-to-date record of communication will be an important public participation component which accurately reflects the interaction with I&APs throughout the assessment process. Appendix D.1 includes a copy of the I&AP database for the project.

The sections below provide an overview of the tasks that have been undertaken and which are to be undertaken in the Scoping Phase of the assessment, with an emphasis on providing a clear record of the public participation process followed, to ensure that the objectives for public participation and the Scoping process for this EIA are achieved.

#### **4.5 PRE-APPLICATION SCOPING PHASE**

As indicated in section 4.4 above, the Scoping Phase of this Assessment has been divided into a Pre-Application and Application Scoping Phase.

The purpose of this approach is to, amongst others, achieve the following:

- To ensure I&APs (including authorities and affected Organs of State) have access to information on the proposed project, S&EIA process, from the outset of the Scoping Process.
- To facilitate the identification of issues of concern, to inform the range of specialist studies being conducted for this EIA.
- To assist in the identification of alternatives for assessment.
- To facilitate the refinement of the project description, and development footprint within the property under assessment.

The following activities have been undertaken during the Pre-Application Phase:

- Project Announcement and Registration of I&APs (30 days)
- Draft Consultation Scoping Report review (30 days)

##### **4.5.1 Project Announcement and Registration of I&APs**

In order to notify and inform the public, potential I&APs, as well as Organs of State and the competent authority of the proposed project, the opportunity to register as an I&AP, as well as raise issues of concern, the Scoping and EIA process was announced as follows:

- Advertisement in one local newspaper:
  - The Herald, 11 April 2017 (Provincial distribution).
- Site Notice Board:
  - A notice board announcing the Scoping & EIA process, identifying the area under assessment, potential listed activities and contact details for further information and registration as an I&AP, was placed on the fence at the entrance to Sylvania on the gravel road DR01999.
- Letter 1 to I&APs - Notice of the Scoping & EIA process, Comment and Registration Period:
  - Letter 1 to I&APs included a Background Information Document (BID), locality map and comment form. On 11 April 2017, written notification of the Scoping & EIA process was sent to all I&APs on the project database via normal mail and email. A 30-day comment and registration period was allowed for I&APs to register their interest on the project database and raise issues of concern for inclusion in the Draft CSR. This period extended from **11 April 2017 to 16 May 2017** (taking into account the public holidays which fell over this period).

- As outlined in Section 4.4.2 above, all affected Organs of State including the competent authority, received notification of the assessment process via Letter 1 to I&APs.
- Website:
  - Letter 1, the BID and comment form for the project were placed on the following website: [www.publicprocess.co.za](http://www.publicprocess.co.za)

The project announcement and registration phase described above (newspaper advert, site notice board and correspondence to authorities and I&APs) was undertaken in terms of the NEMA EIA Regulations 2014, published in Government Notice R982, 983, 984 and 985 on the 4 December 2014, in Government Gazette 38282. However, subsequent to initiation of the Scoping and EIA process, it was brought to the EAP's attention that these regulations had been amended by the publication of GN R326, 327, 325 and 324 in Government Gazette 40772 on the 7 April 2017.

In light of the above, the project was re-advertised and a new notice board erected at the site so as to indicate the correct Regulations that are applicable to the proposed Scoping and EIA process (ie, EIA Regulations, 2014, as amended on 7 April 2017). All I&APs and Organs of State registered on the project database were notified accordingly of the corrections required by means of Letter 2 to I&APs at the time of the release of the Draft CSR for comment and review.

Appendix C contains photos of the site notice board placed at the site and a copy of the newspaper advertisement placed in "The Herald". Appendix E contains a copy of the correspondence sent to all I&APs, as well as Organs of State on the project database. Appendix F contains copies of correspondence received from I&APs in response to the project announcement. The following provides a summary of the issues raised during the project announcement phase, the number in brackets indicates the number of times a specific issue was raised by I&APs during this phase of the assessment process:

- Impact on Agricultural Land (3)
- Project Details (2)
- EIA and Public Participation (2)
- Aquatic Impacts (1)
- Biophysical Impacts (1)
- Traffic Impacts (2)

The issues raised have been included in the Comments and Responses Trail in Section 4.7 below and copies of these comments are included in Appendix F of this report.

#### 4.5.2 Draft Consultation Scoping Report Review

As part of the Pre-Application Phase a Draft CSR was released to I&APs, including authorities and Organs of State, for a non-legislated **30-day** comment period.

The following indicates the process that was followed for the distribution and sharing of information during the review period of the Draft CSR:

- Letter 2 to I&APs – Notice of comment period for Draft CSR:
  - All I&APs on the project database were notified in writing, via letter 2, of the 30-day comment period. Included with this correspondence was a comment form and an executive summary of the Draft CSR. Correspondence was sent via normal mail and email.
- Report Distribution:
  - Organs of State and/ or State Departments were provided with a hard copy, CD or an electronic version of the report, as agreed to with the relevant State Department.
  - The Councillor for Ward 8 was provided with a CD copy of the report.
- Website:

- A copy of the report and comment form will be placed on the following project website:  
www.publicprocess.co.za

All issues and concerns raised by I&APs during the review of the Draft CSR were included in the CSR. Appendix E contains a copy of the correspondence sent to all I&APs, as well as Organs of State on the project database. Appendix F contains copies of correspondence received from I&APs in response to the notice of the comment period for the Draft CSR. The following provides a summary of the issues raised during the review of the Draft CSR, the number in brackets indicates the number of times a specific issue has been raised by I&APs during this phase of the assessment process:

- Socio-Economic (1)
- EIA and Public Participation (1)

#### **4.6 APPLICATION AND SCOPING PHASE**

This phase in the Scoping process entails the following, which is outlined in more detail below:

- Submission of Application Form for Environmental Authorisation to DEDEAT
- Consultation Scoping Report Review (30 days)
- Submit Final Scoping Report to DEDEAT (**WE ARE HERE**)

##### **4.6.1 Submission of Application Form for Environmental Authorisation to DEDEAT**

On the 20 October 2017, an Application Form for Environmental Authorisation in order to commence the legislated portion of the Scoping & EIA process in terms of the NEMA EIA Regulations 2014 (as amended), was submitted to the competent authority, prior to the release of the Consultation Scoping Report (CSR) for a legislated 30-day consultation period. Included with this correspondence was an executive summary of the CSR and a comment form. The comment period extended from the **20 October 2017 to 20 November 2017**. Acknowledgement of receipt of the submission of the Application Form as well as the Consultation Scoping Report was received from DEDEAT on the 2 November 2017 and reference number EC06/C/LN2/M/64-2017 has been assigned to this application.

The applicant must within 44 days of receipt of the application by the competent authority, submit a Scoping Report (this report) to the competent authority, which has been subjected to a public participation process of at least 30 days. Failure to comply with the timeframes will result in the application having deemed to be lapsed by the competent authority.

##### **4.6.2 Consultation Scoping Report Review**

In parallel to the submission of the application form to the competent authority, the CSR was released for a minimum legislated 30-day comment period. The following indicates the process for the distribution of information during the review period of the CSR:

- Letter 3 to I&APs - Notification of comment period on the CSR:
  - All I&APs were notified in writing of the 30-day comment period and received an executive summary of the CSR, as well as a comment form.
  - Correspondence was sent via normal mail and email (where addresses were available).
- Report Distribution:
  - Organs of State and/ or State Departments were provided with a hard copy, CD copy or electronic version of the report, as agreed to with the relevant State Department.
  - The Councillor for Ward 8 was provided with a CD copy of the report.
- Website:

- A copy of the report and comment form was placed on the project website: [www.publicprocess.co.za](http://www.publicprocess.co.za)
- No meetings were held with key I&APs during the review period of the CSR as none were requested.

The following provides a summary of the comments received in response to the review of the CSR, the number in brackets, indicates the number of times a specific issue has been raised by I&APs during this phase of the assessment process:

- Aquatic Impacts (3)

#### **4.6.3 Submit Final Scoping Report to DEDEAT (we are here now)**

The FSR, together with the Plan of Study for EIA, will be submitted to the DEDEAT for their decision-making, within 44 days of submission of the Application Form. The FSR includes all the comments received from I&APs during the Pre-Application (project announcement and Draft CSR), as well as Application Phase of the assessment (CSR). The following indicates the process for the distribution of information during the submission of the FSR:

- Letter 4 to I&APs – Notification of the submission of the FSR:
  - All I&APs on the project database will be provided with written notification of the submission of the FSR to DEDEAT for their decision making. No additional comment period is proposed for the FSR.
  - Correspondence will be sent via normal mail and email (where addresses were available).
- Website:
  - A copy of the report will be placed on the following project website: [www.publicprocess.co.za](http://www.publicprocess.co.za)

DEDEAT will have 43 days from receipt of the Scoping Report (this report) to either accept the Scoping Report, with or without conditions, or refuse Environmental Authorisation.

This step marks the end of the public participation process for the Scoping Phase of the EIA process. The steps in the public participation process to be undertaken for the EIA Phase of the assessment are outlined in Chapter Six of this report: Plan of Study for EIA.

## **4.7 SCOPING AND IDENTIFICATION OF ISSUES**

An important element of the Scoping Process is to identify issues for inclusion in the EIA phase of the assessment. These issues provide input towards the assessment of alternatives, the scope and terms of reference for the specialist assessments. To ensure that a comprehensive range of issues are identified, the following sources have been used for the identification of issues and the development of the CSR:

- Site visit undertaken by Public Process Consultants on the 11 April and 24 July 2017.
- Preliminary input and consultation from identified specialists:
  - Vegetation
  - Aquatic
  - Soil Suitability
  - Heritage
  - Traffic
- Review of existing conservation planning frameworks:
  - Regional and National Biodiversity Planning Frameworks/ Guideline Documents: STEP, ECBCP, NBA, SRVM BSP.
- Technical Information provided by San Miguel Fruits SA (Pty) Ltd.
- Scoping of issues with I&APs:

- Issues and concerns raised via email and written correspondence following the notification of the comment period on the Draft CSR
- Scoping of issues with relevant authorities:
  - DEDEAT and LSRWUA

The specialist studies which are proposed to form part of the EIA process are outlined in Chapter Six of this Report.

During the Scoping Process, it is important to evaluate and prioritise the issues raised through the interactions with authorities, I&APs, specialists on the EIA team, and the project applicant. In accordance with the philosophy of Integrated Environmental Management, it is necessary to focus the EIA on the key issues raised.

To assist in the identification of key issues, a decision-making process is applied to the issues raised, based on the following criteria:

- Whether the issue falls within the scope and responsibility of this EIA.
- Whether sufficient information is available to respond to the issue raised without further specialist investigation.

Where an issue is considered to fall beyond the scope of this assessment process, sufficient reasoning needs to be provided. Table 4.2, the Comments and Responses Trail below, indicates the comments made to date during the Scoping Process. Appendix F contains copies of the comments made via fax, email or written correspondence. In line with the criteria outlined above, a response to the comment/ issue raised has been provided by the EIA team. The following provides a summary of the issues raised through the process to date, the number in brackets, indicates the number of times a specific issue has been raised by I&APs.

- Impacts on Agricultural Land (3)
- Project Detail (2)
- EIA and Public Participation Process (3)
- Aquatic Impacts (4)
- Biophysical Impacts (1)
- Traffic Impacts (2)
- Socio-Economic Impacts (1)

Table 4.2: Comments and Responses Trail.

## 1. Impacts on Agricultural Land

NO	ISSUES RAISED	COMMENTATOR	DATE	RESPONSE
<b>ISSUES RAISED BY I&amp;APS DURING THE PROJECT ANNOUNCEMENT</b>				
1.1	The provisions of Regulation 2 of CARA related cultivation of virgin or new land are applicable to the proposed expansion of the agricultural activities on the property. The land owner or applicant must obtain permission or authorization in terms of Regulation 2 of the CARA Act, before the virgin soil may be disturbed mechanically. The EAP must consider LUSM as the authority and no mechanical disturbance of any virgin soil must be cleared without obtaining an authorization from CARA Act 43 of 1983.	Gcinile Dumse, Directorate: Land Use & Soil Management, Dept. Agriculture, Forestry & Fisheries	3 May 2017, email	The LUSM division of DAFF was proactively identified prior to the project announcement phase of the Scoping and EIA process and has thus been included as an I&AP on the project database from the outset. The DAFF LUSM division will remain on the I&AP database for the duration of the Scoping and EIA process.  The proponent has been informed of the requirements outlined in this comment and will liaise with the DAFF directly in this regard.
1.2	The soil classification, land capability report and the soil form mapping must be provided by the applicant.	Gcinile Dumse, Directorate: Land Use & Soil Management, Dept. Agriculture, Forestry & Fisheries	3 May 2017, email	A Soil Suitability Assessment in the form of a Reconnaissance Soil Survey is being undertaken as part of the EIA phase of this assessment process. A copy of the Draft and Final EIA Report, including this Soil Suitability Assessment will be provided to the commentator.
1.3	The LUSM office will be required to conduct a joint site inspection with Rural Development and Agrarian Reform, Resource Planning Section based in Port Elizabeth before a decision may be taken. The land user will be required to lodge an application in terms of Regulation 2 of CARA Act 43 of 1983 before an arrangement for site inspection.	Gcinile Dumse, Directorate: Land Use & Soil Management, Dept. Agriculture, Forestry & Fisheries	3 May 2017, email	The proponent has been informed of the requirements outlined in this comment and is required to comply. The proponent will liaise with the commentator directly to arrange the site visit as requested.

## 2. Project Detail

NO	ISSUES RAISED	COMMENTATOR	DATE	RESPONSE
<b>ISSUES RAISED BY I&amp;APS DURING THE PROJECT ANNOUNCEMENT</b>				
2.1	The establishment of windbreakers for protecting the citrus trees from wind destruction also require a permission in terms of Regulation 15 B (2) (a) Of the CARA Act, only Category 2 declared invader plants may be permitted for planting as wind breakers however the use of indigenous species for wind breakers will not require a permit from the CARA Act. The applicant will need to apply for a demarcation permit to use Category 2 declared invader plants.	Gcinile Dumse, Directorate: Land Use & Soil Management, Dept. Agriculture, Forestry & Fisheries	3 May 2017, email	This comment is noted. The proponent has been informed that if CARA Category 2 species are to be used as windbreaks, such application must be made to the DAFF.

2.2	How will the applicant cross the Wit River? If they intend to construct a crossing this must be properly designed by an engineer to prevent erosion.	Hannes Joubert, Habata Boerdery (Adjacent Landowner)	13 April 2017, telephone and email	There is an existing low-level crossing over the Wit River, the suitability of which to provide access will need to be assessed through the Scoping and EIA process. Presently the proponent has indicated that the existing crossing will be used to obtain access from the eastern portion of Sylvania to the proposed development area in the west. It is likely that this crossing will need to be upgraded in order to ensure suitable access however, no bridges are proposed to be constructed. In addition, the approach roads on either side of this crossing will need to be graded. During high rainfall events this crossing will not be used and access to the site will be gained via existing roads and through the settlement of Enon.
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### 3. EIA and Public Participation Process

NO	ISSUES RAISED	COMMENTATOR	DATE	RESPONSE
<b>ISSUES RAISED BY I&amp;APS DURING THE PROJECT ANNOUNCEMENT</b>				
3.1	No Objection. Request to De-register.	Vaughan Attwell, Attwell Citrus (Adjacent Landowner)	2 May 2017, emailed comment form	The commentator was removed from the project database and will not receive further information on the project.
3.2	Would you mind registering me on the above project database? Are there reports available for review yet?	Jesse Jegels	29 May 2017. email	The commentator was provided with Letter 1 to I&APs, a comment form, as well as the Background Information Document.  The commentator has been placed on the database for this project and will receive notification of opportunities to comment on the various stages of the S&EIA process.
<b>ISSUES RAISED BY I&amp;APS DURING THE DRAFT CSR REVIEW PERIOD</b>				
3.3	Request to register and update contact information.	Cllr Gloria Kausele, Ward 8 Councillor	4 September 2017, telephone	The commentator was proactively identified prior to initiation of the Scoping process and included on the I&AP register. The commentator will remain on the database and continue to receive correspondence through the Scoping and EIA phases of the assessment process.  The commentator's contact information has been updated as requested.

#### 4. Aquatic Impacts

NO	ISSUES RAISED	COMMENTATOR	DATE	RESPONSE
<b>ISSUES RAISED BY I&amp;APS DURING THE PROJECT ANNOUNCEMENT</b>				
4.1	The Wit River runs through this site and there must be a no-go buffer around the Wit River as well as other drainage lines on the site.	Hannes Joubert, Habata Boerdery (Adjacent Landowner)	<i>13 April 2017, telephone and email</i>	<p>An Aquatic Specialist Assessment will be undertaken as part of the EIA phase of this assessment for the farm, which must, amongst others, assess the Wit River and all other drainage lines on the site, and make recommendations for suitable buffers around the Wit River and drainage lines on the site. These buffer areas will be considered as no-go areas for development/ the establishment of citrus.</p> <p>As noted in 2.2 above there is an existing crossing of the Wit River which will be utilized to gain access from the eastern portion of the site to the proposed area to be developed on the western portion of the site. The low-level crossing, as well as the approach roads either side will need be suitably graded. During high rainfall events it is proposed that access to the site is gained through Bersheba.</p> <p>The Aquatic Specialist Assessment will be included in the Draft and Final EIA Reports which will be made available to all I&amp;APs via the project website.</p>
<b>ISSUES RAISED BY I&amp;APS DURING THE CSR REVIEW PERIOD</b>				
4.2	<p><u>This office acknowledges the receipt of the above mentioned project and also acknowledges that the proposed activities will require a Water Use Authorisation, however, the following must be noted:</u></p> <ul style="list-style-type: none"> <li>• <u>Storing water or taking water from a water resource requires a Water Use Authorisation in terms of section 21 (a) and (b) of the National Water Act, 1198 (Act No. 36 of 1998). Therefore, if the proposed development will abstract water directly from the water resource and store the water in a dam, it will need to be authorised by the Department of Water and Sanitation.</u></li> <li>• <u>A letter from the Lower Sundays River Water User Association indicating that they can fully supply water for the proposed activity will also be required.</u></li> <li>• <u>The proximity of the proposed development should not be within the 1:100 year floodplain or riparian habitat.</u></li> </ul>	Marisa Bloem, Dept. of Water and Sanitation	<i>3 November 2017, emailed comment</i>	<p><u>The proposed development will source water from the Lower Sundays River Water Users Association canal system and will be temporarily stored in an off-stream balancing dam. Therefore, it is understood that water for the proposed development will not be stored or taken directly from a water resource (i.e. watercourse or wetland).</u></p> <p><u>A letter from the Lower Sundays River Water Users Association indicating that they can fully supply water for the proposed agricultural expansion is contained in Appendix G of the Scoping Report.</u></p> <p><u>The preliminary findings of the aquatic specialist have been used to inform the preferred layout and all riparian/ floodplain habitat will be excluded from the development footprint. In addition, a 100m buffer area around the riparian/ floodplain habitat has been recommended by the aquatic specialist.</u></p>

4.3	<p><u>Technical information required when applying for Section 21 (a) water use:</u></p> <ul style="list-style-type: none"> <li>• <u>Comprehensive project description of the proposed water use activity.</u></li> <li>• <u>Approval of clearing the bush from Department of Economic Development, Environmental Affairs and Tourism</u></li> <li>• <u>Permit to cultivate virgin Soils from Department of Agriculture, Forestry and Fisheries.</u></li> <li>• <u>Soil Suitability from Department of Rural Development and Agrarian reform.</u></li> </ul>	<p><u>Marisa Bloem, Dept. of Water and Sanitation</u></p>	<p><u>3 November 2017, emailed comment</u></p>	<p><u>As noted in comment 4.2 above, authorisation in terms of Section 21 (a) is not anticipated. However, the aquatic specialist has indicated that Section 21 (c) and (i) may be triggered due to the proximity of wetlands within 500m of the proposed development, as well as the upgrading of the proposed low-level crossing. The requirement for application in terms of Section 21 (c) and (i) must be confirmed by the Department of Water and Sanitation. Should such be required, the technical information as requested by DWS will be provided.</u></p>
4.4	<p><u>Please note that any use of water (as stipulated under Section 21) without an authorization is a contravention as In accordance with Section 151 of the National Water Act, 1998 (Act 36 of 1998).</u></p>	<p><u>Marisa Bloem, Dept. of Water and Sanitation</u></p>	<p><u>3 November 2017, emailed comment</u></p>	<p><u>This comment is noted.</u></p>

**5. Biophysical Environment**

NO	ISSUES RAISED	COMMENTATOR	DATE	RESPONSE
<b>ISSUES RAISED BY I&amp;APS DURING THE PROJECT ANNOUNCEMENT</b>				
5.1	<p>Due to the steep slopes on the site it is requested that 0.5m contours are provided in the form of a map, which should identify steep slopes which are not suitable for cultivation.</p>	<p>Hannes Joubert, Habata Boerdery (Adjacent Landowner)</p>	<p><i>13 April 2017, telephone and email</i></p>	<p>A Soil Suitability Assessment in the form of a Reconnaissance Soil Survey is being undertaken as part of the EIA phase of this assessment process. The soil assessment will make use of the 5 meter contours available from the land surveyor general's office. This is standard and acceptable practice for the EIA Phase of the Assessment in order to determine steep slopes, which are not considered suitable for the cultivation of commercial citrus.</p> <p>The soil suitability assessment will be included in the Draft and Final EIA Reports which will be made available to all I&amp;APs via the project website.</p>

## 6. Traffic Related Impacts

NO	ISSUES RAISED	COMMENTATOR	DATE	RESPONSE
<b>ISSUES RAISED BY I&amp;APS DURING THE PROJECT ANNOUNCEMENT</b>				
6.1	The amount of extra traffic on DR 1999. Depending on the amount of extra traffic: 1) The safety of the accesses 2) The contribution to the upkeep of the road	Peter Lotter, Department of Roads and Public Works	5 June 2017, emailed comment form	A Traffic Impact Statement (TIS) is proposed to be prepared as part of the EIA phase of this assessment process, by a suitably qualified traffic specialist. The issues raised regarding safe access to the site, as well as the impact of the proposed agricultural expansion on the road due to increased trip generation and the subsequent upkeep of the road will be addressed in the TIS.  The TIS will be included in the Draft and Final EIA Reports. A copy of the Draft and Final EIA Report, including the TIS will be provided to the commentator.
6.2	If the applicant proposes to access the site via Enon there are no formal roads which provide access to Sylvania through Enon. In addition, you will have large trucks and vehicles moving through a built up area, which present a safety risk to the residents of Enon.	Hannes Joubert, Habata Boerdery (Adjacent Landowner)	13 April 2017, telephone and email	A Traffic Impact Statement (TIS) is proposed to be prepared as part of the EIA phase of this assessment process, by a suitably qualified traffic specialist. The issues raised regarding the proposal to access the site through Enon and how this will impact the local road network, as well as the potential safety risk for residents will be addressed in the TIS.  The TIS will be included in the Draft and Final EIA Reports which will be made available to all I&APs via the project website.

## 7. Socio-Economic Issues

NO	ISSUES RAISED	COMMENTATOR	DATE	RESPONSE
<b>ISSUES RAISED BY I&amp;APS DURING THE DRAFT CSR REVIEW PERIOD</b>				
7.1	The influx of people during the packing season impacts on the electrical grid, specifically the transformers. As people move to the area during packing season the electrical grid cannot cope, which results in the electricity tripping. In order to address this problem and to manage the influx of people into the area, it is recommended that the farmers provide accommodation on site for workers by building hostels.	Cllr Gloria Kausele, Ward 8 Councillor	4 September 2017, telephone	The current constraints on the electricity supply is a growing concern the Sundays River Valley municipal area. However, this is a problem which needs to be addressed by Eskom and therefore falls outside of the scope of this assessment process.

#### **4.8 CONCLUDING REMARKS**

No comments have been received during the Pre-Application Scoping Phase or the Scoping Phase, which require additional specialist studies or assessment of alternatives, other than those identified to date.

The project is currently at the stage where the Final Scoping Report is being submitted to DEDEAT. No comment period is proposed for the FSR.

The Plan of Study for EIA is included in Chapter Six of this report, which outlines the consultation process proposed for the EIA phase of the assessment.