

# BACKGROUND INFORMATION DOCUMENT

## S24G Application Process

**NOTICE:** Regularization of unlawful commencement or continuation of a listed activity in terms of section 24G of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended  
**Farming activities on 90 ha of Farm 717**  
**Nelson Mandela Bay Municipality**  
**Sundays River Valley Municipality**

**CEN Integrated Environmental Management Unit**

**36 River Road**

**Walmer, Port Elizabeth 6070**

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**Notice is hereby given in terms of Regulation 41 of the 2014 Environmental Impact Assessment (EIA) regulations (as amended, 2017) published in terms of Section 24 (5) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) that the owner of Farm 717 has submitted an application to the Department of Economic Development Environmental Affairs and Tourism (DEDEAT) for the regularization of unlawful commencement or continuation of listed activities in terms of section 24G of the NEMA.**

CEN Integrated Environmental Management (IEM) Unit has been appointed by the owner to apply for an Environmental Authorisation (EA) rectification in terms of Section 24G of the NEMA (No. 107 of 1998) to authorise the activities which have commenced and are currently in operation on farm 717.

In terms of the NEMA, public participation forms an integral part of the environmental assessment process. The public participation process provides people who may be affected by the proposed development with an opportunity to provide comment and to raise issues of concern about the project or to make suggestions that may result in enhanced benefits for the project.

You have been identified as an Interested and affected party are invited to submit comment on the 24G application to the contact details specified below within 30 days of this notice (i.e. by **6 September 2019**).

**Dr Mike Cohen / Claire De Jongh - CEN IEM Unit**

**36 River Road, Walmer, Port Elizabeth, 6070**

**[Email: steenbok@aerosat.co.za](mailto:steenbok@aerosat.co.za) / [claire@environmentcen.co.za](mailto:claire@environmentcen.co.za)**

**Tel / Cell / Fax – 041 581 2983 / 082 320 3111 / 086 504 2549**

A copy of the 24 G application submitted to the DEDEAT is available for review at:

<https://environmentcen.co.za/>

## 1. DESCRIPTION OF ACTIVITIES

Farm 717 is situated approximately 12km south of the town of Addo and falls within the Sundays River Valley local Municipality and the Nelson Mandela Bay Metropolitan Municipality. Farm 717 is approximately 1500 ha in extent.

Farm 717 was purchased by Mr. Orban in 2007. Google Earth historic imagery, 2004, shows that approximately 70 hectares of the property was disturbed / modified as a result of livestock farming (the farm was historically a dairy farm). By 2006 the previous landowner fell sick and management of the farm became difficult. By 2007, some of the existing buildings were in a dilapidated state and roads had become overgrown with vegetation. In 2007 Mr Orban took over management of the farm.

Between 2007 – 2019, the overgrazed natural pasture (70ha) was converted mostly to crop areas (citrus lucerne, oats, olives) with some livestock farming remaining in place, a pipeline and storage dam was put in place, buildings were refurbished / renovated; an additional 20ha was converted to crops (lucerne, citrus). Agricultural activities currently occupy an area of approximately 90 ha (Figure 1).

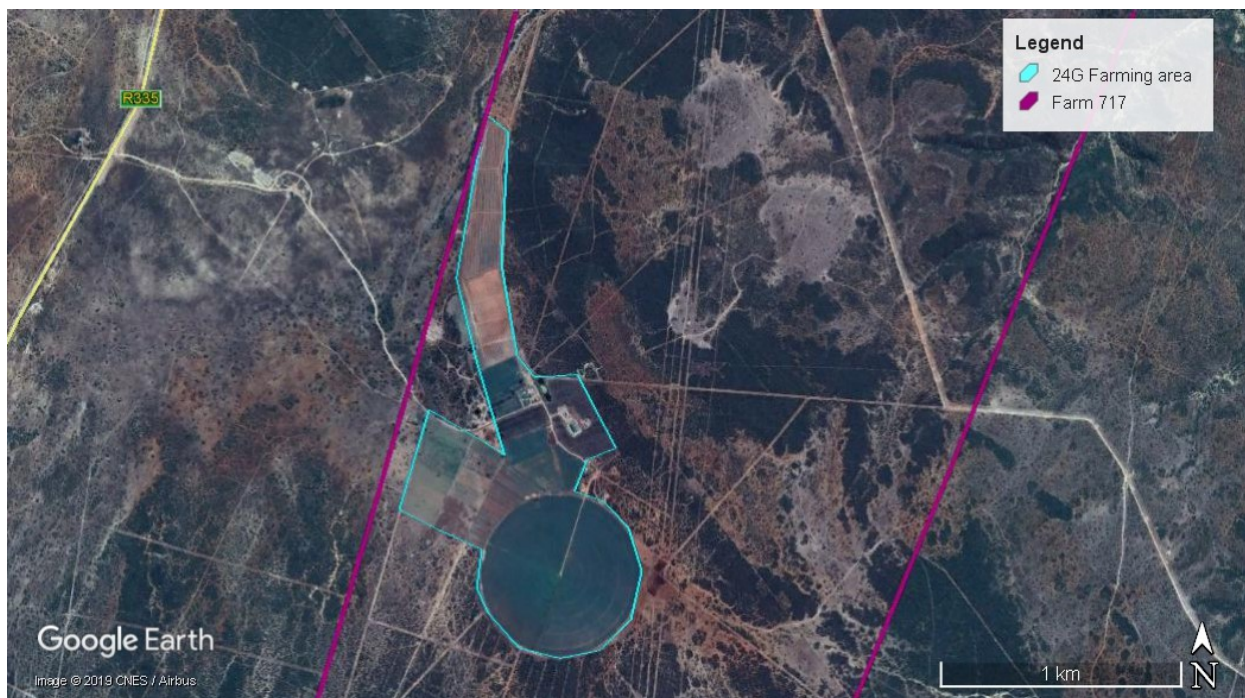


Figure 1: Existing farmed area (90 ha)

## 2. LISTED ACTIVITIES COMMENCED

The agricultural activities, and supporting infrastructure, currently in place on Farm 717 required environmental authorisation in terms of the 2006, 2010 and 2014 EIA regulations published in terms of the NEMA.

### **NEMA EIA Contraventions : Between 03 July 2006 and before end of day 01 August 2010**

#### Activity 12 of GNR 386

The transformation or removal of indigenous vegetation of 3 hectares or more or of any size where the transformation or removal would occur within a critical endangered or an endangered ecosystem listed in terms of section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)

*Between 2008 – 2009: Approximately 48 ha was used to establish crops (citrus, olives, lucerne, maize, oats) and livestock (cattle, sheep)*

### **NEMA EIA Contraventions : On or after 02 August 2010 until 7 December 2014**

#### Activity 12 of GNR 546

The clearance of an area of 300 square metres or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation.

#### Activity 13 of GNR 546

The clearance of an area of 1 hectare or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, except where such removal of vegetation is required for:

- (1) the undertaking of a process or activity included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), in which case the activity is regarded to be excluded from this list.
- (2) the undertaking of a linear activity falling below the thresholds mentioned in Listing Notice 1 in terms of GN No. 544 of 2010.

#### Activity 14 of GNR 546

The clearance of an area of 5 hectares or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, except where such removal of vegetation is required for:

- (1) purposes of agriculture or afforestation inside areas identified in spatial instruments adopted by the competent authority for agriculture or afforestation purposes
- (2) the undertaking of a process or activity included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the activity is regarded to be excluded from this list; or
- (3) the undertaking of a linear activity falling below the thresholds in Notice 544 of 2010.

*Between 2010 – 2014: Approximately 23 ha was used to establish crops (citrus, olives, lucerne, maize, oats)*

### **NEMA EIA Contraventions : On or after 8 December 2014**

#### Activity 27 of GNR 983

The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for-

- (i) the undertaking of a linear activity; or
- (ii) maintenance purposes undertaken in accordance with a maintenance management plan.

#### Activity 12 of GNR 985

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.

*Between 2015 - 2016: Approximately 16.9 ha vegetation was cleared for the establishment of citrus.*

### 3. IMPACT ASSESSMENT

A Section 24 G process is required to attain environmental authorisation for activities which have commenced and are currently in operation on farm 717. This process includes assessing the impact of the activities and determining the significance of the impacts on the environment. The outcome of the assessment will inform the decision making process and any conditions that may be required to be put in place by the owner.

The S24G Application has been submitted to the Department of Economic Development Environmental Affairs and Tourism (DEDEAT), the regulatory authority responsible for the review of the report. The 24G application required a preliminary impact assessment to be carried out. The preliminary impact assessment is included as Appendix F of the application.

Below is the summary of impacts identified (as extracted from the 24G application form):

| Possible Impacts  | Significance rating of impacts after mitigation (Low, Medium, Medium-High, High, Very High): |
|---|--|
| Planning and design phase – approvals required                                      | Negative Medium High   |
| Construction Phase – Loss of indigenous vegetation                                  | Negative Medium High   |
| Construction Phase – Disruption to terrestrial fauna                                | Negative Medium High   |
| Construction Phase – Water Use  | Negligible   |
| Construction Phase – Soil disturbance, soil erosion and sedimentation               | Negative Medium  |
| Construction phase - Dust generation  | Negative Low   |
| Operational Phase – Maintaining surrounding indigenous vegetation                   | Positive Low   |
| Operational Phase – Disruption to surrounding vegetation (fertilizers / pesticides) | Negative Low   |
| Operational Phase – Impact on fauna in surrounding area                             | Positive Medium High   |
| Operational Phase – Disruption to fauna (fertilizers / pesticides)                  | Negative Medium  |
| Operational Phase - Water Use   | Negative Medium  |
| Operational Phase - Water Quality   | Negative Medium  |
| Operational Phase – Soil erosion and sedimentation                                  | Negative Medium  |
| Operational Phase – Soil quality  | Negative Medium  |
| Operational phase - Dust generation   | Negative Low   |
| Construction and operation - Heritage   | Negligible   |
| Construction and operations - Employment opportunities and skills transfer          | Positive medium  |
| Operations - Contribution to GGP  | Positive low   |

Mitigation measures to reduce impacts are included in Appendix F (Impact Assessment).

No mitigation is possible for the construction phase. Measures implemented by the owner include:

- Installation of water efficient irrigation methods (overflow storage dam, mulching, drip irrigation, micro irrigation)
- Retaining indigenous trees within orchards and worked areas
- Separation of topsoil and subsoil during construction
- Diversification of crop species grown in sequences on some areas
- Use of organic fertilizer (chicken manure)

Key mitigation measures recommended during operational phase include:

- Future projects must ensure compliance with all relevant environmental legislation
- The area outside existing and future planned farming activities (1250 ha) to be managed naturally
- An alien invasive management plan is recommended to be put in place
- Conservation Agriculture (Grain SA) as an approach to management of the farming area should be considered, this includes:
  - Continuous minimum mechanical soil disturbance.
  - Permanent organic soil cover.
  - Diversification of crop species grown in sequences and/or associations.

- Apply fertilizers and pesticides with the utmost caution.
  - Sampling is recommended in surrounding area –
    - determine presence and level of fertilizers / pesticides,
    - determine whether any amount present is within safe and acceptable limits.
    - This will inform if further mitigation is required.
  - The use of pesticides are regulated by the Department of Agriculture, Fisheries and Forestry. Ensure compliance with applicable legislation:
- WUL required for taking of water, and activities within 1:100 year floodline (Section 21 a, c & i in terms of NWA, 1998)
- Optimize irrigation water to minimize nutrient leaching
- Implement drip systems to minimise evaporation, surface runoff, leaching
- Permission in terms of Regulation 2 of the CARA is required before the virgin soil may be disturbed mechanically
- Reduce frequency of tillage / consider implementing zero tillage methods where possible
- Avoid use of heavy machinery to prevent soil compaction
- Ripping moist to wet soil must not occur
- Use local labour.
- Use local materials.
- Health and safety obligations as required by applicable National regulations and municipal bylaws to be implemented

## 4. Conclusion

An application for the regularization of unlawful commencement or continuation of a listed activity in terms of section 24G of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended, has been submitted to the DEDEAT.

The DEDEAT has to reach a decision as to whether, and under what conditions, Environmental Authorisation will be granted, based on environmental considerations. An Environmental Authorization (EA) may be issued based on the information provided in the S24G Application.

This background information document (BID) is being distributed to stakeholders who may be affected by or interested in the application. This includes relevant state departments, non-government agencies, community representatives and leaders, and surrounding residents.

A 30 day registration and comment period on the 24G application is provided.

A registration form is attached at the end of this BID. Upon submission of your registration and comments to CEN IEM Unit, you will be registered as an IAP, and will be included in the project database which will ensure that you receive future project information.

The register of interested and affected parties and comments and issues raised during the Public Participation Process will be captured and submitted to the DEDEAT. The 24G application will be updated, as necessary, based on the comments received.

Interested and Affected Parties (I&APs) who have registered will be notified of the Environmental Authorisation (EA)

**Date of Notice: 6 August 2019**

**Closing Date for comments: 6 September 2019**

Note: CEN IEM Unit (the EAP) will inform the DEDEAT in writing when the Basic Assessment Report / Scoping Report / Environmental Impact Assessment Report (as required) has been submitted to the relevant State Departments. Upon receipt of this confirmation, the DEDEAT will in accordance with Section 24O (2) & (3) of the NEMA (as amended), inform the relevant State Departments of the commencement date of the 30 day commenting period. A State department consulted in terms of Section 24O(2) of NEMA and Regulations 3(4) and 43(2) must within 30 days from the date of the DEDEAT's request for comment, submit such comment in writing to the DEDEAT.



## REGISTRATION / COMMENT SHEET

Regularization of unlawful commencement or continuation of listed activities in terms of section 24G of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended

Farming activities in operation on 90 ha of Farm 717, Addo, NMBM

**6 August 2019**

I wish to register as an Interested and / or Affected Party and request that the following issues receive attention during the assessment process

**Closing Date for Registration / Comments: 6 September 2019**

Name of Respondent: \_\_\_\_\_

Organisation / Company: \_\_\_\_\_

Address: \_\_\_\_\_

Fax Number: \_\_\_\_\_

Tel Number: \_\_\_\_\_

Email: \_\_\_\_\_

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Please use additional sheets as necessary

Signature: \_\_\_\_\_ Date: \_\_\_\_\_