

## Background Information Document

### Pre-Application Notice: Rectification of the unlawful commencement of activities identified in terms of the Environmental Impact Assessment Regulations under the National Environmental Management Act

5 May 2021

CEN Integrated Environmental Management Unit  
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Die Humansdorpse Landbou Koöperasie Ltd (“The Co-op”) operates an Agricultural Co-Op on Portion 344 (a Ptn of Ptn 109) of the Farm Commando Kraal Estate No. 113 in Sunlands, in the Sundays River Valley Municipality. Figure 1 is an aerial image showing the relative location of the site where the facility has been established (central co-ordinates 33°31'6.08"S 25°40'4.37"E). The following activities have been done on the site without obtaining the necessary approvals in terms of the National Environmental Management Act and EIA Regulations – establishment and operation of an agri-industrial facility outside an industrial area, and for the storage of ‘dangerous goods’. Consequently, the co-operative needs to apply to the Department of Economic Development, Environmental Affairs and Tourism for rectification thereof.

CEN Integrated Environmental Management Unit has been appointed as the independent environmental assessment practitioner to prepare and submit an application to the competent authorities for rectification of the unlawful activities in terms of Section 24 G read together with sections 24 (F) and 7 of the National Environmental Management Amendment Act (Act No 62 of 2008) as amended. The application will include a retrospective assessment of impacts associated with the activities, and public participation.

#### How Do I Participate

This is a pre-application notice whereby Interested and Affected Parties (IAPs) are invited to participate in the process by registering and submitting written comment to CEN IEM Unit within 30 days of this notice (i.e. by **4 June 2021**) to the details below. Further notices will follow once a draft report is available:

#### CEN IEM Unit – Dr Mike Cohen

36 River Road, Walmer, Port Elizabeth. 6070

Phone (041) 581 2983 / 082 320 3111 Fax (086) 504 2549

Email (preferred): steenbok@aerosat.co.za

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.



Figure 1: Google Earth Aerial image showing the property where the Co-Op has been established on Portion 344 (a Ptn of Ptn 109) of the Farm Commando Kraal Estate No. 113 in Sunlands.

## Project Description

Die Humansdorpse Landbou Koöperasie Beperk have established a Co-Op to supply agricultural inputs to, amongst others, citrus farmers in the Sundays River Valley. Building of the facility commenced in July 2020, and was completed in June 2021. The facility is ~6000 m<sup>2</sup> in extent, and includes offices, a sales store and outlet, a chemical store (in line with CropLife specifications), warehousing, and bunding for fuel storage (in preparation for a future filling station to store 60 000 litres of fuel). Rainwater is harvested for water use, and energy is supplied by Eskom.

The DEDEAT has done a site inspection, and has issued the Co-Operation with a Warning Letter in terms of the National Environmental Management Act for commencing with the following listed activities under the EIA Regulations (2017 as amended) without environmental approval.

- Listing Notice 1, Activity 8: The development and related operation of hatcheries or agri-industrial facilities outside industrial complexes where the development footprint covers an area of 2 000 square metres or more – this activity deals with the establishment and operation of the Co-Op, outside an industrial area, and with a footprint exceeding 2000 m<sup>2</sup>.
  - Listing Notice 3, Activity 10: The development and related operation of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic metres
    - a. in the Eastern Cape
    - i. outside urban areas, in:
      - (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
- This activity deals with the chemicals store, and the location of the site within 10 km of the Addo Elephant National Park

A separate Basic Assessment application will need to be submitted for the storage of fuel.

We have reviewed the location of the activities in relation to available desktop environmental information, to check for 'sensitive environments' referred to in the listed activities under the EIA Regulations. A summary of environmental sensitivities (based on desktop information) is given below (refer to Figures 2 to 4):

- There are not wetlands or watercourses mapped on the property in terms of the National Aquatic Environments layer (NBA, 2018).
- The national vegetation type (pre-transformation) is classified as Albany Alluvial Vegetation,
- The national threatened ecosystem status is 'endangered' (List of Threatened Ecosystems (2011), Biodiversity Act).
- The site is within 10 km of the Addo Elephant National Park (Formal Protected Area).
- The site is within an Ecological Support Area (1) in terms of the East Cape Biodiversity Conservation Plan (2019).
- The fine-scale Addo Biodiversity Sector Plan (2012) classifies the site as having no remaining natural area, and it is not part of the Critical Biodiversity Area network.

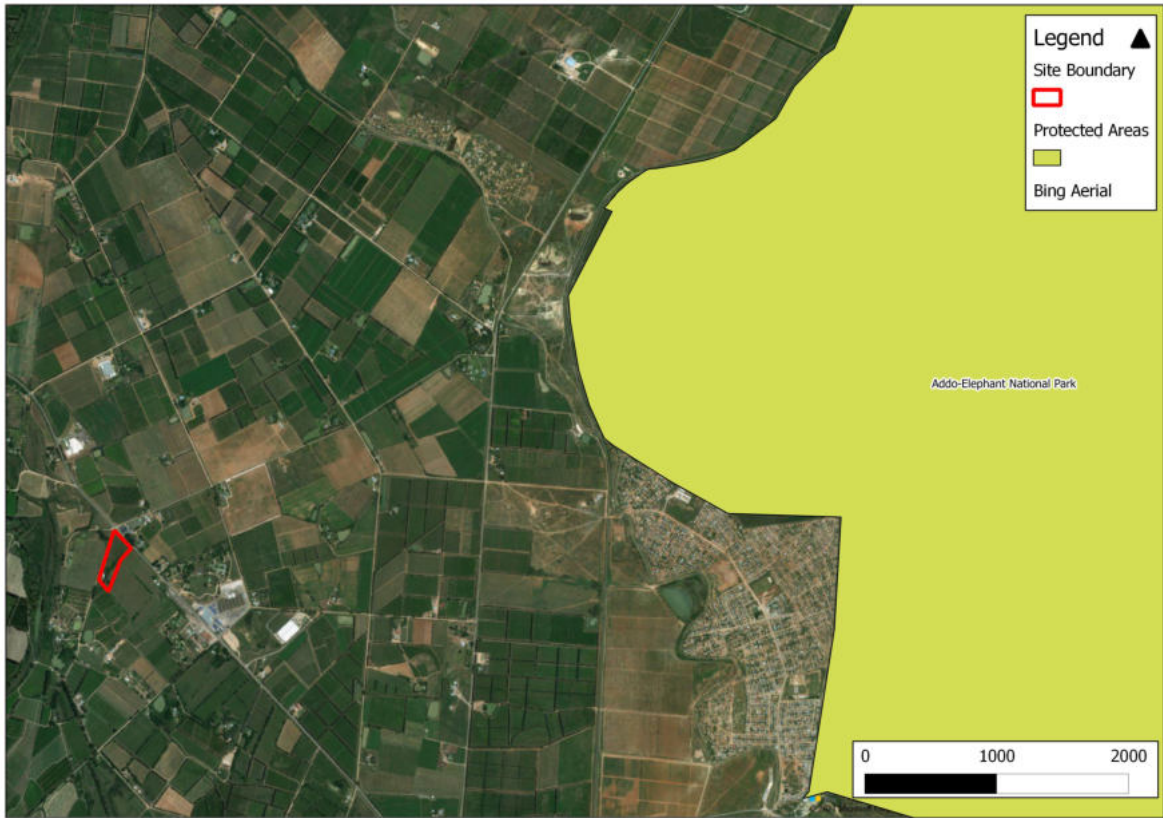


Figure 2: The site is within 10 km of the Addo-Elephant National Park.

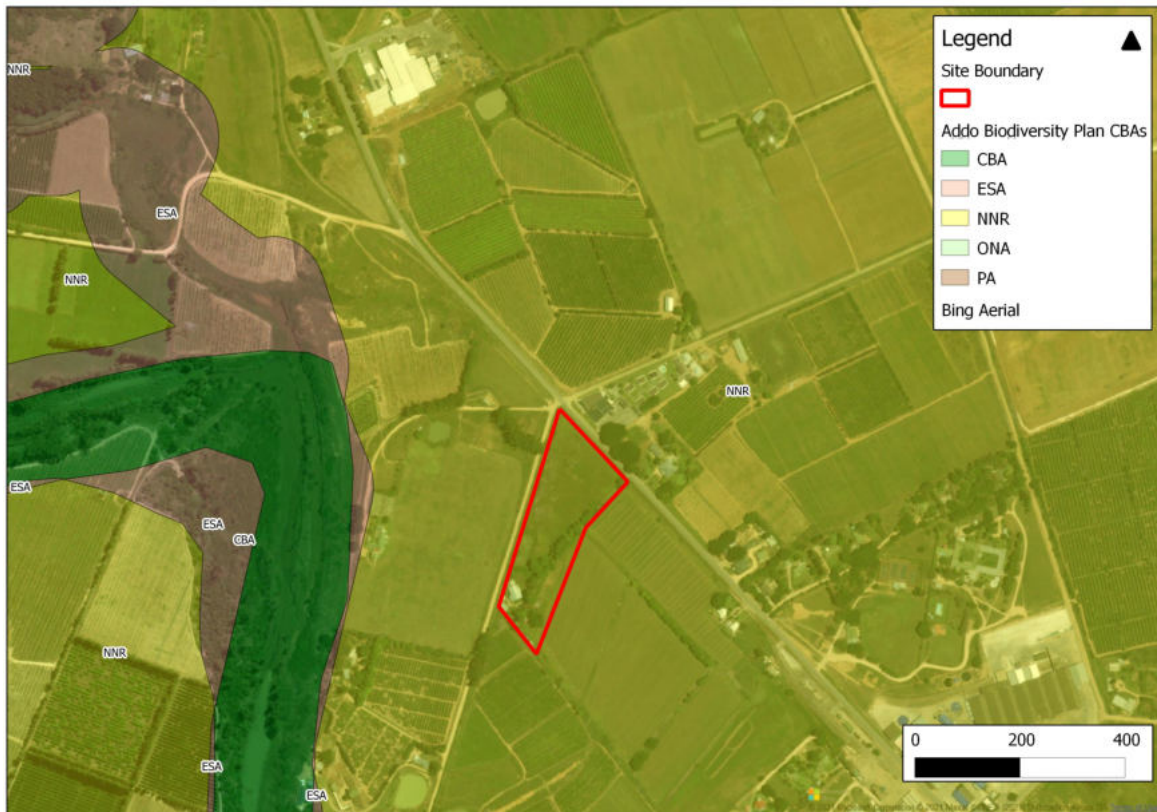


Figure 3: The site has no remaining natural area (NNR), and is not within a Critical Biodiversity Area in terms of the Addo Biodiversity Sector Plan (2012).



**Figure 4: A portion of the site is within an Ecological Support Area (code 3) in terms of the East Cape Biodiversity Conservation Plan (2019).**

#### **Description of the way forward**

The way forward is to undertake a retrospective assessment of impacts associated with the above activities, and submit an application to competent authority (i.e. DEDEAT) for rectification of unlawful commencement. This will include:

- A site investigation of impacted areas
- An assessment of impacts associated with activities
- Public participation, where surrounding landowners and other interested stakeholders have opportunity to submit comment on the activities. Comments submitted are included in the assessment report, and need to be responded to in a 'Public Participation Report'.
- A Section 24 G application form that addresses the above, with recommendations.

This 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 landowners and facilities. Posters advertising the development will be placed at visible locations near the site. The project will be advertised under the legal section of the *Herald* and *Die Burger*. This round of public participation is part of the pre-application process.

