

Background Information Document

Section 24G Application, Erven 591 & 592, Wells Estate, Port Elizabeth, Nelson Mandela Bay Municipality, Eastern Cape

November 2021

CEN Integrated Environmental Management Unit

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Purpose of the Background Information Document

The purpose of this Background Information Document (BID) is to provide stakeholders with the opportunity to register as interested and affected parties in the Section 24G Rectification Process and to obtain their initial comments on the S24G Application.

CEN Integrated Environmental Management Unit (CEN IEM Unit) was appointed by Mvubu Prop (the Applicant), as the independent Environmental Assessment Practitioner (EAP) to apply for an Environmental Authorisation (EA) rectification in terms of Section 24G of NEMA (No. 107 of 1998) to authorise the activity which have commended on Erven 591 and 592, Wells Estate.

This application is done in terms of activities listed in GNR 327, 2014, published in terms of Section 24 of the National Environmental Management Act, 1998 (Act No. 107, 1998). The listed activity is GNR 327 Activity 27.

A retrospective environmental assessment will be done in terms of Section 24G of NEMA to rectify the activities in terms of the EIA Regulations, 2014. The S24G Application will be submitted to the Eastern Cape Provincial Department of Economic Development, Environmental Affairs and Tourism (DEDEAT).

If you would like to participate in the public participation process please register yourself and or your organization as an interested and affected party. Submit issues that you feel need to be addressed in the assessment by completing the response form or in a letter or by email to:

Dr Mike Cohen / Irma van der Merwe
CEN IEM Unit
Port Elizabeth
6070

steenbok@aerosat.co.za / irma@environmentcen.co.za

All comments must be submitted within 30 days of the date of this notice, i.e. 21 January 2022

1. Proposed Project

1.1 Description of Activities

The applicant, Mvubu Prop, became the owner of Erven 591 and 592, Wells Estate, in 2020 and in an effort to prevent illegal dumping, approximately 2.5 ha of previously disturbed vegetation has been cleared in June, 2021. The applicant intends to develop a fuel depot, entailing above ground storage tanks with a combined capacity of 480 000 liters, pump Island and parking.

The applicant, Mvubu Prop, intends to lease the property to Shiptech who operates a fuel distribution fleet.

The clearance of vegetation and levelling of the site were undertaken in June 2021 and triggered a listed activity that requires an Environmental Authorisation (EA) in terms of the 2014 NEMA Environmental Impact Assessment (EIA) Regulations.

The site has been previously disturbed by vegetation clearance in 2010 by previous owners.

The clearance of vegetation constituted a listed activity in terms of the 2014 EIA Regulations (as amended) as promulgated under NEMA and should thus have been subject to an application for Environmental Authorisation (EA). Due to the fact that the activity commenced without an EA from the competent authority, the applicant is applying for the 'Regularisation of the Unlawful Commencement of a Listed Activity in terms of NEMA Section 24(G)'.

A separate Basic Assessment application will need to be submitted to DEDEAT for the proposed development of the depot and above-ground storage of diesel fuel.

Erven 591 and 592 are located outside the urban edge of the Nelson Mandela Bay Municipality, within the Coega Industrial Zone.



Figure 1: Aerial view of the property in 2009 (left) and 2021 (right), Google Earth

1.2 Locality

The site is located in Ward, of the Nelson Mandela Bay Municipality, within the Coega Industrial Zone. **Refer to Figure 3: Locality Map.**



Erven 591 & 592

Legend

Wetlands (NWM5)

- Estuarine functional zone
- Depression wetland
- Unchannelled valley-bottom wetland
- Wetland flat

Scale: 1:36 112

Date created: November 16, 2021

Compiled with CapeFarmMapper



Figure 2: Locality Map

2. Environmental Assessment Process

2.1 Identified Listed Activities in Terms of the EIA Regulations

The Minister of Environmental Affairs has in terms of sections 24 and 24D of the National Environmental Management Act, 1998 (Act No. 107 of 1998, NEMA), listed the activities that require an environmental assessment.

In terms of the Environmental Impact Assessment Regulations, 2014, made under section 24(5) and 44 of the National Environmental Act and published in Government Notice No. R. 983 of 2014 the following activities require to be subjected to an assessment.

2014 NEMA Listed Activities	Description of Activities
GNR983 Listing Notice 1: Activity 27 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.	Approximately 2.5 ha of vegetation have been cleared by means of a grader prior to obtaining an Environmental Authorisation.

3. Environmental Assessment Process

A retrospective Environmental Impact assessment is proposed to be carried out in order to identify the impacts associated with the construction of these facilities and to recommend measures to remedy any construction impacts. Operational phase impacts will also be identified and measures recommended to ensure operational impacts are avoided or reduced and any beneficial impacts are enhanced.

A public participation process will be conducted according to NEMA Regulation 41 of GN R.982, 2014. All interested and affected parties (IAPs) are encouraged to participate.

3.1 Some Identified Potential Issues/Impacts

Potential beneficial and adverse impacts will be identified as the environmental investigation progresses. All identified issues will be subjected to an assessment in order to determine its significance and whether additional investigation will be required. The following issues have been identified during a preliminary investigation.

- Soil erosion
- Ecological Biodiversity impacts

3.2 Description of Tasks in Basic Assessment Process

- Notification of the intended application for Environmental Rectification are sent to identified stakeholders, landowners and adjacent landowners prior to submission of the application for Environmental Rectification to the competent authority, namely the DEA&DP for this project. (We are here in the process)
- Public participation starts announcing the proposed project. Newspaper advertisements are placed and site notices are placed. Registration of IAPs begins. (We are here in the process)
- Background information documents are also sent to identified stakeholders and registered IAPs (We are here in the process)
- An application for Environmental Rectification is submitted to the competent authority.
- An Environmental Assessment Report is compiled that considers inputs from stakeholders, IAPs and specialists, in terms of:
 - impacts of the activity on the environment;
 - Whether the impacts can be mitigated, and if so to what extent; and,
 - Whether there are any other significant issues/impacts to be investigated.
- Once the Draft Report is compiled, it is then submitted for a 30 day review period to registered IAPs and stakeholders. This enables you to comment on the Basic Assessment Report.
- Your comments are incorporated and the reports are then finalised.
- These final reports are submitted to the DEA&DP for consideration.
- The DEA&DP reviews the documents and decides whether the project can proceed or not, their decision is known as an Environmental Authorisation.
- A copy of the EA is made available to you to consider, along with the reasons for the decision made. If you disagree with the decision, you are provided with information on how to lodge an appeal.

3.3 How do You Participate

Every proposed project and/or development has the potential to significantly affect the natural and social environments, both at, as well as surrounding the proposed development site. While some of the impacts will have an adverse impact on the environment others will have a beneficial impact.

For this reason it is imperative that you as an interested and/or affected party (I&AP) comment on the proposed development and raise issues or concerns that you feel need to be considered during the proposed planning and implementation process. This can be done by completing the attached registration form and submitting it to the contact details below. All of your comments will be addressed and included in the Environmental Assessment Report.

Upon submission of the registration form to CEN IEM Unit, you will be registered as an I&AP, and be included on an I&APs database which will ensure that you receive future project information.

Please provide comments on the BID within 30 days of its distribution. Registered IAPs will also be given 30 days to review the Draft Environmental Assessment Report and provide comments.

CEN IEM UNIT



Email steenbok@aerosat.co.za / irma@environment.co.za

Registration / Comment Sheet Erven 591 and 592, Wells Estate, Nelson Mandela Bay Municipality

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: 21 January 2022

Name of Respondent	
Organisation / Company	
Address	
Fax Number	
Telephone Number	
Email	

Please use additional sheets as necessary

Signature: _____

Date: _____