

BACKGROUND INFORMATION DOCUMENT AND INVITATION TO COMMENT

Section 24G Application: Proposed Development of Erf RE/793 (Waterworks) in Grabouw, Theewaterskloof Local Municipality, Western Cape

Introduction

This document aims to provide you, as a potential, Interested and Affected Party (I&AP), with background information regarding the application for the unlawful commencement of activities as provided for in the Environmental Impact Assessment Regulations, in terms of Section 24G of the National Environmental Management Act (as amended in April 2017).

Project Role-Players

The following are the relevant role-players in the Applications:

Applicant:	Theewaterskloof Local Municipality
Environmental Assessment Practitioner (EAP):	Engineering Advice & Services (Pty) Ltd (EAS)
Competent Authority – Application for EA:	Western Cape Department of Environmental Affairs & Development Planning and the Department (DEA&DP)

Projection Description

A Section 24G Rectification Application process has commenced to assist the Theewaterskloof Local Municipality in applying for rectification in terms of Section 24G of the National Environmental Management Act (NEMA) for the unlawful commencement and/or continuation of listed activities on Erf RE/793 (Waterworks), located in Grabouw, Western Cape, and to obtain environmental authorisation for the proposed housing development.

Erf RE/793 is a land parcel of approximately 7.2 ha and is currently fully occupied by informal settlements. The site forms part of the Greater Grabouw Housing Project under the Upgrading of Informal Settlements Programme (UISP). The Greater Grabouw Housing Project involves planning and implementing approximately 7,000 housing opportunities in the Grabouw area.

Between July 2021 and February 2022, temporary services, including electricity, informal water supply, and sanitation connections, were installed on Erf RE/793 to support residents, in line with the municipality's mandate to provide basic services. However, as these services were installed prior to obtaining environmental authorisation, a Section 24G Rectification Process is required to address the unauthorised activities and facilitate the formalisation of the informal settlement.

All specialist input to be facilitated:

- Aquatic Biodiversity Impact Assessment – The specialist has been appointed to investigate any aquatic features that may be present on and around the site and any aquatic features which may have been affected by the unlawful commencement of the activity.
- Terrestrial Biodiversity Impact Assessment - The specialist has been appointed to investigate any terrestrial features that may be present on and around the site and any terrestrial features which may have been affected by the unlawful commencement of the activity.
- Preliminary Geotechnical Investigation – The specialist has been appointed to investigate geotechnical features present on and around the site.
- Civil Engineering Services – The engineering specialist has been appointed to address all stormwater and drainage, sewage, and water reticulation aspects of the development in conjunction with the development of the SDP.
- Palaeontology Impact Assessment – An NID was submitted to Heritage Western Cape (HWC). HWC confirmed that no further palaeontological studies would be necessary.
- Archaeological/Heritage Impact Assessment – An NID was submitted to Heritage Western Cape (HWC). HWC confirmed that no further Archaeological or Heritage studies would be necessary.

Public Consultation

The aim of this Background Information Document (BID) is to provide stakeholders with information about this project, the process being followed, and to provide them with an opportunity to be involved in the environmental assessment process. Interested and Affected Parties (I&APs) may raise issues of concern. Environmental, social, and economic impacts will be examined in the Section 24G Rectification Application Process.

In accordance with the EIA Regulations read together with Regulation 8 requirements of the Section 24G Fine Regulations, the registered EAP will conduct preliminary public participation to notify and invite I&APS prior to submission of the application. To meet the Regulation 8 requirements of the Section 24G Fine Regulations, pre-application public participation will be conducted for a minimum period of 20 days, allowing I&APS to register. The registered EAP will submit a complete Section 24G application in accordance with the EIA Regulations, read together with the Section 24G Regulations. Thereafter, public participation will be conducted on the information contained in the Section 24G application to comply with Section 24O of NEMA. Following this, the final application and report will be submitted for further processing, provided no additional public participation is required.

All registered I&APs will receive a notification once this report is available for review. Additional project Information will be available on the following website: www.easemp.co.za as well as a link to register as an Interested and Affected Party and provide comments.

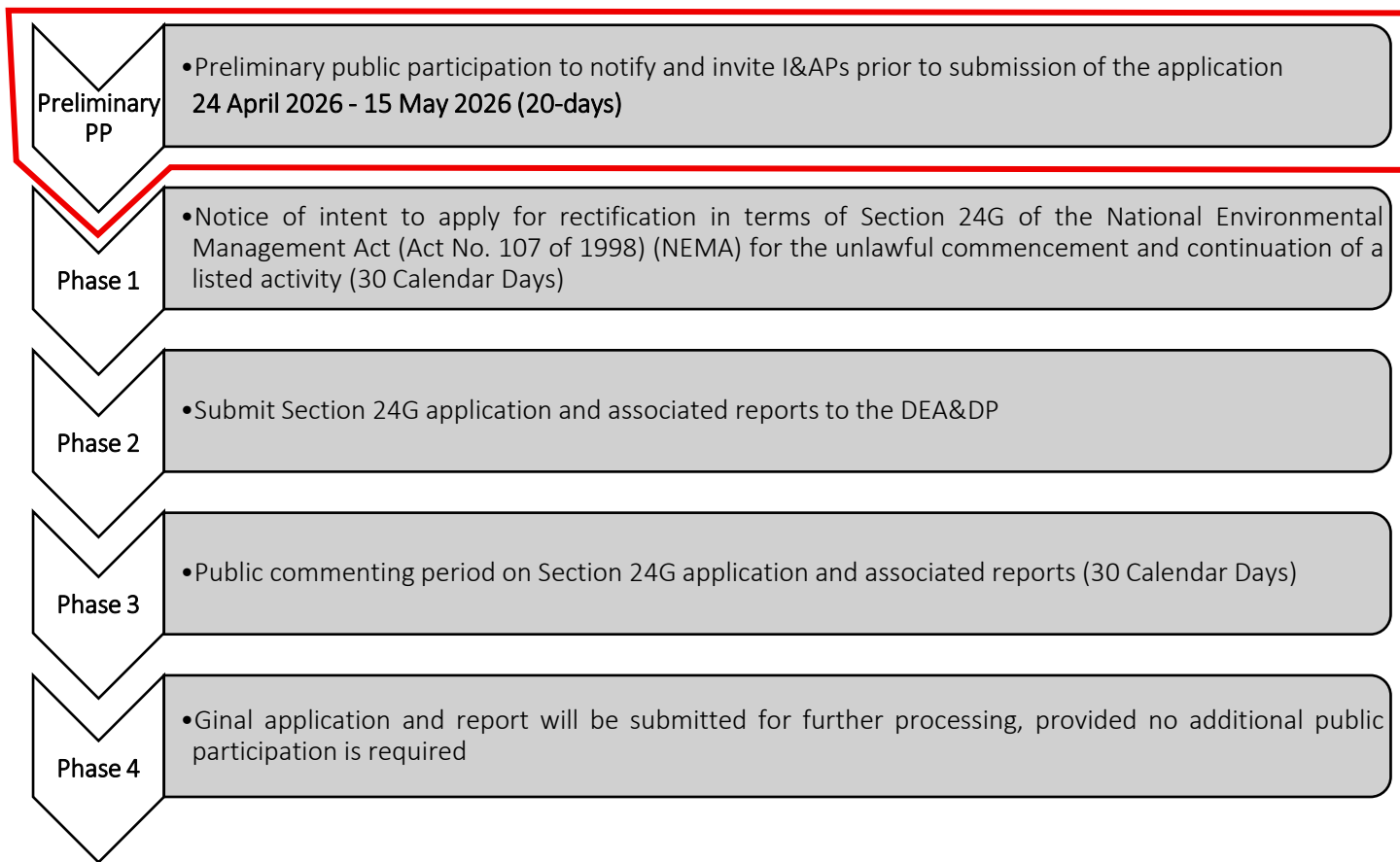
Registration as an IAP

To register, please use the website or send your contact information to the contact details below.

Engineering Advice and Services:
73 Heugh Road, Walmer, Port Elizabeth, 6013
Tel: +27 (0) 41 581 2421

Mr Kurt Wicht
Email: enviro@easpe.co.za
Fax: +27 (0) 86 683 9899

Where are we in the Section 24G Process?



Legal Requirements

Notice is given in terms of section 24(G) of the National Environmental Management Act [NEMA] (No 107 of 1998) (as amended), that the project requires a Section 24G Rectification Process because of the unlawful commencement of EIA-listed activities at Erf RE/793.

Rectification is hereby applied for in terms of the following Regulations listed below:

Activities unlawfully commenced on or after 10 May 2002 and before 02 July 2006: EIA regulations promulgated in terms of the ECA, Act 73 of 1989

Government Notice No. ("GN") R1182 Activity No(s):	Describe the relevant listed activity/ies in writing as per GN No. 1182 of 1997	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
2 (c)	The change of land use from agricultural or zoned undetermined use or an equivalent zoning, to any other land use on or after the 10 th of May 2002.	The site appears to have been transformed from undeveloped/vegetated land into residential occupation	The imagery from October 2003 illustrates the progressive transformation of the site from undeveloped land to a fully established informal settlement.
2 (e)	The change of land use for use for nature conservation or zoned open space to any other land use on or after the 1 st of April 1998.	The site appears to have been transformed from undeveloped/vegetated land into residential occupation	The imagery from October 2003, March 2011, and January 2026 illustrates the progressive transformation of the site from undeveloped land to a fully established informal settlement

Activities unlawfully commenced on or after 03 July 2006 and before the end of 01 August 2010: EIA regulations promulgated in terms of the NEMA, Act 107 of 1998

GN R386 Activity No(s): (Listing Notice 1 of 2006)	Describe the relevant listed activity/ies in writing as per GN No. R. 386 of 2006 ("NEMA 2006 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
12	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 critically endangered or an endangered ecosystem listed in terms of section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).	The mapped vegetation type for the area is Kogelberg Sandstone Fynbos, considered to be Critically Endangered. Approximately 5.1 hectares of RE/793 were invaded by an informal settlement. There was a progressive transformation of the site from undeveloped land to a fully established informal settlement.	Approximately 5.1 hectares of RE/793 was invaded by 2010

GN R386 Activity No(s): (Listing Notice 1 of 2006)	Describe the relevant listed activity/ies in writing as per GN No. R. 386 of 2006 ("NEMA 2006 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
16	The transformation of undeveloped, vacant, or derelict land to – a) establish infill development covering an area of 5 hectares or more, but less than 20 hectares; or b) residential, mixed, retail, commercial, industrial, or institutional use where such development does not constitute infill and where the total area to be transformed is bigger than 1 hectare.	Approximately 5.1 hectares of RE/793 were invaded by an informal settlement. There was a progressive transformation of the site from undeveloped land to a fully established informal settlement.	Approximately 5.1 hectares of RE/793 was invaded by 2010

Activities unlawfully commenced on or after 08 December 2014: EIA regulations promulgated in terms of the NEMA, Act 107 of 1998

GN No. R. 327 Activity No(s): (Listing Notice 1 of 2014)	Describe the relevant listed activity(ies) in writing as per GN No. R.327 of 2014 ("NEMA 2014 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
9	The development of infrastructure exceeding 1000 metres in length for the bulk transportation of water or storm water— (i) with an internal diameter of 0,36 metres or more; or (ii) with a peak throughput of 120 litres per second or more;	Between July 2021 and February 2022, temporary services, including electricity, informal water supply, and sanitation connections, were installed on Erf RE/793 to support residents, in line with the municipality's mandate to provide basic services.	July 2021 – February 2022

GN No. R. 327 Activity No(s): (Listing Notice 1 of 2014)	Describe the relevant listed activity(ies) in writing as per GN No. R.327 of 2014 ("NEMA 2014 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
	<p>excluding where—</p> <p>a) such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve or railway line reserve; or</p> <p>b) where such development will occur within an urban area.</p>		
27	<p>The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</p> <p>(i) the undertaking of a linear activity; or</p> <p>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</p>	<p>The development footprint is 7.2 Ha. Therefore, more than 1 hectare but less than 20 hectares of indigenous vegetation will be cleared for the proposed development.</p> <p>Currently, illegal settlements invade the entirety of Erf RE/793.</p>	<p>The imagery from October 2003 illustrates the progressive transformation of the site from undeveloped land to a fully established informal settlement.</p>

Similarly listed activities in terms of the EIA Regulations, 2014, promulgated in terms of the NEMA, Act 107 of 1998.

Listing Notice 1 Activities: NEMA EIA Regulations, 2014 (as amended) GN R 327

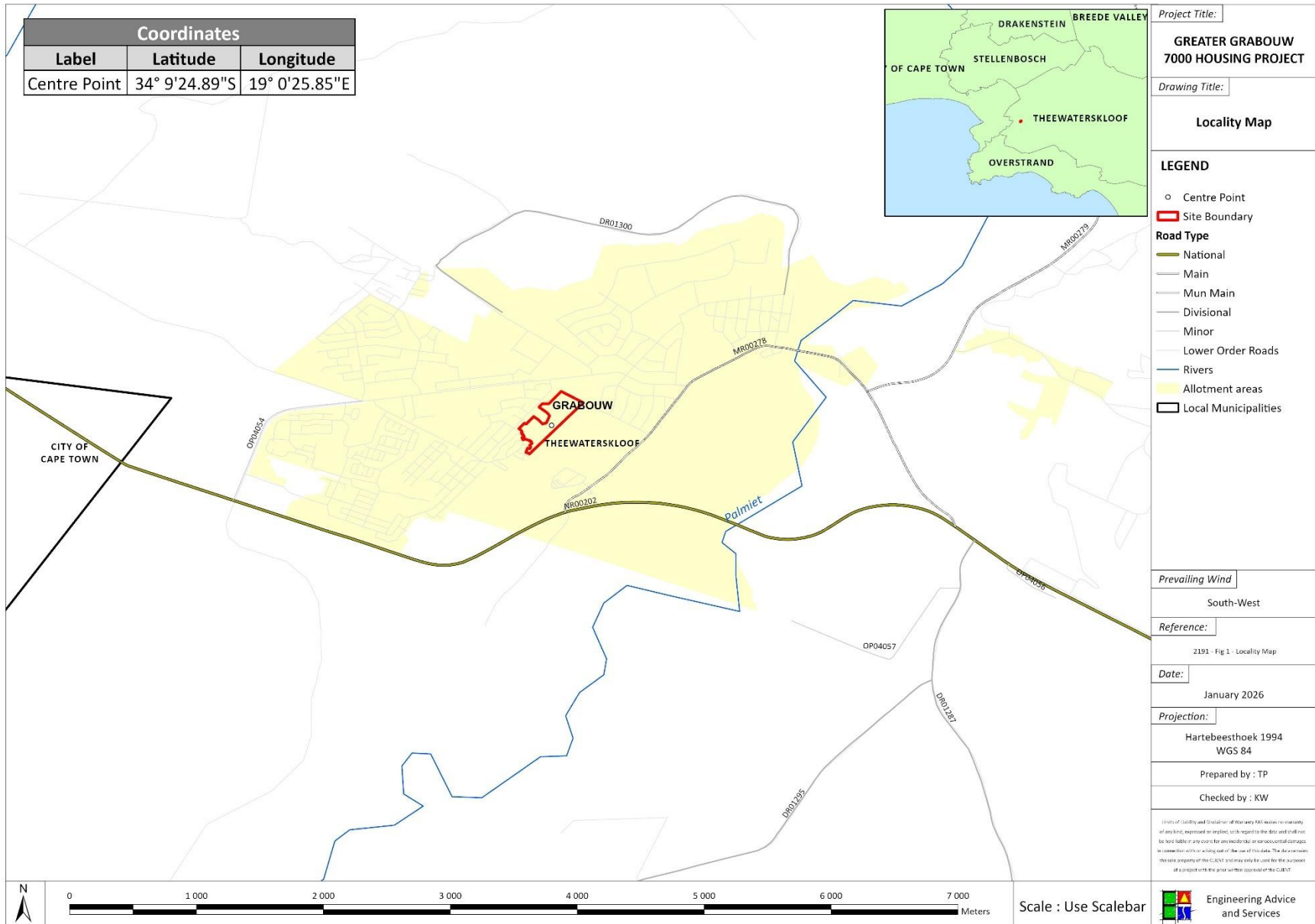
Activity No	Activity Description	Project Activity
9	<p>The development of infrastructure exceeding 1000 metres in length for the bulk transportation of water or storm water—</p> <p>(i) with an internal diameter of 0,36 metres or more; or</p> <p>(ii) with a peak throughput of 120 litres per second or more;</p> <p>excluding where—</p> <p>a) such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve or railway line reserve; or</p> <p>b) where such development will occur within an urban area.</p>	<p>Between July 2021 and February 2022, temporary services, including electricity, informal water supply, and sanitation connections, were installed on Erf RE/793 to support residents, in line with the municipality's mandate to provide basic services.</p> <p>The proposed Stormwater Reticulation network will be linked to the road network through a system of appropriately positioned catchpits (Grid and Kerb inlets), which will then convey the stormwater to the underground reticulation as follows:</p> <ul style="list-style-type: none"> • Minimum of 1m and up to 1.2m diameter Stormwater Manholes (depending on pipe size connection). <p>Therefore, stormwater manholes will have a diameter greater than 0,36m.</p>
27	<p>The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</p> <p>(i) the undertaking of a linear activity; or</p> <p>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</p>	<p>The development footprint is 7.2 Ha. Therefore, more than 1 hectare but less than 20 hectares of indigenous vegetation will be cleared for the proposed development.</p> <p>Currently, illegal settlements invade the entirety of Erf RE/793.</p>

Listing Notice 3 Activities: NEMA EIA Regulations, 2014 (as amended) GN R 324

Activity No	Activity Description	Project Activity
4	<p>The development of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <p>I. Western Cape</p> <p>i) Areas zoned for use as public open space or equivalent zoning;</p> <p>ii) Areas outside urban areas;</p> <p>(aa) Areas containing indigenous vegetation;</p> <p>(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</p> <p>iii) Inside urban areas:</p> <p>(aa) Areas zoned for conservation use; or</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</p>	<p>Proposed Development</p> <p>The roads to be developed will be wider than 4m, which may comprise indigenous vegetation, and will be located outside an urban area.</p> <p>Specialist appointed to confirm the vegetation integrity of the area.</p>
12	<p>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</p>	<p>Proposed Development</p> <p>The proposed development footprint is 7.2 Ha (72 000 m²). Erf RE/793 falls within the Kogelberg Sandstone</p>

Activity No	Activity Description	Project Activity
	<p>purposes undertaken in accordance with a maintenance management plan.</p> <p>I. Western Cape</p> <p>i) Within a 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;</p> <p>ii) Within critical biodiversity areas identified in bioregional plans;</p> <p>iii) Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</p> <p>iv) On land, where, at the time of the coming into effect of this Notice or thereafter, such land was zoned open space, conservation or had an equivalent zoning; or</p> <p>v) On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister</p>	<p>Fynbos vegetation type, which has a conservation status of being critically endangered. Therefore, more than 300 m2 of indigenous vegetation will be cleared for the proposed development.</p> <p>According to the Western Cape Biodiversity Spatial Plan (2023), the south-western side of Erf RE/793 falls within a Terrestrial Critical Biodiversity Area 1 (CBA 1: Terrestrial).</p> <p>A vegetation specialist will be appointed to verify whether there are any areas of intact and sensitive vegetation.</p>

Any other listed activities triggered by the project will be determined during the process of compiling the Section 24G Application.



Locality Map

Site Photographs



