

ENVIRONMENTAL IMPACT ASSESSMENT BACKGROUND INFORMATION DOCUMENT



SECTION 24(G) APPLICATION: DEVELOPMENTS ASSOCIATED WITH THE KROMME RIVER MOUTH SHARE BLOCK, ON PORTION 13 OF THE FARM BRAKFONTein 701, KOUGA LOCAL MUNICIPALITY, EASTERN CAPE

INTRODUCTION

Habitat Link Consulting (Pty) Ltd is submitting several separate applications on behalf of the plot owners associated with the Kromme River Mouth Share Block (Pty) Ltd, in terms of Section 24(G) of the National Environmental Management Act (NEMA) (Act No. 107 of 1998, as amended). The development of several houses took place on the northern bank of the Kromme River Estuary, from 1944. The site is approximately 2km north of St Francis Bay and 15km south-west of Jeffreys Bay, within the Kouga Local Municipality, Eastern Cape Province. In order to regularise the planning, the proponents now intend to submit individual NEMA Section 24(G) applications for the *post facto* authorisation of the commencement of the activities on their specific plot, within the subject property (Figure 1). A list of the proponents/applicants and their corresponding plot numbers are provided further below.



Figure 1: Location of the farm portion and share-block plots in relation to the Kromme River.

AIM OF THIS DOCUMENT

The purpose of this Background Information Document (BID) is to ensure that people who are interested in, or affected by, the activities are provided with the relevant information, including the processes being followed. Registering as an Interested and/or Affected Party (I&AP) allows individuals or groups to contribute ideas, issues, and concerns relating to the activities. I&APs also have an opportunity to review all of the reports and submit their comments on these reports. All of the comments that are received will be included in the final reports that are submitted to the Competent Authority (CA). All I&APs are hereby invited to register their interest and submit initial comments on any aspect of the applications.

ACTIVITY DESCRIPTION

The development of houses along the northern bank of the Kromme River Mouth began in 1944, and thus was prior to any environmental regulations coming into effect. The share block consists of thirty (30) plots, most of which consist of a single dwelling and some of which consist of additional outbuildings (e.g. garage, wendy-house etc.). The houses are used purely for residential purposes and mostly only utilised during the holiday season. The share block rules do not allow for the houses to be utilised for hospitality purposes.

Additional development activities on individual plots (e.g. rebuilds, renovations and/or expansions) have taken place over the 80 years since the houses were initially constructed. Some of these activities would have triggered listed activities that required an Environmental Authorisation (EA) in terms of various Environmental Impact Assessment (EIA) Regulations applicable at the time. To properly understand the number, extent and timing of the various activities undertaken on the individual plots, HLC undertook a due diligence assessment looking at Google Earth aerial imagery of the site between 2003 and 2024 and conducting an inspection of each of the plots.

While there are several plots that are believed to have not committed any transgressions and would not have required any environmental approvals, or have subsequently received approvals via a NEMA process, some of the activities across the various plots were confirmed as transgressions (i.e. would have required environmental approval at the time) (Figure 2). There are also some plots where very minor activities (e.g. extension of a balcony, development within an historical footprint) have taken place and would be best authorised via the NEMA Section 24(G) application process. The specific details of the activities that took place on each plot will be elaborated on further in the assessment reporting process for each application.

LIST OF PROPONENT/APPLICANTS RELEVANT TO THIS PROCESS

The following lists the applicants and the relevant plots numbers for which NEMA Section 24(G) applications will be submitted:

- Plot 4: Kromme Plot Four Trust
- Plot 5: Timothy Leighton Anderson
- Plot 6: Michael Christian Jensen and Kim Jensen
- Plot 7: Byron Redvers Sharwood
- Plot 8: Craig Jensen Kromme Trust
- Plot 14: The Ganna Trust
- Plot 15: The Ganna Trust
- Plot 16: The Mark Jensen Family Trust
- Plot 17: Patrick Frederick Danvers Smart and The Southwell Family Trust
- Plot 19: Shepstone Family Trust
- Plot 20: The Beshenny Trust
- Plot 24: The Peter Clogg Family Trust
- Plot 26: Madeleine Ross
- Plot 29: Susan Human
- Plot 30: Scarborough Trust

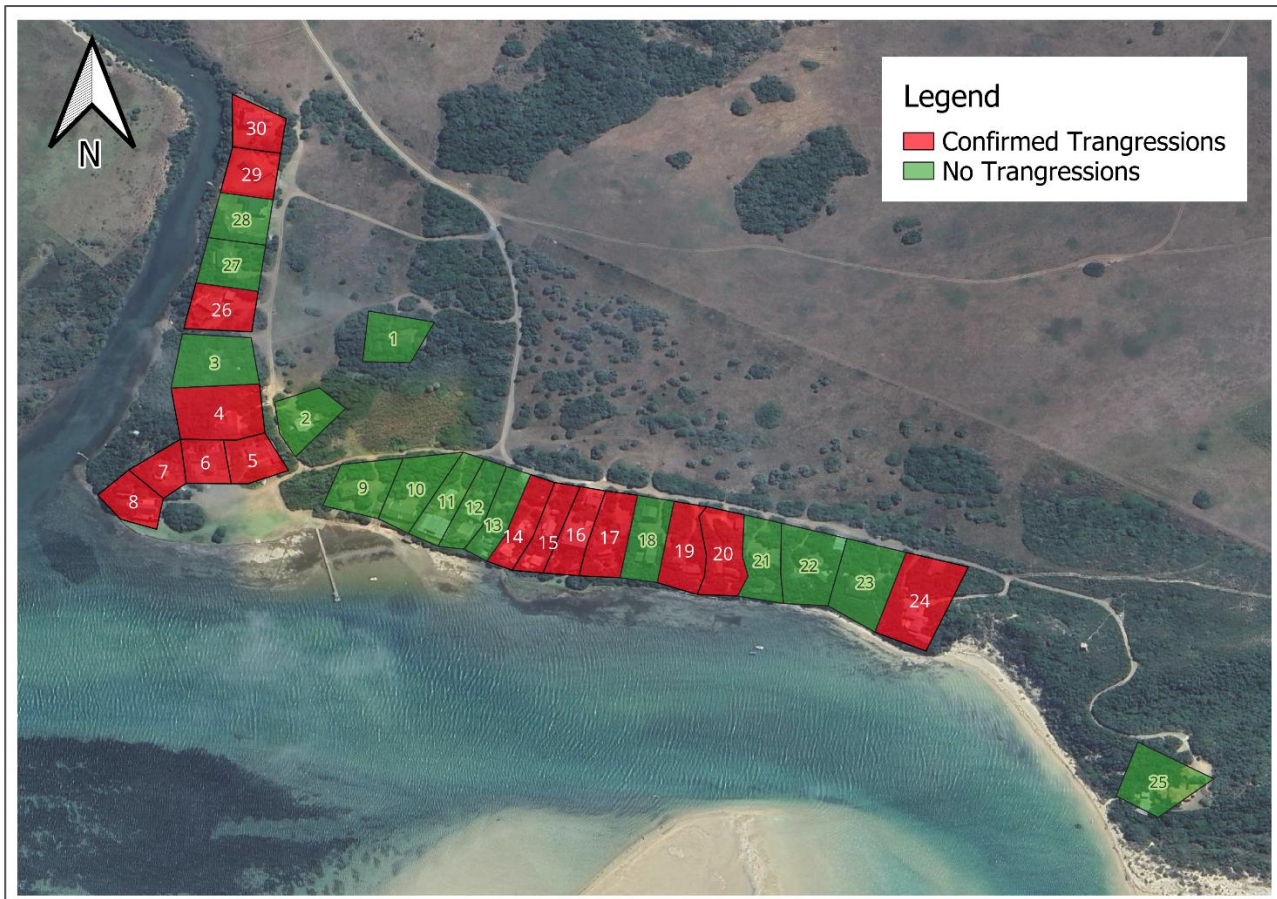


Figure 2: Plots confirmed to require post-facto authorisation in red and plots where no authorisation has been required for activities undertaken to date.

APPLICABLE LEGISLATION

Several activities were identified as potentially requiring environmental approval and are summarised as follows:

- Construction or expansion of houses or other structures within 100m of the estuary.
- Structures or infrastructure of 10m² or more within 32m of the edge of the watercourse.
- Any excavations that may have exceeded 5m³ within 100m of the estuary.
- Clearance of indigenous vegetation within 100m of the estuary.

The abovementioned activities fall under the Environment Conservation Act 1995 (ECA, 1995) as well as the National Environmental Management Act (NEMA, 1998) and their various regulations that have come into effect in 1997, 2006, 2010, 2014 and 2017. A full list of applicable activities under the abovementioned regulations will be included in the individual applications and assessment reports.

Due to the fact that the abovementioned activities commenced without an EA(s) from the competent authority, the proponents will be applying for the '*Regularisation of the Unlawful Commencement of a Listed Activity in terms of NEMA Section 24(G)*,' as per the requirements of the NEMA Regulations Relating to the Procedure to be Followed and Criteria to be Considered when Determining an Appropriate Fine in terms of Section 24G.

PUBLIC PARTICIPATION PROCESS

In terms of the NEMA, public participation forms an integral part of the EIA process. The Public Participation Process (PPP) provides people who may be (or may have been) affected by the developments with an opportunity to provide comment and to raise issues of concern about the activities, or to make suggestions that may result in enhanced benefits for the environment. Comments and issues raised during the PPP will

be captured, evaluated and included in an Issues and Responses Trail (IRT). These issues will be addressed and included in the final versions of the reports, which will be submitted to the competent authority.

NEMA SECTION 24(G) PROCESS

The NEMA Section 24(G) process sets out to rectify the activities by retrospectively assessing impacts in order to allow the environmental authority to decide whether or not such activities should be authorised, depending on the assessed environmental impacts. The application process is also subject to a fine, calculated based on a number of factors, including the extent of environmental impact caused by the activity. Ultimately, the decision to authorise the activities rests with competent authority. There are no specified timeframes in which it must be administered by the competent authority (Figure 3).

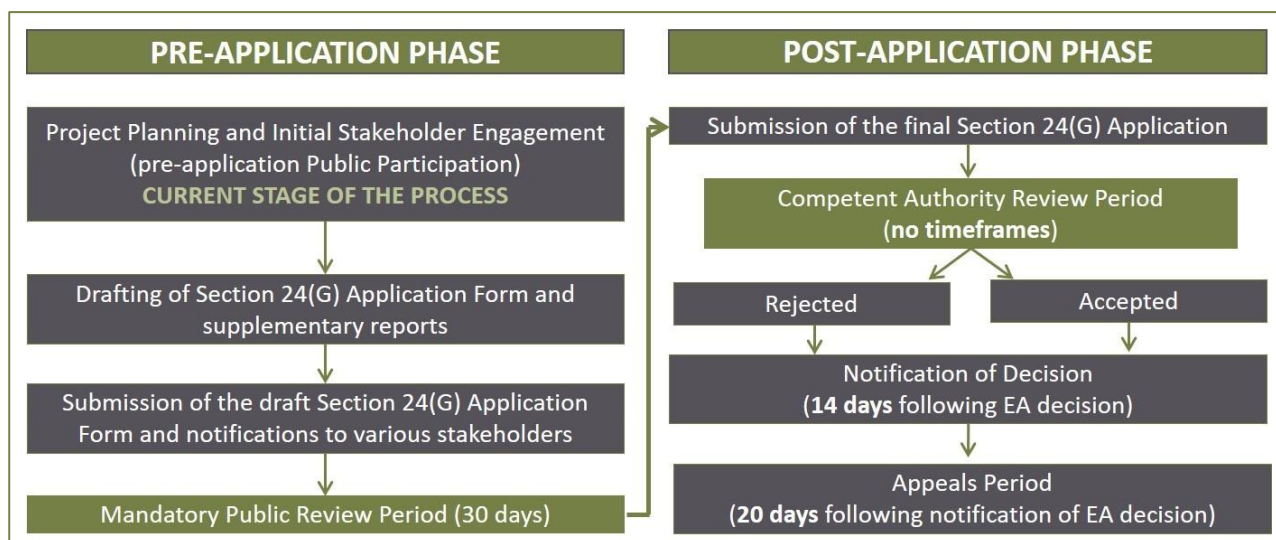


Figure 3: Generic NEMA Section 24(G) process.

INVITATION TO COMMENT

Should you wish to express your views regarding the forthcoming applications, please send us your written comments. The names of all registered Interested and Affected Parties (I&APs), together with the comments received, will be incorporated into the IRT and will be submitted to the competent authority. Please note that I&APs must provide their name, contact details (postal address, telephone number and email address) and an indication of any direct business, financial, personal, or other interest they may have in the approval or refusal of the development.

Please submit your name, contact information (address, telephone number, email address)⁺ and any written comments to Habitat Link Consulting:



Office Address: 117 Cape Road, Mount Croix, Gqeberha, 6001
Tel: 082 930 8711 (Roberto Almanza)
Email: comments@habitatlink.co.za or roberto@habitatlink.co.za

⁺ The Protection of Personal Information (POPI) Act requires us to inform you how we use and disclose personal information we obtain from you. We are committed to protecting your privacy and will ensure that your personal information is used appropriately, transparently, and according to applicable law. Contact information provided will only be used for its intended purpose and will not be shared with any third party without permission.

