**BACKGROUND INFORMATION DOCUMENT (BID)**

**PRE-APPLICATION ENVIRONMENTAL PROCESS**

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“THE HILL” development proposal

*Erf 1638 & Remainder of Portion 82 of Farm 205 Ruygtvelei, Sedgefield*

October 2015

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**Introduction**

*Cape Environmental Assessment Practitioners (Cape EAPrac)* has been appointed as the independent Environmental Assessment Practitioner (EAP) to ensure compliance with the regulations contained in the *National Environmental Management Act* (NEMA, Act No 107 of 1998 as amended) & the 2014 *Environmental Impact Assessment (EIA) Regulations* for a Basic Assessment (BA) Process.

The *Proponent* (developer) is *Liberty Lane Trading 111 (Pty) Ltd.* and the property is owned by *Garden Route Chalets (Pty) Ltd.* Both these entities share the same shareholders.

The proposed activity entails the development of residential opportunities with associated amenities and services which require *prior* authorisation in terms of the following:

- National Environmental Management Act (NEMA) & the 2014 NEMA EIA Regulations;
- the Land Use Planning Ordinance (LUPO)(Ordinance 15 of 1985);
- the Outeniqua Sensitive Coastal Area Extension Regulations (OSCAE)(GN R.1528, Nov.1998);
- Section 38 of the National Heritage Resources Act (NHRA)(Act No.25 of 1999);
- Section 21 (e) & (g) of the National Water Act (NWA, Act 36 of 1998);
- Regulations for the Proper Administration of the Knysna Protected Environment (R1175 NEM:PAA) (to be confirmed by SANParks); and
- Conservation of Agricultural Resources Act (CARA)(Act No.43 of 1983).

**Project Proposal (preferred alternative)**

Although the affected property is approximately 90ha in extent, the development footprint would be less than 20ha and the preferred layout consists of three distinct nodes of development allowing for *130 single residential erven; group housing* (30 large, 40 medium & 40 small); *a commercial site*; *internal roads & private open space.*

Associated infrastructure include: a *dual water supply system* (i.e. re-using treated effluent to augment water supply); *two water storage reservoirs*; a Membrane Bio-Reactor (MBR) *sewage package plant*; *rainwater tanks* and the *upgrade of the main access road and Egret Street/N2 intersection* to ‘The Hill’ development.

Should any reasonable / feasible alternatives be identified by stakeholders, specialists or project team members during the course of the environmental process, such alternatives will be investigated and compared to the Proponents preferred alternative.

**Description of the site**

The development is proposed on *Erf 1638 and Remainder of Portion 82 of Farm 205 Ruygte Valley,* located north of the N2 highway and railway line, and south of Ruygtevlei, Sedgefield.

**Access** to the property exists via Egret Road off the N2 Highway, following the gravel public road (Minor Road 6914), commonly referred to as the ‘Cloud Nine’ road. In the event that this road will be upgraded for residential purposes, the Municipality will have to accept jurisdiction / responsibility for this road (currently a Provincial Road).

Historically portions of the study site were used for commercial forestry purposes. This land use however was ceased several years ago with remnants of pine forest still visible. According to the appointed independent ecologist, the majority of the site is *transformed and heavily invaded by a variety of woody aliens* especially Pine, Black Wattle and Eucalyptus and the level of invasion suggests that the extent and severity of invasion has increased significantly since the original specialist studies some years ago.

From an ecological point of view the majority of the site is considered to have *low sensitivity.* A small, isolated area of *near-natural vegetation of less than 2ha* was identified at the site (near the existing municipal reservoir) and it supports remnants of
Knysna Sand Fynbos which is listed as Critically Endangered. This particular area is considered to have a high sensitivity and should therefore not be considered for development.

Issues of specific significance relate to the restoration of functional ecosystem on the site, including maintenance of an alien free environment, as well as ensuring that any fencing on/around the site is porous to allow free movement of fauna.

**Planning Context**

The properties are zoned Agriculture. A re-zoning application will be submitted to the Knysna Municipality by VPM Planning CC in parallel to the environmental process, in order for development to be considered in terms of the property’s land use rights.

- Although the Council-adopted Spatial Development Framework (SDF, 2008) earmarks the Remainder of Portion 82 of Farm 205 Ruygte Valley as ‘Core Production Area’ (associated with the historical forestry activities), it does fall within the greater designated ‘Future Development Direction’ area for Sedgefield. The majority of development is proposed on this land parcel.
- Erf 1638 has been identified as ‘Core Natural Area’ and remains excluded from the ‘Future Development Direction’ area. Development potential on this land parcel is therefore limited.

Since the adopted SDF (2008) is seven (7) years old and a more updated revision of the SDF is expected in the near future, it was prudent that the Local Authority provide clarity on the compatibility of the proposed development in terms of the Municipality’s forward spatial planning before the Proponent proceeds with a new application. The Knysna Municipality subsequently issued a statement, dated 28 May 2015, confirming that the development proposal “…is in broad strategic terms in line with the 2008 Knysna Spatial Development Framework…”. Hence a suitable type of development can potentially be considered on the study area.

**Environmental Context**

According to the Vegetation Map of South Africa (2006) and BGIS 2014, the vegetation mapped to have occurred on the properties in question is Knysna Sand Fynbos, which has a National Spatial Biodiversity Assessment (NSBA) and NEM:BA Ecosystem Status of Endangered and Critically Endangered, respectively.

Knysna Sand Fynbos is also listed as a ‘Threatened Ecosystem’ in terms of Section 52 of NEM:BA. Although indicated as such, it is noted that very little natural vegetation remains throughout the site and according to the independent ecologist, restoration back to Sand Fynbos is no longer a practical reality due to fundamental changes to soil properties that are likely to have occurred as a result of long-term alien invasion and historical forestry activities. Restoring the site to coastal thicket and emergent forest should be the target for rehabilitation at the site.

The entire extent of the study site falls outside of the Critical Biodiversity Area (CBA). A corridor of Ecological Support Area (ESA) is however aligned east-west directly to the north, which serves as a buffer to the CBA surrounding the Ruygtevlei and Swartvlei (Garden Route National Park Lake Area) to the north.

The Hill is a fossilised dune system, thus the vulnerability of the site to erosion is of concern and slope stability and storm water management require attention during the planning stages of the project.

Likewise the proposal for alien clearing and tree felling along steep slopes on the property require thorough planning and consideration.

**Background of Previous Processes**

In August 2006, Mr. Pieter Badenhorst, was appointed as the independent EAP to facilitate the required environmental Scoping & Environmental Impact Report (S&EIR) process, in terms of the then 2006 NEMA EIA Regulations, for ‘The Hill Development’, and an application for Environmental Authorisation was submitted to the Department of Environmental Affairs & Development Planning (DEA&DP). The public participation process for that particular environmental process was initiated with the availability of a Background Information Document (BID), dated December 2006. During 2007 the scoping process was completed and the identified specialist assessments were conducted – the Draft Scoping Report (DSR), dated June 2007, was made available for public review and comment. At the time, the decision-making Authority, would not issue a ‘Record of Decision’ (ROD) until such time as the Knysna Municipality confirmed that they could supply the service demand. In response, the Knysna Municipality identified this site as one of a few that could accommodate the future extension of Sedgefield, on condition that the Sedgefield bulk water supply be upgraded. The environmental and planning processes however were subsequently discontinued as a result of the worldwide economic slump at the time.

During a meeting in September 2010, Council accepted updated service proposals for ‘The Hill’ development which entailed a dual-water-supply-system and independent sewage package plant (treated effluent would be re-used on-site to substitute toilet flushing & irrigation requirements). Based on this re-design, the Municipality agreed to make the remaining portion of daily demand (potable water supply) available thereby confirming surety of supply of potable water. Although this agreement did not imply a tacit approval it revived the various applications once more.

Following this a Planning Process with Guide Plan Amendment Application was initiated during 2010 by VPM Planning CC, considering the proposed subdivision layout at the time (Plan Nr The Hill Layout 4, dated March 2010) for approx. 287 residential opportunities. The environmental application process was subsequently revised to comply with the 2010
Environmental Regulations, however it was again halted and the project was placed on hold awaiting the outcome of the Guide Plan Amendment application. Following later changes to planning legislation (Guide Plans were recalled), the project was put on hold once more.

During 2015 the Applicant again initiated the relevant development application processes following confirmation from the Knysna Municipality (letter dated 28 May 2015) that the new ‘The Hill’ development proposal “…is in broad strategic terms in line with the 2008 Knysna Spatial Development Framework…”. Subsequently Cape EAPrac was appointed to facilitate the new environmental application process.

**What is the purpose of this document?**

The main purpose of this Background Information Document (BID) is to:

- Provide potential “Interested and Affected Parties” (I&APs) with information regarding the revised development proposal (reduced density, compacted nodes to create larger open corridors for faunal movement and to reduce potential visual impacts);
- Describe the environmental process now being undertaken in terms of the National Environmental Management Act (NEMA, Act No.107 of 1998 as amended) including the 2014 Environmental Impact Assessment Regulations; and
- Explain the way forward.

**Applicable NEMA Listed Activities**

NEMA specifies various ‘listed activities’ that require prior environmental authorisation.

**Listing Notice 1: GN R983:**

24(ii): The development of (ii) a road with a reserve wider than 13.5 meters, or where no reserve exists, where the road is wider than 8 metres. *(Development of internal road network & upgrade of main access road).*

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. *(Clearance of predominantly alien vegetation to accommodate development).*

28(ii): Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture or afforestation on or after 01 April 1998 and where such development: (ii) will occur outside an urban area, where total land to be developed is bigger than 1 ha. *(A portion of the study area falls within the ‘Future Development Direction’ Area, however both properties remain outside the adopted urban edge of Sedgefield).*

30: Any process or activity identified in terms of section 53(1) of the National Environmental Management: Biodiversity Act (NEM:BA, No. 10 of 2004). *(Area mapped to contain Critically Endangered vegetation.)*

56(ii): The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre – (ii) where no reserve exists, where the existing road is wider than 8 metres; excluding where widening or lengthening occur inside urban areas. *(The existing access road and intersection with N2 will require upgrading).*

**Listing Notice 3: GN R985:**

2(f)(i)&(ii): The development of reservoirs for bulk water supply with a capacity of more than 250 cubic metres. (f) In Western Cape: (i) A protected area identified in terms of NEMPAA, excluding conservancies; (ii) In areas containing indigenous vegetation. *(Two new water storage reservoirs).*

4(f)(i)(aa): The development of a road wider than 4 metres with a reserve less than 13.5 metres: (f) In Western Cape: (i) Areas outside urban areas; (aa) Areas containing indigenous vegetation. *(The existing access road and intersection with N2 will require upgrading).*

12(a)(i): 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. (a) In the Western Cape: (i) Within any 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 identified as critically endangered in the National Spatial Biodiversity Assessment 2004. *(Knysna Sand Fynbos is classified as Critically Endangered).*

18(f)(i)(aa): The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre: (f) In the Western Cape: (i) All areas outside urban areas: (aa) Areas containing indigenous vegetation. *(The existing access road and intersection with N2 will require upgrading).*

**Environmental Process**

A new environmental application process is being conducted into the 2014 Environmental Regulations, by different environmental consultants, and although issues/concerns/specialist studies from the 2006 & 2010 processes will be considered, it remains the responsibility of all potential Interested & Affected Parties (I&APs) to register with Cape EAPrac for this new application. I&APs who participated or submitted comment during any of the previous processes are not automatically registered for this new process. Please ensure that you provide Cape EAPrac will your complete contact details in order to be registered as an I&AP.

The procedures for a Basic Assessment Environmental Process, as per the 2014 EIA Regulations, are being undertaken for this environmental process.

A pre-application public participation process (PPP) is being undertaken to inform the development proposal prior to submission of a formal Application. The pre-application PPP phase is to allow members of the public ample time to register as I&APs, receive & review project information and provide input/comments on the proposed development.

Registered I&APs will be provided an opportunity to review & comment on a Pre-App/Draft Basic Assessment Report (BAR) when it becomes available. Input/comments received during the Pre-App. PPP phase will be considered and included in the Final BAR to be made available to registered I&APs once a formal Application has been submitted to the national Department of Environmental Affairs (DEA).
The following steps, amongst others, will be undertaken as part of the Pre-Application Environmental Process:

- Identifying potential Interested and Affected Parties ("I&APs");
- Advertising a ‘Call for Registration of Interested & Affected Parties (I&APs)’ in a local newspapers (The Edge & Knysna Herald) with a registration period of 21-days (advertisement date: 7 & 8 October 2015);
- Placement of Site Notices at the site & Notices at public venues ‘Calling for Registration of I&APs’;
- Make available the Background Information Document (BID) for distribution to registered I&APs and neighbouring land owners, briefly explaining the process and project (this document);
- Open and maintain a Registered Stakeholder database;
- Revision of, and undertaking of updated specialist impact assessments and project team reports (underway);
- Compilation and public availability of a Pre-App/Draft Basic Assessment Report (BAR) and Draft Environmental Management Plan (EMP), highlighting issues/concerns, as well as findings of specialist studies;
- Open-house / public Meeting (date to be confirmed, but most likely when the BAR is made available for comment, as it will provide detailed information about the proposal to inform stakeholder’s input/comment);
- Submission of the Application Form to DEA;
- Compilation of Final BAR and Final EMP based on public comment on the Pre-App/Draft BAR and make the Final BAR available for I&AP review / comment.
- Submit the FINAL BAR and EMP to DEA for decision-making (authorisation with conditions, or refusal);
- Notification of registered I&APs and Stakeholders of Environmental Decision, and details of appeal process / period.

**Alternatives**

In terms of the NEMA legislation, alternatives must be considered during an environmental assessment. These may be site, activity, or technological alternatives.

The No-Go Alternative (no activities undertaken) must be considered as a baseline against which the impacts of any other Alternatives are measured.

The 2010 layout (Layout 4: 287 residential opportunities) was previously considered as an alternative, however requirements for a more compact, lower density alternative resulted in this alternative not being feasible.

Any other reasonable and/or feasible alternatives identified during the course of this new environmental process will be considered and measured against the current preferred proposal (Layout 11: 2015), developed in response to previous process comments/concerns.

Stakeholders are requested to provide details of any reasonable and/or feasible Alternatives that they may be aware of to ensure that such alternatives can be considered prior to submission of the formal Application to the Dept. of Environmental Affairs.

**Why and how should you get involved?**

Names and details of members of the public who respond to the legal advert & notices (calling for I&APs to register) will be captured on the project Stakeholder Register. All written comments provided will also be recorded. According to the Guidelines on Public Participation, only those parties that submit their full contact details for registration purposes, will be registered. Documentation containing incomplete, or no contact details may not be considered.

In the event that you (or any other party you may be aware of) have an interest in the process, or feel that you may be affected by the proposed development, you are invited to register as an I&AP for the environmental process. A vital part of the process is public consultation as it provides stakeholders with an opportunity to gain an informed understanding of the proposed development and provide input thereto. In order to do so, I&APs are to requested to submit their full contact details, in writing, to Cape EAPrac at the address provided at the end of this document.

**Issues / Concerns to be Considered**

The following key issues / concerns were raised as part of the previous environmental processes and will be re-visited as part of this environmental process:

- **Limited water supply & availability**;
- **Impact of on-site sewage treatment & re-use, and potential for odour nuisance & pollution**.
- **Visual impacts** (associated with hillside development, lighting, skyline intrusion etc.) and change of ‘natural sense of place / character / cultural-historical landscape’ of the Hill; Sedgefield & the N2 scenic route;
- **Stability of the dune and slope** & potential for erosion & landslides as a result of construction & alien plant removal activities;
- **Impact on buffer area** between established urban environs & conservation / rural periphery areas;
- **Disturbance of wildlife**: obstruction & fragmentation of movement corridors; loss of habitat; deterrence due to human activities & influx of domestic pets;
- **Impact on tourism**: ‘Slow-Town’ status & nature-orientated recreational activities on the hill;
- **Outside urban edge**; promotes urban segregation & sprawl instead of integration & densification;
- **High income up-market housing density/scale** & incompatibility with current housing & societal needs;
- **Sets a precedence / catalyst for further development of the hill or development outside of the ‘urban edge’**;
- **Need & desirability** of another high-income residential development with so many existing development not being sold/developed;
- **Alien plant removal** methodology & rehabilitation potential / viability of open space;
- **Traffic impact** on Egret Street / N2 intersection;
- Unsustainability and seasonal flux of job creation;
Should you have any comments / concerns in addition to the above, please provide these in writing with sufficient detail / background to allow us to capture your comment correctly.

_Cape EAPrac_ is obliged to investigate and respond to all issues/concerns raised during the course of the environmental process. In order to do this, we will rely on professional input from engineers and various specialists, as well as guidance from local, provincial and national Authorities who will also been requested to comment.

Please note that the main purpose of this Pre-Application process is to gain an understanding of all issues/concerns related to the development proposal. The formal Application will only be submitted to DEA once the issues/concerns have been resolved and/or potential impacts sufficiently mitigated.

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**TO REGISTER AS AN I&AP, PLEASE SEND YOUR REGISTRATION REQUEST, NAME & FULL CONTACT DETAILS, AND ANY PRELIMINARY COMMENTS:**

_Cape-EAPrac_

**ATT: Mrs Siân Holder**

PO Box 2070 George 6530

Telephone: 044 874 0365 Fax: 044 874 0432

E-mail: sian@cape-eaprac.co.za
BASIC ASSESSMENT ENVIRONMENTAL PROCESS
The Hill Development
Erf 1638 & Remainder of Portion 82 of Farm 205 Ruygte Valley, Sedgefield

REGISTRATION / INITIAL COMMENT SHEET on BID

Should you have any preliminary comments and would like to be registered as an Interested and Affected Party (“I&AP”), please complete this form and return it to Cape EAPrac at P O Box 2070, George, 6530. Tel: 044 874 0365, Fax: 044 874 0432, Email: sian@cape-eaprac.co.za. Registration may also be done online at www.cape-eaprac.co.za on the active project page.

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NOTE: Submission of incomplete contact details may result in a person/entity not being registered. Please ensure that you complete the above table in full.

COMMENTS (please feel free to submit more pages)
1. List any key issues or concerns relating to the proposed ‘The Hill Development’.
________________________________________________________________________________________
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3. Describe your reason/motivation for participating in this environmental process (disclose any interest)
   NOTE to the 2014 Environmental Regulations it is compulsory for I&APs to state their interest in a project/process, thus not providing reasons, may result in a person/entity not being registered.
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4. List any potential (reasonable and / or feasible) alternatives for the activity and state why you are recommended the alternative(s):
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5. List interested & affected parties (I&APs) or Stakeholders that you feel should be registered (provide their full contact details (name, telephone, fax, email and postal details) and who they represent in order that we may contact them):
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