



ETHEKWINI ENGINEERING UNIT

**DM/0039/2014:
EMANSOMINI
BRIDGE**

**PROPOSED
PEDESTRIAN**

Appendix E: Comments & Response Report

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ETHEKWINI ENGINEERING UNIT
PROPOSED EMANSOMINI PEDESTRIAN BRIDGE
REF. NO: DM/0039/2014
APPENDIX E: PUBLIC PARTICIPATION REPORT

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ETHEKWINI ENGINEERING UNIT

PROPOSED EMANSOMINI PEDESTRIAN BRIDGE

REF. NO: DM/0039/2014

APPENDIX E: PUBLIC PARTICIPATION REPORT

1 INTRODUCTION

The Public Participation Process forms an integral part of the EIA process. It is a mechanism that aids to identify potential impacts of proposed projects on the biophysical and the human environments. Identified Interested and Affected Parties (I&AP's) are given an opportunity to comment on the proposed project and make recommendations on mitigation requirements.

The process followed in informing I&AP's of the proposed projects is outlined in Sections 24(2)(a) and 24(d) of the National Environmental Management Act 107 of 1998 (as amended) in GN R.543 (18 June 2010) as part of the Basic Assessment process. This report presents comments received from I&AP's and responses provided.

1.1 Responsibilities of Interested & Affected Parties I&AP's.

Members of the public who want to participate in the assessment process need to register and are referred to as I&AP's. Registered I&AP's are entitled to comment, in writing, on all written submissions to the authority and to raise any issues that they believe may be significant, provided that:

- Comments are submitted within the timeframes agreed by the competent authority or extensions of timeframes agreed to by the applicant or Environmental Assessment Practitioner EAP.
- A copy of the comments submitted directly to the competent authority is served on the applicant or EAP.
- The I&AP discloses any direct business, financial, personal or other interest which that party may have in the approval or refusal of the application.
- Comments received from I&AP's on the Background Information Document has been addressed and incorporated into this Basic Assessment Report.

1.2 Steps taken to identify interested and affected parties

Following the submission of the Application for Authorization for the proposed development to the DAEA, the public consultation process was initiated in May 2014. Steps taken to notify Interested and Affected Parties of the proposed development were as follows:

- Adverts were placed in the following newspapers, which are distributed regionally.
 - Mercury - English Version (20 May 2014)
 - Isolezwe – Zulu Version (20 May 2014)
- 20 Site Notices were placed within the vicinity of the proposed development on the 20th of May 2014
- Background Information Documents (BID) were distributed within the vicinity of the proposed development on the 20th of May 2014.
- Background Information Documents were distributed to key identified stakeholders by fax and email on the 29th of May 2014.

2 COMMENTS AND RESPONSE TABLE

The following issues were raised on the Background Information Document:

Organization	Contact Person	Contact details	Issue raised	Response
Department of Water Affairs	Terisa Balmith / Hassina Aboobaker	Tel: 031 336 2700 Fax: 031 305 9915 Email: balmitht@dwa.gov.za / aboobakerh@dwa.gov.za	This Department would like the following to be addressed in the Basic Assessment report with regard to the proposed activity:	
			1. Management of general and hazardous waste material generated during the construction phase. This should include the storage of any material, chemicals, fuels, etc. on site.	All recommendations have been included in the EMPr.
			2. Identification of any environmental sensitive areas and water resources such as wetlands, streams, rivers, etc. as well as possible pollution impacts and proposed mitigation measures to protect such water resources.	All recommendations have been included in the EMPr.
			3. If the proposed activity falls within a 500 meter radius from the boundary of a wetland then the applicant must apply for a water use licence for Section (c) and (i) water uses of the National Water Act, 1998 (Act 36 of 1998).	The client will be undertaking a water use license application.
			4. Should any activity be identified as a possible Section (c) and (i) water use the applicant must delineate the watercourse and riparian habitat using the Department guideline: “A practical field procedure for identification and delineation of wetlands and riparian areas” (DWAF, 2005) and indicate the proposed activity location in relation to the riparian area, the 1:50 and 1:100 year floodlines on a map of appropriate scale. The applicant will require an authorisation from the Department for any activity within the riparian habitat or 1:100 year floodline, whichever is the greatest distance from the watercourse	The client will be undertaking a water use license application.

Organization	Contact Person	Contact details	Issue raised	Response
			5. Wastewater, sewage treatment and its disposal including the provision of temporary toilets for construction workers.	
			6. Stormwater management on site both during and after construction.	
			7. Spill contingency plans for the construction phase of the project.	
			8. Environmental Management Programme.	
			9. Bridge design	
			10. Geotechnical report.	
			11. Due to the location of the bridge, it is expected that there will be disturbances/destruction of wetlands and/or riparian vegetation occurring. In this case, the extent of impact must be investigated and a rehabilitation plan must be drawn up	
			This office awaits a copy of the Basic Assessment report in order to provide more detailed comments.	
			This reply does not grant any exemption from the requirements of any Applicable Act, Ordinance, Regulation or Bylaw.	
			Please do not hesitate to contact this office should you have any concerns, comments or queries.	
eThekwini Municipality	Shoni Makhwedzha	Tel: 031 311 7919 Fax: 031 311 7134 Email: shoni.makhwedzha@durban.gov.za	Herewith find the consolidated City comment on the Background Information Document for the proposed Emansomini Pedestrian Bridge.	
			1. eThekwini Electricity The Department has checked this application against its services and infrastructure and have no objections or comments to this application	Noted.
			2. Coastal, Stormwater and Catchment Management The bridge will need a flood report	A flood assessment has been undertaken.
			3. Framework Planning Branch The Framework Planning Branch supports the construction of the pedestrian bridge as the need to allow easy access for the two communities was	Noted.

Organization	Contact Person	Contact details	Issue raised	Response
			identified in the Nsimbini Rural Functional Area Plan (2013). However the Nsimbini Rural Functional Area Plan (2013) noted the need for a vehicular bridge over the Ezimbokodweni River linking areas of Nsimbini to Philani Valley and eMansomini.	
			4. Disaster Management No concerns from this department.	Noted.
			5. Fire and Emergency Services Unit This department has no objection to the proposed pedestrian bridge subject to:	
			<ul style="list-style-type: none"> • Full compliance of dredging, excavation, removal of soil with petroleum product of flammable gas pipeline in close proximity. 	Noted.
			<ul style="list-style-type: none"> • Full compliance with other relevant applicable Legislative requirements. 	Noted.
			6. eThekwini Water and Sanitation: WasteWater – Technical Support No objection.	Noted.
			7. Geotechnical Branch No geotechnical objection in principle to pedestrian bridge at that location.	Noted.
			This is a substantial river that has moved some sizable boulders just upstream at the shopping centre site, a geotechnical investigation must be done to confirm depth to competent, rock founding.	A geotechnical investigation has been undertaken.
			The geographical coordinates are confused.	This has been checked and corrected.
			8. eThekwini Transport Authority (ETA) No comment.	Noted.
			9. Durban Solid Waste DSW has no requirements for this proposal.	Noted.
			10. City Health The health department has no objection to the proposed project; further comments will be made on the receipt of the Draft Basic Assessment Report (BAR).	Noted.

Organization	Contact Person	Contact details	Issue raised	Response
			11. Environmental Planning & Climate Protection Department Following review of the Background Information Document, this Department has the following comment:	
			Alternatives:	
			Bridge alternative designs must be investigated. This Department recommends a suspension bridge since this option has the potential to limit the number of piles within watercourses and reduce habitat loss and degradation.	No alternatives are being considered due to time and cost constraints.
			Site alternatives must be explored and a site which offers a more reduced length will be more preferable since it will reduce the distance across the river.	No alternatives are being considered due to time and cost constraints.
			Alternative locations for concrete structures outside the 1:100 year floodline must also be investigated to mitigate against the impacts of flooding on the bridge structures.	This has been investigated as part of the flood assessment. No alternatives are being considered due to time and cost constraints.

The following issues were raised on the Draft Basic Assessment Report:

Organization	Contact Person	Contact details	Issue raised	Response
Department of Water & Sanitation	Mr. N. Leburu	Tel: 031 336 2741 Fax: 031 305 9915 Email: leburun@dws.gov.za	This Department has the following comments with regard to the proposed development: 1. Sewage and Wastewater Management	
			1.1. The use of temporary chemical toilets during the construction phase of the development must not cause any pollution to the water resources as well as pose a health hazard. The contents of these toilets must be emptied and safely disposed of. In addition, these toilets must be situated out of the 1:100 year Floodline of a watercourse or outside 100 metres from the riparian zone, whichever is greatest distance.	Noted. Please refer to Draft EMPr.

Organization	Contact Person	Contact details	Issue raised	Response
			<p>1.2. It is also this department's experience that projects of this nature may result in small volumes of water containing waste being generated during the construction phase. In this instance, the following is applicable:</p> <ul style="list-style-type: none"> • Water containing waste must not be discharged into the natural environment • Measure to contain the water containing waste and the safe disposal of it must be implemented. 	
			<p>1.3. There must be no unacceptable health hazards or impacts arising from the disposal of sewage and wastewater during and post construction.</p>	Noted.
			<p>2. Water Resources, Water Use and Authorisations</p>	
			<p>2.1. It is noted from the report that water for construction will be obtained from the municipality. Please note that the abstraction of water from a water resource constitutes a water use in terms of Section 21 (a) of the National Water Act, 1998 (act 36 of 1998) (NWA) and must be authorised as such. Should the applicant wish to take water from a water resource for use during construction, this Department must be informed in writing of the volumes, and rate and period of abstraction in order to determine the applicable water use authorisation required prior to use.</p>	Noted. The Applicant will need to ensure that they have complied with all relevant legislation.
			<p>2.2. Construction occurring within a 500 metre radius from the boundary of a wetland constitutes a water use in terms of Section 21 (c) and (i) of the NWA (i.e. 'impeding or diverting the flow of water in a watercourse' and 'altering the bed, banks, course or characteristics of a watercourse' respectively) and as such requires a water use license.</p>	Noted. The Applicant will need to ensure that they have complied with all relevant legislation.
			<p>2.3. The insertion of crossings; bridges; culverts or any other structures of similar functionality in a watercourse also constitutes water use in terms of Section 21 (c) and (i) of the NWA and must be authorised as such.</p>	Noted. The Applicant will need to ensure that they have complied with all relevant legislation.
			<p>2.4. It is the responsibility of the Applicant to identify all water uses, arising from the proposed project, in terms of Section 21 of the National Water Act, 1998 (Act 36 of 1998). These</p>	Noted. The Applicant will need to ensure that they have complied with all relevant legislation.

Organization	Contact Person	Contact details	Issue raised	Response
			water uses are listed in Table 1.	
			S21 (a) Taking water from a water resource	
			S21 (b) Storing water	
			S21 (c) Impeding or diverting the flow of water in a watercourse	
			S21 (d) Engaging in a stream flow reduction activity (currently only commercial afforestation)	
			S21 (e) Engaging in a controlled activity – activities which impact detrimentally on a water resource (activities identified in S37 (1) or Declared as such under S38 (1) namely: <ul style="list-style-type: none"> - Irrigation of any land with waste or water containing waste which is generated through an industrial activity or waterwork - An activity aimed at the modification of atmospheric precipitation - A power generation activity which alters the flow of regime of a water resource; or - Intentional recharge of an aquifer with any waste or water containing waste 	
			S21 (f) Discharging waste or water containing waste into a water resource through a pipe, canal, sewer, sea outfall or other conduit	
			S21 (g) Disposing of waste or water containing waste in a manner that may detrimentally impact on a water resource	
			S21 (h) Disposing in any manner of water which contains waste from or has been heated in, any industrial or power generation process	
			S21 (i) Altering the bed, banks, course or characteristics of a watercourse	
			S21 (j) Removing, discharging or disposing of water found underground if it is necessary for the efficient continuation of an activity or for the safety of people and	

Organization	Contact Person	Contact details	Issue raised	Response
			S21 (k) Using water for recreational purposes	
			2.5. The Applicant must delineate all watercourse and riparian habitats and indicate the proposed project route in relation to the riparian area, the 1:50 and 1:100 year floodlines on a map of appropriate scale. The Applicant will require an authorisation from the Department for any activity within the riparian habitat or 1:100 year Floodline, whichever is the greatest distance from the watercourse.	Noted. The Applicant will need to ensure that they have complied with all relevant legislation.
			2.6. Please note that if one or more of the water uses for the project requires a water use license authorisation then by default all other water uses for the project, even those that are within the ambit of a general authorisation, must be applied for in a single Integrated Water Use Licence (IWUL) application.	Noted.
			2.7. Ms. Coleen Moonsamy (031 336 2700/2836) of this departments Water Use Authorisation Section must be contacted for a pre-application meeting to determine the type of authorisations required and the requirements thereof. The onus is on the Applicant to timeously submit a complete water use licence application to this Department for Water uses as stipulated under Section 21 of the NWA in time to avoid unnecessary delays.	Noted.
			2.8. Adequate measures must be put into place to protect any water resource(s) that flow, adjacent to, as well as through the proposed project area from being polluted and/or degraded. Visible markings showing/demarcating the buffers must be provided on site during the construction phase. If any pollution of any surface or groundwater occurs, it must be immediately reported to this Department.	Noted. See attached Draft EMPr.
			2.9. The report titled ' <i>Proposed Mbokodweni River Pedestrian Bridge between Emansomini and Umlazi Y Section in Umlazi, eThekweni Municipality, KwaZulu Natal: Wetland and Riparian Zone Assessment Report</i> ', dated 18th November 2014, is acknowledged. The mitigation measures proposed therein are noted.	

Organization	Contact Person	Contact details	Issue raised	Response
			3. Solid Waste Management	
			3.1. All waste areas must be demarcated and the waste must be stored within a designated waste collection/storage area. Access control to this area must be properly managed and the removal and disposal of the waste to a permitted waste disposal site must be carried out by a certified waste contractor or the eThekweni Municipality.	Noted. See attached Draft EMPr.
			3.2. Should the Applicant wish to make use of a private contractor to dispose of the waste generated from the project, the following would apply:	Noted.
			3.3.1. The details of the contractor must be made available to this Department	
			3.3.2. Safe disposal certificates from a permitted waste disposal site must be kept at hand and must be furnished to this department when requested.	
			3.3. Contaminated/Hazardous materials are to be disposed of at a permitted hazardous landfill site that is authorised to accept such waste material.	Noted. See attached Draft EMPr.
			3.4. All waste generated at the proposed development should be disposed of in a suitable manner so as not to cause any surface and groundwater pollution or a health hazard.	Noted. See attached Draft EMPr.
			3.5. The recycling of suitable material (i.e. glass, paper, plastic, etc.) is encouraged by this Department, provided it is properly managed.	Noted. See attached Draft EMPr.
			4. Stormwater Management	
			4.1. It is vitally important that stormwater is managed on site both during and after construction. The development and implementation of a stormwater management plan will facilitate this. The eThekweni Municipality must be consulted for the approval of the stormwater management. Proof of such consultation must be provided to this Office.	The applicant will include the stormwater management plan as part of the tender document to contractors.
			4.2. The stormwater drainage network system must be kept separate from the waste water (water containing waste) system.	
			4.3. After construction, the site should be contoured to ensure free flow of runoff and to prevent the ponding of water.	

Organization	Contact Person	Contact details	Issue raised	Response
			4.4. Drainage must be controlled to ensure that runoff from the site will not culminate in off-site pollution or result in damage to properties downstream of any stormwater discharge.	Noted. See attached Draft EMPr.
			4.5. The Report titled ' <i>Mbokodweni River Floodline at the proposed Emansomini Pedestrian Bridge</i> ', dated 3 July 2015, is acknowledged.	
			5. Erosion	
			5.1. Potential Sources of sediment must be minimised from the outset. Extra precautions must be taken in areas where soil are deemed as highly erodible. This means limiting the extent (area) and duration (time) of land disturbance to the minimum needed to protect these surface areas once they are exposed.	Noted. See attached Draft EMPr.
			5.2. Erosion control measures to be implemented in areas sensitive to erosion such as near water supply points, edges of slopes, etc. These measures could include the use of sandbags, hessian sheets, retention or replacement of vegetation.	Noted. See attached Draft EMPr.
			5.3. Stockpiling of soil or any other materials used during the construction phase must not be allowed on or near steep slopes of a water resource. This is to prevent pollution or the impediment of surface runoff. The Applicant must control and establish mitigation measures to prevent the erosion of the stockpiles.	Noted. See attached Draft EMPr.
			5.4. The report titled ' <i>Geotechnical Assessment of Founding Conditions for Proposed Pedestrian Bridge, Mbokodweni River, Umlazi</i> ', dated 3 September 2015. Is hereby acknowledged.	
			6. General	
			6.1. No form of secondary pollution should arise from the disposal of sewage and refuse. All pollution problems arising from the above development are to be addressed immediately by the Applicant.	
			6.2. The storage of materials, chemicals, fuels, etc. to be used during the construction phase must not pose a risk to the surrounding environment. Such storage areas must be	Noted. See attached Draft EMPr.

Organization	Contact Person	Contact details	Issue raised	Response
			located out of the 1:100 year Floodline of any water resource and unauthorised access to these areas must be controlled. Temporary bunds must be constructed around chemical or fuel storage areas to contain possible spillages.	
			<p>6.3. It is important that all significant spillages of chemicals, fuels, etc. during the construction phase are reported to this Office and other relevant authorities. In the event of a spill, the following steps can be taken:</p> <ul style="list-style-type: none"> - Stop the source of the spill - Contain the spill - All significant spills must be reported to this department and other relevant authorities - Remove the spilled product for treatment or authorised disposal - Determine if there is any soil, groundwater or other environmental impact - If necessary, remedial action must be taken in consultation with this department - Incident must be documented 	Noted. See attached Draft EMPr.
			6.4. The development must comply with all relevant local municipal plans and bylaws.	Noted.
			6.5. An Environmental Management Programme (EMPr) must be developed for the project. Compliance to the final approved EMPr must be audited regularly by the designated Environmental Control Officer (ECO). Although Page 37 of the BAR makes reference to Appendix F: Draft EMPr, no EMPr was provided on the compact disc containing the Appendices of the report.	This was omitted in error. Draft EMPr now attached.
			6.6. Notwithstanding the above, the responsibility rests with the Applicant to identify all sources or potential sources of pollution from his undertaking and to take appropriate measures to prevent any pollution of the Environment. Failure to comply with the requirements of the National Water Act, 1998 (Act 36 of 1998) could lead to legal action being instituted against the Applicant.	Noted.
			This reply does not grant any exemption from the requirements if	Noted.

Organization	Contact Person	Contact details	Issue raised	Response
			any applicable Act, Ordinance, Regulation or Bylaw.	
eThekwini Municipality	Ms. S.A. Makhwedza	031 311 7919 (tel) 031 311 7134 (fax) Shoni.makhwedza@durban.gov.za	Herewith find the consolidated City comment on the draft Basic Assessment Report for the proposed Emansomini pedestrian bridge.	
			1. Durban Solid Waste (DSW)	
			DSW has no requirements for this proposal.	Noted.
			2. Strategic Spatial Planning Branch	
			The Strategic Spatial Planning Branch (SSPB) has no objections to the draft Basic Assessment Report for the proposed Emansomini pedestrian bridge crossing the Mbokodeni River between Umlazi and Emansomini.	Noted.
			3. Disaster Management	
			No concerns from this department.	Noted.
			4. eThekwini Health	
			No objection is raised in principle subject to the maintenance and cleanliness of chemical toilets at all times. The chemical toilet effluent must be disposed of in an approved manner and a disposal certificate must be submitted to the Environmental Health Department., South 2 Area, Amanzimtoti. Once the construction resumes, the Department of Health must be notified.	Noted. See attached Draft EMPr.
			5. Environmental Planning & Climate Protection Department	
			Following the review of the Draft Basic Assessment Report, this Department has the following comment:	
			The two proposed bridge sites (to the west and to the east) are across Mbokodweni River and have been included within the Durban Metropolitan Open Space System (D'MOSS) which is protecting the stream and the associated floodplain wetland.	
			Although the river system is considered disturbed due to the existing informal footbridge (western site) and sand mining activities, the system is still providing ecological connectivity to other systems downstream.	
			Please note that the western site already has an existing informal footbridge, has less wetland vegetation and therefore recommended by this department.	Noted.
			In addition to the floodplain wetland, the eastern site is however adjacent to a patch of Scarp Forest. Provision of a bridge across	Noted.

Organization	Contact Person	Contact details	Issue raised	Response
			<p>this site will expose this patch of forest to further human encroachment due to improved access. This site is therefore not recommended.</p>	
			<p>Alternatives: This Department had during the Background Information stage of the EIA process recommended that alternative bridge designs such as a suspension bridge be considered. It is this Departments belief that the active channel bed and banks of the stream are sensitive habitats and therefore should be spanned. All direct and physical impacts must also be avoided.</p>	<p>As indicated previously, No alternative bridge designs are being considered due to time and cost constraints. The design chosen is a standard design that is used by the eThekwini Municipality for all pedestrian bridge designs. The position of the foot path and the bridge was chosen after consultation and negotiation with the local ward counsellor. The path serves to be the most feasible and is currently used extensively.</p>
			<p>This concern has however not been addressed due to reasons cited in the Comments and Responses Report, i.e. time and cost constraints. This is of concern, more so because Section 2.1 (b) of the BAR requires that alternatives are considered. This section of the BAR has not been adequately addressed, including the No-Go alternative which is compulsory.</p>	<p>As indicated previously, No alternative bridge designs are being considered due to time and cost constraints. The design chosen is a standard design that is used by the eThekwini Municipality for all pedestrian bridge designs. The position of the foot path and the bridge was chosen after consultation and negotiation with the local ward counsellor. The path serves to be the most feasible and is currently used extensively.</p>
			<p>It has been noted that the scope of work in the Wetland and Riparian Zone Assessment Report prepared by GCS (page 35) was based on a conceptual design with no definite clarity on the bridge's central pier/plinth's location. This Department recommends that the central bridge pier/plinth is not located within the active channel bed and banks. This will avoid the need for access by heavy machinery</p>	<p>The position of the foot path and the bridge was chosen after consultation and negotiation with the local ward counsellor. The path serves to be the most feasible since it is in the same location as the</p>

Organization	Contact Person	Contact details	Issue raised	Response
			across and into the construction site.	existing informal bridge that is currently used extensively. The specialist have assessed the impacts of the bridge and impacts were found to be acceptable.
			A method statement for construction within the floodplain wetland and all sensitive habitats must also be included in the EMP.	Noted. Refer to Section 9.11 and Section 9.12 of the Draft EMP.
			Once the designs are finalised, the rehabilitation measures proposed in the Wetland and Riparian Zone Assessment Report prepared by GCS as well as those presented in the EMP must be revised to be specific to the approved design.	Noted. The Applicant will need to ensure that this is included in the EMP.
ETA	Sma Phiri	031 311 7213 Sma.Phiri@durban.gov.za	The Draft Basic Assessment for the Proposed Emansomini Pedestrian Bridge is SUPPORTED . 1. There are no approved subdivisions within the proposed pedestrian bridge location. 2. There is an existing informal dirt road which provides access to the road network for the pedestrian bridge users.	Noted.



Appendix E1:

BID

NEWSPAPER ADVERT



Appendix E2:

**INTERESTED AND AFFECTED PARTIES
DATABASE**



Appendix E3:
PHOTOGRAPHS



Appendix E4:

**COMMENTS RECEIVED FROM REGISTERED
I&AP'S**