

# INVITATION TO PARTICIPATE:

## PROPOSED MIXED-USE DEVELOPMENT WITH ASSOCIATED INFRASTRUCTURE ON PORTION 1, PORTION 3, PORTION 4, PORTION 5, PORTION 7, AND PORTION 8 OF ERF 2054 HILTON

### BACKGROUND INFORMATION DOCUMENT

#### 1. Introduction

The purpose of this Background Information Document (BID) is to provide information to I&APs about the proposed mixed-use development with associated infrastructure on Portion 1, Portion 3, Portion 4, Portion 5, Portion 7, and Portion 8 of Erf 2054 Hilton.

The Environmental Impact Assessment (EIA) is in process under the National Environmental Management Act (Act 107 of 1998) 2014 as amended in 2017 (NEMA). The EIA application will be made to KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs (KZNEDTEA). Discussions are being held with KZNEDTEA prior to lodging the application:

This BID explains the proposed project and the regulatory processes that will have to be complied with, while providing I&APs with the opportunity to:

- Register as stakeholders in the public participation process; and
- Make initial comments on and contributions to the proposed project.

#### Contact person for representation on the application:

**EAP Contact Details:** Mr Franco Mc Kellar **LEAP** on behalf of Dr Gwen Theron.

1 Ivy Street, Sunnyside, 0002

Tel: (012) 344 3582

E-mail: [admin@leapenviro.co.za](mailto:admin@leapenviro.co.za)

#### 2. Affected properties

**Location:** Towards the Northeast of Hilton, uMngeni Local Municipality, under uMgungundlovu District Municipality, Kwazulu-Natal Province.

**Extent:** Approximately 110 hectares.

#### 3. Your participation is important

Your registration and contribution will assist in determining relevant issues to be evaluated in the EIA process. You are requested to complete the enclosed registration sheet, write a letter, call or email the public participation office in Sunnyside (Franco Mc Kellar). Upon request you will then receive further information about the proposed project on the EIA process.

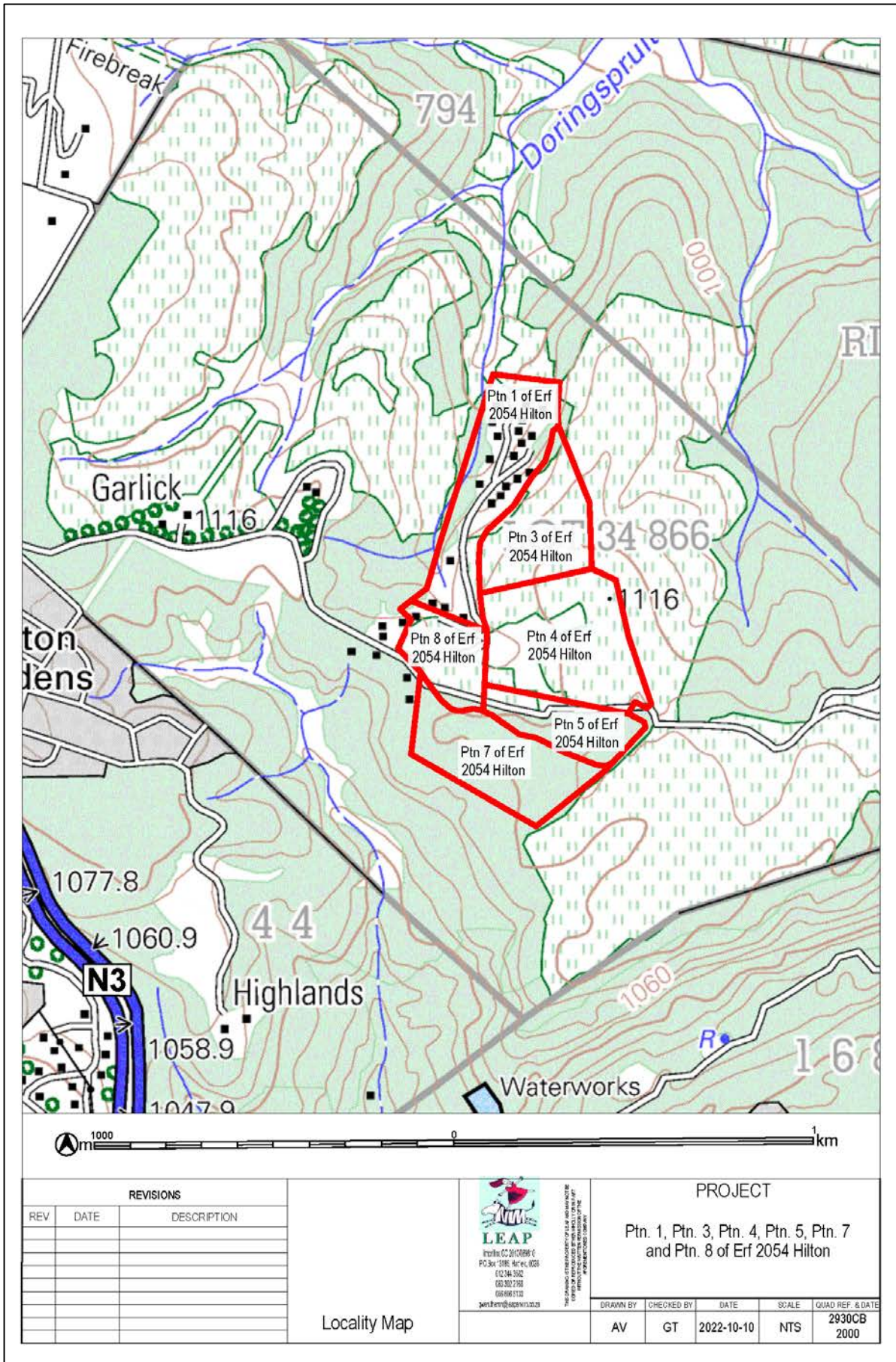


Figure 1: Approximate location of proposed development area.

#### 4. Application under NEMA.

In order to commence with proposed development, Mount Verde (Pty) Ltd. (The Applicant) must conduct an EIA and submit an EIA Report (EIAR) to the regulatory authority (KZNEDTEA) in support of an application for environmental authorisation to proceed with the project. An EIA is a well-defined and regulated in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended in 2017, involving public participation and technical studies.

EIARs are used by planning authorities to obtain an objective view of the potential environmental and social impacts that could arise during the construction and operation of the proposed development. This information must provide a sound basis for decision-making by the authorities, and must:

- Identify the potential impacts of the proposed activities;
- Outline the public participation process undertaken;
- Illustrate the issues, concerns and suggestions raised by I&APs; and
- Outline the environmental management and mitigation measures that must be taken to avoid or reduce negative impacts and enhance positive impacts.

#### The activities to be applied for:

The development triggers the following listed activities in terms of the 2014 NEMA EIA Regulations as amended by Government Notice No. 324, 325, 326 and 327 of 7 April 2017:

- GN. Regulation 983 as amended by GN Regulation 327 of Listing Notice 1: Activities number 9, 10,11,12, 19, 24, 25 and 27.
- GN Regulation 984 as amended by GN Regulation 325 of Listing Notice 2: Activities number 15.
- GN. Regulation 985 as amended by GN Regulation 324 of Listing Notice 3: Activities number 6 and 14.

Indicate the number and date of the relevant notice:	Activity No (s) (in terms of the relevant or notice):	Describe each listed activity:
GN. R 983 8 December 2014 as amended by GN. R 327 7 April 2017	Listing Notice 1 Activity 9	The development of infrastructure exceeding 1 000 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;
GN. R 983 8 December 2014 as amended by GN. R 327 7 April 2017	Listing Notice 1 Activity 10	The development and related operation of infrastructure exceeding 1 000 metres in length for the bulk transportation of sewage, effluent, process water, wastewater, return water, industrial discharge or slimes – (i) with an internal diameter of 0,36 metres or more (ii) with a peak throughput of 120 litres per second or more
GN. R 983 8 December 2014 as amended by GN. R 327 7 April 2017	Listing Notice 1 Activity 11	The development of facilities or infrastructure for the transmission and distribution of electricity – (i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or (ii) inside urban areas or industrial complexes with a capacity of 275 kilovolts or more;
GN. R 983 8 December 2014 as amended by GN. R 327 7 April 2017	Listing Notice 1 Activity 12	The development of – (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or (ii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs— (a) within a watercourse; (b) in front of a development setback; or

Indicate the number and date of the relevant notice:	Activity No (s) (in terms of the relevant or notice):	Describe each listed activity:
		(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse.
GN. R 983 8 December 2014 as amended by GN. R 327 7 April 2017	Listing Notice 1 Activity 19	The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;
GN. R 983 8 December 2014 as amended by GN. R 327 7 April 2017	Listing Notice 1 Activity 24	The development of a road – (i) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or (ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 meters;
GN. R 983 8 December 2014 as amended by GN. R 327 7 April 2017	Listing Notice 1 Activity 25	The development and related operation of facilities or infrastructure for the treatment of effluent, wastewater or sewage with a daily throughput capacity of more than 2000 cubic metres but less than 15000 cubic metres.
GN. R 983 8 December 2014 as amended by GN. R 327 7 April 2017	Listing Notice 1 Activity 27	The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation
GN. R 983 8 December 2014 as amended by GN. R 325 7 April 2017	Listing Notice 2 Activity 15	The clearance of an area of 20 hectares or more of indigenous vegetation,
GN. R 985 8 December 2014 as amended by GN. R 325 7 April 2017	Listing Notice 3 Activity 6	The development of resorts, lodges, hotels, tourism or hospitality facilities that sleeps 15 people or more. <b>d. KwaZulu-Natal</b> xii. Outside urban areas: (aa) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of NEMPAA or from the core area of a biosphere reserve;
GN. R 985 8 December 2014 as amended by GN. R 325, 7 April 2017	Listing Notice 3 Activity 14	The development of – (iv) dams, where the dam, including infrastructure and water surface area exceeds 10 square meters in size; (vi) bulk storm water outlet structures exceeding 10 square meters in size; <b>d. KwaZulu-Natal</b> x. Outside urban areas: (aa) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of NEMPAA or from the core area of a biosphere reserve;

## **5. Application under NWA.**

In order to commence with the proposed development, the Applicant must conduct a WULA and submit it to the DWS.

The WULA is well-defined and regulated in terms of Section 21 of the National Water Act (Act No. 36 of 1998), involving public participation and technical studies.

WULAs are used by the DWS to obtain an objective view of the potential environmental and social impacts that could arise during the construction and operation of the proposed development. This information must provide a sound basis for decision-making by the DWS.

The WULA Report must:

- Identify the potential impacts of the proposed activities;
- Outline the public participation process undertaken;
- Illustrate the issues, concerns and suggestions raised by Interested & Affected Parties; and
- Outline the environmental management and mitigation measures that must be taken to avoid or reduce negative impacts and enhance positive impacts on the waterbodies associated with the proposed development.

The activities to be applied for:

- Section 21 (c) impeding or diverting the flow of water in a watercourse;
- Section 21 (e) engaging in a controlled activity identified as such in section 37(1) or declared under section 38(1);
- Section 21 (f) discharging waste or water containing waste into a water resource through a pipe, canal, sewer, sea outfall or other conduit;
- Section 21 (g) disposing of waste in a manner which may detrimentally impact on a water resource;
- Section 21 (i) altering the bed, banks, course or characteristics of a watercourse;

## **6. Public Participation**

Public Participation during the EIA process will enable Registered Interested & Affected Parties to influence the course of the technical investigations and to review the findings of the independent studies that are undertaken within 30 days for EIA registration and review period. The environmental consultants will correspond with registered I&APs at various stages during the process to keep them informed of the progress in the study and the time when I&APs have the opportunity to review and comment. The steps in the public participation process are outlined below.

- The BID is a notice of invitation with a comment sheet that is distributed to adjacent landowners within 100m from the area of the proposed development, key individuals and organisations, announcing the project and inviting their review and comment.
- Advertisements in Local newspaper (The Nort Coast Courier) announcing the proposed project and providing opportunity to comment.
- Site notices to be erected at strategic places along the property in accordance with the requirements of the EIA Regulations, in order to announce the project.
- Issues received from stakeholders will be captured in the Comments and Response Register (CRR) which will be used to screen and prioritise issues for evaluation.

## **7. Specialist studies being conducted**

The following specialist studies may be required to provide the necessary detail to KZNEDTEA to make informed decisions regarding the application. Furthermore, the specialist studies provide the I&AP's the information required to gauge the potential impact and to see if the issues that are important to them are addressed.

- Wetland Assessment.
- Terrestrial Biodiversity Assessment.
- Heritage Impact Assessment.
- Geotechnical Report.

**Virtual meetings with I&AP's will be held upon request, should it be required.**

<b>INVITATION TO PARTICIPATE:</b> <b>EIA as per NEMA</b> <b>WULA as per NWA</b> <b>MOUNT VERDE</b> <b>REGISTRATION SHEET</b> Accompanying Background Information Document <b>OCTOBER 2022</b>	Public Participation Office <b>LEAP</b> Franco Mc Kellar <b>On behalf of Dr Gwen Theron</b>  1 Ivy Street, Sunnyside, 0002 <a href="mailto:admin@leapenviro.co.za">admin@leapenviro.co.za</a>
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*To accommodate the public participation process, please register within 30 days of this Notice for EIA (On or Before 14 November 2022) and within 60 days of this Notice for WULA (On or Before 14 December 2022)*

TITLE		FIRST NAME	
INITIALS		SURNAME	
ORGANISATION		TELEPHONE NO	
EMAIL			
Please formally register me as an interested and affected party (I&AP) so that I may receive further information and notifications.		YES	NO
I would like my notifications and documents for comment as follows:			
E-mail	Telephone	Internet	
In terms of this Public Participation process, I disclose below any direct business, financial, personal or other interest that I may have in the approval or refusal of the application: .....			

**COMMENTS** (please use separate sheets if you wish)

I suggest that the following issues of concern be investigated:

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I suggest the following for the public participation process:

.....

Any other comments:

.....

Please register the following people as I&APs for this process:

.....

**Signature**

**Date**

Please take note that LEAP adheres to the principles of the Protection of Personal Information Act, Act 4 of 2013 ("POPI"). By signing this form, you acknowledge that LEAP may use your information for the sole purpose of the Public Participation related to the project mentioned above.

**THANK YOU FOR YOUR CONTRIBUTION**