

# BACKGROUND INFORMATION DOCUMENT (BID)

## THE PROPOSED MUSINA HOUSING DEVELOPMENT AND ASSOCIATED FACILITIES AND INFRASTRUCTURES WITHIN MUSINA LOCAL MUNICIPALITY IN THE LIMPOPO PROVINCE.

### INVITATION TO REGISTER AND COMMENT

#### INTRODUCTION

##### PURPOSE OF DOCUMENT

This Background Information Document (BID) briefs Interested and Affected Parties (I&APs) about the Environmental Impact Assessment (EIA) and Water Use License Application (WULA) that are being undertaken for the proposed development of the Musina housing development and associated infrastructures. The authorisation processes are subject to a public participation process. The BID supplies project information and indicates how you can become actively involved in the project, and raise issues that may concern and / or interest you. You can achieve this by:

Registering as an I&AP by

- completing the attached Comment & Registration Form, contacting us / by sending us an email;
- Reviewing of the BID
- Giving comments, raising concerns and / or issues about the project

The EIA decision making authority is Limpopo Department of Economic Development, Environment and Tourism, (LEDET). The WULA decision making authority is Department of Water & Sanitation.

**Register, complete a response form, write a letter, call or email our office if you wish to register.**

Naledzi Environmental Consultants CC (NEC) have been appointed by Ndidali Quantity Surveyors to undertake the Environmental Impact Assessment (EIA) Process in an effort to obtain environmental authorisation for the proposed new Musina housing development and associated facilities and infrastructures within Musina Local Municipality in the Limpopo Province.

The development triggers listed activities under the National Environmental Management Act (107 of 1998) (NEMA) EIA Regulations of 2014 (as amended in April 2017). As a result Ndidali quantity surveyors requires Environmental Authorisation from the Limpopo Department of Economic Development, Environment and Tourism (LEDET). In order to comply with national legislation, the proposed project will require authorisation in terms of the National Environmental Management Act (Act No. 107 of 1998-NEMA). As such the project is required to undertake and submit the following reports for adjudication by the relevant Authorities:

- Scoping Report,
- EIA and EMPr, as per the requirements of the NEMA.

The project further triggers Section 21 (c) and (i) water uses under the National Water Act 36 of 1998 and requires a Water Use License from the Department of Water & Sanitation (DWS). The application for the license is subject to a Water Use License Application (WULA) Procedure as per the NWA WULA Regulations of 2017.

#### ENVIRONMENTAL CONSULTANT CONTACT DETAILS

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## 1. BACKGROUND

Ndidali quantity surveyors proposed to build Musina housing development and associated facilities and infrastructures on farms Messina 4MT within Musina Local Municipality in the Limpopo Province. The site is located approximately 3.2 km to Musina Town. The site is located in close proximity to major transport arteries, including N1, the site can be accessed via R508 and Road D1942 to Malala drift. No constraints with regards to accessibility have therefore been identified. The central geographical coordinates: (22°21'14.50"S 30° 3'4.44"E). The proposed development will cover approximately 60ha of land, the proposed housing development consisting of the following development:

- Residential units

The residential unit (freestanding houses) will be categorised into three categories- High cost, medium cost and low cost, ranging from 245m<sup>2</sup> to 80m<sup>2</sup> in sizes. The main purpose of categorising the residential units is to accommodate all group of people depending on their way of living.

- Office park and conference facility
- Recreational facilities
- Institutional facilities (Creche, primary and secondary schools)
- Healthcare facilities (Hospital and Clinic)
- Shopping mall and township shop
- Filling station
- 3 star Hotel
- Bulk services in the form of:
  - Roads
  - Water
  - Storm Water Management



Figure 1: Aerial Locality Map indicating the regional locality of the project site

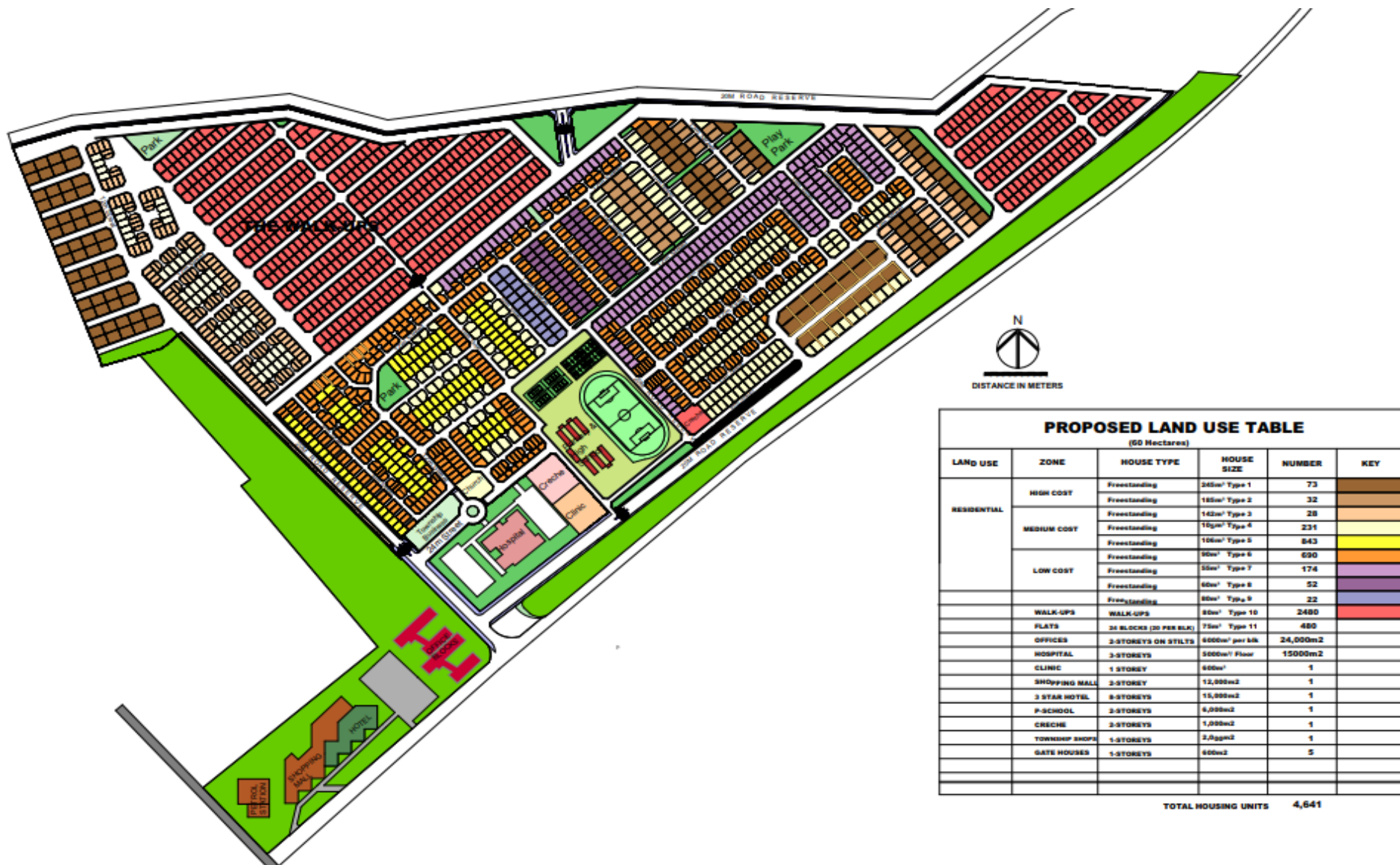


Figure 2: Project Layout plan

#### 4. LEGAL REQUIREMENTS

The project is subject to compliance with the following pieces of legislation:

- A. National Environmental Management Act, 1998 (1071998) and its promulgated EIA Regulations of 2014 as amended by GNR 324, 325, 326 & 327 of 7 April 2017);
- B. National Water Act, 1998 (Act 36 of 1998) and its promulgated WULA Regulations of 2017
- C. National Heritage Resources Act, 1999 (Act 25 of 1999)
- D. National Forest Act, 1998 (Act 84 of 1998)

Although separate applications and license are required from different authorising authorities, one comprehensive Public Participation Process will be conducted.

<b>ENVIRONMENTLA IMPACT ASSESSMENT PROCESS - NEMA EIA Regulations of 2014 (as amended in April 2017)</b>
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In terms of the NEMA EIA Regulations of 2014 (as amended in April 2017), the project requires an Environmental Authorisation (EA). GN 327, 325 and 324 of the regulations schedules listed activities which require EA. The development triggers listed activities listed under Listing Notice 1, 2 and 3 in terms of NEMA and EIA Regulations of 2014 as amended. It requires Environmental Authorisation from the Limpopo Department of Economic Development, Environment and Tourism, (LEDET) and is subject to a full Scoping and EIA Process. Triggered listed activities include:

- **GNR 327 Listing Notice 1– Activity 14:** The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic meters or more but not exceeding 500 cubic meters.
- **GNR 327 Listing Notice 1– Activity 19:** The infilling or depositing of any material of more than [5] 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than [5] 10 cubic metres from [(i)] a watercourse;
- **GN R 327 of 7 April 2017 (Listing Notice 1) - Activity 24:** The development of a road— (ii) [a road] with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres;
- **GN R 327 of 7 April 2017 (Listing Notice 1) - Activity 28:** Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development: (i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares.
- **GN R 325 of 7 April 2017 (Listing Notice 2) - Activity 15:** The clearance of an area of 20 hectares or more of indigenous vegetation, excluding 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.
- **GN R 324 of 7 April 2017 (Listing Notice 3) - Activity 6:** The development of resorts, lodges, hotels, [and] tourism or hospitality facilities that sleeps 15 people or more. e. **Limpopo** ii. Inside urban areas:

(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.

- **GN R 324 of 7 April 2017 (Listing Notice 3) - Activity 10:** The development and related operation of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic metres.
- **GN R 324 of 7 April 2017 (Listing Notice 3) - Activity 12:** 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. **e. Limpopo** 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 that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004; ii. Within critical biodiversity areas identified in bioregional plans.

Ndidali quantity surveyors required to submit an application for environmental authorisation for the above listed activities to LEDET and undertake an EIA Process and Public Participation Process. The application is subject to submission of a Scoping Report, Environmental Impact Report and Environmental Management Programme to LEDET. The reports are to scope the potential impacts indicate where specialist investigations are required; describe the potential environmental impacts of the development, how such impacts will be managed and detail the public participation process undertaken. The process is ultimately a planning and decision making tool for the competent authority and is regulated at 300 days.

#### **WATER USE LICENSE - NATIONAL WATER ACT 36 OF 1998 AND WULA Regulations of 2017**

A Water Use License Application (WULA) under the provision of the National Water Act 36 of 1998 (NWA) is required for the project. The proposed development will be located near the water source. A WULA needs to be submitted to DWS in this regard to obtain a Water Use License. Water uses defined in Section 21 of the NWA relevant to the development include:

- Section 21 (c) and (i) Impeding or diverting the flow of water in a watercourse & altering the bed, banks, course or characteristics of a watercourse;

#### **NATIONAL HERITAGE RESOURCES ACT 25 OF 1999**

NHRA protects all structures and features older than 60 years (Section 24), archaeological sites and material (Section 35) and graves and burial sites (Section 36). Section 38 indicates that any person intending on undertaking any form of development which involves the activities listed below must, at the earliest stage of initiation, notify the South African Heritage Resources Association (SAHRA):

- Any development or other activity which will change the character of the site-
  - Exceeding 5000m<sup>2</sup> in extent or
  - Involving 3 or more existing erven / subdivision thereof or;
  - The re-zoning of a site exceeding 10 000m<sup>2</sup> in extent; or

- Any other category of development provided for in regulations by SAHRA / provincial heritage resources agency.

Ndidali quantity surveyors will conduct a Heritage Impact Assessment (HIA) Study for proposed Musina housing development.

<b>PROTECTED TREE PERMITS - NATIONAL FOREST ACT 84 OF 1998</b>
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There are several protected tree species identified within the project site namely Marula, Baobab, Boscia Albitrunca (Shephards Tree) to mention a few. Section 15(1) of the National Forest Act states no person may cut, disturb, damage or destroy any protected tree or possess, collect, remove, transport, export, purchase, sell, donate or in any other manner acquire or dispose of any protected tree or any forest product derived from a protected tree, except under a licence or exemption granted by the Minister to an applicant and subject to such period and conditions as may be stipulated.

Protected Tree Permits will be obtained from the Department of Forestry and Fisheries (DAFF) prior to removal of such within the footprint areas.

## **5. EIA PROCESS AND WULA APPLICATION PROCEDURE**

An EIA process is a planning and decision making tool, to describe and assess the physical, biological, social, and economic impacts which a given development may have. To be able to inform the decision-making process, it is important for public issues and concerns to be identified timeously, to enable the EIA team to evaluate them. The EIA process allows for the environmental consequences of a proposed project to be identified upfront, investigated throughout the impact assessment process, and taken into consideration by the decision making authorities. The EAP and various specialists also identify potential negative and positive impacts that could arise as a result of the proposed project and identify applicable mitigation measures required, to avoid or reduce negative impacts and to enhance positive impacts.

Firstly a Scoping Phase would be conducted to gain an understanding of the potential environmental issues relevant to the project and to determine whether further information is required in the form of specialist investigations. Information would also be gathered from the public and I&APs. A Scoping Report would be prepared which include the nature of the activity, description of the receiving environment, identification of any feasible alternatives, potential positive and negative impacts, initial public comments, concerns, identified specialist investigations and any identified knowledge gaps. The Scoping Report will be distributed to all I&APs, stakeholders for a comment for a period of 30 calendar days.

The project will be announced to I&APs during the Scoping Phase by means of:

- Advertisement in the local newspaper (Limpopo Mirror)
- Placing site notices on site
- Identify and notify in writing any I&AP's, stakeholders, organs of state of the project;
- Distribution of the BID and invitation letters to participate in the EIA Process to I&APs and allow a 30 day registration period on the BID;

- Capture all issues raised whether telephonically, by e-mail, post, in a Issues and Response Report (IRR)
- Prepare a Draft Scoping Report which records all comments and concerns raised by I&APs and make it available for 30 days public review;
- The availability of the DSR will be announced through notification letters and advertisements in the local newspapers to I&APs and would be placed at public venues in the local area;
- A public meeting/stakeholders workshop would be conducted to discuss the project with I&APs and to facilitated comments on the DSR
- Next the Scoping Report would be finalised, to incorporate public inputs and submitted to LEDET for review and to approve the proposed EIA approach for the detailed investigation required in the next/EIA Phase.

The EIA Phase will follow in which various specialist studies would be undertaken and the Environmental Impact Report (EIR) and Environmental Management Programme (EMPR) will be developed. The EIR & EMPR would ensure that all relevant aspects of the environment are addressed. The significance of identified impacts will be ranked and quantified. The report will provide an overview of the potential impacts expected and prescribe mitigation measures that can be implemented to minimise such impacts to acceptable levels. I&APs will be provided a 30 calendar day public review and comment period on the EIR & EMPr. A public meeting would be held, wherein the results of the EIA investigations will be presented and to facilitate comments on the EIR & EMPR.

Public inputs received during the public review period would be incorporated in the final EIR & EMPR and submitted to the LEDET for decision making. LEDET will have 107 days to reach a decision on the proposed project. I&APs will be notified of the outcome of the decision and would be afforded a 20 day appeal period on the decision.

**Refer to Page 13 for a diagrammatic presentation of the EIA Process to be followed.**

## **WATER USE LICENCE APPLICATION**

### **The tasks for the WULA include:**

- A pre-application meeting with DWS prior to application submission;
- Submission of an application for water use license as contemplated in regulation 6 to the DWS;
- A site visit with DWS to confirm information requirements to be included in the water use technical report within 30 days from application submission
- Submission of a water use technical report (WUTR) within a period of 105 days from being informed of information requirements to DWS;
- DWS will evaluate the WULA and WUTR within 139 days;
- The WULA will be finalised within 144 days from acceptance of the WUTR, after which DWS will issue a Water Use License.

The WULA and EIA Process is integrated and public consultation results for the EIA Process will be used for the WULA and will be made available to both LEDET and DWS.



**THE WULA PROCEDURE INVOLVES 5 STEPS:**

This procedure is integrated with the EIA process.

It comprises 5 steps:

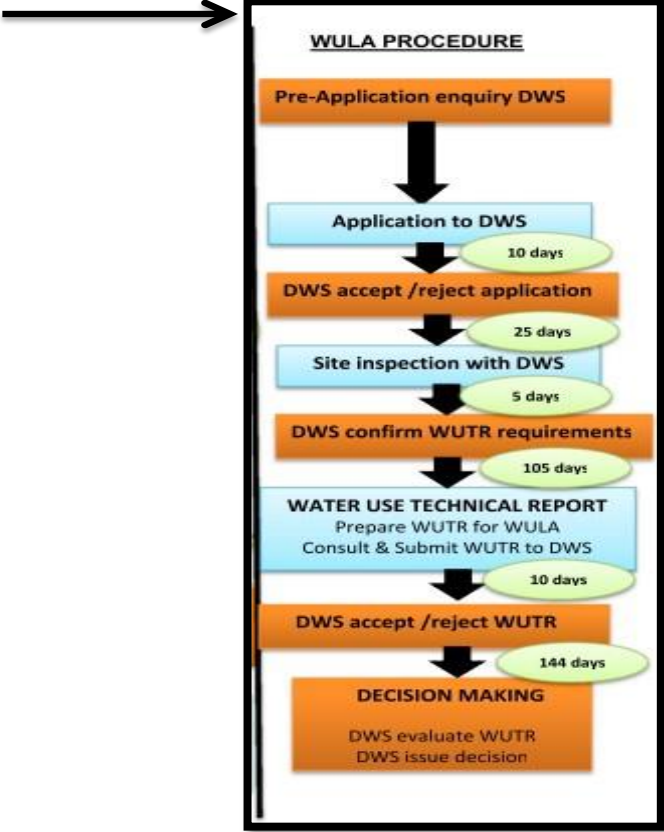
**Step 1:** Pre-Application Meeting with DWS on site

**Step 2:** WULA submission to DWS

**Step 3:** Site Inspection by DWS

**Step 4:** Water Use Technical Report & Pre submission consultation with DWS

**Step 5:** Submit Water Use Technical Report to DWS & Decision Making



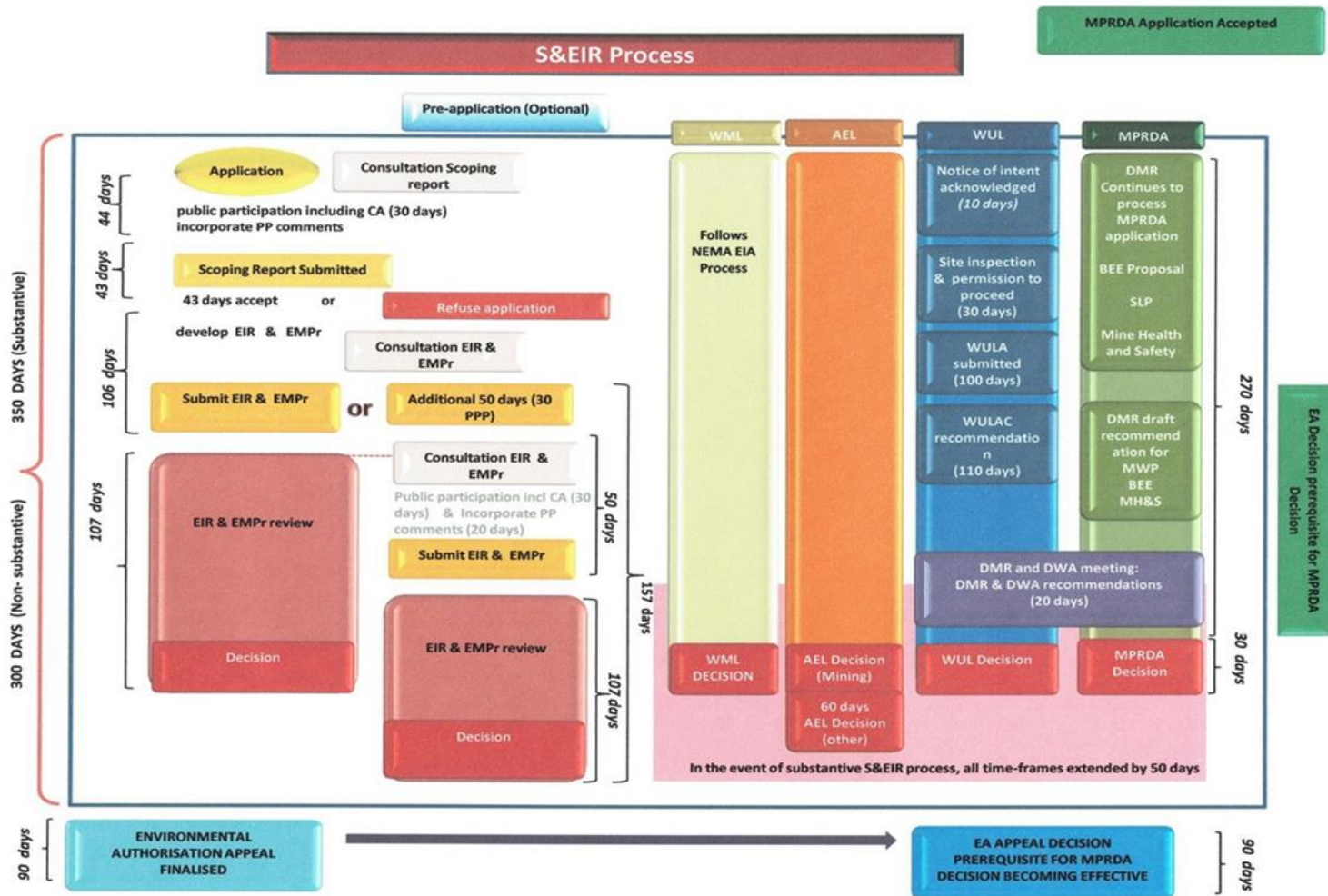


Figure 3: Diagrammatic presentation of the EIA Process to be followed

## **6. PRELIMINARY ENVIRONMENTAL IMPACTS IDENTIFIED**

One of the key drivers to a successful EIA is to ensure that potential impacts (both positive and negative) are identified and investigated. Additional impacts may be identified during the Scoping phase and relevant specialists will be included into the EIA team in order to accurately and objectively assess these potential impacts. Management and mitigation measures will be recommended in the EIR to attempt to alleviate, reduce or compensate for identified impacts, while enhancing the positive aspects. Preliminary identified potential impacts to be assessed in the EIA include amongst others:

- Noise and Vibration
- Impact on Fauna and Flora
- Dust from construction activities, vehicle entrained dust from travelling on unsurfaced roads
- Traffic Impacts
- Social issues
- Storm water management
- Potential spillage of hazardous substances
- Generation/storage/ disposal of waste
- Impact on surrounding land uses

## **7. SPECIALIST STUDIES**

The EIR and EMPr are informed by specialist investigations undertaken for the proposed development. Based on the site characteristics and preliminary identified impacts the following specialist investigations will be undertaken to further assess the environmental features onsite:

- Ecological Impact Assessment (Fauna, Flora, input on Wetland Assessment that may become independent study);
- Hydrological Impact Assessment
- Heritage Impact Assessment
- Geotechnical studies
- Traffic Impact Assessment

## **8. REFRESHER AS TO HOW YOU CAN PARTICIPATE**

It is important that relevant I&APs are identified and involved in the public participation process from the beginning of the project. Issues, impacts and alternatives raised by you (I&APs) will help focus the EIA process and enhance the quality of the decision taken by the authorities. As an I&AP you need to ensure that you are registered for the project and that you forward your comments within the stipulated timeframes to Naledzi Environmental consultants cc at the detail provided in this document. You can become involved by:

- Registering yourself by e-mail, fax, letter or phone as an I&AP
- Submitting the Registration Form and mailing or faxing it to the contact person provided

- Attending the open days/public meetings (as applicable). As a registered I&AP you will automatically be invited to these events
- Reviewing and commenting on the draft Basic Assessment Report within the allowed review periods
- Contacting the contact persons below with your comments, queries, suggestions, or request for further project information.

In order to ensure your continued involvement in this EIA process you must register with NEC. Complete the Comment and Registration Form enclosed with the BID, this allows I&APs to comment on the project. Send the form back to us **on or before 31 January 2019**. Contact Aluwani Nembaha, Tel: 015 296 3988 / Cell: 071 014 6892 or send us your comments by email to [aluwani@naledzi.co.za](mailto:aluwani@naledzi.co.za) or either by fax number to 015 296 4021.

## **9. What's next?**

All comments and issues received during the public registration and comment period on the BID will be incorporated into an IRR, and responded to. We will prepare a draft Scoping Report for the project which will be made available for public review for 30 calendar days. A Public Information Session will be scheduled to facilitate comments on the draft Scoping Report. The details of these tasks will be communicated to I&APs post the public registration and comment period.

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<b>TITLE (Prof/Mr/Mrs)</b>		<b>FIRST NAME</b>	
<b>SURNAME</b>			
<b>CAPACITY (e.g. Director/Secretary)</b>			
<b>ORGINASATION</b>			
<b>POSTAL ADDRESS</b>		<b>POSTAL CODE</b>	
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<b>FAX NO:</b>		<b>EMAIL ADDRESS:</b>	
<b>COMMENTS/ISSUES / CONCERNS (Please use separate sheet, if required)</b>			

**Please add the following of my colleagues/friends/neighbours on your mailing list:**

<b>Name:</b>	<b>Organisation:</b>	
<b>Contact details</b>		
<b>Address:</b>		
<b>Tel:</b>	<b>Fax:</b>	<b>Cell:</b>
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