

Amafa AkwaZulu-Natali

Heritage KwaZulu-Natal

Erfenis KwaZulu-Natal



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NEEDS & DESIRABILITY APPLICATION FORM

In terms of the KwaZulu Natal Heritage Act No. 4 of 2008 and the National Heritage Resources Act No.25 of 1999 (Section 38 (1)), a permit is required to carry out certain listed activities.

PLEASE NOTE

It is an offence in terms of section 34. of the KwaZulu Natal Heritage Act, to make false statement or fail to provide required information in this application.

ALL APPLICATION FORMS AND PROOF OF PAYMENT ARE TO BE FORWARDED TO:
AMAF A KWAZULU NATALI, ARCHAEOLOGY DEPARTMENT, 195 LANGALIBALELE STREET,
PIETERMARITZBURG, 3201/ BOX 2685 PIETERMARITZBURG 3200.

Kindly note that:

1. Kindly note that with effect from 1st of April 2010 an application fee will be charged for Needs & Desirability applications and Permit applications.
2. Incomplete applications will not be processed until they are revised.
3. All information filled in on this form will become public information on receipt by this department. Any interested and affected party should be provided with information contained in this application on request, during any stage of the application process.
4. No faxed or e-mailed applications will be accepted, **only printed copies.**

SUBMISSION FEES

Regulations make provision for the agency to charge a submission fee. A administration fee of **R600.00** is payable to **Amafa aKwaZulu Natali** by postal order or bank deposit / EFT prior to the processing of this application. Banking Details in case of direct deposits:

ABSA BANK: Branch: ULUNDI

Bank Code: 630330 Account in the name of AMAF A KWAZULU- NATALI

Account No. 40-5935-6024

NB: Proof of payment to be forwarded (faxed, posted or delivered) to Amafa, to be referenced with applicants name and date

NEEDS & DESIRABILITY APPLICATION

FOR OFFICE USE ONLY

AMAFA

ID _____

FILE

REF _____

EIA

NUMBER _____

APPLICANTS DETAILS

Applicant Name
(company/institution/individual) : eThekweni Municipality

Contact Person : Len Baars

Telephone/Fax No. : 031 311 4227

Email : Len.Baars@durban.gov.za

DEVELOPMENT DETAILS

Project Title : Mandela Road / MR 93 'Crossroads' Node Redevelopment Project

Project Description : See attached BID

Extent of Development Footprint (in m²) : 15 000

TYPES OF DOCUMENT

BID

d/SCOPING REPORT

f/SCOPING REPORT

BAR

EMP

ROD

Nature of Development : (please tick the appropriate box)

1	construction of a road exceeding 300 m in length		10	any development exceeding 5 000 m ² in extent any other category of development provided for in regulations	X
2	wall exceeding 300 m in length		11	other activity which will change the character of an area of land, or water exceeding 10 000 m ² in extent	
3	power line exceeding 300 m in length		12	involving three or more existing erven or subdivisions thereof	
4	pipeline exceeding 300 m in length		13	any development, or other activity involving three or more existing erven or subdivisions	
5	canal exceeding 300 m in length		14	any development, or other activity involving three or more existing erven or subdivisions which have been consolidated within the past five years	
6	other similar form of linear development		15	any development, or other activity the costs of which will exceed a sum set in terms of regulations	
7	barrier exceeding 300 m in length		16	Rezoning of a site exceeding 10 000 m ²	
8	construction of a bridge exceeding 50 m in length				
9	similar structure exceeding 50 m in length				

District Municipality : eThekweni Municipality

Local Municipality : eThekweni Municipality

Traditional Authority : n/a

Area/Town : KwaMashu

Property Description : Portion A of Rem of Erf 1134 and Portion 1 of Erf 1134; Portion B of Rem of Erf 1134
(Farm name, portion, lot, erf)

X(South) Coordinate :

Y(East) Coordinate :

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1:50000 mapsheet : See attached

1:10000 mapsheet :

CHECKLIST	YES	NO
Completed & Signed Application Forms	x	
Site Photographs	x	
1:50 000 Topographical and Aerial Photo Map	x	
Payment/ Proof of Payment	x	

Nature of payment - postal order, bank deposit, internet banking: _____ eft _____

Declaration

I, Leena Ackbar undertake strictly to observe the terms, conditions, restrictions, by-laws and directions under which the Council of *Amafa aKwaZulu-Natali* may issue the permit.

Signature	Signed electronically	Place	Durban
		Date	11 June 2013
Amafa		Place	
		Date	

NB:

APPLICATIONS SUBMITTED WITH INCOMPLETE FORMS WILL NOT BE CONSIDERED

Background Information Document

Phoenix Industrial Park Trading Nodes: Crossroads
Redevelopment Project, KwaMashu, Phoenix

Date: June 2012

Prepared by:

**Leena Ackbar BSc (Hons) MSc
Director**

GCX Certified Carbon Footprint Analyst
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Purpose of this Document

- The Background Information Document (BID) is meant to provide an introduction to the proposal and the Basic Assessment (BA) Process.
- The BID invites you to register as an Interested and Affected Party (I&Ap) and outlines how you as an I&Ap can be involved in the process.
- Details of the proposal and potential impacts will be investigated and discussed in the Basic Assessment Report (BAR).

The Proposal

The applicant, eThekweni Municipality, proposes to develop transport infrastructure, with related informal and micro-business, a light industrial area and flatted factories on Rem of Erf 1134 and portion 1 of Erf 1134, respectively (Figure 1), KwaMashu, Phoenix. The area to be developed is less than 5 hectares in extent. The proposed development will be serviced with potable water, electricity and connection to the waterborne sewerage system. The proposed development will contribute to the general upgrading of the site and immediate surrounds through improvement of the public domain, and provision and upgrade of facilities for public transport users and traders. The proposal will also contribute to economic development through SMME incubation, and provision of appropriate facilities for micro and small businesses, including light industrial activities, in the Kwamashu area.



Figure 1: Aerial photograph showing site outlined in red (Source: eThekweni City Maps, 2012).

Figures 2 and 3 are comparative examples of the proposed flatted factories showing the Umkumbaan Entrepreneurial Business Park in Cato Manor. Units range in size from 100 to 200m²; flatted factories constitute adjoining units. The light industrial area will comprise a mini-workshop complex where units range from 30 to 50m².



Figure 2. Flatted factory units in the Umkumbaan Entrepreneurial Business Park (Source: eThekweni, 2012 [Len Baars])

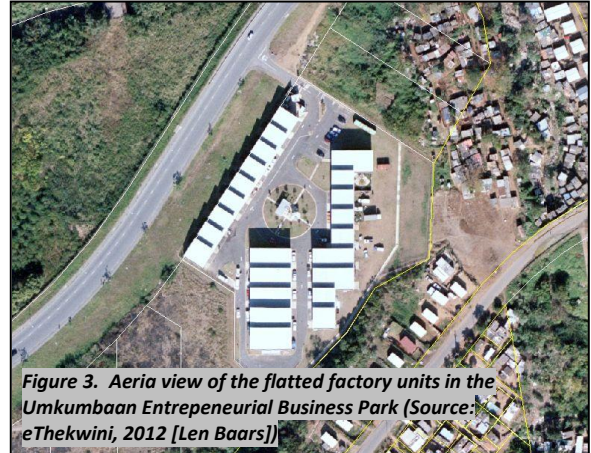


Figure 3. Aerial view of the flatted factory units in the Umkumbaan Entrepreneurial Business Park (Source: eThekweni, 2012 [Len Baars])

The proposal also includes the relocation of the old taxi rank that was displaced by construction of the rail bridge. The proposal aims to provide a taxi “parking area” for the existing taxis, which will later become a general parking area for the SMME developments.

In summary, the KwaMashu upgrade project by eThekweni Municipality is threefold, i.e. (1) Development of the flatted factory units on Portion A of Rem of Erf 1134 and Portion 1 of Erf 1134; (2) Development of a light industrial area on Portion B of Rem of Erf 1134; and (3) Relocation of the old taxi rank (taxi parking area) on the lower southern portion of Portion 1 of Erf 1134, (see Figure 4). According to the EIA Regulations (2010), Environmental Authorisation via the Basic Assessment process is only required for the development of the flatted factories due to its proximity to a watercourse (i.e. within 32 metres of a watercourse), hence no assessment will be made of the development of the light industrial area and relocation of the taxi rank in the basic assessment report, however where applicable, recommendations will be provided.



Figure 4: Aerial photograph showing land portions – sites marked A and X are within 32 metres of a watercourse and will be assessed further. (Source: eThekweni, 2012).

Site Description

Geographically the site is located at 29°44'03.89S; 30°00'06.96E (GPS coordinates at centre of the site). The informal market stall traders (Figure 5), taxi rank and the M21 / Mandela Road are located to the east and northeast of the proposed site. The northern boundary of the site is bordered by the onramp to the M25 and the south of the proposed site is bordered by Street 109236 and adjacent buildings (Figure 6) (i.e. Panjivans Swelani Liquor Depot, KwaMashu Industrial Park and the KwaMashu Science Museum). The west of the site is bordered by dense vegetation and a channelled watercourse. Construction of the new railway link to Bridge City has commenced to the north of the proposed site (Figure 7).



Figure 5: Photograph of existing market stall traders at the onramp to the M25.



Figure 6: Photograph of area adjacent to the southern boundary of the proposed site.



Figure 7: Photograph of the current construction activities adjacent to the northern boundary of the site.



Figure 8: Photograph of existing vegetation on site, showing the taxi rank at the far end.

The site visit noted that the development site is severely disturbed primarily due to the following: (a) pedestrians use the site as a throughway; (b) foraging pigs; and (c) illegal dumping on portions of the site. Vegetation has been completely transformed and heavily infested with alien species (Figure 8), especially noted along the watercourses. The Mexican sunflower and the Spanish Reed were noted to be the dominant alien species; a vegetation assessment will be undertaken to further identify species of biological importance on site such as endangered or protected species.

Two channelled valley bottom wetlands were identified on site, both of which have been extensively modified. A detailed wetland delineation and wetland functional assessment is underway and will investigate the potential impacts of the proposed development on the wetland units.

Specialist Studies

The following specialist studies will be reviewed as part of the BA process:

1. Geotechnical and Geohydrological Investigation – The aim is to determine the stability of the site and to assess the impact of the development on the groundwater table to inform development planning;
2. Traffic Impact Assessment – The aim is to assess the impact of the proposed development on trip generation, traffic and access;
3. Wetland Delineation and Wetland Functionality Study – The aim is to determine the extent and functionality of the wetland / watercourse on site;
4. Vegetation Assessment – The aim is to identify indigenous vegetation and vegetation that must be precluded from the development footprint;
5. Stormwater Management Plan & Engineering Services Report – The aim of the stormwater management plan is to ensure that post-development stormwater runoff approximates and does not exceed the pre-developed condition. The purpose of the Engineering Services Report is to identify the service needs for the development in terms of electricity, sewage and water and how these needs will be met.
6. Heritage Impact Assessment – The aim is to identify, if any, artefacts of heritage or cultural significance that must be protected from developmental impacts.

All specialist studies will be reviewed and investigated in the BA Report.

Need and Desirability

The proposed development is intended to provide formal premises for workshop type businesses and SMMEs. The area has a noted shortage of formal business premises that has led to the establishment of traders along the roads and islands, proving dangerous and inconvenient for both traders and motorists.

The proposed development of flatted factories is anticipated to provide employment for an estimated 300 permanent employees during its operational phase.

What is a Basic Assessment?

When Environmental Authorisation is required for a proposal, one of two legislated types of environmental assessments may be followed, i.e. a basic assessment (BA) or a Scoping & Environmental Impact Assessment (EIA). The nature and scale of the proposal determines which type of assessment is to be undertaken. The BA process comprises of listed activities in the EIA Regulations, 2010, known as Government Notice, 544. Generally, but not always, where a proposal is less likely to cause significant environmental impacts, then a BA process is followed. For the current proposal, the BA will investigate the proposal against various parameters, such as ecosystem functioning, biodiversity, vegetation, traffic, site stability, etc. to ensure that the proposal follows the idea of sustainable development and that any potential negative environmental impacts are mitigated against. One of the outcomes of the BA process is an Environmental Management Programme (EMP) that manages the pre-construction, construction, rehabilitation and operational phases of the development to curtail any negative environmental impacts.

According to the National Environmental Management Act (NEMA) (Act 107 of 1998), EIA Regulations 2010, [GNR 544], the proposed development requires Environmental Authorisation via a BA process, as per the following activity:

11. The construction of:

- (i) Canals
- (ii) Channels;
- (iii) Bridges;
- (iv) Dams;
- (v) Weirs;

- (vi) Bulk storm water outlet structures;
- (vii) Marinas;
- (viii) Jetties exceeding 50 square metres in size;
- (ix) Slipways exceeding 50 square metres in size;
- (x) Buildings exceeding 50 square metres in size; or
- (xi) Infrastructure or structures covering 50 square metres or more

Where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.

Basic Assessment Process

The BA process will strictly follow the requirements of section 21 to 25 of GNR 543, NEMA EIA Regulations (2010). In summary, the following steps will be taken:

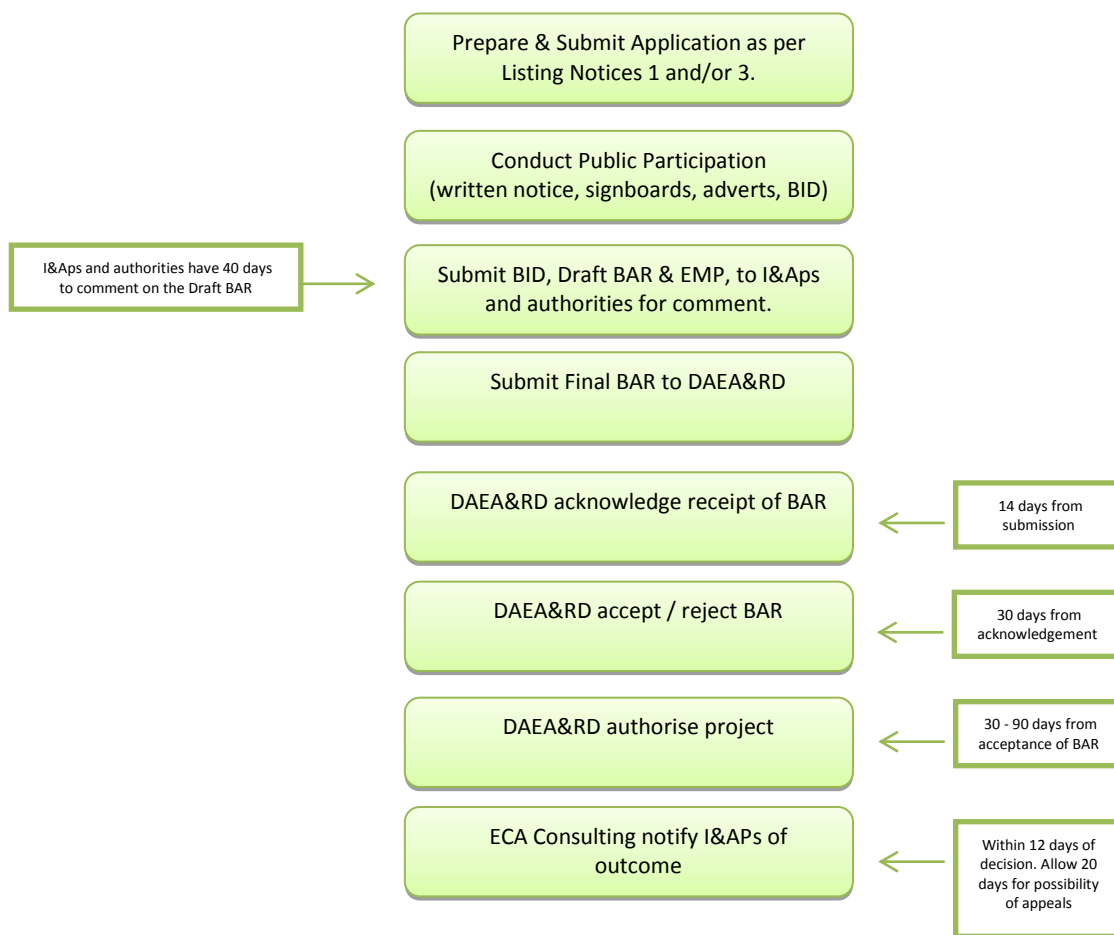


Figure 6: Illustration of the BA process to be followed

The competent authority that will either authorise or reject the BA is the KwaZulu-Natal Department of Agriculture, Environmental Affairs and Rural Development (DAEA&RD).

Public Participation

A key part of the BA process is public participation, whereby authorities, residents, neighbours and any organisation that may be affected by the proposed activity, are notified of the proposal so as to provide an opportunity for expression of comments/concerns throughout the BA process. Public participation is a legislated requirement according to the EIA Regulations, 2010. As the independent Environmental Assessment Practitioner (EAP), ECA Consulting is required to involve the public in the following way (as per Chapter 6 of the EIA Regulations, 2010):

- Provide written notice to adjacent occupiers of the site, the municipal ward councillor, ratepayers

association, and any organ of state having jurisdiction in respect of any aspect of the activity;

- Place an advert in one local newspaper, and at least one provincial or national newspaper if the activity has or may have an impact that extends beyond the boundaries of the metropolitan or local municipality in which it is or will be undertaken;
- Fix a notice board (minimum size 60cm x 42cm) at a place conspicuous to the public at the boundary or on the fence of the site or any alternative site mentioned in the application.

Further to the public notification, the public may register as an I&Ap to obtain further information and partake in the BA process by way of comment.

Any comment / concern / query received from an I&Ap and/or authority will be addressed and considered in the environmental assessment process.

To date, the following has been conducted in terms of public participation:

Neighbours were notified via handouts, faxes and emails on the 25th and the 29th May 2012. Three signboards (English and Zulu) were placed around the site on the 25th May 2012: at the market stall traders situated at the onramp off Mandela Road, at the intersection of Mandela Road and the exit to Street 109236 (opposite the Shell Garage), and on Street 109236. An English advert was placed in the regional newspaper (The Mercury) on the 30th May 2012 and a Zulu advert was placed in a local newspaper (eThekweni Times & Durban Metro [English]) on 8th June 2012. The following authorities and organisations were notified on 29th May 2012: eThekweni Municipality, Ezemvelo KZN Wildlife, Department of Water Affairs, Department of Transport, Department of Agriculture, Forestry and Fisheries (DAFF), WESSA, PRASA and the Municipal Ward Councillor.

What is your role as an I&Ap?

According to Section 56 of the EIA Regulations, 2010 (GNR 543), as a registered I&Ap you are entitled to comment in writing on all written submissions, including draft reports made to the competent authority (i.e. DAEA&RD) and to bring to the attention of the competent authority and EAP any issues which you believe may be of significance to the consideration of the application. These issues must be submitted within the timeframes approved or those as set by the competent authority.

As an I&Ap you are legally required to disclose any direct business, financial, personal or other interest which you may have in the approval or refusal of the application.

You will have the opportunity to comment on the following documents:

1. **Background Information Document (BID)** – Due date for comments: 29 June 2012
2. **BA Report and all specialist studies** – Due date for comments: 40 days from the date of receipt of the report / notification of availability of the report.
3. **Environmental Management Programme** – Due date for comments: 40 days from the date of receipt of the report / notification of availability of the report.

You may provide written comment at any time during the BA process, however comments on documents must follow timeframes as set by the competent authority and/or EAP.

Who is ECA Consulting?

ECA Consulting is an independent environmental consultancy that provides professional consulting expertise in accordance with legislative requirements and global environmental trends. ECA Consulting provides experienced handling and management of all aspects of Environmental Impact Assessments (EIAs), Basic Assessments (BAR), and Environmental Management Programmes (EMPr) in accordance with the National Environmental Management Act (107 of 1998). ECA Consulting also manages waste license applications as per

the requirements of the National Environmental Management Waste Act (59 of 2008).

ECA Consulting has been appointed as the independent EAP to undertake and manage the BA process. Leena Ackbar is the lead consultant on the project; all comments / queries can be submitted to:

Leena Ackbar

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Cell: 079 4945 412

Post: 48 Banfield Crescent, Morningside, Durban, 4001

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Figure 1c: Locality Map – Site shown in red.



Figure 1b. 1:50 000 Topographic Map, site shown in red (red circle).

