

Background Information Document (BID)
Public Participation Report for the Proposed Upgrade
of District Road 1095

KZN Department of Transport

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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 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.

Proposal and Background

The applicant, KwaZulu-Natal Department of Transport, proposes an upgrade of the District Road 1095. The upgrade will involve the construction of 2 culverts and installation of a concrete pipe located at the following co-ordinates: culvert 1 (S30° 52.537' E30° 11.108'), culvert 2(S30° 52.578' E30° 11.068') and concrete pipe (S30° 52.912' E30° 11.132'). Abstraction of water from a nearby river may also take place during the construction phase. A borrow pit will be utilized during the construction process. The borrow pit will be less than 5ha in size and will require a permit in terms of the EIA Regulations, 2014 (as amended). The location of this borrow pit will be confirmed in the Basic Assessment report (Bar).

The proposal is undergoing a Basic Assessment process in terms of the EIA Regulations, 2014 (as amended). A Water Use License, or general authorisation is also being applied for in terms of 21 (c) and (i) of the National Water Act (No 36 of 1998). For further information, you are invited to register as an Interested and Affected Party (I&AP) and /or make representations with respect to this proposal within 14 days of the date of this notice to the contact person below. The Water Use Authorisation report will be made available for review by July 2017.

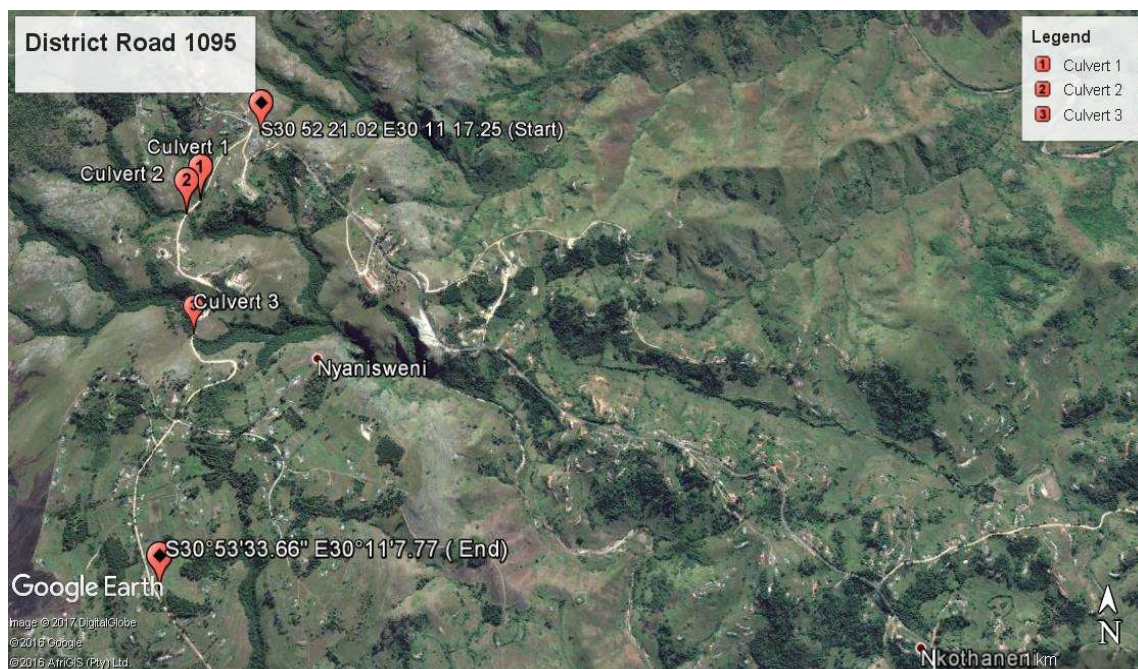


Figure 1: Aerial image of the proposed District Road Upgrade (Source: Google Earth, 2017)

Brief Site Description

The geographic start location of the site is S30° 52' 21.02'' E30° 11' 17.25''. The area falls under Tribal owned land and comprises of mainly rural developments. The district comprises of dirt roads flanked by hills, an assemblage of dense alien and indigenous vegetation as well as numerous trees. There are three (3)

watercourses that traverse the existing gravel road (D1095). There are existing culverts in place and these will also be upgraded to be suitable for a black top road.

Specialist Studies

The following specialist studies will be undertaken and reviewed as part of the Basic Assessment process

1. Geotechnical - The aim is to determine the stability of the site and to inform engineering specifications for development planning;
2. Heritage Impact Assessment – To identify items / areas of cultural or heritage significance that require protection and / or consideration.
3. Wetland / Riparian Delineation and Wetland Functionality –The aim is to determine the extent and functionality of the wetland / watercourse on site.
4. Aquatic Assessment – To assess the impact on aquatic biodiversity on site and provide information on the quantity and quality of the resources.
5. Ecological/ Vegetation Assessment – To identify and assess the vegetation and ecological features of the site as well as to assess the important resources on site that will require conservation and / or consideration.
6. 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 proposed project will be located within a watercourse and therefore requires a Water Use License (WUL) or General Authorisation (GA) from the Department of Water Affairs as per section 21 (c) and (i) of the National Water Act (No 36 of 1998).

The following additional specialist studies / information may be reviewed as part of the WUL application:

1. Wetland rehabilitation plan

The WUL application may be included in the Basic Assessment report for authority and I&AP review. All specialist studies will be reviewed and investigated in the Basic Assessment Report.

Potential Environmental Impacts

The Potential Environmental impacts (positive and negative) of the proposal will be assessed in the Draft Basic Assessment Report. A few of these impacts are listed below:

- Potential Positive Impacts – Increased access and optimised infrastructure for road users.
- Potential Negative Impact- Removal of vegetation, damage to sensitive environmental areas such as the wetland, Hazardous run off into sensitive environmental areas.

Need and Desirability

This project addresses access related issues as well as provision of infrastructure within a rural community. The purpose of the project is to provide greater accessibility to the community and its surrounding areas.

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, 2014 (as amended), known as Government Notice, 983. 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 2014 (as amended), [GNR 983], the proposed development requires Environmental Authorisation via a BA process, as per the following activities:

19. The infilling or depositing of any material of more than 10 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;

but excluding where such infilling, depositing, dredging, excavation, removal or moving—

- (a) will occur behind a development setback;
- (b) is for maintenance purposes undertaken in accordance with a maintenance management plan;
- (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;
- (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.

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
- (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —

excluding—

- (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;
- (bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;
- (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;
- (dd) where such development occurs within an urban area;
- (ee) where such development occurs within existing roads, road reserves or railway line reserves; or

- (ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.

Basic Assessment Process

The BA process will strictly follow the requirements of GNR 982, NEMA EIA Regulations (2014). In summary, the following steps will be taken:

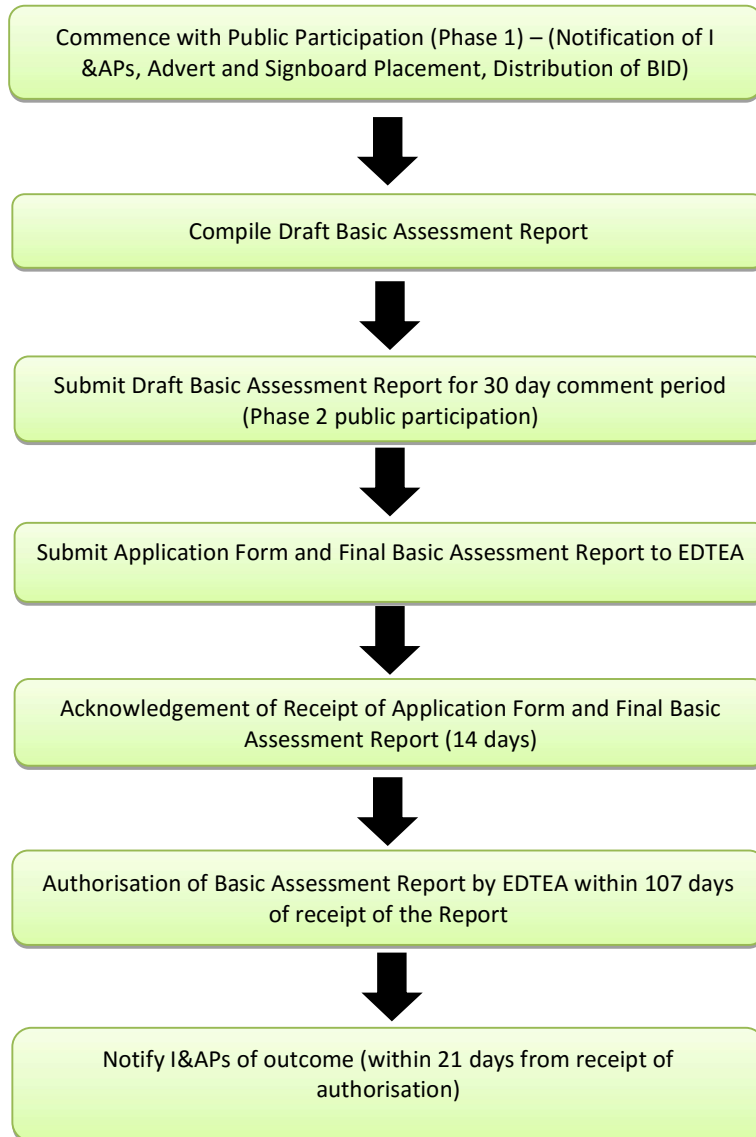


Figure 1: Illustration of the BA process to be followed

The competent authority that will either authorise or reject the BA is the KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs (EDTEA).

Specialist Studies

The following specialist studies will be undertaken as part of this BA process:

- Wetland Delineation and Impact Assessment;
- Aquatic Study ;

- Vegetation Assessment;
- Faunal Assessment;
- Heritage Impact Assessment; and
- Flood line Study

Public Participation

A key part of the BA process is public participation, whereby authorities, residents, neighbours and any organisation that may be interested in or 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, 2014 (as amended). 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, 2014, as amended):

- 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.

What is your role as an I&AP?

According to Section 43 of the EIA Regulations 2014 (as amended), [GNR 983], 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. EDTEA) 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 or the application.

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

1. **Background Information Document (BID)** – Due date for comments: 04 July 2017
2. **BA Report and all specialist studies** – Due date for comments: 30 days from the date of receipt of the report / notification of availability of the report.
3. **Environmental Management Programme** – Due date for comments: 30 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.

The following Authorities and I&APs have been notified of this application and will continue to receive notifications and/or reports on this application:

- Ezemvelo KZN Wildlife (Planning)

- Department of Water and Sanitation
- Department of Agriculture, Forestry and Fisheries
- Amafa
- Department of Transport
- eThekweni Municipality
- Ward Councillor
- Department of Human Settlements
- Department of Health
- The Tribal land Owner/ Nkosi

A Zulu advert was published in the South Coast Fever newspaper, on 01 June 2017. Adjacent neighbours were notified via A5 flyers in English and Zulu on 25 May 2017. Six signboards were placed around the site on 25 May 2017.

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 Water Use License as per the National Water Act (No 36 of 1998) and 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. Manogrie Chetty is the lead consultant on the project; all comments / queries can be submitted to:

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.....**All comments are to be submitted**
within 14 days of receipt of the BID to: manogrie@ecaconsulting.co.za / PO Box 56382, Chatsworth, Durban,
4092 / Fax: 086 6199945