

BACKGROUND INFORMATION DOCUMENT (BID) FOR THE PROPOSED KWAZINQAMU CROSSING RETAIL CENTRE ON PORTION OF THE FARM ZWAARTKOP LOCATION NO. 4669 AT ELANDSKOP / TAYLORS HALT AREA, WITHIN MSUNDUZI LOCAL MUNICIPALITY, PIETERMARITZBURG, KWAZULU - NATAL

Project Background

Foundation (Pty) Ltd has requested Mondli Consulting Services to assist with regard to environmental issues on the site located on Portion of the Farm Zwaartkop Location No. 4669. The assignment will include an enquiry to the Department of Economic Development, Tourism and Environmental Affairs (EDTEA), compilation of the background information document (BID) and the Environmental Management Programme (EMPr).

Furthermore, the assignment will include the circulation of the EMPr to all identified and relevant stakeholders for comments. This will also include stakeholder engagement, and incorporation of the comments onto the EMPr.

The land is falling under Mafunze Traditional Council and administered by Ingonyama Trust Board (ITB). Foundation (Pty) Ltd has secured a lease agreement from ITB with regard to the piece of land on a Portion of the Farm Zwaartkop Location No. 4669 Registration Division FT.

Project Location

The project is falling within the municipal jurisdiction of Msunduzi Local Municipality and uMngungundlovu District Municipalities. It is falling under ward 7 of the municipal ward system. The site is located at Elandskop / Taylors Halt, specifically KwaZinqamu area within the jurisdiction of Msunduzi Local Municipality.

The site can be accessed with ease from P7-1 Provincial Road, and also D1124. The site is adjoined by both Roads. The project co-ordinates taken almost at the centre of the site are as follows: 29° 41' 51.74" S; 30° 07' 23.84" E.

Site photo

See the site photograph below



Figure 1 - Site photograph



Figure 2 - Site photograph

Project description

The project entails the construction of KwaZinqamu Retail Centre at Elandskop / Taylors Halt, KwaZinqamu area comprising the anchor shop, line shops, anchor yard, office, electrical room, toilets, bin area and parking area. All buildings are single storey.

Site Description

The site is 10 874m² in extent as per the ITB lease agreement and the sketch plan attached thereto. The site is in the main vacant, with a structure used for the selling of the goats, with a windmill.

The site itself is highly transformed and currently not zoned, however the ITB lease agreement has allocated the piece of land for the commercial shopping Centre. The Registered Planner has been engaged to conduct the formal site rezoning process.

Land Use trends

In terms of the 2019 / 2020 Msunduzi Integrated Development Plan (IDP) the area is falling under Vulindlela Area Based Management, more on the western side of Pietermaritzburg, northwest of Edendale area. The area is predominantly rural and underdeveloped, comprising mainly of rural settlements and few business nodes.

Services on site

Water Supply

The area where the site is located has portable water. It will be a matter of doing the necessary water connection to the proposed project site.

Roads

As highlighted above the site is accessible through D1124 branching off from P7-1. The existence of a well-established road linking directly into the site allows for an easy access into the premises which is a crucial factor for any development. There will be no internal roads within the site itself.

Sewerage

The area where the site is located has no sewer infrastructure, and the proposed project will explore the best sewerage disposal option based on the engineering report.

Refuse

The area is within the residential areas that are supposed to be serviced by Msunduzi Local Municipality with regard to waste collection. Waste will be collected at least once a week, and disposed at the nearest landfill site. Alternatively, a private waste service provider will be contracted by the Retail Centre.

Electricity

There is electricity supply in the area managed by ESKOM. The area is said to be fed from 2 networks i.e. Elandskop NB 11 & 12, and the project is likely to require 650kVA supply. Once confirmed by ESKOM, electricity will be connected by a professional contractor from the existing electricity mains, onto the property.

Stormwater

The Stormwater plan will be compiled to control all stormwater on site. It will be in line with the municipal and Department roads specifications.

Environmental legislative imperatives; and activities triggered in terms of the EIA Regulations of 2014 as amended.

Based on the site visits conducted on 22 January 2020 and 8 July 2020 the following was observed:

In our view the following activities are worth discussing in relation to the project:

GNR 327, Listing 1:

Activity 12 - The development of –

(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

The EAP's view is that this activity is not applicable, since the site is not within a watercourse.

GNR 327, Listing 1:

Activity 25 – The development and related operation of facilities or infrastructure for the treatment of effluent, wastewater or sewerage with a daily throughput capacity of more than 2 000 cubic metres but less than 15 000 cubic metres.

Our view is that this activity is not triggered since the project will not treat effluent in excess of 2 000 cubic metres.

Activity 27 - The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, except 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.

In this instance the site is 10 874m² in extent, but highly transformed with structures on site, with no vegetation, and the soil has been disturbed in the past 10 years, and cannot be categorised as virgin land.

Therefore, our conclusion is that this activity is not applicable.

GNR 327, Listing 1:

Activity 28 – Residential, mixed, retail, commercial, industrial or institutional development where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:

- (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;

Excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional proposes.

Our view is that this activity is not triggered since the land was not used for agriculture or any of the activities listed herein.

GNR 324, Listing 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.

There is no clearance of indigenous vegetation that will take place, and the site is not within the watercourse.

We are of the view that this activity is not applicable.

GNR 324, Listing 3

Activity 14 – The development of –

(ii) infrastructure or structures with a physical footprint of 10 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

The area is outside the urban area with no national parks or world heritage site within 10 kilometres nor protected area within 5 kilometres. We are of the view that this activity is not applicable.

GNR 324, Listing 3

Activity 15 – The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, such land was zoned open space, conservation or had an equivalent zoning, on or after 02 August 2010.

The site is not zoned open space or conservation. This activity is in any event not applicable in KwaZulu – Natal.

Based on the foregoing, we are of the opinion that this specific project does not require **environmental authorisation** in terms of the EIA Regulations 2014 as amended. To this end we would request the Department of Economic Development, Tourism and Environmental Affairs to confirm or dispute this assertion based on its own assessment.

Msunduzi Local Municipality environmental comments

Msunduzi Local Municipality will be afforded an opportunity to provide comments on the project having assessed it against the Municipal Environmental Management Framework (EMF), Msunduzi Conservation Plan (C Plan) and the draft Ecosystem Services Plan (ESP).

uMgungundlovu District Municipality Environmental Management Framework (EMF)

In this regard we have searched the Umgungundlovu District Municipality EMF database, specifically looking at biodiversity and water resources / wetlands. There was no return for the site (nil return), which is not a surprise given its locality within a residential area.

As per the attached uMgungundlovu EMF query results, it is noted that there are no environmental concerns. The report did not give anything on biodiversity. The EMPr will provide mitigation measures for possible impacts that will be site specific during construction.

We have attached uMgungundlovu District Municipality EMF report.

Duty for care and Environmental Management Programme (EMPr)

Based on our site assessment as indicated in both this BID and Minimum information document there is not much on site in the form of environmental sensitivities.

However, it must be emphasized that under these circumstances the developer is still responsible for compliance with the provisions of Duty of Care and Remedial Action of Damage in accordance with section 28 of the above-mentioned Act, where the determination of environmental degradation and the need for remedial action is still decided by the Department of Economic Development, Tourism and Environmental Affairs' Compliance, Monitoring & Enforcement Section. The latter Department retains the right to inspect the proposed project during both construction and operational phases. Furthermore, this does not exclude the applicant from compliance with any other relevant and applicable legislation administered by other government Departments.

In this regard, an Environmental Management Programme (EMPr) has been compiled to guide construction, in order to safeguard against any possible environmental degradation. The EMPr also provide context to mitigation measures for the proposed development.

It must also be stated that there are other organs of state that have legal jurisdiction on the site that will need to be afforded an opportunity to comment on the project concept and the EMPr that has been circulated.

Identified project stakeholders

In view of the above, the following stakeholders have been identified to provide comments:

- Msunduzi Local Municipality
- Mafunze Traditional Council.
- uMgungundlovu District Municipality
- KwaZulu – Natal Amafa Research and Institute.
- KZN Department of Transport.
- ESKOM.
- Department of Water and Sanitation.
- Department of Economic Development, Tourism and Environmental Affairs.
- Ingonyama Trust Board (ITB).
- 500 metre radius neighbours to the proposed facility.

Need and desirability

The project will benefit the local people and surrounding areas in terms of their shopping and other important needs like banking. The project will also provide permanent and sustainable jobs to the local people, during both construction and operational phases. The facility will be convenient to the locals in terms of travelling to do their daily requirements, and thus saving them time and some transport fees. The Retail Centre will also provide convenience to motorists and travelers driving along P 7-1.

The facility will be developed in line with the local economic development (LED) goals, and take the Msunduzi Local Municipality's integrated development plan (IDP) into account.

It is against this background that we request for your comments on the project from your constitutional mandate perspective.

ATTACHMENTS:

- Appendix A – Proposed site.
- Appendix B – Site Development Plan.
- Appendix c – uMgungundlovu EMF results.