

BACKGROUND INFORMATION DOCUMENT (BID) FOR THE PROPOSED CONSTRUCTION OF OBUKA SHOPPING CENTRE AND FUEL FILLING STATION WITH ASSOCIATED INFRASTRUCTURE ON THE FARM LOT 274 EMPANGENI NO. 13216 – GU / FARM LOT 273 EMPANGENI NO. 14129 – GU AT OBUKA, WITHIN UMHLATHUZE LOCAL MUNICIPALITY IN KWAZULU – NATAL.

Project Background

Sishokoshane Enterprise (Pty) Ltd has requested Mondli Consulting Services to assist with regard to environmental issues on this site. This 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). Also included is the circulation of the EMPr for comments and stakeholder engagement for the construction of Obuka Shopping Centre with a Fuel Filling Station with associated infrastructure on the Farm Lot 274 Empangeni No. 13216 – GU / Farm Lot 273 Empangeni No. 14129 – GU at Obuka, KwaZulu – Natal.

The land is falling under Inkosi Biyela and administered by Ingonyama Trust Board (ITB). Sishokoshane Enterprise (Pty) Ltd has negotiated with Inkosi for the acquisition of the piece of land in question. The application for the lease of land has been lodged with ITB as per the sketch plan attached on this report.

Project Location

The project is falling within the municipal jurisdiction of uMhlathuze Local Municipality and King Cetshwayo District Municipalities. The site is situated at the intersection of P 700 and D 130 from Empangeni towards Ulundi. The site can be accessed from Empangeni travelling along the road to Nkwalini / Heatonville at a distance of 8 km from Empangeni turning off at Heatonville signboard. Travelling along the Heatonville road, past Ntambanana until you reach the site, at the intersection of p 700 and D 130 going to Ulundi. The road coming from the North to South is P700 and the one from the intersection going further south is D130.

The project co-ordinates taken almost at the centre of the site are as follows: 28° 36' 36.38"S; 31° 43' 53.31"E.



Figure 1 - Site adjacent to P 700 and D 130 road to Ulundi

Project description

The project entails the construction of Obuka Shopping Centre and Fuel Filling Station including infrastructure comprising fuel storage tanks [2 x 23 000 litres ULP], [1 x 23 000 litres Diesel 50 ppm], [1 x 9000 litres diesel 10 ppm] all underground, pumps, concrete slabbing at Obuka. All buildings are single storey. The facility will comprise a Shopping Centre with a Fuel Filling Station with associated infrastructure.

The project footprint is still to be determined on the finalization of the layout plan in due course.

Site Description



Figure 2 - Site



Figure 3 - Site

Based on the site inspection conducted on 19 July 2019 the following was observed:

The site is 2.880 HA in extent at the intersection of P 700 and D 130. The site is currently used as a soccer field, with no existing buildings on it. There are households in the vicinity of the site. The site has got no vegetation as depicted on the site photograph under Figure 1 and 2 above. The site is a flat gently slope. The soil is not showing any signs of erosion.

Services on site

Portable water

There is portable water in the area that will need connection to the site. King Cetshwayo District Municipality will be requested to provide comments in this regard.

Internal roads

The entrance can either be on P 700 or D 130, but this will be advised by the relevant transport authorities in their comments. There will be no internal roads as the entrance will branch off to the Facility.

Sewerage

The area where the site is located has no sewer infrastructure, and the proposed project will use septic tanks. The sewer pipes will be from the ablutions to the septic tanks, and will not be bulk transportation of sewerage. The septic tanks will be located at a distance of about 4 -5 metres from the ablution buildings. The shorter the distance the slimmer the chance of long-distance transportation of raw sewerage, and less chance for blockages. The diameter of the pipes will probably be around 110 mm, as 0,36 pipes are too big and they are for bulk transportation of sewerage.

The septic tanks designs will be furnished together with the layout and building plans in due course.

Refuse

Refuse will be stored on site, in a well-constructed bin area before disposal. uMhlathuze Local Municipality will be requested to collect solid waste once a week, alternatively a private service provider can be arranged for the collection of solid waste from the facility.

Electricity

There is electricity in the vicinity of the site, and it will be a matter of ensuring the necessary connections to the proposed development. ESKOM will be contacted to ascertain capacity.

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

Based on the site inspection conducted on 19 July 2019 the following was observed:

In our view the following activities would have been a close possibility:

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;

Our view is that this activity is not triggered since the project is not falling within a watercourse

GNR 327, Listing 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 metres or more but not exceeding 500 cubic metres.

In this regard the developer will store 78 000 litres of fuel on underground storage tanks. The stated litres will be below the threshold of 80m³, therefore this activity is not triggered.

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 2,880HA in extent, but there is not vegetation on site, let alone indigenous plant species occurring naturally that needs clearance. Furthermore, the soil has been disturbed on the site, and is used as a soccer field.

Therefore, we concluded that this activity is not applicable.

GNR 324, Listing 3:

Activity 10

The development and related operation of facilities or infrastructure for the storage, or storage and handling of dangerous goods, where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic meters.

d. KwaZulu-Natal

xiii Outside urban areas:

- (aa) Areas within 10 kilometers from national parks or world Heritage sites or 5 kilometers from any terrestrial protected Area identified in terms of NEMPAA or from the core areas

of a biosphere reserve.

(cc) Areas within a watercourse or wetland; or within 100 meters from the edge of a watercourse or wetland.

<u>Protected Areas</u>	<u>Distance from site.</u>
Fundimvelo Nature Reserve	7.6km
Enseleni Nature Reserve	26.9km
Ophathe Nature Reserve	22.6km
Ngoye Nature Reserve	23.8km

There is no evidence of any river/watercourse flowing in the vicinity of the site.

Based on the above, it is therefore concluded that there are no national parks nor protected areas within the specified distance of the site as per South African Protected Areas Database (SAPAD).

There is also no watercourse within the site. Furthermore, the site is not going to store dangerous goods where such occurs in containers with a combined capacity of 30 but not exceeding 80 cubic metres.

Our view is that this activity is not triggered.

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.

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.

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 addition, an Environmental Management Programme (EMPr) has been compiled to guide the construction, in order to safeguard against any possible environmental degradation. It must also be stated that there are other organs of state that have legal jurisdiction on the site that will be afforded an opportunity to comment on the project; and the EMPr to be circulated.

Identified project stakeholders

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

- uMhlathuze Local Municipality.
- King Cetshwayo District Municipality
- Obuka Traditional Council.
- Ingonyama Trust Board (ITB).
- Amafa AkwaZulu - Natali
- Department of Agriculture, Forestry and Fisheries (DAFF)
- Department of Agriculture and Rural Development (DARD)
- Department of Water and Sanitation.
- KwaZulu – Natal Department of Transport.
- ESKOM.
- 500 metre radius neighbours to the proposed facility.

Project beneficiaries

The project will benefit the local people and surrounding areas in terms of their shopping and fuel requirements needs. 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 filling up fuel as

opposed to travelling few kilometres thereby spending more on travelling. The facility will also be convenient to the travelling motorists travelling from Empangeni to Ulundi and vice versa.

The facility will be developed in line with the local economic development (LED) goals, and take the uMhlathuze 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:

- Annexure A – Sketch Plan
- Annexure B – Obuka Traditional Council Letter
- Annexure C – ITB application