



transport

Department:
Transport
Province of KwaZulu-Natal

'prosperity through mobility'



KwaZulu-Natal Department of Transport Proposed use of Two (2) Existing Borrow Pits located along Road P77, Ugu District Municipality, KwaZulu-Natal.

Background Information Document

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Document history and change record

Revision	Issue date	Description of change / Approval
00	01/02/2021	Initial Issue
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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/ Water Use Authorisation processes.
- 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

The applicant, KZN Department of Transport, proposes to mine two (2) existing borrow pits located alongside the upgrade of Road P77 located in Dududu, Vulamehlo Local Municipality of Ugu District Municipality, Kwa-Zulu Natal. The combined extent of the existing borrow-pits are less than five (5) hectares with a total combined area of 0.9144 ha. In terms of NEMA: EIA Regulations (2014, as amended 2017), borrow-pits less than or equal to 5 hectares in extent will undergo a Basic Assessment Process. The purpose of the borrow pits is to provide a sustainable supply of aggregate material for the upgrade of Road P77.

Table 1 lists the properties on which the applicant proposes to mine aggregate from two existing borrow pits located along the Road P77, Ugu District. For each property, the mine working area has been proposed as a polygon on an aerial (Appendix A) and the co-ordinates indicates a point on the polygon. The extent of each borrow pit is also included in Table 1.

Our ref:	Property Description	Co-ordinates	Extent (Hectares)	Area
BP1	Farm Mount Lewis No. 6185 (Portions 0/6185)	30°11'56.81"S; 30°33'55.78"E.	0.592	Dududu, KZN
BP2	Farm Mount McAndrew No. 16096 (Portion 0/16096)	29°37'1.78"S; 30°42'6.37"E	0.3324	Dududu, KZN

The extent for the mine working area provided in Table 1 is indicative and is subject to assessment by various specialist studies and hence may be altered. The extent of each borrow pit will be confirmed in the BA report.

Please refer to Appendix A for an aerial map for each site showing locality and the proposed mine working area.

Need and Desirability

The purpose of the borrow pits is to provide the KZN Department of Transport with aggregate for road construction. Material mined from the borrow pits will be used for construction of roads within the same locality as the borrow pit, hence the locations of the borrow pits have been proposed in areas in which there is planned road construction or upgrades.

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 Reporting (EIR). The nature and scale of the proposal determines which type of assessment is to be undertaken. A BA process will be required when listed activities of Listing Notice 1 (GNR 327) and/or Listing Notice 3 (GNR 324) is applicable to the development. Generally, but not always, where a proposal is less likely to cause significant environmental impacts, then a BA process is followed.

According to the National Environmental Management Act (NEMA) (Act 107 of 1998), EIA Regulations 2014 (as amended 2017), [GNR 326], borrow pits with an extent less than or equal to 5 hectares require Environmental Authorisation via a BA process, as per the following activity:

21. Any activity including the operation of that activity which requires a mining permit in terms of section 27 of the Mineral and Petroleum Resources Development Act, 2002

(Act No. 28 of 2002), including –

(a) associated infrastructure, structures and earthworks, directly related to the extraction of a mineral resource
 (b) the primary processing of a mineral resource including winning, extraction, classifying, concentrating, crushing, screening or washing; but excluding the secondary processing of a mineral resource, including the smelting, beneficiation, reduction, refining, calcining or gasification of the mineral resource in which case activity 6 in Listing Notice 2 applies.

N.B. The KZN Department of Transport is exempt by the Department of Mineral Resources (DMR) from applying for a mining permit / mining right; however environmental authorisation in terms of the NEMA: EIA Regulations (2014, as amended) is still required.

For the current proposal, the BA will investigate the proposal against various parameters, such as ecosystem functioning, biodiversity, vegetation, traffic, and heritage resources etc. to ensure that the proposal follows the idea of sustainable development and that any potential negative environmental impacts are mitigated against. Potential positive and negative impacts of the proposal will be identified and assessed in the BA reports. One of the outcomes of the BA process is an Environmental Management Programme (EMPr) that manages the pre-operation/pre-construction, operational and rehabilitation phases of the development to practically manage negative environmental impacts.

Approach: Basic Assessment Process

The BA process will strictly follow the requirements of GNR 326, NEMA EIA Regulations (2014, as amended 2017). In summary, the following steps will be taken:

The competent authority that will either authorise or reject the BA is the Department of Mineral Resources(DMR).

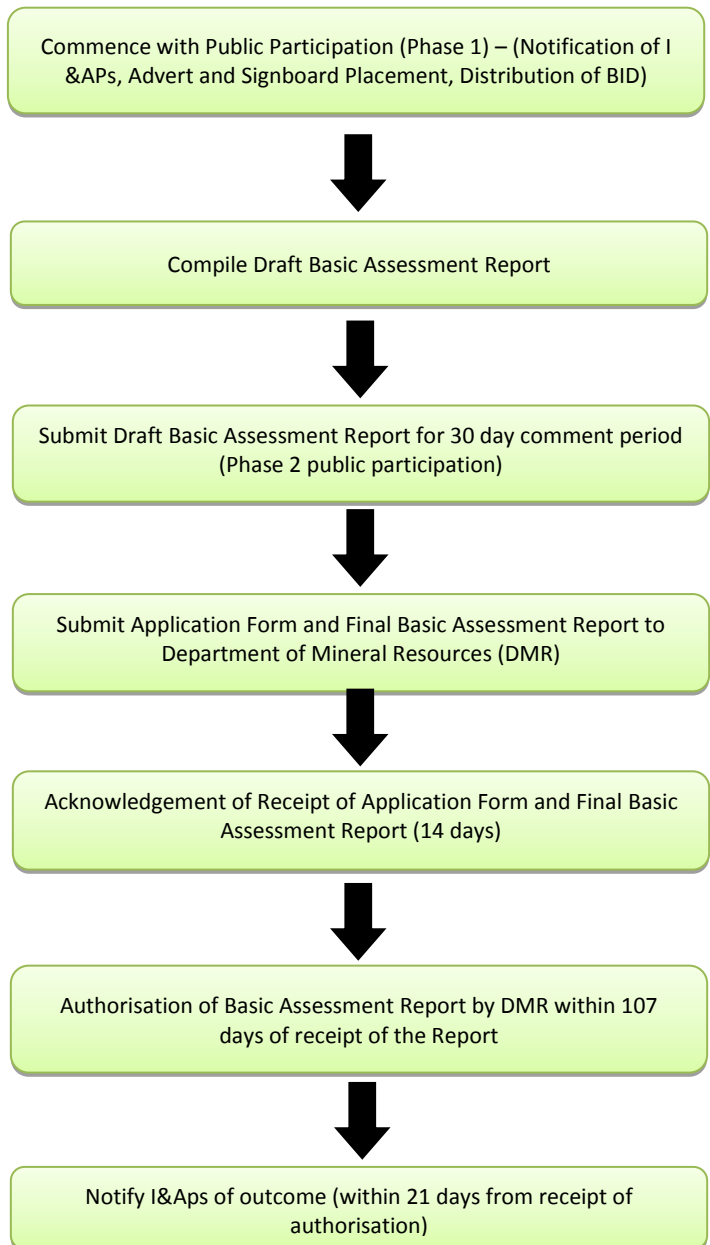


Illustration of the BA process to be followed

Specialist Studies

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

1. Wetland Delineation and Riparian / Wetland Functionality Study – The aim is to determine the extent and functionality of the wetland / watercourse on site;
2. Heritage Impact Assessment – To identify items / areas of cultural or heritage significance that require protection and / or consideration.

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

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 326), 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.DMR) 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 (complete attached comment sheet).

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

1. **Background Information Document (BID)** – Due date for comments: 09 March 2021.
2. **Draft BA Report / Draft all specialist studies** – Due date for comments: 30 days from the date of receipt of the report / notification of availability of the report.
3. **Draft 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 / State Departments have been notified of this application via email on the 15th October 2020 and will continue to receive notifications and/or reports on this application:

- Volamehlo Local Municipality
- Ezemvelo KZN Wildlife
- Department of Water and Sanitation
- Department of Agriculture Forestry and Fisheries
- Department of Transport
- Volamehlo RRTF
- Councillor Bongzi Nkosi Mngadi (Ward 3)
- Inkosi- Volamehlo local municipality (P77 area)
- Department of Mineral Resources (DMR)
- Department of Economic Development, Tourism and Environmental Affairs (EDTEA)
- AMAFA
- Cooperative Governance and Trading Affairs (COGTA)

Advertisement: As confirmed by the relevant ward councillors, the areas under assessment receive a local newspaper; therefore a combined English and Zulu advert has been published in the local newspaper, The South Coast Rising Sun, on 22 October 2020. Ward councillors for each area have confirmed that they have access to The South Coast Rising Sun publication.

Notification of adjacent landowners / occupiers: Adjacent neighbours were notified via A5 flyers / emails / registered post in English and Zulu from the 15th October 2020. Two notification signboards (60cm x 42cm) each in English and Zulu were placed at the boundary / conspicuous location around the site on the 15th October 2020.

Who is ECA Consulting?

ECA Consulting is an independent and multi-faceted 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) as well as Water Use License Applications (WULA) according to the National Water Act (1998). ECA Consulting also manages waste license applications as per the requirements of the National Environmental Management Waste Act (59 of 2008). With experience in over 50 to 80 EIAs and other environmental management areas, ECA Consulting offers a professional and timeous service in achieving environmental compliance and moving towards sustainable development.

ECA Consulting has been appointed as the independent EAP by the KZN Department of Transport to undertake and manage the BA, Scoping & EIR and WUA process for the establishment of various borrow-pits across northern and southern KZN, eThekweni. Leena Ackbar is the lead consultant on the project; all comments / queries can be submitted to:

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Appendix A: Aerial maps showing locality and extent of mine working area (red outline) as per Table 1:

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Figure 1: Locality map and mine working area7

Table 2: Lists the properties and co-ordinates on which the applicant proposes to mine aggregate from two existing borrow pits along the Road P77, Ugu District.

Our ref:	Property Description	Co-ordinates	Extent (Hectares)	Area
BP1	Farm Mount Lewis No. 6185 (Portions 0/6185)	30°11'56.81"S; 30°33'55.78"E.	0.592	Dududu, KZN
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Figure 1: Locality map showing the existing borrow pits (BP1 and BP2) located along road P77 (Appendix 2.1) (Source: Google Earth, 2021).