

BACKGROUND INFORMATION DOCUMENT (BID)

**FOR PROPOSED UPGRADE OF MAGOBELA GRAVEL ROAD IN MSINGA
KWAZULU NATAL, SOUTH AFRICA.**

PREPARED FOR:



Msinga
Local Municipality

PREPARED BY:



ISOLENDALO ENVIRONMENTAL CONSULTING

Tel: (039) 315 0437

Fax: (039) 312 1208

Enquiries: Samkele Gxumisa

Email: s.gxumisa@isolendalo.co.za

19 VALLEY ROAD, MARGATE, 4275

PO BOX 1503, MANABA BEACH, 4246



BID: THE PROPOSED UPGRADE OF MAGOBELA GRAVEL ROAD

Contents

1. BACKGROUND.....	3
2. APPROVING AUTHORITY	3
3. SITE LOCALITY	4
4. PROJECT DESCRIPTION	5
5. PROJECT MOTIVATION.....	6
6. LEGISLATIVE CONTEXT.....	7
7. BASIC ASSESSMENT PROCESS	11
8. STUDIES	13
9. CONTACT US	13

LIST OF FIGURES

Figure 1:Google image showing the location of the proposed access road	4
--	---

LIST OF TABLES

Table 1: Cordinates of the start and end position of Magobela gravel road	4
Table 2: Table illustrating coordinates, size of each structure and the estimated amount to be excavated	5
Table 3:Some of the Legislation Affecting the Proposed Project	7
Table 4: Table illustrating EIA Activities triggered by the proposed development	10



BID: THE PROPOSED UPGRADE OF MAGOBELA GRAVEL ROAD

1. BACKGROUND

DLV Engineers and Project Managers has appointed Isolendalo Environmental Consulting on behalf of Msinga Local Municipality to undertake the Basic Assessment and Public Participation process required in terms of the National Environmental Management Act 107 of 1998 (NEMA) and the EIA Regulations, 2014 for the proposed upgrade of the Magobela gravel road in KwaNtuli rural area, under uMsinga Local Municipality and uMzinyathi District Municipality in KwaZulu Natal.

The proposed development will have negative impacts on the environment within affected areas and therefore should be subjected to an Impact Assessment Process to comply to NEMA and other legislation relating to environmental matters relevant to the project.

This Background Information Document (BID) aims to:

- The main objective of this background document is to identify anyone who might be indirectly or directly affected by the proposed activity and also, provide the interested and affected parties (I & APs) with the relevant information pertaining the proposed access road;
- Describe the affected environment;
- Provide a brief motivation and description of the project;
- Describe what is involved EIA process;
- Provide information on how you can participate in this process.

As per prescribed protocol, a notice for Application for Environmental Authorisation will be placed in a newspaper (Ilanga Newspaper) and also, site notices informing all interested and affected parties will be placed onsite and therefore those wishing to be registered as Interested and Affected Party (I&AP) will therefore be advised to contact Isolendalo Environmental Consulting.

2. APPROVING AUTHORITY

The application for Environmental Authorizaion will be lodged with Department of Economic Development, Tourism & Environmental Affairs (Mzinyathi District Offices) who are the competent authority for this application.

3. SITE LOCALITY

The site for the proposed upgrade of the gravel road is situated in rural area of Msinga. Msinga is a small town under an administration of uMsinga Local Municipality within Mzinyathi District Municipality. The study area is located within rural area between Ngulule and Ntuli rural areas, under Ward 1 and Ward 2.

The area in which development will occur has no formal access road and there are multiple schools and a clinic found in the area and therefore the proposed upgrade will be very beneficial to the school children and the community at large of KwaNtuli and Ngulule rural areas.

The coordinates of the start, middle and end point of the road are tabulated below and the proposed development entails an installation of 3 pipe culverts and 2 portal box culverts, as such the coordinates of positions of 5 culverts are tabulated in table 2.

The coordinates for the site locality are as follows:

Table 1: Cordinates of the start and end position of Magobela Access Road

Start	28 ⁰	39'	27.42"	S	30 ⁰	21'	17.86"	E
Mid	28 ⁰	39'	12.82"	S	30 ⁰	19'	41.73"	E
End	28 ⁰	38'	27.02"	S	30 ⁰	18'	37.84"	E

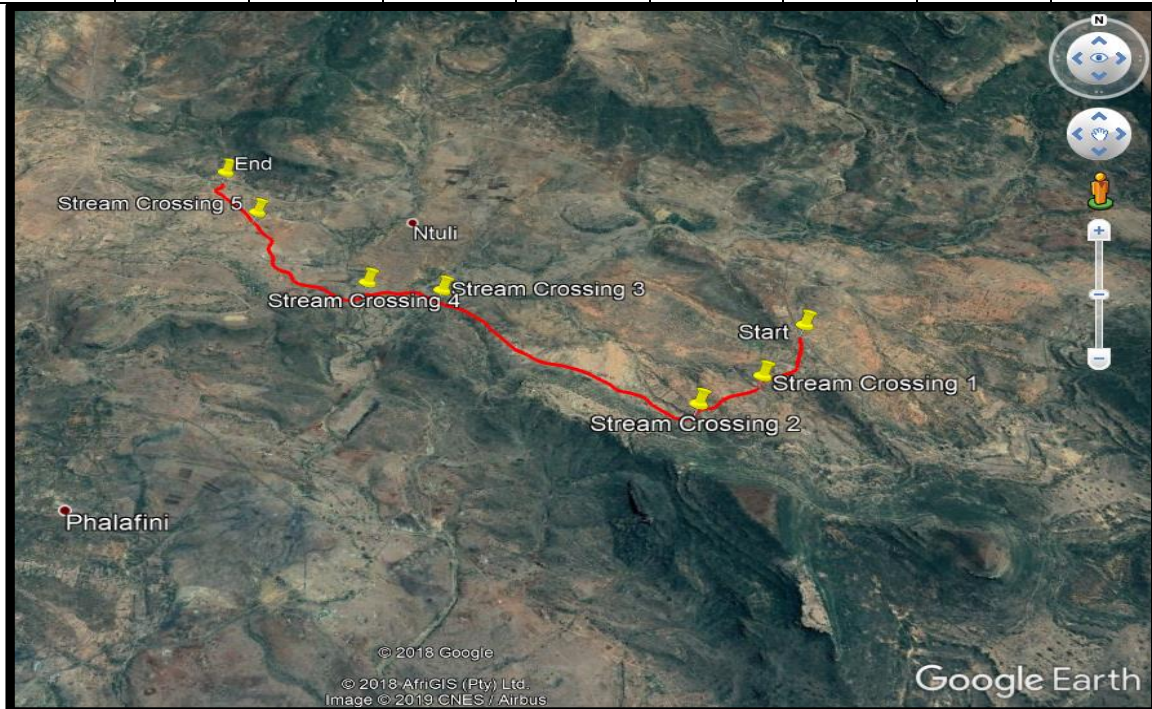


Figure 1: Google Image showing the location of the proposed gravel road.

Table 2: Table illustrating coordinates, size of each structure and the estimated amount to be excavated.

Crossing	Co-ordinates	Type	Total Area of Culvert (m ²)	Amount of material to be removed (m ³)
1	28 ⁰ 39' 44.11" S 30 ⁰ 21' 04.30" E	6 x 900 DIA (Pipe Culvert)	43	29
2	28 ⁰ 39' 53.23" S 30 ⁰ 20' 46.58" E	2 x 900 DIA (Pipe Culvert)	15	10
3	28 ⁰ 39' 12.82" S 30 ⁰ 19' 41.73" E	10 x (1200 x 1800 Concrete Portal Culvert)	236	755
4	28 ⁰ 39' 09.86" S 30 ⁰ 19' 21.11" E	8 x (1200 x 1800 Concrete Portal Culvert)	195	585
5	28 ⁰ 38' 43.53" S 30 ⁰ 18' 48.58" E	2 x 900 DIA (Pipe Culvert)	15	10

4. PROJECT DESCRIPTION

DLV Engineers and Project Managers has appointed Isolendalo Environmental Consulting on behalf of Msinga Local Municipality to undertake their Basic Assessment and Public Participation process required in terms of the National Environmental Management Act 107 of 1998 (NEMA) and the EIA Regulations, 2014 (as amended), for the proposed upgrade of the Magobela gravel road.

UMsinga Local Municipality is proposing to upgrade the existing road tracks to a gravel access road with a total length of 6.3 km and total width of 5m in KwaNtuli area in ward 2. In addition to the upgrade of the gravel road, uMsinga Local Municipality proposes to install pipe culverts and portal culverts across 5 streams along the proposed gravel road. Whereby 3 structures are pipe culverts and 2 are portal culverts. Among the 5 culverts 2 culverts (both portal) have a total footprint greater than 100 square metres, as such 2 portal culverts trigger Listing Notice 1 activity 12 of EIA Regulations 2014, (As Amended) (Please refer to table 2). Currently, there are no existing structures in all 5 crossings.

In terms of the material to be excavated from the watercourses, 3 structures fall above the threshold of 10 cubic metres, therefore, triggers EIA Regulations (2014) as amended (refer to Table 2).

5. PROJECT MOTIVATION

There are several people staying in rural communities where more than half of the population rely on the oldest form of transportation; walking. This limits the community members to access social amenities and this sort of limitation consequently increases the level of poverty among the community. Sadly, the community members have no other alternative but to walk because there are no rehabilitated roads in these rural areas and therefore modes of transports such as taxis cannot access these secluded areas.

Access roads are essential to every community as they provide ease of access and movement of goods and services within the area. The upgrade of Magobela road will be very beneficial to the community as it will improve the socio-economic development of the area in the following ways;

- Increased access to social amenities
- Providing continuity in the movement of people from rural communities to urban areas
- Children commuting on this route to and from school will do so safely even during heavy rain seasons whereby the streams overflow and pose danger to them
- Can bring about employment opportunities and can encourage off-farm employment opportunities, especially in non-agricultural waged activities
- It will encourage people who have the necessary needed skills (e.g. teachers, nurses etc.) to come work in the rural area
- Promoting development in rural areas and attracting investors
- Overall income produced by working members of the community (including those who own farms and small businesses) will increase
- Promoting national integration
- Easy access to markets and urban areas which increases the likelihood of finding jobs
- Rehabilitated/upgraded roads is also linked to changes in income sources, for example, non-agricultural income opportunities are enhanced.
- Reducing damages associated with heavy storms and flood disasters due to lack of drainage systems

Access roads provide greater mobility and greater ease of access into and out of rural areas. The above-mentioned benefits are based on the operational phase of the proposed project but during the construction phase there are also benefits such as the employment opportunities that will be provided as a result of this project. The local community members will be employed for the duration of the project therefore exercising their skills and learning



BID: THE PROPOSED UPGRADE OF MAGOBELA GRAVEL ROAD

new skills related to the project. The livelihoods of the local community members will be improved, and they will contribute to the economy as they become more and more economically active. The proposed project will ultimately result in reduced poverty in the rural area of KwaNtuli.

6. LEGISLATIVE CONTEXT

South Africa has various pieces of legislation that have been put in place to protect the environment and people and control development within the country. Some of these have relevance for the proposed project and therefore will affect construction and operational activities of the proposed project.

A fundamental piece of Legislation in South Africa is the Constitution of South Africa. Section 24 states that “*all citizens have the right to a healthy environment and the right to have the environment protected*”.

Table 3: Some of the Legislation Affecting the Proposed Project

Regulation	Authority	Relevancy in the Proposal
1. South African Constitution Act (Act No.107 of 1998)	South Africa	<p>The constitution Act mainly focuses on protection of Environmental and property rights within the Republic of South Africa. Section 24 in the Bill of Rights of the Constitution States that:</p> <p>Everyone has the right-</p> <ul style="list-style-type: none"> ➤ To an Environment that is not harmful to their health and well-being. ➤ To have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures. <p>This Act is applicable to this application since the proposed upgrade and development of Ngconco Access Road falls within the boundaries of South Africa and a need for protection of the Environment during construction and post-construction is vital.</p>
2. National Environmental Management Act (Act No 107 of	Department of Environmental Affairs (DEA)	<p>The objective of this Act is to provide for co-operative, environmental governance by establishing principles for decision-making on matters affecting the environment, institutions that will promote co-operative governance and procedures for coordinating</p>

BID: THE PROPOSED UPGRADE OF MAGOBELA GRAVEL ROAD

<p>1998 [NEMA]) and EIA Regulations 2014 (as amended)</p>		<p>environmental functions exercised by organs of state; and to provide for matters connected therewith. There are Listed EIA Activities triggered by the proposed activity, as such these listed activities are deemed to include activities that could possibly have an impact on the social and environmental state of the area.</p>
<p>3. National Environmental Management Biodiversity Act (Act 10 of 2004)</p>	<p>Department of Environmental Affairs</p>	<p>The main objective of this Act is to provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act, 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of South African National Biodiversity Institute. The Biodiversity Act is applicable because during the implementation of this project the Applicant must consider the protection and management of local Biodiversity.</p>
<p>4. National Water Act (Act No 36 of 1998).</p>	<p>Department of Water and Sanitation.</p>	<p>To provide for fundamental reform of the law relating to water resources; to repeal certain laws; and to provide for matters connected therewith. This Act is Applicable to this project since the proposed development entails an installation of pipe and portal culverts which are located within a watercourse.</p>
<p>5. National Waste Management Act (Act No. 64 of 2014)</p>	<p>Department of Environmental Affairs.</p>	<p>This Act is there to reform the law regulating waste management in order, to protect health and the Environment by providing reasonable measures for the prevention of pollution and ecological degradation. The Act is applicable because a need to manage waste during both construction of Magobela access road.</p>
<p>6. National Environment Management: Air Quality Act 39 of 2004.</p>	<p>National Department of Environmental Affairs.</p>	<p>Regulate air quality to protect the environment by providing reasonable measures for the prevention of pollution and ecological degradation and for securing ecologically sustainable development while promoting justifiable economic and social development; to provide for national norms and standards</p>



BID: THE PROPOSED UPGRADE OF MAGOBELA GRAVEL ROAD

		regulating air quality monitoring, management and control by all spheres of government; for specific air quality measures; and for matters incidental thereto.
7. National Heritage Resources Act No 25 of 199	Department of Environmental Affairs.	To introduce an integrated and interactive system for the management of the national heritage resources; to promote good government at all levels, and empower civil society to nurture and conserve their heritage resources so that they may be bequeathed to future generations; to lay down general principles for governing heritage resources management throughout the Republic.

Section 24 (1) of the National Environmental Management Act (Act 107 of 1998) (NEMA) states that *“the potential consequences for or impacts on the environment of listed activities or specified activities must be considered, investigated, assessed and reported on to the competent authority or the Minister responsible for mineral resources, as the case may be, except in respect of those activities that may commence without having to obtain an environmental authorisation in terms of this Act”*.

As such National Environmental Management: EIA Regulations have been promulgated as per the above sections of Section 24 (5) and 44 of NEMA.

The proposed development has therefore been weighed against the Listed Activities within the EIA Regulations to assess whether it meets any of the threshold and therefore requires an Environmental Authorization to be obtained and which Impact Assessment Process needs to be followed for the application. The activities potentially triggered by the proposed development are listed below:

Table 4: Table illustrating EIA Activities triggered by the proposed development

ACTIVITY TRIGGERED	LISTING NOTICE	HOW DOES IT TRIGGERED	MITIGATION
<p>Listing Notice 1 Activity 12</p> <p>The development- infrastructures or structures with a physical footprint of 100 square metres or more; Where such development occurs</p> <p>(a) Within a watercourse;</p>	<p>Listing Notice 1: GNR 983 (December 2014) (as amended)</p>	<p>The proposed upgrade of Magobela access road entails an installation of 3 pipe and 2 portal culverts within watercourses and the estimated footprint of 2 portal culverts is greater than 100 square metres, as such 2 portal culverts trigger this activity. One structure is 236 m² and other is 195 m² (See table 2). Other 3 culverts do not trigger this activity as they fall below 100 square metres.</p>	<p>Isolendalo Environmental Consulting has been appointed to conduct an Environmental Assessment. As such mitigation measures will be provided through this assessment of the proposed upgrade of Magobela access road.</p>
<p>Listing Notice 1 Activity 19</p> <p>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil from a watercourse.</p>	<p>Listing Notice 1: GNR 983 (December 2014) (as amended)</p>	<p>The proposed upgrade and development of Magobela access road entails a installation of 5 culverts. 2 culverts falls below the threshold of 10 cubic metres and 3 falls above the threshold of 10 cubic metres as the estimated total size of the material to be excavated from the watercourse for each structure is 10 cubic metres (see table 2 attached for estimated material to be excavated).</p>	<p>Isolendalo Environmental Consulting has been appointed to conduct an Environmental Assessment. As such mitigation measures will be provided through this assessment and consultation of specialist's reports conducted for the proposed upgrade of Magobela access road.</p>



BID: THE PROPOSED UPGRADE OF MAGOBELA GRAVEL ROAD

Developments which trigger activities in Listing Notice 1 must apply for Environmental Authorization through the Basic Assessment Process. Those which trigger Listing Notice 2 Activities must apply through the Full EIA Process (Scoping and EIA) and where both Notices are triggered, Listing 2 applies unless otherwise agreed with the competent authority. The proposed development falls under a Basic Assessment as there are activities in Listing Notice 1 triggered.

The Application for Environmental Authorization of the proposed development will therefore be lodged through the Basic Assessment.

The proposed development will have a significant impact on the river banks as such Section 21 c & l of National Water Act 36 of 1998 will be triggered. As such, the Department of Water and Sanitation will be engaged in order to confirm the water uses involved in the process.

7. BASIC ASSESSMENT PROCESS

Applications for the authorisation of activities listed in GNR 327 require that the procedures described in Sections 26-35 of the EIA Regulations, 2014 as amended (promulgated in terms of Section 24(5) of NEMA) be followed, i.e. authorisation of these activities require a Basic Assessment Report.

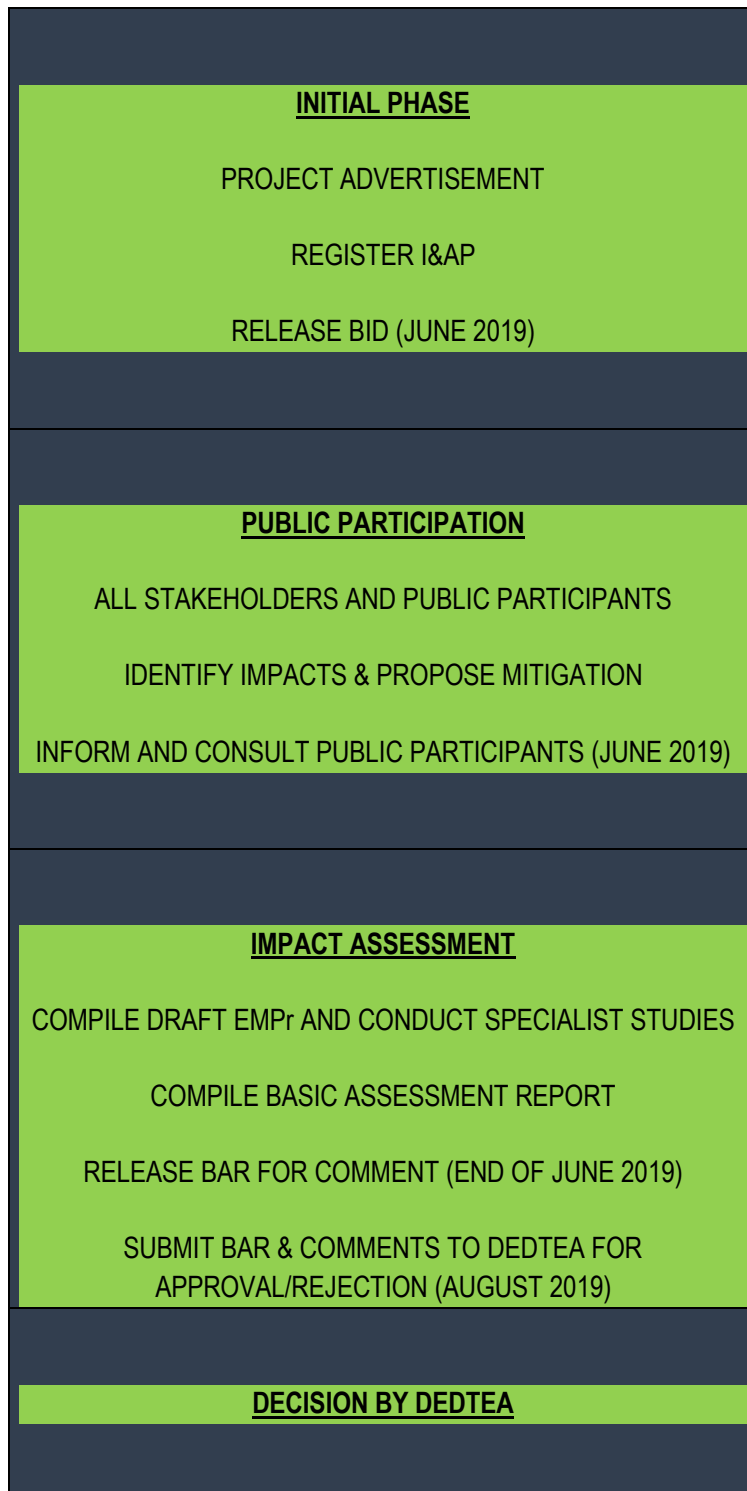
Before the commencement of the project, DEDTEA must issue an Environmental Authorization in terms of NEMA. The aims of the Basic Assessment process are to:

- Notify the public of the project and the BAR process
- Provide information for decision-making on the environmental consequences of proposed actions
- Promote environmentally sound and sustainable development by highlighting and mitigating harm to the environment
- Include public opinion on proposed projects
- Assess the pros and cons of specified project



BID: THE PROPOSED UPGRADE OF MAGOBELA GRAVEL ROAD

Basic Assessment Steps:





BID: THE PROPOSED UPGRADE OF MAGOBELA GRAVEL ROAD

8. STUDIES

During the EIA process specialist studies are routinely conducted in order to determine the furthest consequences of the proposed project as well as the ways in which to manage and limit the impact of the development. The following impact assessments may be required for the development mentioned herein;

- Geotechnical investigation

The exact list of specialist studies to be carried out during the EIA phase will be finalized and confirmed once comments from I&APs and stakeholders have been received and as per the approved study plan.

9. CONTACT US

All Interested and Affected Parties are invited to register themselves or their respective organization so as to be included in all further undertakings related to the said development as well as receive any communication regarding the development. Any comments or input may be submitted by email to:

Samkele Gxumisa

Isolendalo Environmental Consulting

19 Valley Road

Margate

4275

Email: s.gxumisa@isolendalo.co.za.

Telephone: 039 315 0437

Fax : 039 312 1208

Cell : 065 831 3657



BID: THE PROPOSED UPGRADE OF MAGOBELA GRAVEL ROAD

RESPONSE SECTION

To register as I &AP kindly complete this form and return it to Isolendalo Environmental Consulting, on the contact details provided above.

I&AP INFORMATION

Title	
First Name	
Surname	
Organization	
Designation	
Telephone Number	
Physical Address	
Postal Address	
Fax Number	
Email Address	

Comments

1. What is your main area of interest with regards to the proposed Upgrade of Magobela Access Road:



BID: THE PROPOSED UPGRADE OF MAGOBELA GRAVEL ROAD

2. Do you have any points you would like to add regarding the proposed project: Y/N

If yes, please briefly explain your points below.

If there are more concerns please add more rows.