

BACKGROUND INFORMATION DOCUMENT (BID)

**FOR NGCONCO ACCESS ROAD IN MSINGA
KWAZULU NATAL, SOUTH AFRICA.**

PREPARED FOR:



Msinga
Local Municipality

PREPARED BY:



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1. BACKGROUND

Isolendalo Environmental Consulting has been appointed by Anderson VOGT Consulting on behalf of Msinga Local Municipality to undertake the Environment Impact Assessment (EIA) and Public Participation process for the proposed upgrade and development of Ngconco Access Road required in terms of the National Environmental Management Act 107 of 1998 (NEMA) and the EIA Regulations, 2014 (As amended) for the proposed upgrade and development of Ngconco Access Road within Msinga, KwaZulu Natal, South Africa.

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 and development of an access road is situated in rural area of Msinga. Msinga is a small town under an administration of uMsinga Local Municipality within Mzinyathi District Municipality (See Figure 1). The study area is located within rural area, under Ward 11 in a location called Etembeni Mission Drift Location (see figure 2).

The area to be used has been chosen as it has no formal access road that connect to road P161 and there is a school (Keates Drift Primary School) and health facility within the vicinity of the study area. As such, the proposed access road will assist school kids to get to school with no struggle. In addition to this, there is a health facility (Kwazenzele) in the area.

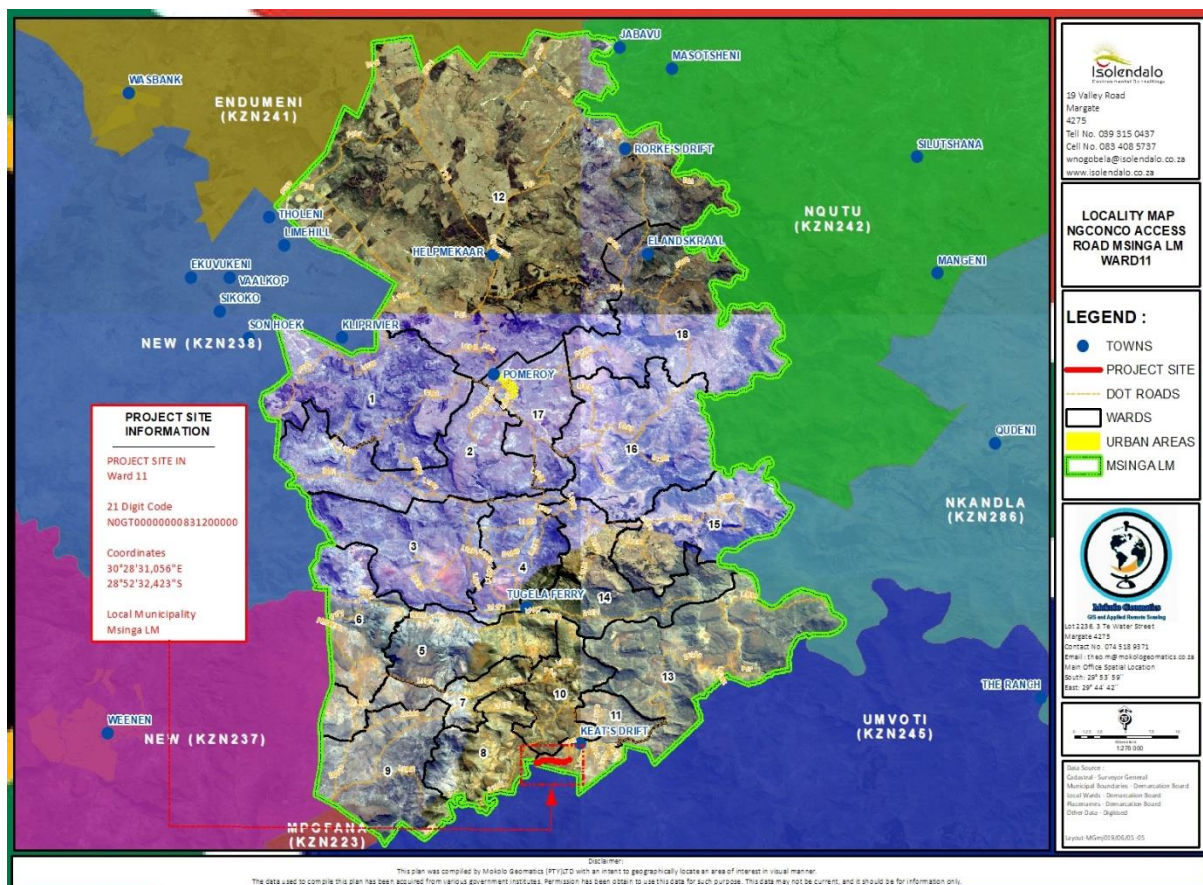


Figure 1: Locality map showing the location of the study area.

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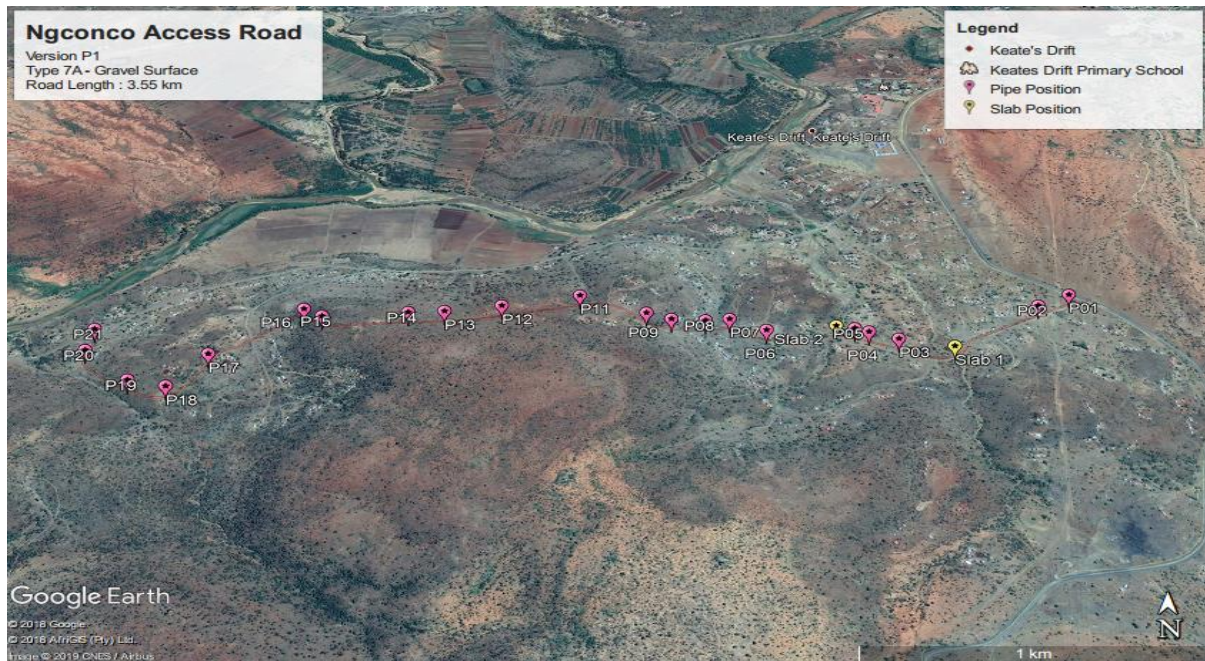


Figure 2: Google Image showing the location of the proposed access road.

The coordinates of the start, mid and end point of the road are tabulated below and the 21 digit code tabulated below.

The proposed development entails an installation of precast concrete pipes and concrete slabs, as such the coordinates of positions of the precast concrete pipes and concrete slabs are tabulated in table 2.

The coordinates for the site locality are as follows:

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






	LATITUDE (S)			LONGITUDE (E)		
	Start	28 °	52'	31.449"	30 °	29'
Mid Point	28 °	52'	32.408"	30 °	28'	30.998"
End	28°	52'	36.899 "	30°	27'	40.076 "

21 didit code of the study area:

N O G T 0 0 0 0 0 0 0 8 3 1 2 0 0 0 0 0 0

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

Name	Y coord	X Coord	Type	Precast Structure					IN- & OUT-let Structures			Total Area (m ²)	Est. Excavation (m ³)		
				Size	Diam (mm)	Length(m)	Barrels	Area (m ²)	Type	Inlet (m ²)	Outlet (m ²)				
1	P01	-28.87573	30.48984	Precast Concrete Pipes	Ø600 pipe	700	9.46	2	17.60	Brick-600		4.37	4.37	26.34	29.56
2	P02	-28.87621	30.48881	Precast Concrete Pipes	Ø600 pipe	700	9.46	1	6.62	Brick-600		2.90	2.90	12.43	13.95
3	Slab 1	-28.87793	30.48601	Concrete Slab	25m X 6m	N/A			N/A			150.00	165.00		
4	P03	-28.87761	30.48448	Precast Concrete Pipes	Ø600 pipe	700	9.46	2	17.60	Brick-600		4.37	4.37	26.34	29.56
5	P04	-28.87730	30.48368	Precast Concrete Pipes	Ø600 pipe	700	9.46	1	6.62	Brick-600		2.90	2.90	12.43	13.95
6	P05	-28.87715	30.48329	Precast Concrete Pipes	Ø600 pipe	700	9.46	1	6.62	Brick-600		2.90	2.90	12.43	13.95
7	Slab 2	-28.87704	30.48277	Concrete Slab	45m X 6m	N/A			N/A			270.00	297.00		
8	P06	-28.87724	30.48073	Precast Concrete Pipes	Ø600 pipe	700	9.46	1	6.62	Brick-600		2.90	2.90	12.43	13.95
9	P07	-28.87677	30.47970	Precast Concrete Pipes	Ø600 pipe	700	9.46	1	6.62	Brick-600		2.90	2.90	12.43	13.95
10	P08	-28.87690	30.47898	Precast Concrete Pipes	Ø600 pipe	700	9.46	1	6.62	Brick-600		2.90	2.90	12.43	13.95
11	P09	-28.87694	30.47799	Precast Concrete Pipes	Ø600 pipe	700	9.46	1	6.62	Brick-600		2.90	2.90	12.43	13.95
12	P10	-28.87674	30.47727	Precast Concrete Pipes	Ø600 pipe	700	9.46	1	6.62	Brick-600		2.90	2.90	12.43	13.95
13	P11	-28.87606	30.47534	Precast Concrete Pipes	Ø900 pipe	1035	9.46	1	9.79	Brick-900		4.43	4.43	18.64	35.88
14	P12	-28.87657	30.47309	Precast Concrete Pipes	Ø600 pipe	700	9.46	1	6.62	Brick-600		2.90	2.90	12.43	13.95
15	P13	-28.87680	30.47146	Precast Concrete Pipes	Ø600 pipe	700	9.46	1	6.62	Brick-600		2.90	2.90	12.43	13.95
16	P14	-28.87684	30.47042	Precast Concrete Pipes	Ø600 pipe	700	9.46	1	6.62	Brick-600		2.90	2.90	12.43	13.95
17	P15	-28.87693	30.46794	Precast Concrete Pipes	Ø600 pipe	700	9.46	1	6.62	Brick-600		2.90	2.90	12.43	13.95
18	P16	-28.87656	30.46733	Precast Concrete Pipes	Ø600 pipe	700	9.46	1	6.62	Brick-600	2.90	2.90	12.43	13.95	
19	P17	-28.87817	30.46484	Precast Concrete Pipes	Ø600 pipe	700	9.46	1	6.62	Brick-600	2.90	2.90	12.43	13.95	
20	P18	-28.87936	30.46389	Precast Concrete Pipes	Ø600 pipe	700	9.46	1	6.62	Brick-600	2.90	2.90	12.43	13.95	
21	P19	-28.87911	30.46276	Precast Concrete Pipes	Ø600 pipe	700	9.46	1	6.62	Brick-600	2.90	2.90	12.43	13.95	
22	P20	-28.87785	30.46117	Precast Concrete Pipes	Ø600 pipe	700	9.46	1	6.62	Brick-600	2.90	2.90	12.43	13.95	
23	P21	-28.87696	30.46116	Precast Concrete Pipes	Ø600 pipe	700	9.46	1	6.62	Brick-600	2.90	2.90	12.43	13.95	



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4. PROJECT DESCRIPTION

Msinga Local Municipality is proposing an upgrade and development of Ngconco access road in Etembeni Mission Location (Ward 11), Msinga KwaZulu Natal. The Municipality is proposing a 7A gravel road that will assist school kids to travel from and to health facilities, education centres within the vicinity of the study area. The proposed width of the road is 5 m meanwhile the total length is 3.55 km (1.95 km has no tracks existing and 1.6 km has existing tracks), hence the upgrade and development of an access road.

The proposed development entails installation of 21 precast concrete pipes with a total footprint less than 100 square metres and 2 concrete slabs with a total footprint greater than 100 square metres. In terms of the material to be excavated from the watercourse all 23 structures fall above the threshold of 10 cubic metres as such triggers EIA Regulations (2014) as amended (see table 2 for estimated amount to be excavated). Further to this, the proposed development triggers Listing Notice 1 activity 24 since there is a new section with no road reserve and the proposed reserve is 20 m.

5. PROJECT MOTIVATION

In South Africa, it is estimated that several road deaths are mainly caused by poor infrastructure or the absence of proper infrastructure. Hence, development of rural road infrastructure has become vitally significant in South African since it makes both human and wildlife more easier and safer. Ward 11 in Msinga has no access road. At this moment, there is no access road that could assist the community and therefore it is expected that during heavy rains it becomes difficult for the communities and public to travel to health facilities, educational facilities or even markets. Construction and upgrade of access road would then mean safe crossing for community.

On the other hand, South Africa currently has a high unemployment rate. There is therefore a dire need for creation of employment opportunities. The proposed development will create a significant number of employment opportunities during construction. Improving rural road access may also be associated with an improvement of a socio-economic status of a particular area in a sense that there will be jobs opportunities created during construction phase on Ngconco access road.

Lastly, transport infrastructure plays a vital role in rural development. One of the main benefits for development of rural roads is that they both provide cheaper access to both markets for agricultural inputs and for modern purposes.

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 1998 [NEMA]) and EIA	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 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</p>

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Regulations 2014 (as amended)		activities are deemed to include activities that could possibly have an impact on the social and environmental state of the area.
3. National Environmental Management Biodiversity Act (Act 10 of 2004)	Department of Environmental Affairs	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.
4. National Water Act (Act No 36 of 1998).	Department of Water and Sanitation.	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 concrete slabs and pipes which are located within a watercourse.
5. National Waste Management Act (Act No. 64 of 2014)	Department of Environmental Affairs.	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 Ngconco access road.
6. National Environment Management: Air Quality Act 39 of 2004.	National Department of Environmental Affairs.	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 regulating air quality monitoring, management and control by all spheres of government; for specific air quality measures; and for matters incidental thereto.



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<p>7. National Heritage Resources Act No 25 of 199</p>	<p>Department of Environmental Affairs.</p>	<p>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...</p>
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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 and development of Ngconco access road entails a construction of concrete slabs within a watercourse and the estimated total size of the structures has a footprint greater than 100 square metres, as such 2 concrete slabs triggers this activity. One structure is 150 m² and other is 270 m² (See table 2).</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 and development of Ngconco 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 Ngconco Access Road entails a installation of 21 pipes and 2 concrete slaps within a watercourse and the estimated total size of the material to be excavated from the watercourse for each structure is 10 cubic metres, as such this is above the threshold of 10 cubic metres (see table 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 and development of Ngconco access road.</p>



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<p>Listing Notice 1 Activity 24</p> <p>The development of a road with a road reserve wider than 13.5 metres (December 2014) (As Amended). Where the road is longer than 1 kilometer.</p>	<p>Listing Notice 1: GNR 983 (December 2014) (As Amended).</p>	<p>The proposed development entails a construction and upgrade of a road with a road reserve greater than 13.5 metres, the road reserve is 20 metres.</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 and development of Ngconco access road.</p>
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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 requires 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:

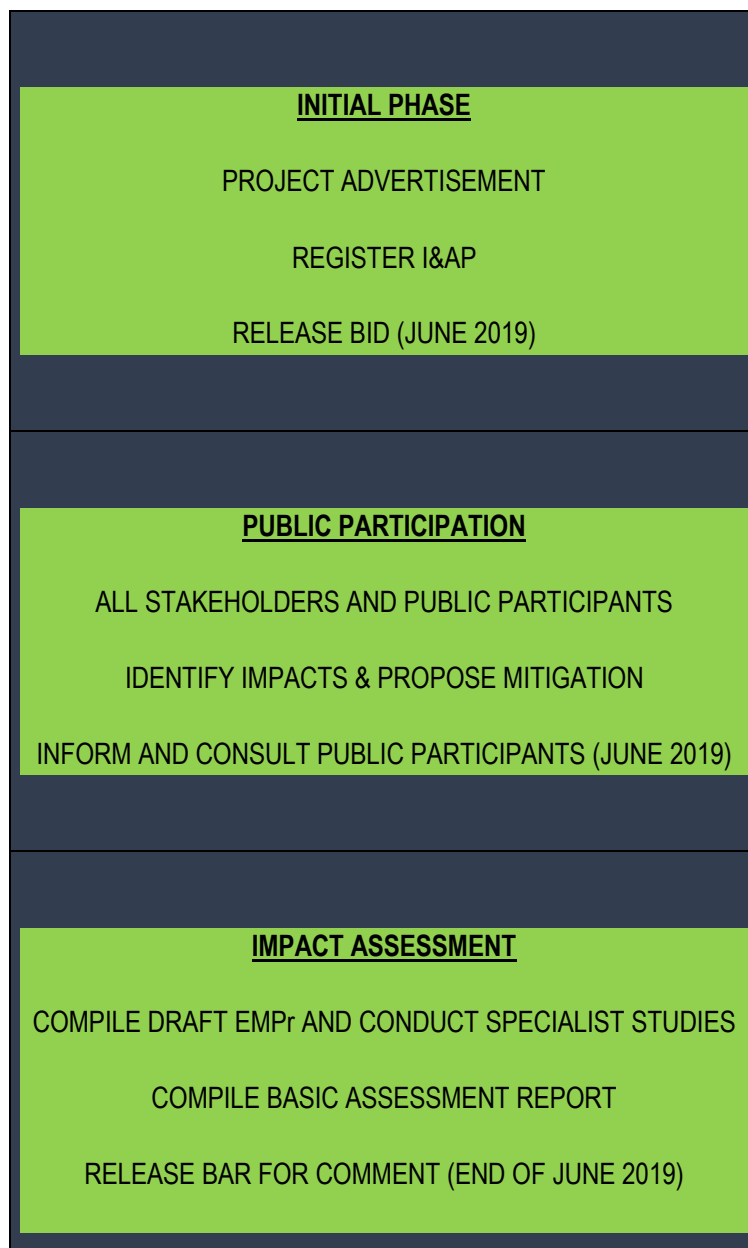
- Notify the public of the project and the BAR process
- Provide information for decision-making on the environmental consequences of proposed actions



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- 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

Basic Assessment Steps:





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<p>SUBMIT BAR & COMMENTS TO DEDTEA FOR APPROVAL/REJECTION (AUGUST 2019)</p>
<p><u>DECISION BY DEDTEA</u></p>



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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:

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Margate

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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 development of Ngconco Access Road:



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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.