





The Proposed Construction of Eight (8) new Pedestrian Bridges located within the City of uMhlathuze Municipality, KwaZulu-Natal.

Background Information Document

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Document history and change record

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00	01/03/2021	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 and 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, City of uMhlathuze Municipality, proposes construction of eight (8) pedestrian bridges across various wards located within the City of uMhlathuze. The proposed bridges involve watercourse crossings. As such the proposal will require Environmental Authorisation (EA) in terms of the EIA regulations 2014 (as amended 2017) via a Basic Assessment Process. Table 1 provides the GPS co-ordinates of the proposed pedestrian bridges.

Table 1: GPS co-ordinates of each of the proposed bridges, the City of uMhlathuze Municipality.

Our ref:	Description of Bridges located within the City of uMhlathuze:	Geographical Co-ordinates
Bridge 1	Bridge 01 (Ward 34, Vulindlela)	28° 51' 25.26" South 31° 51' 11.64" East
Bridge 2	Bridge 02 (Ward 34, Vulindlela)	28° 51' 21.84" South 31° 51' 14.34" East
Bridge 3	Bridge 03 (Ward 28, Ngwelezane)	28° 47' 11.22" South 31° 51' 34.98" East
Bridge 4	Bridge 04 (Ward 13, Esikhaleni)	28° 51' 51.00" South 31° 57' 48.90" East
Bridge 5	Bridge 05 (Ward 18, Esikhaleni)	.28° 54' 53.10" South 31° 52' 44.28" East
Bridge 6	Bridge 06 (Ward 28, Ngwelezane)	28° 47' 16.27" South 31° 52' 10.56" East
Bridge 7	Bridge07 (Ward 29, Ngwelezane)	28° 47' 16.56" South 31° 49' 16.74" East
Bridge 8	Bridge 08 (Ward 34, Vulindlela)	28° 49' 11.82" South 31° 52' 28.02" East

In addition to requiring Environmental Authorisation the pedestrian bridges are to be built across a watercourse. Water Use Authorisation in terms Section 21 of the National Water Act (36 of 1998) will also be applied for in a separate application process.

Figure 1 provides an aerial view of the locality of the proposed eight pedestrian bridges.

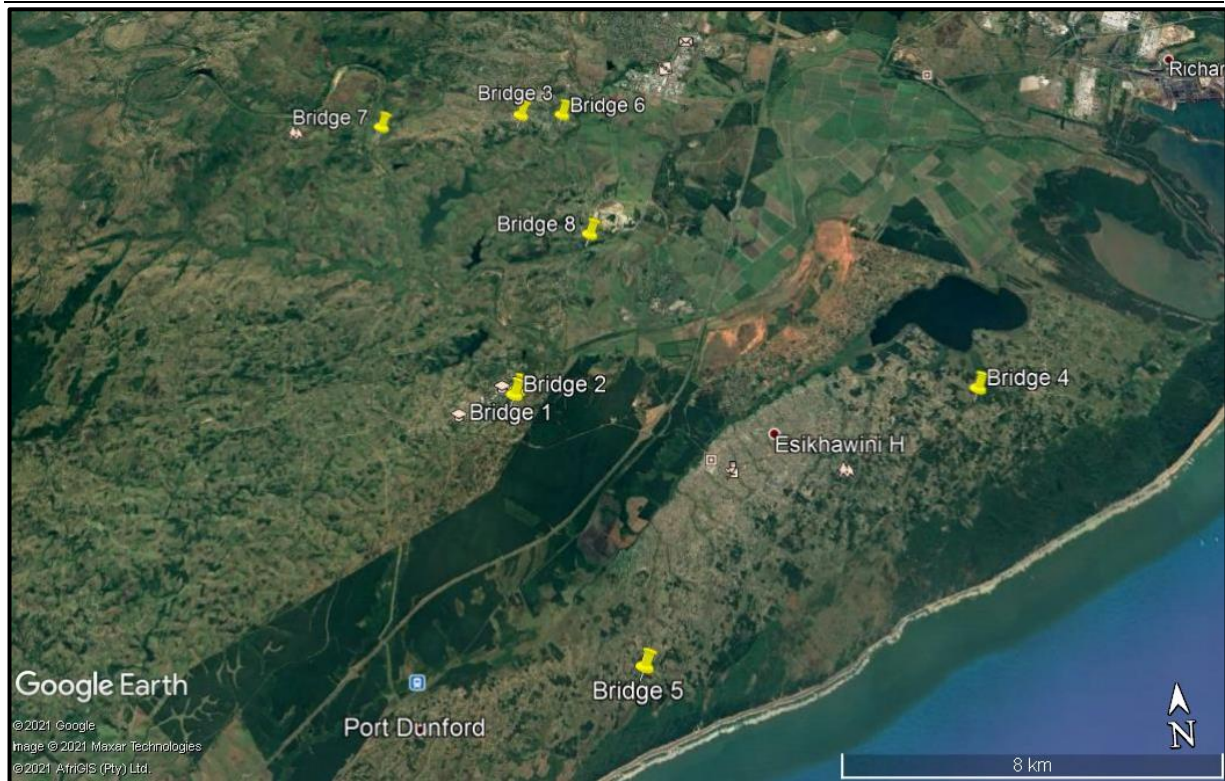


Figure 1: Aerial view of the proposed pedestrian bridges, City of Umhlatuze Municipality.

Need and Desirability

The proposed bridges are intended to address current access related issues in the area and will provide a safe and efficient means of crossing the river. The bridge will service communities on both sides of the river facilitating safer and easier pedestrian mobility. The proposed bridges have been prioritized for construction by the community through their local ward councillor.

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], the development of pedestrian bridges more than 100 square meters within a watercourse requires Environmental Authorisation via a BA process, as per the following activities:

12. *The development of— (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or (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; — excluding— (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies; (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of*

2014, in which case that activity applies; (dd) where such development occurs within an urban area; (ee) where such development occurs within existing roads, road reserves or railway line reserves; or (ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.

19. The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse; but excluding where such infilling, depositing, dredging, excavation, removal or moving— (a) will occur behind a development setback; (b) is for maintenance purposes undertaken in accordance with a maintenance management plan; (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies; (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or (e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.

For the current proposal, an integrated Basic Assessment Report for all the bridges will be prepared. The BA report will investigate the proposal against various parameters, such as ecosystem functioning, biodiversity, vegetation, 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 report. 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, Figure 2 summarises the steps that will be undertaken:

The competent authority that will either authorise or reject the BA is the Department of Economic Development, Tourism and Environmental Affairs (EDTEA).

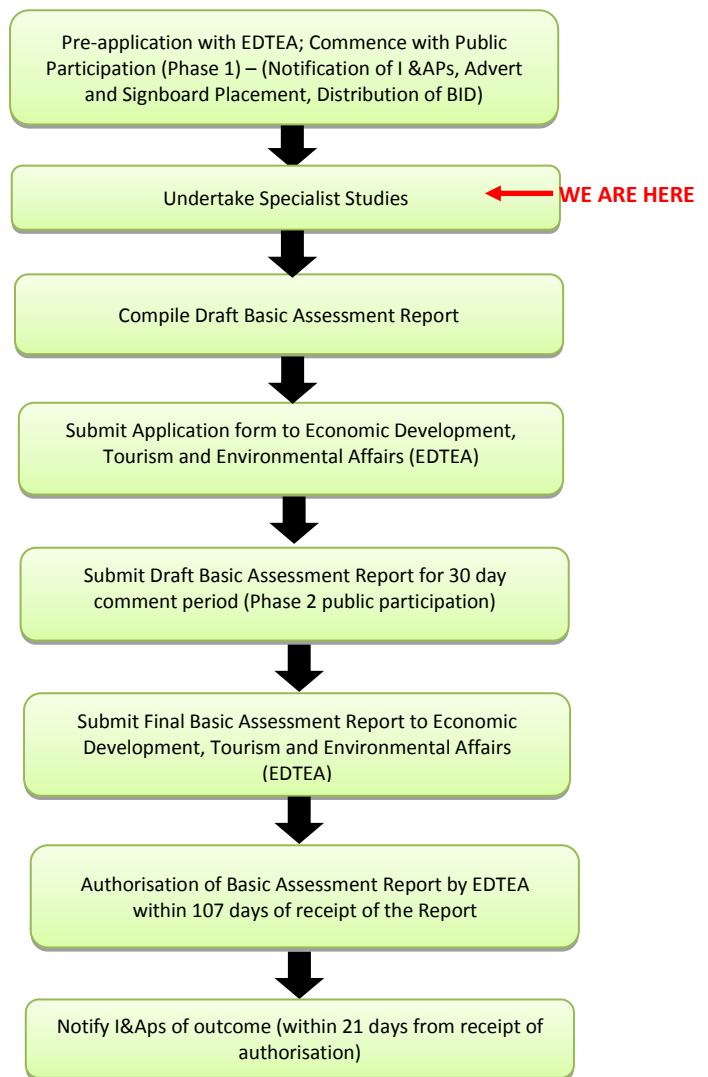


Figure 2: Illustration of the BA process to be followed.

Approach: Water Use Authorisation

The Water Use Authorisation (WUA) process will strictly follow the requirements of the National Water Act (36 of 1998). It is an application in terms of Section 21 of the act. Figure 3 summarises the steps that will be undertaken:

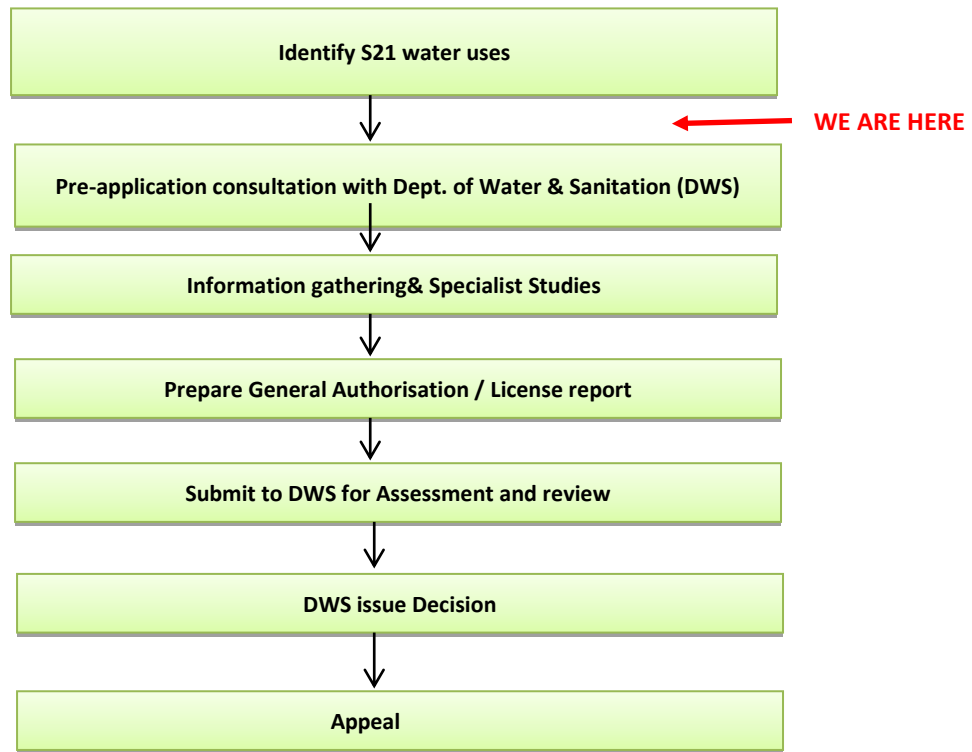


Figure 3: Illustration of the Water Use License process to be followed

The National Water Act (36 of 1998) defines water use in terms of Section 21 of the Act as follows:

- (a) Taking water from a water resource;
- (b) Storing water;
- (c) Impeding or diverting the flow of water in a watercourse;
- (d) Engaging in a stream flow reduction activity contemplated in Section 36;
- (e) Engaging in a controlled activity identified as such in Section 37(1) or declared under Section 38(1);
- (f) Discharging waste or water containing waste into a water resource through a pipe, canal, sewer, sea outfall or other conduit;
- (g) Disposing of waste in a manner which may detrimentally impact on a water resource;
- (h) Disposing in any manner of water which contains waste from, or which has been heated in, any industrial or power generation process;
- (i) Altering the bed, banks, course or characteristics of a watercourse;
- (j) Removing, discharging or disposing of water found underground if it is necessary for the efficient continuation of an activity or for the safety of people; and
- (k) Using water for recreational purposes.

In August 2016, the General Authorisation GN 44029 was promulgated. This notice replaces the need for a water user to apply for a licence in terms of the National Water Act (Act 36 of 1998) ("the Act") provided that the water use is within the limits and conditions of this General Authorisation.

This general authorisation is applicable to Section 21 (c) and (i) water uses only, provided that the activity has a low risk rating (refer to Notice GN 44029 for exclusions, e.g. sewage pipelines).

Therefore, it is possible that a General Authorisation can be obtained for low risk section 21 (c) and (i) water uses.

For the proposed project, it is anticipated that only Section 21 (c) and (i) water uses will be triggered due to the location of the pedestrian bridges within a watercourse. Hence a General Authorisation will be applied for from the Department of Water and Sanitation. It is important to note that for the establishment of the pedestrian bridges, in terms of GN 44029, a general authorisation is possible provided that the assessment of the impacts of establishment of the pedestrian bridges reveals a low risk rating.

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. Aquatic Assessment – The aim is to assess the impact on the aquatic biodiversity of the watercourse.
3. Heritage Impact Assessment – To identify items / areas of cultural or heritage significance that require protection and / or consideration.
4. Paleo-hydrological assessment – The aim is to obtain historical evidence relating to the present hydrology.
5. Geohydrological Assessment – The aim is to determine the main potential impacts on the groundwater environment.

All specialist studies will be reviewed and investigated in the BA/ WUA Reports.

Public Participation

A key part of the BA 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. 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. EDTEA) 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)** –TBA.
2. **Draft Basic Assessment Report (BAR), Environmental Management Programme (EMPr) and all specialist studies** – 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 from 17th to 19th February 2021 and will continue to receive notifications and/or reports on this application:

- City of uMhlathuze Municipality
- Ezemvelo KZN Wildlife (Planning)
- Department of Water and Sanitation (DWS)
- Department of Agriculture Forestry and Fisheries (DAFF)
- Department of Transport (DoT)
- Department of Human Settlement
- Department of Agriculture and Rural Development
- Department of Economic Development, Tourism and Environmental Affairs (EDTEA)
- Department of Health
- Department of Cooperative Governance and Traditional Affairs (COGTA)
- AMAFA
- Ward Councillor Facilitator – Hugh Cebekhulu
- Ward Councillor (ward 34) – Councillor N.F Makhanya
- Ward Councillor (ward 28) – Councillor P.M Ntanzu
- Ward Councillor (ward 13) – Councillor J.M Hadebe
- Ward Councillor (ward 18) – Councillor K. Mjadu
- Ward Councillor (ward 29) – Councillor P.M Mathenjwa

Advertisement: A combined English and Zulu advert has been placed in the regional newspaper, Isolezwe, on 11 February 2021.

Notification of adjacent landowners / occupiers: Two notification signboards (60cm x 42cm) in English and Zulu were placed at the boundary / conspicuous location at each of the proposed sites from 11th February 2021.

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 City of uMhlathuze Municipality to undertake and manage the BA and WUA process for the Proposed Construction of Eight (8) pedestrian bridges located within the City uMhlathuze Municipality, KwaZulu-Natal. Leena Ackbar is the lead consultant on the project; all comments / queries can be submitted to:

Fathima Zahra Abdulrahim

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Post: PO BOX 56382, Chatsworth, Durban, 4092

Email: consultant@ecaconsulting.co.za

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INTERESTED & AFFECTED PARTY COMMENT SHEET

Project: Proposed Construction of Eight (8) Pedestrian Bridges across various wards, located within the City of uMhlathuze Municipality, KwaZulu-Natal.

DATE:..... **NAME:**..... **DEPT:**.....

TEL:..... **CELL:**..... **EMAIL:**.....

ADDRESS:.....

According to Section 43 (1) of the EIA Regulations (2014, as amended), do you have any direct business, financial, personal or other interest in the approval or refusal of this application? Yes No

If yes, please explain:.....

COMMENTS:.....

All comments are to be submitted within 14 days of receipt of the BID to: consultant@ecaconsulting.co.za / PO Box 56382, Chatsworth, Durban, 4092 / Fax: 086 6199945