

# NOTICE OF APPLICATION FOR ENVIRONMENTAL AND WATER USE AUTHORISATIONS



Royal  
HaskoningDHV  
*Enhancing Society Together*

## Planning & Design for the Maintenance and or Upgrade of the Patrol Roads and Fencing on the Borders Between The Republic of South Africa, Swaziland & Mozambique



**public works**

Department:  
Public Works  
REPUBLIC OF SOUTH AFRICA



BACKGROUND INFORMATION DOCUMENT - February 2018

DEA REF NO: TBC    DWS REF NO: TBC

# WHAT DOES THIS DOCUMENT TELL YOU?

This document aims to provide you, as an Interested and Affected Party (I&AP), with background information regarding the proposed Planning & Design for the Maintenance and / or Upgrade of the Patrol Roads and Fencing on the Borders between the Republic of South Africa (RSA), Swaziland & Mozambique, being undertaken by the national Department of Public Works (DPW).

The document also provides information regarding the **Basic Assessment (BA)** and **Water Use Authorisation (WUA)** process to be undertaken. The document advises you on how you can become involved in the project – by reviewing information, and making inputs thereon, including raising any possible issues. This sharing of information forms the basis of the **public participation process** and offers you the opportunity to become actively involved in the projects from the outset.

## PROJECT BACKGROUND

The protection of South Africa's borders serves to:

- prevent the illegal movement of people, goods (to avoid payment of duty) or contraband;
- prevent the movement of produce or livestock that may lead to the spread of infectious animal disease and
- promote the lawful entry and exit of goods and people.

In order to ensure that the required infrastructure is constructed to enable the responsible organs of state to effectively execute their respective responsibilities towards the above objectives, the DPW has commissioned the Planning and Design for Maintenance and / or Upgrade of the Patrol Roads and Fencing on the borders between, RSA, Swaziland and Mozambique.

The following have been identified as the priority focus of border security functions:

- To ensure that fences are erected to manage the particular risk associated with each section of the border. This includes:
  - Preventing the movement of elephants (damaging disease control fences).
  - Preventing the movement of livestock.
  - Preventing the crossing of stolen vehicles.
  - Prevent the smuggling of contraband.
  - Control the movement of people, in line with the Department of Home Affairs directives.
- To ensure that the border is clearly marked, to avoid mistaken illegal crossing

into South Africa and to enable prosecution in the case of illegal crossing.

- To ensure that patrol roads, tracks and associated infrastructure is available to monitor the border and to respond to cases of illegal crossings.
- To ensure appropriate access for the responsible Departments' personnel to the border patrol infrastructure. These include: officials from the Department of Agriculture, Forestry and Fisheries (DAFF) to monitor disease control stock fences and personnel from the South African National Defence Force (SANDF), to guard and patrol the border.

## PROJECT LOCALITY

The study area stretches from the Indian Ocean (immediately south of Ponta de Ouro) along the border with Mozambique to where the South African, Mozambique and Swaziland borders meet in northern KZN, then along the entire length of the Swaziland – South African border to the point where the Swaziland, Mozambique and South African borders once again meet at Zulu Crossing (immediately south of a settlement named Mbusuzi) in the Mpumalanga Province – refer to Figure 1, pg 11.

The total length of the project is approximately 524 km and the environmental authorisation application will be divided into two phases:

### **Phase 1: prioritisation of the first 54km (km 0 to km 54)**

From the high water mark of the Indian Ocean near Kosi Bay (km 0) to the eastern boundary of the Ndumo Game Reserve (km 54) of the project due to this section of the route being a 'high risk' priority area where significant numbers of stolen vehicles are currently being trafficked into Mozambique from South Africa.

### **Phase 2: remaining km 54 to km 524**

From the eastern boundary of the Ndumo Game Reserve, the route proceeds around the reserve with a bridge over the Pongola River. Between km 78 to km 81, the route is aligned out of the 1:20 year flood line of the Usuthu River up to approximately 1km west of Abercorns Drift (km 81). The route then continues along the Lebombo Mountains towards the Pongolapoort Dam (km 157) up to the Golela Border Post (km 163). The section between km 164 to km 187 leading up to the Onverwacht Border Post, detour roads have been proposed to patrol the border due to the site topography. From km 188 to km 252 up to the Mahamba Border Post, the route is similar to the section described above.

The Nerston and Waverley Border Posts are situated at km 338 and km 367 respectively. The Oshoek Border Post is situated at km 384 with the Josefsdal Border Post at km 417. The route traverses the Sogimvelo Nature Reserve between km 406 and km 447. The route then proceeds towards the Driekoppies Dam (km 466). The

final border post of the route is the Mananga Border Post (km 500) with the route terminating at Zulu Crossing (km 524).

**Affected District and Local Municipalities**

The proposed project is restricted to the RSA side of the international border and the affected provinces are KwaZulu-Natal and Mpumalanga. Affected District and Local Municipalities are presented in the table below.

Province	District Municipality	Local Municipality
KwaZulu-Natal	Umkhanyakude	Umhlabuyalingana & Jozini
	Zululand	uPhongolo
Mpumalanga	Gert Sibande	Mkhondo, Msugiligwa & Albert Luthuli
	Ehlanzeni	City of Mbombela & Nkomazi

**LAND OWNERSHIP**

**Land on the KZN – Swaziland / Mozambique Border**

The majority of the land is registered in the name of the Ingonyama Trust Board (ITB). Parts of the ITB land have formally been proclaimed as heritage and conservation areas (including iSimangaliso Wetland Park, Tembe Elephant Reserve and Ndumo Nature Reserve). The balance of land is registered in the name of the State and private entities, including individuals, property trusts and companies. Part of the state land around the Pongolapoort Dam is proclaimed as a conservation area under the management of Ezemvelo KZN Wildlife.

**Land on the Mpumalanga – Swaziland Border**

On the southern extent, the majority of properties are registered in the name of private entities, including individuals, property trusts and companies. Significant areas are being used for forestry plantations by private owners, Mondi and Sappi. The Songimvelo Nature Reserve (a proclaimed Protected Area) occurs along Mpumalanga’s eastern boundary with Swaziland. Land in the northern extent is mainly registered in the name of the State, with a smaller section registered in the name of a Community Trust. Ownership of a large section of land up to Zulu Crossing consists of Unregistered State Land (Communal land held in Trust by the State).

**PROJECT PROPOSAL**

An application for environmental authorisation is being lodged for a fifty (50) meter wide assessment servitude (from the international boundary or existing fence or from

the 1:20 year flood line of a river) for the entire route (i.e. km 0 – km 524) as well as for detour and access roads not within the 50m servitude.

The proposed typical infrastructure that will be developed within this servitude will include the following components: three (3) fences, a 5.5m patrol road, a 10m detection zone and a total servitude width of 100ft (30.48m) – refer to Figure 2. A description of each of the infrastructure is provided below.



Figure 2: Typical infrastructure within the 50m servitude

- A. International border fence** – typically a 2.4m high elephant fence, or a 2.4m high game-proof fence or a 2.4m high mesh fence (ClearVu® or similar approved). The 2.4m high elephant fence to be installed along the KwaZulu-Natal / Mozambique Border, the outer perimeter of the Ndumo Game Reserve up to 1km west of Abercorns Drift and the KwaZulu-Natal / Swaziland Border within the Pongola Poort Game Reserve, is a requirement from DAFF to prevent elephants and other wildlife from crossing into South Africa and spreading foot-and-mouth disease. The 2.4m high game-proof fence to be installed along Swaziland / RSA is to prevent wildlife and cattle from crossing into South Africa and spreading foot-and-mouth disease as required by DAFF. The 2.4m high mesh fence (ClearVu® or similar approved) will be used for 1km lengths on each side of the various border posts to prevent pedestrian crossings as required by SANDF.
- B. 10m wide detection zone** – cleared of vegetation between the international border fence and the inner fence. This is a requirement by SANDF to provide protection for their staff patrolling the international boundary to provide them with a clear, uninterrupted view of the border.
- C. 1.5m high concrete barrier wall** – along a portion of the RSA / Mozambique Border to prevent vehicle theft (part of a separate application for Environmental Authorisation – Phase 1).
- D. 5.5m wide border patrol road** – typically within the detection zone. This will most likely be a gravel road but in very steep areas (mountainous terrain), the gravel road will be replaced by a concrete road. This is a requirement by SANDF to allow for border patrol vehicles to travel along the international border. This road will also be used by DAFF staff to inspect the fence. In some areas, this road will be replaced by a 2m wide quad track.
- E. Inner 1.2m high stock-proof inner fence** – 10m away from the international fence within RSA. This purpose of this inner fence is to prevent RSA animals from grazing within the 10m detection zone. Animals grazing within this zone could spread foot-and-mouth disease.
- F. Outer 1.2m high stock-proof outer fence** – on the 100ft (30.48m) edge (optional, where viable).

In addition to the infrastructure within the 50m servitude, the following may also be applicable:

- **Detour roads** - In areas where it is not possible to construct a border patrol road adjacent to the international boundary due to the topography or other conditions, a detour road will be constructed around the obstacle. The typical cross-section of the detour roads will consist of two (2) fences (optional, where viable), a 5.5 to 7.9m wide gravel access road.

- **Access routes** – the typical cross-section of the access routes to the border patrol zone will consist of two (2) fences and a 5 – 7.9m wide gravel access road.
- **Border markers / beacons** – in mountainous areas where the topography is not suited to construct a fence.
- **Structures within watercourses** – culverts, concrete drifts, road bridges and vented concrete drifts (causeways).
- **Construction camp / lay-down areas** – will be located within the 50m servitude.

## WHAT ARE THE POTENTIAL ENVIRONMENTAL IMPACTS ASSOCIATED WITH THE PROPOSED PROJECT?

Large parts of the study area are designated as environmental sensitive geographical areas i.e. Protected Areas, Critical Biodiversity Areas (CBAs), Critically Endangered and Endangered Ecosystems and may potentially be impacted by the project. In addition, numerous watercourses will be traversed by the route.

As part of the BA study, these potential impacts will be assessed through the following specialist studies:

Specialist Assessment	Organisation
Ecological Assessment	Eco-Pulse Environmental Consulting Services cc
Freshwater Habitat Assessment (including Aquatic Assessment and Wetland Assessment)	Eco-Pulse Environmental Consulting Services cc Royal HaskoningDHV
Heritage Assessment	Active Heritage cc
Palaeontological Assessment	Banzai Environmental

The EIA Regulations 2014 (as amended in 2017) requires the Environmental Assessment Practitioner (EAP) to be independent, objective and have expertise in conducting EIAs. Such expertise should include knowledge of all relevant legislation and of any guidelines that have relevance to the proposed activity. To ensure a lack of bias and to ensure transparency an external technical peer review will be undertaken prior to the public review during the formal environmental assessment process. This peer review will be conducted by GAIA Aquaculture | Environmental.

Input from the public through the public participation process provides valuable input in the identification of issues requiring investigation within the BA studies. The studies will highlight areas that should be avoided in order to minimise potential negative impacts.

The BA study will aim to achieve the following:

- Provide an overall assessment of the social and biophysical attributes of the affected area;
- Undertake a detailed assessment of the preferred route in terms of environmental criteria including the rating of significant impacts;
- Identify and recommend appropriate mitigation measures for potentially significant environmental impacts; and
- Undertake a fully inclusive public participation process to ensure that I&AP issues and concerns are recorded and commented on.

## WHY ARE ENVIRONMENTAL STUDIES NEEDED?

In terms of the **Environmental Impact Assessment (EIA) Regulations** Government Notice Regulation (GNR) 983 – 985 (amended by GNR 324 to 327 of 2017), published in terms of Section 24(5), and read with Section 44, of the National Environmental Management Act (NEMA) (Act No. 107 of 1998), the DPW requires an Environmental Authorisation (EA) from the Department of Environmental Affairs (DEA) for undertaking the proposed project as it includes activities listed under Listing Notices 1 - 3 of the EIA Regulations 2014 (as amended in 2017).

*The following activities of Listing Notice 1 and 3 are triggered:*

Listing Notice	Activity Number	Applicability
1 (GNR 327)	12	Infrastructure (e.g. culverts, drifts, bridges, causeways) will be constructed within watercourses or within 32m of watercourses
	19	Construction of infrastructure within watercourses resulting in the infilling or depositing or the excavation, removal or moving of material of more than 10m <sup>3</sup> from a watercourses
	21	Borrow pits required for construction works may need to be permitted
	22	Closure of borrow pits
	48	Existing infrastructure may be expanded by 100m <sup>2</sup> within watercourses or within 32m of watercourses



Listing Notice	Activity Number	Applicability
3 (GNR 324)	4	Applicable to the 5.5m wide road constructed in sensitive geographical areas i.e. Protected Areas, CBAs, within 10km from national parks or World Heritage Sites and 5km from Protected Areas
	12	Removal of indigenous vegetation within the 50m servitude in sensitive geographical areas
	14	Construction of infrastructure within watercourses or 32m of a watercourse in sensitive geographical areas
	18	Widening of the border patrol road within sensitive geographical areas
	23	Expansion of existing infrastructure within watercourses or within 32m of watercourses in sensitive geographical areas

Activities under these listings may have an impact on the environment, hence a Basic Assessment (BA) study as prescribed in section 16 to 20 and Appendix 1 of the EIA Regulations 2014 (as amended in 2017), will be undertaken. A BA is an effective planning and decision-making tool, which allows for the identification of potential environmental consequences of a proposed project, and its management through the planning process.

Additionally, as the project involves the crossing of watercourses, a **Water Use Licence Application (WULA)** will be submitted to the **Department of Water and Sanitation (DWS)** as per **Sections 21 (c) and (i)** of the National Water Act (Act No. 36 of 1998).

The following water uses in terms of Section 21 of the NWA are being applied for:

- **Section 21 c:** Impeding or diverting the flow of water in a watercourse (applicable for water crossings and / or infrastructure within 500m to the regulated wetland area); and
- **Section 21 i:** Altering the bed, banks, course or characteristics of a watercourse (applicable for water crossings and / or infrastructure within 500m to the regulated wetland area).

SETPLAN has appointed Royal HaskoningDHV to provide independent Environmental Assessment Practitioner (EAP) services for the proposed project on behalf of the DPW (Applicant). As part of these environmental studies, all I&APs will be actively involved through a public participation process (PPP).

# PUBLIC PARTICIPATION PROCESS



As part of these environmental studies, all Interested and Affected Parties (I&APs) will be actively involved through a public participation process (PPP).

It is important that relevant I&APs are identified and involved in the PPP from the outset of the project. To ensure effective public participation, five steps are proposed.

## HOW CAN YOU GET INVOLVED?

**If you consider yourself an I&AP for this proposed project, we urge you to become involved.**

- By responding (by phone, fax or e-mail) to our invitation for your involvement in the process;
- By completing the attached comment form and mailing or faxing it to **Sibongile Hlomuka** at Royal HaskoningDHV;
- In writing, contacting the EAP if you have a query, comment or require further project information; and
- By reviewing and commenting on the consultation BAR within the allowed 30 day review period and 60 day review period for the WULA.

**Your input into this process forms a key part of the environmental studies and we would like to hear from you to obtain your views on the proposed project.**

By completing and submitting the accompanying response form, you automatically register yourself as an I&AP for this project, and ensure that your comments, concerns and / or queries raised regarding the project will be noted.

## COMMENTS AND QUERIES ON THE PROJECT CAN BE DIRECTED TO:



Ms Sibongile Hlomuka  
Tel / Fax: 011 798 6000  
Email: [sibongile.hlomuka@rhdhv.com](mailto:sibongile.hlomuka@rhdhv.com)  
PO Box 867, Gallo Manor, 2191

## YOUR COMMENTS & QUERIES ARE WELCOME

Please complete this comment form in full before and return to:

Ms Sibongile Hlomuka  
Tel / Fax: 011 798 6000  
Email: [sibongile.hlomuka@rhdhv.com](mailto:sibongile.hlomuka@rhdhv.com)  
PO Box 867, Gallo Manor, 2191



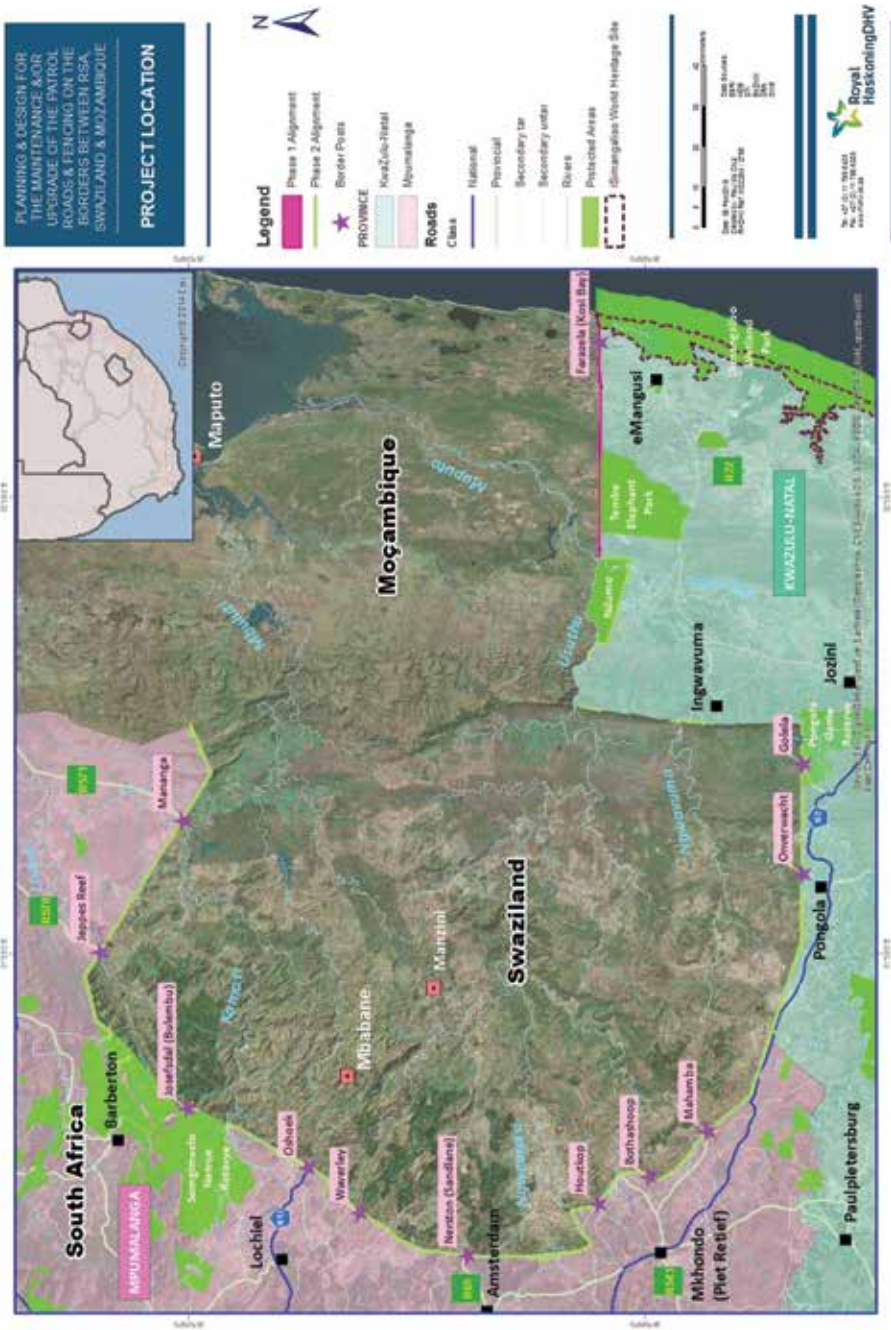


Figure 1: Locality map

<b>Title</b> (Prof/Mr/Mrs)	First name
Surname	
<b>Capacity</b> (e.g. Secretary / Director)	
Organisation	
Postal address	Postal code
Tel No. (        )	Cell No.
Fax No. (        )	Email

What comments / concerns would you like to raise regarding this proposed project?  
(Please use additional pages, if required)

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## PLEASE REGISTER THE FOLLOWING PERSON(S) ON THE PROJECT DATABASE:

<b>Title</b> (Prof/Mr/Mrs)	First name
Surname	
<b>Capacity</b> (e.g. Secretary / Director)	
Organisation	
Postal address	Postal code
Tel No. (        )	Cell No.
Fax No. (        )	Email
<b>Signature</b>	

If you prefer **not** to receive any further information regarding this proposed project, and, would prefer to be removed from the project database, please tick the box below and return the form to the public participation consultants (contact details as provided above).

Yes remove my name



**COMMENTS AND QUERIES ON THE PROJECT CAN BE DIRECTED TO:**



Ms Sibongile Hlomuka  
Tel / Fax: 011 798 6000  
Email: [sibongile.hlomuka@rhdhv.com](mailto:sibongile.hlomuka@rhdhv.com)  
PO Box 867, Gallo Manor, 2191