



## BACKGROUND INFORMATION DOCUMENT

The Proposed Upgrade of District Road 954 From Km 1+654 To Km 3+  
Located in Turton Umzumbe within the Umzumbe Local Municipality

**20 August 2020**

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### Document history and change record

| Revision               | Issue date                             | Description of change / Approval  |
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| 00                     | 20/08/2020                             | Initial Issue   |
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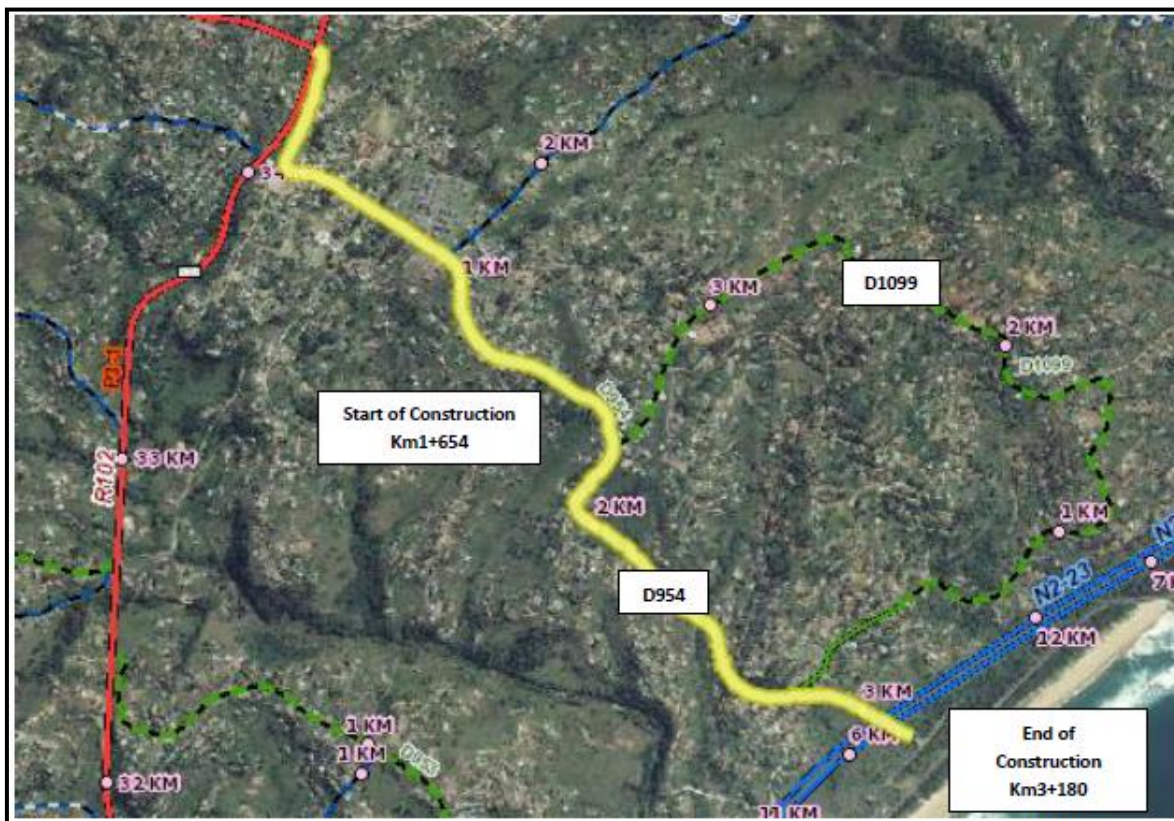
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### Purpose of this Document

- The Background Information Document (BID) is meant to provide an introduction to the proposal and the Basic Assessment process.
- 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, KwaZulu Natal Department of Transport (DOT) proposes the upgrade of district road 954 from a gravel to a concrete surface from km 1+654 to km 3+180. The road will be upgraded to a 2 lane, 6.2m wide carriageway. The upgrade will incorporate newly constructed stormwater infrastructure in the form of minor culverts, side drains, chutes as well as kerb and channel. The upgrade will also consist of a 1.5 m wide sidewalk as well as improvement to accesses and driveways. The start and end coordinates of the road are as follows: Start: 30°30'39.98"S; 30°36'14.76"E and End 30°31'11.31"S; 30°36'46.11"E, respectively (Figure 1).



**Figure 1: Aerial Map Depicting the Proposed D954 Upgrade (Source: KZNDOT)**

Portions of the road will be constructed adjacent to the watercourse and will involve excavation / removal of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from the watercourse. As such the proposal will require Environmental Authorisation (EA) in terms of the EIA Regulations 2014 (amended in 2017) via a Basic Assessment process.

Due to the installation of the drainage culvert, in a separate application process, water use authorisation is also being applied for in terms of Section 21 (c) and (i) of the National Water Act (Act 36 of 1998).

### **Brief Site Description**

The proposed upgrade is located North East of Hibberdene, Ugu District Municipality, in Ward 30 of the Umzumbe Local Municipality. The road serves as an access route to the local communities of the Mnamfu and Turton areas. The road crosses over a stream with an existing stormwater structure located at this crossing.



Photo 1: View of the start of the D954 road upgrade.

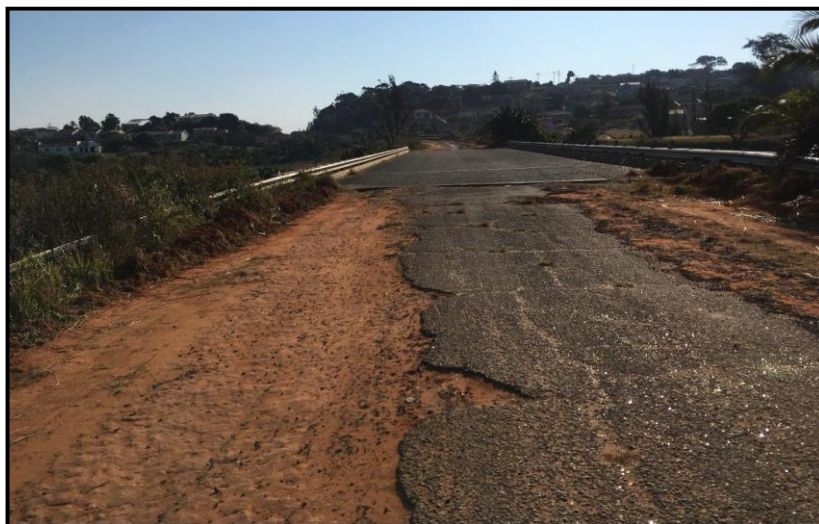


Photo 1: View of the end of the D954 road upgrade.

### **Need and Desirability**

The purpose of the project is to provide greater accessibility to the community and its surrounding areas.

### **What is a Basic Assessment process?**

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 proposed activity requires Environmental Authorisation via a BA process, as

per the following activity:

**Listing Notice 1, Activity 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.*

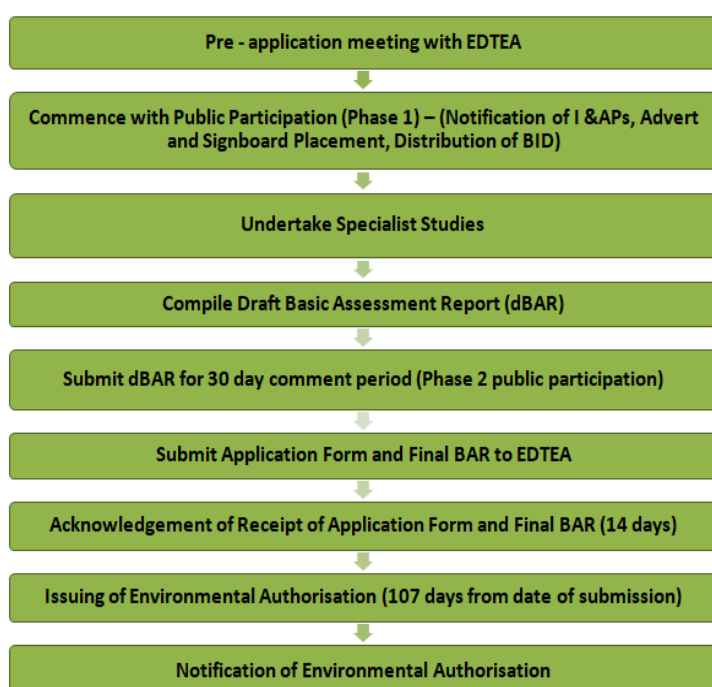
For the current proposal, the BA will investigate the proposal against various parameters, such as aquatic impacts, ecosystem functioning, wetland delineation and hydrological functions, etc. to ensure that the proposal follows the idea of sustainable development and that any potential negative environmental 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 process is an Environmental Management Programme (EMPr) that manages the pre-operation/pre-construction, 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).

The flow chart below illustrates the process to be followed:



**Figure 2: Flow diagram depicting the Basic Assessment Process**

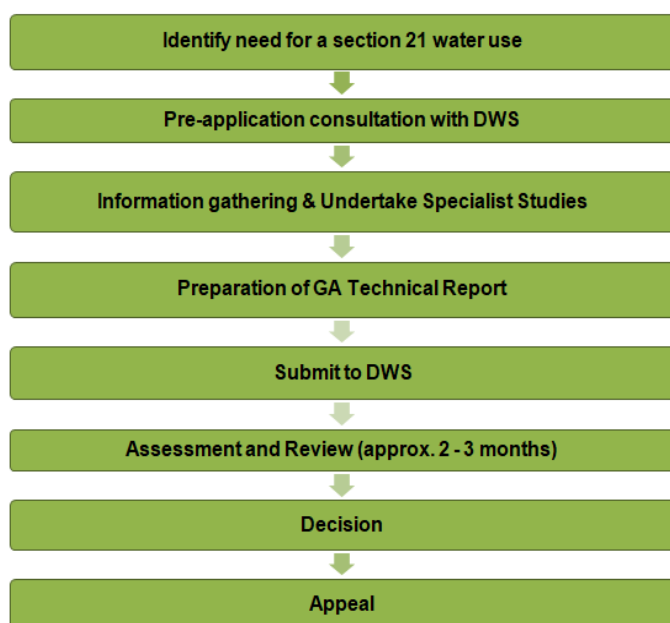


The competent authority that will either authorise or reject the BA is the Department of Economic Development, Tourism and Environmental Affairs (EDTEA)

### Approach: Water Use Authorisation

Water Use Authorisation (WUA) will be required from the Department of Water and Sanitation as per Section 21 of the National Water Act (No 36 of 1998). The Water Use Authorisation (WUA) process will strictly follow the requirements of the National Water Act (36 of 1998).

The figure below summarises the steps to be taken:



**Figure 3: Illustration of the Water Use Authorisation 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 40229 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 40229 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 bridge across a section of the Mavivane River, within the riparian habitat, 1:100-year floodline and potentially within 500m of wetland.

### **Specialist Studies**

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

1. Wetland / Riparian Delineation and Functional Assessment – The aim is to determine the extent and functionality of the wetland / watercourse on site;
2. Aquatic Study (only required for the Water Use Authorisation Application) – The aim is to assess the impact on the aquatic biodiversity of the watercourse;
3. Heritage Assessment
4. Geotechnical – The aim is to determine the stability of the site and to inform engineering specifications for development planning;
5. Stormwater Management Plan – The aim of the stormwater management plan is to ensure that post development stormwater runoff approximates and does not exceed the pre-developed condition;

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

### **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 process. Public participation is a legislated requirement according to the EIA Regulations, 2014 (as amended, 2017). 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 2017):

- 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 or the application (complete attached comment sheet).

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

1. **Background Information Document (BID)** – comment period (21 days)
2. **Draft Basic Assessment Report** – Due date for comments: 30 days from the date of receipt of the report / notification of availability of the report.
3. **Water Use Authorisation Report** – Due date for comments: 60 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 / WUA process; however comments on documents must follow timeframes as set by the competent authority and/or EAP.

**Public Participation to date involves / involved the following:**

**Notification of Authorities:** The following Authorities / State Departments will be notified of this application via email and will continue to receive notifications and/or reports on this application:

- AMAFA
- DAFF – Forestry Division
- Department of Water and Sanitation (DWS)
- Ezemvelo KZN Wildlife (Planning)
- Umzumbe Local Municipality
- Ugu District Municipality
- Ratepayers Association
- Ward Councillor

**Advertisement:** An English and isiZulu advert will be placed in the local newspaper.

**Notification of adjacent landowners / occupiers:** Notification of adjacent landowners / occupiers: Adjacent neighbours must be notified via A5 flyers / emails / registered post in English and Zulu. Notification signboards (60cm x 42cm) each in English and Zulu will be placed at the boundary / conspicuous locations at the start and end of the proposed road upgrade.

**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 KZN DOT to undertake and manage the BA and WUA process for the proposed D954 road upgrade, within the Umzumbe Local Municipality. Perushni Naidoo is the environmental consultant on the project; all comments / queries can be submitted to:

**Perushni Nicole Naidoo**

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**INTERESTED & AFFECTED PARTY COMMENT SHEET**

**Project: The Proposed Upgrade of District Road 954 From Km 1+654 To Km 3+ Located in Turton Umzumbe within the Umzumbe Local Municipality**



**If yes, please explain:**

**COMMENTS:**

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