






The Proposed Construction of a six (6) Kilometre HDuPVC Trunk Sewer Pipeline located in Gwala Farm, Tongaat, eThekweni Municipality.

Background Information Document

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Document history and change record

Revision	Issue date	Description of change / Approval
00	03/03/2021	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, eThekweni Municipality: Water and Sanitation Unit, proposes construction of an approximately 6km Heavy Duty Unplasticized Polyvinyl Chloride (HDuPVC) trunk sewer pipeline ranging from a 250mmØ upstream to a 450mmØ downstream (Figure 1). The trunk sewer line will tie into the existing sewer manhole which leads to the Tongaat Wastewater Treatment Works (WWTW). The trunk sewer will service the current developments (i.e. Gwala and Hazelmere) and proposed developments (i.e. Belvedere and Umbhayi). The start and end co-ordinates of the trunk sewer pipeline are as follows: (S29°34'49.02"; E31°3'52.36") and End (S29°34'19.49"; E31°6'8.95"). The site is located in Ward 61 of Tongaat within the eThekweni local Municipality.



Figure 1: Extent and locality of the proposed trunk sewer pipeline (red line) (Source: Google Earth, 2021).

The pipeline will involve approximately eight (8) stream / river crossings associated with the Hlawe Rive and will result in the excavation and infilling of more than 10m³ of soil (Figure 2). The proposal will also include the clearance of greater than 300m² of indigenous vegetation within a critical biodiversity area. As per Figure 3, the site is located within an urban area in terms of the eThekweni Municipal urban development line.

As such the proposal will require Environmental Authorisation (EA) in terms of the EIA Regulations 2014 (amended in 2017) via a Basic Assessment process.

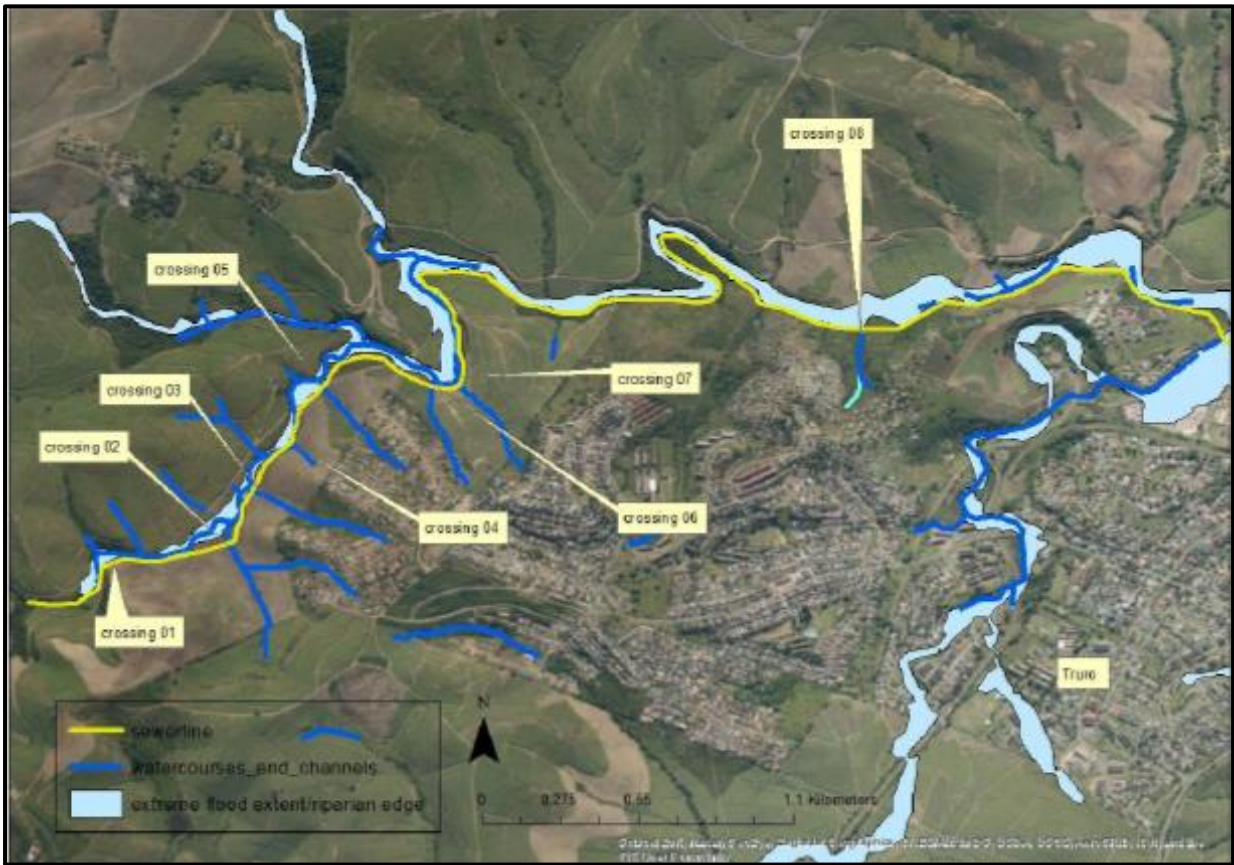


Figure 2: Location of the watercourse crossings (Source: SDP, 2021).



Figure 3: Location of the study area within the Municipal Urban Development Line (in yellow) (Source: Google Earth, 2021)

Need and Desirability

The objective of the proposed trunk sewer is to provide water borne sanitation to the current and proposed housing developments within the Tongaat area. The need for the development activity finds support in the eThekweni Municipality IDP (2019), five year plan. The IDP notes that in order to unlock the development potential in this node and plan accordingly, the City will need to provide full waterborne sanitation system to the area.

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:

Table 1: List of Applicable Activities as per the 2014 NEMA EIA Regulations (as amended in 2017)

Government Notice	Activity	Relevance
Listing Notice 1 (GNR 327) Activity 19	<p><i>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;</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i></p> <ul style="list-style-type: none"> <i>a) will occur behind a development setback;</i> <i>b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i> <i>c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i> <i>d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour;</i> <p><i>or</i></p> <ul style="list-style-type: none"> <i>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.</i> 	The proposed trunk sewer pipeline will encroach into wetlands and riparian areas and involve stream crossings.

Government Notice	Activity	Relevance
Listing Notice 3 (GNR 324) Activity 12	<p><i>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan</i></p> <p><i>a. KwaZulu-Natal</i></p> <p><i>i. Trans-frontier protected areas managed under international conventions;</i></p> <p><i>ii. Community Conservation Areas;</i></p> <p><i>iii. Biodiversity Stewardship Programme Biodiversity Agreement areas;</i></p> <p><i>iv. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</i></p> <p><i>v. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</i></p> <p><i>vi. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</i></p> <p><i>vii. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning;</i></p> <p><i>viii. A protected area identified in terms of NEMPAA, excluding conservancies;</i></p> <p><i>ix. World Heritage Sites;</i></p> <p><i>x. Sites or areas identified in terms of an international convention;</i></p> <p><i>Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;</i></p> <p><i>Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; or In an estuarine functional zone.</i></p>	Sections of the trunk sewer pipeline route fall within Critical Biodiversity Areas.
Listing Notice 3 (GNR 324) Activity 14	<p><i>The development of—</i></p> <p><i>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area exceeds 10 square metres; or</i></p>	Sections of the pipeline route fall within Critical Biodiversity Areas.

Government Notice	Activity	Relevance
	<p>(ii) <i>infrastructure or structures with a physical footprint of 10 square metres or more;</i></p> <p><i>where such</i></p> <ul style="list-style-type: none"> <i>a. KwaZulu-Natal</i> <ul style="list-style-type: none"> <i>i. In an estuarine functional zone;</i> <i>ii. Community Conservation Areas;</i> <i>iii. Biodiversity Stewardship Programme Biodiversity Agreement areas;</i> <i>iv. A protected area identified in terms of NEMPAA, excluding conservancies;</i> <i>v. World Heritage Sites;</i> <i>vi. Sites or areas identified in terms of an international convention;</i> <i>vii. Critical biodiversity areas or ecological support areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</i> <i>viii. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</i> <i>ix. Core areas in biosphere reserves;</i> <i>x. Outside urban areas:</i> <ul style="list-style-type: none"> <i>(aa) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; or</i> <i>(bb) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or</i> <i>xi. Inside urban areas:</i> <ul style="list-style-type: none"> <i>(aa) Areas zoned for use as public open space;</i> <i>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, zoned for a conservation purpose; or Areas seawards of the development setback line or within 100 metres from the high-water mark of the sea if no such development setback line is determined.</i> 	

Table 2: List of Activities that are deemed as not applicable by the EAP.

Government Notice	Activity	Relevance
Listing Notice 1 (GNR 327) Activity 27	<i>The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for— (i) the undertaking of a linear activity; or maintenance purposes undertaken in accordance with a maintenance management plan.</i>	N/A – The proposed project is a linear activity.
Listing Notice 1 (GNR 327) Activity 10	<i>The development and related operation of infrastructure exceeding 1 000 metres in length for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes – (i) with an internal diameter of 0,36 metres or more; or (ii) with a peak throughput of 120 litres per second or more; excluding where— (a) such infrastructure is for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes inside a road reserve or railway line reserve; or (b) where such development will occur within an urban area.</i>	N/A – The proposed project is for the transportation of sewage.
Listing Notice 2 (GNR 326) Activity 15	<i>The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for— (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.</i>	N/A – The proposed project is a linear activity.

For the current proposal, a BA report will investigate the proposal against various parameters, such as ecosystem functioning, biodiversity, vegetation, traffic, 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 reports. 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, the following steps will be taken:

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

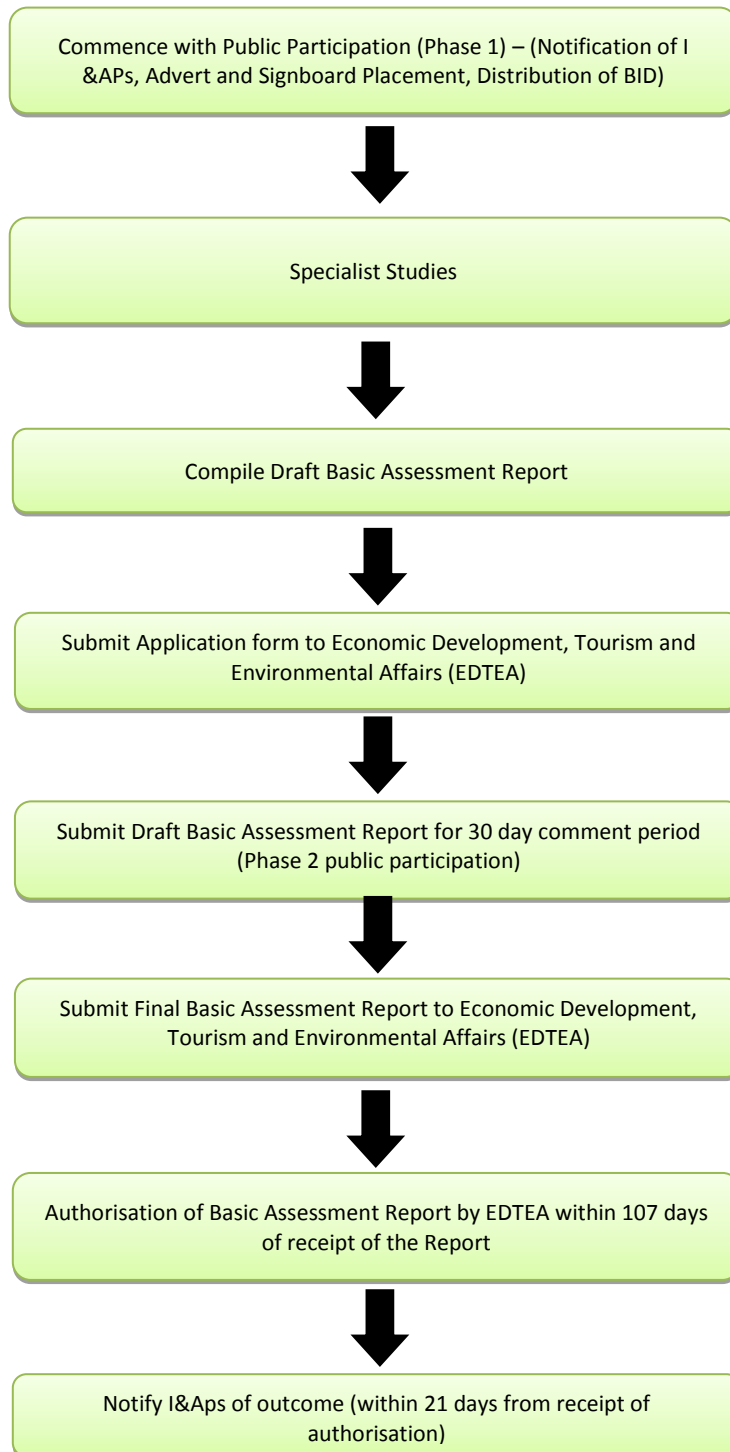


Figure 2: Illustration of the BA process to be followed

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 to be taken:

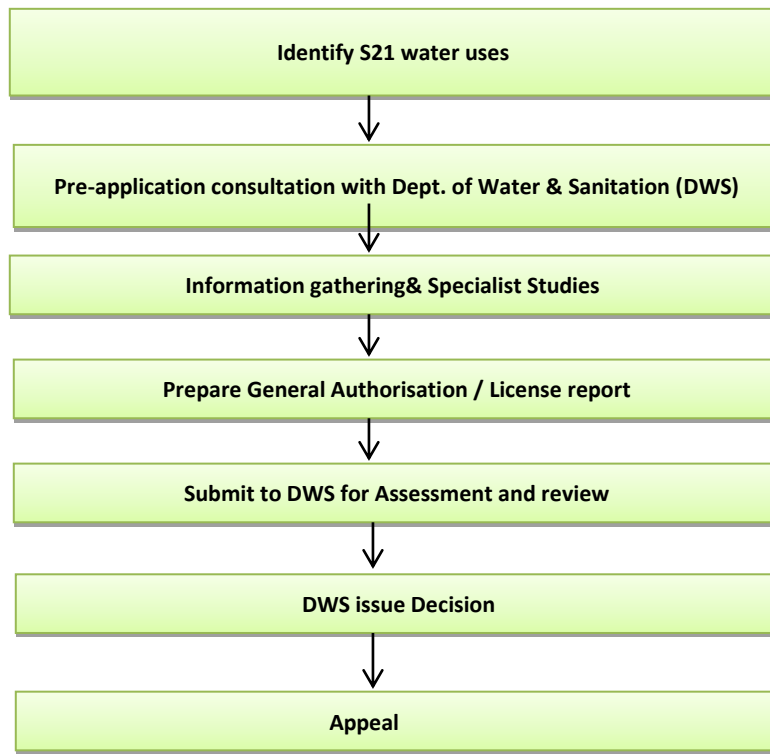


Figure 3: Illustration of the Water Use License process to be followed

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 proposed trunk sewer within a watercourse. It is important to note that for the proposed trunk sewer, in terms of GN 44029, a general authorisation is possible provided that the assessment of the impacts 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. 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 or the application (complete attached comment sheet).

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

1. **Background Information Document (BID)** – (14 days) 03 March 2021 – 17 March 2021
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 on 03 March 2021 and will continue to receive notifications and/or reports on this application:

- eThekweni 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)
- Ward Councillor (Ward 61)

Advertisement: A combined English and Zulu advert will be placed in the ezaseGagasini Metro Beat on the 12 March 2021.

Notification of adjacent landowners / occupiers: Six (6) notification signboards (60cm x 42cm) in English and Zulu were placed at the boundary / conspicuous location of the site on the 03 March 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 eThekweni Municipality to undertake and manage the BA and WUA process for the Proposed Construction of a 6 Kilometre HDuPVC Trunk Sewer Pipeline located in Gwala Farm, Tongaat, eThekweni Municipality. Manogrie Chetty is the lead consultant on the project; all comments / queries can be submitted to:

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