



## **NFZ ENVIRONMENTALS**

### **BACKGROUND INFORMATION DOCUMENT (BID)**

### **BASIC ASSESSMENT PROCESS FOR THE PROPOSED DEVELOPMENT OF A MEMORIAL PARK IN LA MERCY, TONGAAT, ETHEKWINI MUNICIPALITY, KWAZULU-NATAL**

*Notice of the Environmental Basic Assessment (BA) Process for The Proposed Development of A Memorial Park In La Mercy, Tongaat, Ethekwini Municipality, Kwazulu-Natal.*

## **PURPOSE OF THE DOCUMENT**

NFZ Environmentals has been appointed by **Tongaat Hulett Property** to undertake the Basic Assessment Process for the proposed development of a memorial park in La Mercy, Tongaat, eThekwini Municipality, Kwazulu-Natal.

The Basic Assessment will be conducted in terms of Regulations 19 and 20 of the Regulations compiled in terms of **Chapter 3** of the National Environmental Management Act, 1998 (Act 107 of 1998) as amended 2014, and the project will be registered with the Provincial Department of Economic Development, Tourism and Environmental Affairs (EDTEA).

The purpose of this Background Information Document (BID) is to inform interested and/or affected parties (I&AP's) of the Environmental Basic Assessment Process (BA) that will be conducted for the proposed development. In addition to supplying information about the proposed Project, this BID will also provide I &AP's with the opportunity to:

- **Register as stakeholders in the public participation process;**
- **Provide comments on the proposed project.**

## **BACKGROUND OF THE PROJECT**

### **Project Locality**

Tongaat Hulett Property proposes the development of La Mercy Memorial Park (LMMP) in La Mercy, Tongaat, eThekwini Municipality, Kwazulu-Natal (Figure 1). The proposed Memorial Park is centrally situated within the La Mercy area with coordinates 29°36'25.92"S; 31°08'20.03"E. It is located to the immediate east of the N2 national freeway which marks the entire western boundary of the site. The site falls within ward 58 of the eThekwini Municipality. The study area and surroundings is currently classified as agriculture but is currently undergoing a rezoning process which will allow for the development of the LMMP on the proposed site.



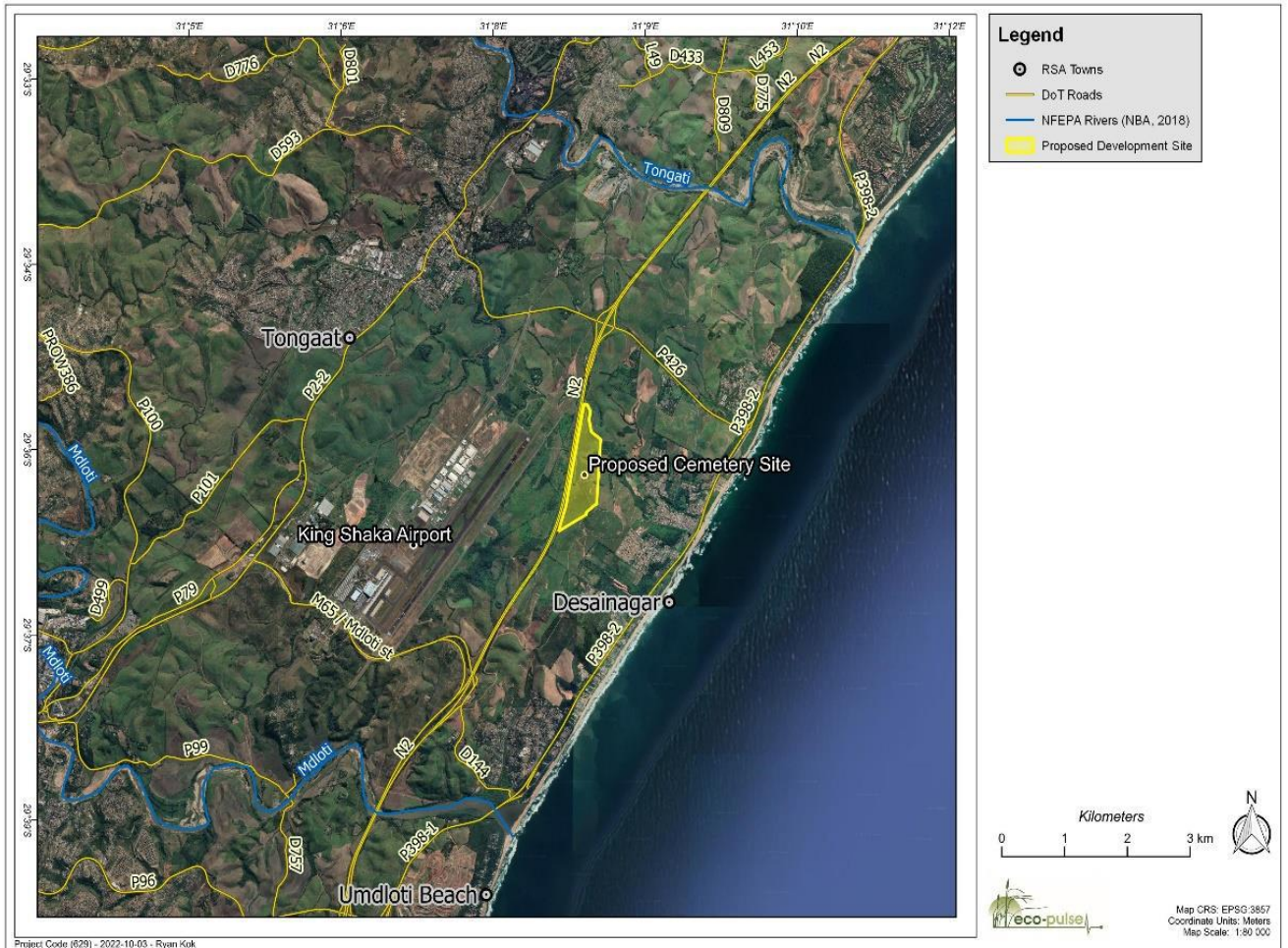
**Figure 1: Locality Map (Absolute Location)**

The site falls within the following three properties, also depicted in Figure 2 all of which are owned by Tongaat Hulett Property:

**Table 1: Properties that the proposed LLMP will be located on**

Farm Name	21 Digit Surveyor General Code
1. Klipfontein 922 FU, Portion 17	N0FU0 000000092200017
2. Klipfontein 922 FU, Portion 33	N0FU0 000000092200033
3. Klipfontein 922 FU, Portion 6	N0FU0 000000092200006





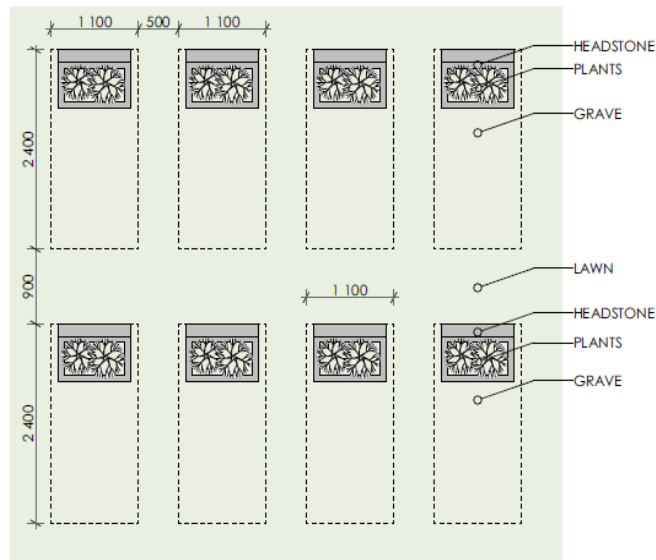
**Figure 3: Locality Map (Relative Location)**

### Brief overview of Key Project Components

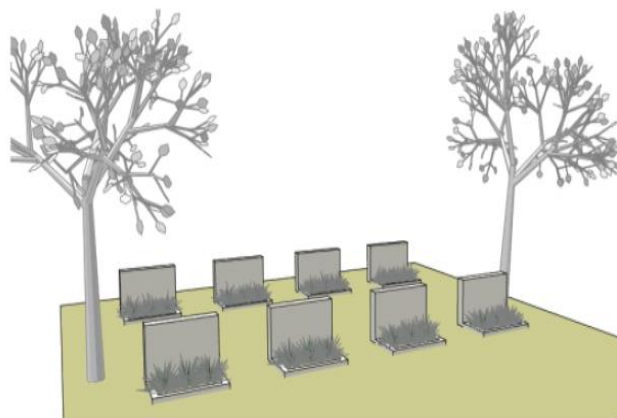
Tongaat Hulett Property is proposing the development and operation of the La Mercy Memorial Park (LMMP) within the eThekweni Municipality in Kwa-Zulu Natal Province. The LMMP will be privately owned by Tongaat Hulett Property. The 61ha project site will be developed to include the following:

- A cemetery with 33 838 grave sites categorised into Silver, Gold and Platinum. The three grave site categorisations (section) are detailed below:
  - Silver Grave Plots – This section comprises of 16 750 grave plots. Each grave plot will be 2.4m in length and 1.1m in width with 0.5m spacing between grave plots and 0.9m spacing between rows. Each grave will have a headstone and some plants just below the headstone. The pathways between the graves will be covered with lawn and be landscaped with trees.

The proposed layout and design of the Silver Grave Plots are depicted in Figure 4 and Figure 5 respectively.

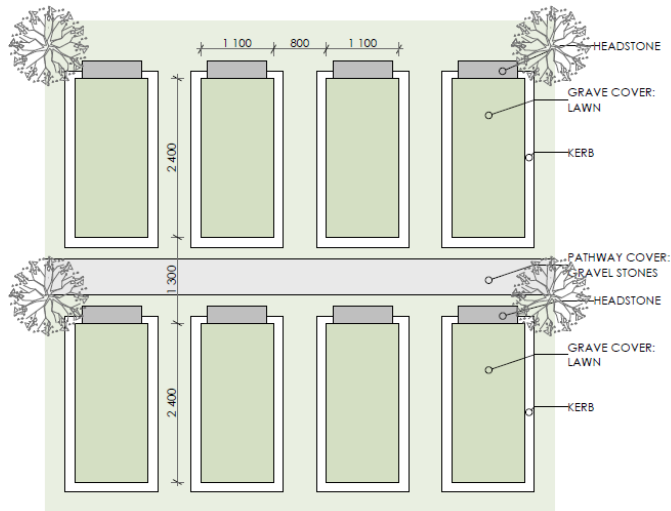


**Figure 4: Silver Grave Plots Layout**

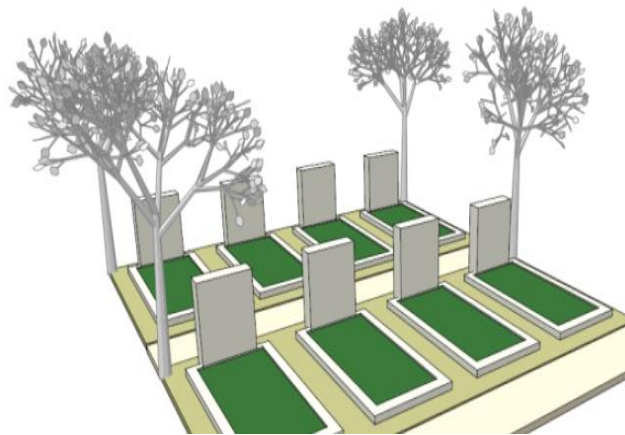


**Figure 5: Silver Grave Plots Design**

- Gold Grave Plots – This section comprises of 10 920 grave plots. Each grave plot will be 2.4m in length and 1.1m in width with 0.8m spacing between grave plots and 1.3m spacing between rows. Each grave will have a headstone, kerbing and will be covered with lawn. The pathways between the graves will be covered with gravel stones and be landscaped with trees. The proposed layout and design of the Gold Grave Plots are depicted in Figure 6 and Figure 7 respectively.

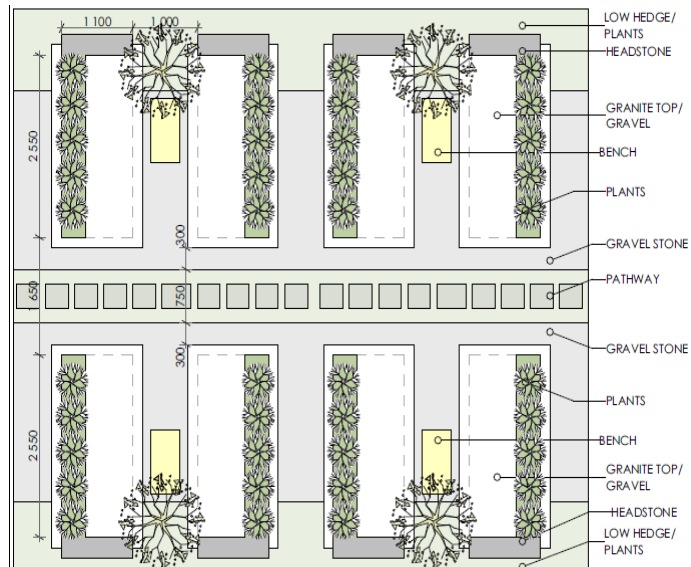


**Figure 6: Gold Grave Plots Layout**

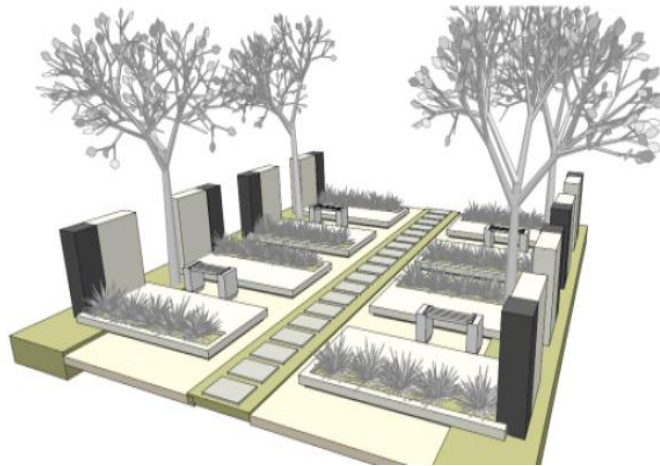


**Figure 7: Gold Grave Plots Design**

- Platinum Grave Plots – This section comprises of 6 168 grave plots. Each grave plot will be 2.55m in length and 1.1m in width with 1m spacing between grave plots and 1.35m spacing between rows. Each grave will have a headstone, plants and will be covered with a granite top or gravel. The pathways between the graves will be covered with low hedge plants, gravel stones, formalised pathways between rows and benches between graves, and will be landscaped with trees. The proposed layout and design of the Platinum Grave Plots are depicted in Figure 8 and Figure 9 respectively.



**Figure 8: Platinum Grave Plots Layout**



**Figure 9: Platinum Grave Plots Design**

- 3 Chapels – 1 platinum, 1 gold, 1 silver, 435m<sup>2</sup> each;
- 3 Interfaith Halls – per grave site categorisation, 740m<sup>2</sup> each;
- 3 Crematoria comprising of 2 cremation halls each – per section, 640m<sup>2</sup> each;
- Administration Building – 1176m<sup>2</sup>;
- Canteen – 297m<sup>2</sup>;
- Service Buildings – 1380m<sup>2</sup>;
- Memorial Trees – 430 large trees and a number of smaller trees (yet to be confirmed);
- Columbarium Terrace – four boxes/ linear;
- A wall of remembrance;



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- An ashstone garden – 2700 ashstones;
- Parking – 1 334 parking bays (5.5x2.5m each) and 6 bus parking bays (17x4m each);
- Sewer Pump Station – 896m<sup>2</sup>;
- Gardens;
- Ablution facilities; and
- Staff Cottages.

These are depicted holistically in the Site Development Plan (Figure 10)<sup>1</sup>.

This basic assessment entails the permitting process for the construction and operation of the cemetery, chapels, interfaith halls, admin building, canteen, service buildings, memorial trees, columbarium terrace, wall of remembrance, parking, garden, ablution facilities, staff cottages, sewer pump station and bulk services; excluding the crematoria and ash garden which will be applied for separately by means of a Full Scoping/EIA process.

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<sup>1</sup> Subject to final design and may increase to 10%





Figure 10: Site Development Plan

### Civil Engineering Services

- i. Bulk Water Infrastructure – from the existing reservoir with a new buried 1 mega litre tank and booster pump.
- ii. Bulk Sewer Infrastructure – on site private package plant and pump station.
- iii. Roads – short term via Park Avenue extension and long term via realigned M4.
- iv. Electrical Infrastructure – partial supply from grid with balance of power requirement being gas or solar generated.
- v. Stormwater Management – on site use of SUDs (Swales) and conventional pipes and attenuation ponds.
- vi. Refuse collection – to be supplied by eThekweni Solid Waste.

## LEGISLATIVE FRAMEWORK

The proposed project will have to comply with a stringent regulatory framework which encompasses local, regional and national regulations, guidelines and by-laws. The following sections highlight the key pieces of legislation applicable to the project.

Applicable legislation considered includes the following, but are not limited to:

- National Environmental Management Act (Act No. 107 of 1998);
- National Water Act (Act No. 36 of 1998);
- National Environmental Management Waste Act (Act No. 59 of 2008);
- National Environmental Management: Biodiversity Act 2004 (Act No. 10 of 2004);
- National Environmental Management: Air Quality Act (Act No. 39 of 2004);
- Integrated Coastal Management Act (Act No. 24 of 2008);
- Conservation of Agricultural Resources Act (Act No. 43 of 1983);
- Protected Areas Act (Act No.57 of 2003);
- National Heritage Resource Act, 1999 (Act No. 25 of 1999);
- Promotion of Access to Information Act, 2000 (Act No. 2 of 2000);
- Occupational Health and Safety (Act No. 85 of 1993);
- Outdoor Advertising By-law Published in Gauteng Provincial Gazette no. 146 on 30 May 2018; and
- Legislation under Zoning Schemes.

### **Basic Assessment (BA)**

The applicant is required to conduct a BA process and submit a BA Report (BAR) to the regulatory authority/ competent authority in support of an application for Environmental Authorisation (EA) to proceed with the project.

### **What is the Basic Assessment Process?**

A Basic Assessment (BA) is a process of collecting, organising, analysing, interpreting and communicating information that is relevant for the consideration of a particular application. It is a well-defined and regulated process, in terms of NEMA, involving public participation and technical studies, to identify issues of concern and to evaluate the environmental as well as socio-economic impacts of a proposed project. BA's are undertaken where the impacts are less likely to have significant impacts on the receiving environment. BA's are used by planning authorities/developers to obtain an independent and objective view of the potential environmental (biophysical and socio-economical)

impacts that could arise during the construction and operation of the proposed development. Environmental management and mitigation measures are also identified through the BA process. The end product of a BA process is a BAR which must have:

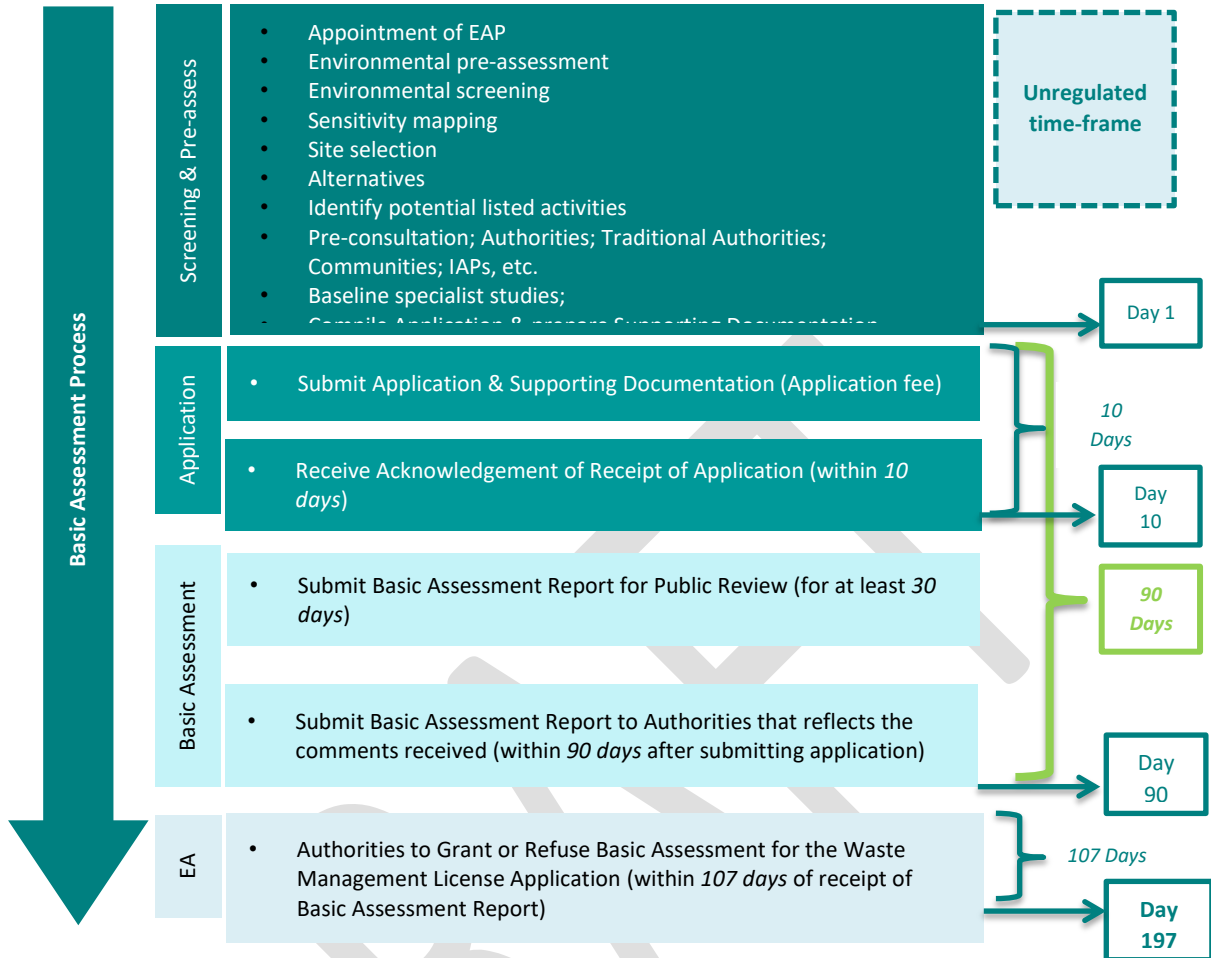
- Identified the potential impacts of the proposed activities;
- Outlined the PPP undertaken; illustrate the issues, concerns and suggestions raised by I&APs; and
- Outlined the environmental management and mitigation measures that must be taken to avoid or reduce negative impacts and enhance positive impacts.

This information needs to provide the Competent Authority, EDTEA, with a sound basis for their decision-making.

Tongaat Hulett Properties is required to conduct a BA process and submit a BA Report (BAR) to the competent authority (EDTEA) in support of an application for Environmental Authorisation (EA) to proceed with the project.

The Basic Assessment Process to be followed is shown in Figure 11.

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**Figure 11: Basic Assessment Process**

### Listed Activities

In terms of the Environmental Regulations promulgated under the National Environmental Management Act (NEMA) (Act No. 107 of 1998), the BA will be conducted for the proposed development in terms of the new EIA Regulations Section 19 and 20 for the following activities:

**Table 2: Listed Activities**

Listed activities	Description of project activity that triggers listed activity
<b>GNR 327, Listing Notice 1, Activity 23</b>	The proposed LMMP will be 61 ha.
The cemetery will be more than 2500 square metres.	
<b>GNR 327, Listing Notice 1, Activity 25</b>	A Low Volume Domestic Sewage Treatment

<p>The development and related operation of facilities or infrastructure for the treatment of effluent, wastewater or sewage with a daily throughput capacity of more than 2000 cubic metres but less than 15000 cubic metres.</p>	<p>System will be developed. The Proposed Annual Average Flow for the LMMP is 60.23 kl/day.</p>
<p><b>GNR 324, Listing Notice 3, Activity 4</b></p> <p>The development of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <p>d. KwaZulu-Natal</p> <p>viii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.</p>	<p>The development does entail a road network. The access route entails 0.8km of new road and 1.5km of road upgrades. A section of the site falls within an Irreplaceable Area.</p>
<p><b>GNR 324, Listing Notice 3, Activity 12</b></p> <p>The clearance of an area of 300 square metres or more of indigenous vegetation.</p> <p>d. KwaZulu-Natal</p> <p>v. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.</p>	<p>A section of the site falls within an Irreplaceable Area and clearance of more than 300m<sup>2</sup> is anticipated.</p>
<p><b>GNR 324, Listing Notice 3, Activity 18</b></p> <p>The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.</p> <p>d. KwaZulu-Natal</p> <p>viii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.</p>	<p>The development does entail a road network. The access route entails 0.8km of new road and 1.5km of road upgrades. A section of the site falls within an Irreplaceable Area.</p>

## COMPETENT AUTHORITY

The Competent Authority (CA), as described according to the new EIA Regulations, for this proposed project is the Provincial Department of Economic Development, Tourism and Environmental Affairs (EDTEA) which will ultimately be responsible for providing a decision on whether the proposed activity will be granted Environmental Authorisation in terms of NEMA.

## THE PUBLIC PARTICIPATION PROCESS (PPP)

Public participation is the interaction and engagement between the public and those undertaking the Environmental Authorisation (EA) process. The Public Participation Process (PPP) is a two-way communication process which helps the public understand the processes and mechanisms through which environmental issues and needs are investigated and resolved by the responsible agency. The process also keeps all Interested and Affected Parties (I&APs) informed of the status and decision made for a project.

The PPP takes into consideration all comments and concerns raised by the public. This includes the proposed LMMP, as well as the alternatives being considered.

The DFFE released the Integrated Environmental Management Guidelines Series (Guideline 7) in 2012. This Guideline provides guidance on the procedure and provisions of the PPP in terms of the NEMA EIA Regulations (as amended), as well as other regulations and guiding documents. According to the DEA, “public participation is one of the most important aspects of the EA process” and this is “because people have a right to be informed about potential decisions that may affect them and to be afforded an opportunity to influence those decisions”. The undertaking of PPP for the proposed LMMP is to ensure that these sentiments are implemented by the project proponent.

The objectives of the PPP for the LMMP BA process are as follows:

- To identify relevant individuals, organisations and communities who may be interested in or affected by the proposed development.
- To clearly outline the scope of the project, including the scale and nature of the existing and proposed activities and infrastructure.
- To identify viable project alternatives that will assist the relevant authorities in making an informed decision.
- To identify shortcomings and gaps in existing information.
- To identify key concerns raised by I&APs that should be addressed in the subsequent specialist studies.

- To highlight the potential for environmental impacts, whether positive or negative.
- To inform and provide the public with information and an understanding of the existing and proposed activities, issues and solutions.

#### **Public Participation Plan**

In accordance with Regulation 41 of the EIA Regulations, the following activities have and will be conducted:

- On-going consultation with the EDTEA.
- Identification and registration of I&APs, in addition to those automatically registered for the project such as organs of state.
- Fixing of notice boards for the duration of the 30-day public commenting period.
- Written notice to all I&APS (hand delivered and electronically).
- Placement of an advertisement in a local newspaper.
- Hosting of BA Report (BAR) on a publically available website for the comment and appeal periods.

#### **Timeframes**

The draft BAR and Environmental Management Programme (EMPr) will be made available to registered I&APs as part of the PPP. Table 2 outlines the timeframes for the

**Table 3: Project timeline**

<b>Action</b>	<b>Timeframe</b>
Submit application	21 October 2022
Public Participation including newspaper advert, site notices, notifications, DBAR review	21 October 2022 – 21 November 2022
Release DBAR for 30 day review period including all appendices	21 October 2022 – 21 November 2022
FBAR Submission	30 November 2022
EDTEA CA Review Period	107 days from submission (excluding December shut down period from 15 December to 5

	January)
EA	End of March 2023.
Notify IAPs of EA	Within 14 days of having received EA

### **Register of I&APs**

As part of the EIA process, a stakeholder database will be developed, automatically adding relevant organs of state. The stakeholder database will be updated as necessary throughout the entire process. In complying with the EIA Regulations, NFZ will notify registered stakeholders of the PPP via hand deliveries of Background Information Documents (BID) and email.

### **I&AP Notification in terms of Regulation 41 of EIA Regulations, 2014**

#### **Site Notices**

According to the EIA Regulations, a notice board must be fixed at a place conspicuous to, and accessible by, the public; (i.e. at the boundary, on the fence or along the corridor of the site).

Site notices will be erected and will be the required size in accordance with the EIA Regulations, as well as laminated and mounted to steel poles (where possible). This will ensure that the site notices are available for the full duration of the PPP. The site notices will be in English.

#### **Newspaper Advert**

A newspaper advert will be published in a local newspaper in English. The advertisement will outline the Project, as well as the process which will be followed in terms of the BA process. The advertisement will also include contact details of the EAP, as well as how to register as an I&AP.

#### **The Draft BAR and EMP<sub>r</sub> Availability**

The DBAR and EMP<sub>r</sub> will be made available to the competent authority, commenting authorities, organs of state, stakeholders as well as at a local library and on Google Drive, which each I&AP will be sent a link to upon the commencement of the PPP. The Draft BAR and EMP<sub>r</sub> will be made available for the full duration of the PPP, 30-day public review period.

During this time, all comments and concerns will be taken into consideration and recorded. All responses to these comments will be presented to the EDTEA as part of the Final BAR and EMP<sub>r</sub>.



Furthermore, during this time, meetings will be held with the local ward councillors and a public meeting if required by the councillor.

Registered I&APs will be informed of the submission of the Final BAR as well as EDTEA's decision on the BA Application adjudication.

#### **Notification of the Decision Made by the EDTEA**

Once EDTEA has made a decision on the BAR and EMPr, an email will be sent to each I&AP notifying them of the decision, as well as the EA issued by EDTEA within 14 days of the EA being issued. All I&APs will be allowed to appeal any aspect of the EA within 20 days from having received the EA notification.

#### **APPLICABLE WATER USES FOR WATER USE LICENSE APPLICATION PROCESS**

Chapter 4 and Section 21 of the National Water Act (No. 36 of 1998) lists certain activities for which water uses must be licensed, unless its use is excluded. There are several reasons why water users are required to register and license their water uses with the Department of Water & Sanitation (DWS). The most important reasons being: (i) to manage and control water resources for planning and development; (ii) to protect water resources against over-use, damage and impacts and (iii) to ensure fair allocation of water among users. The water uses described in Table 15 (below) have been identified as being associated with the proposed development.

Section 21 (c) and (i) water use have been identified as being associated with the La Mercy Memorial Park and WWTW. There is no abstraction from wetland or storage of water within the wetland at the site, hence Section 21 (a) and (b) water uses do not apply. Since domestic wastewater will be treated and discharged from the existing WWTW into the downstream watercourse, Section 21 (g) water use (disposing of waste) and Section 21 (f) water use (discharging waste or water containing waste) does apply to the project.



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### **COMMENTS AND QUERIES**

**NFZ Environmental** has been appointed as the Independent Environmental Consultants to conduct the public consultation, compilation of the BAR and THE Environmental Management Programme (EMPr) as part of the basic assessment processes. To register as an I&AP please submit your name, contact details and/ or your comments in writing to the Consultants by **21 November 2022**. A Background Information Document (BID) can be obtained from NFZ Environmentals upon request.

The Draft Basic Assessment Report and EMPr are available for commenting for a period of 30 days (**21 October to 21 November 2022**). To access these reports, please go to the following venues:

- Tongaat Beach Library: Sea Tides, 51 Dolphin Ave, Genazzano, Tongaat, 4400; or
- Follow the Dropbox link below:  
<https://www.dropbox.com/sh/54xqlu82fazwy3y/AABcS2fcMQad1M19bmFqm0Dsa?dl=0>

Those wishing to be part of the public consultation process can register as I&APs and send their comments to Anele Ngongo of NFZ Environmental, at: **Tel:** (071 886 9869); **E-mail:** [anele@nfzenviro.com](mailto:anele@nfzenviro.com); Postal **Address:** NFZ Environmental, 30 Valley View Road Durban 4001, by **Monday, 21 November 2022**.



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### **THE PROPOSED DEVELOPMENT OF A MEMORIAL PARK IN LA MERCY, TONGAAT, ETHEKWINI MUNICIPALITY, KWAZULU-NATAL**

#### **REGISTRATION AND COMMENT FORM**

**WE WELCOME YOUR COMMENTS AND QUESTIONS**

**PLEASE COMPLETE THIS FORM AND RETURN IT TO THE PUBLIC PARTICIPATION OFFICE BELOW:**

**ANELE NGCONGO**

30 Valley View Road, Morningside 4001

071 886 9869

anele@nfzenviro.com

<b>TITLE</b> (Prof/Mr/Mrs)		<b>FIRST NAME</b>	
<b>SURNAME</b>			
<b>CAPACITY</b> (e.g. Secretary/Director)			
<b>ORGANISATION</b>			
<b>POSTAL ADDRESS</b>		<b>POSTAL CODE</b>	
<b>TEL. NO.:</b> (     )		<b>CELL NO.:</b>	
<b>FAX NO.:</b> (     )		<b>E-MAIL ADDRESS:</b>	

**COMMENTS** (You are welcome to use a separate sheet if required)



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The following environmental, social and economic impacts must be addressed during the EIA / BA:

.....  
 .....  
 .....  
 .....  
 .....

Please add the following of my colleagues/friends/neighbours onto your mailing list:

<b>Name:</b>		<b>Organisation:</b>	
<b>Contact details:</b>			
<b>Address:</b>			
<b>Tel.:</b>	<b>Fax:</b>	<b>Cell:</b>	
<b>E-mail:</b>			

IF YOU WISH NOT TO RECEIVE ANY FURTHER INFORMATION REGARDING THIS PROPOSED PROJECT, AND PREFER TO BE REMOVED FROM THE PROJECT'S DATABASE, PLEASE SIGN BELOW AND RETURN THE FORM TO THE PUBLIC PARTICIPATION CONSULTANTS WHOSE CONTACT DETAILS ARE PROVIDED ABOVE

<b>Yes, please delete my contact details from the project's database</b>	<b>SIGNATURE:</b>
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This study is being conducted on behalf of Tongaat Hulett Property