

**STAKEHOLDER COMMENT & RESPONSE BY EAP**

The comments, issues and concerns received from stakeholders, in response to the Draft BAR have been consolidated and included in the table below and includes a suitable response from the EAP

Date received	EDTEA	EAP Response
13 August 2018	<p>The Department of Economic Development, Tourism &amp; Environmental Affairs (hereafter referred to as "the department") has reviewed the Draft Basic Assessment Report (dBAR) and the following information must be included in the Final Basic Assessment Report (FBAR):</p> <ol style="list-style-type: none"> <li>1. The gravel access road already exists. Therefore, the application must be for an upgrade to the access road and not for the construction of the access road.</li> <li>2. A table of contents.</li> <li>3. The application form states that the road width is 7m. Is this correct?</li> <li>4. Pg 4 of dBAR: When checking the coordinates supplied on Google Earth it was found that they refer to a 1km section of a road, The length of the road as stated in the dBAR is 8.7km. The difference must be explained.</li> </ol>	<p>These particular comments as received on 13 August 2018, were received for the lapsed application which was intended for the proposed project (clarity is provided below as well as in the BAR). The comments have been reserved and incorporated into this BAR in submission to Section 40 (3) of the amended EIA regulations 2014.</p> <ol style="list-style-type: none"> <li>1. Noted with Thanks. The title has been amended on both the newly submitted application and the Bar.</li> <li>2. Noted with Thanks. A table of contents has been included within this final BAR.</li> <li>3. Noted with Thanks. This has been amended in both the Application and this BAR, 6.5 m is the correct width.</li> <li>4. Noted with Thanks. The road is divided into 3 sections (equalling to 7.33 km), the section being applied for is section 2 which is 2.4 km (page 9 – 11, the project description addresses the issue). The co-ordinates which were first supplied showed only the starting and the end points which are located on Local road (L1223), whilst the road goes into one of Emthaleni's rural residential area before it ends at the local road. The co-ordinates for the Middle point (page 15), by which the road lineage can be traced, is supplied in the coordinates along with Maps. The application for EA lodged has been amended to reflect the above mentioned.</li> </ol>

	<p>5. The entire 8.7km of the road to be upgraded must be depicted on a layout map which must clearly indicate the start, middle and end point. The exact position of each structure which crosses a watercourse must be indicated on the layout map.</p> <p>6. The application form states that LN I Activities 12 &amp; 19 will be triggered, whereas the dBAR only mentions Activity 19. Which one is correct? If the application form is incorrect it must be amended and resubmitted to the Dundee district office. Detailed information must be included concerning how many cubic metres of material will be removed from or deposited into the watercourse. (Describe each listed activity as per project applied for).</p> <p>7. On the project description it must be clear whether the proposed road upgrade will consist of pipe culverts, concrete slabs or both. Provide clear and detailed information concerning the exact number of watercourse crossings/structures to be constructed, together with their sizes and the coordinates for each structure.</p> <p>8. All pages must have correct reference number.</p> <p>9. Pg 8 of dBAR: Need &amp; Desirability (last sentence): "S24G application should be considered favourably as the municipality. An explanation must be supplied as to what this refers to.</p> <p>10. Since the implementation of the 2014 EIA Regulations (8 December 2014) the Department ceased utilising the BAR template which had been in use for the 2010 EIA Regulations. Appendix A of the 2014 EIA Regulations contains the basic assessment process. Point 3 of Appendix A contains the scope of assessment and content of basic assessment reports. Point 3 (1) states the following: "A basic</p>	<p>5. Noted with Thanks. The scope of the project applied for has been revised, hence, the section of the road, as it maintains the name of the project, is a total length of 2.33 km. This BAR has been compiled in line with the new application.</p> <p>6. Noted with thanks. This issue has been resolved through amendment of the application form. And the project specifications have also been incorporated to address the issue (page 12). On Page 14 it is described how the activity is triggered.</p> <p>7. Noted with thanks.</p> <p>8. Noted with thanks.</p> <p>9. Noted with thanks. This was a as a result of a typing error, the statement is completely irrelevant to this application.</p> <p>10.  (a) Noted with thanks. The CVs of the responsible EAPs have been attached within annexure G.  (c) Noted with thanks. Since the proposed is a linear activity, a description and coordinates of the corridor in which the proposed activity or activities is to be</p>
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<p>01 / 11 / 2018</p>	<p>assessment report must contain the information that is necessary for the competent authority to consider and come to a decision on the application, and must include.....". According to the list of information required the following is not present in the dBAR and must be contained in the FBAR:</p> <ul style="list-style-type: none"> <li>(a) (ii) - CV of the EAP</li> <li>(c) A layout map of the road</li> <li>(d) (i) Difference between Application Form &amp; dBAR</li> <li>(e) (iii)</li> <li>(j) (i); (ii); (iii); (iv); (v); (vi) &amp; (vii). The "Impact significance assessment table" must be explained as to how the different values were arrived at. For example, under the column "Probability of occurrence", what criteria were used to assign the "High", "Medium" &amp; "Low rating?</li> </ul> <p>The above mentioned proposed activity has reference. The Department of Economic Development, Tourism &amp; Environmental Affairs (hereafter referred to as "the department") has reviewed the Draft Basic Assessment Report (DBAR) and the following information must be included in the Final Basic Assessment Report (FBAR):</p> <hr/> <ul style="list-style-type: none"> <li>➤ Confirmation must be supplied that the entire road (3 sections) currently exists and the entire road will be upgraded and no development of the road will occur.</li> <li>➤ Since the implementation of the 2014 EIA Regulations (8 December 2014) the Department ceased utilising the BAR template which had been in use for 2010</li> </ul>	<p>undertaken are provided as per (c)(i). However, a locality Map is included in Annexure A.</p> <p>(d) Noted with thanks.</p> <p>(e) (iii) legislation applicable can be clearly seen within the this document and the EMPr, Section E, Annexure F. Generally relevant legislation is incorporated into this document and have not been stated with a description i.e. compiling this document is as provided within the EIA regulations 2014 developed through the NEMA (Act no 107 of 1998) to abide by the provisions provided there in.</p> <p>(j) (i); (ii); (iii); (iv); (v); (vi) &amp; (vii).: Noted with thanks. These provisions have been taken into account, the impact assessment has been conducted accordingly. Page 30 – 54 within the BAR.</p> <p>Responses from the EAP (Further assistance was requested from the Department: EDTEA, hence the following comments were received.</p> <ul style="list-style-type: none"> <li>➤ Noted with thanks. The confirmation has been made through the project description (page 09)</li> <li>➤ Noted with thanks. The comment has been taken int account, hence, this BAR has been constructed based on the provisions of Appendix 1</li> </ul>
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	<p>EIA Regulations. APPENDIX I of the 2014 EIA Regulations must be used as a reference when compiling basic assessment reports.</p> <ul style="list-style-type: none"> <li>➤ An executive summary must be included in the FEAR.</li> <li>➤ An Environmental Attributes section must be included in the FBAR.</li> <li>➤ Maps showing vegetation types, critical biodiversity areas and the soil classes (Geology) of the proposed area must be included (SANBI, BIODIVERSITY GIS and land use decision support tool)</li> <li>➤ Socio-economic characteristics of the study area must be included on the FBAR (this must indicate the gender population, level of education, level of unemployment and economic profile of the municipality, refer to LM IDP for information).</li> <li>➤ On the application form the entire road is 8.7 km, but the DBAR states that it is 7.33 km. What is the correct length? If the application form information is incorrect, the application form must be amended and forwarded to the Dundee district office.</li> <li>➤ Detailed information on how the proposed activity complies with and responds to the legislation and policy context, plans, guidelines, tools frameworks, and instruments must be included.</li> <li>➤ The entire road to be upgraded must be depicted on a route layout map which clearly indicates the start, middle and the end. The route 'ayout map must clearly distinguish between the three (3) sections of the road. Different colours must be used to indicate each section ie. Section 1: 2.83km, Section 2: 2.40km</li> </ul>	<ul style="list-style-type: none"> <li>➤ Noted with thanks. An executive summary is included within the document (Page 6)</li> <li>➤ Noted with Thanks. An environmental attributes section is included on this BAR (Page 18, Section D)</li> <li>➤ Noted with Thanks. The Maps have been included accordingly.</li> <li>➤ Noted with Thanks. These statistics have been included within the motivation section of the document since it helps to elevate the living standards of the subject community.</li> <li>➤ Noted with Thanks. A project was funded to upgrade and construct 3 sections of road, Thokoza road, the application lodged is for section 2 for which the assessment was conducted (2.33 km).</li> <li>➤ Noted with thanks. The details have been included and can be noted on page 13.</li> <li>➤ The three routes have been shown on Page 9, figure 2 on page 10 shows the map accordingly.</li> </ul>
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	<p>&amp; Section 3: 2.10km. If the sections of the road are not connected to each other, they must be clearly labelled and indicated on the route layout map.</p> <ul style="list-style-type: none"> <li>➤ The exact position of each structure which crosses a watercourse and triggers a listed activity must be indicated on the route layout map,</li> <li>➤ The size and coordinates of each structure which crosses a watercourse (whether it triggers a listed activity or not) must be included in a table in the FBAR.</li> <li>➤ Each activity which triggers a listed activity must be clearly described as per the project applied for.</li> <li>➤ This point relates to the differences between the DBAR and the Environmental Analysis Report: <ul style="list-style-type: none"> <li>(i) <u>Information according to the DBAR:</u> Pg 4: Section I will have two (2) concrete slabs and Sections 2 and 3 will have no concrete slabs, Pg 42: Annexure B — Three (3) concrete slabs are listed, all of which are more than 100m<sup>2</sup> in size.</li> <li>(ii) <u>Information according to the Environmental Analysis Report:</u> Section I will have 1 small concrete slab which is less than 100m<sup>2</sup> in size. No mention is made of the amount of concrete slabs which trigger a listed activity and in which section of the road they will occur.</li> <li>(iii) Each section of the road must be listed with the concrete slabs (whether they trigger a listed activity or not). The size and coordinates for each concrete slab</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>➤ Noted with Thanks, the information is contained within the route layout plan located on Annexure A.</li> <li>➤ Noted with Thanks. Only one watercourse was identified by the wetland specialist, however, drainage pipes are proposed for storm water management along the road.</li> <li>➤ Noted with Thanks. Page 10 notes another concrete slab which is proposed but does not fall within threshold.</li> <li>➤ Noted with Thanks. The matters have been addressed and the EA application form was amended and submitted for this application to provide the specifications which are provided.</li> </ul>
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	<p>must be supplied. An explanation must also be supplied as to which concrete slabs will trigger a listed activity in the EIA Regulations.</p> <ul style="list-style-type: none"> <li>➤ Pg 4 of DBAR: When checking coordinates supplied on Google Earth, it was found that they do not correspond to the start and end coordinates given on page 5 of the DBAR.</li> <li>➤ On the advertisement that was published on the Ilanga Newspaper dated 19-21 July 2018 that was included in the DBAR the geographical coordinates were incorrect. Please take note of this for future purposes.</li> <li>➤ CV for the EAP (Mr. Welcome Nogobela) must be included in the FBAR</li> <li>➤ All the relevant state departments must be contacted and their comments must be included in the FBAR. Proof of the DBAR circulation must be included in FBAR.</li> <li>➤ Under the impact assessment section, provide the following: <ul style="list-style-type: none"> <li>• Assessment criteria/risk assessment methodology used to evaluate the impacts resulting from the proposed development as per APPENDIX I of the EIA Regulations, 2014 must be included: [(i) (i) &amp; (ii) and (j) (i) to (vii)].</li> <li>• This section must consist of a significance rating table [Significant Rating =[(Magnitude+Extent+Duration) x Probability]. The Probability, Duration, Extent and Magnitude Rating must have appropriate scales.</li> <li>• Potential impacts of all the alternatives investigated (including a No-go Option) associated with the proposed construction for all the phases must be included in the FBAR.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>➤ Noted with Thanks. The co-ordinates have been checked to correspond with the location of the proposed upgrade and the structures applied for.</li> <li>➤ Noted with Thanks.</li> <li>➤ Noted with Thanks. The C.V.s of all the EAPs have been included within annexure G.</li> <li>➤ Noted with Thanks.</li> <li>➤ Noted with Thanks. The comments were noted, the Impact assessment may be noted from Section G from page 30.</li> </ul>
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	<ul style="list-style-type: none"> <li>➤ Each table (indicating the significance rating of the impacts), must also provide the proposed mitigation measures (for each impact rated above).</li> <li>➤ An Environmental Impact statement must follow. This must reflect on the findings of environmental assessment undertaken (considering the significance rating before and after mitigation measures are implemented) and the activity/project to be undertaken.</li> <li>➤ EAP and specialist recommendations must be included in the FBAR.</li> <li>➤ The EAP recommendations must reflect on the impacts and mitigation measures to be implemented for the development, and the specialist recommendations must reflect on the specialist studies conducted.</li> <li>➤ A conclusion must be included on the FBAR.</li> <li>➤ The Environmental Management Programme is currently being reviewed by the Compliance Monitoring &amp; Enforcement section and comments will be supplied upon completion of the review.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Noted with Thanks. The mitigation measures are provided under the assessment of each phase of the project where the associated impacts for that particular phase are provided.</li> <li>➤ Noted with thanks. The EIS has been provided and can be noted on page 57.</li> <li>➤ Noted with Thanks. The EAPs recommendations can be noted from Section O, page 64.</li> <li>➤ Noted with Thanks.</li> <li>➤ Noted with Thanks. The conclusion may be noted on page 69.</li> </ul>
Date received	Ezemvelo KZN wild life	EAP response
02 August 2018	<p>Thank you for forwarding the Draft Basic Assessment Report, dated July 2018, for the abovementioned application to Ezemvelo KZN Wildlife (Ezemvelo) for review and comment.</p> <p>Ezemvelo will not be providing comment on this application, but trust that all significant biodiversity related concerns have been clearly identified and made known in this</p>	<ul style="list-style-type: none"> <li>• Noted with thanks.</li> </ul>

	<p>assessment together with appropriate measures (viz. avoid, mitigate and thereafter ameliorate) to safeguard the ecological integrity of the developable area.</p> <p>Please be advised that the potential impacts upon biodiversity will be evaluated by the Competent Authority who may, upon identification of a potential biodiversity concern, refer the biodiversity concern to this organisation for evaluation and advice regarding the specific concern, prior to making a decision. In such case, the environmental principles prescribed in the National Environmental Management Act 107 of 1998, the objectives of the National Environmental Management Biodiversity Act 10 of 2004 and best practice will be applied.</p>	
Date received	Department of Water and Sanitation	EAP's response
01 / 11 /2018	<p>Reference is made to the Basic Assessment Report (BAR) received by the Department of Water and Sanitation hereafter referred to as the Department. This Department has the following comments which must be addressed and submitted to this Office for further review.</p> <ol style="list-style-type: none"> <li>1) It is noted that the proposed upgrading is 8.7 km of existing informal road.</li> <li>2) It is noted from page 3 that the project will involve altering bed, banks course or characteristics of a watercourse and that the Applicant is aware of the Water Use Licence Applications that needs to be done.</li> <li>3) The Applicant is required to contact the Departments Licencing Administrator, Zama Hadebe on 031 336 2767/ 031 336 2700 (email: HadebeZ@dws.gov.za) for a Pre-Water Use Authorization meeting. Such meeting will assist the Applicant to determine alt water usesrequiring authorization and provide guidance on the requirements in this regard.</li> </ol>	<p>➤ Noted with thanks. The total length of the road (2 330 m x 6.5 m) will require watering for dust suppression as the area is dry and warm. Moreover, the applicant will be reminded that a Water Use Licence must be obtained prior 'the use of water', as per water used contained in section 21 of the NWA (Act no 36 of 1998). However, the EAP has not been commissioned to undertake the WULA. Hence, one of the conditions of the EA must be to highlight to the client that commencement must not commence without a Water Use Licence.</p>



- 4) In reference to page 9, it is noted that solid will be disposed at Pomeroy Landfill site.
- 5) In reference to page 22, it is noted that chemical toilets will be used during construction phase.
- 6) In reference to page 24, it is not clear if dust suppression will be done as a mitigation measure for dust generation. The Applicant is therefore required to indicate the source, quality and quantity of water to be used for dust suppression as well as the total area to be dust suppressed.
- 7) EMPr states that in page 19 that the Engineer will be advised to implement proper Storm Water Management Plan. The Applicant must:
  - 7.1) Clearly draw up a Storm Water Management Plan;
  - 7.2) Such plan must address ways of prevention of water pollution that may occur during the project cycle; and
  - 7.3) The Storm Water Management Plan must be submitted to the Msinga Local Municipality for approval.

N.B

The Applicant is reminded that this development, part of it, and/or its infrastructure are located within the regulated area then this project should be authorised by this Department prior to commencement of the activity. Therefore the Applicant is required to apply for a Water Use Authorization as the activity will not be a permissible water use as stipulated in Section 22 of the National Water Act, Act 36 of 1998.

A regulated area is an area within 1: 100 year flood line or within a horizontal distance of 100m (whichever is the greatest) of a watercourse in terms of the National Water Act, 36 of 1998 and an area within 500m radius from the boundary of a wetland in terms of the General Authorization No. 509 of 27 July 2016.

	<p>Notwithstanding the above, the responsibility rests with the Applicant to identify sources or potential sources of pollution from his undertaking and to take appropriate measures to prevent any pollution of the environment. Failure to comply with the requirements of the National Water Act (Act 36 of 1998) could lead to legal action being instituted against the Applicant.</p> <p>Please do not hesitate to contact this Office should you have any concerns, comments or queries.</p>	
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