

## Basic Assessment Process and Water Use License Application for the Proposed Ezinketheni Community Development Project, Located on Portion 10 of Farm Lot 37 No. 1294, within the Msunduzi Local and uMgungundlovu District Municipality, Pietermaritzburg, KwaZulu-Natal

### BACKGROUND INFORMATION DOCUMENT

3 July 2018



#### WHAT IS THE PURPOSE OF THIS DOCUMENT?

The purpose of this document is to:

- ◆ Inform Interested and Affected Parties (I&APs) about the proposed project, and to invite them to participate;
- ◆ Provide a brief background on the proposed project; and
- ◆ Explain the aims and objectives of the Environmental Basic Assessment and Water Use License Application processes.



#### WHAT IS THE BACKGROUND TO THIS DEVELOPMENT?

The Applicant, Msunduzi Local Municipality, wishes to apply for a Basic Assessment Process and Water Use License for the proposed Ezinketheni Community Development Project, Located on Portion 10 of Farm Lot 37 No. 1294, within the Msunduzi Local and uMgungundlovu District Municipality (UMDM), Pietermaritzburg, KwaZulu-Natal.

In terms of the Environmental Impact Assessment (EIA) Regulations (2014, as amended – 2017), under the National Environmental Management Act (NEMA, Act No. 107 of 1998), published in Government Notice No. R. 327 (2014, as amended – 2017), the proposed development will trigger one or more of the following Listed Activities which require a Basic Assessment Process to be conducted:

<b>GNR 327 (2014, as amended – 2017)</b>	<b>Part 28</b>	<i>Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</i> <i>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</i> <i>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</i> <i>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</i> <b>The proposed portion is currently zoned as agriculture.</b>
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It should be noted that the proposed development may trigger additional Listed Activities. These will be identified through the Basic Assessment Process.

Under Government Notice No R. 327 (2014, as amended – 2017), the Applicant is required to appoint an independent Environmental Assessment Practitioner (EAP) to conduct the environmental authorisation process. The Applicant has appointed Green Door Environmental to conduct the Basic Assessment Process for the proposed t Project.

In addition to the above, the proposed development constitutes a Water Use in terms of Section 21 of the National Water Act (NWA, Act No. 36 of 1998) and requires a Water Use License Application, in terms of the following listed activities:

<b>Section 21</b>	<b>S21(c)</b>	<i>Impeding or diverting the flow of water in a watercourse.</i>
<b>Section 21</b>	<b>S21(i)</b>	<i>Altering the bed, banks, course or characteristics of a watercourse. (Potentially)</i>

Section 21 (c) and (i) activities are triggered wherever infrastructure is proposed close to a water source, within a wetland or within 500 metres of a wetland.



## **WHAT IS PROPOSED?**

The Applicant, The Msunduzi Local Municipality proposes to implement the Ezinketheni Community Project on the upper northern side of the Municipal boundary, off the R33 Road towards the uMshwathi Municipality. The project is intended to benefit long standing residents associated to surrounding farm lands and more recently, land invaders which have increased the Ezinketheni population through informal settlements on largely municipal owned land.

The Msunduzi Municipality is looking to purchase a portion of Portion 10 of the Farm Lot 37 No.1294 working together with 3 other key stakeholders, namely: The Department of Education, Transnet and The Devine Life Society of South Africa. The total extent of the proposed site is 4 Ha whereby;

- 2,6 Ha will be used by the Department of Education for a Sports field to go with Umsilinga Primary School;
- 0,7 Ha will go to Transnet SOC Limited for a Community Clinic and Transnet Offices that will include a Msunduzi Area Based Management office; and
- 0,7 Ha will be used by the Devine Life Society to build a well-equipped Community Crèche.

### **The Provincial Department of Education (DoE)**

During the 2000's, the DoE provided a temporary make shift school to service the agricultural community around the area which lacked in basic education facilities and infrastructure. In 2012, AfriSam purchased Erf 55 Dunveria (14. Ha) and donated and registered it into the Councils name. This allowed the DoE to construct the Umsilinga Primary School, catering for the learners around Ezinketheni and Copesville areas.

The DoE was given occupational rights to commence construction of the school in terms of an Executive Committee decision of 17/3/2011 and occupation will continue until the property can be subdivided in terms of the Planning and Development Act.

Graves were discovered on the site where the Sports field was to be placed on the school premises. There is consequently no school sports field and the only alternative solution is for the Municipality to purchase private land as close as possible to the school to provide for the sports field

#### **Transnet SOC Ltd**

Four years ago, a Transnet SOC Ltd pipeline was laid through the area. The pipeline transports gas and other petroleum products through the areas. Given the high incidence of vandalism and theft associated with the pipeline, Transnet, and their stakeholders consider the pipeline to now be a strategic risk. The Transnet Foundation together with Transnet SOC Ltd have identified that the local community needs social infrastructure, particularly in the form of a community centre, clinic and Area Based Municipal office. Transnet has therefore expressed an intention to invest in this social infrastructure to contribute to community development and thereby increase the protection of the pipeline. On the 20th May 2016 a SMC resolved for a donation to Transnet in the Ezinketheni location for a community development project, to be approved in principle.

#### **The Devine Life Society of South Africa**

The Devine Life Society of SA and the uMgungundlovu District Municipality (UMDM) District Community Chest with the Msunduzi Municipality Pietermaritzburg Community Chest had identified the need for a community crèche facility. Funding is proposed from the annual Mandela Day Marathon. The project last year decided to construct one well-established crèche within an impoverished community for each of the Local Municipalities within UMDM. Currently 6 projects have been completed today and Msunduzi Municipality is the only one without a crèche. On the 6 August 2015 a Full Council Resolution was released that the Deputy Municipal Manager: Economic Development be authorized to identify land closer to Umsilinga Primary School in Ward 30 for the purpose of building a crèche, subject to the applicable land disposal policies and procedures.” And that once the land has been identified and the project completed, the Municipal Manager be granted authority to sign the Memorandum of Agreement with UMDM, the Divine Life Society of SA and the Pietermaritzburg and District Community Chest.

After various consultative meetings with the stakeholders above, the Municipality agreed to assist and facilitate in finding land to accommodate all 3 stakeholders. The Municipality has recognized the need to advance community development in the area through:

- Establishing a sports field for Umsilinga Primary School and additional community activities;
- Establishing a clinic in Ezinketheni to improve health service delivery to that community thereby avoiding the need to travel to Northdale hospital and surrounding clinics;
- Establishing a Transnet office as a presence to manage the Transnet pipeline;
- Establish a Municipal Area Based management Office; and
- Establishing a crèche to improve community access to education facilities and for parents that work.

It is intended that the area become a central hub for basic community services and will in the future attract more community investment initiatives for the communities of Ezinketheni and the surrounding informal settlements.

Refer to Figure 1 below for a locality map of the area proposed for the Ezinketheni Community Development Project.



## WHERE IS THE PROPOSED DEVELOPMENT?



**Figure 1:** Layout Map of Ezinketheni and the proposed areas for the Community Development Project, Pietermaritzburg, KwaZulu-Natal (Google Earth).



## **WHAT IS THE AIM OF AN ENVIRONMENTAL BASIC ASSESSMENT AND a WATER USE LICENSE APPLICATION?**

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The Basic Assessment and Water Use License application processes aim to:

- ◆ Inform and involve all potentially Interested and Affected Parties (I&APs) of the proposed development;
- ◆ Identify the potential impacts (positive and negative) that the proposed development may have on the ecological and socio-economic environment;
- ◆ Provide recommendations based on the identified impacts and conduct specialist studies if necessary; and
- ◆ Provide the Competent Authorities with the required information to make an informed decision regarding the proposed development.



## **WHAT IS INVOLVED IN THE EIA PROCESS FOR BASIC ASSESSMENT AND WATER USE LICENSE?**

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The Basic Assessment and Water Use License Application processes are generally described as follows:

### 1. Application Form:

For the Basic Assessment (BA), an official Application Form is required to be completed and submitted to the Competent Authority. This Form provides information on the property, a description of the proposed activity, and lists the relevant Listed Activities which are triggered.

### 2. Public Participation:

For both the BA and Water Use License (WUL), the general public and relevant Authorities will be notified of the proposed development through newspaper adverts, site notices and direct consultation. Alternative methods will be employed to inform those I&APs who may be illiterate, disabled or otherwise disadvantaged. Should you be aware of anyone who might be interested in this project, but has not been notified, please send the relevant contact details to Green Door Environmental. This Background information Document will be circulated to neighbouring landowners, relevant authorities and any other persons registered as I&APs following the adverts and site notices.

### 3. Identification of Impacts and Alternatives

For both the BA and WUL, environmental issues, concerns, development constraints and possible development alternatives will be identified using professional judgement, project information, experience of similar projects, a review of available literature, site visits, and consultation with authorities and the public.

### 4. Impact Evaluation

For both the BA and WUL, the significance of environmental issues will be evaluated in terms of their expected extent, intensity, duration and probability of occurrence.

### 5. Mitigation and Management Measures

For both the BA and WUL, measures to manage and minimise impacts on the environment to within acceptable levels, as well as measures to maximise the socio-economic benefits associated with the development, will be identified and recorded in the reports. An

Environmental Management Programme (EMPr) will be compiled to facilitate the implementation of mitigation measures.

#### 6. Reporting

For the BA, The Draft Basic Assessment Report and Draft EMPr will be made available for review and comment by all I&APs and relevant authorities for 30 days. A Final Basic Assessment Report and EMPr will be compiled to include comments received on the circulated Draft Basic Assessment Report and Draft EMPr.

For the WUL, an Integrated Water and Waste Management Programme is developed for the Application. Technical documents required to accompany this Report are compiled.

#### 7. Authority Decision

For the BA, the Final Basic Assessment Report will be used by the Competent Authority as the basis for the decision on whether the proposed development should be approved or not.

#### 8. Water Use License

The WUL is submitted to the Department of Water and Sanitation (DWS). The Application will progress according to the legislated timeframes. If the Application is accepted then DWS will approve a Water Use License to the Applicant.



### **WHAT POTENTIAL ENVIRONMENTAL IMPACTS HAVE INITIALLY BEEN IDENTIFIED?**

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The following specialist studies will be undertaken as part of the assessments:

- ◆ Wetland Assessment;
- ◆ Geotechnical and Percolation Assessment;
- ◆ Heritage Impact Assessment;
- ◆ Stormwater Management Plan;
- ◆ Bulk Services Report; and
- ◆ Need and Desirability Assessment.



### **HOW CAN I&APs COMMENT ON THE PROPOSED DEVELOPMENT?**

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The need for public input and involvement is of critical importance. All I&APs (neighbours, authorities, organisations etc.) are invited to comment on the proposed development. Comments can be communicated to us by post, telephone or email (contact details are provided below). Please send us your preliminary comments by **3 August 2018**.



**Postal:** PO Box 1170 Hilton, 3245  
**Physical:** Block H, Quarry Office Park,  
400 Old Howick Road, Hilton, 3245  
**Phone:** 033 343 4176 **Fax:** 033 343 4201  
**Email:** jean@greendoorgroup.co.za  
**Website:** www.greendoorgroup.co.za

Title:	First Name:	Surname:	Initials:
Organisation / Property Name:			
Interest in project (e.g. authority, neighbour, competitor, supplier):			
Postal Address:			
		Post Code:	
Tel Number:	Cell Number:		
Fax Number:	Email:		

1. The following issues must be noted regarding the proposed expansion of the Ezinketheni Community Development Project:

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2. The following potentially interested and affected parties should also be contacted:

Name:	Organisation:
Tel Number:	
Address:	Email:
Name:	Organisation:
Tel Number:	
Address:	Email:

3. Any additional comments

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**Should you be aware of anyone who might be interested in this project, but may be illiterate, disabled or otherwise disadvantaged, please send their contact details to Green Door Environmental so that we may facilitate participation.**

*Thank you*