

**ENVIRONMENTAL AUTHORISATION AND WATER USE LICENSE APPLICATION PROCESSES FOR THE
EASTERN CAPE DEPARTMENT OF TRANSPORT**

**DRAFT BASIC ASSESSMENT REPORT FOR PROPOSED UPGRADE OF APPROXIMATELY 8,16KM OF
THE DR08486 ROAD FROM GRAVEL TO BLACKTOP SURFACE WITH BLOCK PAVED
INTERSECTIONS, IN WARDS 6 AND 7 WITHIN THE MNQUMA LOCAL MUNICIPALITY IN THE EASTERN
CAPE PROVINCE.**

BACKGROUND INFORMATION DOCUMENT (BID) AND INVITATION TO COMMENT

REFERENCE NUMBER: MNQUMA EA_51_22

DATE: AUGUST 2022

PURPOSE OF THIS DOCUMENT

The purpose of this document is to provide all Interested and Affected Parties (I&APs) with information about the proposed upgrade of the Eastern Cape Department of Transport's DR08486 Road from gravel to blacktop surface with block paved intersections. In addition, the document also aims to:

- Introduce and explain the Environmental Authorisation Application (Basic Assessment) process, including the public participation process (PPP) that will be followed; and
- Invite all I&APs to comment on the proposed project by raising issues of concern and/or suggestions for enhanced benefits/alternatives on any aspect related to the proposed development.

To register as an I&AP on the project please contact the following person(s):

- Ms. Masala Mugwagwa and/or Ms. Sonja van de Giessen
- Luhlaza Consulting and Advisory (Pty) Ltd.
- 073 504 3122 / 083 388 4633 (Tel)
- masala@elemental-s.co.za and/or sonja@elemental-s.co.za

Any comments received should be forwarded to Luhlaza Consulting and Advisory (Pty) Ltd to be addressed.

INTRODUCTION AND BACKGROUND

The DR08486 is a gravel road located within the Mnyama Local Municipality in the Eastern Cape Province and is used as a daily thoroughfare for commuters in Mnyama. The road intersects the N2 to the south, travels through Zazulwana and reconnects to the N2 at Mnyamanzane to the North-East. To ensure that the road is safe and fully functional, the Eastern Cape Department of Transport (ECDOT) has proposed to upgrade approximately 8,16km of the DR08486 by paving it to blacktop surface.

The proposed upgrade triggers activities listed under the GNR 983 (Listing Notice 1) and GNR 985 (Listing Notice 3) of the Environmental Impact Assessment (EIA) Regulations of December 2014 as amended, promulgated under the National Environmental Management Act, 107 of 1998 (NEMA), as such, an Environmental Authorisation must be obtained before commencement of the project.

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The proposed road crosses water courses, further, some of the structures such as bridges, exceed 100m² and will be within 32 meters of watercourses. Consequently, these activities trigger listed activities under Section 21 of the National Water Act, 36 of 1998, therefore, a Water Use License/General Authorisation must be obtained before construction activities commence.

BMK Group CC (hereafter referred to as BMK) have been appointed by the ECDOT to undertake the design and supervision of Road DR08486. BMK has appointed Luhlaza Advisory and Consulting (Pty) Ltd. (hereafter referred to as Luhlaza) to provide professional environmental services for the project. Luhlaza will undertake the Basis Assessment and Water Use License Application process for the proposed project.

Notice is hereby given in terms of Chapter 6 of the EIA Regulations of 2014 as amended and Section 40 of the National Water Act, 1998 (Act No. 36 of 1998), that BMK on behalf of the ECDOT, proposes to lodge applications for Environmental Authorisation and Water Use Licence for the proposed project.

LOCATION

The road intersects the N2 to the south, travels through Zazulwana and reconnects to the N2 at Mnyamanzane to the North-East. The proposed upgrade will be undertaken within an existing servitude which belongs to the ECDOT. Further, the affected properties are on the Farms Gcuwa 1537, 1533, 65, 118, 17, 24, 1552, 66, 1524 and 54 within Wards 6 and 7 of Mnyama Local Municipality in the Eastern Cape Province. The proposed project area is presented below.

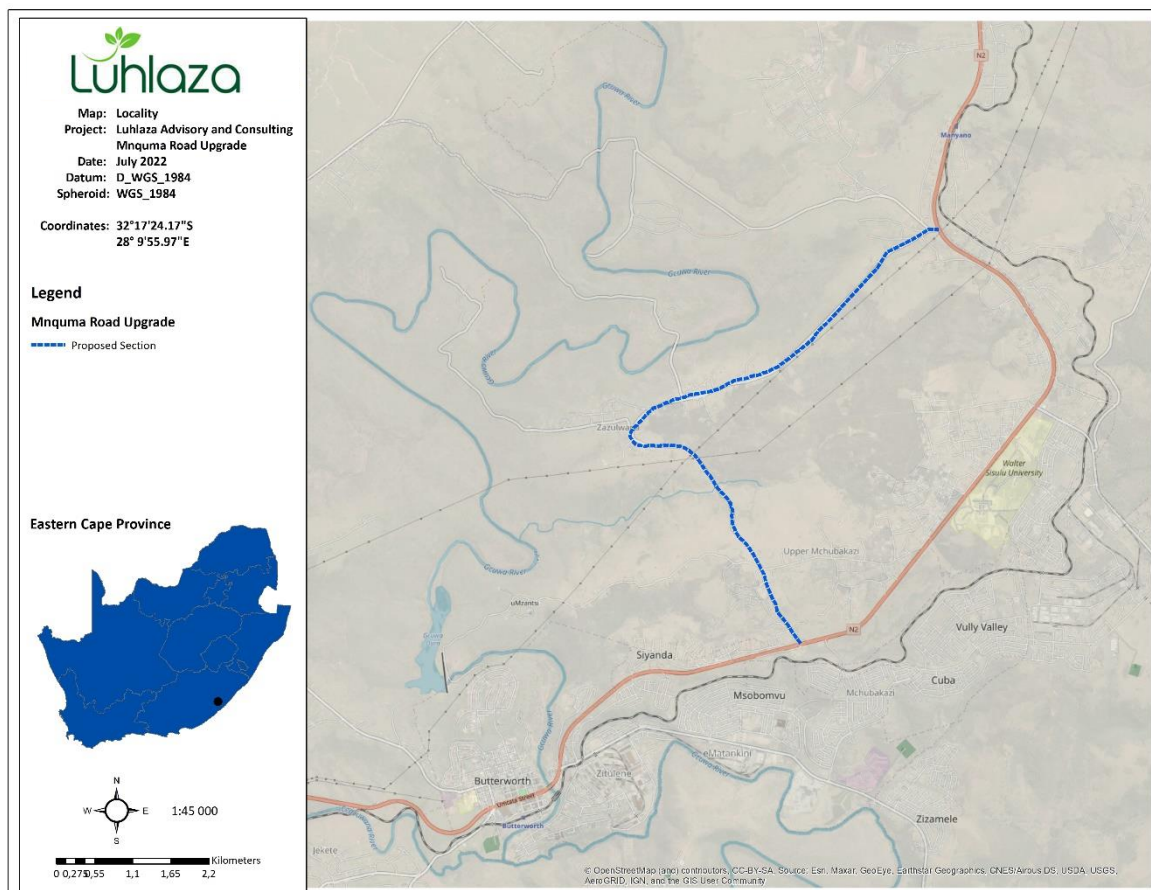


Figure 1: Locality Map

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DESCRIPTION OF THE PROPOSED PROJECT

The proposed activities will entail but not limited to the following:

- The upgrade of approximately 8,16km of the DR08486 Road from gravel to blacktop surface with block paved intersections. The proposed surface road will be based on a Type 4: Low Standard Secondary or Tertiary Road with a surfaced cross-sectional width increased from 7.0m to 7.5m and 1.0m shoulder;
- Installation of stormwater culvert crossings, piped stormwater and catchpits (where required);
- Construction of lined meadow drains and lined v-drains along the length of the road;
- Upgrade of existing structures such as culverts and bridges. The existing bridge deck structure is too narrow to accommodate the upgrade of an additional lane. Further, the bridges will need to be demolished and rebuilt as follows:
 - The construction of new double lane bridges which will allow for 2 x 3.75m lanes, 2 x 0.5m shoulders and 2 x 1m pedestrian walkways.
 - Demolition of the existing bridges once construction is completed.
- Development of a 20m road reserve; and
- Attenuation storage areas.

PROCESS – ACTIVITIES TRIGGERED

The proposed upgrade of the Road DR08486 triggers the following activities in terms of the NEMA 2014 EIA Regulations (as amended) from Listing Notice 1 and 3:

Listing Notice 1 (GNR 983):

- Listing Notice 1 – Activity 12

The development of-

(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or

(ii) infrastructure or structures with a physical footprint of 100 square metres or more;

where such development occurs-

(a) within a watercourse;

(b) in front of a development setback; or

(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse

Excluding-

(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;

(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;

(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;

(dd) where such development occurs within an urban area;

(ee) where such development occurs within existing roads, road reserves or railway line reserves; or

(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of the development and where indigenous vegetation will not be cleared.

Some of the proposed structures such as the bridges, will exceed 100m² and will be within 32 meters of watercourses. In addition, the some of the existing bridges, culvert etc., will be demolished and new infrastructure.

- 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-

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- (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.

Infilling and depositing of material of more than 10 cubic metres will be undertaken when bridges are built at the watercourse crossings.

- Listing Notice 1 – Activity 56

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.

The road will be widened by more than 6 metres during construction of the bridges and to accommodate pedestrian walkways.

Listing Notice 3 (GNR 985):

- Listing Notice 3 – Activity 12

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.

During the widening of the road, it is possible that an area of more than 300 square metres of indigenous vegetation may be cleared.

- Listing Notice 3 – Activity 18

The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.

(a) Eastern Cape

(i) Outside urban areas:

- (aa) A protected area identified in terms of NEMPAA, excluding conservancies;
- (bb) National Protected Area Expansion Strategy Focus areas;
- (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;
- (dd) Sites or areas identified in terms of an international convention;
- (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;
- (ff) Core areas in biosphere reserves;
- (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve;
- (hh) 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;
- (ii) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined;
- (j j) An estuarine functional zone, excluding areas falling behind the development setback line; or
- (kk) A watercourse; or
- (ii) Inside urban areas:

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(aa) Areas zoned for use as public open space; or

(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.

The road will be widened by more than 6 metres, however, it will not be lengthened. In addition, the widening of the road will also take place on bridges crossing watercourses.

PRELIMINARY ISSUES FOR INVESTIGATION

The following potential impacts are anticipated and will be assessed during the Basic Assessment process:

- Loss of soil characteristics - erosion and compaction
- Contamination of soil
- Potential for establishment of alien invasive species
- Loss of biodiversity (terrestrial and aquatic)
- Impacts on nearby wetlands
- Potential pollution to water resources (surface and groundwater)
- Air quality (emissions)
- Increased noise levels
- Negative visual views
- Potential damage to heritage sites (grave and/or archaeological artefacts)
- Positive and negative socio-economic impact
- Influx of job seekers to the area
- Increased traffic

SPECIALIST INVESTIGATIONS

Several specialist investigations will be conducted to assess the impacts associated with the project, these preliminary studies will include:

- Desktop Terrestrial Biodiversity Assessment (Plant and animal species)
- Aquatic Assessment
- Wetland Assessment

LEGAL REQUIREMENTS

Prior to the granting of Environmental Authorisation for the proposed project, a Basic Assessment (BA) (including an Environmental Management Programme) process must be undertaken in terms of the NEMA, as activities which require authorization are listed in the EIA Regulations (Listing Notice 1 and 3, 2014 published in Government Notice (GN) No. 983 and 985 of 4 December 2014 and amended in June 2021) under the NEMA.

In addition, a Water Use License in terms of the National Water Act, 36 of 1998 is required and will be undertaken in accordance with Regulations regarding the Procedural Requirements for Water Use Licence Applications WULA's (GNR 267 of 2017). The water uses that are likely to be triggered include the following:

- 21(c): *Impeding or diverting the flow of water in a watercourse; and*
- 21(i): *Altering the bed, banks, course or characteristics of a watercourse.*

The intent to upgrade Road DR08486 requires the following applications and subsequent approvals prior to commencement:

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Legislation	Listed activities	Authorisation required and key process elements	Competent Authority
NEMA and the EIA Regulations, 2014, as amended in 2021.	Listing Notice 1 - Activities: 12, 19 and 56 Listing Notice 3 – Activities 12 and 18	Environmental Authorisation; a Basic Assessment process including an EMPr and a public participation process.	Eastern Cape Department of Economic Development, Environmental Affairs and Tourism (DEDEA) – Amathole Region
National Water Act, 1998 (Act No. 36 of 1998)	Section 21 water uses: Section 21 c and i	Water use license application and public participation process.	DWS – Eastern Cape Province

To this effect, an environmental application process will be followed by means of BA/EMPR and WULA. You are therefore requested to register as an Interested and Affected Party (I&AP). Further, the Draft Basic Assessment Report will be made available for a 30-day review and comment period. The date of the availability of the report and the link to the electronic report will be provided to all registered I&APs. A hard copy report will also be made available at Butterworth Public Library. Should you require a CD copy of the report, please contact Luhlaza. Upon request, Zoom, Microsoft Teams and Skype meetings will be arranged and communicated with registered I&APs.

BASIC ASSESSMENT PROCESS AND WATER USE LICENCE APPLICATION

The BA/EMPR process typically has two phases as illustrated by the figure below.

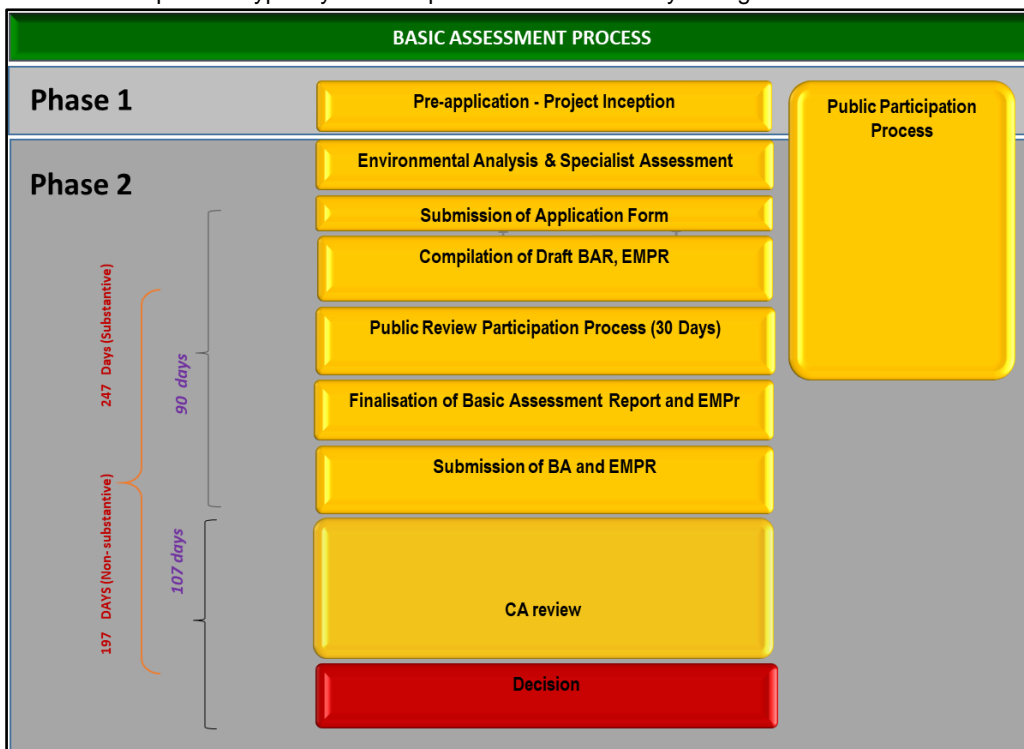


Figure 2: BA/EMPR flow diagram

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It is likely that the proposed project will require a General Authorisation in line with the National Water Act, 36 of 1998. However, this will be confirmed after the pre-application meeting with the Competent Authority and completion of specialist studies. Therefore, the diagram below includes the process to be followed for a full WULA.

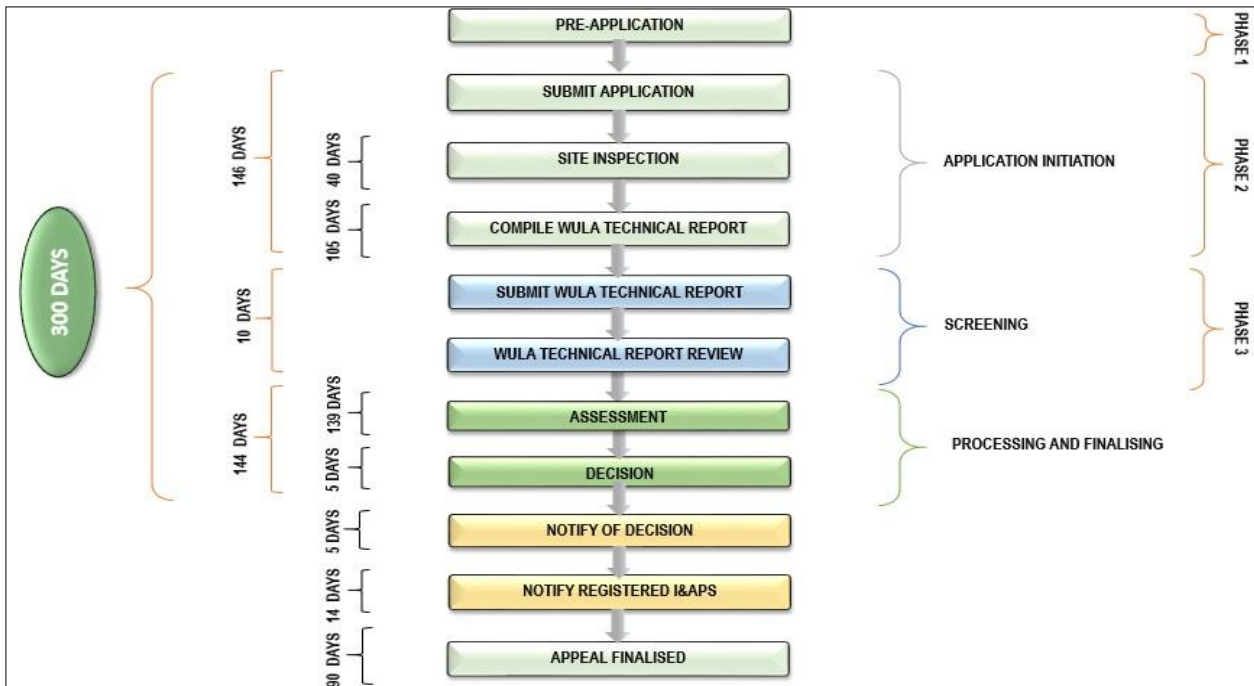


Figure 3: Water Use License Flow Diagram

HOW CAN I GET INVOLVED?

Please send Luhlaza Consulting and Advisory (Pty) Ltd your comments/views so that these can be addressed during the environmental authorisation/WULA process. Please provide any comments that you may have on the Draft Basic Assessment Report. If you know of anyone that would be affected by the project, then please ask them to register (see attached registration form) or send Luhlaza Consulting and Advisory (Pty) Ltd the contact details of the person. All registered I&APs will be informed of the availability of the Draft Basic Assessment Report.

PARTIES INVOLVED IN THE BASIC ASSESSMENT PROCESS I&APs

- Landowners, Surrounding landowners, land users, adjacent landowners and communities;
- Non-governmental organizations and associations; and
- Parastatals

COMMENTING AND LOCAL AUTHORITIES

- Eastern Cape Department: Rural Development and Agrarian Reform
- Department of Water and Sanitation
- Eastern Cape Department of Public Works
- Department of Social Development
- Provincial Heritage Resources Agency
- Amathole District Municipality
- Mquma Local Municipality
- Ward councillors
- Traditional Leaders of the following villages:
 - o Mchubakazi

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- o Zazulwana
- o Mnyamanzane
- o Etshaiyani

DECISION MAKING AUTHORITIES

- Eastern Cape Department of Economic Development and Environmental Affairs
- Department of Water and Sanitation

Please let us know if there are any additional parties that should be involved.

Interested and Affected Parties (I&APs) are invited to register and provide written comments to:

- Ms. Masala Mugwagwa and/or Ms. Sonja van de Giessen
- Luhlaza Consulting and Advisory (Pty) Ltd
- 073 504 3122 and/or 083 388 4633 (Tel)
- masala@elemental-s.co.za and/or sonja@elemental-s.co.za

I&APs should refer to the relevant reference number(s), and must provide their comments together with their name, contact details (preferred method of notification, e.g., e-mail address or fax number) and an indication of any direct business, financial, personal or other interest which they have in the application to the contact person indicated below.

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**EASTERN CAPE DEPARTMENT OF TRANSPORT
BACKGROUND INFORMATION DOCUMENT FOR THE PROPOSED UPGRADE OF APPROXIMATELY 8,16KM OF THE
DR08486 ROAD FROM GRAVEL TO BLACKTOP SURFACE WITH BLOCK PAVED INTERSECTIONS**

REGISTRATION AND RESPONSE FORM FOR INTERESTED AND AFFECTED PARTIES

DATE		TIME	
PARTICULARS OF THE INTERESTED AND AFFECTED PARTY			
NAME			
POSTAL ADDRESS			
		POSTAL CODE	
STREET ADDRESS			
		POSTAL CODE	
WORK/ DAY TELEPHONE NUMBER		WORK/ DAY FAX NUMBER	
CELL PHONE NUMBER		E-MAIL ADDRESS	
PLEASE IDENTIFY YOUR INTEREST IN THE PROPOSED PROJECT			
PLEASE WRITE YOUR COMMENTS AND QUESTIONS HERE			

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Please return completed forms to:

- Ms. Masala Mugwagwa and/or Ms. Sonja van de Giessen
- Luhlaza Consulting and Advisory (Pty) Ltd
- 073 504 3122 / 083 388 4633 (Tel) and/or 087 238 7092 (Fax)
- masala@elemental-s.co.za and/or sonja@elemental-s.co.za

The following policy applies to the processing of personal information required and acquired during the Public Participation Processes required by the Specific Environmental management Acts (SEMA's) defined in the National Environmental Management Act, 1998 (Act 107 of 1998, as amended-NEMA).

Luhlaza respects the privacy of your information and is committed to the protection of personal information in compliance with the laws of South Africa.

In fulfilling our obligations under the relevant SEMAs and other legal duties and rights, Luhlaza collects personal information from registered interested and affected parties as well as making such information publicly available and submission to the relevant competent authorities.

By registering as an interested and affected party you consent to the collection and processing of your personal information (as defined below). Personal information collected from registered interested and affected parties includes names; contact details; views, opinions, comments, responses and/or objections; and any submissions, communications or correspondence submitted to or received from Luhlaza. A registered interested and affected party is defined in Regulation 42 of the NEMA EIA Regulations and includes: all persons who, as a consequence of the public participation process conducted in respect of that application, have submitted written comments or attended meetings with the proponent, applicant or EAP; and all persons who have requested the proponent or applicant, in writing, for their names to be placed on the register.

By accepting this notice you also confirm that the information contained on this document will only be used for the purposes of fulfilling your obligations and rights defined in the NEMA or other specific law.

Personal information collected is stored and disposed of in accordance with the requirements of the POPIA.

Should you not wish to accept the contents of this notice and still wish to participate and/or access the documentation or should you have any further queries about this notice, please contact the EAP.

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