

# NOTICE OF APPLICATION FOR ENVIRONMENTAL AUTHORISATION & WATER USE AUTHORISATION

## THE UPGRADE OF PROVINCIAL ROAD 236 (P236) FROM KM14,0 TO KM32,0 WITHIN THE JOZINI LOCAL MUNICIPALITY, KWAZULU-NATAL



### BACKGROUND INFORMATION DOCUMENT

(JANUARY 2018)

**EDTEA REFERENCE NO:** As per title above (number to be provided post formal application)

**DWS REFERENCE NO:** To be confirmed

#### What does this document tell you?

This document aims to provide you, as an **Interested and Affected Party (I&AP)**, with background information regarding the **initiative by the Department of Transport (DoT), to upgrade the existing Provincial Road P236 gravel road from kilometre (km) km 14,0 to km 32,0 in Ubombo, Jozini Local Municipality, KwaZulu-Natal. In addition, the upgrading of drainage structures within watercourses is proposed.**

This document provides information regarding the **Basic Assessment (BA) and Water Use Authorisation (WUA)** being undertaken, and also advises you on how you can become involved in the project – by reviewing information, and making inputs thereon, including raising any possible issues. This sharing of information forms the basis of the **public participation process** and offers you the opportunity to become actively involved in the project from the outset. Public participation allows for local knowledge to be integrated into the BA and WUA as generated.

#### What does the project entail?

The project can be summarised as follows:

<b>Project name</b>	Upgrade of the existing P236 from km 14,0 to km 32,0 Ubombo, KwaZulu-Natal.		
<b>Local authority</b>	Jozini Local Municipality within the Umkhanyakude District Municipality - KwaZulu-Natal		
<b>(Competent Authority – CA)</b>	The KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs (EDTEA)		
<b>Landowner(s)</b>	Shared: The Ingonyama Trust Board & Republic of South Africa		
<b>Property details</b>	<b>21 Digit Reference Number</b>	<b>Erf and Portion Number</b>	
	N0HV00000001583600000	Farm 15836	
	N0HV00000001583600006	Remainder of Portion 6 of Farm15836	
	N0HV03460001000000000	Farm 10000	
<b>Co-ordinates</b>	<b>Road Upgrade (km 14,0 to km 32,0)</b>		
	<b>Point</b>	<b>South</b>	<b>East</b>
	Start - at km 14,00 of the P236	27°33'45.78"S	32° 4'55.41"E
	Middle - at km 23,00 of the P236	27°30'35.82"S	32° 6'2.20"E
	End - at km 32,00 of the P236	27°26'11.31"S	32° 6'8.29"E
	<b>Culvert Replacement</b>		
	<b>Culvert Name</b>	<b>South</b>	<b>East</b>
STC4101- Existing Pipe Culvert at km 21+440	27° 31' 05.9082"	32° 06' 13.6314"	
STC4102- Existing Box Culvert at km 24+978	27° 29' 34.7870"	32° 05' 41.2293"	
STC4103- Existing Pipe Culvert at km 26+305- STC4103	27° 28' 53.3992"	32° 05' 29.0342"	

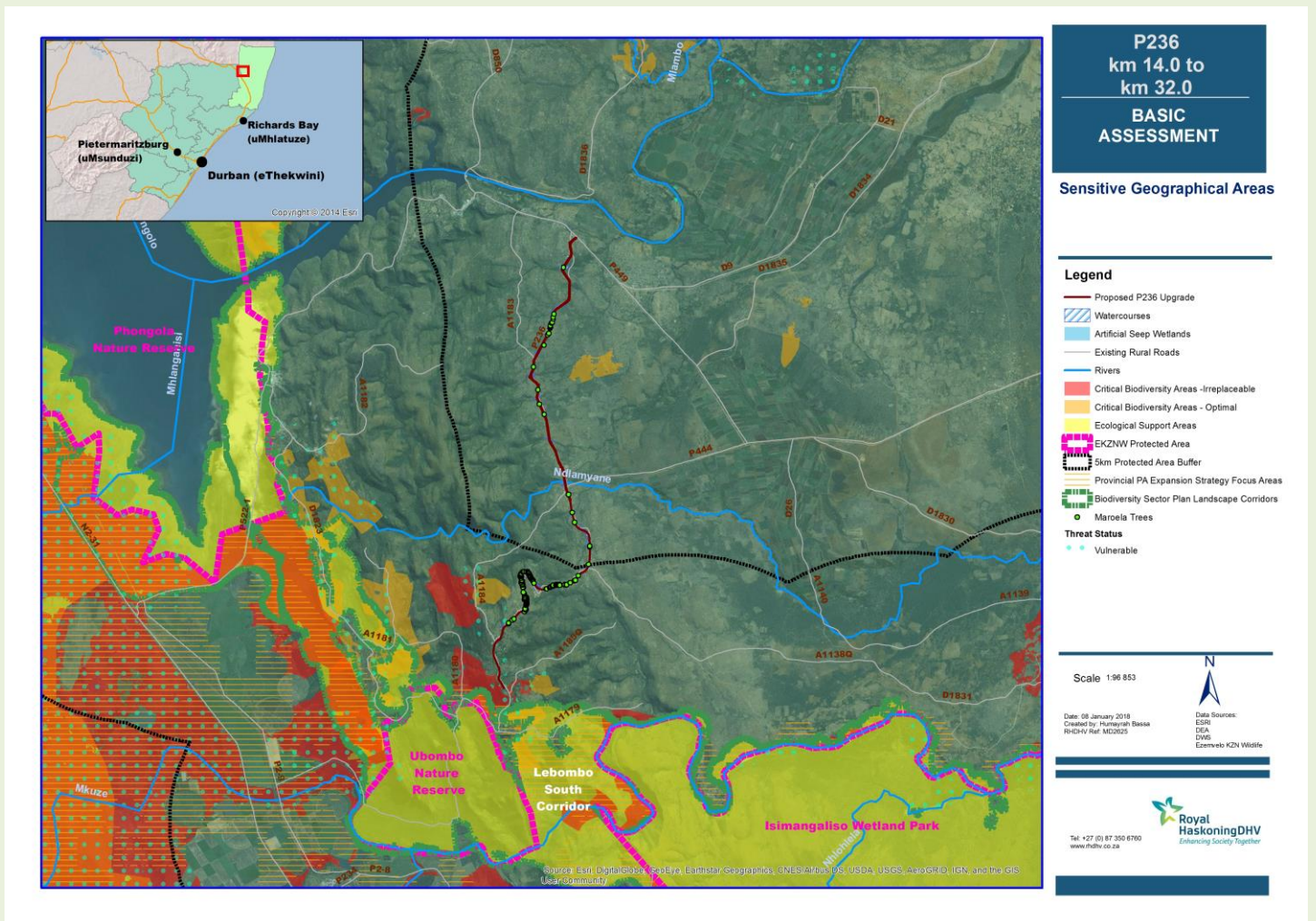
	STC4104- Existing Pipe Culvert at km 27+074- STC4104	27° 28' 30.6510"	32° 05' 21.9435"
	STC4105- Existing Pipe Culvert at km 29+460	27° 27' 19.76"	32° 05' 52.92"
	STC4106- Existing Pipe Culvert at km 30+780- STC4106	27° 26' 41.49"	32° 05' 55.56"
	3891/ Ophande Bridge- Existing Box Culvert at km 23+520	27°30'19.62"	32° 5'57.24"

**Location**  
 The study area is located in Ward 2 of Jozini Municipality. The P236 is located just north of Mkuze and starts at km 0, 00 at the intersection with the P2-9 and ends at the intersection with P449 at km 32, 00.

### Description of the proposed project

The proposed project is a upgrade of the existing P236 gravel road within the existing 30 m road reserve to a Class 3 single carriageway with an 8, 5 m wide surfaced road including 1, 0 m wide surfaced shoulders which will be trimmed at the road edges with gravel roundings which are 1, 0 m and 0, 5 m wide in fill and cut conditions. The proposed P236 road upgrade is detailed by the map in **Figure 1**.

The P236 is considered as a link road between Mkuze and the Makhathini Flats as well as the Ubombo/Bethesda Hospital situated at the top of the mountain pass. The route cascades through rolling to steep hill terrain, bisecting agricultural activity, game reserves and natural vegetation.



**Figure 1: Proposed P236 Road Upgrade**

The proposed upgrading of the P236 comprises the relocation of services, the construction of bulk earthworks required for the horizontal and vertical alignment of the existing road formation, design and construction of road layerworks and surfacing, including the associated ancillary works for the construction of the access roads off this main road to neighbouring communities.

## What are the potential environmental impacts associated with the proposed project?

The southern most section of the P236 falls within an area considered to be an **Irreplaceable Critical Biodiversity Area (CBA)** as depicted in **Figure 1**. Although the P236 does not traverse any optimal CBA area, various Optimal CBA areas are situated within 1 km of the P236. The Lebombo South Corridor is situated approximately 900 m south of the P236.

The Ubombo Mountain Nature Reserve is located approximately  $\pm 1$  km southwest of the P236 and the Mkhuze Game Reserve (situated within the iSimangaliso Wetland Park World Heritage Site) is 3 km southeast of the study area. According to the National Protected Areas Expansion Strategy database, the Pongolapoort Nature Reserve is situated  $\pm 7.7$  km west of the study area.

Potential environmental impacts associated with the project have been identified. Therefore, as part of the BA, these potential impacts will be assessed through the following specialist studies:

Specialist Study	Organisation
Terrestrial Ecological Habitat Assessment	Scientific Terrestrial Services Cc
Freshwater Impact Assessment	Scientific Terrestrial Services Cc
Heritage Impact Assessment	Active Heritage Cc
Paleontological Impact Assessment	Active Heritage Cc

The EIA Regulations (2014 as amended in 2017) requires the Environmental Assessment Practitioner (EAP) to be independent, objective and have expertise in conducting EIAs. Such expertise should include knowledge of all relevant legislation and of any guidelines that have relevance to the proposed activity. To ensure a lack of bias and to ensure transparency, an external technical peer review will be undertaken prior to the public review during the formal environmental assessment process. This peer review will be conducted by Kinvig & Associates.

Input from the public through the public participation process provides valuable input in the identification of issues requiring investigation within this environmental assessment process. The study will highlight areas that should be avoided in order to minimise potential impacts, and evaluate the project alternatives. The environmental assessment will aim to achieve the following:

- Provide an overall assessment of the social and biophysical environments of the affected area by the proposed construction of the project;
- Undertake a detailed assessment of the preferred site(s) in terms of environmental criteria including the rating of significant impacts;
- Identify and recommend appropriate mitigation measures for potentially significant environmental impacts; and
- Undertake a fully inclusive public participation process to ensure that I&AP issues and concerns are recorded and commented on.

## Why are environmental studies needed?

In terms of the **Environmental Impact Assessment (EIA) Regulations** Government Notice Regulation (GNR) No. 983 to 985 of 2014 (amended by GNR 324 to 327 of 2017), published in terms of Section 24(5), and read with Section 44, of the National Environmental Management Act (NEMA) (Act No. 107 of 1998), the **DoT** requires an Environmental Authorisation (EA) from the Provincial Department of Economic Development, Tourism and Environmental Affairs (EDTEA) for undertaking the proposed project as it includes activities listed under Listing Notice 1 - 3 of the EIA Regulations (2014 as amended in 2017).

The following **Listing Notice 1** activities are being applied for:

- **Activity 19** – The infilling or depositing of any material of more than 10 m<sup>3</sup> into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 m<sup>3</sup> - (i) a watercourse;
- **Activity 67**-Phased activities for all activities

The following **Listing Notice 3** activities are being applied for:

- **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. In KwaZulu-Natal, in Critical Biodiversity Areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;

Activities under these listings may have an effect on the environment, hence a Basic Assessment (BA) study as prescribed in Regulations 16 to 20 and Appendix 1 for a BA study and Regulations 16 – 18, 21-24 and Appendix 2 and 3 of the EIA Regulations (2014 as amended in 2017), will be undertaken. A BA is an effective planning and decision-making tool, which allows for the identification of potential environmental consequences of a proposed project, and its management through the planning process.

## DWS – Water Use Authorisation

Additionally, as the project involves the crossing of watercourses, a Water Use Authorisation (WUA) will be submitted to the Department of Water and Sanitation (DWS) as per Sections 21 (c) and (i) of the National Water Act (Act No. 36 of 1998).

The following water uses in terms of Section 21 of the NWA are being applied for:

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

The DoT has appointed Royal HaskoningDHV to provide independent Environmental Assessment Practitioner (EAP) services for the proposed project. As part of these environmental studies, all I&APs will be actively involved through a public participation process (PPP).

### Public Participation Process (PPP)

It is important that relevant I&APs are identified and involved in the PPP from the outset of the project.

To ensure effective public participation, the process includes the following steps during the BA Process:

- STEP 1: Create awareness of the BA process (by way of advertisement in local newspaper, circulation of BID [this document] and erection of site notices);
- STEP 2: Register I&APs and key stakeholders on the database (on-going);
- STEP 3: Consultation with, and transfer of information to, I&APs through consultation and stakeholder engagement;
- STEP 4: Invite I&AP comment and input on the draft BA report (BAR) (30-day comment period); and
- STEP 5: Record all comments, issues and concerns raised by I&APs within an issues trail, which will form an integral part of the BAR.

### How can you get involved?

**If you consider yourself an I&AP for this proposed project, we urge you to become involved.**

- By responding (by phone, fax or e-mail) to our invitation for your involvement in the process.
- By completing the attached comment form and mailing it to **Clive Zwane** at Royal HaskoningDHV.
- In writing contacting consultants if you have a query, comment or require further project information.
- By reviewing and commenting on the draft / consultation BAR within the allowed 30-day review period..

**Your input into this process forms a key part of the environmental studies and we would like to hear from you to obtain your views on the proposed project.**

By completing and submitting the accompanying response form, you automatically register yourself as an I&AP for this project, and ensure that your comments, concerns and/or queries raised regarding the project will be noted.

### Comments and queries on the project can be directed to

<b>Mr Clive Zwane</b>	PO Box 1243, Umhlanga Rocks, 4320		 <b>Royal HaskoningDHV</b> <i>Enhancing Society Together</i>
	Tel	087 350 6783	
	Email	<a href="mailto:clive.zwane@rhdhv.com">clive.zwane@rhdhv.com</a>	
<b>Miss Venessa Nkosi</b>	PO Box 1243, Umhlanga Rocks, 4320		 <b>Royal HaskoningDHV</b> <i>Enhancing Society Together</i>
	Tel	087 350 7502	
	Email	<a href="mailto:venessa.nkosi@rhdhv.com">venessa.nkosi@rhdhv.com</a>	

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**YOUR COMMENTS AND QUERIES ARE WELCOME**

Please **complete** this Comment Form **in full** and return to:

<b>Miss Venessa Nkosi</b>	PO Box 1243, Umhlanga Rocks, 4320		
	Tel	087 350 7502	
	Email	<a href="mailto:Venessa.Nkosi@rhdhv.com">Venessa.Nkosi@rhdhv.com</a>	

<b>Title</b> (Prof/Mr/Mrs/Miss)		<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>Email address</b>	

What comments / concerns would you like to raise regarding this proposed project? (Please use additional pages, if required)

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PLEASE REGISTER THE FOLLOWING PERSON(S) ON THE PROJECT DATABASE:

<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>Email address</b>	

<b>Signature</b>	
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IF YOU PREFER **NOT TO RECEIVE** ANY FURTHER INFORMATION REGARDING THIS PROPOSED PROJECT, AND, WOULD PREFER TO BE REMOVED FROM THE PROJECT DATABASE, PLEASE TICK THE BOX BELOW AND RETURN THE FORM TO THE PUBLIC PARTICIPATION CONSULTANTS (CONTACT DETAILS AS PROVIDED ABOVE).

Yes, remove my name