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Your Ref.:
Our Ref.: 02/2005

29 June 2020

ATTENTION: INTERESTED AND AFFECTED PARTIES

Dear Sir/Madam,

RE: Extension of public participation process timeframes – Applications in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the National Water Act, 1998 (Act No. 36 of 1998) for the Madiba Community Hall, Ward 34, Msunduzi Municipality

Preamble

This notice follows iNhlaba Consulting's notice circulated on 20 March 2020 notifying Interested and Affected Parties of the availability of the Basic Assessment Report for the Proposed Madiba Community Hall in Ward 34 of the Msunduzi Municipality.

Kindly note that the opportunity to comment on the Draft Basic Assessment Report has been extended to **14 July 2020** (more detail in Section 4 below).

1. Introduction

iNhlaba Consulting has been appointed by Mariswe Consulting (Pty) Ltd, on behalf of the Msunduzi Local Municipality (Msunduzi Municipality), as the environmental assessment practitioner for the proposed development of a the Madiba Community Hall, in Ward 34, Pietermaritzburg. Figure 1 for a locality map.

As part of this appointment, iNhlaba Consulting is to compile applications in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the National Water Act, 1998 (No. 36 of 1998).

2. Project Description

Ward 34 of the Msunduzi Municipality currently does not have the facilities to host civic events. In order to provide for this re-occurring demand, the Msunduzi Municipality has made allocation in its Integrated Development Plan for the development of a community hall within the municipal ward during the 2020/21 financial year.

Given the high-density development already having occurred within Ward 34, and the generally steep topography, the Msunduzi Municipality was able to identify three (3) potential sites to develop the community hall (see Figure 1). The preferred site is located alongside an unnamed tributary of the Baynes Spruit river, which drains into the Msunduzi River approximately 650 m downstream of the site.

The proposed community hall will consist of a built masonry structure (approximately 300-400m²) in extent along with supporting infrastructure such as parking areas, electrical and water supply, waterborne sanitation, and storm water management. A figure illustrating the proposed layout is included as Figure 2.

3. Applicable Legislation

3.1 National Environmental Management Act, 1998 (Act. No 107 of 1998)

The NEMA contains a set of principles that govern environmental management and against which Environmental Impact Assessment and all Environmental Management Programmes (EMPrs) and actions are measured. These principles include sustainable development, protection of the natural environment, waste minimisation, public consultation, and the right to a clean and healthy environment and a general duty of care.

The NEMA allows for the listing of activities¹ considered to present an inherent risk to the environment along with the procedural requirements² should someone wish to undertake one of these activities. The table below provides a description of the listed activity in EIA Regulation Listing Notice 3 of 2014 triggered by the proposed development of the Madiba Community Hall. **(Error! Reference source not found. 1).**

Table 1: Applicable activity relevant to project

<i>EIA Regulation Listing Notice 3 of 2014</i>	
<i>Activity 12</i>	<i>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.</i>
<i>Activity 14</i>	<i>The development of - (ii) infrastructure or structures with a physical footprint of 10 square metres or more; where such development occurs - (a) within a watercourse; or (c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse; d. KwaZulu-Natal. viii. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority</i>

Undertaking one or more activities listed in EIA Regulation Listing Notice 3 of 2014 is subject to assessment in terms of a Basic Assessment, as outlined in Sections 19 and 20 of the EIA Regulations, 2014 and the Department of Economic Development, Tourism and Environmental Affairs (EDTEA) granting Environmental Authorisation prior to commencement.

3.2 National Water Act, 1998 (Act 36 of 1998)

The purpose of the NWA is to ensure that South Africa's water resources are protected, used, developed, conserved, managed and controlled in ways which take into account a variety of factors. These factors include the need to protect aquatic and associated ecosystems and their biodiversity, and the obligation to reduce and prevent the pollution of water resources.

In order to fulfil this mandate, the NWA listed 11 water uses which are prohibited subject to the Department of Human Settlement, Water and Sanitation (DHSWS) issuing a Water Use Licence (WUL). Included as water uses listed in Section 21 of the NWA are the following applicable activities:

- (c) impeding or diverting the flow of water in a watercourse; and*
- (i) altering the bed, banks, course or characteristics of a watercourse.*

The procedural requirements for WUL application is subject to consideration by an aquatic ecologist.

¹ EIA Regulation Listing Notices 1, 2 and 3 of 2014 (as amended).

² EIA Regulations, 2014 (as amended).

4. Opportunity to participate

As part of these application processes, iNhlaba Consulting has been conducting a public participation process, notifying Interested and Affected parties (I&APs) of the proposed development and the availability of the Basic Assessment Report for review. The original timeframe for comment on the Basic Assessment Report was from 20 March 2020 to the 21 April 2020.

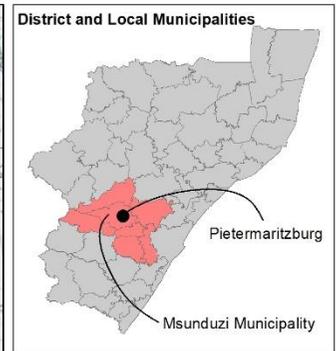
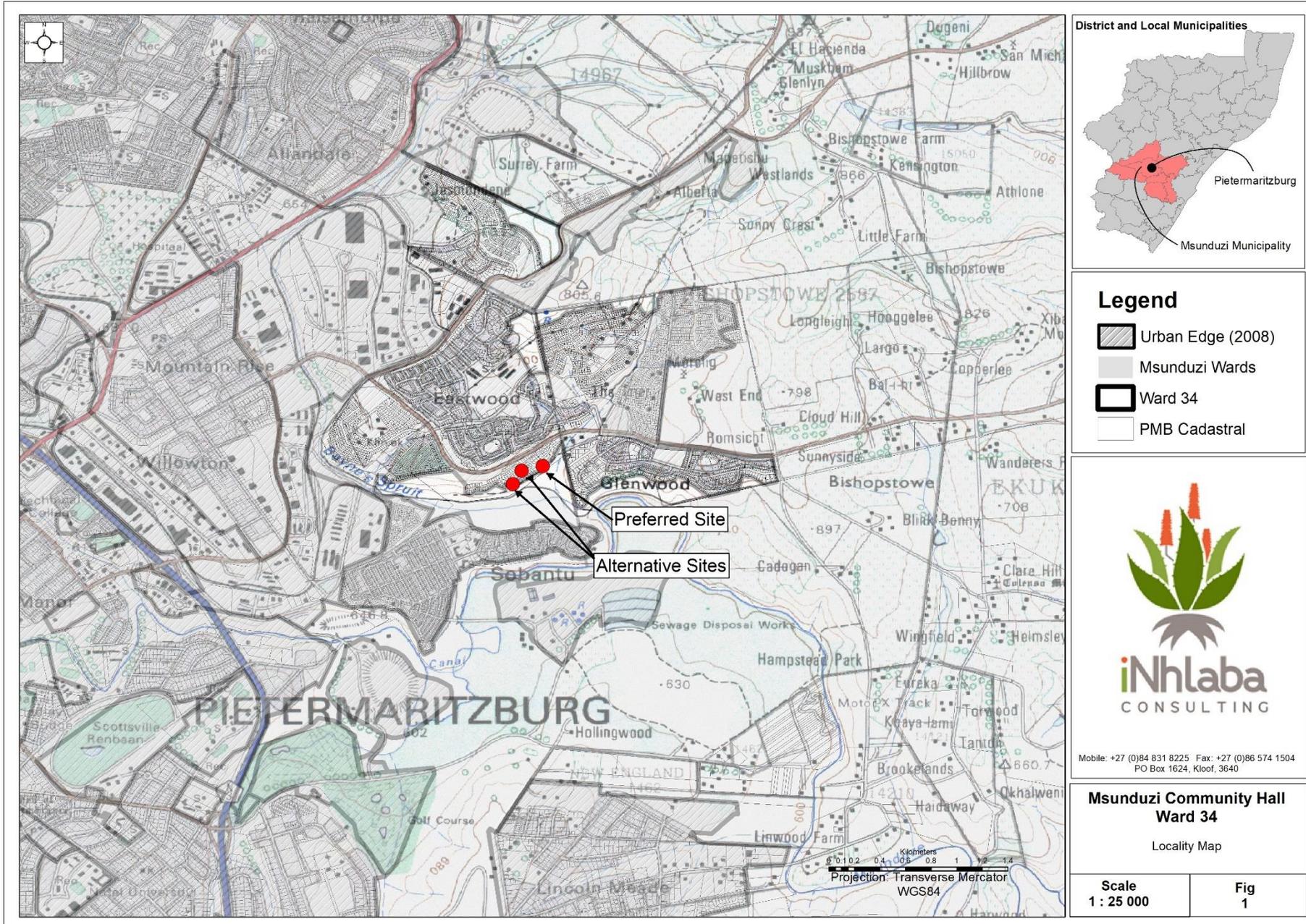
Subsequent to the COVID-19 National Lockdown, directives were issued in terms of the Disaster Management Act, 2002 (Government Notice Regulation No. 650, dated 05 June 2020), which required the extension of the commenting period to 30 June 2020. However, in our discretion as the Environmental Assessment Practitioner, all I&APs have been afforded an additional 14 days in which to comment. The final date for comment is therefore, **Tuesday, 14 July 2020**.

5. Conclusion

Thank you for your consideration of this notice.
Yours faithfully

A handwritten signature in black ink, appearing to read 'W. Hale', written in a cursive style.

Mr. Warren Hale
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**Msunduzi Community Hall
Ward 34**

Locality Map

Scale 1 : 25 000	Fig 1
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