



## BACKGROUND INFORMATION DOCUMENT (BID)

The purpose of this document is to inform Interested and Affected Parties (I & APs) of the proposal and to provide information on the roles and responsibilities of registered I & APs. This document provides introductory information on the potential impacts of the proposal which will be described in the basic assessment report. Please note that comments on the BID are not required, however should you have any initial comments or queries please submit to the contact person listed on the last page.

|   |  |
|---|--|
| <b>Project Title:</b>                                 | The use of the P73 Hlokozi Borrow-Pit.   |
| <b>Application Type:</b>                              | Basic Assessment   |
| <b>Competent Authority:</b>                           | Department of Minerals and Resources   |
| <b>Location of Activity:</b>                          | uBuhlebezwe Local Municipality   |
| <b>Public Participation Commencement date:</b>        | July 2017  |
| <b>Contact in Order to Register as an I &amp; AP:</b> | Justin Kumkurren<br>Fax : 086 535 5281<br>Tel: 031 769 1578<br>KSEMS@ksems.co.za |
| <b>Environmental Consultants for Project:</b>         | Kerry Stanton<br>Justin Kumkurren  |
| <b>Applicant:</b>                                     | KZN Department of Transport  |
| <b>Release Date:</b>                                  | 25 <sup>th</sup> May 2017  |

### The Proposal

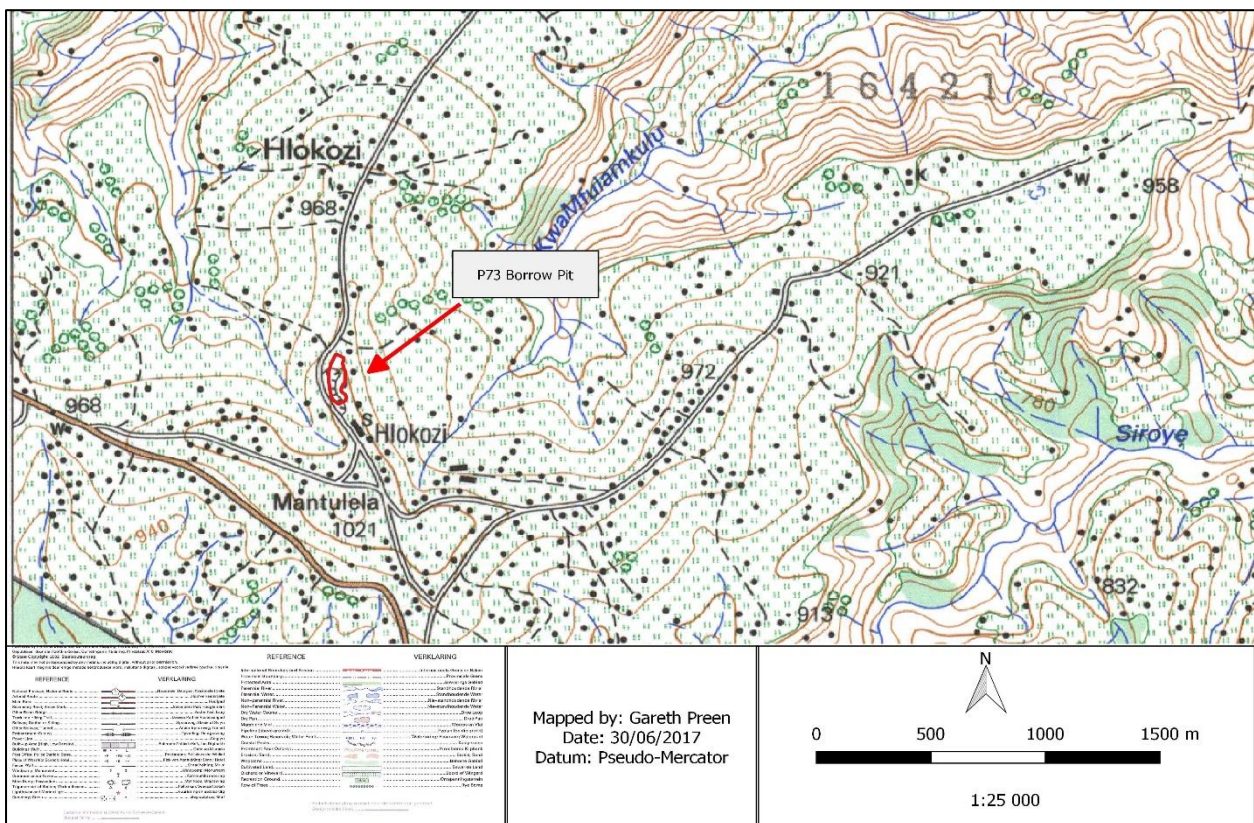
The KwaZulu-Natal Department of Transport (KZN DoT) propose to utilise an existing borrow pit which is located along a subsidiary road to the P73 Main Road and in close proximity to the rural town of Hlokozi within the uBuhlebezwe Local and Harry Gwala District Municipalities (Figure 1). The borrow pit will serve as a material source for the upgrade of the P73 road. At present, the approximate area of the borrow pit is 4.4 Hectares and has been previously utilised by the surrounding community for aggregate. The use of this borrow pit is necessary for the upgrading of the P73 road which is presently traversed by vehicles, members of the local communities and school children, therefore the upgrade is vital for the safety of all road users. Hereafter, the borrow pit will be referred to as the P73 borrow pit.

## Site Description

As mentioned above, this is an existing borrow pit site and the surrounding land uses observed during the initial site visit are inclusive of informal road and housing infrastructure, subsistence agriculture and school infrastructure. Furthermore, vegetation communities within the receiving environment was recorded to be typical of the KwaZulu-Natal Sandstone Sourveld grassland, however, several alien invasive species were also observed indicating a certain level historical disturbance such as the use of the borrow pit and subsistence agriculture. A number of Saligna Gum plantations were noted which are likely utilised as a source of firewood wood building material. The approximated centre point coordinates for the P73 borrow are provided in Table 1 below and is further illustrated in Figure 1.

**Table 1: Geographic coordinates of the centre point of the P73 Borrow Pit.**

| Description                          | Latitude      | Longitude     |
|--------------------------------------|---------------|---------------|
| Approximate Centre Point Coordinates | 30°20'10.16"S | 30°15'50.92"E |



**Figure 1: An illustration of the location of the P73 borrow pit within the rural town of Hlokozi.**

## Potential Environmental Impacts and Mitigation Measures

A number of potential environmental issues have already been identified to assist I&APs to better understand the investigations to be undertaken as part of the environmental assessment process. Where mitigation measures have already been identified, these have also been provided in Table 2. Further mitigation measures will be provided for in the site specific Environmental Management Programme (EMPr), which is a document that accompanies the Basic Assessment Report (BAR) outlining the site specific mitigations to ensure that little to no environmental damage or degradation occurs due to the proposal.

**Table 2: Potential Impacts and Mitigation Measures.**

| POTENTIAL IMPACT  | MITIGATION MEASURE   |
|---|--|
| <b>Planning and Design Phase</b>  |  |
| Non-Compliance with legislative requirements  | The proposed activities triggers Activities 21 and 22 of Listing Notice 1 Activity 21 of Listing Notice 1 is any activity including the operation of that activity which requires a mining permit in terms of section 27 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), including associated infrastructure, structures and earthworks directly related to the extraction of a mineral resource, and associated primary processing of a mineral resource including crushing. Activity 22 of Listing Notice 1 (GNR 327) is defined as: The decommissioning of any activity requiring (i) a closure certificate in terms of section 43 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002); or (ii) a prospecting right, mining right, mining permit, production right or exploration right, where the throughput of the activity has reduced by 90% or more over a period of 5 years excluding where the competent authority has in writing agreed that such reduction in throughput does not constitute closure. |
| <b>Construction Phase</b>   |  |
| Soil degradation and groundwater contamination  | There is potential for soil degradation and groundwater contamination to occur during the construction phase as a result of accidental spills or leaks, resulting in product seeping into the ground and potentially moving into the soil, groundwater and run-off into the water body. Impacts will be mitigated through control measures outlined in the EMPr as well as the spill response procedure to follow in the event of an accidental spill. Regarding seepage of construction-based effluent into the soil and ground, mixing of cement will be done on an impervious surface and construction vehicles and machinery must be well maintained at all times to prevent seepage of oil and fuel.  |
| Impacts on surface water (watercourses, water bodies or drainage).  | Following the initial site visit, it was observed that there are no water resources within a close proximity of the P73 borrow pit and are therefore unlikely to be impacted upon. Despite this, a Freshwater Habitat Impact Assessment will be commissioned to confirm the boundaries of the water resources within the receiving environment and will ascertain the level, if any, the water resources will be impacted upon. Following this, the specialist will provide mitigation measures which will be incorporated into the BAR.   |
| Impacts on flora and fauna  | According to Mucina and Rutherford (2006), who delineated vegetation units throughout South Africa, the P73 borrow pit falls within the KwaZulu-Natal Sandstone Sourveld Grassland which has been classified as 'Critically Endangered'. Activities associated with the utilisation of the P73 borrow pit may impact or disturb this vegetation unit, however the site was observed to be disturbed and invaded by alien invasive species. Despite this, a Vegetation Assessment will be carried out to further investigate the potential impacts on the receiving vegetation and to provide mitigation measures.  |
| Impacts associated with waste generation including the improper disposal of solid waste, hazardous and non-hazardous waste. | All solid waste generated during the use of the P73 borrow pit must be placed in a designated waste collection area and must not be allowed to blow around the site, be accessible by animals, or be placed in piles adjacent to the skips / bins. All solid waste must then be disposed of at the nearest licensed landfill and safe disposal certificates must be obtained and kept on site at all times during construction.  |
| Noise generated by  | Noise pollution is expected to be minimal and temporary; however, should excessive   |

| POTENTIAL IMPACT  | MITIGATION MEASURE   |
|---|--|
| construction workers, machinery and construction vehicles disturbing surrounding residents. | noise pollution occur, all nearby residents must be notified prior to the activity commencing. Noise must be kept to working hours (07h00 to 17h00) on weekdays and (08h00 to 13h00) on Saturdays. No construction is permitted on Sundays or public holidays. |
| <b>Operational Phase</b>  |  |
| Temporary aesthetic or visual impacts arising from the proposed development.                | The development will have a minimal visual impact given it is an existing borrow pit. Therefore, it should not have any further adverse impact on the aesthetics of the area.  |
| Surface and Ground Water Contamination  | This will be further investigated in the Basic Assessment Report in accordance to the findings and recommendations of the Freshwater Habitat and Wetland Specialist.   |

### Basic Assessment Process

To determine the overall environmental feasibility of the proposal, a Basic Assessment (BA) is required as per the National Environmental Management Act, 2014 EIA regulations as amended in April 2017, (Regulations in terms of Chapter 4 of the National Environmental Management Act, 1998, as amended). A BA is an assessment carried out to determine the environmental impacts of a development proposal. It is a planning and management tool for sustainable development and aims to inform decision-makers about the potential environmental, physical, biological and socio-economic effects of the proposal. This allows relevant authorities and decision-makers to make an informed decision on whether to authorise or reject the proposed housing development, i.e. whether to grant Environmental Authorisation. As mentioned above, an EMPr will be compiled in conjunction with the BA.

The following activities, outlined in Table 3, contained in GNR 327 and GNR 324 of the new NEMA regulations (4 December 2014 as amended in April 2017), will be applied for:

**Table 3: Potential Activities being applied for.**

| NUMBER AND DATE OF THE RELEVANT NOTICE:                                  | ACTIVITY NO (S) (IN TERMS OF NOTICE:  | LISTED ACTIVITY TRIGGERED AS PER THE PROJECT DESCRIPTION:   |
|--|---|---|
| As per Listing Notice 1 GNR 327-4 December 2014 as amended in April 2017 | <b>Activity 21</b> is any activity including the operation of that activity which requires a mining permit in terms of section 27 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), including associated infrastructure, structures and earthworks directly related to the extraction of a mineral resource, and associated primary processing of a mineral resource including crushing. | This activity may be triggered as the proposed activity requires the use of the P73 borrow-pits as the primary source of aggregate which will be utilized during the layer works and infilling processes for the upgrade of the P73 road. The primary processing such as crushing of the aggregate to the required size may also be undertaken for the project and will also trigger this activity. |
| As per Listing Notice 1 GNR 324-4 December 2014 as amended in April 2017 | <b>Activity 22-</b> The decommissioning of any activity requiring (i) a closure certificate in terms of section 43 of the   |   |

| NUMBER AND DATE OF THE RELEVANT NOTICE: | ACTIVITY NO (S) (IN TERMS OF NOTICE:   | LISTED ACTIVITY TRIGGERED AS PER THE PROJECT DESCRIPTION: |
|---|--|---|
|   | Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002); or (ii) a prospecting right, mining right, mining permit, production right or exploration right, where the throughput of the activity has reduced by 90% or more over a period of 5 years excluding where the competent authority has in writing agreed that such reduction in throughput does not constitute closure. |   |

### **Water Use License Application (WULA)**

The National Water Act (Act No 36 of 1998) deals with various consumptive and non-consumptive uses of water resources and controls the manner in which water resources are protected, used, developed, controlled, conserved, managed and ensures the equitable use for all.

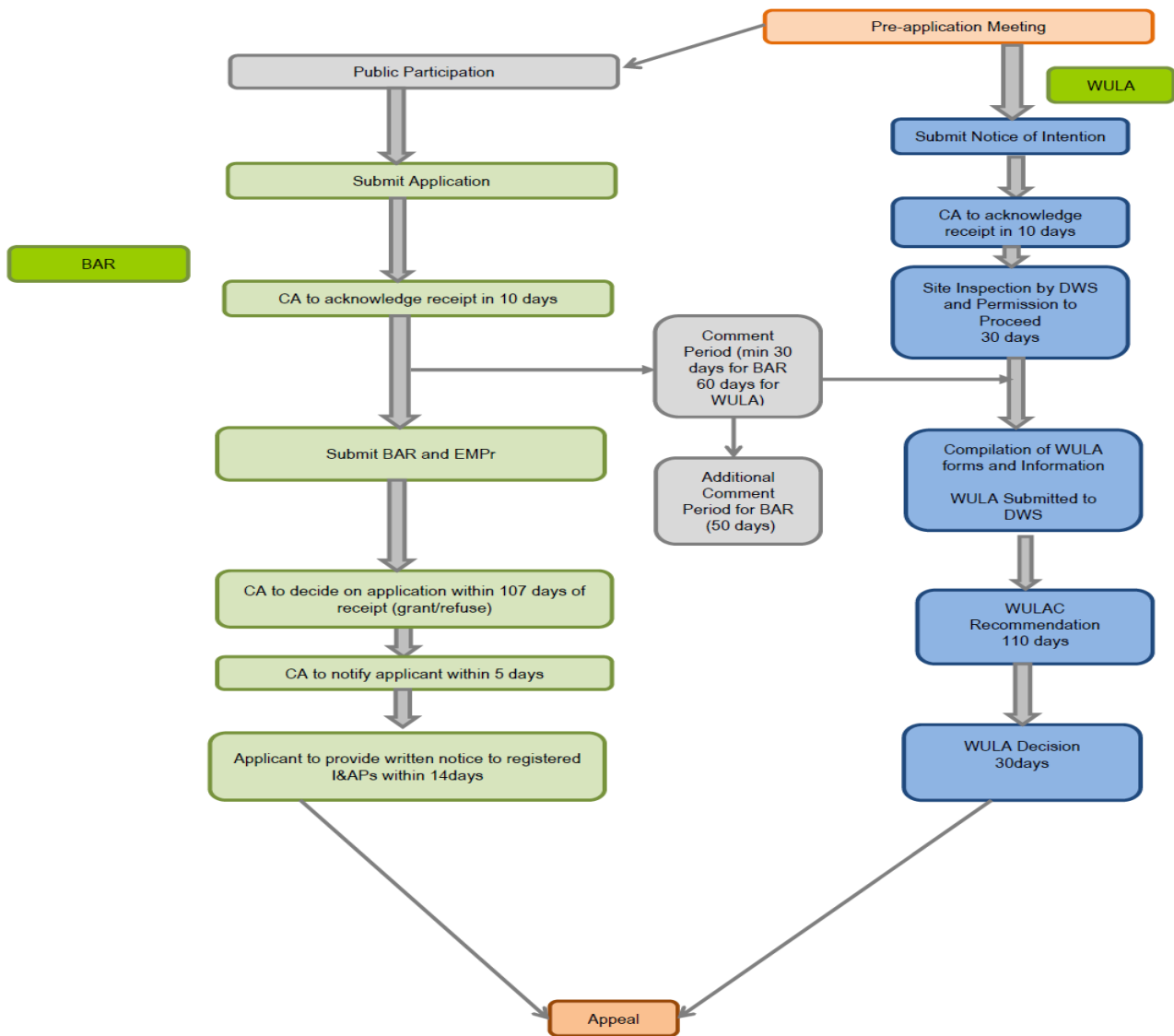
In terms of Section 21 of the National Water Act (Act No 36 of 1998) a WULA may be required as the access road that is to be formalised crosses a watercourse. This may trigger a Section 21 (c) and 21 (i) water use:

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

The risks associated with the water crossing are likely to be low to none, therefore a General Authorisation (GA) maybe be applied for according to Government Notice No.509 of Government Gazette No.40229. A GA replaces the need for a water user to apply for a license in terms of the National Water Act provided that the water use is within the limits and conditions of the GA.

### **Public Participation Process**

Public Participation is a legislated component of the BA and WULA process as per the National Environmental Management Act, 2014 EIA Regulations (Regulations in terms of Chapter 6 of the National Environmental Management Act, 1998, as amended) and as per the National Water Act 1998 (Regulations in terms of Chapter 4 of the National Water Act, 1998) respectively. Public Participation is the opportunity afforded to I & APs (including government authorities) to become involved in the BA and WULA processes and is required to ensure that the views of I & APs are taken into consideration during the assessment of potential impacts. Public Participation forms part of the BA and WULA processes as indicated in Figure 2.



The current application is undergoing a BA and WULA and as such the following steps have or will be followed:

An application form will be submitted to the Provincial environmental authority, Department of Economic Development, Tourism and Environmental Affairs (EDTEA)

The application will be advertised in the local newspaper. Signboards will be placed around the site, neighbours will be notified and ward councilors will be requested to distribute information within the community. A meeting may be held with registered interested and affected parties (I&APs), if requested.

Written notification will be given to the Ward Councilor. The following authorities and interest groups will also be notified: Department of Economic Development, Tourism and Environmental Affairs (EDTEA), Department of Water and Sanitation (DWS), the Department of Agriculture, Forestry and Fisheries and Ezemvelo KZN Wildlife.

A Basic Assessment report will include details on the environmental impacts investigated. This will be made accessible to all registered I & APs and to the authorities for comment and review.

I & APs and authorities will be requested to provide comment within 30 days. All comments received will be included in the Final Basic Assessment report which will be submitted to I & AP's for final comment prior to the submission of the Final Basic Assessment to the EDTEA for approval.

EDTEA will either approve or reject the Basic Assessment Report.

EDTEA have two weeks to acknowledge receipt of the report and 30 days to assess, after which they have 30 days to issue an Environmental Authorisation approving or rejecting the proposal.

Figure 2: An illustration of the BA and WULA Processes.

KSEMS Environmental Consulting CC is an established environmental consultancy, which has been based in KwaZulu-Natal since 1998. KSEMS has been appointed as the independent environmental assessment practitioner and is responsible for assessing the impacts of the proposal and also conducts the Public Participation Process. I & APs for this proposal are invited to register with the contact person below in order to receive further information and to have an opportunity to comment on the process.

Justin Kumkurren  
**KSEMS Environmental Consulting**  
Phone 031 769 1578  
Fax 086 535 5281  
E-mail: KSEMS@ksems.co.za

By registering for the process, your name will be included in the register of I & APs and you will be notified of meetings and availability of reports for comment. You will be able to offer comments or queries on any written submission or information provided which will be included in the reports that will be distributed to the authorities.

Please note the following legislated extract as per the National Environmental Management Act, 2014 EIA Regulations (Regulations in terms of Chapter 6 of the National Environmental Management Act, 1998, as amended):

***Registered interested and affected parties entitled to comment on reports and plans***

**43.** (1) *A registered interested and affected party is entitled to comment, in writing, on all reports or plans submitted to such party during the public participation process contemplated in these Regulations and to bring to the attention of the proponent or applicant any issues which that party believes may be of significance to the consideration of the application, provided that the interested and affected party discloses any direct business, financial, personal or other interest which that party may have in the approval or refusal of the application.*

(2) *In order to give effect to section 240 of the Act, any State department that administers a law relating to a matter affecting the environment must be requested, subject to regulation 7(2), to comment within 30 days.*

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**COMPANY REGISTRATION NO: 1999/049452/23**  
**MEMBERS: K.A. STANTON (DIRECTOR)**