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27th November 2014

BACKGROUND INFORMATION DOCUMENT

THE PROPOSED UPGRADE OF ROAD P 254/1, SITUATED WITHIN VULAMEHLO AND UMZUMBE LOCAL MUNICIPALITIES, UGU DISTRICT MUNICIPALITY, KWAZULU-NATAL

1. INTRODUCTION

Afzelia Environmental Consultants (Pty) Ltd has been appointed by Samani Consulting cc, on behalf of the KwaZulu-Natal Department of Transport to conduct an environmental impact assessment in the form of a Basic Assessment process (BAR), as well as an Integrated Water Use License Application (IWULA). The proposed project involves the upgrading of Road P 254/1 from gravel to type 4 black top.

The purpose of the Background Information Document is to (i) inform the public and Interested and Affected Parties (I&APs) about the proposed project, and obtain their comments and inputs, (ii) share information about the proposed project and environmental assessment process which will be of relevance to potentially affected parties, and (iii) give I&APs an opportunity to register and comment. The information provided is in terms of (i) the National Environmental Management Act, 1998 (Act No 107 of 1998), as amended, the Environmental Impact Assessment Regulations as published in Government Notice No. R. 543 of 2010, considering Government Notice No. R. 544 and 546; and (ii) the National Water Act, 1998 (Act No 36 of 1998) of the undertaking of a Basic Assessment process (BAR) and an Integrated Water Use License Application (IWULA) respectively.

2. LOCALITY AND CURRENT USE OF LAND

The proposed road upgrade is a linear activity approximately 28 km in length located in the Vulamehlo and Umzumbe Local Municipalities, within the jurisdiction of the Ugu District Municipality in southern KwaZulu-Natal. Refer to **Appendix A** for the Locality Map. Access to the site is via the Road P 22-1 situated at the Start point of P254-1 in Vulamehlo Local Municipality or P 75-2 which is at the End point in Umzumbe Local Municipality .

The geographical co-ordinates of the proposed development site are indicated in **Table 1** below:

Table 1: Coordinates of Proposed Development Site

Start	South	30°	16'	38.04"
	East	30°	26'	03.6"
End	South	30°	25'	17.58"
	East	30°	31'	59.1"

Directions: From Durban KwaZulu Natal travel south on the N2. Take exit 104 off ramp from N2 onto the D690 and travel toward Umzinto. Continue onto D690 till it merges onto P22-1. At approximately 36.1km from the N2, turn left onto the road P254-1. The project site is an upgrade of this road for 28km.

The project is located in an area that is rural in character, with homesteads scattered throughout. The existing road is approximately 28km long and traverses undulating terrain with steep sides and longitudinal slopes,

meandering through many valley lines. Moreover, the road passes through tree plantations, forest and natural grassland. The existing road is gravel and is in many instances currently in a poor condition; it is also adversely affected by inclement weather conditions.

The Road P254/1 links the P75 and P22, a route that affords a more direct linkage between the Vulamehlo area and Malangeni in Umdoni municipality as well as onto Umzumbe Municipality. The existing road serves the local communities; provides access to Mgayi Provincial Clinic, Ekubusisweni and Amahlaya Primary School, including Gobume High School. Taxis and private vehicles utilise the road on a daily basis.

3. PROJECT DESCRIPTION

The proposed development entails the upgrading of Road P 254/1 from gravel to type 4 black top. The new road will be 8.5m wide over a length of approximately 28km. The development will start in Vulamehlo Local Municipality and end in Umzumbe Local Municipality at a “T” junction with P75. Refer to **Appendix B** for the Aerial Maps. The road P254 transverses two major rivers, namely Ka Magwaza and Fafa. There are more than twenty watercourse crossing including wetlands. Currently there are 3 causeways and several storm water pipe crossing.

The proposed upgrade encompasses:

- Importing and processing of base-course materials overlay;
- Upgrading and construction of drainage structures and culverts where necessary;
- Provision of taxi laybys.
- And the laying of the asphalt over the full length of the road to be upgraded.

The base-course materials is anticipated to be sourced from an existing borrow pit site located approximately some miles away from the development site.

4. APPLICABLE LEGISLATION

The proposed road upgrade triggers Listed Activities as stipulated in the EIA Regulations (2010) promulgated in terms of the National Environmental Management Act (NEMA) under Government Notice No. 544 and 546; as well as Section 21 (a), (c) and (i) of the National Water Act (Act No 36 of 1998) which requires a Water Use Licence.

4.1 National Environmental Management Act requirements

The following table provides a summary of the Listed Activities in terms of the EIA Regulations 2010 that are triggered by the proposed development:

Table 2: Summary of the Listed Activities

Government Notice Number	Activity Number	Description of each Listed activity
No. R544 of June 2010 (Listing Notice 1)	11	The construction of bulk storm water outlet structures and infrastructure or structures covering 50 square metres or more where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.
No. R544 of June 2010 (Listing Notice 1)	18	The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock from a watercourse; but excluding where such infilling, depositing, dredging, excavation, removal or moving is for maintenance purposes undertaken in accordance with management plan agreed to by the relevant environmental authority; or occurs behind the development setback line.

Government Notice Number	Activity Number	Description of each Listed activity
No. R544 of June 2010 (Listing Notice 1)	39	The expansion of bulk storm water outlet structures within a watercourse or within 32 meters of a watercourse, measured from the edge of a watercourse, where such expansion will result in an increased development footprint but excluding where such expansion will occur behind the development setback line.

The abovementioned activities contained in Listing Notice 1 of the Regulations promulgated in terms of the National Environmental Management Act (GN R. 544 and 546, of 18 June 2010) are subject to a Basic Assessment.

4.2 National Water Act requirements

The following table provides a summary of water uses that require a Water Use Licence in terms of the National Water Act:

Table 3: Summary of water uses that require a Water Use Licence

Activity Number	Water Use	Explanation / Definitions
Section 21 (a) of NWA, 1998	Taking water from a water resource	❖ Taking water from a river, from underground or from any other water resource. A water resource includes a river, spring, pan, aquifer, wetland, lake or estuary.
Section 21 (c) of NWA, 1998	Impeding or diverting the flow of water in a watercourse.	❖ Impeding flow means the temporary or permanent obstruction or hindrance to the flow of water into watercourse by structures built either fully or partially in or across a watercourse. ❖ Diverting flow means a temporary or permanent structure causing the flow of water to be rerouted in a watercourse for any purpose.
Section 21 (i) of NWA, 1998	Altering the bed and banks of a watercourse or characteristics of a watercourse.	❖ Altering the bed and banks means any change affecting the resource quality of the watercourse (the area within the riparian habitat or 1:100 year floodline, whichever is the greatest).

5. SCOPE OF WORK

5.1 BASIC ASSESSMENT PROCESS

The Basic Assessment Report (BAR) process is a comprehensive, independent assessment of all identified and potential environmental impacts. The aim of a BAR process is to ensure that the development occurs in a sustainable manner and to formulate ways for reducing or mitigating any negative impacts of the project whilst enhancing its benefits. The findings and mitigation measures are recorded in the Environmental Management Programme (EMPr) which becomes a legally binding document on approval.

Impacts will be determined through a process of public participation (PPP), guidance from government authorities, specialist field assessments and impact modelling, and experience with similar projects.

The following will take place during the Basic Assessment process:

- Information sharing with Interested and Affected Parties (I&APs) and authorities through notifications, Background Information Document (BID), and public meeting(s);
- Detailed environmental investigations;
- Impact assessment and modelling;

- Consolidating, addressing, and providing appropriate mitigation measures where necessary for all comments received; place this point before the one above
- Submission of the draft Basic Assessment Report (BAR) including the EMPr to the relevant authorities and I&APs for comment;
- Submission of the final BAR including the EMPr to the relevant authorities and I&APs for comment; and
- Submission of the final BAR including the EMPr to the EDTEA for authorisation.

5.2 ENVIRONMENTAL SPECIALIST STUDIES TO BE UNDERTAKEN

In order to quantify how and where a project may impact on the environment, specialist studies may be required to inform the Basic Assessment process as well as the IWULA to provide supporting specialist data. The following specialist studies have been identified so far and will be conducted during the BAR process:

- i. Wetland Delineation and Functionality Assessment
- ii. Wetland Rehabilitation Plan
- iii. Ecological Assessment
- iv. Aquatic Ecological Assessment
- v. Heritage Impact Assessment
- vi. Social Impact Assessment
- vii. Detailed Geotechnical Assessment
- viii. 1:100 Year Floodline Assessment
- ix. Stormwater Management Plan
- x. Construction Method Statement

5.3 WATER USE LICENSE PROCESS

Due to the proposed development occurring within a 500 metre radius of a wetland and within the 1:100 year floodline of a watercourse, an IWULA is required to be submitted to the Department of Water and Sanitation Affairs (DWS) in terms of Section 21 (a), (c) and (i) in accordance with the National Water Act (NWA).

6. PUBLIC PARTICIPATION PROCESS (PPP)

The PPP is a process in which stakeholders and I&APs are afforded an opportunity to comment on, or raise issues relevant to the construction activities and / or the BAR process. Stakeholders and I&APs are invited and urged to:

- Respond (by phone, fax, mail or e-mail) to the invitation to participate in the PPP;
- Complete and forward (mail, fax or e-mail) the attached registration and comment form to Afzelia Environmental Consultants;
- Contact the Environmental Assessment Practitioner (EAP) regarding any query, comment or request for further project information; and
- Review the draft and final BAR within the legislated review periods that will be stipulated in the advertisements as well as in notification letters.

6.1 RESPONSIBILITIES OF AN I&AP

I&APs have a right to participate in this process by requesting further information or by informing the relevant consultant of concerns regarding the environment in relation to the project. In order to participate in the BAR process, an I&AP **must**:

- Register on the project database in order to receive detailed information regarding the BAR process (See **Appendix C**);
- Inform any other parties (neighbours, friends, colleagues, etc.) who may be interested and/or affected by the project about the BAR process and encourage involvement and participation;
- Ensure that any comments regarding the project are submitted within the timeframes that have been approved or set by the authorities, or within any extension of a timeframe agreed to by authorities and the applicant; and

- Disclose any direct business, financial, personal or other interest in the approval or refusal of the application for the project.

6.2 RESPONSIBILITIES OF EAP CONSULTANT

In terms of the EIA Regulations, the EAP consultant has the following responsibilities:

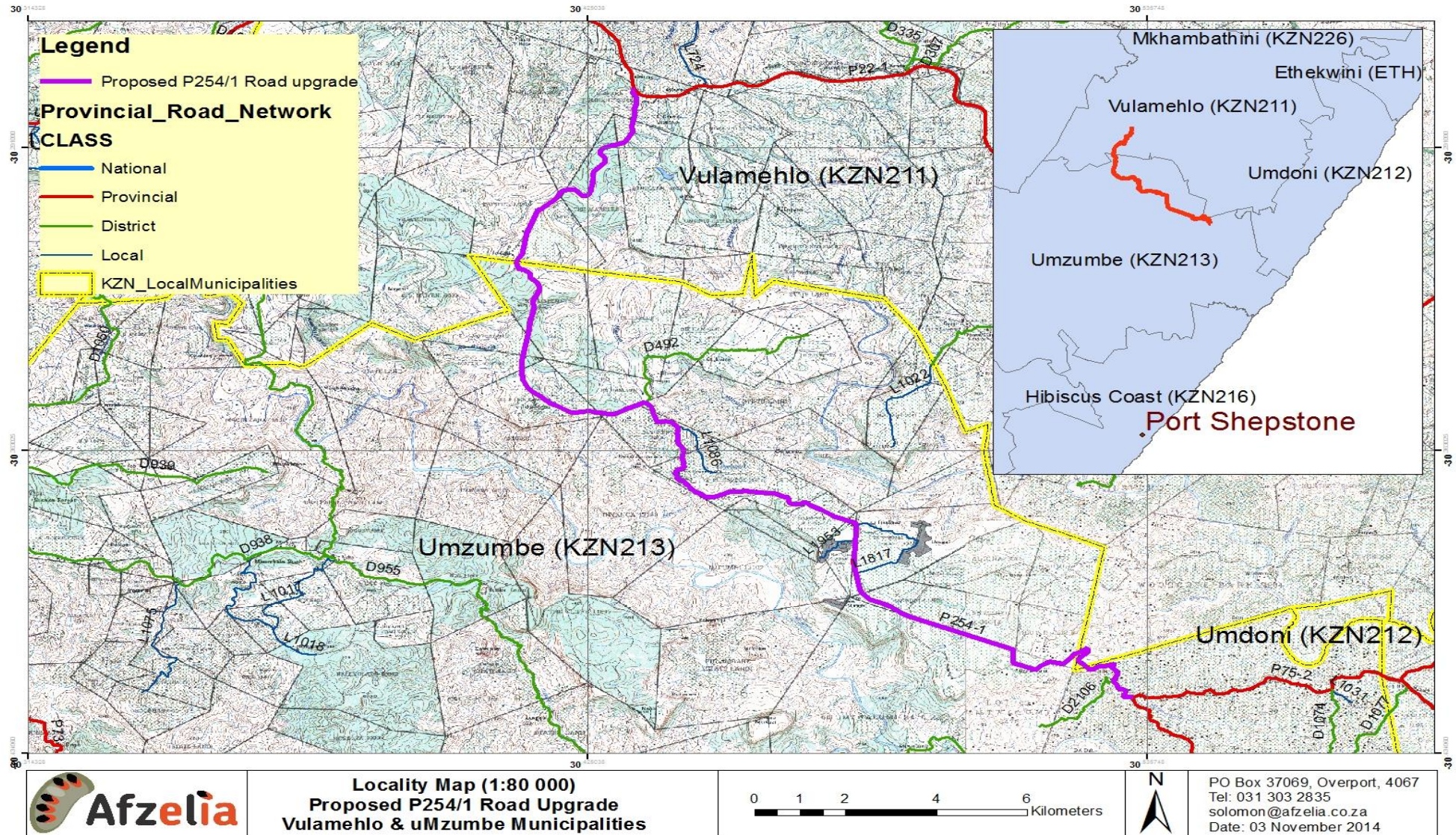
- Robustly engage the key stakeholders, Competent Authority and I&APs;
- Provide sufficient information regarding the project and associated impacts;
- Ensure that all issues raised are recorded and forwarded to the environmental specialists to address in their impact studies; and
- Facilitate a transparent process.

You have been identified as a potential I&AP in this process and are therefore invited to participate in the project by registering. Your comments will ensure that all relevant issues are considered, documented and will assist in informed decision-making by the relevant authorities.

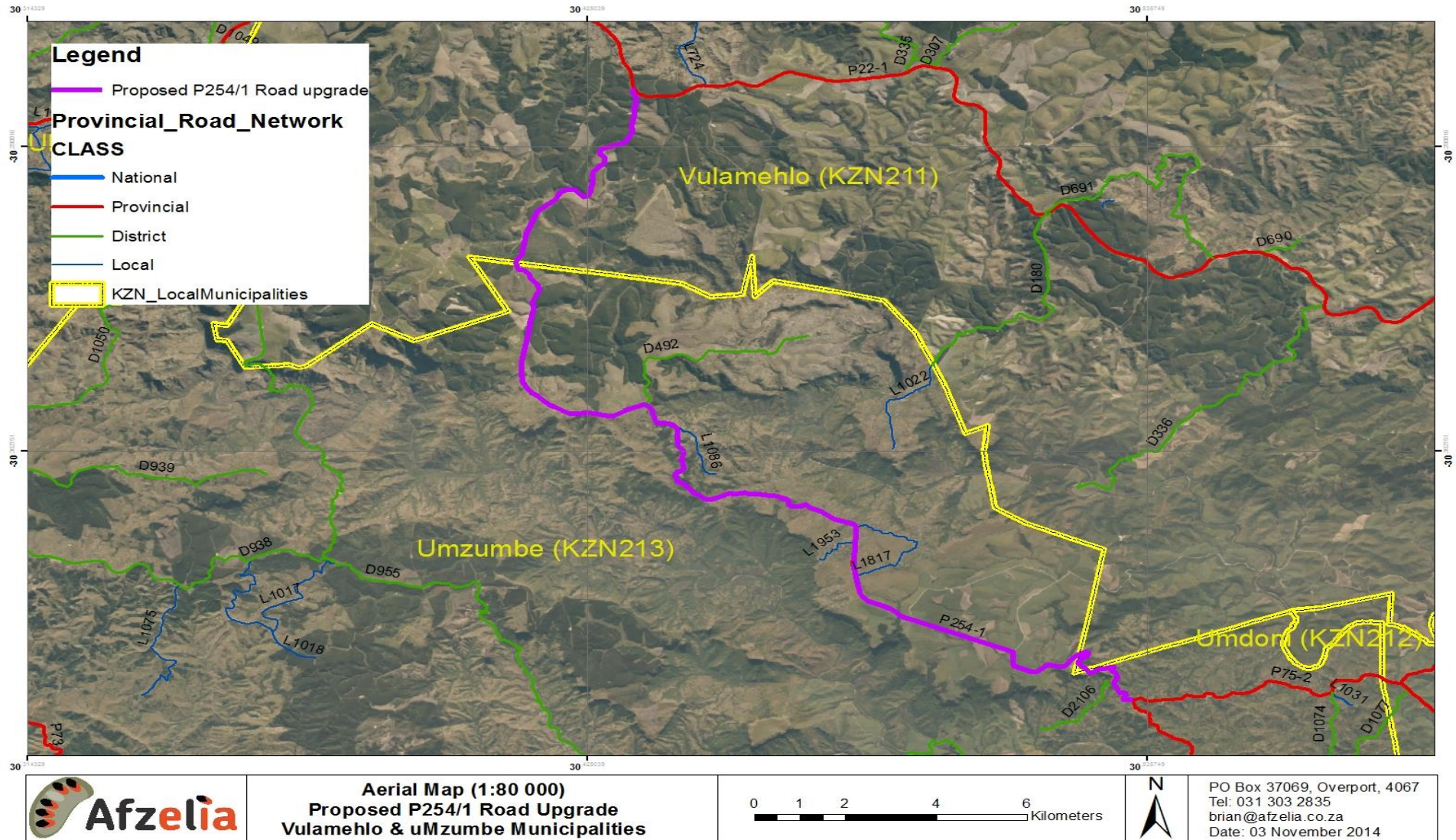
Should you wish to register as an I&AP and/or receive additional information regarding the project, you are requested to complete the form below and email, fax, post or hand deliver it to Afzelia Environmental Consultants by **09 January 2015** as per the details provided in the registration and comment form.

We invite all stakeholders and I&APs to participate freely and to submit any comments or information you feel may be useful.

APPENDIX A: LOCALITY MAP



APPENDIX B: AERIAL MAP



APPENDIX C: I&AP REGISTRATION FORM

THE PROPOSED UPGRADE OF ROAD P 254/1 SITUATED WITHIN VULAMEHLO AND UMZUMBE LOCAL MUNICIPALITIES, UGU DISTRICT MUNICIPALITY, KWAZULU-NATAL

Title		Name		Surname	
Company					
Designation					
Address					Postal code
Tel No.			Fax No.		
Email			Cell No.		
I would like to receive my notifications by (mark with X):			Post	Email	Fax
Please indicate why you have interest in the abovementioned project?					
Please write your comments and questions here:					
<i>Please feel free to attach a separate document</i>					
Please add any person you think may be an interested and affected party:					
Full Name			Company		
Address					
Email			Tel/ Cell No.		
PLEASE SEND YOUR REGISTRATION FORM AND COMMENTS TO:					
Company	Afzelia Environmental Consultants (Pty) Ltd		Contact person	Mr Solomon Fataki	
Address	PO Box 37069, Overport, 4067				
Tel No.	031 303 2835		Fax	086 692 2547	
Email	solomon@afzelia.co.za		Website	www.afzelia.co.za	