



Final Issues Trail for the Ntatshana Road Basic Assessment

DAEA (NOW EDTEA) REF NO: DC21/0026/2013
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Prepared for uMzumbe Local Municipality

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Ntatshana Road Basic Assessment

ISSUES TRAIL

**SUMMARY FOR
CONCERNS AND SUGGESTIONS RAISED BY INTERESTED AND/ OR
AFFECTED PARTIES**

Comments dated from April 2013 to September 2015

Stakeholders who made contributions to various matters and raised certain issues range across all sectors of society. This list of issues does not focus solely on a specific area. Instead, it lists all the issues raised by Interested and Affected Parties (I&APs) throughout the study area. In many instances, an issue raised about a particular focus area, is also applicable to other circumstances.

The issues have been arranged into groups of similar content, and are listed in each group more or less in the order in which they were received. The name, affiliation and date of the commentator are also indicated. Comments made during public meetings are included, as well as comments received in other languages.

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TABLE 1: COMMENTS AND RESPONSE TABLE

| DRAFT BASIC ASSESSMENT PHASE | | |
|--|---|---|
| ISSUE | RAISED BY | RESPONSE |
| 1 BASIC ASSESSMENT PROCESS | | |
| 1.1. The stakeholder requested the dates of the comment period. | Phumzile Umzumbe Local Municipality 16.10.2013 Focus Group Meeting | Once the draft BAR is put out for comment to the public, details of the venues the report will be placed at as well as the comment period dates would be advertised in the <i>Isolezwe</i> and emailed to all registered I&AP's. |
| 1.2. Additional BID's requested | Councillors Council 16.10.2013 <i>Inkosi</i> Meeting | To be forwarded with draft BAR to the Umzumbe Local Municipality for collection and distribution by Cllr. Mthembu. |
| 1.3. It was requested that the community be informed in advance before construction commences. | Councillors Council 16.10.2013 <i>Inkosi</i> Meeting | Included as a requirement in the Environmental Management Programme. |
| 1.4. Please be informed that Ezemvelo will not be in a position to attend the meeting for this project at this stage (based on a rapid pre-screen), however, we wish to remain involved in the project. | Dinesree Thambaboo Ezemvelo KwaZulu-Natal Wildlife 14.10.2013 | Noted. |
| 2 WATER QUALITY / WATER SERVICES / WASTE WATER | | |
| 2.1. Water Use Authorisation | Ms K Methula Department of Water Affairs (now Water and Sanitation) 02.01.2014 | Comments are noted, and application requirements heeded. A Water Use Licence is being applied for, for water uses as per Section 21 (a), (c) and (i). |
| 2.1.1. The construction of the pedestrian bridge within 32 m of a watercourse and the stabilisation of river banks constitutes a Section 21(c) and (i) water use of the National Water Act 1998 (Act 36 of 1998) (NWA) and must be authorised by a water use licence from the Department. | | |
| 2.1.2. The location of any structures such as roads, bridges, pipes, within a 500 m radius from the | | Noted. These have been delineated in the specialist report titled: "Proposed Ntatshana road & associated bridge Infrastructure development project, Umzumbe Local Municipality, Kwazulu-Natal Freshwater Aquatic Habitat Impact Assessment Report." |

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| <p>boundary of a wetland also constitutes a Section 21 (c) and (i) water use and as such would require a water use licence. Page 26 of the report makes reference to seasonally wet soils being present at the proposed site.</p> <p>2.1.3. Should an activity be identified as a possible section 21(i) water use the application must delineate the watercourse and riparian habitat using the Department guideline, 'A practical field procedure for identification and delineation of wetlands and riparian areas' and indicate the proposed activity location in relation to the riparian area, the 1:50 and 1:100 year floodlines on a map of appropriate scale. The application will require authorisation from the Department for any activity within the riparian habitat or 1:100 year floodline, whichever is the greatest distance from the watercourse.</p> <p>2.1.4. The following supporting documents are required for a Section 21 (c) and (i) water use licence application which must be submitted for the attention of Mr S. Naidoo (Manager: Water Use): Licence applications forms for Section 21 (c) and (i) water uses</p> <ul style="list-style-type: none"> a) Section 21 (c) and (i) water use supplementary information questionnaire b) Legible map c) Master layout plan d) Design drawings e) Environmental authorisation reports (EIA, BAR, etc.) and Record of Decision (Environmental Authorisation) f) Environmental Management Programme g) Proof of public participation including minutes h) Detailed stormwater management plan i) Design report for water routing structures | | <p>Noted. These guidelines have been followed in the specialist report titled: "Proposed Ntatshana road & associated bridge Infrastructure development project, Umzumbe Local Municipality, Kwazulu-Natal Freshwater Aquatic Habitat Impact Assessment Report."</p> <p>Noted and items required are to be submitted with the complete WUL application. A Geohydrological Assessment is not required for Section 21 (c) and (i) water uses as confirmed with the DWS.</p> |

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| <p>j) Geohydrological investigation report k) Geotechnical investigation report l) work method statement m) Riparian/wetland delineation and functionality assessment n) Riparian/wetland management and rehabilitation plan o) Management and rehabilitation plan (watercourses and rivers) p) Monitoring programme q) Section 27 motivation r) R114.00 licencing fee is payable once the applicant is notified by this Department to do so.</p> <p>2.1.5. The abstraction of water from the Mtwalume River constitutes a Section 21 (a) water use in terms of the NWA and requires authorisation. The applicant needs to incorporate this water use in the application.</p> <p>2.1.6. The onus is on the applicant to submit a complete water use licence application to this Department for water uses under Section 21 of the NWA that will be exercised in time to avoid unnecessary delays.</p> <p>2.1.7. Commencing with a water use in terms of Section 21 of the NWA without prior authorisation from this Department is unlawful in terms of Section 21 of the NA without prior authorisation from this Department is unlawful in terms of Section 151 of the NWA. It is therefore advised that a water use licence application for this activity must be immediately submitted to this Office (of DWS) for consideration.</p> | | <p>Section 21 (a) is also being applied for.</p> <p>Noted. A complete application will be submitted.</p> <p>Noted.</p> <p>Noted and has been incorporated into the EMPr.</p> |

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| <p>Sewage and Waste Water Management</p> <ul style="list-style-type: none"> ▪ The use of temporary chemical toilets during the construction phase of the development must not cause pollution to water resources as well as pose a health hazard. The contents of these toilets must be emptied and safely disposed of. In addition, these toilets must be situated out of the 1:100 year floodline of a watercourse or outside 100m from the watercourse, whichever is greater. ▪ It is also this Department's experience that project's of this nature may result in the generation of small volumes of water containing waste being generated during the construction phase. In this instance, the following is applicable: <ul style="list-style-type: none"> a) Water containing waste must not be discharged into the natural environment. b) Measures to contain water containing waste and safely dispose of it must be implemented. <p>Solid Waste Management</p> <ul style="list-style-type: none"> ▪ All waste areas must be demarcated and stored within a designated waste collection/storage area. Access control to this area must be properly managed and the removal and disposal of the waste to a permitted waste disposal site must be carried out by a certified waste contractor or the local Municipality. ▪ Contaminated/hazardous materials are to be disposed of at a permitted hazardous landfill site that is authorised to accept such waste material. ▪ All waste generated at the site during construction should be disposed of in a | | <p>Noted and has been incorporated into the EMP.</p> |

| ISSUE | RAISED BY | RESPONSE |
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| <p>replacement of vegetation.</p> <ul style="list-style-type: none"> Stockpiling of soil or any other materials used during the construction phase must not be allowed on or near steep slopes, near a watercourse or water body. This is to prevent pollution or the impediment of surface runoff. The developer must control and establish suitable mitigation measures to prevent the erosion of the stockpiles. <p>General</p> <ul style="list-style-type: none"> The content of the Preliminary Ecological Assessment Report titled "Preliminary Ecological Habitat Assessment and Management Recommendations for the proposed Ntatshana Road, KwaZulu-Natal" (Appendix D2) is noted. The recommendations contained therein are acknowledged. The Geotechnical Investigation Report titled "Centreline survey and Geotechnical Investigation: Ntatshana Access Road and Bridge, Umzumbe Municipality" (Appendix D4) indicates that the seepage was only encountered in IP 8, in the river flood plain. The recommendations contained in the report are noted. No forms of secondary pollution should arise from the disposal of sewage and refuse. Any pollution problems arising from the above development are to be addressed immediately by the Developer. The storage of materials, chemicals, fuels etc. to be used during the construction phase must not pose a risk to surrounding environment. Such storage areas must be located out of the 1:100 year floodline of any water resource and unauthorised to these areas must be controlled. Temporary bunds | | <p>Noted.</p> <p>Noted and has been incorporated into the EMPr.</p> <p>Noted and has been incorporated into the EMPr.</p> <p>Noted and has been incorporated into the EMPr.</p> |

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| <p>must be constructed around chemical or fuel storage areas to contain possible spillages.</p> <ul style="list-style-type: none"> ▪ There must be no unacceptable impact on the quality of both surface and groundwater in the area. If pollution occurs it must be immediately reported to the Department and the appropriate mitigation measures must be employed. ▪ It is important that any significant spillages of chemicals, fuels, etc. during the construction phase are reported to this office and other relevant authorities. In the event of a spill, the following steps can be taken: <ol style="list-style-type: none"> a) Stop the source of the spill b) Contain the spill c) All significant spills must be reported to this Department and other relevant authorities d) Remove the he spilled product for treatment or authorised disposal e) Determine if there is any soil, groundwater or other environmental impact f) If necessary, remedial action must be taken in consultation with this Department. g) Incident must documented ▪ This reply does not grant any exemption from the requirements of any applicable Act, Ordinance, Regulation or Bylaw. ▪ The conditions and responsibilities as highlighted in the draft Environmental Management Programme (EMPr) titled “Draft Environmental Management Programme for the Ntatshana Road” (Appendix F dated 11 November 2013) are acknowledged. Compliance to the final approved EMPr must be audited regularly by the designated Environmental Control Officer. | | <p>Noted and has been incorporated into the EMPr.</p> <p>Noted.</p> |

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| <p>Notwithstanding the above, the responsibility rests with the applicant to identify any sources or potential sources of pollution from his undertaking and to take appropriate measures to prevent any pollution of the environment. Failure to comply with the requirements of the National Water Act, 1998 (act 36 of 1998) could lead to legal action being instituted against the applicant.</p> | | |
| 3 LAND USE | | |
| | | |
| 4 WASTE MANAGEMENT AND CEMETERIES | | |
| | | |
| 5 AIR QUALITY AND CLIMATE CHANGE | | |
| | | |
| 6 INFRASTRUCTURE AND SERVICES | | |
| <p>6.1. It is requested that the DoT be consulted with regards to joining the proposed road with the DoT R612 road.</p> | <p>Mrs Sibongile Somi Department of Transport (DoT) 08.01.2014</p> | <p>This has been requested of the Applicant.</p> |
| 7 SOCIO-ECONOMIC | | |
| | | |
| 8 TOURISM SECTOR | | |
| | | |
| 9 BIODIVERSITY AND ECOLOGY | | |
| <p>9.1. It was requested whether the re-alignment of the</p> | <p>Bill Davis Ugu District Municipality</p> | <p>It has been included herein and in the BAR but it is ultimately the decision of the Competent Authority (DAEA – now the Department</p> |

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| preferred route to bypass the two Umdoni trees could be enforced by I&AP's. | 16.10.2013 Focus Group Meeting and Comment form | of Economic Development, Tourism and Environmental Affairs - EDTEA). |
| <p>9.2. Thank you for forwarding the above-mentioned application to Ezemvelo KZN Wildlife (Ezemvelo) for review and comment. Ezemvelo's IEM Section is presently handling a high volume of applications with significant biodiversity issues. In light of the high volume and complexity of the projects, Ezemvelo's comments on the above-mentioned project may be delayed by approximately two months, although we will strive to limit the delay as far as possible. Please direct any queries or concerns in this regard to the Acting Co-ordinator IEM, Ms Dinesree Thambu, on 033 845 1425 or thambud@kznwildlife.com. We sincerely regret any inconvenience caused and thank you in advance for your support and understanding.</p> | Phindile Langazane Ezemvelo KwaZulu-Natal Wildlife 24.10.2013 | Noted. While comment was followed up on, none was received due to the high volume of applications received by Ezemvelo. |
| <p>9.3 The Background Information Document for the above-mentioned application was recently received. Kindly find attached a notification of receipt, and Ezemvelo's commitment to comment on this application. Please note that this does not constitute Ezemvelo's official commentary on this application. Please do not hesitate to contact this office if any further biodiversity concerns are discovered during the remainder of the process, or if you have any questions with regards to the content of the response. Kindly acknowledge receipt of this correspondence.</p> | Phindile Langazane Ezemvelo KwaZulu-Natal Wildlife 24.10.2013 | Noted. While comment was followed up on, none was received due to the high volume of applications received by Ezemvelo. |
| <p>9.4. Thank you for forwarding the above-mentioned application to Ezemvelo KZN Wildlife (Ezemvelo) for review and comment.</p> | Dominic Wieners/ Musawenkosi Mkhize Ezemvelo KwaZulu-Natal Wildlife 28.01.2014 | Noted. While comment was followed up on, none was received due to the high volume of applications received by Ezemvelo. |

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| <p>Ezemvelo's IEM Section is presently handling a high volume of applications with significant biodiversity issues. In light of the high volume and complexity of the projects, Ezemvelo's comments on the above-mentioned project may be delayed by approximately two months, although we will strive to limit the delay as far as possible. Please direct any queries or concerns in this regard to the Acting Co-ordinator IEM, Ms Dinesree Thambu, on 033 845 1425 or thambud@kznwildlife.com.</p> <p>We sincerely regret any inconvenience caused and thank you in advance for your support and understanding.</p> | | |
| <p>9.5. 1. Page 16 of the document (BAR) makes reference to 2 large Umdoni trees which are in the proposed road – it is vital that the proposed road be re-aligned to prevent the destruction of these. 2. An Alien Invasive Plant (AIP) eradication programme must be included in the scope of practice.</p> | <p>Bill Davis Ugu District Municipality 08.01.2014</p> | <p>It has been included herein and recommended in the EMPr and BAR but it is ultimately the decision of the Competent Authority (DAEA – now the EDTEA).</p> <p>Should the need to remove the trees become apparent, then a permit from the Department of Forestry and Fisheries (DAFF) must be applied for, if the tree is a classified protected species.</p> |
| <p>9.6 Reference is made to the BAR received on the 19th of November 2013, this department has no objections with the report.</p> <p>It is recommended that the construction of Ntatshana Road takes the preferred alternative alignment to avoid the most sensitive areas. There is no objection provided that the site complies with all the legal requirements. The activities do not trigger the activity 22 of listing notice 1 which is the construction of roads outside of urban areas.</p> <p>The waste generated from the site should not pollute or contaminate water. The construction area should be clearly demarcated and proper</p> | <p>Ms P Mhlangu Umzumbe Local Municipality 25.11.2014</p> | <p>Noted.</p> <p>Noted and included in the EMPr.</p> |

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| signage should be used. | | |
| 10 AGRICULTURE | | |
| <p>10.1. Based on the document received on 11.11.2013, the proposed site comprises of grassland, closed woodland unit as well as variety of indigenous trees within the riparian zone. The proposed route alignments occur within the existing road servitude as well as in transformed habitats. DAFF has no objections towards the proposed activity however, recommends the following:</p> <ul style="list-style-type: none"> ▪ Vegetation clearance should be restricted to areas invaded by invasive alien plant species. ▪ Large indigenous riparian trees should be marked prior to construction and avoided during the construction phase. <p>However should there be a need to cut/disturb tree species protected in terms of the National Forest Act no.84 of 1998 a licence should be applied for, at DAFF offices in Pietermaritzburg. Mitigation measures outlines in the Environmental Management Programme must be adhered to. This comment does not exempt you from considering other environmental legislations.</p> | <p>Ms N Sontangane Department of Agriculture, Forestry and Fisheries (DAFF) 08.01.2014</p> | <p>Noted and included in the EMPr.</p> <p>Noted, this will be applied for if the need arises.</p> |
| 11 HERITAGE | | |
| <p>11.1. Approved without detailed comment Case ID: 3583</p> | <p>AMAFA KwaZulu-Natali 12.09.2013</p> | <p>Noted.</p> |