



KWAZULU-NATAL PROVINCE
ECONOMIC DEVELOPMENT, TOURISM
AND ENVIRONMENTAL AFFAIRS
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

In terms of Regulation 25 of the
Environmental Impact Assessment Regulations, 2014 (as amended)

Project Title: Unit P Road Upgrade.

Local Municipality: Msunduzi Local Municipality.

Application number: DC22/0021/2020
NEAS number: KZN/EIA/0001398/2020
Date of issue: 15 December 2020
Authorisation holder: Msunduzi Local Municipality: Roads and Transportation Unit
Location: ERF 322 Ambleton
Msunduzi Local Municipality
uMgungundlovu District Municipality
DC22

Table of Contents

1.	Project proposal.....	3
2.	Decision.....	4
3.	Activities authorised and location of activities	5
3.1	Description of activities and location.....	5
3.2	Location of Authorised Activity.....	5
4.	Conditions of authorisation	6
4.1.	Period of Validity.....	6
4.2.	Notification to interested and affected parties	6
4.3.	Environmental Management Programme	7
4.4.	Written notice of commencement of the construction phase.....	7
4.5.	Site Closure and decommissioning	10
4.6.	Monitoring and Reporting to this Department.....	12
4.7.	Environmental Audit Report	13
4.8.	Availability of this Environmental Authorisation	13
5.	General Conditions	13
5.1.	Compliance with the conditions of this authorisation.....	13
5.2.	Understanding the conditions of this authorisation	14
5.3.	Amendments to the Project/Environmental Management Programme	14
5.4.	Contact Details for this Department.....	14
	Annexure 1: Reasons for Decision.....	16
1.	Background.....	16
2.	Information considered in making the decision.....	16
3.	Key factors considered in making the decision.....	17
3.1	Basic Assessment Report.....	17
3.2	Public Participation	18
3.3	Need and Desirability	18
3.4	Alternatives	16
3.5	No-go Alternative	17
3.6	Potential Environmental Impacts/ Socio Economic Impacts	17
3.7	General	17
	Annexure 2: Locality Map.....	20
	Annexure 3: Layout Plan.....	21
	Annexure 4A: Site Facility Illustration.....	23
	Annexure 4B: Site Facility Illustration.....	25

1. Project proposal

Msunduzi Local Municipality: Roads and Transport Unit proposes to undertake a road upgrade of approximately 1.95km at unit P in Ambleton, near Mpumelelo Primary school. The current road width is 2.5-3.5m of gravel pavement; has a 1.5m concrete V-drain and a 1m earth drain; and, 600mm diameter stream crossings. The proposed road upgrade involves construction of:

- 4m road width,
- 1.5m walkway asphalt / black top pavement with pedestrian walkway,
- 300mm kerb and channel S1 and D1 side inlets (2.55 wide from road edge) and 450mm diameter underground pipes with headwalls for outlets and 1800 x 600mm box culvert.

The footprint for the proposed road upgrade will be on existing tracks, however it will cross a watercourse and an area identified as sensitive in terms of the Msunduzi Environmental Management Framework (EMF) in respect of biodiversity. The Unit P Road upgrade is located in Ambleton within Msunduzi Local Municipality of the uMgungundlovu District Municipality with geographic co-ordinates: 29°40' 55.02"S; 30°22 '24.46"E. The location of the structures in respect of the project is reflected on the **Locality Map** and **Layout Plan** and are attached as **Annexure 2** and **Annexure 3** to this Environmental Authorisation, respectively. The relevant **Site Facility Illustrations** are attached as **Annexure 4A** and **Annexure 4B** to this Environmental Authorisation.

The project proposal is detailed in the final Basic Assessment Report (BAR) prepared by Zanemvula Environmental Consulting (Pty) Ltd dated October 2020.

2. Decision

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2014 (as amended), the **KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs** (hereafter referred to as "this Department")

grants Environmental Authorisation

to –

Msunduzi Local Municipality: Roads and Transportation Unit

(herein after referred to as "the authorisation holder")

Details of the contact person: Ms. Sechaba Kunene
Postal Address: 177 Chief Albert Luthuli Street
P.O. Box 321
Pietermaritzburg
3201
Telephone Number: (033) 392 2089
Fax Number: None provided
Cellphone Number: (086) 406 4041
Email: sechaba.kunene@msunduzi.gov.za

to undertake the following activities (hereafter referred to as "the activities") as described in Section 3 below.

3. Activity authorised and location of activity

The following activity in Government Notice No. R. 327 (Listing Notice 1 of 07 April 2017 of the Environmental Impact Assessment Regulations) is triggered by the abovementioned project:

3.1 Description of activity and location		
	Activity 12 of GNR 327 of 07 April 2017.	21 Digit SG Code:
The proposed road upgrade and associated infrastructure would exceed 100 square meters.	"The development¹ of: (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or (ii) infrastructure or structures with a physical footprint of 100 square metres or more;..."	NOFT06750000032200000 NOFT06750000007000000 NOFT06750000031580000 NOFT06750000030200000 NOFT06750000014260000
Component of the proposal:	Activity 19 of GNR 327 of 07 April 2017.	
The proposed road upgrade infrastructure would require excavation of material exceeding 10 cubic metres.	"The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock or more than 10 cubic metres from: (i) a watercourse;..."	NOFT06750000032200000 NOFT06750000007000000 NOFT06750000031580000 NOFT06750000030200000 NOFT06750000014260000
Component of the proposal:	Activity 48 of GNR 324 of 07 April 2017.	
The exposed road upgrade /expansion and associated infrastructure would exceed 100 square metres.	"The expansion of— (i) infrastructure or structures where the physical footprint is expanded by 100	NOFT06750000032200000 NOFT06750000007000000 NOFT06750000031580000 NOFT06750000030200000 NOFT06750000014260000

¹ "development" means the building, erection, construction or establishment of a facility, structure or infrastructure, including associated earthworks or borrow pits, that is necessary for the undertaking of a listed or specified activity, [including any associated post development monitoring,] but excludes any modification, alteration or expansion of such a facility, structure or infrastructure including associated earthworks or borrow pits, and excluding the redevelopment of the same facility in the same location, with the same capacity and footprint.

	square metres or more; or (ii) dams or weirs, where the dam or weir, including infrastructure and water surface area, is expanded by 100 square metres or more; where such expansion [or expansion and related operation] occurs— (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;...”	
Component of the proposal:	Activity 14 (vii) (viii) of GNR 324 of 07 April 2017.	
The proposed road upgrade construction is within a watercourse, 32 m of a watercourse and a sensitive area (CBA and EMF).	“The development of – xii. infrastructure or structures with a physical footprint of 10m² or more; Where such a development occurs- i. within a watercourse; (d) In KwaZulu Natal viii. Sensitive areas as identified in an environmental management frameworks as contemplated in chapter 5 of the Act and as adopted by the competent authority.”	NOFT06750000032200000 NOFT06750000007000000 NOFT06750000031580000 NOFT06750000030200000 NOFT06750000014260000
	Activity 23 (vii) (viii) of GNR 324 of 07 April 2017.	
The proposed road upgrade construction is within a watercourse, 32 m of a	“The expansion of— where such expansion occurs— (a) within a watercourse;	NOFT06750000032200000 NOFT06750000007000000 NOFT06750000031580000 NOFT06750000030200000

watercourse and a sensitive area (CBA and EMF).	(b) in front of a development setback adopted in the prescribed manner; or (c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse; excluding the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour. d. KwaZulu-Natal vii. Critical biodiversity areas or ecological support areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; 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;.."	NOFT06750000014260000
--	--	------------------------------

3.2 Location of Authorised Activity

ERF 322 Ambleton, Msunduzi Local Municipality

4. Conditions of authorisation

This Environmental Authorisation is subject to the conditions set out below:

4.1. Period of Validity

- 4.1.1. One or more of the listed activities authorised must commence within **10 (ten) years** from the date of issue. If commencement of the authorised activity does not occur within that period, the authorisation lapses and the holder of the Environmental Authorisation must reapply for an Environmental Authorisation should he or she wish to carry out the activity; unless, an application for amendment is received on the prescribed application form prior to the expiry date.
- 4.1.2. This Department must be notified in writing on the prescribed form within **thirty (30) calendar days** of any change in ownership and/or project developer. The rights and conditions as stipulated in this Environmental Authorisation must be known to the new owner and/or developer and are binding on the new owner/and or developer. As such the authorisation holder must apply for an amendment to the Environmental Authorisation on the prescribed application form to change the ownership details.

4.2. Notification to interested and affected parties

- 4.2.1. The authorisation holder must ensure notification of every registered interested and affected party, in writing and within **fourteen (14) calendar days** from date of this Department's decision to authorise the activity and proof of the notification must be submitted to this Department at the address specified in condition 5.4.
- 4.2.2. The notification referred to in condition 4.2.1 must –
- 4.2.2.1. Specify the date on which the Environmental Authorisation was issued;
 - 4.2.2.2. Inform the interested and affected party of the appeal procedure provided for in the National Appeals Regulations, 2014; and,
 - 4.2.2.3. Advise the interested and affected party that a copy of the Environmental Authorisation will be furnished on request from the Environmental Assessment Practitioner.
- 4.2.3. The availability of this Environmental Authorisation must be advertised in the Witness newspaper within fourteen (14) calendar days from date of this Department's decision to authorise the activity

KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs	Environmental Authorisation: DC22/0021/2020	Page 8 of 25	 Initials
---	---	--------------	---

and proof of the advertisement must be provided to this Department at the address specified in condition 5.4.

4.3. Environmental Management Programme

- 4.3.1 The Environmental Management Programme (EMPr) (prepared by Zanemvula Environmental Consulting (Pty) Ltd Consulting (Pty) Ltd, dated October 2020) for the construction, post construction, rehabilitation and operational phases of this project as submitted for the Environmental Authorisation of this project complies with section 24N of NEMA and Appendix 4 of the EIA regulations, 2014 (as amended). This EMPr is hereby **approved** and must be implemented.
- 4.3.2 The EMPr must be kept on site during all phases of the development.

4.4. Written notice of commencement of the construction phase

- 4.4.1. **Not less than seven (7) calendar days** written notice must be given to this Department, at the address specified in condition 5.4 indicating when the construction phase will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the construction will commence and the EIA reference number of this Environmental Authorisation viz. DC22/0021/2020.
- 4.4.2. The activities authorised may only be undertaken at Unit P road located on Erf 322 of the Msunduzi Local Municipality, within the uMgungundlovu District Municipality with the geographical coordinates of the site being 29°40' 55.02"S; 30°22 '24.46"E as described in **Section 3**; and, as indicated on the **Locality Map** (prepared by Zanemvula Environmental Consulting (Pty) Ltd and dated 12 March 2020) attached as **Annexure 2** to this Environmental Authorisation.
- 4.4.3. The upgrading of Unit P road and construction of the associated watercourse crossing must substantially adhere to the **Layout Plan** (prepared by Zanemvula Environmental Consulting (Pty) Ltd, dated 25 August 2020), attached as **Annexure 3** to this Environmental Authorisation.
- 4.4.4. The upgrading of the Unit P road and construction of the associated watercourse crossing must substantially adhere to the **Site Facility Illustrations** (prepared by TLS, and dated 24 August 2020 and 05 March 2020 respectively), which are attached as **Annexure 4A** and **Annexure 4B** to this Environmental Authorisation.

KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs	Environmental Authorisation: DC22/0021/2020	Page 9 of 25	 Initials
---	--	--------------	---

- 4.4.5. The Authorisation Holder must adhere to the requirements of the Department of Water and Sanitation including the need for a Water Use Authorisation, if applicable, for the upgrade of the Unit P Road.
- 4.4.6. Prior to construction commencing the Authorisation Holder must appoint a suitably qualified Environmental Control Officer who must ensure that all construction areas are clearly demarcated with danger tape or other suitable means and, the authorisation holder must ensure that construction vehicles and work remain within the boundaries of this demarcated working area/s.
- 4.4.7. The ECO must prior to clearing of the vegetation check the affected areas for species of conservation significance including not limited to chameleons and millipedes if identified, these species must be relocated to the Bisley Nature Reserve.
- 4.4.8. The development footprint must be kept to a minimum and be clearly demarcated to avoid unnecessary disturbance to adjacent areas.
- 4.4.9. The construction footprint must be demarcated; access must be gained from the existing track; and, no ad hoc road/s or turning circles may be created. The relevant crossing points and minimum construction must be marked and vehicle access must be restricted to this area only.
- 4.4.10. No additional crossing points/haulage roads are permitted and no haulage roads are permitted within 32 metres of the watercourse and its riparian zone except where the crossing points for construction vehicles has been demarcated by the ECO prior to construction as a 'no-go' zone and avoided as such for the duration of the construction phase.
- 4.4.11. A 32m buffer must be implemented and maintained prior to construction commencing with the exception of a 16m buffer for the construction area. Although construction will commence within the 16m buffer, the use of construction vehicles; construction equipment and storage of equipment is not permitted.
- 4.4.12. The recommendations of the Aquatic Assessment (compiled by NatureStamp, dated August 2020) must be adhered to.
- 4.4.13. Work within the watercourse is permitted for the site purpose of construction of water crossing only.
- 4.4.14. Stormwater may not be directly channelled into a watercourse unless the flow has been slowed and diffused. This only refers to uncontaminated (clean) stormwater. Additionally, stormwater outlets must be fitted with erosion protection features to diffuse flow.
- 4.4.15. The recommendations contained in the Biodiversity Assessment (prepared by NatureStamp, dated August 2020), must be adhered to.
- 4.4.16. Should there be any plants or animals of conservation importance that require relocation, the relevant permits must be obtained prior to removal.

- 4.4.17. Concentrated flow release points should dissipate and regulate flow off the surfaces towards the wetland via a number of discharge points.
- 4.4.18. During excavation of the watercourses, flows must be diverted around the active work areas. Water diversions must be temporary and redirected flow must not be diverted towards any stream banks that could cause erosion.
- 4.4.19. The use of the watercourse for the washing of any vehicle or equipment associated with the road upgrade is prohibited.
- 4.4.20. The recommendations of the Environmental Assessment Practitioner as indicated in Section 6 (pages 42-43) of the BAR (prepared by Zanemvula Environmental Consulting (Pty) Ltd and dated October 2020) for the upgrade of Unit P road must be adhered to. In the event of any conflicting mitigation measures and conditions of the Environmental Authorisation, the specific condition of this Environmental Authorisation will take precedence.
- 4.4.21. All waste generated on site that has not been re-used or recycled must be removed from the site and disposed of at an appropriate and licensed waste disposal site. The contractor responsible for the removal of the waste must supply the authorisation holder with a certificate, indicating disposal of waste at a licensed waste disposal site.
- 4.4.22. Should any heritage objects or sites of archaeological and cultural significance be discovered during the course of development, construction must cease immediately and the discovery must be reported to KwaZulu-Natal Amafa and Research Institute (previously known as Amafa-aKwaZulu-Natali) on the contact telephone number 033 – 394 6543 for investigation. Work on the site may only recommence following written approval from KwaZulu-Natal Amafa and Research Institute. No structures older than sixty (60) years or parts thereof are allowed to be demolished, altered or extended without a permit from KwaZulu-Natal Amafa and Research Institute. No activities are allowed within 50m (fifty metres) of a site which contains rock art.
- 4.4.23. All sand, stone and other building materials must be sourced from sites that have Environmental Authorisation and mining licenses. A copy of proof of source of sand, stone and other building materials must be kept by the authorisation holder and made available to any authorised official of this Department on request.

4.5. Site Closure and decommissioning

- 4.5.1 The basis for the upgrade of the Unit P road is to improve communal access to the community, therefore it is unlikely that decommissioning will occur. However, should the activity cease or become redundant, the authorisation holder must contact this Department to determine the required actions for the rehabilitation and closure of the site.
- 4.5.2 **Fourteen (14) calendar days** written notice must be given to this Department, at the address specified in condition 5.4, that construction has been completed. The notice must include a date on which construction ceased and the EIA reference number of this Environmental Authorisation viz. DC22/0021/2020.

4.6. Monitoring and Reporting to this Department

- 4.6.1 The authorisation holder must appoint a suitably experienced Environmental Control Officer (ECO) for the construction and rehabilitation phases of the development to ensure that the mitigation/rehabilitation measures and recommendations referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMPr.
- 4.6.2 Details of the appointed ECO must be forwarded to this Department at the address specified in condition 5.4.
- 4.6.3 Details of the appointed ECO must be forwarded to the Msunduzi Local Municipality.
- 4.6.4 The ECO must be appointed before commencement of any land clearing or construction activities.
- 4.6.5 The ECO must perform all tasks as stipulated in the EMPr including keeping records of all activities on site, problems identified and transgressions noted.
- 4.6.6 The ECO must be employed until all rehabilitation measures required for the construction phase are completed and the site is ready for operation.
- 4.6.7 Records relating to monitoring and auditing must be kept on site and made available for inspection by this Department and other relevant authorities.
- 4.6.8 The ECO must visit the site **monthly** during the construction and installation phases and **annually** during the operational phase unless otherwise agreed with this Department in writing.

4.7. Environmental Audit Report

- 4.7.1. The holder of the Environmental Authorisation must submit an environmental audit report to this Department within **thirty (30) calendar days** of completion of construction. The environmental audit report must –
- 4.7.2. Be undertaken by the independent ECO appointed in terms of condition 4.6.1;
- 4.7.3. Indicate the date of the audit, the name of the author and the outcome of the audit in terms of compliance with the Environmental Authorisation conditions and the requirements of the EMPr;
- 4.7.4. Provide copies of records relating to monitoring and auditing undertaken during the construction phase;
- 4.7.5. Be submitted to this Department at the address specified in condition 5.4; and,
- 4.7.6. Be submitted to the Msunduzi Local Municipality.

4.8. Availability of this Environmental Authorisation

- 4.8.1 A copy of this Environmental Authorisation must be kept by the authorisation holder and made available to any official of this Department on request.

5. General Conditions

5.1. Compliance with the conditions of this authorisation

In terms of Section 49(A)(1)(c) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), failure to comply with the conditions of the Environmental Authorisation constitutes an offence for which a convicted person may be liable to a fine not exceeding R10 million or imprisonment for a period not exceeding ten years or both such fine and such imprisonment.

In terms of Section 24F of the NEMA, 1998 (Act No. 107 of 1998), no person may commence with an activity listed in terms of section 24 (2) (a) or (b) of the Act, unless the competent authority has granted an Environmental Authorisation.

KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs	Environmental Authorisation: DC22/0021/2020	Page 13 of 25	 Initials
---	--	---------------	---

5.2. Understanding the conditions of this authorisation

It is the responsibility of the authorisation holder to understand the conditions of this Environmental Authorisation. Any queries regarding this Environmental Authorisation must be submitted in writing to this Department at the address provided in condition 5.4.

5.3. Amendments to the Project/Environmental Management Programme

- 5.3.1. Any changes to, or deviations from, the project description set out in this Environmental Authorisation must be approved, in writing, by this Department before such changes or deviations may be effected.
- 5.3.2. Any subsequent amendments to the approved Environmental Management Programme (EMPr) must also be submitted to this Department for review. The amendments may only be implemented after being approved by this Department.

5.4. Contact Details for this Department

The following contact details for this Department must be used for all reports and notices which must be submitted to this Department:

KZN Department of Economic Development, Tourism and Environmental Affairs
Private Bag X07
Cascades
3202

Fax Number: (033) 347 1826

Telephone Number: (033) 347 1820

KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs	Environmental Authorisation: DC22/0021/2020	Page 14 of 25	 Initials
---	--	---------------	---

Attention: Compliance Monitoring and Enforcement Component, uMgungundlovu District Office.

Please note that it is the responsibility of the authorisation holder to ensure the above details are correct at the time of submitting any documentation, and that the documentation reaches the relevant official.

Date of Environmental Authorisation: 15 December 2020

Kim van Heerden

for: Head of Department

KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs

Signed by : Mrs. Kim van Heerden

Designation : uMgungundlovu District Manager

Annexure 1: Reasons for Decision

1. Background

The applicant appointed the following Environmental Assessment Practitioner (EAP) to undertake a basic assessment process:

Zanemvula Environmental Consulting (Pty) Ltd

Contact Person: Ms. Swazi Kubheka
Postal Address: P. O. Box 949
Hilton
3245
Telephone Number: 033 343 1532
Fax Number: none provided
Cellphone Number: 073 825 5770
E-mail Address: swazi@zanemvulaenviro.com

2. Information considered in making the decision

In reaching its decision, this Department took, *inter alia*, the following into consideration -

- a) Zanemvula Environmental Consulting (Pty) Ltd submitted an application for Environmental Authorisation subject to a Basic Assessment process to this Department on 02 September 2020. This Department acknowledged receipt of the application on 08 September 2020;
- b) This Department received the final Basic Assessment Report (BAR) for the proposed activity on 21 October 2020 and acknowledged receipt of the BAR on 29 October 2020;
- c) The comments received from the organs of state and interested and affected parties as included in the BAR dated October 2020;
- d) Mitigation measures as proposed in the BAR and as incorporated in the Environmental Management Programme (EMPr), both prepared by Zanemvula Environmental Consulting (Pty) Ltd and both dated October 2020 respectively;
- e) The findings of the site inspection undertaken by Departmental officials conducted on 18 November 2020 by Mr. Shawn Janneker; Mr. Mthokozisi Zwane; and, Ms. Nontokoze Mvelase, in the company

of Ms. Swazi-Kubheka (Zanenvula Environmental Consulting (Pty) Ltd) and Ms. Ntombifuthi Nzimande and Mdibanisi Ndlela (Msunduzi Municipality);

- f) The comments raised by various stakeholders and other Departments; and,
- g) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

3. Key factors considered in making the decision

All information presented to this Department was taken into account in this Department's consideration of the application. A summary of the issues which, in this Department's view, were of the most significance is set out below.

3.1 Basic Assessment Report

- 3.1.1 The Basic Assessment Report (BAR) (prepared by Zanenvula Environmental Consulting (Pty) Ltd, dated October 2020) was considered in terms of Regulation 20(1) of the NEMA EIA Regulations, 2014 (as amended) and complies with the requirements of the EIA Regulations, 2014 (as amended).
- 3.1.2 The BAR (prepared by Zanenvula Environmental Consulting (Pty) Ltd, dated October 2020) included a description of the environment that may be affected by the activity and the manner in which the physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity.
- 3.1.3 The proposed development will adhere to an Environmental Management Programme (EMPr) (prepared by Zanenvula Environmental Consulting (Pty) Ltd, dated October 2020) and site specific mitigation measures that will ensure that the environmental impacts are managed throughout all phases of the development.
- 3.1.4 The methodology used in assessing the potential impacts identified in the BAR (prepared by Zanenvula Environmental Consulting (Pty) Ltd, dated October 2020) and the specialist studies have been adequately addressed.
- 3.1.5 All requirements of the EIA Regulations, 2014 (as amended) and other relevant legislation and guidelines have been considered in the BAR (prepared by Zanenvula Environmental Consulting (Pty) Ltd, dated October 2020).

3.2 Public Participation

Public participation involved the placement of site notice boards in English and isiZulu on 28 June 2019; the e-mailing of written notices to Interested and Affected Parties and various identified and potential stakeholders on 01 February 2020; the placing of a newspaper advertisement in the Witness Newspaper on 17 April 2020; and, the provision of reports and information to Interested and Affected Parties to satisfy the requirements of Chapter 6 of the NEMA EIA Regulations, 2014 (as amended).

All issues/comments raised have been sufficiently addressed within the BAR and the EMPr (both prepared by Zanemvula Environmental Consulting (Pty) Ltd and both dated October 2020. This Department is satisfied that the public participation process undertaken, adhered to the minimum requirements of Chapter 6 of the NEMA EIA Regulations, 2014 (as amended).

3.3 Need and Desirability

The proposed road upgrade is aligned with the strategic and development goals of UMgungundlovu IDP, and it is consistent with the current surrounding residential land use as such sense of place will not be altered.

The road serves as an important access route through the area; the existing road proposed for an upgrade is in a poor state and currently does not allow easy access for motor vehicles; and has ineffective stormwater infrastructure. Accordingly, the watercourse crossing requires a formal crossing structure as vehicle currently drive across the exposed river bed and cause erosion and damage to the bed and banks of the watercourse. Moreover, the lack of formal structures across the drainage line means that vehicles and pedestrians are unable to safely cross this section of road during high rainfall events. The proposed section of road for upgrade is a public facility and will improve the road use by the community and improve access to the area. The improved road and stormwater infrastructures will reduce long term road maintenance costs and will create temporary employment opportunities during the construction period.

3.4 Alternatives

Site Alternative: The proponent is the Msunduzi local municipality. The proponent owns and maintains this gravel and damaged tar road which is situated within a residential area. The road alignment is already established.

Technology Alternatives: The methodology chosen for the design process was based on industry standards and also shaped by the existing site conditions. Thus no other technology would be appropriate and was not considered.

KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs	Environmental Authorisation: DC22/0021/2020	Page 18 of 25	 Initials
---	--	---------------	---

Alternative activity: It is within the applicant's mandate to improve and upgrade local roads within Msunduzi area. This has the potential to allow the municipality to have a greater contribution to the local economy as well as provide additional employment opportunities and to provide safe access.

Alternative layout: Given the current alignment of the road and the close proximity of properties, alternative designs could not be considered. There is an additional length of the road that will be designed and constructed however the environmental assessment already takes this into account.

3.5 No-go Alternative

The Unit P road will remain in its current state; no jobs will be created, potential skills development will not take place and there will be no improvement in efficiency of land use potential.

3.6 Potential Environmental Impacts/ Socio Economic Impacts

The potential environmental impacts include; pollution of the surrounding areas during construction; noise created by machinery; however this noise will be consistent with surrounding residential use. Encroachment of alien vegetation into areas disturbed during construction; damage to surrounding properties, services and businesses; blockages impeding the flow of the watercourse possible increase in traffic volume and travelling speeds increasing risks to pedestrians and livestock and a positive impact is improved access and connectivity. These concerns have been adequately addressed in the BAR (prepared by Zanemvula Environmental Consulting (Pty) Ltd, dated October 2020); the EMPr (prepared by Zanemvula Environmental Consulting (Pty) Ltd, dated August 2020); and, through conditions of this Environmental Authorisation.

3.7 General

3.7.1 The Watercourse and Aquatic Assessment (compiled by NatureStamp, dated August 2020) indicated that the watercourse within the proposed project area is critically modified. The watercourse systems identified within the project site, though they are not classified as FEPA system, still need to be protected to minimise the impacts identified. Since the site is already transformed, impacts will be minimal. The major concerns will be during construction of the road, spoil, rubble/chemical waste. The recommendations to address this are to implement adequate stormwater runoff attenuation structures and rehabilitate the areas around the crossing. Concentrated flow release points should dissipate and regulate flow off the surfaces towards the wetland via a number of discharge points. At all times wetland areas should be avoided where and when possible.

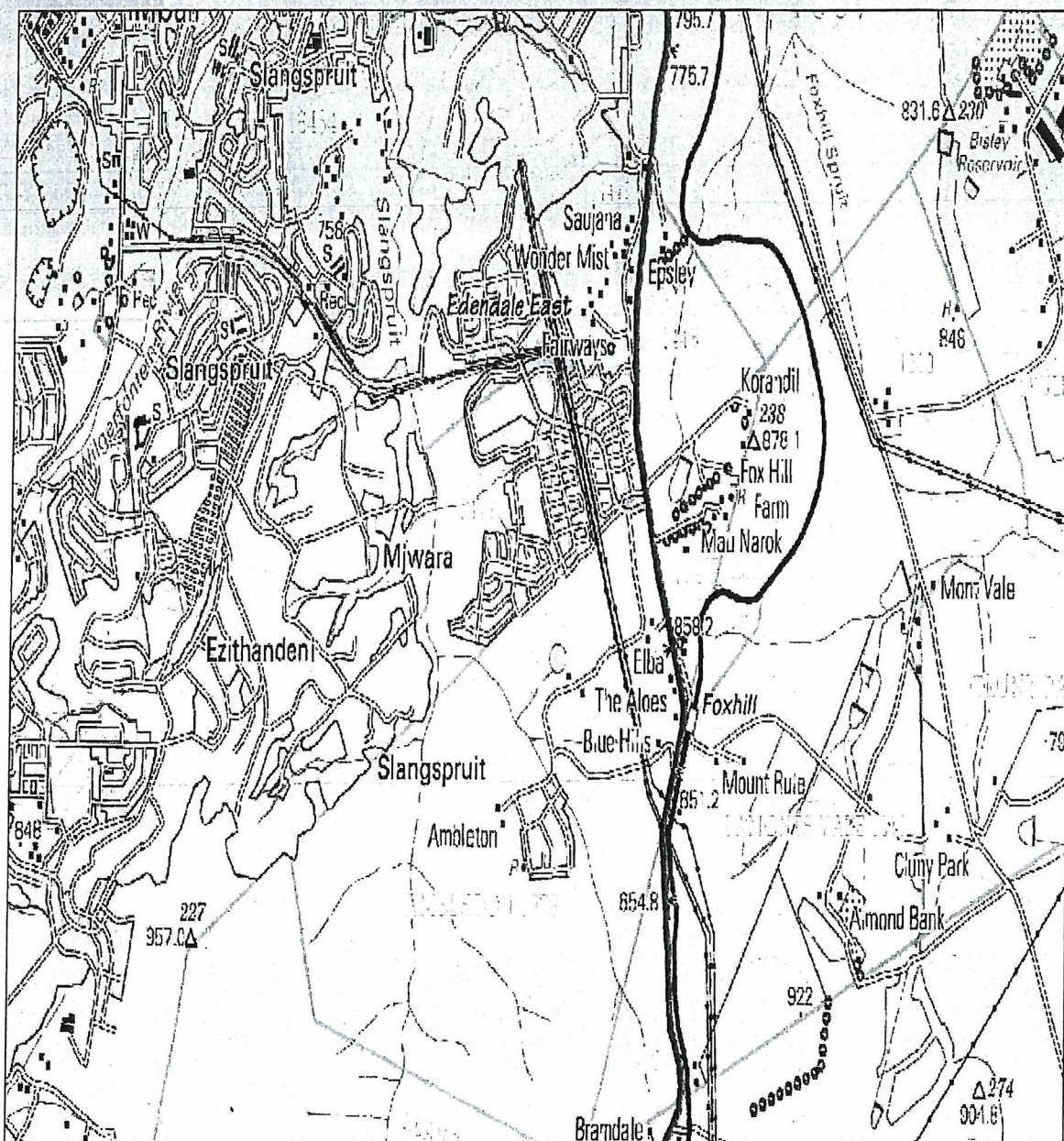
- 3.7.2 The Biodiversity Assessment (compiled by NatureStamp, dated August 2020) found that the development footprint is much degraded and is situated within a residential area. The affected project site consists of alien and indigenous pioneer species, with only a few protected species within the KZN hinterland grassland. The recommendations of the study regarding clearing during construction, possible presence of chameleons, permits for removal and relocation of flora and fauna, and alien plant eradication program have been made a condition to this Environmental Authorisation.
- 3.7.3 The Storm Water Management Plan (compiled by NatureStamp, dated August 2020) confirmed that the development site is severely degraded, and provided recommendations to manage impacts on the wetlands and the drainage lines. The main concern for stormwater peaks is the contamination of water entering Slangspruit River, and possible risk to houses in the absence of management. In this regard appropriate outlet structures must be installed at regular intervals reduce erosion potential of the site during construction and operation phases pollution control measures must be implemented. Temporary silt traps must be placed during construction. Adherence to the recommendations of the Storm Water Management Plan has been made a condition of this Environmental Authorisation.
- 3.7.4 Ezemvelo KZN Wildlife (EKZNW) (letter dated 23 July 2020) stated that it would not be providing comment on this application. EKZNW are satisfied that all biodiversity related concerns have been identified and made known in this assessment together with the appropriate measures to safeguard the ecological integrity (viz. avoid, mitigate thereafter ameliorate) of the developable area. The Department has included conditions to safeguard aspects of biodiversity conservation.
- 3.7.5 The Department of Agriculture, Forestry and fisheries (DAFF) (letter, dated 12 June 2020) indicated that the proposed road upgrade will be within an existing road track and there will be no natural forests or protected tress that will be impacted on by the proposed project.
- 3.7.6 Msunduzi Local Municipality: Sustainable Development and City Enterprises Environmental Management Unit (letter date 06 October 2020 and 12 October 2020) provided comments. Recommendations and mitigation measures have been addressed in the EMPr (compiled by Zanemvula Environmental Consulting (Pty) Ltd, dated October 2020).

3.7.7 The road upgrade will improve access into the area for local residents and emergency services. The improved road surface will enable vehicles to traverse the road safely and efficiently, thus having a positive impact on the area.

In view of the above, this Department is satisfied that subject to compliance with the conditions contained in the Environmental Authorisation and upon adherence to the mitigation measures contained in the Environmental Management Programme the proposed activity will not conflict with the general objectives of Integrated Environmental Management as laid down in Chapter 5 of the National Environmental Management Act, 1998; and, that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. **The application is accordingly granted.**

KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs	Environmental Authorisation: DC22/0021/2020	Page 21 of 25	 Initials
--	--	---------------	---

Annexure 2: Locality Map



Compiled by S Kubheka
MAP Ref: 12-03-19
Date: 2020/03/12
Scale: 1:30 000

Coordinates: Spheroid: SCS Mercaator 1974
Datum: Mercaator 1974
Unit: Degree

LOCALITY MAP FOR THE PROPOSED MSUNDUZI ROAD UPGRADE

○ Proposed Site



Annexure 3: Layout Plan

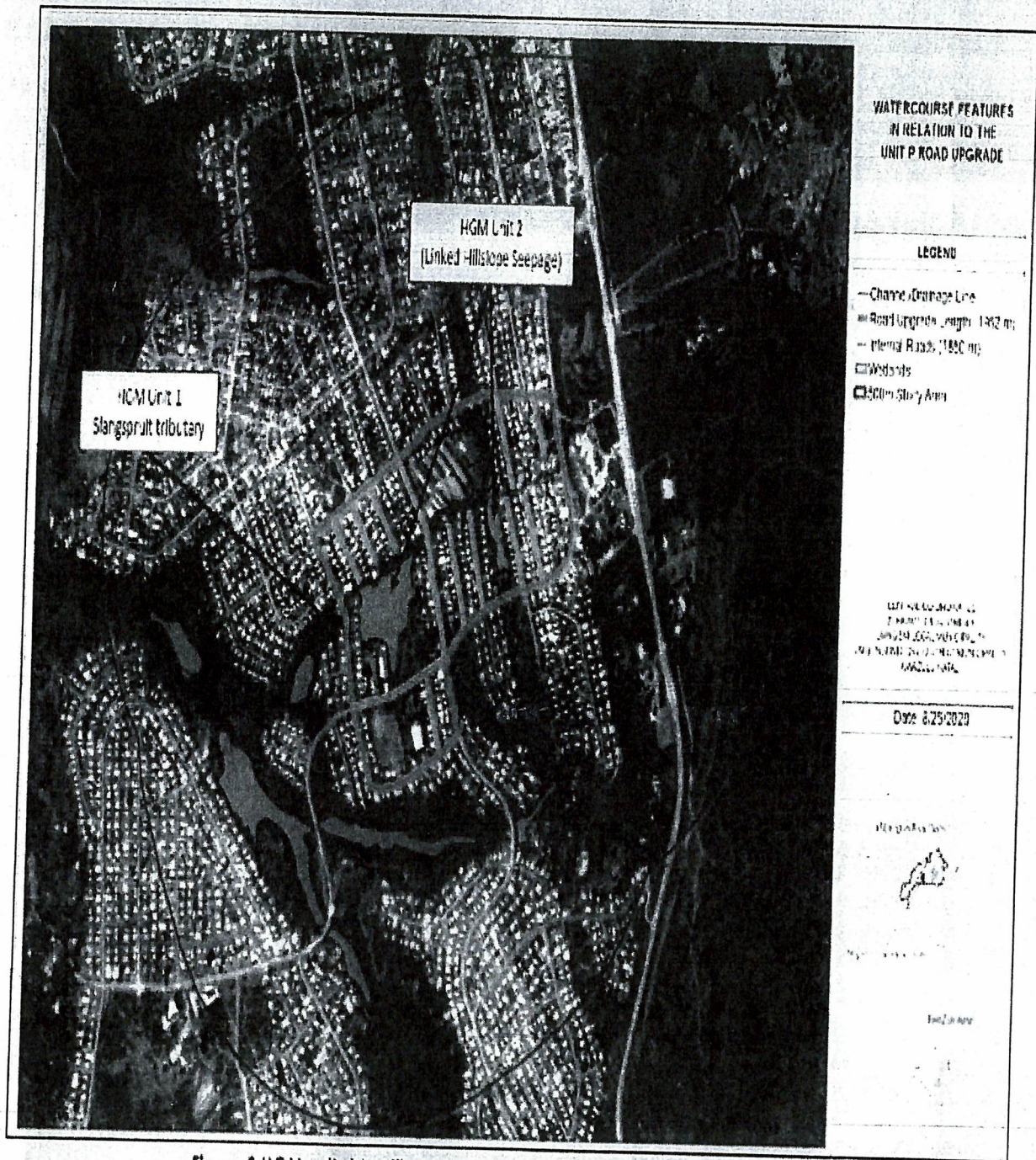


Figure 3 HGM units identified within 500m of the proposed Unit P road upgrade

Annexure 4A: Site Facility Illustration

