

Notification of Application for Environmental Authorisation and Water Use Authorisation Processes for the proposed upgrade of the R33 (Section 13) from Modimolle (km0.6) to Witklip (km13.6) in Limpopo Province

BACKGROUND INFORMATION DOCUMENT

19 June 2023

PURPOSE OF THIS DOCUMENT

This Background Information Document (BID) has been structured to provide all potential Interested and Affected Parties (I&APs) with a concise overview of the proposed project activities as well as the associated Environmental Authorisation and Water Use Authorisation Processes. Furthermore, this BID also intended to provide I&APs with information relating to the manner in which I&APs can voice any issues concerning the proposed project. The compilation and distribution of this BID, forms part of the Public Participation Process for the project.

The BID provides notification of the availability of the Draft Basic Assessment Report (BAR) for public review and comment from 19 June 2023 to 19 July 2023.

The report is available at the Modimolle Library, Cnr Harry Gwala Street and Kerk Street, Modimolle, 0510 and on the Zitholele Consulting's website:

[www.zitholele.co.za/environmental/under the heading "SANRAL R33 Road Upgrade"](http://www.zitholele.co.za/environmental/under%20the%20heading%20%22SANRAL%20R33%20Road%20Upgrade%22). Please submit your comments on the BAR by no later than 19 July 2023 to the contact persons/details as listed below. Information regarding the above processes can also be requested from the Public Participation Office at the contact details provided herein.

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1. BACKGROUND AND DESCRIPTION OF THE PROJECT

Notice is hereby given that South African National Roads Agency Limited (SANRAL) (the Applicant) has applied for Environmental Authorisation (EA) for the above-mentioned project. An EA is required by way of a Basic Assessment (BA) Process, from the Competent Authority i.e. Department of Forestry, Fisheries and the Environment (DFFE) in terms of the Environmental Impact Assessment (EIA) Regulations, 2014 (as amended), promulgated in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA). A Water Use Authorisation is required from the Department of Water and Sanitation (DWS) in terms of the National Water Act, 1998 (Act 36 of 1998) (NWA) prior to construction. Zitholele Consulting (Pty) Ltd has been appointed as the independent Environmental Assessment Practitioner (EAP) to undertake the above-mentioned applications and the associated Public Participation Processes.

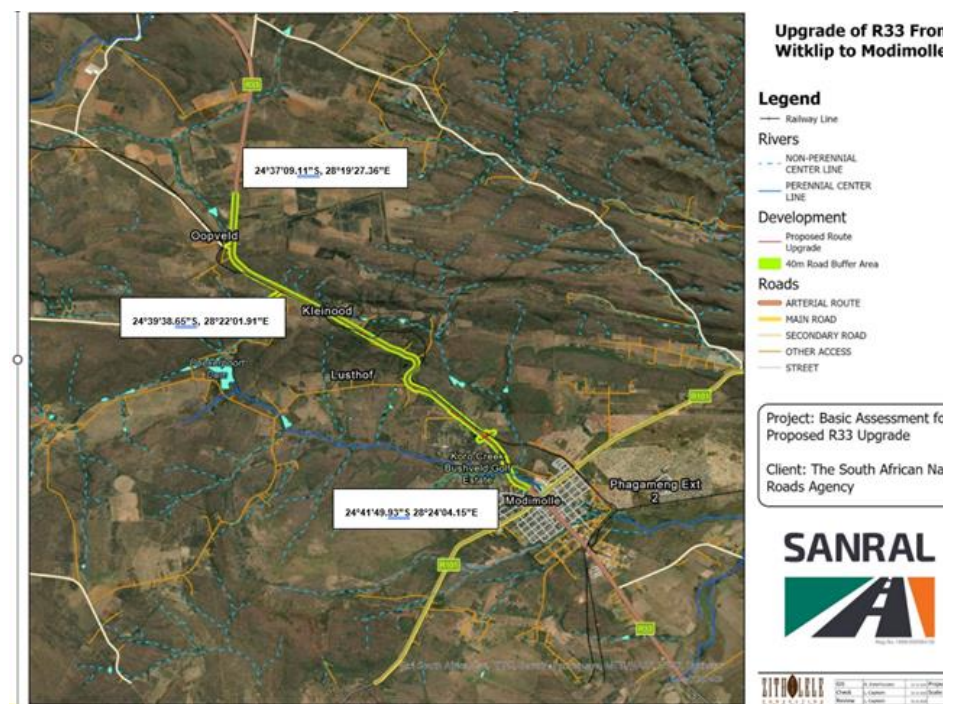


Figure 1: Location of the proposed R33 road upgrade, Modimolle, Limpopo Province

2. DESCRIPTION OF THE STUDY AREA

SANRAL proposes to upgrade the R33 from Modimolle (km0.6) to Witklip (km13.6) in Limpopo Province. The proposed road upgrade will entail a four lane undivided carriageway, a two lane single carriageway with climbing lanes from the roundabout through the “pass” section and a 2-lane single carriageway with climbing/passing lanes. Several intersections will be upgraded, and some accesses will be closed off. The existing culverts will be upgraded. The existing Klein Nyl River Bridge (B1272) will be demolished, and a new bridge will be constructed. Traffic will be accommodated on the existing carriageway to minimise disruptions.

3. NEED AND DESIRABILITY

The decision to upgrade the R33 is motivated by the projected traffic growth in the next 25 years, based on a growth rate of 2.5% per annum that is projected nationally on SANRAL routes. Furthermore, economic development and infill and densification, future growth in housing establishments at the Modimolle area and expansion of the Koro Creek Golf Estate will require an upgrade of the R33, which also serves as a primary pedestrian route. There are several intersections occurring along the R33 that will be upgraded to accommodate the widening of the R33 and to meet safety of pedestrians and motorists alike. The existing Klein River Bridge and several culverts along the R33 will also be upgraded to accommodate the projected traffic growth.

4. LEGAL REQUIREMENTS

The proposed activity is underpinned by the legal provisions of the National Environmental Management Act, No. 107 of 1998 (NEMA), as amended, and the National Water Act, No. 36 of 1998. These Acts have specific regulations governing potential impacts on the receiving environment and includes the following Regulations:

- Environmental Impact Assessment (EIA) Regulations of 2014 (GN R982), as amended;
- Water Use Licence Application and Appeals Regulations of 2017 (GN R267)

The listed activities that may be applicable to the project are indicated in the table below:

Listed Activities	Applicability to proposed project
<p>EIA Regulations of 2014 (as amended) of NEMA, 1998 (Act No. 107 of 1998) GNR 983: Listing Notice 1, Activity 12:</p> <p>The development of— (ii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs— a) within a watercourse; c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;</p> <p>excluding— (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies; (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies; (dd) where such development occurs within an urban area; (ee) where such development occurs within existing roads, road reserves or railway line reserves; or (ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</p>	<p>The existing Klein River Bridge will be upgraded as a result of the proposed upgrade of the R33. Several existing culverts will also be upgraded. These and the proposed road upgrade sections occurs within the watercourse and within 32m of a watercourse/wetland.</p>

Listed Activities	Applicability to proposed project
<p>EIA Regulations of 2014 (as amended) of NEMA, 1998 (Act No. 107 of 1998) GNR 983: Listing Notice 1, Activity 19:</p> <p>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 of more than 10 cubic metres from a watercourse.</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <ul style="list-style-type: none"> a) will occur behind a development setback; b) is for maintenance purposes undertaken in accordance with a maintenance management plan; c) falls within the ambit of activity 21 in this Notice, in which case that activity applies; d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or <p>where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</p>	<p>There may be infilling or depositing of material into, or the dredging, excavation, removal or moving of soil, sand, pebbles or rock from a watercourse with regard to the construction of the bridge upgrade, upgrade of the culverts, and upgrade of the R33 within the existing wetlands and watercourses.</p>
<p>EIA Regulations of 2014 (as amended) of NEMA, 1998 (Act No. 107 of 1998) GNR 983: Listing Notice 1, Activity 27:</p> <p>The clearance of an area of 1 hectares or more, but less than 20 ha of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</p> <ul style="list-style-type: none"> (i) the undertaking of a linear activity (ii) maintenance purposes undertaken in accordance with a maintenance management plan. 	<p>There may be clearance of vegetation for stockpiling, within and outside the road reserve.</p>
<p>EIA Regulations of 2014 (as amended) of NEMA, 1998 (Act No. 107 of 1998) GNR 983: Listing Notice 1, Activity 56:</p> <p>The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre—</p> <ul style="list-style-type: none"> (i) where the existing reserve is wider than 13,5 meters; or (ii) where no reserve exists, where the existing road is wider than 8 metres; <p>excluding where widening or lengthening occur inside urban areas.</p> <p>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.</p> <p>e. Limpopo ii. Within critical biodiversity areas identified in bioregional plans</p>	<p>The proposed road upgrade to accommodate additional lanes and the shoulder will be more than 6m.</p>
<p>EIA Regulations of 2014 (as amended) of NEMA, 1998 (Act No. 107 of 1998) GNR 985: Listing Notice 3, Activity 12:</p> <p>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.</p> <p>e. Limpopo ii. Within critical biodiversity areas identified in bioregional plans</p>	<p>There may be more than 300m² of indigenous vegetation that will be impacted as a result of the proposed road upgrade which will occur within CBA 1 and 2 and ESA 1 and 2.</p>
<p>EIA Regulations of 2014 (as amended) of NEMA, 1998 (Act No. 107 of 1998) GNR 985: Listing Notice 3, Activity 14:</p> <p>The development of—</p> <ul style="list-style-type: none"> ii. infrastructure or structures with a physical footprint of 10 square metres or more; <p>where such development occurs—</p> <ul style="list-style-type: none"> (a) within a watercourse; (c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse; <p>excluding the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.</p> <p>e. Limpopo i. Outside urban areas: (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</p>	<p>The existing Klein River Bridge will be upgraded as a result of the proposed upgrade of the R33. Several existing culverts will also be upgraded. These and the proposed road upgrade sections may occur within a watercourse, and/or within 32m of a watercourse.</p> <p>The road upgrade will occur outside an urban area. The road upgrade occurs within Zone 1, 2 and 9 of the Waterberg District Municipality EMF and within CBA 1 and 2 and ESA 1 and 2.</p>

Listed Activities	Applicability to proposed project
(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;	
<p>EIA Regulations of 2014 (as amended) of NEMA, 1998 (Act No. 107 of 1998) GNR 985: Listing Notice 3, Activity 18:</p> <p>The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.</p> <p>(e) Limpopo i. Outside urban areas:</p> <p>(cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</p> <p>(dd) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(hh) Areas within a watercourse; or within 100 metres from the edge of a watercourse</p>	<p>The existing R33 will be upgraded by more than 4m which may occur within a watercourse or within 100m from the edge of a watercourse.</p> <p>The road upgrade will occur outside an urban area. The road upgrade occurs within Zone 1, 2 and 9 of the Waterberg District Municipality EMF and within CBA 1 and 2 and ESA 1 and 2.</p>
<p>EIA Regulations of 2014 (as amended) of NEMA, 1998 (Act No. 107 of 1998) GNR 985: Listing Notice 3, Activity 23:</p> <p>The expansion of— (iii) infrastructure or structures where the physical footprint is expanded by 10 square metres or more; where such expansion occurs—</p> <p>(a) within a watercourse;</p> <p>(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;</p> <p>excluding the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the harbour.</p> <p>(e) Limpopo i. Outside urban areas:</p> <p>(cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</p> <p>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.</p>	<p>The proposed upgrade involves upgrade of the existing R33. The road will be widened, including the existing Klein River Bridge and the existing culverts. The upgrade may occur within a watercourse or 32m from the edge of a watercourse.</p> <p>The road upgrade will occur outside an urban area. The road upgrade occurs within Zone 1, 2 and 9 of the Waterberg District Municipality EMF and within CBA 1 and 2 and ESA 1 and 2.</p>
<p>National Water Act, 1998 (Act No.36 of 1998):</p> <ul style="list-style-type: none"> Section 21(c): impeding or diverting the flow of water in a watercourse; and Section 21(i): altering the bed, banks, course, or characteristic of a watercourse. 	<p>The proposed road upgrade occurs within the 500m regulated area of the wetland and within the Klein Nyl River. Therefore, a General Authorisation (GA) will be required in terms of Section 21(c) and 21 (i) of the National Water Act, 1998 (Act No. 36 of 1998).</p>

The following processes must therefore be undertaken:

1. Basic Assessment process towards issuance of an Environmental Authorisation (EA); and
2. A Water Use Authorisation process towards issuance of a General Authorisation (GA).

5. BASIC ASSESSMENT PROCESS

A Basic Assessment (BA) aims to provide an objective view of the potential environmental and social impacts that could arise during the planning, construction, operation, and decommissioning phase of a proposed project. A critical element of the BA Process is the Public Participation Process that gives Interested and Affected Parties (I&APs) an opportunity to provide comments on a proposed development. The outcome of the BA Process is concisely presented and

documented in the Basic Assessment Report (BAR) in order to provide the Competent Authority with all the information in order to make an informed decision.

The BAR content aligns with the requirements of Appendix 1 of the EIA regulations, 2014 (as amended) (GN R.326) and timeframes are strictly adhered to through careful management of process. **Figure 2** provides a process flow diagram indicating the key tasks to be carried out for the BA Process.

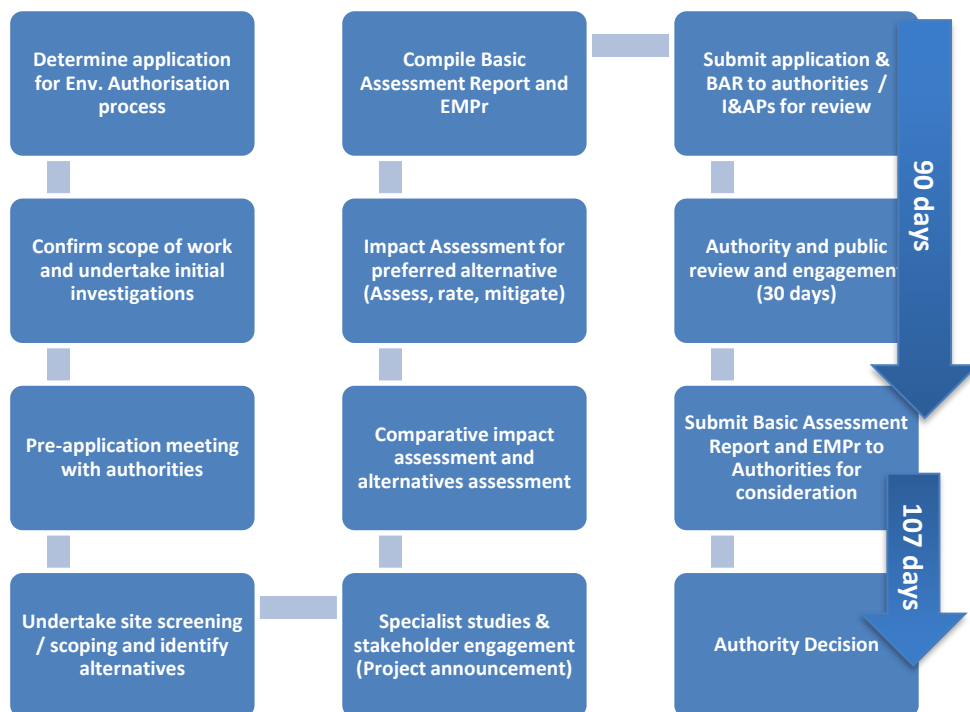


Figure 2: Process Flow Diagram for the steps required in a Basic Assessment Process

A decision on the application for environmental authorisation through a BA process is usually reached within 107 days of receipt of the BAR by the Competent Authority.

8. WATER USE LICENCE APPLICATION

In terms of the Water Use Authorisation process a General Authorisation (GA) will be required in terms of Section 21(c) and 21 (i) of the National Water Act, 1998 (Act No. 36 of 1998). In terms of these Regulations, the General Authorisation must be undertaken and submitted through the Department of Water and Sanitation (DWS)'s online submission portal called Electronic Water Use Licence Application and Authorisation System (e-WULAAS). In terms of this online submission system, a Water Use License Application (WULA) is submitted online in three distinct phases (Refer to Figure 3).

The Water Use Licence or General Authorisation process can occur simultaneously and in conjunction with a Basic Assessment Process therefore Zitholele ensures that the WULA Application Forms, Technical Report (if required) and supporting documents are completed at the same time as the BAR. This streamlines the public review process per project.



Figure 3: Process Flow Diagram for the steps required in a Water Use License Application

9. PUBLIC PARTICIPATION PROCESS

As an important element in undertaking the BA for the proposed project, Zitholele Consulting will conduct the public participation process as set out in the NEMA EIA regulations, 2014 (as amended). Applicable guidelines and best practice procedures will furthermore be taken into consideration. The public participation process will enable stakeholders to contribute to the process through information sharing and to review the findings of the independent studies that are to be undertaken. The steps of the public participation component are outlined below.

The Public Participation Process, as prescribed in the EIA Regulations, 2014, as amended, are described below in Figure 4:

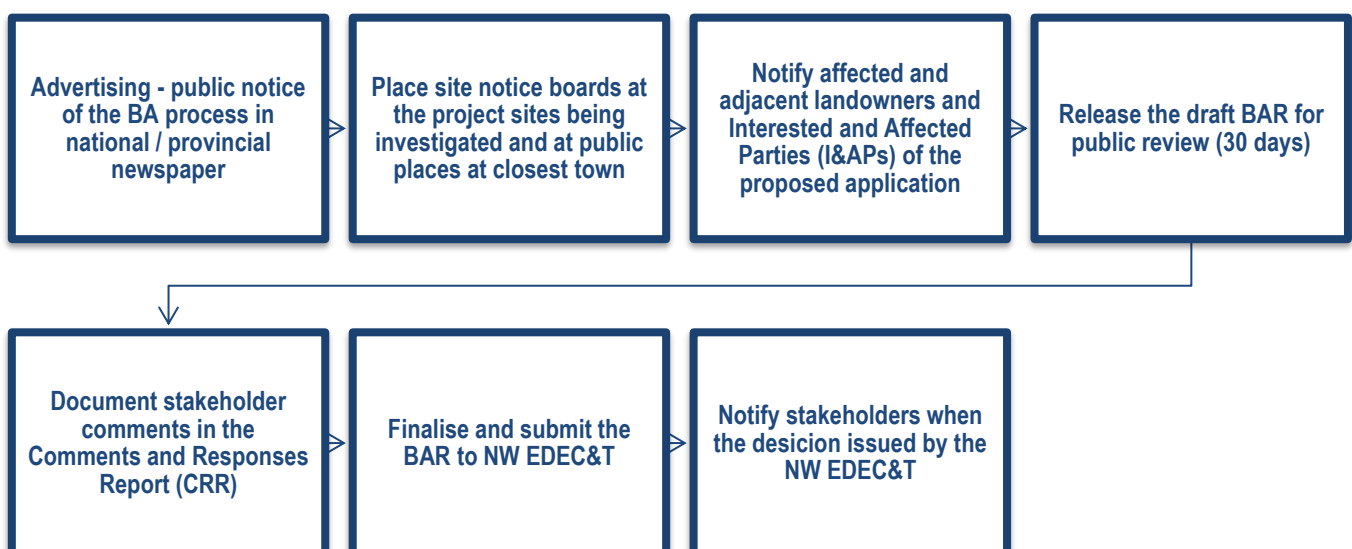


Figure 4: Process Flow of the Public Participation Process

10. AVAILABILITY OF APPLICATION DOCUMENTATION

The Basic Assessment Report for public review and comment is available from 19 June 2023 to 19 July 2023 as follows:

- Hard copy at Modimolle Library, Cnr Harry Gwala Street and Kerk Street, Modimolle, 0510
- Electronic copy is available at the Zitholele Consulting's website (www.zitholele.co.za/environmental/ under the heading "SANRAL R33 Road Upgrade").

Please submit your comments on the BAR by no later than 19 July 2023 to the contact persons/details as listed below. Information regarding the above processes can also be requested from the Public Participation Office at the contact details provided herein.

All stakeholders that wish to provide comments on the BAR and WULA processes and stay informed throughout the process are urged to register as an Interested and Affected Party (I&AP) by submitting your contact details and interest on the project to the Public Participation Process (PPP) desk at the contact details provided. Alternatively, SMS the word "Sanralr33" to 45776.

Further communication relating to the project will only be undertaken with registered I&APs. The PPP desk can be contacted as follows:

Zitholele Consulting (Pty) Ltd
Mr. Hluke Baloyi
P O Box 6002, Halfway House, 1685
Tel: (011) 207 2060
Fax: 086 674 6121
Email: sanralr33@zitholele.co.za

11. DECISION-MAKING (ENVIRONMENTAL AUTHORISATION)

Based on the information provided in the final BAR, the Competent Authority will make a decision to grant or refuse Environmental Authorisation. The granting of Environmental Authorisation will allow the Applicant to proceed with implementing the proposed project activities. Once the Competent Authority has reached a decision, with regards to granting the Environmental Authorisation, all registered I&APs will be notified thereof within 14 days of the date of the decision. An appeal may be lodged against the decision made in terms of the National Environmental Management Act (107 of 1998) and National Appeal Regulations, 2014. I&APs will be notified of the decision made by the Competent Authority by means of the following:

- Via electronic mail;
- Facsimile (to I&APs who do not have access to electronic mail); and
- Registered mail (to those I&APs who do not have access to electronic mail nor facsimile facilities).

The Basic Assessment Process will be concluded by the notification of I&APs of the decision made by the Competent Authority.

12. MAP OF PROJECT LOCATION

A locality Map of the proposed project can be found in Figure 5 below.

13. BID COMMENT SHEET

A comment sheet associated with this project Basic Assessment and Water Use Authorisation process is included at the end of this BID. Please complete and return to the PPP desk by hand delivery to the offices of Zitholele Consulting, scan and email to the email address provided, fax to fax number provided or by submitting your comments telephonically to the PPP desk via the landline number specified in the left column on page 1 of this BID.

Upgrade of R33 From Witklip to Modimolle.

Legend

- Railway Line
- Rivers**
 - - - NON-PERENNIAL CENTER LINE
 - PERENNIAL CENTER LINE
- Development**
 - Proposed Route Upgrade
 - 40m Road Buffer Area
- Roads**
 - ARTERIAL ROUTE
 - MAIN ROAD
 - SECONDARY ROAD
 - OTHER ACCESS
 - STREET

Project: Basic Assessment for the Proposed R33 Upgrade

Client: The South African National Roads Agency



ZITHOLELE CORPORATION	GIS	A. Esterhuysen	22/11/2022	Project Number:	
	Check	L. Captain	22/11/2022	Scale:	
	Review	L. Captain	22/11/2022		Rev 1.

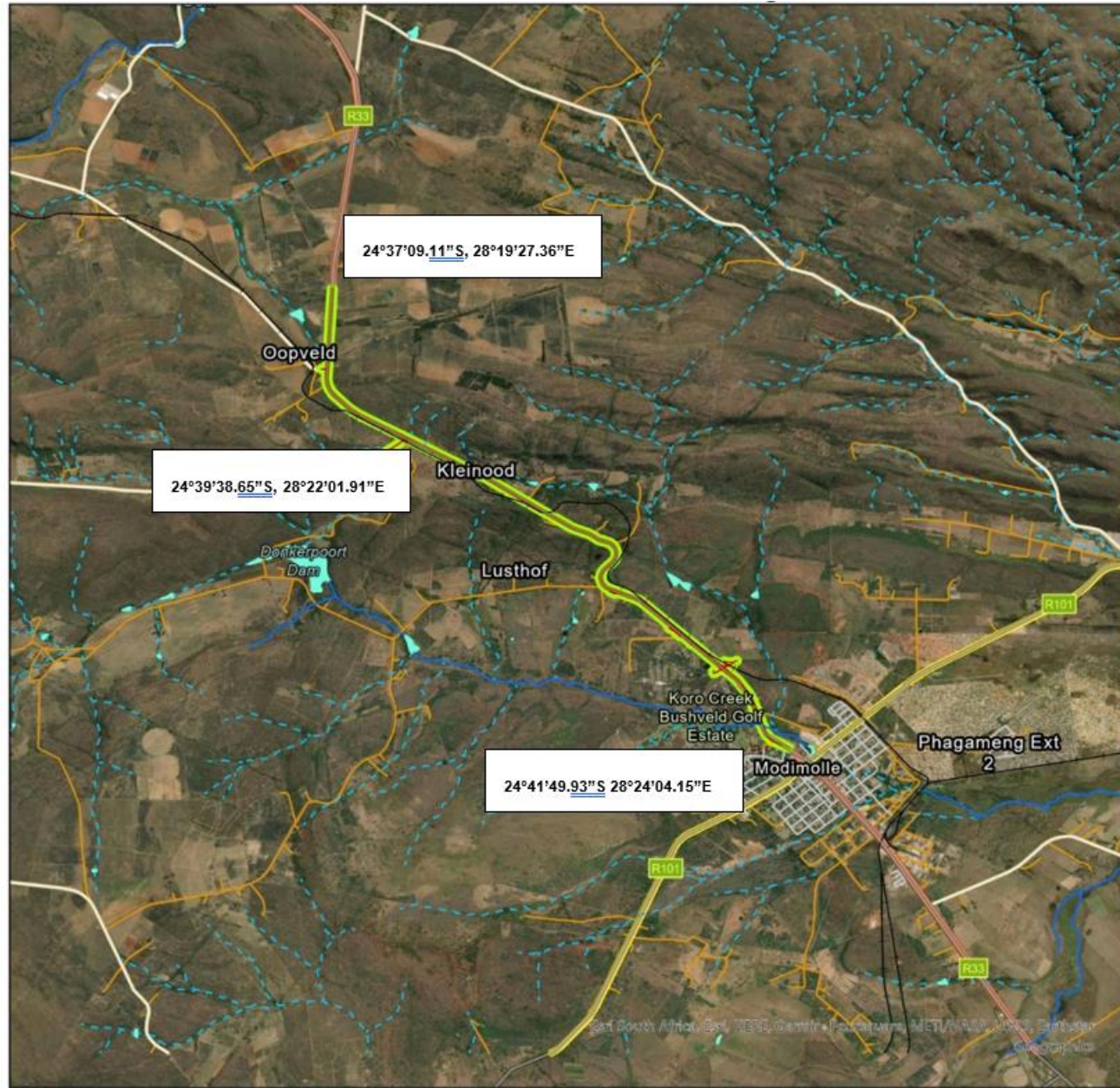


Figure 5: Locality Map of the Proposed Project