



Notice of Basic Assessment: Proposed Canalisation of the Umgeni River for the flood protection at the Umgeni Business Park

Ref# DM/0068/2012

December 2012

INTRODUCTION

This document serves as a notification in terms of Section 26 of the National Environmental Management Act (Act No. 107 of 1998) of the intention of the eThekweni Municipality (Coastal, Stormwater & Catchment Management) to widen and canalise a section of the Umgeni River for approximately 1 km in order to reduce the flooding risk of the Umgeni Business Park.

Please note that this is a re-application of the 2006 application (EIA/6008) which was made under the Environmental Conservation Act (Act No.73 of 1989) for which the proponent received a positive record decision but failed to implement the development within the validity period for construction commencement (18 months) as stated in the RoD.

The Umgeni Business Park, which is located in the flood plains of the Umgeni River just inland of the river mouth, was developed during the past 25 years in what is known as the Springfield Flats. It contributed significantly to the expansion of industrial and business areas within eThekweni municipal area.

The development of the Umgeni Business Park went ahead based on the understanding that a section of the Umgeni River would be widened through provision of flood protection works (which in technical terms is referred to as canalisation) to reduce the flooding risk to within acceptable levels.

The eThekweni Coastal, Stormwater & Catchment Management Department (hereafter referred to as eThekweni unless otherwise specified) phased in the widening when the southern embankment of the relevant section of the Umgeni River was 'trimmed' during the mid 1980s. The embankments were stabilised with vegetated gabion type structures for flood protection.

eThekweni proposes to continue with the second phase of the project, by further widening the Umgeni River through work along an approximate 1 km section of its the northern embankment, in order to further reduce the flooding risk of the Umgeni Business Park. The proposed site to be affected is located approximately 3 km inland of the river mouth.

The proposed second phase of the widening project (hereafter referred to as the Umgeni Project for the purposes of this document) constitutes the provision of flood protection works for the northern river embankment at the desired river width. It is proposed to not line or excavate the riverbed.

PROJECT LOCATION:

The particular river section stretches from just east of Connaught Bridge (North Coast Road, R102) to approximately 1 km upstream in a westward direction.

The development will take place at Umgeni Business Park, which is located within the boundaries of the eThekweni Municipality, approximately 10 km north of Durban Central Business District (CBD).

The affected site spans approximately 6 ha and is almost entirely surrounded by the Umgeni Business Park, apart from the area east of Connaught Bridge, which borders Umgeni Park (Riverside) residential area.

Certain business premises will be directly affected, as the proposed new embankment will 'cut' into these premises to widen the Umgeni River. eThekweni has acquired the affected properties. Surrounding businesses may also be affected if access during construction is required via their properties, which if required will be done by special arrangements with the property owners.

The site is located adjacent to an area that can be regarded as a major traffic node, linking northern and central eThekweni via rail and road. Some nearby residential developments exist and the Umgeni estuary and surrounding areas provide for recreational opportunities.

The proposed development will thus take place in an environment that has been heavily modified and influenced by human activities.

NEED FOR THIS PROJECT

The Umgeni Project is thus motivated by the need to continue with the flood attenuation project that was

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initiated as part of eThekweni's development plans for the Umgeni Business Park and surrounding area.

The widening of a section of the lower Umgeni River provides for additional flood protection measure for the properties and infrastructure already established within the floodplains of the river. Although flooding may still occur during extreme storm events, the area affected by the floods will be much reduced. In addition the risk of flood damage in areas that will still be affected will be significantly reduced.

Without further flood attenuation, properties adjacent to the proposed Umgeni Project site and upstream at the Umgeni Business Park will remain prone to unacceptable high and frequent flood risk, which could potentially include loss of life.

LEGAL REQUIREMENTS

This application for environmental authorisation is made under the National Environmental Management Act (Act 107 of 1998) and the new EIA Regulations (GNR 543, GNR 544 and GNR 546). The relevant Listed activities related to the proposed development are:

Listing Notice 1; GN: R.544; Activity numbers 11 and 16.

Listing Notice 1; GN: R.544 (11)

The construction of:

- (i) canals;
- (ii) channels;
- (iii) bridges;
- (iv) dams;
- (v) weirs;
- (vi) bulk storm water outlet structures;
- (vii) marinas;
- (viii) jetties exceeding 50 square metres in size;
- (ix) slipways exceeding 50 square metres in size;
- (x) buildings exceeding 50 square metres in size; or
- (xi) 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.

Listing Notice 1; GN: R.544 (16)

Construction or earth moving activities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater, in respect of –

- (i) fixed or floating jetties and slipways;
- (ii) tidal pools;
- (iii) embankments;
- (iv) rock revetments or stabilising structures including stabilising walls;
- (v) buildings of 50 square metres or more; or
- (vi) infrastructure covering 50 square metres or more – but excluding
 - (a) if such construction or earth moving activities will occur behind a development setback line; or
 - (b) where such construction or earth moving activities will occur within existing ports or harbours and the construction or earth moving activities will not increase the development footprint or throughput capacity of the port or harbour;
 - (c) where such construction or earth moving activities is undertaken for purposes of maintenance of the facilities mentioned in (i)-(vi) above; or
 - (d) where such construction or earth moving activities is related to the construction of a port or harbour, in which case activity 24 of Notice 545 of 2010 applies.

The Department of Environmental Affairs requires an Environmental Impact Assessment in the form of a Basic Assessment be conducted with full public participation prior to issuing an authorisation for this activity. eThekweni has appointed GIBB (Pty) Ltd to undertake this application on their behalf.

STAGES IN BASIC ASSESSMENT

This Basic Assessment study will commence with an application to the KZN Department of Agriculture and Environmental Affairs (DAEA) for Environmental Authorisation of the proposed project. See Figure 1 for the Basic Assessment process.

A Public Participation Process (PPP) and reporting on the outcome of the Basic Assessment, then follows.

A Draft Basic Assessment Report (BAR) will be compiled which will comprehensively describe the activities and impacts that the project may have on the receiving environment, including specialist reports and details from the PPP. The Draft BAR and Environmental Management Programme (EMPr) will be submitted for a 40 day public comment period.

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Subsequent to the review and commenting period, a Final BAR will be compiled for submission to DAEA. This will include all comments and responses to issues raised by registered I&APs.

Should the authorities grant approval via an environmental authorisation, all registered I&APs will be notified accordingly and given the opportunity to appeal against the decision, should they so wish.

PUBLIC PARTICIPATION PROCESS

Crucial to the Basic Assessment process is the input from Interested and Affected Parties (I&APs) and hence the public are encouraged to register as I&APs for this project.

The NEMA regulations require that I&APs send comments regarding the proposed project in writing so that a paper trail can be maintained throughout the BA process. Registered I&APs will be kept informed of project progress throughout the BA process.

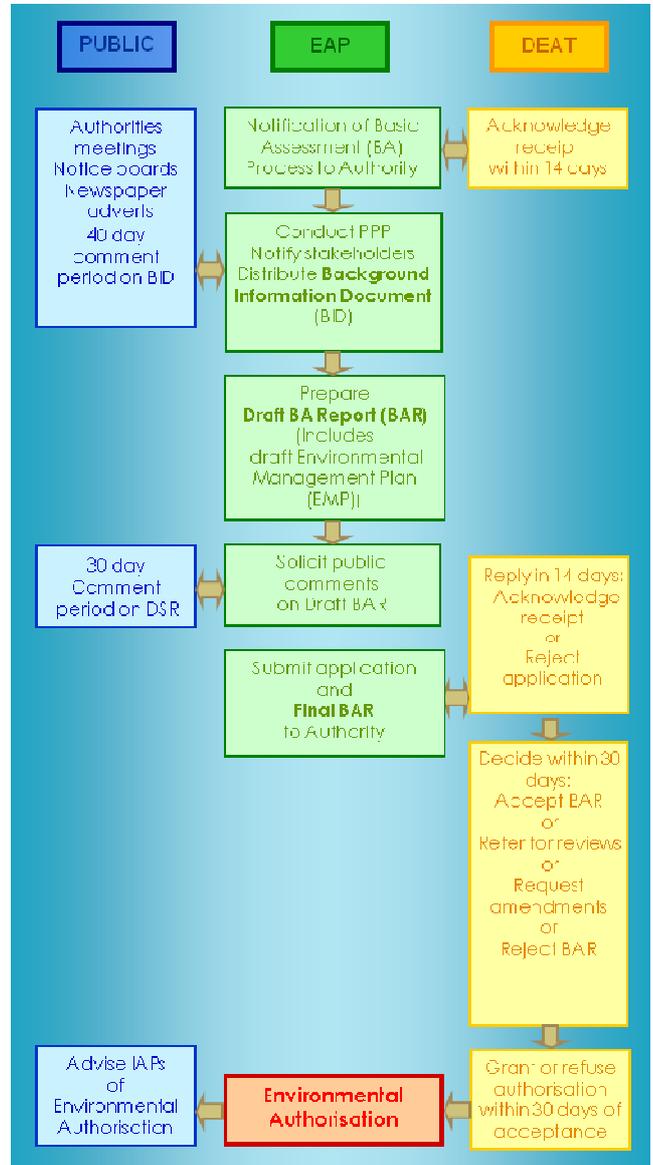


Figure 1. Basic Assessment process flow diagram.

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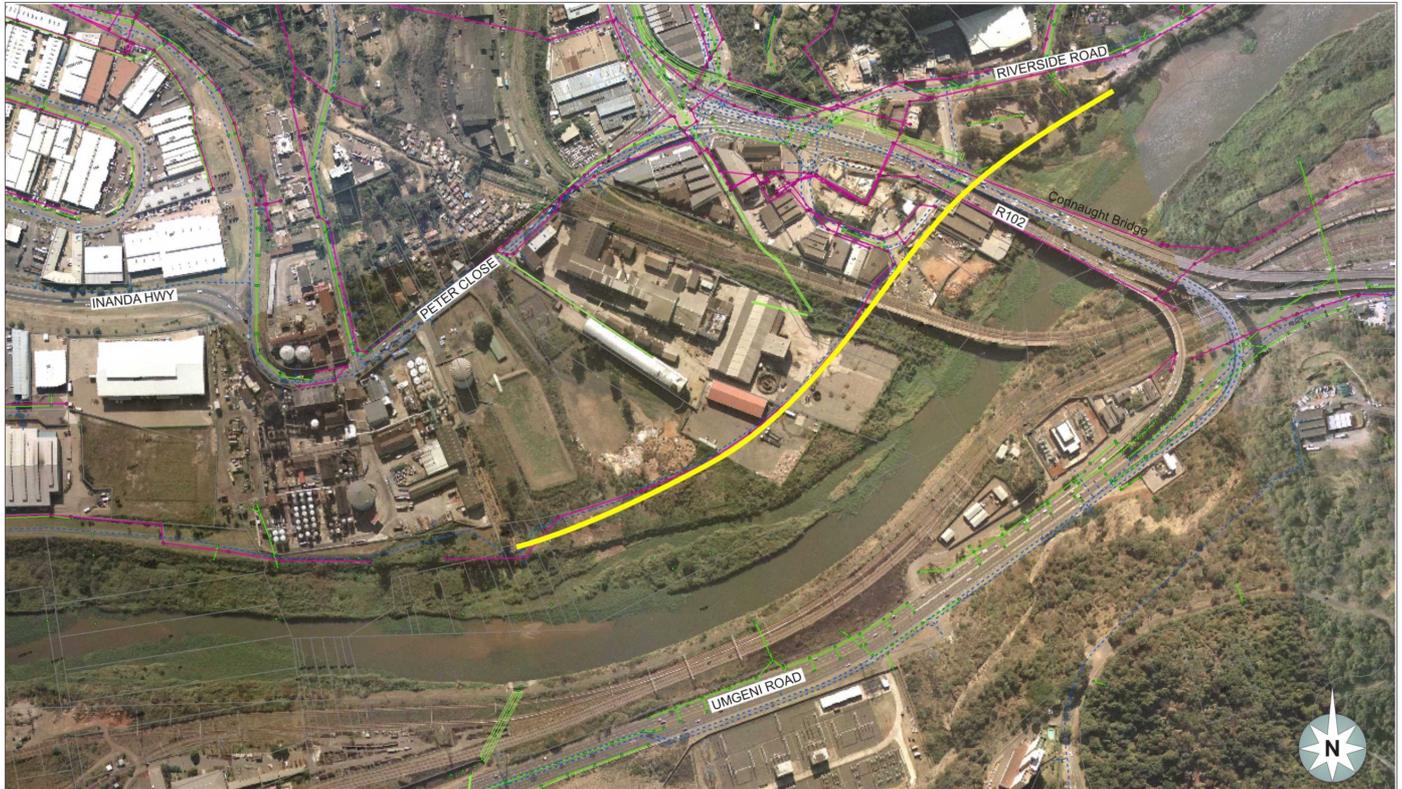


Figure 2: Locality of the proposed Access route, indicated by the white line

WAY FORWARD

Should you wish to express your views regarding this proposed development, please send us your written comments. The names of all registered I&APs, together with the comments received will be incorporated into the Environmental Impact Assessment application and will be submitted to DEA.

A public meeting will be held on the 12th December 2012 @ 17h30 at the City Engineers Department, City Engineers Building, in the meeting room above the 6th Floor, 166 K E Masinga Road (previously Old Fort Road), Durban. Entrance is via Archie Gumede Road (previously Old Fort Place), through the boom gates.

Please submit your name, contact information (address, telephone number, e-mail address, postal address) and written comments to the contact person below.

Our Contact Details:

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