

Smozomeni Road Upgrade Project
COMMENTS AND RESPONSES REPORT

Commentator	Comment	Response
<p>Amafa B Pawandiwa (Senior Heritage Officer)</p>	<p><u>19 July 2016</u> Final Comment: In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999) and the KwaZulu-Natal Heritage Act (Act 4 of 2008) Smozomeni Road upgrade, Richmond, KZN We acknowledge receipt of your invitation for comment with regards to the proposed development. We have read through the exemption motivation and concur with the heritage practitioner that there is no need for further mitigation other than ensuring that the site located near the road upgrade, EPA02, that is, the cemetery, is demarcated before road construction to ensure that it is not threatened by both direct and indirect impacts of the proposed development. The graves that were identified are highly significant and should not be disturbed, altered, exhumed or removed without a permit and approval of the affected and interested family/community as stipulated in the National Heritage Resources Act , Act 25 of 1999 and the KwaZulu Natal Heritage Act, Act 4 , 2008.</p> <p>Amafa therefore has no objection to the development provided the developer follows the conditions stipulated in this record of decision.</p> <p>You are also required to adhere to the below-mentioned standard conditions:</p> <p><u>Conditions:</u></p> <ol style="list-style-type: none"> 1. Amafa should be contacted if any heritage objects are identified during earthmoving activities and all development should cease until further notice. 2. No structures older than sixty years or parts thereof are allowed to be demolished altered or extended without a permit from Amafa. 3. No activities are allowed within 50m of a site, which contains rock art. 4. Sources of all natural materials (including topsoil, sands, natural gravels, crushed stone, asphalt, etc.) must be obtained in a sustainable manner and in compliance with the heritage legislation. <p>Failure to comply with the requirements of the National Heritage Resources Act and the KwaZulu Natal Heritage Resources Act could lead to legal action being instituted against the applicant.</p>	<p>Amafa's conditions have been incorporated into the draft Environmental Management Programme. The cemetery will be demarcated as a 'no-go' area.</p>

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<p>Department of Water and Sanitation S.O. Naidoo <i>(Deputy Director: Water Use)</i></p>	<p><u>19 May 2016</u> WATER USE ACTIVITY COMMENTS FOR THE PROPOSED UPGRADE OF SMOZOMENI ROAD IN RICHMOND LOCAL MUNICIPALITY: UMGUNGUNDLOVU DISTRICT MUNICIPALITY: QUATERNARY CATCHMENTS U70B AND U10J.</p> <p>This letter refers to your letter and reports received from you, dated 05th April 2016 for upgrading of Smozomeni Road in Richmond Local Municipality. This Department does consider the activity as described in your reports as triggering a water use in terms of Section 21 (c) and (i) of the National Water Act, 1998 (Act 36 of 1998) for upgrading of Smozomeni Road.</p> <p>The said activities will be located on the catchments of Lovu River and Ndala River in Richmond Local Municipality, KwaZulu-Natal Province. Proposed rehabilitation will be located within quaternary catchment U70J and U10J in the Pongola to Umzimkhulu Water Management Area, KwaZulu-Natal Province.</p> <p>The Department has evaluated the submitted documents and has confirmed that the road to be upgraded into tar road has been existing during qualifying period according to Section 32(1) of the National Water Act, 1998 (Act 36 of 1998) and impacts imposed into water resource will be reduced after improvements as planned. This Department therefore authorise Richmond Local Municipality to upgrade Smozomeni Road according to Section 19(1) and (2)(f) of the National Water Act, 1998 (Act 36 of 1998).</p> <p>The Department reserves the right to request additional measures that could be taken, which may include an application for a water use licence, should the activity be deemed to cause a significant impact to the environment. Please note that this letter does not exempt the applicant from having authorisation from any other Government departments or responsible authorities that may be involved during the proposed development.</p> <p>Any further queries or clarity should be addressed to the Department.</p>	<p>The conditions associated with the authorisation from the Department of Water and Sanitation are acknowledged.</p>

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<p>Department of Agriculture, Forestry and Fisheries N Sontangane <i>(Officer, Forestry Regulations & Support, KZN)</i></p>	<p><u>27 July 2016</u> DRAFT BASIC ASSESSMENT REPORT (DBAR): COMMENTS FOR THE PROPOSED SMOZOMENI ROAD UPGRADE PROJECT, RICHMOND LOCAL MUNICIPALITY, KWAZULU-NATAL</p> <p>The Department of Agriculture, Forestry and Fisheries (DAFF) appreciates the opportunity given to review and comment on the DBAR for the abovementioned upgrade. DAFF through the sub-directorate Forestry Regulations and Support is the authority mandated to implement the National Forest Act (Act No. 84 of 1998) by regulating the use of natural forests and protected tree species in terms of the said Act.</p> <p>With regards to the document received on the 4th of July 2016, the dominant vegetation on the site is the Ngongoni Veld which consists of dense tall grassland, dominated by the unpalatable grass. Woody vegetation also occurs adjacent to the road which mainly consists of alien trees. The project seeks to remain as far as possible within the footprint of existing road, with the resurfacing activities and establishment of improved storm water drainage. This will ensure the potential impacts to biodiversity features and indigenous vegetation are largely mitigated. Therefore the Department has no objections towards the proposed development provided that there are no natural forests and/or protected tree species in terms of the NFA that will be negatively impacted upon.</p> <p>This letter does not exempt you from considering other environmental legislation.</p>	<p>The comments from the Department of Agriculture, Forestry and Fisheries are duly noted. Where necessary, tree permits will be applied for.</p>
<p>Ezemvelo KZN Wildlife A Blackmore <i>(Manager IEM & PAM Planning)</i></p>	<p><u>27 July 2016</u> PROPOSED SMOZOMENI ROAD UPGRADE PROJECT RICHMOND LOCAL MUNICIPALITY</p> <p>Thank you for forwarding the abovementioned application to Ezemvelo KZN Wildlife (Ezemvelo) for review and comment.</p> <p>Ezemvelo will not be providing comment on this application, but trust that all significant biodiversity related concerns have been clearly identified and made known in this assessment together with appropriate measures to safeguard the ecological integrity (viz. avoid, mitigate and thereafter ameliorate) of the developable area.</p> <p>Please be advised that the potential impacts upon biodiversity will be evaluated by the Competent Authority who may, upon receipt, refer the application this organization for evaluation and advice prior to making a decision. In such case, the environmental principles prescribed in the National Environmental Management Act 107 of 1998, the objectives of the National Environmental Management Biodiversity Act 10 of 2004 and best practice will be applied.</p>	<p>The comments from Ezemvelo KZN Wildlife are duly noted. All recommendations that have been made with respect to the mitigation of potential environmental impacts in the respective specialist reports have been incorporated into the Draft Environmental Management Programme.</p>

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<p>Richmond Local Municipality E.S. Sithole (Municipal Manager)</p>	<p><u>27 July 2016</u> DRAFT BASIC ASSESSMENT REPORT FOR PROPOSED SMOZOMENI ROAD UPGRADE PROJECT, RICHMOND LOCAL MUNICIPALITY</p> <p>With reference to your letter dated 30 June 2016 the above subject bears reference.</p> <p>Please be advised that the Development and Planning Department of Richmond Municipality has no objections or adverse comments to the Draft Basic Environmental Assessment Report for the proposed Smozomeni Road Upgrade.</p> <p>For further information or queries you can contact the Manager: Development and Planning on 033 212 2155.</p>	<p>The comments from the Richmond Local Municipality are duly noted.</p>
<p>Umgungundlovu District Municipality M Khomomo (Manager: Development Planning and Environmental Management Unit)</p>	<p><u>22 July 2016</u></p> <p>Reference is made to the abovementioned BAR received by uMgungundlovu District Municipality. The Development Planning section has the following comments:</p> <p>1) The recommendations in the Specialist Studies undertaken on Wetland and Riparian Assessment and Cultural Heritage Impact Assessment should be taken into consideration.</p> <p>2) However the District Municipality has no objection to the proposed development as the upgrade will improve the accessibility of movement systems for local residents, provided that the ECZ, guidelines and recommendations to mitigate environmental impacts contained in the BAR and EMPr are adhered to.</p>	<p>The recommendations contained in the respective specialist reports have been incorporated into the Draft Environmental Management Programme, which will be submitted to the Competent Authority (the Department of Economic Development, Tourism and Environmental Affairs).</p>