

Application for amendment of Environmental Authorization



edtea

Department :
Economic Development, Tourism and
Environmental Affairs

PROVINCE OF KWAZULU-NATAL

File Reference Number:
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Date Received:

(For official use only)

DC/

KZN/

APPLICATION FOR AN AMENDMENT OF AN ENVIRONMENTAL AUTHORIZATION

Application in terms of the provisions of the Environmental Impact Assessment Regulations, 2014

Kindly note:

1. In terms of regulation 28(1) of the EIA Regulations, 2014, an amendment of an environmental authorization must be submitted to the relevant competent authority **at least 3 months prior to the expiry of the validity period** of the environmental authorization.
2. It is the responsibility of the applicant to confirm that the Department is the competent authority to which this application must be submitted (refer to NEMA section 24C).
3. **It is the responsibility of the Applicant to ascertain whether this is the current version of this application form.**

FEE APPLICABLE FOR APPLICATIONS FOR AMENDMENTS OF ENVIRONMENTAL AUTHORIZATIONS

4. The following fee for the consideration and processing of applications for an amendment of an environmental authorization will be applicable from **01 April 2014** (refer to the Annexure in Government Notice No.141 dated 28 February 2014):

Application	Fee
Amendment of an environmental authorization on application by the holder of an environmental authorization.	R2 000.00

5. Where an applicant is required to pay fees for an application for an amendment of environmental authorization as contemplated in section 2, this must be made by means of a bank deposit or electronic fund transfer into the bank account of this Department (refer to section 4).
6. **Payment reference number for an application to amend an environmental authorization and banking details** for the Department:

Reference number (only reference number to be used for an application to amend an environmental authorization):	04003903
Account name:	KwaZulu-Natal Provincial Government -Economics
Bank name:	ABSA
Branch code:	630495
Account number:	4072482787

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7. Proof of payment of fees (if applicable) for an application for amendment to an environmental authorization must be attached as an **Appendix** to this application form and submitted with it. Proof of payment is either a stamped deposit slip or an electronic fund transfer payment advice.

INSTANCES WHERE FEES FOR APPLICATIONS FOR AMENDMENTS OF ENVIRONMENTAL AUTHORIZATIONS ARE NOT APPLICABLE

8. Where an application is for a community based project funded by a government grant or the application is made by an organ of state, the fees for considering and processing applications for an amendment of an environmental authorization do not apply (refer to regulation 2 in Government Notice No.141 dated 28 February 2014).
9. Where an applicant is not required to pay a fee as contemplated in section 2 of this form, a **written motivation** (with proof of funding if a government grant is applicable) must be attached as an **Appendix** to this application form and submitted with it.

INSTANCES WHERE FEES PAID FOR APPLICATIONS FOR AMENDMENTS OF ENVIRONMENTAL AUTHORIZATIONS WILL NOT BE REFUNDED

10. If your application is submitted to this Department and rejected, withdrawn or has lapsed the fees paid for the application will not be refunded (refer to regulation 4(4) in Government Notice No. 141 dated 28 February 2014).
11. If you have any queries regarding the EIA process or the fee applicable for applications for amendments of environmental authorizations please contact the relevant District Office of this Department. These contact details are obtainable from Regional Offices (see below).
12. This application must be **hand delivered or posted (no faxed or e-mailed applications will be accepted)** to the appropriate Regional Office of the **KwaZulu-Natal Department of Economic Development, Tourism & Environmental Affairs** at one of the following addresses:

- **FOR APPLICATIONS IN NORTHERN KWAZULU-NATAL** (Amajuba, Umkhanyakude, Uthungulu, Umzinyathi and Zululand District Municipalities)

Environment: North Region
KwaZulu Natal Department of Economic Development, Tourism & Environmental Affairs
Private Bag X1048, RICHARDS BAY, 3900

Block D, 1st Floor, North Park Offices
Cnr Via Verbena and Aloe Loop Streets (Opposite uMhlatuze Sports Complex)
Veldenvlei, RICHARDS BAY

Contact Person: Ms Zama Mbanjwa
Telephone No: 035 - 780 0314
Cellular Telephone No: 073 875 7763

- **FOR APPLICATIONS IN SOUTHERN KWAZULU-NATAL** (Ethekewini Metro, Ilembe, Sisonke (Harry Gwala), Ugu, Umgungundlovu and Uthukela District Municipalities):

Environment: South Region
KwaZulu-Natal Department of Economic Development, Tourism & Environmental Affairs
Private Bag X9152, PIETERMARITZBURG, 3201

270 Jabu Ndlovu Street, PIETERMARITZBURG, 3201
Contact Person: Ms Mavis Padayachee
Telephone No: 033 - 264 2572
Cellular Telephone No: 073 127 8907

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DETAILS OF PROJECT

EIA Reference No:	DC28/0022/2009 KZN/EIA/5715/2009
Project description:	<p>The study area is located on the Remainder of Reserve 6 No. 15825-GV, Richards Bay, in the uMhlathuze Local Municipality within the King Cetshwayo District Municipality, KwaZulu-Natal. The study area lies within quarter degree grid cells 2832CC and 2832CA with the geographical coordinates of the centre of the site at 28°44'47.67"S and 32°02'29.91"E. The R619 (North Central Arterial to Mtubatuba) bounds the study area to the north and Guldengracht bounds the study area to the south.</p> <p>The Central Industrial Area development site has an original extent of 136 hectares.</p> <p>The Central Arterial road reserve runs parallel to Ceramic Curve in the established industrial area of Alton North. The CBD of Richards Bay borders the study area to the east while the Zululand Chamber of Business Foundation (ZCBF) is located to the south of the study area. An overhead powerline traverses the northern and eastern boundaries of the site. A small electricity substation is located within the eastern boundary while a sand blasting business is operating in the southern section. It is also reports that a number of buried cables and pipelines also cross the site. An old north-south tar road bisects the study area. Numerous footpaths were observed, some leading to informal shelters that are scattered throughout the site. A motorcycle / four-wheeler track, with various tyres and concrete pipes as obstacles were located in the northern section of the study area. The site is otherwise undeveloped.</p> <p>As per the approved PDA layout of the site, the Central Industrial Area has been earmarked for a combination of General Industry, Service Industry, Limited Commercial, Public Car Park and Public Open Space. The study area is currently under 'split zoning'. Apart from the primary infrastructure required for the Richards Bay CIA, there is also a need for auxiliary infrastructure and services. These include the expected auxiliary infrastructure and services such as: access roads, stormwater drainage, sewage, water reticulation and supply, and electrical services.</p> <p>The proposed development thereof was subject to a full EIA from 2009 until 2012. The application was approved in terms of Government Notice R386 and R387 of the 2006 EIA Regulations, with Environmental authorization (EA) obtained by the municipality on 28 March 2012. The Environmental Authorisation holder, the City of uMhlathuze, has obtained an extension to the validity period for 12 months on 23 March 2017</p>
Date of authorization:	28 March 2012, with extension obtained on 23 March 2017

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1. PLEASE INDICATE WHICH TYPE OF AMENDMENT IS BEING APPLIED FOR

(Refer to Chapter 5 of the EIA Regulations, 2014)

Part 1: An amendment where no change in scope or where a change in ownership will occur (regulation 29)	
Part 2: An amendment where a change in scope occurs (regulation 31)	X

2. AMENDMENTS APPLIED FOR IN TERMS OF PART 2 OF CHAPTER 5 OF THE EIA REGULATIONS 2014

PLEASE NOTE: If an amendment where a change in scope is applied for occurs (Part 2 of Chapter 5 of the EIA Regulations, 2014) the holder must comply with the requirements of regulation 32 of the EIA Regulations, 2014.

3. DETAILS OF AMENDMENT OF ENVIRONMENTAL AUTHORIZATION APPLIED FOR

3.1. **Period of Validity:** One or more of the listed activities authorized must commence within five (5) years from the date of issue. If commencement of the authorized activity/any of the authorized activity does not occur within that period, this authorization lapses.

3.2. **Application for Amendment of Layout:** The City of uMhlatuze obtained environmental authorization (EA) for the Richards Bay Central Industrial Area (CIA) on the 28th March 2012 as per EIA reference DC28/0022/2007 (**Appendix A** of the application). The EA confined the development of the CIA to the following layout resulting in a greater portion of the site undevelopable.

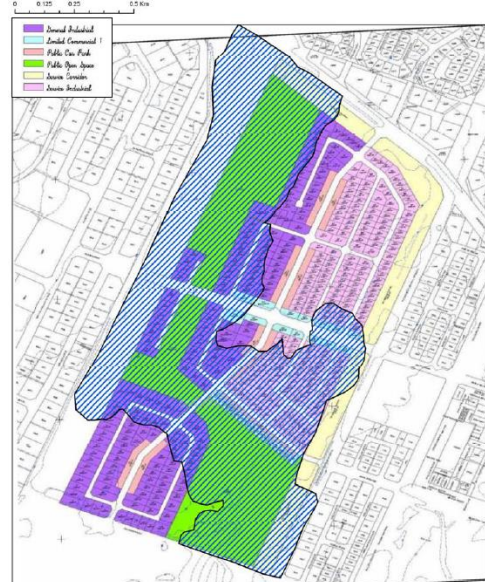


Figure 1: Approved Layout of the CIA (Reproduced in a higher quality image as **Appendix B** of the application)

3.2.1 This application is hereby submitted to amend the layout as per **Appendix C** of this Application.



Figure 2: Amendment of CIA Layout – Appendix C

The difference between the two layouts will yield in 18,55 Ha more land for development. The figure below expands on this in further detail.

	No Go Areas (Ha)	Developable Areas (Ha)
Approved EA	78	60
Proposed Amendment	59.45	78,55

Figure 3: Difference between the approved EIA and proposed amendment

3.2.2. No construction must take place within the delineated No-Go zone (areas of high sensitivity) as shown in Appendix C of this application as per the recommendations of the wetland specialist. The critical road link between the CBD with Alton is to be constructed only to service the proposed developable sites as depicted on the drawing shown also in Appendix C. All no-go areas must be demarcated with red tape under the guidance of the ECO.

3.2.3. Culverts must be constructed within identified as wetland areas to allow for the sustained functionality of the wetland system. The Department of Water Affairs must be consulted to ensure any legal compliance in this regard.

4. MOTIVATION FOR THIS APPLICATION

Richards Bay is one of eight Industrial Development Zones (IDZs) which have been identified in South Africa. The Rationale of IDZs is to encourage international competitiveness in the manufacturing sector. Furthermore, one of the key priorities of the Local Municipality is economic development and attraction of investment to the area (IDP 2008). The proposed development will allow opportunity for investment in the Richards Bay area which in turn will increase employment opportunities in the municipality. Planning of the proposed development has been ongoing for a number of years and is currently in an advanced stage.

One of the most significant conditions under which the EA was issued, was the development layout which observed a 100m buffer around temporary and seasonal wetlands. The feasibility of the development site would however increase dramatically if the approved layout is amended by utilising areas within the 100m buffer zone.

The Environmental Authorisation holder has also extended the area available for the Central Industrial Area towards the north west. The amended Central Industrial Area development site has an area of 186 hectares, following the addition of the previously proposed transportation corridor. This has extended the available area with 54 hectares.

To explore the possibility of amending the approved layout, an updated wetland specialist study has been conducted as one of the limitations of the previous wetland specialist study conducted by CES 2010 was said to be security risks. These security risks limited the sampling to safer, more accessible regions of the area. An updated wetland Assessment ensured that all areas within the proposed development site were sampled and assessed to afford an improved representation of the wetlands of the study area. During the specialist study, three wetland vegetation communities have been identified within the site boundary. These communities include the grassy / sedge freshwater wetlands, wetlands which were associated to the remnant coastal forests, and the reed / bulrush wetlands in the drainage channel. All three wetness zones were found within the site boundaries. The sensitive areas have been presented in such a way as to protect the permanent (peat containing), large portions of the seasonal wetlands and sections of the temporary wetland zones. The figure below indicates the proposed amended Central Industrial Area layout which has been based on the Wetlands Delineation Report which has been done by Exigent (2017).

Local economic development has been determined to be one of the key challenges which has been identified within the King Cetshwayo district municipality (Uthungulu IDP, 2015). The development of the proposed CIA will allow advancement in the critical step of labour enforcement over a long period of time within the district.

The motivation of the proposed amendment of the CIA development site is to accommodate a larger developable area, whilst taking into consideration the connectivity of the various habitats. The advantages of the proposed amended development site have been evaluated in light of economic development and social development. In an economic development sense the proposed amended layout will boost the economic viability of the usage of the development site as it enlarges the area which will be made available for the future developments within the CIA. This will promote economic growth within the uMhlathuze Local Municipality and in turn the King Cetshwayo District Municipality. Due to Richards Bay being earmarked as one of the eight industrial development zones of South Africa, a larger development site will reflect on the country's economics as well. The proposed amended layout will provide an increased amount of local labour of both skilled and unskilled labourers during the construction phase of the proposed project.

The proposed amended layout will improve the social environment of the areas located within close proximity to the development site. Due to increased surveillance within the proposed

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development area, security will be improved on site. When regarding the disadvantages of the proposed amended layout are being considered from a biophysical perspective. The loss of the biophysical environment, specifically the wetland vegetation communities within the site boundaries will be impacted upon by the proposed layout which have been identified by the specialist, on the proposed CIA development site.

A Part 1 amendment application has been authorised on 23 March 2017, granting an extension period of 12 months for the commencement of activities.

As part of the Part 2 Amendment Application, an alternative layout has been proposed, which has been informed by an additional wetland specialist study. The amended layout will not trigger any additional activities in terms of the National Environmental Management Act (NEMA) (Act no. 107 of 1998). This amended layout has a developable area of approximately 78,55 hectares. The amendment motivation report, as well as the specialists study which informed the proposed amended layout has been attached to this application.

In addition to the layout, it is requested that an additional extension period of a maximum of five (5) years be granted for the commencement of activities, in order to take into account other departmental licencing requirements.

5. ATTACHMENTS TO THIS APPLICATION

The following supporting documents for this application are attached to this form:

Appendix A: Original Environmental Authorization
Appendix B: Layout to the original Environmental Authorization
Appendix C: Amended Layout to original Environmental Authorization
Appendix D: Amendment Application Report accompanied by a specialist study and public participation
Appendix E: Motivation Letter for the Exemption of fees

6. DETAILS OF ENVIRONMENTAL ASSESSMENT PRACTITIONER
(if applicable)

Jacquette Adam

Full names of Environmental Assessment Practitioner

10 Water Ways Estate, Bridgetown Road, Richards Bay, 3900

Address

035 788 0398

086 614 7327

Telephone number

Fax number

082 852 6417

jacquette@exigent.co.za

Cellphone number

E-mail

J Adam

Signature of Environmental Assessment Practitioner

25 April 2017

Date

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7. DETAILS OF APPLICANT

Ms Nontsundu Ndonga
Deputy Municipal Manager: City Development
uMhlathuze Local Municipality

Full names of Applicant

Richards Bay Civic Centre, 5 Mark Strasse Street, Richards Bay; 3900

Address

035 907 5122

Telephone number

035 9075444

Fax number

0834556422

Cellphone number

NdongaN@umhlathuze.gov.za

E-mail

Signature of applicant (or the representative of the applicant)

28 April 2017

Date