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**Department :**Economic Development, Tourism and  
Environmental Affairs**PROVINCE OF KWAZULU-NATAL****Directorate: Environmental Services**Enquiries : Mr S. Mthembu  
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Telefoon :Private Bag : X6005  
Isikhwama Seposi : Hilton  
Privaat Sak : 3245

Reference: DM/Amend/0071/2014

Inkomba :

Verwysing:

Fax : 033 - 343 8470  
iFeksi :  
Faks :Date :  
Usuku : 22 JANUARY 2014  
Datum :***Fax Transmission***Keystone Park cc (previously Azitrix cc)  
39 Willingdon Avenue  
Kloof  
3610**Attention: Mr. Rod Stainton**  
**Fax: 086 683 4459**

Dear Sir

**DM/AMEND/0071/2014: AMENDED ENVIRONMENTAL AUTHORIZATION FOR THE ESTABLISHMENT OF A NEW PRECINCT TO CATER FOR LOGISTICS AND LIGHT INDUSTRY, IN HAMMARSDALE, WITHIN THE ETHEKWINI MUNICIPALITY.**


1. The Environmental Authorisation (EA) issued under DM/0071/2012 dated 12 September 2014, for the abovementioned project, and the application for amendment to the EA, lodged in terms of the provisions of sub-regulation 39(1) of the EIA Regulations, 2010, received by the Department on 18 November 2014, refers.
2. The KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs, has in terms of sub-regulation 42(4) of the EIA Regulations, 2010 decided to grant the application for an amendment to your environmental authorization. This Department accordingly, in terms of sub-regulation 42(5) of the EIA Regulations, 2010, issues an amended Environmental Authorization as attached.
3. Reasons for this decision are as follows:
  - a. This Department considers the amendment/s non-substantive and does not expect that these will adversely affect the environment or the rights or interests of other parties.

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- b. Majority of the amendments relate to grammatical changes and speaks specifically to the management of the project. The changes are considered reasonable and have been accepted by the Department. The amendments have been clearly referenced by the use of footnotes as "First Amendment", with explanations were necessary.
4. An appeal against the Department's decision may be lodged in terms of the provisions of section 43 of the National Environmental Management Act 1998 (Act No. 107 of 1998) (NEMA) and regulation 3(1) of the National Appeal Regulations, 2014.
5. Your attention is drawn to the requirements of Regulation 4 of the National Appeal Regulations, 2014.
6. Please contact this Department if you have any queries regarding this correspondence.

Yours faithfully



for: Head of Department:

22/01/2015

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

cc: Ms. Sue George, *Balanced Environment*; Fax: 086 6203 204

**Amended Environmental Authorization for the establishment of the Keystone Park development.**



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**Department :**

Economic Development, Tourism and  
Environmental Affairs

**PROVINCE OF KWAZULU-NATAL**

## Amended Environmental Authorization

In terms of regulation 36 of the  
Environmental Impact Assessment Regulations,  
18 June 2010, as amended

**Project Title:** Keystone Park  
**Local Municipality:** eThekweni Municipality

<b>Original Application number:</b>	DM/0071/2012
<b>NEAS Reference number:</b>	KZN/EIA/0000991/2012
<b>Date of issue of Authorization:</b>	12 September 2014
<b>Reference number for first amendment:</b>	DM/Amend/0071/2014
<b>Date of first amendment:</b>	22 JANUARY 2014
<b>Authorization holder:</b>	Keystone Park cc
<b>Location:</b>	<p><b><u>Keystone Park Logistics precinct</u></b>  Portion 7 (of 1) of Farm Bartlett No. 16387  Portion 8 (of 1) of Farm Bartlett No. 16387  Remainder of Portion 1 of Farm Bartlett No. 16387  Portion 420 (of 1) of the Farm Sterkspruit No. 907  Portion 460 (of 458) of the Farm Sterkspruit No. 907; &amp;  Portion 461 (of 458) of the Farm Sterkspruit No. 907.</p> <p><b><u>Electricity power line rerouting:</u></b>  Portion 434 of the Farm Sterkspruit No. 907</p>

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**Amended Environmental Authorization for the establishment of the Keystone Park development.**

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## **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 (EIA) Regulations, 18 June 2010, as amended, the **KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs** (hereafter referred to as the "Department")

**grants environmental authorization**

**to:**

**Keystone Park cc**

(herein after referred to as "holder of the environmental Authorization")

**Details of the contact person:**

Mr. Rod Stainton  
39 Willingdon Avenue  
Kloof  
3610

Tel: 031 767 7210

Fax: 086 683 4459

to undertake the following activities (hereafter referred to as "the activities") as described in section 1 below.

### **1. Activities authorized**

- 1.1 Messrs Keystone Park cc is authorized to commence construction of a new precinct to cater for a Light Industrial, Warehousing and Logistics Park with associated infrastructure to be known as Keystone Park.
- 1.2 The site is made up of 06 properties, approximately 152 hectares in extent, currently under abandoned sugar cane. The development site is described as Portion 7 (of 1) of Farm Bartlett No

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### Amended Environmental Authorization for the establishment of the Keystone Park development.

- 16387, (approximately 33,2536 Ha in extent) and Remainder of Portion 1 of Farm Bartlett No 16387, (approximately 78,0204Ha in extent) owned by Keystone Park cc (transferred from Bartlett and Edwards Farms 050813), Portion 420 (of 1) of the Farm Sterkspruit No 907 (approximately 5,6407 Ha in extent) owned by Morning Tide Investments 225 Pty Ltd, Portion 460 (of 458) of the Farm Sterkspruit No 907 (approximately 10,0011 Ha in extent) owned by Mr. David Baksa, Portion 461 (of 458) of the Farm Sterkspruit No 907 (approximately 24,1964 Ha in extent) owned by Mr. Paul de la Beaujardiere (locally known as Pierre Pitot), and Portion 8 (of 1) of the Farm Bartlett No 16387 (approximately 1,0336 Ha in extent) owned by RSA Government (KZN DOT). The locality of the site is as identified in **Annexure 2 attached herewith.**
- 1.3 These properties will be consolidated and re-designated as Erf 237 Cliffdale, then re-subdivided into the proposed subdivisions for which erven 238 – 275, Cliffdale have already been reserved with the Surveyor General's Office.
  - 1.4 The precinct comprises 27 fully serviced developable erven, with platforms of varying size, yielding a gross leasable area (GLA) of approximately 67ha (670 000m<sup>2</sup>) with approximately 33ha (330 000m<sup>2</sup>) of associated circulation routes and delivery yards, that would take access off a new suitable road network.
  - 1.5 A single erf underneath several Eskom powerlines immediately south east of the Eskom owned Erf 434 Cliffdale is reserved for conservation. Five erven encompassing the areas reserved as freshwater ecosystem conservation areas will be designated Private Open Spaces to be owned and managed by the Keystone Park Management Association funded by contributions in the form of facility levies directed for the purpose.
  - 1.6 A network of service roads, connected to a central access spine road or mobility spine will be created to service the precinct. Road reserves will be 32m, 24m and 18m wide and will accommodate carriageways for vehicles travelling in both directions as well as provide service corridors to accommodate infrastructural services.
  - 1.7 Limited sections of the existing 132kV and 400kV ESKOM powerlines crossing the development area will be rerouted within the site boundary to facilitate a better site layout and minimise potential risk to the lines. It is anticipated that the affected 132kV powerline will be deviated approximately 300m west of its existing north-south diagonal alignment at which point it will return to its existing alignment while the 400kV powerline is to be deviated east for approximately 300m from the same

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**Amended Environmental Authorization for the establishment of the Keystone Park development.**

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- north-south diagonal alignment and then south for approximately 400m at which point it will return to its existing alignment. The deviations will be facilitated by the decommissioning of portions of the existing lines and the construction and installation of new pylons and sections of lines to accommodate the deviations.
- 1.8 Infrastructure exceeding 1000m in length for the bulk transportation of potable water, sewage and stormwater in pipes potentially exceeding 0.36m and or with a throughput potentially in excess of 120 litres per second at peak will be installed. The infrastructure will be located primarily in the road reserves and otherwise in servitudes created for that purpose.
- 1.9 Pipe sizes will be as follows:
- a) Potable water pipes will range from 110mm diameter to 500mm diameter,
  - b) Stormwater pipes will range from 110mm diameter to 1200mm diameter, and,
  - c) Sewer pipes will range from 110mm diameter to 400mm diameter.
- 1.10 Due to the topography of the site and its elevation in relation to the Hammarsdale Waste Water Treatment Works (WWTW), as well as the resulting split level platform design, sewage will be pumped from low points on the site and then gravity fed via a new sewer main and existing sewage infrastructure to the works.
- 1.11 The precinct sewage reticulation system is expected to be adequately served by three (03) primary pump stations. A secondary pump station and four (04) possible additional pump station locations points are identified for in the event that the proposed platform elevations are not achieved, or, in order to meet eThekweni standards, additional pump stations are required to be installed.
- 1.12 The precinct will not be developed in phases but rather, will be implemented by establishing the new precinct framework, including specifically road alignments and all primary services infrastructure, up front. This is driven by both the technical challenges and economic sensibilities associated with the installation of services infrastructure on this scale as well as the strategic advantage of being able to activate the development of any erf within the fully serviced precinct at any point in time in response to market demand.
- 1.13 The development is as depicted in **Annexure 3 and 4 attached herewith.**

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# Amended Environmental Authorization for the establishment of the Keystone Park development.

## 1.14 Listed Activities Authorized in terms of Government Notice Regulation No. R 544, R 545 and R 546, 18 June 2010 (as amended).

The listed activities that trigger the need for environmental Authorization for the construction of the Keystone Park development have been provided. All the listed activities associated with the activities are as follows:

Listed Activities in terms of Government Notice Regulation No. R 544, R 545 and R 546, 18 June 2010 (as amended)	Description of activities
<p><b>Listing Notice 1 of GNR 544:</b></p> <p>Activity 9: <i>The construction of facilities or infrastructure exceeding 1000 metres in length for the bulk transportation of water, sewage or storm water -</i></p> <p>(i) <i>with an internal diameter of 0,36 metres or more; or</i></p> <p>(ii) <i>with a peak throughput of 120 litres per second or more,</i></p> <p><i>excluding where:</i></p> <p>a. <i>such facilities or infrastructure are for bulk transportation of water, sewage or storm water or storm water drainage inside a road reserve; or</i></p> <p>b. <i>where such construction will occur within urban areas but further than 32 metres from a watercourse, measured from the edge of the watercourse.</i></p>	<p>Infrastructure exceeding 1000m in length for the bulk transportation of potable water, sewage and stormwater in pipes potentially exceeding 0.36m and or with a throughput potentially in excess of 120 litres per second at peak will be installed.</p> <p>Pipe sizes will be as follows:</p> <ul style="list-style-type: none"> <li>• Potable water pipes will range from 110mm diameter to 500mm diameter,</li> <li>• Stormwater pipes will range from 110mm diameter to 1200mm diameter, and,</li> <li>• Sewer pipes will range from 110mm diameter to 400mm diameter.</li> </ul>
<p><b>Listing Notice 1 of GNR 544:</b></p> <p>Activity 10: <i>The construction of facilities or infrastructure for the transmission and distribution of electricity –</i></p> <p>(i) <i>outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or</i></p> <p>(ii) <i>inside urban areas or industrial complexes with a capacity of 275 kilovolts or more.</i></p>	<p>Limited sections of the existing 132kV and 400kV ESKOM powerlines will be rerouted within the applicant site to the development site boundary to facilitate a better site layout and minimise potential risk to the lines.</p> <p>It is anticipated that the affected 132kV powerline will be deviated approximately 300m west of its existing north-south diagonal alignment at which point it will return to its existing alignment while the 400kV powerline is to be deviated east for approximately 300m from the same north-south diagonal alignment and then south for approximately 400m at which point it will return to its existing</p>

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	<p>alignment.</p> <p>The Department of Environmental Affairs (DEA) is the competent authority for energy related listed activities. However, as the electricity component is secondary to the Keystone Park, the Department requested the DEA to identify the Department as the competent authority. On 02 September 2014, the DEA delegated its powers to the Department allowing it to assess energy related activities associated with the development.</p>
<p><b>Listing Notice 1 of Government Notice Regulation No. R 544:</b></p> <p>Activity 11: <i>The construction of:</i></p> <p>(iii) <i>Bridges</i></p> <p>(vi) <i>Bulk stormwater outlet structures</i></p> <p>(x) <i>buildings exceeding 50m<sup>2</sup> in size; or</i></p> <p>(xi) <i>Infrastructure or structures covering 50m<sup>2</sup> or more.</i></p> <p><i>Where such construction occurs within a watercourse or within 32m of a watercourse, measured from the edge of the watercourse, excluding where such construction will occur behind the development setback line.</i></p>	<p>Bridges and infrastructure will impact on the watercourses and wetlands identified within the development footprint. There are a number of properties, attenuation structures and watercourse crossings in the development, which fall within the ambit of this activity.</p> <p>An attenuation facility/sediment retention pond will be created within 32 metres of a watercourse and on the periphery of the wetland at Site 1 (as per the Eco-Pulse Aquatic Assessment).</p> <p>Bulk storm water outlet and energy dissipating structures will be implemented on the periphery and within Site 1 and the southern drainage system at Site 2 (as per the Eco-Pulse Aquatic Assessment).</p>
<p><b>Listing Notice 1 of Government Notice Regulation No. R 544:</b></p> <p>Activity 18: <i>The infilling or depositing of any material of more than 5m<sup>3</sup> into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock from:</i></p> <p>(i) <i>a watercourse</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving</i></p> <p>(i) <i>Is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant authority; or</i></p> <p>(ii) <i>Occurs behind the development setback line.</i></p>	<p>More than 5m<sup>3</sup> of material will be deposited into the watercourses (ephemeral drainage lines) associated with the wetland at Site 1 (Eco-Pulse Aquatic Assessment) and southern drainage system at Site 2 (Eco-pulse Aquatic Assessment).</p>

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<p><b>Listing Notice 1 of Government Notice Regulation No. R 544:</b></p> <p>Activity 22: <i>The construction of a road, outside urban areas,</i></p> <ul style="list-style-type: none"> <li>(i) <i>With a reserve wider than 13.5m or,</i></li> <li>(ii) <i>Where no reserve exists where the road is wider than 8m, or</i></li> <li>(iii) <i>For which an environmental Authorization was obtained by the route determination in terms of activity 5 in GNR 387 of 2006 or activity 18 in GNG 545 of 2010.</i></li> </ul>	<p>The Keystone Park development site is located outside of an urban area.</p> <p>A network of roads, all with road reserves in excess of 13.5m, will be constructed within the Keystone Park Precinct to serve proposed individual erven.</p>
<p><b>Listing Notice 1 of Government Notice Regulation No. R 544:</b></p> <p>Activity 28: <i>The decommissioning of existing facilities or infrastructure, for:</i></p> <ul style="list-style-type: none"> <li>(i) <i>electricity generation with a threshold of more than 10MW;</i></li> <li>(ii) <i>electricity transmission and distribution with a threshold of more than 132kV;</i></li> </ul> <p><i>but excluding any facilities or infrastructure that commenced under an environmental Authorization issued in terms of the Environmental Impact Assessment Regulations, 2006 made under section 24(5) of the Act and published in Government Notice No. R. 385 of 2006, or Notice No. 545 of 2010.</i></p>	<p>Limited sections of the existing 132kV and 400kV ESKOM powerlines will be rerouted within the applicant site to the development site boundary to facilitate a better site layout and minimise potential risk to the lines.</p> <p>It is anticipated that the affected 132kV powerline will be deviated approximately 300m west of its existing north-south diagonal alignment at which point it will return to its existing alignment while the 400kV powerline is to be deviated east for approximately 300m from the same north-south diagonal alignment and then south for approximately 400m at which point it will return to its existing alignment.</p> <p>Rerouting these powerlines will involve decommissioning portions of the affected powerlines to complete.</p>
<p><b>Listing Notice 1 of Government Notice Regulation No. R 544:</b></p> <p>Activity 38: <i>The expansion of facilities for the transmission and distribution of electricity where the expanded capacity will exceed 275 kilovolts and the development footprint will increase.</i></p>	<p>Rerouting of the powerlines will result in an altered powerline footprint and associated servitudes</p>
<p><b>Listing Notice 1 of Government Notice Regulation No. R 544:</b></p> <p>Activity 47: <i>The widening of a road by more</i></p>	<p>Existing roads and or tracks traverse the development site which is located outside an urban area. In places these will be widened by more than 6m, formalised, extended, and linked into a new road network within the</p>

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<p>than 6 metres, or the lengthening of a road by more than 1 kilometre -</p> <p>(i) where the existing reserve is wider than 13,5 meters; or</p> <p>(ii) where no reserve exists, where the existing road is wider than 8 metres -</p> <p>excluding widening or lengthening occurring inside urban areas.</p>	<p>precinct.</p> <p>The adjacent MR 385 will need to be widened by more than 6m to accommodate traffic from the development.</p> <p>In the event that SANRAL elects not to proceed with the <u>full</u><sup>1</sup> upgrade of the N3 Hammarsdale interchange in future, the widening of the <u>existing bridge by the widening of one additional lane</u> will be undertaken by Keystone Park cc.</p> <p>The upgrade of the N3 Hammarsdale interchange does not fall within the ambit of the environmental authorization herewith.</p>
<p><b>Listing Notice 2 of Government Notice Regulation No. R 545:</b></p> <p>Activity 8: The construction of facilities or infrastructure for the transmission and distribution of electricity with a capacity of 275 kilovolts or more, outside an urban area or industrial complex.</p>	<p>The rerouting will necessitate new pylons to accommodate the change in direction of the power lines.</p>
<p><b>Listing Notice 2 of Government Notice Regulation No. R 545:</b></p> <p>Activity 15: Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20ha or more:</p> <p>Except where such physical alteration takes place for:</p> <p>(i) Linear development activities; or</p> <p>(ii) Agriculture or afforestation where activity 16 of this Schedule will apply.</p>	<p>Approximately 152Ha of 'Undeveloped' agricultural land will be physically altered into a Logistics/light industrial precinct with associated infrastructure.</p>
<p><b>Listing Notice 2 of Government Notice Regulation No. R 545:</b></p> <p>Activity 18: The route determination of roads and design of associated physical infrastructure, including roads that have not yet been built for which routes have been</p>	<p>Roads in 18, 24 and 32m wide road reserves, catering for more than one lane of traffic in both directions, will be constructed within the new fully serviced light industrial, warehousing and logistics precinct.</p>

<sup>1</sup> First Amendment: Insertions underlined

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<p>determined before 03 July 2006 and which have not been authorised by a competent authority in terms of the Environmental Impact Assessment Regulations, 2006 or 2009, made under section 24(5) of the Act and published in Government Notice No. R. 385 of 2006,—</p> <ul style="list-style-type: none"> <li>(i) it is a national road as defined in section 40 of the South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of 1998);</li> <li>(ii) it is a road administered by a provincial authority;</li> <li>(iii) the road reserve is wider than 30 metres; or</li> <li>(iv) the road will cater for more than one lane of traffic in both directions.</li> </ul>	
<p><b>Listing Notice 3 of Government Notice Regulation No. R 546:</b></p> <p>Activity 4: <i>The construction of a road wider than 4m with a reserve less than 13.5m</i></p> <p>ii) outside urban areas, in:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</li> </ul>	<p>A number of internal roads are needed for the development therefore this activity will be triggered.</p>
<p><b>Listing Notice 3 of Government Notice Regulation No. R 546:</b></p> <p>Activity 12: <i>The clearance of an area of 300m<sup>2</sup> or more of vegetation where 75% or more of the vegetation cover constitutes indigenous vegetation;</i></p>	<p>Indigenous vegetation exceeding 300m<sup>2</sup> will be cleared on land which falls within the original extent of KZN Sandstone Sourveld an endangered vegetation type endemic to KZN.</p>
<p><b>Listing Notice 3 of Government Notice Regulation No. R 546:</b></p> <p>Activity 14: <i>The clearance of an area of 5 hectares or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, except where such</i></p>	<p>The development, which is located outside an urban area, will necessitate that in excess of 5Ha of vegetation, which constitutes patches of remnant indigenous grassland, will be cleared.</p>

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<p>removal of vegetation is required for:</p> <p>(1) purposes of agriculture or afforestation inside areas identified in spatial instruments adopted by the competent authority for agriculture or afforestation purposes;</p> <p>(2) the undertaking of a process or activity included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the activity is regarded to be excluded from this list;</p> <p>the undertaking of a linear activity falling below the thresholds in Notice 545 of 2010.</p> <p>(a) In Eastern Cape, Free State, KwaZulu-Natal, Gauteng, Limpopo, Mpumalanga, Northern Cape, Northwest and Western Cape:</p> <p>All areas outside urban areas.</p>	
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### 1.15 Geographical coordinates of the preferred site:

	Latitude (S)	Longitude (E)
Co-ordinates of the Keystone Park development.	29° 45' 59"	30° 39' 44"

## 2. General

### 2.1. Compliance with the conditions of this environmental Authorization

In terms of section 49A of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended, failure to comply with the conditions of this environmental Authorization 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 49B(1) of the said Act.

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## Amended Environmental Authorization for the establishment of the Keystone Park development.

### 2.2. Amendments to the project or EMPr

- 2.2.1. Any changes to, or deviations from, the project description set out in this environmental Authorization must be approved, in writing, by the Department before such changes or deviations may be effected<sup>2</sup>; and
- 2.2.2. Any subsequent amendments to the approved EMPr must also be submitted to the Department for review. The amendments must only be implemented after being approved by the Department.

### 2.3. Contact details for the Department

The following contact details for the Department must be used for all reports, notices etc., which must be submitted to: Control Environmental Officer – CME Component, eThekweni District Office:  
Department of Economic Development, Tourism and Environmental Affairs

P. O. Box X54321

Durban

4000

Tel No. 031 302 2800

Fax No. 031 302 2824

- 2.4. The Stormwater Management Plan must be submitted to the Thekwini Municipality: Coastal and Stormwater Management and Environment Planning and Climate Protection Department for review, comment and approval **prior** to the commencement of construction.
- 2.5. Detailed Stormwater Management Plans must be approved by the eThekwini Municipality, Engineering Unit, Coastal, Stormwater & Catchment Management prior to the commencement of construction on each site within the precinct.
- 2.6. Destruction of the archaeological sites is to be undertaken in accordance with the conditions of AMAFA permit 0014/02 dated 7 April 2014.
- 2.7. Amafa AkwaZulu-Natali must be contacted if any heritage resources or objects are identified during the construction phase. All activities must cease until further notice from Amafa AkwaZulu-Natali.

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<sup>2</sup> The holder of the environmental Authorization is advised to contact the Department to check if any proposed changes are regarded as material or substantive prior to commencement.

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**Amended Environmental Authorization for the establishment of the Keystone Park development.**

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- 2.8. This environmental authorization does not exempt you from compliance with other applicable legislation.
- 2.9. In the event of any dispute concerning the significance of a particular impact, the opinion of this Department in respect of its significance will prevail.<sup>3</sup>

### **3. Conditions of Authorization**

3. This environmental Authorization is subject to the conditions set out below:
- 3.1 **Period of Validity**: The listed activities authorized must commence within **five (05) years** from the date of issue. If commencement of the authorized activities does not occur within that period, this environmental authorization lapses and the holder of the environmental authorization must re-apply, by submitting an application subject to environmental authorization.
- 3.2 The activities authorized must only be carried out at the locations and as indicated in **Annexure 2: Locality** attached herewith<sup>4</sup>.
- 3.3 This environmental authorization does not negate the holder's responsibility to comply with any other statutory requirements that may be applicable to the carrying out of the activity as described in section 1 of this environmental authorization.
- 3.4 The holder of the environmental authorization is responsible for ensuring compliance with the conditions by any person acting on his or her behalf, inclusive of an agent, contractor, sub-contractor, employee or person rendering a service to the holder of the environmental authorization.
- 3.5 This environmental authorization and the conditions are binding on the holder of the environmental authorization.
- 3.6 This environmental authorization is only applicable to the activity as described in section 1 above.

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<sup>3</sup> First Amendment: Moved from Conditions of Authorization to the General section as it is an information statement.

<sup>4</sup> First Amendment: Incorrect annexure was referenced.

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**Amended Environmental Authorization for the establishment of the Keystone Park development.**

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- 3.7 Should the need arise to develop further infrastructure not assessed in the application for authorization<sup>5</sup> that falls within the ambit of the Environmental Impact Assessment Regulations, the holder must obtain environmental authorization from the Department of Economic Development, Tourism and Environmental Affairs prior to the commencement of construction and/or the installation/commissioning of such an activity.
- 3.8 The environmental authorization must be produced to any authorized official of this Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the environmental authorization who works or undertakes work at the premises.

**Notification to interested and affected parties**

- 3.9 The environmental authorization holder must notify every registered interested and affected party, in writing and within 12 (twelve) calendar days from date of the Department's decision.
- 3.10 The notification referred to in condition 3.9 above must –
- 3.10.1 Specify the date on which the authorization was issued;
  - 3.10.2 Inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014; and
  - 3.10.3 Advise the interested and affected party that a copy of the authorization will be furnished on request.

**Approval of the Environmental Management Programme**

- 3.11 The Construction Environmental Management Programme (EMPr) dated June 2014 as prepared by Messrs Balanced Environment for the construction of the Keystone Park Estate, complies with section 24N of NEMA and Regulation 33 of the EIA Regulations, 18 June 2010, as amended, and is hereby approved.<sup>6</sup>

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<sup>5</sup> First Amendment: "not assessed in the application for authorization" inserted.

<sup>6</sup> First Amendment: Date of EMPr omitted - June 2014 inserted. Further, reference to operation has been removed as the condition is applicable to the Construction EMPr. The Operational EMPr is addressed in Condition 3.86. *N.C.*

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- 3.12 All requirements for the management, monitoring and reporting of impacts for the project must be specified in each EMP<sub>r</sub>, and must be kept on site and made available for inspection to this Department and other relevant authorities.
- 3.13 All staff and contractors must be informed about the content and specifications of the approved EMP<sub>r</sub>'s.

**Monitoring and Reporting to the Department**

- 3.14 The holder of the environmental authorization must appoint an experienced and independent Environmental Control Officer (ECO)<sup>7</sup> for the construction of any even within the development, to ensure that the mitigation and rehabilitation measures and recommendations referred to in this environmental authorization are implemented and to ensure compliance with the provisions of the approved EMP<sub>r</sub>.
- 3.15 The ECO must be appointed **prior** to the commencement of the activities.
- 3.16 Upon appointment of the ECO his/her details must be communicated to the Control Environmental Officer CME Component as per contact details specified in condition 2.3.
- 3.17 Should the ECO for the development change at any time, this must be communicated, in writing, to this Department within **fourteen (14) calendar days** of appointing the new ECO. This notification must be sent to the Control Environmental Officer: CME Component as per contact details specified in condition 2.3 herewith.
- 3.18 The ECO must perform all tasks as stipulated in the approved EMP<sub>r</sub>'s. This includes keeping records of all activities on site, problems identified and transgressions noted.
- 3.19 The ECO must be employed until all construction activities and rehabilitation/remediation measures are completed.
- 3.20 The responsibilities of the ECO must include:

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<sup>7</sup> The ECO must be independent and have the necessary experience and qualifications to understand, interpret, monitor, audit and implement the approved EMP<sub>r</sub> and the conditions of the environmental Authorization. Feedback must be given in the form of an audit report which must address any non-compliance that may have arisen from the audit.



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**Amended Environmental Authorization for the establishment of the Keystone Park development.**

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- 3.20.1 Performing all tasks assigned to the ECO in the approved EMPr's;
  - 3.20.2 Conducting site visits every two (02) weeks during the construction phase;
  - 3.20.3 Ensuring the holder of the environmental authorization is enforcing the implementation of the approved EMPr; and,
  - 3.20.4 Providing guidance/advice that ensures implementation of appropriate environmental management measures and adherence with environmental legislation/regulations.
- 3.21 The holder of the environmental authorization must submit environmental audit reports to this Department as per the time intervals specified below. The reports must be addressed to the Control Environmental Officer: CME Component as per the contact details specified in condition 2.3 herewith. The intervals for the environmental audit reports are as follows:
- 3.21.1 **One (01)** environmental audit report every **month** during construction; and
  - 3.21.2 A post construction environmental audit report. This report must be submitted within **sixty (60) days** from the date that the construction activities are completed on each erf.
- 3.22 An annual environmental audit report per completed erf<sup>8</sup> for the first three (03) years, post construction of the development of that erf, must be submitted to the Department to ascertain the effectiveness of the rehabilitation plans and, monitor the operation of the authorised listed activities, where applicable.
- 3.23 Records must be kept of all incidents/accidents and root cause analysis must be conducted for each impact with risk mitigation actions implemented.

**CONSTRUCTION PHASE**

- 3.24 The development must comply substantially<sup>9</sup> with the layouts as depicted in **Annexure 3 and Annexure 4** attached herewith.

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<sup>8</sup> First Amendment: Reference to a completed erf provided as opposed to the development timeframe which is approximately 10 years. For effective environmental management it is best that monitoring and management occur per erf.

<sup>9</sup> First Amendment: "substantially" inserted.

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### **Amended Environmental Authorization for the establishment of the Keystone Park development.**

- 3.25 The holder must ensure that the design details for the Keystone Park development is approved in writing by the eThekweni Municipality prior to construction activities commencing.
- 3.26 The relevant departments of the eThekweni Municipality must approve all engineering infrastructural service layouts and plans for water, sewer, and stormwater prior to the commencement of the construction works for the installation of these engineering infrastructural services.<sup>10</sup>
- 3.27 ESKOM must approve all electrical engineering infrastructural service layouts and plans prior to the commencement of the construction works for the installation of the electrical engineering infrastructural services including within, adjacent or traversing the servitude areas.<sup>11</sup>
- 3.28 A detailed geotechnical study must be undertaken of the site prior to the construction of the internal road network and platforms. The Geotechnical Assessment must taken into account the land suitability on the basis of geological and geotechnical features and constraints and assess the extent to which observed geological and geotechnical features may impact on engineering services and on development of each erven and associated infrastructure. The recommendations of the geotechnical engineer must be adhered to.
- 3.29 No development is allowed within the 30m buffer surrounding all wetlands and drainage lines, unless otherwise authorised in Annexure 3 and 4 attached herewith.
- 3.30 The Freshwater Ecosystem Rehabilitation and Management Plan as prepared by Ground Truth must be finalised and approved by DWA (in terms of the WULA process) and appended to the EMPr. The approved Freshwater Ecosystem Rehabilitation and Management Plan must be implemented in the construction phase with provision made for ongoing management throughout the development lifespan.

<sup>10</sup> First Amendment: The requests for signed Service Level Agreements (SLAs) have been removed, as the eThekweni Municipality does not sign SLAs. In addition, letters confirming the availability of services were provided during the assessment process. Further, it must be noted that the eThekweni Municipality is not responsible for Electricity related service infrastructure and therefore removed from this specific condition. Please see footnote 10.

<sup>11</sup> First Amendment: Condition pertaining to electricity inserted and correct reference to ESKOM included.

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- 3.31 A plant rescue programme must be undertaken prior to construction to accommodate indigenous plants that fall inside the development footprint. Rescued plants must be relocated to a similar local habitat; as identified and approved by the vegetation specialist, or housed at an approved holding area for re-use in the site landscaping.
- 3.32 A Management Association for the park must be established and must be responsible for the management and maintenance of all conservation and private open space areas within the development. Further, provision of such management and maintenance (and funding) of conservation and private open space areas must be made for in the Management Association Rules.
- 3.33 The Corporate Partnership agreement between the holder and the eThekweni Municipality (EPCPD) must be signed and implemented within one year of issue of this environmental authorisation. The Corporate Partnership agreement is a condition of this environmental authorisation and must be complied with by the holder.
- 3.34 Should any protected indigenous vegetation be removed, cut or pruned, to accommodate the activities, a permit must be obtained from the Department of Agriculture, Fisheries and Forestry (DAFF) and/or Ezemvelo KwaZulu-Natal (EKZNW) prior to such vegetation been removed, cut or pruned.
- 3.35 Indigenous vegetation outside the development footprint must be demarcated and protected by preventing access of construction vehicles and personnel into these areas, unless for rehabilitation purposes and maintenance thereof.
- 3.36 The unnecessary removal of groundcover vegetation from slopes must be prevented, especially on steep slopes.
- 3.37 The holder of the environmental authorization must ensure that landscaping with suitable indigenous vegetation is supported throughout the construction and operational phases of the development.
- 3.38 On completion of the activities, the disturbed sites must be rehabilitated and natural indigenous vegetation must be replanted onto the disturbed site by using local grasses or trees suited to the surrounding landscape.

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- 3.39 Post construction rehabilitation must be implemented to minimise the impact of potential invasive alien vegetation and loss of biodiversity.
- 3.40 Eskom must be notified prior to the commencement of any work within their servitudes and the requisite acceptance of their conditions signed by the holder and lodged with Eskom. A copy of both the Distribution and Transmission (Eskom Tx) agreements must be appended to the EMPr.
- 3.41 No encroachment, construction or excavation work whatsoever may be executed within the Eskom servitude area, unless consent is granted, in writing by Eskom. Such consent must be appended to the Construction and Operational Management Plans.
- 3.42 All requirements of Eskom, as per their correspondences dated 03 April 2014 and 05 June 2014 must be complied with.
- 3.43 The holder is to facilitate engagements with the eThekweni Municipality and SANRAL with the aim of reaching agreement between both parties with regard to the co-funding of the proposed Hammarsdale Interchange upgrade.<sup>12</sup>
- 3.44 The holder is to provide proof of having initiated negotiations for agreement between the parties.
- 3.45 The following conditions relate to the timing of construction activities:
- 3.45.1 Construction and or installation of all primary services infrastructure, to serve the Keystone Park development, may be developed to 100% completion, subject to compliance with the conditions herewith.
  - 3.45.2 Creation of Platforms may commence and continue to 100% completion, subject to compliance with the conditions herewith.
  - 3.45.3 The construction of light industrial, warehousing and or logistics facilities in excess of 75% of the total development authorised, or more accurately described as

<sup>12</sup> First Amendment: The condition previously required agreement between SANRAL and the eThekweni Municipality with regards to co-funding the proposed Hammarsdale Interchange upgrade. This would nullify the EA and hence reworded such that the holder is to provide proof of having initiated negotiations for agreement between the parties. Please also see footnote 1 for related insertion.

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# Amended Environmental Authorization for the establishment of the Keystone Park development.

500,000m<sup>2</sup> **Operational Gross Lettable Area (GLA)**<sup>13</sup>, must only commence once the **required upgrades**<sup>14</sup> to both the adjacent MR385 and N3 Hammarsdale interchange, as set out in the approved Traffic Impact Assessment (TIA) have been completed.

3.45.4 Submission and approval of Building Plans must clearly stipulate the 'operational GLA', until the cumulative operational GLA nears/reaches 75% complete (or more accurately 500,000m<sup>2</sup>). At 75%, or in the instance that by the approval of any submitted Building Plan/s, the operational GLA would exceed 500,000m<sup>2</sup>, as determined by the ECO, authorization to proceed, is withheld unless or until the necessary upgrades to the N3 Hammarsdale interchange and MR 385 have been completed and the Department notified accordingly.

3.45.5 The monthly audit report must include a schedule of approved building plans totalling the Gross Lettable Area as set out in the EMPr

3.46 Infrastructure for the conveyance of sewage to the WWTW must be completed to the satisfaction of the Municipality prior to an occupation certificate being issued for any of the building sites. Written confirmation of this from the Municipality must be provided in the audit report.

3.47 No pump stations or sewage conveyance pipelines, gravity or pumped, may be constructed within grassland or aquatic areas demarcated to be retained and, where appropriate, their respective buffer.

3.48 A Water Service Provider agreement for all new sewage disposal infrastructure must be concluded with eThekweni Water & Sanitation and submitted to the Department prior to the commencement of the conveyance of sewage.

<sup>13</sup> 'Operational GLA' shall be calculated by the addition of all gross lettable areas (SAPOA – 'Method for Measuring Floor Areas in Buildings') identified on building plans approved for the construction of light industrial, warehousing and logistics facilities within the Keystone Park Development Area.

<sup>14</sup> 'Required Upgrades' are those upgrades identified within the approved TIA, dated , to be carried out once the development achieves 75% complete or 500,000m<sup>2</sup> Operational GLA - or any amended percentage (or GLA) as determined by the relevant Roads Authority.

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- 3.49 A monitoring point for sewage leaving the site is to be established, and a monitoring regime for Chemical Oxygen Demand (COD) and conductivity to be undertaken in terms of the Water Service Provider agreement.
- 3.50 All pumpstations must be equipped with a standby emergency generator in the event of power failures.
- 3.51 The proposed 200kL elevated water storage reservoir (or an alternative equal and approved solution for providing and adequate head of water) must be commissioned prior to any occupation certificates being issued for buildings on sites above elevation 665m.
- 3.52 Stormwater measures must be implemented prior to any earthworks.
- 3.53 A Stormwater Management Plan (SMP) must be compiled for the construction and operation of the Keystone Park development, and must adhere to the following:
- 3.53.1 The approved SMP must be appended to the approved EMPr and strictly adhered to;
- 3.53.2 In order to reduce erosion on site, stormwater must be attenuated and the cause of erosion must be dealt with within **twenty-four (24) hours** of detection in accordance with the EMPr's;
- 3.53.3 Stormwater must be suitably managed during and after construction;
- 3.53.4 In areas where the topography is steep, stormwater must be directed into valley bottom wetlands, with the necessary reno-mattressing and erosion control measures at all outflow points;
- 3.53.5 On completion of construction, the site must be contoured to ensure free flow of run-off and to prevent ponding of water; and
- 3.53.6 Drainage must be controlled to ensure that runoff from the site does not culminate in off-site pollution downstream of any stormwater discharge.
- 3.54 Soil erosion from stockpiles during construction must not cause damage to watercourses, properties and access points.
- 3.55 Topsoil must be stockpiled separate from the subsoil for use in rehabilitation processes.

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- 3.56 Stockpiles must be positioned 50m away from the watercourses or drainage lines to prevent soil from eroding directly into the watercourse and or drainage lines.
- 3.57 Soil erosion prevention measures and soil erosion control measures must be implemented during the construction phase, particularly in the steeper areas of the site and in sensitive areas such as near water supply points, edges of slopes, etc. These measures must include:
- 3.57.1 The suitable use of sand bags or Hessian sheets;
  - 3.57.2 The prompt rehabilitation of exposed soil areas with indigenous vegetation to ensure that soil is protected from the elements;
  - 3.57.3 The removal of vegetation only as it becomes necessary for work to proceed; and
  - 3.57.4 Prevent the unnecessary removal of vegetation especially on steep areas.
- 3.58 Worker training must be undertaken with regard to the identification of any further cultural heritage resources.
- 3.59 The holder of the environmental authorization is responsible for the removal and disposal of solid waste to a permitted waste disposal site.
- 3.60 It is the responsibility of the holder of the environmental authorization to identify any sources of pollution and to take appropriate measures to prevent any pollution of the environment. The measures must be clearly described in the approved EMP's.
- 3.61 Contaminated and/or hazardous materials are to be disposed of at a licensed waste disposal facility that is authorized/registered to accept such waste.
- 3.62 Measures must be implemented on site to minimise the potential noise impacts by informing the surrounding land users of unusually noisy activities.
- 3.63 Noisy activities must be kept to a minimum and conducted simultaneously at the start of construction if possible.

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- 3.64 All noisy activities must take place during allocated construction hours only as per Section 25 of the Noise Control Regulations of the Environment Conservation Act, 1989 (Act no. 73 of 1989).
- 3.65 Notice letters must be issued to affected parties should there be any interruption to services and road closures.
- 3.66 The activity must comply with all statutory requirements and South African National Standards codes.
- 3.67 All staff, contractors, sub-contractors, suppliers and service providers must be provided with environmental awareness, occupational safety, and/or legal information training on the approved EMP's and environmental Authorization.
- 3.68 The abovementioned training must take into account language and literacy requirements as well as measures to determine the effectiveness of the training. Proof of this training must be attached to the audit reports. The training must be provided throughout all areas (phases) of the activities.
- 3.69 The site must be demarcated with proper signage erected along affected internal roads and the site, to warn both pedestrians and motorists of the activities.
- 3.70 All construction work must be clearly demarcated and all work must be kept within the demarcated areas.
- 3.71 The location and use of temporary toilets must not cause any pollution to the water resources neither must it be a health hazard to the general public. Further, these toilets must be situated at a minimum distance of 50m away from any river, stream or watercourse.

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- 3.72 Visual screening must be erected around the individual<sup>15</sup> construction sites to minimise the impact of the construction as well as provide a barrier between the construction site and the public to ensure public safety.
- 3.73 Litter and dust management measures must be in place throughout all areas of the activities.
- 3.74 Fires are not allowed on-site and no waste material of any kind must be buried or burnt on the site. All waste must be dispersed off in terms of the approved EMPr.
- 3.75 Should any soil and groundwater contamination exist, such contamination must be remediated in accordance with the approved EMPr. The results of the Contaminated Land and Groundwater Investigation must be submitted to the Department.
- 3.76 Waste water must be disposed thereof safely if it is not suitable for discharge via an effluent management treatment system, and a safe disposal certificate must be obtained and included in the ECO audit report.
- 3.77 Waste water must not contaminate clean stormwater and must not be discharged into the natural environment for attenuation.
- 3.78 Measures to contain the waste water and safe disposal thereof must be implemented.
- 3.79 The following conditions refer to the storage of hazardous/dangerous substances on site:
- 3.79.1 The onsite storage capacity of hazardous substances must not exceed 80m<sup>3</sup>;
  - 3.79.2 Hazardous substances must be stored in the construction camp under lock and key;
  - 3.79.3 Chemical storage areas must be protected by bunded areas of a volume equal to 110% of the volume of the container storing the substance. Bunded areas must be

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<sup>15</sup> First Amendment: "individual" inserted. It will not be practical nor viable to fence the entire development site for the whole construction period.

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constructed of concrete blocks lined with a suitable impervious liner.<sup>16</sup> Fuel and oil storage tanks and drums, including internal installations and waste oil tanks, must be situated on an impermeable base within an oil-tight bund. Any oils, fuels and spilled substances must be removed weekly and recycled or disposed off at a licensed waste disposal facility able to accommodate such waste; and

3.79.4 Chemicals or hazardous substances must not be allowed to contaminate the soil or groundwater. In the event of this occurring, the necessary clean up measures must be undertaken immediately. Any soil/groundwater contaminated during the activity must be removed, stored in a sealed container and disposed thereof at a licensed disposal facility. Safe disposal certificates must be obtained.

3.80 In the event of a spillage/incident that cannot be contained and which poses a potential threat to the local environment, the following Departments must be informed of the incident within 48 hours and in accordance with Section 30 of the National Environment Management Act, Act 107 of 1998:

3.80.1 The Local Authority, eThekweni Municipality;

3.80.2 Department of Water Affairs (DWA);

3.80.3 Department of Economic Development, Tourism and Environmental Affairs (Pollution and Waste Management, eThekweni District, Private Bag X54321, Durban, 4000);

3.80.4 The local Fire Department; and

3.80.5 Any other mandated authority.

3.81 The site Engineer or ECO must ensure that the storage and utilisation of potentially hazardous materials such as diesel, petrol, oils and/or lubricants do not result in any form of soil and water contamination.

3.82 Records relating to monitoring and auditing must be kept and made available for inspection to this Department and other relevant authorities.

<sup>16</sup> First Amendment: Volume of bunded areas reduced from 150% to 110% as 110% is the standard. In addition, reference to a plastic liner has been changed to an impervious layer as a plastic liner would not be suitable for many hazardous substances/dangerous goods.

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- 3.83 On completion of construction activities on each erf, the said erf must be rehabilitated in accordance with the approved EMP's.
- 3.84 All excess material and rubble must be removed from the site to avoid any restrictions with regard to the rehabilitation process. All excess material and rubble must go to an approved, designated landfill and a safe disposal certificate must be obtained.
- 3.85 The conditions of this environmental authorization must be communicated to all landowners and tenants.

**OPERATION OF THE ACTIVITY**

- 3.86 The Draft Operational Environmental Management Programme (OEMPr) as prepared by Messrs Balanced Environment dated June 2014 for the operation of the Key Stone Park Estate, must be approved by the Department (as identified in Condition 2.3 herewith) prior to operations commencing within the estate. The OEMPr at a minimum must be amended to:
- 3.86.1 Include potential operational impacts that may have risen post submission of the Draft OEMPr;
- 3.86.2 Include an Emergency Response Plan with the local Fire Department/Emergency Services; and
- 3.86.3 Include a Conservation Management Plan that has been approved by Ezemvelo KZN Wildlife.
- 3.87 A landscape plan, which incorporates the use of indigenous endemic species must be drawn up and submitted to the eThekweni Municipality for approval.
- 3.88 The developer and contractor must ensure that no construction material foreign to the site, including construction debris, is left unattended after construction activities have ceased/completed.
- 3.89 All construction materials including rubble, cement bags, chemicals, fuels and oils must be safely stored in appropriate containers and disposed off at a license facility in accordance with the applicable legislation.

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- 3.90 Any form of waste generated during the operational period must be disposed off at a facility licensed waste disposal site in terms of section 20(b) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), if it cannot be responsibly recycled or re-used on site or offsite. No waste material of any kind may be buried (for the sole purpose of final disposal) or burnt. The contractor responsible for the removal of the waste must supply the applicant with a certificate indicating safe disposal. Within **fourteen (14) days** of its issue, a copy of the safe disposal certificates must be forwarded to the Control Environmental Officer: CME Component as per contact details specified in condition 2.3 herewith.
- 3.91 The recycling of suitable material (i.e. glass, paper and plastic) is encouraged, provided it is properly managed and does not cause any secondary pollution.
- 3.92 Recycling must be undertaken where possible to limit waste added to the landfill site.

**Written notice of the commencement of the construction and operational phases**

- 3.93 Not less than **seven (07) days** written notice must be given to the Department that the construction phase will commence. Commencement for the purposes of this condition must include site preparation. The notice must include a date on which it is anticipated that construction will commence.
- 3.94 The authorization holder<sup>17</sup> is responsible for compliance with the provisions for *Duty of care and remediation of Damage* in accordance with Section 28 of the Environmental Management Act (NEMA), Act no. 107 of 1998.

**Availability of this environmental authorization**

- 3.95 A copy of this environmental authorization must be kept by the authorization holder and made available to any official of the Department on request.
- 3.96 The Department shall not be held responsible for any damages or losses suffered by the holder or successor in title in any instance where construction be temporarily or permanently stopped for reasons of non-compliance by the holder of the environmental authorization with the conditions of environmental authorization as set out in this document

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<sup>17</sup> First Amendment: Reference to applicant corrected to read authorization holder.

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or any other subsequent document emanating from these conditions of environmental authorization.

3.97 All correspondence pertaining to this application must clearly include the EIA reference number DM/Amend/0071/2014.

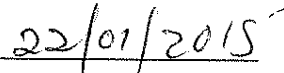


**For: Head of Department**

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

**Signed by : Ms. Nombulelo Zungu**

**Designation : District Manager, Ilembe District office**



**Date**

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## **Annexure 1: Reasons for Decision**

1. Messrs Keystone Park cc is authorized to commence construction of the Keystone Park development.

2. **Information considered in making the decision**

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

- a) Application form received by the Department on 27 December 2012;
- b) Final Scoping Report and Plan of Study for EIA received by the Department on 13 December 2013 which was subsequently accepted by the Department on 21 January 2014;
- c) The Environmental Impact Assessment Report received by the Department on 11 June 2014;
- d) The Final Comments and Response Report received by the Department on 21 August 2014;
- e) The acceptance of the Final Environmental Impact Assessment Report dated 26 August 2014;
- f) Mitigation measures as proposed in the Final Environmental Impact Assessment Report received by the Department have been incorporated in the construction and operational EMPr.
- g) The application for amendment to the EA, lodged in terms of the provisions of sub-regulation 39(1) of the EIA Regulations, 2010, received by the Department on 18 November 2014.

3. **Key factors considered in making the decision:**

- 3.1 Environmental Impact Assessment Report dated June 2014 (together with the Final Comments and Response Report received by the Department on 21 August 2014):**

- i. The Environmental Impact Assessment Report complied with the requirements of the EIA Regulations, GNR No. R 543, 18 June 2010, as amended and was accepted by the Department on 26 August 2014.
- ii. The Environmental Impact Assessment Report 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 activity.
- iii. The methodology used in assessing the potential impacts identified in the Environmental Impact Assessment Report and the specialist studies have been adequately indicated.
- iv. The Environmental Impact Assessment Report included a detailed description of the activity.

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- b) All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.
- c) Details provided of the qualifications of the Environmental Assessment Practitioner (EAP) indicate that the EAP is competent to carry out the environmental impact assessment procedures adequately and in accordance with the environmental impact assessment regulations according to GNR No. R 543, 18 June 2013, as amended.

**3.2 Public participation:**

The public participation process complies with the requirements of Chapter 6 of the EIA Regulations, GNR No. R 543, 18 June 2010, as amended and the comments from the organs of state and interested and affected parties have been included in the Environmental Impact Assessment Report.

**3.3 Need and desirability:**

- a) A full Need and Desirability discussion was presented in the Final Scoping Report based on the NEMA Draft Guideline on Need and Desirability (Notice 792 of 2012 published on 5 October 2012) and the more recently updated DEA&DP (2013) Guideline on Need and Desirability. The fundamental context supporting increased economic growth, and the promotion of social inclusion (which environmental authorities are obliged to consider to achieve consistency with national priorities), was presented.
- b) The considered deliberation was divided into aspects related to the 'Need' for the development, which contemplated reasons presented in respect of 'timing' and 'Desirability' of the development, which examined the 'placing' of the development.
- c) In essence, the discussion centred around the project's alignment with the national, provincial and local spatial planning initiatives (and their proposed timelines) and the fact that Keystone Park serves the objectives of promoting social inclusion, due to its proximity to the impoverished residential areas of Hammarsdale/Mpumulanga.
- d) The development falls within the Strategic Integrated Project 2 (SIP2) Industrial and Logistics Corridor, as well as the Primary Growth Corridor between Durban and Pietermaritzburg, as identified in terms of the 2006 Provincial Spatial Economic

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Development Strategy (PSEDS), the 2011 Provincial Growth and Development Strategy (PGDS) and several more recent local planning strategies.

- e) The site is easily accessible from major transport routes, and the necessary infrastructural upgrades have been adequately addressed.
- f) The planning statement concludes that the strategic planning of all the authorities concerned has repeatedly identified the applicant site as being of strategic importance for business, logistics, and light industrial purposes. Furthermore from a desirability point of view, the site is optimally located to become a priority area for the provision of employment and enhancing economic opportunities in the area.

### **3.4 Socio-Economic Implications**

- a) The Socio-Economic Impact assessment highlighted the poverty evident in the area as well as the high rate of unemployment and the associated need for job creation. The R5.5 billion economic investment in the project is expected to create at least 5000 permanent employment opportunities and approximately 3500 construction related jobs in the approximate 10 year implementation phase. The investment in infrastructural upgrades by not only the developer but all service providers is anticipated to facilitate further investment by both the private and government sectors.

### **3.5 Planning implications**

- a) The eThekweni Municipality is the planning authority whose responsibility it is to ensure that the area is properly planned with provision for the promotion of local economic development towards the reduction of poverty in the local community. This is achieved through the IDP process in terms of the Municipal Systems Act which guides municipal land use planning. The eThekweni Municipality, in its SDF, has identified the site as an 'Investment Opportunity Area' and 'Future Business Park node' centred around the Hammarsdale Interchange on the N3. The IDP is aligned with National and Provincial policies and is also informed by sector plans which direct investment.
- b) From a planning perspective the Keystone Park Precinct will need to be released from agriculture through Act 70 of 70 (partial release was already granted in 2008).

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- c) Further, an application in term of the Planning and Development Act (PDA) is underway for the extension of the Outer West Scheme over the applicant properties, the associated consolidation and re-subdivision required for township establishment, and the application of an appropriate zone.
- d) Throughout this EIA process the intention has been for the precinct to be accommodated in the existing Light Industry 3 zone. eThekweni Municipality in aligning their forward planning with the relatively recent SIP 2 initiative is proposing re-visitation of the zones applicable to the N3 corridor.
- e) A Logistics 2 zone is now considered by the town planning department to be a better solution for this precinct. Correspondence provided by eThekweni Municipality dated 23 April 2014 indicates the following; *"The proposed Logistics Zone 2 fits the Municipality's vision for this land use typology and is an appropriate zone to be introduced into the Outer West Scheme and therefore we wish to confirm that this application be amended to reflect the introduction of a new Land Use Zone: Logistic Zone 2, the extension of the Outer West Scheme over the application sites and the rezoning of the application sites to Logistics Zone 2, Road Reserve, Conservation and Private Open Space."*

**3.6 Alternatives:**

- a) Alternatives identified for assessment include;
  - i. Alternative 1 – the 'no-go' option (The No-Go option would imply no construction activities and the status quo will remain the same),
  - ii. Alternative 2 – the agricultural option (subdivision to small holdings)
  - iii. Alternative 3 – the (scoping phase) preferred option showing maximised development potential, and,
  - iv. Alternative 4 – the EIR preferred option – a refined site layout which takes into account the outcome of the specialist studies conducted.
- b) Although several alternative sites and alternative servicing options were considered by the developer in his feasibility study prior to the commencement of this EIA process the detailed description of alternatives has been limited to the 4 alternatives to be comparatively assessed.

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**3.7 Geotechnical Assessment:**

- a) Geotechnical Investigations by GeoZone indicated that there are no adverse geotechnical conditions but that care should be taken to avoid the collapse of saturated soils. Standard engineering principles will be applied in platform design.
- b) Earthworks will be substantial on this project. To create the platforms required over the 152 Ha project area, approximately 4 million cubic metres of material will need to be moved by way of cut and fill operations by the time the project is completed.
- c) The platforms and the roads have been designed to balance cut to fill within the project area. Although there are a few exceptions, the majority of the embankments – cut and fill – do not exceed 10m in elevation.
- d) Two Geotechnical Investigations have been carried out within the project area. The first by Geosure in 2006 was a preliminary investigation to establish overall project viability. The second was undertaken by GeoZone GeoServices in late 2012 early 2013. This investigation was specifically aimed at extending the geotechnical information available in order to assess the viability of creating larger platforms and if so, the type of equipment that would be required to create these.
- e) The Geotechnical Investigations confirmed that the project area is able to be developed as planned. The stability of the underlying soils and rock has been taken into consideration when designing the platform cuts and or fill required.
- f) Detailed geotechnical investigations would be undertaken for each site to inform the engineering design of the precinct platforms.

**3.8 Ecological Assessment:**

- a) The Ecological and Vegetation Assessments conducted by INDIflores cc identified small pockets of good quality grassland on the site otherwise described as significantly transformed. Small portions of the site also fall within the identified Durban Metropolitan Open Space System (D'Moss). Impacts on the D'Moss and the grasslands were considered insignificant and provision has been made for private open spaces, and a conservation area as well as the rescue of indigenous species and rehabilitation of all unhardened transformed areas with indigenous landscaping post construction.

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- b) Indigenous vegetation existing on the site in the form of remnant grassland patches, unsustainable in their remaining fragmented size, will be cleared on land which falls within the original extent of KZN Sandstone Sourveld an endangered vegetation type endemic to KZN.
- c) A Corporate Partnership is being entered into between the applicant and the eThekweni Municipality, on the basis of 'good corporate citizenship,' to mitigate the potential cumulative impacts of the proposed development in the long term on the region.

### **3.9 Aquatic**

- a) The Aquatic assessment undertaken by Eco Pulse Aquatic Assessment which identified a wetland and watercourses on the applicant site. 'Site 1', within the assessment, comprises a small wetland and degraded ephemeral drainage lines adjacent the MR385, while Eco Pulse's 'Site 2' encompasses the southern drainage system. An attenuation facility/sediment retention pond is proposed within 32 metres of a watercourse and on the periphery of the wetland at Site 1 (Eco-Pulse Aquatic Assessment).
- b) Bulk storm water outlets and energy dissipating structures are proposed on the periphery and within 'Site 1' and the southern drainage system at 'Site 2'. Material will be deposited into and over the associated degraded ephemeral drainage lines to maximise the development potential of the site.
- c) The loss of these features is regarded as being of low significance as long as water inputs into the wetland (which will continue to be a permanent natural attenuation feature with a 15m buffer) are maintained via the storm water system. This has been provided for in the storm water management plan. In addition a platform (Site 25 – Sivest Land Use Plan No 12683-5001Rev D dated 2.6.2014) is proposed over the ephemeral western extremities of the southern drainage system, also of low significance. Sites 21-24 surrounding the main southern drainage channel which is buffered by 30m requires mitigation and as such will be detailed in the approved CEMPr.

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**3.10 Agriculture Potential Assessment:**

- a) An Agricultural assessment was conducted by Keith Snyman Associates which showed that the site was located on Category E agricultural land. Although the land was arable the agricultural potential was low and the  $\pm 152$  Ha uneconomically viable as an agricultural unit. The loss to the agricultural resource base was therefore considered insignificant.
- b) Furthermore the Provincial Department of Agriculture and Rural Development have supported the proposal.
- c) However, the National Department of Agriculture, Forestry and Fisheries in their letter dated 04 June 2014 viewed the sites (Portion 7 (of 1), Portion 8 (of 1), and the remainder of Portion 1, all of the Farm Bartlett No. 16387 and Portions 420 (of 1), 460 (of 458) and 461 (of 458) and all of the Farm Sterkspruit No. 907) as having a high agricultural potential and as a result could not release it from agriculture.
- d) The EAP in response brought the following to the Departments attention:
  - As per the letter dated 28 July 2008 (Ref 2007\_11\_0335), the right to develop (i.t.o. Act 70 of 70) has been granted through the release from agriculture inferred by the DAFF for the Remainder of Portion 7, and Portion 1 and other Portions of the Farm Bartlett No 16387, Portion 10 of the Farm Leckhampton No 13282 and Portion 420 (of 1) of the Farm Sterkspruit 907 on condition that the land is incorporated into the town planning scheme.
  - An application for the release from agriculture in terms of Act 70 of 70 was made by the Land Surveyor ARJ Cuninghame in 2013 during the DM/0071/2012 EIA period resulting in confusion within DAFF and a request for the EAP to 'withdraw' its submission (Acknowledged under agriland reference no 2013\_10\_0293 on 31 October 2013).
  - In terms of EIA DM/0071/2012, only two additional properties, Portions 460 and 461 of the Farm Sterkspruit 907 required release from DAFF. The agricultural assessments made of these particular portions return a similar conclusion; that the land is marginal from an agricultural perspective. The isolation of these areas as agricultural enterprises or a single enterprise, based on the existing release will not make planning sense. Furthermore, it was unlikely that these areas could

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be considered sustainable, viable or agriculturally productive going forward, as the remainder of adjoining areas having been released by DAFF in 2008.

- The provincial Agricultural Department; Macro Planning, having visited the site for the second or third time since the Scoping Stage of this EIA, have made recommendations both prior to the 2008 letter, and reconfirmed during this EIA process, for the land to be released.
- It is the opinion of the EAP that the holder has discharged all its' duties regarding seeking the release of the composite applicant site from agriculture, which thus renders the EIA application complete. The holder is of the view that the refusal by DAFF was an administrative error as majority of the site have in fact already been released by agriculture. The matter is currently been appealed and the developer is of the view that clearance of the land would be granted in due time.

Ideally, the Department requires all issues identified to be addressed in the application process. Whilst the Department understands the importance of DAFF comments, specifically the need to ensure food security by the protection of high potential agricultural land, the Department is of the opinion that the matter will be fully interrogated during the PDA process.

Irrespective of the positive decision by the Department, the holder remain obligated to abide by all applicable law, and in this instance, Act 70 of 70, which requires release from agriculture prior to changing the land use (which would include the alteration of the topography).

### **3.1 Traffic Impacts:**

- a) The preliminary Traffic Impact Assessment conducted by Messrs David McFarlane and Associates dated July 2011 considered the broader traffic impact at a regional level. The recommendation is to develop the road networks and specific access points in more detail, together with close liaison with the various local, provincial and national authorities.
- b) Projected traffic volumes over a 10 year period (ultimate AM 2412 vehicles entering & 1608 vehicles leaving, PM 1608 vehicles entering & 2408 leaving) can be adequately accommodated with the provision of two signalised access points from the development

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onto the MR385, and phased upgrades to the N3 Hammarsdale Interchange and the MR385 as outlined in a comprehensive Traffic Impact Assessment conducted by Aurecon. Public Transport and pedestrian needs have also been considered and provided for.

**3.2 Heritage Impact Assessment:**

- a) A Heritage and Cultural impact assessment was conducted by eThembeni Cultural Heritage. AMAFA permits have been applied for and granted for both the exhumation of the grave of Eric Gardener as well as the destruction of the two low significance late Iron Age sites. The buildings to be demolished were younger than 60 years with no architectural merit and therefore do not constitute heritage resources.

**4. Objectives of integrated environmental management:**

The Department is satisfied that, subject to compliance with the conditions contained in the environmental Authorization, the general objectives of integrated environmental management laid down in Chapter 5 of NEMA will be met.

**5. After consideration of the information and factors listed above, the Department made the following findings –**

- a. The identification and assessment of impacts are detailed in the Final Environmental Impact Assessment Report dated June 2014 as prepared by Messrs Balanced Environment. Sufficient assessment of the key identified issues and impacts have been completed.
- b. The impacts have been identified, described and their significance assessed with and without mitigation under the categories of planning phase, construction phase and operational phase impacts.
- c. The public participation process was adequate and carried-out sufficiently according to Regulation 56 of GNR 543, 18 June 2010, as amended. The relevant guidelines were adopted and followed in respect of the process.
- d. Issues and responses were adequately addressed during the Public Participation process and registered Interested and Affected Parties (I&AP's) were given opportunities to comment. All comments were responded to adequately by the EAP.
- e. The rights of the public will not be adversely affected.

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- f. Alternative sites were not explored and assessed by the environmental Authorization holder and EAP because the activity is for construction within the same site.
- g. Alternatives with regard to layouts, design and technology was assessed.
- h. The mitigation measures for identified and assessed impacts are adequate.
- i. All legal and procedural requirements have been met.
- j. No significant emissions or pollution is anticipated from the undertaking as there are no chemical storage components.
- k. A more detailed Geotechnical Assessment will be conducted prior to construction of each specific phase.
- l. The procedure followed for impact assessment is adequate for the decision-making process.
- m. The need and desirability for the activity has been identified.
- n. Issues and concerns about the activity have been gathered from potentially directly affected parties, relevant authorities, and other key stakeholders from various sectors of society.
- o. Thousands of jobs will be created during both the construction and operational phases of the activities.
- p. The Keystone Park development which, is suitably buffered and regulated through conditions of establishment so that activities both do not conflict with conservation objectives and result in ongoing funding for management, is necessary and achieves the objective of sustainable development.
- q. No significant detrimental environmental impacts are anticipated, should compliance with conditions of this environmental Authorization, the approved EMPr's and the mitigation measures stipulated in the Final Environmental Impact Assessment Report be adopted and adhered to.
- r. This Department considers the amendments non-substantive and does not expect that these will adversely affect the environment or the rights or interests of other parties.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental Authorization, the activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the activity can be mitigated to acceptable levels. **The application is accordingly granted.**

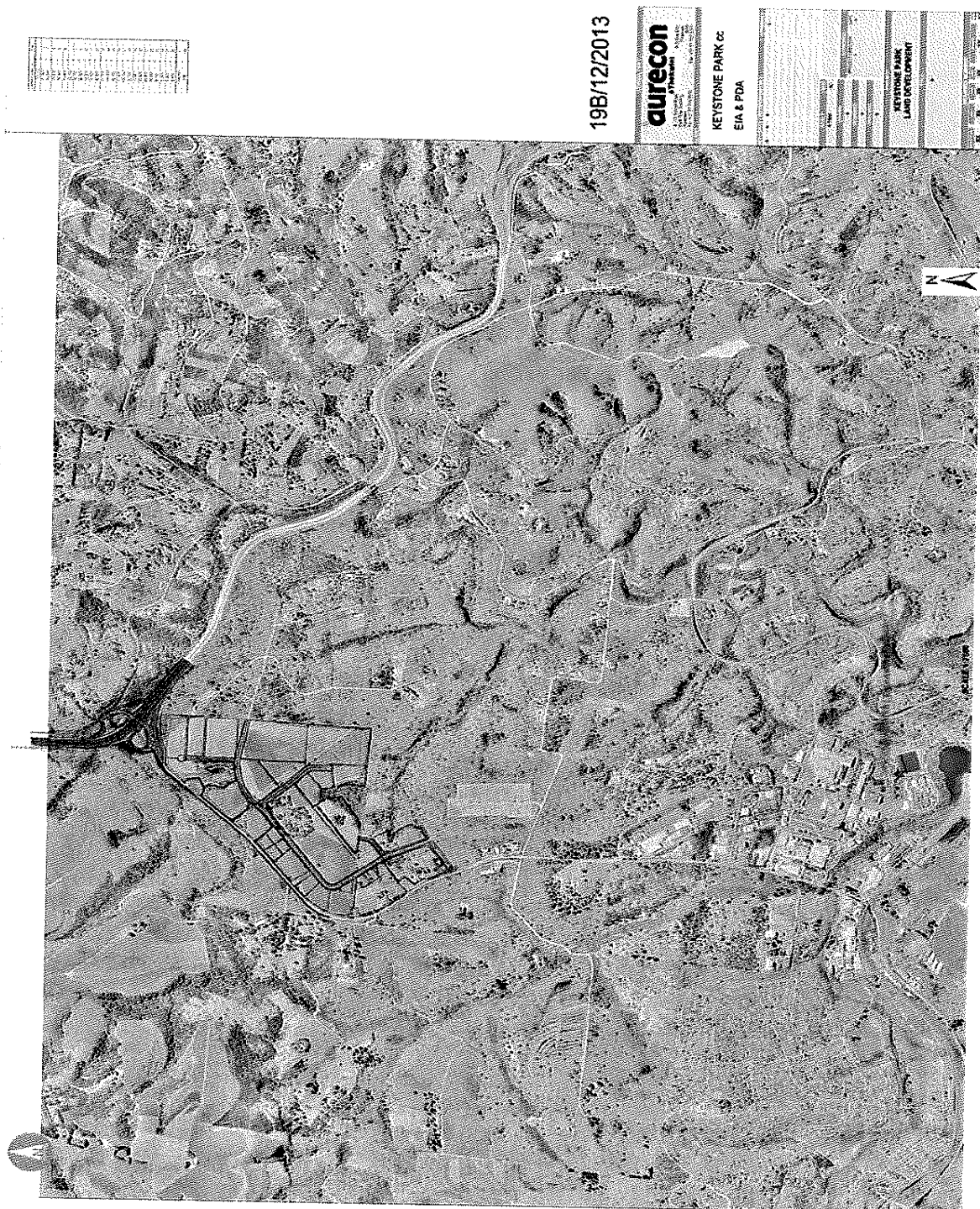
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## Annexure 2: Locality Map



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## Annexure 3: Layout Plan

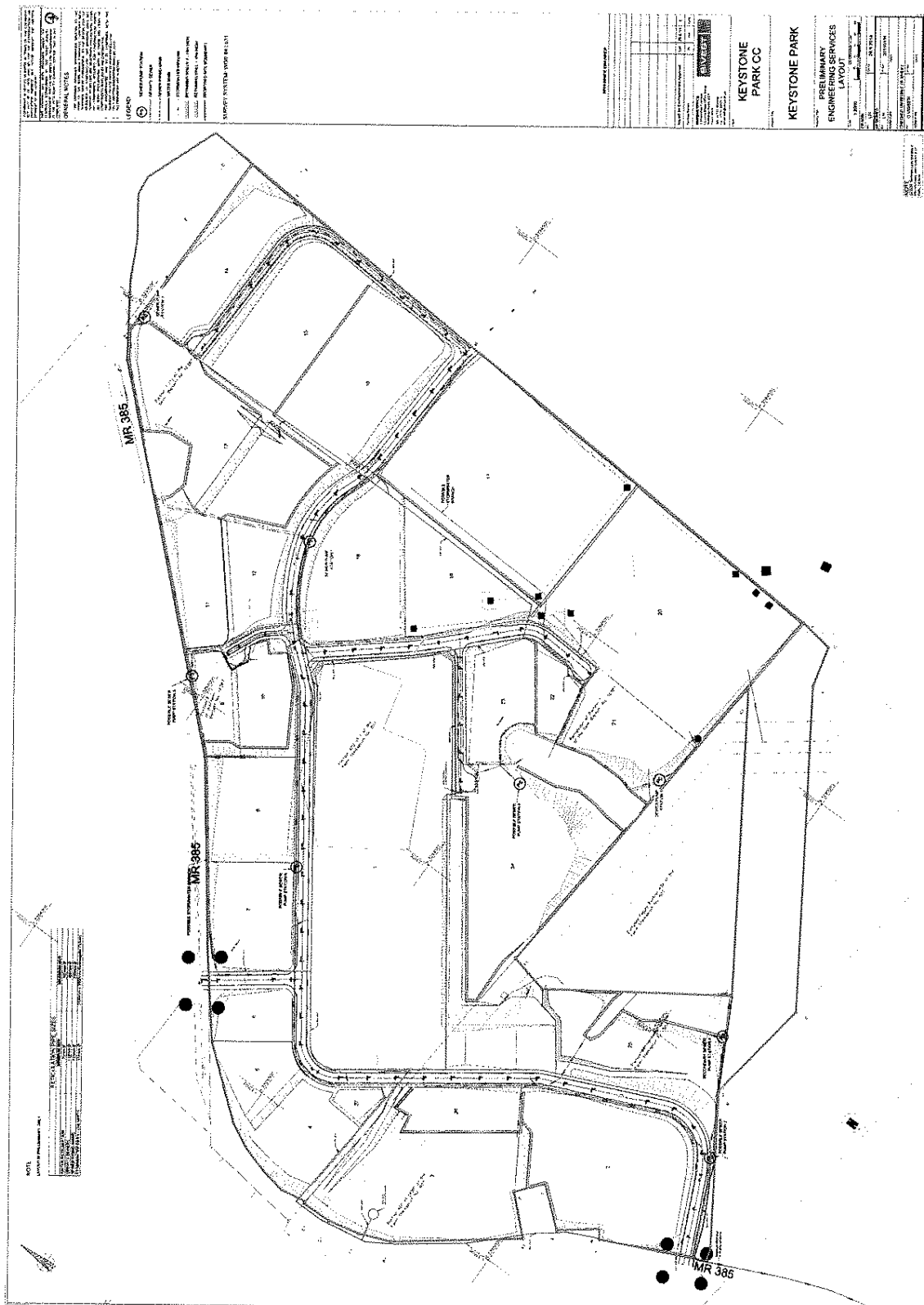


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## Annexure 4: Bulk Services Layout



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