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KZN Department of Economic Development, Tourism and Environmental Affairs
Umzinyathi District Municipality
Dundee Office
P O Box 125
3000

Attention: Mr Gerald Willis- Smith

Proposed construction of Moyeni Centre comprising Total Service Station and associated infrastructure, convenience shop, car wash, the farm stall, workshops and smaller trading spaces, play centre and satellite government offices i.e. Social Development, Department of Agriculture and four other offices and satellite Police Station, within Msinga Local Municipality, uMzinyathi District Municipality in KwaZulu - Natal.

Project Location

The project is falling within the jurisdiction of Umzinyathi District and Msinga Local Municipalities. The latter is one of the four local municipalities located within the Umzinyathi District Municipality, in KwaZulu-Natal. The proposed development is situated 29 kms from the town of Greytown along R 33 towards Dundee, at Keats Drift in the village of KwaNcence / Emachunwinini. The site is located at the corner of Ncence Road and R33 road to Dundee. It is located within ward 11, also falling under the Emachunwini Traditional Council under the leadership of Inkosi Simakade Mchunu. Like most of the rural areas it is falling under the administration of Ingonyama Trust Board (ITB).

The project co-ordinates taken almost at the centre of the site are as follows: S = $28^{\circ} 51'.773''$; E = $30^{\circ} 30'.933''$.

Project Background and location

The proposal entails the construction of Moyeni Centre comprising Total Service Station and associated infrastructure, convenience shop, car wash, the farm stall, workshops and smaller trading spaces, play centre and satellite government offices i.e. Social Development, Department of Agriculture office and four other offices and satellite Police Station, within Msinga Local Municipality and

uMzinyathi District Municipality in KwaZulu - Natal. The site is located on a rather flat land with a lot of rocks scattered on site, and it is 8 000 square metres in extent. The site is not used for any specific activity except the spaza shop that is on site rented out by the developer Mr Khoza to Mr Mdlalose. The developer, Mr Khoza, informed us that the spaza will be demolished and incorporated into the new Moyeni Centre. The site is not zoned like most of the sites in rural KwaZulu-Natal (see attached documents from ITB).

Quick environmental scan

The site has three acacia trees (*Acacia tortilis*) {Umsasane}, and has a lot of rocks. These trees are growing far in between and will be safeguarded during project construction, and if this is unavoidable they will be replaced on project completion. There are no other features like wetlands and rivers within the project footprint. The soil is not showing any signs of erosion.

Legislative imperatives

Based on the site inspections conducted on 26 July 2014 and 14 August 2014 the following was observed:

Ordinarily the construction of a service station would trigger an activity No. 13 of R 544 or 2010, Construction of facilities or infrastructure for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 but not exceeding 500 cubic metres. In this instance the project will only have 3 x 18 000 tanks (18 000 leaded, 18 000 unleaded and 18 000 diesel = 54 000 litres) which is below the threshold. Therefore this activity is not triggered.

The second activity would have been activity 23 (ii) of R 544 of 2010 - The transformation of undeveloped, vacant or derelict land to - residential, retail, commercial, recreational, industrial or institutional use, outside of an urban area and where the total area to be transformed is bigger than 1 hectare but less than 20 hectares. In this instance the proposed complex is on a piece of land that is 8 000 square metres and therefore falling below the 1 hectare threshold.

And the last possible activity would have been activity 24 of R 544 for 2010 - The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, at the time of the coming into effect of this schedule such land was zoned open space, conservation or had an equivalent zoning. This activity is also not triggered.

Base on this information we are of the view that the proposed development does not constitute a listed activity in terms of the listed Notices published in Government Notices No. R. 544, No. R. 545 and No. R. 546 all dated 18 June 2012. However, we are of the view that an Environmental Management

Programme (EMPr) needs to be compiled to guide the construction in order to safeguard against any possible environmental degradation like soil erosion. It must also be stated that there are other organs of state that have jurisdiction on the site like KZN Department of Transport with regard to R33, Amafa AkwaZulu-Natal and so forth.

Furthermore, the developer remains responsible for compliance with the provisions of Duty of Care and Remediation of Damage in accordance with section 28 of the National Environmental Management Act, where the determination of environmental degradation and the need for remediation is still decided by the Department of Economic Development, Tourism and Environment Affairs's Compliance, Monitoring & Enforcement Component. The latter Department retains the right to inspect the proposed project at any stage and during all project phases. Furthermore, this does not exclude the applicant from compliance with any other relevant and applicable legislation.

In view of the above, the project and the EMPr will be brought to the attention of the following key stakeholders with jurisdiction over the site for comments:

- Msinga Local Municipality (this includes Cllr S. Ximba of ward 11).
- Umzinyathi District Municipality
- Emachunwini Traditional Council (this includes the induna Mchunu of KwaNcenge)
- Ezemvelo KZN Wildlife
- Amafa AkwaZulu - Natali
- Department of Agriculture, Forestry and Fisheries
- Department of Water Affairs.
- KwaZulu - Natal Department of Transport.
- Department of Energy

Project beneficiaries

The construction will benefit the communities of Keats Drift at Msinga by providing the well needed jobs in this poverty stricken community with few job opportunities. It will also bring community needs closer to where they are staying. The developer hopes to attract few government offices as mentioned above.

The site will also accommodate the traders that will sell to the passing motorists and a play centre for the local youth.

Environmental awareness - preconstruction phase

If our view is confirmed, we will still take the developer and contractors and all personnel that will be involved in this project through the EMPr to ensure that they are familiar with its contents thereby averting all possible negative impacts during the project construction. The Environmental Management Programme

(EMPr) will incorporate comments from other organs of state with jurisdiction on site.

It is against this background that we request the Department of Economic Development, Tourism and Environmental Affairs to formally confirm or dispel our assertion with regard to the project and inherent activities. If our assertion is confirmed we would request a letter from the Department clearly spelling it out that the basic / environmental impact assessment is not a requirement. This written confirmation is required by both Total South Africa and the Department of Energy.

ATTACHMENTS:

- Letter of intent from Total South Africa
- Emoyeni Centre Layout
- Ingonyama Trust Board (ITB), Traditional Council Consent and Sketch PAn
- Letter from Msinga Local Municipality
- ITB sketch plan
- Site photographs

Yours faithfully



M. Mthembu