

Department of Agriculture and Environmental Affairs
Departement van Landbou en Omgewingsake
Umnyango Wezolimo Nezemvelo

DMS 239594



KwaZulu-Natal

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Enquiries:		Date:		Reference No.:	
Navrae	Ms S.J. Allan	Datum:	17 October 2002	Verwysing Nr:	EIA/ 2851
Imibuzo:		Usuku:		Inkomba:	

ATTENTION: Ms Lisl van Aarde
uMhlatuze Municipality
P Bag X1004
Richards Bay, 3900

Fax No: 035 – 901 5426

cc: Mr Kevin Weerts, GAIA Projects, Fax No: 031- 266 4254

uMhlatuze Municipality uMhlatuze Munisipaliteit
2002 -11- 18
VERW Nr. 15/6/22 FILE No.

Re: Authorisation and Record of Decision

The KwaZulu-Natal Department of Agriculture and Environmental Affairs hereby **authorises**, by virtue of powers delegated by the National Minister of Environmental Affairs and Tourism and in terms of Section 22 of the Environment Conservation Act, Act No. 73 of 1989, the project:

The rezoning of the following properties from Undetermined to the zone proposed in order to establish Phases 1A and 1B of the Richards Bay Industrial Development Zone within the Richards Bay Municipality. Rezoning will be as follows:

- (a) Phase 1A (102.17 ha): From the existing zone as Undetermined to the following proposed zoning:
- Erf 15431: Road
 - Erven 15440-15485: IDZ Industry 'Light'
 - Erf 15486: Service Corridor
- (b) Phase 1B (170.04 ha): From the existing zone as Undetermined to the following proposed zones:
- Ptns 96, 113, 115 & 122: Conservation
 - Ptns 87-91 & 116-121: IDZ Industry 'Light'
 - Ptns 92,95 & 97: Service Corridor
 - Ptn 94: Road
 - Ptns 93,112 &114: Undetermined (no rezoning)

As a necessary consequence of the rezoning from Undetermined to Road and Service Corridor as described above, authorisation is also granted for the construction of such roads and service infrastructure as is necessary for the operation of the IDZ

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DIDP

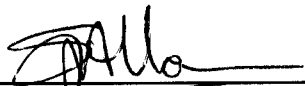
	Afhandeling / Disposal
	Besprek / Discuss
	Kommentaar / Comments
	Inligting / Information
	Liasseer / File
HUB/CEO	Datum Date

This authorisation is subject to the conditions contained in the Record of Decision.

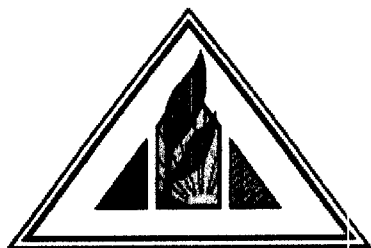
The duration of the authorisation is **60 months**, ie. if the proposed rezoning of properties (as described above) has not occurred within this period, a new application will need to be submitted to this Department.

An appeal against the authorisation or condition/s of authorisation can be directed to Mr Narend Singh, MEC of Agriculture and Environmental Affairs, Private Bag X89, ULUNDI, 3838, within **30 calendar days** of authorisation, setting out the grounds of appeal and including all the relevant documentation in accordance with Section 35 of the Environment Conservation Act, Act No. 73 of 1989.

Yours faithfully



for: Head of Department:
Department of Agriculture & Environmental Affairs



Department of Agriculture and Environmental Affairs

Departement van Landbou en Omgewingsake

Umnyango Wezolino Nezemvelo

KwaZulu-Natal

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Seposi:				:	
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Imibuzo:		Usuku:		Verwysing	
				Nr:	
				Inkomba:	

RECORD OF DECISION

Herewith the Record of Decision in terms of Regulation 10 of Government Notice No. R. 1183 of 5 September 1997 as required by Section 22(3) of the Environment Conservation Act, Act No. 73 of 1989, with regard to the undertaking of the activity described below. This Record of Decision must be made available by the applicant or appointed consultant to interested and affected parties on request.

1. Description of the proposed activity

- 1.1. The proposed development is described as Phases 1A and 1B of the Richards Bay Industrial Development Zone (IDZ) and will be situated in close proximity to the Richards Bay Harbour within the Magisterial District of Richards Bay in the Province of KwaZulu-Natal.
- 1.2. This application entails the change in land use from Undetermined to IDZ Industry 'Light', Road and Service Corridor in Phase 1A (102.17 ha) and from Undetermined to IDZ Industry 'Light', Conservation, Services Corridor and Road in Phase 1B (170.04 ha) (refer to the fax from GAEA Projects dated 30 September 2002).
- 1.3. The abovementioned proposed change in land use is described as item 2(c) in Schedule 1 of Government Notice No. R. 1182 of 05 September 1997.
- 1.4. The areas surrounding the IDZ are highly industrialised and characterised by large-scale industry and associated port development.

Chief Directorate Environmental Management, Department of Agriculture & Environmental Affairs, KwaZulu-Natal	Record of Decision: Version 1/2002	Page 1 of 16
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2. Delegation of authority for the assessment of this application

- 2.1. Delegation of authority for the assessment of this application in terms of the amendment to Regulation 4(3A) (Government Notice No. R. 1645 of 11 December 1998) of the EIA regulations in terms of the Environment Conservation Act, (Act No. 73 of 1989), was obtained from the national Department of Environmental Affairs and Tourism (refer to their fax dated 16 October 2002).

3. Location

Province : KwaZulu-Natal
Magisterial District : Richards Bay
Names of properties : refer to Appendix VII in the ER
Extent of development:
 Phase 1A : 102.17 ha
 Phase 1B : 170.04 ha
 Total : 272.21 ha
1:50 000 map : 2832CC Richards Bay

4. Applicant

Name : uMhlatuze Municipality
Address : P Bag X1004
 Richards Bay
 3900

Contact person : Ms Lisl van Aarde
Tel : 035- 901 5431
Fax : 035- 901 5426
E-mail : val@richemp.org.za

5. Consultant

Name : GAEA Projects
Address : P O Box 30258
Mayville
4058

Contact person : Mr Kevin Weerts
Tel : 031- 266 4266
Fax : 031- 266 4254
E-mail : kevin@gaea.co.za

6. Site visit:

6.1. Date: 03 July 2002

6.1.1. Persons Present:

Nick Holdcroft	SRK Consulting (EIA/ 3088)
Peter Kuyler	KZN DAEA
Joyce Green-Govender	KZN DAEA

6.2. Date: 04 July 2002

6.2.1. Persons present:

Kevin Weerts	GAEA Projects
Peter Kuyler	KZN DAEA
Joyce Green-Govender	KZN DAEA

7. Documentation assessed:

Document	Compiled by	Date
Pre-investment Appraisal: Richards Bay /Empangeni IDZ	Gibb Africa	December 1999
Pre-investment Appraisal: Richards Bay /Empangeni IDZ (Executive Summary)	Gibb Africa	February 2000
Strategic Environmental Management Plan for the Richards Bay SEA	CSIR (Environmentek)	June 2000
Fax	Commissioner on Restitution of Land Rights	30 July 2001
Preliminary Scoping Report	GAEA Projects	November 2001

Document	Compiled by	Date
Application Form	uMhlathuze Municipality	12 November 2001
Letter	Amafa aKwaZulu-Natali	14 December 2001
Plan of Study for Scoping	GAEA Projects	December 2001
Fax	KZN Wildlife	25 February 2002
Scoping Report (Vols I-V)	GAEA Projects	March 2002
Fax	KZN Wildlife	18 March 2002
Fax	KZN Wildlife	02 September 2002
Fax	KZN Wildlife	23 September 2002
Fax	GAEA Projects	30 September 2002
Final Environmental Report (ER) (Richards Bay IDZ: Phases 1A and 1B) (incl. Appendices I-XX)	GAEA Projects	September 2002
Fax	KZN Wildlife	10 October 2002
Fax	GAEA Projects	11 October 2002
Fax	DEAT	16 October 2002

8. Decision

Authorization is granted in terms of section 22(3) of the Environment Conservation Act, 1989 (Act No. 73 of 1989) to rezone the following properties from Undetermined to the zone proposed in order to establish Phases 1A and 1B of the Richards Bay Industrial Development Zone within the Richards Bay Municipality. Rezoning will be as follows:

8.1. Phase 1A (102.17 ha): From the existing zone as Undetermined to the following proposed zoning:

- Erf 15431: Road
- Erven 15440-15485: IDZ Industry 'Light'
- Erf 15486: Service Corridor

8.2. Phase 1B (170.04 ha): From the existing zone as Undetermined to the following proposed zoning:

- Ptns 96, 113, 115 & 122: Conservation
- Ptns 87-91 & 116-121: IDZ Industry 'Light'
- Ptns 92,95 & 97: Service Corridor
- Ptn 94: Road
- Ptns 93,112 &114: Undetermined (no rezoning)

As a necessary consequence of the rezoning from Undetermined to Road and Service Corridor as described above, authorisation is also granted for the construction of such roads and service infrastructure as is necessary for the operation of the IDZ.

9. Key decision factors

9.1. The purpose and need

- 9.1.1. The Pre-Investment Appraisal that investigated the market demand for the proposed IDZ was undertaken by Gibb Africa (refer to the Pre-Investment Appraisal dated December 1999). This study highlighted the fact that industry in the Richards Bay /Empangeni sub-region has been almost entirely dependent on several large heavy industries. The benefits of industries locating in the proposed IDZ are discussed in Section 1.1 of the Scoping Report (March 2002) and the diversification of the industrial base to accommodate downstream and value-adding industries is seen as essential for the long-term sustainable growth in the area. In this regard, the provision of employment opportunities arising from industrial growth is considered important.
- 9.1.2. The following have been highlighted as important factors that have determined the need for the Richards Bay IDZ (refer to the Pre-Investment Appraisal of Gibb Africa, February 2000 and Section 3.3 of the Final Environmental Report):
- 9.1.2.1. Negative economic trends in the Uthungulu Region.
- 9.1.2.2. The current industrial demand in the Richards Bay area as determined by the number of major industrial initiatives that are planned and potential investors that have been identified.
- 9.1.2.3. The socio-economic environment in the area is characterised by high population growth and unemployment. In providing employment opportunities in close proximity to residential areas sustainable economic development may be ensured.
- 9.1.3. The benefits for industries locating within the proposed IDZ are described in Section 3.2.2 of the Final Environmental Report (ER).

9.2. Alternative sites considered for the IDZ

- 9.2.1. Several locations for the proposed IDZ were investigated by Gibb Africa (December 1999 and February 2000) and the CSIR (June 2000). As one of the main criteria for the location of an IDZ is that it must be contiguous to a port, potential locations are limited to those land areas immediately adjacent to the Port of Richards Bay. While the proximity to existing services, transport links, size and environmental issues were also considered important criteria in the assessment of a location, the identification and evaluation process has highlighted the advantage of phasing the IDZ. In accordance with Government Regulations it has been suggested that the initial phase be located closest to the port (refer to Gibb Africa, February 2000).
- 9.2.2. Six alternative sites were considered in terms of site location, layout and zoning and are described in Section 5 of the Scoping Report (March 2002). Advantages, disadvantages and broad environmental concerns regarding each are discussed in Section 6 of the ER.

- 9.2.3. Sites identified for original inclusion in the IDZ application are described as Phases 1, 2 and 3 in Table 10 in Section 5 of the Scoping Report (March 2002). Phases 1A-D were for immediate development and 2 and 3 for short to medium and long-term development (1E was not originally included as a specific phase). The reasons for selecting these phases are given in Section 6.1 of the ER and include a location close to the CBD and the proximity of road, rail and harbour infrastructure.
- 9.2.4. The original schedule of land use and zoning is described in Section 2.2 of the Scoping Report (March 2002). For development areas this was to include Industrial Beneficiation and General Industry. In considering zoning alternatives options for environmentally important areas include Conservation Amenity Reservation, Public Open Space Reservation and Service Corridor. Controls associated with each reservation are described in Table 12 of the ER.

9.3. Phases included in this application

- 9.3.1. Phases 1C, 1D and 1E have been removed from this application pending the outcomes of additional studies (refer to Section 1.1 of the ER). Accordingly, only sections of land originally included in Phases 1A and 1B of the area identified for IDZ development have been included in this application.
- 9.3.2. Factors influencing the proposed layout of Phase 1A and 1B are highlighted in Table 11 in Section 6.3 of the ER. The proximity of drainage lines, wetlands and pans is considered important in this regard and has resulted in considerably increased conservation amenity areas.
- 9.3.3. Title Deeds and Surveyor General Diagrams for the properties included in Phases 1A and 1B are given in Appendix VII of the ER.

9.4. Proposed zoning of Phases 1A and 1B

(refer to Section 5.2 of the ER and the Final DFA Layout Map)

- 9.4.1. The proposed land uses and town planning scheme zone descriptions for Phases 1A and 1B are given in Table 1 in Section 5.2 of the ER.
- 9.4.2. For development areas in Phases 1A and 1B the proposal is for Industrial Development Zone Industry 'Light' which is more restrictive than originally proposed and the possibility of general industry has been removed from these areas. Permitted uses (without and with Council consent) within the Industrial Development Zone 'Light' are given in Section 5.2.1 of the ER and the definitions of these uses are given in Table 4 in the ER.
- 9.4.3. As a consequence of investigations conducted, considerable areas within Phases 1A and 1B have been zoned as Conservation and are to function as conservation corridors and part of the MOSS.

9.5. The no-go alternative

- 9.5.1. This alternative is discussed in Section 9.4 of the ER. Socio-economic disadvantages and a lack of the effective management of ecologically sensitive areas are associated with this alternative. The important socio-economic advantages of the IDZ as highlighted in the Pre-Investment Appraisal of Gibb Africa (refer to Section 3.3 of the ER) is presented as a reason to dismiss this alternative.
- 9.5.2. Moreover, the no-go alternative would allow ad hoc development of the areas included in this application. The IDZ puts in place a specific set of development controls for industry within it, thus circumventing the establishment of polluting industries in its sensitive areas.

9.6. Land claims

- 9.6.1. Although Phase 1 falls within an area against which a land claim in respect of Reserve 6 has been lodged, the Regional Land Claims Commissioner has confirmed that the application for the establishment of the IDZ may be lodged (refer to Section 4.2.3 in the ER).

9.7. Strategic Environmental Issues

- 9.7.1. Key strategic environmental issues identified and discussed in Section 7 of the ER are biodiversity, waste management, infrastructure (transport, water and electricity), air quality and institutional capacity. Actions are proposed to address potential impacts related to each of these issues.

9.8. Local Environmental Issues

- 9.8.1. Potential impacts associated with the development of infrastructure necessary to service the proposed IDZ (Phases 1A and 1B) and the likely impacts associated with the industrial developments themselves are described in Section 8 of the ER.
- 9.8.2. Possible on-site issues include geology, topography, groundwater, drainage, floodlines, ecology and biodiversity, existing and proposed adjacent developments and noise.
- 9.8.3. Issues likely to be associated with industrial developments include roads (traffic), railways, surface-water drainage and effluent and sewage disposal.
- 9.8.4. The status of natural vegetation is described in Section 8.1.6 of the ER and the status and interaction of wetlands with the proposed IDZ is examined. A number of faunal species potentially occur in the area that are classified as rare or endangered (refer to Section 8.1.6.4 of the ER).

9.9. Key Issues / impacts identified for Phase 1A

(Refer to Section 9 of the ER)

9.9.1. Hydrology

(refer to the Geotechnical Report in Appendix XIII of the ER and the Ground Water Opinion of Prof Kelbe in Appendix XVII of the ER)

9.9.1.1. Pollution of storm water runoff:

Pollution of storm water runoff due to development could adversely affect the ecologically sensitive Thulazihleka Pan, its outflow canal and the Richards Bay Harbour. With the suggested mitigation the significance of this impact is considered low (medium degree of confidence).

9.9.1.2. Characteristics of storm water runoff:

The runoff characteristics of storm water in the area will change when hardening takes place due to development and higher volumes over a shorter duration are expected. With the suggested mitigation the significance of this impact is considered low (high to medium degree of confidence).

9.9.1.3. The relocation of the outflow canal from the Thulazihleka Pan: (refer to the GAEA Ecological Report for the Thulazihleka Pan in Appendix XIV of the ER):

Impacts related to the possible relocation of the outflow canal from the Thulazihleka Pan could result in changes to the present hydrological regime in the pan. Although the duration of this impact is considered permanent, with suggested mitigation its significance is described as low (high degree of confidence).

9.9.1.4. Disposal of effluents and other potential pollutants:

With suggested mitigation the significance of impacts associated with the disposal of effluents and other potential pollutants that could result in the contamination of surface and groundwater is considered low (medium degree of confidence).

9.9.2. Biotic impacts

9.9.2.1. Flora: (refer also to Section 8.1.6 in the ER)

A small area of swamp forest may be permanently lost due to development (north-east corner). It is noted that areas of swamp forest are protected in the present MOSS. The loss of small areas of hygrophilous vegetation due to development is considered permanent. Areas of similar and ecologically viable habitat will be conserved in the MOSS.

9.9.2.2. Fauna: (refer to Section 8.1.6.4 and the Red Data Species List in Appendix XV and the Prof Samway's Report in Appendix XVI in the ER)

Avifauna: Impacts on avifauna due to a loss of habitat and an increase in human activity are considered permanent. With suggested mitigation the significance of this impact is considered high during construction and medium during operational conditions (high degree of confidence).

Terrestrial fauna: Impacts on terrestrial fauna will also be related to loss of habitat and increase in human activity. The significance of this impact with mitigation is considered high during both construction and operation (high degree of significance).

Aquatic fauna: Impacts on aquatic fauna will largely be related to polluted runoff and changes in wetland habitat due to the proposed development. The duration of these impacts is considered permanent and with mitigation suggested a medium to low significance is expected (medium to low degree of confidence).

- 9.9.2.3. The loss of habitat due to development in Phase 1A will be offset by the proposed conservation areas to be included in Phase 1E (refer to the recommendations of Michael Samways & Stuart Taylor in Appendix XVI of the ER).

9.9.3. Human health and safety

9.9.3.1. Development Controls:

Industrial development in Phase 1A is to be restricted to Industrial Development Zone 'light' and the Richards Bay Town Planning Scheme is to be amended to allow the uses (with and without Council consent) as indicated in Table 2 of the ER. The nature of likely impacts on the immediate and broader physical environment (including human health) associated with light industrial activities is considered lower than those associated with activities related to general industry (refer to Table 4 of the ER).

9.9.3.2. Hazardous waste:

Impacts associated with hazardous waste are discussed in Section 7 of the ER. With mitigation this impact is considered low (medium degree of confidence).

9.9.3.3. Noise (refer to the evaluation of noise levels in Richards Bay in Appendix XX of the ER):

Impacts on residential areas related to noise are for the life of a proposed development and with suggested mitigation they are considered of medium to low significance (medium degree of confidence).

9.9.3.4. Air pollution:

Particulate emissions: Any particulate emissions would add to the existing problems being experienced in the area. With suggested mitigation the significance of impacts in this regard is considered medium to low (medium degree of confidence).

Gaseous emissions: Any additional gaseous emissions could exacerbate the existing problem and with mitigation suggested impacts in this regard are considered of medium to low significance (low degree of confidence due to the lack of effectiveness of past environmental management).

- 9.9.4. Compatibility with existing and future land uses**
(Refer to Section 9.2 of the ER)
The proposed development could be incompatible with existing and future land uses and adversely impact on the recreational / tourism potential of adjacent areas. With proposed mitigation the significance of impacts in this regard is considered to be medium (medium degree of confidence).
- 9.9.5. Traffic impacts**
(Refer to the Traffic Impact Assessment in Appendix XII of the ER)
With mitigation suggested, the significance of the impact associated with an increase in traffic volumes on local road networks is considered medium to low (medium degree of confidence). It is also noted that the John Ross Highway is to be upgraded to cater for an increased volume of traffic in the near future.
- 9.9.6. Water resources**
With mitigation the significance of impacts on water resources due to the proposed development is considered medium (medium degree of confidence). The Department of Water Affairs and Forestry is also of the opinion that there is sufficient water for future industrial development in Richards Bay (refer to Appendix XI in the ER).
- 9.9.7. Visual impacts**
With mitigation impacts on the visual character of the area due to the proposed development are considered high during construction and medium during the operational phases (medium degree of confidence).

9.10. Key Issues / impacts identified for Phase 1B

(Refer to Section 9 of the ER)

9.10.1. Hydrology

(refer to the Geotechnical Report in Appendix XIII of the ER and the Ground Water Opinion of Prof Kelbe in Appendix XVII of the ER).

- 9.10.1.1. Pollution of storm water runoff:
Pollution of storm water runoff due to development could adversely affect the ecologically sensitive Bhizolo Canal and the Richards Bay Harbour. With the suggested mitigation the significance of this impact is considered low (medium degree of confidence).
- 9.10.1.2. Characteristics of storm water runoff:
The runoff characteristics of storm water in the area will change when hardening takes place due to development and higher volumes over a shorter duration are expected. With the suggested mitigation the significance of this impact is considered low (medium degree of confidence).
- 9.10.1.3. Disposal of effluents and other potential pollutants:
Disposal of effluents and other potential pollutants could result in the pollution of surface and groundwater resources. With suggested mitigation measures the significance of this impact is considered low (medium degree of confidence).

9.10.2. Biotic impacts

- 9.10.2.1. Flora (refer also to Section 8.1.6 in the ER):
Destruction of wetlands: With mitigation the significance of impacts on small areas of wetlands due to development of Phase 1B is considered medium (medium degree of confidence).
- 9.10.2.2. Fauna (refer to Section 8.1.6.4 and the Red Data Species List in Appendix XV and the Prof Samway's Report in Appendix XVI in the ER):
Avifauna: With suggested mitigation the impacts on avifauna due to a loss of habitat and an increase in human activity are considered medium (high degree of confidence). The retention of MOSS corridors through this area, together with consideration of environmental issues during planning of each site and appropriate landscaping are considered important in mitigation.
Terrestrial fauna: Impacts on terrestrial fauna will also be related to loss of habitat and increase in human activity. Rare or endangered species may be present in this area. With the mitigation suggested the significance of this impact is considered medium (medium degree of significance). The retention of MOSS corridors through this area, together with consideration of environmental issues during planning of each site and appropriate landscaping are considered important in mitigation.
Aquatic fauna: Impacts on aquatic fauna will largely be related to polluted runoff and changes in wetland habitat due to the proposed development. With mitigation the significance of these impacts are considered medium (during construction) to medium to low (during the operational phase) (medium degree of confidence).
- 9.10.2.3. The loss of habitat due to development in Phase 1B will be offset by the proposed conservation areas (refer to the recommendations of Michael Samways & Stuart Taylor in Appendix XVI of the ER).

9.10.3. Human health and safety

- 9.10.3.1. Development Controls:
Industrial development in Phase 1B, as with Phase 1A to be restricted to Industrial Development Zone 'light' and the Richards Bay Town Planning Scheme is to be amended to allow the uses (with and without Council consent) as indicated in Table 2 of the ER.
- 9.10.3.2. Hazardous waste (refer also to Section 7 of the ER):
With mitigation the impacts associated with hazardous waste are considered of low to medium significance during construction and of medium significance during the operational phase (medium degree of confidence).
- 9.10.3.3. Noise (refer to the evaluation of noise levels in Richards Bay in Appendix XX of the ER):
With suggested mitigation, impacts on residential areas related to noise are for the life of the proposed development and considered of medium to low significance (medium degree of confidence).

- 9.10.3.4. Air pollution:
Particulate emissions: With suggested mitigation the significance of impacts associated with particulate emissions is considered medium to low (medium degree of confidence).
Gaseous emissions: Any additional gaseous emissions could exacerbate the existing problem and with suggested mitigation impacts in this regard are considered of low significance during construction and medium significance during the operational phase (a low degree of confidence is indicated due to the previous lack of effective environmental management in the area).

9.10.4. Traffic impacts

(Refer to the Traffic Impact Assessment in Appendix XII of the ER)

With suggested mitigation, the significance of the impact associated with an increase in traffic volumes on local road networks is considered medium to low (medium degree of confidence).

9.10.5. Water resources

With the suggested mitigation, impacts on water resources due to the proposed development are considered of medium significance (medium degree of confidence) (refer also to the letter to the Department of Water Affairs and Forestry who has expressed the opinion that there is sufficient water for future industrial development in Richards Bay in Appendix XI of the ER).

9.10.6. Visual impacts

With mitigation suggested, impacts on the visual character of the area due to the proposed development are considered high during the construction and medium during operational phases (medium degree of confidence)

9.11. Public participation

9.11.1. The public consultation process is described in Section 2.2 of the ER and is regarded as adequate.

9.11.2. All public meetings were advertised in the Zululand Observer, Mercury and iLlanga newspapers.

9.11.3. All registered stakeholders were informed of public meetings by facsimile and post.

9.11.4. Comments and concerns from I&AP and specialist organisations:

9.11.4.1. A schedule of meetings with interested and affected parties together with issues raised is given in Appendix II of the ER.

9.11.4.2. No comments have been received from members of the public since the release of the Final Environmental Report.

9.11.4.3. Amafa aKwaZulu-Natali has no objections to the proposed development (refer to their fax dated 14 December 2001).

9.11.4.4. Impacts on biodiversity have been investigated and comments on the habitat requirements and potential occurrence of red data and endemic species (as described by KZN Wildlife in their fax dated 02 September 2002) are given in the Biological and Biodiversity Report by Michael Samways and Stuart Taylor (refer to their report in Appendix XVI in the ER).

- 9.11.4.5. KZN Wildlife has commented on the Final Environmental Report (September 2002) and a number of concerns are listed in their fax dated 10 October 2002. GAEA Projects have commented on these concerns of KZN Wildlife (refer to the fax from GAEA Projects dated 11 October 2002).
- 9.11.4.6. This Department is satisfied that the biodiversity concerns raised by KZN Wildlife have been sufficiently addressed for the level of investigation required for a strategic project such as this and that the information presented in documentation submitted is sufficient to consider this application.

10. Conditions of approval

10.1. Standard Conditions:

- 10.1.1. This authorisation is granted in terms of section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) and does not exempt the applicant from compliance with any other applicable legislation.
- 10.1.2. Authorisation is granted on condition that the proposed development is in accordance with the description given in the Final Environmental Report dated September 2002.
- 10.1.3. The applicant is responsible for compliance with the provisions for *Duty of care and remediation of damage* in accordance with Section 28 of the National Environmental Management Act, Act 107 of 1998.
- 10.1.4. This Department retains the right to inspect the proposed project during both construction and operational phases.
- 10.1.5. The applicant or consultant should inform all registered interested and affected parties of this Record of Decision within **10 calendar days** of its date of issue by facsimile and explain their right to appeal within **30 calendar days** of the date of issue.
- 10.1.6. Failure to comply with these conditions of authorisation will under Section 22 (4) of the Environment Conservation Act, Act No. 73 of 1989, render it invalid and the applicant liable to legal action under Section 29 of the said Act.

10.2. Specific Conditions:

- 10.2.1. This authorisation refers only to the proposed changes of land use for Phases 1A and 1B of the Richards Bay IDZ as described in Section 8 of the Final Environmental Report dated September 2002 and Section 8 of this document. As a necessary consequence of the rezoning from Undetermined to Road and Service Corridor, authorisation is also granted for the construction of such roads and service infrastructure as is necessary for the operation of the IDZ.

- 10.2.2. This authorisation does not relieve the applicant or any other party from the obligation to comply with any further requirements in terms of the Environment Conservation Act (Act 73 of 1989), the National Environmental Management Act (Act 107 of 1998) or any other relevant legislation when any activity is undertaken on the sites included in the proposed Phases 1A and 1B of this IDZ.
- 10.2.3. An Environmental Management Plan (EMP) for both Phases 1A and 1B must be submitted to KZN Wildlife for comment and this Department for approval prior to the commencement of any development in these. The mitigation and management measures suggested to address strategic issues, local environmental issues and key issues identified for Phases 1A and 1B of the IDZ must be included in the EMP (refer to Sections 7, 8 and 9 of the Final Environmental Report). In addition the EMP must specifically address the following:
- 10.2.3.1. The management of conservation areas in relation to the MOSS.
- 10.2.3.2. The mitigation and management measures suggested for impacts on the Thulazihleka Pan and the Bhizolo Canal (refer to Section 9 of the Final Environmental Report).
- 10.2.3.3. The infrastructure requirements to be put in place within the IDZ.
- 10.2.4. This Department requires the following development controls for site specific industrial projects in Phases 1A and 1B of the IDZ:
- 10.2.4.1. Site-specific EMP's for each individual industry seeking to establish within the IDZ must be compiled when these activities are proposed, irrespective of whether these activities are listed in terms of section 21 of the Environment Conservation Act, 1989 (Act 73 of 1989) or not. Such EMP's should include but not be limited to the management of impacts on:
- Geophysical processes (including hydrology)
 - Biophysical processes (including biodiversity and the status of endemic and rare or threatened species)
 - Wetlands (if appropriate)
 - Society (including human health and safety)
- 10.2.4.2. Mitigation and management measures suggested for impacts due to on site activities must consider the environmental management objectives for the greater Phase 1A and 1B IDZ, including conserved and MOSS areas and be accordingly incorporated into the site-specific EMP's.
- 10.2.4.3. Site-specific EMP's must be submitted to KZN Wildlife for comment and to this Department for approval prior to the commencement of individual on site activities.

11. Validity

This authorisation is valid for a period of **60 months** from the date of issue, that is, if the proposed rezoning of the properties described in Section 8 of this document has not been completed within this period then this authorisation is deemed to have lapsed and is no longer valid. The construction of roads and service infrastructure must have similarly commenced within this 60 month period.

12. Appeal

An appeal against this authorisation or conditions of authorisation may be lodged with the MEC for Agriculture and Environmental Affairs, Mr Narend Singh, Private Bag X89, ULUNDI, 3838, setting out the grounds of appeal and including any relevant documentation and certified copies, within **30 calendar days** of the date of authorisation in accordance with the provisions of Section 35 of the Environment Conservation Act, Act No. 73 of 1989.

13. Assessing Officer

I hereby declare that this application was assessed to the best of my ability, based on the information provided to me by the applicant or his consultant and which I could acquire during the site visit.



Signature

Peter Kuyler
Name

17/10/2002
Date

14. Authorising Officer

Comments:

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for: Head of Department:
Department of Agriculture and Environmental Affairs

17/10/2002
Date

