



edtea

Department :
Economic Development, Tourism and
Environmental Affairs

PROVINCE OF KWAZULU-NATAL

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Reference:DC23/0026/2013
Inkomba :
Verwysing:

Fax :
iFeksi :
Faks :

Date :
Usuku : 21 JANUARY 2016
Datum :

Fax Transmission

Ladysmith Local Municipality

Private Bag X 29

LADYSMITH

3370

Attention: Mr MP Khathide
Cell: (071) 621 9474
Tel: (036) 637 2090
Fax: (036) 631 1400
E-mail: mm@ladysmith.co.za

Dear Sir

DC23/0026/2013: ENVIRONMENTAL AUTHORISATION FOR THE LADYSMITH MIXED USE TOWNSHIP DEVELOPMENT ON REMAINDER OF ERF 1 ALONG N11 AND KLIPBANK/ DRY ROAD, LOCATED TO THE SUBURBS OF ROSE/ VAN RIEBEECK PARK OF EMNAMBITHI IN UTHUKELA DISTRICT (DC23)

The KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs has **authorized** the abovementioned project. This environmental authorization and reasons for the decision are attached herewith.

ENQUIRIES

Please note that:

- All queries regarding this application for environmental authorisation (including the Department's decision) must be directed to the official of this Department with contact details provided on the letterhead above.

N.C

- Only queries regarding appeals must be submitted to the Office of the MEC (details provided below).

APPEALS

In terms of sub-regulation 10(2) of the EIA Regulations, 2010, you are instructed to notify all registered interested and affected parties in writing within **12 days** of this Department's decision in respect of your application. You are required to comply with the requirements of sub-regulations 10(2)(a)-(d) with regard to this notification. This includes drawing the attention of registered interested and affected parties to the fact that an appeal may be lodged against the decision in terms of Chapter 7 of the EIA Regulations, 2010.

In accordance with the provisions of sub-regulation 60(1) of the EIA Regulations, 2010, a notice of intention to appeal must be lodged with the **KwaZulu-Natal MEC of the Department of Economic Development, Tourism and Environmental Affairs**, within **20 days** of the date of this decision by posted, faxed, e-mailed or hand delivered to the following address:

**The Appeal Administrator,
Office of the KwaZulu-Natal MEC for Economic Development, Tourism & Environmental Affairs**

POSTAL/ FAX/ E-MAIL:	PHYSICAL:
Private Bag X001 Bishopsgate 4008, Durban Tel: 031 310 5300 Fax: 031 310 5416 E-Mail: inderlallh@kznded.gov.za (Haresh Inderlall)	9 th Floor, The Marine Building, 22 Dorothy Nyembe Street, Durban 4001

The appellant is reminded of the requirements of sub-regulations 60(2) and 60(3) in the EIA Regulations, 2010 with regard to the notification of registered interested and affected parties and the applicant (if the appellant is not the applicant) of the notice of intention to appeal.

Yours faithfully



for: Head of Department:

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

Signed by: N.C. Zungu

Date: 21/01/2016

cc: JC van Rooyen of Bapela Cave Klapwijk, Fax: 012 362 0394



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Department :
Economic Development, Tourism and
Environmental Affairs
PROVINCE OF KWAZULU-NATAL

Environmental Authorisation

**In terms of regulation 36 of the
Environmental Impact Assessment Regulations, 2010**

PROJECT TITLE: LADYSMITH MIXED USE TOWNSHIP DEVELOPMENT

Local Municipality: Ladysmith

Application number: DC23/0026/2013
NEAS number: KZN/EIA/0001315/2013
Date of issue: 21 / 01 / 2016
Holder of authorisation: Ladysmith Local Municipality
Location of activity: Remainder of Erf 1 Ladysmith along N11 & Klipbank/ Dry Road

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SCOPE OF THE PROJECT

The development area is approximately 85.23 Ha in extent and lies to the south west of the town of Ladysmith. The project entails the subdivision and rezoning of the Remainder of Erf 1 Ladysmith to include a number of set land uses identified to be lacking in the larger municipal area. These are indicated in the table below and as per the layout plan attached as annexure 3:

Land uses	Area (Ha)	% of Township
General Commercial 1	16.08	18.87
Limited Commercial 1	16.15	18.95
Indoor Sports Complex	10.84	12.72
Special Residential 2	19.87	23.31
Hotel	3.44	4.04
General Residential 3	10.53	12.35
Public Open Space	8.32	9.76
Total	85.23	100

PROVISION OF SERVICES

Sewer Services

There is sufficient capacity available in the bulk 600 mm diameter outfall sewer pipeline. Additionally the existing sewer purification plant is designed as a 35 ML/D plant. This purification plant currently only handles between 18-22 ML/D.

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There are currently two existing 160 mm diameter sewer reticulation pipes in the center of the proposed development. These pipes drain the sewerage effluent from the sports complex.

The project would generate 5.39 ML/D on completion. This would increase the required capacity to 27.4 ML/D which is still within the 35ML/D capacity of the existing purification plant.

Water Reticulation

An existing 250 mm diameter water main is located to the western side of Delhi road. A 200 mm diameter pipe linking the north western complex was also found during the site inspection. The existing water connections will need to be repaired and constructed to the ELM civil engineering services requirements.

In terms of the water reticulation infrastructure a new water reticulation system would need to be installed as part of the new development. The existing 250 mm bulk water main that connects directly to the reservoir's pump line within the Delhi road reserve needs to be connected directly to a new 250 mm gravity main from the reservoir to Delhi road pipeline.

Storm Water Infrastructure

A new storm water reticulation system will need to be installed to manage the internal storm water runoff. Environmentally sensitive storm water discharge structures will also need to be designed to ensure that storm water discharge from the development does not negatively impact the Klip River system.

Waste Management

Each of the activities and facilities are to prepare a waste management plan which discloses the types and volumes of waste generated by the relevant activity. The site is situated in town with existing waste collection system.

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DECISION

The KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs (hereafter referred to as the "Department") is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activity specified below.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended and the Environmental Impact Assessment Regulations, 2010, as amended the Department hereby authorises

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Ladysmith Local Municipality

Details of the contact person:

Mr MP Khathide

Private Bag X 29

LADYSMITH

3370

Cell: (071) 621 9474

Tel: (036) 637 2090

Fax: (036) 631 1400

E-mail: mm@ladysmith.co.za

to undertake the following activity (hereafter referred to as "the activity") as described below:

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1. ACTIVITIES AUTHORISED

The listed activity, for which authorisation is granted for, fall under Government Notice No. R544, as required in terms of Environmental Impact Assessment Regulations, 2010 of National Environmental Management Act (Act 107) 1998 as amended, which is:

Activity triggered	Activity description	Extent to which activity is authorised
Activity 18 of GNR 544	<p>The infilling or depositing of any material into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from:</p> <ul style="list-style-type: none"> i) a watercourse; ii) the sea; iii) the seashore; iv) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater- <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving</p> <ul style="list-style-type: none"> i) is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or ii) occurs behind the development setback line. 	The development will include the infilling of more than 5 cubic metres soil in the drainage lines on the western side of the road traversing the site.
Activity 24 of	The transformation of land bigger than 1000 square meters	The development comprises amongst

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GNR 544	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.	others, the residential and commercial use; and will take place on land currently zoned as open space. The development is in excess of 1000 square meters as stipulated in the activity listing.
Activity 15 of GNR 545	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 20 hectares or more; except where such physical alteration takes place for: (i) linear development activities; or (ii) agriculture or afforestation where activity 16 in this Schedule will apply.	The mixed use development consists of residential and commercial component which will cover an area in excess of 20 hectares. Such development will take place on the vacant land highlighted in the locality map.

These activities are similarly listed in Activity 19 of Listing Notice 1, Activity 15 of Listing Notice 2 and Activity 12 of Listing Notice 3 of the EIA Regulations, 2014.

The location of the activity

Activity location is as follows:

The development site is situated to the south west of the town of Ladysmith, right on the border of the Van Riebeeck Park, Rose Park, Acaciaville residential areas and the Ladysmith Central Business District. The project lies within the urban edge of the town and it is along N11 Road, and Dry Road passes between the site.

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Alternative:	Latitude	Longitude
Alternative S1 ¹ (preferred or only alternative)	28° 34' 12.5" S	29° 46' 00.8" E

2. GENERAL

2.1 Compliance with conditions of this authorisation

- 2.1.1 In terms of section 49A (1) (c) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended, failure to comply with the conditions of this environmental authorisation 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.
- 2.1.2 This environmental authorisation is only applicable to the activity (ies) as described in section 1 of this environmental authorisation.
- 2.1.3 The Department retains the right to inspect the proposed project during construction and operational phases.
- 2.1.4 The holder of the authorisation is 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, 1998 (Act No. 107 of 1998).
- 2.1.5 Should there be a need for establishment of a new borrow pit or quarry site, a permit must be obtained first from the Department of Mineral Resources.
- 2.1.6 Services (especially piped services) related to the development must adhere to the necessary building standards in terms of incidence of frost and possible impacts on piped services e.g. bursting pipes etc.

2.2 Understanding conditions of this authorisation

- 2.2.1 It is the responsibility of the authorisation holder to understand the conditions of this authorisation. Any queries regarding this environmental authorisation must be submitted in writing to the Department at the address provided in section 2.4.
- 2.2.2 In the event of any dispute concerning the significance of a particular impact, the opinion of the Department in respect of its significance will prevail.

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2.2.3 Should the contact details of the holder of the authorisation change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.

2.2.4 The Department shall not be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

2.3 Amendments to the project or EMPr

2.3.1 Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.¹

2.3.2 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.

2.3.3 This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.²

2.4 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 the Department:

Department of Economic Development, Tourism and Environmental Affairs
Private Bag X9905
LADYSMITH

¹ The applicant is advised to contact the Department to check if any proposed changes are regarded as material or substantive prior to commencement.

² It is the responsibility of the applicant to identify legislation relevant to the proposed activity.

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3370 Fax No: 036 634 1977

Attention: Control Environmental Officer: Compliance Monitoring and Enforcement, uThukela District

- 2.5 The development must incorporate the identified Anglo Boer War Cultural Heritage marker and allow access to the public to visit the marker without undue restrictions, including adequate provision for parking of tour bus. The identified marker must not be altered in any way without a permit from Amafa.
- 2.6 The development team must furthermore be sensitive towards any other Anglo Boer War related markers. This must be communicated during project specific environmental awareness workshops to be conducted before construction commences.
- 2.7 One access lane to large development stands must be at least 4.2m wide to make provision for emergency vehicles.
- 2.8 Entrances to large sites must consist of at least two access lanes with a minimum of 7,0m width and throat lengths must be according to the requirements of the Local Authority.
- 2.9 The relevant road traffic related upgrades and services must be constructed in alignment with the recommendations of the Specialist Traffic Impact Assessment in order to ensure that additional traffic flow caused by the new Ladysmith development is sufficiently integrated into the existing flow without causing congestion or traffic delays.
- 2.10 The road layout and traffic infrastructure designs must consider safe pedestrian pick-up and drop-off infrastructure in order to allow for workers and visitors of the site that makes use of public transport.
- 2.11 Planning of the development must include measures to maximise socio-economic benefits of the development to the area.
- 2.12 Employment opportunities must be created by making use of labour intensive methods as far as possible. Opportunities for unskilled/ low-skilled workers must be maximised.
- 2.13 Ensure that all services are sufficient and maintained to be able to handle the additional burden of a development of this nature. Commitments for infrastructure must be in place before developers are approached for the different planned developments

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- 2.14 Emphasise the use of local contractors and labour where possible.
- 2.15 Ensure that empowerment targets relevant to the construction sector are met thereby creating opportunities for previously disadvantaged individuals. Create opportunities for training as part of the construction phase.
- 2.16 Ensure that empowerment targets relevant to the construction sector are met thereby creating opportunities for previously disadvantaged individuals. Create opportunities for training as part of the construction phase
- 2.17 Ensure that empowerment targets relevant to the construction sector are met thereby creating opportunities for previously disadvantaged individuals. Create opportunities for training as part of the construction phase.
- 2.18 In detailed planning, compatibility with neighbouring land uses particularly in Rose Park and Van Riebeeck Park must be a key consideration.
- 2.19 The required services upgrades must be installed before the development can become operational.
- 2.20 The local communities in the area and region around the project which might be impacted by disruption of services must be notified well in advance. Temporary services connections must be established before existing services are severed.
- 2.21 Should archaeological artefacts or skeletal material be revealed in the area during construction activities, such activities must be halted, and Amafa be notified in order for an investigation and evaluation of the find(s) to take place.

3. CONDITIONS OF AUTHORISATION

This Environmental Authorisation is subject to the conditions set out below:

- 3.1 This activity must commence within a period of **five (5) years** from the date of issue. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
- 3.2 The activity authorised must only be carried out at the property as described in section 1 above and according to the locality map attached as **Annexure 2**.

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Notification to interested and affected parties

- 3.3 The holder of the authorisation must notify every registered interested and affected party, in writing and within **12 (twelve)** calendar days, of receiving notice of the Department's decision to authorise the activity.
- 3.4 The notification referred to by condition 3.3 above must –
 - 3.4.1 Specify the date on which the authorisation was issued;
 - 3.4.2 Inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the EIA Regulations, 2010, as amended; and
 - 3.4.3 Advise the interested and affected parties that a copy of the authorisation will be furnished on request.

Approval of Environmental Management Programme

- 3.5 The Environmental Management Programme (EMPr) prepared by Bapela Cave Klapwijk (BCK) Land Planning and Design (dated June 2015) for the construction and operational phases of this project as submitted for the Environmental Authorisation complies with section 24N of the National Environmental Management Act and Regulation 33 of the Environmental Impact Assessment Regulations, 2010. This EMPr is hereby **approved** and must be implemented.
- 3.6 The EMPr must be kept on site during construction phase of the development.

Monitoring and reporting to the Department

- 3.7 The holder of the authorisation must appoint an Independent Environmental Control Officer (ECO) to ensure that the mitigation and rehabilitation measures referred to in this authorisation and EMPr are implemented. The

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details of appointed ECO must be forwarded to the Department in writing at the address indicated in section 2.4 above.

- 3.8 The ECO must be appointed before commencement of any land clearing or construction activities. The ECO responsibilities are among others:
 - 3.8.1 Compiling a monitoring and auditing plan to ensure that the environmental management procedures of the EMPr are implemented and are effective.
 - 3.8.2 Ensuring that the Contractors/ Sub-contractors and Employees are aware of their environmental impact.
 - 3.8.3 Conducting and monitoring site activities, and ensuring that they have the minimal environmental impact.
 - 3.8.4 Liaising between the holder of Environmental Authorisation/ Implementing Agent and the Principal Contractor (and the relevant appointed sub-contractors) and the Local community (via the Community Liaison Officer) with regard to all environmental concerns.
 - 3.8.5 Producing photographic records of the site before, during and after construction.
- 3.9 The ECO must be employed until all rehabilitation measures required for the construction phase are completed and the site is ready for operation.
- 3.10 The holder of the authorisation must submit monthly environmental audit reports prepared by the ECO to the Department during the construction phase. The environmental audit report must –
 - 3.10.1 Indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the EMPr.
 - 3.10.2 Provide an update on progress made to date versus work still to be done, together with an expected date by which various stages of construction will be completed.
 - 3.10.3 Include measures to be implemented to attend to any non-compliances or degradation noted.
- 3.11 Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.
- 3.12 Should the ECO be changed at any time, this must be communicated in writing to the Department within **14 (fourteen)** calendar days of the appointment of the new ECO.
- 3.13 A Groundwater and Surface Water Monitoring Program must be designed and implemented in order to verify the

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impact on the Klip River.

Written notice of the commencement of the construction phase

3.14 A fourteen (14) days written notice must be given to the Department that the construction phase will commence. The notice must include a date on which it is anticipated that the construction will commence and the reference number of this Environmental Authorisation (DC23/0026/2013).

Construction phase

3.15 The construction must comply substantially with the layout plan prepared by Bapela Cave Klapwijk (BCK) Land Planning and Design (dated June 2015) which is attached as **Annexure 3** herewith, subject to conditions listed herein

3.16 No development is allowed in the high sensitivity areas as depicted in the Aquatic sensitivity map prepared by Galago Environmental Biodiversity Aquatic Specialist attached as Annexure 4 of this EA.

3.17 All areas designated as sensitive in a sensitivity map as indicated in Annexure 4 herein must be incorporated into an open space system. The open space system must be fenced off prior to construction commencing (including site clearing and pegging).

3.18 The following conditions apply to geology and soil:

3.18.1 The gentle to steep slopes occurring in localized portions of the area across the site must use terracing beneath structures and additional masonry units in foundation walls.

3.18.2 Ensure adequate damp-proofing beneath foundations and floor slabs to prevent structural damage due to rising damp caused by seasonal perched water tables.

3.18.3 Provide measures to prevent large-scale changes in soil moisture beneath the structures on a seasonal basis.

3.18.4 In cases where new structures will span across, or founded upon, any of the test pits must be re-excavated and properly backfilled with compacted fill to prevent differential settlement under loading.

3.18.5 In cases where structures are to be constructed across old or existing septic tanks, excavations for the removal of large trees, waste pits, swimming pools, old foundations, and the like must be done and properly backfilled with compacted fill to prevent differential settlement under loading.

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- 3.18.6 Proper site drainage, including the collecting of water runoff from roofs, must be implemented to prevent ponding of surface water near foundations.
 - 3.18.7 Wet services (i.e. water supply pipes and sewers) must be designed and maintained to prevent leaks and blockages, with proper backfilling to reduce storm water infiltration into the backfilled material.
 - 3.18.8 Water-loving plants and trees must not be placed within 15m of any structure or wet services, and gardening directly next to structures must preferably not be allowed.
 - 3.18.9 Care must be taken to prevent the ponding of storm water in areas where drainage structures cross beneath roads.
 - 3.18.10 A site specific geotechnical investigation must be conducted for each structure prior to detailed foundation design.
 - 3.18.11 An engineering geologist or geotechnical engineer must inspect all foundation trenches prior to construction in order to identify and evaluate any soil characteristics in variance with that found during this investigation.
- 3.19 The following conditions apply to groundwater and surface water:
- 3.19.1 A Storm Water Management Plan must be developed by a Specialist engineer and must include specifications on the storm water retention where possible.
 - 3.19.2 The use of retention ponds throughout the development must be investigated in order to reduce the volume and velocity of storm water and to increase the quality of storm water discharge from the development into the Klip River.
 - 3.19.3 Fuel containment facilities must be used and all dangerous goods must be stored in a bunded area.
 - 3.19.4 The use of all materials, fuels and chemicals which could potentially leach into groundwater must be stored in a specific and secured area to prevent pollution from spillages and leakages.
 - 3.19.5 The use of cement lined channels must be avoided at all costs and lining must be done with Loffel stones, Amourflex stones or similar products to prevent the loss of habitat to aquatic organisms living in the system.

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- 3.19.6 The ramps for the in- and out flows from the construction site must be lined with Reno mattresses and or gabions to prevent structure undermining and to ensure flow is dispersed and mitigated. Vertical steps must not exceed 500 mm, to ensure aquatic fauna movement and migration.
 - 3.19.7 The use of gabion structures, well keyed into the surrounding bank walls and secured to the ground is recommended.
 - 3.19.8 The removal and translocation of impacted hydrophytes must be done prior to construction commencing.
- 3.20 The following conditions apply to stormwater management:
- 3.20.1 Construction activities must preferably take place during the drier season to prevent soil erosion and siltation to surface water features.
 - 3.20.2 The excavated and stockpiled soil material must be stored and bermed on higher lying areas of the site outside of the 1:100 year flood line and not in any storm water channel or on steep gradients.
 - 3.20.3 Particular attention must be paid to discharge points of all storm water channels where flow of water is concentrated. If these points are not sufficiently stable for the increased flow rates anticipated, stabilization measures must be designed.
 - 3.20.4 All surplus or unsuitable excavation materials arising from excavations must be spoiled, neatly spread and levelled so as not to interfere with future works or disrupt the natural flow of water.
 - 3.20.5 All spillages from any potential contaminants such as lubricants and hydro-carbon based fuels must be safely and immediately removed and disposed of at an appropriate site.
 - 3.20.6 Surface water draining of contaminated areas containing oil and petrol must be channelled towards a sump which will separate these chemicals and oils.
 - 3.20.7 Storm water must not be allowed to flow through the batching area.
 - 3.20.8 Locality, intended operation, maintenance and future rehabilitation methods for spoil sites must be approved by the engineer and the landowner.
 - 3.20.9 Care must be taken to avoid any accumulation of surface water near to future building sites by appropriate surface storm water drainage design.

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- 3.20.10 If water is sprayed on the construction surface for any reason during the construction process, utmost care must be taken to ensure the runoff water does not pollute the system or any of the associated catchment areas.
- 3.20.11 A storm water cut-off drain must be constructed between the construction area and the aquatic system to ensure that stormwater flowing through the construction area does not flow into the aquatic system.
- 3.20.12 The water from the cut-off drain must be collected in a sedimentation pond before entering the aquatic system.
- 3.21 The following conditions apply to vegetation and animal life:
- 3.21.1 Only areas under the development footprint must be cleared of vegetation.
- 3.21.2 Trees and shrubs naturally growing on the site must be retained as part of the landscaping. Measures to ensure that these trees survive the physical disturbance from the development must be implemented.
- 3.21.3 Only indigenous plant species, preferably species that are indigenous to the natural vegetation of the area, must be used for landscaping in communal areas.
- 3.21.4 Forage and host plants required by pollinators must also be planted in landscaped areas.
- 3.21.5 One of the Red List plant species that is considered not threatened but of conservation concern, *Crinum macowanii* and 15 species that are considered Specially Protected Indigenous Plants, in terms of the Natal Nature Conservation Ordinance must be transferred to a suitable area subject to a permit issued by the KZN Nature Conservation authority.
- 3.21.6 The Aloe species on site must be retained as far as possible and no unnecessary removal outside of the development footprint must be allowed.
- 3.21.7 Where the Aloe species need to be removed, these specimens must be removed by a plant specialist for use in the landscaping or rehabilitation of the site.
- 3.21.8 All declared weeds and invaders and other alien species must be removed from the site.
- 3.21.9 Contractors must ensure that no fauna species are disturbed, trapped, hunted or killed.
- 3.21.10 All construction related impacts (including service roads, temporary housing, temporary ablution, disturbance of natural habitat, storing of equipment/ building materials/ vehicles or any other activity)

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must be excluded from the open space system, except for rehabilitation purpose in line with the approved EMPr.

- 3.21.11 Access of vehicles to the open space system must be prevented and access of people must be controlled.
- 3.21.12 The crossing of natural drainage systems must be minimized and only constructed at the shortest possible route, perpendicular to the natural drainage system. Where possible, bridge crossings must span the entire stretch of the buffer zone.
- 3.21.13 Where a road is to traverse a wetland or a drainage line, ensure that it has minimal effect on the flow of water through the wetland, e.g. by using a high level clear span bridge or box culverts rather than pipes.
- 3.21.14 Sealing of surfaces under a bridge or gabion construction must be avoided.
- 3.21.15 Disturbance to any wetlands during construction must be minimized. A plan for the immediate rehabilitation of damage caused to wetlands must be compiled and a record book must be maintained on site to monitor and report on the implementation of the plan.
- 3.21.16 Where possible, work must be restricted to one area at a time, as this will give the smaller birds, mammals and reptiles a chance to survive the disturbance in an undisturbed zone close to their natural territories.
- 3.21.17 Where work is to be done close to the drainage lines, these areas must be fenced off during construction, to prevent heavy machines and trucks from trampling the plants, compacting the soil and dumping in the system.
- 3.21.18 Due to the perennial nature of the system, construction must preferably commence during the dry months.
- 3.21.19 All sensitive areas together with the associated buffer zones must be fenced during the construction phase to prevent any human activity from encroaching onto these areas.
- 3.21.20 The overall alluvial characteristics of the drainage line (balance between sand, gravel and stone) must be similar to before construction to ensure natural systems of flooding and sedimentation deportation and conveyance occur.

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- 3.21.21 If any herpetological species are encountered or exposed during the construction phase, they must be removed and relocated to natural areas in the vicinity. This remedial action requires the employment of a herpetologist to oversee the removal of any herpetofauna during the initial ground clearing phase of construction (i.e. initial ground-breaking by earthmoving equipment).
- 3.21.22 Damping down of access roads, stockpiles and cleared areas must take place to minimize dust pollution.
- 3.22 The following conditions apply to visual environment:
 - 3.22.1 Existing vegetation must be kept on areas and between buildings to act as visual screens/ absorbers and dust collectors.
 - 3.22.2 Rehabilitate/ restore exposed areas as soon as possible after construction activities are complete.
 - 3.22.3 Paint buildings and structures with environmental complementing colours (e.g. natural browns and dark greens of the surrounding landscape).
 - 3.22.4 Parking areas must be laid out to retain clusters of vegetation to break monotony of paved surfaces.
 - 3.22.5 All road verges must be planted with low-growing indigenous street trees.
 - 3.22.6 Install light fixtures that provide precisely directed illumination to reduce light "spillage" beyond the immediate surrounds of the residential and business development.
 - 3.22.7 Avoid high pole top security lighting along the periphery of the site and use lights that are activated on movement at illegal entry to the site.
- 3.23 The following conditions apply to traffic:
 - 3.23.1 Separate Traffic Impact Studies must be conducted for the individual development node as and when required.
 - 3.23.2 Individual site accesses must be planned according to the requirements by the Local Authority.
 - 3.23.3 One access lane to large development stands must be at least 4,2m wide to make provision for emergency vehicles.
 - 3.23.4 A roads master plan must be drafted for the region taking cognizance of the potential land development for the region.

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- 3.23.5 Traffic warning signalling must be installed around the project site for the entire construction phase and must carry the necessary warnings in terms of the dangers of the construction site.
- 3.23.6 Sufficient pedestrian infrastructure must be installed along the internal and external roads to ensure that pedestrians will be able to access the development safely as well as pass it by.
- 3.24 Solid waste must be placed in skips and stored in a designated space for collection where in will not cause any pollution or cause health hazard. The storage area must be as near as possible of the vehicle route and as far as possible from the 1:50 year floodline.
- 3.25 Contaminated and hazardous waste must be disposed of at a permitted landfill site that is authorized to accept such waste. The collection of hazardous waste must be carried out in a manner that will prevent spills or leaks that may cause environmental contamination.
- 3.26 A spill contingency or emergency response plan must be drawn up and implemented in case of a spill.
- 3.27 No seepage type temporary or permanent sanitation systems must be allowed.
- 3.28 Rocks, trees and debris must be removed from the construction area to spoil areas designated for this purpose.
- 3.29 Spoil sites must not be used for the disposal of hazardous or toxic waste.
- 3.30 A buffer of 32m along the wetland and drainage areas as depicted in Annexure 5 of this EA and drainage areas must be maintained for land uses such as hotel, limited commercial and general residential identified as items 6, 7, 9 and 11 on the layout plan as well as any other wetland that could be identified on site.
- 3.31 The land use for limited commercial identified as item 8 on the layout plan must not be developed, as discussed with authorization holder and confirmed in writing as per correspondence dated 12 January 2016.
- 3.32 The complaints and stakeholders feedback system must be set up to address any complaints from the neighbouring properties and other stakeholders who may be affected by the construction activities.

Operational phase

- 3.33 The holder of authorisation must comply with the operational phase EMPr as approved by the Department.
- 3.34 Water-loving plants and trees must not be placed within 15 m of any structure or wet services, and gardening
Constructed drainage structures must be cleared of all waste, organic and inorganic, on a regular basis.

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- 3.35 Each and every activity and facility must have a storm water management plan designed by a qualified engineer which illustrates maximum on-site handling of the specific facility's storm water.
- 3.36 The storm water system must be inspected and repairs must be done to all damaged areas where required.
- 3.37 A management authority (e.g. the body corporate) must be contractually bound to implement the Environmental Management Programme (EMPr) and Environmental Authorisation (EA) during the operational phase of the development, must be identified and informed of their responsibilities in terms of the EMPr and EA.
- 3.38 Implement an on-going monitoring and eradication of all invasive and weedy plant species growing within the servitude.

Site closure and decommissioning

- 3.39 Should the activity ever cease or become redundant, the holder of the authorisation must contact this Department for the decommissioning, rehabilitation and closure of the site.

Availability of this environmental authorisation

- 3.40 A copy of this authorisation must be kept on site where the activities will be undertaken during construction phase. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work on site.

Date of environmental authorisation: 21 JANUARY 2016


for: Head of Department

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

Signed by: N.C. Zungu

Designation: Acting Senior Manager – South Region

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ANNEXURE 1: REASONS FOR DECISION

Information considered in making the decision

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

- a) Application form dated 17 October 2013.
- b) The information contained in the Scoping Report (SR) and Amended SR accepted on 19 May 2014.
- c) The information contained in the Environmental Impact Assessment Report (EIAR) dated June 2015.
- d) The comments received from the organs of state and interested and affected parties as included in EIAR dated June 2015.
- e) Mitigation measures as proposed in the EIAR and the EMPr dated June 2015.
- f) Civil Engineering Services Report, Electrical Services Report, Geotechnical Report, Klip River 100 Year floodline Report, Geohydrological Report, Ecological Report, Aquatic Ecosystem Delineation Report, Social Impact Assessment Report, Economic Specialist Report, Traffic Impact Assessment Report, and Heritage Impact Assessment Report included in the in EIAR dated June 2015.
- g) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).
- h) The findings of the site visit undertaken by Salome Rasekgoalo and Ayanda Khulu of this Department and Kwenza Hlela of Ladysmith Local Municipality on 8 May 2014.
- i) Site inspection conducted by Salome Kubeka, Winile Magagula and Ayanda Khulu of this Department and Lindiwe Dladla and Yolanda Gwele of Department of Water and Sanitation on 23 November 2015 regarding drainage lines.
- j) Another site inspection conducted by Salome Kubeka, Winile Magagula, Ayanda Khulu, Dumisani Gwede and Nombulelo Zungu of this Department and Sibusiso Mathonsi of Department of Water and Sanitation on 4 December 2015 regarding drainage lines.
- k) A letter from Department of Water and Sanitation dated 23 December 2015 recommending construction within erosion gullies.
- l) A meeting that took place between this Department and Ladysmith Local Municipality on 6 January 2016 at the municipality regarding areas that will not be developable due to sensitivity.

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Key factors considered in making the decision

a) The EIAR dated June 2015.

- The in EIAR dated June 2015 complies with the requirements of the EIA Regulations, 2010 and has been accepted by the Department.
- The in EIAR dated June 2015 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 proposed activity. It also included mitigation measures that will reduce the impact on the environment.

b) Public Participation

- The public participation process was conducted according to the guidelines provided in the EIA Regulations, 2010 and comments from the organs of state and interested and affected parties have been included in the Amended BAR.
- Stakeholders who were invited to submit comments on the application include Ezemvelo KZN Wildlife (EKZNW), Amafa, Department of Water and Sanitation, Ladysmith Local Municipality, uThukela District Municipality, KZN Department of Transport, South African Police Service, South African National Roads Agency, Department of Agriculture, Forestry and Fisheries, Department of Agriculture and Rural Development, Civil Aviation Authority, Ladysmith Ratepayers Association, Wildlife and Environment Society of SA, Ladysmith Flying Club, Ladysmith Historical Society, Ladysmith Chamber of Commerce & Industry, Klipriver Conservancy Angling Club, Leads to Business, immediate neighbours and adjacent landowners.
- Bapela Cave Klapwijk developed a database of the interested and affected parties (I & APs); compiled Background Information Document (BID) and visited I&APs adjacent to the site and provided them with BID. The Draft EIAR and Final EIAR were also distributed for comment.
- Advertisement was published on 14 February 2014 in the Ladysmith Gazette newspaper, advertising the proposed development and confirming the assessment process, which also included the contact details of the Environmental Assessment Practitioner (EAP) and how and when further presentations should be made.
- Three notice boards were fixed along N11 Road and Dry Street.
- A public open day was held on 27 February 2014 at the Indoor Sports Complex.

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- No objections were received regarding the development.

d) Socio-economic impact

Five hundred and one (501) new employment opportunities will be created during the development phase (55 temporal jobs and 446 permanent jobs) of the project with the expected value of R400 000 000.00. The development will address the backlog with regards to housing developments within the Ladysmith area and will include components relating to the main economic drivers of the area.

e) Need and Desirability

The development includes the subdivision and re-zoning of the Remainder of Erf 1 Ladysmith to include a number of set land uses identified to be lacking in the larger municipal area of Ladysmith Local Municipality (LLM). It is earmarked for housing developments and will cater for the growing demand for housing which is prevalent in South Africa. The Ladysmith Local Municipality's Spatial Development Framework states that it currently has a total of 10 523 applications awaiting housing support. There are inherent spatial challenges associated with providing housing development in the low density farmlands of Ladysmith, as these settlement patterns make provision of social infrastructure roads, water, electricity, community facilities etc., and the associated costs are very high. Ladysmith is the commercial centre for a large farming district and serves as a major commercial centre for towns such as Colenso, Glencoe, Bergville and Dundee.

f) Receiving environment

The site falls in the Thukela Thornveld vegetation unit with only the hills southwest of the shooting range representing the KwaZulu-Natal Highland Thornveld vegetation unit. The Thukela Thornveld vegetation unit features valley slopes to undulating hills with Acacia-dominated bushveld of variable density, ranging from wooded grassland to dense thickets with dense grassy undergrowth. The site consists of mixed alien and indigenous vegetation, *Acacia – Aloe marlothii* thornveld and riparian vegetation along the Klip River. The area is located in the Summer Rainfall Zone of the Republic of South Africa, with an expected mean annual precipitation of approximately 845 mm. Summer rains are typically of localized short duration thunderstorms with most of the precipitation occurring between December and February, with a dry season during the winter months between May and October. The highest total annual rainfall (1 372 mm) occurred in 1976, while 1992 was the driest year (399 mm). Summers are warm to hot and winters cool with an average of 15 frost days per year.

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The project area is located on a gentle slope (roughly 4.5°), with localized drainage channels associated with steeper slopes. The highest point is in the southwest at an elevation of approximately 1 080 mamsl, with the lowest point in the northeast at an elevation of roughly 995 mamsl. The project area is located within an area deemed to represent steep hills and well developed valleys, with the study area itself draping from the steeply sloping mid slopes of a prominent ridge occurring to the southwest onto a gently undulating foot slope and the very gently dipping- to nearly flat-lying floodplain of the Klip River defining the north eastern boundary.

g) Heritage impact

The only heritage resource present within the proposed development area is the marker of the place where Lieutenant-Colonel WH Dick Cunningham VC, a popular commanding officer of 2nd Battalion, The Gordon Highlanders, was killed on 6 January 1900 during the South African War. A memorial marker was erected on the spot where he was shot, which has high heritage significance at all levels for its historical significance. The memorial marker may not be altered in any way without a permit from Amafa aKwaZulu-Natali, the Provincial Heritage Resources Agency. The heritage assessment recommended that the memorial marker is incorporated into the development in an appropriate manner, subject to the layout of the development in the immediate vicinity of the memorial being approved by Amafa prior to the start of any development activities. It also notes that it is imperative that public access to the memorial is retained without undue restrictions, including adequate provision for parking of tour buses.

h) Alternatives

A number of alternatives were considered for the mixed use township development as prescribed by the IEM procedure. These alternatives were identified through feedback received by key stakeholders, findings of the specialist studies, discussions with the technical team and the client. The alternatives considered included the following:

- Activity alternatives
- Scheduling alternatives
- Site layout alternatives
- Design alternatives and

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- No-go alternative

Activity Alternatives

On a strategic level the site is deemed to be conducive for the type development in the land use map. This is revealed especially in the need for local housing according to LLM's IDP/ SDF. The development is unique in that it addresses this demand by catering for a broad spectrum of income groups and social classes. The mix of land uses are deemed to be in line with the current development requirements as depicted in the LLM especially in the sense of the need for housing, tourism and additional medical facilities. As a result the mixed use activity is deemed a feasible option. Site specifically the programme of the development considered the following activities as part of the original application:

- High Density Residential Areas
- Passive Recreation areas for Restaurants
- Active Recreation Areas for a Gymnasium
- Tourism Related Land Uses for Hotel and Conference Facilities
- An Area for Health Care Facilities
- Retail Related Areas
- Areas for Offices

These activities were reviewed as part of the EIA process and the basic collection of the land uses stayed the same although the layout changed somewhat in order for the activities to relate better to the site environment. The revised list of activities include:

- General commercial including offices and retail outlet shops
- Limited commercial including shops and restaurants
- Active recreation including the sports fields and the Indoor Sports Complex
- Tourism related land uses for hotel and conference facilities
- Special residential 2
- General residential 3
- Public open space

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The specific land use for health care facilities was omitted from the layout and has replaced the land allocated for these facilities with additional space for housing.

Scheduling Alternatives

The principle alternative that will be implemented in terms of the scheduling of the development concerns the time of year that the construction will commence, should the development be authorised. Major earthworks will be scheduled to commence during the autumn and winter months as far as this is possible. This will be done to limit the level of scouring and erosion that will result because of storm water runoff over the site during heavy downpours. Appropriate wetting procedures by water tanker will be recommended to take place during the winter time to minimize the effect of air pollution generated by dust from construction vehicles. Clearance of the site can also be phased to reduce the area of bare soils until construction activities commence in a specific section of the site. Construction will be scheduled to occur only on weekdays between 07:00 and 17:00 out of weekends and other public holidays.

Site Layout Alternatives

A final layout has been compiled to disclose the intent of the development. This was done in line with the development requirements as provided by the Department of Development Planning and Human Settlements of the LLM. Environmental sensitivities such as the on-site natural drainage channels, the Klip River and other sensitive ecological areas were considered to produce the final layout. The resultant layout therefore excluded the areas below the 1:100 year flood line and the ridge area to the south of the development. The layout will furthermore also focus on areas of the site which are the most suitable in terms of topography. At this point it must be understood that the latest layout is still at a point where it represents specific land use areas and that specific activities will be developed within these land use areas or zones.

Final adjustments to the layout were made following the results of the specialist studies in order to alter and refine the proposed development layout to respond to the different site sensitivities. The layout was altered by the LLM to come to a layout that will be most desirable in terms of the site sensitivities and the specific land use. For this reason the area for the hotel were moved to the adjacent to the N11 for maximum exposure and alongside the scenic Klip River area.

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Commercial areas were also placed alongside the N11 for this purpose. Housing were placed the furthest away from the N11 and alongside existing housing for better integration into the local land uses and to be in the best area from a noise perspective. The public open space land use was also placed alongside the river in order to create opportunity for the development of a park landscape alongside the river. This will create a buffer between the river and the more built up areas.

Design Alternatives

From a design alternative point of view the design of the various activities in the specific land use areas will be very important. Alternative placement of structures on the development sites will need to be considered to adhere to site specific environmental sensitivities. Areas of specific importance include those along the drainage channels and along the Klip River. Specific design alternatives will need to be considered at the discharge end of storm water infrastructure to ensure that storm water is discharged in a manner that will not cause scouring and erosion here. Other areas where the design brief (both architecturally and landscape architecturally) could have significant impacts, include the design and layout of the private open spaces, walkways, internal roads and associated infrastructure.

All the above will need to be taken into account during development of the site specific activities for the development to make the most productive use of the available development area and to be aesthetically attractive to the users of the activities and facilities. The visual character of the site is aesthetically pleasing and furthermore forms an important visual gateway via the N3 and the N11. As aforementioned the development is only at a land use development stage and site specific activities will only follow later. Various designs (architectural) will need to be considered for approval by the LLM. Site developers will need to consider design alternatives which correspond most sensitively to the visual character of the site specific areas and surrounding land uses.

The "NO GO" Alternative

This alternative is not considered at this stage as it equates to the development not being implemented at all. Primary reasons for the development to commence consist of the housing shortage experienced in the Ladysmith Local Municipality; and the alignment of the proposed development to the IDP; the critical need for local employment

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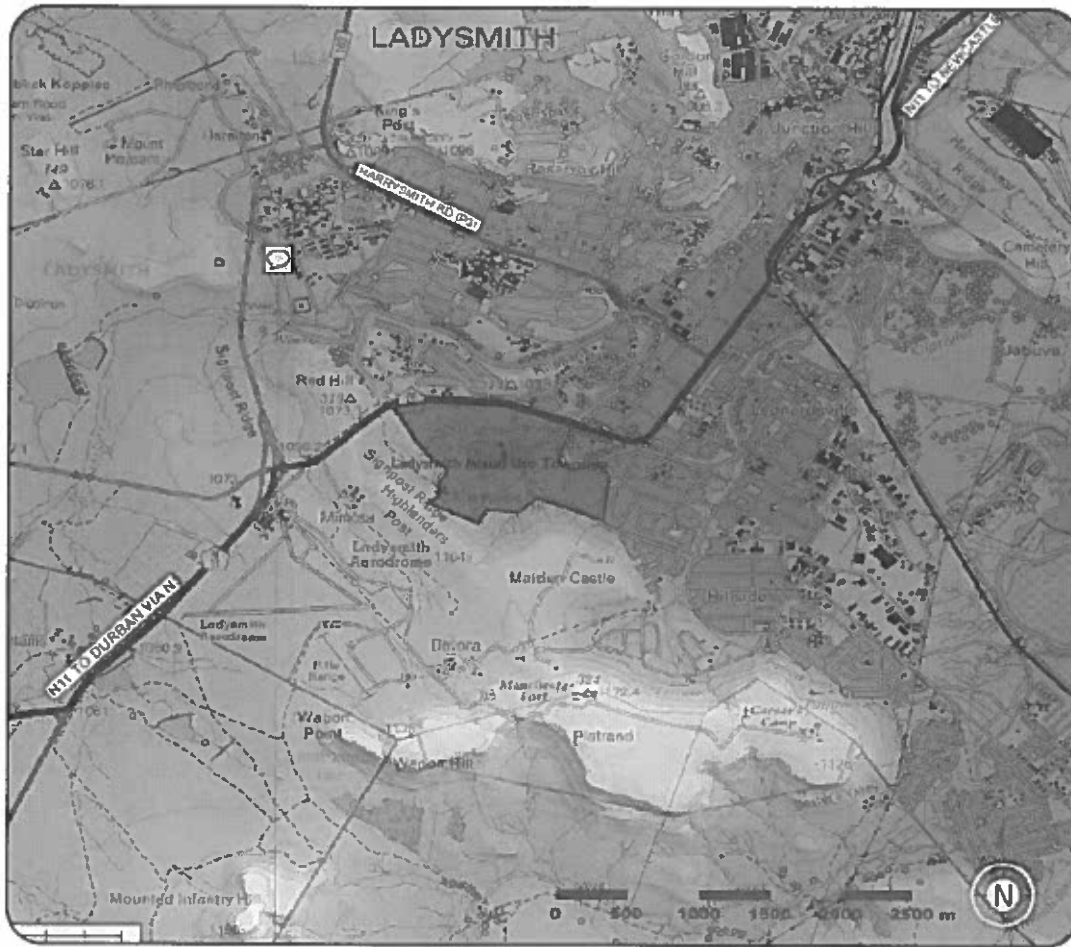
opportunities; the need for economic activity to stimulate local investment opportunities; the benefits to the local infrastructural environment as a result of the upgrades that this development will bring; and not failing to consider the above, the development must however firstly prove to be sustainable in its municipal and site specific context.

i) Objectives of integrated environmental management:


In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed 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 proposed activity can be mitigated to acceptable levels. The application is accordingly granted.

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Annexure 2: Locality Map




Legend:

 The Site
 26° 34' 12.5" S
 29° 46' 00.8" E

Project:
 The Proposed Ladysmith Mixed Use Township Development Project

Applicant:
 Department of Development Planning & Human Settlement


Consultant:
 PO Box 11851
 Hatfield
 0028
 Tel: (012) 362 4884


June 2015

Figure 1:
 Locality Map

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Annexure 3: Layout Plan



Legend:


- Development Boundary
- 1/100 Year Floodline

Land Use Zones

- General Commercial
- Limited Commercial
- Indoor Sports Complex
- Special Residential
- Hotel
- General Residential
- Public Open Space

Project:
The Proposed Ladysmith Mixed Use Township Development Project

Applicant:
Department of Development Planning & Human Settlement



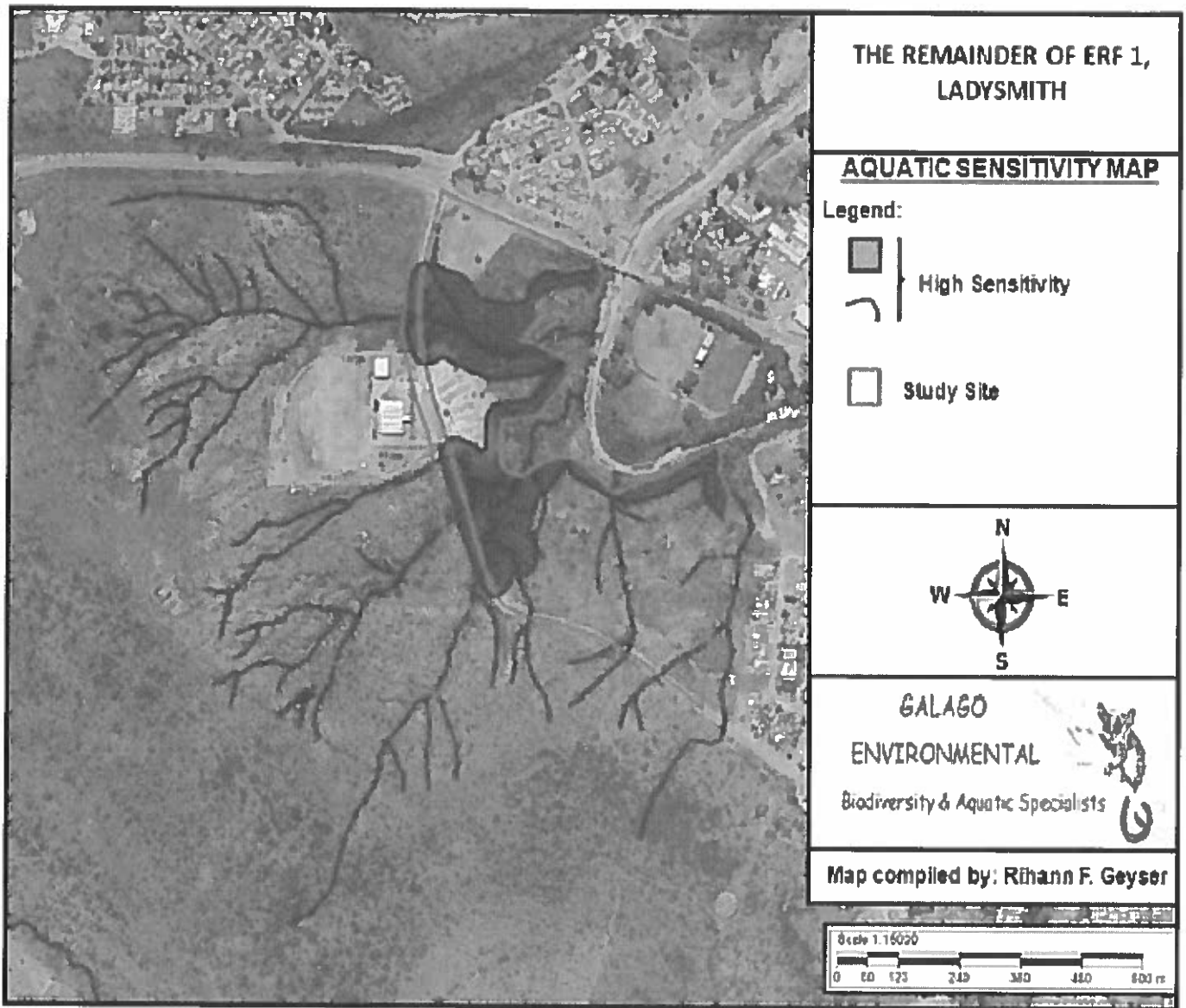
Consultant:
BCK
PO Box 11651
Halfway
0628
Tel: (012) 382 4684
www.bck.co.za
Town Planning & Design

June 2015

Figure 3:
Proposed New Layout

Plot	CODE	LAND USE ZONE	AREA (m²)	1:500 SCALE FOR ALL PLOTS	COVER (%)	HEIGHT	GLASS AREA m²/m²	MIN. FLOOR HEIGHT (m)	MIN. FLOOR AREA (m²)
1		General Commercial 1	16.88	18.87	60	6m	2.50	44	2000
1		Limited Commercial 1	8.56	10.00	60	3	1.60	30	1200
1		Indoor Sports Complex	38.84	13.72	60%	6m	4.00	1	600
2		Special Residential 1	13.55	13.55	35	2	0.15	61	500
3		Special Residential 2	8.32	8.32	35	2	0.15	60	500
4		Hotel	3.66	4.88	40	10	1.00	1	300
5		Hotel	3.66	4.88	40	10	1.00	1	300
6		Limited Commercial 1	8.57	10.00	60	3	1.60	30	1200
8		Limited Commercial 1	1.22	1.54	60	3	0.15	22	1000
9		General Residential 1	1.20	2.00	35	2	0.15	21	1000
10		General Residential 1	1.07	2.00	35	2	0.15	21	1000
11		General Residential 1	1.06	1.50	35	2	0.15	21	1000
12		General Residential 1	1.02	1.50	35	2	0.15	21	1000
13		Public Open Space	1.82	4.70	60%	6m	4.00	100	600
TOTAL			88.43	100.00				970	

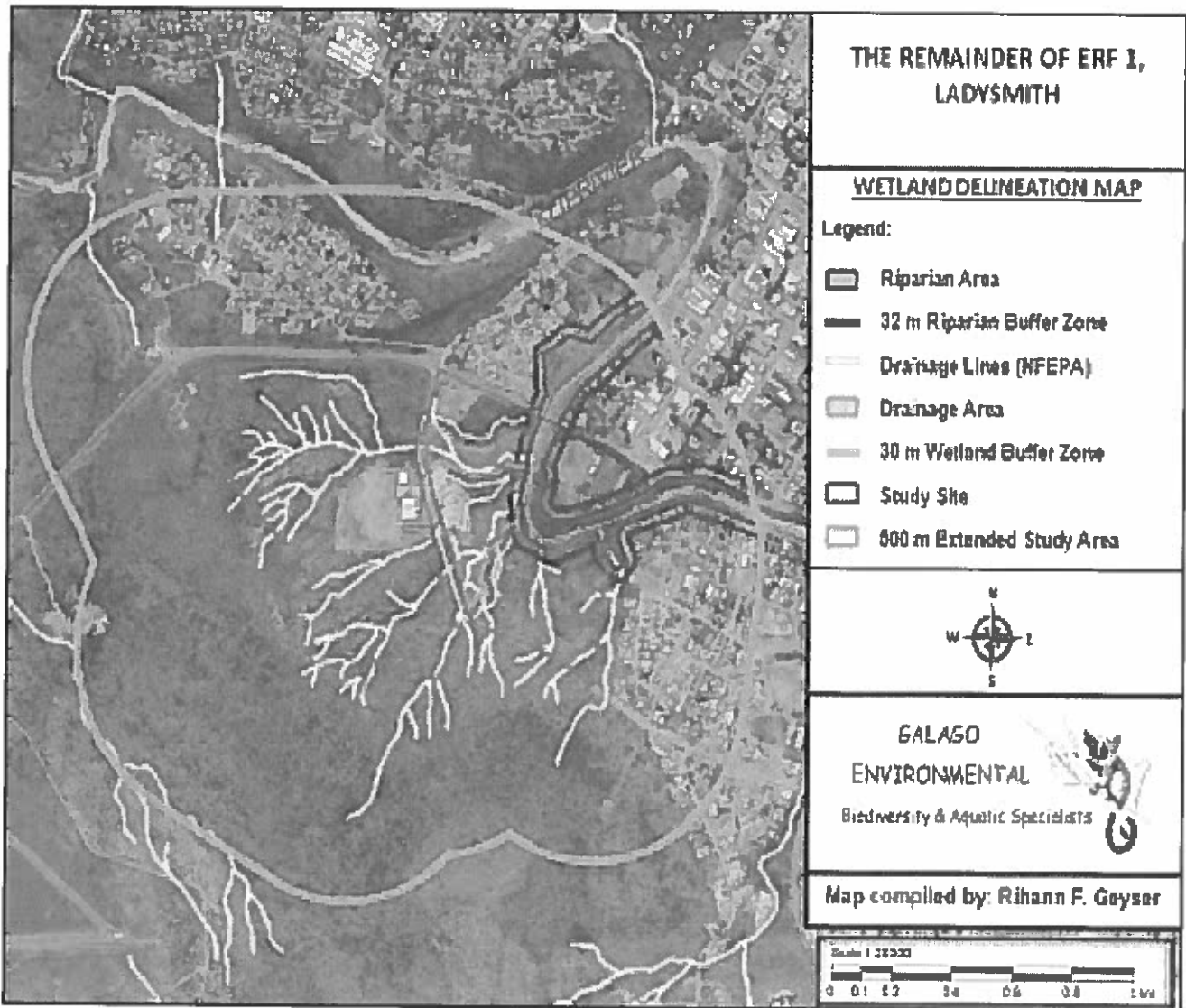
Annexure 4: Aquatic Sensitivity Map



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Annexure 5: Wetland Delineation Map



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