

APPENDIX P
ADDITIONAL DOCUMENTATION



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Environment House · 473 Steve Biko Road, Arcadia, · PRETORIA
Tel (+ 27 12) 399 9372

DEA Reference: 14/12/16/3/3/2/665

Enquiries: Ms Portia Makitla

Telephone: 012-399 9411 **E-mail:** pmakitla@environment.gov.za

Mr Richard Sihle Ngcamu
Richards Bay Industrial Development Zone SOC Ltd
P.O. Box X1005
RICHARDS BAY
3900

Tel: 035 788 0571
Email: sihle.ngcamu@rbidz.co.za

PER EMAIL / MAIL

Dear Mr Ngcamu

ENVIRONMENTAL AUTHORISATION FOR THE CONSTRUCTION OF THE PROPOSED RICHARDS BAY INDUSTRIAL DEVELOPMENT ZONE PHASE 1F INSTALLATION OF THE BULK INFRASTRUCTURE SERVICES, RICHARDS BAY, KWAZULU-NATAL PROVINCE

With reference to the above application, please be advised that the Department has decided to grant authorisation. The environmental authorisation (EA) and reasons for the decision are attached herewith.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2010 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 12 (twelve) days of the date of the EA, of the Department's decision in respect of your application as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 7 of the Regulations, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached document. Kindly include a copy of this document with the letter of notification to interested and affected parties.

Should the applicant or any other party wish to appeal any aspect of the decision a notice of intention to appeal must be lodged by all prospective appellants with the Minister, within 20 days of the date of the EA, by means of one of the following methods:

By post: Private Bag X447,
Pretoria,
0001; or

By hand: Environment House
473 Steve Biko,
Arcadia,

MS

If the applicant wishes to lodge an appeal, it must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection, should you intend to submit an appeal.

Appeals must be submitted in writing to:

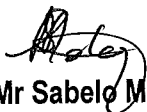
Mr Z Hassam Director: Appeals and Legal Review, of this Department at the above mentioned addresses or fax number. Mr Hassam can also be contacted at:

Tel: (012) 399 9356

Email: AppealsDirectorate@environment.gov.za

The authorised activities must not commence within twenty (20) days of the date of signature of the authorisation. Further, please note that in terms of section 43(7) of the National Environmental Management Act, 1998, an appeal under section 43 of that Act will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you must not commence with the activity until such time that the appeal is finalised.

Yours sincerely



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs

Date: 27/09/2011

CC:	Ms Vanessa Stippel	NEMAI	Tel: 011 781 1730	Email: vanessas@nema.co.za
	Khululiwe Mathenjwa	DEDTEA: UThungulu District	Tel: 035 780 0309	Email: mathenjwak@kznded.gov.za
	Sharin Govender	uMhlatuze Local Municipality	Tel: 035 907 5174	Email: sharin.govender@richemp.org.za



APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R. 543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION (EA)

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive EA from the relevant Competent Authority (the Department of Environmental Affairs [DEA]).	1. Receive EA from Applicant/Consultant.
2. Within 12 days of date of the EA notify all IAPs of the EA and draw their attention to their right to appeal against the EA in terms of Chapter 7 of the Regulations.	2. N/A.
3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA with the Minister of Environmental Affairs (the Minister).	3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA. with the Minister of Environmental Affairs (the Minister).
4. After having submitted your notice of intention to appeal to the Minister, provide each registered IAP with a copy of the notice of intention to appeal within 10 days of lodging the notice.	4. After having submitted your notice of intention to appeal to the Minister, provide the applicant with a copy of the notice of intention to appeal within 10 days of lodging the notice.
5. The Applicant must also serve on each IAP: <ul style="list-style-type: none"> • a notice indicating where and for what period the appeal submission will be available for inspection. 	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> • a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
6. The appeal must be submitted in writing to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.	6. The appeal must be submitted to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.
7. Any IAP who received a notice of intention to appeal may submit a responding statement to that appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.	7. An Applicant who received notice of intention to may submit a responding statement to the appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.

NOTES:

1. An appeal must be:-

- a) submitted in writing;
- b) accompanied by:
 - a statement setting out the grounds of appeal;
 - supporting documentation which is referred to in the appeal; and
 - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62.



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

In terms of Regulation 36 of the Environmental Impact Assessment Regulations, 2010

Richards Bay Industrial Development Zone Phase 1F installation of the bulk infrastructure services

uThungulu District Municipality

Authorisation register number:	14/12/16/3/3/2/665
Last amended:	<i>First issue</i>
Holder of authorisation:	<i>RICHARDS BAY INDUSTRIAL DEVELOPMENT ZONE</i>
Location of activity:	<i>KWAZULU NATAL PROVINCE: Within uMhlatuze Local Municipality</i>

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.

Decision

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 activities specified below.

Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the EIA Regulations, 2010.

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

Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act 107 of 1998) and the Environmental Impact Assessment Regulations, 2010 the Department hereby authorises –

RICHARDS BAY INDUSTRIAL DEVELOPMENT ZONE

with the following contact details –

Mr Richard Sihle Ngcamu
Richards Bay Industrial Development Zone SOC Ltd
P.O. Box X1005
RICHARDS BAY
3900

Tel: 035 788 0571

Email: sihle.ngcamu@rbidz.co.za

To undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notices 1, 2 or 3 (GN R. 544, 545 & 546):

Listed activities	Activity/Project description
<p><u>GN R. 544 Item 9:</u> <i>The construction of facilities or infrastructure exceeding 1000 metres in length for the bulk transportation of water, sewage or storm water -</i></p> <p><i>(i) with an internal diameter of 0,36 metres or more; or</i></p> <p><i>a. such facilities or infrastructure are for bulk transportation of water, sewage or storm water or storm water drainage inside a road reserve; or</i></p> <p><i>b. where such construction will occur within urban areas but further than 32 metres from a watercourse, measured from the edge of the watercourse.</i></p>	<p>The proposed development includes the development of 2.7km of water pipelines with diameters of 150mm, 200mm, 250mm, 300mm, 350mm, 400mm & 450mm. The throughput of the proposed pipeline is 94.3 litres per second for domestic water and 100 litres per second for firewater (6000 litres per minute). Approximately 2.3km of storm water pipelines of 450mm, 525mm, 675mm, 750mm, 900mm, 1050mm, 1350mm, 1500 mm, 1650mm and 1800mm diameters will also be developed.</p>
<p><u>GN R. 544 Item 11:</u> <i>The construction of:</i></p> <p><i>(ii) bridges;</i></p> <p><i>(x) buildings exceeding 50 square metres in size; or</i></p> <p><i>(xi) infrastructure or structures covering 50 square metres or more where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</i></p>	<p>The proposed development will be constructed within 32m from the edge of the watercourse. There are a number of wetlands on the proposed site.</p>
<p><u>GN R. 544 Item 18:</u> <i>The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, pebbles or rock from (i) a watercourse.</i></p>	<p>Wetlands will be infilled as part of this development. In Alternative B all three wetlands on site are infilled whereas in Alternative 2, Wetland A and part of Wetland B will be conserved. The total volume for the road crossing fills and the site platform is 348 407 m³.</p>
<p><u>GN R. 545 Item 15:</u> <i>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</i></p>	<p>Approximately 102 hectares of land will be developed for industrial use. The site is currently undeveloped/vacant although is already zoned for industrial use.</p>

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Listed activities	Activity/Project description
<p>20 hectares or more; except where such physical alteration takes place for:</p> <p>(i) linear development activities; or</p> <p>(ii) agriculture or afforestation where activity 16 in this Schedule will apply.</p>	
<p><u>GN R. 546 Item 13:</u></p> <p>The clearance of an area of 1 hectare or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, except where such removal of vegetation is required for:</p> <p>(1) the undertaking of a process or activity included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008(Act No. 59 of 2008), in which case the activity is regarded to be excluded from this list.</p> <p>(2) the undertaking of a linear activity falling below the thresholds mentioned in Listing Notice 1 in terms of GN No. 544 of 2010.</p>	<p>A portion of the site is located within a Level 3 Critical Biodiversity Area (CBA) according to the Ezemvelo KZN Wildlife Systematic Conservation Plan. Approximately 102 hectares will be developed as part of RBIDZ 1F.</p>

as described in the Environmental Impact Assessment Report (EIAR) dated July 2016 at:

Alternative S1	Latitude	Longitude
Study area coordinates	28°44' 08.88"E	32°02'07.96"S
	28°43' 51.83"E	32°01'25.66"S
	28°44' 22.64"E	32°01'04.28"S
	28°44' 40.52"E	32°01'12.33"S

- for the Richards Bay Industrial Development Zone Phase 1F installation of the bulk infrastructure services, Richards Bay, KwaZulu-Natal Province, hereafter referred to as "the property".

The proposed project involves the installation of all this necessary infrastructural services:

- Internal roads;
- Sewer infrastructure;
- Internal electrical infrastructure;
- Water mains;
- Storm water infrastructure;
- Other infrastructure such as the entrance gate complex and ICT infrastructure; and
- The development also includes the infill of some wetlands on site to release the land for development.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The following preferred alternatives are approved:

Access Route:	Alternative 1
Water crossing type:	Alternative 2 (Bridge)
Layout:	Alternative 2
Sewer pipeline material:	Alternative 1 (uPVC)
Water pipeline material:	Alternative 1 (mPVC)
Storm water pipeline material:	Alternative 1 (concrete)

2. Authorisation of the activity is subject to the conditions contained in this authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised must only be carried out at the property as described above.
5. 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.

6. This activity must commence within a period of five (5) years from the date of issue of this authorisation. 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.
7. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
8. The holder of an environmental authorisation must apply for an amendment of environmental authorisation with the competent authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.

Notification of authorisation and right to appeal

9. The holder of the authorisation must notify every registered interested and affected party, in writing and within 12 (twelve) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
10. The notification referred to must –
 - 10.1. specify the date on which the authorisation was issued;
 - 10.2. inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Environmental Impact Assessment Regulations, 2010;
 - 10.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 10.4. give the reasons of the competent authority for the decision.
11. The holder of the authorisation must publish a notice –
 - 11.1. informing interested and affected parties of the decision;
 - 11.2. informing interested and affected parties where the decision can be accessed; and
 - 11.3. drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in the newspaper(s) contemplated and used in terms of regulation 54(2)(c) and (d) and which newspaper was used for the placing of advertisements as part of the public participation process.

Management of the activity

12. The Environmental Management Programme (EMPr) submitted as part of the Application for EA is hereby approved. This EMPr must be implemented and adhered to.

Monitoring

13. The applicant must appoint an independent Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMPr.
- 13.1. The ECO must be appointed before commencement of any authorised activity/ies.
- 13.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
- 13.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 13.4. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.
- 13.5. 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.

Recording and reporting to the Department

14. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this authorisation, must be submitted to the *Director: Compliance Monitoring* at the Department.
15. The holder of the authorisation must submit an environmental audit report to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and within 30 days of completion of rehabilitation activities.
16. The environmental audit report must 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 requirements of the EMPr.

Commencement of the activity

17. The authorised activity must not commence within twenty (20) days of the date of signature of the authorisation.
18. In terms of section 43(7), an appeal under section 43 of the National Environmental Management Act, 1998 will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged you may not commence with the activity until such time that the appeal has been finalised.

Notification to authorities

19. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence, as well as a reference number. This notification period may coincide with the notice of intent to appeal period.

Operation of the activity

20. A written notification of operation must be given to the Department no later than fourteen (14) days prior to the commencement of the activity operational phase.

Site closure and decommissioning

21. Should the activity ever cease or become redundant, the applicant must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

Specific conditions

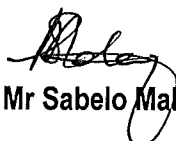
22. A Permit must be obtained from Department of Agriculture and Forestry and Fisheries prior to any damage to the Northern Coastal Forest area.
 23. Search and Rescue of *Hypoxis hemerocallidea* (Star flower/African potato) and *Boophane disticha* (Century plant) and *Eulophia speciose*) must take place.
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24. No exotic plants must be used for rehabilitation purposes. Only indigenous plants of the area must be utilised.
25. Vegetation clearing must be kept to an absolute minimum. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
26. Construction must include appropriate design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off.
27. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal.

General

28. A copy of this authorisation and the approved EMPr must be kept at the property where the activity/ will be undertaken. The authorisation and approved EMPr 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 at the property.
29. The holder of the authorisation must notify both the *Director: Strategic Infrastructure Developments* and the *Director: Compliance Monitoring* at the Department, in writing and within 48 (forty eight) hours, if any condition of this authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
30. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority 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.

Date of environmental authorisation: 27/09/2016



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

Annexure 1: Reasons for Decision

1. Information considered in making the decision

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

- a) The information contained in the EIAR dated July 2016;
- b) The comments received from the organs of state and interested and affected parties as included in the EIAR dated July 2016;
- c) Mitigation measures as proposed in the EIAR and Wetland Mitigation Plan dated July 2016 and the EMPr;
- d) The information contained in the specialist studies contained within Appendix D of the EIAR;
- e) Findings of the site visit conducted on 24 May 2016; and
- f) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998).

2. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The purpose of the project is to develop an industrial estate in order to attract local and foreign investors who will create production capacity to beneficiate South Africa's raw materials prior to export and will thereby create employment and improve the skills base.
- c) The EIAR dated July 2016 identified all legislation and guidelines that have been considered in the preparation of the EIAR dated July 2016.
- d) The methodology used in assessing the potential impacts identified in the EIAR dated July 2016 and the specialist studies have been adequately indicated.
- e) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2010 for public involvement.

3. Findings

After consideration of the information and factors listed above, the Department made the following findings -

- a) The identification and assessment of impacts are detailed in the EIAR dated July 2016 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) The information contained in the EIAR dated July 2016 is accurate and credible.
- e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the BAR and will be implemented to manage the identified environmental impacts during the construction process.

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 environmental authorisation is accordingly granted.