



**agriculture
& environmental affairs**

Department:
Agriculture
& Environmental Affairs
PROVINCE OF KWAZULU-NATAL

FAX

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| Reference: DC29/0020/09 | Fax: 032 – 551 5787 | Date: 01 June 2012 |

MESSAGE

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| Fax to | SSI Environmental | | |
| Attention | Kushela Naidoo | Total pages | 6 (incl. cover) |
| Fax no | 031 – 719 5505 | Date | 01 June 2012 |
| Regarding | Final Environmental Impact Assessment Report for the Compensation Industrial Business Estate | | |



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Department:
Agriculture
& Environmental Affairs
PROVINCE OF KWAZULU-NATAL

Directorate: Environmental Services

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SSI Environmental
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Attention : Kushela Naidoo
Telephone : (031) 719-5533
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Dear Sir

RE: DC29/0020/09 REJECTION OF FINAL ENVIRONMENTAL IMPACT ASSESSMENT REPORT FOR THE COMPENSATION INDUSTRIAL BUSINESS ESTATE, KWADUKUZA MUNICIPALITY.

The above mentioned application which was received by this Department on 20 March 2012 refers.

The Department has reviewed the application and the following findings have been made:

1. The layout plan that has been proposed for the development has been found to be inadequate. It is unable to provide details on the land use anticipated for the proposed project.

While this Department appreciates the long term projection of this development and the fact that this layout is dependent on the type of clients that it will attract, it is the view of the Department that that the final layout, which will provide details on the final land use, for the proposed development, be prepared and forwarded to this Department for consideration. In addition, the layout should be able to depict all sensitive environmental features on site in relation with the type of activities that are anticipated to be implemented on site.

2. According to the approved Scoping Report and Plan of Study, there is mention made of a land use alternative, this is a residential development or a significantly reduced industrial development.

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According to the **Regulation 31 ((2) g)** of EIA Regulations 543, 18 June 2010 the Environmental Impact Report should be able to identify alternatives to the proposed activity and **Regulation 31 (2) (i)**, suggests that a comparative assessment of all alternatives identified during the environmental impact assessment process be done.

As per the EIR received by the Department there are no alternatives discussed in the Report. Further more, there are no comparative studies undertaken as per the requirement of Regulations. Please provide more information on the alternatives to the proposed activity, as well as layout alternatives to this Department.

3. A need and desirability study must be commissioned for the project to determine whether the proposed activity is still required in this area, taking into consideration a number of similar activities already approved by the Department in the past few years.

Although the planning report does touch on the need of such a development type, it is based on the Sustainable Development Framework and the Land Use Management Systems of KwaDukuza Municipality. There are various developments within Ballito and the surrounding area that already have been approved, which cater for light industrial uses and office space. There are a number of these services that are within a 10 kilometre radius from the proposed site as well. This Department requires an in depth analysis on the need and desirability, taking into consideration the existing and operating services of the same nature and those that have been already approved and will be constructed.

4. **The provision of sanitation:** The Frasers Wastewater Treatment Works (WWTW) is currently operating at less than 6MI per day and has recently had an upgrade to 12MI per day according to page 30 of the Environmental Impact Report (EIR). There are various other developments that have been approved and others that are within the EIA process, most of which are planning on having effluent treated at the Frasers WWTW.

This places a large amount of pressure on this WWTW plant and although there is the potential for an upgrade, there is no guarantee that this will occur. This Department would like proof from Ilembe Municipality that there will be available capacity to accommodate the 7.4MI from the proposed development once it is fully developed and operational.

5. **Provision of electricity:** According to the Compensation Flats Industrial and Business Estate Project, Services Report Electrical Version 03, dated August 2011, prepared by Bosch Projects, page 5 of 26, the KwaDukuza local network is currently close to capacity, and there has been noticeable strain being placed on the network to provide electricity. Confirmation from the KwaDukuza Municipality is required that it will be able to provide the required amount of electricity to the proposed development.

As per recommendations in the Electrical Services Report, page 25 of 26, the following will be required from the Municipality:

- 5.1 Confirmation when the additional 15MVA from Driefontein Substation will be made available.
- 5.2 Confirmation when the building of the Dukuza Substation will take place and when will supply from this substation be made available.
6. Confirmation from the Municipality that there will be water supply for the development.
7. Baseline Ecology Report has been reviewed and the Department requires the following information:

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- 7.1 How are the 'eco-regions 1 and 2' going to be protected during all phases of the project?
- 7.2 How will these areas be managed in terms of eradication and control of alien invasive species during all phases of the project?
- 7.3 What impacts are anticipated on the 'eco-regions' and how significant are these impacts?
- 7.4 What is the anticipated impact of the proposed development on the 'eco-regions', considering the type of development that is proposed?
- 7.5 Specialist recommendations are required for the management and the conservation of the 'eco-regions'.
8. The following comments are significant to the Wetland Impact Assessment Report:
- 8.1 Appendix A is missing from the Wetland Impact Assessment Report, which explains the methodology of the assessment of the impacts identified in the report.
- 8.2 The report has been found to be inadequate as it fails to address the areas of concern that have been highlighted in the approved Scoping Report and Plan of Study.
- 8.3 The report must be conducted as per the description in the Scoping Report and Plan of Study.
- 8.4 In addition, functionality of the wetland systems must be established.
- 8.5 Delineation and establishment of a buffer as per specialist recommendations
- 8.6 Specialist recommendations for the protection of wetlands during all phases of the project.
9. The comments that follow are applicable to the Environmental Management Programme:
- 9.1 Page 8 Sanitation, point 3 must read: Chemical toilet facilities or other approved toilet facilities such as a septic drain must be located more than 32 metres away from the wetland buffer and must not be within the 1:100 year floodline of the river.
- 9.2 Page 8, point 5, *regular basis*, this must be defined. The intervals that waste is cleaned must be clearly defined in a time frame.
- 9.3 Page 9, point 2, *water courses and steep gradients should be avoided as far as possible*. The word should is to be changed to must.
- 9.4 Page 10, point 9, the word *suitably* must be removed.
- 9.5 Page 11, Pollution control measures; point 3, *storage of hazardous substances must not be within 100m of any drainage lines*. This sentence must read: Storage of hazardous substances must not be within 100m of any watercourses, wetland areas and drainage lines.

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- 9.6 Page 12, point 9, sub point 1, *Implement reasonable measures immediately to contain and minimise the impacts of the incident.* Please explain what reasonable measures should be taken.
- 9.7 Page 12, Pump station, point 3 *A contingency plan must be compiled in the event of the pump station failing.* This plan must be submitted to this Department with the EMPr.
- 9.8 Page 14, Wastewater, point 1. *All wastewater generated at the proposed development must be disposed off in a suitable manner so as not to cause any surface or sub surface water pollution or health hazard. Waste water including cement-contaminated water shall not enter any watercourse and shall be managed by the site manager to ensure that the existing water resources on and off site are not polluted by activities emanating from the above development.*

This sentence should read: All wastewater generated at the proposed development must be disposed off in a responsible manner so as not to cause any surface or sub surface water pollution or health hazard. Waste water including cement-contaminated water must not enter any watercourse and shall be managed by the site manager to ensure that the existing water resources on and off site are not polluted by activities emanating from the above development.

- 9.9 Page 14, Spoil and Topsoil and Erosion, point 4, *The developer must exercise suitable precautions with the storage, handling and transport of all materials that could adversely affect the environment. If pollution of any surface or groundwater occurs, it shall immediately be reported to the Department and appropriate mitigation measures must be employed.*

Please provide the suitable precautions that the developer should take when handling, storing and transporting of hazardous materials.


- 9.10 Bullet 1, remove the word suitable.
- 9.11 Bullet 4 must read: Preventing removal of vegetation especially on steep areas, until the area will be used. Taking necessary precautions in terms of design and construction and earthworks, cuts and fills must be taken.
- 9.12 Page 15, Water management, surface water, point 3, the word should is to be changed to must.
- 9.13 Page 18, Wetland management, point 8. Please describe what type of appropriate material should be used.
- 9.14 Page 19, Road crossings, point 4. Remove this condition, as there will be no machinery permitted in the wetland for the installation of pipes. Alternate methods of access to the wetland must be established and implemented.
- 9.15 Page 19, Pipeline infrastructure, point 1. remove the words where possible.
- 9.16 Page 20, Air quality, point 6, the condition must read: A complaints register must be maintained onsite to report any excessive dust incidents.
- 9.17 Page 21, Noise, point 2, remove the word appropriate.

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9.18 Page 22, Excavations, point 2. Reasonable – this must be defined, what reasonable measures should be taken to prevent damage to archaeological finds.

Should you have any queries with regards to this correspondence please do not hesitate to contact this Department

Yours faithfully


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