

DRAFT **ENVIRONMENTAL SCOPING REPORT**



ON THE PROPOSED **UMLAAS GATE LIGHT INDUSTRIAL DEVELOPMENT**

**SITUATED ON PORTION 12 (OF 9) OF THE FARM UITVLUGT No.
858 AND PORTIONS 38, REMAINDER OF 57, REMAINDER OF 62,
171 AND 203 (OF 190) ALL OF THE FARM VAALKOP AND
DADELFontein No. 885 ON PROVINCIAL MAIN ROAD 338 (THE
UMLAAS ROAD – THORNVILLE ROAD) AND DISTRICT ROAD 354
WITHIN
MSUNDUZI LOCAL AND UMGUNGUNDLOVU DISTRICT
MUNICIPALITIES OF KWAZULU-NATAL**

August 2018

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1. INTRODUCTION

1.1. OVERVIEW OF THE APPLICATION

Guy Nicolson Consulting CC has been appointed in terms of the requirements of the Environmental Impact Assessment (EIA) Regulations of 2014, as amended by the EIA regulations of the 7th April 2017, as the independent Environmental Assessment Practitioner (EAP) by the applicant, Super Digger Holdings (Pty) Ltd.

The appointment is to implement the required Environmental Impact Assessment (EIA) procedures with the intention of obtaining a positive environmental authorization for their proposed light industrial development, to be called Umlaas Gate.

This proposed Umlaas Gate development is to be located on the properties described as Portion 12 (of 9) of the Farm Uitvlugt No. 858 and the Portions 38, Remainder of 57, Remainder of 62, 171 and 203 (of 190) all of the Farm Vaalkop and Dadelfontein No. 885, which form the contiguous applicant site of a total area of 170.0878 hectares.

These properties are situated within Msunduzi Local and Umgungundlovu District Municipalities of the province of KwaZulu-Natal. The Umlaas Road to Thornville provincial main road P338 (also known as the R603) forms the north eastern boundary of part of the site, with the site projecting slightly eastwards of this road, up to the edge of a presently unused Transnet rail servitude. The site lies at the extreme southern edge of Msunduzi Municipality, with the Mkhambathini Local Municipality being its neighbour along this edge. A Location Plan and other figures of the site are included with the figures after the text of this report, whilst Section 5 describes the features of the site.

The details of the applicant for this environmental authorization are as follows :

Trading name :	Super Digger Holdings (Pty) Ltd		
Contact person:	Justin Smith		
Physical address:	Lot 152 Capital Hill Drive Cliffdale		
Postal address:	PO Box 213 Hammarsdale		
Postal code:	3700	Cell:	083 226 3650
Telephone:	031 7366010	Fax:	•
E-mail:	justin@superdigger.co.za		

The properties comprising the applicant site have been purchased by Super Digger Holdings (Pty) Ltd with a suspensive condition of the property being rezoned to light industrial. Once approved, registration of transfer shall take place and then Super Digger Holdings shall develop the property. Details of the current property owners, before transfer takes place, are provided in section 5 of this scoping report.

This Scoping Report is produced in terms of the relevant EIA regulatory procedures, as elaborated on further within Section 3 below, and has been circulated to the relevant state organisations and registered interested and / or affected parties for their consideration and comment, as is described in more detail within Section 11 of this Scoping Report.

Comments on this report, to be taken into account in the further EIA processes for this application, may be sent to:

Mr. Guy Nicolson

Guy Nicolson Consulting cc Postal Address:

6 Indwa Place Kloof 3610

Telephone 031 7642515 and 082 772 9941

Email: guyn@saol.com

Email is the preferred form of communication.

Any comments received on this Scoping Report will be taken into further account in the EIA process, as directed by the competent authorizing authority for this application, which is the KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs (DEDTEA), and will be administered by the regional office of Environmental Directorate, within their Umgungundlovu District office located within Pietermaritzburg.

This Scoping Report is a public document which may be freely copied and disseminated further to any other parties. However, this report, including all supporting documentation contained within its appendices, may not be altered or added to without the prior written consent of Guy Nicolson Consulting CC.

This Scoping Report consists of three main components:

- This main text.
- Figures which illustrate the site and its surroundings, and also what is proposed on it, post the granting of any positive environmental authorization and the other town planning permissions required.

1.2. THE PRE-APPLICATION MEETING WITH THE COMPETENT AUTHORITY

As is a required procedure within the implementation of the 7th April 2017 regulations, a pre-application meeting was held on the 4th April 2018 at their Umgungundlovu District Office in Pietermaritzburg with the competent authorities, the DEDTEA, and representatives of the applicant and Guy Nicolson as the EAP.

At this meeting, the general nature of what was proposed in the development was presented and the related activities that would be applied for were discussed. The overall nature of the EIA process and its related public

participation requirements was agreed upon, and the sorts of specialist studies that would be required to be undertaken were identified. What was agreed to at this pre-application meeting has been applied within this scoping report.

In terms of the requirements of the EIA regulations of April 2017 and as agreed also at the meeting with the competent authority, this draft scoping report is provided to all registered interested or affected parties, including all relevant government organisations and the competent authority the DEDTEA, with a comments period of 30 days, as prescribed in the 2017 EIA regulations.

After comments have been received on or within 30 days of its circulation, a final scoping report will be produced and provided to the DEDTEA for its approval.

Upon approval of the final scoping report, an Environmental Impact Report will be produced, in terms of the Plan of Study for an impact Assessment that is provided within section 10 of this scoping report.

A more full review of the Environmental Impact Assessment procedures that are to be followed in this application is also provided below within section 3 of this scoping report.

2. **THE LISTED ACTIVITIES FOR WHICH THE ENVIRONMENTAL AUTHORIZATION IS REQUIRED**

The application for an Environmental Authorization (permit) and the related EIA process is conducted in terms of the EIA Regulations of 2014, as amended by those of 7th April 2017, which have been promulgated under the National Environmental Management Act, Act 107 of 1998. In terms of these regulations, the activities for which an Environmental Authorization is being applied for in the application for authorization form submitted to the competent authority are tabulated below.

THE LISTED ACTIVITIES BEING APPLIED FOR

Reg. No. 327 of 7 th April 2017 Listing Notice1	Activity 9	There will be the substantial construction of storm water pipes of a length and dimension to exceed the threshold limits for this activity.
Reg. No. 327 of 7 th April 2017 Listing Notice1	Activity 10	If there is the need to transport waste water to off the site to another waste water treatment works, the threshold for the transport of sewage in a pipe could be exceeded.
Reg. No. 327 of 7 th April 2017 Listing Notice1	Activity 12	There are wetlands and water courses on the site, which may be directly impacted on by the development or have development within 32 metres of them, through platforms, infrastructure, or storm water management structures.
Reg. No. 327 of 7 th April 2017 Listing Notice1	Activity 24	There will be development of roads wider than 8m on the site which collectively could be greater than 1 kilometre
Reg. No. 327 of 7 th April 2017 Listing Notice1	Activity 28	Industrial development of an area larger than 1 hectare will occur on land that was farmed after 1 April 1998.
Reg. No. 325 of 7 th April 2017 Listing Notice 2	Activity 15	There will be the clearance of more than 20 hectares of indigenous vegetation in the creation of the industrial development.
Reg. No. 324 of 7 th April 2017 Listing Notice 3	Activity 2 (d) xii (aa)	For any reservoirs of more than 250m ³ within 5km from the Mpushini Protected Area identified in terms of NEMPAA.
Reg. No. 324 of 7 th April 2017 Listing Notice 3	Activity 4 (d) xii (aa)	The development of a road wider than 4m or a reserve less than 13.5m within 5km of the Mpushini Protected Area identified in terms of NEMPAA.
Reg. No. 324 of 7 th April 2017 Listing Notice 3	Activity 14. (vi)(x)(xii)	Stormwater outlets, buildings and infrastructure and structures exceeding 10m ² within 5km of the Mpushini Protected Area identified in terms of NEMPAA
Reg. No. 324 of 7 th April 2017 Listing Notice 3	Activity 18. (d) xii (aa)	The widening of a road by more than 4m, or the lengthening of a road by more than 1 kilometre within 5km of the Mpushini Protected Area identified in in terms of NEMPAA

It should be noted that this list of activities requiring an environmental authorization that is tabulated above is in some respects provisional, in that certain information, such as to do with the dimension of pipes that trigger the requirement for an environmental authorization, or the nature of the waste water disposal system that will be applied in the proposed development has not yet been fully investigated and decided upon.

However, this sort of information should become available when the various specialist studies, such as the engineering ones, have been completed during the Environmental Impact Report phase of this EIA process, as is elaborated on further below in the next section.

3. EIA PROCESS FOLLOWED AND REGISTRATION OF THE EIA APPLICATION

3.1. OVERVIEW OF THE EIA PROCESS

This EIA process being implemented in this application is summarised below from the relevant sections of EIA Regulation 326 of 7th April 2017. This process is carried out by the environmental impact assessment practitioner (EAP) on behalf of the applicant, and is as follows:

1. Submission of the Application for Authorization form to the competent authority, the KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs (DEDTEA) for the registration of this application.
2. The DEDTEA registers the application and notifies the independent environmental impact assessment practitioner (EAP), and the applicant by faxed or emailed letter, and provides the EIA registration number and the date 44 days after registration by which the final scoping report must be submitted to the relevant, eThekweni Regional Office, of the DEDTEA for consideration for approval.
3. The public participation process of appropriate newspaper advertisement, posters on the site, registered letters to adjacent property owners, and municipal ward councillor and potential other interested and affected parties, such any surrounding communities is implemented immediately on registration. These notifications advise of the EIA process that is being commenced with, invites them to be registered as in interested and affected party, and that there is a 30 days comments period to be provided from the date of their notification.

This public participation process is permitted to proceed before the registration of the application, to permit issues to identified early on, and to ensure that comments to be included in the draft scoping report are received within the prescribed timeframes related to the submission of the final scoping report to the competent authorities.

4. Within 44 days of receipt of the application by the competent authority the submission to this authority a final Scoping Report which has been subjected to a public participation process of at least 30 days, and which reflects the incorporation of comments received and the competent authority, and which also includes, amongst its other regulatory requirements, the Plan of Study for the subsequent environmental impact assessment process.
5. The competent authority must within 43 days of the receipt of the Scoping Report :
 - (a) Accept the scoping report, with or without conditions, and advise the applicant to proceed or continue with the tasks contemplated in the plan of study for an environmental impact assessment.
 - (b) Refuse the scoping report, with reasons.

6. Within 106 days of the acceptance of the Scoping Report the submission to the competent authority of an environmental impact report, inclusive of any specialist reports, and an Environmental Management Programme (EMPr) which must have been subjected to a public participation process of at least 30 days, and which reflects the incorporation of comments received, including an comments of the competent authority. Therefore, there will be the prior circulation of a draft Environmental Impact Report for comment prior to its finalization, with comments received, and its submission to the competent authority.
7. The competent authority must within 107 days of receipt of the Environmental Impact Report and EMPr, in writing :
 - (a) Grant the environmental authorization in respect of all or part of the activity applied for, or:
 - (b) Refuse environmental authorization.
8. The applicant must within a time prescribed within the environmental authorization notify all interested and affected parties of the decision of the competent authority, with reasons, and also of their right to appeal in terms of the National Appeal Regulations contained within EIA Regulations 993 of 8th December 2014.

These above processes are intended to ensure that all relevant parties may be informed of, and be provided with an opportunity to contribute to, the EIA process and that, based on the documentation provided within the various reports mentioned above, the competent authority can make as informed a decision as is reasonably possible on whether the applied for activity should be permitted or not and, if permitted, what conditions should apply to its implementation.

3.2. THE OBJECTIVES OF THE SCOPING PROCESS

As provided in Appendix 2 of EIA Regulation 326 of 7th April 2017 the objective of the scoping process is to, including through a consultative process :

1. Identify the relevant policies and legislation relevant this activity.
2. Motivate for the need and desirability of the proposed activity, including the need and desirability of the activity within the context of the preferred location.
3. Identify and confirm the preferred activity and technology alternative through an identification of the impacts and risks and ranking process of such impacts and risks.
4. Identify and confirm the preferred site, through a site selection process, which includes an identification of impacts and risks, inclusive of identification of cumulative impacts and a ranking process of all the identified alternatives,

focussing on the geographic, physical, biological, social, economic, and cultural aspects of the environment.

5. Identify key issues to be addressed in the assessment phase.
6. Agree on the level of assessment to be undertaken, including the methodology to be applied, the expertise required, as well as the extent of further consultation to be undertaken to determine the impacts and risks the activity will impose on the preferred site the life of the activity.
7. Identify suitable measures to avoid, manage or mitigate the identified impacts and to determine the residual risks that need to be managed and monitored.

4. EXPERTISE OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER AND THEIR AFFIRMATION OF INDEPENDENCE

4.1. EXPERTISE OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Appendix 2 of Government Regulation 326 of 7th April 2017, which prescribes what must be contained within a Scoping Report, requires that the details of the appointed independent environmental impact assessment practitioner (EAP) be provided, including a curriculum vitae, and this is therefore provided below.

Guy Nicolson, as the EAP, operates within the consultancy, Guy Nicolson Consulting CC (registration number CK 1993/07200/23) and holds a BSc. (Biological Sciences), BSc. Honours (Ecology), MSc. (Environmental aspects of Urban & Regional Planning), B.Ed (Postgraduate in education) from the University of Natal, and a Higher Diploma in Education (Postgraduate) from the University of South Africa.

He is professionally registered with:

- The South African Association of Natural Scientific Professions as an Environmental Scientist (Registration Number 400054/90)
- International Association of Impact Assessment: South Africa, as a professional consultant (Registration Number 597)

Guy Nicolson has practised as an environmental and planning consultant since 1987 and has been involved in this capacity in a great number of Environmental Impact Assessments of varying sizes, complexity and related controversy, as well as other strategic planning and development projects as both the principal consultant and as an environmental specialist. He has been employed in this capacity by the national government, provincial and local authorities, organisations such as the Development Bank of South Africa, Wildlife and Environment Society of South Africa, Eskom as well as many private development companies and individuals. He has at various times lectured in a part time capacity in the field of environmental planning and management at the University of KwaZulu-Natal, the Durban University of Technology and currently the University of Cape Town.

Based on the above, he is considered to have the expertise to carry out the required EIA processes for this application, and has been accepted as such by the competent authority, the KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs. As also required within Appendix 2 of Regulation 326 of 7th April 2017, Section 12 of this scoping report provides and undertaking under oath or affirmation by the EAP in regard to the correctness of the information provided in this scoping report.

5. **DESCRIPTION OF THE PROPERTY AND THE AFFECTED ENVIRONMENT**

5.1. INTRODUCTION

The purpose of this Section 5 is to provide an introductory overview of the relevant features of the site and its influent surroundings and, in particular, to comment on their implications for developing it in the manner proposed in this application.

The information provided in this description of the site and those figures which illustrate site qualities is drawn from site inspections and the extraction of data from relevant Geographic Information System (GIS) data bases. The figures and photographs referred to which illustrate many of the features of the site and its environs which are described in this section are included after the text of this scoping report.

However, it is not the function of the Scoping Report to include specialist reports dealing with more detailed descriptions and related particular aspects from their particular specialist perspectives, where further information or assessments are required. These will be provided as appendices to the environmental impact report, which is to be compiled after the scoping phase of the EIA is completed.

5.2. CADASTRAL DESCRIPTION, AREA AND OWNERSHIP, AND TITLE DEED

The table below provides the cadastral description, areas, ownership and the title deed numbers of the properties comprising the site, as provided by the project's land surveyors, MHP Geomatics, totalling 170.0878 hectares..

PROPERTY	AREA Hectares	OWNER	TITLE DEED NUMBER
Portion 12 (of 9) of the Farm Uitvlugt No. 858	1.3861	David Henry Hutton	T3982/2004
Portion 38 of the Farm Vaalkop and Dadelfontein No 885	40.4686	David Henry Hutton	T3982/2004
Rem of 57 of the Farm Vaalkop and Dadelfontein No 885	38.0515	David Henry Hutton	T3982/2004
Rem of 62 of the Farm Vaalkop and Dadelfontein No 885	14.4143	James David Naysmith	T63200/2008
Portion 171 of the Farm Vaalkop and Dadelfontein No 885	63.9404	David Henry Hutton	T3982/2004
Portion 203 (of 190) of the Farm Vaalkop and Dadelfontein No 885	11.8269	Jarax (Pty) Ltd	T19397/2018

The 21 digit Surveyor General Code, and title deed numbers of the properties are :

PROPERTY	21 DIGIT SURVEY CODE	SURVEYOR GENERAL NUMBER
Portion 12 (of 9) of the Farm Uitvlugt No. 858	NOFT00000000085800012	SV373F63
Portion 38 of the Farm Vaalkop and Dadelfontein No 885	NOFT00000000088500038	SV2F39
Rem of 57 of the Farm Vaalkop and Dadelfontein No 885	NOFT00000000088500057	2418/1970
Rem of 62 of the Farm Vaalkop and Dadelfontein No 885	NOFT00000000088500062	SVF63
Portion 171 of the Farm Vaalkop and Dadelfontein No 885	NOFT00000000088500171	SV1083/1941
Portion 203 (of 190) of the Farm Vaalkop and Dadelfontein No 885	NOFT00000000088500203	SV136F13

The required appropriately completed Landowners Consent Form to permit this EIA application to occur on their properties has been signed by the authorized persons for each property, submitted with the Application for an Environmental Authorization to the competent authority during the registration process for this application.

5.3. LOCATION, CONTEXT AND THE SURROUNDING ENVIRONMENT

The geographic co – ordinates for the approximate center of the site are provided within the table below.

THE GEOGRAPHIC COORDINATES OF THE APPROXIMATE CENTER OF THE SITE

Latitude /Longitude	Degrees	Minutes	Seconds
South	29	43	11.74
East	30	28	1.796

The applicant site that is comprised of the collective properties described above is located within the Msunduzi Local Municipality and Umgungundlovu District Municipality. The location map shows the location of the site within its wider environment, and the aerial photograph of the site which are included with the other figures after the text of this report illustrate the site and its adjacent surrounding areas.

To the south of the site, at the eastern side, there occurs the P338 provincial main road that connects from the interchange with the N3 highway about 1.8 km to the east at Umlaas to Thornville further away to the west of the site. Opposite this part of the site, there is the new Gromor factory which has recently become established in this area.

Further to the west the southern boundary of the site extends as a narrow strip of land across the P338 main road and follows the curved path of a Transnet railway line servitude that occurs there. There is presently no operational railway line within this servitude, which extends also further west and east of the site where, in the latter case, it joins with the main Durban – Gauteng railway line.

Beyond the southern boundary of the site formed by the P338 road and the railway line servitude, the land in this area is sugar cane farmland that falls within the adjacent Mkhambathini Local Municipality.

To the north of the site, the land descends into the valley of the Malkopspruit into which the site drains. The Malkopspruit is in turn a tributary of the small Mpushini River, that is in turn a tributary of the Umgeni River. The Mpushini Protected Environment is located within the catchment area of this river, and is discussed further in the next section below.

The area below in this valley is largely a wooded bushveld / savannah type vegetation, with some smallholdings on some of the upper slopes. The main Durban – Johannesburg railway line traverses this valley.

Further away to the north east the developing iBhubesi Light Industrial Development that gains its access from the R103 main road, and to the north of this is the suburb of Lynnfield Park, and also the Msunduzi Municipality's waste water treatment works below it that serves this suburb, and also the iBhubesi Light Industrial Development.

The district road D354, which originates in the south with its intersection with the provincial main road P338, opposite the Gromor facility, passes through the site for a short distance and meanders through the valley and up its north eastern slopes to ultimately intersect with the R103 provincial main road after passing through the suburb of Lynnfield Park.

To the south of the site across the P338 at its intersection with district road D354 there occurs the newly completed Gromor compost and fertilizer facility. The rest of the site to the south is comprised of sugar cane farmlands.

To the east the site there is also largely open undeveloped land until the N3 highway is reached, about 1.5km away from the site at its nearest point. The Umlaas Road Light Industrial development, where the vehicle logistics firm of Onelogix is currently the only occupant on the majority of the area of the site occurs to the east along the P338 main Road. This light industrial development is served by own approved waste water treatment works.

5.4. THE MPUSHINI PROTECTED ENVIRONMENT

The Mpushini Protected Environment has been gazetted in the Provincial Gazette for KwaZulu-Natal No. 552 dated 17th September 2011 Volume 5, in accordance with provisions of the National Environmental Management Protected Areas Act (Act 57 of 2003).

The Mpushini Protected Environment of a total area of 6.17km² is not a single entity and map showing this different areas that collectively comprise the area, together with a circumference drawn on the map which indicates which of them lies within 5km of the applicant Umlaas Gate site is included with the other figures after the text of this report. The inclusion of the site within 5km of this protected environment is of particular significance in the EIA process because, as also indicated in the listed activities identified within section 2 above of this report, certain listed activities are identified as being “triggered” due to being within 5km of it.

The governance of this protected area is by the Mpushini Protected Environment Landowners’ Association. As advised by Ms. Pandora Long, as an initial contact person suggested by Msunduzi Local Municipality, there are four conservation groupings with common objectives and different focus areas that work together to support the Mpushini Protected Environment and broader conservation interests of the Eastern Gateway of PMB. These were provided below as follows :

MPELA – Mpushini Protected Environment Landowners Association –
Chairperson: Nicole May
Lower Mpushini Valley Conservancy - Chairperson Keith Brown
Upper Mpushini Conservancy – Stefani Schutte
Preservation of the Mkondeni Mpushini Biodiversity Trust – Chairperson –
Pandora Long
Conservancies KZN – Exec Committee – Edith Elliot

The nearest portion of the overall Mpushini Protected Environment the property is Portion 78 of the Farm Uitvlugt was subdivided to form the Tangle Thorn Housing Estate. The Chairman of this Home Owners Association for this housing estate, Mr. Les Uppink.

These organisations, as represented by the various persons listed above in each case, have been included as registered interested and affected parties for the purposes of this EIA process.

5.5. THE MSUNDUZI MUNICIPALITY'S ENVIRONMENTAL MANAGEMENT FRAMEWORK RELEVANT TO THE SITE

The legislative background to and purpose of the Environmental Management Framework Regulations, 2010 is discussed further within section 7 of this report, where a review of the legislation relevant to this EIA process is provided.

Of particular note in regard to this application for an environmental authorization is that the Msunduzi Municipality have compiled and gazette an Environmental Management Framework for their municipal area, and therefore covering this applicant site.

The map of that portion of this environmental management framework that is relevant to this application, together with the superimposition of the boundaries of the applicant site has been obtained from Msunduzi Municipality's Conservation & Environment, Development Services Branch, as extracted from their GIS System, is included within the figures of this report.

As can be seen from this map provided by this municipal branch, there are three areas that are identified as being of environmental conservation significance on the site, these being in each case associated with the lowermost areas of the three valley drainage at towards the northern boundaries of the applicant site in each case.

The rest of the area of the site are not identified as being of conservation significance within the Msunduzi Municipality's promulgated Environmental Management Framework.

5.6. THE MSUNDUZI MUNICIPALITY'S SPATIAL DEVELOPMENT FRAMEWORK TO THE SITE

The Msunduzi Municipality's Spatial Development Framework Plan (SDF) with the location of the Umlaas Gate site indicated on its most southern part, as provided by the project's professional town planner, Peter Jewel Consulting, is included within the other figures after the text of this report. The SDF indicates the municipality's "view of the future" in regard to spatial planning aspects of the areas under their jurisdiction.

In terms of the Msunduzi Municipal Spatial Development Framework, the site is identified as falling within the ambit of the N3 provincial priority corridor which has been identified as the priority development corridor in KwaZulu-Natal. The majority of the site has been identified for business purposes with the eastern portion being identified for logistics purposes and the portion of the site along the P338 being identified for agri-businesses and commercial development.

The northern portion of the site has been identified for future residential. All of the land to the east, between the application site and the N3 national road, has been identified in the Municipal SDF for logistics and light industrial development. The SDF

is a strategic planning document which is aligned with provincial and national strategic planning. Being located close to the key intersection of the P338 and the N3, provides the site with a range of economic advantages for development as detailed in this document.

The site is strategically located in relation to Msunduzi Municipality, and to the N3 and is located within the Provincial Priority Corridor as identified in terms of the National Development Plan and the Spatial Provincial Economic Development Strategy (SPEDS) which was adopted by the KwaZulu-Natal Cabinet on 2007. The site is located west of the N3 and straddles main road R338 and is close to the main railway line between eThekweni and the interior. The site is located close to the Umlaas Road N3 interchange which is to be upgraded and will provide rapid and convenient access to the site.

The plans provided by Peter Jewell Consulting that are included after the text of this report illustrate the information provided above.

5.7. THE RELEASE OF THE SITE FROM THE PROVISIONS OF ACT 70 OF 1970

In terms of the Subdivision of Agricultural Land Act, Act 70 of 1970, permission is required to be obtained from the national Minister of Agriculture, Forestry and Fisheries for land to be subdivided and used for non-agricultural uses. This is achieved through submissions by the landowner to the requisite agricultural Directorate within this Department, together with appropriate motivations and supporting documentation, such as a specialist Agricultural Potential Report for the relevant properties.

This process has been successfully followed by the landowner of Portions 38, 57 and 171 of the Farm Vaalkop and Dadelfontein No. 885 and Portion 12 (of 9) of the Farm Uitvlugt No. 858 all owned by David Henry Hutton, and of a total area of 149.8468 hectares of the total area of the applicant properties of 170.0878 hectares has accordingly been approved to be subdivided and released from agricultural use by the Minister.

The 20.241 hectares of the site where no release from the provisions of Act 70 of 1970 is currently in place are comprised of Rem of 62 of the Farm Vaalkop and Dadelfontein No. 885 of 14.4143ha owned by James David Naysmith, and Portion 203 (of 190) of the Farm Vaalkop and Dadelfontein of 11.8269 ha owned by the company Jarax (Pty) Ltd.

5.8. EXISTING RECENT AND PROPOSED DEVELOPMENT WITHIN THE ENVIRONS OF THE SITE

The area between Pietermaritzburg and Camperdown has been developing rapidly over the last decade with a major provincial policy initiative to develop accessible and well located land within the Provincial Priority Corridor for industrial and other forms of development.

Developments in the vicinity of the site include the following:

- A proposed light industrial estate on the land located between the site and the N3 National Road;
- The 60Ha Mpushini Business Park between Ashburton and Lynnfield Park between the N3 and the R103, within Msunduzi Municipality;
- Proposed 30Ha warehouse development adjacent to the N3 and Umlaas Road industrial area;
- A 100 Ha Ubhubesi warehousing and logistics park by AFROPROP adjacent to Mpushini Business Park and south of the R103 at Lynnfield Park, within Msunduzi Municipality;
- The proposed Acaciadale tourism development on the northern intersection of the N3 and the R103 at the Lion Park interchange;
- The proposed Kingthorpe Residential development along the Lion Park Road;
- The Rita Light industrial estate between the R103 and the N3 east of the Lion Park interchange within Msunduzi Municipality;
- The Midway Park Light Industrial development between the N3 and the R103 between Camperdown and Umlaas Road within Msunduzi Municipality.
- The Mkhambathini Nature Reserve occupying all the land to the north of the town of Camperdown to the Lion Park.
- The One Logistics development south of the site between the site and the R603 at Umlaas Road. This area is proposed for expansion;
- The GROMO agri-business on the land on the southern side of the P338 opposite the application site.
- The existing light industrial park at Umlaas Road, south of the N3 is developed.
- A proposed affordable housing development is proposed at Manderston to the east of the application site.
- Proposed Container Port at Cato Ridge.

A plan showing the location of these existing and proposed developments provided by Peter Jewell Consulting is included with the other figures after the text of this report.

5.9. EXISTING SERVITUDES OR PROPERTIES OVER OR ADJACENT THE SITE

In regard to existing servitudes or properties that are on or adjacent the site, there are :

- An Eskom Electricity Transmission Line within its servitude which traverses over a north west portion of the site.
- The D157 provincial district road managed by the KwaZulu-Natal Department of Transport that passes through the south east portion of the site.
- Provincial Main Road P338 that runs along the southern boundary of the site, and isolates a small portion of it that occurs on its south western side.
- A Transnet Freight Rail Servitude that forms the south eastern boundary of that part of the site that lies to the south of the P338 provincial main road.

The above bodies to whom the servitudes are in favour of are all registered as interested and affected parties for the purposes of this EIA process.

5.10. OVERVIEW OF LAND COVER, LAND USES AND EXISTING STRUCTURES AND INFRASTRUCTURE

The aerial photograph included with the other figures after the text illustrates the general nature of the land cover, land uses and the existing structures and infrastructure that occur on the site.

As can be seen from these illustrations the land cover on the site the land is presently very largely open and undeveloped and not presently under any formal agriculture, in the form of ploughed fields for crops. However, previous evidence of previous, historical ploughing is evident from the aerial photograph in substantial areas of the site. There is presently the use of the site for some cattle grazing by the owners.

The homestead comprised of the houses of the owners and related outbuildings and some agricultural buildings and installations are also evident on the site. Present services for water, electricity and waste water disposal for these areas are of small scale domestic nature, and would need to be significantly upgraded in terms of bulk supply to meet the demands of the proposed light industrial development on the site.

A small farm dam is located in the most eastern of the three valley drainage lines on the site, whilst a slightly larger one is located on the western of the three valley lines..

5.11. PREVIOUS LAND USE HISTORY

As stated above, at present there are no commercial crops being grown on the applicant site. According to the present owner of Mr. David Hutton, of 149.8468 hectares of the total area of the applicant properties of 170.0878 hectares, the last commercial crop to have been grown on the farm was sugar, which crop was grown by Tongaat Hulett Sugar Ltd. The crop was eventually abandoned and the farm sold. The reason for its abandonment and selling was related to the low crop returns.

Physical observation of existing terraces and contours serves to confirm that the last crop grown was sugar, at least 20 years ago.

5.12. BIOPHYSICAL DESCRIPTION

This preliminary biophysical description will be supplemented by the more detailed descriptions, each from their particular specialist perspectives, that will be included in the specialist reports that will be included as appendices within the Environmental Impact Report phase of the EIA.

5.12.1. CLIMATE

A summary of the general features of the climate pertaining to the general area within which the site is located is provided below.

Wind

Parallel winds dominate, with south-westerly and north-easterly winds roughly balanced in frequency. South-westerly winds are generally stronger and bring rain. Mean monthly wind speeds are lowest in May and June. Highest mean wind speeds occur in September and October.

Temperature and Humidity

Daytime temperatures are typically between 18 and 26°C with summer maximums reading into the lower thirties. Night time temperatures may fall well below 10°C in winter, and frost may occur.

The highest mean temperatures are experienced in February and the lowest mean temperatures in July.

Humidity is lower than in the more coastal areas of Durban, due to it being at an elevation of approximately 800m above sea level.

Rainfall

The annual average rainfall is 767mm with approximately 60% of the precipitation occurs between November and March.

5.12.2.GEOLOGY AND SOILS

Preliminary soils data, as derived from the Institute of Geoscience *Map No. 2930 Durban* indicates that the soils in the area are derived from basically one parent material, the Pietermaritzburg Formation of the ECCA Group of the Karoo Supergroup.

5.12.3.TOPOGRAPHY DRAINAGE AND WETLAND UNITS

The topography of the site is largely determined by the erosive action of the water on the underlying soil and rock substrate, and therefore reflects the stream catchment area boundaries and drainage lines that are relevant to the site.

In this regard, the P338 main road runs along roughly the inter-catchment divide between the Umlazi River to the south and the overall catchment area of the Mpushini River, itself a tributary of the overall Umgeni River catchment are to the north. This means that all but that small sliver of the site that falls to the south of the P338 main road drains northwards within the catchment area of the Mpushini River.

Drainage is therefore, except for the small part of the most southern parts of the site into three valley lines on the site, which are separated by a two descending that runs in a north western direction along the approximate mid point of the overall site.

The non-perennial drainage line within the more eastern, slightly larger in area, valley catchment area becomes more distinct and incised in its lowermost parts before it leaves the site. In the case of the western valley line, there is a small farm dam that occurs within it close to the boundary of the site.

The firm of Eco=pulse has been appointed to undertake the Biodiversity (Fauna and Flora) studies and the Freshwater Ecosystem studies for this EIA application, and their reports will be included as appendices within the Environmental Impact Report phase of the process. However, in order to determine what areas should initially be excluded from development following on from their site investigations information in this regard was provided to the applicant's professional team and also Guy Nicolson as the environmental assessment practitioner.

The maps derived from the information provided by Eco=pulse has been used to produce two of the maps included with the figures after the text of this report, these being :

- A map showing the three wetland units on the site, a identified through their on site delineation by Eco-pulse, together with a 30m buffer area around them also indicated on the map. This indicates them as being associated with the eastern, central and western drainage lines on the site, in each case associated with the northern parts. In the case of :

- The eastern one, there is a small seep that extends for a short distance, of about 50m onto the site.
 - The central one, this is the most extensive on the site, extending for about 500m onto the site. There is a small farm dam at the head of this wetland, with the rest of the wetland unit below this designated as B Class stream.
 - In the case of the western one, the small area that this extends onto the site for about 100m is mainly within a farm dam, with a very short distance below this classified as a Class B Stream.
- From the information obtained by Eco-pulse from their field investigations, a second set of information has been provided as to which areas, in their opinion based on their field investigations, should be excluded as preliminary “No-go” areas from development. This map indicates the three areas that are in each case centred on the wetland units described above, but encompassing a larger area than just their 30m buffer areas in each case.

5.12.4. VEGETATION AND RELATED ECOSYSTEMS

The vegetation description information provided below is derived from an investigation of the relevant Geographic Information System (GIS) data bases that are pertinent to this application, as described below, and illustrated in the relevant figures included after the text of this report, as follows :

VEGETATION COMMUNITIES IDENTIFIED AND MAPPED BY ECO-PULSE

The map based on information provided by Eco-pulse showing the vegetation communities identified by them from field work is provided.

This will be discussed further, together with any particular species of concern, and the implications for developing a particular vegetation type, within their report that will be included in the Environmental Impact Phase of the EIA process.

VEGETATION TYPES AS DERIVED FROM THE EZEMVELO KWAZULU-NATAL WILDLIFE'S DATA BASE

The map derived from the above source indicates that all but the area associated with the lower parts of the drainage valley lines is comprised of “*Dry Coast Hinterland Grassland*” This is the vegetation type that would occur in this area if there was no transformation, for example in this case from previous sugar cane farming.

The areas of the lower eastern and central valley lines are mapped as “*KwaZulu-Natal Hinterland Thornveld*” whilst small areas of “*Highveld Alluvial Vegetation*” are mapped as being associated with the most central parts of these valley lines.

THE SOUTH AFRICAN BIODIVERSITY INSTITUTE'S 2011 MAP

The South African Biodiversity Institute – SANBI - compile an electronic data base of the ecosystems covering South Africa and classify them into different

categories in regard to the extent that they are assessed to be under threat due to, in particular, the extent to which they have already been transformed by land uses, and are therefore no longer present. Their most recent data is known as the SANBI 2011.

The most important SANBI categories are :

- Critically Endangered
Defined as follows: *Being ecosystems that have undergone severe degradation of ecological structure, function or composition as a result of human intervention and subject to an extremely high risk of irreversible transformation.*
- Endangered
Defined as follows: *Being ecosystems that have undergone degradation of ecological structure, function or composition as a result of human intervention, although they are not critically endangered ecosystems.*

If these above categories occur on a site proposed for development then, in terms of the relevant Listing Notice 3 contained within the current EIA regulations of 2017, if more than 300 square metres of this vegetation is to be transformed, then an environmental authorization following a Basic Assessment EIA process would be required before this activity could be commenced with.

It would also be likely that there would be resistance from local and provincial conservation bodies to permitting substantial areas of this vegetation from being transformed, if more detailed specialist vegetation studies confirmed its actual presence on a particular site proposed to be developed.

The other category of vegetation of some, but lesser, biodiversity concern of SANBI is:

- Vulnerable
Defined as: *Being ecosystems that have a high risk of undergoing significant degradation of ecological structure, function or composition as a result human intervention, although they are not critically endangered or endangered ecosystems.*

In the SANBI data base land that is already transformed, or ecosystems which are so abundant as to not be under any threat at all, are not covered by any designated criterion of related colour coding on their maps.

The SANBI 2011 map for the site and its surroundings has been downloaded and compiled on a base aerial photograph and is provided with the other figures after the text of this report.

As can be seen from this map, the SANBI designation for most of the site is designated as vulnerable or "least concern" and therefore there is therefore no requirement to obtain an environmental authorization if more than 300 square

metres of this vegetation on the site is to be transformed. Due to the previous agricultural uses on the site described above, this designation is not surprising.

5.13. CULTURAL HERITAGE CONSIDERATIONS

A cultural heritage report has been commissioned to investigate and report on whether there are any archaeological resources on the site which are of a cultural heritage nature. The cultural heritage report will be submitted to Amafa aKwaZulu-Natali (Heritage KwaZulu-Natal) for their consideration.

6. DESCRIPTION OF THE PROPOSED DEVELOPMENT

6.1. THE GENERAL NATURE OF THE PROPOSED DEVELOPMENT

The information on the general nature of the development within this section, and intended zoning and related land use controls, has been provided by the project's professional town planner, Peter Jewell Consulting.

It is proposed to establish logistics warehousing and light industrial uses on the site and in particular, distribution warehouses. The site is 170.0877 hectares in extent of which approximately 5,4280 ha is located on the southern side of the P338. The sites on the northern side of the P338 will be used for larger platforms containing larger warehouses while the sites on the southern side are smaller and can be used for smaller light industrial buildings. The logistics park is proposed to have two access points.

The main access to the development will be from District Road D354 which already has a major intersection with the P338. A second access point is proposed approximately 1,4km west of the P338/D354 intersection. The second access point will form a new cross-access servicing development on both sides of the P338. The secure logistics park will also contain a small commercial node located on the north-western corner of the intersection of the D354 (Lynnfield Park Road) and the P338 (Manderston Road). Identified wetlands and drainage courses will be retained as private open spaces.

The logistics and distribution warehousing is aimed at capitalising on the location of the site within the priority provincial corridor between Pietermaritzburg and eThekweni and its proximity to the proposed container port at Cato Ridge and other logistics developments in the area. The site will serve as a distribution point to all parts of KwaZulu-Natal and the interior from local and over-seas markets through the port of Durban. The main land use is envisaged to be logistics and distribution warehousing where the process involved entails the delivery of containers of goods and products and the sorting, packaging and redistribution of product to stores and outlets throughout the region. No hazardous material, soot, dust, smell or noisy machinery will be involved in the warehouse operation as required in terms of the proposed Light Industrial zoning.

6.2. TOWN PROPOSED PLANNING ZONING AND CONTROLS

The zoning of the proposed logistics park will be accommodated within four primary zones. The Msunduzi Municipality has recently adopted a new land use scheme for Pietermaritzburg which includes a new Logistics zone to be used to manage future light industrial developments which are primarily used for logistics warehousing. The Logistics zone has a coverage of 70%, an FAR of 1,5 and a height restriction at the discretion of the Municipality.

This has been included into the scheme to accommodate logistics warehousing and distribution warehousing which have large space requirements. Logistics warehousing uses large platforms and requires a fairly high coverage of 70% as the parking requirements are low and the outside storage requirements are low.

The FAR of 1,5 permits mezzanine office/administration accommodation and allows the internal bulk of the buildings to accommodate large scale storage. The discretionary height limit is critical to logistics warehousing which can rise as high as six standard storeys in order to meeting gantry heights and to achieve efficient storage capacity. The small commercial node at the entrance to the development will permit the standard limited commercial form of development accommodating shops and business which need to be located within a logistics park such as convenience shops, motor trade shops and service shops.

The tables overleaf, extracted from a preliminary report provided by the project's town planner Peter Jewell Consulting, provide the details as to the proposed zoning and related land use controls that would be applied to the site.

4.5.4 Logistics 1

ZONE:	LOGISTICS 1	
Statement of Intent:	A land use zone that provides for land uses and buildings for the storage of goods and related infrastructure intended for transportation. This land use zones intends to integrate the currently disconnected industrial and logistics activities along with marginalised rural production centres surrounding the corridor that are currently isolated from the main logistics system.	
Colour Notation:	Fill: Dove Grey R:102,G:102,B:153 Outline: Black R:000,G:000,B:000	
Permissible (A)	Consent (B)	Prohibited (C)
<ul style="list-style-type: none"> • Caretaker's Dwelling • Container Depot • Direct Access Service Centre • Government/Municipal • Industry-Light • Light Industrial Building • Motor Workshop • Office • Parking Depot • Service Workshop • Transport Purposes • Warehouse 	<ul style="list-style-type: none"> • Car Wash • Cellular Telecommunication Infrastructure • Fast Food Outlet • Medical Office • Petrol Filling Station • Place of Instruction (limited to staff training) • Residential Building • Shop* • Special Building 	Land uses and buildings not listed in column (A) and (B).
ADDITIONAL CONTROLS		
<ol style="list-style-type: none"> 1. *Reference is made for consent to clause 7.8 for a shop in industrial premises. 2. Outdoor storage, as both an independent and an ancillary use, may be permitted in this land use zone, subject to certain restrictions involving the amount of area permitted on a lot, setbacks, screening, and possibly the type of materials permitted to be stored outdoors. 3. No work, including the erection of a building or structural alteration to a building, or the erection or establishment of any sign, shall be executed without the prior consent of the Municipality having first been obtained therefor. 4. All landscaping shall be to the satisfaction of the Municipality. 5. Waste Management shall be subject to clause 7.4 of the scheme. 6. Low order convenience goods and service shops catering for the immediate needs of people working within the industrial area shall be permitted. 7. Road widths of not less than 18 metres wide will be required to accommodate the movement of transport associated with the type of land uses in this land use zone. 8. Subject to compliance with the following policies and/or bylaws:- <ul style="list-style-type: none"> (a) Msunduzi Cellular Telecommunication Infrastructure Policy (b) All signage and advertising shall comply with the Msunduzi Advertising Signs Bylaws. 		
PARKING REGULATIONS		
1. Refer to Appendix 8 for parking regulations.		

2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.							
DEVELOPMENT PARAMETERS							
SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
Building line	Side space	Rear Space					
7m	N/A		N/A	1800	At the discretion of the Municipality	70	1,50

4.3.4 Low Impact Mixed Use

ZONE:	LOW IMPACT MIXED USE	
Statement of Intent:	A land use zone that provides for a limited range of commercial activities, offices, restaurants, residential development at residential level intensities of development and with limited impacts.	
Colour Notation:	Fill: Light Blue R:127,G:230,B:255 Outline: Black R:000,G:000,B:000	
Permissible (A)	Consent (B)	Prohibited (C)
<ul style="list-style-type: none"> • Adult Premises • Bank • Beauty Studio • Bus and Taxi Rank • Business Purposes • Butchery • Café • Conservation Purposes • Dwelling • Fast Food Outlet • Flat • Government/Municipal • Health and Beauty Parlour • Health Studio • Hotel • Medical Office • Office • Parkade • Parking Depot • Parking Lot • Residential Building • Restaurant • Shop • Shopping Centre • Specialised Office 	<ul style="list-style-type: none"> • Agricultural Building • Bar • Betting Depot • Boarding House • Car Wash • Casino (ancillary to a hotel) • Cellular Communications Tower • Conference Facility • Convenience Shop • Funeral Parlour • Home Activity* • Home Business* • Institution • Motor Showroom • Night Club • Petrol Filling Station • Place of Instruction • Place of Public Assembly • Place of Public Entertainment • Place of Worship • Social Hall • Special Building • Tavern 	Land uses and buildings not listed in column (A) and (B).
ADDITIONAL CONTROLS		
<ol style="list-style-type: none"> 1. *Provided the written consent of all abutting owners and any other owners the municipality may determine is obtained, the municipality may waive the consent procedure. 2. A casino shall require a casino license issued in terms of the KwaZulu-Natal Gaming and Betting Act, 2010 (No. 8 of 2010). 3. Waste Management shall be subject to clause 7.4 of the scheme. 4. The maintenance of buildings shall be subject to the provisions of clause 7.3 of the scheme. 5. The number of units per hectare allowable in any residential use shall be at the discretion of the Municipality. 6. All landscaping shall be to the satisfaction of the Municipality. 		

7. No work, including the erection of a building or structural alteration to a building, or the erection or establishment of any sign, shall be executed without the prior consent of the Municipality having first been obtained therefor.
8. **Height requirements as per clause 5.4.4 of the scheme.
9. Subject to compliance with the following policies and/or bylaws:-
 - (a) Msunduzi Tavern Policy
 - (b) Msunduzi Boarding House Policy
 - (c) Msunduzi Cellular Telecommunication Infrastructure Policy
 - (d) Municipality's Public Health Bylaws
 - (e) All signage and advertising shall comply with the Msunduzi Advertising Signs Bylaws.
10. The Municipality may grant consent for the erection of a building or structure in front of the Building Line.
11. Side and rear spaces for any use not specified herein shall be provided in accordance with the requirements for those uses where they appear elsewhere in the scheme.
12. There shall, be no specified minimum side or rear space which shall, however, be determined in terms of the National Building Regulations.
13. Sobantu:
 - (a) Buildings shall not exceed the coverage specified herewith, provided that the Municipality may grant consent for a maximum of 10% additional coverage.
 - (b) On receipt of a written application, the Municipality may permit the erection of a building within the side or rear space, the application which will be valid for the life of the building concerned.
 - (c) No building other than boundary walls, fences or temporary buildings that are required in connection with building operations being conducted on the property shall be erected without a space, free of any building or structure, between it and one of the side boundaries and also between the building and the rear boundary of the property.
14. Greater Edendale:
 - (a) No buildings shall be erected so as to contain a number of storeys, other than a basement, in excess of 3.
15. The following controls shall apply to **Erf 196 Raisethorpe, being 595 Old Greytown Road: Raisethorpe:-**
 - 15.1. The disposition of development on the site shall be generally in accordance with Plan 93/05-100, or any amendment approved by the Municipality;
 - 15.2. All interfaces between the development of the "Limited Business" zone, Clayton Avenue and all adjoining "Special Residential" sites shall be appropriately screened to the satisfaction of the Municipality;
 - 15.3. The site shall be suitably landscaped in accordance with a landscape plan to the satisfaction of the Municipality;
 - 15.4. A solid, architecturally pleasing face brick wall will be built from the entrance point to the Hayfields Centre in Blackburrow Road, closest to Clayton Avenue extending up Clayton Avenue and will integrate the already existing Bougainvillea hedge;

- 15.5. The Bougainvillea hedge shall be retained. The residents of Clayton Avenue will, however, have a choice of either continuing the wall to replace the hedge, or retaining the hedge. The decision will be that of the Clayton Avenue residents;
- 15.6. The wall referred to in paragraph 13.4 and 13.5 above shall be 2,4m high from ground level and must be built prior to the demolition of the existing residential properties;
- 15.7. In respect of the Specialised Medical Facility to be developed on a portion of Portions 30 and 147 of Erf 730 PMB, as depicted on Site Layout Plan No 93/05-100, this building shall be restricted to a single storey building immediately adjacent to residential properties and its design shall be subject to the satisfaction of the Municipality;
- 15.8. In respect of the Specialised Medical Facility, a building line of 6m and a side space of 4,5m shall apply;
- 15.9. A Landscape Consultant must be appointed to advise on all landscaping aspects including the planting of shrubbery on the perimeter of the site adjoining Clayton Avenue and incorporating the landscaping of the wall. This shall be subject to the satisfaction of the Municipality;
- 15.10. The maintenance of the gardens and the hedge will be the responsibility on the owner/s of the Centre;
- 15.11. Suitable walls between the "Low Impact Mixed Use" zone and the "Special Residential" zone must be constructed at a minimum height of 2,4m to the satisfaction of the Municipality;
- 15.12. The owners of the centre must provide surfaced pedestrian footpaths along the Blackburrow Road frontage towards Cleland Road and along Cleland Road towards the new Medical Facility and where accesses have been re-positioned or closed off. This shall be to the satisfaction of the City Engineer and all costs are to be borne by the developer;
- 15.13. All traffic related and parking requirements shall be subject to the satisfaction of the Municipality.
16. The following controls shall apply to **Rem of Erf 454 Raisethorpe, being 50 Simeon Road: Raisethorpe:-**
- 16.1. A continuous wall/fence shall be erected to the satisfaction of the Municipality along the site frontages to Mysore Road and Simeon Road, except at the agreed point of access off Simeon Road.
- 16.2. Business Purposes, Restaurant and Shop shall be only permissible uses within this erf, with no provision for any consent uses.
- 16.3. The disposition of the elements of the development shall be generally in accordance with the 'planning proposal' drawings contained in the applicant's document dated June 1998, or any modification approved by the Municipality.
- 16.4. Vehicular access to the site shall be from Simeon Road only, to the satisfaction of the Municipality.

PARKING REGULATIONS

1. Refer to Appendix 8 for parking regulations.
2. The technical requirements for on-site parking shall be in accordance with clause 7.2 of the Scheme.

DEVELOPMENT PARAMETERS

Area	SPACE ABOUT BUILDINGS			Units per hectare	Min Erf size (m²)	Height (STOREYS)	Coverage (%)	F.A.R
	Building line	Side space	Rear Space					
Pietermaritzburg	6m	N/A		N/A	1000	N/A**	50	1,00; Residential 0,50

The existing wetland and drainage courses will be accommodated within a private open space zoning and roads will be accommodated within a Road zoning.

6.3. THE PROPOSED LAYOUT

The appointed professional civil engineers of the firm of Umsungulu Project Management, have provided the proposed layout of the development and their plan, titled *General Layout : Drawing Number UPM076-001 Revision 10* is included with the other figures after the text of this report.

As can be seen from this plan, there are a total of 17 levelled platforms to be constructed, each on their own subdivision in order to locate either logistics or light industrial developments on them. These platforms are arranged on the site with their location and size largely determined by topography, existing drainage lines and proximity to existing infrastructure, such as their relationship to Main Road 338, District Road 354 and the Eskom transmission line servitude that traverses over the site.

The sizes of the platforms vary greatly, with the largest platform on the western, most level part of the site adjacent to the P338 main road being 23.4ha, and the smallest platforms of about 1 hectare or less in area arranged along the north eastern boundary of the site.

The earthworks that would occur in the creation of each level platform are also included in the layout plan, showing the cut and fill banks that would be created, together with the heights of highest cut and fill banks and the cut and fill volumes that would be created in each case during the earthworks process.

Also shown on the plan, together with the public roads of District Road 354 and Main Road 338, is the internal road layout on the site, and the proposed access points onto these public roads.

The position of the proposed sewer pump station is indicated on Platform 11, which is situated at a low point on the site, on its north eastern boundary, next to the drainage line that is contained within an open space area.

The three drainage line and any associated riparian / wetland areas associated with the are contained within open space conservation areas. The location and extent of the areas to be excluded from the development footprint area has been determined on the advice and mapping input provided by the specialists of the wetland and freshwater ecologists of the appointed firm of Eco-pulse, as also indicated in the map of the "No-go" areas that is also included with the other figures after the text.

6.4. THE SUPPLY OF ENGINEERING SERVICES

The appointed engineers of the firm Umsungulu Project Management have provided the information included within this section. It has been stressed by them that this information is of a provisional nature, as investigations in regard to the supply of the necessary bulk infrastructure to service the proposed development is in some aspects still under investigation, and will be reported on

fully within their Engineering Services Report which will be include in the Environmental Impact Report phase of the EIA process.

POTABLE WATER SUPPLY

Water supply will be from Umgeni Water and the engineers have advised that there is sufficient supply available to meet the requirements of the proposed development, as will be elaborated on within their Engineering Services Report.

ELECTRICITY SUPPLY

Bulk electricity supply will be from Eskom. Interactions between the project engineers and Eskom have been commenced with and the latter have confirmed that there is adequate electricity supply available to service the needs of the development.

SOLID WASTE DISPOSAL

Solid waste disposal will be the responsibility the individual end users of each property, and solid waste will be disposed of to the approved municipal solid waste disposal site.

WASTE WATER DISPOSAL

As there are no municipal sewers to serve the site, or in its adjacent surroundings, unlike the case of water and electricity supply, the proposed development will be required to treat and dispose of waste water generated on the site to the satisfaction of the relevant water authorities, these being the national Department of Water Affairs, Umgeni Water and Msunduzi Municipality.

Umsungulu Engineers have investigated this aspect and reported on the potential alternatives that are currently under investigation, and which are summarised from their preliminary report below, a follows :

Alternative 1 – To Umlaas Road Waste Water Treatment Works – Phase 1

There is an existing, permitted waste water treatment works (WWTW) located within the existing Umlaas Road Light Industrial development. The current only user of this works is the Onelogix vehicle storage and processing facility, who occupy the major proportion of this industrial area. Due to the nature of their present facility, being for the parking of vehicles over large areas, these works are very underutilised, using only 10% of its design capacity. In fact, as advised the professional engineering specialists used by Onelogix in the management of these works, additional input from other sources would facilitate its more efficient operation.

Waste water on the Umlaas Gate site would gravitate to a pump station, as located on their layout plan included in this report, and then be pumped via a rising main to Main Road 338 and from there to the existing Umlaas Road WWTW, which is approximately 3.4km away. Along this route there would be a rising sewer main of about 1.7km and a gravity sewer main of about 1.7km.

Once treated to acceptable standards, the treated effluent from this existing WWTW will be released into the stream adjacent to it, as presently occurs. This

stream drains ultimately into the Umlazi River catchment, and not the Mpushini River catchment.

Alternative 1 – To Umlaas Road Waste Water Treatment Works – Phase 2

Phase 2 of this existing works associated with the Umlaas Road industrial area would be implemented when the demand generated from the proposed Umlaas Gate development exceeds the current capacity of the existing works at Umlaas Road to which waste water will be transported in the manner described above.

This will be achieved by the existing works being upgraded to increase its capacity sufficiently from its present capacity of 0.5Ml/day to 1Ml/day. The existing fenced area with the works is located in an area sufficient to cater for this expanded capacity.

Alternative 1 – To Umlaas Road Waste Water Treatment Works – Phase 3

Phase 3 would be to construct a transfer pump station to transfer effluent in excess of the design capacity, to be transferred to the Camperdown Waste Water Treatment Works which is more than 9km away from the Umlaas Road works. The Camperdown WWTW has not yet been constructed due to financial constraints but, through proper planning the capacity might have to be increased to accommodate the increased flow. Depending on timing of implementation, the Umlaas Road WWTW may link into the Agrivesco Light industrial development near Camperdown. This development already has a like sewer planned to connect to the Camperdown WWTW. Should this be achievable, it will reduce the rising main from the Umlaas Road WWTW from 9km to 5.1km. This would require a service level agreement with Agrivesco, including the upgrade of their planned sewer pumps station for pumping to the Camperdown WWTW.

Alternative 2 – Package Plants

The construction of small sewage works, called package plants can be implemented on each of the subdivisions and can be constructed during the development of each subdivision and can be constructed during the development of each subdivision and be managed by each owner and not under a property management structure.

Package plants can be positioned individually on each subdivision and can be fed by gravity mains on each subdivision. Treated effluent, compliant with General Limits published by the Department of Water Affairs and Sanitation, can be returned to the natural water courses that originate on the site. There is also the possibility of the use of treated effluent for irrigation, for example on nearby sugar cane farms.

Operation and maintenance of the package plants requires technical expertise, which can be supplied by specialist service providers, and these companies will also be required to comply with department requirements, as reporting, sampling and maintenance in order to ensure the effluent complies with the prescribed standards.

Although some of the larger sites are able to install a suitably sized package plant that would function on its own, on the smaller, about 1 ha sites, this is not feasible, and it would be best to combine them, which creates maintenance and responsibility issues between the respective owners of each site.

Alternative 3 – Lynnfield Park Waste Water Treatment Works

Msunduzi Municipality / Umgeni Water have already upgraded the existing Lynnfield Park WWTW below that suburb next to the Malkopspruit, which is a tributary of the Mpushini River. The design and capacity of this work is presently unknown by the project engineers, and the site is approximately 5.5km away from the Umlaas Gate proposed development. Connecting to this works would require a combination of gravity outfall sewers, pump stations and river crossings, which would make the option relatively expensive. The proposed development is at an elevation of 845m, whilst the Lynnfield Park WWTW is at an elevation of 651m, which relates to an average elevation of 3.%% or 1 : 28, but through undulating terrain.

Consultation with the municipality and Umgeni Water would have to be pursued, should this option be feasible as the preferred option. Due to its extent and cost, this option would be more technically and economically viable for the Umlaas Gate developers if the other potential numerous developers within the catchment area that the sewer would serve on its way the Lynnfield Park WWTW also contributed to the installation of the required trunk sewer system.

The current preferred alternative

The project's engineers of Umsungulu Project Management identify their preferred option as being to link the proposed Umlaas Gate development with the existing Umlaas Road WWTW that is presently being used by the Onelogix facility there through the installation of pump station and rising main.

There would be a phased approach of delivering untreated effluent from the proposed development, with each phase only commencing when the capacity within this option was available, as described in Alternative 1's Phases 1, 2 and 3 that is described above.

Further investigations and interactions the property owners association who are responsible for the Umlaas Road Waste Water Treatment Works are presently under way.

STORM WATER MANAGEMENT

The very substantial earthworks and the creation of impermeable surfaces such roofs and paving will significantly influence the potential volume of storm water run off from the presently vegetated site, increasing flood peak and also the location and velocity of storm water flows. This would have consequent impacts also on the downstream water courses which drain the site.

These potential impacts are to be addressed by means of a storm water management plan to be compiled by the project engineers, to be included within the Environmental Impact Report phase of the EIA.

The project engineers have advised that what will be reported on is a storm water management system which manages potential run off from each development site by attenuation and detentions structures on them, so that post development run off is returned to pre-development levels. These approaches will also be applied to common areas on the site where run off would also be accelerated by development, for example from the internal road system.

6.5. GREEN DESIGN ASPECTS

The project engineers have undertaken to include green engineering design principles and related within their engineering services reports that will be included in the Environmental Impact Report phase of the development. These will deal with the issues of energy, water supply and waste disposal where, in each case, how demand can be reduced and supply augmented will be dealt with.

There will be a specialist Visual Impact Report commissioned during the EIA process and the outcome findings of this report will be used to influence the design of aesthetic visual considerations associated with the development.

6.6. OPERATIONAL MANAGEMENT

It is proposed that there will be Property Owners Association forms for the Umlaas Gate development. This will have a constitution within which the requirements and obligations of each property owner will be prescribed. This will include the environmental management of the development, with levies paid by each property owner calculated on the basis of the area of their particular property used to pay for all common management and maintenance requirements in the development.

7. IDENTIFICATION OF THE LEGISLATION AND GUIDELINES TAKEN INTO ACCOUNT

The following environmental and land use planning legislation and guidelines are relevant to this EIA process and are accordingly taken into account where relevant in an appropriate manner.

7.1. THE CONSTITUTION OF SOUTH AFRICA

In regard the most relevant overarching national legislation, the **Constitution of the Republic of South Africa (Act No. 108 of 1996)** is the most pertinent, as this is the legal source of all law within the country, including environmental law. Within the Constitution of South Africa, the Bill of Rights is fundamental, and the underlying principle behind its Section 24 is that “everyone has the right to an environment that is not harmful to their health and well-being”. Furthermore, the environment should be protected for present and future generations by preventing pollution, promoting conservation and practising ecologically sustainable development.

In regard to spatial planning and related legislation at the national level, the following legislation may be relevant:

- Physical Planning Act, Act 125 of 1991
- Municipal Structures Act, Act 117 of 1998
- Municipal Systems Act, Act 32 of 2000
- KwaZulu-Natal Planning and Development Act, Act 6 of 2008 in so far as the norms and standards, as well as procedural requirements are concerned.
- Spatial Planning and Land Use Management Bill, 2011 – refer to norms and standards

Of these the relevance and implications of the Municipal Systems Act is elaborated on below.

7.2. THE MUNICIPAL SYSTEMS ACT (MSA – ACT 32 OF 2000)

Unlike previous times, within post 1994 South Africa the entire country is covered by “wall to wall” local municipalities. Before this, municipal area and their related planning authority was largely restricted to the areas of their town planning schemes. Therefore, land planning and related development permitting is today a municipal function (Except where the Development Facilitation Act (DFA) applied in particular circumstances).

Of particular note is that the Municipal Systems Act prescribes the requirements of the Integrated Development Plan (IDP) and the Spatial Framework Plans (SDF) that must be compiled by each local municipality to guide and control land use development within their areas. Therefore, land development in any part of the country may be influenced by this Act and the abovementioned IDP and SDF plans that are required to be promulgated under its auspices.

A central document within a municipality's Integrated Development Plan is its Spatial Development Framework Plan. The main purpose of the SDF is to provide a framework to guide form and location of physical development in their areas. It therefore reflects the elements of the IDP which have a spatial implication, therefore, it is a spatial representation of the IDP. It broadly informs decision making relating to future development and service provision. It is against this background that local municipalities have completed and adopted their IDP and SDF first plans, typically in the early 2000's. These plans are required to be revised on a regular basis, as prescribed in the Municipal Systems Act.

The SDF is therefore of fundamental influence in presenting the municipalities spatial "view of the future" and, within this particular context that the proposed development, falling as it does within an area designated for mixed use and industrial development is in accord with this view.

As described in Section 6 above, and as supported by the eThekweni Municipality's Rezoning Notice included in Appendix 2 of this Scoping Report, the site is zoned Industrial 2, being in accord with their Integrated Development and Local Land Use Plan.

7.3. THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (ACT 16 OF 2013)

The purpose of the Act, abbreviated colloquially to SPLUMA is to provide a framework for spatial planning and land use management in the Republic of South Africa thereby to :

- Specify the relationship between the spatial planning and land use management system and other kinds of planning.
- Provide for inclusive, equitable and efficient spatial planning at the different spheres of government.
- Provide a framework for monitoring, co-ordinating and review of the spatial planning and land use management system.
- Provide a framework for policies, principles, norms and standards for spatial development planning and land use management.
- Address past spatial and regulatory imbalances.
- Promote greater consistency and conformity in the application of procedures and decision making by authorities responsible for land use development applications.
- To provide for the establishment, functions and operation of Municipal Planning Tribunals.
- To provide for the facilitation and enforcement of land use development measures, and to;

- To provide for matters connected therewith.

The Act is ultimately administered by the national Department of Rural Development and Land Reform, and regulations have been promulgated under the Act in 2015 by which Municipal Planning Tribunals are established to consider land development applications, such as the Umlaas Gate one.

An application under SPLUMA is required to therefore be made to rezone and develop the Umlaas Gate properties collectively in the manner proposed, and the town planners Peter Jewell Consulting have been appointed by the applicant to pursue this application. However, this SPLUMA application may only be considered after a positive environmental authorization is granted at the end an EIA process.

7.4. IN REGARD TO ENVIRONMENTAL LEGISLATION AT THE NATIONAL LEVEL AND PROVINCIAL LEVELS

In regard to environmental legislation, and related legislation at the national and provincial levels, the legislation with the potential to be influential is:

- Environmental Conservation Act, Act 73 of 1998
- Environmental Conservation Amendment Act, Act 50 of 2003
- National Environmental Management Act, Act 107 of 1998
- NEMA : Amendment Act, Act 8 of 2004
- National Environmental Management Biodiversity Act, Act 10 of 2004
- National Environmental Management : Protected Areas Act, Act 57 of 2003
- National Environmental Management : Air Quality Act (Act 39 of 2004)
- National Water Act, Act 36 of 1998
- National Heritage Resources Act, Act of 1999
- Hazardous Substances Act (Act 15 of 1973)
- Health Act (Act 63 of 1977)
- Atmospheric Pollution Act (Act 45 of 1965)
- South African National Standard SANS 1929: 2005 (Sets down standards) for some of the major pollutants in the ambient air).
- KwaZulu-Natal Nature Conservation Act (Act 9 of 1997)
- KwaZulu-Natal Heritage Act (Act 10 of 1997)

The legislation listed above of particular relevance to this development is elaborated on further below:

7.5. ENVIRONMENT CONSERVATION ACT (ECA - ACT 73 OF 1989)

The Environmental Conservation Act (No. 73 of 1989) is intended to provide for the effective protection and controlled utilisation of the environment. Part five of the Act refers to the control of activities that may have a detrimental effect on the environment. Section 21 of the Act refers to the Minister being permitted to identify those activities, which in his opinion have substantially detrimental effects on the environment, whether in general or in respect of certain areas.

In this Act, Part VIII, Section 31, makes provision that, if in the opinion of the Minister (of Environmental Affairs and Tourism) the competent authority, local authority or the government institution concerned, any person performs an activity, or fails to perform any activity as a result of which the environment is, or may be, seriously damaged, endangered or detrimentally affected, the minister, competent authority, local authority or government institution, as the case may be, may be in writing direct such person to cease such activity; or to take steps that the Minister, competent authority, local authority or the government institution may deem fit within a period specified in the directive, with the view to eliminating, reducing or preventing damage, danger or detrimental effect.

It is not likely that the requirements of the Environmental Conservation Act will be directly pertinent or applied to the proposed Umlaas Gatedevelopment, as opposed to the legislation under the National Environmental Management Act of 1998, as elaborated on further below.

7.6. NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NEMA - ACT 107 OF 1998) : EIA PROCEDURES AND LISTED ACTIVITIES

The National Environmental Management Act (No. 27 of 1998) was drawn up to provide for co-operative, environmental governance by establishing principles for decision-making on matters affecting the environment, institutions that will promote co-operative governance and procedures for co-ordinating environmental functions exercised by organs of state; and to provide for matters connected therewith.

Section 28 of the Act which falls within Chapter 7 – Compliance, Enforcement and Protection can be related to the proposed development. Part 1 of the Chapter focuses on environmental hazards and Section 28 relates to the duty care and redemption of environmental damage. Section 28 provides that every person who causes, has caused, or may cause, significant pollution or degradation of the environment, must take reasonable measures to prevent such pollution or degradation from occurring, continuing or reoccurring or, insofar as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.

The Environmental Impact Assessment Regulations

Of particular relevance to this application are the current Environmental Impact Assessment (EIA) regulations promulgated under sections 24(5) and 44 of the Act, which are amendments to the previous EIA regulations of 4th December 2014. The current, amended regulations are dated 7th April 2017.

Within these 2017 regulations :

- EIA regulation 326 of 7th April 2017 amends EIA regulation 982 which prescribes the procedures to be followed during an EIA process. The

procedures to be followed in this application are therefore in terms of this 2017 amended regulation.

- EIA regulation 327 of 7th April 2017 amends the Listing Notice 1 of published under government notice 983 of 4th December 2014. Any listed activities within Listing Notice 1 that are applied for in this application are therefore in terms of EIA regulation 327.
- EIA regulation 325 of 7th April 2017 amends EIA regulation Listing Notice published under government notice 984 of 4th December 2014. Any listed activities within Listing Notice 2 that are applied for in this application are therefore in terms of EIA regulation 325.
- EIA regulation 324 of 7th April 2017 amends Listing Notice 3 published under government notice 985 of 4th December 2014. Any listed activities within Listing Notice 3 that are applied for in this application are therefore in terms of EIA regulation 324.

Section 2 of this report identifies and elaborates on those listed activities for which this application is registered in order to obtain the necessary environmental authorization to permit them to occur.

The Environmental Management Framework Regulations, 2010

This regulation R547 dated 2nd August 2019 under NEMA has the purpose to provide :

(a) for the Minister of the national Department of Environmental Affairs, or the provincial MEC with concurrence of the Minister, to initiate the compilation of information or maps referred to in section 24 (3) of the Act specifying the attributes of the environment in a particular geographic regions.

(b) for such information to inform environmental management; and

(c) for such information and maps to be used as environmental management frameworks in the consideration, as contemplated in section 24 (4)(b)(vi) of the Act, of applications for environmental authorizations in or affecting the geographic areas to which these frameworks apply.

The environmental management frameworks are aimed at :

- Promoting sustainability
- Securing environmental protection
- Promoting environmental governance.

When an environmental management framework has been adopted, after the due processes in its formulation as prescribed in this regulation, the environmental management framework, when gazette in the Government Gazette or the official Gazette of the relevant province, it then comes into legal effect, and must be taken into account within land use planning and EIA processes.

The environmental management framework regulation described above is supported by the publication of an Environmental Management Framework Guideline No 806 of 10th October 2010. The purpose of this guideline is to provide guidance on the compilation of environmental management frameworks.

Of particular note in regard to this application for an environmental authorization is that the Msunduzi Municipality have compiled and gazette and environmental management framework for their municipal area, and therefore covering this applicant site.

The map of that portion of this environmental management framework that is relevant to this application, together with the superimposition of the boundaries of the applicant site has been obtained from Msunduzi Municipality's Conservation & Environment, Development Services Branch, as extracted from their GIS System, is included within the figures of this report, and discussed and assessed within it as to its implications.

7.7. NATIONAL WATER ACT (ACT 36 OF 1998)

Because any substantial development, such as the one proposed, has the potential to cause pollution, it falls within the ambit of the National Water Act. This Act recognises that water is a natural resource that belongs to all the people of the country.

Of note in regard to the various aspects of the above the Act is that its Section 21 prescribes requirements and prohibitions in regard to various activities which may be associated with land development, including :

- Impacts on wetlands
- Construction of dams
- Other effects on water courses
- Extraction of water
- Release of water and waste water, and the licensing of sewage works.

In many instances, notwithstanding any environmental authorizations or planning permissions which may already be obtained from the relevant authorities, the relevant Directorate, the Department of Water Affairs and Sanitation, as the competent authority, may prescribe the requirements for studies and reports prior to them, at the discretion, providing either a General Authorization of Water Use License before a contemplated activity may be commenced with.

In this instance, the investigations and reporting of the appointed wetland specialist in the study that will be commissioned during the Environmental Impact Report phase of this application will determine what, if any, permissions are required to be granted from this Department in terms of this Act for which they are the competent authority.

It is also to be noted that the Department of Water Affairs and Sanitation are required commenting authorities during the EIA process, and their comments made and conditions prescribed by them are taken into account by the KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs in their consideration of this application in the EIA process.

7.8. SUBDIVISION OF AGRICULTURAL LAND ACT

This act is applicable to all agricultural or undeveloped land that falls outside of town planning schemes before 1994. It is administered by the national Department of Agriculture, and permission is required from this Department for land to be released for subdivision and / or non agricultural development.

Within KwaZulu-Natal, due to its relatively high agricultural potential in many parts, the Department looks very critically at the loss of any agricultural land identified as having high agricultural potential.

In the case of the site, the applicant properties which comprise the site fall outside of a municipal town planning scheme, application is required to be in terms of this Act to permit subdivision of this part of the site and for its alternative uses besides agriculture.

As discussed within section 5.6 above, a total area of 149.8468 hectares, which are the properties owned by Mr Hutton, of the total area of the applicant properties of 170.0878 hectares has been already approved to be subdivided and released from agricultural use by the Minister.

7.9. ASSISTING ENVIRONMENTAL GUIDELINE DOCUMENTS

Guidelines Compiled by the National Department of Environmental Affairs and Tourism in regard to the implementation of the regulations 385, 386 and 387 under the National Environmental Management Act are intended to assist relevant parties as to what is required in regard to EIA procedures promulgated under this act these being :

- a. Guideline 3 : General Guide to Environmental Impact Assessment Regulations, 2006
- b. Guideline 4 : The public participation process.
- c. Guideline 5 : Assessment of Alternative and Impacts
- d. Guideline 6 : Environmental Management Frameworks

Guideline 8 : Public Participation in the EIA process

8. THE NEED AND DESIRABILITY OF THE PROPOSED DEVELOPMENT, INCLUDING THE CONSIDERATION OF ALTERNATIVES

8.1. THE REGULATORY REQUIREMENTS IN THE EIA PROCESS

EIA Regulation 982 of 4th December 2014, as further amended by EIA Regulation 326 of 7th April 2017, sets out the EIA procedures to be followed, requires that there is the motivation for the need and desirability for a particular proposal under consideration, and to include a consideration of alternatives in the EIA process. Appendix 2 of these EIA Regulations prescribe what is required to be contained in a scoping report, and which includes the following clause within it :

(f) a motivation for the need and desirability for the proposed development, including the need and desirability in the context of the preferred location.

This requirement is therefore addressed in this section, to be further elaborated and assessed in the Environmental Impact Report Phase of the EIA, when more information is available, for example from the findings of the various specialist reports that will be commissioned. The current motivation as to need and desirability derived from a report provided the project's town planner, Peter Jewell Consulting.

8.2. THE NEED FOR DEVELOPMENT

8.2.1. ASSESMENT IN TERMS OF STRATEGIC SPATIAL PLANNING

There are five key forward planning documents which inform development in the Umlaas Road area :-

- The National Development Plan (2011)
- The Provincial Growth and Development Plan (2016 - 2017);
- The Spatial Provincial Economic Development Strategy (2007);
- The uMgungundlovu District Spatial Development Framework;
- The Msunduzi Spatial Development Framework and IDP,

8.2.2. THE NATIONAL DEVELOPMENT PLAN 2011

The *National Development Plan* prepared by the National Planning Commission in 2011 identifies the Durban to Gauteng N3 corridor as South Africa's single most important economic development corridor ranking highly on the map of South Africa's 'Competitiveness Corridors'. The Development Plan states that the Durban to Gauteng N3 corridor is vitally important to the future of the national economy and should be designated as a National Competitiveness Corridor.

The report continues by stating that the Durban to Gauteng N3 corridor “would build on the Department of Transport’s 2050 Vision for the Durban-Gauteng Freight Corridor”. The establishment of logistics park for light industrial and distribution warehousing at the proposed site is fully in accordance with the objectives of the National Development Plan. The plan included with the other figures after the text of this report highlights the importance of the N3 Corridor development.

8.2.3. THE PROVINCIAL GROWTH AND DEVELOPMENT PLAN 2016

The 2016 - 2017 Provincial Growth and Development Plan identifies economic growth as the fundamental driver of social and human development. It has been argued by the Provincial Planning Commission that economic growth is the cross-cutting issue and implicit aim in every single aspect of the KZN PGDP. The Plan sets the following goals for development in KwaZulu-Natal:

- Goal 1: Inclusive Economic Growth
- Goal 2: Human resource development
- Goal 3: Human and community development
- Goal 4: Infrastructure Development
- Goal 5: Environmental sustainability
- Goal 6: Governance and policy
- Goal 7: Spatial equity

Job creation in the PGDS is viewed as a primary means through which economic growth and transformation can occur, by distributing the benefits of growth more widely and consequently reducing dependency on a the welfare system. This will require investment and interventions by both the public and private sector in order create a more enabling environment to stimulate the generation of employment opportunities and inclusive economic growth.

Msunduzi Municipality is seen as one of the primary drivers of economic development in KwaZulu-Natal and the plan encourages development in accordance with the Municipal Spatial Development Framework. In addition, logistics warehousing and light industry is identified as one of the major industries employing the large numbers of people in the Province. The proposed logistics park is therefore in alignment with the objective of the Provincial Growth and Development Plan.

8.2.4. THE SPATIAL PROVINCIAL ECONOMIC DEVELOPMENT STRATEGY (NOVEMBER 2007)

At a strategic level, the Spatial Provincial Economic Development Strategy (SPEDS) released in February 2007, strongly reinforces the concept of promoting development around the main activity corridors of the Province. The Strategy identifies the Durban – uMngeni corridor along and around the N3 national route, as an area of priority development. Future residential, tourism and infrastructural development is to be focused on the main identified corridors

of the Province of which the N3 between Durban and uMgeni together with the surrounding settlements, are considered part of the primary corridor of the Province. The SPEDS states that infrastructure investment and development spending should primarily support localities that will become future growth nodes, supported by municipal integrated development plans. The eastern areas of Msunduzi Municipality and Camperdown which link into the Richmond/Umlaas Road Interchange are such areas where infrastructural development and employment is urgently needed. The proposed development will assist in delivering water, roads and electricity in a more integrated and efficient manner to land planned close to the N3 Priority Corridor.

The SPEDS seeks to align the Millennium Development Goals adopted by the United Nations with the KwaZulu-Natal Provincial Growth and Development Strategy and to harness the fiscal, financial and human resources at its disposal towards eradicating poverty, creating employment and laying the foundations for accelerated economic growth. (Pg 3, SPEDS: 2006). Moreover, the SPEDS seeks the means to achieve the Accelerated and Shared Growth Initiative (AGSI-SA) announced by government in February 2006, to place South Africa on a permanently higher growth path of more than 4,5% in the period to 2009 and more than 6% from 2010 to 2014. All development should therefore be focused round achieving the objectives of the strategy.

One of the key objectives of the SPEDS is to redress the lopsided economic and social costs for poor communities in locations far from employment and other opportunities. The proposed development will bring a large amount of employment and economic opportunities to the eastern suburbs of Msunduzi and other surrounding communities and broaden participation in the economy, increase investment and build skills and capacity, thereby contributing towards achieving the objectives of the strategy. This is vitally important at the P338 is scheduled for major upgrading to link Edendale suburbs with the N3 priority corridor, thereby facilitate ease of access to the new industrial areas.

The PSEDs seeks to achieve its objectives through a system of aligned municipal integrated development plans and spatial development frameworks. To this extent the Msunduzi Spatial Development Framework is aligned with provincial objectives in that it identifies the land around the Richmond /Umlaas Road Interchange as an Economic Opportunity Area to the south of the N3 close to the Camperdown interchange for mixed use development acknowledging that the primary movement corridor created by the road and rail links between eThekweni and Msunduzi is a major asset and a provincial priority. These main corridors provide the opportunity for future settlement and economic development opportunities to be channeled into activity corridors and nodes that are adjacent to or link main growth centers in order for them to become regional gateways to the global economy. (Pg 10, SPEDS:2006)

The SPEDS identifies the corridor between eThekweni and uMgeni as being a primary corridor which has a wide range of potential development opportunities as follows:

- Production of high value, differentiated goods (Manufacturing)
- Production of labour intensive, mass produced goods (Mining and

- agriculture.)
- Innovation and experimentation, (Research and Development)
- Retail and private sector services,
- Tourism
- Public service and administration.

The proposed logistics and light industrial warehouse development on the site fulfils key implementation objectives of the SPEDS (Pg 32, SPEDS, 2006) through the development of a quality industrial development providing economic opportunities in an accessible location along identified provincial priority corridors.

From a sub-regional and metropolitan planning and socio-economic perspective, the development of the proposed site is not only inevitable but also desirable. The concept of a logistics and light Industrial development on the site is consistent with provincial government policy. As McCarthy 2011 indicates, it corresponds with the designation of the uMngeni to Durban corridor as one of two “priority corridors” for private investment in the province in terms of the Provincial Cabinet approved Spatial Provincial Economic Development Strategy (SPEDS) of November 2007. In addition, it would be consistent with national government policy in terms of transport and logistics. One of the more recent research-based government perspectives on this corridor was the Department of Transport’s so-called “Moving South Africa” study. Here, the huge logistical inter-connectivity between the country’s economic core, and its two KZN ports was underscored.

In the words of the Moving South Africa (MSA) report:

“ The majority of freight customers are geographically concentrated, requiring transport from dense industrial locations to other such destinations. These are fed by relatively dense ‘corridors’. The main nodes in this system are Johannesburg, Durban, and Cape Town. The remainder of the customers cluster into two main groups: those who locate in smaller nodes (e.g. Port Elizabeth, Nelspruit), or those who are spread throughout the country in small concentrations (e.g. commercial farmers). Thus, while South African freight can benefit from some of the economics of density, the country has a large hurdle to overcome.... Nonetheless, MSA found significant evidence that the freight system was already beginning to consolidate around several high volume corridors [in value terms the most important of which is Durban/Johannesburg].....South African value-added exports to the rest of the world have increased dramatically since 1994.Notwithstanding these shifts, the transport system still does not reflect this strategy”. (J. McCarthy 2011)

The MSA report went on to identify inter-modal freight transfer, and industrial warehousing, etc, as one of South Africa’s relative weaknesses in global terms. The Department of Transport’s National Freight Logistics Study reinforced the perspectives of MSA and more specifically noted that South Africa needed to become more globally competitive in its logistics and that: “Intermodal transfers

and load consolidation occur at a range of locations concentrated in urban areas..[but]..the inter-modal interface is poor". (McCarthy 2011) The proposed light industrial development - with it key interceptory location on the N3, the Umbumbulu Road to the south coast, the western suburbs of Msunduzi, Richmond and the Eastern Cape, and its links to the interior will assist in this regard.

Overall therefore the need and desirability of the proposed development from a local, provincial and national policy perspective is strong.

8.2.5. UMGUNGUNDLOVU DISTRICT MUNICIPALITY SDF

The uMgungundlovu District SDF identifies the N3 between eThekweni and Msunduzi as a Provincial Priority Corridor (PC2) where the full range of urban land uses will be located. The District SDF aligns with the Provincial Spatial Economic Development Strategy to identify the N3 as the primary node of the Municipality and a secondary node in terms of the PGDS. The site is being identified as falling within the Msunduzi node and the provincial priority corridor where industrial, residential and tourism uses will be developed in and around identified opportunity points. It is proposed that development nodes and particularly the main intersections, will be the focus of development pressures for especially manufacturing / industry and commercial / services use.

The spatial planning perspective of the District Municipality sees the N3 freeway intersection points as key economic drivers. Specifically, in a terms of the *Corridor Development Programme Pc2: Ethekeeni-Msunduzi-uMngeni Corridor*. The Department of Cooperative Governance and Traditional Affairs has been mandated to coordinate the implementation of a Corridor Development Programme as a priority intervention aimed at promoting growth and development in KwaZulu-Natal. The corridor that falls within uMgungundlovu District Municipality is called eThekweni-Msunduzi-uMngeni corridor.

8.2.6. MSUNDUZI MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK

The Msunduzi Municipal IDP states that the sectors that contribute significantly to the region's economy are agriculture, manufacturing, wholesale/retail, business and real estate, finance and government.

The Msunduzi SDF focuses on implementing the Spatial Provincial Economic Development Strategy and the Provincial Growth and Development Strategy along the major corridors. The development concept focuses on identifying and developing nodes along corridors. The intention behind this concept is to create an urban environment that allows the majority to access a variety of opportunities because these would be located at points of good access (intersections). Nodes cannot exist without development corridors, thus, these occur at modal interchanges and can be described as the logical points where

economic and social investment should occur. The Richmond/Umlaas Road interchange node is specifically identified as a corridor opportunity area where development is to be encouraged.

The Msunduzi SDF identifies the site as being located around a corridor opportunity area where industrial, commercial and business uses will be considered. Some of the reasons for the Municipal SDF identifying the area as a corridor opportunity area are as follows:

- Msunduzi needs land for future industrial expansion and does not have sufficient land remaining for large warehouse development.
- The land is targeted for release from the provisions of the Subdivision of Agricultural Land Act No.70 of 1970 for development purposes.
- The P338 has been identified as a future ring road and will provides good access from residential areas of Msunduzi to development along the new ring corridor. In particular, the area between Edendale and the Richmond/Umlaas Road interchange with the Provincial priority corridor is appears to be in the early stages of being planned as development corridor to link the eastern suburbs with the N3 and the growing range of employment opportunities along the N3.
- The proposed location of a container port at Cato Ridge will provide increasing opportunities for logistics and light industrial development in the area between Cato Ridge and Msunduzi.
- The necessary infrastructure is or can be made available to the site.
- The location of the site adjacent to the Richmond/Umlaas Road/N3 interchange provides a major advantage. Rapid and convenient access to the N3 can be obtained in both an easterly direction to eThekweni and in a westerly direction to Msunduzi and the interior and the Eastern Cape..

8.2.7. SUMMARY OF PLANNING DOCUMENTS

In summary, the proposed establishment of logistics park containing light industrial and distribution warehousing on the property is consistent with the Umgungundlovu Spatial Development Framework and the Msunduzi Spatial Development Framework, both of which identify the site as falling within the Msunduzi Primary Node and generally on land identified by the strategic plans for such development.

Importantly, the site is located within the provincial priority corridor development area. In line with the Spatial Provincial Economic Development Strategy, the Provincial Priority Corridor is identified as an area where the full range of different types of development should be developed in order to strengthen the linkages between Msunduzi and eThekweni. This is further

reinforced by the recently released National Development Plan, 2011 and the KZN Provincial Growth and Development Strategy (2016/2017).

All of the key national, provincial, district and local statutory strategic planning documents all point towards the potential for the development of the land development area for the type of logistics and light industrial development proposed.

8.2.8. ASSESSMENT IN TERMS OF GENERAL PRINCIPLES

All land developments are required to be assessed against a number of planning principles. The planning principles contained in the Spatial Planning and Land Use Management By-Laws, are assessed in the following section and contribute towards demonstrating the need for the proposed development.

COMBATTING URBAN SPRAWL

The proposed development achieves the objective of assisting in combating urban sprawl by creating a more compact urban form. The site is generally located in an area identified for logistics industrial and commercial development close to the N3 provincial priority corridor and close to other industrial and urban development with the Umlaas Road area.

There is a need for industrial, employment and residential opportunities to be located in close proximity to each other to optimise existing resources and to maximise public investment in transport routes and the national priority corridor. The N3 national highway and the major intersections around the land development area are the channels through which people and goods are transported and the location of the site adjacent to this major route and its ease of access from the N3 will maximise its success as a logistics and light industrial development. Of critical importance is the fact that no residential area is located close to the site which has been a major stumbling block for other industrial developments close to residential areas. In this instance while the site is well within commuting distance of residential areas, there are no residential areas which can be negatively impacted by the development.

SPATIAL JUSTICE

In terms of spatial justice, the proposed development is situated in an area which has been planned by the Municipality for future mixed use development. The site is identified in all municipal strategic planning for future development and municipal services and infrastructure have been planned around the site for the type of development proposed. This strategic planning assists the Municipality achieve its overall goals for redressing past spatial imbalances. The P338 is proposed to be upgraded to link the Edendale area with the N3 corridor plan. The development of economic opportunities in this location will benefit people from the eastern suburbs as well as people from Pietermaritzburg and Camperdown areas. Additional residential areas are identified in close proximity to the application site to provide for future residential needs around the industrial areas.

EFFICIENT AND INTEGRATED DEVELOPMENT

The proposed development achieves the objectives of promoting an efficient and integrated development. The site is served by existing main roads leading to the N3 and Priority Provincial Corridor and the surrounding residential and industrial areas identified in the Municipal SDF. The site is able to access water from existing bulk pipelines and electricity from the existing ESCOM supply. The development will access an existing sewerage treatment plant. Solid waste will be disposed of at the Municipal landfill site.

RELATIONSHIP OF RESIDENTIAL AND EMPLOYMENT OPPORTUNITIES

A further principle of the development is that residential and employment opportunities should be promoted in close proximity to, or integrated with each other. One of the reasons that the Municipality has identified the site for development is that it is well situated between major residential areas at Edendale, Thornville and Camperdown and the N3 transport corridor. It represents a logistics and light industrial development well within commuting distance of nearby residential areas within Pietermaritzburg, Ashburton, Edendale and Camperdown. In addition, the Municipality is proposing the establishment of an affordable housing scheme to the east of the site at Manderston and the transport authorities are planning to upgrade the P338 as a major transport route eastwards from the N3. People from within the nearby residential areas will benefit from employment at the proposed warehouse development.

OPTIMAL USE OF RESOURCES

The development will make optimal use of existing resources. The existing road infrastructure will be upgraded and used to provide access to the development. The development will link into an existing sewerage treatment works and will link into the existing electricity supply. The development will act as a catalyst to bring in a bulk water supply pipeline which can be used to supply the water requirements of the new development and others in the area.

PROMOTING A DIVERSE RANGE OF LAND USES

The proposed development promotes a diverse range of land uses in that the site will provide for logistics and distribution warehousing while other service and light industrial developments are located close by at Umlaas Road and Camperdown. The site will be used to contain land and businesses with large space requirements while other industrial areas in the vicinity will accommodate smaller industrial developments.

REDRESSING SPATIAL IMBALANCES

The Principle of Spatial Concentration aims to build on existing concentrations of activities and infrastructure towards improved access of communities to social services and economic activities. In practical terms this promotes concentration along nodes and corridors with multi-sectoral investment. This is envisaged to lead to greater co-ordination of both public and private investment and result in higher accessibility of goods and services to communities while

ensuring more economic service delivery. This principle will further assist in overcoming the spatial distortions of the past. Future settlement and economic development opportunities should be channelled into activity corridors and nodes that are adjacent to or link the main growth centres in order for them to become regional gateways. The land around the Richmond/Umlaas Road interchange with the N3 has been identified in the Msunduzi SDF, in accordance with the PGDS, as a Corridor Opportunity Area where economic development opportunities such as clean warehousing and distribution warehouses should be considered.

The Principle of Economic Potential from the PGDS aims to improve productivity and close the economic performance gap between the various areas of KwaZulu-Natal towards economic excellence of all areas. Rapid economic growth that is sustained and inclusive is seen as a pre-requisite for the achievement of poverty alleviation. The principle further promotes the consideration of spatial needs for economic competitiveness by proposing an asset based spatial approach based on unique advantages and opportunities within various areas. The economic opportunities and advantages created by proximity to the N3 transport corridor and surrounding residential areas within the secondary provincial node (Msunduzi) are strategically important in the location of the proposed development.

The Principle of Balance Development promotes the linking of areas of economic opportunity with areas in greatest need of economic, social and physical restructuring and regeneration at all spatial scales. In practical terms the principles sought to find a balance between the potentially competing land uses by understanding the relationship and integration between major dimensions within the province and promoting a synergetic mixture of land uses in support of each other at various spatial scales. The eastern portions of Msunduzi Municipality have been identified in the PGDS as level 2 poverty intervention areas and support the location of employment generating activities specifically in these areas.

The Principle of Accessibility simply promotes the highest level of accessibility to resources, services, opportunities and other communities. This is intrinsically linked to transportation planning and should consider localised needs for the transportation of people and goods by various modes of transport as guided by the scale and function of a region. The development area is situated close to the N3 which has been identified as a provincial priority corridor for development purposes and is also situated on the P338 which has been identified as a likely future transport corridor linking the eastern and western areas of Msunduzi as a future ring road. High speed transport links between the residential areas of Msunduzi will therefore be improved and provide much greater Transport links between the residential areas and areas of employment such as the current application which area located at the identified economic opportunity nodes.

SPATIAL SUSTAINABILITY

The proposed development achieves the objectives promoting spatial sustainability. The following five categories of sustainability are all achieved through the development : -

- a) In terms of environmental sustainability, the land is currently vacant and unused agricultural land. The two portions are small and do not have irrigation rights and are not considered to be viable agricultural units. As such, the National Department of Agriculture has released the land for development purposes. The wetlands and drainage courses on the site have been identified and protected through open space zonings. The strategic environmental assessment of the Msunduzi Municipality shows the site as overall being 'not sensitive'. An environmental impact assessment is currently being undertaken and will assess the full environmental impact of the development.
- b) In terms of institutional sustainability, the Msunduzi Municipality is in a strong position to manage the land use controls for the development and will collect rates, approve building plans and provide certain services to the development.
- c) In terms of economic sustainability, the market research undertaken by the Developer shows that there is a need for strategically located logistics and distribution centres. The site is located at a major intersection between eThekweni, Msunduzi and the South Coast on land identified as an area of economic opportunity in the Municipal SDF. Goods imported through Durban will be transported to the site by container and packaged and distributed to stores and outlets throughout the region. The size of the distribution warehouse means that a large level area needs to be found in a strategically located position. Land between eThekweni and Mooi River is eminently suitable for the location of distribution warehousing. As shown above, key national, provincial and municipal policy have already identified the potential of the N3 Corridor for the location of logistics and distribution operations.

There is virtually no light industrial land left for development of such industries with large space requirements within Msunduzi or eThekweni. Such industries are clean, dry industries which require large areas of land but do not produce large volumes of waste water or pollutants such as the general industrial uses at Cato Ridge. There is a growing need for serviced and easily accessible industrial land.

- d) Socially the project is sustainable. In terms of providing much needed employment for a number of people from the Msunduzi area, the development will provide a boost to employment and the local economy. The location of a new affordable housing scheme at Manderston and at Umlaas Road is likely to provide more positive benefits to the families in terms of providing various opportunities for employment. In addition, the site is located on a main arterial between Edendale and the N3 which is planned to grow in importance as a future transport route and development

corridor.

- e) Infrastructurally the project is sustainable in that the main access roads are in place and only need to be upgraded to serve the proposed development. The bulk water supply can be extended to supply the development and sewerage will be disposed of in an approved sewerage treatment works. A supply of electricity is also available for the development.

8.3. THE DESIRABILITY OF THE DEVELOPMENT

In terms of desirability, the proposed development has a number of features highlighted by the town planner as to its benefits, as follows :

8.3.1. LOCAL BENEFITS

The site occupies a very desirable and accessible location and has been carefully selected on prime land well located between the N3 and the eastern suburbs of Msunduzi. The site has good access to the N3 and to the Umlaas Road interchange with good access directly onto and off the P338 to the N3. The site enjoys quick and easy access to a number of major roads which is valued highly by commuters and industry owners as it means quick and convenient access to markets, destination stores and access to the harbour and major transport hubs in Msunduzi, Camperdown, Cato Ridge and eThekweni.

The proposal will provide for a business with large space requirements which is in extremely short supply in the Msunduzi and Mkhambathini Municipalities. It will provide an integrated land development, making full use of existing transport infrastructure and existing service infrastructure to bring major employment opportunities to the area.

The employment issue is important in that the proposed development will generate employment opportunities in areas of employment across the board. Opportunities will be created in construction, maintenance, management, operational and professional fields. Both the Msunduzi and adjacent municipalities will benefit from the economic spin-offs from the proposed development. The very significant amount of direct employment and downstream employment generation, will contribute significantly to reducing unemployment throughout the area.

8.3.2. TOPOGRAPHY AND LANDSCAPING

The site is situated along a low ridge along the P338 and slopes off gently from south to north across the remainder of the site. The topography of the land lends itself to the development of the site as proposed. Each site has been analysed from an platform engineering perspective to obtain maximum development potential.

The site offers good visibility from the P338 which is highly valued from a business perspective. A broad architectural and signage code will be developed for the site and stipulated by the Developer.

Internal landscaping will be undertaken in terms of a landscaping plan to be prepared as part of the Environmental Management Plan.

8.3.3. EMPLOYMENT AND JOB CREATION

In terms of the criteria established by the Building Industry Federation of South Africa's and the Department of Provincial and Local Government it is estimated that between 19 and 27 jobs are created for every R1-million spent. With a total construction value of an estimated R 500 000 000, this equates to approximately 9500 downstream employment opportunities over a 2 year period or approximately 4750 job opportunities (permanent onsite employment and downstream employment opportunities) in the broader economy per annum.

The Municipality will benefit from the municipal rates, and government will obtain revenue from sales or services such as water and electricity.

A large number of employment opportunities will be created for a wide range of sectors. Furthermore, these employment opportunities created by the proposed development will be located well within commuting distance to residential areas.

A large number of jobs will be created during both the construction and occupational phase. These jobs include professional, building contractors, labourers, security, maintenance and transport (i.e. skilled, semi-skilled and unskilled workers). Approximately 851 permanent jobs will be created on site.

8.3.4. SPATIAL RELATIONSHIP TO RESIDENTIAL AREAS

With regard to accessibility of surrounding residential areas to the proposed development, the P338 which runs through the site and the N3 will provide access to Msunduzi, eThekweni and to the residential areas in the vicinity as well as to Edendale to the east and other residential areas within the Msunduzi Municipality.

Spatially the site is well situated in relation to surrounding residential areas. The site is easily accessible and yet will not have any negative impacts any existing residential areas because of its location away from existing residential areas within Msunduzi and Camperdown.

8.3.5. ACCESSIBILITY

The site is well served by a high-order national and provincial roads. The Umlaas Road interchange with the N3 will provide access to the site via the

P338, from eThekweni, Msunduzi, Gauteng, the South Coast and the interior. The site is highly accessible from the N3 and therefore will provide quick and convenient access to the eThekweni, the interior and the south coast.

The site is thus easily accessible by private and public transport from a number of major roads.

8.4. CONCLUSIONS IN REGARD TO NEED AND DESIRABILITY

The statement of need and desirability needs to be considered in the context of the broader environmental process. The area around Umlaas Road has been identified by the uMngeni Municipality as an area where the authorities would like to see a mix of logistics, light industrial and agri-business developments. More specifically, the area around the application site has been identified for a mix of industrial and logistics development with some already having taken place. The land to the north of the main road P338 is considered to be poor agricultural land but ideal for logistics and light industrial development given its location close to the N3 provincial priority corridor along the N3 National Road.

To this extent, the Umlaas Gates development fulfils the objectives of the Municipal spatial development framework and national and provincial strategic plans by development along the N3 priority corridor. There is a need for logistics and industrial development in this area and this need has been identified by the Municipality as well as by the developer. The site is desirable for the establishment of a an industrial and logistics development from a planning and sustainability perspective.

8.5. THE CONSIDERATION OF ALTERNATIVES

A cogent argument has been made above that the proposed Umlaas Gate development, for logistics and light industrial uses, is indeed needed and desirable.

However this has to be assessed against those alternative uses that could reasonably be considered for, or on, the same applicant site. These alternatives can be considered in regard to :

- Potential alternative uses for the site.
- Potential layouts and technologies to be applied on the site.

As briefly identified further below.

However this has to be assessed against those alternative uses that could

8.5.1. CONSIDERATION OF ALTERNATIVE USES FOR THE SITE

The following alternative uses are identified below, to be assessed further in the environmental impact report phase of the development, where the information provided from the relevant specialist reports will also be useful in this regard.

THE NO DEVELOPMENT ALTERNATIVE

It is required, as a standard practice to assess the implications and related environmental impacts not the “no-development” alternative, and this will therefore be included within the further EIA assessment processes.

THE USE OF THE SITE FOR AGRICULTURAL PURPOSES

Notwithstanding the release of from agriculture in terms of the national Subdivision of Agricultural Land Use Act (Act 70 of 1970) of all but about 20 hectares of the 170 hectare site that was elaborated within section 7 above, it is requirement of this EIA process, as confirmed in the pre-application process with the competent authority, the KZN DEDTEA, that the potential use of the site for agriculture is also considered and assessed.

THE USE OF THE SITE FOR OPEN SPACE / CONSERVATION PURPOSES

The potential uses of reserving and rezoning the site for open space / environmental conservation purposes is required to be assessed.

THE DEVELOPMENT OF THE SITE FOR ALTERNATIVE LAND USES

The identification and use of the site for alternative land uses, for example for :

- Residential
- Commercial
- General Industrial
- Institutional

Or a mixture of these uses on the applicant site will be assessed during the impact assessment phase of the EIA process.

8.5.2. CONSIDERATION OF ALTERNATIVE LAYOUTS AND DESIGNS ON THE SITE

The layout plan provided by the engineers of Umsungulu Project Management that is included after the text of this report has taken into account the parameters of topography, water courses and existing infrastructure into account in its formulation, and from this derived what they assess as being the “best fit” for the proposed logistics and light industrial purpose as the intended land uses of the applicant’s as developers of the site.

Notwithstanding this, the layout of the site will be further assessed in the EIA process, where additional information from specialist reports, for example Geotechnical, Biodiversity, Wetland and Visual Impact reports may have an influence.

8.5.3. CONSIDERATION OF ALTERNATIVE TECHNOLOGIES

The identification and assessment of alternative technologies will also be assessed in the further EIA process, taking into account the information provided in the specialist reports, in particular the Engineering Report which will also consider and assess various technologies to be applied, for example in regard to waste water disposal and green technologies to be applied together with their recommendations as to what would be best to apply in the proposed development.

9. DETAILS OF THE PUBLIC PARTICIPATION PROCESS

9.1. THE PUBLIC PARTICIPATION PROCESSES UNDERTAKEN SO FAR

The public participation processes reported on in this section have been undertaken in accordance with requirements contained within Chapter 6 of EIA Regulation 326 of 7th April 2017 and the Department of Environmental Affairs *Public Participation Guidelines in terms of NEMA (2017)* compiled by the National Department of Environmental Affairs, which is intended to lend clarity and elaborate on the abovementioned regulations.

In order to advise all potential interested and affected parties of the proposed development, to provide them with suitable background information, and to invite them to be to be registered as interested and/or affected parties if they so wish, with an opportunity to comment the following appropriate public participation measures have occurred :

1. An advertisement placed in The Witness newspaper dated Friday 16th February 2018.
2. Poster was placed on the boundary of the site at the intersection of Main Road 338 and District Road 354.
3. An appropriate scoping letter was handed delivered, with a copy retained that was with name, date signature, was provided to all adjacent property owners.
4. The municipal ward councillor was identified as Ms Sandy Lyle, and she was contacted by email. She confirmed that she wished to be registered as an interested and affected party.
5. The relevant government organisations and parastatal organizations that are required to be approached for comment in the EIA process have been identified.
6. Representatives of the Mpushini Environment have been recorded as interested and affected parties, using the information provided by the Conservation & Environment, Development Services section of Msunduzi Municipality and Ms. Pandora Long.

The results of these preliminary public participation processes are summarised below.

9.2. THE RESULTS OF THE PUBLIC PARTICIPATION PROCESS SO FAR

9.2.1. COMPILATION OF A LIST OF REGISTERED INTERESTED AND AFFECTED PARTIES

The government and parastatal organizations that are required to be contacted in the EIA process for their comments are identified as follows :

1. Department of Water Affairs and Sanitation
2. Eskom
3. Ezemvelo KwaZulu-Natal Wildlife
4. KwaZulu-Natal Department of Transport
5. Mkhambathini Local Municipality
6. Msunduzi Local Municipality
7. South African National Roads Agency Limited
8. Transnet Freight Rail

The list of private individuals and organizations, to be involved further in the public participation EIA processes, are identified as follows :

9. Gromor (Pty) Ltd.
10. Hirsch Hideaway : Fleur Rheeder – Farm Manager
11. KwaZulu-Natal Conservancies : Executive Committee – Chairperson Ms. Edith Elliot.
12. Lower Mpushini Valley Conservancy - Mr. Keith Brown -Chairperson
13. Ms. Sandy Lyne
14. Mrs. Gail and Mr. Quentin Mckenzie
15. Mpushini Protected Environment Landowners' Association – Ms. Nicole May - Chairperson
16. Preservation of the Mkhondeni Mpushini Biodiversity Trust – Ms. Pandora Long - Chairperson
17. Carl Schutte
18. Tangelthorne Home Owners Association – Mr. Les Uppink – Chairperson
19. Upper Mpushini Conservancy – Ms. Stefani Schutte – Chairperson

This list is preliminary, as the public participation process is ongoing, and is therefore subject to review and addition to, as may occur in this process.

9.2.2. COMMENTS RECEIVED SO FAR AND PRELIMINARY RESPONSES TO THEM

The table below includes the comments and queries received so far from interested and affected parties (besides any simple acknowledgements of their wish to be registered, or to provide information as to other parties who should be registered) and the preliminary responses to them by the environmental impact assessment practitioner.

COMMENT RECEIVED	PRELIMINARY RESPONSE
<p>Mrs. Gail McKenzie (Email of 3rd April 2017)</p> <p>1. Wildlife in area. On that particular piece of property there are Rietbuck which are diminishing in number already as the development is increasing. Other buck species as well, many of which sleep here at night.</p> <p>2. There are various birds of prey. We often see the long crested eagles, yellow billed kites as well as herons, blue cranes, secretary birds and even the migratory storks yearly enjoy that property. The Egyptian geese, crowned crane, many wild ducks, guineafowl, quails, as well as many more. We hear and see the jackal there and hear the bushbabys in the evenings.</p> <p>3. This is viable farming land and is arable land. It is also suitable for both wildlife to graze as well as livestock.</p> <p>4. This is the catchment area for the dams on the neighbouring farms. Boreholes too. Factory sewage, litter, storm water drains etc will contaminate waterways. Local children play ,swim and fish in these dams. They also eat the fish they catch. What about E-coli and other bacteria. This will be a health issue.</p> <p>5. Development: dust , noise, bright lights, destruction of arable land, litter, deteriorating air quality, associated crime, these and more are all going to be a problem but most of all is the loss of agricultural land, which after being developed will never be able to be reversed to its former glory.</p> <p>6. This will affect animals, land, and humans all negatively.</p> <p>7. Family's walk, jog, cycle ride horses along district road. Increase in traffic will put an end to our communities way of country living.</p>	<p>These concerns were supplied at the request of the EAP, after earlier communications.</p> <p>The have at this stage been acknowledged, to be responded to further in the EIA process, supported where appropriate by the appointed specialists in the various fields, for example biodiversity or agricultural.</p> <p>It is understood also that the applicant, to whom the email of Mrs. McKenzie was forwarded, has also met with her to discuss these concerns with her.</p> <p>As reported in an email receive from the applicant's representative :</p> <p><i>"We have had several meetings with the McKenzie's and these concerns have been dealt with. In fact Mr McKenzie proposed that we relocate the small properties to across the road and create one large property on the land that adjoins their property. (Version 9.) This has been changed and accepted by them, in which it has also addressed and covered many of their concerns".</i></p>

<p>8. These lands should be used to grow food for our people as that is what it is suited to.</p> <p>9. There are so many pieces of land bordering on the N3 that have already been developed yet are standing vacant.</p> <p>10. Our family 3 generations have now farmed and are farming in this area and survived on a much smaller piece of land than the one that will now be destroyed. This property that is requested to be developed, in the right hands will feed many a family and be a viable farm.</p> <p>11. Other associated problems such as noise pollution with industry will effect our holy days on which no work is to be done and it is to be quiet and peaceful in order to spend time in study and prayer.</p> <p>Noise not only stresses humans but animals as well.</p> <p>The health of those of us living in this area will be affected, our safety and the safety of our possessions, our income, and our religious practices will all be negatively effected.</p>	
<p>Mr. Carl Schutte (Email of 5th March 2018)</p> <p>Please list the <i>Tanglethorn Home Owners Association</i> as an interested party.</p> <p>In terms of correspondence please address all email correspondence to the Mr Les Uppink who is the association chairman (copied above) and copy me if possible.</p> <p>Could you please tell me who the current land owners are and whether Super Digger Holdings is acting only as developer or are they intending to purchase the land.</p>	<p>Noted and complied with</p> <p>Noted, recorded, and to be complied with.</p> <p>Answer provided as follows : The property has been purchased by Super Digger Holdings (Pty) Ltd with a suspensive condition of the property being rezoned to light industrial. Once approved, registration of transfer shall take place and then Super Digger Holdings shall develop the property.</p>

Section 10.6 and 11 below provide details of the next actions to be taken in the ongoing public participation process associated with this Umlaas Gate application.

10. PLAN OF STUDY FOR AN ENVIRONMENTAL IMPACT ASSESSMENT

10.1. THE NATURE AND CONTENT OF A PLAN OF STUDY FOR AN ENVIRONMENTAL IMPACT ASSESSMENT

The purpose of this plan of study is to provide an outline of the processes that will occur after the scoping phase of the Environmental Impact Assessment is completed, and which will occur during the Environmental Impact Report phase of the process.

In terms of its structure and process, this plan of study is produced in accordance with the requirements of EIA Regulation 982, as amended by EIA Regulation 326 of 7th April 2017 within its Appendix 2, which includes what is required to be included in a Plan of Study, which are that it requires to have within it :

1. A description of the alternatives to be assessed within the preferred site, including the option of not proceeding with the activity.
2. Description of the aspects to be assessed as part of the environmental impact assessment process.
3. Aspects to be assessed by specialists.
4. A description of the proposed method of assessing the environmental aspects, including a description of the proposed method of assessing the environmental aspects, including aspects to be assessed by specialists.
5. A description of the proposed method of assessing duration and significance.
6. An indication of the stages at which the competent authority will be consulted.
7. Particulars of the public participation process that will be conducted during the environmental impact assessment process.
8. A description of the tasks that will be undertaken as part of the environmental impact assessment process.
9. Identify suitable measures to avoid, reverse, mitigate or manage identified impacts and to determine the extent of the residual risks that need to be managed.

In meeting the above requirements, this Plan of Study of an Environmental Impact Assessment contains the following sections:

SECTION 10.2

An identification of the potential environmental aspects and associated potential impacts to be assessed.

SECTION 10.3.

An identification of the alternatives identified, and the manner of their consideration and comparison.

SECTION 10.4.

The methodology of assessing the significance of identified potential environmental impacts in terms of the criteria outlined above, and including those measures that could mitigate any identified potential impacts.

SECTION 10.5.

An indication of the additional information required, from specialist studies and other documentation that will be required to assess the potential impacts on the proposed activity on the environment.

SECTION 10.6.

Provides an outline of the proposed public participation processes associated with the implementation of the above proposed Environmental Impact Assessment procedures and the resultant Environmental Impact Assessment Report.

10.2. IDENTIFICATION OF THE ENVIRONMENTAL ISSUES AND POTENTIAL IMPACTS TO BE ASSESSED

The potential issues and environmental impacts identified below are, at this stage in the EIA process, derived and from knowledge of the site and the proposed development, and also supplemented by experience and literature of similar projects elsewhere, and any comments received so far from interested and affected parties in public participation process.

Those issues and potential impacts that are considered to need to be further investigated and assessed are included below. They are grouped into their relevant broad categories, and briefly elaborated on where appropriate. These areas are in regard to:

10.2.1. THE BIOPHYSICAL ENVIRONMENT

The biophysical environment can be considered to be comprised of the air, water, soil, biological species, communities and habitats, and the ecological processes within which they are all interrelated. The potential impacts of the proposed activity on these components are required to be assessed in the EIA process, and to include such aspects as the potential impacts on:

- a. Water quality – for example water pollution during the construction phase, as well as the operation of the development.

- b. Hydrology – for example in regard to changes volumes and flow rates of storm water run off.
- c. Air quality, potential impacts on air quality during the construction and operation of the site.
- d. Biodiversity : Any potential impacts on biodiversity on the site or its influent surroundings.

In particular in this regard, the potential impacts on the transformation of more than one hectare of indigenous vegetation on the site, which is a listed activity that has been applied to be authorized in this application.

10.2.2.THE SOCIO-ECONOMIC ENVIRONMENT

Potential socio-economic issues and related information to be assessed include :

- a. Whether there is a need and desirability for the proposed activity, and any related socio-economic benefits.
- b. Potential negative impacts in regard to such as aspects as :
 - Loss of agricultural land or other potential land uses
 - Traffic
 - Dust
 - Noise
 - Visual impacts
 - Security concerns
 - Loss of access to amenities or resources
 - Any others raised in the public participation process.

10.2.3.THE PROVISION OF INFRASTRUCTURE AND SERVICES

The ability to ensure the provision of the necessary and appropriate infrastructure and services, in regard to:

- a. Road provision and related traffic generated.
- b. The provision of potable water.
- c. The disposal of waste water.
- d. The management of solid waste.
- e. The provision of electricity.

10.2.4.ENVIRONMENTAL MANAGEMENT ASPECTS

DURING CONSTRUCTION

The potential impacts of the proposed activity during the construction phase, such as noise, vibrations, dust, security, soil erosion or others need to be identified and assessed, including the appropriate mitigating measures that should be applied.

DURING OPERATION

During its operation in perpetuity, environmental management measures to mitigate against any potential negative impacts and enhance any potential positive measures need to be identified and assessed, by means of the installation of the appropriate institutional management structures, allocated income and application of the necessary expertise.

10.3. THE IDENTIFICATION AND CONSIDERATION OF ALTERNATIVES

It is requirement of the EIA procedures that alternatives to a particular development proposal are identified and considered in a similar manner as occurs with the potential environmental issues dealt with above. Those potential alternatives identified so far, and as has been elaborated on further within section 8 above, and the manner in which they will considered within the overall assessment is required to be undertaken in regard to :

1. The no-go alternative.
2. The alternative uses for the site.
3. The use of alternative sites for the proposed activity.
4. The use of alternative layouts, procedures and technologies in the proposed development.

10.4. THE METHODOLOGY FOR ASSESSING THE SIGNIFICANCE OF IDENTIFIED POTENTIAL IMPACTS

Within the description and assessment of each of the identified environmental issues for the applicant site and also, if relevant, for alternative sites, the general structure and approach is outlined below. What is provided below is a general framework of approach to the assessment of a potential impact, which of necessity may be tailored and altered where required to deal adequately with the description and assessment of a particular issue. Bearing this caveat in mind, the overall framework of assessment is as follows:

- A description of the nature of the potential impact as to its :

- Causes and effect
 - Who or what will be affected
 - How it will be affected
- Assessment of the impact as to
 - Probability
 - Extent
 - Duration
 - Magnitude
 - Reversibility
 - Cumulative impacts
- Mitigation of the potential impact in regard to the
 - Potential to mitigate any negative impacts
 - Potential to optimise any positive impacts
 - The likelihood of successful mitigation
- Overall assessment and general comments as to the predicted impacts of the development after mitigation, in terms of such criteria as may be relevant to a particular impact, and which may include the following aspects:
 - The severity and permanence of the impact on either local biota or surrounding human communities
 - The size of the affected communities and their relative significance
 - The general ecological and socio – economic context within which a particular impact would occur
 - The final balance of between positive and negative impacts, and related costs and benefits to society.

The table overleaf provides a summary of the application of these criteria for each potential impact, to the extent that they are relevant to a particular impact.

However, if any of the potential impacts do not lend themselves to an assessment using the approach outlined in the table overleaf a more discursive way of dealing with a particular issue will be applied as may be appropriate.

SUMMARY OF CRITERIA USED FOR THE ASSESSMENT OF POTENTIAL IMPACTS

POTENTIAL IMPACT	CRITERIA	DESCRIPTION OF ELEMENTS THAT ARE CENTRAL TO EACH IMPACT
DESCRIPTION	Nature	What causes the effect?
		Who will be affected?
		What will be affected?
		How will it be affected?
	Probability	Certain / may not occur with mitigation
	Status	Positive, negative or neutral.
PRELIMINARY ASSESSMENT BEFORE MITIGATION	Extent	Is the impact site specific ?
		Does the impact extend locally , i.e. to the site and its nearby surroundings?
		Does the impact extend regionally , i.e. have an impact on the region?
		Does the impact extend nationally , i.e. have an impact on a national scale?
	Duration	Short term , i.e. 0-5 years.
		Medium term i.e. 5-11 years
		Long term , i.e. impact ceases after the construction or operational life cycle.
MITIGATION	Potential to mitigate each of the negative impacts	Description of the mitigatory measures. Extent to which mitigatory measures could influence the significance and status of each impact.
	Potential to optimize each of the positive impacts	Description and evaluation of the optimization measures that can be applied.
ASSESSMENT OF IMPACT AFTER MITIGATION		Low , i.e. natural and social functions and processes are not affected or minimally affected.
		Medium , i.e. affected environment is notably altered. Natural and social functions and processes continue albeit in a modified way.
		High , i.e. natural or social functions or processes could be substantially affected or altered to the extent that they could temporarily or permanently cease.
	Reversibility	Impact is reversible or irreversible.

	Cumulative or non-cumulative	Potential of two or more impacts to combine cumulatively or synergistically
OVERALL ASSESSMENT AND CONCLUSIONS	Overall Assessment and concluding comments as to the predicted impacts after mitigation and their : Severity and permanence Size and relative significance Ecological and socio – economic context Balance between positive and negative aspect Cost and benefits Acceptability / Unacceptability	

10.5. SPECIALIST STUDIES AND OTHER INFORMATION REQUIRED

The following specialist studies and reports have been identified as being required in order to provide the necessary information for the compilation of the Environmental Impact Report:

1. Geotechnical Report

A specialist Geotechnical Report which, amongst other information provided, confirms that there are no geotechnical conditions associated with the site that could be problematic for the storage and handling of dangerous goods in the manner proposed on the site.

2. Wetland Assessment Report

A specialist Wetland Assessment Report that identifies any wetlands or other surface water resources within 500m of the site, describes their functionality against the recognised appropriate criteria, assesses any risks associated with the proposed development on these resources, and recommends any mitigating measures.

3. Biodiversity Assessment Report

A report which describes and assesses the flora and fauna on the site as to its present biodiversity value, including any faunal habitat implications, and the implications for transforming this vegetation in the development process, together with any recommended mitigating measures.

4. Heritage Impact Assessment Report

A Heritage Impact Assessment Report by an accredited cultural heritage specialist, which investigates the site in regard to the presence of any cultural heritage resources on the site, and reports and provides recommendations thereto, including any appropriate interactions with the provincial cultural heritage authorities that may be required.

5. Town Planning Report

This to be compiled by the appropriate engineering specialist in regard to the management of storm water run off on the site, in terms of managing in accordance with the requirements of eThekweni Municipality, and also whether there are any issues relevant to the management of stormwater

run off pertinent to the proposed handling and storage of dangerous goods on the site.

6. Engineering Services Report

An Engineering Services Report to be compiled by professional consulting engineers which describes how the facility will receive and manage engineering services, in the form of water supply, electricity supply, waste water disposal and solid waste disposal, storm water management, and describes any environmental resource conservation measures to be applied in the facility, and records any interactions with, and requirements of, engineering service providers, and makes appropriate recommendations.

7. Traffic Impact Report:

A specialist traffic impact report which describes the current traffic situation, and any potential impacts of the proposed activity of the proposed activity on traffic, and any mitigating measures to be applied in that regard.

8. Noise Impact Report

A specialist noise impact report which assesses and describes the current ambient noise levels on the site and its environs, assesses the changes and likely noise levels post development, and recommends any mitigating measures in this regard.

9. Visual Impact Report

A specialist visual impact report which describes and assesses the current visual qualities of the site, the vantage points from which the site may be viewed, assesses the potential intrusive or obstructive impacts of the implementation of the proposed development and recommends appropriate mitigation measures.

10. Environmental Management Programme:

An Environmental Management Programme, to be compiled by the environmental assessment practitioner in terms of the requirements prescribed within Appendix 4 of EIA Regulation 326 of 7th April 2017, will be provided. This will contain the measures to be applied to mitigate a negative impacts and to enhance any positive impacts of the development during both its construction and operational phases.

Information and comments from various authorities and organisations:

Other information and comments required by authorizing authorities to be taken into account in the EIA process, and which may influence the compilation and assessment of specialist reports are identified as including the following :

1. Department of Water and Sanitation
2. Msunduzi Local Municipality
3. Umgungundlovu District Municipality

4. Mkhambathini Local Municipality
5. Transnet
6. Eskom
7. South African National Roads Agency Limited
8. Kwazulu-Natal Department of Transport
9. Ezemvelo KZN Wildlife
10. As well as those comments received from all private persons or organisations.

10.6. THE PROPOSED PUBLIC PARTICIPATION PROCESS

It is proposed that the Environmental Impact Report that is produced as a result of the implementation of the above Plan of Study for an Environmental Impact Report will be made available for comment as a draft to all registered interested and affected parties and government organisations, and also the competent authority.

There will be a 30 days comments period. This draft report will also be provided to the competent authority for their comment as well.

A record of all comments received, and any appropriate responses to them, and the register and record of any meetings held, will be included in the final report Environmental Impact Report that will be provided to the competent authority for their consideration for an environmental authorization.

10.7. THE INTERACTION AND CONSULTATION WITH THE COMPETENT AUTHORITY

Draft final Environmental Impact Reports will be provided to the competent authority, the KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs for their comment, and associated communications and interactions with them will occur as may be required.

11. THE NEXT STEPS IN THE EIA PROCESS

This draft Scoping Report will be made available to all registered interested and affected parties, as listed within section 9.2 above of this report.

Any written comments from the above parties will be requested to be provided within 30 days of receiving this Environmental Scoping Report. Any follow interactions and meeting with these authorities will occur as may be required.

A copy of this draft Scoping Report will also be provided to the KwaZulu-Natal Department of Economic Development, Tourism and Environment, as the competent authority responsible for administering the EIA process.

The comments received on this draft Scoping Report will taken into account in the compilation of a final scoping report, and this final Scoping Report will be circulated in a similar manner as the draft report, and submitted to the competent authority for consideration for acceptance.

The acceptance of the final Scoping Report will permit the production and circulation of the environmental impact report, which assessed the various issues, impacts and alternatives identified in the scoping process, with the assistance of the various specialist reports which are listed within the plan of study for an environmental impact assessment which is contained above within section 10 of this scoping report.

12. THE UNDERTAKING OF AN OATH OR AFFIRMATION BY THE EAP

As prescribed within Appendix 2 of EIA Regulation 326 of 7th April 2017, the following affirmation is made by Guy Nicolson of Guy Nicolson Consulting CC as the independent EAP appointed for this application, to the best of his knowledge, as to :

1. The correctness of the information provided in this report.
2. In inclusion of any comments and inputs from stakeholders and interested or affected parties; and
3. Any information provided by the EAP to the interested and affected parties and any responses by the EAP to comments or inputs made by interested or affected parties.

It is also affirmed by Guy Nicolson as the EAP in relation to :

4. The level of agreement between the EAP and interested and affected parties on the plan of study for undertaking the environmental impact assessment.
5. Where applicable, any specific information required by the competent authority; and
6. Any other matter required in terms of section 24 (4)(a) and (b) of the National Environmental Management Act, 1998.



Guy Nicolson : May 2017
MSc Prof.Sci.Nat
GUY NICOLSON CONSULTING

13. **LIST OF FIGURES**

1. Locality Plan
2. Aerial Photograph of the Umlaas Gate site and its environs
3. Wetland Units delineated on the site by Eco-pulse
4. Vegetation Communities as mapped by Eco-pulse
5. SANBI 2011 Plan of the Umlaas Gate site
6. Ezemvelo KwaZulu-Natal Wildlife Vegetation Type
7. Extract of the Msunduzi Environmental Management Framework with the boundary of the site superimposed
8. No-Go Areas on the site, as provided by Eco-pulse.
9. Mpushini Protected Environment and the 5km areas of influence
10. Extract of the National Development Plan which highlights the importance of the N3 Corridor development
11. Extract of the Msunduzi Spatial Development Framework Plan with the site location indicated on it
12. Plan showing land already developed and proposed for development in the vicinity of the applicant site along the N3 corridor
13. Aerial Cadastral Map
14. General Layout Plan