



KZN Agriculture and Environmental Affairs

uMnyango:
weZolimo neZemvelo
ISIFUNDAZWE SAKWAZULU-NATALI

Chief Directorate/ Directorate:
South Region
Address:
Private Bag X6005
Hilton
3245
Enq: Ms SJ Allan
Tel: 033 – 343 8300
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Ref: EIA/7087
Date: 8/12/2006

Moreland Developments
P O Box 22319
Glenashely
4022

ATTENTION : **Bheki Shongwe**
Tel : **031- 560 1900**
Fax : **031- 560 1619**

CC. : **Guy Nicolson**
Fax : **031- 764 2515**

Re: Environmental Authorisation / Exemption from further compliance with EIA Regulations: EIA 7087

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

The proposed construction of major arterial roads and an interchange in Main Road 93-Bridge City- Phoenix South. (on Portion of Rem of Sub 433 & Rem of Sub 306, of Farm Melk House Kraal No. 789) EJA

Further to the above, the KwaZulu-Natal Department of Agriculture and Environmental Affairs, by virtue of powers delegated by the National Minister of Environmental Affairs and Tourism and in terms of Section 28A of the Environment Conservation Act, Act No. 73 of 1989, hereby **grants exemption** to Moreland Developments from further compliance with the Environmental Impact Assessment Regulations (Government Notice No. R.1183 of 5 September 1997) for the abovementioned project. EJA

1. Description of activity:

The applicant, Moreland Developments (PTY) Ltd, proposes the construction of major internal arterial roads and associated infrastructure as well as an interchange on the Main Road 93, KwaMashu Highway. The site has already been zoned and has some roads constructed on it as well levelled as an industrial township in the last 5-10 years. The proposed development will enable efficient vehicular circulation and also ingress onto the site. The proposed major arterial roads and interchange construction form part of the broader strategic joint venture initiative towards unblocking development and boosting economic growth in the eThekweni Municipality Area as part of the Presidential Renewal programme.

In addition diesel fuel will be stored on a temporary basis by means of above ground storage tanks for the construction purposes only.

In terms of Schedule 1 of Government Notice No. R1182 of 5 September 1997, as amended, the activity has been identified as:

- a) **Item 1 (c) - The construction or upgrading of transportation routes and structures, and manufacturing, storage, handling, or processing facilities for any substance which is considered dangerous or hazardous and is controlled by national legislation."**
- b) **Item 1 (d) - "The construction or upgrading of: roads, railways, airfields and associated infrastructures".**

2. Location:

Province	:	KwaZulu-Natal
Magisterial District	:	eThekweni Municipality
Name of property	:	Portion of Rem of Sub433 and Rem of Sub 306 all Of the Farm Melk Houe Kraal No.789
Extent of property	:	45ha
Extent of development	:	45ha
1:50 000 map	:	Verulam 2931CA
Co-ordinates	:	32 45' "S 30 60' "E

3. Applicant:

Name	:	Moreland Developments (PTY) Limited
Address	:	P O Box 22319 Glenashely 4022

Contact person : Bheki Shongwe
Tel : 031- 560 1937
Fax : 031- 566 1619
E-mail : bheki.shongwe@moreland.co.za

4. Consultant:

Name : Guy Nicholson Consulting
Address : 6 Indwa Place
 Kloof
 3610

Contact person : Guy Nicholson
Tel : 031-764 2515
Fax : 031-764 2515
Cell phone : 082 772 9941
E-mail : guyn@saol.com

5. Documentation assessed:

<u>Document</u>	<u>Compiled by</u>	<u>Date</u>
Application Form	Guy Nicolson Consulting & Moreland Developments (Pty) Ltd	6 April 2006
Environmental Management Plan	Guy Nicolson Consulting	9 March 2006
Motivation for Exemption	Guy Nicolson Consulting	6 April 2006
Comments: eThekweni Municipality	Vincent Zungu	07 July 2006

6. Key Decision Factors

The Department's evaluation considered the following key decision making factors:

- The internal arterial roads and interchange will enable the proper and efficient vehicular circulation as well as ingress onto the site.
- The surrounding residence will experience benefits due to improved access to the facilities that would form part of the proposed town centre such as a district hospital, retail outlets, civic centres and employment opportunities.
- The negative environmental impacts of the upgrade are largely limited to the

generation of dust and noise as a result of the earthworks and the movement of the plant, accidental diesel spill, and inappropriate positioning of the contractors camp. These impacts are sufficiently addressed in the Environmental Management Plan, dated 9 March 2006.

- There is no significant indigenous vegetation or other environmentally sensitive features on the site, such as drainage lines or wetland areas.

7. Conditions of authorisation:

Standard Conditions

- 7.1 The applicant is responsible for compliance with the provisions for Duty of care and Remediation of Damage in accordance with Section 28 of the National Environmental Management Act (NEMA), Act no. 107 of 1998. Determination of damage vests in this Department.
- 7.2 This Department retains the right to inspect the proposed project during both construction and operational phases.
- 7.3 This authorisation refers only to the activity as specified and described in Section 1 above. Any other development associated with this project and listed under Section 21 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) is not covered by this authorisation, and must therefore comply with the requirements of the Act and Government Notice R. 1183.
- 7.4 Failure to comply with these conditions of authorisation will under Section 22 (4) of the Environment Conservation Act, Act No. 73 of 1989, render it invalid and the applicant liable to legal action under Section 29 of the said Act.
- 7.5 One week's written notice must be given to this Department before the commencement of construction activities. Such notice shall make clear reference to the site location details and the EIA number given above.
- 7.6 This Department reserves its right in terms of sub-regulation 9 (3) of GN No. R1183 of 5 September 1997 as amended by GN No. 672 of 10 May 2002, to review any condition contained in this authorisation, and if deemed necessary, delete or amend such condition, or at its discretion, determine new conditions, in such a manner that is lawful and procedurally fair.
- 7.7 The granting of this authorisation **does not** exempt the applicant from compliance with any other relevant and applicable legislation.

Project Specific conditions:

7.8 Should any cultural or archaeological remains be uncovered during excavation, construction and/or during the course of developmental activities, all work must cease immediately and Amafa aKwaZulu-Natali (Heritage KwaZulu-Natal) must be notified accordingly.

7.9 Measures must be implemented such that erosion is minimised during and after construction of the road. Suitable erosion control measures must be implemented in sensitive areas such as near water supply points and edges of slopes. These measures could include:

- a) The suitable use of sand bags or Hessian sheets.
- b) The prompt rehabilitation of exposed soil areas with indigenous vegetation to ensure that soil is protected from the elements.
- c) The removal of vegetation, only as it becomes necessary for work to proceed.
- d) Prevent the unnecessary removal of vegetation especially on steep areas.

7.10 All materials (sand, stone, gravel etc.) must be legally sourced. Further to this proposed borrow pits must be approved by Department of Minerals and Energy.

7.11 With reference to the Environmental Management Plan (EMP) prepared by Guy Nicolson Consulting, dated 9 March 2006:

- a) The EMP will be considered an extension of the Conditions of Authorisation as set forth by this Department. Non-compliance with the EMP will constitute non-compliance with said conditions.
- b) The EMP will be made binding on all parties operating on the site and **MUST** be kept on site during construction.
- c) In order to ensure compliance with the EMP an Environmental Control Officer (ECO) must be appointed before construction. This ECO must be on site during construction and [must] prepare audit reports on a monthly basis for submission to this office for review.
- d) This Department reserves the right to review the EMP during the construction and operational phases of the above-mentioned activity and amend/add any condition as it is deemed necessary.

7.12 In the event of a significant spillage that cannot be contained and which poses a serious threat to the physical environment the following Departments must be informed within 12 hours of the incident:

- The Local Authority




- Department of Water Affairs and Forestry
- Department of Agriculture and Environmental Affairs (Pollution and Waste Management).
- The Local Fire Department.

7.13 A Storm water management plan must be approved by eThekweni Municipality and implemented prior to the commencement of construction.

7.13 Audit reports must be submitted to the following address:

Assistant Director: Compliance, Monitoring and Enforcement
Department of Agriculture and Environmental Affairs
Private Bag X 006
Bishopsgate
4008

7.14. Development to comply substantially with Plan Ref
2006/01 Rev 0/1 prepared by Iyer-Rothling Collaborative cc. 



Validity:

The following validity period shall apply:

1. Construction work on site must commence within **18 (eighteen) months** of the date of authorisation, or this authorisation is deemed to have lapsed and is no longer valid.
2. Conditions pertaining to the operation of the development remain valid for the lifetime of the development.

Appeal:

An appeal against the authorisation or condition/s of authorisation may be directed to:

Mr Mtholephi Emmanuel Mthimkhulu,
MEC for Agriculture and Environmental Affairs
P O Box 2132
Durban
3200

Tel: 031- 368 2223

Fax: 031- 368 1601

within **30 calendar days** of authorisation, setting the grounds of appeal and including all relevant documentation as required by section 35 of the Environment Conservation Act, Act no. 73 of 1989 (as amended).



Head of Department

8/12/2006
Date

