

**ENVIRONMENTAL IMPACT ASSESSMENT PROCESS**

**ISSUES TRAIL**

**PROPOSED COMPENSATION INDUSTRIAL AND BUSINESS ESTATE AT  
COMPENSATION, KWADUKUZA MUNICIPALITY**

**SUMMARY OF ISSUES/CONCERNS AND SUGGESTIONS RAISED BY  
INTERESTED AND/OR AFFECTED PARTIES**

**NOVEMBER 2012 updated FEBRUARY 2015**

This Issues Trail provides a summary of concerns raised by Interested and/or Affected Parties (I&APs). A full record of the public participation process and stakeholder / I&AP correspondence is available at the Royal HaskoningDHV offices. The issues are listed in the date order in which they were received. The name, affiliation and date of the commentator are also indicated.

**Table 1: The following issues were raised during the 40 days comment period in the EIA phase.**

**Kindly Note, there were no issues raised at the public meeting dated 19 October 2011.**

Issue Raised	Raised by:	Outcome / Response/ Way Forward
<p><b>My concern is directed at the widening of the gravel road past Compensation Station to service the proposed Industrial and Business Park.</b></p> <p>The space between the existing building and the Compensation Station Pedestrian Bridge is too narrow.</p> <p>The existing building is over 100 years old.</p> <p><b>My suggestion is that the existing road remains as access to the station and the gravel road be redirected to the inland side of the Farm Compensation No 868.</b></p>	<p>1. Mr. R. Pissarra, From Nutri-flo. 20.08.2011</p>	<p><b>This road is a district road under the control of the Department of Transport. It is understood that the Municipality is attempting to take it over.</b></p> <p><b>Accordingly Tongaat Hulett is not able to make any decisions in this regard, nor does it own the land on the inland side.</b></p>
<p><b>In view of the dEIAR and EMP and HIA by eThembeni received for the above proposed development, in terms of KwaZulu-Natal Heritage Act No. 4 of 2008 and the National Heritage Resources Act No. 25 of 1999 (Section 38 (1)) we have no objection to the proposed development.</b></p> <p><b>You are however required to adhere to the below-mentioned recommendations:</b></p> <ol style="list-style-type: none"> <li><b>1. Amafa should be contacted if any heritage objects are identified during earthmoving activities and all development should cease until further notice.</b></li> <li><b>2. No structures older than sixty years or parts thereof are allowed to be demolished, altered or extended without a permit from Amafa.</b></li> <li><b>3. No activities are allowed within 50m of a site which contains rock art.</b></li> </ol>	<p>2. Mr. Sello Mokhanya, From Amafa KwaZulu Natali, 30.09.2011</p>	<p><b>Comments Noted and recommendations are included within the EMPr</b></p>

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<p>4. Amafa should be contacted if any graves are identified during construction and the following procedure is to be followed:</p> <ul style="list-style-type: none"> <li>• Stop construction;</li> <li>• Report finding to local police station;</li> <li>• Report to Amafa to investigate.</li> </ul> <p>Heritage resources are protected in terms of the KwaZulu-Natal Heritage Act (No. 10 of 1997).</p>		
<p>As per our site visit with SSI consultant to the site, DAFF has got no objections with the above-mentioned development as it will not affect natural forests and protected trees, however DAFF has got the following recommendations:</p> <ul style="list-style-type: none"> <li>- All natural forests and protected trees should not be disturbed, and 30m buffer should be maintained between the area to be developed and natural forests;</li> <li>- Construction workers should be advised not to disturb natural forests during construction phase (debarking indigenous trees for medicinal purposes);</li> <li>- Alien invasive control plan should be in place.</li> </ul> <p>This letter does not exempt you from considering other environmental legislations.</p>	<p>3. Mr. T.F Vetsheza of the Department of Agriculture, Forestry and Fisheries.  28.11.2011</p>	<p><b>Comment and recommendations noted.</b></p> <p>The recommendations have been carried forward to the EMPr and should any permits be required, these will be applied for prior to construction and removal of any vegetation.</p>
<p><b><u>Comments of Minutes and Meeting held on 19<sup>th</sup> October 2011.</u></b></p>	<p>4. Mr. Pat Conway on behalf of 126 Balcomb Portfolio cc. 29.11.2011.</p>	<p><b>Comment Noted.</b></p>

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<p>In general we support the need for development particularly with reference to support the socio-economic needs of the country and province. We also recognize the need to create sustainable development within the main Aerotropolis zone of the new King Shaka Airport and Dube Trade Port, as Wewe also falls within the high impact zone of the 5 to 10km radius bordering on the new proposed western by-pass.</p> <p><u>Attendance, registered I&amp;APs:</u></p> <p>Please check details for attendance Item 2 No 2.17 (Tshetsha should be spelt as Tshutsha Business Enterprises cc, refer to email sent to you on 19/10/2011 with all details as furnished below).</p> <p>(Contact details given).</p> <p><u>Concerns/Impacts:</u></p> <p><u>Item 8: Electrical Assessment:</u></p> <p>Concerns on lack of capacity with temporary demand projected by your engineer's statement that there is 15-20 MBA spare capacity available at the Driefontein Substation, as we are currently busy with an application in the Wewe Driefontein area and will have to make land available for the extension of the substation as they apparently do not have the spare capacity. We would need to look at collective needs going forward due to the timing of the proposed developments and get the latest update considering what will be taking place in the immediate vicinity of the substation.</p> <p><u>Item 9: Traffic Impact Assessment (Concern):</u></p>	<p><i>And</i></p> <p><i>Mr. Themba Tshutsha on behalf of Tshutsha Business Enterprise cc</i></p> <p><i>29.11.2011.</i></p>	<p>Thank you, the minutes have been edited accordingly.</p> <p>Noted. The KwaDukuza Municipality will ultimately need to confirm supply to any and all new development. Service level agreement to be attached. Please refer to Cover letter of Addendum 2 for update and explanation of this.</p>

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<p>The compensation development is situated on the R102 which is to be one of the main mobility growth corridors going North and South to and from KSIA and Dube Trade Port. There is no apparent evidence from your model showing that there will be no need/impact on the R102, which desperately needs to be supported by the Western-Bypass to facilitate transport to and past Tongaat and Dube Trade Port. We believe the collective needs of all the developments using the R102 should be re-assessed and passed onto National Roads as they have recognised the need for Western By-Pass, as the N2 Inter link roads to the N3 are already overburdened with traffic.</p> <p><b><u>Item 10: Vegetation Assessment:</u></b></p> <p>This is a particularly sensitive issue as the land is owned by Tongaat Hullet who is a major corporate organization and a giant in the industry of sugar production, with a supposed need to sustain the Tongaat Mill, but also has a large development arm and cane is required to be released for the purpose of development. This includes the last two applications made by Tongaat Hullet, Ref: KZN DAEA&amp;RD DC 29/0019/2011 and DC 29/0020/09 to release a further 806 hectares of cane for development.</p> <p>Neighbouring farms are bound to unreasonable long term cane supply agreements which impact directly on us interested and affected parties, namely Tshutsha Business Enterprises cc, 126 Balcolmb Portfolio cc and the industry as a whole.</p> <p>Tongaat Hullet have released thousands of hectares of cane for development purposes while holding surrounding</p>		<p>The Western Bypass is certainly supported and agreed that such is required in the medium term. This is being driven by the Provincial Department of Transport in conjunction with both the eThekweni Municipality and Ilembe District Municipality. The proposed routing of such a new road is to the west of the application site and the only impact that it will have is positive in terms of the impacts on the R102 as noted.</p> <p>Tongaat Hulett is committed to the sugar cane industry in KwaZulu-Natal and to the long term future of all of its sugar mills including Maidstone.</p> <p>It is noted that over the past 20 years, less than 2500 hectares of sugar cane have been converted to urban development by Tongaat Hulett. In the last 3 years, Tongaat Hulett has planted more than 10 000 hectares of new cane land in the broader region and is continuing to increase this every year in conjunction with other strategies around increasing cane yields. It is therefore clear that the loss of cane to development has been and will continue to be, insignificant.</p> <p>Tongaat Hulett is however cognisant of the need to enable new growth and development to occur and to ensure that there is land for housing, industrial, resort and commercial</p>

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<p>owners/can farmers/companies to the aforementioned long term cane supply agreements.</p> <p>In the draft EIA Report, paragraph 5.1 subheading agriculture, reference is made to a number of reasons as to why the farm/farms are not viable as standalone commercial farms, particularly with the low volumes/output of cane and rising costs which continue to escalate faster than price increases, making it clear that the viability of such farms continue to decrease and it is also mentioned that the loss of such farms with low production within the planned urban areas, in terms of the industry production are minimal and have a marginal impact on the mill.</p> <p>Taking the above observations into account, we enquire as to how and what manner are Tongaat Hullet going to address or intend to address the above observations, ensuring that fairness and the needs of other growers and developers in the region are addressed in respect of competition and are not prejudiced.</p>		<p>development and hence works closely with both the Province and municipalities in regard to planning and land release and conversion in the appropriate locations in line with public sector plans.</p> <p>In response to the issue of sugar cane supply agreements, such are dealt with on their own merits and within the context of the particular piece of land. Tongaat Hullet remains available to engage directly with any affected farmers on this issue.</p>
<p>Thank you for the copy of the report which WESSA has reviewed and we offer the following comments.</p> <p><u>Layout</u></p> <p>While the revised layout plan, Appendix F, retains the remnant swamp forest it does not allow connectivity between this feature and the wetland/open space to the west of the R102. In addition, the revised layout would require the infilling of 0, 98 Ha at the head of the wetland</p>	<p>5. <i>Ms. Carolyn Schwegman on behalf of WESSA and Coast Watch</i></p> <p>30.11.2011.</p>	

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<p>which straddles the R102. WESSA is not entirely satisfied that the proposed layout adequately protects the receiving environment from an ecological perspective and would require that:</p> <ul style="list-style-type: none"> <li>- Ezemvelo KwaZulu-Natal Wildlife (KZNW) agrees to the total loss of a portion of wetland;</li> <li>- KZNW accepts the proposed 'Like for Unlike' wetland offset which would require rehabilitating 5.5 Ha of sugarcane field to forest. However, this would not meet the mitigation recommendation in section 5.10.1.5. Where a no nett loss of wetland area policy is advocated.</li> <li>- KZNW views as insignificant the loss of an ecological corridor across the site from the southern wetland/forest to the western wetland;</li> <li>- KZNW accepts the proposed compromise that a 20m wide buffer around wetlands is established with the additional 10m of buffer being used for storm water attenuation infrastructure and WESSA would not accept other infrastructure, such as sewerage and water reticulation within the buffers.</li> </ul> <p>WESSA would then agree that the additional 10 m could be included in individual erven provided that a conservation servitude is registered, however, it is doubtful whether the required structure is in place within the municipality to facilitate this.</p> <p><b>Agriculture Land</b></p> <p>The cumulative loss of agriculture land in light of predicted change in climate conditions across the country is a</p>		<p>Refer to EKZNW comment 9 in this issues trail.</p> <p>Refer to EKZNW comment 9 in this issues trail.</p> <p>Refer to EKZNW comment 9 in this issues trail.</p> <p>Refer to EKZNW comment 9 in this issues trail. There will be a need to cross wetlands but such a restricted to only where absolutely necessary.</p> <p>There will however be a sewer pipe on the edge of the 20m buffer adjacent to the additional 10m buffer as indicated in the wetland assessment.</p>

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<p>concern which we trust will be addressed by the Department of Agriculture in terms of the Subdivision of Agriculture Land Act, 1970. In view of a successful application we would expect KwaDukuza Municipality to have addressed food security in its strategic plans.</p> <p><b>Sewerage</b></p> <p>It is understood that as an interim measure leading up to a new regional treatment plant to service the Wewe catchment, sewage will be treated at the upgraded Fraser's wastewater treatment works. We trust that trade effluent permits will be acquired where necessary.</p> <p>WESSA is not able to establish the position of the required sewer pump stations and we would expect the pump stations to be outside of ecological buffers and operational systems to be in place to deal with abnormal circumstances where there is a risk of environmental contamination.</p> <p><b>Water Demand</b></p> <p>The pressures on water resources are unprecedented and</p>		<p>Please see comment from DEA and KwaDukuza Municipality. DEA maintains no support of the development based on their mandate of preserving agricultural land. KwaDukuza Municipality, however, has not raised the issue of food security as a concern in their comment.</p> <p>See comment above under Point 4. Tongaat Hulett recognises the importance of food security but at the same time there is a dire need to provide for economic growth and job creation through new investment and development – but within the appropriate locations and at the right time. It is submitted that Compensation is in the right location to provide substantial socio-economic benefits and that, given the extensive amount on new cane being rehabilitated, the time is also right, noting that such will be phased over a few years.</p> <p>These are already approved.</p> <p>Noted and agreed.</p>



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<p>measures would be required to reduce the estimated demand of 9,2MI/day.</p> <p><b>Storm water Management</b></p> <p>WESSA would like the overriding principles of storm water management to incorporate SUDS (Sustainable Urban Design Systems) and this may be addressed in section 6.3.3 (CIBE Sustainability Measures).</p> <p><b>Sustainability Options</b></p> <p>- <b>Employment.</b> As job creation is purported to be a key element of the Compensation Industrial and Business Estate WESSA is pleased to find that opportunities for employment in the “green economy” initiative are recognized. We trust that the initiative will be fully explored.</p> <p><b>CIBE Sustainability Measures.</b> The sustainability measures discussed in section 6.3 are positive indeed and fully supported by WESSA. With respect to lighting, however, the aspect of outside and/or street lights needs to be considered.</p> <p>In order for the successful introduction of the sustainability measures the operations specific requirements for, in particular, water, energy and waste will need to be monitored with regular audit reports produced for review.</p>		<p><b>Noted and sustainability measures are very much part of the development guidelines which aim to reduce both electricity and water demands.</b></p> <p><b>Noted.</b></p> <p><b>Noted. It is the full intention of TH to implement the sustainability measures identified.</b></p> <p><b>Recommendation noted.</b></p>

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<p><b>1. General</b></p> <p>Our office is in receipt of the draft EIA Report for the abovementioned development (CIBE), lodged by SSI engineering and environmental consultants on behalf of Tongaat Hullet Developments. The site is located between Tongaat Hullet and King Shaka International Airport.</p> <p><b>2. Comments on Land development proposal.</b></p> <p>Please note that this correspondence should be read in conjunction with our correspondence dated 25<sup>th</sup> of August 2010 (refer to table 1 above).</p> <p>Please be informed that the Provincial department of Agriculture still maintains its decision of not supporting the proposed development based on reasons that are stipulated on our previous letter.</p>	<p>6. <i>KZN Agriculture, Environmental Affairs and Rural Development, Macro- Planning, Land Use and Soil Management.</i></p>	<p>See comments under 4 and 5 above.</p> <p>It is also noted that Tongaat Hulett is working closely with the Department in regard to this issue. An application in terms of ACT 70 OF 1970 has been submitted to the Department for the change in use from agriculture and it is anticipated that this will be approved within the next month. Such approval will be required prior to any PDA approval.</p>
<p>This department has no objection to the proposed development, subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. The conditions of this department's letter dated 29 April 2010 with regard to the proposed development must be adhered to.</li> <li>2. All comments and recommendations made in the Geotechnical report must be adhered to.</li> <li>3. This Department notes the content (i.e. responsibilities and conditions) as outlined in the above-mentioned EMP. Compliance to the approved EMP must be audited regularly by the designated ECO.</li> <li>4. Notwithstanding the above, the responsibility rests</li> </ol>	<p>7. <i>Department of Water Affairs</i></p> <p>06.01.2012</p>	<p>Comment and recommendations noted.</p>

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<p>with the applicant to identify any sources or potential sources of pollution from his undertaking and to take appropriate measures to prevent any pollution of the environment. Failure to comply with the requirements of the National water Act 1998 (Act 36 of 1998) could lead to legal action being instituted against the applicant.</p>		<p><b>Noted.</b></p>
<p>This Department has no objections with the above development on condition that the following matters are addressed:</p> <ol style="list-style-type: none"> <li>1. The availability of the additional MVA from Driefontein Substation</li> <li>2. Recommendations from the Traffic Impact Assessment are adhered to and the planning for public transportation and pedestrian movement be done in consultation an approved with the local authority</li> <li>3. An appropriate offset site and programme be submitted to this department for comment. Should the option to rehabilitate offsite be chosen, the local authority shall have the opportunity to decide on the site in consultation with the relevant departments</li> <li>4. Water quality monitoring reports be provided prior and during the development.</li> </ol> <p>I hope the above is in order. Should you have any queries regarding the above, please do not hesitate to contact the</p>	<p>8. <i>KwaDukuza Municipality</i> <i>09.01.2012</i></p>	<p><b>Comment and Recommendations noted.</b></p> <p>The 'offset' proposal has been defined in the wetland assessment report.</p>

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<p>writer.</p>		
<p>Having reviewed the Draft EIA Report (dated October 2011), it is brought to your attention that Ezemvelo's primary concerns pertain to the potential impacts upon wetlands and forest within and downstream of the proposed site. However, provided that the recommendations listed below are adhered to, Ezemvelo would be satisfied that the proposed development should not result in significant impacts upon local biodiversity:</p> <p>1) All Wetlands are afforded a minimum ecological buffer of 30m from the outer edge of the temporary wet hydromorphic zone, to ensure that the ecological processes of the wetland systems on the property and adjacent properties, and downstream hydrological connectivity are not negatively impacted upon. However, Ezemvelo would not object to a 20m buffer with an additional 10m limited use buffer (i.e. the furthest 10m from the wetland boundary), provided that all service and support infrastructure must be located outside of the full 30m, while dry attenuation ponds may be located within the 10m buffer.</p> <p>2) A forest setback/buffer of a minimum of 40m is to be</p>	<p>9. EKZNW 12.11.2012</p>	<p>Noted. The letter from DWA dated 14.05.2010 to which comment 7 in this issues trail refers states "The buffer must be delineated from the outer edge of the temporary wet zone of the wetland to the edge of the structural development. No development should occur within wetland and their delineated buffer." The Wetland Impact Assessment conducted for this proposed development recommends a 20m buffer where attenuation structures must be located outside the wetland and 20m buffer, therefore creating opportunity to use the outer 10m of a 30m buffer for the placement of attenuation structures, in accordance with what is acceptable to EKZNW.</p> <p>An acceptable 30m buffer along the forest fringe as</p>

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<p>delimited from the forest fringe (as defined by the ‘drip line’ of the canopy of existing woody vegetation). A formalised buffer zone is essential to prevent potential encroachment of the proposed development upon these important habitats and to ensure that the ecological integrity of the forest patches and ecotone [1] are appropriately safeguarded.</p> <p>3) Should an offset be required, an offset proposal must be developed in accordance with best practice principle. The use of the draft KZN Offset Guideline is strongly recommended and can be obtained from our website. Please be informed that a biodiversity offset proposal and plan must be drafted and accepted prior to an Environmental Authorisation, as this relates to the sustainability of the project.</p>		<p>recommended by DAFF (28.11.2011) is already incorporated as eco-region 2 is approximately 13.47ha and the total open space area equals approximately 87ha, with the majority of this open space area encompassing eco-region 2 and the northern wetland. Therefore the designated open space area provides for the 30m buffer.</p> <p>The Wetland Impact Assessment submitted with the Final EIAR provides a like for unlike wetland offset. In terms of ecological preservation, an offset has not been proposed in the Ecological Assessment as the only two areas of ecological significance, namely Eco-regions 1 and 2 have been incorporated within the designated open space area.</p>
<ol style="list-style-type: none"> <li>1. The DoT is not in favour of the proposed layout as presented on the updated Layout Plan comp001/02 prepared by AF Planning dated 04 November 2012 for the following reasons:</li> <li>2. The DoT requires a Spatial Development Plan and an Integrated Development Plan for the surrounding properties be submitted to their office to assist the DoT to make recommendations.</li> <li>3. The Applicant is advised that the DoT in terms of the Road Infrastructure Strategic Framework for South Africa (RIFSA 2006) must protect the mobility of its transport corridors from becoming</li> </ol>	<p>10. The Department of Transport 20 February 2014</p>	<p>The recommendations for the layout are noted by the Applicant. The applicant has been and continues to engage with the Department around the sub-regional transportation planning and network and various access issues and options are being jointly discussed. It is therefore recommended that a condition be imposed stating that access to the development shall be subject to the approval of the Department of Transport.</p> <p>It is noted that the requirements for an Integrated Development Plan and a Strategic Development Framework is a municipal competency and not within the mandate of the Applicant. The Applicant in the planning for this proposed development has considered all relevant</p>

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<p>activity corridors such as Main Road 2-2.</p> <p>4. In terms of RIFSA, access to private developments of this nature is no longer considered by the DoT and accesses to such development are to be obtained from Municipal Streets or internal road networks. This is in order to maintain the mobility, integrity, functionality and classification the road was constructed for.</p> <p>5. Considering the above, the DoT is opposed to allowing the accesses proposed onto Main Road 2-2. The layout is to be amended as such:</p> <ul style="list-style-type: none"> <li>a. Access to the proposed General Industrial Area on the remainder of the farm Pencarrow number 17860 shall be taken via the internal road from Main Road 387.</li> <li>b. Access to portion 5 shall be taken via the internal road from district road 148 and the existing access point is to be permanently closed and the road reserve restored to the satisfaction of the cost centre manager Stanger.</li> <li>c. With regard to the mixed use zoning as shown on the layout plan on Main Road 2-2 the DoT is not in favour of the positioning. Alternate sites are to be sought.</li> </ul> <p>6. The Applicant is reminded of the following:</p> <ul style="list-style-type: none"> <li>a. In terms of Section 13 of the KwaZulu-</li> </ul>		<p>local planning plans and schemes which are further thoroughly analysed in the Planning Report (June 2011) as well as the Needs and Desirability Impact Assessment commissioned as per request by the then DAEA in 2012 and was undertaken by Urban Econ who undertook to consider the site in it's regional context and with existing similar development along the R102 corridor and N2 corridor. It must therefore be noted that for this development substantial broad and local planning has been considered.</p> <p>It is imperative to note that in the planning of the Compensation Industrial and Business Estate, the Applicant has considered the proposed development controls, and are in accordance with the draft Land Use Management Scheme for the KwaDukuza Municipality. The final land use controls will be dealt with in the Planning and Development Act (PDA) application that will follow once EIA approval has been received. The PDA will also then deal with the sub divisional details and will deal with future changes to the subdivisions to accommodate consolidations and subdivisions of existing sites and thereby also access points. It must therefore be noted that the Applicant will engage with the DoT during the PDA process to ensure compliance with the DoT's requirements.</p> <p>All requirements as per section 6 (a) – (e) are duly noted and are carried forth to the EMPr to ensure compliance.</p>

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<p><b>Natal Provincial Roads Act No. 4 of 2001.</b>  <b>No buildings or structures whatsoever, other than a fence hedge or wall which does not rise higher than 2.1m above or below the surface on the land on which it stands, shall be erected on the land within a distance of 15m measured from the road reserve boundaries of Main Roads 2-2 and 387, and 25m measured from the centreline of district road 148.</b></p> <p><b>b. No service roads or parking as required in the Town Planning Scheme other than a fence hedge or wall which does not rise higher than 2.1m above or below the surface on the land on which it stands, shall be erected on the land within a distance of 7.5m measured from the road reserve boundaries of Main Roads 2-2 and 387.</b></p> <p><b>c. The road reserve boundaries shall be determined in consultation with the DoT's Road Information Services (033 355 8600).</b></p> <p><b>d. Upon receipt of an amended layout plan, a spatial development plan and an integrated development plan, the DoT shall comment further.</b></p> <p><b>e. This shall not exempt the applicant from provisions of any other law.</b></p>		