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Department :
Economic Development, Tourism and
Environmental Affairs
PROVINCE OF KWAZULU-NATAL

ADDENDUM TO ENVIRONMENTAL AUTHORISATION

Amendment

Amendment to Environmental Authorisation in terms of Regulation 27(2)(a)
of the
Environmental Impact Assessment Regulations, 2014

The construction of the Wewe Driefontein Mixed Use Development

Application number: DC29/Amend/0017/2015

Date of authorisation: 09 / 11 / 2015

Original Decision Reference Number: DC29/0017/10

Holder of authorisation: KDC Projects and Developments (Pty)
Ltd

Location of activity: Portions 1, 2, 3, 4 and 7 of the Farm
Wewe No. 17825, eThekwini
Municipality and Ilembe Municipality

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Decision

The KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs (hereafter referred to as the "Department") hereby issues an amendment to the environmental authorisation for the following project:

The construction of the Wewe Drienfontein Mixed Used Development, in the eThekweni and Ilembe Municipalities.

Dated: 30 April 2015

Holder: KDC Projects and Developments (Pty) Ltd

Details of the contact person:

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1 Details of amendment

An environmental authorisation was issued under the reference number DC29/0017/10, dated 30 April 2015. The environmental authorisation permitted the construction and establishment of a mixed use development which is approximately 623 Ha in extent and will consist of an industrial, business, commercial, retail, office and residential developments, a filling station, one primary and one secondary school. Agricultural small holdings will also feature in the mixed use development, conservation areas and private open spaces. The development will also require the establishment of bulk water, sanitation, stormwater and electricity, construction of roads and upgrades to the existing road network. Due to the lack

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of services in this area, the site will require the construction of a reservoir and a pump station. Some of the development will occur within 32 metres from a watercourse.

Following the issue of the environmental authorisation with the reference number DC29/0017/10, the decision was appealed due to the close proximity of the development to the Sibudu Caves. The appeal was subsequently finalised on 12 October 2015, with the Honourable MEC upholding the decision. As a result the holder of the environmental authorisation wishes to delay construction of precinct 1C which is in close proximity to the Sibudu Caves, a sensitive heritage resource which the holder hopes to ensure better protection for by excluding the construction of Precincts 1C and 1B that were authorised, and including Precincts 4B and 4A. The amendment to these Precincts also seeks to accommodate bulk services provision to the first phase of the development.

As such the holder of the environmental authorisation requests the amendment to condition 3.27 of the environmental authorisation dated 30 April 2015.

Amendments:

Condition 3.27 on page 14 of 39 of the authorisation (DC29/0017/10), dated 30 April 2015, reads:

As per phasing arrangements, the construction of phase one must include the construction of: Precincts 3A, 2A, 2B, 1C, 1A and 1B, as per layout plan titled Kings Estate- Wewe Driefontein Mixed Use Development, dated, 18 February 2014, prepared by Plankonsult attached as **Annexure 2A**.

The holder of the environmental authorisation also wishes to amend the statements made in clause (f) on page 32 of 39 of the environmental authorisation. The buffer zone mentioned in the authorisation speaks of 300 metres and a further 150 metres which is deemed ambiguous and must be clarified.

Condition 3.27 on page 14 of 39 of the authorisation (DC29/0017/10), dated 30 April 2015, (read in conjunction with DC29/Amend/0017/2015) now reads:

3.27 As per phasing arrangements, construction of phase one must include the construction of: Precincts 3A, 2A, 2B, 1A, 4B and 4A, as per Layout plan titled Kings Estate – Wewe Driefontein Mixed Use Development, dated 18 February 2014, prepared by Plankonsult.

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Page 32 of 39 of the authorisation (DC29/0017/10), dated 30 April 2015 reads:

(f) Sibudu Caves

These caves are found within a cliff in an arc of the Tongaat River close to the south western extremity of the site. The site is of international significance, as it has some of the world's earliest seashell beads, the earliest bone arrowheads for hunting with bows and it has the earliest preserved plant bedding in the world. The site is well dated to between 77 000 in 35 000 years ago. There has been large scale research that was undertaken within the site revealing archaeological finds from the Middle Stone Age. The site has been extensively studied over the years since its discovery in 1929 and has provided years of research and insight into early man. Whilst this is a very important resource, which has contributed significantly to the understanding early man, this resource is not under threat from the Wewe Driefontein Development. The development will be located above the caves, access points from the development will be closed off to the cave and the site will have a buffer of 300 metres from the top of the cave, which will be a conservation area and a further 150 metres where there will be no development. Furthermore, the caves, from the side of the Wewe Driefontein development, cannot be seen or identified as a feature that it is, thereby reducing the possibility of curiosity from the residents that will inhabit that side of the development. There is a large amount vegetation around the cave currently and this area has also been set aside as conservation area, where it will be rehabilitated to ensure that there is no impact on the Sibudu Caves. As a result of the interventions and initiatives taken by the applicant, the possible impact that could be felt on the caves, have been mitigated by fencing off the area and the creation of a conservation area, as well as closing off all access points to the caves.

Page 32 of 39 of the authorisation (DC29/0017/10), dated 30 April 2015, (read in conjunction with DC29/Amend/0017/2015) now reads:

(f) Sibudu Caves

These caves are found within a cliff in an arc of the Tongaat River close to the south western extremity of the site. The site is of international significance, as it has some of the world's earliest seashell beads, the earliest bone arrowheads for hunting with bows and it has the earliest preserved plant bedding in the world. The site is well dated to between 77 000 in 35 000 years ago. There has been large scale research that was undertaken within the site revealing archaeological finds from the Middle Stone Age. The site has been extensively studied over the years since its discovery in 1929

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and has provided years of research and insight into early man. Whilst this is a very important resource, which has contributed significantly to the understanding early man, this resource is not under threat from the Wewe Driefontein Development. The development will be located above the caves, access points from the development will be closed off to the cave and the site will have a buffer of 300 metres from the top of the cave, which will be set aside for conservation and will have no development. Furthermore, the caves, from the side of the Wewe Driefontein development, cannot be seen or identified as a feature that it is, thereby reducing the possibility of curiosity from the residents that will inhabit that side of the development. There is a large amount vegetation around the cave currently and this area has also been set aside as conservation area, where it will be rehabilitated to ensure that there is no impact on the Sibudu Caves. As a result of the interventions and initiatives taken by the applicant, the possible impact that could be felt on the caves, have been mitigated by fencing off the area and the creation of a conservation area, as well as closing off all access points to the caves.

Reasons for decision:

- a) The holder of the environmental authorisation wishes to provide proper protection to the caves. There have been suggestions to develop it as a cultural, tourism and educational resource, which will benefit the local community living within the proximity of the Sibudu Caves and it will also serve as an educational resource for all to enjoy and preserve. It was deemed proactive by the holder of the environmental authorisation to postpone work within precinct 1C to allow for plans to be made regarding the cultural, tourism and educational potential of the caves.
- b) The request for clarity on the buffer zone was borne from the misinterpretation of the buffer zone set aside for no development. The breakdown of the buffer zone was seen as a total of a 450 metre buffer rather than the intended 300 metre buffer. This ambiguity caused confusion and as a result clarity on the buffer was needed.

This Amendment to the Environmental Authorisation is subject to the conditions set out below:

2 Conditions of amendment

2.1 This amendment decision issued herewith must be read in conjunction with the environmental authorisation dated 30 April 2015.

Notification to interested and affected parties:

The holder of this amendment must comply with regulation 4(2) of the EIA Regulations, 2014 and within 14 days of the date of the decision on this amendment ensure that:

- a. All registered interested and affected parties are provided with access to the decision and the reasons for the decision; and
- b. The attention of all registered interested and affected parties is drawn to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014, if such appeal is available in the circumstances of the decision.

Date of amendment of environmental authorisation: 5th November 2015



for: Head of Department

KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs

Signed by: Ms. N. C. Zungu
Designation: District Manager – Ilembe District