



**MINISTRY: ENVIRONMENTAL AFFAIRS AND TOURISM
REPUBLIC OF SOUTH AFRICA**

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Ref: 03/2/4
A24/29/3/20/7

Mr P Silinga
Coega Development Corporation
Private Bag X 13130
HUMEWOOD
PORT ELIZABETH
6013

Dear Mr Silinga

**DECISION ON APPEALS REGARDING THE CHANGE OF LAND-USE FROM AGRICULTURE
TO ANY OTHER LAND USE**

I refer to your appeal dated 19 December 2001, and your supplementary information dated 22 April 2002 that you have submitted in terms of section 35 of the Environment Conservation Act, 1989 (Act No.73 of 1989), in respect of decision of the Director-General dated 21 November 2001 regarding this development.

I have evaluated all the appeals submitted to me and by virtue of the power vested in me in terms of section 35 (3) of the Environment Conservation Act, 1989, I hereby:

- (1) Uphold the initial decision of the Director-General,
- (2) Uphold the appeals against the following conditions: 1.9; 2.1; 2.2; 2.3; 2.4; 2.7; 2.12; 2.14; 2.19; 2.20; 2.22; 2.23; 2.25; 2.26; 2.29; 2.30; 2.52; 2.56 and 2.57,

- (3) Excise and or vary the conditions listed in 2 as above.
- (4) Dismiss the appeals against conditions 1.4; 2.18 and 2.56.

Yours sincerely

MV Moosa

M V MOOSA
MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM
DATE:

27/5/02



REVISED RECORD OF DECISION IN TERMS OF SECTION 22 (3) OF THE ENVIRONMENT CONSERVATION ACT, 1989 WITH REGARD TO THE UNDERTAKING OF THE ACTIVITY DESCRIBED BELOW AS REQUIRED BY GN R. 1183 OF 5 SEPTEMBER 1997.

REFERENCE NUMBER: A24/29/ 3/20/7

BRIEF DESCRIPTION OF ACTIVITY:

The proposed rezoning entails the change of land use from agriculture to special purposes for the establishment of the Coega Industrial Development Zone (IDZ). The terrestrial part of the Industrial Development Zone is being designated for multiple uses focusing on a mix of the following proposed land-uses:

- existing businesses;
- back-of-the port area;
- light industrial areas;
- commercial service industrial areas;
- bulk minerals import/export facilities;
- service areas;
- metallurgical areas;
- Coega water reclamation works;
- undetermined use areas;
- Coega Kop Quarry;
- open spaces;
- centralised gas facility and
- airport facilities.

The above-mentioned land-uses are proposed to be grouped into a number of synergistic clusters within the boundaries of the Industrial Development Zone. A schematic map regarding the proposed arrangement of various land-uses is detailed within the Development Framework Plan.

Although it is envisaged that the Industrial Development Zone will eventually cover an area of approximately 17 000 ha, the development within the IDZ will be phased with the initial development focussing on the core development area, which is 4 200 ha in extent surrounding the Coega River Mouth, Amsterdam Plein, Wells Estate and Neptune. The construction of infrastructure and service facilities such as electricity supply, transport facilities, water supply and waste water treatment will also be phased.

LOCALITY:

Province: Eastern Cape

Magisterial District: Nelson Mandela Metropole

Farm Names: Coega River Mouth, Hougham Park, Irene, Neptune, Swartkoppen and Wells Estate

Nearest Town: Port Elizabeth

APPLICANT:

Coega Development Corporation
Private Bag X13130
Humewood
PORT ELIZABETH
6013

Contact person: Mr Themba Koza
Tel: (041) 507 9111
Fax: (041) 585 5445

CONSULTANT:

Coastal & Environmental Services
P.O Box 934
GRAHAMSTOWN
6140

Contact Person: Dr T Avis
Tel: (046) 622 2364
Fax: (046) 622 6564

DECISION:

Authorisation is granted in terms of section 22 (3) of the Environment Conservation Act, 1989 (Act No. 73 of 1989) to rezone the following properties from agriculture or its present use to special purposes in order to establish the Coega Industrial Development Zone:

- Portion of remainder of Erf 1, Wells Estate;
- Remainder of portion 12 (a portion of portion 2) of Swartkoppen 302;
- Portion 33 (a portion of portion 14) of Swartkoppen 302: and
- Portion of 35 (a portion of portion 3) of Swartkoppen 302.

This authorisation is granted subject to the conditions outlined below.

1. STANDARD CONDITIONS:

- 1.1 This authorisation refers only to the activity as specified and described 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.

- 1.2 Authorisation is granted in terms of section 22 of the Environment Conservation Act, 1989 (Act No.73 of 1989). This Authorisation does not exempt the holder from compliance with any other applicable legislation.
- 1.3 In the event of non-compliance by any contractor implicated in this activity, the Coega Development Corporation (CDC) and National Port Authority of South Africa (NPA) will be held liable for environmental damage.
- 1.4 The CDC must in the event of non-compliance with any condition of this authorisation inform the Department within 48 hours.
- 1.5 A performance-based requirement with regard to environmental impact management must be included in all contracts related to any activity of this authorisation.
- 1.6 In the event of non-compliance by the contractor, the CDC must institute a penalty.
- 1.7 The CDC must notify all interested and affected parties of this record of decision and associated conditions within 5 (five) days from the date of receiving this authorisation.
- 1.8 Construction must not commence until 45 days have elapsed since the date of this authorisation.
- 1.9. The CDC must keep an up to date complaints register, which must be produced upon request by the authorities or any member of the public. Any complaint from the public during the construction of any activity associated with the change of land use submitted to the environmental monitoring committee (EMC) must be attended to as soon as possible. In the event that no satisfactory resolution is attained within 90 working days after the complaint has been lodged, then the EMC must refer the matter, with recommendations, to the Director-General.
- 1.10. Compliance or non-compliance records must be kept in good order and shall be made available on request by the authorities.

SPECIFIC CONDITIONS

- 2.1 This record of decision authorises only a change of land-use. All activities planned within the IDZ and listed as activities that might have a detrimental impact on the environment when undertaken, must follow the EIA procedure as prescribed in GN 1183 of 5 September 1997.
- 2.2. The CDC and the NPA in consultation with the Director-General of the Department of Environmental Affairs and Tourism must establish the EMC. The function of the EMC shall be to monitor the CDC's compliance with the conditions of the record of decision. The committee shall consist of representatives from interested and affected parties, the relevant authorities, the CDC and National Ports Authority of South Africa (NPA).

- 2.3. The NPA must implement an environmental management system (EMS) based on both the conditions of the record of decision as well as the mitigation measures proposed in the environmental impact report and the specialist report Part 2.
- 2.4. This project is authorised on condition that both the construction and operation environmental management plans (EMPs) are compiled and submitted to this department as well as to the relevant provincial department for authorisation. The construction environmental management plan must form part of the contract documentation for contractors appointed for the construction phase.
- 2.5. The CDC must appoint an independent environmental control officer (ECO), whose sole responsibility will be to ensure that the EMPs are implemented. The ECO will be responsible to produce periodic audits on how well the project implementation complies with the project conditions. The name of such an official shall be provided to the authorities for communication purposes. The ECO will report to the EMC.
- 2.6. The CDC must ensure that an alien invasive eradication plan is formulated and implemented. This will also entail the implementation of weed control measures through manual and mechanical means. Any use of herbicides should be cleared with the Provincial Department of Agriculture.
- 2.7. The co-management structure between NPA and the CDC must be formalised to ensure a compatible approach to managing the entire project. In this structure, clear indications of liabilities and responsibilities must be specified, prior to construction.
- 2.8. A proper environmental education programme must be compiled and implemented for all contractors and sub-contractors working on the project, to the satisfaction of the EMC.
- 2.9. The activities of all contractors and sub-contractors must be incorporated into the EMP, and they must be made aware of the content of all conditions pertain to this authorisation.
- 2.10. Should closure of the salt works and or the abalone farm be necessary, the CDC must ensure that the retrenched workers of these industries as well as the relocated communities, are retrained and receive preference during recruitment of personnel for both the IDZ and the port development.
- 2.11. This application is authorised on condition that the CDC has purchased the land earmarked for the IDZ. The communities and business owners likely to be affected by this development must be adequately consulted and compensated.
- 2.12. The CDC must facilitate the establishment of the necessary licensed general and hazardous waste disposal sites. The local authorities as well as the Department of Water Affairs and Forestry must be consulted regarding the identification and the suitability of such sites. The cost for the maintenance of the sites must go to the CDC.

- 2.13. All areas to be disturbed as a result of the implementation of this activity must be rehabilitated as soon as possible using appropriate indigenous vegetation. Available topsoil must be stockpiled for subsequent use during reclamation activities.
- 2.14. Utilisation and destruction of plant and animal species must be carefully monitored, managed and controlled to prevent destruction of protected, scarce and red data listed species. In the event of possible destruction of these species, an ecologist must be appointed to identify and relocate, where possible, affected plant species to sites identified in consultation with the environmental control officer (ECO) and the relevant provincial department.
- 2.15. The remaining patches of both the Bontveld vegetation and the Messic Succulent Thicket must be fenced off and protected from mechanical destruction and infestation with alien vegetation prior to construction. Every effort must be made to avoid degradation of Bontveld within the port limits.
- 2.16. The CDC must ensure that the Duthies golden mole and Pygmy hairy-footed gerbil occurring in the dune habitats in the Coega area are included in the developer's relocation and management plans to the satisfaction of the relevant provincial environmental department.
- 2.17. A proper fire contingency plan must be compiled and implemented. The relevant authorities must approve the fire contingency and the management plans before construction commences.
- 2.18. Although fragmentation of habitats will definitely occur, viable corridors must be determined with the relevant provincial environmental department and maintained between habitats to allow migration of animals.
- 2.19. The CDC must undertake regular monitoring of the groundwater, surface water and near shore seawater in accordance with an approved monitoring strategy. Should there be any evidence of contamination, appropriate mitigation action must be implemented immediately to rectify the situation. This must form part of the EMS.
- 2.20. The necessary permit in terms of the Minerals Act, 1991 (Act No.50 of 1991), must be acquired from the Department of Minerals and Energy for the quarrying at Coega Kop.
- 2.21. The necessary permit must be acquired in terms of the Manufacturing Development Act, 1993 (Act No.187 of 1993), for the operation of the IDZ.
- 2.22. All facilities planned within the IDZ must be located above the 1:100 floodline as recommended by the environmental design manual.
- 2.23. Although fragmentation of habitats will definitely occur, viable corridors must be determined in cooperation with the relevant provincial environmental department, and maintained between habitats, to allow migration of animals.

- 2.24. An environmental management system (EMS) must be finalised before the commencement of operations within the core development area. As part of the EMS the following must be approved by the relevant authorities and implemented by the CDC:
- Open Space Management Plan
 - Tenant approval procedure
 - Environmental design manual
 - Air, noise, waste and water quality environmental guidelines
 - Environmental targets plan.
- 2.27 The CDC must demonstrate adherence to its own environmental management policy, including the implementation of the EMS by obtaining ISO 14001 certification before the commencement of construction within the core development area.
- 2.28 The CDC must implement a rodent management plan. The implementation of this plan should take the following into consideration:
- Consultation with their neighbours on removal of obstacles, which hamper effective rodent management, especially in areas where boundaries and buffer zones to and between land occupants could influence an effective programme.
 - The number of dead rodents found should be registered and such statistics made available to the municipality concerned on at least a monthly basis.
 - Increases in the number of dead rodents should be reported immediately to the Port Health Officer and the Municipality.
- 2.29 The Environmental Health Section of the Local Authority must be progressively involved during the commencement of each stage of development, for them to set preventative criteria and to approve, environmental health-wise, the activities to be undertaken.
- 2.30 The HIV/AIDS awareness training must be provided to all workers on site.
- 2.31 All provisions of the Sea Shore Act, 1935 (Act No. 25 of 1935) and the Atmospheric Pollution Prevention Act, 1965 (Act No. 45 of 1965) must be complied with.
- 2.32 The provisions of the Forest Act, 1984 (Act No.122 of 1984) must also be complied with.
- 2.33 As part of the EMS, during each stage of the development, from site preparation to final construction and operation, adequate measures to collect, remove and safely dispose of waste must be instituted for the port, back-of-the-port and the rest of the IDZ area.
- 2.34 As part of the EMS, a storm water management plan that complies with the Department of Water Affairs and Forestry's standards must be compiled and implemented.
- 2.35 Before any recycled water is reticulated, proper identification between this system, and those for fresh water, must be instituted to prevent recycled water being used for fresh water.

- 2.36 Adequate buffer zones between any form of residential area and the IDZ must be provided for.
- 2.37 The CDC must ensure that disturbance of graves are avoided during construction. Graveyard sites must be integrated in the Coega Development Plan and access to sites shall be provided to the communities.
- 2.38 The NPA and the CDC must manage uncontrolled settlements of job seekers to avoid social disruption and environmental damage to the surrounding area.
- 2.39 In order to limit visual impact of the development on the proposed Greater Addo National Park, the CDC and NPA must appropriately design the IDZ buildings, limit lighting and promote the use of screening vegetation. This must be planned in cooperation with the South African National Parks.
- 2.40 The holder of this authorisation and all contractors must adhere to all provisions of the Occupational Health and Safety Act, 1993.
- 2.41 The transportation and handling of hazardous substances must comply with all the provisions of the Hazardous Substances Act, 1973 (Act No.15 of 1973) and associated regulations, as well as SABS 0228 and SABS 0229.
- 2.42 The Best Practicable Environmental Option must be applied to all technologies during construction.
- 2.43 All mitigation measures recommended in the IDZ environmental impact report become part of this record of decision. Non-compliance with those becomes non-compliance with this record of decision.

3. KEY FACTORS FOR DECISION

- 3.1 Should the project proponent implement all the mitigation measures as well as the conditions of this authorization no fatal flaws will emanate.
- 3.2 The environmental impact report submitted satisfies the requirements of the Environment Conservation Act, 1989 (Act No. 73 of 1989).
- 3.3 The public participation process undertaken has been extensive and is considered adequate.
- 3.4 This spatial development initiative (SDI) initiated by the South African Government intends to unlock the economic potential of the Eastern Cape Province through job creation and empowerment of the previously disadvantaged communities by encouraging economic growth.

4. SITE VISIT

The last site visit was attended on 17 August 2001 by the following:

Mr Mpumi Mabula	- Coega Development Corporation
Mr Vincent Matabane	- DEAT
Mr Zain Jumat	- DEAT
Ms Olga Moitsi	- DEAT

5. DURATION AND DATE OF EXPIRY:

If the activities applied for in this permit do not commence within a period of 2 years, this authorisation will be nullified and should the applicant intend to invoke the project, the application procedure as detailed in GN. R 1183 must be followed. This permit is valid for 2 (two) years.



MR M. V. MOOSA
MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM
DATE:

27/5/02