

FINAL
ENVIRONMENTAL SCOPING REPORT

ON THE PROPOSED

N2 INTERCHANGE NODE ON PORTION OF REM
OF FARM LOT 58 UMFOLOZI 15939

AND THE

CENTRAL BUSINESS DISTRICT EXTENSION
NODE ON PORTION OF REM FOF FARM LOT 58
UMFOLOZI 15939 AND FARM OF LOT 61
UMFOLOZI No 13606

OWNED BY MONDI SOUTH AFRICA LIMITED

AND SITUATED
NEAR THE TOWN OF MTUBATUBA WITHIN THE
UMKHANYAKUDE DISTRICT AND MTUBATUBA
LOCAL MUNICIPALITIES OF KWAZULU –
NATAL

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Guy Nicolson Consulting CC

6 Indwa Place Kloof 3610 Phone / Fax 031 7642515
Email guyn@saol.com website www.guynicolson.co.za

TABLE OF CONTENTS

- 1. INTRODUCTION**
- 2. THE LISTED ACTIVITIES FOR WHICH THE ENVIRONMENTAL AUTHORIZATION IS BEING APPLIED**
- 3. THE EIA PROCESS FOLLOWED AND THE REGISTRATION OF THE EIA APPLICATION**
 - 3.1. Overview of the EIA process
 - 3.2. The nature of the scoping process
 - 3.2. Registration of the EIA application
- 4. EXPERTISE OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER**
- 5. DETAILS OF THE PROPERTY AND THE AFFECTED ENVIRONMENT**
 - 5.1. Location and the surrounding environment
 - 5.2. Municipal planning context of the development nodes
 - 5.3. Geotechnical qualities
 - 5.3.1. The N2 interchange node
 - 5.3.2. The CBD extension node
 - 5.4. Land uses and vegetation
 - 5.7. Existing services and infrastructure
 - 5.8. Cultural heritage considerations
 - 5.9. Aesthetic considerations
- 6. DESCRIPTION OF THE PROPOSED ACTIVITY**
 - 6.1. The N2 interchange node
 - 6.2. The CBD extension node
- 7. IDENTIFICATION OF THE LEGISLATION AND GUIDELINES TAKEN INTO ACCOUNT**
- 8. DETAILS OF THE PUBLIC PARTICIPATION PROCESS**
 - 8.1. Background
 - 8.2. The public participation procedures undertaken
 - 8.3. The results of the public participation process
 - 8.4. Record of the comments of the interested and affected parties up to the compilation of the draft scoping report
 - 8.5. Record of the comments of the interested and affected parties after the circulation of the draft scoping report.
- 9. IDENTIFICATION OF THE ENVIRONMENTAL ISSUE TO BE ASSESSED AND ALTERNATIVES TO BE CONSIDERED**
 - 9.1. Identification environmental issues to be assessed
 - 9.1.1. For the N2 Interchange Node
 - 9.1.2. For the CBD Extension Node
 - 9.2. The identification and consideration of alternatives
- 10. PLAN OF STUDY FOR AN ENVIRONMENTAL IMPACT ASSESSMENT**
 - 10.1. The nature and content of the Plan of Study for an Environmental Impact Assessment

- 10.2. Identification of the environmental issues to be assessed.
- 10.3. The identification and consideration of alternatives
- 10.4. The methodology for assessing the significance of identified potential impacts.
- 10.5. Specialist studies and the information required.
- 10.6. The proposed public participation process.

11. THE NEXT STEPS IN THE EIA PROCESS

PHOTOGRAPHS

(After the text of the report)

1. Oblique aerial view of the development nodes and their surroundings
2. View of N2 node from P235
3. View of n2 node from district road
4. View of CBD at P235 / 237 interchange
5. View of CBD node from dirt road on site

FIGURES

1. Location Plan
2. Municipal Spatial Framework Plan
3. Site Layout Plan for N2 Interchange Node
4. Site Layout Plan for CBD Extension Node
5. CBD Extension Node affected properties

APPENDICES

- Appendix 1 Material produced for or derived from the public participation process
Appendix 2 : Cultural Heritage report by Umland
Appendix 3 : Geotechnical Report by Drennan Maud & Partners

1. INTRODUCTION

Guy Nicolson Consulting cc has been appointed as the independent Environmental Assessment Practitioner by Laurusco Developments (Pty) Ltd, acting on behalf of the Laurusco Developments – Mondi Joint Venture, to implement the required Environmental Impact Assessment (EIA) procedures on their proposed rezoning and development of two nearby development nodes on the properties owned by Mondi South African Limited. These properties are a portion of the Rem of Farm Lot 58 Umfolozi No. 15939 and a portion of the Rem of Farm Lot 61 No 13606 Umfolozi. These contiguous properties are situated next to the town of Mtubatuba in the Umkhanyakude District and Mtubatuba Local municipalities in the northern coastal parts of the province of KwaZulu – Natal.

This final scoping report is produced in terms of the relevant EIA regulatory procedures, as elaborated on further within section 3 below. It has been compiled after an earlier draft scoping report date November 2008 was circulated to all registered interested and affected parties towards the end of November 2008. The comments received on the draft scoping report have been incorporated into the final scoping report, which has been made available to the authorizing authority, the KwaZulu – Natal Department of Agriculture and Environmental Affairs, as well as to all the registered interested and affected parties.

This scoping report is a public document which may be freely copied and disseminated further as any other party may wish. However, the 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
- Photographs and figures included after the text which illustrate the location, surroundings, and the proposed development plan for the site.
- Appendices of the record of the public participation process, the specialist cultural heritage report and the specialist geotechnical 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 term of the EIA regulations of 2006, 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 required are listed below as follows :

In terms of **Government Notice R386 of 21 April 2006**, where these regulations identify the following activities as requiring and Environmental Authorization after a "Basic Assessment" procedure, as outlined within Government Notice R385 :

1. *The construction of facilities or infrastructure, including associated structures or infrastructure for :*
 - (k.) *the bulk transportation of sewage and water, including storm water, in pipelines with :*
 - (i.) *an internal diameter of 0.36 metres or more.*
 - (ii) *a peak throughput of 120 litres per second or more.*
 - (l) *The transmission and distribution of electricity above ground with a capacity of more than 33 kilovolts and less than 120 kilovolts.*
15. *The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads less than 30 metres long.*
18. *The subdivision of portions of land 9 hectares or larger into portions of 5 hectares or less.*

Government Notice **387 of 21 April 2006** identifies the following activities as requiring and Environmental Authorization following the "full EIA process" i.e. a set of procedures leading to the approval of an environmental scoping report, followed by a second set of procedures leading to the production of an Environmental Impact Report.

1. *The construction of facilities or infrastructure, including associated structures of infrastructure for ;*
 - (p) *the treatment of effluent, wastewater or sewage within an annual throughput capacity of 15 000 cubic metres or more;*
2. *Any development activity, including associated structures and infrastructure, where the total area of the developed areas is, or is intended to be, 20 hectares of more.*
3. *The construction of filling stations, including associated structures and infrastructure, or any other facility for the underground storage*

of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin.

The EIA procedures that are followed in the case of the “full EIA phase”, as required due to the three activities listed above under Regulation 387, are described below within Section 3.

3. EIA PROCESS FOLLOWED AND REGISTRATION OF THE EIA APPLICATION

3.1. OVERVIEW OF THE EIA PROCESS

As prescribed in the EIA procedural regulations of Government Notice 385, where different activities for which an Environmental Authorization occur within a single application fall within the lists of both Government Notices 386 and 387, then the entire application is subjected to the more comprehensive Scoping and Environmental Impact Assessment process. This process is as described in Part 3 of regulation 385, which applies to activities that fall under regulation 387.

As can be seen from the previous section 2 above, this situation applies to this particular application. Therefore, as prescribed within Part 3 of regulation 385, the Scoping and Environmental Impact Assessment process will be followed in this particular application. This process is described below as follows :

1. Submission of the Application For Authorization form to the competent authority, the KwaZulu-Natal Department of Agriculture and Environmental Affairs.
2. Conducting of the Public Participation Process as set out in regulation 56 of Government notice 385.
3. Preparation of a scoping report containing all necessary information that is necessary for a proper understanding of the nature of the issues identified during scoping, as listed in regulation 29.
4. Submission of the scoping report to the competent authority, and making it available at the same time to all registered interested and affected parties that have been identified during the public participation process, and also to the relevant authorities who may have jurisdiction over various aspects of relevance to the application.
5. Revision, if necessary, of the scoping report in the light of comments received from the authority, relevant government organisations and interested and affected parties.
6. Consideration by the competent authority of the scoping report, after which the authority will make certain recommendations as to whether more work or amendments are required before its acceptance, to permit the next stage in the process, in terms of the Plan of Study for an Environmental Impact Assessment that is included within the scoping report.
7. Commencement of the production of an Environmental Impact Assessment Report, after the approval of the scoping report. The Environmental Assessment report to include any necessary specialist investigations and an assessment of all potential issues and their alternatives. Regulation 32 of notice 385 prescribes in details the contents and requirements of an Environmental Impact Report.

8. Consideration of the environmental assessment report by the competent authority, with this report also being made available for comment to all registered interested and affected parties and other relevant organisations. The competent authority may require amendments or additions to the Environmental Impact Assessment Report.
9. After consideration of the report by the competent authorities, and on receipt of the comments from interested and affected parties and other authorities, the competent authority provides their decision on the proposed application, in the form of an Environmental Authorization. Their decision may reject or accept the proposal. If accepted, there will be conditions associated with the Environmental Authorization which will prescribe in detail it may be constructed and operated.

In terms of these procedures, the EIA process for this particular application is now at point 6 above, the consideration of the final scoping report, after which the authority will make certain recommendations as to whether more work or amendments are required before its acceptance, to permit the next stage in the process, in terms of the Plan of Study contained within it for the implementation of the procedures leading to the compilation of an Environmental Impact Assessment report.

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 NATURE OF THE SCOPING PROCESS

Scoping may be defined as the exercise through which there is the identification of interested and affected parties and the identification of the environmental issues surrounding a project that require assessment, and any reasonable alternatives from what is proposed. These are then addressed in detail within the subsequent environmental impact assessment phase.

It can be noted from the above that it is not the function of the scoping process and resultant scoping report to provide the information on which a decision can be made. Rather, it is to ensure that all interested and affected parties are made aware of the application, and be given the opportunity to provide informed comment on it. These comments are then taken into account in the subsequent environmental impact assessment phase of the process.

Issues and alternatives are identified on the basis of the professional judgement of the EAP and other specialists, experience of similar projects, knowledge of the study area, literature review and interrogation of other sources such as geographic information systems, the public participation process and consultations with the relevant government authorities.

3.3. REGISTRATION OF THE EIA APPLICATION

In terms of regulation 4 of EIA Regulation 2006, Government Notice 385, the competent authority is the KwaZulu-Natal Department of Agriculture and Environmental Affairs, to be dealt with in this case by their North Region based in Empangeni. These authorities have accepted the application and provided their EIA reference number : DC27/0003/08 to be quoted in all correspondence to them pertaining to this application.

4. EXPERTISE OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

As Regulation 29 (1) of Government Notice 385 requires that the details of the appointed independent Environmental Assessment Practitioner (EAP) who prepared the report and their expertise to carry out the scoping procedures is included in the scoping report, this is 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.

The BSc was awarded with distinction and special merit award as top student in major subject, Environmental Biology. The Honours and Masters degrees were based on work done under research scholarships awarded by the Council for Scientific and Industrial Research and the Natal Town and Regional Planning Commission respectively.

Previous positions held by Guy Nicolson have included Chief Examiner in Biological Sciences for the Joint Matriculation Board, and Head of Biological Sciences at Edgewood College of Education. He has lectured as well at the University of Cape Town, University of KwaZulu-Natal and the Durban University of Technology on various aspects of environmental planning and management.

He is professionally registered with :

- The South African Association of Natural Scientific Professions
- The South African Institute of Ecologists and Environmental Scientists

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.

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 Agriculture and Environmental Affairs.

The all findings and recommendations contained within this report are based on Guy Nicolson's ability to provide as independent, accurate and objective a report as possible within whatever unavoidable time and budgetary constraints are placed on the EIA process.

5. DESCRIPTION OF THE PROPERTIES AND THE AFFECTED ENVIRONMENT

5.1. LOCATION AND THE SURROUNDING ENVIRONMENT

The photographs included after the text of this report illustrate many of the features of the sites and their surrounding environments that are described below. The Site Location Plan which is included after the photographs illustrates the regional location of the site and the location of the two proposed development nodes.

As can be seen from the location plan, it is intended to develop the two development nodes along the development axis that occurs between provincial road P235 and the recently constructed interchange of this node with the N2 highway. These two nodes are named within this report as the "N2 interchange node" and the "Central Business District (or CBD) extension node". Details of the location and surrounding environment of each of these nodes is provided below :

THE N2 INTERCHANGE NODE

This node is situated on a portion of the Rem of the Farm Lot 58 Umfolozi No. 15939 on the eastern, seaward side of the N2 highway, on both sides of the P235 provincial road, and is approximately 34 hectares in area. The geographic location co – ordinates of the approximate centre of this node are 28⁰23'19.3080" South and 32⁰01"52.6416"East

To its western, landward side the node is bordered by the road reserve of the N2 highway, including the extensive area associated with the new interchange, and under the control of the South African National Road Agency Limited. A quite extensive wetland area and some low density residential developments on private property occur on the opposite side of the N2 highway from the proposed N2 interchange node.

To the north and east the site is bordered by areas of gum plantation owned by Mondi South Africa Limited, in a similar fashion as occurs on the site itself.

To the south, in the area adjacent to the N2 highway, the node is bordered by a site that has been recently acquired from Mondi South Africa Limited by the KwaZulu – Natal Department of Transport, and used by them as a vehicle depot area. On the southern side of this Department of Transport property is an Eskom service centre installation that also has the N2 highway situated on its western boundary.

THE CBD EXTENSION NODE

This node is situated immediately adjacent to the northern edge of the existing commercial centre of the town of Mtubatuba and is approximately 32.5 hectares in area. The geographic location co – ordinates of the approximate centre of this node is 28⁰24'20.7288" South and 32⁰11"18.9127" East.

This development node is situated partially on the same property as the N2 extension node, this being a portion of the Rem of the Farm Lot 58 Umfolozi

No. 15939 and also on another property owned by Mondi South Africa Limited, which is a portion of the Farm Lot 61 Umfolozi No. 13606. The figure titled “CBD Extension Node Affected Properties” illustrates the relevant cadastral boundaries of these abovementioned properties and the portions of them on which the proposed CBD Extension Node is intended to be located.

The site is bordered to the west by the P235 provincial main road, and also in part by a narrow triangle of land in its more southern end known as Bonela Estates, the majority of this Bonela Estates property falling on the other side the P235 from CBD extension node site.

To the north the site is bordered by open gum plantations on two affected Mondi South Africa Limited properties that the applicant site is situated on, and to the east by the main Spoornet Railway line that runs in a north – south direction past this part of the site within its railway servitude.

To the south the CBD extension node site is bordered by the P237 provincial main road, which terminates at the intersection with the P235, near the south west corner of the site. From this intersection the P237 extends to the town of St Lucia and the iSimangaliso Wetland Park. Across the P237 from the site there occurs the existing central business district of Mtubatuba, with the opposite side of the road from the site being fully developed with commercial enterprises on it.

5.2. MUNICIPAL PLANNING CONTEXT OF THE DEVELOPMENT NODES

The second figure included after the text is that portion of the Mtubatuba Municipality’s Spatial Development Plan which covers the town of Mtubatuba and its surroundings. This plan has been prepared as part of the overall Integrated Development Plan (IDP) for the municipality, and its purpose is to provide the overall spatial planning framework within which future development expansion of the town should occur. As part of the IDP process, this plan has been compiled after an extensive consultative process with all local stakeholders, and is endorsed and supported by the local municipality as their spatial view of the future growth of their town of Mtubatuba.

As can be seen in this plan, an “Urban Edge” has been delineated on this plan, within the boundary of which all future urban expansion should be contained for the foreseeable future. Both the N2 interchange and CBD extension nodes fall within this Urban Edge.

In the case of the N2 interchange node, this has been specifically identified and designated within the Spatial Development Plan as being desirable to occur.

In the case of the CBD extension node, the area that is the subject of this application has also been identified and designated within the Spatial Development Plan to become part of an expanded Mtubatuba CBD that will, in time, extend even further northwards along what is identified as a “Primary Development Corridor” within the Spatial Framework Plan. The Spatial Framework Plan indicates the extension of the CBD node northwards towards the N2 interchange node, with only a small separation between them of a portion of land that is designated to be developed in the future for “Mixed Use”.

As can be seen from the above description, the future planning proposals of the Mtubatuba Municipality in regard to the growth of their town are completely in accord with the development proposals that are the subject of this EIA, in that the proposed development nodes both fall within the delineated urban edge within which all urban development should occur, and their proposed land uses are exactly the same as that which is recommended within the Spatial Development Plan.

GEOTECHNICAL QUALITIES

THE N2 INTERCHANGE NODE

As described in more detail within the specialist geotechnical report contained within appendix 3, this site is underlain by variably weathered basalt of the Letaba Formation and the Associated clayey residual soils derived therefrom. These soils are expected to be moderately active with fluctuating soil moisture contents. No areas of seepage were detected on the site. However, the site is not considered suitable for any substantial amounts of waste water disposal by means of subsoil percolation.

According to the geotechnical report, the near level site is considered to be inherently stable and suitable for development. The geotechnical report provides recommendations in regard to the appropriate measures to apply in development the site.

In regard to a hydrogeological assessment and the implications for the establishment of a fuel service station on the site, the geotechnical report states that a formal hydrogeological assessment was not carried out within the scope of the preliminary investigation. However, based on the evidence at hand, the report states that the development of a well maintained petrol station with the attendant subterranean fuel storage tanks would not pose undue risk to the environment and ground water in particular. The low porosity clayey subsoils will limit passage of any spills while no evidence of shallow ground water was noted on this site.

THE CBD EXTENSION SITE

This site is underlain by unconsolidated wind deposited, fine grained sands of the Kwambonombi Formation t at least 2.6m depth. The upper soils are typically loose to medium dense sand, becoming increasingly clayey and stiff with depth, ultimately being underlain by basalts.

The near level site is considered to be inherently stable. Due to the sandy nature of the top soils, the geotechnical report recommends appropriate measure related to founding. There is no evidence of seepage or wetland areas on the site, although there is a shallow water table typical of the area in and around Mtubatuba.

LAND USES AND VEGETATION

Being owned by Mondi South Africa Limited, the area of both proposed development nodes are almost completely covered by commercial timber plantations of gum trees at various stages of maturity. In the case of the N2 interchange node, on the northern side close to the P235 on a provincial road

running north parallel to the N2 highway, there is a small enterprise selling chickens on land that has been leased on a short term basis from Mondi South Africa Limited.

Due to the transformation of almost the entire surfaces of both sites for the use of commercial timber plantations that also extend beyond the sites, there are no biodiversity constraints identified to developing the sites in the manner proposed.

5.5. EXISTING SERVICES AND INFRASTRUCTURE

In the case of the N2 interchange node there is a tarred provincial road that runs in a north south direction parallel and about 100 m from the N2 highway. This provides access to the Department of Transport and Eskom installations to the south, and to the chicken selling operation to the north of the P235. This road forms an intersection with the N2 highway a short distance north from the proposed N2 interchange node.

On the rest of both nodes, besides the dirt roads used in timber plantation operations, there are no other developments or forms of infrastructure on the sites. The chicken farm and Eskom service centre are fed by a small diameter water pipeline from the town of Mtubatuba. However, this water supply would be inadequate to supply envisaged development expansion, and in any event, the town does not currently have the capacity to provide an expanded water supply to the proposed development nodes.

Electricity is supplied to these installations by a minor local supply network, and waste water disposal is by septic tank and soakway systems that would not be considered appropriate by the relevant authorities for the forms of development envisaged on the site.

The two proposed development nodes can therefore be considered to be currently unserved in terms infrastructure such as electricity, water or waste water disposal services. The nearest sources of potential supply are from the existing infrastructural services serving the town of Mtubatuba. However, preliminary investigations in this regard by the applicant's professional engineers indicate that these are unlikely to have the capacity to also serve the proposed development nodes on the adjacent property.

5.6. CULTURAL HERITAGE CONSIDERATIONS

In order to determine whether there are cultural resource considerations that need to be taken into account in the EIA process, and in term of the requirements of the KwaZulu – Natal Heritage Act, the specialist firm of Umlando (accredited cultural resource manager Gavin Anderson) was commissioned to undertake a survey of the development nodes. Their report is contained within appendix 2 of this draft scoping report.

Their report states that one archaeological site was identified in the area of the N2 interchange node, in the form of a scatter of Early or Middle Stone Age stone tools. They have identified this site as "MAT 1" in their report, which states that the presence of these tools is to be expected, as several Early

Stone Age sites occur within a 2km radius of the affected areas. The stone tools are assessed as being in a secondary context, and have little value.

Umlando consider that the site is of low significance, of no conservation worth from a cultural heritage perspective, and that no further mitigation is necessary. A permit will be required from KwaZulu Heritage for the damage to site MAT 1 that will occur in the development process. However, the presence of any cultural resource material on the site is not identified as being a constraint to development on the sites within this specialist report.

5.7. AESTHETIC CONSIDERATIONS

The sites do not have any features of special aesthetic value associated with them, and are completely covered by commercial timber plantations.

There will be the transformation of a rural landscape into a developed one with the advent of the proposed development. However, this would be in terms of what has been planned within the IDP Spatial Framework Plan, and is not considered to be of special significance within the context of the existing visual qualities of the sites.

6. DESCRIPTION OF THE PROPOSED ACTIVITY

6.1. THE N2 INTERCHANGE NODE

A provisional Site Development Plan of the N2 interchange node is included within the figures after the text. This plan illustrates the intended land uses referred to further below, and the associated road infrastructure.

Within the N2 interchange node it is intended to develop this node in phases expanding from the area of the P235 / N2 intersection. As illustrated in the layout plan for the N2 interchange node :

- To the south of the P235 provincial road there is proposed a truck stop area of 36241m². This is located on the opposite, eastern side of the tarred road leading past the Department of Transport road depot and proposed future Weigh Bridge site for the Road Traffic Inspectorate to the Eskom installation to the south of it.
- Most of the proposed development node is situated to the north of the P235 provincial main road, and is comprised of additional road constructions, where indicated on the layout plan, leading off from the provincial road traversing this area, with various development sites indicated for respective uses and their associated areas on the site development plan as follows :
 - Three mixed use sites of 38845m² 39251m² and 21529m² respectively.
 - Petrol filling station close to the intersection of the P235 with provincial road running through the site of 3556 m²
 - Two commercial sites of 96979 m² and 52993 m² respectively.
 - Hotel site facing onto the N2 highway of 20165 m²

It has been provisionally estimated by the relevant professional engineers within the project team that, in regard to water and waste water demand, for an overall site of approximately 30 hectares zoned for retail / business use the water demand is likely to be some 0.42 Ml/day and a waste water flow of some 0.38 Ml/day will be generated. Total electricity demand for the entire node is estimated at 4.36MVA.

It is anticipated that the time horizon for the development will extend over many years and, to an extent, will be dictated by demand and uptake. It is the intention of the applicant to obtain the development approvals for the land and to provide infrastructure on a phased basis as required. Individual developers and institutions would acquire development sites to develop them within the overall planning framework and infrastructure provision that will also be provided on a phased basis as is practicable and appropriate.

The development would be incorporated into the Mtubatuba Local Municipality's town planning framework, following the appropriate town planning and development approval processes that would occur subsequent to obtaining the required Environmental Authorisation for the development.

6.2. THE CBD EXTENSION NODE

The provisional Site Development Plan for the CBD extension node is included within the figures. This plan illustrates the intended land uses referred to further below, and the associated road infrastructure.

As can be seen from this plan, this proposed CBD extension node is the first in a phase of envisaged northward expansion across the P 237, from the existing CBD which presently abuts onto this road on its southern side. As indicated on the Site Development Plan, road access to the CBD extension node will be gained from both the P235 and P237 provincial roads.

It is proposed to develop the proposed CBD extension node in phases, as follows :

Phase 1 :

- Taxi rank and bus rank on 8.14 ha.
- Commercial land use on 2.6ha

Phase 2 :

- Mixed land use on 2.0 ha
- Commercial use on 2.6ha

Phase 3 :

- Mixed use on 2.0 ha
- Commercial land use on 0.5 ha
- Office use on 0.6 ha.

It has been provisionally estimated by the relevant professional engineers within the project team that in regard to water and waste water demand for an overall site will be of the order of 0.125 Ml/day and the waste water flow will be in the region of 0.072 Ml/day. Electricity demand is estimated at 3.488 MVA for the total development.

As in the case of the N2 interchange node, it is anticipated that the time horizon for the development will extend over many years and, to an extent, will be dictated by demand and uptake. It is the intention of the applicant to obtain the development approvals for the land and to provide infrastructure on a phased basis as required. Individual developers and institutions would acquire development sites to develop them within the overall planning framework and infrastructure provision that will also be provided on a phased basis as is practicable and appropriate. The development would be incorporated into the Mtubatuba Local Municipality's town planning framework, following the appropriate town planning and development approval processes that would occur subsequent to obtaining the required Environmental Authorisation for the development.

7. IDENTIFICATION OF THE LEGISLATION AND GUIDELINES TAKEN INTO ACCOUNT

The following environmental legislation and guidelines are relevant to the compilation of this scoping report and the implementation of the EIA process for this application in general, and are accordingly taken into account where relevant in an appropriate manner :

1. The Constitution of the Republic of South Africa (Act 108 of 1998).
2. Integrated Environmental Management (IEM) Guidelines of the National Department of Environmental Affairs and Tourism, 2002.
3. National Environmental Management Act (Act 107 of 1998)
4. Conservation of Agricultural Resources Act (Act 70 of 1970).
5. EIA Regulations, 2006 : Regulations 385, 386 and 387 of 21 April 2006
6. Guidelines Compiled by the National Department of Environmental Affairs and Tourism in regard to the implementation of the regulations 385, 386 and 387, 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
7. National Water Act (Act 36 of 1998)
8. National Heritage Resources Act (Act 25 of 1999)
9. Hazardous Substance Act (Act 15 of 1973)
10. Health Act (Act 63 of 1977)
11. Atmospheric Pollution Act (Act 45 of 1965) (The crematoria furnace is listed as Process 39 under the Schedule Two under this act)
12. National Environmental Management : Air Quality Act (Act 39 of 2004)
13. South African National Standard SANS 1929 : 2005 (Sets down standards for some of the major pollutants in the ambient air).
14. KwaZulu-Natal Nature Conservation Act (Act 9 of 1997)
15. KwaZulu-Natal Planning and Development Act
16. KwaZulu-Natal Heritage Act (Act 10 of 1997)

8. DETAILS OF THE PUBLIC PARTICIPATION PROCESS

8.1. BACKGROUND

The public participation process reported on in this section has been undertaken in accordance with EIA Regulation 385 : 56 and 57 and *Guideline 4 : Public Participation* compiled by the National Department of Agriculture and Environmental Affairs, which is intended to lend clarity and elaborate on the abovementioned regulations.

All documentation produced for or derived from the public participation process up to the compilation of this scoping report is included within Appendix 1. This material is comprised of :

1. The list of registered interested and affected parties.
2. Newspaper advertisements.
3. Examples of letters to interested and affected parties.
4. Text of the posters placed on the site.
5. The background information document produced.
6. Record of the public meeting.
7. Correspondence received from interested and affected parties up to the compilation of the draft November 2008 scoping report.
8. Correspondence received from interested and affected parties on the draft scoping report.

8.2. THE PUBLIC PARTICIPATION PROCEDURES UNDERTAKEN

In order to advise all potential interested and affected parties of the proposed development, provide them with suitable background information and provide them with the opportunity to be registered as interested and affected parties and provide them with an opportunity for comment, the following actions were undertaken :

1. Suitable advertisements were placed in :
 - a. The Isoleswe newspaper in isiZulu on 2 July 2008
 - b. In The Zululand Observer in English in the week ending 27 June 2008.
2. Two posters meeting the requirements of the EIA regulations were placed in prominent positions on the verges of both sites.
3. An appropriate scoping letter was posted to all property owners within 100m of the site, advising of the development, informing of the forthcoming public meeting, and inviting them to obtain more information of to be registered as an interested and affected party, if they so wished.
4. An appropriate scoping letter, together with a location map, was posted to the following organisations or individuals, after consultations with the municipality and the perusal of the record of identified stakeholders compiled during the recent IDP consultation processes :

- a. EKZN Wildlife
 - b. Department of Water Affairs and Forestry
 - c. Mtubatuba Local Municipality
 - d. UMkhanyakude District Municipality
 - e. The agricultural section of the KwaZulu – Natal Department of Agriculture and Environmental Affairs
 - f. The national Department of Agriculture
 - g. iSimangaliso Wetland Park Authority (the main route to the park follows the N2 – P235 – P237 to St Lucia route).
 - h. Eskom (Area manager)
 - i. Transnet
 - j. Mtubatuba Local Municipality Councillors - all of them. (Note : Due to the significance and scale of the proposed developments relative to the existing size of the town of Mtubatuba, all municipal councillors were sent letters, as opposed to just the ward councillor/s in the area of the applicant site).
 - k. Mpukonyoni Traditional Authority.
 - l. KwaZulu – Natal Department of Traditional and Local Government Affairs
 - m. KwaZulu – Natal Department of Public Works.
 - n. KwaZulu – Natal Department of Transport
 - o. South African National Roads Agency Limited.
 - p. Local farmers' associations
 - q. Mtubatuba Bed and Breakfast Association
 - r. Hlanganani Tourism : Mtubatuba
 - s. Mtubatuba Small Business Association
 - t. Mtubatuba Residents and Ratepayers Association
 - u. Mtubatuba Taxi Association
 - v. Dukuduku Taxi Association
5. A public meeting was held on the 10 July 2008, commencing at 17h30 in the Mtubatuba Town Hall. The public meeting was advertised in the abovementioned newspaper advertisements and in the relevant letters listed above. As can be seen from the record of the public meeting :
- a. Guy Nicolson explained the background and purpose of the public meeting, and briefly described the sites and the proposed development, with the assistance of the Background Information Document and Site Development Plans that were provided to all attendees of the meeting.
 - b. Isabel Hooyberg – Smuts, professional town planner of the firm LH-S Professional Planners provided the planning context of the proposed development nodes in terms of the municipality's IDP and Spatial Framework Plan, and then described what was proposed within the development nodes.
 - c. There was a questions and discussion session chaired by Guy Nicolson.
 - d. Guy Nicolson then explained the next steps in the EIA process, thanked the attendees and closed the meeting.

It is of note that there were no objections raised to the proposed development at the public meeting in general, although concerns were

raised in regard to the provision of infrastructural services, notably water and sewage disposal.

All attendees of the public meeting were registered as interested and affected parties.

6. The circulation of the draft scoping report for comment towards the end of November 2008, with a comments period of 45 days prescribed, to cater for the fact that there are public and school holidays during this period.

8.3. THE RESULTS OF THE PUBLIC PARTICIPATION PROCESS

REGISTER OF INTERESTED AND AFFECTED PARTIES

As required within EIA regulation 385 : 57 of 2006, and based on the measures provided above, a register of the public interested and affected parties has been compiled and is provided at the beginning of appendix 1.

RECORD OF THE ISSUES AND CONCERNS RAISED FOR FURTHER INVESTIGATION AND ASSESSMENT IN THE EIA PROCESS

As a central function of the public participation process described above, a list of the potential issues and concerns in regard to the proposed development has been obtained, and is included below within section 9 of this final scoping report.

8.4. RECORD OF THE COMMENTS BY THE INTERESTED AND AFFECTED PARTIES UP TO THE COMPILATION OF THE DRAFT SCOPING REPORT

CONCERNS RAISED AT THE PUBLIC MEETING

As can be seen from the record of the public meeting that is contained within Appendix 1, the following issues and concerns were raised :

1. The existing municipal services of the Mtubatuba Municipality were currently already overstretched, and would not be able to cope with the demands that would be placed on it by the proposed developments.
2. The scale of the proposed development nodes in terms of retail space allocated was very large, and would have a negative effect on the existing retail activities within the town of Mtubatuba.
3. The expansion of the proposed development onto agricultural land, and that urban development was not the business that Mondi was in.
4. The shortage of potable water in the town was highlighted as a very significant issue, which would need to be properly resolved before the developments could go ahead.
5. The need to protect existing businesses.
6. The fact that the proposed development was in accord with the municipality's own development plans, and that the input of developers in the much needed growth of the town as a consequence of the local and district municipality's lack of funds and capacity to provide essential infrastructure was also highlighted as a significant issue.

RECORD OF THE CORRESPONDENCE RECEIVED AND THE CONCERNS RAISED UP TO THE CIRCULATION OF THE DRAFT SCOPING REPORT

The following correspondence has been received in the public participation process and is contained within appendix 1. This correspondence is listed below and, where relevant, the following issues and concerns were raised within it :

1. The following responded in writing with the request to be registered as interested and affected parties, to be provided with further information and given opportunity for further comment, but did not raise any particular issues or concerns within their correspondence.
 - a. Green Mile Investments
 - b. Professor Jeffrey Hadebe
 - c. Hlanganani Tourism
 - d. Transnet : Property
 - e. UThungulu Strategic Development Committee : Chairman Frans van der Walt.
 - f. Eskom
2. Norman Brauteseth & Associates Attorneys : Acting on behalf of the following clients :
 - a. Mr. Freddy Schoonhoven on behalf of Schoonies Een (Pty) Ltd, which operates various retail outlets in the town of Mtubatuba.
 - b. Mr. Selwyn Naidoo, who is a businessman who owns interests in various companies and close corporations based in Mtubatuba. One of these, Green Mile Investments 340 cc owns the Mtuba Plaza, the Department of Environmental Affairs office building and a further 5.22 ha site in Mtubatuba.
 - c. Mr. Anton Van Noordwyk on behalf of Van Noordwyk Investments (Pty) Ltd, M F Holmes Stores (Pty) Ltd and Lot 108 Mtuba cc. These companies own twenty five industrial, commercial and residential properties in Mtubatuba.

The issues identified to be further investigated in the EIA process, as captured in the Plan of Study within section 10 below, were identified in this letter as follows :

1. **Water** : There is a shortage of water in Mtubatuba and it would be irresponsible for development of the extent proposed to be approved until there was certainty of an adequate supply of water being secured.
2. **Electricity** : The development should not be approved unless there is adequate spare capacity.
3. **Sewerage** : As the current sewage works for the town of Mtubatuba cannot cope, any increase in demand on the existing sanitation situation would not be sustainable without this issue being properly resolved.
4. **Need and Desirability** : The clients deny that the proposed development is either necessary or desirable.

5. **Division of Mtubatuba CBD** : It is averred that the creation of two additional development nodes their proposed locations will cause a socially and economically unsustainable division of the Mtubatuba CBD. The creation of additional taxi ranks without proper investigation into the dynamics of the local taxi industry would also be socially unsustainable.
6. **Urban Sprawl** : It is stated that, closely related to the above point, that the two additional development nodes will constitute “urban sprawl”.
7. **Alternatives** : A thorough assessment of alternatives be carried out, as provided for in the NEMA regulations.

8.5. RECORD OF THE COMMENTS RAISED BY THE INTERESTED AND AFFECTED PARTIES AFTER THE CIRCULATION OF THE DRAFT SCOPING REPORT

The comments received in the correspondence on the draft scoping report contained as the last component of appendix 1 to this final scoping report. Correspondence was received from three parties, these being :

1. Ezemvelo KZN Wildlife.
2. Norman Brauteseth & Associates Attorneys.
3. National Department of Agriculture.

The comments within their submissions and the responses to them are provided below.

1. Ezemvelo KZN Wildlife

Comment received

In their email of 18 December 2008, EKZN Wildlife state that the application has recently been tabled, and that no biodiversity concerns have been identified.

Response

As the organisation acting as custodians of biodiversity in the province, EKZN Wildlife do not identify and specific biodiversity concerns associated with the site, and therefore do not require any further specialist biodiversity studies to be undertaken in the EIA process.

2. **Norman Brauteseth & Associates Attorneys** (in a letter dated 24 December 2008, acting on behalf of clients as listed in the details of the correspondence received before the compilation of the draft scoping report above within section 8.4 of this final scoping report).

Comments received and responses to points raised in their letter are as follows :

1. Comment

It is contended that the statement of the absence of biodiversity issues on the site that is contained in the draft scoping report is premature.

Response

The statement provided in the scoping report is based on an inspection of the site and its environs by Guy Nicolson as a registered professional scientist and ecologist, and is backed up by the response from EKZN Wildlife, who also consider that there are no biodiversity concerns associated with the site.

This final scoping report will be provided to the KZN Department of Agriculture and Environmental Affairs as the authorizing authority. If they consider that any further work of a biodiversity investigation nature (or any other nature) is warranted, they will prescribe the necessary directives for it to occur. It is to be noted that this response is separate from the response to potential impacts of the presence of a fuel filling station, which is discussed further under the next point 2 below.

2. Comment

Concerns about the potential pollution impacts of presence of the fuel filling station are raised, as quoted from their letter

“where a spill may well have significant, if not catastrophic impacts extending a significant distance off site”

and the need to conduct and report on adequate studies in this regard is requested.

Response

Within section 10 : Plan of Study for an Environmental Impact Assessment section 10.5 (3.) identifies the further studies and measures that will be applied to provide the necessary information for the Compilation of the Environmental Impact Report. In the case of point 3 in regard to the potential for water pollution from the fuel service station at the N2 interchange, these are identified as :

- a. Specialist geohydrological report in regard to ensuring that the site is suitable for use as a service station, in particular in regard to the presence of underground fuel storage tanks on the site.
- b. The description of the mitigating measures that would be applied in the construction and operation of the fuel service station to prevent any water pollution.

These studies and measures stated above are standard requirements that do provide a thorough investigation of the potential pollution issues associated with the installation of any fuel filling station.

Although the Drennan Maud geotechnical report does state that :

“it is not expected that development of a well maintained petrol station with the attendant subterranean fuel storage tanks would pose undue risk to the environment and ground water in particular”

The geohydrological study is also highlighted by them as being required as a matter of course in further investigations within their report. They also point out that this required further thorough study does not just deal with the site but, as stated by them, extends to a kilometre radius around the site.

Therefore, it is considered that any potential issue to do with pollution from the fuel filling station can be adequately address by what is proposed within Plan of Study for an Environmental Impact Assessment Report.

The Environmental Impact Report containing this information will be provided to the Department of Water Affairs and Forestry for their comments as to whether they are satisfied or not that these concerns are adequately addressed. The comments of this department are also provided to the Department of Agriculture and Environmental Affairs, to guide them in their own consideration of this matter.

3. Comment

There is the need for wetland assessment to be carried out on the sites on the basis that, as quoted in their letter, and referring to the Geotechnical Report prepared by Drennan Maud & Partners contained within appendix 3 of the draft and this final scoping report :

At the N2 site :

“There is likely to be a “rebound” in the ground water level at the N2 site once the alien plantations have been removed”.

At the Mtubatuba North CBD site :

“the report records having identified the presence of “mottled soils”

These are stated in their letter as being *“classic indicators that the proposed sites, or portions thereof, may be located in wetlands”* and because of this it is averred in their letter that a wetland assessment should be carried out.

Response

The geotechnical report points out that there are no drainage lines or seepage areas evident on the sites, and their specialist, Ms. D. Abel who compiled the report, is very experienced in these matters, at no time in her report intimates that there is any suspicion of wetland areas, that need further investigation.

Ms. Abel is also quite capable of delineating any wetland areas on the site if they did occur on the site (and has done so for Guy Nicolson Consulting in some other projects where she was the specialist geotechnical consultant).

Moreover, EKZN Wildlife typically call for a wetland assessment if they think there is the possibility of wetlands occurring on a particular site, and they have not requested such studies in this case.

Dealing specifically with the comments with the Norman Brauteseth & Associates letter provided above in this regard at the :

N2 Node :

The geotechnical report (page 5) states as follows :

“There is a possibility that some subsoil seepage could only become evident once the trees have been removed”

This phenomenon is almost universal when gum plantations, with their high water table, demands are removed, and the consequent subsequent appearance of subsoil seepage occurs. It can certainly not be taken as a “classic indicator” of wetlands as averred in the letter, but rather as an occurrence that typically occurs on most sites when gum plantations are removed. It is also to be noted that the report refers to subsoil seepage, and not the surface seepages that

would be more typical of the reinstatement of wetland conditions.

CBD Node

The geotechnical report (page 6) states as follows :

“Mottled colouration in the Kwambonambi sands suggest a seasonal perched ground water table as shallow as about 1.5m in places”.

It is to be noted that this mottled soil that is referred to, at its shallowest, is 1.5m below ground level. Wetland identification and delineation is done in, at the most, the top 0.5m of soil by hand soil augering. Subterranean soils on a site may therefore indeed show mottling. However, this in no way indicates that there are “classic signs” of a wetland occurring on this particular site.

Based on the above, it is considered that the need for a “*full wetland assessment*”, as stated in the letter of comment, is not warranted.

4. Comment

The letter of comment states :

“With regard to “alternative uses for the site (10.3.2.) alternative uses should have been identified in advance, with a view to investigating and assessing the merits of such uses during the EIA process. It is, with respect, inadequate to simply to leave both the identification of and investigation of alternatives to the EIA process.

Response

Besides the no development option and the alternative site option that are also identified as requiring consideration in sections 10.3.1. and section 10.3.3. of the proposed Plan of study for an Environmental Impact Assessment respectively, section 10.3.2. is concerned with the identification of the potential uses for the site.

Within this section it is stated that :

“Potential alternative land uses for the site are considered in contrast to the ones that are proposed within this particular application. The likelihood and potential consequences of these alternative land uses are therefore identified and assessed”.

It is considered that the above approach within the section 10 of the Plan of Study for an Environmental Impact Assessment does adequately address the need to identify and address potential land uses during the EIA process. It should be borne in mind when considering this aspect, that the land uses proposed within this particular application are as recommended within the local municipality’s Integrated Development Plan and its Spatial Framework Plan, and it would therefore not be prudent for any applicant to put forward proposals that were major deviations from them. Of course, if any specific other alternatives to what is proposed are put forward by any interested and affected parties, or any government bodies, these will also be considered and assessed.

5. Comment

The letter states that the number of specialist studies is inadequate given the scale of the proposed activities, for example, a thorough investigation of the socio – economic impacts of proposed activities should be undertaken. Such economic assessment should thoroughly investigate the likely social and economic impacts of the proposed activities including, but not limited to, possible negative impacts of the proposed activities on the current Mtubatuba CBD and those who are employed to carry on business there.

Response

Point 7 in both sections 8.1.1 and 8.12., which identify the potential environmental issues associated with each node, and point 4 of section 10.5 of the Plan of Study for an Environmental Impact Report have been expanded to ensure that the concern expressed for adequately addressing socio – economic issues is adequately addressed, by specifically mentioning the need to investigate the likely social and economic impacts of the proposed activities including possible negative impacts of the proposed activities on the current Mtubatuba CBD and those who are employed to carry on business there.

3. National Department of Agriculture (letter dated 25th November 2008)**Comment**

Their letter was received in response to an earlier letter / background information document provided to them earlier in the public participation process. Within their letter they wish to see the following being addressed :

- a. Detailed schematic representation of the proposed project on the map, with agricultural lands or fields or grazing veldt clearly being indicated.
- b. All wetlands and streams that will be affected by this project should be clearly demarcated on the map and mitigation measures spelt out clearly.
- c. Should there be any need for stream diversion, a permit will have to be obtained from the Department of Water Affairs and Forestry.
- d. How the topsoil is to be handled, disposed of or stored for later use for rehabilitation purposes.
- e. Soil erosion mitigation measures.
- f. Invasive weeds and alien plant control strategy on the disturbed site.

Response

This Department will be provided with a copy of the final scoping report, which has been amended to include the relevant issues of topsoil handling use and disposal invasive weeds and alien plant control within it. Other queries raised within their letter in regard to information requested will also be provided or clarified within an appropriate covering letter.

IDENTIFICATION OF THE ISSUES TO ASSESSED AND THE ALTERNATIVES TO BE CONSIDERED

9.1. IDENTIFICATION OF THE ENVIRONMENTAL ISSUES TO BE ASSESSED

The potential issues identified below are the product of the public participation process described in the previous section 8, and from experience and literature of similar projects elsewhere. An overview is provided of below of all the typical potential environmental issues associated with the proposed development.

At the request of the authorizing authorities the KwaZulu – Natal Department of Agriculture and Environmental Affairs, who have been consulted in this regard, although the nature of the issues involved are the same or very similar in most cases, in order to carry the EIA process forward effectively into the Environmental Impact Assessment Phase, these issues are identified separately below for each of the development nodes.

Those issues that are considered to need to be further investigated and assessed are included in the Plan of Study for an Environmental Impact Assessment that is included in the following section 10 of this Environmental Scoping Report.

8.1.1. IDENTIFICATION OF ISSUES TO BE ASSESSED ASSOCIATED WITH THE N2 INTERCHANGE NODE

1. Issues related to the construction process

There do not appear to be any special problems associated with the construction process on the site, as it is level, developable, easily accessible from adjacent public roads, covered with vegetation of no significant conservation value, and does not have sensitive environments, such as wetlands or streams, on or near it. The site is also not adjacent to any areas of special sensitivity, such as existing residential areas, schools or businesses.

However, there are always potential impacts associated with the construction process, which include the following :

- g. Potential for soil erosion
- h. Dust generation affecting neighbouring properties and road users.
- i. Noise disturbance for neighbouring properties
- j. Potential hazards related to the construction process, for example from blasting.
- k. Potential for pollution related to construction activities, machinery and materials used.
- l. Alien plant invasion on the disturbed site.
- m. The saving and use of topsoil in the development process.

These potential issues are related to all major construction processes, and are not identified as unique or especially problematic for this particular site, or what is proposed on it. They can adequately addressed through the implementation of appropriate measures within a Construction Environmental

Management Plan. A copy of the proposed Construction Environmental Management Plan will be included within the Environmental Impact Report.

2. Issues related to the biophysical environment

Issues related to the biophysical environment are to do with soil, water, air, biological species and communities and ecological processes. In this particular development it is noted that, in regard to :

a. Soil issues :

The site is level and developable and does not appear to be particularly susceptible to soil erosion, which would be adequately dealt with in the abovementioned Construction EMP. There is the loss of the use of the soil due to it being covered over in the development process, and this is discussed below further within the context of potential socio – economic issues.

b. Water quality issues

There are no water bodies on the site, and water issues are related in this instance to the need to supply adequate potable water on the one hand, and the need to properly dispose of waste water on the other. These issues are dealt with in the discussion of infrastructure issues below.

In regard to water pollution issues, there is the proposed fuel service station within this particular node. These facilities have the potential to cause surface water pollution from run off, and ground water pollution, if there is leakage from the underground fuel tanks. The geotechnical report states that, based on the information contained within their preliminary geotechnical analysis, the site is not likely to be problematic from the point of view of creating any ground water pollution. However, this aspect is required to be properly addressed further within the Environmental Impact Assessment phase.

c. Air quality issues

Besides a relatively limited and localized potential for dust generation during the construction process, there are no significant air quality issues identified as being likely to be associated with the proposed development.

d. Biodiversity conservation

Due to the vegetation of the site having been transformed and used for the growth of timber plantations for a considerable period of time, and that there are no wetlands, stream or other forms of sensitive environments on the site, no potential biodiversity issues are identified as being associated with the proposed development sites.

A scoping letter requesting their comment was been provided in July 2008 to the custodians of biodiversity conservation within the province, Ezemvelo KZN Wildlife, who have not as yet responded to it.

EKZN Wildlife have also been provided with this scoping report for their comment. The nature of any further investigations and assessment of biodiversity aspects, if any, will largely be dictated by the responses received from EKZN Wildlife.

e. Ecological processes

The ecological processes on the site such as the energy flow and nutrient cycling, related to the biological productivity of the photosynthetic activities of the plants on it, will inevitably be significantly impacted on by the transformation of the site from a vegetated one to that of a largely paved over hardened one. This is an inevitable impact related to the zoning and development of the site for urban uses.

However, due to the ecological processes on the site being already almost completely subverted and channelled into to production of commercial timber which is periodically harvested and removed from the site, no significant impact on ecological processes associated with the proposed development is identified.

3. Potential aesthetic issues

The site will be transformed from a commercial agricultural one to that of urban development. However, this transformation is in terms of the Spatial Framework Plan, and along an identified development axis.

No significant existing features of aesthetic value are identified as being on the site or their immediate environs, and impacts on any existing aesthetic qualities is not identified as a significant environmental issue. However, it is recommended that appropriate attention is paid to the visual qualities of the proposed building, in terms of architectural styles, facades, finishes and landscaping in the municipal development plan approval processes associated with any development that occurs on the sites.

4. Potential historical – cultural issues

The cultural impact assessment report contained within appendix 2 does not identify any features of cultural heritage significance. The one site identified may be permitted to be developed over without any further mitigation being required. However, in terms of the relevant legislation, the necessary destruction permit will be required be obtained from Heritage KwaZulu – Natal before construction of the affected area may occur.

5. Issues related to the provision of infrastructure**a. The provision of potable water**

There is currently no adequate infrastructure to meet the requirement for potable water. This is therefore identified as a critical issue that is required to be resolved with certainty before the proposed development could be commenced with.

b. The disposal of waste water

There is currently no adequate infrastructure to meet the requirements of the proper disposal of waste water generated by the proposed development of the site. This is therefore identified as a critical issue that is required to be resolved with certainty before the proposed development could be commenced with.

c. The provision of electricity

There is currently no adequate electricity supply to the site. However, interactions with Eskom and the applicant are currently under way in this regard, and Eskom has also been identified as an interested and affected party for the EIA process. A supply of electricity will have to be guaranteed before the proposed developments could be commenced with.

6. Issues related to the loss of agricultural land

There would be the loss of productive agricultural land with the implementation of the development. However, the proposed development does fall within the delineated Urban Edge of the Spatial Framework Plan, and the land uses in the proposed node are in accord with the recommendations of this plan.

Appropriate letters have been posted to the two agricultural authorities required to provide comment on the loss of agricultural land, the agricultural section of the provincial Department of Agriculture and Environmental Affairs, and the National Department of Agriculture. The letters of comment, when received, will be made available for consideration in the EIA process.

7. Town Planning and related socio economic issues

a. Need and desirability

It is averred by some interested and affected party that there is no need for the proposed development. This aspect is therefore required to be investigated and reported on further in the EIA process.

b. Division of the Mtubatuba CBD

It is contended by interested and affected parties that the creation of this additional development nodes, together with CBD extension node, in their proposed locations, will cause a socially and economically unsustainable division of the Mtubatuba CBD. Moreover, it is contended that the creation of additional taxi ranks without a proper investigation into the dynamics of the taxi industry would also be socially unsustainable. This aspect will be investigated and reported on in the further EIA process.

a. Socio – economic impacts

The possible negative impacts of the proposed activities on the current Mtubatuba CBD and those who are employed or who carry on business there.

c. Urban Sprawl

Allied to point b. above, it is also contended that the two additional development nodes will constitute an undesirable “urban sprawl”. The nature and validity of this contention will also be reported on within the further EIA process.

8.1.2. IDENTIFICATION OF ISSUES TO BE ASSESSED ASSOCIATED WITH THE CBD EXTENSION NODE

2. Issues related to the construction process

There do not appear to be any special problems associated with the construction process on the site, as it is level, developable, easily accessible from adjacent public roads, covered with vegetation of no significant conservation value, and does not have sensitive environments, such as wetlands or streams, on or near it. The site is also not adjacent to any areas of special sensitivity, such as existing residential areas, schools or businesses. The site does lie opposite to the existing CBD of Mtubatuba on its southern boundary, but is separated from it by the existing P237 provincial main road.

However, there are always potential impacts associated with the construction process, which include the following :

- a. Potential for soil erosion
- b. Dust generation affecting neighbouring properties and road users.
- c. Noise disturbance for neighbouring properties
- d. Potential hazards related to the construction process, for example from blasting.
- e. Potential for pollution related to construction activities, machinery and materials used.
- f. Alien plant invasion on the disturbed site.
- g. The saving and use of topsoil in the development process.

These potential issues are related to all major construction processes, and are not identified as unique or especially problematic for this particular site, or what is proposed on it. They can adequately addressed through the implementation of appropriate measures within a Construction Environmental Management Plan. A copy of the proposed Construction Environmental Management Plan will be included within the Environmental Impact Report.

3. Issues related to the biophysical environment

Issues related to the biophysical environment are to do with soil, water, air, biological species and communities and ecological processes. In this particular development it is noted that, in regard to :

a. Soil issues :

The site is level and developable and does not appear to be particularly susceptible to soil erosion, which would be adequately dealt with in the abovementioned Construction EMP. There is the loss of the use of the soil due to it being covered over in the development process, and this is discussed below further within the context of potential socio – economic issues.

b. Water quality issues

There are no water bodies on the site, and water issues are related in this instance to the need to supply adequate potable water on the one hand, and the need to properly dispose of waste water on the other. These issues are dealt with in the discussion of infrastructure issues below.

In regard to water pollution issues, there is no proposed fuel service station on the CBD extension node.

c. Air quality issues

Besides a relatively limited and localized potential for dust generation during the construction process, there are no significant air quality issues identified as being likely to be associated with the proposed development.

d. Biodiversity conservation

Due to the vegetation of the site having been transformed and used for the growth of timber plantations for a considerable period of time, and that there are no wetlands, stream or other forms of sensitive environments on the site, no potential biodiversity issues are identified as being associated with the proposed development sites.

A scoping letter requesting their comment was been provided in July 2008 to the custodians of biodiversity conservation within the province, Ezemvelo KZN Wildlife, who have not as yet responded to it.

EKZN Wildlife have also been provided with this scoping report for their comment. The nature of any further investigations and assessment of biodiversity aspects, if any, will largely be dictated by the responses received from EKZN Wildlife.

e. Ecological processes

The ecological processes on the site such as the energy flow and nutrient cycling, related to the biological productivity of the photosynthetic activities of the plants on it, will inevitably be significantly be impacted on by the transformation of the site from a vegetated one to that of a largely paved over hardened one. This is an inevitable impact related to the zoning and development of the site for urban uses.

However, due to the ecological processes on the site being already almost completely subverted and channelled into to production of commercial timber which is periodically harvested and removed from the site, no significant impact on ecological processes associated with the proposed development is identified.

4. Potential aesthetic issues

The site will be transformed from a commercial agricultural one to that of urban development. However, this transformation is in terms of the Spatial Framework Plan, and along an identified development axis.

No significant existing features of aesthetic value are identified as being on the site or their immediate environs, and impacts on any existing aesthetic qualities is not identified as a significant environmental issue. However, it is recommended that appropriate attention is paid to the visual qualities of the proposed building, in terms of architectural styles, facades, finishes and landscaping in the municipal development plan approval processes associated with any development that occurs on the sites.

5. Potential historical – cultural issues

The cultural impact assessment report contained within appendix 2 does not identify any features of cultural heritage significance. The one site identified in the cultural heritage report does not occur on the CBD extension node.

6. Issues related to the provision of infrastructure

a. The provision of potable water

There is currently no adequate infrastructure to meet the requirement for potable water. This is therefore identified as a critical issue that is required to be resolved with certainty before the proposed development could be commenced with.

b. The disposal of waste water

There is currently no adequate infrastructure to meet the requirements of the proper disposal of waste water generated by the proposed development of the site. This is therefore identified as a critical issue that is required to be resolved with certainty before the proposed development could be commenced with.

c. The provision of electricity

There is currently no adequate electricity supply to the site. However, interactions with Eskom and the applicant are currently under way in this regard, and Eskom has also been identified as an interested and affected party for the EIA process. A supply of electricity will have to be guaranteed before the proposed developments could be commenced with.

7. Issues related to the loss of agricultural land

There would be the loss of productive agricultural land with the implementation of the development. However, the proposed development does fall within the delineated Urban Edge of the Spatial Framework Plan, and the land uses in the proposed node are in accord with the recommendations of this plan.

Appropriate letters have been posted to the two agricultural authorities required to provide comment on the loss of agricultural land, the agricultural section of the provincial Department of Agriculture and Environmental Affairs, and the National Department of Agriculture. The letters of comment, when received, will be made available for consideration in the EIA process.

8. Town Planning and related issues

a. Need and desirability

It is averred by some interested and affected party that there is no need for the proposed development. This aspect is therefore required to be investigated and reported on further in the EIA process.

b. Division of the Mtubatuba CBD

It is contended by interested and affected parties that the creation of this additional development nodes, together with N2 interchange node, in their proposed locations, will cause a socially and economically unsustainable division of the Mtubatuba CBD. Moreover, it is contended that the creation of additional taxi ranks without a proper investigation into the dynamics of the taxi industry would also be socially unsustainable. This aspect will be investigated and reported on in the further EIA process.

c. Socio – economic impacts

The possible negative impacts of the proposed activities on the current Mtubatuba CBD and those who are employed or who carry on business there.

d. Urban Sprawl

Allied to point b. above, it is also contended that the two additional development nodes will constitute an undesirable “urban sprawl”. The nature and validity of this contention will also be reported on within the further EIA process.

9.2. 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 the manner in which they will considered within the overall assessment is therefore provided below. These alternatives are identified and the approach to their comparative assessment is provide below under the following headings :

1. The no development alternative.
2. The alternative uses for the sites.
3. The use of alternative sites for the proposed development nodes.
4. The investigation of various alternatives that might be available in provision of infrastructure, in regard to :
 - a. Potable water
 - b. Disposal of waste water
 - c. Electricity supply.

The approach to the consideration of these alternatives is elaborated on further within the Plan of Study for an Environmental Impact Assessment that is contained within the following section 10.

9. 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 the plan of study is to provide an outline of the processes that will occur in the next phase of the Environmental Impact Assessment, after completion the environmental scoping phase that this report is part of. In terms of its substance, the Plan of Study for an Environmental Impact Assessment is based on the previous section 9, which identified the potential environmental issues and alternatives requiring further investigation and assessment in the EIA process. In terms of its structure and process, it is produced in terms of the requirements of Government Notice 385, Regulation 29 (i) which requires that it includes :

1. A description of the tasks that will be undertaken as part of the environmental impact assessment process, including any specialist reports or specialised processes, and the manner in which such tasks will be undertaken.
2. A description of the proposed method of assessing the environmental issues and alternatives, including the option of not proceeding with the activity.
3. Particulars of the public participation process that will be conducted during the environmental impact assessment process; and
4. Any specific information required by the competent authority.

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

SECTION 10.2

A description of the potential environmental issues identified that require further investigation and assessment and a discussion of the general nature of their assessment.

SECTION 10.3

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

SECTION 10.4

The methodology of assessing the significance of identified potential environmental impacts.

SECTION 10.5

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

SECTION 10.6

Provides an outline of the proposed public participation process 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 TO BE ASSESSED

1. Issues related to the construction process

There do not appear to be any special problems associated with the construction process on the sites, as the sites are level, developable, easily accessible from adjacent public roads, are covered with vegetation of no significant conservation value, and do not have sensitive environments, such as wetlands or streams, on or near them. They are also not close to any residential, institutional or other areas where the potential for nuisance or hazard might be of particular importance.

However, there are always potential impacts associated with the construction process, which include the following :

- a. Potential for soil erosion
- b. Dust generation affecting neighbouring properties and road users.
- c. Noise disturbance for neighbouring properties
- d. Potential hazards related to the construction process, for example from blasting.
- e. Potential for pollution related to construction activities, machinery and materials used.
- f. Alien plant invasion on the disturbed site.
- g. The saving and use of topsoil in the development process.

These potential issues are related to all major construction processes, and are not identified as unique or especially problematic for this particular site, or what is proposed on it. They can adequately addressed through the implementation of appropriate measures within a Construction Environmental Management Plan. A copy of the proposed Construction Environmental Management Plan will be included within the Environmental Impact Report.

2. Potential water pollution issues related to the presence of the fuel service station

As applicable only to the N2 interchange node, there is the potential for surface water pollution from run off, and ground water pollution from leaking tanks to be associated with any fuel service station. The suitability of the site will be required to be investigated and reported on further by the geotechnical specialist, and any appropriate mitigating measures to be applied in the construction and operation of the service station will be required to be reported on.

The relevant government department, the Department of Water Affairs and Forestry, is anticipated to pay particular attention to this aspect, and it is anticipated that they will prescribe the relevant aspects to be investigated further, and any mitigating measures to ensure no water pollution that should be applied to the construction and operation of the petrol filling station.

3. Issues related to the provision of infrastructure

a. The provision of potable water

There is currently no adequate infrastructure to meet the requirement for potable water. This is therefore identified as a critical issue that is required to be resolved with certainty before the proposed developments could be commenced with.

b. The disposal of waste water

There is currently no adequate infrastructure to meet the requirements of the proper disposal of waste water generated by the developments. This is therefore identified as a critical issue that is required to be resolved with certainty before the proposed developments could be commenced with.

c. The provision of electricity

There is currently no adequate electricity supply to the site. However, interactions with Eskom and the applicant are currently under way in this regard, and Eskom has also been identified as an interested and affected party for the EIA process. A supply of electricity will have to be guaranteed before the proposed developments could be commenced with.

4. Issues related to the loss of agricultural land

There would be the loss of productive agricultural land with the implementation of the development. However, the proposed development does fall within the delineated Urban Edge of the Spatial Framework Plan, and the land uses in the proposed nodes are in accord with the recommendations of this plan.

Appropriate letters have been posted to the two agricultural authorities required to provide comment on the loss of agricultural land, the agricultural section of the provincial Department of Agriculture and Environmental Affairs, and the National Department of Agriculture. The letters of comment, when received, will be made available for consideration in the EIA process.

5. Town Planning and related issues

a. Need and desirability

It is averred by some interested and affected party that there is no for the proposed development. This aspect is therefore required to be investigated and reported on further in the EIA process.

b. Division of the Mtubatuba CBD

It is contended by interested and affected parties that the creation of two additional development nodes in their proposed locations will cause a socially and economically unsustainable division of the Mtubatuba CBD. Moreover, it is contended that the creation of additional taxi ranks without a proper investigation into the dynamics of the taxi industry would also be socially unsustainable. This aspect will be investigated and reported on in the further EIA process.

c. Urban Sprawl

Allied to point b. above, it is also contended that the two additional development nodes will constitute an undesirable “urban sprawl”. The nature and validity of this contention will also be reported on within the further EIA process.

DISCUSSION OF THE ASSESSMENT OF ISSUES ON BOTH SITES AS TO AREAS OF UNIQUENESS OR OVERLAP

As can be seen from the above discussion of the nature of the assessment required in the case of the particular issues pertaining to each of the two development nodes :

4. There is a great deal of overlap as to the common issues that arise in regard to these nodes, most them being the same.
5. In regard to the few areas of uniqueness associated with each node, these can be summarised as :
 - i. In the case of the N2 development node, the proposed fuel service station proposal needs to be specifically investigated and assessed further in regard to any potential for water pollution, as is a standard practice with all fuel service stations.
 - ii. In the case of the N2 development node, the issue of the potential to split the existing CBD could be considered to be more relevant to this node than to being applied to the CBD extension node. In this latter case, the CBD node could more logically be perceived to be an expansion of the existing CBD than a case of splitting it. This perspective is implicit in the name of this particular node, being described as an extension.
6. What is common to both nodes is the key issue of infrastructure provision, for electricity and, critically, water supply and waste water disposal. Within this context it is, in fact, opportune to consider both development nodes within the same EIA process, as the solutions to both nodes are likely to be very interdependent. It could, in fact, be considered to be inappropriate to consider the infrastructure solutions to the one development node in isolation to the other.

10.3. THE IDENTIFICATION AND CONSIDERATION OF ALTERNATIVES**10.3.1. THE NO – DEVELOPMENT OPTION**

The consideration of this alternative in the case of each development node involves an assessment of what the likely environmental consequences would be, whether positive, negative or neutral, if the developments were not to occur.

10.3.2. THE ALTERNATIVE USES FOR THE SITES

Potential alternative land uses for the sites are considered in contrast to the ones that are proposed within this particular application. The likelihood and potential consequences of these alternative land uses are therefore identified and assessed.

10.3.3. THE ALTERNATIVE SITE OPTION

The town of Mtubatuba and its environs are considered in regard to whether there are alternative sites to the proposed development nodes that are the subject of this application, and assesses their relative suitability in comparison to the applicant sites.

10.3.4. ALTERNATIVES IN THE PROVISION OF INFRASTRUCTURE

The investigation of various alternatives that might be available in provision of infrastructure, in regard to :

- d. Potable water
- e. Disposal of waste water
- f. Electricity supply.

In each instance the following would be appropriately considered, provided, discussed and assessed :

- Demand from the developments would need to be provided.
- The current supply situation, or lack of it.
- The potential alternative sources of supply.
- Relevant authority policies, capabilities and requirements in regard to a particular supply.
- The selection of the appropriate alternatives

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 sites, and also where 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 an issue, 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 issue 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
- 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, in the case of the many of the In the case of the description and assessment of some aspects, for example in dealing with infrastructure provision and planning issues, the above approach is not necessarily the most appropriate, and these case a more discursive way of dealing with a particular issue will be used as required.

SUMMARY OF CRITERIA USED FOR THE ASSESSMENT OF ISSUES OF CONCERN

POTENTIAL ISSUE	CRITERIA	DESCRIPTION OF ELEMENTS THAT ARE CENTRAL TO EACH ISSUE.	
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	
ASSESSMENT	Status	Positive, negative or neutral.	
	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.	
		Permanent , i.e. mitigation either by natural process or by human intervention will not occur in such a way or in such a time span that the impact can be considered transient.	
		Magnitude	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	
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.	
OVERALL ASSESSMENT AND CONCLUSIONS	Overall Assessment and concluding comments as to the predicted impacts after mitigation and their : <ul style="list-style-type: none"> ➤ 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 :

2. Construction Environmental Management Plan containing the measures to apply during the construction process to mitigate any potential negative environmental impacts.
3. Specialist reports in regard from appropriate engineering specialists in regard to :
 - a. water supply.
 - b. Waste water disposal
 - c. Electricity supply
4. In regard to the potential for water pollution from the fuel service station at the N2 interchange node :
 - a. Specialist geohydrological report in regard to ensuring that the site is suitable for use as a service station, in particular in regard to the presence of underground fuel storage tanks on the site.
 - b. The description of the mitigating measures that would be applied in the construction and operation of the fuel service station to prevent any water pollution.
5. Specialist town planning and socio – economic report/s dealing with the issues of :
 - a. Need and desirability
 - b. The division of the Mtubatuba CBD
 - c. The potential socio – economic impacts of the proposed activities on the current Mtubatuba CBD and those who are employed or carry on business there.
 - d. The creation of urban sprawl.

Other information required by the authorizing authorities in the EIA process are comments from various government organisations, including :

- Mtubatuba Local Municipality
- Department of Water Affairs and Forestry
- Ezemvelo KZN Wildlife
- KwaZulu Natal Department of Transport
- South African National Roads Agency Limited
- KwaZulu Natal Department of Agriculture and Environmental Affairs : Agricultural division
- National Department of Agriculture

These comments will be obtained through the processes of following up on letters already sent, providing copies of this scoping report for comment, with the assistance of various specialist in the case of infrastructure provision, as appropriate to the particular organisation being approached for comment.

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 Assessment will be made available for comment to all interested and affected parties and the relevant government organisations in the same manner as this scoping report, as described within section 11 below. A comments period of 45 days will be provided for the Environmental Impact Report.

A record of all comments received, and the register and record of any meetings held, will be included in the final, amended report to be provided to the authorities.

Being a public, transparent process, all reports produced, including specialist reports, will at all stages of the EIA process be made available to all interested and affected parties.

11. THE NEXT STEPS IN THE EIA PROCESS

This final scoping report will be made available to all registered interested and affected parties in the following manner :

1. Email addresses are available for many of the interested and affected parties. Therefore, copies of the revised main text will be provided through this medium. It should be noted that there are no alterations to the cultural heritage and geotechnical reports, or the figures in the report that were contained in the draft scoping report, and these will not be resent unless specifically requested by interested and affected parties.

In regard to Appendix 1, some of the material produced for or derived from the public participation process will not be provided in electronic form, as it is not in a suitable electronic format. However, the Public Participation Report which summarises all aspects of the public participation process, and includes such items as the record of the public meeting will be provided, However, if by any registered interested and affected parties, a full copy of appendix 1 will be posted to them.

2. For other interested and affected parties, a copy of the scoping report will be made available at the Mtubatuba public library for viewing there, and they will be advised by letter of this fact.
3. Full hard copies of the final scoping report will be provided to the following government organisations with a request for their comments :
 - a. Mtubatuba Local Municipality
 - b. National Department of Agriculture

Any written comments from the above parties will be requested to be provided within 30 days of receiving this final scoping report.

4. A copy of this final scoping report will also be provided to the KwaZulu-Natal Department of Agriculture and Environmental Affairs, as the competent authority responsible for administering the EIA process.

Any comments received will also be taken into account as may be prescribed by this authority.

Guy Nicolson Pr.Sci.Nat. M.S.A.I.E. & E.S.