

Environmental Management Framework for the Richards Bay Port Expansion Area and Industrial Development Zone



PROCESS, PHASES AND PRODUCTS

April 2009



A joint initiative between the City of uMhlathuze and the KwaZulu-Natal Department of Agriculture, Environmental Affairs and Rural Development (DAEARD), in association with the Department of Water and Environmental Affairs (DWEA) and the Danish International Development Agency (DANIDA) through the Urban Environmental Management Programme.

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PROCESS, PHASES AND PRODUCTS

REPORT DETAILS:



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Scope of this report: This Report serves to inform stakeholders about the process, phases and products of the Richards Bay Port-IDZ area. The report is a derivative of the Project's Inception Report.	
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1. INTRODUCTION AND PURPOSE

The KwaZulu-Natal Department of Agriculture, Environmental Affairs and Rural Development (DAERD)¹ and the City of uMhlatuze have jointly decided to develop an Environmental Management Framework (EMF) for the Richards Bay Port Expansion Area and Industrial Development Zone (IDZ). The Project is supported by the National Department of Water and Environmental Affairs (DWEA)² with financial support from the Danish Government. The aim of the EMF is to develop a decision-making tool to help guide environmental decisions about future developments in the study area.

The purpose of this report is to inform stakeholders of the process to be followed, the phases of EMF development and the products to be delivered.

2. PROCESS OF DEVELOPING THE EMF

2.1 Project Governance

The project is spearheaded by provincial government in partnership with national and local government and with financial support from the Danish Government. They have established two structures to provide project oversight:

- A *Project Steering Committee* comprising of representatives from government and organs of state with a direct interest in the project.
- A *Management Group* comprising of the three government partners and DANIDA.

DANIDA's Environmental Programme

The Urban Environmental Management Programme (UEMP) is a bi-lateral programme between the South African Government and the Danish Government, represented by the Danish International Development Agency (DANIDA). The Programme is running for a five year period from 2006-2010 and prioritizes poverty eradication and the need to build institutional capacity for the enhancement of local-level delivery of environmentally sustainable services.

An *Independent Service Provider* is responsible for developing the EMF. They have contractual agreements with provincial government. The Service Provider has a team of nine professionals. As part of the Public Participation and Stakeholder Engagement Strategy for the project they have established a *Reference Group* to advise on matters of local consultation. All project information is accessible to stakeholders and Interested and Affected Parties (IAP's) and ample opportunities are being created to enable constructive engagement.

The final product will be presented to the provincial Member of the Executive Council (MEC) and the National Minister for a decision on gazetting.

¹ Previously known as the Provincial Department of Agriculture & Environmental Affairs (DAEA)

² Previously the Department of Environmental Affairs and Tourism (DEAT)

2.2 Regulatory Requirements

The development of the EMF is guided by the National Environmental Management Act³ and its associated EIA Regulations⁴ that prescribes the process and its content. These provisions have been interpreted by the National EMF Guidelines⁵ which are currently under review.

The required contents of a draft EMF is as follows:

- *Identify the geographical area to which it applies.*
- *Specify the environmental attributes of such an area (including the environmental sensitivity, extent, interrelationship and significance of the attributes).*
- *Identify any parts in the area to which those attributes relate.*
- *State the conservation status of the area and in those parts.*
- *State the environmental management priorities of the area*
- *Indicate the kind of activities that would have a significant impact on those attributes and those that would not.*
- *Indicate the kind of activities that would be undesirable in the area or in specific parts of the areas*
- *Include any other matters that may be specified.*

The EIA Regulations also prescribes the minimum requirements for public participation and the process to be followed in adoption of the EMF.

By nature of an EMF's intent to promote cooperative environmental governance, the EMF must identify the regulatory requirements as well as the relevant environmental policies, plans and programmes of various authorities as these relate to the management of environmental attributes in the study area. These requirements will be included in the Strategic Environmental Management Plan of the EMF.

2.3 Information Management

The development of the EMF follows a highly technical but systematic process to ensure that the data that has been acquired is captured correctly and processed to re-project the data for purposes of analysis, integration, preparation of maps and graphs etc. As such the success of the EMF depends largely on:

- The credibility of the information sources.
- The quality and detail of the information.

³ National Environmental Management Act 107 of 1998 as amended by Act 62 of 2008.

⁴ Chapter 8 of the NEMA EIA Regulations (GN No. R385 of 21 April 2006)

⁵ DEAT (2006) *Draft Guideline 6: Environmental Management Frameworks in support of the EIA Regulations*, 2005, Integrated Environmental Management Guideline Series, Department of Environmental Affairs and Tourism (DEAT), Pretoria.

Existing information sources are used to establish the baseline for the EMF and only where it is necessary will new data sets be created. A record is kept of all datasets and is strictly managed to reflect the credibility of information used. This information is arranged in a data matrix that is regularly updated. Background information and literature resources are hosted in a database.

2.4 Concurrent Studies

The development of the EMF takes cognizance of other initiatives that are currently underway as they may constitute important information sources.

Transnet National Ports Authority (TNPA) has commissioned a comprehensive Due Diligence Investigation with associated feasibility studies that will identify all the risks should the land as indicated in the Port Development Framework be purchased for the development of the Port of Richards Bay. This investigation is focused on a variety of aspects specific to the expansion area:

- Spatial planning
- Aquatic ecology and estuarine matters
- Geo-hydrology
- Terrestrial ecology
- Engineering
- Land and legal matters

The project process and timelines for the above studies are not strictly aligned with that of the EMF. It means that the outcomes of the due diligence studies will only be fully incorporated into the EMF baseline once the investigation is concluded (November 2009). The importance of this alignment lies in the role that the EMF will have to play in setting the *agreed-upon baseline* from which port and off-set planning could be developed and implemented. The purpose of the EMF will be to provide the *control* against which future port planning and the off-set strategy could be gauged and not to plan these strategies. In other words the EMF will provide the criteria that should be achieved in future decision-making.

2.5 Public and Stakeholder Engagement

A detailed *Public Participation and Stakeholder Engagement Strategy* has been developed for the process. It emphasizes the need to involve all sectors of society in the development of the EMF but also particularly to engage with the potential end-users, the decision-makers, of the product.

3. THREE CRITICAL EMF PHASES AND PRODUCTS

There are 3 critical phases in the process of developing an EMF, each of which produces tangible products to ensure transparency and participation in EMF development. These phases are:

- The Status Quo Phase (What is happening?)
- The Desired State of Environment Phase (What should ideally be happening in the future?)
- The EMF and SEMP Phase (How best should we make this happen?)

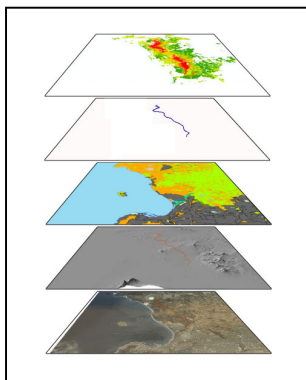
Each phase makes adequate provision for public and stakeholder involvement.

Figure 1 provides an overview of the project activities and process flow and specifically illustrates how project management, public participation and data management interface with the various project activities throughout the project. It highlights the dynamic nature of the process.

3.1 The Status Quo Report

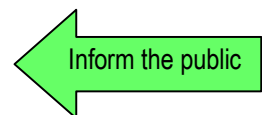
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The departure point for the study is to collect information and data that is relevant to the study area. The information is “packaged” according to the specific needs of the project and includes information on:

- The natural environment
- Land use patterns and constraints
- Socio-economic issues



Spatial data is organised into data categories (e.g. hydrology) and features (e.g. wetlands). These are further investigated and assessed by specialists to determine their current status and vulnerability. Information on their sensitivity, extent, interrelationships and significance is produced. The information collected during this phase will be used as the background for developing the EMF. It is therefore developed in association with the public and stakeholders in the area.

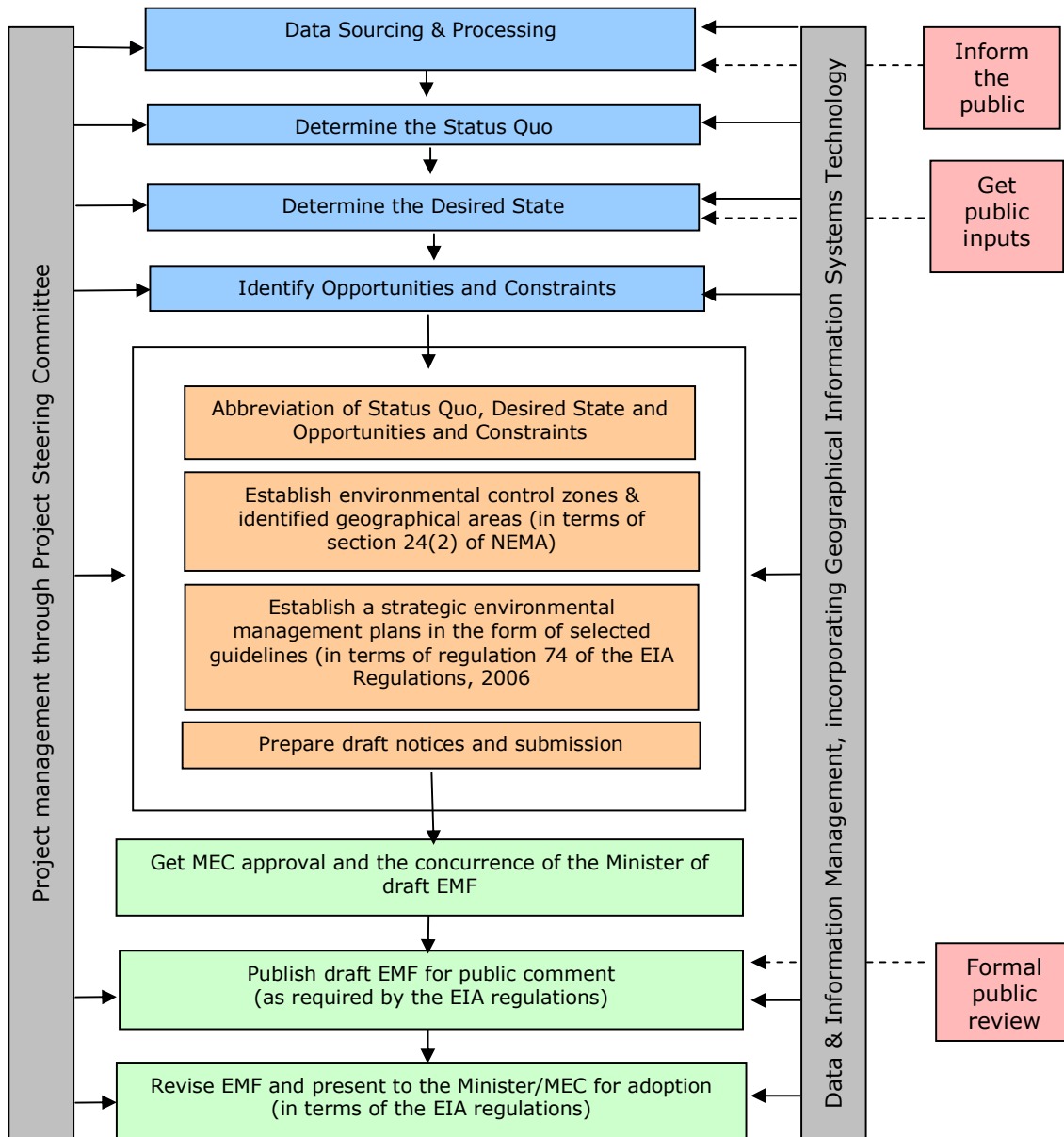
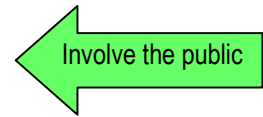


Figure 1: An Overview of EMF Project Activities and Process

3.2 The Desired State of the Environment Report

The current status and vulnerability of the natural environment forms the basis for informing the future of the area. The socio-economic development trends and needs (pressures) in the study area are therefore considered against the “carrying capacity” of the environment. Where development may potentially conflict with the environment these risks are further investigated.

The aim is to identify the best way to promote ecologically sustainable development.



Legal requirements, environmental policies, plans and relevant norms and standards are identified to guide the desired state of environmental governance for the area. The views of stakeholders are critical during this phase.

The information and data is used to strategically zone the area into development opportunities and constraints.

3.3 The EMF and Strategic Environmental Management Plan (SEMP)

The study area will be divided into geographical areas based on the environmental attributes of the area. Each geographical area will be linked to “a suite of information” which will be reflected in a narrative form. This information will consist of specific recommendations for land use change and development. The combined spatial and narrative information forms the SEMP that is the main decision-support system for EIAs and other relevant spatial development planning systems (such as the Spatial Development Framework (SDF), the Port Development Framework (PDF) and Land Use Management Systems (LUMS)).

“A Suite of Information”

The GIS Viewer will link geographical areas to:

- *Specific NEMA activities.*
- *Management proposals and guidelines*
- *Procedures*
- *Monitoring requirements*
- *etc*

The SEMP therefore consists of:

- The GIS viewer
- Zone-specific parameters



3.4 Implementation Strategy

The final EMF must be implemented by the DAEARD and the uMhlathuze Municipality but it will also have implications for other role-players. This Strategy will ensure that each role-player knows what is expected from them during implementation and will include *inter alia* guidelines on:

- How to use the EMF in EIA decision-making.
- How to use the EMF in other spatial development planning systems (e.g. how to incorporate the EMF into the area's SDF and LUMS)
- A Monitoring and Evaluation System to support continuous improvement of environmental management in the study area.

4. FINAL COMMENTS AND CONCLUSION

Parallel to this EMF there is another process that aims to share learning and promote improvement in the development of EMF's. For this reason the project scope of work also made provision for a learning objective that aims to deliver, at the end of the project, a "lessons learnt" document and a one-day workshop. The detail of this process and products will be discussed in a concept document called "*Learning Platform*".

The next step in the project will be to release a *Background Information Document* in English and isiZulu, and to kick-start the Status Quo Assessment Phase. This phase will require a lot of emphasis because the ultimate success of the EMF is determined by the quality and accuracy of primary information input.