

## 1. INTRODUCTION TO PROJECT AND STUDY AREA CONTEXT

The KwaZulu-Natal Department of Agriculture, Environmental Affairs and Rural Development (DAERD)<sup>1</sup> 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 Environmental Affairs (DEA)<sup>2</sup> 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 Study Area is situated within the uMhlatuze Local Municipality (**Figure 1**). The natural environment in this area is highly sensitive and under severe development pressure. The local landscape is characterized by an interconnected network of hydrological ecosystems that sustains a combination of locally important habitats and species and contributes to the maintenance of one of South Africa's biodiversity hotspots. It also sustains a growing population in an area with very high levels of poverty.

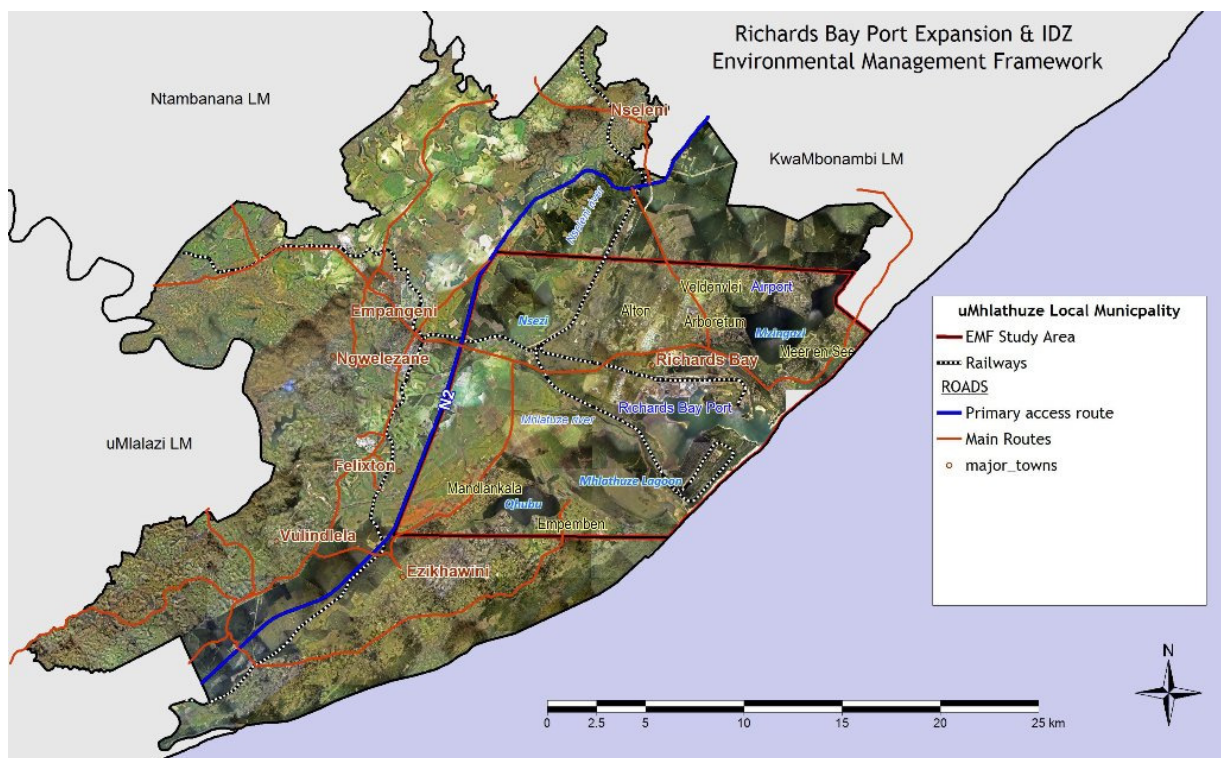
The Port of Richards Bay, South Africa's premier bulk port, falls within the same area. Its strategic location and the availability of land offer opportunities for further growth and port expansion. An Industrial Development Zone (IDZ) that relies heavily on linkages with the Port for import and/or export opportunities has also been established in the study area. These strategic interventions have spatial and environmental implications. The study area has been chosen because of the imminent development pressure from port expansion and IDZ plans and the associated risks from these impacts.

To explain the rather artificial study boundary for the EMF in **Figure 1** it is important to understand how this specific EMF will be applied and administered. The Terms of Reference for the project identified the Richards Bay Port Expansion Area and Industrial Development Zone as the key focus areas for the EMF. It underscores the client's specific needs for a decision-support structure. However, information gathering as it relates to ecological boundaries would dictate the ultimate project boundary. The EMF Study Area boundaries as illustrated are therefore only a practical arrangement for data capture. Where critical ecological data extend beyond these boundaries they will be included in the EMF.

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<sup>1</sup> Previously known as the Provincial Department of Agriculture & Environmental Affairs (DAEA)

<sup>2</sup> Previously the Department of Environmental Affairs and Tourism (DEAT)



**Figure 1: The EMF Study Area**

## 2. PURPOSE OF THE EMF

The law<sup>3</sup> makes provision for the Minister or the provincial Member of Executive Council (MEC) to initiate and adopt an EMF for a specific area in order to inform Environmental Impact Assessment (EIA) decisions. The overall goal or object of an EMF is to *secure environmental protection*. To achieve this, information that is relevant to the study area is collected, analysed and interpreted and developed into a user-friendly decision-support system to inform EIA decisions:

**Purpose of the EMF**

*To provide an environmental context for future development decision-making*

- Provide information that support the compilation of EIA's; enable informed participation by Interested and Affected Parties (IAP's) and inform decisions by authorities.
- Identify areas where activities could potentially be excluded from EIA.
- Identify areas where additional EIA's may need to be undertaken.
- Provide guidelines to inform the decision-making process.
- Provide a mechanism to monitor and evaluate the EMF's success.

<sup>3</sup> NEMA 107 of 1998 as amended by Act 62 of 2008, Section 24

The final product is accessible to all authorities and IAP's and consists of:

- Maps that are produced in GIS Format
- An EMF Report that supports the interpretation of the maps.
- Various background documents.

The information that must inform all future EIA decisions includes:

- Sensitive environmental resources.
- Socio-economic information (use of resources).
- Potential environmental risks.
- Opportunities for development.
- Sensitive areas requiring special attention.
- Priorities to be addressed.
- Minimum requirements to be met before develop should be approved.
- The recommended level of assessment.

### **Stakeholder interaction on the purpose of the EMF**

Since the inception of this project various stakeholders and IAP's have asked important questions about the EMF, its purpose and how it will be used in EIA decisions. Their questions and concerns are addressed below.

#### **What the EMF is NOT**

*The EMF is not an EIA or Strategic Environmental Assessment (SEA) for port expansion or the industrial development zone. The EMF will provide a wider context for decision-making in the area that is not limited to strategic decisions about infrastructure. It will also provide for lower level decisions in respect of matters ancillary to development proposals and potentially provide alternatives to such development proposals. It is not a planning tool but an information tool for planning. It is not a "blueprint" land use plan.*

This EMF will not produce new information or solve any environmental problems in the study area. The project approach acknowledges that the area in question has been under environmental scrutiny for the last 30 years. A myriad of studies have been undertaken, especially during the last 5 years, to quantify the level of environmental sensitivity in the area and to identify environmental risks and precautionary measures in development. These studies all have a common variable and a clear message: the ecosystems have been severely transformed, there are concerns and uncertainties about ecosystem resilience and any additional development may be at the risk of future generations.

The purpose of the EMF in the context of the above statement underscores the need to collate the existing information and to produce **a legal mechanism** that will compel decision-makers to carefully examine the potential consequences of future developmental decisions against existing knowledge. This is particularly important considering the status of the studies that have been commissioned for the area, whereas their local policy status will be up-scaled to provincial and national policy status.

The merits of this specific EMF therefore rest on its value as a reasonable measure to facilitate access to information, just administrative action, and cooperative environmental decision-making to ensure ecologically sustainable development whilst promoting socio-economic development. The test will be in future decisions. This also explains why the EMF collects information that is pertinent to the EIA process: to assist the decision-makers in their decisions.

The implications of the above approach to the Richards Bay Port-IDZ EMF are as follows:

- The accuracy of the existing information base must be verified.
- The small size of the study area requires a fine level of detail and scale for data capture.
- The role-players that will be involved in future decision-making must be involved in the process of developing the EMF.

### **3. PURPOSE OF THIS REPORT**

This report provides an overview of the existing situation in the study area, drawing from the existing information base. The purpose of this information is:

- To provide context and background for the preparation of the EMF.
- To identify issues and information gaps.
- To serve as a platform for public and stakeholder interaction.

The report will be distributed to the public and stakeholders to encourage interaction and information sharing. The expectation is that these groups will assist with the further development of the information base that must inform the EMF.

The baseline information in this report will be used in the next phase of the project to produce secondary information. This process will involve a sensitivity analysis where weightings will be allocated to the various environmental features. All the data categories and features will then be integrated to provide an overview of the inherent sensitivity of the area. The results will be illustrated spatially.

### **4. PROCESS OF DEVELOPING THE EMF**

The development of the EMF is guided by the National Environmental Management Act<sup>4</sup>, its associated EIA Regulations<sup>5</sup> and National EMF Guidelines<sup>6</sup>. More detail about the process, phases and products of

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<sup>4</sup> National Environmental Management Act 107 of 1998 as amended by Act 62 of 2008.

<sup>5</sup> Chapter 8 of the NEMA EIA Regulations (GN No. R385 of 21 April 2006)

the EMF is provided in a separate document called “*Richards Bay EMF: Process, Phases and Products*”<sup>7</sup>. This document addresses the following aspects:

- Project Governance
- Regulatory Requirements
- Information Management
- Concurrent Studies
- Public and Stakeholder Engagement Process
- Phases and Products

## 5. KEY ISSUES

A strategic perspective on the sustainability situation in the study area reveals the following two key issues:

- There are **undesirable subsystem pressures** that may already have pushed integrated systems over ‘thresholds of sustainability’ in the study area. In other words current economic resource use is placing extreme pressures on the social and ecological subsystems of the area. The limited availability of resources supply means that the challenge of trying to meet the human needs while staying within safe system performance is enormous.
- Richards Bay and its inhabitants are very aware that they are progressing **sustainable development in a very risky environment**. This is particularly evident in the number and types of studies that have been undertaken over the last 5 years. There is also an awareness of the need for eco-efficient growth as is evident in the types of industrial responses in the area.

The issues below have been identified from the baseline analyses:

- The risks associated with **climate change** (sea level rise and a potential increase in extreme weather events and severe flooding) coupled with the

### Environmental Issue

*An environmental issue can be defined as a topic of strategic concern that can swing the pendulum in favour or against ecological sustainability (resilience).*

<sup>6</sup> 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.

<sup>7</sup> Thornhill M and van Vuuren D (Eds) (2009) *Environmental Management Framework for the Richards Bay Port Expansion Area and Industrial Development Zone: Process, Phases and Products*. Report produced in the Inception Phase for the Department of Agriculture, Environmental Affairs and Rural Development, April 2009. Report No. TX2009/C007-4, Pietermaritzburg, South Africa.

landscape character of the study area (landscape modifications, low lying area and natural floodplain) is an issue that demands special attention in planning.

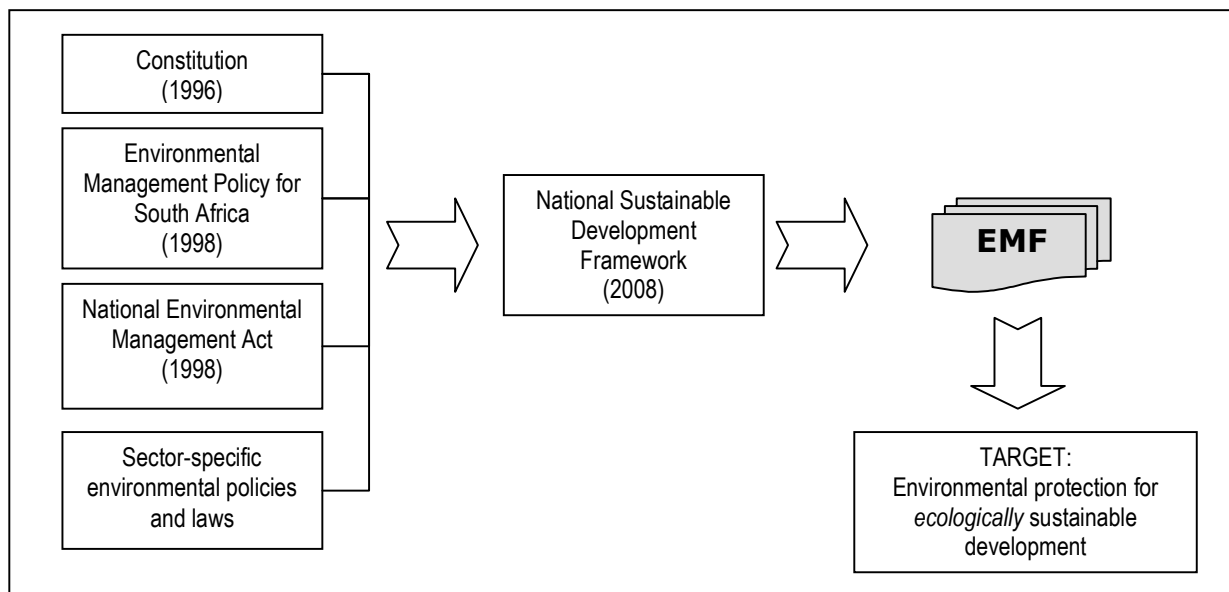
- The majority of the study area has severe **geotechnical constraints**.
- The **groundwater-surface water interaction** is highly vulnerable to change and it drives key ecological linkages in the overall system. Landscape transformation has already altered the hydrological regime in the study area significantly and groundwater contamination is a concern.
- The **biodiversity richness** in the study area is of high conservation significance and vulnerable to change. Landscape transformation has already altered a range of habitats that contain several red data and endemic species.
- **Air quality capacity** in Richards Bay has been reached and it is unlikely that the situation will change in the foreseeable future.
- The **marine and coastal systems** adjoining the study area are highly sensitive to land-based activities arising from the study area.
- The urbanization trends and the associated **demand for land** are placing significant pressures on the natural resource base. There is insufficient land availability to accommodate the housing demand.
- There are various factors such as high levels of poverty, service levels and pollution pressures that increase **human vulnerability** amongst the poor communities in the study area.
- The **economic importance** of the study area is critical within the regional and national policy context.
- There is an apparent **lack of coordinated planning and decision-making** between the development institutions within the study area.

## 6. LEGAL AND POLICY CONTEXT AND GOVERNMENT MANDATE

The EMF’s position in the broader legal and policy context of the country is described below. The purpose is to promote an understanding of the goal and expected outcome of an EMF. This is important for understanding how the information must be used and what the role of each decision-maker in the EMF process should be.

### 6.1 Sustainable Development Decisions

The relationship between environmental protection laws, sustainable development policy and the EMF is demonstrated in the figure below. It illustrates the country’s overarching policy framework that provides **the 1<sup>st</sup> principle for decision-making**: development decisions must secure ecological sustainability. An EMF is designed to secure environmental protection but this will only be achieved if the environmental protection objectives it contains are integrated into socio-economic development decisions. These concepts are further explained below.



#### **Environmental Protection**

South Africa’s Constitution expects that decision-making “*secure ecologically sustainable development while promoting justifiable economic and social development*”<sup>8</sup> and has put forward a number of measures to achieve this, for example:

- Constitutional rights that are subject to the duties and responsibilities of citizenship<sup>9</sup>

<sup>8</sup> Section 24(b) (iii) of the Constitution of the Republic of South Africa (Act No. 108 of 1996)

- Access to environmental information<sup>10</sup>
- Fair administrative action<sup>11</sup>
- An obligation on all organs of state to respect the environment whilst exercising their duties<sup>12</sup>

Environmental accountability in sustainable development is further prescribed in framework policy and legislation<sup>13</sup> and in a number of sector-specific national laws (**Table 1**) and provincial laws (**Table 2**) that embrace environmental protection as core objectives. There are also local bylaws (**Table 3**) that promote environmental accountability. A myriad of environmental policies, plans and programmes has subsequently emerged from these laws. These are applicable to the study area and will therefore be relevant to determine the desired state of the environment in the study area.

**The environment defined**

*The environment is defined in law as an ecological concept that creates conditions that influence human health and well-being.*

*(Section 1 (xi) of the National Environmental Management Act, 1998)*

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<sup>9</sup> Section 3 of the Constitution

<sup>10</sup> Section 32 of the Constitution, and the Promotion of Access to Information Act (Act No. 2 of 2000) and Chapter 7 of the National Environmental Management Act (Act No. 107 of 1998, as amended)

<sup>11</sup> Section 33 of the Constitution, and the Promotion of Access to Justice Act (Act No. 3 of 2000)

<sup>12</sup> Chapter 3 of the Constitution and the Intergovernmental Relations Framework Act (Act No. 13 of 2005)

<sup>13</sup> White Paper on Environmental Management Policy for South Africa (Notice 749 of 1998) and the National Environmental Management Act (Act No. 107 of 1998, as amended)

**Table 1: National laws and organs of state that promote environmental protection objectives**

RESOURCE	LAW**	ORGANS OF STATE
WATER	National Water Act (Act No 36 of 1998)	National Department of Water Affairs (DWEA)
BIODIVERSITY	National Environmental Management Biodiversity Act (Act No 10 of 2004)	National Department of Environment (DWEA), South African National Biodiversity Institute (SANBI), Provincial Department of Environment (DAE&RD) and Provincial Department of Conservation (Ezemvelo KZN Wildlife).
	National Environmental Management Protected Areas Act (Act No 57 of 2003)	National Department of Environment (DWEA), South African National Biodiversity Institute (SANBI), Provincial Department of Environment (DAE&RD) and Provincial Department of Conservation (Ezemvelo KZN Wildlife).
	World Heritage Convention Act (No 47 of 1999)	National Department of Environment (DWEA) and designated Provincial Authority.
	National Forests Act (Act No 84 of 1998)	National Department of Agriculture
AIR QUALITY	National Environmental Management Air Quality Act (Act No 39 of 2004)	National Department of Environment (DWEA), Provincial Department of Environment (DAE&RD) and local government.
LAND	Conservation of Agricultural Resources Act (Act No 43 of 1983)	National Department of Agriculture and Provincial Department of Agriculture (DAE&RD)
	Sustainable Utilisation of Agricultural Resources Bill, 2003	National Department of Agriculture and Provincial Department of Agriculture (DAE&RD)
	National Forests Act (Act No 84 of 1998)	National Department of Agriculture
	National Veld and Forest Fire Act (No 101 of 1998)	National Department of Agriculture
HERITAGE	National Heritage Resources Act (Act No 25 of 1999)	The South African Heritage Resources Agency
	National Heritage Council Act (Act No 11 of 1999)	The National Heritage Council
	National Monuments Act (No 28 of 1969)	The National Monuments Council
WASTE	National Environmental Management: Waste Act (Act No 59 of 2008)	National Department of Environment (DWEA) and Provincial Department of Environment (DAE&RD)
COASTAL AND MARINE	Marine Living Resources Act (Act 18 of 1998)	National Department of Environment (DWEA) and Provincial Department of Conservation (Ezemvelo KZN Wildlife).
	National Environmental Management: Integrated Coastal Management Act (Act No 24 of 2008)	DWEA (DEAT), DAE&RD and Ezemvelo KZN Wildlife.

*\*\*More detailed information on the policies, plans, programmes and potential norms and standards that have been developed in terms of these laws will be provided in the next phase of the project where it will become necessary to consider and describe the "performance standards" of government as it may apply to the making of decisions in the study area.*

**Table 2: Provincial legislation that promote environmental protection objectives**

RESOURCE	LAW**	ORGANS OF STATE
WATER	Natal Prevention of Environmental Pollution Ordinance 21 of 1981	
BIODIVERSITY	Natal Nature Conservation Ordinance No.15 of 1974	Ezemvelo KKZN Wildlife
	The KwaZulu-Natal Nature Conservation Management Act (Act 9 of 1997)	
	The KwaZulu-Natal Nature Conservation Management Amendment Act (Act 5 of 1999)	
HERITAGE	The KwaZulu-Natal Heritage Act (Act 10 of 1997)	Amafa aKwaZulu-Natali (Amafa)

**Table 3: Municipal Bylaws that promote environmental protection objectives**

RESOURCE	BYLAW	ORGANS OF STATE
WATER	Water Services Bylaw (GN56, PG128, 3 July 2008, pg 105)	uMhlathuze Municipality

### **Integrated Environmental Management**

The integration of environmental protection objectives into socio-economic development planning activities is acknowledged as a prerequisite for sustainable development. Integrated environmental management (IEM) has therefore been put forward in law<sup>14</sup> as the acceptable approach to achieve ecologically sustainable development. The approach recognizes the constitutional imperative of securing ecological sustainability “*while promoting justifiable economic and social development*” and therefore insists that a set of principles<sup>15</sup> be taken into account when decisions are made. These principles are aimed at ensuring socio-economic sustainability. Herein lays **the 2<sup>nd</sup> principle for decision-making**: development decisions must promote justifiable social and economic development.

A variety of tools exist to facilitate such integration. In South Africa EIA has been favoured as a tool to facilitate IEM in development planning. EIA Regulations were pioneered in 1997<sup>16</sup> to manage a list of activities which may have a substantial detrimental effect on the environment. These Regulations have evolved since then into the most recent<sup>17</sup> collection of procedures, schedules, rules and guidelines.

<sup>14</sup> Chapter 5 of the National Environmental Management Act (1998)

<sup>15</sup> Chapter 1 of the National Environmental Management Act (1998)

<sup>16</sup> Regulation No R 1182 and R 1183 in terms of the Environment Conservation Act (Act No.73 of 1989)

<sup>17</sup> National Environmental Management Amendment Act (Act 107 of 1998, as amended in Act No. 62 of 2008) and Listing Notices No. 386 and No. 387 in terms of Section 24 of the said Act as amended 3 July 2009.

The experience that was gained with EIA over more than a decade has highlighted its shortcomings in securing environmental protection. At the same time a general decline in the quality of South Africa's environment has been observed<sup>18</sup> and questions about the efficiency and effectiveness of EIA<sup>19</sup> has emerged as a common theme in the policy-making process.

The introduction of EMF's as legal mechanisms to strengthen EIA acknowledges that the sensitivity of the receiving environment should activate impact assessment procedures rather than the size or the type of activity. In addition, an EMF is a suitable mechanism to promote the integration of environmental protection objectives into other socio-economic decisions.

#### Shortcomings of project-level EIA

- Does not consider the 'big picture' and therefore neglects cumulative impacts.
- Often does not have the right information at hand to make good decisions.
- Assumes that an activity type determines the potential impact on the environment.
- Information is often collected over and over again in the same area at great cost to developers.

### **Sustainable Development**

While IEM and EIA *promote* the integration of environmental protection objectives into socio-economic development decisions, they do not necessarily *guarantee* sustainable development. This is primarily because these tools bring environmental concerns into project-level (or strategic-level) development planning "...with a view to minimizing negative impacts, maximizing benefits, and promoting compliance with the principles<sup>20</sup>..." They predominantly consider the potential environmental impacts to determine whether an activity is acceptable and whether it could be, though mitigation, be managed. These tools consider the social, economic and ecological components and attempt some level of integration between them but they do not address the relationship between the three components. The desired outcome of planning is therefore to prevent and or mitigate impacts or to "minimise unsustainability"<sup>21</sup>. These limitations of EIA's in promoting sustainability are a current theme in the scientific dialogue amongst practitioners in the impact assessment discipline. In practical terms it means that EIA's and the EMF as IEM tools must be used correctly to achieve sustainability.

The South African National Sustainable Development Framework (NSDF)<sup>22</sup> sets the context within which impact assessment practice must be progressed. The NSDF states that "*in South Africa, as in*

<sup>18</sup> DEAT (2006) *South Africa Environmental Outlook. A Report on the State of the Environment*. Department of Environmental Affairs and Tourism (DEAT), Pretoria 371pp.

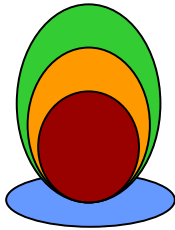
<sup>19</sup> DEAT (2008) *Review of the Effectiveness and Efficiency of the Environmental Impact Assessment (EIA) System in South Africa*. Report produced by Mosakong Management cc in association with Environomics cc, Savanna Pth Ltd and environmental council cc and dated November 2008. Department of Environmental Affairs and Tourism (DEAT), Pretoria 244pp

<sup>20</sup> Section 23(2)(b) of NEMA

<sup>21</sup> Pope J, Annandale D and Morrison-Saunders A (2004) Conceptualizing Sustainability Assessment. *Environmental Impact Assessment Review* 24 (2004) 595 – 616. Available online: [www.soencedirect.com](http://www.soencedirect.com)

<sup>22</sup> DEAT (2008) *A National Framework for Sustainable Development in South Africa*. Department of Environmental Affairs and Tourism (DEAT), Pretoria, South Africa

*the rest of the world, the situation of continuing inequality, accompanied by a deteriorating resource base, makes it imperative for us to go beyond thinking in terms of trade-offs and the simplicity of the 'triple bottom line'. We must acknowledge and emphasise that there are non-negotiable ecological thresholds; that we need to maintain our stock of natural capital over time; and that we must employ the precautionary principle in this approach. We must accept that social, economic and ecosystem factors are embedded within each other, and are underpinned by our systems of governance".* The NSDF then reiterates the inclusive sustainable development model for South Africa that has already been incorporated into national policy and law.



This model maintains that a healthy environment (green) is necessary for social well-being (orange) which is a prerequisite for economic prosperity (red) and together it represents sustainable development. The economic system, social system and ecological systems are integrated via the governance system (blue) that holds all the other system together via a legitimate regulatory framework.

The model reiterates the first two principles for decision-making and simplifies **the 3<sup>rd</sup> principle for decision-making**: development decisions must follow the rule of law.

The South African National Sustainable Development Framework (NSDF)<sup>23</sup> sets the context for application of these decision-making principles of sustainable development by defining a new vision for South Africa:

### ***South Africa's Vision for Sustainable Development***

*South Africa aspires to be a sustainable, economically prosperous and self-reliant nation state that safeguards its democracy by meeting the fundamental human needs of its people, by managing its limited ecological resources responsibly for current and future generations, and by advancing efficient and effective integrated planning and governance through national, regional and global collaboration.*

The NSDF further specifies *South Africa's pathways to sustainable development*, recognising that zero growth is not an option and that eco-efficiency is the key to accelerated and shared growth – growth that respects the limits of our ecosystems by making sure that growth strategies are not dependent on intensive/inefficient resource use. The NSDF therefore introduces the **4<sup>th</sup> principle for decision-making**: development decisions must promote eco-efficiency

<sup>23</sup> (DEAT (2008) *A National Framework for Sustainable Development in South Africa*. Department of Environmental Affairs and Tourism (DEAT), Pretoria, South Africa

### ***South Africa's Pathways to Sustainable Development***

- *Enhancing systems for integrated planning and implementation*
- *Sustaining our ecosystems and using natural resources efficiently*
- *Economic development via investing in sustainable infrastructure*
- *Creating sustainable human settlements*
- *Responding appropriately to emerging human development, economic and environment challenges.*

### **A Collective Responsibility**

Environmental decision-making is a collective responsibility and the law requires all organs of state and all social partners within the national, provincial and municipal sphere to contribute to the process. The four principles identified in the previous section are the “rules of the game” that must guide all future decisions in the study area. The EMF will provide information to assist this process. Environmental decisions are not only made by the Environmental Authorities in terms of EIA applications. The table below identifies some of the key role-players in the area that will also make environmental decisions.

**Table 4: Organs of state that also make environmental-related decisions**

<b>NATIONAL ORGANS OF STATE</b>	<b>PROVINCIAL ORGANS OF STATE</b>	<b>LOCAL ORGANS OF STATE</b>
Minister of Trade and Industry	Department of Economic Affairs	Uthungulu District Municipality
Public Enterprises	Department of Transport	City of uMhlathuze
Transnet National Ports Authority	Trade and Investment KwaZulu-Natal	Richards Bay IDZ Company
ESKOM		Tribal Authorities
		Mhlathuze Water

## **6.2 EMF Decisions**

The EMF does not make decisions but rather informs decisions. The process involves close collaboration between the three spheres of government and local stakeholders. The process concludes with a decision by the MEC in conjunction with the National Minister of Environmental Affairs. The decision will be gazetted. The management and upkeep of the EMF information will be the responsibility of the Provincial Environmental Authority.

## **6.3 EIA Decisions**

The EMF *must* be used when future EIA decisions are made in the study area. This implies that all authorities that participate in the EIA process will consider the contents of the EMF when they make

contributions during the process. The final decision will be in the hands of the Provincial and/or National Environmental Authority.

The EMF will not only inform the Environmental Authority in their decision-making process but also the public in its participation in decisions. Decisions contrary to the recommendations of the EMF will expose the authority to legal challenges and will therefore require extensive motivation in the Record of Decision.

The District Environmental Management Inspectors may conduct annual environmental performance audit using the EMF as a measure. Such audits may consider the extent to which the recommendations of the EMF have been considered in the EIA process.

The strategic value of the EMF lies in its ability to provide a benchmark against which environmental quality, development pressures and trends and institutional effectiveness could be monitored over time.

## 7. PRINCIPLES FOR THE EMF

While each role-player group involved in the EMF development process will articulate their own perspectives of the desired state of environment for the study area these should ideally be guided by a set of common principles that are relevant to the dynamics, nature and context of the area. The following principles have been proposed for the EMF area:

PRINCIPLES FOR THE EMF AREA	
<b>Sustainable development</b>	<ul style="list-style-type: none"> <li>• Meet basic requirements for the functioning of the hydrological system.</li> <li>• Meet biological conservation targets in the area.</li> <li>• Protect or use the natural resource base optimally to ensure long term benefits.</li> <li>• Promote development that would secure long term sustainable income.</li> </ul>
<b>Pro-poor</b>	<ul style="list-style-type: none"> <li>• No activity that impacts negatively on the poor in any manner or way in the area should be allowed.</li> <li>• Planned activities should be biased towards the poor even if it requires intervention from the state.</li> <li>• The poor should be at the centre of strategies and guidelines for the development of the area.</li> </ul>
<b>Capture value</b>	<ul style="list-style-type: none"> <li>• Public investment in infrastructure and services should be directed to increase the value of local private land and the potential value of entrepreneurial enterprise that can occur on such land.</li> <li>• Public policy and investment should support the creation of competitive advantages for local communities.</li> </ul>
<b>Support local economic development</b>	<ul style="list-style-type: none"> <li>• Develop local skills for new employment opportunities.</li> <li>• Obtain supplies for enterprises locally or through local agents.</li> <li>• Form partnerships with local entrepreneurs.</li> </ul>
<b>Focus on what is important, appropriate and possible in the area</b>	<ul style="list-style-type: none"> <li>• Make sure that development initiatives and conservation proposals are feasible.</li> <li>• Ensure that conservation initiatives contribute to national and provincial targets or to the development potential (tourism etc) of the area.</li> <li>• Ensure that mitigation and off-set proposals are technically and ecologically feasible.</li> </ul>
<b>Internalise externalities</b>	<ul style="list-style-type: none"> <li>• Implement the polluter pays principle in its widest meaning.</li> </ul>

## 8. HISTORICAL BACKGROUND

The history of Richards Bay stretches back to long before the British permanently settled in Natal (1824) when Portuguese seafarers visited the area. The area was then known as Rio-dos-Peixes or “river of many fish”. At the time the area was occupied by Nguni- speaking peoples who united into the Zulu nation during the 19th Century. Several military kraals were erected in the area, e.g. KwaBulawayo close to Empangeni.

The settlement history of the broader municipal area dates back to the middle 1800’s when Norwegian missionaries established in the area. Richards Bay itself was christened after Rear Admiral Sir Frederick William Richards landed his ship HMS Forester in 1879 with a small party to assist with the relief of missionaries in the area and to survey the coast.

In 1906 the Zululand Fisheries were founded in Richards Bay and in 1907 the first wagon track from Empangeni was pioneered.

The history of the area surrounding Richards Bay makes reference to the magisterial district of Umfolozi which was established by proclamation No 1 of 1887 when a magistrate was appointed.

Growth of the neighbouring Empangeni town and district followed the opening up of Zululand for the sugarcane industry. Townships developed as a result of the apartheid policy, while Richards Bay developed since the mid 1960s when it was announced that a harbour was to be built. The towns of Richards Bay and Empangeni as well as the surrounding rural and tribal areas merged to form the “City of uMhlathuze” with area of jurisdiction that covers approximately 800km<sup>2</sup>. Today it is the commercial centre of Zululand.

### uMhlathuze

*“The name uMhlathuze is derived from the Mhlathuze River that meanders through the municipal area and symbolically unifies the towns, suburbs and traditional areas. According to the legend the river was strong in current and was infested with crocodiles and, therefore, could not be used by locals. The name broken up has the following meaning: Mhlati – jaw, Mthuzi – does not chew. In other words, the uMhlathuze River was like a jaw that could not chew.”*

(City of uMhlathuze Annual Review 2004/5)

The **development rationale of the port** has a long history which started after initial surveys were undertaken in 1897. At the time British experts conducted a hydrographic survey on the coast of Northern Natal in their desire to link gold-rich Gauteng by rail with Richards Bay and to erect bunker facilities for the British Navy. In 1903 a hydrographic survey of Richards Bay and St Lucia were again undertaken by the Harbour Engineer of Durban, Cathcart Methven, after it was estimated that Durban harbour would be unable to cope with the trade of both the Orange Free State and Transvaal. Richards Bay was deemed the best alternative. In the early 1950s interests were once again awakened when the country experienced record industrial prosperity and in 1966 the go-ahead was given by parliament to construct a new rail line to Empangeni instead of upgrading Durban Harbour.

Parliament authorised the construction of the harbour in Richards Bay in May 1972 and on 1 April 1976 the first phase of the harbour was officially opened<sup>24</sup>.

The **importance of environmental protection** during the development of Richards Bay and its industrial area has been at the forefront of the development rationale for the area. This is evident from the development objectives and guidelines of local development and structure plans prior to 2000 as indicated in **Table 5** below<sup>25</sup>.

**Table 5: Local Development and Structure Plans prior to 2000**

STRUCTURE/GUIDE PLANS	ENVIRONMENTAL PROTECTION MEASURES
Richards Bay Urban Development Plan (1972)	<ul style="list-style-type: none"> <li>• The importance of environmental protection during the development of Richards Bay and its industrial area</li> <li>• Special precautions taken against air pollution</li> <li>• Landscaped parkways and large areas of land including the immediate environs of lakes will be allocated to the open space system.</li> </ul>
Richards Bay/Empangeni Draft Guide Plan (1983)	<ul style="list-style-type: none"> <li>• Conservation and judicious utilization of natural assets and reserving the ecologically sensitive areas and areas of high agricultural potential.</li> <li>• Restrictions regarding air pollution and waste water disposal should be determined before encouraging further industrial development.</li> <li>• Industrial development should not be at the expense of high potential agricultural land.</li> </ul>
Richards Bay Structure Plan (1996)	<ul style="list-style-type: none"> <li>• Richards Bay as a City in a Nature Reserve</li> <li>• appropriate measures to conserve and promote the human and natural environments</li> <li>• Open Space System (MOSS) that identifies areas to be conserved and managed as natural areas of scientific and recreational value. It also promotes the more effective use of existing open spaces and facilities. The MOSS is centred on the freshwater lakes, coastal dunes, sanctuary, rivers, streams and canals, marshes and wetland areas.</li> <li>• An Industrial Land Analysis that considers existing urban development, proposed harbour expansions, environmental issues, air pollution potential, agriculture as well as transport.</li> </ul>

<sup>24</sup> Transnet (2009) *The Port of Richards Bay: Handbook 2009*. Transnet National Ports Authority Corporate Affairs Department, Richards Bay.

<sup>25</sup> uMhlathuze Municipality (2007) *Revision of the uMhlathuze Spatial Framework Plan: Status Quo*. Report produced by SIVEST Selati Moloi, February 2007.