

## Appendix A: Environmental Authorisations

Appendix A.1: Environmental Authorisation (DC22/0061/08)



# agriculture, environmental affairs & rural development

Department:  
Agriculture, Environmental Affairs  
& Rural Development  
**PROVINCE OF KWAZULU-NATAL**

## Directorate: Environmental Services

Enquiries : G Willis-Smith Telephone: 034 – 299 9671 P O Box : 125  
Inibuzo : Ucingo : Isikhwama Seposi : Dundee  
Navrae : Telefoon : Privaat Sak : 3000

Reference: Dc22/0061/08 Fax : 034 – 299 9674 Date : 30 September 2011  
Inkombe : iFeksi : Usuku :  
Venwysing: Faks : Datum :

## FAX MESSAGE

<b>Fax To</b> <b>Faks Aan</b> <b>Isikhahlamazi</b> <b>Siyaku</b>	Laurusco Developments (Pty) Ltd Afzela Environmental Consultants		
<b>Attention</b> <b>Aandag</b> <b>Iya Ku</b>	Mr Neels Brink Mr John Richardson	<b>Total pages</b> <b>Aantal bladsye</b> <b>Inani Lamaphepha</b>	42
<b>Fax no</b> <b>Faks no</b> <b>Inombolo</b> <b>yealkhahlamazi</b>	031 – 337 3412 033 – 343 2033	<b>Date</b> <b>Usuku</b> <b>Datum</b>	30 September 2011
<b>Re:</b>	Environmental Authorisation for the Hilton-Mondi Development		
Please find attached the Environmental Authorisation for the Hilton-Mondi Development.			
Yours sincerely			
Gerald Willis-Smith			



# agriculture, environmental affairs & rural development

Department:  
Agriculture, Environmental Affairs  
& Rural Development  
PROVINCE OF KWAZULU-NATAL

## Directorate: Environmental Services

Enquiries : Dr P Kuyler Telephone: 034 - 299 9664 P O Box : 125  
Imibuzo : Ucingo : Isikhwama Seposi : Dundee  
Navrae : Telefoon : Privaat Sak : 3000

Reference: DC22/0061/08 Fax : 034 - 299 9674 Date : 30 September 2011  
Inkomba : Ifekisi : Usuku :  
Venwysing: Faks : Datum :

## Fax Transmission

Laurusco Developments (Pty) Ltd  
P O Box 20443  
DURBAN NORTH  
4016

Attention: Mr Neels Brink  
Fax no: 031 - 337 3412

Dear Sir

### **DC22/0061/08: ENVIRONMENTAL AUTHORISATION FOR THE HILTON - MONDI DEVELOPMENT**

The KwaZulu-Natal Department of Agriculture, Environmental Affairs and Rural Development has authorised the abovementioned project. This environmental authorisation and reasons for the decision are attached herewith.

### **ENQUIRIES**

#### **Please note that:**

- All queries regarding this application for environmental authorisation (including the Department's decision) must be directed to the official of this Department with contact details provided on the letterhead above.
- Only queries regarding appeals must be submitted to the Office of the MEC (details provided below).

Department of Agriculture, Environmental Affairs  
& Rural Development, KwaZulu-Natal

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**APPEALS**

In terms of sub-regulation 10(2) of the EIA Regulations, 2010, you are instructed to notify all registered interested and affected parties in writing within 12 days of this Department's decision in respect of your application. You are required to comply with the requirements of sub-regulations 10(2)(a)-(d) with regard to this notification. This includes drawing the attention of registered interested and affected parties to the fact that an appeal may be lodged against the decision in terms of Chapter 7 of the EIA Regulations, 2010.

In accordance with the provisions of sub-regulation 60(1) of the EIA Regulations, 2010, a notice of intention to appeal must be lodged with the KwaZulu-Natal MEC of the Department of Agriculture, Environmental Affairs and Rural Development, within 20 days of the date of this decision by post, fax, e-mail or hand delivered to the following address:

<b>POSTAL/ FAX/ E-MAIL:</b>	<b>PHYSICAL:</b>	<b>SATELLITE OFFICE</b>	
Private Bag X9059 PIETERMARITZBURG 3200 Tel: 033 343 8240 Fax: 033 343 8255 E-Mail: <a href="mailto:haresh.inderall@kzndae.gov.za">haresh.inderall@kzndae.gov.za</a>	No. 1 Cedara Executive Building Cedara College PIETERMARITZBURG 3201	P.O. Box 2132 DURBAN 4000 Tel: 031 368 2223 Fax: 031 368 1601	8 <sup>th</sup> Floor Truro House 17 Margaret Mncadi Blvd (Victoria Embankment) DURBAN 4001

The appellant is reminded of the requirements of sub-regulations 60(2) and 60(3) in the EIA Regulations, 2010 with regard to the notification of registered interested and affected parties and the applicant (if the appellant is not the applicant) of the notice of intention to appeal.

Yours faithfully



for: Head of Department:

Department of Agriculture, Environmental Affairs & Rural Development

cc: Mr Wolfgang Kanz, Atzelia Environmental Consultants, Fax No: 033 – 343 2033



## agriculture, environmental affairs & rural development

Department:  
Agriculture, Environmental Affairs  
& Rural Development  
PROVINCE OF KWAZULU-NATAL

### Environmental Authorisation

In terms of regulation 36 of the  
Environmental Impact Assessment Regulations, 2010

**Application number:**  
**NEAS No.**

DC22/0061/08

**Date of first issue: (if amendment)**  
**Date amended: (if amendment)**  
**Authorisation holder:**

Laurusco Developments (Pty) Ltd

**Location:**

Remainder of Portion 6 of the Farm  
Drie Fonteinen No. 952, Remainder  
of Portion 212 (of 6) of the Farm  
Drie Fonteinen No. 952 &  
Remainder of Portion 669 (of 4) of  
the Farm Groene Kloof No. 900 in  
the uMngeni Local Municipality,  
uMgungundlovu District  
Municipality.

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## 1 Decision

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2010 the KwaZulu-Natal Department of Agriculture, Environmental Affairs and Rural Development (hereafter referred to as the "Department")

**grants environmental authorization to:**

**Laurusco Developments (Pty) Ltd**

(hereafter referred to as "the authorisation holder")

Details of the contact person:

Mr Neels Brink  
Rocpoint House  
P O Box 20443  
DURBAN NORTH  
4016

Tel: (031) 337 3460

Fax: (031) 337 3412

Email: [Neels@Laurusco.com](mailto:Neels@Laurusco.com)

to undertake the following activities (hereafter referred to as "the activities") as described in Section 2 below.



## 2 Activities authorised

The authorization holder submitted an application for the environmental authorization of the Hilton-Mondi Development consisting of the five (5) areas as indicated on the following two (2) Layout Plans:

Layout Plan 1 dated 06/05/2010, referenced as Drawing No. EIA-HP1/2010/05/06 Rev. 00, described as Hilton: Land Parcel A, A2, B, C, C2 and D, and

Layout Plan 2 dated 06/05/2010, referenced as Drawing No. EIA-HP2/2010/05/06 Rev. 00, described as Hilton: Land Parcel E; and  
 attached as Annexures 2 and 3.

The land use on all of the areas proposed for the development comprises areas which have been used for forestry activities and are totally transformed from the natural state.

The following activities in Government Notices No. 544, 545 & 546 dated 18 June 2010 (as amended) are triggered by the abovementioned project:

Government Notice No. 544	Government Notice No. 545	Government Notice No. 546
9, 11, 18, 22, 23, 37, 39, 47 & 56	15	5, 6, 16, 19 & 24

as described in the Environmental Impact Assessment Report (EIAR) dated August 2010 at the following sites:

Remainder of Portion 6 of the Farm Drie Fonteinen No. 952, Remainder of Portion 212 (of 6) of the Farm Drie Fonteinen No. 952 & Remainder of Portion 669 (of 4) of the Farm Groene Kloof No. 900 in the uMngeni Local Municipality, uMgungundlovu District Municipality.

Authorised alternative	Latitude	Longitude
Middle point of Site A:	29° 32' 05.75"	30° 16' 52.64"
Middle point of Site B:	29° 32' 18.01"	30° 17' 00.81"
Middle point of Site C:	29° 32' 27.75"	30° 17' 22.18"
Middle point of Site D:	29° 31' 55.07"	30° 17' 56.43"
Middle point of Site E:	29° 33' 59.51"	30° 17' 16.84"

**The abovementioned listed activities only as associated with the following uses of the component areas of this application are authorised:**

- **Site A:** 21.7 hectares of Business Park and Offices or Residential incorporating:
  - 20 hectares Business Park and Offices or Residential; and
  - 1.7 hectares open space.
- **Site A2:** 10.01 hectares of Business Park and Offices or Residential.
- **Site B:** 4.5 hectares of Business Park and Warehousing incorporating:
  - 3.7 hectares Business Park and Warehousing; and
  - 0.8 hectares open space.
- **Site C:** 24 hectares of Business Park and Offices incorporating:
  - 12 hectares Business Park and Offices;
  - 7 hectares Offices; and
  - 5 hectares open space.
- **Site C2:** 8.7 hectares of Business Park and Offices.
- **Site D:** 22.1 hectares of Retail/Office/Medium Density Residential Precinct.
- **Site E:** 16.02 hectares of Medium Density Residential development.
- Associated infrastructure and services, including roads.

### **3 Activities Refused**

- 3.1 Environmental authorization is refused for any activities listed under Government Notices No. 544, 545 & 546 dated 18 June 2010 as associated with "light industry" on all sites (Site A; A2; B; C; C2; D and E) of the Hilton-Mondi development.**

## **4 General**

### **4.1 Compliance with the conditions of this authorization**

In terms of section 24F of the National Environmental Management Act, 1998 (Act No. 107 of 1998), failure to comply with the conditions of this environmental authorisation constitutes an offence for which a convicted person may be liable to a fine not exceeding R5 million or imprisonment for a period not exceeding ten years or both such fine and such imprisonment.

### **4.2 Need for a waste management licence**

In accordance with section 20(b) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), the holder of this environmental authorisation must obtain a waste management licence prior to the undertaking of any waste management activity associated with this development.

### **4.3 Amendments to the project or EMPr**

4.3.1. Any changes to, or deviations from, the project description set out in this authorization must be approved, in writing, by the Department before such changes or deviations may be effected.

4.3.2. Any subsequent amendments to the approved EMPr must also be submitted to the Department for review. The amendments must only be implemented after being approved by the Department.

### **4.4 Contact details for the Department**

The following contact details for the Department must be used for all reports, notices etc. which must be submitted to the Department:

Department of Agriculture, Environmental Affairs & Rural Development  
Private Bag X07  
Cascades  
3202

Fax No: 033 – 347 1826

Attention: Control Environmental Officer: Compliance, Monitoring & Enforcement, uMgungundlovu District Office.

## 5 Conditions of authorisation

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

### Period of validity of this environmental authorization

- 5.1 **Period of Validity:** One or more of the listed activities authorized in this environmental authorization must commence within **five (5) years** from the date of issue. If commencement of the authorized activity/ any of the authorized activities does not occur within that period, this authorization lapses.
- 5.2 The activities authorised must only be carried out at the location as described in section 1 above.

### Notification to interested and affected parties

- 5.3 In accordance with the requirements of sub-regulation 10(2) of the EIA Regulations, 2010, the authorisation holder must notify every registered interested and affected party, in writing and within **12 (twelve) calendar days from date of** the Department's decision to authorise the activity.
- 5.4 The notification referred must –
- 5.4.1 Specify the date on which the authorisation was issued;
- 5.4.2 Inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the EIA Regulations, 2010; and
- 5.4.3 Advise the interested and affected party that a copy of the authorisation will be furnished on request.

### Approval of the Environmental Management Programme

- 5.5 The Environmental Management Programme (EMPr) dated April 2010 for the construction and operational phases of this project as submitted for the environmental authorization of this project complies with section 24N of NEMA and regulation 33 of the EIA Regulations, 2010. This EMPr is hereby approved and must be implemented.
- 5.6 The EMPr dated April 2010 must be updated with the following information:
- 5.6.1 The final alignment for the sewer reticulation and positions for the pump stations; and

Department of Agriculture, Environmental Affairs & Rural Development, KwaZulu-Natal	DC22/0061/08	Page 7 of 39
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- 5.6.2 A site specific wetland and buffer rehabilitation plan with comments from Ezemvelo KZN Wildlife.
- 5.7 The EMPr must be kept on site during all phases of the development.

#### **Monitoring and Reporting to the Department**

- 5.8 All requirements for the management, monitoring and reporting of impacts for all phases of the project must be as specified in the EMPr.
- 5.9 The ECO must visit the site monthly during the construction phase unless otherwise agreed with the Department in writing.

#### **Written notice of the commencement of the construction and operational phases**

- 5.10 Not less than seven (7) days written notice must be given to the Department that the construction phase will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the construction will commence.
- 5.11 Not less than thirty (30) days written notice must be given to the Department that the operational phase will commence.

#### **Construction Phase**

- 5.12 Construction may only commence once the uMgungundlovu District Municipality has provided the means to supply sufficient potable water to meet the needs and sewerage systems with sufficient capacity for the 5 areas of the development.
- 5.13 Complaints received with regard to construction and actions taken to address such complaints, must be recorded in a register and made available to the Department on request.
- 5.14 If the Layout Plans (dated 06/05/2010, and attached as Annexures 2 and 3 of this environmental authorisation) are amended, the amended layout plans must be submitted to the Department for approval prior to the commencement of construction.
- 5.15 The guideline controls for the construction phase for the Office and Business Park development in Area C, contained in the letter from IYER (Urban Design Studio), entitled "Hilton/Mondi Land Use Change Motivation", dated 03 December 2009, and attached as Annexure 4, must be fully complied with.

**Environmental Authorisation**  
**THE HILTON-MONDI DEVELOPMENT, UMGENI LOCAL MUNICIPALITY**

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- 5.16 All construction material, including topsoil and spoil material, must be stockpiled at a distance greater than 50m from any watercourse, in order to prevent pollution and sedimentation of watercourses.
- 5.17 All wetlands must be protected by means of a 30m no development buffer and the buffer must originate at the edge of the temporary zone.
- 5.18 All drainage channels must be protected by means of a 20m no development buffer and the buffer must originate at the edge of the drainage channel.
- 5.19 The buffer zones stipulated in 5.17 & 5.18 above must be constructed as linear mosaics as recommended by the herpetological specialist, Dr Alan Channing, in his Herpetological Impact Assessment, dated 20 February 2009.
- 5.20 A 10m no development buffer must be maintained between buildings on Area D and the fence line which separates Area D from Wedgewood Estate. Trees presently occurring within this buffer must be retained until indigenous vegetation which is to be planted, has attained a height of at least 3m.
- 5.21 The Stormwater Management Plan (compiled by Aurecon South Africa and dated January 2011) must be implemented.
- 5.22 A Stormwater Control Plan (SCP), which prescribes methods to be used on site to comply with the requirements of the Stormwater Management Plan, must be prepared by the contractor. This plan must be approved by the Department of Water Affairs and the uMngeni Municipality prior to commencement of any construction activities on site.
- 5.23 The SCP referred to in 5.22 above, must make provision to effectively control and safely release all stormwater runoff from Area D. The SCP must provide adequate mitigation measures to ensure that runoff will be filtered and cleaned of any pollutants it may contain prior to leaving Area D, as this runoff leads directly into a wetland which continues through the Wedgewood Estate.
- 5.24 All recommendations contained in the Traffic Impact Assessment for the proposed Mondli Hilton Developments, dated January 2010, compiled by Aurecon (Pty) Ltd must be complied with.
- 5.25 All recommendations as stipulated by the Department of Transport in their letter dated 17 August 2011 and attached as Annexure 5 must be adhered to.
- 5.26 All recommendations as stipulated by the Department of Water Affairs (DWA) in their letter dated 25 June 2010 and attached as Annexure 6 must be adhered to.
- 5.27 All recommendations as stipulated by Amafa AkwaZulu-Natali in their letter dated 15 August 2011 and attached as Annexure 7 must be adhered to.

- 5.28 The recommendations by Drennan, Maud & Partners in their Preliminary Geotechnical Assessment dated February 2010, and listed as Appendix C13 in the EIAR dated August 2010, must be adhered to.
- 5.29 All external lights must adhere to the 'dark sky' approach. This aims to minimise the upward spread of light and direct light downwards and inwards.

**Operational Phase**

- 5.30 The authorisation holder must comply with the operational phase EMP that has been approved by the Department.

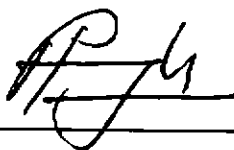
**Site closure and decommissioning**

- 5.31 Should the activity ever cease or become redundant, the authorisation holder must contact the Department to determine the required actions for the rehabilitation and closure of the site.

**Availability of this environmental authorization**

- 5.32 A copy of this environmental authorization must be kept by the authorization holder and made available to any official of the Department on request.

Date of environmental authorisation: 30 SEPTEMBER 2011



for: Head of Department

**KwaZulu-Natal Department of Agriculture, Environmental Affairs and Rural Development**



## Annexure 1: Reasons for Decision

### 1. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The initial Application for Environmental Authorisation form dated 8 October 2008 and the amended Application for Environmental Authorisation form dated 3 September 2010, both prepared by Afzelia Environmental Consultants;
- b) The Scoping Report and Plan of Study for EIA prepared by Afzelia Environmental Consultants dated April 2009;
- c) The Environmental Impact Assessment Report (EIAR) prepared by Afzelia Environmental Consultants dated August 2010;
- d) Mitigation measures as proposed in the EIAR dated August 2010 (including specialist studies) have been incorporated in the EMPr dated April 2010; and
- e) The findings of the site visit undertaken by officials of the Department on 14 October 2010.
- f) The comments received from the organs of state and interested and affected parties as included in the EIAR dated August 2010 including comments from:

<u>Document</u>	<u>Compiled by</u>	<u>Date</u>
Hilton/Mondi Land Use Change Motivation	IYER	3 December 2009
Civil Engineering Planning Report	Aurecon	January 2010
Electrical Services Report rev 1	Imvuselelo Consultants	January 2010
Preliminary Geotechnical Assessment	Drennan, Maud & Partners	February 2010
Layout Plan referenced as Drawing No. EIA-HP1/2010/05/06 rev. 00, entitled Hilton: Land Parcel A, A2, B, C, C2 and D	IYER	06 May 2010
Layout Plan referenced as Drawing No. EIA-HP2/2010/05/06 rev. 00, entitled Hilton: Land Parcel E	IYER	06 May 2010
Biodiversity and Ecological Assessment	Afzelia Environmental Consultants	February 2010
Specialist assessment regarding Bumup's tail-wagger snail ( <i>Sheldonia bumupi</i> )	Dr D G Herbert	20 October 2009
Herpetological Impact Assessment	Alan Channing	20 February 2009



**Environmental Authorisation**  
**THE HILTON-MONDI DEVELOPMENT, UMNGENI LOCAL MUNICIPALITY**

No. 0349 P. 15

<b>Document</b>	<b>Compiled by</b>	<b>Date</b>
Traffic Impact Assessment	Aurecon	January 2010
Heritage Impact Assessment	Umlando: Archaeological Tourism and Resource Management	19 September 2008
Wetland Functional Assessment	Institute of Natural Resources	December 2009
Wetland Delineation Report	Afzelia Environmental Consultants	Undated
Rationale for and Socio-Economic Impacts of New Mixed Use Nodes on N3 Interchanges in Eastern uMngeni	Dr Jeff McCarthy	2 February 2009
Planning and Development Priorities in the Hilton/Cedara Areas and their relevance for the Mondri/Laurusco Proposals	Dr Jeff McCarthy	16 November 2009
Comments on the Impact on Forestry	Dr Jeff McCarthy	16 November 2009
Draft Services Agreement between Umgungundlovu District Municipality and Arctic Sun Trading 17 (Pty) Ltd	uMgungundlovu DM & Arctic Sun Trading 17	6 May 2010 & 17 May 2010
Services Agreement between Laurusco Developments (Pty) Ltd and uMngeni Municipality	Laurusco Developments & uMngeni Municipality	13 December 2010
Stormwater Management Plan	Aurecon	January 2011
Soil and Land Capability Assessment of selected Mondri Plantations near Hilton	Rural Development Services	July 2011
Environmental Management Plan	Afzelia Environmental Consultants	April 2010
Correspondence	Department of Agriculture, Forestry & Fisheries	30 March 2011 5 April 2011
Correspondence	Department of Agriculture, Environmental Affairs & Rural Development- Macro Planning Directorate (Land Use Regulatory Unit)	23 October 2009 19 April 2010 7 February 2011 5 August 2011
Correspondence	Department of Water Affairs	21 May 2009 25 June 2010 26 November 2010

30. Sep. 2011 9:26

**Environmental Authorisation**  
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No. 0349 P. 16

<b>Document</b>	<b>Compiled by</b>	<b>Date</b>
Correspondence	Amafa AkwaZulu-Natali	19 December 2008 28 April 2009 13 August 2009 15 August 2011
Correspondence	Ezemvelo KZN Wildlife	12 December 2008 20 August 2010
Correspondence	Department of Transport	11 December 2008 17 August 2011
Correspondence	South African National Roads Agency Limited	27 January 2009 25 May 2009 14 June 2010
Correspondence	Transnet	26 April 2010
Correspondence	Wildlife & Environment Society of South Africa	15 May 2009 28 May 2010
Correspondence	Duzi Umgeni Conservation Trust	9 June 2010
Correspondence	uMgungundlovu District Municipality	19 May 2009 4 February 2010 14 June 2010
Correspondence	uMngeni Municipality	19 November 2008 9 December 2008 18 February 2009 15 May 2009 29 August 2011
Correspondence	Eskom	18 December 2008 23 December 2008 5 May 2009 7 April 2011
Correspondence	Kwanalu	2 March 2011
Various correspondence	Residents	As presented in the SR & EIAR

30. Sep. 2011 9:27

**2. Key factors considered in making the decision**

**a) Environmental Impact Assessment Report (dated August 2010):**

- (i) The Environmental Impact Assessment Report (EIAR) complies with the requirements of the EIA Regulations, 2010 and has been accepted by the Department.
- (ii) The EIAR dated August 2010 included a description of the environment that may be affected by the activity and the manner in which the physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity.
- (iii) The methodology used in assessing the potential impacts identified in the EIAR dated August 2010 and the specialist studies have been adequately indicated.

**b) Public participation:**

- (i) The public participation process complies with the requirements of Chapter 6 of the EIA Regulations, 2010 and the comments received from the organs of state and interested and affected parties have been included in the EIAR dated August 2010. The following additional information was requested by the Department and this was compiled and circulated to all registered I&AP's for comment:
  - Signed copies of the Services Agreements with the uMgungundlovu District Municipality and the uMngeni Local Municipality;
  - A draft Stormwater Management Plan for each precinct; and
  - The proposed architectural and landscape designs for each of the proposed development areas.
- (ii) Further information was subsequently requested by the Department which included a draft/preliminary architectural impression of a typical building on one of the sites

located at Area C, including aesthetic controls. This information was compiled and circulated to registered I&AP's for comment.

**c) Socio-economic study:**

A **socio-economic study** (Rationale for and socio-economic impacts of new mixed use nodes on N3 interchanges in eastern uMngeni – Dr Jeff McCarthy 2/2/09) which was conducted concludes that, although there are some minor social costs which need to be properly managed, the net scenario is very strongly positive. The proposed development could bring thousands of potential construction and permanent jobs and millions in potentially redistributable rates income per annum.

A study (Planning and Development priorities in the Hilton/Cedara areas and their relevance for the Mondli/Laurusco proposals – Dr Jeff McCarthy 16/11/09) was undertaken to determine the **planning and development priorities** for the Hilton/Cedara areas. The report found that there was more than one public perspective on the need for growth and development, with the majority in favour of general development. The report states that better-off Hiltonians and those in Merrivale have all they want and are resistant to new urban development. However, they are requesting for higher levels of local public expenditures for example road maintenance. A working class sample in Hilton had less interest in rural characteristics and tended to be more pro-growth. They were concerned at poor public (taxi) transport into and out of the area. People at St Josephs/Cedara were most concerned at a shortage of houses and jobs. When the above was weighted in relation to the population, the balance of opinion is not in favour of keeping the area as it is now, and is rather in favour of general development.

The applicant has perceived there to be a medium to long term demand for warehousing, business park, office and market related residential development in the uMngeni Municipality. There is also a big demand for employment within the uMngeni Municipality and the proposed development could beneficiate a large number of job seekers. The demand for jobs could be met in other areas of the municipality, but development further away from Hilton would remove these opportunities from the potential job seekers in this area.

**d) Need and desirability:**

The need for the proposed project stems from the Provincial Spatial Economic Development Strategy (PSEDS) which reinforces the concept of promoting development around the main activity corridors of the Province. The PSEDS identifies a number of development corridors. One of these is codenamed PC2 (Provincial Corridor 2) and runs from Ethekwini through Msunduzi to Howick in the uMngeni Municipality. The PSEDS states that infrastructure investment and development spending should primarily support localities that will become future growth nodes, supported by municipal Integrated Development Plans (IDP's). The Hilton to Howick corridor along the N3 national road is one such area where available infrastructural and accessibility has led to the identification of areas for development.

The N3 Corridor Management Plan developed by the uMngeni Municipality in consultation with key stakeholders and government departments has earmarked the proposed development sites for development in the municipality. The land uses proposed by the developer are predominantly in line with the land uses proposed in terms of the N3 Corridor Management Plan.

The proposed developments are being undertaken in terms of the uMngeni Municipal SDF which is a statutory document prepared in terms of the Municipal Systems Act (Act No. 32 of 2000) as part of the Municipal IDP. The SDF has identified the area on the northern and southern side of the N3 national road between the Hilton interchange and the Cedara interchange as General Mixed Use. The portion of land along the eastern side of the Hilton College Road from the Hilton interchange to Wedgewood has also been identified as General Mixed Use. This is in accordance with the strategic planning of the Municipality to focus non-residential development along the N3 where it would be highly accessible without intruding on residential areas.

The proposed development of the portion of land on the western side of Shepstone Road for residential purposes has already been identified in the SDF for such purpose. The area is located between existing residential areas and would represent infill of strategically located land for residential development close to central Hilton. The municipality has identified a need for a more diverse range of housing opportunities in Hilton, catering for a variety of homeowners, and the provision of medium density housing would fulfil this identified need.

The Light Industrial land use proposed for areas A & A2 does not conform to the land uses prescribed in the N3 Corridor Management Plan. The uMngeni Municipality is of the view that the area is not suited for Light Industrial development and that such activities should be located elsewhere as per the uMngeni Municipality N3 Management Plan. The comment from uMngeni Municipality is attached as Annexure 8. The Department supports the view of the uMngeni Municipality and therefore approves the Business Park and Office or Residential alternative land use for Areas A and A2 and rejects the Light Industrial preferred land use.

**e) Change of land use:**

A change of land use with regard to Area C is proposed. Area C of the proposed development (south of the N3) is currently zoned for residential land use in terms of the uMngeni Municipality SDF and for office and residential development in terms of the N3 Corridor Management Plan. The proposal for this development is that Area C would be better utilised if the zoning was changed to General Mixed Use. Area C would then be utilised for a combination of Office and Business Park. The uMngeni Municipality has stated that this proposed change in land use will not be in conflict with the SDF.

Strict controls with regard to architectural and landscape character will be in place for the Office and Business Park sites forming part of Area C. The controls are contained in the Hilton/Mondi Land Use Change Motivation submitted by IYER (Urban Design Studio) and attached as Annexure 4.

**f) Aesthetic impacts:**

Concern has been expressed regarding the aesthetic considerations in respect of the alteration of Hilton as a rural village. Development within Hilton has already transformed Hilton from a village to a town and rural aspects of Hilton are limited. The majority of properties to be built will be situated within an urban growth area. The core residential areas still bear a semblance of village character and the proposed development would be situated outside of these core areas, although common transportation routes would apply in some instances.

Most of the areas proposed for development would be situated too distal to the core residential area of Hilton to have a visual impact and noise impacts would be limited to working hours.



Visual impacts will effectively be mitigated by means of planting a vegetative screen between the developments and the existing residential properties. Landscaping along roads would reduce impacts on motorists.

For area C a vegetative screen will be planted along the western and eastern side of the railway line which must comprise large evergreen trees that will be effective in reducing views of the Business Park and Offices areas from the residential properties on the other side of the wetland system. A vegetative screen must also be planted between the residences and the road, in the road reserve from the R103 to Areas B and C up to the railway line.

In terms of erven 12 and 13 in Area E, a restriction has been placed on the building height of units within 20m of the western boundaries of erven 12 and 13, and the southern boundary of erf 13. A 10m no building line will apply to these boundaries and only single storey buildings would be permitted within this zone. A 10m no building line would be enforced along the eastern boundary of erven 3, 4, and 5, which would have to comprise indigenous trees.

**g) Alternatives:**

With regard to alternatives, other areas within reasonable proximity were identified for potential development are also along the N3. These areas would have similar visual impacts but are further away from the urban edge and would result in ribbon development. The areas were considered equally or less suited to mixed use development. The socio-economic and planning study considered the Hilton interchanges in the broader scheme, and concluded that it would be the most appropriate location for the type of development proposed.

The proposed development node was compared with 5 other development nodes which have been identified in the N3 Corridor Management Plan. The general alignment of the proposed development with the N3 Corridor Management Plan was investigated in terms of, the types of land uses within each node, the need and desirability for the specific land uses proposed in the context of the other nodes and areas of conflict with the N3 Corridor Management Plan. The 5 nodes comprise the Tweedie Interchange, Midmar Interchange, Merrivale Interchange, Cedara Interchange and Hilton Interchange. Area E falls outside of this study area and was therefore not considered in the assessment. It must be noted that the N3 Corridor Management Plan does not include a Business Park zoning. The specialist who conducted



the socio-economic study for the N3 Corridor Management Plan, Prof McCarthy, also conducted the socio-economic study within this EIA process. He is satisfied that the proposed Hilton-Mondi development satisfies the needs of the N3 Corridor Management Plan, including deviations from the final mapping produced. The proposed commercial area was not evaluated as this is considered to be aligned with the SDF and N3 Corridor Management Plan.

The comparative assessment of the various nodes in the N3 Corridor Management Plan is set out in Table 33 contained on pages 199-203 of the EIAR dated August 2010. The 5 nodes plus the Hilton-Mondi development were assessed against various attributes and given scores ranging from 1 (highest impact / undesirable) to 4 (lowest impact / desirable). The Hilton-Mondi development scored the highest in the comparative assessment.

The location of the units in the preferred layout is based on the characteristics of the area. The sites have been laid out taking into account relief, existence of wetlands and their buffers, natural areas, access to the property and visual impacts. The consideration and evaluation of layout alternatives is therefore based on the various areas that could be developed with the least impact.

Architectural designs must comply with all relevant building standards. Area C, which includes areas designated as residential in the uMngeni SDF (and office and residential in the N3 Corridor Management Plan) is, in this application proposed for Business Park and Office use. In order to mitigate impacts associated with the proposed non-residential development in this area, a land development guideline has been established which, in the applicants opinion, would render the aesthetic impacts of the area acceptable. The guideline is contained in the Hilton/Mondi Land Use Change Motivation submitted by IYER (Urban Design Studio) and attached as Annexure 4.

**h) No-go option:**

The no-go alternative would entail retaining the property as an agricultural entity, comprising solely of trees. Mondi provided the following rationale for the sale of the land parcels for alternative land uses:



**Environmental Authorisation**  
**THE HILTON-MONDI DEVELOPMENT, UMNGENI LOCAL MUNICIPALITY**

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The Hilton property was part of a detailed land assessment and spatial planning exercise which Mondi embarked upon in 2004. Consulting Engineers and property valuers were commissioned to investigate and identify strategic land holdings in the Mondi portfolio with development potential throughout the country.

The result of this study was that Hilton was identified as being of significant importance from a development perspective and for the future expansion of Hilton and the greater Pietermaritzburg area. Representations were made to the uMngeni Municipality who duly incorporated them into their SDF. The property is zoned as agricultural land at present.

The Department of Agriculture, Forestry & Fisheries submitted a letter releasing the proposed development area from agriculture in accordance with the Subdivision of Agricultural Land Act (Act 70 of 1970) provided that it is incorporated in the Town Planning Scheme of uMngeni Municipality. The Macro Planning Directorate (Land Use Regulatory Unit) of the Department of Agriculture, Environmental Affairs & Rural Development submitted a letter stating that they have no objection to the proposed development.

The Department is satisfied that the applicant has investigated all aspects relating to alternatives with respect to the development for the 5 areas. However, the Department does not agree with the applicant as regards the preferred land use for areas A & A2. The Department supports the view of the uMngeni Municipality that the area is not suited for Light Industrial development and that such activities should rather be located elsewhere as per the uMngeni Municipality N3 Management Plan. The Department therefore approves the Business Park and Office or Residential alternative land use for Areas A and A2 and rejects the Light Industrial preferred land use.

**i) Biodiversity specialist study:**

A number of specialist studies were conducted to assess the biodiversity significance for the study areas. The studies indicate that the property is situated in an area of relatively low biodiversity importance in terms of KwaZulu-Natal achieving its conservation targets. This is also supported by Ezemvelo KZN Wildlife's Conservation Plan. All of the areas are currently under timber. None of the indigenous floral species predicted to occur in the Mistbell Grassland Vegetation Group have been identified on the sites proposed for development. The

areas are expected to contain a number of Endemic and Red Data faunal species. The properties are considered to perform limited functions in terms of connectivity and porosity.

The two wetlands on site have both been impacted on due mostly to the establishment of exotic trees for plantations in the wetlands. No new wetland crossings would be required, although they would have to be widened. Improved drainage would be implemented beneath the crossings during the widening process.

The development areas in Areas A, B and C fall within 'initial excluded' areas. This means that these areas have not been modelled to be important options for the achievement of conservation targets in the Province. Areas D and E fall within areas considered relatively poor options for achieving provincial conservation targets.

A comprehensive rehabilitation plan for the continued management of the wetlands and drainage lines must be compiled post authorisation. The developer will fund the initial rehabilitation of the wetland, including reinstatement of buffers and the required vegetation mosaic as recommended by the herpetological specialist. The long term maintenance of the wetland and its buffer zones would be managed by the landowner, Mondi, in conjunction with existing management programmes involving the Hilton/Mondi Conservancy. If the land is ceded to the municipality, then the municipality would be responsible for ensuring correct management of the wetland areas.

The Biodiversity Assessment (Biodiversity & Ecological Assessment – Afzelia Feb 2010) concluded that whilst the majority of the fauna occurring on the properties would remain on the property, the area is not a good option for achieving conservation targets in the Province due to its generally transformed nature and location within a largely urban area.

**j) Traffic impact assessment:**

With regard to traffic impacts, the Hilton-Mondi land developments within the Hilton area are expected to generate high volumes of traffic during peak periods once fully developed. When this traffic is distributed onto the surrounding road network and through the Cedara and Hilton interchanges, the analysis showed that the various components of the road network can be upgraded and improved to accommodate the traffic generated by the proposed development.

The ultimate road network required to accommodate the traffic generated is described in detail in the Traffic Impact Assessment (TIA) dated January 2010.

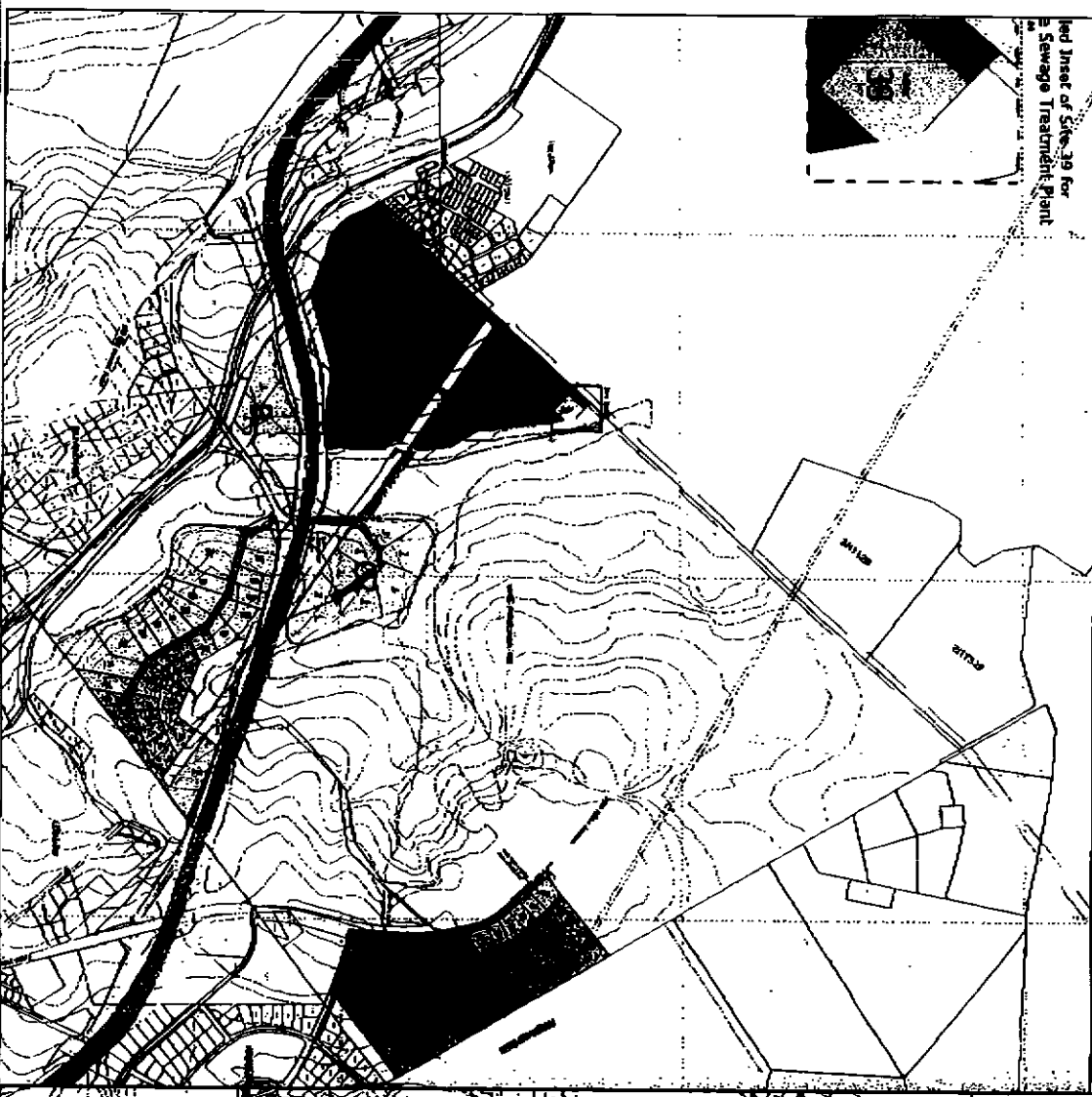
The TIA concluded that the existing weekday AM and PM peak hour and the Saturday AM peak hour (along Hilton Avenue north and at the Hilton Avenue interchange) traffic conditions on the road network surrounding the various land areas proposed for development are operating with very little congestion and minimal delay at virtually all of the intersections.

**k) Objectives of integrated environmental management:**

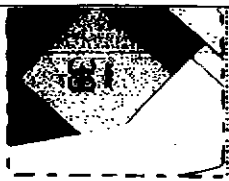
The Department is satisfied that, subject to compliance with the conditions contained in the environmental authorization, the general objectives of integrated environmental management laid down in Chapter 5 of NEMA will be met.

**Environmental Authorisation  
THE HILTON-MONDI DEVELOPMENT, UMNGENI LOCAL MUNICIPALITY**

**Annexure 2: Preferred Activity Layout: Land Parcels: A, A2, B, C,  
C2 & D. Drawing No. EIA-HP1/2010/05/06 dated 06/05/2010**



Top Inset of Sites 39 for  
Sewage Treatment Plant



<p><b>LAURUSCO DEVELOPMENTS</b></p> <p>1000 10th Avenue, Durban 031 201 1000</p>	<p><b>IGER</b></p> <p>1000 10th Avenue, Durban 031 201 1000</p>		<table border="1"> <tr> <td>Project Name:</td> <td></td> </tr> <tr> <td>Client:</td> <td></td> </tr> <tr> <td>Scale:</td> <td></td> </tr> <tr> <td>Date:</td> <td></td> </tr> <tr> <td>Author:</td> <td></td> </tr> <tr> <td>Checked by:</td> <td></td> </tr> <tr> <td>Approved by:</td> <td></td> </tr> </table>	Project Name:		Client:		Scale:		Date:		Author:		Checked by:		Approved by:	
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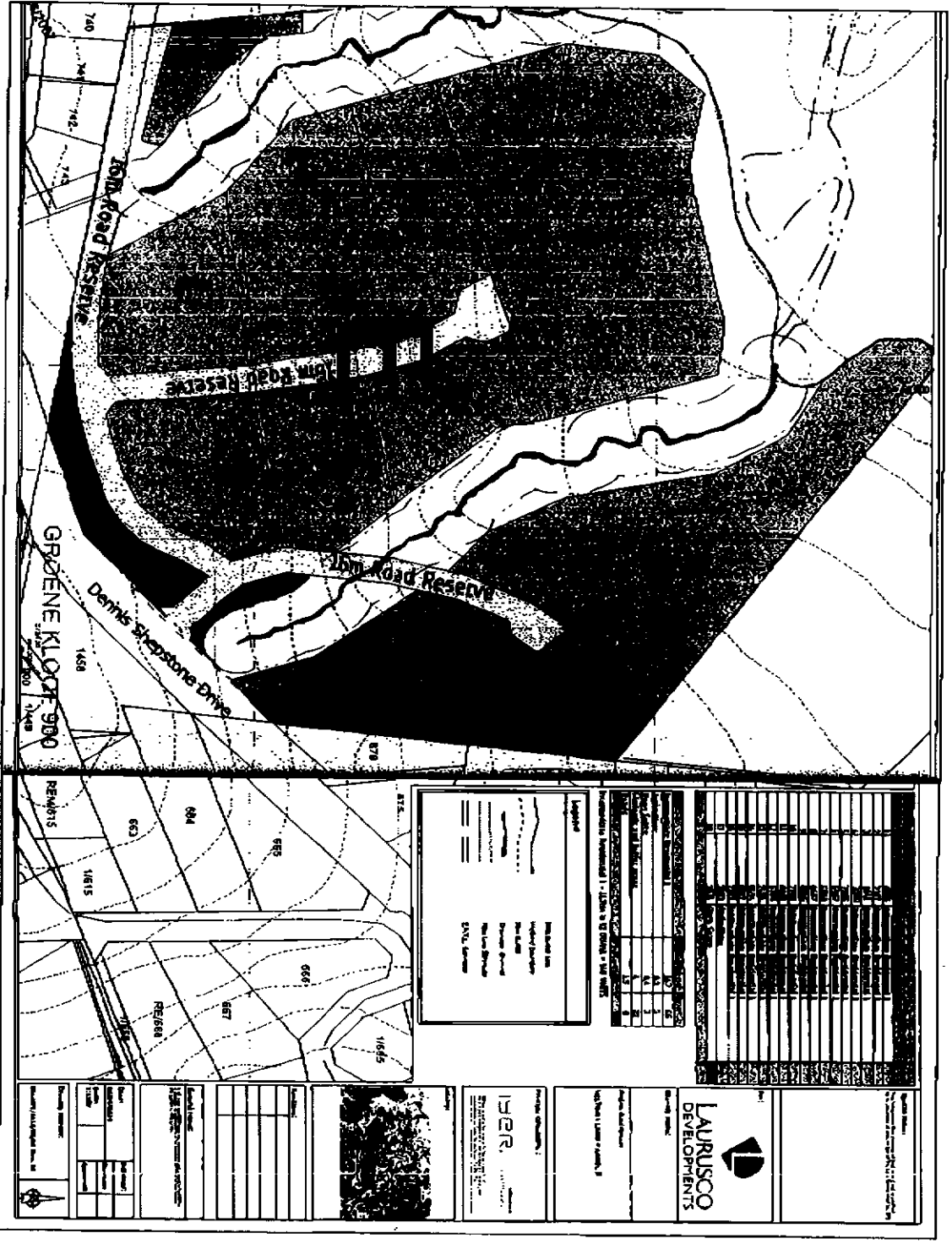
Department of Agriculture, Environmental Affairs  
& Rural Development, KwaZulu-Natal

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**Environmental Authorisation  
THE HILTON-MONDI DEVELOPMENT, UMGENI LOCAL MUNICIPALITY**

**Annexure 3: Preferred Layout: Land Parcel E : Drawing No. EIA-HP2/2010/05/06 dated 06/05/2010**



Department of Agriculture, Environmental Affairs  
& Rural Development, KwaZulu-Natal

DC22/0061/08

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Environmental Authorisation  
 THE HILTON-MONDI DEVELOPMENT, UMNGENI LOCAL MUNICIPALITY  
**Annexure 4: Hilton/Mondi Land Use Change Motivation (3/12/09)**

No. 0349 P. 28



www.iyer.co.za

URBAN DESIGN STUDIO

03 December 2009

ATTENTION: MR Neels Brink

**RE: HILTON/ MONDI LAND USE CHANGE MOTIVATION**

**Background:** IYER Urban Design Studio was appointed by Laurusco Developments in 2008 to prepare a conceptual framework plan for the Hilton area. The aim of this study was to produce a sub divisional layout that would form part of the rezoning submission. This motivation concentrates on the area depicted as Area C in Figure 1 to the right. The conceptual framework is in line with the SDF in most parts however the proposed use differs south of the N3. This motivation therefore serves to substantiate the change in use from what was previously identified as residential in the SDF (Figure 3 below) to what is currently proposed in the new conceptual Framework for Area C. Further, this motivation covers specific controls that are to be applicable to sites adjacent to the wetland system.

The Hilton/ Mondi study area sits along side the N3 highway, a major mobility route between Durban and Johannesburg, and is within a 15 kilometre radius from Pietermaritzburg (See Figure 2).

As a result of the two established well known schools and a large residential development, Mondi the primary land owners within the area, have been put under increasing pressure to develop some of their land. The Hilton land parcels can be broadly divided into two components, the northern portion (north of the N3), and the southern portion (south of the N3). The northern portion of the study area is well placed in relation to the N3 interchange. Hilton Avenue is the main road running through the site with Grace College, Hilton College and a large residential estate feeding off it. The southern portion of the study area is bounded by wetlands and the N3. Initial investigations have raised concern over the accessibility to this portion.

**Motivations:** The current Spatial Development Framework (SDF) for the uMngeni area indicates three main uses for the study area, residential, general mixed use and limited mixed use (tourism). General Mixed Use and Limited Mixed Use (Tourism) are described as and allow the following activities;

**General Mix Use** - These areas occur mainly along major transport routes and proposed development corridor in which a wide range of land uses will be encouraged, namely commercial, light industrial and office complexes and residential development. The proposed uses need to complement each other, and comply with environmental requirements. More detailed master planning is therefore required for these areas' (uMngeni IDP Review to inform the 2007/2008 Budget).

**Limited Mixed Use (Tourism)** - These areas are linked to existing tourism nodes and resources, and the following land uses would be encouraged: Residential Estates, Golf Course Estates, Theme/ Niche Village, Recreation Infrastructure and Facilities, Museums, Exhibition Centers, Conference Facilities, Hotels, Chalets, Restaurants, Sports Centers, Health Hydro's and other tourism-oriented uses.

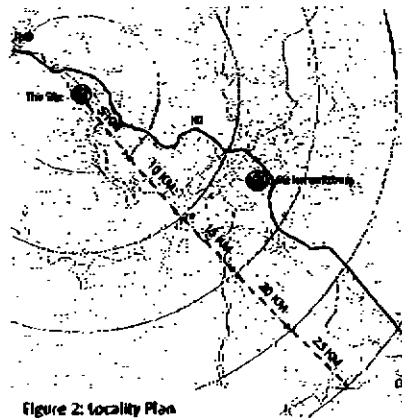


Figure 2: Locality Plan

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 IYER URBAN DESIGN STUDIO (Pty) Ltd, 1st Floor, The Media Mill, 3 Quince Road, Braamfontein, Johannesburg, 2001

03/12/2009

30. Sep. 2011 9:28

## Annexure 4: Hilton/Mondi Land Use Change Motivation

No. 0349 P. 29

A lower order development corridor, limited to tourism related developments is suggested along Hilton College Road. It is further proposed that the possibility of extending this road to link with and provide alternative access to the uMngeni Valley area be investigated (uMngeni IDP Review to inform the 2007/2008 Budget).

It should be noted that, 'the SDF does not assign any legal development rights to land – it is a broad identification of the preferred future development pattern to guide public and private investment and development related decisions' (uMngeni IDP Review to inform the 2007/2008 Budget).

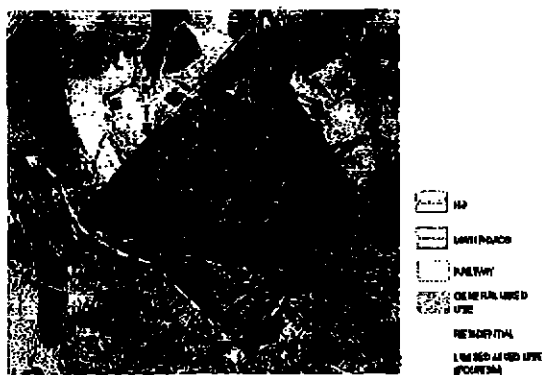


Figure 3: SDF zoning for study Area

A section of the southern portion within the study area is zoned for residential use however the current proposal suggests that a general mixed use zoning is the preferred land use within this area. The area in question is contained by the N3, with the proposed Business and Warehousing zone screened from the existing residential area by an approximately 180m to 200m wide wetland zone. This provides a sufficient interface that protects the general amenity of the existing residential area from the proposed development. It is proposed that the Business and Warehousing use contains clean and green, uses. Furthermore retaining this area as residential is not desirable due to its locality to a National highway – the N3. The close proximity to the highway also suggests that the land will be better suited for logistic and business park type land uses which would benefit in regard to its location in terms of access and visibility to the highway.

It is therefore suggested that a deviation from the SDF for Area C from residential to Business and Warehousing is recommended due to the following points;

- Its close proximity to the N3 makes it unattractive for residential development but suitable for Business and Warehousing uses that require maximum exposure and good access;
- The proposed uses will not affect the existing residential development as it is screened by a sufficiently wide wetland zone;
- The uses proposed are not noxious but rather low impact type of uses and will not affect the amenity of the surrounding areas.
- The proposed use is in keeping with the overall vision for this area as identified in the SDF by retaining this area as a General Mixed Use Area.

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**Annexure 4: Hilton/Mondi Land Use Change Motivation**

In addition to the extensive interface between the existing residential area and the proposed development, it is envisaged that additional controls will be applied to the sites forming part of this zone. These controls are of an architectural and landscape character and will include:

- A primary building interface zone will apply to the site frontage adjoining the wetland system which would specify that building facades are to be modulated and scaled in proportions representative of the domestic character of the opposite residential forms. This however should not be undertaken in a way that mimics domestic architecture as this would be a facile response to context. Rather, an architecture that is cognisant of adjoining scale and proportion would be encouraged and which meets contemporary needs and its specific use will be encouraged.
- All buildings are to be of a similar height as the adjacent residential, i.e. a 2 storey height shall apply to buildings along the wetland frontage.
- The primary residential facing façade is to be setback by a 10m general planting zone to encourage an appropriate landscape buffer.
- All plant and equipment along this particular interface is to be appropriately screened, preferably by soft solutions such as planted trellises, pergolas etc.
- All access, circulation and parking is to be carefully managed on each site to minimise any negative externalities and such activity would be located on the street side or northern side of the individual sites.
- Opportunities to strengthen the direct interface with the wetland are to be encouraged so as to ensure a mutually reinforcing condition is created between the proposed development and the wetland system. To this end, office components of each development would be encouraged to locate along this edge providing for a more compatible edge whilst at the same time ensuring active surveillance of the wetland system.
- Individual sites would be encouraged to develop park-like frontages to the wetland system in keeping with the ecological, habitat and plant regimes of the wetland system. The basic premise here is to ensure that individual developments view the wetland and residential interface as positive frontage.

A more detailed architectural and landscape code will be developed post the EIA phase of the project.



**Annexure 5: Letter: Dept. of Transport (17/08/11)**



PROVINCE OF KWAZULU - NATAL - ISIFUNDAZWE SAKWAZULU - NATALI

DEPARTMENT OF TRANSPORT

UMNYANGO WEZOKUTHUTHA

**TRANSPORTATION ENGINEERING SUB - DIRECTORATE**

Peter Jewell Consulting  
P. O. box 278  
HILTON  
3630

Enquiries: Mr. R Ryan  
Extension: 0570  
Reference: T10/2/2/17/67  
Your Ref No.:

Date: 17 August 2011

**MAIN ROADS 139-1; 139-2; AND 367: PROPOSED MONDI HILTON DEVELOPMENTS ON PORTIONS 669 (OF 4) OF THE FARM GROENKLOOF NO. 900 AND PORTIONS 6 AND 212 (OF 6) OF THE FARM DRIEFONTEIN NO. 962: SITUATE IN THE UMGENI MUNICIPALITY: SITUATE IN THE ADMINISTRATIVE DISTRICT AND PROVINCE OF KWAZULU-NATAL**

In terms of the KwaZulu-Natal Provincial Roads Act No. 4 of 2001, this Department has no objections in principle to the **PROPOSED MONDI HILTON** developments. In regard to the Traffic Impact Assessment (TIA) prepared by Aurecon and their response to the review by ARUP are noted.

This Departments review of the TIA is as follows.

1. No mention is made in the report on any improvements to the Main Road P139-1 (Hilton Avenue)/Manzali Drive intersection and the Informal access to the Grace College sports fields. This intersection should be should be addressed and reported on.
2. Mention is made of the new alignment of P796 (Page 25 Section 8). The position of the proposed alignment is not shown within the various figures of the report and no further mention is made of P796. When a P road is mentioned it is assumed that this refers to a Provincial road as all main roads have a 'P' prefix before the number. For example P139-1 and P367. Investigation of this alignment has proved fruitless as department records show no such alignment. It is requested that the report clarify this and its significance to Phase 4.
3. The report mentions the Old National Road and Central Main road. These are not indicated on the various figure diagrams. District Road 760 terminates at the railway siding and is only 360m long. Investigations have revealed that D760 has been deproclaimed and the status of this road now is not known.
4. No mention is made in the report regarding the fog and misty conditions that is prevalent in the Hilton area and street lighting is essential to the safety along all the roads mentioned in the report. It is assumed that this requirement will be addressed by the Municipality.

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Postal Address: Private Bag X9043, Pietermaritzburg, 3201 Republic of South Africa  
Tel (27) (033) 3424081 Fax: (27) (033) 3423962

**Annexure 5: Letter: Dept. of Transport**

No. 0349 P. 32

5. In regard to safety and public transport, all Intersections on the provincial roads are to be upgraded with the provision of taxi bays and sidewalks. It is agreed that the various taxi associations should be engaged to determine suitable sites for public transport ranks.

6. Responding to the various phases are as follows:-

**6.1 PHASE 1.**

6.1.1 Recommendations to Phase 1 page 36. This Department agrees that the Intersection of P367 (mentioned as Old Howick Road which is called Cedara Road) and the Rotunda Access is to be closed and relocated to a position that meets Departmental standards. The design and construction of the Intersection shall be carried out in consultation with the Department.

**6.2 PHASE 2**

6.2.1 No mention is made of access onto Elizabeth Drive from the retail node. Is this so? The TIA states that on P139-1 (Hilton Ave) a 35m long right turn lane is required at the Grace college/Elizabeth Drive intersection and a 75m long right turn lane at the Land Parcel D intersection. If access is intended then the access must be positioned a minimum of 60m from the stop position at the P139-1/Elizabeth Drive intersection. The section between the intersection and the access should have a left slip lane off Elizabeth Drive. Bearing in mind that the Garlington Estate is approximately 50% developed it would appear that the right turn lane is too short, and has the increase of student numbers to Grace College been addressed?

6.2.2 The report states that a 2m sidewalk is to be positioned on the eastern side of P139-1 (retail side). This Department requires that sidewalks are to be implemented on both sides of P139-1 extending from the Monzali Drive intersection through to the Land Parcel D access. This decision is taken because of Grace College being on the opposite side to the retail node.

**6.2.3 The Parcel E development on P139-2 (Dennis Shepstone Drive).**

The relocation and access specifications onto P139-2 (Dennis Shepstone Street) must meet all Department standards. Whether these standards can be met must be proven as the relocation brings the access closer to a horizontal curve.

**6.3 PHASE 3**

6.3.1 D760 has been deproclaimed and therefore it is assumed that it is in the control of the municipality. The gradient of this road will have to meet the criteria observed by the Municipality. Concern is however expressed whether the geometric requirements will be met with the upgrading of this road to carry industrial vehicles such as a WB50. Presently the railway line is not operational and the question is asked whether the railway line route cannot be acquired from Spoornet and incorporated into the road planning of the area?

6.3.2 No mention is made in Phase 3 for the upgrading of the intersection of P367 (Old Howick Road) and D760, although it is mentioned to upgrade the alignment of D760 and Central main road. With this upgrade it is suggested that traffic from the development of Phase 3 should rather be reroute via D760 to the Cedara Interchange due to the problems relating to the N3 underpass as this would be the quicker route to the N3. It is not mentioned in the report that there would be a restriction on height or weight of vehicles passing through the underpass. Clearly, due to a height restriction through the underpass, it would be preferable for traffic to be directed away from the underpass. It is required by the Department that with the upgrading of D760 the construction and upgrading of the P367/D760 intersection in Phase 4 be brought forward to Phase 3.

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**Annexure 5: Letter: Dept. of Transport**

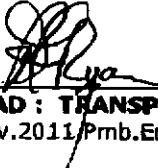
6.2.4 The report states that the N3 underpass is 3,5m wide and will operate on a stop/go traffic signal system. There is no mention as to the how a pedestrian sidewalk and related safety measures are to be addressed in the underpass. The minimum recommended width for a vehicular lane is 3m, leaving 0,5m for a sidewalk. This needs to be addressed.

6.2.5 Due to the problems relating to the N3 underpass it is suggested that that portion of Central Main road between areas A1/A2 eastern boundary and the N3 underpass is not constructed until the underpass issue is resolved. This will result in less traffic being directed onto the P367/Robunda Intersection.

6.3 **PHASE 4**

6.4.1 Phase 4 deals with the development of land Area C2 and final portion of Area D. As this is the last phase of the development areas an overview of the traffic situation can be assessed and a decision taken on how best one deals with the underpass and connecting portion of Central Main Road.

7. Having assessed the TIA report it gives a projected view of what may develop in the future. However the Department requires that prior to each phase of development the TIA is to be reassessed and with an accompanying development plan submitted to the Department for assessment and comment. This report is dated January 2010 and therefore it may or may not require changes to the road upgrade recommendations made in the report. For example the possible upgrade of street intersections with P367 (Old Howick Road). At each review the Department will give specific conditions to each Phase.



HEAD : TRANSPORT  
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Annexure 6: Letter: Dept. of Water Affairs (25/06/10)

23/08/2010 12:40

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DWAF UMN DBN

PAGE 01/04



**water affairs**

Department  
Water Affairs  
REPUBLIC OF SOUTH AFRICA

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Tel: 031 338 2760  
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File: 16/27/U201/D1/X1  
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Date: 25 June 2010

P.O. Box 1010, Durban, 4000, 88 Field Street, Southern Life Building. [thkutamah@dwa.gov.za](mailto:thkutamah@dwa.gov.za)  
Tel: (031) 306 2760, Fax: (031) 304 8540. [www.dwa.gov.za](http://www.dwa.gov.za)

Dear Sir/ Madam  
Atzelia Environmental Consultant cc  
P O Box 95  
Hilton  
3245

ATTENTION: Wolfgang Kanz

**RE: PROPOSED "HILTON-MONDI" DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON PORTIONS 609 ( of 4) OF THE FARM GROENE KLOOF NO.990 AND PORTIONS 8 AND 212 ( of 6) OF THE FARM DRIE FONTEINEN NO 952, PROVINCE OF KWAZULU-NATAL, HILTON, UMNENI MUNICIPALITY.**

Reference is made to the above-mentioned document dated April 2010, and submitted to this office for comments.

This office has no objections to the proposed development mentioned above, subject to the following conditions.

**1. WETLAND**

1.1 A wetland is defined as a watercourse in the National Water Act (Act 36 of 1998) and the proposed development must comply with conditions set out in the above-mentioned Act.

1.2 It is noted that the wetland on site has been delineated according to the guideline "A practical field procedure for identification and delineation of wetlands and riparian areas." (DWAF, 2005).

1.3 A 30m buffer must be placed around the temporary zone of the wetland areas as per guidelines given in "A practical field procedure for identification and delineation of wetlands and riparian areas." (DWAF, 2005).

1.4 A comprehensive wetland rehabilitation and buffer established plan must be compiled and submitted to this Department.

**2. SOIL EROSION**

2.1 Soil erosion will definitely occur due to construction of access road and clearance of vegetation cover. It is therefore important to ensure that soil erosion is controlled all the time i.e. pre-, during- and post construction of the activity. The following mitigation measures must be in place:

- The suitable use of sand bags or hessian sheets.

Department of Water Affairs | Department van Waterreë | Ministerie van Water | Министерство водных ресурсов | Ministerio ya maseko  
Lizintsha la DWAF | Umthetho we Waterreë | Ministère de l'Eau | Министерство водных ресурсов | Umthetho we maseko  
23/08/2010 12:40 | 0313859916 | DWAF UMN DBN | PAGE 01/04

**Annexure 6: Letter: Dept. of Water Affairs**

23/09/2010 12:40

0313059915

DMAF WCM DEN

PAGE 02/04

- The prompt rehabilitation of exposed soil areas with Indigenous vegetation to ensure that soil is protected from the elements.
- The removal of vegetation, only as it becomes necessary for work to proceed.
- Prevent the unnecessary removal of vegetation especially on steep areas.
- All the necessary precautions in terms of design and construction of earthworks, cuts and fills must be taken.

**3. STORMWATER**

3.1 The stormwater drainage network system must be kept separate from the sewage effluent system

3.2 These networks must be designed and constructed in such a manner that stormwater will drain into a watercourse or into the Municipal Stormwater System, if available in the area

3.3 After construction, the site should be graded to ensure free flow of runoff and to prevent ponding of water.

3.4 Drainage must be controlled to ensure that runoff from the site will not culminate in off-site pollution or cause water damage to properties further down from the site.

3.5 The water containing waste emanating from within the industries or any other building on the property should not contaminate the storm water system.

3.6 Stormwater Management Plan should ensure that the ultimate flow from the development does not result in any negative impacts on downstream properties or watercourse and must therefore ensure that stormwater is managed within the overall site as effective as possible.

**4. WATER AND WASTEWATER TREATMENT PLANT**

4.1 This Department does not support the use of septic tanks and soakaways for the development due to amongst others the clayey soils that prevail and supports the use of the package plant on site E.

4.2 Construction of Water and Wastewater Treatment Plant on site is regarded as water use in terms of section 21(g) of the National Water Act 36 of 1998 therefore such plant must be registered with this department prior to construction.

4.2 Since Wastewater Treatment Plant is regarded as on-site disposal therefore water use license will need to be applied for from this Department in terms of section 21 of the National Water Act 36 of 1998 unless permissible under General Authorisation.

4.3 The discharge of final effluent from the sewage treatment plant constitutes a water use in terms of Section 21 of the National Water Act, 1998 (Act 36 of 1998). This activity requires a section 21(f) water use licence unless permissible under the General Authorisations (Government Notice No. 26187, 28 March 2004). Licence application and registration forms for this water use must be completed and submitted to this office for evaluation prior to the water use commencing. It should be noted that issuing of water use licences can take a considerable amount of time, as such these licence applications should be submitted well in advance. Furthermore, submission of the appropriated water use license forms does not guarantee these licenses will be issued.

4.4 The applicant must submit the required licence application and registration forms each of the above water uses before construction. All forms for the registration and licensing of the water uses as well as the General Authorisations (Government Notice No. 26187, 28 March 2004) are obtainable from this office as well as from this Department's web-site at <http://www.dwa.gov.za>.

No. 0349 P. 35

30. Sep. 2011 9:29

**Annexure 6: Letter: Dept. of Water Affairs**

23/09/2010 12:48 0313859915

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PAGE 03/04

4.5 The civil designs for the proposed sewage treatment works must be submitted to this Department for comment prior to construction commencing.

4.6 The plant should not be situated within the 1:100 year floodline of any water body

4.7 A spill contingency plan must be drawn up to handle possible spillages including those occurring as a result of power outages. This report must be submitted to this Department.

4.8 The negative impacts on water quality as a result of the proposed development has not been sufficiently addressed in the above report. It should be noted that this development is located in and drains into the Umneni catchment a major and strategically important water resource and therefore specialist water quality impact assessment by a specialist in the field of water quality, that assesses the impact of the final effluent discharge on the receiving water resources must be conducted and submitted to this department.

**5. SEWAGE AND WASTEWATER**

5.1 It is noted that effluent from the Wastewater Treatment Plant will be disposed off into a constructed wetland prior to entering natural wetland. In terms of section 21(g) of the National Water Act 36 of 1998, water use license would need to be applied for from this department unless permissible under GA.

5.2 Discharged final effluent into a natural wetland would require another application of license in terms of section 21(f) of the National Water Act 36 of 1998

**6. SANITATION**

6.1 Details of the method of sewage disposal during construction phase of the project must be provided to this Department

**7. SOLID WASTE MANAGEMENT**

7.1 All solid waste generated during construction and operational phases of the proposed activity must be disposed of at a permitted landfill site and proof of this must be made available if needed. Apart from disposal of such waste at a permitted landfill site, recycling can be done as vigorously supported by this Department.

7.2 Contaminated soil or hazardous material must be disposed off at a permitted hazardous landfill site that is authorized to accept the said material.

**8. HAZARDOUS WASTE OR SUBSTANCES**

8.1 Should any significant spillage of hazardous substances occur, this department must be immediately notified or informed.

8.2 All hazardous waste which may emanate from construction vehicles (trucks and excavators) such as oil, grease and diesel must be suitably cleaned up. The spillage of petrochemical or fossil fuels must always be avoided or prevented.

8.3 A spill contingency plan must be drafted and implemented.

8.5 Staff must be trained regarding to the implementation of the spill contingency plan

**9. DRAINAGE LINES**

9.1 Solid and chemical waste generated from construction and operational phases of the development must be kept away from drainage lines. Containers which can be used for chemicals storage on site must also be kept away from drainage lines.

No. 0349 P. 36

30. Sep. 2011 9:29

**Annexure 6: Letter: Dept. of Water Affairs**

23/09/2010 12:46

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PAGE 04/04

9.2 Contaminated water during construction phase must be contained in separate bermed areas and it should not be allowed to enter into the natural drainage line and/or drainage stream.

9.3 Sediments caused by excavated soil during planning and design stages of the project development must also be kept away from drainage lines.

**10. LITTERING**

10.1 Littering must be avoided all the time as outlined. The supply of bins or disposal containers must be made available on-site to store waste materials or non-biodegradable refuse such as plastic bags and bottles.

**12. GENERAL**

12.1 Environmental sensitive areas must be identified as well as possible pollution impacts and mitigation measures of such areas must be employed.

12.2 The removal of any indigenous trees would need to be authorized by the Department of Forestry, Fisheries and Agriculture.

12.3 The development must not pose any negative impact to the human health and their well being.

12.4 Every effort must be made by the developer to ensure that any ecologically significant areas such as wetlands or marshes are protected during construction. A means to ensure continued protection of the sensitive areas after construction must also be implemented.

Notwithstanding the above, the responsibility rests with the applicant to identify any sources of pollution from his undertaking and to take appropriate measures to prevent any pollution of the environment. Failure to comply with the requirements of the National Water Act 1998 (Act 36 of 1998) could lead to legal action being instituted against the applicant.

Please do not hesitate to contact this Office should you have any comments, concerns or queries

Yours sincerely

  
for REGIONAL DIRECTOR: KWAZULU-NATAL  
HK/NK/14807



Annexure 7: Letter: Amafa AkwaZulu-Natali (15 August 2011)

17-AUG-2011(WED) 08:49

P. 001/002

Amafa AkwaZulu-Natali

Heritage KwaZulu-Natal

Erengis KwaZulu-Natal



PO Box 2086  
Pietermaritzburg 3200

Tel: 033 394 6543

Fax: 033 842 0097

Email: amafa.pmb@nwweb.co.za

Website: www.heritagakan.na

Date: 15 August 2011

Ref: 08/12/10-03

Attention: Nikki Olivier

AFZELIA

Tel: 033 3432031

Fax: 033 3432033

Email: nikki@afzela.co.za

Dear Nikki

**RE: Proposed Hilton Mondri Development and gas infrastructure on Portions 1,4 and 648 of the Farm Groene Kloof No.900 and Portions 6 and 212 of the Farm Drie Fontein No. 952, Hilton**

In view of the HIA by Gavin Anderson received for the above proposed development, in terms of KwaZulu Natal Heritage Act No. 4 of 2008 and the National Heritage Resources Act No.25 of 1999 (Section 38 (1)), we have no objection to the proposed development. However several buildings were observed outside the SAN border of Block A and are protected by Amafa, should there be any interference with the buildings, a permit from Amafa would be required.

You are however required to adhere to the below-mentioned recommendations:

**Conditions:**

1. Amafa should be contacted if any heritage objects are identified during earthmoving activities and all development should cease until further notice.
2. No structures older than sixty years or parts thereof are allowed to be demolished, altered or extended without a permit from Amafa.
3. No activities are allowed within 50m of a site which contains rock art.
4. Amafa should be contacted if any graves are identified during construction and the following procedure is to be followed:
  - stop construction
  - report finding to local police station
  - report to Amafa to investigate.

Heritage Resources are protected in terms of the KwaZulu-Natal Heritage Act (No. 10 of 1987).

1 of 2




**Annexure 7: Letter: Amafa AkwaZulu-Natali**

17-AUG-2011(VE0) 08:49

P. 002/002

Best regards,

  
Selo Mokheanya (Principal Heritage Officer – Archaeology)

2 of 2



No. 0349 P. 39

30. Sep. 2011 9:30

**Environmental Authorisation**  
**THE HILTON-MONDI DEVELOPMENT, UMNGENI LOCAL MUNICIPALITY**  
**Annexure 8: Letter: uMngeni Municipality (29 August 2011)**

No. 0349 P. 40



**uMngeni Municipality**

PO Box 5  
3290  
Howick, South Africa

Tel: +27 (33) 239 9285  
Fax: 086 51 46433  
Email: [planning@umngeni.gov.za](mailto:planning@umngeni.gov.za)  
Website: [www.umngeni.gov.za](http://www.umngeni.gov.za)

Our Ref.: Hilton-Mondi

Your Ref.: ..... Office of the General Manager Planning & Development

Date: 29 August 2011

**Manager: Impact Management**  
**Department of Agriculture, Environmental Affairs**  
**& Rural Development**  
**P O Box 125**  
**DUNDEE**  
**3000**

Attention: Mr G Willis-Smith

Dear Sir

**HILTON/MONDI DEVELOPMENT PROPOSALS: CONFORMITY WITH UMNGENI MUNICIPALITY IDP, SDF AND N3 CORRIDOR MANAGEMENT PLAN.**

It is understood that your office is in the process of finalizing its assessment of the NEMA application for the Hilton/Mondi development, and requires the Municipality's views on whether the proposals conform to the IDP, SDF and other relevant municipal planning initiatives. In this regard, the report entitled *N3 Corridor Management Plan* dated March 2009 is specifically relevant.

In terms of the SDF, the application sites fall within the Primary Node, in which development is guided by various planning principles. The following are relevant to this application:

- Development opportunities along the N3, which has been identified as a Provincial Priority Corridor (PC2), should not occur in an *ad hoc* fashion and be restricted to identified Mixed Use Areas. Three Focus Areas are identified at the Hilton, Merrivale and Tweedie Interchanges. These Focus Areas emerged from a comparative analysis of the five N3 Interchanges which fall within the Primary Node.
- Residential infill and densification will be encouraged, taking into account the potential impact on the amenities of the area.

As part of the N3 Corridor Plan, broad development plans were formulated for each of the Focus Areas. Comparing the development plan for the Hilton Focus Area with the Hilton/Mondi proposals, the following is noted:

People Centred Development - Inkuthuzo Kubantu

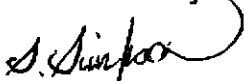
30. Sep. 2011 9:30

**Annexure 8: Letter: uMngeni Municipality**

- Areas A1 and A2 fall outside the Focus Area. Light Industrial development is not envisaged in the Hilton Focus Area, and the proposed access arrangements to Areas A1, A2 and C2, especially the single lane underpass connecting Areas C1 and C2, are problematic.
- Area B falls outside the Focus Area, but in view of its accessibility from the Cedara Interchange and the existing mixed use development at the Rotunda, it is not considered to be in conflict with the IDP and SDF.
- The plan for the Focus Area recommends office and residential development to the south of the N3. Area C1 proposes a slightly different land use mix, but is not considered to be in conflict with the SDF, especially because traffic will be channelled to the Cedara Interchange and not through the residential area to the south of Hilton Avenue.
- The proposals for Area D are in alignment with the Focus Area Plan and the SDF.

The proposed residential development at Area E can be classified as residential infill and therefore conforms to the IDP and SDF.

Yours Faithfully



S G SIMPSON

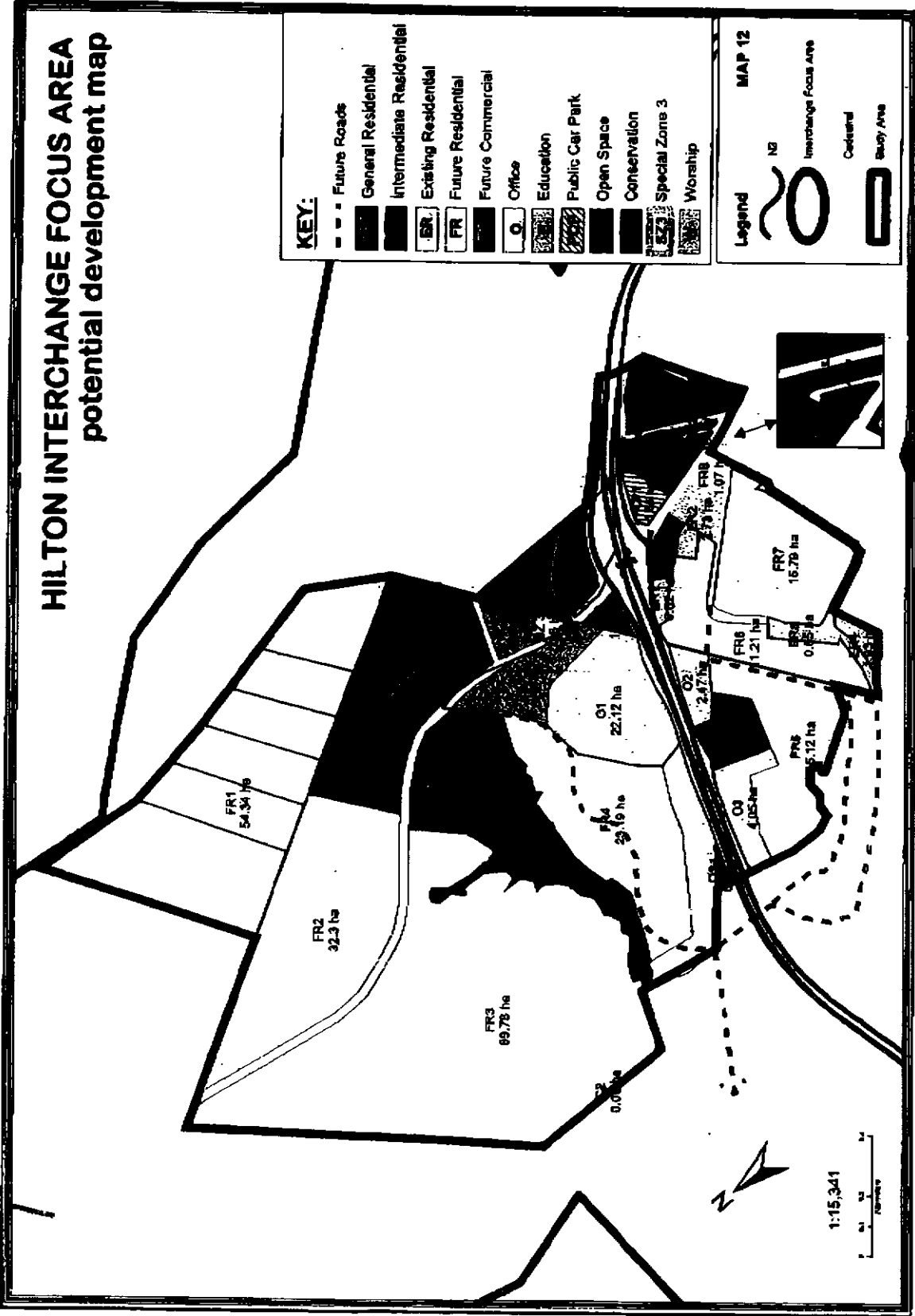
**GENERAL MANAGER: PLANNING & DEVELOPMENT SERVICES**

c:\planning\hilton2011\Hilton Mondi DAEARD comment  
SGS\slj



Annexure 8: Letter: uMngeni Municipality

**HILTON INTERCHANGE FOCUS AREA**  
potential development map



Appendix A.2: Amendment of Environmental Authorisation  
(DC22/Amend/0061/2018)



**edtea**

**Department :**  
Economic Development, Tourism and  
Environmental Affairs

**PROVINCE OF KWAZULU-NATAL**

Enquiries: Kim van Heerden  
Reference: DC22/AMEND/0061/2018  
Date: *9 March* 2018  
Physical Address: 8 Warwick Road, Cascades  
Tel: (033) 347 1820, Fax: (033) 347 1826  
Postal Address: Private Bag X07, Pietermaritzburg, 3202  
www.kznded.gov.za

**Directorate: Environmental Services: uMgungundlovu District**

Monzali Property Management Company (Pty) Ltd  
P. O. Box 456  
Hilton  
3245

**ATTENTION:** Mr. Andre Mark Voigts  
**Telephone Number:** (033) 343 4303 **Fax Number:** None provided **Email:** andre@voigts.co.za


**cc. ATTENTION:** Mr. Cornelis Petrus Brink  
Laurusco Developments (Pty) Ltd  
**Telephone Number:** (031) 5648301 **Fax Number:** (086) 5008374 **Email:** neels@laurusco.co.za

**cc. ATTENTION:** Mr. Guy Nicolson  
**Telephone Number:** (031) 7642515 **Fax Number:** (086) 6016084 **Email:** guyn@saol.co.za

Dear Sir/s

**RE: DC22/AMEND/0061/2018: AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION TO CHANGE THE AUTHORISATION HOLDER FROM LAURUSCO DEVELOPMENTS (PTY) LTD TO MONZALI PROPERTY MANAGEMENT COMPANY (PTY) LTD FOR AREAS "B" AND "C" OF THE HILTON MONDI DEVELOPMENT, IN THE UMGUNGENI LOCAL MUNICIPALITY, UMGUNGUNDLOVU DISTRICT MUNICIPALITY.**

1. The Environmental Authorisation for the abovementioned project (EIA ref: DC22/0061/08) dated 30 September 2011, and your application (DC22/AMEND/0061/2018) dated 14 February 2018 for an amendment to this Environmental Authorisation in terms of the provisions of sub-regulation 28 of the EIA Regulations, 2014 (as amended) has reference.
2. The KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs (EDTEA), has in terms of sub-regulation 30(2) of the EIA Regulations, 2014 (as amended) decided to grant the amendment to your Environmental Authorisation. This Department accordingly, in terms of sub-regulation 27(2)(a) of the EIA Regulations, 2014 (as amended), issues an amendment to the Environmental Authorisation by way of the Addendum as attached.
3. Reasons for this decision is as follows:

KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs	Cover Letter for Environmental Authorisation: DC22/AMEND/0061/2018	Page 1 of 3	 Initials
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- 3.1) The applicant motivated that the ownership and management (rights and obligations) of the Environmental Authorisation be transferred for Area "B" – Portion 368 (of 212) of the Farm Drie Fontein No. 952 and Area "C" – Portion 374 (of 212) of the Farm Drie Fontein No. 952 to the new owners viz. Monzali Property Management Company (Pty) Ltd who have purchased Areas "B" and "C".
  - 3.2) The notification of this change in ownership was communicated in writing to this Department on 14 February 2018.
  - 3.3) This Amendment relates to the name change and transfer of rights and obligations for Areas "B" and "C" of the Environmental Authorisation issued for DC22/0061/08 dated 30 September 2011 for the Hilton Mondi Development located in the uMngeni Local Municipality.
  - 3.4) No significant detrimental environmental impacts are expected, should the development adhere to conditions of the Environmental Authorisation issued for DC22/0061/08 dated 30 September 2011.
4. An appeal against the Department's decision may be lodged in terms of the National Appeal Regulations, 2014.
  5. Your attention is drawn to the following requirements of regulation 4(2) of the EIA Regulations, 2014:
    - 5.1 The applicant must in writing **within 14 days** of the date of this decision ensure that:
      - 5.1.1) All registered interested and affected parties are provided with access to this decision and the reasons for the decision; and,
      - 5.1.2) The attention of all registered interested and affected parties is drawn to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations 2014, if such appeal is available in the circumstances of the decision.

The KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs has authorised the above-mentioned project. The addendum to the Environmental Authorisation and reasons for the decision are attached herewith.

#### **ENQUIRIES**


##### **Please note that:**

- All queries regarding this Amendment to the Environmental Authorisation (including the Department's decision) must be directed to the official of this Department with contact details provided on the letterhead above.
- **Only** queries regarding appeals must be submitted to the Office of the MEC (details provided below).

#### **NOTIFICATION OF DECISION ON APPLICATION**

In accordance with regulation 4(2) of the EIA Regulations 2014, the applicant must in writing **within 14 days** of the date of this decision ensure that:

- a. All registered interested and affected parties are provided with access to this decision and the reasons for the decision; and

KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs	Cover Letter for Environmental Authorisation: DC22/AMEND/0061/2018	Page 2 of 3	 Initials
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- b. The attention of all registered interested and affected parties is drawn to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations 2014, if such appeal is available in the circumstances of the decision.

### **APPEALS**

In accordance with regulation 4(1) of the National Appeal Regulations, 2014 an appellant must submit an appeal to the appeal administrator and a copy of the appeal to the applicant, any registered interested and affected party and organ of state with interest in the matter **within 20 days** from the date of notification of this decision.

An appellant must comply with regulation 4(2) and submit the appeal in writing and in the form obtainable from the appeal administrator by post, fax, and e-mail or hand delivery to the following address:

**The Appeal Administrator,  
Office of the KwaZulu-Natal MEC for Economic Development, Tourism and Environmental Affairs**

<b>POSTAL/ FAX/ E-MAIL:</b>	<b>PHYSICAL:</b>
Private Bag X07 CASCADES 3202, Pietermaritzburg Tel: 033 328 8000 Mobile: 081 731 7361 E-Mail: haresh.inderall@kznedtea.gov.za (Haresh Inderall)	181 Hoosen Haffejee Street (formerly Berg Street), Pietermaritzburg 3201

Yours sincerely



for: **Head of Department:**

Department of Economic Development, Tourism and Environmental Affairs

**Signed by : Mrs. Kim van Heerden**

**Designation : uMgungundlovu District Manager**

KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs	Cover Letter for Environmental Authorisation: DC22/AMEND/0061/2018	Page 3 of 3	 Initials
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**edtea**

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

## **ADDENDUM TO ENVIRONMENTAL AUTHORISATION**

### **Amendment**

**Amendment to Environmental Authorisation in terms of Regulation 27(2)a**

**of the**

**Environmental Impact Assessment Regulations, 2014**

**Amendment of the Environmental Authorisation to change the Authorisation Holder from Laurusco Developments (Pty) Ltd to Monzali Property Management Company (Pty) Ltd for Areas "B" and "C" of the Hilton Mondi Development located in uMngeni Municipality.**

<b>Environmental Authorisation:</b>	DC22/0061/08
<b>Date of authorisation:</b>	30 September 2011
<b>First Amendment reference:</b>	DC22/AMEND/0061/2017A
<b>Date of First Amendment:</b>	22 September 2017
<b>Second Amendment reference:</b>	DC22/AMEND/0061/2017B
<b>Date of Second Amendment:</b>	22 September 2017
<b>Third Amendment reference:</b>	DC22/AMEND/0061/2018
<b>Date of Third Amendment:</b>	..... 9 March 2018 .....
<b>Authorisation Holder of Areas "B" and "C":</b>	Monzali Property Management Company (Pty) Ltd
<b>Location of activity:</b>	Portion 368 (of 212) of the Farm Drie Fontein No. 952 Portion 374 (of 212) of the Farm Drie Fontein No. 952 uMngeni Municipality uMgungundlovu District Municipality DC22

## Decision

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


**Amendment of the Environmental Authorisation to change the Authorisation Holder from Laurusco Developments (Pty) Ltd to Monzali Property Management Company (Pty) Ltd for Areas "B" and "C" of the Hilton Mondi Development located in the uMngeni Municipality.**

Authorised on 30 September 2011 (EIA reference: DC22/0061/08)

Details of the Authorisation Holder: Laurusco Developments (Pty) Ltd

Contact person: Mr. C.P. Brink  
Address: P.O. Box 201279  
Durban North  
4016

Telephone Number: (031) 564 8301  
Cellphone Number: (083) 255 4856  
Fax Number: (086) 500 8374  
Email Address: neels@laurusco.com

KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs	Addendum to Environmental Authorisation: DC22/AMEND/0061/2018	Page 2 of 7	 Initials
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## 1 Details of amendment

- 1.1 The applicant (Laurusco Developments (Pty) Ltd) has applied for an amendment to change the name of the Authorisation Holder for Areas "B" and "C" of the Environmental Authorisation originally issued by this Department (EIA reference: DC22/0061/08) on 30 September 2011.
- 1.2 The applicant motivated that the ownership and management (rights and obligations) of the Environmental Authorisation be transferred for Area "B" – Portions 368 and 374 (of 212) of the Farm Drie Fontein No. 952 and Area "C" – Portion 374 (of 212) of the Farm Drie Fontein No. 952 to the new owners viz. Monzali Property Management Company (Pty) Ltd who have purchased Areas "B" and "C".
- 1.3 The relevant **Site Layout Plan for the Hilton Mondi Development** and **Layout Plan – Areas B and C** are attached as Annexure 1 and Annexure 2 of this Addendum to the Environmental Authorisation respectively.

**The holder of the Environmental Authorisation for Areas "B" and "C" is hereby changed from Laurusco Developments (Pty) Ltd to Monzali Property Management Company (Pty) Ltd.**

Contact person: Mr. Andre Mark Voigts

Address: P. O. Box 456

Hilton


3245

Telephone Number: (033) 343 4303

Cellphone Number: (083) 703 2242

Fax Number: None provided

Email Address: andre@voigts.co.za

KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs	Addendum to Environmental Authorisation: DC22/AMEND/0061/2018	Page 3 of 7	 Initials
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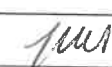
This Amendment to the Environmental Authorisation is subject to the conditions set out below:

## 2 Conditions of amendment

- 2.1 The holder of the authorisation is hereby changed from Laurusco Developments (Pty) Ltd to **Monzali Property Management Company (Pty) Ltd**.
- 2.2 The relevant **Site Layout Plan for the Hilton Mondi Development** and **Layout Plan – Areas B and C** are attached as **Annexure 1** and **Annexure 2** respectively of this Addendum to the Environmental Authorisation and must be adhered to.
- 2.3 This amendment to the Environmental Authorisation **does not** alter or amend any other conditions of authorisation as stipulated in terms of the Environmental Authorisation issued for this development (EIA Reference: DC22/0061/08), issued by this Department on 30 September 2011 and read in conjunction with the MEC's Appeal Decision dated 02 October 2012.
- 2.4 This amendment relates to name change and the transfer of rights and obligations for Areas "B" and "C" of the Environmental Authorisation issued for DC22/0061/08 dated 30 September 2011 for the Hilton Mondi Development located in the uMngeni Municipality.
- 2.5 The holder of the authorisation is responsible for ensuring compliance with the conditions contained in the Environmental Authorisation (DC22/0061/08) dated 30 September 2011 as they relate to Areas "B" and "C" and the specific conditions applicable to Areas "B" and "C". This includes ensuring compliance by any person acting on the holder's behalf, including but not limited to an agent, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.

## 3 Notification to interested and affected parties

- 3.1 The holder of this amendment must comply with regulation 4(2) of the EIA Regulations, 2014 and within **14 days** of the date of the decision on this amendment ensure that:
  - 3.1.1 All registered interested and affected parties are provided with access to the decision and the reasons for the decision; and

KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs	Addendum to Environmental Authorisation: DC22/AMEND/0061/2018	Page 4 of 7	 Initials
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- 3.1.2 The attention of all registered interested and affected parties is drawn to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014, if such appeal is available in the circumstances of the decision.

**Date of amendment of Environmental Authorisation:** 9 March 2018




**for: Head of Department**

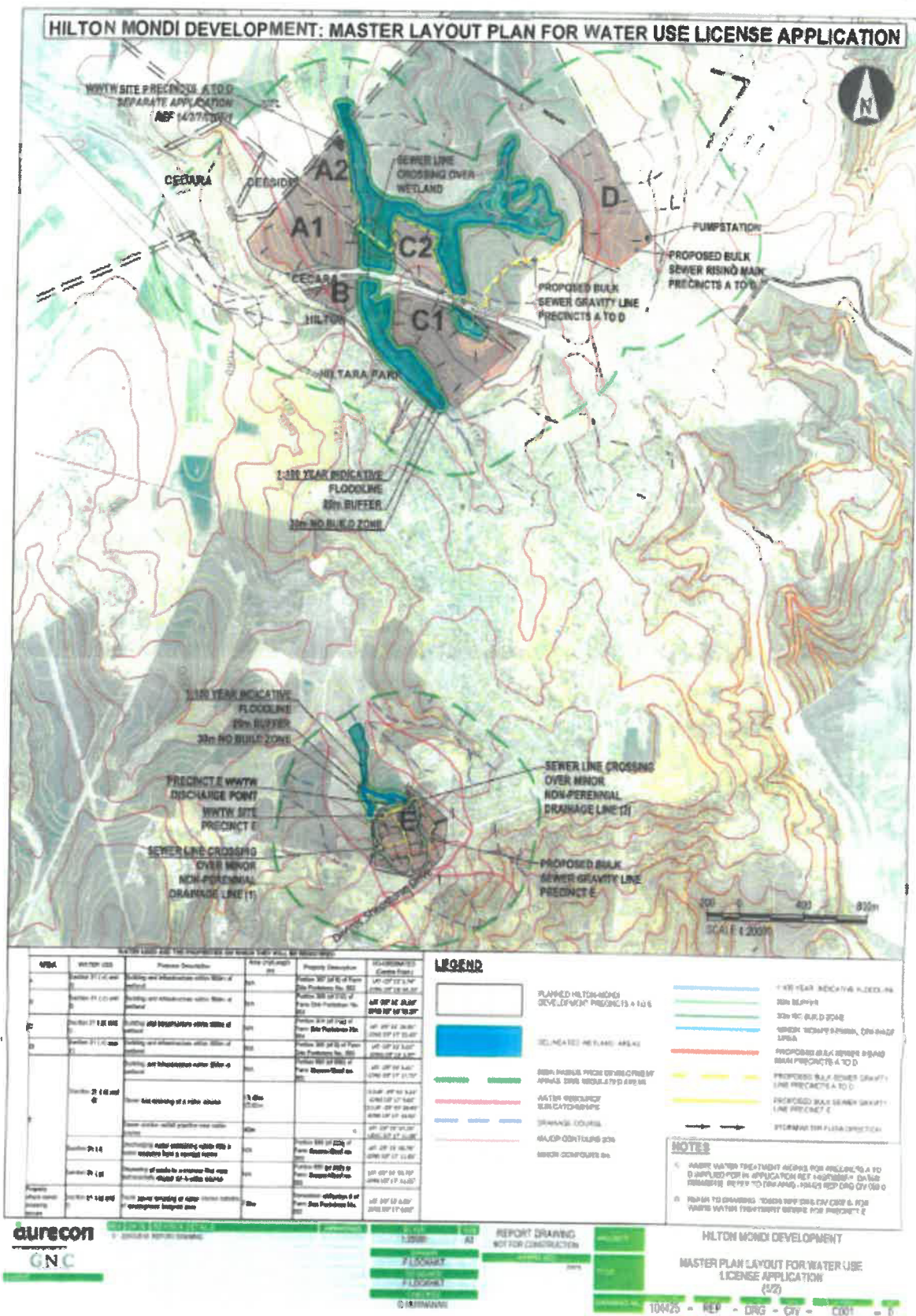
**KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs**

Signed by: Mrs. Kim van Heerden

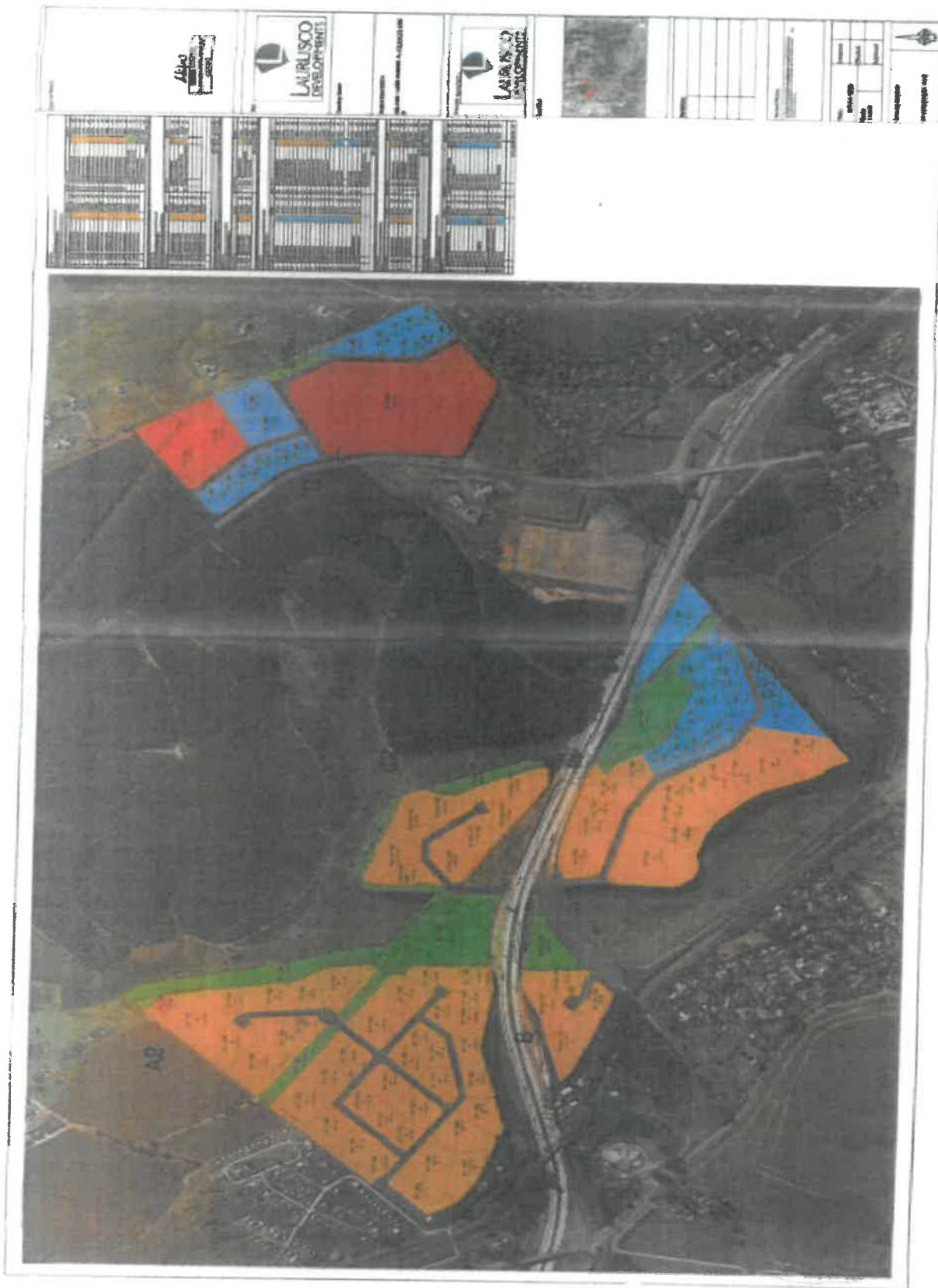
Designation: uMgungundlovu District Manager

KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs	Addendum to Environmental Authorisation: DC22/AMEND/0061/2018	Page 5 of 7	<u></u> Initials
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**Annexure 2: Site Layout Plan for the Hilton Mondri Development**



**Annexure 2: Layout Plan – Areas A to D**



Appendix A.3: Application for Amendment of Environmental  
Authorisation (DC22/0061/2008/AMEND/2018/2020)





## KWAZULU-NATAL PROVINCE

ECONOMIC DEVELOPMENT, TOURISM  
AND ENVIRONMENTAL AFFAIRS  
REPUBLIC OF SOUTH AFRICA

### DIRECTORATE: ENVIRONMENTAL SERVICES

Enquiries: Ms. Zama Mbanjwa  
Imibuzo :  
Navrae :

Telephone: 033 264 2500  
Ucingo :  
Telefoon :

Private Bag : X9152  
Isikhwama Seposi : Pietermaritzburg  
Privaat Sak : 3200

Reference: DC22/0061/2008/AMEND/2018/2020  
Inkomba : KZN/EIA/AMEND/0000274/2020  
Verwysing:

Fax:  
iFeksi:  
Faks:

Date : 10 November 2020  
Usuku :  
Datum :

## Email Transmission

JG Afrika (Pty) Ltd  
6 Pin Oak Avenue  
Hilton  
3245

Attention: Ms Riona Patak  
Email: [patalr@jgafrika.com](mailto:patalr@jgafrika.com)

Dear Sir /Madam

**DC22/0061/2008/AMEND/2018/2020 – AN ACKNOWLEDGEMENT OF AMENDMENT APPLICATION FOR THE PROPOSAL TO AMEND THE AUTHORISATION FOR THE PROPOSED HILTON – MONDI DEVELOPMENT.**

Your application for an amendment of the environmental authorization for the abovementioned project in terms of the provisions of sub-regulation 30(1) of the EIA Regulations, 2014, as received by this Department on 9 November 2020 is hereby acknowledged.

1. Receipt of payment of the fee for the consideration and processing of this application in terms of Government Notice No. 141 dated 28 February 2014, is also acknowledged.
2. This Department will review your application in accordance with the requirements of Chapter 4 of the EIA Regulation, 2014.
3. Enquiries regarding this application may be directed to the Impact Assessment Manager: **Mr Shawn Janneker: Tel No: 033 347 1820: uMgungundlovu District Office.**

Yours faithfully

for. Head of Department:

Department of Economic Development, Tourism & Environmental Affairs

Cc: [andre@voigts.co.za](mailto:andre@voigts.co.za)

APPLICATION FOR AN AMENDMENT OF AN ENVIRONMENTAL AUTHORISATION



**edtea**

**Department :**  
Economic Development, Tourism and  
Environmental Affairs

**PROVINCE OF KWAZULU-NATAL**

Original Environmental Authorisation Provincial Reference  
Number:

Provincial Amendment Reference Number:

NEAS Amendment Reference Number:

Date Received by the Department:

Date Received by the District:

Application fee paid on:

(For official use only)

**APPLICATION FOR AN AMENDMENT OF AN ENVIRONMENTAL AUTHORIZATION**

Submitted in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998)(NEMA) and regulation 6 (1) and 16 (1) of the Environmental Impact Assessment (EIA) Regulations, 2014.

**DETAILS OF PROJECT**

**PROJECT DESCRIPTION:**

RE: PROPOSED AMENDMENT TO DC22/0061/08 & DC22/AMEND/0061/2018 TO CHANGE THE AUTHORISATION HOLDER FOR AREA B FROM MONZALI PROPERTY MANAGEMENT COMPANY TO EDINVEST SCHOOLS OPERATIONS (PTY) LTD, INCLUDING AMENDMENT TO THE AUTHORISED LAND USE ON AREA B OF THE HILTON MONDI DEVELOPMENT, UMNGENI LOCAL MUNICIPALITY.

**DATE OF AUTHORIZATION:**

30 September 2011(DC22/0061/08) & 14 February 2018 (DC22/AMEND/0061/2018)

**DISTRICT MUNICIPALITY**

uMgungundlovu District Municipality

## APPLICATION FOR AN AMENDMENT OF AN ENVIRONMENTAL AUTHORISATION

### PLEASE NOTE:

1. It is the responsibility of the applicant to confirm that the Department is the competent authority to which this application must be submitted (refer to NEMA section 24C).
2. An amendment includes:
  - a) adding, substituting, removing or changing a condition or requirement of an Environmental Authorisation, and / or
  - b) updating or changing any details or correcting a technical error.
3. This form is current as of **October 2019**. It is the responsibility of the Applicant / Environmental Assessment Practitioner ("EAP") to ascertain whether subsequent versions of the form have been released by the Department.
4. The application must be typed within the spaces provided in the form. The size of the space provided is not necessarily indicative of the amount of information required. A legible font type and size must be used when completing this form. The font size should not be smaller than 10pt.
5. Where required, place a tick (✓) in the box you select.
6. Incomplete applications or applications that do not meet the requirements in terms of Regulation 16 of the 2014 NEMA EIA Regulations will not be accepted.
7. The use of the phrase "not applicable" in the form must be done with circumspection. Should it be done in respect of material information required by the competent authority for assessing the application, it may result in the rejection of the application as provided for in the Regulations.
8. An application for Environmental Authorisation/Amendment lapses if the applicant fails to meet any of the timeframes prescribed in terms of the EIA Regulations, 2014, as amended.

### PRE-APPLICATION MEETING

9. This Department requires that a pre-application meeting be held at the discretion of the relevant district office. Kindly liaise with the relevant district office to determine if a pre-application meeting is required for this application, before it is submitted. The Head Office Registry may be contacted on 033 - 264 2898 / 2572 for details of the relevant district office for this application.
  - Provide details of the Pre-Application Meeting below (if applicable):

Date of Pre-Application Meeting	Time and Venue of Pre-Application Meeting
5 October 2020	10H00 – EDTEA Offices Cascades (8 Warwick Road, Pietermaritzburg)

- If a Pre-application meeting was held, the minutes of the Pre-Application Meeting **MUST BE ATTACHED** to this application (refer to the List of Appendices).

## APPLICATION FOR AN AMENDMENT OF AN ENVIRONMENTAL AUTHORISATION

### **VALIDITY OF THE ENVIRONMENTAL AUTHORIZATION**

10. In terms of regulation 28(1) of the EIA Regulations, 2014, an environmental authorization **MUST BE VALID** on the date of receipt by the relevant competent authority of an application for the amendment of the environmental authorization. If an environmental authorization is not valid, an application for the amendment of such an environmental authorization **WILL NOT BE ACCEPTED** by the Department.

### **FEE APPLICABLE FOR APPLICATIONS FOR AMENDMENTS OF ENVIRONMENTAL AUTHORIZATIONS**

11. The following fee for the consideration and processing of applications for an amendment of an environmental authorization will be applicable from **01 April 2014** (refer to the Annexure in Government Notice No.141 dated 28 February 2014):

<b>Application</b>	<b>Fee</b>
<b>Amendment</b> of an environmental authorization on application by the holder of an environmental authorization.	R2 000.00

12. Where an applicant is required to pay fees for an application for an amendment of environmental authorization as contemplated in section 2, this must be made by means of a bank deposit or electronic fund transfer into the bank account of this Department (refer to section 4).

13. **Payment reference number for an application to amend an environmental authorization and banking details** for the Department:

Reference number ( <b>only reference number to be used for an application to amend an environmental authorization</b> ):	<b>04003903</b>
Account name:	<b>KwaZulu-Natal Provincial Government -Economics</b>
Bank name:	<b>ABSA</b>
Branch code:	<b>630495</b>
Account number:	<b>4072482787</b>

14. Proof of payment of fees (if applicable) for an application for amendment to an environmental authorization must be attached as an **Appendix** to this application form and submitted with it. Proof of payment is either a stamped deposit slip or an electronic fund transfer payment advice.

### **INSTANCES WHERE FEES FOR APPLICATIONS FOR AMENDMENTS OF ENVIRONMENTAL AUTHORIZATIONS ARE NOT APPLICABLE**

15. Where an application is for a community based project funded by a government grant or the application is made by an organ of state, the fees for considering and processing applications for an amendment of an environmental authorization do not apply (refer to regulation 2 in Government Notice No.141 dated 28 February 2014).
16. Where an applicant is not required to pay a fee as contemplated in section 2 of this form, a **written motivation** (with proof of funding if a government grant is applicable) must be attached as an **Appendix** to this application form and submitted with it.

### **INSTANCES WHERE FEES PAID FOR APPLICATIONS FOR AMENDMENTS OF ENVIRONMENTAL AUTHORIZATIONS WILL NOT BE REFUNDED**

17. If you have any queries regarding the EIA process or the fee applicable for applications for amendments of environmental authorizations please contact the relevant District Office of this Department. These contact details are obtainable from the Head Office (see below).

APPLICATION FOR AN AMENDMENT OF AN ENVIRONMENTAL AUTHORISATION

**SUBMISSION ADDRESS AND CONTACT DETAILS**

18. The original applications with original signatures must be hand delivered or posted to the Head Office Registry of this Department at the address provided below:

**Postal address:**

**Head Office**  
**KwaZulu-Natal Department of Economic Development, Tourism & Environmental Affairs**  
**Private Bag X9152**  
**PIETERMARITZBURG**  
**3200**

**Physical address:**

**270 Jabu Ndlovu Street**  
**PIETERMARITZBURG**  
**3201**

**Contact Person:** Ms Zama Mbanjwa  
**Telephone No:** 033 - 264 2898  
**Cellular No.:** 081 - 271 9541  
**Email:** Zama.Mbanjwa@kznedtea.gov.za

19. All documentation delivered to Head Office must be delivered during the official Departmental Office Hours visible on the Departmental premises.
20. All EIA related documents (includes application forms, reports or any EIA related submissions) that are faxed; emailed; delivered to Security or placed in the Departmental Tender Box or Job Application Box will NOT be accepted, only hardcopy submissions are accepted.
21. Should a specialist report or report on a specialised process be submitted at any stage for any part of this application, the declaration of interest of the specialist must also be submitted.
22. Unless protected by law, all information filled in on this application will become public information on receipt by this Department. Any interested and affected party must be provided with the information contained in this application on request, during any stage of the application process.
23. Please note an exemption application (if applicable) must be finalized before lodging an application for environmental authorization with the Department.

**LIST OF APPENDICES**

		SUBMITTED (tick ✓)	
<b>Error! Reference source not found.</b>	Copy of the pre-application meeting minutes (if applicable)	YES	
<b>Error! Reference source not found.</b>	Copies of the Environmental Authorisation and all subsequent Amendments thereto.	YES	
<b>Error! Reference</b>	Proof of Payment / Motivation for exclusion	YES	

APPLICATION FOR AN AMENDMENT OF AN ENVIRONMENTAL AUTHORISATION

source found.	not			
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**1. TYPE OF AMENDMENT IS BEING APPLIED FOR**

PLEASE INDICATE THE TYPE OF AMENDMENT BEING APPLIED FOR IN TERMS OF PART 2 OF CHAPTER 5 OF THE EIA REGULATIONS 2014

PLEASE NOTE: If an amendment where a change in scope is applied for occurs (Part 2 of Chapter 5 of the EIA Regulations, 2014) the holder must comply with the requirements of regulation 32 of the EIA Regulations, 2014.

(Refer to Chapter 5 of the EIA Regulations, 2014)

	Tick (✓) the relevant option
Part 1: An amendment where no change in scope or where a change in ownership will occur (regulation 29)	
Part 2: An amendment where a change in scope occurs (regulation 31)	✓

**2. GENERAL INFORMATION**

Name of the Applicant:	Monzali Property Management Company (Pty) Ltd
Name of contact person for applicant (if other):	Mr Andre Mark Voigts (Director)
Physical address:	Mount Verde Estate, Weir Drive, Hilton
Postal address:	PO Box 1300, Hilton

APPLICATION FOR AN AMENDMENT OF AN ENVIRONMENTAL AUTHORISATION

Postal code:

3245

Telephone:

033 343 4303

E-mail:

[andre@voigts.co.za](mailto:andre@voigts.co.za)

Cellular:

083 703 2242

Copies of the Environmental Authorisation and subsequent Amendments thereto, if applicable must be attached to this application as an **Appendix**.

## APPLICATION FOR AMENDMENT OF ENVIRONMENTAL AUTHORIZATION

Local Municipality:	uMngeni Local Municipality		
Name of contact person:	Marc Hattingh		
Postal address:	PO Box 5 Howick		
Postal code:	3290	Cell:	082 457 2389
Telephone:	033 239 9261		
E-mail:	marc.hattingh@umngeni.gov.za	Fax:	033 330 2965

In instances where there is more than one Local Authority involved, please attach a list of those Local Authorities with their contact details.

### 3. DETAILS OF AMENDMENT OF ENVIRONMENTAL AUTHORIZATION APPLIED FOR

Describe the amendments that are being applied for below:

There are three components to the amendment to the Environmental Authorisation, these being as follows:

- Amendment to the name of the Authorisation Holder from Monzali Property Management Company (Pty) Ltd to Edinvest Schools Operations (Pty) Ltd for Area B only.
- Amendment of the Environmental Authorisation to change the land use of Area B only, currently Business Park and Office Use, to a School use.
- Amendment of the Environmental Authorisation to permit the temporary use of a conservancy tank for effluent management on the site until such time as the uMngeni Water Hilton Waste Water Treatment Works is constructed and operational.

### 4. REASONS / MOTIVATION FOR THIS APPLICATION FOR AMENDMENT

The reasons for the proposed amendment are as follows:

- The land parcel known as Area B of the Hilton-Mondi development (DC22/0061/08) has been sold by the current Authorisation Holder (Monzali Property Management Company (Pty) Ltd) to Edinvest Schools Operations (Pty) Ltd. As such the Environmental Authorisation and associated responsibilities need to be transferred from the seller to the purchaser.
- The purchaser intends on establishing a middle income private school on the site know as Area B of the Hilton-Mondi development (DC22/0061/08). The project description contained with the Environmental Authorisation specifies the land use on area B as Business Park and Office Use and as such requires a Part 2 amendment application to be undertaken.
- The uMngeni Water Hilton Waste Water Treatment Works is in the process of Construction award, however the operational phase of the Treatment Works may not be completed by the time the school wishes to become operational (July 2021). As such, and as a precautionary measure to ensure that the school can operate should the treatment works not be completed



Application for amendment of Environmental Authorization

by July 2021, an amendment to the Environmental Authorisation is required to permit the use of a temporary conservancy tank on the site until such time as the Treatment Works is fully operational. Waste from the conservancy tank would be pumped by tanker and transported to the Msunduzi Darville Waste Water treatment Works in Pietermaritzburg at the cost of the Authorisation Holder (Edinvest Schools Operations (Pty) Ltd).

**5. DETAILS OF IMPLEMENTATION OF PREVIOUS ENVIRONMENTAL AUTHORISATION**

	Tick (✓) the relevant option
Was the activity commenced with during the validity period of the environmental authorisation? If yes, please describe the implementation of the previous environmental authorisation to date:	YES ✓
Implementation of the activity to date includes the establishment of an earth platform on Area B of the site. Independent ECO Auditing of the site has and is being undertaken and ECO Audit reports have been submitted to the EDTEA: Compliance Management and Enforcement Unit as per the requirements of the Environmental Authorisation for the site.	

**6. ENVIRONMENTAL IMPACTS**

Describe any negative environmental impacts that may occur if the application for amendment is granted, amongst others information on any increases in air emissions, waste generation, discharges to water and impacts of the natural or cultural environment must be included.

No significant impacts are envisaged as a result of the proposed amendments however the following aspects will need to be assessed to verify this:

- Traffic impacts related to the proposed change in land use from Business Park and Office Use to a School use will need to be assessed by a suitably qualified Traffic Engineer to determine any potential negative impacts.
- Water quality impacts on the adjacent wetland as a result of the temporary use of a conservancy tank on the site will need to be assessed by a suitably qualified Wetland Specialist to determine any potential negative impacts. Preliminary feedback from a Wetland Specialist has indicated that, depending on the locality of the proposed temporary Conservancy Tank and mitigation measures implemented, the risk to the adjacent wetland is likely to be extremely low.
- Public perception and concern related to the change in land use will need to be established through the public consultation process.

Describe any negative environmental impacts that may occur if the application for amendment is not granted.

Department of Economic Development, Tourism & Environmental Affairs, KwaZulu-Natal	Application for Amendment of Environmental Authorization	October 2019 V1
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Should the amendment application not be granted then there will be a loss in income for the seller, and purchaser (anticipated school fees revenue income for the purchaser). Furthermore, the need for affordable middle-income private schooling in the greater Hilton area will not be met. Additionally the proposed construction phase of the school will provide almost immediate construction and subsequent operational phase employment opportunities as Edinvest Schools Properties (Pty) Ltd would ideally want to commence with construction activities in March 2021, and operate the School in July 2021. Expenditure for the construction phase is estimated at R39 Million.

Describe any positive environmental impacts that may occur if the application for amendment is granted, amongst others information on any reduction in the ecological footprint, air emissions, waste generation and discharges to water must be included.

The development of the site will continue timeously allowing for increased rates for the local municipality and much needed local expenditure within the uMngeni Municipality which directly relates to job opportunities in the district. The need for affordable middle-income private schooling in the greater Hilton area will be met, and the provision of schooling facilities will also be in support of a number of the residential developments which have been recently approved in the Hilton and surrounding areas.

## 7. AUTHORISATION FROM OTHER GOVERNMENT DEPARTMENTS

Are any permission, licenses or other authorisations required from any other departments before the requested amendments can be effected?	YES
---	-----

If yes, please complete the table below:

Name of department and contact person	Authorisation required	Authorisation applied for (Yes/ No)
Department of Water and Sanitation – Ms Antonia Steenkamp	A Water Use Licence Application will need to be applied for to permit the use of a Conservancy Tank on the site	A pre-application submission has been made to the DWS

## 8. RIGHTS OR INTERESTS OF OTHER PARTIES

	Tick (✓) the relevant option
In your opinion, will this proposed amendment adversely affect the rights and interests of other parties?	NO ✓

Department of Economic Development, Tourism & Environmental Affairs, KwaZulu-Natal	Application for Amendment of Environmental Authorization	October 2019 V1
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Application for amendment of Environmental Authorization

Please provide a detailed motivation of your opinion.

It is thought that the proposed change in land use will be more acceptable to surrounding communities than the currently approved Business Park and Office land use. Furthermore, the middle income school will be of direct benefit to the residential communities of Hilton who have school going children and will promote almost immediate investment in the district through job creation and private investment in the local economy.

**9. ATTACHMENTS TO THIS APPLICATION**

The following supporting documents for this application MUST BE ATTACHED:

Appendix 1: Minutes of Pre-Application Meeting (if applicable)
Appendix 2: Copy/ies of the Environmental Authorisation and all subsequent Amendments thereto.
Appendix 3: Proof of Payment / Motivation for exclusion

**NOTE:** The Department is entitled to request further information if it believes it is necessary for the consideration of the application. If the application is for a Part 2 amendment in terms of regulation 31, or if the rights or interests of other parties are likely to be adversely affected, the Department will instruct the applicant to conduct a public participation process and to conduct any investigations and assessments that it deems necessary.

**10. DETAILS OF ENVIRONMENTAL ASSESSMENT PRACTITIONER**  
*(if applicable)*

JG Afrika (Pty) Ltd - Ms Riona Patak

Full names of Environmental Assessment Practitioner

6 Pin Oak Avenue, Hilton, 3245

Address

033 343 6700

Telephone number

033 343 6788

Fax number

083 459 2009

Cellular number

[patakr@jgafrika.com](mailto:patakr@jgafrika.com)

E-mail



Signature of Environmental Assessment Practitioner

09 / 11 / 20 .

Date

**11. DETAILS OF APPLICANT**

Monzali Property Management Company (Pty) Ltd

Company / Organisation name (if applicable)

Andre Mark Voigts (Director)

Full names of Applicant

PO Box 1300, Hilton

Address

033 343 4303

Telephone number

083 703 2242

Cellular number

andre@voigts.co.za

E-mail



Signature of applicant (or the representative of the applicant)

5/11/2020

Date

## Riona Patak

---

**From:** Kraigen Govindasamy <Kraigen.Govindasamy@kznedtea.gov.za>  
**Sent:** 06 November 2020 15:37  
**To:** Riona Patak  
**Cc:** Shawn Janneker; Sphelele Makhwasa  
**Subject:** RE: Kings School Amendment Application of DC22/0061/08 & DC22/AMEND/0061/2018 - Pre Application Meeting Minutes  
**Attachments:** Kings School Amendment Application of DC22/0061/08 & DC22/AMEND/0061/2018 - Pre Application Meeting Minutes; FW: Hilton Mondi - IAP List

Good afternoon Riona

This Department finds the pre-application minutes for the proposed amendment (which were received on the 29<sup>th</sup> of October 2020 and are attached for ease of reference) to be acceptable.

With respect to the notification of IAPs for the proposed amendment, it is noted per your correspondence received via email today (as attached) that the list of IAPs for the original EA was obtained and that you would facilitate notification of the amendment application to them where feasible as well as the IAPs identified and referenced in the pre-application meeting minutes.

Regarding Point 2 of your correspondence below pertaining to the revision of the EMPr, this Department advises that a site specific EMPr must be compiled and included in the amendment assessment report for public review and input. The compilation of the EMPr must incorporate recommendations presented by key stakeholders and included in any specialist studies undertaken for the EIA application.

Kindly acknowledge receipt of this correspondence for our records.

Regards,  
Kraigen Govindasamy  
Environmental Officer: Production Grade C: Impact Management  
Department of Economic Development, Tourism and Environmental Affairs,  
uMgungundlovu District Office

Postal address: Private Bag X07, Cascades, Pietermaritzburg, 3202  
Physical Address: 8 Warwick Road  
Tel: (033) 347 1820  
Fax: (033) 347 1826  
Email: [Kraigen.govindasamy@kznedtea.gov.za](mailto:Kraigen.govindasamy@kznedtea.gov.za)

**From:** Riona Patak [mailto:PatakR@jgafrika.com]  
**Sent:** 05 November 2020 03:49 PM  
**To:** Kraigen Govindasamy  
**Cc:** Shawn Janneker; Sphelele Makhwasa  
**Subject:** RE: Kings School Amendment Application of DC22/0061/08 & DC22/AMEND/0061/2018 - Pre Application Meeting Minutes  
**Importance:** High

Hi Kraigen

With regards to the pre-application meeting minutes and your follow up requirements, I have reviewed listing notice 3 as discussed. As the conservancy tank is within the existing approved development area, this will not trigger the clearance of vegetation. In terms of all the other activities, the development of infrastructure etc would need to be

within 32m of a watercourse / wetland which it is not. I therefore cannot identify any activities which would trigger. Please let me know if you agree with this finding.

I would also like to confirm the following as per our discussions:

1. I have tried the authorisation holder, previous consultants and even the town planner in an attempt to obtain the original IAP list for distribution. It is understood that you will try to locate it on behalf of EDTEA. Should we not be able to obtain this by midday Tuesday, a "new" Public Participation Process will commence i.e. the following stakeholders/IAPs will be notified (in addition to the hand notices, posters and advertisement in the Witness):
  - Department of Economic Development, Tourism & Environmental Affairs
  - Ezemvelo KZN Wildlife
  - Amafa
  - Department of Human Settlements, Water & Sanitation
  - Department of Agriculture & Rural Development
  - Department of Cooperative Governance and Traditional Affairs
  - Department of Transport
  - Umgungundlovu District Municipality
  - uMgeni Local Municipality
  - Ward Councillor
  - SANRAL
  - Eskom
  - Adjacent neighbours / households present
  - Hilton Ratepayers Association
  - SANRAL
  - Department of Education
  - Department of Agriculture, Forestry and Fisheries
  - Transnet
  - WESSA
  - DUCT

Please let me know if there is anyone/any Department you would like me to add onto this list which has been compiled in line with page 13 of the EA. Please advise as to if this is suitable. As discussed, the report needs to be printed on Tuesday afternoon for distribution on Wednesday in order to meet the agreed timeframes.

2. As we are unable to obtain and update the approved EMPr to specify the details of this development in the required timeframes. Please confirm if a site specific EMPr is required to be compiled or if any requirements can form part of the conditions of authorisation (in the Amendment Report).

Once you approve the minutes, I will submit the application to obtain the relevant reference number.

Thanks and regards

**Riona Patak**  
Environmental Scientist



Tel: +27 33 343 6700 | Fax: +27 33 343 6701  
Email: [PatakR@jgafrika.com](mailto:PatakR@jgafrika.com) | Web: <http://www.jgafrika.com>  
6 Pin Oak Avenue, Hilton, Pietermaritzburg, 3201, KwaZulu-Natal, South Africa  
P.O. Box 794, Hilton, 3245, South Africa

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**From:** Ian Felton <[Ian.Felton@kznedtea.gov.za](mailto:Ian.Felton@kznedtea.gov.za)>  
**Sent:** 30 October 2020 8:38 AM  
**To:** John Richardson <[RichardsonJ@jgafrika.com](mailto:RichardsonJ@jgafrika.com)>  
**Cc:** Shawn Janneker <[Shawn.Janneker@kznedtea.gov.za](mailto:Shawn.Janneker@kznedtea.gov.za)>; Liz Dralle <[DralleL@jgafrika.com](mailto:DralleL@jgafrika.com)>; Riona Patak <[PatakR@jgafrika.com](mailto:PatakR@jgafrika.com)>; Andre Voigts <[andre@voigts.co.za](mailto:andre@voigts.co.za)>; Zandr - Lee van Zyl <[property@voigts.co.za](mailto:property@voigts.co.za)>; Sphelele Makhwasa <[Sphelele.Makhwasa@kznedtea.gov.za](mailto:Sphelele.Makhwasa@kznedtea.gov.za)>; Kraigen Govindasamy <[Kraigen.Govindasamy@kznedtea.gov.za](mailto:Kraigen.Govindasamy@kznedtea.gov.za)>  
**Subject:** RE: Kings School Amendment Application of DC22/0061/08 & DC22/AMEND/0061/2018 - Pre Application Meeting Minutes

Dear John

Please find attached the map outputs for the uMgungundlovu EMF. Please read these maps together with Volume II: Environmental sensitivity zones and guidelines - uMgungundlovu EMF.

Regards  
Ian

---

Ian Felton  
Control Environmental Officer: Environmental Planning  
Environmental Management Inspector (Grade 2)

Department Economic Development, Tourism & Environmental Affairs  
uMgungundlovu District  
Tel. No. : 033 347 1820  
Fax. No. : 033 347 1826  
Cell: 082 461 9101

---

**From:** John Richardson [<mailto:RichardsonJ@jgafrika.com>]  
**Sent:** 29 October 2020 01:31 PM  
**To:** Ian Felton  
**Cc:** Shawn Janneker; Liz Dralle; Riona Patak; Andre Voigts; Zandr - Lee van Zyl; Sphelele Makhwasa; Kraigen Govindasamy  
**Subject:** RE: Kings School Amendment Application of DC22/0061/08 & DC22/AMEND/0061/2018 - Pre Application Meeting Minutes

Hi Ian,

Sorry I sent the attached before opening Kraigen's email below. Please see attached as required by Kraigen in the below email.

Regards

**John Richardson**



Associate  
Senior Environmental Consultant

---



Tel: +27 33 343 6700 | Fax: +27 33 343 6701  
Email: [RichardsonJ@jgafrika.com](mailto:RichardsonJ@jgafrika.com) | Web: <http://www.jgafrika.com>  
6 Pin Oak Avenue, Hilton, Pietermaritzburg, 3201, KwaZulu-Natal, South Africa  
P.O. Box 794, Hilton, 3245, South Africa

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**From:** Kraigen Govindasamy <[Kraigen.Govindasamy@kznedtea.gov.za](mailto:Kraigen.Govindasamy@kznedtea.gov.za)>  
**Sent:** 29 October 2020 13:13  
**To:** John Richardson <[RichardsonJ@jgafrika.com](mailto:RichardsonJ@jgafrika.com)>  
**Cc:** Shawn Janneker <[Shawn.Janneker@kznedtea.gov.za](mailto:Shawn.Janneker@kznedtea.gov.za)>; Liz Dralle <[DralleL@jgafrika.com](mailto:DralleL@jgafrika.com)>; Riona Patak <[PatakR@jgafrika.com](mailto:PatakR@jgafrika.com)>; Andre Voigts <[andre@voigts.co.za](mailto:andre@voigts.co.za)>; Zandr - Lee van Zyl <[property@voigts.co.za](mailto:property@voigts.co.za)>; Sphelele Makhwasa <[Sphelele.Makhwasa@kznedtea.gov.za](mailto:Sphelele.Makhwasa@kznedtea.gov.za)>; Ian Felton <[Ian.Felton@kznedtea.gov.za](mailto:Ian.Felton@kznedtea.gov.za)>  
**Subject:** RE: Kings School Amendment Application of DC22/0061/08 & DC22/AMEND/0061/2018 - Pre Application Meeting Minutes

Good day John

Kindly email me the SHP/ KML for the site as well as the co-ordinates for the conservancy tank as discussed; and copy Ian Felton in your correspondence to facilitate the EMF outputs.

Thanks,

Regards,  
Kraigen Govindasamy

**From:** John Richardson [<mailto:RichardsonJ@jgafrika.com>]  
**Sent:** 29 October 2020 10:02 AM  
**To:** Kraigen Govindasamy; Sphelele Makhwasa  
**Cc:** Shawn Janneker; Liz Dralle; Riona Patak; Andre Voigts; Zandr - Lee van Zyl  
**Subject:** Kings School Amendment Application of DC22/0061/08 & DC22/AMEND/0061/2018 - Pre Application Meeting Minutes  
**Importance:** High

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Morning Kraigen and Sphelele,

**RE: PRE-APPLICATION MEETING MINUTES FOR THE PROPOSED AMENDMENT TO DC22/0061/08 & DC22/AMEND/0061/2018 TO CHANGE THE AUTHORISATION HOLDER FOR AREA B FROM MONZALI PROPERTY MANAGEMENT COMPANY TO EDINVEST SCHOOLS PROPERTIES (PTY) LTD, INCLUDING AMENDMENT TO THE AUTHORISED LAND USE ON AREA B OF THE HILTON MONDI DEVELOPMENT, UMNGENI LOCAL MUNICIPALITY.**

Please find attached the draft pre application meeting minutes for the abovementioned amendment application which was held on the 5<sup>th</sup> October 2020. Please could you review and if satisfied as a true reflection of the meeting PDF, sign and send back to Ms Riona Patak who is copied into this correspondence as she will be taking over the project from myself as of 1 November 2020. Please note that I also have the audio recording of the meeting should you require this, however it is too large to email so if you would like a copy you are welcome to collect this from our offices.

Please also remember to send through the EMF outputs for the site when you get a chance as discussed at the meeting.

Many thanks.

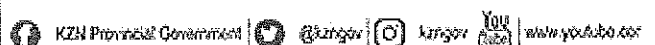
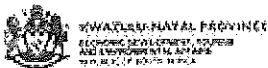
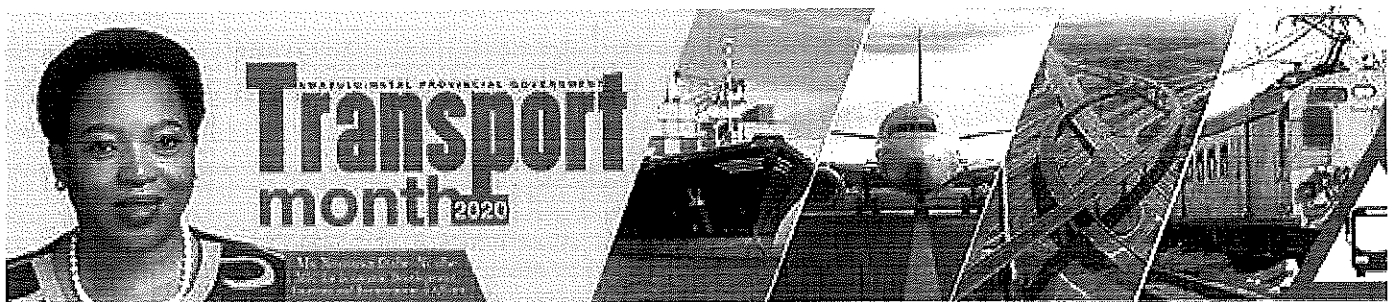
Regards

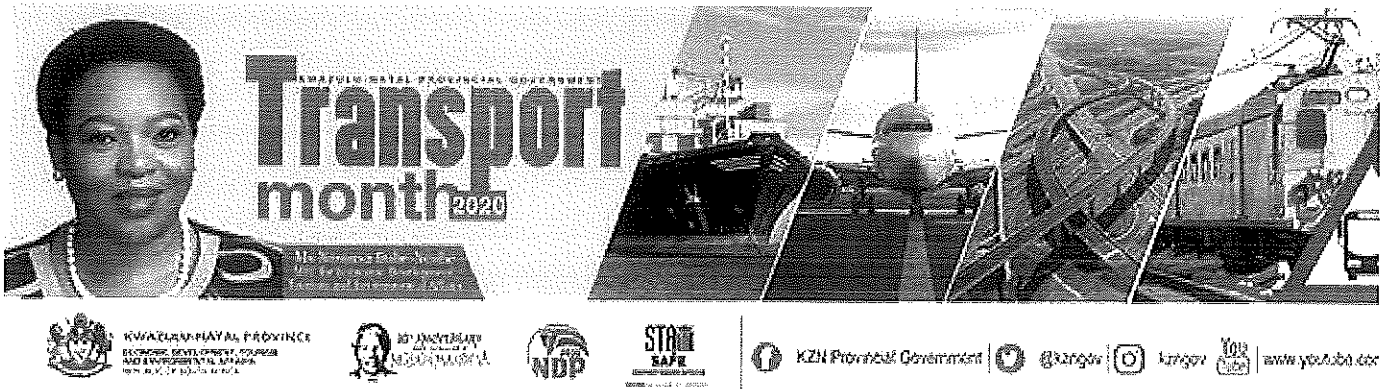
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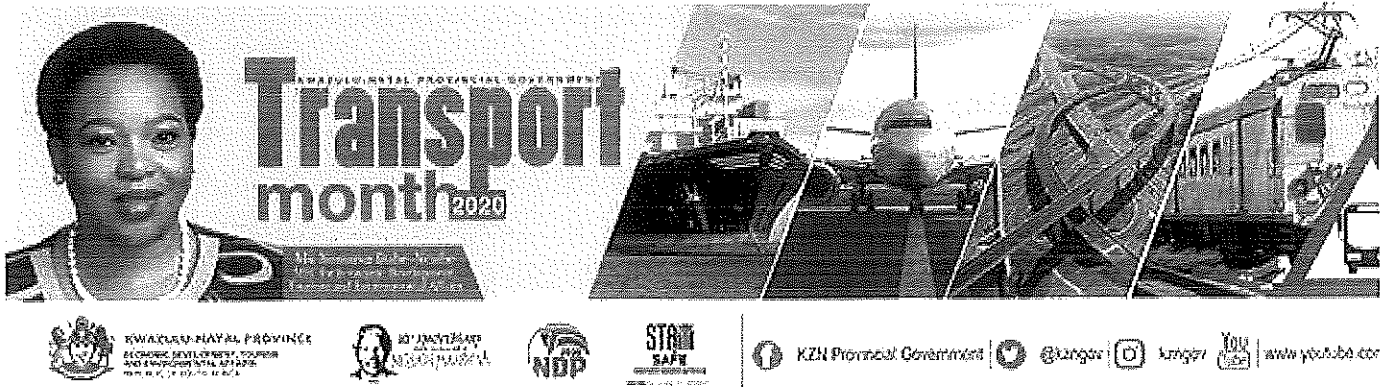
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Your Ref.: DC22/0061/08 & DC22/Amend/0061/2018

Our Ref.: 5344 (9) – Kings School

28 October 2020

Department of Economic Development, Tourism and Environmental Affairs  
8 Warwick Road  
Pietermaritzburg  
3201

**ATTENTION: MR K GOVINDASAMY & MR S MAKHWASA**

cc. Mr S Janneker

Dear Sir

**RE: PRE-APPLICATION MEETING MINUTES FOR THE PROPOSED AMENDMENT TO DC22/0061/08 & DC22/AMEND/0061/2018 TO CHANGE THE AUTHORISATION HOLDER FOR AREA B FROM MONZALI PROPERTY MANAGEMENT COMPANY TO EDINVEST SCHOOLS PROPERTIES (PTY) LTD, INCLUDING AMENDMENT TO THE AUTHORISED LAND USE ON AREA B OF THE HILTON MONDI DEVELOPMENT, UMGENI LOCAL MUNICIPALITY.**

Please find the minutes of the Pre-Application meeting for the abovementioned project below.

Date of meeting: 05 October 2020

Venue: EDTEA Offices

Minutes recorded by: Mr John Richardson

Information provided prior to the meeting:

- Draft Amendment Application Forms
- draft Layout Drawings
- Meeting Agenda
- Environmental Authorisation and Amendment (DC22/0061/08 & DC22/AMEND/0061/2018)

## 1. Attendees:

### For EDTEA:

Kraigen Govindasamy (KG)  
Sphelele Makhwasa (SM)

### For JG Afrika (Pty) Ltd:

Mr John Richardson (JR)

### For Applicant:

Andre Voigts (AV)  
Zandre Lee van Zyl (ZvZ)

## 2. Introduction to the project

JR introduced the proposed amendment application to DC22/0061/08 & DC22/AMEND/0061/2018 and went through the draft application forms with those present. A summary is as follows:

- The development has previously been authorised under DC22/0061/08 & DC22/AMEND/0061/2018 and is currently valid with construction phase audits being undertaken for the earthworks currently underway on the site. No further construction activities have been undertaken since the start of the National Covid-19 Lockdown and the site has been sold to Edinvest School Properties (Pty) Ltd. Minor earthworks may possibly continue on the site to finalise the platform i.e. getting levels of the site correct (Audit reports were submitted to Xoli Madiba when construction was ongoing on the site). Edinvest wishes to establish a middle income private school on the site (Area B – Hilton Mondi Development);
- The amendment comprises 3 components:
  - Amendment to the name of the Authorisation Holder from Monzali Property Management Company (Pty) Ltd to Edinvest Schools Properties (Pty) Ltd for Area B only.
  - Amendment of the Environmental Authorisation to change the land use of Area B only, currently Business Park and Office Use, to a School Use.
  - Amendment of the Environmental Authorisation to permit the temporary use of a conservancy tank for effluent management on the site until such time as the uMngeni Water Hilton Waste Water Treatment Works is constructed and operational.

The amendment application in summary only comprises a change in Authorisation Holder and an amendment to the approved project description associated with the land use on Area B of the approved Hilton Mondi Development. JR and AV highlighted that the project is deemed to be urgent as the purchaser wishes to open the school in July 2021, and that they are hoping construction can commence beginning March 2021 should the Department authorise the amendment application. KG acknowledged these comments and indicated that the EDTEA would assist in processing the application as a priority wherever possible.

### **3. Listed Activities Triggered**

JR highlighted that no new Listed Activities in terms of the NEMA: EIA Regulations, other than those already approved under DC22/0061/08 & DC22/AMEND/0061/2018 are triggered by the proposed amendment application. KG indicated that he would provide JR with a copy of the uMgungundlovu EMF outputs to verify against as the online EMF system was currently not working and has not been for some time. It was noted that all proposed construction of the school will take place within the areas approved for Business Park and Office Use and there will be no deviation from the site development area which has already been approved on the property.

### **4. Confirmation of Specialist Studies**

JR indicated that the potential impacts resulting from the change of land use could be as follows and it was highlighted that without specialist feedback the magnitude of impact for certain things could not be determined at this stage:

- Traffic Impacts as a result of the change in land use – Could be positive or negative depending on specialist assessment and feedback.
- Water Quality Impacts on adjacent water resources – Primarily associated with the proposed temporary conservancy tank. JR indicated that preliminary specialist feedback has indicated that the location as provided on the draft layout is unlikely to result in any impact occurring on surrounding water resources, this will however be confirmed through the detailed specialist assessment report.
- Public Perception – JR indicated that this impact will be established during the Public Consultation process. JR indicated that he does not foresee any significant objections from the public as the proposed land use is more community orientated as opposed to that of a Business and Office Park. AV also indicated that the need for schools in the area is very important in the short term given the housing development in Hilton over the past few years.
- The development will cost around 39 Million, if approved this would result in almost immediate investment into the local economy which is seen as a positive impact. Rates and services income for the Local Municipality will also be of economic benefit for the region. AV highlighted that office use are not fully subscribed and there is no demand in the short term, there is however an immediate demand for schooling in the area and thus it is seen as a better option for the site.
- No town planning amendments are required for the change in land use, however building plans are required to be submitted to the Municipality.
- WULA is in place for the development of the site and the uMngeni Sewer Works (Approved under the original EIA and WULA applications for the Hilton Mondri Development). There will only be a WULA requirement for the temporary

conservancy tank which will be applied for as part of this process. Based on preliminary discussions with DWS it is likely that this process will be a General Authorisation if the risk is low based on the Pre-application Meeting with DWS.

Specialist Studies which were agreed to by both JR and KG to assist in evaluating the potential impacts above included:

1. An updated Traffic Impact Assessment (TIA) for the change in land use (Mr Mike van Tonder who undertook the original TIA for the Hilton Mondi Development); and
2. A Wetland Specialist Evaluation of the proposed temporary conservancy tank and risk assessment of potential impacts on the wetland adjacent to the site (Mr Jake Alletson of JG Afrika). This is also required for the DWS submissions and the management recommendation of this report to be included in an updated EMP or separate operational management plan specifically for the temporary conservancy tank.

## 5. Public Participation

All registered Interested and Affected Parties of the initial Hilton Mondi EIA will be automatically registered as required by EDTEA. Registered IAPs are also to include:

- Hilton Rate Payers Association
- Ward Councillor;
- Immediately Surrounding Residents.

JR indicated that the Key Government departments which documents will be circulated to include:

- Department of Water and Sanitation (Also being engaged with as part of the WULA application for the Temporary Conservancy Tank;
- UMngeni Local Municipality;
- uMgungundlovu District Municipality;
- EKZNW will be notified and asked if they want to comment
- Department of Transport
- Department of Education

JR highlighted that there will be no BID circulation, the comprehensive draft Amendment Report with an Executive Summary would be circulated, given the urgency of the project. The Amendment Report will also be made available for public download off the JG Afrika Website.

This was acknowledged by KG. KG also highlighted that the COVID-19 Regulations for EIA processes in place at the time of distribution must be complied with, noting any limitations of direct engagement with IAPs and limitations regarding public gatherings. JR indicated that there was no intension to undertake a Public Meeting for this application. The



application would be advertised in either the Village Talk (Free Local Newspaper), or the Witness. The application would also be sent to the Hilton Ratepayers Association and requested that the information be disseminated to their members. If there are any meeting requirements which may arise then JG Afrika would have these on a one on one basis, i.e. a meeting with the committee of the HRA as an example.

KG requested that the draft Amendment Report be circulated to their office as soon as possible so that comment could be provided by their office. JR indicated that this would be done as part of the 30 day Public Commenting timeframes. JR confirmed that the application forms would be submitted to the EDTEA with the draft report hopefully within the next 3 weeks but this was dependant on JG Afrika receiving the necessary specialist studies in time. The intension is to submit the final Part 2 Amendment Report to the EDTEA (after the 30 day public consultation period) for decision making by the 14<sup>th</sup> December 2020. KG indicated that EDTEA would provide their comments within the 30 day public consultation period. KG acknowledged the above and noted that the Department did not foresee any issues with the proposed PPP process and submission timeframes associated with the application.

JR noted that if no comment was received by any State Department within the prescribed 30 day timeframes then it would be considered that the organisation had no comments to submit.

A Hard Copy of the draft and final Amendment Report is to be provided to EDTEA.

#### **6. Queries from EDTEA/Discussion**

- KG queried whether the amendment application was to transfer the rights and responsibilities of the EA to Edinvest School Properties (Pty) Ltd. JR confirmed that as per the draft application forms this was one of the intensions of the amendment application which is being submitted to the EDTEA. JR highlighted that the amendment application would address the change in land use and use of temporary conservancy tank, as well as transferring of the rights and responsibilities of the current EA to Edinvest School Properties (Pty) Ltd.
- KG indicated from the information provided to date they are satisfied that the application at face would be a Part 2 Amendment. KG indicated that he had asked Shawn Janneker from his office to follow up on the EMF and Screening Tool outputs to ensure that there were definitely no additional listed activities which may be triggered for the project. KG indicated that if new listed activities were triggered then this would change the entire scope of the application, as such they would endeavour supply the EMF outputs to JG Afrika within the next 2 weeks. JR indicated that the only potential trigger for the temporary conservancy tank (the only new aspect of the project) would

be development of this facility within 32 metres of the wetland on the site. JR confirmed that the placement of the temporary conservancy tank was roughly 100m from the boundary of the wetland and as such there is no trigger. KG queries whether the clearance of vegetation would not be triggered by the development? JR highlighted that the site is currently cleared and that a platform has already been established in accordance with the current EA, as such this would not be triggered. JR suggested that EDTEA do a site inspection if they feel necessary. KG indicated that under these circumstances there was no concern. KG indicated he would also liaise with Xoli Madiba from his offices to ascertain whether she has been satisfied with the development on the site which has been undertaken to date. KG indicated that based on the above they were satisfied that the application is a Part 2 Amendment process.

- KG indicated that the amendment application must include any recommended changes to the currently approved EMPr for the project and requested that specialist and EAP recommendations where carried forward into an updated EMPr if necessary. JR highlighted that as part of the application the only likely changes are those associated with the temporary management of the conservancy tank, these requirements and any recommendations would be included in the amendment application and where necessary the EMPr could be updated, alternatively these requirements could also for part of a stand alone management plan for the temporary conservancy tank. This includes the operational components of the temporary conservancy tank. AV confirmed that the placement of the conservancy tank was originally in an are which was under gum planation which had been cleared as part of the platform establishment on the site and highlighted it locality on the draft layout plan which was available at the meeting.
- KG queried the height of the buildings. JR and AV confirmed that the majority at this stage are single story however there was on double volume area located centrally. Av confirmed that the sites zoning does permit double story development.
- KG indicated that their office is trying to work on a turnaround time of approximately 1 month for applications and would try as much as possible to meet this, however he did highlight to all present that the prescribed timeframes are approximately 3 months and that there is a closure period in December. KG indicated that they would endeavour to issue a decision by the end of January 2021 provided the final Amendment Report is submitted by 14 December 2020. JR also highlighted to AV that once a decision is issued there is also an additional 20 day period which needs to be adhered to prior to implementation. KG indicated that any appeals go directly to the MEC's office.

## **7. Conclusion**

The meeting was concluded, and no further questions were raised. KG indicated that if there were any further clarifications required during the process AV / JR may engage with himself, SM or Shawn Janneker.

The meeting was adjourned.

Should you accept the minutes to be a true and accurate reflection of what was discussed within the meeting, kindly sign below.

For JG Afrika (Pty) Ltd:

For EDTEA:

John Richardson  
Associate

Kraigen Govindasamy  
EDTEA



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To Whom It May Concern:

First National Bank hereby confirms that the following payment instruction has been received:

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Date Actioned : 07-Nov-2020  
Time Actioned : 07:31:34  
Trace ID : VODSHJGCNZXG1352

### Payer Details

Payment From : Jg Afrika  
Amount : 2000.00

### Payee Details

Recipient/Account No : ...482787  
Name : KNPGE001: Kwazulu Ntal Prov Go  
Bank : ABSA Bank  
Branch Code : 630495  
Reference : 04003903  
Channel : INTERNET

END OF NOTIFICATION

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. Company Secretary: C Low

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