



**edtea**

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

**PROVINCE OF KWAZULU-NATAL**

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Reference: DC29/AMEND/0007/2017  
Inkomba :  
Verwysing:

Fax : 032 551 5787  
iFeksi :  
Faks :

Date :  
Usuku : 24 AUGUST 2017  
Datum :

### ***Fax Transmission***

**Balwin Properties Limited**  
Townsend Office Park  
1 Townsend Avenue  
Bedfordview  
2007

**Attention : Mr. Rodney Gray**  
**Tel : (011) 450 2818**  
**Fax no : 086 – 454 2274**  
**Email : [rodney@balwin.co.za](mailto:rodney@balwin.co.za)**

Dear Sir/Madam,

**DC29/AMEND/0007/2017: AMENDMENT OF A CONDITION OF AUTHORISATION FOR THE PROPOSED BOGMORE-SUNDRUM DEVELOPMENT TO BE KNOWN AS BALLITO ESTATE ON PORTION OF SUB 365 AND REMAINDER 12 OF NO. 56 OF 931 AND PORTION 365 OF THE FARM LOT 56 OF NO. 931 BOGMORE SUNDRUM, LOCATED EAST OF WAKENSHAW, BETWEEN SIMBITHI ECO-ESTATE AND THE MR 445 IN BALLITO, KWADUKUZA MUNICIPALITY, WITHIN THE ILEMBE DISTRICT MUNICIPALITY.**

1. An Environmental Authorisation (EA) was issued on 23 September 2008, under EIA Reference number; DC29/0007/06 for the abovementioned development. Further, on 25 August 2009, an amendment under DC29/AMEND/0007/09 was granted by the Department to address layout changes and the change in holder details.
2. A second application to amend the above-mentioned EA was submitted by Royal HaskoningDHV (Pty) Ltd (RHDHV) on behalf of the authorisation holder under EIA reference number DC29/AMEND/0007/2017 to transfer the rights and obligations of the EA to the new Holder, namely Balwin Properties Limited. The amendment request was subsequently granted and issued on 28 June 2017 by the Department.

3. On 01 August 2017, a third application for amendment was received by the Department. The third application for amendment (for which this decision is applicable to) was allocated the same EIA Reference Number as the second application for amendment referred to in Point 2 herein, i.e. DC29/AMEND/0007/2017. The Third Amendment serves to amend a Condition of Authorisation relating the completion of rehabilitation measures on site.
4. The Department accordingly, in terms of the EIA Regulations, 2014, issues a third amendment to the Environmental Authorisation, with reasons, as attached hereto.
5. An appeal against the Department's decision may be lodged in terms of the National Appeal Regulations, 2014.
6. Your attention is drawn to the following requirements of regulation 4(2) of the EIA Regulations, 2014:
  - a) The applicant must in writing **within 14 days** of the date of this ensure that:
    - i. All registered interested and affected parties are provided with access to this decision and the reasons for the decision; and
    - ii. 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.
7. Please contact this Department if you have any queries regarding this correspondence.

Yours faithfully



for: Head of Department:

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

Signed by: Ms. Nombulelo Zungu

Designation: Acting Senior Manager, South Region

Date: 24 AUGUST 2017

Cc: Ms. Humayrah Bassa, RHDHV, Fax: (033) 328 1005, Email: [Humayrah.bassa@rhdhv.com](mailto:Humayrah.bassa@rhdhv.com)

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DEPARTMENT OF ECONOMIC DEVELOPMENT, TOURISM AND ENVIRONMENTAL AFFAIRS



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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 A CONDITION OF AUTHORISATION FOR THE BOGMORE-SUNDRUM DEVELOPMENT TO BE KNOWN AS BALLITO ESTATE ON PORTION OF SUB 365 AND REMAINDER 12 OF NO. 56 OF 931 AND PORTION 365 OF THE FARM LOT 56 OF NO. 931 BOGMORE SUNDRUM, LOCATED EAST OF WAKENSHAW, BETWEEN SIMBITHI ECO-ESTATE AND THE MR 445 IN BALLITO, KWADUKUZA MUNICIPALITY, WITHIN THE ILEMBE DISTRICT MUNICIPALITY.

Original Decision Reference Number:	DC29/0007/06
Date of Original Decision:	23 September 2008
First Amendment Application number:	DC29/Amend/0007/09
Date of issue of First Amendment	25 August 2009
Second Amendment Application number:	DC29/Amend/0007/2017
Date of issue of Second Amendment	28 June 2017
Third Amendment Application number:	DC29/Amend/0007/2017
Date of issue of Third Amendment	24 / 08 / 2017
Holder of authorisation:	Balwin Properties Limited
Location of activity:	On Portion of Sub 365 and Remainder 12 of No. 56 of 931 and Portion 365 of the Farm Lot 56 of No. 931 Bogmore Sundrum, located east of Wakenshaw, between Simbithi Eco-Estate and the MR 445 in Ballito, KwaDukuza Municipality, within the iLembe District Municipality.

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# 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:

The Bogmore-Sundrum development to be known as Ballito Estate on Portion of Sub 365 and Remainder 12 of No. 56 of 931 and Portion 365 of the Farm Lot 56 of No. 931 Bogmore Sundrum, located east of Wakenshaw, between Simbithi Eco-Estate and the MR 445 in Ballito, KwaDukuza Municipality, within the iLembe District Municipality.

to the holder-

## **Balwin Properties Limited**

Details of the contact person:

**Mr. Rodney Gray**

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Email : [rodney@balwin.co.za](mailto:rodney@balwin.co.za)

## **1 Details of amendment**

An Environmental Authorisation (EA) was issued for the Bogmore-Sundrum development to be known as Ballito Estate, on 23 September 2008, issued under DC29/0007/06. Further, on 25 August 2009, an amendment under DC29/AMEND/0007/09 was granted by the Department to address layout changes and the change in holder details.

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Thereafter, a second amendment application was lodged on 25 May 2017, under DC29/0007/2017, with the intention of transferring the rights and obligations of the EA issued to a new holder, namely Balwin Properties Limited. The amendment request was subsequently granted and issued on 28 June 2017 by the Department. On 01 August 2017, a third application for amendment was received by the Department. The third application for amendment (for which this decision is applicable to) was allocated the same EIA Reference Number as the second application for amendment, i.e. DC29/AMEND/0007/2017. The Third Amendment serves to amend a Condition of Authorisation relating the completion of rehabilitation measures on site.

## **2. AMENDMENT**

**Condition 1.51, under the “Management of the Activity” section, on Page 8 of 17 reads as follows:**

*“The rehabilitation of the wetland areas and open space/conservation areas is the responsibility of the applicant. This rehabilitation must be undertaken prior to the commencement of the construction activity on site.”*

**Condition 1.51, under the “Management of the Activity” section, on Page 8 of 17 is hereby amended to read as follows:**

*“The rehabilitation of the wetland areas and open space/conservation areas is the responsibility of the applicant. This rehabilitation must be undertaken as and when required but must be concluded prior to the construction site closure.”*

## **3. REASONS FOR GRANTING THE THIRD AMENDMENT:**

- a) The holder avers that he is unable to comply with the condition due to the ambiguity within the condition. Undertaking of rehabilitation measures on site as required by Condition 1.51 (Management of the Activity section) will imply commencement of construction, however the condition specifically requires rehabilitation prior to construction, hence the ambiguity.
- b) A continuous rehabilitation initiative is favoured as opposed to a once-off rehabilitation prior to construction commencing as this will ensure the long term rehabilitation and monitoring of all sensitive areas.
- c) In the Third Amendment application, the Holder states that it is committed to rehabilitate all sensitive areas in a systematic manner. Importantly, rehabilitation will be completed at the completion of construction/site closure (bar ongoing monitoring and removal of alien invasive vegetation).
- d) The Department perused the Environmental Authorisation issued under DC29/0007/06 and found no supporting information for having to complete rehabilitation of wetlands and open space/conservation

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areas “prior to the commencing of construction”. Further, the Department is satisfied that the condition is ambiguous and requires amending.

- e) The Department further considered if the amendment application should be a Part 1 or Part 2 application for amendment. The Department is of the view that the application was correctly lodged as a Part 1 amendment as the amendment will not “change the scope of a valid environmental authorisation, nor increase the level or nature of the impact, which impact was initially assessed and considered when application was made for an environmental authorisation” (as per Regulation 29 (a) of the 2014 EIA Regulations, as amended).
- f) In addition, the Department is of the view that the rights of the public will not be adversely affected.

## 4. Conditions of amendment

4.1 The decision herewith must be read in conjunction with the Environmental Authorisation issued under DC29/0007/06 on 23 September 2008 and all other subsequent amendments.

### Notification to interested and affected parties:

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:

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

Date of amendment of Environmental Authorisation: 24 August 2017

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DEPARTMENT OF ECONOMIC DEVELOPMENT, TOURISM AND ENVIRONMENTAL AFFAIRS

  
for: Head of Department

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

Signed by : Ms. Nombulelo Zungu

Designation: Acting Senior Manager, South Region