



KZN Agriculture, Environmental Affairs & Rural Development

Mnyango:

weZolimo, eZemvelo nokuThuthukiswa kwasemaKhaya

SIFUNDAZWE SAKWAZULU-NATALI

Directorate: Environmental Services

Enquiries: S.J. Allan

Reference No: DC29/Amend/0007/09

Private Bag X 6005

Hilton

3245

Tel: 033 - 343 8300

Fax: 033 - 343 8470

Date: 25/08/09

Fax Transmission

ABSA Property Development (Pty) Ltd
P.O. Box 1132
Johannesburg
2000

Attention: Mr Jonathan Sinden
Tel no: 011 - 671 7640
Fax no: 011 - 674 1217

PROJECT NO:	FILE NO:			
FOLDER:	SERIAL NO:			
RECEIVED BY: <i>Jim</i>	DATE: <i>25-08-2009</i>			
SSI PINETOWN	PAGE NO: <i>326</i>			
CIRC	ACT	INFO	SUM	DATE
REC'D				
FILED				

cc. Aletta Plomp, Bohlwek-SSI Environmental, Tel no: 031 - 719 5500; Fax no: 031 - 719 5505,

Dear Sir/ Madam

DC29/Amend/0007/09: AMENDMENT TO ENVIRONMENTAL AUTHORIZATION FOR THE ESTABLISHMENT OF THE BOGMORE-SUNDRUM DEVELOPMENT TO BE KNOWN AS BALLITO HILLS ESTATE, LOCATED ON REMAINDER OF SUB 365 OF FARM LOT 56 NO. 931 BOGMORE-SUNDRUM, BALLITO, LOCATED WITHIN THE KWADUKUZA MUNICIPALITY.

1. The Environmental Authorisation for the abovementioned project dated 23 September 2008 and your application for an amendment of this Environmental Authorisation in terms of the provisions of regulation 40 of the National Environmental Management Act (NEMA) Environmental Impact Assessment (EIA) Regulations, 2006, have reference.
2. The KwaZulu-Natal Department of Agriculture and Environmental Affairs, in terms of the powers vested in it by regulation 46 of the EIA Regulations, 2006, hereby issues an addendum to the Environmental Authorization, dated 23 September 2008 as contained herewith.
3. Appeals are to be lodged with the MEC as required by Chapter 7 of GNR 385. The appeal against the authorisation or the conditions of the authorisation may be directed to:

MEC for Agriculture, Environmental Affairs and Rural Development,
The Hon Mrs Lydia Johnson MPL
Ministry of Agriculture, Environmental Affairs and Rural Development

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

Covering Letter:
DC29/Amend/0007/09

Page 1 of 6

POSTAL:
Private Bag X9059
PIETERMARITZBURG
3200

PHYSICAL:
No. 1 Cedara
Executive Building
Cedara College
PIETERMARITZBURG
3201

Tel : 033 343 8240
Fax : 033 343 8255

SATELLITE OFFICE

POSTAL:
PO Box 2132
DURBAN
4000

PHYSICAL:
8th Floor, Truro House
17 Margaret Mncadi Blvd (Victoria
Embankment)
DURBAN
4001

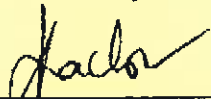
Tel : 031 368 2223
Fax : 031 368 1601

4. The following applies to the appeal procedure that must be adhered to:

- 4.1 The appellant must lodge a notice of intention to appeal on the form attached to this cover letter within 10 days after notification of this decision.
- 4.2 If the appellant is the applicant then he/she must provide each person and organ of state which was a registered interested and affected party in relation to the application with the following:
 - a) a copy of the Notice of Intention to Appeal; and
 - b) a notice indicating where and for what period the appeal submission will be available for inspection.
- 4.3 If the appellant is a person other than the applicant then he/she must provide the applicant with a copy of his/her Notice of Intention to Appeal.
- 4.4 The appellant must apply in writing showing good cause should they require an extension of the time within which to lodge their notice of appeal and/or appeal.
- 4.5 The appellant must lodge their appeal within 30 days of lodging the Notice of Intention to Appeal on an official form which can be obtained from the Department by contacting the Ministry on the above telephone number. Please note that the use of the official form on which to lodge the appeal is mandatory and failure to comply with this provision may result in your appeal being dismissed.
- 4.6 Lodge their appeal form with the following:
 - a) a statement setting out the grounds of appeal;
 - b) supporting documentation referred to in the appeal which may not be in the possession of the Department or the MEC;

- c) a statement by the appellant that regulation 62(2) and (3) of the regulations have been complied with (i.e the Notice of Intention to Appeal was served on the relevant parties as set out above), together with copies of the notices in terms of that regulation (ie the Notices of Intention to Appeal).

Yours faithfully



for Acting Head of Department

Department of Agriculture, Environmental Affairs and Rural Development

25/08/09



KZN Agriculture and Environmental Affairs

Mnyango: eZolimo neZemvelo

SIFUNDAZWE SAKWAZULU-NATALI

**Notice of intention to appeal to the
KwaZulu-Natal MEC for Agriculture and
Environmental Affairs**

**Notice in accordance with the requirements of the Environmental Impact
Assessment Regulations, 2006**

Kindly note that:

1. This form complies with the requirements of sub-regulation 63(2)(a) of the Environmental Impact Assessment Regulations, 2006.
2. It is the responsibility of the appellant to ascertain whether subsequent versions of the form have been published or produced by the competent authority.
3. Appeals should be hand delivered or posted to the office of the KwaZulu-Natal MEC for Agriculture and Environmental Affairs. No faxed or e-mailed appeals will be accepted.

DETAILS OF THE KWAZULU-NATAL MEC FOR AGRICULTURE AND ENVIRONMENTAL AFFAIRS:

This notice must be posted or delivered to:

**The KwaZulu-Natal MEC for Agriculture, Environmental Affairs and Rural Development
8th Floor, Truro House, 17 Margaret Mncadi Boulevard
PO Box 2132
DURBAN, 4000**

(For official use only)

EIA Reference Number:

Date Received:

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

Covering Letter:
DC29/Amend/0007/09

Page 4 of 6

1. DETAILS OF PROJECT

EIA Reference No:

Project description:

2. AVAILABILITY OF APPEAL SUBMISSION FOR INSPECTION

Where the appeal submission will be available for inspection:	
Period that the appeal submission will be available for inspection:	From:
	To:

3. BRIEF DETAILS OF THE GROUND/S OF APPEAL

1.
2.
3.
4.

4. DISCLOSURE OF APPELLANT'S INTEREST IN THE PROPOSED PROJECT

5. DETAILS OF APPELLANT

Is the appellant the applicant for this project?	YES	NO
---	------------	-----------

Full names of Appellant

Address

Telephone number

Fax number

Cellphone number

E-mail details

Signature of appellant

Date



KZN Agriculture and Environmental Affairs

**uMnyango: weZolimo neZemvelo
Isifundazwe SakwaZulu-Natali**

Environmental Authorisation

In terms of the requirements of subregulation 36(1)(a) of the Environmental Impact Assessment Regulations, 2006

DC29/Amend/0007/09

ESTABLISHMENT OF THE BOGMORE-SUNDRUM DEVELOPMENT TO BE KNOWN AS BALLITO HILLS ESTATE, LOCATED ON REMAINDER OF SUB 365 AND REMAINDER 12 OF NO. 56 OF 931 AND PORTION 365 OF FARM LOT 56 NO. 931 BOGMORE-SUNDRUM, BALLITO, LOCATED WITHIN THE KWADUKUZA MUNICIPALITY.

K 25/08/09

Department of Agriculture, Environmental Affairs and Rural Development, KwaZulu-Natal	Addendum to environmental authorisation: DC29/Amend/0007/09	Page 1 of 9
---	--	-------------

1. DETAILS OF AMENDMENT

1.1 The details of the applicant to be changed from Messrs Turquoise Moon Trading 359(Pty) Ltd to ABSA Property Development (Pty) Ltd.

A letter from Siyazama Consulting, dated 11 November 2008 indicates that the applicant Messrs Turquoise Moon 359 (Pty) Ltd sold the development rights to ABSA Property Development (Pty) Ltd.

1.2 Change to the layout plan no. 4562.01 EIA Rev 04, dated June 2008 to layout plan no. 4562.01 Rev 5, dated November 2008 both prepared by SMA Town and Regional Planners & Civil Engineers.

The changes to the layout plan constitute improvements as it addresses the concerns from the Department of Water Affairs and Forestry (DWAF), Department of Transport (DOT), the interested and affected parties and Development Facilitation Act's Tribunal requirements. The changes include the following:

- a) Repositioning of private open space and education facilities (No. 2 and No. 1 erven respectively) from the original site layout plan to erven 34 (private open space) and erven 35 (educational). The reason behind the repositioning was to ensure that phase 1 has all the amenities and services.
- b) Inclusion of portion 46 as a buffer strip
- c) Repositioning General Residential 3 sites (erven 4, 6, 7 and 8) from the original site layout to erven no's 1, 2, 3 and 4 of the latest layout plan referred to in this addendum.
- d) Inclusion of the administration site
- e) Stormwater attenuation facilities
- f) The amended layout plan will therefore comprise of the following:

Land use	No. of erven	No. of units	Hectare	Percentage
Intermediate Residential 2	37	2500	50.56	55.25
General Residential	4	550	5.09	5.56
Education	1		2.47	2.70
Administration	1		0.42	0.46
Mixed use	1		0.34	0.37
Private Open Space	1		1.99	2.17
Open Space/Conservation	1		22.23	24.29
Roads	1		8.41	9.19
Total		3050	91.51	100.00

2. ISSUES RAISED DURING PUBLIC PARTICIPATION PROCESS

The environmental authorization with reference no. DC29/0007/06 dated 23 September 2008 for the proposed development was appealed. The applicant was then advised to conduct a public participation process in respect of the proposed amendment. Issues raised during the public participation process include:

- 2.1 Stormwater management
- 2.2 The lodging of the application for amendment prior to the issuing of the appeal decision.
- 2.3 Traffic impacts associated with the proposed development and the costs of upgrading the roads in the vicinity of the site.

- 2.4 The adverse impacts of the proposed development on the neighbouring properties (amenity and stormwater).
- 2.5 The impact of the proposed development on recreational facilities of Ballito.
- 2.6 Restriction of the number of units to 1000 as per the requirements of the development tribunal.

3. REASONS FOR DECISION

This Department considers the amendment/s non-substantive and does not expect that these will adversely affect the environment or the rights or interests of other parties provided the conditions of this addendum to environmental authorization, dated 23 September 2008 are complied. The issues stated above were raised in the appeal process and the Department is of the opinion that the majority of the issues were dealt with during the review process; hence no further specialist studies were requested for the proposed amendment.

3.1 Stormwater issues

- a) Four additional stormwater attenuation facilities have been included on the Ballito Hills Estate property due to the Department of Water Affairs and Forestry's requirements and the concerns raised by interested and affected parties.
- b) Dam 1 is an existing old agricultural dam site that is no longer functioning. It will be repaired and converted to a functional stormwater attenuation facility to manage all the un-attenuated stormwater that is currently emanating from outside the project area by the two adjacent developments.
- c) Stormwater flow from erven no's 1, 2, 3, 4, 33, 34, and 35 will be attenuated and managed within vacant/undeveloped 50% coverage restriction located well above the delineated 1: 100 year flood line area.
- d) The un-attenuated stormwater emanating from outside that project area will be directed towards the D3 attenuation facility.
- e) The stormwater attenuation facilities are not considered to be aesthetic wet dam structures and/or sustained water features required for the proposed development, but they are used for peak flow stormwater management and attenuation purposes, silt/sediment control and scour/erosion control structures, as well as to safeguard the downstream swamp.

3.2 Traffic issues

- a) Only 1000 units (phase 1) will be constructed as the road infrastructure is inadequate to accommodate the entire development.
- b) It is a condition of establishment that the applicant shall be financially responsible for the construction relating to the widening of P445 to a four lane dual carriage way from Ballito Interchange on the N2 to P398 round about, including the upgrade of all intersections along this length of the road.

3.3 Adverse impacts on surrounding properties

- a) A buffer strip (portion 46) on Layout Plan No. 4562.01 Rev 05 has been established to minimize the impacts of the development on the private residence property to the north of erven 9 and 10.

3.4 Lodging of the application before the appeal decision is issued

- a) The amendment process cannot be put on hold, provided a public participation process is undertaken and that appellants are informed of the process.
- b) The appeal process does not suspend the environmental authorization, hence an application for an amendment was considered.

3.5 Repositioning of units and other amenities

- a) The repositioning of private open space and educational facility sites was to ensure that phase 1 has all the amenities and services.
- b) All conditions pertaining to construction activities in drainage areas (Condition 1.39) and number of storeys to mitigate visual impacts (Condition 1.51) will apply to the repositioned units.
- c) The repositioning of the General Residential 3 sites behind the Ballito Junction Mall will blend with the surrounding in terms of the height and visual impacts.

3.6 Impacts on the beach

This issue was addressed in environmental authorization reference no. DC29/0007/06, dated 23 September 2008 (Condition 1.15).

3.7 Restriction of the number of units to 1000 also known as Phase 1

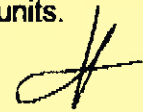
The Department has no objection to the number of units being limited to 1000 while infrastructure issue for the entire development is acquired. However, Phase 1 can only commence after the infrastructure has been provided.

4. ATTENTION IS DRAWN TO THE FOLLOWING

- 4.1 The proposed development must comply substantially with Site Layout, Drawing No. 4562.01 Rev 5, prepared by SMA Town and Regional Planners & Civil Engineers, dated November 2008, attached as Annexure 2 of this addendum.
- 4.2 The details of the applicant have been changed from Messrs Turquoise Moon Trading 359(Pty) Ltd as per the environmental authorization, dated 23 September 2008 to the following applicant:

ABSA Property Development (Pty) Ltd
P.O. Box 1132
Johannesburg
2000

Contact person : Mr Jonathan Sinden
Tel no : 011 – 671 7640
Fax no : 011 – 674 1217
- 4.3 The environmental authorization, dated 23 September 2008 including this addendum will apply, however the remainder of the property must only be developed when the infrastructure is adequate to accommodate the entire development.
- 4.4 The total number of units to be developed for the entire project is subject to the Conditions of environmental authorization, dated 23 September 2008 including this addendum to the environmental authorization.
- 4.5 The applicant must comply with the section 7 and 8 of the Conditions of Establishment, also attached as Annexure 1 of this addendum.
- 4.6 Erven 8 and 9 of the Site Layout Plan No. 4562.01 Rev 5 as prepared by SMA Town and Regional Planners & Civil Engineers, dated November 2008, must comply with the recommendations of the Visual Impact Assessment as prepared by MHP Geospace which states that development on these erven must be limited to single storey units.



- 4.7 In order to mitigate the visual impacts, the number of storeys in the General Residential 3 sites must not exceed the height of the Ballito Junction Mall.
- 4.8 In accordance with the requirements of sub-regulation 10(2) of the EIA Regulations, 2006, all potential or registered interested and affected parties, must be notified of the outcome of this application within **seven (7) calendar days**, the date of this decision and the provisions regarding appeals as provided for in the regulations.

5. APPEALS

- 5.1 Appeals are to be lodged with the MEC as required by Chapter 7 of GNR 385. The appeal against the authorisation or the conditions of the authorisation may be directed to:

MEC for Agriculture, Environmental Affairs and Rural Development,
The Hon Mrs Lydia Johnson MPL
Ministry of Agriculture, Environmental Affairs and Rural Development

POSTAL:
Private Bag X9059
PIETERMARITZBURG
3200

PHYSICAL:
No. 1 Cedara
Executive Building
Cedara College
PIETERMARITZBURG
3201

Tel : 083 343 8240
Fax : 083 343 8255

SATELLITE OFFICE

POSTAL:
PO Box 2132
DURBAN
4000

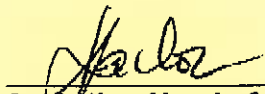
PHYSICAL:
8th Floor, Truro House
17 Margaret Mncadi Blvd (Victoria
Embankment)
DURBAN
4001

Tel : 031 368 2223
Fax : 031 368 1601

- 5.2 The following applies to the appeal procedure that must be adhered to:
- a) The appellant must lodge a notice of intention to appeal on the form attached to this cover letter within 10 days after notification of this decision.
 - b) If the appellant is the applicant then he/she must provide each person and organ of state which was a registered interested and affected party in relation to the application with the following;
 - i) a copy of the Notice of Intention to Appeal; and
 - ii) a notice indicating where and for what period the appeal submission will be available for inspection.
 - c) If the appellant is a person other than the applicant then he/she must provide the applicant with a copy of his/her Notice of Intention to Appeal.
 - d) The appellant must apply in writing showing good cause should they require an extension of the time within which to lodge their notice of appeal and/or appeal.

- e) The appellant must lodge their appeal within 30 days of lodging the Notice of Intention to Appeal on an official form which can be obtained from the Department by contacting the Ministry on the above telephone number. Please note that the use of the official form on which to lodge the appeal is mandatory and failure to comply with this provision may result in your appeal being dismissed.
- f) Lodge their appeal form with the following:
- i) a statement setting out the grounds of appeal;
 - i) supporting documentation referred to in the appeal which may not be in the possession of the Department or the MEC;
 - ii) a statement by the appellant that regulation 62(2) and (3) of the regulations have been complied with (i.e. the Notice of Intention to Appeal was served on the relevant parties as set out above), together with copies of the notices in terms of that regulation (i.e. the Notices of Intention to Appeal).

Yours faithfully



for Acting Head of Department
Department of Agriculture, Environmental Affairs and Rural Development

25/08/09

Annexure 2 -- Conditions of Establishment**7. KWAZULU-NATAL DEPARTMENT OF TRANSPORT**

- 7.1 The applicant shall be responsible, at its cost, for the construction of the widening of P445 to a four-lane dual carriage way from the Ballito Interchange on the N2 to the P398 round about, including the upgrade of all intersections along this length of road.
- 7.2 The applicant shall not attend to the transfer of any erven within the land development area until the works required in terms of paragraph 7.1 above have been completed to the satisfaction of the KZN Department of Transport.
- 7.3 The widening of P445 is to be in accordance with the KZN Department of Transport's standard details and specifications.
- 7.4 The road reserve boundary of P445 shall be finalised in the design in the required upgrading of the road widening and realigned "interchange" of P398 and P445. The road reserve boundary of P445 shall be positioned in consultation with the Department of Transport's Cost Centre Manager Stanger to the approved design.
- 7.5 In terms of section 12 of the Kwazulu-Natal Provincial Roads Act No. 4 of 2001, the disposal of storm water emanating from the road reserve through the layout, or any storm water emanating from the layout through the road reserve, shall be undertaken in consultation with and to the satisfaction of the Cost Centre Manager Stanger during the development of the land development area.
- 7.6 Authority is hereby granted in terms of section 10 of the Roads Act, for the establishment of an access to P445 as determined in MMC's report to serve the land development area.
- 7.7 The widening of P445 and the access point to P445 with the realigned intersection of P398 and P445 "interchange" shall be designed by a registered professional engineer, in consultation with the Design Engineer: Transport, Department of Transport Kwazulu-Natal. The design shall be to Departmental standards as described in the Department of Transport's letter dated 18 August 2004 regarding the Realignment of P398. The design thereof, inclusive of a pavement design obtainable from Mr R Lindsay Tel 033 342 4082 shall be submitted to the Design Engineer: Transport, Department of Transport Kwazulu-Natal, for approval.

25/08/09
Stanger

- 7.8 The design shall include taxi bays in accordance with the Department of Transport's standard detail drawing SD. 0305/C and a 1.5 metre wide side walk for the full length of the design and along both sides of P445.
- 7.9 The access point shall be constructed in consultation with and to the satisfaction of the Department of Transport to a blacktop standard in accordance with the approved design.
- 7.10 The applicant shall be responsible for the cost of the upgrades and widenings referred to above.
- 7.11 This approval shall not exempt the applicant from the provisions of any other law

8. FURTHER TRAFFIC REQUIREMENTS

- 8.1 The two intersections at the Ballito Interchange must be signalised, with the eastern intersection requiring minor widening at the southbound and westbound approaches.
- 8.2 The MR445 and Douglas Crowe Drive round about is to be converted, at the cost of the applicant, to a signalised intersection.
- 8.3 A MR445 eastbound left-turn slip lane must be added, at the cost of the applicant, to the MR445 / Ballito Drive and MR 398 round about.
- 8.4 The approaches to the Ballito Junction roundabout must be rationalised and the junction converted to a signalised intersection, at the cost of the applicant.
- 8.5 All new signalised intersections must include pedestrian crossings, signals and phases, at the cost of the applicant.
- 8.6 Side walks are to be provided, at the cost of the applicant, along both sides of MR445 as part of its upgrade and along one side of the main access road serving the land development area.
- 8.7 Minibus taxi laybys are to be provided, at the cost of the applicant, on the MR455 in both directions, downstream of the new signalised Douglas Crowe Drive Intersection.

John
25/08/09

Annexure 3 - Site Layout

BALLITO HILLS
(SUNDRUM AND BOGMORE)
RESIDENTIAL DEVELOPMENT
Over Rem of 365 ard Rem of
12 (of 11) of 56 of 931.

UMHALLI GOLF ESTATE

BOGMORE SERVICES AND
LIGHT INDUSTRIAL PARK

N2 TOLL ROAD

NE/MR445
INTERCHANGE

BALITTO BUSINESS PARK

SIMBITHI
(High Income Gated Estate)

PHASE ONE

MR 445 "A"

BALITTO JUNCTION
(Shopping Mall)

BALITTO MALL
(Shopping Mall)

Lot No.	Area (m ²)	Frontage (m)	Depth (m)	Volume (m ³)	Remarks
1	1000	10	100	10000	
2	1000	10	100	10000	
3	1000	10	100	10000	
4	1000	10	100	10000	
5	1000	10	100	10000	
6	1000	10	100	10000	
7	1000	10	100	10000	
8	1000	10	100	10000	
9	1000	10	100	10000	
10	1000	10	100	10000	
11	1000	10	100	10000	
12	1000	10	100	10000	
13	1000	10	100	10000	
14	1000	10	100	10000	
15	1000	10	100	10000	
16	1000	10	100	10000	
17	1000	10	100	10000	
18	1000	10	100	10000	
19	1000	10	100	10000	
20	1000	10	100	10000	
21	1000	10	100	10000	
22	1000	10	100	10000	
23	1000	10	100	10000	
24	1000	10	100	10000	
25	1000	10	100	10000	
26	1000	10	100	10000	
27	1000	10	100	10000	
28	1000	10	100	10000	
29	1000	10	100	10000	
30	1000	10	100	10000	
31	1000	10	100	10000	
32	1000	10	100	10000	
33	1000	10	100	10000	
34	1000	10	100	10000	
35	1000	10	100	10000	
36	1000	10	100	10000	
37	1000	10	100	10000	
38	1000	10	100	10000	
39	1000	10	100	10000	
40	1000	10	100	10000	
41	1000	10	100	10000	
42	1000	10	100	10000	
43	1000	10	100	10000	
44	1000	10	100	10000	
45	1000	10	100	10000	
46	1000	10	100	10000	
47	1000	10	100	10000	
48	1000	10	100	10000	
49	1000	10	100	10000	
50	1000	10	100	10000	
51	1000	10	100	10000	
52	1000	10	100	10000	
53	1000	10	100	10000	
54	1000	10	100	10000	
55	1000	10	100	10000	
56	1000	10	100	10000	

SHOPPING MALL

BALITTO LIFESTYLE CENTER

Shopping Mall

(Shopping Mall)

SMA

PROJECT: BALLITO HILLS (SUNDRUM AND BOGMORE) (Rem of 365 ard Rem of 12 (of 11) of 56 of 931)

PROPOSED DEVELOPMENT: Residential Development

DATE: 25/08/2009

SCALE: 1:1000

DESIGNED BY: [Signature]

CHECKED BY: [Signature]

DATE: 25/08/2009

Handwritten signature and date: 25/08/09