



## KZN Agriculture and Environmental Affairs

uMnyango:

weZolimo neZemvelo

ISIFUNDAZWE SAKWAZULU-NATALI

Chief Directorate/ Directorate.  
Environmental Services  
South Region  
Address:  
Private Bag X6005  
Hilton  
3245  
Enquiries:  
Mrs. S. Allan

Tel: 033 - 343 8030  
Fax: 033 - 343 8470  
Ref: EIA 6403

21.09.2006

ATTENTION: MR. G. MUNDELL  
P O Box 104  
CREIGHTON  
3263

Tel: 039 - 833 1007  
Fax: 039 - 833 1170

Re: Authorisation and Record of Decision: EIA 6304: The Re-zoning of Portion 398 (of 6), Portion 415 (of 409) and the Rem of Portion 204 (of 80), all of the Farm Allermans Drift No. 950 and commonly known as 'Stockowners'

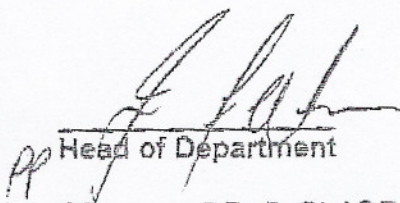
Your application and the Record of Decision issued by this Department on the 11 September 2006 for the above-mentioned development, refer.

This Department unfortunately made a typographic mistake in the issuing of the Record of Decision for the above-mentioned application in referring to the application by the reference number EIA 6304. The correct reference number for this development should be EIA 6403.

Any further correspondence in regard to this application, and the required advertisement of this authorization should reflect the correct reference number being EIA 6403 so as to avoid confusion and misunderstandings.

Any inconvenience in this regard is regretted.

Yours sincerely

  
Head of Department

CC: DR. G. SLADE  
ENVIRONMENTAL ASSESSMENTS CC

FAX NUMBER: 033 - 394 2940





**KZN Agriculture and Environmental Affairs**

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Tel: 033 - 343 8330  
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Ref: EIA 6304

.../.../2006

*Amendments to be made in record of  
EIA No. 6304 to re-zoning 18 months*

**ATTENTION: MR. G. MUNDELL**  
P O Box 104  
CREIGHTON  
3263

Tel: 039 - 833 1007  
Fax: 039 - 833 1170

**Re: Authorisation and Record of Decision**

The KwaZulu-Natal Department of Agriculture and Environmental Affairs hereby **authorises**, by virtue of powers delegated by the National Minister of Environmental Affairs and Tourism and in terms of Section 22 of the Environment Conservation Act, Act No. 73 of 1989, the project:

**EIA 6304: The Re-zoning of Portion 398 (of 6), Portion 415 (of 409) and the Rem of Portion 204 (of 80), all of the Farm Allermans Drift No. 950 and commonly known as 'Stockowners', from Agricultural Use to a mixture of land uses to include Agriculture (8,23ha), Light Industry (14,28Ha), Service Industry (2,82Ha), Limited Commercial (10,52Ha), Private Open Space (7,43Ha) and Road (5,38Ha).**

This authorisation is subject to the conditions contained within the attached Record of Decision.

The duration of the authorisation is **18 (eighteen) months**, ie. if the re-zonation has not been completed within this period, a new application will need to be submitted to this Department.

An appeal against the authorisation or condition/s of authorisation can be directed to MEC of Agriculture and Environmental Affairs, Professor L.B.G. Ndabandaba, Ministry of Agriculture & Environmental Affairs, P O Box 2132, DURBAN, 4000, within **30 calendar days** of authorisation, setting out the grounds of appeal and including all relevant documentation, in accordance with the provisions of Section 35 of the Environment Conservation Act, 1989, and Regulation 11 of the GN No. R1183 of 5 September 1997, as amended.

Yours sincerely

  
Head of Department

Reference: EIA-6304-RoD(1)

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Department of Agriculture and Environmental Affairs / Departement van Landbou en Omgewingsake



**KZN Agriculture and Environmental Affairs**

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Enquiries:  
Mrs. S. Allan

Tel: 033 - 343 8330  
Fax: 033 - 343 8470  
Ref: **EIA 6304**

**11/10/2006**

*Amendments to be made in accordance  
with the Record of Decision dated 18/09/06 87.*

**RECORD OF DECISION**

Herewith the Record of Decision made in terms of section 22(3) of the Environment Conservation Act, 1989, and as required by Regulation 10 of GN No. R1183 of 5 September 1997 as amended by GN No. R672 of 10 May 2002, with regard to the undertaking of the activity described below.

**1) Description of activity**

The proposal is for the Re-zoning of Portion 398 (of 6), Portion 415 (of 409) and the Rem of Portion 204 (of 80), all of the Farm Allermans Drift No. 950 and commonly known as 'Stockowners', from Agricultural Use to a mixture of land uses to include Agriculture (8.23ha), Light Industry (14.28Ha), Service Industry (2.82Ha), Limited Commercial (10.52Ha), Private Open Space (7.43Ha) and Road (5.38Ha), as depicted in Drawing No. 10232/06 Prop Zoning and prepared by BCP Engineers dated 21 April 2006, and located between the N3, Highway line and Howick-Tweedie road.

**2) Location**

Province	:	KwaZulu-Natal
Magisterial District	:	HOWICK
Name of property	:	Ptn 398 (of 6) of the Farm Allermans Drift No. 950; Ptn 415 (of 409) of the Farm Allermans Drift No. 950; and The Rem of Ptn 204 (of 80) of the Farm Allermans Drift No. 950.
Extent of property	:	Approx. 60,6Ha
Extent of development	:	Approx. 48,7Ha
1:50 000 map	:	2930AC Howick
Co-ordinates	:	29° 28' 55"S ; 30° 11' 36" E

**3) Applicant**

Name	:	MR. G. L. MUNDELL
Address	:	P O Box 104 CREIGHTON 3263
Contact Person	:	MR. G.L. MUNDELL
Telephone	:	039 - 833 1007
Facsimile	:	039 - 833 1170
Cellular phone	:	082 553 3827
e-mail	:	<a href="mailto:gerald@etd.co.za">gerald@etd.co.za</a>



**4) Consultant**

Name : ENVIRONMENTAL ASSESSMENTS CC  
 Address : 4 Chasedene Road  
 PIETERMARITZBURG  
 3201

Contact Person : DE. GRAEME SLADE  
 Telephone : n/a  
 Facsimile : 082 336 6994  
 Cellular phone : 033 - 394 2948  
 e-mail : [gslade@iafrica.com](mailto:gslade@iafrica.com)

**5) Site visits**

Date : 16 March 2005  
 Persons present : Mr. S. de Klerk Applicant / Representative  
 Mr. G. Mundell Applicant  
 Mr. R. Montgomery BCP Engineers  
 Mr. S. Armour DAEA - Macro Planning  
 Mr. R. Ryan Dept. of Transport  
 Mr. I. Felton DAEA

**6) Documentation assessed**

<u>Document</u>	<u>Compiled by</u>	<u>Date</u>
Strategic Environmental Assessment: Rezoning of the Stockowners Site	Environmental Assessments CC	May 2006
Engineers Services Report: "Stockowners" site	UWP Engineers	Apr 2005
Stormwater Management Plan: Stockowners	UWP Engineers	Jun 2006
Environmental Management Plan	UWP Engineers	Jun 2006
Architectural Guidelines for Stockowners	Llew Bryan Architects	undated
Issues / Response Report: Rezoning of Stockowners site	Environmental Assessments CC	3 Jul 2006

**7) Report****Applicant's motivation of need & desirability**

The Spatial Development Framework of the uMngeni Municipality provides for the incorporation of the site into the Howick Town Planning Scheme and has identified the potential land use as a general use zone. The applicant motivates that there is a strong demand for secure and well located light industrial, mixed commercial and office space use within Howick. The intention is to develop an integrated development that includes potential use for light industry, cottage industry, commercial, retail and office space, with specific architectural and development controls. The development is proposed to include agricultural and conservation areas to compliment and integrate with the built environment.



**Receiving environment**

The site straddles the N3 Freeway between the Umgeni River in the south and the Tweedie interchange in the north. The main Gauteng – Durban railway line runs along the western boundary. The site has been planted with Kikuyu pastures and has historically been used for livestock grazing and for the auctioning and sale of livestock. Surrounding landuse includes existing timber and other industrial uses and residential development is proposed to the west of the railway line in the vicinity of the Fernhill Hotel. Only the area between the N3 and the railway line is affected by this application.

**Public participation**

An authority consultation and public participation process was undertaken as part of the environmental scoping process.

Broad environmental concerns identified in the public participation process include the following:

- Compatibility with proposed surrounding landuses;
- Impacts on water quality, stormwater management and sewerage disposal; and
- Impacts on 'sense of place' and aesthetics;

The environmental issues identified have resulted in the alteration of the proposed layouts and designs. Other concerns have been addressed through the specific conditions of this authorization.

**Geotechnical Report**

The preliminary geotechnical investigation undertaken by Terratest indicated that the use of septic tanks and soak-away systems for sewerage and wastewater treatment, is not considered viable for further developments due to the poor permeability and high groundwater table in the area. Sewerage and wastewater will need to be connected to the municipal sewer for treatment at the Howick Sewerage Treatment Works.

**Surface water and storm water management**

The site drains into a number of small watercourses, which flow eastwards towards the Umgeni River. A stormwater management plan has been prepared by UWP Engineers dated June 2006. The stormwater designs for the development will be in accordance with the "Red Book – Guidelines for human settlement planning and design", will meet the requirements of the National Water Act (Act No. 36 of 1998) and all relevant Municipal By-laws.

**Design criteria and mitigatory measures**

An Engineering Services Report has been prepared by UWP Engineers dated April 2005, and provides for the proposed provision of bulk services including roads, water, sanitation and electricity reticulation.

Architectural guidelines for the proposed development have been produced by Llew Bryan Architects, which will control the style and design of buildings to be erected on site. All purchasers of sites, will become members of the Stockowners Lot Owners Association and will have to abide by the rules of the association and the architectural design code.

The types and nature of developments within the site will be controlled in terms of the Howick Town Planning Scheme clauses.

**Management and operation**

A construction phase Environmental Management Plan [CEMP] has been developed by UWP Engineers dated June 2006, and will be implemented to ensure that environmental impacts of the development are managed and mitigated for during the construction phase of the development.



## 8) Decision

That authorisation be granted to the applicant for:

The Re-zoning of Portion 398 (of 6), Portion 415 (of 409) and the Rem of Portion 204 (of 80), all of the Farm Allermans Drift No. 950 and commonly known as 'Stockowners', from Agricultural Use to a mixture of land uses to include Agriculture (8,23ha), Light Industry (14,28ha), Service Industry (2,82ha), Limited Commercial (10,52ha), Private Open Space (7,43ha) and Road (5,38ha), in accordance with conditions contained in Section 10 below, and as described above.

## 9) Key Decision Factors

- 9.1 The Spatial Development Framework of the uMngeni Municipality has identified the potential land use for the Stockowners site as being suitable for general mixed use and light industrial expansion for Howick.
- 9.2 The site is ideally located adjacent to main transportation routes to be developed as an integrated development that includes use for light industry, cottage industry, commercial, retail and office space.
- 9.3 The site has been planted with Kikuyu pastures and no significant detrimental biodiversity impacts have been identified with the development site.
- 9.4 The environmental issues identified in the public participation and authority consultation process have resulted in the alteration of the proposed layouts and designs, and have been addressed through the specific conditions of this authorization.
- 9.5 A stormwater management plan has been prepared by UWP Engineers dated June 2006, and provides for the effective control and management of stormwater on the site.
- 9.6 Architectural guidelines for the proposed development have been produced by Llew Bryan Architects, and these will control the style and design of buildings to be erected on site.
- 9.7 An Engineering Services Report has been prepared by UWP Engineers dated April 2005, and provides for the sustainable provision of bulk services including roads, water, sanitation and electricity reticulation.
- 9.8 The types and nature of developments within the site will be controlled in terms of the Howick Town Planning Scheme clauses. Any activities proposed on the site, that are listed in terms of either GN No. R386 or R387 of 21 April 2006, will still require environmental approval to be granted in terms of the National Environmental Management Act (Act No. 107 of 1998), prior to these activities commencing.
- 9.9 A construction phase Environmental Management Plan [CEMP] has been developed by UWP Engineers dated June 2006, and will be implemented to ensure that environmental impacts of the development are managed and mitigated for during the construction phase of the development.



- 9.10 The requirements of section 24(4) of the National Environmental Management Act, 1998 (as amended by the National Environmental Management Amendment Act 8 of 2004), have been met.

### 10) Conditions of authorisation

Approval is granted on condition that:

- 10.1 The Re-zoning must adhere substantially to the Zoning Plan referenced as Drawing Number 10232PA Prop. Zoning rev 00 produced by BCP Engineers dated 21 April 2006.
- 10.2 Any activities proposed on the site, that are listed in terms of either GN No. R386 or R387 of 21 April 2006, will still require environmental approval to be granted in terms of the National Environmental Management Act (Act No. 107 of 1998), **prior** to these activities commencing.
- 10.3 Sewerage and wastewater may not be treated on site, and must be disposed of via the uMngeni Municipality's sewerage reticulation system.
- 10.4 The development must adhere to the requirements of the Department of Water Affairs & Forestry as contained in their correspondence dated 9 June 2006.
- 10.5 An investigation into the current status of the septic tank and soak-away systems on the site must be undertaken by a suitably qualified person. A report that details the current status of these systems, their impact on the environment and the mitigation measures needed to prevent pollution to the environment and for their decommissioning, must be provided to the Department of Water Affairs & Forestry prior to any construction commencing.
- 10.6 All stormwater from paved areas susceptible to oil contamination must be drained to sediment / grease traps before discharge into the stormwater management system. The sediment/grease traps must be cleaned on a regular basis, with sludge being disposed of at a suitable hazardous waste site.
- 10.7 The applicant must ensure the implementation of the Stormwater Management Plan developed by UWP Engineers dated June 2006.
- 10.8 All general waste produced by any development on the site, must be suitably stored on site and must be removed on a regular basis to a registered and appropriate landfill site.
- 10.9 Any hazardous wastes produced by any development on the site, must be suitably stored on site, and removed on a regular basis to an appropriate and registered Hazardous waste landfill site.
- 10.10 The applicant must ensure the implementation of the construction phase Environmental Management Plan [CEMP] developed by UWP Engineers dated June 2006.
- 10.11 The applicant must ensure that the Architectural Guidelines for the proposed development that have been produced by Llew Bryan Architects are adhered to.
- 10.12 The availability of this Record of Decision must be advertised within the Witness and Village Talk newspapers, within 10 days of the issuing of this authorization.



- 10.13 All registered interested and affected parties must be made aware, in writing, of the issuing of this Record of Decision, within 10 days of the issuing of this authorization, and of their right to lodge an appeal within 30 calendar days of the date of issue.
- 10.14 This Department reserves its right in terms of sub-regulation 9(3) of GN No. R1183 of 5 September 1997 as amended by GN No. R672 of 10 May 2002, to review any condition contained in this authorization, and if deemed necessary, delete or amend such condition, or at its discretion, determine new conditions, in such a manner that is lawful, reasonable and procedurally fair.
- 10.15 The applicant is responsible for compliance with the provisions for *Duty of care and remediation of environmental damage* contained in Section 28 of the National Environmental Management Act, Act 107 of 1998.
- 10.16 This Department retains the right to inspect the property at any time during its development and operational phases.
- 10.17 Failure to comply with these conditions of authorisation may result in this authorization being withdrawn and the applicant liable to legal action under Section 29 of the Environment Conservation Act, 1989.
- 10.18 The granting of this authorization, does not grant the applicant authorization or exemption from compliance with any other relevant and applicable legislation.

### Validity

This authorization is valid for a period of **18(eighteen) months** from the date of issue, that is, if the re-zonation has not been completed within this period then this authorisation is deemed to have lapsed and is no longer valid.

### Appeal

An appeal against this decision may be lodged in writing with the MEC for Agriculture and Environmental Affairs, Professor L.B.G. Ndabandaba, Ministry of Agriculture & Environmental Affairs, P O Box 2132, DURBAN, 4000. This appeal must be lodged within **30 calendar days** of the date of this decision, and must set out the grounds of appeal and include certified copies of any relevant documentation, in accordance with Section 35 of the Environment Conservation Act, Act 73 of 1989, and Regulation 11 of GN No. R1183 of 5 September 1997 (as amended).

### Assessing officer

I hereby declare that this application was assessed to the best of my ability, based on the information provided to me by the applicant and or his consultant.

  
Signature

IAN ROLAND FELTON  
Name

07/09/2006  
Date