

Our Ref. 41176

Executive Summary

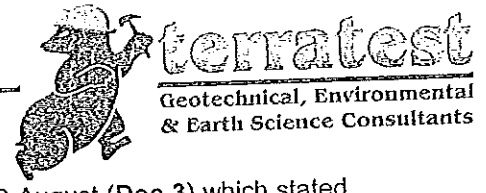
The following details the procedures followed By Terratest (Pty) Ltd in applying for the demolition of the structures protected by the KwaZulu-Natal Heritage Act (KZN Heritage Act) (Act 4 of 2008) at 27 Blackburrow Road. Copies of the correspondence referred to in the document are attached and referenced in the document as Document (Doc) 1-17.

Terratest, were appointed by Mr. N Christodoulou, on behalf of T. Christadoulou & Sons cc, to apply for the right to demolish the structures at 27 Blackburrow Road (REM 1 of Remainder of Lot 1135) protected by the KZN Heritage Act. The application was necessary as built structures older than 60 years old are protected by the Act. The application was submitted to Amafa AkwaZulu-Natal (Amafa) who are the KwaZulu-Natal provincial conservation agency for the province.

The initial application was lodged with Amafa on 1 July 2010 (Doc 1) and was acknowledged as being received by Amafa on 13 July 2010 (Doc 2 dated 02 August 2010). At the time of the initial application, the property was owned by Mr. G Mills with a sale agreement to Mr. N Christodoulou, on behalf of T. Christadoulou & Sons cc. the application requires the lawful landowner to represent as the applicant and as such the application was lodged by Mr. Mills.

The application was deliberated on by the Amafa Built Environment Committee who advised the following:

- That the original shale portion and possibly the veranda be retained and incorporated into the proposed development.
- A motivation as to the committee's decision based on the structure being a land mark and the committee's opinion "that it could provide accommodation to multiple users".
- The document advised that, should the applicant wish to pursue the application to demolish the structure, that the application "should be subject to a public opinion process. It does concede that if a public opinion process had been undertaken as part of an Environmental Impact Assessment (EIA) that the process undertaken under the National Environmental Management Act (Act 107 of 1998) could fulfil this requirement.



Amafa then followed up Document 2 with correspondence dated 03 August (Doc 3) which stated that if the applicant agreed to retain the original shale structure, that the need for a public participation process would not be required.

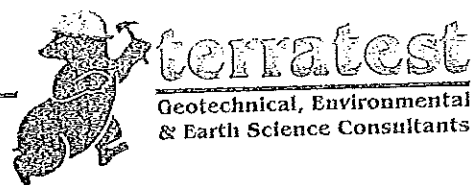
Terratest, on behalf of Mr. Christodoulou, forwarded correspondence dated 28 September 2010 (Doc 4) to Amafa confirming that T. Christodoulou & Sons cc agree to retaining the required portions of the structure along with the citation that they were to seek the opinion of a structural engineer to assess the structural integrity of the required retention.

Document 5, forwarded by Amafa dated 4 November 2010, was provided by Amafa for the inclusion in the application under the KwaZulu-Natal Planning and Development Act (Act 6 of 2008). The document confirms that Amafa are satisfied that should the shale structure be retained that Amafa do not have any objections.

T. Christodoulou & Sons cc, as mentioned in previous correspondence, then commissioned the structure to be assessed by a structural engineer and an electrical engineer in order to assess the viability of using the structure as proposed by Amafa.

Mr. Christodoulou, on behalf of T. Christodoulou & Sons cc, then requested that the demolition application be resubmitted with the additional information provided by Mr. N. Hayter (engineer) and Dawoods Electrical (electrical contractor). The application was lodged on 4 October 2011 (Doc 6). Amafa acknowledge receipt of the application on 21 October 2012 (Doc 7)

As required and detailed in Amafa's correspondence dated 3 August 2010 (Doc 1), Terratest followed the requirements of Amafa to undertake a public participation process which included letters to neighbouring landowners (Doc 8) and an advertisement in The Witness (Doc 9). Letters were also forwarded to the SA Retail Properties (Doc 10) and the Ward Councillor, Ms. Sandy Lynne (Doc 11). Copies of all correspondence that was received by Terratest are included as Doc 12.



The resubmitted application was reviewed by the Amafa Built Environments Committee on 22 November 2011 (Doc 13). The document details, amongst other, that the committee stands by its original decision to require the retention of the shale structure, possibly the veranda and that a buffer area needs to be established. The document also states that "A final decision cannot be taken until the planning issues have been resolved.

Documents 14-16 detail requests from Terratest to Amafa to join, Terratest on a site inspection of the site. The outcome was a telephonic correspondence from Amafa on 16 January 2012 agreeing to a meeting on site on 19 January 2012.

Document 17 represents the last document in the process followed by Terratest and details the Amafa Built Environments Committee's decision that "nothing new in the presentation on site to warrant a change to its earlier decision..."