


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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, 2014, the
KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs
(herein after referred to as "this Department")

grants Environmental Authorisation

to –

Shanbar Property Developments cc
(herein after referred to as "the authorisation holder")

Details of the contact person:

Mr. Andrew Barrie Barnes

P. O. Box 12102

Dorpspruit

3206


Telephone Number: (033) 344 1109

Fax Number: (086) 555 0270

Cellphone Number: (083) 255 7505

E-mail address: andrew@barnesprop.co.za

to undertake the following activity (hereafter referred to as "the activity") as described in Section 3 below.

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2. Project proposal

The proposed development comprises a 6500m² shopping centre development situated on Portion 5 of Erf 4346, which is located on the corner of Woodhouse Road and Alan Paton Drive within the Msunduzi Local Municipality, uMgungundlovu District Municipality with the approximate geographic coordinates of the property being 29°38'39.9"S; 30°20'34.74"E as represented on the Locality Map and Layout Plan attached as **Annexure 2** and **Annexure 3** respectively to the Environmental Authorisation. The proposed shopping centre will eventually form part of a larger development, which has already been approved in terms of the Development Facilitation Act.

The project proposal as above was detailed in the Basic Assessment Report (prepared by Bokamoso Landscape Architects and Environmental Consultants and dated May 2014)


3. Activities authorised

The application was submitted under the Government Notice Regulations 2010 and the following listed activities were considered during the assessment process:

Activity 9, Activity 11(vi), (x), (xi), Activity 18(i), Activity 37, and, Activity 39 (v) of GNR 544 which included the assessment of bulk services; development and structures within 32 metres of a watercourse and, the infilling or excavation of more than 5 cubic metres of material from a water course. The legislation was amended prior to the issuing of this Environmental Authorisation and only one activity is now triggered by proposed project *vis* **Activity 18(i)**. **Activity 18(i) is similarly listed as Activity 19(i) in Government Notice No. R983 (Listing Notice 1 of 04 December 2014 of the Environmental Impact Assessment Regulations).**

Thus the activity authorised is:

Activity 18 (i) of GNR 544 of 18 June 2010.	
"The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit,	It is the intention of the authorisation holder to remove dense infestations of alien vegetation along the stream and to

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<p>pebbles or rock or more than 5 cubic metres from:</p> <p>(i) a watercourse;</p> <p>(ii) the sea;</p> <p>(iii) the seashore;</p> <p>(iv) the littoral active zone, an estuary or a distance of 100 metres inland of the high water mark of the sea or an estuary, whichever distance is the greater but excluding where such infilling, depositing, dredging, excavation, removal or moving;</p> <p>(a) is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority: or;</p> <p>(b) occurs behind the development setback line."</p>	<p>construct storm water attenuation structures/ outlets within the watercourse and this will involve the removal or moving of soil of more than 5 cubic metres from the watercourse/river bank.</p>
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LOCATION OF AUTHORISED ACTIVITY:

Authorised alternative	Latitude	Longitude
Middle point of activity:	29°38'39.9"S	30°20'34.74"E

4. General Conditions

4.1. Compliance with the conditions of this authorisation

In terms of Section 49(A)(1)(c) 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 R10 million or imprisonment for a period not exceeding ten years or both such fine and such imprisonment.

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4.2. Understanding the conditions of this authorisation

It is the responsibility of the authorisation holder to understand the conditions of this Environmental Authorisation. Any queries regarding this Environmental Authorisation must be submitted in writing to this Department at the address provided in condition 4.4 herewith.

4.3. Amendments of the Environmental Management Programme

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

4.3.2. Any subsequent amendments to the approved Environmental Management Programme (EMPr) must also be submitted to this Department for review. The amendments may only be implemented after being approved by this Department.

4.4. Contact Details for this Department

The following contact details for this Department must be used for all reports and notices which must be submitted to this Department:

Department of Economic Development, Tourism and Environmental Affairs

Private Bag X07

Cascades


3202

Fax Number: (033) 347 1826

Telephone Number: (033) 347 1820

Attention: Compliance Monitoring and Enforcement Component, uMgungundlovu District Office.

Please note that it is the responsibility of the authorisation holder to ensure the above details are correct at the time of submitting any documentation, and that the documentation reaches the relevant official.

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5. Conditions of authorisation

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

5.1. Period of Validity

5.1.1. One or more of the listed activities authorised must commence within **5 (five) years** from the date of issue. If commencement of the authorised activity does not occur within that period, the authorisation lapses and the holder of the Environmental Authorisation must reapply for an Environmental Authorisation should he or she wish to carry out the activity; unless, an application for amendment is received on the prescribed application form prior to the expiry date.

5.1.2. This Department must be notified in writing on the prescribed form within **thirty (30) calendar days** of any change in ownership and/or project developer. The rights and conditions as stipulated in this Environmental Authorisation must be known to the new owner and/or developer and are binding on the new owner/and or developer. As such the authorisation holder must apply for an amendment to the Environmental Authorisation on the prescribed application form to change the ownership details.

5.2. Notification to interested and affected parties

5.2.1. The authorisation holder must ensure notification of every registered interested and affected party, in writing and within **twelve (12) calendar days** from date of this Department's decision to authorise the activity and proof of the notification must be submitted to this Department at the address specified in condition 4.4 herewith.


5.2.2. The notification referred to in condition 5.2.1 herewith must –

5.2.2.1. Specify the date on which the Environmental Authorisation was issued;

5.2.2.2. Inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the EIA Regulations, 2010; and,

5.2.2.3. Advise the interested and affected party that a copy of the Environmental Authorisation will be furnished on request from the Environmental Assessment Practitioner.

5.2.3. The availability of this Environmental Authorisation must be advertised in the Witness and Maritzburg Fever newspapers within **twelve (12) calendar days** from date of this Department's

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decision to authorise the activity and proof of the advertisement must be provided to this Department at the address specified in condition 4.4 herewith.

5.3. Approval of the Environmental Management Programme

5.3.1 The Environmental Management Programme (EMPr) (prepared by Bokamoso Environmental Consulting and dated March 2014) attached as Appendix E of the Basic Assessment Report for the pre-construction, construction and operational phases 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.

5.3.2 The EMPr must be kept on site during all phases of the development.


5.4. Construction phase

5.4.1. **Fourteen (14) calendar days** written notice indicating when construction will commence must be submitted to this Department, at the address specified in condition 4.4 herewith. 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 and the EIA reference number of this Environmental Authorisation viz. DC22/0059/2011.


5.4.2. The activity authorised may only be undertaken at the geographical coordinates as described in Section 2 herewith; and, as indicated on the Locality Map attached as **Annexure 2** to this Environmental Authorisation.

5.4.3. The construction of the Woodburn Boulevard Shopping Centre must substantially adhere to the Concept Layout Plan (prepared by Bokamoso Landscape Architects and Environmental Consultants and undated) attached as **Annexure 3a** to this Environmental Authorisation.

5.4.4. The building plans for the proposed development and associated infrastructure must be submitted to, and approved by, the Msunduzi Municipality prior to the commencement of the activity concerned. The building plans must take into account the requirements and special conditions imposed by the Development Facilitation Act Tribunal (Application Number 2001/429) heard on 10 September 2001 and the aspects associated with storm water management and potential flood risk. *

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- 5.4.5. The requirements of the Department of Water Affairs (letter dated 06 February 2014) in respect of water use authorisations and the management of storm water must be adhered to.
- 5.4.6. A Final Storm Water Management Plan must be prepared and submitted for approval to the relevant section of the Msunduzi Municipality prior to development commencing. The Storm Water Management Plan must include the recommendations of the Storm Water Management Plan and Floodline Delineation Report (prepared by Jeffares and Green and undated).
- 5.4.7. Drainage must be controlled to ensure that runoff from the development will not culminate in off-site pollution or cause a negative impact on adjacent properties and water resources. Storm water designs for the development must release storm water in a controlled manner so that post-development and pre-development volumes and flows are equitable.
- 5.4.8. The storm water drainage network system must be kept separate from the sewage effluent system. This is to ensure that waste water emanating from the buildings does not contaminate the storm water system. Monitoring and maintenance of the storm water reticulation system must be conducted on a quarterly basis to ensure that the system is managed and operates at a standard that is acceptable to the Department of Water and Sanitation.
- 5.4.9. The authorisation holder must appoint a suitably qualified specialist to monitor the installation of storm water infrastructure and the replacement of the boundary wall to ensure that the impacts on the riparian area adjacent to the Foxhill Spruit are limited and satisfactorily mitigated.
- 5.4.10. The replacement of the boundary wall must be undertaken in consultation with a suitably qualified Structural Engineer and must adhere to the recommendations in respect of height; placement and foundation requirements as contained in an email dated 5 February 2015 from Mr D Vigar of Vigar and Associates, addressed to Mr A Ferendinos of Environmental Planning Services.
- 5.4.11. A Memorandum of Agreement (M.O.A) between the Msunduzi Municipality and the authorisation holder for the rehabilitation of the Foxhill Spruit and its associated open spaces adjacent to the development site must be developed within **6 (six) months** of the Environmental Authorisation being issued and a signed copy of the MOA must be submitted to this Department at the address specified in condition 4.4 herewith.
- 5.4.12. The connection of any buildings erected on the development site to bulk municipal sewer may only occur once the Darvill Waste Water Treatment Works has been upgraded and commissioned to the satisfaction of the Department of Water and Sanitation.

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- 5.4.13. All design work related to the road upgrading and access must be approved by the Msunduzi Municipality: Roads, Transportation and Public Works section prior to the commencement of the construction phase. x
- 5.4.14.A Final Landscape Plan must be compiled and submitted to the Msunduzi Municipality: Environmental Management Unit for comment and approval prior to construction commencing. The Landscape Plan must be compiled in consideration of the mitigation measures specified in the BAR and in the amended BAR (prepared by Bokamoso Landscape Architects and Environmental Consultants and dated April 2013 and May 2014 respectively) and, specialist reports undertaken for the proposed development.
- 5.4.15. The authorisation holder must appoint an independent specialist to undertake a Green Design assessment of the proposed development. This must be compiled in conjunction with the Msunduzi Municipality prior to construction commencing. The Green Design assessment must incorporate best practices to reduce and minimise environmental and resource impacts through appropriate green design. This must include, but is not limited to, measures to reduce electricity and water use and the promotion of recycling and water harvesting; appropriate storm water attenuation and adherence to the principles of Sustainable Urban Drainage Systems. A copy of the Green Design assessment must be submitted to this Department, at the address specified in condition 4.4 herewith.
- 5.4.16. The approved Landscape Plan and Green Design assessment listed in condition 5.4.14 and condition 5.4.15 must be implemented concurrently with the commencement the development.
- 5.4.17. The recommendations of the Environmental Assessment Practitioner as indicated in Section E and F (Pages 22-38) of the BAR (prepared by Bokamoso Landscape Architects and Environmental Consultants and dated May 2014) must be adhered to. In the event of any conflicting mitigation measures and conditions of the Environmental Authorisation, the specific condition of this Environmental Authorisation will take preference.
- 5.4.18. All waste generated on site that has not been re-used or recycled must be removed from the site and disposed of at an appropriate and licensed waste disposal site. The contractor responsible for the removal of the waste must supply the authorisation holder with a certificate, indicating disposal of waste at a licensed waste disposal site.
- 5.4.19. All sand, stone and other building materials must be sourced from sites that have appropriate Environmental Authorisation and Mining licences. A copy of proof of the source of sand, stone and

other building materials must be kept by the authorisation holder and made available to any authorised official of this Department on request

5.4.20. Should any sites of archaeological and/or cultural significance be discovered during the course of development, construction must cease immediately and the discovery must be reported to Amafa KwaZulu-Natal on the contact telephone number 033 – 394 6543 for investigation. Work on the site may only re-commence following written approval from Amafa KwaZulu-Natal. No structures older than sixty years or parts thereof are allowed to be demolished, altered or extended without a permit from Amafa KwaZulu-Natal. No activities are allowed within 50m (fifty metres) of a site which contains rock art.

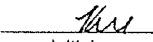
5.5. Operational phase

5.5.1. **Fourteen (14) calendar days** written notice that construction has been completed and that the operational phase will commence must be given to this Department, at the address specified in condition 4.4 herewith, The notice must include a date on which it is anticipated when the operational phase will commence and the EIA reference number of this Environmental Authorisation viz. DC22/0059/2011.

5.6. Site closure and decommissioning


5.6.1. The developer and contractor must ensure that no construction material foreign to the site (including construction debris) is left unattended to after construction. In this regard rubble, cement bags, chemicals, fuels and oils must be safely stored in appropriate containers and disposed off at an appropriately registered landfill site.

5.6.2. In the unlikely event of the decommissioning of the development the applicant must comply 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, as amended.

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5.7. Monitoring and Reporting to this Department

- 5.7.1. The authorisation holder must appoint a suitably experienced Environmental Control Officer (ECO) for the construction and rehabilitation phases of the development to ensure that the mitigation/rehabilitation measures and recommendations referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMPr.
- 5.7.2. Details of the appointed ECO must be forwarded to this Department at the address specified in condition 4.4 herewith.
- 5.7.3. Details of the appointed ECO must be forwarded to the Environmental Management Unit of the Msunduzi Municipality.
- 5.7.4. The ECO must be appointed before commencement of any land clearing or construction activities.
- 5.7.5. The ECO must perform all tasks as stipulated in the EMPr including keeping records of all activities on site, problems identified and transgressions noted.
- 5.7.6. The ECO must be employed until all rehabilitation measures required for the construction phase are completed and the site is ready for operation.
- 5.7.7. Records relating to monitoring and auditing must be kept on site and made available for inspection by this Department and other relevant authorities.
- 5.7.8. The ECO must visit the site **monthly** during the construction and installation phases and **annually** during the operational phase unless otherwise agreed with this Department in writing.
- 5.7.9. The holder of the Environmental Authorisation must submit an environmental audit report to this Department within **thirty (30) calendar days** of completion of construction. The environmental audit report must –
- 5.7.10. Be undertaken by the independent ECO appointed in terms of condition 5.7.1 herewith;
- 5.7.11. Indicate the date of the audit, the name of the author and the outcome of the audit in terms of compliance with the Environmental Authorisation conditions and the requirements of the EMPr;
- 5.7.12. Provide copies of records relating to monitoring and auditing undertaken during the construction phase;
- 5.7.13. Be submitted to this Department at the address specified in condition 4.4 herewith; and,
- 5.7.14. Be submitted to the Msunduzi Municipality.

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Annexure 1: Reasons for Decision

1. Background


The proposed development comprises a 6500m² shopping centre development situated on Portion 5 of Erf 4346, which is located on the corner of Woodhouse Road and Alan Paton Drive within the Msunduzi Local Municipality, uMgungundlovu District Municipality with the approximate geographic coordinates of the property being 29°38'39.9"S; 30°20'34.74"E as represented on the Locality Map and Layout Plan attached as **Annexure 2** and **Annexure 3** respectively to the Environmental Authorisation. The proposed shopping centre will eventually form part of a larger development, which has already been approved by in terms of a of a DFA application.

The project proposal as above was detailed in the Basic Assessment Report (prepared by Bokamoso Landscape Architects and Environmental Consultants and dated May 2014).

The initial applicant (O & T Development (Pty) Ltd) appointed the following Environmental Assessment Practitioner (EAP) to undertake a basic assessment process:

Bokamoso Landscape Architects and Environmental Consultants

- a) Bokamoso Landscape Architects and Environmental Consultants submitted an application for Environmental Authorisation subject to a Basic Assessment Process for the above-mentioned activity to this Department on 28 September 2011. This Department acknowledged receipt of the application on 30 September 2011.
- b) This Department received the Basic Assessment Report for the proposed activity on 2 May 2013 and acknowledged receipt of the Basic Assessment Report on 15 May 2013.
- c) The Basic Assessment Report was considered in terms of Regulation 25(1) of the NEMA EIA Regulations and rejected on 5 July 2013.
- d) This Department received the amended Basic Assessment Report on 27 May 2014 and acknowledged receipt of the amended Basic Assessment Report on 09 June 2014.
- e) The amended Basic Assessment Report was considered in terms of Regulation 25(1) of the NEMA EIA Regulations and accepted on 16 July 2014.
- f) Public participation involved the placing of a newspaper advertisement in the Maritzburg Fever newspaper (in English) on 10 November 2011; the e-mailing of written notices to various identified and

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potential stakeholders (on 14 November 2011); the placement of a site notice board at the site in English dated 28 November 2011; and, the provision of reports and information to Interested and Affected Parties to satisfy the requirements of Regulations 54 to 57 of Government Notice Regulation 543 of 18 June 2010.


- g) All issues/comments raised have been sufficiently addressed within the Basic Assessment Report and Environmental Management Programme (prepared by Bokamoso Landscape Architects and Environmental Consultants and dated May 2014 and March 2014 respectively). This Department is satisfied that the public participation process undertaken, adhered to the minimum requirements of Regulations 54 to 57 of the NEMA EIA Regulation 543 of 18 June 2010.
- h) Following the acceptance of the BAR, O & T Development (Pty) Ltd informed this Department (letter dated 13 October 2014) that the property had been sold to Shanbar Property Development CC and consented to Shanbar Property Development CC proceeding on their behalf with the application for Environmental Authorisation.

Shanbar Property Development CC appointed the following Environmental Assessment Practitioner (EAP) to assist Bokamoso Landscape Architects and Environmental Consultants with the conclusion of the Basic Assessment process:

Environmental Planning Services

Contact Person: Mr. Andrew Ferendinos
Postal Address: P. O. Box 256
Hilton
3245
Telephone Number: (033) 343 1777
Fax Number: (033) 343 1692
Cellphone Number: (072) 689 0922
E-mail address: andrew@enviroplan.co.za

- i) Environmental Planning Services submitted an amended application for Environmental Authorisation subject to a Basic Assessment process for the above-mentioned activity to this Department on 5 January 2015. This Department acknowledged receipt and accepted the

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
amended application and supplementary information in respect of the placement of the boundary wall and structural requirements on the 25 February 2015.

2. Information considered in making the decision

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

- a) The information contained in the application form for Environmental Authorisation dated 28 September 2011;
- b) The information contained in the amended application form for Environmental Authorisation dated 27 November 2014;
- c) The information contained in the BAR dated April 2013 and in the amended BAR dated May 2014; and,
- d) The comments received from the organs of state; interested and affected parties included in the BAR dated April 2013 and in the amended BAR dated May 2014.

<u>Document</u>	<u>Compiled by</u>	<u>Date</u>
Traffic Impact Study	WSP Civil and Structural Engineers	November 2010
Specialist Wetland Delineation Assessment	Eco-pulse environmental consulting services	April 2013
Stormwater Management Plan and Floodline Delineation Report	Jeffares and Green Consulting Engineers	Undated
Stormwater Management Plan and Floodline Delineation Report (revision 1)	Jeffares and Green Consulting Engineers	December 2014
Correspondence	Department of Water Affairs	13 June 2013 06 February 2014
Correspondence	Ezemvelo KwaZulu-Natal Wildlife	29 January 2013 May 2014
Correspondence	Umgenti Water	13 June 2013 04 March 2014
Correspondence	Amafa	12 June 2013
Correspondence	Msunduzi Municipality	08 October 2008 25 August 2010 26 October 2010 02 December 2010 25 April 2012 09 May 2012

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		15 August 2012 16 May 2013 02 August 2013 21 January 2014
Various correspondence	I&AP's	As represented in the BAR dated April 2013 and in the amended BAR dated May 2014

- e) Mitigation measures as proposed in the amended BAR and the EMPr dated May 2014 and March 2014 respectively;
- f) The comments raised by various stakeholders and other Departments;
- g) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998); and,
- h) The findings of the site visit undertaken by Departmental official Kraigen Govindasamy, in the company of Lizelle Gregory (Bokamoso Landscape Architects and Environmental Consultants) on 04 February 2014.


3. Key factors considered in making the decision

All information presented to this Department was taken into account in this Department's consideration of the application. A summary of the issues which, in this Department's view, were of the most significance is set out below.

3.1 Need and Desirability

According to the aBAR, the proposed development is in accordance with the principles of the Msunduzi Municipality's Integrated Development Plan, namely the compaction and containment of urban sprawl, integration via an appropriate combination of diverse land uses, urban densification, optimising the use of serviced land in an efficient and sustainable manner, restructuring the city, meeting land use needs to establish a quality urban environment; and, identification of areas of economic potential.

The proposed Woodburn Boulevard Shopping Centre will provide a decentralised shopping experience, with access to a wide range of facilities and shops, being offered to the surrounding communities in the residential areas of Scottsville and Pelham. It is anticipated that the development will transform the

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proposed site from its current neglected state and, to some extent, will facilitate the rehabilitation and protection of the Fox-Hill Spruit area. Approximately 150 employment opportunities are expected to be created by the proposed development during its development phase and it is anticipated that these employment opportunities will be retained during the operational phase of the development.

3.2 Alternatives

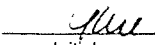
No alternative sites and service technologies were investigated for the proposed development. The preferred site was selected as it was approved by the DFA tribunal and has been rezoned to accommodate the proposed development. Site services for the proposed development have been confirmed by the Msunduzi Municipality and it will connect to the municipal sewer system. Alternative land uses were investigated for the proposed development site and in this regard the option of developing the site into a residential development was considered. However it was determined that the site would be more suitable for a commercial development due to the high traffic volumes on the roads surrounding the site and noise levels being a constraint to residential development. The applicant considered developing the site at a higher coverage (29 000m²) but this was not feasible due to high traffic and storm water implications.

No –Go Alternative

The No-Go alternative would be to retain the property in its current state and not undertake any development on the site. The site is transformed and has been used for parking and buildings associated with the Woodburn Rugby Stadium. The EAP indicates that undertaking this alternative will not maximise the commercial potential of the property.

3.3 Potential Environmental Impacts

The proposed development site forms an extension to the Woodburn Sports Stadium and was formerly used as additional sporting fields to the main stadium. The aBAR indicates that the site, which is currently underutilized and neglected, reflects a low to moderate degree of transformation and disturbance and prior attempts at developing the site have subsequently led to the establishment of alien invasive species and further degradation of the site. The Msunduzi Municipality Environmental Management Framework (EMF) identifies the Foxhill Spruit, which forms the western boundary of the development site, as an important riparian corridor. A wetland specialist (Eco-pulse environmental consulting) was appointed by the EAP to assess the condition of the site and confirmed that there is no wetland on or adjacent to the development site. The key potential environmental impacts associated with the proposed development are: drainage and

KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs	Environmental Authorisation: DC22/0059/2011	Page 18 of 25	 Initials
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storm water management impacts resulting from an increase of hardened surfaces on the site; air and noise pollution impacts stemming from construction activities and from increased traffic levels stemming from the operation of the development; and, visual and aesthetic impacts.

3.4 Town planning considerations

The resolution of the Town and Regional Planning Commission taken on 22 January 2001 noted that a substantial portion of the proposed development is located below the 1:100 year flood line and consequently an undertaking was given that within this area only existing structures; embankments and supporting columns for the proposed shopping centre may occur below the 1:100 year floodline. The tribunal judgment of the Development Facilitation Act Tribunal of 10 September 2001, held that flood attenuation measures must be incorporated into the layout and design of the proposed development. Whilst it is the intention of the authorisation holder to construct storm water attenuation structures, buildings and underground sewer pipes within 32 metres of the Foxhill Spruit, these activities are no longer listed in terms of the EIA Regulations, 2014 as the proposed development is located within an urban area. However, the construction of storm water attenuation structures within the watercourse triggers Activity 19(i) in Government Notice No. R983 of the EIA Regulations, 2014 as it will entail the removal or moving of soil of more than 5 cubic metres from the watercourse.


These impacts have been adequately addressed through the mitigation measures in the aBAR and EMPr (prepared by Bokamoso Landscape Architects and Environmental Consultants and dated May 2014 and March 2014 respectively) and through various conditions of this Environmental Authorisation.

4. Findings

After consideration of the information and factors listed above, this Department made the following findings –


4.1. General

- a) The Basic Assessment Report and Environmental Management Programme (prepared by Bokamoso Landscape Architects and Environmental Consultants and dated May 2014 and March 2014 respectively) included a description of the environment that may be affected by the activity and the


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manner in which the physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity.

- b) The proposed development will adhere to an Environmental Management Programme and site specific mitigation measures that will ensure that the environmental impacts are managed throughout all phases of the development.
- c) All requirements of the EIA Regulations, 2010 and other relevant legislation and guidelines have been considered in the preparation of the Basic Assessment Report and Environmental Management Programme (prepared by Bokamoso Landscape Architects and Environmental Consultants dated May 2014 and March 2014 respectively).
- d) The proposed methodology used in assessing the potential impacts identified in the Basic Assessment Report and Environmental Management Programme (prepared by Bokamoso Landscape Architects and Environmental Consultants and dated May 2014 and March 2014 respectively) has been adequately indicated.
- e) The Department of Water Affairs (DWA) provided comment (06 February 2014) in respect of the management of storm water. The DWA's comments have been incorporated into the recommendations of the Basic Assessment Report and Environmental Management Programme (prepared by Bokamoso Landscape Architects and Environmental Consultants and dated May 2014 and March 2014 respectively) and adherence to these comments has been included as a condition to this Environmental Authorisation.
- f) The Storm Water Management Plan and Floodline Delineation Report (prepared by Jeffares and Green Consulting Engineers and undated), which included a floodline assessment of the 1:50 and 1:100 year design flood events, indicates that a significant portion of the development site will be inundated by both of these flood events and recommended the construction of a wall with a minimum height of at least 1.76 metres from the ground level to prevent any possible damage of the site from these flood events. In addition to the analyses it was noted that no additional structures on the left side of the Foxhill Spruit River are impacted by the construction of the wall. However, the bowling green and parking lot of the bowls club on the left side of the river may well be affected by the construction of the wall under the 1:100 year flood conditions. These factors must be taken into account by the Municipality in the approval of building plans and final storm water management plan and have been included as conditions of this Environmental Authorisation.

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- g) The Structural Engineer has confirmed that the boundary wall will be positioned in exactly the same position that it is in currently and that the river bank and water course will not be affected by the re-build of the existing boundary wall.
- h) The Department is mindful of the fact that the developer already has development approval for this development. Further to this the Department of Water and Sanitation have no objection to the proposed development despite the potential flood risk. It is incumbent upon the Municipality to take cognisance of the potential flood risk to the proposed development and the potential impact on adjacent and downstream properties and to ensure that the storm water attenuation and flood risk is appropriately managed. It has been made a requirement of this Environmental Authorisation that the Storm Water Management Plan be revised to include the recommendations of the Storm Water Management Plan and Floodline Delineation Report (prepared by Jeffares and Green Consulting Engineers and undated) and submitted to the Msunduzi Municipality for approval.
- i) The Specialist Wetland Delineation Assessment (prepared by Eco-pulse environmental consulting services and dated April 2013) found that no wetland habitat is currently presently at the development site but recommended that the watercourse which exists outside of the property on the western side should be managed to prevent negative ecological impacts to this system during the construction and operational phases of the proposed development.
- j) Ezemvelo KZN Wildlife (EKZNW) have confirmed (letter dated 20 May 2014) that it is satisfied that the proposed development should not result in significant impacts upon local biodiversity. EKZNW's comments have been incorporated into the recommendations of the Basic Assessment Report and Environmental Management Programme (prepared by Bokamoso Landscape Architects and Environmental Consultants and dated May 2014 and March 2014 respectively).
- k) The Traffic Impact Study (prepared by WSP Civil and Structural Engineers and dated November 2010) found that the proposed development will substantially increase traffic levels on the municipal arterial roads and residential roads flanking the development site and recommended several road upgrading measures to be implemented to mitigate these impacts. The Roads, Transportation and Public Works (RTPW) unit of the Msunduzi Municipality (letters dated 25 August 2010, 26 October 2010 and 02 December 2010) provided comment in this regard and their recommendations have accordingly been included as a condition to this Environmental Authorisation.
- l) Various sections of the Msunduzi Municipality including: the Infrastructure, Services and Facilities Business; the Water and Sanitation unit; the Water and Sanitation unit and, the Environmental Management unit provided comment on the proposed development. No objection was raised to the

KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs	Environmental Authorisation: DC22/0059/2011	Page 21 of 25	 _____ Initials
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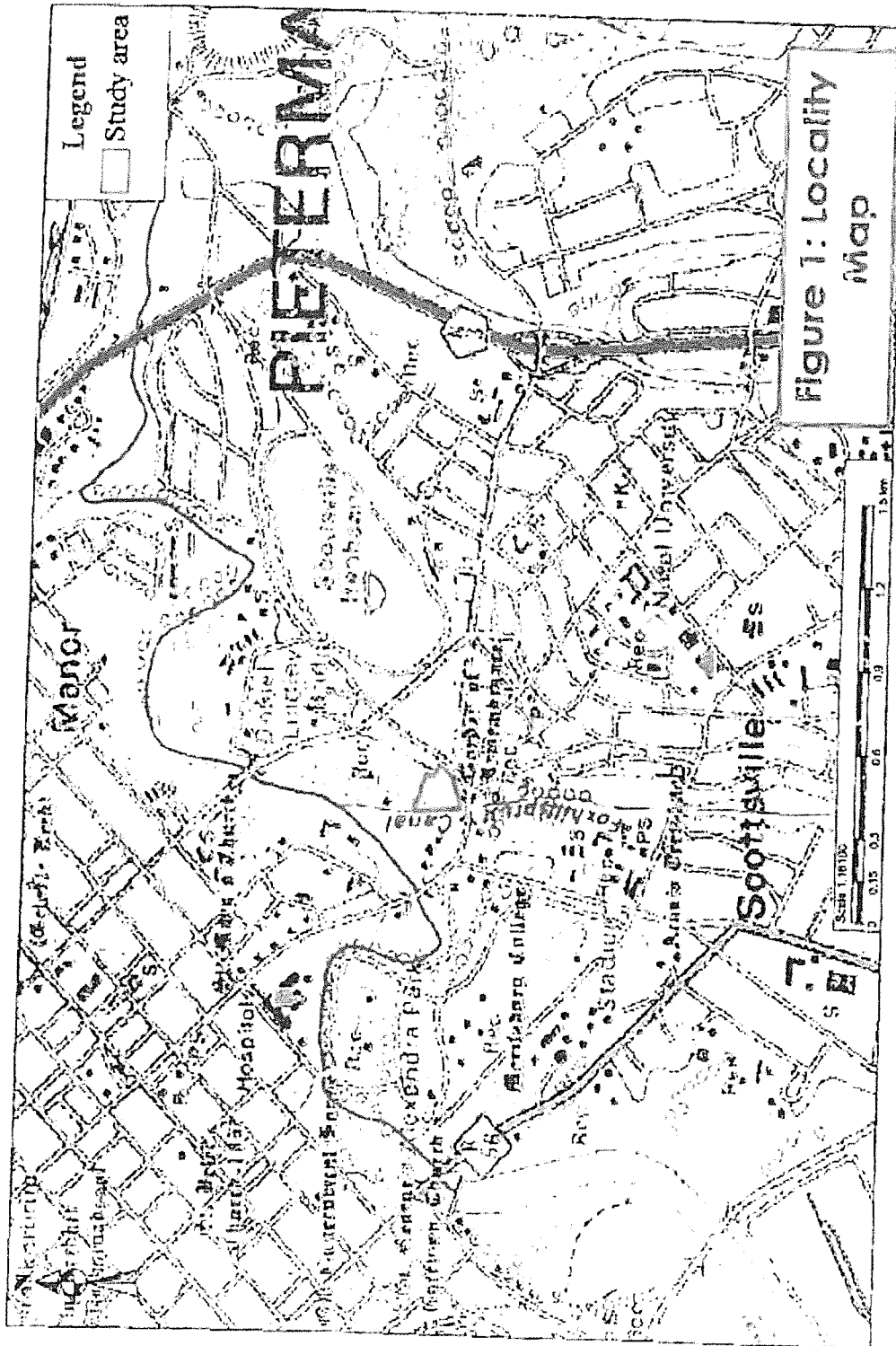
proposed development subject to conditions. Where applicable these conditions have been incorporated as conditions of this authorisation.

- m) Umgeni Water (letter dated 04 March 2014) commented that the Darvill Wastewater Treatment Works (DWWTW) would not be able to treat the estimated output of domestic wastewater from the Woodburn Shopping Centre at its current capacity. However, it would be able to treat the waste upon completion of the proposed upgrade to the DWWTW scheduled for 2016. This has been taken into consideration by this Department and a condition has been incorporated into this Environmental Authorisation ensuring that there is no connection to the municipal sewer until such time as the Department of Water and Sanitation has confirmed that the Darvill Wastewater Treatment Works is capable of treating the wastewater from the Woodburn Shopping Centre.
- n) Amafa Akwazulu-Natali (letter dated 12 June 2013) acknowledged receipt of the invitation to comment on the proposed development and confirmed that the proposed area of development has no known heritage resources that may be damaged but requested adherence to conditions pertaining to heritage objects and structures. Adherence to Amafa's conditions has been incorporated as a condition of this Environmental Authorisation.
- o) The proposed activity is sited adjacent to existing sports grounds, residential areas and a built up area. It is situated on transformed land which is zoned for commercial purposes. The Msunduzi Municipality is aware of the sensitivity of the site which has been identified as one of environmental significance in terms of the Msunduzi Environmental Management Framework and will therefore take this into account in the approval of the building plans and the Final Storm Water Management Plan.

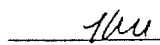
In view of the above, this Department is satisfied that subject to compliance with the conditions contained in the Environmental Authorisation and upon adherence to the mitigation measures contained in the Environmental Management Programme the proposed activity will not conflict with the general objectives of Integrated Environmental Management as laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. **The application is accordingly granted.**

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Annexure 2: Locality



Map

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Annexure 3a: Site Development/Layout Plan

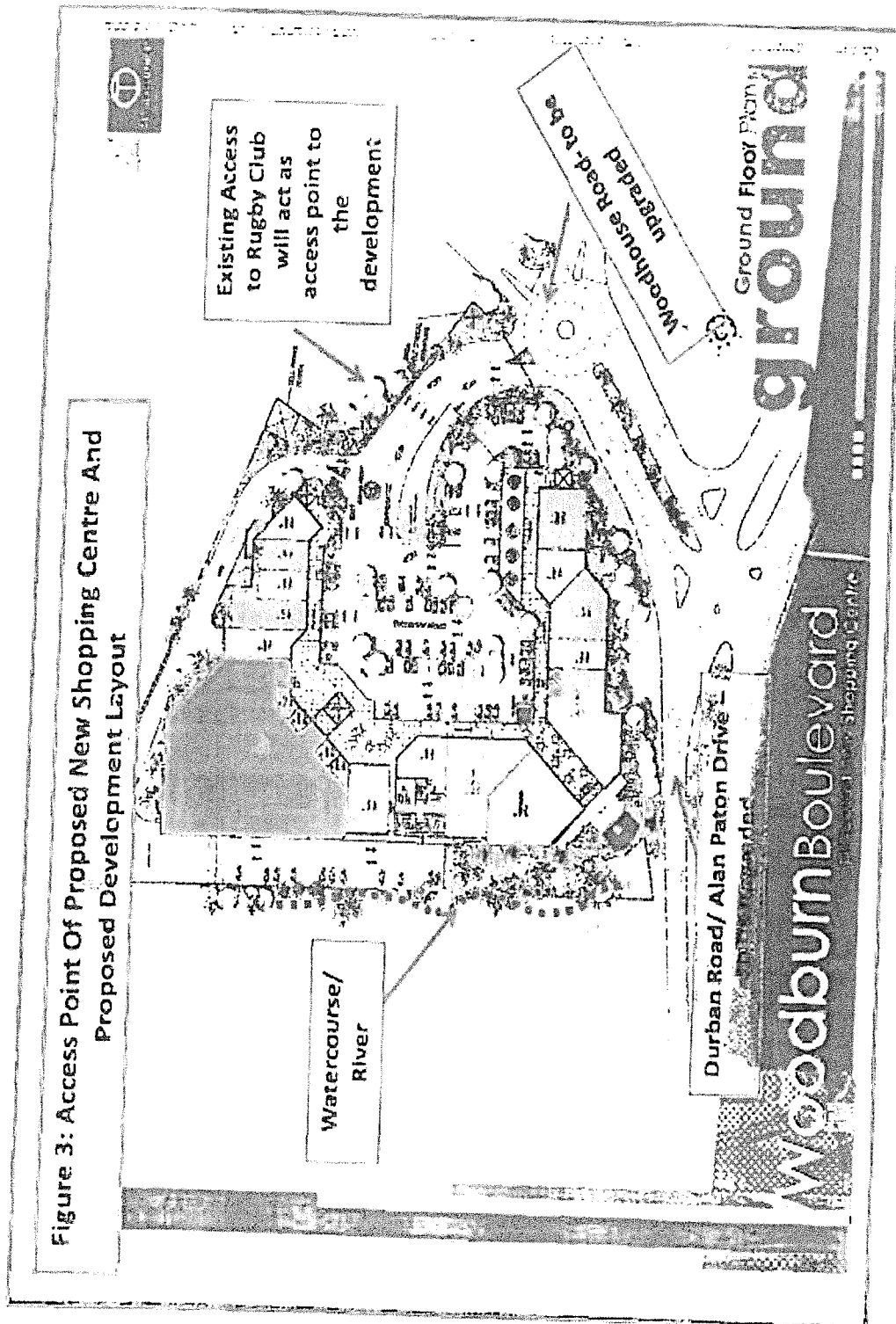
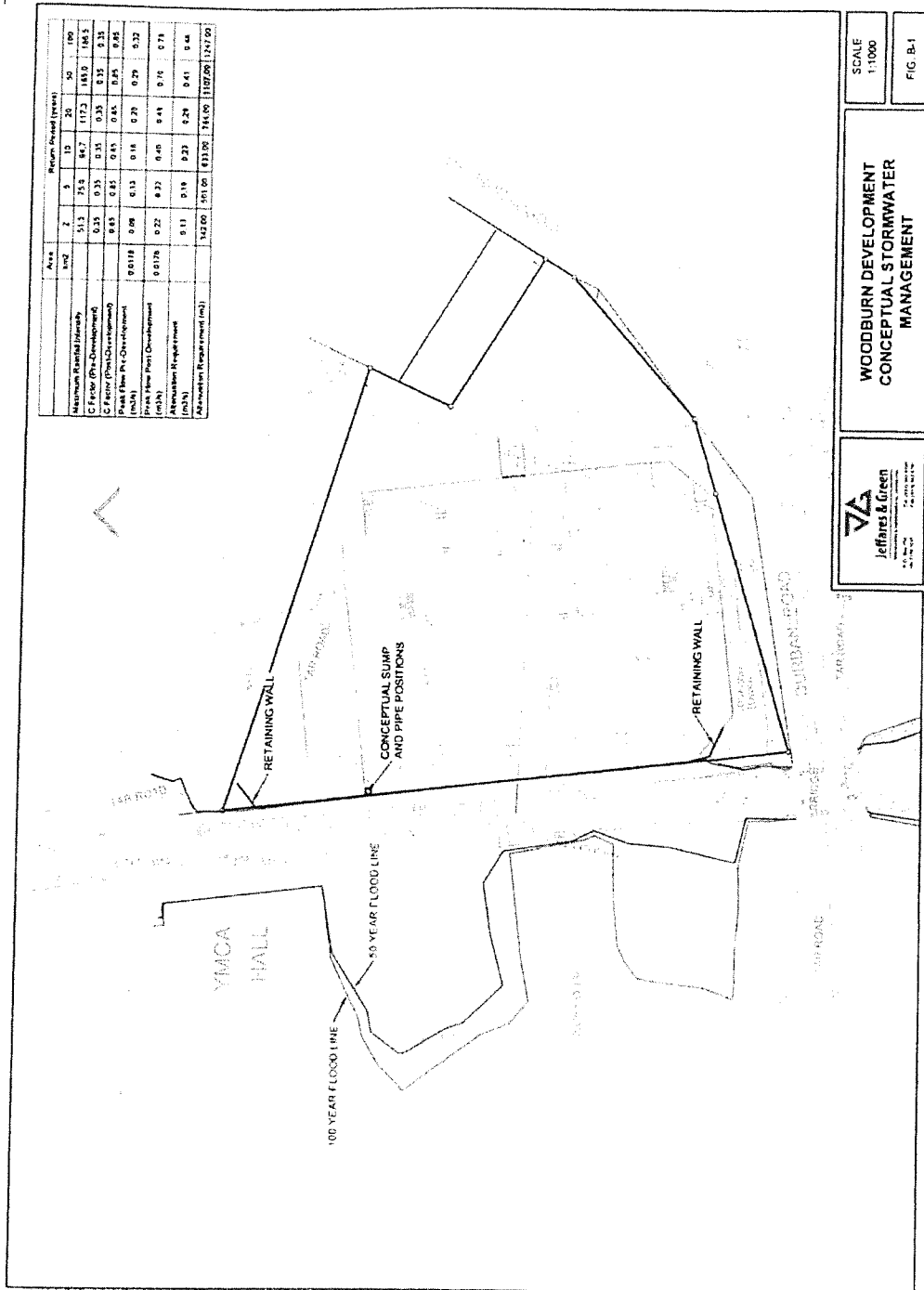


Figure 3: Access Point Of Proposed New Shopping Centre And Proposed Development Layout

Annexure 3b: Site Layout Plan: 1:50 and 1:100 floodline





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

Enquiries: Kim van Heerden
Reference: DC22/AMEND/0059/2015
Date: *26 January* 2016
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

Shanbar Property Development cc
P. O. Box 12102
Dorpspruit
3206

ATTENTION: Mr. Andrew Barrie Barnes
Telephone Number: (033) 344 1109 Cell Number: (083) 255 7505 Fax Number: (086) 555 0270


cc. ATTENTION: Mr. Andrew Ferendinos
Environmental Planning Services

Telephone Number: (033) 343 1777 Cell Number: (072) 689 0922 Fax Number: (033) 343 1692

Dear Sir/s


RE: DC22/AMEND/0059/2015: AMENDMENT OF THE LAYOUT PLAN FOR THE WOODBURN BOULEVARD SHOPPING CENTRE ON THE CORNER OF WOODHOUSE ROAD AND ALAN PATON DRIVE ON PORTION 5 OF ERF 4346, LOCATED WITHIN PIETERMARITZBURG, MSUNDUZI MUNICIPALITY.

1. The Environmental Authorisation for the abovementioned project (EIA ref: DC22/0059/2011) dated 26 February 2015 and your application for an amendment to this Environmental Authorisation in terms of the provisions of sub-regulation 28 of the EIA Regulations, 2014, dated 03 November 2015 refers.
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 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, issues an amendment to the Environmental Authorisation by way of the Addendum as attached.
3. Reasons for this decision is as follows:
 - 3.1) The Authorisation Holder motivated that to improve the visibility of the mall, the layout was amended to concentrate the development in the eastern half of the property with fewer buildings to obstruct views of the development from Woodhouse and Alexandra Road.

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- 3.2) Additionally it was motivated that the developer has secured a tenant who wishes to develop a drive through facility on the property which requires a new location that is separate from the main mall building.
- 3.3) A Traffic Impact Assessment and revised Traffic Impact Assessment (both prepared by Royal Haskoning DHV and dated March 2015 and July 2015 respectively) concluded that the proposed development will generate additional traffic and indicated that to accommodate the additional traffic the access to the site would require amendment. Accordingly, the adherence to the recommendations of the Traffic Impact Assessment have been incorporated into the amended layout and included as a condition of this addendum to the Environmental Authorisation.
- 3.4) The Msunduzi Municipality: Infrastructure Services Business Unit: Roads and Transportation Department (letter dated 20 November 2015) approved the proposed development subject to specific requirements which includes improvements to signalization and intersection upgrades. The adherence to the requirements of the Msunduzi Municipality: Infrastructure Services Business Unit: Roads and Transportation Department (letter dated 20 November 2015) has been included as a condition of this addendum to the Environmental Authorisation.
- 3.5) Ezemvelo KZN Wildlife (letter dated 17 September 2015) commented that no biodiversity concerns additional to those covered in the Environmental Authorisation were expected.
- 3.6) One neighbor objected to the proposal, this was later withdrawn. However, in order to reduce impact on residential properties, a boundary wall, with minimum height of 2 meters and 200mm thick is to be built.
- 3.7) Visual impacts, social impacts and impacts on vegetation loss, storm water management and traffic impacts have been adequately addressed and mitigated for in the Addendum Report (prepared by Environmental Planning Services and dated November 2015).
- 3.8) No significant detrimental environmental impacts are expected should the development adhere to the conditions of the Environmental Authorisation issued for DC22/0059/2011 (dated 26 February 2015), and the conditions of this addendum to the Environmental Authorisation.
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.

KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs	Cover Letter for Environmental Authorisation: DC22/AMEND/0059/2015	Page 2 of 3	 Initials
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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
- 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**

POSTAL/ FAX/ E-MAIL:	PHYSICAL:
Private Bag X001 Bishopsgate 4008, Durban Tel: 031 310 5300 Fax: 031 310 5416 E-Mail: Inderlallh@kznded.gov.za (Haresh Inderlall)	9 th Floor, The Marine Building, 22 Dorothy Nyembe Street, Durban 4001

Yours sincerely




for: **Head of Department:**

Department of Economic Development, Tourism and Environmental Affairs

Signed by : Mrs. Kim van Heerden

Designation : uMgungundlovu District Manager

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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 TO ENVIRONMENTAL AUTHORISATION: THE WOODBURN BOULEVARD SHOPPING CENTRE.

Application number: DC22/0059/2011

Date of authorisation: 26 February 2015

First Amendment reference number: DC22/AMEND/0059/2015

Date of First Amendment: ...26.....January 2016

Holder of authorisation: Shanbar Property Development cc

Location of activity: Portion 5 of Erf 4346
Msunduzi Municipality
uMgungundlovu District Municipality

Decision

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

The Woodburn Boulevard Shopping Centre on the corner of Woodhouse Road and Alan Paton Drive on Portion 5 of Erf 4346, located within Pietermaritzburg, Msunduzi Municipality

authorised on 26 February 2015 (EIA Reference: DC22/0059/2011)

Details of the contact person:

Mr. Andrew Barrie Barnes

P. O. Box 12102

Dorpspruit


3206

Telephone Number: (033) 344 1109

Fax Number: (086) 555 0270

Cellphone Number: (083) 255 7505

E-mail address: andrew@barnesprop.co.za

KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs	Addendum to Environmental Authorisation: DC22/AMEND/0059/2015	Page 2 of 10	 Initials
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1 Details of amendment

1.1 Background to the application.

1.1.1 The applicant has applied for an amendment to the layout plan contained in the Environmental Authorisation (DC22/0059/2011) issued by the Department on 26 February 2015. The new layout plan is attached as Annexure 1.

1.1.2 The amendments to the layout are as follows:-

1.1.2.1 The development layout plan for the Woodburn Boulevard Shopping Centre has been revised to incorporate a new drive-through restaurant proposed at the entrance to the mall.

1.1.2.2 The entrance to the proposed development site has been moved by approximately 50 metres to accommodate the proposed drive through restaurant in accordance with the recommendations of the Traffic Impact Assessment (prepared by Royal Haskoning DHV and dated July 2015).

1.1.2.3 The footprint of the buildings has changed slightly with the main building in the eastern half of the site having increased slightly in bulk while a row of shops fronting onto Alan Paton Avenue/ Woodhouse Road have been removed from the development layout.

1.1.3 The Department considered that the proposed amendments were substantive in nature and required the Environmental Assessment Practitioner (EAP) (Environmental Planning Services) to undertake a Public Participation Process (PPP) and submit an Amendment Report detailing the PPP, motivating the proposed amendments and an assessment of impacts thereof.


1.2 The EAP conducted the following in terms of public participation:

1.2.1. A site notice, written in English, was placed on the boundary of the site;

1.2.2. Written notice was given to all neighbouring property owners within 100 meters of the property boundary;

1.2.3. A newspaper advertisement was placed in the Maritzburg Fever and Witness newspapers (in English) on 26 August 2015;

1.2.4. All Interested and Affected Parties (IAP) registered on the initial project, were notified of the proposed amendment and their details were captured in an IAP Register; and,

KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs	Addendum to Environmental Authorisation: DC22/AMEND/0059/2015	Page 3 of 10	 Initials
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1.3 The EAP submitted an Amendment Report to this Department on 03 November 2015. The report was acknowledged as having been received by this Department on 03 November 2015.

1.4 **Amendment Decision: Amendment to Project Description.**

1.4.1 The Department hereby **amends** paragraph 1 of the Project Description on page 4 of 25 of the Environmental Authorisation (DC22/0059/2011) issued by this Department on 26 February 2015 as follows:-

New Project Description (DC22/0059/2011):

The proposed development comprises a 6500m² shopping centre development situated on Portion 5 of Erf 4346, which is located on the corner of Woodhouse Road and Alan Paton Drive within the Msunduzi Local Municipality, uMgungundlovu District Municipality with the approximate geographic coordinates of the property being 29°38'39.9"S; 30°20'34.74"E as represented on the Locality Map and Amended Layout Plan attached as Annexure 1 and Annexure 2 respectively to this Addendum to the Environmental Authorisation.

1.5 **Amendment Decision: Amendment to condition 5.4.3**

1.5.1. The Department hereby **amends** condition 5.4.3 of the Environmental Authorisation (DC22/0059/2011) issued by this Department on 26 February 2015 by replacing it with the following condition of approval:

New Condition:

5.4.3 The construction of the Woodburn Boulevard Shopping Centre must substantially adhere to the Amended Layout Plan (prepared by TC Design Architects and dated 31 July 2015) attached as Annexure 2 to this Addendum to the Environmental Authorisation.

1.6 **Amendment Decision: Amendment to condition 5.4.6**

1.6.1 The Department hereby **amends condition 5.4.6** of the Environmental Authorisation (DC22/0059/2011) issued by this Department on 26 February 2015 as follows:


New Condition:

2.9 The Stormwater Management Plan must be revised to include mitigation measures and management specifications to accommodate the revised layout plan, and must be submitted to the relevant section of the Msunduzi Municipality for approval prior to development commencing. The Storm Water Management Plan must include the recommendations of the Storm Water Management Plan and Floodline Delineation Report (prepared by Jeffares and Green, undated). A copy of the approved Stormwater Management Plan and a copy of the Msunduzi Municipality's written approval must submitted to this Department at the address specified below:

**KZN Department of Economic Development, Tourism and Environmental Affairs
Private Bag X07
Cascades
3202**

**Attention: Compliance Monitoring and Enforcement
Fax Number: (033) 347 1826
Telephone Number: (033) 347 1820**

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


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2 Conditions of amendment

- 2.1 The amendments to the Environmental Authorisation (DC22/0059/2011) issued by the Department on 26 February 2015 as detailed above in Section 1 of this Addendum to the Environmental Authorisation **are effective from the date of signature of this amendment.**
- 2.2 The validity period of the Environmental Authorisation for DC22/0059/2011 dated 26 February 2015 is not extended from the date of signature of this amendment. If physical work on the development has not commenced within the original five year validity period then this authorisation is deemed to have lapsed and is no longer valid.
- 2.3 The construction of the Woodburn Boulevard Shopping Centre must substantially adhere to the Amended Layout Plan (prepared by TC Design Architects and dated 31 July 2015) attached as Annexure 2 to this Addendum of the Environmental Authorisation.
- 2.4 The Storm Water Management Plan must be revised to include mitigation measures and management specifications to accommodate the revised layout plan and must be submitted to the relevant section of the Msunduzi Municipality for approval prior to development commencing. The Storm Water Management Plan must include the recommendations of the Storm Water Management Plan and Floodline Delineation Report (prepared by Jeffares and Green and undated). A copy of the approved Stormwater Management Plan and a copy of the Msunduzi Municipality's written approval must be submitted to this Department at the address specified below:

KZN Department of Economic Development, Tourism and Environmental Affairs
Private Bag X07
Cascades
3202

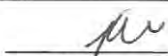
Attention: Compliance Monitoring and Enforcement
Fax Number: (033) 347 1826
Telephone Number: (033) 347 1820

KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs	Addendum to Environmental Authorisation: DC22/AMEND/0059/2015	Page 6 of 10	 Initials
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- 2.5 This amendment **does not** alter or amend any other conditions of authorisation as stipulated in terms of the Environmental Authorisation issued for this development (EIA Reference: DC22/0059/2011), issued by this Department on 26 February 2015.
- 2.6 The recommendations of the revised Traffic Impact Assessment (prepared by Royal Haskoning DHV and dated July 2015) and the requirements of the Msunduzi Municipality Infrastructure Services Business Unit: Roads and Transportation Department (letter dated 20 November 2015) in respect of traffic impacts must be adhered to.
- 2.7 The mitigation measures in respect of storm water management, visual impacts and traffic as prescribed in the Addendum Report (prepared by Environmental Planning Services and dated November 2015) must be adhered to. In this regard:
- 2.7.1 To prevent inconvenience to future tenants and users of the mall the detention ponds shall be located in the parking areas either on the ground floor or in the building's basement thereby keeping potential structural damage to a minimum.
- 2.7.2 The Authorisation Holder is to construct a wall along the common boundary with private residences in Woodhouse Road that is at least 2 metres high and 200mm thick. The construction of the wall must commence simultaneously with construction activities and must be completed so as to ensure screening of neighbouring properties.
- 2.7.3 All lighting must be directed downwards or away from adjoining private residences. Kitchen air vents must be designed so as to have the minimum possible negative environmental impacts on neighbours.

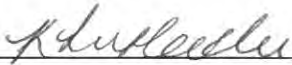
3 Notification to interested and affected parties

- 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:

KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs	Addendum to Environmental Authorisation: DC22/AMEND/0059/2015	Page 7 of 10	 Initials
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- 3.1.1 All registered interested and affected parties are provided with access to the decision and the reasons for the decision; and
- 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: 26 January 2016




for: Head of Department

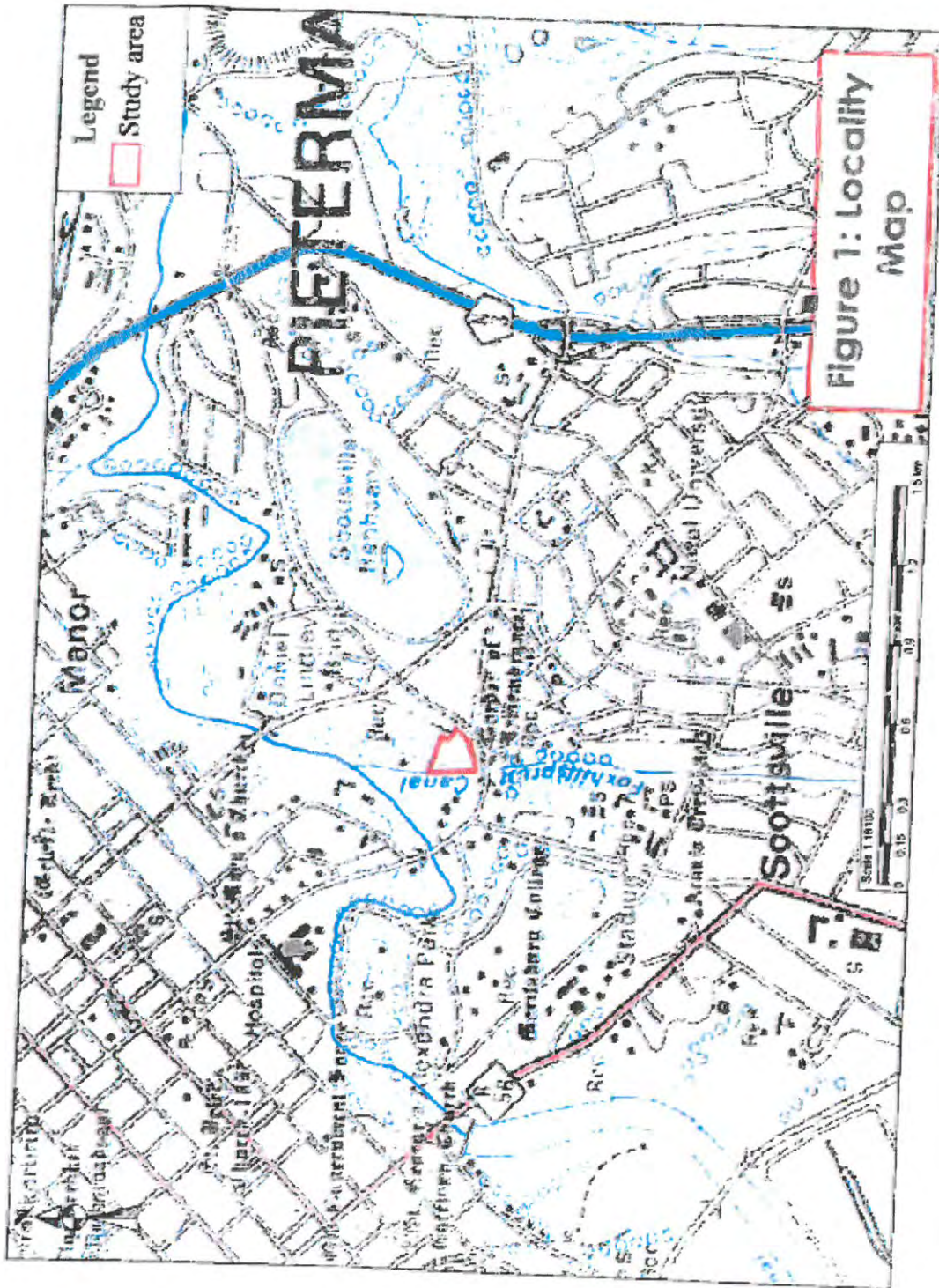
KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs

Signed by : Mrs. Kim van Heerden

Designation : uMgungundlovu District Manager

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ANNEXURE 1: SITE LOCALITY PLAN



ANNEXURE 2: AMENDED LAYOUT PLAN

