

agriculture & environmental affairs

Department:
Agriculture
& Environmental Affairs
PROVINCE OF KWAZULU-NATAL

KZN Department of Agriculture & Environmental
Affairs
Private Bag X54321, Durban, 4000
Tel: 031 302 2870 | Fax: 031 302 2824
Toll-Free: 0800 000 996
Enquires: Ms. V. Maclou
Email: vanessa.maclou@kzndae.gov.za
Website: www.kzndae.gov.za
Reference No.: DM/AMEND/5809/2012

Fax Transmission

Messrs Tongaat Hulett Developments (Pty) Ltd
P.O Box 22319
Glenashley
4022

Attention : Nonhlanhla Khoza
Tel : 083 701 3561
Fax : 086 678 7028

Dear Madam

EIA REFERENCE DM/AMEND/5809/2012: AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION FOR THE EXTENSION OF VALIDITY PERIOD FOR THE TONGAAT HULETT DEVELOPMENT ON REM OF PORTION 42 OF LOT 31 NO.1560 AND REM OF PORTION 615 OF THE FARM COTTONLANDS NO.1575, WHICH IS LOCATED WITHIN THE ETHEKWINI MUNICIPALITY.

1. The Record of Decision (EIA/5809) for the abovementioned project dated, 26 March 2009, and application to amend the Record of Decision received by the Department on 20 November 2012 (DM/AMEND/5809/2012) in terms of the provisions of Regulation 39 of the National Environmental Management Act (NEMA) Environmental Impact Assessment (EIA) Regulations, 18 June 2010, have reference.
2. The request for amendment entails extension of the validity period of the proposed development.
3. The KwaZulu-Natal Department of Agriculture and Environmental Affairs has decided to **amend** the abovementioned Record of Decision under NEMA EIA Regulations, June 2010 as amended to read as follows:
 - a. This Record of Decision is valid for a further **four (04) years** from the date of expiry.i.e. The ROD expires on 26/03/2017. If commencement of the activity does not occur within that period, the environmental authorisation lapses and the holder of the environmental authorisation must re-apply for an environmental authorisation should he or she wish to carry-on the activity, unless the applicant has requested an extension of time in writing at least **sixty (60) days** before the expiry of this environmental authorisation.

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4. Reasons for the amendment are as follows:

- a. Tongaat Hulett is in the process of acquiring development rights in terms of the KwaZulu Natal Planning and Development Act No.6 of 2008 (PDA). The application for a sub division was lodged with the eThekweni Municipality in terms of the KwaZulu Natal Planning and Development Act (PDA). The application took long due to the fact that it was the first application in terms of the new PDA, and the Municipality experienced teething problems.
- b. Permission to sell and subsequently permission to build in terms of the PDA is expected shortly.
- c. The property market is slowly recovering and Tongaat Hulett does not anticipate having enough sales before end of March 2013 to enable construction.

5. In terms of sub regulation 10(2) of the EIA Regulations, 2010, you are instructed to notify all registered interested and affected parties in writing within **seven (07) calendar days** of receipt of this Department's decision in respect of your application. You are also instructed to provide all registered interested and affected parties with information on the appeal process in accordance with Chapter 7 of the EIA Regulations, 2006.

6. An appeal against the Department's decision may be lodged in terms of the provisions of Chapter 7 of the EIA Regulations, 2010.

7. Your attention is drawn to the following requirements of sub-regulation 10(2) of the EIA Regulations, 2010:

- a. The applicant must in writing **within twelve (12) days** of the date of this decision notify all registered interested and affected parties of the outcome of this decision and provide the Department's reasons for the decision.
- b. In addition the applicant must draw the attention of all registered interested and affected parties to the fact that an appeal may be lodged in terms of Chapter 7 of the EIA Regulations 2010.
- c. The applicant must also comply with the requirements with regard to access to this decision and notification of interested and affected parties in terms of sub-regulations 10(2) (c)-(d) in the EIA Regulations, 2010.

8. Please contact this Department if you have any queries regarding this correspondence.

Yours faithfully




for Acting Head of Department

Department of Agriculture and Environmental Affairs

Signed by : Ms. Vanessa Maclou

Designation : eThekweni District Manager

Date : 26 February 2013

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