KZN Agriculture and Environmental Affairs

uMnyango:
weZolimo neZemvelo
ISIFUNDAZWE SAKWAZULU-NATALI

Directorate: Macro Planning
Tel: 033 – 3559339
Ref: 10/4/5/2/4-3523
Address: P.Bag X 9059 Pietermaritzburg 3200
Fax: 033 – 3559330
Enquiries: Z.N. Dlamini
Date: 22 October 2008

Metamorphosis Environmental Consultants

43 Margaret Crescent

Forest Hills

Durban

4001

ATT: Vicki King

TEL: 031 762 2606 / FAX 088 031 762 2606

ENVIRONMENTAL SCOPING REPORT: PROPOSED INKWAZI DEVELOPMENT BETWEEN ANIMAL FARM AND SEATON DELAVAL: PORTIONS 13, 15, 39, 109, 150 AND REM OF PORTIONS 20 AND 19 ALL OF THE FARM LOT 69 NO. 917 (EIA: DC29/0022/08)

The environmental scoping report received by this office, lodged in terms of Environmental legislation for the establishment of a residential development has reference,

- Please be advised that a site inspection to evaluate the significance of agricultural resources that are likely to be impacted upon by the proposed development was conducted on the 21st of October 2008 by this office.
- Although it was confirmed during the same site inspection that the site in question is characterised by weak structured (prune to erosion), poorly drained agricultural soil resources, it is prudent that prior to formulating any opinion on the proposal this office will appreciate if the following information could be supplied:
  - The title deeds of the properties identified in the report as forming part of the proposed land development area. Please include copies of approved survey diagrams if any were created, including the extent of individual properties.

- The planning context within which it could be shown that the proposed land development is not at variance with the spatial planning framework of the Local Municipality. A copy of the SDF clearly identifying the proposed land development site should be sufficient for this purpose

Please note that this is in response to the Environmental Scoping Report upon receipt of additional information final comment in terms of the environmental process will be supplied.

For ACTING HEAD OF DEPARTMENT

cc. **Ms. L.P. Shange**: Manager Macro Planning
Ms. S. Zwane: Acting Deputy Manager Land Use & Soil Management (NDA): Fax 012-3295938
Ms. N Zungu Environmental Officer : Fax 032 551 5787

Amafa AkwaZulu-Natali

Heritage KwaZulu-Natal

Erfenis KwaZulu-Natal

PO Box 2685
Pietermaritzburg 3200
Tel: 033 394 6543
Fax: 033 342 6097
Email: amafa.pmb2@mweb.co.za
Website: www.heritagekzn.co.za

Date: 16 October 2008

Ref: 2008/06/17-02
Attention: Jason Chapman
Chapman Enterprises
Tel: 032 946 3558
Fax: 032 946 0350

Cc: Sue George; Metamorphosis Environmental Consultants (Fax 086 620 3204)

Dear Jason

RE: PROPOSED DEVELOPMENT OF INKWAZI ESTATE NEAR BALLITO, KWADUKUZA

In terms of Section 26 of the Amafa KwaZulu Natal Heritage Act No 10 of 1997 we have no objection to the proposed development since the eThembeni Cultural Heritage field survey did not yield heritage resources within the proposed development footprint. You are however required to adhere to the below-mentioned recommendations as presence of sub – surface heritage resources cannot be ruled out in your area of operation:

Conditions:

1. Amafa should be contacted if any heritage objects are identified during earthmoving activities and all development should cease until further notice.

2. No structures older than sixty years or parts thereof are allowed to be demolished, altered or extended without a permit from Amafa.

3. No activities are allowed within 50m of a site which contains rock art.

4. Amafa should be contacted if any graves are identified during construction and the following procedure is to be followed:

- stop construction
- report finding to local police station
- report to Amafa to investigate
- apply to Amafa for a permit to move the grave
- obtain permission from the community to move the grave

Heritage Resources are protected in terms of the KwaZulu-Natal Heritage Act (No. 10 of 1997).

Best regards,

Sello Mokhanya

Principal Heritage Officer – Archaeology

Dolphin Coast
RESIDENTS & RATEPAYERS' ASSOCIATION

Chairperson: Louis Nel
Cell: 072 236 1982

Vice Chairperson: G Clarke
032 525 8098

Treasurer:
Tel

e-mail docrra@absamail.co.za

3 Foxhill Lane Road, Foxhill. Tel/fax 032 525 4981. Box 823, Ballito, KwaZulu Natal, South Africa 4420

12 November 2008

V King

Ref; Inkwazi EIA.

Whilst recognizing the desperate need for middle and lower cost housing in this area there are a few concerns that we have.

Will there be adequate and sustainable electricity and water supply ?

The continued and increasing applications for three storeys is becoming a concern on that are these not going to be obstrusive.

The road giving access is already degrading and what will happen to it when there is much more heavy construction traffic during the building phase

Regards

L.Nel
Chairman

iLembe District Municipality

SCOPING REPORT EVALUATION

INKWAZI DEVELOPMENT EIA	
DAEA reference No.	**DC29/0022/08**
Project description title:	**Proposed Inkwazi Estate Development, Ballito, KwaZulu Natal**
Consultant:	**METAMORPHOSIS**
Evaluation Report Date:	**December 2008**

1. INTRODUCTION AND PROPOSED DEVELOPMENT

The draft Scoping Report (SR) was compiled by Metamorphosis in September 2008. The report proposes development of a township of aapproximately 59ha in Ballito, KZN North Coast, of which 25ha will be developed, the remainder of the site has been identified as wetland and wetland buffer and consequently no development will occur in these areas. The proposal includes the development of approximately 1500 residential units (Planned Unit Development of Medium Density) in clustered villages, as well as the possible development of a school, limited commercial high street and activity zone adjacent to the main road.

The property lies between the Animal Farm and Seaton Delaval properties.

Running parallel to the environmental authorisation process is the Development Facilitation Act, 1995 (DFA) (Act No. 67 of 1995) process.

2. SITE DETAILS

2.1 Town planning and motivation

The need for middle income and affordable housing opportunities have been aggressively advocated by the KwaDukuza Municipality. In the 2008/09 KwaDukuza Municipality IDP, (Page 25) the KwaDukuza Municipality states that the Municipality will continue to play an enabling roll with the aim of addressing the middle income housing backlog in the area. To this extent, the backlog has been estimated at approximately 10 000 to 15 000 units.

Over and above these backlogs, the development of the airport will, over the medium term, strengthen this need for middle income housing. This development aims to meet the need of a portion of this estimated backlog. A specialist market research study has been commissioned to enumerate the exact need for this development, and the findings will be made available at EIR stage.

2.2 Existing activities on site

The site comprises mainly sugar cane, with small amounts of indigenous vegetation in the drainage channels.

2.2.1 Topography

The site is located on a series of spurs and valleys which lead into the Mhlali River to the north of the site. Slopes vary from 1:10 to 1:5, with the steeper slopes occurring on the western side of the site. The highest point on the site is in the western corner at a height of 93m.The site slopes to the north east.

The buildings will be of varied height, with a combination of two and three storey units. They will be clustered to reduce the visual impact.

2.2.2 Flora

The site falls into the Indian Ocean Coastal Belt (Mucina and Rutherford 2006). Land use in the area is primarily sugarcane farming (over 88% of the cultivated area - Camp 1999b). The coastline is highly developed with only small isolated occurrences of natural vegetation. About 39% of the area has been transformed with only approximately 7% of the coastal belt formally protected in reserves.

Cultivation and afforestation are the greatest threats to biodiversity in the region and alien invasive plants present an increasing problem in the area. *Chromolaena odorata* is the main problem plant. The vegetation on the site would have been classified as Kwazulu Natal Coastal Belt (Mucina and Rutherford 2006), typical of the area at altitudes of between 20 – 450mamsl. The area is typified by highly dissected undulating coastal plains which would have been covered in various types of subtropical coastal forest. Trees occurring in the natural vegetation in the area include *Bridelia micrantha, Phoenix reclinata, Syzygium cordatum, Acacia natalia, Albizia adianthifolia* and *Antidesma venosum.*

The site comprises mainly sugar cane (approximately 90%), with small pockets of indigenous vegetation in some of the drainage channels. However, even where there are isolated areas of natural vegetation, these are heavily infested with alien vegetation. There are therefore unlikely to be any faunal species of significance on the property. Whilst there are significant wetlands on the site, these are predominantly occupied by sugar cane and there are very few indigenous species in these areas.

2.2.3 Wetlands

A wetland delineation study was undertaken by Greg Mullins of Sivest, at the beginning of 2008. It should be noted that this study shows an area much larger than the study area which forms the south western portion of the area delineated. The study was undertaken in accordance with the DWAF guidelines for wetland delineation and a functional assessment was undertaken using the WET-EcoServices classification.

The wetlands were defined using soil and vegetation characteristics. A 20m buffer was added to all the wetlands defined and this was deemed sufficient due to the position and high level of disturbance of the wetlands.

The wetland delineation study identified two Channelled Valley Bottom systems on the property. These were heavily incised along most of their length and are for the most part moderately to highly disturbed. Streamflow augmentation, erosion control, sediment trapping and flood attenuation within the systems on site are deemed to performed at an intermediate to moderately low level. The movement of water through these systems is generally fairly rapid given the alteration of the system between small areas of wetland and perennial streams. The increased velocity and canalised nature of the flow limits the ability of the system to slow flood water moving down the water course. In addition, the overall roughness of the systems is also reduced as a result of the heavy infestation of alien invasive plants within the water courses.

The wetlands on site have limited direct value with regards to direct resources such as crops and water, tourism and research. Their location, incised nature and heavy alien plant population limits the value of these systems to local communities. The location of these systems on private property also limits the access and utilisation of the site for direct resource collection and production.

2.2.4 Heritage

The need for the heritage impact study has been highlighted by AMAFA and will thus be done during the EIA phase.

2.2.5 Agricultural potential

The proposed development will occupy land currently zoned as “agricultural”. Classification of high potential agricultural land at Inkwazi Estate (58 ha) according to the methodology of Schoeman (2005) is as follows:

- High potential agricultural land 40 ha; 69%
- Not high potential agricultural land 18 ha or 31%.

A long section has been included in the report dealing with the current sugar cane land use in the larger area, as well as job opportunities from sugar cane versus the opportunities of the proposed development. It is further also motivated that in terms of an ecological perspective, it would be advantageous to rehabilitate sections of the site and develop the rest. In this way, the drainage lines and wetland areas will no longer be planted with sugarcane.

2.3 Open space management

The site is located approximately 3km to the north of the town of Sheffield Beach. The properties around the site are currently used for agricultural purposes although the residential/equestrian estate of Seaton Delaval is being developed adjacent to the south western property boundary. This is a low density, high income gated estate development. There is an ‘animal farm’ to the north east of the property and a dolerite quarry on the northern property boundary (the mining lease area actually extends into the proposed development area). The proposed mining lease extension runs along the escarpment to the west of the property boundary. The property to the east of the site (across the MR228 which forms the eastern property boundary) is an agricultural property with sugar cane, lychees and macademia production.

There is significant development occurring in the area, with the extensive Royal Palm development located to the north east of the site.

2.4 Services

2.4.1 Access

It is envisaged that two accesses off main road 228 will be provided to the site. The main access will be at a point opposite the existing farm access more or less in the centre of the site. There will also be a secondary access to the proposed primary school in the southern portion of the site. It is anticipated that main road 228 will be upgraded to surfaced standard to cater for the traffic generated by a number of developments in this area.

2.4.2 Sanitation

Ilembe District Municipality will provide bulk services to this development. A Services Agreement is under preparation and to be signed by the Developer and Ilembe District Municipality. It is currently envisaged that sewerage will drain to the lowest position on the site and will be collected and pumped back up to main road 288 where it will be connected into a gravity sewer main down the valley towards the Umhlali river, across the N2 freeway to the new Umhlali waste water treatment works that Siza Water are currently installing. This will require the agreement of the neighbouring landowner and registration of servitude.

2.4.3 Stormwater management

The site drains to two separate valleys which have to be considered individually. Peak stormwater flows in excess of the flows to be expected before development will have to be attenuated within the development.
The following attenuation facilities are proposed:

- The northern stream drains into the existing quarry, which can be used for attenuation.
- The central stream has a road crossing which can be used as an attenuation facility by careful pipe sizing. This commands the majority of the catchment area and should suffice to reduce peak flows to pre-development levels.
- It is intended that all stormwater, comprising runoff from roofs, roads and paved areas, be piped and led into the wetland using stormwater pipes with outlets comprising gabion boxes to dissipate the flows. From a preliminary inspection of the site, it seems that it will be unpractical to dispose of stormwater to soakaways due to the generally clayey soils.

A detailed stormwater management plan will be included in the EIR.

2.4.4 Water supply

Ilembe District Municipality will provide the bulk supply to this development. A Services Agreement is under preparation and to be signed by the Developer and Ilembe District Municipality. This may be by means of

the existing 250mm dia main that is laid along main road 228 feeding from the Tafeni Reservoir to a position just east of the existing bridge over the N2 freeway. The bulk water supply will be secured by the new North Coast trunk main currently being installed by Umgeni Water. It is anticipated that this main will be completed by November 2009. This main will be laid along main road 228 adjacent to the development.

2.4.5 Refuse removal

The KwaDukuza Municipality have a contract with Dolphin Coast Waste Management to provide a collection service from individual single dwelling units and from the bin areas of the development sites in terms of the Service Agreement. This development falls within the area designated by that contract.

2.4.6 Electricity

To be included as part of the EIA phase.

2.5 Interested an Affected Party Concerns

Based on the report, due process was followed and all parties were offered an opportunity to raise their concerns. Various comments were received from various I&APs. It seemed as if this proposed development has triggered interest in the community. The main raised concerns being the following:

- Impact on services
- Impact on traffic
- Impact on wetland areas
- Impact of adjacent quarry
- Cumulative impact of all developments in this area
- Density and urban form being out of place with regards to the surrounding land use

3. IMPACT ASSESSMENT

In order to assess all the identified impacts, the following specialist studies have been committed to be done:

- Heritage
- Geotechnical
- Stormwater management
- Vegetation survey
- Floodline assessment
- Visual
- Socio-economic
- EMP

4. FINAL RECOMMENDATIONS FROM REPORT

Due to the nature of the site and the proposed development it will be necessary to undertake further investigation into the areas identified in order to ascertain the potential impacts of the proposed project and to make recommendations for avoidance, mitigation and management of those impacts.

5. ADDITIONAL RECOMMENDATIONS BASED ON REPORT REVIEW

- Cumulative impacts of the township development within the area should be taken into consideration during the next IDP planning process and when a Strategic Environmental Assessment process occurs.
- A thorough and integrated assessment of all the specialist studies should occur.

the dme

Department:
Minerals and Energy
REPUBLIC OF SOUTH AFRICA

PRIVATE BAG X 54307 DURBAN 4000
333 DURBAN BAY HOUSE SMITH STREET, DURBAN 4000

Tel:031 333 9400 FAX:031 301 6950 E-Mail:vusumuzi.mwelase@dme.gov.za
Enq: V.J Mwelase Ref No. KZN 30/5/4/2/295SU

THE MANAGER
METAMORPHOSIS ENVIRONMENTAL CONSULTANTS
43 MARGARET CRESCENT
FOREST HILLS
DURBAN
4000

Dear Sir/Madam

PROPOSED DEVELOPMENT ON REMAINDER OF PORTION 19, PORTION 13, PORTION 39, PORTION 15, REMAINDER OF PORTION 20, PORTION 150 PLUS A SMALL AREA OF PORTION 109 OF THE FARM LOT 69 NO.917 OF THE ANIMAL FARM AND SEATON DELAVAL SITUATED AT BALLITO.

We acknowledge the receipt of the abovementioned matter.

Note that according to the records of this office there is no prospecting right, mining permit, mining right application or any existing right on the abovementioned property. Please note that correspondence to this effect has been sent to Director Mine Survey and Mineral Titles Registration Office for further investigation.

Yours faithfully

REGIONAL MANAGER
KWAZULU-NATAL
DATE: 19.01.2009

DEVELOPMENT CONTROL

MUNICIPAL OFFICES:

P.O. Box 72, KwaDukuza/Stanger.4450
Tel: 032 – 4375000: Fax: 032 – 5525552

P.O. Box 5, Ballito. 4420
Tel: 032 – 9468060: FAX: 032- 9468067

FACSIMILE TRANSMITTAL SHEET

Name of Person	Vicki
Department / Company	Metamorphosis Environmental Consultants
Date	23 January 2009
Subject	Scoping Report Comments
Fax. Number	088 031 7622606
No. of Pages (incl. this page)	2

Please receive the following comments: Please receive the attached comments. My apologies for the delay

Hazel Dlamini
Assistant Director: Environmental Control

ENVIRONMENTAL CONTROL

MUNICIPAL OFFICES:
P.O. BOX 72, KWADUKUZA 4450
TEL.: (032) 437 5000; FAX: (032) 437 5098

P.O. BOX 5, BALLITO 4420
TEL.: (032) 946 8000; FAX: (032) 946 8067

KWADUKUZA
MUNICIPALITY

The Hon./Dr./Rev./Mr./Mrs./Miss

ATTENTION: Metamorphosis environmental Consultants
FAX: 088 031 76206

Our Ref: Inkwazi S/R
Your Ref:
Enquiries: Hazel Dlamini
Date: 23/01 /09

Dear Sir/ Madam

RE: PROPOSED INKWAZI ESTATE DEVELOPMENT, BALLITO KWAZULUNATAL, ENVIRONMENTAL SCOPING REPORT, DC29/0022/08

Reference is made to the above document; this department has no objections with the proposed development provided the following issues are addresses fully.

1. There must be continuation of the "environmental corridor" with adjacent properties. This may mean the developer must liaise with the adjacent land owners
2. Wetlands must be clearly indicated including setbacks must reflect against the title deed as "Non User Conservation Servitudes"
3. No development, including services may be placed with the 1:100 year flood line
4. Temporary retention ponds must be maintained in consultation with our civils department and the Department of Water Affairs
5. The existing dam may assist in retaining/ accommodating some increases in storm water run off
6. copies of the record of decision and an approved Environmental Management Plan must be sent to this department;
7. the developer must liaise with our GIS department to discuss information that will be required so council is always updated.

During submission to Council

a) Site development plans must be accompanied by

I. Copy of the record of decision
II. Environmental management plan (specific to the phase/site)

b) The developer must appoint an Environmental Control Officer who shall report and monitor compliance with the EMP at intervals decided by the Department of Agriculture and Environmental Affairs
c) The number of units/ densities permitted per area is still dependant on the applicable Town Planning Scheme.

In light of the recent shortages in Power and Water, all new developments are encouraged to have viable back up resources; conservation or recycling programmes within the site.

I hope the above is in order, please do not hesitate to contact the writer should you have any queries.

Sincerely yours 23/01/09

Hazel Dlamini
Assistant Director: Environmental Control

Sent
10/02/09

Please Ignore the previous fax
correction to address
Thanks
Shamela

DEPARTMENT: WATER AFFAIRS AND FORESTRY
REPUBLIC OF SOUTH AFRICA
KWAZULU-NATAL REGION
DIRECTORATE : WATER RESOURCE MANAGEMENT (WRM)
P O BOX 1018, DURBAN, 4000
Fax: 031 305 9915 Tel: 031 336 2700

FAX COVER SHEET

DATE: 10 February 2009

TO:	Metamorphosis Environmental Consultants	
ATTENTION	Ms V. King	ROOM NO
FAX:	031-7622606	
FROM:	Mr P. Reddy	
NO PAGES:	1 + 4	

SUBJECT: RE: DC29/0022/08: PROPOSED INKWAZI DEVELOPMENT, BALLITO

MESSAGE:

PLEASE SEE ATTACHED LETTER DATED 9 FEB. 2009, REF. 16/2/7/U301/B14

FOR YOUR INFORMATION.

REGARDS

P. REDDY

S. Ramdhanan

For: THE REGIONAL DIRECTOR:
KZN

Enq: Mr P. Reddy
Date: 9 February 2009
Ref.: 16/2/7/U301/B14
Tel: 031-336 2759
Fax: 031-305 9915
E-mail : reddyp@dwaf.gov.za

water & forestry

Department:
Water Affairs & Forestry
REPUBLIC OF SOUTH AFRICA

P.O.Box 1018, Durban, 4000. 88 Field Street, Southern Life Building, Durban, 4001
Tel: (031) 336 2700, Fax: (031) 304 9546. www.dwaf.gov.za

Metamorphosis Environmental Consultants
P O Box 2116
LINK HILLS
3652

ATTENTION: Ms. V.KING

Dear Madam

RE: Dc29/0022/08: PROPOSED INKWAZI DEVELOPMENT,BALLITO,KWAZULU NATAL: DRAFT SCOPING REPORT.

Reference is made to the above-mentioned document received by this Office on 09 October 2008. This Department would like to apologize for the delay in responding.

This Department has no objections to the proposed development, subject to the following conditions:

(1) SEWAGE TREATMENT AND DISPOSAL

(1.1) It is noted from the above report that Illembe District Municipality has confirmed the capacity within its infrastructure for the provision of services (potable water and wastewater), however, this Department still requires written detailed information of these services.

(1.2) The pump station must be situated outside the 1 : 100 year floodline of the Umhlali River.

(1.3) Sufficient precaution must be put in place to ensure the efficient functioning of the pump station. This must include the provision of a back-up generator to alleviate the problems associated with power failure, standby pump to accommodate pump failure as well as adequate sump capacity.

(1.4) The use of temporary toilets during the construction phase must not cause any pollution to water resources as well as pose a health hazard.

(2) SOLID WASTE

(2.1) The ongoing removal and disposal of solid waste to a permitted waste disposal site that is authorised to accept the waste material is required and this is the responsibility of KwaDukuza Municipality.

(2.2) All waste generated at the proposed development should be disposed of in a suitable manner so as not to cause any surface water pollution or health hazard.

(2.3) Should private contractors be used, all solid waste must be disposed off at a permitted landfill site, and proof of this must be made available to this Department when requested.

(3) STORMWATER MANAGEMENT

(3.1) It is imperative that the Storm water Management Plan/System drawn up is implemented to ensure proper management of storm water on the site during and after construction. This Department requires a detailed storm water layout and design plans.

(3.2) Drainage must be controlled to ensure that runoff from the Development will not culminate in off-site pollution or cause water damage to properties further down from the site.

(3.3) The storm water drainage system must not be contaminated by other waste sources and must therefore be separate from other waste water drainage systems.

(3.4) After construction, the site should be contoured to ensure free flow of run off and to prevent ponding of water.

(4) EROSION CONTROL

(4.1) Soil erosion on site must be prevented at all times, i.e. pre, during and post construction activities.

(4.2) Erosion control measures should be implemented in areas sensitive to erosion such as near water supply points, edges of slopes, etc. to ensure that there is reduced sediment load to any water courses. Measures must also be implemented prior to construction to minimise problems during the construction phase of the project.

(4.3) These measures could include the use of gabion boxes, renomattress structures, sand bags, hessian sheets, retention or replacement of vegetation.

(5) WETLANDS.

(5.1) According to the National Water Act 1998, (Act 36 of 1998) a wetland is defined as a water resource. It is the mandate of the Department of Water Affairs and Forestry to protect, use, develop, conserve, manage and control the water resources of South Africa.

(5.2) Please note that all wetlands on site must be delineated according to this Department's guideline entitled "*A practical field procedure for identification and delineation of wetlands and riparian areas.*" (DWAF, 2005).

(5.3) There must be a 20 meter buffer from the edge of the temporary wet zone of the wetland to the edge of any structural development. Visible markings showing/demarcating the 20m buffer must be provided on site during the construction phase. Any structures on the layout plan of the development (including roads) must be shown to be outside the 20m buffer zone.

(5.4) Should the developer wish to place any solid structures on the wetland and its designated buffer zones, a licence in terms of section 21 (c) and (i) of the National Water Act (Act 36 of 1998) must be applied for.

(5.5) A Wetland Rehabilitation Plan must be drawn up and submitted to this office for comment, if necessary.

(5) GENERAL.

(6.1) No forms of secondary pollution should arise from the disposal of sewage and refuse. Any pollution problems arising from the above development are to be addressed immediately by the Developer.

(6.2) Storage of any material, chemicals, fuels, etc must not pose a risk to the surrounding environment and this includes groundwater. Such storage areas must be located outside the 1:100 year flood line of the river and must be fenced to prevent unauthorised access into the area. Temporary bunds must also be constructed around chemical or fuel storage areas to contain possible spillages.

(6.3) There must be no unacceptable impact on the quality of both surface and groundwater in the area.

(6.4) The proposed development is not in conflict with local municipal plans or by-laws.

(6.5) The upgrade or construction of new access roads must have no unacceptable impact on the environment, surface water and groundwater.

(6.6) Measures must be in place to minimize/control dust.

(6.7) The removal of any indigenous trees would need to be authorised by this Department's forestry section on 033- 342 8101. Please contact Joyce Nelushi.

(6.8) Mr Norman Ward from the Water Resources Management Section of this Department must be contacted on (031) 336 2700, should there be any alteration to the bed, banks, course or characteristics of a watercourse or any impedance or diversion of flow of a water course as well as any abstraction and/or storage of water from either surface or groundwater to determine the type of authorisation that is required (i.e. general authorisation or a licence).

(6.9) Notwithstanding the above, the responsibility rests with the applicant to identify any sources or potential sources of pollution from his undertaking and to take appropriate measures to prevent any pollution of the environment. Failure to comply with the requirements of the

National Water Act, 1998 (Act 36 of 1998) could lead to legal action being instituted against the applicant.

Please do not hesitate to contact this office should you have any concerns, comments or queries.

Yours faithfully

for REGIONAL DIRECTOR: KWAZULU-NATAL
PR/pr/

KwaZulu Natal Region,
100 Brand Road,
Durban.
4001
Tel: (031) 201 3126
Fax: 031 201 9525
Email: conservation@wessakzn.org.za
Website: www.wildlifesociety.org

WILDLIFE AND ENVIRONMENT SOCIETY OF SA
People caring for the Earth

(Please make use of contact details set out below. Fax line available on request only)

20 October 2008

Metamorphosis Environmental Consultants
43 Margaret Crescent
Forest Hills
Durban
c/o: balancedenviro@xsinet.co.za

Dear Ms George

DC29/0022/08: Proposed Inkwazi Estate, Ballito
Scoping Report

Thank you for the copy of the Report and we find that the Plan of Study will address our concerns apart from the planning issues – density of development; also, the cumulative impacts on resources/availability of resources, particularly potable water.

In addition, we would like to note:
Wetlands

- We will support Ezemvelo KwaZulu-Natal Wildlife (KZNW) in its recommendations for wetland buffers and in order to ensure hydrological function the organization normally requires a 30 m buffer.
- We support KZNW in that no development is in wetlands or buffer zones.

We look forward to receiving further information.

Yours sincerely

C Schwegman (Mrs)
EIA Co-ordinator, WESSA KZN Region

P O Box 343
4184 Pennington
Email: afromatz@telkomsa.net
Tel: 039 9752147 (Fax on request)
083 9814814

KWADUKUZA
MUNICIPALITY

MUNICIPAL OFFICES, ALBERT LUTHULI STREET
P O BOX 72, STANGER 4450
TELEPHONE: (032) 437 5000

FACSIMILE Nº: (032) 437-5098 – CIVIC BUILDING
FACSIMILE Nº: (032) 551-5500 – ELECTRICAL SERVICES
FACSIMILE Nº: (032) 552-2029 - FINANCE DEPARTMENT
FACSIMILE Nº: (032) 552-5552 - CIVIL ENGINEERING

For the attention of Mr Lyle Lange

Messrs WSP Consulting Engineers
P O Box 670
WESTVILLE
3630

Ons Verw.
Our Ref. 049/18/2/2/17/09

U Verw.
Your Ref

2009-02-19

Dear Sir

PROPOSED DEVELOPMENT : INKWAZI ESTATE/SEATON DELAVAL
FARM LOT 69, NO 917 *(PORTIONS 13, 15, 19, 150, AND REMAINDER OF 20)*
BULK ELECTRICITY SUPPLY

In reference to the above, this letter serves to confirm for scoping report purposes that bulk electricity supply capacity estimated to be 6.0 MVA at 11 kV will be made available to the development subject to terms and conditions of supply as will be written into a Services Agreement to be entered into by the Developer when this development process reaches the Development Facilitation Act application stage. This availability of supply will also be subject to the availability of **bulk network** capacity to KwaDukuza Municipality from ESKOM.

Yours faithfully

LF KLOPPER
EXECUTIVE DIRECTOR: TECHNICAL SERVICES

cc Director: Planning, Customer and Fleet Management Services

IM/gh

Siza Water

Siza Water Company
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17 February 2009

A & F Planning
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Ballito
4420

Fax: 032 946 0151

Attention: Francois vd Merwe

Proposed Nkwazi Estate Development

Dear Sir

Your letter of 26th January 2009 has reference.

The proposed Nkwazi Estate Development is currently not within the Concession area managed by Siza Water Company and Siza Water is therefore not responsible for providing the bulk water and sewer services for the development. Ilembe District Municipality is the entity that must be consulted in this regard.

In the event that the Concession area of Siza Water Company is extended and the proposed development is included in the extension and subject to the Developer entering into a services agreement which is acceptable to Siza Water, the required capacity will be made available to service the proposed development for both Bulk Water and Sanitation.

Note: A Developers Contribution fee would be required for any possible upgrade of the Bulk services as well as installing link services for the proposed development.

Sincerely

Nicky Misra
Project Manager

Siza Water Company (Pty) Ltd Reg: 1998/19209/07 – Vat Registration Number: 4110178235
Directors : S M J Richer (French) Chairman ; B A Winfield (English); J S Lamb (English); S J Hollinshead (English)
Dr M A Mokoape; M Gama; G Albertyn

Enquiries: Bongiwe Sambo **Your Ref: DC29/0022/08**

Metamorphosis Environmental Consultants
P. O Box 1634
Wandsbeck
3631

07 November 2008

ATTENTION: VICKI KING

Dear Ms King

INKWAZI ESTATE, BALLITO
District Municipality: Ilembe

The Environmental Scoping Report for the above mentioned application has been reviewed by the Ezemvelo KZN Wildlife (EKZNW) IEM Planning Committee.

Ezemvelo KZN Wildlife's primary concern pertains to the direct and indirect impacts upon the wetland and its delineated buffer, as a result of the proposed location of the school and the spiritual site. It is brought to your attention that wetlands are characterised by intrinsically high biodiversity and perform a number of important ecological functions (or ecosystem services). Wetlands are considered to be globally threatened ecosystems and have been recognised in both national and provincial environmental legislation as important resources that need to be safeguarded[1].

In addition, Ezemvelo KZN Wildlife does not condone encroachment of development into wetlands and their buffers due to the ecological sensitivity of these features and therefore can not support the proposed location of the school and the spiritual site in its current form. It is concluded that the proposed application

[1] It is brought to your attention that wetlands are recognised as sensitive ecosystems in National and Provincial legislation, which the Department is obliged to enforce, for example Section 2(4)(r) of the National Environmental Management Act, Act No. 107 of 1998 (NEMA), which states that: "*sensitive, vulnerable, highly dynamic or stressed ecosystems, such as coastal shores, estuaries, wetlands, and similar systems require specific attention in management and planning procedures, especially where they are subject to significant human resource usage and development pressure*". This approach should be adopted by the Department as a principle in terms of Section 2(1) of the NEMA, which states that: "*the principles set out in this section apply throughout the Republic to the actions of all organs of state that may significantly affect the environment …*". Furthermore, the Department has identified the need for clear guidelines outlining a set of norms and standards giving specific attention to wetlands in the implementation of the Environmental Impact Assessment (EIA) Regulations, resulting in the production of the Department's "Interim Guidelines for Development Activities That May Affect Wetlands", dated December 2002, as produced by the Chief Directorate Environmental Management.

P O Box 13053, Cascades. 3202. Pietermaritzburg. KwaZulu-Natal, South Africa.
Queen Elizabeth Park, 1 Peter Brown Drive, Montrose
Tel: 033 845 1346. Fax: 033 845 1499.
Website: www.kznwildlife.com

in its current form has the potential for unacceptable and avoidable impacts upon important biodiversity elements.

Given the above, it is strongly recommended that:

1. Alternatives layouts be investigated.

2. A layout of the proposed development and any sensitive features ((including *inter alia* wetlands, drainage lines, areas identified for rehabilitation and other areas of conservation significance, and their buffers)) on the site are superimposed onto an orthophoto to allow for informed decision making.

3. Wetlands must be afforded a *minimum* ecological buffer of 30m from the edge of the temporary wet hydromorphic zone or alternatively a 10m no development line be delineated adjacent to the proposed wetland buffer (20m).

Please be advised that this letter does not constitute EKZNW's final comment. Final comment will be provided upon receipt and review of the revised layout. Should any biodiversity related issues or queries arise, or should you wish to discuss any of the points raised in this correspondence, please do not hesitate to contact us.

Yours sincerely

pp BM

Head IEM
for CHIEF EXECUTIVE OFFICER
[c:\Bongiwe\Residential\Upper\Inkwazi Estate_PrelimComments_071108

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43 Margaret Crescent
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Tel: +27(0) 31 762 2606
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14 March 2009

To: KZNW
Attn: Bongiwe Sambo
Fax: 033 845 1499

Ref: Inkwazi Estate Development DC29/022/08

Dear Bongiwe
In response to your letters dated 7 November 2008 and 30 January 2009, I would like to make the following submission:

1. The project team requested a site meeting to discuss the issues raised in the November letter. KZNW declined, presenting the team with a further letter.
2. As far as we are aware, KZNW have not visited the site to observe the current levels of ecological degradation on the site.
3. A wetland delineation and functional assessment were undertaken for the property – the specialist recommendation was that a buffer of 20m would be sufficient due to the highly degraded state of the wetlands (predominantly sugarcane). The specialist has further motivated his recommendations (see attached). DWAF have stated that they are happy with a 20m buffer.
4. The developer has committed R15 million to rehabilitation on the site, not all of which will be used in the wetland areas delineated – other areas such as the old quarry will also be rehabilitated, resulting in a huge improvement in the ecological status of the entire site.
5. The socio-economic need in the area is for higher density middle income housing. The areas available for development need to be carefully planned to ensure optimal density (as was done on the original plan) and there is very little potential to move units around in these areas.
6. The developer has committed to removing some commercial land to facilitate the provision of the additional 10m no development zone in the areas where the project ecologists deem that this would be most useful.
7. It will not be possible to retain all of the delineated areas plus an effective 30m buffer on the site and retain the social and economic viability of the site (two very important pillars of sustainability).
8. There is a requirement for a school and sports facility on the property. These encroach onto the wetland areas. This cannot be avoided. The sports area can be grassed with appropriate species to ensure its improved ecological function (vs the existing sugar cane).

9. As an experienced environmental consultant, I fail to see how a significant ecological improvement on the site could be considered a ‘fatal flaw’ to the development. The alternative is that the site remains full of sugar cane and alien invasives simply because there are small areas of a ‘no development zone’ which cannot be retained. The developer has committed significant funds to complying with the specialists recommendation of a 20m buffer PLUS R15 million for rehabilitation during the project – to include an on site nursery etc.
10. We have attached an amended layout which will remain economically and socially viable and will still represent a SIGNIFICANT ecological improvement on the site. However, this alternative layout will present an increased visual impact for the development which other interested parties may not consider appropriate.

I would appreciate your timeous and considered opinion on the matter and would be happy to meet with you to discuss this further.

Regards

Vicki King
Metamorphosis Environmental Consultants
LLM (Env Law) BSc (Hons) PrSciNat, MSAIE&ES, IOD.

SiVEST
Environmental Division

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Established in 1952

Your Reference:

Our Reference: GM/MEC/Inkwazi Estate comment

Date: 6th February 2009

Metamorphosis Environmental Consultants
4 Margaret Crescent
Forest Hills
Durban

Attention: Vicki King

Tel: 031 762 2606

Dear Vicki,

COMMENT: Designation of appropriate buffers for the proposed Inkwazi Estate, Umhlali – DC29/022/08.

Our telephonic conversation and the subsequent electronic correspondence from Ezemvelo KZN Wildlife (EKZNW) dated 7th November 2008 in the above regard have reference.

Buffer Width

As stated in the Wetland Delineation and Functional Assessment Report it is felt that a 20m setback of all development from the identified outer boundary of the wetlands is more than sufficient to help protect and maintain the functioning of these systems.

EKZNW have stated in their comments that a minimum ecological buffer of 30m be applied to all systems. While this set-back width is generally accepted as a suitable ecological buffer to systems of high value, the current status of the wetlands on the Inkwazi site is very poor, with a low biodiversity functionality. As such, the prescribed 20m buffer (approved by DWAF) is more than sufficient for these systems that currently have no setbacks and extensive farming pressures.

Removal of the sugarcane from the wetlands and buffer, rehabilitation of the eroded portions of these systems and the re-vegetation of the drainage lines with indigenous plants should be considered a major enhancement against the current status quo. These systems will effectively be remediated from narrow, incised drainage lines back to systems reminiscent of the original wetlands on this site. In terms of wetland accounting this constitutes a major net positive gain of wetland area and functioning, something that will effectively not occur should development not go ahead.

Furthermore it should be pointed out that the requirements of EKZNW are contradictory to their own referenced documentation. In their letter they make direct reference to the DAEA's 'Interim Guidelines for Development Activities that May Affect Wetlands' – this document recommend that development be located 15m from the ***seasonal*** boundary of any wetland or the on the temporary boundary, whichever is larger. Later in their comments, EKZNW then requires 30m from the temporary boundary. The quoting firstly of this document reference and the subsequent prescription of a 30m buffer width is directly in conflict with each other.

It has been recognised in the field of wetland ecology that the widths initially outlined in the DAEA document were for the most part too narrow, hence the use of the DWAF required setback of 20m to all development from the temporary boundary, as used on this site.

Divisional Directors W A Pearce (Managing), D B Blair, J A Barnard
A division of SiVEST Directors * S D Leach (Chairman), M J Wright (Managing), *A R Bell, S G Joubert, H J McGlashan, M J Meikle-Braes, W A Pearce, H G D Regnaud, G R Sims, K Soni, A F Tomkins (*British)
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Part of the SiVEST Group

SiVEST SA (Pty) Ltd Registration No. 2000/006717/07 t/a SiVEST

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Encroachment

From a wetland protection perspective, encroachment of the school and church sites into the wetland cannot be supported. However, should the impacts of this encroachment should be assessed as part of the EIA process and it is effectively up to the DAEA to judge whether the positive contribution of the school and church outweigh the negative impacts of the encroachment.

Conclusion

As such it is felt that given the current status of the wetlands and surrounding slopes on site and the proposed rehabilitation planned for the site, a 20m wetland buffer from the temporary wetland boundary will more than adequately protect and enhance the wetland functionality on the site.

While not supported, the encroachment of development into the wetland needs to be assessed as part of the EIA and the impacts weighed up against the positive aspects to allow for informed decision making.

Should you have any further queries regarding the details outlined above, please contact SiVEST on 031 581 1500

Yours sincerely,

Greg Mullins *Pr. Sci. Nat.*

Senior Environmental Scientist
SiVEST Environmental Division

the dme

Department:
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REPUBLIC OF SOUTH AFRICA

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Enq: V.J Mwelase Ref No. KZN 30/5/4/2/295SU

THE MANAGER
METAMORPHOSIS ENVIRONMENTAL CONSULTANTS
43 MARGARET CRESCENT
FOREST HILLS
DURBAN
4000

Dear Sir/Madam

PROPOSED DEVELOPMENT ON REMAINDER OF PORTION 19, PORTION 13, PORTION 39, PORTION 15, REMAINDER OF PORTION 20, PORTION 150 PLUS A SMALL AREA OF PORTION 109 OF THE FARM LOT 69 NO.917 OF THE ANIMAL FARM AND SEATON DELAVAL SITUATED AT BALLITO.

We acknowledge the receipt of the abovementioned matter.

Note that according to the records of this office there is no prospecting right, mining permit, mining right application or any existing right on the abovementioned property. Please note that correspondence to this effect has been sent to Director Mine Survey and Mineral Titles Registration Office for further investigation.

Yours faithfully

REGIONAL MANAGER
KWAZULU-NATAL
DATE: 19.01.2009