

## Memorandum of Agreement

between

### Tongaat Hulett Developments (THD) and eThekweni Municipality (EM)

#### 1. BACKGROUND

- 1.1 EM and THD have been jointly planning the Cornubia integrated Human Settlement over a number of years as part of a Co-Operation and Alignment Agreement that was entered into between the parties in 2008
- 1.2 Such planning has resulted in an Environmental Authorisation (EA) being received (dated 09 November 2011) for the first major phase of the development that will include the following:-
  - Approximately 2800 residential units predominantly low cost housing related;
  - Provision for appropriate social facilities including fire station, police station, schools, clinics, halls;
  - 85 gross hectares of industrial platform for Light, Service and Business Park use;
  - 11 gross hectares of General Business use;
  - Rehabilitated open space of some 81 hectares;
  - New roads connecting onto R102 at Northern Drive (including bridge over the existing rail and river crossing) and to the already approved access onto P79, portion of 'Blackburn Boulevard' and portion of Cornubia Boulevard together with internal site access roads;
  - 2 pedestrian bridges linking into Waterloo and to the Ottawa Station;
  - Upgrade of the existing Ottawa electrical substation;
  - Construction of new water reservoir/elevated tower and associated supply line and reticulation;
  - Construction of appropriate stormwater features;
  - Construction of sewer reticulation to connect into the Phoenix Treatment Works and its associated bulk gravity trunks; and
  - A number of wetlands road and services crossings
- 1.3 The EA requires that THD and EM enter into a written agreement that details the roles and responsibilities of both parties with regard to compliance with the conditions of the EA.
- 1.4 This Memorandum represents such agreement.

#### 2. EM'S RESPONSIBILITIES

EM will be responsible for:

- 2.1 the low cost housing components of the development which includes the following:-
  - Construction of all housing top structure units
  - Installation of all services (water, sewer, stormwater and roads) which are internal to the housing component
- 2.2 Installation of all link and internal electrical reticulation from the substation to both (and internal to) the housing and industrial developments
- 2.3 Installation of the bulk water, sewer and electrical infrastructure, (the timing of which is subject to availability of budgets and other resources) including –
  - Commissioning of the existing Ottawa electrical substation
  - Upgrading of the Phoenix Treatment Works

- Installation of the bulk water lines and new water reservoir(s)
- 2.4 Installation of the main water reticulation lines between the water reservoir(s) and both housing and industrial developments
- 2.5 Rehabilitation of the wetlands and open space components of the housing phase
- 2.6 Maintenance and management of the Public Open Spaces within it's land holding
- 2.7 Construction of the Non Motorised Transport linkages (including pedestrian bridges over the Ohlanga River) to Ottawa and Waterloo
- 2.8 Implementation and operation of the public transport system into and out of Cornubia
- 2.9 Appointing an ECO and ensuring compliance with the EA and EMPr for the above components  
(Provision of the above infrastructure shall not be construed as a guarantee of the availability of the resources which are beyond the mandate of EM)

### **3. THD'S RESPONSIBILITIES**

THD will be responsible for:

- 3.1 The industrial components of the development which includes servicing of the industrial sites with water, sewer and stormwater connections and internal road access, to EM standards. (3<sup>rd</sup> parties will be responsible for the construction of top structures)
- 3.2 Rehabilitation of the wetlands and open space components (Public Open Spaces) of the Industrial phase.
- 3.3 Rehabilitation of the Private Open Space components of the Industrial phase before handing over to the Management Association for maintenance and management.
- 3.4 Appointing an ECO and ensuring compliance with the EA and EMPr for the above components.

### **4. ROAD UPGRADES**

- 4.1 Both parties are responsible for the upgrading and construction of the 2 main access roads into Cornubia for phase 1 and including the primary road network components of Blackburn and Cornubia Boulevards – the upgrading and extension of Northern Drive from the R102 over the rail and river and into Cornubia (as Blackburn Boulevard) and the construction of a new road from the M79 over the rail (bridge already completed) and linking onto the future Cornubia Boulevard.
- 4.2 Both parties, together with other government departments are responsible for the upgrade to the R102/Northern Drive intersection to an interchange when and if required.
- 4.3 Prior to the commencement of construction of the above road components, the parties shall come to an agreement in regard to who the actual implementing party will be for each component and such party will then assume the responsibilities for the EA and EMPr obligations as they affect that road component.

---oooOooo---