

Verwysing
Reference EG.12/27-59 Uitzicht 219/r2 (4231)

Avreze
Enquiries 5 DE 1011
Imibuzo

Datum
Date 17.09.04
Umtsha



Departement van Omgewingsake en Ontwikkelingsbeplanning
Department of Environmental Affairs and Development Planning
ISEBE leMicimbi yeNdalo esiNgqongileyo noCwangciso loPhuhliso

Mr P.T.W. Parvus
P.O. Box 261
EIKENHOF
1872

Tel: (011) 948 9155
Fax: (011) 948 9987

Dear Sir

APPLICATION: CHANGE OF LAND USE FROM AGRICULTURE FOR THE CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT ON PORTION 12 OF UITZICHT 216, KNYSNA

With reference to your application, find below the Record of Decision in respect of this application.

RECORD OF DECISION

A. DESCRIPTION OF ACTIVITY:

The activity consists of a residential development of not more than 18 units. Said units will each have a footprint of approximately 150m² and will be of a similar design to the adjacent Belvidere dwellings.

This activity is identified in Schedule 1 of Government Notice No. R1182 of 5 September 1997, as amended, being:

Item 2 (c) The change of land use from agricultural or zoned undetermined use or an equivalent zoning to any other land use.

hereinafter referred to as "the activity"

Utiliteitsgebou, Dorpsstraat 1
Privaatsak XS 096 Kaapstad 8000

Utilitas Building, 1 Corp Street
Private Bag X9086 Cape Town 8000

Tel No: (044) 874 2160

Fax No: (044) 874 2423

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Directorate: Integrated Environmental Management – Region A*

B. LOCATION:

The site is located along the Divisional Road leading to Brenton, east of the railway line, adjacent to the existing Belvidere Retirement Village and approximately 8 km from the centre of Knysna (locality plan and layout: Appendix 1 of the Environmental Impact Report by Andrew West Environmental Consultancy dated March 2004, hereinafter referred to as "the EIR")

Latitude 34° 02' 40" south

Longitude 22° 59' 36" east

C. APPLICANT:

Mr P.T.W. Parvus

Tel: (011) 948 9155

P.O. Box 261

Fax: (011) 948 9987

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D. CONSULTANT:

Andrew West Environmental Consultancy

Tel: (044) 870 8239

P.O. Box 9187

Fax: (044) 870 8239

GEORGE

6530

E. SITE VISIT:

A site visit was conducted by Mr. A. West of Andrew West Environmental Consultancy and Dr. S. Du Toit of this Department on 8 January 2003.

F. DECISION:

In terms of Sections 22 and by virtue of powers delegated by the Minister in terms of Sections 28 & 33 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), the relevant authority (as defined in GN No R1183 of 5 September 1997, as amended), hereby grants **authorisation with the conditions** contained in this Record of Decision, for the execution of the activity described above.

This Authorisation has been granted in terms of section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) solely for the purposes of undertaking the activity referred to above, and does not exempt the holder thereof from compliance with any other relevant legislation.

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G. CONDITIONS OF AUTHORISATION:

1. The activity, including site preparation, may not commence before the statutory thirty (30) day appeal period expires. In the case of an appeal submitted to the competent authority, the effect of this Record of Decision will be suspended until such time as the appeal is decided.
2. One week's notice, in writing, must be given to the Directorate: Integrated Environmental Management (Region A) (hereinafter referred to as "this Directorate"), before commencement of construction activities. Such notice shall make clear reference to the site location details and reference number given above.
 - 2.1
 - 2.2 Conditions 7.10
3. An integrated waste management approach must be used that is based on waste minimisation and should incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989).
4. The applicant must appoint a suitably experienced Environment Control Officer before commencement of any land clearing or construction activities to ensure that the mitigation/rehabilitation measures and recommendations referred to in this Record of Decision are implemented and to ensure compliance with the provisions of the Environmental Management Plan (EMP).
5. The mitigation measures and recommendations as detailed in the EIR must be included in an EMP. This document must *inter alia*:
 - be submitted to and approved by this Department prior to the commencement of the activity;
 - be included in all contract documentation for the construction phase of the development;
 - describe the level and type of competency required of the Environmental Control Officer, ("ECO");
 - define and allocate the roles and responsibilities of the ECO referred to above;
 - address and incorporate measures to prevent soil erosion;
 - include a programme detailing the complete eradication of alien vegetation on the property and the re-establishment of locally indigenous vegetation (all alien species to be removed from the property within 2 years of this Record of Decision);

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- address drainage and storm water runoff and control; and
 - include measures to ensure that no pollution of surface or ground water resources may occur.
7. The applicant must, within five calendar days of the date of issue of this Record of Decision:
- Inform the relevant local authority as well as all interested and affected parties, (“I & AP’s”) registered during the Scoping and Impact Assessment processes in writing of the outcome of this application and, if requested, provide copies of this Record of Decision within a reasonable time before expiry of the thirty day appeal period;
 - Include in such information the provisions of Regulation 11 of Government Notice No. R 1183 of 5 September 1997, as amended, which reads as follows:
 - (1) An appeal to the Minister or provincial authority under section 35(3) of the Act must be done in writing within 30 days from the date on which the record of decision was issued to the applicant in terms of regulation 10(1);
 - (2) An appeal must set out all the facts as well as the grounds of appeal, and must be accompanied by all relevant documents or copies of them which are certified as true by a commissioner of oaths.
 - Include the date on which the record of decision was issued to the applicant in terms of regulation 10(1) and the date by which appeals must reach the Minister.
 - Inform all I & AP’s that a signed and certified Appeal Questionnaire, obtainable from the Minister’s office at tel. (021) 483 3915, email jedevill@pgwc.gov.za or URL <http://www.capegateway.gov.za/text/2003/eiaappeal.pdf> must accompany the appeal.
 - If the applicant should appeal against this Record of Decision, he must inform all interested and affected persons that such an appeal is being lodged with the Minister and if requested, the applicant/appellant must provide those persons with reasonable access to a full copy of the appeal within a reasonable time before expiry of the thirty day appeal period.
8. This Directorate must be notified, within 30 days thereof, of any change of ownership and/or project developer, as well as any change of address of the owner and/or project developer.

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9. All outdoor advertising associated with this activity, whether on or off the property concerned, must comply with the applicable Local Authority By-Law for the control of Outdoor Advertising or in the absence of local legislative controls, must comply with the South African Manual for Outdoor Advertising Control (SAMOAC) available from:

The Director: Environmental Impact Management
Department of Environmental Affairs and Tourism
Private Bag X447
Pretoria
0001.
10. The applicant shall be responsible for ensuring compliance with the conditions contained in the Record of Decision by any person acting on his behalf, including but not limited to, an agent, servant, employee or any person rendering a service to the applicant in respect of the activity, including but not limited to contractors and consultants.
11. The owner and/or developer must notify this Directorate and any other relevant authority, in writing, within 24 hours thereof if any condition of this authorisation is not adhered to.
12. Departmental officials shall be given access to the property referred to in B above for the purpose of assessing and/or monitoring compliance with the conditions contained in this Record of Decision, at all reasonable times.

H. RECOMMENDATIONS:

1. Erf 476 (as shown in the locality plan and layout: Appendix 1 of the EIR) could be incorporated into the adjacent green belt to increase the open space area so as to further complement the existing theme of the Belvidere Estate.

I. KEY FACTORS AFFECTING THE DECISION:

Biophysical

Biophysically, there are no limiting factors that would justify this Directorate refusing authorisation of the activity.

Alternatives

Various density and layout alternatives, as well as the option not to implement the activity were considered. The EIR states that the "no-go option of development has been eliminated through the process as it has been reasoned that the property lends itself to a development which can be incorporated into existing land use in the area; the site is disturbed and alien vegetation encroachment will increase if not timeously checked."

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Public Participation

An advertisement was placed in the Knysna-Plett Herald on 28 November 2002. All neighbouring property owners were consulted by Andrew West Environmental Consultancy.

Andrew West Environmental Consultancy held meetings with various interest groups and a formal scoping meeting was held on 13 February 2003.

The South African National Parks Board stated that adequate measures must be implemented to prevent soil erosion and that storm water management must be done from an early stage.

An authority scoping meeting was held on 19 February 2003 with municipal officials.

A public information-sharing meeting was held with representatives of the Belvidere Home Owners Association and the Belvidere Retirement Village on 20 March 2003.

The EIR concludes that "(G)iven the type of issues raised during the scoping process as well as the fact that the impacts identified have been adequately addressed through further information, it is my professional opinion that the impact on the environment are of low significance."

J. DURATION AND DATE OF EXPIRY:

This authorisation shall lapse if the activity does not commence within two (2) years of the date of issue of this authorisation.

K. APPEAL:

In terms of Section 35 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), formal, motivated appeals **must be directed within thirty (30) days** of the date of the issuing of this Record of Decision, to:

Provincial Minister for Environmental Affairs and Development Planning
Private Bag X9086
Cape Town
8000
Fax: (021) 483-6081

Appeals must comply with the provisions of regulation 11 of Government Notice No. R. 1183 of 5 September 1997, as amended.

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If the appellant is not the applicant, the latter must be informed of the appeal within the appeal period referred to above and must provide the applicant with reasonable access to a full copy of the appeal, if requested.

A signed and certified Appeal Questionnaire, obtainable from the Minister's office at tel. (021) 483 3915, email jerdevill@pqwc.gov.za or URL <http://www.capegateway.gov.za/Text/2003/eiaar/peal.pdf> must accompany the appeal.

If any condition imposed in terms of this authorisation is not being complied with, the authorisation may be withdrawn after 30 days written notice to the applicant in terms of Section 22(4). Failure to comply with any of these conditions is also an offence and may be dealt with in terms of Sections 29, 30 and 31 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) as well as any other appropriate legal mechanisms.

Provincial Government, Local Authority or committees appointed in terms of the conditions of the application or any other public authority or organisation shall not be held responsible for any damages or losses suffered by the developer or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the developer with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully



CHRIS RABIE

DIRECTOR: INTEGRATED ENVIRONMENTAL MANAGEMENT (REGION A)

DATE OF DECISION: 17.9.2004

Copy to:
Andrew West Environmental Consultancy

Fax: (044) 870 8239