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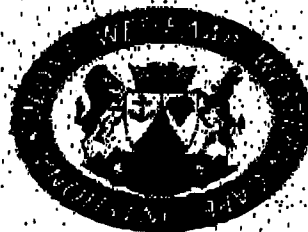
EG12/2/1-56 – Erf 8577, Knysna

Navrae
Enquiries
Imibuzo

MJJ Fredericks

Datum
Date
Umhla

2006 -11- 29



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

Mr Bertie Greeff
P.O. Box 2397
KNYSNA
6570

Attention: Mr Bertie Greeff

Tel : (044) 382 2607
Fax: (044) 382 3231

Dear Sir

PROPOSED CHANGE IN LAND USE ON ERF 8577, KNYSNA: LAKE VIEW LIFESTYLE ESTATE

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

RECORD OF DECISION

A. DESCRIPTION OF ACTIVITY:

The proposed activity entails the development of 156 Residential I units of 300m² footprint, a group housing component (Residential III) of 94 units, closer to the N2 bypass and 18.4466ha of private open space (DRG NR.: Pr0529L03, DATE: 13 October 2006). In addition, the development will require the temporary storage of a dangerous substance (e.g. bulk fuel) on site during the construction phase and the construction of associated service infrastructure, such as which includes an on-site reservoir with an estimated 388m³ storage capacity.

These are activities identified in Schedule 1 of Government Notice No. R1182 of 5 September 1997, as amended, being:

Item 1(c) The construction, erection or upgrading of with regard to any substance which is dangerous or hazardous and is controlled by national legislation; (i) infrastructure, excluding roads and rails, for the transportation of any such substance; and (ii) manufacturing, storage, handling, treatment or processing facilities for any such substance;

Item 1 (d) The construction, erection or upgrading of roads, railways, airfields and associated structures; and

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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".

B. LOCATION:

The proposed development site is located approximately 3km north west of the centre of Knysna and 1.8km along the Welbedacht (dirt) road. The extent of the whole property is 51.5486ha.

Co-ordinates:

Latitude: 34° 01' 10" S

Longitude: 23° 02' 30" E

hereinafter referred to as "the site".

C. APPLICANT:

Mr Bertie Greeff
P.O. Box 2397
KNYSNA
6570

Tel : (044) 382 2607

Fax: (044) 382 3231

D. CONSULTANT:

Andrew West Environmental Consultancy
P.O. Box 9187
GEORGE
6530

Tel: (044) 870 8239

Fax : (044) 873 3654

E. SITE VISIT:

A site inspection was conducted on 19 January 2005 by Malcolm Fredericks and Agnes Gee of this Department, Andrew West (Andrew West Environmental Consultancy) and Mr Bertie Greeff (Applicant).

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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 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.

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 being 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.
 - 2.1 Such notice shall make clear reference to the site location details and reference number given above.
 - 2.2 The said notice must also include proof of compliance with the following conditions described herein:
Conditions: 1, 5, 6, 8, 9, 10, 11, 13, 14 and 15.
3. The applicant shall be responsible and accountable for ensuring compliance with the conditions contained in this Record of Decision by any person acting on their 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.
4. An integrated waste management approach must be used that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate, during both the construction and operational phase of the development. 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).
 - 4.1 The applicant must detail the waste management approach and specific measures to reduce and to promote recycling;
 - 4.2 Refuse must be disposed of into scavenger and weather proof bins and collected at a central location on the property during the operational phase of the development, to avoid the nuisance of municipal vehicles passing residential properties to collect refuse; and
 - 4.3 In terms of the Atmospheric Pollution Prevention Act, burning is not permitted as a disposal method on the entire property.

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5. Chemical ablation facilities must be available for the use by construction staff at all times during the construction period. These facilities must be removed from the site when the construction phase is completed as well as the associated waste to be disposed of at a registered waste site.
6. Identification and demarcation of areas that are sensitive to disturbance (e.g. wetlands and open spaces) must be done prior to any construction activities commencing. These areas must be identified as "No Go" areas and a clause to protect them during the construction and operational phase must be included in the respective Environmental Management Plans (EMPs).
7. The physical disturbance (e.g. site clearing) must be restricted to the development area in order to avoid unnecessary disturbance within the proposed green corridor areas. The undisturbed open spaces surrounding the development area must be retained and rehabilitated to ensure that the habitats within these green corridors remain intact for the migration of fauna. This provision must be included in the constitution of the Home Owner's Association and compliance herewith will be strictly enforced by this Directorate.
8. The proposed development must be placed above or outside the 1:100 year flood line. No development must therefore encroach into any areas below the 1: 100 year flood line.
9. The applicant must develop a water demand management plan for the proposed development to minimise water use. This plan must be submitted to this Directorate for approval prior to construction commencing. Such a plan must incorporate the Knysna Municipality's water demand management strategy as well as to address *inter alia*:
 - 9.1 Guidelines for water saving measures (e.g. at service infrastructure and residential level);
 - 9.2 The design and installation of water saving measures, devices and the landscaping and architectural design; and
 - 9.3 Timeframes for the implementation of the plan.
10. The applicant must ensure that the storm water system is designed in accordance with the recommendations of the Water Research Commission Report number 95/98, viz "The Removal of Urban Litter from Storm Water Conduits and Streams", by Armitage N.P., Rooseboom, A., Nel, C., and Townsend, P., 1998, as stipulated in the storm water management plan, dated 19 May 2006, compiled by Hofmeyer & Associates Consulting Engineers for the proposed development.
11. The applicant must comply with all the conditions imposed by the following authorities in terms of their legislative requirements:
 - 11.1 South African National Roads Agency (SANRAL), as per letter dated 6 December 2005 (appendix 6 of Scoping Report dated December 2005);
 - 11.2 The Department of Water Affairs and Forestry (DWAF), as per letter dated 17 December 2004 (Appendix 6 of Scoping Report dated December 2005);
 - 11.3 Knysna Municipality (1) as per letter dated 10 May 2006 and (2) as per letter dated 11 May 2006; and

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- 11.4 Department of Health, as per letter dated 9 November 2004 (Appendix 6 of Scoping Report dated December 2005).
12. The applicant must appoint a suitably experienced Environment Control Officer (ECO) 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 construction phase EMP.
13. The applicant must compile and submit an acceptable construction phase Environmental Management Plan ("EMP") to this Directorate. The EMP must:
- 13.1 Be submitted to this Directorate at least three weeks prior to construction activities commencing. This must be approved prior to any land clearing and construction commencing;
 - 13.2 Describe the level and type of competency required of the Environmental Control Officer, ("ECO");
 - 13.3 Define and allocate the roles and responsibilities of the ECO referred to above;
 - 13.4 Determine the frequency of site visits;
 - 13.5 Be included in all contract documentation for the construction phase of the development; and
 - 13.6 Specifically address, *inter alia*, storm water management, and control over construction activities, demarcation of areas that are sensitive to disturbance and the rehabilitation of disturbed areas.
14. The applicant must compile and submit an acceptable operational phase Environmental Management Plan ("EMP") for the entire property. This Directorate must approve this document before any of the units may be occupied.
- 14.1 The EMP must incorporate the conditions of authorisation given in this Record of Decision, as appropriate to the operational phase of the project. The Home Owner's Association / or operator of the facility must implement and ensure compliance with this EMP;
 - 14.2 The EMP must make provision for regular environmental audits and strict control by the Home Owner's Association must form part of the operational phase EMP for this development; and
 - 14.3 Address the following:
 - 14.3.1 protection of 1:4 slopes;
 - 14.3.2 maintenance of natural drainage courses, in accordance with the Guidelines for River Maintenance, compiled by CapeNature;
 - 14.3.3 the potential for soil erosion, rehabilitation plan for conservation of the Salt River; and
 - 14.3.4 fire management, the establishment of indigenous vegetation and the complete eradication of all alien invasive vegetation.
15. The applicant must, within five calendar days of the date of issue of this Record of Decision:

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- 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@pdwc.gov.za or URL http://www.capegateway.gov.za/Text/2006/8/14_aug_06_eca_eia_appeal_quest.d oc 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.
16. All outdoor advertising associated with this activity, whether on or off the property concerned, 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.
17. 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.
18. 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:

None

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I. KEY FACTORS AFFECTING THE DECISION:

Biophysical:

According to the scoping report the vegetation on the site consists mainly of kikuyu pastures with medium to low agricultural potential. Exotic pine and gum trees are predominant on the site together with scattered infestation of black wattle. The scoping report further submits that there are at least two natural drainage courses running in a north-south direction and that the site also comprises of remnant patches of fynbos. These patches will be rehabilitated through acceptable conservation management practices.

The proposed layout did take into consideration the site specific constraints such as natural drainage courses, flood lines, 1:4 slopes, green open spaces and the proposed N2 road. Adequate provision has been made for drainage from the three different catchment areas. These include pollution management by means of litter removal structures, which will be incorporated into the design of the storm water system. Storm water will also pass through a series of dams that will be reed-lined for treatment. Secondly, additional peak flows generated by the development will be attenuated by a series of attenuation dams, namely dam W1, dams C1 to C4, and dams E1 to E3 (Drawing No. Figure 1, dated 30 November 2005, attached to the Storm Water Management Plan compiled by Hofmeyer & Associates Consulting Engineers, Knysna). Thirdly, the entire development will be placed above the 1: 100 year flood line, as per condition 8 of this Record of Decision.

The Knysna Municipality has confirmed (letter dated 10 May 2006) that they have sufficient raw water reserves to supply the development and that the current extension of the Water Treatment Works, which will be completed in 2006, will have sufficient capacity to provide potable water to meet the overall water requirements of the development. Knysna Municipality has also confirmed that the Municipality's Sewerage Treatment Works has sufficient capacity to accommodate the disposal of sewage and effluent from the development.

Concerns regarding potential visual impact and skyline intrusion have also been addressed by the proposed layout. The erven have been sensitively placed and 1:4 slopes have been avoided in the development layout. No development will also occur on sensitive skyline ridges in order to avoid any potential visual impact, especially along the ridge on the eastern side of the property.

Heritage:

The scoping process did not identify any significant heritage or archaeological issues or raised any concerns in this respect. In light of the latter, no heritage study was undertaken or comment obtained from Heritage Western Cape in this regard.

Town Planning:

According to the Chief Town and Regional Planner of this Directorate, the urban edge for Knysna is presently still unknown, since the Spatial Development Framework (SDF) has not been finalised to date. According to Planning, Erf 8577 will fall within the urban edge of Knysna, since it falls within an area where urban uses are found, and where servicing can be efficiently provided. According to Planning, a Structure Plan for the Welbedacht area was compiled, but not yet formally approved.

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The fact that the Structure Plan followed a thorough public participation process it is still used for evaluation purposes, until the Knysna SDF can be provided. In terms of the Structure Plan, large portions of Erf 8755 have been indicated suitable for development and can thus be supported. Planning submits that the proposed density determinations also roughly corresponds to what has been envisaged, given that the group housing component has been placed in a position shown as suitable for higher densities, and the overall gross density also appears to be comparable with the given determinations. The density is also comparable to that which is considered suitable for development on peripheral areas, as set out in the Western Cape Provincial Spatial Development Framework (PSDF).

In principle, from a town planning perspective, this form of residential development is supported, provided that it falls inside the urban edge of Knysna; does not intrude the skyline along the ridge on the eastern part of the property; and also does not occur in areas where slopes are 1:4 and steeper.

Alternatives:

According to the scoping report, the number of units and the layout of these units have changed from the originally proposed 180 residential I units to 171, and the revised layout is arranged in a less linear way, which provides for more corridors within the estate. According to the scoping report this alternative is considered to be compatible with the present land use and surroundings, as well as environmental constraints.

In light of the comments and concerns raised by I&APs, as well as the planning component of this Directorate, which relates to sensitive skyline areas and slopes steeper than 1:4 that must be kept free from development, the aforementioned alternative was further reduced to 156 Residential I units of a 300m² footprint, a group housing component (Residential III) of 94 units and private open space (Open Space II).

Public Participation:

According to the scoping report, the public participation process involved the placing of an advertisement in the *Knysna-Plett Herald* on 30 September 2004 requesting the registration of Interested and Affected Parties (I&APs). Adjacent property owners affected by the proposed development were sent letters of notification. Meetings were held on two occasions with the property owners and issues of concern were noted. The second meeting was held on the 27 October 2005 in order to show the changes in the layout as a result of a response to points raised in the scoping process with I&APs and the town planning section of the local authority. The following key issues and concerns were identified during the scoping process:

- ◆ The adequacy of water supply in terms of the reserve and the town's ability to meet the demand for this and other developments in Knysna;
- ◆ Potential visual impact of the proposed development; and
- ◆ Road access off the N2

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All the authorities who were consulted have in principle no objection to the proposal, but have imposed certain conditions in terms of their legislative requirements, which the applicant has to comply with.

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 Environment, Planning and Economic Development
Private Bag X9186
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.

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 jedevill@ppwc.gov.za or URL http://www.capegateway.gov.za/Text/2006/8/14_aug_06_eca_eia_appeal_quest.doc 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.

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

Yours faithfully



CHRISTIAAN RABIE
DIRECTOR: INTEGRATED ENVIRONMENTAL MANAGEMENT (REGION A)

DATE OF DECISION: 29.11.2009

Copies to:

- (1) Andrew West Environmental Consultancy
- (2) Knysna Municipality (Mr Ed Hill)
- (3) Directorate: Integrated Environmental Management (George)

Fax: (044) 870 8239
Fax: (044) 302 6338
Fax: (044) 874 2423