

**ANNEXURE D**  
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"ANNEXURE D"

**DEPARTMENT OF ECONOMIC AFFAIRS, ENVIRONMENT & TOURISM**  
**CHIEF DIRECTORATE: ENVIRONMENT AFFAIRS**

Collegiate House, cnr Belmont Terrace & Castle Hill, Central, Port Elizabeth  
Private Bag X 5001, Greenacres 6057

Johann-Gert Beleggings (Pty) Ltd.  
3 Cathcart Road  
Humewood  
PORT ELIZABETH  
6000

Reference: ECm1/2c/52-05  
Enquiries: Andries Struwig  
Tel: (041) 5085815  
Fax: (041) 5851958  
e-mail: Andries.Struwig@deaet.ecape.gov.za

Attention: Mr. A. Christodoulou

**AUTHORISATION IN TERMS OF SECTION 22 OF THE ENVIRONMENT  
CONSERVATION ACT, ACT 73 OF 1989, TO UNDERTAKE A LISTED ACTIVITY AS  
SCHEDULED UNDER SECTION 21 OF THE ACT: CHANGE IN LAND-USE OF ERF 3  
AND REMAINDER OF ERF 4, PARSONS VLEI FROM UNDETERMINED TO ANOTHER  
USE.**

Refer to your application dated 30 August 2005 (reference number ECm1/2c/52-05), submitted to DEAE&T for authorisation in terms of Section 22 of the Environment Conservation Act, Act 73 of 1989 to change the land use of Erf 2661 (being a consolidated unit of Erf 3 and the Remainder of Erf 4), Parsons Vlei from Undetermined to another use.

Authorisation is hereby granted in terms of Section 22 of the Environment Conservation Act, Act 73 of 1989, subject to the conditions contained in the Record of Decision attached as Annexure One.

**LEON ELS**  
**DEPUTY DIRECTOR: ENVIRONMENTAL AFFAIRS**

DATE: 05 SEPTEMBER 2006

# ANNEXURE ONE



## DEPARTMENT OF ECONOMIC AFFAIRS, ENVIRONMENT & TOURISM

### CHIEF DIRECTORATE: ENVIRONMENT AFFAIRS

Collegiate House, cnr Belmont Terrace & Castle Hill, Central, Port Elizabeth  
Private Bag X 5001, Greenacres 6057

## RECORD OF DECISION

ECm1/2c/52-05

### 1. Description of Activity

The project entails a change in land use of Erf 2661, being a consolidated unit of Erf 3 and the Remainder of Erf 4 Parsons Vlei within the Nelson Mandela Metropolitan Municipal area from Undetermined to subdivisional area in order to facilitate the development thereof. It is intended to develop the area in four phases. Phase 1 of the development will provide for the following uses as depicted in Drawing Number 6017\_PAR - 10, Revision 0 by Metroplan and dated 16 May 2005:

- ❖ Residential;
- ❖ Business;
- ❖ Commercial;
- ❖ Transport; and
- ❖ Open Space

The specific details of the proposed uses are depicted on Drawing Number 6017\_PAR -11, Revision 0 by Metroplan and dated 16 May 2005.

Development of Phases 2, 3 & 4 will be similar in nature to that of Phase 1. However, the specific details of such are still to be submitted to DEAE&T for consideration and approval.

Bulk services for the proposed development will be connected to existing municipal services in the area.

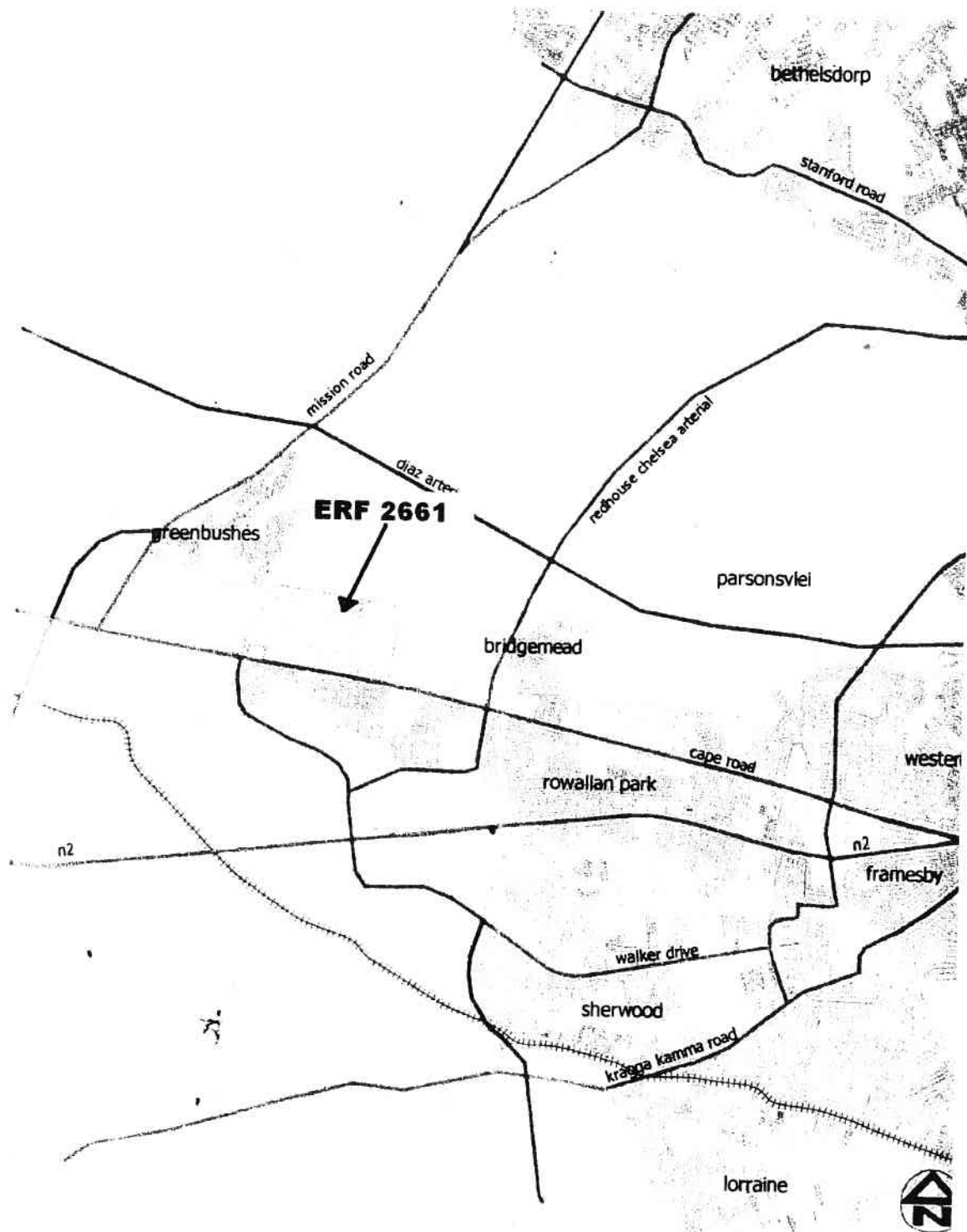
The change in land use from undetermined to any other land use is a listed activity in terms of Item 2(c) of Schedule 1 to GN R1182 of 5 September 1997 for which an authorisation needs to be issued in terms of Section 22 of the Environment Conservation Act, Act 73 of 1989.

### 2. Location of Activity

Erf 2661 being a consolidated unit of Erf 3 and the Remainder of Erf 4, Parsons Vlei is located north of Rowallan Park and west of Bridgmead residential areas on

the western periphery of Port Elizabeth within the Nelson Mandela Metropolitan Municipal area. The proposed development footprint is bound by an electrical servitude and subsidized housing to the west, private property to the north and east and Cape Road (separating it from Rowallan Park) to the south. See Figure 1.

**Figure 1: Location of Erf 2661 (Erf 3 and Remainder of Erf 4), Parsons Vlei**



**3. Contact Details of Applicant**

Name: Johann-Gert Beleggings (Pty) Ltd.  
Contact Person: Mr. A. Christodoulou  
Address: 3 Cathcart Road  
Humewood  
Port Elizabeth  
6000  
Telephone: 041 585 3489  
Fax: 041 228 8923

**4. Contact Details of Consultant**

Name: Geological and Environmental Services  
Contact Person: Mr. Mark Rynhoud  
Address: PO Box 22996  
Greenacres  
Port Elizabeth  
6057  
Tel: 041 373 8871  
Fax: 041 373 6549

**5. Details of Site Visit**

A site inspection was undertaken by Mr. A. Rhode and Ms. N. Nokwe of DEAE&T on 25 January 2005.

**6. Decision**

Authorisation is granted subject to the conditions in Section 8 of this Record of Decision.

**7. Duration of Authorisation**

- 7.1. The change in land use from Undetermined to another use to provide for a subdivisinal area to facilitate development thereof, to be effected by means of a rezoning from Undetermined to Subdivisinal Area in terms of the Land Use Planning Ordinance, Ordinance 15 of 1985, within 12 months of the date of signature of this authorisation.
- 7.2. Installation of bulk services for Phase 1 to commence within 6 months of the date of the change in land use being effected and to be completed within 12 months of commencement.
- 7.3. Construction of dwelling units and other top structures associated with Phase 1 to commence within six months of the completion of installation of bulk services and to be completed within 24 months of commencement.
- 7.4. Installation of services associated with subsequent phases 2, 3, & 4 to commence within 6 months of the date of approval of detailed layout plans as provided for in Condition 8.2.2 and to be completed within 24 months of commencement.
- 7.5. Construction of dwelling units and other top structures associated with phases 2, 3, & 4 to commence within 6 months of the completion of installation of bulk



services associated with such subsequent phase and to be completed within 24 months of commencement.

- 7.6. Conditions specified below are valid for the lifetime of the project.

## **7. Conditions of Authorisation**

*Please note that the Department of Economic Affairs, Environment and Tourism may review, delete or amend any of the following conditions in the event of new information coming to light.*

### **8.1 General Conditions**

- 8.1.1. This authorisation applies only to the activities as described in Sections 1 and 2 of this Record of Decision. Any other listed activities will be subject to authorisation in terms of Section 24 of the National Environmental Management Act, Act 107 of 1998.
- 8.1.2. This authorisation is subject to the applicant's compliance with all other relevant legislation, in particular the Land Use Planning Ordinance, Ordinance 15 of 1985 and the National Water Act, Act 36 of 1998.
- 8.1.3. The conditions of this authorisation shall form part of the contract entered into between the applicant and the contractor and/or any sub-contractors.
- 8.1.4. Should any environmental damage be detected, that in the opinion of this Department, is the result of the development, then the applicant shall be required to make good that damage to the satisfaction of the said authority at his/her own expense.
- 8.1.5. In the event of any dispute as to what constitutes environmental damage, this Department's opinion will prevail.
- 8.1.6. Any changes to the project that could have significant environmental impacts, and differs from that which was authorised by this Department, is to be submitted to this Department for approval prior to such changes being effected.
- 8.1.7. This Department must be notified within 30 days, of any change of ownership/developer. Conditions established in the Record of Decision must be made known to and are binding on the new owner/developer.
- 8.1.8. This Department must be notified of any change of address of the owner/developer.
- 8.1.9. This Record of Decision must be made available to any interested and affected party who has registered their interest in the proposed development. The applicant is responsible for ensuring that a copy of this Record of Decision is given to any such interested and affected party within a week of receiving this Record of Decision.
- 8.1.10. The listed activity as described in Section 1 of this Record of Decision and hereby authorised may not commence prior to the lapsing of the appeal period as provided for in Section 10 of this Record of Decision.

**8.2 Project-specific conditions:**

- 8.2.1. A detailed layout plan to be submitted to DEAE&T for approval prior to any construction, inclusive of service infrastructure, commencing on site. Such layout plan to provide for and include amongst others:
- 8.2.1.1. The exact boundaries of the different phases of the development;
  - 8.2.1.2. Setting aside of a 7.5ha (25%) portion of the 30ha of Rowallan Park Grassy Fynbos occurring on the site (Erf 4) as Private Open Space III and such to link with the Rowallan Park Grassy Fynbos occurring on the neighbouring Erf 982 to the north.
  - 8.2.1.3. A buffer area of 20m between the Private Open Space III zone contemplated in Condition 8.2.1.2 and any development on the subject site; and
  - 8.2.1.4. Broad development guidelines for phases 2, 3 & 4.
- 8.2.2. Further to the provisions of Condition 8.2.1, detailed layout plans for phases 2, 3 & 4 to be submitted to DEAE&T for approval prior to the commencement of any activities associated with such phases.
- 8.2.3. Further to the provisions of Conditions 8.2.1 and 8.2.2 all residential dwelling units abutting existing residential developments in Rowallan Park and Bridgemead for each of the four (4) phases of development to be integrated with such adjacent developments through the retention of the essential design and density of such areas.
- 8.2.4. No construction of dwelling units and other top structures within any of the development phases may commence prior to the completion of the installation of bulk services associated with such phase.
- 8.2.5. No disturbance (inclusive of grazing by domestic livestock) of the areas contemplated in Conditions 8.2.1.2 and 8.2.1.3 to take place at any time. Such areas to be kept in their natural state and managed according to conservation principles.
- 8.2.6. The areas contemplated in Conditions 8.2.1.2 and 8.2.1.3 to be kept clear of all exotic plant species.
- 8.2.7. All water, sanitation, electricity and storm water services must be sourced from and/or integrated into the existing municipal bulk services in the area. In this regard a Water and Sanitation Master Plan must be developed for this development which compliments the existing infrastructure of the adjacent residential areas and that of the NMMM.
- 8.2.8. In the event that the additional land uses developed as part of Phase 1 exerts extra pressure on the available water resources, the proposed development as contemplated in Phase 1 to be reduced proportionally in accordance with such capacity, until such time that the additional bulk infrastructure required to meet the development needs has been approved and implemented.
- 8.2.9. Low-flow technology such as low flush toilets and low-flow showerheads to form part of the water and sanitation system for all phases of the project to reduce potential water consumption and waste-water loading of the sanitation system. Such system is to key into the existing municipal water-borne sewage system at Rowallan Park.
- 8.2.10. Abstraction of ground water resources within the development footprint must be restricted to that for domestic use only. No ground water resources must be abstracted for use during construction activities on or off-site.

- 8.2.11. The Environmental Management Plan (EMP) contained in Chapter 7 of the Scoping Report entitled '*An Environmental Investigation for the Rezoning of Erven 3 & 4 Parsons Vlei from Undetermined to Residential Use*' dated December 2005, to be updated and submitted to this Department for approval prior to implementation. Such EMP to specifically address the construction/installation of infrastructure associated with the provision of services and the rehabilitation of any areas disturbed as a result of such development. The EMP to include amongst others:
- 8.2.11.1. Applicable conditions as contained in this Record of Decision;
  - 8.2.11.2. General principles of environmental management as applicable to construction activities;
  - 8.2.11.3. Applicable mitigation measures and recommendations contained in the Scoping Report entitled '*An Environmental Investigation for the Rezoning of Erven 3 & 4 Parsons Vlei from Undetermined to Residential Use*' dated December 2005, submitted in support of the application;
  - 8.2.11.4. Clear stipulations as to who is responsible and accountable for what actions;
  - 8.2.11.5. A general code of conduct for any contractor carrying out any work on the development site; and
  - 8.2.11.6. Clear stipulations regarding times that construction activities may take place.
- 8.2.12. General principles of environmental management as provided for in Condition 8.2.12.2 to provide for amongst others, the following:
- 8.2.12.1. Generators and fuel supply needed during construction must be placed on trays, which rest on clean sand. Once construction has been completed, this sand must be removed from site and disposed of at a registered waste disposal site;
  - 8.2.12.2. Windblown dust that may be generated during construction from stockpiled, excavated material must be minimized until such time that this material has been utilized during the rehabilitation process or that it can be removed and disposed of;
  - 8.2.12.3. No cement/concrete mixing to take place on the soil surface. Cement mixers must be placed on large trays to prevent accidental spills from coming into contact with the soil surface;
  - 8.2.12.4. No fill material, except that required for the pipelines, must be brought on site to reduce the potential for introduction of alien vegetation in the footprint. Excess material remaining after construction must be removed from site and disposed of at a registered waste disposal site;
  - 8.2.12.5. Any substrate contaminated by the spillage of hydrocarbons or other pollutants to be removed from the site and disposed of at a registered waste disposal site; and
  - 8.2.12.6. No waste from construction or otherwise, may be disposed of on site. All waste generated on site, to be removed from site and disposed of at a registered waste disposal site. In this regard adequate litter drums or other suitable containers must be located on site to ensure that waste generated on site is disposed of in a



suitable and timeous manner. Containers must be such that dogs and other scavengers cannot gain access thereto.

- 8.2.13. An Environmental Control Officer (ECO) is to be appointed to oversee the construction phase of the proposed development and to ensure that the conditions of this Record of Decision as well as the EMP are implemented and adhered to.
- 8.2.14. All temporary roads to be used during construction must follow the development footprint of the proposed internal road network.
- 8.2.15. All further developments adjacent to Cape Road must be subjected to a Traffic Impact Assessment and implementation of such upgrading must be conducted in accordance with the recommendations of such assessment, in conjunction with the NMMM Transportation Planning Division.
- 8.2.16. A storm water management plan which compliments the existing storm water infrastructure in the adjacent Rowallan Park and Bridgmead residential areas must be compiled and implemented. The storm water management plan must address/include amongst others:
  - 8.2.16.1. Erosion dissipation and control measures on residential erven, internal and access roads and open space areas;
  - 8.2.16.2. Minimisation of storm water run-off;
  - 8.2.16.3. Prevention of undue overloading of the natural drainage channel and earth-lined furrow to the east of the site;
  - 8.2.16.4. Alternative means of storm water discharge/drainage where the intensity and concentration of storm water discharge from built-up areas adversely impacts on overland and drainage channel erosion; and
  - 8.2.16.5. Minimisation of the impacts of additional storm water load from the built-up areas on the wetland ecosystems on the adjacent Erf 982, Parsons Vlei.
- 8.2.17. In the event that excessive sedimentation, overloading, destabilisation or pollution is detected which impacts negatively on the wetlands contemplated in Condition 8.2.17.6, the applicant/developer must fund the costs of any such remediation of this sensitive ecosystem.
- 8.2.18. All storm water outlet pipes are to be fitted with litter traps to ensure that any litter that gets into the storm water system is trapped. During the construction phase of the project such litter traps must be inspected on a weekly basis and all litter that is removed from these traps must be disposed of at a suitable waste disposal site.
- 8.2.19. No blanket clearing of vegetation to take place on the site. Vegetation only to be cleared to facilitate construction/installation of infrastructure and the building of individual houses/buildings. All vegetation on areas that are not developed immediately, to remain intact until such areas are developed. Furthermore no vegetation clearing to take place on erven earmarked as Open Space.
- 8.2.20. Before any vegetation clearing take place, officials from the Environmental Services Business Unit of the Nelson Mandela Metropolitan Municipality (NMMM) must inspect the site to determine the occurrence of any species of special concern or species protected in terms of the Nature & Environmental

- Conservation Ordinance, Ordinance 19 of 1974 or the National Forests Act, Act 84 of 1998.
- 8.2.21. In the event of any species of special concern or species protected in terms of the Nature & Environmental Conservation Ordinance, Ordinance 19 of 1974 being present, a permit in terms of the Ordinance to be obtained from DEAE&T for the removal and/or translocation of such species.
- 8.2.22. A permit to be obtained from the Department of Water Affairs and Forestry for the removal of any trees that may be protected in terms of the National Forests Act, Act 84 of 1998 prior to vegetation clearing commencing on site.
- 8.2.23. Any species identified in terms of Condition 8.2.20 as well as any other plant species suitable for rehabilitation and landscaping of disturbed areas, to be rescued in consultation with officials from the Environmental Services Business Unit of the NMMM before vegetation clearing takes place. Such species to be used for the rehabilitation of disturbed areas on the development site as well as for rehabilitation and landscaping elsewhere in the NMMM area.
- 8.2.24. The development footprint needed for the construction/installation of services as well as future development on individual erven, to be restricted to the absolute minimum necessary to facilitate construction of such. Such development footprint to be clearly demarcated with pegs. Construction activities, stockpiling of any building material and the storing of machinery must be accommodated within such demarcated areas and in accordance with the relevant provisions of the EMP.
- 8.2.25. No spoil material from the construction of service infrastructure to be allowed to be dumped or stored (whether temporary or permanent) in any of the Open Space areas.
- 8.2.26. All areas disturbed as a result of the construction/installation of infrastructure must be rehabilitated on completion in accordance with the requirements of the EMP and relevant conditions contained within this Record of Decision. Such rehabilitation to make use of indigenous vegetation.
- 8.2.27. Adequate preventative measures must be undertaken to avoid damage or destruction of any archaeological sites and other heritage resources during development of the site. In the event of any potential archaeological site being encountered, all work on site must cease and an archaeologist be deployed on site for an investigation. Any such area to be cordoned off subject to the outcome of such investigation and subsequent consultation with the South African Heritage Resources Agency.
- 8.2.27.1. A follow-up programme must be instituted whereby exotic invasive plant material which colonises disturbed ground is systematically removed and destroyed prior to it attaining the seed formation stage.
- 8.2.28. An environmental audit must be carried out after completion of each phase of the development and submitted to DEAE&T.

## **9. Key Factors That Led to Decision**

- 9.1. The proposed change in land use is aligned with the NMMM Spatial Development Framework by allowing for infill and densification of residential settlements and mixed land uses along development corridors within the "Urban

Fence" on the western outskirts of Port Elizabeth. The development is further guided by the availability of services and infrastructure within the NMMM area, for which long term provision has been made in the IDP Sector Plans.

- 9.2. The portion of land is moderately transformed by alien vegetation (including *Eucalyptus spp.*, *Acacia saligna*, *Acacia Cyclops* and *Acacia mearnsii*), overgrazing by live stock; repetitive veld fires, illegal dumping and illegal settlement and is no longer in a pristine state. There are however, some patches of conservation-worthy vegetation (i.e. Rowallan Park Grassy Fynbos) and these have been identified and mapped. Conditions contained in Section 8 of this Record of Decision provides for the retention of 25% of the existing intact Rowallan Park Grassy Fynbos on the site. The development layout thus needs to be modified to incorporate such area as Private Open Space. Such Open Space will maintain its function as an ecological niche for the terrestrial, aquatic and avifaunal species in the Parsons Vlei area, in line with the NMMMOSS recommendation of off-reserve management of vulnerable biodiversity sites.
- 9.3. From the information available, the significance of the likely environmental impacts can be kept within acceptable levels through the implementation of appropriate mitigatory and management measures. This has been provided for through the conditions contained in Section 8 of this Record of Decision.

#### 10. Appeal

A written appeal against the decision may be lodged with the MEC for Economic Affairs, Environment and Tourism, in terms of Section 35(3) of the Environment Conservation Act 73 of 1989 within 30 days from date of issue of this Record of Decision.

The address for submission of appeals is:

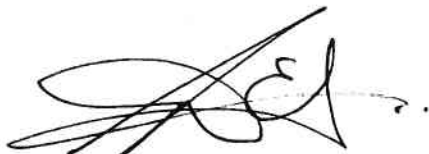
Attention: The Chief Director: Environmental Affairs  
Department of Economic Affairs, Environment and Tourism  
Private Bag X 0054  
Bhisho  
5605

*Only appeals on environmental grounds can be considered. All appeals should be accompanied by relevant supporting documentation.*



**A. STRUWIG**  
**ASSISTANT DIRECTOR: EIM**

DATE: 5 September 2006



**L. M. ELS**  
**DEPUTY DIRECTOR: WESTERN REGION**

DATE: 05 SEPTEMBER 2006



Corner Athol Fugard Terrace / Castle Hill Central Port Elizabeth 6001

Private Bag X5001 Greenacres 6057 Republic of South Africa

**Contact Person:** *Andries Struwig*

**Tel:** 041 5085840 **Fax:** 041 5085865 **Email:** [Andries.Struwig@dedea.gov.za](mailto:Andries.Struwig@dedea.gov.za)

Ref: ECM1/2c/52-05

New Horizon Development Trust  
P.O. Box 13867  
Humewood  
Port Elizabeth  
6013

Attention: Mr Mark Stemmet

Fax 086 6839899

[marks@easpe.co.za](mailto:marks@easpe.co.za)

**RE: INSTRUCTION TO COMPLY WITH TIMEFRAMES OF AUTHORISATION ECM1/2C/52-05 GRANTED TO JOHAN-GERT BELEGGINGS(PTY) LTD AND SUBSEQUENTLY TRANSFERRED TO NEW HORIZON DEVELOPMENT TRUST – MIXED USE DEVELOPMENT ON ERF 3 AND REMAINDER OF ERF 4, PARSONSVLEI WITHIN THE NELSON MANDELA BAY MUNICIPALITY.**

1. Please refer to the application for amendment dated 28 April 2015 and submitted on 29 April 2015 read together with your letters dated 23 and 24 March 2015 respectively as well as various discussions relating to this matter inclusive of discussions had between your Mr Stemmet and Ms Rousseau and Mr Struwig from DEDEAT on 19 January 2018 regarding proposed amendments to the Environmental Authorisation held by New Horizon Development Trust for mixed use development on Erf 3 and Remainder of Erf 4, Parsonslei within the Nelson Mandela Bay Municipality.
2. It is noted that the application for amendment deals with a request to amend Conditions 7.2 and 7.3 of Section 7 in the Environmental Authorisation issued on 5 September 2006 which stipulates:
  - 7.1. Installation of bulk services for Phase 1 to commence within 6 months of the date of the change in land use being effected and to be completed within 12 months of commencement.
  - 7.2. Construction of dwelling units and other top structures associated with Phase 1 to commence within six months of the completion of installation of bulk services and to be completed within 24 months of commencement.

It is further noted from the information contained in the application for amendment that installation of bulk services for phase of the Development is substantially complete. It is further noted that construction of top structures as envisaged in Condition 7.3 has commenced within the required time frame but only five houses have been completed – thus not completed within the time frames contemplated in Condition 7.3.

*“Innovation for Sustainable Development”*



**ECONOMIC DEVELOPMENT, ENVIRONMENTAL AFFAIRS & TOURISM**

CHIEF DIRECTORATE: ENVIRONMENTAL AFFAIRS

The Amendment Application thus proposes to amend Conditions 7.2 and 7.3. to allow for completion of the installation of bulk services as well as the top structures by 2025.

The Department further notes that it is envisioned that installation of bulk services for the subsequent phases 2, 3 and 4 as well construction of top structures for these subsequent phases will also be complete by 2025 as per discussions held at the DEDEAT offices on 19 January 2018.

3. In this regard please note that the Department cannot issue an amendment to "extend" the timeframe to complete the construction of top structures as referenced in Condition 7.3 due to the fact that there is already non-compliance with the timeframe as stipulated. As such, non-compliance with the timeframe stipulated for completion of construction of top structures can only be dealt with in a letter of instruction to comply with the timeframe failing which further enforcement action will have to be considered.
4. In consideration of the information contained in the amendment application and the annexures thereto the Department deems it reasonable to allow a period of 84 months for completion of installation of bulk services as well as top structures for all phases of the development i.e. phases 1, 2, 3 & 4.
5. Further to paragraph 4 above you are thus informed that the holder of the Authorisation being New Horizon Development Trust is hereby instructed to comply with the following timeframes in as much as it relates to completion of installation of bulk services as well as completion of construction of top structures:
  - 5.1. The Installation of bulk services for all phases of the development to be completed within 84 months from the date of issue of this letter i.e. by 19 January 2025.
  - 5.2. Construction of top structures for all phases of the development to be completed within 84 months from the date of issue of this letter i.e. by 19 January 2025.
6. This Letter of Instruction must be attached to the Environmental Authorisation, ECm1/2c/52-05 and be read in conjunction with the conditions outlined in said authorisation. A final audit of the environmental authorisation must be submitted to this Department at the end of the compliance period.
7. Further non-compliance with this instruction or any other conditions contained in the Environmental Authorisation (Record of Decision) may result in legal processes being instituted by the Department against the holder of the Authorisation.

  
**DAYALAN GOVENDER**  
**DEPUTY DIRECTOR: ENVIRONMENTAL AFFAIRS**  
**CACADU REGION**

DATE: 19/01/2018

