

Verwysing
Reference
Isalathiso

EG12/2/1-74-Outeniqua Game Farm
(3584)

Navrae
Enquiries
Imibuzo

D Swanepoel

Datum
Date
Umhla

2008-09-17
of Issue

Box 23



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

Mr R. Ludwig
PO Box 1060
Hartenbos
6520

Attention: Mr R Ludwig



Tel: 044 693 1803
Fax: 044 693 1809

— PAID off 5 years.
So property only

Dear Sir

APPLICATION: CONSTRUCTION OF A RESORT ON OUTENIQUA GAME FARM NO. 350, OUTENIQUA GAME FARM A NO. 373 AND A PORTION OF PORTION 3 OF THE FARM PALMIETRIVIER 118, MOSSEL BAY

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 development consists of the construction of 30 holiday chalets (Resort units) with a footprint of approximately 120m² each, a reception area and restaurant and associated services proximate to the layout plan by Delplan dated March 2004 and drawing no. M1507/001 by MVD dated May 2005. The units will be located on old agricultural lands. Access will be from Main Road 33/2. Access roads to the proposed units will be constructed. Water will be provided from two boreholes on site. A small reservoir will be constructed at the old quarry site. The sewage system will be a water borne system, which links up to Sannitree Super Sewer systems with associated wetlands or similar sewage systems. Electricity will be supplied by Eskom. An existing overhead power line will be extended 3500m to the site and from there it will be distributed underground. The remainder of the property of approximately 1274ha will be rezoned to Open Space III and will be managed as a Nature Reserve.

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

Item 1(m): The construction, erection or upgrading of public and private resorts and associated infrastructure;

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

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hereinafter referred to as "the activity"

B. LOCATION:

The site, consisting of Outeniqua Game Farm 350 (approximately 426ha), Outeniqua Game Farm A No. 373 (approximately 785ha) and a portion of Portion 3 of farm Palmietrivier 118 (approximately 62ha) will be consolidated to form Outeniqua Game Farm 350. It is located on the southern side of the Outeniqua Mountains approximately 30km from Mossel Bay. The R328 road between Mossel Bay and Outdshoorn, which crosses the Outeniqua Mountains at the Robinson Pass, serves as the eastern boundary of property. The consolidated properties will be approximately 1275 hectares in extent. See the locality map attached to the Scoping report, dated August 2001.

C. APPLICANT:

Mr R Ludwig
PO Box 1060
Hartenbos
6520

Tel: 082 416 2127
Fax: 044 693 1809

D. CONSULTANT:

Mr JPL van der Walt
Ecobound Environmental & Tourism Agency
PO Box 10274
GEORGE

Tel: 044 871 4455
Fax: 044 871 2274

E. SITE VISIT(S):

Date: 3 April 2003

Persons Present: Mr J Sharples, Mr D Viljoen, Ms Borris, Mr R Ludwig and Mr D Swanepoel of the Department of Environmental Affairs and Development Planning.

Date: 6 September 2007

Persons Present: Mr D Swanepoel of the Department of Environmental Affairs and Development Planning, Mr B le Roux, Ms J Sharples and Ms N Baker of CapeNature on 6 September 2007.

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.

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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 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, 22 & 23
3. 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 operation activities, i.e. before any units may be transferred or occupied.
 - 3.1 Such notice shall make clear reference to the site location details and reference number given above.
 - 3.2 The said notice must also include proof of compliance with the following conditions described herein:
Condition: 24
4. The mitigation/rehabilitation measures and recommendations as detailed in the draft Scoping Report by Sharples Environmental Services (dated February 2001) and the various extended scoping reports by Mr Van der Walt (dated June 2003, May 2005 and August 2005) must be adopted and implemented.
5. 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. 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).
6. All the buildings, including Resort units, the restaurant and the reservoir and infrastructure such as water pipelines and sewage systems must be located on fallow lands or in the old quarry area. Water pipelines to the units must be laid along the access roads and not be aligned through the veld. No new roads shall be made through the indigenous vegetation.
7. The construction of a resort unit on an erf must be completed before that erf may be transferred or sold, i.e. no vacant erven/stands may be transferred or sold.
8. No buildings may be constructed on gradients of 1:4 and steeper.

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- 9 A minimum set back buffer of 20m must be set from the existing indigenous vegetation line for all buildings.
- 10 The footprint of the Resort units must not exceed 120m² and the Erf size must not exceed 300m². Height must be restricted to single storey with lofts allowed in the roof space. The height of the Resort units may not be more than 6.5m measured from the average natural ground level to the highest point of the roof. Fifteen (15) of the units must be Resort Zone I units that are not alienated and the other 15 units may be Resort Zone II units that may be alienated, in accordance to the Guideline on Resort Developments in the Western Cape.
- 11 A properly constituted Home Owners Association (HOA) must be established, which provides rules and conditions for managing the development and the conduct of the owners.
- 12 An Architectural Design Manual must be submitted to the Mossel Bay Municipality for approval. In the Manual it should be attempted to minimise the visual impact through use of colour and building materials. The Architectural Design Manual must give effect to the place-specific approach to planning, design and management of the natural and human-made environment and guiding principles of 'critical regionalism' described in the Bioregional Planning Framework for the Western Cape Province, October 2000. The Design Manual must be binding to all landowners and successors in title and must address amongst others the following aspects:
 - Height of buildings
 - Maximum floor area
 - Finishing, especially with regard to colour of buildings. All walls and buildings must be earthy colours and roofs must be non-reflective, dark colours, preferably charcoal.
 - Erf size
 - Fencing
 - Style of building
 - Lighting.
- 13 A rental pool must be established and all resort units must be in a rental pool. This condition must be incorporated in the constitution of the Homeowners Association and in the OEMP.
- 14 Outeniqua Game Farm 350 (approximately 426ha), Outeniqua Game Farm A No. 373 (approximately 785ha) and a portion of Portion 3 of farm Palmietrivier 118 (approximately 62ha) must be consolidated and rezoned to Open Space III or managed according to an approved conservation management plan.
- 15 No subdivision of the consolidated Open Space III area is to be allowed without the prior written approval of the Department of Environmental Affairs and Development Planning and CapeNature. This condition must be included in the title deed of the consolidated property.
- 16 The applicant must approach CapeNature with a request to consider the possibility of entering into an agreement with CapeNature in terms of CapeNature's Stewardship programme.

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- 17 No buildings may be constructed in areas zoned for Open Space III. The footprint of all buildings must have an appropriate zoning.
- 18 The temporary fuel storage, including decommissioning, must comply with the mitigation measures contained in Appendix 3 to the Additional Information to the Scoping Report (Ref: HER04/448/23) and all relevant SABS standards.
- 19 The following Resource Conservation Measures must be implemented:
 - 19.1 Rainwater from roofs must be collected and stored in rainwater tanks. No taps linked to piped, potable water may be installed outside buildings. All water used outside buildings must be collected rainwater.
 - 19.2 All resort units must be fitted with and use low flow showerheads and double flush toilets.
 - 19.3 All resort units must be fitted with and use solar hot water systems.
- 20 Water provision:
 - 20.1 Abstraction of groundwater water may not exceed 20 000m³/annum.
 - 20.2 No surface water may be abstracted.
 - 20.3 The water must comply with the bacteriological and chemical standard for drinking water.
 - 20.4 Water must be monitored by the applicant and/or Home Owners Association on a regular basis for bacteriological and chemical quality.
 - 20.5 The results of these samples must be kept on record and be available on request by any Authority.
 - 20.6 Monitoring results/records of the quantity of water abstraction must be kept and be made available on request to any Authority.
- 21 Only locally indigenous plant species may be used in landscaping and rehabilitation. Only game species that occurred in the area historically may be allowed on the property.
- 22 The applicant must appoint a suitably experienced, independent 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 construction phase EMP. The ECO must be appointed until all construction, including all the resort units and restaurant, have been completed.
- 23 The applicant must compile and submit an acceptable construction phase Environmental Management Plan ("CEMP"), for the installation of the services, roads and residential units to this Directorate. The CEMP must:
 - 23.1 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.
 - 23.2 Describe the level and type of competency required of the Environmental Control Officer, ("ECO");
 - 23.3 Define and allocate the roles and responsibilities of the ECO referred to above, and the Environmental Site Agent where applicable;

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- 23.4 Determine the frequency of site visits;
 - 23.5 Be included in all contract documentation for the construction phase of the development.
 - 23.6 Also address the impacts associated with the construction of the individual resort units.
 - 23.7 Provide a programme for the clearing of invasive alien vegetation and rehabilitation of disturbed areas during the construction phase.
 - 23.8 Include a rehabilitation plan for rehabilitation that must commence with the start of the construction phase, including the rehabilitation of the old quarry area.
- 24 The applicant must compile and submit an acceptable operational phase Environmental Management Plan ("OEMP") for the entire property. This must be submitted to this Directorate for approval at least eight weeks before any resort unit is transferred. No resort unit may be transferred until/unless the OEMP is approved by this Directorate.

The OEMP must:

- 24.1 Clearly outline the management actions and strategies and address the ecological corridor needs for the proposed GI corridor. The following aspects must be addressed as part of the EMP:
- Vegetation/habitat unit transformation and sensitivity maps and descriptions;
 - Eradication of invasive alien vegetation;
 - Fire management plan;
 - Rehabilitation, restoration and re-vegetation plan;
 - Wildlife management plan including stocking strategies and management, contingency plans for disease management, fencing, drought and low rainfall events;
 - Road and path maintenance;
 - Water management;
 - Visitor management,
 - Security;
 - Auditing and monitoring;
 - Roles and responsibilities for the Home Owners' Association and the owner(s) of Open Space III area.
 - Ensuring adequate funding for ecological management of the reserve etc.;
 - All reasonable measures to be taken to rehabilitate the areas with modified vegetation consisting of grassy cultivated and pasture areas to its original state (i.e. before it was transformed). Indigenous palatable grasses may be used initially during rehabilitation but no cultivation or irrigation may be used to artificially increase the carrying capacity of the nature/game reserve. The aim of rehabilitation should

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not be to increase the forage potential and carrying capacity, but rather to reinstate the biodiversity that was lost when the area was transformed.

- Outeniqua Game Farm will be rezoned to Open Space III (Nature Reserve) and must therefore be managed as a nature reserve and not as a game farm. This implies that the focus will be on maintaining and reinstating the natural ecological systems and processes, limiting the introduction of extra-limital game species and limiting any human intervention aimed at increasing the carrying capacity for game, e.g. cultivation or irrigation of land.
- 24.2 Incorporate the conditions of authorisation given in this Record of Decision, as appropriate to the operational phase of the project. The Home Owners' Association / or operator of the facility must implement and ensure compliance with this EMP.
- 25 The applicant must submit Environmental Audit Reports, ("audit reports") to this Directorate six months after construction has been commenced and thereafter every year until all construction is completed.
- 25.1 The audit reports must detail compliance with the conditions of this authorisation and the provisions of the construction phase EMP, as well as the status of the rehabilitation and alien eradication programme.
- 25.2 This Directorate may require remedial action should the audit reports reflect that rehabilitation or alien eradication is inadequate.
- 25.3 If the audit report is not submitted, this Directorate may give 30 days written notice and may have such an audit undertaken at the expense of the applicant and may authorise any person to take such measures necessary for this purpose.
- 26 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.

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- 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/2006/8/14_aug_eia_eia_appeal_quest.doc 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.
- 27 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.
- 28 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.
- 29 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.
- 30 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:

The relevant authority recommends that:

1. The applicant should establish a Trust fund for the implementation of the OEMP and management of the Open Space III area according to an approved operational phase Environmental Management Plan. The trust should be established before any of the erven are transferred. It is further suggested that one per cent (1%) of the purchase price of erven or units within the boundaries of the proposed development should be transferred to the Trust fund each time a property is transferred.

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I. KEY FACTORS AFFECTING THE DECISION:

Environment

The vegetation on the property is highly conservation worthy, and rezoning to Open Space III is supported by CapeNature. In terms of the GIS Report of the Gouritz Initiative, the site falls within the Koppiesveld Corridor Area. The site also contains Leeukloof Fynbos Renoster Thicket according to the Vlok & De Villiers vegetation map (2007). The underlying silcrete formation harbours rare, highly localised and often threatened plant species. The site of the proposed resort is located on old agricultural lands and will not impact directly on the conservation worthy vegetation.

CapeNature is prepared to consider entering into a Biodiversity Agreement or even a Contract Nature Reserve with the landowner in terms of their Stewardship programme. According to the GIS report for the Gouritz Initiative, the site is located in the Koppiesveld corridor area. The underlying silcrete formation is special because it often contains rare and highly localised (and often threatened) plant species. This vegetation type is threatened by short interval fires and the fact that there are reseeding Proteas on the site indicates that it has been spared from frequent fires.

Outeniqua Game Farm has been fenced with a game fence and is managed as a game farm. Game species currently on the farm include eland, kudu, red hartebeest, bushbuck, duiker and ostrich. Once the farm has been rezoned to Open Space III (Nature Reserve), it will be managed as a Nature Reserve in accordance with a management plan referred to in condition 24 above.

The water demand for the proposed development is approximately 20 000m³ per annum. Water will be obtained from three boreholes which can deliver 1,1l/s. According to Gorra Water Consulting Civil and Agricultural Engineers, this leaves a sufficient safety factor and oversupply to service the required 0,6l/s.

According to the technical report on services in the Scoping Report dated August 2001, Eskom has confirmed that there is (at that time) sufficient electricity available to supply the proposed development.

Condition 7 is included to ensure better control during the construction phase to minimise damage to the environment and pollution during construction.

Policy: Regional/planning context

This Directorate is of the opinion that the size of the property and the unique natural resources are sufficient to warrant the development of a resort of this nature, which is in the density norm of the draft Western Cape: Coastal Zone Policy.

The applicant has applied for 30 Resort Zone II units with a footprint of 175m² each. This is not in line with the *Guidelines for Resort Developments in the Western Cape*, dated December 2005, which requires that not more than 50% of the total number of units may be freehold units (Resort Zone II) and the footprint of resort units outside the urban edge may not be more than 120m². Conditions 10 and 13 are included to ensure compliance with the *Guidelines for Resort Developments in the Western Cape*.

The landowner intended to establish a crocodile farm on part of the property. Such an activity is not in line with the proposed Open Space III zonation, since it is a farming

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activity. The landowner subsequently indicated that he does not intend to proceed with the establishment of a crocodile farm.

The public participation process showed that there were no objections to the proposed development. The Department of Agriculture indicated in a letter dated 08 December 2005 that they support the proposed rezoning of the above-mentioned farm from Agriculture to Open Space III (Nature Reserve) in principle, provided that CapeNature and Gouritz Initiative support the proposed Resort and approves the long term environmental Management Plan. CapeNature has indicated that they support the proposed development subject to conditions contained in their letter dated 16 April 2007. The District Roads Engineer (DRE) has indicated that although the road access has recently been upgraded, it needs formalisation to the satisfaction of the District Roads Engineer.

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 of 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@pgwc.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.

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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



AYUB MOHAMED

DIRECTOR: INTEGRATED ENVIRONMENTAL MANAGEMENT (REGION A)

DATE OF DECISION: 17/09/08

Copies to: (1) Mr E Kruger (Mossel Bay Municipality)
(2) Mr W v.d. Walt (Ecobound)
(3) George Office

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