

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

EC 08/M/123-04

1. Description of Activity

The project entails a change in land use of the following portions being 157 ha in extent of Zwartenbosch 347, Humansdorp within the Kouga Municipal area from Private Open Space to Subdivisional Area to allow for the development of a Golf Estate thereon:

- Remainder of Portion 10 (a portion of Portion 4), in extent: 58,8127 hectares;
- Portion 19 (a portion of Portion 8), in extent: 9,3753 hectares;
- Portion 22 (a portion of Portion 1), in extent: 78,3273 hectares; and
- Portion 23 (a portion of Portion 4), in extent: 10,5481 hectares.

The proposed development of the Golf Estate will include the following components:

- An 18-hole, 6,213 meter, 72 par championship status golf course with irrigation and associated landscaping;
- A Practice driving range with kiosk;
- A Practice putting green;
- 641 Residential erven;
- 3 Separate erven within the Golf Estate to accommodate group housing units with two erven accommodating 40 units each and one erf accommodating 39 units;
- Main complex consisting of:
 - ❖ A Golf Club House;
 - ❖ Golf Pro shop;
 - ❖ 2 restaurants;
 - ❖ Kitchen facilities;
 - ❖ Bar lounge;
 - ❖ Conference facilities for 400 delegates;
 - ❖ 10 Office suites; and
 - ❖ Central parking facilities for visitors.
- Sports and Health complex consisting of:
 - ❖ Club House;
 - ❖ Coffee shop and restaurant;
 - ❖ Health spa and indoor swimming pool;
 - ❖ 2 x Squash courts;

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- ❖ 2 x Tennis courts; and
- ❖ 1 Outdoor Swimming pool.
- Business complex consisting of:
 - ❖ Convenience shop;
 - ❖ Restaurant; and
 - ❖ Business/office suites.
- Service infrastructure consisting of:
 - ❖ Main Access road from the R330 Hankey Road;
 - ❖ Security gate house and office at entrance;
 - ❖ Internal roads;
 - ❖ Storm water infrastructure and road furniture;
 - ❖ Siyageza or similar sewerage purification plant and internal sewerage reticulation including sewer connections;
 - ❖ Water treatment plant;
 - Water reservoir with a capacity of 1 mega liter on the adjacent property being Portion 1 of the farm Zwartbosch 347;
 - ❖ Internal water reticulation and connections;
 - ❖ Electrical infrastructure incorporating an intake substation, pavement mounted mini substations, internal electrical reticulation, meter kiosks and electricity connections; and
 - ❖ Low level streetlights.
- Maintenance areas consisting of:
 - ❖ Stores/sheds;
 - ❖ Nursery;
 - ❖ Staff housing; and
 - ❖ Storage units for caravans and boats.
- Perimeter security fencing

The following land uses will be provided for within the subdivisional area:

- Residential 1
- Residential 2
- Transport Zone 2 - roads
- Transport Zone 3 - public parking
- Open Space Zone 2 - golf course
- Special use
- Business Zone 1

It is proposed to provide access to the Golf Estate from the existing provincial road R330 between Humansdorp and Hankey.

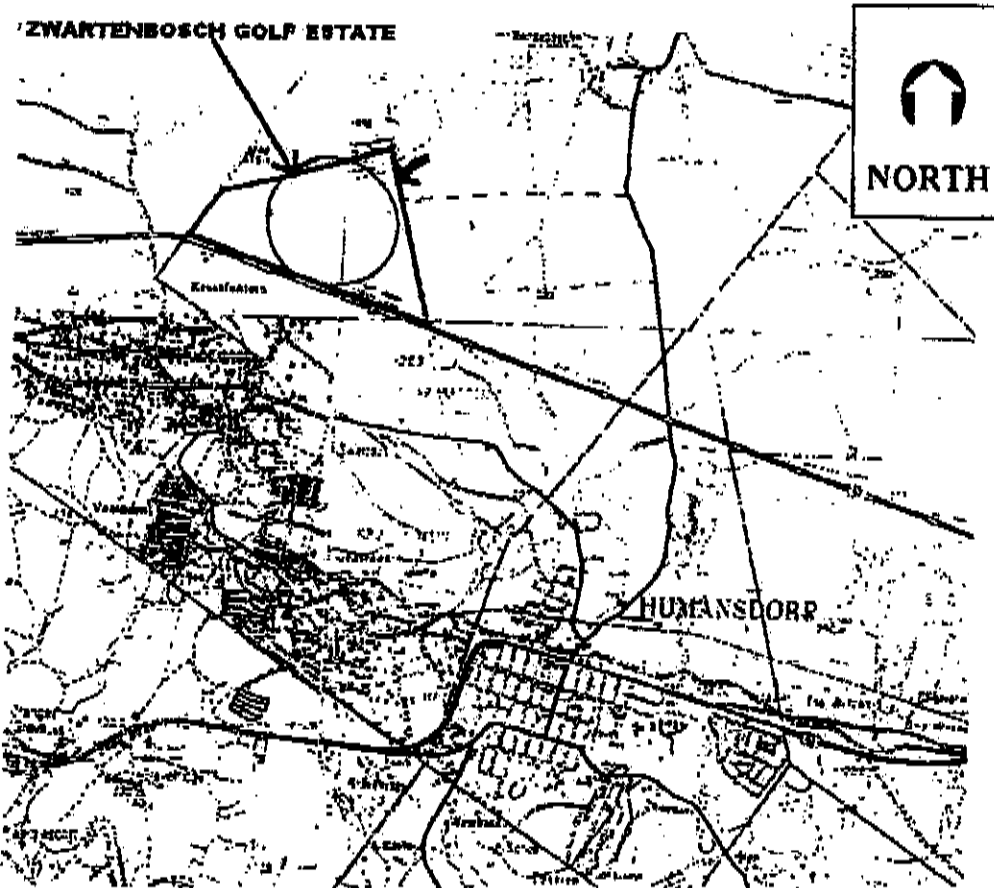
The construction and/or upgrading of a resort is a listed activity in terms of Section 21 of the Environment Conservation Act, Act 73 of 1989 (activity 1m as listed in GN R1182 of 5 September 1997). Likewise the change in land use from Open Space to any other land use is a listed activity in terms of Section 21 of the Environment Conservation Act, Act 73 of 1989 (activity 2c as listed in GN R1182 of 5 September 1997). These activities thus require authorisation in terms of Section 22 of the Act.

2. Location of Activity

Portions 10, 19, 22 and 23 of Zwartbosch 347, is located immediately north of the N2 and to the west of the intersection of the N2 and the R330 between Humansdorp and Hankey. See Figure 1 for a locality map.

M.H.
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Figure One: Location of Zwartbosch Golf Estate



3. Contact Details of Applicant

Name: Desert Charm 205 (Pty) Ltd
Contact Person: Mr. E. Van Heerden
Address: P.O. Box 44227
Linden
2104

Telephone: 011 7827006
Fax: 011 8889118

4. Contact Details of Consultant

Name: Bopita Engineering Geologists
Contact Person: Mr. G. J. Fisher
Address: P.O. Box 22727
Port Elizabeth
6000

Telephone: 041 7761171
Fax: 041 7761171

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5. Details of Site Visit

Andries Struwig from the Western Regional office of DEAE&T visited the site on 19 May 2006 in the company of Mr. Eugene van Heerden.

6. Decision

Authorisation is granted subject to the conditions set out in Section 8.

7. Duration of Authorisation

- The change in land use of the relevant portions of land to be effected within 12 months of the date of signature of this authorisation by means of a rezoning in terms of the Land Use Planning Ordinance, Ordinance 15 of 1985.
- Construction of service infrastructure to commence within 12 months of the change in land use being effected and to be completed within 24 months of commencement.
- Upgrading of the golf course to commence within 12 months of the change in land use being effected and to be completed within 36 months of commencement.
- Construction of the main complex and associated components as described in Section 1 of the Record of Decision to commence within 12 months of the change in land use being effected and to be completed within 36 months of commencement.
- Construction of the residential components to commence within 12 months of the change in land use being effected and to be completed within 60 months of commencement.
- Conditions relating to the operational phase of the project are valid for the lifetime of the project.

8. 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 pertains only to the activities as described in Section 1 of this Record of Decision. Any other listed activities would be subject to authorisation in terms of Section 22 of the Environment Conservation Act, Act 73 of 1989.
- 8.1.2. This authorisation is subject to all other statutory requirements being met, notably the requirements of the Land Use Planning Ordinance, Ordinance 15 of 1985, the National Forests Act, Act 84 of 1998, the National Water Act, Act 36 of 1998 and the National Heritage Resources Act, Act 25 of 1999.
- 8.1.3. The conditions of this authorisation shall form part of any contract entered into between the applicant and any contractor and/or sub-contractor.
- 8.1.4. Should any environmental damage be detected, that in the opinion of DEAE&T is the result of the development, then the applicant shall be

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- 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. This Department must be notified, within 30 days, of any change of ownership/project developer. Conditions established in the Record of Decision must be made known to and are binding on the new owner/project developer.
- 8.1.7. This Department must be notified of any change of address of the owner/project developer.
- 8.1.8. Any changes in the project that could have significant environmental impacts and that would differ from that which were authorised by DEAE&T to be submitted to DEAE&T for approval prior to such changes being effected.
- 8.1.9. All legal remedies to be followed to secure access to the Golf Estate from the R330 as provided for in this Record of Decision. No construction to commence on site prior to such access being secured. In the event that such access cannot be secured, alternative access to be provided for in consultation with DEAE&T prior to any construction commencing on site.
- 8.1.10. This authorisation and Record of Decision excludes the rerouting of the existing powerline that traverses the site. Any rerouting of the existing powerline will constitute a listed activity and as such will be subject to a separate application for authorisation being lodged with DEAE&T.
- 8.1.11. This Record of Decision must be made available to any Interested and Affected Parties who have 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.
- 8.1.12. The listed activities 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. Conditions specific to the establishment (inclusive of layout and design) of the proposed golf course and associated estate.**
- 8.2.1. A detailed, surveyed layout plan to be submitted to DEAE&T for approval prior to any construction commencing on site. The layout plan to include the exact location of individual components of the development and of service infrastructure.
- 8.2.2. The detailed layout plan to provide for amongst others:
- 8.2.2.1. No development to be located above the 295m contour line;
- 8.2.2.2. Identification of the exact location of individual components of the development, inclusive of service infrastructure;
- 8.2.2.3. The percentage coverage that the various components will comprise of the total land units;
- 8.2.2.4. Setting aside of all areas not developed as Private Open Space;

- 8.2.2.5. Incorporation of the existing remnants of indigenous vegetation into the private open space areas.
- 8.2.3. Detailed plans regarding the final design, layout and landscaping of golf course components to be submitted to DEAE&T for approval prior to any construction commencing on site.
- 8.2.4. Such detailed design, layout and landscaping must:
- 8.2.4.1. Be compiled in conjunction with an ecologist to ensure integration of natural systems and habitats with golf course design and landscaping;
 - 8.2.4.2. Indicate the contours on the golf course prior to any shaping taking place and the final contours envisaged as per design. This must be done in order to ascertain to what extent the existing local topography will be changed as a result of golf course layout inclusive of any water features;
 - 8.2.4.3. Mitigation of visual impacts by means of appropriate landscaping and planting of vegetation;
 - 8.2.4.4. Address the assessment and mitigation of impacts associated with earth moving and the changed profile associated with the final golf course layout; and
 - 8.2.4.5. Incorporate the use of indigenous vegetation in accordance with the findings of the investigation to be undertaken in terms of Condition 8.2.11 where appropriate.
- 8.2.5. An architectural guideline to be compiled and submitted to DEAE&T for approval prior to any construction commencing on site. The design and construction of the individual components of the development to adhere to such architectural guideline.
- 8.2.6. The architectural guideline to address amongst others:
- 8.2.6.1. Provision of a unified architectural character and building materials for the different components of the development;
 - 8.2.6.2. Maximum footprint allowed per individual residential site;
 - 8.2.6.3. Maximum height of individual residential units and other components of the development;
 - 8.2.6.4. No part of any building to protrude above the 300m contour line;
 - 8.2.6.5. Maximum footprint of individual components of the main complex; and
 - 8.2.6.6. Mitigatory measures to address visual impacts associated with all components of the development inclusive of infrastructure and associated services to individual units and buildings (use of non reflective, low lighting etc.).
- 8.2.7. Detailed plans regarding design and specification of the raw water treatment works to be submitted to DEAE&T for approval prior to construction thereof commencing.
- 8.2.8. Detailed plans regarding design and specification of the sewage treatment works to be submitted to DEAE&T for approval prior to construction thereof commencing.

- 8.2.9. Detailed plans regarding design and specification of existing and new proposed water features inclusive of dams and artificial water courses to be submitted to DEAE&T for approval prior to construction thereof commencing.
- 8.2.10. Detailed plans regarding design and specification of perimeter fencing to be submitted to DEAE&T for approval prior to construction thereof commencing. Such design to provide for the passage of small game.
- 8.2.11. An investigation to be undertaken and reported on to DEAE&T regarding the use of indigenous grasses such as *Paspalum* spp. and *Cynodon dactylon* on fairways and the use of other indigenous vegetation components such as fynbos for the semi-rough and rough areas of the golf course.
- 8.2.12. A report to be submitted to DEAE&T on the invasive potential of the specialised exotic grasses that will be used on the golf course prior to commencement of golf course construction. Such report to contain measures to prevent the spread of such exotic grasses as well as remedial measures in the event of such spread occurring.
- 8.2.13. A detailed landscaping plan for the estate as a whole to be compiled and submitted to DEAE&T for approval prior to such plan being implemented.
- 8.2.14. Such landscaping plan to provide for amongst others:
- 8.2.14.1. No removal of any mature indigenous trees during project implementation;
 - 8.2.14.2. Landscaping guidelines for individual landowners; and
 - 8.2.14.3. The use of indigenous vegetation in landscaping.
- 8.2.15. A report to be compiled and submitted to DEAE&T for approval and subsequent implementation regarding specific mitigatory measures to address the visual impact of the water reservoir that will be constructed to service the development.
- 8.2.16. A conservation trust to be established by the developer to further environmental management and conservation on the property as well as within the immediate sphere of influence of the development. The terms of reference for such a trust to be compiled in conjunction with appropriate Interested and Affected Parties and submitted to DEAE&T for ratification.
- 8.3. Conditions specific to the construction of service infrastructure, the residential component of the Golf estate as well as the golf course.
- 8.3.1. A comprehensive Environmental Management Plan (EMP) to be compiled and submitted to DEAE&T for approval, and implemented for the construction phase of the project. The EMP to include amongst others:
- 8.3.1.1. Applicable conditions as contained in this Record of Decision;
 - 8.3.1.2. General principles of environmental management as applicable to construction activities including environmental best practice, erosion control, minimisation of dust etc;
 - 8.3.1.3. Mitigatory measures and recommendations contained in the report by Bopite Engineering Geologists CC being "An Environmental Study for the proposed new Zwartenbosch Housing Estate at the

Humansdorp Golf Course" dated November 2004 (Revised March 2005) submitted in support of the application;

- 8.3.1.4. A waste management strategy;
 - 8.3.1.5. A plant rescue and relocation strategy;
 - 8.3.1.6. A general code of conduct for any contractor that might be carrying out any work on the development site;
 - 8.3.1.7. Clear stipulations as to who is responsible and accountable for what actions; and
 - 8.3.1.8. Clear stipulations regarding times that construction activities may take place on the site.
- 8.3.2. Non-compliance with any stipulation in the approved EMP will be regarded as non-compliance in terms of this Record of Decision.
- 8.3.3. An Environmental Control Officer (ECO) to be appointed for the duration of the construction phase of the project.
- 8.3.4. The ECO to ensure implementation of and compliance with the conditions of this Record of Decision and the stipulations of the EMP.
- 8.3.5. A performance based requirement with regard to environmental impact management during construction must be included in all contracts related to the construction phase of this development.
- 8.3.6. Areas where construction activities or installation of services have to take place must be properly and visibly demarcated and no activities are to take place outside such demarcated areas. In this regard specific care must be taken not to infringe onto areas that will remain natural in terms of the layout plan to be approved in terms of Condition 8.2.1.
- 8.3.7. The areas allocated for the upgrading of the existing 9 hole golf course to an 18 hole golf course in terms of the layout plan to be approved in terms of Condition 8.2.1 to be appropriately and visibly demarcated before any construction or other activities associated with the establishment of such may commence. All such activities to be confined to the demarcated areas.
- 8.3.8. An environmental audit to be carried out after completion of each phase of the development and submitted to DEAE&T.
- 8.4. Conditions specific to the ongoing operation and management of the golf estate and golf course.
- 8.4.1. A suitable environmental management protocol such as ISO 14000 to be compiled to the satisfaction of DEAE&T and to be implemented for the operational phase of the project.
- 8.4.2. The environmental management protocol to include amongst others:
- 8.4.2.1. Operational procedures for the sewage treatment works;
 - 8.4.2.2. Operational procedures for the water treatment works;
 - 8.4.2.3. A comprehensive water management plan;
 - 8.4.2.4. A comprehensive waste management plan;
 - 8.4.2.5. A management plan for the Open Space areas within the Golf Estate according to conservation principles;

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- 8.4.2.6. An alien vegetation control programme for the removal of alien vegetation in a controlled and phased manner, including rehabilitation of areas that have been degraded through such invasion;
 - 8.4.2.7. Landscaping guidelines for the Golf Estate as a whole as well as for individual home owners in accordance with the landscaping plan contemplated in Condition 8.2.13;
 - 8.4.2.8. An integrated turf management system for the golf course that must amongst others address the use of herbicides and pesticides as well as the application of fertilizer; and
 - 8.4.2.9. Compilation of a code of conduct incorporating general as well as environmental management rules for the operational phase of the project.
- 8.4.3. Implementation and ongoing maintenance of the environmental management protocol to be overseen by a dedicated environmental manager.
- 8.4.4. The environmental management protocol to be audited on an annual basis in order to measure compliance therewith and these audit results to be submitted to DEAE&T.
- 8.4.5. The water management plan contemplated in Condition 8.4.2.3 to address amongst others:
- 8.4.5.1. Water use to be in accordance with the terms and conditions of any licence obtained from the Department of Water Affairs and Forestry;
 - 8.4.5.2. Water conservation measures to be included in the design of all components of the development, including that of individual dwellings;
 - 8.4.5.3. Treatment of return effluent to receiving water quality standard;
 - 8.4.5.4. Use of return effluent from the sewage treatment works as irrigation water for the golf course;
 - 8.4.5.5. Run-off from golf course irrigation to be collected via the installation of a subsurface drainage and collection system and re-used;
 - 8.4.5.6. Maintenance of existing flow regimes in the drainage lines exiting the property;
 - 8.4.5.7. Maintenance of water quality in the drainage lines exiting the property; and
 - 8.4.5.8. Sustainable use of groundwater (use of groundwater within the recharge limits of the aquifer).
- 8.4.6. A comprehensive water monitoring programme to be compiled and implemented for the operational phase of the development to monitor compliance with the various aspects of water quantity and quality covered in the water management plan. This monitoring programme to be compiled and implemented to the satisfaction of DEAE&T and DWAF.
- 8.4.7. The collection of baseline information in accordance with the water monitoring programme referred to in Condition 8.4.6 to commence three months prior to any construction activities commencing on site.

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- 8.4.8. The waste management plan contemplated in Condition 8.4.2.4 to address amongst others:
- 8.4.8.1. The minimisation and sorting of waste at source;
 - 8.4.8.2. Recycling of recoverable waste; and
 - 8.4.8.3. Compacting of non-recoverable solid waste prior to it being transported to a registered waste disposal site.
- 8.4.9. The code of conduct referred to in Condition 8.4.2.9 to address amongst others:
- 8.4.9.1. Appropriate mechanisms to ensure that all owners formally endorse adherence to norms and standards set by such a code of conduct and the environmental management protocol referred to in Condition 8.4.1; and
 - 8.4.9.2. Appropriate mechanisms to ensure that the conduct of any contractors, service providers, staff as well as any other visitors to the estate conduct themselves in a manner which is in keeping with the norms and standards set by the code of conduct and the environmental management protocol referred to in Condition 8.4.1.
- 8.4.10. All Open Space areas to remain natural and no development or other infringement to be allowed in such areas.
- 8.4.11. No fauna which does not occur naturally on the property, or in all likelihood did not historically occur on the property, shall be introduced onto the property.
- 8.4.12. No free roaming domesticated animals, whether of household, agricultural or any other variety, may be kept on the Golf Estate.
- 8.4.13. A Home Owners Association to be instituted and each individual owner to be bound as a condition of title to be a member of such.
- 8.4.14. The constitution of the Home Owners Association referred to in Condition 8.4.13 to address amongst others:
- 8.4.14.1. Management of the conservation trust to be established by the developer in terms of Condition 8.2.17;
 - 8.4.14.2. Management rules in line with the general code of conduct to be compiled and implemented in terms of Condition 8.4.2.9.
- 8.4.15. The developer to endeavour to include the Remainder of Portion 1 of Zwartenbosch 347 as well as Portion 7 of Zwartenbosch (Fountains) into the Golf Estate as Private Open Space III (to be managed as a nature reserve) by means of an agreement with the Kouga Municipality.
- 8.4.16. Upon their inclusion into the Zwartenbosch Golf Estate, the Remainder of Portion 1 as well as Portion 7 of Zwartenbosch 347 to be managed in accordance with the reserve management plan as required by Condition 8.4.18.
- 8.4.17. A comprehensive reserve management plan to be compiled by a suitably qualified and experienced professional and submitted to DEAE&T for approval/endorsement within 6 months of the date of the inclusion of the Remainder of Portion 1 and Portion 7 of Zwartenbosch 347 into the Golf Estate.

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- 8.4.18. The reserve management plan referred to in Condition 8.4.17 to include amongst others:
- 8.4.18.1. An alien vegetation control programme for the removal of alien vegetation in a controlled and phased manner, including rehabilitation of areas that have been degraded through invasion by exotic plant material.
 - 8.4.18.2. A comprehensive vegetation management programme;
 - 8.4.18.3. A comprehensive fauna management programme; and
 - 8.4.18.4. Incorporation of the Open Space Management Plan for the Open Space areas on the estate as provided for in Condition 8.4.2.5 that will not be part of the Private Open Space III areas as contemplated in Condition 8.4.15.
- 8.4.19. Management of the nature reserve and the implementation and ongoing adherence to the reserve management plan to be overseen by the environmental manager as provided for in Condition 8.4.3.

9. Key Factors That Led to Decision

- 9.1 The proposed Zwartenbosch Golf Estate will be developed around the existing Humansdorp Golf Course. Currently the Humansdorp Golf Course only comprises of 9 holes although it was originally designed and built as a 18 hole golf course. The irrigation piping for the second 9 holes were however rendered unserviceable due to a lightning strike that damaged the control box. At the time the Humansdorp Golf Club did not have the necessary funds to replace the control box. The irrigation network for the second 9 holes of the golf course has since been vandalised and the area totally invaded by alien invasive plants.

The natural vegetation in the area should consist of Kromme Fynbos/ Renosterveld Mosaic and Humansdorp Grassy Fynbos. Most of the proposed development footprint has however been totally transformed due to its development as a golf course. The area is further heavily invaded by alien species (mainly *Acacia* spp.) A number of streams and wetlands (including man made dams) occur on the site. These have however been incorporated into the golf course design as water features.

Existing features of conservation significance have been taken into account in the planning and design of the development as well as in the compilation of this Record of Decision. In this regard conditions in this Record of Decision require that no development will take place above the 295m contour line. Furthermore all open space areas that will not be developed are to be rehabilitated with indigenous vegetation and managed according to conservation principles. Provision has also been made for the possible inclusion of the Remainder of Portion 1 of Zwartenbosch 347 to the north and Portion 7 of Zwartenbosch to the east of the existing golf course as nature areas into the Golf Estate with a requirement that such areas be set aside as Private Open Space III and managed as a nature reserve. It is also a requirement of this Record of Decision that all areas that will not be developed be restored to their natural state.

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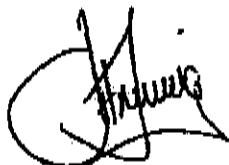
- 9.2 From a planning perspective the proposed Zwartbosch Golf Estate has been incorporated into and provided for in the Spatial Development Framework for Kouga Municipality. It can further be argued that the application can be viewed as redevelopment of the existing Humansdorp Golf Club Site. This being said, it must be borne in mind that the Kouga Municipality is the authority that deals with applications in terms of the Land Use Planning Ordinance and they would be required to adjudicate on the application from a physical planning perspective. In this regard the Kouga Municipal Council has already adopted a resolution wherein the proposed development is supported and approved in principle subject to a number of conditions.
- 9.3 In terms of services it is proposed that Zwartbosch Golf Estate will have its own treatment plants for raw water and waste water. Water to service the development is readily available from a number of fountains on the site. In this regard the Department of Water Affairs and Forestry has indicated that the proposed abstraction rate of water from the springs to service the development will have no impact on the sustainable yield of the aquifer and thus boreholes in close proximity. Return effluent from the proposed waste water treatment works will be utilised for irrigation and landscaping. Electricity will be provided from the existing Eskom powerline that traverses the site. Access to the Golf estate will be provided for from the existing provincial road R330 between Humansdorp and Hankey.
- 9.4 In addition a number of other measures are stipulated in Section 8 of this Record of Decision that are intended to ensure that potential impacts associated with the proposed development are kept within limits that are acceptable given the nature and location of the site.

10. Appeal

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

Attention: 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: 28 JUNE 2006



LEON ELS
DEPUTY DIRECTOR: WESTERN REGION
DATE: 28 JUNE 2006

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