



Ministry for Environment, Planning and Economic Development
 Ministerie van die Omgewing, Beplanning en Ekonomiese Ontwikkeling
 Iofisi yoMphathiswa wezeNdalo, uCwangciso noPhuhliso lwezoQoqosho

3/6/3

DATE OF ISSUE :

Mr Jan Kruger
 Papilio Investments 33 (Pty) Ltd
 PO Box 2500
 NORTHCLIFF
 2110

Fax: (011) 782 0149

Dear Mr Kruger

**PROPOSED PARADISE COAST RESIDENTIAL ESTATE ON THE REMAINDER OF PORTION 1
 OF THE FARM DROOGFONTEIN NO. 245, MOSSEL BAY**

With reference to the appeal received against the authorization, 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 270 Single Residential erven (North of Flora Road) and 438 Single Residential erven (South of Flora Road), 2 Group Housing erven, 1 Hotel/village with tourism components and 2 business erven. In total there will be 713 erven established on the subject property. The rest of the property will be used for conservation and private open space. The conservation area will be rezoned to Open Space Zone III (Refer to attached revised Development Plan No. 272/MQS/03/SDP (19), dated 21 November 2006, compiled by DELplan Urban and Regional Planning). In addition, the development will require the temporary storage of a dangerous substance (*i.e.* bulk fuel) on site during the construction phase and the construction of associated service infrastructure, which includes the upgrade of access points, construction of an internal road network and the re-alignment of existing public roads across the property, linking with Louis Fourie drive and parking facilities.

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;

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

hereinafter referred to as "the activity".

B. LOCATION:

The proposed development site is located west of Mossel Bay, between the N2 and the coast and borders on the existing Dana Bay development on the west and the approved Pinnacle Point Golf Resort on the east.

Co-ordinates:

Latitude: 34° 12' 20" S
Longitude: 22° 04' 30" E

hereinafter referred to as "the site".

C. APPLICANT:

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NORTHCLIFF
2110

Fax: (011) 782 0149

D. CONSULTANT:

Hiland Associates
% Ms Cathy Avierinos
PO Box 590
GEORGE
6530

Tel: (044) 889 0229
Fax : (044) 889 0229

E. SITE VISIT:

A site inspection was conducted on 14 January 2004 and was attended by Malcolm Fredericks, Louise-Mari van Zyl and Cathy Avierinos. A follow-up site inspection was also conducted on 24 October 2005, which was attended by Malcolm Fredericks, Danie Swanepoel and Cathy Avierinos.

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. 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.
 - 1.1 Such notice shall make clear reference to the site location details and reference number given above.
 - 1.2 The said notice must also include proof of compliance with the following conditions described herein:
 Conditions: 1, 2, 4, 5, 6, 11, 12, 14, 16, 18, 20, 21 and 24
2. The applicant shall be responsible and accountable for ensuring compliance with all 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.
3. 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 phases 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).
 - 3.1 The applicant must detail the waste management approach and specific measures to reduce and promote recycling;
 - 3.2 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;
 - 3.3 In terms of the Atmospheric Pollution Prevention Act, burning is not permitted as a disposal method on the entire property.
4. Chemical ablution facilities must be available for the use by construction staff at all times during the construction phase. These facilities must be removed from the site when the construction phase is completed, as well as the associated waste to be regularly disposed of at a registered waste site.
5. Identification and demarcation of sensitive areas (e.g. proposed conservation areas or ecological corridors and private open space, areas with moderate to high butterfly significance, wetlands and open spaces) must be done prior to any construction activities commencing. These areas must be strictly treated as "No Go" areas and a clause to protect them during construction and operational phases must be included in the Environmental Management Plans for the construction and operational phases. Strict penalties must be imposed by the Environmental Control Officer ("ECO") to any person who fails to comply with this requirement, to ensure that these areas are protected from any form of disturbance and to also ensure that these areas remain intact. All Conservation areas must be rezoned to Open Space Zone III.
6. Provision should be made for an outlet corridor of at least 20-30 metres wide from the edge of the two wetlands for wildlife. These corridors or buffers must be maintained for the sound functioning of ecological processes. The layout plan must therefore be adapted to

- make provision for the said corridors or buffers, except in instances where roads or service infrastructure will cross such wetlands.
7. The proposed erven that block the 30m buffer along the eastern boundary must be removed to allow for an ecological corridor along this side (eastern boundary) of the property, as per revised Development Plan No. 272/MOS/03/SDP (19), dated 21 November 2006.
 8. Disturbance to the highly sensitive butterfly habitat must be avoided at all cost. The proposed new access road must be realigned to avoid the breeding colony and must pass south and east of the colony, as per final revised Development Plan No. 272/MOS/03/SDP (19), dated 21 November 2006. The highly sensitive butterfly habitat that occurs along the western boundary must also be avoided. The power supply to the property must be realigned to avoid this butterfly colony or be installed manually (by hand excavation of a narrow trench).
 9. No earthworks must take place in areas classified as being sensitive to disturbance or regarded as conservation worthy areas. All physical disturbance (e.g. site clearing and trench digging) must be restricted to the development footprint ("area of disturbance"), which are illustrated inside the cadastral boundaries of the coastal erven marked 213, 214, 215, 216, 217, 218, 219, 220, 232, 433, 434, 435, 436, 437, 438, 439, 440, 441, and 442 on the site development plan (Plan No: 272/MOS/03/SDP (19), dated 21 November 2006). It is critical that any form of disturbance be restricted to the development footprint, which is defined to include driveways; trenches for electricity cables, water and sewage pipelines. This must be strictly implemented to retain the ecological integrity of the conservation worthy areas, which comprises mainly of endangered Groot Brak Dune Strandveld (9.9 ha). These areas must be retained and rehabilitated, where necessary, to ensure that the habitats within the conservation and ecological corridor areas remain intact for the migration of fauna. Patch connectivity must therefore be maintained and maximised to allow for the movement of pollinators. This provision must be included in the constitution of the Homeowners Association ("HOA") and compliance herewith will be strictly enforced by this Directorate.
 10. No development must take place on slopes steeper than 1:4.
 11. A specialist archaeologist must be present on site during the construction period to inspect all excavation sites in order to identify possible research sites. Any research material discovered must be excavated in terms of the legislation contained in the National Heritage Resources Act (Act No 25 of 1999) and should be displayed locally (possibly at the Dias Museum) so that the heritage of the area becomes accessible to the local population.
 12. The applicant must develop a water demand management plan for the development to minimise water use within the proposed development. This plan must be submitted to this Directorate for approval prior to construction commencing. Strict compliance with such plan must also be incorporated into the Constitution of the Home Owner's Association (HOA). The following Resource Conservation Measures must be implemented as part of the water demand management plan:
 - 12.1 Rainwater from roofs must be collected and stored in rainwater tanks;
 - 12.2 No taps linked to piped, potable water may be installed outside the proposed buildings;
 - 12.3 All water used outside the proposed buildings must be collected rainwater;
 - 12.4 All buildings must be fitted with and use low flow showerheads and double flush toilets;
 - 12.5 Guidelines for water saving measures (e.g. at service infrastructure and residential level);
 - 12.6 The design and installation of water saving measures (e.g. dual flush toilets, dual collection and re-use of grey water, low flow devices as technology allows);

- 12.7 The landscaping and architectural design of buildings to incorporate the collection of rainwater from roofs or surfaces in water storage tanks;
- 12.8 Timeframes for the implementation of the plan.
13. Access along the trail and down to the coast must not be hampered in any way by the proposed development. Historic use of the coastline by the public, along historic routes, must continue in perpetuity and must not be impacted upon by the proposed development.
14. A conservation buffer of approximately 50 metres must be created on either side of the St Blaize Trail. Corridors between the proposed buildings must remain untouched and areas visible from the St Blaize Trail must have no, or minimal gardening areas, or lawns.
15. The applicant must strictly comply with the mitigation measures described under Section 10.1 of the Visual Impact Assessment report, dated October 2006, compiled by VRM Africa, which specifically relates to Lightning, Roads, Vegetation, Fencing and Signage for those areas where the Stone Haven Buildings and the Hotel complex will be developed.
16. The coastal thicket in front of all the erven, particularly those closest to the coast, must be maintained to assist in visual screening.
17. No silt or other surface water pollution must be allowed to enter the fynbos area surrounding the development.
18. The applicant must amend the draft construction phase Environmental Management Plan ("EMP") dated May 2006, compiled by Cathy Avierinos & Dale Holder (Ref: MOS03/366/96) and submit an updated construction phase EMP to this Directorate. This EMP must:
- 18.1 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;
 - 18.2 Incorporate the conditions of authorisation given in this Record of Decision, as appropriate to the construction phase of the project.
 - 18.3 Describe the level and type of competency required of the Environmental Control Officer, ("ECO");
 - 18.4 Define and allocate the roles and responsibilities of the ECO referred to above;
 - 18.5 Determine the frequency of site visits;
 - 18.6 Be included in all contract documentation for the construction phase of the development;
 - 18.7 Include an **underground piping plan** and describe the strict implementation of such plan to minimise potential disturbance, as a result of unplanned trench digging and pipe laying through sensitive areas.
 - 18.8 Specifically address, *inter alia*:
 - 18.8.1 the demarcation of construction and no-go areas, as well as the rehabilitation of all disturbed areas;
 - 18.8.2 the management of construction throughout the construction phase to avoid the butterfly colonies and the vegetative screening north of the new Flora Road.
 - 18.8.2 the maintenance of existing wetlands and watercourses, in accordance with the Guidelines for River Maintenance, compiled by CapeNature;
 - 18.8.3 the protection of steep slopes and storm water management during the construction phase of the development; and
 - 18.8.4 the control of erosion during construction.
19. The applicant must compile and submit an acceptable operational phase Environmental Management Plan for the entire property. This Directorate must approve this document before any of the units may be occupied.
- 19.1 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

- Owners' Association / or operator of the facility must implement and ensure compliance with this EMP.
- 19.2 The EMP must make provision for regular environmental audits. Further, strict control by the Home Owner's Association must form part of the operational phase EMP for this development.
 - 19.3 The EMP must address:
 - 19.3.1 the protection of all 1:4 (and steeper) slopes;
 - 19.3.2 the maintenance of the wetlands and water courses that occur on the property in accordance with the Guidelines for River Maintenance, compiled by CapeNature;
 - 19.3.3 the potential for soil erosion;
 - 19.3.4 the rehabilitation plan for conservation of the existing sensitive vegetation;
 - 19.3.5 the establishment of indigenous vegetation and the complete eradication of all alien invasive vegetation; and
 - 19.3.6 the implementation of the ecological burning plan (June 2006).
 - 19.4 The EMP must address the burning of the *Lepidochrysops* habitat, which should be done infrequently – at no less than ten year intervals and always during the period from March to August to avoid the potential loss of a butterfly subspecies. The outlet corridors of the two wetlands must also be subjected to a burning regime. The ecological burning plan, dated June 2006 must be adapted accordingly.
20. A Home Owner's Association (HOA) must be established to ensure implementation of the construction and operational phase Environmental Management Plan (EMP). Home owners must make sufficient financial contributions to the HOA on a monthly or annual basis for the continued implementation of the operational phase EMP, including, inter alia, the maintenance of the Private Open Space and all shared areas such as roads, parking and gardens.
 21. An Environmental Liaison Committee ("ELC") must be established at the cost of the Applicant, prior to the construction phase commencing.
 - 21.1 The applicant must draw up the ELC's draft terms of reference ("TOR") and submit such to this Directorate. The TOR must be approved by this Directorate prior to any land clearing or construction commencing.
 - 2.2 The TOR must include, but not be limited to, the following:
 - 21.2.1 the frequency of meetings and reports
 - 21.2.2 chairmanship/membership
 - 21.2.3 auditing requirements
 - 21.2.4 duties and responsibilities during the construction phase
 - 21.2.5 the termination of such ELC
 - 21.2.6 the frequency of providing feedback to authorities and/or the local community.
 - 21.2.7 the role of the Municipality
 22. A strict penalty system must be implemented for any contraventions of the EMP and fines must be issued by the ECO. The ELC must decide how penalty funds are to be spent.
 23. The applicant must submit an Environmental Audit Report, ("audit report") to this Directorate, six months after construction has been completed.
 - 23.1 The audit report must indicate the date on which the construction was completed, and detail compliance with the conditions of this authorisation, and the status of the rehabilitation programme;

- 23.2 This Directorate may require remedial action should the audit report reflect that rehabilitation is inadequate; and
- 23.3 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.
24. 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 and operational phase EMP.
25. The applicant must appoint an Archaeological Control Officer (ACO) to oversee all aspects relating to the archaeological research on site, to monitor excavations by the contractor to ensure compliance with NRHA, and to undertake any archaeological excavations for research purposes on site, as will be required. The ACO must work in close association with the ECO and must provide monthly reports to be presented to the ELC.
26. Both the ECO and ACO must be charged with the responsibility to provide environmental and archaeological induction/education to every person working on the site through the construction phase of civil services and home building.
27. 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.
28. 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.
29. Departmental officials shall be given access to the property referred to in B above for the purpose of assessing and/or monitoring compliance with the conditions contained in this Record of Decision, at all reasonable times.

H. RECOMMENDATIONS:

1. It is recommended that all alien invasive vegetation must be completely eradicated and all disturbed areas must be rehabilitated where appropriate.
2. It is recommended that no fence be created between the open spaces at Paradise Coast and Pinnacle Point and management of the adjacent open spaces/nature areas should be combined.
3. It is recommended that the hotel complex and all other buildings be fitted with and use dual (solar and electricity) hot water systems.

I. 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.

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

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

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

Kind regards



MS TASNEEM ESSOP
**PROVINCIAL MINISTER OF ENVIRONMENT,
PLANNING AND ECONOMICAL DEVELOPMENT**

DATE OF DECISION: 13.02.08

Copies to:

1. Mossel Bay Municipality (Mr Dries Cilliers)	Fax: (044) 691 1912
2. CapeNatura (A Schutte-Vlok)	Fax: (044) 272 8110
3. Directorate: Integrated Environmental Management (George)	Fax: (044) 874 2423
4. Keith Nicol Municipal Manager Mossel Bay Municipality P O Box 25 MOSSEL BAY 6500	