

Verwysing
Reference
Isalathiso

EG12/2/1-37-ERF 464 KINGSWOOD GOLF ESTATE (3292)



Navrae
Enquiries
Imibuzo

D SWANEPOEL

Datum
Date
Umhla

11/09/2003

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

The Acacia Group (Pty) Ltd.
PO Box 602
LONEHILL
2062

Attention: Mr Johann Klopper

Tel : (011) 465-5808

Fax: (011) 465-5871

Dear Sir

**APPLICATION: CONSTRUCTION OF A GOLF ESTATE ON A PORTION OF ERF
464, GEORGE**

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

RECORD OF DECISION

A. DESCRIPTION OF ACTIVITY:

The construction of a golf estate consisting of:

- 730 residential units, made up of a combination of approximately 580 single residential stands and group housing clusters with approximately 150 town houses and a small commercial component.
- Infrastructure associated with the development, including internal roads as indicated on the development, sewerage pipelines and pump stations that will link up with the municipal system. The potable water requirement of approximately 312 440Kl/annum as well as the electricity will be supplied by the George Municipality and will connect to the existing Municipal system and reticulation. All cables will be underground.
- An 18-hole golf course plus a practice hole, complimented by a clubhouse, driving range, putting green as well as tennis courts.
- Up to eleven (11) off-channel dams for golf course irrigation. Irrigation drainage from the golf course will be directed towards the various dams and recycled. The storage capacity of the dams will not exceed the volume registered in terms of Section 32 of the National Water Act (36 of 1998).

As per course layout map dated July 2003 By Hilland Associates.

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A temporary contractor's campsite will be erected where fuel will be stored in above-ground tanks for the duration of the construction phase.

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

Item 1(j) The construction, erection or upgrading of dams, levees and weirs affecting the flow of a river;

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

Item 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:

A portion of Erf 464, George. The site is situated adjacent to the town of George, between the George Golf Club, King George Hotel, Heather Park, Rooirivierriif and the Experimental farm. The centre co-ordinates are 33°58'00" South and 22°26'00" East. The site is approximately 210 ha in extent (See attached layout plan by Hilland Associates dated July 2003).

C. APPLICANT:

The Acacia Group (Pty) Ltd.
Mr Johann Klopper
PO Box 602
LONEHILL
2062

Tel: (011) 465-5808

Fax: (011) 465-5871

D. CONSULTANT:

HillLand Associates
PO Box 590
GEORGE
6530

Tel: (044) 889-0229

Fax: (044) 889 0229

E. SITE VISIT(S):

Department of Environmental Affairs & Development Planning
Chief Directorate: Environmental Affairs

Date: 2 April 2003

Persons Present: Mr D Swanepoel and Ms I Coetzee of the Department Of Environmental Affairs & Development Planning ("DEA&DP")

Date: 30 June 2003

Persons Present: Mr D Swanepoel of the Department Of Environmental Affairs & Development Planning ("DEA&DP"), Mr W Roets of Western Cape Nature Conservation Board, Ms C Avierinos of Hilland Associates, Mr R Durdin (Kantey & Templer) and Mr D Obermeyer.

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.

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.
2. One week's notice, in writing, must be given to the Directorate: Environmental Management, (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, 7, 8, 10, 12 & 18.1
3. One week's notice, in writing, must be given to the Directorate: Environmental Management, (hereinafter referred to as "this Directorate"), before commencement of operation activities.
 - 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:

Conditions: 5, 9, 13, 16, 18 & 19
4. An integrated waste management approach must be used that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill

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licensed in terms of section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989).

- 5 The mitigation/rehabilitation measures and recommendations as detailed in the Environmental Impact Report and Extract with changes from the Environmental Impact Report, dated April 2003, compiled by Hilland Associates must be adopted and implemented.
- 7 The applicant must appoint a suitably experienced Environment Control Officer (or Site Agent where appropriate) 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 Environmental Management Plan ("EMP").
- 8 The applicant must compile and submit an acceptable construction phase Environmental Management Plan ("EMP"), for the installation of the services, roads, residential units, golf course and dams to this Directorate. The EMP must:
 - 8.1 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.
 - 8.2 Describe the level and type of competency required of the Environmental Control Officer, ("ECO");
 - 8.3 Define and allocate the roles and responsibilities of the ECO referred to above, and the Environmental Site Agent;
 - 8.4 Determine the frequency of site visits;
 - 8.5 Provide mitigation measures and address potential impacts of temporary fuel storage at the contractor's campsite.
 - 8.6 Be included in all contract documentation for the construction phase of the development.
- 9 The applicant must compile and submit an acceptable operational phase Environmental Management Plan ("EMP") for the entire property. This must be approved by this Directorate before any of the units may be occupied. The EMP must:
 - 9.1 Address the protection of the sensitive areas (e.g. wetland areas and ecological corridors along the Rooi River and unnamed tributary of the Rooi River), rehabilitation of the wetlands and river systems, the establishment and maintenance of public walking trails, the complete removal of all alien invasive plants and fire prevention and control.
 - 9.2 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.
 - 9.3 Include measures to minimise water use, use of fertilisers and pesticides on the golf course and avoid fertilisers and nutrients entering the

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watercourses. This should include a monitoring programme such as regular soil tests and leaf analyses.

- 10 An Environmental Liaison Committee ("ELC") must be established at the cost of the Applicant, prior to any land clearing or construction activities commencing.
 - 10.1 The applicant must draw up the ELC's draft terms of reference ("TOR") and submit it to this Directorate. This must be approved by this Directorate prior to any land clearing or construction commencing.
 - 10.2 The TOR must include but is not limited to the following:
 - 10.2.1 the frequency of meetings and reports
 - 10.2.2 chairmanship/membership
 - 10.2.3 auditing requirements
 - 10.2.4 duties and responsibilities during the construction phase
 - 10.2.5 the termination of such ELC
 - 10.2.6 the frequency of providing feedback to the local community.
- 11 The applicant must submit an Environmental Audit Report, ("audit report") to this Directorate within one (1) year after construction has been completed.
 - 11.1 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.
 - 11.2 This Directorate may require remedial action should the audit report reflect that rehabilitation is inadequate.
 - 11.3 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.
- 12 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);

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- (2) An appeal must set out all the facts as well as the grounds of appeal, and must be accompanied by all relevant documents or copies of them which are certified as true by a commissioner of oaths.
- Include the date on which the record of decision was issued to the applicant in terms of regulation 10(1) and the date by which appeals must reach the Minister.
 - Inform all I & AP's that a signed and certified Appeal Questionnaire, is obtainable from the Minister's office at tel. (021) 483 4700, email lvdberg@pawc.wcape.gov.za or URL <http://www.westerncape.gov.za/eadp> 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.
- 13 The Rooi River and unnamed tributary of the Rooi River (including the upper river valley, riparian zone and river bed) must be rehabilitated to a natural state and retained for public access. A plan to rehabilitate the river courses and riparian vegetation must be included in the EMP. The recommendations of the reports by Mr D Impson (included as section 3 of the EIR) must be adopted and implemented. The river valley must be permanently cleared of all alien invasive trees. Except for the two proposed causeway bridges, the riverbed must not be mechanically interfered with (e.g. bull-dozing) as the river is expected to recover naturally once all invasive alien trees along the river are removed. The upper valley and riparian zone must be correctly rehabilitated to allow these zones to form an effective buffer between the golf course, residential area and river itself. This buffer must be protected by the appropriate structures from any excessive nutrients and wastes arising from the golf course, and must be monitored for excessive nutrients and wastes before they enter the river that are not captured. The required minimum buffer width must be protected and appropriately managed. The alien eradication programme must start with phase 1 of construction and must be completed before completion and opening of the golf course. Follow up must be done at least annually. Rehabilitation of riparian areas and wetlands must be undertaken in close consultation with Western Cape Nature Conservation Board.
- 14 The recovery of the river must be monitored to quantify progress. The River Health Programme must be adopted as the means of seasonally assessing the recovery of the river and monitoring must start, once approval is given, to use the existing situation as a benchmark. Monitoring must be done in consultation with the Department of Water Affairs and Forestry and the Western Cape Nature Conservation Board. Results of monitoring must be made available to the ELC, the Home Owners Association, the WCNCB and this Department.

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- 15 No water abstraction from the Rooi River and unnamed tributary is allowed if any of the source sites has a base flow lower or equal to 12 litres per second (12l/s).
 - 15.1 The minimum required base flow is set at 12l/s for the purpose of calculating the volume of water that may be abstracted. Only a third (33%) of the volume of water exceeding the required base flow may be abstracted. For example, for a measured flow of 24 litres per second, an abstraction of only 4 litres per second will be allowed (24 subtract 12 divided by 3).
 - 15.2 A permanent gauge marker plate must be installed in the source river upstream of the abstraction point to determine the base flow. This marker will require annual review in order to cater for flow changes and flood damage.
 - 15.3 Abstraction of water must be monitored and measured with a water flow meter and an electricity meter on the pump. Data on the water flow at the gauge marker plate and pump rates must be kept. The base flow must be monitored and recorded daily during the period that water is abstracted from the Rooi River and unnamed tributary.
 - 15.4 The total abstraction from the Rooi River and unnamed tributary must not exceed 50000m³ per annum. In view of the fact that run-off from the site under normal circumstances is more than what is required for irrigation of the golf course, abstraction of water must be limited to only exceptional circumstances.
 - 15.5 Permission must be obtained from the ELC to abstract water from the Rooi River and unnamed tributary of the Rooi River. The ELC must ensure that run-off from the site is collected and used optimally and abstraction from the Rooi River and unnamed tributary is minimised.
- 16 The applicant must comply with all the relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998). All storage dams must be located off channel.
- 17 Surface and sub-surface water draining from the golf course must be collected through an appropriately designed surface and subsurface drainage system and directed towards the various dams to be recycled. Storm water runoff from the golf course and residential areas must be channelled to the various dams. Where this is not possible, storm water must be channelled through a system of artificial wetlands in order to dissipate flow and assist in the removal of possible excess nutrients and waste from the water.
- 18 The Rooi River and unnamed tributary must be rehabilitated and a minimum buffer area must be conserved and protected:
 - 18.1 The buffer area must be determined and appropriately demarcated before the construction phase commences.
 - 18.2 A minimum setback line of 40m must be maintained along the Rooi River. No earthworks may occur within the buffer area and no permanent structures or any part of the golf course must be allowed

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- within the 40m buffer area, except for a hiking trail and one bridge on the Rooi River.
- 18.3 With the exception of a minimum setback of 5m for the golf structures associated with holes 10, 11, 12 and 13, a minimum setback of 15m between the riverbed and golf course must be maintained along the unnamed tributary of Rooi River. No earthworks may occur within the buffer area and no permanent structures, gardens or any part of the golf course must be allowed within the 15m buffer area.
- 19 Public access must be retained along the Rooi River and the unnamed tributary of the Rooi River by means of public pathways or hiking trail:
- 19.1 The applicant must construct suitable pathways on the site along the Rooi River and the unnamed tributary of the Rooi River. The design and construction of the pathways must prevent any degradation of the riparian and buffer zone along the river courses.
- 19.2 The general public must have free access to the pathways and access to the pathways must be provided at all three points at the security fence.
- 19.3 The pathways must be designed in such a way so that it may link up with the proposed comprehensive public hiking trail system for George as proposed in the George IDP. for later be extended along the Rooi River and the unnamed tributary to the Botanical Garden to form a circular route
- 19.4 The hiking trail on the site must be completed before the completion and opening of the golf course.
- 20 No fences are permitted across wetland areas or watercourses.
- 21 No permanent structures are allowed below the 1:50 year flood line or on slopes steeper than 1:4
- 22 This Directorate must be notified, within 30 days thereof, of any change of ownership and/or project developer, as well as any change of address of the owner and/or project developer.
- 23 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.
- 24 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.

- 25 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.
- 26 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. Due to its presence in the river, the Cape Galaxias should be used in the River Health Programme as natural indicator of the ecological state of the river.
2. The Architectural Guidelines proposed for the development limit architectural styles to only one style. It is suggested that the Cape Colonial Style is the most appropriate in view of 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.

I. KEY FACTORS AFFECTING THE DECISION:

Biophysical:

The site has been significantly modified and has been used for cultivation of crops. Some areas are severely invaded by alien invasive plants. The wetland areas associated with the Rooi River and the river corridors were identified as conservation worthy areas. A fish survey of the Rooi River found that despite heavy infestation of alien trees next to the Rooi River (which forms part of the Gwaiing River System), the indigenous and threatened Cape Galaxias still occurs both above and within the proposed development area. This is a new fish species record for the Gwaiing catchment. Conditions 13, 14, 15, 17 & 18 are included to mitigate the potential impact of the proposed activity on conservation worthy areas. It is critical that a wide buffer area be maintained along the wetlands and drainage lines. This is also in line with the objectives of the Integrated Development Plan (IDP) for George, in which considerable emphasis is being placed on the establishment and maintenance of ecological corridors (as part of the Bioregional planning approach).

Socio-economic/Cultural historic:

There are no critical issues or highly significant impacts that should prevent the approval of the proposed development, provided that the mitigatory measures proposed in the Environmental Impact Report are implemented through the Environmental Management Programme (EMP) for the proposed development. The key benefits of the project include sustainable job creation with the potential of 485 permanent jobs directly employed on the estate.

Policy: Regional/planning context:

The site is situated within an area that is earmarked in the George and Environs Urban Structure Plan (1982) for Township development.

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Cumulative effects of the activity:

The potential cumulative impact on the potable water resources of the area linked to the increased demand for Kingswood could potentially affect the overall water management planning for George. The Local Authority has however confirmed that the supply for the Kingswood Golf Estate is calculated into their water management plan for future demand and supply.

According to the EIR, 30 000m³ water per month is required for irrigation of the golf course and 40 000m³ is available per month as runoff from the site surface without alien clearing while 53 750m³ water will be available per month from the site surface with alien clearing. In normal circumstances no abstraction of water from the Rooi River and unnamed tributary will therefore be necessary for golf course irrigation. The applicant has indicated that abstraction of water will not exceed 50 000m³ per annum. Condition 15 attempts to limit the impact of water abstraction on the river ecosystem and downstream users.

The potential cumulative impact of overloading the sewage treatment system of the Municipality was raised. There are currently problems experienced at the existing treatment works, which occasionally results in spillage into the river system. The Local Authority has however confirmed that this potential negative cumulative impact should not become a problem as they are currently rectifying the problems at the treatment plant, which are not capacity related.

Alternatives:

The proposed layout has gone through several iterations in order to address the issues identified in the scoping report.

Public Participation:

The public participation process showed that there were no objections to the proposed activity.

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:

The Minister of Agriculture, Environmental Affairs and
Development Planning
Western Cape Province
Private bag X9179
Cape Town
8000
Tel: 021 483 4700
Fax: (021) 483-3890

Appeals must comply with the provisions of regulation 11 of Government Notice No. R. 1183 of 5 September 1997, as amended.

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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.

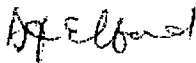
A signed and certified Appeal Questionnaire, obtainable from the Minister's office at tel. (021) 483 4700, email lvdberg@pawc.wcape.gov.za or URL <http://westerncape.gov.za/eadp> must accompany the appeal.

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

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

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

Yours faithfully



**DIPOLELO ELFORD
CHIEF DIRECTOR: ENVIRONMENTAL AFFAIRS**

DATE OF DECISION: 11/09/03

Copies to: (1) Mr J Vrolijk (George Municipality)
(2) Ms C Avierinos (Hilland Associates)

Fax: (044) 873-3776
Fax: (044) 889-0229