

9. Any stormwater pipes or channels entering the Mossel River or the wetlands must have litter-traps and energy dissipating measures to prevent erosion of the streambed.
10. That the canalised stream in the culvert is opened up and landscaped.
11. All invasive alien invaders must be cleared from the site, unless specifically retained on the instruction of the Environmental Control Officer (ECO – refer to Condition 15 below) as part of a phased tree replacement programme.
12. An integrated waste management approach must be used that is based on waste minimisation and should 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).
13. The proponent/developer/applicant must compile and submit an acceptable Master construction phase Environmental Management Plan ('EMP'), for the bulk lands clearing and earthworks and the installation of the service infrastructure, to this Directorate for approval at least 3 weeks prior to any land clearing and construction commencing. This Master EMP is specifically required to address the construction and visual mitigation of the proposed reservoir. The EMP must be included in all contract documentation for the construction phase of the development.
14. The proponent/developer/applicant must compile and submit an acceptable construction phase EMPs for each of the precinct development phases, to this Directorate for approval at least 3 weeks prior to any land clearing and construction commencing. The EMPs must be included in all contract documentation for the construction phase of the development. The construction phase EMP must also specifically address means to mitigate against the spread of alien grasses into the wetlands, in which regard consideration must be given to the construction of hard surfaced barriers between grassed areas and the wetlands where appropriate.
15. The proponent/developer/applicant must appoint a suitably experienced Environment Control Officer to ensure that the mitigation/rehabilitation measures referred to in this Authorisation are undertaken and that the provisions of the construction phase EMP are complied with.
16. The proponent/developer/applicant must compile and submit an acceptable Master and precinct level operational phase EMPs before any of the units may be occupied. This EMP will need to address the:
 - 16.1 Landscaping and stabilisation of the disturbed areas. This needs to consider the removal of the alien vegetation and the tree replacement programme;
 - 16.2 Design, colour and placement of the surrounding fence around the activity and around particular precincts. It is important that the local fauna are able to cross the fence line between the activity and the Fernkloof Nature Reserve;
 - 16.3 Management of the fairways, greens and open spaces, including the wetlands and ecological corridors. This needs to consider the fire-

management of the wetlands and the ongoing alien vegetation control and eradication;

16.4 Design and management of the interfaces between the different components of the activity, such as the golf course, residential areas, open space areas, existing residential areas and the Fernkloof Nature Reserve; and

16.5 Stormwater management

This EMP must also incorporate the conditions of approval given in this Record of Decision as appropriate to the operational phase of the project. The implementation of the approved EMP will then be a condition of this activity.

17. The applicant must submit an Environmental Audit Report, ("audit report") to this Directorate one (1) year after construction has been completed / and also after the site and approach road have been rehabilitated.

17.1 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.

17.2 This Directorate may require remedial action should the audit report reflect that rehabilitation is inadequate.

17.3 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.

18. The applicant must, within five calendar days of receipt 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, of the outcome of this application and, if requested, provide copies of this Record of Decision;
- 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.
- Inform all I & AP's that a signed and certified Appeal Questionnaire, is obtainable from the Minister's office at tel. (021) 483 3915, e-mail

Gbrummer@pawc.wcape.gov.za, or URL
http://westcape.wcape.gov.za/environmental_cultural_affairs/default.asp
 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 the applicant/appellant must provide those persons with reasonable access to a full copy of the appeal, if requested.
19. 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. Conditions imposed in this record of decision must be made known to the new owner and/or developer and are binding on the new owner and/or developer.
20. The conditions of the authorisation must be brought to the attention of all persons (employees, sub-consultants etc.) associated with the undertaking of this activity and the applicant shall take such measures necessary to bind such persons to these conditions.
21. 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.
22. 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.

H. **RECOMMENDATIONS:**

This Directorate recommends that:

- Only indigenous, water-wise vegetation is used in the landscaping of the activity, and
- The architectural guidelines of the housing units promote:
 - a) the use of water saving/flow-reduction technology for plumbing and water fixtures;
 - b) water-wise gardens and garden irrigation systems; and
 - c) energy saving measures and technology, such as insulated water-geysers and ceilings, insulated doors and windows and long-life lightbulbs.

I. **KEY FACTORS AFFECTING THE DECISION:**

The applicant provided sufficient information in terms of Regulation 6 of Regulation No. 1183 for this Directorate to base a decision on.

This development proposal is consistent with the approved Greater Hermanus Sub-regional Spatial Development Framework (SDF), which proposes that this portion of land could be used for residential and recreational-use. This Directorate was involved in the formulation of this SDF and its approval. The compilation of the SDF involved a thorough environmental scan of the area and considered the local

environment at a strategic level. This Directorate is satisfied that the proposed use for this land took the environmental parameters into consideration.

The Overstrand Municipality has proposed to undertake the activity as a means of converting council-owned land into readily available funds for community upliftment projects and upgrading of local service infrastructure. The proposed up-market residential erven and golf course expansion would appear to be the most appropriate use of this land for this up-market area, considering the obligations of the Municipality to maximise its assets for the benefit of the entire Overstrand community. While this activity will incur the loss of open space/recreational areas for local residents and the in-filling of a small portion of a wetland, it will have the additional positive benefit of providing funding to clear the site of alien invasive vegetation and to rehabilitate the wetlands. It will also create the means to install a treated effluent water pipeline for the irrigation of various local school sportsfields, which will lead to the recycling of waste water and the replacement of using valuable potable water on those fields.

The development site comprises the existing golf course and the vacant lands adjacent to it. While most of this land is covered in fairways, greens and alien invasive vegetation, some parts have conservation-worthy patches of fynbos and wetlands, as well as some riparian elements. The most important of these elements are the wetlands. The proposed activity has taken due cognisance of these elements. The required EMPs will provide the structure to their protection and management.

The preparation of the development plan involved a great deal of general public, stakeholder and authority consultation. This Directorate commends the creation of a community committee to workshop the plans with the project team. The interested and affected parties raised a number of concerns, primarily regarding the loss of a recreational space, the provision of water and other services and the potential impacts on the wetland, traffic flows and routes, property prices, views and access to the Fernkloof Nature Reserve. In response, the development plan went through a succession of alternate layouts and components to address these concerns. This Directorate is satisfied that the final plan has taken due consideration of the comments, suggestions and objections made on the proposal, and that the proposed activity is sufficiently mitigated to be acceptable to this Directorate, when compared against the no-development alternative and the five previous development plans.

The Municipality is satisfied that there is sufficient water and sewerage treatment capacity to absorb this development into the town. The construction of the wastewater irrigation pipeline to the sportsfields will result in the release of a considerable amount of potable water previously used on the fields for other use within the town. The wastewater will also be used to irrigate the entire golf course, which will mean that less groundwater will need to be drawn from the boreholes.

This Directorate is satisfied that the activity is environmental acceptable in terms of the Environment Conservation Act and the National Environment Management Act, 1998 (Act No. 107 of 1998), provided that the conditions of this Authorisation are all complied with.

The public participation process undertaken entailed the following: Scoping was undertaken with various authorities and key parties during the initial stages of project planning. Formal scoping was initiated by notices placed in the press on 9 June 2000 and 16 June 2000. A public meeting was held on the 19 June 2000. Planning workshops were held on 3 August 2000, 31 August 2000, 28 September 2000 and 22 March 2001 whereby members of the general public were allowed to attend the workshops. The draft scoping report and initial assessment and the application for rezoning and subdivision were subsequently advertised for formal public review and comment on the 6 July 2001 and 13 July 2001. Numerous pre and post submission meetings were held.

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 can be directed within thirty (30) days of the date of the issuing of this Record of Decision, to:

The Minister of Environmental Affairs and Development Planning
Western Cape Province
PO Box 15653
Vlaeberg
8018
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, e-mail Gbrummer@pawc.wcape.gov.za, or URL http://westcape.wcape.gov.za/environmental_cultural_affairs/default.asp 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.

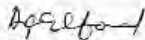
*Department of Environmental and Cultural Affairs
Chief Directorate: Environmental Affairs*

ANNEXURE G 9/14

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: 11/07/02

Copies to: Louis de Villiers (DeVilliers Brownlie Associates)
Christo Kannenberg (Planning Partners)
Duncan Heard (WCNCB - Breëde River Region)

Fax: (021) 644-263
Fax: (021) 418-0502
Fax: (028) 316-1040

Verwysing 2172/2131A
 Referensie Erf 4780, Farm 581/1, Hermanus
 SaaiNoNo 24/1/65/828/01

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Navrae
 Enquiries: B van Zyl
 Trekburo

Datum
 Date
 Umhla 30 SEP 2009



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

The Municipal Manager
 Overstrand Municipality
 P.O. Box 20
 HERMANUS
 7200

Attention: Mr R Kuchar

OVERSTRAND MUNICIPALITY: PROPOSED HERMANUS GOLF ESTATE : REMOVAL OF RESTRICTIONS: ERF 5308, HERMANUS; CLOSURE OF STREETS AND OPEN SPACES (REM ERF 1253; ERF 7531; PTN ERF 4780; PTN ERF 5308) AND APPEAL AGAINST SUBDIVISION AND REZONING (PTN REM ERF 1253; ERF 4780; FARM 581/1, CALEDON; ERF 5308)

1. Your reference is TP1-09/2001.
2. The Competent Authority for the administration of the Municipal Ordinance, 1974 (Ordinance 20 of 1974) has, in terms of section 137 of said Ordinance, granted permission for the closure of the portions of Public Open Space on Portions of Remainder Erf 1253, Erf 7531, Portion of Erf 4780 and portion of Erf 5308, Hermanus as reflected on Annexure G.
3. The Competent Authority for the administration of the Municipal Ordinance, 1974 (Ordinance 20 of 1974) has further, in terms of section 137 of said Ordinance, granted permission for the closure of the following portions of Road as indicated on Annexure H:
 - 3.1 Portion G of Contour Street.
 - 3.2 Portion H of Theron Street.
 - 3.3 Existing gravel road link (portion I) between Fernkloof Drive and Contour Street (link road to be realigned).
 - 3.4 Existing access road to Fernkloof Nature Reserve (portion J).
 - 3.5 A portion of Flat Street (portion K).

Ukhosiphi, Dorpsstraat 1
 Private Bag 25286 Rondebosch 8000

Utilities Building, 1 Dorp Street
 Private Bag 25080 Cape Town 8000

Tel No: (021) 483-4033
 Fax No: (021) 483-3635
 Howure:
 Tshai:

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- 3.6 A portion of 11th Street (portion L).
- 3.7 A portion of road approximately 7,18 m wide between Flat and 11th Street in the north and Main Road/Mossel River Drive in the south (portion M).
4. The Competent Authority for the administration of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) has, in terms of sections 16 and 42 of said Ordinance approved the application for the rezoning of the consolidated property (Portions A,B,C,D,E,F,G,H,I,J,K,L,M and Erf 7531 indicated on Annexures H and F) from Public Open Space, Single Residential and Road to Subdivisional Area for the purpose of single residential, group housing (general residential zone), medium density residential (general residential zone), golf lodges (general residential zone), golf course and associated uses (private open space), public open space and road uses subject to the following conditions:
- 4.1 That the applicant complies with the conditions of the environmental authorisation contained in the Record of Decision dated 11 July 2002, subject to possible amendment as a result of the outcome of the appeal to the Chief Director: Environmental Affairs.
- 4.2 The proposed development must be generally in accordance with the proposed development plan, dated 1 October 2001 (Annexure B). A site development plan must be submitted to the municipality for approval before development may commence.
- 4.3 The developer must compile an architectural manual that includes design criteria for all the proposed buildings after consultation with the Hermanus Heritage Committee, to be approved by the municipality.
- 4.4 The developer must provide all municipal services for the development, to the satisfaction of the municipality.
- 4.5 That the proposed development not be proceed with until the Council has approved a water resource development programme which indicates that sufficient water is available to support the proposed development.
- 4.6 The profits and funds generated by the municipality through this development should be utilised in terms of a programme approved by Council and which should be to the benefit of the broader community.
- 4.7 That following requirements with regard to traffic and traffic calming measures must be complied with, to the satisfaction of the municipality and the Department of Economic Affairs, Agriculture and Tourism: Transport Branch:
- 4.7.1 Exclusive right turn lanes on Main Road must be developed at the intersections of Fairways Avenue, Sim Street, Berg en See access, Mossel River Drive, Theron Street and Fir Street.

Handwritten signature and initials, possibly 'D M J', with a large circular flourish above the signature.

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- 4.7.2 Signalisation must be provided at the Main Road/Berg en See Intersection and any of the above-mentioned Intersections as warranted by the South African Traffic Signs Manual.
- 4.7.3 Sight distances on the inside of the horizontal curve on Fairways Avenue just north of the intersection of Musson Street must be improved.
- 4.7.4 A program for implementation and a conceptual design for the proposed improvements on Main Road must be submitted to the Department of Economic Affairs, Agriculture and Tourism: Transport Branch before the first phase of the project is undertaken.
- 4.7.5 A detailed investigation must be undertaken regarding the present access to the golf course, to the satisfaction of the Council and the Department of Economic Affairs, Agriculture and Tourism: Transport Branch. All the findings of this investigation must be implemented.
- 4.7.6 That the development on Precinct 2 only commence once the investigation regarding the possible realignment of Fairways Avenue in order to improve traffic flow by the elimination of the stop street at Moffat Street, is finalised. The final extent and boundaries of Precinct 2 should only be determined after the investigation has been finalised.
- 4.7.7 Council must endeavour to utilise the profits generated by the development for the early planning design and implementation of the following transport projects as identified in the Greater Hermanus Sub-Regional Spatial Development Framework (SDF):
- 4.7.7.1 The CBD relief road.
 - 4.7.7.2 The TR28/1 parallel relief road/activity spine.
 - 4.7.7.3 Mountain Drive Bypass.
 - 4.7.7.4 An arterial management plan for Seventh Street, Voëlklip.
- 4.7.8 Any other issue with regard to traffic relating to the proposed development as identified by the municipality or the Department of Economic Affairs, Agriculture and Tourism: Transport Branch.
- 4.8 The type of fencing for the golf course and open spaces should be as unobtrusive as possible, to the satisfaction of the municipality. It should be of such a nature that the movement of small creatures is not restricted.
- 4.9 A vegetated culvert or culverts of suitable width should be constructed in a suitable position(s) to pass underneath the proposed Fernkloof Road extension, to link the two sides of the road and ensure the uninterrupted movement of small creatures. The positioning of the culvert(s) should be determined between the municipality and the Chief Directorate: Environmental Affairs of the Provincial Government.
- 4.10 A maximum of 20 golf lodges (10 each in Precincts 3 and 4) may be constructed. The final positioning of the lodges should be determined in conjunction with officials from the Chief Directorate: Environmental Affairs. All

- the golf lodges should be single storied. The floor areas of all the lodges shall be restricted to a maximum of 250 m². Landscaping shall be done in terms of the landscaping plan as required by the Chief Directorate: Environmental Affairs and no individual fencing will be allowed around the units.
- 4.11 A 10 meter building line will be applicable between the developments on Precincts 3 and 4 and adjacent erven.
- 4.12 The Environmental Control Officer (appointed in terms of the environmental authorisation) must ensure that educational information on the wetlands is displayed in strategic positions, to educate the public to treat the wetlands with the necessary respect.
- 4.13 A trust fund for the rehabilitation and upkeep of the wetlands must be established for this purpose. A percentage of the income derived from the renting of the golf lodges must be deposited into this trust fund on a half yearly basis, from which the maintenance programme will be funded. The percentage must be determined between the municipality, the Botanical Society and the management of the golf club, on an annual basis.
- 4.14 The Environmental Control Officer should undertake environmental audits of the wetlands on a 3-yearly basis. These audits should be funded from the trust fund referred to above.
- 4.15 Access from the golf lodges next to Fairways Avenue to the wetlands should be restricted to a single clearly defined path, which is to link the units with the golf course and the clubhouse. Raised boardwalks should be provided wherever the wetland is crossed.
- 4.16 A network of pedestrian footpaths/boardwalks which provides access for the general public to the golf course should be incorporated into the site development plan, thereby linking the western and southern residential areas to Fernkloof Road, and to the Fernkloof Nature Reserve. Access control measures should be workshopped with the management of the golf club and surrounding public when the detailed planning takes place. The upkeep of these footpaths/boardwalks should be funded from the trust fund as set out above.
- 4.17 An agreement must be reached between Fernkloof Advisory Board and the municipality regarding a financial contribution to the Fernkloof Nature Reserve, for the establishment of additional facilities, or to extend the reserve boundaries, in lieu of land of the Fernkloof Nature Reserve being utilised for the proposed development.
- 4.18 The historical importance and practical value as windbreaks of the existing bluegum avenues should be investigated by the municipality and the Competent Heritage Resources Authority before taking a decision on their possible removal.
- 4.19 A mechanism to prevent the use of pesticides and to monitor the quality of the treated effluent water used for watering the greens, should be incorporated in



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the Environmental Management Master Plan (a requirement of the environmental authorisation), to ensure that the wetlands do not become polluted. A mechanism should also be introduced to ensure that stormwater run-off from the development does not pollute the Flat Street wetlands.

- 4.20 The development must be done in conjunction with the water resource development programme of the municipality.
- 4.21 The above conditions do not exempt the developer or Council from compliance with any other legal requirement.
5. The Competent Authority for the administration of the Removal of Restrictions Act, 1967 (Act 84 of 1967), as amended, has also approved the application for the removal of restrictive title deed conditions B.2 – B.7 in Title Deed T. 13294 of 1969, applicable to Erf 5308, Hermanus, in terms of section 4(2) of the Act. The endorsement of the deed is being attended to and will be finalised shortly. Erf 5308 may only be subdivided once the title deed has been endorsed.
6. The appeals against the proposed development have also been dismissed by the Competent Authority. A copy of a letter to one of the appellants is attached for your information.

Yours faithfully



HEAD OF DEPARTMENT





DIRECTORATE: DEVELOPMENT MANAGEMENT
(REGION 2)

REFERENCE: AN 213/25/4 Hermanus Golf Course
ENQUIRIES: Mr. D'mitri Matthews
DATE: 2015-04-20

The Municipal Manager
Overstrand Municipality
P. O. Box 20
HERMANUS
7000

Attention: Ms. A. Calitz

Tel: (028) 313 8900
Fax: (028) 313 2093

Dear Sir

CREATION OF THE HERMANUS GOLF COURSE ESTATE ON ERF NO. 7531, UNSUBDIVIDED PORTIONS OF REMAINDER OF ERF NO. 1253, HERMANUS, AN UNSUBDIVIDED PORTION OF ERF NO. 4780, PORTION 1 OF FARM NO. 591 AND AN UNSUBDIVIDED PORTION OF ERF NO. 5308, HERMANUS

1. The electronic correspondence dated 31 March 2015, as received by this Department on the same day, refers.
2. This letter serves as an acknowledgement of receipt of the afore-mentioned document by this Department.
3. The Department notes that 20 golf lodges were authorised as part of the Environmental Authorisation ("EA") dated 11 July 2002. It is further noted that it is the applicant's intention to substitute 9 of the approved 20 golf lodges with 18 residential dwelling units within the same approximate approved development footprint.
4. The proposed amendment to the layout does not constitute any listed activities as defined in terms of the NEMA EIA Regulations 2014. Furthermore, since the 18 residential dwelling units will be within the same approximate approved footprint, no adverse impacts on the environment are anticipated due to the nature of the development being similar to that of the golf lodges. As such, an amendment to the Record of Decision is not required for the proposed replacement of the 9 golf lodges with the 18 residential dwelling units.
5. You are further reminded of your general duty of care towards the environment in terms of section 28(1) of NEMA which states:

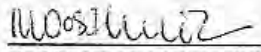
2nd Floor, 1 Dorp Street, Cape Town, 8001
Tel: +27 21 483 8350/4349 Fax: +27 21 483 3633
E-mail: D'mitri.Matthews@westerncape.gov.za

Private Bag X9086, Cape Town, 8000
www.westerncape.gov.za/eaddp

"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."

6. Your interest in the future of our environment is greatly appreciated.
7. Kindly quote the above-mentioned reference number in any future correspondence in respect of this application.
8. The Department reserves the right to revise initial comments and request further information based on the information received.

Yours faithfully


PP

HEAD OF DEPARTMENT

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING