



Province of the  
**EASTERN CAPE**  
ECONOMIC DEVELOPMENT AND  
ENVIRONMENTAL AFFAIRS

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## CHIEF DIRECTORATE: ENVIRONMENTAL AFFAIRS

### FAX COVER SHEET

FAX NO: 042 2920370

DATE: 31 March 2009

TO: Mr. D. Du Preez – Glenney Buchner Trust

cc: Mr. T. Avis – CES (046 6226564)

Ms. S. Maree – Kouga Municipality (086 5227356)

FROM: Andries Struwig

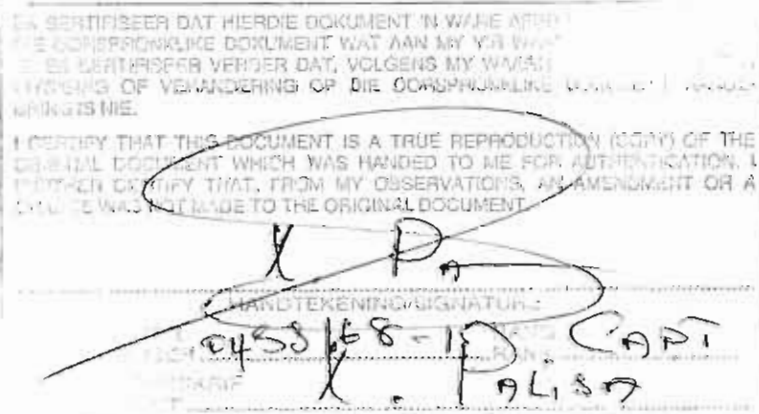
NO. OF PAGES: 1 + 16

RE: ROD FOR APPLICATION - REF: EC08/2c/172-04

For your attention,



pp: ANDRIES STRUWIG  
ASSISTANT MANAGER: EIM  
CACADU REGION





Province of the  
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Ref: EC08/M/172-04

Enq: A. Struwig

Glenny Buchner Trust  
 PO Box 50  
 Jefferys Bay  
 6330


Attention: Mr. D. Du Preez

Fax: 042 292 0370


**AUTHORISATION IN TERMS OF SECTION 22 OF THE ENVIRONMENT CONSERVATION ACT, ACT 73 OF 1989, TO UNDERTAKE A LISTED ACTIVITY AS SCHEDULED UNDER SECTION 21 OF THE ACT: CHANGE OF LAND USE FROM AGRICULTURE TO ANOTHER USE TO FACILITATE AN ECO-RESIDENTIAL DEVELOPMENT ON PORTIONS 1, 4A&B, 5 AND REMAINDER OF THE FARM SWANLAKE NO. 755, ASTON BAY WITHIN THE KOUGA MUNICIPAL AREA**

Refer to your application (reference number EC08/2c/172-04) for authorisation in terms of the Environment Conservation Act, Act 73 of 1989 to change the land use of Portions 1, 4a&b, 5 and Remainder of the Farm Swanlake No. 755, Aston Bay, from Agriculture to another use to facilitate an eco-residential development thereon.

Authorisation is hereby granted in terms of Section 22 of the Environment Conservation Act, Act 73 of 1989, subject to the conditions contained in the Record of Decision attached as Annexure One.

  
 21 AUG 2016  
 KLIENTE DIENS SENTRUM  
 SANDTON  
 SANDTON  
 SANDTON  
**DAYALAN GOVENDER**  
**DEPUTY DIRECTOR: ENVIRONMENTAL AFFAIRS**  
**CACADU REGION**  
**DATE: 31 MARCH 2009.**

I HEREBY CERTIFY THAT THIS DOCUMENT IS A TRUE REPRODUCTION (COPY) OF THE ORIGINAL DOCUMENT WHICH WAS HANDED TO ME FOR AUTHENTICATION. I CERTIFY THAT, FROM MY OBSERVATIONS, AN AMENDMENT OR A TRANSFORMATION HAS NOT BEEN MADE TO THE ORIGINAL DOCUMENT.

  
 DAYALAN GOVENDER  
 DEPUTY DIRECTOR: ENVIRONMENTAL AFFAIRS  
 CACADU REGION  
 DATE: 31 MARCH 2009

Fax: 046 622 6584  
 Fax: 086 522 7356

CC: CES (Dr T. Avis)  
 Kouga Municipality (Ms. S. Maree)





PROVINCE OF THE  
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## ECONOMIC DEVELOPMENT AND ENVIRONMENTAL AFFAIRS

# ANNEXURE 1 RECORD OF DECISION EC08/M/172-04

### 1. Description of Activity

It is proposed to subdivide the Farm Swanlake No. 755, Aston Bay, near Jeffreys Bay into various portions in order to alienate such to various buyers. It is subsequently proposed to establish residential development on each portion. The following portions of land are proposed:

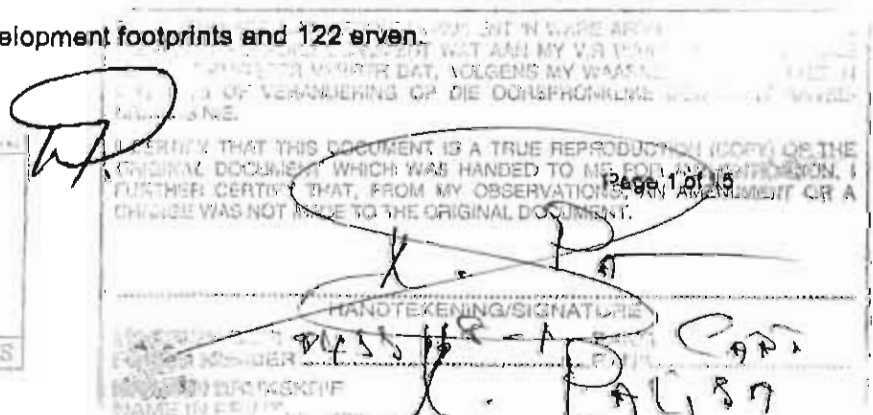
- Portion 1: 16.34ha;
- Portion 4a&b: 26.34ha;
- Portion 5: 9.0ha;
- Portion 6: 1.88ha; and
- Remainder: 40.95ha.

The proposed development will be an "Eco-residential" development according to the layout alternative presented as Figure 6.3 in the document titled "Addendum Environmental Report to the Final Scoping Report of November 2007" dated January 2009 and includes the following:

- ❖ 100 development footprints (free-standing units) with a maximum area of disturbance of 400m<sup>2</sup>;
- ❖ 22 Town houses (16 on Portion 4 and 6 on Remainder); and
- ❖ 271 Erven with a minimum erf size of 600m<sup>2</sup>.

Proposed development on the various portions are therefore as follows:

- ❖ Portion 1: 30 development footprints and 100 erven;
- ❖ Portion 4a: 20 development footprints;
- ❖ Portion 4b: 16 "townhouses";
- ❖ Portion 5: 15 development footprints and 49 erven;
- ❖ Portion 6: Transport zone to accommodate the existing access road to Aston Bay; and
- ❖ Remainder: 35 development footprints and 122 erven.



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This provides for a total of 393 units, of which 271 will comprise of single residential erven, 100 will comprise of development footprints and 22 will comprise of "townhouses. In this regard it is proposed to place the development footprints (only buildings and no gardens) in the buffer zone between the main development and the ecological corridor, while the erven are concentrated on the edges of the development and the town houses will be clustered around the southern entrance to the development, adjacent to the Seekoei Nature Reserve. **It must be noted however, that conditions contained in this Record of Decision will result in changes to the above numbers and the location of the different unit types.**

The proposed development includes associated service infrastructure such as roads, electricity, sewage and potable water as well as an estate office, gates for controlled access and limited play areas for children.

**While a "lodge" is indicated on Portion 4a on the said layout plan, it is not included in the Authorisation and this Record of Decision as the establishment of a resort has not been included in the application nor assessed or described in the supporting documentation.**

The specific details of the development are described in Chapter 5 of the Final Scoping Report for this application (dated November 2007) as amended in the document titled "Addendum Environmental Report to the Final Scoping Report of November 2007" dated January 2009.

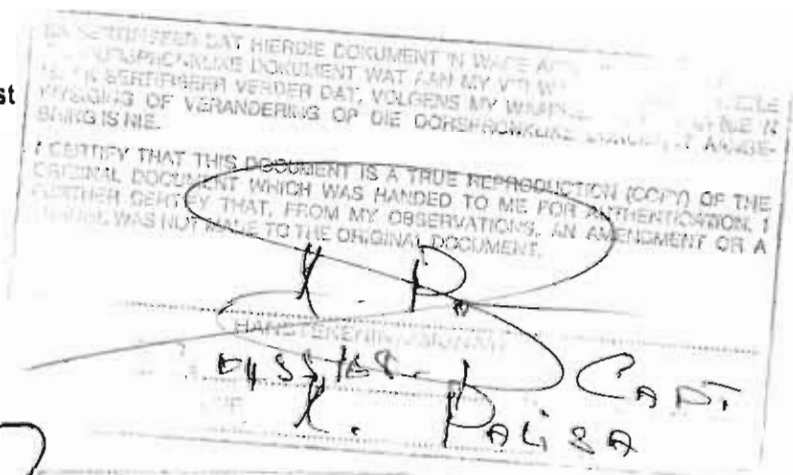
The change in land use is a listed activity in terms of Item 2(c) of Schedule 1 to GN No. R1182 of 5 September 1997 for which an authorisation needs to be issued in terms of Section 22 of the Environment Conservation Act, Act 79 of 1989.

**2. Location of Activity**

The proposed development is situated on Portions 1, 4, 5, 6 and the Remainder of the Farm Swanlake No. 755 immediately north west of the Aston Bay residential area and west of Marina Martinique. Portion 1 is separated from the rest by the access road to Aston Bay.

**3. Contact Details of Applicant**

**Name:** Glenny Buchner Trust  
**Contact Person:** Mr. D. Du Preez  
**Address:** PO Box 50  
Jeffreys Bay  
6330  
**Telephone:** 042 292 0047  
**Fax:** 042 292 0370  
**Cell:** 082 659 2655



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**4. Contact Details of Consultant**

**Name:** Coastal and Environmental Services  
**Contact Person:** Dr T. Avis  
**Address:** PO Box 934  
Grahamstown  
6140  
**Telephone:** 048 622 2384  
**Fax:** 048 622 6564  
**Email:** [sec@cesnet.co.za](mailto:sec@cesnet.co.za)

**5. Details of Site Visit**

Site inspections were conducted by Mr. A. Struwig of this Department on 3 September 2007 and 9 May 2008. The site visit on 9 May 2008 was conducted in the company of Prof. R. Lubke from CES.

**6. Decision**

Authorisation for the proposed change in land use and subsequent development on Portions 1, 4, 5 and Remainder of the Farm Swanlake No. 755 is granted subject to the conditions listed below in Section 8.

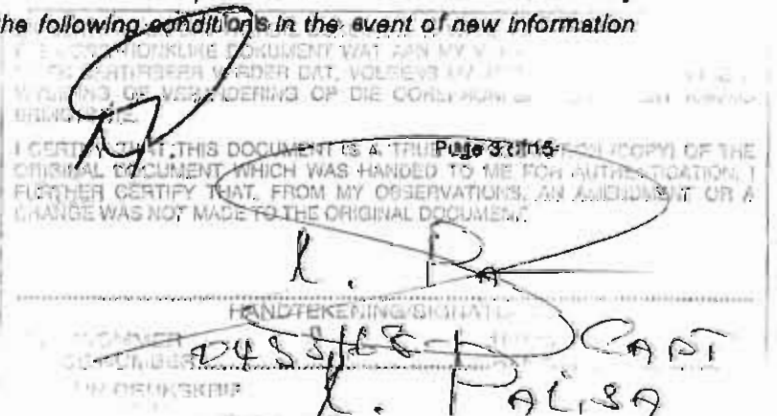
**7. Duration of Authorisation**

- 7.1. The change in land use of Portions 1, 4, 5 and remainder of the Farm Swanlake No. 755 is 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.
- 7.2. Construction of service infrastructure (e.g. road upgrade, bulk infrastructure connections, etc.) to commence within 6 months of the rezoning being effected and to be completed within 12 months of commencement.
- 7.3. Construction of individual dwellings to commence within 6 months of the completion of service infrastructure installation. Construction of all dwelling opportunities is to be completed within 18 months of sale to the new property owner or within 12 months of any subsequent re-sales which period may not exceed 60 months.
- 7.4. 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 Development and Environment Affairs may review, delete, add to or amend any of the following conditions in the event of new information coming to light.

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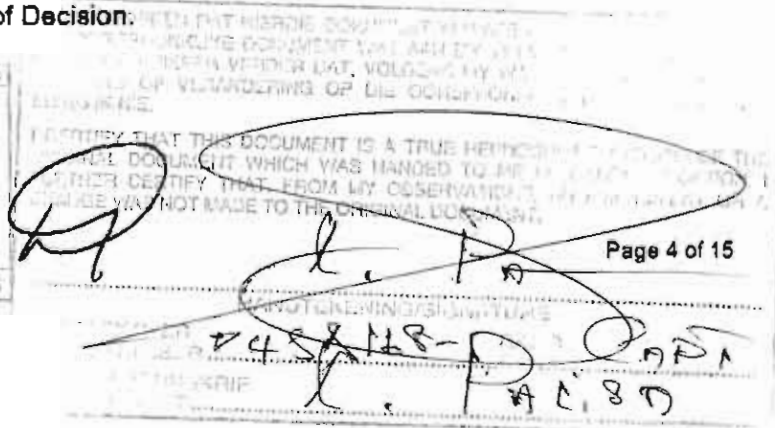


**ECONOMIC DEVELOPMENT & ENVIRONMENTAL AFFAIRS****CHIEF DIRECTORATE: ENVIRONMENTAL AFFAIRS****8.1. General conditions**

- 8.1.1. 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 Forest Act, Act 84 of 1998, the Conservation of Agricultural Resources Act, Act 43 of 1983, the Subdivision of Agricultural Land Act, Act 70 of 1970, and the National Water Act, Act 36 of 1998.
- 8.1.2. 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 24 of the National Environmental Management Act, Act 108 of 1998.
- 8.1.3. Any changes in the project that could have significant environmental impacts and that would differ from that which was authorised by this Department, is to be submitted to the Department for approval prior to such changes being effected.
- 8.1.4. The conditions of this authorisation shall form part of any contract entered into between the applicant and any contractor and/or sub-contractor.
- 8.1.5. Should any environmental damage be detected, that in the opinion of this Department, is the result of the development, then the applicant shall be required to make good that damage to the satisfaction of the said authority at his/her own expense.
- 8.1.6. In the event of any dispute as to what constitutes environmental damage, this Department's opinion will prevail.
- 8.1.7. This Department must be notified, within 30 days, of any change of ownership/ project developer. Conditions established in this Record of Decision must be made known to and are binding on the new owner/ project developer.
- 8.1.8. This Department must be notified of any change of address of the owner/ project developer.
- 8.1.9. Notification of this Record of Decision (ROD) must be circulated to any interested and affected party who has registered an interest in the proposed development, within one week of receiving this ROD. In addition, all adjacent landowners and relevant authorities, including the Department of Agriculture, Department of Water Affairs and Forestry, the South African Heritage Resources Authority (SAHRA), and the Municipal planning department must be notified of the Record of Decision. The following must be advertised in the local newspaper within 5 days of the date of this ROD or in the next edition of the newspaper, whichever occurs first and is the responsibility of the applicant to ensure that such tasks are undertaken:
- 8.1.9.1. The decision contained in the ROD, and date of issue of the ROD;
  - 8.1.9.2. A description of the proposed development;
  - 8.1.9.3. A description of the appeal procedure; and
  - 8.1.9.4. Notification that any comments must be submitted directly to this Department within 30 days of the issue of the ROD (include this Department's address and application reference number).
- 8.1.10. The listed activity 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 in Section 10 of this Record of Decision:



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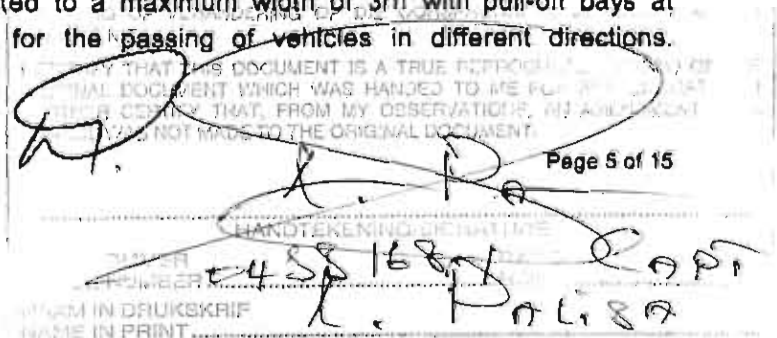
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- 8.2. Conditions specific to establishment (inclusive of layout and design) of residential units and infrastructure**
- 8.2.1.** The layout presented in Figure 6.3 of the document titled "Addendum Environmental Report to the Final Scoping Report of November 2007" and dated January 2009, to be amended and submitted to this Department for approval prior to any construction commencing on site (inclusive of the installation of service infrastructure).
- 8.2.2.** The amended layout plan to provide for amongst others the following:
- 8.2.2.1.** No development inclusive of service infrastructure, is to be located in any areas where the vegetation has been identified as being of very high sensitivity;
  - 8.2.2.2.** No erven are to be located in any of the areas where the vegetation has been identified as of high sensitivity as depicted in Figure 4.2 on Page 17 of the document titled "Addendum Environmental Report to the Final Scoping Report of November 2007" and dated January 2009 and only Individual footprints representing "free standing units" (hereafter referred to as "free standing footprints") with a maximum size of 400m<sup>2</sup> are to be considered for placement in these areas;
  - 8.2.2.3.** Concomitant to Condition 8.3.2.2, the placement of free standing footprints in any of the areas where the vegetation has been identified as of high sensitivity, to be done in such a manner that the length of access roads are minimised;
  - 8.2.2.4.** No other infrastructure, inclusive of the proposed playparks, are to be located within any of the areas where the vegetation has been identified as of high sensitivity;
  - 8.2.2.5.** The lodge component included on Portion 4 to be removed as it is not considered to be part of the development;
  - 8.2.2.6.** The total number of units to be accommodated on the various portions of land not to exceed the total number of units presented in Figure 6.3 being 393;
  - 8.2.2.7.** The exact location of free standing footprints on the various portions of land inclusive of coordinates;
  - 8.2.2.8.** The exact location of all other components of the development inclusive of access roads (also access roads to individual units), entrance gates and other service infrastructure; and
  - 8.2.2.9.** No infringement / encroachment of development into the ecological zones as depicted in Figure 6.3.
- 8.2.3.** The individual free standing footprints to be restricted to a total footprint of 400m<sup>2</sup>.
- 8.2.4.** Concomitant to Condition 8.2.3 the actual development footprint on each of the 400m<sup>2</sup> free standing footprints to be restricted to a maximum of 250m<sup>2</sup>, inclusive of any outbuildings, decking, swimming pools, paved areas etc.
- 8.2.5.** The height of any buildings associated with the different components of the development to be restricted to 5m from natural ground level.
- 8.2.6.** All roads located in areas of high vegetation sensitivity as well as through any of the ecological zones, to be restricted to a maximum width of 3m with pull-off bays at appropriate intervals to allow for the passing of vehicles in different directions.

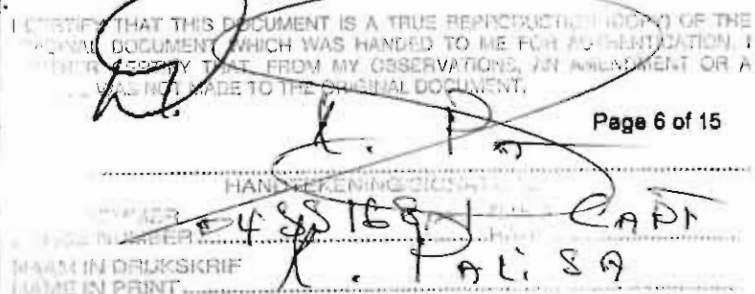
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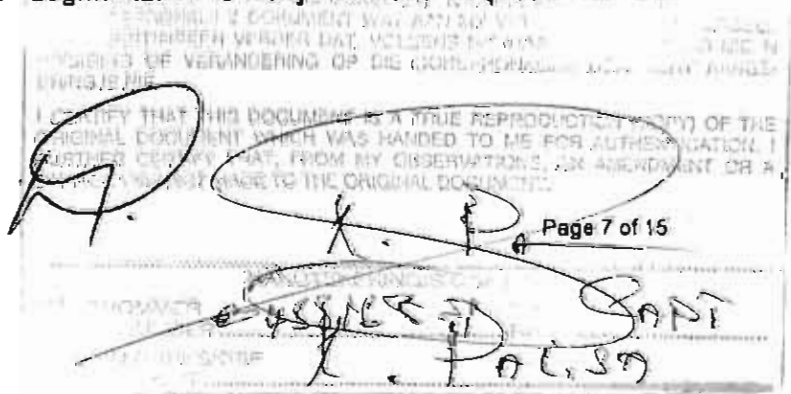
- 8.2.7. The mitigation measures detailed in the document titled "Addendum Environmental Report to the Final Scoping Report of November 2007" and dated January 2009, for each of the Identified Impacts must be adhered to.
- 8.2.8. All black water, as a minimum, whether treated by "biolytix" or not, must be taken off to Municipal sewerage points. No treated effluent or other artificial irrigation may be released into areas of natural vegetation.
- 8.2.9. All storm water and runoff from roofs and paved areas must be collected in rainwater tanks for slow release or for household usage.
- 8.2.10. Ownership of individual erven and free standing footprints to be by means of freehold title.
- 8.2.11. A Homeowners Association/s (HOA) must be established to manage all aspects of the different components of the development and each individual owner of an erf / footprint to be bound as a condition of title to be a member of such.
- 8.2.12. All land other than the individually owned erven and free standing footprints to be registered in the name of the HOA and managed as common property.
- 8.2.13. All areas included in the ecological zone as identified in Figure 6.3 as well as all other areas that will remain undeveloped, inclusive of the undeveloped areas between Individual free standing footprints, to be zoned as Private Open Space III to allow for declaration thereof as a Private Nature Reserve.
- 8.2.14. Low flow technology such as low flush toilets, must form part of the water and sanitation system to reduce potential water consumption and waste water loading of the sanitation system.
- 8.2.15. Final design and specification of any perimeter fencing to be submitted to this department for approval prior to construction thereof commencing.
- 8.2.16. The Design Guidelines by IDC Consultants dated January 2009 attached as Annexure 4 to the Addendum Environmental Report to the Final Scoping Report of November 2007, and dated January 2009 must be implemented and adhered to with the addition of applicable conditions contained within this Record of Decision.
- 8.2.17. A detailed landscaping plan to be compiled and submitted to this Department for approval prior to such plan being implemented. The landscaping plan to provide for amongst others:
- 8.2.17.1. The restoration / rehabilitation of transformed areas that will remain undeveloped;
  - 8.2.17.2. Landscaping guidelines for Individual landowners (inclusive of a restriction to use indigenous vegetation that occurs naturally in the area); and
  - 8.2.17.3. Provision of boardwalks instead of pathways in natural areas to minimize the risk of erosion.
- 8.2.18. No landscaping and / or private gardening, whether for ornamental, consumptive or any other purpose may take place on the property other than as stipulated in the landscaping plan provided for in Condition 8.3.17
- 8.3. **Conditions specific to vegetation.**
- 8.3.1. No gardens are permitted around individual dwellings situated on the free standing footprints and only vegetation along roadways to the house and the footprint area of the house may be disturbed.





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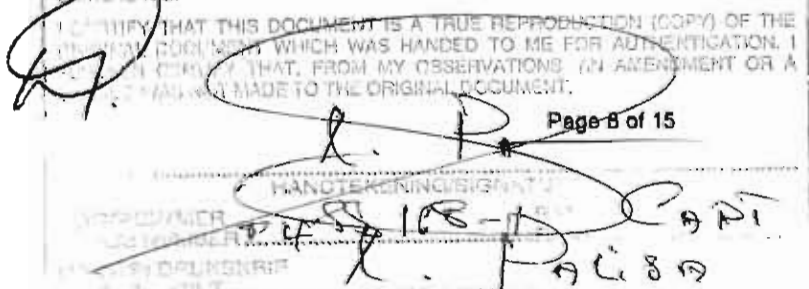
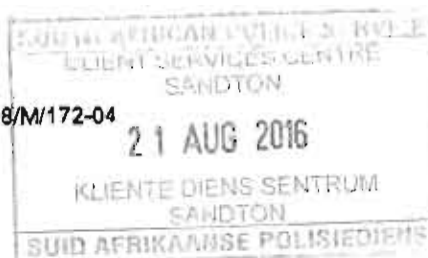
- 8.3.2. A trained horticulturist or botanist must supervise or direct all vegetation clearing, landscaping and rehabilitation activities.
- 8.3.3. All vegetation clearing to be done by hand.
- 8.3.4. The 1,9 ha of impacted and heavily impacted thicket vegetation in the "go but" area as depicted in Figure 5 of the Addendum Environmental Report to the Final Scoping Report of November 2007 dated January 2009, must be rehabilitated to achieve good or pristine condition.
- 8.3.5. The 2,2 ha of impacted grassland vegetation in the "go but" and "no go" areas as depicted in Figure 5 of the Addendum Environmental Report to the Final Scoping Report of November 2007" and dated January 2009, must be rehabilitated to achieve good or pristine condition.
- 8.3.6. The 7,5 ha of impacted renosterveld vegetation in the "go but" and "no go" as depicted in Figure 5 of the Addendum Environmental Report to the Final Scoping Report of November 2007" and dated January 2009, areas must be rehabilitated to achieve good or pristine condition.
- 8.3.7. The 1.1 ha of impacted fynbos vegetation in the "go but" and "no go" areas as depicted in Figure 5 of the Addendum Environmental Report to the Final Scoping Report of November 2007" and dated January 2009, must be rehabilitated to achieve good or pristine condition.
- 8.3.8. All invasive alien vegetation must be removed from the whole property in a controlled and phased manner and recolonisation of such prevented.
- 8.3.9. All open ground in the "go but" areas as depicted in Figure 5 of the Addendum Environmental Report to the Final Scoping Report of November 2007" and dated January 2009, which is not developed must be appropriately rehabilitated vegetation sourced from other areas on the site. To this extent development in 'go but' areas must be concentrated in areas of bare ground in order to reduce rehabilitation and preserve vegetation in a good state.
- 8.3.10. The salt marsh area must be closed off to human access to protect the fragile habitat.
- 8.4. **Conditions specific to fauna.**
- 8.4.1. The 100m "no go" area on the western boundary as depicted in Figure 5 of the Addendum Environmental Report to the Final Scoping Report of November 2007" and dated January 2009, must be enforced.
- 8.4.2. Speed limits along access roads must be implemented to minimize potential collisions with animals.
- 8.4.3. Pets may not be kept at dwellings on the free standing footprints, while dogs on erven must be fenced in and kept on a leash when out. Cats are not allowed.
- 8.5. **Conditions specific to the provision of services.**
- 8.5.1. A Service Level Agreement must be entered into with the Kouga Municipality with respect to provision of bulk services (water, sewerage and electricity).
- 8.5.2. The developer is to pay for augmentation of any services required for the development.



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- 8.5.3. All augmentation measures to existing infrastructure to ensure that the proposed development can be serviced must be completed prior to construction commencing on any of the sites.
- 8.5.4. The provision of water, sewage and electrical infrastructure must be accommodated within the internal road system and the individual access roads.
- 8.5.5. No overhead power lines to individual development nodes to be allowed.
- 8.5.6. Electricity cable and pipes must be laid in the same ditch.
- 8.5.7. Resource conservation measures must be implemented in both the design of the development and during the operational phases, especially with respect to water and electricity. Additional measures must be considered where possible. Buildings must be fitted with water tanks to ensure that rain water is harvested.
- 8.5.8. Construction of roads must occur along contours where possible and material for roads must be sourced from approved sources.
- 8.5.9. Access roads must be as approved by the District Roads Engineer.
- 8.5.10. A comprehensive Storm Water Management Plan must be compiled and submitted to the Kouga Municipality for approval. A copy of the approval and comments must be sent to this Department. The Plan must include amongst others:
- 8.5.10.1. Measures to reduce storm water runoff from hardened surfaces, as far as possible, including permeable paving to enhance infiltration, as appropriate, to ensure that runoff from the development is maintained at pre-development levels;
  - 8.5.10.2. Dissipation measures must be implemented at discharge points for run-off water from the roads to prevent erosion;
  - 8.5.10.3. No erosion of the wetlands must be allowed to occur; and
  - 8.5.10.4. No waste water from the development must be allowed to enter the drainage lines on site.
- 8.6. **Conditions specific to social-economic aspects.**
- 8.6.1. Workers from the local community must be recruited for all phases but with specific emphasis on the operational phase.
- 8.6.2. A forum must be created for the local communities to be informed of potential job and business opportunities.
- 8.7. **Conditions specific to the construction of service infrastructure and the residential components of the residential estate.**
- 8.7.1. The Construction Environmental Management Plan (CEMP), submitted in the Addendum Environmental Report to the Final Scoping Report of November 2007 dated January 2009 to be implemented for the construction phase of the project. The CEMP and associated specifications must be amended to include amongst others:
- 8.7.1.1. Clarification of the acronym CEAP;
  - 8.7.1.2. Applicable conditions as contained in this Record of Decision;
  - 8.7.1.3. General principles of environmental management as applicable to construction activities including environmental best practice, erosion control, minimisation of dust, etc;

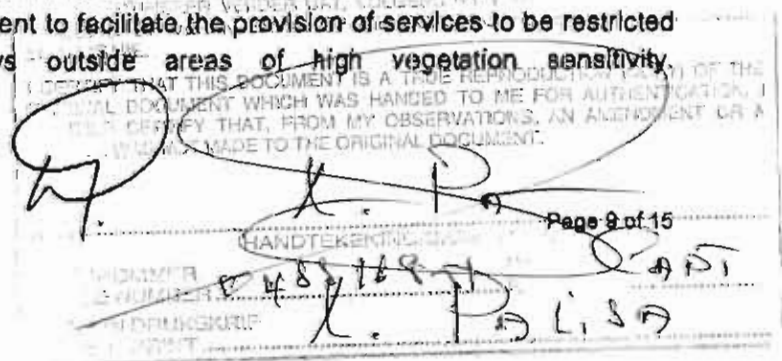
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- 8.7.1.4. A waste management plan to address waste disposal and management, inclusive of building waste / rubble, during the construction phase;
- 8.7.1.5. Clear stipulations as to who is responsible and accountable for what actions; and
- 8.7.1.6. A general code of conduct for any contractor that might be carrying out any work on the development site.
- 8.7.2. General principles of environmental management as provided for in Condition 8.7.1.3 to provide for amongst others, the following:
  - 8.7.2.1. Generators and fuel supply needed during construction must be placed on trays, which rest on clean sand. Once construction has been completed, this sand must be removed from site and disposed of at a registered waste disposal site.
  - 8.7.2.2. Cleared areas and excavated material generated during construction must be dampened to minimise dust until such time that this material has been utilised during the rehabilitation process or that it can be removed and disposed.
  - 8.7.2.3. No cement/ concrete mixing to take place on the soil surface. Cement mixers to be placed on large trays to prevent accidental spills from coming into contact with the soil surface.
  - 8.7.2.4. No fill material to be brought on site. Excess material remaining after construction, to be removed from the site and disposed of at a registered waste disposal site.
  - 8.7.2.5. Any substrate contaminated by the spillage of hydrocarbons or other pollutants to be removed from site and disposed of at an appropriately registered waste disposal site.
  - 8.7.2.6. No waste from construction or otherwise, may be disposed of on site. All waste generated on site, to be removed from site and disposed of at a registered waste disposal site. In this regard adequate litter drums or other suitable containers must be located on site to ensure that waste generated on site is disposed of in a suitable and timely manner. Containers must be such that dogs and other scavengers cannot gain access thereto.
- 8.7.3. A suitably experienced Environmental Control Officer (ECO) must be appointed for the duration of the construction phase of the project. The ECO must ensure implementation of and compliance with conditions of this Record of Decision and the stipulations of the EMP.
- 8.7.4. Non-compliance with any stipulation in the approved CEMP will be regarded as non-compliance in terms of this Record of Decision.
- 8.7.5. A performance based requirement with regard to environmental impact management during construction must be included in all contracts related to the construction phase of the development.
- 8.7.6. Access to the construction site must be limited to construction workers only and only security personnel may overnight on the site.
- 8.7.7. The use of earthmoving equipment to facilitate the provision of services to be restricted to within approved roadways outside areas of high vegetation sensitivity.

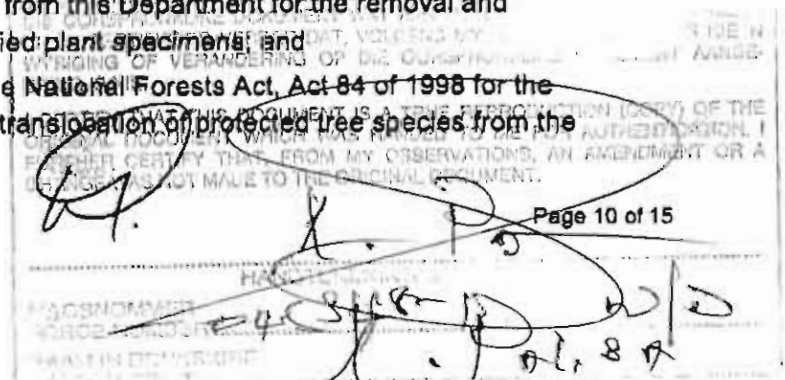
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CHIEF DIRECTORATE: ENVIRONMENTAL AFFAIRS

- 8.7.8. No earthmoving equipment for whatever purpose is allowed within areas of high vegetation sensitivity and all vegetation clearing and service installation to be done by hand / hand tools.
- 8.7.9. No blanket clearing of vegetation is to take place on the site and construction on the site is to take place in a phased manner. Upon the completion of construction of each phase, rehabilitation of such area is to be completed prior to the commencement of construction on the next phase. Rehabilitation is to make use of plants removed prior to construction. Landscaping of the site is to make use of these and other indigenous vegetation characteristic of the area.
- 8.7.10. The development footprint of individual dwellings as well as the areas to be used for the installation of service infrastructure and the approach road to each dwelling, to be clearly demarcated with pegs and danger tape. Vegetation on each site to be restricted to such demarcated areas.
- 8.7.11. All areas outside of areas demarcated in terms of Condition 8.7.9 are deemed to be "no go" areas, to which all access must be prohibited.
- 8.7.12. Stockpiling of any building material and machinery must be accommodated on individual construction sites as demarcated and in accordance with the CEMP.
- 8.7.13. Soil exposure must be limited to the actual construction sites and no vegetation may be removed on the remainder of the site.
- 8.7.14. The ECO must ensure that no poaching of animals on site takes place and that slower moving species, such as tortoises are appropriately managed.
- 8.7.15. An alien vegetation control program must be instituted 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.
- 8.7.16. Any areas disturbed on individual sites by construction activities must be rehabilitated with indigenous vegetation immediately after construction on that individual site has been completed.
- 8.7.17. Construction activities must be restricted to normal working hours being 07:00 to 17:00 on weekdays. No construction may take place on weekends or public holidays.
- 8.7.18. Prior to project implementation a once over botanical survey must be carried out by a botanical specialist, to establish whether any species which are of special concern or protected in terms of the Nature and Environmental Conservation Ordinance, Ordinance 19 of 1974, or in terms of the National Forests Act, Act 84 of 1998 occur on the areas of the site earmarked for development.
- 8.7.19. Specimens identified in terms of Condition 8.8.18, as well as other indigenous plant specimens which can be relocated, are to be rescued in consultation with the above botanical specialist before vegetation clearing takes place. Such specimens are to be appropriately transplanted, including in rehabilitation initiatives, where applicable and practicable.
- 8.7.20. Further to the provisions of Condition 8.8.19 the following must be obtained:
- 8.7.20.1. A permit in terms of the Nature and Environmental Conservation Ordinance, Ordinance 19 of 1974 from this Department for the removal and translocation of identified plant specimens; and
- 8.7.20.2. A permit in terms of the National Forests Act, Act 84 of 1998 for the removal and possible translocation of protected tree species from the



**ECONOMIC DEVELOPMENT & ENVIRONMENTAL AFFAIRS**

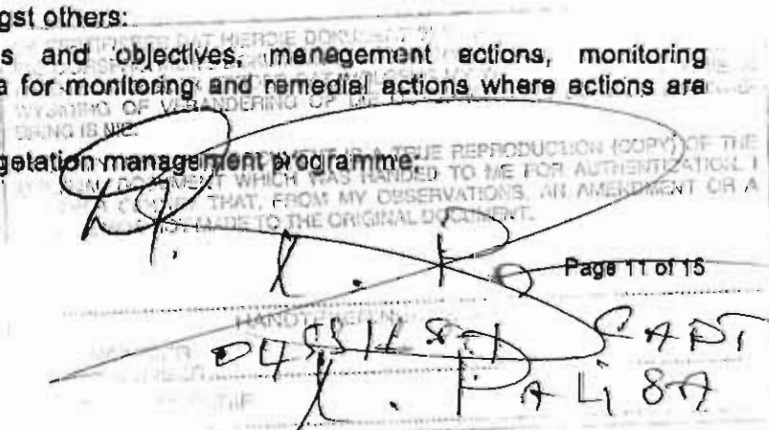
CHIEF DIRECTORATE: ENVIRONMENTAL AFFAIRS

**Department of Water Affairs and Forestry.**

- 8.7.21. Any recommendations made by the South African Heritage Resources Agency (SAHRA) in response to the Heritage Specialists findings must be incorporated into the CEMP.
- 8.7.22. Adequate preventive measures must be undertaken to avoid danger to or destruction of any archaeological sites and other resources during development of the site. This must include inspection of each individual construction site by an archaeologist prior to construction activities commencing on that site.
- 8.7.23. In the event of any potential archaeological site being encountered, all work on site will cease and a qualified archaeologist be deployed on site for investigation. Any such area to be cordoned off subject to the outcome of such investigation and subsequent consultation with the South African Heritage Resources Agency (SAHRA).
- 8.7.24. Environmental audits must be carried out on the implementation of the CEMP referred to in condition 8.7.1 on a quarterly basis and on completion of the construction phase of the development and the results must be submitted to this Department.
- 8.7.25. Notwithstanding the provisions of any of these conditions, all mitigation measures and recommendations contained in the Addendum Environmental Report to the Final Scoping Report of November 2007 dated January 2009, submitted in support of the application, and any other documents to be read in conjunction with such report (Final Scoping Report dated November 2007) are deemed to be conditions in terms of this Record of Decision.

**8.8. Conditions specific to the operational phase of the different components of the development**

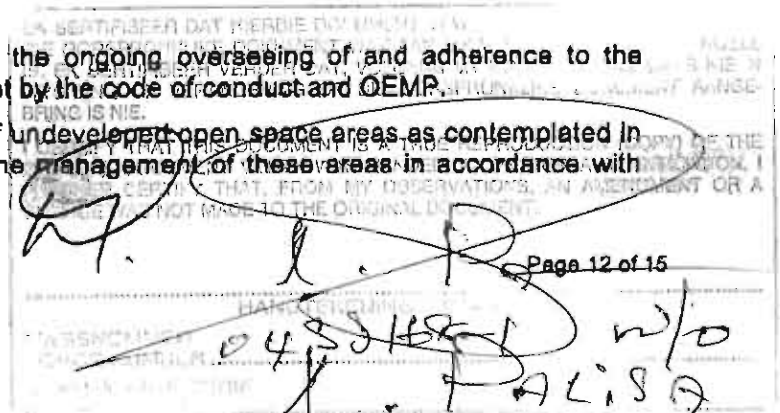
- 8.8.1. Within 6 months of the signature of the Authorisation and Record of Decision, an application must be lodged with this Department in terms of the relevant provincial legislation to have the natural area that will remain undeveloped, proclaimed as a private nature reserve.
- 8.8.2. A comprehensive Operational Environmental Management Plan (OEMP) to be compiled by a suitably qualified and experienced professional and submitted to this Department for approval / endorsement within 12 months of the date of signature of the Authorisation and Record of Decision. The OEMP must address the protection and ongoing management of the natural resources both on and off the site during the operational stages of the development with the overarching goal to ensure that undue or reasonably avoidable impacts of the proposed development are minimised and that positive impacts of the development are enhanced. The OEMP must furthermore be open-ended to allow for information gained during the monitoring of the activities on site to inform any changes to the OEMP. In this regard the OEMP must be seen as a working document to manage activities on site on an ongoing basis in an environmentally sustainable manner.
- 8.8.3. The OEMP must include amongst others:
- 8.8.3.1. Environmental goals and objectives, management actions, monitoring requirements, criteria for monitoring and remedial actions where actions are ineffective.
- 8.8.3.2. A comprehensive vegetation management programme.



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- 8.8.3.3. A comprehensive fauna management programme;
  - 8.8.3.4. Alien plant clearing programme;
  - 8.8.3.5. The control of litter;
  - 8.8.3.6. Control of pets on site;
  - 8.8.3.7. Fire Management Plan compiled by an appropriately qualified specialist;
  - 8.8.3.8. Guidelines for management of the Private Open Space component of the development that will remain undeveloped inclusive of restoration of degraded and transformed areas;
  - 8.8.3.9. A comprehensive water management plan;
  - 8.8.3.10. A wetland rehabilitation and management programme (inclusive of drainage lines);
  - 8.8.3.11. A Waste Management Programme;
  - 8.8.3.12. Restrictions on the use of fertilisers and pesticides;
  - 8.8.3.13. A Code of Conduct incorporating general as well as environmental management rules for the operational phase of the development; and
  - 8.8.3.14. Incorporation into the OEMP of any recommendations made by South African Heritage Resources Agency (SAHRA) in response to the Heritage Specialists findings.
- 8.8.4. Information regarding the ecology of the natural areas and local archaeological sites or items must be made available to the residents through pamphlets or strategically placed notice boards.
- 8.8.5. The waste management plan contemplated in Condition 8.8.3.11 to provide for amongst others:
- 8.8.5.1. The minimization and sorting of waste at source;
  - 8.8.5.2. Consideration of the compacting of non-recoverable solid waste prior to it being transported to a registered waste disposal facility;
  - 8.8.5.3. Recycling of recoverable waste; and
  - 8.8.5.4. Storage of waste on site to be restricted to a maximum period of one week after which it must be transported to and disposed of at a registered waste disposal facility.
- 8.8.6. The Code of Conduct contemplated in Condition 8.8.3.13 to provide for amongst others:
- 8.8.6.1. Appropriate mechanisms to ensure that all owners / residents formally endorse adherence to norms and standards set by such a code of conduct and the OEMP referred to in Condition 8.4.2;
  - 8.8.6.2. Appropriate mechanisms to ensure that all contractors, service providers, staff (permanent and casual), as well as any other visitors to the site conduct themselves in a manner which is in keeping with the norms and standards set by the code of conduct and the OEMP referred to in Condition 8.4.2; and
  - 8.8.6.3. Mechanisms to ensure the ongoing overseeing of and adherence to the norms and standards set by the code of conduct and OEMP.
- 8.8.7. Guidelines for the management of undeveloped open space areas as contemplated in Condition 8.8.3.8 to provide for the management of these areas in accordance with

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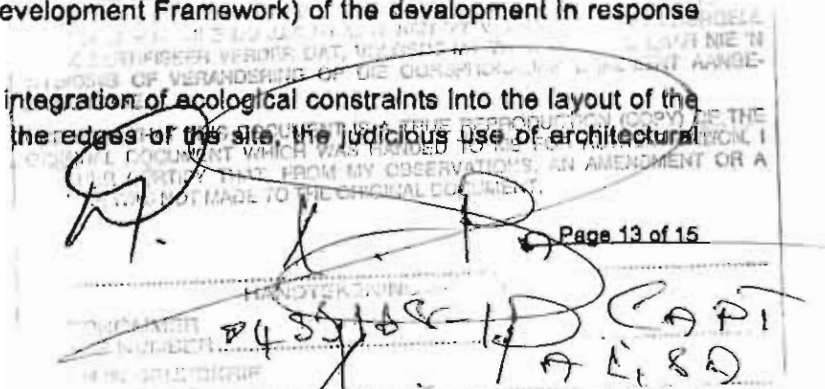
conservation principles.

- 8.8.8. Concomitant to Condition 8.8.7, a strategy to be put in place to incorporate the natural areas on the development site into a joint management strategy with the natural areas on the neighbouring Jubilee Lakes development. This must include allowing the movement of wildlife between the two areas and, where feasible, mutual assistance with plant material for rehabilitation.
- 8.8.9. The subject properties to be managed in accordance with the OEMP required in terms of Condition 8.8.2.
- 8.8.10. Concomitant to Condition 8.8.9, the to-be established HOA as provided for in Condition 8.2.11 to be responsible for the effective management of the subject properties in accordance with the OEMP required in terms of Condition 8.8.2.
- 8.8.11. The constitution of the to-be established HOA must incorporate / include management rules in line with the general code of conduct to be compiled in terms of Condition 8.8.3.13. and must subscribe to the OEMP provided for in terms of Condition 8.8.2.
- 8.8.12. Implementation of and ongoing adherence to the OEMP to be overseen by a dedicated Environmental Manager.
- 8.8.13. The OEMP to be audited on an annual basis in order to measure compliance thereof and to identify and implement appropriate corrective actions and these audit results to be submitted to this Department.

## 9. Key Factors that Led to the Decision

- 9.1 The proposed change in land use and the proposed developments are aligned with the Jeffrey's Bay/Humansdorp Spatial Development Framework (2005) and are therefore in line with forward planning for the area.
- 9.2 The Kouga Municipality has confirmed that it has sufficient capacity to provide services for the proposed development and that service provision requirements can be met, with a financial contribution to augmentation costs from the developer, subject to the necessary upgrades being in place prior to the commencement of construction.
- 9.3 The potential impacts associated with the proposed development can be divided into those associated with construction and those associated with operation thereof, respectively. These impacts have the potential to have a moderate negative impact on the local environment and its immediate surrounds. The significance of the likely environmental impacts can however, be kept within acceptable levels through the implementation of appropriate mitigation and management measures. A number of conditions have been included in this Record of Decision to this effect.
- 9.5 The Department is of the opinion that the applicant, in an attempt to mitigate the negative impacts associated with this development, has to some extent responded to the significance of the vegetation at a local level and has reduced the density (as recommended by the Spatial Development Framework) of the development in response to this.

According to the consultant the integration of ecological constraints into the layout of the development by restricting it to the edges of the site, the judicious use of architectural





**ECONOMIC DEVELOPMENT & ENVIRONMENTAL AFFAIRS****CHIEF DIRECTORATE: ENVIRONMENTAL AFFAIRS**

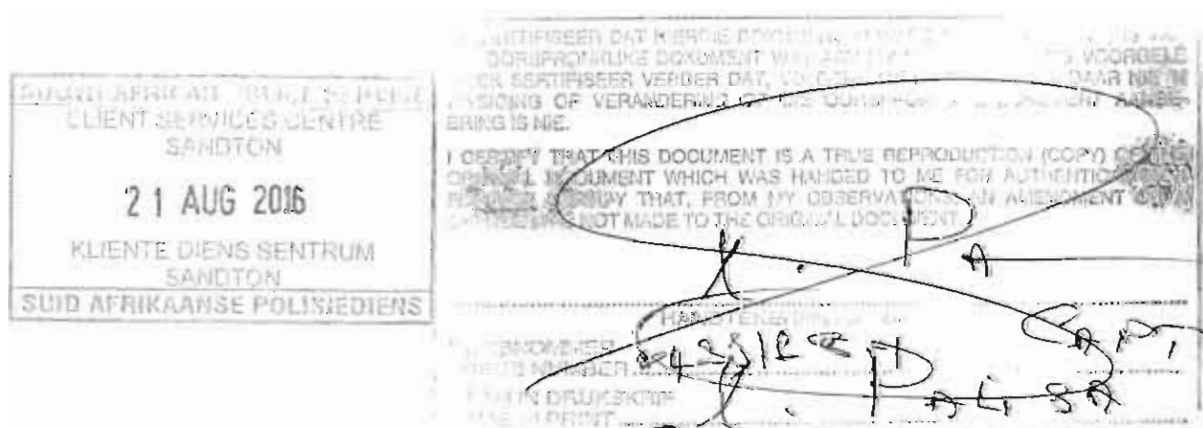
style, careful location of units, establishment of a wetland system, and the establishment of a private nature reserve effectively mitigate the negative impact of the development.

According to the consultant's report the site will still meet with the conservation targets of STEP after the development has been implemented. The consultant further states that the proposed development has been designed in such a way that none of the habitats present on the site will be completely lost. Therefore the fauna will be able to find similar habitat elsewhere on the site.

The Department is however not convinced that the establishment of a Private Nature Reserve for the benefit of estate property owners only and the removal of alien vegetation can be considered equitable for the loss of habitat that will result. The Department understands how the site specific conservation targets were determined, but is of the opinion that other factors such as proximity to a Provincial Nature Reserve, the fact that the vegetation is not fragmented, and its important role as a corridor, amongst others, should promote its importance when compared with other patches of the same vegetation types in the area, and therefore this site deserves a higher local conservation status. The tradeoff suggested in the consultant's reports appears not to have quantified all gains and losses arising from the loss of good or pristine vegetation against the proposed mitigations.

Conditions have thus been included in this Record of Decision to further limit the amount of transformation that could take place within areas of high vegetation sensitivity in order to ensure that habitat loss is further restricted. It is foreseen that implementation of and compliance with such, will further serve to mitigate the impact of the proposed development on this sensitive site.

- 9.6 The impacts from increased storm water from the development, which could have the potential to exacerbate an identified problem in the greater area, can be managed by a comprehensive and properly implemented Stormwater Management Plan for the development.
- 9.7 The potential impacts that were identified and assessed by the consultant, if managed according to the measures identified in the Addendum Environmental Report to the Final Scoping Report of November 2007 (January 2009) and set as conditions in this document, should not preclude this development from taking place.



**ECONOMIC DEVELOPMENT & ENVIRONMENTAL AFFAIRS**

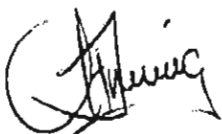
CHIEF DIRECTORATE: ENVIRONMENTAL AFFAIRS

**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 Development and Environmental Affairs within 30 days from the date of issue of this authorisation. The address for submission of appeal is:

Attention: Chief Director Environmental Affairs  
 Department of Economic Affairs, Environment and Tourism  
 Private Bag X 0054  
 Bhiasho  
 5605  
 Fax: 040 635 2535  
 e-mail: albert.mfenyana@deaet.ecape.gov.za

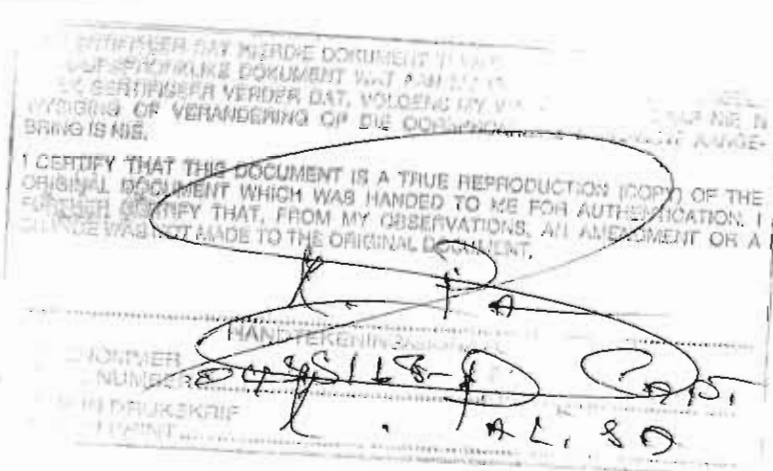
*Only appeals on environmental grounds can be considered. All appeals should be accompanied by relevant supporting documentation.*



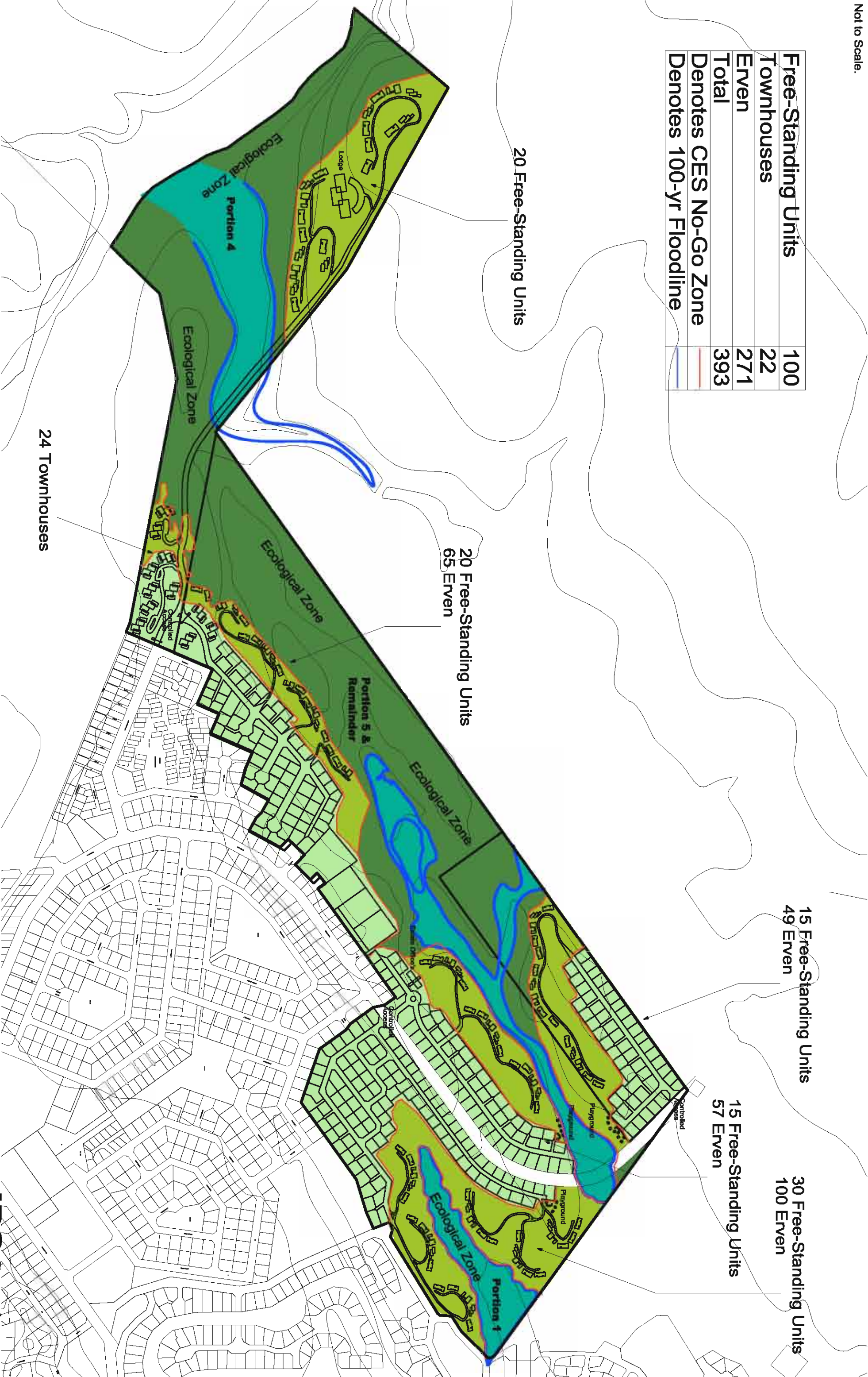
**A. STRUWIG**  
**ASSISTANT DIRECTOR: EIM**  
**CACADU REGION**  
**DATE: 31 March 2009**



**D. GOVENDER**  
**DEPUTY DIRECTOR: ENVIRONMENTAL AFFAIRS**  
**CACADU REGION**  
**DATE OF ISSUE: 31 MARCH 2009.**



Free-Standing Units	100
Townhouses	22
Even	271
Total	393
Denotes CES No-Go Zone	
Denotes 100-yr Floodline	



Buchner Trust - Unit Layout





Corner Belmont Terrace / Castle Hill Central Port Elizabeth 6001  
Private Bag X5001 Greenacres 6057 Republic of South Africa

Contact Person: **Andries Struwig**

Tel: 041 5085800 Fax: 041 5085865 Email: [Andries.Struwig@dedea.gov.za](mailto:Andries.Struwig@dedea.gov.za)

Ref: EC08/m/172-04

Enq: A. Struwig

Glenny Buchner Trust  
P.O. Box 50  
Jeffreys Bay  
6330

Attention: Mr Dries Du Preez

Fax: 042 2920370

[dries@fountainsestate.co.za](mailto:dries@fountainsestate.co.za)

**AUTHORISATION IN TERMS OF SECTION 22 OF THE ENVIRONMENT CONSERVATION ACT, ACT 73 OF 1989, TO UNDERTAKE A LISTED ACTIVITY AS SCHEDULED UNDER SECTION 21 OF THE ACT – ECO RESIDENTIAL DEVELOPMENT ON REMAINDER OF SWANLAKE NO. 755, ASTON BAY WITHIN THE KOUGA MUNICIPALITY**

Refer to the application for amendment submitted to the Department on 7 September 2016 for amendment of the Environmental Authorisation issued to Glenny Buchner Trust on 31 March 2009 as amended on 9 December 2009 read together with the letter of extension issued on 15 November 2011 which extended the timeframe for commencement of the development on the Remainder of Swanlake No. 755 to 15 November 2016.

It is noted that the application for amendment requests a further extension of 48 months to the timeframes stipulated for commencement of the development as authorised on the Remainder of Swanlake No. 755 (38ha in size) being the development of 35 development footprints and 122 erven.

Please be informed that the Department has considered the application for amendment and notes as follows:

- The original authorisation issued on 31 March 2009 was for Portions 1, 4a, 4b, 5 and the Remainder of Swanlake No. 755;
- The extension granted on 15 November 2011 extended the validity of the Authorisation only in as much as it relates to development on the Remainder of Swanlake No. 755 and not Portions 1, 4a, 4b and 5;
- A period of more than 90 months (seven years and six months) has already lapsed since authorisation was granted and during this period conditions on the site may have changed considerably from that which was assessed and reported on in the final Scoping Report

*"Innovation for Sustainable Development"*

(dated November 2007) and the addendum to the final Scoping Report (dated January 2009); and

- In this period the EIA Regulations and the associated listed activities requiring authorisation has undergone a number of reviews and subsequent changes. It is evident that any development on the Remainder of Swanlake No. 755 will trigger listed activities in terms of the 2014 EIA Regulations that are not authorised in terms of the current authorisation.

Under the circumstances the Department cannot find compelling reasons to grant a further extension of 48 months (4 years) but that an extension of 12 months will be reasonable. In this regard please be informed that the Department has decided to grant a further extension of 12 months for commencement of the proposed development on the Remainder of Swanlake No. 755 which period will lapse on 15 November 2017. Please note that no further extensions will be considered.

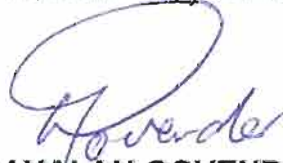
You are reminded that this extension is only applicable to the proposed development on Remainder of Swanlake No. 755 as applied for in the application for amendment and does not extend to any of the other properties as referenced in the original authorisation. You are also reminded that there are currently no valid authorisation for any development on Portions 1, 4a, 4b and 5 and that any development on these portions will be subject to the requirements of the 2014 EIA Regulations.

You are further reminded that **any development** on the Remainder of Swanlake No. 755 will trigger listed activities as contemplated in the 2014 EIA Regulations. In this regard you are advised to obtain the services of an Environmental Assessment Practitioner to apply for the necessary Environmental Authorisation on your behalf and to follow the appropriate process of assessment as prescribed in the 2014 EIA Regulations.

This letter must be attached to and read together with the Environmental Authorisation issued on 31 March 2009 and the letter of extension issued on 15 November 2011.

It is acknowledged that the amendments to the Environmental Authorisation as set out above is administrative in nature and therefore not substantive due to the fact that it only considers an extension of 12 months to the validity of the Environmental Authorisation. It is further confirmed that these amendments do not change the rights and duties of any person materially. There are thus no obligation for any Public Participation to be followed in this regard.

It is trusted that you find this in order.

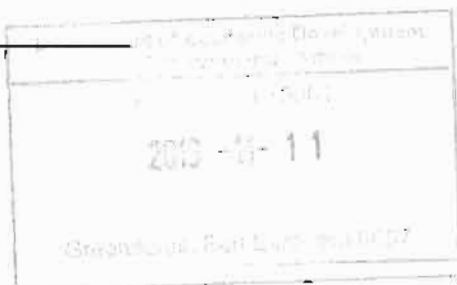


**DAYALAN GOVENDER**

**DEPUTY DIRECTOR: ENVIRONMENTAL AFFAIRS**

**CACADU REGION**

DATE: 11/11/2016





Province of the

## **EASTERN CAPE**

**DEPARTMENT OF ECONOMIC DEVELOPMENT,  
ENVIRONMENTAL AFFAIRS AND TOURISM**

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Enquiries: D. Govender

Ref: EC08/M/172-04

G. Glenny Buchner Trust  
P.O. Box 50  
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9787

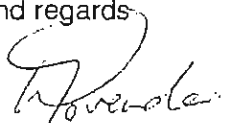
### **Letter of Extension: EC08/M/172-04, Swanlake remainder Ashton Bay**

Refer to the letter dated 6 May 2011 and the meeting held on 2 August 2011, confirming that the extension is specifically for the purpose of extending the duration of the Environmental Authorisation.

The Department has decided to grant the extension of the duration. The duration of the authorisation is hereby extended by another 60 months from date of signature of this letter and must be read in conjunction with the conditions of the amended Record of Decision issued on 7 December 2009. The conditions of said authorisation are still applicable and must be complied with.

This Department is, in terms of Section 41[2] of GN R. 543, of the view that this amendment is non-substantive and that the environment or the rights of other parties are not likely to be adversely affected. A further Public Participation Process is therefore not required. All other provisions of Environmental Authorisation EC08/M/172-04 as amended remain in force and must be adhered to.

Kind regards

  
**DAYALAN GOVENDER**  
**DEPUTY DIRECTOR: ENVIRONMENTAL AFFAIRS**  
**CACADU REGION**

DATE: 18/11/2011

