

1) ROD



Ministry of Environmental Affairs and Development Planning
Ministerie van Omgewingsake en Ontwikkelingsbeplanning
I-Ofisi yoMphathiswa weMicimbi yeNdalo estNgqongileyo noCwangciso loPhuhliso

3/8/2/3/1

24 March 2005

Mr. J. Steyn
PO Box 10135
GEORGE
6530

Fax: (044) 872 9053

Dear Mr Steyn

APPLICATION: TOURIST CENTRE CONSISTING OF TWO SMALL HOTELS, ATHEATRE, A RESTAURANT, OTHER TOURIST FACILITIES, AND A SMALL RESERVOIR ON PORTION 60 OF THE FARM GWAYANG 208, GEORGE

The above-mentioned application and the appeal lodged against the Record of Decision Issued on 9 December 2003 have reference.

The Minister of Environmental Affairs and Development Planning hereby sets aside the Record of Decision of the delegated officer for the above-mentioned application issued on 9th December 2003.

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

RECORD OF DECISION

A. DESCRIPTION OF ACTIVITY:

The proposed development will comprise the construction of a service station, two small 30-room hotels, a barnyard type theatre, a 50 seat restaurant and curio/craft outlets, a small demonstration beer brewery and museum and information centre with an indoor and outdoor component. Also included are associated services and infrastructure, including roads, parking areas, water and electricity supply as well as the construction of a small water reservoir.

These are activities identified in Schedule 1 of Government Notice No. R1182 of 5 September 1997, as amended, being:

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

Item 1(m); the construction, erection or upgrading of public and private resorts and; associated infrastructure;

Item 2(c): the change in land use from agricultural or undetermined use or an equivalent zoning to any other land use;

hereinafter referred to as "the activity"

B. LOCATION:

The property, portion 60 of the Farm Gwayang 208, George is situated at the corner of the Old Mossel Bay/George Road and the Airport Road and is approximately 8km from George central business district ("CBD"). The property is 8.5ha in extent.

Co-ordinates: Latitude: 33° 57' 00" South
Longitude: 23° 34' 30" East

C. APPLICANT:

Mr. J. Steyn
PO Box 10135
GEORGE
6530

Cell.: 082 559 5777
Fax: (044) 872 9053

D. CONSULTANT:

Mr. Chris Gaigher
CODEV
P.O. Box 100
WILDERNESS
6560

Tel: (044) 877 1182
Fax: (044) 877 1182

E. SITE VISIT(S):

Date: 12 October 2004

Persons Present: Minister Tasneem Essop, Mr T Toimay, Mr Rudi Ellis, Mr Chris Rabie, and Mr Danie Swanepoel.

F. DECISION:

In terms of Sections 22, 35 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. One week's notice, in writing, must be given to the Directorate: Integrated Environmental Management (Region A), Department of Environmental Affairs and Development Planning, (hereinafter referred to as "the Directorate"), before commencement of construction activities.
 - 1.1 Such notice shall make clear reference to the site location details and reference number given above.
 - 1.2 The said notice must also include proof of compliance with the following conditions described herein:
Conditions: 1, 4, 7 and 15
2. 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 licensed in terms of section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989).
3. The construction site must be clearly demarcated with danger tape on corner pegs, before commencement of any land clearing, earthworks or construction activities. All construction activities must be restricted to the demarcated areas. No-Go areas must also be clearly indicated.
4. In order to minimise any potential disturbances to the surrounding area, all activities (turning of vehicles, storage and off-loading of building material, construction and installation) must be restricted to the demarcated area
5. No construction workers must be allowed to overnight on the premises.
6. Prior to construction or earthworks commencing on site, topsoil material should be stripped from work sites and separately stock-piled for later use in rehabilitating damaged areas or for landscaping purposes.
7. Provision should be made for self-contained chemical toilets and these must be available on the site for the entire duration of the construction phase. All waste generated as a result of the chemical toilets must be disposed of appropriately at the municipal sewerage treatment plant.
8. All bulk services such as sewage, electricity, and water supply must be directly linked or connected to the municipal service infrastructure network. All water needed for the development must be obtained from the municipal water supply network.
9. No mechanical repairs of vehicles must take place on the property during both the construction and operational phase of the development
10. 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 EMP.
11. The applicant must compile and submit an acceptable Construction and Operational Management Plan ("EMP"), which must include the following aspects:
 - 11.1 The installation of the services (roads, electricity, water, sewage, etc.).
roads,

- 11.2 Training of construction team with respect to environmental awareness,
- 11.3 Storage of bottom soil and identification of storage areas, as well as mitigation measures which will be implemented in order to prohibit erosion by wind, water or larceny
- 11.4 Noise and dust control, garbage disposal, effluent and stormwater management, erosion control and mitigation, monitoring and control programme.
- 11.5 Storage and handling of fuel, fuel facilities, safety measures, including measures to combat fire or prevent accidental fires during the construction phase.
- 11.6 Access control to the site, landscaping, stabilisation and rehabilitation of exposed and disturbed sites.
- 11.7 Disaster Management Plan with respect to the airport,
- 11.8 Measures to combat or prevent any accidental fires during operational phase.
- 11.9 Other aspects which must be included in this EMP includes camp for construction team, erection of store areas, fencing, communication procedures, fire prevention measures, monitoring and reporting, fines, claims/compensation and rehabilitation.
12. The construction phase EMP required in paragraph 11 above, must
- 12.1 Be submitted to the Directorate at least three weeks prior to construction activities commencing. This must be approved prior to any land clearing and construction commencing.
- 12.2 Describe the level and type of competency required of the Environmental Control Officer, ("ECO");
- 12.3 Define and allocate the roles and responsibilities of the ECO referred to above, and the Environmental Site Agent where applicable;
- 12.4 Determine the frequency of site visits;
- 12.5 Be included in all contract documentation for the construction phase of the development.
13. The applicant must submit an Environmental Audit Report, ("audit report") to the Directorate six months and one (1) year after construction has been completed / and also after the site and approach road have been rehabilitated.
- 13.1 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.
- 13.2 The Directorate may require remedial action should the audit report reflect that rehabilitation is inadequate.
- 13.3 If the audit report is not submitted, the 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.
14. All conditions imposed by the Department of Water Affairs and Forestry (DWAf) in the letter dated 17 November 2003; Reference 16/2/7/K70B/A/8 must be strictly implemented.

15. All conditions imposed by the Provincial Department of Health in the letter dated 5 November 2003; Reference 19/3/1/R must be strictly implemented.
16. The architectural design of all buildings must ensure that the development is aesthetically pleasing and also compliment the natural surroundings. Representative earth colours from the surrounding natural environment, with a low light reflection value or reflectivity index, must be used. The development must be screened from the public road and the applicant must also make use of subdued lighting to reduce the effects of potential light and visual pollution in order to make the development less intrusive.
17. All water pipelines and electricity cables must follow the alignment of the internal road network.
18. 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;
19. The 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.
20. All outdoor advertising associated with this activity, whether on or off the property concerned, must comply with the applicable Local Authority By-Law for the control of Outdoor Advertising or in the absence of local legislative controls, 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.
21. 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.
22. The owner and/or developer must notify the Directorate and any other relevant authority, in writing, within 24 hours thereof if any condition of this authorisation is not adhered to.
23. 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:

None

I. KEY FACTORS AFFECTING THE DECISION:

Biophysical

The Record of Decision issued on 09 December 2003 states that the property has high agricultural potential, but if one considers the size (8.5ha) of the property it cannot be considered as an economically viable agricultural unit. The property consists mainly of modified/disturbed agricultural land and is mostly suitable for grazing, but is presently unused. Results of the soil potential study and comment from the Department of Agriculture further confirm that the land can be utilised for something other than agriculture. Agriculture however recommends that further studies at a more strategic level should be undertaken, before ad hoc applications can be considered.

Services to the development include electricity, sewerage, access and water supply, which will be mainly supplied by the local authority and Eskom. Access to property, which is located directly opposite the entrance to the George Airport, has been approved by the District Roads Engineer, subject to certain conditions.

This development will also not be visible from the N2 highway, since the property is not located directly adjacent to the N2.

Policy: Regional/planning context

According to the Town and Regional Planning component of the Directorate: Integrated Environmental Management, previous applications in the vicinity of the airport have all been refused, mainly due to the lack of availability of detailed planning documents. Planning further states that the latest detailed forward planning documents, however, give certain directives with regard to development around the airport. According to Planning the road between George Town and the airport has been identified by the George SDF as a tourist corridor where the proposed land uses can be considered. Planning also states that portion 60 is located on this road and is situated in an area that has been identified as a multipurpose activity site. The proposed development is therefore in line with the latest forward planning proposals. Planning does however have reservations, but this mainly relates to development on portion 116 of the Farm Gwayang 208.

According to the Department of Environmental Affairs and Tourism's Service Stations: Information Document for Environmental Assessment (First Edition December 2003) the commercial sustainability of existing service stations in an area may be affected by the introduction of a new service station. A distance of 15-25km travelling distance is used to determine the sphere of influence of new commercial filling stations on existing filling stations. The information provided by the applicant has not addressed this issue or provided sufficient reasons to substantiate the desirability of the filling station within the rural context to make an informed decision in this regard.

Alternatives

Alternatives with respect to the proposed development consist of:

The site was specifically chosen for the provision of tourism facilities, because of its location with respect to the George Airport. The only alternative that was considered is the no development ("NO-GO") option.

According to the consultant, retaining the land as low-value, low-usage agricultural land does not take its strategic importance with respect to its location near the Airport into consideration. The site is identified as a strategically important site in the draft George Municipal SDF. Other development options that could be considered for the site include residential development, a resort, just a service station, packaging and transport, light industrial and industrial. According to the appointed environmental consultant this will however not be in line with the draft SDF.

Public Participation

The proposed development was advertised in the local newspaper (George Herald dated 23 January 2003) inviting the public to register as interested and affected parties and attend a public meeting (Herolds Bay Hotel) aimed at raising concerns with respect to the environmental impact of the proposed development. The aforementioned public meeting was held at 18h00 on Wednesday 12 February 2003. Numerous issues and concerns were raised, of which most relate mainly to planning, provision of services, visual impact and sense of place. I am however satisfied that all the aforementioned issues have been satisfactorily addressed. During the initial application, written comments were received from various authorities (i.e. Department of Health, Department of Water Affairs and Forestry, Department of Agriculture), who have been contacted to comment on the proposal. Although the aforementioned authorities have raised a large number of issues and concerns, they have, in principle, no objection to the proposed development if certain conditions are met. Compliance with the conditions contained in this Record of Decision will ensure that the proposed development will not have a significant detrimental impact on the immediate and surrounding biophysical and aesthetic environment.

Meetings were held on:

Thursday, 12 June 2003
 Tuesday, 25 May 2004
 Friday, 3 September 2004

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.

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

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

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

Kind regards



TASNEEM ESSOP
PROVINCIAL MINISTER FOR ENVIRONMENTAL
AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 4 April 2005

Copies to: (1) George Municipality, J. Vrolijk
(2) Mr Chris Gaigher (CODEV)
(3) DEA&DP (George)

Fax: (044) 533 3487
Fax: (044) 877 1182
Fax: (044) 874 2423

CERTIFIED COPY FOR REGISTRATION
 FOR SURVEYOR-GENERAL
 DATE: 16 OCT 2007

OP Meter	RIJLIKHOED HOEKE	KORREKTIE	Y Stelsel: W6 23 ° X	L.G. NO.
	Konstantes:	± 0,00	+3700 000,00	5539 /2007
AB	318.41 234.16.20	A	+ 57132,62 + 63539,87	Goedgekeur rns. LANDMETER-GENERAAL 2007.10.15
BC	185.57 319.49.20	B	+ 56874,13 + 63353,94	
CD	320.70 54.16.40	C	+ 56754,41 + 63495,72	
DE	148.90 138.40.00	D	+ 57014,77 + 63682,96	
EA	36.87 148.03.00	E	+ 57113,11 + 63571,15	
TR 125	(GED 12)	Δ	+ 56899,73 + 60921,64	
TR 127	(GED 14)	Δ	+ 59635,81 + 64646,01	

Servituut Nota:

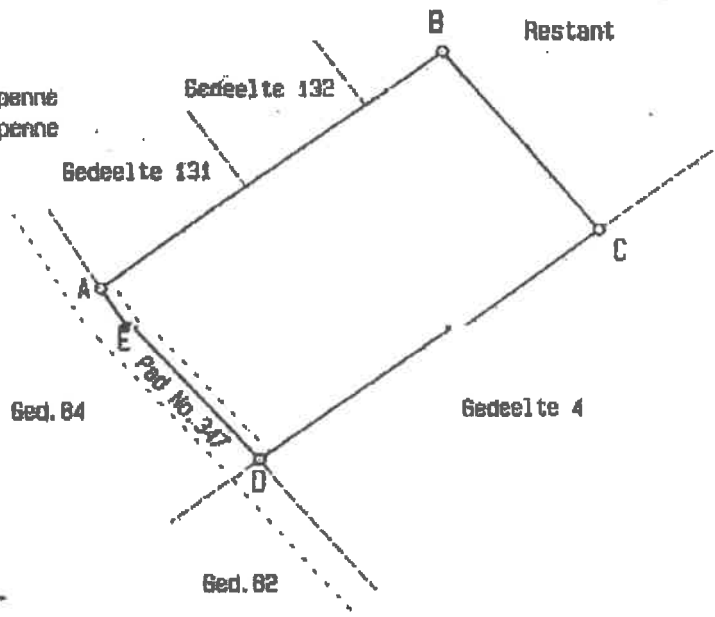
Die lyn DEA stel voor die Suid Westelike grens van n servituut reg van weg 10 meter vyd soos aangetooh.

Bakanbeskrywings

A, B, C.....18mm Ysterpenne
 D, E.....20mm Ysterpenne



Skaal 1:5000



Die figuur ABCDE stel voor 5.9562 Hektaar grond synde

Gedeelte 130 (n Gedeelte van Gedeelte 60) van die Plaas GWAYANG No.208

Geleë in die Munisipaliteit en Administratiewe Distrik George

Provinsie Wes-Kaap

Opgemaak in

Augustus 2007 deur my

H J Schildenhuys (PLS 1133) Pr. Landmeter

THIS PORTION IS SUBJECT TO CONDITIONS REFERRED TO IN SECT. 11 (4)(C) OF ACT 31/1940.

GOEDGEKEUR KRAGTENS ART. 4 VAN WET 70/1970
 VERWYSING 4/277
 DATUM 2007-06-06

GOEDGEKEUR KRAGTENS ART. 24 VAN ORD. 15/1985
 VERWYSING 5/2007-07-06
 DATUM 2007-07-06

Hierdie kaart is gehag aan No. ged. t.s.v. Registrateur van Aktes	Die aansprokklike kaart is No. 2295/1959 gehag aan Transport No. 1960- -6612	Lber George 208 V.3 M.S. No. E 2360/2007 Komp. 8L-700C (4134) LPI G0270000
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FARM 208/130 GEORGE

CERTIFIED COPY FOR REGISTRATION
 FOR SURVEYOR-GENERAL
 DATE **16 OCT 2007**

SYE Meter	RIGTINGS-HOEKE	KOORDINATE Y Stelsel: W6 23 ° X
	Konstantes	± 0,00 +9700 000,00
AB	94.85 236.45.20	A + 57147,16 + 63449,30
BC	77.91 324.16.20	B + 57067,83 + 63397,30
CD	135.84 54.16.20	C + 57022,34 + 63460,55
DE	34.04 148.03.00	D + 57132,62 + 63539,87
EA	61.79 183.12.30	E + 57150,63 + 63510,99
TR 125	(GEO 12)	Δ + 56889,73 + 60921,64
TR 127	(GEO 14)	Δ + 59635,81 + 64646,01

L.S. No. 5540/2007
 Goedgekeur
[Handwritten Signature]
 nms.
 LANDMETER-GENERAAL
 2007. 10. 15

Serviceit Note:

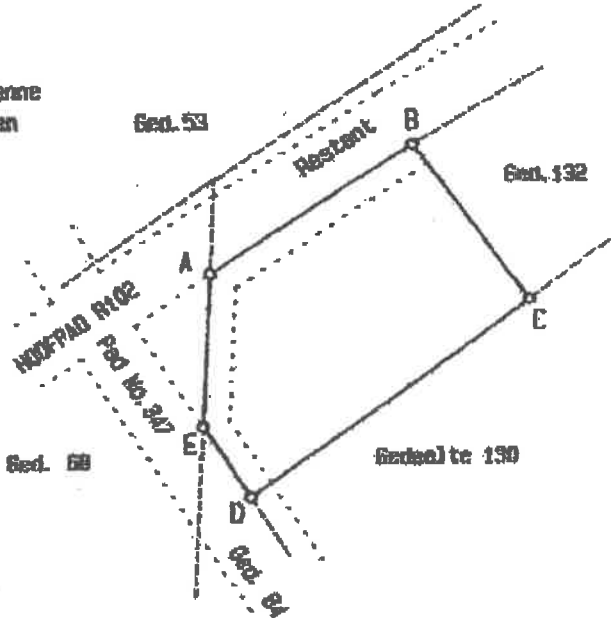
WY IWI DEAN WYI WYI die insydlike en buitegrense van n serviceit reg van weg 10 meter wyd soos aangetoon.

Bakenbeskrywing

- A, B, C, D.....16mm Ysterperne
- E.....20mm Ysterpen



Skaal 1:2500



Die figuur ABCDE stel voor 9888 Vierkante meter grond synde

Sedeelte 131 in Gedeelte van Gedeelte 60
van die Plaas SWAYANG No.208

Geleë in die Munisipaliteit en Administratiewe Distrik George
 Provinsie Wes-Kaap
 Opgeset in Augustus 2007 deur wy
[Handwritten Signature]
 H J Gildenhuys (PLS 1133) Pr. Landmeter

THIS PORTION IS SUBJECT TO CONDITIONS REFERRED TO IN SECT. 11 (8) OF ACT 81/1980.

GOEDGEKEUR KRAGTENS ART. 4 VAN WET 70/1970
 VERWYSING *Art 7.9.7*
 DATUM *2007-06-06*

GOEDGEKEUR KRAGTENS ART. 25 VAN ORD. 181/1981
 VERWYSING *Swayang 208/10*
 DATUM *2007-07-06*

Hierdie kaart is geneig aan Nr. op. t.o.v. Registrateur van Aktes	Die oorspronklike kaart is No. 2285/1959 geneig aan Transport No. 1960- -6612	Utr George 208 V.3 A.S. No. E 2380/2007 Swop. RL-700C (4134) LPI C0270000
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FARM 208/131 GEORGE

26

CERTIFIED COPY FOR REGISTRATION
 FOR SURVEYOR GENERAL
 DATE 15 OCT 2007

SYE Meter	RIGTINGS-HOEKE	KOORDINATE Y Stelsel: MG 23 ° X	L. S. No.
	Konstantes	+ 0,00 +3700 000,00	55-41 /2007
AB	111.14 239.01.30	A + 57067,83 + 63397,30	Goedgekeur <i>[Signature]</i> nms. LANDMETEN-GENERAAL
BC	68.70 324.16.20	B + 56972,54 + 63340,10	
CD	110.77 54.16.20	C + 56932,42 + 63395,87	
DA	77.91 144.16.20	D + 57022,34 + 63460,55	
TR 125	(GED 12)	Δ + 56899,73 + 60921,64	2007.10.15
TR 127	(GED 14)	Δ + 58635,81 + 64646,01	

Bakerbeskrywing

A, B, C, D. 10mm Ysterpenne

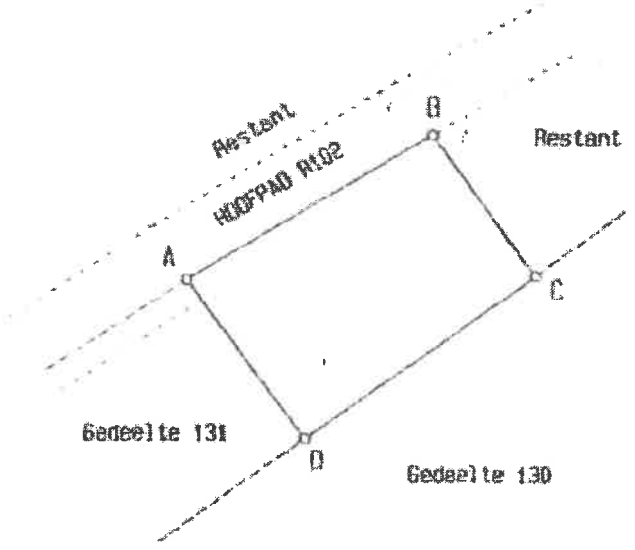
THIS PORTION IS SUBJECT TO
 CONDITIONS REFERRED TO IN
 SECT. 11 (F) OF ACT 21/1940.

GOEDGEKEUR KRAGTENS ART. 4
 VAN WET 70/1970
 VERWYSING 6/977
 DATUM 2007-06-06

GOEDGEKEUR KRAGTENS ART. 28
 VAN ORD. 15/1985
 VERWYSING 2007-07-06
 DATUM 2007-07-06



Skaal 1:2500



Die figuur ABCD
 stel voor B120 Vierkante meter grond synde

Gedeelte 132 [n Gedeelte van Gedeelte 60
 van die Plans GNAYANG No. 208

Gelê in die Munisipaliteit en Administratiewe Distrik George

Provinsie Wes-Kaap

Opgemets in

Augustus 2007 deur sy

H J Gildenhuys (PLS 1133) Pr. Landmeter

H. J. Gildenhuys

Hierdie kaart is getyg aan
 No.
 ged.
 t.g.v.

Die oorspronklike kaart is
 No. 2295/1959 getyg aan
 Transport
 No. 1960- -6612

18er George 208 V.3
 R.S. No. E 2360/2007
 Komp. BL-700C (4134)

Registrateur van Akte

LPI C0270000

FARM 208/132 GEORGE

Bylae "B"
venetly

Verwysing

Reference E1712/21/AG3

Isalathiso PTN OF FARM 208/60 GEORGE

Navrte

Enquiries Mr M Abrahams

Inyibura

Datum

Date

Umhla 02/08/05



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

Tel: 021 483 8788

Messrs Nel and De Kock

P.O. Box 1186

GEORGE

5530

Dear Sirs

GEORGE MUNICIPALITY: AMENDMENT OF THE GEORGE AND ENVIRONS STRUCTURE PLAN: GWAYANG 208/60, DIVISION GEORGE.

1. Your application dated 25 November 2002 refers.
2. The Competent Authority for the administration of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), has resolved that the application for the amendment of the George and Environs Structure Plan, for 8.6ha of Portion 60 of the Farm Gwayang 208, George, from "Agriculture / Forestry" to "Township Development", in order to enable the development of a complex of tourist facilities / service station on the property be approved in terms of section 4(7) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985),

G/G/35/2

- 1.1 The application for the rezoning of a portion of the Farm Gwayang 208/60, as shown bordered red on the attached plan no. G/G/3/5/2 dated January 2002, from Agriculture to Subdivisional Area for the following purposes as indicated on said plan: be approved

2.1.1.1 Business Zone V (restricted to service station, excluding motor sales and repair work.

2.1.1.2 Residential Zone V (restricted to Hotel).

2.1.2.3 Business Zone III (restricted to place of assembly and place of entertainment)

2.1.2 Subject to the following conditions in terms of section 42 of said ordinance:

- 2.1.2.1 No pollution of ground- or surface water may take place;
- 2.1.2.2 All sections and regulations of the National Water Act, 1988 concerning water usage, must be adhered to;
- 2.1.2.3 Sufficient potable water must be available on-site. A reservoir must also be built on site to the satisfaction of the Municipality.
- 2.1.2.4 Sewage disposal must at all times comply with the requirements of Sections 22 and 40 of the National Water Act, 1988 and should be linked with the Gwayang sewerage works for treatment and disposal;
- 2.1.2.5 In the event that a sewage pump station is erected, the design must be of such a nature that no pollution of water sources occurs during emergencies and overflows cannot find their way into water sources. In the event of the development of an on site sewage pump station the proposal must be re-submitted to the Municipality for approval and requirements relating to the siting of the sewage pump station and the treatment of waste products;
- 2.1.2.6 Plans for the proposed mini-brewery must be submitted to the Co-ordinator Community Services (Eden District Municipality) for approval prior to the commencement of building work;
- 2.1.2.7 Effluent from the mini-brewery must be treated to render it acceptable at the sewerage works;
- 2.1.2.8 Control measures must be put in place for instances of flooding or pollution to the satisfaction of DWAF;
- 2.1.2.9 The development must form part of the water services development plan of George and the Municipal plan must be amended accordingly;
- 2.1.2.10 Precautionary measures must be implemented to protect water sources against pollution with oils, grease, fuel and chemicals to the satisfaction of DWAF;
- 2.1.2.11 The placement of fuel and diesel tanks must be such that subterranean water sources are not threatened by pollution to the satisfaction of DWAF;
- 2.1.2.12 All service linkages must be designed by professional consulting engineers, the plans must be submitted for approval, installation must be supervised and a completion certificate must be issued to the satisfaction of the Municipality;
- 2.1.2.13 The handling of solid waste must comply with the requirements of Section 20(1) of the Nature Conservation Act 1989 (Act 73 of 1989).

- 2.1.2.14 All solid waste must be discarded at an approved waste disposal site. The developer must enter into a contractual agreement with an approved waste removal organisation to facilitate this.
- 2.1.2.15 The general hygiene requirements applicable to the preparation and transport of food must be adhered to as stipulated in Regulation 918 of 1999 as promulgated in terms of the Health Act 1977 (Act 63 of 1977);
- 2.1.2.16 The applicant must apply for the necessary competency certificates in terms of the Health Act 1977 (Act 63 of 1977);
- 2.1.2.17 The applicant must obtain a trading licence as per the requirements of the Business Act, 1991 (Act 71 of 1991);
- 2.1.2.18 That the buildings comply with the Smoking control regulations, Regulation 975 of 2000 as promulgated under the Act on the control of tobacco products, 1994 (Act 83 of 1994);
- 2.1.2.19 Informal market stalls intending to sell food products must acquire the necessary competency certificates prior to commencing business activities on the site;
- 2.1.2.20 No access from Main Road 2/9 is allowed;
- 2.1.2.21 Access on Main Road 347 restricted to a position approximately 300m from the edge of the road surface of Main Road 2/9, opposite the present access point to the airport;
- 2.1.2.22 The proposed access road must be proclaimed by the Municipality and constructed to the satisfaction of the Districts Roads Engineer;
- 2.1.2.23 The undated site development plan (drawing 5 – Smuts and De Kock) and the complete building plans must be submitted to the Municipality for approval;
- 2.1.2.24 The airports existing rights with regard to noise pollution must be respected and the proposed must in no way negatively impact these rights;
- 2.1.2.25 The buildings on the site must comply with noise control regulations so as to limit noise pollution emanating from the airport;
- 2.1.2.26 An architectural design manual must be submitted for approval to the Municipality;
- 2.1.2.27 Building height must be limited to a maximum height of 8,5m and the scale and style of the buildings must compliment and blend into the rural landscape to the satisfaction of Council.
- 2.1.2.28 The height of the proposed service station must also be limited to 8,5m and the signage used must be unobtrusive and blend into the rural landscape to the satisfaction of Council.
- 2.1.2.29 Landscaping of the site must take place to the satisfaction of the Municipality;
- 2.1.2.30 The proposed filling station must be limited to four fuel pump units only;

2.1.2.31 In the event that there are occupiers of the land as defined by the ESTA Act who currently live on the above land the developer must provide suitable alternative accommodation acceptable by the occupiers

3. Please inform all affected parties of the above decision

Yours faithfully



HEAD OF DEPARTMENT

Geplaatse op 6/2008 Gwagang 2



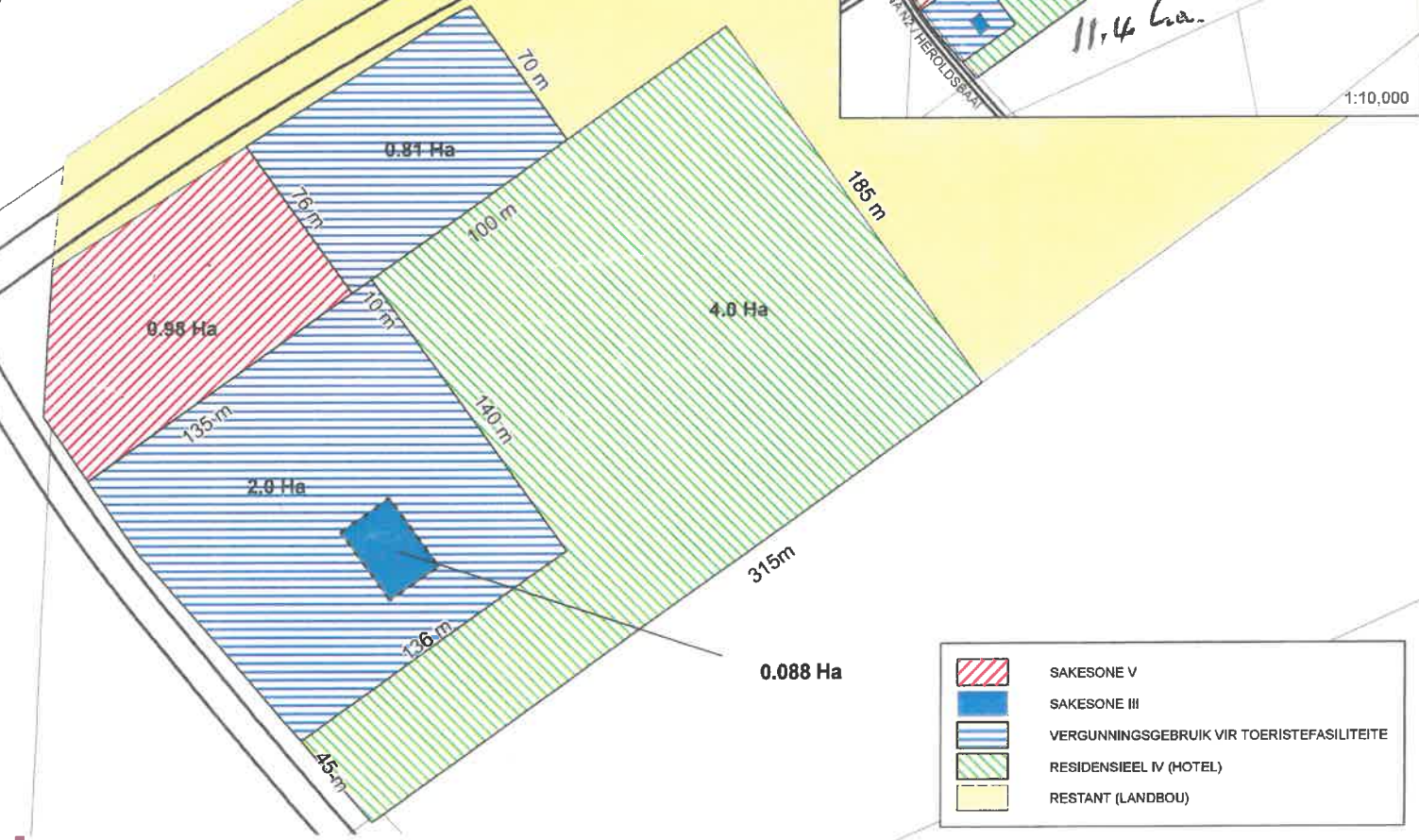
AANSOEK OM WYSIGING VAN GOEDKEURINGSVOORWAARDES VAN REKORD-VAN-BESLUIT INGEVOLGE WET NO 73 VAN 1989 EN WYSIGING VAN DIE STRUKTUURPLAN VIR GEORGE EN OMGEWING INGEVOLGE ORD. 15 VAN 1985

Aansoek word gedoen om die volgende:

- Wysiging van die afmetings en vorm van die voorgestelde grondgebruik soos goedgekeur op Plan no G/G/315/2 wat deel vorm van die volgende goedkeuring:
- Rekord-van-Besluit uitgereik op 4 - 4 - 2005. (Verwysingsno. 0001782 en 3/8/2/3/1).
 - Wysiging van die Struktuurplan vir George en Omgewing uitgereik op 2 - 8 - 2005. (Verwysingsno. E17/2/21/AG3)

Notas:

- Die goedgekeurde oppervlakte bly dieselfde, nl 8.6 ha
- Die goedgekeurde grondgebruik en sonerings bly dieselfde, nl -
 - Sakesone V, beperk tot 'n diensstasie
 - Residensieel V (beperk tot 'n hotel)
 - Sakesone III (beperk tot 'n vergaderplek en vermaaklikheidsplek)
- Die oppervlakte van die verskillende sonerings is as volg:
 Sakesone V = 0.98 ha
 Residensieel V = 4.0 ha
 Sakesone III en Vergunningsgebruik = 2.81 ha
 = 7.79 ha
- Geen voorwaardes van goedkeuring word geaffekteer deur die gewysigde vorm van die sonerings nie.
- Hierdie plan vervang Plan G/G/315/2 as plan waarop die goedgekeurde sonerings aangetoon word asook Plan G/G/315/3 wat voorheen ingedien was.
- Die plasing van die Sakesone III perseel is skematies en sal finaal bepaal op douplanstadium.

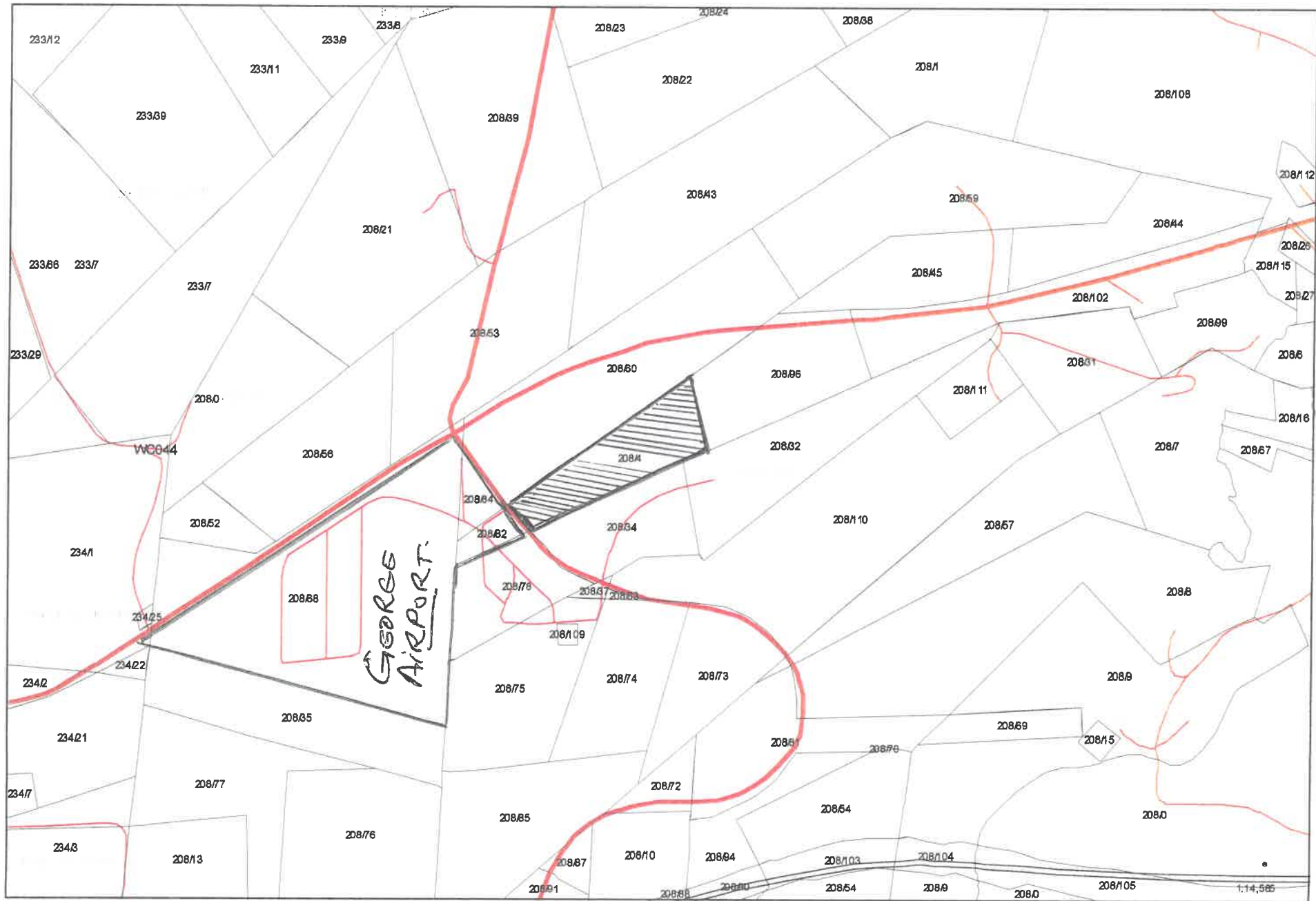


	SAKESONE V
	SAKESONE III
	VERGUNNINGSGEBRUIK VIR TOERISTEFASILITEITE
	RESIDENSIEEL IV (HOTEL)
	REstant (LANDBOU)



VOORGESTELDE ONTWIKKELING VAN 'N GEDEELTE VAN PLAAS GWAYANG 208/60
 GEORGE MUNISIPALE GEBIED
WYSIGING VAN GOEDGEKEURDE SONERINGSPLAN

Plan No: G/G/315/4
 Date: MEI2006
 Scale (A3) 1:2,000



0 130 260 520 780 1,040
Meters

1:14,585

Verwysing
Reference E17/2/11AG3
Isahliso PTN OF FARM 208/60 GEORGE

Navors
Enquiries Mr M. Abrahams
Inyobuzo

Datum
Date
Imbha 02/08/05



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

Tel: 021 483 8788

Messrs Nel and De Kock
P.O. Box 1186
GEORGE
6530

Dear Sirs

GEORGE MUNICIPALITY: AMENDMENT OF THE GEORGE AND ENVIRONS STRUCTURE PLAN: GWAYANG 208/60, DIVISION GEORGE.

1. Your application dated 25 November 2002 refers.
2. The Competent Authority for the administration of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), has resolved that the application for the amendment of the George and Environs Structure Plan, for 8.6ha of Portion 60 of the Farm Gwayang 208, George, from "Agriculture / Forestry" to "Township Development", in order to enable the development of a complex of tourist facilities / service station on the property be approved in terms of section 4(7) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985).
- 2.1.1 The application for the rezoning of a portion of the Farm Gwayang 208/60, as shown bordered red on the attached plan no. G/G/3/5/2 dated January 2002, from Agriculture to Subdivisional Area for the following purposes as indicated on said plan, be approved
 - 2.1.1.1 Business Zone V (restricted to service station, excluding motor sales and repair work).
 - 2.1.1.2 Residential Zone V (restricted to Hotel).
 - 2.1.2.3 Business Zone III (restricted to place of assembly and place of entertainment)
- 2.1.2 Subject to the following conditions in terms of section 42 of said ordinance:

- 2.1.2.1 No pollution of ground- or surface water may take place.
- 2.1.2.2 All sections and regulations of the National Water Act, 1988 concerning water usage, must be adhered to;
- 2.1.2.3 Sufficient potable water must be available on-site. A reservoir must also be built on site to the satisfaction of the Municipality.
- 2.1.2.4 Sewage disposal must at all times comply with the requirements of Sections 22 and 40 of the National Water Act, 1988 and should be linked with the Gwayang sewerage works for treatment and disposal;
- 2.1.2.5 In the event that a sewage pump station is erected, the design must be of such a nature that no pollution of water sources occurs during emergencies and overflows cannot find their way into water sources. In the event of the development of an on site sewage pump station the proposal must be re-submitted to the Municipality for approval and requirements relating to the siting of the sewage pump station and the treatment of waste products;
- 2.1.2.6 Plans for the proposed mini-brewery must be submitted to the Co-ordinator Community Services (Eden District Municipality) for approval prior to the commencement of building work;
- 2.1.2.7 Effluent from the mini-brewery must be treated to render it acceptable at the sewerage works;
- 2.1.2.8 Control measures must be put in place for instances of flooding or pollution to the satisfaction of DWAF;
- 2.1.2.9 The development must form part of the water services development plan of George and the Municipal plan must be amended accordingly;
- 2.1.2.10 Precautionary measures must be implemented to protect water sources against pollution with oils, grease, fuel and chemicals to the satisfaction of DWAF;
- 2.1.2.11 The placement of fuel and diesel tanks must be such that subterranean water sources are not threatened by pollution to the satisfaction of DWAF;
- 2.1.2.12 All service linkages must be designed by professional consulting engineers, the plans must be submitted for approval, installation must be supervised and a completion certificate must be issued to the satisfaction of the Municipality;
- 2.1.2.13 The handling of solid waste must comply with the requirements of Section 20(1) of the Nature Conservation Act 1989 (Act 73 of 1989).

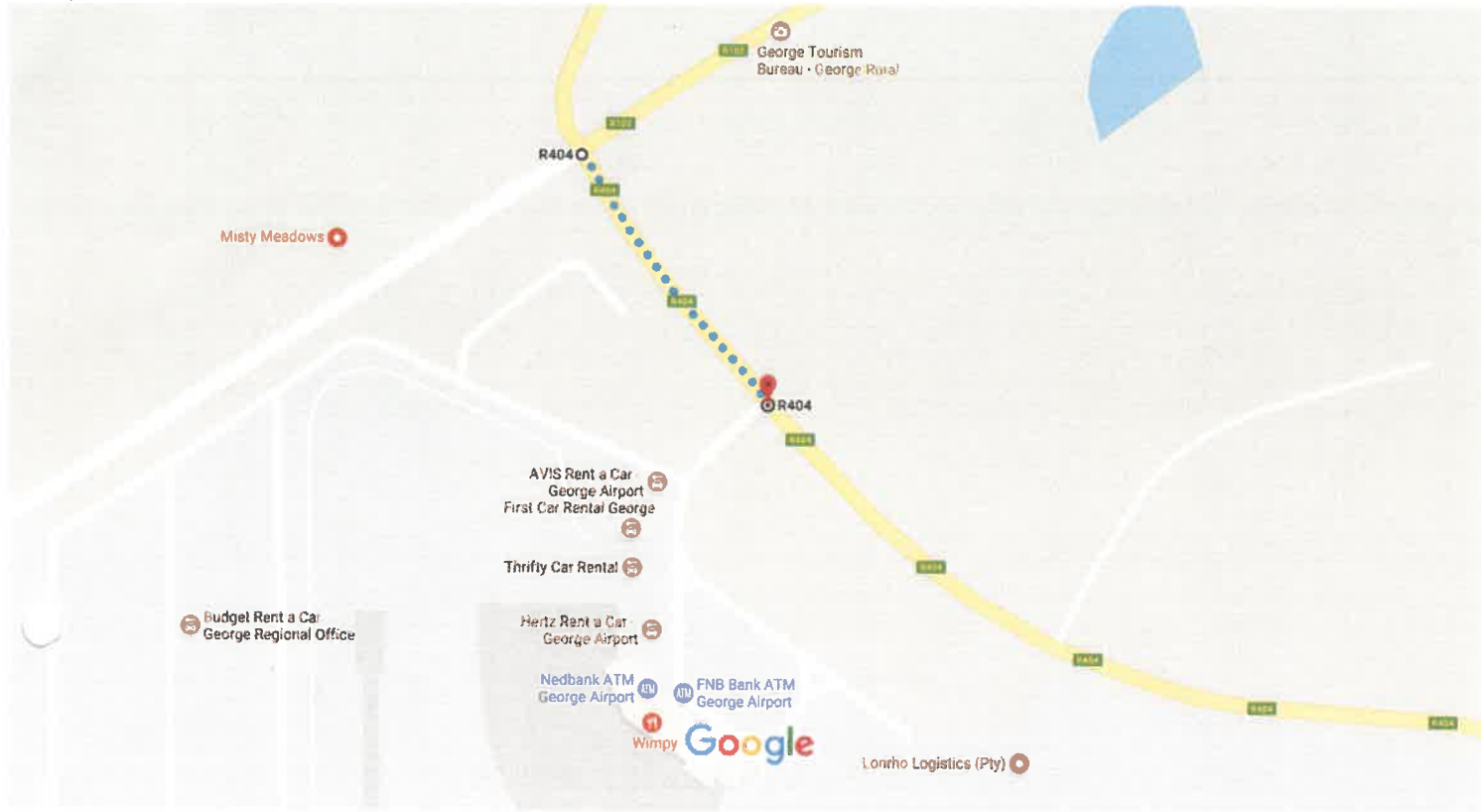
- 2.1.2.14 All solid waste must be discarded at an approved waste disposal site. The developer must enter into a contractual agreement with an approved waste removal organisation to facilitate this
- 2.1.2.15 The general hygiene requirements applicable to the preparation and transport of food must be adhered to as stipulated in Regulation 918 of 1999 as promulgated in terms of the Health Act 1977 (Act 63 of 1977);
- 2.1.2.16 The applicant must apply for the necessary competency certificates in terms of the Health Act 1977 (Act 63 of 1977);
- 2.1.2.17 The applicant must obtain a trading licence as per the requirements of the Business Act 1991 (Act 71 of 1991);
- 2.1.2.18 That the buildings comply with the Smoking control regulations, Regulation 975 of 2000 as promulgated under the Act on the control of tobacco products, 1994 (Act 83 of 1994);
- 2.1.2.19 Informal market stalls intending to sell food products must acquire the necessary competency certificates prior to commencing business activities on the site;
- 2.1.2.20 No access from Main Road 2/9 is allowed;
- 2.1.2.21 Access on Main Road 347 restricted to a position approximately 300m from the edge of the road surface of Main Road 2/9, opposite the present access point to the airport;
- 2.1.2.22 The proposed access road must be proclaimed by the Municipality and constructed to the satisfaction of the Districts Roads Engineer;
- 2.1.2.23 The undated site development plan (drawing 5 – Smuts and De Kock) and the complete building plans must be submitted to the Municipality for approval;
- 2.1.2.24 The airports existing rights with regard to noise pollution must be respected and the proposed must in no way negatively impact these rights;
- 2.1.2.25 The buildings on the site must comply with noise control regulations so as to limit noise pollution emanating from the airport;
- 2.1.2.26 An architectural design manual must be submitted for approval to the Municipality;
- 2.1.2.27 Building height must be limited to a maximum height of 8,5m and the scale and style of the buildings must compliment and blend into the rural landscape to the satisfaction of Council.
- 2.1.2.28 The height of the proposed service station must also be limited to 8,5m and the signage used must be unobtrusive and blend into the rural landscape to the satisfaction of Council.
- 2.1.2.29 Landscaping of the site must take place to the satisfaction of the Municipality;
- 2.1.2.30 The proposed filling station must be limited to four fuel pump units only.

2.1.2.31 In the event that there are occupiers of the land as defined by the ESTA Act who currently live on the above land the developer must provide suitable alternative accommodation acceptable by the occupiers

3. Please inform all affected parties of the above decision.

Yours faithfully


HEAD OF DEPARTMENT



Map data ©2017 AfriGIS (Pty) Ltd, Google 100 m



via R404
Mostly flat

3 min
300 m

Verwysing
Reference
Isalathiso EG12/2/3/1-D2/11-429/06 Farm Gwayang
208/60

Navrae
Enquiries
Imibuzo Sharon Lekwene

Datum
Date
Umhla of issue
2007-01-29



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

Mr J Steyn
P.O Box 10135
GEORGE
6500

Tel : 082 559 5777
Fax: (044) 872 9053

Dear Sir

APPLICATION FOR AMENDMENT OF THE RECORD OF DECISION ISSUED FOR A HOTEL, THEATRE RESTAURANT, OTHER TOURIST FACILITIES, A SERVICE STATION AND A SMALL RESERVIOR ON PORTION 60 OF THE FARM GWAYANG 208, GEORGE

With reference to the abovementioned application, this Department by virtue of the powers vested in it by regulation 43 of Environmental Impact Assessment Regulations, 2006 has decided to amend the Record of Decision signed on 4 April 2005 for Portion 60 of the Farm Gwayang 208, George as follows :-

ENVIRONMENTAL AUTHORISATION

A. DECISION:

The Record of Decision signed on 4 April 2005 (Ref: **(EG12/2/3/1-D2/11-429/06)**) is hereby amended by:

1. Substituting paragraph A "Description of the Activity", thereof to read -

"The proposed development will entail a 60 room hotel, a service station comprising of five (5) underground storage tanks with a capacity of 23 000 litres each, a barnyard type theatre, a 50 seat restaurant and a curio/craft outlet, a small demonstration beer brewery and a museum and information centre with an indoor and outdoor component. Also included are associated services and infrastructure, including roads, parking areas, water and electricity supply as well as the construction of a small water reservoir, as per Development Layout Plan No: G/G/315/4, dated May 2006 (copy attached hereto)".

These are activities identified in Schedule 1 of Government Notice No. R1182 of 5 September 1997, as amended, being:

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

Item 1(m): the construction, erection or upgrading of public and private resorts and; associated infrastructure;

Item 2(c): the change in land use from agricultural or undetermined use or an equivalent zoning to any other land use;

hereinafter referred to as “the activity”

B. CONDITIONS OF AUTHORISATION:

- 1 The Record of Decision signed on 4 April 2005 remains valid with the respective amendments described above, and the following conditions.
- 2 One week's notice, in writing, must be given to the Directorate: Integrated Environmental Management (Region A), Department of Environmental Affairs and Development Planning, (hereinafter referred to as “the 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: 3
 - 2.3 The said notice must also include proof of compliance with the following conditions set in the record of decision dated 4 April 2005:
Conditions: 1; 3; 10; 11; and 12
- 3 The applicant must, in writing, within 10 (ten) calendar days of receiving notice of the Department's decision to amend the Record of Decision :-
 - 3.1 Notify all registered interested and affected parties registered during the Environmental Impact Assessment of the proposed Gwayang Tourist Facility in terms of the Environment Conservation Act, 1989, of the outcome of this application and the reasons for the decision; and –
 - 3.2 Specify the date on which the amended authorisation was issued;
 - 3.3 Inform all registered interested and affected parties referred to above of the appeal procedure; and

3.4 Advise all registered interested and affected parties referred to above that should they wish to appeal that they must lodge a notice of intention to appeal with the Minister, within 10 days of receiving notice of the Department's decision and, must submit their appeal within 30 days of the lodging of their notice of intention to appeal, by means of one of the following methods:

By facsimile: (021) 483 5081;

By post: Provincial Minister for Environment, Planning and
Economic Development
Private Bag X 9186
Cape Town
8000

By hand: 3rd Floor Leeusig Building
4 Leeuwen Street
Cape Town

3.5 Inform every interested and affected party that a signed Appeal form obtainable from the Minister's office at tel (021) 483 3721, email jedevill@pgwc.gov.za or <http://www.capegateway.gov.za/eng/yourgovernment/gsc/406/services/11537/10199#appeals> must accompany the appeal.

3.6 Inform all interested and affected parties referred to above that should they wish to appeal, the appellant must serve on the applicant a copy of the notice of intention to appeal as well as a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.

3.7 If the applicant should decide to appeal, the applicant must –

- lodge a notice of intention to appeal with the Minister, within 10 days of receiving notice of this decision and,
- serve a copy of the notice of intention to appeal on all registered interested and affected parties referred to above as well as a notice indicating where and for what period the appeal submission will be available for inspection and,
- submit the appeal within 30 days of the lodging of the notice of intention to appeal.

4 The activities authorised in the Record of Decision dated 03-08-2006 must commence by 03 August 2008. If commencement of the activities does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.

C. REASONS FOR THE DECISION:

In reaching its decision, the Department took, *inter alia*, the following into consideration:

1. The impact of the revised development layout on the receiving environment. The application to amend the approved development layout will not result in any significant changes to the receiving environment and the anticipated impacts will remain the same, as for the previous approved development layout. The footprint of the proposed 60 room hotel will still be accommodated within the development footprint of the two approved 30 room hotels. The amendment is therefore considered to be non-substantive and will not affect the nature of the proposal at all. The height of the 60 room hotel building will remain single storey and will not be obtrusive in any way.
2. The revised development layout plan has taken into consideration the site specific constraints and measures to mitigate the anticipated impacts have been included. The proposed development will conform to all the appropriate design guidelines and the design of serves. Furthermore, the activity will be strictly implemented in accordance with an Environmental Management Plan for the development.

D. APPEAL:

Appeals must comply with the provisions as outlined in Chapter 7 of the regulations.

Any person who wishes to appeal against this decision to amend the Record of Decision signed on 4 April 2005, must lodge a notice of intention to appeal with the Minister, within 10 days of receiving notice of this decision and, must submit the appeal within 30 days of the lodging of the notice of intention to appeal, by means of one of the following methods:

By facsimile: (021) 483 5081;

By post: Provincial Minister for Environment, Planning and
Economic Development
Private Bag X 9186
Cape Town
8000

By hand: 3rd Floor Leeusig Building
4 Leeuwen Street
Cape Town

A signed Appeal form, obtainable from the Minister's office at tel (021) 483 3721,
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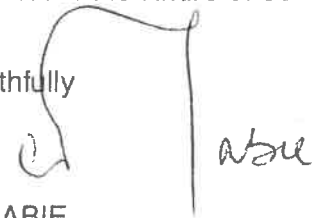
All interested and affected parties that wish to appeal must serve on the applicant a copy of their notice of intention to appeal as well as a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.

If the applicant should decide to appeal, the applicant must serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where and for what period the appeal submission will be available for inspection.

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



CHRIS RABIE
DIRECTOR: INTEGRATED ENVIRONMENTAL MANAGEMENT (REGION A/B)

DATE OF DECISION: 26 1. 2007

Copies to: (1) Mr C Gaigher (Environmental Consultant)

Fax: (044) 877 1182



Land Management
(Region 3)

REFERENCE: 16/3/1/6/6/D2/19/0209/13
ENQUIRIES: Nicholas Keams
DATE OF ISSUE: 2014-01-20

The Municipal Manager
George Municipality
PO Box 19
GEORGE
6530

Attention: Mr. C. Petersen

Tel: (044) 801 9375
Fax: 086 529 9923

Dear Sir

RE: APPLICATION FOR EXTENSION OF APPROVAL: GWAYANG 208/60, DIVISION GEORGE

1. The abovementioned document dated 21 October 2013 refers.
2. Please be informed that this Department has confirmed in previous correspondence that the Environmental Authorisation dated 04 April 2005 (attached) remains valid as the applicant has already commenced with the activities authorised.
3. The Department reserves the right to revise its initial comments and request further information from you based on any new or revised information received.

Yours faithfully

HEAD OF DEPARTMENT

Copy: Ms Merissa Arries

Fax: 086 570 1900

**AANSOEK OM WYSIGING VAN
GOEDKEURINGSVOORWAARDES VAN
REKORD-VAN- BESLUIT
INGEVOLGE WET NO 73 VAN
1989 EN WYSIGING VAN DIE
STRUKTUURPLAN VIR GEORGE
EN OMGEWING INGEVOLGE
ORD. 15 VAN 1985**

Aansoek word gedoen om die volgende:

- Wysiging van die afmetings en vorm van die voorgestelde grondgebruike soos goedgekeur op Plan no G/G/315/2 wat deel vorm van die volgende goedkeuringe:
- Rekord-van-Besluit uitgereik op 4 – 4 - 2005. (Verwysingsno. 0001782 en 3/8/2/3/1).
 - Wysiging van die Struktuurplan vir George en Omgewing uitgereik op 2 – 8 - 2005. (Verwysingsno. E17/2/2/1/AG3)

Notas:

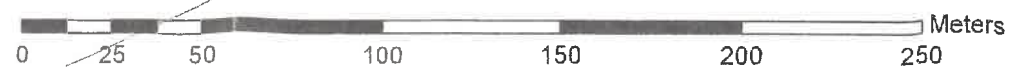
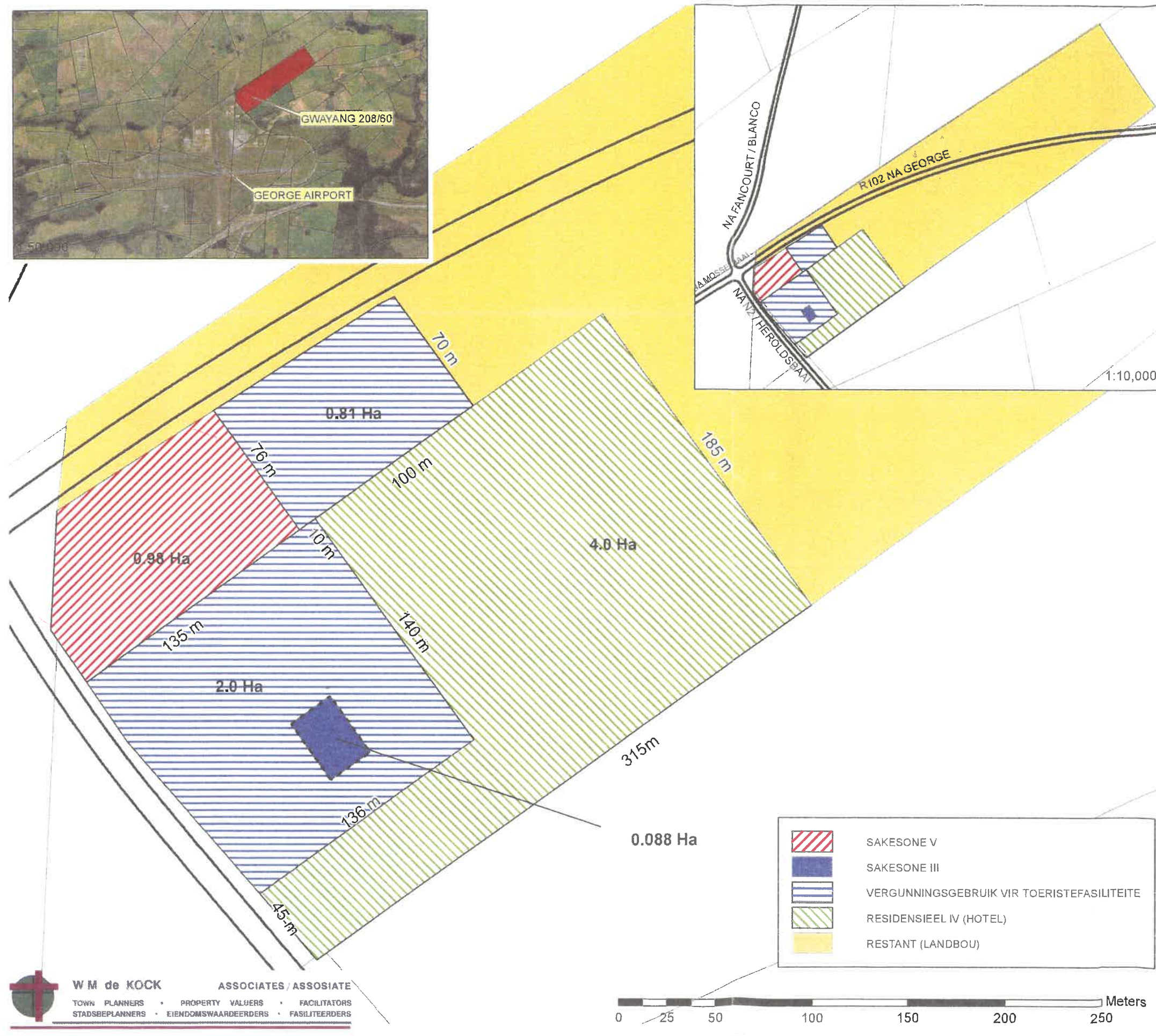
- Die goedgekeurde oppervlakte bly dieselfde, nl 8.6 ha
- Die goedgekeurde grondgebruike en sonerings bly dieselfde, nl -
- Sakesone V, beperk tot 'n diensstasie
- Residensieel V (beperk tot 'n hotel)
- Sakesone III (beperk tot 'n vergaderplek en vermaaklikheidsplek)
- Die oppervlakte van die verskillende sonerings is as volg:

Sakesone V =	0.98 ha
Residensieel V =	4.0 ha
Sakesone III en	
Vergunningsgebruik	
	= 2.81 ha
	7.79 ha
- Geen voorwaardes van goedkeuring word geaffekteer deur die gewysigde vorm van die sonerings nie.
- Hierdie plan vervang Plan G/G/315/2 as plan waarop die goedgekeurde sonerings aangetoon word asook Plan G/G/315/3 wat voorheen ingedien was.
- Die plasing van die Sakesone III perseel is skematis en sal finaal bepaal op bouplanstadium.

**VOORGESTELDE ONTWIKKELING
VAN 'N GEDEELTE VAN PLAAS
GWAYANG 208/60**

GEORGE MUNISIPALE GEBIED
**WYSIGING VAN GOEDGEKEURDE
SONERINGSPLAN**

Plan No: G/G/315/4
Date: MEI2006
Scale (A3) 1:2,000



Verwysing
Reference
Isalathiso EG12/2/3/1-D2/11-429/06 Farm Gwayang
208/60

Navrae
Enquiries
Imibuzo Sharon Lekwene

Datum
Date
Umhla of issue
2007-01-29



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

Mr J Steyn
P.O Box 10135
GEORGE
6500

Tel : 082 559 5777
Fax: (044) 872 9053

Dear Sir

APPLICATION FOR AMENDMENT OF THE RECORD OF DECISION ISSUED FOR A HOTEL, THEATRE RESTAURANT, OTHER TOURIST FACILITIES, A SERVICE STATION AND A SMALL RESERVIOR ON PORTION 60 OF THE FARM GWAYANG 208, GEORGE

With reference to the abovementioned application, this Department by virtue of the powers vested in it by regulation 43 of Environmental Impact Assessment Regulations, 2006 has decided to amend the Record of Decision signed on 4 April 2005 for Portion 60 of the Farm Gwayang 208, George as follows :-

ENVIRONMENTAL AUTHORISATION

A. DECISION:

The Record of Decision signed on 4 April 2005 (Ref: **EG12/2/3/1-D2/11-429/06**) is hereby amended by:

1. Substituting paragraph A "Description of the Activity", thereof to read -

"The proposed development will entail a 60 room hotel, a service station comprising of five (5) underground storage tanks with a capacity of 23 000 litres each, a barnyard type theatre, a 50 seat restaurant and a curio/craft outlet, a small demonstration beer brewery and a museum and information centre with an indoor and outdoor component. Also included are associated services and infrastructure, including roads, parking areas, water and electricity supply as well as the construction of a small water reservoir, as per Development Layout Plan No: G/G/315/4, dated May 2006 (copy attached hereto)".

These are activities identified in Schedule 1 of Government Notice No. R1182 of 5 September 1997, as amended, being:

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

Item 1(m): the construction, erection or upgrading of public and private resorts and; associated infrastructure;

Item 2(c): the change in land use from agricultural or undetermined use or an equivalent zoning to any other land use;

hereinafter referred to as "the activity"

B. CONDITIONS OF AUTHORISATION:

- 1 The Record of Decision signed on 4 April 2005 remains valid with the respective amendments described above, and the following conditions.
- 2 One week's notice, in writing, must be given to the Directorate: Integrated Environmental Management (Region A), Department of Environmental Affairs and Development Planning, (hereinafter referred to as "the 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: 3
 - 2.3 The said notice must also include proof of compliance with the following conditions set in the record of decision dated 4 April 2005:
Conditions: 1; 3; 10; 11; and 12
- 3 The applicant must, in writing, within 10 (ten) calendar days of receiving notice of the Department's decision to amend the Record of Decision :-
 - 3.1 Notify all registered interested and affected parties registered during the Environmental Impact Assessment of the proposed Gwayang Tourist Facility in terms of the Environment Conservation Act, 1989, of the outcome of this application and the reasons for the decision; and –
 - 3.2 Specify the date on which the amended authorisation was issued;
 - 3.3 Inform all registered interested and affected parties referred to above of the appeal procedure; and

NOTICE



NOTIFY
1 & ALS

- 3.4 Advise all registered interested and affected parties referred to above that should they wish to appeal that they must lodge a notice of intention to appeal with the Minister, within 10 days of receiving notice of the Department's decision and, must submit their appeal within 30 days of the lodging of their notice of intention to appeal, by means of one of the following methods:

By facsimile: (021) 483 5081;

By post: Provincial Minister for Environment, Planning and
Economic Development
Private Bag X 9186
Cape Town
8000

By hand: 3rd Floor Leeusig Building
4 Leeuwen Street
Cape Town

- 3.5 Inform every interested and affected party that a signed Appeal form obtainable from the Minister's office at tel (021) 483 3721, email jedevill@pgwc.gov.za or <http://www.capegateway.gov.za/eng/yourgovernment/gsc/406/services/11537/10199#appeals> must accompany the appeal.

- 3.6 Inform all interested and affected parties referred to above that should they wish to appeal, the appellant must serve on the applicant a copy of the notice of intention to appeal as well as a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.

- 3.7 If the applicant should decide to appeal, the applicant must –

- lodge a notice of intention to appeal with the Minister, within 10 days of receiving notice of this decision and,
- serve a copy of the notice of intention to appeal on all registered interested and affected parties referred to above as well as a notice indicating where and for what period the appeal submission will be available for inspection and,
- submit the appeal within 30 days of the lodging of the notice of intention to appeal.

LAPSE. 4 The activities authorised in the Record of Decision dated 03-08-2006 must commence by 03 August 2008. If commencement of the activities does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.

C. REASONS FOR THE DECISION:

In reaching its decision, the Department took, *inter alia*, the following into consideration:

1. The impact of the revised development layout on the receiving environment. The application to amend the approved development layout will not result in any significant changes to the receiving environment and the anticipated impacts will remain the same, as for the previous approved development layout. The footprint of the proposed 60 room hotel will still be accommodated within the development footprint of the two approved 30 room hotels. The amendment is therefore considered to be non-substantive and will not affect the nature of the proposal at all. The height of the 60 room hotel building will remain single storey and will not be obtrusive in any way.
2. The revised development layout plan has taken into consideration the site specific constraints and measures to mitigate the anticipated impacts have been included. The proposed development will conform to all the appropriate design guidelines and the design of serves. Furthermore, the activity will be strictly implemented in accordance with an Environmental Management Plan for the development.

D. APPEAL:

Appeals must comply with the provisions as outlined in Chapter 7 of the regulations.

Any person who wishes to appeal against this decision to amend the Record of Decision signed on 4 April 2005, must lodge a notice of intention to appeal with the Minister, within 10 days of receiving notice of this decision and, must submit the appeal within 30 days of the lodging of the notice of intention to appeal, by means of one of the following methods:

By facsimile: (021) 483 5081;

By post: Provincial Minister for Environment, Planning and
Economic Development
Private Bag X 9186
Cape Town
8000

By hand: 3rd Floor Leeusig Building
4 Leeuwen Street
Cape Town

A signed Appeal form, obtainable from the Minister's office at tel (021) 483 3721,
email jedevill@pgwc.gov.za or URL

Department of Environmental Affairs and Development Planning
Directorate: Integrated Environmental Management

<http://www.capegateway.gov.za/eng/yourgovernment/gsc/406/services/11537/10199#appeals> must accompany the appeal.

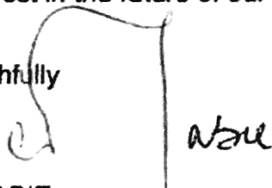
All interested and affected parties that wish to appeal must serve on the applicant a copy of their notice of intention to appeal as well as a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.

If the applicant should decide to appeal, the applicant must serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where and for what period the appeal submission will be available for inspection.

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



CHRIS RABIE
DIRECTOR: INTEGRATED ENVIRONMENTAL MANAGEMENT (REGION A/B)

DATE OF DECISION: 26 1. 2007

Copies to: (1) Mr C Gaigher (Environmental Consultant)

Fax: (044) 877 1182

AA: Ina Steyn (082 5595 777)
B. Bantom @ Departement Omgewingsake en Ontwikkelingsbeplanning,
Privaatsak X9086, Kaapstad, 8000
Senior Bestuurder: Siviele Ingenieurswese Dienste
Senior Bestuurder: Elektrotegniese Dienste
Senior Bestuurder: Finansiële Dienste
Senior Bestuurder: Beplanning en Behuising
Landmeter-Generaal, Privaatsak X9028, KAAPSTAD, 8000
E-mail: stadsbeplanning@george.org.za
Gwayang 208/60, afdeling George

Me M Joseph

044 8019171

Fax: 086 645 6296

1 Julie 2008

PER HAND

Stadler & Swart
Posbus 46
GEORGE
6530

VOORGESTELDE ONDERVERDELING: GWYANG 208/60, AFDELING GEORGE

Bogenoemde aansoek verwys.

Geen appèl teen die goedkeuring van u aansoek is ontvang nie. Hiermee die **finale goedkeuring** vir die onderverdeling van Gwayang 208/60 in vier (4) gedeeltes (Gedeelte A = 0,98ha, Gedeelte B = 0,81ha, Gedeelte C = 6,0ha en Restant = 25,5085ha) in terme van Artikel 25(1) van die Ordonnansie op Grondgebruiksbeplanning, 1985 (Ordonnansie 15 van 1985) soos aangetoon op die aangehegte plan no. Gway60Sub1.2 gedateer April 2007, onderworpe aan die voorwaardes vervat in bylae "A" en "B".

Nieteenstaande die Raad se besluit het u wel 'n reg tot appèl in terme van Artikel 44 van Ordonnansie 15/1985, **welke reg binne 21 dae vanaf datum van registrasie (poskantoor datum stempel op koevert) van hierdie brief uitgeoefen moet word.** Die appèl moet binne die voormelde tyd aan die **Hoof Direktooraat: Beplanning, Privaatsak X9086, Kaapstad, 8000** versend word, met 'n afskrif aan die **George Munisipaliteit** geëndosseer.

'n Appèlfooi van R1140-00 (BTW ingesluit) is betaalbaar aan die George Munisipaliteit en sal terugbetaal word indien u appèl suksesvol is.

Die uwe


SB ERASMUS

SENIOR BESTUURDER: BEPLANNING EN BEHUISING

G:\Michelle\MichelleBriewe\Gwayang208-60(Onderverdeling-FinaleGoedkeuring).doc

Refes Keith Meyer Seo Mun ⁰⁴⁴ 801-2477

Rinus Finag Capital Contributions

ANNEXURE "A"

- (a) dat die goedkeuring sal verval in ooreenstemming met die Ordonnansie indien die voorwaardes nie aan voldoen word tot tevredenheid van die Munisipaliteit nie;
- (b) dat die onderverdeling geregistreer moet word binne 5 jaar vanaf datum van hierdie goedkeuring soos bepaal in Artikel 27(1) van die Ordonnansie;
- (c) dat drie (3) kopieë van die goedgekeurde Landmeter-Generaal diagramme ingedien moet word by die Departement: Beplanning en Behuising met die versoek van oordrag van 'n gedeelte;
- (d) dat Gedeelte A nie kleiner as 0.9ha mag wees nie;
- (e) dat Gedeelte B nie kleiner as 0.8ha mag wees nie;
- (f) dat Gedeelte C nie kleiner as 6.00ha mag wees nie;
- (g) dat die Restant nie kleiner as 25.00ha mag wees nie;
- (h) dat die sonerings van die gedeeltes as volg sal wees:

Gedeelte A	Sakesone V (beperk tot 'n diensstasie, uitgesluit motorverkope en -herstelwerk)
Gedeelte B	Landbousone I met Vergunningsgebruik vir toeristefasiliteite (restaurant, mini-bierbrouery, museum, markstalletjies en geskenkwinkel met 'n afwyking vir 'n plaasskuurteater)
Gedeelte C	Residensiële Sone V (beperk tot 'n hotel) en Sakesone III (beperk tot 'n vergaderplek en plek van vermaaklikheid tot 'n maksimum oppervlakte van 0.0888ha)
Restant	Landbousone I

- (i) dat die voorwaardes opgelê deur die Departement van Omgewingsake en Ontwikkelingsbeplanning (Provinsiale Regering: Wes-Kaap) gedateer 2 Augustus 2005 (gewysig 27 November 2006) aan voldoen word (afskrif aangeheg). Hierdie skrywes sluit die voorwaardes van die Distrikspadengenieur gedateer 11 April 2003 in.
- (j) dat die voorwaardes opgelê ("ROD") deur die Departement van Omgewingsake en Ontwikkelingsbeplanning (Provinsiale Regering: Wes-Kaap) gedateer 24 Maart 2005 in terme van Omgewingsbewaringswet 1989 (Wet 73 van 1989) aan voldoen word;
- (k) dat die voorwaardes opgelê deur die Direkoraat: Siviele en Tegniese Dienste (George Munisipaliteit) aan voldoen word, naamlik (oorspronklik in Engels):

1. Capital contributions are payable by the developer for each new equivalent portion created as per standard tariffs for George, applicable on transfer of a portion or the submission of building plans, whichever occurs first.
2. An additional amount of R 850-00 (excl VAT) is payable, per incident, should any road surface need to be repaired during the provision of a municipal connection. This amount is subject to annual escalation.

3. All civil services -internal, link and relocation of or upgrades to existing, access servitudes - are to be designed by a registered consulting engineer in accordance with "The Guidelines for Human Settlement Planning and Design" (Red Book) and Council specifications. All drawings and plans are to be submitted to the Department: Civil Engineering Services (hard copy and electronically) for approval prior to any construction work taking place. All work is to be carried out under the supervision of the consulting engineer who is to provide the Department: Civil Engineering Services with a certificate on completion, and as-built plans in electronic format. All costs will be for the developer..
4. Any, and all, costs directly related to the development remain the developers' responsibility.
5. The Department: Civil Engineering Services will provide additional comment once a specific development application for each portion is submitted

(l) dat die voorwaardes soos opgelê deur die Departement: Elektrotegniese Dienste (George Munisipaliteit) aan voldoen word, naamlik (oorspronklik in Engels):

1. All electrical services –internal, link and relocation of or upgrades to existing network – are to be designed by a registered consulting engineer in accordance with Council specifications. All drawings and plans are to be submitted to the Department: Electrotechnical Services (hard copy and electronically) for approval prior to any construction work taking place. All work is to be carried out under the supervision of the consulting engineer who is to provide the Department: Electrotechnical Services with a certificate on completion, and as-built plans in electronic format. All costs will be for the developer.
2. Capital contributions are payable by the applicant for electricity for each equivalent portion created as per standard tariffs applicable at the time of transfer or submission of building plans, whichever occurs first. The total amount payable will be determined by the Department: Electrotechnical Services and will be subject of annual adjustments. These capital contributions will be fully addressed in a Services Agreement between the Developer and George Municipality.
3. Any, and all, costs directly related to the development remain the developer's responsibility.
4. The Department: Electrotechnical Services reserves the right to impose additional conditions once a more detailed development proposal is submitted.

(m) dat volledige bouplanne ingedien en goedgekeur word alvorens enige bou aktiwiteite in aanvang neem;

- (n) dat die toeristefasiliteite van die voorgestelde Gedeelte B saam met die vulstasie op die voorgestelde Gedeelte A gebou word as een fase;
- (o) dat 'n esteties aanvaarbare heining/muur langs die grens van Gedeeltes A en B langs Grootpad 2/9 en lang die grens van Gedeeltes A en C langs Hoofpad 347 gelyktydig met die ontwikkeling van die gedeeltes opgerig word.
- (p) 'n Terreinontwikkelingsplan op 'n skaal soos bepaal deur die Munisipaliteit wat die inligting hieronder aantoon, sal ingedien word vir goedkeuring deur die Munisipaliteit alvorens enige konstruksiewerk begin op die grondeenhede gesoneer as Sakesone V, Residensiële Sone V, Sakesone III en Landbousone I met vergunningsgebruik vir toeristefasiliteite;
- (q) Die volgende moet aangetoon word op die terreinontwikkelingsplan:
 - (i) 'n Bylae wat die sonering van elke grondeenheid aantoon met die beperkings ten opsigte van dekking, hoogte, vloeroppervlakte en ook parkeervereistes van toepassing op elke grondeenheid;
 - (ii) Erfgrense en afmetings;
 - (iii) Alle toepaslike serwitute;
 - (iv) Boubeperringsareas;
 - (v) Aansluitingspunte vir dienste;
 - (vi) Kontoere met een (1) m intervalle;
 - (vii) Alle bestaande terreineienskappe soos bome, bestaande geboue, ens.
 - (viii) Alle ontwikkeling en terreineienskappe op aangrensende eiendomme;
 - (ix) Hoogte en plasing van alle voorgestelde geboue;
 - (x) Gemeenskaplike oopruimtes, landskapperingspatrone en privaat oopruimtes;
 - (xi) Toegang na en van die grondeenheid, interne paaie en parkeerareas;
 - (xii) Buite afwerkings van alle voorgestelde geboue en strukture;
 - (xiii) Voorsiening vir vullisverwydering;
 - (xiv) Aansigte, snitdiagramme en perspektiefsketse vir die voorgestelde gedeeltes;
 - (xv) Voorgestelde omheining van eiendomsgrense;
 - (xvi) Voorgestelde onderverdelingslyne;
- (r) Met die evaluering van die terreinontwikkelingsplan mag die Munisipaliteit stadsbeplanningsvereistes neerlê indien nodig, bv. parkeervereistes.

ONDERVERDELING VAN GWAYANG 208/60, AFDELING GEORGE

1. Die ontwikkelaar is verantwoordelik vir die voorsiening van die dienste aan alle erwe wat uit hierdie onderverdeling mag voortspruit. Sodanige dienste moet verskaf word ooreenkomstig die bepalings vervat in die handleiding opgestel deur die Departement van Gemeenskapsbou en getitel "Guidelines for the Provision of Engineering Services in Residential Townships" soos gewysig van tyd tot tyd.
 2. Voordat daar met die installering van dienste 'n aanvang geneem word, moet 'n ooreenkoms in verband met die finansiering, installering en standaard daarvan met die Munisipaliteit aangegaan word en in hierdie verband sal die verdeling van koste geskied volgens aanbevelings vervat in die verslag van die Kommissie van Onderzoek na Dorpstigting en Verwante Aangeleenthede (Die Venter Kommissie).
-

**AANSOEK INGEVOLGE ARTIKEL 24 VAN
ORDONNANSTIE 15 VAN 1985**

Aansoek word gedoen om die volgende:

Onderverdeling van Heas Gwawang 208/60, geleë in die
Munisipaliteit en Administratiewe Distrik George, Provinsie Wes
Kaap, as volg.

Gedeelte	Oppervlakte	Bestemde sonering
Gedeelte A	± 0.98 Ha	SAKESONE V
Gedeelte B	± 0.81 Ha	vergoedingsgebouk vir toeristefasiliteite
Gedeelte C	± 6.00 Ha	Residensieel V, Sakesone III en vergoedingsgebouk vir toeristefasiliteite
Resstant	± 25.5065 Ha	Landbou
Totaal	31.2985 Ha	

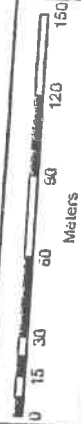
Notas

1. Alle reuses is nieëres en of behouding
2. Die posisie van die grenslyne is bevestig en moet deur opmeting geverifieer word
3. Herontwerp en toetsing van vergoedingsgebouke met reuses pleesgevoind – sien skrywes van Departement van Omgewingsake en Ontwikkelingsbeplanning gedateer 2 Augustus 2005 en 27 November 2006
4. n. Servituut reg van weg a - b sal oor Gedeelte C ten gunste van Gedeelte A gevestig word.
5. n. Servituut reg van weg a - b - c sal oor Gedeelte C en A ten gunste van Gedeelte B gevestig word.

Eiendoms.	Gedeelte 60 van die Heas Gwawang 208
Besker.	Heas & Kuches Inv 25 (Pty) Ltd
Transparksite	Te612/1560
Oppervlakte	31.2985 ha

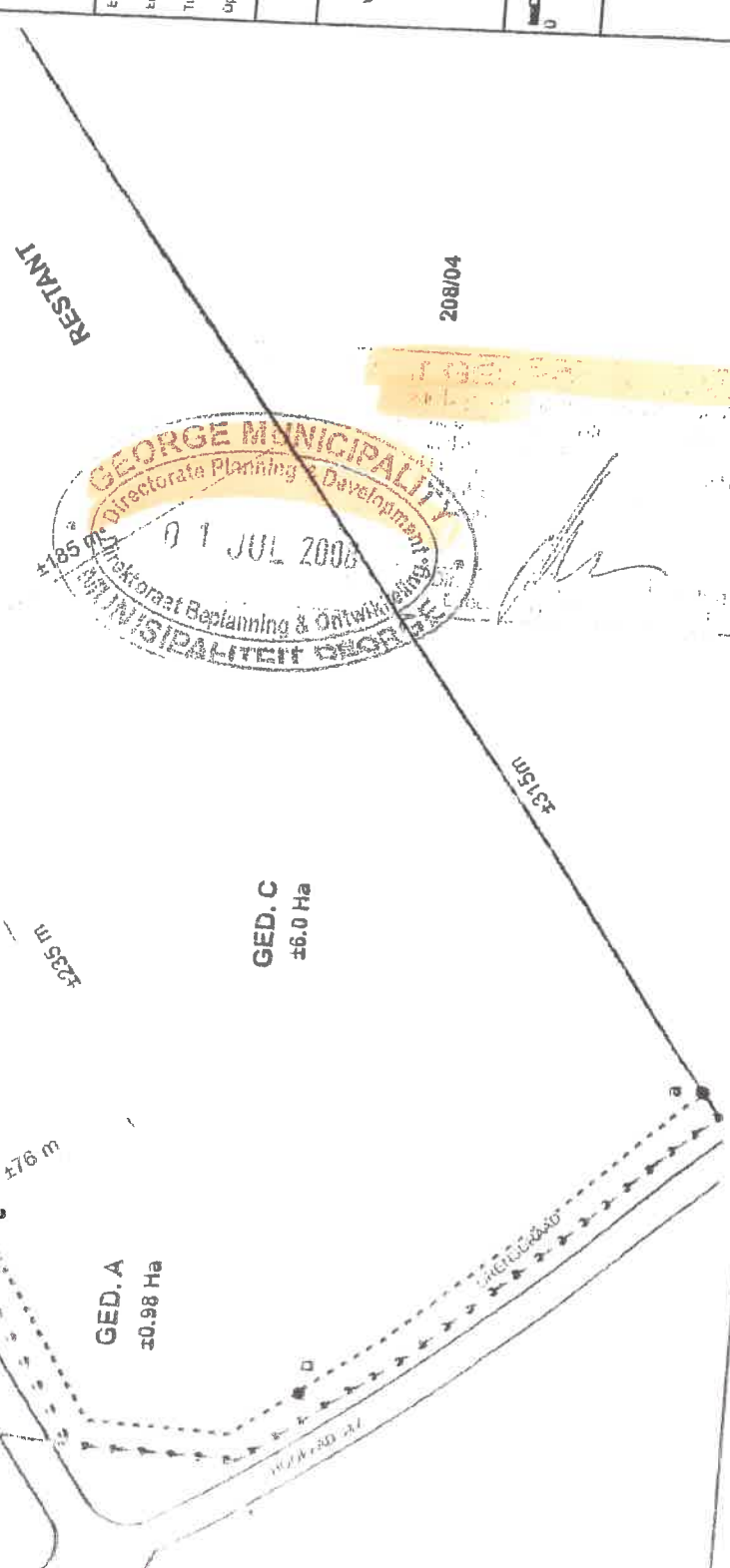
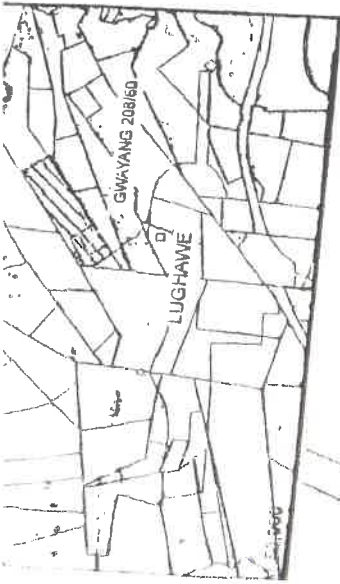
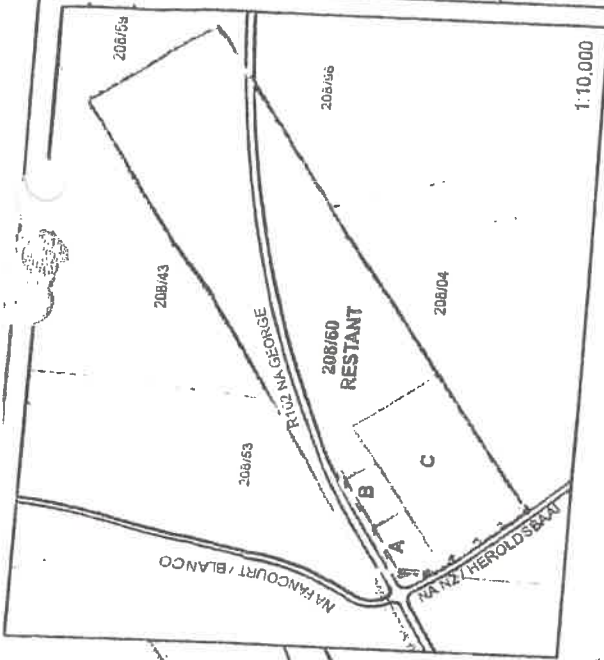
**VOORGESTELDE ONDERVERDELING VAN GEDEELTE 60
VAN PLAAZ GWAWANG 208**

MUNISIPALE GESEED VAN GEORGE



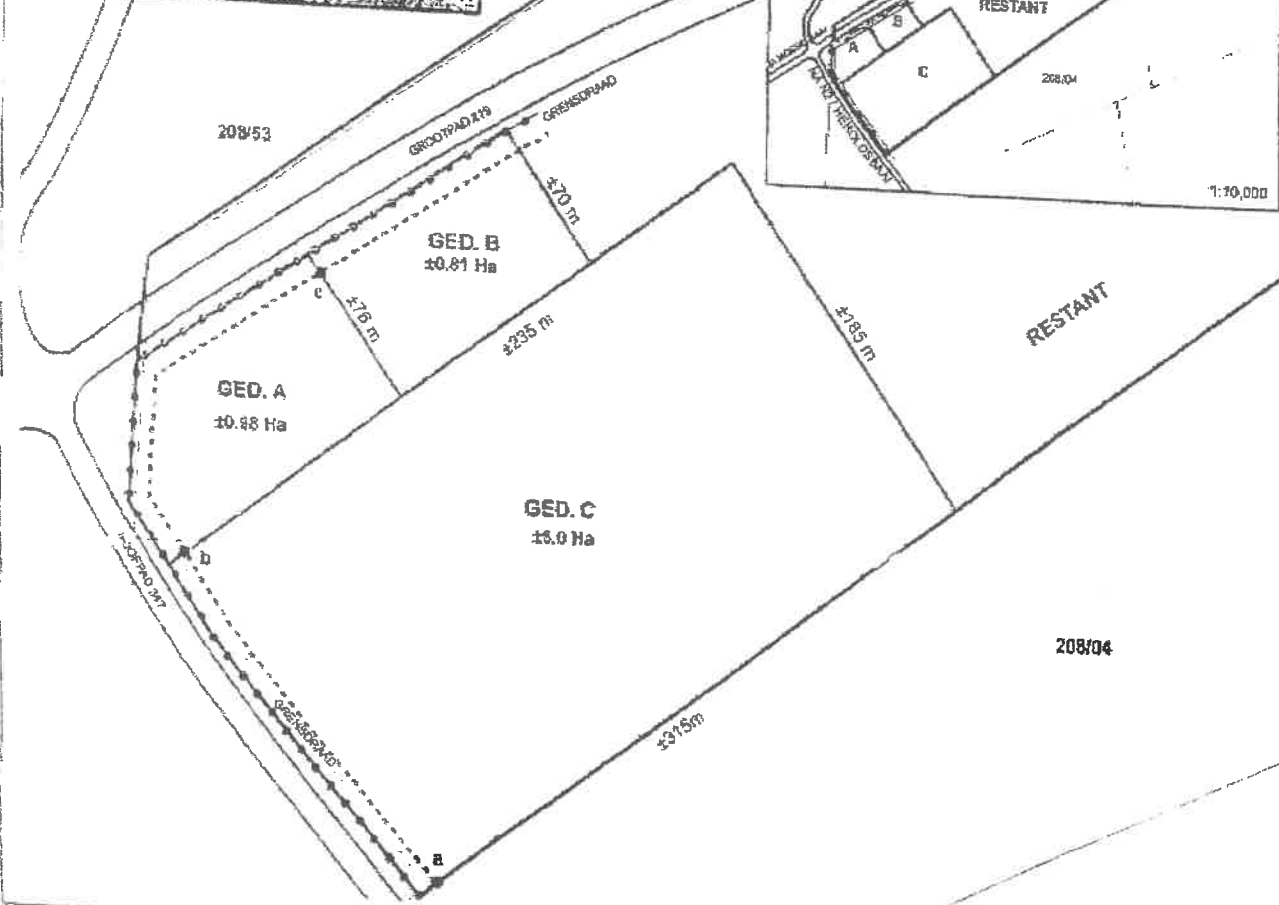
Plan No: Gwaw 60 Sub 1.2
DATUM: APR 2007
SKAAL (A3) 1:2,000

WM DE KOCK
ASSOCIATED / ASSOCIATE
PLANNING ARCHITECTS
35 MAURITZ AVENUE, GEORGE, WEST CAPE PROVINCE



GEORGE MUNICIPALITY
Directorate Planning & Development
01 JUL 2006
MUNISIPALITEIT GEORGE

[Handwritten signature]



KANISOEK INGEVOLGE ARTIKEL 24 VAN ORDONNANSIE 15 VAN 1985

Aansoek vir 'n gedeelte van die volgende:
 Ontwikkeling van Plaas Gwayang 208/60, geleë in die Munisipale en Administratiewe Ooslik George, Winkels Waaier, as volg:

Gedeelte	Oppervlakte	Bestemde nuttegebruik
Gedeelte A	± 10.88 ha	Winkels Waaier
Gedeelte B	± 0.81 ha	Verreinskapsgebied vir koeie (Winkels)
Gedeelte C	± 8.00 ha	Residentiese, Kulturele, en Verreinskapsgebied vir skape (Winkels)
Resiant	± 25.565 ha	Landbou
Totaal	± 31.288 ha	

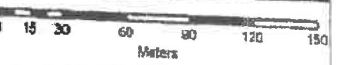
Nota:


1. Alle matas & matrasse is by Benewering
2. Die posisies van die grenslyne is beskryf en moet deur opdrag gevestig word
3. Herontwikkeling en toestand van verpakkingsgebiede het reeds plaasgevind - sien skryweel van Departement van Oorseehandel en Handelingsbeplanning gedateer 7 Augustus 2005 en 27 November 2005
4. 'n Servituut reg van weg a - b sal oor Gedeelte C tot gunste van Gedeelte A oorgedraar word.
5. 'n Servituut reg van weg a - b - c sal oor Gedeelte C tot gunste van Gedeelte B oorgedraar word.


Eksterne: Gedeelte 60 van die Plaas Gwayang 208
 Eienaar: Raza & Siches (Pty) Ltd
 Transportkoers: 156 827/156 0
 Oppervlakte: ± 8 3995 ha

VOORRETELING OORSKOEDING VAN GEDELTES 60 VAN PLAAS GWAYANG 208

MUNISIPALE GEBOED VAN GEORGE




Plan No: Gway 60 Sub 1.2
DATUM: APR 2007
SKAAL (A3): 1:2,000


W M de KOCK ASSOCIATED ENGINEERS
 1000 MAYANG ZWAM GEORGE
 044729053

MAPPING BY VFM AFRICA (Pty) Ltd

1/11-2009 03:21 FROM: JOD STEYN

044729053

71:0866892938

P. 3

16 OCT 2007
[Signature]

Mets	RIETINGS HOEK		KOORDINATIE Stelsel: WGS 84		G B No 5539 / 2007 Goedgekeur
	Konstantes		Y	X	
AB	318.41	234.16.20	A	+ 57132,82	+ 63539,87
BC	185.57	119.49.20	B	+ 56874,13	+ 63353,94
CD	320.70	54.16.40	C	+ 56754,41	+ 63495,72
DE	148.90	138.40.00	D	+ 57014,77	+ 63682,96
EA	36.87	148.03.00	E	+ 57113,11	+ 63571,15
IR 125	(GED 12)		Δ	+ 56899,73	+ 60921,64
IR 127	(GED 14)		Δ	+ 59635,81	+ 64646,01

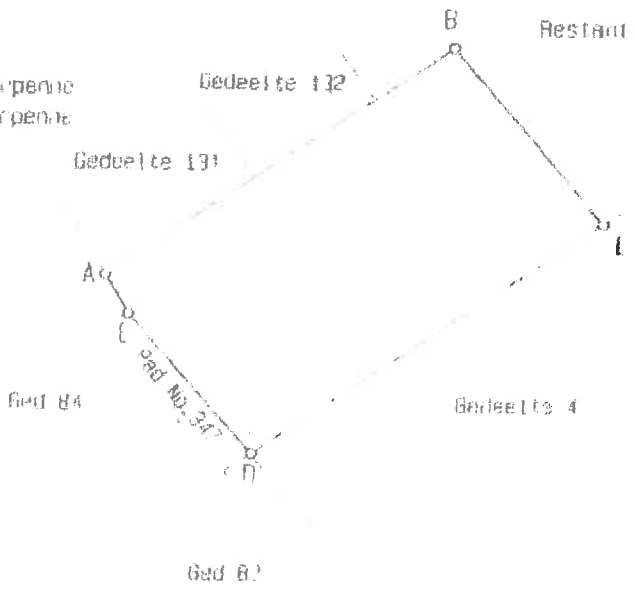
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 nms.
 LANDMETER GENLHAAL
 2007 10 15

Serwituut Nota

Die lyn EA stel voor die Suid Westelike grens van n serwituut reg van weg 10 meter wys spes aandagtoon

Bakenbeekrywings

- A, B, C 15mm Ysterpenne
- D, E 20mm Ysterpenne



Skaal 1:5000

Die figuur ARDE

stel voor ~~2956~~ hektaar

grond synde

Gedeelte 130 (n Gedeelte van Gedeelte 131 van die Plaas GWAYANG No 208

Geleë in die Munisipaleiteit en Administratiewe Distrik George

Provinsie Wes-Kaap

Opgeleë in

Augustus 2007 deur *[Signature]*

Landmeter

nr. 5

nr. 6

nr. 7

nr. 8

Postadres: ...

Bakenbeekrywings...
 W. 2007/1310
 1967

Landmeter
 George 2007 V 3
 RS No. E 2380/2007
 11/11

LEI 00270000

FARM 208 (n 5600a)

THIS PORTION IS SUBJECT TO
 CONDITIONS REFERRED TO IN
 SECT. 11 (8) OF ACT 21/1997.

GOEDGEKEUR KRASIGENS ART 4
 VAN WET 70/1970
 VERWYSING 4/1997
 TOUW 2007-06-06

GOEDGEKEUR KRASIGENS ART 24
 VAN WET 19/1988
 VERWYSING 5/1997
 TOUW 2007-07-06



**Western Cape
Government**

Environmental Affairs and
Development Planning

**MINISTRY OF LOCAL GOVERNMENT,
ENVIRONMENTAL AFFAIRS AND
DEVELOPMENT PLANNING**

M 3/6/5

Mr W J J van Heerden
Dynarc Capital (Pty) Ltd
P.O. Box 7148
BLANCO
6531

Tel: (044) 804 0250
Fax: (086) 661 3633
Email: willie@dynarc.co.za

Dear Mr van Heerden

AMENDMENT OF THE AMENDED APPEAL RECORD OF DECISION FOR THE ESTABLISHMENT OF A HOTEL, THEATRE, RESTAURANT, OTHER TOURIST FACILITIES, A SERVICE STATION AND A SMALL RESERVOIR ON PORTION 60 OF THE FARM GWAYANG 208, GEORGE

The application for the amendment of the amended Appeal Record of Decision ("RoD") in the above regard refers.

By virtue of the powers conferred on me by the National Environmental Management Act, 1998 (Act 107 of 1998), the Environmental Impact Assessment ("EIA") Regulations (Government Notice No. R. 982 in Government Gazette No. 38282 of December 2014), I have decided to amend the details of the applicant for the Amended Appeal RoD, which was amended on 26 January 2007 to read as follows:

"Dynarc Capital (Pty) Ltd

Reg.No: 2003/018697/07

Contact: W.J.J. Van Heerden

Address: Fancourt Business Chambers, Fancourt Golf Estate, Montagu Road, BLANCO, 6529

Postal Address: P.O. Box 7148, BLANCO, 6531

Telephone: (044) 804 0250

Fax: (086) 661 3633"

The reasons for this decision are as follows:-

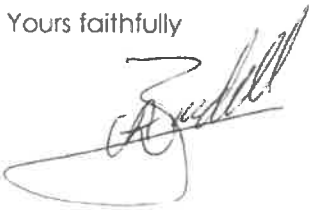
- i. The change of ownership or transfer of rights and obligations are required due to a change of ownership

from Mr J Steyn to Dynarc Capital (Pty) Ltd.

- ii. The granting of the proposed amendment of the RoD is not likely to adversely affect the environment or the rights or interests of other parties.
- iii. No new negative impacts will result due to this amendment application being granted as the amendment only relates to the change in ownership of the holder of the decision.

Your interest in the future of our environment is appreciated.

Yours faithfully



ANTON BREDELL
PROVINCIAL MINISTER OF LOCAL GOVERNMENT,
ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE: 24/3/2017



Land Management
(Region 3)

REFERENCE: 16/3/1/6/6/D2/19/0209/13
ENQUIRIES: Nicholas Keams
DATE OF ISSUE: 2014-01-20

The Municipal Manager
George Municipality
PO Box 19
GEORGE
6530

Attention: Mr. C. Petersen

Tel: (044) 801 9375
Fax: 086 529 9923

Dear Sir

RE: APPLICATION FOR EXTENSION OF APPROVAL: GWAYANG 208/60, DIVISION GEORGE

1. The abovementioned document dated 21 October 2013 refers.
2. Please be informed that this Department has confirmed in previous correspondence that the Environmental Authorisation dated 04 April 2005 (attached) remains valid as the applicant has already commenced with the activities authorised.
3. The Department reserves the right to revise its initial comments and request further information from you based on any new or revised information received.

Yours faithfully

HEAD OF DEPARTMENT

Copy: Ms Merissa Arries

Fax: 086 570 1900

REFERENCE: 16/3/3/1/D2/19/0012/20
ENQUIRIES: Shireen Pullen
DATE OF ISSUE: **04 MAY 2021**

The Municipal Manager
George Municipality
PO Box 19
GEORGE
6530

Attention: Mr. L. Daniels/Ms. L. Mooiman

Tel: (044) 801 9111
Email: ldaniels@george.gov.za
lc mooiman@george.gov.za

Dear Sir/Madam

APPLICATION FOR ENVIRONMENTAL AUTHORISATION (EA) IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: PROPOSED UPGRADING AND WIDENING OF THE R404 AND THE CONSTRUCTION OF A NEW MUNICIPAL SERVICE ACCESS ROAD, GEORGE

ENVIRONMENTAL AUTHORISATION

With reference to your application for the abovementioned, find below the outcome with respect to this application.

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the preferred alternative, described in the Basic Assessment Report ("BAR") received by this Department on 15 December 2020.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Municipal Manager
George Municipality
% Mr. L. Daniels
PO Box 19
GEORGE
6530

Tel: (044) 801 9111
Email: ldaniels@george.gov.za

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "**the holder**".

B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
<p>Listing Notice 1</p> <p><i>Activity Number: 19</i> <i>Activity Description</i> The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse; but excluding where such infilling, depositing, dredging, excavation, removal or moving— (a) will occur behind a development setback; (b) is for maintenance purposes undertaken in accordance with a maintenance management plan; (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies; (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or (e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 apply</p>	<p>The proposal will require earthworks within a watercourse or in close proximity of a watercourse for the extension of the existing culvert underneath the R404 within the watercourse.</p>

Activity Number: 56

Activity Description

The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre—

(i) where the existing reserve is wider than 13,5 meters; or

(ii) where no reserve exists, where the existing road is wider than 8 metres; excluding where widening or lengthening occur inside urban areas.

Listing Notice 3

Activity Number: 12

Activity Description

The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.

a. Western Cape

- i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;
- ii. Within critical biodiversity areas identified in bioregional plans;
- iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line or even in urban areas;
- iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or
- v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development

The existing road (R404) will be widened. Depending on the mitigation alternative selected, the intersection may be widened by more than 6m.

In accordance to NBA Original and Remaining extent of threatened ecosystems (based on 2018 data) the proposed project area is mapped as falling within an endangered ecosystem (Garden Route Granite Fynbos) and as such clearance of vegetation will be required. The areas are however all transformed agricultural lands

Framework adopted by the MEC or Minister	
--	--

The abovementioned list is hereinafter referred to as **“the listed activities”**.

The holder is herein authorised to undertake the following alternative that includes the listed activity as it relates to the development and the development footprint area:

The proposal entails the clearance of more than 300m² of endangered garden route granite fynbos vegetation, as well as the infilling and dredging of a watercourse in order to upgrade the R404. The intersection of the R404 and R102 requires upgrade to either a circle OR a signalised intersection. This EA is for either option A or B:

- Option A: 25m Road Reserve & Roundabout at R404/R102 intersection;
- Option B: 32m Road Reserve widened to each side & Signal at R404/R102 intersection

The entrances to the airport from the R404 will be upgraded to traffic circles. The upgrade of the R404 (Class 3 Road) between the R102 and the main airport entrance will increase to the preferred road reserve of a minimum of 32m to allow for the intersection upgrade (circle or signals) and a duel carriageway with a proposed sidewalk of 2m wide.

The proposal also includes the construction of a new municipal road from the airport entrance traffic circle to provide equitable municipal services and vehicular access to farm portions RE/60/208 (131/208 & 130/208 & 132/208), 4/208 and 139/208.

This EA will be implemented in accordance with the Site Development Plan attached to this EA as Annexure 2.

C. SITE DESCRIPTION AND LOCATION

The site description and location basically represents the existing provincial road (R404) within the existing road reserve (road reserve will need to be widened to meet the required standards). The listed activities will be undertaken on the preferred site for the construction of the new municipal services access road to farm Portions RE/60/208 (131/208 & 130/208 & 132/208), 139/208 and 4/208 which are located along the boundary between farm Portions RE/60/208 (131/208 & 130/208 & 132/208) and 4/208 to provide equitable access to the relevant portions.

Coordinates:

Description / Point	Latitude (S)	Longitude (E)
Starting Point	33° 59' 47.224" South	22° 22' 50.984" East
Middle Point	33° 59' 55.984" South	22° 22' 47.999" East
End Point	34° 0' 3.539" South	22° 23' 9.657" East

The SG digit code2
C02700000000020800068
C02700000000020800131
C02700000000020800132
C02700000000020800000
C02700000000020800060
C02700000000020800139
C02700000000020800004
C02700000000020800034
C02700000000020800037
C02700000000020800078
C02700000000020800082
C02700000000020800083
C02700000000020800084
C02700000000020800053

Refer to Annexure 1: Locality Plan

The above is hereinafter referred to as “**the site**”.

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

The Director
 HillLand Environmental
 % Ms. C. Avierinos
 PO Box 590
GEORGE
 6530

Tel: 044 889 0229
 Email: cathy@hilland.co.za

E. CONDITIONS OF AUTHORISATION

Scope and Validity Period of authorisation

1. This Environmental Authorisation is granted for the period from date of issue until **28 April 2031**, the date on which all the listed activities, including post construction rehabilitation and monitoring requirements will be deemed to be concluded at the site.

Further to the above, the Environmental Authorisation is subject to the following:

- 1.1. The Holder must start with the physical implementation and exceed the threshold of all the authorised listed activities on the site by 28 April 2026.
- 1.2. The post construction rehabilitation and monitoring requirements must be finalised at the site within a period of 6-months from the date the construction activities (construction phase) are concluded; but by no later than 31 October 2031.

Note: The post-construction rehabilitation and monitoring requirements should be completed at least six (6) months prior to expiry of the validity period of an environmental authorisation to ensure the Holder is able to comply with the environmental auditing requirements in time.

Failing which, this Environmental Authorisation shall lapse, unless the environmental authorisation is amended in accordance with the relevant process contemplated in the Environmental Impact Assessment Regulations promulgated under the National Environmental Management Act, 1998 (Act no. 107 of 1998).

2. The Holder is authorised to undertake the listed activities specified in Section B above in accordance with the Preferred Alternative described in the FBAR received by this Department. The authorised activities will be executed on the site as described in Section C above in accordance with the development footprint depicted in Annexure 2 of this Environmental Authorisation.

The preferred alternative entails the clearance of more than 300m² of endangered garden route granite fynbos vegetation, as well as the infilling and dredging of a watercourse in order to upgrade the R404. The intersection of the R404 and R102 requires upgrade to either a circle OR a signalised intersection. This EA is for either option A or B:

- ***Option A: 25m Road Reserve & Roundabout at R404/R102 intersection;***
- ***Option B: 32m Road Reserve widened to each side & Signal at R404/R102 intersection***

The entrances to the airport from the R404 will be upgraded to a traffic circle. The upgrade of the R404 (Class 3 road) between the R102 and main airport entrance will increase to the preferred road reserve of a minimum of 32m to allow for the intersection upgrade (circle or signals) and a duel carriageway with a proposed sidewalk of 2m wide.

The proposal also includes the construction of a new municipal road from the airport entrance traffic circle to provide equitable municipal services and vehicular access to farm portions RE/60/208 (131/208 & 130/208 & 132/208), 4/208 and 139/208.

This EA will be implemented in accordance with the Site Development Plans attached to this EA as Annexures 2.1 and 2.2.

3. This Environmental Authorisation may only be implemented in accordance with an approved Environmental Management Programme ("EMP").
4. The Holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the Holder.
5. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority, before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the Holder to apply for further authorisation in terms of the applicable legislation.

Notification and administration of appeal

6. The Holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 6.1. notify all registered Interested and Affected Parties ("I&APs") of –
 - (a) the decision reached on the application;
 - (b) the reasons for the decision as included in Annexure 3;
 - (c) the date of the decision; and
 - (d) the date when the decision was issued.
 - 6.2. draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section G below;
 - 6.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 6.4. provide the registered I&APs with the:
 - (a) name of the Holder (entity) of this Environmental Authorisation,
 - (b) name of the responsible person for this Environmental Authorisation,
 - (c) postal address of the Holder,
 - (d) telephonic and fax details of the Holder,
 - (e) e-mail address, if any, of the Holder,
 - (f) contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations (as amended).
 - 6.5. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs of this decision.
 - 6.6. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

Written notice to the Competent Authority

7. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of any activities.
 - 7.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 7.2. The notice must also include proof of compliance with the following conditions described herein: **Conditions: 4, 6, 9, 10, 11 and 23.**
8. Seven calendar days' notice, in writing, must be given to the Competent Authority on completion of the construction activities.

Management of activity

9. The Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation must be amended and re-submitted for approval, subject to the following requirements:

- 9.1. The EMPr must be amended to incorporate the following —
- (a) Environmental Control Officer (“ECO”) compliance reports must be submitted monthly to this Department’s Regional Office for attention the Directorate Development Management (Region 3).
 - (b) Incorporate all the conditions contained in this Environmental Authorisation; The section dealing with the management and demarcation of the No-Go area’s (including the open space areas) must clearly state how the areas will be demarcated, prior to any earthworks / commencement of construction; and
 - (c) Incorporate an alien invasive vegetation clearing plan.
- 9.2. The amended EMPr must be submitted to the Competent Authority and be approved, prior to construction activities commencing on the site.

Note: The revised EMPr should be submitted to the Competent Authority at least 90-days, prior to the construction activities commencing on site to ensure the competent authority is able to process / review the revised EMPr, prior to the intended date of commencement.

10. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

11. The Holder must appoint a suitably experienced ECO for the duration of the construction and rehabilitation phases.
12. The ECO must—
- 12.1. be appointed prior to commencement of any works (i.e. site clearance; removal and movement of soil and / or rubble or construction activities commencing);
 - 12.2. ensure compliance with the EMPr and the mitigation measures contained herein;
 - 12.3. keep record of all activities on the site; problems identified; transgressions noted, and a task schedule of tasks undertaken by the ECO;
 - 12.4. remain employed until all development activities are concluded, and the post construction rehabilitation and monitoring requirements are finalised.
13. A copy of the Environmental Authorisation, EMPr, any independent assessments of financial provision for rehabilitation and environmental liability, closure plans, audit reports and compliance monitoring reports must be kept at the site of the authorised activities and be made available to anyone on request, and where the Holder has a website, such documents must be made available on such platform where it is publicly accessible.
14. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

15. The Holder must, for the period during which the environmental authorisation and EMPr remain valid ensure that compliance with the conditions of the environmental authorisation and the EMPr is audited;
16. The frequency of auditing of compliance with the conditions of the environmental authorisation and of compliance with the EMPr, must adhere to the following programme:
 - 16.1. During the period which the activities have been commenced with on site has been completed on site, the Holder must undertake annual environmental audit(s) and submit the Environmental Audit Report(s) to the Competent Authority.

A final Environmental Audit Report must be submitted to the Competent Authority within **three (3)** months of completion of the construction phase the post construction rehabilitation and monitoring requirements thereof.

Note: The final auditing requirements should be completed at least three months prior to the expiry of the validity period of the environmental authorisation (i.e. by no later than 31 January 2031) to ensure that the Holder is able to comply with all the environmental auditing and reporting requirements and for the competent authority to be able to process it timeously.

17. The Environmental Audit Report(s), must –
 - 17.1. be prepared and submitted to the Competent Authority, by an independent person with the relevant environmental auditing expertise. Such person may not be the ECO or EAP who conducted the EIA process;
 - 17.2. provide verifiable findings, in a structured and systematic manner, on–
 - (a) the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and
 - (b) the ability of the measures contained in the EMPr to sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
 - 17.3. identify and assess any new impacts and risks as a result of undertaking the activity;
 - 17.4. evaluate the effectiveness of the EMPr;
 - 17.5. identify shortcomings in the EMPr;
 - 17.6. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 17.7. indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
 - 17.8. include a photographic record of the site applicable to the audit; and
 - 17.9. be informed by the ECO reports.

18. The Holder must, within 7 calendar days of the submission of the audit report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

19. No stormwater may be discharged from the development surface area directly into the nearby watercourse.
20. The culvert extension must be constructed during a dry period or time to avoid periods of high rainfall when there is minimal or no flow, to reduce the chances of erosion and sedimentation downstream.
21. Provision must be made to partially divert the stream in the event of a storm event during installation of the culvert extension (this includes earthworks required to prepare the stream bed to an appropriate level prior to the bedding of the culvert extension) for road expansion to the west of the R404:
- A temporary holding dam should be placed upstream of the construction area to prevent water flowing through the construction area and into the existing culvert. Clean water, upstream of the dam should be diverted by means of a temporary pipe through the construction area and into the existing culvert.
 - For road expansion to the east of the R404: A temporary pipe should be fitted to the culvert outlet to divert water through the construction area and further downstream into the watercourse.
 - A temporary instream check dam should be placed downstream of the existing culvert and the construction area to trap sediment that may pass through the culvert during high rainfall events"
22. Should the row of Yellowwood trees be removed or trimmed, the relevant permit must be obtained from the Forestry Section of the Department of Forestry, Fisheries and the Environment (DEFF).
23. A search and rescue operation for indigenous plants must be done prior to commencement of construction activities.
24. Active alien invasive plant control measures must be implemented to prevent the invasion of exotic and alien invasive vegetation within the disturbed areas (including culvert areas).
25. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a landfill licensed in terms of the applicable legislation.
26. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains may only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant Heritage Resources Authority.

Heritage remains include: meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; shipwrecks; and/or graves or unmarked human burials including grave goods and/or associated burial material.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the Holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.

Amendment of Environmental Authorisation and EMPr

2. If the Holder does not start with all listed activities and exceed the threshold of each listed activity within the period referred to in Section E, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the relevant Competent Authority.

If the Holder wishes to extend a validity period specified in the Environmental Authorisation, an application for amendment in this regard must be made to the relevant Competent Authority, prior to the expiry date of such a period.

Note:

- (a) Failure to lodge an application for amendment prior to the expiry of the validity period of the Environmental Authorisation will result in the lapsing of the Environmental Authorisation.
 - (b) It is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity if the competent authority has not granted an Environmental Authorisation for the undertaking of the activity.
3. The Holder is required to notify the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated.

In assessing whether to amend or correct the EA, the Competent Authority may request information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the Holder to apply for further authorisation in terms of the applicable legislation.

The onus is on the Holder to verify whether such changes to the environmental authorisation must be approved in writing by the relevant competent authority prior to the implementation thereof.

Note: An environmental authorisation may be amended or replaced without following a procedural requirement contained in the Regulations if the purpose is to correct an error and the correction does not change the rights and duties of any person materially

4. The manner and frequency for updating the EMPr is as follows:
 - (a) Any further amendments to the EMPr, other than those mentioned above, must be approved in writing by the relevant competent authority.
 - (b) An application for amendment to the EMPr must be submitted to the Competent Authority if any amendments are to be made to the impact management outcomes of the EMPr. Such amendment(s) may only be implemented once the amended EMPr has been approved by the competent authority.

The onus is however on the Holder to confirm the legislative process requirements for the above scenarios at that time.
5. Where an amendment to the impact management outcomes of an EMPr is required before an environmental audit is required in terms of the environmental authorisation, an EMPr may be amended on application by the Holder of the environmental authorisation.

Compliance with Environmental Authorisation and EMPr

6. Non-compliance with a condition of this environmental authorisation or EMPr is an offence in terms of Section 49A(1)(c) of the National Environmental Management Act, 1998 (Act no. 107 of 1998, as amended).
7. This Environmental Authorisation is granted for a set period from date of issue, during which period all the listed activities must be commenced with and concluded, including the post-construction rehabilitation; monitoring requirements and environmental auditing requirements which must be concluded.

The validity period and conditions of the environmental authorisation has been structured to promote the effective administration of the environmental authorisation and guidance has been provided to ensure the compliance thereof within the validity period, for example:

- ❖ Failure to submit the revised EMPr to the Competent Authority at least 90-days prior to the construction activities commencing on site, may result in the competent authority not being able to process / review the revised EMPr prior to the intended date of commencement.
 - ❖ Failure to complete the post construction rehabilitation and monitoring requirements at least six months prior to expiry of the validity period of an environmental authorisation may result in the Holder not being able to comply with the environmental auditing requirements in time.
 - ❖ Failure to complete the auditing requirements at least three months prior to expiry of the validity period of the environmental authorisation may result in the Holder not being able to comply with all the environmental auditing and reporting requirements and may result in the competent authority not being able to process the audit timeously.
8. This Environmental Authorisation is subject to compliance with all the peremptory conditions (i.e. 4, 6, 9, 10, 11 and 23.). Failure to comply with all the peremptory conditions prior to the physical implementation of the activities (including site preparation) will render the entire EA null and void. Such physical activities shall be regarded to fall outside the scope of the Environmental Authorisation and shall be viewed as an offence in terms of Section 49A(1)(a) of NEMA.

9. In the event that the Environmental Authorisation should lapse, it is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity, unless the competent authority has granted an Environmental Authorisation for the undertaking of the activity.
10. Offences in terms of the NEMA and the Environmental Impact Assessment Regulations, 2014, will render the offender liable for criminal prosecution.

G. APPEALS

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the Appeal Administrator at the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs
and Development Planning

Private Bag X9186

CAPE TOWN

8000

By facsimile: (021) 483 4174; or

By hand: Appeal Administrator

Attention: Mr Marius Venter (Tel: 021 483 3721)

Room 809

8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the Appeal Administrator at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the Holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully

MR. GAVIN BENJAMIN

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION3)

DATE OF DECISION: **04 MAY 2021**

CC:

Ms. Cathy Avierinos
Ms. Lindsay Mooiman
Ms. Inge Delpont

EAP (HilLand Environmental)
George Municipality
HilLand Environmental

Email: cathy@hilland.co.za
Email: lcmooimaN@george.gov.za
Email: environmental2@hilland.co.za

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER: 16/3/3/1/D2/19/0012/20

NEAS REFERENCE: WCP/EIA/0000784/2020

ANNEXURE 1: LOCALITY MAP

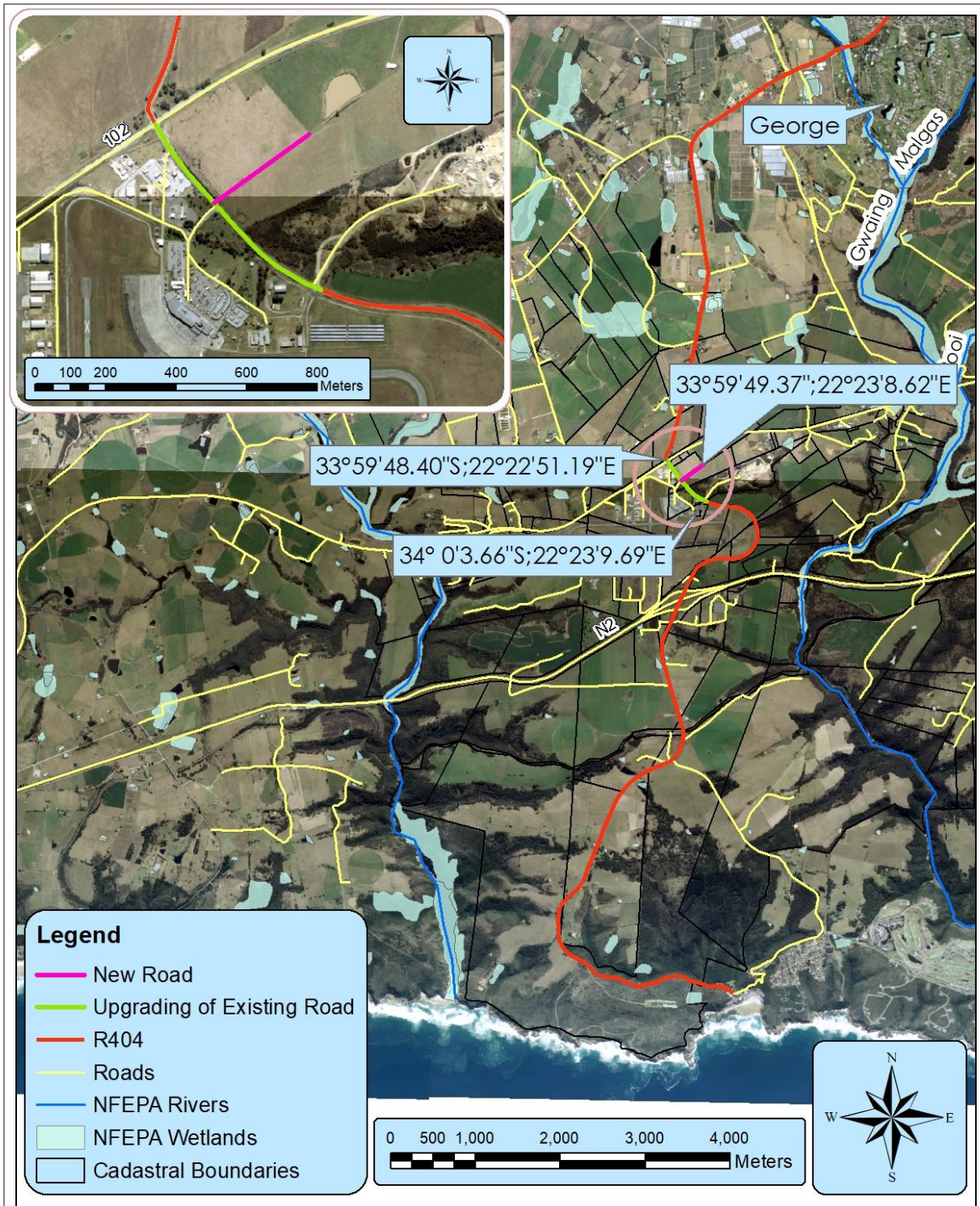


Figure 1: Locality Map of R404, George, Western Cape

Date: 23 October 2019
 Drawn By: S. Delpoit
 Project no.: 1037

Image & Cadastral data: Surveyor Genral 2016
 George Airport prevailing wind direction: ESE
 NFEPA Data SANBI 2011
 Scale: 1:40,000

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ANNEXURE 2.1: SITE DEVELOPMENT PLAN FOR OPTION A

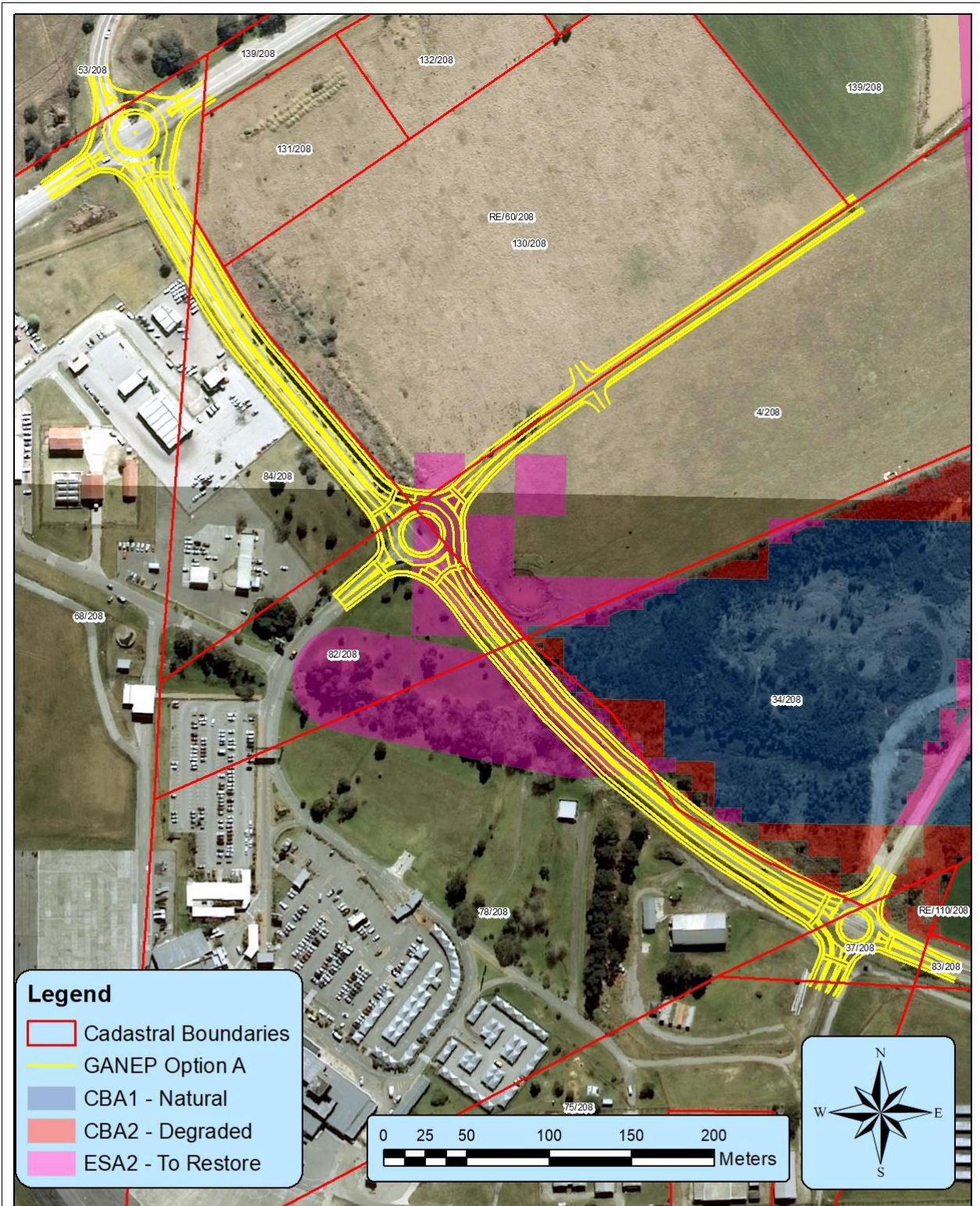


Figure 1b: GANEP Option A near R404, George, Western Cape

Date: 14 February 2020
 Drawn By: S. Delpont
 Project no.: 1037

Image & Cadastral data: Surveyor Genral 2016
 NFEPa Data SANBI 2011
 CBA Data - SANBI WCBSP 2017
 SDP - ITS 2019



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ANNEXURE 2.2: SITE DEVELOPMENT PLAN FOR OPTION B

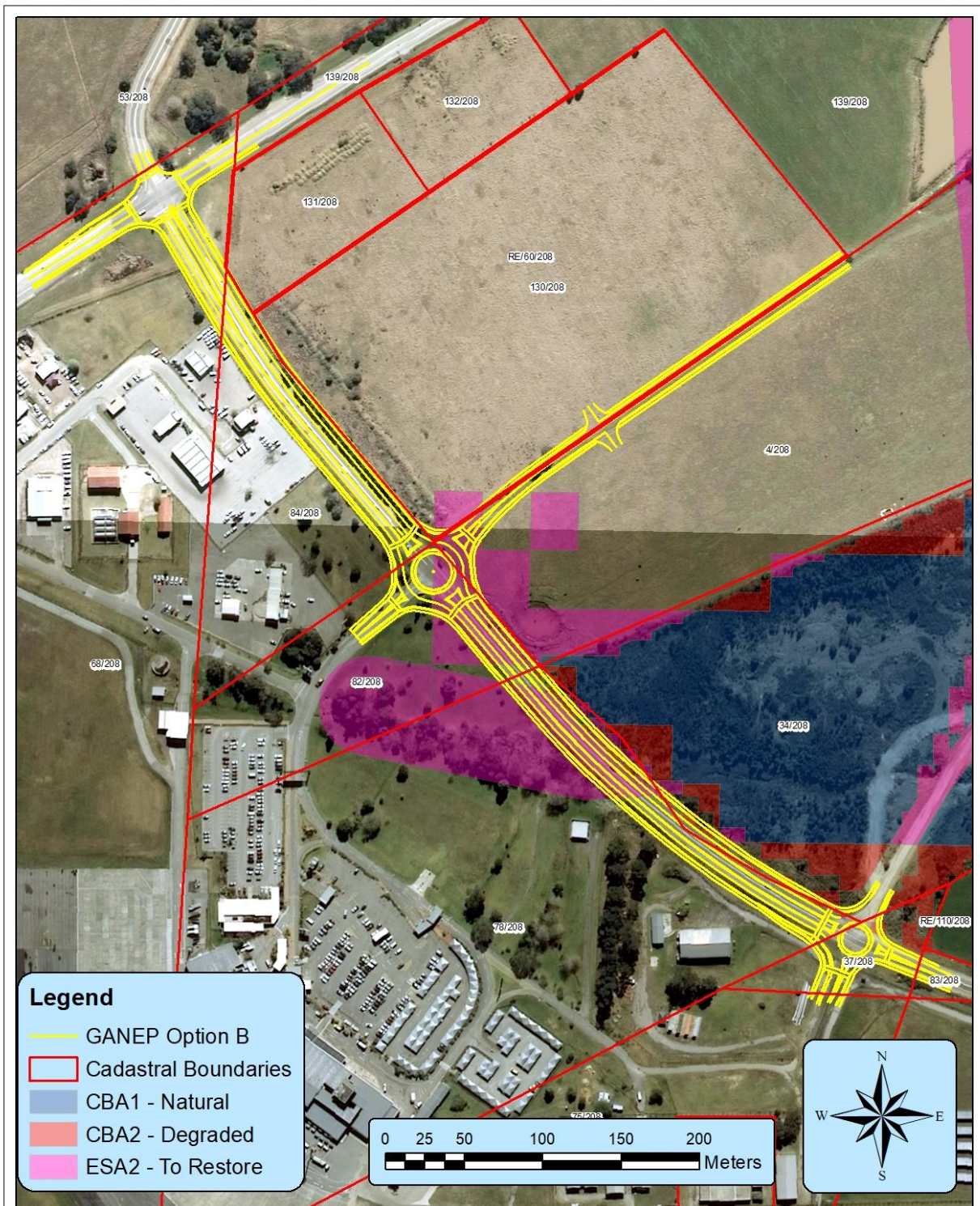


Figure 1b: GANEP Option B near R404, George, Western Cape

Date: 14 February 2020
 Drawn By: S. Delpoit
 Project no.: 1037

ANNEXURE 2.3: SITE DEVELOPMENT PLAN FOR ACCESS ALTERNATIVE OVER PORTION 4 AND THE PREFERRED EQUITABLE ACCESS

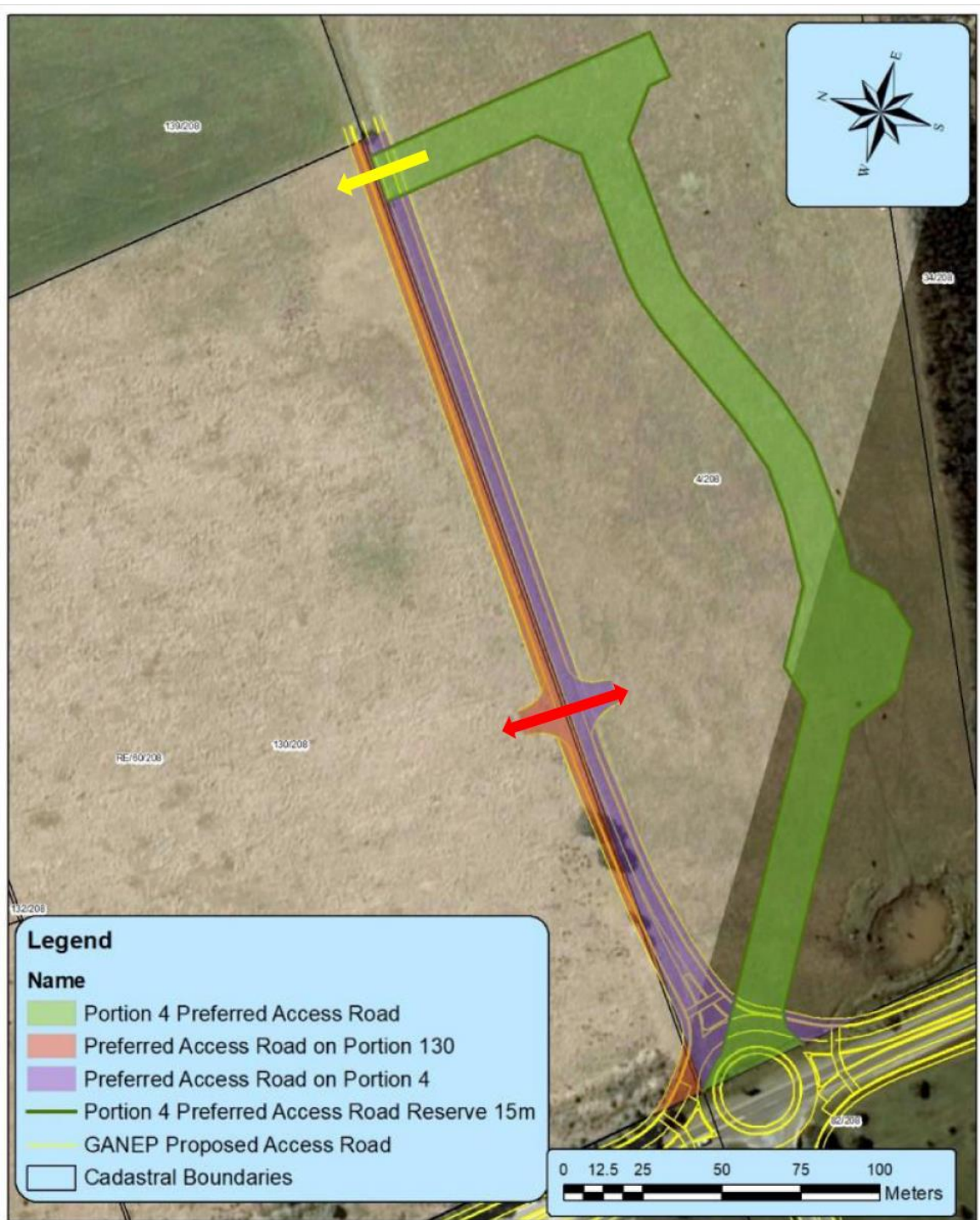


Figure 1d: New Municipal Services Access Road Comparison

Date: 14 February 2020
 Drawn By: S. Delpoit
 Project no.: 1037

Image & Cadastral data: Surveyor Genral 2016
 NFEPA Data SANBI 2011
 CBA Data - SANBI WCBSP 2017
 SDP - ITS 2019



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The proposed alternative at portion 4 (in green to the required municipal road reserve width) and the preferred alternative (pink and blue) which follows the common property boundary.

ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, *inter alia*, the following:

- a) The information contained in the Application Form received on 16 September 2020, the Final Basic Assessment Report (FBAR) and EMPr submitted together with the FBAR on 15 December 2020;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from interested and affected parties (I&APs) and responses to these, included in the FBAR received by this Department on 15 November 2020; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

In addition to the above, the Department had enough information at its disposal to understand the environmental and spatial context and the case officer is also familiar with the site and surrounding area. All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

1. Public Participation

A sufficient public participation process was undertaken, and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulation 2014 for public involvement. The public participation process included:

- Identification of and engagement with I&APs including organs of state which have jurisdiction in respect of the activity to which the application relates;
- Fixing a notice board at the 17 February 2020;
- Giving written notice to the owners and occupiers of land adjacent to the site and any alternative site where the listed activities are to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 11 February 2020;
- The placing of a newspaper advertisement in the 'George Herald' in 19 December 2019;
- The pre-application BAR was made available from 18 February 2020 – 20 March 2020; and
- The draft BAR was made available from 08 October 2020 - 09 November 2020.

The following Organs of State provided comment on the proposal:

- ❖ *Breede Gouritz Catchment Management Agency (BGCMA)*
- ❖ *CapeNature*
- ❖ *Heritage Western Cape*
- ❖ *George Municipality*
- ❖ *Garden Route Municipality*
- ❖ *Department of Agriculture Fisheries and Forestry*
- ❖ *Department of Agriculture*
- ❖ *The Department of Transport and Public Works*

This Department requested consultation with the BGCMA due to the watercourse and existing culvert and BGCMA indicated that a Fresh Water Risk assessment was required for the proposed extension of the culvert in the watercourse. The aquatic specialist indicated that the risks associated with the widening of the stormwater culver has a low impact and therefore, a General Authorisation is applicable to the proposal. A GA has been issued on the 4th of September 2020.

Provincial Roads (Public Works) have indicated that they prefer a signalised intersection at the R404/R102 intersection, while the George Municipality prefers a circle at the intersection between R102 and R404. To address this, the Environmental Authorisation was written to implement either a signal or a circle at the R404/R102 intersection.

HWC indicated that an NID would need to be submitted to confirm whether any other specialist studies would be required. A Heritage NID has been submitted on the 5th November 2019 and HWC indicated in a letter dated 10 February 2020 that no further action under Section 38 of the National Heritage Resources Act is required.

DAFF requested a site visit on the 17th February 2020 in order to determine the impact on the planted Protected Yellowwood trees and indicated in summary that “for the interest of the protected trees Forestry supports Option C and Option E (where the trees would be retained). However, none of the landowners are willing to expropriate portions of their land in order to protect the trees. Forestry indicated their support for option B, “but only if there are no other alternatives to protect the lane of Yellowwood trees).”

Cape Nature has indicated in their comments on the Draft BAR that they do not object to the proposal and are satisfied that the issues regarding how the proposed construction could impact CBA were addressed within the Aquatic Specialist report. Further recommendation and comments made by CapeNature are addressed in the Public Participation Report.

The Department of Agriculture confirmed that they have no objection to the proposed Project and that no additional studies were required.

The owners of Farm 208/4 objected to the proposal based on a commercial interest conflict between them and the owners of Farm 208/131 (both want to construct a fuel station) with respect to the airport support zone and specifically access to a future fuel station. The owners of Farm 208/4 suggested an alternative access. However, their alternative was considered in the process but rejected as it does not provide equitable access. All the comments and issues raised by I&APs and respective Organs of State that were captured in the Basic Assessment Report were responded to by the EAP.

2. Alternatives

The assessment process considered six alternatives to the upgrade of the R404 as well as the intersection of the R404 and R102 to either a circle OR a signalised intersection. The entrances to the airport from the R404 will be upgraded to traffic circles. The upgrade of the R404 (Class 3 road) between the R102 and main airport entrance will increase to the preferred road reserve of a minimum of 32m to allow for the intersection upgrade (circle or signals) and a duel carriageway with a proposed sidewalk of 2m wide.

Preferred alternative (Option A or B)

The preferred alternative entails the clearance of more than 300m² of endangered garden route granite fynbos vegetation as well as the infilling and dredging of a watercourse in order to upgrade the R404. The intersection of the R404 and R102 requires upgrade to either a circle OR a signalised intersection. This EA is for either option A or B:

- Option A: 25m Road Reserve & Roundabout at R404/R102 intersection;
- Option B: 32m Road Reserve widened to each side & Signal at R404/R102 intersection

Option C

This alternative entails the upgrade of the R404 and the intersection of the R404 and R102 with a 35m Road Reserve widening to the West and Signal at R404/R102 intersection. This alternative was not preferred as it requires excessive expropriation.

Option D

This alternative entails the upgrade of the R404 and the intersection of the R404 and R102 by a 33m Road Reserve widening to West and a roundabout at R404/R102 intersection. This alternative was not preferred as it requires excessive expropriation.

Option E

This alternative entails the upgrade of the R404 and the intersection of the R404 and R102 with a 37m Road Reserve widening to the East and Signal at R404/R102 intersection. This alternative was not preferred as it requires excessive expropriation.

Option F

This alternative entails the upgrade of the R404 and the intersection of the R404 and R102 by a 37m Road Reserve widening to the East & Roundabout at R404/R102 intersection. This alternative was not preferred as it requires excessive expropriation.

Alternative access road to the airport support zone

This alternative entails a different access road to the Airport Support Zone as proposed by the owners and applicant of Portion 4/208. This alternative will result in all traffic first passing through Portion 4 before allowing access to any other property in the proposed airport support zone, while the preferred alternative provides equitable access directly opposite each other to portion 4 and portion 130. In terms of the municipal mandate to provide equitable access, the preferred alternative provides direct access to both competing landowners directly opposite each other and off the airport circle and equally divides the land that will need to be expropriated. The alternative on Portion 4 was therefore considered, but rejected because it does not provide equitable access to all affected properties.

"No-Go" Alternative

This alternative entails no upgrade of the R404 or the R102/R404 intersection. This is not the applicant's preferred alternative as the intersection of the R102/R404 is currently not safe. The proposed development will address this issue by providing for a safer intersection between the R404 and R102, as well as widening the R404 and providing safer access into and out of the Airport and the New Airport Support Zone. It will also result in no unlocking of economic growth and employment opportunities around the airport precinct.

3. Impact Assessment and Mitigation Measures

3.1 Planning

- ❖ *The Western Cape Spatial Development Framework (PSDF)*

PSDF which call for investing in new regional economic infrastructure to unlock the potential of the emerging George/Mossel Bay node. The PSDF focuses on implementing and improving public transport and in order to achieve this current infrastructure (roads) needs to be properly maintained and upgraded to suitable standards which the proposed project will address by improving and upgrading of the current road infrastructure. The proposed development is therefore in line with both these principles.

The BAR states that one of the challenges the PSDF takes on is the restructuring of regions and settlements to offer the benefits to all and therefore the proposed project contributes as it represents an integrated transport and land use planning proactive intervention, instead of an uncoordinated transport system and land use planning that are more of a curative intervention. The proposed development entails equitable access which will benefit the broader society with new municipal services access road located on the boundary between farm portions. This is one of the objectives highlighted in the PSDF, as biodiversity protection which is described as "Optimise the use of existing resources including such resources relating to agriculture, land, minerals, bulk infrastructure, roads, transportation and social facilities".

The EAP further states in the BAR that the project is in line with the Space-Economy of the PSDF to connect the regional economic infrastructure in that the proposed new services access to the airport support zone will allow for the development of the airport support zone. Amongst others this could support local agricultural industry to support import and export trade. This Department agrees with this statement as the proposed development will not only support economic growth but will also increase safety at the R404/R102 intersection.

❖ *George Spatial Development Framework (MSDF)*

Strategic Goal 1: Develop and Grow George

The BAR submits that the proposed development will assist in creating and facilitating an enabling environment for economic development in George. It will also contribute to ensuring the development of participatory, practically implementable economic development and business retention and expansion strategies.

Policy A of the theme of "Infrastructure that invests in people and their socio-economic mobility and resilience."

The BAR submits that the proposed development is in line with this policy as it provides vehicular and municipal services access to the Airport Support Area that is supportive of the airports functionality and convenience of its users. The proposed project is in line with Policy A in terms of maintaining, expanding and improving the basic service delivery and infrastructure maintenance.

Policy F of the MSDF: Direct public and private fixed investment to existing settlements reinforcing their economic development potential. In this way, the impact of public and private investment is maximised, the majority of residents benefit, and the Municipality's natural and productive landscapes are protected"

According to the BAR the widening and addition of a roundabout/signalised intersection to accommodate the increased traffic anticipated for the development of the identified airport support area as identified in, will add to the medium to long term growth of the city by reinforcing the existing accessibility and infrastructure network, it also minimises the impact on the natural landscape by having construction remain largely within the existing road reserve.

The BAR further states that the construction of the new municipal services access road will also have a minimal impact on the natural landscape and agricultural resources since the proposed road is aligned to be on the boundary between Farm Portion RE/60/208 (131/208 & 130/208 & 132/208) and 4/208 and considering that the area is set aside for development in terms of the airport support area, for which approval is in place or in the process of obtaining approval.

Policy F2 of the MSDF “Direct the medium to long term growth of the George city area, when necessary, contiguous to the existing urban footprint in a manner that reinforces existing accessibility and infrastructure networks and minimises impact on natural landscapes and agricultural resources”.

Development of the George Airport precinct is supported in so far as it relates to the development of uses ancillary to the airport's operations and should not include activities already well catered for in the built footprint of the George urban area. An airport support area is identified in this MSDF. Tourism and commercial uses of a rural nature are supported in keeping with the rural landscape along the road connecting the airport to the George city area, as set out in more detail in the Gwayang LSDF.

This project is in line with Policy F2 of the MSDF as it proposes to provide the primary access (vehicular and services) to the airport support area (George Airport precinct).

The proposed new municipal services access road is set to provide equitable access to the properties in this airport support zone. Some of these properties already have development rights or are in the process of obtaining approval.

❖ *Gwayang Local Spatial Development Framework (GLSDF)*

Section 9.3 of the Gwayang LSDF supports tourism that contributes to the convenience and experience of tourists visiting the area – “Properties around the airport are also suitably located to accommodate cargo and freight services. The development and detailed land use and infrastructure planning for this area should ideally be managed through an integrated development plan in order to co-ordinate the land uses.” The proposed project is therefore supported by the Gwayang LSDF in that it provides for the equitable municipal services and vehicular access necessary to develop the airport support area. The proposed municipal services access road therefore forms part of the George municipality's strategic planning process to ensure that any potential planning process with regards to the airport support zone (and requiring equitable access off of R404) is dealt with swiftly as and when it is needed.

The Gwayang LSDF also elaborates on the up-and-coming Agri-tourism industry. It is therefore also important to note that the node at the airport is to create a functional link between these tourism industries, the rural areas and the city of George via the air and road link. Additional pressure will be added to this road system (and the unsafe intersections between R404 and R102) as these Agri-tourism industries expands.

3.2 Activity need and desirability

The BAR submits that the current R404/R102 intersection is a known dangerous intersection and the proposal alternatives seek to improve this situation. There is a current need for the upgrade as it will provide for a safer intersection between the R404 and R102, as well as widening the R404 and safer access into and out of the Airport and the New Airport Support Zone.

3.3 Freshwater

According to the BAR a section of the R404 planned to be widened, traverses a non-perennial stream which currently flows through an existing culvert beneath the road. The culvert will need to be extended in order to accommodate the widened road. The stream is not categorised as a Freshwater Ecosystem Priority Area and originates immediately to the east of the George Airport, runs beneath the R404 and eventually discharges into the Gwaing River.

The freshwater specialist also states that the watercourse is of low ecological importance and sensitivity. This is primarily due to the fact that the watercourse is a minor, first order, highly intermittent stream, with a poorly defined channel and very low diversity of instream habitat which provides very marginal habitat for aquatic and other biota. In light thereof, this Department is of the opinion that the watercourse is not ecologically sensitive and that the proposed development will have a low negative impact on the watercourse. A General Authorisation was issued on 4 September 2020.

3.4 Yellow wood trees

According to the BSAR there is a row of planted protected Yellow wood trees that are located adjacent to the gravel shoulder on the eastern side of the R404. Several mitigation measures were investigated to try and retain these trees. The mitigation was primarily focussed on avoiding impacts to a row of yellowwood trees that line the eastern verge of the road, north of the main access road into the airport. However, these mitigation alternatives were rejected by the Department of Transport and Public Works due to the requirement of excessive expropriation of private land, which is not desirable. Therefore, the row of protected yellowwood trees will be removed/relocated to fit in the future dual carriageway. New yellowwood trees will be planted in the new design.

3.5 Stormwater

All stormwater flow will be incorporated in the design of the widening of the road and directed to the natural flow pathways as is currently the case.

3.6 Biodiversity

The site consists of a mixture of agricultural land and existing roads. The new road is proposed along a boundary fence of these agricultural pastures. According to the BAR there are no intact vegetation ecosystems along the proposed route and no sensitive species are located along the proposed routes, except for the row of protected yellowwood trees. The EAP further submits that the presence of any specimens of *Erica unicolor*, *Diosma passerinoides*, or *Lampranthus pauciflorus* is highly unlikely as the area is historically transformed for agriculture and roads. As per the EMPr, a search and rescue operation for indigenous plants should be done, prior to commencement of construction. Cape Nature has confirmed that the project is acceptable and will not impact on Biodiversity aspects. In terms of NBA remaining extent mapping, the area for the proposed expansion of the R404 and the new municipal services road is transformed agricultural land and does not support the Endangered Garden Route Granite Fynbos.

3.7 Biophysical Impacts

According to the BAR impacts are anticipated from the preferred alternative on the biophysical environment. The BAR however states that the expected impact is considered to fall within the acceptable levels. Further to this, the construction phase of the proposed development will involve earthworks for the installation of services, construction of internal roads, retirement units and the frail care centre. The BAR further submits that vegetation clearing will expose the soil, which could potentially result in soil erosion. According to the

BAR these activities will increase storm water runoff and potential sedimentation. The BAR submits that the potential risks and impacts associated with the construction can be mitigated to acceptable levels through the effective implementation of the EMPr and strict compliance with the conditions of this authorisation. This Department concurs with these findings.

4. Scope and Validity Period of Authorisation

This environmental authorisation does not define specific operational aspects. The applicant has indicated that the construction activities (non-operational aspects) should be completed within a period of 10 years. The environmental authorisation's validity period has been granted for a period of ten years (10) years, during which period the construction activities must commence and be concluded, including the post-construction rehabilitation and monitoring, and submission of the final environmental audit. In light of the proposed implementation programme, the monitoring and post-construction rehabilitation can be adequately incorporated in the construction phase. The Holder is required to substantially implement the proposal within a period of 5-years after the environmental authorisation is issued. Where the activity has been commenced with, the EIA Regulations, 2014 allow that (upon application) the period for which the environmental authorisation is granted may be extended for a further period of 5-years.

5. National Environmental Management Act Principles

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

6. Conclusion

After consideration of the information and factors listed above, the Department made the following determination:

- (a) The identification and assessment of impacts were adequately described in the FBAR dated 17 August 2020 and the key identified issues and impacts have been addressed and assessed adequately.
- (b) The procedure that was followed to conduct the environmental impact assessment was considered to be adequate to inform the decision-making process.
- (c) The mitigation measures proposed in the EMPr for the pre-construction, construction and rehabilitation phase of the proposed development are deemed to be sufficient to avoid and mitigate any potential negative impacts on the receiving environment during the construction phase.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with an approved EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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