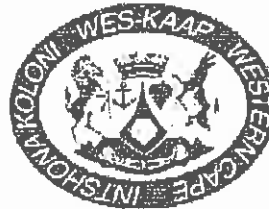


E12/2/1-68-ERF 327 & FARM 696. MALMESBURY



TOINETTE JANSEN VAN VUUREN

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

Of Issue

24/06/2005.

The Chairperson
Proprietary Trust
PO Box 1109
SUN VALLEY
7985

Tel : (021) 782-5028

Fax: (021) 782-5032

Attention: Mr G Rehrl

Dear Sir

APPLICATION: PROPOSED UPGRADE OF THE MALMESBURY MUNICIPAL GOLF COURSE TO CONSTRUCT THE MOUNT ROYAL GOLF AND COUNTRY ESTATE ON ERF 327 AND THE REMAINDER OF THE FARM TWEEFONTEIN NO. 696, MALMESBURY.

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 entails the upgrade of the existing 9-hole golf course into an 18-hole course, with residential (726 units) and commercial/tourism components. The proposed Mount Royal Estate (developed in four (4) phases) totals 162.1 ha of which 30% is earmarked for development; the rest will be left for open space and the golf course.

The development will include:

- (a) Single residential erven
- (b) Group housing stands (density at 20 units/stand)
- (c) General Residential;
- (d) A Guest Lodge;
- (e) A Wellness Center/Country Club;
- (f) The Clubhouse Upgrade;
- (g) A Restaurant;
- (h) Office Space;
- (i) Parking facilities;
- (j) Private Open Space;
- (k) Internal Roads, and
- (l) Infrastructure and services.

This is an activity identified in Schedule 1 of Government Notice No. R1182 of 5 September 1997, as amended, being:

Utilitasgebou, Dorpsstraat 1
Privaatsak X9086, Kaapstad 8000

Utilitas Building, 1 Dorp Street
Private Bag X9086, Cape Town 8000

Tel No:
Fax No:
Ifowuni:
Ifaksi:

(021) 483 2761
(021) 483 4372
tjvuure@pgwc.gov.za

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

Item 2 (c) The change of land use from agricultural or zoned undetermined use or an equivalent zoning to any other land use.

hereinafter referred to as "the activity".

B. LOCATION:

The proposed development is situated next to and will incorporate the existing golf course, on Erf 327 (Commonage) and on the remainder of the Farm Tweefontein No 696, Malmesbury.

Co-ordinates: Latitude: 33° 27' 00" South
Longitude: 18° 43' 00" East

hereinafter referred to as "the property/site".

C. APPLICANT:

Proprop Trust
c/o G Rehrl
PO Box 1109
SUNVALLEY
7985

Tel: (021) 782-5028
Fax: (021) 782-5032

D. CONSULTANT:

EnviroAfrica
c/o B de Witt
PO Box 5367
HELDERBERG
7135

Tel: (021) 855-5333
Fax: (021) 855-5338

E. SITE VISIT(S):

Date: 11 March 2004

Persons Present: Mr P Hardcastle and Mr A Mohamed of the Department of Environmental Affairs & Development Planning ("DEA&DP") and B de Witt (EnviroAfrica).

Date: 09 September 2004

Persons Present: Ms T Jansen van Vuuren of the Department of Environmental Affairs & Development Planning ("DEA&DP") and B de Witt (EnviroAfrica).

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Date: 01 February 2005

Persons Present: Mr A Barnes, Mr P Hardcastle and Ms T Jansen van Vuuren of the Department of Environmental Affairs & Development Planning ("DEA&DP") and B de Witt (EnviroAfrica).

Date: 22 February 2005

Persons Present: Ms T Jansen van Vuuren of the Department of Environmental Affairs & Development Planning ("DEA&DP") and Brett Lawson of Ninham Shand (Independent Review Consultant) and B de Witt (EnviroAfrica).

F. DECISION:

In terms of Sections 22 and by virtue of powers delegated by the Minister in terms of Sections 28 & 33 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), the relevant authority (as defined in GN No R1183 of 5 September 1997, as amended), hereby grants authorisation with the conditions contained in this Record of Decision, for the execution of the activity described above.

This Authorisation has been granted in terms of section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) solely for the purposes of undertaking the activity referred to above, and does not exempt the holder thereof from compliance with any other relevant legislation.

G. CONDITIONS OF AUTHORISATION:

1. The activity, including site preparation, may not commence before the statutory thirty (30) day appeal period expires. In the case of an appeal being submitted to the competent authority the effect of this Record of Decision ("ROD") will be suspended until such time as the appeal is decided.
2. One week's notice, in writing, must be given to the Directorate: Integrated Environmental Management (Region B), (hereinafter referred to as "this Directorate"), before commencement of construction activities.
 - 2.1. Such notice shall make clear reference to the site location details and reference number given above.
 - 2.2. The said notice must also include proof of compliance with the following conditions described herein:

Conditions: 1
3. A Home Owner's Association (HOA) with a Constitution, which incorporates the conditions of this ROD, must be established, and will be responsible for all matters regarding the estate (excluding the Golf Course) as stated in this ROD. The HOA must play an advisory role to this Directorate and the Local Authority reviewing future detailed development proposals to ensure that they comply with the conditions of this authorisation. Secondly, the HOA must play an advisory role in environmental management of the area during the entire construction phase for the whole development and thereafter. The HOA must be established within two months of the date of issue of this authorisation.
4. The management body for the Golf Course will be responsible for the ongoing management of the golf course as stipulated in this ROD and in accordance with an operational phase environmental management program. The applicant will be responsible for the implementation of the construction phase environmental management program for the golf course.

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5. A conservation area must be established in the northern section of the development site in accordance with the area identified by the specialist botanist, and must be rezoned to Open Space III and incorporated as a Contractual Nature Reserve into CapeNature's Stewardship Programme, before construction of any of the dwellings of Phase III commences.
 6. As stipulated by the applicant, a Renosterveld Management ~~Trust~~ Fund must be established and used for the management of conservation areas within the development, as other renosterveld sites within the Swartland Municipal Area. As stipulated by the applicant funds to the amount of R1.5 million are to be deposited into the trust fund before 80% of the Phase II plots have been transferred and before development of houses may take place in Phase III. The trust fund must be used to finance the ongoing management of the conservation area on the site as well as the following other renosterveld areas:
 - 6.1. Erf 4847 Driehoekspad, north-east of the Malmesbury,
 - 6.2. Erf 327 Die Koppie south of the Malmesbury, and
 - 6.3. The Remainder of Farm 1054, west of the N7 and opposite the entrance to Abbotsdale, south-west of Malmesbury
 7. The Renosterveld Management ~~Trust~~ Fund must be administered by a Conservation Organisation with experience in administering trust funds, and should include representatives from CapeNature, the HOA, the applicant, the golf club and the local authority. CapeNature in consultation with the other representatives must compile a document on the management, administration and structure of the Renosterveld Management ~~Trust~~ Fund, for presentation to and adoption by the appropriate Conservation Organisation mentioned above. x
 8. The funds for the management of the conservation area must be provided for in the following manner:
 - 8.1. The minimum amount of funding (annual budget) that is required to manage the conservation areas and implement the OEMP for the first 4 years must be determined and included in the OEMP. This should be re-evaluated when the OEMP is revised every 5 years.
 - 8.2. Up to 10% of the annual budget for the management of the conservation area can be sourced from the Conservation Trust Fund. The rest of the required funds must be generated from levies from the HOA.
 9. As indicated by the applicant, a Public Benefit Fund must be established by the applicant for the following purpose:
 - 9.1. Implementing any public benefit scheme that may be imposed on the development by any current or future organ of state on the development, or
 - 9.2. Training and skills development to equip the unemployed for gainful employment (including empowering local communities to take advantage of the demand created by the development for builders and artisans), or
 - 9.3. Facilitating existing initiatives to eradicate poverty.
- As stipulated by the applicant funds to the amount of R1 million must be deposited into the fund before 80% of the Phase II properties have been transferred. Additional funds amounting to R4 million must be deposited by the developer into the fund before transfer of the last 50 erven/plots can take place. The applicant with representivity from the HOA and the local authority must administer the fund.

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10. The Public Benefit plan/programme compiled by a qualified person in this field and must be submitted to this Directorate for approval within 1 year after construction commenced.
11. The applicant (in consultation with the HOA, and management body of the golf course where the management of the golf course is concerned) must implement an Environmental Management System ("the EMS") for the estate as a whole. The EMS must be based on the best practice approach for such systems and must incorporate the conditions of authorisation given in this Record of Decision as appropriate to the construction and operational phases of the project. It is recommended that ISO14001 be used as a guide for the EMS, although the Directorate does not specifically require that ISO 14001 certification be obtained, as this is voluntary. The EMS must include the following components but is not limited to:
 - 11.1. an environmental policy and objectives/targets;
 - 11.2. the identification and allocation of environmental management responsibilities within the organisation;
 - 11.3. environmental procedures which include but is not limited to:
 - a) construction activities for every phase of the development (construction Environmental Management Programme) pertaining to major services (roads, water sewage and electricity)
 - b) construction activities for the construction of the golf course (including the landscaping of the existing course).
 - c) architectural guidelines for the construction of all buildings (including residential dwellings, built infrastructure related to the golf course and commercial elements).
 - d) operating activities (Operational Environmental Management Programme) which includes, but is not limited to:
 - management of the built environment
 - management of public open space
 - management of landscaped areas
 - management of the golf course
 - management of ecological corridors and conservation areas.
 - e) environmental training of staff, including contractors/service providers both for the construction phase and in relation to ongoing operations
 - f) procedures for communication and reporting on environmental performance.
 - g) corrective action procedure.
12. The EMS must be compiled by and environmental consultant within twelve months after the issuing of this ROD and submitted to this Directorate for approval. Construction Phase Environmental Management Programmes (as elements of the EMS) can however, be submitted and approved within this twelve-month period to enable construction activities to commence.
13. The EMS must be implemented by the HOA and the management body for the golf course. Amendments to the EMS or elements thereof (e.g. one of the Environmental Management Programmes) can be made as part of the continuous improvement of the EMS. However, this Department must approve any amendments that will have detrimental impacts on the environment.

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14. The applicant must appoint an environmental practitioner to compile a Construction Phase Environmental Management Program ("the CEMP"). The EMPs must be endorsed by the Home Owner's Association (HOA) and the management body of the golf course regarding issues pertaining to the golf course, and approved by this Directorate prior to the commencement of any land clearing and construction. The construction EMPs must inter alia contain the following elements:
 - 14.1. An adequate description of the different stages of each construction phase of the development with adequate detail on the various environmental aspects, allocation of resources, responsibilities and time. It is emphasised that this phase include the establishment of major services (roads, water, sewage and electricity), but exclude construction of dwellings of individual erven.
 - 14.2. Address all areas within the development area to be landscaped, other than individual erven.
 - 14.3. Address the landscaping of the new additional nine holes of the golf course, as well as the landscaping of the existing golf course to introduce Indigenous vegetation in areas between the existing fairways and greens.
 - 14.4. Ensure that all landscaping must make use of predominantly indigenous vegetation. No Kikuyu grass must be allowed in private or public gardens that border on the Renosterveld. A list of appropriate plant species to be used in the landscaping must be compiled by a botanical specialist and included into the CEMP. The removal of the existing exotic tree species on the existing golf course must be phased out over a period of 15 years. Exotic trees younger than 5 year must be replaced during the construction phase.
 - 14.5. Ensure that appropriate environmental control measures and procedures are put in place to ensure that adequate environmental protection is exercised during the construction phase (e.g. demarcation and access control into sensitive areas, pollution control measures, plant Search and Rescue measures, treatment of topsoil, penalties, etc.).
 - 14.6. Ensure that these procedures (environmental conditions) are formalised by means of a legal environmental contract ("Environmental Contract") and be included as environmental specifications as part of the tender call documents to contractors.
15. The applicant must appoint a qualified Environment Control Officer, in consultation with this Directorate for the full construction period of the project:
 - 15.1. The Environment Control Officer must oversee the mitigating/rehabilitation measures and recommendations referred to above, and to ensure compliance with the conditions of authorisation and the Environmental Management Programmes for all construction phases;
 - 15.2. the ECO will be responsible to the HOA and the management body of the golf course where issues related to the golf course is concerned. All serious environmental transgressions or incidents causing significant environmental implications must immediately be reported to this Directorate and the relevant local authority. If required, this Directorate will issue instructions to remedy the environmental implications;
 - 15.3. the Environmental Consultant (referred to in par. 12) must determine the role, powers and function of the ECO at the earliest opportunity, but prior to commencement of any construction, for approval by this Directorate.
16. The applicant will be responsible for the implementation of the CEMP and all landscaping and revegetation must be completed within 6 months after the sale of the

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first even in phase 3 of the development. Thereafter the responsibility of management of these areas shall revert to the HOA in accordance with the OEMP for the development, excluding the golf course. The latter will be managed by the entity responsible for the ongoing management of the golf course in accordance with the OEMP for the golf course.

17. The applicant must ensure that an environmental audit be undertaken every six months during the construction phase of the development, and submit the audit report to the HOA and Swartland Municipality for comment. Thereafter the audit reports (including comments) must be submitted to this Directorate for acceptance. Where relevant, this Directorate will issue instructions to the applicant to undertake corrective action based on the audit findings.
18. After the construction phases have been completed, the HOA and management body of the golf course must undertake an environmental audit annually. The members of the HOA and the members of the golf club must be informed of the findings of the audit reports. The audit report must be made available to the public on request. This must include the plan to undertake corrective action based on the audit findings.
19. The operational phase Environmental Management Programme (OEMP), as part of the EMS, must be prepared for the estate (excluding the golf course) by an environmental practitioner in consultation with the HOA and approved by this Directorate, within 12 months after the issuing of this ROD. The operational OEMP must inter alia address the following:
 - 19.1. Management recommendations to identify, manage and address environmental aspects in these areas e.g. water saving, efficient use of energy, eradication of exotic vegetation, rehabilitation of degraded environments (including the riparian ecosystem), monitoring storm water quality entering into aquatic habitats, refuse dumping, fires, access control, etc;
 - 19.2. Ensure public access to the conservation area;
 - 19.3. Outline an organisational structure which clearly identifies and allocates responsible parties for implementing the OEMP. This must clearly outline how budgets are going to be provided and allocated;
 - 19.4. Ensure that locally occurring indigenous plant species are used for re-vegetation/rehabilitation in this area.
 - 19.5. If so required for the effective management and administration of the trust fund for the conservation area, an Environmental Management Plan for the conservation area can be compiled as a separate entity within the OEMP.
20. The operational phase Environmental Management Programme (OEMP) must be prepared for the golf course (similar to OEMP for the estate), by an environmental practitioner in consultation with the management body for the golf course and approved by this Directorate, within 12 months after the issuing of this ROD.
21. This authorisation does not constitute any right to commence site clearance, construction or to occupy the land/sites forming part of this application. These activities can only commence once the following actions have taken place:
 - 21.1. The Environmental Control Officer has been appointed;
 - 21.2. The construction phase Environmental Management Programme for the relevant development phase has been approved;
 - 21.3. The Environmental Contracts have been approved and signed.
 - 21.4. Proof of compliance with this condition must be stated in writing and forwarded to this Directorate one week prior the site clearance.

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22. The applicant must, within five calendar days of the date of issue of this Record of Decision:
- Inform the relevant local authority as well as all interested and affected parties, ("I & AP's") registered during the Scoping and Impact Assessment processes in writing of the outcome of this application and, if requested, provide copies of this Record of Decision within a reasonable time before expiry of the thirty day appeal period;
 - Include in such information the provisions of Regulation 11 of Government Notice No. R 1183 of 5 September 1997, as amended, which reads as follows:
 - (1) An appeal to the Minister or provincial authority under section 35(3) of the Act must be done in writing within 30 days from the date on which the record of decision was issued to the applicant in terms of regulation 10(1);
 - (2) An appeal must set out all the facts as well as the grounds of appeal, and must be accompanied by all relevant documents or copies of them which are certified as true by a commissioner of oaths.
 - Include the date on which the record of decision was issued to the applicant in terms of regulation 10(1) and the date by which appeals must reach the Minister.
 - Inform all I & AP's that a signed and certified Appeal Questionnaire, obtainable from the Minister's office at tel. (021) 483 3915, email jedevill@pgwc.gov.za or URL http://www.capegateway.gov.za/Text/2004/10/eadp_appeal_questionnaire_new.pdf must accompany the appeal.
 - If the applicant should appeal against this Record of Decision, he must inform all interested and affected persons that such an appeal is being lodged with the Minister and if requested, the applicant/appellant must provide those persons with reasonable access to a full copy of the appeal within a reasonable time before expiry of the thirty day appeal period.
23. All the mitigation/rehabilitation measures and recommendations as detailed in the Scoping Report dated 25 October 2004 compiled by B de Witt of EnviroAfrica must be adopted and implemented (Appendix 1), except in instances where conditions in this Record of Decision states different requirements.
24. All the units must be constructed in accordance with and adhere to the document "Mount Royal Architectural Design and Conduct Rules" dated 15 October 2003. This document must be amended to include guidelines (to be compiled by an the applicant in consultation with an environmental consultant) for the construction of any building and development of any property, and must include inter alia:
- ✓ 24.1. The use of appropriate plant species for water-wise gardening.
 - 24.2. The use of water saving devices and technologies (e.g. dual flush toilets, low-flow shower heads and taps, etc.) be implemented in all buildings.
 - 24.3. The use of energy saving devices and technologies be implemented in all buildings.
 - 24.4. These guidelines must be included in the contractual documentation linked to the sale and re-sale of all properties/dwellings.
25. All infrastructure must be situated above the 1:100 year floodline of the river, as well as maintaining a 30m buffer between development and the center of the wetland. A buffer of 15m must be maintained for the drainage lines. Silt traps must be used on all storm

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water point sources entering directly or indirectly into aquatic habitats (i.e. the river, wetland and drainage lines).

26. A buffer strip of at least 15m must be maintained along the N7. A berm (average height of 3m) must be constructed within this buffer and must be landscaped with indigenous vegetation.
27. No water may be abstracted from the Platteklip River.
28. The Golf course must be irrigated with treated effluent that is subject to any conditions that may be set by the Department of Water Affairs and Forestry. No water earmarked for domestic use may be used for irrigation of the golf course. X
29. All Internal services and infrastructure within the Estate must be maintained by the HOA.
30. The property must have a recycling programme with 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. This recycling programme must be submitted to this Directorate for approval. 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).
31. No surface or ground water may be polluted due to any activity on the property/site. The relevant requirements of the National Water Act, 1998 (Act No. 36 of 1998) must be complied with at all times.
32. Should any heritage remains be exposed during excavations for the water main, or related activities, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in terms of the National Heritage Resources Act, 1999 (Act No. 25 of 1999)). Heritage remains uncovered or disturbed during earthworks must not be disturbed until inspected and verified by a professional archaeologist.
33. A reasonable fee structure must be maintained for the golf course to ensure that the upgraded golf course will remain accessible to local golf players. X
34. No building restriction lines along Trunk Road 11/2 (Malmesbury – Moorreesburg) and Main Road 174 (Malmesbury – Klipheuwel) may be encroached. The relevant requirements set by the Department of Transport and Public Works must be adopted and implemented.
35. 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
36. 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.

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37. The owner and/or developer must notify this Directorate and any other relevant authority, in writing, within 24 hours thereof if any condition of this authorisation is not adhered to.
38. 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 property where the proposed activity will take place is located on the north western border of the town of Malmesbury (approximately 1km from Malmesbury's town centre), adjacent to the existing golf course on Erf 327 (a commonage) and on the remainder of Farm 696, which is privately owned. The property is bordered by the N7 (east and south), the Platteklip River (west and south), a drainage channel from the N7 to the Platteklip River (north) and a triangle formed by the N7, Platteklip River and the existing golf course (south). The development consists of three distinct sections namely a northern section comprising of old agricultural fields and the drainage channels, the south eastern section where the existing golf course and clubhouse is located and the south western section comprising of an area situated between the existing golf course and the Platteklip River, containing mostly indigenous vegetation infested with alien vegetation.

The existing Municipal 9-hole golf course will be incorporated into the proposed 18-hole golf course with a residential component, a conservation area and land uses of various zonings. The proposed upgrade will be developed in four phases:

- Phase 1: Privately owned land (±42,96ha) comprising of the security entrance to the site, single residential plots, townhouses, open space and the establishment of the infrastructure of the development, and includes the bulk services, internal services and the ground works for the golf course extension.
- Phase 2: Privately owned land (±53,09ha) comprising of single residential plots, group housing and six (6) of the new holes for the golf course.
- Phase 3: Commonage (±66,05ha) comprises of single residential plots, a general residential plot and the last three (3) holes for the golf course upgrade.
- Phase 4: Privately owned land and commonage (±4,06ha) entails the Clubhouse precinct, which includes the Golf Club House and future extensions, a Guest Lodge, Wellness Centre and Country Club, Office space, business uses, general Residential units and Parking areas. Phase 4 comprises both private land (±3,21ha) and commonage (±0,85ha) on which the original Club House was built.
- The applicant will be establishing a Renosterveld Management Trust Fund to be used for the management of conservation areas within the development, as other renosterveld sites within the Swartland Municipal Area. Furthermore, the applicant will also establish a Public Benefit Fund for the following purpose:
 - implementing any public benefit scheme that may be imposed on the development by any current or future organ of state on the development, or

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- training and skills development to equip the unemployed for gainful employment (including empowering local communities to take advantage of the demand created by the development for builders and artisans), or
- facilitating existing initiatives to eradicate poverty.

All the bulk services for the development will be readily connected to the existing Municipal services and infrastructure. The Swartland Municipality confirmed that adequate capacity (i.e. water, electricity and sewerage) is available for this proposed development to proceed.

The existing Golf course is irrigated with treated effluent and it is envisaged that the expanded golf course will also be irrigated with treated effluent, subject to any conditions that may be set by the Department of Water Affairs and Forestry.

The northern section of the site was still actively used for agricultural purposes until recently. Agricultural activities took place on the southern section of the property between the existing golf course and the river (approximately 15 years ago). With the agricultural activities no longer occurring Swartland Granite Renosterveld re-established itself in this area. The contour ditches are still visible on the veld even though the Swartland Granite Renosterveld had re-established itself. The entire site, including the river, wetlands and the Swartland Granite Renosterveld, are infested with invasive and exotic vegetation. An alien vegetation clearing programme will be put in place to help the current site to restore to an acceptable condition.

The proposed activity will not have a significant biophysical impact on the receiving environment, this is determined based on findings found in the botanical-, freshwater, aesthetics, socio-economics/cultural, region & planning, the cumulative aspects of the property and surrounds.

Botanical:

The northern section of the site was still actively used for agricultural purposes (wheatfields) until recently. Approximately 15 years ago agricultural activities were ceased on the southern section of the property between the existing golf course and the river, subsequently Swartland Granite Renosterveld re-established in this area

The northern section (the wheatfields) has been totally transformed and is of low conservation value. The proposed golf course extension and the majority of the residential component (Phases 1, 2 and 4) is entirely situated in this area. The south eastern section comprises of the existing golf course and clubhouse. The proposed development in the northern and south eastern sections will therefore not have a significant botanical impact due to the transformed nature of the receiving environment.

The south western section, although partially disturbed by historical agricultural activities, contains Swartland Granite Renosterveld, a highly threatened vegetation type with a high conservation value. More than 80% of all Renosterveld in the Western Cape have been transformed with less than 1% of the remaining area considered viable for conservation. Renosterveld is given a 100% irreplaceability value (i.e. most remaining remnants is crucial for conserving a representative portion of this vegetation type), requiring that the majority of the south western section of the development site be protected and the Renosterveld be

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cleared of invasive vegetation and restored to its original state. Although certain degraded sections of the Renosterveld area will be developed, the impact thereof is being offset by the conservation of a significant section of the remaining vegetation.

An Environmental Trust Fund will be established to create funding for the conservation of this threatened vegetation found on the site. This funding will also be used to fund other conservation initiatives in this area e.g. alien clearing programmes. This Environmental Trust Fund will be established as set out in Section G – Conditions for Authorisation. Transfer of properties in Phase III of this proposed development will not occur before the funds are transferred. The proposed development will not have a significant negative botanical impact on the receiving environment due to alien clearing programmes, funding and development setbacks.

Various conditions set out in Section G – Conditions for Authorisation, will mitigate the potential negative botanical impacts associated with the proposed development.

Freshwater Ecosystem:

Water features on the site include the Platteklip River, which forms the western boundary of the development, and two drainage channels, one (channel 1) forming the northern boundary of the property and the second drainage channel (channel 2) forming the boundary between the private land (the wheatfield) and the existing golf course (the commonage). A seasonal wetland is also to be found on the south west of the second drainage channel and a seepage area to the north of the channel.

The Platteklip River is shallow and meanders through a broad band of reedbed wetlands, providing nesting and feeding habitats to numerous bird species. Although this ecosystem has been significantly impacted upon by surrounding anthropogenic activities in the past, it is still considered as an important natural feature of the landscape, worth conserving. No water from the Platteklip River will be abstracted for any part of this proposed development.

The runoff of both drainage channels is seasonal and the artefact of agricultural activities and it is probable that the original course of the drainage line has been significantly altered. The lack of seasonal wetland plants to stabilise the banks and to retain soil in the drainage channels resulted in bank and bed erosion currently visible in both drainage lines.

The seasonal wetland and the seepage area have been impacted upon by historical agricultural activities, but despite this degraded state, the seasonal wetland is of high ecological importance.

Collectively all the wetland habitats and its integrated link to the Renosterveld remnant will create a valuable conservation area. If these habitats are well managed and rehabilitated, the proposed development will not have a significant detrimental impact on the freshwater ecosystems. The alien clearing and rehabilitation programme and the landscaping of these areas will ensure that the natural attributes of this site are enhanced.

Conditions set out in Section G – Conditions for Authorisation, will mitigate the potential negative impacts on the freshwater ecosystems.

Aesthetics:

The estate is situated on one of the prominent hills surrounding Malmesbury and offers views of Table Mountain and the rural countryside of the Swartland.

The site is visible when travelling on the N7 from Moorreesburg and when travelling from Darling to Malmesbury. In order to reduce the potential visual impact associated with the golf course when travelling on the N7 (from Moorreesburg) roadside berms will be created along the N7, infrastructure will be set back from the N7 as stipulated by the Department of Transport and Public Works, and height limitations (Architectural Guidelines) will be imposed. Although the site is visible from the Darling road, the distance and the backdrop of the site mitigate the potential visual impact.

The development also links the existing residential area Malmesbury east (Panorama) with Malmesbury west (Wesbank), and is regarded as an infill development within the existing urban edge. The architecture will complement the existing aesthetic quality found in this area. All architecture for this proposed development is managed and done according to strict architectural guidelines for the property.

Socio-economic/Cultural historic:

No significant detrimental socio-economic impacts have been identified during the environmental impact assessment process. Heritage Western Cape recommended that some form of community benefit be generated from the development. The applicant proposes to provide sustainable public benefit for previously disadvantaged neighbouring communities through the creation of a Public Benefit Fund for community projects, skills training and job creation. This will create positive community benefits over a sustained period of time. These benefits are not promoted as a motivation for development, but as positives spin-offs of the development.

Access to the conservation area and the golf course will be controlled but not prohibited by the development. The cost of landscaping the existing golf course and the construction of an additional nine holes will be borne by the developer, and it is not envisaged to upgrade the existing golf course to a championship golf course. The golf course will also be managed as a separate entity from the rest of the estate. There is therefore, no reason why the membership fees should rise significantly and possibly exclude local golf players.

Regional/planning context:

The proposed Golf Estate is in line with the latest spatial planning proposals for Malmesbury as contained in the Swartland Spatial Development Framework (March 2003). The proposed Golf Estate is situated in the transitional area within the urban edge (i.e. considered as an infill development as it links two diverse and separated communities) and does not constitute a leapfrog development into the rural environment.

Cumulative effects of the activity:

Based on the above-mentioned aspects it is concluded that the proposed development will not result in any significant negative cumulative impacts. The development will result in a number of positive cumulative socio-economic and conservation benefits.

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Water is a strategic and scarce resource, especially along the West Coast. To mitigate the ongoing impact of wasteful water use, the implementation of water saving devices and technologies (e.g. dual flush toilets, low-flow shower heads and taps, etc.) will be implemented in all buildings on the estate, as well as using indigenous vegetation in landscaped areas.

It has also been confirmed that the existing infrastructure can accommodate the additional capacity that will be generated by the development. The significant amount of the treated effluent from the wastewater works will be reused for irrigation purposes on the upgraded golf course. The existing wastewater treatment works can accommodate the additional flow. The water storage capacity of the existing reservoir can accommodate the needs of the development. The electricity infrastructure will also be able to accommodate the additional electricity needs.

Alternatives

All the alternatives investigated were adequately described in the documentation received from the environmental consultant.

Five (5) development alternatives for this site were proposed. These alternatives included the golf course extension with various densities (higher and lower) and different site layouts. The No-development option was also included, but the Scoping Report concluded that the lack of significant negative impacts as well as the conservation and socio-economic benefits linked to the development, made this a less desirable alternative.

This proposed development is the result of the inputs of various role players, specialists (freshwater & botanical) and this Directorate. The development proposal is therefore, the result of an iterative planning process in which all the issues and concerns identified by the various role players were taken into account.

Public Participation:

An adequate Public Participation process was followed throughout the process for the proposed activity. The process met the guidelines set for activities with a Regional impact extent.

The proposed activity was advertised (21 November 2003) in two regional newspapers the "Cape Times" and "Die Burger" as well as in one local newspaper the "Swartlander". These advertisements served to inform the public of the proposed activity to register as Interested and Affected Parties (I&AP's).

Posters and notices of the proposed activity were placed at shops in Malmesbury and Wesbank, the Wesbank Library, the Municipal Library and at the Municipal Offices containing information with regards to the proposed activity.

Letters inviting individuals, groups and Government Departments to attend an "Environmental Issue Gathering Workshop" and site visit was also forwarded to all I&AP's, requesting them to attend.

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Notices were forwarded to all I&AP's informing them that the Draft Scoping Report is available for comment.

All I&AP's were informed throughout the process. Adequate notification and commenting periods were allowed for the I&AP's to provide comment on the application.

Various Authorities were also involved during the process, which included among other:

- The West Coast District Municipality;
- The Swartland Municipality;
- Heritage Western Cape;
- CapeNature (previously known as Western Cape Nature Conservation Board);
- Department of Water Affairs and Forestry;
- Department of Agriculture; and
- Department of Transport and Public Works (District roads Engineer).

The following specialists were furthermore also involved:

- Dr Liz Day: "The Freshwater Consulting Group";
- Jonathan Kaplan: "Agency for Cultural Resource Management";
- Nick Helme: "Nick Helme Botanical Surveys"; and
- Andrew Horne: "D'Arch Consulting (Pty) Ltd".

The comment and feedback received from the public reflected a positive sentiment towards the proposed development. All relevant environmental concerns stated in the key factors were adequately addressed and the process followed meets the requirements of the EIA Regulations.

Independent Review:

The Department appointed an environmental consultant to independently review the application. The review outcome found that all issues of concern highlighted in a draft departmental policy document, the *Draft Rapid Review of Golf Course and Polo Field Developments* were adequately addressed during the application process for this proposed activity. Main points of the review are consistent with the key factors of this Record of Decision.

- J. **DURATION AND DATE OF EXPIRY:**
This authorisation shall lapse if the activity does not commence within two (2) years of the date of issue of this authorisation.

- K. **APPEAL:**
In terms of Section 35 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), formal, motivated appeals must be directed within thirty (30) days of the date of the issuing of this Record of Decision, to:

*Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region B)*

Provincial Minister for Environmental Affairs and Development Planning
Private Bag X9086
CAPE TOWN
8000

Fax: (021) 483-6081

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

If the appellant is not the applicant, the latter must be informed of the appeal within the appeal period referred to above and must provide the applicant with reasonable access to a full copy of the appeal, if requested.


A signed and certified Appeal Questionnaire, obtainable from the Minister's office at tel. (021) 483 3915, email jedevill@pqwc.gov.za or URL http://www.capegateway.gov.za/Text/2004/10/eadp_appeal_questionnaire_new.pdf must accompany the appeal.

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

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

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

Yours faithfully



ANTHONY BARNES
DIRECTOR: INTEGRATED ENVIRONMENTAL MANAGEMENT (REGION B)

DATE OF DECISION: 24/6/2005

Copies to:

- (1) B de Wit
- (2) B Verster
- (3) A Zairman

(EnviroAfrica)
(CK Rumboll & Partners)
(Swartland Municipality)

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