

Appendix 6: Record of Decision

PART 2 AMENDMENT APPLICATION ON BEHALF OF KINGSWAY HOMEOWNERS' ASSOCIATION CAPE, KOUGA LOCAL MUNICIPALITY, EASTERN CAPE

DEDEAT REFERENCE: 501 EC08/1M/74-98

Date: November 2025

Joan



Province of the
EASTERN CAPE
DEPARTMENT OF ECONOMIC DEVELOPMENT
AND ENVIRONMENTAL AFFAIRS

P/Bag X5001, GREENACRES
Port Elizabeth
South Africa, 6057
Phone: +27 (41) 508 5800
Fax: +27 (41) 585 1958
Web: www.deaef.ecprov.gov.za

FAX COVER SHEET

To : Mr. E.B.G. Dawson
Fax No. : 042 296 1475

CC : Mr. Anton Bok
Fax No. : 041 373 3464

From : Andries Struwig

Date : 08 May 2008

Total no. of pages including cover: 15

RE: UPGRADING/EXPANSION OF THE KINGSWAY CARAVAN RESORT

Please find the letter in the above regard attached for your attention.

Thank you.





Province of the
EASTERN CAPE

DEPARTMENT OF ECONOMIC DEVELOPMENT
& ENVIRONMENTAL AFFAIRS

P/Bag X5001, Greenacres
Port Elizabeth
South Africa, 6057
Phone: +27 (41) 5085800
Fax: +27 (41) 5851958

E-mail: Andries.Struwig@deaeet.coape.gov.za

Ref: EC08/1m/74-98
Enq: A. Struwig

Mr. E.B.G. Dawson
P.O. Box 1729
Jeffreys Bay
6330

APPLICATION IN TERMS OF SECTION 22 OF THE ENVIRONMENT CONSERVATION ACT, ACT 73 OF 1989, TO UNDERTAKE A LISTED ACTIVITY AS SCHEDULED UNDER SECTION 21 OF THE ACT: UPGRADING/EXPANSION OF THE KINGSWAY CARAVAN RESORT

Refer to your application dated 14 September 1998 (reference number EC08/1m/74-98) for authorisation in terms of the Environment Conservation Act, Act 73 of 1989 for the upgrading of the Kingsway Caravan Resort.

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

DAYALAN GOVENDER
DEPUTY DIRECTOR: ENVIRONMENTAL AFFAIRS
DATE: 29 April 2008





PROVINCE OF THE
EASTERN CAPE

Private Bag X 5001, Greenacres, Port Elizabeth
South Africa, 6057
Phone: 041 5085954
Fax: 041 5851958
E-mail: andries.struwig@dezet.ecape.gov.za

DEPARTMENT OF ECONOMIC DEVELOPMENT AND
ENVIRONMENTAL AFFAIRS

ANNEXURE 1

RECORD OF DECISION

EC08/1M/74-98

1. Description of Activity

The proposed project entails the upgrading of the existing Kingsway Resort located on Portion 34 of the Farm Mauritzkraal 501 on the bank of the Gamtoos River within the Kouga Municipal area. Furthermore Portion 1 of the Farm Mauritzkraal 501 will be incorporated into the existing Kingsway Resort.

The proposed upgrading of the existing Kingsway Resort will therefore entail the following:

- > A change in land use of Portion 1 from Agriculture to another use in order to facilitate its incorporation into the existing Kingsway Resort;
- > Provision of an additional 30 erven of approximately 120m² each in size to be located on the northern section of Portion 34 and selected sites on Portion 1;
- > Provision for individual erven (existing as well as new) to be zoned as Resort Zone II in order to facilitate the subdivision thereof into separate sectional title units;
- > All undeveloped land within Portions 1 and 34 to be zoned as Open Space III, regarded as common property and to be managed as a protected natural area or a Nature Reserve by the Kingsway Homeowners Association; and
- > Upgrading of the water supply by means of the construction of a 200 Kt water storage reservoir in the old quarry on Portion 29 of the Farm Mauritzkraal 501 adjacent to the existing pipeline servitude (Site A on Drawing 21991/02 in Annexure 6 of the Final Scoping Report).

Sewage will be disposed of by means of conservancy tanks. Electricity will be sourced from the existing electrical supply to the resort. Water is currently piped from the Churchill Pipeline to the Caravan Resort via a 2 meter wide servitude across the Remainder of Portion 29 of the Farm Mauritzkraal 501 to Portion 34 of the same. The current water supply system will be upgraded by the addition of a storage reservoir as detailed above. Access to the Resort will remain via the existing 5 meter wide access road while the internal road network will be upgraded to provide for a 4 meter wide internal road network.

The upgrading of the existing Kingsway Resort is a listed activity in terms of Item 1(m) of Schedule 1 to GN R1182 of 5 September 1997 for which an authorisation needs to be issued in terms of Section 22 of the Environment Conservation Act, Act 73 of 1989 (ECA). Other listed

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activities that are triggered by the proposed development that requires authorisation in terms of Section 22 of ECA include:

- 1(k) The construction or upgrading of reservoirs for public water supply.
- 2(c) The change in land use from agriculture to any other use.

2. Location of Activity

The Kingsway Resort is located approximately 50 km west of Port Elizabeth on the eastern bank of the Gamtoos River floodplain; about 3.5km from the estuary mouth and approximately 2.5 km south of the N2 bridge over the Gamtoos River within the Kouga Municipal area.

3. Contact Details of Applicant

Name: Mr. E.B.G. Dawson
Address: PO Box 1729
Jeffreys Bay
6330

Telephone: 042 396 1475
Cell: 082 680 8324

4. Contact Details of Consultant

Name: Anton Bok Aquatic Consultants cc
Contact Person: Mr Anton Bok
Address: 5 Young Lane
Mill Park
Port Elizabeth
6001

Telephone: 041 373 3464
Fax: 041 373 3464
e-mail: antonbok@aquabok.co.za

5. Details of Site Visit

A site inspection was conducted on 25 July 2007 by Mr. Andries Struwig of this Department.

6. Decision

Authorisation is granted to undertake the activities listed in Section 1 of this Record of Decision subject to the conditions listed in Section 8 below.

7. Duration of Authorisation

- 7.1. The change in land use of Portions 1 and 34 of the Farm Mauritzkraal No 501, to be effected within 12 months of the date of signature of this authorisation, by means of a rezoning in terms of the Land Use Planning Ordinance, Ordinance 15 of 1985.



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- 7.2. Construction of bulk service infrastructure to commence within 12 months of the rezoning being effected and to be completed within 24 months of commencement.
- 7.3. Construction of housing infrastructure to commence within 12 months of completion of the construction of bulk service infrastructure and to be completed within 60 months of commencement.
- 7.4. Conditions relating to the operational phase of the project are valid for the lifetime of the project.

8. Conditions of Authorisation

Please note that the Department of Economic Development and Environmental Affairs may review, delete or amend any of the following conditions in the event of new information coming to light.

8.1. General conditions

- 8.1.1. This authorisation is subject to all other statutory requirements being met, notably the requirements of the Land Use Planning Ordinance, Ordinance 15 of 1985, the National Forest Act, Act 84 of 1998 and the National Water Act, Act 36 of 1998.
- 8.1.2. This authorisation pertains only to the activities as described in Section 1 of this Record of Decision. Any other listed activities would be subject to authorisation in terms of Section 24 of the National Environmental Management Act, Act 108 of 1998.
- 8.1.3. Any changes in the project that could have significant environmental impacts and that would differ from that which was authorised by this Department, is to be submitted to this Department for approval prior to such changes being effected.
- 8.1.4. The conditions of this authorisation shall form part of any contract entered into between the applicant and any contractor and/or sub-contractor.
- 8.1.5. Should any environmental damage be detected, that in the opinion of this Department, is the result of the development, then the applicant shall be required to make good that damage to the satisfaction of the said authority at his/her own expense.
- 8.1.6. In the event of any dispute as to what constitutes environmental damage, this Department's opinion will prevail.
- 8.1.7. This Department must be notified, within 30 days, of any ~~change of~~ ownership/project developer. Conditions established in this Record of Decision must be made known to and are binding on the new owner/project developer.
- 8.1.8. This Department must be notified of any change of address of the owner/project developer.
- 8.1.9. This Record of Decision must be made available to any interested and affected party who has registered their interest in the proposed development, as well as all relevant organs of state. The applicant is responsible for ensuring that a copy of this Record of Decision is given to any such interested and affected party within a week of receiving this Record of Decision.



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- 8.1.10. The listed activity as described in Section 1 of this Record of Decision and hereby authorised may not commence prior to the lapsing of the appeal period as provided for in Section 10 of this Record of Decision.
- 8.2. Conditions specific to establishment (inclusive of layout and design) of the Kingsway Caravan Resort expansion
- 8.2.1. Portion 34 of the farm Mauritzkraal 501 within the Kouga Municipal area to be rezoned from Resort I to Resort II and Private Open Space III in terms of the Land Use Planning Ordinance, Ordinance 15 of 1985 and Portion 1 of the farm Mauritzkraal 501 to be rezoned from Agriculture to Resort II and Private Open Space III to facilitate the upgrading / expansion of the existing Kingsway Resort.
- 8.2.2. Portions 1 and 34 of the farm Mauritzkraal 501 within the Kouga Municipal area to be consolidated into one land unit.
- 8.2.3. Upgrading / expansion of the existing Kingsway Resort to be limited to the provision of 30 additional erven and associated service infrastructure as described in Section 1 of this Record of Decision.
- 8.2.4. A detailed surveyed layout plan to be submitted to this Department for approval prior to any construction commencing on site. The layout plan to include amongst others:
- 8.2.4.1. Provision for a maximum of 30 additional erven on the northern part of Portion 34 and selected sites on Portion 1;
- 8.2.4.2. Allocation of all land other than individual Resort II portions as Open Space III;
- 8.2.4.3. The exact location of individual components of the development, inclusive of service infrastructure;
- 8.2.4.4. The exact location of the entrance gate facility as well as the access road and internal roads; and
- 8.2.4.5. The exact location of the new reservoir to be built as part of the upgrading of the water supply infrastructure.
- 8.2.5. The position of the 30 additional erven as provided for in Condition 8.2.4.1, to be determined in conjunction with an ecologist / vegetation specialist in order to ensure that minimal indigenous vegetation needs to be removed to facilitate construction of individual dwellings.
- 8.2.6. Detailed plans regarding the design and specification of the internal water reticulation and sewage infrastructure to be submitted to DEDEA for approval prior to the commencement of any construction activity on the site. Such detailed design and specification to include the provision of fire hydrants at 120m intervals along its length.
- 8.2.7. Each owner of all individual erven to be bound as a condition of title to be a member of the Kingsway Homeowners Association.
- 8.2.8. All land contained in Portions 1 and 34, other than the existing individual dwellings within Portion 34 and the new proposed dwellings on Portion 34 and selected sites on Portion 1, is to be registered in the name of Kingsway Homeowners Association. Furthermore, such land is to be regarded as communal property and to be maintained in its natural state.
- 8.2.9. Concomitant to Condition 8.2.8, a land use restriction to be registered against the Private Open Space III component of the Kingsway Resort to ensure management

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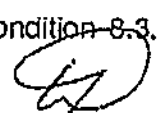


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thereof as a protected natural area or a Nature Reserve by the Kingsway Homeowners Association in perpetuity.

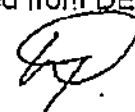
- 8.2.10. A service agreement between the Kingsway Resort and the Kouga Municipality, which specifically addresses, *inter alia*, the removal of sewage effluent and waste to be submitted to this DEDEA prior to the commencement of the authorised activity.
- 8.2.11. Placement and design of dwelling units on individual erven is to be carried out in accordance with the Kingsway Homeowners Association General Building Regulations and must maximise visual shielding from surrounding areas.
- 8.2.12. Individual dwelling units and associated structures, inclusive of any gardening, must be confined to within the individual erven and may not encroach onto common property adjacent to erven.
- 8.2.13. Individual dwelling units and all other buildings to be restricted to single storey.
- 8.2.14. Construction and / or placement of new dwelling units and associated infrastructure may not commence prior to the completion of the installation of associated bulk services. These include amongst others:
- 8.2.14.1. Integration of electricity supply into the existing municipal supply chain;
- 8.2.14.2. Installation of bulk water supply including internal reticulation and the construction of the reservoir and associated infrastructure on the neighbouring Portion 29 of the Farm Mauritzkraal No. 501; and
- 8.2.14.3. Provision of sanitation facilities for undeveloped erven in the form of conservancy tanks to be installed in accordance with the relevant SABS standards and any requirements that the Department of Water Affairs and Forestry (DWAF) may have.
- 8.2.15. Road width of the main access road to be restricted to 5m and of any internal roads to 4m. The length of any new roads to be restricted to the minimum required for adequate, reasonable access to individual dwellings.
- 8.2.16. The provision of water, sewage and electrical infrastructure to be accommodated within the internal road system and the individual access roads. No overhead power lines to be allowed.
- 8.3. **Conditions specific to the construction of the expansion of the Kingsway Caravan Resort.**
- 8.3.1. A comprehensive Environmental Management Plan (EMP) to be compiled and submitted to this Department for approval, and implemented for the construction phase of the project. The EMP to include amongst others:
- 8.3.1.1. Applicable conditions as contained in this record of decision;
- 8.3.1.2. General principles of environmental management as applicable to construction activities including environmental best practice, erosion control, protection of indigenous vegetation, etc;
- 8.3.1.3. Mitigatory measures and recommendations contained in the Scoping Report by Anton Bok Aquatic Consultants being "EIA Scoping Report for Kingsway Caravan Park Pty (Ltd) – Subdivision and Rezoning of Portion 34 of Farm Mauritzkraal No. 501, Uitenhage District from Resort 1 to Resort 2 for expansion of the Kingsway Caravan Resort" dated June 2007;
- 8.3.1.4. A waste management programme to address waste management during the construction phase;

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- 8.3.1.5. A storm water management plan to manage storm water during the construction phase;
 - 8.3.1.6. Clear stipulations as to who is responsible and accountable for what actions; and
 - 8.3.1.7. A general code of conduct for any contractor that might be carrying out any work on the development site.
- 8.3.2. General principles of environmental management as provided for in Condition 8.3.1.2. to provide for amongst others, the following:
- 8.3.2.1. Generators and fuel supply needed during construction to be placed on trays, which rest on clean sand. Once construction has been completed, this sand must be removed from site and disposed of at an appropriately registered waste disposal site.
 - 8.3.2.2. Management of topsoil, including the separate stockpiling and reinstatement thereof.
 - 8.3.2.3. Management of dust that may be generated during construction from the access road and soil stockpiles. Excavated material must be dampened to minimise dust until such time that use of the road by heavy vehicles ceases, the stockpiled material has been utilised during the rehabilitation process, or that it can be removed and disposed of.
 - 8.3.2.4. No cement/ concrete mixing to take place on the soil surface. Cement mixers to be placed on large trays to prevent accidental spills from coming into contact with the soil surface.
 - 8.3.2.5. No fill material to be brought on site. Excess material remaining after construction, to be removed from the site and disposed of at a registered waste disposal site.
 - 8.3.2.6. Any substrate contaminated by the spillage of hydrocarbons or other pollutants to be removed from site and disposed of at a registered waste disposal site.
- 8.3.3. The waste management programme as provided for in Condition 8.3.1.4 to provide for amongst others:
- 8.3.3.1. All contaminated soil must be removed from the site and disposed of at an appropriately registered waste disposal site;
 - 8.3.3.2. Any substrate contaminated by the spillage of hydrocarbons or other pollutants is to be removed from the site and disposed of at an appropriately registered waste disposal facility;
 - 8.3.3.3. An adequate number of bins, with securely fitted lids to prevent access by scavengers, must be placed at strategic points on the construction site and must be emptied every second day, or more often if required. Waste must be disposed of in a secure manner, at a registered waste disposal site;
 - 8.3.3.4. A litter control programme must be implemented on site; and
 - 8.3.3.5. Chemical toilets must be provided for the construction workers. These toilets must be emptied and cleaned as per the manufacturer's instructions.
- 8.3.4. The stormwater management plan provided for in Condition 8.3.1.5 to provide for amongst others:
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- 8.3.4.1. Accommodation of stormwater generated by the proposed development on site;
- 8.3.4.2. Surface run-off across the site must be controlled where necessary, with berms or temporary drainage ditches;
- 8.3.4.3. Construction activities on exposed soils must be halted during events of high intensity rainfall;
- 8.3.4.4. Measures to reduce stormwater runoff from hardened surfaces, as far as possible, including permeable paving to enhance infiltration, as appropriate;
- 8.3.4.5. Roadside swales to be sloped at less than 1:3; and
- 8.3.4.6. Dissipation measures to be implemented at discharge points for run-off water from the road to prevent erosion.
- 8.3.5. An Environmental Control Officer (ECO) to be appointed for the duration of the construction period. The ECO to ensure implementation of and compliance with the conditions of this Record of Decision and the stipulations of the EMP.
- 8.3.6. Concomitant to Condition 8.3.5, compliance with and adherence to the conditions of this Record of Decision and the stipulations of the EMP to be audited on a monthly basis for the duration of the construction phase and such audit reports to be submitted to DEDEA.
- 8.3.7. This Department reserves the right to impose corrective measures as it sees fit on the applicant in the event that it is not satisfied with the applicant's performance in relation to the EMP referred to in Condition 8.3.1 or with the auditing process *per se*.
- 8.3.8. Contractors and sub contractors to ensure that their staff is made aware of the conditions of this Record of Decision and the stipulations of the EMP. Furthermore all relevant environmental controls and requirements in this Record of Decision and the stipulations of the EMP to be included in the specification documents for contractors.
- 8.3.9. A performance based requirement with regard to environmental impact management must be included in all contracts related to any activity of this authorisation.
- 8.3.10. The developer will be held liable in the event of non-compliance by any contractor associated with this activity.
- 8.3.11. Construction to be restricted to normal working hours being 07:00 to 17:00 on weekdays.
- 8.3.12. The development footprint of each individual unit as well as the area to be used for the installation of services and the individual approach road to each site to be clearly demarcated with pegs. All areas outside the demarcated areas are to be indicated as "no-go" areas for construction workers, machinery and vehicles and access to these areas are to be prohibited.
- 8.3.13. Prior to project implementation a once over botanical survey must be carried out by a botanical specialist, to establish whether any species which are of special concern or protected in terms of the Nature and Environmental Conservation Ordinance, Ordinance 19 of 1974, or in terms of the National Forests Act, Act 84 of 1998 occur on the areas of the site earmarked for development.
- 8.3.14. In the event of any species of special concern or species protected in terms of the Nature & Environmental Conservation Ordinance, Ordinance 19 of 1974 being present, a permit in terms of the Ordinance to be obtained from DEDEA for the removal and/or translocation of such species.



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- 8.3.15. A permit to be obtained from the Department of Water Affairs and Forestry for the removal of any trees that may be protected in terms of the National Forest Act, Act 84 of 1998 prior to vegetation clearing commencing on site.
- 8.3.16. Any species identified in terms of Condition 8.3.13 and to be removed in terms of Conditions 8.3.14 and 8.3.15 as well as any other plant species suitable for rehabilitation and landscaping of disturbed areas, to be rescued in consultation with the botanical specialist referred to in Condition 8.3.13 before vegetation clearing takes place. Such species to be used for the rehabilitation of disturbed areas on the development site and in areas where the natural vegetation has been impacted on by human influence.
- 8.3.17. No blanket clearing of vegetation to take place on the site. Vegetation only to be cleared to facilitate construction/installation of infrastructure and the building of individual houses and such clearing to be restricted to the areas that has been pegged out in accordance with Condition 8.3.12. All vegetation on areas that are not developed immediately, to remain intact until such areas are developed.
- 8.3.18. All construction activities on the site, inclusive of stockpiling of material and storing of equipment/machinery, must be limited to the area demarcated in accordance with Conditions 8.3.12 and 8.3.17.
- 8.3.19. Concomitant to Condition 8.3.18, areas for the stockpiling of material and the storing / parking of machinery and equipment to be designated in conjunction with the ECO.
- 8.3.20. The use of earth moving equipment to facilitate provision of services and other construction activities to be restricted to within the approved roadways as provided for in the layout plan to be submitted to this Department for approval in terms of Condition 8.2.4.
- 8.3.21. Concomitant to 8.3.20, all other trenches and / or earthmoving activities necessary for the installation of services and construction, to be done by hand and rehabilitated after installation.
- 8.3.22. No earthmoving equipment to be used for the clearing of vegetation and any clearing that might be necessary to be done by hand held tools (including chain saws and hand held brush cutters).
- 8.3.23. No servicing of vehicles / machinery, inclusive of refueling, is to be allowed on site.
- 8.3.24. Topsoil within the footprint of the development must be removed and stockpiled separately for use in on-site re-vegetation programmes. Stockpiles must be no higher than 1m and must be protected from erosion. If the soil is to be stockpiled for more than a year, it must be seeded with an indigenous grass mix and covered with a mulch layer to help retain the viability of the seed bank. Topsoil may not be sold or used off-site.
- 8.3.25. Any areas disturbed on individual sites due to construction activities, must be rehabilitated with indigenous vegetation immediately after construction on the individual site has been completed.
- 8.3.26. Adequate preventive measures to be undertaken to avoid danger or destruction of any archaeological sites and other resources during development of the site. In the event of any potential archaeological site being encountered, all work on site will cease and a qualified archaeologist be deployed on site for investigation. Any such area to be cordoned off subject to the outcome of such investigation and subsequent consultation with the South African Heritage Resources Agency (SAHRA).
- 8.3.27. A post-construction environmental audit is to be conducted after completion of the


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construction phase of the development and submitted to this Department.

- 8.3.28. Notwithstanding the provisions of any of these conditions, all mitigation measures and recommendations contained in the Final Scoping Report, being "EIA Scoping Report for the subdivision and rezoning of Portion 34 of Farm Mauritzkraal No. 501, Uitenhage District, from Resort 1 to Resort 2 for expansion of the Kingsway Caravan Resort" by Anton Bok Aquatic Consultants dated June 2007, submitted in support of the application, and any other documents to be read in conjunction with such report are deemed to be conditions in terms of this Record of Decision.
- 8.4. Conditions specific to the operational phase of the upgraded Kingsway Resort**
- 8.4.1. The land unit that is the subject of this Authorisation and Record of Decision to be managed for conservation purposes.
- 8.4.2. A comprehensive operational management plan to be compiled by a suitably qualified and experienced professional and submitted to this office for approval / endorsement within 12 months of the date of signature of this authorisation. Such management plan to include amongst others:
- 8.4.2.1. An alien vegetation control programme for the removal of alien vegetation in a controlled and phased manner, including rehabilitation of areas that have been degraded through invasion by exotic plant material;
- 8.4.2.2. A rehabilitation plan for all disturbed areas on the property;
- 8.4.2.3. A comprehensive vegetation management programme; and
- 8.4.2.4. A comprehensive fauna management programme; and
- 8.4.2.5. Landscaping guidelines for individual owners as well as for the Kingsway Homeowners Association in general.
- 8.4.3. The rehabilitation plan contemplated in Condition 8.4.2.2 to provide for amongst others:
- 8.4.3.1. The restoration / rehabilitation of transformed areas that will remain undeveloped; and
- 8.4.3.2. Establishment of indigenous thicket plant species appropriate to the region as listed in section 5.1 of the Botanical Survey contained in the Scoping Report.
- 8.4.4. The fauna management plan contemplated in Condition 8.4.2.4 to include a stipulation that no fauna which does not occur naturally on the property, or in all likelihood did not historically occur on the property, shall be introduced onto the property.
- 8.4.5. The subject property to be managed in accordance with the management plan required in Condition 8.4.2.
- 8.4.6. Concomitant to Condition 8.4.7, the to-be established Home Owners Association to be responsible for the effective management of the subject property in accordance with the management plan contemplated in Condition 8.4.2. In this regard a dedicated person to be designated / appointed to oversee the implementation of and ongoing adherence to the management plan.
- 8.4.7. Compliance with the management plan to be audited on an annual basis and the results of such audits to be made available to DEDEA upon request.



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- 8.4.8. A code of conduct incorporating general as well as environmental management rules to be drawn up for the operational phase of the project and submitted to DEDEA for approval.
- 8.4.9. The code of conduct to address amongst others:
- 8.4.9.1. Appropriate mechanisms to ensure that all owners of individual erven formally endorse environmental conservation as the primary point of departure on the site as well as adherence to norms and standards set by such a code of conduct and the management plan referred to in Condition 8.4.2;
 - 8.4.9.2. Appropriate mechanisms to ensure that the conduct of any contractors, service providers, staff as well as any other visitors to the site conduct themselves in a manner which is in keeping with the norms and standards set by the code of conduct and the management plan referred to in Condition 8.4.2; and
 - 8.4.9.3. Mechanisms to ensure the ongoing overseeing of adherence to the norms and standards set by the code of conduct and reserve management plan.
- 8.4.10. Such a code of conduct to be included as a section in the management plan to be compiled in accordance with Condition 8.4.2.
- 8.4.11. A waste management plan to be designed and implemented for the operational phase of the development.
- 8.4.12. The waste management plan to address amongst others:
- 8.4.12.1. The minimisation and sorting of waste at source;
 - 8.4.12.2. Consideration of the compacting of non-recoverable solid waste prior to it being transported to a registered waste disposal site;
 - 8.4.12.3. Appropriate use and rehabilitation of the existing refuse dumps on Portion 1 (use thereof to be limited to organic waste); and
 - 8.4.12.4. Recycling of recoverable waste.
- 8.4.13. The landscaping guidelines provided for in Condition 8.4.2.5 to provide for amongst others:
- 8.4.13.1. No private gardening, whether for ornamental, consumptive or any other purpose may take place on the Private Open Space III component of the property;
 - 8.4.13.2. Limited landscaping can be allowed as part of site rehabilitation on individual portions but such landscaping must be restricted to the use of indigenous plant species and must be in keeping with the natural vegetation found on the property. Established, non-invasive alien species may be retained but the area is to be kept clear of all invasive alien plant species.
- 8.4.14. No domesticated animals, whether of household, agricultural or any other variety may be kept on the Private Open Space III component of the property.
- 8.4.15. Any fencing of the property boundaries to be such that it would allow the passage of fauna up to the size of bushbuck, *Tragelaphus scriptus*, through it.
- 8.4.16. No internal fences/boundary walls may be constructed on the property other than to delineate the extent of individual portions.
- 8.4.17. Vehicular traffic to be confined to the approved roadways and no vehicles are allowed to travel off such approved roadways.
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- 8.4.18. No fires are allowed on the property for any reason whatsoever, except in purpose built fireplaces and / or as part of the vegetation management programme contained in the management plan contemplated in Condition 8.4.2.
- 8.4.19. No herbicides to be used for the control of vegetation except if such is used as prescribed for the control of invasive alien vegetation.
- 8.4.20. No servicing of vehicles and other machinery to take place on site.
- 8.4.21. No fuel or other hazardous material other than for domestic use, to be stored on site.

9. Key Factors that Led to Decision

- 9.1. Rezoning of the existing individual erven on Portion 34 of the farm Mauritzkraal 501 from Resort I to Resort II will serve to formalize an existing situation where existing dwelling units are privately owned. Furthermore, the proposed upgrading of the Kingsway Resort will be limited to the addition of 30 additional erven with a maximum size of 120 m². In addition the service infrastructure will be upgrading to provide for more reliable services. The 30 additional erven will be sited in areas that has been previously disturbed and invaded by invasive alien vegetation.
- 9.2. The rezoning of all land on Portion 34 that are not designated as a individual erven, to Open Space III will provide for its management as a conservation area and therefore in accordance with conservation principles. Furthermore, Portion 1 of the farm Mauritzkraal will be incorporated into the Kingsway Resort. Selected sites on Portion 1 will be available for designation as private erven. However, it is foreseen that more than 90% of Portion 1 will be designated as Private Open Space III and managed as a conservation area. This will therefore result in a net gain for environmental conservation.

It is furthermore a requirement of this Record of Decision that an operational management plan be compiled and implemented for the management of the Private Open Space III component. Such plan will include an ongoing programme for the eradication and control of all invasive alien plant species. It is thus envisaged that conservation of the property will be safeguarded into the future.

- 9.3. The impacts associated with the proposed development can be divided into those associated with construction and those associated with operation thereof respectively. A number of conditions have been included in this Record of Decision to ensure that the impacts associated with both construction and operation are minimised. If properly implemented it is foreseen that impacts associated with the operational phase can generally be considered to be positive.

In addition a number of other measures are stipulated in the conditions contained in Section 8 of this Record of Decision that are intended to ensure that potential impacts associated with the proposed development are kept within acceptable limits and are compatible with the conservation significance of the property.

- 9.4. In conclusion perusal of the Environmental Scoping Report and additional information provided by the applicant has not revealed any fatal flaws that should preclude this development from taking place. It is believed that the impacts associated with the establishment of the proposed resort component on the subject site can be kept within acceptable limits if the conditions contained in this Record of Decision are adhered to.



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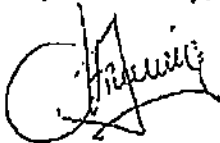
DEPARTMENT OF ECONOMIC DEVELOPMENT & ENVIRONMENTAL AFFAIRS
CHIEF DIRECTORATE: ENVIRONMENTAL AFFAIRS

10. Appeal

A written appeal against the decision may be lodged, in terms of Section 35(3) of the Environment Conservation Act (Act 73 of 1989), with the MEC for Economic Development and Environmental Affairs within 30 days from the date of issue of this authorisation. The address for submission of appeal is:

Attention: Chief Director Environmental Affairs
Department of Economic Development & Environmental Affairs
Private Bag X 0054
Bhisho
5605

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



A. STRUWIG
ASSISTANT DIRECTOR: EIM
DATE: 29 April 2008



DAYALAN GOVENDER
DEPUTY DIRECTOR: ENVIRONMENTAL AFFAIRS
DATE: 29 April 2008.