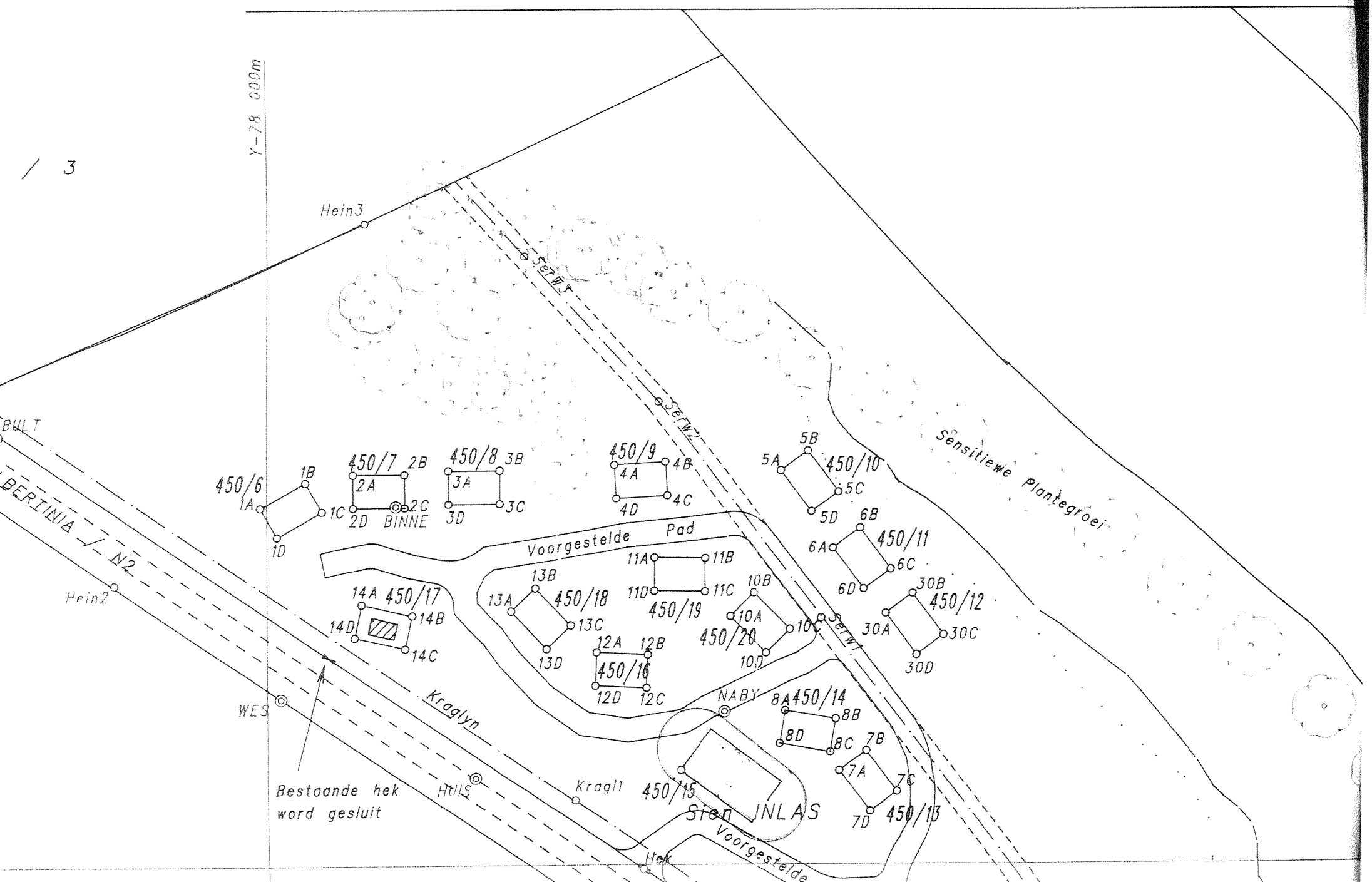
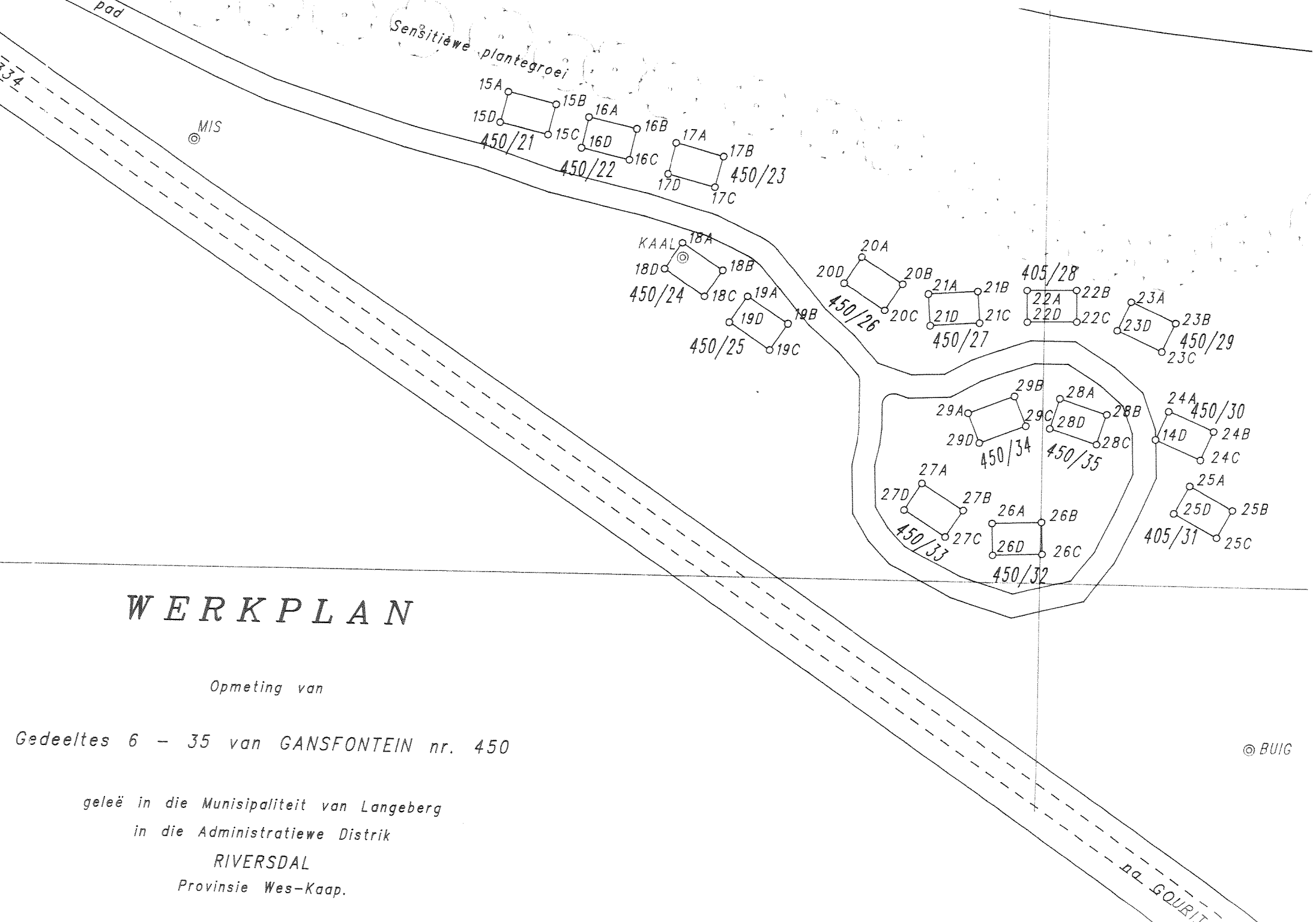

Y-78 000m
Hein3
SetW3
SetW2
SetW1
Sensitiewe Plantegroei
BULT
BERTINIA / N2
Hein2
WES
450/6
1A
1B
1C
1D
450/7
2A
2B
2C
2D
BINNE
450/8
3A
3B
3C
3D
450/9
4A
4B
4C
4D
450/10
5A
5B
5C
5D
450/11
6A
6B
6C
6D
450/12
30A
30B
30C
30D
450/13
7A
7B
7C
7D
450/14
8A
8B
8C
8D
450/15
450/16
12A
12B
12C
12D
450/17
14A
14B
14C
14D
450/18
13A
13B
13C
13D
450/19
11A
11B
11C
11D
450/20
10A
10B
10C
10D
Voorgestelde Pad
Kraglyn
Kragl1
NABY
HUIS
Bestaande hek word gesluit
Sien INLAS
Voorgestelde
Hek

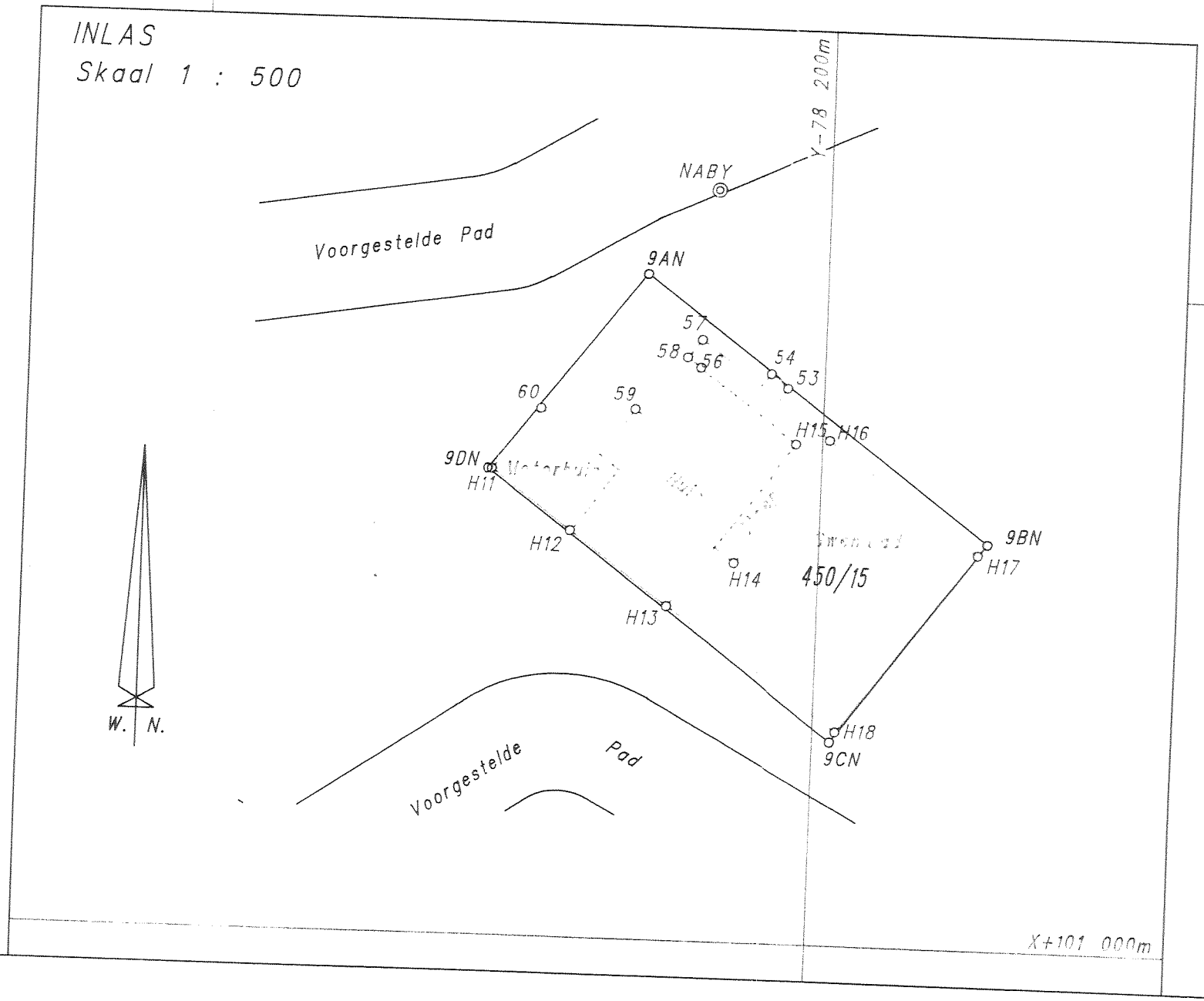


WERKPLAN

Opmeting van

Gedeeltes 6 – 35 van GANSFONTEIN nr. 450

geleë in die Munisipaliteit van Langeberg
in die Administratiewe Distrik
RIVERSDAL
Provinsie Wes-Kaap.


INLAS
Skaal 1 : 500
Y-78 200m
NABY
Voorgestelde Pad
9AN
57
58
56
54
53
60
59
H15
H16
9DN
H11
H12
9BN
H17
H14
450/15
H13
H18
9CN
W.
N.
Voorgestelde Pad
X+101 000m

VAN DER WALT & VAN DER WALT

Professional Land Surveyors
Professionele Landmeters

Kadastrale, Topografiese, Ingenieurs- & Deeltitelopmotings
Cadastral, Topographical, Engineering & Sectional Title Surveys

Montagustraat 108

Posbus 719
MOSSELBAAI
6500

Tel. (044)691 2613
Faks.(044)691 2676

Mosselbaai : Francois Jean van der Walt Pr.L.(S.A.) B.Landm.
Riversdal : Bonnee van der Walt Pr.L.(S.A.) B.Landm.

Ons verw/Our Ref: R754

U Verw/Your Ref: ANDRE THIRION

Datum/Date: 10/11/2003

FAKSBOODSKAP / FAX MESSAGE

Aan/To : ANDRE THIRION

Van/From: FRANCOIS VAN DER WALT

Vir Aandag/For Attention: ANDRE THIRION

Kode/Code : 021 Faksnr/Fax No: 461 0059

Aantal bladsye/No. of pages: _____ (Hierdie bladsy ingesluit)

RE: **GOURITS RIVER ESTATE**

Hiermee 'n lys van verkoopsnommers teenoor finale gedeelte nommers soos versoek.

Verkoops-nommer	Plaas gedeelte Nommer	Verkoops-nommer	Plaas Gedeelte Nr
1	450/6	16	450/22
2	450/7	17	450/23
3	450/8	18	450/24
4	450/9	19	450/25
5	450/10	20	450/26
6	450/11	21	450/27
7	450/13	22	450/28
8	450/14	23	450/29
9	450/15	24	450/30
10	450/20	25	450/31
11	450/19	26	450/32
12	450/16	27	450/33
13	450/18	28	450/35
14	450/17	29	450/34
15	450/21	30	450/12

Ons vertrou u vind dit so in orde.
F.J. VAN DER WALT

NB : Indien alle bladsy nie duidelik en leesbaar ontvang is nie, skakel asb. bogenoemde nommer
NB : If all pages were not received legibly, please phone us at the above mentioned number

18 NOV 2003

CONCEPT

The landscape of the Gouritz River Estate and its surroundings determines the concept for this development.

The architectural concept is for the exteriors of new structures to harmonise with and have as little visual impact on the landscape as possible.

Built forms as illustrated by the attached typical designed units are reinterpretations of the typical early Cape Architecture of which there is an example on the site. (See fig. 1)

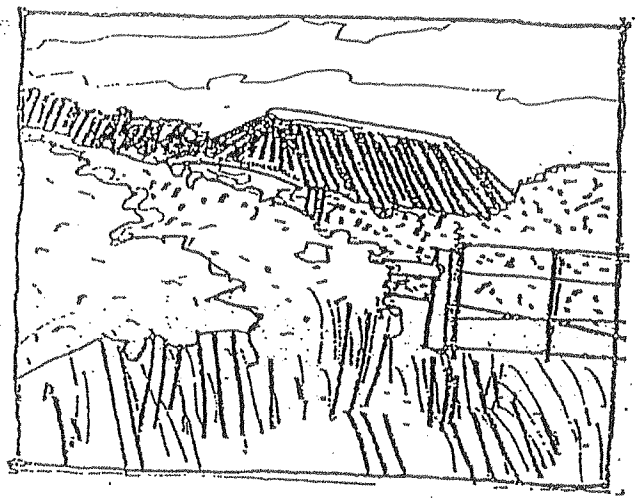


Fig. 1.

Existing building illustrating old Cape Style with its appropriate scale and mass.

The same basic principles of early Cape Architecture namely that of a specific human scale, simple rectangular forms and local materials were accepted and put together in fragmented building forms. (See attached design of typical units).

Dormer gables in lieu of neo-classical or Baroque gables were found to be more appropriate as this further reduces the scale of built forms.

BUILDING DESIGN STANDARDS

The Gouritz River Estate Home Owners Aesthetic Committee reserve the right to make any additions or alterations to these standards that, in their opinion, are necessary to preserve the Architectural style and harmony of the development.

1. <u>Maximum Coverage and Floor Area</u>

   The maximum coverage (or footprint) of all covered (roofed) buildings are restricted to 175m^2 on the standard 300m^2 erf.

For a single storey building the maximum floor area will be the same as the coverage.

For a ~~double~~ SINGLE storey building the maximum total undercover floor area can be increased to 350m². The maximum coverage remains 175m².

The minimum house size is 120m².

2. Building Envelope & Building Setbacks

1,5m building line to be adhered to on all erf boundaries (except for garages facing the street.).
5m setback for garages facing the street.

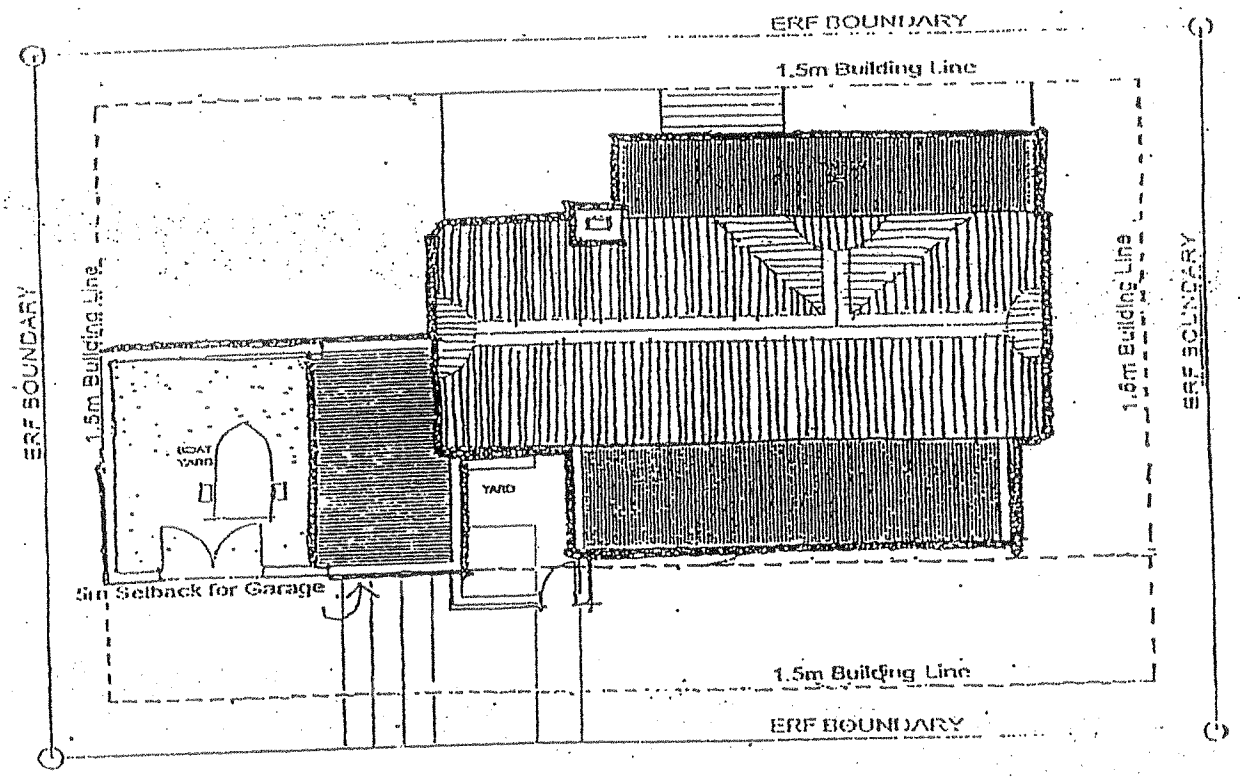


Fig. 2
Building lines and - setbacks

3. Height Restrictions

The maximum building height to top of roof is 6,5m as measured from the average natural ground floor level on erf.

Maximum of ~~2~~ one storey as seen from any direction.

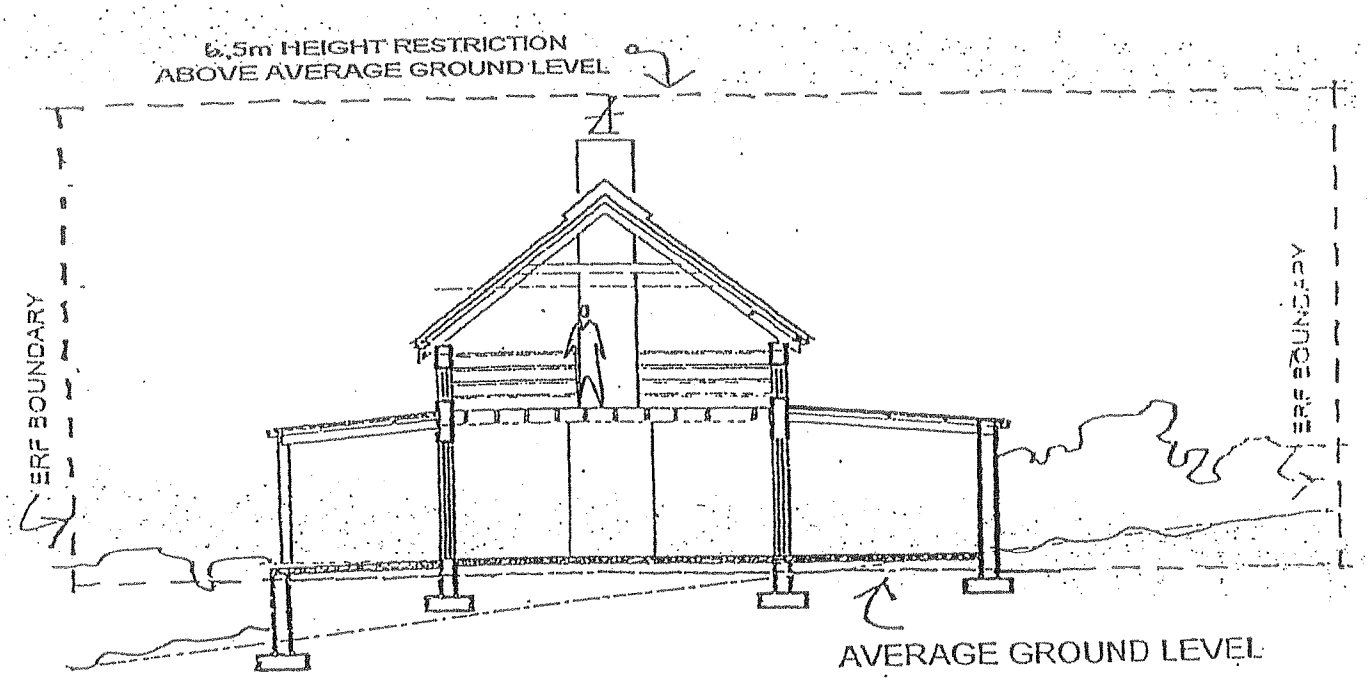
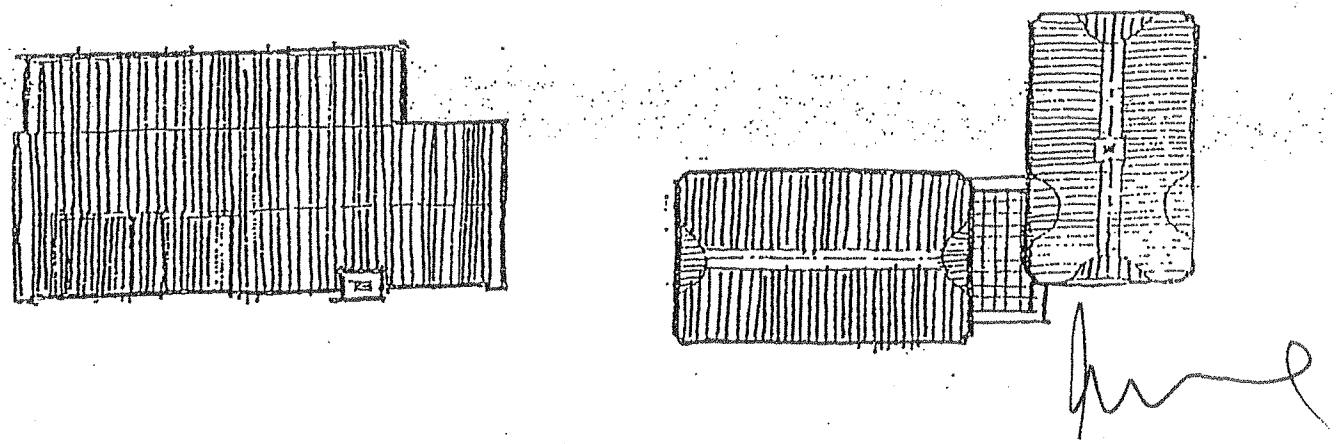


Fig. 3 Section Through Erf

4. Plan Form

Plan form - - rectangular and composite rectangular.
"Flat links" between rectangular forms are preferred to valley roof construction to minimize building mass. (See attached typical units).



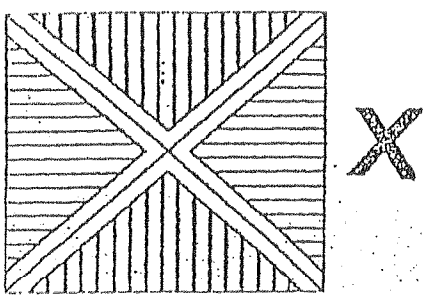
5. Roofs

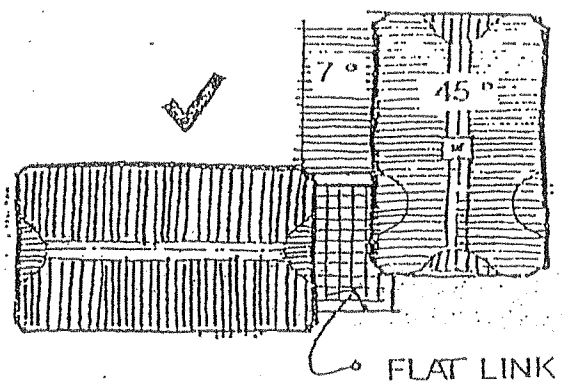
Roof must be predominantly pitched or flat in traditional styles. Pitched roofs must be a minimum of 35degrees and a maximum of 45 degrees.

Flat roofs are defined as having a slope of 7 degrees or less and must be completely enclosed on 3 sides by a minimum 250mm parapet. The overhang on the 4th side must not exceed 250mm².

Coposite rectangular forms with pitched roofs are linked by flat roofs rather than valleys to reduce mass.

No pyramid roofs allowed.





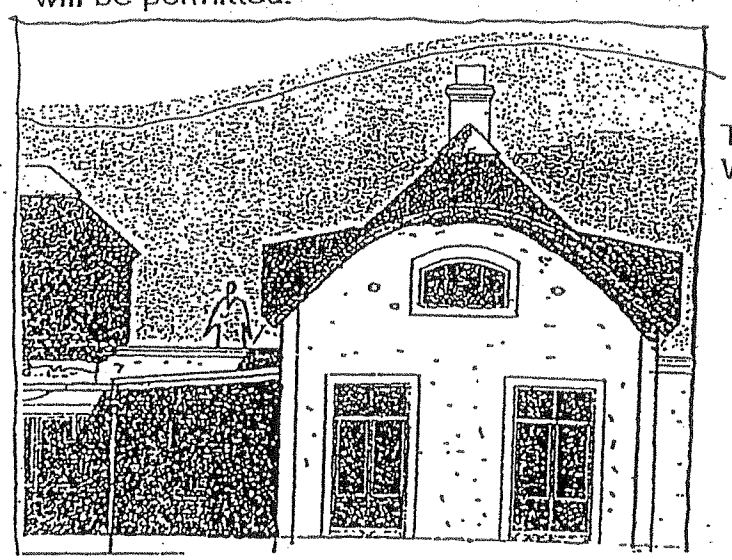
6. Gable Ends

Gable ends must be provided on all pitched roofs.

Thatched roof gable ends must be wolf-nose gables.

Sheeted roofs have gables instead of hips.

Sheeted roof gables should be simple. No curved or decorative gables will be permitted.



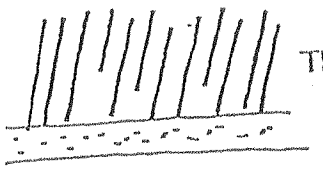
Thatched roof
Wolf Nose Gables.

5

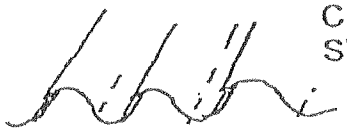
7. Roof Materials

Recommended

Thatch
Traditional pattern galvanized Aluminium or primed Chromodeck corrugated metal or fibre cement sheets. (Charcoal Colour only.)



Thatch



Corrugated Profiled Sheeting

Slate (Silver Blue / Black)

Not Permitted

IBR Sheeting
Steel Tiles
Canadian Pattern Asbestos
Mediterranean Style Tiles

8. Wall Colours

Permitted wall colours to be one of the following earthy tones. Earthcote: "Paternoster sand", "Sandstone", "Straw" or "Karoo Brown".
Paint : To match above Earthcote colours. Samples must be submitted for approval.

Natural rock / Smartstone

9. Driveways & Garages

Garage roofs over single storey garages to be flat to minimize building mass.

Driveway access to the road reserve must not exceed 4m in width. Surface finish to be approved type. Excessive hard surface areas to be avoided. Grass blocks preferred.

10. Boundary Fences and Walls

~~Allowed to a 1 500 maximum height.~~
~~No boundary fences and walls will be allowed.~~
~~No vibrecrete walls or Leffelstein blocks allowed.~~

NO INTO BOUNDARY WALLS OR FENCES MAY BE ERECTED

11. Yards

All yard walls (kitchen, drying, boat- and courtyard) should be plain, stone or plastered brick, with a simple coping painted to match the house. They must be high enough to provide the necessary screening. All yard walls must be indicated on the plan.
No vibrecrete walls allowed.
Dustbins, washing lines, gas bottles, caravan and boat storage areas must not be visible from roads or other stands.

Total area of all yards to not exceed 100m^2 per erf.

12. Utilities

Aerials and Satelite dishes to be below roof line and unobtrusive in position. Solar panels to be flush with the roof and all pipes concealed.

No visible air conditioning units

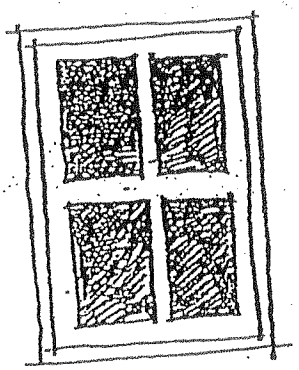
13. Plumbing

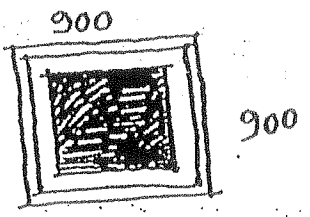
Prominent plumbing pipes (particularly from upper stories) must be concealed either within the walls, or by an external screen. Vent stacks should be avoided – use the new vent valve.

Rainwater tank must be provided in low position not visible e.g. in yards.

14. Windows

Window proportions should be either square or higher than wide and of moderate size. In certain cases they may be joined together provided the vertical emphasis is maintained (eg. Cottage pane windows).





MAXIMUM SQUARE WINDOW SIZE

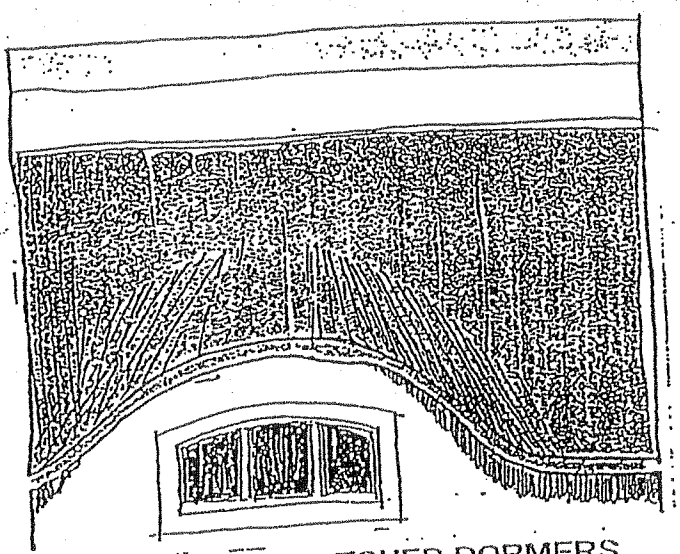
Window Frame Materials :
Timber is recommended. Black or dark bronze anodized aluminium or epoxy coated aluminium may be used. Steel frames are not permitted.

Window Frame Colours:
Recommended finishes are Sealed Natural Timber or Painted White, or Black. Any other colour must be submitted for approval.

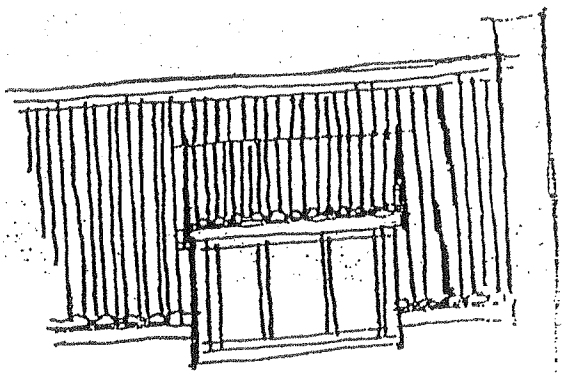
Burglar Bars:
Bars should be of a simple rectangular form placed internally. If possible they should line up with window mullions.

15. Dormer Windows :

Thatched roof to have dormers as illustrated.
Sheet roofs to have French style dormer windows.
No English Style dormer windows permitted.



WOLF NOSE THATCHED DORMERS



FRENCH STYLE DORMERS

Doors :

Door materials:

Doors must be timber. For certain applications aluminium doors will be permitted subject to approval.

Door colours :

Recommended finishes are Sealed Natural Timber or Painted White, or Black. Any other colour must be approved.

Large Doors or Windows :

These are permitted if recessed by a minimum of 1 000mm behind a pergola, verandah or screen and if each panel is not wider than 1 500mm.

Garage Doors :

Must be of a single door width and in timber, glass fibre or aluminium. The style should be the traditional horizontal, vertical, diagonal or chevron planking pattern.

Colours : to match door colour.

Screening Walls :

Toilet or bathroom doors in an external wall must have a screening wall. Servants quarters must be screened.

7. Chimneys

Chimneys are important traditional elements and must be plastered masonry.

8. Balconies and Terrance's

Balconies and Terraces should have clean lines with plain railings.

Balcony and terrace railings to be timber with vertical or horizontal railings.

No shadecloth allowed.

9. Siting of Buildings

Owners are requested to liaise with their neighbours when planning their homes. The positioning of your buildings should not unreasonably affect the amenities of nearby properties. For example, servants quarters and entertainment areas should be sensitively positioned and your neighbours'

privacy respected. The Gouritz River Estate Home Owners Aesthetics Committee's decision in this regard will be binding on all parties concerned.

20. Interiors

All interior design and decoration of homes is unrestricted.

21. Submission of Plans

No buildings, walls, fences or other structures may be erected until they have been approved in writing by the Gouritz River Estate Home Owners Aesthetics Committee. Two sets of plans, signed by the owner, must be submitted. The plan requirements are : All plans to be dimensioned and to scale.

Site and Floor Plans :

Show building lines; contours; datum level and floor levels; any proposed excavations, fences, walls, swimming pool, driveway.

Elevation Plan :

Show all elevations (N, S, E, W) of all buildings, structures, walls, fences, gates and swimming pools; the natural ground level; floor and building height levels; material and colour details for roofs, walls, windows, doors, gutters, rainwater down-pipes, fences, gates, columns, poles, awnings.

CANCELLED mmp

Once written approval has been given in the form of an endorsement on the plans, you may proceed with the preparation of full working drawings for submission to the ~~South Cape District Council~~ (+), at 24 President Swart Street, for ~~attention Mr Les Barber, telephone number (028) 713 2438~~. Please contact them directly for details. In addition to the plans fees they will collect a Building Deposit and Sewerage Connection Fee.

The Building Deposit is refundable when:

1. All buildings, structures, walls and fences are completed to plan.
2. All contractors have completed their work, including paving and landscaping.
3. Adjacent pavements (and stains if affected) are reinstated to their original condition.
4. All rubble and litter has been removed.
5. Any damage to Estate property has been rectified.

(+) LANGEBERG MUNICIPALITY

A Contractors Code of Conduct must be signed by all Building Contractors for each separate contract before commencement of any work on the Estate. The owner must please ensure, in his own interests; that this takes place when the contract is awarded.

This manual has been compiled and designed by Architectural Consultants, Smuts & de Kock, P.O Box 845, George, 6530, Tel : (044) 874-2304.

SMUTS & DE KOCK ARGITEKTE · ARCHITECTS
26 Market Street, George, 6530

4OU 225

Verwysing
Reference
Isalathiso

EG 12/2/1-74 – Gansfontein 450 Mossel Bay 3691

Navrae
Enquiries
Imibuzo

DIPOLELO ELFORD

Datum
Date
Umhla

of Issue: 14-05-02

Departement van Omgewing- en Kultuursake en Sport
Department of Environmental and Cultural Affairs and Sport
Isebe lemiCimbi yeNdalo esiNgqongileyo neNkcubeko nezemiDlalo

ATT: Mr A Thirion
PO Box 334
ALBERTINIA
6695

Tel: (028) 735-1200
Fax: (028) 735-1202

Dear Sir

Application: PROPOSED CHANGE OF LAND USE OF THE REMAINDER OF THE FARM GANSFONTEIN 450 FROM AGRICULTURAL USE TO USE FOR A RESORT AND NATURE RESERVE

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

RECORD OF DECISION

A. DESCRIPTION OF ACTIVITY:
The change of land use of Gansfontein 450 from agricultural use to allow for the construction of 30 resort zone II units and the remainder of the property as a nature reserve (Open Space III) - an activity identified in Schedule 1 of Government Notice No R 1182 of 5 September 1997 as activity 2(c) *viz.* the change of land use from agricultural or undetermined use to any other land use to any other land use, and 1(m) *viz.* the construction or upgrading of public and private resorts and associated infrastructure, herein-after referred to as "the activity". The 30 resort units will be located in two distinct nodes within the disturbed agricultural area between main road 334 and the Gouritz estuary. Water will be provided from the municipal reservoir at Gouritsmond. A water borne sewerage system will be provided that will link up with the sewerage system of Gouritsmond and no French drain or septic tank system will be utilised. It is understood that there will be no subdivison other than what is required for the 30 units and that the remainder of the property which will be rezoned to Open Space III will be transferred to the Home Owners Association.

B. LOCATION:
Farm Gansfontein 450 is located north of the town of Gouritsmond on the Gourits estuary.

Utilitasgebou, Dorpstraat 1
Privaatsak X9086 Kaapstad 8000

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

Tel. No: (021) 483 2723
Fax No: (021) 483 5664
Nowund:
Ilakal.

C. APPLICANT:
Mr A Thirion
PO Box 334
ALBERTINIA
6695

Tel: (028) 735-1200
Fax: (028) 735-1202

D. CONSULTANT:
Hilland Associates
PO Box 590
GEORGE
6530

Tel: (044) 873-3793
Fax: (044) 873-3793

E. SITE VISIT(S):
Date: 01/02/2001
Persons Present: Danie Swanepoel of DECAS, Cathy Avierinos of Hilland Associates and André Thirion.

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 Chief Director: Environmental Affairs of the Department of Environmental and Cultural Affairs and Sport hereby grants authorisation for the execution of the activity described above, subject to the conditions of authorisation contained in this Record of Decision.

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 specified activity referred to above, and does not exempt the holder the of from compliance with any other relevant legislation.

G. CONDITIONS OF APPROVAL:
SPECIFIC:

1. The authorised activity, including site preparation, may not commence before the statutory 30 day appeal period expires.
2. One week's notice, in writing, must be given to the Directorate: Environmental Management, (hereinafter referred to as "this Directorate"), before commencement of construction activities and before commencement of operation activities. Such notice shall make clear reference to the site location details and reference number given above. The said notice must also include proof of compliance with the following conditions described herein:

Conditions: 6 & 7 (Prior to commencement of construction activities)

and

Conditions 5, 8, 9, 10, 11 & 12 (Prior to commencement of operation activities)

3. An integrated waste management approach must be used that is based on waste minimisation and should incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989).

4. The mitigation/rehabilitation measures and recommendations as detailed in the Environmental Impact Report dated January 2002 compiled by Ms C Avierinos of Hilland Associates, must be adopted and complied with.

5. The development must be set back at least 30m away from the 1:50 year flood line. The line of development must exclude the sensitive vegetation i.e. Milkwood trees and this must be clearly indicated on a revised layout plan; refer to point 6 below.

6. The applicant must compile and submit an acceptable construction phase Environmental Management Plan ("EMP"), for the installation of the services, roads, residential units and fences to this Directorate for approval prior to any land clearing and construction commencing. This EMP must be submitted to this Directorate at least three weeks prior to construction activities commencing. The EMP must be included in all contract documentation for the construction phase of the development. The EMP must include but not be limited to the following:

   - No-go areas must be clearly demarcated. Specific disturbance zones, within which all construction activities are to take place, must be identified and demarcated on site by the environmental control officer.
   - Detailed layout plan.
   - Erosion control mechanisms.
   - All topsoil should be stockpiled before any grading, cut or fill begins. The top 15cm of topsoil, which is the portion of the topsoil that contains the resident seed bank, should be stockpiled for use in rehabilitation.
   - Plant rescue and protection. A suitably experienced botanist must survey the site and identify suitable plants to be rescued and relocate or protected.
   - Storm water management.
   - The sewerage system must not encroach beyond the cultivation disturbance line.
   - Issues of waste management, i.e. no rubble, packaging or off-cuts to be left along the banks.
   - Issues of water provison, i.e. no utilisation of the estuary as water source during construction.
   - Maintanance, i.e. no cleaning of tools in or along the estuary.
   - Positioning of all storage facilities on the landward side of the construction area and protecting them from the elements.
   - Storage of hazardous waste if applicable, i.e. bunding should be provided where required.

- Adequate ablution facilities must be provided for all construction workers to prevent them from using the estuary for this function.
- Construction workers must be prevented from leaving any litter in the open, so adequate receptacles must be provided for this.
- The entire riparian buffer zone is to be demarcated as a no-go area. Access to the estuary adjacent to the development must be restricted to prevent workers harvesting bait or otherwise impacting on the intertidal areas.
- A section on archaeology, detailing the actions required during construction to ensure that any finds are appropriately handled.
- Rehabilitation of the entire site.

7. The applicant must appoint a suitably experienced Environment Control Officer (ECO) to undertake the mitigating/rehabilitation measures and recommendations referred to in this Record of Decision and to ensure compliance with the provisions of the construction phase EMP. The terms of reference for the appointment of the ECO must be submitted to this Department as an addendum to the EMP. The ECO must submit monthly reports to the Department of Environmental & Cultural Affairs and Sport during the construction phase.

8. The applicant must compile and submit an acceptable operational phase Environmental Management Plan (EMP) for the entire property before any of the units may be occupied. This EMP must address the protection of the natural vegetation and the riverbanks, the complete removal of all alien invasive plants and fire management. This EMP must also incorporate the conditions of authorisation given in this Record of Decision, as appropriate to the operational phase of the project. The Home Owners' Association / operator of the facility must implement and ensure compliance with this EMP. During the operational phase, annual reports must be submitted to this Department and the Western Cape Nature Conservation Board on the implementation of the operational phase EMP. The operational phase EMP must include but not be limited to the following:

- Protection of the thicket, saltmarsh and fynbos vegetation and the river bank.
- A complete removal of alien invasive plants and the timeframes to implement and complete the activities.
- Fire management plan.
- The construction and use of boardwalks as mitigatory measure to prevent the loss of riparian vegetation on the estuary fringes.
- Access to the water through the riparian vegetation.
- Boardwalks should be kept to a minimum and should follow the existing footpath. Access to the entire riparian buffer zone must only be on boardwalk. A detailed layout must be included.
- Signs must be posted within central areas of the development and en route to the estuary to:
  a. Discourage littering by residents.

b. Encourage residents to keep to the boardwalks to prevent pathways from becoming established through the riparian vegetation.
c. Remind residents to access the water for swimming only at the specific site designated for this purpose; and
d. Encourage residents to refill boat tanks on land away from the estuary to prevent hydrocarbon fuel spills either into the estuary, or onto the boat (which inevitably gets washed into the estuary).

- No landing sites should be allowed on the bank, i.e. no starting and stopping points for skiing or for leaving boats. A specific managed site should be selected for swimming.
- Adequate litter receptacles should be provided by the development.
- The residents should not be allowed to use any internal combustion engined vehicles on or near the estuary banks.
- Residents should not be allowed to harvest bait in intertidal areas that may become exposed adjacent to the development, as bait harvesting is extremely disruptive to the intertidal/subtidal areas.
- Residents must access the water for swimming only at the site provided to allow for suitable management.
- Residents must water gardens from rainwater tanks and not from the main supply line.
- The governing body/developer must be held liable for any and all pollution impacts and habitat degradation due to the development and must rehabilitate all impacted areas.
- Declaring any and all salt marsh and riverine vegetation NO GO areas and preventing access to them.
- No domestic animals may be kept on the property. Indigenous game species that occurred historically in the area may be introduced, in accordance with a scientifically determined carrying capacity.
- Only locally occurring indigenous vegetation may be used in gardening and landscaping. The areas between the units must be rehabilitated with locally occurring indigenous thicket vegetation to assist in softening the visual impact of the development.
- Roads must be kept as either gravel or grass paving, with no completely paved areas, as this would increase the pollution hazard and runoff potential of the development.
- Water saving mechanisms such as dual flush toilets and low-flow showerheads must be used in the development.
- Roads must be kept as either gravel or grass paving, with no completely paved areas, as this would increase the pollution hazard and runoff potential of the development.
- An environmental charter must be drawn up for prospective tenants to sign prior to occupation.

9. No slipways or mooring facilities may be provided by the development.
10. Perimeter fencing has the potential to damage the riparian area and curtail the natural movement of wildlife. If a security fence is required, it should only be erected around the two nodes of resort units. No security fence shall

be allowed on the boundary of the property. Allowance must be made for the movement of small animals and reptiles under the fence, while the height of the fence should allow for the natural movement of larger mammals. Once adjacent farms have been rezoned to open space (in accordance with the vision of a mega reserve) boundary fences should be removed.

11. The building design manual and architectural guidelines for the Gouritz River Estate drawn up by Smuts & De Kock Architects must be included in the constitution of the Home Owners Association and must be implemented.

12. The need for a comprehensive EMP for the management of the Gouritz Estuary is raised by the specialist report, this mitigation measure is supported by DEAT. A comprehensive Environmental Management Plan (EMP) for the estuary and its use must be drawn up and submitted to DECAS and Marine and Coastal Management (MCM) for approval before any units may be occupied. The independent environmental consultant recommends that the proposed development contribute substantially towards setting up the control and monitoring requirements for river usage. The EMP must include, but not be limited to the following:

- Methodologies that are to be implemented.
- Management of river users.
- Monitoring of biological activities. Monitoring programmes should include fish, invertrebrate and avifaunal cencus information collected on a regular basis.
- Monitoring of utilisation of fresh water and the reduced freshwater input into the estuary.
- Ongoing research into river dynamics
- Sign posts indicating legal sizes and bag limits of the common fish species in the area must be placed at the various points of access to the estuary.
- Monitoring the number of anglers and their "catch" as well as measures to assist with prosecution of illegal activities.
- An officer must be on site during peak periods to monitor for illegal catches.
- Monitoring of recreational carrying capacity.
- Implementation of the objectives of the CAPE project with respect to the Gouritz corridor / mega reserve.

13. The applicant must submit an Environmental Audit Report to this Directorate for approval six months after construction has been completed / and also after the site and access roads have been rehabilitated. This 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. This Directorate may require remedial action should the rehabilitation be shown to be inadequate. Should this not be forthcoming within 30 days, this Directorate 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.

Dec. 23 2002 03:47PM PHONE NO. : 044 873393

GENERAL CONDITIONS:

The following general conditions must be complied with:

14. The applicant must, within five calendar days of receipt of this Record of Decision:
    - Inform the relevant local authority as well as all interested and affected parties registered during the Scoping and Impact Assessment processes, of the outcome of this application and, if requested, provide copies of this Record of Decision, including all the conditions attached thereto;
    - Include in such information the explicit provisions of Regulations 11 of the Environmental Impact Assessment Regulations, (Government Notices No. R 1182 and 1183 of 5 September 1997) which reads as follows:

      (1) An appeal to the Minister or provincial authority under section 35(3) of the Act must be done in writing within 30 days from the date on which the record of decision was issued to the applicant in terms of regulation 10(1);

      (2) An appeal must set out all the facts as well as the grounds of appeal, and must be accompanied by all relevant documents or copies of them which are certified as true by a commissioner of oaths.
    - Include the date on which the record of decision was issued to the applicant in terms of regulation 10(1) and the date by which appeals must reach the Minister.
    - Inform all I & AP's that a signed and certified Appeal Questionnaire, is obtainable from the Minister's office at tel. 483 4350, URL http://westcape.wcape.gov.za/environmental_cultural_affairs/default.asp, or email cmmeyer@pawc.wcape.gov.za must accompany the appeal.
15. This Directorate must be notified, within 30 days thereof, of any change of ownership and/or project developer, as well as any change of address of the owner and/or project developer. Conditions imposed in this record of decision must be made known to the new owner and/or developer and are binding on the new owner and/or developer.
16. The conditions of the authorisation must be brought to the attention of all persons (employees, sub-consultants etc.) associated with the undertaking of this activity and the applicant shall take such measures necessary to bind such persons to these conditions.
17. All outdoor advertising associated with this activity, whether on or off the property concerned, shall 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.

18. 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.

19. Records relating to the compliance/non-compliance with the conditions of the authorisation must be kept in good order. Such records must be made available to this Directorate within seven days of receipt of a written request by this Directorate for such records.

20. The applicant shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.

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 shall also be regarded as 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 approval as set out in this document or any other subsequent document emanating from these conditions of approval.

H. RECOMMENDATIONS:

This Directorate would recommend that:

1. The recreational carrying capacity of the Gouritz Estuary must be determined, as the need for such determination has come through strongly within this EIA process. It is further recommended that the results of this study be used to inform a decision made in terms of LUPO with respect to this application and to inform the Environmental Management Plan (EMP) for the river and its use.

2. Long term water resource planning by the authorities must take place in order to address the cumulative impact of the reduction of freshwater input into the estuary.

3. Detailed forward land use planning must be done for the area around the Gouritz Estuary.

I. KEY FACTORS AFFECTING THE DECISION:

Concerns were raised over the management of the estuary and the potential impact, including cumulative impact of the proposed development on the estuary.

A report was compiled by Prof. Allanson, titled The Gourits Estuary – An initial assessment of its status. A specialist report on the impact of the Gourits River Estate on fish recruitment into the Gourits estuary was compiled by Coastal Environmental Services (CES). The report by CES recommends that "if DECAS and the developer apply the suggested mitigatory actions, then the severity of impacts is reduced". The mitigatory measures proposed include the establishment and implementation of an environmental management plan (EMP) for the estuary.

Impact on River Ecology:

The Environmental Impact Assessment has shown that the management of he river system for the people of Gouritsmond, including the proposed new development requires urgent attention in view of the recreational use of the river. Specific control and management of the river is therefore a requirement of not only the proposed development, but the whole of Gourits, in order to ensure the sustainable utilisation of the coastal zone and marine resources. In terms of the White Paper for Sustainable Coastal Development pro-active mechanisms must be considered for areas such as estuaries, which are important nursery sites for fish species, to ensure the sustainability of renewable resources. The need for a comprehensive EMP for Gouritsmond and the estuary is based on the cumulative impacts related to the development that were identified in the EIR. The development and implementation of a comprehensive EMP for Gouritsmond and the estuary has been included as a condition of approval.

Loss of inter- and subtidal shallow water habitats: The specialist study by CES recommends as mitigatory measure that "once residents enter the development they should not be allowed to harvest bait in intertidal areas that may become exposed to the development, as bait harvesting is extremely disruptive to the intertidal/subdtidal areas". This recommendation has also been included as a condition of approval.

The impact on increased fishing effort: The specialist report by CES states that "the impact of this is extremely difficult to ascertain without quantitative information on fishery; suffice to say that there will be an increase in fishing effort". As mitigation measure they recommend that "an environmental management plan should be enforced that monitors the catch of the anglers based in the development to help conservation officers in the region to manage stocks" and " the local authority should also have a fisheries officer on site during peak periods to monitor for illegal catches". The above recommendations have been included as conditions of approval.

Water provision and reduced freshwater input into the estuary: According to a report by MVD Consulting and Civil Engineers the yield of the town's water source is 1781,7kl/day (based on 24 hour monitoring on 26 and 27 February 2001). The estimated water use during the peak holiday season for the proposed development and existing 440 plots and caravan park will be 705,7kl. A specialist report states that "the impact of the development will, however, be indirect, with the cumulative water demands on the town's water resource increasing and potentially eventually the present source will be exhausted, resulting in further pressure on other surface water resources in the area. The reduction in freshwater is a significant problem in

South African estuaries and the local authorities must recognise this in future planning for the area". The report recommends that long term water resource planning by the authorities must take place".

The visual impact of the proposed development and alternatives, including sense of place:

Smuts & De Kock Architects did a visual assessment. A graphic visualisation of the various alternatives, except the 10-unit alternative, was made from three vantage points. The report recommends the 50-unit alternative for approval. The proposed development was not assessed in terms of visual intrusion – the character and the magnitude of change caused by the proposed development on the visual landscape and sense of place, visual exposure – the area over which the development can be seen and nocturnal visual impact.

Policy: Regional/planning context:

An application has been submitted for the amendment of the Mossel Bay / Riversdale Subregional Structure Plan to allow for the proposed development. This Structure Plan states that "any expansion of Gouritsmond" should preferably take place in an inshore direction".

The draft Coastal Zone Policy for the Western Cape contains a mechanism for determining development density. The applicant was requested to consider an alternative number of units (density) that is in line with the recommendation of the draft Coastal Zone Policy. An alternative of 10 units was included in the Environmental Impact Report. However, the applicant has indicated that this alternative is not a financially viable option.

The site in question is situated within the Gourits corridor area that has been identified by the Cape Action Plan for the Environment (CAPE) project as being an important area for ecological process conservation (linking the mountains and karoo with the coast). As such it could also form part of the proposed Gourits mega-reserve. The draft Coastal Zone Policy also identifies the Gourits River as forming part of an ecological corridor between the sea and the mountains. It is therefo essential that any development planning in this area adhere to these principles in ensuring an ecological link along the river.

Concerns were raised regarding ribbon development and leapfrogging. The need for a development outside the current urban edge, approximately 1.5km upstream is questioned. "There is plenty of room inside Gourits village for further development". Approximately one third of the existing erven (approximately 440 erven) in Gouritsmond is presently undeveloped.

Principle 2(4)(r) contained in the National Environmental Management Act, 1998 apply: "Sensitive, vulnerable, highly dynamic or stressed ecosystems, such as coastal shores, estuaries, wetlands, and similar systems require specific attention in management and planning procedures, especially where they are subject to significant human resource usage and development pressure". In this regard, the

FROM : Hilland Associates PHONE NO. : 044 8733793 Dec. 23 2002 03:52PM

relevant planning authorities are obliged to give effect to the principles of integrated environmental management as contained in the National Environmental Management Act, 1998 (Act 107 of 1998) when a decision is taken in terms of the Land Use Planning Ordinance, 1985.

Although the 30-unit alternative does not strictly adhere to recommendations of the draft Coastal Zone Policy, it should be pointed out this decision should not be regarded as setting a precedent in this regard and each development will be evaluated on merit.

Alternatives:

A range of alternative densities was identified as well as to maintain the status quo (agricultural). The range of alternatives includes 75 resort units with a 15-bed lodge, 70 resort units, 50 resort units, 30 resort units (spread out), 30 resort units in two nodes and 10 units. Services would be linked to the municipal supply in each case, except for the 10 units. The alternative of 10 units "would inevitably be spaced along the river front equally from each other, each with its own access to the water

The comparative assessment of the various alternatives indicates that the alternative of 30 unit in two nodes, is the most appropriate alternative. The consultant states in the EIR that "as the 10 unit alternative is economically unviable, no certainty can be placed on control measures and mitigation measures being implemented. It is the unknowns of this alternative which show it as being less appropriate". The control and mitigation measures, such as a clustered layout, architectural guidelines, municipal services (sewage and water) etc. has not been applied to the 10-unit alternative. As a result the comparative assessment shows the 10-unit alternative as being less appropriate.

Cumulative effects of the activity and its alternatives (see NEMA 24(7)):

To be sustainable, the "nature and scale of coastal development must not exceed the capacity of coastal ecosystems to support human activities." (Glavovic, 2000) In the General Recommendations and Conclusions of the Final Environmental Impact Report, the consultant states that: "DECAS must consider that many of the above impacts (e.g. reduced freshwater input, pollution and increased fishing pressure) are placing an incremental, cumulative demand on the available resources. It is essential that the local authorities develop a management plan for the estuary to ensure that the Gourits be managed sustainably. This management plan must consider but not be limited to the carrying capacity of developments, sustainable levels of fishing and freshwater demand." The report further recommends that "a contribution towards this EMP for the Gourits Estuary should form part of any development approval granted on the proposed site."

The need for a comprehensive EMP for he management of the Gourits Estuary is raised by the specialist report on the estuary and is supported by the DEAT comment on this report. "Specific control and management of the river use is therefore a requirement of not only the proposed development, but of the whole of Gourits, in order to ensure that sustainable utilisation of the coastal zone and marine resources. In terms of the White Paper areas such as estuaries, which are

Dec. 23 2002 03:53P PHONE NO. : 044 8733793

important nursery sites for fish species should consider pro-active mechanisms to ensure the sustainability of renewable resources". In terms of section 2(4)(r) of NEMA, sensitive, vulnerable, highly dynamic or stressed ecosystems, such as coastal shores, estuaries, wetlands, and similar systems require specific attention in management and planning procedures, especially where they are subject to significant human resource usage and development pressure.

It is evident that an EMP for the estuary is needed to mitigate the cumulative impacts of the proposed development on the estuary. However, consultant/applicant believes that it is the responsibility of the local authority to develop and implement the EMP and recommends that a contribution towards this EMP should form part of any development approval granted on the proposed site. This issue must be borne in mind when a decision is made in terms of the Land Use Planning Ordinance, 1985 (LUPO) with regard to the proposed development.

Public Participation:

The public participation process showed that there is considerable local opposition to the development proposal. The office of the MEC received four letters of objection/complaint during the scoping process. Concerns raised include amongst others the following:

- The need for a holistic plan for the region.
- Setting a precedent for development along the river.
- Control and management of the river and estuary.
- The potential impact on the estuary.
- The visual impact and the effect of the proposed development on the sense of place and character of the area.
- The cumulative impact of the increase in numbers of people on the town and area, including the beach, parking, ablution facilities and estuary.
- The effect of the proposed development on the provision of water to the town, including future demand for water.
- The current services would be grossly overloaded.

The applicant has personally visited 104 residents of Gouritsmond to collect 98 letters written by the residents in favour of the development. The Ratepayers Association of Gouritsmond represents 159 persons objecting to the proposed development. Although the consultant states that "analysis of these opposing sentiments appears to reveal a NIMBY (not in my back yard) sentiment", the interests, needs and values of the local community has to be taken into account.

J. **APPEAL:**

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

The Minister of Environmental Affairs and Development Planning
Western Cape Province
PO Box 560, Cape Town, 8000
Fax: (021) 483-6081

FROM : ATTAMAN ASSOCIATES PHONE NO. : 044 8733793 Dec. 23 2002 03:54PM

Appeals must comply with the provisions of regulation 11 of the Environmental Impact Assessment Regulations, (Government Notices No. R. 1182 and 1183 of 5 September 1997) 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.

A full copy of the appeal must be submitted to the applicant (being the person who applied to the Department of Environmental and Cultural Affairs and Sport (DECAS) to undertake the listed activity). Alternatively, if the appellant is the applicant, all interested and affected persons must be informed that an appeal is being lodged with the Minister and the appellant must provide those persons with reasonable access to a full copy of the appeal.

A signed and certified Appeal Questionnaire, obtainable from the Minister's office at tel. 483 3915, URL http://www.capegateway.gov.za/environmental_cultural_affairs/default.asp or email cnumever@pawc.wcape.gov.za must accompany the appeal.

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

Yours faithfully

DIPOLELO ELFORD
CHIEF DIRECTOR: ENVIRONMENTAL AFFAIRS

DATE OF DECISION: 14/05/02

Copies to: (1) Mr J Veldsman (Langeberg Municipality)
(2) Ms C Aviarinos (Hilland Associates)

Fax: (028) 754-1140
Fax: (044) 873-3793

Verwysing
Reference 24/1/5/2/K28/G1
Isalathiso

Navrae
Enquiries
Imibuzo Mr M Abrahams

Datum
Date
Umhla 23/12/02

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

Tel: (021) 483-8788

DELplan
URBAN AND REGIONAL PLANNING

2003 -01- 20

PO Box 9956
GEORGE 6530

Mnre DELplan
Posbus 9956
GEORGE
6530

Geagte Mencre

1 U brief 140/RIV/00 gedateer 15 Mei 2002 verwys.

2. Die Bevoegde Gesag vir die administrasie van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) het ingevolge artikel 4(7) goedkeuring verleen vir die wysiging van die Mosselbaai/Riversdal Streekstruktuurplan, deur die gebruikstoewysing van die Restant van die Plaas Gansfontein 450, Gouritsmond vanaf "Landboudoeleindes" en "Natuurgebied" na "Ontspanning" te verander, en,

3. Gemelde Bevoegde Gesag het verder goedkeuring verleen vir die hersonering van die Restant van die Plaas Gansfontein 450 vanaf Landbousone I na Onderverdelingsgebied in terme van artikels 16 en 42(1) van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985).

3.1 Die goedkeuring is onderhewig aan die volgende voorwaardes, naamlik:

3.1.1 Dat die sonering van die 30 erwe, Oordsone II sal wees met die restant van die eiendom gesoneer as Oopruimtesone III. Die Oordsone II sonering moet so beperkend moontlik om die eenhede bepaal word.

3.1.2 Dat die Oordsone II erwe waarbinne die woning geplaas kan word nie groter as 300m² sal wees nie.

3.1.3 Dat die maksimum grootte van die Oordsone II eenhede beperk word tot 175m², insluitend motorhuise en alle onderdak areas.

3.1.4 Dat die Oordsone II eenhede beperk word tot enkelverdieping strukture met 'n maksimum hoogte van 6,5 m gemeet van die grondoppervlak tot die nok van die dak.

3.1.5 Dat die dakspasie van die Oordsone II eenhede gebruik kan word as leefruimtes.

3.1.6 Dat die Oordsone II eenhede spitsdakke moet hê en geen platdakke nie, behalwe vir die skakeling tussen spitsdakgedeeltes soos bespreek in die argiteksontwerpriglyne.

3.1.7 Dat geen grensmure tussen die Oordsone II eenhede voorsien sal word nie.

3.1.8 Dat die finale plasing van die eenhede op terrein bepaal word in samewerking met amptenare van die Direktorate Omgewingsbestuur en Streekbeplanning en die Munisipaliteit.

3.1.9 Dat die gedeelte van die eiendom wat Oopruimtesone III gesoneer is, nie onderverdeel mag word nie.

3.1.10 Dat 'n Huiseienaarsvereniging tot stand gebring word in terme van artikel 29 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) en die grondwet daarvan aan die Raad voorgelê word vir goedkeuring en dat die restant van die eiendom aan die huiseienaarsvereniging oorgedra word en deur hulle bestuur word.

3.1.11 Dat 'n Argitekontwerphandleiding aan die Raad voorgelê word vir goedkeuring en ingesluit word by die grondwet van die huiseienaarsvereniging.

3.1.12 Dat 'n plan wat die rehabilitasie en landskappering van die ontwikkeling by die Raad vir goedkeuring ingedien word. Die landskappering van die ontwikkeling en individuele eiendomme asook rehabilitasie van die eiendom sal slegs met inheemse plantegroei, eie aan die Gouritsomgewing gedoen mag word.

3.1.13 Dat die rehabilitasie van die eiendom in aanvang neem met die begin van die uitvoering van die ontwikkeling en deurgaans gemonitor word as 'n komponent van die omgewingsbestuursplan (OBP).

3.1.14 Dat geen formele tuine toegelaat sal word nie.

3.1.15 Dat die Omgewingsbestuurplan (OBP) goedgekeur word deur die Departement van Omgewingsake en deel vorm van die grondwet van die huiseienaarsvereniging.

3.1.16 Dat 'n fonds deur die huiseienaarsvereniging gestig word, waarin 'n maandelikse bedrag, soos deur die huiseienaarsvereniging bepaal, deur elke huiseienaar inbetaal sal word, vir gebruik vir bewaring van die omgewing insluitende aanplant van plantegroei en uitroei van indringers soos opgeneem in OBP.

3.1.17 Dat geen straatligte voorsien word nie, en dat beligting aangespreek word tot bevrediging van die Munisipaliteit en die Direktoraat Omgewingsbestuur.

3.1.18 Dat die plaaslike gemeenskap so ver moontlik in diens geneem sal word met die uitvoering van die voorgestelde ontwikkeling.

3.1.19 Dat die ontwikkelaar se onafhanklike omgewingskonsultant maatreëls bepaal vir die stabilisering van die rivieroewer aangrensend tot die eiendom en die implementering daarvan tot bevrediging van die Munisipaliteit en die Departement van Omgewingsake.

3.1.20 Dat die ontwikkelaar se onafhanklike omgewingskonsultant 'n studie doen van die eerste 5 km van die rivier ten einde te bepaal teen watter snelheid waar gery kan word met lote op die rivier en watter gedeeltes geskik is vir watersport tot bevrediging van die Munisipaliteit en die Direktoraat Omgewingsbestuur.

3.1.21 Dat geen sleephelling of jetty toegelaat sal word op die eiendom nie.

3.1.22 Dat die ontwikkelaar en uiteindelik die huiseienaarsvereniging op eie kote 'n wetstoepassingsbeampte in diens neem vir polisiëring van rivierregulasies in samewerking met die Munisipaliteit.

3.1.23 Dat alvorens enige bouplanne ingedien word ten opsigte van die ontwikkeling of herontwikkeling van die eiendom, 'n terreinontwikkelingsplan by die Munisipaliteit ingehandig word vir goedkeuring wat die voorgestelde ontwikkeling aandui asook:

a) Voertuig toegang
b) Landskapering voorstelle in ooreenstemming met die OBP
c) Natuurkorridors wat die rivier en die Oopruimtesone III verbind
d) Die ligging en oriëntasie van alle geboue