



Province of the Eastern Cape

DEPARTMENT OF ECONOMIC AFFAIRS, ENVIRONMENT AND TOURISM
Chief Directorate: Environment Affairs

Cnr York Road & Victoria St., Private Bag X5029, Umtata 5100, South Africa

Reference: 15/2/1/1/49/04-070
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* Concept - design *
* Costing - update *
* Financial - update *
* - Structuring *

Incopho Wild Coast Development Consortium
P.O. Box 2336
Beacon Bay
East London
5205

R.

Attention: Mr. G.S.V. Bosman

Dear Sir / Madam

**AUTHORISATION IN TERMS OF SECTION 22 OF THE ENVIRONMENT
CONSERVATION ACT, ACT 73 OF 1989, TO UNDERTAKE A LISTED ACTIVITY
AS SCHEDULED UNDER SECTION 21 OF THE ACT: CONSTRUCTION OF
RESORT FACILITIES AND ASSOCIATED INFRASTRUCTURE AT HOLE-IN-THE-
WALL, KING SABATHA DALINDYEBO (KSD) MUNICIPAL AREA.**

With reference to your application of 26 May 2004 (Ref 15/2/1/1/49/04-070), for authorisation in terms of the Environment Conservation Act, Act 73 of 1989, to construct 50 single storey chalets, a central restaurant, a curio shop and amenities, and associated infrastructure at Hole-In-The-Wall, KSD Municipal Area.

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

Briant Noncembu may be contacted at our Umtata office for any query in this regard.

Yours faithfully,

SIZAKELE GABULA
DEPUTY DIRECTOR: O.R.TAMBO REGION

DATE: 10 / 08 / 2005

RECORD OF DECISION
15/2/1/1/49/04-070

1. Description of Activity

(1) Construction of resort facilities which will entail the following:

- 50 single storey chalets which will comprise 25 single rooms, 15 double rooms and 10 self catering units, in accordance with the dimensions as reflected in Table 5.1 of the Hole-In-The-Wall Tourism Development's Final Scoping Report dated September 2004.
- A restaurant that accommodates 50 people.
- A traditional boma with a capacity for 100 people.
- A bar and lounge with a capacity for 150 people.
- A swimming pool, curio shop and an informal craft market.
- All infrastructure (Access road, electricity, storm water, water supply and sewage) associated with the above facilities.

(2) Rezoning of the land in question for the above-stipulated land use.

The activity attracts the provisions of Section 1 (m) (construction of public and private resorts and associated infrastructure) and 2 (c) (Change in land use from Undetermined use to any other land use) of Govt. Notice No. R1182 of 5 September 1997.

2. Location of Activity

In Hole-In-The-Wall, at the proposed alternative site for the Ridge Development which lies to the east of the initially proposed site as indicated in Figure 8.1 of the Hole-In-The-Wall Tourism Development's Final Scoping Report dated September 2004, to the north of and across the road from the Hole-In-The-Wall coastal residential area and within the KSD Municipal Area .

3. Contact Details of Applicant

Name: Incopho Wild Coast Development Consortium
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Beacon Bay
East London
5205

Contact Person: Mr. G.S.V. Bosman

Telephone: 043-7400190

Fax: 043-7400190

Cellular: 083 494 4955

4. Contact details of Consultant

Name: Terreco
P.O. Box 1007
Gonubie
5256

Contact Person: Ms Joanne Daneel

Telephone: 043-7402475

Facsimile: 043-7402475

Cellular: 082 493 5646

5. Details of site visit

A site visit was undertaken on the 8 October 2004 together with the EIA consultant, Ms Joanne Daneel, government departmental stakeholders (O.R.Tambo D.M., KSD L.M., Dept. of Water Affairs and Forestry (DWAF) and Dept. of Land Affairs), CES representative, Dr Ted Avis and Ms Julie Clark from DBSA.

6. Decision

Authorisation is granted subject to the conditions set out in section 8 hereunder.

7. Duration of Authorisation

- 7.1 Construction of the resort is to commence within 12 months of the date of signature of this authorisation. Should the activity not have commenced within this time period, the applicant shall be required to re-apply for authorization.
- 7.2 Construction is to be completed within 24 months of commencement.
- 7.3 Conditions relating to the operation of the project are valid for the lifetime of the project.

8. Conditions of Authorisation

8.1 Standard conditions:

- 8.1.1. This authorization applies only to the construction of the resort and its associated infrastructure as described under sections 1 and 2 of this Record of Decision.
- 8.1.2. This authorization is subject to the applicant's compliance with all other relevant legislation and all applicable municipal by-laws.

- 8.1.3. The conditions of this authorization shall form part of the contract entered into between the applicant and the contractor and any sub-contractors.
- 8.1.4. Should any environmental damage be detected, that in the opinion of the relevant provincial environmental authority, 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.
- 8.1.5. In the event of any dispute as to what constitutes environmental damage, this Department's opinion will prevail.
- 8.1.6. This department must be notified, within 30 days, of any change of ownership/ developer. Conditions established in the Record of Decision must be made known to the new owner/developer and are binding on the new owner/developer.
- 8.1.7. This department must be notified of any change of address of the owner/developer.
- 8.1.8. This Record of Decision must be made available to any interested and affected party who has registered their interest in the proposed development. 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.

8.2 Project-specific conditions:

- 8.2.1. Authorisation is subject to the formal rezoning of the proposed site prior to the implementation of the stipulated land use.
- 8.2.2. Further to the provisions of 8.1.2, this authorisation is subject to the acquisition of land lease permits and any other necessary documentation from the Department of Land Affairs and or any other department.
- 8.2.3. This authorisation is subject to an agreement being reached between the applicant and any individual or group of people having any form of legal rights or hold on the proposed site.
- 8.2.4. This authorisation pertains only to the construction of the resort as detailed in Section 1 of this Record of Decision and does not cover any other activity which on its own is a subject of an Environmental Impact Assessment (EIA) study in terms of the EIA Regulations (Govt. Notice No. R1182) and the impacts of which have not been covered in detail by the consultant's Final Scoping Report of September 2004. In this regard particular attention must be given to the fact that the provision of basic infrastructure (bulk water supply, sewage infrastructure, waste disposal (establishing a waste disposal / recycling / treatment facility or site), electricity and access roads (construction or upgrading etc) is a subject of an EIA process.
- 8.2.5. This authorisation is subject to the acquisition of an adequate, suitable water supply source for the project. Confirmation of such a source must be communicated to this Department before the commencement of project implementation.
- 8.2.6. This authorisation is subject to the investigation and development of a suitable, DWAF approved domestic effluent sewage treatment system. Such a sewage treatment system must be submitted for the approval of this Department prior to the commencement of project implementation.

- 8.2.7. In the event that the proposed development is established prior to the implementation of the Integrated Waste Management Plan (IWMP) for the area under the KSD municipal jurisdiction, then a waste management system that complies with the requirements of the Integrated Pollution and Waste Management Policy (IP&WMP), the National Waste Management Strategy (NWMS), must be developed and implemented.
- 8.2.8. Employment practices must give preference to the relevant local communities. In this regard training opportunities must be opened and skills development and capacity building conducted in order to ensure that the members of the local communities can effectively participate in the management and running of this project and be able to use the acquired skills elsewhere.
- 8.2.9. Further to the provisions of 8.2.8, a social upliftment programme must be developed and a copy thereof submitted for the consideration of this Department. Such a programme must articulate clearly the applicant's employment and training policies, and clear time frames for the implementation thereof. Furthermore, labour intensive employment strategies must be given priority in this regard.
- 8.2.10. Procurement measures must give preference to local goods and suppliers of services.
- 8.2.11. An Environmental Management Plan (EMP) for the construction phase of the project must be compiled and submitted for the pre-approval of this Department. *- once the factoring report*
- 8.2.12. An independent Environmental Control Officer (ECO) must be appointed to oversee the construction phase of the project and to ensure the implementation of the EMP. In this regard the ECO will participate in the EMC where s/he will give feedback in meetings and also compile reports and submit them to this Department for consideration.
- 8.2.13. An Environmental Monitoring Committee (EMC) must be established to monitor the proposed development.
- 8.2.14. Architectural design plans which clearly illustrate the positioning of the resort infrastructure inclusive of all aspects pertaining to landscaping must be submitted for the pre-approval of this Department.
- 8.2.15. The exact site for the proposed development must be surveyed and the survey diagrams including GPS co-ordinates thereof submitted for the consideration of this Department and pre-approval thereof prior to their final approval (by the Surveyor General or whoever is responsible for that).
- 8.2.16. All plans in respect of this development must be approved by the KSD Local Municipality.
- 8.2.17. All construction material and machinery required during construction must be located within a demarcated area which, prior to any construction taking place must be marked out by means of four corner markers and chevron tape. The surface within this demarcated area must be kept clear of all weeds and invasive plant species.
- 8.2.18. A development setback line must be established, clearly marked and enforced from the road which is located between the Hole-In-The-Wall existing residential area and the proposed site, and the drainage line or stream that runs from the north-east and around the site in a south-westerly direction. No development activity must take place beyond this line.

- 8.2.19. The construction camp and depot must be located within the most disturbed areas of the site.
- 8.2.20. Ablution facilities must be provided within the premises of the site for workers and these must be removed once construction is completed.
- 8.2.21. Adequate drainage measures must be undertaken to ensure that storm water is properly managed during and after construction to prevent soil erosion.
- 8.2.22. Access to the site must be via the existing coastal road and no new roads may be constructed. The road between Coffee Bay and Hole-In-The-Wall needs to be upgraded.
- 8.2.23. As a general rule, ground disturbance and vegetation clearance must be confined to the actual footprints of infrastructure, and curtailed to what is absolutely unavoidable in order to effect project implementation.
- 8.2.24. Further to the provisions of condition 8.2.23, any areas on the fringes of where infrastructure is established which are disturbed during project implementation, are to be fully rehabilitated.
- 8.2.25. Wherever practicably possible, vegetation which has to be eradicated for project implementation purposes is to be transplanted elsewhere on the property.
- 8.2.26. Further to the provisions of condition 8.2.25, any landscaping associated with project implementation is to focus on the use of plant material which occurs naturally on the property
- 8.2.27. Topsoil that is removed during construction must be stockpiled for use in rehabilitation initiatives. The height of the stockpiles may not exceed 1,5 m.
- 8.2.28. Noise levels must be reduced to acceptable limits in terms of Noise Regulations. In this regard all activities must take place during the normal working hours and must be limited to the week days, and no work may be done over weekends.
- 8.2.29. Adequate dust suppression techniques must be employed to control dust pollution to acceptable levels and operators must be equipped with dust masks.
- 8.2.30. Further to the provisions of 8.1.2, strict health and safety measures (in terms of the Occupational Health and Safety Act) must be implemented on site, and members of the public must be excluded from the construction site to minimise unnecessary life risks.
- 8.2.31. If any cement or concrete is used for reinforcement during construction, no cement or concrete may be mixed on the soil surface, cement mixers must be placed on large trays to prevent accidental spills.
- 8.2.32. If any machinery such as generators or compressors are used during construction or operation, strict precautions must be taken to prevent hydrocarbon spills. In this regard the repairs or servicing of vehicles or machinery may only take place in part of the site specially designated for that and adequate control measures must be put in place to prevent pollution of the environment.
- 8.2.33. The storage of quantities in the excess of 200m³ of fuel or any other hazardous material must first be approved by this Department.
- 8.2.34. Spillage of material must be contained and cleaned up immediately to prevent degradation and pollution of the environment.

- 8.2.35. A hazardous waste management plan and an emergency action plan for spillages must be compiled and submitted for the approval of this Department prior to the commencement of construction activities.
- 8.2.36. All power supply and telecommunication lines, water supply and sewage piping, are to be placed underground.
- 8.2.37. With the exception of uncontaminated soil that will be used for rehabilitation purpose, all waste material produced during the construction and operation phases of the resort is to be disposed of at an appropriate waste disposal site, and may not be disposed of on site in any way, including burning.
- 8.2.38. Further to the provisions of 8.1.4 and 8.1.5, the applicant undertakes to take full responsibility in respect of repairs, remediation and rehabilitation of the environmental damage that may accrue in the event of the proposed development project being unsuccessful, the untimely closure of the development project, or any component thereof degrading the environment. In this regard all costs will be borne by the applicant.
- 8.2.39. Any exotic invader plant material which colonises disturbed ground is to be systematically eradicated and destroyed prior to it attaining the seed formation stage.
- 8.2.40. If an artefact or any other object of possible cultural or historical significance, including fossil material, is uncovered during an excavation, all work on the site must be terminated and the advice of an expert must be obtained. Any suspected site or object of cultural or archaeological significance located during construction should immediately be reported to the South African Heritage Resources Agency (SAHRA). Failure to do so would constitute a contravention of the National Heritage Resources Act, Act 25 of 1999, as amended.
- 8.2.41. Any changes in the project with potential significant environmental effects and which would differ from those which were authorised by this department must be submitted for prior approval before such changes are effected.
- 8.2.42. A post construction environmental audit must be conducted and a report thereof must be submitted to this Department.
- 8.2.43. Notwithstanding the provisions of any condition of this Record of Decision (RoD), including all mitigation measures, guidelines and recommendations contained in the consultants' Final Scoping Report dated September 2004, including additional documentation thereto, which are not covered explicitly under the conditions contained in this RoD, it must be ensured that the aesthetic quality of the Wild Coast, including particularly the immediate area within the full view and neighbourhood of the Hole-In-The-Wall rock feature, is not in any way compromised by the proposed development activity.
- 8.2.44. Notwithstanding the provisions of any condition of this Record of Decision (RoD), including all mitigation measures, guidelines and recommendations contained in the consultants' Final Scoping Report dated September 2004, including additional documentation thereto, which are not covered explicitly under the conditions contained in this RoD, it must be ensured that the proposed development activity does not in any manner prevent public access to the Hole-In-The-Wall rock feature.
- 8.2.45. Notwithstanding the provisions of any of these conditions, all mitigation measures, guidelines and recommendations contained in the consultants' Final Scoping Report dated September 2004, including additional documentation thereto, which are not covered explicitly under the conditions

contained in this Record of Decision (RoD), must be regarded as conditions in terms of this RoD, and must be adhered to and fully implemented.

9 Key Factors That Led to Decision


- 9.1 Notwithstanding the absence of a spatial development plan for the area, the site for the proposed development is located within the development node in terms of the Wild Coast Tourism Development Policy.
- 9.2 The alternative site which is located within the existing currently developed residential area of Hole-In-The-Wall and out of the direct view of the rock feature which would have other implications, has been considered and approved for the proposed development.
- 9.3 According to the consultants Final Scoping Report dated September 2004 (paragraph 4, page vii of the Executive Summary and paragraphs 3 & 4 of page 64), the impacts of the proposed development on the **Sense of Place** associated with the rock formation, with regard to the initially selected and preferred site by the applicant for the ridge development, cannot be effectively mitigated and may prevent any future consideration of the rock formation as a heritage site. The site is a national asset of international significance and has been generally used as a symbol of the Wild Coast. Any decision therefore for the development of this site would need to be preceded by an objective study that would take account of these aspects and ensure that public access to this public asset is also not hindered or monopolised. A risk averse and precautionary approach in terms of NEMA is therefore applied in this regard.
- 9.4 The site is not ecologically sensitive, is poor in faunal and floral biodiversity, contains no rare and endangered species and shows signs of considerable disturbance.
- 9.5 The proposed development will have positive socio-economic implications for the area.
- 9.6 Capacity building and empowerment of the local people will ensure sustainability of the development.
- 9.7 Principles of Eco-tourism will be followed and biodiversity will be preserved and potentially improved by the proposed development.
- 9.8 The proposed activity will not be unacceptable if the above-stipulated conditions are adhered to.
- 9.9 The potential impacts associated with the proposed development activity are not seen to outweigh the potential benefits that may accrue from this development.
- 9.10 Consultation and further engagement of the local communities will be undertaken by the Department of Land Affairs in terms of their legislative processes. This will ensure that the interests and concerns of the local communities are taken into consideration in terms of further deliberations in respect of the proposed development project. Such a community consultation and engagement is additional upon the public participation process which has already been undertaken in terms of the EIA process.

10 Appeal

An appeal, in writing, against the decision may be lodged with the MEC for Economic Affairs, Environment and Tourism, in terms of section 35(3) of the Environment Conservation Act, Act 73 of 1989 within 30 days from the date of issue of this Record of Decision. The address to which such appeals must be submitted is:

Attention: The Chief Director: Environmental Affairs
Department of Economic Affairs, Environment and Tourism
Private Bag X0054
Bisho
5605

Please note that only appeals on environmental grounds can be considered. All appeals should be accompanied by relevant supporting documentation.



BRIANT NONCEMBU

ASSISTANT DIRECTOR: O.R.TAMBO REGION

DATE: 08/08/2005



SIZAKELE GABULA

DEPUTY DIRECTOR: O.R.TAMBO REGION

DATE: 10 / 08 / 2005

