



Ministry for Environment, Planning and Economic Development
 Ministerie van die Omgewing, Bepanning en Ekonomiese Ontwikkeling
 Iofisi yoMphathiswa wezeNdalo, uCwanaciso noPhuhliso lwezoQodoshu

E12/2/1-595-FARM 653, OA
 3/6/3

4 April 2006

The Director
 Dreamworld Management Company Pty. Ltd.
 93 New Church Street
 Tamboerskloof
CAPE TOWN
 8001

**APPEAL: PROPOSED CONSTRUCTION OF DREAMWORLD FILM CITY AND
 RESIDENTIAL DEVELOPMENT, FAURE, OOSTENBERG**

Having considered the information at my disposal I, the Minister for Environment, Planning and Economic Development hereby decide, in terms of section 35 (4) of the Environmental Conservation Act (No 73 of 1989), to vary the decision of the delegated officer as set out herein below:

RECORD OF DECISION

A. DESCRIPTION OF ACTIVITY:

Dreamworld Management Company Pty. Ltd. propose to develop a film 'city' that would provide a service to the local and international filming industry. The proposed activity will comprise the following:

- Film studios and open film lots of approximately 61 hectares;
- A residential component which will be located on the south-western and eastern portion of the site of approximately 37 hectares;
- A hotel, commercial and retail area of approximately 4hectares; and
- Conservation areas of approximately 78 hectares.
- Portion 1, 2 as indicates in Appendix 1 is not be used as 'Backlots' and shall be retained for conservation purposes.

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

Private Bag x 9186, Cape Town, 8000
 Privaatsak x 9186, Kaapstad, 8000

Tel (+27 21) 483-3915
 Tel (+27 21) 483-3915

Fax (+27 21) 483-6081
 Faks (+27 21) 483-6081



Provincial Minister for Environment, Planning and Economic Development

Item 1 (c) - The construction erection or upgrading of with regard to any substance, which is dangerous or hazardous and is controlled by national legislation:

- (i) infrastructure, excluding road and rail, for the transportation of any such substance, and
- (ii) manufacturing, storage, handling, treatment or processing facilities for any such substance.

Item 1 (d) - The construction, erection or upgrading of roads, railways airfields and associated structures.

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

Item 7 - The reclamation of land, including wetlands, below the high-water mark of the sea, and inland waters

hereinafter referred to as "the activity"

B. LOCATION:

The proposed activity will be located on the Remainder of Farm 653, Vergenoegd, Faure which is located within the Oostenberg and Helderberg Administrations of the City of Cape Town (see Appendix 1),

hereinafter referred to as "the property/site"

C. APPLICANT:

Dreamworld Management Company Pty. Ltd.
C/o Rod MacPhail
93 New Church Street
Tamboerskloof
CAPE TOWN
8001

Tel: (021) 424 1133

Fax: (021) 438 3486

D. CONSULTANT:

The Environmental Partnership
C/o Carmen du Toit
PO Box 945
CAPE TOWN

Provincial Minister for Environment, Planning and Economic Development

8000

Tel: (021) 422 0999

Fax: (021) 422 0998

SITE VISIT(S):

Date: 14 June 2005

Present: W Anthony from the Department of Environmental Affairs & Development Planning ("DEA&DP").

Date: 06 February 2006

Present: MEC T Essop (Provincial Minister for Environment, Planning and Economic Development);
Messrs R Ellis, CK Rabie, A Mohamed and J Roelofse (DEA&DP);
Messrs M Golding, T Smith, M McCarty, S Salie, A Miles, R Macphail, MS Orrie, Mr J Eastwood, Ms T Winstanley and Ms J Eastwood on behalf of the applicant;
Ms C du Toit of The Environmental Partnership;
Ms G Radcliffe of The Freshwater Consulting Group;
Dr K Hamman, Ms J Foster, Ms V Bowie, Ms J Nicholson, Mr J Rabie and Mr N Smith on behalf of CapeNature;
Mr A Gubb and Ms S Ralston of WESSA;
M W Kloppers Ms N Fourie and Ms T Belcher of DWAF and
Mr L Mitchell of The Cape Film Commission.

E. DECISION:

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

This Authorisation has been granted in terms of section 35 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) solely for the purposes of undertaking the activity referred to above, and does not exempt the holder thereof from compliance with any other relevant legislation.

F. CONDITIONS OF AUTHORISATION:

Provincial Minister for Environment, Planning and Economic Development

1. One week's notice, in writing, must be given to the Directorate: Integrated Environmental Management (Region A), (hereinafter referred to as "this Directorate"), before commencement of construction activities.
 - 1.1 Such notice shall make clear reference to the site location details and reference number given above.
 - 1.2 The said notice must also include proof of compliance with the following conditions described herein:
Conditions: 5, 10, 11, 13, 20
- 2 The relevant requirements of the National Water Act, 1998 (Act No. 36 of 1998) must be complied with at all times. *Legal Register*
- 3 An integrated waste management approach must be used that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989). *EMS*
- 4 The sensitive sites as identified by the specialists and the construction areas must be clearly demarcated before construction/site-clearing activities may commence. Such demarcation must serve to prevent access (both human and machinery) to sensitive areas on the entire site. The demarcation must be done in consultation with the Environment Control Officer (or Site Agent where appropriate) and specialist where appropriate.
- 5 The mitigation/rehabilitation measures and recommendations as detailed by Nick Helme of Nick Helme Botanical Surveys (refer to Appendix 2) must adopted and implemented. *check*
- 6 The mitigation/rehabilitation measures and recommendations as detailed by Marius Burger of SUNGAZER (refer to Appendix 3), must be adopted and implemented. *check*
- 7 The mitigation/rehabilitation measures and recommendations as detailed by Justine Ewart-Smith of the Freshwater Consulting Group (refer to Appendix 4), must be adopted and implemented. *check*
- 8 The mitigation/rehabilitation measures and recommendations as detailed by Pier Louw Architects, Urban Designer, City Planner and Dave Dewar City and Regional Planner (refer Appendix 5) must be adopted and implemented. *check*
- 9 The recommendations contained in the "Environmental Impact Assessment Addendum: Dreamworld Film City and Residential Development Faure, Oostenberg" (The Environmental Partnership, June 2005) (pages 41 to 45) shall be complied with and implemented. *check*

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- 10 The applicant must appoint a suitably experienced Environment Control Officer (or Site Agent where appropriate) before commencement of any land clearing or construction activities to ensure that the mitigation/rehabilitation measures and recommendations referred to in this Record of Decision are implemented and to ensure compliance with the provisions of the construction phase EMP.
- 11 A species list of locally indigenous plant species and non-invasive exotic species, which are suited to be used at the site must be compiled in consultation with suitably qualified botanical and ecological specialists for use during landscaping. EMS
- 12 The retention pond in the south-western corner should be designed to attract certain bird species, e.g. by establishing heronries. EMS
- 13 The applicant must compile an acceptable construction phase Environmental Management Plan ("EMP") for all components of the development as outlined in "A" above including the installation of the services, roads and any other infrastructure associated with these components to this Directorate. The EMP must:
- 13.1 Address, but not be limited to, the demarcation of the site, the erection of a camp site for construction teams, establishment of working and storage areas, environmental awareness training of employees, protection of flora, fauna, natural features and any archaeological material of significance that may be discovered, cultural issues (e.g. protection of archaeological artefacts), erosion prevention methods, refuse and waste management, dust and noise control, effluent and storm water management, materials used, the handling, storage and transport of fertilizers or other hazardous materials, site rehabilitation and/or revegetation, fencing, fire prevention measures, pollution control measures, penalties, claims and damages.
- 13.2 Be submitted to this Directorate at least six weeks prior to construction activities commencing. This must be approved prior to any land clearing and construction commencing.
- 13.3 Describe the level and type of competency required of the Environmental Control Officer, ("ECO");
- 13.4 Define and allocate the roles and responsibilities of the ECO referred to above, and the Environmental Site Agent *where applicable*;
- 13.5 Determine the frequency of site visits;
- 13.6 Be included in all contract documentation for the construction phase of the development.

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14. The applicant must compile and submit an acceptable operational phase Environmental Management System (EMS) within six months of operations commencing to this Department for approval, for the optimal operation of the activities on site.
- 14.1 The Environmental Management System (in accordance with an internationally accepted system such as an ISO 14001) must be incorporated. This system will have to be certified and audited.
- 14.2 The EMS must incorporate the conditions of authorisation given in this Record of Decision as appropriate to the operational phase of the project.
- 14.3 A suitably qualified Environmental Manager must be permanently appointed, in consultation with CapeNature and this Department, for the operational phase of the development.
- 14.4 An Environmental Monitoring Committee (EMC) must be established to monitor the environmental performance of the development.
- (a) The applicant must draw up the EMC's draft terms of reference ("TOR") and submit it to this Directorate. This must be approved by this Directorate prior to any operation activities commencing.
- (b) The TOR must include but is not limited to the following:
- the frequency of meetings and reports *
 - chairmanship/membership *
 - auditing requirements *
 - duties and responsibilities during the operation phase *
 - the termination of such EMC *
 - the frequency of providing feedback to the local community.
- 14.5 Strict guidelines with regard to pollution control, maintenance and protection of the conservation areas must be enforced and audited on the film studio activities, as well as the residents in the residential areas.
- 14.6 The use of hazardous substances during shoots and the management thereof must be pre-approved by the appointed Environmental Manager.
- 14.7 The EMS must also include a maintenance program on the production equipment.

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- 14.8 Conservation areas should not be impacted upon directly or indirectly by film shoots using water, foreign substance, heavy props, etc.
- 15 The applicant must submit an Environmental Audit Report, ("audit report") to this Directorate one (1) year after operational activities commenced.
- 15.1 The audit report must indicate the date on which the construction was completed, and detail compliance with the conditions of this authorisation, a detailed status of the conservation areas, and a monitoring report of filming activities.
- 15.2 This Directorate may require remedial action should the audit report reflect a deterioration of the conservation areas.
- 15.3 If the audit report is not submitted, this Directorate may give 30 days written notice and may have such an audit undertaken at the expense of the applicant and may authorise any person to take such measures necessary for this purpose.
- 16 The applicant shall donate amount of R1 840 000 to a fund that will be managed by the Department of Environmental Affairs and Development Planning and CapeNature upon completion of 250 houses. The funds shall be used for conservation and environmental management purposes in association with WESSA.
- 17 An on-site emergency response plan must be prepared and implemented in consultation with the Local Authority's Emergency Services.
- 18 The following conditions related to the storage of hazardous substances must be adopted and implemented:
- 18.1 Tanks for the storage of hazardous substances must be bunded with a capacity of 110 % in order to prevent leakages.
- 18.2 The installation must comply with the SANS Codes of Practice.
- 18.3 Non - corrosive pipe work systems must be used.
- 18.4 Tanks must be equipped with overfill protection devices to prevent overfilling during road tanker delivery.
- 18.5 Shear cut-off valves must be placed between the dispenser nozzle and hose to prevent product free flow in the event of a drive away during vehicle refuelling operations.
19. All outdoor advertising associated with this activity, whether on or off the property concerned, must comply with the applicable Local Authority By-Law for the control of Outdoor Advertising or in the absence of local legislative controls, must comply with the South African Manual for Outdoor Advertising Control (SAMOAC) available from:

The Director: Environmental Impact Management

Provincial Minister for Environment, Planning and Economic Development

Department of Environmental Affairs and Tourism
Private Bag X447
Pretoria
0001.

20. The applicant shall be responsible for ensuring compliance with the conditions contained in the Record of Decision by any person acting on his behalf, including but not limited to, an agent, servant, employee or any person rendering a service to the applicant in respect of the activity, including but not limited to contractors and consultants.
21. 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.
22. Departmental officials shall be given access to the property referred to in B above for the purpose of assessing and/or monitoring compliance with the conditions contained in this Record of Decision, at all reasonable times.

G. RECOMMENDATIONS:

That CapeNature be engaged in to consider the conservation areas in terms of its Stewardship Programme.

H. KEY FACTORS AFFECTING THE DECISION:

The following reports and documents submitted in terms of the application:

- Application Form and Checklist dated 10 September 2004
- Plan of Study for Scoping dated 06 September 2004
- Acceptance of Plan of Study of Scoping by this Department on 08 September 2004
- Scoping Report dated November 2004
- Comments and Responses Report on the Scoping Report dated February 2005
- Plan of Study for Environmental Impact Report dated February 2005
- Draft Environmental Impact Report dated March 2005
- Amendment to Draft Environmental Impact Report dated May 2005
- Transport Impact Assessment dated May 2005
- Environmental Impact Assessment Addendum Report dated June 2005

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- **Comments and Responses on the Environmental Impact Assessment Addendum Report dated June 2005**

The appeals (by CapeNature, the Department of Water Affairs and Forestry and the Wildlife and Environmental Society of SA (WESSA), the submissions made at the appeal hearing held on the 06 February 2006 and the subsequent documents and information received.

The proposed activity

During the last few years, the Western Cape and Cape Town in particular, experienced a marked increase in activities relating to the filming industry. This boom can be largely attributed to the aesthetically pleasing natural and urban components of Cape Town and surrounds which offers a wide variety of locations for the local and international filming industry. The lower input costs (in terms of labour and equipment hire) adds to this attraction. This proposed development intends filling need for a world class film studio with associated facilities and activities in the Western Cape.

Bid Process

A process was conducted during 2003 where local and provincial government requested an expression of interest. After considering various alternative locations in and around Cape Town and various other factors such as site suitability, zoning, access, impact on social and economic spheres, space, etc. the Dreamworld Management Company (Pty) Ltd was awarded the bid to develop a world class film studio complex. Included in this process was the consideration of locality. A factor motivating the appointment of this company was the proposed location of the film city in the south-eastern metropole, an area characterised by the low socio-economic status of the adjacent areas such as Mitchell's Plain, Khayelitsha, Eeste River, Mfuleni and Macassar.

Biophysical

In terms of the biophysical environment of the proposed site the following was considered: botany, freshwater, fauna, visual impact and heritage, each of which is discussed below:

Botanical Aspects

The bulk of the site, approximately 80%, is of low to very low conservation significance as it has been heavily disturbed in the past. However, from a terrestrial perspective, there are two key areas of very high or high regional conservation value and comprises a total area of 20.5ha. This area comprises Swartland Shale Renosterveld (16.2ha – Area 1) and a seasonal wetland (4.3ha – Area 2).

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Area 1 has been partially disturbed by heavy grazing, possible bush cutting and dense alien infestation for at least 10 years. According to the botanical assessment undertaken for the proposed activity, this area may be regarded as a seasonal wetland, due to poor drainage on the clay soils, and is the most threatened form of this vegetation type and thus the highest conservation value. Three rare or range restricted plant species were recorded on site. This vegetation type is regarded as 100% irreplaceable in terms of the CAPE projects guideline and has been found to be Critically Endangered by the National Biodiversity Assessment, as only 9% of this vegetation type remains.

Area 2 comprises a narrow strip of undisturbed land which supports at least three very rare plant species. These species are typical indicators of Swartland Shale Renosterveld where it is overlain by shallow sands. In terms of national conservation priorities, this area is also found to have a Critically Endangered status.

In terms of the proposed development, Revised Alternative 5 indicates that approximately 12ha of Area 1 will be conserved while approximately 4 hectares will be lost by the development. This loss is mitigated with the payment of R1 840 000 to a fund that will be managed by the Department of Environmental Affairs and Development Planning for the conservation and conservation-related activities.

The development of residential units in an area currently covered by extensive *Typha capensis* (bulrush) in the south-western portion of the site may result in a raising of the peak water level by up to 6cm in parts of the adjacent floodplain. However, this was modelled by engineers and was shown to be likely to have little effect on the areas of botanical sensitivity.

The raising of the water level may have a detrimental effect on the Area 2 (seasonal wetland) as it could lead to the irreversible loss of all three Red Data Book listed plant species in this area. However, since the engineers indicated that it was deemed an unlikely occurrence and there is thus only a small likelihood that the proposed development in the south-west could indirectly cause the loss of species.

Freshwater Aspects

The Cape Flats was probably once dotted with seasonal and perennial wetlands, many of which are believed to have supported unique assemblages of fauna and flora. However, approximately 97% of these areas have been lost to development i.e. draining and infilling, nutrient enriched water, elevated water tables. This also

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resulted in wide-scale loss of habitat diversity and the proliferation of monospecific stands of *Typha capensis* (bulrush).

The City of Cape Town's (CCT) Integrated Metropolitan Environmental Policy has classified the entire site as 'Category A', i.e. areas that must be protected as key biodiversity areas and will include amongst others existing nature reserves and other areas that meet the established criteria, natural habitat remnant within the CCT's Biodiversity Network. This assessment has however indicated that the entire site is not sensitive and that the mitigation measures proposed will mitigate the impact of the development on the site. In addition, the development footprint of the site has been reduced to exclude the development of wetlands classified as 'of high ecological and functional significance'.

The following potential impacts have been identified from the proposed development of Revised Alternative 5 (excluding the development on Portion 1 and 2 as indicated in Appendix 1):

- Permanent loss of wetland habitat through infilling of wetland areas. The following percentages of wetlands are however being retained:
 - 100% of wetlands rated as high in significance are retained;
 - 63% of wetlands rated as moderate in significance are retained, this amounts to approximately 23.13ha;
 - 55% of wetlands rated as low-moderate in significance are retained, this amounts to approximately 2.4ha;
 - No wetlands rated as low in significance are retained.
- With regards to habitat fragmentation / loss of connectivity, it should be noted that corridors will be preserved between the different habitats.

In terms of the original decision, the findings of the freshwater investigation indicated that the resultant impact on the wetlands of Revised Alternative 5 is of high significance, largely due to the loss of wetland habitat of moderate or high conservation value and the susceptibility of seasonal wetlands to water quantity and to a lesser extent, water quality changes within this area. In terms of this appeal decision no wetlands of high significance is lost.

Fauna Aspects

From a faunal perspective, the important habitats are mirrored by the findings of the botanical/freshwater investigations, of which the most important section is the seasonally inundated patch of Renosterveld. This patch of Renosterveld will be included into the conservation areas.

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From a mammalian perspective, only one Red Data mammal species is known in this region, the *Mystromys albicaudatus* (White-Tailed Rat). However, all factors considered (the species' relative large distribution, occurrence in low numbers, animals are notoriously difficult to trap e.g. 5-10 specimens in 5-20 000 trap nights over a year), this species need not be a consideration in the proposed development.

In terms of bird species, most Red Data species were found not to be dependent on the habitats provided on site.

Only one Red Data species in terms of reptiles, the *Psammophis leightoni* (Vulnerable Cape Sand Snake) is known from this region. However, it is not associated with wetlands and is more likely to occur in drier habitats.

From an amphibian perspective, the proposed site falls within the most important of the six conservation hotspots that was identified for Southern African frogs. This is due to the occurrence of several Red Data amphibian species in this region. Some of the wetland habitat at the site seem suitable for the occurrence of the *Cacostemum capense* (Vulnerable Cape Caco), possibly also the *Xenopus gilli* (Endangered Cape Platanna) and the *Microbatrachella capensis* (Critically Endangered Micro Frog). The latter two species are less likely to occur on site, but the Cape Caco almost certainly does. The partial loss of wetlands could have a negative impact on the frog habitat in this area. Conservation areas will be however be retained.

Visual Impact Aspects

Visually the area is not entirely undisturbed, two hospital buildings intrude into the skyline to the north conveying a presence of urban intrusion and human activity. One of the dominant features on site is the green reeded beds which occur along the N2. The wetlands with the mountain back drop to the north and east contain reflections of the timeless quality of the Cape Landscape. The other landscape element of considerable significance is the large parcel of endangered Renosterveld to the east of the site.

Visually the most obtrusive elements of the proposed activity are the soundstages (approximately 22m high) and the workshops (8m high).

Revised Alternative 5 is rated moderate in significance. This is partly attributed to the fact that a 350m long berm will be created in an east-west orientation, parallel to the N2. The berm will impact on the green views from the N2. This Department is of the opinion that this is partially mitigated by the fact that most viewers will be

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transient, i.e. travelling along the N2. In terms of this decision, no development on Portion 1 and 2 (as indicated in Appendix 1) will reduce the visual impact along the N2.

Heritage Aspects

From a heritage perspective, the site is historically undeveloped and therefore contains no remains of buildings or structures landscapes. Heritage Western Cape endorses the Stage 1 Visual Impact Assessment and Heritage Impact Assessment and deems the proposed development appropriate.

Socio-Economic

The Dreamworld Management Company has a stringent Black Economic Empowerment (BEE) policy, which incorporates BEE shareholding into the ownership model of the studio as well as significant opportunities during both construction and operation of the film studio. The proposed development could increase the potential for tourism which in turn could generate employment opportunities.

Job creation

During both construction and operation of the proposed development, procurement and implementation strategies will be utilised to target historically disadvantaged individuals (HDI). Approximately 40% of the total number of new jobs created from the project will be reserved for HDIs in the Western Cape. It is estimated that the proposed development will reduce the local area unemployment rate by 1.02%.

Proposed opportunities for Small, Medium and Micro Enterprise (SMME)

The construction and operation of the proposed development will generate many opportunities for SMMEs. During operation alone, 39% of projected combined turnover will be reserved by SMMEs.

Skills development and Training

As part of the proposed development will be the establishment of a film school which will help address the current as well as future demand for skilled people while at the same time ensuring that the industry becomes more representative. The proposed film school will be financed through the establishment of the Dreamworld Trust in which 25% of the net annual profit of the company will be contributed toward the running of the said film school.

The estimated capital investment for the proposed activity in Western Cape is R1.5 billion.

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Traffic

The road network in the vicinity of the proposed site has been found to be capable of handling the proposed increase in vehicular traffic to the area. Road widening will however be required along the R310 but disruptions during this construction will be short term in duration and low in intensity.

The steering committee comprising officials from the City of Cape Town's Directorate of Roads and Stormwater and Oostenberg Administration, Provincial Government: Western Cape's Roads Department and the National Roads Agency (SANRAL) and the project team agreed on critical issues such as trip generation, location of access points and alternative road network and development scenarios.

Regional/planning context

The proposed site was previously zoned Industrial. This zoning lapsed and it reverted back to its original zoning, i.e. Agricultural 1. It is proposed that the site be rezoned to a "Special Zone" which will allow for mixed use development. The identified conservation areas will be rezoned to Open Space III and will be managed as a private nature reserve.

The proposed site is currently earmarked for 'Industrial Purposes' on the Urban Structure Plan for the Cape Peninsula, 1998. It will be necessary to amend the Urban Structure Plan from 'Industrial Purposes' to 'Urban Development' and 'Nature Area' to accommodate the proposed development.

An application in terms of the Planning Legislation is still to be lodged in which the final design layout will be made.

Alternatives

The Scoping process identified 5 layout alternatives for the proposed Dreamworld Film City namely:

Alternative 1: The 'no-go' option. This implies that the existing rights, i.e. agricultural, could be exercised or the site would remain in its present state. This alternative was rejected as it would not contribute to the social upliftment of the surrounding communities. Undertaking agricultural activities on the site may not have afforded the conservation opportunities presented by this activity.

Alternative 2: In this layout, all conservation areas as identified by the botanical and freshwater specialists are protected and rehabilitated. Limited development will occur where possible, and the outdoor film production areas will impact on the southernmost portions of the identified conservation areas. This layout was rejected as it would not be financially viable to the

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proponent. The 'mix' of uses/opportunities will be limited from this alternative.

Alternative 3: This layout uses the maximum available area for development, i.e. residential, commercial, industrial and special use, and conserves the minimum amount of area for conservation. This layout was rejected as it would result in large amounts of irreplaceable conservation areas being lost.

Alternative 4: As with Alternative 3, this layout uses the maximum available area for development, i.e. residential, commercial, industrial and special use, and conserves the minimum amount of area for conservation. This layout was rejected as it would result in large amounts of irreplaceable conservation areas being lost.

Alternative 5: This alternative provides a compromise between development and conservation. This was the preferred alternative by the project team and proponent at the time the draft Environmental Impact Report went public. Concerns from key stakeholders resulted in a revised layout of this alternative.

Revised Alternative 5: This alternative will conserve areas that have been evaluated as high, medium or low from a freshwater, botanical and faunal perspective while still being financially viable to the proponent. With this alternative the following areas area retained:

- 94% of wetlands rated as high in significance by the freshwater specialist. This amounts to approximately 45.86ha;
- 57% of wetlands rated as moderate in significance which amounts to 23.13ha;
- 55% of wetlands rated as low-moderate in significance which amounts to 2.4ha;
- No wetlands rated as low in significance; and
- Corridors will be preserved between the wetlands in order to provide linkages between the various habitats.

In terms of this appeal decision, Revised Alternative 5 (excluding the development on Portion 1 and 2 as indicated in Appendix 1) will result in:

- Permanent loss of wetland habitat through infilling of wetland areas. The following percentages of wetlands are however being retained:
 - 100% of wetlands rated as high in significance are retained;
 - 63% of wetlands rated as moderate in significance are retained, this amounts to approximately 23.13ha;
 - 55% of wetlands rated as low-moderate in significance are retained, this amounts to approximately 2.4ha;
 - No wetlands rated as low in significance are retained.

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Public Participation

During the application:

The public participation process included the following:

- Meetings with authorities and umbrella organisations;
- Distribution of information to interested and affected parties (I&APs);
- Notices in newspapers;
- Placement of all reports on the website of The Environmental Partnership;
- Stakeholder and public scoping meetings;
- Public comment on the draft scoping report;
- Public comment on the draft environmental impact report;
- Stakeholder and public meetings on the draft environmental impact report.

The main categories of issues identified during the public consultation process are as follows:

- Wind
- Biodiversity Network
- Stewardship
- Environmental Offsets
- Mitigation
- Ecological Habitats
- Wetlands and floodlines
- Noise
- Project proposal
- Housing
- Bid process
- Public participation process
- Alternatives
- Infrastructure
- Stormwater
- Site Selection
- Specialist Assessment
- Specialist Terms of Reference
- Specialist Reports
- Socio-Economic
- Black Economic Empowerment
- Fauna
- Financial considerations
- Landuse compatibility

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- **General**

All the identified issues and concerns were addressed by the environmental consultant and the project team and considered by the Department when it issued its decision

Other Authority's Comment

The CCT: Environmental Management Department expressed reservations regarding the residential component of the proposed activity as it would result in loss of wetland habitat. The CCT was however involved in the awarding of the bid to Dreamworld Management Company Pty. Ltd and was aware of the status of this site, i.e. a natural habitat remnant within the CCT's Biodiversity Network.

The Provincial Department of Agriculture indicated that from an agricultural point of view they have no objection to the proposed activity.

In terms of the appeal:

- With regards to the loss of wetlands, that the loss of wetlands and the impact thereon has been reduced;
- With regards to offsets that this has been substantially increased;
- With regards to process matter that this has been remedied and that the relevant newspaper articles has been duly considered by the appellate authority in terms its 'wide powers on appeals'.
- That none of the appellants were fundamentally opposed to development on the site.
- That, in terms of the list of relevant activities, it is this Departments' interpretation that no date of commencement was published for Activity 10, and thus this activity has not yet commenced.
- This Authorisation has been granted in terms of section 35 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) solely for the purposes of undertaking the activity referred to above, and does not exempt the holder thereof from compliance with any other relevant legislation.

Conclusion

The authorisation for the proposed activity has been granted based on the following:

- The information submitted to the Department in terms of the application;
- The information submitted to this appellate authority;
- Adequate mitigation measures have been proposed to reduce the overall impact;

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- The principles of the National Environmental Management Act, 1998 were considered during the decision-making process.

I. DURATION AND DATE OF EXPIRY:

This authorisation shall lapse if the activity does not commence within two (2) years of the date of issue of this authorisation.

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

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

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

Yours faithfully


TASNEEM ESSOP
MINISTER FOR ENVIRONMENT, PLANNING AND ECONOMIC DEVELOPMENT

DATE OF DECISION: 4 April 2006

Provincial Minister for Environment, Planning and Economic Development

Appendix 1 – Site Layout/Plan

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Appendix 2 - Botanical Impact Recommendations

Planning phase

- Should this development be approved, peak water levels need to be carefully monitored, and measures need to be put in place to prevent prolonged raised levels.
- Given that all Renosterveld is 100% Irreplaceable in terms of the C.A.P.E. project guidelines this loss must be mitigated, and the best way to do this is with a biodiversity offset.
- An Environmental Management Trust Fund should be set up. The long term ecological management of all conservation areas according to an EMP that is approved by the specialist consultants is essential, and this management must be funded in perpetuity by an Environmental Management Trust Fund set up by the developers before approval.
- A specialist consultant could be used to act in an advisory capacity in the operational phase.
- No development or infrastructure of any sort (e.g. pipelines) should impact on the high conservation value areas identified, namely Areas 1 and 2 in Figure 1 of the botanical report in the draft EIR. Areas 1 and 2 should have an ecological buffer of at least 10m around all edges, but the exact buffer dimensions should be taken from the freshwater specialist's recommendations.
- There should be an ecological corridor at least 100m wide between Area 1 and the Vergenoegd Renosterveld area. This corridor area will require extensive rehabilitation. Negotiations with the responsible roads authority should also be initiated, with the aim of securing permission to rehabilitate that portion of the Stellenbosch road reserve crossed by the corridor strip.
- All conservation areas on site should be rezoned Open Space 3 (Private Open Space)
- The Deeds of Sale for all residential properties bordering on the conservation areas should include clauses which state that only indigenous, non-invasive plants may be used in gardens, and that no species may be used anywhere on the development which are classified as Category 1, 2, or 3 within the amended CARA legislation. It is worth noting specifically that kikuyu grass (*Pennisetum clandestinum*) should not be allowed anywhere on the property, as this species is highly invasive, especially in wetland areas, and is water thirsty.
- The Deeds of Sale for all properties bordering on Area 1 should include clauses which acknowledge that they are aware of the management requirements in this area which mandates the controlled burning of the vegetation at least once every 10 - 15 years, and will not lodge any objections at the time of such management decisions or actions by the property managers.

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- A limited network of footpaths should be encouraged in conservation Area 1, with the aim being to allow people to enjoy and appreciate the open space, but to limit impact by channeling movement. Footpaths should not be wider than 2m. No footpaths should be allowed in Area 2 due to high sensitivity vegetation and wetland soils.

Construction phase

- Access must be restricted to development footprints only, with no disturbance of conservation areas allowed.
- An ECO must be appointed to oversee compliance with the Environmental Management Plan (EMP).
- The EMP must be drawn up before the Construction Phase, and should be acceptable to all specialist consultants on the team. The EMP should contain all mitigation recommendations made by specialists during the Scoping and Impact Assessment stages.
- Before heavy machinery moves on site all key ecological areas should be fenced off with at least two strand wire fencing, with danger tape threaded between the strands.

Operational Phase

- A key element that needs to be included in the EMP is a fire management plan that allows for the Renosterveld in Area 1 to be burnt once every 10 –15 yrs. This should preferably be a controlled fire, conducted in April, to yield optimum regeneration. A maximum of 60% of the site should be burned in the designated year, followed by the remainder the following year. Without fire for periods longer than 15 years the vegetation is likely to become woody and moribund, and the shorter lived species may disappear due to predation of their seed bank, etc. Fire more often than this will lead to local extinction of slower growing reseeding species, which is not desirable. Due to the increase in fuel load the risk of a runaway wildfire will also increase dramatically.
- Another key element of the EMP should be a management plan for alien invasive plant control. Important invasive aliens in the area are currently *Acacia saligna* (Port Jackson), *Acacia cyclops* (rooikrans), *Pinus radiata* (Monterey pine), and *Eucalyptus* sp. (bluegum). No invasive alien vegetation should be allowed on the conservation areas (see CARA legislation for listings), and there should be ongoing annual alien invasive plant removal.
- The rehabilitation of all the undeveloped natural areas is highly recommended, and will add value to what is currently mostly a highly degraded area. The public spaces should be landscaped with suitable locally indigenous plant species, many of which were listed in the relevant section of the Scoping Report (Helme 2004). The same inclusions in the Deeds of Sale as noted should be continued when properties

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change hands, including when speculators or investors buy a property but sell it on before building.

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Appendix 3 – Faunal Impact Recommendations

- Provide advice on structural designs that would prevent or minimize mortality of frogs wandering beyond the protected wetlands.
- A more comprehensive bird survey during the winter/spring months is needed to adequately assess the conservation importance of these wetlands.
- The developer should further undertake to improve the quality of wetland habitat surrounding the 14.42 ha portion. This would include preventing against further pollution, and actively combating the alien vegetation infestations.
- The retention pond in the south-western corner should be designed to attract certain bird species, e.g. by establishing heronries. The efforts at Blouvillei could be exemplary in this regard. It is recommended that a qualified ornithologist undertake this task. The advice should not be limited to the retention pond, but should include the entire wetland system on the south-western boundary.
- A survey to assess the demographics of the African Marsh Harriers at this site should occur in August.
- Drivers should be informed of this situation by means of signboards along the road, and by imposing a speed limit of 45 km/h. The main action from drivers should be to drive especially cautiously during night. The construction of speed-humps at regular intervals would greatly facilitate the enforcement of a slow driver's speed. Due to the prevalence of wetlands in this area, the construction of under-road culverts would be deemed necessary.

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Appendix 4 – Freshwater Impact Recommendations

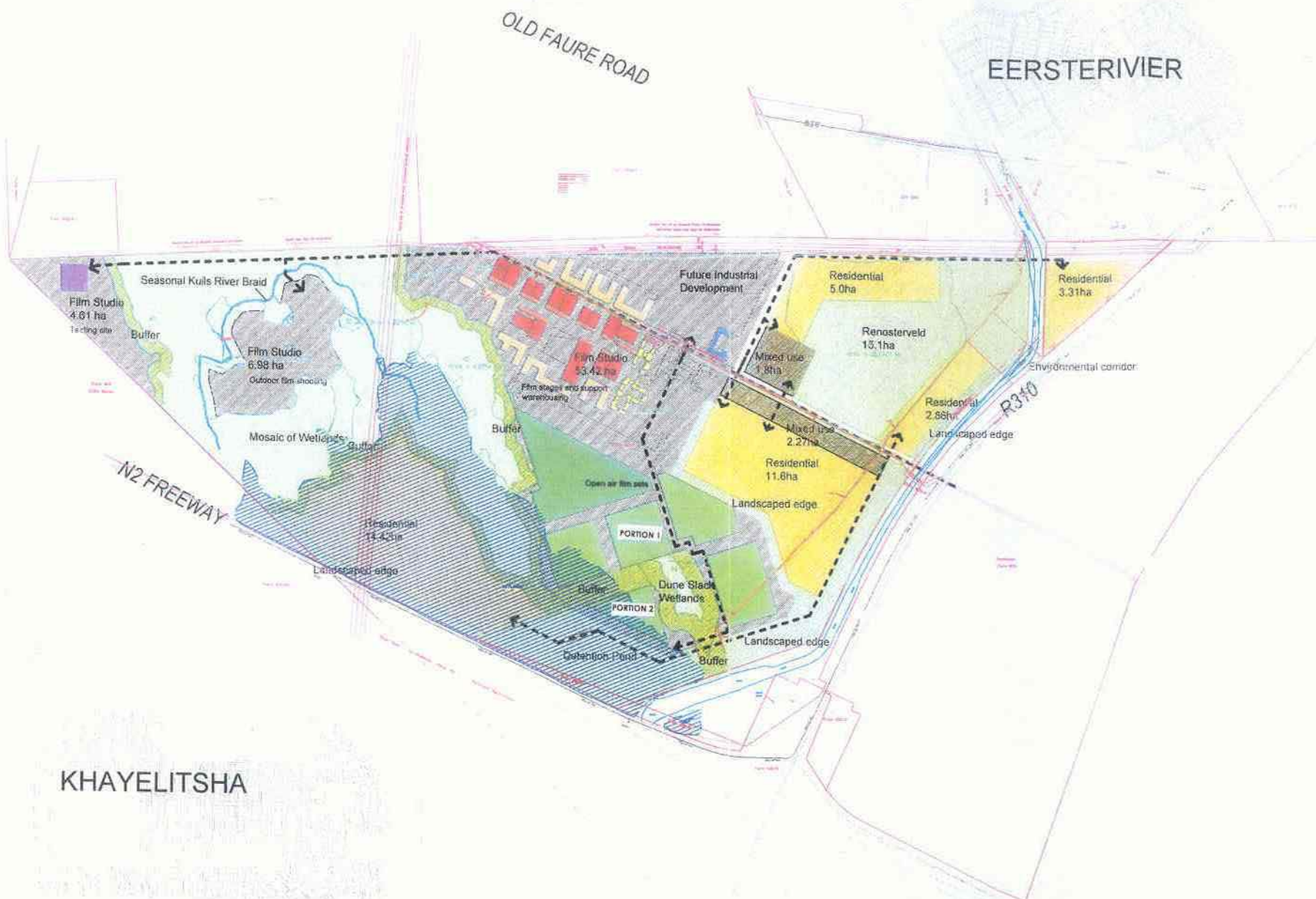
- The loss of severely degraded wetland habitat and wetland habitat that is degraded but with rehabilitation potential could be somewhat offset by the removal and ongoing control of alien vegetation in the remaining remnants of wetland habitat.
- The road passage through the green corridor that has been provided for the movement of fauna between the Renosterveld wetland and the extensive wetlands along the south and east of the site, should be re-aligned outside the green corridor in order for this area to function effectively as a link for remnant wetland patches. Also, a freshwater ecologist should have input to the landscaping of these areas to ensure that they effectively function as ecological corridors.
- Catchment-level water quantity changes associated with the loss of a portion of the *Typha* reedbed (i.e. a 6 cm increase in inundation over the spring in peripheral sections of wetland areas) could be offset by the creation of water storage areas downstream of the N2 but upstream of the R310, below which the system would be unaffected by hydrological changes. This would however exacerbate loss of wetland habitat in the catchment, and reduce overall water quality amelioration associated with passage of water through large reedbed systems. The draft stormwater management plan suggests creation of detention facilities with a depth of 2m – depending on how long they were maintained at this depth, they could be too deep to sustain adequate *Typha capensis* growth, and thus their water quality function would be seriously affected.
- In the event that revised Alternative 5 is implemented on the site, a detailed stormwater management plan should be compiled for the site, aimed at minimising changes in the quantity and quality of runoff entering remnant seasonal wetlands.
- All roads within the site should be constructed on a rock blanket or other permeable material to offset impacts associated with changes in the direction of surface and subsurface flow.
- Where crossing of remnant wetlands is required, to allow access to infilled areas, wide-span bridges/culverts rather than roads should be used, and a freshwater ecologist should provide specialist input to bridge design, to minimise obstruction of flow through these areas.
- To reduce the vulnerability of the remaining wetland habitats to the potential impacts associated with anthropogenic disturbances created by filming activities and the construction of sets, all remnant sensitive wetland areas and their associated dunes should be re-zoned and managed as conservation areas.
- The development team should compile an effective and practical management plan for the treatment and disposal of litter and other waste generated on the site, during both the construction and operational phases of the project, such that threatened wetlands do not become extended refuse sites.

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- Considering the overall extent and importance of wetlands on the Dreamworld Film City Site as a whole, any filming or construction activities on this portion of the site (particularly in the outdoor film sets in area X and in close proximity to wetland area 2), throughout the construction and operational phases of the project, should be guided by a detailed Environmental Management Plan and executed under the command of an Environmental Control Officer with special sanctions for non-compliance.

*Provincial Minister for Environment, Planning and Economic Development***Appendix 5 – Visual Impact Recommendations**

- When the design team are undertaking detailed design, another workshop is to be held with the visual impact specialist to discuss the treatment of the roof edges of the visually most obtrusive elements in the form of the soundstages (some 22 meters or the equivalent of 8 storeys high).
- No rear or side boundaries should face onto the R310.
- A landscaped green swathe of not less than 100m should parallel the N2 while heavily planted 'windows' should be left framing views over the wetlands.
- For the open air film sets zone a 200m set back from the N2 applies.
- Trees should screen the southern tip of the open air film sets zone as this zone is visible from the top of the road interchange.
- A 100m building line should establish the eastern edge of the two storeyed housing and mixed use zone facing the R310. A transparent perimeter fence on the western edge of the canal could provide the security line, while the space between the eastern edge of the canal and the R310 should be landscaped for public amenity.
- Access to housing along the eastern edge of the site should be via a perimeter route lined with housing on the one side of the route only.
- Along the northern boundary of the site adjacent to the overhead powerlines a swathe of trees and planting should create a visual barrier and screen.



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