

SINT EUSTATIUS QUILL OF STATIA



Revision of the Spatial
Development Plan
St. Eustatius



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ADVISEURS
VOOR
LEEFRUIMTE

Quill of Statia

St. Eustatius

Revision of the Spatial Development Plan St. Eustatius

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Revision of the regulations of the Spatial Development Plan St. Eustatius **1**

EXPLANATION

Chapter 1 Introduction

1.1 Why a revision?

On the southwest side of St. Eustatius the 'Joremi property' is situated. This is an area of approximately 75 acres. The owner of this area has asked the Island government of St. Eustatius to be allowed to develop the area for tourism purposes, residential purposes and commercial purposes. For this purpose, a master plan was made.

"The Quill of Statia Master Plan" includes the construction of housing for both islanders and non-islanders who wish to purchase a second home on the island. The plan also includes a hotel with 54 rooms, an eco-resort with 34 recreational units, restaurant/hospitality activities and shops. The final master plan is also tuned to several studies in the field of, among others, archeology, water and nature. The master plan is included in Appendix 1.

Although the current Spatial Development Plan (in short: "ROP") allows the construction of houses in this area, it offers no opportunities for leisure units, restaurants and shops. Also, the proposed subdivision of the area is not possible because of current regulations with regard to building density. To implement the master plan, a revision of the ROP is necessary.

1.2 Plan area

The project area is located in the southwest of St. Eustatius, on the edge of the national park "Quill National Park". The area south of Oranjestad, which includes the project area, is also known as the 'Road to White Wall'. In Figure 1.1, the project area is displayed.



Figure 1.1 Project Area (source: Quill development master plan)

1.3 Structure

This ROP revision consists of an explanation, regulations and a zoning map. The zoning systematics of the ROP are followed. After reviewing, the project area is an integral part of the ROP, where the rules of the ROP apply unless specified otherwise in this revision.

1.4 Procedure

This revision has its legal basis in the Island Ordinance "Eilandsverordening ruimtelijke ontwikkelingsplanning Sint Eustatius". Under this regulation, the island government can review the spatial planning regulations of the Island. The revision shall be adopted by the Island Council. The adoption is preceded by a careful procedure where everyone is given the opportunity, at a public hearing, to respond to the preliminary design of the revision and to make their objections known.

The revision is available for public inspection for 30 days. In this period, each is given the opportunity to submit an objection. The period of public inspection shall be announced in advance in the regular appearing newspapers and news magazines, which are distributed in the island area.

This revision is written in Dutch and translated into English. In case of differences between the Dutch and English version, the Dutch version prevails.

1.5 Digital and hardcopy

This ROP revision has been composed digitally and is available for digital consultation. The revision will be incorporated into the digital ROP. The ROP revision will also be available in hard copy (on paper). The hard copy version will be adopted by the Island Council. This adopted revision plan is the legally binding one.

Chapter 2 Project description

2.1 Project content

The "Quill of Statia master plan" for the Joremi site comprises the following program:

- ✓ size of total area: 75 acres
- ✓ 75 residential homes
- ✓ 54-room hotel / conference space
- ✓ boutique hotel with 15 rooms / restaurant
- ✓ shopping areas, 2.4 acres
- ✓ eco-resort with 34 cottages and a spa
- ✓ wastewater treatment and water basins
- ✓ maintaining the White Wall and a park area in the center area
- ✓ viewing spot at the archaeological sites
- ✓ connections to hiking trails on The Quill
- ✓ primary and secondary entrance with gatehouse



Figure 2.1. Quill of Statia master plan

The master plan as shown in Figure 2.1 and the above-mentioned program, serve as a starting point in the development of the Joremi site. Changes to the program and/or the location of the various functions can occur in the course of time. In this context, the Quill of Statia master plan has to be considered a preliminary master plan, which can be changed due to (for example) supply and demand developments, attracting developers and the condition of the site and the subsurface. When in this revision the master plan is mentioned, the above has to be considered.

2.2 Development of the project

The terrain can be roughly cut up into three parts:

- Y the area being created for residential lots suitable;
- Y the area around the entrance to leisure, hospitality and commercial purposes;
- Y the White Wall.

Residential Lots

The majority of the land is put to use for residential purposes. The area is accessible by two roads towards the entrance. Branches of the two main roads provide further accessibility of all residential lots. On the North West side is a secondary entrance. The plots are of varying shape and size, with the accidental nature of the terrain largely determining the layout of the lots. However, on the north side of the field plots with a smaller size are planned. Because of the archaeological remains found in five locations, the lot layout will also be matched to this.

Up to 75 houses will be built. The height of the houses is adapted to the height that practically applies to the entire island: 10 meters building height. The premise is that each property is built on a plot of at least 4040 m² (1 acre). For the part of the Joremi property that is located within the zone 'Natural Area - Mixed 3', a minimum lot size of 3,000 m² applies. The built-up area per lot shall not exceed 12.5%.

All lots have a 'park-like' appearance through the placements of green bushes on both the outer edge of the area as the edges of the plots themselves. In addition, the ratio "houses footprint versus plot surface" (approximately 1:8), contributes to the intended park-like character.

The area around the main entrance

The commercial and tourist facilities are concentrated near the main entrance of the site: on the southeast side. This is an attractive area realized at the main entrance. The multifunctionality of the area offers a new concept that is not yet available on the island itself. It focuses on both daily and recreational accommodations, on luxury residential units, but also on eco-friendly lodges, on conference facilities, leisure facilities including a spa, retail in specific goods, as well as groceries for the residents of the Joremi site.

The hotel will have an international appeal. Partly for that reason, the site chosen near the White Wall. The hotel is accessible from the main entrance, which connects to the 'Road to White Wall'. Part of the structure of the hotel is also a facility for the treatment of wastewater.

North of the hotel, the eco-lodges are projected. Along the route yet to be realized uphill, the lodges are projected so that each lodge overlooks the Caribbean Sea and Oranjestad. It is possible that some lodges be placed into groups of 4. Near the lodges extra facilities are offered, such as a spa.

Commercial and hospitality facilities are provided in three places: at the hotel, near the Eco lodges and just in front of the boutique hotel. The character of these facilities remains small. For example, consider a travel agent or rooms for small operators, a bar-restaurant, a convenience store, etc.

The boutique hotel is planned on the eastern border of the Joremi site, at the bottom of the White Wall. The idea of a boutique hotel is that its small scale and it not being part of a large hotel chain, ensures that the hotel has an intimate and particular ambience while still exuding luxury. In the boutique hotel up to 15 rooms will be realized. The expectation is that the boutique hotel will be part of the last part of the entire development.

The concentration of these functions around the entrance means that the building density will be higher than that of the rest of the project area. By retaining many of the trees and plants and considering the additional plantings, the higher building percentage does not affect the park-like

character that is intended around the entrance.

Whitewall and national park

The White Wall is located in the eastern part of the Joremi site. White Wall is a sandstone formation that, from the mid-slope of the Quill, runs down to sea level. This formation remains completely unaffected in the master plan. However, an eco-resort will appear on the western outskirts of White Wall. In the final stage of the development, a boutique hotel can be realized along the southern border of the project area.

The hiking trails around the Quill are well maintained. The development of the Joremi site makes an additional contribution this, by making the hiking trails easily accessible from various points in the project area. The attraction that emanates from the recreational and commercial functions will most likely mean a boost for the visitors of the Quill. After all, this new location is a perfect starting place for hikers to explore. Quill and its surroundings

2.3 Economic factors

The Strategic Development Plan of St. Eustatius (the "SDP") describes the starting points for the future growth of the island. The word "growth" refers to both economic growth (by population, tourism, business) and growth in relation to the protection and preservation of the natural beauty of the island. Ultimately, that beauty is also a source of income (tourism).

The SDP outlines the calculation that because of the growth of the Island population in the period 2012 to 2030, a need for approximately 800 additional homes will emerge. It is also expected that the tourism industry will grow. In the current situation there already is a shortage of hotel rooms. The expected growth is 75 rooms on the reference date 2012 to 300 rooms in 2030. Currently, work is commencing on the Orange Bay hotel in Lower Town, where 40 rooms are realized. This means that there is enough space for the realization of recreational facilities.

The pace, at which the Joremi site will be developed, is partly dependent on other developments on the island. Recent investments made (airport, infrastructure, the upcoming expansion of the port) however, are reasons to already start development: to match supply and demand, and to create new demand through supply. Different parties have already shown interest in the development of housing, recreational accommodation units and associated facilities such as a restaurant and shops.

An important condition for the success of the Joremi site is the upgrading of the Road to White Wall. The maintenance of this road (repairing potholes, replacing bad parts on the road) will commence in the near future.

Due to the high costs of the required investments in infrastructure (making terrain available, the construction of various pipelines and networks, construction of roads and facilities for water storage and a system for processing domestic waste water) it is very likely that the site is developed as the project rolls out.

The development of the Joremi site also brings a significant amount of jobs with it. First of all, during the development phase and after, because of the tourist facilities on the site, but also because of the maintenance which should be conducted periodically. It is estimated that after full development of the site approximately 155 FTEs are required to keep everything operational. This information is described and explained in the "economic impact study", see Annex 2.

Chapter 3 Policy framework

3.1 Strategic Development Plan

The Strategic Development Plan (SDP) provides an outline of the future vision that was established in consultation with the inhabitants of the island. This vision forms the basis for the desired development of the island.

The Joremi site is not included in the SDP as a development location. However, the master plan for this area does match the different principles that are included in the SDP. The following may be mentioned:

- Y economic growth (through tourism);
- Y updating and holding on to (public) facilities;
- Y responsible spatial development that protects and enhances the values, qualities and uniqueness of St. Eustatius

The SDP appoints several 'opportunities' for St. Eustatius. In the Joremi master plan, some of these opportunities are included. One of these opportunities is the realization of 'second homes'. Another opportunity concerns making archaeological sites accessible to (local) tourism. Besides 'opportunities', the SDP speaks about 'threats'. A major threat is high-rise buildings. In order to prevent high-rise buildings, buildings up to 10 m height are allowed on a large part of the island. The master plan meets this requirement of maximum building height. Another 'threat' is the self-sustaining capacity of the island. It properly exploiting agricultural land here is eminent. Now Joremi area covers no suitable agricultural land, this plan does not affect the stock of agricultural land. Another important 'threat' is erosion. The studies carried out have shown that there are sufficient opportunities exist to including through the construction of water storage, the design of infrastructure and conservation of trees to absorb and prevent. Landslides large quantities of rainwater

Another 'threat' is the self-sustaining capacity of the island. Properly exploiting agricultural land is very important. Considering that the Joremi area covers no suitable agricultural land, this project does not affect the current supply of agricultural land on the Island. Another important threat is erosion. The studies carried out have shown that there sufficient opportunities exist to include the construction of water storage, the design of infrastructure and the conservation of trees to absorb and prevent landslides due to large quantities of rainwater.

In light of the foregoing, it can be concluded that the Joremi master plan contributes to the objectives and implementation of the Strategic Development Plan.

3.2 Spatial Development Plan

The Spatial Development Plan (ROP) provides the spatial framework for both the current situation and new developments. The ROP currently provides three zoning areas for the Joremi site:

- Y Natural Area – Conservation Area
- Y Natural Area – Mixed 2
- Y Natural Area – Mixed 3

The zones "Natural Area - Mixed 2" and "Natural Area - Mixed 3" provide opportunities for building on the land. The use of both zones is aimed at the conservation of the present natural values of the area, residential and agricultural functions. With exemption rules, buildings for recreational purposes can be allowed (applies only to "Natural Area - Mixed 2") and the prescribed building percentage can be waived for additional homes. The destination "Natural Area – Conservation Area" allows virtually no buildings at

all, and is purely focused on the protection of present natural values. Recreation is allowed here.

None of the zoning areas directly allow for disturbances of the soil surface. This applies to pavements, constructing paths and roads, or the excavation of soil. Because these activities can have great influence on the resilience of the ground, a permit (planning permission or "aanlegvergunning") must be issued before operations may be performed.

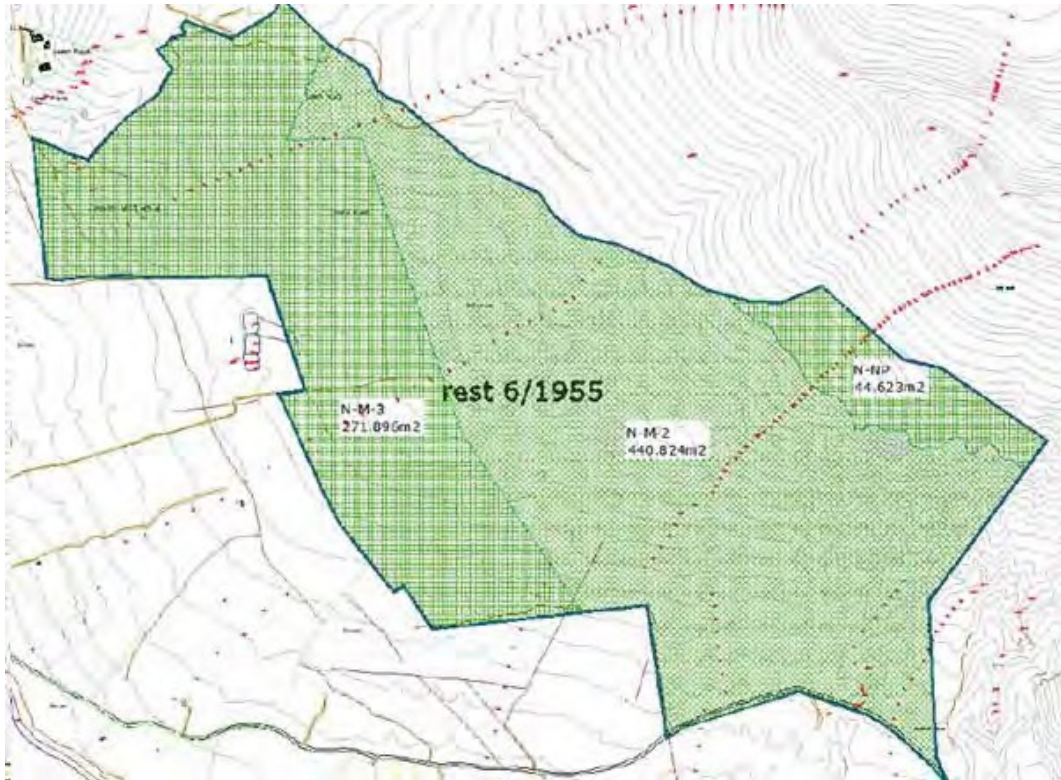


Figure 3.1. Sizes of the three current zoning areas (source: Lievens, Final environmental Impact Assessment Report)

Under the current regime 99 buildings can be realized on the site. Because of the zoning that is applied in the southwestern part of the site, a higher density is allowed there (one building per 3000 m²) than is allowed in the northeast (one building per 44 515 m²). The master plan provides for an average building density of one building per 4047 m². This results, for both areas together, on average, in a lower building percentage than the ROP currently allows. In addition, the master plan provides for the realization of an open and green landscape, making the impact of the proposed development smaller than if the building possibilities from the ROP in its current state would be 100% utilized.

The plan therefore ties in with the philosophy of the ROP (and SDP) relating to the protection of the green landscape on this side of the island and to provide room for (economic) growth of the island.

Nature Policy plan, Caribbean Netherlands (2013-2017)

The Nature Policy Plan 2013-2017 provides a policy framework for the sound management and sustainable use of nature in the Caribbean Netherlands. Its aim is that the nature of the Caribbean islands can be utilized in a sustainable way so that the ecological systems and ecosystem services are maintained. For the management of nature on St. Eustatius, St. Eustatius National Parks (STENAPA) is appointed. This management organization is responsible for the preparation and implementation of management plans.

On St. Eustatius, The Quill, Boven National Park and the St. Eustatius National Marine Park are designated as nationally protected areas.

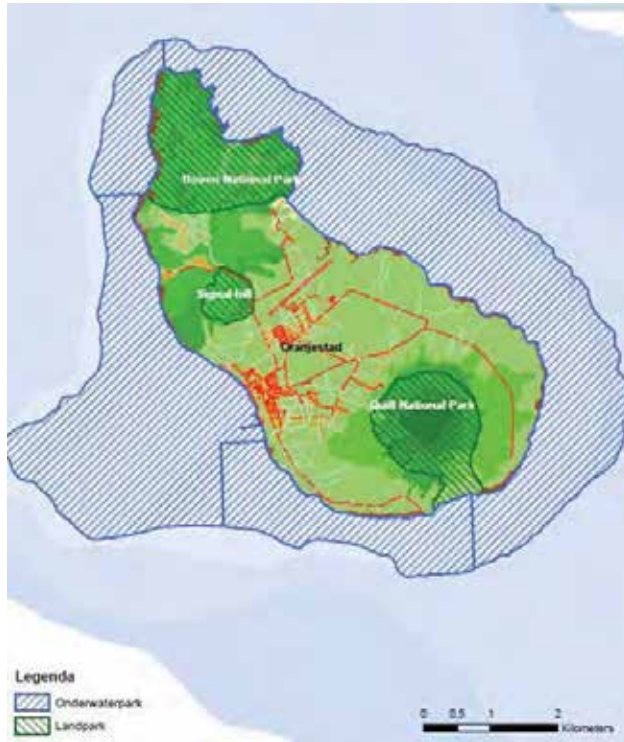


Figure 3.2. Protected areas on Sint Eustatius

The ecological research takes into account the principles of the Nature Policy plan. Moreover, the grounds designated as 'protected area' remain unaffected. No developments are planned on these grounds.

Chapter 4 Environmental aspects

4.1 Traffic

The Joremi site is situated almost at the end of the route towards The Quill area. This route, the Road to White Wall, is the main access road between Oranjestad and The Quill. The area is directly connected to the main road near the main entrance. On the northwest side of the property, a second access point is provided. This connects to Rosemary Lane, which is in direct connection to Oranjestad.

The amount of traffic that this plan will bring about is yet difficult at this time. This is, on one hand, due to the various modes of transport (scooter, car, shuttle, etc) that will be used, while it is not yet clear how the division between these modes will take place. On the other hand, it is expected that the traffic movements will occur exclusively on the Joremi site itself (especially between the facilities and recreational residential units / houses), so that the external effect of traffic movements is marginal.

With the deployment of the project, it will be considered by government to what extent the traffic flow from Oranjestad towards the Joremi grounds (both at the access point on the Road to White Wall, and on the Rosemary lane) is safe, logical and well-continuous and if modifications to the traffic infrastructure are needed.

On the Road to White Wall –a two lane road– currently there are barely any significant traffic movements. This road will have to be improved (repairing potholes and completely replace bad stretches of the road) in order to properly handle the traffic. The maintenance of this road will start shortly.

4.2 Ecology

STENAPA conducted an ecological study in 2012 (see Annex 3). This study confirms the initial estimate based on local knowledge and previous studies that the present vegetation in the project area consists of a mix of native and non-native species. There is one protected species found, namely the Antillean green iguana (*Iguana delicatissima*). Also, the snake species Red Belly Racer was observed. Important spotted species are different types of orchids and Statia Morning Glory. It is not considered likely that there are any other protected species listed in the "Flora and Fauna Ordinance AB1997-06" present in the area.

The conclusion resulting from the study is that there are no obstacles to realize the development. However, STENAPA does make a number of recommendations. These are listed below. These recommendations are largely incorporated in the master plan.

Recommendations from the study are as follows:

- Y Give attention to recognizing and protecting iguana nests at the time of the development of the area;
- Y the construction of an iguana friendly area / park within the project area;
- Y where possible, preserve indigenous species of trees and cacti (they serve different purposes: source of food for animals, suitable place for bird nests, shade, preventing soil erosion);
- Y the construction of an orchid garden;
- Y Take into account soil erosion when creating paths and roads to prevent rain water or salt run-off towards the St. Eustatius National Marine Park (considering the protected species living there)

Through a license that is required before carrying out any work (planning permission or "aanlegvergunning") known and unknown present protected species are protected.

4.3 Erosion and water

Sint Eustatius is located in a hurricane region, meaning that there is intense and brief rainfall. The objective is not to increase the amount of water flowing out of the terrain compared to the current situation. To achieve this, on-site water storage systems should be built, allowing approximately 28,000 m³ of water to be collected in total. Partly on the basis of the planned road structure, possible water retention locations were identified (see red and green spots on Figure 4.1). The conclusion is that there are adequate opportunities in the project area to realize water retention location so that any increase in paved surfaces can be compensated and that the runoff of rainwater towards properties outside the project area does not increase.

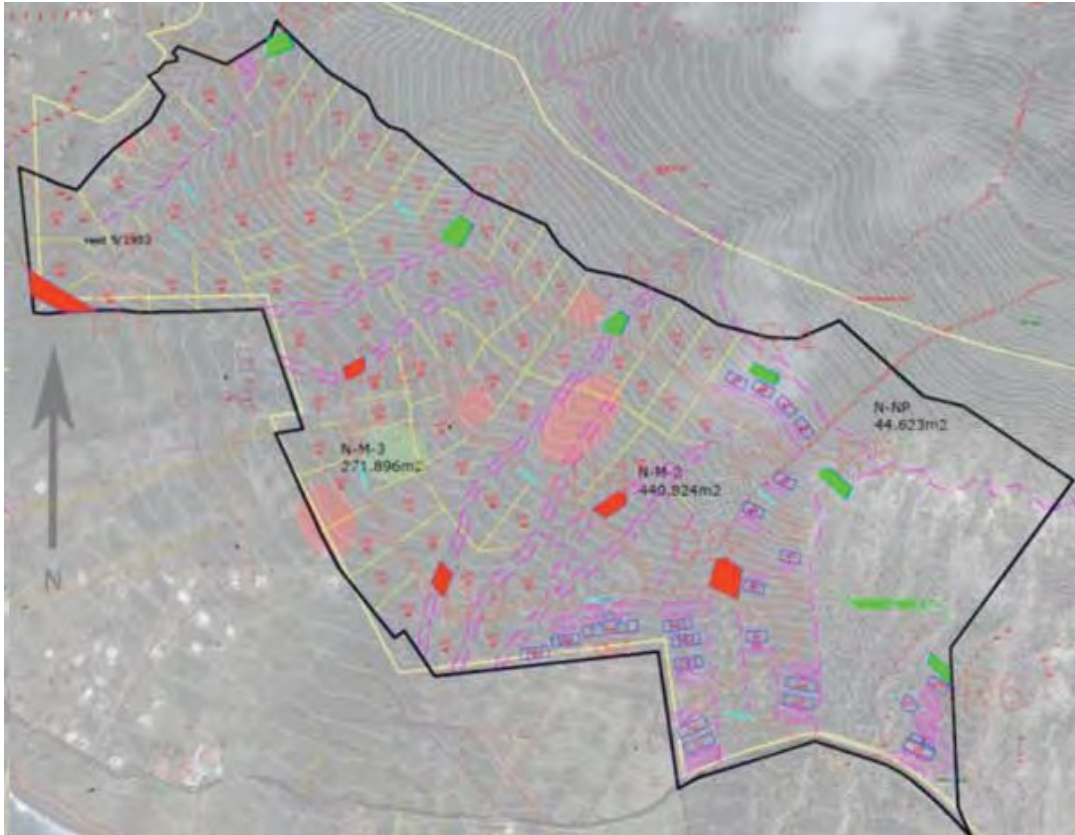


Figure 4.1. Possible locations for water retention (source: Lievense, Final environmental Impact Assessment Report)

On the island, in particular, the grazing cattle causes the ground vegetation to disappear so the risk of erosion increases. In the project area, grazing cattle is allowed but very limited. Considering, the master plan, it is questionable whether that option will be made use of at all.

In order to combat erosion, the drainage of the site must be maintained. First, this can be achieved by realizing sufficient water storage. Second, the realization of water infrastructure must prevent that heavy rainfall leads to water and mudslides. One of the measures for this is the construction of roads that are projected perpendicular to The Quill. Drainage channels should also be constructed along the roads.

Furthermore, by constructing retention ponds rainwater can be collected that could be used for irrigation purposes and domestic use.

In conclusion, it can be stated that there is a need to pay sufficient attention paid to the way in which the water compensation, water storage and erosion control is handled in the development phase of the project. The master plan shows that this is taken into account.

In addition, by means of a permit (planning permission or "aanlegvergunning"), it is ensured that before ground operations may take place and pavements are constructed, the developer has to demonstrate how the water storage and drainage will be taken into account.

4.4 Archeology

In 2012, the project area was examined for the presence of archaeological remains. This study is included in Annex 5. During the research activities, archaeological remains were found in different locations. The red dots in Figure 4.2 relate to the actual locations where the remains were found. The green dots on the map relate to locations where archaeological remains as expected below the soil surface. Location 5 is the most important site. The remains of an 18th century residence were found here.



Figure 4.2. Archeological sites (source: SECAR and SIMARC, Archaeological Survey)

For the six locations, a double zone "Value- Archaeology" is listed. This means that further archaeological research has to be conducted before building activities or land operations can be allowed.

The remains at location 5 are integrated into the master plan. Considering the advice of the SECAR and SIMARC researchers, an archaeological 'visitor and information center " is planned, which also forms the entrance of one of the routes from the site towards the National Park.

Chapter 5 Explanation to the regulations

The revision adjusts the following components of the Spatial Development Plan:

Zoning map

The project area included in this revision is largely equipped with new zoning areas, namely:

- Y Recreation – 2;
- Y Residential Area – 4.

In two parts in this revision, the zoning areas from the Spatial Development Plan are repeated:

- Y Natural Area – Mixed Use 2;
- Y Natural Area – National Park

This concerns the central area of the site, where a park will be realized for the new residents and holiday-makers from the region. The intended use of the land fits within the current regulations of the Spatial Development Plan. This also relates to the White Wall, where no development will take place, so that a modified regulation is not required for this area.

Regulations

In the Spatial Development Plan, two new articles are added:

- Y Recreation – 2;
- Y Residential Area – 4.

For the two areas where the zoning area is repeated, the Spatial Development Plan already contains the regulation. This regulation also remains applicable to these lands after the revision is adopted.

For grounds with new zoning areas, the Spatial Development Plan currently has no regulations. For that reason, the two new articles are added to the Spatial Development Plan. The remaining regulations of the Spatial Development Plan (such as the general rules and definitions) remain applicable to the grounds with the new zoning areas.

Below is a brief explanation of the two new articles.

Recreation – 2

In this article the proposed tourism functions are allowed, as they are described in Chapter 2 of the explanation. The rules for building on the grounds are largely the same as the existing rules of the "Recreation" article in the Spatial Development Plan. For instance, units may not hinder one another in their view of the sea. In addition to this, the following regulations apply:

- Y There is a maximum building percentage (common for all functions) of 35%;
- Y a total of up to 125 of units are allowed. These can be hotel rooms, but also lodges or other recreational homes;
- Y there is a special permit for the felling of trees and cacti;
- Y as additional conditions for the granting of a permit (planning permission or "aanlegvergunning" for the felling of trees, construction of pavements and roads) it has to be made clear in what way the water storage and drainage will be constructed and how protected species will be taken into account . It must also be shown that the activities will be limited to an absolute minimum;
- Y there are a number of exemptions.

Residential Area – 4

The regulations in this article are based, as much as possible, to the articles already included in the Spatial Development Plan for residential areas. Due to a number of specific characteristics and conditions for the development, a number of adjustments have been made.

Specifically, it can be mentioned:

- Y it is determined that 75 houses can be built up;
- Y each house must be built on a plot of at least 3,000 m² or 4,040 m²;
- Y per plot is a maximum building percentage of 12.5%;
- Y building gatehouses and archaeological sites is also allowed;
- Y there is a special permit for the felling of trees and cacti;
- Y as additional conditions for the granting of a permit (planning permission or "aanlegvergunning" for the felling of trees, construction of pavements and roads) it has to be made clear in what way the water storage and drainage will be constructed and how protected species will be taken into account . It must also be shown that the activities will be limited to an absolute minimum;
- Y there are a number of exemptions.

Further, a supplementary regulation is added to the article "Natural Area - Mixed Use 2" in the Spatial Development Plan. This regulation is linked to the zoning area "Natural Area - Mixed Use 2" where these are located on the Joremi site.

Natural Area – Mixed Use 2

This regulation makes it possible for part of the program as it is foreseen on the grounds with the zoning areas "Recreation-2" and "Residential Area -2", to move to grounds with zoning area "Natural Area – Mixed Use 2". This way, the revision provides some flexibility with regard to the subdivision of the area and it also makes the moving around of areas with zoning "Natural Area – Mixed Use 2" possible to some extent.

One of the preconditions for government cooperation to this exemption is that the area within "Natural Area – Mixed Use 2" that will be used for "Recreation-2" and/or "Residential Area -2" is compensated for in another area on the site. It is also important that the intended maximum building percentage is not increased using this exemption (except for specific exemptions that are listed).

Appendices to the explanation

Appendix 1 Master plan

Appendix 2 Economic Impact Study

Appendix 3 Ecological Assessment

Appendix 4 Final Environmental Impact Assessment

Appendix 5 Archeological Survey

Regulations

Revision of the regulations of the Spatial Development Plan St. Eustatius

I.

This revision plan may be cited as "Quill of Statia".

II.

On the grounds on which this revision plan applies, the provisions and regulations of the Spatial Development Plan Sint Eustatius, as adopted on April 29, 2011, shall apply by analogy, provided that:

A.

In the article "Natural Area - Mixed Use 2" of the Spatial Development Plan, the following rule is added:

Exemption from building regulations

Exceptions

It is possible, in special cases, to exercise function on grounds within the Joremi site that belong to regulations of zoning areas "Residential Area – 4" and / or "Recreation – 2", including to realize the associated building possibilities over a surface area of at most 30% for each zoning area surface.

Conditions

This can only happen if the Executive Council grants an exemption for this purpose. It can do this, if it believes that:

- a. the exemption will not result in disproportional damage to:
 1. the quality of the recreational area;
 2. the environmental situation;
 3. the possible utilization and view from adjacent grounds;
- a. it is ensured that the surface area for "Residential Area -4" and / or "Recreation – 2" that is taken elsewhere, is compensated for on the Joremi site;
- b. It is ensured that the proposed maximum building percentage - except for any exemptions - is not exceeded.

B.

The following two articles are added to the regulations of the Spatial Development Plan:

Article 1 Recreation - 2

1.1 Zoning definitions

- a. The zoning area "Recreation-2" is to be used for hotels, guest houses, recreational accommodation apartment complexes, resorts, restaurants, cafés, bars, shops, marketplace, conference facilities and (rental) companies of goods and services for recreational purposes.
- b. One corporate house.

- c. Apart from the listed functions, the associated utilities are also allowed. These are: roads, trails, parks, playgrounds, waterways, ponds, water storage areas, pavements, gardens, parking facilities, public utilities and facilities for the prevention of erosion.

1.2 Building regulations

Building in the zoning area "Recreation-2" is restricted by certain regulations. These are:

1.2.1 Buildings

- a. a building shall have:
 - 1. a maximum building height as is registered in the indication "maximum building height (m)"
 - 2. a maximum of two floors (either with or without a roof);
 - 3. distances to the plot boundary of at least 3m;
 - 4. distances to the road of at least 3m;
 - 5. cannot be built in such a way that obstructs the sea view from a neighboring recreational building
- b. the total built-up surface area may not exceed the "maximum building percentage" for the zoning area;
- c. there are at most 125 recreational accommodation units (hotel room, lodge, etc) allowed;

1.2.2 Structures

- a. A fence to demarcate plots and terrains shall have a building height of a maximum of 2 m;
- b. A retaining wall shall have a building height of maximum 1 m;
- c. Other structures than fences shall have a building height of a maximum 5 m.

1.3 Further requirements

The Executive Council is allowed to impose further requirements on the position, size and shape of a building, considering the view, the quality and the publicly accessible nature of the recreational area.

1.4 Exemptions from building regulations

1.4.1 Exceptions

- a. In certain cases a building is allowed:
 - 1. To be covered with a flat roof;
 - 2. To be built higher than the indicated building height;
 - 3. To be built closer to the plot boundary or to a road than mentioned in the indicated distances;
 - 4. To be built in such a way that obstructs the sea view from a neighboring recreational building
- b. In certain cases it is allowed to increase the 35% building percentage with a maximum of 10%
- c. In certain cases it is allowed to increase the number of recreational units with a maximum of 10%;
- d. It is also allowed to build higher retaining walls.

1.4.2 Conditions

Exemption to enable the above mentioned exceptions has to be authorized by the Executive Council. The Executive Council is only able to authorize exemption, if:

- a. the exemptions under a. 1., 2., 3. and 4 and under b. and c. will not result in disproportional damage to:
 - 1. the quality of the recreational area;
 - 2. the environmental situation;
 - 3. the possible utilization and view from adjacent grounds;
- b. exemption for building as registered under a.4. does not result in negative effects, which has to be evident in an agreement between the parties concerned (applicant and the owner of the recreational building who's sea view may be obstructed).
- c. The retaining walls have the correct form, structure and strength.

The exemption for higher building may not result in a building height of more than 3m over the maximum allowed building height.

1.4.3 Planning permission

1.4.4 Activities

Certain activities may not be executed without planning permission from the Executive Council, to protect the present landscape, natural and ecological values or prevent erosion.

These are:

- a. Raising or excavating grounds;
- b. Paving surfaces;
- c. Executing works that may impact the water system;
- d. Executing works that may cause erosion;
- e. Constructing roads and paths.
- f. The felling of trees (gum, mappoo tamarind) and cacti.

1.4.5 Conditions

The Executive Council is only able to issue planning permission, when:

- a. the landscape, natural and ecological values of the area are not damaged. In any event, this means that insight was made how protected species are taken into account. And;
- b. there are no possible negative effects on the water system or risk of erosion. In any event, this means that a license will only be granted if it is made clear how water storage and drainage will be taken into account.
- c. A permit paving may be granted if the application shows that the pavement surface area (other than for roads and exits) is limited to the maximum required only.

1.4.6 Regular maintenance

Regular maintenance does not require planning permission.

1.5 Utilization regulation

- a. To prevent situations in which the holiday homes are being used for permanent occupation, this specific regulation explicitly implies that the holiday homes, the resorts, the hotels and the recreational apartment complexes are not allowed for permanent occupation, except the spaces occupied by the owner or manager residing to oversee the operation of the resort, hotel or apartment complex.
- b. Use (whether or not by third parties) of buildings, other structures and terrains conflicting with the zoning and the regulations is prohibited. The Executive Council shall authorize exemption of this prohibition if so requested, only if there are no pressing reasons to restrict the most efficient use.

Article 2 Residential Area - 4

2.1 Zoning definitions

- a. The zoning area 'Residential Area -4' is to be used for housing and house bound professions;
- b. Apart from dwellings, the associated utilities are also allowed. These include roads, trails, parks, playgrounds, parks, waterways, water storage areas, entrance facilities and information services for the national park and archaeological sites, pavements, fields, gardens, parking facilities and utilities.

2.2 Building regulations

Building in the zoning area "Recreation-2" is restricted by certain regulations. These are:

2.1.1 Buildings

- a. there are a maximum of 75 dwellings permitted;
- b. a dwelling shall have:
 1. a maximum building height as is registered in the indication "maximum building height (m)";
 2. a maximum of two floors (either with or without a roof);
 3. to be built detached;
 4. When being built, to consider distances to the plot boundary of at least 10 m from the side or back plot boundary and at least 10 m from the front plot boundary
 5. to be built on a plot of at least
 - ∩ 3.000 m² on grounds with the indication 'bouwaanduiding – 1';
 - ∩ 4.040 m² on grounds with the indication 'bouwaanduiding – 2';
- c. The total built-up surface of detached buildings may not exceed 80m²;
- d. Detached annex buildings are allowed a maximum building height of 5m;;
- e. The total surface of the buildings may not exceed 12,5% of the plot surface area;
- f. gatehouses shall have:
 1. the total built-up surface area may not exceed the "maximum building percentage" for the zoning area;
 2. a maximum of two floors (either with or without a roof);
 3. total aggregate up to maximum 500 m².
- g. other buildings (eg information service for the archaeological site) shall have:
 1. the total built-up surface area may not exceed the "maximum building percentage" for the zoning area;
 2. a maximum of two floors (either with or without a roof);
 3. total aggregate up to maximum 500 m².

2.2 Structures

- a. A fence to demarcate plots and terrains shall have:
 1. A building height of a maximum of 2 m if at the back of a building;
 2. A building height of a maximum of 2 m if next to a building and not be closer to a road than the frontage of the building facing the road or the extension of this frontage;
 3. A building height of a maximum of 1 m if between a road and the frontage of a building or the extension of a building;
- b. other structures than fences shall have a building height of a maximum of 5 m.

2.3 Exemptions from building regulations

2.3.1 Exceptions

- a. In certain cases a building is allowed:
 1. To be covered with a flat roof;
 2. To be built higher than the indicated building height;
- b. In certain cases it is allowed to increase the 12.5% building percentage with a maximum of 10%
- c. In certain cases it is allowed to increase the building percentage for the gatehouses and other structures with a maximum of 20%
- d. In certain cases it is allowed to increase the number of dwellings with a maximum of 10%;
- e. It is also allowed to build higher retaining walls.

2.3.2 Conditions

Exemption to enable the above mentioned exceptions has to be authorized by the Executive Council. The Executive Council is only able to authorize exemption, if:

- d. the exemptions under a. 1., 2., 3. and 4 and under b. and c. will not result in disproportional damage to:
 1. the quality of the recreational area;
 2. the environmental situation;
 3. the possible utilization and view from adjacent grounds;
- e. exemption for building as registered under a.4. does not result in negative effects, which has to be evident in an agreement between the parties concerned (applicant and the owner of the recreational building who's sea view may be obstructed).
- f. The retaining walls have the correct form, structure and strength.

The exemption for higher building may not result in a building height of more than 3m over the maximum allowed building height.

2.4 Planning permission

2.4.1 Activities

Certain activities may not be executed without planning permission from the Executive Council, to protect the present landscape, natural and ecological values or prevent erosion.

These are:

- a. Raising or excavating grounds;
- b. Paving surfaces;
- c. Executing works that may impact the water system;
- d. Executing works that may cause erosion;
- e. Constructing roads and paths.
- f. the felling of trees (gum, mappoo tamarind) and cacti.

2.3.3 Conditions

The Executive Council is only able to issue planning permission, when:

- a. the landscape, natural and ecological values of the area are not damaged. In any event, this means that insight was made how protected species are taken into account. And;
- b. there are no possible negative effects on the water system or risk of erosion. In any event, this means that a license will only be granted if it is made clear how water storage and drainage will be taken into account.

- c. A permit paving may be granted if the application shows that the pavement surface area (other than for roads and exits) is limited to the maximum required only.

2.3.4 Regular maintenance

Regular maintenance does not require planning permission.

2.4 Utilization regulation

Use (whether or not by third parties) of buildings, other structures and terrains conflicting with the zoning and the regulations is prohibited. The Executive Council shall authorize exemption of this prohibition if so requested, only if there are no pressing reasons to restrict the most efficient use.