

**NATURAL RESOURCES CONSERVATION AUTHORITY ACT**  
**The Natural Resources Conservation (Permits and Licences)**  
**Regulations, 1996**

**Permit to Undertake Enterprise, Construction**  
**Or Development in a Prescribed Area**  
**(Pursuant to Section 9 (2))**

**Permit No.** 2005-09017-EP00199

**Application Date** August 11, 2005

The Permittee: Fiesta Jamaica Limited c/o Corporate Collaborative Law

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Of: P.O. Box 704, Kingston 6

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Is hereby authorised to undertake:

**Construction of Hotel/Resort complex of more than twelve (12) rooms Phase I consisting of 1,000 guest rooms and 123 staff residential apartments on 80 hectares of land**

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At: Point, Hanover

In accordance with the terms and conditions specified in the Schedule:

**This Permit is granted subject to the Terms and Conditions set forth in the Schedule below**

## **SCHEDULE**

The Natural Resources Conservation Authority under its mandate to ensure the proper management, conservation and protection of the physical resources of this island has pursuant to Section 9 of the Natural Resources Conservation Authority Act and the Natural Resources Conservation (Permit and Licence) Regulations 1996 established a system of permits for certain prescribed activities as mandated by the Natural Resources (Prescribed Areas) (Prohibition of Categories of Enterprise, Construction and Development) Order, 1996. It is an implied condition of every permit that based on the information presented in the Project Information Form, the Application Form and where applicable, the Environmental Impact Assessment and any addendum or adjustments made thereto, that the Authority is of the view that the activity subject to all the conditions stipulated in this permit is not likely to be injurious to public health or the environment. Where new regulations are made or existing regulations are amended by the Minister under the Natural Resources Conservation Authority Act 1991 or other statute, this Permit shall be deemed, upon promulgation of such regulations or statute to automatically be amended to conform with such regulations or statute.

This Permit comprises all eight (8) pages of this document, the Permit Application Form dated August 11, 2005; the Project Information Form undated, received and date stamped by the National Environment & Planning Agency August 16, 2005; the drawing titled Proposed Drainage for Point Resort Hotel, Part of Hanover received and date stamped by the National Environment & Planning Agency July 19, 2006; the drawing in the scale 1:2000 titled Master Plan – Architectural Ground Floor Plan, HJAR MP02 dated May 5, 2006 and date stamped by the National Environment & Planning Agency July 21, 2006; the Terms of Reference for Conducting an Environmental Impact Assessment prepared by Environmental Science and Technology Limited received and date stamped by the National Environment & Planning Agency December 6, 2005 and the Environmental Impact Assessment dated December 2005 and any accompanying addenda.

### **Description of Permitted Activity**

This Permit is for the construction of a Hotel/Resort complex for Phase I consisting of 1,000 guest rooms, 123 staff residential apartments and ancillary facilities. The proposed development will consist of two stages. The first and second stages will entail the construction of two hotel complexes of 1,000 guest rooms each. Phase I Hotel I 516 rooms and Hotel II 484 rooms.

#### **Guest rooms entail:**

Seventy six (76) studio apartments in nineteen (19) two(2) storey villas, nine hundred and twenty four (924) one-bedroom apartment in twenty four (24) 3-storey buildings.

#### **Staff residential apartments:**

Four (4) three storey blocks comprising sixty nine(69) studio apartments, thirty six (36) one-bedroom apartment and eighteen (18) two-bedroom apartments and a single storey multi-use building consisting of offices, restrooms, locker rooms, salons and laundry.

#### **Ancillary facilities:**

A two (2) storey central building will consist of a swimming pool, swimming pool restaurant, thematic restaurants, commercial area, administrative offices, show room, lobby, convention center and casino.

Sports Center will consist of 4 Tennis Courts, 2 Paddle Tennis Courts, 1 Archery, 1 Basketball Court, 1 Volleyball Court, 1 Indoor Soccer Field.

Spa will consist of pools, solarium, gym, massage parlours, changing rooms and beauty parlours.

The subject property is located at The Point, Lucea, Hanover as appears on the drawing titled Proposed Drainage for Proposed Point Resort Hotel Part of Hanover, received and date stamped by the National Environment & Planning Agency July 19, 2006; the drawing in the scale 1:2000 titled Master Plan – Architectural Ground Floor Plan, HJAR MP02 dated May 5, 2006 and date stamped by the National Environment & Planning Agency July 21, 2006; the Terms of Reference for Conducting an Environmental Impact Assessment prepared by Environmental Science and Technology Limited received and date stamped by the National Environment & Planning Agency December 6, 2005 and the Environmental Impact Assessment dated December 2005 submitted in support of the application dated August 11, 2005.

## **Definitions**

**“Permittee” means the holder of this Permit**

**“Authority” means the Natural Resources Conservation Authority established pursuant to Section 3 of the Natural Resources Conservation Authority Act.**

**“Representation” means any information implied or express upon which the Authority has relied to grant this permit, and includes all the information contained in the Application Form, the Project Information Form, the Environmental Impact Assessment where applicable and addenda and all supplementary documentation and including, but not limited to correspondence.**

**The Permittee hereby undertakes to comply with all the following terms and conditions:**

## **General Conditions**

1. All works carried out pursuant to this Permit shall be performed under the professional supervision of trained personnel who are qualified and competent to carry out the functions and duties of the Permitted Activity and who are conversant with the accompanying safety requirements as they relate to workers, the public and the environment.
2. The Permittee shall not assign, or transfer or dispense with this Permit or part with any benefit under it except with the prior written consent of the Authority.
3. Any reference to time in this Permit shall be computed as at the date of this Permit.
4. The Authority reserves the right to alter amend or introduce new conditions to this Permit at any time.
5. The Authority may in its sole discretion revoke or suspend this Permit if it is satisfied that a breach of any term or condition, implied or express, subject to which this Permit has been granted has been committed.
6. The Permit is granted subject to any existing legal right of third parties.
7. This Permit does not dispense with the Permittee’s obligations under any other law, nor does it authorize a contravention of any statute, regulations or the common law or breach of any agreement.
8. The Authority reserves the right to monitor the implementation of the permitted activity periodically and may initiate administrative and/or judicial action for any violation of any condition by the Permittee, its customers or guests, employees, servants, contractors or assignees.

9. A copy of this Permit shall at all times be placed in a prominent place at the location of operation (or business as the case may be) and shall be in such characters and in such position as to be conveniently read by the persons having functions and duties related to the implementation of this Permit.
10. The failure of the Authority to enforce at any time or for any period any one or more of the terms or conditions of this Permit shall not be a waiver of its right at any time subsequently to enforce all the terms and conditions of this Permit.
11. Any member of the Authority or any authorized officer of the said Authority may at any reasonable time, make such periodical inspections and investigations in respect of the activities that are herein permitted for the purpose of ascertaining whether the terms and conditions of this Permit are being observed or not and the Permittee shall allow such authorized officer to do such inspections.
12. The Permittee shall keep all environmental monitoring results, computed from the date on which the records were made and such records shall be available for inspection at any reasonable time by any member or officer of the Authority authorised to do so. Monitoring shall be conducted upon commencement of the development and all record keeping shall commence accordingly.
13. Any amendment to the records shall be made in such a way as to leave the original result legible. Only authorized persons may make amendments to records and every such amendment shall bear the signature of the said authorized person and the date of the amendment.
14. The Permittee shall comply with all representations made in the Permit Application dated August 11, 2005 and the undated Project Information Form undated August 16, 2005 and any accompanying addenda.
15. If the permitted activity does not commence within five (5) years after the date of this Permit, then this Permit is void and the Permittee shall reapply for a new Permit.

### **Specific Conditions**

1. The Permittee shall submit to the Authority for approval an Environmental Monitoring Plan within ninety (90) days from the date of this Permit. There shall be no commencement of any development until the Plan is approved by the Authority.
2. There shall be no foreshore or floor of the sea development or marine recreational use without prior approval from the Authority.
3. The Permittee shall apply for a beach licence pursuant to Section 5 of the Beach Control Act for any encroachment use of the foreshore or the floor of the sea.
4. There shall be no further development on the property without prior approval from the Natural Resources Conservation Authority.
5. The Permittee shall implement all coastal setback requirements for Phase one of the development as stipulated in the drawing HJAR MP02 entitled "Master Plan" dated May 5, 2006 submitted by CEAC Limited in support of Environmental Permit Application 2005-09017-EP00199.
6. The storm water drainage plan shall be implemented in accordance with the design approved by the National Works Agency in their letter dated July 25, 2006 and subject to the conditions contained therein (letter attached).
7. The Permittee shall obtain the necessary approval from the National Water Commission and/or any other relevant agency for the supply of potable water for the development.

8. Trees with a trunk diameter equal to or greater than eighteen (18) centimetres measured at a height of one (1) metre above the ground shall be clearly marked (flagged using fluorescent tape at three levels on the trunk) and mapped for preservation. Any tree located on the road alignment or within the area to be occupied by the buildings may be removed.
9. The Permittee shall establish a Plant Nursery for plants to be relocated under the supervision and approval of the Authority. Each species shall be assigned and tagged a unique identifier, which shall be readily visible in order to be read when officers or agents of the Authority carry out inspections. This shall be done under the supervision of the Authority.
10. The Permittee shall ensure that all endemic, endangered, rare or threatened plant species found within the footprint of the development shall be relocated to the Plant Nursery as specified in specific Condition 9. This shall be under the supervision and approval of the Authority
11. The Permittee shall submit a list of the plant species to be used in landscaping to the Authority within ninety (90) days of the date of this permit.
12. The Permittee, its agents and subcontractors shall not conduct any vegetation clearance activity until all the individual plants referred to in Specific Conditions 9 and 10 have been marked for retention or where necessary, relocated to the nursery for replanting.
13. The Permittee shall conduct vegetation clearance on a phased basis in tandem with the phased development of the site in order to reduce the amount of and duration of exposed soil. The Authority shall be notified of the dates of vegetation clearance activities at least two weeks in advance to allow a representative of the Authority to be present during the selective pre-construction clearance exercise.
14. The Permittee shall during landscaping replace trees lost during construction using appropriate species known to be common in that area.
15. The Permittee shall ensure that no alien or exotic species are introduced on the site without the prior approval of the Authority.
16. The Permittee shall submit a landscape plan within ninety (90) days of the granting of this permit and no development activities should be undertaken prior to the submission and approval of this plan.
17. The Permittee, its agents and subcontractors shall ensure that there is absolutely no modification, clearance or reclamation of wetlands on site without a permit from the Authority.
18. The Permittee shall retain beach # 1 for public access as stated in letter dated July 21, 2006 from Lloyd Edward Perkins and drawing entitled “ Master Plan “ dated September 7, 2005 received and date by the National Environment & Planning Agency May 24, 2006.
19. The Permittee shall ensure that beach labelled #4 is preserved in its natural state.
20. The Permittee or its agents shall notify the National Environment and Planning Agency of any nesting marine turtle observed on or adjacent to the licensed area.
21. The Permittee or its agent shall ensure that any marine turtle observed nesting on or adjacent to the permitted area remains undisturbed and that the resultant nest is marked off and protected from disturbance.

22. The Permittee shall for the protection of nesting marine turtles and their hatchlings, comply with the following standards for artificial light sources visible from the sea:
- a) All external artificial light fixtures shall be designed and positioned so that:
    - the point source of light or any reflective surface of light fixture is not directly visible from the beach;
    - areas seaward of the frontal vegetation are not directly or indirectly illuminated; and
    - areas seaward of the frontal vegetation are not cumulatively illuminated.
  - b) Fixtures in direct line-of-sight from the beach shall be designed to be:
    - Shielded down-light only fixtures or recessed fixtures having low wattage (i.e. 50 watts or less) “bug” type bulbs and non-reflective interior surfaces. Other fixtures that have appropriate shields, louvers or cut-off features.
    - Fixtures mounted as low in elevation as possible through use of low-mounted wall fixtures, low bollards and ground level fixtures.
  - c) Floodlights, up-lights or spotlights for decorative and accent purposes that are directly visible from the beach or which indirectly or cumulatively illuminate the beach shall not be used.
  - d) For high intensity lighting applications such as providing security and similar applications shielded low-pressure sodium vapour lamps and fixtures shall be used.
23. Pursuant to specific Condition 21 the Permittee shall retain a natural vegetation buffer measured 15 metres from the water line adjoining beaches 1, 2, 6 and 7 as a means of preserving natural nesting conditions for turtles.
24. The Permittee, its agents, contractors shall install a series of settling ponds or sediment baffles to reduce the sediment loading to the marine environment (especially for the protection of corals and other fauna and flora) that will occur via storm water generated by the development during the construction phase.
25. The Permittee shall implement measures to prevent gully erosion and subsequent sediment transport to the marine environment as approved by the Authority and the National Works Agency.
26. The Permittee shall cover construction material during transport to prevent the generation of fugitive dust.
27. The Permittee shall during the construction phase wet road surfaces and stockpiles of soil and marl to prevent the generation of fugitive dust.
28. The noise levels during site construction shall not exceed 70 dB up to 50m from the property boundaries at any given time.
29. The Permittee shall ensure that un-utilized earth and solid waste generated during the site preparation, construction and operational phases of the development is disposed of at the nearest approved municipal dumpsite to the satisfaction of the National Solid Waste Management Authority.
30. The Permittee shall provide receptacles for solid waste collection onsite.

31. The Permittee shall ensure that there is adequate provision of toilet facilities for the use of the construction work force. These facilities shall be in the form of portable units (chemical toilets), the sewage from which shall be collected and treated at an existing approved sewage treatment facility.
32. The Permittee shall apply to the Authority for a Permit to construct sewage treatment plant and a Licence to discharge effluent pursuant to Sections 9 and 12 Natural Resources Conservation Authority Act. The sewage treatment plant shall treat sewage to the tertiary level. There shall be no commencement of construction of the sewage treatment plant until the permit is issued.
33. The Permittee shall inform the Authority in writing of the name of the person(s) or company responsible for monitoring prior to the commencement of any activity on the site.
34. The Permittee or its agents and subcontractors shall design an Environmental Monitoring Programme as outlined in Section 8 of the Environmental Impact Assessment. This Environmental Monitoring Programme shall be submitted within six months and approved by the Authority prior to the start of any development on the site. The programme shall include but not be limited to:
  - water quality (turbidity and total suspended solids) sampling of the marine environment every month for the duration of the construction phase;
  - the plant nursery (vegetation preservation);
  - site clearance;
  - waste handling and disposal; and
  - air quality.
  - reef monitoring to ensure that the quality of the reef is maintained.
35. The environmental monitoring programme shall be implemented during the construction phase of the development and a report made available to the Authority on a fortnightly basis, during the first three months of construction and monthly thereafter to the end of the construction phase. These reports must be submitted to the Manager of the Enforcement Branch, National Environment and Planning Agency.
36. The monitoring programme shall be undertaken in accordance with Specific Condition 34 and the monitoring information shall include, but shall not be limited to: -
  - a) the date, exact place and time of sampling; or measurement;
  - b) the person(s) responsible for performing the sampling or measurement;
  - c) the date(s) analyses were performed;
  - d) the analytical techniques or methods used; and
  - e) the results of such analysis.
37. The Permittee shall ensure that all reasonable attempts are made to implement all mitigatory measures outlined in Section 7 of the Environmental Impact Assessment report.
38. The Permittee shall develop an Emergency Management Plan in consultation with the Office of Disaster Preparedness and Emergency Management to be approved by the ODPEM and the Authority.
39. The Permittee shall develop a comprehensive Evacuation Plan in consultation with the Office of Disaster Preparedness and Emergency Management (ODPEM) to be approved by the ODPEM and the Authority.
40. The Permittee shall consult with the Jamaica National Heritage Trust pertaining to an appropriate setback for any building or structure occurring within 3 metres (10 feet) of an archaeological or historical site.

41. The Jamaica National Heritage Trust shall be notified of any activity which may involve the excavation of an archaeological or historical site.
42. The Permittee shall erect storyboard in areas where historical and archaeological features are present.
43. The Permittee shall comply with all recommendations outlined in the Archaeological Appraisal Report produced by the Jamaica National Heritage Trust dated July 2006.

Dated this                      day of                      2006

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**LEARY MYERS, Ph.D., PE.**  
for Natural Resources Conservation Authority

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**GILROY ENGLISH**  
Secretary  
Natural Resources Conservation Authority