



# **MEETING OF THE MUNICIPAL PLANNING TRIBUNAL (MPT)**

## **A G E N D A**

**(THIS MEETING HAS BEEN POSTPONED UNTIL 3 JUNE 2022 AT 10:00)**

<b>DATE:</b>	<b>25 MAY 2022</b>
<b>VENUE:</b>	<b>VIRTUALLY</b>
<b>TIME:</b>	<b>10:00</b>

# OVERSTRAND MUNICIPALITY

Office of the Chairperson: MPT  
Civic Centre  
HERMANUS  
7200

**18 May 2022**

**TO : THE MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL**

**CONVENING NOTICE : SESSION OF THE MUNICIPAL PLANNING TRIBUNAL (MPT)**

**NOTICE IS HEREBY GIVEN** that the **Municipal Planning Tribunal (MPT)** will go into session **VIRTUALLY** on **Wednesday, 25 May 2022 at 10:00** to consider the attached agenda.

**H JANSER (MS)**  
**CHAIRPERSON : MUNICIPAL PLANNING TRIBUNAL**

**Distribution:**

1. Ms H Janser (Chairperson)
2. Mr S Müller (Vice Chairperson)
3. Mr S Madikane (Member)
4. Mr H Blignaut (Member)
5. Ms R Louw (Member)
6. Mr R Kuchar (Authorised Official)
7. Mr S van der Merwe (Senior Town Planner)
8. Ms H van der Stoep (Senior Town Planner)
9. Secretariat

**MUNICIPAL PLANNING TRIBUNAL  
(MPT)**

25 May 2022

**I N D E X**

**ITEM**

**PAGE  
NUMBER**

**APPLICATIONS FOR LEAVE OF ABSENCE**

- |            |  |          |
|------------|--|----------|
| <b>4.1</b> | <b>PORTION 7 OF THE FARM PAARDENBERGRIVIER NO. 663, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: MESSRS RODE AND ASSOCIATES (PTY) LTD ON BEHALF OF DEPARTMENT OF TRANSPORT AND PUBLIC WORKS</b> | <b>1</b> |
|------------|--|----------|

- 1. OPENING**
- 2. APPLICATIONS FOR LEAVE OF ABSENCE**
- 3. CONFIRMATION OF MINUTES**
  - 3.1 Minutes of a Municipal Planning Tribunal Meeting held on 28 April 2022**
- 4. ITEMS FOR CONSIDERATION**
  - 4.1 PORTION 7 OF THE FARM PAARDENBERGRIVIER NO. 663, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: MESSRS RODE AND ASSOCIATES (PTY) LTD ON BEHALF OF DEPARTMENT OF TRANSPORT AND PUBLIC WORKS**

Report attached

**4.1****PORTION 7 OF THE FARM PAARDENBERGRIVIER NO. 663, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: MESSRS RODE AND ASSOCIATES (PTY) LTD ON BEHALF OF DEPARTMENT OF TRANSPORT AND PUBLIC WORKS****Farm 663/7 RCAL (3582/2020)****SW van der Merwe****13 April 2022****(028) 313 8900****Hermanus Administration**

---

**1. EXECUTIVE SUMMARY**

An application was received from Messrs Rode and Associates (Pty) Ltd on behalf of the Department of Transport and Public Works on Portion 7 of the Farm Paardenbergrivier No. 663, Division Caledon for the following consent use in terms of Section 16(2)(o) the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to create a borrow pit of 1,4ha.

A Locality Plan of the property concerned is attached as Annexure A. The Motivation Report from the applicant in support of the proposal is attached as Annexure B, while the proposed Site Development Plan is attached as Annexure C.

**2. DECISION AUTHORITY**

Municipal Planning Tribunal

**3. BACKGROUND / SITE HISTORY**

The property is 493,5340ha in extent and is zoned Agriculture Zone 1. The property is situated 13km east of Stanford at the junction of Divisional Roads 1218 and 1225. The application site itself is situated on the east side of DR1218 and measures 1,4ha in extent. The site is situated 3m to 4m above the road cutting on the crest of a hill that gently slopes to the north and south-east. The cut embankment on the west side of the site is devoid of vegetation save for scattered scrubs and patches of grass. The site is also within a wheatfield lying fallow, presumably to the next planting season.

The Department of Transport and Public Works (the department) owns and manages road infrastructure in the Western Cape, excluding national roads and roads in urban areas. Almost 61% of this trunk-, main- and divisional roads are unsurfaced. The PGWC manage most of this unsurfaced road network with the assistance of the District Municipalities. In this regard the Overberg District Municipality is responsible for routine road maintenance and the bulk of the periodic road maintenance (i.e. regravelling) in its jurisdiction area. The strategic plan of the Provincial Department of Transport and Public Works indicate that most gravel roads in the province (excluding minor roads) have a condition ranging from poor to very poor. The provincial strategic objective is to increase access to safe and efficient transport and specific focus to reduce road infrastructure maintenance backlogs. It is therefore important to identify suitable road building material near the worksite; thereby reducing haul distances, wear, and tear on the surrounding road network.

Having had regard to the background above, the department therefore appointed Rode Plan Spatial- & Development Planners and Economist to apply for consent use

to permit the excavation of raw material used for the upgrading and maintenance of the above Divisional Roads as part of the provincial re-gravelling programme.

Application is therefore made for consent use to accommodate the proposed borrow pit, measuring 1,4ha in extent on the application property. A previous approval for a departure in 2014 to conduct a borrow pit already lapsed since the approval had not been implemented.

#### 4. SUMMARY OF APPLICANT'S MOTIVATION

The applicant's motivation (attached as per Annexure B) is summarised as follows:

- ❖ In terms of the Minerals and Petroleum Development Act Western Cape Government is exempted and do not require a mine permit / mining right, subject to the approval of an Environmental Management Plan by the said department.
- ❖ A section 53 LUPA application is not required since the mine area does not exceed 5ha.
- ❖ The provincial strategic objective is to increase access to safe and efficient transport.
- ❖ The Overstrand IDP identified that Overstrand has about 343km that needs to be maintained and upgraded by the provincial government.
- ❖ The applicant is in possession of an approved EMP.
- ❖ The proposed borrow pit does not trigger the provisions of NEMA.
- ❖ The proposed borrow pit will provide the required quality and quantity of road building material required for re-gravelling / road maintenance.
- ❖ The proposal will benefit road users and residents by ensuring improved road safety, less maintenance related interruptions and will benefit the local economy.
- ❖ The proposed land use (borrow pit) is different but not incompatible with the established farming land use in the area and rural land scape.
- ❖ The proposed borrow pit, based on implementation of the proposed mitigation measures as per the EMP is considered very low and will not adversely impact upon farming activities.
- ❖ The proposed development promotes better economic use of the land, cost effective road maintenance and construction in a sustainable manner.
- ❖ The temporary consent use will not have a significant effect on the health and well-being of people in the surrounding area, the environment or cultural landscape, since the borrow pit / mining area can revert to the lawful use upon expiry.
- ❖ The proposal will not result in high potential agricultural land being sacrificed and together with the implementation of mitigation measures adequately address environmental sensitivities.
- ❖ No impact upon municipal services.
- ❖ The proposal is consistent with the provisions of the IDP and SDF.
- ❖ There are no restrictive conditions registered against the title deed of the property.
- ❖ The proposal complies with the planning principles contained in LUPA and SPLUMA.

## 5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local Newspaper	Yes	22 July 2020	28 August 2020
Notices	Yes	31 July 2020	28 August 2020
Ward Committee	Yes	20 July 2020	28 August 2020
Total comments	<b>Nine (9)</b>		
Total letters of support	<b>NONE</b>		
Was public participation undertaken in accordance with Section 46 - 50 of the By-Law on Municipal Land Use Planning?			Yes
Was the application processed correctly (if no, elaborate below):			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			Yes

## 6. SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

Name	Date received	Summary of comments
Open Serve	21/07/2020	Annexure F.
Eskom	29/07/2020	Annexure G.
Breede-Gouritz Catchment Management Agency	12/08/2020	Annexure H.
Waste Management	20/08/2020	No objection.
Environmental Management Services	27/08/2020	No objection.
Department of Environmental Affairs and Development Planning: <i>Component Planning</i>	08/09/2020	Annexure I.
Department of Transport and Public Works	08/09/2020	Annexure J.
Department of Agriculture	15/09/2020	Annexure K.
Engineering Services	28/10/2020	Annexure L.
Heritage Western Cape	03/02/2021	Annexure M.

## 7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

Nine objection letters were received from interested and affected parties, namely:

- C Martens, on behalf Leopont Four Properties (Pty) Ltd (Honeybird Nature Reserve), t/a Fynbos Trust, the owner of Portion 7 of Farm Kleinriviers Kloof 660;
- D & P Martheze, Eikenhoff Estate CC, t/a Eikenhoff Orchid Nursery, owner of Portion 2 of Farm 970;
- M Boshoff, Blue Moon Farm, R43, Stanford;
- RM Coetzee, Oak Grove Farm, situated between die Papiessvlei Road and DR1229;
- G O'Sullivan & G Shapiro, on behalf of Kleinriviersberg Conservancy;
- G Nuss, General Manager / Campsite Director, Wortelgat Outreach Trust;
- T Anderson on behalf of Stanford Tourism
- Stanford Heritage Committee;
- CS Nyquist & L Cornwall, on behalf of Panthera Africa, owners of Portion 2 of Farm 993.

The objections are attached as Annexure D. The applicant's response to the objections is attached as Annexure E. The main grounds of objection are summarised as follows:

### **Negative visual impact of quarrying activities on tourism-related use of some properties and Divisional Road 1218 (Papiessvlei road)**

#### Response from applicant

This borrow pit will have negative impacts on the visual aesthetics as it is located next to the divisional road. The site-specific quarrying activity will be done by, inter alia, using heavy machinery. The landscape changes will be addressed as per the conditional approval of the Environmental Management Programme (EMP). For example, all disturbed areas will be landscaped to blend into the general topography of the surrounding area. No permanent structure would be erected. This location is paramount owing to the economy of scale and minimal interference with farming activities. The latter is of specific relevance in the context of the temporary expropriation of the quarrying area. To further elaborate on the specific location of the proposed land use, various criteria were used in the identification and selection of the preferred site. These included, inter alia, the availability and type of road building material, current land use, the type and condition of the vegetation on site, potential impacts including visual, erosion, dust, watercourse sedimentation, failure of rehabilitation, the ability to stockpile, the proximity to farm or other dwellings and the potential dust and noise nuisance to these, and the potential operational and post-closure risks to people/animals in the vicinity.

#### Response from town planner

The applicants' comment is noted and agreed with.

### **Conflicting nature of quarrying activities with (existing and foreseen) tourism related as well as agricultural land use in the area**

Response from applicant

The quarrying process will be opencast, hence, dust derived from the borrow pit might have an impact on road users and nearby dwellings. Some levels of noise will be generated by the quarrying activity. We believe the severity and duration of these impacts to be low with high mitigating potential. We argue that the proposed rural industrial activity (as defined in the Western Cape Land Use Planning Guidelines: Rural Areas) does conform to the principles and 'placement' of such activities as guided by the provincial directive. In this regard, the proposed development is in a suitable location and at an appropriate scale. The Municipal Integrated Development Plan is also consistent with this objective in advancing the upgrading of gravel roads as of high economic value. The material excavated at this site, would be used to re-gravel divisional road DR1218 owing to the scarcity of adequate materials in the area, i.e. very few borrow pits along this road. We also emphasise the backing from the landowner for the proposed land use.

Response from town planner

Applicant's comment is noted and agreed with.

**Possibility of excess damage to the current road caused by trucks collecting the material using the road and increased traffic of heavy vehicles**Response from applicant

The quarrying activities and related work will be to better the road condition. However, we acknowledge that there would be maintenance related disruptions to road users, including the users of entrances to properties. However, as stated, the frequency of these disruptions would be only every 7 to 8 years with only 4 to 5 heavy vehicles being used each time for about 4 to 5 months uninterrupted.

Response from town planner

The applicant's comment is noted. It must also be pointed out that the borrow pit will not be a commercial borrow pit, thereby limiting associated impact as it will provide suitable material for road maintenance purposes as and when required.

**Resurfacing of the road with tar, as envisaged, will negate any need for ongoing gravel maintenance**Response from applicant

There are no plans to upgrade this road with a permanent tarred surface.

Response from town planner

The applicant's comment is noted. In addition, the objections are based on the poor state of the road and lack of maintenance thereof. The proposed borrow pit would provide gravel for maintenance purposes, which would be beneficial to rural community, including associated tourism business, the local economy including the agricultural sector.

### **Ecological sensitivity of the quarrying site**

#### Response from applicant

The area to be mined is a cultivated wheat field. It has been confirmed that the proposed quarrying activity does not constitute a listed activity as defined in terms of the NEMA EIA Regulations, 2010.

#### Town Planner's response

The applicant's comment is noted and agreed with. No objections were received from government departments pertaining to impact upon the natural environment. Subject to compliance with the approved Environmental Management Plan with reference to mitigation and rehabilitation measures, the proposed borrow pit is not considered to unacceptably detract from the natural environment. This will further be dealt with in terms of conditions of approval, should the application be considered favourably.

### **Public participation**

#### Response from applicant

As stated in the motivation report the Overstrand Municipality is responsible for the processing and notification of the application.

#### Response from town planner

Public participation had been undertaken in accordance with the provisions of the By-law comprising serving of registered notices impact adjoining properties as well as a notice in the local newspaper, Village News. The closing date for comment was 28 August 2021. The Ward Committee are notified via the Area Manager. Stanford Heritage and Stanford Tourism are represented on the Ward Committee and thus were afforded the opportunity to comment.

## **8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS**

N/A

## **9. MUNICIPAL ASSESSMENT OF COMMENTS**

N/A

## **10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)**

### **10.1 Background**

N/A

### **10.2 (In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)**

The application is in line with the planning objectives applicable to this application.

The objectives relating to:  
Spatial Justice

The proposal will not adversely impact historical spatial imbalances.

Spatial Sustainability

The proposal will not adversely impact upon environmental / biodiversity rich areas or agricultural land, subject to implementation of mitigation and rehabilitation measures as per the Environmental Management Plan.

Efficiency

The proposal promotes the better (economic) use of land, cost effective road maintenance and construction, and will not adversely impact the environment or cultural landscape of health and wellbeing of people in the surrounding area.

Spatial Resilience

The proposal is consistent with the applicable policy documents that adhere to the principle of spatial sustainability.

Good Administration

The application followed the required planning procedures to ensure that land use activity is in line with Municipal By-Laws and the public participation process has been followed.

**10.3 (In)consistency with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)**

Same as Point 10.2 above.

**10.4 (In)consistency with the IDP/Various levels of SDF's/Applicable policies**

Consistent with the Spatial Development Framework.

**10.5 (In)consistency with guidelines prepared by the Provincial Minister**

N/A

**10.6 Impact on Municipal Engineering Services**

N/A

**10.7 Outcomes of investigations/applications i.t.o other legislation**

The proposal does not trigger the provisions of NEMA, nor Section 38 of the National Heritage Resources Act.

**10.8 Existing and proposed zoning comparisons and considerations**

The application is in line with the Overstrand Spatial Documents. The application is in line with the Overstrand Zoning Scheme to accommodate the land use through an application process.

## 11.ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

N/A

## 12.THE DESIRABILITY OF THE PROPOSAL

The property is zoned Agricultural Zone 1 and measures 493ha in extent. The zoning provides for mining as a consent use applicable to a 1,4ha portion of the application property.

The application was submitted prior to the approval of the 2020 SDF. In accordance with the 2006 SDF the subject area is designated as core agriculture Spatial Planning Category (SPC), whilst the remainder of the property to the west save for a small portion is within the conservation agricultural buffer zone.

In terms of the SPC: Core Agriculture mining could be permitted, subject to environmental and specialist botanical assessment having had regard to the protection of the natural environment, including the cultural landscape.

The Rural Land Use Policy pertaining to mining in the SDF amongst others ensure to balance the mining activity with environmental sensitivity, long term cost to the visual quality of the area, potential loss in agricultural production and impact upon existing rights of adjoining properties.

Having had regard to the aforesaid, the proposal will provide gravel aggregate for the resurfacing of gravel roads in the area, opposed to a commercial mine. This will be contained within the conditions, should the recommendation be accepted.

Re-gravelling frequency according to the applicant will be every 7 to 8 years, thereby limiting the impact of the mining activity opposed to an unrestricted commercial mine. The proposal will benefit the rural community as the proposal will facilitate maintenance and upgrading of the road to the required safety standards, which will be beneficial for the agricultural community as well as promotion of tourism and economic development in the area.

The proposal was circulated to the relevant government departments. No objections were received on the basis of the locality, the impact on the natural environment, agriculture, subject to compliance with conditions of approval. The 2014 departure approval was accompanied by an NOI to develop, and no further assessments were required by Heritage Western Cape. The latter department confirmed that the current proposal does not trigger an HIA.

The proposal does not trigger the provisions of NEMA. Implementation will be subject to compliance with an approved Environmental Management Plan (EMP) also providing for rehabilitation of the mining area thereby ensuring that impacts from the proposed mining activity (with regard to inter alia noise, dust and visual) could be sufficiently mitigated.

The proposal is supported by Western Cape Department of Agriculture and not considered to have an adverse impact upon the agricultural potential of the subject property. Following mining and rehabilitation the area will be able to revert back to agricultural use.

The access has been approved by the Western Cape Government: Transport & Public Works, subject to conditions.

The Breede-Gouritz Catchment Management Agency has supported the application, subject to conditions.

### **Conclusion**

The application for mining subject to implementation of mitigation measures is not considered to unacceptably detract from the character and visual amenity of the rural area or vested rights of adjoining properties. The rural community will benefit since the maintenance of the minor roads to an acceptable standard will benefit the local economy (i.e. both the agricultural and tourism sectors) and will not be to the detriment of the agricultural potential / productivity of the property.

### **13. RECOMMENDATION**

1. that the application in terms of Section 16.(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 on Portion 7 of the Farm Paardenbergsrivier 663, Division Caledon for a consent use (mining) to permit a borrow pit of 1,4ha, **be approved**, in terms of the provisions of Section 61 of the By-Law subject to the following conditions;
  - (a) that the borrow pit be restricted to the area and dimensions as indicated on Plan No. C657-OVB-1031 as per Annexure C;
  - (b) that the mining activity occur in accordance with the provisions of the approved Environmental Management Plan
  - (c) that rehabilitation of the mining area be conducted in accordance with the EMP to the satisfaction of the Overstrand Municipality;
  - (d) that signage complies with the Municipal By-Law on Signage;
  - (e) that all the conditions in the Services Report (attached as Annexure L), be complied with;
  - (f) that all the conditions imposed by Open Serve, Eskom, BGCMA and Western Cape Government: Transport & Public Works (attached as Annexures F-H and J) be complied with;
  - (g) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (h) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
  - (i) that the borrow pit may only be used to provide material for road maintenance purposes.
2. that the applicant and persons who commented be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

**14. REASONS FOR RECOMMENDATION**

- ❖ The application followed due process.
- ❖ The proposal is consistent with the SDF.
- ❖ The proposal is consistent with the Planning Principles in terms of LUPA and SPLUMA.
- ❖ The proposal is supported by relevant government departments.
- ❖ The associated impacts of the proposed mining activity could be sufficiently mitigated in terms of the EMP incorporated in the approval conditions.

**15. ANNEXURES**

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Development Plan
Annexure D:	Objections
Annexure E:	Comment on objections
Annexure F:	Comment: Open Serve
Annexure G:	Comment: Eskom
Annexure H:	Comment: Breede-Gouritz Catchment Management Agency
Annexure I:	Comment: DEA&DP: Component Planning
Annexure J:	Comment: Department of Transport and Public Works
Annexure K:	Comment: Department of Agriculture
Annexure L:	Services Report
Annexure M:	Comment: Heritage Western Cape

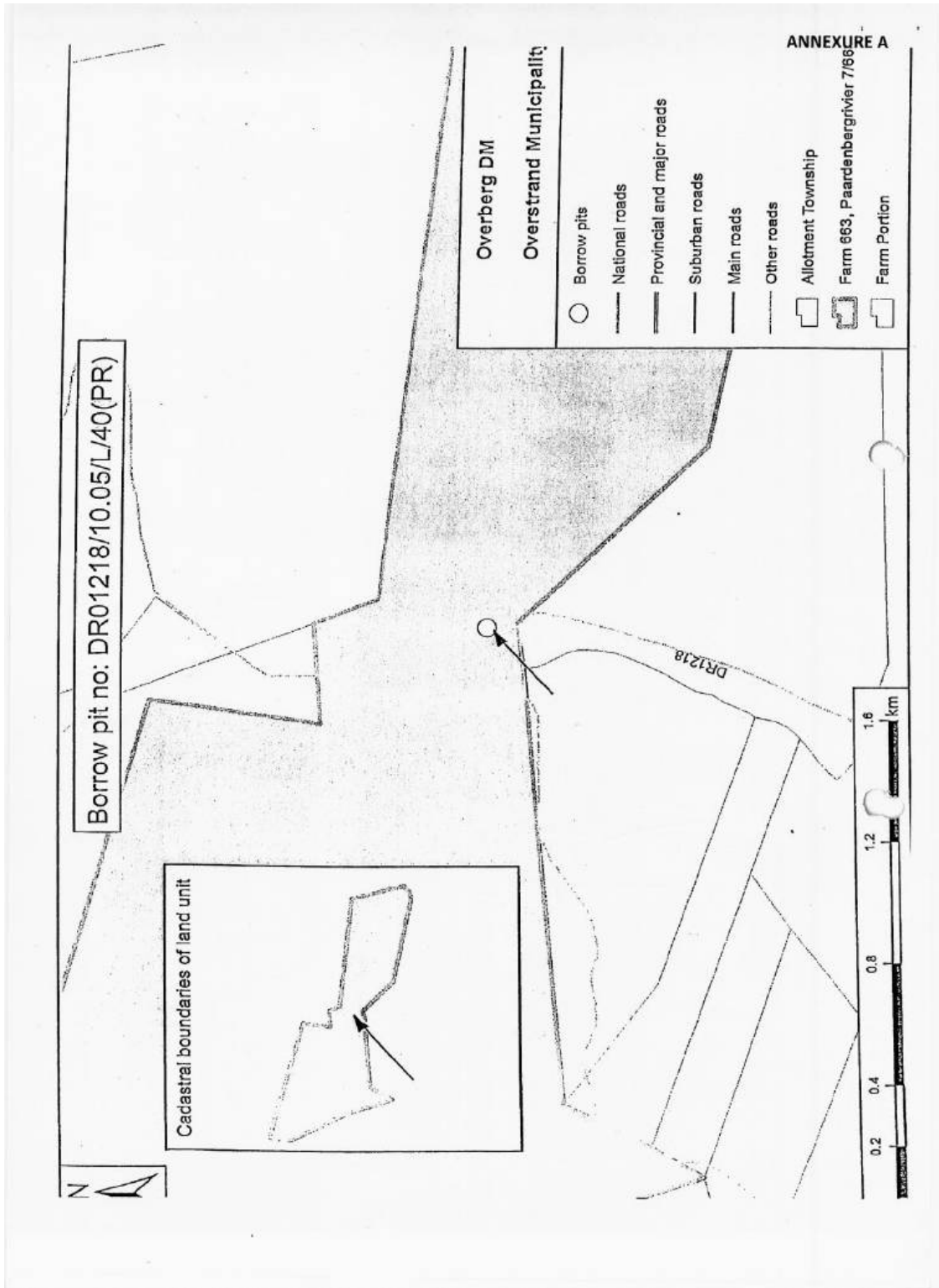
**SIGNATURES****REGISTERED PLANNER**

Name: **SW VAN DER MERWE**

SACPLAN Reg No: **A/1850/2014**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



## Executive summary

### Application

The Western Cape Government submits this consent use application in terms of the municipal land use planning bylaw and in accordance with the Overstrand Zoning Scheme Regulations. The aim is to obtain a change to the use of land to accommodate a borrow pit, i.e. to excavate material for road maintenance and/or construction on about 1.4 ha of (Remainder of) Portion 7 of Farm 663, Paardenbergs Rivier. This activity is part of the provincial regravelling programme. The duration of the consent use would be 5 years, i.e. the life span of the mine.

The farm (and mining area) are zoned Agriculture Zone 1 and are privately owned.

### Development site and proposal

This consent use application is to obtain the land use rights for a proposed borrow pit with the following attributes:

Closest town:	Stanford
Local Municipality:	Overstrand Municipality
District Municipality:	Overberg District Municipality
Mining footprint (ha):	1.4 (approximately)
Surrounding land use:	Agriculture and wheat cultivation
Farm area (ha):	493.534 ha
Lifespan of mine (years):	5
Current use status of site:	Not mined

### Land use right

The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA), requires that the use of land must be in accordance with the zoning of such land, *irrespective of the user*. Complying with SPLUMA, the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA), states that 'no person may utilise or develop land unless the utilisation or land development is permitted in terms of a zoning scheme or an approval consistent with this Act and applicable by-laws'.

The proposal to excavate material for road maintenance and/or construction implies a non-conforming land use on land zoned as Agriculture Zone I. Hence, as provided for in the relevant Scheme regulations a consent use application is made to accommodate the mining activity on the property concerned for a period of 5 years.

According to the municipal land use planning bylaw, decision-making authority resides with the relevant municipal planning tribunal or the authorised official.

### Other rights

As per the requirements of the Minerals and Petroleum Resources Development Act, 2002 (No 28 of 2002), all mining activities, including the extraction of material from borrow pits and quarries, require authorisation from the Department of Mineral Resources (DMR). As per the provision of Section 106(1) of the Act, on 25 June 2004 the Minister of Minerals and Energy, by notice in

Government Gazette No. 26501, has exempted various organs of state (including Provincial Governments) from the provisions of sections 16, 20, 22 and 27 of the Act in respect of any activity to remove any mineral for the construction and maintenance of dams, harbours, roads and railway lines and for purposes incidental thereto.

In terms of this exemption, where the Western Cape Government is undertaking the maintenance/ upgrading of roads under its control, no application needs to be submitted for a mining right or permit. However, as per the provisions of Section 106(2) of the Act, the Western Cape Government is required to (determine and then) prepare and submit an *Environmental Management Programme* to the national Department of Mineral Resources for their approval, prior to the extraction of any material from a proposed borrow pit or quarry. Since December 2014, this department is now also the decision-making authority regarding the National Environmental Management Act (NEMA) (No. 107 of 1998) and its listed activities, promulgated in June 2010, in GN 544, 545, and 564.

We confirm that this site does not require a Basic Assessment in terms of NEMA.

#### **Rights status re borrow pits number DR1218/10.05/L/40**

- National Environmental Management Act (NEMA) (No. 107 of 1998): See **Annexure 13**.
- Municipal land use planning bylaw: The subject of this application.
- Land Use Planning Act, 2014 (Act 3 of 2014): If required, a section 53 application will be submitted to the Western Cape Government.

#### **Site selection**

Various criteria were used in the identification and selection of the preferred site. These included, *inter alia*, the availability and type of road building material, current land use, the type and condition of the vegetation on site, potential impacts including visual, erosion, dust, watercourse sedimentation, failure of rehabilitation, the ability to stockpile, the proximity to farm or other dwellings and the potential dust and noise nuisance to these, and the potential operational and post-closure risks to people/animals in the vicinity. Several site alternatives were assessed during the impact assessment process.

This potential material site is situated at about 13 km east of Stanford, and located at the junction of road DR01218 and road DR01225, on the east side of divisional road DR01218. The road at this junction is in a cutting of between 3m and 4m, above which the site is situated. The site occurs within the crestal zone of a hill that slopes gently to the north and south-east of the area. The cut embankment on the west side of the site above the road is largely devoid of vegetation, except for scattered scrub and patches of grass. The site also lies within a wheat field that is lying fallow, presumably until the next planting season.

In the selection and development of the specific site, cognizance was also taken of the quantity and quality of road building material needed for the regravelling and/or maintenance of the entire length or section(s) of a particular road; as a once-off intervention and/or in terms of future requirements.

#### **Benefits of the proposed development**

The main benefit of sourcing the material on location is a better road network, i.e. to regravell DR1218. The excavation of material and subsequent road work would benefit road users and local inhabitants by ensuring greater road safety, minimising maintenance-related disruptions and supporting the local economy by ensuring continual access to markets etc.

#### **Development parameters**

At the time of writing, the applicant was not aware of any documented set of land use parameters, pertaining to excavating material for road maintenance and/or construction in the Western Cape. We propose that the existing parameters applicable to the land use of agriculture remain with additional parameters imposed as conditions of approval to regulate the mining activity.

#### **Desirability**

The proposed development will introduce a site-specific land use that is different to the established land use of farming. It is foreseen that the impact on on-site and adjacent land use because of the mining activity, is very low if mitigating measures are applied, i.e. farming can continue optimally.

When applying the principles of economy of scale and highest and best use of land, the rationale for 'mining' on the site becomes clear. In this regard, the proposed development promotes the (better) economic use of land, cost-effective road maintenance and construction and conforms to the outcome of socio-political interaction.

We believe the temporary change of the land use on (Remainder of) Portion 7 of Farm 663, Paardensbergs Rivier, (1) will not have a significant effect on the health and well-being of people in the surrounding areas, the environment or cultural heritage, and (2) the subject land can revert to its previous lawful use upon the expiry of the use right.

It is also clear that the proposal conforms to the intention of the development principles listed in section 7 and section 58 of the Spatial Planning and Land Use Management Act, 2016 (Act 16 of 2013) and the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), respectively.

## Section I – Preamble

### 1. Introduction

The road infrastructure in the Western Cape, excluding the urban areas and the national roads, is owned and managed by the Department of Transport and Public Works of the Provincial Government Western Cape. In a it was stated that almost 61% of trunk, main and divisional roads are unsurfaced. The PGWC manages the major portion of this unsurfaced road network, with the assistance of the District Municipalities (DM). In this regard, the District Municipality is responsible for routine road maintenance and the bulk of periodic road maintenance (regravelling) in its jurisdiction area.

In the Strategic Plan of the provincial Department of Transport and Public Works it is stated that 51% of the gravel roads (excluding minor roads) in the province have a condition raging from poor to very poor. The steady rate of decline in the condition of gravel roads over recent years is attributed to the rapid gravel-loss experienced owing to increased traffic volumes. In addition, the limited maintenance funding results in an ever-increasing road maintenance backlog.

Although only 10% of the surfaced road network is in a poor to very poor condition, maintenance spend on surfaced roads is therefore a priority to protect the asset value. In this regard, a provincial strategic objective is to increase access to safe and efficient transport with a focus on reducing roads infrastructure maintenance backlogs. It is stated that the current periodic maintenance backlog is 5 480 km of gravel road that is in a poor to very poor condition and 367 km of surfaced road that is in a poor to very poor condition.

For the regravelling of roads a road building material source should be available within a short distance from the worksite, thereby reducing haul distances and wear and tear on the surrounding road network. It would also not make financial sense to source material from localities that are some distance from the work site. The non-availability of material can impact negatively on the delivery of infrastructure projects.

### 2. Programme context

#### Land ownership

The source of road building material would normally be a borrow pit located on farm land. Hence, there are many operational borrow pits across the province on privately owned land. The subject property is also privately-owned.

Where a proposed borrow pit is situated on private property one of the following scenarios will be relevant:

- The power of attorney of the land-owner will be obtained
- The land will be expropriated by the WCG, or
- A formal agreement will be entered into between the land-owner and the WCG.

When land is expropriated, the WCG would not take transfer of the property, and the relevant District Municipality would manage the site until decommissioning and closure. Pursuant to achieving closure in terms of the Minerals and Petroleum Resources Development Act, 2002 (No 28 of 2002) (MPRDA) the land would return to the landowner.

#### Mining and other rights

According to the MPRDA, mineral resources are in the custodianship of the State. The WCG would temporarily acquire the right to mine the borrow pit, subject to consent by the Department of Mineral Resources (DMR). In addition, the mining would be subject to the issuing of an environmental authorisation by the DMR and a land development approval in terms of the relevant municipal bylaw.

#### Service providers

Mott McDonald SA (Pty) Ltd has been appointed by the WCG to obtain the required use rights to operate suitable sources of gravel for the regravelling and maintenance of gravel roads in the Overberg district. This work is governed by the MPRDA, National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA) and the new suite of land use legislation that includes the municipal land use planning bylaw for Overstrand Municipality and the Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA).

In addition, the WCG has appointed Rode & Associates to obtain the relevant land development rights for excavating material at the borrow pit on the subject property.

### 3. Rationale for borrow pits

For a gravel road to be able to carry traffic safely and effectively, an upper layer of gravel, known as a wearing course, which meets specific technical requirements, has to be placed on the prepared roadbed. With time, the wearing course is eroded away by both traffic and the elements, and this needs to be replaced in order to continue to deliver a safe and functional surface to the road user. During re-gravelling, the existing road surface is shaped (if the density of the layer complies with the specification) or ripped, shaped and re-compacted to ensure easy drainage of surface water. Side drains are reshaped to further facilitate drainage and increase the longevity of the road. Target thickness for the new wearing course is 150 mm for Divisional Roads and 140 mm for Main Roads.

The regravelling and maintenance (routine and emergency) of gravel roads require a suitable source of gravel wearing course. Existing borrow pits serve as sources of road building material to be used or stockpiled on site for routine and emergency maintenance or repairs in future.

The proposed mining timetable, duration and sequence for a borrow pit depend on the extent of work required at the time, the nature and extent of planned re-gravelling and upgrade projects, and the likelihood of events such as floods and landslides that could necessitate emergency repairs at short notice. Larger borrow pits are divided into several zones which will be mined in phases as the need for more material arises. Where mining will take place in more than one phase, earlier zones will be rehabilitated and designated as no-go areas.

#### 4. Mining objectives

In committing to the responsible and sustainable utilisation of materials for the maintenance of gravel roads, the WCG articulated the following strategic vision in the Operational Manual:

*"Extract suitable quality material from proven, authorised borrow areas for the maintenance of gravel roads on a sustainable basis".*

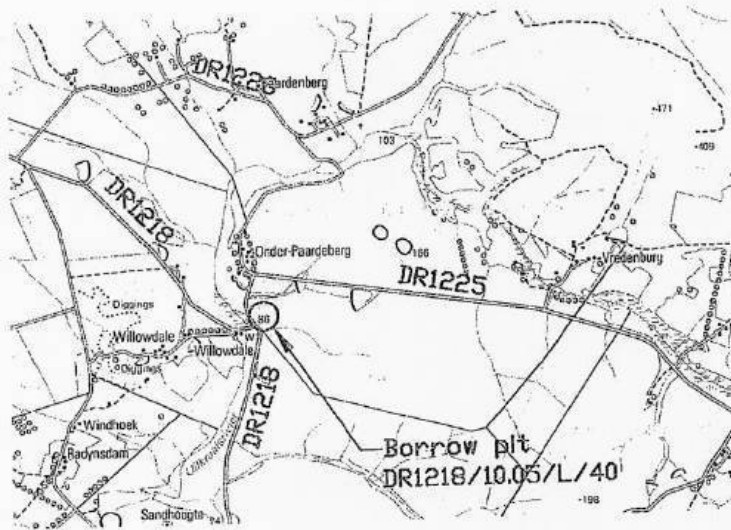
In responding to this vision, the WCG have further articulated the following mining objectives for all of the material sources under their control:

- Optimising the yield and economic viability
- Enhancing the technical efficiency of extraction
- Optimising the operational efficiency
- Minimizing adverse environmental impacts
- Promoting health and safety
- Maintaining legal and technical compliance at the highest level
- Mitigating risks to all stakeholders, including land-owners, affected parties and local and provincial authorities
- Meeting budget constraints
- Honouring conditions of agreement with land-owners, and
- Assuring that the land is restored to beneficial use thereafter.

These mining objectives, which are encapsulated in the phrase "*Mine with the end in mind*", have become a fundamental informant of the WCG's approach to the identification, operation and closure of material sources used in the maintenance of the gravel road network under their control.

#### 5. Development proposal

Borrow pit number DR01218/10.05/L/40 is located next to Divisional Road 1218 in the Overstrand municipal area and on the property known as Remainder of Portion 7 of Farm 663, Paardenbergs Rivier (see **Map 1**). This location is about 13km east of Stanford.



**Map 1: Regional location**

The following attributes are relevant to the borrow pit:

<b>Closest town:</b>	Stanford
<b>Local Municipality:</b>	Overstrand Municipality
<b>District Municipality:</b>	Overberg District Municipality
<b>Mining footprint (ha):</b>	1 (approximately)
<b>Surrounding land use:</b>	Agriculture and wheat cultivation
<b>Farm area (ha):</b>	493.534 ha

**Material type:** The 1:50 000 geological series, Sheet 3319, Worcester, shows the geology of the site to comprise phyllitic shale of the Tygerberg Formation of the Malmesbury Group. The strata encountered in the twelve test pits are briefly described below; of these, the shale bedrock has been identified as the main source of potential wearing course gravel. The bedrock occurs at between 0,2m in TP8 and 1,6m in TP12; it comprises orangey- to olive-brown, olive- to yellow-brown, light brown and light yellow-brown to dark brown highly weathered very closely to closely jointed, thinly to very thinly bedded in places, very soft rock to soft rock shale. The transition from very soft rock to soft rock is gradual.

**Material processing requirements:**

Deep rip and excavate to the full depth of usable material ensuring that the very soft rock through soft rock to medium hard rock is stockpiled in their representative proportions. Thorough mixing is essential, both during stockpiling and placing of the Type G8 gravel.

**Mining volume required (m<sup>3</sup>):** 21 800

**Lifespan of mine (years):** 5

**Reserves:** A total of 12 test pits were excavated, which proved an estimated reserve of 11 900m<sup>3</sup> of gravel material.

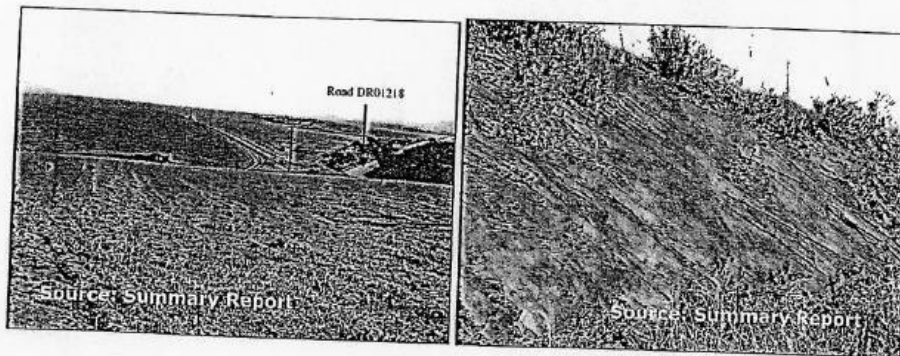
**Future pit development:** Indications are that the potential material site could be extended in a northerly and easterly direction. However, any further encroachment into the wheat field would have to be negotiated with Mr Swart. It

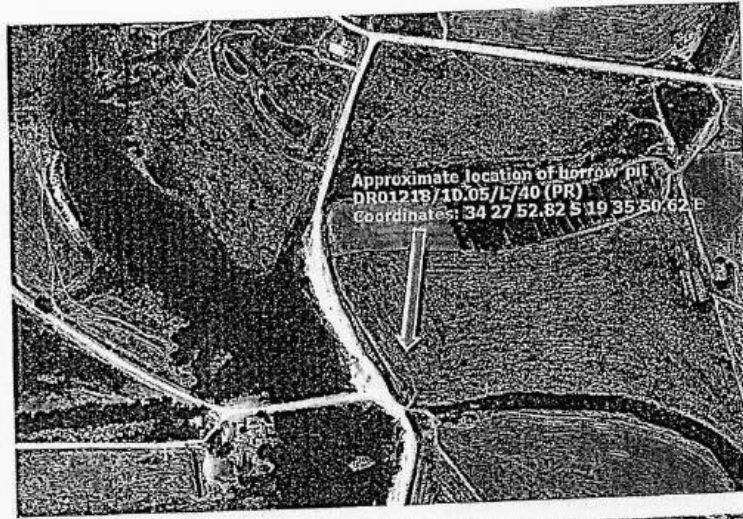
must be stressed that excavation deeper than the refusal depths encountered in the test pits would result in an increase in rock strength. This would produce material ranging from soft rock to medium hard rock in strength, which would require crushing under moderate grid rolling. Heavy grid rolling will be necessary in areas where medium hard rock will be excavated, e.g. near the base of the cutting along the road. If heavier plant is used to increase the average depth of excavation by an additional 0,5m the yield could be increased by an additional 5000m<sup>3</sup>.

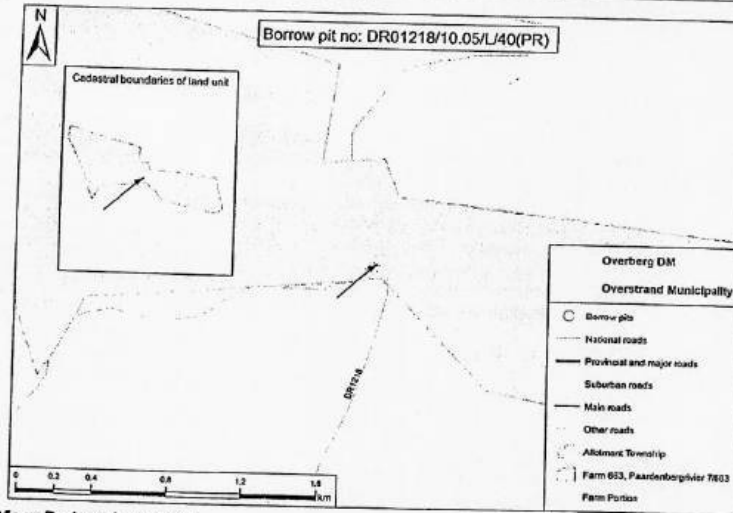
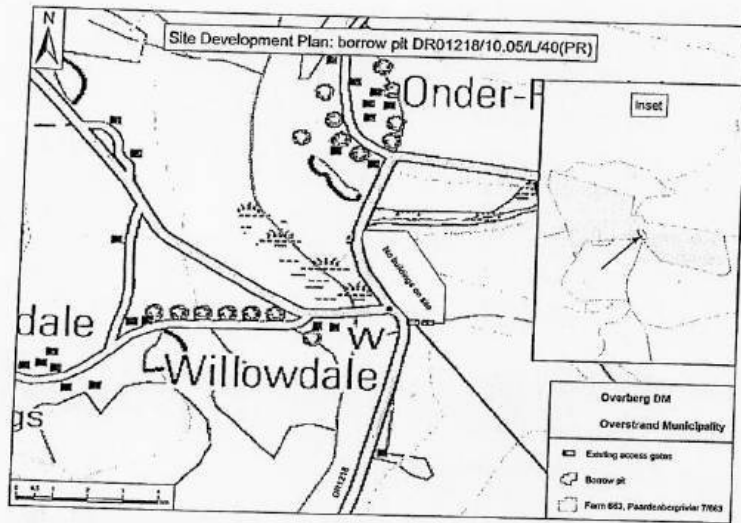
**Rehabilitation:** The material that will be removed from this potential material site will result in an excavation sloping towards the road, or, alternatively, a bench extending into the slope away from the road. In either case, once the borrow pit has been depleted; the floor must be graded to a smooth finish so that replacement of the hillwash and other overburden soils, would be aesthetically acceptable and blend into the environment.

**Current operational status:** Not yet developed.

This potential material site is situated at about 13 km east of Stanford, and located at the junction of road DR01218 and road DR01225, on the east side of divisional road DR01218. The road at this junction is in a cutting of between 3m and 4m, above which the site is situated. The site occurs within the crestal zone of a hill that slopes gently to the north and south-east of the area. The cut embankment on the west side of the site above the road is largely devoid of vegetation, except for scattered scrub and patches of grass. The site also lies within a wheat field that is lying fallow, presumably until the next planting season. (see **Map 2**, Google images and photos).







Map 2: Local context

**6. Objective of this application**

The objective of this application is to obtain the relevant land-use right(s), in terms of the Zoning Scheme Regulations (Provincial Gazette 7203, 29 November 2013)

Consent use application: Borrow Pit, Provincial regraveling programme, Western Cape Province, January 2020

and the municipal land use planning bylaw (Provincial Gazette 7540, 4 December 2015), for excavating material for road maintenance and/or construction on approximately 1.4 ha of (Remainder of) Portion 7 of Farm 663, Paardenbergs Rivier.

This document constitutes:

- An application in terms of Chapter 2 (§2.2) of the Scheme Regulations and section 16(o) of the bylaw for a consent use.

A section 53 LUPA application will not be required. Only proposed land development for quarrying that utilises an area of five hectares or more of agricultural land, will be subject to ministerial approval in terms of LUPA.

This document must also serve as **information document** for Interested and Affected Parties.

### 7. Preparatory work

Rode & Associates was appointed to compile and submit applications in terms of the applicable municipal land use planning bylaw to the relevant authority.

Note that, as service provider for WCG and regarding the previous application, Mr Rode met with Mr R Kuchar. The comment below is an adapted version of the outcome of the previous meeting:

- Rode and Associates (on behalf of the WCG) will submit the application per WCG operated borrow pit
- The 2013 Scheme Regulations applies with the applicant to apply for a consent use on land zoned as Agriculture Zone 1; the consent use would be 'granted' for the life-span of the mine, viz. 5 years
- If mining authorisation has been issued for a particular borrow pit and previous comments by Interested and Affected Parties (I&APs) can be provided, the municipality will consider downscaling the normal advertising / notification process; if required, the municipality would be responsible for the entire LUPA advertising / notification process, i.e. notifying adjacent property owners, placing advertisements in the local media and obtaining comment from 'other' I&APs
- The information as required and stipulated in the Application Form, will be provided
- Application fee: R3074 per consent use application; payable at submission of application
- Cost of advertising: to be determined and if advertised, to be settled by applicant on receipt of invoice
- The set of spatial planning documents considered as the 2018-adopted SDF for Overstrand Municipality must be used as spatial directive.

### 8. Fees

The fee of R3074 has been paid. See **Annexure 9**.

### 9: Advertising process

With previous applications, public participation included the following:

- Obtain comment from Interested and Affected Parties.
- Place advertisements in the local media (and Official Gazette if required).
- Notify adjacent property owners of the application received.

It needs to be confirmed whether the municipality would be responsible for notifying (and advertising) this application as required.

*Note, however, several Interested and Affected Parties supported the proposed land use on location, i.e. by commenting on the previous application (see **Annexure 12**).*

### 10: Report structure

This report is structured to firstly introduce the application process as well as the development proposal in the context of a rationale for excavating material for road maintenance and/or construction. Section II then describes the legal framework and Section III the spatial directives as parameters for the establishment of a borrow pit. Section IV refers to the NEMA application. Sections V and VI interpret the receiving environment and provide detailed specifics of the development proposal.

Section VII provides information about the public participation process and we conclude, in Section VIII, by providing clarity on the wording of the land-use change and desirability. Section IX includes reference to the annexures.

### 11: List of table and maps

Table 1: Details about the farm parcel and owner of the property concerned

Map 1:	Regional location
Map 2:	Locational map
Map 3:	Spatial Planning Categories (Regional)
Map 4:	Biodiversity mapped in SDF

## Section II – Legislative and development framework

### 12. Land use legislation 12.1 Municipal Land Use Planning Bylaw

The Spatial Planning and Land Use Planning Act, 2013 (Act 16 of 2013) and the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) are the governing framework for spatial planning and land use management in the province; replacing Ordinance 15 of 1985. The former is effective, countrywide, since 1 July 2015 and the Provincial Act has been implemented in the Overstrand municipal area since 1 February 2016.<sup>1</sup>

In accordance with this governing framework, the Municipality approved the Municipal Land Use Planning Bylaw as published in the Provincial Gazette No. 7540 dated 4 December 2015. This bylaw governs land use planning and management in the municipal area. Its purpose is to, *inter alia*, make provision for rezoning, subdivision, consent use and departure in respect of land use, decision-making in this regard as well as to provide for spatial development frameworks and zoning schemes.

SPLUMA requires that the use of land must be in accordance with the zoning of such land, *irrespective of the user*. Complying with SPLUMA, it is stated in LUPA that 'no person may utilise or develop land unless the utilisation or land development is permitted in terms of a zoning scheme or an approval consistent with this Act and applicable by-laws'. In this regard, a section 53 LUPA application is required owing to the use of agricultural land 'that has been cultivated during the 10-year period immediately preceding the proposed land development'.

The proposal to excavate material for road maintenance and/or construction implies a non-conforming land use on land zoned as Agriculture Zone I. Hence, as provided for in the relevant Scheme regulations a consent use application is submitted to the Overstrand municipality (as the authority of first instance) to accommodate the mining activity on the property concerned for a period of 5 years.

According to the municipal land use planning bylaw, decision-making authority resides with the relevant municipal planning tribunal or the authorised official.

### 12. Land use legislation (continued) 12.2 Scheme regulations for Overstrand Municipality

A Zoning scheme regulates the way in which land is used. It confers and controls land use rights. Zoning schemes are made up of scheme regulations, a register and a zoning map. The relevant scheme regulations that regulate land use on the property was promulgated under P.N. 7203 dated 29 November 2013.

<sup>1</sup> As published in Provincial Gazette No. 7558.

The Scheme Regulations include the possibility to apply for a mining use right as a consent use on land zoned as Agriculture Zone I.

12. Land use legislation (continued)  
12.3 Other relevant legislation (in the context of this application)

#### **Spatial Planning and Land Use Management Act, 2013**

The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) was enacted by the national Department of Rural Development and Land Reform on 5 August 2013 and came into effect on 1 July 2015.

SPLUMA aims to develop a new framework to govern planning permissions and approvals, sets parameters for new developments and provides for different lawful land uses in South Africa. SPLUMA is a framework law, which means that the law provides broad principles for a set of provincial laws that will regulate planning – the Western Cape does have a provincial law in this respect. SPLUMA also provides clarity on how planning law interacts with other laws and policies.

The Act emerged through the Green Paper and White Paper processes to replace (mainly) the Development Facilitation Act as the legislative instrument to regulate spatial planning and land use management in the country. As can be expected, the Act is all-encompassing and, amongst others, addresses the issue of putting in place a uniform, recognisable and comprehensive system of land use management to ensure economic unity and equal opportunity or equal access to government services. In this regard, the development principles as described in Section 7 of the Act is a key outcome. However, SPLUMA nor any other legislation determine or translate the legislated development principles into quantifiable outcomes.

#### **National Environmental Management Act, 1998 (Act 107 of 1998)**

See **Section IV** (Environmental impact assessment) for the status of the NEMA application.

#### **National Heritage Resource Act, 1999 (Act 25 of 1999)**

To be considered in the EIA process.

#### **13. Policy guidelines**

The writer of this report is not aware of any set of regulatory guidelines that specifically regulate or direct the siting of borrow pits. We acknowledge that land is a finite resource and the way it is used is one of the principal drivers of environmental change, with significant impacts on quality of human life and ecosystems as well as on the management of infrastructure. In this regard, there are national legislative and policy directives that guide the use of land (as is discussed in **Section II**).

The use of land is influenced by a number of important drivers, *inter alia*, demography, economic development, resource availability, environmental conditions, development costs, transport infrastructure and regional and local

planning policies. These drivers are influenced by, *inter alia*, Government's goals and regulatory mechanisms, i.e target-setting for biodiversity conservation, infrastructure programmes, land reform, renewable energy generation, economic growth and poverty alleviation. In this regard, land users and/or owners, continually decide on the quantum, quality and location of product (and space) required to meet, *inter alia*, specific objectives — as highest and best use of land. The highest and best use of land is viewed as what is physically possible, appropriately justified and legally permissible.

Road building material as a natural resource (product) does provide extraction opportunities and meeting road maintenance and construction targets, i.e. a borrow pit is the highest and best use on about 1.4 ha of (Remainder of) Portion 7 of Farm 663, Paardenbergs Rivier.

13. Policy guidelines (continued)  
13.1 Local

#### **Integrated Development Plan Overberg Municipality, 2017 - 2022**

The Integrated Development Plan provides an overview of the municipality's policies, activities and budget allocations.

The IDP states that the Overstrand area has about 343 kms of gravel roads that needs to be maintained by the provincial government with the upgrading of these roads identified as a high impact (economic) initiative. In addition to normal use, the area is subject to the high influx of tourists that places great strain on the road infrastructure.

13. Policy guidelines (continued)  
13.2 Issue-specific

#### **Western Cape Land Use Planning Guideline: Rural Areas, 2019<sup>2</sup>**

The Western Cape Land Use Planning Guidelines: Rural Areas was prepared as part of a provincially-driven initiative to guide spatial planning and land use management in the Western Cape. However, the Rural Area Guideline is not mandatory and binding and will not be enforced.

This set of guidelines has the following objectives:

- Promote sustainable development in appropriate rural locations and to ensure that the poor share in the growth of the rural economy.
- Safeguard priority biodiversity areas and the functionality of the Province's life supporting ecosystem services (i.e. environmental goods and services).
- Maintain the integrity, authenticity and accessibility of the Western Cape's significant farming, ecological, cultural and scenic rural landscapes, and natural resources.
- Assist Western Cape municipalities to plan and manage their rural areas more effectively, and to inform the principles of their zoning schemes.

<sup>2</sup> These guidelines received ministerial approval on 3 March 2019 (see provincial circular dated 24 April 2019).

- Provide clarity to the provincial government's social partners on what kind of development is appropriate beyond the urban edge, suitable locations where it could take place, and the desirable form and scale of such development.

The following principles underpin rural development in the context of this application:

- Decisions on rural development applications should be based on the spatial principles in the PSDF
- Accessibility should be a key consideration in all development decisions.
- No development should be permitted below the 1:100 flood line.
- Priority should be given to the re-use of previously developed sites in preference to greenfield sites.
- All development in rural areas should be in keeping and in scale with its location, and sensitive to the character of the rural landscape and local distinctiveness.
- Only activities that are appropriate in a rural context, generate positive socio-economic returns, and do not compromise the environment or ability of the municipality to deliver on its mandate is supported.
- The cumulative effect of all ancillary and non-agricultural land uses should not detract from the rural character of the landscape and the primary agricultural activities.
- Rural activities must have a focus on sustainability and be in harmony with the surrounding agricultural landscape.

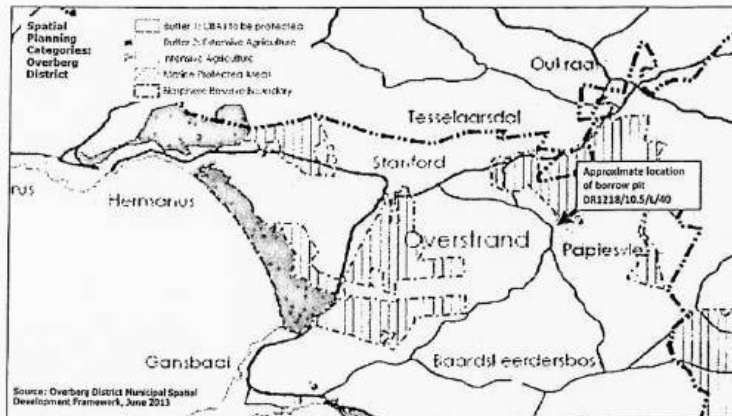
The document also states that rural development should not:

- Have a significant negative impact on biodiversity and ecological system services
- Lead to the loss or alienation of agricultural land or has a cumulative impact there upon
- Compromise existing or potential farming activities
- Be inconsistent with the cultural and scenic landscape within which it is situated
- Infringe on the authenticity of the rural landscape.

The provincial approach to managing development pressures for the rural land uses is covered in 9 categories of which we only list and discuss the application-specific category of 'industry in rural areas' – extracting minerals is identified as a rural industrial activity.

This category (and activity) is critical towards strengthening the rural economy through the development of rural industrial activity in suitable locations and at appropriate scale. The municipal Integrated Development Plan is consistent with this objective in advancing the upgrading of gravel roads as of high economic value. The provincial policy places the activity in three spatial planning categories, viz. settlement, agriculture and buffer 2. In this regard, it is stated that 'Extractive industry (i.e. quarrying and mining)' have to take place at the mineral or material source.

Map 3 includes the spatial planning categories (at a very coarse scale) as mapped in the Overberg District Municipal Spatial Development Framework.



Map 3: Spatial Planning Categories (Regional)

We believe that the afore mentioned provides a degree of certainty about land-use decision-making — mindful of other risks associated with securing, *inter alia*, the obligatory environmental authorisations.

#### 14. Programme response

We structure our response to the section on the regulatory environment by considering the provincial objectives regarding road maintenance and safety and secondly the land use management issue. In §18 we deal with the site selection criteria.

We believe that the proposed activity promotes and supports all policy guidelines and development objectives/targets as formulated by the government in respect of road maintenance and safety. We already mentioned that the use of land is influenced by a number of important drivers and these drivers are influenced by Government's goals. In this regard, we believe that the mining activity on about 1.4 ha of (Remainder of) Portion 7 of Farm 663, Paardenbergs Rivier concurs with road maintenance and construction targets in a cost-effective and sustainable way. This is also as a result of the approach to source road building material as close as possible to the worksite thereby reducing haul distances and wear and tear on the surrounding road network.

Furthermore, we believe that this particular mining activity is permissible as a consent use granted in terms of the relevant scheme regulations and for a period of 5 years.

## Section III – Spatial directives

### 15. Spatial rationale

What determines the optimum location of a borrow pit?

As with the extraction of any mineral, the optimum location of the mining activity is at the mineral or material source. This notwithstanding, the following criteria was used to determine the location of the borrow pit:

- The availability and type of material.
- The current land use and sites deemed favourable for the expansion/creation of a borrow pit by the land-owner.
- The type and condition of the vegetation on site, and the proximity to protected areas.
- The presence of any cultural or archaeological artefacts or structures.
- The potential impacts of creating a borrow pit including visual, erosion, dust, watercourse sedimentation, failure of rehabilitation.
- The proximity to services such as power and telephone lines and farm infrastructure such as water pipes, and the potential disruption to these.
- The proximity to farm or other dwellings and the potential dust and noise nuisance to these.
- The ability to stockpile.
- The potential operational and post-closure risks to people/animals in the vicinity.

In the selection and development of a specific site, cognizance is also taken of the quantity and quality of road building material needed for the regravelling and/or maintenance of the entire length or section(s) of a particular road; as a once-off intervention and/or in terms of future requirements.

### 16. Regional methodology for site selection

As far as a regional methodology for site selection is concerned, the landscape and biodiversity can be identified to be under constant threat from different types of development. In this regard, the mapping of critical biodiversity areas and priorities for conservation provide insight into possible environmental sensitivities and threats. In addition, the (agricultural) land capability index is a key informant to land use management.

We note that there is no study that identifies site level and/or regional factors to be considered in the siting of borrow pits. In this regard, we refer to a study<sup>3</sup> to identify suitable locations for wind energy facilities that proposed a "Hybrid" method that considers the issue of cumulative impacts as well as adding "positive criteria" layers to a primary "negative mapping" technique. An approach that was adopted to identify the subject property and the specific location.

<sup>3</sup> Provincial Government Western Cape, Strategic Initiative to Introduce Commercial Land Based Wind Energy Development to the Western Cape, Towards a regional methodology for wind energy site selection, Report 6: Proposed project level methodology, May 2006.

Our approach also includes the economic use of land as a vital cog in the present-day planning and management paradigm. We are also aware of the natural resource capacity and the competition for land between different uses as key variables that influence the (cost) and use of land. In this regard we applied the principles of economy of scale and highest and best use of land to understand the rationale for the proposed (temporary) land conversion.

There is also no guidance on the preferred (optimum) size of a borrow pit. This aspect was considered based on the resource available and volume of material required.

## 17. Spatial Development Frameworks

### Western Cape Provincial Spatial Development Framework (2014) (PSDF)

The methodology and procedure used to draft the PSDF, were based on a review of the 2009 provincial SDF and replacing it with a *transversal* Provincial framework. In this regard, three interrelated themes were used, i.e. sustainable use of spatial assets, opening up opportunities in the space-economy and developing integrated and sustainable settlements.

In taking the national and provincial agendas forward, the PSDF 2014 applies the following five spatial principles:

1. Spatial justice
2. Sustainability and resilience
3. Spatial efficiency
4. Accessibility
5. Quality and liveability.

Are these principles in line with the development principles in the Spatial Planning and Land Use Management Act as the 'rule' of how spatial planning (and land use management) should be done henceforth? Yes. However, there are slight nuanced differences in name and content. Note that, in SPLUMA, there are some additional principles and sub-principles as directives for, specifically, land use management. Basically, the same results should be achieved if the SPLUMA and PSDF principles are 'considered' as concerns in decision-making, and by using the means provided in SPLUMA.

In the context of this application, the current provincial road network is experiencing maintenance and, occasionally in certain areas, capacity and safety problems at current utility levels. This hinders accessibility for many users (and would-be users) to (economic and growth) opportunities.

We refrain from any further interpretation and discussion of the PSDF based on the assumption that the provincial Rural Guidelines (2015) provides detailed guidelines for rural land use management in the spatial context ordered by the PSDF.

### Overberg District Spatial Development Framework, 2014<sup>4</sup>

<sup>4</sup> Overberg District Municipal Spatial Development Framework, March 2014.

The district SDF divides the jurisdiction area into functional areas based on Spatial Planning Categories (SPCs) of the Bioregional Planning Framework for the Western Cape. Basic guidelines for land use management for the SPCs are used in the District SDF as this supports alignment with the Western Cape Bioregional Planning Framework and PSDF. The Overberg is structured into functional areas as follows:

- Core 1a: Formally protected areas
- Core 1b: Critical Biodiversity Areas (CBAs) outside of Core 1 Areas
- Core 2: River and Wetland Corridors and Estuaries
- Buffer: Extensive Agriculture
- Urban settlements

It is particularly important to note the following conditions for agricultural areas, given the dominance of the sector in the Overberg: (1) All existing and potential land suitable for intensive agriculture shall be protected from conversion to other uses including conservation and (2) promote the conservation of Renosterveld by encouraging conservancies on those areas too marginal for Intensive Agriculture.

#### **Overstrand Municipality Spatial Development Framework**

It is stated in the Spatial Development Framework (SDF) of the Overstrand Municipality that it has been accepted that the Bioregional Planning Framework (BPF) will guide spatial planning and management in the Western Cape. Hence, the formulation and demarcation of Spatial Planning Categories (SPCs) in the municipal area were based on the bioregional planning principles (see Map 5). The SDF thus uses these classifications to develop land-use management guidelines for each SPC covering the entire municipal area.

The SDF is basically a narrative which discusses the formulation as well as application of a spatial management concept - with guidelines set out for urban as well as rural areas.

The land-use guidelines in the SDF thus include conditions applying to development proposals in rural areas. A "Rural Development Strategy" is discussed and it is stated that rural development be demarcated to ensure that non-agricultural development outside urban areas is managed and promoted in a sustainable way. These "Rural Development Areas" are of particular importance within the context of the Overstrand Municipal area where appropriate rural development is critical to the local context and sub-regional economy.

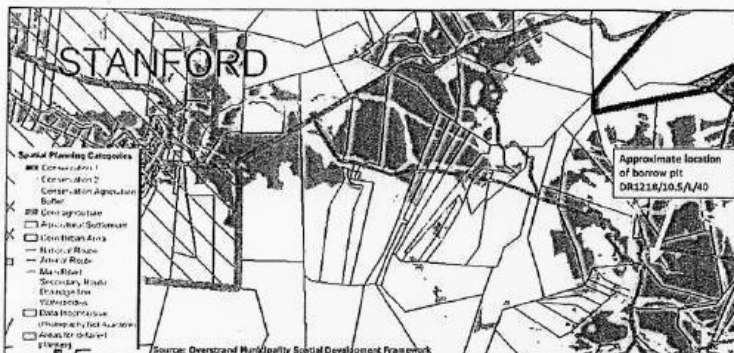
The Rural Land Use Policy stipulates that non-agricultural related land uses' location as well as visual impact should be carefully assessed to ensure that the sense of place considerations of the development contribute or enhance to the character of the rural environment. It is also stipulated that on-the-farm non-agricultural related development should only be supported where the development contributes towards the sustainability of the farming unit.

The SDF includes reference to mining as a strategic spatial issue in the rural area with the imperative to find a balance between economic and environmental considerations. Hence, and under the strategy to promote sustainable mining, the following policy guidelines are proposed:

- Consider the economic value of the proposed activities against the cumulative impact
- Mining activities must be in harmony with ecological processes, and

- The extraction of minerals must be according to lawful practice and with the required authorisation.

Proposed spatial guidelines include the requirement for rehabilitation and the following no-go areas: environmentally prominent areas, visually sensitive areas, valuable agricultural land and areas along tourist routes.



Map 5: Spatial Planning Categories mapped in local SDF

#### 18. Programme response: Site selection

The identification and selection of the location of this particular borrow pit was based on a phased approach where alternatives were considered, i.e. screening. The preliminary screening phase typically results in the exclusion of 50% or more of potential sites. Sites which are potentially suitable for the creation or expansion of borrow pits proceed to the second phase of screening which involves a botanical and heritage assessment; resulting in a preferred mine site. In the end, the screening and the application of the before-mentioned criteria and anticipated risks were used.

In addition, we believe that when applying the principles of economy of scale and highest and best use of land, the rationale for 'mining' on the site becomes clear. In this regard, the proposed development promotes the (better) economic use of land, cost-effective road maintenance and construction and conforms to the outcome of socio-political interaction.

## Section IV – NEMA application

### 19. Environmental impact assessment

The Western Cape Government is required to (determine and then) prepare and submit an *Environmental Management Programme* to the national Department of Mineral Resources for their approval, prior to the extraction of any material from a proposed borrow pit or quarry. Since December 2014, this department is now also the decision-making authority regarding the National Environmental Management Act (NEMA) (No. 107 of 1998) and its listed activities, promulgated in June 2010, in GN 544, 545, and 564.

However, we confirm that this site does not require a Basic Assessment in terms of NEMA (see **Annexure 13**).

## Section V – Development context

### 20. Receiving environment 20.1. Regional and local context

The Overberg District Municipality is predominantly characterised by undulating plains and hills stretching from the Langeberg and Riviersonderend mountains in the north to the Atlantic and Indian Ocean coasts in the south. The fairly flat coastal zone rises from sea-level to an average altitude of 100 m.

The Overberg district is mainly rural in character. Almost 70% of households live under the breadline, 35% of people are not economically active, unemployment is rising, 39% of adults are functionally illiterate and only 7,8% have some tertiary qualification. Key economic sectors driving the economy are tourism, agriculture, trade, services and financial sectors.

Tourism is a major driver of economic activity in the area which is also known as the 'Golden Gateway' to the famous Garden Route. The area is characterised by stunning mountain ranges, a large rolling inland plateau, beautiful coast line, rivers and nature reserves.

### 21. Development specifics 21.1. Site information

This potential material site is situated at about 13 km east of Stanford, and located at the junction of road DR01218 and road DR01225, on the east side of divisional road DR01218. The road at this junction is in a cutting of between 3m and 4m, above which the site is situated. The site occurs within the crestal zone of a hill that slopes gently to the north and south-east of the area. The cut embankment on the west side of the site above the road is largely devoid of vegetation, except for scattered scrub and patches of grass. The site also lies within a wheat field that is lying fallow, presumably until the next planting

season. See **Annexures 7** and **8** for a more detailed description of the site attributes.

21. Development specifics (continued)  
21.2: Ownership

The prime site for the borrow pit involves one property. The details of the land parcel, farm name and owner are tabled below. The SG diagram is attached as **Annexure 2**.

**Table 1:** Details about the farm parcel and owner of the property concerned

Farm number	Parcel (of)	Title deed doc no.	Farm size (ha)	Owner's name
663	(Remainder of) Portion 7	T2561/1997	493.5	SAKKIE SWART TRUST

21. Development specifics (continued)  
21.3: Mine plan

The site development (mine) plan is attached as **Annexure 4**.

21. Development specifics (continued)  
21.4: Infrastructure

The key components of the proposed borrow pit includes, *inter alia*, the following, which are discussed in more detail below:

- Access road and site access.
- Additional project infrastructure.

#### Access road and site access

No new roads will have to be constructed to provide access to the proposed site or to remove material from source. Access will be obtained from the existing DR1218 road.

#### Additional project infrastructure

No permanent structure will be erected on the site. Construction equipment, vehicles and other amenities, e.g. portable toilets and waste bins would be used and stored on-site and removed when operations stop.

21. Development specifics (continued)  
21.5: Development impacts

See **Annexure 7** for possible development impact of the proposed mining activity and for mitigating measures.

The proposed borrow pit are located near road DR01218 and will have very little visual impact. Please see the conditional approval of the signed EMP for conditions related to addressing any visual impact. For example, all disturbed areas will be landscaped to blend into the general topography of the surrounding area.

21. Development specifics (continued)  
21.6 Title deed

The title deed of the property is attached as **Annexure 2**. A detailed deeds search was not completed as part of this land development application.

21. Development specifics (continued)  
21.7 Benefits of the programme

The main benefit of sourcing the material on location is a better road network. The excavation of material and subsequent road work would benefit road users and local inhabitants by ensuring greater road safety, minimising maintenance-related disruptions and supporting the local economy by ensuring continual access to markets etc.

## Section VI – Development parameters

22. Land-use parameters

At the time of writing, the applicant was not aware of any documented set of land use parameters, pertaining to excavating material for road maintenance and/or construction in the Western Cape.

We propose that the existing parameters applicable to the land use of agriculture remain with additional parameters imposed as conditions of approval to regulate the mining activity. We believe that the latter is complex in application and requires specialist knowledge and insight to best determine and adjudicate operational restrictions / parameters.

The following section includes some (proposed) parameters in the context of the subject property and borrow pit DR1218/10.05/L/40.

### Parameter 1: Modification

The local authority will be informed of any substantial changes to the mine site, mine plan and the structures after approval of the consent use.

### Parameter 2: Existing servitudes

Observe existing servitudes.

Parameter 3: Building lines (project infrastructure):

To be 30 metres from all cadastral boundaries and access servitudes.

Parameter 4: Mine Plan (as Site Development Plan):

The Mine Plan must be resubmitted if it is to be revised as a requirement of DMR.

Parameter 5: Visual and environmental impact

Visual and environmental impacts must be addressed according to DMR requirements.

Parameter 6: Land clearing, soil erosion and habitat impact

Land clearing, soil erosion and habitat impact must be addressed according to DMR requirements.

Parameter 7: Noise, air quality and nuisance

Noise, air quality and nuisance must be addressed according to DMR requirements.

Parameter 8: Project infrastructure

No permanent structure can be erected on the mine site.

Parameter 9: Decommissioning

Decommissioning (including rehabilitation) must be addressed according to DMR requirements.

## Section VII – Communication and participation

### 23. Interested and Affected Parties

The municipality was responsible in the previous application to notify Interested and Affected Parties and to advertise the application as required.

## Section VIII – Conclusion

### 24. Wording of land use change

It is recommended that consideration be given to the following:

An application in terms of in terms of Chapter 2 (**§2.2**) of the Scheme Regulations and section 16(o) of the bylaw for a consent use as land use right to excavate material for road maintenance and/or construction on a portion, viz. approximately 1.4 ha, of the property known as (Remainder of) Portion 7 of Farm 663, Paardenbergs Rivier. The duration of the consent use would be 5 years, i.e. the life span of the mine.

### 25. Desirability

The proposed development will introduce a site-specific land use that is different to but not incompatible with the established land use of farming and the rural landscape. It is foreseen that the impact on on-site and adjacent land use as a result of the mining activity, is very low if mitigating measures are applied.

When applying the principles of economy of scale and highest and best use of land, the rationale for 'mining' on the site becomes clear. In this regard, the proposed development promotes the (better) economic use of land, cost-effective road maintenance and construction and conforms to the outcome of socio-political interaction. We believe the consent use on (Remainder of) Portion 7 of Farm 663, Paardenbergs Rivier will not have a significant effect on the health and well-being of people in the surrounding areas, the environment or cultural heritage, and the subject land can revert to its previous lawful use upon the expiry of the use right.

These mentioned 'benefits' of extracting road building material on the site is in line with the matters referred to in section 42 of SPLUMA and the principles referred to in Chapter VI of LUPA. For example, high potential agricultural land will not be sacrificed and mitigating measures will address environmental sensitivities in the wake of the upholding consistency of land use measures in accordance with environmental management instruments.

We also believe that this motivation report (as referenced in the following section) includes sufficient information regarding the criteria as listed in section 66 of the municipal bylaw, which must be considered in decision making on a land development application.

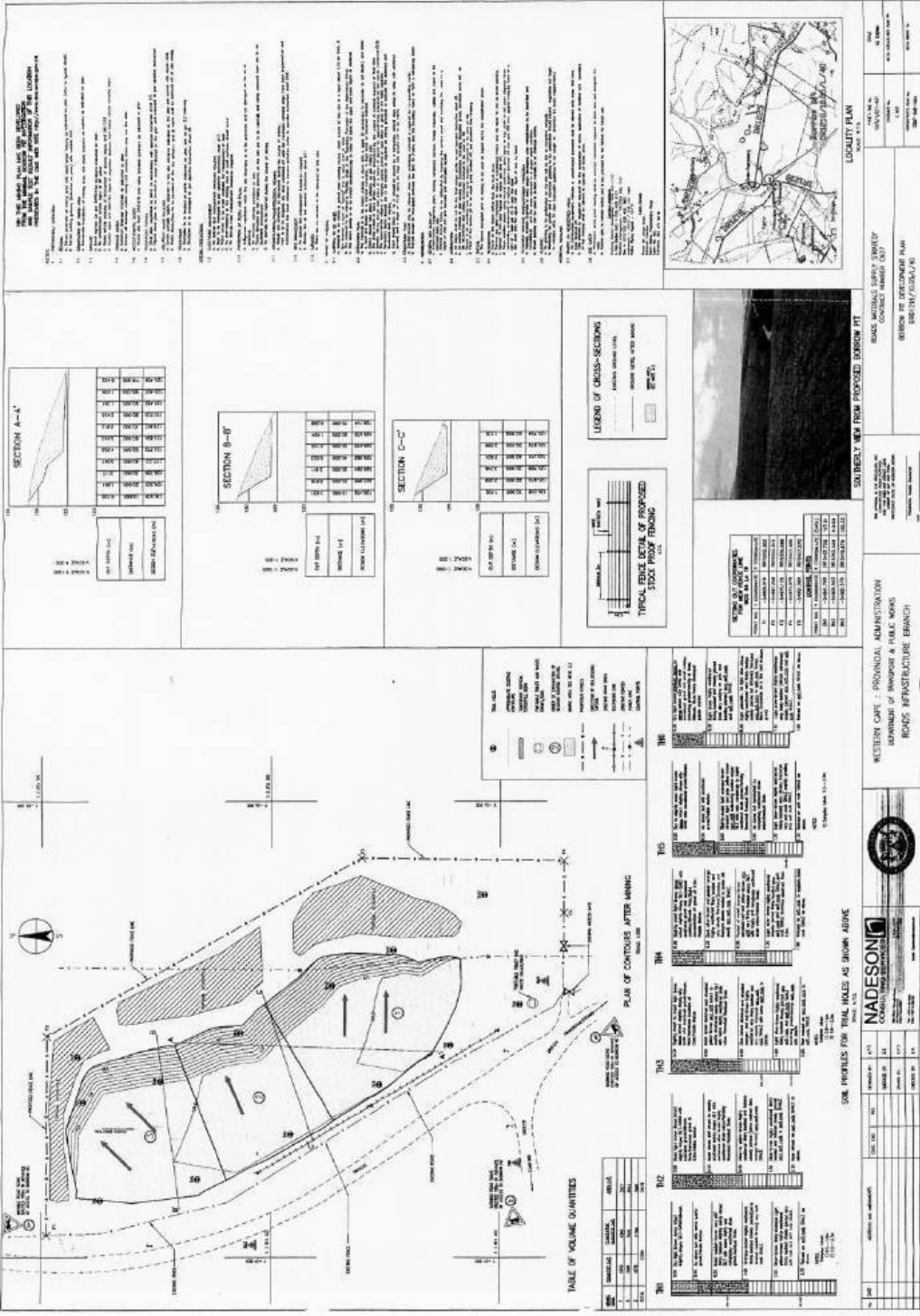
The relevant response is given after each of the numbered criteria.

- (1) *When the Municipality considers an application, it must have regard to the following:*
- (a) *the application submitted in terms of this Bylaw*
    - This land development application is submitted in terms of sections 15(2)(c) of the municipal land use planning bylaw (Provincial Gazette 7428, 15 July 2015) read together with section 18(1)(b) of the same bylaw and section 20(1)(a) of the Zoning Scheme Regulations (Provincial Gazette 7280, 27 June 2014).
  - (b) *the procedure followed in processing the application*
    - The Overstrand Municipality is responsible for the processing and notification of the application.
  - (c) *the desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding the desirability of proposed land uses*
    - The desirability of the proposed utilisation of land, viz. extraction of material, is explained in this report.
  - (d) *the comments in response to the notice of the application, including comments received from organs of state, municipal departments and the Provincial Minister in terms of section 45 of the Land Use Planning Act*
    - The Overstrand Municipality is responsible for the processing and notification of the application.
  - (e) *the response by the applicant, if any, to the comments referred to in paragraph (d)*
    - The applicant will respond to any comments received from any Interested and Affected Party.
  - (f) *investigations carried out in terms of other laws that are relevant to the consideration of the application*
    - This report includes reference to investigations carried out in terms of 'other' laws.
  - (g) *a registered planner's written assessment in respect of an application for—*
    - (i) *a rezoning*
    - (ii) *a subdivision of more than 20 cadastral units*
    - (iii) *a removal, suspension or amendment of a restrictive condition if it relates to a change of land use*
    - (iv) *an amendment, deletion or imposition of additional conditions in respect of an existing use right*
    - (v) *an approval of an overlay zone contemplated in the zoning scheme;*
    - (vi) *a phasing, amendment or cancellation of a subdivision plan or part thereof*
    - (vii) *a determination of a zoning*
    - (viii) *a closure of a public place or part thereof*
      - This is the responsibility of the Overstrand Municipality.
  - (h) *the impact of the proposed land development on municipal engineering services*
    - Municipal services will not be used.
  - (i) *the integrated development plan, including the municipal spatial development framework*
    - These plans have been assessed in this report to guide the desirability of the proposed mining activity.
  - (j) *the integrated development plan and spatial development framework of the district municipality, where applicable*
    - These plans have been assessed in this report to guide the desirability of the proposed mining activity.
  - (k) *the applicable local spatial development frameworks adopted by the Municipality*

- These plans have been assessed in this report to guide the desirability of the proposed mining activity.
- (l) *the applicable structure plans*
  - Not applicable.
- (m) *the applicable policies of the Municipality that guide decision making*
  - These policies have been assessed in this report to guide the desirability of the proposed mining activity.
- (n) *the provincial spatial development framework*
  - This plan has been assessed in this report to guide the desirability of the the proposed mining activity.
- (o) *where applicable, a regional spatial development framework contemplated in section 18 of the Spatial Planning and Land Use Management Act or provincial regional spatial development framework*
  - Not applicable.
- (p) *the policies, principles and the planning and development norms and criteria set by the national and provincial government*
  - These guidelines (where applicable) have been assessed in this report to guide the desirability of the proposed mining activity.
- (q) *the matters referred to in section 42 of the Spatial Planning and Land Use Management Act*
  - We are confident that the aspects to be considered in decision making by the relevant entity have been addressed in this report.
- (r) *the principles referred to in Chapter VI of the Land Use Planning Act*
  - We are confident that the aspects to be considered in decision making by the relevant authority have been addressed in this report.
- (s) *the applicable provisions of the zoning scheme*
  - The provisions in the zoning scheme have been adhered too.

Finally, we believe this document contains all the necessary information to enable the relevant authority to process and the decision-making entity to evaluate this land development application.

ANNEXURE C





Landscape Scale Conservation  
INNOVATION AND SUPPORT

**HONEYBIRD VALLEY NATURE RESERVE**  
**LEOPONT FOUR PROPERTIES (PTY) LTD**  
**Trading as FYNBOS TRUST**  
P.O. Box 1166, Stanford, 7210

26 August 2020

Mr S.W. van der Merwe  
Senior Town Planner  
Overstrand Municipality  
P.O. Box 20  
Hermanus  
7200

Dear Mr Van der Merwe

**RE Notice of Application for Consent Use Borrow Pit DR 01218/10.05/L/40 Portion 7 Paardenbergs Rivier 663**

Honeybird Nature Reserve (Provincial Proclamation Notice 241/2002) is situated on farm Kleinrivierskloof 7/660 through which district road DR1229 traverses, connecting the R326 and DR 1218. This reserve is home to in excess of 600 plant species of which 54 species are red listed i.e. have threatened or endangered status.

There are 3 residences situated each within 50m of the district road and significant farm traffic carrying out nature reserve management and farm work between this property and the adjacent farm Oak Grove, managed contiguously by Leopont Four (Pty) Ltd T/A Fynbos Trust ad Moiwai (Pty) Ltd respectively.

Whilst the report covers the actual site related impacts and risks and articulates the applicant's adherence to relevant legislation, policies and development frameworks it provides scant reference to associated impacts related to haulage of gravel. In terms of volume of haulage traffic, haulage distances and the specific roads identified for upgrade or maintenance and the risks and impacts on local business, safety of road users and other impacts, it is not possible to assess the risks or impact nor any mitigation related to this application.

The potential impact of significant numbers of heavy haulage vehicles traversing DR1229 between the borrow pit and the R326, where to the best of my knowledge upgrades are scheduled, is of concern to us for various reasons. Some of these include:

- Safety of road users (light and heavy vehicles as well as cyclists) as this road is narrow and even light vehicles are required to pass with caution.

*Handwritten signature and name: S.W. van der Merwe*



**Landscape Scale Conservation**  
INNOVATION AND SUPPORT

- The impact of heavier haulage vehicles servicing maintenance and upgrade projects will have a significant effect on road condition and consequently on operational costs to users and therefore to the local economy.
- Current road maintenance practices have an impact on drainage onto the nature reserve, edge effects such as distribution and spread of invasive alien plants through disturbance and distribution of seed. Increased maintenance to accommodate heavier traffic will only amplify these impacts.
- Large quantities of dust (both prevailing winds SE and NW currently blow dust onto residences) generated by increased traffic and heavier vehicles constitute a significant nuisance impact.

Until sufficient mitigation of the aforementioned impacts (as contemplated in mining objectives and other policies) is provided we are compelled to object to the application for borrow pit DR01218/10.05/L/40.

Yours sincerely

A handwritten signature in black ink, appearing to read "Chris Martens".

Chris Martens

Managing Director  
Fynbos Trust  
082 351 8963

Landscape Scale Conservation, Innovation and Support

Ingrid Hanekom - COLLAB INCOMING - Application for Consent of Use : Rode & Associates Pty Ltd on behalf of the Dept of Transport and Public works. (Remainder Portion 7 of Farm Paardenberg River No 663.

**From:** Alida Conradie  
**To:** Ingrid Hanekom; Daphnie adams  
**Date:** 2020/08/28 08:17 AM  
**Subject:** COLLAB INCOMING - Application for Consent of Use : Rode & Associates Pty Ltd on behalf of the Dept of Transport and Public works. (Remainder Portion 7 of Farm Paardenberg River No 663.



IP-N. Ahear  
 (S. v.d. Merwe)

Alida Conradie  
 Administrator, Town & Spatial Planning Department  
 Overstrand Municipality  
 A: 16 Paterson Street, Hermanus, 7200 P: P O Box 20  
 T: 028 313 8900 | F: 028 313 2093 | E: [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)

FILE NO:	PA 7/663 ✓
	Paardenberg Rivier, ST
SCAN NO:	PTN 7
COLLABORATOR NO:	1447577

>>> "Eikenhoff Orchid Nursery" <[admin@eikenhoff.com](mailto:admin@eikenhoff.com)> 08/27/20 7:58 PM >>>  
 Dear Sirs,

In respect of the Application for Consent of Use : Rode & Associates Pty Ltd on behalf of the Dept of Transport and Public works. (Remainder Portion 7 of Farm Paardenberg River No 663.

We, as landowners which will be affected, hereby strongly object to this application for the following reasons:-

1. The area is a young Agri-Tourism area which is contributing to the overall Tourism and promotion of the Overberg Area.

This in turn creates employment and many businesses heavily rely on this. The environmental and ecological impact on this area due to this proposed application would be devastating. The Overberg promotes the eco-tourism and many businesses rely on this.

1. There is a nature conservancy in this area that the proposed application will negatively affect. This is not in the best interests of all parties concerned
1. The existing gravel roads in question are unable to sustain and maintain the existing traffic of light vehicles currently. There is absolutely no way that the road will be able to handle the continuous flow of heavy vehicles. The road with its current flow of traffic is already a dangerous road – increasing the traffic is absurd! The visibility for oncoming traffic in terms of the dust – would aggravate this problem
1. The Road's dept has to grudgingly service this road on a regular basis because it already deteriorates so quickly. The impact of the trucks would make this road dangerous and unsafe for the other road users.
1. There has been a noticeable increase in heavy trucks on this road already – which begs the question of the integrity of the department, and Overstrand Municipality.

1. There has not been sufficient notification to all affected parties. As a landowner I have had no formal information / letter presented to me. I am aware that there are many affected landowners that have not been informed of this application and the implications that it will have not only on their businesses but on their properties as well. Luckily I was informed about this from my neighbour this evening.
1. My neighbour requested copy documents yesterday (26.08.2020) and has still yet to receive this from your department. This is shocking since the objection date is less than a day away.
1. The inadequate infrastructure already affects my business – this will devastate it even further! On the back of COVID 19 no business can take any more further negative aspects
1. There must be other reserves that can be sourced in the correct manner.

Kind Regards,

Debra & Pierre Martheze  
076 292 5267 / 084 038 7055

Eikenhoff Estate CC t/a Eikenhoff Orchid Nursery  
[admin@eikenhoff.com](mailto:admin@eikenhoff.com) / [www.eikenhoff.com](http://www.eikenhoff.com) / Fax: 086 6530095  
Eikenhoff Farm, Portion 2 of Farm 970, Stanford 7210  
PO Box 419, Stanford 7210

Ingrid Hanekom - COLLAB INCOMING - Objection to proposed quarry at Paardenbergs River

**From:** Alida Conradie  
**To:** Ingrid Hanekom; Daphnie adams  
**Date:** 2020/08/28 11:24 AM  
**Subject:** COLLAB INCOMING - Objection to proposed quarry at Paardenbergs River



JP. N. Ahearne  
 (Sub-Memo)

>>> Mishak Boshoff <mishb93@gmail.com> 08/28/20 10:09 AM >>>  
 Dear Mr. Conradie

My name is Mishak Boshoff, I live at Blue Moon Farm, R43, Stanford. My contact number is 0766787803. I am a postgraduate biology student studying the effects of environmental disturbance on ecosystems, and how this harms people's health and livelihoods. I live near the proposed quarry, and received no notification of the proposed development. It is my opinion that this quarry, being in the watershed of the Uikraalsrivier, will damage the ecosystems there which are already compromised by unsustainable agricultural practices. We have a responsibility to future generations to preserve the biological systems which make the Overberg such an attractive and plentiful place. The Fynbos biome is facing a death-by-a-million-cuts, at the hands of those who would sell our biological life-support systems to satisfy their greed and I believe we have a moral imperative to preserve it wherever we can.

Kind regards  
 Mishak Boshoff

FILE NO:	FIN 71463 ✓
	Paardenbergs River
SCAN NO:	MISHAK
COLLABORATOR NO:	1447724

Oak Grove Farm Papiessvlei Road Stentons  
P.O. Box 1140 Stentons 7200

28 August 2020

Mr S W van der Merwe  
Senior Town Planner  
Overstrand Municipality  
P O Box 20  
Hermanus 7200

Dear Mr van der Merwe

Objection to: Notice of Application for Consent Use  
Borrow Pit DR 01218/10.5L140 Portion 7 Paardenbergs Rivier 663

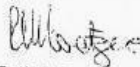
Oak Grove is situated between the Papiessvlei Road and district road DR 1229 both of which are gravel roads coming off the R326 in an area of natural beauty, abounding with indigenous birds, animals and flora.

There are several eco-tourism cottages, the main farmhouse and staff housing on the farm and the amount of noise and dust generated by the vehicles will adversely affect the health and well-being of those living and visiting the area as well as that of livestock and game. This in turn will be detrimental to local business which will of course impact on job creation.

The existing condition and maintenance of these gravel roads is already so poor that it is not within acceptable safety standards for current traffic of light, commercial and farming vehicles. The furrows on the sides of the roads are wide and deep so the roads are narrow and potholes abound making them dangerous. Consequently, the additional impact of large numbers of heavy-duty haulage vehicles travelling on these roads en route to the Borrow Pit is just not sustainable. Perhaps it would be more useful to tar these roads.

In your Notice to Affected Persons of 20 July 2020 sufficient detail of the impact of the long-term haulage operation on the community and the environment has not been provided. This is of great concern and consequently we are formally objecting.

Yours sincerely



Ruth M Coetzee  
Director  
Moiway (Pty) Ltd

Ingrid Hanekom - COLLAB INCOMING - REMAINDER PORTION OF 7 THE FARM PAARDENBERGS RIVER - PROPOSED QUARRY OBJECTION

**From:** Alida Conradie  
**To:** Ingrid Hanekom; Daphnie adams  
**Date:** 2020/08/28 02:58 PM  
**Subject:** COLLAB INCOMING - REMAINDER PORTION OF 7 THE FARM PAARDENBERGS RIVER - PROPOSED QUARRY OBJECTION  
**Attachments:** 202008272023.pdf



*P. A. Aitort  
(S. U. R. N. O.)*

>>> "Cliff Lodge" <stay@cliffodge.co.za> 08/28/20 12:50 PM >>>  
 Overstrand Municipality

RE: REMAINDER PORTION OF 7 THE FARM PAARDENBERGS RIVER - PROPOSED QUARRY OBJECTION

On behalf of the Kleinriviersberg Conservancy (landowners located between Stanford and Hermanus) we object to the proposed quarry on the following basis:

- Noise pollution; blasting of rock causes vibrations and noise that will disturb the animals, natural fauna and people in the area;
- Dust pollution and deteriorating air quality - large amounts of suspended dust particles defaces the environment and leads to respiratory disorders to people in the area and workers;
- Air pollution from the trucks and vehicles to and from the quarry;
- Visual land scar;
- Removing rock and soil depletes the natural resources and changes the topography and impacts the natural drainage pattern;
- Loss of important top soil;
- Destabilising the land;
- Loss of biodiversity;
- The current quarry in Stanford has never been rehabilitated as agreed by the owners and the scar on the landscape gets larger and larger.

Please respond and acknowledge that you have received this objection.

Warm wishes,  
 Gill O'Sullivan and Gideon Shapiro  
 On behalf of the Kleinriviersberg Conservancy  
 Tel. 076 537 2132

FILE NO:	PIN 71 663 ✓
	Paardenbergs River
SCAN NO:	Lodge
COLLABORATOR NO:	1448578

file:///C:/Users/ihanekom/AppData/Local/Temp/XPgrpwise/5F491BB0HermanusMunpos... 2020/08/28

TP. N. Nuss  
(S. v.d. Merwe)

Ingrid Hanekom - COLLAB INCOMING - REMAINDER PORTION OF 7 THE FARM PAARDENBERGS RIVER - PROPOSED QUARRY (OBJECTIONS CLOSE 28/08/2020)

**From:** Alida Conradie  
**To:** Ingrid Hanekom; Daphnie adams  
**Date:** 2020/08/28 04:08 PM  
**Subject:** COLLAB INCOMING - REMAINDER PORTION OF 7 THE FARM PAARDENBERGS RIVER - PROPOSED QUARRY (OBJECTIONS CLOSE 28/08/2020)  
**Attachments:** IMAGE.xxx; 202008272023 (2).pdf



FILE NO:	PA 7/43 ✓
	Paardenbergs River SF
SCAN NO:	Nuss
COLLABORATOR NO:	1448378

>>> Schalk van der Merwe 08/28/20 3:58 PM >>>

Schalk van der Merwe  
 Senior Town Planner, Town & Spatial Planning Department  
 Overstrand Municipality  
 A: 16 Paterson Street, Hermanus, 7200 P; P O Box 20, Hermanus, 7200  
 T: 028 313 8900 | F: 028 313 2093 E: [svdmerwe@overstrand.gov.za](mailto:svdmerwe@overstrand.gov.za)

>>> "Grant Nuss" <[manager@wortelgat.org.za](mailto:manager@wortelgat.org.za)> 2020/08/28 11:25 >>>  
 Dear Mr van der Merwe,

This is the first time I have seen the attached document – my communication must have been lost in cyberspace and the objections close today. I have just received a copy today. The quarry is visible from Wortelgat – and I am certain that you will never be able to rehabilitate that scar. So we at Wortelgat strongly object.

Kind regards,  
 Grant



**Grant Nuss**

**General Manager / Campsite Director**

**TEL:** +27 (0)28 541 0666 +27 (0)28 541 0777

**CELL:** +27 (0)33 289 8950

**EMAIL:** [manager@wortelgat.org.za](mailto:manager@wortelgat.org.za)

[www.wortelgat.org.za](http://www.wortelgat.org.za)

TP - A Theoret  
(S. v.d. Merwe) 10/13

Ingrid Hanekom - COLLAB INCOMING - REMAINDER PORTION OF 7 THE FARM PAARDENBERGS RIVER - PROPOSED QUARRY (OBJECTIONS CLOSE 28/08/2020) - amended



**From:** Alida Conradie  
**To:** Ingrid Hanekom; Daphnie adams  
**Date:** 2020/08/28 09:54 AM  
**Subject:** COLLAB INCOMING - REMAINDER PORTION OF 7 THE FARM PAARDENBERGS RIVER - PROPOSED QUARRY (OBJECTIONS CLOSE 28/08/2020) - amended  
**Attachments:** image001.png; image002.png; image003.png; image004.png; image005.jpg; image006.jpg

>>> <ask@stanfordinfo.co.za> 08/28/20 9:47 AM >>>

Please accept this as an objection to the proposed quarry on remainder portion of 7 the farm paardenbergs river since no notifications have been given.

Tracey Anderson  
 Farm D37  
 Papiessvlei Rd  
 Stanford

Warm Regards  
 Tracey Anderson

Stanford Tourism Team  
 #visitstanford #WeDoTourism  
 Stanford Association of Tourism and Business  
 Tel: 028 341 0340  
 ask@stanfordinfo.co.za  
 http://www.stanfordinfo.co.za



FILE NO:	PA 7 / 463 ✓
	Paardenbergs Rivier
SCAN NO:	Anderson
COLLABORATOR NO:	144 7728



Stanford Village  
 1857

STANF. RD  
 WINE TOURS | BOUTIQUE | RESTAURANT

**From:** Eikenhoff Orchid Nursery <admin@eikenhoff.com>  
**Sent:** Thursday, 27 August 2020 19:35  
**To:** Graze Cafe <info@grazecafe.co.za>; Phil Murray <ask@stanfordinfo.co.za>  
**Subject:** REMAINDER PORTION OF 7 THE FARM PAARDENBERGS RIVER - PROPOSED QUARRY

file:///C:/Users/ihanekom/AppData/Local/Temp/XPgrpwise/5F48D446HermanusMunpos... 2020/08/28



Stanford Heritage Committee

PO Box 539 STANFORD 7210 stanfordheritage@gmail.com 028 341 0164  
www.stanfordconservation.co.za



TP - A. Theart  
(S. ud Nono)

28<sup>th</sup> August 2020

Overstrand Municipality  
Town Planning: S. Muller

Email: aconradie@overstrand.gov.za

Dear Sirs,

FILE NO:	Farm 663 ✓
	Poedenbagg River
SCAN NO:	Heritage
COLLABORATOR NO:	1478604

**Farm 663, Caledon – TP application for consent use for a 1.4Ha borrow Pit**

The application triggers Section 38(1) of the National Heritage Resources Act, in that it will change the character of a site over 5000m<sup>2</sup>.

The application falls within the Stanford Heritage Protected area and we should therefore be notified, which was not done.

The property lies along the recently gazetted Overstrand Heritage Protection Overlay Zone scenic route and should trigger a HIA.

We further wish to support OHAC's submission.

Yours Sincerely,

Liz Hochfelden  
Chair



Farm 933, Portion 2, Stanford, 7210, South Africa  
P.O. Box 1033, Stanford, 7210, South Africa

12/13



Municipality Manager  
Overstrand  
Municipality  
PO Box 20  
Hermanus  
7200

28<sup>th</sup> August 2020

ATT: Mr Schalk vd Merwe/Ms Alida Conradie

**REPLY TO NOTICE NO 64/2020- APPLICATION FOR CONSENT USE: RODE AND ASSOCIATES ON BEHALF OF DEPARTMENT OF TRANSPORT AND PUBLIC WORKS**

The owners of nearby property, portion 2 of farm 933, "Panthera Africa" hereby comments as an interested and affected party of the application for the establishment of borrow pit DRO1218/10.05/L/40(PR).

The borrow pit with its "production" and construction will highly affect the area negatively, both from a nature, tourism and agricultural point of view. The borrow pit will destroy the natural beautiful surroundings and scare the landscape, and Stanford that is known for its beautiful mountains, fynbos and surroundings will lose some of its attractiveness for the many potential tourists seeking these unique experiences. This borrow pit will influence the tourism in the sense of heavy machinery driving up and down the road and make the road more a constructions site.

Another important negative impact is the disturbance from the work load and the amount of traffic from the heavy machinery. As a high standard animal welfare organisation the focus of the well-being of the animal is essential, and with a borrow pit only kilometers away will disturb the peace and quietness and destroy their calm natural environment we are striving to give them. Coming from highly stressful conditions, the animals needs the most peaceful surroundings possible, which is why Stanford was our top choice. In addition, large constructions vehicles driving up and down by the entrance road will definitely take away the natural feeling of visiting an animal sanctuary, and create a highly negative impact for us as a large tourist attraction. As the road will be used for heavy machinery, we are concerned that this can cause traffic and therefor tourists arriving late for our educational visits.

Road 1218 and Road 4030 are both in a rough condition as it is, and with the use of heavy machinery we are very concerned that the road will become even worse, and that the tourists will have difficulty to drive in a normal car. This can possibly have a big impact on the amount of feet going through, and consequently our income.

NPC: 2014/002629/08  
NFO:211-254  
PBO: 930056056  
Section 18A Tax Exemption  
Val Number: 4410285714

+27 71 182 8368  
+27 76 974 3088



info@pantherafrica.com



www.pantherafrica.com

Farm 933, Portion 2, Stanford, 7210, South Africa  
P.O. Box 1033, Stanford, 7210, South Africa



We hereby give our objection to the approval of the above mentioned borrow pit and are positive that the reasons given above is found to be sufficient in this matter.

Thank you for the opportunity to raise our concerns and looking forward to receiving information on this process.

Kind regards,

Cathrine S. Nyquist  
Founder and Business Manager  
Panthera Africa NPC

Lizaene Cornwall  
Founder and Operational manager  
Panthera Africa NPC

NPC: 2014/002620/08  
NPO: 211-254  
PBO: 930066068  
Section 18A Tax Exemption  
Vat Number: 4410285714

+27 71 182 8368  
+27 76 974 3088

info@pantherafrica.com

www.pantherafrica.com

15 April 2021

17-A. INEORT  
(S. v. d. Merwe)

ANNEXURE E 1/6



PO Box 1566, Bellville 7535, South Africa; Tel. 021 946 2480; Fax 021 946 1238  
E-mail: herotwald@rode.co.za; GPS: 33°53'58.5"S; 18°38'14.5"E  
Rode & Associates Pty Ltd. Reg. No. 2009/0052807/07 Nat. No. 148820796. CEO: E. BOK

www.rode.co.za

Western Cape  
Government

Transport and Public Works

The Municipal Manager  
Overstrand Municipality  
PO Box 20  
Hermanus  
7200



FILE NO: Rem Plan 7 Farm 663
Paardenbergs river - STF
SCAN NO:
Farm 663
COLLABORATOR NO:
1528053

Dear Sir

**Consent use application  
(submitted in January 2020)**

**Borrow pit no. DR1218/10.05/L/40  
(WCG Regravelling Programme)**

**Applicant's response to objections/comments  
received**

**1. Introduction**

This letter constitutes the applicant's response to objections/comments by Interested & Affected Parties (I&APs) on the consent use application for a borrow pit on Remainder of Portion 7 of Farm 663 in the Registration Division Caledon, Western Cape.

Please note that in 2014, the Council granted the land use rights for the same borrow pit as a temporary departure in terms of the Land Use Planning Ordinance, 1985 (LUPO). The only reason for the reapplication was the lapsing of the permitted rights. The non-use of these rights was due to changes in the provincial regravelling programme.

**2. Interested and affected parties**

We refer in **Table 1** to the I&APs from which objections/comments were received. The Municipality provided the relevant correspondence via e-mail on 14 September 2020.

**Table 1**

**I&APs from which objections/comments were received**

Local entities/individuals	Regional/provincial authorities
<ul style="list-style-type: none"> <li>• C Martens</li> <li>• D &amp; P Martheze</li> <li>• M Boshoff</li> <li>• RM Coetzee</li> <li>• GO Sullivan &amp; G Shapiro</li> <li>• G Nuss</li> </ul>	<ul style="list-style-type: none"> <li>• Heritage Western Cape</li> <li>• Eskom</li> <li>• Breede-Gouritz Catchment Management Agency</li> <li>• DEADP</li> <li>• Department of Transport and Public Works</li> </ul>

TP

13 APR 2021

<ul style="list-style-type: none"> <li>• T Anderson obo Stanford Tourism Team</li> <li>• Stanford Heritage Committee</li> <li>• CS Nyquist &amp; L Cornwall</li> </ul>	<ul style="list-style-type: none"> <li>• Provincial Department of Agriculture</li> </ul>
--	--

### 3. Proposed development (or quarrying activity)<sup>1</sup>

This potential material site is situated at about 13 km east of Stanford and located at the junction of road DR01218 and road DR01225, on the east side of divisional road DR01218. The road at this junction is in a cutting of between 3m and 4m, above which the site is situated. The site occurs within the crestal zone of a hill that slopes gently to the north and south-east of the area. The cut embankment on the west side of the site above the road is largely devoid of vegetation, except for scattered scrub and patches of grass. The site also lies within a wheat field that is lying fallow, presumably until the next planting season.

### 4. Response by applicant to regional/provincial authorities' comments

The next section includes a response to the comments received from regional and provincial authorities and we address each comment in the order listed in the table above.

- Heritage Western Cape (HWC): In 2011, and commenting on the LUPO application, the HWC supported the quarrying activity based on the submitted Notice of Intent to Develop (NID). HWC stated that no further studies were required. This, and the fact that the development proposal has not changed, was mentioned in the applicant's return email to the Municipality on 28 July 2020. This email correspondence was provided to HWC by the Municipality. In response, HWC stated that no heritage related concerns are foreseen, but (and I quote) the NID would still be required in order to obtain the formal response in terms of Section 38(8). We believe this is an *administrative exercise* that can be made a condition of approval, i.e. not in conflict with Section 67(8) of the municipal land use planning bylaw.
- Eskom: No objection subject to certain requirements.
- Breede-Gouritz Catchment Management Agency: No objection subject to certain requirements.
- DEADP: No objection subject to certain requirements.
- Department of Transport and Public Works: No objection subject to certain requirements.
- Provincial Department of Agriculture: A letter of support dated 15 September 2020 was received from the Department.

Please note that the LUPO application was also supported by (1) Cape Nature, (2) Department of Agriculture, Forestry and Fisheries, and (3) the provincial Department of Economic Development and Tourism.<sup>2</sup>

### 5. Summary of objections by local entities/individuals

We next state the main concerns (as objections) by objector and in the order listed in **Table 1**, which are:

<sup>1</sup> Extract from the motivation report of the 2020 application.

<sup>2</sup> These are I&APs that have not commented on the 2020 application.

- a. C Martens: Minimal reference to haulage of gravel, i.e. volume of haulage traffic, haulage distances, identified roads to be upgraded, risks and impact on local businesses, safety of road users. The following concerns were also mentioned: impact of heavier haulage vehicles on road conditions, current road maintenance practices, and generation of large quantities of dust.
- b. D & P Martheze:
  - o Environmental and ecological impact of proposed development will be devastating on local businesses and in turn employment
  - o Nature conservancy in the area will be affected
  - o Existing road network (capacity and condition) will not be able to handle the continues flow of heavy vehicles and/or increased traffic
  - o Noticeable increase of heavy trucks currently using the road
  - o Insufficient public participation and cooperation from Municipality
- c. M Boshoff: Insufficient public participation and there will be damage to the ecosystem with the proposed development being in the watershed of the Uilkraalsrivier.
- d. RM Coetzee:
  - o Noise and dust to be generated will adversely affect the health and well-being of those living and visiting the area as well as livestock and game, i.e. impacting on local businesses.
  - o Poor condition and maintenance of roads makes any increase in traffic unsustainable.
- e. GO Sullivan & G Shapiro (obo Kleinriviersberg Conservancy):
  - o Noise, dust and air pollution.
  - o Visual land scar and consequential impact on natural resources, drainage system and topography.
  - o Loss of topsoil, biodiversity and destabilising the land.
  - o Lack of rehabilitation of current quarry in Stanford.
- f. G Nuss: Visual impact and foreseen inability to rehabilitate the scar.
- g. T Anderson obo Stanford Tourism Team: Object because no notification has been given.
- h. Stanford Heritage Committee: Insufficient communication with heritage authorities owing to regulated requirements.
- i. CS Nyquist & L Cornwall:
  - o The operations of quarrying will impact negatively on the area from a nature, tourism and agricultural point of view.
  - o Negative impact of heavy machinery driving up and down the road on, for example, traffic volumes impacting on arriving on time for appointments.
  - o Negative impact on the well-being of animals in care.
  - o Poor condition of Road 1218 and Road 4030.

#### **6. Response by applicant to objections received from local entities/individuals**

In the following paragraphs we address the concerns by issue and not objector.

We argue that the locality of and the need for the proposed activity, together with the implementation of mitigating measures,<sup>3</sup> do indeed warrant the proposed borrow pit on about 1.4 ha of Remainder of Portion 7 of Farm 663.

We first provide some general background to the consent use application and then address each concern.

<sup>3</sup> As per the Environmental Management Programme approved on 17 December 2020.

4

1. The farm (and proposed quarrying area) are zoned Agricultural Zone 1 and are privately owned. The landowner has issued the required Power of Attorney for the land use change.
2. The proposed quarrying activity at borrow pit DR1218/10.05/L/40, does not constitute a listed activity as defined in terms of the NEMA EIA Regulations, 2010. Also see commenting letter by the Municipality (in person Mr B Kondokter) dated 8 November 2013.
3. This potential source of road building material was not previously mined. The material (for road maintenance purposes) is of good quality and there is about 21 800m<sup>3</sup> of road wearing course gravel available. This material would be used to regravell divisional road DR1218 owing to the scarcity of adequate materials in the area, i.e. very few borrow pits along this road. There are no plans to upgrade this road with a permanent tarred surface.<sup>4</sup>

The frequency of quarrying would be every 7 to 8 years, depending on the condition of the gravel road. The duration of quarrying and road works would be about 4 to 5 months at these intervals. In this respect, the increase in the volume of heavy vehicle traffic on the road would be minimal owing to only 4 to 5 such vehicles in use to transport gravel at any given time.

In the context of integrated development planning, it is stated that the area is subject to the high influx of tourists that places great strain on the road infrastructure. This and the poor condition of DR1218 has been highlighted by some objectors. The proposed maintenance of DR1218 will address this problem.

4. The consent use application includes proposed parameters to regulate the quarrying activity with regard to, *inter alia*, noise, dust and visual impact.

We next allude to the severity of the concerns and if required, how it would be addressed.

5. Negative visual impact of quarrying activities on tourism-related use of some properties and Divisional road 1218 (Papiessvlei road)

This borrow pit will have negative impacts on the visual aesthetics as it is located next to the divisional road. The site-specific quarrying activity will be done by, *inter alia*, using heavy machinery. The landscape changes will be addressed as per the conditional approval of the Environmental Management Programme. For example, all disturbed areas will be landscaped to blend into the general topography of the surrounding area. No permanent structure would be erected.

This location is paramount owing to the economy of scale and minimal interference with farming activities. The latter is of specific relevance in the context of the temporary expropriation of the quarrying area.

To further elaborate on the specific location of the proposed land use, various criteria were used in the identification and selection of the preferred site. These included, *inter alia*, the availability and type of road building material, current land use, the type and condition of the vegetation on site, potential impacts including visual, erosion, dust, watercourse

<sup>4</sup> Telephone discussion with Mr M van Eeden (Overberg District Municipality).

sedimentation, failure of rehabilitation, the ability to stockpile, the proximity to farm or other dwellings and the potential dust and noise nuisance to these, and the potential operational and post-closure risks to people/animals in the vicinity.

6. Conflicting nature of quarrying activities with (existing and foreseen) tourism-related as well as agricultural land use in the area

The quarrying process will be opencast, hence, dust derived from the borrow pit might have an impact on road users and nearby dwellings. Some levels of noise will be generated by the quarrying activity. We believe the severity and duration of these impacts to be low with high mitigating potential.

We argue that the proposed rural industrial activity (as defined in the Western Cape Land Use Planning Guidelines: Rural Areas) does conform to the principles and 'placement' of such activities as guided by the provincial directive. In this regard, the proposed development is in a suitable location and at an appropriate scale. The municipal Integrated Development Plan is also consistent with this objective in advancing the upgrading of gravel roads as of high economic value.

The material excavated at this site, would be used to regravell divisional road DR1218 owing to the scarcity of adequate materials in the area, i.e. very few borrow pits along this road.

We also emphasise the backing from the landowner for the proposed land use.

7. Possibility of excess damage to the current road caused by trucks collecting the material using the road and increased traffic of heavy vehicles

The quarrying activities and related work will be to better the road condition. However, we acknowledge that there would be maintenance-related disruptions to road users, including the users of entrances to properties. However, as stated, the frequency of these disruptions would be only every 7 to 8 years with only 4 to 5 heavy vehicles being used each time for about 4 to 5 months uninterrupted.

8. The resurfacing of the road with tar, as envisaged, will negate any need for ongoing gravel maintenance, and

There are no plans to upgrade this road with a permanent tarred surface.

9. Ecological sensitivity of the quarrying site

The area to be mined is a cultivated wheat field. It has been confirmed that the proposed quarrying activity does not constitute a listed activity as defined in terms of the NEMA EIA Regulations, 2010 (see §2 above).

10. Public participation

As stated in the motivation report the Overstrand Municipality is responsible for the processing and notification of the application.

**Conclusion**

We believe that the main benefit of sourcing the material on location is a better road network. The excavation of material and subsequent road work would benefit road users and local inhabitants by ensuring greater road safety, minimising maintenance-related disruptions and supporting the local economy by ensuring continual access to markets and (existing and foreseen) tourism-related land uses alongside DR1218.

We argue that the proposed activity on the Remainder of Portion 7 of Farm 663 is desirable with minimal, if any, impact on existing rights of members of the community. In this regard we refer to, *inter alia*, the Power of Attorney issued by the landowner. We believe that it would be prudent for the Overstrand Municipality to ensure, through conditional approval, that possible impacts are mitigated.

Finally, we believe that the impact on on-site and adjacent land use as a result of the proposed quarrying activity is very low if mitigating measures are applied, as evidenced by the Summary Report and consent use application.

Awaiting your reply

Yours faithfully



-----  
**B P Rode Pr. Pln**  
Town and Regional Planner @ Rode & Associates (Pty) Ltd

**5 October 2020**



Division of Telkom SA SOCLtd

10 Jan Smuts Drive  
Pinelands  
7404

Janice Fortes

Tel: 021 414 5616

Fax: 086 478 5461

Email: JaniceF@Openserve.co.za

Our Ref.: WWIP\_WCN\_JF\_76\_20

Your Ref.: RCAL 663/7

21 July 2020

Attention: Marlize Miller

OVERSTRAND MUNICIPALITY  
Town Planning  
Hermanus

Dear Sir/Madam

### SERVICES NOT AFFECTED

WAYLEAVE APPLICATION – REMAINDER 7 OF THE FARM PAARDENBERGS RIVER NO. 663, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA – APPLICATION FOR CONSENT USE: RODE AND ASSOCIATES (PTY) LTD ON BEHALF OF DEPARTMENT OF TRANSPORT AND PUBLIC WORKS

With reference to your letter received 20 July 2020.

I hereby inform you that Open Serve approves the proposed work indicated on your drawing in principle. This approval is valid for 12 months only, after which reapplication must be made if the work has not been completed.

As per the drawing supplied, Open Serve infrastructure will not be affected. However, care should still be taken should it be evident that there is in fact Open Serve network present on the actual sites.

Please notify this office immediately if you locate any Open Serve plant that was not indicated. Please contact our representative Melt van As at telephone number 081 363 7873 / MeltVA@Openserve.co.za.

61 Oak Avenue, Highveld, Techno Park, Centurion 0157,  
Private Bag X881, Pretoria, Gauteng, 0001

Any changes or deviations from the original planning during or prior to construction must immediately be communicated to this office.

Approval is granted, subject to the following conditions.

It would be appreciated if this office can be notified within 30 days of completion of the construction work. Confirmation is required on completion of construction as per agreed requirements.

**Should Open Serve infrastructure be damaged while work is undertaken, kindly contact our representative immediately.**

All Open Serve rights remain reserved.

Yours faithfully



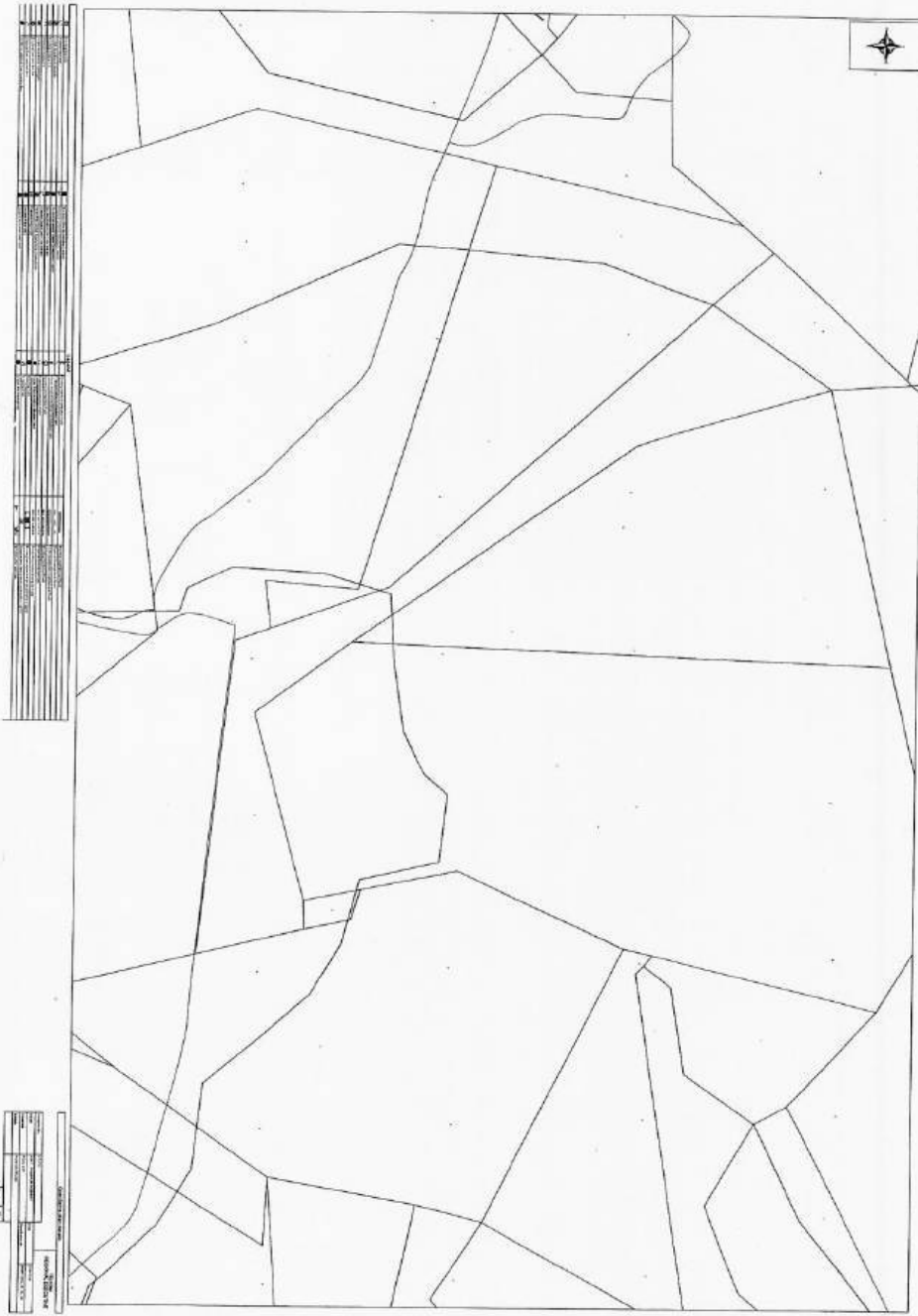
---

Janice Fortes  
for  
Selwyn Bowers  
Operations Manager  
Wayleave Management: Western Region

**PLANT NOT AFFECTED**

If any plant not indicated exists and information or supervision is required please contact this office at least 48 hours before any work commences.

Melt van As <u>MeltVA@Openserve.co.za</u>	081 363 7873	
<u>Refence number</u> WWIP_WCN_JF_76_20	<u>Marked Up</u> Janice Fortes	<u>Date</u> 21-Jul-20





TP-A Theart  
(S Vld mer we)



OVERSTRAND MUNICIPALITY  
Per email: [aconradie@overstrand.gov.za](mailto:aconradie@overstrand.gov.za)

Date:  
29 July 2020

Enquiries:  
Shaun Swanepoel  
Tel: +27 21 980 3913  
Fax: +27 06 660 0941

Dear Sir / Madame

**PLEASE NOTE: THIS IS NOT A WORKING PERMIT. OBTAIN WORKING PERMIT FROM CUSTOMER NETWORK CENTRE – CALEDON CNC**

**RE: CONSENT USE: PTN 663/7, PAARDENBERGS RIVIER**

**OUR REF: 01787-20  
YOUR REF: PTN 663/7**

I refer to your email dated 20 July 2020.

This application affects Eskom power lines servitudes and services.

**THIS IS NOT AN APPROVAL TO START CONSTRUCTION**

I hereby inform you that Eskom has no objection to the proposed work indicated on your drawing in principle. This approval is valid for **12 months** only, after which reapplication must be made if the work has not been completed.

- a) **Dirk Swart, Caledon CNC** must be contacted on **+27 83 502 2590** or [SwartDi@eskom.co.za](mailto:SwartDi@eskom.co.za) before working in close proximity to the overhead power lines.
- b) The following Servitude widths / building and tree restriction on **either side of centre line** of overhead power line must be observed:

Voltage	Servitude / Building restriction either side of centre line
11kV	9.0 m
66kV	11.0 m
132kV	15.5 m

- c) No construction work may be executed closer than **6 (SIX) metres** from any Eskom structure or structure-supporting mechanism.

FILE NO: Ptn 7   663
Paardenbergs Rivier
SCAN NO:
20
COLLABORATOR NO: 1435646

Eskom Holdings SOC Limited Reg No 2002/015527/30

29 JUL 2020

- d) No work or no machinery nearer than the following distances from the conductors:

Voltage	Not closer than:
11kV	3.0 m
66kV	3.2 m
132kV	3.8 m

- e) Natural ground level must be maintained within Eskom reserve areas and servitudes.  
 f) That a minimum ground clearance of the overhead power line must be maintained to the following clearances:

Voltage	Safety clearance above road:
11kV	6.3 m
66kV	6.9 m
132kV	7.5 m

- g) That existing Eskom power lines and infrastructure are acknowledged as established infrastructure on the properties and any rerouting or relocation would be for the cost of the applicant/developer.
- h) That Eskom rights or servitudes, including agreements with any of the landowners, obtained for the operation and maintenance of these existing power lines and infrastructure be acknowledged and honoured throughout its lifecycle which include, but are not limited to:
- i. Having 24 hour access to its infrastructure according to the rights mentioned in (a) above,
  - ii. To perform maintenance (structural as well as servitude – vegetation management) on its infrastructure according to its maintenance programmes and schedules,
  - iii. To upgrade or refurbish its existing power lines and infrastructure as determined by Eskom,
  - iv. To perform any other activity not listed above to ensure the safe operation and maintenance of the Eskom power lines or infrastructure.
- i) Eskom must have at least a 10m obstruction free zone around all pylons (not just a 10m radius from the centre).
- j) Eskom shall not be liable for the death or injury of any person, or for loss of or damage to any property, whether as a result of the encroachment or use of the area where Eskom has its services, by the applicant, his/her agent, contractors, employees, successors in title and assignee.
- k) The applicant indemnifies Eskom against loss, claims or damages, including claims pertaining to interference with Eskom services, apparatus or otherwise.
- l) Eskom shall at all times have unobstructed access to and egress from its services.
- m) Any development which necessitates the relocation of Eskom's services will be to the account of the developer.

Kindly contact **Shaun Swanepoel** at Tel: **021 980 3913**, should you require any further information.

Yours sincerely

**Shaun Swanepoel**  
**LAND DEVELOPMENT (BRACKENFELL)**  
 (Transmitted electronically and thus not signed)



**BREED-GOURITZ**

51 Baring Street Worcester 6850, Private Bag X3055 Worcester 6850

Enquiries: V Ligudu    Tel: 023 346 8000    Fax: 023 347 2012    E-mail: [vligudu@bgcma.co.za](mailto:vligudu@bgcma.co.za)

REFERENCE NO: 4/10/1/G40M/PAARDENBERGS RIVIER 663/7 (REM) CALEDON

Date: 12 August 2020

The Municipal Manager  
Overstrand Municipality  
P. O. Box 20  
**HERMANUS**  
7200

Attention: Marlize Miller

**RE: REMAINDER PORTION 7 OF THE FARM PAARDENBERGS RIVIER NO.663, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: RODE AND ASSOCIATES (PTY) LTD ON BEHALF OF DEPARTMENT OF TRANSPORT AND PUBLIC WORKS.**

With reference to the above mentioned document received by this office on the **21/07/2020** requesting comments.

This office has reviewed the report and has the following comments:

1. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered.
2. Any activity within the 1:100 year floodline or within 100 metres of a watercourse (river, spring, natural channel, a lake or dam) or within a 500 m radius from the delineated boundary (extent) of any wetland or pan triggers a water use activity in terms of Section 21 (c) & (i) of the National Water Act, 1998 (Act 36 of 1998).
3. No storm water runoff from any premises containing waste, or water containing waste emanating from premises may be discharged into a water resource.
4. No pollution of surface water or groundwater may occur due to any activity on the property.

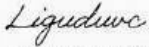
5. Erosion control measures must be implemented to prevent soil erosion during mining activities.

This office reserves the right to amend and revise its comments as well as to request any further information.

The onus remains on the registered property owner to confirm adherence to any relevant legislation concerning the activities that might trigger and/or need authorization.

Please contact the above-mentioned official if you have any queries.

Yours faithfully



**MR JAN VAN STADEN**  
CHIEF EXECUTIVE OFFICER (Acting)



**Western Cape  
Government**  
Environmental Affairs and  
Development Planning



**DIRECTORATE: DEVELOPMENT MANAGEMENT  
(REGION 2)**

Helene.Janser@westerncape.gov.za  
Tel: +27 21 483 3544 Fax: +27 21 483 3633  
1 Dorp Street, Cape Town, 8000  
www.westerncape.gov.za/eadp

**REFERENCE:** 15/3/2/12/BO3

Overstrand Municipality  
PO Box 20  
HERMANUS  
7200

*TP - A Theart  
(S vld merke)*

FILE NO: Ptn Rem Farm 663 Paardenbergs Rivier
SCAN NO: 27
COLLABORATOR NO: 1452057

**FOR ATTENTION: DIRECTOR INFRASTRUCTURE & PLANNING**

**REQUEST FOR COMMENT - PROPOSED CONSENT USE FOR A BORROW PIT ON A PORTION OF  
THE REMAINDER FARM PAARDENBERGS RIVIER NO 663, CALEDON DIVISION**

- Your request for comment, dated 20 July 2020, has reference.
- The application submitted is for a consent use to establish a borrow pit (±1.4ha) on a portion of the subject property, to facilitate the extraction of material for road maintenance and/or construction. The duration of the consent use would be for 5 years.
- The preferred borrow pit site is located 13km east of Stanford, at the junction of road DR01218 and road DR01225, on the eastern side of DR01218. The site is located on cultivated land (wheat field) east of the Ecological Support Area for the Uilkraals River.
- As there was previous quarrying on the site, it is foreseen that the impact on the site and on adjacent land uses will be very low if mitigating measures are applied. The area disturbed for the specific contract will, after completion of the contract, be rehabilitated.
- It is recognized that the proposed borrow pit will facilitate the sourcing of applicable material to upgrade the existing gravel roads in the area, which are highly degraded and pose a safety risk to people utilising these roads. The borrow pit is furthermore located in close proximity to the degraded roads, therefore

- 8 SEP 2020

*JP*

minimising the time and transport costs of the mined material to the construction site.

6. The proposed upgrade of these roads will positively contribute to the social, safety and economic environment of the area.
7. In consideration of the above, this Directorate has no objection to the application as proposed.



**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)**  
**DATE:** 8 September 2020

cc Alida Conradie – [aconradie@overstrand.gov.za](mailto:aconradie@overstrand.gov.za)



ROAD NETWORK MANAGEMENT  
Email: Grace.Swanepoel@westerncape.gov.za  
tel: +27 21 483 4649  
Rm 335, 9 Dorp Street, Cape Town, 8001  
PO Box 2663, Cape Town, 8000

TP. N/hoort  
(S. ud N/hoort)

REFERENCE: TPW/CFS/FP/LUD/REZ/SUB-21/210 (Job 21164)  
ENQUIRIES: Ms GD Swanepoel  
DATE: 8 September 2020

The Municipal Manager  
Overstrand Municipality  
PO Box 26  
**GANSBAAI**  
7220

Attention: Mr S van der Merwe

Dear Sir

FILE NO:	Pin 7/463
	Paardenbergs Rivier
SCAN NO:	Pin 7
COLLABORATOR NO:	1456524

**REMAINDER PORTION 7 OF THE FARM PAARDENBERGSRIVIER 663, CALEDON DIVISION:  
DIVISIONAL ROAD 1218: APPLICATION FOR CONSENT USE**

1. Your letter RCAL 663/7 dated 20 July 2020 refers.
2. The site is located 13km east from Stanford; access is taken off Divisional Road 1218 at ±km10.04.
3. This application is for Consent Use in order to allow the creation of a borrow pit for road maintenance and/or construction purposes.
4. This Branch offers no objection to the land use application in terms of the Land Use Planning Act, No 3 of 2014, subject to the approval by this Branch's Design Directorate (Ms M Hofmeyr 021 483 3999) of an access and signage plan.

Yours faithfully

  
**SW CARSTENS**  
For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT

TP 10 SEP 2020

**ENDORSEMENTS**

1. Overstrand Municipality  
Attention: Mr S van der Merwe (e-mail: [svdmerwe@overstrand.gov.za](mailto:svdmerwe@overstrand.gov.za))
2. Rode & Associates  
Attention: Mr B Rode (e-mail: [berchtwald@rode.co.za](mailto:berchtwald@rode.co.za))
3. Mr SW Carstens (e-mail)
4. Mr F Fakier (e-mail)



Cor Van Der Walt  
LandUse Management  
Email: LandUse.Eisenburg@eisenburg.com  
tel: +27 21 808 5099 fax: +27 21 808 5092

TP. n. /hoort  
(S. Ud n. cmo)

OUR REFERENCE : 20/9/2/4/2/698  
YOUR REFERENCE : Pin 663/7 RCAL  
ENQUIRIES : Cor van der Walt

Overstrand Municipality  
PO Box 20  
HERMANUS  
7200

Att: SW van der Merwe

FILE NO:	Pin 7/663 ✓
	Paardenbergs Rivier
SCAN NO:	
	Farm 663
COLLABORATOR NO:	
	1465551

**APPLICATION FOR CONSENT USE: DIVISION CALEDON  
REMAINDER OF PORTION 7 OF THE FARM PAARDENBERGS RIVIER NO 663**

Your application of 20 July 2020 has reference.

The Western Cape Department of Agriculture: Land Use Management has no objection against the proposed application with the following conditions:

- Put all measures in place to ensure proper post-mining rehabilitation of affected areas to as close to the original condition as possible;
- Limit the visual impacts associated with mining;
- Be careful not to damage agricultural infrastructure
- Allow day to day farming activities to continue unrestricted.

Please note:

- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.

- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely



**M. C. van der Walt**

**LANDUSE MANAGER: LANDUSE MANAGEMENT**

**2020-09-15**

Copies:

Department of Environmental Affairs & Development Planning

1 Dorp Street

CAPE TOWN

8001

Department of Minerals Resources

Private Bag X9

Rogge Bay

8012

Rode Plan

PO Box 1566

BELLVILLE

7535

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR CONSENT USE: PORTION 7 OF FARM 663,  
PAARDENBERGS RIVER**

Electricity	:	Eskom area
Stormwater	:	No services available
Water	:	No services available
Sewer	:	No services available
Roads and traffic	:	No services available

**Conditions:**

1. that the developer arrange with ESKOM for the provision of electricity and that he complies with all conditions as may be set by ESKOM;
2. that no water from Overstrand Municipality is available and the developer will be responsible to obtain the necessary approval, licence and permits from the applicable authorities (Water and Sanitation, Health, Bocma etc.) for the use of any other water resources and the extraction thereof;
3. that the developer is responsible to provide potable water to the development that complies with SANS0241 standards and that relevant proof be submitted to the Manager: Water Infrastructure & Quality (Tel: 028 313 5046), Overstrand Municipality;
4. that waste water disposal be done in a safe and healthy manner and that plans thereof be submitted to the Municipality and DWA for approval;
5. that the developer complies to all the conditions set by Department Of Water Affairs & Bocma;
6. that, as there is currently no municipal sewer network in the vicinity, Portion 7 of Farm 66
7. 3 must be provided with adequate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services (Hermanus), and to which the sewer services on the development must connect to;
8. that the Municipality does not have the capacity to service the proposed development with regards to removal of sewerage from the property. The owner is therefore responsible for removal of sewerage from the property, and thereof at a licensed municipal sewerage treatment facility;

9. that alternatively, sewer treatment facilities that are approved by the Department of Water Affairs may be provided for disposal of sewer from the developments. Written proof of such approval is to be submitted to the Municipality;
10. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to minimum requirements of SANS 140400 – P: 2010: Drainage;
11. that, as no municipal refuse removal services are rendered in the area, the owner is responsible for removal of all refuse generated on the property, and disposal thereof at a registered municipal waste transfer station or-waste disposal facility;
12. that on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
13. that access can be obtain from the existing access to Ptn 7 of Farm 663.

*p.p. R. Hendriks*  
**DENNIS HENDRIKS**  
SENIOR MANAGER: ENGINEERING SERVICES

*29/10/2020*  
**DATE**