

4.2

**PORTION 13 OF FARM DE DRAAY NO. 563, , OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR CONSENT USE: MESSRS WRAP ON BEHALF OF THE MELKBOS
TRUST, EC MOLTENO AND CL YOUNG**

RCAL 13/563 (2834/2018)

H van der Stoep

18 October 2021

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application was received on 14 December 2018 on Portion 13 of farm De Draay No. 563 from Messrs WRAP on behalf of the Melkbos Trust, EC Molteno and CL Young, for a consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to accommodate five (5) additional dwellings (250m² each) intended for tourist accommodation.

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 at present vacant and zoned Agriculture.

4. SUMMARY OF APPLICANT'S MOTIVATION

MOTIVATION

The zoning of Portion 13 will remain unchanged as Agriculture Zone 1. The applicant seeks to construct five (5) additional dwelling units for tourism accommodation to be rented out on a short term basis. The definition of additional dwelling units are as follows under Agricultural Zone 1: "*which is not required for the accommodation of bona fide persons involved in the agricultural practice on the property concerned; and additional dwelling units may be used for long- or short-term accommodation purposes*".

The proposed additional dwellings comply with the above-mentioned definition: Buildings 1 to 5 measuring 250m² each and a main dwelling measuring 550m². The total building area is 1800m².

CHARACTER OF THE ENVIRONMENT

Rural Fabric

The owners have been inspired by understanding, appreciation and textures of the natural forms of the Kogelberg Biosphere. Thus, ensuring a new architectural design which consider the natural systems, processes and colour informing building design.

The architecture of the primary dwelling and additional dwelling units are unique since it was informed by the natural vegetation and surrounding environment. The main informant was the Pagoda plant and how the architecture with design of the dwellings resembling the plant.

The location of the buildings within the Kleinmond rural area is intended to ensure that guests experience a heightened sense of peace and tranquillity.

Architectural Importance

The overriding intention of the design is to ensure it is both climate and context responsive. The adaptability of the building to the changing weather will take into consideration the topography, the seasonal changes including prevailing winds, the changing sun angles and its effect on passive solar heat gain, natural lighting, shade, the rainfall, the requirement for insulation, etc. This not only reduces the energy load on the off-grid bulk services, but also significantly improves the internal climate, comfort and efficiency of buildings.

The dwellings will have a 33m² vegetable gardens fenced or walled up to a meter. No roof geysers will be allowed, whilst solar panels must be fixed flush with the roof pitch to minimize visual impact. Washing lines / refuse bins will be screened for view with 1,8m high timber fence in an enclosed yard. A particular footprint will be demarcated around the building in order to prevent disturbance of the natural habitat during construction.

The total footprint of the buildings will be less than the allowable 5000m² in terms of the Land Use Scheme and height is restricted to 5m. Parking provided is more than the required 2 bays/unit.

Economic Impact

The proposed consent use will create temporary employment during the construction phase. The value of the property will increase which in turn will lead to increase in rates and thus contribute to service delivery in the Overstrand. Permanent employment to render a service to the tourism accommodation.

Social Impact

The proposal is intended to make guests aware of the importance of the Kogelberg Biosphere as an essential part of the natural system of Kleinmond.

Scale of capital investment

The sheer scale of the capital investment made is indicative of the property owners' commitment to the build environment of Kleinmond.

ENGINEERING SERVICES

Water

Water will be supplied by means of a borehole and rainwater harvesting.

Sewage

Sewage generated will be split into black and grey water of which the latter will be re-used on site. The black water will be contained in conservancy tanks and be emptied by a private contractor.

Electricity

Electricity will be provided by means of photovoltaic panels, inverters and batteries.

Solid Waste

The waste will be recycled, and all non-recyclable waste be removed by the property owners to the Municipal Land fill site.

Traffic Impact

Access will be obtained via the R43 at the point determined by the Western Cape Government : Public Works & Transport (DOT). An in-principle agreement was reached with the owner of Portion 3 of farm De Draay No. 563 for a right-of-way servitude to be registered in favour of the subject property.

FORWARD / EXISTING PLANNING DOCUMENTS**Provincial Spatial Development Framework, 2013**

The PSDF stipulates that compatible and sustainable rural activities of an appropriate scale can be accommodated outside the urban edge. The criteria applicable for such developments are as follows:

- Does not alienate unique or high agricultural land
- Consistent with cultural and scenic landscapes
- Does not involve extensions to the Municipality reticulation networks
- Does not impose real cost or risk to the municipality

The PSDF also highlights the public investment into the Overstrand tourism and leisure regions to enhance the economic vibrancy of the areas. The PSDF also highlights the development of coastal tourism located outside the sensitive environmental areas.

The application does adhere to the abovementioned principles and goals.

Overstrand Spatial Development Framework, 2006

The SDF stipulates those non-agricultural activities should be restricted to those that support sustainable production potential of the farm unit. It promotes tourism and conservation.

The application additional dwelling units are located outside environmental sensitive areas and thus promoting tourism and conservation.

Integrated Development Framework

The IDF promotes tourism, conservation and economic development of which the application encapsulates

Heritage Value

The application does not involve changing the character of a site larger than 5000m² and does not trigger Section 38 of the National Heritage Resources Act, 1999.

Environmental Impact

An Environmental Assessment was done for the proposed development. The granting of an Environmental Authorisation was given on 18 March 2021 by the Western Cape Government: Environmental Affairs and Development Planning (Environmental).

PLANNING PRINCIPLESSpatial Justice

The employment opportunities which will be created during the construction phase and operational phase will mostly benefit the previous marginalised communities.

Spatial Sustainability

The proposed development will promote an appropriate mixture of land uses which are for natural and tourists' area and promote functional space economy.

Efficiency

The application will optimise on the maximum development potential of the farm in terms of green economy and built design.

Spatial Resilience

The proposal aligns to the SDF, IDF and PSDF and thus will be able to resist, absorb and accommodate environmental and economic shocks in a timely and efficient manner.

Good Administration

The application will follow due procedure as stipulated by the Overstrand Municipality.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Notices	Yes	13 May 2019	21 June 2019
Ward Committee	Yes	13 May 2019	21 June 2019
Total comments	ONE (1)		
Total letters of support	ONE (1)		
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
Engineering Services	26/08/2019	See Annexure G.
Western Cape Government: EADP (Planning)	04/06/2019	See Annexure H.
Western Cape Government: EADP (Environmental)	19/03/2021	See Annexure I.
Western Cape Government: EADP (Coastal)	02/07/2019	See Annexure J.
Western Cape Government: Transport & Public Works	07/06/2019	See Annexure K.
Western Cape Government: Agriculture	13/12/2019	See Anneuxre L.
BGCMA	05/07/2019	See Annexure M.
Telkom	04/07/2019	See Annexure N.
Municipal Environmental Management Services	20/06/2019	See Annexure O.
District Health	20/06/2019	See Annexure P.
Building Control	13/06/2019	Applicant to present application to the Local Heritage Committee.
Local Heritage Committee	13/06/2019	Supported.
Waste Management	16/05/2019	No objection. Agree with the proposal for managing waste as per 10.4 of the motivation report.
Fire Department	12/07/2019	No objection provided that the structure complied to the fire protection regulation SANS 10400 -T:2011 and the community safety by-law.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

One (1) letter of support was received from Kleinmond Ratepayers Association (see Annexure D).

One (1) objection was received from Mr C Potgieter, which was submitted in Afrikaans and will be summarised in English (see Annexure E). The applicant's response is attached as Annexure F.

The objections are summarised as follows:

The objector does have a concern with regard to the entrance of the road with the R43 and proposes that the access point of the servitude road be widened for road safety.

Applicant's response

The District Roads Engineer (DOT) approved the current proposal access point.

Town Planner's response

Access to a Provincial Road, in this case the R44 (Trunk Road 27) must be dealt with by the provincial authorities, DOT in terms of their mandate. The comment from the latter was positive with a dedicated access point.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

See Paragraph 7 above.

9. MUNICIPAL ASSESSMENT OF COMMENTS

See Paragraph 7 above.

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

N/A

Spatial Sustainability

The proposed development went through an Environmental Assessment to ensure that the proposed units are not located on highly sensitive areas on the farm. The aforementioned will ensure the integrity of the natural systems on the farm.

Efficiency

None of the municipal services will be influenced.

Spatial Resilience

The resilience of the building will be ensured in compliance with the National Building Regulations. The proposed built form and design has taken due cognisance of the natural environment and available green technology thus ensuring adaptability that may arise from climate change.

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 Overstrand Spatial Development Framework with regard to tourism facilities and accommodation on farmland.

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

N/A

10.6 Impact on Municipal engineering services

No impact on municipal services, the development is totally off-grid.

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

N/A

10.8 Existing and proposed zoning comparisons and considerations

The application is in line with the Overstrand Spatial Development Framework, 2006. The application is in line with the Overstrand Zoning Scheme to accommodate the proposed tourism accommodation through an application process.

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

N/A

12. THE DESIRABILITY OF THE PROPOSAL

The application for five (5) tourist accommodation units on Portion 13 of the farm De Draay No 563 is located in the rural area of Kleinmond, east of the town. The farm portion is located in an environmentally sensitive area and not a viable agricultural farm, although it is zoned Agriculture. In order to create a viable use in line with the various planning documents, which earmarked the area as natural and tourism orientated, the application is supported.

The five (5) single storey dwelling units of 250m² each is in line with the Municipal Policy on dwellings on Agricultural land, dated 2009. It is noted that the Department of Environmental Affairs and Development Planning (Planning Department), supported the application with a limitation of 175m² each, the prevailing approved Council policy of 2009 will prevail.

In terms of the Record of Decision issued by the Western Cape Government: Environmental Affairs and Development Planning (Environmental Department), the allowable footprint is 250m² per unit and the main dwelling of 550m². It also allowed for an exclusive use area of 1450m² per unit and exclusive use area of 2010m² for the main dwelling.

In terms of the aforementioned with regard to the exclusive use areas, the application in terms of the planning process made no mention of the exclusive use areas, thus is not approved in terms of the By-Law and only the five (5) dwellings of 250m² each is being evaluated.

The application for the five (5) dwellings is allowed in terms of the By-Law and Overstrand Municipal Planning documents as well as in terms of the principles and guidelines of the PSDF, which earmarks the rural areas as tourist destinations.

The application also complies with the Rural Land Use Planning & Development Guidelines, 2019. The policy specifies that rural tourism activities should not compromise farm production and should be placed to reinforce the farming operation. The proposed units will adhere to this since it will not compromise the future farming operations, if any. However, the location of the units and main dwelling have been placed in areas that are the least sensitive from an environmental perspective.

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 (By-Law) on Portion 13 of farm De Draay No 563 for a consent use to accommodate five (5) additional dwellings (250m² each) intended for tourist accommodation, **be approved** in terms of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is restricted to the development as indicated on the undated plans Plan 4 : SDP and Plan 5 : Access Plan, as submitted with the application;
 - (b) that the five (5) dwelling units be limited to single storey;
 - (c) that the access over Portion 3 of Farm De Draay No. 563, as per agreement, be registered as right of way in favour of Portion 13 of farm De Draay No. 563 and submitted with the building plans for record purposes;
 - (d) that commercial rates and service tariffs as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (e) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department, be complied with at that stage;

- (f) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (g) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with;
 - (h) that all the conditions in the Services Report (attached as Annexure G), be complied with;
that all the conditions imposed by Western Cape Government: EADP (Environmental) – EIA ROD (attached as Annexure I), be complied with;
 - (i) that all the conditions imposed by Western Cape Government: Transport & Public Works (attached as Annexure K), be complied with, and
 - (j) that all the conditions imposed by BGCMA (attached as Annexure M), be complied with.
2. that the applicant and objector be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decision.

14. REASONS FOR RECOMMENDATION

- ❖ The proposed development is in line with planning policies.
- ❖ The impact on the environment and agricultural land is minimal.
- ❖ The character of the area will not be impacted upon due to the low-keyed nature of the development.

15. ANNEXURES

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Development Plan
Annexure D:	Letter of support
Annexure E:	Objection received
Annexure F:	Applicant's response
Annexure G:	Services Report
Annexure H:	Western Cape Government: EADP (Planning)
Annexure I:	Western Cape Government: EADP (Environmental)
Annexure J:	Western Cape Government: EADP (Coastal)
Annexure K:	Western Cape Government: Transport & Public Works
Annexure L:	Western Cape Government: Agriculture
Annexure M:	BGCMA
Annexure N:	Telkom
Annexure O:	Municipal Environmental Management Services
Annexure P:	District Health


SIGNATURES**REGISTERED PLANNER**Name: **H VAN DER STOEP**SACPLAN Reg No: **A/1708/2013**

Signature: _____

Date: _____

Annexure A

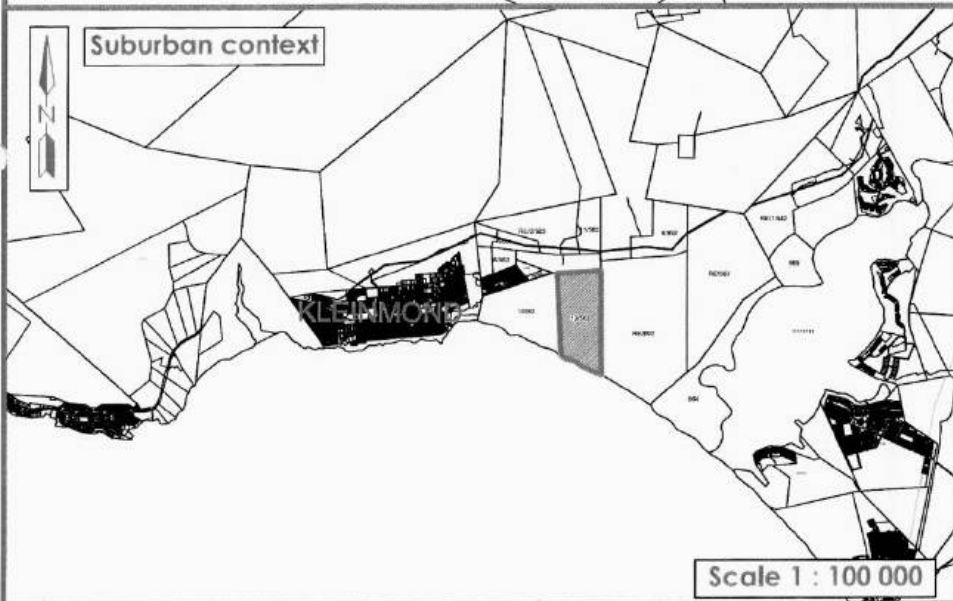
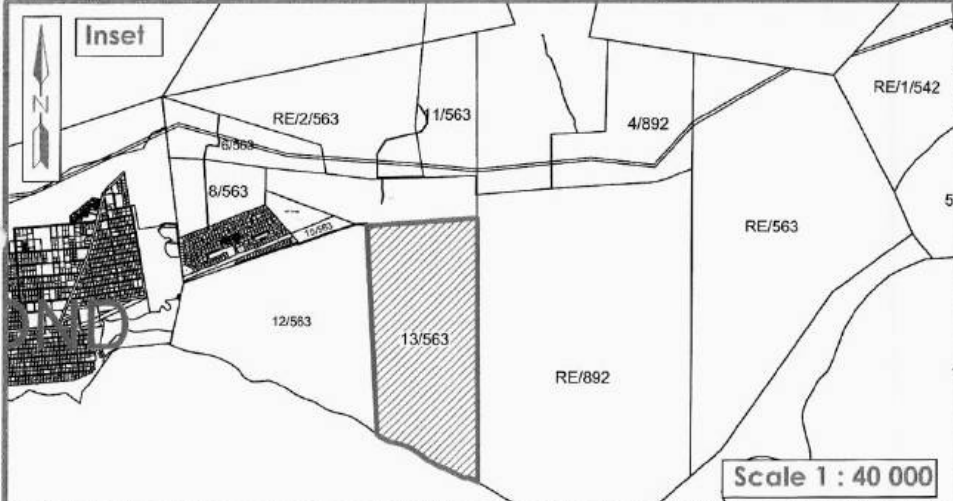
Plan 1: Locality Plan
Portion 13 of Farm De Draay 563 Caledon

 Subject farm (156,7869 ha)

Plan prepared by: Rectlehle Jankie

All distances are approximate
and subject to a survey


WRAP



Annexure B 1/19

WRAP

EXECUTIVE SUMMARY

2. ABBREVIATIONS

OMZS	Overstrand Municipality Zoning Scheme, 2013
SDF	Overstrand Municipality Spatial Development Framework, 2006
OM	Overstrand Municipality
OM By-Law	Overstrand Municipality By-Law on Municipal Land Use Planning, 2015
SPLUMA	Spatial Planning and Land Use Management Act, 2013
LUPA	Land Use Planning Act, 2014
PSDF	Western Cape Provincial Spatial Development Framework 2014
DEADP	Western Cape Department of Environmental Affairs and Development Planning
SDP	Site Development Plan

3. SUMMARY OF STATUS QUO PROPERTY DETAILS

Applicant	WRAP (Wright Approach Consultancy)
Registered owner	Melkbos Trust, Edward Christopher Moltano and Charlotte Lucy Young
Farm extent	156,7869 ha
Nearest town	2,3 km from Kleinmond
Title deed	T6527/1976 and T30564/1985
Restrictive conditions	None
Applicable zoning scheme	OMZS
Current land use	Vacant with natural vegetation
Current zoning	Agriculture Zone 1: Agriculture

4. PROPOSAL

The following table describes the proposal as well as the rationale for the proposal:

Proposal
Consent use for 5 additional dwelling units.
Rationale
The owner of the subject property seeks to construct 5 additional dwelling units on the subject property which are intended to be rented out on short term to tourists. The definition of additional dwelling units in terms of the OMZS is as follow: "Additional dwelling unit" means dwellings in the <u>Agriculture Zone 1</u> , which are not required for the accommodation of bona fide persons involved in the agricultural practice on the property concerned; and additional dwelling units may be used for long or short-term accommodation purposes;
The proposed additional dwelling units comply with the definition above.
Proposed building footprint
Building 1 (additional dwelling unit 1) = 250m ²
Building 2 (additional dwelling unit 2) = 250m ²
Building 3 (additional dwelling unit 3) = 250m ²

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Portion 13 of Farm the Draay 563 Caledon
 December 2018
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Building 4 (additional dwelling unit 4) = 250m²
 Building 5 (additional dwelling unit 5) = 250m²

Building 6 (Main house) = 550m²

Total building area = 1800m²

Considering the above WRAP, has been appointed to apply for a consent use for 5 additional dwelling units.

5. ENVIRONMENTAL CONSTRAINTS

The subject farm is environmentally sensitive as there is a wetland and an estuary located on the subject property. The property owners appointed EnviroSwift to delineate areas on the subject property which are not environmentally sensitive which would be suitable for the location of the proposed main dwelling and 5 additional dwelling units (refer **Annexure C**). Mitigation measures are proposed as well as management systems to be implemented to ensure that environmentally sensitive areas are not adversely impacted upon by the approval and implementation of this proposal. The subject proposal is intended to ensure that guests of the proposed development are exposed to natural areas and to create a greater appreciation among the guests for natural systems prevalent on the subject farm.

6. ENVIRONMENTAL CONSIDERATIONS

Lornay Environmental Consulting has been appointed by the owner of the subject property to compile a Basic Environmental Assessment in terms of the National Environmental Management Act (NEMA) (Act 107 of 1998) and Environmental Impact Assessment (EIA) Regulations (2014) for the proposed primary dwelling and 5 additional dwelling units. The Basic Environmental Assessment and EIA will be circulated to DEADP for comments and input and will form an integral component of this proposal. The outcome by environmental process will be circulated to the interested and affected parties and will inform the planning decision making process.

7. ARCHITECTURAL INFORMANCE

Natural Architecture compiled guidelines which informed the design of the proposed primary dwelling and 5 additional dwelling units. The guidelines clarify the sustainable and aesthetic principles for the buildings in the context of the Kogelberg Biosphere. The overriding intention of the design is to ensure it is both climate- and context responsive. These two aspects cover the sustainability and aesthetic sensibilities for any building constructed in a conservation area.

Climate-responsive

The adaptability of the building to the changing weather will take into consideration the topography, the seasonal changes including the prevailing winds, the changing sun angles and its effect on passive solar heat gain, natural lighting and shade, the rainfall, the requirement for insulation and so on. This not only reduces the energy load on the off-grid bulk services but also significantly improves the internal climate, comfort and efficiency of the dwellings.

Context-responsive

The shapes and contours of the built structures will reflect the forms of the local flora and hills of the Kogelberg Biosphere and the colour palette will be harvested from the plant colours, and not be monotone but textured, variant and matt. This will significantly improve the overall visual impact and aesthetics of the structures within this natural context.

Building Platforms and Height Envelops

Each building and immediate surroundings will be located within a restricted land area and to a limited height according to the SDP (refer **Plan 4**). This is to contain the size of the built areas and to limit the visual impact relative to the whole property and the neighbouring buildings. Any gardening or other activity will be limited to being within the building platforms. The platforms and heights are calculated to mitigate visual connections between neighbours giving residents a sense of being surrounded by nature alone.

Roads and paths

Roads will be either farm dirt tracks or simple hard surface strip roads to minimize impact. Driveways at dwellings for cars within building platforms will be permeable surfaces such as loose stone chip, bark chip or grow-block surfacing to allow water to drain through. No impermeable hard surfacing will be used for driveways to garages or carports.

Fire protection

Berms: strategically located with succulent planting as fire breaks

Fire Pool: 10 cubic litre splash pool or open reservoir with pump system to each dwelling with sides 450mm off the natural ground level for quick and easy access with buckets or the like.

Planting: selected indigenous planting around dwellings

Low Rock Walls: Curved natural rock boundary walls on the windward side of anticipated fires to a maximum of 1.2 meters high and always fading gently into the ground at the ends. Natural rock bonded with clay/sand/lime only, no cement so wall can be moved or removed.

Fire retardants: External surfaces of buildings to be treated with fire retardants

Roof Eaves: underside of overhanging eaves to be fire resistant material or fire resistant treated.

Building forms, materials and finishes

The shapes of the buildings will be primarily petal and leaf formed with a minimum of 2/3rd's of the external walls and roofs being curved to blend in with the curvilinear forms of the natural surroundings. The intention is to avoid conventional rectangular shapes, conventional double hipped roofs and large monolithic structures, but rather to differentiate the large building volumes to create more sculptural shapes concordant with those of the local biosphere.

Roofs will be a maximum of 15-degree pitches with a height limit from existing natural ground level (NGL) of 5 meters and covered with coloured natural stones on a waterproofed sub structure to match the colours of the Kogelberg flowers and vegetation. Some roofs will be planted with indigenous succulents. The uncovered verandas will have timber pergolas on supporting structures to offer shade and dappled shadows on the buildings facades where desired to soften the visual impact. There will also not be any conventional freestanding shade cloth garage structures.

The materials of the structures and floors will be made from sustainably grown timber or a lime/sand slab with a hard surface material covering or carpeted. The walls will be timber and

where needed with plinth walls generally up to 1200 of natural rock. The external finish of the timber will be treated with fire retardant and left unpainted to go grey over time. The external cladding will be fixed vertically and without machined V joints or the like. The external surfaces to the patios and verandas will be timber decking, stone or slate. There will not be any square or regular shaped tiles: the grid format visually clashes with nature.

The windows and doors will be manufactured from sustainably grown timber other than the seamless glazed openings, which require aluminium frames and tracks. The intention with the windows and doors is to have large openings under verandas or pergolas rather than numerous small openings. Solar tubes and skylights will be included where needed.

Security will be managed with beams/cameras/alarms and armed response. Burglar proofing on windows will be clear strip bars, and designed metal gates on doors where needed.

Peripherals

The dwellings will have 33 square meter vegetable gardens perimeter fenced or walled off around up to one meter high and with the PV panels in a yard of 33 square meters similarly enclosed to avoid the aesthetic challenge of having them on the roofs. There will not be any PV panels or exposed geyser water tanks on the roofs. Hot water solar panels to be fixed flush with the roof pitch to minimize visual impact. The rainwater tanks will be concealed behind timber dropper enclosures or underground. The external lighting to the dwellings will be modest and not create any light pollution to the countryside surrounds or neighbours.

Satellite and TV aerials will be located below the eave height and not free standing. Any air conditioning units will be at ground level and we will not have window mounted air conditioning units. The clotheslines and refuse/recycling bins will be screened from view with a 1.8-meter-high timber fence in an enclosed yard.

The only pets allowed will be dogs, and to be on leashes or in yards. Any dogs found hunting will need to be permanently relocated off the property.

Construction of any of the buildings will not take longer than 12 months. If for any reason construction is stopped for more than a month then site huts and related contractor's temporary structures will be removed from the premises.

A particular footprint will be demarcated around the building during construction to contain all building works to keep the surrounding vegetation intact. This area will also prescribe where stock piling etc. can happen.

Endorsement of plans

Natural Architecture will be required to endorse any plans not designed by them prior to being submitted to council for building approval to ensure they conform to these guidelines and any other parameters they deem to be applicable at their own discretion with the intention of maintaining the integrity of the conservation and aesthetic principles in this sensitive environmental context.

Note: the specific plans supporting this application are indicative not prescriptive (refer **Plan 4**).

8. RURAL FABRIC

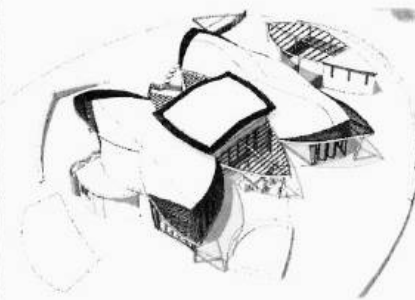
Inspiration

What has inspired the owners of the subject property to opt for the architectural design illustrated above is the in-depth understanding and appreciation for the natural forms, textures of the Kogelberg Biosphere. The translation of these natural textures into the architecture of the dwellings is aligned with the intrinsic philosophy which the property owners hold of nurturing the natural environment of Kogelberg Biosphere and ensuring that a new architectural practice takes hold which results in the natural systems, processes and color informing building design.

This would be in direct conflict with the prevailing architectural design principles where buildings follow the modern design principle and non-green approach in the utilization of services which creates a stark and irreconcilable contrast between nature and the built environment which potentially adversely impacts on the natural environment.

Surrounding characteristics

The architecture of the primary dwelling and the additional dwelling units is unique as it is informed by natural vegetation and the surrounding environment. The picture below illustrates the Pagoda plant and how the architecture of the dwellings resemble the Pagoda plant. This is to ensure that the architecture of the subject property is in harmony with the surrounding natural environment. The natural architecture as illustrated below is unique in the Kleinmond rural area and is intended to promote harmony in the building typologies as well as the natural environment. The consistency of the proposed buildings with the surrounding natural environment can be considered as desirable.



Pagoda House

Source: Natural Architecture

The location of the buildings within the Kleinmond rural area is intended to ensure that guests experience a heightened sense of peace and tranquility. The textures and building materials proposed is projected to inspire a sense of liveliness among the future occupants.

The first process will comprise of the planning and designing of the physical structure which will be affixed on the subject property. The harmony of the dwellings with the natural environment are an integral component of creating a harmonious and complementary atmosphere/ambiance between natural systems and small scale-built environment. The physical structure will therefore be symbolic of protecting the environmentally sensitive areas of Kogelberg Biosphere while introducing small scale structure on the non-environmentally sensitive areas as an enhancement mechanism for the rural fabric.

The second aspect comprises of the inner and emotional elements of the Kleinmond rural area which result in the rural environment evoking a particular feel and atmosphere among the occupants. The feel and atmosphere which the subject dwellings are projected to evoke is one of being at awe with the visual appeal of the dwellings and how the built environment in synchrony with the natural characteristics which are valued in the Kogelberg Biosphere. The second aspect is pivotal as that will create a lasting impression on the guests of the subject establishment and contribute to making guests and the public more aware of the importance of the Kogelberg Biosphere.

9. ZONING

The table below illustrates compliance of this proposal with all the development parameters of the AGR1 zoning:

Agricultural Zone 1: Agriculture (AGR1)			
	Zoning Scheme Parameters	Development proposal	Comply/deviate
Primary use	Agriculture, day care centre, dwelling house , guest rooms and home occupation.	Dwelling house (Building 6) = 550m ²	Comply
Consent use	Additional dwelling units , agricultural industry, aquaculture, animal care centre, crèche, farm shop/stall, guest house, hotel, institution, intensive animal farming, intensive horticulture, mining, place of assembly, place of entertainment, place of instruction, plant nursery, riding stables, rooftop base station, service trade, tourist accommodation, tourist facilities, transmission tower, utility services, wellness centre and 4x4 trials.	Five additional dwelling units labelled on the SDP as: Building 1 = 250m ² Building 2 = 250m ² Building 3 = 250m ² Building 4 = 250m ² Building 5 = 250m ²	Consent use applied for
Development rules			
Floor space	The total floor space of all buildings on the land unit, may not exceed 5000m ² ; provided that Council may relax this requirement if it is satisfied that such buildings are required for genuine farming activities on the land unit.	The total floor space of all the proposed buildings is 1800m ² .	Comply

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WRAP

MOTIVATION

Building lines	Street building line is 30m Common boundary building line is 30m	The building which is located the closest to the building line is 40m from the boundary line	Comply
Height	(i) The maximum height of a building, measured from the base level to the top of the roof is 8.0m provided that; (ii) Agricultural buildings other than dwelling units shall not exceed a height of 12m measured from the base level to the top of the roof; and where Council is satisfied that a greater height is necessary for the agricultural function of the building, it may permit such greater height; and (iii) Earth banks and retaining structures shall comply with 16.6, provided that earth banks and retaining structures, which in the opinion of Council are associated with bona fide agricultural activities, are exempt from the requirement of 16.6.	(i) 5m (ii) N/A (iii) N/A	(i) Comply (ii) N/A (iii) N/A
Parking	Parking and access shall be provided on the land unit in accordance with 17.1 Dwelling 2 onsite parking bays per dwelling unit provided that on erven less than 400m ² only one onsite parking bay needs to be provided. Additional dwelling 1 bay per additional dwelling	Main house: 2 bays Building 1 = 2 bays Building 2 = 2 bays Building 3 = 2 bays Building 4 = 2 bays Building 5 = 2 bays 7 bays required, and 12 bays provided.	Comply
Additional dwelling units	The Council may approve additional dwelling units in Agricultural Zone 1 provided that: (a) The additional dwelling units shall remain on the same cadastral units as the primary dwelling unit. (b) The number of additional dwelling units shall not exceed the 1 unit per 10.0 ha, up to a maximum of 5 additional dwelling units per land unit; and	(a) The additional dwelling units are on the same cadastral unit; (b) There are 5 additional dwelling units proposed on a land unit which is 156,7869 ha; and (c) None of the dwellings are	(a) Comply (b) Comply (c) Comply

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	(c) No additional dwelling units may be erected within 100m of the high-water mark on the coast, other than where additional dwelling units are provided as an integral part of an existing farmstead or with the special consent of Council.	located within 100 m of the high-water mark.	
Site development plan	Council may require that a site development plan be submitted for approval in accordance with 16.3.	An SDP is submitted	Comply

10. SERVICES

All services in the proposed development are intended to be off the grid and the proposals will herewith be elucidated.

10.1 Electricity

Electricity will be provided by means of photovoltaic panels, inverters and batteries.

10.2 Water source

Water will be provided from a borehole and rainwater harvesting

10.3 Water heating

To be provided by means of solar panels.

10.4 Waste

Waste to be recycled and composted as far as possible and all non-recyclable waste will be transported to the municipal waste transfer station.

10.5 Sewage

Sewage generated on site will be split in black and grey water which is normally a 30/70 split. Grey water will be re-used on site. The black water will be contained in conservancy tanks and emptied by a private contractor and transported to the municipal sewerage works.

10.6 Access and egress

Access to the subject property is proposed to be gained from the R43 at the following point: 34°19'51.88"S 19°03'50.266"E. The access point is approximately at the 8,7km marker point on road number TR02701 (refer **Plan 5**).

An in-principle agreement was reached between the owner of the subject property and the owner of Portion 3 of Farm 563 The Draay for a right of way servitude to be registered over Portion 3 of Farm 563 The Draay in favour of the subject property. The registration of a right of way servitude is exempt in terms of Section 26(1)(g)(v) of the By-Law. The right of way servitude will therefore be finalised upon the approval of this application.

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11. POLICY ON THE ERECTION/ESTABLISHMENT OF ADDITIONAL DWELLING UNIT/S WITHIN THE JURISDICTIONAL AREA OF THE OVERSTRAND MUNICIPALITY 2009

These guidelines enable the Overstrand Municipality to properly assess applications for additional dwelling units. It also makes applicants aware of all relevant considerations before a planning proposal is made. The compliance of this proposal with the relevant guidelines are as follow:

Relevant consideration	Proposal
The official comment of Cape Nature must be obtained and submitted together with the relevant application. Cape Nature must also comment on the position of the proposed units.	The application and prerequisite environmental specialist studies will be forwarded to Cape Nature and to DEADP for comments on all environmental considerations.
Proper aerial photos indicating the exact position of the proposed unit/s, must be submitted together with the relevant application.	An aerial photo with the location of the buildings is submitted with this application (refer Plan 4).
The purpose for which the additional dwelling unit/s will be used for, must be fully motivated, and should other planning applications be triggered, such applications must accompany the relevant application.	The purpose of the additional dwelling units is for it to be used as short-term rental accommodation by tourists and transient guests.
Notwithstanding paragraph (9) above. Except the right to erect a primary dwelling unit on a land unit, one additional dwelling unit will be allowed in all cases and further units with a density of one unit per 10ha up to a maximum of five additional dwelling units may be allowed on a cadastral land unit, provided that the units shall remain on the same cadastral unit as the primary unit. (In other words, a maximum of 5 additional dwelling units may be allowed on a cadastral land unit of 50ha or more in extent.	There are 5 additional dwelling units proposed on the subject farm which is 156,7869 ha in extent.
The unit/s and accompanying outbuildings (garage and store facilities), may only be single storey and may not exceed a total footprint of 250m ² each.	All the additional dwelling units are 1 storey and are 250m ² each.
The unit/s must be located in such a manner that it: <ul style="list-style-type: none"> (i) be clustered together; (ii) do not result in excessive expansion and encroachment of the existing development of the land unit and surrounding land units; (iii) is placed on localities where it will not interfere in the daily agricultural activities 	Herewith is the motivation: <ul style="list-style-type: none"> (i) the units are clustered in an area which is not environmentally sensitive; (ii) there are no existing buildings on the subject property; (iii) there are no farming activities on the subject property; (iv) there is no farming activities on the subject property;

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<p>(e.g. the plough and harvest routes of farming implements);</p> <p>(iv) do not impact on the farming unit and surrounding farming units (e.g. in regard to dust generation or product security), and do not impact on surrounding agricultural practices (e.g. through spray drift);</p> <p>(v) is placed in localities where it will not contribute to the loss of Critical Biodiversity Areas (CBA's), Critical Ecological Support Areas, or Buffer Areas to CBA's. - if the units are placed on localities near to the coastline, rivers and ecological corridors or endangered or critically endangered vegetation types, the listed activities in terms of the National Environmental Management Act No. 107 of 1998, or as amended, as well as principles of the Western Cape Provincial Spatial Development Framework must be noted - in Critical Biodiversity Areas, additional dwelling units will not be considered on parcels of land which are smaller than 20 hectares in extent, unless indicated to the contrary by a detailed botanical assessment and supported by CapeNature;</p> <p>(vi) do not contribute to soil erosion (location in terms of soil conservation works e.g. contour banks must be noted in order to avoid erosion - care must be taken not to break existing contour banks;</p> <p>(vii) is placed on localities where no new roads need to be constructed and should be informed by the existing on-line services network;</p> <p>(viii) is not placed in high visually exposed areas; and</p> <p>(ix) is placed in localities where a building line departure is not required.</p>	<p>(v) Lornay Environmental Consulting has been appointed to do a Botanical Survey for a Basic Assessment for the subject property and to address all environmentally related considerations;</p> <p>(vi) the report by (v) Lornay Environmental Consulting will address all soil related considerations;</p> <p>(vii) the access road from the R43 will be created to the subject property.</p> <p>(viii) the subject dwelling units will not be located on high visually exposed areas and will blend in with the surrounding natural vegetation; and</p> <p>(ix) the dwelling units are placed in an area where no building line departures are required.</p>
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12. NEED AND DESIRABILITY

Section 66.(1)(c) of the By-Law read with Section 55.(b) of LUPA highlights that each town planning application must motivate the desirability of a proposal in accordance with provincial guidelines. DEADP issued the "Provincial support document on Relevant Considerations 2015" which should be considered before the Municipality takes a decision. The desirability guideline

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in the document was used to assess the desirability of the approval and implementation of this proposal.

Element consideration	for Motivation of the impact of the approval and implementation of this proposal.	Impact Positive or Negative
Economic Impact	<p>The economic impacts of this proposal can be summarised as follow:</p> <ul style="list-style-type: none"> • The construction period will create employment opportunities; • The construction material purchased locally will increase turnover and profits of local building material suppliers; • The value of the subject property will increase which will lead to increased rates payable to the Municipality. These rates will contribute to service delivery in the Overstrand; • The operational phase of this proposal will lead to permanent employment opportunities which will contribute to the reduction of unemployment in Kleinmond; and • The tourists who will sleep over at the proposed additional dwelling units will also visit other shops and commercial establishments in Kleinmond and spend money in these establishments. <p>The above economic impacts benefit the Municipality and the society which is desirable.</p>	Positive
Social impact	<p>This proposal is intended to make guests aware of the importance of the Kogelberg Biosphere as an essential part of the natural system of Kleinmond. This potential knowledge dissemination on the subject property will subsequently lead to positive social impact as people will be more aware of the natural surroundings.</p>	Positive
Scale of the capital investment	<p>The owner of the subject property will invest in the planning, designing and construction of the proposed buildings. The sheer scale of the capital investment made is indicative of the property owners' commitment to the build environment in Kleinmond.</p>	Positive
Compatibility with surrounding uses	<p>The architectural design of the subject buildings reflects the farms of the hills of the Kogelberg Biosphere. The colours of the walls will also resemble the texture of indigenous plant species which are prevalent in the area. The proposed buildings are therefore in harmony with the prevailing natural environments and can therefore be regarded as an asset in the rural landscape.</p>	Positive

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Impact on safety, health and wellbeing of the surrounding community;	<p>The additional tourists who will visit the subject premises will contribute to additional surveillance in the rural landscape which will be a positive contribution to the safety of the area.</p> <p>The off-grid approach proposed on the subject premises as discussed in Section 11 of this report promotes recycling, green energy and rainwater harvesting. These measures are intended to promote a cyclical rural metabolism characterised by green consumption instead of a linear rural metabolism characterised by waste which can never be decomposed.</p>	Positive
Impact on heritage	<p>There are no buildings on the subject property which means that the approval of Heritage Western Cape is not required. The property owner will however contact Heritage Western Cape should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the construction on the subject property.</p>	Positive
Whether the imposition of conditions can mitigate an adverse impact of the proposed land use	<p>The imposition of conditions of approval on the subject proposal is essential as it will ensure that the land use rights which surrounding property owners enjoy are not deprived.</p> <ul style="list-style-type: none"> • That all signage complies with the Overstrand Municipality By-Law on Signage. This will ensure that all signage will not be visually intrusive; • That all development parameters in the applicable AGR1 zoning and other title deed restrictions be complied with. This will ensure that the scale of the subject development remains within reasonable bounds; • That building plans be submitted to the Building Department for approval as that will ensure that building is designed in accordance with prescribed legislation. • That all prescripts of the fire department be complied with to ensure that the subject building does not become a fire risk to the occupant as well as clients; • That commercial rates and service tariffs be paid as prescribed in the annual budget. This will ensure that the operations in the subject building are a financial asset to the OM; • That all land uses on the subject premises not interfere with the peace, comfort or become an 	Positive

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	unbearable nuisance to surrounding property owners; and <ul style="list-style-type: none"> • That all other relevant legislation be complied with. 	
Aspects which impact on quality of life (including views, sunlight, privacy, visual impact, character)	The privacy enjoyed by neighbouring farm owners will not be impacted by the approval and implementation of this proposal as guest will only be allowed to walk on the non-environmentally sensitive part of the farm which is far from the neighbouring farm boundaries.	Positive

13. SPATIAL PLANNING POLICIES

This proposal was assessed for consistency with the existing spatial planning initiatives and policies. The alignment of this proposal with the rural fabric envisaged by local, provincial and national authorities will be assessed.

PSDF

The aim of the PSDF is to give spatial expression to the national and provincial development agendas and serves as a basis for coordinating, integrating, and aligning ground delivery of national and provincial departmental programmes. The framework also aims to communicate the government's spatial development intentions to the private sector and civil society.

Policy proposals pertinent to this proposal can be recorded as follow.

- **Investment**

The PSDF highlights that public investment needs to be channelled into the Overstrand in leisure and tourism regions to enhance the economic vibrancy of the areas. This proposal is not for public investment but for private investment for the establishment of a primary dwelling house and 5 additional dwelling units on the subject property. This is in alignment with the PSDF as it would contribute to enhancing the tourism vibrancy of the rural areas in Kleinmond and the Overstrand Municipality.

- **Coastal tourism**

The PSDF cites that the Western Cape's unique cultural, scenic and coastal resources, on which the tourism economy depends, needs to be protected. This proposal is intended to protect the naturally sensitive areas on the subject site as the delineation done by Enviroswiff (refer **Annexure C**) strategically proposes that the primary dwelling and additional dwelling units be located outside of the environmentally sensitive areas. This will protect the coastal resources which the tourism economy depends on and create an appreciation among the visitors to the subject site of the natural systems which are prevalent in the area.

- **Employment creation**

The PSDF cites that existing and emerging regional economic nodes need to be consolidated to offer the best prospects to generate jobs and stimulate innovation. The subject property is currently vacant and except for the occasional alien clearing, does not create employment opportunities. This proposal is therefore to create employment opportunities on the subject property while not degrading the environmentally sensitive parts on the farm. This promotes a harmonious integration between natural systems and a viable economy which creates employment opportunities as prescribed in the PSDF.

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- **Connection of urban and rural markets**

The PSDF underscores that urban and rural markets and consumers need to be connected. The subject property is vacant, and is disconnected from any urban areas, which is in stark contrast with what the PSDF promotes. The proposed 5 additional dwelling units are intended to attract tourists who will mostly be from urban areas. This will ensure connection of the urban and rural areas by creating a contextually appropriate value chain.

SDF

The objectives of the SDF are to provide spatial goals and supporting policies to achieve positive changes in the spatial organisation of the Municipal area to ensure sustainable development. The SDF also promotes sound town planning principles and the general wellbeing of the inhabitants within the Municipal boundary.

Policy proposals pertinent to this proposal can be recorded as follow.

- **Conservation**

The conservation of the natural environment, particularly of riverine / estuarine conditions and sandy beaches is highlighted as integral. The proposed main dwelling and additional dwellings are all intentionally located outside of the areas which are environmentally sensitive in order to protect these areas.

- **Spatial integration**

Spatial integration through enhancing the accessibility of different land uses is cited as integral. This proposal is to integrate the tourism related land uses with the functional natural systems which are prevalent on the subject farm to respond to the policy proposal for spatial integration.

- **Promote tourism**

The SDF cites that Kleinmond must be promoted as a retirement and tourism village. The approval and implementation of this proposal would contribute to promoting Kleinmond as a popular and viable tourist destination. This is in harmony with the development imperatives cited in the SDF.

- **Village character**

The village character of Kleinmond is proposed to be maintained in the current form. This proposal for a main dwelling and 5 additional dwelling units proposed to be used for the accommodation of tourists is of a very small scale and is in harmony with the rural character which is prevalent in the rural area.

IDF

The IDF addresses specific planning needs identified and not currently addressed within the existing spatial planning context. The integrated approach of the document therefore contributes to combatting the fragmentation within the legislative and policy environment of the Overstrand Municipality.

Policy proposals pertinent to this proposal can be recorded as follow.

- **Promote tourist destinations in Kleinmond**

The IDF highlights that tourism destinations in Kleinmond should be accessible, safe and attractive by means of maintaining and developing new facilities. The subject property is highly accessible. The additional dwelling units are clustered in a manner which enhances surveillance and safety.

The proposed buildings are attractive and have the necessary facilities to ensure that the stay of the guests is comfortable.

- **Enhance the existing environment**

The IDF promotes the protection of environmentally sensitive areas, significant cultural landscapes and heritage sites are protected and enhanced in Kleinmond. The proposed architecture for the subject site which is in harmony with the natural surroundings is intended to contribute to the enhancement of the natural environment.

- **Health of local economies**

The IDF cites that local economies of the Overstrand Municipality rural settlements are cited as healthy because of local economic development initiatives and the provision of adequate services and facilities. The approval and implementation of this proposal is intended to enhance the local development initiatives in the Overstrand Municipality through the provision of employment on the subject property. The services infrastructure on the subject property is also adequate to support the proposed development.

- **Consistency with policies**

The analysis of the policy documents has provided a clear and complete explanation of the alignment of the proposal with the relevant policies. The proposal is consistent with the PSDF, SDF and IDF and can be deemed as encompassing the core development objectives for rural areas.

14. PLANNING PRINCIPLES

The proposal was analysed for consistency with the planning principles to provide a recommendation to the competent deciding authorities for the application in terms of Section 42 of SPLUMA and Chapter VI of LUPA.

Spatial Justice

Refers to the need to redress the past apartheid spatial development imbalances and aim for equity in the provision of access to opportunities, facilities, services and land. The employment opportunities which will be created during the construction phase and operational phase of this proposal will mostly be for the previously economically marginalised and increase the income base. This will make it possible for employees to afford access to opportunities, quality services, facilities and access to housing. This proposal will therefore contribute to addressing apartheid spatial development imbalances caused by apartheid spatial and land use planning.

Spatial Sustainability

Spatial sustainability in the context of land use planning means promoting mixed use environments which allow for a functional space economy to flourish. This proposal promotes the appropriate mixture of land uses which are for tourists and natural areas. The 5 additional dwelling units which will be used for tourist accommodation will also promote a functional space economy on the subject property which is currently absent.

Efficiency

Efficiency refers to the need to create rural areas that optimise on the use of space, energy, infrastructure, resources and land. This proposal is intended to optimise on the maximum development potential of the subject farm within the energy, infrastructure and resources limits.

The subject property currently has minimal value for the property owner and the public. This proposal is intended for the subject property to serve the public as well as the property owner and enhance the efficiency of the subject farm.

Spatial Resilience

This proposal is aligned with the resilient development proposals for the subject site highlighted in the PSDF, IDF and SDF. The approval and implementation of this application will thus ensure that the subject farm will be able to resist, absorb and accommodate environmental and economic shocks in a timely and efficient manner.

Good Administration

Good administration in the context of land use planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role players ensure a joint planning approach is pursued. The proposed development will promote consultative planning as the Municipality will advertise the proposal to the public to allow the comments of the public to be taken into consideration. WRAP will also respond to the comments of the public and take the comments into consideration in the planning of the project. All these measures will ensure that a joint planning approach is pursued to the benefit of the owner of the properties and the community.

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EVALUATION, CONCLUSION AND RECOMMENDATION

15. EVALUATION AND CONCLUSION

The following is a synopsis of the essential elements that make this proposal viable and practical:

Application

Consent use for 5 additional dwelling units.

Rural fabric

This proposal is aligned with the prevailing rural fabric of Kleinmond and is intended to add value to the prevailing character of the area.

Zoning

A dwelling house is a primary right on the subject property;
 The 5 additional dwelling units is a consent use on the subject property;
 The permissible floor space is 5000m² and the proposed floor space is 1800m²;
 This proposal does not encroach any building lines; and
 The permissible height is 8m and the subject buildings are 5m.

Services availability

Service	Availability yes or no
Electricity	Yes
Water	Yes
Waste	Yes
Sewage	Yes
Access and egress	Yes

All provisions pertinent to this proposal in the Policy on Guidelines for the Erection/Establishment of Additional Dwelling Unit/s of the Overstrand Municipality 2009.

Desirability

Element for consideration	Motivation	Impact Positive or Negative
Economic impact	The approval and implementation of this proposal will enable the owner of the subject property to make a positive economic contribution to the economy of Kleinmond and the Overstrand.	Positive
Social impact	The potential knowledge dissemination regarding the importance of the Kogelberg Biosphere will be a positive social impact in the area.	Positive

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EVALUATION, CONCLUSION AND RECOMMENDATION

Scale of the capital investment	The capital investment of the owners is indicative of the commitment towards the built environment in the rural area.	Positive
Impact on safety, health and wellbeing of the surrounding community;	The approval and implementation of this proposal will have a positive impact on the safety, health and wellbeing of surrounding property owners.	Positive
Impact on heritage	No heritage sensitive areas will be impacted upon.	Positive
Whether the imposition of conditions can mitigate an adverse impact of the proposed land use	There are several conditions of approval which are proposed which can guarantee that the subject proposal does not deprive surrounding property owners of land use rights which are enjoyed.	Positive

Spatial planning policies

The compliance or non-compliance of this proposal with the pertinent spatial planning policies was assessed:

Policy	Motivation	Compliance Yes or No
PSDF	The approval and implementations of this proposal will achieve the following: <ul style="list-style-type: none"> • Direct investment into the subject property; • Creation of a vibrant tourism industry; • Creation of employment opportunities; and • Connection to urban and rural markets. 	Yes
SDF	The approval and implementations of this proposal will achieve the following: <ul style="list-style-type: none"> • Conservation of natural systems in the current form; • Enhancement of spatial integration of rural and urban areas; • Promotion of Kleinmond as a tourist destination; and • Maintaining the prevailing village character in the area. 	Yes
IDF	The approval and implementations of this proposal will achieve the following: <ul style="list-style-type: none"> • Promoting tourism within Kleinmond; • Enhancing the existing environment; and • Contributing to a healthier economy in Kleinmond. 	Yes

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EVALUATION, CONCLUSION AND RECOMMENDATION

Planning Principles

Policy	Motivation	Compliance Yes or No
Spatial Justice	The approval and implementation of this proposal is intended to address historic imbalances caused by apartheid land use and spatial planning.	<u>Yes</u>
Spatial Sustainability	The approval and implementation of this proposal would enhance spatial sustainability on the subject property as it promotes a functional space economy characterised by appropriate mixed use.	<u>Yes</u>
Efficiency	This proposal entails the efficient use of land, resources and infrastructure on the subject property within the services capacity limits of the site.	<u>Yes</u>
Spatial Resilience	This proposal is aligned with the spatial resilience policy proposal which pertain to this site.	<u>Yes</u>
Good administration	The OM has a credible history of promoting good administration in the processing of land use applications.	<u>Yes</u>

16. RECOMMENDATION

This motivation report has illustrated that this proposal is in harmony with the prevailing natural environment.





Considering the above, it is recommended that the following be **approved**:

- **Consent use** for 5 additional dwelling units in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015.

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Plan 4: SDP of Portion 13 of Farm De Draay 563 Caledon

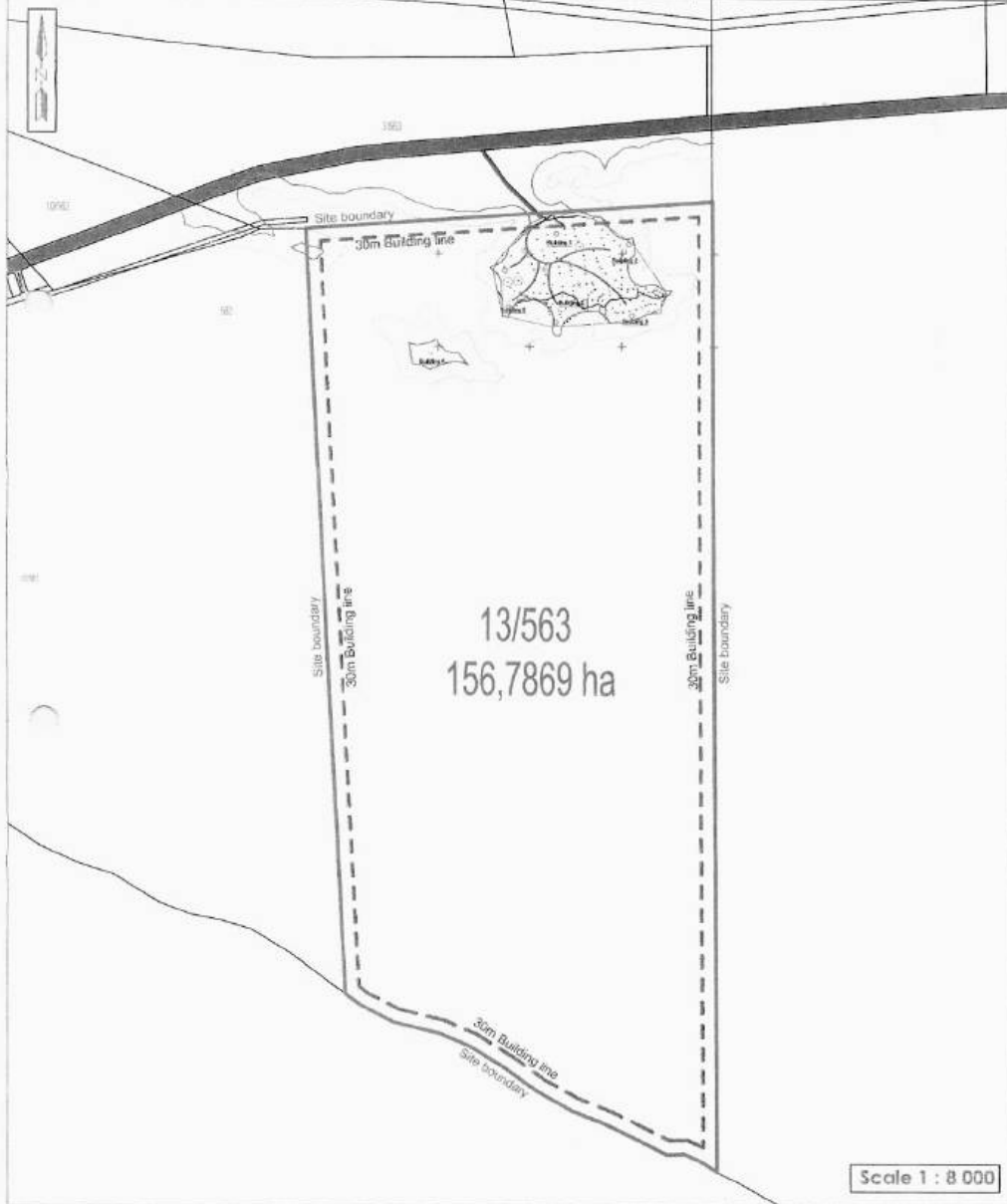
-  Wetland delineation
-  32m Offset distance from the wetland delineation
-  Provincial Road
-  Proposed right of way servitude

- Proposed building footprint**
- Building 1 (additional dwelling unit 1) = 250m²
 - Building 2 (additional dwelling unit 2) = 250m²
 - Building 3 (additional dwelling unit 3) = 250m²
 - Building 4 (additional dwelling unit 4) = 250m²
 - Building 5 (additional dwelling unit 5) = 250m²
 - Building 6 Main house = 550m²





Annexure C 1/34

Plan prepared by: Reathlele Janke
Based on a plan prepared by Natural Architecture

WRAP



**Plan 4: Inset of the SDP
Plan of Portion 13 of
Farm De Draay 563
Caledon**

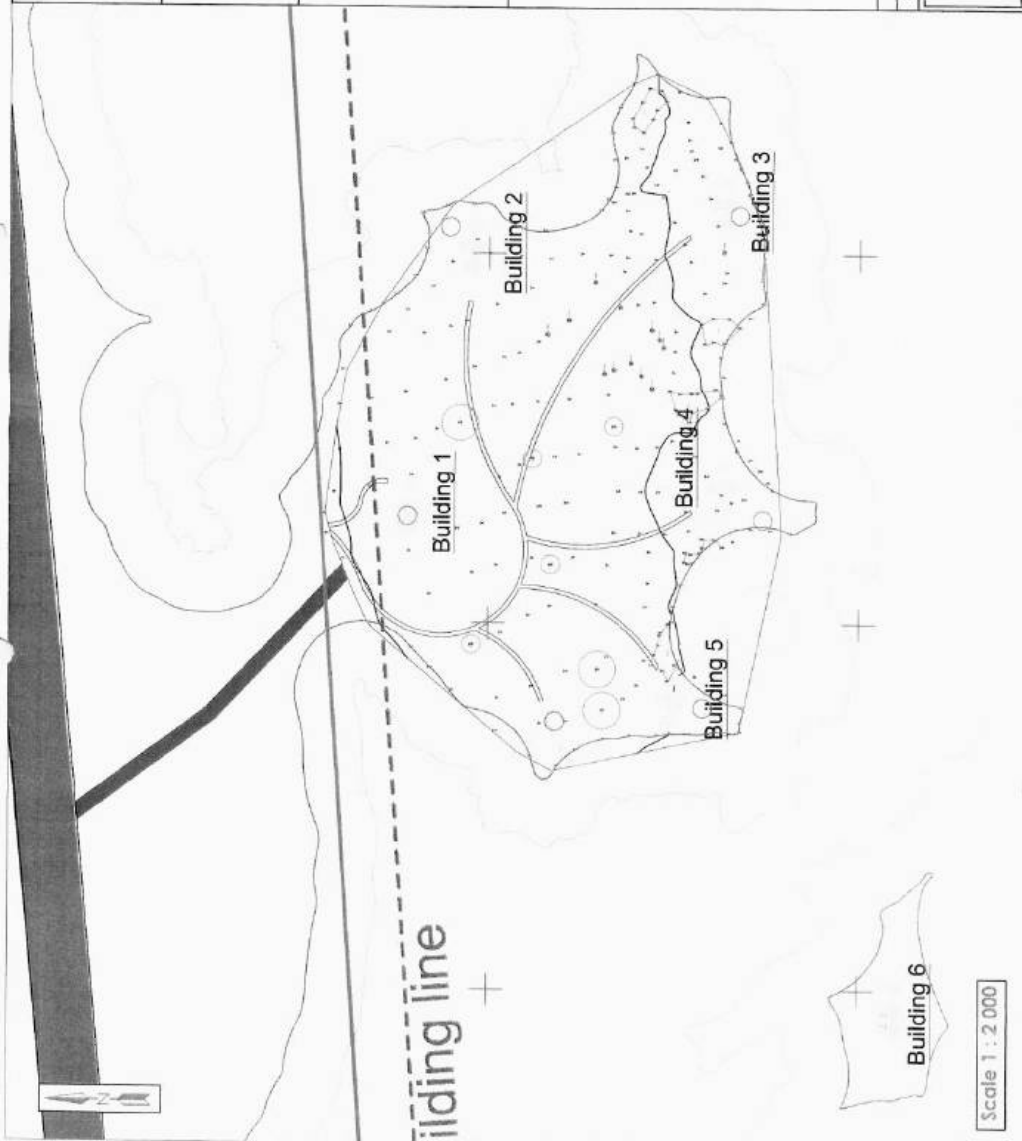
-  Wetland delineation
-  32m Offset distance from the wetland delineation
-  Proposed right of way servitude
-  Provincial Road number R602701

Proposed building footprint

- Building 1 (additional dwelling unit 1) = 250m²
- Building 2 (additional dwelling unit 2) = 250m²
- Building 3 (additional dwelling unit 3) = 250m²
- Building 4 (additional dwelling unit 4) = 250m²
- Building 5 (additional dwelling unit 5) = 250m²
- Building 6 Main house = 550m²

3134

Plan prepared by: Reekiehe, Jordis
Based on a plan prepared by: Natural Architecture



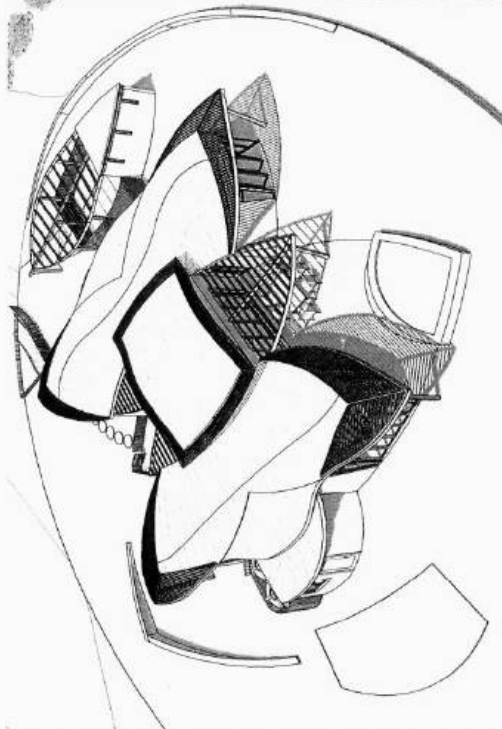
Plan 5: Access Plan to Portion 13 of Farm De Draay 563 Caledon 4/34

- Wetland delineation
- 32m Offset distance from the wetland delineation
- Road number TR02701
- Proposed right of way servitude

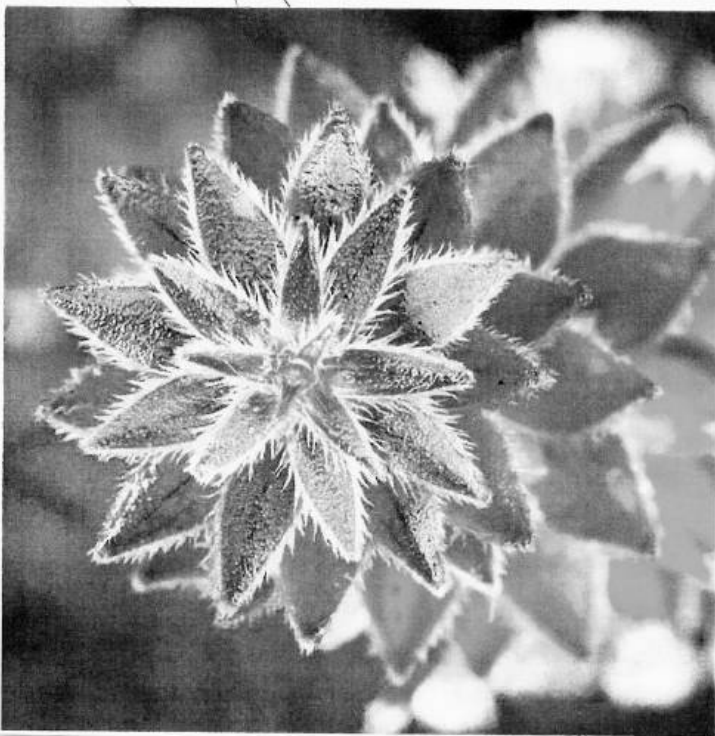
Plan prepared by: Realisite Janke
Based on a plan prepared by Natural Architecture



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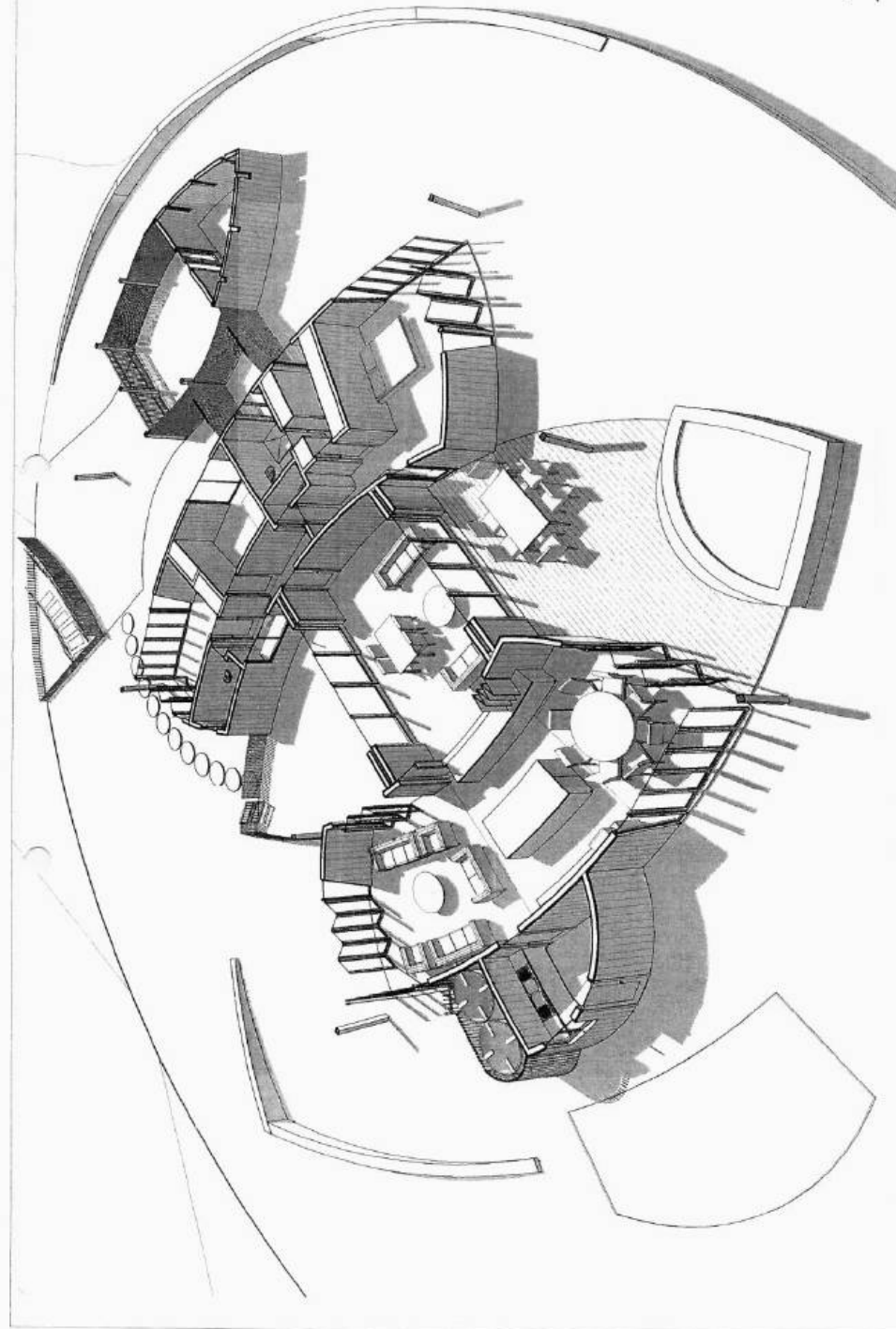


1 **Pagoda House**
Scale



NATURAL ARCHITECTURE Tel: +27 21 784 7655 16 St. Joseph Road Pretoria, South Africa www.naturalarchitecture.co.za	 KEITH STRUTHERS PR Arch 20275	PROJECT NAME Meikbos, Kleinmond, Portion 13 Farm 563 De Draai	TITLE Flower Power Scale:	on A3 SDP	ISSUE 11/1/2018 1:38:57 PM	Drawn No. MB01
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Drawn by: **MB02**

ISSUE: 11/2010 1:39:08 PM
SDP

TITLE: **Perspectival Plan**
Scale:

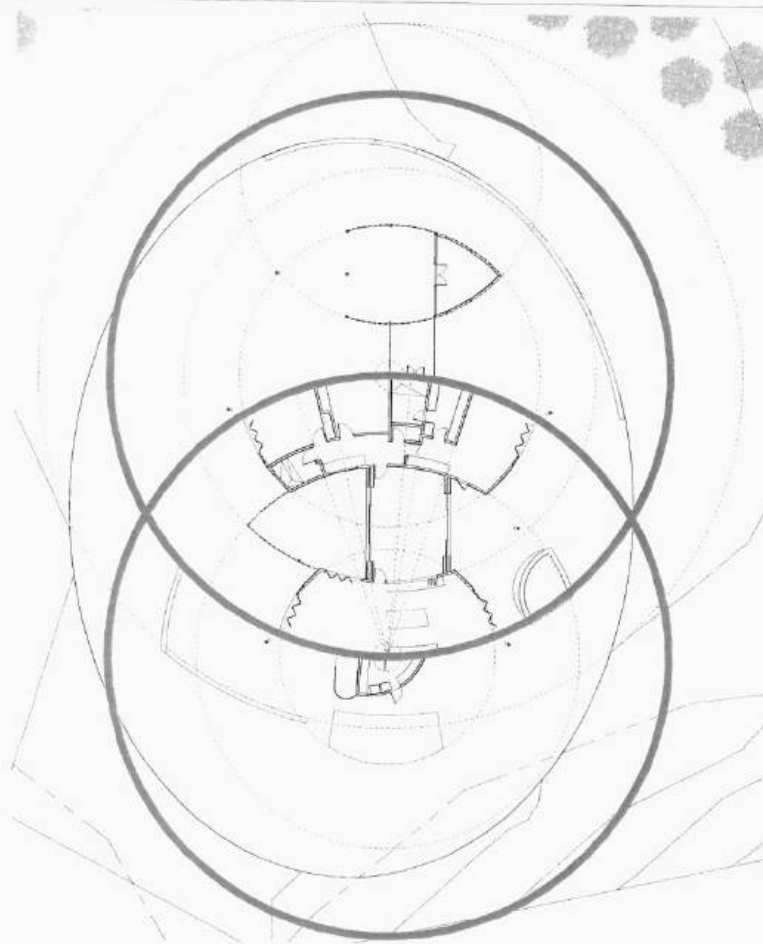
PROJECT NAME: **Makhoos, Kleinmond, Periton 13**
Farm 563 De Drasy

KEITH STRUTHERS
PR Arch 2007



NATURAL ARCHITECTURE
Tel: +27 21 794 7685
18 St. Joseph Road
Pleasanton, Cape Town
www.naturalarchitecture.co.za

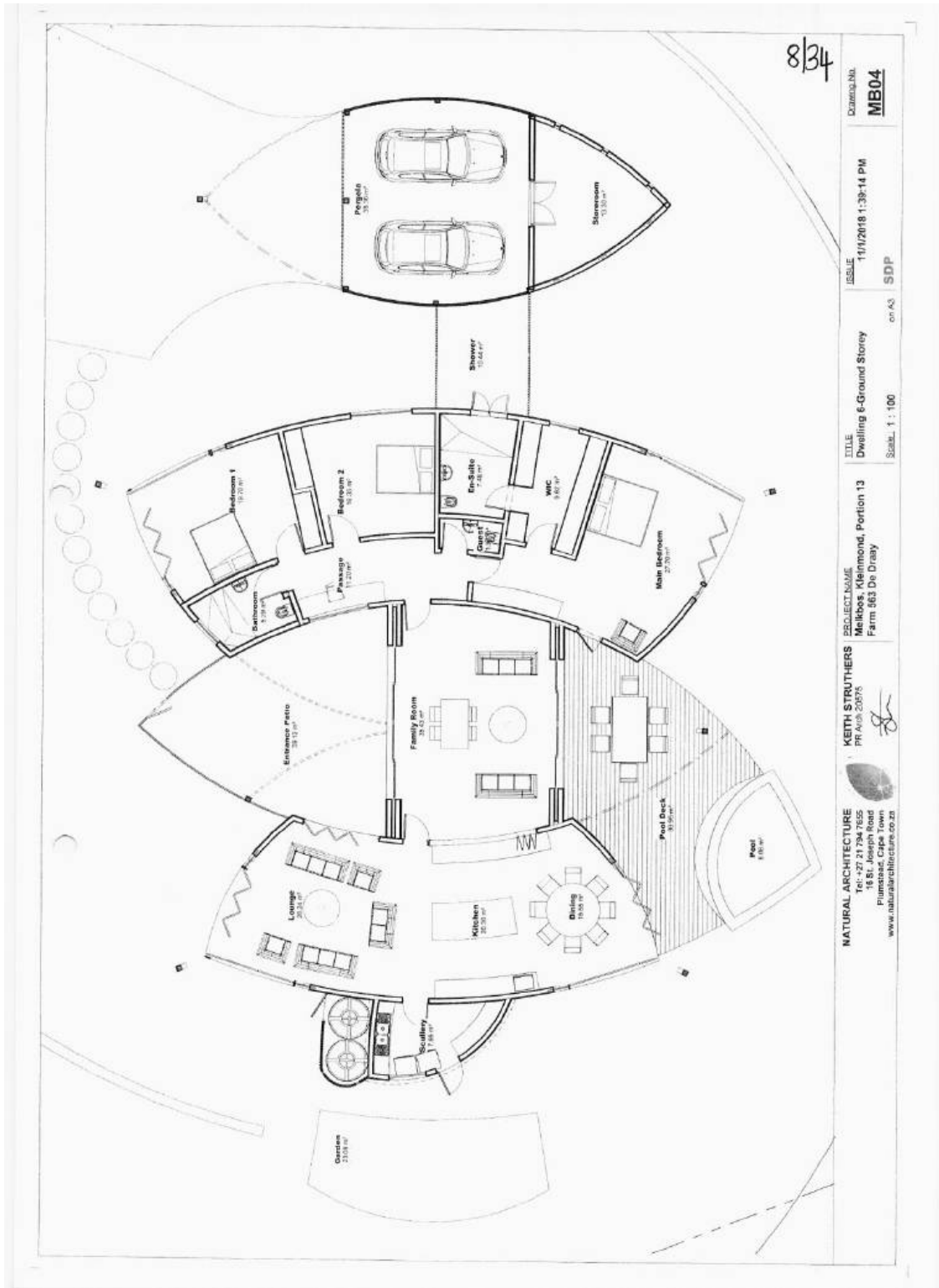
7134



Geometry
Scale: 1:120

1 06-Ground Storey Setting Out
Scale: 1:200

NATURAL ARCHITECTURE Tel: +27 21 794 7655 16 St. Joseph Road Pinelands, Cape Town www.naturalarchitecture.co.za	 KEITH STRUTHERS PR Arch 20275	PROJECT NAME Melkbos, Kleinmond, Portion 13 Farm 563 De Draai	TITLE Ground Storey - Setting Out Plan Scale: As indicated	ISSUE 11/12/2018 1:39:11 PM SDP	Drawn by: MB03



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NATURAL ARCHITECTURE
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 18 St. Joseph Road
 Bishops Cleeve, Cape Town
 www.naturalarchitecture.co.za

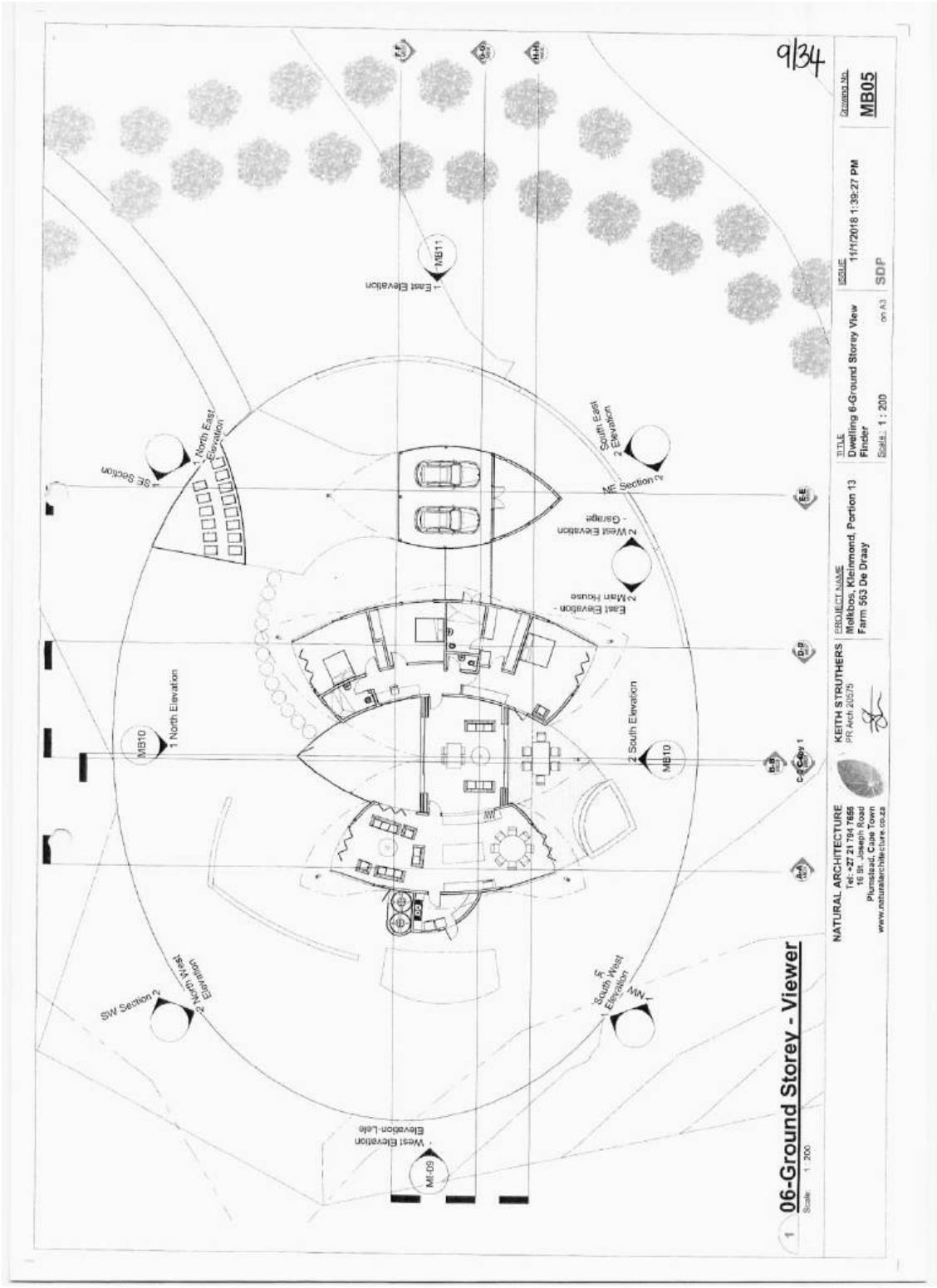
KEITH STRUTHERS
 PR A/3 20675

PROJECT NAME
 Melkies, Kleinmond, Portion 13
 Farm 863 De Druy

TITLE
 Dwelling 6-Ground Storey
 Scale: 1 : 100

ISSUE
 11/11/2018 1:39:14 PM
 SDP

DEVELOPER
 MB04



9/34

1 06-Ground Storey - Viewer

Scale: 1 : 200

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KEITH STRUTHERS
 PR Arch 20275

PROJECT NAME
 Melkbos, Kleinmond, Portion 13
 Farm 563 De Draai

TITLE
 Dwelling 6-Ground Storey View
 Finder

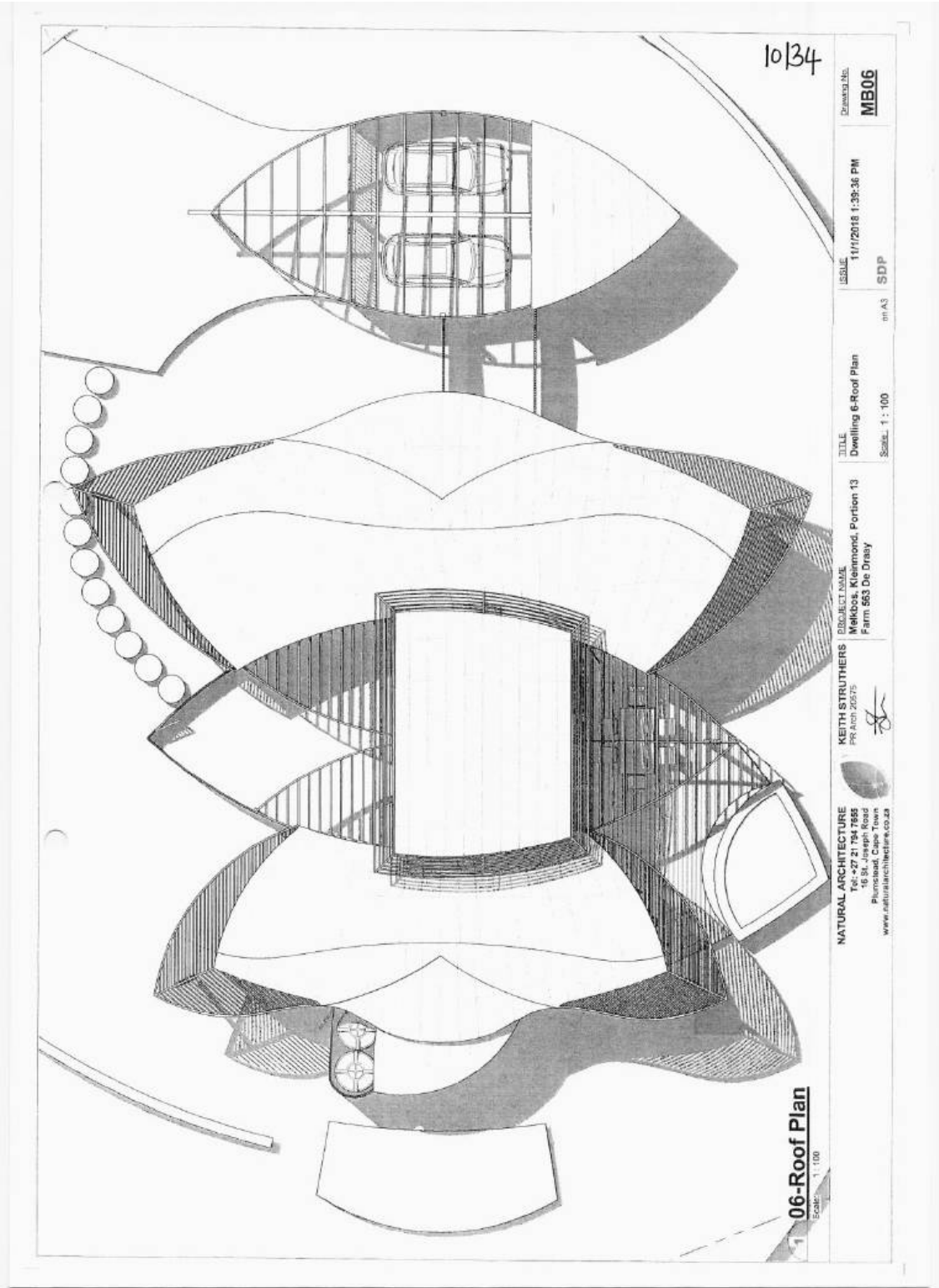
ISSUE
 11/12018 1:39:27 PM

Drawing No.
MB05

SDP

Scale: 1 : 200

on A3



10/34

06-Roof Plan
Scale: 1 : 100

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KEITH STRUTHERS
 PR Arch 20575

PROJECT NAME
 Melkies, Kleinmond, Portion 13
 Farm 553 De Dray

TITLE
 Dwelling 6-Roof Plan
 Scale: 1 : 100

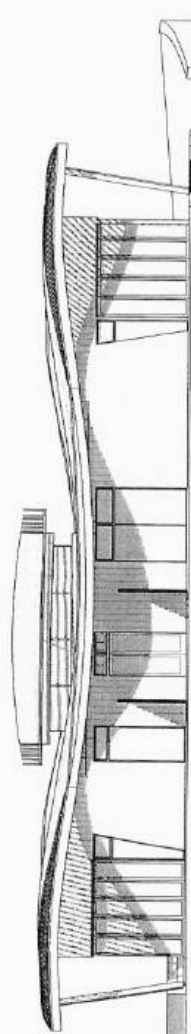
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m/A3

Drawn No: **MB06**

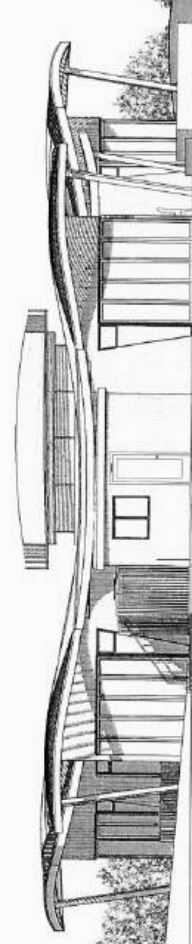
1134

- 24226.0 06-Top of Roof
- 27215.0 06-UIS of Top Roof
- 26915.0 06-Cleanstorey Windows
- 26300.0 06-UIS of Roof
- 25900.0 06-Lintel
- 25800.0 06-UIS of Garage Roof
- 24300.0 06-Ground Storey
- 22900.0 06-Peel



2 **East Elevation - Main House**
Scale: 1:100

- 23220.0 06-Top of Roof
- 27213.0 06-UIS of Top Roof
- 26815.0 06-Cleanstorey Windows
- 26200.0 06-UIS of Roof
- 25800.0 06-Lintel
- 25700.0 06-UIS of Garage Roof
- 25000.0 06-Ground Storey
- 22900.0 06-Pool



3 **West Elevation**
Scale: 1:100

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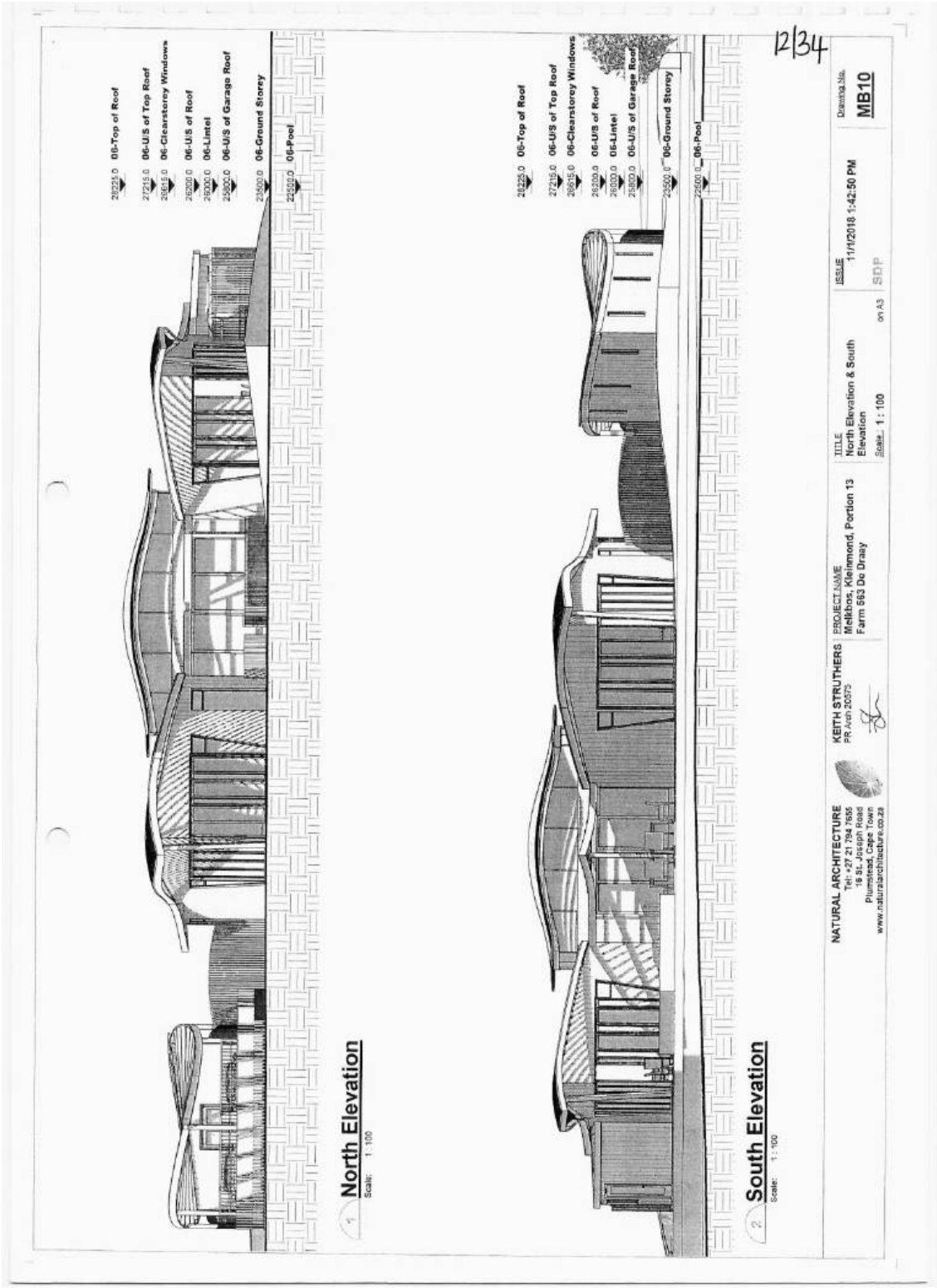
PROJECT NAME
Webbes, Kleinmond, Portion 13
Farm 963 De Draai

ARCHITECT
KETH STRUTHERS
PK: 2015

TITLE
East Elevation & West Elevation
Scale: 1 : 100

ISSUE
11/1/2018 1:42:39 PM
on A3 SDP

CLIENT No.
MB09



20225.0 06-Top of Roof
 27215.0 06-US of Top Roof
 28615.0 06-Clearstory Windows
 29200.0 06-US of Roof
 29200.0 06-Lintel
 29300.0 06-US of Garage Roof
 23500.0 06-Ground Storey
 23500.0 06-Pool

1 North Elevation
Scale: 1:100

20225.0 06-Top of Roof
 27215.0 06-US of Top Roof
 28615.0 06-Clearstory Windows
 29200.0 06-US of Roof
 29200.0 06-Lintel
 29300.0 06-US of Garage Roof
 23500.0 06-Ground Storey
 23500.0 06-Pool

2 South Elevation
Scale: 1:100

1234

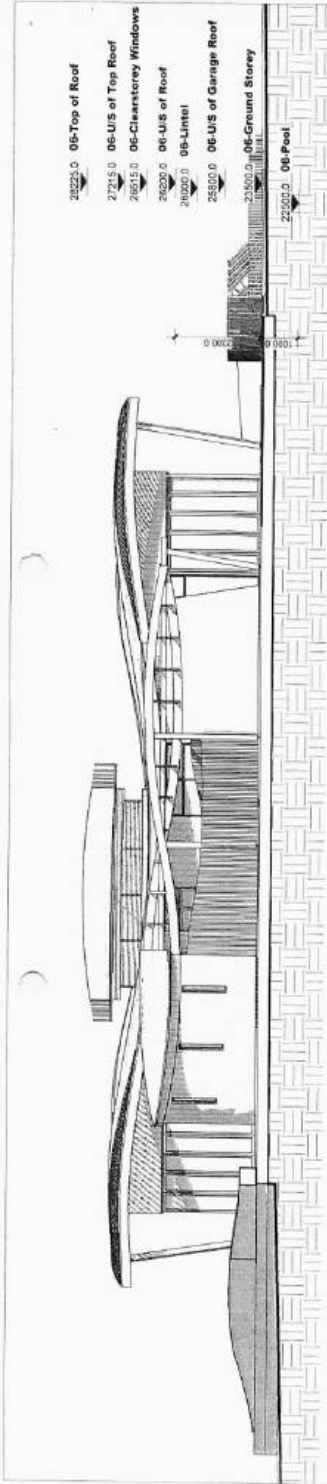
NATURAL ARCHITECTURE
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KEITH STRUTHERS
 PR: Arch 20075
 Melkbos, Kleinmond, Portion 13
 Farm 583 De Dray
 Scale: 1:100

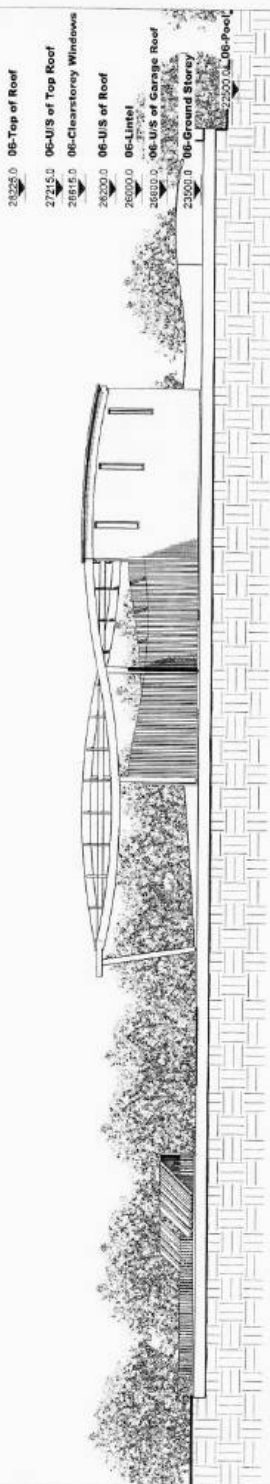
TITLE
 North Elevation & South Elevation
 Scale: 1:100

ISSUE
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 on A3 SDP

Drawing No.
MB10



1 East Elevation
Scale: 1 : 100



2 West Elevation - Garage
Scale: 1 : 100



13/34

Client's No.
MB11

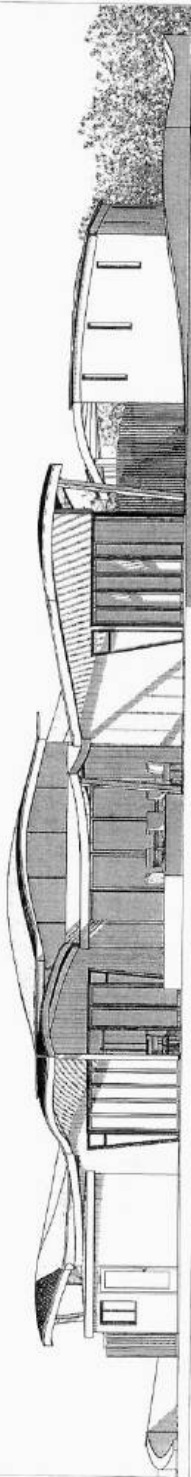
ISSUE
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SDP

TITLE
Garage - East Elevation & West Elevation
Scale: 1 : 100

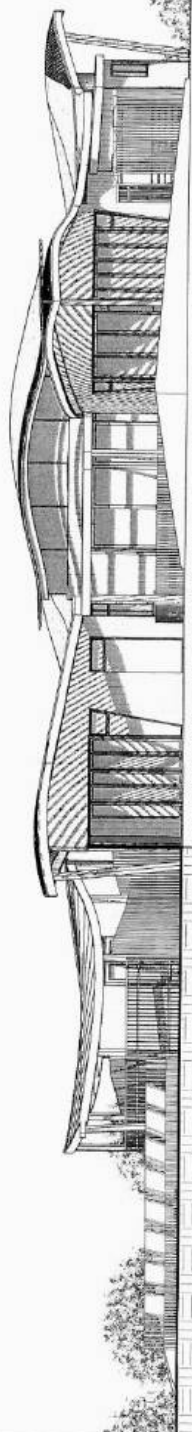
PROJECT NAME
Melkbos, Kleinmond, Portion 13
Farm 653 De Dray

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PR Arch-20575

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1 **South West Elevation**
Scale: 1:100



2 **North West Elevation**
Scale: 1:100

1434

Durham, NC
MB12

ISSUE 11/12018 1:43:09 PM
SDP

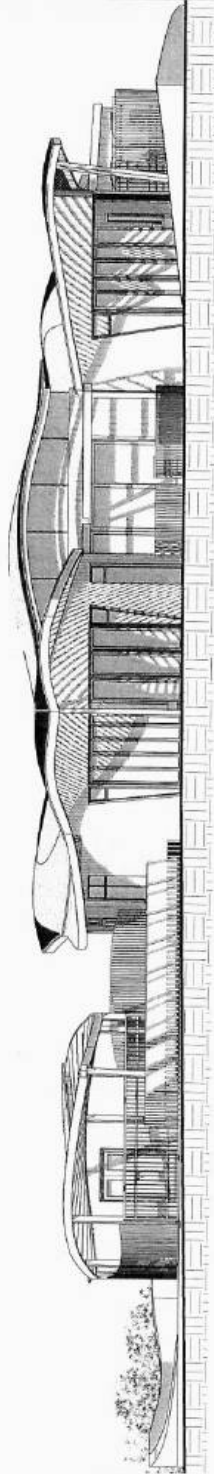
on A3
Scale: 1:100

TITLE
South West Elevation & North
West Elevation

PROJECT NAME
Melkboos, Klammond, Portion 13
Farm 583 De Dray

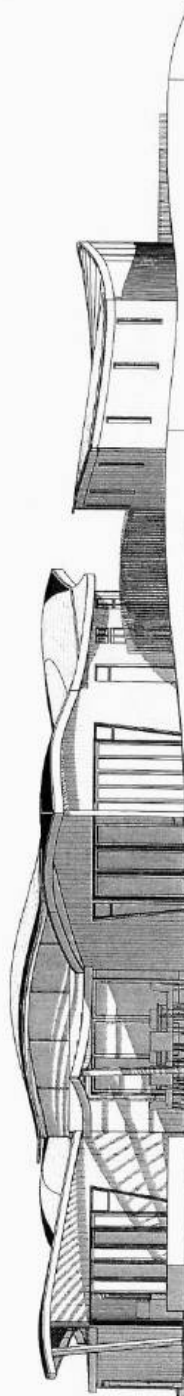
KEITH STRUTHERS
PR. Arch 20075


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1 **North East Elevation**

Scale: 1 : 100

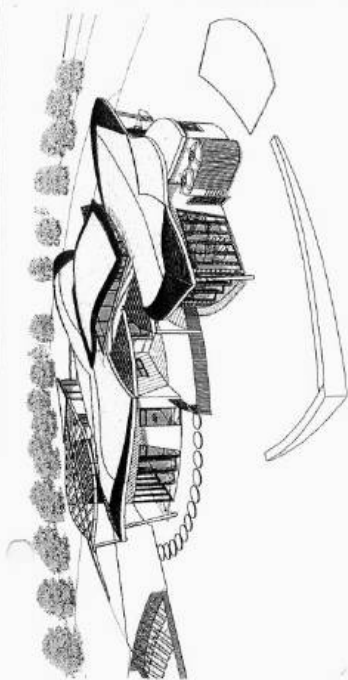


2 **South East Elevation**

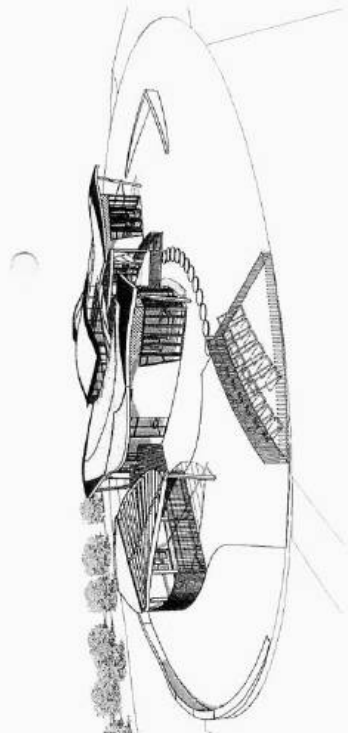
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15/34

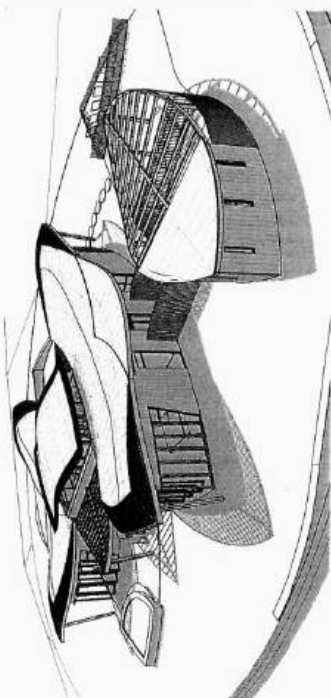
NATURAL ARCHITECTURE Tel: +27 21 754 7685 16 St. Joseph Road Plumstead, Cape Town www.naturalarchitecture.co.za	KEITH STRUTHERS PR Arch 20275 	PROJECT NAME Melkies, Kleinmond, Porton 13 Farm 562 De Dray	TITLE North East Elevation & South East Elevation Scale: 1 : 100	ISSUE 11/12018 1:43:19 PM or A3 SDP	Drawing No. MB13
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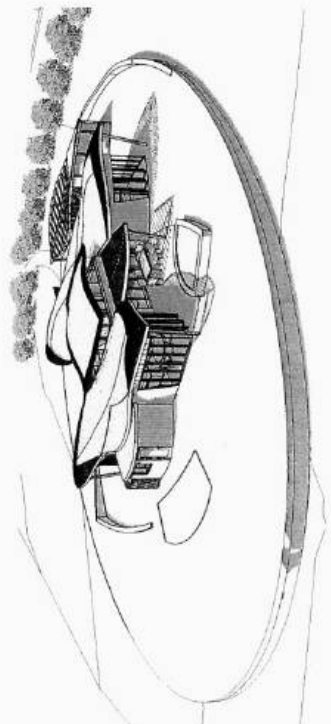
2 **NW-Corner**
Scale:



1 **NE-Corner**
Scale:



4 **SE-Corner**
Scale:



3 **SW-Corner**
Scale:

16/34

Drawing No.
MB14

ISSUE 11/1/2018 1:46:04 PM
on A3 SDP

TITLE
Aerial Perspective Views
Scale:

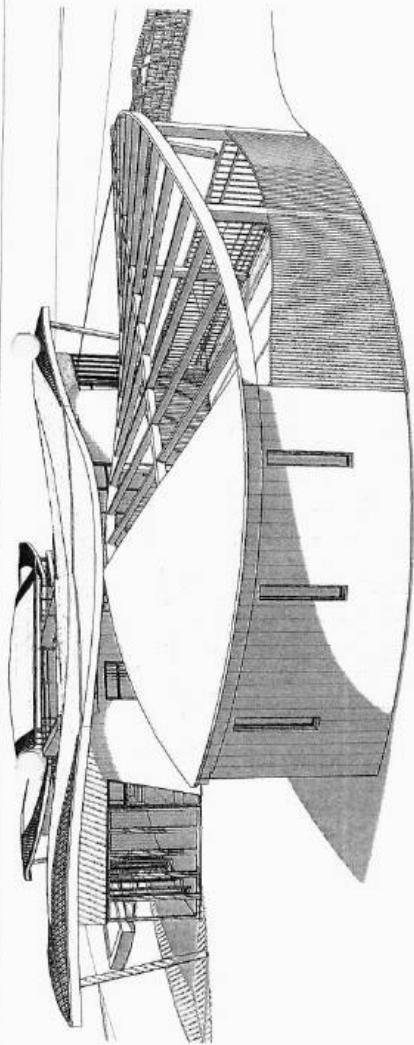
PROJECT NAME
Melkies, Kleinmond, Portion 13
Farm 553 De Dray

KEITH STRUTHERS
PR Arch 20675

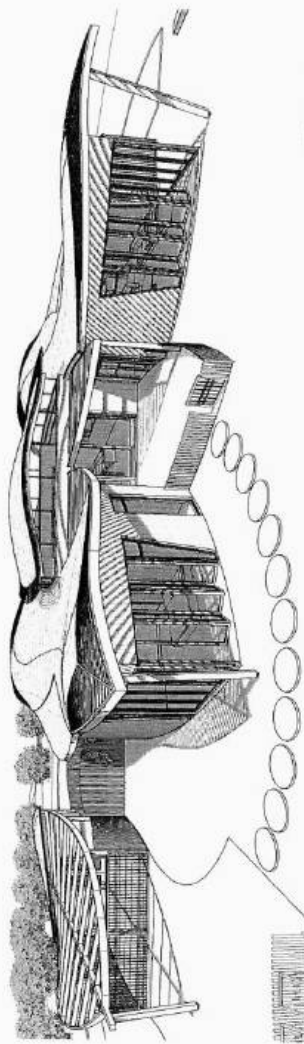
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17/34



1 **Garage Perspective**
Scale:



2 **Entrance Perspective**
Scale:

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 Melkbos, Kleinmond, Portion 13
 Farm 363 De Dray

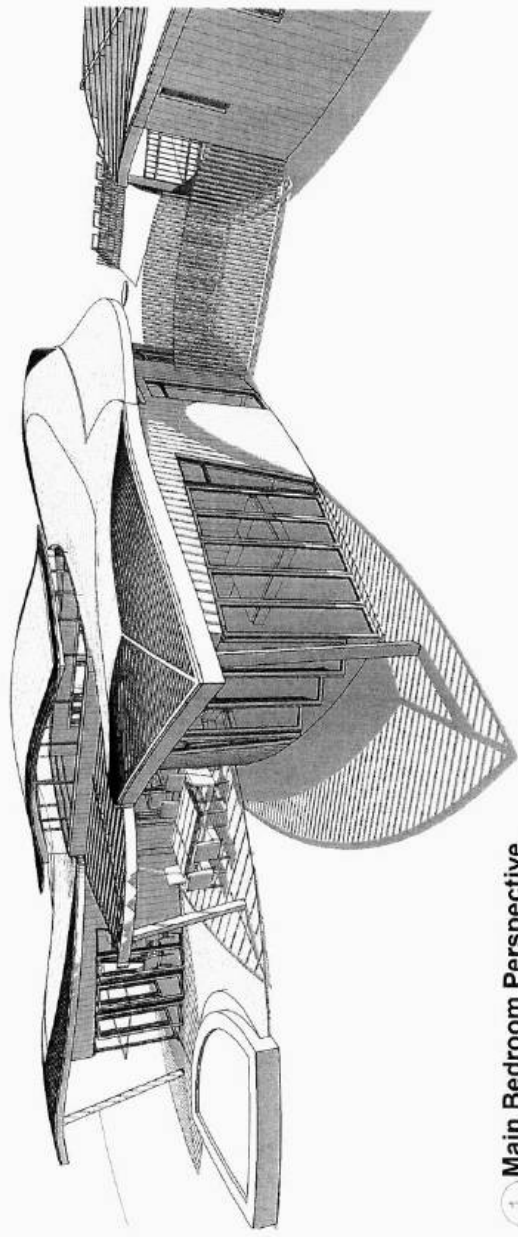
TITLE
 Perspective Views 3
 Scale:

ISSUE
 11/11/2018 1:46:17 PM

DATE
 09/13 SDP

DOCUMENT NO.
MB17

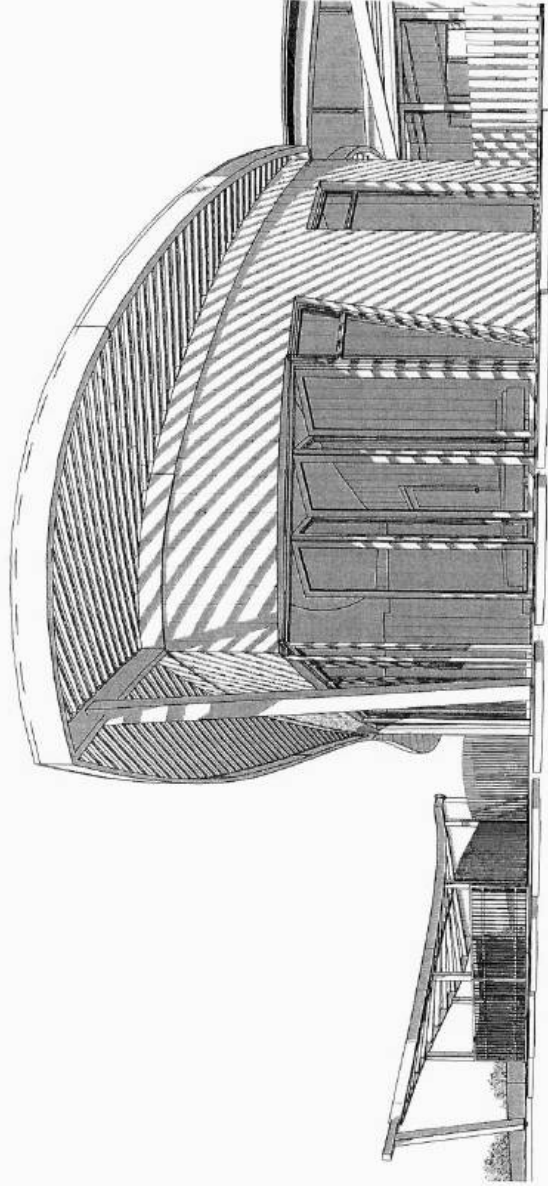
18/34



1 **Main Bedroom Perspective**
 Scale:

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19/34



1 Bedroom 1 Perspective

Scale:

Drawing No. **MB23**

ISSUE 11/12/2018 1:46:29 PM
on A3 SDP

TITLE
Perspective Views 9
Scale:

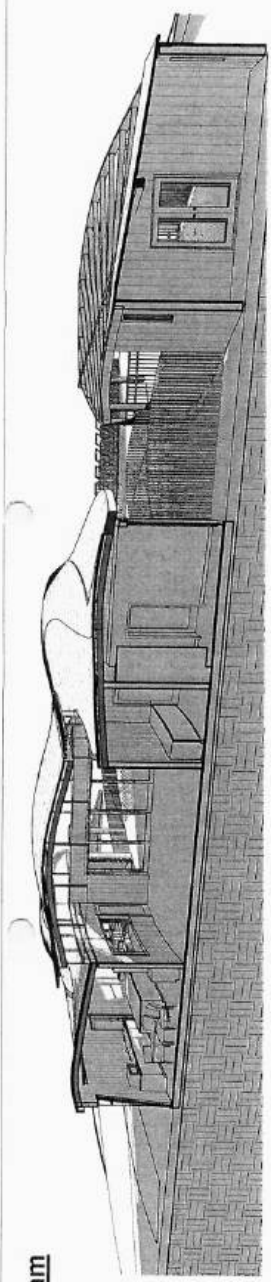
PROJECT NAME
Melkbos, Kleinmond, Portion 13
Farm 563 De Druy

KEITH STRUTHERS
PR Arch 20525

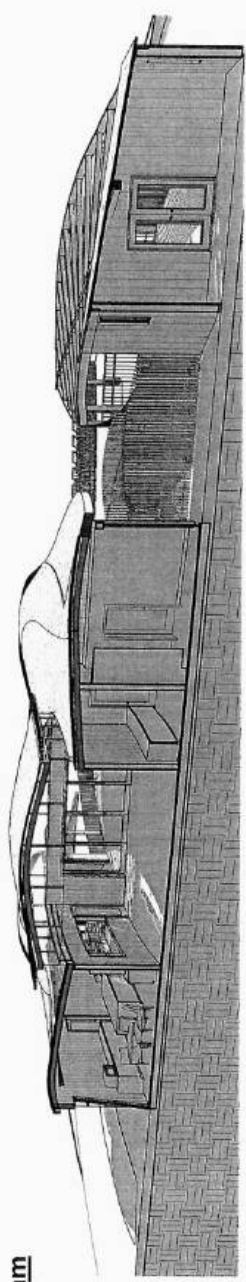
NATURAL ARCHITECTURE
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Mosselbaai, Cape Town
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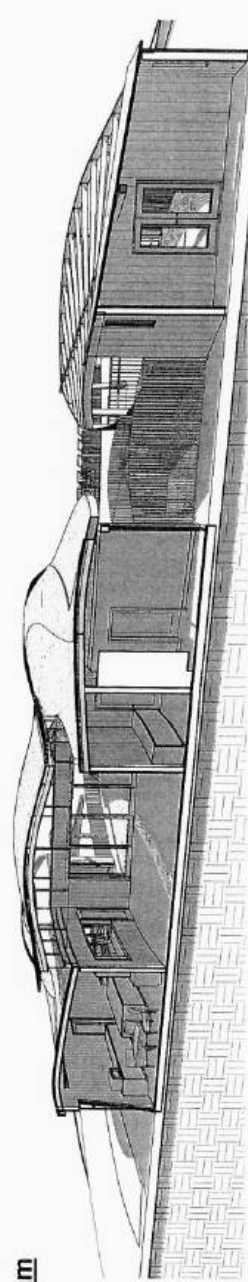
20134



Jun-9am
Scale:



Sep-9am
Scale:



Dec-9am
Scale:

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KEITH STRUTHERS
PR No: 20375

PROJECT NAME
Melkbos, Kleinmond, Portion 13
Farm 563 De Driay

TITLE
Solar Study - 9am
Scale:

ISSUE
11/12/2016 1:47:52 PM

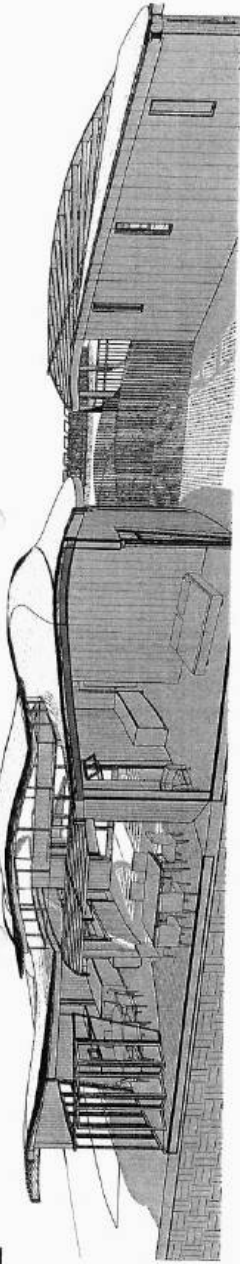
Drawn: M.
MB24

or A3 SDP

21/34

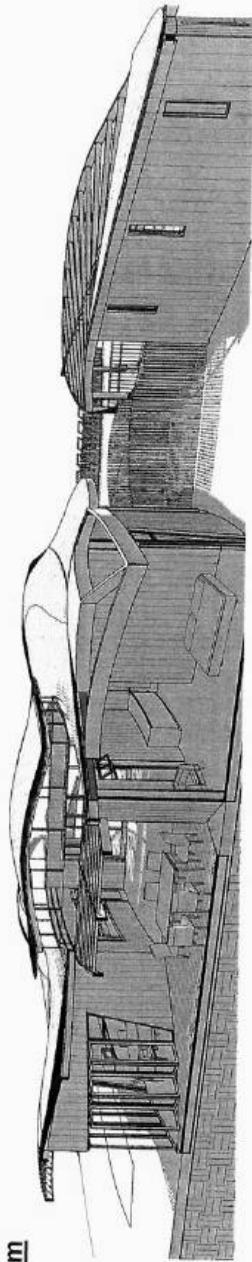
1 Jun-12pm

Scale:



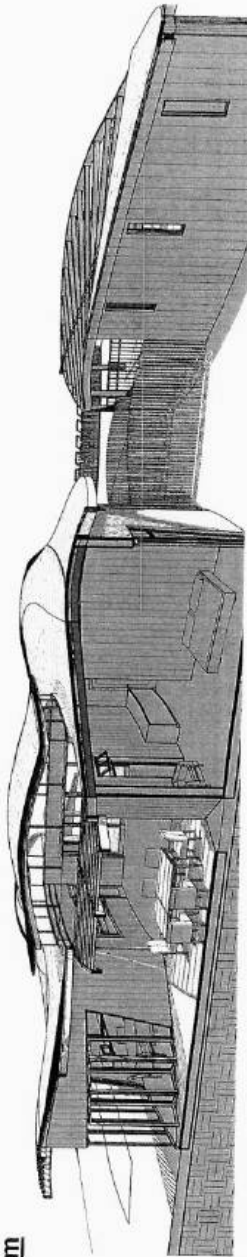
2 Sep-12pm

Scale:



3 Dec-12pm

Scale:



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17 St. Joseph Road
16 St. Joseph Road
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PR ARCH 2015

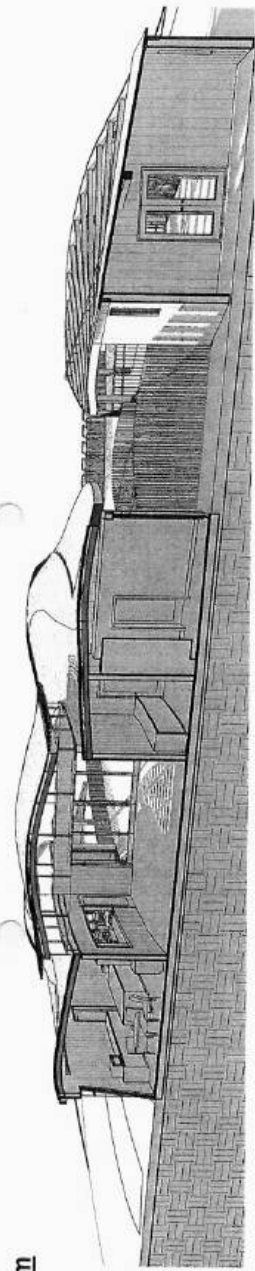
PROJECT NAME
Malkbos, Wilmomd, Portion 13
Farm 663 De Dray

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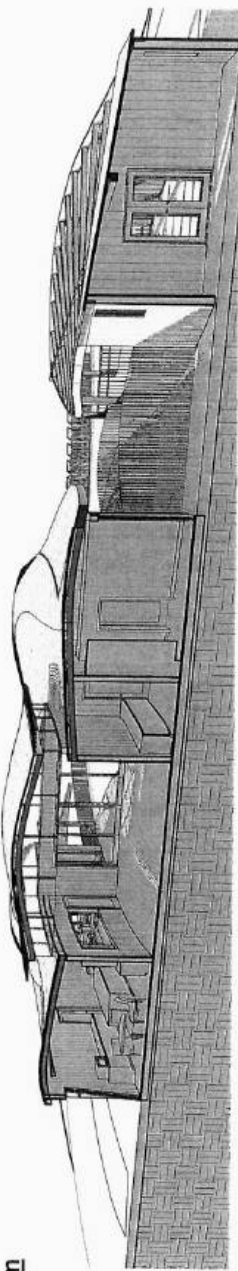
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Client's No.
MB25

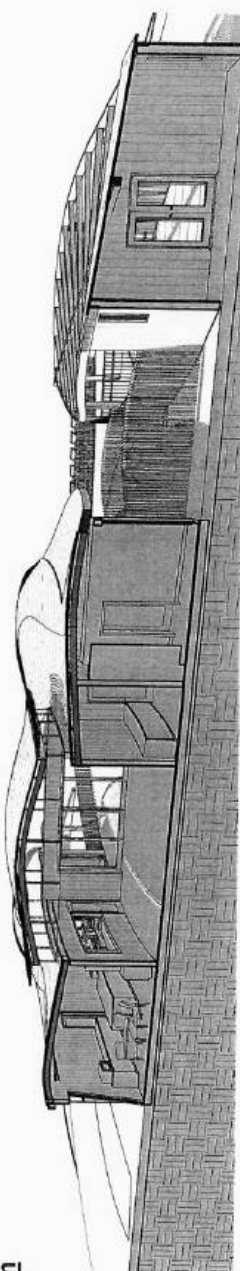
22/34



1 Jun-3pm
Scale



2 Sep-3pm
Scale



3 Dec-3pm
Scale

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 1672 21 754 755
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 PR Arch 2015

PROJECT NAME
 Melkbos, Kleinmond, Portion 13
 Farm 963 De Dray

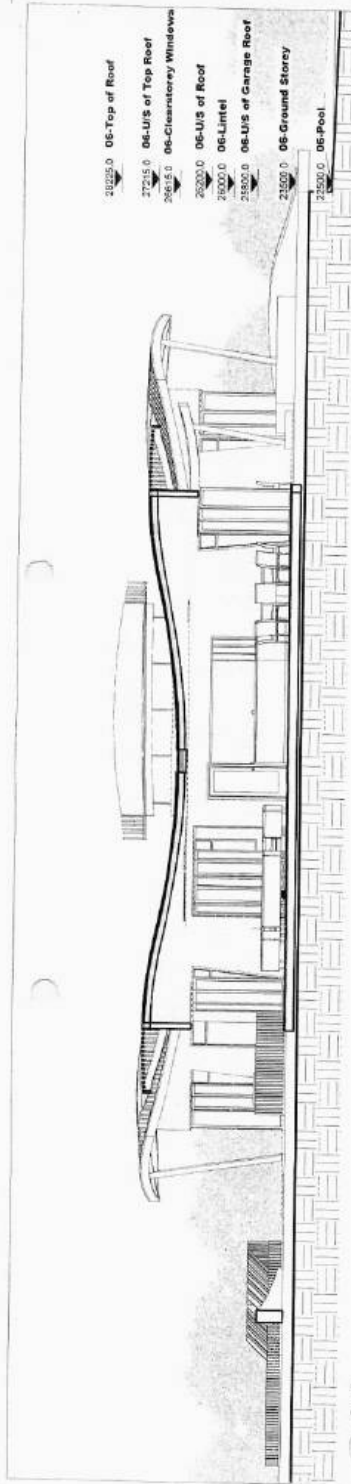
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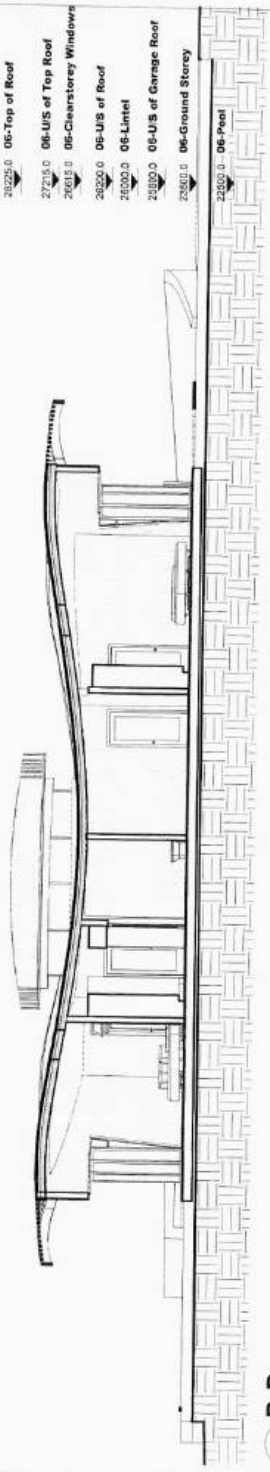
on A3 SDP

23/34



1 A-A
Scale: 1:100

- 28225.0 06-Top of Roof
- 27645.0 06-US of Top Roof
- 26645.0 06-Cleanstorey Windows
- 26200.0 06-US of Roof
- 26000.0 06-Lintel
- 25800.0 06-US of Garage Roof
- 23100.0 06-Ground Storey
- 22600.0 06-Pool



2 D-D
Scale: 1:100

- 28225.0 06-Top of Roof
- 27645.0 06-US of Top Roof
- 26645.0 06-Cleanstorey Windows
- 26200.0 06-US of Roof
- 26000.0 06-Lintel
- 25800.0 06-US of Garage Roof
- 23100.0 06-Ground Storey
- 22600.0 06-Pool

Drawn By: **MBZ**

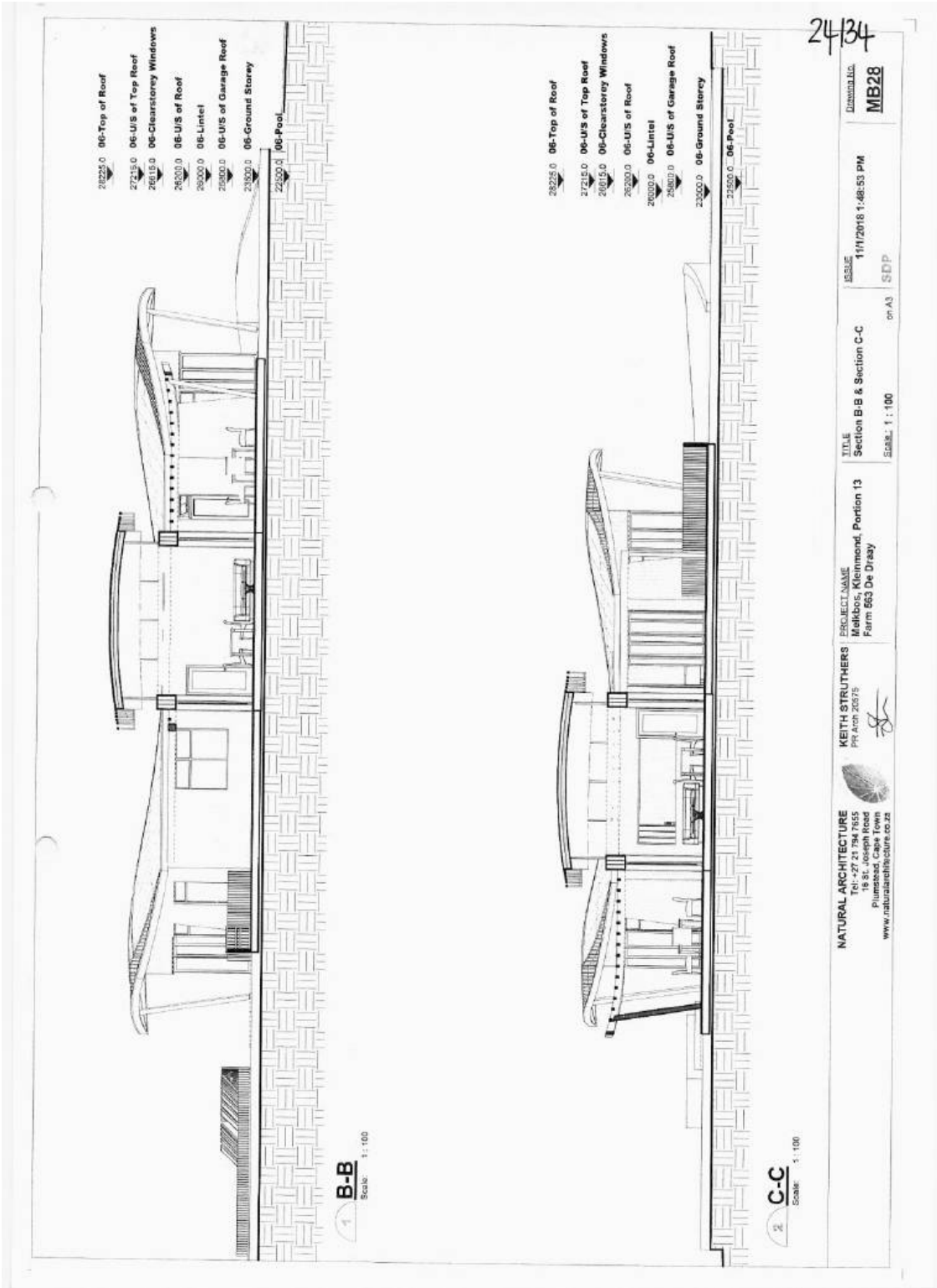
ISSUE: 11/12/2018 1:48:48 PM
on A3 SDP

TITLE: Section A-A & Section D-D
Scale: 1:100

PROJECT NAME: Mellibos, Kleinmond, Portion 13
Farm 563 De Draay

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PR Arch 20075

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28225.0 06-Top of Roof
 27215.0 06-US of Top Roof
 26015.0 06-Clearstorey Windows
 26500.0 06-US of Roof
 26000.0 06-Lintel
 25500.0 06-US of Garage Roof
 23500.0 06-Ground Storey
 22500.0 06-Pool

1 B-B
 Scale: 1:100

28225.0 06-Top of Roof
 27215.0 06-US of Top Roof
 26015.0 06-Clearstorey Windows
 26500.0 06-US of Roof
 26000.0 06-Lintel
 25500.0 06-US of Garage Roof
 23500.0 06-Ground Storey
 22500.0 06-Pool

2 C-C
 Scale: 1:100

2434

DIMENSIONAL
MB28

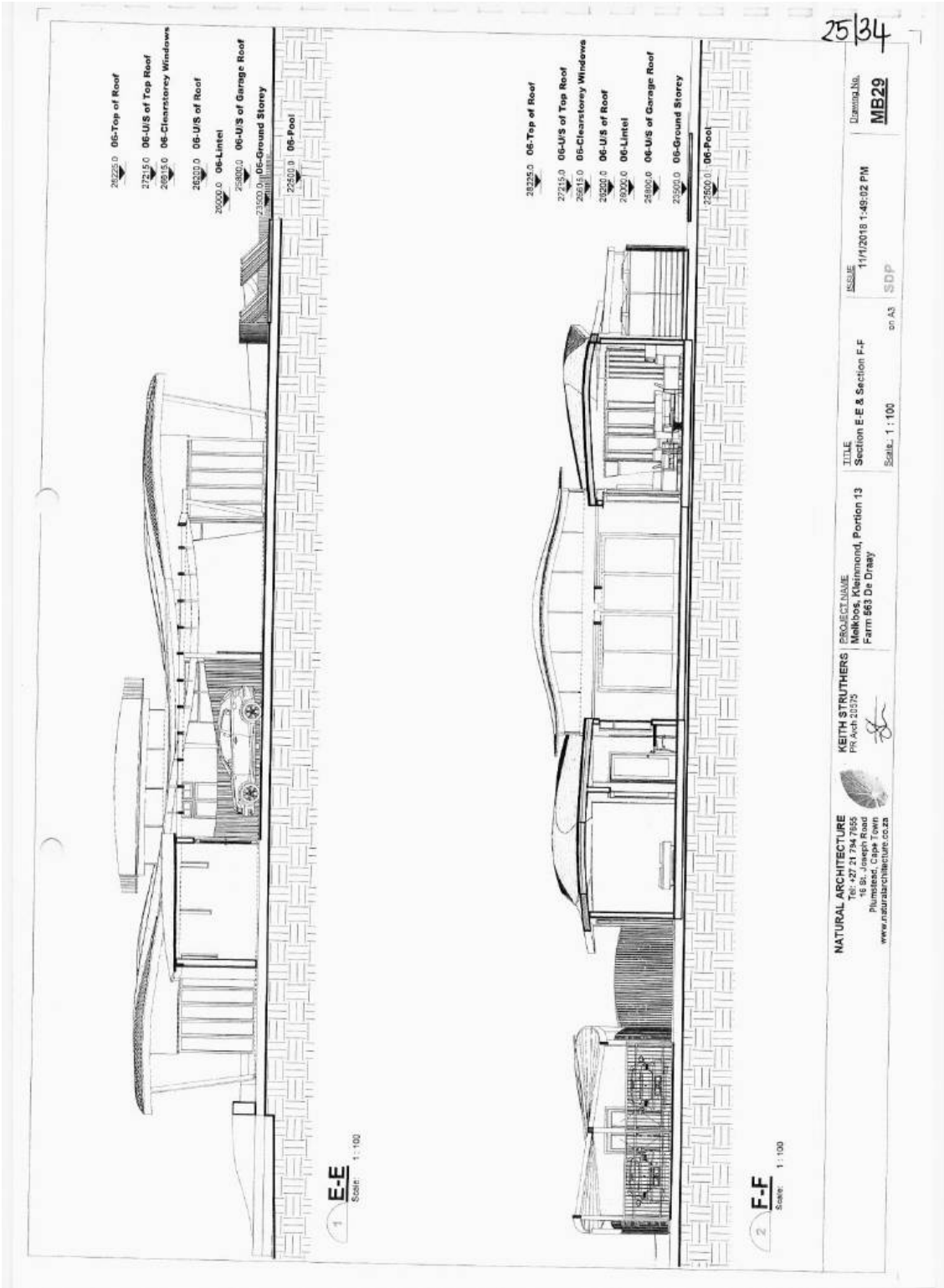
ISSUE 11/1/2018 1:48:53 PM
 on A3 SDP

TITLE Section B-B & Section C-C
 Scale: 1:100

PROJECT NAME
 Melkios, Klermond, Portion 13
 Farm 663 De Dray

KEITH STRUTHERS
 PR Arch 20275

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 68 Klermond Road
 Plumstead
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26225.0 06-Top of Roof
 27215.0 06-US of Top Roof
 28215.0 06-Clearstorey Windows
 28230.0 06-US of Roof
 28300.0 06-Lintel
 28300.0 06-US of Garage Roof
 28300.0 06-Ground Storey
 28450.0 06-Pool

1 E-E
Scale: 1:100

28225.0 06-Top of Roof
 27215.0 06-US of Top Roof
 28215.0 06-Clearstorey Windows
 28230.0 06-US of Roof
 28300.0 06-Lintel
 28300.0 06-US of Garage Roof
 28300.0 06-Ground Storey
 28450.0 06-Pool

2 F-F
Scale: 1:100

25/34

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 16-07-31 74 7855
 16-08-16 80 7778
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 PR Arch 30575

PROJECT NAME
 Melkboos, Klaimmond, Portion 13
 Farm 563 De Dray

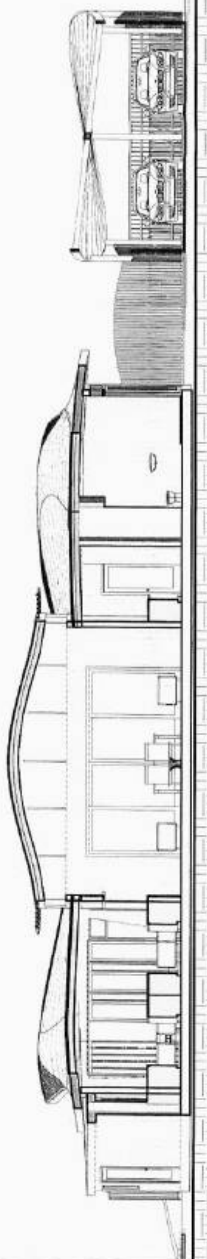
TITLE
 Section E-E & Section F-F
 Scale: 1:100

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Drawing No.
MB29

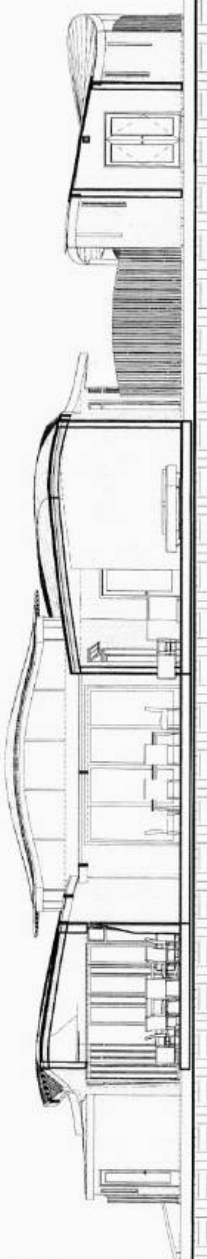
26134

- 26225.0 06-Top of Roof
- 27215.0 06-US of Top Roof
- 28615.0 06-Clearstorey Windows
- 29200.0 06-US of Roof
- 29500.0 06-Lintel
- 29580.0 06-US of Garage Roof
- 31850.0 06-Ground Storey
- 22000.0 06-Pool



1 **G-G**
Scale: 1:100

- 26225.0 06-Top of Roof
- 27215.0 06-US of Top Roof
- 28615.0 06-Clearstorey Windows
- 29200.0 06-US of Roof
- 29500.0 06-Lintel
- 29580.0 06-US of Garage Roof
- 31850.0 06-Ground Storey
- 22000.0 06-Pool



2 **H-H**
Scale: 1:100

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PROJECT NAME
 Melkbos, Kleinmond, Portion 13
 Farm 563 De Druy

ARCHITECT
 KEITH STRUTHERS
 PR Arch 20676

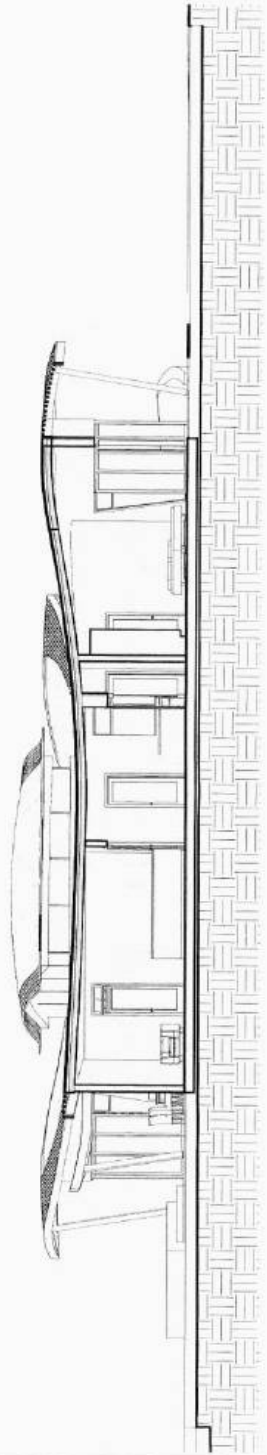
TITLE
 Section G-G & Section H-H
 Scale: 1:100

ISSUE
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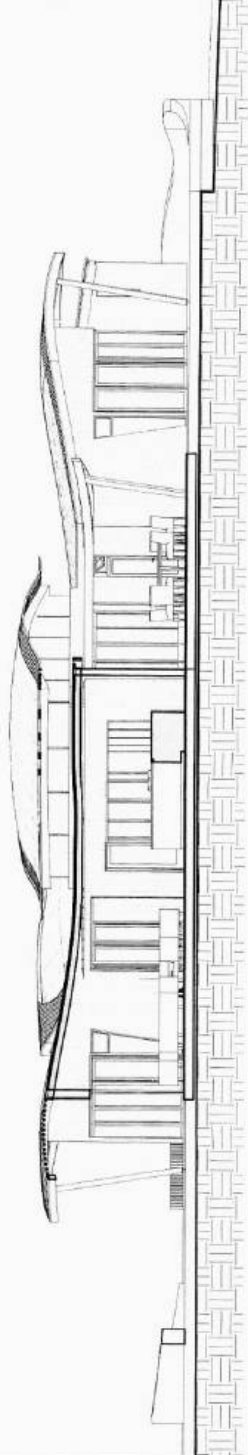
DRAWING NO.
MB30

on A3 | SDP

27/34



1 **SE Section**
Scale: 1:100



2 **SW Section**
Scale: 1:100

Drawn by: **MB31**

ISSUE: 11/17/2018 1:48:20 PM
on A3: **SDP**

TITLE: Diagonal Sections 1
Scale: 1:100

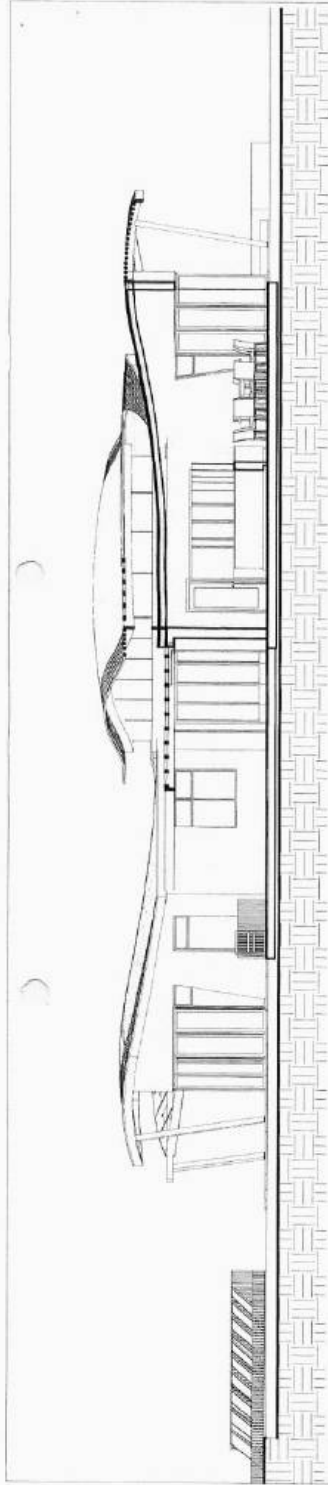
PROJECT NAME: Malkbos, Kleinmond, Partion 13
Farm 563 De Draay

KEITH STRUTHERS
PR ARCH 20576

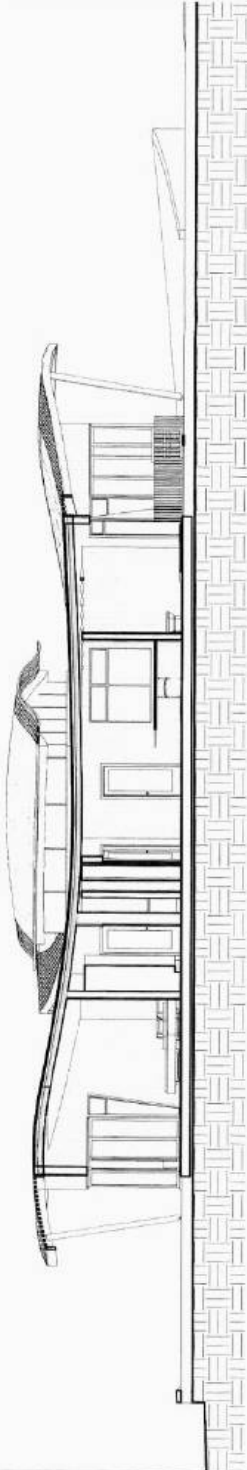


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28/34



1 **NW Section**
Scale: 1:100



2 **NE Section**
Scale: 1:100



Client: M.B.
MB32

ISSUE 11/12/2018 1:48:23 PM
on A3 SDP

TITLE Diagonal Sections 2
SCALE: 1:100

PROJECT NAME
Meekles, Kleinmond, Porton 13
Farm 563 De Druy

KEITH STRUTHERS
PR ARCH 20072



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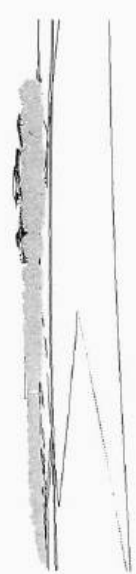
29/34



1 **B1-2.3**
Scale



2 **B1-4.5**
Scale



3 **B1-5.6**
Scale

Drawing No. **MB34**

ISSUE 11/12/18 1:59:40 PM
SDP

TITLE Building 1 - Landscape Views
Scale: on A3

PROJECT NAME
Meikbos, Kleinmond, Portion 13
Farm 363 De Dray

KEITH STRUTHERS
PR Arch 20275

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30/34



1 **B2-3**
Scale:

2 **B2-4, 5, 6**
Scale:

3 **B2-5, 6, 1**
Scale:

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PH: +27 21 794 7855
www.naturalarchitecture.co.za

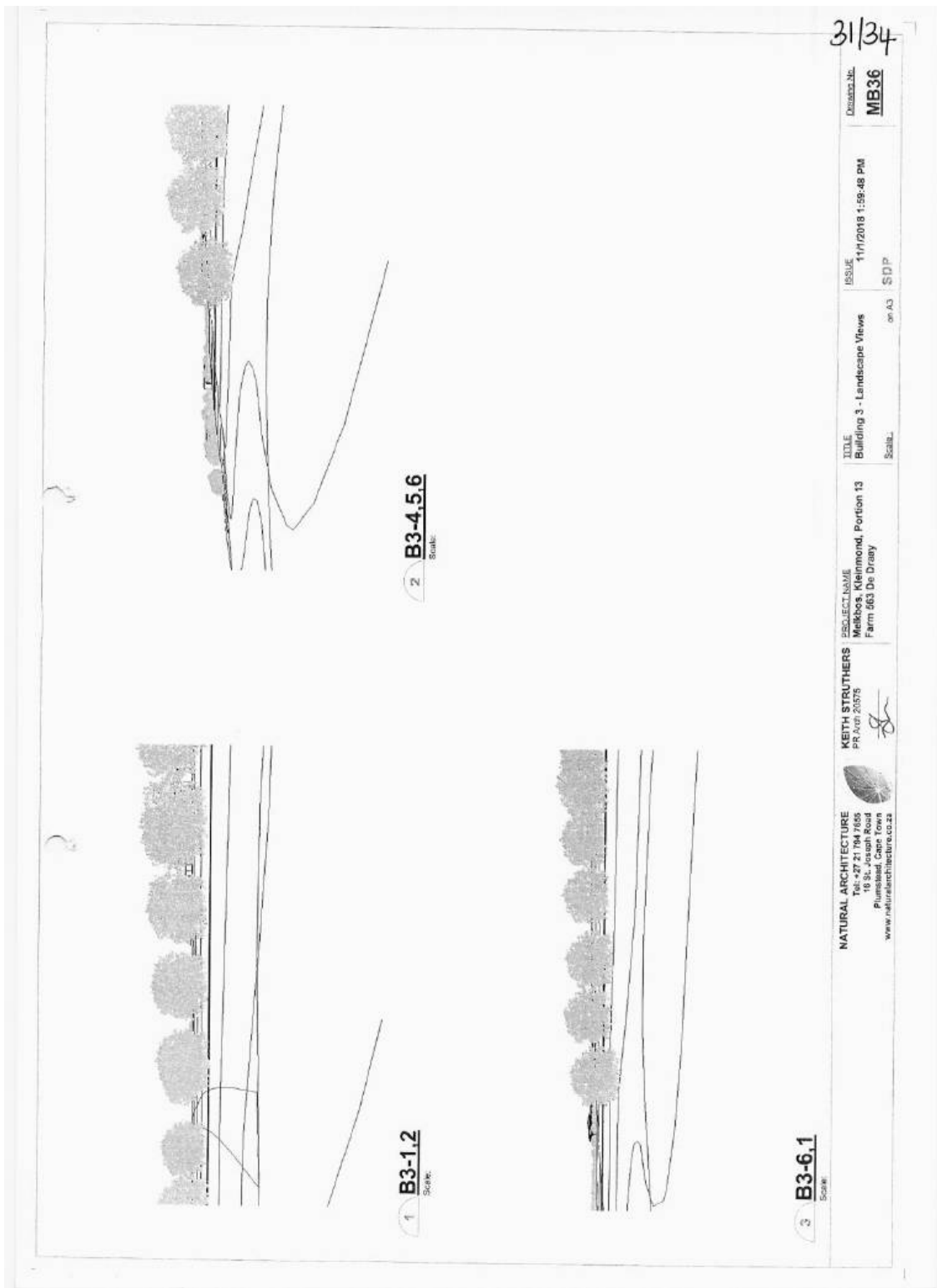
KEITH STRUTHERS
PE Arch 20075

PROJECT NAME
Melibos, Kleinmond, Portion 13
Farm 563 De Dray

TITLE
Building 2 - Landscape Views
Scale:

ISSUE
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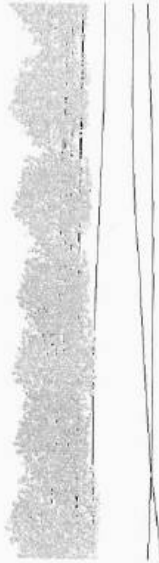
Client No.
MB35



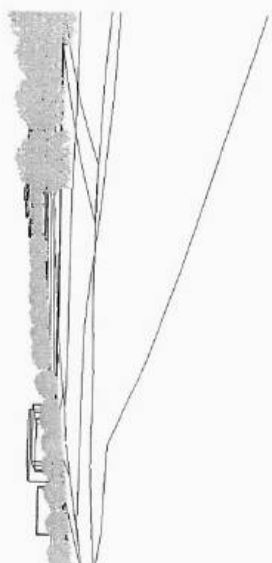
31/34

NATURAL ARCHITECTURE Tel: +27 21 784 7655 18 St. Joseph Road Pinelands, Cape Town www.naturalarchitecture.co.za	KEITH STRUTHERS PR Arch 20575 	PROJECT NAME Melkies, Kleinmond, Portion 13 Farm 663 De Draai	TITLE Building 3 - Landscape Views Scale:	ISSUE 11/12016 1:59:48 PM of A3 SDP	CLIENT No. MB36
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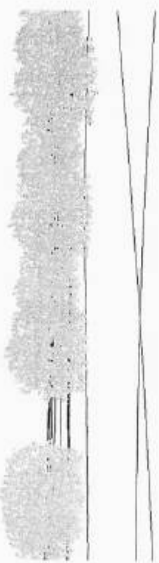
32/34



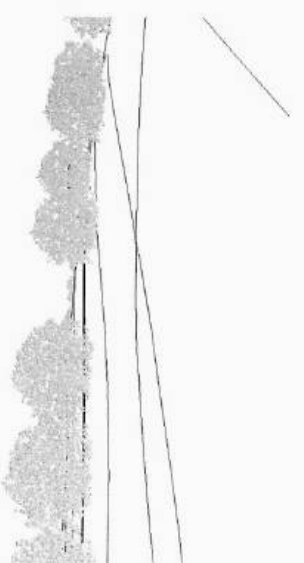
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4 **B4-5.6**
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1 **B4-1**
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3 **B4-3**
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Drawing No. **MB37**

ISSUE 11/12/2018 1:59:52 PM
on A3 SDP

TITLE Building 4 - Landscape Views
Scale:

PROJECT NAME
Melibos, Kleinmond, Portion 13
Farm 563 De Druy

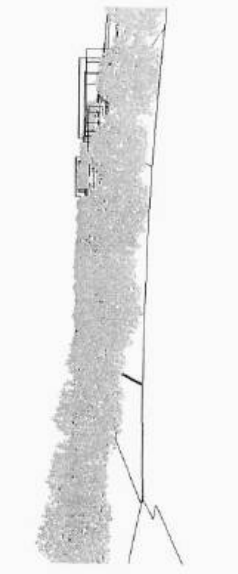
ARCHITECT
KEITH STRUTHERS
PR Arch 20575

NATURAL ARCHITECTURE
Tel: +27 21 794 7655
16 St. Joseph Road
Plettenberg Bay, Cape Town
www.naturalarchitecture.co.za

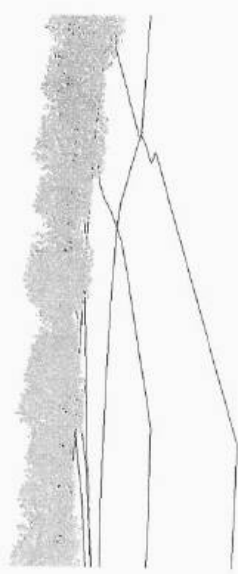


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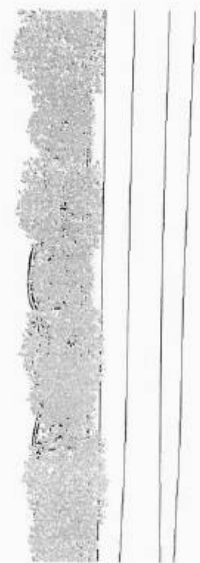
33/34



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Scale:



3 **B5-6**
Scale:

Drawn by: **MB38**

ISSUE: 11/12/16 1:59:55 PM
SDP

TITLE: Building 5 - Landscape Views
Scale:

PROJECT NAME: Melkbos, Kleinmond, Portion 13
Farm 563 De Dray

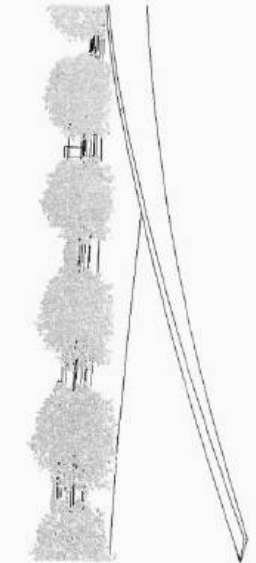
KEITH STRUTHERS
PR Arch 20075

NATURAL ARCHITECTURE
Tel: +27 21 794 7655
16 St. Joseph Road
Pinehurst 1, Cape Town
www.naturalarchitecture.co.za

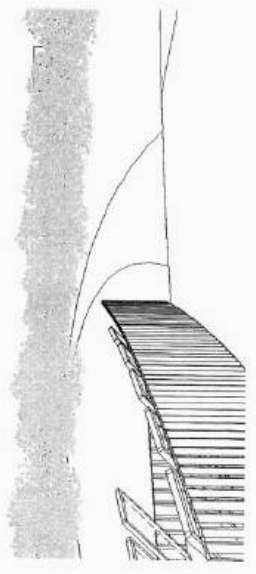


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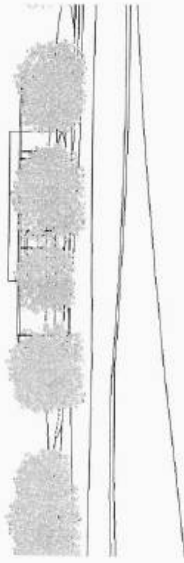
34/34



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1 **B6-1.2**
Scale:



3 **B6-5**
Scale:

Drawn No. **MB39**

ISSUE 11/1/2018 1:59:57 PM
SDP

TITLE Building 6 - Landscape Views
Scale:

PROJECT NAME Melibos, Kleinmond, Portion 13
Farm 563 De Dray

KEITH STRUTHERS
PR Arch 20875

NATURAL ARCHITECTURE
Tel: +27 21 794 7655
16 St. Joseph Road
Plumstead, Cape Town
www.naturalarchitecture.co.za



Signature



Annexure D
TP- A Theart
(Huid Stoep)



**KLEINMOND BELASTINGBETALERSVERENIGING
KLEINMOND RATEPAYERS ASSOCIATION**

Posbus 134, Kleinmond, 7195.
Voorsitter: Chris Harding. 028 271 3697 / 082 820 8005
Vonkpos: Chrisharding005@gmail.com
Sekretaris: Steve Loder
Vonkpos: kbbv@kleinmondkalender.co.za

VOORKEUR KORRESPONDENSIE WYSE is 'n Skrywe na BEIDE bostaande Epos-adresse.

2019-06-10

BY E- MAIL

The Director Infrastructure & Planning
Overstrand Municipal
PO Box 20
Hermanus
7200

Attention: Me.H van Der Stoep

FILE NO: Ptn 13/563
KM
SCAN NO:
Farm 563
COLLABORATOR NO:
1292069

Dear Me. Van Der Stoep,

PROPOSED DEPARTURES: ERVEN 8168 MAIN ROAD KLEINMOND AND (PORTION 13 OF 563), A DIVISION OF CALEDON

The KRPA had their meeting on the 6th of June 2019 and would like to give their comments on the proposed departures as follow;

Erf 3391 – 104 MAIN ROAD KLEINMOND: APPLICATION FOR SUBDIVISION

That the KRPA, on behalf of the community of Kleinmond, support approval of the abovementioned application, based on the fact that the establishment of an additional, much needed, facility for the after school care for children will be beneficial to the entire Kleinmond community.

PORTION 13 OF FARM 563, A DIVISION OF CALEDON: APPLICATION FOR CONSENT USE:

That the KRPA, on behalf of the community of Kleinmond register a vote of no objection against the abovementioned application, based on the fact that additional tourist accommodation will benefit the economy of the town and the region as a whole, and that, with the exception of receiving non-recyclable refuse, the proposed development will not burden the municipality with additional service delivery as far as household municipal services and concerned.

Greeting

Yours sincerely

Chris Harding
KRPA Chairperson

VOORKEUR KORRESPONDENSIE WYSE in 'n skrywe (PDF-Lêer) na BEIDE
Chrisharding005@gmail.com en kbbv@kleinmondkalender.co.za

TP 10 JUN 2019

Annexure E

Loretta Gillion - Gedeelte 13 van De Draai 563, Caledon Distrik - Aansoek vir oprigting van strukture

From: "Chris Potgieter" <chrisdpotgieter@gmail.com>
To: "Loretta (Overstrand)" <loretta@overstrand.gov.za>
Date: 28/05/2019 11:23 AM
Subject: Gedeelte 13 van De Draai 563, Caledon Distrik - Aansoek vir oprigting van strukture



Geagte Mnr/Mev Müller

Ek het dokumentasie gedateer 13 Mei 2019 mbt bg. onderwerp per geregistreerde pos ontvang.

Hiermee my kommentaar onder punt 10.6 "Access and egress"

Ek gebruik hierdie spesifieke gedeelte van R43, waar die serwituitpadingang beplan word, op 'n daaglikse basis na my eiendom by Lamloch en het 'n goeie idee van die verkeervloei.

Die R43 kan met tye baie besig raak en dra dan redelike volumes vekeer, veral soos in die laaste tyd al hoe meer gebeur met die sluiting van Sir Lowryspas weens opstande en betogings by Grabouw, sowel as betogings by Botrivierdorp.

Weens hierdie tendens en veral met die oog op padveiligheid sal dit seker nodig wees om die suidekant van die R43 van die onmiddellike posisie van die beoogde afdraai serwituitpad na die beplande toeriste oord, te verbreed.

Op Planne 4 en 5 van die betrokke dokumentasie wat ek ontvang het, kan ek egter geen aanduiding kry dat die verbreding van die R43 voorgestel of in aanmerking geneem word nie.

Daar is ook geen aanduiding dat die insette van die Overstrand Munisipaliteit se Vekeersafdeling hieroor ingewin sal word nie.

Kan ek asb. meer duidelikheid oor hierdie aspek verkry.

Groete

Chris Potgieter
0846145167

FILE NO:	Ged 13/563
SCAN NO:	
COLLABORATOR NO:	1288507

28 MAY 2019

Annexure F 1/3



Project Office

Town Planning & Project Management

TP- A. Theart
(H. v. d. Stoep)



Our Reference: 18/041
Your reference: Ptn 13 of Farm 563 (RCAL)

25 July 2019

The Municipal Manager
Overstrand Municipality
PO Box 20
HEMANUS
7200

Attention: H van der Stoep

**PORTION 13 OF FARM THE DRAAY 563 CALEDON: APPLICATION FOR CONSENT USE:
COMMENTS ON OBJECTIONS**

Objections and comments regarding the application for the abovementioned were received from:

- Kleinmond Ratepayers Association (C Harding);
- C Potgieter;
- DEADP (Planning);
- DEADP (Coastal Management);
- DEADP (Environmental);
- BGCMA; and
- Department of Transport.

FILE NO:	GED 13 DeDraai 563 ✓ KKM
SCAN NO:	GED 13
COLLABORATOR NO:	1308240

Project Planning | Project Feasibility | Land Use Applications | Project Execution Management | Liquor Licensing

Wight Approach Investments
136 CC
(Reg No. 2002/060745/23)

35 Duiker Street,
P O Box 1247
Hermanus, 7200

Tel: +27 (0)26 313 1411
Fax: +27 0865083248

Email: admin@wrapgroup.co.za
Web: www.wrapgroup.co.za

Established 2002

TP 31 JUL 2019

2/3

Comment/objection
1. Western Cape Department of Transport and Public Works. 2. Breede-Gouritz Catchment Management Agency (BGCMA)
Response to objections
Agree to the conditions as stated in these letters.

Comment/objection
1. Western Cape Department of Environmental Affairs and Development Planning Coastal Management Sub-Directorate (Coastal Management) 2. Western Cape Department of Environmental Affairs and Development Planning Development Management Region 2 (Environmental Directorate) 3. Response to comments made by Western Cape Department of Environmental Affairs and Development Planning Development Management Region 2 (Planning Directorate)
Response to objections
These comments will be addressed by the appointed Environmental Impact Assessment Practitioner and will be incorporated into the Basic Assessment which will be submitted to the directorate for consideration.

Comment
Kleinmond Rate Payers Association
Response to the comment
The Kleinmond Rate Payers Association supports the submitted application.

Response to comments made by C Potgieter.

Comment/objection
<i>Ek gebruik hierdie spesifieke gedeelte van R43, waar die serwitutpadingang beplan word, op 'n daaglikse basis na my eiendom by Lamloch en het 'n goeie idee van die verkeervloei. Die R43 kan met tye baie besig raak en dra dan redelike volumes verkeer, veral soos in die laaste tyd al hoe meer gebeur met die sluiting van Sir Lowryspas weens opstande en betogings by Grabouw, sowel as betogings by Botrivierdorp. Weens hierdie tendens en veral met die oog op padveiligheid sal dit seker nodig wees om die suidekant van die R43 van die onmiddellike posisie van die beoogde afdraai serwitutpad na die beplande toeriste oord, te verbreed. Op Planne 4 en 5 van die betrokke dokumentasie wat ek ontvang het, kan ek egter geen aanduiding kry dat die verbreding van die R43 voorgestel of in aanmerking geneem word nie. Daar is ook geen aanduiding dat die insette van die Overstrand Munisipaliteit se Vekeersafdeling hieroor ingewin sal word nie. Kan ek asb. meer duidelikheid oor hierdie aspek verkry."</i>
Response to the comment
The Western Cape Department of Transport and Public Works is the competent commenting authority with regards to the provincial road where access to the subject property is proposed. The relevant department has approved the proposed access point and has not raised any access related concerns.



Conclusion

The outcome of the relevant assessments by the appointed Environmental Impact Assessment Practitioner will be forwarded to you once received.

Yours faithfully

A handwritten signature in black ink, appearing to read "Rea Jankie".

REA JANKIE
TOWN PLANNER (B/8392/2017)

Annexure G 1/2

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: PORTION 13 OF FARM NO. 563,
DIVISION OF CALEDON (2834/2018)**

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 service from Overstrand Municipality is available and the developer will be responsible to obtain the necessary approval, licence and permit from the applicable authorities (water affairs, health, BOCMA etc.) for the use of any other water resources and the extraction thereof;
3. that the quality of potable water comply with SANS0241 standards and that relevant proof be submitted to the Manager : Water Infrastructure & Quality, Overstrand Municipality (Telephone: 028 313 8972);
4. that no sewerage service from Overstrand Municipality is available and the developer will be responsible to obtain the necessary approval, licence and permit from the applicable authorities (water affairs, health, etc.) for the use of any sewage disposal;
5. that the owner will be responsible for the removal of sewerage from the proposed development, and the safe disposal thereof at a licensed municipal sewerage treatment facility;
6. that, alternatively, the developer will be responsible to obtain the necessary approval, licences and permits from the applicable authorities (water affairs, health, etc.) for the use of any other method of sewage disposal;
7. that the owner is responsible for the removal of all refuse generated on the property and the disposal thereof at a registered municipal waste transfer station or –waste disposal facility;
8. that waste water disposal be done in a safe and healthy manner and that plans thereof be submitted to the Municipality and the Department of Water Affairs for approval;

9. that the developer complies to all the conditions set by Department Of Water & Environmental Affairs;
10. that on-site parking facilities are provided as per Planning Schedule and to the satisfaction of the Department: Operational Services;
11. that the developer will arrange with Provincial Administration to obtain approval for any new access from the Provincial road.

Dennis Hendriks
DENNIS HENDRIKS

26/09/2019
DATE

SENIOR MANAGER: ENGINEERING SERVICES



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

DIRECTORATE: DEVELOPMENT MANAGEMENT (REGION 2)

Angelina. Mabie @westerncape.gov.za
Tel: +27 21 483 8354 Fax: +27 21 483 3633
1 Dorp Street, Cape Town, 8000
www.westerncape.gov.za/eadp



TP - A Theart
(H v/d stoep)

REFERENCE: 15/3/2/12/BO3

The Municipal Manager
Overstrand Municipality
P.O. Box 20
Hermanus
7200

FILE NO: Ptn 13/563 ✓
De Dracy, KLM
SCAN NO:
Farm 563
COLLABORATOR NO:
1290570

For attention: H van der Stoep

REQUEST FOR PLANNING COMMENT: CONSENT USE ON PORTION 13 OF FARM 563, CALEDON

- Your request for comment, dated 13 May 2019, has reference.
- The current proposal is for 5 additional dwelling units (250m² each). The applicant's intention is to construct the proposed buildings to accommodate tourists on a short-term basis.
- In terms of the Overstrand Municipality Zoning Scheme, additional dwelling units (to a maximum of five additional units per land unit) are a consent use under Agriculture Zone I. The subject property measures approximately 156,7869ha, thereby permitting a dwelling house, bona fide agricultural buildings and five additional dwelling units.
- The proposal is aligned to the Provincial Spatial Development Framework Policy E2, by way of providing compatible and sustainable rural activities outside the urban edge, of an appropriate scale and form, appropriate in the rural context and which do not compromise the environment.
- The proposal is further aligned to the Land Use Planning: Rural Guidelines (approved March 2019), which permits additional dwelling units on farms to support rural tourism opportunities and ancillary rural activities to diversify farm income and additional value to locally produced products.

6. As such, units should be approved as additional dwelling units with a maximum floor area of 175m² inclusive of garaging/parking, as proposed in the Land Use Planning Rural Guidelines.



DIRECTOR: DEVELOPMENT MANAGEMENT REGION 2

DATE: 29.5.2019



Annexure I 1/17

Department of Environmental Affairs and Development Planning

D'mitri Matthews

Development Management: Region 1

D'mitri.Matthews@westerncape.gov.za | Tel: 021 483 8350

EIA REFERENCE: 16/3/3/1/E4/5/1048/20
 NEAS REFERENCE: WCP/EIA/0000803/2020
 DATE OF ISSUE: 18 March 2021

TP - 2. Incent
 (11. ud Stoop)

FILE NO:	PTN 13/563
	De Draay ✓
SCAN NO:	PTN 13
COLLABORATOR NO:	1519100

The Trustees
 Melkbos Trust
 P.O. Box 62
 ELGIN
 7180

Attention: Mr. P. D. Kilpin

Cell: 082 783 0249

Email: kilpin@boesmansrug.co.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): PROPOSED DEVELOPMENT OF SIX RESIDENTIAL DWELLINGS ON PORTION 13 OF FARM DE DRAAY NO. 563, CALEDON DISTRICT, OVERSTRAND MUNICIPALITY

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014, (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered Interested and Affected Parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

Zaahir

Digitally signed

Toefy

by Zaahir Toefy

Date: 2021.03.18

10:48:13 +02'00'

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Ms. M. Naylor (Lornay Environmental Consultants)
 (2) Ms. P. Aplon (Overstrand Municipality)
 (3) Mr. F. Smith (BGCMA)
 (4) Ms. A. Duffel-Carham (CapeNature)

Email: michelle@lornay.co.za

Email: paplon@overstrand.gov.za

Email: fsmith@bgcma.co.za

Email: aduffel-canham@capenature.co.za

19 MAR 2021

www.westerncape.gov.za



Western Cape
Government

Department of Environmental Affairs and Development Planning

D'mitri Matthews

Development Management: Region 1

D'mitri.Matthews@westerncape.gov.za | Tel: 021 483 8350

2/17

EIA REFERENCE: 16/3/3/1/E4/5/1048/20
NEAS REFERENCE: WCP/EIA/0000803/2020
DATE OF ISSUE: 18 March 2021

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): PROPOSED DEVELOPMENT OF SIX RESIDENTIAL DWELLINGS ON PORTION 13 OF FARM DE DRAAY NO. 563, CALEDON DISTRICT, OVERSTRAND MUNICIPALITY

With reference to your application for the abovementioned, find below the outcome with respect to this application.

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in Section B below with respect to Alternative 2 described in the Basic Assessment Report ("BAR"), dated 11 November 2020.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in Section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Melkbos Trust
% Mr. P. D. Kilpin
P.O. Box 62
ELGIN
7180

Cell: 082 783 0249
Email: kilpin@boesmansrug.co.za

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "**the holder**".



www.westerncape.gov.za

Department of Environmental Affairs and Development Planning

B. LIST OF ACTIVITIES AUTHORISED

Listed activities	Activity/Project Description
<p>EIA Regulations Listing Notice 3 of 2014: Activity Number 6: The development of resorts, lodges, hotels, tourism or hospitality facilities that sleeps 15 people or more.</p> <p>i. Western Cape</p> <p>i. Inside a protected area identified in terms of NEMPAA;</p> <p>ii. Outside urban areas;</p> <p>(aa) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; or</p> <p>(bb) Within 5km from national parks, world heritage sites, areas identified in terms of NEMPAA or from the core area of a biosphere reserve; -</p> <p>excluding the conversion of existing buildings where the development footprint will not be increased.</p>	<p>The dwellings may be used for overnight tourism purposes during certain periods. The combined number of people that the dwellings can accommodate for overnight purposes exceeds 15 people.</p>
<p>Activity Number 12: The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p>i. Western Cape</p> <p>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</p> <p>ii. Within critical biodiversity areas identified in bioregional plans;</p> <p>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line or even in urban areas;</p>	<p>The proposed development entails the clearing of critically endangered vegetation that exceeds 300m².</p>

4/17

iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or	
v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.	

The abovementioned list is hereinafter referred to as "the listed activities".

The holder is herein authorised to undertake the following alternative that includes the listed activities as it relates to the development:

The proposed construction of one main dwelling and five additional dwellings, to be located within the one larger terrestrial cluster. The dwellings will be accessed and connected using a "jeep-track" that will be established as part of the proposal.

Footprints associated with the proposal:

Unit type	Footprint size (m ²)	Exclusive use area (m ²)
Additional dwelling 1	250	1450
Additional dwelling 2	250	1450
Additional dwelling 3	250	1450
Additional dwelling 4	250	1450
Additional dwelling 5	250	1450
Main dwelling	550	2010
	1800	9260
Internal roads	1554	
Access road	450	
Total footprint	3804	

Exclusive use areas will include:

Each dwelling footprint will include an Exclusive Use Area ("EUA") around the dwelling. The EUA will be approximately 1450 m² for each of the five additional dwellings and for the main dwelling, the EUA will be 2010 m² in extent. Given the sensitivity of the property, the following will apply to these areas:

- Limited vegetation removal.
- Appropriate fire landscaping as required.
- No hard surfacing or impermeable paving is allowed.
- No additional freestanding structures (i.e. garage ports, Wendy houses etc.) may be erected.

The maximum area for clearance of indigenous vegetation for the development (i.e. dwellings, associated infrastructure as well as within the EUA) will not exceed 8 000m².

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Portion 13 of Farm De Draay No. 563, Caledon District, Overstrand Municipality, at the following co-ordinates:

Latitude (S)			Longitude (E)		
34°	20'	00.63"	19°	03'	55.84"

The SG digit code is: C0130000000056300013

Refer to Annexure 1: Locality Map and Annexure 2: Site Development Plan.

The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Lornay Environmental Consulting
 % Ms. M. Naylor
 P.O. Box 1990
HERMANUS
 7200

Cell: 083 245 6556
 Email: michelle@lornay.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with, and restricted to, Alternative 2 in the BAR dated 11 November 2020, at the site as described in Section C above.
2. The holder must commence with the listed activities on site within a period of **five (5) years** from the date of issue of this Environmental Authorisation.
3. The development must be concluded within **ten (10) years** from the date of commencement of the first listed activity.
4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the alternative described in Section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information, in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written notice to the Competent Authority

6. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities. The notice must:
 - 6.1 make clear reference to the site details and EIA Reference number given above; and

6/17

6.2 include proof of compliance with the following conditions described herein:

Conditions: 6, 7, 8, 12 and 20

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision-
- 7.1 notify all registered Interested and Affected Parties ("I&APs") of -
 - 7.1.1 the outcome of the application;
 - 7.1.2 the reasons for the decision as included in Annexure 3;
 - 7.1.3 the date of the decision; and
 - 7.1.4 the date when the decision was issued.
 - 7.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 (as amended) detailed in Section G below;
 - 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
 - 7.4 provide the registered I&APs with:
 - 7.4.1 the name of the holder (entity) of this Environmental Authorisation;
 - 7.4.2 name of the responsible person for this Environmental Authorisation;
 - 7.4.3 postal address of the holder;
 - 7.4.4 telephonic and fax details of the holder;
 - 7.4.5 e-mail address, if any, of the holder; and
 - 7.4.6 contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations (as amended).
8. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

Management of activity

- 9. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
- 10. The Conservation Management Plan ("CMP") accepted as part of the EMPr must be implemented. Conservation management activities must be undertaken in accordance with the accepted CMP.
- 11. The EMPr, including the CMP must be included in all contract documentation for all phases of implementation.

Monitoring

12. The holder must appoint a suitably experienced environmental control officer ("ECO"), before commencement of any construction activities to ensure compliance with the EMPr and the conditions contained herein.
13. The ECO must conduct weekly compliance monitoring inspections during the first month of construction and thereafter undertake monthly site visits. Monthly Environmental Compliance Reports must be compiled and submitted to the Competent Authority for the duration of the construction phase. The final Environmental Compliance Report must be submitted to the Competent Authority within six months after construction has been complete.
14. A copy of the Environmental Authorisation, EMPr, CMP, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request, including a publicly accessible website.
15. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

16. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr. The Environmental Audit Reports must be submitted to the Competent Authority every **six (6)** months during the construction phase. The Environmental Audit Report must be prepared by an **independent** person that is not the ECO referred to in Condition 12 and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

The final Environmental Audit Report must be submitted to the Competent Authority within six months after operation commenced.

The holder must, within 7 days of the submission of an environmental audit report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report immediately available to anyone on request and on a publicly accessible website (where the holder has such a website).

Specific Conditions

17. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include: meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

18. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
19. The remainder of the property must be conserved via a Biodiversity Agreement in conjunction with CapeNature. The Biodiversity Agreement must be signed within a period of **two (2)** years from the date of this Environmental Authorisation. Progress reports must be submitted to the Department every **three (3)** months for the duration of the period in which the Biodiversity Agreement must be concluded.
20. The development footprint must be clearly demarcated prior the commencement of construction activities. All areas outside of the demarcated footprint must be regarded as "no-go" areas.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activities within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr must be done in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date on which notification of the decision was sent to the holder by the Competent Authority –

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- 1.1. submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
- 1.2. submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date on which the holder of the decision sent notification of the decision to the registered I&APs-
 - 2.1. submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 2.2. submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organs of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organs of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021 483 2659)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 2659, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

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H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully

Zaahir
 Digitally signed
 by Zaahir Toefy
 Date: 2021.03.18
 10:46:33 +02'00'

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 18 MARCH 2021

CC: (1) Ms. M. Naylor (Lomay Environmental Consultants)
 (2) Ms. P. Aplon (Overstrand Municipality)
 (3) Mr. F. Smith (BGCMA)
 (4) Ms. A. Duffell-Canham (CapeNature)

Email: michelle@lomag.co.za
 Email: paplon@overstrand.gov.za
 Email: fsmith@bgcma.co.za
 Email: aduffell-canham@capenature.co.za

ANNEXURE 1: LOCALITY MAP

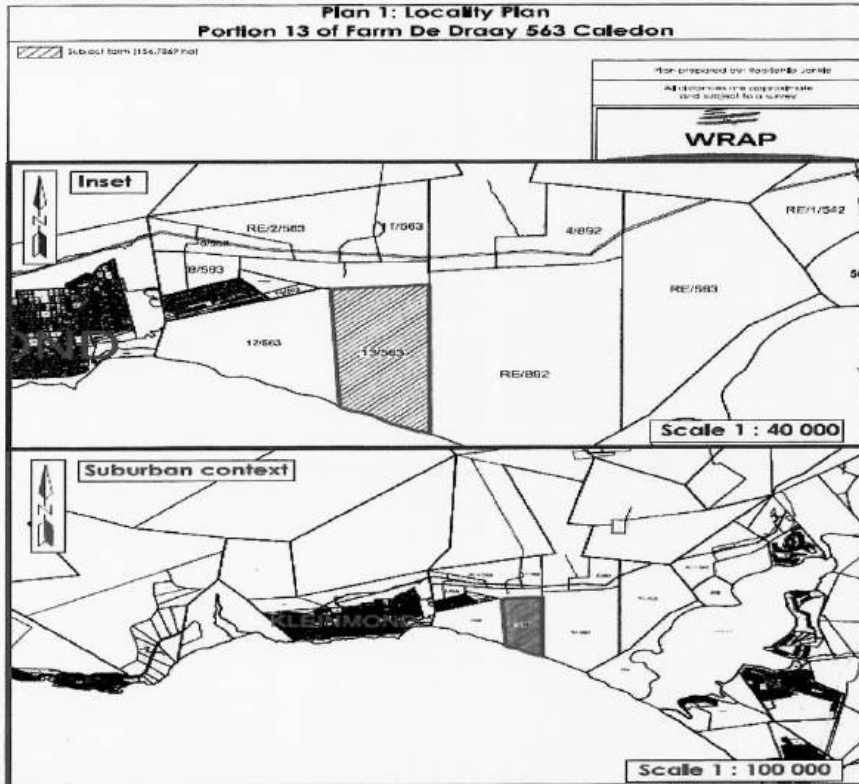


Figure 1: Location of the proposed development.

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ANNEXURE 2: SITE DEVELOPMENT PLAN

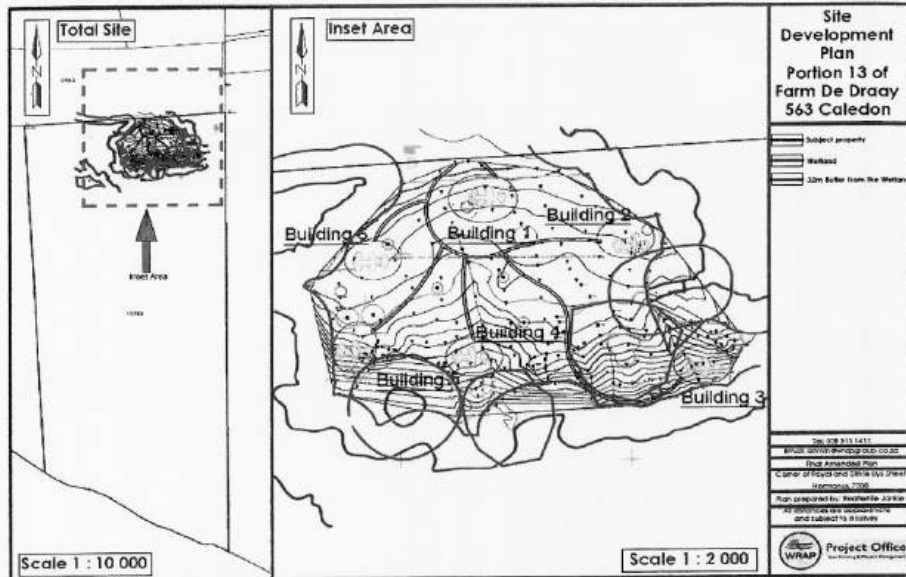


Figure 2: Proposed development layout.

ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, amongst others, the following:

- a) The information contained in the Application Form dated 1 October 2020, the final BAR dated 11 November 2020 and the EMPr (including an CMP for implementation during the operational phase) submitted together with the final BAR;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of NEMA;
- d) The comments received from I&APs and responses to these, included in the BAR dated 11 November 2020; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account during the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- fixing notice boards at the site where the listed activities are to be undertaken 16 October 2019;
- the placing of a newspaper advertisement in the 'Hermanus Times' on 17 October 2019 and 31 October 2019;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councillor, and the various Organs of State having jurisdiction in respect of any aspect of the listed activities, on 16 October 2019, 17 October 2019, 20 February 2020, 21 February 2020 and 9 October 2020; and
- making the pre-application draft BAR available to I&APs for public review from 17 October 2019 and 20 February 2020, and the in-process draft BAR from 9 October 2020.

The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and all the comments raised and responses thereto were included in the comments and response report.

Specific alternatives, management and mitigation measures have been considered in this Environmental Authorisation and EMPr to adequately address the concerns raised.

2. Alternatives**2.1 Alternative 1:**

This alternative entails the construction of one main dwelling and five additional dwellings. The main dwelling will be located on a separate terrestrial 'island' south west of the main



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development cluster. Access to this terrestrial 'island' will be required, as well as the extension of services, across the wetland. The remaining five dwellings will be accessed and connected by a "jeep-track" that will be established as part of the proposal.

Footprints associated with this proposal:

Unit type	Footprint size (m ²)	Exclusive use area (m ²)
Additional dwelling 1	250	1450
Additional dwelling 2	250	1450
Additional dwelling 3	250	1450
Additional dwelling 4	250	1450
Additional dwelling 5	250	1450
Main dwelling	550	2010
	1800	9260
Internal roads	2300,4	
Access road	450	
Total footprint	4550,4	

Exclusive use areas will include:

Each dwelling footprint will include an Exclusive Use Area ("EUA") around the dwelling. The EUA will be approximately 1450 m² for each of the five additional dwellings and for the main dwelling, the EUA will be 2010 m² in extent. Given the sensitivity of the property, the following will apply to these areas:

- Limited vegetation removal.
- Appropriate fire landscaping as required.
- No hard surfacing or impermeable paving is allowed.
- No additional freestanding structures (i.e. garage ports, Wendy houses etc.) may be erected.

This alternative is not preferred because the construction of an access road to the main dwelling site, as well as the construction of the associated services to the site, are required to traverse the wetland area. Additionally, due to the location of the main dwelling, the proposal can no longer be considered as a cluster development and the impacts associated with developing two areas will be spread across a larger and more sensitive extent of the property. This alternative would also require more vegetation clearance to accommodate access to the main dwelling.

2.2 Alternative 2 (Herewith Authorised):

This alternative is similar to Alternative 1, with the exception of the main dwelling and five additional dwellings, being located within one larger terrestrial 'island'.

Footprints associated with this proposal:

Unit type	Footprint size (m ²)	Exclusive use area (m ²)
Additional dwelling 1	250	1450
Additional dwelling 2	250	1450
Additional dwelling 3	250	1450
Additional dwelling 4	250	1450
Additional dwelling 5	250	1450
Main dwelling	550	2010
	1800	9260
Internal roads	1554	
Access road	450	
Total footprint	3804	

Exclusive use areas will include:

Each dwelling footprint will include an Exclusive Use Area ("EUA") around the dwelling. The EUA will be approximately 1450 m² for each of the five additional dwellings and for the main dwelling, the EUA will be 2010 m² in extent. Given the sensitivity of the property, the following will apply to these areas:

- Limited vegetation removal.
- Appropriate fire landscaping as required.
- No hard surfacing or impermeable paving is allowed.
- No additional freestanding structures (i.e. garage ports, Wendy houses etc.) may be erected.

The maximum area for clearance of indigenous vegetation for the development (i.e. dwellings, associated infrastructure as well as within the EUA) will not exceed 8 000m².

This alternative is preferred because it allows the development footprint to be set back 32m from the wetland and it avoids infrastructure having to traverse the wetland. By clustering the development in one larger terrestrial 'island', the impacts of the development are restricted.

2.3 "No-Go" Alternative:

The "no-go" option was considered and is not preferred because the cost of managing the property is high and funds need to be generated by the proposed development, in order for the continued management of the property to be secured.

3. Impact Assessment and Mitigation measures

3.1 Activity Need and Desirability:

The subject property is approximately 162ha in extent and is currently undeveloped. The property requires long-term management, which is costly to the applicants/property owners. Funds are required in order to continue the long-term management of the property, therefore necessitating the development of dwellings that can be utilised for a mix of long term residential/short term tourism units. The approval of the proposed development will enable the applicant to protect the remaining sensitive areas on the subject property. The wetland delineation, undertaken by Enviroswiff, strategically positioned the development footprint 32m away from the wetland and recommended that the primary dwelling and additional dwellings be located on a single terrestrial 'island'. In addition, a Biodiversity Agreement will be entered into with CapeNature to ensure the long-term management and protection of the remainder of the property. The development will also contribute to enhancing the tourism opportunities of the rural areas in Kleinmond and the Overstrand Municipality.

3.2 Biodiversity and Biophysical Impacts:

According to the Botanical Impact Assessment dated April 2019, compiled by Ms. Amida Johns of the Kogelberg Biosphere Reserve, the vegetation within the proposed development site comprises Hangklip Sand Fynbos and Kogelberg Sandstone Fynbos, ecosystems classified as endangered and critically endangered (respectively) in terms of Section 52 of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEMBA"). Both vegetation types are considered to be in good condition with some disturbance caused by the short intervals between the most recent fires. The site inspection undertaken by the Botanical Specialist confirmed that the vegetation type at the proposed entrance road to the development site and on the north-eastern section of the site comprises Hangklip Sand Fynbos, with the remaining vegetation better described as Kogelberg Sandstone Fynbos. The significance impact of the development on the Hangklip Sand Fynbos, despite being only a relatively small area, is still regarded as high due to the importance of the vegetation type in the area. Most of the vegetation that will be lost occurs on the vegetation assessed as Kogelberg Sandstone Fynbos. No Red list species were noted to occur here. Through the implementation of the

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specialist's recommendations and the implementation of the mitigation measures in the EMPr and CMP (Accepted in Condition 9 and 10), as well as the remainder of the site being set aside for conservation by entering into a Biodiversity Agreement with CapeNature (Condition 19), the impacts on vegetation will be limited to the proposed development site only.

According to the Freshwater Impact Assessment dated 2 September 2020, compiled by Mr. N. Steytler of EnviroSwift, the site-based wetland delineation undertaken across the uppermost quarter of the site (i.e. nearest to the R44 where the proposed development will be located) comprises a hillslope seep which is interspersed with areas of terrestrial habitat (a total of 23.4 hectares of wetland was identified in this area with 12.5 hectares of terrestrial land making up the remainder). This hillslope seep extends continuously for approximately 250m southwards from the development site to the Estuarine Functional Zone. The hillslope seep is considered to be in an unmodified, pristine present ecological state and of high ecological sensitivity and importance. As such, the only potentially suitable area for development are the terrestrial portions of the site. The preferred alternative allows for the development footprint to be set back 32m from the wetland and for the primary dwelling and additional dwellings be located on a single terrestrial 'island'. Through the implementation of the 32m buffer, the specialist recommendations and the mitigation measures in the EMPr (accepted in Condition 9), impacts on the hillslope seep will be mitigated to an acceptable level.

Furthermore, the Breede Gouritz Catchment Management Agency ("BGCMA"), on behalf of the Department of Water and Sanitation, confirmed that the proposed development will be subject to registration of water uses(s) authorized in terms of a General Authorisation.

3.3 Heritage Impacts:

According to the Heritage Impact Assessment dated August 2019, compiled by Mr. J. Kaplan of ACRM, few archaeological remains were encountered during the study. Remains included a possible, crude, marginally retouched Early Stone Age hand-axe and two weathered quartzite chunks. The results of the study indicate that the proposed development will not impact on important archaeological resources. Additionally, through the implementation of Conditions 17 and 18 and the mitigation measures in the EMPr (accepted in Condition 9), potential impacts on archaeological and heritage resources will be mitigated.

Heritage Western Cape, in their final comment dated 15 May 2020, confirmed that the Heritage Impact Assessment satisfies the requirements of Section 38(3) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) and agrees with the findings.

The development will result in both negative and positive impacts.

Negative Impacts:

- The proposed development will result in loss of natural vegetation. However, the EMPr, which includes the CMP will ensure that no further development other than the approved development is allowed through the establishment of a Biodiversity Agreement with CapeNature.
- There will be an increase in noise and dust impacts during the construction phase.

Positive impacts:

- The proposed development will generate the required funds that will ensure the continuous management of the remainder of the property.
- A Biodiversity Agreement will be established with CapeNature to ensure the ongoing management and protection of the sensitive ecosystems on the remainder of the property.
- There will be employment opportunities during the construction and operational phases.



4. National Environmental Management Act Principles

The NEMA Principles (set out in Section 2 of the NEMA, which apply to the actions of all Organs of State, serve as guidelines by reference to which any Organ of State must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

-----END-----



Directorate: Biodiversity and Coastal Management

Ms L. Jacobs

Email: Lynn.Jacobs@westerncape.gov.za



TRATheart
(Hublstoep)

CMU REFERENCE: 028/2019

The Municipal Manager
Overstrand Municipality
PO Box 20
HERMANUS
7200

FILE NO:	Ptn 13/563
SCAN NO:	
COLLABORATOR NO:	1296895

Attention: Ms Loretta Gillion

Tel: 028 313 8900

Fax: 028 313 2093

Email: loretta@overstrand.gov.za

Dear Madam

RE: CONSENT USE APPLICATION FOR PORTION 13 OF FARM 563, CALEDON.

1. The request for comment from this Department's sub-Directorate: Coastal Management on the Application for Consent Use received on 20 May 2019, refers.
2. The Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) ("NEM: ICMA") is a Specific Environmental Management Act under the umbrella of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"). The NEM: ICMA sets out to manage the nation's coastal resources, promote social equity and best economic use of coastal resources whilst protecting the natural environment. The NEM: ICMA established the coastal protection zone in order to manage, regulate and restrict the use of land adjacent to coastal public property, or land that plays a significant role in the coastal ecosystem for the purpose of, *inter alia*, protecting the ecological integrity and natural character of the coast and to protect people, property and economic activities from the risks or threats which may arise from dynamic coastal processes. In terms of Section 38 of NEM: ICMA, the Department of Environmental Affairs and Development Planning is the provincial lead agency for coastal management in the Western Cape as well as the competent authority for the administration of certain provisions of "The control of vehicles in the coastal zone regulations (GN No 1399, 21 December 2001, as amended "ORV Regulations" and the "Management of public launch sites in the coastal zone (GN No. 497, 27 June 2014) "Public Launch Site Regulations". In terms of the NEM: ICMA, the Department developed the Provincial Coastal Management Programme that sets out the priorities for the province pertaining to the coastal zone.

3. The sub-Directorate: Coastal Management ("SD: CM") has reviewed the information as specified above and have the following commentary:
- 3.1. Due to the effects of climate change, it was predicted that the Western Cape would experience, *inter alia*: changes in temperature, decrease in rainfall and an increase in the frequency and magnitude of storm surges along the coast. It is in light of this complex and dynamic nature of the coastline that the NEM: ICMA was promulgated. The NEM: ICMA provides a framework for the integrated management of the coast with the aim of preserving, protecting, extending and enhancing the status of coastal public property and securing equitable access to the benefits and opportunities of the coast. As such, the NEM: ICMA provides for various zones and provides a framework for the management of these zones.
- 3.2. The increased effects of climate change, sea level rise and increased storm surges in coastal environments obliges the Department to take a more cautious approach with regard to considering development along the coast. In 2016, the Department commissioned the refinement of the delineation of the Overberg Coastal Management Line to ensure that development is regulated in a manner appropriate to risks and sensitivities in the coastal zone. The principle purpose of the coastal management line ("CML") is to protect coastal public property ("CPP"), private property and public safety; to protect the coastal protection zone ("CPZ"), and to preserve the aesthetic value of the coastal zone. The use of CML's is of particular importance in response to the effects of climate change, as it involves both a quantification of risks and pro-active planning for future development.
- 3.3. The proposed development falls seaward of the CML and is located within the CPZ as defined in Section 16 of the NEM: ICMA and delineated as part of the Overberg CML project in 2016. In terms of Section 17 of the NEM: ICMA, "The coastal protection zone is established for enabling the use of land that is adjacent to coastal public property or that plays a significant role in a coastal ecosystem to be managed, regulated or restricted in order to-
- i. protect the ecological integrity, natural character and the economic, social and aesthetic value of coastal public property;
 - ii. avoid increasing the effect or severity of natural hazards in the coastal zone;
 - iii. protect people, property and economic activities from risks arising from dynamic coastal processes, including the risk of sea-level rise;
 - iv. maintain the natural functioning of the littoral active zone;
 - v. maintain the productive capacity of the coastal zone by protecting the ecological integrity of the coastal environment; and
 - vi. make land near the seashore available to organs of state and other authorized persons for-
 - (i) performing rescue operations; or
 - (ii) temporarily depositing objects and materials washed up by coastal waters."

As such, Section 63 of the NEM: ICMA is therefore applicable to the proposed development.

3.4. The southern portion of the property is located within the Bot River estuary, as well as within the Estuarine Functional Zone ("EFZ"). The EFZ (the 5m contour) is used as a delineation boundary within estuaries as it encapsulates most dynamic areas influenced by long-term estuarine sedimentary processes. It further provides a buffer zone that considers the geographical extent of ecological process in an estuary including impacts of sea-level rise due to climate change. It also allows for the inclusion of some terrestrial fringe vegetation that contribute detritus to the system and refuge areas for many animal species during floods.

It is noted that the proposed location is at the northern portion of the property. However, the northern portion is also located within a wetland that is further linked to the estuary. Therefore, any disturbance within the wetland could potentially have an impact on the estuary.

- 3.5. The Bot/Kleinmond Estuarine Management Plan ("EMP") which has been commissioned by the Department as part of the Estuary Management Framework and Implementation Strategy ("EMFIS") has not been considered. Due to comment 3.4, it is recommended that the EMP be taken into consideration.
- 3.6. It is noted that the wetland screening report identified portions of terrestrial land which could be appropriate for the proposed development. However, this assessment was done in late summer in March 2018, during a drought. Conditions have certainly changed since then. It is therefore recommended that the wetland screening assessment be undertaken under the current environmental conditions.
- 3.7. The entire farm is located within a Critical Biodiversity Area ("CBA"). According to the Western Cape Biodiversity Spatial Plan ("WCBSP"), 2017, the desired management objective for these areas is to maintain it in a natural or near-natural state, with no further loss of habitat. Degraded areas must be rehabilitated, and only low impact, biodiversity-sensitive land uses are appropriate. The buildings are proposed to be sited in an area where the predominant vegetation, in terms of the WCBSP, is Hangklip Sand Fynbos that is classified as Endangered.
- 3.8. The Wetland screening assessment, dated April 2018, conducted by EnviroSwift concludes that proceeding with the proposed development will result in some unavoidable risk to the sensitive environment. This statement is concerning as the information provided is insufficient for the sub-directorate to ascertain if the design of the proposed development is responsive to the sensitivity of the site and if the recommendations proposed will minimise the potential impact(s) on the wetland to be insignificant.
- 3.9. Equitable public access to the coast is one of the objects of the NEM: ICMA which is further provided for in the Western Cape Provincial Coastal Access Strategy and Plan (WC PCASP). Be advised that the Department has commissioned the 'Overberg Coastal Access Audit and Pilot Study' which was finalised in December 2018. During the stakeholder engagement process for the coastal access audit, this stretch of coastline is adjacent to private property, and therefore there is no public access provided. However, longshore beach access is possible. Due to the environmental sensitivity of the site it may be reasonable to curb public access to the coast across the property, however this must be adequately addressed in the impact assessment process to allow the municipality to apply its mind in terms as required in terms of S18(9) of NEM: ICMA.

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- 3.10. The information provided states that the proposed development is subject to a Basic Assessment process that is currently underway in terms of the Environmental Impact Assessment Regulations. The SD: CM would therefore prefer to provide a comment based on the information provided within the Basic Assessment Report as this report should provide further insight into the proposed layout and design of the entire development as well as the anticipated impacts thereof.
4. The applicant must be reminded of their general duty of care and the remediation of environmental damage, in terms of Section 28(1) of NEMA, which, specifically states that: "...Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment..." together with Section 58 of the NEM: ICMA which refers to one's duty to avoid causing adverse effects on the coastal environment.
5. The SD: CM reserves the right to revise its comments and request further information based on any information that may be received.

Yours faithfully



CONTROL ENVIRONMENTAL OFFICER
SUB-DIRECTORATE: COASTAL MANAGEMENT
DATE: 28 June 2019



Annexure K 1/2

ROAD NETWORK MANAGEMENT
Email: Grace.Swanepoel@westerncape.gov.za
Tel: +27 21 483 4669
Rm 335, 9 Dorp Street, Cape Town, 8001
PO Box 2603, Cape Town, 8000

TP- A Theart
(H v d Stoep)

REFERENCE: 16/9/6/2-21/18 (Job 25336)
ENQUIRIES: Ms GD Swanepoel
DATE: 30 May 2019

The Municipal Manager
Overstrand Municipality
PO Box 20
HERMANUS
7200

Attention: Ms H van der Stoep

Dear Madam

PORTION 13 OF FARM 563, CALEDON: TRUNK ROAD 27: CONSENT USE APPLICATION

1. Your letter Ptn 13 of Farm 563 (RCAL) dated 13 May 2019 refers.
2. The subject property is located approximately 3km east from Kleinmond. Access is proposed via a new right of way off Trunk Road 27 at \pm km8.7 over Portion 3 of Farm 563.
3. This application is for Consent Use in order to develop 5 additional dwelling units
4. This Branch offers no objection to the application in terms of the Land Use Planning Act No 3 of 2014, subject to the following:
 - 4.1 The necessary right of way servitude is registered as set out in the application;
 - 4.2 The access at \pm km8.7 off Trunk Road 27 is constructed as a Main Farm Access as per the attached standard plan and is provided with a sealed hard-surface (for the cost of the Applicant) and
 - 4.3 The existing access to Portion 3 of Farm 563 is permanently closed, the fence reinstated and the verge restored to a natural state (i.e. any gravel or similar material is removed from the bellmouth and replaced with naturally occurring ground). The District Roads Engineer, Paarl (021 863 2020) must be informed before any work in the road reserve is undertaken and must accept the work at completion.

Yours faithfully


SW CARSTENS
For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT

FILE NO:	Ptn 13/563 km
SCAN NO:	PTN 13
COLLABORATOR NO:	1291717



**Western Cape
Government**

Agriculture



Annexure L

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

OUR REFERENCE : 20/9/2/4/2/884
YOUR REFERENCE : -
ENQUIRIES : Cor van der Walt

Overstrand Municipality
PO Box 20
HEMANUS
7200

Att: Loriaan Isaacs

FILE NO: FW 13/563
<i>W. J. van der Walt</i>
SCAN NO:
19
COLLABORATOR NO: 1366534

**APPLICATION FOR CONSENT USE: DIVISION CALEDON
PORTION 13 OF THE FARM NO 563**

Your application of 16 July 2019 has reference.

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

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

Mr. CJ van der Walt

**LANDUSE MANAGER: LANDUSE MANAGEMENT
2019-11-14**

Annexure M 1/2

FILE NO:	04/10/13/563
SCAN NO:	
COLLABORATOR NO:	1298696



TP-ATheart
(H. van der Stoep)



BREDE-GOURITZ
CATCHMENT MANAGEMENT AGENCY

51 Balmig Street Worcester 6850, Private Bag X3055 Worcester 6850

Enquiries: V Ligudu

Tel: 023 346 8006

Fax: 023 347 2012

E-mail: vligudu@bgcma.co.za

REFERENCE NO: 4/10/1/G40G/Farm 563/13 Caledon

Date: 27 June 2019

The Municipal Manager
Overstrand Municipality
P. O. Box 20
Hermanus
7200

Attention: H van der Stoep

RE: PORTION 13 OF FARM 563, A DIVISION OF CALEDON: APPLICATION FOR CONSENT USE: WRAP (OBO MELKBOS TRUST, EC MOLTENO & CL YOUNG).

With reference to the application received by this office on the 21/05/2019, requesting comments.

The Breede-Gouritz Catchment Management Agency (BGCMA) has the following comments:

- All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered.
- 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).

Section 21 (c) – impeding or diverting the flow of water in a watercourse

Section 21 (i) - altering the bed, banks, course or characteristics of a watercourse.

- Please consult the Department of Environmental Affairs and Development Planning regarding the Estuary wetlands as observed on the Cape Farm Mapper.
- No pollution of surface water or groundwater resources may occur due to the proposed activity.
- The minimising of waste must be promoted and alternative methods for waste management must be investigated.
- Please note that engaging in activity that triggers the National Water Act without authorisation is an offence and will result in the BGCMA taking legal action against the proponent in terms of the National Water Act, 1998 (Act 36 of 1998).

Water for domestic use

- Water provided for domestic use must comply with the SANS 241:2015 guidelines for drinking water.

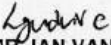
Disposal of sewage

- The disposal of sewage must at all times comply with the requirements of Sections 22 and 40 of the National Water Act of 1998, (Act 36 of 1998).
- When a conservancy tank is used for the disposal of sewerage, this office must be furnished with a signed copy of the contract between the contractor or the municipality which is appointed to pump the conservancy tank.
- The volume of sewage needs to be metered on a monthly basis and removal programme needs to ensure to be scheduled to ensure that the conservancy tank is pumped well within time before overflowing. Alternatively, floating devices should be installed within the tanks that initiate an alarm of 75% full capacity for collection and disposal.
- The tank must be provided with a fresh air inlet and an intercepting grease trap.
- The tank must have an airtight manhole cover to allow access to the tank for the removal and safe disposal of the tank contents.
- No industrial waste or refuse may be discharged into the conservancy tank except by written agreements with the relevant authorities.
- The size of the conservancy tank must be determined by both the frequency of removal of its contents to the local Wastewater Treatment Works and by the quantity of sewage anticipated from the above-mentioned project.
- The contents of the tank must be removed by a vacuum tanker and conveyed to a local Wastewater Treatment Works that is capable of processing the volume and contents of the conservancy tank.
- The contingency plan must be drawn up to protect against overflow of the conservancy tank.
- Ingress of storm water into the conservancy tank must be prevented.
- The conservancy tanks must be located out of the 1:100 year flood line of any water resource.

BGCMA reserves the right to revise initial comments and request further information based on any additional information that may be received. The onus remains with the registered property owner to confirm adherence to any other relevant legislation that any activities 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)

Annexure N 1/2



Division of Telkom SA SOC Ltd

10 Jan Smuts Drive
Pinelands
7404

Candice Spammer

Tel: 021 414 5582

Fax: 086 480 0617

Email: spammec1@telkom.co.za

Our Ref.: WWIP_WKLD2137_19

Your Ref.: 13 / 563

4 July 2019

Attention: S Muller

Overstrand Municipality
HERMANUS

APPLICATION FOR CONSENT USE: PORTION 13 OF FARM 563, KLEINMOND

With reference to your letter received July 2019.

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.

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.

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 **Frederik Swart** at telephone number **028 514 1199 / 081 363 7815 / FrederikS@openserve.co.za**


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.

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

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

All Open Serve rights remain reserved.

Yours faithfully



Selwyn Bowers
Operations Manager
Wayleave Management: Western Region

Annexure 0

Office of the Director:
Infrastructure & Planning



Kantoor van die Direkteur:
Infrastruktuur & Beplanning

ENVIRONMENTAL MANAGEMENT SECTION

Dear Loriaan,

Re: Application for Consent Use: Portion 13 of Farm 563

Thank you for the opportunity to comment on this application.

The property falls within a Critical Biodiversity Area (CBA) and the vegetation type on the property is Endangered Hangklip Sand Fynbos as listed in terms on section 52 the National Environmental Management Biodiversity Act (10 of 2004).

The proposed development is more than 300m² and as it is within an Endangered Ecosystem and a CBA, an Environmental Impact Assessment (EIA) is required as per Listing Notice 3, Activity 12 of the National Environmental Management Act.

Consent Use for tourist facilities cannot be awarded until the aforementioned EIA is completed.

Regards,

Tamzyn Zweig
Environmental Officer
Environmental Management Section
Directorate: Infrastructure & Planning
Overstrand Municipality
33 5th Avenue Kleinmond, 7195
T: +27 (0) 28 271 8420 Ext: 8420



HANGKLIP/KLEINMOND ADMINISTRATION

Telephone: 028 271 8420

E-mail: tzweig@overstrand.gov.za

33rd Avenue
Kleinmond
7195

Annexure P

Munisipaliteit • D. Melkbos • Molteno
OVERSTRAN

File reference:	RCAL 13/563 (2834/2018)
Date:	13 May 2019

LI

INTERNAL MEMORANDUM

From	:	Town Planning Department
Town Planner	:	Hanneen van der Stoep

TO:

<u>Area Manager</u>	<u>Building Department</u>	<u>District Health</u>	<u>Electrical Department</u>
<u>Environmental Officer</u>	<u>Fire Department</u>	<u>Infrastructure and Planning</u>	Local Heritage Committee
<u>Operational Services</u>	Traffic Department	<u>Ward Councillor (Clr. G. Cohen)</u>	<u>Waste Management</u>

Applicant	WRAP (obo MELKBOS TRUST, EC MOLTENO & CL YOUNG)
Property Details	PORTION 13 OF FARM 563, A DIVISION OF CALEDON
Application Description	APPLICATION FOR CONSENT USE

ATTACHMENTS :

1.	Notice	Should the information be insufficient for you to make an informative comment, please list any additional documentation that you would require to make informed comments.
2.	Locality Plan	
3.	Site Development Plan	
4.	Motivation	

YOUR DEPARTMENT'S COMMENTS:

1. Reservoirs or tanks for the water must be completely rodent and bird proof.	
2. Water must comply with SANS 241.	
3. How and where will grey-water be re-used? If used for irrigation, the areas to be irrigated should be 100m away from the borehole. Kitchen waste water to go into conservancy tanks; it is not grey water.	
Signature: <u>Sosthuizen</u>	Date: <u>20/06/2019</u>

Please provide your comments (with specific reference to any conditions of approval that should be imposed) in the space provided above or in a separate Memo by not later than the date stipulated below. If you require an extension of time for submission of comments, kindly request this in writing. Should no comments be received, it will be assumed that you have no objection to the proposal and where appropriate, the Mayoral Committee will be informed accordingly.

- Building Control Department to confirm that all structures on the property/ies are in accordance with the approved building plans.

COMMENTS REQUIRED BY:	21 June 2019
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