

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR REZONING & SUBDIVISION PTN 2 OF FARM 712**

Water	:	According to GLS Report
Sewer	:	According to GLS Report
Roads and traffic	:	According to TIA
Stormwater (SW)	:	See conditions 12 & 13
Electricity	:	According to the master plan

**Conditions:**

1. That a Bulk Services Contribution Levy (BICL) be paid by the developer to supplement municipal services and amenities in accordance with the relevant legislation and as determined by the Council. The BICL tariff is adjusted by Council annually. The total BICL payable will be the amount as determined by the BICL Policy and tariff at the date of **actual payment**. BICL amounts quoted in any document will normally be applicable to the particular year in which the document was compiled and Council will not be bound by the quoted amounts.

**1.1 Developments containing Sectional Title Units/ Commercial Buildings (non-free standing properties – property is not to be subdivided)**

The BICLs are to be paid in full **prior** to submission of the building plans. Building Plans will not be accepted unless the BICL is paid in full.

**1.2 Developments with free standing properties (property that is subdivided and plots to be sold individually).**

The BICLs are payable **prior** to clearance being issued by the Income Department of the Municipality.

The contribution according to the current policy (2012/2013) is as follows:

**Residential erven**

Water (W7A)	R 20 670.00 x 472 =	R 9 756 240.00
Sewerage (SEW5A)	R 16 589.00 x 472 =	R 7 830 008.00
Roads & SW(RDST1)	R 5 406.00 x 472 =	<u>R 2 551 632.00</u>
TOTAL (inclusive of VAT)	=	<u>R20 137 880.00</u>

**Institutional erf**

Water (W7A)	R 20 670.00 x 9.6 =	R 198 432.00
Sewerage (SEW5A)	R 16 589.00 x 9.6 =	R 159 254.40
Roads & SW(RDST1)	R 5 406.00 x 9.6 =	<u>R 51 897.60</u>
TOTAL (inclusive of VAT)	=	<u>R 409 584.00</u>

**Commercial erf**

Water (W7A)	R 20 670.00 x 23 =	R 475 410.00
Sewerage (SEW5A)	R 16 589.00 x 23 =	R 381 547.00
Roads & SW(RDST1)	R 5 406.00 x 23 =	<u>R 124 338.00</u>
TOTAL (inclusive of VAT)	=	<u>R 981 295.00</u>

**Note:**

- 1.1 **The above figures are estimates**
2. that the developer at his cost constructs the internal municipal civil and electrical services for the development as well as any link or bulk municipal services that need to be provided;
  - 2.1 the Director: Infrastructure and Planning may require the developer to construct internal, link, and/or bulk municipal services to a higher capacity than warranted by the development for purposes of allowing other existing or future developments to also utilise such services, provided:
  - 2.2 the rates and prices of such work be established in terms of a system which is fair, equitable, transparent and cost effective;
  - 2.3 if link municipal services have already been provided, the developer to contribute towards the cost thereof, the Director: Infrastructure and Planning to determine the amount of such contribution in terms of a system which is fair and equitable;
3. that servitudes for municipal services be registered in favour of the Council at the developer's cost in respect of all main services to be taken over by the Council and all existing municipal services concerned crossing private property;
4. that the developer indemnifies and keep the Council indemnified against all actions, proceedings, claims and demands, costs, damages and expenses arising out of the establishment of the township, the provision of services to the township or the use of servitude areas or municipal property:
  - 4.1 for a period which shall commence on the date that the installation of the services to the township are commenced with and shall expire after completion of the maintenance period;
  - 4.2 the developer to submit an acceptable public liability insurance policy to the Council and to pay the premium in advance for the period as set out above before any work concerned may commence;

- 4.3 the insurance to be to an amount which shall not be less than that required by the SAACE;
  - 4.4 such indemnification against loss, claims or damages, to include claims pertaining to consequential damages by third parties and whether as a result of the damage to or interruption of or interference with the Council's services or apparatus or otherwise;
  5. that a plan of all existing services be submitted to the Director: Infrastructure and Planning, by the developer and that any of the services that need to be relocated, be done by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning:
    - 5.1 way-leaves must be obtained from the Operational Manager;
    - 5.2 such way-leaves to be obtained prior to any excavation on public property or property where existing services are located;
  6. that the developer may enter into an agreement with the Council to install or upgrade bulk and/or link municipal services and amenities at an agreed cost, subject to the following:
    - 6.1 such costs to be established in accordance with a system which is fair, equitable, transparent, competitive and cost effective;
    - 6.2 such costs shall be set-off against (part or full) development contributions payable in respect of engineering services;
    - 6.3 to the extent that such costs exceed the development contributions payable, the Council will refund the developer the difference with interest calculated at the prime rate, when funds are available;
  7. that plans of all the internal municipal civil and electrical (high and low voltage supply) services and such link services as required by the Director: Infrastructure and Planning, prepared by an ECSA registered professional engineer/technologist, be submitted to the Director: Infrastructure and Planning for his prior approval;
  8. the "Guidelines for the Provision of Engineering Services in Residential Townships" (Blue Book), SABS 1200 specifications and the Design and Construction Standards for civil and electrical services of the Council to be used as the standard design and construction criteria with which such plans must comply;
  9. the Director: Infrastructure and Planning to be notified in writing of all deviations from the Standard Design and Construction Criteria when plans are submitted for his approval and such deviations to be
-

- separately approved in writing by the Director: Infrastructure and Planning;
10. the successful completion of such works to be supervised and certified by an independent professional civil engineer/technologist i.e. a professional civil engineer/technologist who has no direct financial interest in the development, other than payment as standard professional fees for the work concerned; and
  11. such independent professional civil engineer/technologist to furnish the Director: Infrastructure and Planning with satisfactory proof of his professional indemnity insurance to an amount which shall not be less than that required by the SAACE and which insurance shall be valid for the relevant contract and maintenance period;
  12. that a stormwater management plan, which may include attenuation facilities to ensure that the pre-development run-off is not exceeded and that erosion and pollution is minimised, be submitted to the Director: Infrastructure and Planning for approval and that the approved management plan be implemented by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning;
  13. that the above stormwater management plan include the following:
    - 13.1 pre-development run-off from the catchment area;
    - 13.2 post-development run-off from catchment area;
    - 13.3 existing stormwater reticulation system and the capacity thereof;
    - 13.4 connection of internal stormwater reticulation system;
    - 13.5 overland escape routes
  14. that all municipal civil and electrical services installed or constructed by the developer, be maintained after completion thereof for a maintenance period, as described in the General Condition of Contract for works of Civil Engineering Construction – 2004, of 12 months, and
  15. that a Certificate of Completion together with as-built services plans be provided by the independent professional engineer/technologist to the Overstrand Municipality. As-built plans to be on quality paper, together with a DXF file thereof;
  16. that the developer furnish the Council with a bank guarantee equal to 2.5% of the value of the provided municipal civil and electrical services as certified by the independent professional engineer/technologist. The guarantee shall be to the satisfaction of the Director: Infrastructure and Planning and valid for the 12 months maintenance period which commences from date of the Certificate of Completion;
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17. that the developer provide bulk meters for water and electricity at approved positions as well as individual meters at each consumption point;
  18. that the Home Owners Association be responsible for the operational costs and maintenance of street lighting, electrical reticulation and metering and all internal services;
  19. that an approved refuse collection area/room to sufficiently accommodate the refuse generated by the development be provided and which is to be provided with the following:
    - a. properly ventilated;
    - b. a cement floor;
    - c. a tap and running water, as well as a drainage point which is connected to the sewer network;
    - d. is at a position nearest to an access road for the development and be accessible for the refuse truck at all times, to the satisfaction of the Director: Infrastructure and Planning;
  20. that sufficient space be provided within the proposed road network for the manoeuvring of the refuse truck;
  21. that the developer appoint a consulting electrical engineer to determine the electricity demand for the development and pay a fee to Overstrand Municipality to determine the capacity in the existing electricity network;
  22. that the electricity reticulation and supply be provided according to the master plan by the developer;
  23. that the developer apply for a temporary water connection on the prescribed application form at Overstrand Municipality's Finance Department, before commencement of construction;
  24. that the developer apply for a bulk water connection on the prescribed application form, at Overstrand Municipality's Finance Department and that the installation of the bulk water meter, by the developer, be done under the supervision of the Operational Manager, Gansbaai;
  25. that the connection to the main water line will only be done by the Operational Department after payment of the connection fee, by the developer;
  26. that damage to the existing roads, used as routes for access to the development, for the provision of services, be repaired by the developer;
  27. that the developer at his cost, appoint GLS Consulting (Pty) Ltd, to perform an investigation to determine whether the proposed development can be accommodated in the existing water & sewer
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systems of Overstrand Municipality and the upgrades required (if any), to the systems in accordance with the Master Plan;

28. that the developer at his cost appoint a registered traffic engineer\specialist to conduct a traffic impact assessment to determine the traffic impact etc. of the proposed development and that any upgrading necessary to the existing or new roads network will be for the developer's cost.



DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES

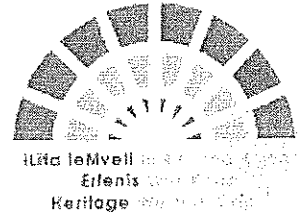
13/02/2013  
DATE

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Our Ref: HM/OVERBERG/OVERSTRAND/DE KELDERS/PORTION 2 OF FARM  
STRANDFONTEIN 712

Enquiries: Troy Smuts  
Tel: 021 483 9543  
Email: [justin.bradfield@pgwc.gov.za](mailto:justin.bradfield@pgwc.gov.za)

Date: 19/06/2013  
Case No: 120416JL05  
Auto IDs: 1789 - 2461

**FINAL COMMENT**

In terms of section 38(8) of the National Heritage Resources Act (Act 25 of 1999)  
and the Western Cape Provincial Gazette 6061, Notice 298 of 2003

Attention: Mr M Lerm  
Plan Active  
PO Box 296  
Hermanus  
7200

CASE NUMBER: 120416JL05

HIA: PROPOSED KHOISAN BAY DEVELOPMENT ON PORTION 2 (LANGBOSCH) OF THE FARM  
STRANDFONTEIN NO. 712, DE KELDERS

The matter above has reference.

Heritage Western Cape is in receipt of your correspondence on the above matter, dated January 2013.

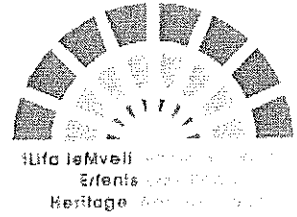
## Decision:

Heritage Western Cape has no objection to proposed development subject to the following archaeological and visual related concerns being addressed:

1. The mitigation measures detailed on pages 75 to 79 of the Visual Impact Assessment should be followed.
2. Test excavation at Sites 740 and 741 (2012 report) on the low dunes alongside the De Kelders residential area, in the north western portion of the site, is required to characterize these sites and determine either the need for further excavation or for measures necessary for their protection.
3. The archaeological study conducted in 2006 indicated 5 sites (STF 1, 2, 8, 9 & 10) in portions 2 (and possibly 3) of the current proposal of high or medium significance. The impact on this area from the additional more than 470 dwellings will be considerable. The archaeologist is requested to determine whether these can be re-identified, and tested through excavation in order to assess their significance and determine measures for their protection. Should further development take place in portions 2 and 3 they must be excavated and sampled.
4. Monitoring of vegetation clearing operations and bulk earthworks must be carried out as determined by the archaeologist. A monitoring plan must be submitted to Heritage Western Cape for approval.
5. If any unmarked human remains or buried shell middens are uncovered or exposed during bulk earthworks, work must cease and these must immediately be reported to the archaeologist, or Heritage Western Cape.
6. A Heritage Management Plan must be submitted to Heritage Western Cape for approval, in order to protect archaeological sites, including those outside the proposed footprint area or that may be hidden in vegetation, as these will be impacted by cumulative impacts resulting from the proposed development.

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Our Ref: HM\OVERBERG\OVERSTRAND\DE KELDERS\PORTION 2 OF FARM STRANDFONTEIN 712



Enquiries: Troy Smuts	Date:	19/06/2013
Tel: 021 483 9543	Case No:	120416JL05
Email: <a href="mailto:justin.bradfield@pgwc.gov.za">justin.bradfield@pgwc.gov.za</a>	Auto IDs:	1789 - 2461

**Terms and Conditions:**

1. This approval does not exonerate the applicant from obtaining local authority approval or any other necessary approval for the proposed work.
2. If any heritage resources, including archaeological material, palaeontological material, graves or human remains, are encountered work must cease and they must be reported to Heritage Western Cape immediately.
3. Heritage Western Cape reserves the right to request additional information as required.

Should you have any further queries, please contact the official above and quote the case number above.

Yours faithfully

  
 Andrew B Hall  
 Chief Executive Officer  
 Heritage Western Cape

Street Address: 711 Eerste Oewerboulevard, Green Point, Western Cape, Cape Town, 8001. Postal Address: Private Box 15007, Edgars, Cape Town, 8001.  
 Tel: 021 483 9543. E-mail: [pgwc@pgwc.gov.za](mailto:pgwc@pgwc.gov.za)

Street Address: 711 Eerste Oewerboulevard, Green Point, Western Cape, Cape Town, 8001. Postal Address: Private Box 15007, Edgars, Cape Town, 8001.  
 Tel: 021 483 9543. E-mail: [pgwc@pgwc.gov.za](mailto:pgwc@pgwc.gov.za)



## ROAD NETWORK MANAGEMENT

Email: Grace.Swanepoel@westerncape.gov.za  
 Tel: +27 21 483 4669 Fax: +27 21 483 2166  
 Rm 335, 9 Dorp Street, Cape Town, 8001  
 PO Box 2603, Cape Town, 8000

REFERENCE: 13/3/5/1-21/118 (Job 15726)

ENQUIRIES: Ms GD Swanepoel

DATE: 22 January 2013

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

Attention: S van der Merwe

Dear Sir

**PORTION 2 (LANG BOSCH) OF THE FARM STRANDFONTEIN NO 712: APPLICATION FOR REZONING AND SUBDIVISION**

1. The following refer:
  - 1.1 Your letter dated 15 June 2012 with reference "2/712 (1867)".
  - 1.2 Branch letter dated 21 August 2012 with reference "13/3/5/1-21/118 (Job 15726)".
  - 1.3 Preliminary Design for the proposed access at km 39.63 undertaken by Messrs' ICE Group.
2. This application is for the following:
  - 2.1 Subdivision of Portion 2 of Farm no 712 into Portion A of  $\pm 110.4573$ ha and Remainder of  $\pm 519.5903$ .
  - 2.2 Portion A to be subdivided into Portion 1 of  $\pm 37.895$ ha, Portion 2 of  $\pm 18.2336$ ha and Portion 3 of  $\pm 54.3286$ ha.

- 2.3 Rezone Portion 1 to Subdivisional Area in order to create 118 single residential erven, 1 Road Zone, 6 Public Open Spaces, 1 institutional Erf, 1 Local Business Zone, 4 Group Housing schemes consisting of 179 townhouses, 39 Private Open Spaces, and 5 private roads.
- 2.4 Rezoning of Portion 2 to Private Open Space.
- 2.5 Rezoning of Portion 3 to Public Open Space.
3. The Traffic Impact Assessment (undertaken by Messrs' ICE) proposes the following:
  - 3.1 A new access is created on Trunk Road 28, Section 2, at km 39.63 with left and right turn lanes.
  - 3.2 Left and right turn lanes be built on the Trunk Road at the intersections with Cove Street and a left turn lane at Guthrie Street.
4. This Branch offers no objection to the application in terms of the Land Use Planning Ordinance, Ordinance 15 of 1985, subject to the following conditions:
  - 4.1 The proposed road infrastructure improvements are completed before the development commences. The following improvements are required:
    - 4.1.1 A new intersection is created on Trunk Road 28, Section 2, at km 39.63 with left and right turn lanes.
    - 4.1.2 Left and right turn lanes be built on the Trunk Road at the intersections with Cove Street and a left turn lane at Guthrie Street.
5. All designs are to be approved by this Branch and submitted to Mr S Carstens.
6. This Branch as the approving authority in terms of Act 21 of 1940 approves the subdivision application.

Yours faithfully



ML WATTERS  
For EXECUTIVE MANAGER: ROAD & TRANSPORT MANAGEMENT



# DEPARTMENT of AGRICULTURE

Provincial Government of the Western Cape

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## LANDUSE MANAGEMENT

LandUse.Eisenburg@eisenburg.com  
tel: +27 21 808 5099 faks: +27 21 808 5092  
Muldersvlei Road, Eisenburg, 7607  
www.eisenburg.com

**OUR REFERENCE** : 20/9/2/4/2/468  
**YOUR REFERENCE** : PA/11014/ML  
**ENQUIRIES** : Cor van der Walt

Plan Active Town and Regional Planners  
PO Box 296  
HERMANUS  
7200



Att: M Lerm

### SUBDIVISION, REZONING AND AMENDMENT OF SDF: DIVISION CALEDON PORTION 2 (LANG BOSCH) OF THE FARM STRANDFONTEIN NO 712

Your application of 1 September 2011 has reference.

The Department of Agriculture: Western Cape (DoA: WC) has no objection to the proposed subdivision, rezoning and amendment of the SDF as proposed in the application (page 6) with conditions.

Also refer to letter 2006-12-08.

#### Conditions:

- Portion A must be zoned out of Agriculture for purposes of township development according to the Local Government's zoning scheme and regulations.
- That this development must be linked to the bulk services of the local municipality.
- That no contamination of any natural resource may occur as a result of this development.

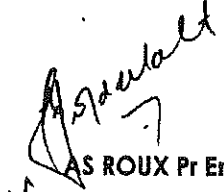
FILE NO:	PA 2/4/2/468
SCAN NO:	
COLLABORATOR NO:	288510

#### Please note:

That this is only a recommendation to the relevant deciding Authorities in terms of the Subdivision of Agricultural Land Act 70 of 1970, Conservation of Agricultural Resources Act no 43 of 1983 and the Land Use Planning Ordinance 15 of 1985. The applicant must provide the local government and the National Department of Agriculture, Fisheries and Forestry with copies of the application.

- 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



AS ROUX Pr Eng

**DIRECTOR: SUSTAINABLE RESOURCE MANAGEMENT**

**2011-10-27**

Copies:

Directorate Land Use and Sustainable Resource Management  
National Department of Agriculture  
Private Bag X 120  
PRETORIA  
0001

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

Cape Nature Stellenbosch  
Private Bag X5014  
Stellenbosch  
7600

Departement Landbou | Department of Agriculture | Isebe Lwezolimo

wes-kaap landbou  
agriculture western cape  
ezolimo entshona koloni

Our Reference : 20/9/2/4/2/468  
Your Reference : 6/004  
Enquiries : Jan Smit

WRAP  
P.O. Box 1247  
Hermanus  
7200

Attention: Riaan Stassen

**SUBDIVISION & REZONING: DIVISION CALEDON  
PORTION 2 THE FARM STRANDFONTEIN NO 712**

Your letter of 29 September 2006 has reference.

The Department of Agriculture: Western Cape supports the subdivision of the above-mentioned farm to create the following units:

- Portion A ± 110ha
- Remainder ± 520ha

The subdivision is with condition that Portion A (± 110ha) is zoned out of Agriculture for the purposes of township development according to the Local Government's zoning scheme and regulations.

Yours sincerely

  
**A. ROUX**  
**ACTING DIRECTOR: SUSTAINABLE RESOURCE MANAGEMENT**  
**2006-12-08**

Copies  
Director Sustainable Resource Management  
National Department van Agriculture  
Privaatsak X 120  
PRETORIA  
0001

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



Privaatsak X1 / Private Bag X1, Elsenburg 7607  
Tel: (021) 808 5111 • Faks/Fax: (021) 808 5120 • Webwerf/Website: www.elsenburg.com  
**LANDBOU-ONTWIKKELINGSENTRA / AGRICULTURAL DEVELOPMENT CENTRES:**  
**ELSENBURG • GEORGE • MOORREESBURG • OUDTSHOORN • VREDENDAL**

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(Svd Merwe  
I le Roux)

THE MUNICIPAL MANAGER  
OVERSTRAND MUNICIPALITY  
P O Box 20  
HERMANUS  
7200

Date:  
3 September 2012

Attention: S W van der Merwe



Enquiries:  
Shaun Swanepoel  
Tel 021 980-3913  
Fax 086 660 0941

Dear Sir / Madame

**RE: PORTION 2 (LANG BOSCH) OF THE FARM STRANDFONTEIN NO 712: APPLICATION FOR REZONING AND SUBDIVISION**

YOUR REF: 2/712 (1867)  
OUR REF: 01347/12

I refer to your application dated 31 July 2012 received 27 August 2012.

This application affects Eskom power lines

1. GANSBAAI FARMERS 1
2. GANSBAAI-STANFORD 66 kV OVERHEAD POWERLINE.

There is a 9-metre building and tree restriction on either side of the centre line of the 11-kV power line and a 22-metre wide servitude, 11-metre on either side of the centre line of the 66 kV powerline which must be observed in all future developments.

Eskom has no objection to the abovementioned application, provided the following conditions are adhered to:

- a) Eskom's services and equipment must be acknowledged at all times and may not be tampered with or interfered with.
- b) No construction work may be executed closer than ten metres from any Eskom structure or structure-supporting mechanism.
- c) Natural ground level must be maintained within Eskom reserve areas and servitudes.
- d) No work is allowed within Eskom reserve areas and servitudes.
- e) Eskom shall not be liable for the death or injury of any person, or for loss of or damage to any property, whether as a result of the encroachment or use of the area where Eskom has its services, by the applicant, his/her agent, contractors, employees, successors in title and assignees.
- f) The applicant indemnifies Eskom against loss, claims or damages, including claims

Distribution Division - Western Region [Land Development]  
Western Region  
Eskom Road Brackenfell 7560 PO Box 222 Brackenfell 7561 SA  
Tel +27 86 003 7566 www.eskom.co.za

Eskom Holdings SOC Limited Reg No 2002/015527/06

FILE NO:	Ptn 2/712
SCAN NO:	10
COLLABORATOR NO:	326933

pertaining to interference with Eskom services, apparatus or otherwise.

- g) Eskom shall at all times have unobstructed access to and egress from its services.
- h) No dumping shall be allowed within Eskom Services.
- i) Any development which necessitates the relocation of Eskom's services will be to the account of the developer.

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

Yours sincerely



**Shaun Swanepoel**  
**LAND DEVELOPMENT (BRACKENFELL)**

## ESKOM (WESTERN REGION)

### **OCCUPATIONAL HEALTH AND SAFETY ACT (Act No 85 of 1993) WITH REGULATIONS**

#### D16 (7) Excavations

"The builder or excavator shall ascertain as far as possible the location and nature of underground services likely to be affected by the excavation and take such steps as may be necessary to prevent danger to persons".

### **THE ELECTRICITY ACT (Act No 41 of 1987)**

#### Section 27 (3) : Offences and Penalties

"Any person who without legal right (the proof of which shall be upon him) cuts or damages or interferes with any apparatus for generating, transmitting or distributing electricity, shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000,00 or to imprisonment for a period not exceeding twelve months".



**OVERSTRAND MUNICIPALITY**

P O Box 26  
Gansbaai  
7220

**Date:**  
29.08.2012

*(S v/d Merwe)  
I le Roux*

**Enquires:**  
Mr Christopher Epnaar  
Tel: 021 980 3461  
Fax: 086 607 7248

**Attention: S.W. van der Merwe**

Dear Sir/Madam

**PORTION 2 OF THE FARM STRANDFONTEIN NO 712: APPLICATION FOR REZONING AND SUBDIVISION**

**YOUR REFERENCE : 2/712 (1867)**  
**OUR REF : 00975/12**

- **Drawing Number: 00975/12**

I refer to your letter dated 15<sup>th</sup> of June 2012. Please see attached drawing, which indicates Eskom 11/22kV over head power lines, with 9m building restrictions on either side of the centre lines.

Based on the received information, the above mentioned activities do not affect any Eskom services.

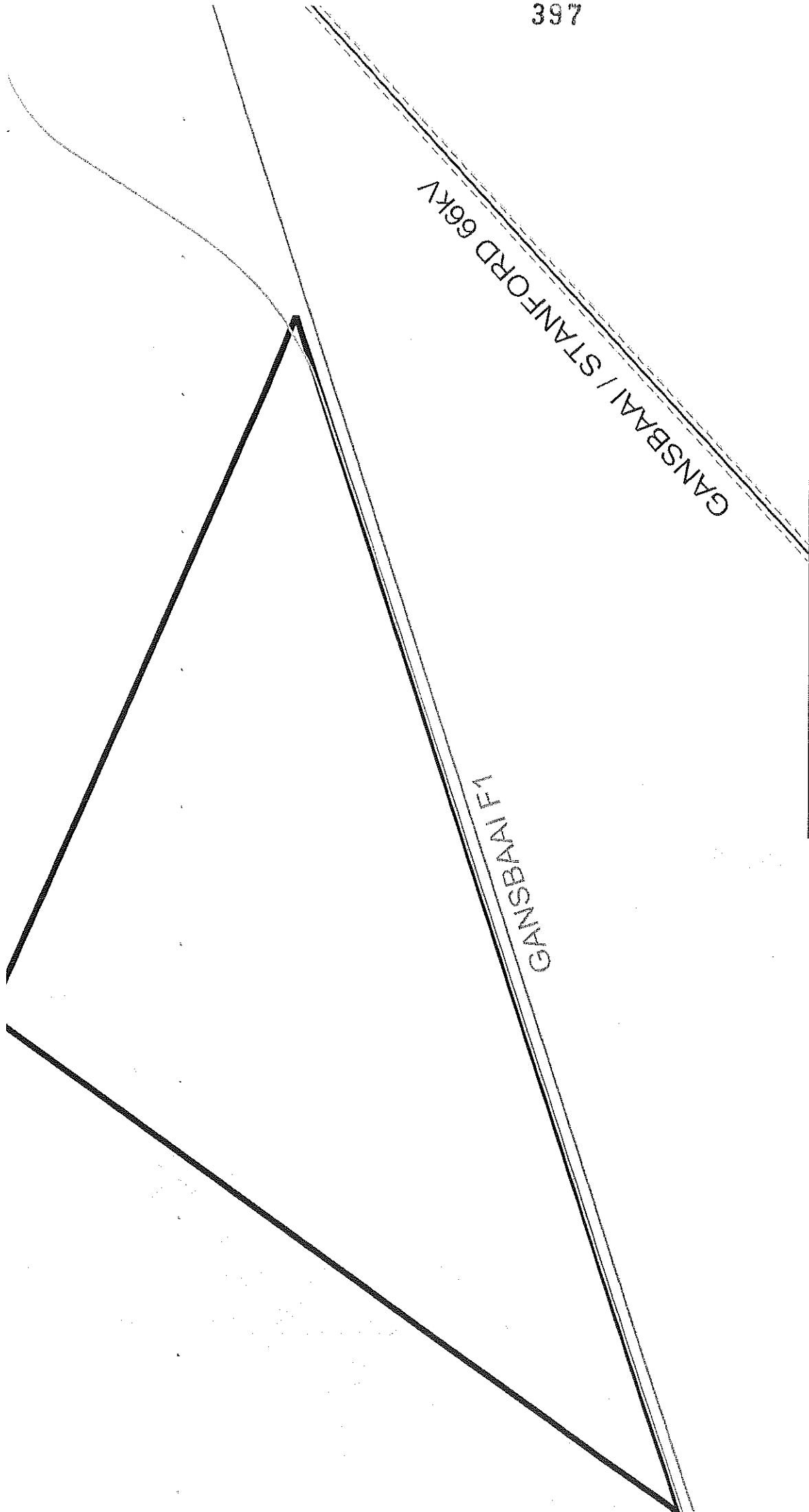
Should you require any further information, please contact Christopher Epnaar, Land Development, Brackenfell, Tel: 021- 980 3461

Yours faithfully

**Christopher Epnaar**  
**Land Development - Brackenfell**

FILE NO:	<i>Ph 2/712</i>
SCAN NO:	
COLLAGRATOR NO:	<i>389022</i>





DATE

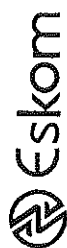
AUTH

CHKD

BY

REVISION DESCRIPTION

REV



CALEDON TSA

FARM 712/2, GANSBAAI

REZONING AND SUBDIVISION



CADASTRAL BOUNDARY

ESKOM MV O/H LINE - 11KV

ID

AUTH:



Western Cape Government  
Education



Infrastructure Planning and Management

Gerit.Coetzee@pgwc.gov.za  
tel: +27 21 467 9261 fax: +27 21 467 2565

(Svd merwe)  
I La Roux

Our Reference: 20120726 – 0001  
Your Reference: 2/712 (1867)

Enquiries: Mr G. Coetzee

Overstrand Municipality  
P.O. Box 26  
GANSBAAI  
7220



Per email: svdmerwe@overstrand.gov.za

Attention: S.W. van der Merwe

**SUBJECT: PORTION 2 (LANG BOSCH) OF THE FARM DTRANDFONTEIN NO. 712: APPLICATION FOR REZONING AND SUBDIVISION**

With reference to the above-mentioned and your letter dated 15 June 2012, please allow this department to comment as follows:

The WCED has **no objection** to the proposed development.

I trust you find this letter in order. If you require any further information, please do not hesitate to contact me.

Regards

GERRIT COETZEE

TOWN PLANNER: INFRASTRUCTURE PLANNING AND MANAGEMENT

DATE: 26 July 2012

FILE NO:	Ptn 2/712
SCAN NO:	
COLLABORATOR NO:	375845



DIRECTORATE: LAND MANAGEMENT  
REGION 2

**EIA REFERENCE NUMBER:** E12/2/3/2-E2/11-0093/06

**ENQUIRIES:** RONDINE ISAACS

**DATE OF ISSUE:** 19 JUN 2012

The Board of Directors  
Khoisan Bay Estates (Pty) Ltd  
PO Box 175  
CENTURY CITY  
7445

**Attention: Mr GV Smit**

Tel/Fax: (021) 554 5057

Dear Sir

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT AMENDMENT REGULATIONS, 2006 AND 2010: THE PROPOSED KHOISAN BAY RESIDENTIAL DEVELOPMENT ON PORTION 2 OF THE FARM STRANDFONTEIN NO. 712, GANSBAAI.**

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

### ENVIRONMENTAL AUTHORISATION

#### DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Amendment Regulations, 2006 and 2010, ("NEMA EIA Regulations") the competent authority herewith **grants environmental authorisation** to the applicant to undertake the list of activities specified in section B below with respect to the Site Development Plan for the reduced development footprint included in the additional information submission dated 6 March 2012.

The granting of this environmental authorisation is subject to compliance with the conditions set out in section E below.

**A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION**

Khoisan Bay Estates (Pty) Ltd  
 % Mr GV Smit  
 PO Box 175  
 CENTURY CITY  
 7445  
 Tel/Fax: (021) 554 5057

The abovementioned company is the holder of this environmental authorisation and is hereinafter referred to as "the applicant".

**B. LIST OF ACTIVITIES AUTHORISED**

Government Notice No. R. 386 of 21 April 2006 –

**Activity Number 1 (k):**

*"The construction of facilities or infrastructure, including associated structures or infrastructure for the bulk transportation of sewage and water, including storm water, in pipelines or channels with -*

- (a) An internal diameter of 0,36 metres or more; or*
- (b) A peak throughput of 120 litres per second or more";*

**Activity Number 12:**

*"The transformation or removal of indigenous vegetation of 3 hectares or more or of any size where the transformation or removal would occur within a critically endangered or an endangered ecosystem listed in terms of section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)";*

**Activity Number 15:**

*"The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long"; and*

**Activity Number 18:**

*"The subdivision of portions of land 9 hectares or larger into portions of 5 hectares or less".*

Government Notice No. R. 387 of 21 April 2006 -

**Activity Number 2:**

*"Any development activity, including associated structures and infrastructure, where the total area of the developed area is, or is intended to be, 20 hectares or more".*

Government Notice No. R. 544 of 18 June 2010 -

**Activity 22:**

*"The construction of a road, outside urban areas,*

- (i) with a reserve wider than 13,5 metres or,*
- (ii) where no reserve exists where the road is wider than 8 metres, or*

- (iii) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Notice 545 of 2010".

Government Notice No. R. 545 of 18 June 2010 -

**Activity 15:**

"Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20 hectares or more;

except where such physical alteration takes place for:

- (i) linear development activities; or
- (ii) agriculture or afforestation where Activity 16 in this Schedule will apply".

Government Notice No. R. 546 of 18 June 2010 -

**Activity 4:**

"The construction of a road wider than 4 metres with a reserve less than 13,5 metres.

**(d) In the Western Cape:**

- i. In an estuary;
- ii. All areas outside urban areas;
- iii. In urban areas:
  - (aa) Areas zoned for use as public open space within urban areas; and
  - (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose";

**Activity 13:**

"The clearance of an area of 1 hectare or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, except where such removal of vegetation is required for:

- (1) the undertaking of a process or activity included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), in which case the activity is regarded to be excluded from this list.
  - (2) the undertaking of a linear activity falling below the thresholds mentioned in Listing Notice 1 in terms of GN No. 544 of 2010.
- (a) Critical biodiversity areas and ecological support areas as identified in systematic biodiversity plans adopted by the competent authority.
  - (b) National Protected Area Expansion Strategy Focus areas.
  - (c) **In the Western Cape:**
    - i. In an estuary;
    - ii. Outside urban areas, the following:
      - (aa) A protected area identified in terms of NEMPAA, excluding conservancies;
      - (bb) National Protected Area Expansion Strategy Focus areas;

- (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;
  - (dd) Sites or areas identified in terms of an International Convention;
  - (ee) Core areas in biosphere reserves;
  - (ff) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve;
  - (gg) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined.
- iii. In urban areas, the following:
- (aa) Areas zoned for use as public open space;
  - (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;
  - (cc) Areas seawards of the development setback line;
  - (dd) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined"; and

#### **Activity 14**

"The clearance of an area of 5 hectares or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, except where such removal of vegetation is required for:

- (1) purposes of agriculture or afforestation inside areas identified in spatial instruments adopted by the competent authority for agriculture or afforestation purposes;
  - (2) the undertaking of a process or activity included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the activity is regarded to be excluded from this list;
  - (3) the undertaking of a linear activity falling below the thresholds in Notice 544 of 2010.
- (a) **In the Western Cape:**
- i. All areas outside urban areas".

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

The applicant is herein authorised to undertake the following alternative related to the listed activities:

This environmental authorisation is for the reduced development footprint as included in the additional information submission dated 6 March 2012 (Plan No. KSB2.DRW dated September 2011), attached hereto as Appendix A. The development entails the establishment of a residential development on Portion A of the Farm Strandfontein No. 712/2, Gansbaai. The Remainder of the property will be rezoned to Public and Private Open Space and will not be developed.

Portion A will be subdivided into 3 portions. Portions 2 and 3 (dune area) will be rezoned from Agriculture Zone 1 to Private Open Space (18.2ha) and Public Open

Space (54.3ha), respectively. Portion 1 (37.9ha) will be rezoned from Agriculture Zone 1 to Subdivisional Area. The residential development on Portion 1 of Portion A will comprise of the following:

- Approximately 472 residential erven (single residential, group housing and town housing);
- 45 Public and Private Open Space erven;
- 6 Erven for public and private roads;
- 1 Erf zoned for Institutional use;
- 1 Erf zoned for Business use; and
- Bulk services.

### C. PROPERTY DESCRIPTION AND LOCATION

The listed activities will take place on Portion A of the Farm Strandfontein No. 712/2, Gansbaai.

The SG 21 digit code is: C0110000000071200002

Co-ordinates:

Latitude: 34° 33' 15" S

Longitude: 19° 22' 29" E

hereinafter referred to as "the site".

### D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

Johan Neethling Environmental Services cc ("JNES")  
 % Dr Johan Neethling  
 PO Box 16594  
 VLAEBERG  
 8018  
 Tel: (021) 461 4386  
 Fax: (021) 461 6909

### E. CONDITIONS OF AUTHORISATION

1. This environmental authorisation is valid for a period of **five years** from the date of issue. The holder must commence with the listed activities within the said period or this environmental authorisation lapses and a new application for environmental authorisation must be submitted to the competent authority, unless the holder has lodged a valid application for the amendment of the validity period of this environmental authorisation, before the expiry of this environmental authorisation. In such instances, the validity period will be automatically extended ("the period of administrative extension") from the day before this environmental authorisation would otherwise have lapsed, until the amendment application for the extension of the validity period is decided. The listed activities, including site preparation, may not commence during the period of administrative extension.
2. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days of the date of issue of this environmental

authorisation. In the event that an appeal notice and subsequent appeal is lodged with the competent authority, the effect of this environmental authorisation may be suspended until such time as the appeal is decided.

3. The applicant must in writing, within 12 (twelve) calendar days of the date of this decision and in accordance with Regulation 10(2)-
  - 3.1 notify all registered Interested and Affected Parties of -
    - 3.1.1 the outcome of the application;
    - 3.1.2 the reasons for the decision as included in Annexure 1;
    - 3.1.3 the date of the decision; and
    - 3.1.4 the date of issue of the decision;
  - 3.2 draw the attention of all registered Interested and Affected Parties to the fact that an appeal may be lodged against the decision in terms of Chapter 7 of the Environmental Impact Assessment Amendment Regulations, 2010 detailed in section F below;
  - 3.3 draw the attention of all registered Interested and Affected Parties to the manner in which they may access the decision.
4. Seven calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities.
  - 4.1 The notice must make clear reference to the site details and EIA Reference number given above.
  - 4.2 The notice must also include proof of compliance with the following conditions described herein:  
Conditions: 2, 3, 15, 19, 22, 24, 28, 29 and 30.
5. The holder is responsible for ensuring compliance with the conditions by any person acting on his behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
6. Any changes to, or deviations from the scope of the description set out 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 such information as it deems necessary 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.
7. The applicant must notify the competent authority in writing, within 24 hours thereof if any condition herein stipulated is not being complied with.
8. The draft Construction Environmental Management Plan ("CEMP") dated February 2008 is hereby approved on condition that the following amendment is made to the CEMP, and must be implemented:
  - 8.1 The Environment Control Officer ("ECO") must retain proof/registers of training with regards to Environmental Awareness Training.

An application for amendment to the CEMP must be submitted to the competent authority if any further amendments are to be made to the CEMP, other than those mentioned above, and this may only be implemented once the amended CEMP has been authorised by the competent authority.

The CEMP must be included in all contract documentation for the pre-construction and construction phases of the development.

9. The applicant must compile and submit an acceptable operational phase EMP ("OEMP") for the entire property. The OEMP must be submitted to the competent authority for approval before any of the development components become operational.  
The OEMP must:
  - 9.1 Address the protection and management of the conservation area; the potential for wind erosion; the complete removal of all alien invasive plants; and fire management and control.
  - 9.2 Incorporate the conditions of authorisation given in this environmental authorisation, as appropriate to the operational phase of the project. The Home Owners' Association must implement and ensure compliance with this OEMP.
  - 9.3 Incorporate the visual management and monitoring plan.
10. A copy of the environmental authorisation and the EMP must be kept at the site where the listed activities will be undertaken. Access to the site referred to in section C above must be granted and, the environmental authorisation and EMP 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. The environmental authorisation and EMP must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.
11. The applicant 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. Further, the rights granted by this environmental authorisation are personal rights (i.e. not attached to a property, but granted to a natural or juristic person). As such, only the holder may undertake the activities authorised by the competent authority. Permission to transfer the rights and obligations contained herein must be applied for in the following manner:
  - 11.1 The applicant must submit an originally signed and dated application for amendment of the environmental authorisation to the competent authority stating that he wishes the rights and obligations contained herein to be transferred, and including (a) confirmation that the environmental authorisation is still in force (i.e. that the validity period has not yet expired or the activities were lawfully commenced with); (b) the contact details of the person who will be the new holder; (c) the reasons for the transfer; (d) an originally signed letter from the proposed new holder acknowledging the rights and obligations contained in the environmental authorisation and indicating that he has the ability to

implement the mitigation and management measures and to comply with the stipulated conditions.

- 11.2 The competent authority will issue an amendment to the new holder either by way of a new environmental authorisation or an addendum to the existing environmental authorisation if the transfer is found to be appropriate.
12. Non-compliance with a condition of this environmental authorisation or EMP may result in suspension of this environmental authorisation and may render the holder liable for criminal prosecution.
13. Notwithstanding this environmental authorisation, the holder must comply with any other statutory requirements that may be applicable to the undertaking of the listed activities.
14. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). 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: archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings; shipwrecks; and graves or unmarked human burials.
- 14.1 Shovel testing of archaeological heritage remains in STF 1, 2, 8, 9 & 10 are required to determine the significance of below ground deposits. If surface scatters are found to have depth and undisturbed deposits, it must be sampled by way of controlled archaeological excavation.
- 14.2 Vegetation clearing operations in the eastern sector of the site must be monitored by a professional archaeologist. Should any archaeological remains be uncovered during such operations, shovel testing and systematic archaeological sampling will be required.
- 14.3 Bulk earthworks and excavations must be monitored by a professional archaeologist. Should any archaeological remains be uncovered during these operations, shovel testing and systematic archaeological sampling will be required.
15. The holder must appoint a suitably experienced ECO, or site agent where appropriate, for the construction phase of implementation before commencement of any land clearing or construction activities to ensure compliance with the CEMP and the conditions contained herein.
16. ~~An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a landfill licensed in terms of the applicable legislation.~~

17. No surface or ground water may be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
18. The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to.
19. A Storm Water Master Plan (Management Plan) must be approved by the Overstrand Municipality before commencement of construction activities. The Plan must address, *inter alia*:
  - 19.1 The development of appropriate infrastructure to accommodate a 1:100 flood event.
  - 19.2 The development of retention ponds as part of the storm water management system.
  - 19.3 The diversion of storm water as well as the required flow diversion structures.
  - 19.4 Catch pits and sediment traps.
  - 19.5 Runoff from roads and properties may not be directed into conservation areas as this would change the water balance in the vegetation.
20. A search and rescue must be conducted in order to collect all horticultural useful material plant species prior to the development footprints being pegged. The plants must be maintained in a nursery and then used in rehabilitation of the on-site disturbed areas and/or after roads have been completed and bulk services installed.
21. The following conditions as stipulated by the Department of Water Affairs in their letter dated 4 November 2008 must be adhered to:
  - 21.1 No activities may take place within a reach of 500m of a buffer zone upstream, downstream and riparian zone to any wetland system without formal authorisation thereto obtained from the Department of Water Affairs.
  - 21.2 No permanent structures may be constructed within the 50-year flood line of a river and/or stream.
  - 21.3 The applicant and Overstrand Municipality must sign a formal bulk services agreement, as per the tabled decreased number of units.
22. A Landscape Master Plan must be approved by the Overstrand Municipality before commencement of construction activities.
23. The Architectural and Landscaping Guidelines must be adhered to.
24. The final layout must be approved by the Overstrand Municipality before construction commences.
25. ~~Separate right-turn and left-turn lanes must be provided on the side street at the Khoisan Bay access. A passing lane on TR28/2 will avoid delays to through traffic from Hermanus in the direction of Gansbaai.~~

26. Water saving devices e.g. dual flush toilet systems, low-flow showerheads etc. and energy saving devices such as geyser blankets must be used in all components of the development.
27. The ECO must oversee the installation of bulk services on the site and will be responsible for ensuring compliance with all construction activities.
28. A search and rescue operation must be conducted before construction commences to remove slow-moving animals such as tortoises.
29. All activities, including access, site clearing, lay down areas, site camp and excavation activities must be limited to the construction corridor, and the extent of the corridor must be clearly demarcated before the commencement of construction.
30. The exact boundary of the conservation area must be fenced off with veldpan type fencing prior to any heavy machinery going on site. The fence must carry signs, every 30m, to indicate that it is a sensitive area and that no access is permitted.
31. A fire management plan must be established in conjunction with CapeNature officials of the Walker Bay Nature Reserve. Home owners must formally agree to this practice when purchasing any property on the proposed site.
32. The location, width and management of firebreaks must be finalised in conjunction with the manager of the Walker Bay Nature Reserve.

#### **F. RECOMMENDATION**

It is recommended that all areas (that are not approved for development) that have been identified to be of high sensitivity in terms of conservation importance be formally conserved through CapeNature's stewardship programme (at the applicant's own cost). The identified areas should be included into the stewardship programme within one year after the completion of construction activities for the infrastructure requirements of the development. A duly signed and dated Memorandum of Understanding with CapeNature's stewardship programme should be submitted to the competent authority for record purposes.

#### **G. APPEALS**

Appeals must comply with the provisions contained in Chapter 7 of the NEMA EIA Regulations.

1. An appellant must –
  - 1.1 submit a Notice of Intention to Appeal to the Minister, within 20 (twenty) calendar days of the date of the decision;
  - 1.2 submit the appeal within 30 (thirty) calendar days after the lapsing of the 20 (twenty) calendar days contemplated in Regulation 60(1), for the submission of the Notice of Intention to Appeal; and
  - 1.3 within 10 (ten) calendar days of having lodged the Notice of Intention to Appeal, provide each person and Organ of State registered as an Interested and Affected Party in respect of the application, or the applicant, with –
    - 1.3.1 a copy of the Notice of Intention to Appeal form; and

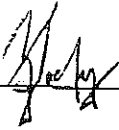
- 1.3.2 a notice indicating where and for what period the appeal submission will be made available for inspection by such person, Organ of State, or applicant, on the day of lodging it with the Minister, and that a responding statement may be made on the appeal within 30 (thirty) calendar days from the date the appeal submission was lodged with the Minister.
2. A person, Organ of State or applicant who submits a responding or answering statement in terms of Regulation 63 must within 10 (ten) calendar days of having submitted the responding or answering statement, serve a copy of the statement on the other party.
  3. If the person, Organ of State or applicant fails to meet a timeframe with respect to the requirements as detailed above, the person, Organ of State or applicant must immediately submit a written explanation to the Ministry providing a concise explanation for the non-compliance.
  4. All Notice of Intention to Appeal and Appeal forms must be submitted by means of one of the following methods:
    - 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 J. de Villiers  
Room 305 A  
3<sup>rd</sup> Floor Leeusig Building (Entrance at: Utilitas Building, 1 Dorp Street, Cape Town, 8001)
  5. A prescribed Notice of Intention to Appeal form and Appeal form as well as assistance regarding the appeal processes are obtainable from the office of the Minister at: Tel. (021) 483 3721, E-mail [Jaap.deVilliers@pawc.gov.za](mailto:Jaap.deVilliers@pawc.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

**G. 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



**MR ZAAHIR TOEFY**  
**DIRECTOR: LAND MANAGEMENT (REGION 2)**

DATE OF DECISION: 19/06/2012

Copied to: (1) Johan Neethling (JNES)  
(2) Pauline Spronk (Spronk and Associates)  
(3) Ilze le Roux (Overstrand Municipality)

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