

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
17 June 2015
(Also the agenda for the Mayoral Committee Meeting : 24 June 2015)**

**9.
PORTION 2 OF THE FARM SAN DOWN ESTATE NO. 220, OVERSTRAND
MUNICIPAL AREA, BREDASDORP DIVISION : PROPOSED REZONING,
SUBDIVISION AND CONSENT USE : MESSRS WRAP ON BEHALF OF SOUTHERN
SPIRIT PROPERTIES 25 (PTY) LTD**

Prt 2/220 (2525)

SW van der Merwe

14 May 2015

(028) 313 8900

Hermanus Administration

1. Executive Summary

To consider an application received on 26 March 2014 from Messrs WRAP Consultancy on behalf of the registered owners of Portion 2 of the Farm San Down No. 220, Division Bredasdorp for:

- rezoning from Agricultural Zone to 25 Resort Zone footprints and a Remainder Open Space Zone III: Private Open Space;
- consent use for holiday housing (Units 1 to 13); and
- subdivision of holiday housing (Units 1 to 13).

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

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town- and Spatial Planning

3. Compliance with Strategic Priorities

Provision of democratic, accountable and ethical governance
Promotion of tourism, economic and rural development.

4. Delegated Authority

Executive Mayor

5. Legal Requirements

- Section 17 and 24 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)
- Paragraph 2.2 of the Integrated Zoning Scheme Regulations

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6. Background/Discussion/Evaluation

Background

Environmental Authorisation (EA) has been granted during August 2013 for 12 Resort Zone I (holiday accommodation), 13 Resort Zone II (holiday housing) units and a Remainder Open Space Zone III (Nature Reserve) under the former Scheme 8 Zoning Scheme Regulations.

The land use application has been submitted following promulgation of the Overstrand Zoning Scheme Regulations. As such application is made for rezoning to 25 Resort Zone footprints, consent use for 13 holiday housing units and subdivision thereof as well as the rezoning of the remainder to Open Space Zone III (Private Open Space). The Section 8 Zoning Scheme Regulations applied when the EA was granted. Open Space Zone III under the overmentioned regulations provided Nature Reserve, opposed to Private Open Space in terms of the current application. The Department of Environmental Affairs and Development Planning (DEA&DP) agreed to this amendment from the EA subject to a condition restricting the use of the Private Open Space portion to conservation purposes.

Discussion

The subject property is zoned for agricultural purposes and measures ±305 ha in extent. The property is located 2km south east of Franskraal and is situated between the R43 towards Pearly Beach and the Uilkraals Estuary along the northern and western boundaries. The property contains indigenous vegetation (Overberg Dune Strandveld, Agulhas Limestone Fynbos and Cape Estuarine Saltmarshes) as well as alien investment. The lower lying sections of the subject property abutting the estuary mainly comprises mud flats and salt marshes.

The proposal comprises the rezoning from Agricultural Zone to Private Open Space (remainder) and 25 Resort Zone I footprints. The application also involves the subdivision and consent use providing 13 holiday housing units (resort Units 1-13). Units 14 to 25 will be utilized for holiday accommodation with a footprint of 175m² each. The holiday housing units will have 300m² erven restricted to a maximum coverage of 175m². The location of each of the units and the relevant coordinates as per the EA is indicated on the Site Development Plan. The units are clustered and is set back from the edge on a lime stone ridge outside the 1:50 and 1:100 year flood line. The development will be restricted to a Site Development Plan, whilst aesthetical guidelines must be put in place in order to mitigate visual impact and to ensure that the development forms an architectural entity. Access is obtained via an existing access from the R43 via a "twee spoor" farm road. The proposed development and the site layout is informed by various specialist studies, namely a Visual

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Impact Assessment, Flood Line Report, Estuary Assessment, Botanical and Avi Fauna Reports, Geo Hydrological Report, Archaeological Report and an Alien Vegetation Management Plan.

The application has been advertised in the prescribed manner and registered notices have been served on interested and affected parties, including government departments. One letter of objection (refer to Annexure D) was received from LH & IH Fourie, the owner of Portion 23 of the Farm Uilenkraal No. 695, which property also contains a caravan park with 50 stands.

The objection is based on the following grounds with the town planner's response directly below each point of objection:

- **What is the justification for 3 resorts in a 4km radius?**

The character of the resorts differ from each other. The existing resort comprises a caravan park, whilst the other contains holiday housing and holiday accommodation. The proposed resort comprises a low density development, providing for both holiday housing and holiday accommodation in a natural environment, being managed for conservation purposes opposed to the existing 2 resorts which have higher densities. The proposed resort will therefore serve a different market.

- **The subject property contains a large vleiland section. The rezoning thereof to resort would be an ecological disaster**

EA was granted for the development. The authorisation considered and recommended appropriate mitigation measures thereby ensuring that the proposal would not adversely impact on the natural environment. Furthermore it should be noted that the units have been located with appropriate setbacks from the edge of the estuary and will be located on a ridge above between 3m to 3,5m above the 1:50 and 1:100 year flood lines.

- **Problems with water supply and associated health risk**

A geohydrological investigation accompanied the environmental application, the finds of which has been accepted by the department. Water will be supplied from a borehole and is suitable for human consumption. The applicant will be required to submit proof in this regard. Household water will also be supplemented utilizing rainwater harvesting principles.

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- **Dumping of sewage in the river pose a health risk**

Sewage will be dealt with in terms of a conservancy tank or Department of Agriculture, Forestry and Fisheries (DAFF) approved sewage system. It will be a closed system and located in line with the requirements of the Environmental Authorisation so that pollution of groundwater is prohibited.

- **Requested access into impact studies**

EA were already granted, which process incorporated extensive public participation. These studies are however available from the applicant's consultant for scrutiny.

- **Access onto the R43 is problematic**

Access had been approved by the Department of Transport and Public Works, which department did not raise any issues pertaining to safe access, subject to compliance with certain conditions, which amongst others includes the upgrade of the access point.

- **Approval of a resort requires a natural attraction**

The motivation report clearly states the natural attraction, namely the location of the property in a natural setting, abutting the Uilkraal River and the Lagoon, which is 1 of 3 natural lagoons situated within the Municipal Area of Overstrand.

- **From time to time the river dries up which poses a safety risk to visitors**

This statement is speculative, since water will not be obtained from the estuary.

- **Queries the need for another resort**

Refer to comment under first bullet point.

- **Alien investation pose a fire risk**

The property is subject to an alien vegetation clearing programme, whilst adequate firebreaks will be provided for around the proposed resort units.

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- **Treatment of sewage would be problematic due to the high water table and may result in pollution of the river**

Disposal of sewage would be dealt with by a closed system in line with the specifications of DAFF as stated above. The opinion is thus held that the development would not contribute to pollution of the river as a result of the manner of sewage disposal.

The applicant's comment to the objection is attached as Annexure E.

Evaluation

The subject property is located outside the urban edge abutting the Uilkraals River. The property is designated in terms of the applicable spatial planning categories in terms of the SDF as conservation agricultural buffer or Ecological Support Area (ESA). Small scale eco tourism could be permitted in the aforementioned. The abutting estuary and wetland is designated as a Critical Biodiversity Area (CBA). The development would not impede into the CBA.

The SDF promotes the diversification of the agricultural sector incorporating eco-tourism in the form of guest houses and resorts in order to sustain agricultural units, the protection of the natural and built environment, restoration of degraded and alien infested areas, economic development and tourism. The opinion is held that the proposed tourist facilities will serve to promote the aforementioned principles, whilst potential impacts shall be adequately mitigated to ensure that the development will not adversely impact onto this sensitive natural environment as per the recommendations contained in the various specialist studies which have also be incorporated in the conditions of approval.

The proposed development is in line with the requirements pertaining to resorts in terms of the Overstrand Zoning Scheme Regulations. In line with the Scheme Regulations holiday housing will be restricted to no more than 50% of the development. The proposal will promote eco tourism into the area and provide employment opportunities as well as access to the resort in a unique location. The proposed holiday housing units will provide additional income that will support the infrastructure/development of the resort and also contributing to the upgrading of natural environment by means of alien clearing, etc.

The remainder of the property, apart from the 25 resort footprints will have a Private Open Space zoning. The use of the private open space area will be restricted to conservation use, which in terms of the Scheme Regulations are defined as follows:

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"Conservation use means the use or maintenance of land in its natural state, or rehabilitation to its natural state, with the objective of preserving the biophysical and heritage characteristics of that land including flora and fauna on the land and includes associated infrastructure required for such use, such as roads, pathways, water reservoirs and underground infrastructure."

The EA were informed by various specialist studies which amongst others seek to acceptably mitigate the impact of the proposed development during and after the construction phase and forms part of the conditions of approval. The development will also be restricted to the Site Development Plan (SDP) (attached as Annexure B), and compliance with the provisions of the EA, approved EMP and CPEMP will be enforced. No amendments to the SDP will be permitted without the prior written approval of the Municipality.

The subject property is located outside the municipal supply area. Water will be supplied from a borehole providing potable water and will also be supplemented by the incorporation of rainwater harvesting. The applicant will be required to submit the relevant proof in this regard. Sewage, as well as waste/greywater disposal, will be collected in conservancy tanks. The onus would be on the applicant or Home Owners' Association (HOA) to procure a contractor in order to dispose sewage as well as solid waste since no municipal services are available. These details will be incorporated in the conditions of the approval. Electricity will be provided by Eskom.

A Home Owners' Association (HOA) will be established with compulsory membership for each property owner(s), which association will be responsible for the maintenance and upkeep of the property, including communal areas, compliance with the conditions of approval and the aesthetics.

All relevant state/provincial departments, institutions and relevant municipal departments were provided an opportunity to comment on the application. No objections were received, subject to compliance with conditions of approval.

It is believed that the proposed development will have very little or no significant negative impact on the safety and well being of the local community and is therefore deemed to be desirable.

Conclusion

The development proposals are in line with the SDF. With the necessary mitigation measures implemented, the application will not have a negative effect on the character of the surrounding area. This application is considered desirable and is recommended for approval as per the recommendation below.

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7. Financial Implications

None

8. Staff Implications

None

14. Comments from other Departments, Divisions and Administrations

Building Department

“Gestremde geriewe moet voorsien word.” (sic)

District Health

Attached as Annexure M.

Environmental Section

Attached as Annexure N.

Services Report

Attached as Annexure O.

10. Annexures

- Annexure A: Locality Plan
- Annexure B: Site Development Plan
- Annexure C: Motivation Report
- Annexure D: Objection
- Annexure E: Comment on objection
- Annexure F: Environmental Authorisation dated 30 August 2013
- Annexure G: Department of Agriculture Forestry & Fisheries
- Annexure H: CapeNature
- Annexure I: Breede-Gouritz Catchment Management Agency
- Annexure J: Department of Health
- Annexure K: Department of Transport and Public Works
- Annexure L: ESKOM
- Annexure M: Department of Health: Overberg District Municipality
- Annexure N: Comment Environmental Section
- Annexure O: Services Report

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RECOMMENDATION:

1. that the objection be noted;
2. that the application for the rezoning of Portion 2 of the Farm San Down No. 220, Division Bredasdorp from Agricultural Zone to 25 Resort Zone footprints and a Remainder Open Space Zone III (Private Open Space) in terms of the provisions of Section 16 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), **be approved**;
3. that the application for subdivision and consent use for holiday housing pertaining to Units 1 to 13 in terms of the provisions of Section 24 of the Land Use Planning Ordinance, 1985 and Section 2.2 of the Overstrand Zoning Scheme Regulations, **be approved**;
4. that the approvals in 2.and 3. above be subject to the following conditions:
 - (a) that the development be restricted to the uses or activities indicated on the Site Development Plan No. 6/134/02, amendments may occur without the prior written approval of the Municipality;
 - (b) that the utilization of the Open Space Zone III: Private Open Space portion be restricted to the uses or activities permitted under the definition of conservation use in terms of the Overstrand Zoning Scheme Regulations;
 - (c) that a Home Owners' Association be established with compulsory membership for all property owners of resort erven and written into the Title Deeds of the erven;
 - (d) that the constitution of the Home Owners' Association be submitted for the prior written approval of the Municipality. No subsequent amendments may be implemented without the prior written approval of the Municipality;
 - (e) that the Architectural Guidelines of the development be submitted for the prior written approval of the Senior Manager: Town- and Spatial Planning, which guidelines shall as a minimum specify requirements pertaining to the size of the units, zoning and height restrictions applicable, etc. No subsequent amendments may be implemented without the prior written approval of the Municipality;
 - (f) that no more than 13 holiday housing units be permitted, restricted to utilisation for short term accommodation purposes only (no permanent occupancy);

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- (g) the floor area of individual units may not exceed 175m² (Units 1 to 25) whilst the exclusive use area pertaining to the holiday housing units (inclusive of the 175m² floor area) may not exceed 300m² (Units 1 to 13);
 - (h) that all the conditions in the Municipal Services Report (attached as Annexure O), **be complied** with;
 - (i) that all the conditions imposed by the Department of Environmental Affairs and Development Planning in the Environmental Authorisation dated 30 August 2013, the Department of Agriculture, Forestry and Fisheries, CapeNature, Breede-Gouritz Catchment Management Agency, Department of Health, Department of Transport and Public Works, Eskom and Department of Health: District Municipality, **be complied** with;
 - (j) that all the conditions contained in the Services Report (attached as Annexure O), **be complied** with;
 - (k) that the Home Owners' Association assumes responsibility (including costs) for the provision, maintenance, management and upkeep of the communal property, including Private Open Space, Private Roads, alien clearing and compliance with the EA as well as the Construction and Operational Environmental Management Plans; and
 - (l) that this approval does not absolve the applicant from compliance with any other relevant legislation.
5. that the applicant/objector be notified of their right of appeal in terms of Section 62 of the Local Government: Municipal Systems Act No 32 of 2000 with regard to the above decision and conditions of approval.

RESPONSIBLE OFFICIAL :	SW VAN DER MERWE
TARGET DATE FOR IMPLEMENTATION :	8 JULY 2015
TARGET DATE TO INFORM APPLICANT :	8 JULY 2015
TARGET DATE TO INFORM OBJECTORS :	8 JULY 2015

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MUNICIPAL AREA, BREDASDORP DIVISION : PROPOSED REZONING,
SUBDIVISION AND CONSENT USE : MESSRS WRAP ON BEHALF OF SOUTHERN
SPIRIT PROPERTIES 25 (PTY) LTD**

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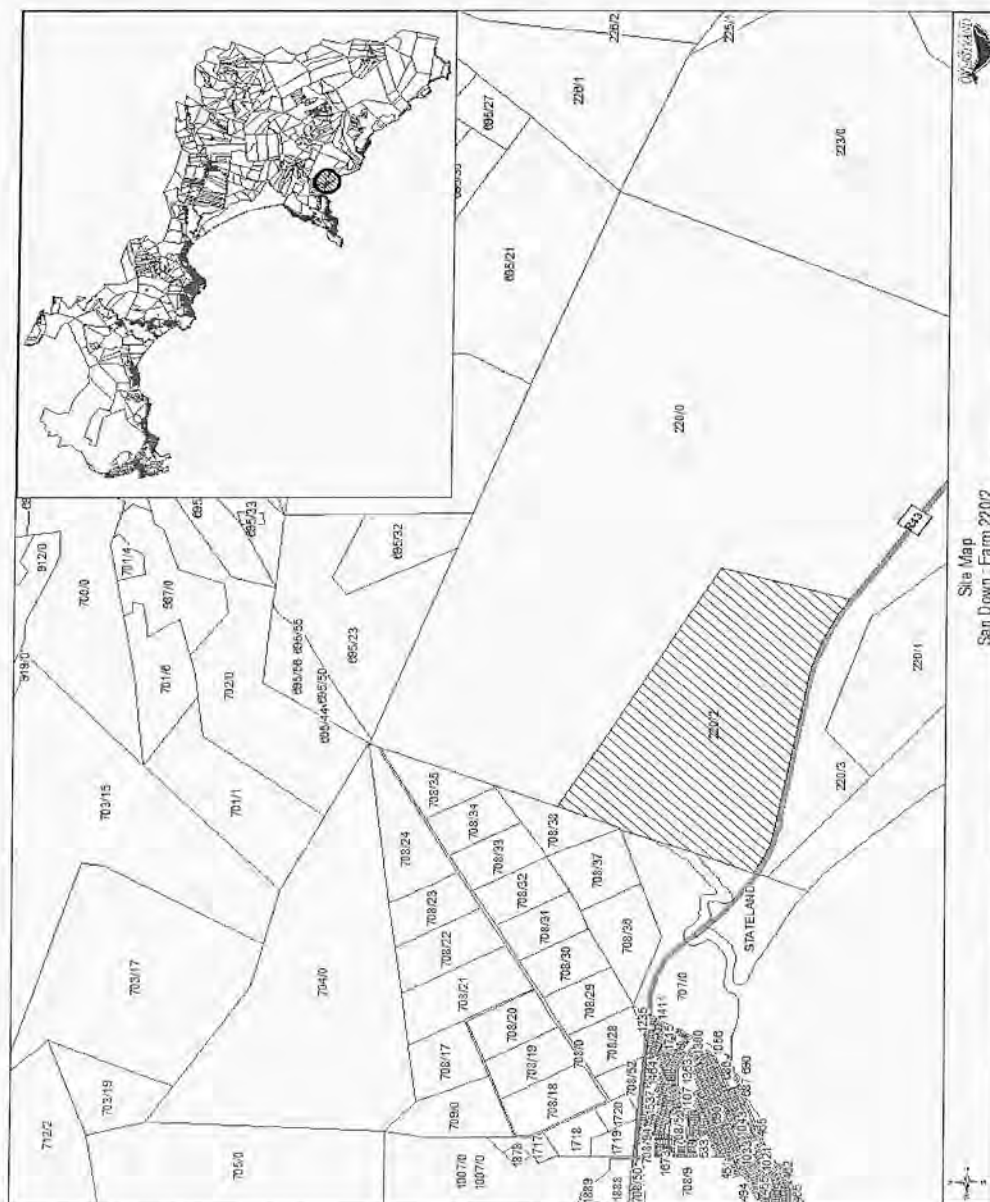
**SW van der Merwe
14 May 2015**

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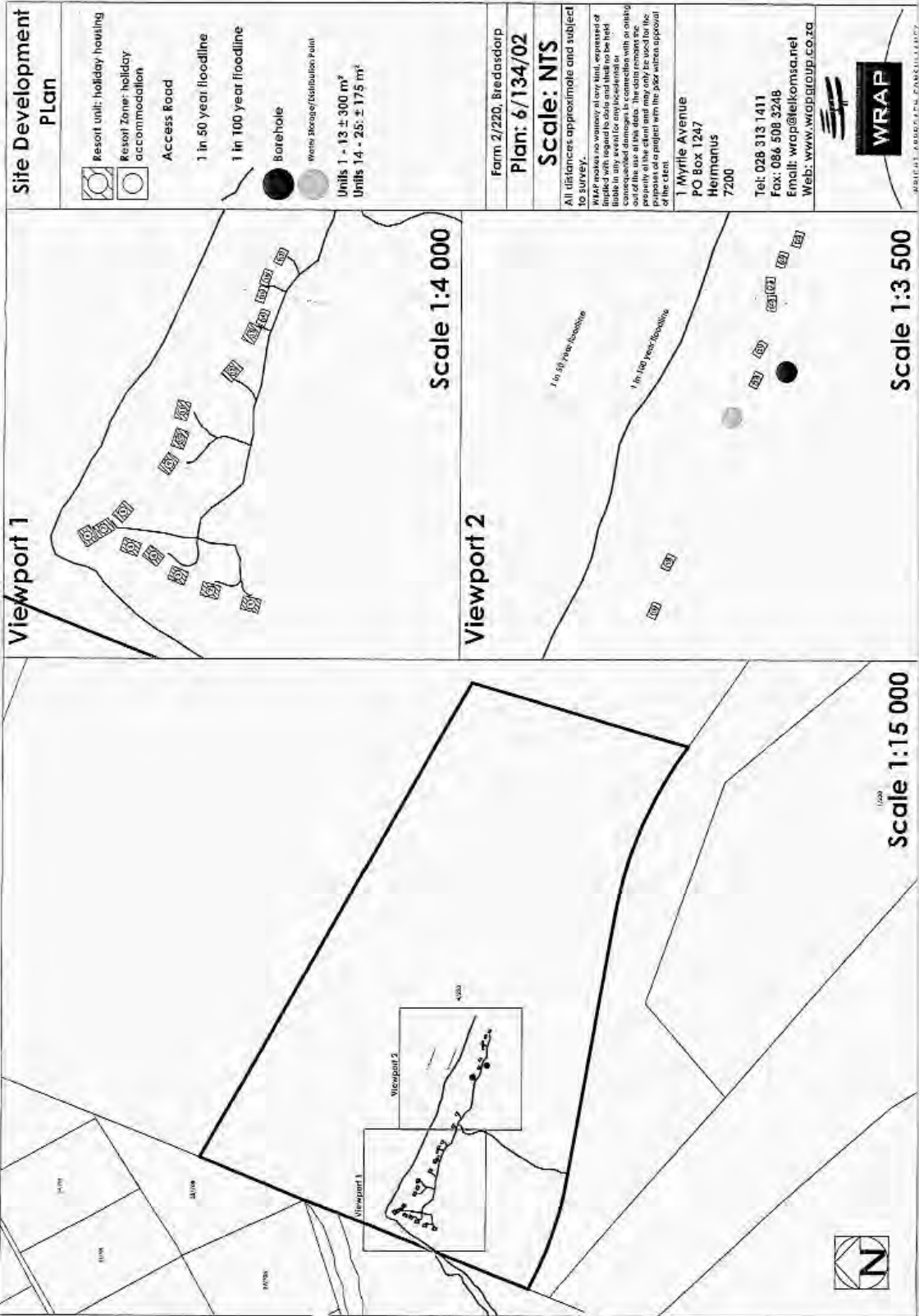
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**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
17 JUNE 2015, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

RESPONSIBLE OFFICIAL :	SW VAN DER MERWE
TARGET DATE FOR IMPLEMENTATION :	8 JULY 2015
TARGET DATE TO INFORM APPLICANT :	8 JULY 2015
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Site Map
San Down Farm 220/2




 WRAP

FEBRUARY 2014

SECTION A: EXECUTIVE SUMMARY

The objective of this application is to establish land use rights as authorised by the Environmental Authorisation (EA) issued by Department of Environmental Affairs and Development Planning (DEADP).

Application is therefore made for the following:

- The **REZONING** of twenty five (25) footprints on Portion 2 of Farm 220 from Agricultural Zone I to Resort Zone: Holiday Resorts in terms of Section 17 of the Land Use Planning Ordinance, 1985 (no.15 of 1985);
- **CONSENT USE** on footprints 1-13 for holiday housing in terms of the Land Use Planning Ordinance, 1985 (no.15 of 1985);
- The **SUBDIVISION** of footprints 1-13 in terms of Section 24 of the Land Use Planning Ordinance, 1985 (no.15 of 1985); and
- The **REZONING** of the remainder of Portion 2 of Farm 220 from Agricultural Zone I to Open Space Zone III: Private Open Space in terms of Section 17 of the Land Use Planning Ordinance, 1985 (no.15 of 1985).

Twenty five (25) resort units will be established on the subject property. Of these twenty five (25) units, thirteen (13) will be utilised as holiday housing units and twelve (12) will be utilised for holiday accommodation.

The thirteen (13) holiday housing units will be subdivided from the subject property and registered as individual resort erven. The extent of each of these erven will be approximately 300 m². These units will be transferred to the individual shareholders of the company owning the property. Comparing the above proposal with the EA it is evident that these units are the Resort Zone II units referred to in said EA.

The remaining twelve (12) units, which will be utilised for holiday accommodation purposes will each have a footprint of approximately 175 m² each. These units will be operated as a resort open to the public, which is in line with the Resort Zone I approval granted by the EA.

SECTION B: INTRODUCTION

1. PROJECT DESCRIPTION

Portion 2 of the Farm 220 is located next to the R 43, approximately 2 kilometres outside the township of Franskraal. A very large portion of the Uilkraalsriver and marshland are situated on the property. The property is heavily infested with alien vegetation (rooikrans), although there is some natural vegetation present. This includes small pockets of limestone fynbos, remnant of mountain fynbos as well as vleiland vegetation. The surrounding farming activities are limited as the soil is not suited for this activity. Therefore the dominant economic activity is that of tourism. The owner of Portion 2 of the Farm 220 submitted an application for twenty five (25) Resort Zone II footprints to be established on the property. This application was successful and the footprints were registered at the surveyor general (refer **Plan 1**). However, the owner did not establish the approved development within the 2 years as permitted by legislation and therefore this land use right expired.

The property was sold to the current owners, who in turn engaged in the process of re-establishing the abovementioned development rights. An application was submitted to the Overstrand Municipality as well as the Department of Environmental Affairs and Development Planning (DEADP) to the above effect. The application was advertised and no objections were received against the proposal. However, it was found that certain listed activities were triggered by the proposed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act 107 of 1998). Subsequently a process in terms of NEMA was initiated which was only completed in August 2013. DEADP was of the opinion that too much time has elapsed since the submission of the land use application and subsequently closed the file.

In light of the above, Wright Approach Consultancy was appointed to submit an application for the approval of abovementioned expired land use right (refer **Annexure A**).

2. PHYSICAL SIZE OF THE LAND USE PROPOSAL

It should be noted that the development proposal as contained within this application is exactly in line with the Environmental Authorisation (EA) that was issued by DEADP (refer **Annexure B**). However, it should be made clear that the EA was issued while the Section 8 Scheme Regulations promulgated in terms of the Land Use Planning Ordinance, 1985 (no.15 of 1985) was in place for the Overstrand Municipal Area. On 1 January 2014 the Overstrand Municipality Zoning Scheme came into effect, which does not distinguish between Resort Zone I and Resort Zone II. Therefore, even though the format of this application will differ from the issued EA, the land use rights associated with this application is exactly the same as the activities described in the EA.

Twenty five (25) resort units will be established on the subject property. Of these twenty five (25) units, thirteen (13) will be utilised as holiday housing units and twelve (12) will be utilised for holiday accommodation.

The thirteen (13) holiday housing units will be subdivided from the subject property and registered as individual resort erven. The extent of each of these erven will be approximately 300 m². These units will be transferred to the individual shareholders of the company owning the property. Comparing the above proposal with the EA it is evident that these units are the Resort Zone II units referred to in said EA.

The remaining twelve (12) units, which will be utilised for holiday accommodation purposes will each have a footprint of approximately 175 m² each. These units will be operated as a resort open to the public, which is in line with the Resort Zone I approval granted by the EA.

The SDP that has been approved by DEADP has been utilised for the purposes of this application (refer **Plan 2**). The table below relates to this site development plan. The units and associated infrastructure will be located at the following coordinates:



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Resort unit 1 (holiday housing)	34°36'13.27"S and 19°25'26.09"E
Resort unit 2 (holiday housing)	34°36'11.47"S and 19°25'27.15"E
Resort unit 3 (holiday housing)	34°36'10.29"S and 19°25'27.61"E
Resort unit 4 (holiday housing)	34°36'9.51"S and 19°25'28.48"E
Resort unit 5 (holiday housing)	34°36'8.39"S and 19°25'29.39"E
Resort unit 6 (holiday housing)	34°36'7.15"S and 19°25'29.90"E
Resort unit 7 (holiday housing)	34°36'7.78"S and 19°25'30.44"E
Resort unit 8 (holiday housing)	34°36'8.85"S and 19°25'31.57"E
Resort unit 9 (holiday housing)	34°36'10.18"S and 19°25'33.21"E
Resort unit 10 (holiday housing)	34°36'10.61"S and 19°25'34.38"E
Resort unit 11 (holiday housing)	34°36'10.54"S and 19°25'35.79"E
Resort unit 12 (holiday housing)	34°36'12.44"S and 19°25'37.28"E
Resort unit 13 (holiday housing)	34°36'13.07"S and 19°25'38.99"E
Resort unit 14 (holiday accommodation)	34°36'13.57"S and 19°25'39.72"E
Resort unit 15 (holiday accommodation)	34°36'13.54"S and 19°25'41.12"E
Resort unit 16 (holiday accommodation)	34°36'13.96"S and 19°25'42.07"E
Resort unit 17 (holiday accommodation)	34°36'14.48"S and 19°25'42.82"E
Resort unit 18 (holiday accommodation)	34°36'15.80"S and 19°25'44.81"E
Resort unit 19 (holiday accommodation)	34°36'16.20"S and 19°25'46.93"E
Resort unit 20 (holiday accommodation)	34°36'19.40"S and 19°25'55.15"E
Resort unit 21 (holiday accommodation)	34°36'19.50"S and 19°25'56.48"E
Resort unit 22 (holiday accommodation)	34°36'20.03"S and 19°25'58.25"E
Resort unit 23 (holiday accommodation)	34°36'20.03"S and 19°25'59.24"E
Resort unit 24 (holiday accommodation)	34°36'20.41"S and 19°25'0.61"E
Resort unit 25 (holiday accommodation)	34°36'21.04"S and 19°26'1.21"E
Parking area for Resort units 4 and 5.	34°36'9.41"S and 19°25'30.13"E
Parking area for Resort units 9, 10 and 11	34°36'12.73"S and 19°25'33.84"E
Borehole	34°36'20.28"S and 19°25'55.18"E
Water storage and distribution point	34°36'18.76"S and 19°25'53.36"E

3. THE APPLICATION (refer Annexures C)

Application is hereby made to the Overstrand Municipality for:

- The **REZONING** of 25 footprints on Portion 2 of Farm 220 from Agricultural Zone I to Resort Zone: Holiday Resorts in terms of Section 17 of the Land Use Planning Ordinance, 1985 (no.15 of 1985);
- **CONSENT USE** on footprints 1-13 for holiday housing in terms of the Land Use Planning Ordinance, 1985 (no.15 of 1985);
- The **SUBDIVISION** of footprints 1-13 in terms of Section 24 of the Land Use Planning Ordinance, 1985 (no.15 of 1985);



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- The **REZONING** of the remainder of Portion 2 of Farm 220 from Agricultural Zone I to Open Space Zone III: Private Open Space in terms of Section 17 of the Land Use Planning Ordinance, 1985 (no.15 of 1985).

4. PROPERTY DESCRIPTION, SIZE AND OWNERSHIP

The characteristics of Portion 2 of Farm 220 Sand Down Estate, hereafter referred to as the application area, can be summarised as follows:

PROPERTY DESCRIPTION	APPROX. EXTENT (Ha)	OWNERSHIP	TITLE DEED NO
Gedeelte 2 van die Plaas SAND DOWN ESTATE NR 220, in die Afdeling van BREDASDORP, Provinsie WES-KAAP.	305, 2994	Southern Spirit Properties (Pty) Ltd (Reg. number: 2003/021034/07)	T0005078/2005

5. TITLE DEED

A restrictive condition has been registered on the title deed, which prohibits the proposed development from taking place. This restriction is contained on page 3 of the deed and is numbered as C 2.2. It reads as follows:

C. SUBJECT FURTHER to the following conditions contained in Certificate of Registered Title No. T76492/1995 imposed by the District Road Engineer, Provincial Administration of The Cape of Good Hope, Western Cape at the time of the subdivision of the farm Sand Down Estate No. 22, Division of Bredasdorp, which reads as follows:-

2.2 'The farm concerned shall be used only for bona fide farming operations and only such buildings or structures which are directly connected with bona fide farming operations may be erected thereon.'

The Provincial Roads Engineer was contacted in this regard, who agreed to provide consent that the aforementioned condition may be removed from the title deed. The necessary application was submitted to the the Department of Transport to this effect.

A copy of the title deed has been attached as **Annexure D**. According to this document, no bond has been registered over the property.

SECTION C: CONTEXTUAL ANALYSIS

6. LOCATION IN THE LANDSCAPE (refer Plan 3)

From a municipal context, the application area is situated within the Overstrand Municipality, Gansbaai Administration. The subject property is situated approximately 7 kilometres from Gansbaai and 2 kilometres from Franskraal. A distinctive characteristic of the property is that a great part of the Uilenvlei Lagoon is situated on it. The property is bound by the Remainder of Farm 220 to the north and east, Portion 3 of Farm 220 to the south and Farms 706, 707 and Portion 38 of Farm 708 to the west.



Figure 1: Location

SITE ACCESS

As the application area is situated right next to the R 43, it enjoys excellent access. The access road leading to abovementioned road is situated on a safe location and poses no threat to road users. The property is further developed with a number of roads that provides access to many parts of the property.

7. LAND USE AND STATUS QUO

The property is not developed with any land use other than internal gravel roads. Even though the property is zoned for agricultural use, no land use of this type is present on the farm. As the surrounding areas can attest to, the land within this specific region is not agriculturally viable. Therefore it is evident that the property is not being utilised to its full potential.

(i) Zoning

In terms of the Overstrand Municipality Zoning Scheme, the subject property is currently zoned as Agriculture Zone I: Agriculture. A copy of the applicable land use parameters have been attached as **Annexure E**.

(ii) Built infrastructure

Roads

Existing roads on the farm provides access to the proposed development site as well as to numerous locations within the boundary of the property. These roads are typical "twee-spoor" farm roads and can be used with a normal vehicle. It is the intention of the developer to utilise these existing roads with the provision of roads. They will not be paved with a surface, thus limiting the impact of the development on the natural environment.

(iii) Services

Water (refer Annexure F)

A hydro geological study was done on the property by Cape Groundwater Consultants. It was found that the surface is a uniform formation of calcified dune-sand. The topography is flat, with one ridge of calcrete running parallel to the estuary.

Annual rainfall equates to ± 540 mm for the area. The calculated water usage is around 30 000 litres per day. Therefore the anticipated borehole pumping rate is about 0.5 litres per second. Therefore there is no expected shortage of water as under DWAF's current General Authorisation, the property is allowed to abstract 122 000 m³ per annum. Thus the calculated water usage will be less than the annual recharge rate, will decrease with the removal of alien plant species, and ultimately be less than allowed by DWAF under General Authorisation.

It was found that no water users are located within a 1 kilometre radius of the proposed development, and therefore no impact on existing human users exists. Boreholes are located 200 meters from the estuary in order to avoid saline intrusion into the water source.

8. LAND USE CHARACTER OF THE SURROUNDING AREA

The surrounding land use is predominantly agricultural in nature. Limited grazing is present on the farm Duinefontein to the northeast. The Western Cape Nature Conservation Board's land is a conservation area, and the rest is agricultural land that is unsuitable for mentioned purpose, and therefore it's not being used for any farming activities of any sort. Thus these "agricultural properties" are mainly used for residential purposes by the owners.

9. SPATIAL PLANNING INITIATIVES

9.1 *Bio-Regional Planning Framework for the Western Cape Province (October 2000)*

The primary function of this study is to serve as a reference and framework for promoting a consensus approach to managing the resources of the Western Cape in a sustainable manner within the context of the Western Cape Planning and Development Act, 1999 (Act 7 of 1999).

This study also provides guidelines for the land-use classification of the entire land surface of the Western Cape Province in accordance with the defined *Spatial Planning Categories (SPC)*.

In accordance with the *Category A SPC* as well as the relevant sub-categories, the following are considered relevant to this application:



SPATIAL PLANNING CATEGORY A: CORE AREAS	
CATEGORY DESCRIPTION	GENERAL PURPOSES
<p>Category A is consistent with UNESCO's biosphere reserve 'Core Area'.</p> <p>It comprises natural areas that are relatively undisturbed by human activities or that have the potential to be restored to such a state.</p> <p>It should have statutory conservation status.</p> <p>For practical planning and management purposes, two sub-categories have been identified, namely:</p> <p>A.a: Wilderness Areas</p> <p>A.b: Other Statutory Conservation Areas</p>	<p>The primary purposes of Category A Areas include the following:</p> <ul style="list-style-type: none"> a) Maintaining representative and viable samples of natural ecosystems and biodiversity. b) Maintaining the natural ecosystem processes that support the dependent natural and human communities, e.g. catchment functions. c) Providing opportunities for contact with nature ('maintaining a link with the land'), and associated opportunities for outdoor recreation and environmental education. d) Providing a 'sense of place to all people (State-owned conservation area are virtually the only parts of the country that all South Africans can call their own).

According to this document the property falls within the A.b Sub-Category. This category can be summarised as follows:

Sub-Category A.b: Other Statutory Conservation Areas		
Category Description	Specific Purposes	Selection Criteria / Principles
<p>Category A.b constitutes conservation areas that do not qualify for wilderness (A.a) status.</p> <p>Statutory conservation areas, e.g. national parks, provincial and registered private nature reserves (zoned Open Space III) marine reserves, etc. – providing for conservation of ecosystems and biodiversity, sustainable outdoor recreation and limited sustainable use of natural resources.</p>	<ul style="list-style-type: none"> a) In situ conservation of biodiversity. b) Monitoring undisturbed ecosystems and undertaking non-destructive research. c) Environmental education. d) Non-consumptive land-uses (e.g. eco-tourism) e) Providing a broader spectrum of outdoor recreation opportunities as opposed to Category A.a, e.g. opportunities for mechanised activities, such as 4x4 access. f) Sustainable resource uses, such as game capturing and harvesting of plant product, e.g. buchu. 	<ul style="list-style-type: none"> a) Area should ideally have statutory conservation status. b) The area must be of sufficient size to protect the pristine natural environment. c) Presence of pristine or rare natural biological features e.g. rare endemic species. d) Presence of outstanding natural biophysical features or manifestations, e.g. unique rock formations. e) Areas of exceptional archaeological or paleontological importance, also historical sites and features and fossil material.

Conclusion:

In light of the above framework, it is evident that the proposed development and land use, conforms to the guidelines as set out in tables above.

9.2 GUIDELINES FOR RESORT DEVELOPMENTS IN THE WESTERN CAPE: DECEMBER 2005

The draft Provincial Zoning Scheme model refers to only one resort zone with Holiday accommodation as the primary right with holiday housing as a consent use.



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Application areas should be evaluated in terms of their location:

- *Rural settlements:* Resorts, smallholdings, B&B, farm shops and limited size tourist related businesses could be allowed.
- *Intensive agricultural areas:* No resorts on land used for intensive Agriculture or on potential valuable soils.
- *Areas outside urban edges in general, buffer and transitional areas:*
 - Resort Zone 1 ensures access to a resource for the general public and is far less likely to result in permanent accommodation outside the urban edge.
 - Municipalities to adopt approach of "no freehold ownership of resort units".

Strong emphasis is placed on the "Resource" associated with an application area:

- Resorts outside urban areas can be considered for approval if linked to a distinct resource.
- Resources: natural feature, manmade feature, distinguished from surrounding properties.
- Must be accessible to the benefit of the general public.

Reference to density:

- Small: 1-10 units and floor area of 120 m².
- Medium: 11-30 units and floor area of 120 m² or 175 m² in sensitive natural / cultural heritage areas within urban edge per unit and total floor area of all buildings not more than 3600 m².
- Large: 30-50 units or less than 30 units, but floor area still exceeds 3600 m².
- Open space: 250 m² per unit.

Visual carrying capacity	Landscape type	Short-term rental accommodation units	Individually alienated units
High and medium	Mountain and hills	1/10 ha	1/20 ha
Low	Plains	1/50 ha	1/100 ha
	Resort zone without holiday housing consent (Resort I)	Resort Zone outside urban edges	Resort Zone with holiday housing consent within urban edges (Resort II)
Max unit size	120 m ²	120 m ²	175 m ²
Max number of storeys	Single storey	Single storey	Single storey and possible expansion of habitable space into loft
Building height	6,5 m	6, 5 m	6,5 m
Individual exclusive use areas	N/A	250 m ²	300 m ²

10. SITE ANALYSIS

10.1 Topography

The application area is situated approximately 2.5 kilometres south of the Franskraal Mountains. The gradient of the property is uniform with no distinctive topographical characteristics.

The portion that will be developed borders the southern shoreline of the Uilkraalsriver and is situated \pm 1.4 kilometres from the river mouth. The proposed units will be developed on a north fronting ridge that has an average height of 15 meters above mean sea level. The ridge has a gradient of 1:10 and 1:20 in a southern direction and a 1:6 gradient in a northerly direction.

10.2 Geology & Soils

The farm itself is mapped at surface as a uniform formation of calcified dune sand. The topography is flat, with one ridge of calcrete running parallel to the estuary. The bedrock geology is Quartzite of the Peninsula Formation. The 1:250 000 onshore/offshore Hermanus geology map, shows the mouth of the Uilkraal is fault controlled, with the western side being an up throw block, and quartzite outcropping along the coast.

10.3 Agricultural Potential

As indicated by the surrounding properties, the agricultural potential of the area is low. Therefore economically, and environmentally sustainable farming activities cannot be practised on the subject property. As the application area is not developed with agricultural activities, no pristine or even moderately fertile agricultural land is sacrificed.

10.4 Climate

The property is situated within the Cape winter rainfall region with a mild climate. The average annual rainfall is \pm 540 mm per year. The rain comes from a south-eastern and south-western direction during the autumn to spring period. The summers can be described as hot and dry. The dominant wind direction in the winter is north-west and in the summer south-east.

10.5 Archaeology & Heritage Resources (refer Annexure G)

Heritage Western Cape requested that a phase 1 Archaeological Impact Assessment be done by the developer. Subsequently Jonathan Kaplan (Agency for Cultural Resource Management) conducted said investigation. The aim of the study was to locate and map archaeological and heritage sites that may be negatively impacted by the planning, construction and implementation of the proposed project, to rate the significance of the potential impact, and if necessary to propose measures to mitigate against the impact.

The National Heritage Resource Act (Act No. 25 of 1999) is applicable to the application and the following sections have been identified as a requirement:

(Section 34 (1)) – Structures

No person may alter or demolish any structure or part of a structure which is older than 60 years without a permit issued by Heritage Western Cape (HWC), the responsible provincial resources authority.

(Section 35 (4)) – Archaeology

No person may, without a permit issued by HWC, destroy, damage, excavate, alter or remove from its original position, or collect, any archaeological material or object.

(Section 36 (3)) – Burial grounds and graves

No person may, without a permit issued by the South African Heritage Resources Agency (SAHRA), destroy, damage, alter, exhume or remove from its original position or otherwise disturb any grave or burial ground older than 60 years, which is situated outside a formal cemetery administered by a local authority.

As the delegated provincial heritage authority, and in compliance with the terms of the National heritage Resources Act, a copy of this report must be submitted to HWC, for their approval.

No archaeological heritage remains were located within the proposed development footprint, the immediate surrounding area of the access road to the proposed development site. The impact of the proposed development on archaeological heritage remains is rated to be low. The probability of locating any significant archaeological sites or remains during the implementation of the proposed project is improbable.

Archaeological impact assessment of the proposed Uilenvlei Private Nature Reserve and development: Impact: Destruction of archaeological resources:

	Without Mitigation	With Mitigation
Extent	Site specific	Site specific
Duration	Temporary	Temporary
Intensity	Low	Low
Probability	Improbable	Improbable
Significance	Low	Very Low
Status	Positive	Positive
Confidence	High	High

The Archaeological Impact Assessment of the proposed Uilenvlei Private Nature Reserve and development has rated the potential impact to archaeological material as being low provided that:

- An archaeologist is immediately informed if any archaeological remains are uncovered during construction activities.
- Human burials uncovered during bulk earthworks not be disturbed or removed until inspected by the archaeologist.



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SECTION D: APPLICATION DETAIL AND MOTIVATION

11. DEVELOPMENT OBJECTIVES

The objective of this application is to establish land use rights as authorised by the EA issued by DEADP.

Application is therefore made for the following:

- The **REZONING** of 25 footprints on Portion 2 of Farm 220 from Agricultural Zone I to Resort Zone: Holiday Resorts in terms of Section 17 of the Land Use Planning Ordinance, 1985 (no.15 of 1985).

These units will be located at the following locations:

Resort unit 1 (holiday housing)	34°36'13.27"S and 19°25'26.09"E
Resort unit 2 (holiday housing)	34°36'11.47"S and 19°25'27.15"E
Resort unit 3 (holiday housing)	34°36'10.29"S and 19°25'27.61"E
Resort unit 4 (holiday housing)	34°36'9.51"S and 19°25'28.48"E
Resort unit 5 (holiday housing)	34°36'8.39"S and 19°25'29.39"E
Resort unit 6 (holiday housing)	34°36'7.15"S and 19°25'29.90"E
Resort unit 7 (holiday housing)	34°36'7.78"S and 19°25'30.44"E
Resort unit 8 (holiday housing)	34°36'8.85"S and 19°25'31.57"E
Resort unit 9 (holiday housing)	34°36'10.18"S and 19°25'33.21"E
Resort unit 10 (holiday housing)	34°36'10.61"S and 19°25'34.38"E
Resort unit 11 (holiday housing)	34°36'10.54"S and 19°25'35.79"E
Resort unit 12 (holiday housing)	34°36'12.44"S and 19°25'37.28"E
Resort unit 13 (holiday housing)	34°36'13.07"S and 19°25'38.99"E
Resort unit 14 (holiday accommodation)	34°36'13.57"S and 19°25'39.72"E
Resort unit 15 (holiday accommodation)	34°36'13.54"S and 19°25'41.12"E
Resort unit 16 (holiday accommodation)	34°36'13.96"S and 19°25'42.07"E
Resort unit 17 (holiday accommodation)	34°36'14.48"S and 19°25'42.82"E
Resort unit 18 (holiday accommodation)	34°36'15.80"S and 19°25'44.81"E
Resort unit 19 (holiday accommodation)	34°36'16.20"S and 19°25'46.93"E
Resort unit 20 (holiday accommodation)	34°36'19.40"S and 19°25'55.15"E
Resort unit 21 (holiday accommodation)	34°36'19.50"S and 19°25'56.48"E
Resort unit 22 (holiday accommodation)	34°36'20.03"S and 19°25'58.25"E
Resort unit 23 (holiday accommodation)	34°36'20.03"S and 19°25'59.24"E
Resort unit 24 (holiday accommodation)	34°36'20.41"S and 19°25'0.61"E
Resort unit 25 (holiday accommodation)	34°36'21.04"S and 19°26'1.21"E

Of the above units, units 1-13 will have approximate extents of 300 m² and units 14-25 will have approximate extents of 175 m².

Units 14-25 will accommodate the holiday accommodation component of the development proposal which can be defined as follows:

"Holiday accommodation means a harmoniously designed and built development, used for holiday and recreational purposes, whether in private or public ownership, which:

- i) Consists of a single enterprise in which accommodation is supplied by means of short terms renting and time sharing only;
- ii) May include the provision of a camping site, mobile home park and dwelling units;
- iii) May also accommodate a restaurant and indoor and outdoor recreation facilities; but
- iv) Does not include a hotel or conference centre".

Application is further made for:

- **CONSENT USE** on footprints 1-13 for holiday housing in terms of the Land Use Planning Ordinance, 1985 (no.15 of 1985); and
- The **SUBDIVISION** of footprints 1-13 in terms of Section 24 of the Land Use Planning Ordinance, 1985 (no.15 of 1985).

This will allow the owners to establish holiday housing on the property, which is defined as follows:

"holiday housing means dwelling units, mobile homes or camping sites that are harmoniously designed and built, for holiday or recreational purposes, and which may be separately alienated by means of section title division, fractional title, the selling of share blocks or the subdivision of property".

- The **REZONING** of the remainder of Portion 2 of Farm 220 from Agricultural Zone I to Open Space Zone III: Private Open Space in terms of Section 17 of the Land Use Planning Ordinance, 1985 (no.15 of 1985).

It should be stressed that all of the conditions of approval as contained within the EA will be adhered to with the implementation of the abovementioned land use rights.

After consultation with the District Road Engineer, Provincial Administration of The Cape of Good Hope, Western Cape, application was made to the Department of Transport for consent to have the restrictive condition notarially removed. A conveyancer will be appointed as part of the implementation of the approval process, to draft the relevant documentation to this effect for submission to the Deeds Office.

12. CONSISTENCY WITH SPATIAL PLANNING INITIATIVES AND LEGISLATIVE COMPLIANCE

Consistency with applicable spatial planning initiatives have been dealt with in Section 9 and therefore no further time will be spent on this particular point. However, it must be stressed again that the proposed land use is indeed consistent with applicable spatial planning initiatives.

13. NEED AND DESIRABILITY OF THE LAND USE PROPOSAL

Compatible land use

The proposed development will consist of a land use that is compatible with the character of the surrounding area. Mitigating architectural designs will ensure that the visual and environmental impact of the proposed development is kept at a minimum (refer **Annexure H**). The proposed development will furthermore be self-sufficient regarding the provision of services.

Natural "Resource"

According to the Resort Zone Policy, the establishment of a resort has to be motivated with reference to a unique resource. In this case the resource is the Uilenvlei Lagoon. It is one of three natural lagoons situated within the Overstrand Municipal area and is the only one that is not developed with any bordering land use. The lagoon is a natural habitat for an assortment of fauna and flora.

To ensure that the proposed development will have as little as possible impact on the environment, numerous specialist studies were initiated. In doing so the conservation of this natural resource can be assured. These studies included a specialist bird report, as the dominant animal species of the area is in fact the bird species (refer **Annexure I**). The following came to light:

Two basic habitats could potentially be affected by the proposed development. They are terrestrial machia, which is heavily infested by alien acacias, and the wetlands of the lower Uilenkraal River. The terrestrial habitat does not support any bird species of especial conservation concern. The wetland areas support regionally and in some cases provincially important populations of some species. The proposed development will not cause any significant alteration to natural processes which could affect the overall ecology of the area. A proposed plan to clear alien vegetation from the adjacent estate area will have a significant positive ecological impact by restoring the original habitat. Birdlife in the development area and in adjacent areas is unlikely to be impacted in any significant way by the development under the proposed management controls.

Mitigations:

- o Develop an EMP, to minimize negative impacts, for the construction and operational phases and ensure that all on site understand the plan and adhere to it.
- o Minimise fragmentation by keeping the number of roadways and their length minimal.
- o Keep services along roadways wherever possible.
- o Minimise soil disturbance.
- o Excavate manually rather than by machine wherever feasible.
- o Remove displaced soil, building rubble and other wastes.
- o Control over construction workers who it is proposed will stay on site
- o Property owners be discouraged from feeding birds.
- o No pets allowed.
- o Bags of domestic rubbish should be kept in secure containers.
- o All rubbish, including food waste, is transported off the estate to the local municipal dump.

Conservation

The remainder of the farm will be rezoned to Open Space Zone III. As part of the greater conservation plan of the development, all alien vegetation will be removed. In doing so the indigenous vegetation will be restored to its former self. This process will also ensure that the bird species (as discussed within the bird report) natural habitat is restored. No motorised boats will be allowed within the proposed development. Therefore the natural environment will not be disturbed by this activity. Residents and guests will be encouraged to utilise the natural environment in a sustainable way, with the minimum impact on the environment.

Eco-tourism

The proposed development will promote eco-tourism within the region, as limited opportunities exist. Twelve (12) units will be available for short term accommodation to the public. This ensures that the public has access to the resort as well as the wonderful resource located on the farm. The application conforms to both the Bio-Regional Planning Framework for the Western Cape Province, as well as the Coastal Zone Policy for the Western Cape.

Job creation and Empowerment

The on-going eradication of alien invasive plants on the property has already been initiated and a team of local labourers have been trained and will continue with eradication and follow-up. The building of the dwellings will provide jobs for local builders and their assistants. Local businesses will benefit for various reasons such as via the selling of building materials during construction and in the long run upkeep of buildings. Super markets as well as restaurants will also benefit once the dwellings will be used and the owners frequent this area.



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The team working to eradicate alien invasive vegetation, all historically disadvantaged persons, is trained to do so in an ecologically friendly way and they will be able to use these skills later for other projects as well should they so wish.

The proposed Uilenvlei Private Nature Reserve will benefit the local communities which will reap the benefits resulting from this development in terms of the revenue that it will generate in property tax. In return this development will be self-sufficient by providing their own services and not burdening the local government further.

The Uilenvlei Lagoon is a truly unique resource for the greater Gansbaai area. Access to this resource is currently limited. A tourist development utilising the full capacity of the lagoon has not yet been developed. The proposed development intends to do just that. However, this will be done in an environmentally and economically sustainable fashion. Every precautionary measure has been researched and implemented to limit the impact of the proposed development on the natural environment. In doing so the natural functioning of the lagoon can be assured with little to no human impact. The development proposal has been done in a bottom up manner, meaning that the natural environment came first in every aspect of the planning process.

In support of the above, the following letters of approval for the land use proposal have been attached to this application (refer **Annexure J**):

- National Department of Agriculture;
- Western Cape Department of Agriculture;
- Overberg District Municipality; and
- Department of Transport and Public Work.

In light of the above, it is our recommendation that this application be considered for approval.

14. LOCATION AND ACCESSIBILITY

Location

The location of the subject property supports this application in every way. Natural occurring wetlands are becoming limited every day. By ensuring the sustainable management of the Uilenvlei lagoon, this fate can be avoided. A great part of the lagoon can be managed this way as most of it is located within the boundaries of the application area.

Vehicular access

An existing access road connects with the R 43 and gives access to the property. The necessary approval has already been obtained from the



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Department of Transport and Public Works for the utilisation of this access point for the purposes of this application.

Internal circulation

The property is already developed with roads. One of these roads provides access to all of the units. Therefore no additional roads will be constructed. The roads will not be paved with a hard surface as to limit the impact on the environment and to keep the development as natural as possible. Access to each of the units will be restricted to 1 point.

The above information supports this application in every manner, and therefore we recommend that it be approved.

15. COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND IMPACT ON EXISTING LAND USE RIGHTS

The character of the surrounding area can be described as a transitional zone. The transition being from low density residential land use to agricultural land use. In this regard the proposed development fits in perfectly with the character as described above. Eco-tourism can be described as a transitional land use as it is a combination of urban as well as natural land use and forms a buffer between urban and agricultural activities.

No negative impact to the character of the area is foreseen and it is this office's opinion that it will compliment said character.

With this information in mind it is our recommendation that the application be approved.

No negative impact on existing use rights is foreseen. The land use rights that are in place are agricultural in nature. As no activities of this nature are present, no great loss to the agricultural sector is foreseen. No negative impact on the surrounding property's land use rights is foreseen and therefore we recommend that the application be considered for approval.

16. IMPACT ON SERVICE INFRASTRUCTURE

Water Supply

Water (groundwater and one or two boreholes):

During the initial stages of the scoping process the preferred option was to source water from a groundwater source via a borehole or from two boreholes and supplement it with rainwater from roof run-off. Data from groundwater surveys by Dr. Toens indicated that groundwater in this area may not be suitable for potable water. Thus other water source(s) had to be investigated as well.



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Since the environmental scoping was initiated the applicant has drilled a 30 metre borehole, and suitable potable water was found and tested at SABS. The borehole was re-tested at the end of summer and the water level was found to have dropped just under one metre. A second borehole will be drilled in the same area. Borehole water will still be supplemented with rainwater run-off collected off roofs.

Eventually, after sinking a borehole and testing of the water quality, it was found that the water is suitable for household use, and it was subsequently decided that water for domestic use will be obtained from this borehole, as well as from a second borehole. Water will be pumped by solar power into a covered reservoir, filtered and gravity fed via 110 mm pvc pipeline to each property. Rain water off roofs will also be utilised. The latter will be collected, filtered and stored in tanks alongside each property, suitably screened from sight on the roadside of the dwelling not visible from the wetland.

Electricity Supply

Eskom will be the service provider with regard to electricity. A copy of this application has been submitted to Eskom for comment.

Sewage System

The municipality confirmed that they will be able to service conservancy tanks on the property. Therefore all of the units will be developed with conservancy tanks that will be pumped at regular intervals by the municipality.

Solid waste removal

It was decided that each occupant will be responsible for their own solid waste removal. This system will encourage the re-cycling of plastic, paper, glass and tin in line with local authority facilities and thus decreasing the impact on land fill sites.

17. GRANTING OR REFUSAL OF APPLICATIONS

The Land Use Planning Ordinance, 1985 (no 15 of 1985) in Section 36 stipulates that:

- o "any application shall be refused solely on the basis of a lack of **desirability** of the contemplated utilization of land concerned including the guideline proposals included in a relevant structure plan in so far as it relates to desirability, or on the basis of its effect on existing rights concerned", and
- o "regard shall be had, in considering relevant particulars to only the **safety and welfare of the members of the community** concerned, the conservation of the natural and developed environment concerned or the effect of the application on existing rights concerned".

The acceptance of land use on a specific land portion must be tested in accordance with the physical characteristics of the property, existing planning in the area, and the character of the environment, the potential, location and accessibility of the property as well as the provision of service infrastructure to the proposed development.

SECTION E: CONCLUSION AND RECOMMENDATION

In light of this motivational report it is evident that the proposed development will have a positive impact on the surrounding area. The need, desirability and compatibility with the surrounding area have been proven over and again. It is therefore our opinion that the following applications be approved/recommended for approval:

- The **REZONING** of 25 footprints on Portion 2 of Farm 220 from Agricultural Zone I to Resort Zone: Holiday Resorts in terms of Section 17 of the Land Use Planning Ordinance, 1985 (no.15 of 1985);
- **CONSENT USE** on footprints 1-13 for holiday housing in terms of the Land Use Planning Ordinance, 1985 (no.15 of 1985);
- The **SUBDIVISION** of footprints 1-13 in terms of Section 24 of the Land Use Planning Ordinance, 1985 (no.15 of 1985); and
- The **REZONING** of the remainder of Portion 2 of Farm 220 from Agricultural Zone I to Open Space Zone III: Private Open Space in terms of Section 17 of the Land Use Planning Ordinance, 1985 (no.15 of 1985).



ANNEXURE D 1/2
 TP - A Theat
 (Suld Mene)

LH & IH Fourie
 Strandskloof
 Posbus 141
 GANSBAAI
 7220
 16 Julie 2014

Die Area Bestuurder
 Overstrand Munisipaliteit
 Posbus 26
 GANSBAAI
 7220

FILE NO:	Ged 2 / 220
SCAN NO:	12
COLLABORATOR NO:	642489



Geagte Bestuurder

BESWARE TEN OPSIGTE VAN ONDERVERDELING EN HERSONERING VAN GEDEELTE 2 VAN DIE PLAAS NR. 220

Hiermee dien Mnr LH Fourie en Mev IH Fourie as eienaars van Strandskloof, Gedeelte 23 van die Plaas Uilenkraal nr.695, onderstaande besware in ten opsigte van bogenoemde aansoek.

1. Hoe kan u 3 vakansie oorde wettig binne 'n radius van 4km uit mekaar?
2. Gedeelte 2, Nr 220 het baie vleiland en sal 'n ekologiese ramp wees om te hersoneer na 'n vakansie oord
3. Die voorsiening van water sal 'n groot kopseer wees, aangesien daardie area met sekere tye vrot aangesien water te min raak en staan. Dit hou ook 'n gesondeheids gevaar in vir die besoekers.
4. Uilenkraalsmond se riool word ook by tye in die rivier gepomp, en is dus 'n groot risiko vir menslike en dierlike gesondheid.
5. Ons wil graag insae hê in alle impak studies en ook die van Omgewingsake. Watter impak gaan hierdie projek op die natuur hê?
6. Ons as eienaars van 'n oord weet wat dit behels en die in- en uitgang roetes tot die hoofpad skep ook 'n probleem.
7. Om goedkeuring te verkry om 'n oord te ontwikkel, moet daar 'n natuurlike atraksie wees en ons wil graag weet wat hierdie oord se atraksie gaan wees.
8. Die rivier droog by tye op soos onlangs en dit skep 'n gesondheidsgevaar vir die besoekers.
9. Is nog 'n vakansie oord 'n dringende behoefte en finansieël toepaslik vir ander wettige oord eienaars in hierdie area in ons huidige ekonomiese toestand?
10. Daardie hele area het baie Rooikrans en hou ook dus 'n groot brandgevaar in.