

3.7 Heritage

An Archaeological Impact Assessment Report dated December 2004 was compiled for the development and the Agency for Cultural resource Management confirmed in a letter dated 06 August 2011 that the said archaeological report is still valid. Heritage Western Cape commented on the archaeological report in a letter dated 06 April 2005 and indicated that no objection exists regarding the development, as no significant heritage resources have been noted on the site.

3.8 Socio-economic

The establishment of the resort will yield socio-economic benefits in the form of employment opportunities during the construction phase as well as during the operational phase of the development. In addition, the resort units will give visitors an opportunity to enjoy residing next to the Uilkraals Estuary of high aesthetic and recreational value.

National Environmental Management Act Principles

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

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

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

— End —



agriculture,
forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Private Bag X120, Pretoria (Tshwane), 0001
Delpen Building, C/o Annie Botha & Union Street, Riviera 0084

From: Directorate Land Use and Soil Management
Tel: 012-319-7634 Fax: 012-329-5938 E-mail: nhlakad@daff.gov.za
Enquiries: Helpdesk Ref: 2014_06_0138

Director: Infrastructure and Planning
Overstrand Municipality
P.O. Box 26
GANSBAY
7220

Attention: SW van der Merwe

**APPLICATION FOR REZONING, SUBDIVISION & CONSENT USE ON PORTION 2 OF THE FARM
SAND DOWN ESTATE NO. 220, DIVISION BREDASDORP, WESTERN CAPE PROVINCE**

Your letter dated 13 June 2014 refers.

This Department has no objection against the proposed rezoning of 25 footprints from Agricultural Zone I to Resort Zone I (holiday resort) as well as the rezoning of the remainder of the property from Agricultural Zone I to Open Space III. The Consent use of footprints 1-13 for holiday housing is also acceptable. Subdivision of footprints of 1-13 for individual resort erven to be sold to individual shareholders in the company of 300m² each is acceptable from the agricultural point of view.

Yours faithfully

DR. M. E. TAU
ACTING DEPUTY DIRECTOR GENERAL: FORESTRY AND NATURAL RESOURCES
MANAGEMENT
DELEGATE OF THE MINISTER

DATE: 03.03.2015

FILE NO:	Pln 2/220
SCAN NO:	03
COLLABORATOR NO:	769830

CC: Land Use and Soil Management P.O. Box 360 BELLVILLE 7535
CC: Mr Brandon Layman Landuse Management Department of Agriculture, Western Cape Private Bag x 1 ELSENBURG 7607

ANNEXURE G 1/1

TP- A Theart
(S d d Merwe)



3

ANNEXURE H 1/2

TP-A Theart (S vld merwe)

Alida Calitz - FW: Rezoning, Subdivision and Consent Use: 2/220 Sand
Down Estate, Uilenkraalsmond



From: Rhett Smart <landuse@capenature.co.za>
To: Schalk van der Merwe <svdmerwe@overstrand.gov.za>
Date: 07/11/2014 03:14 PM
Subject: FW: Rezoning, Subdivision and Consent Use: 2/220 Sand Down Estate, Uilenkraalsmond
CC: Alida Knoetze <aknoetze@overstrand.gov.za>, Ruida Stanvliet <rstanvliet@...>

Dear Schalk

CapeNature has met with DEA&DP to discuss non-statutory conservation on private land and zoning schemes. DEA&DP have developed a Proposed Standard Draft Municipal Zoning Scheme By-Law (2013), which includes four open space zonations: Open Space I – public open space; Open Space II – private open space; Open Space III – nature conservation area; and Open Space IV – nature reserve. The OSIII developed under this scheme would address our concerns and would have been an appropriate zonation for this application for the remainder of the site. However none of the zoning schemes we have seen to date have the additional open space zoning.

For this application, rezoning to Private Open Space could be adequate, however from our interpretation it is not very restrictive. Restrictions will need to be put in place in the rezoning approval conditions. You and Haneen van der Stoep have mentioned to us that the Overstrand Municipality intends to develop an Environmental Overlay. Would this be able to address this matter at all?

However, an important matter that must be determined for this application, from a legal perspective, is whether the EIA authorisation conditions are in terms of the latest zoning scheme or whether it refers to the previous zoning scheme (since nature conservation changed from Open Space III to Open Space I). This would need to be clarified with DEA&DP. If I remember correctly, the case officer was Maboe Nthejane and supervisor Eldon van Boom. We did discuss this case at the Overberg land use meeting with Department of Agriculture and the relevant DEA&DP officials.

I hope this provides more clarity in combination with our previous comments. We can discuss this further

Regards

Rhett

Rhett Smart
Scientist: Land Use Advisor | Scientific Services



CapeNature

tel +27 21 866 8000 | fax +27 86 529 4992 | cell +27 72 835 8741
 email landuse@capenature.co.za | postal Private Bag x5014 Stellenbosch 7599
 physical Assegaaibosch Nature Reserve, Jonkershoek, Stellenbosch, 7599
www.capenature.co.za

FILE NO:	Ph 2/220
SCAN NO:	13
COLLABORATOR NO:	683213

03:21:52 PM

✓ 3

From: Rhett Smart [mailto:landuse@capenature.co.za]
Sent: 08 August 2014 17:22 PM
To: Schalk van der Merwe
Cc: Alida Knoetze; Liezl Bezuidenhout; Keir Lynch; Kerry Purnell; Ruida Stanvliet
Subject: Rezoning, Subdivision and Consent Use: 2/220 Sand Down Estate, Uilenkraalsmond
Importance: High

Dear Schalk

With regards to the application for rezoning, subdivision and consent use for a proposed resort development ("Uilenvlei Private Nature Reserve") on Portion 2 of Farm 220 Sand Down Estate, Uilenkraalsmond, CapeNature commented on the application during two EIA processes, the first one of which failed and the second was authorised. Please find attached the comments, in addition to the Environmental Authorisation, which remain relevant to this planning application.

Part of the proposal in the EIA process was to rezone the site as Open Space III and to sign a stewardship agreement. It is noted that the proposal in the planning application is for Open Space III in terms of the new Overstrand zoning scheme, which is private open space, whereas the EIA application referred to Open Space III in terms of the old zoning scheme which is nature conservation. The Environmental Authorisation includes rezoning to Open Space III and it is assumed this refers to the old zoning scheme which is nature conservation. This needs to be clarified.

CapeNature supports rezoning to a zonation for conservation purposes and therefore do not support rezoning to Open Space III (private open space) in terms of the new zonation scheme but rather Open Space I (nature conservation), although this needs further discussion (see below)

CapeNature stewardship capacity is limited and therefore stewardship is reserved for the highest priority conservation areas. Since the site consists of a vegetation type that is Least Threatened and relatively well-conserved, the site was not considered for stewardship. According to a DEA&DP, CapeNature and Department of Agriculture agreement, Open Space III (nature conservation) zoning is reserved for sites with a stewardship agreement.

In terms of the new Overstrand zoning scheme, none of the other zonations other than Open Space I (nature conservation) would provide enough security for a site to be managed for conservation purposes.

In summary, CapeNature does wish the remainder of the site which will not form part of the resort to be managed as a conservation area. We wish to use this as a pilot site for sites that should have a conservation land use and be appropriately managed but do not qualify for stewardship. One of the possibilities is intervention from the municipality, although we do understand that municipalities also have capacity constraints. We wish to engage further with the Overstrand Municipality and Department of Environmental Affairs and Development Planning in this regard. I did have similar engagements with your predecessor Helgaardt Boshoff regarding this site.


Regards

Rhett

Rhett Smart
 Scientist: Land Use Advisor | Scientific Services

BREDE-GOURITZ

Catchment Management Agency
Opvanggebied Bestuursagentskap
I-Arhente yoLawulo lomvlandia nokungqongileyo
51 Baring Street Worcester 6850, Private Bag X3055 Worcester 6850

E-mail:	zmbunquka@breedegouritzcma.co.za	Navrae: / Enquiries/ Imibuzo:	Z Mbunquka
Cell:	076 814 2784		023 346 8000
		Verwysing: / Reference/Referensi:	4/10/1/G40M/Farm 220/2, Bredasdorp
		Datum: / Date:	29 August 2014

The Municipal Manager
Overstrand Municipality
PO BOX 20
Hermanus
7200

Attention S.W. Van der Merve

Dear Sir/Madam

COMMENT ON THE PROPOSED REZONING, SUBDIVISION AND CONSENT USE ON PORTION 2 OF THE FARM 220, BREDASDORP.

With reference to the application received by Breede Gouritz CMA on 18 June 2014; the following:

The Breede-Gouritz Catchment Management Agency (BG-GCMA) in principle, has no objection to the proposed rezoning, subdivision and consent use subject to the following conditions:

- All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to.
- No pollution of surface water or ground water resources may occur due to any activity on the property.
- No storm water runoff from any premises containing waste, or water containing waste emanating from industrial activities and premises may be discharged into a water resource. Polluted storm water must be contained.
- All relevant sections and regulations of the National Environmental Management: Waste Act, 2008 (Act 59 of 2008) regarding the disposal of solid waste must be adhered to. Solid waste may only be disposed off onto an authorized solid waste facility in terms of abovementioned legislation.

- The minimizing of waste must be promoted and alternative methods for waste management must be investigated.
- No permanent structures may be constructed within the 100-year flood line of any watercourse (seasonal or permanent river, stream, etc).
- No additional use of surface water and/or storage of water is permitted, unless the applicant has formally obtained a license in terms of Section 41 of the National Water Act (Act 36 of 1998) and/or formal authorization in terms of General Authorizations issued under Section 39 (Government Notice 399 dated 26 March 2004), and/or if it is authorized under Schedule 1 of the National Water Act, 1998 (Act 36 of 1998).
- It is the duty of the applicant(s) to ensure that all servitudes of aqueduct, access and storage to give effect to the apportionment of water uses has been agreed upon prior amongst the property owners and formally registered with the Deeds office to give affect thereto upon approval of the application.
- No activities may take place within a buffer area as determined by the freshwater ecologist upstream and downstream of a watercourse and/or any wetland system that is delineated without formal authorization thereto obtained from BOCMA.

Water for domestic use.

- The water provided for domestic use must comply with the SANS 241: 2011 guidelines for drinking water. Regular monitoring must be done to ensure compliance. If the quality of the water is of such a nature that it is a threat to human health, then the Breede-Gouritz Catchment Management Agency and the Provincial Department of Health must be informed of the procedures to rectify the problem.

Disposal of sewage (Conservancy tank)

- The disposal of sewage must at all times comply with the requirements of Sections 22 and 40 of the National Water Act of 1998, (Act 36 of 1998).
- When a conservancy tank is used for the disposal of sewerage, this office must be furnished with a signed copy of the contract between the contractor or the municipality which is appointed to pump the conservancy tank.
- The volume of sewage needs to be metered on a monthly basis and removal programme needs to ensure to be scheduled to ensure that the conservancy tank is pumped well within time before overflowing. Alternatively, floating devices should be installed within the tanks that initiate an alarm of 75% full capacity for collection and disposal.

- ❑ The tank must be provided with a fresh air inlet and an intercepting grease trap.
- ❑ The tank must have an airtight manhole cover to allow access to the tank for the removal and safe disposal of the tank contents.
- ❑ No industrial waste or refuse may be discharged into the conservancy tank except by written agreements with the relevant authorities.
- ❑ The size of the conservancy tank must be determined by both the frequency of removal of its contents to the local Wastewater Treatment Works and by the quantity of sewage anticipated from the above project.
- ❑ The contents of the tank must be removed by a vacuum tanker and conveyed to a local Wastewater Treatment Works that is capable of processing the volume and contents of the conservancy tank.
- ❑ The contingency plan must be drawn up to protect against overflow of the conservancy tank.
- ❑ Ingress of storm water into the conservancy tank must be prevented.
- ❑ The conservancy tanks must be located out of the 1:100 year flood line of any water resource.

The BG-CMA will gladly comment on any additional information provided for review. The BOCMA reserves the right to revise initial comments and request further information based on any additional information that might be received.

Please do not hesitate to contact this office if you have any further queries.

Please ensure to quote the above reference in doing so.

Yours faithfully,

PHAKAMANI BUTHELEZI
CHIEF EXECUTIVE OFFICER



DIRECTORATE: PUBLIC HEALTH PROGRAMMES
SUB-DIRECTORATE: ENVIRONMENTAL - AND PORT HEALTH
REFERENCE: 19/3/1/R3001
ENQUIRIES: G. J. OLIVIER

Director: Infrastructure & Planning
 Overstrand Municipality
 P O Box 26
 GANSBAAI
 7220



Attention: S W van der Merwe

PORTION 2 OF THE FARM NO. 220, DIVISION BREDASDORP: APPLICATION FOR REZONING, SUBDIVISION AND CONSENT USE

- 1 Your letter under reference "Portion 2 of the farm 220 (2525)", dated 13 June 2014, refers.
- 2 From an Environmental Health point of view this Department would like to comment as follows on the proposed development:
 - 2.1 Water for household purposes (drinking water) supplied to the proposed holiday resort must comply with the SABS standard (SANS 241) for household water;
 - 2.2 Solid waste generated by the development must be stored and transported to a registered landfill site in such a way that no nuisance or pollution of the environment or any water sources takes place;
 - 2.3 The local authority, Overstrand Municipality, must confirm that the municipal sanitation infrastructure will be able to service the proposed conservancy tanks and accommodate the increased load resulting from the proposed residential development at the municipal sewage works without causing any nuisances or health hazards;
 - 2.4 No residential occupation must be allowed before all services (water, sanitation, etc.) are connected and operational;
 - 2.5 All further requirements of the applicable Municipal Health Services authority (Overberg District Municipality: Environmental Health Component) must be adhered to.

FILE NO:	Ptn 2 220
SCAN NO:	
COLLABORATOR NO:	658177

- 3 Provided that the above comment is taken into account this department have no objection to the proposed development.

Yours sincerely



PROGRAMME MANAGER: ENVIRONMENTAL AND PORT HEALTH
2014-08-25



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: 13/3/5/1-21/122 (Job 7310)
 ENQUIRIES: Ms GD Swanepoel
 DATE: 21 August 2014

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

Attention: Mr S van der Merwe

Dear Sir

PORTION 2 OF FARM SANDOWN ESTATE NO 220, BREDASDORP: APPLICATION FOR REZONING, SUBDIVISION AND CONSENT USE

1. Your letter dated 13 June 2014 with reference Portion 2 of the Farm 220 (2525) refers.
2. The subject property is located 8km East of Gansbaai and takes access from Main Road 28 at km 8.15 and km 8.35.
3. This application is for the following:-
 - 3.1 Rezoning of 25 footprints from Agricultural Zone I to Resort Zone: Holiday Resorts;
 - 3.2 Rezoning of the Remainder of the subject property from Agricultural Zone I to Open Space Zone III and
 - 3.3 Subdivision of footprints 1-13 and consent use on footprints 1-13 for holiday housing.
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 access at km 8.15 is to be permanently closed;
 - 4.2 The access at km 8.35 is to be provided with hard-surfacing and improved as per the attached standard of that of a "Main Farm Access".

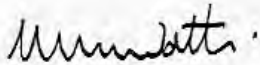
TR A Theart (S vld Merwe)

Pln 2/220

SCAN NO:	<i>23</i>
COLLABORATOR NO:	<i>657708</i>

5. This Branch as the approving authority in terms of Act 21 of 1940 approves the subdivision application.

Yours faithfully

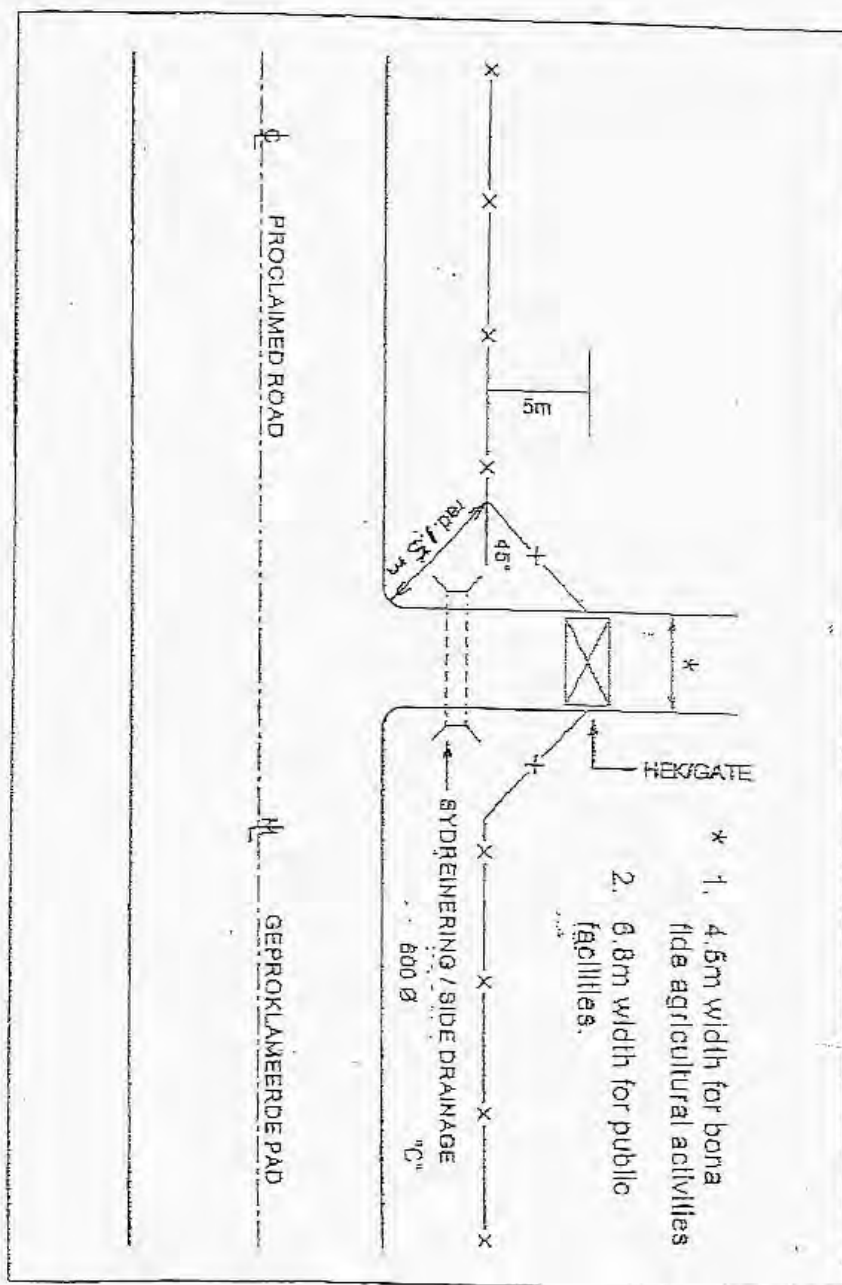


ML WATERS
For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT

19/11 2010 12:19 FAX

+ AUBREY

001





TP- A Theart

OVERSTRAND MUNICIPALITY
P.O.Box 20
HERMANUS
7200

Date:
09.07.2014

Enquiries:
Mr Shaun Swanepoel
Tel: 021 980 3913
Fax: 021 980 3053

Attention: S. Müller

PORTION 2 OF THE FARM NO. 220, DIVISION BREDASDORP: APPLICATION FOR
REZONING, SUBDIVISION AND CONSENT USE.

YOUR REF: *Portion 2 of the Farm 220 (2525)*

OUR REF: 01007/14

I refer to your letter dated 19 June 2014 we would like to comment as follows.

Eskom has no objection to the proposal provided that the following requests are adhere to:

1. Eskom Distribution services are not affected.

Yours faithfully

SHAUN SWANEPOEL
LAND DEVELOPMENT (BRACKENFELL)

FILE NO:	<i>Port 2 / 220</i>
SCAN NO:	
COLLABORATOR NO:	<i>640/28</i>

Western Region
Eskom Road Brackenfell 7560 PO Box 222 Brackenfell 7561 SA

Eskom Holdings SOC Limited Reg No 2002/015527/06

14.07.2014



OVERBERG

DISTRIKSMUNISIPALITEIT
DISTRICT MUNICIPALITY
UMASIPALA WESITHILI



MELD ASB/PLEASE QUOTE

Ons Verw./Our Ref.:

Navrae/Enquiries: Me. C Adams

Bylyn/Ext.: 082 9299901

Privaatsak: X22

Private Bag:

BREDASDORP

7280

Tel.: (028) 4251157

Faks/Fax: (028) 4251014

Hermanus kantoor/Office

Ph: (028) 3131242

Fax: (028) 3131263

The Area Manager
Overstrand Municipality
P.O. Box 26
Gansbaai
7220

20 June 2014

Dear Sir,

Portion 2 of the Farm no. 220 Sand Down: Division Bredasdorp: Application for Rezoning, Subdivision and Consent use.

The above mentioned application is recommended for approval on Conditions:

- Groundwater/Borehole water to be used on premises must comply with SANS 241, standards for drinking water.
- Any Shops or Restaurants to be established on premises must apply for a Regulation 962 Certificate of Acceptability from ODM (Municipal Health).
Applicant/Owner of resort to render internal waste removal services on premises and should arrange with the Municipality for the safe disposal of waste from the resort and all holiday houses.
- Applicant/Owner to arrange with the Municipality to provide tanker services on site to empty tanks on a regular basis to avoid all nuisances, pollution and risk to health.

Your co-operation in this regard will be appreciated.

Yours faithfully,

MUNICIPAL MANAGER

CA/nc

Alle korrespondensie moet aan die Munisipale Bestuurder gerig word
All correspondence must be addressed to the Municipal Manager

Office of the Director:
Infrastructure & Planning
Environmental Management

**OVERSTRAND
ENVIRONMENTAL SECTION**

Kantoor van die Direkteur:
Infrastruktuur & Beplanning
Omgewingsbestuur

Enquiries Benjamin Kondokter
Imibuzo

Ref Farm 2/220

Datum
Date 17 July 2014
Isuku

To Alida (Town planning) (via email)

**APPLICATION FOR REZONING, SUBDIVISION AND CONSENT USE OF PORTION
2 OF THE FARM 220**

Overstrand Environmental Management Section wish to comment on the application for rezoning, subdivision and consent use of portion 2 of the farm 220 .The above mentioned application trigger listed activities and therefore has implication on the NEMA Regulations. The owners of said property have already provincial approval.

The Environmental Section does not have any objection to the above application.

Please feel free to contact me should any questions arise.

Regards

B. Kondokter



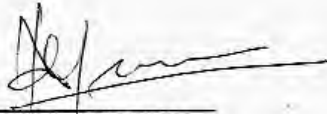
-
- MR S MULLER
 - DIRECTOR:INFRASTRUCTURE & PLANNING
 - Cc : Liezl Bezuidenhout :Senior Environmental Manager

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONING, SUBDIVISION AND CONSENT USE: PTN
2 OF FARM NO 220 DIVISION BREDASDORP**

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

Conditions:

1. that the developer arrange with ESCOM for the provision of electricity and that he complies with all conditions as may be set by ESCOM;
2. that no water service from Overstrand Municipality is available and the developer will be responsible to obtain the necessary approval, licence and permit from the applicable authorities (water affairs, health, BOCMA etc.) for the use of any other water resources and the extraction thereof;
3. that the quality of potable water comply with SANS0241 standards and that relevant proof be submitted to the Senior Manager : Engineering Services, Overstrand Municipality;
4. that no sewerage service from Overstrand Municipality is available and the developer will be responsible to obtain the necessary approval, licence and permit from the applicable authorities (water affairs, health, etc.) for the use of any sewage disposal;
5. that the conservancy tanks will not be serviced by the Overstrand Municipality due to logistics and high cost for servicing farms and resorts;
6. that waste water disposal be done in a safe and healthy manner and that plans thereof be submitted to the Municipality and the Department of Water Affairs for approval;
7. that the developer complies to all the conditions set by Department Of Water & Environmental Affairs;
8. that the developer will arrange with Provincial Administration to obtain approval for any new access from the Provincial road.



DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

2

16 / 7 / 2014
DATE