

PORTION 2 (ROMANS BAAI) OF THE FARM KLIP FONTEYN, NO. 711, CALEDON DIVISION, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR THE AMENDMENT OF THE APPROVED SITE DEVELOPMENT PLAN, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF TERRASAN FINANCE (PTY) LTD

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), that an application has been received for the following:

- **Amendment of the approved site development plan** in terms of Section 16(2)(l) of the By-Law, in order to accommodate the existing buildings / structures and their respective uses on the property.
- **Departure** in terms of Section 16(2)(b) of the By-Law, in order to:
 - relax the western lateral building line from 30m to 27.6m, to accommodate the existing switch house (building no. 58); and
 - to encroach the permissible floor space from 5000m² to 7694.20m² in order to accommodate the existing buildings / structures
- **Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law, in order to address the unlawful buildings / structures on the property.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, Paterson Street, Hermanus. Any written comments may be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law to the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) on or **7 July 2023**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **Mr SW van der Merwe** at 028-313 8900. The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them in order to formalize their comment.

GEDEELTE 2 (ROMANS BAAI) VAN DIE PLAAS KLIP FONTEYN NR. 711, AFDELING CALEDON, OVERSTRAND MUNISIPALE AREA: AANSOEK OM WYSIGING VAN DIE GOEDGEKEURDE TERREINONTWIKKELINGSPLAN, AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: MNRE PLAN ACTIVE TOWN AND REGIONAL PLANNERS NAMENS TERRESAN FINANCE (EDMS) BPK

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening op Munisipale Grondgebruikbeplanning, 2020 (Verordening), dat 'n aansoek ontvang is vir die volgende:

- **Wysiging van die goedgekeurde terreinontwikkelingsplan** ingevolge Artikel 16(2)(l) van die Verordening, ten einde die bestaande geboue / strukture en hul onderskeie gebruike op die eiendom te akkommodeer.
- **Afwyking** ingevolge Artikel 16(2)(b) van die Verordening, ten einde:
 - die westelike lateraleboulyn te verslap vanaf 30m na 27.6m, ten einde die bestaande "switch house" (gebou nr. 58) te akkommodeer; en
 - om die toelaatbare vloeroppervlakte te verslap vanaf 5000m² na 7694.20m², ten einde die bestaande geboue / strukture te akkommodeer.
- **Bepaling van 'n administratiewe boete** ingevolge Artikel 16(2)(q) van die Verordening, ten einde die onwettige geboue / strukture op die eiendom aan te spreek.

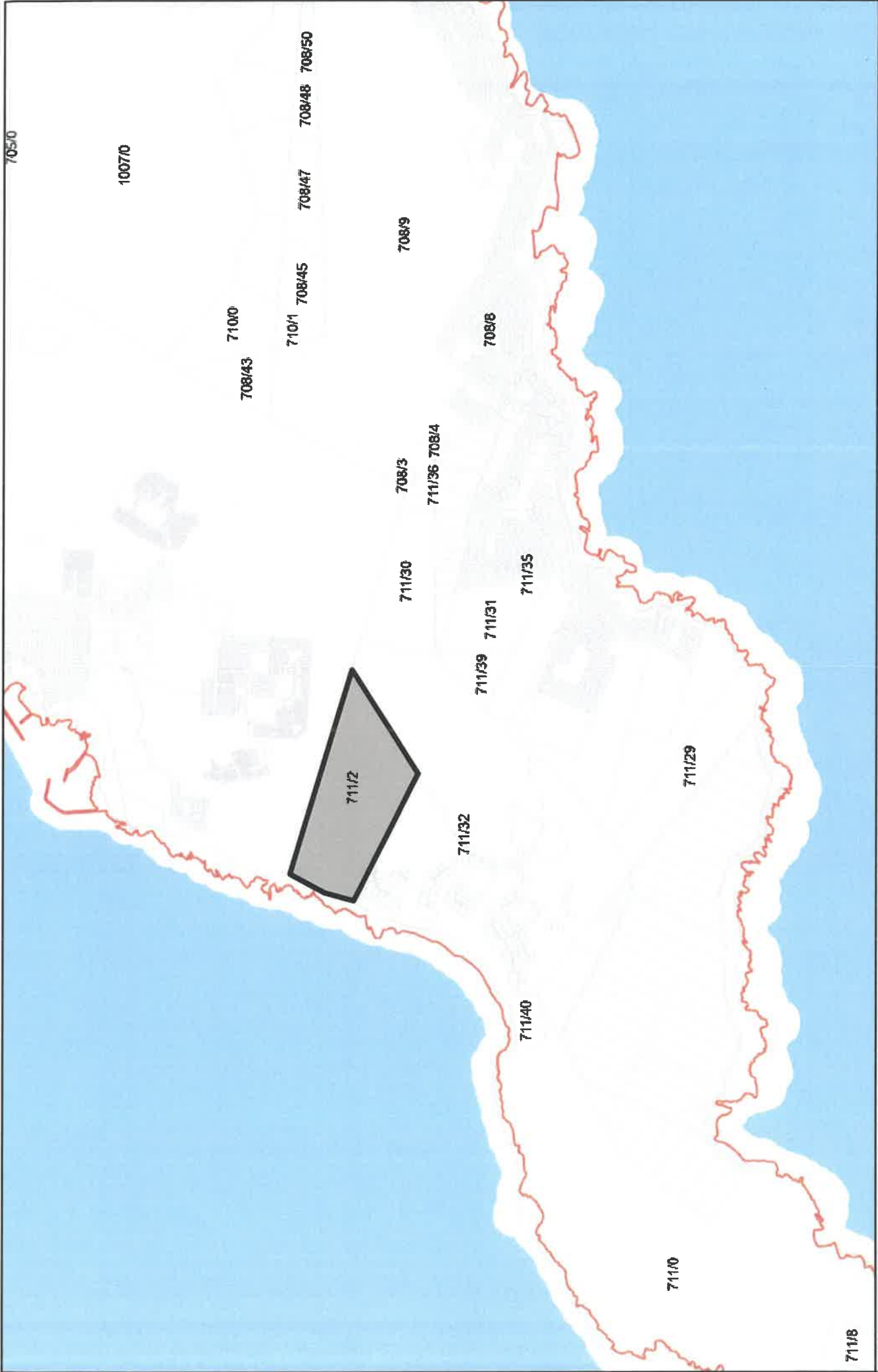
Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. Enige kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening na die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) voor of op **7 Julie 2023**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan **Mnr SW van der Merwe** by 028-313 8900. Die Munisipaliteit mag weier om die kommentaar te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

INXALENYE EBIZWA PORTION 2 (ROMANS BAAI) YEFAMA EYAZIWA NGE- THE FARM KLIP FONTEYN, NO. 711, CALEDON DIVISION, KUMMANDLA KAMASIPALA WASEOVERSTRAND: ISICELO SOKUVUMELA UMTHETHWANA OSISIHLOMELU WESICWANGCISO SOPHUHLISO LWESAYITHI, ULWAHLULO NENGQIKELELO NOMDLIWO/PHENALTHI YOBHALISO: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS EGAMENI LE-TERRASAN FINANCE (PTY) LTD

Kukhutshwe isaziso esimayela nemiba yeSoloty lama-48 Omthethwana OsisiHlomelo nguMasipala waseOverstrand ngoMthethwana ongeZicwangciso ZokuSetyenziswa koMhlaba ku2020 (Umthethwana), isaziso esi sithi kufunyenwe isicelo esimayela nale miba ilandelayo:

- **Isihlomelo sokuvumela uphuhliso lwezicwangciso zesayithi ngokwemiba yeSoloty le16(2)(l) loMthethwana**, ukuze kulungiselelwe izakhiwo esele zikhona/izakhiwo ngokwemisebenzi ezakhelwe yona kwesi siza.
- **Ulwahlulo lwemiba yeSoloty le16(2)(b) loMthethwana**, ukuze:
 - kunyenyiswe umgca wesakhiwo omelene necala lasentshona ukusuka kwimitha ezingama-30m ukuya kuma- 27.6m, ukulungiselela indlu esele ikhona eyindlu yeswitshi yombane (isakhiwo esingunom. 58);
 - nokuvumela ukuphumela ngaphaya komda ovunyelweyo udlule ngeemitha ezingama-5000m² ukuya -7694.20m² ukuze kulungiselelwe izakhiwo esele zikhona /izakhiwo
- **Ingqikelelo yomdlwo wobhaliso/ipenalthi yobhaliso ngokwemiba yeSoloty le16(2)(q) loMthethwana**, ukuze kulungiswe izakhiwo ezingekho mthethweni/ izakhiwo ezisesizeni.

linkcukacha ezipheleleyo mayela nesi siphakamiso ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini ukusukela ngentsimbi ye08:00 ukuya kwi16:30 kwiSebe: LeziCwangciso zeDolophu, Paterson Street, Hermanus. Naziphina izimvo ezibhaliweyo zingangeniswa ngokwezibonelelo zeSoloty lama-51 nelama-52 loMthethwana kaMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) ngomhla okanye ngaphambi komhla **7 uJulayi 2023**, uchaze igama lakho, idilesi neenkukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zakho zokuhlomla. Imibuzo ngefowuni ingabuzwa ku**Mnu SW van der Merwe kwa-028-313 8900**. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvula. Nabani na ongakwazi ukufunda nokubhala angahambela kwiSebe LeZicwangciso ngeDolophu apho igosa likamasipala liza kunceda uhlomle ngokusemthethweni.



**DETERMINATION OF AN ADMINISTRATIVE PENALTY,
AMENDMENT OF THE SITE DEVELOPMENT PLAN
AND DEPARTURE**

**REMAINDER PORTION 2 OF THE FARM KLIP
FONTEYN NO. 711**

DIVISION CALEDON

OVERSTRAND MUNICIPALITY

MOTIVATION REPORT

1. BACKGROUND

The company Plan Active Town Planners has been appointed by the directors of Aquinion Pty Ltd (as managing company) and the directors of Terrasan Finansiering Pty Ltd, the owners of Remainder Portion 2 of the Farm Klip Fonteyn No. 711, to apply for the determination of an administrative penalty, the amendment of the site development plan (SDP) and departure of the subject property to accommodate the As Built structures and their respective uses on the subject property.

The subject property measures 86,2010ha in extent and is zoned for agricultural purposes. Permission was granted by the former Overberg Regional Services Council for a consent use in order to conduct an abalone farm on the subject property, (consent letter dated 5 August 1996 attached). The conditions of approval amongst others restrict the abalone farm to an area indicated on the site development plan (SDP) of ±12,8ha whilst the remainder should be managed as a nature reserve.

Over the years the development extended into the "nature reserve area" resulting in the approval of an amended SDP on 14 November 2013 catering for an increase in production capacity of the farm from 150 tons abalone to 300 tons per annum. The aforesaid approval increased the abalone farm to a 22,5ha portion of the property with the remainder being managed as a nature reserve. On 11 February 2016 approval was granted for further amendments to the SDP in order to accommodate deviations from the approved 2013 SDP. On 12 August 2020 approval was granted

for further amendments to the SDP to accommodate two telecommunication masts and a 3m monopole on the property for internal communication of the farm and to accommodate CCTV equipment aimed at improving operational security. An approval was also granted to relocate the office and packing buildings. Copies of the decision letters dated 18 November 2013, 17 February 2016 and 12 August 2020 are attached.

The production output for the abalone farm will remain at 300 tons per annum. The development area on the farm will also remain unchanged at the approved 22,5ha portion.

Since the last approval more amendments and additions took place to the developable area on the subject property without the necessary land use or building plan approvals. This application intends to address the unlawful structures and uses thereof on the subject property.

An Environmental Authorisation for the abalone farm on the subject property was issued on 2 March 2009 for the expansion of the production of the abalone farm from 150 tons to 300 tons / annum facility and the subsequent expansion of the developable area to 22,5ha. Land use applications that followed in 2016 and 2020 were circulated to internal and external environmental departments and all departments indicated in their comments on the applications that Environmental Authorisation had already been obtained from the Department of Environmental Affairs and Development Planning (DEA&DP) and no further studies and / or authorisations were required.

2. APPLICATION DETAILS

Application is made for the following:

- The determination of an **administrative penalty** for Remainder Portion 2 of the farm Klip Fonteyn no. 711 in terms of Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020;
- The **amendment of the site development plan** of Remainder Portion 2 of the Farm Klip Fonteyn No. 711 in terms of Chapter 4, Section 16(2)(l) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2020;
- The **departure (building lines; total permissible floor space)** of Remainder Portion 2 of the farm Klip Fonteyn No. 711 in terms of Chapter 4, Section 16(2)(b) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2020.

3. GENERAL APPLICATION INFORMATION

3.1 PROPERTY DESCRIPTION

The subject property is situated between Blompark and the Romansbaai development en route to Van Dyksbaai (Kleinbaai).

The subject property is 86,2010ha in extent and is held by title deed no. T76678/2004.

The subject property is situated in a residential and nature conservation environment.

3.2 ZONING

Remainder Portion 2 of the farm Klip Fonteyn No. 711 is zoned Agriculture Zone I with consent uses for aquaculture and transmission apparatus. As described in the background of the application various amendments to the SDP and approval conditions and departures were applied for and granted over the years.

Surrounding properties are zoned for Open Space Zone 3: Private Open Space, Residential Zone 1: Single Residential, Undetermined Zone, Business Zone 3: Local Business and Agriculture Zone 1: Agriculture purposes.

3.3 LAND USE

Aqunion is one of the world's leading abalone farming businesses – the union of three renowned South African abalone businesses (Aquafarm Development, Roman Bay Sea Farm and SPP Canning). Their operations are headquartered in Hermanus. With a wealth of experience spanning over 20 years and an international customer base. The company offers a full value chain that includes abalone farming, processing, marketing and export of both wild and farmed South African abalone.

The origins of Aqunion can be traced back to 1994 when the first abalone farm was established. Remainder Portion 2 of the Farm Klip Fonteyn No. 711 has been the land-based aquaculture facility of Aqunion. The subject property is developed with an abalone farm with a 300 tons per

annum production output. The extent of the abalone farm and all its infrastructure developed on the approved 22,5ha development area on the farm will remain unchanged for the purposes of this application.

The previous botanical assessment confirmed that the largest extent of the remaining extent of the property consists of indigenous vegetation which includes fifty Red Data Book species which are in good condition.

Abalone farmed on the site is currently either packaged as finished product on the farm or transported to and processed at an existing processing plant in Hermanus.

Land uses that surround Remainder Portion 2 of the farm Klip Fonteyn No. 711 are farms and nature reserve areas, single residential properties (Romansbaai and Birkenhead Residential Estate to the south; Blompark to the north; Kleinbaai to the east) and recreational land uses (Gansbaai Golf Course). The nearest located residential areas are that of Blompark and Romansbaai. The nearest industrial area is located in Gansbaai.

3.4 PROPOSED DEVELOPMENT

The following are proposed:

- The determination of an **administrative penalty** for Remainder Portion 2 of the farm Klip Fonteyn no. 711 in terms of Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, to address the unlawful structures and the respective uses thereof;
- The **amendment of the site development plan** of Remainder Portion 2 of the Farm Klip Fonteyn No. 711 in terms of Chapter 4, Section 16(2)(l) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2020, to accommodate the As Built structures and the respective uses thereof on the subject property;
- The **departure** of Remainder Portion 2 of the farm Klip Fonteyn No. 711 in terms of Chapter 4, Section 16(2)(b) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2020, to relax the applicable building lines as follows:
 - Western lateral building line from 30m to 27,6m to accommodate the As Built RMU switch house (building no. 58);

- The **departure** (permanent departure from the provisions of the Overstrand Land Use Scheme Regulations, 2020) of Remainder Portion 2 of the farm Klip Fonteyn No. 711 in terms of Chapter 4, Section 16(2)(b) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2020, to deviate from the total permissible floor space of 5 000m² to ±7 694,20m² total floor area for all buildings.

The potential of the subject property is discussed in detail in *Section 3.5 Potential of the property*.

As discussed in *1. Background* there have been several land use approvals issued for the subject property since 1996 (the latest being 2020). Our client has however added more structures to the existing abalone facility since 2020 to improve operations and to address the ongoing load shedding issues. As previously mentioned, the subject property is developed with an abalone farm with a 300 tons per annum production output. This application does not propose an increase in the production output. The abalone farm and all its infrastructure are developed on the approved 22,5ha development area on the farm and this will also remain unchanged for the purposes of this application.

This application will address the existing As Built structures and the respective uses thereof, the slight building line encroachment of one of the unlawful structures and the increase in the total floor area for the subject property.

Here follows the detail of the proposed application for consideration:

3.4.1 Rectification of contravention

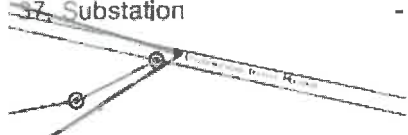
In terms of Chapter 5, Section 90(1) a person who is in contravention of the Municipal Planning Amended By-Law (2020), and submits an application to rectify the contravention, must apply to the Municipality for the determination of an administrative penalty, provided that the Municipality has not obtained and issued a demolition directive in terms of Section 85 in respect of the land or building or part thereof concerned.

As the application is for the rectification of a contravention of the By-Law (unlawful As Built structures and respective uses thereof), an application is submitted for the determination of an administrative penalty fee in terms of Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020. However, the Municipal Planning Tribunal (MPT) has the authority not to impose such a fee.

In terms of Section 90(3) of the MPBL, the MPT must at least consider the following factors when determining an appropriate administrative penalty:

- **The nature, duration, gravity and extent of the contravention**

Herewith the details of the structures that were constructed illegally on the subject property:

35. Bund wall	- 174.00m ²	- NO AREA
36. Wendy House	- 15.00m ²	- 14.50m ²
37. Substation	- 18.00m ²	- 16.50m ²
		
38. Acid station	- 60.00m ²	- 59.00m ²
39. Mega Station Extension	- 220.00m ²	- 210.00m ²
40. Store Room	- 50.00m ²	- 47.00m ²
41. Cold Storage	- 53.00m ²	- 52.00m ²
42. Containers & Workshop	- 153.00m ²	- 151.00m ²
43. Shadenet Carports	- 300.00m ²	- NO AREA
44. Containers	- 30.00m ²	- 29.50m ²
45. Electrical Room	- 24.00m ²	- 22.00m ²
46. Drum Filter & Reservoir & Electrical Room	- 195.00m ²	- NO AREA - 28.00m ²
47. Pump room	- 5.00m ²	- 4.10m ²
48. Wendy House	- 20.00m ²	- 19.50m ²
49. Pump room	- 5.00m ²	- 4.10m ²
50. Split Station Extension	- 15.00m ²	- 14.00m ²
51. Wash stations x 9	- 17.00m ²	- NO AREA
52. Water tanks	- 19.00m ²	- NO AREA
53. Hatchery Effluent sump	- 9.00m ²	- 8.00m ²
54.		
56. Chemical store & cleaning	- 23.00m ²	- 22.00m ²
58. RMU switch house	- 16.00m ²	- 14.50m ²

No. 35 (bund wall; 174m²): The structure was erected in 2017 after our client suffered as a result of extreme load shedding (with rumours at the time of a national blackout). Cement and bricks were used as construction materials. The ongoing energy crisis has a detrimental impact on the abalone business and can ultimately lead to the closing down of business. The management at the time had no choice but to enlarge the diesel storage area to make allowance to store the maximum amount of diesel on the property that current legislation allows for. This was done as a precautionary measure to ensure that the abalone farm has enough diesel available not only during load shedding but also if a possible blackout in South Africa occurs. An engineer was appointed at the time to enlarge and construct the diesel bund. This was an essential upgrade undertaken on the farm since South Africa experienced diesel shortages shortly after the diesel bund was constructed on the farm. The diesel bund ensured that the farm operations remained unaffected by load shedding and diesel shortages associated therewith.

No. 36 (wendy house; 15m²): The wendy house was constructed around the same time (2017 / 2018) for the storage of equipment. This is a wooden structure.

No. 37 (substation; 18m²): The substation was constructed in 2018. Cement and bricks were used as construction materials. At the time the farm experienced problems with their incoming MV breaker from Overstrand Municipality because of load shedding. The continuous load shedding caused network dips and this situation continued for a long time where Overstrand Municipality had to visit the farm on a regular basis to reset the breaker. It was agreed with the Municipality that the best solution for the abalone farm would be to install their own protective unit that prevents the Overstrand MV breaker from shutting down / tripping. The new MV breaker was a costly expense to the farm; hence the management decided to enclose the breaker to protect the unit.

No. 38 (acid station; 60m²): This structure was constructed in 2020. Cement and bricks were used as construction materials. The updated 2018 SDP indicated an area intended for cleaning purposes with hydrochloric acid. During the Covid 19 pandemic our client struggled to obtain hydrochloric acid on a regular basis, and they had to buy the acid in bulk. The cleaning process is critical for the successful operation of the farm. To meet the applicable regulations the farm management decided to construct a bund building and install two tanks for the acid storage. Protea Chemicals inspected the engineer designed bund and issued a certificate. The bund is lower than 1m in height and thus our client was under the impression that the submission of building plans will not be a requirement.

No. 39 (mega station extension; 220m²): The structure was constructed in 2020. Cement, bricks and concrete were used as construction materials. As mentioned in the previous paragraph the updated 2018 SDP indicated an area intended for cleaning purposes. Our client however realized after the last SDP was approved that the cleaning area was positioned in a windy area. This posed to be a problem since the gas from the hydrochloric acid became a health concern for the workers. The management decided to enclose the area and put the necessary safety system in place to ensure that none of the workers would be exposed to the hydrochloric acid.

No. 40 (storage; 50m²): The storage was constructed in 2020. Cement and bricks were used as construction materials. This is a small storage room that was built to create a space where they can repair the baskets on site. The farm experiences strong winds on a frequent basis. Our client wanted to ensure that none of the materials used to fix the baskets would blow away and pollute the ocean.

No. 41 (cold storage; 53m²). This feed cold storage was constructed in 2021. Chromadek boards were used as construction material. During the Covid 19 period the farm had problems with sufficient feed supply and as a result storage was required for a backup supply of four weeks.

No. 42 (containers and workshop; 153m²): The workshop was constructed in 2022. Steel was used as construction material. The containers were on the site and were merely re-positioned to a better suited location on the farm. Since these are detached and movable structures our client was unaware that they had to include these structures on a SDP / building plan for approval.

No. 43 (shadenet carports; 300m²): Constructed in 2019 to provide shaded parking bays for staff.

No. 44 (containers; 30m²): These containers were on the previous SDP. The structures were moved from area no. 27 on the SDP to this new position to create a larger space for the trucks to pass and move easily.

No. 45 (electrical room; 24m²): This room was constructed in 2018 to protect the pumps and electrical appliances from adverse weather conditions. Cement and bricks were used as construction materials.

No. 46 (drum filter & reservoir and electrical room; 195m²): These structures were constructed in 2019 and concrete was used as construction material. The previous reservoir was dilapidated, and a new reservoir was constructed as a replacement on the exact same development footprint.

No. 47 (pump room; 5m²): Time of construction unknown. Our client is of the opinion that this was part of the existing infrastructure when they took over farm.

No. 48 (wendy house; 20m²): Placed on the site in 2020 to provide additional storage space for feed during the Covid 19 period. This is a wooden structure.

No. 49 (pump room; 5m²): Time of construction unknown. Our client is of the opinion that this was part of the existing infrastructure when they took over farm.

No. 50 (split station extension; 15m²): Time of construction unknown. Our client is of the opinion that this was part of the existing infrastructure when they took over farm.

No. 51 (wash stations x9; 17m²): The hand wash stations on the platforms were constructed in 2019 and cement and bricks were used as construction materials. Our client was unaware that these structures had to be indicated on a SDP / building plan and to be approved accordingly.

No. 52 (water tanks; 19m²): The PVC tanks were installed in 2018. The farm has been struggling for years to get an adequate water supply from the Overstrand Municipality. It was decided to install tanks to ensure a backup supply.

No. 53 (hatchery effluent sump; 9m²): This was an existing structure that was merely enclosed in 2017 for additional protection. Cement and bricks were used as construction materials.

No. 55 (dam revised; 2880m²): There were three dams for water filtration on the subject property (indicated on the previous SDP). In 2022 the three dams required urgent repair and the most cost-effective option at the time was to merge the three dams to only one dam. The dam was also resealed to prevent water loss and for operational safety. This entailed minor earth works within the already disturbed / development area and the materials used were Bitumen lining only.

No. 56 (chemical store & cleaning; 23m²): This structure was constructed in 2019 using wooden poles. At the time new regulations emerged concerning the storage of chemicals. Our client was obligated to construct a small store outside of the hatchery for the safe keeping of chemicals. The structure consists of four poles with wired fence and a roof.

No. 57 (paddle pond; 240m²): This pond was constructed in 2018. Cement and bricks were used as construction materials. On the previous approved SDP provision is made for a bio filter. However, the filter did not function optimally. Our client was necessitated to demolish the paddle pond and replace it with a new bio filter building. The filter is only 800mm in height and has the same function as the original filter.

No. 58 (RMU switch house; 16m²): The switch house was constructed in 2017. Cement and bricks were used as construction materials. This is a 11kv electrical switch that protects the energy load to the pump house. In 2017 the farm experienced a lot of rain and storms that resulted in the previous switch not functioning optimally. The original switch had to be replaced (at a great expense to our client). The new switch was enclosed to ensure it is protected against the weather.

The position and nature of all the abovementioned As Built structures are unobtrusive and do not impact negatively on the surrounding properties. No complaint from surrounding property owners has been received up to date. An application for a building line departure and amendment of the approved site development plan to accommodate the As Built structures will address the illegal structures.

- **The conduct of the person involved in the contravention**

The As Built structures were mostly constructed by the current owners of the property. As motivated in the paragraphs above all the structures were constructed and / or installed as a result of immediate action that was required to ensure the uninterrupted operation of the abalone farm. Any interruptions due to load shedding, the weather or insufficient supply (whether it is acid for cleaning purposes or water for the general operation of the farm) have a detrimental impact on the viability and existence of the abalone farm. Most of the construction work undertaken was to remedy a dangerous situation or prevent a lack of supply (electricity; hydrochloric acid; water; etc.).

The illegal building work was in no way intended by our client to disregard the applicable legislation. It boiled down to crisis management to keep the farm and workers safe and to ensure the continuous operation of the farm. It was always the intention to deal with the land use and building plan applications as soon as the necessary structures were put in place and the farm, and its workers were no longer exposed to dangerous working conditions. It also made sense at the time to wait for all projects to be finalized and submit all the additions on one SDP instead of going through the process for each structure individually. None of the structures are habitable areas. At the time all these building projects were implemented, our client also considered extending the abalone farm. An engineering consultant was appointed to assist with the latter. It was however clear that the extension did not prove to be feasible, and all initiation work was cancelled.

The current owner (our client) has never contravened the land use planning By-law in the past. They addressed the matter related to the unlawful structures soonest and appointed the relevant consultants (architects and town planners) to assist to obtain the necessary approvals.

- **Whether the unlawful conduct was stopped**

The owner was unaware that the As Built structures described above required prior approval before construction took place. It should also be taken in account that some of the work was caused by critical situations and also took place during the Covid pandemic period. An application is at hand to rectify the contravention by means of a departure and amendment of the SDP.

- **A report by a quantity surveyor in matters of unauthorised building / construction**

The application was discussed with Mr Schalk van der Merwe (Senior Town Planner: Overstrand Municipality) and he confirmed that input from a quantity surveyor / building contractor with reference to the unauthorised building work must be included with the application. Herewith the Quantity Surveyor's report on the construction costs involved for the illegal structures:

Item	Description	Cost	
35	Bund wall	R 137 800.00	Contractor
36	Wendy house	R 10 000.00	Contractor
37	Sub station	R 47 000.00	Contractor
38	Acid station	R 50 000.00	Aqunion self build
39	Mega station extension	R 750 000.00	Contractor
40	Store room	R 100 000.00	
41	cold storage (feed store)	R -	feed company cost
42	containers	R -	old infrastructure
43	Carport shade netting	R 80 000.00	Contractor
44	containers	R -	
45	electrical room	R 35 000.00	Aqunion self build
46	reservoir	R 1 151 672.00	Contractor
47	pump house	R -	old existng
48	Wendy house	R 10 000.00	Contractor
51	wash stations	R 25 000.00	Aqunion self build
52	splitstation	R -	old existng
53	hatchery effluent sump	R 15 000.00	Aqunion self build
55	Dam revised	R 979 000.00	Contractor
56	Chemical store	R 5 000.00	Aqunion self build
57	Paddle pond	R 54 000.00	Aqunion self build
58	RMU switch house	R 42 000.00	Aqunion self build

As mentioned in the previous sections of this report all structures were constructed and / or revised on site to ensure the optimal use of the abalone farm in a time of utmost uncertainty. Most of the structures were constructed as part of crisis management where the operation of the farm depended on immediate action taken by the management. We therefore request that the municipality considers the reasons for the unlawful construction and impose a no fee penalty as result.

- **Whether a person involved in the contravention has previously contravened this By-Law or a previous planning law**

To the best knowledge of the applicant and as confirmed by the landowner, they have never previously contravened this By-Law or any other previous planning law.

- **Summary**

We appeal to the Overstrand Municipality to take into consideration the low impact the As Built structures have had and will continue to have on the neighbouring properties and the surrounding area. The footprint of the structures will remain unchanged and the development was done within the approved development area.

It should also be considered that no complaints from surrounding property owners were submitted with regards to the As Built structures.

The owner instructed the consultants to assist in the matter to rectify the contravention by submitting a complete (and fully motivated) land use application. We therefore respectfully request that a minimal / no penalty fee be imposed on the property owner for the reasons given above.

In the industry in which our client operates it is imperative that they act swiftly when abnormal circumstances arise (load shedding; Covid 19 pandemic; red tide; etc.). Our client currently employs 260 employees and our client was forced to take the necessary steps and decisions in favour of their business to ensure their continued existence. Projects that had a larger impact did follow the relevant procedures at the municipality (for example where it had an impact on the municipal infrastructure). Smaller projects that had no impact on the municipal infrastructure, but if not undertaken, would have had a negative impact on the safety of the employees and our client's business.

With all the obvious challenges over the past three to five years, our client also had to deal with a massive red tide followed by the collapsing of the markets in Hong Kong – both of which almost cost them their business. This was followed by the challenging Covid 19 pandemic, and our client therefore had to deal with crisis after crisis and the As Built structures and the uses thereof were a result of immediate action required to keep the business afloat. Our client is committed to follow due process to now legalise the structures and respective uses thereof at the municipality.


3.4.2 Amendment of the site development plan

As explained above various ancillary structures to the existing abalone facility were added since the previous land use approval (2020) to improve the operational output on the farm. The site development plan clearly differentiates between the approved structures and the As Built new

structures. An application is submitted for the amendment of the approved site development plan (2020) for Remainder Portion 2 of the farm Klip Fonteyn No. 711 to accommodate the additions to the abalone facility. The existing (approved no. 1 to 34) land uses and structures and the As Built (proposed no. 35 to 58) structures and the sizes thereof are summarized on the SDP as follows:

BUILDING NUMBER LIST AND AREAS:

		SS	DS
1. Pump House	- 130.00m ²	- 126.00m ²	
2. Generator Room	- 117.00m ²	- 114.00m ²	
3. Pump House	- 63.00m ²	- 60.00m ²	
4. Transformer Room	- 42.00m ²	- 40.00m ²	
5. Turbine Room	- 87.00m ²	- 79.00m ²	
6. Drum Filter & Reservoir	- 162.00m ²	- NO AREA	
7. House	- 143.00m ²	- 135.00m ²	
8. House	- 143.00m ²	- 135.00m ²	
9. Drum Filter	- 94.00m ²		
10. Drum Filter	- 94.00m ²		
11. Drum Filter x 2	- 188.00m ²		
12. Toilet	- 51.00m ²	- 47.00m ²	
13. Splitter Station	- 56.00m ²	- 53.00m ²	
14. Blower Room	- 36.00m ²	- 33.00m ²	
15. Shed & Outbuildings	- 1195.00m ²	- 1175.00m ²	
16. Open Shed & Office	- 142.00m ²	- 139.00m ²	
17. Hatchery x 2	- 1904.00m ²	- 1874.00m ²	
18. Larval Room	- 98.00m ²	- 96.00m ²	
19. Worm Hatchery	- 140.00m ²	- 134.00m ²	
20. Canteen	- 1012.00m ²	- 987.00m ²	
21. Blower & Feed Store x 5	- 145.00m ²	- 128.00m ²	
22. Split Station	- 122.00m ²	- 102.00m ²	
23. Blower Room	- 56.00m ²	- 54.00m ²	
24. Generator Room	- 84.00m ²	- 80.50m ²	
25. Mega Stallon	- 274.00m ²	- 262.00m ²	- 76.00m ²
26. Grader Room	- 25.00m ²	- 23.00m ²	
27. Store	- 105.00m ²		
28. Blower & Feed Store x 3	- 87.00m ²	- 75.00m ²	
29. Split Station x 2	- 122.00m ²		
30. Office Building	- 594.00m ²	- 575.00m ²	- 357.00m ²
31. Security Office	- 20.00m ²	- 17.00m ²	
32. Wall	- 42.46m long	- NO AREA	
33. Communication Masts x 3	- 18.00m ²	- NO AREA	
34. Bund wall	- 58.00m ²	- NO AREA	

35. Bund wall	- 174.00m ²	- NO AREA
36. Wendy House	- 15.00m ²	- 14.50m ²
37. Substation	- 18.00m ²	- 16.50m ²
		
38. Acid station	- 60.00m ²	- 59.00m ²
39. Mega Station Extension	- 220.00m ²	- 210.00m ²
40. Store Room	- 50.00m ²	- 47.00m ²
41. Cold Storage	- 53.00m ²	- 52.00m ²
42. Containers & Workshop	- 153.00m ²	- 151.00m ²
43. Shadenet Carports	- 300.00m ²	- NO AREA
44. Containers	- 30.00m ²	- 29.50m ²
45. Electrical Room	- 24.00m ²	- 22.00m ²
46. Drum Filter & Reservoir & Electrical Room	- 195.00m ²	- NO AREA - 28.00m ²
47. Pump room	- 5.00m ²	- 4.10m ²
48. Wendy House	- 20.00m ²	- 19.50m ²
49. Pump room	- 5.00m ²	- 4.10m ²
50. Split Station Extension	- 15.00m ²	- 14.00m ²
51. Wash stations x 9	- 17.00m ²	- NO AREA
52. Water tanks	- 19.00m ²	- NO AREA
53. Hatchery Effluent sump	- 9.00m ²	- 8.00m ²
54.		
56. Chemical store & cleaning	- 23.00m ²	- 22.00m ²
58. RMU switch house	- 16.00m ²	- 14.50m ²

The As Built additions to the abalone facility are a natural extension of the existing buildings on the subject property, situated on an already disturbed area of the site in close proximity to existing abalone farming activities. The position of the As Built structures as indicated on the SDP clearly indicates that the character of the area is not adversely impacted upon. The As Built structures and the uses thereof blends in visually with the environment.

The positive impact to keep the As Built structures and the respective uses thereof is as follows:

- The development will strengthen the economic viability of the farm;
- The remainder of the farm will still be managed as a conservation area.

3.4.3 Departure

One of the As Built structures namely building no. 58 (RMU switch house) partially encroaches the 30m western lateral building line. It is intended to keep the structure since it already forms part of the existing operations on the site. An application is submitted for a departure to:

- Relax the western lateral building line from 30m to 27,6m to accommodate the existing As Built RMU switch house (building no. 58 on the SDP).

The proposed departure will have no impact on the adjacent properties and the impact on other important elements (environmental, visual, etc.) is considered minimal. The deviation will ensure

that the switch house associated with the diesel bund and generator room is positioned adjacent to these structures. The proposal is in line with previous conditions of approval to keep the development within the approved 22,5ha development area of the subject property.

The current zoning of the subject property only allows for a total floor space of 5 000m². The existing abalone facility already encroaches the permissible total floor space. It seems that the encroachment of the permissible floor space was not addressed with any of the previous land use applications, although the SDP's were approved over the years with a total footprint larger than 5 000m². None of the previous land use approvals limit the total floor area to a specific number, although all approvals refer to the SDP submitted with the application. As a result, an amendment of the approval conditions is not required to accommodate the increase in the total floor area. However, an application is submitted for a departure to deviate from the permissible floor space of 5 000m² to accommodate the total structural footprint of ±7 694,20m² to accommodate the approved and As Built structures as indicated on the site development plan.

It is submitted that the encroachment of the total floor space is in line with the existing aquaculture land use rights for the subject property and is to an improved abalone farm in line with the environmental authorisation issued for the 300 ton production facility within the 22,5ha development area. It is therefore to be expected that the total floor space will increase for an abalone facility of this extent.

3.4.4 GENERAL APPLICATION INFORMATION

The area schedule / parking requirements for the subject property inclusive of the existing and proposed development is as follows:

APPROVED EXISTING BUILDINGS: Approved GLA: 7531m ² - August 2020		PROPOSED NEW BUILDINGS: New GLA		PARKING REQUIREMENT: NEW GLA Industry, Warehouse & Storage = 2 bays per 100m ² of GLA up to 500m ² , thereafter 1 bay per 100m ² .	
BUILDING	SIZE:	BUILDING	SIZE:	NEW GLA TOTAL AREA =	TOTAL PARKING BAYS =
1. Pump House	130.00m ²	34. Bund wall	- 174.00m ² no calculation	637.00m ²	12.74
2. Generator Room	117.00m ²	36. Wendy House	- 15.00m ²		
3. Pump House	63.00m ²	37. Substation	- 16.00m ²		
4. Transformer Room	42.00m ²	38. Acid station	- 50.00m ² no calculation		
5. Turbine Room	87.00m ²	39. Mega Station Extension	- 220.00m ²		
6. Drum Filter & Reservoir	162.00m ²	40. Store Room	- 30.00m ²		
7. House	143.00m ² 2	41. Cold Storage	- 53.00m ²		
8. House	143.00m ² 2	42. Containers & Workshop	- 153.00m ²		
9. Drum Filter	34.00m ²	43. Shednet Carpents	- 300.00m ² no calculation		
10. Drum Filter	34.00m ²	44. Containers	- 30.00m ²		
11. Drum Filter x 2	186.00m ²	45. Electrical Room	- 74.00m ²		
12. Toilet	51.00m ²	46. Drum Filter & Reservoir			
13. Splitter Station	58.00m ² 1	47. Electrical Room	- 165.00m ² no calculation		
14. Blower Room	36.00m ²	48. Pump room	- 5.00m ² no calculation		
15. Shed & Outbuildings	1185.00m ² 24	49. Wendy House	- 20.00m ²		
16. Open Shed & Office	106.00m ² 2	50. Pump room	- 5.00m ² no calculation		
Office	36.00m ² 2	51. Split Station Extension	- 15.00m ²		
17. Hatchery x 2	1904.00m ² 38	52. Wash stations x 9	- 17.00m ² no calculation		
18. Larval Room	98.00m ² 2	53. Water tanks	- 19.00m ² no calculation		
19. Worm Hatchery	149.00m ² 3	54. Hatchery effluent sump	- 9.00m ² no calculation		
20. Canteen Pax 300	1012.00m ² 75				
21. Blower & Feed Store x 5	145.00m ² 3	56. Chemical store	- 23.00m ²		
22. Split Station	122.00m ² 1	58. RMU switch house	- 18.00m ²		
23. Blower Room	56.00m ²				
24. Generator Room	84.00m ²				
25. Mega Station	274.00m ² 8				
26. Grader Room	25.00m ² 1				
27. Store	103.00m ² 2				
28. Blower & Feed Store x 3	87.00m ² 2				
29. Split Station x 2	122.00m ² 1				
31. Security Office	20.00m ² 1				
30. Office Building	502.00m ² 36				
Packing/Warehouse	464m ² 9				
32. Proposed Wall	42.46m long				
33. Communication Masts x 3	18.00m ²				
34. Bund wall	56.00m ²				
		TOTAL NEW GLA	637m²		
				TOTAL NEW PARKINGS REQUIRED	= 13
				TOTAL NEW LOADING ZONES REQUIRED	= 2
				TOTAL PARKING PROVIDED	= 222
				DISABLED PARKINGS INCLUDED	= 5
				TOTAL LOADING ZONES PROVIDED	= 2

APPROVED PARKING BAYS 207

The above table indicates the existing and proposed building descriptions, amount of buildings proposed, the size of the structures and the amount of parking bays required. Refer to the proposed site development plan attached for easy reference to each of the structures mentioned in the above tables. All As Built structures to be accommodated with this proposal are positioned within the already approved development area for the existing aquaculture farm.

The additional Gross Leasable Area (GLA) for the As Built structures is 637m².

The services infrastructure is addressed in *Section 3.9.1 Provision of Services*.

The abalone farm will continue to operate in accordance with standard industry practices.

The additional structures and respective uses thereof will not have a negative impact on any natural vegetation, views or conservation worthy portions on the subject property. A basic environmental impact assessment (EIA) was undertaken in 2009 and an Environmental Authorisation was issued for the expanded abalone farm (300-ton facility). The Environmental Authorisation (EA) included the approval of Environmental Management Programmes (EMPr's). A copy of the EA dated 2 March 2009 and the comment from DEA&DP on the 2013 land use

application are attached to this application.

The proposal will not lead to the fragmentation of ownership of land and therefore adheres to the objectives of the Agricultural Land Act, Act 70 of 1970.

The proposed abalone farm will comply with the land use restrictions for Agriculture Zone I with consent uses where applicable. The Overstrand Land Use Scheme Regulations (2020) determine that 30m building lines apply to farms greater than 10ha in extent. Remainder Portion 2 of the farm Klip Fonteyn No. 711 is 86,2010ha in extent and 30m building lines apply. One of the existing but unauthorised structures encroach the applicable building line. It is intended to keep the existing (unauthorised) structure since it already forms part of the existing abalone operation on the site. In addition, the potential impact of this structure was considered and deemed to have a low impact.

The As Built additions to the existing abalone facility are considered to have a low impact due to the position and use of the respective structures. Since the production output will remain unchanged no new employment opportunities will be created.

The proposed amendment to the site development plan and departure do not propose activities that will lead to uncalled for smoke, smell, noise or dust and will therefore not have a negative impact on the adjacent property owners or the ambiance of the area.

The proposed amendment of the site development plan and departure do not have a negative impact on the surrounding farms as the subject property's zoning will remain unchanged. The subject property's land use rights for aquaculture purposes have vested; this application merely addresses the unlawful structures added to the abalone facility to improve the operations on the farm.

To conclude: We are of the opinion that the proposal was already evaluated and considered with regards to the environmental impact, visual impact, heritage impact and services requirements. The site development plan indicating the 300-ton facility and the development area of 22,5ha was approved by the Department of Environmental Affairs in 2009 and applications that followed in 2013, 2016 and 2020 did not necessitate any further environmental studies / assessments. The latter confirms that the site development plan with its minor additions for consideration is the most compact and unobtrusive option for development that still respects the rural vernacular and does not impact on the existing agricultural and aquaculture land uses in the immediate vicinity.

Section 3.6 addresses the impact on the character of the area and surrounding land uses.

Sections 3.11 and 3.12 motivates the application further in terms of the applicable local and regional spatial planning policies and other relevant legislation.

The proposed amendment to the approved site development plan and departure are in line with the approved land use and not in contrast to the existing land use tendencies in the surrounding environment. Consequently, we do not foresee any problems with the proposed application.

3.5 THE POTENTIAL OF THE PROPERTY (DESIRABILITY OF THE PROPOSED UTILIZATION)

Aquaculture is one of the fastest growing industries in the world due to the increasing demand for freshwater and marine fish and seafood, as well as overexploitation and declining yields from wild stock worldwide. The commercial farming of aquatic animals and plants as food sources has thus been identified as an important industry that has the potential to enhance food security for the growing world population.

The application for the determination of an administrative penalty, the amendment of the SDP and departure is to accommodate As Built structures and the respective uses thereof within the approved 22,5ha development area. The structures were added over the past three years to ensure optimal operations on the abalone farm. The placement of the respective structures is not considered to unacceptably detract from the character and appearance of the existing abalone farm and its operations. In addition, these structures were mostly placed and developed adjacent to existing farm infrastructure where the area was already disturbed forming part of the farm operation.

The subject property has the potential to accommodate the additional Gross Leasable Area (GLA) of 637m² since the As Built structures are contained within the approved developable area of the site and already disturbed. From a planning point of view, the position of these facilities in proximity to the existing buildings and structures is feasible. Where applicable the buildings were designed to match the aesthetics of the existing development on the subject property. The proposal is not considered to detract from the visual amenity of the locality, character of the surrounding area or the vested rights of adjoining properties.

All environmental approvals for Roman Bay Sea Farm were already obtained for the 300-ton production facility within the 22,5ha developable area of the site. As a result, the desirability of the proposed abalone farm was already considered, and the municipality and the Department of Environmental Affairs & Development Planning are satisfied that the abalone farm is not in conflict

with the relevant environmental and land use legislation and spatial planning policies.

The desirability of the approved land use was therefore already considered with reference to the impact on biophysical, heritage, visual, services, traffic and noise impacts and favourably evaluated and approved.

In addition, the subject property has the potential to accommodate the proposed departure (building line only). The Overstrand Land Use Scheme Regulations (2020) stipulate that 30m building lines apply to properties greater than 10ha. Only one unlawful As Built structure (indicated as no. 58 on the SDP - *RMU switch house*) partially encroach the applicable building line and it is intended to keep the structure since it already forms part of the existing operation on the site and cannot be relocated.

The proposed departure will have no impact on the adjacent properties and the impact on other important elements (environmental, visual, etc.) is considered minimal. The deviation will ensure that the switch house associated with the diesel bund and generator room is positioned adjacent to these structures.

The environmental authorisation already concluded that a 300 ton/annum abalone facility can easily be accommodated on the subject property. It is therefore expected that the total floor space will increase over the years for a facility of this extent to accommodate changes in operations (especially now due to the continuing load shedding). The total floor space can therefore easily be accommodated on site since the impact of a 300 ton/annum facility (and associated infrastructure) was already considered during the EIA process. It is submitted that the encroachment of the total floor area from 5 000m² to 7 694,20m² is in line with the existing aquaculture land use rights for the subject property and it is to an improved abalone farm. Consequently, the farm has the potential to accommodate the increased total floor space.

3.6 CHARACTER OF THE ENVIRONMENT: COMPATIBILITY WITH SURROUNDING LAND USES

The amendment of the site development plan and departure will have a low impact visually, environmentally and with regards to the sense of place. The Romansbaai residential development consists of single residential erven that have some permanent residents and some that only visit over weekends and holidays. Romansbaai residential development borders on the southern boundary of the subject property; however, there is a wide green buffer between the actual facility

and the residential development. In addition, the additions to the abalone facility were done within the approved 22,5ha development area (therefore the structures / development do not creep closer to the common boundary with Romansbaai residential development). Blompark is situated to the north-east of the subject property but once again there is sufficient open space between the respective developments to keep the impact to a minimum.

The Gansbaai area is mainly made up of fishing communities. In addition, Remainder Portion 2 of the Farm Klip Fonteyn No. 711 is situated near existing operational abalone culture facilities.

The proposed application implies the approval of a revised site development plan but all As Built additions were done within the 22,5h development area and no increase in production output is proposed. As such the revised SDP of the approved abalone farm will not be out of character with the immediate surrounds.

The existing abalone farm already altered the coastal landscape, creating a more commercial farming character. However, the low profile of the structures and the nature of the topography result in a low visual impact.

The visual impact of the unlawful additions on the character of the area will be minimal since the structures already exist and due to its current positions within the development area. No buildings are visible from the road travelling from Gansbaai to Kleinbaai. The development largely comprises of single-storey buildings.

According to our client the As Built additions had no impact on the indigenous vegetation on the farm since all additions were made within the development area. The additions took into consideration the implementation of the conditions of the EA and the mitigation measures stipulated in the Environmental Management Programme (EMPr).

Since the production output for the existing abalone facility will remain unchanged and since no new employment opportunities are created the impact on the road infrastructure and traffic flow to and from the farm will remain unchanged.

As motivated in this report, the potential impacts of the As Built additions are considered low since the As Built structures were developed within the approved development area of the farm. The proposal is therefore still considered compatible with the surrounding land uses and will continue to have a positive impact on the character of the area.

3.7 ECONOMIC IMPACT

The existing abalone facility on Remainder Portion 2 of the farm Klip Fonteyn no. 711 is consistent with and in support of the broad national policy framework for the development of the aquaculture sector in South Africa. On a regional level the proposed project is in line with the planning frameworks for the region and the development of the aquaculture sector, which can contribute significantly to the local economy through the provision of employment opportunities for individuals and procurement opportunities for locally based small- and medium-sized enterprises.

3.8 SOCIAL IMPACT

Romans Bay Sea Farm is a relatively large employer in the Gansbaai area with a permanent staff complement of approximately two hundred and sixty (260) people, of which the majority form part of the historically previously disadvantaged individuals. Since the As Built structures accommodated with this application is considered ancillary structures to the production facility, no new employment opportunities will be created with this application. However, the impact associated with current employment and continuous local project spending is of great positive significance for the area.

The existing Romans Bay Sea Farm abalone facility contributes to the reduction of unemployment and poverty in the Gansbaai area. Blompark and Masekhane which are suburbs of Gansbaai consist of lower income group residents that either work in the fishing, industrial, agricultural and services industries in and around Gansbaai. Amongst these communities there are also a large unemployed component, and it is from this source that the workforce of the Romans Bay abalone farm is drawn.

Abalone poaching is a national problem in South Africa and is unfortunately occurring along a substantial stretch of the Western Cape coastline. Most of the security concerns are related to the presence of abalone poachers and the poaching of natural stock from the sea, rather than from the Romans Bay abalone farm itself. Thus, the presence of Romans Bay Sea Farm cannot on its own be considered as an attraction to poaching on the peninsula and associated security issues in the immediate residential areas. The security provided by the abalone farms in the area has probably reduced the level of poaching of natural stocks (and number of poachers) on the peninsula that may have occurred if these abalone farms were not present.

The impact associated with increased crime associated directly with the As Built additions to the

abalone farm is of low significance.

3.9 IMPACT ON EXTERNAL ENGINEERING SERVICES

3.9.1 PROVISION OF SERVICES

Overstrand Municipality's Engineering Services Department commented on the availability of services during the EIA in 2009 when the production and development area was increased. In 2013, 2016 and 2020 respectively, land use applications were submitted to amend the approved site development plan. DECA Consulting Engineers compiled a services report for the 2016 land use application that stipulated the following:

"Note that all the proposed changes are within the consent use area. The requirement of services remains unchanged, since the water usage and sewage discharge are based on number of employees and the number of employees in turn is determined by the abalone production. It was previously indicated that 100 additional employees will be required for the extension of the farm and this remain unchanged. Bulk Service Contribution Levies (BICL) was also agreed to be determined according to the number of additional employees required. The BICL was also paid in full for the additional 100 employees. All the above information was communicated to the Engineering department."

The main reason for the application is to accommodate the As Built structures that are ancillary to the main structures (production facility) to improve the abalone farm's daily operations. These As Built structures were constructed within the approved development area and no increase in production is proposed with this application. All services already exist and will remain unchanged for the purposes of this application.

The information quoted above from the services report compiled by DECA Consulting Engineers dated 26 January 2016 therefore remains relevant. No new employment opportunities are proposed since the production will remain unchanged. Hence the impact on the existing services will remain unchanged.

3.9.2 TRAFFIC IMPACT, PARKING AND ACCESS

The Romans Bay abalone farm currently takes access from the existing farm road that connects to Van Dyk Street that connects to the R43 / Gansbaai Main Road. All access points and access

roads will remain unchanged. No new access points or access roads are proposed with this application.

Dedicated parking areas (refer to the site development plan) with a total of two hundred and twenty-two (222) parking bays will be created on site. There are no parking requirements stipulated in the Overstrand Land Use Scheme Regulations (2020) for aquaculture developments. It was confirmed by the municipality that the parking requirements for industries will apply to aquaculture uses. This implies that provision must be made two (2) parking bays per 100m² up to 500m² GLA and 1 parking bay for every 100m² GLA that follows. The parking requirements for the existing offices are as follows: 4 parking bays per 100m² GLA. The Overstrand Land Use Scheme Regulations (2020) stipulate that 1 loading zone must be provided per every 500m² GLA and thereafter 1 loading zone per 1000m².

The existing approved abalone facility has 207 parking bays. For the proposed GLA of the As Built structures of 637m² an additional thirteen (13) parking bays and two new loading zones are required. A total of two hundred and twenty-two (222) parking bays (of which five (5) parking bays for the disabled are provided with this application. The provision of parking is therefore as follows:

APPROVED EXISTING BUILDINGS:		PROPOSED NEW BUILDINGS: New GLA		PARKING REQUIREMENT: NEW GLA Industry, Warehouse & Storage = 2 bays per 100m ² of GLA up to 500m ² , thereafter 1 bay per 100m ² .
BUILDING	SIZE:	BUILDING	SIZE:	
APPROVED EXISTING BUILDINGS: Approved GLA: 7531m ² – August 2020		PROPOSED NEW BUILDINGS: New GLA		
1. Pump House	130.00m ²	34. Bund wall	- 174.00m ² no calculation	NEW GLA TOTAL AREA = 637.00m ²
2. Generator Room	117.00m ²	36. Wendy House	- 15.00m ²	TOTAL PARKING BAYS = 12,74
3. Pump House	63.00m ²	37. Substation	- 18.00m ²	
4. Transformer Room	42.00m ²	38. Acid station	- 60.00m ² no calculation	LOADING ZONE REQUIREMENT: NEW GLA Loading = 1 bay per 500m ² for 1st 1000m ² of GLA thereafter 1 bay per 1000m ² .
5. Turbine Room	87.00m ²	39. Mega Station Extension	- 220.00m ²	NEW GLA TOTAL AREA = 637.00m ²
6. Drum Filter & Reservoir	162.00m ²	40. Store Room	- 50.00m ²	TOTAL LOADING ZONES = 2
7. House	143.00m ² 2	41. Cold Storage	- 53.00m ²	
8. House	143.00m ² 2	42. Containers & Workshop	- 153.00m ²	
9. Drum Filter	24.00m ²	43. Shednet Carpents	- 100.00m ² no calculation	
10. Drum Filter	64.00m ²	44. Containers	- 38.00m ²	
11. Drum Filter x2	188.00m ²	45. Electrical Room	- 24.00m ²	
12. Total	51.00m ²	46. Drum Filter & Reservoir	- 195.00m ² no calculation	
13. Splitter Station	58.00m ² 1	47. Pump room	- 5.00m ² no calculation	
14. Blower Room	36.00m ²	48. Wendy House	- 20.00m ²	
15. Shed & Outbuildings	1195.00m ² 24	49. Pump room	- 5.00m ² no calculation	
16. Open Shed & Office	106.00m ² 2	50. Split Station Extension	- 15.00m ²	
Office	36.00m ² 2	51. Wash stations x3	- 17.00m ² no calculation	
17. Hatchery x 2	1904.00m ² 38	52. Water tanks	- 19.00m ² no calculation	
18. Lateral Room	96.00m ² 2	53. Hatchery effluent sump	- 9.00m ² no calculation	
19. Worm Hatchery	149.00m ² 3	54.		
20. Carleen Pax 300	1012.00m ² 75	56. Chemical store	- 23.00m ²	TOTAL NEW PARKINGS REQUIRED = 13
21. Blower & Feed Store x 5	145.00m ² 3	58. RMU switch house	- 16.00m ²	TOTAL NEW LOADING ZONES REQUIRED = 2
22. Split Station	122.00m ² 1			
23. Blower Room	56.00m ²			
24. Generator Room	84.00m ²			
25. Mega Station	274.00m ² 6			
26. Grader Room	25.00m ² 1			
27. Store	100.00m ² 2			
28. Blower & Feed Store x 3	87.00m ² 2			
29. Split Station x 2	122.00m ² 1			
31. Security Office	20.00m ² 1			
30. Office Building	502.00m ² 30			
Packing/Warehouse	464m ² 9			
32. Proposed Wall	42.46m long			
33. Communication Maets x 3	18.00m ²			
34. Bund wall	58.00m ²			
APPROVED PARKING BAYS 207		TOTAL NEW GLA	637m ²	
		TOTAL PARKING PROVIDED	= 222	
		DISABLED PARKINGS INCLUDED	= 5	
		TOTAL LOADING ZONES PROVIDED	= 2	

All parking areas are positioned within already disturbed areas on the subject property. The proposal meets the minimum parking requirements for the consideration and approval of the As Built structures.

The impact on the traffic flow will remain unchanged, since the production output and employment will remain unchanged.

3.10 TITLE DEED

The title deed no. T76678/2004 has no restrictions that prohibit the proposed amendment to the site development plan and departure. Refer to the conveyancer's certificate compiled by H.L. van Zyl from Van Zyl Kruger Attorneys.

There is no bond registered against the subject property.

3.11 FORWARD PLANNING & OTHER LAND USE DOCUMENTS

3.11.1 PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK (PSDF, 2013)

DEVELOPMENT OUTSIDE THE URBAN EDGE

The PSDF (2013) stipulates that existing economic assets (for example fishing harbours) should be targeted to lever the regeneration and revitalization of urban economies. To achieve the aforementioned agri-processing and agri-tourism practices are targeted. In addition, the PSDF also states that opportunities for mariculture and aquaculture should be permitted providing they do not exceed ecological and visual impact carrying capacities.

The proposed amendment of the site development plan and departure will assist in reaching the target of regenerating the existing Gansbaai Harbour area. All ecological and visual impacts and the required mitigation measures were addressed in the EIA process and this application does not deviate from the approved production output and development area. Consequently, the proposal is consistent with the PSDF's (2013) criteria to reach the Province's objectives to strengthen and diversify the existing economic assets.

3.11.2 OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK (2006)

The *Overstrand Spatial Development Framework (2006)* earmarks Remainder Portion 2 of the farm Klip Fonteyn no. 711 for aquaculture purposes. Refer to the Spatial Proposal Plan below. The existing land use will remain unchanged (aquaculture) and is therefore in line with the existing spatial planning guidelines for the area.

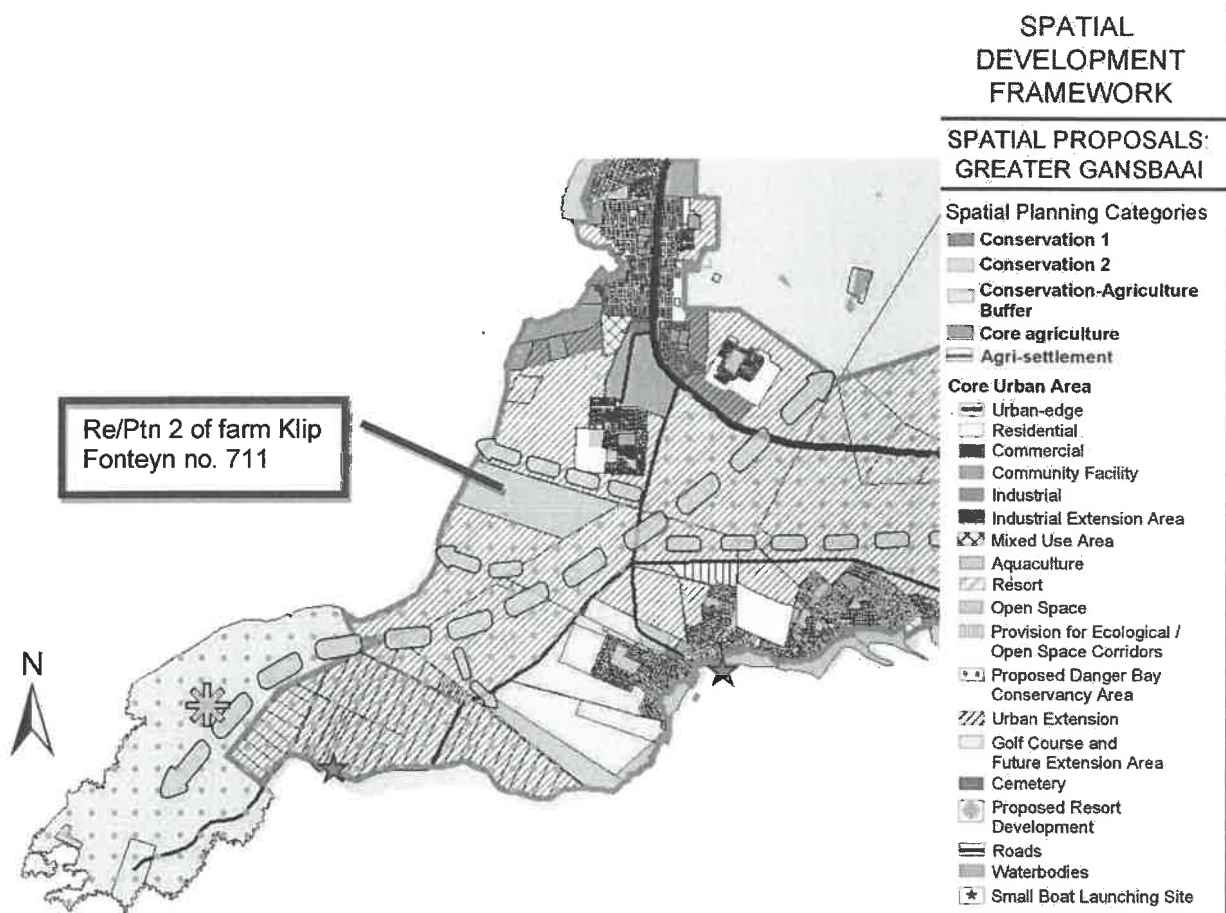


Image no. 1: Overstrand Spatial Development Framework (2006): Gansbaai Proposals

3.11.3 OVERSTRAND MUNICIPAL GROWTH MANAGEMENT STRATEGY (2010)

The *Overstrand Municipal Growth Management Strategy (OMGMS, 2010)* indicates that Remainder Portion 2 of the farm Klip Fonteyn no. 711 is included in an area earmarked for densification purposes (less than 10du/ha). The subject property is also earmarked as conservation area. Refer to the Kleinbaai / Franskraal Proposals Plan as included in the OMGMS

(2010) below.

The densification status of the subject property will remain unchanged (no increase in density is proposed). The existing land use will remain unchanged (aquaculture). The largest extent of the subject property will remain conservation area in line with the existing land use approvals and spatial planning policies for the area. The proposed amendment of the site development plan and departure of Remainder Portion 2 of the farm Klip Fonteyn no. 711 therefore adhere to the growth management policy for the Greater Gansbaai area.

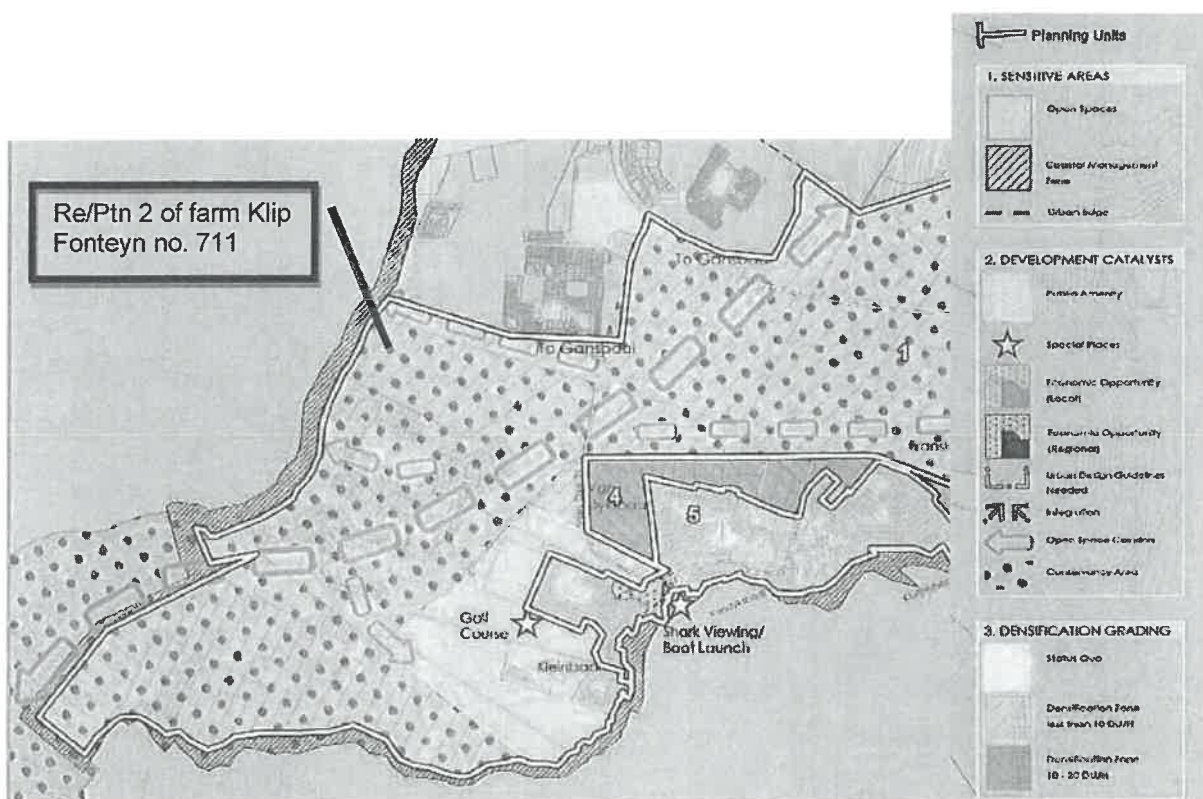


Image no. 2: Overstrand Municipal Growth Management Strategy: Kleinbaai / Franskraal Proposals (2010).

3.12 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION

3.12.1 HERITAGE VALUE

Accommodating the As Built structures (total new GLA of 637m²) within the approved development footprint of 22,5ha on the subject property does not involve changing the character of a site larger than 5000m². Therefore, the proposed application does not trigger Section 38 of the National

Heritage Resources Act, 1999 (Act No. 25 of 1999).

The heritage value and impact of the proposed development were already considered with previous land use and environmental impact applications, and the client must adhere to the conditions of the Environmental Authorization accordingly.

3.12.2 ENVIRONMENTAL IMPACT

The additional structures and respective uses thereof will not have a negative impact on any natural vegetation, views or conservation worthy portions on the subject property. A basic environmental impact assessment (EIA) was undertaken in 2009 since the subject property falls within the Integrated Coastal Management Act's (Act 84 of 2008) coastal protection zone and since the development at the time triggered listed activities in terms of the National Environmental Management Act (Act no. 107 of 1998). An Environmental Authorisation (EA) was issued for the expanded abalone farm (300-ton facility). The Environmental Authorisation included the approval of an Environmental Management Programme (EMPr). A copy of the EA dated 2 March 2009 is attached to the application.

For the 2013, 2016 and 2020 land use applications the Overstrand Environmental Management Section and comments from the Department of Environmental Affairs & Development Planning (DEA&DP) confirmed that the applications did not trigger any listed activities and therefore had no implication on the NEMA Regulations. We only have copies of the 2009 EA and 2013 DEA&DP comments. However, the content of the items prepared for the 2016 and 2020 applications included updated comments from DEA&DP and no new EA's were issued. As a result, no additional studies were required for the 2013, 2016 and 2020 additions / amendments to the farm. This proposal should therefore be no different.

The site development plan indicating the 300-ton facility and the development area of 22,5ha was approved by the Department of Environmental Affairs in 2009 and applications that followed in 2013, 2016 and 2020 did not necessitate any further environmental studies / assessments. The latter confirms that the site development plan with the minor additions (As Built) within the development area for consideration is the most compact and unobtrusive option for development that still respects the rural vernacular and does not impact on the existing agricultural or conservation areas on the subject property or in the immediate vicinity.

All conditions as stipulated in the EA will continue to be met for the existing abalone farm with As Built additions.

3.13 PLANNING PRINCIPLES

Spatial justice: This planning principle does not apply to the application.

Spatial sustainability: The existing abalone farm inclusive of the As Built structures is consistent with and in support of the broad national policy framework for the development of the aquaculture sector in South Africa. On a regional level the proposal is in line with the planning frameworks for the region and the development of the aquaculture sector, which can contribute significantly to the local economy through the provision of employment opportunities for individuals and procurement opportunities for locally based small- and medium-sized enterprises.

The Overstrand SDF (2006) supports the principle of tourism and economic development and emphasizes the importance of the mariculture and fishing industry in this regard. It is therefore clear that the development proposal is in line with the spatial vision of the SDF.

Based on previous specialist studies and the outcome of the Environmental Impact Assessment previously undertaken and subsequent comments from DEA&DP and the municipal environmental management department, it is submitted that the impact on the biophysical environment will be kept to a minimum. Furthermore the extent of the subject property, the location of the subject property, the economic and social value the development will add to the area, the compliance with the spatial planning policies for the area, etc. allows for the consideration and approval of the proposed land use application without having an adverse impact on the spatial sustainability of the area. The proposed land use application is to an improved, approved abalone farm within an established fishing and aquaculture area and therefore will not impact on a sensitive environment.

The application will have no impact on agricultural land or environmental sensitive areas as the development will be accommodated within already disturbed areas on the subject property.

Efficiency: The proposed amendment of the site development plan and departure will improve the operational efficiency of the property and are not considered to adversely impact upon spatial sustainability.

Spatial resilience: The proposal accords with the applicable forward planning and policy documents, thus ensuring the principle of spatial resilience is adhered to.

Good administration: Our firm is committed to the principle of good administration and will

cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's bylaw and related provincial and national land use planning legislation. All measures will be taken to ensure an efficient and streamlined process within the applicable timeframes as stipulated by the Overstrand Municipality's By-law on Municipal Land Use Planning, 2020.


4. RECOMMENDATION

When this application is evaluated it is important to take note of the following:

- The proposed amendment of the site development plan and departure will improve the operational efficiency of the property;
- The impact on the environment will be kept to a minimum since the development will be accommodated within an already disturbed area on the subject property;
- The remainder farm will continue to be managed as a conservation area to ensure long-term maintenance of ecological process and functioning to contribute to regional conservation targets;
- The previous environmental authorisation addresses and mitigates all possible impacts concerning the fauna and flora, the heritage value of the site, the visual impact of the abalone farm and the environmental impact as a whole and this proposal is to accommodate As Built structures within the approved development area only;
- The proposal is compatible with the existing character of the area;
- Services infrastructure for the abalone farm already exist. The minor additions to the abalone farm do not create new employment opportunities and as a result the existing services infrastructure will suffice for the application proposal;
- The zoning will remain Agriculture Zone I: Agriculture (AG1) with consent uses (agricultural industry and transmission apparatus);
- The proposed land use application complies with the spatial planning policies of the area;
- The application is fully compliant with the applicable planning principles described in the LUPA (2014) and SPLUMA (2013).

The application can be supported for your favourable evaluation. The opinion is held that this application will have no negative impacts in the area and that it will contribute towards the Overstrand mari-culture and fishing industry's significance and value.



NOTES:
 The site

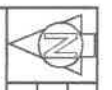
PLAn Stads- en Streeksbeplanners
 Town & Regional Planners

All distances approximate
 and subject to survey.
 COPY RIGHT RESERVED

Property Description:
**REMAINDER PORTION
 2 OF THE FARM
 KLIP FONTEYN NO.
 711**

Plan Description:
LOCALITY MAP

Schale: NTS
 Drawing Nr: farm711-2res1.dwg
 Date: JANUARY 2023



NOTES:

1. ALL WORK TO COMPLY WITH NATIONAL BUILDING REGULATIONS.
2. All dimensions and levels to be checked on site before any work commences.
3. This drawing is not to be scaled and only figured dimensions are to be used.
4. All work is to be carried out in accordance with local authority requirements.
5. All levels unless otherwise indicated are finished floor levels.
6. Finished floor levels are to be min. 190mm above N.G.L.
7. Any discrepancies are to be reported to the offices of the Architects.
8. All glazing is to comply with National Building Regulations.
9. Structural work to comply strictly with accordance to Eng's specs & details.

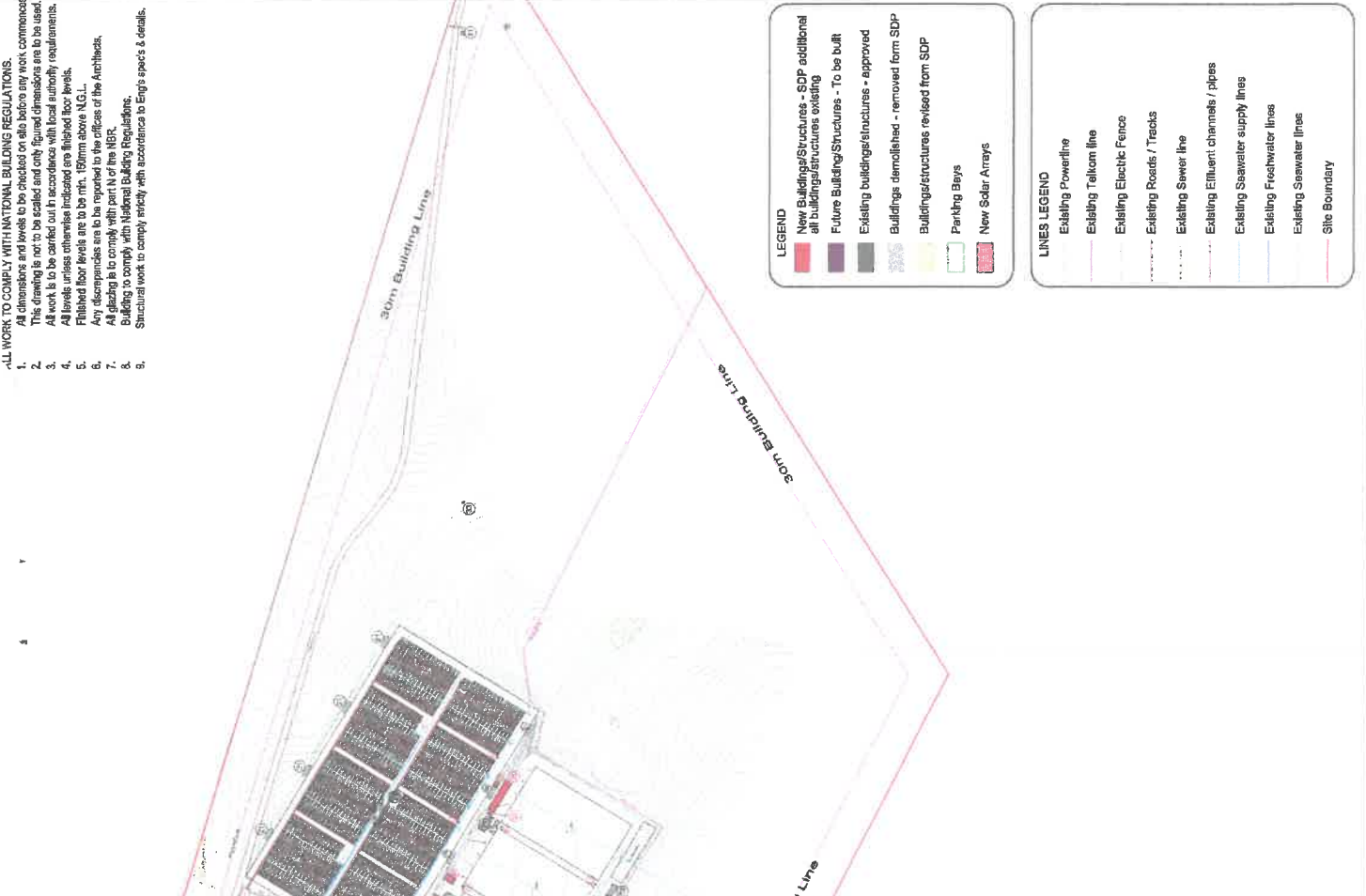
BUILDING NUMBER LIST AND AREAS:

Building Number	Description	SS	DS
1.	Pump House	-126.00m ²	
2.	Generator Room	-117.00m ²	
3.	Pump House	-63.00m ²	
4.	Transformer Room	-62.00m ²	
5.	Control Room	-62.00m ²	
6.	Drum Filter & Reservoir	-182.00m ²	
7.	House	-143.00m ²	
8.	House	-135.00m ²	
9.	House	-135.00m ²	
10.	Drum Filter	-84.00m ²	
11.	Drum Filter	-84.00m ²	
12.	Toilet	-51.00m ²	
13.	Splatter Station	-47.00m ²	
14.	Blower Room	-36.00m ²	
15.	Shed & Outbuildings	-1195.00m ²	
16.	Shed & Outbuildings	-133.00m ²	
17.	Workshop & Office	-1874.00m ²	
18.	Leans Room	-86.00m ²	
19.	Worm Hatchery	-140.00m ²	
20.	Garage	-1012.00m ²	
21.	Drum Filter	-102.00m ²	
22.	Drum Filter	-102.00m ²	
23.	Blower Room	-58.00m ²	
24.	Generator Room	-54.00m ²	
25.	Mega Station	-274.00m ²	
26.	Blower Room	-269.00m ²	
27.	Blower Room	-109.00m ²	
28.	Blower & Feed Stone x 3	-67.00m ²	
29.	Blow Station x 2	-122.00m ²	
30.	Office Building	-594.00m ²	
31.	Workshop	-42.00m ²	
32.	Workshop Office	-42.00m ²	
33.	Communication Meets x 3	-18.00m ²	
34.	Bund wall	-18.00m ²	
35.	Bund wall	-174.00m ²	
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200.	Drum Filter	-18.00m ²	

Geritake Argitektuur & Dienste
Johan Geritake
 Fr. Arch. Draught. (D2888)
 Posbus 392, Gansbaai, 7220
 Tel/Faks : 023 384 1859 Sol. : 082 453 8554
 ger@axxess.co.za
 Lid van SAT : 507023

Description:
 Proposed Revised Site Development
 Plan for Aquilon Abalone Farm on
 portion 2 of farm 711, Gansbaai.

Plan checked:	JLS Geritake	Date:	19/02/2023
Drawing:	JLS Geritake	Site Plan	
Purpose:	Municipal Approval		
Project #:	09/RPP/22		
Scale:	1:3000		A2
Page:	1		
Date:	14 April 2023		



LEGEND

- New Buildings/Structures - SDP additional all buildings/structures existing
- Future Buildings/Structures - To be built
- Existing buildings/structures - approved
- Buildings demolished - removed from SDP
- Buildings/structures revised from SDP
- Parking Bays
- New Solar Arrays

LINES LEGEND

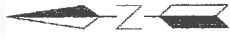
- Existing Powerline
- Existing Telkom line
- Existing Electric Fence
- Existing Roads / Tracks
- Existing Sewer line
- Existing Effluent channels / pipes
- Existing Sewer supply lines
- Existing Freshwater lines
- Existing Sewerwater lines
- Site Boundary

**APPROVED FOR 300 TON PRODUCTION
 ZONING: Agricultural Zone AG1**

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NOTES :

- ALL WORK TO COMPLY WITH NATIONAL BUILDING REGULATIONS.
1. All dimensions and levels to be checked on site before any work commences.
 2. This drawing is not to be copied and only figures/dimensions are to be used.
 3. All work is to be carried out in accordance with local authority requirements.
 4. All levels unless otherwise indicated are finished floor levels.
 5. Finished floor levels are to be min. 150mm above N.G.L.
 6. Any discrepancies are to be reported to the office of the Architects.
 7. All glazing is to comply with part N of the NBR.
 8. Building is to comply with National Building Regulations.
 9. Structural work to comply strictly with accordance to Engineer's details.



Gericke Argitektoniese Dienste
 Johan Gericke
 Pr. Arch. Draught. (D2869)
 Poebus 392, Gansbaai, 7220
 Tel/Faks : 028 384 1659 Sel : 082 463 8554
 ger@jaxweiss.co.za
 Ltd van SAT : S07023

Description :
 Proposed Revised Site Development
 Plan for Aquilon Abalogo Farm on
 portion 2 of farm 7145 Gansbaai

Plan checked by:	JLS Gericke	Date:	nr 538 220
Drawing:	Larger Site Plan		
Purpose:	Municipal Approval		
Project #:	09/RPP/22		
Scale:	1:2000		
Page:	2		
Date:	14 April 2023		

**APPROVED FOR 300 TON PRODUCTION
 ZONING: Agricultural Zone AG1**

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PARKING REQUIREMENTS
EXISTING - PROVED : 6 DEC 2019 **PROPOSED:**

APPROVED EXISTING BUILDINGS:
ADDRESS: G.L.A. 133, 134 - August 2020

BUILDINGS:

BUILDING	SIZE
1. Pump House	109,00m²
2. Pump Room	117,00m²
3. Pump House	69,00m²
4. Transformer Room	42,00m²
5. Working Room	102,00m²
6. Diesel Tank & Reservoir	143,00m²
7. House	143,00m²
8. House	143,00m²
9. Pump Room	64,00m²
10. Control Room	103,00m²
11. Drum Filter x 2	51,00m²
12. Toilet	30,00m²
13. Spillier Station	30,00m²
14. Diesel Tank	119,00m²
15. Shed & Outbuilding	106,00m²
16. Open Shed & Office	98,00m²
17. Warehouse	98,00m²
18. Lateral Room	140,00m²
19. Worm-Hatchery	107,00m²
20. Ventilation Fan 300	122,00m²
21. Ventilation Fan 300	122,00m²
22. Spill Station	98,00m²
23. Blower Room	98,00m²
24. Generator Room	98,00m²
25. Generator Room	98,00m²
26. Generator Room	98,00m²
27. Store	25,00m²
28. Store & Feed Store x 3	104,00m²
29. Store	87,00m²
30. Security Office	20,00m²
31. Office Building	592,00m²
32. Packaging Warehouse	456m²
33. Warehouse	456m²
34. Communication Masts x 3	18,00m²
35. Land wall	98,00m²

APPROVED PARKING BAYS 207

PROPOSED NEW BUILDINGS: NEW G.L.A.

BUILDINGS:

BUILDING	SIZE
36. Bore well	- 134,00m² no calculation
37. Diesel Tank	- 110,00m² no calculation
38. Add station	- 60,00m² no calculation
39. Mega Station Extension	- 220,00m² no calculation
40. Diesel Tank	- 110,00m² no calculation
41. Cold Station	- 42,00m² no calculation
42. Conveyors & Workshop	- 159,00m² no calculation
43. Shredder Compost	- 300,00m² no calculation
44. Diesel Tank	- 110,00m² no calculation
45. Electrical Room	- 40,00m² no calculation
46. Drum Filter & Reservoir	- 155,00m² no calculation
47. Electrical Room	- 155,00m² no calculation
48. Diesel Tank	- 110,00m² no calculation
49. Pump room	- 5,00m² no calculation
50. Spill Station Extension	- 15,00m² no calculation
51. Wash station	- 17,00m² no calculation
52. Wash station	- 17,00m² no calculation
53. Hatchery effluent pump	- 9,00m² no calculation
54. Diesel Tank	- 110,00m² no calculation
55. Chemical store	- 23,00m² no calculation
56. RRU carbon house	- 16,00m² no calculation

TOTAL NEW G.L.A 837m²

PARKING REQUIREMENT: NEW G.L.A
 Industry, Warehouse & Storage = 2 bays per 100m² of G.L.A up to 500m², thereafter 1 bay per 100m².

NEW G.L.A TOTAL AREA = 637,00m²
TOTAL PARKING BAYS = 12,74

LOADING ZONE REQUIREMENT: NEW G.L.A
 Industry, Warehouse & Storage = 1 bay per 100m² of G.L.A, thereafter 1 bay per 1000m².

NEW G.L.A TOTAL AREA = 637,00m²
TOTAL LOADING ZONES = 2

TOTAL NEW PARKINGS REQUIRED = 13
TOTAL NEW LOADING ZONES REQUIRED = 2

TOTAL PARKING PROVIDED = 222
DISABLED PARKINGS INCLUDED = 9
TOTAL LOADING ZONES PROVIDED = 2

APPROVED FOR 300 TON PRODUCTION
ZONING: Agricultural Zone AG1

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Description :
 Proposed Revised Site Development
 Plan for Aquilon Abalone Farm on
 portion 2 of farm 711, Gansbaai.

Plan checked : JLS Gericke Date : 16 FEB 2020
 Drawing: JLS Gericke Parking Layouts
 Purpose : Municipal Approval
 Project # : 09/RPP/22
 Scale : 1:1000
 Page : 3
 Date : 14 April 2023

