



MUNISIPALITEIT OVERSTRAND
RESTANT VAN DIE PLAAS KLEYN HAGEL
KRAAL NR. 321, AFDELING BREDASDORP:
AANSOEK OM VERGUNNINGSGEBRUIK:
MNRE INTERACTIVE TOWN & REGIONAL
PLANNING NAMENS PSP EIENDOMME CC

Kennis word hiermee gee ingevolge Artikels 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) vir die volgende:

- aansoek om vergunningsgebruik ingevolge Artikel 16(2)(o) van die Verordening, om mynbouaktiwiteite op die eiendom te akkommodeer.

Besonderhede aangaande die voorstel lê ter insae gedurende weksdae tussen 08:00 and 16:30 by die Departement: Stadsbeplanning te Patersonstraat 16, Hermanus en by Gansbaai Biblioteek, Hoofweg, Gansbaai. Enige kommentaar moet skriftelik ingedien word in terme van Artikels 51 en 52 van die bogenoemde Verordening by die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za voor of op **18 Augustus 2023**, vergesel van u naam, adres, kontak besonderhede, belang in die aansoek en redes vir kommentaar. Telefoniese navrae kan gerig word aan die **Senior Stadsbeplanner, Mnr SW van der Merwe** by 028-313 8900. Die Munisipaliteit mag weier om kommentare 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 formuleer.

Munisipale Bestuurder, Overstrand Munisipaliteit, Posbus 20, **HERMANUS**, 7200

Munisipale Kennisgewing Nr. 109/2023

OVERSTRAND MUNICIPALITY
REMAINDER OF THE FARM KLEYN HAGEL
KRAAL NO. 321, BREDASDORP DIVISION:
APPLICATION FOR CONSENT USE: MESSRS
INTERACTIVE TOWN & REGIONAL
PLANNING ON BEHALF OF PSP
EIENDOMME CC

Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), for the following:

- application for consent use in terms of Section 16(2)(o) of the By-law, to accommodate mining activities on the property.

Details regarding the proposal is available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning at 16 Paterson Street, Hermanus and Gansbaai Library, Main Road, Gansbaai. Any written comments must 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 before **18 August 2023** quoting your name, address, contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to the **Senior Town Planner, Mr SW van der Merwe** at 028-313 8900. The Municipality may refuse to accept comment 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.

Municipal Manager, Overstrand Municipality, P.O. Box 20, **HERMANUS**, 7200

Municipal Notice No. 109/2023

UMASIPALA WASE-OVERSTRAND
INTSALELA YEFAMA EKUTHIWA KLEYN
HAGEL KRAAL NO. 321, KWICANDELO
LASEBREDASDORP: ISICELO
SOKUFUMANA IMVUME YOKUSEBENZISA:
ABAKWA-INTERACTIVE TOWN &
REGIONAL PLANNING EGAMENI
LABAKWA-PSP EIENDOMME CC

Kukhutshwa isaziso ngokumayela neCandelo 47 no-48 loMthetho Otshintshiweyo woMasipala waseOverstrand onokuSetyenziswa Nokucetywa koMhlaba kaMasipala, 2020 (uMthetho kaMasipala), ukuba kufunyenwe isicelo esilandelayo:

- isicelo ngokumayela neCandelo 16(2)(o) loMthetho kaMasipala ukuze kwenziwe izinto ezimayelana nokusebenza komgodi kwipropathi.

linkcukacha ezihambelana nesi siphakamiso ziyafumaneka kwiintsuku zaphakathi evekini ukuze zihlolwe phakathi kwentsimbi ye-08:00 ne- 16:30 kwiSebe: Izicwangciso ngeDolophu kwa16 Paterson Street, Hermanus nakwithala leencwadi lase Gansbaai. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zeSolotyama-51 nelama-52 loMthethwana kaMasipala ochazwe ngentla (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za ngomhla okanye ngaphambi **komhla we 18 uAgasti 2023** uchaze igama lakho, idilesi, neenkukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zokuhlomla. Imibuzo ngefowuni ingabuzwa **kuMnu. SW van der Merwe kwa-** 028-313 8900. UMasipala angala ukwamkela izimvo emva kokuvala. Nabani na ongakwazi ukufunda nokubhala angandwendwela kwiSebe leziCwangciso zeDolophu acele igosa limncede ukufaka uluvo lwakhe ngokusemthethweni.

UMphathi kaMasipala, Overstrand Municipality, P.O. Box 20, **HERMANUS**, 7200

Inothi kaMasipala iNomb. 109/2023

PROJECT

Remainder of Farm 321
Kleyn Hagel

TITLE

Locality Plan
Local Context



Application Farm



Application Area



USEABILITY
THIS PLAN & DESIGN IS INTENDED TO PROVIDE A GENERAL
CONCEPT OF THE PROJECT AND IS NOT A GUARANTEE OF
THE DATA AND SHALL NOT BE USED IN ANY EVENT FOR ANY
PURPOSES OTHER THAN THAT SPECIFICALLY INTENDED FOR
THE PURPOSES OF A PROJECT WITH THE PRIOR WRITTEN
APPROVAL OF THE CLIENT.

CLIENT

DRAWN BY: [Name]
CHECKED BY: [Name]
DATE: 2020/08/08

SCALE (B1/A4):
As indicated

PROJECT NUMBER:
0001

DRAWING NUMBER:
A/31

Interactive Town & Regional Planning



Area: [Address]
Phone: [Number]
Cell phone: [Number]
Email: [Email]



Local Context
A4 Scale 1 : 20000

1. Introduction

a. Brief
Refer to **Annexure A** for the Power of Attorney.

Interactive Town and Regional Planning was appointed by the owner of the property, PSP Eiendomme CC to prepare and submit an application for a consent use for mining on the Remainder of Farm 321, Kleyn Hagel, Pearly Beach (Hereafter referred to as the application farm) in terms of Chapter IV, Section 16.2(o) of the Overstrand Amendment By-law on Municipal Land-use Planning, 2020.

b. Development Objective & Application Proposal

The **development objective** is to allow for mining within the existing quarry (Hereafter referred to as the application area) on the application farm.

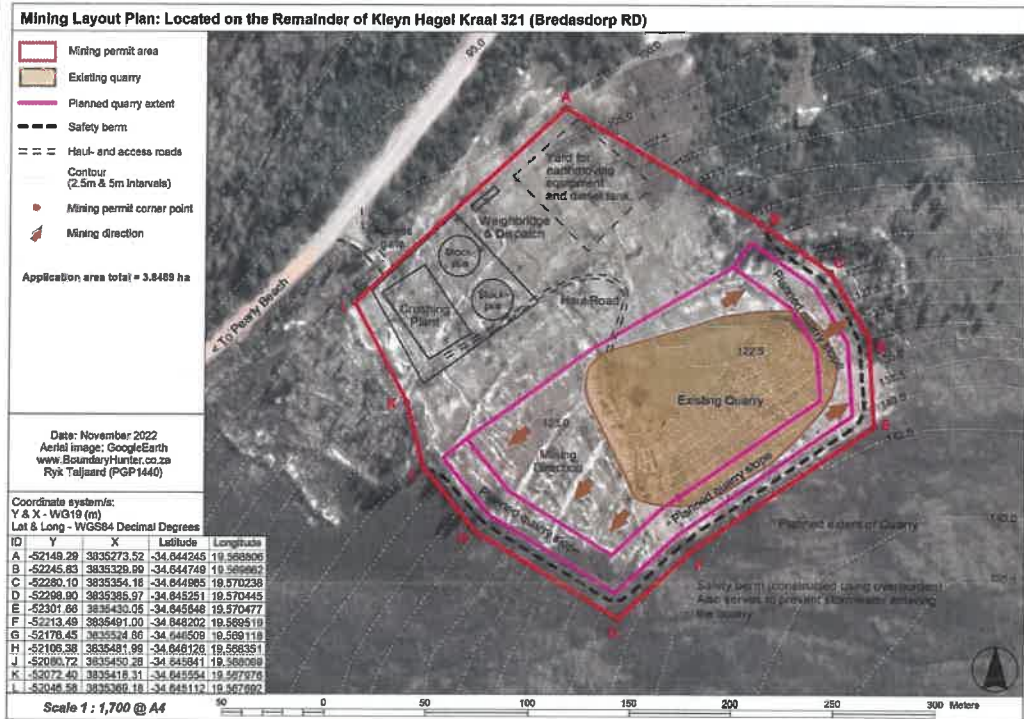


Figure 1: Application proposal illustration

Subsequently, the **application proposal** is for the following:

- o **Consent use for mining.**

c. Background

The proposed application area has been used as a quarry in the past. In 2014 an application for a temporary departure to establish a quarry on the application area was approved for the duration of the upgrading of road DR1205 and to a maximum of 5 years.

The Application farm is 1795.04ha and the proposed quarry is 3.84ha.

The Umzali Civils / BopCons Joint Venture has been awarded the contract to upgrade the Stanford – Gansbaai Road (a part of the R43 - Trunk Road 28 Section 2). The proposed quarry area contains quartzitic sandstone and the material is suitable for use in road construction. It is planned to crush the material to the required size fractions and to use it for the road upgrade project.

An application was submitted in November 2022 and an Environmental Authorisation in terms of the National Environmental Management Act, 1998 as amended (NEMA) and Environmental Impact Assessment Regulations, 2017 (EIA) has been granted for the proposed mining operation on the application area. The maximum duration of a mining permit is 5 years, however it is planned to complete the mining activities within two years.



Figure 2: Photographs of the Application Area



Figure 3: Illustration of the road proposed to be upgraded

2. The Application

<p>a. Analysis: Title Deed</p> <p>Refer to Annexure D for the Conveyancer Certificate.</p>	<p>The Conveyancer Amelia Galvin from Virtual Lawyers issued a certificate confirming that no restrictive title deed conditions exist against the application proposal for mining on the Remainder of Farm 321, Kleyn Hagel Pearly Beach.</p>			
<p>b. Analysis: Development Criteria:</p> <p>The development parameters for Remainder of Farm 321, Kleyn Hagel Pearly Beach, Overstrand as per the Overstrand Zoning Scheme Regulations, 2020, are summarised as follows:</p>	<p>Parameters</p>	<p>Existing Zoning</p>	<p>Proposal</p>	<p>Comments</p>
	<p>Zoning</p>	<p>Agriculture Zone 1: Agriculture (AGR1)</p>	<p>Agriculture Zone 1: Agriculture (AGR1)</p>	<p>Consistent</p>
	<p>Primary Uses</p>	<p>Agriculture, crèche, dwelling house, guest rooms and home occupation</p>	<p>Agriculture, crèche, dwelling house, guest rooms and home occupation</p>	<p>Consistent</p>
	<p>Consent Uses</p>	<p>Additional dwelling units, agricultural industry, animal care centre, aquaculture, day care centre, farm shop/stall, fertiliser plant, guest house, hotel, institution, intensive animal farming, intensive horticulture, lodge, mining, place of assembly, place of entertainment, place of instruction, plant nursery, riding stables, service trade, tourist accommodation, tourist facilities, transmission apparatus, utility services, wellness centre and 4x4 trail</p>	<p>Mining</p>	<p>Application is for a consent use for mining</p>
	<p>Floor space</p>	<p>5000m²</p>	<p><5000m²</p>	<p>Consistent</p>
	<p>Height</p>	<p>8m 12m for agricultural buildings</p>	<p><8m <12m for agricultural buildings</p>	<p>Consistent</p>
	<p>Building lines</p>	<p>30m</p>	<p>30m</p>	<p>Consistent</p>
	<p>Parking</p>	<p>2 bays per dwelling unit 1 bay per second dwelling</p>	<p>2 bays per dwelling unit 1 bay per second dwelling</p>	<p>Consistent</p>
<p>c. Application</p>	<p>Application is hereby made in terms of the Overstrand Amendment By-law on Municipal Land-use Planning, 2020 for:</p> <ul style="list-style-type: none"> • Consent use for Mining on the Remainder of Farm 321, Kleyn Hagel Pearly Beach in terms of Chapter IV, Section 16(2)(o). 			

3. Contextual Site Information

a. Property Description

Refer to Annexure E for the SG Diagrams, Annexure B for the Title Deed of the Remainder of Farm 321, Kleyn Pearly Beach

Property	Extent	Title Deed	Registered Owner
Remainder of Farm 321, Kleyn Hagel, Pearly Beach	Farm: 1795.04ha Proposed quarry: 3.8489ha	T21892/2002	PSP Eiendomme CC

The following Surveyor General Plans reflect the application site:

Proposed mine

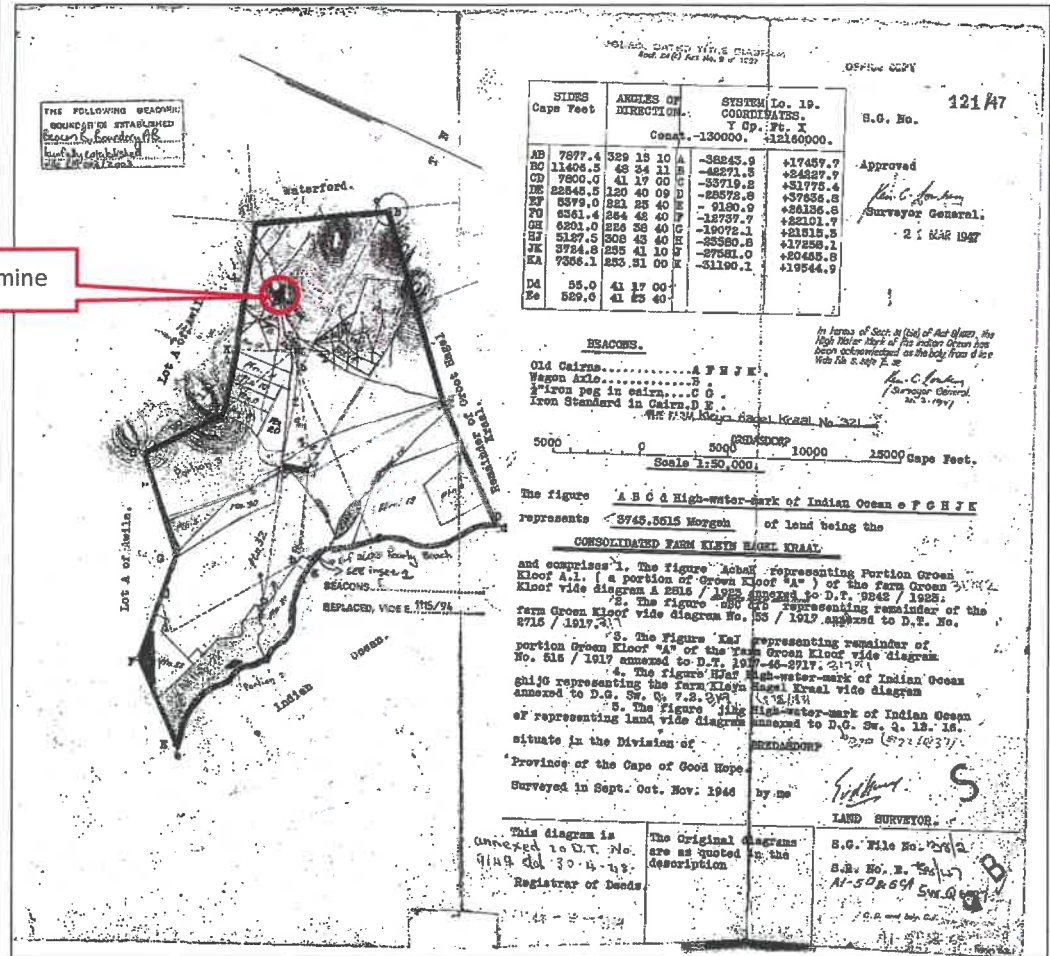


Figure 4: Extracts of the Surveyor General Plans of the application site

b. Location:

For the Locality Plans refer to Annexure F.

Regional Context:

Within the regional context, the Application Farm is located relatively close to Pearly Beach. The Application Area is located adjacent to the R43 - DR1211 road, approximately 4km northeast of Pearly Beach.

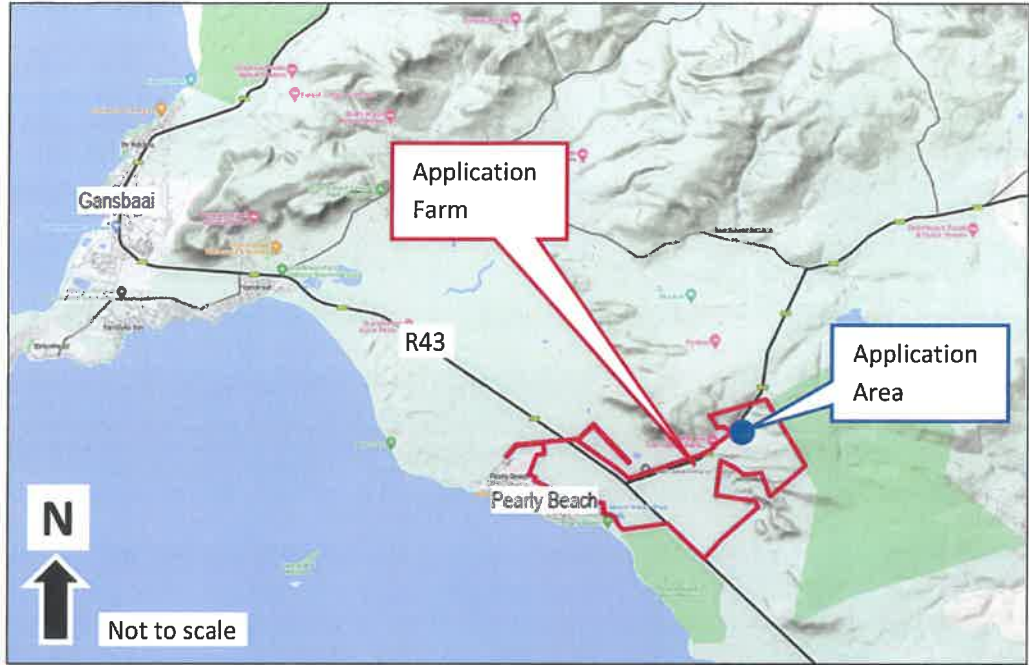


Figure 5: Locality Plan – Regional Context

Local Context:

Within the local context the Application Area is adjacent to the the R43 - DR1211 road and is surrounded by natural veld.

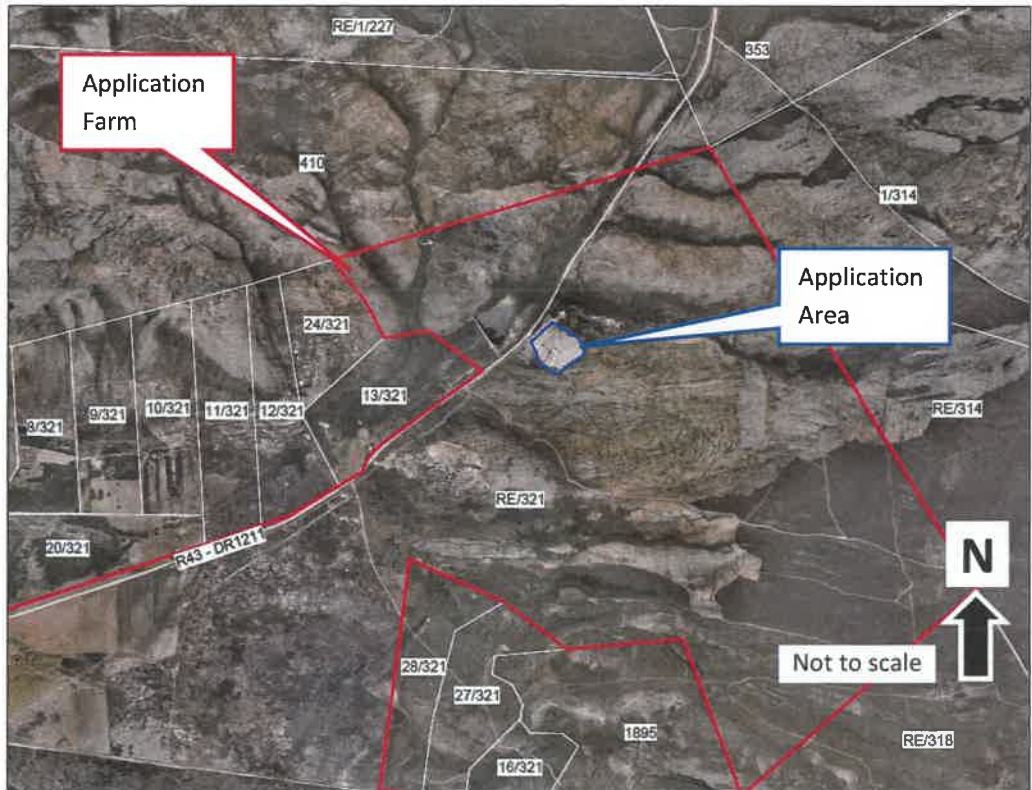


Figure 6: Locality Plan – Local Context

c. Land Use:

Refer to the Land Use Plan attached as **Annexure H**.

A portion of the Remainder of Farm 321, Kleyn Hagel Pearly Beach is used as a quarry and is surrounded by natural veld. The closest buildings to the quarry are more than 850m away. The intention is to use the existing quarry again. The proposed use, being used in the past as for mining is considered acceptable for the area.

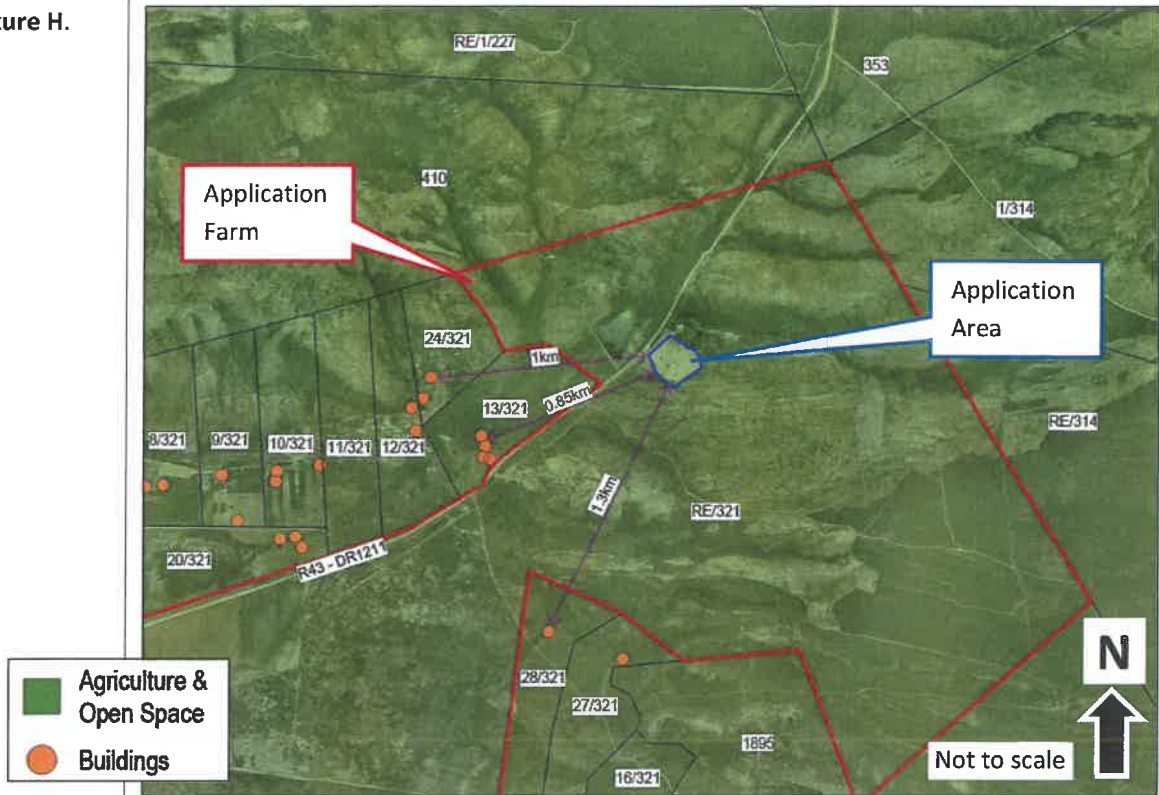


Figure 7: Land use plan based on a 2020 aerial photo

d. Zoning:

Refer to the zoning map attached as **Annexure G**.

The Application Farm, Remainder of Farm 321, Kleyn Hagel, Pearly Beach is zoned Agricultural Zone 1: Agriculture. The properties in the vicinity are zoned Agricultural Zone 1 and Utility Zone. No change in zoning is proposed. The Application Farm's zoning with a consent use for mining is consistent with the zoning of the area.

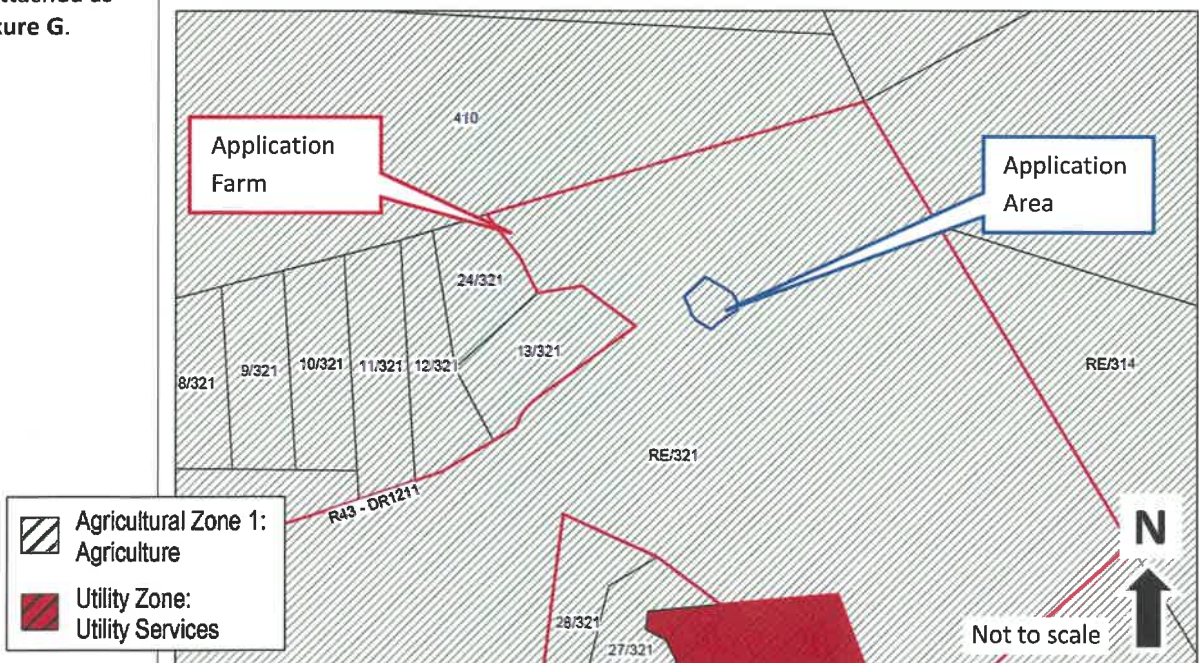


Figure 8: Overstrand online zoning viewer extract

<p>e. Spatial Planning Policy</p>	<p><u>Provincial Spatial Development Framework, 2014 (PSDF)</u></p> <p>The PSDF (2014) promotes sustainable farming and mining (i.e. activities that generate positive socio-economic returns and do not pose significant risks to the environment). The applicable policy is listed below.</p> <p>Policy R3: Safeguard the Western Cape’s Agricultural and Mineral Resources and manage their sustainable use:</p> <ol style="list-style-type: none"> Record unique and high potential agricultural land in municipal SDFs, demarcate urban edges to protect these assets, and adopt and apply policies to protect this resource. <p><u>Response</u> The application area is not located in an area that has been used for agriculture. The land was previously used as a borrow pit (quarry) for another road construction project.</p> Record the location of mineral deposits and known reserves of construction materials in municipal SDFs, and introduce and apply land use policies that reserve these assets for possible use (subject to environmental authorisation). <p><u>Response</u> The Overstrand SDF does not record the location of mineral deposits and known reserves of construction materials & there are no land use policies to reserve these assets for possible use.</p> Use transformed areas first for new farming and mining ventures. <p><u>Response</u> The proposed application area is located in a transformed area at the site of an existing old borrow pit (quarry) area.</p> <p><u>Overstrand Integrated Development Plan, 2022/2027 (IDP)</u></p> <p>The strategic goals in the Overstrand Municipality’s 2022/2027 IDP are:</p> <ol style="list-style-type: none"> The provision of democratic, accountable & ethical governance. The provision and maintenance of municipal services. The encouragement of structured community participation in the matters of the municipality. The creation of a safe & healthy environment. The promotion of tourism, economic and social development. <p>The construction material from the quarry will be used in the project to upgrade the Stanford-Gansbaai Road. As such the proposed project will support strategic goals 4 and 5.</p> <p><u>Overstrand Municipality Spatial Development Framework, 2020 (SDF)</u></p> <p>The SDF acknowledges (page 125) that: <i>“Society is furthermore dependent on the rural and productive environment for amongst other, the provision of food, fuel, and construction materials”</i>.</p> <p>Overberg SDF Objective EO2 (Protect biodiversity & agricultural resources) includes the following statement: <i>“The desirability of designating mining areas should take into account the worth of the material to be extracted against the long term costs to the visual quality of the area, the potential loss in agricultural production, as well as the impacts on existing rights of neighbouring property owners”</i>.</p> <p>Overberg SDF Objective A01 (The Overstrand municipal area harbours an effective and safe road network) includes the following statement: <i>“Ensure that the road system continues to meet the demands of all the inhabitants of the Overstrand”</i>.</p> <p>The upgrade of the Stanford-Gansbaai Road will contribute to an effective and safe road network and the quarry will only be open for a relatively short period in order to supply road construction material for this project which will be to the long-term benefit of the residents and visitors to this area.</p>
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Overstrand Municipality Environmental Management Overlay Zone Regulations, 2020

The application area is within a EMOZ Protected Area Buffer area which allows for mining with council's consent.

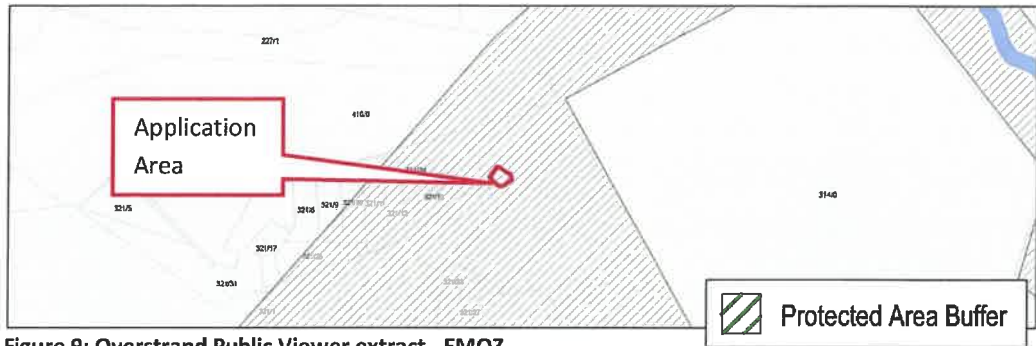


Figure 9: Overstrand Public Viewer extract - EMOZ

6. PROTECTED AREA BUFFER ENVIRONMENTAL MANAGEMENT OVERLAY ZONE ("PROTECTED AREA BUFFER EMOZ"):

- 6.1. Spatial delineation: Refer to Plan 3.
- 6.2. Activities that are prohibited within the Protected Area Buffer EMOZ are listed in Schedule "A" to these Regulations.
- 6.3. Activities that may be permitted only with Council's written consent within the Protected Area Buffer EMOZ are listed in Schedule "B" to these Regulations.
- 6.4. General regulations applicable to the Environmental Management Overlay Zones (EMOZs) of the Overstrand Municipality are listed in Schedule "C" to these regulations.
- 6.5. Purpose: to protect the integrity of National, Provincial and Municipal Nature Reserves from negative external pressures/impacts while reducing pressure on core areas and to assist in preserving their value to the eco-cultural tourism economy of the Overstrand through alignment of appropriate land use and regulation.
 - 6.5.1. Minimising negative impacts on the integrity of National, Provincial and Municipal Nature Reserves in the Overstrand
 - 6.5.2. Limiting and/or prohibiting inappropriate land uses in the buffer zone of National, Provincial and /or Municipal Nature Reserves in the Overstrand

SCHEDULE B ACTIVITIES ONLY PERMITTED WITH COUNCIL CONSENT IN OVERSTRAND ENVIRONMENTAL OVERLAY ZONES

A) ACTIVITIES ONLY PERMITTED WITH COUNCIL CONSENT	Applicable Environmental Management Overlay Zone (EMOZ)				
	Coastal	Mountain Catchment	Protected Area Buffer	Riverine	Urban Conservation
Excavation and destruction or removal of substrate (soil, substrate, rock, shellgrit, dune sediment, mineral deposits).	X	X	X	X	X

Conclusion: The application will not impact on natural areas since the application is for use of an existing quarry which is an existing disturbed area. The application area will also be rehabilitated after use. Mining is also permitted within the Protected Area Buffer. The application is thus considered consistent with the Overstrand Municipality Environmental Management Overlay Zone Regulations, 2020

Overstrand Municipality Heritage Protection Overlay Zone Regulations, 2020

The application area is adjacent to a HPOZ Route of Local Scenic Significance and thus within a Scenic Corridor.

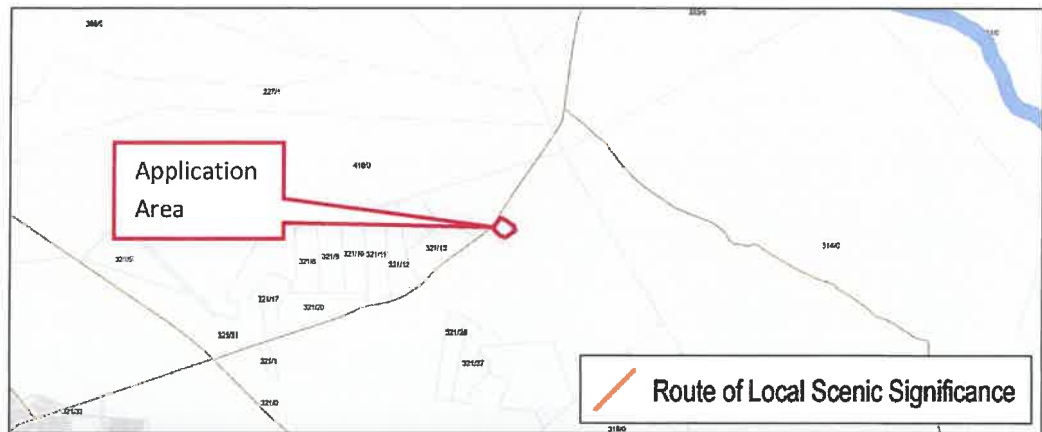


Figure 10: Overstrand Public Viewer extract - HPOZ

CHAPTER 1: INTERPRETATION, OBJECTS AND APPLICATION OF THE REGULATIONS 1

Definitions

- 1.8 "scenic corridors" means the properties immediately abutting scenic drives which are routes traversing natural and cultural historical landscapes of considerable significance and which are located outside approved urban edges;
- 1.9 "scenic drives" means those routes linking scenic corridors which are primarily located within approved urban edges and which thus contribute to the continuity of a scenic route network;

CHAPTER 3: SPECIFIC HERITAGE PROTECTION OVERLAY ZONE REGULATIONS 8 SCENIC CORRIDOR HERITAGE PROTECTION OVERLAY ZONE ("Scenic Corridor HPOZ")

- 8.2 Purpose: To ensure that any land use application resulting in additional rights complies with the existing character and contextual significance:
 - 8.2.1 The first purpose is to maintain and enhance the scenic drive network in the Overstrand, which is a heritage resource of considerable environmental, historic and aesthetic significance and which contributes substantially to the economic base of the region.
 - 8.2.2 The second purpose is to promote the tourism, environmental and amenity potential of the Overstrand scenic route network by enhancing the user's experience and understanding.
 - 8.2.3 The third purpose is to ensure that the actual route is embedded within the landscape rather than imposed upon it.
 - 8.2.6 Protection of scenic corridors
 - 8.2.6.2 Comment must be obtained from the Overstrand Heritage and Aesthetics Committee, Stanford Heritage Committee and/or a registered conservation body on potential visual impacts before the Municipality approves any applications within this HPOZ.

Conclusion: The quarry is existing and will remain the same. The existing quarry is also screened by topography and vegetation, thus barely being visible from scenic routes. The local scenic route passing the application area is a dirt road, thus having limited traffic, and the proposed use is temporary, thus having a limited visual impact from scenic routes. The proposal is considered consistent with the Overstrand Municipality Heritage Protection Overlay Zone Regulations, 2020.

<p>f. Traffic Impact Statement</p>	<p>8. CONCLUSIONS</p> <p>Based on the findings of this report, the following Conclusions can be drawn:</p> <ul style="list-style-type: none"> • This report was prepared in support of a Mining Permit to re-open the existing Umzali Quarry along DR01211 to mine material that will be used for construction for the Upgrade of Trunk Road 28 Section 2 between Stanford and Gansbaai (km 24.00 to km 43.88). • The preferred route for trucks travelling between the quarry and the construction site along TR28/2 is along DR01211 and MR00028 via Gansbaai as motivated. • The ±3.9km gravel section along DR01211 and the intersection with MR00028 will need to be maintained for the two-year period that the mining activities will take place. • The Shoulder Sight Distance will be adequate from the quarry access in both directions along DR01211 if the vegetation is trimmed or removed to clear sight lines as shown by the red circles in the photographs in Figure 3.3. • The daily traffic volumes are very low along this section of DR01211 with less than 20 vehicles in the peak hour during a typical weekday. One can typically expect one vehicle to pass the quarry every 4 minutes on average during the peak hour. • The traffic along MR00028 gradually increases between the Pearly Beach (DR01211) and Kleinbaai (DR01214) intersections. The AADT (two-way volumes) then significantly increases from ±4 000 vehicles per day (AADT) to ±12 000 vehicles per day after the Kleinbaai turn off towards Gansbaai. • Apart from a small number of daily staff vehicle trips, the number of peak hourly truck trips to transport aggregate from the quarry is anticipated to be ±5 to 8 trucks IN and ±5 to 8 trucks OUT (i.e., a total of ±10 to 16 truck trips) in the peak hour. This impact is low and will last for ±10 months out of the 24 months the quarry will be open/active. • Temporary road signs are proposed to be implemented for the duration of all the proposed phases listed in Table 5.1. Temporary road sign schedules are given in Table 6.1 to 6.4. A Routine Maintenance Schedule for the ±3.9 km of gravel road (DR01211) is given as Table 7.1. • Other mitigation measures proposed in terms of travelling on gravel roads include the following: <ul style="list-style-type: none"> ○ Truck speeds shall not exceed 40 km/h along the gravelled section of DR01211; ○ All loads shall be covered with a tarpaulin (or similar) to prevent material spillage from the trucks; and ○ Appropriate dust suppression shall be exercised along the gravel road that could include the use of temporary stabilising measures (e.g., environmentally friendly dust binders or the use of a water cart using non-potable water). <p>9. RECOMMENDATIONS</p> <p>Based on the conclusions of this report in terms of the anticipated traffic impact of transporting aggregate from the Umzali Quarry to be used for the upgrading of Trunk Road 28 Section 2 between Stanford and Gansbaai, the mining permit is supported.</p> <p>It is recommended that the following mitigation measures be implemented:</p> <ul style="list-style-type: none"> • Implementation of temporary road signs as motivated and proposed in this report; • Implementation of a routine maintenance plan for the gravelled portion of DR01211 as motivated and proposed in this report; and • Other mitigation measures proposed in terms of travelling on gravel roads include the following: <ul style="list-style-type: none"> ○ Truck speeds shall not exceed 40 km/h along the gravelled section of DR01211; ○ All loads shall be covered with a tarpaulin (or similar) to prevent material spillage from the trucks; and ○ Appropriate dust suppression shall be exercised along the gravel road that could include the use of temporary stabilising measures (e.g., environmentally friendly dust binders or the use of a water cart using non-potable water).
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<p>g. Environmental Authorisation</p> <p>Refer to Annexure K for the Environmental Authorisation</p>	<p>Environmental Authorisation in terms of the National Environmental Management Act, 1998 as amended (NEMA) and Environmental Impact Assessment Regulations, 2017 (EIA) has been granted for the proposed mining operation on the application area.</p> <p>The following conditions of approval are applicable:</p> <p>EA SITE SPECIFIC CONDITIONS</p> <ol style="list-style-type: none"> 1. The EA holder shall ensure that the ±3.9km gravel section along DR01211 and the intersection with MR00028 is maintained for the two-year period that the mining activities will take place as described in the Traffic Impact Statement, 2. Temporary road warning signs should be placed at specified locations on this road, and truck speeds shall not exceed 40 km/h along the gravelled section. 3. At least 50cm of topsoil in the mining area must be stripped and stockpiled before mining commence; and only the specific area that will be worked should be cleared of vegetation. 4. Surrounding neighbourhood and affected parties shall be informed at least 48 hours prior to blasting. 5. Dust at the haul roads shall meet the required norms and standards as per the National Environmental Management Air Quality Act, 2004 (Act 39 of 2004) and the National Dust Control Regulations (GN R827 of 2013). 6. The establishment of a waste rock dump or residue stockpile or residue deposit is prohibited after mining activities have ceased as it a separate listed activity that was not applied for by this EA holder, 7. The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to. 8. It has been noted that there are no go areas towards the south of the proposed mining area, therefore, a proper fence should be established along the south-western and south-eastern site boundary to clearly demarcate the sensitive areas. 9. The waste storage facility for harmful substances shall be structured according to the National Environmental Management Waste Act, 2009 and in compliance with the applicable regulations and safety instructions such as an impervious surface protected from rainfall and storm-water run-off, firm, impermeable, chemical resistant floors and a roof to prevent direct sunlight and rainwater from getting in contact with the waste. 10. Mining operations will therefore take place during normal working hours only which is normally from Monday to Saturday from 07:00am to 17:00pm. 11. Recommendations from the specialist studies, including mitigation measures shall be implemented by EA holder. 12. Visible semi-permanent markers must be placed along the boundaries of the approved mining area before any mining activity commences. 13. Do not permit vehicle or pedestrian access into natural areas beyond the demarcated boundary of the site. Vehicular movement on site must be limited to existing tracks as far as possible. 14. No surface or ground water may be polluted due to any actions on site. The applicable requirements with respect to relevant legislation pertaining to water must be met. 15. Hydraulic fluid or chemicals required must be stored in a concrete lined surface with bund walls, designed in such a manner that any spillage can be contained and reclaimed without any impact on the surrounding environment. 16. Soil loss must be prevented by minimizing the construction site exposed to surface water run-off. Where necessary; erosion stabilizing action such as gabions or re-vegetation must be implemented to prevent further habitat deterioration. <p>Refer to the Environmental Authorisation attached as Annexure K for the Departmental Standard Conditions.</p>
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4. Motivation

Motivation for the application:

a. Introduction & Background:

The Umzali Civils / BopCons Joint Venture has been awarded the contract to upgrade the Stanford – Gansbaai Road (part of the R43 - Trunk Road 28 Section 2). It is proposed to use the existing quarry on the application area to provide quartzitic sandstone for the road upgrading project.



Figure 11: Illustration of the road proposed to be upgraded

The application area has been used as a quarry in the past. In 2014 an application for a temporary departure to establish a quarry on the application area was approved for the duration of the upgrading of road DR1205 and to a maximum of 5 years, thus lapsed in 2019.

The application farm is 1,795.04 hectares in size, and the existing quarry is 3.84 hectares.

An application for an Environmental Authorisation was submitted in November 2022, and has been granted in terms of the National Environmental Management Act, 1998 as amended (NEMA) and Environmental Impact Assessment Regulations, 2017 (EIA). The maximum duration of the mining permit is 5 years. It is planned to complete the mining activities within two years.

The Environmental Authorisation imposed several conditions including the implementation of dust and noise mitigation measures and the maintenance of the road between Pearly Beach and the quarry operations.





Figure 12: Photographs of the Application Area

b. Proposal

The proposal is to use the existing quarry on the application area to mine quartzitic sandstone for the use of the upgrading of the road between Stanford and Gansbaai. The sandstone is proposed to be crushed on site as well.

The application proposal is limited to use for providing quartzitic sandstone for the upgrading of the Stanford – Gansbaai Road (part of the R43 - Trunk Road 28 Section 2). The maximum duration of a mining permit is 5 years.

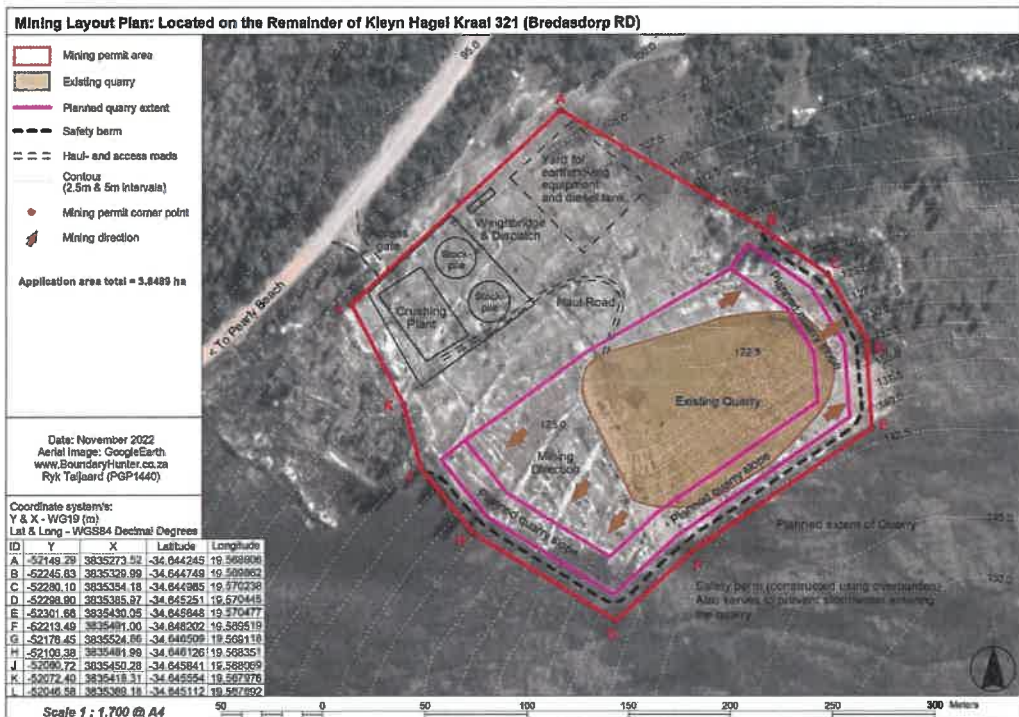


Figure 13: Application proposal illustration

The application is therefore for a consent use for mining purposes.

c. Desirability of the proposal

The previously approved town planning application in 2014 and the 2022 Provincial Environmental Authorisation application, which both included public participation processes, addressed matters of noise, dust, traffic impact, road maintenance, safety and rehabilitation of the site. It was concluded that these matters were satisfactorily addressed, subject to mitigation measures, as per Environmental Authorisation conditions of approval, be implemented.

The proposal is considered **desirable** for the following reasons:

- A similar application for the application area was approved by the Municipality in 2014 for the use of the quarry to provide materials of the upgrading of another road.
- The application is supported by an Environmental Authorisation obtained in 2022.
- The upgrading of the road between Stanford and Gansbaai will contribute to tourism, economic development and the growth of the Gansbaai area.
- The road upgrade will improve road safety.
- The proposed quarry is located on a site previously used as a quarry which is disturbed land, which will not significantly negatively impact on the natural environment and will not impact on agricultural land.
- Mitigation measures which includes measures regarding noise, dust have been imposed by the Environmental Authorisation which limits potential impacts of the proposed quarry.
- The Environmental Authorisation includes the condition that the road from Pearly Beach to the quarry be maintained by the property owner / mining company for the duration of the project.
- The proposed use is temporary and only for the road upgrade between Stanford and Gansbaai and a condition of approval of the Environmental Authorisation includes the rehabilitation of the quarry after the road upgrading project as included in the Traffic Impact Statement.
- The application proposal is consistent with the relevant policy documents.
- The application proposal is considered consistent with the EMOZ and HPOZ regulations.

d. Planning Principles

The application has also been analyzed for consistency with the planning principles prescribed by the Spatial Planning and Land Use Management Act, 2013 (SPLUMA) and also the Western Cape Land Use Planning Act, 2014 (LUPA) and the following conclusions were made:

- (i) **Spatial Justice** which refers to the need for redressing the past apartheid spatial development imbalances and aim for equity in the provision of access opportunities, facilities, services and land.

Possible results of the development

The proposal will not impact on spatial justice since the application is not for new development, but for the reuse of an existing site. Employment resulting from the proposal will be created on an equitable basis.

The application is **consistent** with the principle of spatial justice.

- (ii) **Spatial Sustainability** which refers to the fact that a spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscapes and ultimately limits urban sprawl.

	<p>Possible results of the development The Environmental Authorisation approval confirms that proposal includes no unacceptable impact on the environment.</p> <p>The application is consistent with the principle of <u>spatial sustainability</u>.</p> <p>(iii) Spatial Efficiency which refers to the manner in which settlements themselves are designed to function in such a way that there will be a minimum need to travel long distances to access services, facilities and opportunities.</p> <p>Possible results of the development The application area is the closest suitable quarry to the road to be upgraded, thus being most efficient.</p> <p>The application is consistent with the <u>efficiency principle</u>.</p> <p>(iv) Spatial Resilience which, in the context of land use planning, refers to spatial plans, policies and land use management systems which should enable communities to be able to resist, absorb and accommodate any economic and environmental shocks which might occur in a timely and efficient manner.</p> <p>Possible results of the development The proposal will not directly impact to spatial resilience, but indirectly contribute to growth and development of the area which allows communities to better absorb and accommodate any economic and environmental shocks.</p> <p>The application is consistent with the principle of <u>spatial resilience</u>.</p> <p>(v) Good Administration which, in the context of land use planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role players ensure that a joint planning approach is pursued.</p> <p>Possible results of the development Consultative practices are being followed in this application as it is done in consultation with the Planning Department of the Municipality who will also advertise the application in such a manner as to enable the Government and the general public to participate in the eventual decision-making process.</p> <p>The application is consistent with the principle of <u>good administration</u>.</p>
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5. Conclusion

Approval of the application will allow for materials to be provided to upgrade the road between Stanford and Gansbaai which will contribute to tourism, economic development and the growth of the Gansbaai area and increase road security. The application proposal furthermore will not have a significant impact on the surrounding area or environment.

It is therefore recommended that the application **be approved** in terms of the Overstrand Amendment By-law on Municipal Land-use Planning, 2020, as follows:

- Consent use for Mining on the Remainder of Farm 321, Kleyn Hagel Pearly Beach in terms of Chapter IV, Section 16(2)(o).

PROJECT
 Remainder of Farm 321
 Kleyn Hagel

TITLE
 Locality Plan
 Regional Context

□ Application Farm
 ● Application Area

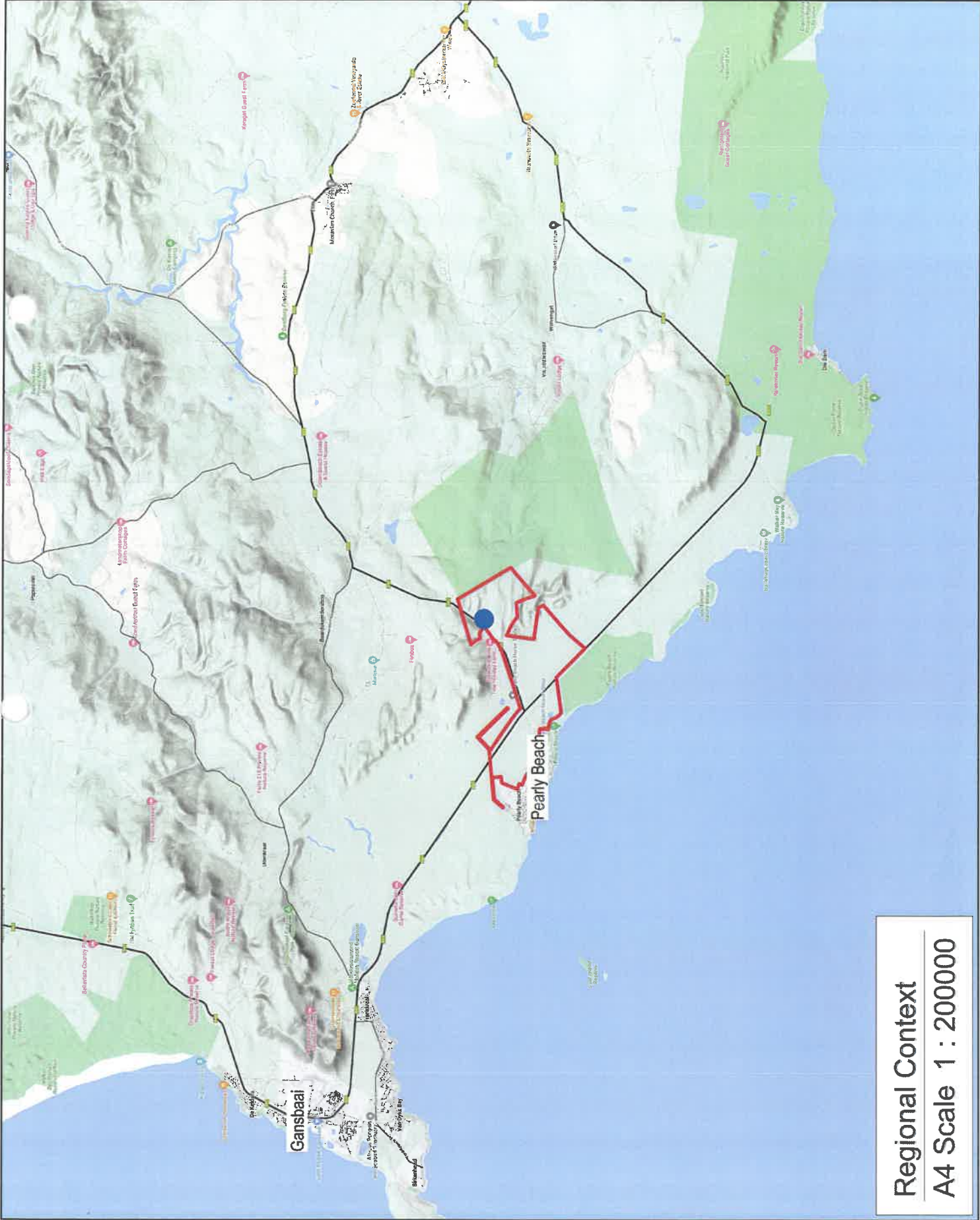


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CLIENT

DRAWN BY Author	CHECKED BY Checker	DATE 2022/04/09
SCALE (B.A0) As indicated	PROJECT NUMBER DOT	DRAWING NUMBER A-01

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Regional Context
 A4 Scale 1 : 200000

PROJECT
Remainder of Farm 321
Kleyn Hagel

TITLE
Zoning Plan

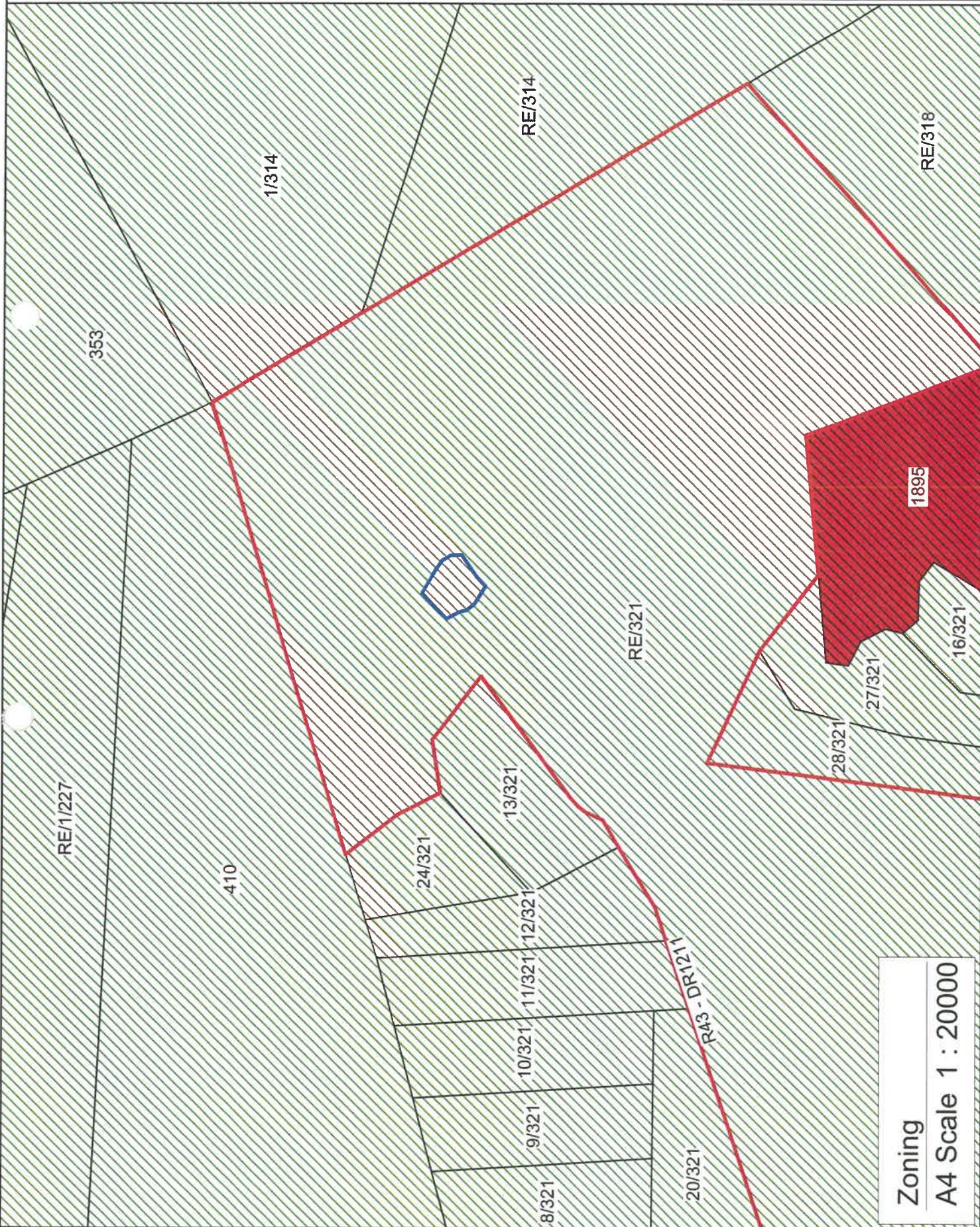
-  Application Farm
-  Application Area
-  Agricultural Zone 1: Agriculture
-  Utility Zone: Utility Services



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SCALE (if A): As Indicated	PROJECT NUMBER: 0001	
DRAWING NUMBER: A131		

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Zoning
A4 Scale 1 : 20000

PROJECT
Remainder of Farm 321
 Kleyn Hagel

TITLE
Land Use Plan

- Application Farm
- Application Area
- Agriculture & Open Space
- Buildings

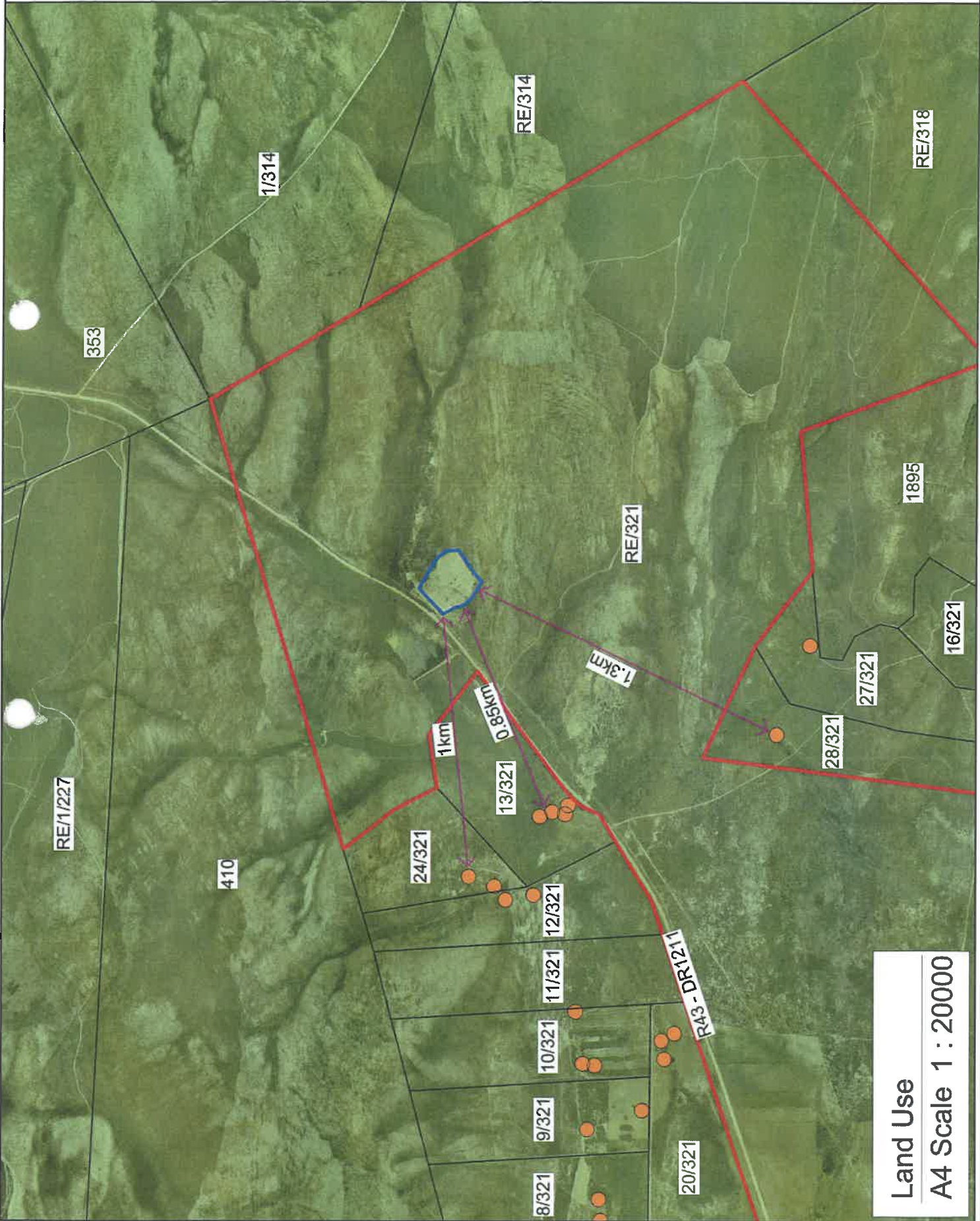


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SCALE (A4) A101	PROJECT NUMBER A101	

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Land Use
A4 Scale 1 : 20000