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PORTION 23 OF THE FARM UYLENKRAAL NO. 695 (STRANDSKLOOF), DIVISION BREDASDORP: APPLICATION FOR REZONING, CONSENT USE, AMENDMENT OF A SITE DEVELOPMENT PLAN AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS ATLAS TOWN PLANNING ON BEHALF OF LH & IH FOURIE

Farm 695/23(3966/2022)

SW van der Merwe

15 Auguts 2023

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Hermanus Administration

1. EXECUTIVE SUMMARY

An application was received in terms of the Overstrand Municipality Amendment By-law on Municipal Land Use Planning, 2020 (By-law) from Messrs Atlas Town Planning on behalf of LH & IH Fourie applicable to Portion 23 of the Farm Uylenkraal No. 695 (Strandskloof), Division Bredasdorp for the following:

- ❖ **rezoning** in terms of Section 16(2)(a) of the By-law of a portion (14ha) of the remainder from Agriculture Zone 1 to Resort Zone to accommodate the expansion of the resort;
- ❖ **amendment of a Site Development Plan (SDP) / conditions of an existing approval** in terms of Section 16(2)(h) of the By-law to accommodate expansion of the resort;
- ❖ **consent use** in terms of Section 16(2)(h) of the By-law to accommodate 10 holiday housing units; and
- ❖ **determination of an administrative penalty** in terms of Section 16(2)(2) of the By-law to accommodate the unauthorised expansion of the resort.

A Locality Plan of the property concerned is attached as Annexure A. The Motivation Report from the applicant in support of the proposal is attached as Annexure B. The Site Development Plan (SDP) is attached as Annexure C and the Environmental Authorisation (EA) attached as Annexure D.

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

The subject property is situated adjacent to Divisional Road 1205 to Baardskeerdersbos about 5km northeast of Franskraal. The property has a split zoning, namely Resort Zone comprising 50 caravan/tent stands and associated infrastructure, linked to a Site Development Plan and a remainder zoned Agriculture.

The property measures 138,7582ha in extent and is developed with a primary dwelling, outbuildings and labourers' cottages, a tourist facility (venue situated in a converted agricultural building) as well as a resort comprising a caravan park / camping and associated amenities (swimming pools, putt-putt, kiosk and outdoor recreation areas and known as Strandskloof Caravan Park. A milkwood forest is situated north of the caravan / camping area. The property is not currently actively farmed due to limited agricultural potential. The resort is therefore the predominant use.

The property owner unlawfully extended the caravan / camping area beyond the footprint of the approved SDP comprising a kiosk, 8 cottages and three additional ablution blocks with an area of 1154m² as well as 45 caravan stands with an area of 2000m². After being sanctioned the owner entered discussions with officials from the Municipality as well as the Department of Environmental Affairs and Development Planning (DEA&DP) and submitted the required applications to rectify the contravention as well as further proposed expansion of the resort.

The applicant appointed a professional town planner to submit a planning application that entails rezoning of the whole area of the farm being utilised for resort purposes (\pm 14ha) to Resort Zone with the remainder zoned Agricultural Zone. The resort when fully developed comprises the following:

- 95 caravan / camping stands
- 32 cottages (holiday accommodation)
- 10 cottages (holiday housing)
- 5 ablution blocks
- associated recreational facilities (i.e. kiosk, putt-putt course, swimming pool and outdoor recreation areas)
- extension of venue building to accommodate indoor recreation facilities (i.e. table tennis, pool tables)

Having had regard to the above the application addresses both the unauthorised land use as well as the proposed expansion of the resort. The unauthorised land use to which the application for determination of an administrative penalty applies comprises of the following:

- 8 cottages, numbered P15 to P24 on SDP
- 45 caravan / camping stands indicated on the SDP
- a kiosk
- 3 ablution buildings

4. SUMMARY OF APPLICANT'S MOTIVATION

Only the main points of motivation are summarised as follows (the detailed report is attached as Annexure B):

- ❖ Strandskloof resort is a well-known landmark.
- ❖ Resort (50 caravan / camp sites and associated facilities) was approved during 2008.
- ❖ The owner expanded the resort unlawfully and had been sanctioned to rectify in terms of NEMA and the Overstrand Municipal Land Use Planning By-law.
- ❖ The application motivates the unlawful expansion of the resort as well as the further proposed expansion of the resort.
- ❖ The remainder of the farm has limited agricultural potential and accommodates existing dwellings, sheds, and outbuildings, a Bloekom and Myrtle forest and an area formerly used to mine sand.
- ❖ The property contains indigenous vegetation, areas with alien infestation with the caravan / camping area situated on former disturbed farmland.
- ❖ A milkwood forest is situated on the northern portion of the resort.
- ❖ EIA specialist studies indicate that the expansion of the resort does not have a material impact on existing vegetation and water sources.

Unauthorised use / building works

- ❖ The owner expanded the resort without approval.
- ❖ EA was granted to accommodate the unauthorised and proposed resort expansion.
- ❖ The success of the caravan park resulted in growing demand for alternative accommodation types, prompting the owner to introduce cottages.

The application for determination of an administrative penalty is motivated as follows:

Nature, duration, gravity and extent of the contravention

The resort has been expanded without authorisation (i.e. construction of 8 chalets, 3 additional ablution blocks, a kiosk as well as 45 caravan stands) and without approval in terms of planning and building legislation. The SDP clearly indicates the position and size of the unauthorised building works that has a combined footprint of 1154m². The contravention occurred over the last 5 years and covers both construction and use of the facilities.

The conduct of the person (allegedly) involved in the contravention

The property owners have not been found guilty of past contraventions in terms of the local economy for a number of years.

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

The report is outstanding. The unauthorised construction relates to an area of 1154m² as per the SDP and had been carried out on the principle of owner/builder, thus general market rates cannot be applied. The total unauthorised building works and additional campsites amount to roughly 2000m². The municipal valuation of the property is indicated as R2 600 000.

Whether the unauthorised conduct has stopped

The constructed buildings had not been demolished, nor has the operations of the resort stopped, since it is still recovering from the impact of covid / hard lockdown relying on this income to be economically sustainable.

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

The property owners do not have a history of known contraventions in terms of the By-law or a previous planning law.

Surrounding land uses

- ❖ Property is surrounded by agricultural land uses, albeit undeveloped to date.
- ❖ The property north of the road to Baardskeerdersbos is zoned Open Space Zone 1: Private Nature Reserve with 14 Resort Zone footprints (holiday housing).

Existing forward planning & policy frameworks

The applicant states the Spatial Development Framework (SDF) and Western Cape Rural Land Use Guidelines, 2019 is applicable to the application. The applicant further states the development is consistent with the SDF for the following reasons:

- ❖ Will not result in loss or alienation of agricultural land.
- ❖ Will not compromise existing farming activities.
- ❖ Development is not inconsistent with the scenic landscape in which it is situated.

No further motivation in terms of consistency with the Western Cape Rural Land Use Guidelines was offered.

Socio economic impact

- ❖ Use is aligned with tourism sector, particular provision of short-term holiday accommodation.
- ❖ Use aligned with SDF objectives of maintaining and development tourist facilities due to the positive economic impact of these facilities on the region.
- ❖ Spin-offs is considerable, i.e. employment at the resort and associated facilities in the area (i.e. restaurants, shops).
- ❖ More than 20 people will be employed, thus positively impacting the local economy.
- ❖ The proposal will increase municipal rates and taxes.
- ❖ The proposal will not negatively impact social / economic wellbeing of residents in the area.

Safety, health, and well-being of surrounding community

- ❖ Property measures 130ha in extent.
- ❖ The property is used as a resort for several years.
- ❖ The application relates to the expansion of the resort and to legalise unlawful activities.
- ❖ Resort is well managed.
- ❖ Future development is not considered to negatively impact upon the safety and wellbeing of the community.

Consistency with regard to surrounding land uses

- ❖ Property is situated in a rural setting.
- ❖ Layout of resort stands took into consideration sensitive vegetation (Milkwood Forest) on site.
- ❖ Proposed use is considered compatible with surrounding land uses.

Traffic and parking

- ❖ Formal access is obtained from an existing access situated 50m from the shoulder of the road offering good visibility.
- ❖ The application relates to the expansion of the resort that predominantly functions over weekends / holiday periods.
- ❖ Adequate stacking distance is available on-site; thus, the external road network will not be adversely affected.
- ❖ Resort has a 5m wide internal road network, with parking provided on each stand (on vehicle per stand).
- ❖ The venue is used by residents of the resort but has sufficient on-site parking available.

Engineering services

- ❖ **Water:** No municipal water supply available. Property has a 30kl / month allocation from the Kraaibos Dam that traverses the property. Potable water to be provided from boreholes / fountains on the property. Drinking water will be treated to comply with SANS 241.
- ❖ **Sewage:** Disposal will be dealt with by means of sewage conservancy tanks.

- ❖ **Electricity:** The property is situated within an Eskom supply area. Primary source of energy is gas installations.

Environmental & Heritage impact

- ❖ Heritage had been dealt with in the environmental process which considered that the development and proposed extension does not have a material heritage impact.
- ❖ The expansion of the resort triggered listed activities.
- ❖ The applicant appointed an EAP to deal with the environmental impact, following which an EA was granted.

General

- ❖ The property is fairly isolated, and the development will not adversely affect the welfare or well-being of the general public.
- ❖ The development benefits the greater community given that the area relies heavily on tourism.
- ❖ The development will not impact upon vested rights of adjoining property owners.
- ❖ The principle of the resort had been assessed with the original application. The application relates to the extension of the resort.
- ❖ The development can be accommodated from an infrastructure point of view and not considered to significantly impact upon the infrastructure network.
- ❖ The applicant dealt with the unauthorised resort expansion by means of the application.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Advertisement	Yes	27 May 2022	01 July 2022
Notices	Yes	31 May 2022	01 July 2022
Internal Department	Yes	27 May 2022	01 July 2022
Ward councillor	Yes	27 May 2022	01 July 2022
Total comments	None		
Was public participation undertaken in accordance with Section 46 - 50 of the By-Law on Municipal Land Use Planning?			Yes
Was the application processed correctly? (if no, elaborate below):			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA?			Yes

6. SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

Name	Date received	Summary of comments.
Fire Services	02/06/2022	Attached as Annexure E.
ESKOM	07/06/2022	Attached as Annexure F.
Building Department	08/07/2022	No objection. The building plan application must comply with all applicable law.
Department of Transport and Public Works	14/07/2022	Attached as Annexure G.
Breede-Gouritz Catchment Management Agency	14/07/2022	Attached as Annexure H.
Heritage Western Cape	03/03/2022	Attached as Annexure I.
Engineering Services	21/07/2022	Attached as Annexure J.
District Health	21/07/2022	Attached as Annexure K.
Environmental Section	22/07/2022	No objection.
CapeNature	28/07/2022	Attached as Annexure L.
Department of Agriculture (Provincial)	27/09/2022	Attached as Annexure M.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

No objections were received from interested and affected adjoining property owners.

The Western Cape Department of Agriculture objected to the proposed rezoning because the development is not considered consistent with the Western Cape Rural Land Use Management Guidelines, 2019. The point of objection is summarised below, followed by the applicant's comment and response from the town planner:

The development is not associated with a unique resource that benefits / distinguishes the site in terms of amenity value.

Response from applicant (attached as Annexure N)

Strands Kloof Caravan park is an established tourist facility. The initial caravan park was developed in proximity of a unique Milkwood Forest on the farm. The popularity of the resort suggests that visitors do regard the resort as having amenity value. Various resorts within the province are located along riverbanks or other different settings. It is thus debatable as to what defines a unique resource. Residents enjoy the setting and tranquillity, whilst planned expansions are situated on areas cleared in the past and not used for farming.

Response from town planner

The comment by Department of Agriculture is not based on the impact of the expanded resort (both existing and proposed) upon agriculture, or the protection of the agricultural resource base, which is the department's mandate. It is the view that the department hides behind the Western Cape Rural Development Guidelines, 2019 (which is not legislation, but a guideline that is to be considered in decision making) but fails to demonstrate how the expanded resort will negatively impact in terms of the departmental mandate. The objection should therefore be dismissed.

The Western Cape Rural Development Guidelines acknowledge the role of tourism to strengthen and diversify the rural economy. Thus, provision of short-term tourism accommodation (including resorts) is promoted across the rural landscape, provided that it is in keeping with the local character, whilst township establishment or alienation of resort units should be resisted.

The resort exists and proves to be a tourist attraction / destination and provides employment and economic development in line with the planning principles. The application relates to existing (unauthorised expansion) as well as proposed expansion of the resort. The sandy beach of Uilkraalsmond is 3,6km from the site, as well as Die Gruis a popular fishing spot are considered a unique resource in the vicinity of the property. The matter / requirement of the existence of a unique resource is debatable. In this case there is an existing approved resort on the property, the locality could be argued as unique with sea views, the existence of a unique Milkwood Forest on-site, available tourist facilities in the area that range between wine farms, hiking, mountain biking, fishing opportunities etc. Thus, the objection based on the lack of a unique resort is not agreed with and should be dismissed.

In terms of the guidelines rezoning to resorts should not be entertained for properties smaller than 50ha. The additional dwelling unit model should rather be used for those properties (i.e. one additional dwelling unit / 10ha up to a maximum of 5 units). There are already four additional dwelling units on the property. The proposal for 10 holiday housing units is therefore out of scale with the proposed size of the resort.

Response from applicant

The property measures 138ha with a 14ha resort. The land use scheme provides for holiday housing and the proposal is for 10 units that is permissible in terms of the Land Use Scheme, thus allowing for longer periods of occupancy for i.e. retirees not limited to weekend and holiday stays but bound to the conditions of the resort. The application should therefore be considered within this context.

Response from town planner

The application property measures ±138ha in extent. A 14ha portion will be rezoned to Resort Zone and be linked to an SDP. The Western Cape Rural Development Guidelines, 2019 do not impose a 50ha restriction applicable to rezoning to resort purposes. The proposal is for the expansion of the existing resort comprising 45 additional campsites as well as 42 chalets, 10 of which is subject to a consent use application for holiday housing (i.e. alienable). The 32 chalets are not considered to be additional dwelling units. In terms of the scheme regulations provision under the zoning is made for transient guests, thus temporary accommodation not exceeding 30 days. The proposal is considered in line with the Western Cape Rural Development guidelines, save for the proposed consent use (holiday housing) for 10 units, which could be alienated. The desirability of the proposed holiday housing units will be further discussed in the evaluation below.

Western Cape Rural Management Land Use Guidelines does not allow subdivision and alienation of individual units within rural resort developments.

Response from applicant

The proposal does not involve subdivision. The split zoning for resort covers an area of 14ha. The Overstrand Land Use Scheme provides for holiday housing as a consent use. The 10 proposed holiday housing units is in line with the parameters of the land use scheme, and thus allow for longer periods of occupancy, i.e. for retirees not bound to normal weekend and holiday states but bound to the conditions of the resort.

Response from town planner

The proposal provides for a resort linked to an SDP. No subdivision is involved. Part of the application is for consent use to permit holiday housing applicable to 10 units, which could be alienated by means of sectional title division which is not in accordance with the Western Cape Rural Development Guidelines. The merits of the consent use will thus be discussed in the evaluation below.

Insufficient merit to support the proposal and the cumulative impact will negatively impact the rural landscape.

Response from applicant

The applicant has a full understanding of the protection of valuable farmland and the rural landscape. A Heritage Impact Assessment (HIA) was conducted as part of the Environmental Impact Assessment (EIA), and it was concluded that the resort would not have a negative impact on the adjoining scenic route. The property has little agricultural potential, thus the owners established the resort which became a well-known tourist attraction and landmark in the area. Due process had been followed to rectify the unauthorised uses and to better the facility. There is sufficient merit to support the proposal and given that the application relates to an existing resort, approval will not have a negative cumulative impact upon the surrounding area.

Response from town planner

The objector did not motivate or demonstrate how the expansion of the resort will have a negative impact upon the rural landscape. In fact, much of the resort is obscured from view from the adjacent scenic route due to the placement of the campsite, chalets and associated resort infrastructure due to the screening effect of the on-site Milkwood Forest. The applicant obtained EA. The EA also considered the impact of the proposal on the rural landscape supported by a HIA that did not mention any negative impact upon the scenic route / cultural landscape.

8. MUNICIPAL PLANNING EVALUATION**8.1 Background**

N/A

8.2 (In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

The application is in line with the planning objectives applicable to this application, namely:

Spatial Justice

Strandskloof resort is situated in close proximity to Gansbaai and provides access to opportunities (i.e. local economic development and employment opportunities) and is not considered to further perpetuate historical spatial development imbalances.

Spatial Sustainability

The proposed development comprises a 14ha resort with associated buildings and infrastructure. An EA was granted that address environmental aspects, whilst no objection was raised based on impact of the resort on the remaining agricultural portion of the property. Therefore, no adverse impact on agricultural land or environmentally sensitive areas is foreseen.

Efficiency

The proposed development will facilitate the efficient use of the application property within the limit of the existing carrying capacity of the property as per the approved EA's.

Spatial Resilience

The proposal is aligned with the principles of the applicable policy and spatial planning documents that adheres to the principle of spatial resilience.

Good Administration

Good procedure was followed and with a good public participation process.

8.3 (In)consistency with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)

Same as Point 8.2 above.

8.4 (In)consistency with the IDP/Various levels of SDF's/Applicable policies**Overstrand Spatial Development Framework**

The SDF states that Overstrand economy and ecology are inseparable and the natural environment are the area's largest single asset. Tourist facilities are one of the main drivers of the rural economy with the imperative that the scale and built form should be in line with the character of the area. The proposal is considered consistent with the following strategic objectives of the SDF, namely:

- Overstrand to maintain and strengthen its tourism sector.
- Ensure that tourism attractions are safe and accessible and attractive by means of maintaining and developing new facilities.

Having had regard to the above the opinion is held that the proposal is consistent with the SDF.

8.5 (In)consistency with guidelines prepared by the Provincial Minister**Western Cape Rural Land Use Management Guidelines, 2019:**

The guidelines form part of the Provincial Spatial Development Framework (PSDF), with the key objective to promote sustainable development in rural areas. The guidelines particularly address tourist related facilities and accommodation as a means to diversify farming income but should not:

- Have a significant impact on biodiversity, ecological system services or the coastal environment.
- Result in the loss or alienation of agricultural land.
- Compromise existing or potential farming activities.
- Compromise the current and future use of mineral resources.
- Be inconsistent with the cultural and scenic landscape in which it is situated.
- Lead to service delivery or unjustifiable extension to municipal reticulation networks
- Impose service delivery costs and risks to the municipality.
- Infringe on the authenticity of the rural landscape.

The opinion is held that the existing and extended resort complies with the Western Cape Rural Development Guidelines. The proposed consent use application to accommodate 10 holiday housing units is not in line with the policy. This aspect will be further addressed in the evaluation below.

8.6 Impact on Municipal Engineering Services

The municipal Engineering Services Department viewed the proposal positively. The property is not situated in a municipal supply area. Thus, the applicant will be responsible for the removal of sewage, solid waste and provision of water. The property is also situated in an Eskom supply area and will have to negotiate with Eskom, who did not object.

8.7 Outcomes of investigations/applications i.t.o other legislation

Environmental Authorization (EA) was granted (attached as per Annexure D) for rectification of a contravention, which also deals with visual and heritage related impacts.

8.8 Existing and proposed zoning comparisons and considerations

The property currently has a split zoning, namely Agricultural Zone and Resort Zone for 50 caravan / camping stands, two ablution facilities and swimming pool. It is proposed to rezone a 14ha portion of the property to accommodate the approved and extended resort (latter address both the unauthorised and proposed expansion) linked to a proposed SDP.

9. THE DESIRABILITY OF THE PROPOSAL

The subject property currently has a split zoning for resort purposes (50 caravan / camping stands, two ablution buildings and a swimming pool, with the remainder being zoned for agricultural purposes. The property owner illegally expanded the resort as follows:

- 45 caravan stands with an area of 2000m².
- 3 ablution blocks: block 2 (21m²), block 3 (57m²) & block 4 (63m²).
- 8 chalets, P4 (144m²), P11 (176m²), P15 (76m²), P16 (173m²), P17 (94m²), P18 (122m²), P23 (105m²) & P24 (90m²).
- Kiosk (33m²).

The application therefore entails rezoning of a 14ha portion of the farm from Agricultural Zone to Resort Zone and amendment of conditions of approval and SDP to accommodate the unauthorised and proposed expansion of the resort to accommodate the following:

- 95 caravan / camping stands.
- 32 cottages (holiday accommodation).
- 10 cottages (holiday housing) applicable to cottages P15 to P24.
- 5 ablution blocks.
- Associated recreational facilities (i.e. kiosk, putt-putt course, swimming pool and outdoor recreation areas).
- extension of venue building (257m²) to accommodate indoor recreation facilities (i.e. table tennis and pool tables).

Forward planning documents

The proposal is considered consistent with the SDF for the following reasons:

- The resort promotes tourism and local economic development, which is one of the main drivers of the local economy.
- The resort does not impact negatively on the natural environment / ecosystems (refer to the EA that was issued).
- The property has limited agricultural potential. No objections were received to the application based on its impact upon, or loss of high potential agricultural land.
- The proposal will not visually impact the scenic quality of the rural landscape.

- The resort provides employment opportunities as well as additional employment opportunities following completion of the proposed expansion.

Environmental Authorisation

The applicant is in possession of an approved EA issued in terms of Section 24G of NEMA that considered the environmental impact of the unauthorised and proposed expansion of the resort. The EA is also subject to implementation of an approved Environment Management Plan (EMP) (*refer to Annexure O*) and the appointment of an ECO tasked to ensure compliance with the EMP.

Character of the area

The surrounding area is predominantly a farming area that also includes tourist activities such as restaurants, entertainment (dance hall) sea and river activities as well as the Uilraalsmond Caravan Park. Thus, the original camping / caravan park is consistent with the character and land use pattern in the surrounding area. The expansion of the resort comprising chalets and additional caravan stands is not considered to affect the surrounding area / character of the rural landscape. Save for the entrance gate house the development is obscured / screened from views from the adjoining scenic route, thus not detracting from the scenic quality of the area.

Economic and social impact

Strandskloof is a well-established resort and a great attraction and asset to Gansbaai and surroundings. The resort is well managed and won several awards. The unauthorised expansion of the resort cannot be condoned, hence the application under consideration. The existing resort together with the proposed expansion is in line with the strategic SDF objectives and serves to promote tourism to Overstrand and the Greater Gansbaai area. It also provides for local economic development and to secure the viability of the resort resulting in employment opportunities and job security.

Engineering Services

The application property is not situated in an area where municipal services are available, whilst electricity is provided by Eskom. Electricity is further supplemented by gas (i.e. for use in ablution facilities). Water is provided from an allocation from the Kraaibosch Dam and two on-site boreholes. Sewage will be collected into conservancy tanks and disposed of at the municipal Wastewater Treatment Works by a private contractor. The applicant will be responsible for removal of solid waste to an approved municipal facility.

The municipal Engineering Services Department viewed the proposal positively subject to conditions of approval being adhered to.

Parking and access

The resort will make use of an existing access from Divisional Road 1205. The proposal was circulated to the Western Cape Department of Transport who did not object subject to closure of existing accesses at km 4.24 and 4.56 from Divisional Road 1205, re-instatement of the boundary fence and restoration of the road verge to a natural state. Further, the applicant must ensure that vehicles queuing during peak holiday season does not extend into the divisional road.

Desirability

The legalisation of the unauthorised additions together with the proposed extension of the resort is not considered to have an adverse effect on the character of the surrounding area / rural landscape for reasons mentioned above. The proposal is considered to strengthen the resort and improve its viability. The resort expansion is situated on former disturbed areas on the property and former cultivated fields.

The property is not actively farmed with tourism accommodation and associated facilities the main source of income. Department of Agriculture Western Cape did not raise an objection based on the impact of the proposal on, or loss of high potential agricultural land.

The proposed development, provided that the mitigation measures as per the specialist reports be implemented, will not unacceptably detract from the rural character and scenic qualities of the surrounding area. The resort is also well screened from views from the scenic route adjoining the property by the Milkwood Forest. Furthermore, the proposed development will provide for economic development thus having a positive social economic impact through the creation of employment opportunities in an area with high levels of unemployment.

The Western Cape Department of Agriculture objected to the proposal being considered contrary to the Western Cape Rural Development Guidelines. The points of objection had been addressed in the evaluation under paragraph 7. above. Having had regard to the content of the objection, it should be noted that the Western Cape Rural Development Guidelines is a guideline document to guide decision making and cannot legally be enforced. Further, the department did not object within the scope of their constitutional mandate, i.e. on the basis of impact of the proposal on, or loss of agricultural land. The objection should therefore be dismissed. According to the applicant the main source of income is the resort as the property does not comprise high potential agricultural land, which was not disputed by the department.

Save for the objection from the Western Cape Department of Agriculture all other relevant government- and municipal departments support the application, and no objections were received from neighbouring properties.

Having had regard to the evaluation above the application is considered desirable for the following reasons:

- Environmental Authorisation was granted.
- The proposal is supported by CapeNature.
- The proposed development complies with the applicable policy and forward planning documents.
- The proposed development is consistent with the planning principles in terms of LUPA and SPLUMA.
- The proposed development contributes to sustainable development and investment in the area whilst also providing additional employment opportunities.
- The remainder of the property will remain agriculture.
- The development via the implementation of mitigation measures will not unacceptably detract from the rural character of the area, heritage resources or the natural environment.
- The development via the implementation of mitigation measures will not unacceptably detract from the vested rights of adjoining properties.

Proposed consent use

The proposed consent use to permit holiday housing is not considered to be desirable due to the location of the property in the rural area and outside the urban edge. The proposal will give rise to fragmentation of ownership as alienation by means of sectional title is permitted which is not in line with the Western Cape Rural Development Guidelines as well as strategic policies in terms of the SDF. The opinion is held that the proposed consent use to permit 10 holiday housing units is not desirable and should not be supported. The applicant will still be able to construct 10 chalets provided that it is used for holiday accommodation in accordance with the applicable primary rights.

Amendment of approval conditions

Condition 2.(a) of the original resort approval dated 26 November 2008 limits the resort to 50 caravan / camping sites and an approved SDP. Having had regard to the unauthorised expansion of the resort as well as the proposed additions it is considered that condition 2(a) of the Mayoral Committee resolution dated 26 November 2008 be amended to ensure that the resort be limited to the buildings, structures and land uses indicated on the approved SDP.

Administrative penalty

The applicant motivates that the success of the caravan park resulted in growing demand for alternative accommodation types, prompting the owner to introduce cottages. The application for determination of an administrative penalty is motivated as follows:

Nature, duration, gravity, and extent of the contravention

The resort had been expanded without authorisation (i.e. construction of 8 chalets, 3 additional ablution blocks, a kiosk as well as 45 caravan stands without approval in terms of planning and building legislation. The SDP clearly indicates the position and size of the unauthorised building works that has a combined footprint of 1154m². The contravention occurred over the last 5 years and covers both construction and use of the facilities.

The conduct of the person (allegedly) involved in the contravention

The property owners have not been found guilty of past contraventions in terms of the the local economy for several years.

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

The application submitted a QS report attached as Annexure P. According to the QS report the total construction cost for the unauthorised building works amounts to R4 482 000 (VAT inclusive).

The total area of the above additions amounts to 1154m² whilst the unauthorised caravan stands covers an area of 2000m². The land value of the property according to the latest municipal valuation amounts to R2 600 000 or R1874/m².

Whether the unauthorised conduct has stopped

The constructed buildings had not been demolished, nor has the operations of the resort stopped, since it is still recovering from the impact of covid / hard lockdown relying on this income to be economically sustainable.

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

The property owners do not have a history of known contraventions in terms of the By-law or a previous planning law.

The contraventions accorded during the last 5 to 6 years. The property owner following a site meeting initiated the applications in terms of town planning and environmental legislation on its own accord. A formal non-compliance notice had not been served on the property owner. Despite the above the unauthorized land uses and structures had been constructed without formal approval and contrary to the conditions of the 2008 planning approval and the approved SDP. The applicant is therefore liable for the payment of an administrative penalty. In accordance with the provisions of the By-law the administrative penalty is calculated as follows:

Unauthorised structures as per the QS report (refer to Annexure P):

Construction cost (R4 482 000 as per QS report) x 2,5% = R112 050

Unauthorised land use

The land value of the property according to the municipal valuation amounts to R1874/m². Therefore, the administrative penalty for the land use contraventions is calculated as follows:

- ❖ Land value of unauthorised structures (1154m²) x municipal valuation/m² (R1874m²) = R2 162 596.00
- ❖ Land value (unauthorised campsites) (2000m²) x land value/m² (R1874m²) = R3 748 000.00

Total land value of unauthorised land use = R5 910 596.00

It is recommended that an administrative penalty of 2,5% of the municipal valuation be levied, namely R147 750.

Based on the construction cost and municipal valuation the administrative penalty is calculated at 2,5% amounts to R259 800.00 + R38 970.00 (VAT).

10. RECOMMENDATION

1. that the objection be noted;
2. that the application in terms of Section 16(2)(a) of the By-law for rezoning of a portion (14ha) of the remainder from Agriculture Zone 1 to Resort Zone to accommodate the expansion of the resort, **be approved** in terms of the provisions of Section 61 of the By-Law;

3. that the application in terms of Section 16(2)(h) of the By-law for amendment of a site development plan / conditions of an existing approval to accommodate the expansion of the resort, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the application in terms of Section 16(2)(o) of the By-Law for consent use to accommodate 10 holiday housing units, **not be approved** in terms of the provisions of Section 61 of the By-Law;
5. that the application for the determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law for the unauthorised land use and building work as stipulated, **not be exempted** from the payment of an administrative penalty in terms of Section 90(4) of the By-law
6. that the decisions in paragraphs 2, 3 and 5 above be subject to the following:
 - (a) that a detailed Site Development Plan be submitted for municipal approval within in 30 days of the final approval indicating the area, coordinates and extent of all existing and proposed land uses, buildings and structures and on-site parking provision in accordance with the Overstrand Land Use Scheme;
 - (b) that condition 2.(a) of the resolution of the Mayoral Committee dated 26 November 2008 be amended to read as follows:

that the resort be limited to the buildings, structures and land uses indicated on the Site Development Plan referred to in paragraph (a) above;
 - (c) that building plans be submitted to the Building Control Department for approval, within 90 days of the final decision and that all conditions of the Building- and Fire Departments be complied with at that stage;
 - (d) that in accordance with Section 90(4) of the By-law an administrative penalty of R259 800.00 + R38970.00 (VAT) be payable within thirty (30) days of the decision;
 - (e) that the development be implemented strictly in accordance with the provisions of the EA;
 - (f) that the screening between caravan/camping stands be restricted to natural hedges only;
 - (g) that the caravan/camping stands shall not be provided with any permanent/impermeable surfaces (such as concrete or pavers);
 - (h) that a soak-away sewage system would not be permitted;
 - (i) that the necessary approvals from Department of Water Affairs and Forestry is obtained, prior to the development of any hiking trails on the premises;
 - (j) that no form of off road tracks, 4 x 4 routes, quad biking and motorcycling tracks be permitted on the property;

- (k) that commercial rates and service tariffs as determined by the annual budget be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (l) that all the conditions of Eskom, Department of Transport and Public Works, Breede-Gouritz Catchment Management Agency, Heritage Western Cape, and CapeNature (attached as Annexures F-I and Annexure L), be complied with
 - (m) that all the conditions from Fire Services, Engineering Services and District Health and (attached as Annexures E, J and K), be complied with
 - (n) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (o) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
 - (p) that the use of the chalets indicated on the approved Site Development Plan, including chalets P15 to P24, be restricted to Holiday Accommodation in accordance with the Overstrand Land Use Scheme, 2020.
7. that the applicant and objector be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

11. REASONS FOR RECOMMENDATION

Reasons for approval

- ❖ Environmental Authorisation was granted.
- ❖ The proposed development complies with the applicable policy and forward planning documents.
- ❖ The proposed development is consistent with the planning principles in terms of LUPA and SPLUMA.
- ❖ The proposed development contributes to sustainable development and investment in the area whilst also providing additional employment opportunities.
- ❖ The development promotes tourism and economic development.
- ❖ The development via the implementation of mitigation measures will not unacceptably detract from the rural character of the area, heritage resources or the natural environment.
- ❖ The development will not adversely impact vested rights of adjoining property owners, subject to implementation of mitigation measures.
- ❖ The site layout was amended to ensure the development footprint avoids archaeological areas of significance.
- ❖ The unauthorised land use and buildings were developed without formal approval in terms of the By-Law and the National Building Regulations.
- ❖ The unauthorised buildings and land uses contravene the 2009 Planning approval and approved SDP.

Reasons for non-approval

- ❖ Alienation by means of sectional title division and fragmentation of ownership is not desirable due to the location of the property outside the urban edge, thereby not consistent with the SDF.
- ❖ Alienation and subdivision are not consistent with the Western Cape Rural Land Use Guidelines, 2019.

12. ANNEXURES

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Development Plan
Annexure D:	Environmental Authorisation, dated 28 November 2019
Annexure E:	Comment: Fire Services
Annexure F:	Comment: Eskom
Annexure G:	Comment: Department of Transport and Public Works
Annexure H:	Comment: Comment: Breede-Gouritz Catchment Management Agency
Annexure I:	Comment: Heritage Western Cape
Annexure J:	Services Report
Annexure K:	Comment: District Health
Annexure L:	Comment: CapeNature
Annexure M:	Comment: Department of Agriculture (Provincial)
Annexure N:	Response from applicant
Annexure O:	Environmental Management Plan
Annexure P:	Quantity Surveyor Report (QS Report)

SIGNATURES**AUTHOR:**

Name: **S VAN DER MERWE**

SACPLAN Reg No: **A/1850/2014**

Signature: _____

Date: _____

Introduction

1.1 Background

The subject property is Remainder Portion 23 of Farm Uylenkraal Nr 695, Division Caledon, generally known as Strandskloof Park. Approval was initially granted during 2009 to use a portion of this farm as a caravan park with the necessary ablution facilities etc. A further application was later submitted and approved to permit a function venue. The tourist related facilities are a major source of income given that the farm has very limited agricultural potential.

The owner has since expanded the resort unlawfully. He was sanctioned to rectify this matter and various discussions were held with officials of the municipality as well as the Department of Environmental Affairs and Development Planning (DEA&DP) in this respect. An application to obtain environmental authorisation has consequently been submitted by Cornerstone Environmental Consultants. This application is still in process and hence it was discussed with officials to delay the submission of the land use application pending progress with the particular application. Various specialist studies have since been conducted and it was deemed fit to also submit the land use application at this stage.

After discussions with officials of the municipality, it was agreed to apply for the rezoning of the entire area of the farm which is designated for the resort. As per the stipulations of the Zoning Scheme, the area was surveyed and clearly depicted on a zoning plan. The application will thus entail a split zoning of the property and not a cadastral subdivision. In the process, application is also made for the determination of a contravention penalty in order to address the unlawful building work and use of the property.

1.2 Brief and application

ATLAS Town Planning was consequently requested to prepare a land use application aimed at addressing the unlawful use of the property and to accommodate future expansion of the resort on a portion of Remainder Portion 23 of Farm Uylenkraal Nr 695, Division Caledon. The necessary power of attorney is attached to the application.

Application is herewith made:

- i) In terms of 16(2)(h) of the Overstrand Municipal Planning By-Law of 2015 for the amendment / removal of conditions imposed as per the decision of the Mayoral Committee dated 26 November 2008 pertaining to the restriction of the resort to 50 caravan stands as per the approved Site Development Plan at the time;
- ii) In terms of Section 16(2)(q) of the Overstrand Municipal Planning By-Law of 2015 for the determination of a contravention penalty pertaining to the unauthorised building work and land use on a portion of Remainder Portion 23 of Farm Uylenkraal Nr 695, Division Caledon;
- iii) In terms of Section 16(2)(a) of the same By-Law for the rezoning of a portion of Remainder Portion 23 of Farm Uylenkraal Nr 695, Division Caledon measuring approximately 14ha to Resort Zone, as depicted on the proposed Zoning and Site Development Plans.
- iv) In terms of Section 16(2)(o) of the same By-Law for a consent use to also permit 10 units for use as "Holiday housing", as depicted on the proposed Site Development Plan.

Property Details

2.1 Property Description

This application has bearing on Remainder Portion 23 of Farm Uylenkraal Nr 695, Division Caledon, Western Cape Province. The property measures 127.05ha and is registered in the names of *Lambert Hendrik & Isabel Helena Fourie*. The property is not encumbered by a bond. A copy of the title deed (T101637/2002) is attached to the application. The application involves the expansion of an existing use and it is evident that there aren't any restrictive title deed conditions pertaining to the current or intended use.

2.2 Locality

The subject property is located in the Franskraal area, approximately 5km off the R43 on the road leading to Baardskeedersbos. The resort is a well-known landmark in the

area and access to the property has been formalised with the name of the resort (Strandskloof Park) clearly visible from the adjacent road.

2.3 Existing land use and zoning

The property has a split zoning of Agricultural Zone 1 and Resort Zone in terms of the Overstrand Zoning Scheme Regulations. The use of the property dates back to 2009 when approval was granted to permit a caravan park with 50 stands with the necessary ablution and recreational facilities and the site being developed accordingly. Consent was later granted to also permit a function venue. The property is not actively farmed and alternative uses are limited to residential dwellings, outbuildings and sheds. The resort has essentially become the predominant land use and source of income and this application is directed at the area measuring +/-14ha as depicted on the proposed zoning plan as "Resort Zone".

The Site Development Plan depicts the current lawful use being the approved stands (50) and buildings in green, the unlawfully constructed cottages (8), kiosk (1) and ablution blocks (3) in orange as well the proposals to expand the number of stands (blue), cottages, ablution facilities and other complimentary uses (red).

2.4 Physical characteristics

The application has bearing on an area measuring +/-14 ha which equates to roughly 10% of the registered area of the farm. The remaining extent of the farm accommodates existing dwellings, sheds, outbuildings, Bloekom and Mirtel forests as well as an area previously used to mine sand. The farm has very limited agricultural potential and the resort has become the predominant land use.

The vegetation on the site can be classified as indigenous with heavy alien infestation. Albeit that the mapping of the area refer to traces of Overberg Sandstone Fynbos (critically endangered ecosystem) and Agulhas Limestone Fynbos (vulnerable ecosystem), historical photographs of the area shows open farmland and it is considered unlikely that any indigenous vegetation remained. A Milkwood forest is located on the northern portion of the resort. These trees are protected and there is no intention to have this area cleared due to the aesthetical value it adds to the resort.

The site shows no traces of any wetlands or watercourses even though it was mapped as such before. The explanations offered was that these areas were likely transformed in the past due to farming activities and the construction of the Baardskeedersbos Road prior to the development of the caravan park. The presence of vast areas of dense alien vegetation is likely to also have impacted on this.

The conservation status of the site is dealt with in detail in the ongoing application to obtain environmental authorisation for the proposed facility. The specialist studies suggest that the development proposal would not have a material impact on the existing vegetation and water sources.

2.5 Unauthorised use and building works

As stated before, the resort was initially approved as a caravan park with 50 stands and complimentary facilities such as ablution facilities and outdoor recreational areas. Approval was later granted to also permit a multi-purpose function venue to be used in conjunction with the resort. The owner has however expanded the resort over time without the necessary approvals. In this respect it should be stated that the rectification of this contravention is two-fold and includes both contraventions of the regulations issued in terms of the National Environmental Management Act (Act 107 of 1998) and the Overstrand Municipal Planning By-Law of 2015. The owners have commissioned both processes. The submission of the land use planning application with associated application for the determination of a contravention penalty in the terms of the By-Law had to be delayed pending the processing of the application in terms of NEMA.

The Overstrand Municipal Planning By-Law is prescriptive w.r.t timelines for the submission of such applications and when fines determined would be payable. As stated, it was discussed with officials to hold back the By-Law application pending adequate progress with the NEMA application.

The nature of the contraventions relates to both unauthorised use and building works. Approval was initially granted for a caravan park with 50 stands and the current number of stands are 95. The success with the caravan park resulted in a growing demand for alternative accommodation types. Prompting the owners to introduce cottages. In total, 8 cottages, a kiosk and 3 additional ablution blocks have since been constructed without planning or building department approval. The position and sizes of the

respective buildings are clearly shown on the Site Development Plan with the total square metres for unauthorised building works amounting to 1154m².

In terms of the By-Law, the following information should be provided to assess the penalties to be imposed:

- a) Nature, duration, gravity and extent of the contravention
 As per the information provided above, the resort was expanded from the approved 50 caravan stands to 95 stands and the introduction of new cottages, a kiosk and 3 new ablution blocks amounting to 1154m². It is difficult to determine exactly when these improvements became fully functional, but is estimated to have happened over the last 5 years. The contravention relates to both the construction as well as use of these facilities.
- b) The conduct of the person (allegedly) involved in the contravention
 The property is owned by Lambert Hendrik & Isabel Helena Fourie and to our knowledge neither has been found guilty of contravention the By-Law in the past. They are regarded as valuable members of the society and have been making a positive contribution to the local economy over the years.
- c) A report by a quantity surveyor in matters of unauthorised building / construction
 The report is still outstanding and will be provided in due course. The building works relate to 1154m² and it should be noted that the works were carried out on the principle of "owner/builder". It is thus not reasonable to apply generally accepted market rates and hence the report has not been finalised.
- It is very difficult to determine the value of the unauthorised use. One measure would be the size of the unauthorised use in relation to the property. The total unauthorised building works and additional camping sites for which approval has not been granted would roughly equate to 2000m² which in the context of a 120ha farm amounts to less than half a percentage. The municipal valuation of the property is indicated as R4,67m. It is proposed that the contravention be considered holistically.
- d) Whether the unauthorised conduct has stopped
 The constructed buildings have not been demolished nor have the operations of the resort stopped / reverted back to the approved 50 caravan stands. The resort, like

many businesses in the area, is still recovering from the impacts of the hard lockdown and relies on this income to be economically sustainable.

e) Whether the person allegedly involved in the contravention has previously contravened this By-Law or a previous planning by-law

As stated, the owners have to our knowledge not previously contravened the current or previous planning By-Laws. The actions of the owners to proceed with these expansions prior to obtaining the necessary approvals cannot be condoned. It is however imperative to also give consideration that the resort is the primary source of income. Tourism is a major contributor to the local economy and the resort expanded a lot quicker than what was initially envisaged. Strandskloof Park is a very well-known resort that attracts tourists from all parts of the country due to the level of service offered. The owners are desirous to address the wrong doings of the past and would like to obtain all relevant approvals to ensure that this landmark will be an asset for the greater Overstrand region for years to come. Building plans have been drawn up for all the unauthorised structures and will be submitted for approval once this application is finalised.

Planning context

3.1 Surrounding land uses

The subject property is generally surrounded by Agricultural Zoned properties. Albeit undeveloped to date, it appears that the property to the north is also earmarked for resort style accommodation within a nature reserve. This type of development is indicative of areas where the natural habitat is not conducive for bonafide agricultural use.

3.2 Existing forward planning and policy frameworks

The Overstrand Spatial Development Framework is applicable to this area. Other relevant forward planning and policy frameworks are the Western Cape Rural Land Use Guidelines 2019, the Environmental Management Framework and the fact that the property is located in a Heritage Protection Overlay Zone: Scenic Route.

The SDF is used as a guide for appropriate use of land within the boundaries of the Overstrand Municipality. The SDF places a lot of emphasis on the existing residential

nodes within the Overstrand Municipal area ranging from Rooi-Els to Pearly Beach. The SDF is less direct pertaining to the objectives for the rural areas albeit that it acknowledges the contributions with respect to sustainable agriculture and the preservation of the unique environmental characteristics of the area.

The SDF goes as far as to state that *"Overstrand's economy and ecology are inseparable and the natural environment is widely regarded as the region's single largest asset"*. The area leans very heavily on tourist related activities and it is therefore imperative that the scale and built form of such facilities is consistent with the character of the area. Various resorts are situated in the Overstrand region and Strandskloof Park is located in close proximity of quite a few of these, most noticeably the Uitenkralsmond Resort situated approximately 5km to the south.

The SDF has identified the following strategic objectives when it comes to tourism:

- i) *Overstrand to maintain and strengthen its tourism sector*
- ii) *Ensure that tourism destinations are accessible, safe and attractive by means of maintaining and developing new facilities*

The application is aimed at addressing the unauthorised land use and building works and this will allow the municipality the opportunity to manage the use whilst it is further aimed at making provision for future expansion. The application is therefore believed to be aligned with the relevant forward planning frameworks and policies and general objectives for the area.

The Western Cape Rural Land Use Guidelines 2019 forms part of the Provincial Spatial Development Framework with the key objective being to promote sustainable development in rural areas. The document provides guidelines w.r.t land uses in the rural zone and addresses in particular tourist related facilities and accommodation in this zone as a means to diversify farming income. It is imperative that such land uses should not:

- *have a significant negative impact on biodiversity, ecological system services or the coastal environment;*

- *lead to the loss or alienation of agricultural land or has a cumulative impact there upon;*
- *compromise existing or potential farming activities;*
- *compromise the current and future possible use of mineral resources;*
- *be inconsistent with the cultural and scenic landscape within which it is situated;*
- *lead to inefficient service delivery or unjustifiable extensions to the municipality's reticulation networks;*
- *impose real costs or risks to the municipality delivering on their mandate; and*
- *infringe on the authenticity of the rural landscape.*

The opinion is held that this application is generally aligned with the objectives of the particular forward planning policy.

This application process runs parallel with an application in terms of the National Environmental Management Act and various studies and reports have been conducted in this respect. Environmental Management aspects are thus dealt with extensively and this includes the impact on heritage. The appointed heritage consultant has concluded that this application will not have any material heritage impact. Albeit that the property is located in an overlay zone (Scenic Route), the consultant is of the opinion that the proposed expansion of the resort will not have a material impact on the contextual landscape given that there is an existing impact. The relevant reports will be made available.

3.3 Legal aspects

Land Use applications are dealt with in accordance with the Land Use Planning Act (Act 3 of 2014), the Spatial Planning and Land Use Management Act of 2013 and consequent Municipal Planning By-Laws. Application is made in terms of Sections 16(2)(a), (h), (o) and (q) of the Overstrand Municipal Planning By-Law of 2015.

The application triggers listed activities in terms of the National Environmental Management Act (Act 107/1998) and an application to obtain environmental authorisation has been submitted to the Department of Environmental Affairs and

Development Planning. This application deals with both the unlawful commencement of activities as well as the authorisation sought to expand the resort. The relevant consultants has also engaged with Heritage Western Cape to ensure compliance with the regulations issued in terms of the National Heritage Resources Act (Act 25 of 1999).

4. **Development Proposal**

The proposed resort covers an area of +/-14 ha. It should be stated that this does not refer to clearance of a new site for this use – the resort is existing and the future expansion is all planned within an already disturbed portion of the farm. The 14ha area essentially outlines the existing area leading from the road to the southern-most part of the resort. The internal road network is existing whilst the lawned areas have been cleared over the years. The intention is to apply for a split zoning in order to accommodate all the resort related uses in a predefined portion on the property. The area has been surveyed and is depicted on both the proposed zoning plan and site development plan.

The existing approval provides for 50 caravan stands with ablution facilities, internal road network, outdoor recreational areas as well as a multi-purpose function hall. The report has already dealt with unlawful expansion of the resort which includes additional stands, 8 cottages, 3 ablution facilities as well as a kiosk. The resort has expanded rapidly over the past few years. The intention is therefore to allow for future expansion in terms of both caravan stands and cottages for short term rental.

The SDP depicts the various scenarios, being existing and approved buildings and stands, unauthorised buildings as well as future additions. It is the intention to obtain land use rights for the expansion of the resort from 50 stands, ablution facilities and a multi-purpose function hall to:

- 95 camping sites
- 42 cottages (10 to be used a Holiday Housing)
- 5 ablution blocks
- expansions to existing multi-purpose hall
- associated recreational facilities including kiosk, putt-putt course, swimming pool, outdoor recreational areas, office, staff accommodation and internal road

network

Building plans will be submitted for all structural elements and will be generally in accordance with the proposals as per the Site Development Plan. It must however be noted that the SDP depicts to total extent of the resort after all the potential future expansions. After due consideration, it was decided to earmark 10 of the proposed cottages as "Holiday Housing". These units are depicted on the proposed Site Development Plan as P15 – P24 and is situated along the southern portion of the resort. The number of units do not exceed the permissible parameters and is regarded as an alternative accommodation type to enable longer periods of occupancy and the potential to be alienated on a sectional title basis. The units are however still viewed as an integral part of the resort.

It is not possible to predict at this stage when exactly the full potential of the resort will be achieved. The SDP provides for amongst others future extensions to the existing venue. It is not the intention for the building to accommodate more people for events, but to increase the floor space in order to provide for indoor recreational facilities such as table tennis courts, pool tables and the like for use by residents during inclement weather and thus making sure that the resort caters for all seasons. The extensions are shown on the SDP to provide for this, but formal building plans will be submitted at the time.

It is envisaged that the resort will in particular be in operation over weekends and holiday periods. Given that the resort has been operating on a limited scale, it is safe to assume that the use and associated impacts are known to in particular those who may be affected by it. In this respect it should be stated that the resort is well managed and have not been the cause of a nuisance to anyone concerned.

4.1 Socio - Economic Impact

Socio-economic impact assessment focuses on evaluating the impacts of a proposed development or land use on the community's social and economic well-being. The proposed use is aligned with the tourism sector and in particular short term, holiday accommodation. The development proposal is further aligned with the Overstrand Spatial Development Framework's objectives of maintaining and developing tourist facilities, largely due to the positive overall economic impact of these uses on the

region as a whole. The area has a real problem with unemployment and the spin-offs not only in terms of employment at the resort, but also the associated shops / restaurants / tourist attractions etc. is considerable. It should be noted that the resort initially provided employment for about 3 – 4 employees, being a manager and general labour. It is envisaged that the number of people employed will gradually increase to beyond 20 employees ranging from a manager, office staff, maintenance manager, cleaners and general labour. Whilst this does not seem like a large number, one should take cognisance of the economic injection this provides. The employees all have extended families / dependants and employment offers the opportunity to plough back into the local economy.

The increased land use rights will also result in financial gain for the municipality w.r.t future property rates and taxes. All of the above will be achieved without having an adverse effect on the overall social and economic well-being of residents in the area.

4.2 Safety, health and well-being of surrounding community

The subject property is located in a rural setting on a property measuring in the extent of 130ha. The nearest property is separated by a major road. The property has been used as a resort for many years and the access arrangement and general use is known to those affected by it. The application relates to the expansion of this resort in future and to legalise certain unlawful activities. The process is ongoing but to date all specialist studies suggests that the development will not have an adverse impact. The resort is well managed and future development will also be done in a manner which will ensure that it does not negatively impact on the safety, health or general well-being of the surrounding community. The property is very big and development can easily take place within the prescribed development parameters.

4.3 Consistency w.r.t surrounding land uses

As stated, the property is located in a rural setting with mostly agricultural zoned properties surrounding it. An environmentally sensitive area is located on the opposite side of the Baardskeerdersbos Road and it appears that certain stands have been reserved within this area for resort style accommodation. In view of the aforementioned, the proposed use is deemed compatible with surrounding land uses.

4.4 Traffic and Parking

The property is located approximately 5km north of the R43 in the direction of Baardskeerdersbos. Access has been formalised with the entrance gate positioned approximately 50m from the shoulder of the road and offering good sight distances in both directions. The application is for the expansion of the existing resort which functions predominantly over weekends and holiday periods, thus not in the general peak hours. A traffic impact statement or study were not deemed necessary given the location of the property, the adequate sight distances and the fact that more than adequate stacking is available on-site to not have any impact on the external road network.

The resort has been functioning with a 5m internal road network for some time and parking is available on every individual stand. Large lawned areas are available to accommodate any overflow parking or for use at the function venue. With the approval of the function venue, it was illustrated that at least 40 parking bays could be provided for this venue and this can easily be increased if need be.

It is a safe statement to make that the +/-14ha site once fully developed can accommodate 95 camping sites, 42 cottages and a multi-purpose function hall with the required on-site parking. The venue are in most instances used by holiday makers whom then too make reservations at either the camping site or cottages. It should also be borne in mind that holiday makers generally make use of 1 vehicle per stand and the expected traffic and parking impacts even in peak season is not expected to be significant in the context of the larger road network.

4.5 Engineering Services

Bart Senekal Consulting Engineers was appointed to report on engineering services. The detailed report is attached to the application. The conclusions of this report is as follows:

Water supply

The demand for potable water was calculated at 42.4 kl.day.

No bulk water infrastructure of the Overstrand Municipality exists near the property and the development will be serviced with water from boreholes and fountains on the property. Water is treated to meet SANS 241 Drinking Water Quality Standards and

the test results attached to the report supports this. In addition, the property has a 30kl/month allocation on the Kraaibos Dam watermain which traverses the property.

Sewage

The demand was calculated at 42,4kl/day.

No bulk water infrastructure exists and the development will be served by means of conservancy tanks emptied by the Overstrand Municipality sewage tanker service. The report recommends that this arrangement be kept in place.

Electricity

The report did not deal with electricity services. It was however noted before that Eskom is the service provider. The development also make use of gas installations as primary source of energy. The owner has further introduced measures to become less dependent from the existing electricity network and hence no problems are envisaged in this respect.

It was therefore concluded that the proposed development can be supported from an engineering point of view.

4.6 Heritage Impact

It is not believed that this application will have any heritage impact. The relevant department has however been notified about the proposed development as part of the process to obtain environmental authorisation. A Heritage Consultant was approached to assist with this matter and the report concludes that the application will not have any material heritage impact.

4.7 Environmental Impact

The proposed development trigger listed activities as issued in terms of the National Environmental Management Act (Act 107/1998). Cornerstone Environmental Consultants was appointed to deal with this as well as the necessary application regarding unlawful activities conducted without prior consent. To date, various specialist studies have been concluded and these suggest that the proposed development will not have an adverse impact on the environment. This process is however ongoing and requires further public consultation. The Record of Decision

from the Department of Environmental Affairs and Development Planning will be made available once issued.

4.8 Compliance with other legislation

It was stated earlier in the report that the application has bearing on various legislative requirements. Notwithstanding the information in this report, it is also important to refer to in particular the decision making criteria as stipulated in terms of Section 42 of the Spatial Planning and Land Use Management Act of 2013.

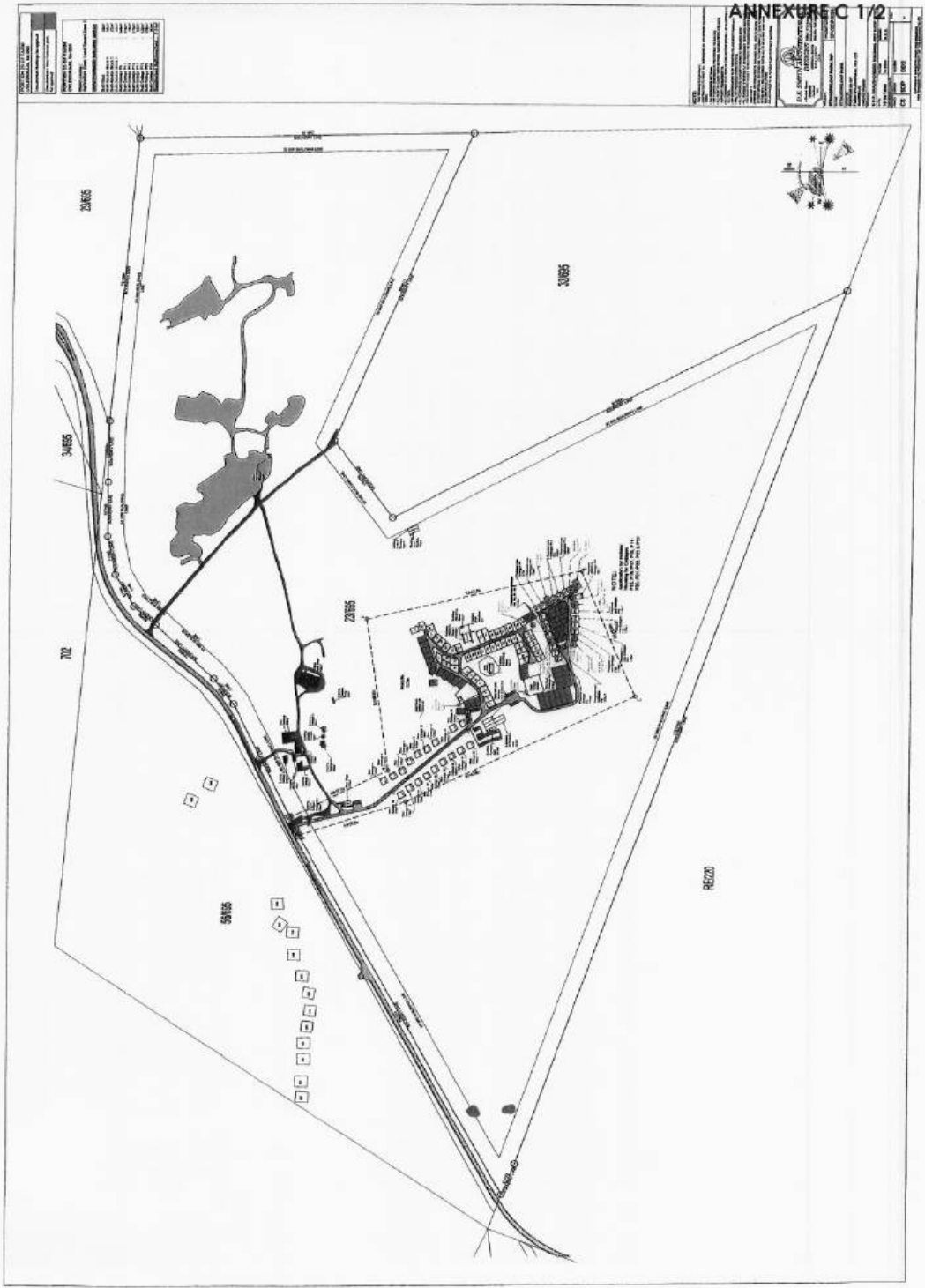
It can be surmised that:

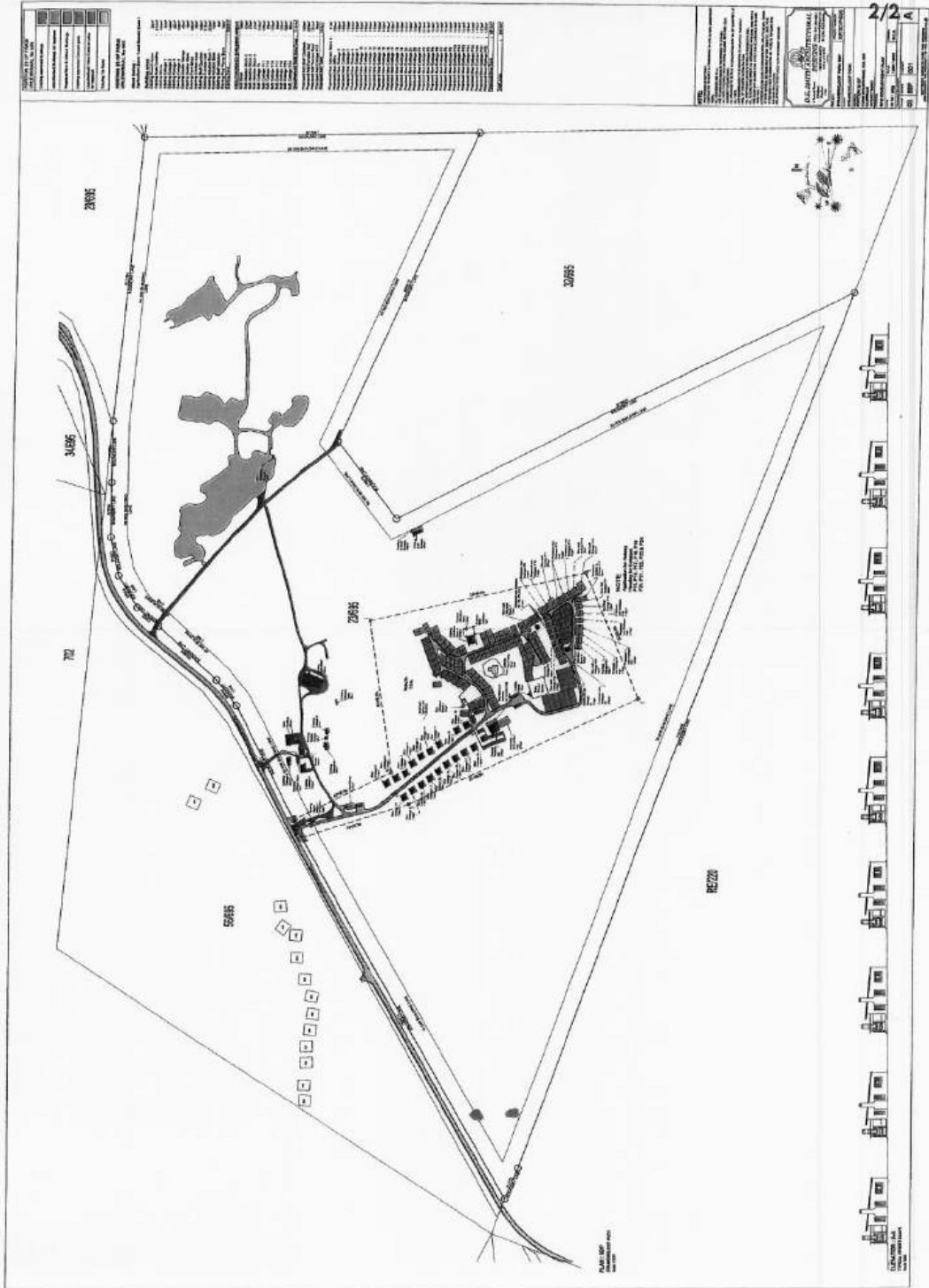
- The application to permit the expansion of the Strandskloof Park resort will not have any negative impact on the welfare or well-being of the general public. The property is fairly isolated and the proposed activities, even at larger scale, is not expected to impact on the neighbours. The development is however expected to benefit the greater community given that the area relies heavily on tourism.
- The process being followed is transparent and relevant information is available in the application documents. The planning history of the property and related information is clear and the same applies to the objectives and motivation for the application.
- The application will have no material impact on the rights of property owners in the immediate area. Any obligations resulting from this application will rest with the municipality and the owner insofar as these have bearing on the processing of the application and fulfilment of requirements pertaining thereto.
- The principle of a resort at the proposed location was assessed before and this application relates to the scale / expansion of the resort. It is apparent that the development can be accommodated from an infrastructure point of view and given that most of the services are privately provided, it is conceded that the development is not likely to impact significantly on the infrastructure network.

5. **Conclusion**

Strandskloof Park is a well-established resort and has been a great attraction and asset to Gansbaai and surrounds. The actions of the owners to expand the resort without prior consent cannot be condoned. They have since complied with requests to address the situation and the necessary studies and applications have been instigated. It has been a lengthy process to date and they are eager to have the matter resolved. The owners therefore appeal to the municipality to be considered when assessing this part of the application.

The opinion is held that the proposed development will not have any negative impact on surrounding properties and that all technical requirements can be met. The proposal is deemed to be consistent with the relevant forward planning policy and objectives for the area. It is therefore trusted that this application will receive the necessary support.







Western Cape
Government

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Rectification
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24G Application: 14/2/4/2/2/E4/5/0004/22

ENVIRONMENTAL AUTHORISATION

The Owner
PO Box 141
GANSBAAI
7220

Email: fourie@strandskloofpark.co.za

Attention: Mr. Lambert Hendrik Fourie

Dear Sir

APPLICATION IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA"): THE UNLAWFUL CLEARANCE OF INDIGENOUS VEGETATION AND COMMENCEMENT OF THE EXPANSION OF A RESORT AND THE ADDITIONAL DEVELOPMENT AT STRANDSKLOOF PARK, THE REMAINDER OF PTN 23 OF FARM NO.695, CALEDON

With reference to your application dated 30 March 2022 in terms of section 24G of the NEMA for the consequences of unlawful commencement of listed activities identified in terms of the NEMA, find below the decision in respect of your application.

A. DECISION

By virtue of the powers conferred by section 24G of the NEMA and the *Environmental Impact Assessment Regulations, 2014* ("EIA Regulations, 2014") (as amended), the competent authority herewith **grants environmental authorisation** to the applicant to continue with the listed activities specified in Section C below in accordance with the preferred Alternative as described in the application and environmental assessment dated 30 March 2022.



The granting of this Environmental Authorisation is for the continuation, conducting or undertaking of the listed activities as described in Section C below and is subject to compliance with the conditions set out in Section G. This Environmental Authorisation shall only take effect from the date on which it has been issued.

The Environmental Authorisation does not exempt the holder thereof from compliance with any other applicable legislation.

B. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

c/o Mr. Lambert Hendrik Fourie

P.O. Box 141

GANSBAAI

7220

Tel: (076) 101 3251

Email: fourie@strandskloofpark.co.za

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "the holder".

C. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
<p>Government Notice No. R546 of 18 June 2010 –</p> <p>Activity Number: 6</p> <p>Activity Description: <i>The construction of resorts, lodges or other tourism accommodation facilities that sleep 15 people or more.</i></p> <p><i>In Western Cape:</i></p> <p><i>All areas outside urban areas.</i></p>	<p>The initially constructed resort offered facilities for more than 15 people and falls outside an urban area. The resort entailed at least four (4) chalets and more than fifty (50) caravan stands. The activity commenced in 2011.</p>

<p>Government Notice No. R. 983 of 4 December 2014</p> <p>Activity Number: 27</p> <p>Activity Description: <i>The clearance of an area of 1 ha or more, but less than 20 ha of indigenous vegetation.</i></p> <p><i>"Indigenous vegetation" refers to vegetation consisting of indigenous plant species occurring naturally in an area, regardless of the level of alien infestation and where the topsoil has not been lawfully disturbed during the preceding ten years.</i></p>	<p>The expansion of the resort resulted in the clearing of an area of at least 1.37 ha highly degraded, but mapped as, indigenous vegetation, and later in 2019 and onwards, ± 0.9 ha was also cleared. A total area of ± 2.3 ha was cleared within an expanded resort area of ± 2.5 ha. This triggered the "Phased Activities" listed activity (GN R 327 Activity 67).</p>
<p>Government Notice No. 984 of 4 December 2014 -</p> <p>Activity Number: 17</p> <p>Activity Description: <i>The expansion of a resort, lodge, hotel and tourism or hospitality facilities where the development footprint will be expanded.</i></p> <p><i>(f) In Western Cape:</i></p> <p><i>i) A protected area identified in terms of the NEMPAA;</i></p> <p><i>ii) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</i></p> <p><i>or</i></p> <p><i>iii) All areas outside urban areas.</i></p>	<p>The additional area to the south of the resort (which is located outside an urban area) was a development footprint expansion, and therefore this listed activity required prior authorisation. Eight (8) chalets were constructed, and more caravan stands were added, within a ± 1.37 ha area.</p> <p>Later, since 2019 and onwards, the resort footprint was further expanded by ± 0.9 ha, making the total expanded area ± 2.5 ha. This might have triggered the "Phased Activities" listed activity (GN R 327 Activity 67).</p>
<p>Government Notice No. 327 of 7 July 2017 -</p> <p>Activity Number: 67</p> <p>Activity Description: <i>Phased activities for all activities—</i></p> <p><i>(i) listed in this Notice, which commenced on or after the effective date of this Notice</i></p>	<p>The resort was further expanded to the south of the resort by adding a road loop and by clearing areas of vegetation (± 0.9 ha). The total expansion, which started in 2015/2016 totalled an area of ± 2.5 ha. No</p>

<p>or similarly listed in any of the previous NEMA notices, which commenced on or after the effective date of such previous NEMA Notices.</p> <p>[Where any phase of the activity may be below a threshold but where a combination of the phases, including expansions or extensions, will exceed a specified threshold.] Exclusions to this activity is not applicable.</p>	<p>additional accommodation units have been constructed in this expanded area.</p>
<p>Government Notice No. 324 of 7 July 2017 - Activity Number: 17</p> <p>The expansion of a resort, lodge, hotel, tourism or hospitality facilities where the development footprint will be expanded and the expanded facility can accommodate an additional 15 people or more.</p> <p>i. Western Cape</p> <p>i. Inside a protected area identified in terms of NEMPAA;</p> <p>ii. Outside urban areas;</p> <p>(aa) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; or</p> <p>(bb) Within 5 km from national parks, world heritage sites, areas identified in terms of NEMPAA or from the core area of a biosphere reserve; -</p> <p>excluding the conversion of existing buildings where the development footprint will not be increased.</p>	<p>The combined actions of the expansion of the resort footprint in 2019 and onwards, as well as the proposed additional chalets (33) and caravan stands (10) that will accommodate more than 15 people, will trigger this listed activity, as the site falls outside an urban area, within 3.5 km from the Uilkraalsmond Nature reserve located south of the site and the Grootbos Private Nature reserve located 3.2 km north-west of the development site.</p>

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

D. PROPERTY DESCRIPTION AND LOCATION

The listed activities commenced on the remainder of Portion 23 of Farm No. 695, Caledon.

The SG digit code is: C0130000000069500023

The co-ordinates for the property boundary are:

Point	Latitude (S)	Longitude (E)
1	34° 34' 53.47" South	19° 26' 01.44" East
2	34° 35' 13.83" South	19° 27' 08.51" East
3	34° 34' 45.14" South	19° 26' 55.14" East
4	34° 34' 51.12" South	19° 27' 19.44" East
5	34° 34' 31.57" South	19° 27' 19.32" East
6	34° 34' 31.25" South	19° 26' 43.59" East

Refer to Annexure 1: Locality Plan and Annexure 2: Site Plan.
Herein-after referred to as "the site/development footprint".

E. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

Cornerstone Environmental Consultants (Pty) Ltd

c/o Mr Pieter de Villiers

PO Box 12606

DIE BOORD

7613

Tel: (021) 887 9099

Fax: (086) 435 2174

Email: pieter@cornerstoneenviro.co.za

F. DETAILS OF THE ACTIVITY/IES UNDERTAKEN

Strandskloof Park was originally, pre-2008, zoned as agricultural land, and contained a farmhouse complex with its ancillary outbuildings and stores, and was used as a farming entity with the dominant uses being the cultivation of fynbos vegetation and keeping cattle and horses.

The Applicant, after rezoning the property and acquiring the necessary municipal authorisations and permissions from the Overstrand Local Municipality in 2009, established a caravan park / resort (Strandskloof Park). The approved facilities did not require Environmental Authorisation (EA) in terms of the *Environmental Impact Assessment (EIA) Regulations* that was relevant at that time (*EIA Regulations of 2006, GN No. R. 386 and 387 of 2006*).

The resort, which covered an area of ± 8 ha, was however only established during 2011, which was after the promulgation of the EIA Regulations of 2010, and as a result, triggered a listed activity. After this, the resort was expanded during 2015/2016 to the south-east by adding additional caravan stands, ablution facilities and chalets, extending the development footprint by ± 1.37 ha. This triggered listed activities in terms of the *EIA Regulations of 2014 (GN No. R. 983 and 985 of 2014)*.

In 2020 the resort's development footprint was further expanded to the south by clearing an area of ± 0.9 ha, adding more recreational areas and a road loop. Due to the nature of the vegetation and the size of the area that was cleared, this activity did not trigger listed activities in terms of the EIA Regulations of 2017 relating to vegetation clearing. The total expanded area of the resort is ± 2.5 ha. The resort currently holds approximately 60 caravan / camping stands, 5 ablution blocks and 12 chalets.

Due to the ongoing demand, the Applicant proposes to further develop the Strandskloof Park Resort by adding thirty-three (33) additional chalets and ten (10) caravan stands. The proposed additional accommodation features, plus the resort footprint that was expanded since 2020, will trigger a listed activity in terms of the current EIA Regulations.

G. CONDITIONS OF AUTHORISATION

The following are conditions of authorisation that are set and must be implemented for this Environmental Authorisation.

PART I**Scope of authorisation**

1. The holder is authorised to undertake the listed activity/ies specified in Section C above in accordance with and restricted to the preferred alternative described in the application and assessment report dated 30 March 2022 on the site as described in Section D above.
2. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
3. Any changes to, or deviations from the scope of the alternative described in Section F above must be accepted or approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

PART II**Written notice to the competent authority**

4. Seven (7) calendar days' notice, in writing, must be given to the competent authority before continuation of commencement of the development activities.
 - 4.1 The notice must make clear reference to the site details and 24G Reference number given above.
 - 4.2 The notice must also include proof of compliance with the following condition:
Condition 5

PART III**Notification and administration of an appeal**

5. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision—
 - 5.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 5.1.1 the outcome of the application:

- 5.1.2 the reasons for the decision as included in Annexure 3;
 - 5.1.3 the date of the decision; and
 - 5.1.4 the date when the decision was issued.
- 5.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the *National Appeals Regulations, 2014* detailed in Section I below.
- 5.3 draw the attention of all registered I&APs to the manner in which they may access the decision.
- 5.4 provide the registered I&APs with:
- 5.4.1 the name of the holder (entity) of this Environmental Authorisation;
 - 5.4.2 name of the responsible person for this Environmental Authorisation;
 - 5.4.3 postal address of the holder;
 - 5.4.4 telephonic and fax details of the holder;
 - 5.4.5 e-mail address, if any, of the holder; and
 - 5.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the *National Appeal Regulations, 2014*.
6. The listed activities, including site preparation, may not commence within 34 (thirty-four) calendar days from the date of issue of this Environmental Authorisation. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

PART IV

Management of the activity/development

7. The draft Environmental Management Programme ("EMPr") dated October 2021 compiled by Cornerstone Environmental Consultants and submitted as part of the application for environmental authorisation is hereby approved and must be implemented.
8. The EMPr must be included in all contract documentation for all phases of implementation.

PART V**Monitoring**

9. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") before continuation of commencement of any land clearing or development activities to ensure compliance with the EMPr and the conditions contained herein.

10. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activities and must be made available to anyone on request.

11. Access to the site referred to in Section D must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

PART VI**Auditing**

12. In terms of regulation 34 of the *EIA Regulations, 2014* the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the competent authority upon receiving such request in writing from the competent authority. The Audit Report must be prepared by an independent person and must consider all the information required in Appendix 7 of the *EIA Regulations, 2014*.

PART VII**Activity/ Development Specific Conditions**

13. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include: meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts and bone remains; structures and

other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

14. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
15. No further expansion of the development footprint, as per the approved site layout plan (Annexure 2), should occur on site without prior environmental authorisation from the relevant competent authorities.

H. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition or term of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. The holder must submit an application for amendment of the Environmental Authorisation to the competent authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the *EIA Regulations, 2014* must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the competent authority must only be notified of such changes.

4. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr must be done in accordance with regulations 35 to 37 of the *EIA Regulations, 2014* or any relevant legislation that may be applicable at the time.

I. APPEALS

Appeals must comply with the provisions contained in the *National Appeal Regulations, 2014*.

1. An appellant (if the holder) must –
 - 1.1 submit an appeal in accordance with regulation 4 *National Appeal Regulations, 2014* to the Appeal Administrator and a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder was notified by the competent authority of this decision.
2. An appellant (if NOT the holder) must –
 - 2.1 submit an appeal in accordance with regulation 4 *National Appeal Regulations, 2014* to the Appeal Administrator, and a copy of the appeal to the holder, any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder notified the registered I&APs of this decision.
3. The holder (if not the appellant), the decision-maker, I&APs and Organ of State must submit their responding statements, if any, to the Appeal Authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. This appeal and responding statement must be submitted to the address listed below -

By post:	Attention: Marius Venter Western Cape Ministry of Local Government, Environmental Affairs & Development Planning Private Bag X9186, Cape Town, 8000; or
By facsimile:	{021} 483 4174; or
By hand:	Attention: Mr Marius Venter (Tel: 021-483 3721) Room 809, 8th floor Utilitas Building 1 Dorp Street, Cape Town, 8000; or
By e-mail:	DEADP.Appeals@westerncape.gov.za

Note: You are also requested to submit an electronic copy (Microsoft Word format) of the appeal and any supporting documents to the Appeal Administrator to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.

5. A prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority/ at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

J. CONSEQUENCES OF NON-COMPLIANCE WITH CONDITIONS

Non-compliance with a condition or term of this Environmental Authorisation or EMPr may result in suspension or withdrawal of this Environmental Authorisation and may render the holder liable for criminal prosecution.

K. DISCLAIMER

The Western Cape Government, appointed in terms of the conditions of this Environmental Authorisation, shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Yours faithfully

Zaidah Toefy Digitally signed by Zaidah Toefy
Date: 2022.10.25 15:27:57 +02'00'

ZAIDAH TOEFY
ACTING DIRECTOR: ENVIRONMENTAL GOVERNANCE

Copied to:

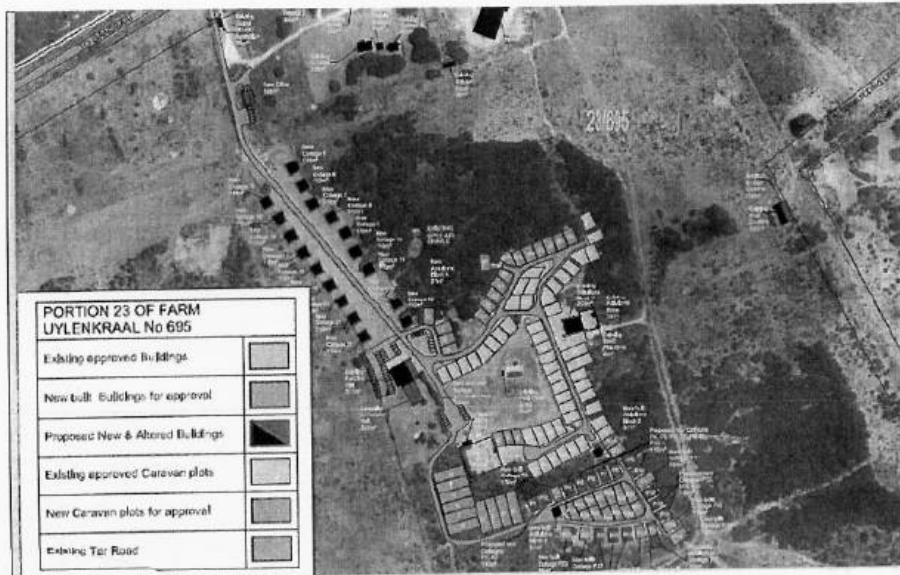
(1) Pieter de Villiers (EAP)

Email: pieter@cornerstoneenviro.co.za

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE PLAN



FOR OFFICIAL USE ONLY:**S24G REFERENCE:** 14/2/4/2/2/E4/5/0004/22**ANNEXURE 3: REASONS FOR THE DECISION**

This Environmental Authorisation is in respect of the consequences of commencement of the afore-mentioned illegal activities. An Environmental Assessment Practitioner ("EAP") was appointed to submit a section 24G Environmental Impact Assessment ("EIA") to the Department to obtain this Environmental Authorisation. The EIA was considered adequate for informed decision-making. In addition, the holder paid an administrative fine of R10 000 (Ten thousand Rand) to meet the requirements of section 24G of the *National Environmental Management Act, 1998* ("NEMA").

In reaching its decision, the competent authority, *inter alia*, considered the following:

- a) The section 24G application dated 30 March 2022 with supporting environmental impact assessment and mitigation measures.
- b) Public participation conducted for the application by the Environmental Assessment Practitioner.
- c) The Environmental Management Programme dated October 2021 submitted for the application.
- d) Relevant information contained in the Departmental EIA Guideline and Information Document Series (March 2013), including, the Guidelines on Need and Desirability, Public Participation and Alternatives.
- e) The site inspection conducted on 25 April 2022, attended by officials of the Directorate: Environmental Governance.
- f) The comments received from Interested and Affected Parties ("I&APs") and the responses provided thereto.
- g) The sense of balance of the negative and positive impacts and proposed mitigation measures.

All information presented to the competent authority was taken into account in the consideration of the application for environmental authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision is set out below.

1. Public Participation Process

In terms of section 24G(1)(vii)(dd) of the NEMA, "...a description of the public participation process followed during the course of compiling the report, including all comments received from interested and affected parties and an indication of how the issues raised have been addressed ...", is required.

The public participation process conducted by the EAP comprised of the following:

- identification of and engagement with I&APs.
- fixing a notice board at the site where the listed activities unlawfully commenced on 14 February 2021.
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities were undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 21 January 2022.
- the placing of a newspaper advertisement in the **Hermanus Times** on 10 March 2021.
- I&APs were afforded the opportunity to provide comments on the application.

An I&AP, Mr Francois le Roux, director of Mystic Pearl 133 (Pty) Ltd the owner of the farm Duinefontein which is adjacent to Strandskloof requested clarity on the s24G application process.

Consultation with organs of state in terms of section 24O of the NEMA

The following organs of state provided comment on the application:

- Overberg District Municipality (ODM)
- CapeNature (CN)
- Heritage Western Cape (HWC)

The Environmental Management Services Department of the Overberg District Municipality (ODM) stated that they had taken cognisance of the NEMA: Section 24G Report.

The ODM indicated their support of the mitigation measures as described in the specialist's reports which included:

- 1) No further expansion of the development footprint.
- 2) The protection of the Milkwood tree forest from any development.
- 3) The implementation of an alien vegetation management plan that includes initial and follow-up clearing.

CapeNature (CN) confirmed that the only section which consists of natural vegetation is the milkwood (*Sideroxylon inerme*) forest patch which was retained. It is however noted that a section of the milkwood forest was cleared for the open-air chapel as mapped on the spatial development plan (SDP) and visible on CapeFarm Mapper and Google Earth. The applicant indicated that only invasive plants, including Australian myrtle (*Leptospermum laevigatum*) and Rooikrans (*Acacia cyclops*), were removed in order to clear an area to be used as the open-air chapel, and that no milkwood trees were harmed or removed.

Apart from the milkwood forest as referred to above, CN agrees with the determination that no listed activity was triggered for clearing of indigenous vegetation for the establishment of the resort, and also applies to the expansion which has not yet taken place.

Although there is a wetland mapped within the footprint of the resort, no freshwater ecology impact assessment has been undertaken. The terrestrial biodiversity impact assessment indicates that the area mapped as wetland does not exhibit any wetland features and was transformed through historical farming activities. Further confirmation is required whether the furrow would have triggered Listing Notice 1 Activity 19 for infilling or excavation of more than 10 m³ of material from a watercourse. The presence of a watercourse currently and historically should be determined by a freshwater ecological specialist. Diversion of a watercourse is not included within the NEMA listed activities however this does require authorisation in terms of the *National Water Act, 1998 (Act 38 of 1998)*.

The EAP indicated that the channelling of the furrow is shown to be as a result of the provincial road, which was established before 2006, and later tarred (before 2012) by the Department of Transport and Public Works. It is therefore concluded the construction of the road is irrelevant to the Section 24G Application. It is, however, relevant to note that even before the provincial road was constructed, agricultural activities were evident in that area, and also, that the furrow leads water away from the resort development. Management of alien and invasive species is a requirement of all landowners in terms of the *Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983)* (CARA) and the *National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004)* (NEM:BA) Alien and Invasive Species Regulations. An alien and invasive management plan would be beneficial and comply with this legislation and can be considered within the mitigation for the unlawful activities.

A Notice of Intent to Develop (NID) was submitted on 20 September 2021 to Heritage Western Cape (HWC) and feedback was received, dated 14 October 2021.

HWC indicated that there is reason to believe that the proposed regularization of an existing caravan park, Ptn 23 of Farm 695, Caledon will impact on heritage resources. HWC required that a Heritage Impact Assessment that satisfies the provisions of Section 38(3) of the *National Heritage Resources Act, 1999 (Act 25 of 1999)* be submitted.

A Heritage Impact Assessment (HIA), entailing Heritage and Archaeological aspects, was compiled by Dr. Jayson Orton of ASHA Consulting (Pty) Ltd. Prof. Marion Bamford compiled the Palaeontological aspect of the study. All relevant information, as required by HWC, was included.

The committee approved the HIA by ASHA Consulting (date January 2022) for further development on site and the recommendations on page 28 & 29 of the HIA:

"A palaeontological chance finds procedure must be in place in case of fossil finds; an if any archaeological material or human burials are uncovered during the course of development, then work in the immediate area should be halted. The find would need to be reported to the heritage authorities and may require inspection by an archaeologist. Such heritage is the property of the state and may require excavation and curation in an approved institution."

2. Alternatives

2.1 Location/Site Alternatives

Alternative property or site locations were not considered as the landowner is also the developer.

2.2 Activity Alternatives

No other activity alternatives were considered as the activity grew from the desire to provide adequate tourist accommodation. This activity was undertaken with the specific intent of utilising the available resources that the specific site offered, e.g. the surrounding milkwood forest and nearby coastline and beaches.

2.3 Design/Layout Alternatives

Alternative 1 (Herewith authorized)

Originally Completed Infrastructure

The original layout was designed around the layout of the natural milkwood forest on the property. The U-shaped forest formed a natural protected and secluded open area which was ideal for the caravan park and resort. Provision was made for 100 stands, each with an extent of 150 m² (10m x 15m). The layout consisted of two rectangular areas which are divided by a communal open recreational lawned area. Two ablution blocks, approximately 200 m² each, were provided and centrally located for easy access. Two swimming pools, a play area, a mini golf course, a kiosk and a recreational room were also constructed in this central area. An access road of 4 m wide was constructed from the main entrance to the accommodation area. As far as is known, this was the only layout alternative that was considered at that time.

Expanded Infrastructure

Since 2015/2016, due to increasing demand, the resort has been expanded to the south by the addition of a road loop, measuring approximately 460 m in length, with caravan stands in the centre of the loop, and 9 chalets constructed on the outside of the loop. The chalets measure between 85 m² and 194 m² in size. A function hall was also constructed. Since then, during 2019/2020, another road, which seems to be an old farm track, has been widened to form another loop, further south of the development.

Proposed Expansion of Infrastructure

Thirty-three (33) new chalets are proposed of which 15 are to be located around the road loop, in between the 9 chalets that have already been constructed, and 18 are to be located on both sides of the entrance road on the north-western side of the development. Ten (10) new caravan stands are also proposed as well as one ablution block, measuring 11 m² to be constructed at the sand borrow area / four-wheel drive course area, but this is irrelevant to this Application.

This is the only layout alternative being investigated for the proposed expansion of the resort. The chalets and new caravan stands are proposed on areas that have already been disturbed and transformed, and no new natural areas will be cleared to accommodate these buildings.

2.4 Technology Alternatives

No technology alternatives were investigated as part of this project, besides efforts made by the Applicant to save water and electricity.

2.5 Operational Alternatives

No Operational alternatives were investigated as part of this project.

2.6 The option of not implementing or continuing with the activity ("No-Go" Alternative)

The original character of the development site was predominantly a farming area with a number of tourist related activities in the area. The establishment of a tourist resort facility serves to address the growing demand in tourist accommodation, especially during the busy holiday season. Ceasing this activity would not be beneficial for the landowner due to loss of income, nor would it contribute to biodiversity as the site was already disturbed and infested with alien vegetation before construction commenced.

3. **Environmental Impact Assessment (EIA) and Mitigation Measures**

In reaching its decision, the competent authority, considered the following in respect of the EIA and mitigation measures:

3.1. Activity Need and Desirability

The establishment and expansion of the resort gave rise to positive socio-economic impacts through income and job security. It also contributed to tourism development in rural areas, which is in line with the Western Cape Provincial Spatial Development Framework.

3.2. Biodiversity Impacts

The site itself was already transformed prior to the resort development. This was due to past farming practices on site. The specialist conclusions confirmed that the resort establishment did not result in a significant loss of biodiversity.

3.3. Visual / Sense of Place

The character of the area surrounding the application area is predominantly a farming area with a number of tourist-related activities, such as restaurants, entertainment area (dance hall), sea and river activities as well as the Uilkraalsmond caravan park. With this in context, the original caravan / camping park was viewed as compatible with the character and existing land use pattern of the surrounding area. No heritage features were disturbed due to the commenced activities. The development does not deviate from the characteristics of the surrounding area, nor does it differ from the surrounding tourist activities currently found within the surrounding area.

4. NEMA Principles

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

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

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

-----END-----

File reference:	PTN 695/23 RCAL
Admin	MM
Date:	27 MAY 2022



INTERNAL MEMORANDUM

From	: Town Planning Department
Town Planner	: SW van der Merwe (Senior Town Planner)

TO:

<u>Area Manager</u>	<u>Building Department</u>	<u>District Health</u>	<u>Financial Department</u>
<u>Environmental Officer</u>	<u>Fire Department</u>	<u>Infrastructure and Planning</u>	<u>Local Heritage Committee</u>
<u>Operational Services</u>	<u>Traffic Department</u>	<u>Ward Councillor (Cllr S Fourie)</u>	<u>Waste Management</u>

Applicant	MESSRS ATLAS TOWN PLANNING ON BEHALF OF LH & IH FOURIE
Property Details	REMAINDER PORTION 23 OF THE FARM NO. 695, UYLEN KRAAL, CALEDON DIVISION
Application Description	APPLICATION FOR AMENDMENT OF CONDITIONS OF APPROVAL AND APPROVED SITE DEVELOPMENT PLAN, REZONING, CONSENT USE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY

ATTACHMENTS :

1. Notice	
2. Locality Plan	
3. Site & Ground Floor Plans	
4. Motivation	

YOUR DEPARTMENT'S COMMENTS:

The fire department has no objection to the compliance with the provision of SANS 10400-A:2016, 10400:2020 and the By-Law relating to community fire safety.	
When submitting to building control, a fire protection plan must be submitted.	
Signature: <i>E.C. Solomons</i>	Date: <i>02/06/2022</i> 2022

Please provide your comments (with specific reference to any conditions of approval that should be imposed) in the space provided above or in a separate Memo by not later than the date stipulated below. If you require an extension of time for submission of comments, kindly request this in writing. Should no comments be received, it will be assumed that you have no objection to the proposal and where appropriate, the Mayoral Committee will be informed accordingly.

Building Control Department to confirm that all structures on the property/ies are in accordance with the approved building plans.

COMMENTS REQUIRED BY:	1 JULIE 2022	ASSISTANT CHIEF Environ Solutions
		PO Box 20 HERMANUS 7200 Tel: 028 313 8170 Fax: 028 313 2493
		Date: 02 JUN 2022
		Email: esolcomons@overstrand.gov.za
		Signature: <i>[Signature]</i>



Overstrand Municipality

alida@overstrand.gov.za

FILE NO. <i>God 23/695</i>
<i>Lilienthal</i> ✓
SCAN NO. <i>PTN 23</i>
COLLABORATOR NO. <i>1694873</i>

*TP. n. /ihcork
(S. ud name)*



Date: 2022/06/07

Enquiries:

WayleavesWesternOU@eskom.co.za

WAYLEAVE APPLICATION: Application for amendment of conditions of approval and approved site development plan, rezoning, consent use and determination of an administrative penalty - Portion 23 of the

YOUR REF: Ptn 695/23 Rcal

ESKOM REF: 05876-22

THIS IS NOT AN APPROVAL TO START CONSTRUCTION

I hereby inform you that Eskom has no objection to the proposed work indicated on your drawing in principle. This approval is valid for **12 months** only, after which reapplication must be made if the work has not been completed.

1. **Eskom services are affected by your proposed works and the following must be noted:**

- Eskom has no objection to the proposed work and include a drawing indicating Eskom 11kV/LV underground services in close proximity.
- Please note that underground services indicated are only approximate and the onus is on the applicant to verify its location.
- There may be LV overhead services / connections not indicated on this drawing.
- The successful contractor must apply for the necessary agreement forms and additional cable information not indicated on included drawing, in order to start construction.

Application for Working Permit must be made to:

Customer Network Centre: Caledon

Dirk Swart / Francois Swart

028 214 5710 / 028 214 5713 / 083 502 2590

SwartDi@eskom.co.za

Include Eskom Wayleave as-built drawings and all documentation, when applying for Working Permit.

Should it be necessary to move, relocate or support any existing services for possible future needs, it will be at the developer's cost. Application for relocating services must be made to Customer Services on 08600 37566 or customerservices@eskom.co.za

Distribution Division - Western Region [Land Development]
Western Region
Eskom Road Brackenfell 7560 PO Box 222 Brackenfell 7561 SA
Tel +27 86 003 7566 www.eskom.co.za
Eskom Holdings SOC Limited Reg No 2002/015527/30

07 JUN 2022

2. Underground Services

The following conditions to be adhered to at all times:

- a) Works will be carried out as indicated on plans.
- b) No mechanical plant to be used within 3.0m of Eskom underground cables.
- c) All services to be verified on site.
- d) Cross trenches to be dug by hand to locate all underground services before construction work commences.
- e) If Eskom underground services cannot be located or is grossly misplaced from where the wayleave plan indicates, then all work is to be stopped and Lianne Muller from the Land Development Office to be contacted at MullerLE@eskom.co.za , to arrange the capturing of such services.
- f) In cases where proposed services run parallel with existing underground power cables the greatest separation as possible should be maintained with a minimum of 1000mm.
- g) Where proposed services cross underground power cables the separation should be a minimum of **300mm** with protection between services and power cables. (Preferably a concrete slab)
- h) No manholes; catch-pits or any structure to be built on top of existing underground services.
- i) Only walk-behind (2 ton Bomac type) compactors to be used when compacting on top of and 1 metre either side of underground cables.
- j) If underground services cannot be located then the Customer Network Centre (CNC) should be consulted before commencement of any work.
- k) **No work can take place within the servitude of a 66kV Cable or 13kV Cable if indicated.** Should you need to undertake any work within the proximity of our 66kV or 132kV Cables please contact Lianne Muller at MullerLE@eskom.co.za to arrange a site visit.

3. O.H. Line Services:

- a) The following building and tree restriction on either side of centre line of overhead power line must be observed:

Voltage	Building restriction either side of centre line
11 / 22kV	9.0 m
66kV	11.0 m
132kV	15.5 m

- b) No construction work may be executed closer than **6 (SIX) metres** from any Eskom structure or structure-supporting mechanism.
- c) No work or no machinery nearer than the following distances from the conductors:

Voltage	Not closer than:
11 / 22kV	3.0 m
66kV	3.2 m
132kV	3.8 m

- d) Natural ground level must be maintained within Eskom reserve areas and servitudes.
- e) That a minimum ground clearance of the overhead power line must be maintained to the following clearances:

Voltage	Safety clearance above road:
11 / 22kV	6.3 m
66kV	6.9 m
132kV	7.5 m

- f) That existing Eskom power lines and infrastructure are acknowledged as established infrastructure on the properties and any rerouting or relocation would be for the cost of the applicant/developer.
- g) That Eskom rights or servitudes, including agreements with any of the landowners, obtained for the operation and maintenance of these existing power lines and infrastructure be acknowledged and honoured throughout its lifecycle which include, but are not limited to:
- i. Having 24 hour access to its infrastructure according to the rights mentioned in (a) above,
 - ii. To perform maintenance (structural as well as servitude – vegetation management) on its infrastructure according to its maintenance programmes and schedules,
 - iii. To upgrade or refurbish its existing power lines and infrastructure as determined by Eskom,
 - iv. To perform any other activity not listed above to ensure the safe operation and maintenance of the Eskom power lines or infrastructure.
- h) Eskom must have at least a 10m obstruction free zone around all pylons (not just a 10m radius from the centre).
- i) Eskom shall not be liable for the death or injury of any person, or for loss of or damage to any property, whether as a result of the encroachment or use of the area where Eskom has its services, by the applicant, his/her agent, contractors, employees, successors in title and assignee.
- j) The applicant indemnifies Eskom against loss, claims or damages, including claims pertaining to interference with Eskom services, apparatus or otherwise.
- k) Eskom shall at all times have unobstructed access to and egress from its services.
- l) Any development which necessitates the relocation of Eskom's services will be to the account of the developer.
- m) Lungile Motsisi MotsisiL@eskom.co.za, Eskom: Transmission must be contacted on 011 800 5734 to comment on behalf of the 400 kV OVERHEAD POWERLINES, NO WORK WITIN THIS SERVITUDE OR UNDERNEATH POWERLINES IS ALLOWED until comment from Eskom Transmission has been obtained.

4. **NOTE**

Wayleaves, Indemnity form (working permit) and all as-built drawings issued by Eskom to be kept on site at all times during construction period.

Yours faithfully

LAND DEVELOPMENT (BRACKENFELL)



Western Cape
Government



ANNEXURE G 1/2

Transport and Public Works
Vanessa Stoffels

Chief Directorate: Road Planning
Vanessa.Stoffels@westerncape.gov.za | Tel: 021 483 4669

Ref: 16/9/6/1-21/65 (Job 23713)

The Municipal Manager
Overstrand Municipality
PO Box 20
HERMANUS
7200

TP n. / heart
(S. ud n. n. n. c.)

FILE NO. P111 231695
Uylenkraal
SCAN NO.
PTN 23
COLLABORATOR NO.
1713900

Attention: Ms SW van der Merwe

Dear Madam

PORTION 23 OF FARM UYLENKRAAL NO. 695, CALEDON: DIVISIONAL ROAD 1205: APPLICATION FOR REZONING, CONSENT USE, AND AMENDMENT OF SITE DEVELOPMENT PLAN AND CONDITIONS OF APPROVAL

1. Your letter 695/23 RCAL dated 27 May 2022 refers.
2. The subject property is located 8 km east from Gansbaai and takes access off Divisional Road 1205 at km 4.16, km 4.24 and km 4.56.
3. The shoulder sight distances at the accesses at km 4.24 and km 4.56 are inadequate.
4. The gate structure and boom at the main entrance at km 4.16 is set back 50 m from the road edge of Divisional Road 1205. It is possible that during the peak holiday season that the tailback of vehicles (with caravans in tow) might extend into the road.
5. This application is for Rezoning, Consent Use, and Amendment of the Site Development Plan and conditions of approval to accommodate the following:
 - 5.1. 95 camping sites;
 - 5.2. 42 cottages
 - 5.3. 5 ablution blocks
 - 5.4. Multi-purpose hall
 - 5.5. Recreational facilities, staff accommodation, offices, internal road network.
6. This Branch offers no objection to the application in terms of the Land Use Planning Act, No. 3 of 2014, subject to the following:
 - 6.1. The accesses at km 4.24 and km 4.56 off Divisional Road 1205 are to be permanently closed, the fence reinstated, and the verge restored to a natural state; and

16/9/6/1-21/65 (Job 23713) **2/2**

- 6.2. The Applicant must ensure that during the peak holiday season the queue of vehicles does not extend into the Divisional Road. This may be done by increasing the number of stacking lanes on the property and/or also moving the checkpoint further into the property.

Yours Sincerely



SW CARSTENS
For DEPUTY DIRECTOR-GENERAL: ROADS
DATE: 25 JUNE 2022



BREEDDE-GOURITZ
CATCHMENT MANAGEMENT AGENCY



TP: A. Theart
(S. v. d. Merwe)
cc: H. Blignaut

Cnr Mountain Mill & East Lake Road, Worcester 6850, Private Bag X3055 Worcester 6849

Enquiries: Vhengani Ligudu

Tel: +27 23 346 8000

Fax: +27 23 347 2012

E-mail: vligudu@bgcma.co.za

REFERENCE NO: 4/10/1/G40M/UYLEN KRAAL 695/23 (REM), CALEDON
Date: 12 July 2022

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

Attention: Marlize Miller

FILE NO. Rem Plan 23 of
Farm 695 Uylen Kraal
SCAN NO.
Farm 695
COLLABORATOR NO.
1114330

RE: APPLICATION FOR AMENDMENT OF CONDITIONS OF APPROVAL AND APPROVED SITE DEVELOPMENT PLAN, REZONING, CONSENT USE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: REMAINDER PORTION 23 OF THE FARM 695 UYLEN KRAAL, A DIVISION OF CALEDON.

With reference to the above-mentioned document received by this office on the 30/05/2022 requesting comments.

This office has reviewed the report and has the following comments:

1. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered.
2. It is noted from the report (water supply) that the development will be serviced with water from boreholes and fountains on the property. Please note that no additional use of surface/groundwater and/or storage of water is permitted, unless the applicant has formally obtained a license in terms of Section 41 of the National Water Act (Act 36 of 1998). And/or formal authorization in terms of General Authorizations issued under Section 39 (Government Notice 538 dated 02 September 2016), and/or if it is authorized under Schedule 1 of the National Water Act, 1998 (Act 36 of 1998). And/or if it is defined and declared as an existing lawful water use in terms of Section 32 & 33 of the National Water Act, 1998 (Act 36 of 1998).
3. The unlawful expansion of the resort will be addressed in the Section 24G application once received by this office, if there are any water use activities triggered in terms of the National Water Act, 1998 the Compliance Monitoring and Enforcement Section of this office will be notified for further action.

4. Any activity within the 1:100 year floodline or within 100 metres of a watercourse (river, spring, natural channel, a lake or dam) or within a 500 m radius from the delineated boundary (extent) of any wetland or pan triggers a water use activity in terms of Section 21 (c) & (i) of the National Water Act, 1998 (Act 36 of 1998).
5. No pollution of surface water or groundwater resources may occur due to any activity on the property.
6. No storm water runoff from any premises containing waste, or water containing waste emanating from premises may be discharged into a water resource.

Water for domestic use

- Water provided for domestic use must comply with the SANS 241:2015 guidelines for drinking water.

Disposal of sewage

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

This office reserves the right to amend and revise its comments as well as to request any further information.

The onus remains on the registered property owner to confirm adherence to any relevant legislation concerning the activities that might trigger and/or need authorization.

Please do not hesitate to contact the above official should there be any queries.

Yours faithfully

Liquidwv

MR JAN VAN STADEN
CHIEF EXECUTIVE OFFICER (ACTING)

ANNEXURE I

Our Ref: HM/ OVERBERG/ CAPE AGULHAS/ BREDASDORP/
PORTION 23/RE OF FARM 695
Case No.: 20210920SB0920E
Enquiries: Stephanie-Anne Barnardt
E-mail: stephanie.barnardt@westerncape.gov.za
Tel: 021 483 5959



Jayson Orton
jayson@asha-consulting.co.za

FINAL COMMENT
In terms of Section 38(B) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape
Provincial Gazette 6061, Notice 298 of 2003

**HERITAGE IMPACT ASSESSMENT: S24G RECTIFICATION AND PROPOSED EXPANSION OF STRANDSKLOOF
PARK (PORTION 23/RE OF FARM 695), BREDASDORP, SUBMITTED IN TERMS OF SECTION 38(1) OF THE
NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)**

CASE NUMBER: 20210920SB0920E

This matter was discussed at the Archaeology, Palaeontology and Meteorites Committee (APM) on 2
March 2022.

FINAL COMMENT

1. The committee noted the development that has already occurred and the HIA prepared by ASHA Consulting in response to the S24G application.
2. The committee approved the HIA by ASHA Consulting (date January 2022) for further development on site and the recommendations on page 28 & 29 of the HIA:
 - A palaeontological chance finds procedure must be in place in case of fossil finds; an
 - If any archaeological material or human burials are uncovered during the course of development, then work in the immediate area should be halted. The find would need to be reported to the heritage authorities and may require inspection by an archaeologist. Such heritage is the property of the state and may require excavation and curation in an approved institution.

HWC reserves the right to request additional information as required.

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

.....
Colette Scheermeyer
Deputy Director



www.westerncape.gov.za/eas

Street Address: Protea Assurance Building, Green Market Square, Cape Town, 8000 • Postal Address: P.O. Box 3005, Cape Town, 8000
• Tel: +27 (0)21 483 5959 • E-mail: eas@westerncape.gov.za
Street Address: Protea Assuransgebou, Groenemarketplein, Kaapstad, 8000 • Posadres: Postbus 3005, Kaapstad, 8000
• Tel: +27 (0)21 483 5959 • E-pos: eas@westerncape.gov.za

Idilesi yendawo: Kompani-gatshu E. leMvelo qakaba Assurans, Groenemarket Square, eKapa, 8000 • Idilesi yeposi: Imibongo yitshoni yitshoni 3005, eKapa, 8000 • Iincimbiolo zoluxweba: +27 (0)21 483 5959 • Idilesi ye-imeyile: eas@westerncape.gov.za

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR AMENDMENT OF CONDITIONS OF APPROVAL,
APPROVED SITE DEVELOPMENT PLAN, REZONING, CONSENT USE &
DETERMINATION OF AN ADMINISTRATIVE PENALTY: REMAINDER
PORTION 23 OF THE FARM NO. 695, UYLEN KRAAL, CALEDON
DIVISION**

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

Conditions:

1. that, as no municipal network is available in the vicinity of the consolidated farm, and no municipal water services will be rendered to the consolidated farm, the developer is responsible for the provision of any water supply and / or –services to the development on the Portion 23 of Farm 695;
2. that the proposed development on Portion 23 of Farm 695 be provided with adequate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services, and to which the sewer services of the development must connect to;
3. that, the owner is responsible for all sewerage generated on the property, and disposal thereof at a licensed municipal sewerage treatment facility;
4. that, alternatively, sewer treatment facilities that are approved by the Department of Water Affairs may be provided for disposal of sewer from the developments, and written proof of such approval be submitted to the Municipality;
5. the sewer conservancy tanks must be accessible to the municipal sewer tankers from one of the adjacent public roads, with parking areas for the sewer tankers provided with permanent surfaces and to the layout and specification of the Department: Operational Services;
6. that the developer investigates and determines the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: *Drainage*;
6. that, as no municipal refuse removal services are rendered in the area, the owner is responsible for removal of all refuse generated on the property, and disposal thereof at a registered municipal waste transfer station or –waste disposal facility;

- 7. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services.

p.p. R. Hendriks
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

21/07/2022
DATE

File reference:	PTN 695/23 RCAL
Admin	MM
Date:	27 MAY 2022



INTERNAL MEMORANDUM

From	: Town Planning Department
Town Planner	: SW van der Merwe (Senior Town Planner)

TO:


<u>Area Manager</u>	<u>Building Department</u>	<u>District Health</u>	<u>Financial Department</u>
<u>Environmental Officer</u>	<u>Fire Department</u>	<u>Infrastructure and Planning</u>	<u>Local Heritage Committee</u>
<u>Operational Services</u>	<u>Traffic Department</u>	<u>Ward Councillor (Cllr S Fourie)</u>	<u>Waste Management</u>

Applicant	MESSRS ATLAS TOWN PLANNING ON BEHALF OF LH & IH FOURIE
Property Details	REMAINDER PORTION 23 OF THE FARM NO. 695, UYLEN KRAAL, CALEDON DIVISION
Application Description	APPLICATION FOR AMENDMENT OF CONDITIONS OF APPROVAL AND APPROVED SITE DEVELOPMENT PLAN, REZONING, CONSENT USE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY

ATTACHMENTS :

1. Notice	
2. Locality Plan	
3. Site & Ground Floor Plans	
4. Motivation	

YOUR DEPARTMENT'S COMMENTS:

<i>Please forward latest water result as indicated.</i>	
<i>Applicant to apply for COA for Kiask and Health Certificate for Cottages/Accommodation establishment.</i>	
Signature: 	Date: <u>21/07/2022</u>

Please provide your comments (with specific reference to any conditions of approval that should be imposed) in the space provided above or in a separate Memo by not later than the date stipulated below. If you require an extension of time for submission of comments, kindly request this in writing. Should no comments be received, it will be assumed that you have no objection to the proposal and where appropriate, the Mayoral Committee will be informed accordingly.

Building Control Department to confirm that all structures on the property/ies are in accordance with the approved building plans.

COMMENTS REQUIRED BY:	1 JULIE 2022
-----------------------	--------------

OVERBERG

DISTRIKSMUNISIPALITEIT
DISTRICT MUNICIPALITY
UMASIPALA WESITHILI



MELD ASB/PLEASE QUOTE

Ons Verw./Our Ref.:18/3/9/9/5

Navrae/Enquiries: C Adams (Sauer)

Bylyn/Ext.: 028 3131243

Privaatsak: X22

Private Bag:
BREDASDORP
7280

Tel.: (028) 4251157
Faks/Fax: (028) 4251014

HERMANUS OFFICE

TEL: 028 3131243

EMAIL: cadams@odm.org.za

The Owners
Strandskloof Park
Ptn. 23 of Farm Uilenkraal No.695
Strandskloof Farm
Gansbaai
7220

12 September 2022

INSPECTION REPORT: STRANDSKLOOF PARK KIOSK

During an inspection at above mentioned premises on 09/09/2022 it was found that the Kiosk complies with requirements of the Government Notice No. R638 of 22 June 2018, as promulgated under the Foodstuffs, Cosmetic and Disinfectant Act, (Act 54 of 1972).

A Certificate of Acceptability will be issued to premises on condition it adheres to the Regulations Governing the General Hygiene requirements for Food Premises and Transport, Regulation No. 638 of June 2018, and Duties of the Food Handler and Person in charge.

Yours faithfully,

MUNICIPAL MANAGER
CA/nc

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

OVERBERG

DISTRIKSMUNISIPALITEIT
DISTRICT MUNICIPALITY
UMASIPALA WESITHILI



MELD ASB/PLEASE QUOTE

Ons Verw./Our Ref.: 18/3/9/9/5

Navrae/Enquiries: C Adams (Sauer)

Bylyn/Ext.: 028 3131243

Privaatsak: X22

Private Bag:
BREDASDORP
7280

Tel.: (028) 4251157

Faks/Fax: (028) 4251014

HERMANUS OFFICE

TEL: 028 3131243

EMAIL: cadams@odm.org.za

The Owners
Strandskloof Park
Ptn. 23 of Farm Uilenkraal No.695
Strandskloof Farm
Gansbaai
7220

12 September 2022

INSPECTION REPORT: STRANDSKLOOF PARK ACCOMMODATION FACILITY

- During an inspection at above mentioned premises on 09/09/2022 it was found that the Accommodation Facility complies with the Standards of Accommodation Establishments (Annexure A:7) promulgated under Overberg District Municipality, Municipal Health Services By Law 8126 of 15 July 2019,
- According to notice 1229 of 2015, National Environmental Health Norms and Standards for premises and acceptable monitoring standards for Environmental Health Practitioners, the premises must operate under a valid Health Certificate issued by an EHP, to the effect that the premises comply with the Norms and Standards.

A Health Certificate will be issued to premises on condition it adheres to all legislation and requirements to operate an accommodation establishment.

Yours faithfully,

MUNICIPAL MANAGER
CA/nc

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



CONSERVATION INTELLIGENCE

postal 16 17th Avenue, Voëlkop, Hermanus, 7200
 physical 16 17th Avenue, Voëlkop, Hermanus, 7200
 website www.capenature.co.za
 enquiries Rhett Smart
 telephone 087 087 866 8017
 email rsmart@capenature.co.za
 reference LS14/2/6/1772/695-23_S24G resort_Uilkraalsmond
 date 13 June 2022

Overstrand Municipality
 P.O. Box 20
 Hermanus
 7200

TP. n. / heat
 (Sud n. / heat)

FILE NO.	AN 28 bas
	Kam Uylen Kraai
SCAN NO.	05
COLLABORATOR NO.	172178

Attention: Schalk van der Merwe
 By email: alida@overstrand.gov.za

Dear Mr van der Merwe

Application for Amendment to Site Development Plan, Consent Use for a Tourism Accommodation, Rezoning and Administrative Fine for the Strandskloof Caravan Park, Remainder of Portion 23 of Farm 695, Uilkraalsmond (Overstrand Municipality ref: 695/23 RCAL; 3966/2022)

CapeNature would like to thank you for the opportunity to comment on the application and would like to make the following comments. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the application.

As indicated in the planning motivation report, there is currently a NEMA Section 24G Rectification process underway for the unlawful expansion of the resort, which is the subject of this application. The impacts associated with this application were assessed in the terrestrial biodiversity assessment for the S24G process and were assessed to be low both before and after mitigation as the areas which were impacted did not contain natural vegetation, which CapeNature agreed with. This would therefore also apply to the subject application. No damage to the milkwood stands should be permitted.

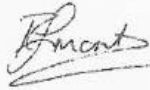
With regards to the other aspects of the application, CapeNature does not object to the rezoning of the resort footprint from Agriculture Zone 1 to Resort Zone 1. In fact, we would support that the entire property is zoned to Resort Zone 1. It must be ensured that the old unrehabilitated mine and the 4x4 tracks are also taken into consideration. It is noted that a 4x4 trail is a consent use under Agriculture Zone 1.

CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.

28 JUL 2022

The Western Cape Nature Conservation Board trading as CapeNature
 Board Members: Associate Prof Denver Hendricks (Chairperson), Prof Gavin Maneveldt (Vice Chairperson), Ms Marguerite Louber, Mr Marvyn Burton, Dr Colin Johnson, Prof Aubrey Reddinghul, Mr Paul Stack

Yours sincerely

A handwritten signature in black ink, appearing to read "Rhett Smart", with a horizontal line underneath.

Rhett Smart
For: Manager (Landscape Conservation Intelligence)

ANNEXURE M 1/4



Western Cape
Government



Cor Van Der Wall
LandUse Management

Email: Cor.VanderWall@westerncape.gov.za
tel: +27 21 808 5099 fax: +27 21 808 5092

TP. N. / heat
(S. Ud. n. name)

OUR REFERENCE : 20/9/2/4/2/152
YOUR REFERENCE : -
ENQUIRIES : Cor. van der Wall

Atlas Planning
PO Box 380
KUILSRIVER
7579

FILE NO.	FIN 23/695
	Wyllen Kraal
SCAN NO.	01
COLLABORATOR NO.	1752169

Att: Mr. Koos Olivier

**APPLICATION FOR AMENDMENT OF CONDITIONS OF APPROVAL AND APPROVED SITE
DEVELOPMENT PLAN, REZONING, CONSENT USE AND DETERMANATION OF ADMINISTRATIVE
PENALTY: DIVISION CALEDON
PORTION 23 OF THE FARM NO 695**

Your application of 05 September 2022 has reference.

I acknowledge receipt of your email, dated 05 September 2022; however, the Western Cape Department of Agriculture's comments of 17 August 2022 remains unchanged.

The proposal is not consistent with the Western Cape Land Use Planning Guidelines, 2019 in respect of the scale of the proposed development.

Please note:

- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.

27 SEP 2022

- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely



Mr. C.J van der Walt

LANDUSE MANAGER: LANDUSE MANAGEMENT

2022-09-23

Copy:

Overstrand Municipality

PO Box 20

HERMANUS

7200



**Western Cape
Government**

Cor Van Der Wall
Land Use Management
Email: Cor.VanderWall@westerncape.gov.za
tel: +27 21 808 5099 fax: +27 21 808 5092

OUR REFERENCE : 20/9/2/4/2/152
YOUR REFERENCE : 695/23 RCAL
ENQUIRIES : Cor van der Wall

Overstrand Municipality
PO Box 20
HERMANUS
7200

Att: Mr. SW van der Merwe

**APPLICATION FOR AMENDMENT OF CONDITIONS OF APPROVAL AND APPROVED SITE
DEVELOPMENT PLAN, REZONING, CONSENT USE AND DETERMINATION OF AN
ADMINISTRATIVE PENALTY: DIVISION CALEDON
REMAINDER OF PORTION 23 OF THE FARM NO 695**

Your application of 27 May 2022 has reference.

The Western Cape Department of Agriculture: Land Use Management does not support the proposed rezoning from "Agriculture Zone 1" to "Rezone Zone" and the consent use for ten (10) "holiday housing" units for the following reasons:

- In terms of the Western Cape Land Use Planning Guidelines for Rural Areas, 2019 resort developments should be closely associated with a unique resource which clearly benefits or distinguishes the site, in terms of amenity value from surrounding properties. From the information available it does not appear that the resort is linked to a source.
- In terms of the rural guidelines, rezoning to resort zone should not be entertained for properties smaller than 50ha. The additional dwelling density model should rather be used for those properties. Typically, one unit is permitted per ten hectares, with a maximum of 5 units on any given property. The proposal for ten holiday housing units is therefore regarded as being out of scale with the proposed size of the resort. In this regard should be noted that there are already four existing additional dwelling units situated elsewhere on the application property.

- The proposed consent use for 10 holiday housing units is also not supported as the Western Cape Land Use Planning Guidelines for Rural Areas, 2019 does not allow the subdividing and alienating of individual units in rural resort developments, given its negative impact on rural landscapes.
- There is insufficient merits to support the proposal and the cumulative impact of similar developments will have a negative impact on the rural landscape.

Please note:

- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.
- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely



M. C.J van der Wall

LANDUSE MANAGER: LANDUSE MANAGEMENT

2022-06-17

5 September 2022

Mr C van der Walt
Western Cape Department of Agriculture
Land Use Management
ELSENBURG
7607



e-mail Cor.VanderWalt@westerncape.gov.za

Attention: Mr van der Walt

APPLICATION FOR AMENDMENT OF CONDITIONS OF APPROVAL AND APPROVED SITE DEVELOPMENT PLAN, REZONING, CONSENT USE AND DETERMINATION OF ADMINISTRATIVE PENALTY: DIVISION CALEDON REMAINDER OF PORTION 23 OF THE FARM NO 695

Your department's letter dated 17 August 2022 and the meeting held earlier today have reference. This letter should be read with the original motivation and plans, attached again for easy reference.

In summary, Strandskloof Caravan Park is an established resort in the Overberg Region near Franskraal. Approval dates back to 2009 when 50 caravan sites were approved in the vicinity of a Milkwood bush. Ancillary uses includes a kiosk, swimming pools, playing areas including putt-putt, various ablution facilities and later a multi-purpose hall approved during 2015 to be used for the resort as well as private functions such as weddings.

The owner over time gradually expanded the resort to provide for more camping sites, but a need was identified for older people / pensioners requiring slightly more formal holiday accommodation in lieu of camping. During Covid-19, the resort was closed and the owner started to build small holiday units on a portion south of the existing campsite to ensure future income. There was no approval for this and it triggered penalty applications to the municipality as well as the Department of Environmental Affairs and Development Planning. It was decided to combine the historical approvals, unauthorised building works and uses as well as future expansion simultaneously. The individual campsites were given spot zonings (Resort Zone) and the areas in-between such as the playing grounds; internal roads etc. were thus not depicted on the zoning map albeit that it formed part of the approved Site Development Plan. It was discussed that it would be better to identify an area, depicted on a formal diagram prepared by a surveyor and to apply for rezoning of the entire area to Resort

Zone. The proposed Site Development Plan therefore depicts the entire area and includes the following uses:

- 95 camping sites (50 camping sites approved during 2009)
- 42 cottages (10 to be used a Holiday Housing and some built prior to obtaining approval and for which penalty applications were submitted)
- 5 ablution blocks
- expansions to existing multi-purpose hall (existing hall approved during 2015)
- associated recreational facilities including kiosk, putt-putt course, swimming pool, outdoor recreational areas, office, staff accommodation and internal road network

The application was measured against the principles and objectives of the Western Cape Land Use Planning Guidelines for Rural Areas 2019 and this was formed part of the original motivation. The intention was always to rezone the area out of Agriculture. The farm measures in the region of 127ha and the proposal entails the rezoning of approximately 14ha from Agriculture to Resort zone. This is the area already used which includes roads and the existing Milkwood bush around which the resort was established. The application will therefore have minimum impact and the remaining extent of the farm is not affected. The uses within the area to be earmarked for the resort can then be dealt with accordingly, including future holiday housing / accommodation and ancillary uses to the resort. The recreational use is the primary source of income on this land unit and the opinion is held that the use would not have a negative impact. Valuable agricultural land will not be compromised. There are in fact no commercial agricultural activities on the remainder of the farm and the proposed split zoning will further confine any non-agricultural uses to a particular portion of the property.

I trust this information will assist in your department's evaluation of this application. Please do not hesitate to contact me should more information be required.

Your's truly



Koos Olivier
ATLAS TOWN PLANNING



5 July 2023

Overstrand Municipality

P.O. Box 20

HERMANUS FILE NO. P/N 23/695

7200

Farm UYlen Kraal
SCAN NO.
PTN 23
COLLABORATOR NO.
1886549

ATLAS		
Town Planning		
Koos Olivier : 083 446 0762 0766 7687 (CPU7)		
<ul style="list-style-type: none"> • Rezoning & Subdivisions • Land Use Departures 	<ul style="list-style-type: none"> • Consent Uses • Site Development Plans 	
P.O. Box 380 KUILSRIVIER 7579	Tel : 021 801 7446 Fax : 086 668 5501 E-mail: koos@atlasplanning.co.za	

Attention: Mr S van der Merwe

**PROPOSED REZONING AND DETERMINATION OF CONTRAVENTION PENALTY –
REMAINDER PORTION 23 OF FARM UYLENKRAAL NR 695, CALEDON**

Various correspondence, e-mails and telephone conversations in the above regard, have reference.

The comments from the Department of Agriculture was referred to this office at the end of August 2022 and a meeting was held with Mr van der Walt and other officials from the Provincial Planning department on the 5th of September 2022. A supplementary motivation was drafted the same day and presented to the department, a copy of which sent to the municipality. It was unfortunate that the department did not amend their comments in their subsequent letter dated 23 September 2022. The matter was thereafter discussed with yourself telephonically and on numerous occasions enquiries were directed to your office whether any information is outstanding on this application. We've since been awaiting a decision on this application.

In lieu of your e-mail dated 28 June 2023, herewith additional response on the comments from the Department of Agriculture to be read with the original motivation and the letter addressed to the department on the 5th of September 2022.

Comment 1:

The development is not associated with a unique resource that benefits / distinguish the site in terms of amenity value.

Strandskloof Park is an established tourist facility and the initial caravan park was developed in the vicinity of a unique Milkwood plantation on the farm. The popularity of this resort over the years suggests that visitors to the resort do regard the resort as having amenity value. There are various resorts located across the province, some adjacent to river banks and others in different settings – it is thus debatable as to what exactly defines a unique resource. It is

19 JUL 2023 *TP*

evident that people enjoy the tranquillity and general setting of this resort. The planned expansions is further limited to areas cleared in the past and not used for farming whatsoever.

Comment 2:

In terms of the guidelines rezoning to resorts should not be entertained for properties smaller than 50ha. The additional dwelling unit model should rather be used for those properties (i.e. one additional dwelling unit / 10ha up to a maximum of 5 units). There is already four additional dwelling units on the property. The proposal for 10 holiday housing units is therefore out of scale with the proposed size of the resort.

The subject property has a registered area of in access of 130ha and the proposed resort relates to an area measuring 14ha. The proposal is not to subdivide this but to have this portion (which essentially covers the cleared portion) rezoned to Resort Zone. The subject property is not located in an area with an existing or potential intensive agricultural footprint and those are the areas where larger scaled resorts should not be considered. The resort currently offers amenities to mostly campers, whilst there is also a demand for more formal accommodation facilities. The application should thus be considered in this context.

Comment 3:

Western Cape Rural Management Land Use Guidelines does not allow subdivision and alienation of individual units within rural resort developments.

This application does not involve subdivision. A split zoning is proposed as per the diagram prepared by a land surveyor and covering an area measuring 14ha. The Overstrand Zoning Scheme regulations provides for "Holiday Housing" as a consent use within the resort zone and the proposal to provide 10 units does not exceed the permissible parameters. It was motivated that this will allow for longer periods of occupancy, i.e. particular retirees not limited to normal weekend and holiday stays but bound to the conditions of the resort.

Comment 4:

Insufficient merit to support the proposal and the cumulative impact will negatively impact the rural landscape.

There is full understanding for the protection of valuable farmland and the rural landscape. An heritage impact assessment was undertaken as part of the Environmental Authorisation process and it was concluded that the resort would not have a negative impact as the adjoining

road is regarded as scenic route. It is also clear that the land has very little agricultural potential and the owners over time has established this resort which is now viewed as a landmark and tourist attraction in the area. To date, due process have been followed in order to rectify unauthorised uses and to obtain the necessary approvals to make this an even better facility. The opinion is held that there is definitely sufficient merit to support the proposal and given that the application relates to an existing resort, approval of this application is not viewed as having a negative cumulative impact on the surrounding area.

It is trusted that the application will meet the department's requirements and that this single negative comment against this application will be rejected. I would like to extend a friendly invitation to not hesitate contacting me should there be any enquiries or should more information be required.

Your's truly



Koos Olivier
ATLAS TOWN PLANNING

DRAFT ENVIRONMENTAL MANAGEMENT PROGRAMME

Prepared in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), Environmental Impact Assessment Regulations of 2014, as amended

PROJECT:

THE UNLAWFUL COMMENCEMENT AND CONTINUATION OF LISTED ACTIVITIES: THE CONSTRUCTION AND EXPANSION OF A RESORT AT STRANDSKLOOF CARAVAN PARK, REMAINDER OF PORTION 23 OF FARM NO. 695, CALEDON REGISTRATION DIVISION, WESTERN CAPE

**APPLICANT:**

MR. L.H. FOURIE

PREPARED BY:

CORNERSTONE
ENVIRONMENTAL CONSULTANTS

OCTOBER 2021

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Cornerstone Environmental Consultants (Pty) Ltd. | Reg. No. 2014/119899/07
Director: PJ de Villiers (Registered EAP: 2019/1372) (Pr.Sci.Nat)

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Appendix A: Pieter de Villiers' Curriculum Vitae

Appendix B: Environmental Awareness/Induction Training Material

Appendix C: Method Statement - Example Template

Appendix D: Incident Register - Example Template

List of Acronyms and Abbreviations

DEA&DP	Department of Environmental Affairs and Development Planning
DHSWS	Department of Human Settlements, Water and Sanitation
EA	Environmental Authorisation
EAP	Environmental Assessment Practitioner
ECO	Environmental Control Officer
EIA	Environmental Impact Assessment
ESA	Ecological support Area
EMPr	Environmental Management Programme
GA	General Authorisation, in terms of the National Water Act, 1998 (Act No. 36 of 1998)
I&APs	Interested and Affected Parties
NEMA	National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended
NEMBA	National Environmental Management: Biodiversity Act, Act No. 10 of 2004
NFEPA	National Freshwater Ecosystems Priority Assessment
NHRA	National Heritage Resources Act, Act No. 25 of 1999
NWA	National Water Act, 1998 (Act No. 36 of 1998), as amended
SDP	Site Development Plan

Definitions

“Activity” is the relevant action that take place on the site, e.g. the establishment of the vineyard.

“Alien species” means—

- a) a species that is not an indigenous species; or
- b) an indigenous species translocated or intended to be translocated to a place outside its natural distribution range in nature, but not an indigenous species that has extended its natural distribution range by natural means of migration or dispersal without human intervention.

“Ecological Infrastructure” refers to naturally functioning ecosystems that deliver valuable services to people, such as water and climate regulation, soil formation and disaster risk reduction.

“Environmental aspect” is a feature or characteristic of an activity that affects or can affect the environment.

“Environmental impact” is a change to the environment. Such change can be positive or negative. Environmental impacts are caused by environmental aspects.

“Environmental Objective” is the specific environmental goal.

“Environmental Target” is a detailed performance requirement. Environmental targets are derived from environmental objectives and are used to achieve these objectives. Targets should be measurable where possible.

“Flood event” is the event where land is inundated by the overflowing of water from a river channel and where this event causes significant damage to infrastructure or results in watercourse erosion and/or sediment deposition.

NOTE that flooding can be a natural phenomenon in many river or wetland systems which, due to encroachment and human modification of the form and function of the affected system, may have evolved into a potential hazard to life or property.

“General Authorisation” in this document refers to the General Authorisation in terms of section 39 of the National Water Act, 1998 (Act No. 36 of 1998) for Water Uses as defined in Section 21(c) or Section 21(i) (GN. 509 of 26 August 2016).

“Impeding” as defined in the General Authorisation, in terms of section 39 of the National Water Act, 1998 (Act no 36 of 1998) for Water Uses as defined in Section 21(c) and 21(i) (GN. 509 of 26 August 2016), means to, in any manner, hinder or obstruct the instream flow of water temporarily or permanently, but excludes the damming of flow so as to cause storage of water.

“Indigenous vegetation” refers to vegetation consisting of indigenous plant species occurring naturally in an area, regardless of the level of alien infestation and where the topsoil has not been lawfully disturbed during the preceding ten years.

“Invasive species” means any species whose establishment and spread outside of its natural distribution range—

- a) threaten ecosystems, habitats or other species or have demonstrable potential to threaten ecosystems, habitats or other species; and
- b) may result in economic or environmental harm or harm to human health.

“Listed Activity” means an activity identified in any notice published by the Minister or MEC in terms of section 24D(1)(a) of the Act as a listed activity or specified activity. Activity in this document refers to

the activities as listed in Listing Notice 1, 2 and 3 of the Environmental Impact Assessment Regulations, 2014 (as amended), as well as other relevant regulations.

"Maintenance" means actions performed to keep a structure or system functioning or in service on the same location, capacity and footprint.

"Maintenance Management Plan" means a management plan for maintenance purposes defined or adopted by the competent authority.

"Section 24G process" is a rectification process undertaken in terms of Section 24G of the NEMA to obtain retrospective authorisation for a project which commenced without the necessary authorisation, and which was thus undertaken illegally as defined in Section 24F of NEMA.

"Watercourse" means:

- c) a river or spring;
- d) a natural channel in which water flows regularly or intermittently;
- e) a wetland, lake or dam into which, or from which, water flows; and

any collection of water which the Minister may, by notice in the Gazette, declare to be a watercourse as defined in the National Water Act, 1998 (Act No. 36 of 1998); and a reference to a watercourse includes, where relevant, its bed and banks.

"Wetland" means, land which is transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is periodically covered with shallow water, and which land in normal circumstances supports or would support vegetation typically adapted to life in saturated soil.

PART 1: REPORT AND PROJECT DETAILS

1. Introduction

This Environmental Management Programme (EMPr) describes, amongst others, mitigation measures and identifies the specific people/entities that will be responsible for implementation of the identified mitigation measures in order to ensure that impacts on the environment are minimised and that positive impacts are optimised during the construction phase and operational phase of the listed activities at Strandskloof Caravan Park and Resort, Remainder of Portion 23 of Farm No. 695, Franskraal, Caledon RD, Western Cape Province.

This EMPr was prepared by Pieter de Villiers of Cornerstone Environmental Consultants, the Environmental Assessment Practitioner (EAP) who undertook the Section 24G process for the project.

In the event of appointing external Contractors, this EMPr must form part of the contractual agreement between the relevant contractor(s) and the Applicant.

This report has been divided into the following two parts:

- Part 1:** Provides an introduction to the project and the report, provides project details and describes the applicable Listed Activities;
- Part 2:** Details the construction and operational phase management activities to ensure that identified impacts are adequately managed to prevent environmental impacts.

1.1 EIA Regulations, 2014 – EMPr Content Requirements

Appendix 4 of the Environmental Impact Assessment (EIA) Regulations of 2014 provides the content requirements for an EMPr. An EMPr must also comply with section 24N (2) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA). The table below lists the relevant requirements, indicates whether the relevant information is included in this report or not, and provides cross-references as to where the relevant information can be found in this report.

Table 1: EMPr requirements in terms of Appendix 4 of the EIA Regulations of 2014

Appendix 4 of the EIA Regulations of 2014	Included (Yes, No or N/A)	EMPr Section Reference
1. An EMPr must comply with section 24N of the Act (NEMA) and include -		
(a) details of -		
(i) the EAP who prepared the EMPr; and	Yes	Chapter 2
(ii) the expertise of that EAP to prepare an EMPr, including a curriculum vitae;	Yes	Chapter 2
(b) a detailed description of the aspects of the activity that are covered by the draft EMPr as identified by the project description;	Yes	Part 2
(c) a map at an appropriate scale which superimposes the proposed activity, its associated structures, and infrastructure on the environmental sensitivities of the preferred site, indicating any areas that should be avoided, including buffers;	Yes	Figure 1
(d) a description of the impact management objectives, including management statements, identifying the impacts and risks that need to be avoided, managed and mitigated as identified through the environmental impact assessment process for all phases of the project including-	Yes	Part 2

Appendix 4 of the EIA Regulations of 2014		Included (Yes, No or N/A)	EMPr Section Reference
	(i) planning and design;		
	(ii) pre-construction and activities;		
	(iii) construction activities;		
	(iv) rehabilitation of the environment after construction and where applicable post closure;		
	(v) where relevant, operation activities;		
(e)	a description and identification of impact management outcomes required for the aspects contemplated in paragraph (d);	Yes	Part 2
(f)	a description of proposed impact management actions, identifying the manner in which the impact management objectives and outcomes contemplated in paragraphs (d) and (e) will be achieved, and must, where applicable, include actions to -	Yes	Part 2
	(i) avoid, modify, remedy, control or stop any action, activity or process which causes pollution or environmental degradation;		
	(ii) comply with any prescribed environmental management standards or practices;		
	(iii) comply with any applicable provisions of the Act regarding closure, where applicable; and		
	(iv) comply with any provisions of the Act regarding financial provisions for rehabilitation, where applicable;		
(g)	the method of monitoring the implementation of the impact management actions contemplated in paragraph (f);	Yes	Part 1 Chapter 6 and Part 2
(h)	the frequency of monitoring the implementation of the impact management actions contemplated in paragraph (f);	Yes	Part 1 Chapter 6 and Part 2
(i)	an indication of the persons who will be responsible for the implementation of the impact management actions;	Yes	Part 1 Chapter 6 and Part 2
(j)	the time periods within which the impact management actions contemplated in paragraph (f) must be implemented;	Yes (project phases)	Part 1 Chapter 6 and Part 2
(k)	the mechanism for monitoring compliance with the impact management actions contemplated in paragraph (f);	Yes	Part 1 Chapter 6 and Part 2
(l)	a program for reporting on compliance, taking into account the requirements as prescribed by the Regulations;	Yes	Part 1 Chapter 6 and Part 2
(m)	an environmental awareness plan describing the manner in which-	Yes	Chapter 7
	(i) the applicant intends to inform his or her employees of any environmental risk which may result from their work; and		
	(ii) risks must be dealt with in order to avoid pollution or the degradation of the environment; and		
(n)	any specific information that may be required by the competent authority.	-	-

2. Environmental Assessment Practitioner

This EMPr was prepared by Pieter de Villiers, Director of Cornerstone Environmental Consultants (Pty) Ltd, the Environmental Assessment Practitioner (EAP) who undertook the S24G process for the project.

2.1 Details and Expertise of the EAP

Pieter de Villiers has more than 15 years' experience in the environmental management field and holds a Baccalaureus Technologiae (B. Tech) Degree in Environmental Sciences from the Tshwane

University of Technology. He is a registered Environmental Assessment Practitioner (EAP) (registration number 2019/1372) as well as a registered Professional Natural Scientist with the South African Council for Natural Scientific Professions (registration number 400210/15). He has also successfully completed Aspects International's, ISO 14001:1996 Lead Auditors Training course (IEMA's Approved Auditors' Course), amongst others.

See **Appendix A** for Pieter de Villiers' Curriculum Vitae.

3. Project Description and Listed Activities Covered by this EMPr

3.1 Brief Project Description

Strandskloof Caravan Park and Resort, hence forth referred to as "the resort", is located less than 4 km north-east of Franskraal in the Overstrand. According to the title deed, the property measures 99.73 ha (± 100 ha) in extent, although Cape Farm Mapper lists the property's extent as being 127 ha. Historically, the property was utilised for farming and sand mining, and was also subjected to a long history of alien vegetation infestation.

The development of the resort was approved by the local municipality, the Overstrand Local Municipality, in 2009. The approved facilities did not require EA in terms of the Environmental Impact Assessment (EIA) Regulations that was relevant at that time (EIA Regulations of 2006, GN No. R. 386 and 387 of 2006). The resort, which covered an area of ± 8 ha, was however only established during 2011, which was after the promulgation of the EIA Regulations of 2010, and as a result, did trigger a listed activity. After this, the resort was expanded during 2015/2016 to the south-east by adding additional caravan stands, ablution facilities and chalets, extending the development footprint by ± 1.37 ha. This triggered listed activities in terms of the EIA Regulations of 2014 (GN No. R. 983 and 985 of 2014). In 2020 and thereafter, the resort's development footprint was further expanded to the south by clearing an area of ± 0.9 ha. Due to the nature of the vegetation that was cleared, this activity did not trigger a listed activities in terms of the EIA Regulations of 2017 relating to vegetation clearing. The total expanded area of the resort is ± 2.5 ha.

A NEMA S24G Application is currently being undertaken to obtain retrospective EA for all relevant activities. The Applicant proposes to further develop the Strandskloof Caravan Park and Resort by adding thirty-three (33) additional chalets and 10 caravan stands. The proposed additional accommodation features, plus the resort footprint that was expanded since 2020, will trigger a listed activity in terms of the current EIA Regulations. The proposed new development components are therefore included in this Application. So, even though all additional chalets will be included within the initially expanded footprint of the resort, the resort's development footprint has been expanded since 2019, and these two activities combined trigger the listed activity in the current EIA Regulations.

Refer to **Figure a** below that indicates the location of the resort on the property, the expanded resort footprint to the south and the sand borrow area on the property.

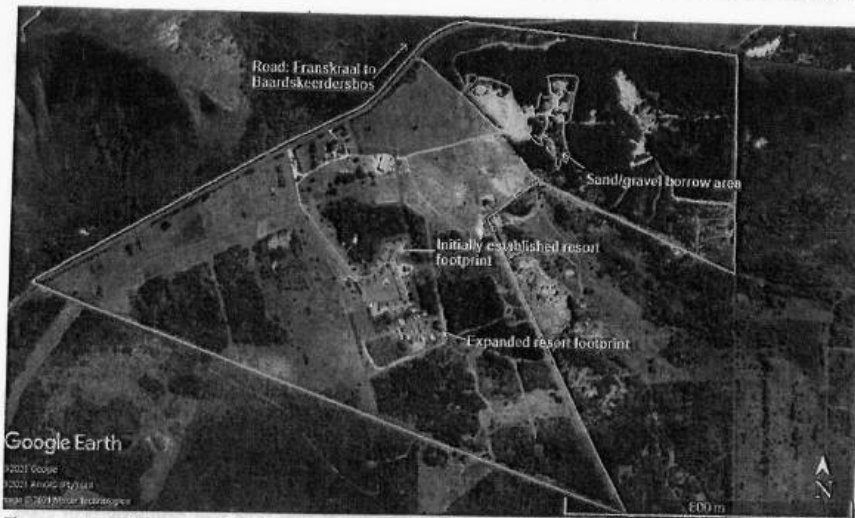


Figure a: Aerial photograph indicating the location of the resort (blue polygon), the expanded resort (red polygon) and the sand borrow area (orange polygon) on the property. The sand borrow area is not applicable to this EMPr.

Description of the Resort

A Site Development Plan (SDP) has been prepared which indicates the existing resort, the expansion to the resort, as well as the proposed expansion of the resort, which is included in this EMPr as **Figure 2**. For clarity's sake, refer to **Figure b** below for an extract from this SDP.

Existing Infrastructure that has initially been constructed in 2011 include:

When referring to **Figure b** below, all blocks in green indicate the initially constructed buildings and caravan stands which include a guard house and main dwelling, four chalets, a double garage, a garden and ablution store, a chicken coop, an ablution block, staff quarters and ablution, kiosk and a pool pump building. The recreational area includes two swimming pools, a mini golf course and play area.

Infrastructure constructed in 2015/2016 that comprises the expanded resort include:

Due to the on-going accommodation demand, the resort was expanded to include additional chalets and caravan stands towards the south of the resort, which also include a road loop. When referring to **Figure b** below, all blocks in orange indicate the buildings that were constructed during 2015/2016, while the purple blocks indicate all new caravan stands. The newly established buildings include three (3) ablution blocks and 9 chalets.

Infrastructure being proposed:

In **Figure b** below, all blocks in red/black indicate the proposed new and to be expanded buildings. This includes a new ablution block, a new office and thirty-three (33) new chalets. According to the SDP it is evident that none of the additionally planned chalets and resort features will result in the clearance of any additional areas.

The total development footprint for the entire project, on completion, is proposed to be ± 10.5 ha.

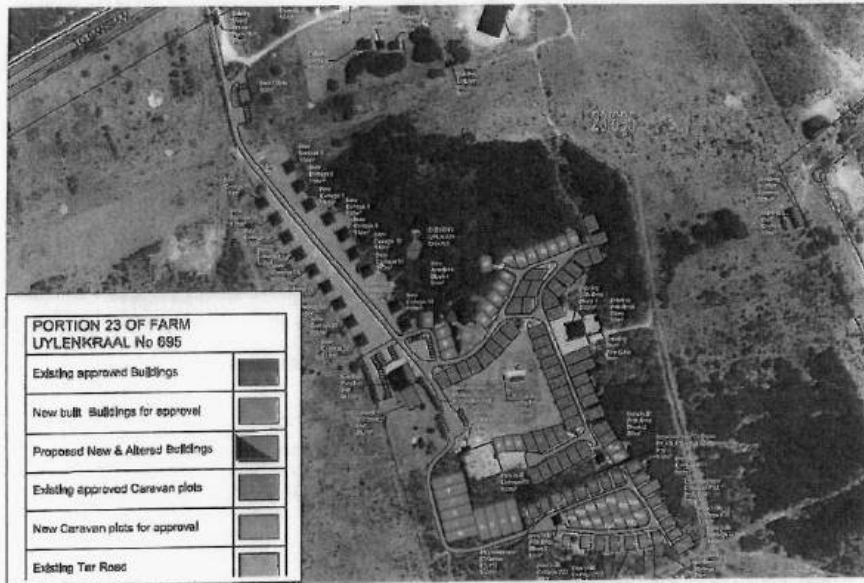


Figure b: Extract from the Site Development Plan to indicate existing infrastructure, expanded infrastructure, and proposed infrastructure.

See Figure 1 for the Locality Map and Figure 2 for the Site Development Plan.

3.2 Project Phases

Two project phases are relevant to this project:

- Construction Phase (includes planning, design and construction activities); and
- Operational Phase (operation and management of the resort).

This EMPr does not address the decommissioning and closure phases, since it is not anticipated that the activity will be decommissioned in the foreseeable future. Should decommissioning be considered in future, the relevant listed activities applicable at that time would need to be applied for, and an EMPr developed for such activities.

3.3 NEMA Listed Activities Triggered

The identified Listed Activities in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), for which Environmental Authorisation is being applied for through the Section 24G process, are listed in the tables below.

Table A: A summary of the listed activities that were triggered during the **initial construction** of the resort during 2011/2012.

Description Activity	Date of Completion	Related Relevant Listed Activity/ies	Reason for triggering the Listed Activity
Resort including roads and infrastructure	2011	GN R 546 Listing Notice 3 - Activity 6: The construction of resorts, lodges or other tourism accommodation facilities that sleep 15 people or more. In Western Cape: • All areas outside urban areas.	The resort sleeps more than 15 people and falls outside an urban area.

Table B: A summary of the listed activities that were triggered during **expansion** of the resort during 2015/2016.

Description of Activity	Date of Completion	Related Relevant Listed Activity/ies	Reason for triggering the Listed Activity
Expansion of the resort footprint.	2015/2016	GN R 983 Listing Notice 1 – Activity 27: The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous Vegetation.	The expansion of the resort resulted in the clearing of an area of 1.37 ha highly degraded indigenous vegetation.
Expansion of resort and infrastructure.	2015/2016	GN R 985 Listing Notice 3 - Activity 17: The expansion of a resort, lodge, hotel and tourism or hospitality facilities where the development footprint will be expanded. (f) In Western Cape: iii) All areas outside urban areas.	The additional area to the south can be seen as footprint expansion, therefore this listed activity required prior authorisation.

Table C: A summary of the listed activities that will be triggered by the proposed **expansion** of the resort.

Description of Activity	Date of Completion	Related Relevant Listed Activity/ies	Reason for triggering the Listed Activity
Expansion and proposed expansion of the resort.	2019 - 2021	GN R 327 Listing Notice 1 – Activity 67: Phased activities for all activities— (i) listed in this Notice, which commenced on or after the effective date of this Notice or similarly listed in any of the previous NEMA notices, which commenced on or after the effective date of such previous NEMA Notices.	The resort was further expanded to the south of the resort by adding a road loop and by clearing areas of vegetation (± 0.9 ha). The total expansion, which started in 2015/2016 totalled an area of ± 2.5 ha. No additional accommodation units have been constructed in this expanded area.
Expansion of the resort footprint and proposed construction of more chalets.	2019 and onwards.	GN R 324 Listing Notice 3 – Activity 17: The expansion of a resort, lodge, hotel, tourism or hospitality facilities where the development footprint will be expanded and the expanded facility can accommodate an additional 15 people or more. i. Western Cape ii. Outside urban areas; (bb) Within 5 km from national parks, world heritage sites, areas identified in terms of NEMPAA or from the core area of a biosphere reserve; - excluding the conversion of existing buildings where the development footprint will not be increased.	The combined actions of the footprint expansion of 2019 and onwards, plus the additional proposed accommodation units, will trigger this listed activity.

It is of the utmost importance to prevent the triggering of further NEMA-listed activities that may need to be authorised. If uncertain contact an Environmental Assessment Practitioner (EAP) to ascertain whether or not any action related to the proposed infrastructure triggers any Listed Activities.

4. Receiving Environment Summary

From the earlier Google Earth imagery, it is evident that the northern portion of the established caravan park consisted of farmland. The central portion consisted of high-density alien vegetation and the southern portion comprised the same vegetation as what is now found directly west of the site, which consists of large patches of high-density alien vegetation (mainly port jackson) amongst open, grassy areas dominated by kikuyu (*Pennisetum clandestinum*) and kweek (*Cynodon dactylon*). Isolated individuals of *Leonotis leonorus* (wildedagga) and *Carpobrotus edulis* (suurvry) could have been evident within the development footprint, but the natural plant diversity would have been very low.

The 8 ha initial caravan park site was established around a milkwood (*Sideroxylon inerme*) forest. Milkwood trees are protected under Section 15 of the National Forests Act, 1998 (Act No. 30 of 1998), and may not be destroyed or disturbed without a license issued by the Department of Agriculture, Forestry and Fisheries (DAFF). The milkwood forest patch was completely retained during the establishment of the caravan park due to its protected tree species status and the aesthetical value which it brings to the resort.

The expanded area of the resort, the ± 2.5 ha area to the south, consisted of open grassy areas (farmland) and high-density alien vegetation within a historically disturbed area. Scattered individuals of indigenous plant species were however recorded within open areas (not impacted by the development) directly west and south of the cleared path. Natural plant species diversity and cover was very low, even before construction commenced.

Areas towards the south of the expanded areas (not impacted by the development) currently consist of impenetrable stands of alien vegetation but scattered individuals of thicket elements was evident amongst high density aliens including *Carissa bispinosa* (lemoenbessie), *Euclea racemosa* (duine gwarrie), *Gymnosporia buxifolia* (stinkpendoring), *Olea exasperata* (duine olienhout) and *Searsia* spp. Areas towards the east of the expanded areas consist of very high density alien *Leptospermum laevigatum* (Australian mirteboom) and *Acacia saligna* (port jackson) with no natural elements evident on site.

There were no mapped watercourses within the developed areas. There was a mapped NFEPA wetland across the north-eastern corner of the initially established caravan park and along the western portion of the initially expanded site. These areas correspond with the recently mapped aquatic CBAs. From earlier Google Earth images it appears that these areas were already transformed into farmland prior to the caravan park development. The wetland system was likely severely altered by historic farming in the area, as well as by the construction of the road, prior to the development of the caravan park. The hydrology was most likely also severely influenced by the vast areas of very high densities of alien vegetation prior to construction of the resort.

Currently, no wetlands or watercourses are evident across the north-eastern corner of the site. The wetland mapped along the western portion of the site currently consists of a furrow, emerging from the road culvert directly east of the caravan park entrance, constructed before the resort was established. After 80 m, the furrow runs westward into pastures, outside of the development areas. Apart from the short distance of the furrow at the entrance, there are no other wetland features within the resort.

5. Responsible Parties and Communication

5.1 Responsible Parties

Responsibility for the implementation of the EMPr lies with the Applicant, which is Mr. L.H. Fourie. This responsibility shall be delegated to contractors for practical purposes (if required), but the Applicant shall remain legally responsible for the implementation of the EMPr.

It is therefore the responsibility of the following individuals or groups to implement the EMPr and its management conditions.

The impact and mitigation tables provided below includes a "Responsible Person / Party" column that indicates which team member(s) are responsible for implementation of the identified mitigation measures.

5.1.1 Applicant/Proponent

The Applicant has the responsibility of implementing the conditions of the EMPr, as well as those to be contained in the EA, until liability is carried over to a new "holder of the EA".

5.1.2 Applicant's Representative

This is the person responsible for managing the grounds, including resort infrastructure and related facilities on behalf of the Applicant.

Responsibilities include:

- The day-to-day running and maintenance of the resort.
- Appointment and management of relevant third parties as described below and/or management of internal employees conducting work related to construction, management, maintenance, upkeep or improvement; and
- Overseeing the implementation of the EMPr.

5.1.3 Project Engineer

The project engineer represents the Applicant.

5.1.4 Construction Contractor(s)

Will include the construction manager and whose responsibilities include:

- To have the Environmental Authorisation (EA) and EMPr available on site at all times;
- To implement the management and mitigation measures as described in the EMPr and the conditions contained in the EA;
- If required by the Applicant, provide "Method Statements" that will indicate the procedures that will be applied in order to meet the requirements of any aspect of the EMPr (see **Appendix C** for a template of a method statement); and
- Ensure that all problems identified during environmental inspections, are addressed and rectified as soon as reasonably possible.

5.2 Communication

The following sections describe the site communication measures that will need to be implemented.

5.2.1 Consultation with Interested and Affected Parties

The Applicant or representative should establish a complaints register to record / register all complaints relating to the construction activities. The project team should develop a protocol relating to the steps that would be followed once a complaint has been received. The protocol should cover at least the following steps: registration, investigation, and reporting, follow-up action and close out.

5.2.2 Site Instructions

The Engineer should maintain a Site Instruction book that should be used for the recording of general site instructions as they relate to the works on site. It may be used for the issuing of **stop work orders** for the purposes of immediately halting any particular activity of the contractor, if in the opinion of the Applicant or his representative or Environmental Control Officer (ECO), that specific tasks may be detrimental to the environment.

5.2.3 Method Statements

A method statement is a written submission by the construction contractor that contains information on how work in sensitive environments will take place. It must describe the scope of the intended work, step-by-step, in order for the Applicant and/or Engineer to understand the construction contractor's intentions with its activities, and to be able to assess whether or not the construction contractor's work proposal is in accordance with the Scope of Work and/or will produce results in accordance with the EMPr.

The construction contractor must submit the method statements **seven (7) working days before any particular construction activity is due to start**. Work may not commence until the method statement has been approved by the Engineer and reviewed by the ECO. Method Statements from the construction contractor could be required for specific actions on request by the authorities or the Applicant or by the Project Engineer.

Approved Method Statements should be available on site and should be communicated to all relevant personnel. The proponent or his construction contractor shall carry out the construction activities in accordance with the approved Method Statement. Approval of the Method Statement shall not absolve the construction contractor from any of his obligations or responsibilities in terms of his contract or the requirements of the approved EMPr.

Method Statements shall consider all environmental hazards and risks identified in the EMPr and should clearly indicate the following:

- **WHAT WORK IS TO BE UNDERTAKEN** – give a brief description of the works to be undertaken;
- **WHERE THE WORKS ARE TO BE UNDERTAKEN** – provide a description of the extension of the works and an annotated plan of the locality of work;
- **HOW THE WORKS ARE TO BE UNDERTAKEN** - a detailed description of the process of work, methods and materials to be used in the works; and
- **WHEN WILL THE WORKS TAKE PLACE** - the sequencing of actions with due commencement dates and completion date estimates.

Refer to **Appendix C** for an example template for the method statements.

The following method statements, as per the EMPr specifications, might be required:

- **MS1: Site demarcation;**
- **MS2: Vegetation clearing;**
- **MS3: Soil erosion prevention.**

5.2.4 Record Keeping

The complaints register, site instruction book, method statements, and all other records related to the implementation of this EMPr must be kept together in a file at the site office or at least on the property for the duration of the construction contract period.

5.2.5 Penalties and Fines

Any avoidable non-compliance with the mentioned EMPr measures will be considered sufficient ground for the implementation of a penalty. Any non-compliance with the agreed procedures of the EMPr is a transgression of the various statutes and laws that define the manner in which the environment is managed and hence set penalties should be enforced. Penalties shall be specified in the contract with the Contractor.

Fines may be issued per incident/non-compliance at the discretion of the Applicant. Such fines will be issued in addition to any remedial costs incurred as a result of non-compliance with the EMPr. The Applicant will inform the construction contractor of the contravention and the amount of the fine. Maximum fines for the following transgressions by either the construction contractor and/or his sub-contractors may be imposed by the Applicant as follows:

Table 2: Maximum fine per incident/non-compliance

Persons, vehicles, plant or materials related to the Contractor's operations, found within the designated boundaries of a "no go" area.	R 4000.00
Persistent and unrepaired oil leaks from machinery/not using a drip tray to collect waste oil and other lubricants/not using specified absorbent material to encapsulate hydrocarbon spillage or refuelling on site (no refuelling will be allowed on site).	R 3000.00
Litter on site.	R 1000.00
Deliberate lighting of fires on site.	R 5000.00
Individual not making use of the site ablution facilities.	R 1000.00
Damage to vegetation not specified to be removed.	R 10 000.00
Dust or excessive noise emanating from the site.	R 1000.00
Not containing water contaminated with pollutants such as cement, concrete, fuel, etc. and polluting the watercourse and environment.	R 3000.00

For each subsequent similar offence, the fine may be doubled in value to a maximum value of R50 000.

Failure to rectify the offence will be reported to the relevant authority to deal with the transgression, as it deems fit.

6. Monitoring, Performance Assessment and Reporting on EMPr Compliance

6.1 Monitoring

Several monitoring actions are proposed, which would be implemented by various project role players. These role players are identified in the "Monitoring" column in the EMPr tables below

(Chapter 9). Also refer to Chapter 9 for the "Monitoring Action", "Responsible Person/Party", and "Monitoring Frequency" associated with the identified mitigation measures.

6.2 Performance Assessment and Reporting on EMPr Compliance

6.2.1 Environmental Control Officer

The Applicant should appoint a suitably qualified ECO to oversee and monitor the implementation of the construction phase mitigation measures. The mitigation measures as described in the EMPr, as well as the conditions of authorisation as described in the EA, should be monitored by the ECO.

The ECO may not be someone appointed by the contractor, engineer or other party involved with this project, other than the Applicant / Developer. The ECO should have at least 5 years' experience as an ECO or be supported by a qualified ECO.

The ECO's duties should include, amongst others:

- Knowing the background to the project and monitoring the implementation of the EMPr;
- Acting as a guide, advisor and consultant to the project manager and contractors on environmental issues during construction;
- The ECO should undertake **regular site visits** during the **construction phase** of the proposed activities;
- The ECO must **report** to the Applicant only;
- The ECO should present an **environmental site induction session** to all personnel before work on site commences, as are also described below;
- **Identify non-compliances** and problem areas timeously to avoid costly stoppages and / or further environmental damage;
- Ensure that **open communication lines** exist for the reporting of any significant environmental incidents to DEA&DP and to attend to any problems or complaints from the public rapidly;
- Propose changes (for approval) to the EMPr as necessary. **Update** the EMPr on a regular basis, if required; and
- After completion of the construction activities, a **final site inspection** and **environmental audit** (internal audit) should be undertaken by the ECO, before commencement of the operational phase, in order to determine compliance with the EMPr and the Environmental Authorisation. The final site inspection report should be submitted to the competent authority.

In an event where there is a transgression or non-compliance with any condition contained in the EMPr which may result in a significant threat to, or impact on the environment, the ECO has the authority to stop works. The ECO's authority in this regard is limited to emergency situations where consultation with the engineer or applicant cannot immediately be established. Reasons should be provided by the ECO for the work stoppage.

If the contractor or his employee(s) do not show adequate consideration for the environmental aspects of the construction activities, the ECO may recommend to the Engineer's Representative to have the contractor's representative or any employee(s) suspended until the matter is resolved. The ECO will not be held liable in any manner for any contravention, by the Applicant or contractors, of any conditions of the EMPr.

6.2.2 ECO Checklists

The ECO checklists (also called "ECO site inspection reports") will report on the compliance of the construction phase activities to the mitigation measures contained in the EMPr, as well as the conditions of approval described in the EA.

The checklist should be submitted to the applicant, on a monthly basis, within five (5) working days of the second monthly ECO site inspection and should also be made available to the construction contractor and Engineer's Representative.

The checklist must be read by the construction contractor and copies of the ECO Checklist must be kept on site. Any non-compliances noted by the ECO should be rectified and "closed out" as stipulated in the ECO Checklist.

6.2.3 Photographic Record

It is recommended that the Proponent and ECO take photographs of the site prior to, during and immediately after construction as a visual record. It is also recommended that the ECO take photographs to supplement the Monthly ECO Inspection Checklists.

7. Environmental Awareness Education

7.1 Environmental Awareness and Environmental Risk Induction

The ECO must induct all construction staff to convey the importance and implications of the EMPr, and to familiarise them with the environmental aspects of the contract. Staff must fill in an attendance register after attending an environmental induction session.

As part of the induction programme, staff shall be educated as to the need to refrain from destruction of animals and plants, as well as from indiscriminate defecation, waste disposal and/or pollution of local soil and water resources, from trespassing on surrounding private property and from theft from surrounding private property. Immediate and decisive action shall be taken should this occur.

Two types of inductions should be provided: one for the Contractor's and subcontractors' management, and one for all site staff and labourers. Induction shall be run during normal working hours on site. All attendees shall remain for the duration of the induction and sign an attendance register that clearly indicates participants' names on completion, a copy of which shall be handed to the Applicant's Representative. The Contractor shall allow for sufficient sessions to induct all personnel. Subsequent sessions shall be run for any new personnel coming onto site.

Notwithstanding the specific provisions of this clause, it is incumbent upon the Contractor to convey the spirit of the EMPr to all personnel involved with the works.

Where possible, the presentation needs to be conducted in the language of the employees / contractors. The environmental induction training shall, as a minimum, include the following:

- Sensitive and no-go areas on site;
- The importance of conformance with the EMPr;
- The significant environmental impacts, actual or potential, of their work activities;
- The environmental benefits of improved personal performance;
- Their roles and responsibilities in achieving conformance with the EMPr, including emergency preparedness and response requirements;

- The potential consequences of departure from specified operating procedures;
- The mitigation measures required to be implemented when carrying out their work activities.

7.1.1 Induction for Management and Foremen

The environmental awareness induction for management shall include all management and foremen. The induction, which shall be presented by the ECO, shall be undertaken prior to the commencement of construction work on site and shall include educating management of the contents of the Environmental Authorisation and this EMPr.

7.1.2 Induction for Site Staff and Labour

The environmental awareness induction for site staff and labour shall be presented by the Contractor from material provided by the ECO. The induction shall be undertaken not later than two (2) working days after the commencement of work on site, with sufficient sessions to accommodate all available personnel. All the Contractor's employees, sub-contractors' employees and any suppliers' employees that spend more than one (1) day a week or four days in a month on site shall attend the Environmental Awareness induction sessions for Site Staff and Labour. Refer to Appendix B for Environmental Awareness/Induction Training Material that can be used to undertake this task.

8. Impact Assessment Summary and Recommendations

The establishment and expansion of the resort did not result, and the proposed expansion will not result, in a significant loss of biodiversity. It is unlikely that there have been any impacts on geographical, physical, cultural-historical, archaeological or general heritage aspects during the resort establishment and expansion. There were also no impacts on any aquatic features, including wetlands, even though there are mapped NFEPA wetlands (channelled valley bottom wetland) across the north-eastern corner of the initially established caravan park and along the western portion of the initially and expanded site. From earlier Google Earth images it was confirmed that this area was already transformed into farmland prior to the caravan park development. The overall impact was of "low" to "very low" significance.

No decommissioning phase impacts are anticipated. It is not foreseen that the resort will be decommissioned as it contributes to much needed tourist accommodation.

Table 3: Summary of Impacts

Phase	Impacts	Significance rating of impacts after mitigation (Low, Medium, Medium-High, High, Very High):
Construction Phase	Impacts on geographical and physical aspects:	No impact.
	Impact on biological aspects: Disturbance, Modification and Loss of Terrestrial Habitat during Establishment and Expansion of the Resort.	Low (negative)
	Impact on biological aspects: Disturbance, Modification and Loss of Terrestrial Habitat during the Proposed Expansion of the Resort.	Very Low (negative)
	Impact on socio-economic aspects: Job creation	Low (positive)
	Impact on socio-economic aspects: Dust and noise pollution.	Very Low (negative)
	Impacts on cultural-historical, archaeological or	None

Phase	Impacts	Significance rating of impacts after mitigation (Low, Medium, Medium-High, High, Very High):
	general heritage aspects:	
	Visual Impacts / Sense of Place:	Very Low (negative)
Operational Phase	Impacts on geographical and physical aspects:	None
	Impact on biological aspects: Potential impact on Milkwood Forest.	Low (negative)
	Impact on socio-economic aspects: Safe accessibility for students, personnel and visitors.	Medium (positive)
	Impact on the cultural-historical aspects:	None
	Visual impacts / Sense of place:	Very Low (negative) / Insignificant
Decommissioning phase	It is not foreseen that the resort will be decommissioned as it contributes to much needed tourist accommodation.	
Other impacts	None	

All the mitigation measures included in the Terrestrial Biodiversity Impact Assessment to reduce the significance of the anticipated environmental impacts are included within the EMPr and must be implemented by the Applicant.

PART 2: ENVIRONMENTAL MANAGEMENT

1. Management and Mitigation Measures

Potential environmental impacts that may arise during the project's construction and operational phases have been identified. These are outlined below, and mitigation measures are provided.

The Applicant / ECO and Contractor must familiarise themselves with the requirements of the EMPr, keeping in mind that other site-specific requirements as outlined in the EA must also be complied with.

1.1 Glossary of Terms for Impact Table

- **"Activity"** is the relevant action that will take place on the site, e.g. site clearance, etc.
- An **"environmental aspect"** is a feature or characteristic of an activity that affects or can affect the environment.
- An **"environmental impact"** is a change to the environment. Such change can be positive or negative. Environmental impacts are **caused by environmental aspects**.
- An environmental **"Objective"** is the specific environmental goal.
- An environmental **"Target"** is a detailed performance requirement. Environmental targets are derived from environmental objectives and are used to achieve these objectives. Targets should be measurable where possible.

1.2 CONSTRUCTION PHASE MANAGEMENT

The construction phase management EMPr is divided into Management measures to be implemented during the site establishment, site clearance and accommodation unit construction of the Strandskloof Park development.

1.2.1 General Management during the Construction Phase

NO	PROJECT ACTIVITY (Environmental Aspect)	POTENTIAL IMPACT	CONSTRUCTION PHASE – GENERAL MANAGEMENT- STRANDSKLOOF CARAVAN PARK AND RESORT DEVELOPMENT			For Monitoring Purposes only (Successful implementation / corrective action required)
			CONSTRUCTION PHASE – GENERAL MANAGEMENT- STRANDSKLOOF CARAVAN PARK AND RESORT DEVELOPMENT MITIGATION / MANAGEMENT MEASURES	MITIGATION / MANAGEMENT MEASURES	RESPONSIBLE PARTY/PERSON (to implement mitigation measures)	
1	Pre-construction (Administrative)	Contractual agreements, toolbox talks and awareness training.	<p>Objective: Ensure contractors and staff are aware of the required management measures stipulated in the EMPr.</p> <p>Target: Environmental Awareness Plan to be presented to all personnel working on site.</p> <ul style="list-style-type: none"> This EMPr must form part of the contractual agreements with the specific contractors. Present Environmental Awareness Plan and induct personnel on Environmental Matters during "toolbox" talks. Keep proof of attendance on file. 	All	<p>Induction.</p> <p>Responsible Person/Party: Applicant/Contractors</p> <p>Frequency: Before construction commences or when new personnel commence on site.</p>	
2	Construction Activities (Job opportunities)	Creation of a limited number of construction phase job opportunities	<p>Objective: Employ people from the local community.</p> <p>Target: Employ as many people from the local community as possible.</p> <ul style="list-style-type: none"> The criteria for and selection of Contractors and their labourers for the project should demonstrate preference for the local communities. Such requirements should be included in contract documents. Residents from the surrounding communities should be employed where unskilled labour is required, during the construction phase as and where possible. 	Construction Contractors	<p>ECO Site Inspection and Checklist</p> <p>Responsible Person/Party: Contractor/ECO</p> <p>Monitoring Frequency: Once a week /month where appropriate</p>	

CONSTRUCTION PHASE – GENERAL MANAGEMENT: STRANDSKLOOF CARAVAN PARK AND RESORT DEVELOPMENT		CONSTRUCTION PHASE – GENERAL MANAGEMENT: STRANDSKLOOF CARAVAN PARK AND RESORT DEVELOPMENT		CONSTRUCTION PHASE – GENERAL MANAGEMENT: STRANDSKLOOF CARAVAN PARK AND RESORT DEVELOPMENT			
NO	PROJECT ACTIVITY (Environmental Aspect)	POTENTIAL IMPACT	OBJECTIVE AND TARGET	MITIGATION / MANAGEMENT MEASURES	RESPONSIBLE PARTY/PERSON (to implement mitigation measures)	MONITORING ACTION, PERSON/PARTY AND FREQUENCY	For Monitoring Purposes only (Successfully Implemented / Commence / Status)
3	Site clearance (Vegetation removal)	Depletion of natural resources	Objective: Prevent unnecessary habitat destruction. Target: All areas not demarcated for construction should remain vegetated.	<ul style="list-style-type: none"> Specific construction areas shall be clearly demarcated, with red and white tape (barrier tape), or PVC netting. All vehicles and activities shall be confined to these demarcated construction areas, in order to minimise environmental damage to the surrounding natural vegetation. 	Construction contractors	ECO to take photographs of site before commencement. ECO Site Inspection and Checklist Responsible Person/Party: Contractor/ECO Monitoring Frequency: Once a week /month where appropriate	
4	Site preparation (storage areas and materials handling)	Water pollution, air pollution, soil pollution etc.	Objective: Prevent pollution due to improper materials handling. Target: No waste / hydrocarbons / chemicals in contact with the surrounding environment.	<ul style="list-style-type: none"> If required, temporary storage areas for potentially contaminating materials shall be roofed with impervious material. The ingress of wind-blown rain should be avoided by sufficient roof overhang or sides of sufficient height. All materials on the construction sites should be properly stored and contained outside the exclusion areas. The storage of material should be kept to a minimum period as to prevent the compaction and destroying vegetation along the access paths and areas around the pipeline Stormwater shall be diverted around any temporary storage area(s). If required, temporary facilities, placed on an impermeable surface, shall be provided for the storage of oils, grease, fuels, chemicals and other hazardous materials to be used during the 	Construction contractors	ECO Site Inspection and Checklist Responsible Person/Party: Contractor/ECO Monitoring Frequency: Once a week /month where appropriate	

NO	PROJECT ACTIVITY (Environmental Aspect)	POTENTIAL IMPACT	CONSTRUCTION PHASE – GENERAL MANAGEMENT: STRANDSKLOOF CARAVAN PARK AND RESORT DEVELOPMENT			For Monitoring Purposes only (Implementation Outcome / action required)
			CONSTRUCTION PHASE – GENERAL MANAGEMENT: STRANDSKLOOF CARAVAN PARK AND RESORT DEVELOPMENT MITIGATION / MANAGEMENT MEASURES	RESPONSIBLE PARTY/PERSON (to implement mitigation measures)	MONITORING: ACTION, RESPONSIBLE PERSON/PARTY AND FREQUENCY	
			<p>construction phase. If required, fuel shall be stored in a secure area in a steel tank supplied and maintained by the fuel suppliers. Leakage of fuel shall be avoided.</p> <ul style="list-style-type: none"> • An adequate bund wall, 110% of the fuel tank volume, should be provided for fuel and diesel areas to accommodate any spillage or overflow from these substances. The area inside the bund wall should be lined with an impervious lining to prevent infiltration of the fuel into the soil. • Hazard signs indicating the nature of stored materials should be displayed on the temporary storage facility or container, if such a facility is provided. • Before containers or storage facilities are erected, the Contractor should furnish the Engineer/ECO with details of the preventative measures he proposes to instate in order to mitigate pollution of the surrounding environment from leaks or spillage. The preferred method is a concrete floor that is bunded. • The Contractor should also indicate the emergency procedures in the event of misuse or spillage that may negatively affect an individual or the environment. • Any fuel storage facilities (including any tanks) should be surrounded by a bund wall, in order to ensure that accidental spillage does not pollute local soil or water resources. • The storage areas shall not be utilised for accommodation purposes. • The storage areas should be kept tidy and the area shall be rehabilitated after use. 			

CONSTRUCTION PHASE – GENERAL MANAGEMENT: STRANDSKLOOF CARAVAN PARK AND RESORT DEVELOPMENT						
NO	PROJECT ACTIVITY (Environmental Aspect)	POTENTIAL IMPACT	MITIGATION / MANAGEMENT MEASURES	RESPONSIBLE PARTY/PERSON (to implement mitigation measures)	MONITORING: ACTION, RESPONSIBLE PERSON/PARTY AND FREQUENCY	For Monitoring Purposes only (including corrective / actions required)
			<ul style="list-style-type: none"> An inventory of any hazardous chemicals or substances (including that within equipment), along with a description of possible ill effects and treatment of health-related afflictions resulting from accidents, should be kept in the storage area as well as by the appropriate manager. Such documents are known as Material Safety Data Sheets. Gas welding cylinders and LPG cylinders should be stored in a secure, well-ventilated area. A notice board with the contact details of the responsible party should be displayed at the gate to the storage area. Alternatively, if storage areas / containers are not provided, all potentially polluting materials are to be stored in drip trays. Workers shall be made aware of the health risks associated with any hazardous substances used (e.g. smoking near refuelling depots) and shall be provided with appropriate protective clothing / equipment in case of spillages or accidents. Cement and other potential environmental pollutants shall be stored in a dry lockable temporary container. Mixing of mortar and concrete should take place on an impermeable substratum, not plastic sheeting that can tear. Two, in series catch pits should be constructed to contain cement residues, when cleaning mixers and wheelbarrows. Alternatively, a large plastic container should be used to contain cement residues and the contents should then be disposed of at a hazardous waste facility. 			

CONSTRUCTION PHASE – GENERAL MANAGEMENT: STRANDSKLOOF CARAVAN PARK AND RESORT DEVELOPMENT		CONSTRUCTION PHASE – GENERAL MANAGEMENT: STRANDSKLOOF CARAVAN PARK AND RESORT DEVELOPMENT		For ECO Monitoring Purposes only (Successfully implemented Contractor requires action)	
NO	PROJECT ACTIVITY (Environmental Aspect)	POTENTIAL IMPACT	MITIGATION / MANAGEMENT MEASURES	RESPONSIBLE PARTY/PERSON (to implement mitigation measures)	MONITORING ACTION, RESPONSIBLE PERSON/PARTY AND FREQUENCY
5	Construction Activities Excavations, Laying of Foundations, Building and Construction	Impact on surrounding freshwater features and resources; Depletion of natural resources; Terrestrial and Riparian Vegetation	Objective: Limit the construction footprint as much as possible. Target: All areas not part of the construction site or not demarcated for construction should remain vegetated.	Construction Contractors	Take photographs of site before commencement; ECO Site Inspection and Checklist Responsible Person/Party: Contractor/ECO Monitoring Frequency: Once a week /month where appropriate
6	Construction activities	Dust and Noise impacts	Objective: To limit adverse socio-economic impacts as far as possible. Target: To limit dust and noise generated on site.	Construction Contractors	ECO Site Inspection and Checklist Responsible Person/Party: Contractor/ECO Monitoring Frequency: Once a week /month where appropriate

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CONSTRUCTION PHASE – GENERAL MANAGEMENT: STRANDSKLOOF CARAVAN PARK AND RESORT DEVELOPMENT		CONSTRUCTION PHASE – GENERAL MANAGEMENT: STRANDSKLOOF CARAVAN PARK AND RESORT DEVELOPMENT		CONSTRUCTION PHASE – GENERAL MANAGEMENT: STRANDSKLOOF CARAVAN PARK AND RESORT DEVELOPMENT			
NO	PROJECT ACTIVITY (Environmental Aspect)	POTENTIAL IMPACT	OBJECTIVE AND TARGET	MITIGATION / MANAGEMENT MEASURES	RESPONSIBLE PARTY/PERSON (to implement mitigation measures)	MONITORING: ACTION, RESPONSIBLE PERSON/PARTY AND FREQUENCY	For Monitoring Purposes only (success/failure / corrective action)
7	Construction activities	Safety and Security Impacts	Objective: To limit socio-economic impacts as far as possible. Target: To ensure the safety and security of surrounding residents.	<ul style="list-style-type: none"> Should noise-generating activities have to occur at night, people living in the vicinity of the site should be warned about the activity well in advance. After construction hours, all open trenches must be covered or enclosed. Access to the construction area must be strictly controlled to limit access to unauthorised people. 	Construction Contractors	ECO Site Inspection and Checklist Responsible Person/Party: Contractor/ECO Monitoring Frequency: Once a week /month where appropriate	
8	Construction Activities (Hydrocarbon Management)	Soil, water and groundwater pollution.	Objective: To ensure that hydrocarbons and other hazardous materials are managed during the construction phase in accordance with the directives set out in National Legislation. Target: Prevent and/or manage potential impacts from hydrocarbon spills.	<ul style="list-style-type: none"> Runoff from fuel depots/bousers, workshops, truck washing areas and concrete swills shall be routed through an oil trap equipped with oil recovery equipment. The remaining water will be discharged, through a sediment trap, as agreed with the Local Environmental Authority and DWS All vehicles, equipment, fuel and petroleum services must be maintained in a good condition to prevent leakages and potential contamination of soil. Effective environmentally friendly hydrocarbon absorption agents should be stored onsite in the event of a spill. Examples of agents selling absorption material are: Sunisorb, tel. 084 293 4191, http://www.sunisorb.com or Driat, tel. 0800 202 202, http://www.driat.com. All hydrocarbon spills are to be addressed immediately to prevent seeping into the ground. 	Construction Contractors	ECO Site Inspection and Checklist Responsible Person/Party: Contractor/ECO Monitoring Frequency: Once a week /month where appropriate	

CONSTRUCTION PHASE – GENERAL MANAGEMENT: STRANDSKLOOF CARAVAN PARK AND RESORT DEVELOPMENT		MONITORING: ACTION, RESPONSIBLE PERSON/PARTY AND FREQUENCY	For Monitoring Purposes only (Detailed implementation corrective action required)
NO	POTENTIAL IMPACT		
	<p>CONSTRUCTION PHASE – GENERAL MANAGEMENT: STRANDSKLOOF CARAVAN PARK AND RESORT DEVELOPMENT</p> <p>MITIGATION / MANAGEMENT MEASURES</p> <p>Report to construction Contractor and continue observations.</p> <p>Also check:</p> <ul style="list-style-type: none"> That the source causing the spillage has ceased, and that the affected area is isolated to prevent spreading of the hazardous substance, where after it should be rehabilitated. <p>Action will be required ASAP. The following steps are suggested:</p> <ul style="list-style-type: none"> ➤ Dig down into the soil to see how far down the pollution penetrated. ➤ If less than 300mm penetrated: <ol style="list-style-type: none"> Turn the soil over to expose it to the air. Apply Mono Ammonium Phosphate (MAP) at a rate of 58gr/m² to the overturned soil. Water enough to keep the soil moist. ➤ If penetration is greater than 300mm: <ol style="list-style-type: none"> Remove the affected soil and spread in a layer not more than 300mm thick. Apply MAP at a rate of 50gr/m². Water enough to keep the soil moist. Repeat the above steps every 6 weeks or until the soil is clean. Any emergency servicing of construction machinery is to be done over drip trays. In addition, fuel-driven generators are to be placed on drip trays. Drip trays shall be inspected and emptied daily and serviced when necessary. In particular drip trays shall be closely monitored during rain events to ensure that they do not overflow. The Contractor shall 		

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CONSTRUCTION PHASE – GENERAL MANAGEMENT: STRANDSKLOOF CARAVAN PARK AND RESORT DEVELOPMENT						
NO	PROJECT ACTIVITY (Environmental Aspect)	POTENTIAL IMPACT	MITIGATION / MANAGEMENT MEASURES	RESPONSIBLE PARTY/PERSON (to implement mitigation measures)	MONITORING ACTION, RESPONSIBLE PERSON/PARTY AND FREQUENCY	For Monitoring Purposes only (Successful implementation / corrective action)
9	Construction Activities (Employee toilet facilities)	Ground- and surface water pollution from improper sewerage disposal.	<p>Objective: Prevent ground- and surface water pollution from sewage.</p> <p>Target: No sewage in contact with natural surface or groundwater.</p>	<p>maintain a used oil storage container into which any oils in drip trays must be placed.</p> <ul style="list-style-type: none"> The Contractor shall ensure the provision and proper utilisation, maintenance and management of toilet, wash and waste facilities. All leaking taps and equipment using water shall be regularly checked for leaks and drips. Water for construction and drinking purposes shall be obtained from a sustainable source. Dirty water (water used to clean containers and the disinfection area) must be diverted to a septic tank and not be allowed to seep into the soil. At least one chemical toilet must be made available on site for every 20 construction workers. All construction workers will be required to use the chemical toilet(s). The exact location of the toilets shall be approved by the ECO prior to establishment. All temporary/portable toilets should be secured to the ground to the satisfaction of the ECO to prevent them from tipping due to wind or any other cause. The chemical toilets shall be properly maintained and cleaned on a regular basis (at least once a week). Sewage from the chemical toilets must be disposed of at a suitably-licensed sewage disposal facility. 	<p>Construction Contractors</p> <p>ECO Site Inspection and Checklist Responsible Person/Party: Contractor/ECO Monitoring Frequency: Once a week /month where appropriate</p>	
10	Construction Activities (Soil management)	Loss of topsoil	<p>Objective: Prevent loss of topsoil.</p> <p>Target: No soil erosion.</p>	<p>Construction Contractors</p>	<p>ECO Site Inspection and Checklist Responsible Person/Party: Contractor/ECO</p>	

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CONSTRUCTION PHASE – GENERAL MANAGEMENT: STRANDSKLOOF CARAVAN PARK AND RESORT DEVELOPMENT		MONITORING: ACTION, RESPONSIBLE PERSON/PARTY AND FREQUENCY		For Monitoring Purposes only (Ecosystems, Corrective Action / required)	
NO	PROJECT ACTIVITY (Environmental Aspect)	POTENTIAL IMPACT	MITIGATION / MANAGEMENT MEASURES	RESPONSIBLE PARTY/PERSON (to implement mitigation measures)	
11	Construction Activities (Erosion control and rehabilitation)	Erosion of the base soil exposed to the elements (e.g. rain and wind) and contamination	<p>to site. Wherever possible usable topsoil should be stripped from areas where physical disturbance of the surface will occur. Stripped topsoil should be stockpiled for later re-use. Soil stripping should be done in a phased manner to retain any vegetation cover for as long as possible, as this aids in dust suppression.</p> <ul style="list-style-type: none"> The topsoil must be removed and stored separately to be used to re-fill the excavated and disturbed areas after construction. Topsoil must be returned to the same area from which it was removed. All topsoil stockpiles should be maintained to prevent wind and water erosion throughout the contract period. All soil stockpiles should be located at a suitable site defined by the Applicant / ECO. All topsoil stockpiles shall be located in a designated area. Repeated handling of the soil must be avoided, and soil should not be handled when wet as this will increase compaction. Topsoil should be used on site for rehabilitation purposes. Excess topsoil may be removed from site with the consent of the Engineer and/or ECO. Areas where signs of erosion occur because of construction shall be stabilised. Potential methods of stabilisation include: brush-cut packing, mulch or chip cover, straw stabilising, sodding, hydro-seeding, soil binders. Traffic and movement over stabilised areas should be restricted and controlled, and damage to stabilised 	<p>Monitoring Frequency: Once a week /month where appropriate</p> <p>ECO Site Inspection and Checklist Responsible Person/Party: Contractor/ECO Monitoring Frequency:</p>	

CONSTRUCTION PHASE – GENERAL MANAGEMENT: STRANDSKLOOF CARAVAN PARK AND RESORT DEVELOPMENT		CONSTRUCTION PHASE – GENERAL MANAGEMENT: STRANDSKLOOF CARAVAN PARK AND RESORT DEVELOPMENT	
NO	PROJECT ACTIVITY (Environmental Aspect)	POTENTIAL IMPACT	CONSTRUCTION PHASE – GENERAL MANAGEMENT: STRANDSKLOOF CARAVAN PARK AND RESORT DEVELOPMENT
		OBJECTIVE AND TARGET	MITIGATION / MANAGEMENT MEASURES
		on of soil from wastewater	<p>areas shall be repaired and maintained to the satisfaction of the ECO</p> <ul style="list-style-type: none"> All eroded areas within the construction site shall be rehabilitated (shaped and scarified) to a state comparable to the surrounding area, or better. To prevent soil erosion, the Contractor should ensure that stormwater is diverted away from exposed areas and soil stockpiles.
12	Construction Activities (Fire prevention and control)	<p>Depletion of natural resources or harm to humans and infrastructure</p> <p>Objective: Prevent damage to vegetation and surrounding houses due to uncontrolled fires. Target: No fires.</p>	<p>ECO Site Inspection and Checklist</p> <p>Responsible Person/Party: Contractor/ECO</p> <p>Monitoring Frequency: Once a week /month where appropriate</p>
			<p>For Monitoring Purposes only (Successfully implemented / corrective action required)</p>

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CONSTRUCTION PHASE – GENERAL MANAGEMENT: STRANDSKLOOF CARAVAN PARK AND RESORT DEVELOPMENT		MITIGATION / MANAGEMENT MEASURES		MONITORING: ACTION, RESPONSIBLE PERSON/PARTY AND FREQUENCY		For Monitoring Purposes only (successfully implemented / compliance required)	
NO	PROJECT ACTIVITY (Environmental Aspect)	POTENTIAL IMPACT	OBJECTIVE AND TARGET	RESPONSIBLE PARTY/PERSON (to implement mitigation measures)	RESPONSIBLE PERSON/PARTY AND FREQUENCY	ECO Monitoring	For Monitoring Purposes only (successfully implemented / compliance required)
13	Construction Activities (Drainage)	Change in stormwater drainage regime	Objective: Ensure that the site remains free-draining. Target: The site should be free-draining at all times, and no large pools of water (except for the detention pond) should remain on site and flooding may not occur after major rainfall events.	<ul style="list-style-type: none"> The Contractor shall be held responsible for any damage caused as a result of fires caused by their employees or Sub-contractors. Stormwater falling on the stripped area shall be directed off the area in a manner that minimises erosion. "Clean" stormwater shall be diverted around the area so that it does not become contaminated. 	Construction Contractors ECO Site Inspection and Checklist Responsible Person/Party: Contractor/ECO Monitoring Frequency: Once a week /month where appropriate		
14	Waste management (Waste disposal)	Solid waste disposal	Objective: Prevent pollution. Target: No littering.	<ul style="list-style-type: none"> Solid waste shall be stored in an approved area in covered, tip-proof metal drums, preferably skip containers, for collection and disposal. Disposal of solid waste shall be at a licensed landfill site. No waste shall be burned or buried on site. No littering by construction workers shall be allowed. During the construction period, the facilities should be maintained in a neat and tidy condition and the site should be kept free of litter. 	Construction Contractors ECO Site Inspection and Checklist Responsible Person/Party: Contractor/ECO Monitoring Frequency: Once a week /month where appropriate		

CONSTRUCTION PHASE – GENERAL MANAGEMENT: STRANDKLOOF CARAVAN PARK AND RESORT DEVELOPMENT		MITIGATION / MANAGEMENT MEASURES		RESPONSIBLE PARTY/PERSON (to implement mitigation measures)		MONITORING: ACTION, RESPONSIBLE PERSON/PARTY AND FREQUENCY		For Monitoring Purposes only (successful implementation / corrective action required)	
NO	PROJECT ACTIVITY (Environmental Aspect)	POTENTIAL IMPACT	OBJECTIVE AND TARGET	MITIGATION / MANAGEMENT MEASURES		RESPONSIBLE PARTY/PERSON (to implement mitigation measures)	MONITORING: ACTION, RESPONSIBLE PERSON/PARTY AND FREQUENCY	For Monitoring Purposes only (successful implementation / corrective action required)	
15	Hazardous waste management (Waste disposal)	Hazardous waste disposal	Objective: Prevent pollution. Target: No hazardous waste disposal.	<ul style="list-style-type: none"> Hazardous waste such as tar and oil shall be disposed of at a licensed hazardous waste site, or through a registered hazardous waste management company. Used oil, lubricants and cleaning materials from the maintenance of vehicles and machinery shall be collected in a holding tank and returned to the supplier. Alternatively, oils collected in this manner shall be retained in a safe holding tank and removed from site by a specialist oil recycling company for disposal at an approved hazardous waste disposal site. 		Construction Contractors	ECO Site Inspection and Checklist Responsible Person/Party: Contractor/ECO Monitoring Frequency: Once a week /month where appropriate		
16	Waste management (Recycling)	Depletion of natural resources	Objective: Recycle. Target: Re-use construction materials where possible.	<ul style="list-style-type: none"> Wherever possible, materials used or generated during construction shall be recycled or reused. Where possible and practical waste shall be sorted for recycling purposes, into the following categories: paper, aluminium, metals (other than aluminium), organic waste and glass. 		Construction Contractors	ECO Site Inspection and Checklist Responsible Person/Party: Contractor/ECO Monitoring Frequency: Once a week /month where appropriate		
17	Construction Phase (Emergency issues)	Emergencies	Objective: Comply with the EMPr measures. Target: No non-compliances to be received.	<ul style="list-style-type: none"> The Construction Contractor should define emergency reporting procedures for the project. Adopt standard emergency reporting procedures. Ensure that all personnel are aware of emergency reporting procedures and their responsibilities. Ensure immediate clean-up of any spills in accordance with relevant legislation. Telephone numbers of emergency services, including the local firefighting service, should be 		Site Manager, Construction Contractors, personnel	ECO Site Inspection and Checklist Responsible Person/Party: Contractor/ECO Monitoring Frequency: Once a week /month where appropriate		

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CONSTRUCTION PHASE – GENERAL MANAGEMENT: STRANDSKLOOF CARAVAN PARK AND RESORT DEVELOPMENT		MITIGATION/ MANAGEMENT MEASURES		RESORT DEVELOPMENT		
NO	PROJECT ACTIVITY (Environmental Aspect)	POTENTIAL IMPACT	OBJECTIVE AND TARGET	RESPONSIBLE PARTY/PERSON (to implement mitigation measures)	MONITORING: ACTION, RESPONSIBLE PERSON/PARTY AND FREQUENCY	For Monitoring Purposes only (Essentially uncontrolled corrective action) (N512/16)
18	Construction Activities (Heritage Aspects)	Impact on heritage resources	<p>Objective: Prevent impacts on heritage resources.</p> <p>Target: No impact on heritage resources as a result of any activities</p>	<p>placed in visible areas such as on the site office notice board and in the staff canteen.</p> <ul style="list-style-type: none"> Any emergency incident, originating at the proposed facility, which falls within the definition of section 30(1)(a) of the NEMA must be dealt with by the facility in accordance with section 30 of NEMA. In the event of any incident, the facility must ensure containment of the spill or hazard, by the responsible person, and notify the Pollution Information and Chemicals Management Section of the Department at 021 483 2760 / 4099 immediately after the situation is under control. The Contractor in consultation with the ECO/Engineer must provide a list of all emergency equipment at the facility, which must be updated regularly and should detail the physical location and description of each item as well as its capabilities. Should any archaeological deposits or remains be uncovered during activities on site, work must stop immediately and Heritage Western Cape (HWC) be informed. The contact details of the HWC archaeologist are Mr. Andrew September: Email: Andrew.september@westerncape.gov.za Tel 021 483 9543. 	Construction Contractors/Applicant	ECO Site Inspection and Checklist Responsible Person/Party: Contractor/ECO Monitoring Frequency: Once a week /month where appropriate

1.2.2 Specific Management during the Construction Phase

CONSTRUCTION PHASE – SPECIFIC MANAGEMENT: STRANDSKLOOF CARAVAN PARK AND RESORT DEVELOPMENT							
NO	PROJECT ACTIVITY (Environmental Aspect)	POTENTIAL IMPACT	OBJECTIVE AND TARGET	MITIGATION / MANAGEMENT MEASURES	RESPONSIBLE PARTY/PERSON (to implement mitigation measures)	MONITORING: ACTION, RESPONSIBLE PERSON/PARTY AND FREQUENCY	For Monitoring Purposes only – (Include: implementer / Corrective action required)
1	Site clearance and construction	Disturbance of protected milkwood forest.	Objective: to not impact the milkwood forest. Target: No disturbance to the milkwood forest.	<ul style="list-style-type: none"> The milkwood forest should be excluded from any development or disturbances. Ongoing alien vegetation management and follow-up control should be conducted within and around the resort, especially near the milkwood forest. Tourists should be educated about the value and conservation status of these trees (by way of site notices and/or information booklets). No fires (braais) must be allowed near the forest. 	Developer Contractors	ECO Site Inspection and Checklist Responsible Person/Party: Contractor/ECO Monitoring Frequency: Once a week /month where appropriate	

1.2.3 Environmental Monitoring and Auditing of the Construction Phase

A final site audit should be undertaken by the ECO at the end of the construction phase to ascertain compliance with the mitigation/management measures in the abovementioned tables. The final checklist produced by the ECO must be submitted to the DEA&DP, and Applicant for their records.

The objectives of the environmental audit report, as per Regulation 34 and Appendix 7 of the EIA Regulations, 2014 as amended, is to:

- a) report on-
 - (i) the level of compliance with the conditions of the environmental authorisation and the EMPr, and where applicable, the closure plan; and
 - (ii) the extent to which the avoidance, management and mitigation measures provided for in the EMPr, and where applicable, the closure plan achieves the objectives and outcomes of the EMPr, and closure plan.
- b) identify and assess any new impacts and risks as a result of undertaking the activity;

- c) evaluate the effectiveness of the EMPr, and where applicable, the closure plan;
- d) identify shortcomings in the EMPr, and where applicable, the closure plan; and
- e) identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr, and where applicable, the closure plan.

1.3 OPERATIONAL PHASE MANAGEMENT

The intention of providing an EMPr for the operational phase is to provide guidelines for management of facilities and infrastructure to safeguard the environment against negative environmental impacts.

1.3.1 General Management during the Operational Phase

NO	PROJECT ACTIVITY (Environmental Aspect)	POTENTIAL IMPACT	OPERATIONAL PHASE - GENERAL MANAGEMENT: STRANDSKLOOF CARAVAN PARK AND RESORT DEVELOPMENT			For Monitoring Purposes only (see table 10.1.1 for details / Considerations required)
			OPERATIONAL PHASE - GENERAL MANAGEMENT: MITIGATION / MANAGEMENT MEASURES	RESPONSIBLE PARTY/PERSON (to implement mitigation measures)	MONITORING: ACTION, PERSON/PARTY AND FREQUENCY	
1	General management	Degradation of environment	<p>Objective: To control certain general aspects of the operational phase.</p> <p>Target: To prevent and/or manage general environmental impacts during the operational phase.</p>	<ul style="list-style-type: none"> • Implementation and auditing of the Operational Phase EMPr. • Ensure that occupiers adhere to the guidelines in respect of littering, recycling, sparing use of energy and water, sanitation and general behaviour. 	Applicant / Manager	Operational Phase Checklist Monitoring Frequency: Continuously
2	Alien vegetation control	Degradation of Environment	<p>Objective: To control certain general aspects of the operational phase.</p> <p>Target: Minimise disturbance to indigenous vegetation during the operational phase by alien vegetation.</p>	<ul style="list-style-type: none"> • Ongoing alien vegetation management and follow-up control should be conducted within the remainder of the property. 	To be organised by the Applicant / Manager. The ECO, CapeNature or DWS can be contacted for advice if necessary.	Operational Phase Checklist Monitoring Frequency: Continuously

OPERATIONAL PHASE – GENERAL MANAGEMENT-STRANDSKLOOF CARAVAN PARK AND RESORT DEVELOPMENT		MITIGATION / MANAGEMENT MEASURES		RESPONSIBLE PARTY/PERSON (to implement mitigation measures)		MONITORING: ACTION, RESPONSIBLE PERSON/PARTY AND FREQUENCY		For Monitoring Purposes only (Successful implementation / Corrective action required)	
NO	PROJECT ACTIVITY (Environmental Aspect)	POTENTIAL IMPACT	OBJECTIVE AND TARGET						
3	Landscaping and Water Saving	Degradation of Environment	Objective: To control certain general aspects of the operational phase. Target: Landscaping of open spaces and establishment of gardens with limited water resources.	<ul style="list-style-type: none"> Landscaping to be done with indigenous shrubs and water-wise indigenous and / or non-invasive trees. Gardens should be established making uses of the plant list provided in the landscaping guidelines. Where possible, rather plant buffalo grass or fynkweek for lawns instead of kikuyu grass. 	Applicant / Manager / Landscape architect	Operational Phase Checklist Monitoring Frequency: Continuously			
4	Use of pesticides, herbicides and Insecticides.	Degradation of Environment	Objective: To control certain general aspects of the operational phase. Target: Care should be taken when using pesticides, herbicides and insecticides.	<ul style="list-style-type: none"> Care must be taken when using pesticides and insecticides to prevent pollution of the environment. The relevant requirements of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, Act 36 of 1947 must be complied with at all times. Pesticides/herbicides/insecticides should have low environmental toxicity (the active ingredients should have short half-lives). Use pesticides that possess chemical properties that are less conducive to runoff (such as low water solubility and high adsorption coefficients). Organic slow-release fertilizers should be used wherever possible. Alternatively, slow release, less soluble and least mobile chemical fertilizers should be used. Current Material Safety Data Sheets must be available on site for all chemicals (pesticides, herbicides, fertilizers etc.) used. Such chemicals must be stored in appropriate lockable stores. 	Applicant / Manager / Landscape architect	Operational Phase Checklist Monitoring Frequency: Continuously			
5	Disturbance to fauna.	Degradation of Environment	Objective: To control certain general aspects of the operational phase.	<ul style="list-style-type: none"> Snakes, lizards, tortoises etc. must be physically removed from the developed part of the property without harming them and may be placed in the 	Applicant / Manager	Operational Phase Checklist			

OPERATIONAL PHASE – GENERAL MANAGEMENT: STRANDSKLOOF CARAVAN PARK AND RESORT DEVELOPMENT		MITIGATION / MANAGEMENT MEASURES		RESORT DEVELOPMENT		
NO	POTENTIAL IMPACT	OBJECTIVE AND TARGET	MITIGATION / MANAGEMENT MEASURES	RESPONSIBLE PARTY/PERSON (to implement mitigation measures)	MONITORING: ACTION, RESPONSIBLE PERSON/PARTY AND FREQUENCY	For Monitoring Purposes only (Successful implementation / corrective action required)
		<p>Target: Minimise disturbance to fauna and not allow introduction of exotic species.</p> <p>Objective: To ensure the conservation and sustainable use of scarce water resources.</p> <p>Target: Institute measures to minimise potable water use during operational phase of project.</p>	<p>adjacent natural areas or relocated to an appropriate site.</p> <ul style="list-style-type: none"> Competent snake handlers must be contacted to move snakes, should it be necessary. The Applicant should undertake water awareness programmes from time to time and should draft and distribute educational pamphlets amongst staff and visitors to the development regarding sustainable water use and implementation of water saving measures. A water demand management programme for reducing water needs (e.g. water-wise gardening and no use of kikuyu grass; low flow showerheads, dual flush toilets and educational programmes), should be specified by the architects and landscape architects. Set up monitoring systems for the detection of leaks within water reticulation system to minimise water losses through pipe breakages and leaks. Institute water rationing (restrictions) in times of drought timeously. No pollution of surface or ground water may occur due to any activity on the property. The relevant requirements of the National Water Act, 1998 (Act No. 36 of 1998) must be complied with at all times. The use of indigenous vegetation during landscaping and garden establishment; and the training of staff and property owners/occupiers to implement good housekeeping techniques in water use reduction. 	Applicant/ Manager	<p>Monitoring Frequency: Continuously</p> <p>Operational Phase Checklist</p> <p>Monitoring Frequency: Continuously</p>	
6	Depletion of water resources.	<p>Objective: To ensure the conservation and sustainable use of scarce water resources.</p> <p>Target: Institute measures to minimise potable water use during operational phase of project.</p>				
7	Impact on water resources.	<p>Objective: To ensure the conservation and sustainable use of scarce water resources.</p>		Applicant/ Manager	Operational Phase Checklist	

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OPERATIONAL PHASE – GENERAL MANAGEMENT: STRANDSKLOOF CARAVAN PARK AND RESORT DEVELOPMENT		MITIGATION / MANAGEMENT MEASURES		RESORT DEVELOPMENT		
NO	PROJECT ACTIVITY (Environmental Aspect)	POTENTIAL IMPACT	OBJECTIVE AND TARGET	RESPONSIBLE PARTY/PERSON (to implement mitigation measures)	MONITORING: ACTION, PERSON/PARTY AND FREQUENCY	For Monitoring Purposes only (Successfully Implemented / Corrective action required)
			<p>water resources and prevention of erosion. Target: Institute measures for stormwater management to prevent erosion, damage to property and pollution.</p>		<p>Monitoring Frequency: Continuously</p>	
8	Energy (Electricity) Management	Loss of scarce natural resources.	<p>Objective: To ensure the conservation of our scarce energy resources by implementing an integrated energy management system where energy saving appliances and fittings are used to save energy and where an ethic of energy management is engendered amongst owners and occupiers of buildings and their staff. Target: Specify energy saving appliances and fittings.</p>	Applicant Manager	<p>Operational Phase Checklist Monitoring Frequency: Continuously</p>	

OPERATIONAL PHASE – GENERAL MANAGEMENT: STRANDSKLOOF CARAVAN PARK AND RESORT DEVELOPMENT		MITIGATION / MANAGEMENT MEASURES		RESPONSIBLE PARTY/PERSON (to implement mitigation measures)		MONITORING: ACTION, PERSON/PARTY AND FREQUENCY		For Monitoring Purposes only (successfully implemented / corrective action required)	
NO	PROJECT ACTIVITY (Environmental Aspect)	POTENTIAL IMPACT	OBJECTIVE AND TARGET						
9	Air quality management	Air pollution	Objective: To ensure that air quality is managed in accordance with the directives set out in National Legislation. Target: Ensure judicious air quality management.	<ul style="list-style-type: none"> The relevant requirements of the National Environmental Management: Air Quality Amendment Act, 2014 (NEM:QA) must be complied with at all times. All disturbed surfaces must be monitored for dust during windy periods. It may be necessary to work straw into the disturbed surfaces to prevent dust, to keep wet or to quickly establish vegetative cover. 		Applicant / Manager	Operational Phase Checklist Monitoring Frequency: Continuously		
10	Visual impact	Disturbance of the view shed	Objective: To minimise the visual (aesthetic) impact of the development on the surrounding environment and to maintain the "sense of place" of the area. Target: Minimise the visual (aesthetic) impact of the buildings in the development.	<ul style="list-style-type: none"> All future buildings must be built in accordance with the architectural guidelines put forward for the development. A judicious landscaping plan should be implemented to, where possible, screen buildings from surrounding view sheds through the planting of indigenous / non-invasive trees and shrubs. The plant list provided in the landscaping guidelines must be adhered to. 		Applicant / Manager	Operational Phase Checklist Monitoring Frequency: Continuously		
11	Outdoor advertising	Visual	Objective: To minimise the visual (aesthetic) impact of the development on the surrounding environment. Target: Ensure outdoor advertising is not visually obtrusive.	<ul style="list-style-type: none"> All necessary signage should be limited in size, and its colours and finishes should be chosen for their appropriateness to the colours of the site and its environs. The use of corporate colours and logos is excluded from this. 		Applicant / Manager	Operational Phase Checklist Monitoring Frequency: Continuously		

OPERATIONAL PHASE – GENERAL MANAGEMENT: STRANDSKLOOF CARAVAN PARK AND RESORT DEVELOPMENT		MITIGATION / MANAGEMENT MEASURES	RESPONSIBLE PARTY/PERSON (to implement mitigation measures)	MONITORING: ACTION, RESPONSIBLE PERSON/PARTY AND FREQUENCY	For Monitoring Purposes only (Successfully implemented / corrective action required)
NO	POTENTIAL IMPACT				
12	Waste Management (Waste generation). Littering and pollution.	<p>Objective: To ensure an integrated waste management programme by waste minimization and recycling of all waste at source and to ensure that recyclables enter the waste stream by engendering an ethic of waste management amongst property owners/occupiers and staff.</p> <p>Target: To minimise and recycle operational-phase waste.</p>	<ul style="list-style-type: none"> An integrated waste management approach must be used that is based on waste minimisation and must include reduction, recycling, re-use and disposal where appropriate. Waste should be sorted at source, in separating containers on site (plastic, paper, tins, and bottles into different containers). All solid waste should be kept in appropriate, weatherproof containers. A formal recycling programme should be implemented Any solid waste and un-recyclable solid waste should be disposed of at a waste disposal facility licensed in terms of the National Environmental Management: Waste Act, Act 107 of 1998. No waste will be allowed to be dumped permanently on the property. A permanent weather and scavenger proof waste storage facility is to be provided on site for storing the sorted waste into different recyclables. 	<p>Applicant / Manager</p> <p>Operational Phase Checklist</p> <p>Monitoring Frequency: Continuously</p>	
13	Hydrocarbon Management Soil and water pollution	<p>Objective: To ensure that hydrocarbons and other hazardous materials are managed during the operational phase in accordance with the directives set out in National Legislation.</p> <p>Target: Prevent and/or manage potential impacts from hydrocarbon spills.</p>	<ul style="list-style-type: none"> All hydrocarbon spills are to be addressed immediately to prevent seeping into the ground. All vehicles, equipment, fuel and petroleum services must be maintained in a good condition in order to prevent leakages and potential contamination of soil. All fuels, oils and hydrocarbon products (tars) kept in tins and drums must be stored in banded areas (or, temporarily, on drip-trays) to prevent pollution in case of spills or leakages. The bund should be able to store 110% of all fuels and oils to be stored. Effective environmentally friendly hydrocarbon absorption agents shall be stored close to the bund in the event of a spill. Examples of agents selling absorption material are: Sunisorb, tel. 084 293 4191. 	<p>Applicant / Manager</p> <p>Operational Phase Checklist</p> <p>Monitoring Frequency: Continuously</p>	

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 Director: P.J. de Villiers (Registered EAP: 2019/1372) (Pr.Sci.Nat)

Strandskloof Caravan Park and Resort, Franskaal

Draft EMP/Pr

OPERATIONAL PHASE – GENERAL MANAGEMENT: STRANDSKLOOF CARAVAN PARK AND RESORT DEVELOPMENT							
NO	PROJECT ACTIVITY (Environmental Aspect)	POTENTIAL IMPACT	OPERATIONAL PHASE – GENERAL MANAGEMENT: MITIGATION / MANAGEMENT MEASURES	RESPONSIBLE PARTY/PERSON (to implement mitigation measures)	MONITORING: ACTION, RESPONSIBLE PERSON/PARTY AND FREQUENCY	For Monitoring Purposes only (successfully implemented / corrective action required)	OM
				http://www.sunsorb.com or Drizit, tel. 0800 202 202, http://www.drizit.com			

1.3.2 Environmental Monitoring and Auditing of the Operational Phase

It will be incumbent for the Applicant to undertake periodic **internal audits** of the activities on site to ascertain compliance with the mitigation/management measures in the abovementioned tables of the EMPr. These audits should also be supplemented by an **external audit**, the frequency of which will be indicated in the Conditions of the EA, to establish compliance of the development with the EMPr, the EA and any other management plans, permits and/or licences in place (if applicable).

The objectives of the environmental audit report, as per Regulation 34 and Appendix 7 of the EIA Regulations, 2014, is to:

- a) *report on-*
 - (i) *the level of compliance with the conditions of the environmental authorisation and the EMPr, and where applicable, the closure plan; and*
 - (ii) *the extent to which the avoidance, management and mitigation measures provided for in the EMPr, and where applicable, the closure plan achieves the objectives and outcomes of the EMPr, and closure plan.*
- b) *identify and assess any new impacts and risks as a result of undertaking the activity;*
- c) *evaluate the effectiveness of the EMPr, and where applicable, the closure plan;*
- d) *identify shortcomings in the EMPr, and where applicable, the closure plan; and*
- e) *identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr, and where applicable, the closure plan.*

1.4 DECOMMISSIONING PHASE MANAGEMENT

No decommissioning phase is foreseen for the development. Should decommissioning activities take place, the necessary applications in terms of the relevant legislation at that time must be obtained and a decommissioning EMPr developed, if required.

**Appendix A: Curriculum Vitae –
Pieter de Villiers**

Abbreviated Curriculum Vitae for Pieter de Villiers

Curriculum Vitae

(Abbreviated Version)

Pieter de Villiers



CORNERSTONE
ENVIRONMENTAL CONSULTANTS

Personal Information

Full names: Petrus Johannes de Villiers (Pieter)
Nationality: South African
Languages: Afrikaans and English
Profession: Environmental Assessment Practitioner (EAP)
Accreditation: Registered EAP (Reg. No. 2019/1372); and
 Professional Natural Scientist (Pr.Sci.Nat 400210/15)
Position: Director
Specialisation: Environmental Services
Office Address: Die Boord, Stellenbosch
Cell number: 083 243 0994
Office Tel: 021 887 9099
Email address: pieter@cornerstoneenviro.co.za
Website: www.cornerstoneenviro.co.za

Profile Summary

Pieter de Villiers is the founder of Cornerstone Environmental Consultants (Pty) Ltd.

Pieter has more than 17 years' experience in the environmental management field and is a registered Environmental Assessment Practitioner (EAP) with the Environmental Assessment Practitioners Association of South Africa (EAPASA) and is a registered Professional Natural Scientist with the South African Council for Natural Scientific Professions (SACNASP). He holds a Baccalaureus Technologiae (B. Tech) Degree in Environmental Sciences from the Tshwane University of Technology, and has successfully completed the Management Development Programme at the University of Stellenbosch Business School. He has also successfully completed Aspects International's ISO 14001:1996 Lead Auditors Training course (IEMA's¹ Approved Auditors' Course), amongst others.

He gained experience as part of the environmental team at Golder Associates Africa (hereafter "Golder Associates"), an international consultancy firm, where he was mostly involved with projects in the heavy industrial and mining sectors as part of multi-disciplinary teams. Whilst at Golder Associates, he gained invaluable auditing experience in the mining sector, mostly conducting Environmental Management Systems and Compliance Audits in African countries outside the borders of South Africa.

Pieter also worked for a small, yet dynamic consultancy company, Withers Environmental Consultants in Stellenbosch, where his focus shifted to managing Environmental Impact Assessment processes in the residential, land development, telecommunication, renewable energy and Municipal bulk services sectors. He prepared Environmental Scoping Reports, Environmental Impact Reports, Environmental Management

¹ Institute of Environmental Management and Assessment

Abbreviated Curriculum Vitae for Pieter de Villiers

Programmes, Environmental Due Diligence Reports, Project Cost Estimates and Quotations, amongst others. He also acted as an Environmental Control Officer on construction projects ranging from housing developments to optic fibre duct installation projects. Pieter furthermore also managed and assisted junior staff in the office.

Pieter then joined Enviroworks, an environmental consultancy based in Bloemfontein, Free State Province, with a branch in Strand, Western Cape Province, as their General Manager. He provided leadership to all staff members in overseeing the company's projects and services, and acted as project reviewer. He furthermore functioned as a Senior Environmental Consultant and maintained projects of his own. Project related experience and responsibilities were to conduct and coordinate Environmental Impact Assessments and its associated public participation processes in several disciplines e.g. renewable energy projects, housing developments, industrial development, optic fibre duct installations and Section 24G rectification applications. His review work included review of Environmental Scoping Reports, Environmental Impact Reports, Environmental Management Programmes, Environmental Due Diligence Reports, Project Cost Estimates and Quotations, etc. He also acted as an Environmental Control Officer on construction projects.

Tertiary Education

Year: 2005
Qualification: B. Tech Environmental Sciences
Institution: Tshwane University of Technology (previously Technikon Pretoria)
Subjects: Project: Environmental Technology IV, Environmental Resources IV, Environmental Rehabilitation IV, Environmental Social Science III, Water Quality Management IV, and Integrated Catchment Management IV.

Year: 2002 - 2004
Qualification: N. Dip. Environmental Sciences
Institution: Tshwane University of Technology
Subjects: Environmental Management I, II & III, Environmental Resources I, II & III, Environmental Law, Communication skills, Chemistry IA, Geology I, Mathematics I, Entrepreneurial skills, Computer Skills, Applied Geology I & II, Environmental Geology II, Environmental Geohydrology III, Microbiology I, Geotechnology I, II & III, Environmental Chemistry II, Environmental Economy, Environmental Biotechnology II, Environmental Management Systems, Industrial Processes III, and Industrial Environmental Practice III.

Courses Attended

2017 Water Use Training: "Understanding Watercourses and Managing Impacts to their Characteristics" One day workshop
 2014 Sharpening the tool: New techniques and methods in environmental impact assessment. Presented by SE Solutions
 2010 Management Development Programme at the University of Stellenbosch Business School
 2009 Golder Associates Africa Technical Writing Course
 2007 Aspects International, ISO 14001:1996 Lead Auditors Training course, IEMA Approved Auditors Course
 2006 St John Ambulance, First Aid Training Course Level 1
 2006 International Association for Public Participation, IAP2 Certificate in Public Participation
 2006 Golder Associates Africa, Project Sustainability Management
 2006 National Occupational Safety and Health Consultancy: Health and Safety Representative Training Course
 2006 Golder Associates Africa, Project Management Course

Work Experience

May 2014 to current **Cornerstone Environmental Consultants** **Stellenbosch, South Africa**
Independent Environmental Assessment Practitioner
Functions and experience: Director, Principle Environmental Assessment and Public Participation Practitioner and Environmental Auditor. Day-to-day running of the business and responsible for all decision-making and marketing of the services the company provide. Advise clients on a variety of aspects in the environmental management sphere and act as EAP and reviewer on all projects the company pursue. Pieter is also an Environmental Control Officer on construction projects and

Abbreviated Curriculum Vitae for Pieter de Villiers

has undertaken several Water Use Licence external audits.

September 2013 to
May 2014

**Enviroworks Environmental Consultants
Strand, South Africa**

Bloemfontein and

General Manager and Senior Environmental Consultant

Functions and experience: Pieter was appointed as Enviroworks' General Manager for Enviroworks' two branches, the head office in Bloemfontein, Free State and the Western Cape office situated in Strand. Pieter provided leadership to staff in overseeing all company projects and services and acted as project reviewer. He also functioned as a Senior Environmental Consultant and maintained projects of his own. Project related experience and responsibilities were to conduct and coordinate Environmental Impact Assessments and its associated public participation processes in several disciplines e.g. renewable energy projects, housing developments, industrial development, optic fibre duct installations and Section 24G rectification applications. His review work included review of Environmental Scoping Reports, Environmental Impact Reports, Environmental Management Programmes, Environmental Due Diligence Reports, Project Cost Estimates and Quotations, etc. He also acted as an Environmental Control Officer on construction projects.

October 2009 to
August 2013

Withers Environmental Consultants

Stellenbosch, South Africa

Senior Environmental Consultant and Environmental Control Officer

Functions and experience: Responsible for conducting and coordinating Environmental Impact Assessments and its associated public participation process in several disciplines e.g. housing developments, industrial development, optic fibre duct installations and alternative energy projects. Compilation of Environmental Scoping Reports, Environmental Impact Reports, Environmental Management Programmes, Environmental Due Diligence Reports, Project Cost Estimates and Quotations, etc. Managing of junior staff in the office. Act as Environmental Control Officer on construction projects ranging from housing developments to optic fibre duct installation projects.

August 2004 to
September 2009

Golder Associates Africa

Johannesburg, South Africa

Environmental Scientist and Auditor (April 2006 to September 2009)

Functions and experience: Responsible for conducting and coordinating Environmental Impact Assessments in the industrial and mining sectors. Compilation of Environmental Scoping Reports, Environmental Impact Assessment Reports, Environmental Management Plans, Project Cost Estimates and Quotations, etc. Audit-related experience in Environmental Management Systems, Compliance Audits, Due Diligence, Environmental Control Officer work and Phase 1 Environmental Site Assessments. Divisional Health and Safety representative.






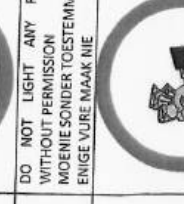


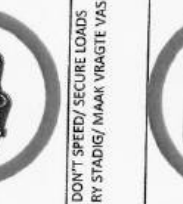





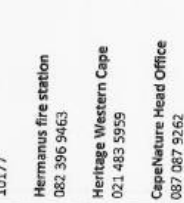


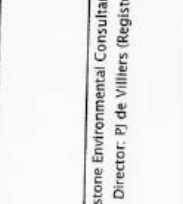
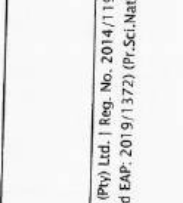
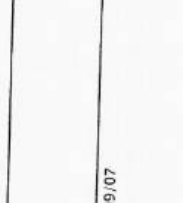
Surveillance Technician (August 2004 to March 2006)

Functions and experience: Tailings storage facility surveillance, Resource Management and Information Systems (REMIS) implementation and updating of the database, compiling quarterly environmental baseline monitoring reports and co-ordinating key performance indicators within the Surveillance Division. Divisional Health and Safety representative.

A full CV and Company Profile will be forwarded upon request. Also view www.cornerstoneenviro.co.za.

Appendix B: Environmental Awareness/Induction Training Material

PROTECTION OF THE ENVIRONMENT IS YOUR RESPONSIBILITY
 BESKERMING VAN DIE OMGEWING IS JOU VERANTWOORDELIKHEID

	REMAIN WITHIN WORKING AREAS BLY BINNE WERKGEBIEDE		SMOKE CAUTIOUSLY ROOK VERSIGTIG		DO NOT LIGHT ANY FIRES WITHOUT PERMISSION MOENIE SONDER TOESTEMMING ENIGE VJURE MAAK NIE		USE RUBBISH BINS GEBRUIK ASBLIKKE		ONLY EAT IN DEMARCATED AREAS EET SLEGS IN GEMERKTE GEBIEDE
	PROTECT ANIMALS ON THE SITE BESKERM DIERE OP DIE KONSTRUKSIETERREIN		DO NOT HARM OR DAMAGE PLANTS AND ANIMALS. MOENIE PLANTE EN DIERE BESKADIG NIE.		CONTROL DUST BEHEER STOF		EMERGENCY NUMBERS Ambulance 10177 Hermanus fire station 082 396 9463 Heritage Western Cape 021 483 5959 CapeNature Head Office 087 067 9262		FINES OF BETWEEN R1000- R10000 BOETES TUSSEN R1000 - R10000
	USE TOILETS GEBRUIK DIE TOILETTE		DO NOT SPEED/SECURE LOADS RY STADIG/ MAAK VRAAGTE VAS		KNOW THE EMERGENCY NUMBERS KEN DIE HOOD NOMMERS		ASK QUESTIONS VRA VRAE		
	PREVENT OIL POLLUTION. USE DRIP TRAYS VOORKOM OLIE-BESOEDILING								
	LIMIT NOISE VERMINDER GERAAS								

**Appendix C: Method Statement –
Example Template**

Method Statement Template

Project:.....

Method Statement for:

Method Statement compiled by:.....

Start Date of Works:..... End Date of Works:

Note: The Contractor must submit the Method Statement to the ECO/Engineer before any particular construction activity is due to start. Work may not commence until the Method Statement has been approved by the ECO/Engineer.

WHAT WORK IS TO BE UNDERTAKEN – give a brief description of the works to be undertaken.

WHERE THE WORKS ARE TO BE UNDERTAKEN – provide a description of the extension of the works and an annotated plan of the locality of work



HOW THE WORKS ARE TO BE UNDERTAKEN - a detailed description of the process of work, methods and materials to be used in the works.



	WHEN WILL THE WORKS TAKE PLACE - the sequencing of actions with due commencement dates and completion date estimates	
--	---	--

DECLARATIONS**1) APPLICANT/FARM MANAGER**

The work described in this Method Statement, if carried out according to the methodology described, appears to be satisfactorily mitigated to prevent avoidable environmental impacts:

(signed)

(print name)

Dated: _____

2) CONTRACTOR

I understand the contents of this Method Statement and the scope of the works required of me. I further understand that this Method Statement may be amended on application to other signatories and that the Engineer/ECO will audit my compliance with the contents of this Method Statement. I understand that this Method Statement does not absolve me from any of my obligations or responsibilities in terms of the Contract of Construction.

(signed)

(print name)

Dated: _____

3) ENGINEER

The works described in this Method Statement are approved.

(signed)

(designation)

(print name)

Dated: _____

**Appendix D: Incident register –
Example template**

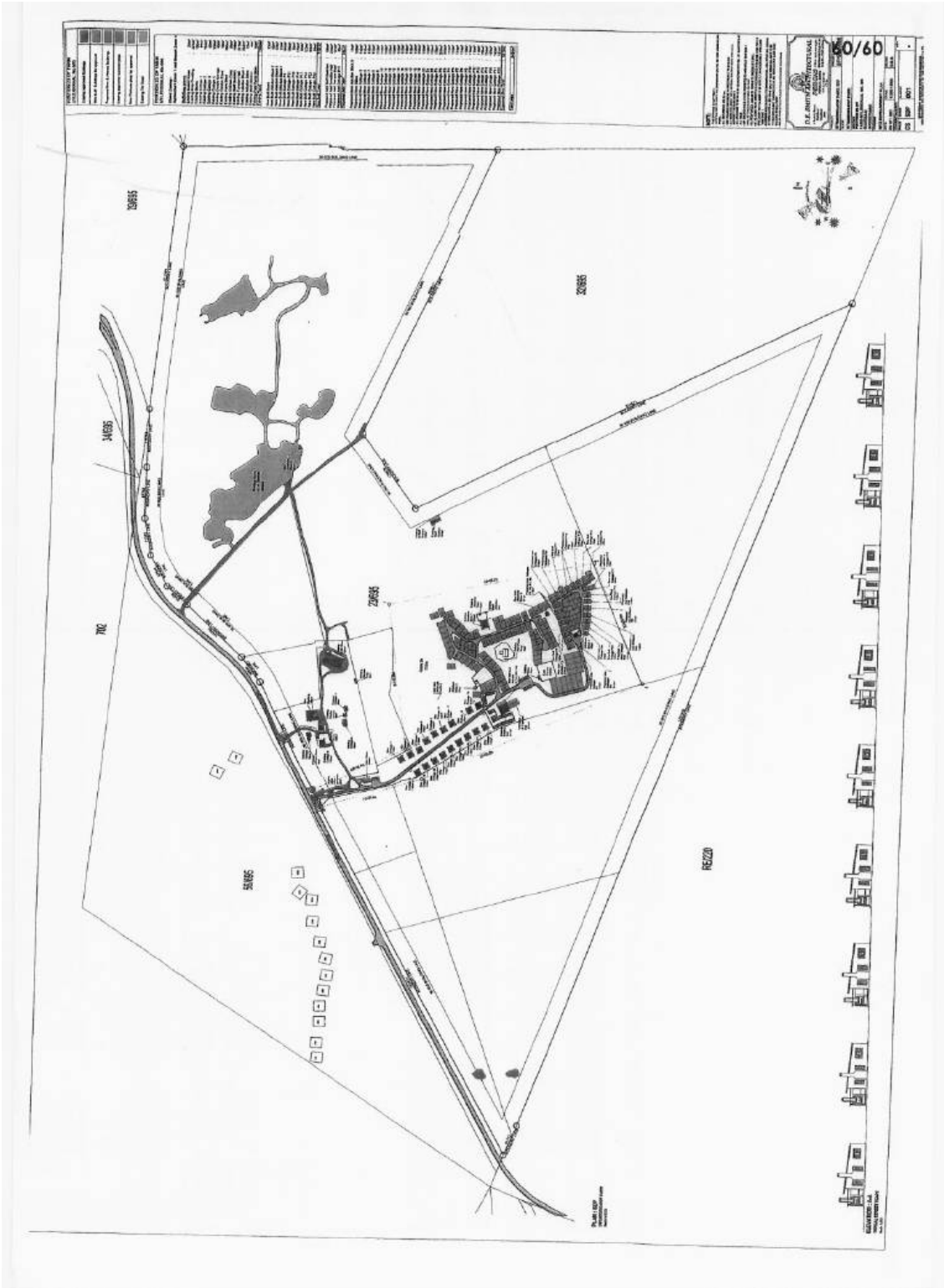
Incident Register – Example Template

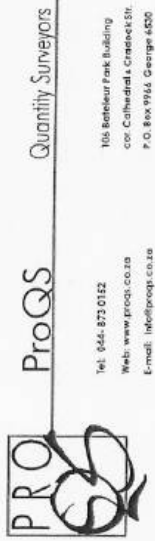
INCIDENT REGISTER: Proposed (add project name here)

PERSON REPORTING THE INCIDENT (NAME AND CONTACT DETAILS)	SHORT DESCRIPTION OF INCIDENT	DATE INCIDENT OCCURRED	DATE INCIDENT WAS REPORTED	MANNER IN WHICH INCIDENT WAS ADDRESSED AND DATE INCIDENT WAS RECTIFIED	PERSON RESPONSIBLE FOR RECTIFICATION

Figure 1: Locality Map

Figure 2: Site Development Plan





Project: Strandloof Park, Portion 23 of Farm Uyenkraai No. 695, Gansbaai
Scope: Construction Cost Estimate of Unauthorised Buildings
Date: 03 June 2022

Description	UNIT REFERENCE												
	Abulon Block 2	Abulon Block 3	Abulon Block 4	Existing Kiosk	Unit P4	Unit P11	Unit P15	Unit P16	Unit P17	Unit P22	Unit P23	Unit P24	
Primary Building Elements													
1 Foundations	Item	17,000	17,000	6,000	10,000	43,000	40,000	25,000	51,000	28,000	35,000	34,000	25,000
2 Ground Floor Construction	Item	15,000	15,000	6,000	9,000	37,000	35,000	22,000	45,000	24,000	30,000	30,000	22,000
3 Masonry / Block Structure	Item	28,000	28,000	10,000	15,000	66,000	62,000	39,000	79,000	43,000	54,000	52,000	39,000
4 Roof Structure and Covering	Item	23,000	23,000	8,000	13,000	58,000	54,000	34,000	69,000	38,000	47,000	46,000	34,000
5 Windows and Doors	Item	18,000	18,000	7,000	10,000	45,000	42,000	26,000	54,000	29,000	36,000	35,000	26,000
6 Ceilings	Item	18,000	18,000	7,000	11,000	48,000	43,000	27,000	55,000	30,000	37,000	36,000	27,000
7 Plastering	Item	18,000	18,000	7,000	11,000	46,000	43,000	27,000	55,000	30,000	37,000	36,000	27,000
8 Floor and Wall Finishes	Item	11,000	11,000	4,000	7,000	29,000	27,000	17,000	35,000	19,000	23,000	23,000	17,000
9 Paintwork	Item	16,000	16,000	6,000	9,000	41,000	38,000	24,000	49,000	26,000	33,000	32,000	24,000
10 Electrical & Gas Installation	Item	15,000	15,000	5,000	9,000	37,000	36,000	22,000	45,000	24,000	30,000	30,000	22,000
11 Plumbing Installation	Item	40,000	40,000	28,000	20,000	23,000	22,000	14,000	28,000	15,000	19,000	19,000	14,000
12 Cabinetry Installation	Item	N/A	N/A	N/A	N/A	23,000	22,000	14,000	28,000	15,000	19,000	19,000	14,000
ESTIMATED CONSTRUCTION COST (EXCL. VAT)		217,000.00	217,000.00	93,000.00	124,000.00	494,000.00	463,000.00	291,000.00	593,000.00	321,000.00	400,000.00	392,000.00	291,000.00
VAT (15%)		33,000.00	33,000.00	14,000.00	19,000.00	74,000.00	69,000.00	44,000.00	89,000.00	48,000.00	60,000.00	59,000.00	44,000.00
TOTAL ESTIMATED CONSTRUCTION COST		R250,000.00	R250,000.00	R107,000.00	R143,000.00	R568,000.00	R532,000.00	R335,000.00	R682,000.00	R399,000.00	R460,000.00	R451,000.00	R335,000.00