

4.2

PORTION 21 OF FARM AFDAKSRIEVER NO. 575 (BETWEEN HAWSTON AND FISHERHAVEN, NORTH AND SOUTH OF THE R43 DISTRICT ROAD), A DIVISION OF CALEDON: PROPOSED SUBDIVISION, REZONING, CONSENT USE, DEPARTURE AND DEVIATION OF OVERSTRAND MUNICIPAL GROWTH MANAGEMENT STRATEGY (2010): ARCH TOWN PLANNERS ON BEHALF OF AFDAKSRIEVER TRUST

RCAL 21/575

H Olivier

14 September 2022

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

The **original** planning application was received on 19 October 2016 by Arch Town Planners on behalf of Afdaksrivier Trust in terms of the Overstrand Municipality By-Law on Land Use Planning, 2015.

The application was advertised and duly circulated to all relevant State and Municipal Departments. Due to amendments as required by the Western Cape Government: Environmental Affairs and Development Planning (Environmental Component) approval process, the applicant had to amend the layout plan and motivation.

The **amended** application was submitted on 19 October 2021, to subdivide Portion 21 of Farm Afdaksrivier No. 575 into a Remainder and 16 portions, and to obtain development rights on such portions for a mixed-use development including retirement villages, gated complexes, retail, flats, a school, a hospital, smallholdings, etc., and provide for approximately 3016 residential units.

The **amended** application was again advertised and circulated to the relevant Municipal and State Departments.

The **amended** planning application was submitted in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) included the following:

- ✚ **Subdivision** in terms of Section 16.(2)(d) of the By-Law to subdivide Portion 21 of Farm Afdaksrivier No. 575 into Portion A (Remainder Farm of ±514ha) and Portion B (±222ha, excluding the R43 Road Reserve);
- ✚ **Rezoning** in terms of Section 16.(2)(a) of the By-Law to rezone subdivided Portion B, from Agriculture Zone I: Agriculture to subdivisional Area Zone in terms of Section 16(2)(d) of the By-Law, to create the following portions with land uses, and the subdivision thereof:
 - Portion 1 (±22,14ha)
General Residential Zone I : Town Housing;
 - Portion 2 (±12,36ha)
Residential Zone I : Single Residential; and Open Space Zone III: Private Open Space
 - Portion 3 (±20,24ha)
General Residential Zone I : Town Housing;
 - Portion 4 (±10,64ha)
General Residential Zone I : Town Housing;

- Portion 5 (±4,16ha)
Business Zone II : General Business;
 - Portion 6 (±3,82ha)
Business Zone II : General Business; and Open Space Zone III: Private Open Space
 - Portion 7 (±17,59ha)
General Residential Zone I : Town Housing; and Open Space Zone III: Private Open Space
 - Portion 8 (±11,85ha)
Residential Zone I : Single Residential; and Open Space Zone III: Private Open Space
 - Portion 9 (±11,63ha)
Residential Zone I : Single Residential; and Open Space Zone III: Private Open Space
 - Portion 10 (±18,68ha)
General Residential Zone I : Town Housing; and Rural Zone I: Agricultural Smallholding
 - Portion 11 (±8,56ha)
General Residential Zone II : Town Housing;
 - Portion 12 (±11,22ha)
Residential Zone I : Single Residential; and Open Space Zone III: Private Open Space
 - Portion 13 (7,23ha)
Community Zone I: Community Facilities
 - Portion 14 (±45,77ha)
Rural Zone I : Agricultural Smallholding
 - Portion (±11,26ha)
Transport Zone II : Road and Parking TR2 B (Public Road)
 - Portion (±4,66ha)
Transport Zone II : Road and Parking TR2 A (Private Road)
- ✚ Application is further made in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for consent use in terms of Section 16(2)(o) on the following:
- Portion 1 - consent use to establish a retirement village;
 - Portion 4 – consent use to establish a retirement village;
 - Portion 5 - consent use to establish an institution (hospital);
 - Portion 10 – consent use to establish a retirement village;
 - Portion 11 - consent use to establish flats.
- ✚ **Temporary departure** (2 years) in terms of Section 16.(2)(c) of the By-Law to allow for the existing mining activities on Portion 10.
- ✚ **Departure** from Section 96.(2) of the By-Law to exclude street names and numbers from this application.
- ✚ **Deviation** of the Overstrand Municipal Growth Management Strategy, 2010 in terms of Section 10.(1) of the By-Law and in terms of the Municipal Systems Act (Act 32 of 2000) to allow a mixed used development on the said land, to allow a deviation from the prescribed densification grading to allow for a gross density (on Portion 1) of 35 units/ha in lieu of 20 units/ha, and to allow for a deviation from prescribed densification grading to allow for a gross density (on Portions 2 – 13,

15 and 16) of approximately 15 units/ha in lieu of 10 units/ha.

The application is to obtain Municipal approval for the larger layout and proposed zonings in the development. Detailed subdivision plans will also have to be submitted at a later stage and such plans will again have to be processed in line with the requirements of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

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, while the proposed Site Development Plan is attached as Annexure C.

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

Portion 21 of Farm 575, Caledon District is zoned Agriculture Zone 1. 80% of the property has been heavily disturbed by various forms of agriculture or mining and is impacted by alien vegetation.

The property measures 736,06ha in extent. Approximately 271ha of the property is situated within the Urban Edge with the rest falling outside. The total area for development will be approximately 222,42ha (excluding 9,68ha forming part of the R43 road reserve). The Remainder portion will measure 514ha in extent.

Application is also made to operate the existing sand mine up to 2024. There is also a small wetland west of the existing quarry.

The area between Hawston, the Onrust River mountains, the R43 and Fisherhaven is proposed for development. The Remainder of the farm, where the homestead and nursery are mainly used for farming activities, such as grazing and livestock farming.

4. SUMMARY OF APPLICANT'S MOTIVATION

- The property has various servitudes for services traversing it. A 25m pipeline and access servitude will be re-positioned.
- There are no restrictive conditions in the Title Deed prohibiting the development.
- Environmental approval was obtained.
- Aquatic Ecosystems will be dealt with as no-go areas, and include the Afdaks River Estuary, the water course into the Afdaks Estuary and some water channels outside the urban edge.
- Any future subdivision will have to consider the Aquatic Ecosystem in storm water management systems.
- Botanical impact – 75% of the study area is of low botanical sensitivity, 4% medium botanical sensitivity and 20% High sensitivity. Most of the high sensitivity area lies above the 130m contour. High sensitivity areas will not be developed.
- The site has no real heritage value and does not fall within a municipal Heritage Overlay Zone. A Heritage Impact Assessment was done and approved by Heritage Western Cape.

- Agricultural potential – soil survey determined that Portion B of the site does not have a high agricultural potential. The growth of perennial crops can only be done with irrigation, but there is not enough water available for the whole farm. The remainder will be able to operate successfully as a farm being 373,22ha in extent.
- A Socio-Economic Impact Assessment was also done for this application.
- The total area for development will be approximately 222ha (excluding 9,68ha forming part of the R43 road reserve. The Remainder will be 514ha. The total development area will be 176,65ha.
- A total number of 3016 residential units are proposed within the development, at a gross density of 17 units/ha.
- Portion B will be subdivided into 14 portions. The portions will be sold off to future developers and developed in line with a phasing plan that will still be submitted to the Municipality.
- A mix of residential typologies will be developed being flats, townhouses, and group housing with average erf size between 200m² (35 units/ha) and 350m² (20units/ha) and single residential erven with an average erf size of 700m².
- Housing will cater for a wide range of income groups and age profiles, and 44% of the units could be developed as retirement villages.
- The development will also provide for a wide range of amenities on the two general business sites, which could include a hospital, offices, and retail as well as community and educational sites for church, school, or tertiary purposes.
- The proposal will allow for gated developments with private internal roads, with ecological corridors between the developments. All portions will form part of a larger security estate.
- Portions will be developed as follows:

PORTION 1

Zoned General Residential 1 with a consent for a retirement village. Density will be 35units/ha with maximum 775 units. Housing typologies will include group housing, town houses and a retirement village including frail care. This will cater for the approximate shortage of 85 000 retirements units in the western cape alone. A 10m buffer is proposed to the botanical sensitive area on the north-western boundary.

PORTIONS 2, 8, 9 AND 12

Will be zoned Residential Zone 1, at a maximum density of 10-20 units/ha, providing for 664 units. It will be gated communities. It will be close to the educational, retail and hospital sites. Servitudes over these sites will be re-aligned. No development will be considered on the botanical sensitive areas and careful planning will be done in the Mountain Management Zone.

PORTION 3

To be zoned General residential Zone 1, at a density of 20 units/ha to provide for 405 residential units close to the educational, retail and hospital sites.

PORTION 4

To be zoned General Residential 1 with a consent use for retirement village, to provide for 372 units at a density of 35units/ha. 50% of the site will be used for retirement purposes. This will allow for smaller erven/houses that will be more affordable. The site has medium botanical sensitivity. A 20m setback line from the R43 is proposed and landscaping of such area.

PORTION 5

To be zoned General Business 2 for potential 72-bed hospital and related uses, such as pharmacy, coffee shop, eight (8) medical consulting rooms and offices with maximum GLA of 2500m². There is a need for medical facilities in this area and the site will be highly visible from the R43, with easy access from the R43.

The proposed office space will serve the surrounding community and help with job creation. The site has a medium botanical sensitivity.

PORTION 6

To be for zoned General Business 2 and Open Space Zone 3. A 20m setback from the R43 is proposed. Will provide for retail facilities of a maximum of 4500m² GLA and will serve the surrounding community.

PORTION 10

It is 18ha in extend. There is an existing mining area in this area. The mining area cannot be rezoned for development until the mine has been closed. This area will be zoned to Rural Zone 1, with a departure to still operate the mine. A small portion will be zoned General Residential Zone 1 and the area of the mine will also be rezoned to the same zoning in future.

PORTION 11

The site is directly across the approved industrial park. It is to be zoned General Residential Zone 2 to allow 428 units at a density of 50 units/ha. This is to cater for the demand of higher density housing such as flats and group housing. It is next to a scenic route and there will be a 20m setback from the R43 which will be landscaped. The site has no environmental constraints.

PORTION 13

The portion measure 7,2ha and will be available for community purposes, allowing for a school, tertiary institution, or church. A need for a college has been identified in this area. This is in line with the GMS, 2010.

PORTION 14

It lies outside the Urban Edge. It is very environmentally sensitive but have no real agricultural value. The proposal is to rezone it to Rural Zone 1 purposes to be utilized as a smallholding.

PROPOSED ROAD SYSTEM

- Access to the development will be via a R43/China Marais Avenue intersection, a left-in-left-out access opposite the industrial development and the R43 George Viljoen intersection.
- Public Transport facilities will be provided at the retail component.
- The TIA is in support of the application.
- TIS's will be conducted for the development of each portion in future.

SERVICES REPORT

In terms of the GLS Consulting Engineers report the following is recommended:

Water

The Fisherhaven high- and low-level reservoirs will have to be used to serve this area. Daily demand will be 2306,0 kl/day. There is sufficient capacity in the reservoirs to accommodate the whole development.

Sewer

The flow is calculated at 1403,7 kl/day. New bulk sewer infrastructure is required.

Stormwater plan – A stormwater management plan was prepared.

Electricity

There is no bulk infrastructure, and only 1700kVA supply, for approximately 450-500 erven. The existing network will have to be strengthened by 12300kVA.

It is foreseen that in phasing will be structured as such that the lower lying portions will be developed first.

COMPLIANCE WITH NATIONAL LEGISLATION

NEMA

Approval obtained.

Subdivision of Agricultural land (Act 70 of 1970)

Approval obtained.

SPLUMA Principles

The application is measured against the principles in terms of Section 42 of SPLUMA, as follows:

- **Spatial Justice** – will provide mixed uses, various types housing for different income groups and also link Hawston and the Fisherhaven communities.
- **Spatial Sustainability** – Will lead to an upgrade of services, to benefit all, be on land with low agricultural potential, limited impact on the landscape, will not be on environmentally sensitive areas and in line with Overstrand municipal policies.
- **Efficiency** – higher densities will be allowed closer to the R43 for transport purposes and all facilities will be provided for the new residents within the development.
- **Good Administration** – a Good streamlined public participation process was followed by the municipality

COMPLIANCE PROVINCIAL LEGISLATION AND POLICIES

Western Cape PSDF, 2014

In line with key policies in that it will help protect agricultural areas and scenic and biodiversity rich areas, will be within the urban edge and promote a mixed used high-density development, and also will provide a housing for various income groups in various types of housing and also community facilities.

Western Cape Growth Potential Study (2014)

The areas between Hermanus, Onrustrivier and Hawston are identified as a high growth potential and high economic needs area.

Municipal legislation and policiesThe Overstrand Municipal Growth Management Strategy/Plan, 2010

It identifies area within the municipal urban edge for densification. The area east of the R43 up to the Fisherhaven China Marias Road is earmarked for densities of up to 10 units per ha, and the area further north of the subject site both sides of the R43 for densities of 10 -20 units per ha.

Considered compliant with Municipal policies as:

- The development is within the Urban Edge.
- It is in the natural growth direction.
- Will accommodate growth for over 20 years and reduce pressure on the urban edge in other areas.
- Environmental sensitive areas will not be developed on.
- Will provide for a mixed-used development that will provide for various housing types for various income groups and provide community facilities.
- Will provide for linking of green corridors.
- In terms of the existing density allocation in the GMS 2969 units can be developed, and this proposal is only for 3267 units.
- Higher densities should be closer to the road to help with transport with lower densities closer to the mountain.
- The large scale of the development will provide for amenities and employment opportunities.
- The development will help with the upgrade of various services in this area.
- The municipal policies identified the need for mixed land use activities. There is also a need for additional housing in the Greater Hermanus area.
- The development is desirable as it will have a positive economic impact, improve services and roads, no heritage impact, no negative impact on quality of life, views, privacy, sunlight or the character of the area and will help reduce pressure on the urban edge in other areas.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local Newspaper (original application)	Yes	2 November 2017	8 December 2017
Local Newspaper (amended application)	Yes	5 November 2021	10 December 2021
Notices (original application)	Yes	2 November 2017	8 December 2017
Notices (amended application)	Yes	5 November 2021	10 December 2021
Ward councillor	Yes	2 November 2017 & 5 November 2021	8 December 2017 & 10 December 2021

Total comments	EIGHT (8)
Total letters of support	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? (can be elaborated further below)	Yes

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

Name	Date received	Summary of comments
Building Control	09/11/2022	No objection subject to Heritage Western Cape approval.
Fire Department	14/02/2022	No objection.
Waste Management	07/12//2021	No objection. Recommended that application be referred to Overberg District Municipality Regional Landfill Site Karwyderskraal and will probably overlap the landfill sites buffer zone. It is recommended that ODM also be approached for comments.
Engineering Services	14/02/2022	See Annexure F.
Western Cape Government: Environmental Affairs & Development Planning – Record of Decision	16/02/2022	See Annexure G.
Heritage Western Cape	29/10/2019	See Annexure H.
Telkom	09/11/2022	See Annexure I.
Eskom	15/11/2021	See Annexure J.
Overberg District Municipality: Health Department	15/11/2022	See Annexure K.
Municipal: Environmental Management Services	16/02/2022	See Annexure L.
Cape Nature	21/06/2022	See Annexure M.

Department of Agriculture: National	11/07/2017	See Annexure N.
Western Cape Government: Transport & Public Works	24/03/2021	See Annexure O.
Western Cape Government: Agriculture	07/02/2022	See Annexure P.
BGCMA	31/01/2022	See Annexure Q.
Western Cape Government: Environmental Affairs & Development Planning – (Planning Component)	07/12/2021	See Annexure R.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION.

In the first public participation process seven (7) objection letters were received. During the second public participation process, which was required due to changes that had to be made to the application due to the environmental approval, one (1) letter of objection were received. (See Annexure D.)

The applicant was also provided with an opportunity to respond to the objections. (See Annexure E.)

The objections, Applicant's response and Municipal Town Planner's response can be summarized as follows:

OBJECTION 1 – Environmental

(a) There are concerns about the sensitive ecosystem and retaining fauna and flora and creating some no development areas.

Applicant's response

The Botanical Scoping Study identified low, medium and high botanical sensitive areas and no development areas, and these recommendations were adopted in the development proposals.

Town Planner's response

The applicant sufficiently addressed this point.

OBJECTION 1 continues

(b) High density development of 35units/ha in lieu of 20units/ha next to the Botriver Lagoon will create negative environmental impact and impact the lagoon and Estuary.

Applicant's response

An Environmental Impact Assessment (EIA) was done for the development and the conclusion was that the development on Portion 1 will not have a negative impact, with only a small portion of Portion 1 identified as a no-go area. Setback lines are also recommended for development next to this sensitive area in the Botanical and Site Sensitivity Analysis, which will be complied with. The studies also recommend how to protect the lagoon and estuary.

Town Planner's response

The applicant obtained a positive EIA: ROD from Western Cape Government: Environmental Affairs and Development Planning, and therefore all environmental impacts would have been addressed.

OBJECTION 1 continues

(c) Concern about the protection status of a bird sanctuary in Afdakrivier estuary on a portion of portion 13, and how it will be protected.

Applicant's response

The estuary is 8th in importance out of 250 estuaries in South Africa. The site sensitive analysis therefore recommended that development setbacks of 50m from the estuary and Afdakrivier be applied. A highly sensitive north-western corner of Portion 13 is also of very high botanical sensitivity and will not be developed. These sensitive areas will not be developed and any development on the new proposed Rural 2 zoned portion will have to comply with the 50m setback.

Town Planner's response

The applicant's response is supported, as all required environmental studies was done for the development and Western Cape Government: Environmental Affairs and Development Planning support the proposals.

OBJECTION 2 – Density of Development

Should not allow high density (Portion 1) close to Fisherhaven as it is a semi-urban area. The density will be much higher than Fisherhaven with 200m² erven versus Fisherhaven erven of 1600m² in extend, and 20units/ha in terms of the GMS, 2010 versus 35units/ha for the development.

Fisherhaven already cater for all income groups, races and ages. Higher density development should be closer to Hermanus where job opportunities and retirement accommodation is needed. The deviation from the GMS, 2010 regarding density is only to obtain additional development rights to sell off to developers.

Applicant's response

Fisherhaven and the development area is situated within the Urban Edge and not a rural area. The densities will be higher than that of Fisherhaven, but national, provincial, and municipal policies motivate for densification to ensure development takes place within the Urban Edge and thereby ensuring that sensitive environmental land or agricultural land is not lost. The SDF of 2006 identify Fisherhaven and Hawston as future growth areas.

The proposal is slightly higher than the proposals in the GMS, 2010 but this is due to the fact that some surrounding areas cannot be developed due to environmental sensitivity.

Town Planner's response

The comments of both parties are noted.

Fisherhaven have a very low density at this stage, but this is mostly due to the fact that a lack in sewerage infrastructure subdivisions could not be supported by the Municipality for approximately the last 15 years. The Strategy Plans such as the GMS, 2010 however did identify areas for densification with areas with densities up to 10 units/ha, 10-20 units/ha and 20 to 30 units/ha. The GMS is also already a 12-year-old strategy, and it is foreseen this density proposals will increase in future.

The Fisherhaven/Hawston area is the main extension area for the Greater Hermanus area, and development of all densities should be catered for in this area, which is of such a large scale that it is the size of a medium size town. Ultimately the whole area will only have a density of 16 dwellings/ha, which cannot be considered as extremely high. The comment is noted that Fisherhaven already cater for a mixture of potential buyers, but this comment is not supported. There are no retirement villages and group housing developments and not all people can afford a large residential erf or property.

Most concerns regarding the density of Portion 13 are from Fisherhaven residents. The portion is on the northern side of Fisherhaven, and not inside Fisherhaven. The development will also have its own identity and would clearly be identifiable as a higher density development with specific style houses and retirement units. It is therefore very unlikely that the development's density will have any impact on Fisherhaven, and the environmental studies also found this type of development will not have a negative impact on the environment or estuary and lagoon.

The statement that densification should only be allowed closer to Hermanus is noted. However, the development of this area will not only be for the development of residential dwellings/units that would create jobs for people in the immediate area, but will also allow for some commercial properties, a hospital and place of education that will provide permanent jobs. The same with retirement villages that have facilities. There is also the new Flagship Business area that would create job opportunities in this area.

The deviation from the GMS, 2010 is to increase density. The density in terms of the GMS, 2010 however does not give any rights and can be deviated if supported by detailed supportive studies such as EIA's, TIA's, etc.

OBJECTION 3 – Concerned about housing types

(a) Concerned that affordable or RDP housing will be developed close to Fisherhaven on Portion 1 and will devalue surrounding property values.

Applicant's response

If affordable housing refers to government and/or subsidized housing it is confirmed that the proposed private development does not include any.

Portion 1 is also seen as one of the flagship portions close to the lagoon, ocean and with views. It would also be one of the first phases and a high standard will be set for the rest of the development.

Town Planner's response

The applicant sufficiently addressed the concern.

OBJECTION 3 continues

(b) Concern over the high number of retirement villages far from Hermanus, and an oversupply of retirement villages.

Applicant's response

The maximum retirement units are applied for, but ultimately the market will decide how many will be developed as retirement units or otherwise group housing units.

Market research has shown that there is a shortage of approximately 85 000 retirement units in the Western Cape alone. Local retirement villages have waiting lists, clearly indicating the need. The areas outside Hermanus also have a great need for retirement villages.

Town Planner's response

The applicant is responsible to do market research to identify if there is a need for retirement villages. Considering the above, the areas earmarked for retirement villages can also cater for group housing, and ultimately it will be market forces that will dictate the number of retirement units that will be developed.

The writer has no knowledge of any retirement villages or old age homes in the Hawston/Fisherhaven area, which show there could be a potential market for this type of development. There is a successful retirement village in the small town of Botriver, showing that different buyers seek different areas and products.

OBJECTION 4 – Public Participation

Concerns regarding closing date for public comment (first advertisement round – original application). Some people were away over such time and others did not receive registered notices.

Applicant's response

The 30-day commenting period is in line with the Municipal By-law, as governed by National Legislation was complied with. The public participation was concluded before the holiday season commenced, which is the time when people might be away.

Town Planner's response

In the first public participation process, which the objector refers to, registered notices were sent out to interested and affected parties on 2 November 2017 and the closing date for comment/objection on 8 December 2017. This provided for an objection period of 36 days, which is in line with the legislation as mentioned by the applicant above. The closing date also ended before the festive period.

Note, the application was also advertised in a local newspaper to ensure a good public participation process.

The Municipality therefore complied with legislation in terms of the public participation process.

Also note further, that with the advertisement of the amended application in November 2021 registered notices were again sent to all property owners who were previously identified on a list and the objectors. The amended application was also again advertised in the local newspaper. Any person, even the objectors from the first public participation process could have submitted new or additional comments. Only one (1) new objection was received.

OBJECTION 5 – Impact on Character of the area and the surrounding community***(a) Concerns regarding negative impact on surrounding community.*****Applicant's response**

The development will create job opportunities in an area with a shortage of work opportunities. There will be no real loss in job opportunities as only the sand quarry will be impacted.

The development will provide for a wide range of housing typologies, land uses and amenities which will benefit the surrounding communities.

The development will also lead to upgrade of services such as sewerage and road system in the area.

Town Planner's response

The applicant's opinion that jobs will be created benefitting the surrounding communities is supported. A wide range of land uses such as housing, an educational site, and commercial sites for a hospital, offices and retail will also be created. This will also benefit this area with amenities.

OBJECTION 5 continues***(b) Concerns regarding inconvenience (dust and noise) of long-term roll-out development.*****Applicant's response**

The development of especially Portion 1 may be an inconvenience for surrounding property owners in Fisherhaven. There will however have to be compliance with conditions relating to construction times, dust control and security to reduce impact. The area was however already identified for development as far back as 2006, the objector therefore should have been aware of the potential impact that future development would have.

Town Planner's response

The applicant's comments are supported.

The area was earmarked for development, and should applications not be considered desirable due to its impact during the construction phase, no development will take place in Overstrand.

OBJECTION 5 continues***(c) Concern about impact on rural character of Fisherhaven.*****Applicant's response**

The area is not seen and has not been set aside as a rural area, it has been earmarked for urban development since 2006.

Town Planner's response

The applicant's response is supported.

OBJECTION 5 continues***(d) Refer to wide range of income groups implying to mix lower income and higher income housing especially Portion 1 (next to Fisherhaven), which would affect surrounding neighbours.*****Applicant's response**

The development is a private development with no government and/or subsidized housing. The houses in Portion 1 will be of a very high standard.

Town Planner's response

The applicant's response is noted.

OBJECTION 5 continues

(e) Retirement development on Portion 1 will be closer to Fisherhaven than the 30m agricultural building line and impact the sensitive environment and wild horses and be out of line with Fisherhaven plot sizes, coverage and building lines. It is also not in line with development in Fisherhaven or Benguela Cove.

Applicant's response

Was already addressed under previous headings.

Town Planner's response

The objection is noted. Fisherhaven at this stage has a low density due to limitations in the Title Deeds inserted in the Title Deeds as far back as the late 1960's. Fisherhaven also have a lack of a water borne sewerage which limited further subdivisions in the town. Densification of certain areas was however already identified in the GMS, 2010, and the only reason densification did not take place is due to the two above mentioned reasons.

Fisherhaven however does fall within the urban edge and considering there is a lack of land for development in the Greater Hermanus area, higher density development will be the future to utilize the land to its maximum. The comment with regard to agricultural buildings lines area noted, but the area was also indicated within the urban edge, so higher density development with smaller building lines was to be expected.

Benguela Cove was also developed approximately more than 15 years ago and was situated outside the urban edge. This development cannot be compared with this new development within the urban edge.

OBJECTION 6 - Services

(a) Concerns regarding lack of/ availability of water.

Applicant's response

The Municipality indicated there will be enough water for the development. Alternative water provision and re-use of water will be negotiated, especially with regards to the use of grey-water systems which we would like to propose be incorporated throughout the whole development.

Town Planner's response

In terms of the GLS report there is only sufficient capacity to provide portion 1 (approximately 775 erven) of water. This is however a major development that will be developed in phases and over many years, and the identification of alternative water supply and the upgrade of bulk services is identified and recommended in the engineering reports, and this will form part of the service level agreement between the Municipality and developer.

The development of future phases will be reliant on the availability of sufficient water at each stage, and such development phases will not be allowed if sufficient resources are not available at such stage.

OBJECTION 6 continues

(b) Lack of infrastructure (water borne sewerage, tarred roads) and amenities (shops, churches, garages) in Fisherhaven should first be developed.

Applicant's response

It is the municipality's responsibility to upgrade services and private developers to develop amenities on their properties, not the developer of this development. The development of Portion 1 will however contribute to the upgrade of some roads and infrastructure in Fisherhaven.

Town Planner's response

The applicant will be responsible for the upgrade of some services considering the applicant will have to pay for bulk service levies.

OBJECTION 6 continues

(c) The strain on resources like water and electricity need to be seriously evaluated.

Applicant's response

The land use application included detailed services reports and bulk capacity reports which addresses all issues relating to the provision of services. The developer will have to pay development contributions which will go to the upgrade and provision of municipal services. The Overstrand Engineering Services department supports the application.

Town Planner's response

The applicant's comments are noted and supported.

OBJECTION 6 continues

(d) Concerns for flooding in wet periods of Portion 1.

Applicant's response

No comments.

Town Planner's response

A detailed storm water management plan will be submitted with recommendations of how storm water will be dealt with to address any possible flooding. Portion 1 is also a fair distance from the lagoon and river and much higher than the 5m contour and is therefore outside the flood area.

OBJECTION 7 - Phasing

(a) Why was no Phasing Plan submitted for comments by affected parties?

Applicant's response

It is indicated in the motivation report that a Phasing Plan will be submitted at a later stage when more information is available with regards to the upgrade of services.

Town Planner's response

The comments are noted and the applicant's reason for not submitting a Phasing Plan.

Considering the scale of the development a Phasing Plan will have to be submitted to the Municipality in future to control the outlay of the development and services, and at that stage the Municipality could possibly do a public participation process.

OBJECTION 8 – Economic impact and concerns about sustainability

(a) Concerns about the economic impact of the business site and is of the opinion that only half the site should be developed.

Applicant's response

The development does not provide for a large retail area, as it is agreed that this will only be to the detriment of the already existing retail facilities. The retail area proposed is small and will be community type of centre to provide the basic retail needs.

Town Planner's response

The proposal is to have a retail component of approximately 4500m², which will be situated central to the development. There are two retail erven west of the R43 of the same development footprint and two smaller business sites in the housing development to the south approximately 1km from this site.

The Business Zone 3 sites in the Flagship Business area will serve the area west of the R43 road and the two business sites in the housing development will serve mostly the Hawston east area.

The new development will have approximately 2500 erven developed around the site with a proposed higher density development next to it to its south.

Considering the size of the business development it will fall in the scale of a small convenience centre, which caters for resident's maximum of 3-minutes travel from the site. The retail development is thus ideal for this development.

OBJECTION 8 continues

(b) Housing will be unaffordable to the average citizen and using labour from outside the municipal area that will have an extremely negative impact on sustainability in the region.

Applicant's response

The development will provide for a wide range of housing types from walk-ups to free standing houses and will not only target one income group. A wide range of housing types will cater for a wide range of income groups.

Local labour will be used during the construction phase and operational phase which will benefit the surrounding community.

Town Planner's response

The applicant's comments are noted and supported.

OBJECTION 8 continues

(c) The municipality must first ascertain how the current human settlement needs of the residents of Overstrand are going to be addressed.

Applicant's response

Policies and plans addressing human settlement is the 2021-2022 IDP, the recently reviewed SDF as well as the Human Settlement Plan. The relevant policies and plans are in place, and the Municipality cannot hold back development until an objector feels their concern has adequately been addressed.

The Overstrand Municipality Growth Management Strategy has since 2010 earmarked this area for housing development.

Town Planner's response

The comments of the objector and applicant have duly been noted. The applicant's opinion is supported.

OBJECTION 9 – Recommendations for facilities and land uses.

(a) Recommend Portion 6 should be a school site.

Applicant's response

Portion 12 has been set aside for a school site.

Town Planner's response

The school site will be more central to the existing development in Hawston east of the R43 road and the new development east of The R43 road than Portion 12.

OBJECTION 9 continues

(b) Recommend small holdings for Portions 7 and 9, and a community garden for Portion 10.

Applicant's response

Small holdings were included in the initial development; however, this was not supported by National Department of Agriculture or the municipality.

Town Planner's response

Department of Agriculture do not want properties within an urban edge, which are not economically viable farms, to retain an agricultural zoning. Areas within the urban edge must also be developed to higher densities as there is limited land for development in the Greater Hermanus area.

OBJECTION 9 continues

(c) Recommend Portions 1 and 13 be zoned to protected land or rural land.

Applicant's response

Portion 13 will be rezoned Rural Zone 1. Portion 1 is the flagship portion of the proposed development. Some no-go portions were identified on Portion 1 that will be adhered to.

Town Planner's response

The applicant responded to the request.

OBJECTION 9 continues

(d) All developments should include social housing.

Applicant's response

There is no policy or legal requirement in place to force private developers to provide social housing. This can therefore not be enforced or required for this development.

Town Planner's response

Concur with the applicant's comments.

OBJECTION 9 continues

(e) Why is Portion 13 to still remain for agricultural purposes if there is insufficient water, or is this for a small holding and to increase the portion's value?

Applicant's response

Portion 13 falls outside the Urban Edge. It was the intention to keep it as farm remainder, but the National Department of Agriculture indicated the land has limited agricultural value mostly due to its environmental sensitivity. The portion had to be rezoned to Rural Zone 1 and may not be subdivided into smaller portions. Rural Zone 1 has the same rights as Agriculture Zone 1.

Town Planner's response

The applicant sufficiently responded to the objection/comment.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

See Paragraph 7 above.

9. MUNICIPAL ASSESSMENT OF COMMENTS (Town Planner's comment on objections/and response thereon)

See Paragraph 7 above.

Internal and external departments

The application was supported by all internal municipal departments and external provincial and semi-state institutions.

10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)**10.1 Background**

N/A

10.2 (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.

The objectives relating to:

Spatial Justice

The development will provide for a wide range of housing typologies and prices, to cater for a wide range of income groups.

Spatial Sustainability

The application is within the urban edge and will not impact on sensitive agricultural land or environmentally sensitive areas. It will also help to alleviate urban sprawl by way of infill planning.

Efficiency

The property is surrounded by an existing road network and services infrastructure and will help with the maximum utilization of such infrastructure and upgrade thereof.

Spatial Resilience

The proposed development will provide a mix of residential types and land uses such as housing, retail, offices, and place of education and hospital, which will ensure that with economic downturn the development more affordable housing typologies can be developed. The other land uses will also provide much needed job opportunities in the Greater Hermanus area.

Good Administration

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

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

Same as Point 10.2 above.

10.4 (In)consistency with the IDP/Various levels of SDF's/Applicable policies

The area is indicated for urban development in terms of the Overstrand Municipal Wide SDF, 2020 and is also indicated as densification area with densities up to 10 units per ha east of the R43 district road to 20 units per ha for the area north and northeast of Fisherhaven in terms of the Overstrand Municipality Spatial Growth Management Strategy, 2010, (GMS) which is a guideline document.

Application is made to deviate from the OMSGMS to have an average density of approximately 16 units/ha. Some areas are however very environmentally sensitive and cannot be developed, and for this reason application is made to develop other areas to a maximum density of 50 units/ha.

The deviation will be discussed in more detail under the desirability of the application.

10.5 (In)consistency with guidelines prepared by the Provincial Minister

N/A

10.6 Impact on Municipal engineering services

The surrounding area is already serviced, and sufficient bulk capacity exists only for some portions of the development at this stage. Detailed engineering reports were submitted and considered by the Engineering Services Department, who supports the application.

This is a very large-scale application that will require the construction of new infrastructure, including reservoirs, etc. The project will have to be phased as the development of this scale of project would probably take as much as 20 - 30 years to be fully developed.

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

N/A

10.8 Existing and proposed zoning comparisons and considerations

The surrounding area is mostly residential with the study area bordering Fisherhaven and Hawston. There is also a business park for warehousing and service trades being developed west of the R43 district road.

This development is to create a residential development with a mixture of residential densities and housing typologies, and also provide for a mix of land uses such as retail, offices, hospital, educational site, etc. to cater for the new and existing residential development.

The surrounding developments have the same type of fabric, as it is towns with some amenities. This development will however be denser in some areas which compare with development in Hawston, and other areas will be less dense, more in line with the densities of Fisherhaven.

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

N/A

12. THE DESIRABILITY OF THE PROPOSAL

The proposal is to subdivide Portion 21 of the Farm Afdaksrivier No. 575 into two (2) portions, and rezone one portion measuring 222ha to subdivisional area to be developed as a mixed-use area consisting of 16 portions, mostly for residential erven (approximately 3016 erven), two (2) business erven catering for retail, offices and a hospital and also a site for educational purposes. Public open spaces will be created for green corridors through the development and two portions will be zoned for Rural Zone 1 purposes, of which the one portion will also include a departure application to cater for an existing sand mine, which is still operational.

The applicant also applied for various consent uses to allow for land uses such as an Institution (hospital), flats and retirement villages on some of the General Residential Zone portions. This is to have flexibility regarding the residential market and market needs when it comes to the need for specific housing types in future.

This is an exceptionally large development proposal, and it is foreseen that it will provide sufficient land for development for 20 - 30 years. The proposed application is therefore only the first of a hierarchy of plans that will be required to ultimately develop this area. The proposal submitted is therefore more considered as a master plan for the area to deal with the larger road planning, the practical placement of various land uses and amenities to cater for the new development and surrounding developments, and to evaluate and plan the roll-out of services and bulk infrastructure in this wider area.

If this application is approved applications for the subdivision of the larger portions and /or site development plan applications will still have to be submitted for each such portion, and the desirability of such layouts will have to be decided on at that stage.

The fact is this development is almost the size of a new town, and this type of development will have to be phased and careful planning will have to be done to ensure the Municipality can provide services and have bulk capacity over the time of the development.

The proposed development will then be from directly north of Hawston east, east of the R43 road up to China Marais in Fisherhaven. There is also a portion of land northeast of Fisherhaven that forms part of the development area.

The proposal is to obtain access to this area from the south from the BNG Housing Development in Hawston, to have a left-in and left-out access/egress point directly opposite the Flagship Business Park development, and then another intersection with full access/egress opposite China Marias Avenue in Fisherhaven. A detailed TIA was prepared for the development and these access/egress points are considered acceptable by Western Cape Government: Transport and Public Works and the Municipal Engineering Services Department.

Further consultation took place between the planning consultant, traffic consultant, Western Cape Government: Transport & Public Works, the municipal Engineering Services Department and the municipal Town Planner. This was to discuss how the future upgrades that will have to be made to the R43 District Road and access/egress to such road will have to be planned and financed.

Western Cape Government: Transport & Public Works indicated that they can only evaluate the impact on the District Road when the various pockets are developed and can only at such stage indicate if that Department will make any funds available for such upgrades.

The traffic consultant indicated that the impact of background traffic and traffic that would be created by the development was considered. It could ultimately require that interchanges be supplied with traffic lights and even interchanges and bridges. The traffic engineer recommended that Traffic Impact Assessments be required with the planning of each pocket development to ensure the necessary upgrades to the R43 District Road is done to cater for such additional traffic.

From the consultation process it was clear that it would be very difficult to ensure that the cost for any upgrades of the R43 District Road could be spread over the full development. The Municipality will ensure the necessary upgrades are done at the appropriate times.

It is therefore recommended that the recommendations in the Traffic Impact Assessment be made part of the conditions of approval.

There were objections that relate directly to the desirability points, which will be discussed in more detail.

These points relate to the following concerns:

- ✚ environmental concerns;
- ✚ density concerns;
- ✚ impact on the rural character of Fisherhaven;
- ✚ concerns about the lack of infrastructure (*especially water*);
- ✚ phasing of the development, and
- ✚ concerns regarding sustainability (*economic impact and affordability*).

ENVIRONMENTAL CONCERNS:

A detailed EIA had to be prepared for this development, and after a very lengthy process a positive EIA ROD was obtained for the latest layout plan.

Due to the findings in the EIA green corridors were created throughout the development, and specific setback lines were identified from the river, lagoon and

mountains, which will have to be adopted in the future hierarchy of subdivision plans and/or Site Development Plans for development.

It is therefore considered that the environmental concerns are not valid.

DENSITY CONCERNS:

As previously indicated in the report is that most of the development area was earmarked for development with a density of up to 10 units/ha, whilst the portion north of Fisherhaven was identified for up to 20 units/ha in terms of the Overstrand Municipality Spatial Growth Development Strategy, 2010. The objectors are especially concerned about the density of the portion north of Fisherhaven identified for a density of up to 35units/ha.

It should be noted that the GMS, 2010 is only a guideline, and do not give rights or take rights away. The potential to be developed of various pockets of land should also be determined by environmental studies, TIA's, etc. The densities indicated on the GMS, 2010 was also very conservative and also outdated, as land has become a much more scares commodity. In terms of SPLUMA principles land is a scares commodity and should be used to its full potential.

Overstrand Municipality also prepared a Priority Housing Development Area document in September 2019. In terms of such document the Hermanus area up to Fisherhaven is a regional node and it is foreseen that 20 000 more residential units could be provided in this area.

In 2019 it was already foreseen that higher density development will be developed in this area. The new development will have an average density of approximately of 16 units/ha, which is considered as an acceptable density for this area. The deviation from the Overstrand Municipal Growth Management Strategy, 2010 is therefore supported.

IMPACT ON RURAL CHARACTER OF FISHERHAVEN:

Fisherhaven is situated within the Urban Edge and is not a rural area. The development area was also identified for further urban development since 2006 in terms of the Overstrand Municipality Spatial Development Framework. The fact that Fisherhaven have larger erven does not mean it has a rural character. It is noted that the development proposed north of Fisherhaven will be at a much higher density than Fisherhaven, but it will be developed as a group housing/retirement village on the edge of Fisherhaven and not inside the town and will have a minimal impact on Fisherhaven and Benguela Cove.

CONCERNS ABOUT LACK OF INFRASTRUCTURE (ESPECIALLY WATER) AND THE PHASING OF THE DEVELOPMENT:

The concerns are noted, and it is reasonable to be concerned about infrastructure with such a large-scale development. The various engineering services reports were scrutinized, and it appears that there is only limited capacity for development at this stage.

With regards to water there is sufficient capacity to cater for possibly 775 proposed units, although some other infrastructure will also have to be upgraded. Before any

further development can take place infrastructure such as water pipes, pumpstations and a new reservoir needs to be constructed. Additional water must then also be obtained from the Theewaterskloof Dam.

There is sewerage capacity to cater for the first phases of the development, subject to the upgrading of some piping and a pumps station. For further development, all infrastructure including the expansion of the wastewater capacity of Hawston wastewater works will have to be upgraded.

A detailed Storm Water Management Plan was submitted, and it is indicated that detention ponds will be created on each precinct and the existing wetlands will also be used to control storm water.

It is also indicated that the electricity supply available is only at this stage for 450-500 units. The electrical network will have to be upgraded and the developer will have to consult with Eskom regarding future upgrades.

Considering the above, it appears that there is only services capacity at this stage to develop one or two phases. It is therefore very important that a detailed Phasing Plan be submitted for this larger development. Such phasing plan must be linked to the service agreement to ensure further development in later phases can only take place after the required infrastructure has been upgraded.

The phased approach will also have to take the upgrade of the R43 and access/egress points to the R43 into consideration. As mentioned previously in the report, it is recommended TIA's be required for the future development of each pocket (portion) to ensure the phased upgrade of the R43, and adjacent access/egress points are ensured.

SUSTAINABILITY OF THE DEVELOPMENT AND ITS ECONOMIC IMPACT AND AFFORDABILITY OF HOUSING:

With development there is construction, meaning that there are job opportunities for the timespan of the development. The amenities such as the proposed hospital, retail area, offices and place of education will also lead to job creation.

The development will also have various densities of development, with the highest density of 50 units/ha proposed on Portion 12 for possible flats. This typology of housing is usually more affordable housing.

Considering the above and the fact that detailed studies have shown the development will not have a negative impact on the environment or take away high quality agricultural land, it is the opinion that the development complies with the General Principle of Sustainability.

The application also includes an application for a temporary departure to still operate a sand mine for two (2) years on Portion 10. The DEADP did not want to include the rezoning of the mine area to development area into the EIA ROD, and for that reason the mine area will now be rezoned to Rural Zone 1 purposes (small holdings), with the departure to operate the mine. When the mine is later closed and rehabilitated, application will be made to further develop such area.

Application is also made to depart from the By-Law to not provide street names and number at this stage. This will be addressed with the submission of future development pockets.

The application was submitted whilst the GMS, 2010 was still a Council Policy, and therefore application was made to deviate from this document. The deviation was already discussed in this report and the deviation is supported.

The application went through two (2) public participation processes, and only eight (8) letters with objections were received. The objections do not prove the application to not be desirable.

All relevant state and municipal departments/branches and relevant private institutions support the application.

Considering the above, the application is considered desirable and is supported.

It is however important that the phasing of the development with the roll-out of services be clearly defined in the service agreement, and that conditions to such affect be written into this recommendation. The same for the upgrade of R43 and intersections with the R43 District Road as future development takes place.

13. RECOMMENDATION

1. that the application in terms of Section 16(2)(d) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the subdivision Portion 21 of farm Afdakrivier No 575 into Portion A (Remainder farm of ±514ha) and Portion B (±222ha, excluding the R43 Road Reserve), **be approved**, In terms of the provisions of Section 61 of the By-Law.
2. that the application in terms of Section 16(2)(a) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), to rezone Portion B (±222ha, excluding the R43 Road Reserve) from Agriculture Zone I to Subdivisional area, property from Residential Zone I: Single Residential (SR1) to Subdivisional Area Zone (SA) and the subsequent subdivision in terms of Section 16(2)(d) of the By-Law, read with Section 22, of the rezoned property to create the following:
 - Portion 1 (±22,14ha)
General Residential Zone I : Town Housing;
 - Portion 2 (±12,36ha)
Residential Zone I : Single Residential; and Open Space Zone III:
Private Open Space
 - Portion 3 (±20,24ha)
General Residential Zone I : Town Housing;
 - Portion 4 (±10,64ha)
General Residential Zone I : Town Housing;
 - Portion 5 (±4,16ha)
Business Zone II : General Business;
 - Portion 6 (±3,82ha)
Business Zone II : General Business; and Open Space Zone III:
Private Open Space
 - Portion 7 (±17,59ha)

- General Residential Zone I : Town Housing; and Open Space Zone III: Private Open Space
- Portion 8 (±11,85ha)
Residential Zone I : Single Residential; and Open Space Zone III: Private Open Space
 - Portion 9 (±11,63ha)
Residential Zone I : Single Residential; and Open Space Zone III: Private Open Space
 - Portion 10 (±18,68ha)
General Residential Zone I : Town Housing; and Rural Zone I: Agricultural Smallholding
 - Portion 11 (±8,56ha)
General Residential Zone II : Town Housing;
 - Portion 12 (±11,22ha)
Residential Zone I : Single Residential; and Open Space Zone III: Private Open Space
 - Portion 13 (7,23ha)
Community Zone I: Community Facilities
 - Portion 14 (±45,77ha)
Rural Zone I : Agricultural Smallholding
 - Portion (±11,26ha)
Transport Zone II : Road and Parking TR2 B (Public Road)
 - Portion (±4,66ha)
Transport Zone II : Road and Parking TR2 A (Private Road)

be approved, in terms of the provisions of Section 61 of the By-Law.

3. that the application in terms of Section 16(2)(o) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for consent uses on the following portions:
 - Portion 1 - consent use to establish a retirement village;
 - Portion 4 – consent use to establish a retirement village;
 - Portion 5 - consent use to establish an institution (hospital);
 - Portion 10 – consent use to establish a retirement village;
 - Portion 11 - consent use to establish flats.

be approved, in terms of the provisions of Section 61 of the By-Law.

4. that the application in terms of Section 16(2)(c) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a temporary departure (2 years) in order to allow for the existing mining activities on Portion 10, **be approved**, in terms of the provisions of Section 61 of the By-law.
5. that the approvals in Points 1. to 4. above in terms of the provisions of Section 61 of the By-law, be subject to the following conditions:
 - (a) that development be in line with Site Development Rez-003-11 dated 01/07/2021;
 - (b) that a phasing plan be submitted for approval by the Municipality before any planning applications for precinct plans or site development plans will be considered;

- (c) that the developer/s may not act on any development of the portions (precinct) until the necessary bulk services is available or can be made available by the Municipality;
- (d) that all existing servitudes need to be complied with or amended if it is affected by the proposed development, or future developments, and no erven from the development will be registered if compliance is not confirmed;
- (e) that all the setback lines from the R43 District Road (scenic drive) and from the mountain, lagoon, river and sensitive environmental areas must be complied with in the future detailed precinct plans and/or Site development plans;
- (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
- (g) that all the conditions imposed by Telkom (attached as Annexure I), be complied with;
- (h) that all the conditions imposed by Eskom (attached as Annexure J), be complied with;
- (i) that all conditions in the Services Report (attached as Annexure F), be complied with;
- (j) that the original conditions imposed by Heritage Western Cape (attached as Annexure H), be complied with;
- (k) that the conditions of the Western Cape Government: Environmental Affairs and Development Planning (*Environmental Component*) (attached as Annexure G), be complied with,
- (l) that all the conditions by Overberg District Health (attached as Annexure K), be complied with,
- (m) that all the conditions by the Municipal Environmental Management Services Department (attached as Annexure L), be complied with,
- (n) that all the conditions by the Cape Nature (attached as Annexure M), be complied with,
- (o) that all the conditions by Western Cape Government : Transport & Public Works (attached as Annexure O), be complied with,
- (p) that all the conditions by the BGCMA (attached as Annexure Q), be complied with,
- (q) that a Homeowners' Association / Body Corporate and if so, Master Homeowners' Association be established with compulsory membership for all property owners within the various future private developments;

- (r) that the Constitution of the Homeowners' Association / Body Corporate for the various private developments be submitted for approval by the Municipality (which reserves the right to impose conditions in this regard), and that the following aspects inter alia be addressed in this document:
- the approval of building plans by an "estate architect" prior to submission thereof to the Municipality, and
 - that the Constitution clarifies at what stage that the responsibility would be transferred from the developer to the Homeowners' Association to deal with approval of plans, etc.
6. that the application to depart from Section 96.(2) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to exclude street names and numbers from this application, **be granted**.
 7. that application be made in terms of Section 96.(2) of the By-Law for street names and numbers before any registration of erven takes place.
 8. that the application for the deviation of the Overstrand Municipal Growth Management Strategy, 2010 in terms of Section 10 of the By-Law, in order to allow a mixed used development on Portion 21 of the Farm Afdaksrivier No. 575, to allow a deviation from the prescribed densification grading to allow for a gross density (on Portion 1) of 35 units/ha in lieu of 20 units/ha, and to allow for a deviation from prescribed densification grading to allow for a gross density (on Portions 2 – 13, 15 and 16) of approximately 15 units/ha in lieu of 10 units/ha, **be approved**.
 9. that the applicant and objectors 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 decision.

14. REASONS FOR RECOMMENDATION

- ❖ The proposal for a development with a mix of Residential Zone I and General Residential Zone and business and community zoned erven is in line with the Overstrand Municipal Wide SDF, 2020.
- ❖ All relevant municipal departments and external departments/institutions support the application.
- ❖ The necessary environmental approval was obtained from the Western Cape Government: Environmental Affairs and Development Planning, and there are no environmental concerns.
- ❖ Concerns/objections raised about the perceived environmental impact, density concerns, impact on the rural character of Fisherhaven, lack of infrastructure, phasing of the development and concerns about sustainability, does not prove the application not to be desirable.
- ❖ The application will have no Heritage impact.
- ❖ The application is in line with the general principles of SPLUMA and LUPA as this development will be spatially sustainable as it will not lead to urban sprawl or developed on high potential agricultural land or environmentally sensitive areas. The proposed development pockets will all be within the urban edge as approved in terms of the SDF, 2020.
- ❖ The proposed scale of the proposed development will be over a period of at least 20 to 30 years, or even longer. The Growth Management Strategy, 2010, a

guideline for residential densities earmarked some areas in this development area for densities up to 10 units/ha and other areas up to 20 units/ha. The proposal is to deviate from such allocations to develop some pockets up to 50 units/ha, with an average development of 16units/ha. Considering that the Priority Housing Development Area document prepared by the Municipality in September 2019 at least 20000 more residential units are aimed to be developed from Hermanus to Fisherhaven, the GMS, 2010 densities is conservative and outdated. The proposed densities are therefore supported.

- ❖ The consent uses are to enable portions to be developed for retirement villages, a hospital, and flats. This will allow for a wide range of residential accommodation for various income groups and age groups and allow for the development of amenities.
- ❖ The departure is to allow the operation of the existing sand mine to operate for an additional two years, which is an existing use with no additional impact on the surrounding area.

15. ANNEXURES

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Development Plan
Annexure D:	Objections received
Annexure E:	Applicant's comments on objections
Annexure F:	Services Report
Annexure G:	Western Cape Government: Environmental Affairs and Development Planning (<i>Environmental Component</i>)
Annexure H:	Heritage Western Cape
Annexure I:	Telkom
Annexure J:	Eskom
Annexure K:	Overberg District Health
Annexure L:	Municipal Environmental Management Services
Annexure M:	Cape Nature
Annexure N:	Department of Agriculture: National
Annexure O:	Western Cape Government: Transport & Public Works
Annexure P:	Western Cape Government: Agriculture
Annexure Q:	BGCMA
Annexure R:	Western Cape Government: Environmental Affairs and Development Planning (<i>Planning Component</i>)

SIGNATURES**AUTHOR:**Name: **HENK OLIVIER**SACPLAN Reg No: **B/8128/2004**

Signature: _____

Date: _____

REGISTERED PLANNERName: **H VAN DER STOEP**SACPLAN Reg No: **A/1708/2013**

Signature: _____

Date: _____

Annexure A



1. EXECUTIVE SUMMARY

1.1 Background information

The Afdakrivier Farm, Remainder Portion 21 of Farm Nr. 575, Caledon (hereafter referred to as the application site) lies within the Overstrand Municipal Area, east of Fisherhaven and the R43 which connects Hermanus to the N2. There are currently limited farming activities on the farm due to a lack of water and the land is mainly used for grazing (sheep) with a limited area under irrigation. The owners of the farm decided to subdivide the farm into two portions, Portion A (the remainder of the farm) to be kept as an agricultural farming unit and Portion B to be made available for development. The majority of Portion B lies within the Hermanus urban edge (excluding Portion 16 which will be kept as a farming unit, please refer to the subdivision plan) and has also been identified as the area of the farm which has the least agricultural potential. The proposed subdivision will make more water available to the remainder farm, Portion A, which will improve the agricultural potential of the remainder farm. The proposed subdivision will also help to unlock the development potential of Portion B (the land falling within the urban edge), in line with the municipal structure plans.

The proposed development will entail the subdivision and rezoning of Portion B into 14 portions for township development and one portion (referred to as Portion 14) which will be kept as agricultural land, to be rezoned to Rural Zone 1 (small holding). The intention is that the current land owner will sell each individual portion to future developers. The development of these portions will have to adhere to a phasing plan to be agreed on between the current land owner and the Overstrand Municipality. Future developers will then submit and obtain approval for the detail subdivision of each portion, and will service and develop each portion in line with the allocated zoning and land use parameters as well as any conditions of approval stipulated by the Overstrand Municipality and the Department of Environmental Affairs and Development Planning. Each portion will have to comply with the open space requirements applicable to that zoning category.

The proposed Afdakrivier development will be a mixed use development with a gross residential density of approximately 17 units/ha with a total of approximately 3 016 units which are anticipated to be rolled out over a long term period. It will provide a mix of residential typologies and will include flats , townhouses and group housing with average erf sizes ranging between 200m² (35units/ha) and 350m² (20 units/ha) as well as single residential erven with average erf sizes of 700m². It also provides for 3 retirement villages to accommodate the current and anticipated future need for retirement villages in the Hermanus and surrounding area. The proposed development will move from higher densities along the R43, to lower densities at the foot of the Onrus Mountains. This mix of residential densities and typologies will ensure that the proposed development provides for a wide range of income groups as well as differing age profiles. It will also provide for a range of amenities to be established on the General Business sites, which could include uses such as a hospital, offices and retail facilities, as well as a site set aside for educational purposes.

To summarize, *the proposed development will be an integrated development, providing different housing options for a range of income groups within close proximity to employment opportunities and amenities.*

1.2 Current Approvals

1.2.1 Approval for Subdivision of Agricultural Land, Act 70 of 70

Arch Town Planners submitted an application to the **National Department of Agriculture, Forestry and Fisheries**, to obtain approval for the subdivision of the Afdakrivier Farm in terms of the Subdivision of Agricultural Land Act, (Act 70 of 1970). Please refer to Annexure B for **their support and approval of the subdivision**, subject to the municipal approval of this application.

1.2.2 Environmental Authorization from DEA&DP

Please refer to Annexure C for a copy of the Environmental Authorization (EA), dated 21 July 2020 for the proposed development. Please note that for purposes of the EA the existing sand mining area on Portion 21 of the Farm Afdakrivier No. 575 were excluded from the development layout subsequent to a discussion and recommendations made by DEA&DP during a meeting held on 4 December 2017 (please see the e-mail correspondence between the Environmental Specialist (Mari de Villiers) and Dmitri Matthews from DEA&DP also included in Annexure C).

At the time of the DEA&DP approval, the mining area was 21.4 ha in extent, and was comprised of two sections: Portion A and Portion B, 15.85 ha (see **attached mining area in Annexure C**). The Department of Mineral Resources (DMR) recently approved the closure of Portion A. Cornerstone Environmental Consultants subsequently applied for an Amendment of the EA to include Portion A for development. From discussions with DEA&DP we believe the approval of the EA Amendment is imminent and Portion A has therefore been included in this Land Use Application, now incorporated into Portions 9, 12 and 13. Sand mining activities on Portion B will cease during 2024, after which the Mine Closure Plan for that portion will be submitted to the DMR. The amended EA will be submitted within due course.

1.2.3 Confirmation from DEA&FP on LUPA Application

The **Western Cape Department of Environmental Affairs and Development Planning (DEA&DP)** confirmed in writing that the proposed development does not require an application in terms of the Western Cape Land Use Planning Act (Act 3 of 2014). Please refer to Annexure D for a copy of this letter as well as the pre-application forms submitted to DEA&DP for their consideration.

1.2.4 Heritage Western Cape Approval

A Heritage Impact Assessment was submitted as part of the EIA process. Please see attached Annexure E for a copy of the letter of approval for the proposed development from Heritage Western Cape (dated October 2019). Please also refer to Annexure K for a copy of the HIA.

1.3 Amendment to Previous Layout

The proposed layout submitted with the Land Use Application dated October 2017 has been slightly amended to allow for the recommendations made as part of the EIA process. Due to the requirements specified in terms of the EIA process, the proposed layout has been amended as follows:

- Two conservation corridors (to be zoned Open Space 3) has been included in the layout.
- The size and location of the area to be zoned for General Business has been reduced and amended slightly to accommodate the conservation corridors.
- The proposed number of units has been reduced from 3 267 to 3 016
- The overall density has been slightly reduced from approximately 19 to 17 units/ha;

It is therefore argued that the impact of the proposed development will be less than that previously applied for.

1.4 Planning Brief

In light of the above, Arch Town Planners (Pty) Ltd, has been appointed by the Afdakrivier Trust, current owners of the application site, to submit and prepare an amended application to the Overstrand Municipality for their approval. Please refer to Annexure A for the Application Form and Power of Attorney.

1.5 Application

Arch Town Planners (Pty) Ltd hereby officially submits the following applications in terms of Section 16 of the Overstrand Municipality By-law on Municipal Land Use Planning to allow for the proposed development of Remainder Portion 21 of Farm Afdakrivier Nr 575, Caledon:

- i. Application for the Subdivision of Remainder Portion 21 of Farm Afdakrivier Nr. 575, into Portion A (Remainder Farm of ±514 ha) and Portion B (± 222 ha – excluding the R43 Road Reserve) in terms of Section 16(2)(d) of the By-law;
- ii. Application for the Rezoning of subdivided Portion B from Agriculture to Sub-divisional Area to establish a mixed use development with a gross residential density of approximately 17 units/ha, in terms of Section 16(2)(a) of the By-law;
- iii. Application for the subdivision of Portion B into 16 Portions (including private and public road) as indicated on Rezoning Plan: Rez -003-11 in terms of Section 16(2)(d) of the By-law;
- iv. Application for a deviation of the Growth Management Plan in terms of Section 10 of the By-law to allow for a mixed-use development as indicated on the proposed rezoning plan, Rez -003-11;
- v. Application for a deviation of the Growth Management Plan (Hawston) in terms of Section 10 of the By-law to allow for a deviation from prescribed densification grading to allow for a gross density (on Portions 2 – 13, 15, and 16) of approximately 15 units/ha in lieu of 10 units/ha;

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- vi. Application for a deviation of the Growth Management Plan (Fisherhaven) in terms of Section 10 of the By-law to allow for a deviation from prescribed densification grading to allow for a gross density (on Portion 1) of 35 units/ha in lieu of 20 units/ha;
- vii. Application for the following consent uses, in terms of Section 16(2)(o) of the By-law:
 - a. Consent Use for a Retirement Village on Portion 1;
 - b. Consent Use for a Retirement Village on Portion 4;
 - c. Consent Use for an Institution (Hospital) on Portion 5;
 - d. Consent Use for a Retirement Village on Portion 10;
 - e. Consent Use for Flats on Portion 11.
- viii. Application to allow for a temporary departure (two years) in terms of Section 16(2)(c) of the By-law, to allow for the existing mining activities on Portions 10.
- ix. Departure from Section 96(2) to exclude street names and numbers from this application;

Please note that a phasing plan will be submitted for approval at a later stage once we have the comments and feedback from all the relevant role players on the applications as submitted above.

This report serves as motivation for the above-mentioned applications. The official application form is attached as Annexure A with supporting documents also attached as Annexure.

2. Property detail

2.1 Ownership details

The application site is currently owned by the Afdakrivier Trust, as confirmed in Deed of Transfer, T2453/2004. Please refer to Annexure F for a copy of the Title Deed as well as Annexure E for an extract of the Trust Deed.

2.2 Locality

The application site is situated at the foot of the Onrust Mountains, between Hermanus and Kleinmond in the Western Cape on the R43. It is situated 16km from Hermanus, 43 km from Grabouw and approximately 92km from Cape Town International Airport. A portion of the site lies between Bengula Cove and Fisherhaven, west of the R43 bordering on the Botrivier Lagoon. The majority of the site lies east of the R43, between Hawston and Fisherhaven. Please refer to Figures 1 and 2 below for the regional and local context.

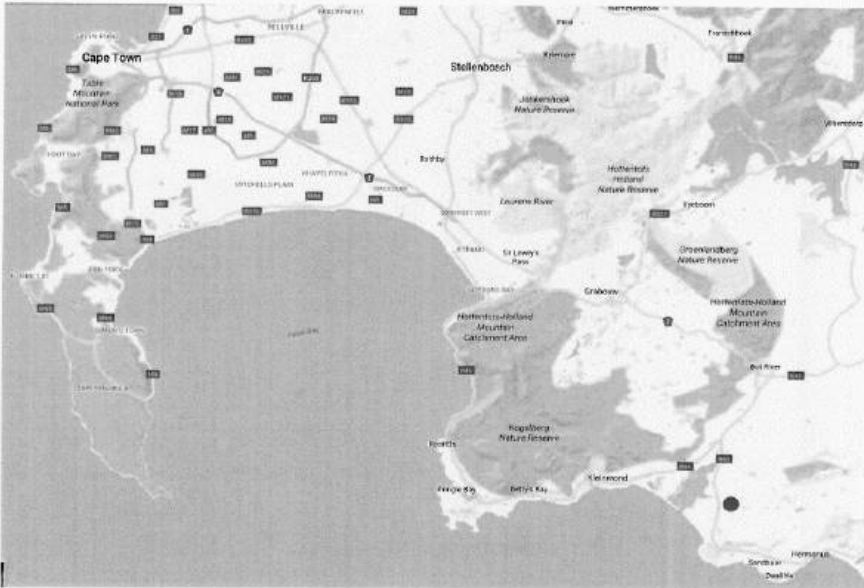


Figure 1: Regional context: Remainder Portion 21 of Farm Afdakrivier Nr. 575, Caledon

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Figure 2: Local context: Remainder Portion 21 of Farm Afdakrivier Nr. 575, Caledon



Figure 3: Local context: Remainder Portion 21 of Farm Afdakrivier Nr. 575, Caledon

2.3 Current zoning

The application site is zoned Agriculture 1 in terms of the Overstrand Municipality Zoning Scheme, 2013 which allows for the following.

Primary uses: agriculture, dwelling house, day care centre, guest rooms, home occupation;

Consent uses: additional dwelling units, agricultural industry, animal care centre, aquaculture, crèche, farm shop/stall, guest house, hotel, institution, intensive animal farming, intensive horticulture, mining, place of assembly, place of entertainment, place of instruction, plant nursery, riding stables, rooftop base station, service trade, tourist accommodation, tourist facilities, transmission tower, utility services, wellness centre, 4 x 4 trail.

Please refer to the zoning certificate and zoning map attached as Annexure G.

2.4 Restrictive title conditions

There are no restrictive title deed restrictions on the application site as confirmed in the conveyancer certificate attached as Annexure F.

2.5 Physical characteristics, existing and surrounding land uses

According to the Title Deed the total size of Remainder Portion 21 of Farm 575, Caledon is 654.09 ha. The SG diagram, diagram 4506-89 (please refer to Annexure H) indicates the total extend of the application site as being 655.09 ha, which still includes the 1ha area which was subdivided from the application site to form Portion 23 of Farm 575 for the Fisherhaven LL reservoir. (The Fisherhaven LL Reservoir lies almost in the middle of the application site along a gravel road. Please refer to Figure 16, the Bulk Water Layout for the position of the Fisherhaven LL reservoir.) However, if one calculates the size according to the most recent cadastral information, the total extend of the application site is 736.06ha. From discussions with the land surveyor it is understood that the discrepancies between old title deeds and the latest cadastral information, obtained by using modern technology is a normal occurrence and that for the purpose of our application we should use the size as calculated using the cadastral information. For purposes of this application, we will therefore use the size of Remainder Portion 21 of Farm 575, Caledon as 736.06, and all calculations are based on this.

About 80% of the application site has been heavily disturbed by various forms of agriculture and mining. Extensive areas continue to be seriously impacted by invasive alien vegetation. Large sections of the previously cultivated land have been fallow for decades.

The application site can be divided into the area falling within the urban edge (approximately 271ha) and the area falling outside of the urban edge. Please refer to Figure 3 below for locality of the approved

urban edge. The area within the urban edge is relatively flat with a slight slope towards the R43. Of the area falling within the urban edge, only 221.68ha are included in the proposed development. The area between the trunk road and the urban edge, east of the R43, is excluded from the development area and will form part of the remainder farm. The Onrus Mountains forms the eastern boundary of the application site.

As discussed under Section 1.2.2 above, there is an existing sand mine on Portion 10 of the site. At the time of submission of the original application the mining rights on the application site has or was about to expire. However, the owner of the mine applied for an extension of the mining right and it was agreed with the land owner, that the mine could continue to operate until 2024 (subject to all required approvals being in place) whereafter all mining operations need to be concluded and the area needs to be rehabilitated in line with the environmental authorization of the mine. The mining area will therefore only initially impact on Portion 10 (up until 2024 whereafter it will be closes and rehabilitated). The quarry is clearly visible on the aerial photo in Figure 3 below.

There is a small existing waterbody/wetland area west of the quarry which will be discussed in more detail under Section 2.8.1. Wetland Study. This wetland area attracts a variety of bird species to the area and has the potential to form an attractive feature as part of the proposed development. This portion of the site is accessed by a gravel road which runs from the R43 south-eastwards towards the Onrus Mountains. The R43 cuts through the application site, alienating approximately 70ha of land situated west of the R43, between Fisherhaven and Benguela Cove. A portion of this area, approximately 22ha, lies within the urban edge. A large area of the portion falling outside of the urban edge forms part of a wetland area which feeds into the Botrivier Lagoon.

The remainder of the farm, the area outside the urban edge which lies east of the R43 is the area of the farm which has been used for limited farming activities, mainly for grazing, leased out to a livestock farmer. The Afdakrivier forms the northern boundary of the application site and terminates in the Botrivier Lagoon. The Karwyderskraal Road crosses over a small section of the farm, with the homestead and relating outbuildings situated directly east of this road. The Afdakrivier Nursery is situated next to the homestead.

Surrounding land uses include agriculture related activities north and east of the application site with a chicken farm on Portion 4 of Farm 575, directly east of the application site. As mentioned the Onrus Mountains form the south eastern boundary of the application site. The remainder of the site is predominantly bordered by residential development including Benguela Cove, Fisherhaven and Hawston with very little commercial activities. The Overstrand Municipality recently approved an industrial park development on a portion of Portion 5 of Farm 575 directly west of the R43.

The majority of the open area west of the R43 situated between Fisherhaven and Hawston forms part of a dune system and the Middelvie Wetland Area which has been identified by the 2006 SDF as a natural open space and environmentally sensitive areas which should be protected from development, with limited development to be allowed.

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The Afdakrivier, forming the northern boundary of the application site, flows into the Botrivier lagoon which has been ranked 8th in importance out of more than 250 estuaries around the South African coastline (please refer to Annexure I for the Wetland study for more details.)



Figure 4: Application site: Remainder Portion 21 of Farm Afdakrivier Nr. 575, Caledon

2.6 Servitudes

There are a number of servitudes crossing over the application site as indicated on the Subdivision Plan, Plan Subd-002. These servitudes include the following:

- a) Servitude 4505_1989 : 3m wide Pipeline Servitude and a 9m wide access servitude
- b) Servitude 729_1994 : 11m wide Electrical Power Transmission Servitude
- c) Servitude 9093_1995 : 3m wide Pipeline Servitude
- d) Servitude 2316_2001 : 4m wide Pipeline Servitude
- e) Servitude 1840_1999 : 8m wide Servitude Road (servitude right of way in favor of Remainder Portion 4 of Farm 575 and Remainder of Farm Belsvlei Nr. 830.
- f) Servitude 3403_1969 : Dam servitude, an area servitude for a "drukbreedbak", a 25 feet access and pipeline servitude and a 30 feet access servitude.
- g) Servitude 4145_1947 :

The proposed development will include the repositioning of the 25 feet access and pipeline servitude, Servitude 3403_1969 to run along the new proposed 20m road reserve along the western boundary of proposed portions 5, 11, 12 and 13.

Please refer to Annexure M with the proposed subdivision plan which indicates all the servitudes

2.7 Environmental Considerations

As discussed under Section 1.2.2, the proposed development has already obtained Environmental Authorization from the Western Cape Department of Environmental Affairs and Development Planning (DEA&DP) with an amendment application currently in process (to include mining Portion A into the development). Set out below is a brief summary of the findings and recommendations of the various specialist reports which were included in the Environmental Impact Assessment and which was considered as part of the proposed layout. Please refer to the relevant Annexures for the full specialist reports.

2.7.1 Aquatic Ecosystems Study

Liz Day Consulting was appointed to undertake a full Specialist Impact Assessment and Risk Assessment: Aquatic Ecosystems (referred to as the wetland study) of the application site. Please refer to Annexure I for the full report.

All aquatic ecosystems identified in the report on the study site should be regarded as "no go" areas for development, with the exception of artificial dam D5 and the artificially created wetlands in the sand mined areas of the site. Of these, the former has negligible ecological or functional value that cannot be replicated in a standard storm water management system, and its infilling or removal would have no ecological consequences.



Figure 5: Sensitive aquatic ecosystems (source: Site Sensitivity Analysis – Freshwater Ecosystems)

With regard to the wetlands in the sand mined area, it is recognized that these are artefacts of past mining activities. While their conservation is not required from a biodiversity perspective, their occurrence as a result of exposure of a perched water table means that they cannot readily be eliminated, without substantial fill. Their incorporation into development-associated storm water treatment trains could be beneficial – in such a context, they would require setbacks of at least 15m from developed areas, to ensure sustainable management.

Of the remaining aquatic ecosystems, key systems that should be regarded as strictly outside of any development proposals comprise the following areas, mapped in Figure 4 above:

- The Afdaks River and estuary (W3) (all in any case outside of the urban edge) – development setbacks of up to 50m should be assumed to ensure the protection of these systems and their valuable role as ecological corridors through a highly disturbed landscape;
- The watercourse into the Afdaks Estuary comprising W1, D4 and W2 – of these, parts of W1 lie within the urban edge. It is noted moreover that the mapped extent of W1 has been carried out with low confidence, and the extent of functional wetland is likely to expand if the associated alien vegetation is removed.
 - Development setbacks of 100m from the mapped extent of W1 should be allowed for in the planning stage, to provide for such expansion. More accurate delineation activities should however be carried out once initial alien vegetation clearing has been achieved, and the area is more accessible, and such delineations should inform the extent of development encroachment in this area;
 - Development setbacks of 50m should be allowed for from the W2 watercourse and dam D4, as well as from the mapped perched wetlands included with W5 – it is acknowledged that such setbacks are generous. However, they attempt to take cognizance of the likely increase in wetland areas that would occur with the (legally required) removal of alien vegetation from the surrounding area;
- The system including D1 and D2, linked by channels W4 and W5, also lies outside of the urban edge, and it is assumed that subdivision proposals would not affect this area. However, setbacks of 50m on either side from the mapped watercourses would be recommended for planning purposes – again, providing for the likely effect of significantly increased water levels in the system as a result of alien plant removal, rather than because these degraded systems have intrinsically high functional value. Maintenance of channels as open systems rather than pipes is however also considered an important attribute.
- The artificial canalized offtake system leading to D3 would require minimum ecological setback areas of 15m on either side;

- The channelised system including D6 lies, at least in its lower reaches, within the urban edge. While the channel appears to have a relatively small catchment and is moreover considered permanently degraded, it would need to be adequately catered for in the context of a planned development – while changes in alignment of the system could be countenanced without undue effects on aquatic ecosystem function, these (if required) would need to take cognizance of existing or future topography, in ensuring that the watercourse remained the lowest lying part of its catchment. Allowance for the effects of alien removal on water availability, particularly during low flow periods, would also need to be considered. A setback of 20m from either side of the watercourse should be considered at present.

- Stormwater management considerations

Any subdivision and subsequent development of the study area would need to include consideration of stormwater management approaches. In this regard, the aquatic ecosystems described in this report would need to be considered with regard to the impact of increased stormwater runoff and/ or an associated deterioration in water quality as a result of long-term likely receipt of stormwater runoff from a developed area on the site. While the setback areas outlined in Section 3.1 would go some way to ensuring protection of these systems from such impacts, specific measures to address the impacts of stormwater runoff into affected watercourses would need to be developed during the initial design phases of the project, with a view to mitigating effectively against the potential negative impacts of stormwater runoff in terms of both quality and quantity, and taking notice of the fact that large areas of the site downstream of the developable urban edge may be vulnerable to erosion.

- Alien clearing requirements

Impacts to the condition of most of the watercourses on the site, as described in this report, have been identified as generally revolving around the extensive invasion of the site by invasive alien plant species. These reduce natural biodiversity through shading and water uptake, as well as promoting channelization and incision as a result of the concentration of natural flows through vegetated areas.

Removal of most of the alien plant species highlighted in this report is required by law from the landowner in terms of the recently revised National Environmental Management: Biodiversity Act (Act 10 of 2004) (NEMBA) and the sale of land on which listed alien species occur would also potentially be affected by the need for the landowner to render land up for sale free of listed aliens, prior to initiation of development activities.

2.7.2 Botanical Impact Assessment

Nick Helm Botanical Surveys did a Botanical Impact Assessment of the application site, please refer to Annexure J for a full copy of the report. The following is a summary of the conclusions and recommendations of this study:

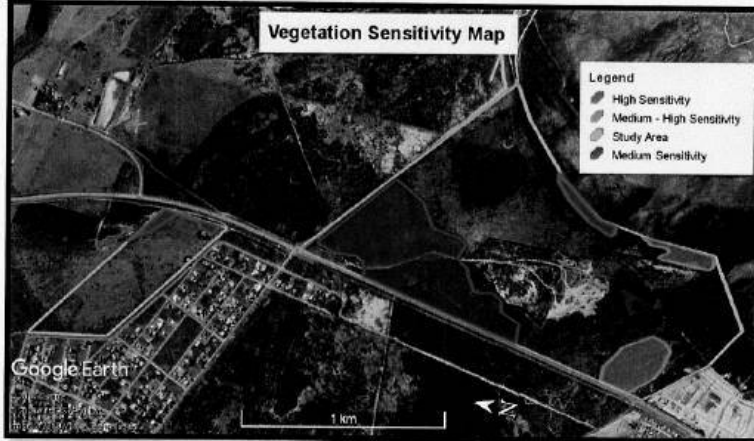


Figure 6 : Areas of Botanical Sensitivity (source: Botanical Impact Assessment)

- About 75% (490ha) of the total study area is of Low botanical sensitivity and presents no constraints to possible development. These areas have been heavily disturbed and correlate fairly well with the mapped CBAs for the area. No significant populations of plant Species of Conservation Concern are likely to be present in these areas.
- About 32ha (4% of site) is mapped as being of Medium botanical sensitivity. These areas have been previously disturbed but have passively rehabilitated to a moderate degree. A single plant Species of Conservation Concern was recorded in this area. These areas could be considered suitable for development, although the loss of these areas would probably result in an assessment of Medium negative botanical significance, depending on mitigation.
- The High and Very High sensitivity habitats make up about 20% of the study area, although the bulk of this (>100ha) lies above the 130m contour on the Onrus Mountain, and is presumably not considered part of the potential development envelope. All but one of the at least 18 plant Species of Conservation Concern recorded in the study area are restricted to the High and Very High sensitivity areas.
- No development should be considered in the High and Very High sensitivity areas, and they should have a development buffer of at least 10m. It is also strongly recommended that the

patches of High and Very High sensitivity east of Fisherhaven (spanning the R43) should be connected by an ecological corridor of habitat cleared of all alien invasive vegetation, and not subject to development.

- Drainage lines, even if currently infested with alien invasive vegetation (such as the Afdakrivier) should be considered important ecological corridors, and rehabilitated over time, which will include key management interventions such as alien plant clearing. It should be noted that landowners are now legally obliged to clear and manage alien invasive vegetation on their property, in terms of the Conservation of Agricultural Resources Act.
- All alien invasive vegetation within the High and Very High sensitivity areas should be cleared as a matter of priority, starting in the lowest lying areas and working uphill towards the mountain. Appropriate DWAF approved methodology should be used, notably the cutting of stems at near ground level, followed by immediate application of dye treated herbicide to the cut stumps to prevent resprouting. No heavy machinery should be allowed in these areas, as the soil disturbance caused would facilitate further alien plant invasion. No herbicide should be sprayed in these areas, due to the risk of damage to non-target plants. It is acknowledged that this will be a costly process, but development of low sensitivity areas can and should help pay for

As part of the Botanical Impact Assessment, the specialist required that one major and one minor ecological corridor should be included to connect the upper slopes of the site to the lower areas adjacent to the R43. This has now been included in the amended layout as indicated on the proposed Rezoning Plan.

2.7.3 Heritage

From the review of the Municipal SDF and the GMS (2010), it is confirmed that there are no significant heritage issues relating to the application site. The application site does not fall within any municipal heritage overlays. A Heritage Impact Assessment was undertaken and submitted to Heritage Western Cape (HWC) for their comment. As discussed under Section 1.2.4 above HWC approved the proposed development. In their letter of approval, DEA&DP also concluded that the proposed development will not have any negative impact on heritage resources. Please refer to Annexure K for the full HIA report.

Despite the over-arching rural context of the subject site, its location is such that longer distance scenic panoramas are likely to remain largely unaffected. This is because of the site's low visual profile in the broader landscape, a consequence of its undulating topography and swathes of vegetation, significant amounts of which will need to be retained for botanical reasons. As one approaches the site moving south towards Hermanus on the R43, one's eye is drawn to the distant Onrust Mountains on the one side and the lagoon on the other, rather than the site itself. As one moves in the opposite direction, i.e. northward towards the site from Hermanus, one's eye is drawn towards the lagoon rather than the site. As one moves into the more immediate context, the scenic quality of the landscape reduces and the site is obscured by natural vegetation along the R43.

Despite the site's location within a broad scenic rural context, its significance therefore relates primarily to its botanical significance and possibly archaeological potential. Visual impacts are likely to be of lesser concern, although still of some relevance, particularly with regard to the new rural/urban interface, overall scale, roofscape, and overall development density, particularly as viewed at closer quarters along the R43.

2.7.4 Agricultural Potential

Freddie Ellis was appointed to undertake a soil survey study to determine the agricultural potential of Portion B of the applicant site. The study, dated August 2016, determined the soil classification of Portion B, the physical soil limitations and the suitability of the soil types for crop production. The study also used the criteria as set out in the Schoeman Report (Schoeman 2004) where the National Department of Agriculture set out the criteria for the evaluation of agricultural land potential. Both these methods found that Portion B of the application site does not have a high agricultural potential as summarized below. Please refer to Annexure L for full study.

In the Western Cape, the growth of perennial crops can only be done under irrigation as there is not enough annual rainfall. From the Soil Survey Study, dated August 2016, it is clear that there is not enough available water and/or access to water to have the whole farm (Remainder Portion 21 of Farm 575 Afdakrivier, Caledon) under irrigation. The available water is currently used for irrigation on proposed Portion A of the farm. The Soil Survey Study indicated that the soil suitability for perennial crops on the majority of Portion B is only conditionally and marginally recommended, if there is enough water available, which there clearly is not. It is therefore motivated that in terms of agricultural potential, the remainder of the Farm (Portion A) would in effect benefit from the proposed subdivision as the available water can then effectively be used for the Remainder (Portion A) only. It is also considered that the remainder of the farm (Portion A) with an approximate size of 373.22ha can effectively function as an economic farm unit.

It is important to note that the existing water rights for the Farm (Remainder Portion 21 of Farm Afdakrivier Nr. 575, Caledon) will stay in place for the proposed Portion A of Remainder Portion 21 of Farm Afdakrivier Nr. 575, Caledon. The newly created Remainder Farm Portion B will be located within the urban edge of the Overstrand Municipality. Upon approval of the subdivision and the rezoning of this portion (Portion B), water provision to this site will be the responsibility of the Overstrand Municipality.

2.7.5 Socio Economic Impact Assessment

The Environmental Impact Assessment application process, required for the proposed Afdakrivier development, commenced in May 2016; with the Draft Scoping Report (DSR) being submitted to the Western Cape Department of Environmental Affairs and Development Planning (DEADP) in December of 2016.

Subsequent to the submission of the DSR, the need for a Socio-Economic Impact Assessment (SEIA) was identified by DEADP. Applied Science Associates (Pty) Ltd was appointed to address the need for a SEIA. Please refer to Annexure R for a copy of the SEIA.

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3. Development Proposal

3.1 Proposed development

This section should be read with the Proposed Subdivision and Rezoning Plans included as Annexures M and N. Please review these plans before continuing to read this section.

The proposed development will entail the following:

- i. Application for the **Subdivision of Remainder Portion 21 of Farm Afdakrivier Nr. 575**, into Portion A (Remainder Farm of ± 514 ha) and Portion B (± 222 ha – excluding the 9.68ha forming the R43 road reserve) in terms of Section 16(2)(d) of the By-law.

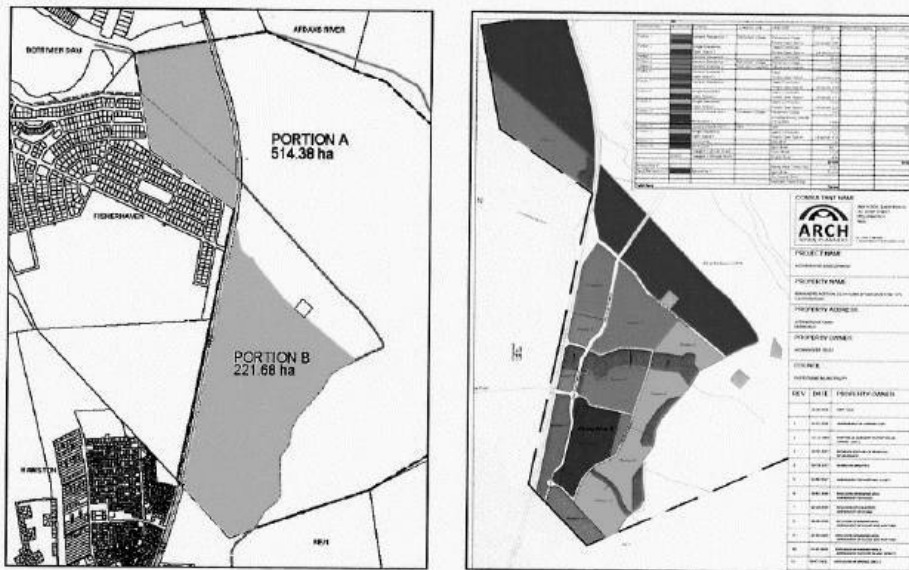


Figure 7: The Proposed Subdivision and Rezoning of the Application Site

The remaining farm portion (referred to as Portion A in Figure 7 above and as per the proposed subdivision plan attached as Annexure M) will be kept and managed as a functioning farm. A portion of Portion A falls within the urban edge. However, it has been excluded from the development proposal as the National Department of Agriculture, Forestry and Fisheries did not support alienating this portion from the remainder farm.

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- ii. Application for the **Rezoning of subdivided Portion B from Agriculture to Sub-divisional Area** to establish a mixed use development with a gross residential density of approximately 17 units/ha. This density is determined based on the number of proposed residential units within the urban edge, divided by the total developable area of Portion B, calculated as follows:

Total Area of Portion B:	222.42 ha
Excluding Portion 13:	45.77 ha
Total Developable Area of Portion B:	176,65 ha
Number of proposed residential units:	3 016units
Gross density of units /ha:	17 units/ha

Portion B will be subdivided into 14 separate portions (excluding the public and private roads) as indicated on Figure 7 above and the proposed Subdivision Plan, Plan Sub-002-04. The intention is that the current landowner will sell each individual portion/portions to future developers. The development of these portions will have to adhere to a phasing plan to be agreed on between the current landowner and the Overstrand Municipality. Future developers will then submit and obtain approval for the detailed subdivision of each portion, and will service and develop each portion in line with the allocated zoning and land use parameters as well as any conditions of approval stipulated by the Overstrand Municipality and the Department of Environmental Affairs and Development Planning. Each portion will have to comply with the open space requirements applicable to that zoning category.

The proposed Afdakrivier development will provide a mix of residential typologies and will include flats (proposed on Portion 11 with a height of no more than 2 storeys), townhouses and group housing with average erf sizes ranging between 200m² (35units/ha) and 350m² (20 units/ha) as well as single residential erven with average erf sizes of 700m². The proposed development also provides for 3 retirement villages to accommodate the current and anticipated future need for retirement villages in the Hermanus and surrounding area. The proposed development will move from higher densities along the R43, to lower densities at the foot of the Onrus Mountains. This mix of residential densities and typologies will ensure that the proposed development provides for a wide range of income groups as well as different age profiles. The proposed development allows for a total of approximately 3 016 residential units of which a maximum of approximately 1 327 (44%) could be developed as retirement villages (including facilities such as frail care centers), which is anticipated to be rolled out over a long term period. The proposed development also provides for a range of amenities to be established on the two General Business sites, which could include uses such as a hospital, offices and retail facilities as well as a site made available for community and/or educational purposes such as a church, school or a tertiary establishment.

It is proposed to have the development north of the proposed 30m parallel road (parallel to the R43), thus portions 2, 3, 7, -10, 12, 13 as one large gated development, where all internal roads will be private roads. The proposed gated development will have three possible access points. It will allow for the two ecological

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corridors to be shared, used by all future residents of these areas and to be maintained by one large HoA. These ecological corridors can not be fenced off in each individual portion, therefore, for security reasons and to allow for better use and shared access to all future residents of these portions these portions will function as part of one larger security estate. The portions directly bordering onto the R43 will not form part of this estate and will each function individually. To summarize, ***the proposed development will be an integrated development, providing different housing options for a range of income and age groups within close proximity to employment opportunities and amenities.***

Please note that as part of the revised layout, two ecological corridors have been include in the proposed layout. This will function as private open space linking the open space areas of the proposed gated community. The following sections will look at each proposed development Portion in more detail:

3.1.1 Portion 1

Portion 1 is a total of 22.14 ha, with a proposed General Residential 1 zoning and a consent use for a retirement village. It is proposed to have a maximum density of 35units/ha which will allow for a maximum number of 775 residential units, which could include group housing, town houses and a retirement village(including a frail care center). It is considered that this area is ideally situated between Fisherhaven and Benguela Cove overlooking the wetland areas on Portion 14 and the Botrivier Lagoon. Access to this site will be from Stormalong Road, which will give it easy access to the R43 and the proposed offices and hospital site on Portion 5 (please refer to Section 3.1.5 below) as well as the proposed community retail center on Portion 6.

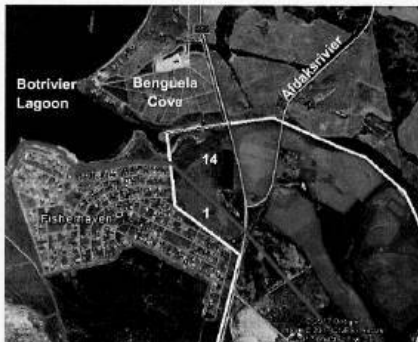
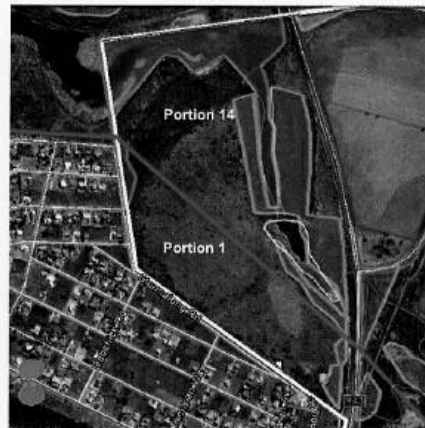


Figure 8: Portion 1 and 14: Locality and Environmental Constraints



According to the 2011 statistics there were about 4.2 million people older than 60 years in South Africa. The number is anticipated to grow to approximately 6.8 million by 2030, thus an average of 140 000 per year. According to market research, including discussions with estate agencies, developers and retirement

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village management companies, there is a current shortage of approximately 85 000 retirement units in the Western Cape alone. And from discussions with retirement villages in Hermanus town, regarding the number of people of their waiting lists, it is clear that there is a high need for retirement villages in the Overberg area and this development could serve the needs for Fisherhaven, Benguela Cove, Kleinmond, Caledon Botrivier and the wider Western Cape.

The Botanical Study referred to in Chapter 2, found a very small portion of high botanical sensitivity vegetation on the eastern boundary of Portion 1 as well as a small area with a very high botanical sensitivity on the north western boundary of the site. No development will be allowed in this area and it should be utilized as open space. It is also recommended to have a 10m development buffer around these areas. There are no other environmental or development constraints on this portion. Please refer to Figure 8 above for the locality of this portion and the environmental constraints on the site.

3.1.2 Portion 2, 8, 9 and 12

These portions, to be zoned Residential Zone 1: Single Residential (SR1) is the highest lying portions of the proposed development, situated at the foot of the Onrus Mountain, between the mountain and the 60m contour line. These portions have spectacular views towards the ocean, the Botrivier Lagoon and Arrabella and it is proposed that the lower density single residential housing is situated on these portions. As per the Overstrand Zoning Scheme there are no prescribed minimum erf sizes and it is considered that the erf sizes will be in line with what the market dictates at the time of development. Based on a maximum density of 10-20units/ha, a total of 664 single residential units can be provided. It is considered that these portions might well be developed as gated communities. These portions will be accessed via a 20m (road reserve) internal road, which links with the trunk road on the northern boundary (linking with China Marais Road in Fisherhaven) which leads to the R43. These portions are also within close proximity and walking distance (less than 1km), from the proposed educational, retail and the hospital sites.



Figure 9: Portions 2, 8, 9 and 12: Locality

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Servitude 3403_1969, a water pipeline servitude, runs over all of these portions. This servitude will be re-aligned/re-positioned to fall within the proposed 20m road reserve as part of the development of these portions. The need for the proposed re-alignment of this servitude will be confirmed as part of the process of this application and if so required will be dealt with in a separate application.

There is an existing dam on Portion 2 which can be used as an open space feature within the development. The Botanical Study identified areas of high botanical sensitivity on the higher lying areas of Portions 8 and 9. As per the recommendations of the Botanical Study, no development should be considered within these areas and they should have a development buffer of at least 10m. There are no other environmentally sensitive areas on any of these portions.

These portions fall within the Mountain Management Zone and as indicated in the GMS (2010) any development within this area should be sensitive to the mountain views and the typology of the area, and development within this zone should complement and support the scenic character of the area.

3.1.3 Portion 3

Portion 3 is approximately 20.24 ha and is to be zoned General Residential zone 1, with a density of 20 units/ha, which would allow for a maximum of 405 residential units. This portion is easily accessible via the trunk road linking with the R43. It is also within close proximity and walking distance (less than 1km), from the proposed educational, retail and the hospital sites.



Figure 10: Portion 2 - 5: Locality and Environmental Constraints

The Botanical Study identified an approximate 4ha area in the north western corner of this portion as having a medium botanical sensitivity; however the botanical study concluded that these areas have been previously disturbed and have passively rehabilitated to only a moderate degree and that this area could be considered suitable for development. There are no other environmental constraints which could impact on the future development of this site. Please refer to Figure 9 above for the environmental constraints.

3.1.4 Portion 4

Portion 4 lies next to the R43 and the proposed entrance to the development area with a high visibility. Please refer to Figure 10 above. This portion has an approximate area of 11ha and with a prescribed density of 35units/ha it can provide for a maximum of 372 residential units. This application also includes for a consent use for a retirement village on this site and it is proposed that no more than 50% of this site should be used for retirement purposes. As mentioned in Section 3.1.1 above, there is a high need for retirement villages in the Overberg area and this portion could serve the needs for the Fisherhaven, Hawston, Benguela Cove, Kleinmond, Caledon Botrivier and surrounding areas, including Hermanus.

The high density general residential zone will allow for smaller and more affordable erven/houses, for which there is a great need in the area as confirmed with discussions with the Overstrand Municipality and also the local estate agents.

The majority of the site has been identified as an area with medium botanical sensitivity. However the botanical study concluded that these areas have been previously disturbed and have passively rehabilitated to only a moderate degree and that this area could be considered suitable for development. There are no other environmental constrains which could impact on the future development of this site.

As this portion lies next the R43 (which is an identified scenic route), a 20m setback line is proposed where no development will be allowed. This area is to be landscaped to support and enhance the visual appearance of the scenic route, the visual character of the area and protect the views towards the mountains.

3.1.5 Portion 5

Portion 5 has a total area of approximately 4.2 ha and is situated east of the R43 and north of one of the proposed entrances to the development. As the R43 has been identified as a scenic route, a 20m setback line from the R43 has been allowed for. This area will be landscaped to support the visual appearance and views towards the mountains. It is proposed to rezone this portion General Business 2, which could potentially accommodate a 72 bed hospital and related uses, such as a pharmacy, coffee shop, medical consulting rooms (approximately 8 consulting rooms) and offices (with a maximum GLA of 2 500m²). From market research, it seems that there is a high need for a hospital/clinic in the Overberg District Municipality for a rehabilitation and/or pain treatment center and aftercare facilities for patients being released from hospital. An example of this is cancer patients who might receive treatment at the newly established Oncology unit at the Hermanus Medi-Clinic who could then receive pain treatment/after care at the proposed hospital. There is also a high need for a psychological institution in the greater Overstrand areas, which could potentially also be accommodated on this portion. This portion is highly visible and within easy access from the R43 and easily accessible to the surrounding existing and proposed residential areas, including the proposed retirement villages.

As mentioned, this portion will also make provision for offices, which could possibly support the hospital

and could provide office space for the future residents of the proposed development, as well as people from the surrounding areas such as Hawston, Fisherhaven, Benguela and Arrabella. This portion is not intended to be used for any retail development. The land uses associated with this portion will also provide for employment opportunities to surrounding areas, including nearby Hawston.

The majority of the site has been identified as an area with medium botanical sensitivity (please refer to Figure 10 above). However, the botanical study concluded that these areas have been previously disturbed and have passively rehabilitated to only a moderate degree and that this area could be

considered suitable for development. There are no other environmental constraints which could impact on the future development of this site.

3.1.6 Portion 6

Portion 6 is strategically located east of the R43, situated between 2 of the proposed entrances to the Afdakrivier development area. As with Portions 4 and 5, a 20m setback line has been proposed for where no development will be allowed. This area will be landscaped to support the visual appearance and views towards the mountains.

It is considered that this portion is ideally situated for retail facilities such as a small neighborhood centrum. This portion lies between the R43 and the proposed internal parallel road in the center of the proposed Afdakrivier Development. It is also situated between the major entrances to the proposed Afdakrivier Development, which will in future also link with the recently approved industrial area west of the R43 and Hawston, which will increase accessibility to this site for all surrounding areas.. As there are quite a number of existing and proposed retail facilities along the R43 it is intended that the proposed retail facilities on this portion will be of a much smaller scale (with a maximum GLA of approximately 4 500m²) to serve the basic retail needs of the immediate surrounding area, predominantly the future occupants of the proposed development. The majority of the site has been identified as an area with medium botanical sensitivity (please refer to Figure 11 above). However the botanical study concluded that these areas have been previously disturbed and have passively rehabilitated to only a moderate degree and that this area could be considered suitable for development. There are no other environmental constraints which could impact on the future development of this site.

3.1.7 Portion 10

Portion 10 lies in the heart of the proposed Afdakrivier Development with an approximate area of 18ha. The site is easily accessed via the two proposed entrances from the R43. The majority of the site is being occupied by an active sand mine (referred to as Mining Area B).

As explained in Section 1 above, Mining Area B has been excluded from the EA however, this area was assessed as part of the EIA process for the Afdakrivier Development and was included in the specialist studies (for example the Botanical and Freshwater Ecology Impact Assessments), since it is completely

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surrounded by the Afdakrivier development area. As confirmed by both the Environmental consultants and the DEA&DP officials, no additional listed activities, in addition to those already approved in the EA for the proposed Afdakrivier Development, will in future be triggered by including Portion B of the mining area into the development footprint, after Mining Portion B has been issued with Mine Closure Certificates by the DMR. However, until such time as a closing permit has been issued, this mining area cannot be included for development. For purposes of this application Mining Area B will therefore not be included for development purposes, however, as per the conditions of the Act 70 of 70 approval, the land needs to be rezoned from Agriculture to another zoning category. The most relevant zoning category is considered to be Rural zone 1 with a temporary departure for a sand mine.



Figure 11: Existing Mining Area B on Portion 10



Figures 12 - 13: Existing sand quarry and wetlands on Portion 10

It is considered that the future development on Portion 10 will only be rolled out as one of the later phases of the development at which time the mine would have been formally closed. This area will then be available for inclusion in the development and it is anticipated that it will also be general residential to tie in with the

currently proposed development. A small portion of the site is however already available for development and will be rezoned to General Residential 1. Portion 10 is within proximity to the proposed hospital, office, retail and educational sites which means that all basic needs can be accommodated within the immediate surrounding area.

3.1.8 Portion 11

Portion 11 lies directly east of the R43, opposite the recently approved industrial park directly north of Hawston. This site has a high visibility and borders onto the proposed entrance road from the R43 which will also link this site via the proposed future road to Hawston and the industrial site. It has a total area of approximately 8.56ha, which with a maximum density of 50 units/ha can allow for up to 428 residential units. It is proposed to rezone this portion to General Residential 2 (GR2) with a consent use for flats. Market research has shown that there is a high need for higher density, smaller scale units in the Overstrand Municipal area and it is considered that this site is ideally situated to provide for higher density (such as flats and group housing) typologies for different income groups. The closely located industrial area as well as the proposed General Business sites could provide employment opportunities within close proximity to this site.



Figure 14: Portion 11: Locality and Environmental Constraints

As this portion lies next to a scenic route, the R43, and as stipulated in the Overstrand Growth Management Strategy, it is also proposed that the maximum height of buildings on this site may not exceed two storeys. As with all the other portions along the R43, a 20m setback line is proposed where no development will be allowed. This area is to be landscaped to support and enhance the visual appearance of the scenic route, the visual character of the area and protect the views towards the mountains.

A small area on the western boundary of this portion has been identified as an area with medium botanical sensitivity. However the botanical study concluded that these areas have been previously disturbed and have passively rehabilitated to only a moderate degree and that this area could be considered suitable for development. There are no other environmental constraints which could impact on the future development of this site.

3.1.9 Portion 13

This portion is a 7.2ha site which is made available for educational purposes. The high number of residential units proposed for this development proposal, justifies the proposed community site which could either be used for a school or alternatively a tertiary institution and/or a church. From discussions with the local municipality it is understood that Boland College did approach them at some stage to inquire about the

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availability of land within Hermanus to establish a college, which serves as an indication that there is a need for such a facility in the area. This is also in line with the proposals made in the Growth Management Strategy (GMS) (May 2010) for the Hawston area. It is anticipated that the need for this use will only realize when the bulk of the residential units are developed.

3.1.10 Portion 14

Portion 13 lies outside the urban edge and it is not included for development. The intention initially was to keep this as part of the Remainder Farm. However, in discussions with the National Department of Agriculture, Forestry and Fisheries (NDAFF), they indicated that it is clear that there can only be very limited agriculture activities on this site, specifically due to the environmental sensitivity of this site. Based on this, NDAFF requested that this portion be zoned out of Agriculture. We therefore propose that this area should be rezoned from Agriculture 1 to Rural Zone 1 (Agricultural Small Holding) with a minimum subdivision size of 45.78ha to prevent this site from being subdivided into smaller portions. In doing so, this area can be taken out of agriculture, as requested by NDAFF but can still have a rural use. Please note that the primary and consent uses for Agricultural 1 and Rural Zone 1 are the same and the allowed land use of this portion will therefore be the same as the current status quo.

Please refer to Figure 8 above for the location and environmental constraints.

3.2 Proposed Road System

Access to the portion of the property within the Urban Edge to the east of the R43 is currently obtained via the R43 opposite its intersection with China Marais Avenue (access to Fisherhaven) (staggered intersection, \pm 30 metres). Access to the portion to the west of the R43 can be obtained via China Marais Avenue and Stormalong Road. Access will also be possible from the extension of Karwyderskraal Road (parallel route to the R43), via George Viljoen Road and via the industrial development-access to the R43. Please refer to Figure 15 below.

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Future access will remain via the R43, but will be provided at the following positions (in line with Draft Overstrand Transport Plan):

- a) The R43/China Marais Avenue intersection (at-grade, access opposite China Marais Avenue with the existing staggered access to the property to be closed) which should be signalized when warranted as determined by the individual TISs;
- b) The left-in/left-out access north of the industrial development;
- c) The R43/Industrial development-access (at-grade) which should be signalised when warranted as determined by the individual TISs; and
- d) The R43/George Viljoen Street intersection (at-grade);

Please refer to proposed Subdivision plan for the location of the proposed intersections and the TIA (Annexure O) for detail on future access points and road classifications.

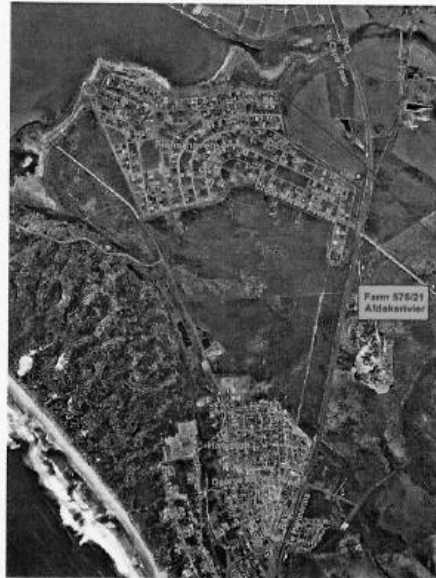


Figure 15: Current access points to the proposed Afdakrivier Development

As explained above, the proposal allows for a system of public and private roads.

As far as could be established no formal public transport facilities exist in the vicinity of the proposed development. Provision for public transport will be made in the vicinity of the retail component as well as at the outbound legs of the intersections along the parallel road. It is also suggested that public transport embayments be considered along the R43 at the outbound legs of the major intersections (as currently exists along the R43 towards Hermanus).

According to the Draft Overstrand Transport Plan, previous studies with focus on public transport concluded that the R43 between Hawston and Hermanus should be viewed as an important public transport route. It is suggested that NMT-facilities be provided along both sides of the parallel route and along at least one side of the remaining internal roads (currently indicated on the **Subdivision Plan**) on the subject property. The Department of Transport *Pedestrian and Bicycle Facility Guidelines* requires 1,5 metres minimum for pedestrian walkways and 1,5 metres minimum to accommodate bicycles. The City of Cape Town *Minimum Standards for Civil Engineering Services in Townships* was also consulted, which suggests a minimum width of 2,5 metres for low volumes and 3,0 metres for Class 3-shared (pedestrian/cyclist) facilities. A typical cross-section is thus suggested to consist of 2,5 metre NMT- facilities with at least 1,0 metre landscaping between the roadway and NMT-facility, as indicated in Diagram 1 below. Sport cyclists can be accommodated in the shoulders of the roadway, with commuters utilising the shared NMT-facilities.

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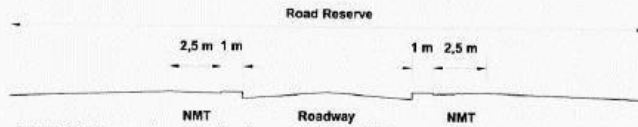


Figure 16: Proposed cross-section to accommodate NMT

3.2 Traffic Impact Assessment

iCE Group conducted a Traffic Impact Assessment (dated 4 October 2017) to determine the impact that the traffic generated from the proposed development would have on the current and future road networks. An amended TIA was done in 2019 to exclude the mining area from the proposed development. A Draft Overstrand Transport Plan was recently completed which includes access management along the R43 (TR 2801) in the Fisherhaven/Hawston area. These access points were taken into consideration in the TIA.

As explained in Section 1 above, a portion of the mining area (mining area A) has recently been closed and the EA is being amended to include this area into the development proposal. For purposes of this application, we will revert to the October 2017 study which considered the traffic impact of a total of 3 267 residential units. Though the 2017 layout is slightly different from the layout as currently proposed and the number of residential units is now less than that proposed in 2017, it is argued that the access points to and from the R43 stayed unchanged and the same road upgrades are required for the slightly less number of residential units. This is also confirmed in the letter received from the WC Department of Transport and Public Works: Roads, dated 24 March 2021, which confirms their support for 3 016 residential units (please refer to Annexure O for a copy of this letter). Set out below is a summary of the findings of the TIA. Please refer to Annexure O for the full report which states:

- 1) The TIA is in support of the application for Subdivision and Rezoning of Farm 575 Portion 21 (Afdakrivier), situated to the east of the R43 between Fisherhaven and Hawston;
- 2) That access will be obtained from the R43 via accesses based on those suggested in the Draft Overstrand Transport Plan which are from the R43/China Marais Avenue intersection (initially priority-controlled/signalised and ultimately grade-separated if/when warranted), from a left-in/left-out north of the industrial development (Hawston) and across the R43 via bridge at the industrial-access position as well as directly to Hawston via George Viljoen Street (ultimately via underpass);
- 3) That the proposed development has the potential to generate 3 037 AM trips and 3 008 PM trips without considering internal or pass-by trips, that the trips of 2 332 residential units can be assumed to be included in the background traffic and that the proposed development can thus be expected to generate 1 555 new AM trips (605 in, 950 out) and 1 373 new PM trips (889 in, 484 out);
- 4) That phasing has not yet been addressed and that a TIS should be conducted for every Portion as to

determine the upgrades required prior to the development thereof;

- 5) That the R43 in the vicinity of the proposed development should be dualled by 2035 as a result of background traffic, that the link opposite China Marais Avenue between the R43 and the parallel route should be dualled to accommodate the full development and that the internal roads should operate sufficiently as two lane roads;
- 6) That roundabouts are proposed at internal road-intersections as well as the accesses to the Portions along the internal roads and that grade separation at the R43/China Marais Avenue intersection is not yet considered necessary from a capacity point of view;
- 7) That the parallel route can be classified as a Class 3-road (32 metre road reserve) from Karwyderskraal Road up to the proposed bridge, from where it can be classified as a Class 4-road (20 metre road reserve), and that the remaining internal roads can be classified as Class 5-roads (20 metre road reserves);
- 8) That refuse removal, details on internal layouts and parking should be addressed at Site Development Plan submission stage (individual TISs should be compiled for each Portion);
- 9) That provision for public transport is suggested at the retail component and at the outbound legs of the intersections on the parallel route and that public transport embayments also be considered along the R43 at the outbound legs of major intersections; and
- 10) That 2,5 metre wide shared non-motorised transport facilities be provided along both sides of the parallel route and along at least one side of the internal roads.

3.3 Services Report

GLS Consulting Engineers, the consulting engineers updating the engineering master plans for the Overstrand Municipality, calculated and reviewed the services needs of the proposed development and conducted a capacity analysis of the bulk water and sewer services. Set out below is an extract from their report, please refer to Annexure Q for the full report, figures and tables referred to and findings. Please note that as with the TIA above, the GLS report was based on a total of 3 267 residential units and a slightly different layout. Though the 2017 layout is slightly different from the currently layout (an additional internal access road is proposed which divides previously referred to Portion 7 now into Portion 7 and 10) and the number of residential units is now less than that proposed in 2017, it is argued that the service upgrades required is the same as that indicated in the 2017 GLS report.

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This document should inter alia be read in conjunction with the Water Master Plan (performed for the Overstrand Municipality) dated June 2016 and the Sewer Master Plan dated June 2016.

Future development areas GH1, GH2 and GH5.1, which include the proposed development area, was conceptually taken into consideration for the June 2016 master plans for the water and sewer networks.

3.3.1 Water Distribution System

3.3.1.1 Distribution zone

The existing erven in Hawston, east of the R43 Main Road, are currently accommodated in the existing Fisherhaven High Level (HL) reservoir zone. The Master Plan indicates that the proposed developments (portions 2-12) should also be accommodated in the existing Fisherhaven HL reservoir zone. The connection to the existing system should be done on the existing 200 mm diameter pipe and the future 315 mm diameter pipe, as shown on Figure 1a attached.

The development west of the R 43 Main Road (portion 1) falls within the existing Fisherhaven Low Level (LL) reservoir zone. The connection to the existing system should be done on the future 160 mm diameter pipe as shown on Figure 1a attached.

The proposed developments are situated inside the water priority area.

3.3.1.2 Water demand

The original water analysis for the master plan was performed with a total annual average daily demand (AADD) for the proposed development areas of 2 306,0 kℓ/d.

For this re-analysis, the AADD and fire flows for the proposed development were calculated as follows:

Development west of R43 Main Road

- Portion 1 775 Retirement units @ 0,5 kℓ/day/unit = 387,5 kℓ/d

Developments east of the R43 Main Road

Developments east of the R43 Main Road

- Portion 2: 128 Group housing units @ 0,6 kℓ/day/unit = 76,8 kℓ/d
- Portion 3: 390 Group housing units @ 0,6 kℓ/day/unit = 234,0 kℓ/d
- Portion 4: 455 Retirement units @ 0,5 kℓ/day/unit = 227,5 kℓ/d
- Portion 5: Hospital (@ 15 kℓ/day/ha) = 66,0 kℓ/d
- Portion 6: Business & commercial (@ 15 kℓ/day/ha) = 39,2 kℓ/d
- Portion 7: 715 Retirement units @ 0,5 kℓ/day/unit = 357,5 kℓ/d
- Portion 8: 106 Residential units @ 1,0 kℓ/day/unit = 106,0 kℓ/d
- Portion 9: 112 Residential units @ 1,0 kℓ/day/unit = 112,0 kℓ/d

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- Portion 10: 124 Residential units @ 1,0 kℓ/day/unit = 124,0 kℓ/d
- Portion 11: 462 Flats @ 0,4 kℓ/day/unit = 184,8 kℓ/d
- Portion 12: Education (@ 12,5 kℓ/day/ha) = 90,0 kℓ/d

Total = 1 617,8 kℓ/d

- Fire flow criteria (Moderate risk) = 25 ℓ/s @ 10 m
-

3.3.1.3

Present situation

a) Network conveyance

The existing 200 mm Ø supply pipe from the Fisherhaven LL reservoir has sufficient capacity to accommodate the proposed development. Master plan items are however required to connect the development to the existing system and to improve network conveyance in the Fisherhaven LL network.

The existing 200 mm Ø supply pipeline from the Fisherhaven HL reservoir to the proposed development has spare capacity available to accommodate new developments with a total AADD of up to 980 kℓ/d. Various master plan items are required to accommodate the total development, as shown on Figure 1a.

b) Reservoir capacity

The criteria for the total reservoir volume used in the Overstrand Water Master Plan, is 48 hours of the AADD (of the reservoir supply zone).

The Fisherhaven LL reservoir has sufficient storage capacity to accommodate additional developments with an AADD of up to 290 kℓ/d. There is thus sufficient capacity to accommodate portion 1 of the proposed development in the existing Fisherhaven LL reservoir zone.

According to the Water Master Plan there is reservoir storage capacity available in the Fisherhaven HL reservoir to accommodate additional developments with a total AADD of up to 282 kℓ/d, after which additional storage capacity will be required.

Therefore there is insufficient capacity available at the Fisherhaven HL reservoir to accommodate the total development of portions 2-12.

c) Bulk supply

In the existing Greater Hermanus water system, bulk water is currently supplied from the Preekstoel Water Treatment Plant (WTP) through a series of bulk supply pipes to the existing reservoirs.

Table 1 attached is a summary of the capacity of the existing bulk supply system from the Preekstoel WTP to the Fisherhaven LL and Fisherhaven HL reservoirs. The routes of the bulk pipelines are shown on Figures 1a, 1b and 1c attached. The results can be summarized as follows:

Pipes with sufficient capacity:

- The bulk pipe segments from the Preekstoel WTP to the draw off point of the Vermont reservoir (segment OHW.B23, segment 1 & segment 2) have sufficient capacity to accommodate the proposed development.
- The segment from the Fisherhaven LL reservoir to the Fisherhaven HL reservoir (segment OHW.B4) has capacity to accommodate development with a total AADD of $\pm 1\,806,5$ k ℓ /d. This is just enough capacity to accommodate the proposed development, any further development will result in the pipe having insufficient capacity.

Pipes with insufficient capacity:

- The 250 mm diameter pipe between the Vermont reservoir draw off point and the Hawston reservoir draw off point (segment OHW.B19) only has spare capacity for developments with a total AADD of $\pm 824,7$ k ℓ /d.
- The 250 mm diameter segment between the Hawston reservoir draw off point and China Marais Avenue in Fisherhaven (segment 3) has spare capacity for developments with a total AADD of $\pm 1\,570,9$ k ℓ /d.
- The 200 mm diameter pipe from China Marais Avenue to the Fisherhaven LL reservoir (segment OHW.B22) only has spare capacity for developments with a total AADD of $\pm 746,2$ k ℓ /d.

Any additional water demand through these pipes will result in insufficient supply during the summer months.

d) Pumping stations

The existing Fisherhaven HL pumping station (capacity = 5 ℓ /s @ 47 m head) has spare capacity for developments with a total AADD of up to 157 k ℓ /d. The pump station therefore has insufficient capacity to accommodate the total development.

(Note: The capacity of the Fisherhaven HL pump station should be verified by the Overstrand Municipality)

e) Long term bulk supply upgrades

In the Overstrand Municipality Water Master Plan it is proposed that bulk water supply to the Greater

Hermanus area is augmented from the Theewaterskloof dam as an alternative water source in the future. In the planning allowance was made for a water supply to the existing Fisherhaven LL reservoir of 10 M³/d from this source.

It is proposed that bulk water is pumped in the future (when supply from the Theewaterskloof water source is commissioned) from the Fisherhaven LL reservoir to the Fisherhaven HL reservoir, and that bulk water is then distributed from the Fisherhaven HL reservoir to the existing Greater Hermanus bulk water system through a 315 mm Ø bulk pipeline, that connects to the existing system at the Hawston reservoir. Allowance should be made for pipeline servitudes to accommodate these infrastructure in the future.

f) Minimum items required

The minimum bulk supply items required to accommodate the total development are master plan items OHW.B3a, OHW.B17, OHW.B19 and OHW.B22 in order to provide sufficient water to the Fisherhaven LL and Fisherhaven HL reservoirs and master plan item OHW.B30 to provide sufficient reservoir storage capacity.

The minimum network requirement to accommodate portion 1 of the proposed development is master plan item OHW1.3 in order to connect the development to the existing water network and to provide adequate pressures to the development.

In order to accommodate the developments to the east of the R43 (portions 2-15), the following master plan items will be required: Items 1-5, OHW1.3, OHW13.1, OHW13.2, OHW13.3 and OHW13.4.

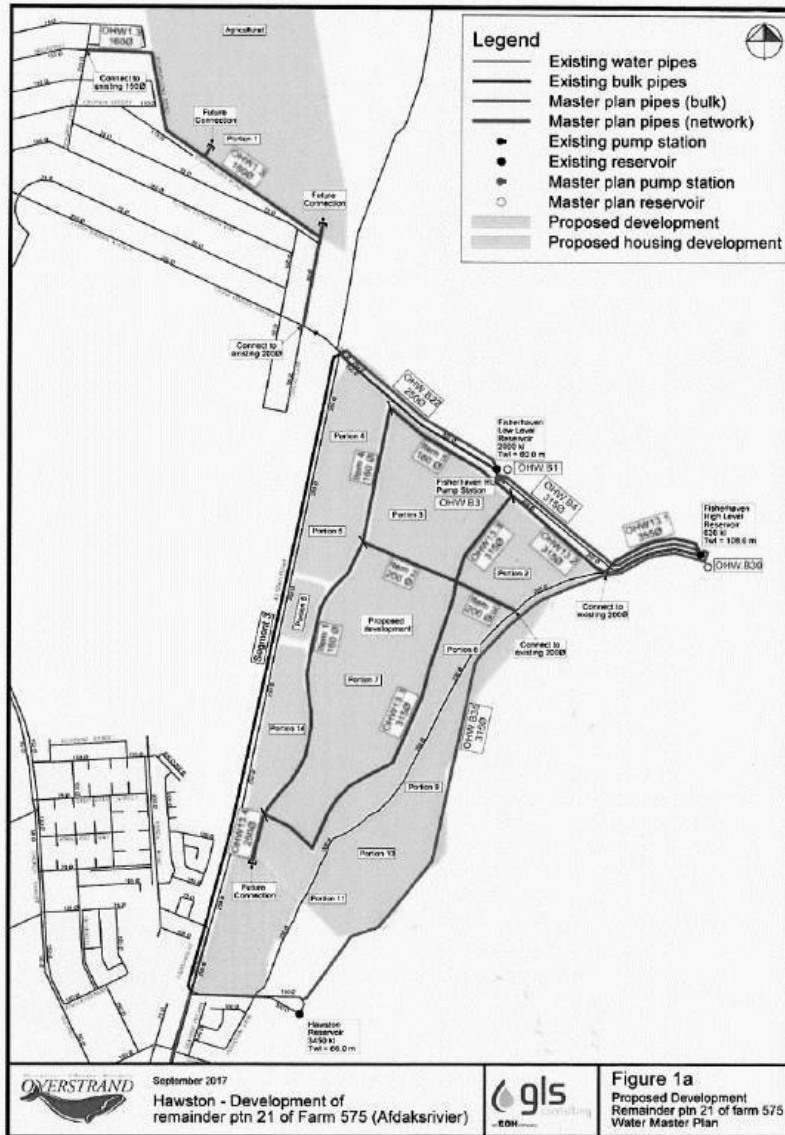


Figure 17: Water Master Plan

3.3.2 Sewer Network

3.3.2.1 Drainage area

The development to the west of the R43 (portion 1) falls within the future pump station (PS) GH2 drainage area. From the proposed future PS GH2 it is proposed that sewage is pumped to the existing Fisherhaven PS1, from where sewage is pumped to the Hawston Wastewater Treatment Plant (WWTP). New bulk sewer infrastructure will be required to connect onto the existing sewer system, as shown on Figure 2 attached.

The developments to the east of the R43 (portions 2-12) fall within the existing Hawston Gravity drainage area. There is currently no sewer infrastructure in the proposed development area to connect to the Hawston WWTP and several master plan items should be implemented in order to connect to the WWTP.

The developments are inside the sewer priority area.

3.3.2.2 Sewer flow

In the original sewer master plan, the peak day dry weather flow (PDDWF) for the proposed development area was calculated at 1 640,0 kℓ/d.

For this re-analysis, the PDDWF for the proposed development was calculated as 1 403,7 kℓ/d.

3.3.2.3 Present situation

There is currently no existing bulk sewer infrastructure near the proposed development area. New bulk sewer infrastructure is required to connect the proposed development to the existing Hawston WWTP.

3.3.2.4 Minimum requirements

The minimum requirements to accommodate portion 1 of the development are master plan items OHS1.4, OHS3.2, OHS3.3 and OHS3.4 in order to connect the development to the existing infrastructure of the Fisherhaven PS1 drainage area.

The minimum requirements to accommodate portion 2-12 are master plan items 7-10 and items OHS8.2, OHS8.3 and OHS8.7 in order to connect the developments to the existing Hawston WWTP

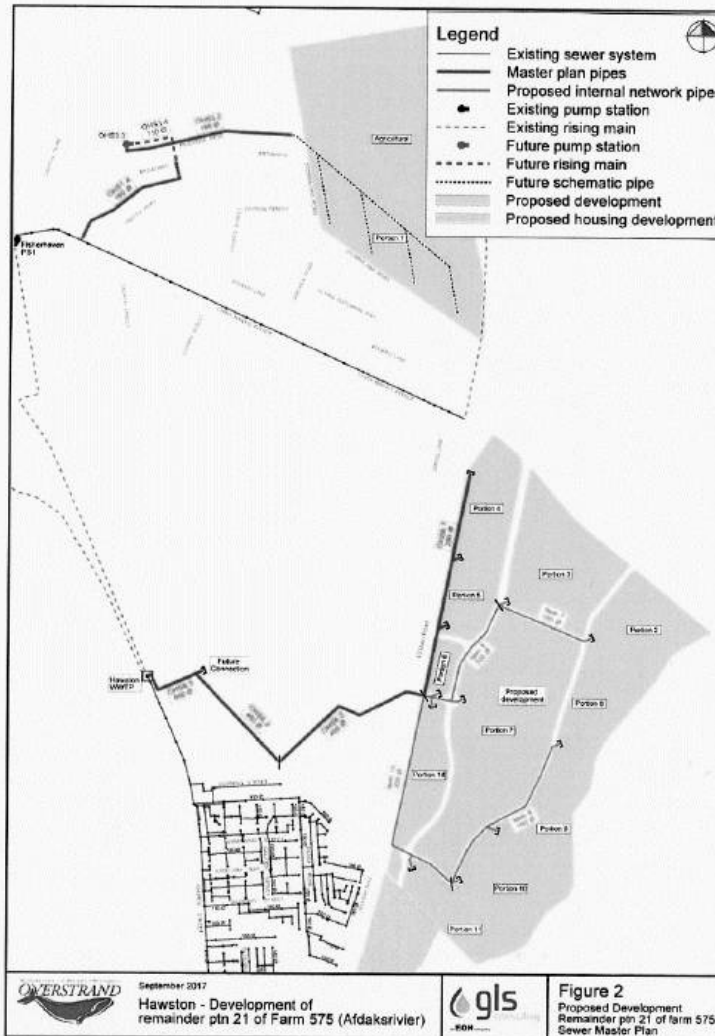


Figure 19: Sewer Master Plan

iCE Engineering compiled an Engineering Services and Storm Water Management Report (dated September 2017) for the proposed development. Their calculations for the water and sewer demand are much more conservative as they used the prescribed 'red book' calculations to determine demand. As GLS acts on behalf of the municipality and as they use actual measured flows and up to date information, it is motivated that the flows and demand calculated by GLS should be used as discussed above. The

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stormwater demand was however determined by iCE as set out below. Please refer to Annexure P for the full report.

3.3.3 Stormwater

The proposed development is located at the foot of a mountain. The topography above the development is noted for its steep slopes. Moderate slopes are encountered within the proposed development and flatter slopes below the development towards Hawston. There are significant catchments above the development and the runoff from these catchments must be accommodated in the stormwater management plan of the development. The most significant catchment is 112 ha in size and flows towards and through the existing sand mine located within the development site. The runoff from this wetland presently flows into ponds created by the sand mining activities. From the ponds there are no formalized flow routes but the general flow is in the direction of the wetland area below the R43.

3.3.3.1 Proposed Stormwater Management Plan

The proposed stormwater management plan is shown on drawing no TT111000 SW1. The main principle of the stormwater management plan is to reduce the runoff impacts to pre-development levels. Accordingly, detention ponds are proposed within each precinct. The detention ponds must be sized to limit the outflows to pre-development levels. This will ensure that the peak runoffs of the 50 yr events do not exceed the pre-development levels.

The existing wetland within the sand mining area plays a significant role in buffering the runoff from the 112 ha upstream catchment and therefore it is recommended that this be retained as a feature within the development. It is also recommended that a servitude be registered along the defined drainage route for this drainage area to ensure that overland escape routes are maintained. The drainage route, which is roughly indicated on the drawing, will be accurately defined during the detail design stage. It is also likely that erosion protection measures will have to be implemented along this route.

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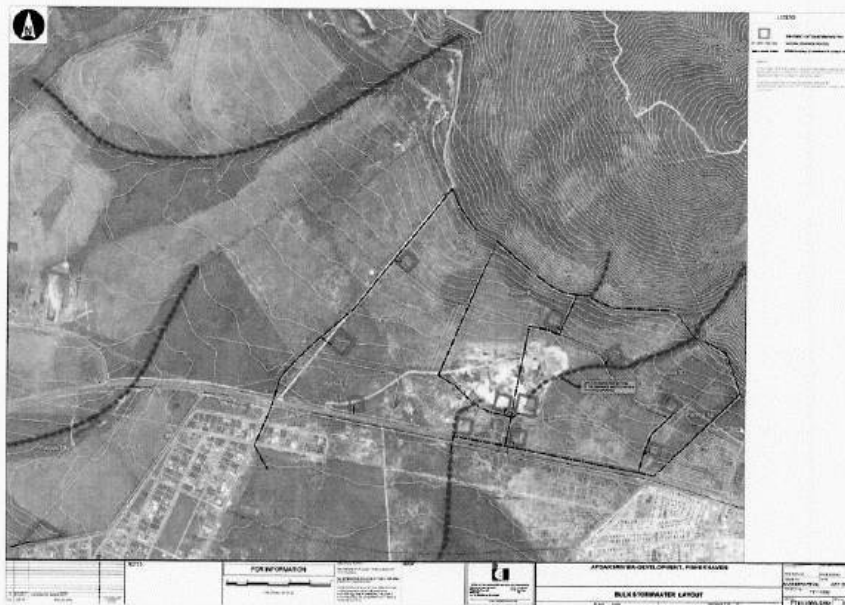


Figure 20: Bulk Stormwater Layout

3.3.4 Electricity

There is presently not sufficient infrastructure to provide for this demand and accordingly significant infrastructural upgrades will be required. Eskom advised as follows:

- The supply available for the initial phase of the development is 1700 kVA. This is sufficient for 450 – 500 dwelling units.
- For the outstanding balance of approximately 12 300 kVA [12.3 MVA] the existing network shall have to be strengthened [upgraded]. The different options of achieving this will be discussed and decided on at a later date when more detailed information becomes available.

The upgrading or strengthening of the existing network and bringing supply to the development may be in the form of extending the MV overhead line to a certain point. From this point the supply to the development will be in the form of an underground MV cabling network.

3.4 Phasing Plan

A phasing plan will be submitted to the municipality for their approval at a later stage as more certainty regarding development contributions are obtained from the Municipal Engineers once they have reviewed the application. It is however anticipated that the lower lying portions of the proposed development will be rolled out first and will be Phase 1 of the proposed development, followed by the higher density residential developments along the R43, Portions 7 and 11, Phase 2, and the single residential portions will be the last phase (Phase 4) of the development. It is anticipated that the education facility on Portion 13 and the retail on Portion 6 will only be developed once the bulk of the development has been established. Portion 5 can be developed as and when the market dictates.

4. Legislative and Policy Review

The following section identifies and briefly summarizes the applicable national, provincial and municipal legislation and policies which should be complied with /adhered to and which the proposed development should take into consideration. Each section then ends with an indication of how the proposed development complies with the relevant legislation and policies.

4.1 National Legislation

4.1.1 National Environmental Management Act (NEMA) (Act 107 of 1998)

Approval obtained

4.1.2 Subdivision of Agricultural Land Act (Act 70 of 1970)

Approval obtained

4.1.3 Spatial Planning and Land Use Management Act (Act 16 of 2013) (SPLUMA)

The SPLUMA came into effect on 1 September 2014. One of the main objectives of this act is to provide a framework for spatial planning and land use management to address past spatial and regulatory imbalances. The act sets out the following 5 main development principles applicable to spatial planning, land use management and land development which the proposed development should take into consideration/comply with:

1. Spatial justice (improved access to and use of land with an emphasis on informal settlements and disadvantaged communities);
2. Spatial sustainability (protection of prime and unique agricultural land, development in locations that are sustainable, limit urban sprawl and creation of viable communities);
3. Efficiency (optimising the use of existing resources and infrastructure)
4. Spatial resilience (allow for flexibility in spatial plans)
5. Good administration

4.1.4 Compliance with National Legislation

Table 1 below will indicate how the proposed development complies with the SPLUMA principles:

SPLUMA and LUPA Principles	Response to and Compliance with Principles
Spatial Justice	<p>i. The proposed development will be an integrated development to allow for a mix of housing densities and typologies to accommodate a wide range of income groups and families from different age- and demographic profiles as well as the provision of retail and business sites and educational facilities all within walking distance from the different development portions and within close proximity to Hawston and Fisherhaven. The different housing opportunities will provide for a 'housing ladder' where people/families can move upwards/downwards as their needs and/or economic circumstance change over time. The proposed development will be linked with Hawston and Fisherhaven to increase access to opportunities through infill development, thereby combating urban sprawl. Please refer to Section 4.2.4 below for more details on land available for urban development within the Hawston and Fisherhaven areas. As will be indicated and motivated below, the proposed development is in line with all Provincial and Municipal policies, and structure plans.</p>
Spatial Sustainability	<p>ii. The proposed development will require the upgrading of various services (electrical, water, storm water, sewerage and roads) and it is considered that this will be to the benefit of the surrounding areas as well as the Overstrand Municipality. Fisherhaven is in need of the upgrading of the sewerage system and it is considered that the upgrading of the sewerage system which would be required to provide for the proposed development will also address the current need in Fisherhaven. As set out in the TIA, the Provincial Department of Public Works (Roads) are planning various upgrades to the R43, including access points from the R43, as well as a parallel road east of the R43 which will be partially funded from the proposed development. Though a considerable amount of services upgrades are required for the proposed development, it is considered that the development will still optimise and add value to the existing infrastructure. It is considered that there are not other land of this scale available within the urban edge, within close proximity to existing services, and where there are no environmental sensitive areas which could accommodate the future growth of the Greater Hermanus and surrounding areas.</p> <p>iii. As confirmed in the Agricultural Potential Study, the proposed development area has not been classified as an area of prime, unique or high agricultural potential, and it will not place pressure on the surrounding agricultural areas. As mentioned in Section 3, the provision of the three agricultural portions (Portions 2, 3 and 4) will form a transition area between the urban development and the agricultural areas and in this way help to reduce pressure for development on high potential agricultural land. It is also important to note that the proposed development area lies within the demarcated urban edges, which was determined to help protect high potential agricultural resources.</p> <p>iv. The proposed development area is not classified as a Provincial landscape or scenic assets. This is confirmed in the Overstrand Municipal SDF where it was found that the development area has no significant heritage value and does not fall within a heritage overlay zone. This was also confirmed in the Heritage NID. A portion of the proposed development area does however border on the R43, which is considered to be a scenic route, and allowing have accordingly be made for a 20m development set-back (to be landscaped) from the R43.</p> <p>v. The specialist studies (Botanical, Freshwater Ecosystems and Heritage NID) confirmed that there are very limited environmentally sensitive areas on the application site which would prohibit the proposed development. As set out in Section 3 above, the development proposal took cognisance of the recommendations of the environmental specialists and incorporated this into no-go areas and allowed for the required buffers/set-backs. The development area does not fall within an area susceptible to sea level rise, storm surges or flooding.</p> <p>vi. The Overstrand Municipal policies and structure plans (please refer to Section 4.3) have identified the proposed development area as the future growth area of the municipal area, to accommodate this expected growth. Though the Overstrand SDF includes other areas of vacant land within the urban edge (please refer to Figure 11 below), the majority of these open sites are classified as environmental sensitive land, open space systems, falling within critical biodiversity areas or being located on sensitive dune areas. It is therefore motivated that the proposed Aldakrivier development area is one of the limited green field sites within the urban edge of the Greater Hermanus area available to accommodate future development, especially as the specialist studies found that there are very limited environmental constraints which would prohibit development of the site.</p>

Table 1: SPLUMA Compliance

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SPLUMA and LUPA Principles	Response to and Compliance with Principles
Efficiency	<p>vii. Please refer to it above</p> <p>viii. The proposed development will allow for a mix of housing densities and typologies to accommodate a wide range of income groups and families from different age- and demographic profiles. The higher density housing are proposed adjacent to the R45 and school site, opposite the proposed retail and business (possible hospital and offices) areas as well as the recently approved industrial area which supports accessibility to amenities and employment opportunities. The different housing opportunities will provide for a "housing ladder" where people/families can move upwards/downwards as their needs and/or economic circumstances change over time. The proposed development will be a mixed use development providing for housing, as well as retail and business sites and educational facilities all within walking distance from the different development portions. As described in Section 3.2, it is proposed to allow for designated non-motorized transport (pedestrian and/or cycle lanes) along all the internal roads of the development to support the use of such transport. The proposed development will be linked with Havelton and Fisherhaven to increase access to opportunities which will support productive activities and reduce levels of exclusion from opportunities.</p>
Good Administration	This principle will have no direct bearing on the application, however, the Overberg Municipality is obligated to consider the application fairly and within the timeframes provided in terms of the municipal planning bylaw.

Table 2: SPLUMA Compliance (continues)

4.2 Provincial Legislation and Policies

4.2.1 Western Cape Provincial Spatial Development Framework (PSDF) (2014)

The Western Cape PSDF was approved in 2014 by the Western Cape Parliament and serves as strategic spatial planning tool that "communicates the province's spatial planning agenda". The main spatial principles of the PSDF are the following:

- i. **Spatial Justice**
A socially just society is based on the principles of equality, solidarity and inclusion.
- ii. **Sustainability and Resilience**
Land development should be spatially compact, resource-frugal, compatible with cultural and scenic landscapes, and should not involve the conversion of high potential agricultural land or compromising eco-systems.
- iii. **Spatial Efficiency**
Efficiency relates to the form of settlements and use of resources - compaction as opposed to sprawl; mixed-use as opposed to mono-functional land uses; and prioritisation of public transport over private car use.
- iv. **Accessibility**
Improving access to services, facilities, employment, training and recreation, including improving the choice of safe and efficient transport modes (e.g. public transport, private vehicle, bicycle, walking and wheelchair) is essential to achieving the stated settlement transitions of the NDP and OneCape 2040.

v. **Quality and Livability**

The quality of an environment directly contributes to its livability. A good environment is one that is legible, diverse, varied and unique. The legibility of a place is contributed to by the existence of landmarks such as notable buildings and landscaping or well defined public space as well as the legibility and structure of its street networks.

The Provincial settlement agenda is holistic and covers five interrelated spatial themes, namely; settlement morphology and sense of place, access, land use and density, facilities and social services, and informality and housing (see Diagram 1). As a transversal instrument the PSDF embraces the concept of sustainable and integrated human settlements. The Provincial settlement policy objectives are to:

1. Protect and enhance sense of place and settlement patterns
2. Improve accessibility at all scales
3. Promote an appropriate land use mix and density in settlements
4. Ensure effective and equitable social services and facilities
5. Support inclusive and sustainable housing

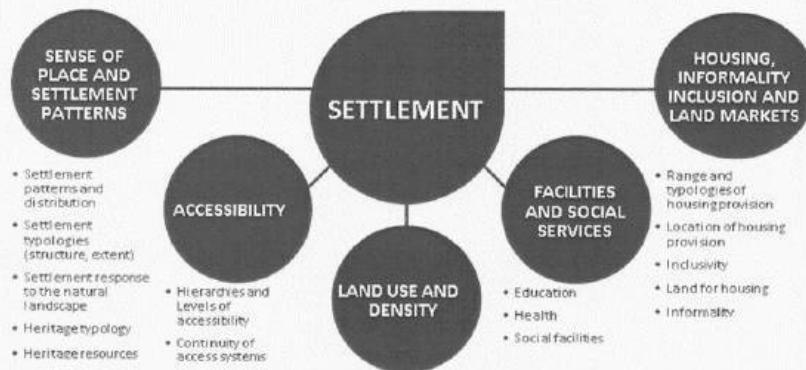


Figure 21: MIND MAP OF INTEGRATED AND SUSTAINABLE SETTLEMENTS THEME

The PSDF also sets out key Policies, relating to Resources, Space Economy and Settlement to guide spatial planning, as summarized in Diagram 2 below. Of these policies, the following have the most bearing on the proposed development:

1. Resources:

- **Policy R1:** Protect Biodiversity and Ecosystem Services
- **Policy R3:** Manage, Protect and Sustainable Use of Provincial Agricultural and Mineral Resources.

Record unique and high potential agricultural land in municipal SDFs, demarcated urban edges to protect these assets and adopt and apply policies to protect this resource.

- **Policy R5:** Protect and Manage All Provincial Landscape and Scenic Assets

Scenic and Landscape character considerations must have explicit input on Land Use Management and infrastructure development in the Western Cape. The protection and enhancement of regional landscapes and scenic assets rely on appropriate responses to the heritage, biodiversity, agricultural and scenic assets of the province. It is important that heritage and scenic assets are not undermined through inappropriate development land use change.

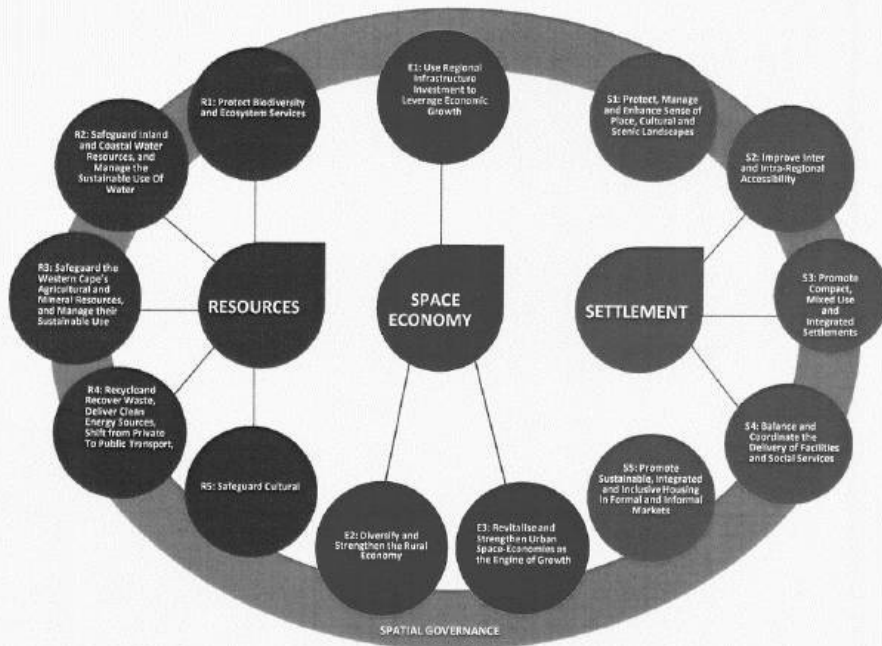


Figure 22: A SUMMARY DIAGRAM OF THE POLICIES RELATING TO EACH OF THE THREE THEMES

2. Space Economy

- **Policy E2:** Diversify and strengthen the rural economy

The 2009 PSDF draft Rural Land Use Planning Management Guidelines set out policies to be taken into consideration when assessing consistency with this policy:

- Environmental Authorisation
- Compatibility with land use activities suitable in the CBA it is situated in, and subject to an EIA
- Does not alienate unique or high value agricultural land or compromise existing farming activities.
- Does not compromise the current or future possible use of mineral resources.
- Is consistent with the cultural and scenic landscapes within which it is situated

3. Settlement

- **Policy S1:** Protect, Manage and Enhance the Provinces Sense of Place, Heritage and Cultural Landscape.

Prevent settlement encroachment into agricultural areas, scenic landscapes and biodiversity priority areas, especially between settlements, along coastal edges and river corridors;

- **Policy S3:** Promote Compact, Mixed Use and Integrated Settlements

Municipal SDFs to include growth management tools to achieve SPLUMA's spatial principles. These could include: a densification strategy and targets appropriate to the settlement context; an urban edge to protect agricultural land of high potential and contain settlement footprints; and a set of development incentives to promote integration, higher densities and appropriate development typologies.

- **Policy S5:** Promote Sustainable, Integrated and Inclusive Housing in Formal and Informal Markets

The following policies must guide planning, project prioritisation, budgeting and performance management at a Provincial scale. These relate to housing delivery, planning and design, urban land markets and informality.

- Provide households with the residential environments, mobility and access to opportunities that support productive activities and reduce levels of exclusion from opportunity;
- Increase densities of settlements and dwelling units in new housing projects;
- Prioritise investment in community facilities, public infrastructure and public space, rather than an

exclusive focus on housing or top structures.

- Promote more mixed-income, mixed-use, inclusionary forms of development through incorporating various scales of economic opportunities within housing projects;
- Achieve a wider range of housing opportunities with regards to diversity of tenure, size, density, height and quality in order to promote a ladder of upward mobility for households to progress as economic circumstances change over time

4.2.2 Western Cape Land Use Planning Act (LUPA) (Act 3 of 2014)

The Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) (LUPO) placed a significant proportion of decision-making power for spatial planning and land use management within the provincial sphere of government. With the advent of the Constitution of the Republic of South Africa, 1996 (the Constitution), decision-making for municipal spatial planning and land use management became a municipal competency, making provincial decisions on municipal land use matters unconstitutional.

One response to this situation was the drafting of LUPA, which has been assented to by the Premier of the Western Cape. LUPA now provides for each local municipality to be responsible for municipal spatial planning and land use management within its respective municipal area. This responsibility brings with it the need for a municipality to make administrative decisions which are lawful, reasonable and procedurally fair, in order for the municipality to avoid its decisions being unnecessarily taken on judicial review.

Section 2(2)(d) of LUPA states that a municipality must regulate the criteria for deciding on land use applications. Such criteria should therefore be determined in the relevant Municipal Land Use Planning Bylaw of a municipality within the Western Cape. Chapter V, Section 65 (1) (a) to (s) of the proposed Western Cape Standard Draft Bylaw on Municipal Land Use Planning sets out the general criteria that must be considered when deciding on a land use application.

4.2.3 Western Cape Growth Potential Study (2014)

One of the objectives of the Department of Environmental Affairs and Development Planning (DEA&DP) is to undertake spatial planning that promotes and guides the sustainable future development of the province and redresses spatial inequalities. This goal led to the development of the Provincial Spatial Development Framework (PSDF), which identifies the areas of growth in the province and the areas where, in terms of the sustainable development paradigm (or responsible development paradigm), growth should be emphasised in the future. It also addresses the form that this growth or development should take and further emphasises the restructuring of urban settlements to facilitate their sustainability.

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The Growth Potential Study, which was done as part of the PSDF, determined the growth potential and socio-economic needs of settlements in the Western Cape outside of the Cape Town metropolitan area to give guidance as to where development should be focused and also what type of developments/investments should be focused on. It is critical to understand that the indices provide an overall perspective of growth potential and socio-economic needs in the Western Cape, with its primary application to inform and guide strategic and cross-cutting decisions at a provincial level. These composite indices are, however, not the only decision support tool available for more detailed applications such as informing specific programmes within individual departments. According to this study, Hermanus, Hawston and Onrus have been identified as towns with a very high growth potential and high socio economic needs. Please refer to Figure 21 below

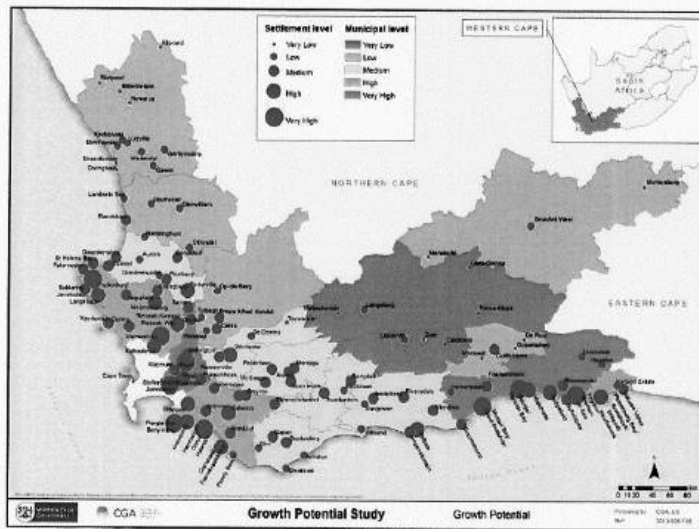


Figure 23: Spatial representation of the Growth Potential Index at settlement and municipal level

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4.2.4 Compliance with Provincial Policies:

Please refer to Table 3 below for the motivation of compliance with the PSDF.


Applicable PSDF Policies	Response to and Compliance with Policies
Resources	
Policy S1	i. The various specialist studies confirmed that there are no (heritage) to very low environmentally sensitive (botanical ecosystems) areas which needs to be protected from development. The proposed development took cognisance of the sensitive areas and the recommended buffer areas have been allowed for.
Policy E2	ii. As confirmed in the Agricultural Potential Study, the proposed development area does not have any agricultural potential and lies within the demarcated urban edges, which was determined to help protect high potential agricultural resources. The proposed development falls within the area earmarked by the Overstrand Municipality for future mixed use development.
Policy R3	iii. The proposed development area is not classified as a Provincial landscape or scenic assets. This is confirmed in the Overstrand Municipal SDF where it was found that the development area has no significant heritage value and does not fall within a heritage overlay zone. This was also confirmed in the Heritage NID. A portion of the proposed development area does however border on the R43, which is considered to be a scenic route, and allowing have accordingly be made for a 20m development set-back (to be landscaped) from the R43.
Space Economy	
Policy E2	iv. A formal application process is being undertaken to obtain Environmental Authorisation for the proposed development. The proposed development area has not been identified for land reform purposes and falls within the demarcated urban edge. The proposed development would not alienate unique or high potential agricultural land or compromise existing farming activities or use of mineral resources and as mentioned above, it does not fall within a cultural or scenic landscape.
Settlement	
Policy S1	v. Please refer to ii. and iii. above
Policy S3	vi. The proposed development area has been identified in the Overstrand Municipal SDF, GMS and IDF as the future growth area of the municipality. The proposed gross density for the development area is in line with the recommendations for the overall density for the Hawston and Fisherhaven areas. The proposed development is in line with the Overstrand Municipal SDF and falls within the demarcated urban edge. Please also refer to vii below.
Policy S5	vii. The proposed development will allow for a mix of housing densities and typologies to accommodate a wide range of income groups and families from different age- and demographic profiles. The higher density housing are proposed adjacent to the R43 and school site, opposite the proposed retail and business (possible hospital and offices) areas as well as the recently approved industrial area which supports accessibility to amenities and employment opportunities. The different housing opportunities will provide for a 'housing ladder' where people/families can move upwards/downwards as their needs and/or economic circumstance change over time. The proposed development will be a mixed use development providing for housing, as well as retail and business sites and educational facilities at within walking distance from the different development portions. As described in Section 3.2, it is proposed to allow for designated non-motorized transport (pedestrian and/or cycle lanes) along all the internal roads of the development to support the use of such transport. The proposed development will be linked with Hawston and Fisherhaven to increase access to opportunities which will support productive activities and reduce levels of exclusion from opportunities.

Table 3: PSDF Compliance

Please refer to Table 1 and 2 for a summary of compliance with SPLUMA which are the same principles set out in LUPA. It is motivated that the proposed development is in line with all the principles set out in SPLUMA and therefore LUPA.

The Western Cape Growth Potential Study identified Hermanus, Hawston and Onrus as towns with very high growth potential and high socio economic needs. The Overstrand Municipal policies and structure plans (please refer to Section 4.3) have identified the proposed development area as the future growth area of the municipal area, to accommodate this expected growth. Though the Overstrand SDF includes other areas of vacant land within the urban edge (please refer to Figure 22 below), the majority of these open sites are classified as environmental sensitive land, open space systems, falling within critical biodiversity areas or being located on sensitive dune areas. It is therefore motivated that the proposed Afdakrivier development area is one of the limited green field sites within the urban edge of the Greater Hermanus area available to accommodate future development, especially as the specialist studies found that there are very limited environmental constrains which would prohibit development of the site.



Figure 24  Overstrand Municipality Urban edge (Greater Hermanus Area)

4.3 Municipal (Overstrand) Legislation and Policies

4.3.1 Overstrand Municipality Spatial Development Framework (SDF) (2006)

The Overstrand SDF, including the revised urban edge, was approved in 2006. As part of the SDF, the whole Overstrand Municipality was classified according to Spatial Planning Categories. The application site, as per the SDF (please refer to Figure 23 below) is classified as a *core urban area* which lies within the approved urban edge. Core Urban Areas can include land uses such as commercial, infrastructure and services, social facilities, housing and industry.

The application site falls within the Fisherhaven and Hawston local planning area of the SDF. The Fisherhaven / Hawston area is viewed as having the potential to become a significant growth area within the context of Greater Hermanus and the sub- region. The challenge forward, is to provide for an integrated, sustainable urban settlement, which respects the existing historical and social development patterns and the biophysical constraints of the area.

The growth management strategy for the Hawston / Fisherhaven area is to provide for the extension of the Hawston / Fisherhaven urban area at a scale and in a manner which ensures *that the area becomes the growth and development focus point of the greater Hermanus area*. Greater Hermanus, the existing urban area between Fisherhaven in the west and Kleinrivier in the east. Figure 23 below provides more details on the specific proposed land uses and classifications for the Hawston/Fisherhaven area including the application site. The application site is clearly included in the approved urban edge and earmarked for urban development. The application site does not fall within a heritage overlay zone and according to the SDF, does not have any environmental sensitive areas or Provincial, Local or Archeologically Sensitive Areas which would prohibit future development.

The SDF sets out the following development principles and strategies applicable to the application site and the Fisherhaven and Hawston area:

- Promote the development of the area as a sub-regional growth area for sustainable integrated development, conservation of the surrounding natural environment, including the system of inland waterways, Botriver Nature Reserve, Milkwood groves, the dune system, sandy coastline and mountain backdrop and conservation of the cultural environment. Also promote the spatial integration of the residential areas and the provision of employment opportunities through the allocation of space for appropriate commercial and service industrial activities;
- Maintain the open space corridors created by the natural drainage and wetland system.
- Contain the urban footprint of Fisherhaven / Hawston within a clearly demarcated urban edge.
- Encourage the provision of employment opportunities through the allocation of areas for appropriate commercial, industrial and tourist development.
- Development should be discouraged in environmentally sensitive areas where it poses a threat to the ecological integrity of the area.
- Given the shortage of suitable developable land in Hermanus, it is proposed that the future growth of the Greater Hermanus should be addressed in the Fisherhaven/Hawston area in an integrated manner.

In order to ensure a sustainable development pattern, a range of housing types for all income groups must be provided for in the planning.

- The detailed planning of the urban extension area should make adequate provision for commercial and service industrial uses. The commercial precinct should be located centrally within the extension area with good direct accessibility to the R43. Internal direct access between this CBD to Hawston and Fisherhaven must be a pre-requisite of this planning.
- Well planned pedestrian linkages should be created between the different land use precincts. It is vital that appropriate safe pedestrian linkages are created between the areas on either side of the R43.
- Should the Hawston / Fisherhaven area extend on either side of the R43, it is proposed that a detailed investigation be done to compile landscape plans for the verges along the northern and southern entrances. Land abutting these entrances should be reserved for public open space purposes to retain the scenic route experience of the important R43 tourist route.
- Sensitive areas of the biophysical environment should be managed with conservation objectives in mind, and should be protected from urban development. In this regard, the following areas are of particular importance:
 - The urban edge areas immediately adjacent to the Hermanus mountain range.
 - The urban edge areas immediately adjacent to the Bot River Estuary.
 - The coastline and areas immediately adjacent thereto.
 - The Bot River Estuary and areas immediately adjacent thereto.
 - Any dune systems, particularly any frontal dunes, along the coastline.
 - The estuarine environment of the Bot River.

4.3.2 Overstrand Municipality Integrated Development Framework (IDF) (2014)

Overstrand Towards 2050 – an Integrated Development Framework (IDF) sets the strategic direction for the Overstrand's growth and development for the next 30-40 years by amalgamating the current five year planning cycle with a long term integrated spatial vision. It outlines a broad set of principles, spatial directions, policies, frameworks, plans and actions and in addition visually illustrates the potential future development of Overstrand. This document is used as an overall strategic guide for land use planning, service infrastructure planning and environmental management for the area. The Development Framework provides the strategic spatial direction for development and conservation in the long term. Spatial form has a profound impact on the sustainability, economic performance, manageability, functionality, livability and attraction of a region.

The Development Framework addresses the Overstrand's urban, rural and natural environments on a strategic level, but also focuses on the local level, where it is required, as result of key challenges identified. It address these environments in an integrated fashion, taking into consideration how land use, transportation planning, infrastructure, services, housing and facility provision should be coordinated to contribute positively to a sustainable, prosperous, livable, and memorable environment.

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The IDF strives to transform the current policy framework into one summary document that is integrated, coherent, strategic and user friendly. The IDF formulates the Overstrand long term integrated spatial vision that is integrated with the current five year IDP planning processes. The IDF identified strategic key actions for each area within the municipal boundary and indicated these actions on Plans. Due to the extensive nature of the Overstrand Municipal area, the plans/maps individually reflect the main Overstrand settlements, with the rural settlements collectively illustrated on a single plan/map. Set out below is the action plan for the Fisherhaven/Hawston area with the key policies to direct future management and development of this area.

<p>Lagoon Promenade</p> <p>★ Beach Pavilion & Beach Meerensee Resort Boat Launch Jetty</p>	<p>Ensure an appropriate interface between the estuary and urban development</p>
<p><i>Industrial</i></p>	
<p>■ Industrial Development</p>	<p>Complete</p>
<p><i>Open Space / Linkages</i></p>	
<p>■ Open Space Linkages</p>	<p>Protect and enhance open space corridor and linkages between the coast and the mountain.</p>
<p><i>Key Improvements</i></p>	
<p>■ R43 Scenic Drive</p>	<p>Views along the R43 scenic route should be preserved.</p>

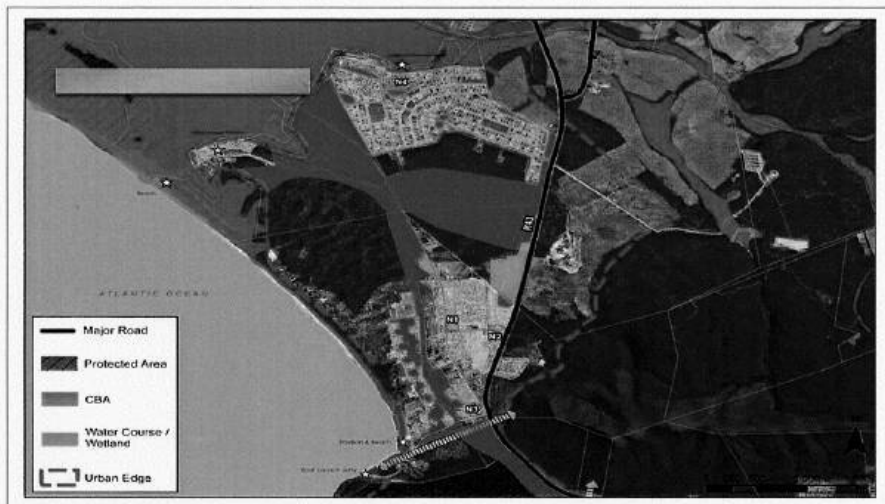


Figure 27: Action Plan for Application site and surrounds (source: IDF)

Key policies directing future management and development of the Fisherhaven and Hawston areas:

- Encourage the development of natural open space systems within urban and rural settlements.
- Ensure that environmentally sensitive areas, significant cultural landscapes and heritage sites are protected and enhanced. EO 2 (ii) Ensure that development is confined within urban edges and growth is managed based on sustainable densification principles
- Encourage and support the development of networks of open space that sustain and enhance eco-system functioning, connect fragments of vegetation, protect waterways and regenerate the natural environment
- Encourage natural dune processes to occur where appropriate and pro- actively work towards reducing coastal erosion.
- Encourage mixed use and high density residential development within and adjacent to urban, suburban and rural centres.
- Promote urban, suburban and rural centres as the primary commercial areas within settlements and suppress and limit commercial development outside of these centres.
- Neighbourhood nodes and the CBD should become the nucleus of business/commercial and other public infrastructure/services, ultimately becoming focused clusters of facilities and services/multi-purpose centres.
- Create a network of well-designed public spaces that support participation in social, recreational and cultural events.
- Maintain or improve the comfort and safety of pedestrians and cyclists on main pedestrian and cycling routes, routes connecting schools and centres, by means of adequate road space allocation, the management of traffic speeds and volumes.

4.3.3 Overstrand Municipal Growth Management Strategy/Plan(GMS)(2010)

The potential of using densification as an integral part of a growth management strategy to positively redress and counteract the effects of urban sprawl is recognized, by the Overstrand Municipal Council, as a necessary and positive step to promote the longer term sustainability of the Overstrand Municipality and its sub-regions 'environmental quality.

In this regard, the Overstrand Municipal Council compiled the GMS which was approved as a structure plan in January 2011. The objective of this strategy being to:

- Integrate, update and rationalise service provision, infrastructure planning and budgeting, as well as implementation, as part of a sustainable cohesive growth management strategy for the Overstrand Municipal IDP (Integrated Development Plan).
- Guide the Overstrand Municipalities Planning Committee's decision making processes.
- Inform the Spatial Development Framework (SDF) with an integrated densification policy that is area specific and sensitive to the character, heritage and environmental conditions unique to the Overstrand.
- Provide an integrated policy framework that will guide the detailed planning and design of market driven development initiatives and inform the compilation of more detailed precinct plans, for specific areas or identified opportunities .
- Align density patterns, trends and proposals with the land use management/ zoning regulations and infrastructural capacity and future provision.
- Identifying pragmatic mechanisms and processes (area-wide to local level) to facilitate and support the appropriate planned implement action and management of higher densities.

The GMS document defines and explains densification as a growth management tool. It sets out the importance of the densification process as a key component of the growth management strategy and proceeds to identify and discuss the local area-specific factors that affect densification. Following this, the preferred strategy and associated policies are outlined and potential local area densification interventions are identified based on a multi-disciplinary analysis to determine the maximum overall appropriate limit to urban densification. On a broad level, this strategy will provide an overall average maximum gross density for the Overstrand area based on a local area specific assessment of the propensity of the various areas to densify. The overall maximum appropriate limit to development being based on a detailed integrated assessment and synthesis of the various factors, which together affect the propensity for densification within specific existing urban areas, infill sites and future urban extension areas. The objective ultimately being to achieve a balanced level and form of densification within the Overstrand without negatively impacting on the natural and built character of various areas, in co- ordination with available and planned infrastructural capacities.

From the Hawston and Fisherhaven proposals indicated on Figures 26 and 27 below, it is indicated that the areas lying north of Fisherhaven and north of the Trunk Road are earmarked for housing development with gross densities of between 10 – 20 units/ha, and the remainder of the proposed development site is earmarked for housing development with densities of up to 10 units/ha.

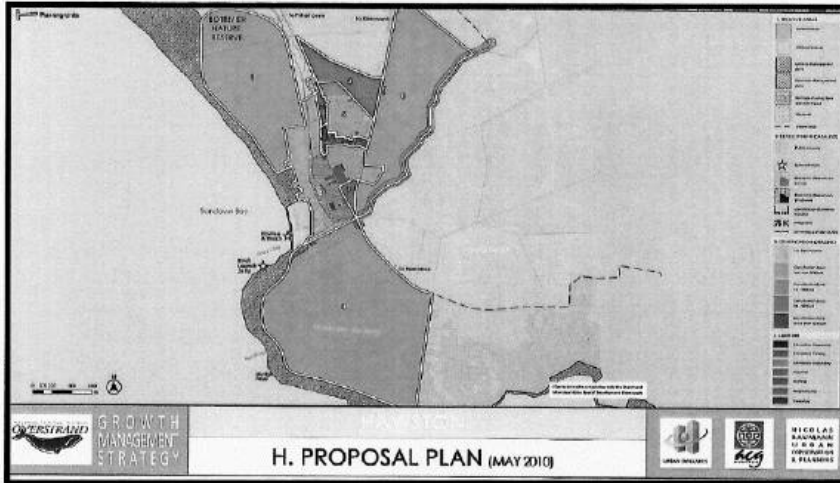


Figure 28: Hawston Proposal Plan (source: Overstrand Municipality Growth Management Strategy, 2010)

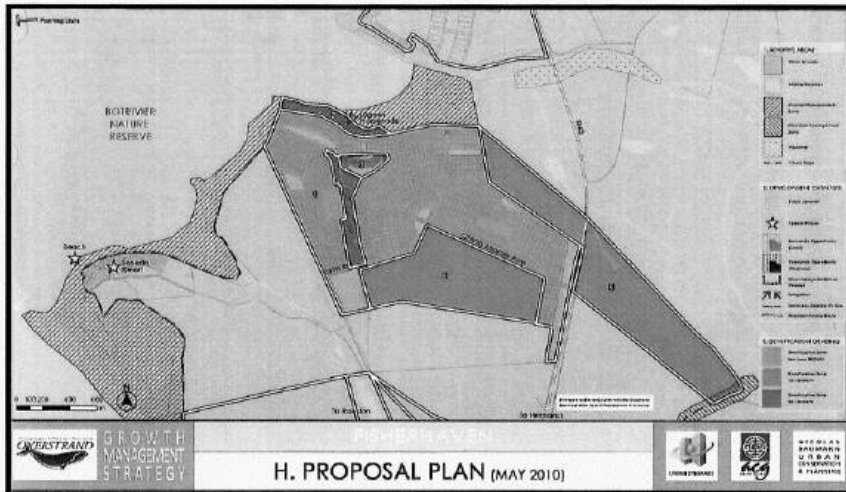


Figure 29: Fisherhaven Proposal Plan (source: Overstrand Municipality Growth Management Strategy)

4.3.4 Compliance with Municipal Policies

The following section will show how the proposed development is in line with the municipal policies and serves as a motivation for the approval of the application:

- a) The proposed development area falls within the designated urban edge on land earmarked by all municipal policies for future township development;
- b) The application site (Portion B of the proposed subdivision) falls within the natural growth direction of the municipality and links this area with Botrivier, Grabouw, Kleinmond and Hermanus. The OSDF, GMS and IDF have all earmarked the development area as a core urban development area and the future growth area of Greater Hermanus. If one looks at the land included within the urban edge of the Greater Hermanus, please refer to Figure 22 above, it appears that there are quite a lot of infill areas available for development, however, it is considered that the majority of the larger vacant sites identified for future development (with specific reference to Hoek van die Berg and the Botrivier Nature Reserve) have environmental constraints which will prohibit development to the extent allowed for in the GMS (please refer to Figures 23 and 24 and points o. below for more details on this). It is motivated that the proposed development area (with very little/no environmental constraints) is the most suitable to accommodate current and future development needs of the Greater Hermanus.
- c) It is also motivated that the application site is large enough to accommodate the anticipated future growth of the Greater Hermanus area for a long term period (next 20 years +) and will therefore help to reduce any pressure on the urban edge in other areas of the Overstrand Municipality. As the future growth of the municipal area can be accommodated on this site, in line with all the policies and strategies of the Overstrand Municipality, there would be no need to extend the urban edge in other areas of the Municipality, therefore reducing possible future pressure on high potential agricultural land outside of the urban edge.
- d) The proposed development area is not classified as a Provincial landscape or scenic asset. This is confirmed in the Overstrand Municipal SDF where it was found that the development area has no significant heritage value and does not fall within a heritage overlay zone. This was also confirmed in the Heritage NID. A portion of the proposed development area does however border on the R43, which is considered to be a scenic route, and allowance has accordingly be made for a 20m development setback (to be landscaped) from the R43.
- e) There are no designated open space corridors on the application site and there are very little wetland areas on the site worthy of protection. The Freshwater Ecosystems report identified the wetland areas worthy of protection and indicated relevant buffer areas around these wetland/dam areas. The Botanical study also found very little environmentally sensitive areas on site, there are a few areas of medium botanical sensitivity (as highlighted in Sections 2 and 3 of the report) but this would not

prohibit development of these portions. The proposed development will comply with the proposals and recommendations made in these studies. To conclude, there will be no development in environmentally sensitive areas which could pose as a threat to the ecological integrity of the area;

- f) The proposed development will allow for a mix of housing densities and typologies to accommodate a wide range of income groups and families from different age- and demographic profiles. The higher density housing is proposed adjacent to the R43 and school site, opposite the proposed retail and business (possible hospital and offices) areas as well as the recently approved industrial area which supports accessibility to amenities and employment opportunities. The different housing opportunities will provide for a 'housing ladder' where people/families can move upwards/downwards as their needs and/or economic circumstance change over time. The proposed development will be a mixed use development providing for housing, as well as retail and business sites and educational facilities all within walking distance from the different development portions.
- g) As described in Section 3.2, it is proposed to allow for designated non-motorized transport (pedestrian and/or cycle lanes) along all the internal roads of the development to support pedestrian linkages between each development portion and the surrounding areas;
- h) The proposed development will be linked with Hawston and Fisherhaven to increase access to opportunities which will support productive activities and reduce levels of exclusion from opportunities.
- i) Detailed landscape plans will be submitted to the Overstrand Municipality for their approval upon future subdivision of each development Portion.
- j) The IDF did not identify any of the areas within the proposed development area as being protected areas, this was confirmed by the specialists undertaking the site specific environmental studies.
- k) The IDF did identify a small area of the site as falling within a Critical Biodiversity Area (CBA). The mapping of these CBDs was largely an automated process, with no groundtruthing, and thus includes many areas densely invaded by alien invasive vegetation, and old lands that support some secondary natural vegetation. The Botanical Scoping Study done as part this application did an on-site, site specific evaluation and found that there were no significant botanical sensitive areas which would prohibit the proposed development. The small areas where there are high to medium sensitivity areas have been identified and will have the recommended buffer areas where no development will occur. Please refer to Section 3 for details on each specific development portion.
- l) As referred to in point a. above, it is important to note, that the majority of the areas situated west of the R43, between Hawston and Fisherhaven has been classified, in terms of the IDF, as either falling within a CBA area or as being part of a critical Open Space Linkage. It is considered that as most of these areas fall either within a wetland area or on a sensitive dune system, this classification is more correct and it is unlikely that development would happen in these areas as provided for the in GMS. It is also considered that the IDF is more recent than the GMS and can therefore be seen as more

relevant. It is therefore motivated that there are very limited areas within the Fisherhaven and Hawston precincts available for infill and/or greenfield development and the that the application site is one of the few areas that is actually appropriate to provide for the future growth of the Greater Hermanus Area.

- m) The GMS assumed that only 50% of Planning Unit 8 (please refer to Figure 26 above) would be developable. However, from specialist studies it was confirmed that the majority of the application site is suitable for development. For purposes of calculating the allowable number of residential units in terms of the GMS, it is therefore proposed to use the prescribed gross densities as indicated in the GMS. Based on the proposed density (please refer to Figures 26 and 27) of 10units/ha on the area south of the trunk road (indicated as Planning Unit 8 on Figure 26), being a total of 153.76 ha, a total of 1 538 residential units could potentially be developed south of the trunk road. Based on a prescribed density of 20 units/ha for Planning Unit 5 of the GMS, as indicated in Figure 27, situated north of the truck road and north of Fisherhaven (with a total area of 71.55 ha), a total of 1 431 residential units could be accommodated in this area. Thus, according to the GMS a total number of 2 969 residential units could be provided on the proposed development area. The proposed development allows for 3 267 residential units, thus only 298 units more than proposed for in the GMS. It is motivated that the GMS is outdated with regards to densification policies as it came into effect in 2010, before the SPLUMA (2013) and the WCPSDF (2014) which supports and motivates for increased densities especially in highly accessible areas where there are no environmental constraints and where there will be no loss of high potential agricultural land. Please also take note of point n. below.
- n) There is a current proposal at the Overstrand Municipality for residential development on the Hoek van die Berg site (Farm 572), indicated as Planning Unit 9 on Figure 26 of the Hawston proposals. Though the GMS initially indicated that this site could potentially accommodate up to 1 762 residential units, the environmental studies as part of the EIA process found that a maximum of 200 – 250 units could be accommodated on this site, thus there are approximately 1 521 units which could be accommodated somewhere else in an area with less environmental constraints. It is considered that the same situation will occur when development proposals for Botrivier Nature Reserve are considered, which means that the potential for infill development initially anticipated in these two areas has been drastically reduced. As part of the EIA studies conducted for this application, it has already been confirmed that there is no/very limited environmental sensitive land on Portion B of the application site. If one considers the infill development for the Fisherhaven area, there is limited infill land available suitable for residential development. It is therefore argued that some of these housing opportunities allowed for in the GMS (for the Hoek van die Berg site and the Botrivier Reserve) should rather be accommodated on this application site where it has been confirmed that there are very little environmental sensitive issues.
- o) Though the GMS proposes to have the higher density development north of the trunk road, it is motivated that the higher densities (more affordable units) should be situated along the easily accessible R43 and Hawston which will allow easy access to employment opportunities, amenities

and transport routes. The development cost on this relatively flat area will also be less than the higher lying areas at the foot of the mountain being portions 2, 8, 9 and 10. It is therefore proposed that the densities decrease from the higher density development areas along the R43 to the lower density development areas on the eastern border of the proposed development.

- p) The scale of the proposed development will justify the provision of amenities and employment opportunities within the proposed development which will benefit the surrounding areas, in line with recommendations of the municipal policies;
- q) The proposed development will require the upgrading of various services (electrical, water, storm water, sewerage and roads) and it is considered that this will be to the benefit of the surrounding areas as well as the Overstrand Municipality. Fisherhaven is in need of the upgrading of the sewerage system and it is considered that the upgrading of the sewerage system which would be required to provide for the proposed development will also address the current need in Fisherhaven. As set out in the TIA, the Provincial Department of Public Works (Roads) are planning various upgrades to the R43, including access points from the R43, as well as a parallel road east of the R43 which will be partially funded from the proposed development. Though a considerable amount of services upgrades are required for the proposed development, it is considered that the development will still optimise and add value to the existing infrastructure. It is considered that there is no other land of this scale available within the urban edge, within close proximity to existing services, and where there are no environmental sensitive areas which could accommodate the future growth of the Greater Hermanus and surrounding areas.

To conclude, from the motivation above it is clear that **the proposed development is in line with all relevant municipal policies and structure plans.**

5. Motivation

Section 66 of the Overstrand Municipal By-law sets out the criteria for the consideration of applications. The considerations can be summarized as consideration in terms of due process, need and desirability and compliance with policy frameworks. As the process is an ongoing action, compliance thereof will only be determined at the decision making stage. The motivation will therefore address the other two points as set out below. This section also motivates why this site should be considered for developed and why the land use approval should be obtained at this stage.

The following section follows on Section 4 above and should be read in conjunction with the points highlighted in Section 4:

5.1 Need

As outlined above, the Overstrand SDF, IDF and the GMS as well as the Overstrand Engineering Master Plans and the Provincial Transport Plan when compiled, took into consideration existing land uses, as well as the future development of this area, **recognized the need for mixed land use activities** and therefore earmarked this area for such uses. Therefore, from a spatial planning perspective, the proposed land uses on the subject property will contribute towards the development of this vacant area, in line with the need and provisions of all these policies and legislation.

For a number of decades, especially during the late 1990s, a vast number of South African's emigrated to other countries, which peaked in 1999 when 58 000 people left the country. In the last few years a new trend has arisen where South Africans searching for a better life aren't leaving the country, but rather moving to other parts of the country to make a new life for themselves. This trend has been dubbed 'semigration' and has seen a number of middle-class or high-net-worth individuals "emigrating" to other parts of the country. The largest 'shift' has been between people moving from Gauteng to the Western Cape. This 'semigration' has increased considerably over the last few years. Property economist at FNB, John Loos, puts the Western Cape as the province with the strongest net inflow of repeat buyers and suggests people are moving away from Gauteng for lifestyle reasons. The Greater Hermanus area has not been unaffected by this, as can be seen in the increase in activity in the property market over the last two years. As the proposed site is situated within approximately an hour's drive from Cape Town International Airport and just over an hour from Cape Town, this site becomes more attractive to people commuting between Gauteng and/or Cape Town or the outlying areas.

The 'semigration' trend has caused a rapid rise in property prices in the Cape Metropole and Boland areas and people are looking for alternative more affordable areas within easy access to the Cape Metropole.

From market research, which included discussions with local estate agencies, local residence and prominent developers in the Western Cape it is clear that there is a high need for more developable land within the Greater Hermanus area. Some of the estate agents also indicated that developers from Gauteng and other parts of the country are looking for development opportunities within this area. We also contacted eight old age homes/retirement villages within Hermanus and every single one of these establishments had a waiting list which indicates to the high need for more retirement villages especially within the area surrounding the application site as the majority of old age homes are situated within Hermanus Central. There are also currently no after care/rehabilitation facilities for patients being released from hospital in Hermanus and these people have to be accommodated in and around Cape Town. Taking consideration of the age profile of Hermanus there is clearly a need for such facilities. The proposed development will help to address this need.

5.2 Desirability

- i. The proposed development will have a positive economic and social impact on the neighbouring settlements in that it will provide for employment opportunities and amenities within close proximity to the surrounding areas.
- ii. The proposed development will require the upgrading of various services (electrical, water, storm water, sewerage and roads) and it is considered that this will be to the benefit of the surrounding areas as well as the Overstrand Municipality as motivated in Section 4 above. Income generated (in terms of development contributions) from the proposed development will also contribute towards the upgrading of the R43 as discussed in the TIA. The proposed development will also considerably increase the tax base of the municipality.
- iii. As confirmed in Sections 3 and 4 above, the proposed development would not have any negative impact on any heritage aspects or the biophysical environment. As part of the EIA study, a HIA is being undertaken and details of the study will be forwarded to the municipality for your consideration.
- iv. A TIA was undertaken to determine the impact of the proposed development on current and future traffic flows. The recommendations (with regards to access points, density, road widths) have been taken into consideration and complied with.
- v. It is considered that the proposed development will not have a negative effect on the quality of life of the immediate and surrounding residents as motivated for in point i. Above. The proposed development will not have a negative impact on views, loss of sunlight, privacy, visual impact or the character of the area to the extent to warrant refusal.

- vi. The application site is large enough to accommodate the anticipated future growth of the Greater Hermanus area for long term period (next 20 years +) and will therefore help to reduce any pressure on the urban edge in other areas of the Overstrand Municipality. As the future growth of the municipal area can be accommodated on this site, in line with all the policies and strategies of the Overstrand Municipality, there would be no need to extend the urban edge in other areas of the Municipality, therefore reducing possible future pressure on high potential agricultural land outside of the urban edge.

5.3 Why this Site?

This site has been identified, recognized and accepted for mixed use development purposes by the Provincial Department of Public Works (Roads) as clearly indicated in their Transport Master Plan for the Overberg Area (please refer to the TIA). The same is true for the Overberg Municipality which conducted all the required studies and concluded that the site should be included in the urban edge and then earmarked this site for a mixed use development (such as the proposed development) in all of their spatial planning and land use policies and structure plans, their recently updated Engineering Master Plan (please refer to the GLS report in Annexure Q) as well as the IDP (including the budget for master services). The proposal is in line with all these policies and structure plans.

The site specific specialist studies have also found and concluded that the application site is **not high potential agricultural land** and that there **are no environmental sensitive land/issues** identified which will prohibit the development. This is in stark contrast to some of the other areas of land currently included in the urban edge (Hoek van die Berg, sensitive dune areas and wetland between Hawston and Fisherhaven) which clearly have environmental issues and which would not be able to develop to the extent as anticipated in the Overstrand SDF (please refer to Figure 22, and Section 4.2.4 and Section 4.3.4 (l) and (o)). It is considered that this makes the application site even more appropriate for development as there are no environmental factors which would prohibit development.

It is also considered that this site, as indicated in the Overstrand GMS and IDF is the growth area of the Greater Hermanus area which should accommodate future development of the area. By developing this site, there will be less development pressure on Hermanus Central. It is considered that the increased development of Hermanus Central, or the 'old town of Hermanus' will have a negative effect on the character of town which adds to the appeal of the area, especially for tourists.

5.4 Why Now?

As explained in Section 5.3 above there clearly is a current need for development, especially for retirement villages. It is realistic to say that the proposed development will only be rolled out over the next 20 years, but the market will dictate the timeframe of the roll out. With semigration as explained above, it is anticipated that development will increase in the area, if the land and land use rights are

available. Acquiring and establishing the land use rights at this stage will provide the surrounding land owners, developers and investors market certainty regarding the type of development planned for the area, which will draw investors to this area of the Overstrand to the benefit of Hawston, Fisherhaven and the surrounding areas. It will also help to reduce the pressure on the urban edge in other areas of Greater Hermanus as this area is large enough to accommodate the anticipated future growth as indicated and desired in the GMS and the IDF. This will also then help to protect agricultural land outside of the urban edge.

5.5 Compliance with Legislation and Policies

Section 4 above clearly indicates compliance with all relevant National, Provincial and Municipal legislation and policies and it is motivated that the proposed development is in line with all existing legislation.

6. Conclusion

In light of the above, the Overstrand Municipality is respectfully requested to favorably consider the application for the following:

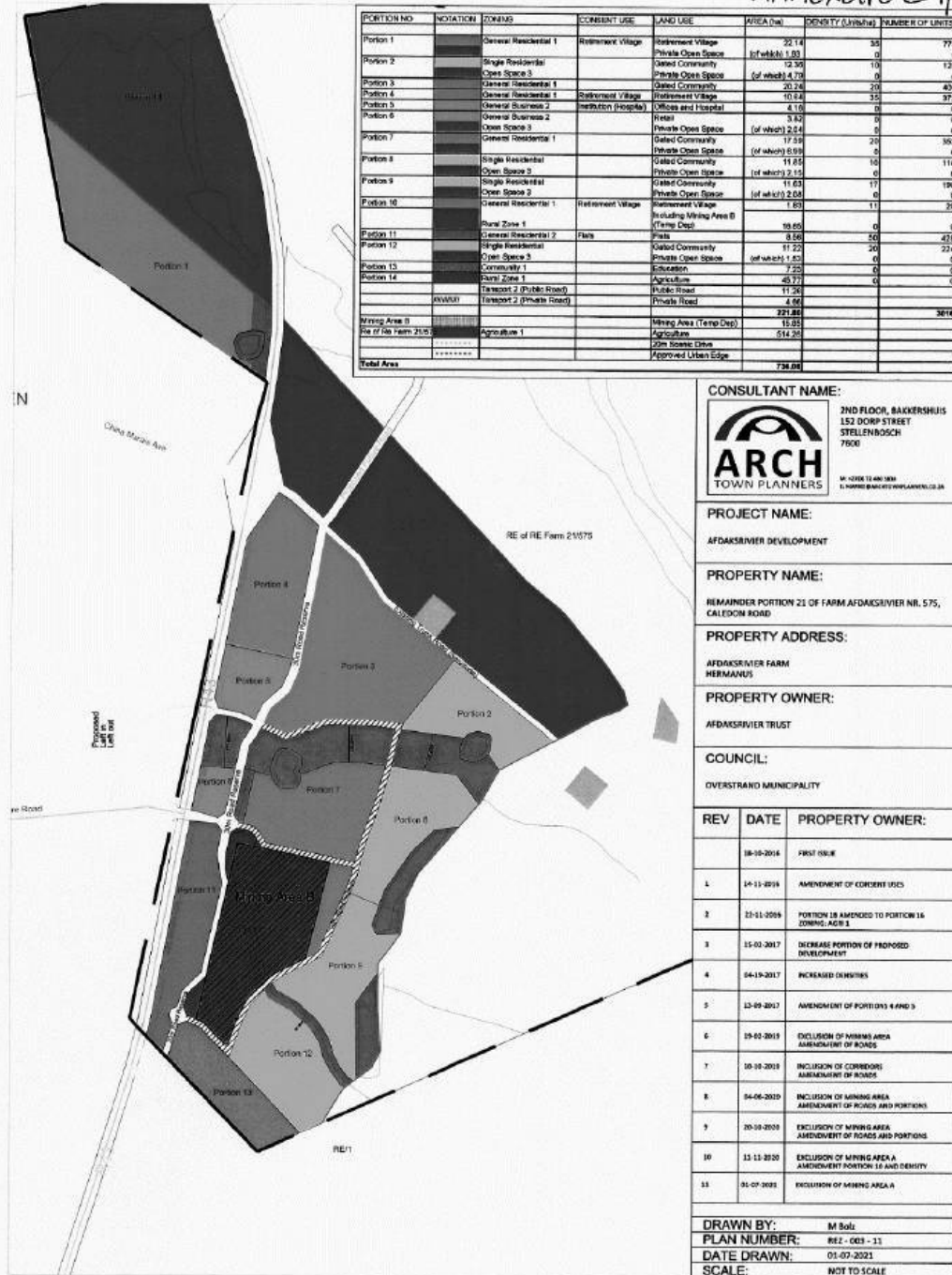
- i. Application for the Subdivision of Remainder Portion 21 of Farm Afdakrivier Nr. 575, into Portion A (Remainder Farm of ±514 ha) and Portion B (± 222 ha – excluding the R43 Road Reserve) in terms of Section 16(2)(d) of the By-law;
- ii. Application for the Rezoning of subdivided Portion B from Agriculture to Sub-divisional Area to establish a mixed use development with a gross residential density of approximately 17 units/ha, in terms of Section 16(2)(a) of the By-law;
- iii. Application for the subdivision of Portion B into 16 Portions (including private and public road) as indicated on Rezoning Plan: Rez -003-11 in terms of Section 16(2)(d) of the By-law;
- iv. Application for a deviation of the Growth Management Plan in terms of Section 10 of the By-law to allow for a mixed-use development as indicated on the proposed rezoning plan, Rez -003-11;
- v. Application for a deviation of the Growth Management Plan (Hawston) in terms of Section 10 of the By-law to allow for a deviation from prescribed densification grading to allow for a gross density (on Portions 2 – 13, 15, and 16) of approximately 15 units/ha in lieu of 10 units/ha;
- vi. Application for a deviation of the Growth Management Plan (Fisherhaven) in terms of Section 10 of the By-law to allow for a deviation from prescribed densification grading to allow for a gross density (on Portion 1) of 35 units/ha in lieu of 20 units/ha;
- vii. Application for the following consent uses, in terms of Section 16(2)(o) of the By-law:
 - a. Consent Use for a Retirement Village on Portion 1;
 - b. Consent Use for a Retirement Village on Portion 4;
 - c. Consent Use for an Institution (Hospital) on Portion 5;
 - d. Consent Use for a Retirement Village on Portion 10;
 - e. Consent Use for Flats on Portion 11.
- viii. Application to allow for a temporary departure (two years) in terms of Section 16(2)(c) of the By-law, to allow for the existing mining activities on Portions 10.
- ix. Departure from Section 96(2) to exclude street names and numbers from this application;

Report compiled by:
Marika Bolz (Pr. Plan A/060/2008)
for Arch Town Planners (Pty) Ltd

Date: October 2021



Annexure C 1/2



CONSULTANT NAME:

 2ND FLOOR, BAKKERSHUIS
 152 DORP STREET
 STELLENBOSCH
 7800
 M: 0829 15 48 881
 E: NORD@ARCHTOWNPLANNERS.CO.ZA

PROJECT NAME:
 AFDAKSRIVER DEVELOPMENT

PROPERTY NAME:
 REMAINDER PORTION 21 OF FARM AFDAKSRIVER NR. 575,
 CALEDON ROAD

PROPERTY ADDRESS:
 AFDAKSRIVER FARM
 HERMANUS

PROPERTY OWNER:
 AFDAKSRIVER TRUST

COUNCIL:
 OVERSTRAND MUNICIPALITY

REV	DATE	PROPERTY OWNER:
	18-10-2016	FIRST ISSUE
1	14-11-2019	AMENDMENT OF CONCURRENT USES
2	23-11-2008	PORTION 18 AMENDED TO PORTION 16 ZONING AGS 1
3	15-02-2017	DECREASE PORTION OF PROPOSED DEVELOPMENT
4	04-19-2017	INCREASED DENSITIES
5	13-09-2017	AMENDMENT OF PORTIONS 4 AND 5
6	09-02-2019	EXCLUSION OF MINING AREA AMENDMENT OF ROADS
7	08-10-2019	INCLUSION OF CORRIDORS AMENDMENT OF ROADS
8	04-06-2020	INCLUSION OF MINING AREA AMENDMENT OF ROADS AND PORTIONS
9	20-10-2020	EXCLUSION OF MINING AREA AMENDMENT OF ROADS AND PORTIONS
10	13-11-2020	EXCLUSION OF MINING AREA AMENDMENT PORTION 14 AND DENSITY
11	01-07-2021	EXCLUSION OF MINING AREA

DRAWN BY: M Soli
 PLAN NUMBER: REC - C03 - 11
 DATE DRAWN: 01-07-2021
 SCALE: NOT TO SCALE

2/2



PORTION NO	NOTATION	AREA (ha)
Portion 1		22.14
Portion 2		12.36
Portion 3		20.24
Portion 4		10.84
Portion 5		4.18
Portion 6		3.82
Portion 7		17.59
Portion 8		11.85
Portion 9		11.63
Portion 10		18.68
Portion 11		8.56
Portion 12		11.22
Portion 13		7.23
Portion 14		45.77
Portion 15		11.26
Portion 16		4.66
		221.80
Mining Area B		16.85
Service 4505/1989	----	
Service 3405/1989	----	
Service 3403/1989	----	
Service 728/1994	----	
Service 9093/1995	----	
Re of Re Farm 21/575		514.26
Total Area		736.06

CONSULTANT NAME:

2ND FLOOR, BAKKERSHUIS
152 DORP STREET
STELLENBOSCH
7600

M: +2782 72 480538
E: MARK@BACCUSZONPLANNERS.CO.ZA

PROJECT NAME:

AFDAKSRIER DEVELOPMENT

PROPERTY NAME:

REMAINDER PORTION 21 OF FARM AFDAKSRIER NR. 575,
CALEBOW ROAD

PROPERTY ADDRESS:

AFDAKSRIER FARM
HERMANUS

PROPERTY OWNER:

AFDAKSRIER TRUST

COUNCIL:

OVERSTRAND MUNICIPALITY

REV	DATE	PROPERTY OWNER:
	18-10-2016	FIRST ISSUE
1	14-11-2016	AMENDMENT OF CONSENT USES
2	22-11-2016	PORTION 18 AMENDED TO PORTION 16 ZONING: ADR13
3	13-02-2017	DECREASE PORTION OF PROPOSED DEVELOPMENT
4	04-12-2017	INCREASED DENSITIES
5	13-09-2017	AMENDMENT OF PORTIONS 4 AND 5
6	19-02-2019	EXCLUSION OF MINING AREA AMENDMENT OF ROADS
7	10-10-2019	INCLUSION OF CORRIDORS AMENDMENT OF ROADS
8	04-09-2020	INCLUSION OF MINING AREA AMENDMENT OF ROADS AND PORTIONS
9	15-10-2021	EXCLUSION OF MINING AREA A

DRAWN BY: M Bole
PLAN NUMBER: Sub-002-04
DATE DRAWN: 19 - 10 - 2021
SCALE: NOT TO SCALE



Annexure D 1/13



TP. n. (heard)
(M. Oliver)

10th December 2021

**OBJECTION: Application for rezoning of Portion 21 of Farm
Afdakrivier 575**

This letter serves as a formal objection by Overstrand Unite on behalf of its members to the application mentioned above.

We **STRONGLY** object to any further zoning and development of any property, public or private, in the Overstrand until the Overstrand Municipality has ascertained how the current Human Settlement needs of the residents of the Overstrand are going to be addressed.

The Overstrand is at a critical point where all land and resources available to the citizens of the Overstrand need to be put to the best use possible, in a sustainable way. ALL developments must include a social housing component and the strain on resources like water and electricity of developments needs to be seriously evaluated.

The citizens of the Overstrand, the people who live and work here, need to be put first. Developments that are **unaffordable** to the average citizen and continuing to build housing that people cannot afford coupled with the use of labour from outside the municipal area have an extremely negative impact on the sustainability of the region. These issues should be addressed as a matter of course, in addition to environmental impact studies and town planning compliance.

Yours sincerely,

Vanessa Alberts (Swanepoel)

Chairperson

FILE NO:	AN 21/575
	Afdakrivier
SCAN NO:	02
COLLABORATOR NO:	1616157

99 Long Street, Sandbaai,
Hermanus, 7200,
Western Cape, South Africa
+27 (0)76 190 3265
overstrandunite@gmail.com
www.overstrandunite.org.za

13 DEC 2021

TP - ATHeart
C Holivier 2/13

Loretta Gillion - Portion 21 of Farm AFDAKSRIVER N0 575



From: "Alan Woolnough" < >
To: "Henk Olivier" <holivier@overstrand.gov.za>
Date: 08/12/2017 11:47 AM
Subject: Portion 21 of Farm AFDAKSRIVER N0 575
Cc: "Sam Sampson" < >, "Linda Woolnough" <linda.w@...>

Hello Henk,

Preservation of Natural Habitat

I refer to the above application for the proposed subdivision, rezoning, consent use and deviation of Overstrand Municipal Growth Management Strategy as advertised.

Due to the nature of the site on which this proposed development will be built and the sensitive ecosystem in which it is situated, may I ask that consideration be given to retaining as much of the natural flora and fauna of the site as possible so that the developers do not simply move in with earth moving machines and remove everything on it as has been done on the Hawston RDP housing development. It simply requires that a consultant be called in to identify specific areas which should be preserved to allow the site to remain a viable habitat for the current inhabitants. Not only will this preserve some of the natural beauty of the site, but it will also provide areas of natural beauty for the human inhabitants when they take occupation of their properties.

Alan Woolnough
Link Architects

FILE NO:	PA 21/575
	Afdaksrivier ✓
SCAN NO:	Farm 575
COLLABORATOR NO:	111 1118

TP - 8 DEC 2017

3/13

TR A Theart
(C. Olivier)

HFH 547
H. Duffey
1 Stormalong Street
Fisherhaven
7200

8 December 2017

FAO: Municipal manager
Overstrand Municipality Hermanus
Email: loretta@overstrand.gov.za

PROPOSED REZONING: Portion 21 of Farm Afdaksrivier no 575, portion B(+ 222 hectares)

We refer specifically 'to allow a deviation from the prescribed densification grading to allow for a gross density (on portion 1) of 35 units per ha in lieu of 20 units /ha'

to Portion 1- consent use to establish a retirement village.

We consider this to be a high density development, which has increased the number of units per ha by 75 % over the previous application for rezoning. There is no justification for increasing the density, other than financial gain.

We feel this is unacceptable for a number of reasons.

- Environmental effects on the Botrivier Lagoon and Estuary.
- High density development should not be allowed so close to Fisherhaven, which is a semi urban area.

As a resident of a Fisherhaven property adjoining the proposed development we strongly object to the deviation and application for a high density development.

Thank you

Mrs H. Duffey

H. Duffey

FILE NO:	Am 21/575
SCAN NO:	04
COLLABORATOR NO:	1110714

TP - 8 DEC 2017



OVERSTRAND MUNICIPALITY
PORTION 21 OF FARM AFDAKSRIVIER NO. 575 (BETWEEN HAWSTON AND FISHERHAVEN, NORTH AND SOUTH OF THE R43 DISTRICT ROAD), A DIVISION OF CALEDON : PROPOSED SUBDIVISION, REZONING, CONSENT USE AND DEVIATION OF OVERSTRAND MUNICIPAL GROWTH MANAGEMENT STRATEGY (2010) : ARCH TOWN PLANNERS (obo AFDAKSRIVIER TRUST)

Notice is hereby given in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 of the applications mentioned below applicable to Portion 21 of Farm Aldakrivier No. 575 namely:

The application is to subdivide Portion 21 of Farm Aldakrivier No. 575 into a Remainder and 13 portions and roads, and to obtain development rights on such portions to do a mixed use development including retirement villages, gated complexes, retail, flats, a school, a hospital, etc, and will provide for approximately 3267 residential units.

The application

- (a) Application is made in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for an application in terms of Section 16(2)(d), read with Section 22, to subdivide Portion 21 of Farm Aldakrivier No. 575 into Portion A (Remainder Farm of ±514ha) and Portion B (±222ha, excluding the R43 Road Reserve).
- (b) Application is also made in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for an application in terms of Section 16(2)(d), read with Section 22, and Section 16(2)(a) to rezone subdivided Portion B, from Agriculture Zone I: Agriculture to subdivisional Area Zone, to create the following portions with land uses, and the subdivision thereof:

- Portion 1 (±22,14ha)
 General Residential Zone I : Town Housing;
 Portion 2 (±12,63ha)
 Residential Zone I : Single Residential;
 Portion 3 (±19,52ha)
 General Residential Zone I : Town Housing;
 Portion 4 (±13ha)
 General Residential Zone I : Town Housing;
 Portion 5 (±4,4ha)
 Business Zone II : General Business;
 Portion 6 (±2,61ha)
 Business Zone II : General Business;
 Portion 7 (±35,74ha)
 General Residential Zone I : Town Housing;
 Portion 8 (±10,55ha)
 Residential Zone I : Single Residential;
 Portion 9 (±11,21ha)
 Residential Zone I : Single Residential;
 Portion 10 (±12,41ha)
 Residential Zone I : Single Residential;
 Portion 11 (±9,24ha)
 General Residential Zone II : Town Housing;
 Portion 12 (±7,2ha)
 Community Zone I : Community Facilities
 Portion 13 (34,78ha)
 Rural Zone II : Conservation Usage
 Road Portion (±15,05ha)
 Transport Zone II : Road and Parking

Consent Use

Application is also further made in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for consent use in terms of Section 16(2)(c) on the following:

- Portion 1 - consent use to establish a retirement village;
- Portion 4 - consent use to establish a retirement village;
- Portion 5 - consent use to establish an institution (hospital);
- Portion 7 - consent use to establish a retirement village;
- Portion 11 - consent use to establish flats.

Application is also further made for deviation of the Overstrand Municipal Growth Management Strategy, 2010 in terms of Section 10(1) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 and in terms of the Municipal Systems Act (Act 32 of 2000) to allow a mixed used development on the said land, to allow a deviation from the prescribed densification grading to allow for a gross density (on Portion 1) of 35 units/ha in lieu of 20 units/ha, and to allow for a deviation from prescribed densification grading to allow for a gross density (on Portions 2 - 12) of approximately 16 units/ha in lieu of 10 units/ha.

HIGH DENSITY 35 UNITS PER HECTARE

Detail regarding the proposal is available for inspection during weekdays between 08:00 and 16:30 at the Department : Town Planning at 16 Paterson Street, Hermanus..

Any written comments must be submitted in accordance with the provisions of Sections 51 and 52 of the said By-law to the Municipality (16 Paterson Street, Hermanus/ 028 313 2093(f) / loreta@overstrand.gov.za) on or before **Friday, 8 December 2017**, quoting your name, address, contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to the **Town Planner, Mr. H Olivier** at 028-313 8900. The Municipality may refuse to accept comment received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them in order to formalize their comment.

Municipal Manager, Overstrand Municipality, P.O. Box 20, HERMANUS, 7200
Municipal Notice No. 149/2017

1.3 Application

Arch Town Planners hereby officially submits the following applications in terms of Section 16 of the Overstrand Municipality By-law on Municipal Land Use Planning to allow for the proposed development of Remainder Portion 21 of Farm Afdakrivier Nr 575, Caledon:

- i. Application for the Subdivision of Remainder Portion 21 of Farm Afdakrivier Nr. 575, into Portion A (Remainder Farm of ± 514 ha) and Portion B (± 222 ha – excluding the R43 Road Reserve) in terms of Section 16(2)(d) of the By-law;
- ii. Application for the Rezoning of subdivided Portion B from Agriculture to Sub-divisional Area to establish a mixed use development with a gross residential density of approximately 19 units/ha, in terms of Section 16(2)(a) of the By-law;
- iii. Application for the subdivision of Portion B into 13 Portions (including public road) as indicated on Sub-division Plan , plan Subd-002-02 in terms of Section 16(2)(d) of the By-law;
- iv. Application for a deviation of the Growth Management Plan in terms of Section 10 of the By-law to allow for a mixed use development as indicated on the proposed rezoning plan, Plan Rez-003-05;
- v. Application for a deviation of the Growth Management Plan (Hawston) in terms of Section 10 of the By-law to allow for a deviation from prescribed densification grading to allow for a gross density (on Portions 2 – 12) of approximately 16 units/ha in lieu of 10 units/ha;
- vi. Application for a deviation of the Growth Management Plan (Fisherhaven) in terms of Section 10 of the By-law to allow for a deviation from prescribed densification grading to allow for a gross density (on Portion 1) of 35 units/ha in lieu of 20 units/ha;
- vii. Application for the following consent uses, in terms of Section 16(2)(o) of the By-law.
 - a. Consent Use for a Retirement Village on Portion 1;
 - b. Consent Use for a Retirement Village on Portion 4;
 - c. Consent Use for an Institution (Hospital) on Portion 5;
 - d. Consent Use for a Retirement Village on Portion 7;
 - e. Consent Use for Flats on Portion 11.

Please note that a phasing plan will be submitted for approval at a later stage once we have the comments and feedback from all the relevant role players on the applications as submitted above.

6/13

TP-A Theart
(H Olivier)

8/12/17
Mrs. M. D. KERWIN 548 Schooner Ave F/Haver



Portion 21 of Farm Abdalo river No 575
Proposed subdivision Regoning consent use
& deviation of OM growth management.
Farm No 028 313 2493

8/12/17 I wish to place on record my
concern regarding the above Portion 1
opposite me & the description "Town Housing"
leaves it wide open for affordable housing
or RDP Housing which we really cannot
consider. Our properties will instantly
devalue & buyers will be few & far between,
should we need or want to sell. Please
consider the F. whatewen residents I under-
stand that a retirement village is also a
possibility in Portion 1 but once the regoning has
been approved it will be easy for an
application for RDP Housing will not be
difficult.

Mrs.
Signed M. D. Kerwin Tiele
E Mail: — Fax 028 312 3654

FILE NO:	PTN 21/575
SCAN NO:	08
COLLABORATOR NO:	1112719

TP 14 DEC 2017

Loretta Gillion - Portion 21 of farm Afdaks Rivier No.575.

7/13
TP A Threat
(Holmes)



From: "Bob & Margie Searle" <>
To: <loretta@overstrand.gov.za>
Date: 06/12/2017 03:55 PM
Subject: Portion 21 of farm Afdaks Rivier No.575.

From R.E. & M.Searle.

We are already registered as interested and affected persons. Owners of erf. 69 Riverside Drive, Fisherhaven. Tel. .mail. as above.

The N.W. portion of zone 13 includes perennial water which forms part of the proclaimed bird sanctuary in the Afdaks river estuary portion of the Bot river lagoon. Is this area protected in the portion 13 lease or in some other legislation. If so can we ensure that any rezoning does not remove this protection?

Sheet 3419A of the maps published by the Chief Directorate: Surveys and Mapping, shows the parts of the Bot river lagoon, including the area described above, as " Protected Areas.

FILE NO:	Ph 2/575 Afdaks
SCAN NO:	03
COLLABORATOR NO:	1110389

TP

- 7 DEC 2017



TRATheart
(Cholivier)

8/13

D W Deacon
11 Stormalong Road
Fisherhaven
7200

20th November, 2017

The Municipal Manager
Overstrand Municipality
Town Planning Department
P O Box 20
Hermanus 7200

FILE NO:	Rm 21/575
	Afdaksrivier ✓
SCAN NO:	
COLLABORATOR NO:	1104023

Dear Sir,

Comments regarding Municipal Notice No. 149/2017 – Notice to affected persons

RCAL 21/575

I wish to comment regarding the above notice outlining the proposed sub-division, rezoning, consent use and deviations applied for in respect of portion 21 of the AfdaksRivier Farm No 575.

My name is D W Deacon, 11 Stormalong Road, Fisherhaven (Erf 557). I live part-time in Fisherhaven and part-time at 9 Middleton Road, Newlands, 7700, Cape Town. Mobile Landline
Email:

I am directly affected because my Fisherhaven home is on Stormalong Road, directly opposite and close to Portion 1 of the proposed development. The proposal also directly affects the Fisherhaven community, of which I am part.

I strongly object to the application and wish to place my objections & comments on record.

1. Closing date for comments.

I received your notification by registered mail on 13th November, 2017. The closing date specified for comments (8th December, 2017) leaves far too little time for comment. In my case it allows only 3 weeks (for part of which I will be away). For many Fisherhaveners who have not yet received notices or who may be away/going away, it allows even less time. I believe the closing date should be extended, in the interests of fairness.

2. General reasons for objection.

2.1 I believe the application for land use approval and deviations is being done to improve the value of the applicant's agricultural land so that they can sell it to developers for more money. In my opinion, they are not thinking about the environment or job opportunities or the negative impact of the proposed development on the affected communities. They are thinking of their own financial gain.

2.2 Fisherhaven (and Afdaks Farm in particular) is a water scarce area. If there is insufficient water for agriculture, where will the water come from for an additional 3267 residential units in such a small space?

TP 21 NOV 2017

2.3 Fisherhaven has long been established and still has very little infrastructure. To be fair, Fisherhaven should get infrastructure such as water-borne sewerage and (some) tar roads, shops, churches & garages before farmland developments such as this.

2.4 The proposed development will essentially "box" Fisherhaven in between Hawston in the South and more high density residential development both East of the R43 and on Portion 1 on the West. It will essentially destroy the rural atmosphere for which Fisherhaven is known and loved. If high density development such as this is considered desirable by the Overstrand Municipality, it should be done in Hermanus itself, where job opportunities do exist and retirement accommodation is needed.

2.5 Three of the proposed portions are earmarked for retirement villages (Portions 1; 4 & 7 - A total of 1945 units). There is no need for so much retirement accommodation in one area, more especially because it is relatively far from Hermanus and somewhat isolated for the elderly.

2.6 The proposed density deviations are unrealistic, especially when compared with Fisherhaven, Hawston and Benguela Cove where properties are much larger due to the rural nature of the villages. The proposed high density of portion 1 (35 units/ha - a total of 775 units) across the road from my home, will be more than twice the density of all the other portions (2 to 12) put together (proposed average 16 units/ha - in lieu of the current 10 units/ha). Portion 1 will therefore have erf sizes of about 200 sq m - nearly 8 times smaller than my own erf of nearly 1600 sq m. Such extremely dense housing development will obviously negatively affect the desirability and value of all Fisherhaven homes, including my own.

2.7 The proposal "provides for a wide range of income groups". This implies an intention to mix lower income, higher density housing on tiny erfs with larger, much more expensive homes. This applies particularly to Portion 1 (which will have the highest density of all (35 units/ha) directly next to Fisherhaven. Many of us have built beautiful homes of which we are proud. It is not unreasonable to expect the Municipality to respect, and indeed protect, the investment we have made in the Overstrand area.

2.8 The proposed development is "to be rolled out over a long period". How long? This implies an extended period (many years?) of infrastructure development, construction, dust, noise and inconvenience. We don't want this.

2.9 The phasing plan "will be provided at a later stage once we have comments / feedback ...". Why? Should affected parties not be permitted to comment on the phasing plan as well, before the application is approved?

2.10 Portion 13 (behind and North of Portion 1) is to be retained as agricultural land even though the applicants admit in their application that there is insufficient water for farming and that it is within the area with the least agricultural potential. How will small holdings/subsistence farming succeed on this land? Where will their water be drawn from? This appears (again) to be a tactic to increase the value of land the applicants wish to sell.

3 Personal reasons for objection.

3.1 We lived in Hermanus from 1996 until 2007, also on the urban fringe. We left Hermanus to live in Fisherhaven because we came to dislike the increasing density of Hermanus and the steady destruction of its village atmosphere. We specifically bought property here to enjoy the open spaces and rural atmosphere of Fisherhaven. The proposed development will destroy this for us, and for many other Fisherhaven residents.

10/13

3.2 We are already a happy, close knit community of mixed races and different income and age groups in Fisherhaven. We live peacefully together and love it just the way it is. We do not want increased density and urban development.

3.3 It would be unfair to lift land use restrictions and allow deviations from the Overstrand's Municipal Growth Management Strategy to suit a few (the applicants) to the disadvantage of many (those affected) - particularly when the applicant's motivations are suspect i.e. to sell their property to developers for higher prices once the application is approved.

I strongly disagree with the application. I trust you will take the above points into consideration.

Yours faithfully

D W Deacon

Ref: Objections to Afdaks Proposal.docx

TPA Theat
(Mokius)

11/13

Loretta Gillion - Att: Municipal Notice No. 149/2017



From: Rebecca Janse Van Vuuren <
To: <loretta@overstrand.gov.za>
Date: 20/11/2017 01:02 PM
Subject: Att: Municipal Notice No. 149/2017

RCAL

FILE NO:	21/575
SCAN NO:	Plan 21/575
	✓ Afdakrivier
COLLABORATOR NO:	1103995

to : loretta@overstrand.gov.za

Att: Municipal Notice No. 149/2017

name: Rebecca Janse Van Vuuren

Address: 15 Belladonna street, Sandbaai / 19 Schooner Avenue, Fisherhaven

Contact details: :

Interest in the zoning application: landowner of a plot in Fisherhaven

Reason for comment: Environmental and Economical impact of proposed Zoning.

Everyone knows that Hermanus is one of the fastest growing towns in the country. It has so far managed to keep its small town feel, even though it is struggling against many of the other proposed developments. This area of Afdakrivier is of vital importance to the Hermanus, not only because it is available for potential future development but because it is the face Hermanus shows to the rest of the world. We don't want what happened to George, to happen to Fisherhaven and Hawston. These are not just outlying towns, they have their own identities. So, my plea is that you consider what I have to say next as an alternative to the mass of residential buildings that Town Planning has proposed.

I don't think that Hermanus can support more people from an economical point of view. Fisherhaven certainly can't from a water and Environmental point of view. Neither are devoid of places to live. There are unsold plots in Fisherhaven and unfilled gated residential communities, including some which are yet to break ground.

A lack of jobs in Hermanus has been a problem for a long time, but the lack of space has provided opportunities to many home owners who have branched out into renting out cottages or running Airbnb's which actually does provide extra employment for both managers and maids.

The influx of 3260 units, with families of 2 to 4 minimum would topple the already unstable economy. Providing large retail sections like malls, does provide some employment, but not enough and it takes a lot of wealth out of Hermanus because these malls tend to only cater to large chain stores and franchises. (honestly how many Woolworths and Checkers do we need?) These stores are also expensive with set prices which are non negotiable and insensitive to our population.

I don't disagree with the need for a retail zoning, but I hope it will be a low density and more market like in appearance and utility, something that would enable the creative types in Hawston and Fisherhaven.

TP

20 NOV .8.7

12/13

I would turn half of portion 11 into this and rather than have the other half as flats, have it as housing mirroring mount pleasant.

Portion 6 should be a school.

Portion 5 & 4 I agree with a hospital and retirement village are a good idea however this zoning plan has an overabundance of retirement villages.

I did read and stated in the very letter sent to inform me of this proposed development plan; that part of the reason for the owners of Afdakrivier wanting to sell is because it's difficult to keep sheep in this water scares area. Fisherhaven is also a water scares area, and Hermanus has water restrictions despite the newly tapped aquifer, which can supply us water for 50 years. Obviously if it isn't over used it would be a slowly renewed source.

My point here is that an influx of residents would be much more hazardous to the water problem than the farm. The difference is that one farm owner cannot support the costs of keeping land viable of sheep. This doesn't mean that the ground has no agricultural value. Sheep are not indigenous to south Africa and eat the roots of plants. All this land could be made into various sized small holdings, Largest ones by portion 3,2 and 8 medium by portion 7 and 9 with a community garden project by portion 10.

I believe that this plan will provide a lot of easy employment and also uplift and empower the people in the low cost housing area and surrounding area's.

Not everyone wants to retire to a retirement village.

I actually bought my property in Fisherhaven to build a home that my parents and grandmother can retire to. I am sure many people have also bought in Fisherhaven looking to a peaceful future. My grandmother is certainly horrified at the idea of a retirement village in Fisherhaven. As a family we'll never put her in a retirement home or village.

I have other reasons for disagreeing to Portion 1. Portion 1 is situated was always protected by the fact that farms may not build 30m from their boundary line. We often see the wild horses of Fisherhaven in and around this area. Yes they roam all the way to Kleinmond, but we want to keep these majestic beasts wild and the best way to do that is to protect what land is in our power to protect.

Fisherhaven is already an environmentally sensitive area. The estuary is supposed to be a protected wildlife fish spawning nursery, there are already factors that threat this, the addition of this new retirement village may look like an ideal expansion opportunity on paper, but I urge you to reconsider the proposed zoning. The cove may shrink to almost nothing in dry periods, but in wet periods such a high density of people so close to the water's edge, even with the required conservancy tanks would pose a threat to the star attraction of Fisherhaven, Benguela cove and its undisturbed beauty.

At the very least the Town Planning rulings of existing residential plots need to adhere to in the new adjacent proposed developments as well. Our title deeds state that no more than 30% of our 1400m2 plot may be developed. The building lines to the road are 4.5m and to our neighbour is just over 3m. No more than 1 dwelling per a plot and only conservancy tanks may be used. I believe that deviating from these restrictions would be a mistake. I say this even though a retirement village would be less of a threat to my view.

Please reconsider that Benguela Cove is an environmentally sensitive area with Historical value. Any risk of ground contamination isn't worth taking. Portion 1 is situated was always protected by the fact that farms may not build 30m from their boundary line. I would like to propose that portion 1 and portion 13 are Zoned as protected land or at the very least rural land.

Regards

TP A Theat
CH Olivier



13/13

Loretta Gillion - Att: Mr Groenewald Notice 117/2017

From: Ste Van <>
To: <cgroenewald@overstrand.gov.za>
Date: 14/11/2017 02:40 PM
Subject: Att: Mr Groenewald Notice 117/2017 Re: RCAL 21/575

Att: Mr Groenewald Notice 117/2017

Concerning the intention to allow deviation from low density zoning, in Fisherhaven, for the building of a retirement villages and town houses. I object strongly, the zoning of Fisherhaven

is Low density, single dwellings, on 1400m2 plus plots, with a further restriction of 30% coverage.

And now in the heart of this area, adjacent to an estuary, the town planners are considering allowing high density, small plots with high coverage / stand size ratios, this is ridiculous disregard of existing zoning restrictions imposed on the whole area of Fisherhaven, Bengula Cove and other surrounding areas. Are the Town Planners going to abolish these adjacent areas restrictions,

as well, Abolish Surrounding Areas Large Building Lines?, and low coverage?, what about abolishing surrounding areas "One Dwelling Rule", or automatically relaxing the Low Density rule?

I do not think so, I do not think the Town Planners are going to re-zone and change the title deed restrictions of the surrounding established residences, so that the new area can be developed with contradicting legislation, building high density small plot villages right in the middle of the low density established areas surrounding it.

Plus the estuary is supposed to be a protected wildlife fish spawning nursery, this new village is

very close to the waters edge, yes it shrinks to almost nothing in dry periods, but in wet periods

are the new village residents going to be in danger of flooding, or worse, where is their conservancy tanks, far below the municipal small bore

infrastructure, so the black waste water, will be nice and low while the estuary water rises in wet sessions, and when they meet,

the residence get poo on their shoes, and the infant fish die.

Sometime the surrounding Town Planning rulings need to adhered to in the new adjacent proposed developments as well.

Thanks for your business
Regards Steven

FILE NO:	Rm 21/575
SCAN NO:	39 Afcdks
COLLABORATOR NO:	1102942

TP 17 NOV 2017

Annexure E 1/12



Physical address: 152 Bakkershuis,
Dorpstreet, Stellenbosch, 7600

M: +27 (0)72 480 5838

F: +27 (0)86 216 9073

E: marke@archtownplanners.co.za

W: www.archtownplanners.co.za

18 July 2022

Town Planning Department
Overstrand Municipality
HERMANUS
PO Box 20
7200

Attention: Henk Olivier

Dear Henk

RESPONSE TO COMMENTS: PORTION 21 OF FARM AFDAKSRIVIER 575, CALEDON.

The e-mail from Loretta Gillion, dated 11 February 2022, which included **one objection** received during the public participation process, refer. It should be noted that during the previous round of public participation, 7 letters of objections were received, however, this final round of public participation only resulted in one objection.

Set out below is our response to these comments. The response should be read with the Motivation Report which was submitted as part of the Land Use Application which provides more details on the compliance with legislation and a summary motivation for the proposed development which we believe addresses all the issues raised in the letter from Overstrand Unite. **Please note that after the extensive public participation process followed, only one objection was received.**

For ease of reference, we have summarized the comments and provided a brief response additional to the sections of the motivation report as indicated above:

1. Overstrand Unite:

Comment 1: Object to any rezoning and development of any property in the Overstrand until the Overstrand Municipality has ascertained how the current Human Settlement needs of the Residents of the Overstrand are going to be addressed.

TP 18 JUL 2022

2/12

Response : The Municipality has various policies and plans which specifically addresses issues relating to Human Settlement, of which the most important and recent is the 2021 -2022 IDP. The recently reviewed SDF also considers and responds to the current and future human settlements in the Municipal area as well as the Human Settlement Plan. It is argued that the relevant plans and policies are in place and do propose ways to address the human settlement needs of the local population. It is not clear why Overstrand Unit believes that that this is not in place. It is unfair and unreasonable to halt all development in the Overstrand Municipality until such time as Overstrand Unite feels that this issue has been adequately addressed to the level they would accept. It is therefore motivated that this objection is not valid and should be disregarded.

It should also be noted that the application site has been included and earmarked for housing development in the Overstrand Municipality Growth Management Strategy since 2010, thus for the past 12 years and has been included in the review of the SDF ever since then. It is clear that the proposed development is in line with accepted and supported Municipal Policies.

Comment 2: All Developments must include Social Housing and the strain on resources like water and electricity need to be seriously evaluated.

Response 2: There is no policy or legal requirement in place to force private developers to provide Social Housing. This can therefore not be enforced or required for this development. The land use application included a detailed services report and bulk capacity report which addresses all issues relating to the provision of services. If this development is approved, the developer will have to pay Development Contributions to the Municipality which will go towards the upgrade and provision of municipal services. It is argued that the approval of this application and development will provide for the necessary funding to upgrade some of the services in the area, with specific reference to the Hawston WWTW. The application was assessed by the Overstrand Engineering Department who, after careful consideration of the application, supports the application.

Comment 3: Developments that are unaffordable to the average citizen and using labor from outside the Municipal area and an extremely negative impact on the sustainability of the region.

The proposed development allows for a range of residential densities, ranging from high density walk-up units to single residential free-standing houses. The proposed development is not specifically targeted at one income group, it is argued that the proposed range of housing densities will provide housing options for a wide range of income groups, specifically with the aim to be more inclusive and affordable for a wide range of income groups. It is argued that the proposed development will also make use of local labor both during the construction phase of the development and during the operational phase, to the benefit of the surrounding community.

In conclusion: It is noted that from the 300+ registered letters send out to the surrounding land owners and the newspaper advert only one letter of objection was received from the public.

We trust that the above address all the issues raised through the public participation process. Please do not hesitate to contact us should you like to discuss the above.

3/12

Yours sincerely



Marike Bolz

For Arch Town Planners (Pty)Ltd



TP. n. Sincard
(M. Olivia)

10th December 2021

**OBJECTION: Application for rezoning of Portion 21 of Farm
Afdakrivier 575**

This letter serves as a formal objection by Overstrand Unite on behalf of its members to the application mentioned above.

We STRONGLY object to any further zoning and development of any property, public or private, in the Overstrand until the Overstrand Municipality has ascertained how the current Human Settlement needs of the residents of the Overstrand are going to be addressed.

The Overstrand is at a critical point where all land and resources available to the citizens of the Overstrand need to be put to the best use possible, in a sustainable way. ALL developments must include a social housing component and the strain on resources like water and electricity of developments needs to be seriously evaluated.

The citizens of the Overstrand, the people who live and work here, need to be put first. Developments that are unaffordable to the average citizen and continuing to build housing that people cannot afford coupled with the use of labour from outside the municipal area have an extremely negative impact on the sustainability of the region. These issues should be addressed as a matter of course, in addition to environmental impact studies and town planning compliance.

Yours sincerely,

Vanessa Alberts (Swanepoel)
Chairperson

FILE NO:	AIN 21575
	Afdakrivier
SCAN NO:	02
COLLABORATOR NO:	1616157

99 Long Street, Sandbaai,
Hermanus, 7200,
Western Cape, South Africa
+27 (0)76 190 3265
overstrandunite@gmail.com
www.overstrandunite.org.za

13 DEC 2021

5/12



1st Floor, Anglo Building,
4 Plein Street, Stellenbosch
Postal address: PO Box 275,
Stellenbosch, 7600

M: +27 (0)72 480 5838
F: +27 (0)86 216 9073

E: marike@archtownplanners.co.za
W: www.archtownplanners.co.za

TP - A Theart
(H Olivier)

24 January 2018

Town Planning Department
Overstrand Municipality
HERMANUS
PO Box 20
7200

Attention: Henk Olivier

FILE NO:	Part 21/575
	Afdakrivier ✓
SCAN NO:	FARM 575
COLLABORATOR NO:	1129551

Dear Henk

RESPONSE TO COMMENTS: PORTION 21 OF FARM AFDAKSRIVIER 575, CALEDON.

Thank you for your letter dated 14 December 2017 which included the objections received during the public participation process. Set out below is our response to these comments, which provides a response to each of the objection letters. The response should also be read with Section 4.3.4 and Chapter 5 of the Motivation Report which provides more details on the compliance with legislation and a summary motivation for the proposed development which addresses all the comments raised as set out below. For ease of reference we have summarized the comments and provided a brief response which should be read with the sections of the motivation report as indicated above:

1. A Woolnough – E-mail dated 8/12/2017

Comment 1: Mr Woolnough raised concerns regarding the sensitive ecosystem on the application site and asked that consideration should be given to retaining as much of the natural flora and fauna of the site as possible and asked that sensitive areas of no-development should be identified.

Response 1: The Botanical Scoping Study, dated 1 March 2016, did exactly this where it identified areas of low, medium, high and very botanical sensitivity with recommendations of where development should and should not be allowed. The development proposals for each of the portions took these recommendations into account and comply

TP 16 FEB 2018

6/12

with the recommendations made by both the Botanical and the Site sensitivity analysis – Freshwater Ecosystems, Draft Report dated April 2016.

It can therefore be confirmed that no development would be allowed in any of the no-go areas identified in above mentioned studies.

2. H Duffey

Comment 1: Mrs Duffey objects to the proposed high-density development on Portion 1 and states that the increased density is too high as it will have a negative environmental impact on the Botrivier Lagoon and Estuary and that high-density development should not be allowed so close to Fisherhaven which she states as a semi-urban area.

Response 1: In order to obtain development approval for the proposed development, a comprehensive environmental impact assessment has to be done, which assesses the environmental impact of the proposed development. As part of the EIA process as well as the land use application, environmental studies were conducted to determine whether the proposed development would have any negative impact on the environment, to such an extent to refuse the proposal. All the required studies were done and identified areas where development should not occur. The conclusion of all of these studies was that for the majority of the application site, there are no environmental sensitive areas which would prohibit the proposed development. A few sensitive areas were identified, including a small pocket of land on Portion 1 which has been identified as a no-go area where no development will be allowed. The studies, with specific reference to the Botanical Study and the Site Sensitivity Analysis, also recommended development setback lines from the no-go areas which the proposed development will comply with. To conclude, various comprehensive studies were undertaken by environmental specialists to determine whether the proposed development would not have a negative impact on the environment and it was found that the proposed development would not have an environmental impact which would warrant refusal of the application. These studies also made recommendations as to how to protect the lagoon and estuary. All of these recommendations will be complied with.

Response 2: Mrs Duffey incorrectly refers to Fisherhaven as a semi-urban area. While she may consider it as a semi-urban area it is not classified in any of the municipal planning documents as such. Fisherhaven lies within the urban edge and by definition of both the municipality and the Provincial Department of Environmental Affairs and Development Planning (DEA&DP) it is considered an urban area which allows for certain type of urban development.

It is agreed that Fisherhaven currently has a lower density than that which is proposed on Portion 1, however current legislation and policies (on national, provincial and local government levels) strongly motivates for densification within urban edges to protect sensitive environmental land (which the development site is not) and diminishing high potential agricultural land (which the development site is not). The 2006 Municipal SDF identified the Fisherhaven and Hawston areas as the future growth area of the Greater Hermanus. Though the proposed density of Portion 1 is slightly higher than that proposed in the Growth Management Strategy (GMS) and the Integrated Development Framework (IDF) it is motivated that some of the areas identified in and around Fisherhaven for future development are environmentally sensitive and would therefore not be available for development as anticipated. From all the environmental and specialist studies conducted as part of this application, it was found that there are no environmental constraints which would prohibit the development. It is therefore proposed that the density of this area (including Portion 1) should be increased to accommodate the current and future development needs as anticipated for the Greater Hermanus area especially as

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there are no environmental constraints on the application site. Please also refer to Section 4.3.3 (p. 60) of the motivation report for a more detailed motivation on compliance with local, provincial and national legislation and policies.

3. HD Kerwin – Fax dated 8/12/2017

Comment 1: Mr Kerwin raised concerns that the proposed development on Portion 1 would allow for affordable or RDP housing.

Response 1: It is unclear what is meant by "affordable housing" but from the fax it is assumed that it refers to government/subsidized type of housing. It is important to note that the proposed development will be a private development. The provision of subsidized (including RDP) housing is a government responsibility. It is confirmed that the proposed development does not include any government and / or subsidized housing.

It is also important to note that Portion 1 is seen as one of the "flagship" portions of the proposed development due to its close proximity to the lagoon and the ocean with breath-taking views of the surrounding area. It is also anticipated that this portion would be one of the first phases of the proposed development which would need to be of a very high standard to set the standard for the rest of the development roll-out to follow.

4. B&M Searle - E-mail dated 6/12/2017

Comment 1: Concern is raised regarding a portion of portion 13 which Mr and Mrs Searle states forms part of the proclaimed bird sanctuary in the Afdakrivier estuary and they want to have confirmation that the proposed rezoning will not impact on the protection status of this portion.

Response 1: The Site sensitivity analysis – Freshwater Ecosystems, Draft Report dated April 2016, indicates that the Bot River Estuary which runs over a portion of Portion 13 was ranked 8th in importance out of more than 250 estuaries around the South African coastline. It was therefore recommended that development setbacks of 50m, from both the Afdakrivier and the Bot River Estuary should be assumed to ensure the protection of these systems.

This is also supported by the Botanical Scoping Study, dated 1 March 2016, which found the north-western section of Portion 13 to be of very high botanical sensitivity where no development should be considered.

It can therefore be confirmed, that these sensitive areas referred to above and as identified in these studies will not be developed and any development (which would be very limited as allowed for in the proposed Rural II zoning) would have to comply with the recommended 50m setback line, thus protecting the area of concern as raised by Mr and Mrs. Searle.

5. DW Deacon – Letter dated 20 November 2017

Comment 1: Concerns regarding closing date for public comment

Response: The public participation process allows for a 30-day commenting period, which is in line with the municipal By-Law and which is governed by National Legislation. The public participation process was commenced in November 2017 to conclude before the holiday season commenced when it can be expected that many people might be away on holiday. The public participation process was therefore undertaken specifically to ensure that the 30day period expires before people might leave for the holiday period. We did not receive any requests for an extension of time to submit comments. To conclude, the public participation process was done in accordance with the relevant legislation.

Comment 2.1: Concerns regarding negative effect on the environment, job opportunities and negative effect on surrounding communities.

Response: 2.1: Please refer to the sections above which addresses concerns regarding the possible negative effect on the environment.

With regards to job opportunities, it is clear that the proposed development would considerably increase the number of job opportunities in the area, which would be to the benefit of the surrounding community. There are currently no employment opportunities provided or created on the application site (other than the very limited sand quarry activity) and therefore there will not loss of job opportunities only a considerable increase.

It is also considered that the proposed development would be to the benefit of the surrounding community as it would provide job opportunities, the upgrade of municipal services (such as sewerage and road systems) and it would provide certainty to the surrounding community as to what type of development would be established on the site in future. We have had various informal discussions with community members who raised there concerns as to the uncertainty of future development in the area and this will provide a clear understanding of the type of development to be rolled out over the next 20+ years in the area.

The proposed development allows for a wide range of housing typologies and densities, land uses and amenities which we believe would be to the benefit of the surrounding communities.

Comment 2.2: Concerns regarding the lack of water

Response 2.2: From our discussions with the local municipality it is our understanding that there would be enough water to accommodate the proposed development. It is also important to note that as part of the negotiations with the municipality regarding the provision of services, including water, alternative methods of water provision and re-use of water will be negotiated, especially with regards to the use of grey-water systems which we would like to propose be incorporated throughout the whole development.

Comment 2.3: Lack of infrastructure and amenities in Fisherhaven

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Response 2.3: The provision of infrastructure is a municipal responsibility and the provision of amenities such as garages and shops are provided by the private sector and is not the responsibility of the proposed development. However, it is considered that the proposed development will contribute towards the upgrading of services in the area, with specific reference to the sewerage infrastructure in Fisherhaven and the tarring and upgrading of roads which would provide access to the proposed development. From discussions with the municipality it is understood that the development of proposed Portion 1, if approved, will include for the upgrading and provision of certain infrastructure (including the sewerage infrastructure) in Fisherhaven. To conclude, the proposed development, if approved will contribute towards the upgrading of services in the area.

Comment 2.4: Concerns regarding the density of the proposed development

Response 2.4: Please refer to Point 2, Response 2 above.

Comment 2.5: Concerns regarding the high number of possible retirement villages

Response 2.5: It should be noted that the proposed application allows for the establishment of a *maximum number* of retirement villages, the market will however dictate if all of the allowed for units are allocated towards retirement units, or alternatively go towards the provision of general residential development.

It is however important to note the following: According to the 2011 stats there were about 4.2 million people older than 60 years in South Africa. The number is anticipated to grow to approximately 6.8 million by 2030, thus an average of 140 000 per year. According to market research, including discussions with estate agencies, developers and retirement village management companies, there is a current shortage of approximately 85 000 retirement units in the Western Cape alone. From discussions with eight old age homes/retirement villages within Hermanus it was understood that every single one of these establishments had a waiting list which clearly indicates to the high need for more retirement villages especially within the area surrounding the application site as the majority of old age homes are situated within Hermanus Central. It is clear that there is a high need for retirement villages in the Overberg area and this development could serve the needs for the Fishershaven, Benguela Cove, Kleinmond, Caledon Botrivier and the wider Western Cape.

Comment 2.6 and 2.7: Concerns regarding the density of the proposed development and the provision of housing for a "wide range of income groups"

Response 2.6 and 2.7: Please refer to Point 2, Response 2 above as well as Point 3, Response 1 above.

Comment 2.8: Concerns regarding the inconvenience (including dust and noise) of long term development

Response 2.8: It is true that the proposed development may result in being an inconvenience to the surrounding land owners, especially with the development of Portion 1 to the immediate adjacent land owners in Fisherhaven. In the case where the application is approved, construction will have to comply with specific conditions relating to construction times, dust control and security to try to reduce the possible inconvenience which may be caused. However, the application site has been earmarked for development and as the future growth area of the Overstrand Municipal area in all the relevant municipal policies dating back to 2006. Mr Deacon should therefore have been aware that this area

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has been identified for the future development node of the municipality and can therefore not object to the application based on the development being an inconvenience.

Comment 2.9: Phasing plan to be submitted for comment from affected parties.

Response 2.9: Section 3.4 (p. 42) of the Motivation Report refers to the provision of a phasing plan at a later stage as and when more certainty is obtained on the provision and upgrade of services. If so required by the municipality, this phasing plan will be made available to interested and affected parties for their comment.

Comment 2.10: Concerns with regards to the land use of Portion 13

Response 2.10: Portion 13 lies outside the urban edge and it is not included for development. The intention initially was to keep this as part of the Remainder Farm, however, in discussions with the National Department of Agriculture, Forestry and Fisheries (NDAFF), they indicated that it is clear that there can only be very limited agriculture activities on this site, specifically due to the environmental sensitivity of this site. Based on this, NDAFF requested that this portion be zoned out of Agriculture. We therefore propose that this area should be rezoned from Agriculture 1 to Rural Zone 1 (Agricultural Small Holding) with a minimum subdivision size of 45.78ha to prevent this site from being subdivided into smaller portions. In doing so, this area can be taken out of agriculture, as requested by NDAFF but can still have a rural use. Please note that the primary and consent uses for Agricultural 1 and Rural Zone 1 is the same and the allowed land use of this portion will therefore be the same as the current status quo.

Comment 3.1: Concerns that the proposed development will negatively affect the rural character of the area.

Response 3.1: Please refer to Section 2, Response 2 and Section 5, Response 2. 8 which indicates that the area is not seen and has not been set aside for a rural area, it has been earmarked for urban development since 2006.

Comment 3.2 and 3.3: Objection to increased density and urban development.

Response 3.2 and 3.3 :As motivated above and in the motivation report, the proposed development area has been earmarked for urban development and an area to allow for increased density, in line with municipal, provincial and national government legislation and policies.

6. R Janse van Vuuren – E-mail dated 20/11/2017

Comment 1: Concerns regarding environmental and economic impact

Response 1: The sections above address the response to the environmental impact. With regards to the economic impact, it is considered that the proposed development will provide and result in a substantial number of employment opportunities which will result in an increase in economical activity in the area. The proposed development does not provide for a large retail area, as it is agreed that this will only be to the determined of the already existing retail facilities. The retail area allowed for will be of a small scale and will be a community type of centre to provide for the basic retail needs.

With the changes in technology such as fast internet, more and more people are working from home or are working flexi-hours and commuting between smaller towns and the city, and in this case Cape Town. The application site is located just over an hour's drive from the airport and Cape Town which makes it convenient to commute between the application site and Johannesburg,

For a number of decades, especially during the late 1990s, a vast number of South African's emigrated to other countries, which peaked in 1999 when 58 000 people left the country. In the last few years a new trend has arisen where South Africans searching for a better life aren't leaving the country, but rather moving to other parts of the country to make a new life for themselves. This trend has been dubbed 'semigration' and has seen a number of middle-class or high-net-worth individuals "emigrating" to other parts of the country. The largest 'shift' has been between people moving from Gauteng to the Western Cape. This 'semigration' has increased considerably over the last few years. Property economist at FNB, John Loos, puts the Western Cape as the province with the strongest net inflow of repeat buyers and suggests people are moving away from Gauteng for lifestyle reasons. The Greater Hermanus area has not been unaffected by this, as can be seen in the increase in activity in the property market over the last two years. As the proposed site is situated within approximately an hour's drive from Cape Town International Airport and just over an hour from Cape Town, this site becomes more attractive to people commuting between Gauteng and/or Cape Town or the outlying areas. The 'semigration' trend has caused a rapid rise in property prices in the Cape Metropole and Boland areas and people are looking for alternative more affordable areas within easy access to the Cape Metropole.

Comment 2: Recommendation of the provision of a school on Portion 6

Response 2: Portion 12 has been set aside for a school site.

Comment 3: Concerns with regards to over supply of retirement villages

Response 3: Please refer to Section 5, Response 2.5

Comment 4: Concerns regarding the availability of water

Response 4: Please refer to Section 5, Response 2.2

Comment 5: Recommendation of the provision of small holdings

Response 5: The initial development proposal included a number of small holdings, however this is not supported by the National Department of Agriculture and the local municipality. The development proposal was therefore amended to be in line with their requirements.

Comment 6: Recommendation that Portions 1 and 13 are to be zoned to protected land or zoned to be rural land.

Response 6: Portion 13 complies with the proposed recommendation as it is proposed to rezone this portion to Rural Zone 1. Portion 1 however, falls within the urban edge and is seen as the flagship portion of the proposed

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development. The environmental studies did identify sensitive land which are to be no-go areas for development and this will be adhered to.

7. S van der Merwe – E-mail dated 14/11/2017

Comment 1: Concerns regarding high density development and environmental issues

Response 1: Please refer to Sections 1 – 6 above which address these concerns.

We trust that the above address all the issues raised through the public participation process. Please do not hesitate to contact us should you like to discuss the above.

Yours sincerely



M Bolz

For Arch Town Planners

Annexure F 1/8

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE &
DEVIATION OF OVERSTRAND MUNICIPAL GROWTH MANAGEMENT
STRATEGY (2010): PORTION 21 OF FARM 575, AFDAKSRIVIER**

Water	:	Refer to Conditions and GLS Report
Sewer	:	Refer to Conditions and GLS Report
Roads and traffic	:	Refer to Conditions
Stormwater (SW)	:	Refer to Conditions
Electricity	:	Eskom Area

Conditions:

1. That a Bulk Services Contribution Levy (BICL) be paid by the developer to supplement municipal services and amenities in accordance with the relevant legislation and as determined by the Council. The BICL tariff is adjusted by Council annually. The total BICL payable will be the amount as determined by the BICL Policy and tariff at the date of **actual payment**. BICL amounts quoted in any document will normally be applicable to the particular year in which the document was compiled and Council will not be bound by the quoted amounts.
- 1.1 **Developments containing Sectional Title Units/ Commercial Buildings** (non-free standing properties – property is not to be subdivided)

The BICLs are to be paid in full **prior** to submission of the building plans. Building Plans will not be accepted unless the BICL is paid in full.
- 1.2 **Developments with free standing properties** (property that is subdivided and plots to be sold individually).

The BICLs are payable prior to clearance being issued by the Income Department of the Municipality.
- 1.3 The contribution according to the current policy (**2021/2022**) is as follows:

Residential Zone 1:

Ptn 2 (124), Ptn 8 (118), Ptn 9 (198) & Ptn 10 (224)

Roads	R 7 532.72 x 664	=	R 5 001 726.08
Water	R 24 915.00 x 664	=	R16 543 560.00
Sewerage	R 16 799.12 x 664	=	R11 154 615.68
Stormwater	R 8 691.28 x 608.499936	=	R 5 288 643.32
Solid Waste	R 1 505.92 x 664	=	R 999 930.88
TOTAL (inclusive of VAT)		=	<u>R38 988 475.96</u>

General Residential Zone 1 & 2:

Ptn 1 (775), Ptn 3 (405), Ptn 4 (372), Ptn 7 (352), Ptn 10 (20) & Ptn 11 (428)

Roads	R 7 532.72 x 2352	=	R 17 716 957.44
Water	R 24 915.00 x 1881.6	=	R 46 880 064.00
Sewerage	R 16 799.12 x 1881.6	=	R 31 609 224.19
Stormwater	R 8 691.28 x 1,681.86649	=	R 14 617 572.58
Solid Waste	R 1 505.92 x 2352	=	R 3 541 923.84
TOTAL (inclusive of VAT)		=	<u>R 114 365 741.80</u>

Business Zone 2:

Ptn 5 (4.16 ha) & Ptn 6 (1.78 ha)

Stormwater	R 8 691.28 x 178.19998	=	R 1 548 785.92
Solid Waste	R 1 505.92 x 196.020	=	R 295 190.44
TOTAL (inclusive of VAT)		=	<u>R 1 843 976.36</u>

Community Zone 1:

Ptn 12 (7.23 ha)

Stormwater	R 8 691.28 x 216.899977	=	R 1 885 138.43
Solid Waste	R 1 505.92 x 130.140	=	R 195 980.43
TOTAL (inclusive of VAT)		=	<u>R 2 081 118.86</u>

Total = **R 157 279 312.90**

Please note the above figures:

- a) Exclude bulk electricity cost and levies. Eskom should be contacted regarding the bulk electricity cost.
 - b) Are estimated amounts which exclude evaluation/ investigation levies and connection fees.
 - c) Are only valid for the current financial year and are subject to annual tariff adjustments.
2. that the developer at his cost constructs the internal municipal civil and electrical services for the development as well as any link or bulk municipal services that need to be provided;
- 2.1 the Director: Infrastructure and Planning may require the developer to construct internal, link, and/or bulk municipal services to a higher capacity than warranted by the development for purposes of allowing other existing or future developments to also utilise such services, provided:

- 2.2 the rates and prices of such work be established in terms of a system which is fair, equitable, transparent and cost effective;
- 2.3 if link municipal services have already been provided, the developer to contribute towards the cost thereof, the Director: Infrastructure and Planning to determine the amount of such contribution in terms of a system which is fair and equitable;
3. that servitudes for municipal services be registered in favour of the Council at the developer's cost in respect of all main services to be taken over by the Council and all existing municipal services concerned crossing private property;
4. that the developer indemnifies and keep the Council indemnified against all actions, proceedings, claims and demands, costs, damages and expenses arising out of the establishment of the township, the provision of services to the township or the use of servitude areas or municipal property:
 - 4.1 for a period which shall commence on the date that the installation of the services to the township are commenced with and shall expire after completion of the maintenance period;
 - 4.2 the developer to submit an acceptable public liability insurance policy to the Council and to pay the premium in advance for the period as set out above before any work concerned may commence;
 - 4.3 the insurance to be to an amount which shall not be less than that required by the CESA;
 - 4.4 such indemnification against loss, claims or damages, to include claims pertaining to consequential damages by third parties and whether as a result of the damage to or interruption of or interference with the Council's services or apparatus or otherwise;
5. that a plan of all existing services be submitted to the Director: Infrastructure and Planning, by the developer and that any of the services that need to be relocated, be done by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning:
 - 5.1 way-leaves must be obtained from the Operational Manager;
 - 5.2 such way-leaves to be obtained prior to any excavation on public property or property where existing services are located;

6. that the developer may enter into an agreement with the Council to install or upgrade bulk and/or link municipal services and amenities at an agreed cost, subject to the following:
 - 6.1 such costs to be established in accordance with a system which is fair, equitable, transparent, competitive and cost effective;
 - 6.2 such costs shall be set-off against (part or full) development contributions payable in respect of engineering services;
 - 6.3 to the extent that such costs exceed the development contributions payable, the Council will refund the developer the difference with interest calculated at the prime rate, when funds are available;
7. that plans of all the internal municipal civil and electrical (high and low voltage supply) services and such link services as required by the Director: Infrastructure and Planning, prepared by an ECSA registered professional engineer/technologist, be submitted to the Director: Infrastructure and Planning for his prior approval;
8. the "Guidelines for the Provision of Engineering Services in Residential Townships" (Blue Book), SANS 1200 specifications and the Design and Construction Standards for civil and electrical services of the Council to be used as the standard design and construction criteria with which such plans must comply;
9. the Director: Infrastructure and Planning to be notified in writing of all deviations from the Standard Design and Construction Criteria when plans are submitted for his approval and such deviations to be separately approved in writing by the Director: Infrastructure and Planning;
10. the successful completion of such works to be supervised and certified by an independent professional civil engineer/technologist i.e. a professional civil engineer/technologist who has no direct financial interest in the development, other than payment as standard professional fees for the work concerned; and
11. such independent professional civil engineer/technologist to furnish the Director: Infrastructure and Planning with satisfactory proof of his professional indemnity insurance to an amount which shall not be less than that required by the CESA and which insurance shall be valid for the relevant contract and maintenance period;
12. that a stormwater management plan, which may include attenuation facilities to ensure that the pre-development run-off is not exceeded and that erosion and pollution is minimised, be submitted to the

Director: Infrastructure and Planning for approval and that the approved management plan be implemented by the developer at his cost to the satisfaction of the Director:Infrastructure and Planning;

13. that the above stormwater management plan include the following:
 - 13.1 pre-development run-off from the catchment area;
 - 13.2 post-development run-off from catchment area;
 - 13.3 existing stormwater reticulation system and the capacity thereof;
 - 13.4 connection of internal stormwater reticulation system;
 - 13.5 overland escape routes
14. that the connection to the stormwater reticulation system be provided according to the stormwater management plan, by the developer at his cost and approved by Overstrand Municipality;
15. that all municipal civil and electrical services installed or constructed by the developer, be maintained after completion thereof for a maintenance period, as described in the General Condition of Contract for works of Civil Engineering Construction – 2010, of 12 months, and
16. that a Certificate of Completion together with as-built services plans be provided by the independent professional engineer/technologist to the Overstrand Municipality. As-built plans to be on quality paper, together with a DXF file thereof;
17. that the Home Owners Association or Body Corporate be responsible for the operational costs and maintenance of street lighting, electrical reticulation and metering and all internal services in all sectional title schemes and/closed-development sections;
18. that the developer provide bulk meters for water and electricity at approved positions as well as individual meters at each consumption point;
19. that all sectional title-and/or closed development sections must be provided with central refuse collection facilities, which must comply with the standards of the Department: Operational Services (Heranus);
20. Refuse Areas need to be supplied in line with the Overstrand Land Use Scheme of 2020 and in consultation with the Manager: Solid Waste Planning at Overstrand Municipality (Tel: 028 313 8972);
21. the approved refuse collection area/room must sufficiently accommodate the refuse generated by the development and is to be proved with the following:
 - a. properly ventilated;


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- b. a cement floor;
 - c. a tap and running water, as well as a drainage point which is connected to the sewer network;
 - d. is a position nearest to an access road for the development and be accessible for the refuse truck at all times, to the satisfaction of the Director: Infrastructure and Planning;
22. that the refuse room be completed prior to occupation of the first unit, to the satisfaction of the Director: Infrastructure and Planning;
23. that for all full title or freehold properties, the refuse will be removed from the sidewalks as per municipal arrangement;
24. that the water distribution system be implemented according to the engineering services report at the developer's cost;
25. that allowance be made in the subdivision plan for the following **pipeline servitudes** that will be required for an envisaged water augmentation scheme:
- 26.1 OHW.B3(b) - Upgrade Fisherhaven HL pumping station
 - 26.2 OHW.B4 - 400 m X 315 mm diameter new supply pipe
 - 26.3 OHW.B35 - 2525 m X 315 mm diameter new supply pipe
26. that the following **water master plan items** be provided, at the developer's cost for **portion 1** of the proposed development:
- 27.1 OHW1.3- 245 m X 160 mm diameter new supply pipe
27. that the following **water master plan items** be provided, at the developer's cost for **portions 2 -12** of the proposed development:
- 28.1 Item 1 – 1 133 m x 160 mm diameter new supply pipe
 - 28.2 Item 2 – 377 m x 200 mm diameter new supply pipe
 - 28.3 Item 3 – 246 m x 200 mm diameter new supply pipe
 - 28.4 Item 4 – 575 m x 160 mm diameter new supply pipe
 - 28.5 Item 5 – 561 m x 160 mm diameter new supply pipe
 - 28.6 Item 6 – 245 m x 160 mm diameter new supply pipe
 - 28.7 OHW1.3- 245 m X 160 mm diameter new supply pipe
 - 28.8 OHW13.1- 340 m X 355 mm diameter new supply pipe
 - 28.9 OHW13.2- 625 m X 315 mm diameter new supply pipe
 - 28.10 OHW13.3- 2 205 m X 315 mm diameter new supply pipe
 - 28.11 OHW13.4- 340 m X 250 mm diameter new supply pipe
28. that the following **water bulk supply items** be provided, at the developer's cost for the **total proposed development**:
- 29.1 OHW.B1 - New 3.5 ML Fisherhaven LL pumping reservoir
 - 29.2 OHW.B3(a) - Upgrade Fisherhaven HL pumping station
 - 29.3 OHW.B17 - New 90 l/s @ 20 m bulk pumping station
 - 29.4 OHW.B19 - 3 315 m x 315 mm diameter parallel reinforcement of 250 mm diameter bulk pipeline.
 - 29.5 OHW.B22 – 720 m x 250 mm diameter parallel reinforcement.

29.6 OHW.B30 - New 6.0 ML Fisherhaven HL pumping reservoir

29. that the following **sewer master plan items** be provided, at the developer's cost for **portion 1** of the proposed development:
- 30.1 OHS1.4- 569 m X 160 mm diameter new sewer outfall
 - 30.2 OHS3.2- 714 m X 160 mm diameter new sewer outfall
 - 30.3 OHS3.3- New Pump Station
 - 30.4 OHS3.4- 293 m X 110 mm diameter new rising main
30. that the following **sewer network pipe items** be provided, at the developer's cost, for **portions 2 -12** of the proposed development:
- 31.1 Item 7- 377 m X 160 mm diameter new sewer outfall
 - 31.2 Item 8- 563 m X 200 mm diameter new sewer outfall
 - 31.3 Item 9- 727 m X 160 mm diameter new sewer outfall
 - 31.4 Item 10- 918 m X 200 mm diameter new sewer outfall
31. that the following **sewer master plan items** be provided, at the developer's cost, for **portions 2 -12** of the proposed development:
- 32.1 OHS8.2- 692 m X 355 mm diameter new sewer outfall
 - 32.2 OHS8.3- 783 m X 450 mm diameter new sewer outfall
 - 32.3 OHS8.7- 1166 m X 200 mm diameter new sewer outfall
32. that the developer may apply for a temporary water connection at Overstrand Municipality's Finance Department, before commencement of construction;
33. that the developer apply for a bulk water connection on the prescribed application form, at Overstrand Municipality's Finance Department and that the installation of the bulk water meter, by the developer, be done under the supervision of the Operational Manager, Hermanus;
34. that the connection to the main water line only be done by the Operational Department, after payment of the connection fees, by the developer;
35. Approval need to be sourced from the Provincial Transport and Public Works Department for all access roads from the R43 Route;
36. the updated and revised traffic impact assessment be submitted to the Senior Manager: Engineering Service Department (Tel: 028 313 8972) at the Overstrand Municipality and the Provincial Transport and Public Works Department.
37. that the updated and revised traffic impact assessment to be submitted details the following:

- 38.1 updated and recent traffic counts
 - 38.2 the impact of the total development on public roads and streets
 - 38.3 detailed intersection analyses for all major intersections along the R43, China Marais Avenue, the envisaged extension of the Karwyderskraal Road and the major distributor roads within the proposed development.
 - 38.4 assessment of the impact of the new, signalised intersection at George Viljoen and all planned/future roads projects and major property developments in the vicinity.
 - 38.5 the supplying of parking in line with the Overstrand Land Use Scheme of 2020.
- 39 that the proposed development will be subject to approval from the Provincial Transport and Public Works Department and all other relevant authorities. All conditions imposed by these authorities must be adhered to;
 - 40 that damage to the existing roads, used as routes for access to the development, for the provision of services, be repaired by the developer;
 - 41 That updated traffic impact assessments (TIA's) be compiled for the individual Portions in order to determine the conditions applicable and upgrades required prior to the development of each portion.
 - 42 That the proposed development of the individual Portions will be subject to approval from the Provincial Transport and Public Works Department and Overstrand Municipality. All conditions imposed by these road authorities (for the total development and each individual Portion) must be adhered to.
 - 43 that all other, additional infrastructural operational and planning requirements will be incorporated into the services agreement.


DENNIS HENDRIKS
SENIOR MANAGER: ENGINEERING SERVICES

14-02-2022
DATE



Western
Government



Department of Environmental Affairs and Development Planning
D'mitri Matthews
Directorate: Development Management, Region 1
D'mitri.Matthews@westerncape.gov.za | Tel: 021 483 8350

Annexure G ||||

REFERENCE: 16/3/3/5/E2/15/1042/21
NEAS REFERENCE: WCP/EIA/AMEND/0000543/2021
DATE OF ISSUE: 16 February 2022

The Trustees
Afdakrivier Trust
P. O. Box 104
HERMANUS
7200

Attention: Mr. S. Delport

FILE NO: ERF PTNS 21+23
Farm 575 Afdaks.
SCAN NO:
PTNS
COLLABORATOR NO:
1641723

Cell: (082) 326 7144

Email: siasd@afdakrivier.co.za

Dear Sir

APPLICATION FOR THE PART 2 AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 21 JULY 2020 (REFERENCE NO.: 16/3/3/2/E2/15/1037/19) IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998), OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED MIXED-USE DEVELOPMENT ON A PORTION OF THE REMAINING EXTENT OF PORTION 21 AND A RESERVOIR ON PORTION 23 OF THE FARM AFDAKS RIVIER NO. 575, BETWEEN HAWSTON AND FISHERHAVEN

- With reference to the above application, the Department hereby notifies you of its decision to **grant** the amendment of the Environmental Authorisation issued on 21 July 2020 (Reference No.: 16/3/3/2/E2/15/1037/19), attached herewith, together with the reasons for the decision.
- In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the amended Environmental Authorisation, that all registered interested and affected parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
- Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

Zaahir
Toefy

Digitally signed by
Zaahir Toefy
Date: 2022.02.16
11:54:43 +02'00'

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Ms. M. de Villiers (Cornerstone Environmental Consultants)
(2) Ms. P. Aplon (Overstrand Municipality)
(3) Mr. R. Smart (CapeNature)
(4) Mr. D. Hendriks (Overstrand Municipality)
(5) Mr. C. van der Wall (Department of Agriculture)
(6) Mr. A. September (Heritage Western Cape)

Email: mari@cornerstoneenviro.co.za
Email: paplon@overstrand.gov.za
Email: rsmart@capenature.co.za
Email: dhendriks@overstrand.gov.za
Email: corvdw@elsenburg.com
Email: Andrew.September@westerncape.gov.za

17 FEB 2022

www.westerncape.gov.za
Department of Environmental Affairs and Development Planning



**Western Cape
Government**

Department of Environmental Affairs and Development Planning

D'mitri Matthews

Directorate: Development Management, Region 1

D'mitri.Matthews@westerncape.gov.za | Tel: 021 483 8350

REFERENCE: 16/3/3/5/E2/15/1042/21
NEAS REFERENCE: WCP/EIA/AMEND/0000543/2021
DATE OF ISSUE: 16 February 2022

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR THE PART 2 AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 21 JULY 2020 (REFERENCE NO.: 16/3/3/2/E2/15/1037/19) IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998), OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED MIXED-USE DEVELOPMENT ON A PORTION OF THE REMAINING EXTENT OF PORTION 21 AND A RESERVOIR ON PORTION 23 OF THE FARM AFDAKS RIVIER NO. 575, BETWEEN HAWSTON AND FISHERHAVEN

With reference to your application for the abovementioned, find below the outcome with respect to this application.

A. DECISION

By virtue of the powers conferred on me by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), I herewith **grant** the amendment of the Environmental Authorisation ("EA") issued on 21 July 2020 (Reference No.: 16/3/3/2/E2/15/1037/19) in terms of Part 1 of the EIA Regulations, 2014 (as amended).

The EA is amended as set out below:

1. Section B:

The holder is herein authorised to undertake the development in respect of the following alternative:

The proposed development, including associated infrastructure, includes the following:

- The subdivision of Portion 21 of the Farm Afdaks Rivier No. 575 in to two Portions (Portion A and B). Portion A will be kept as an agricultural unit of approximately 514ha and Portion B will be subdivided into 13 separate portions, to establish a mixed-use development. A total of 2 914 residential units will be catered for within the development. The 13 portions will consist of the following zones:
 - General Residential 1 and 2;
 - Single Residential;
 - General Business 2;

- Open Space 3;
 - Community 1;
 - Transport Zone 1; and
 - Agriculture 1.
- The construction of two new reservoirs, one of which will be located on Portion 21 and the second one on Portion 23 of Farm Afdaks Rivier No. 575.
 - Access roads and internal roads will be constructed.
 - Bulk water and stormwater, as well as sewer pipelines will be installed.
 - The existing mining area on the property has been excluded from the development proposal.

is amended to read:

The holder is herein authorised to undertake the development in respect of the following alternative:

The proposed development, including associated infrastructure, includes the following:

- The subdivision of Portion 21 of the Farm Afdaks Rivier No. 575 in to two Portions (Portion A and B). Portion A will be kept as an agricultural unit of approximately 514ha and Portion B will be subdivided into 13 separate portions, to establish a mixed-use development. A total of 3 016 residential units will be catered for within the development. The 13 portions will consist of the following zones:
 - General Residential 1 and 2;
 - Single Residential;
 - General Business 2;
 - Open Space 3;
 - Community 1;
 - Transport Zone 1; and
 - Agriculture 1.
 - The construction of two new reservoirs, one of which will be located on Portion 21 and the second one on Portion 23 of Farm Afdaks Rivier No. 575.
 - Access roads and internal roads will be constructed.
 - Bulk water and stormwater, as well as sewer pipelines will be installed.
 - A portion of the mining area (Portion A- approximately 5,5ha in extent) has been incorporated into portions 9 and 12 of the development proposal. The remaining portion of the mining area (Portion B) is excluded from the development proposal.
- 2. Section E: CONDITIONS OF AUTHORISATION:**
- Condition 9**
- The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.

is amended to read:

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Condition 9

The draft Environmental Management Programme ("EMP") dated October 2021 and submitted as part of the amendment application is hereby approved and must be implemented.

Future amendments to the EMP must be done in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

3. ANNEXURE 2: SITE DEVELOPMENT PLAN- Figure 2

The site plan included on Page 16 of the Environmental Authorisation issued on 21 July 2020 is replaced with the following site plan:

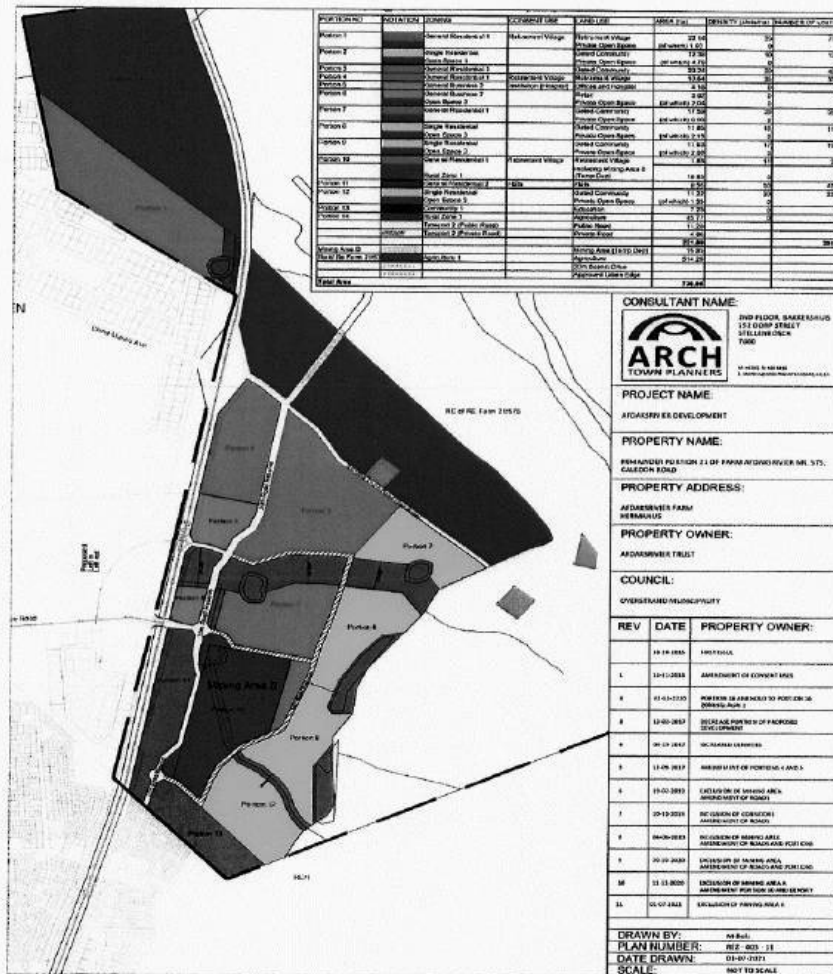


Figure 2: Proposed development layout.

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4. ANNEXURE 3: REASONS FOR THE DECISION- POINT 2 ALTERNATIVES**Preferred Alternative (Herewith Authorised):**

The proposal entails:

- The subdivision of Portion 21 of the Farm Afdaks Rivier No. 575 in to two Portions (Portion A and B). Portion A will be kept as an agricultural unit of approximately 514ha and Portion B will be subdivided into 13 separate portions, to establish a mixed-use development. A total of 2 914 residential units will be catered for within the development. The 13 portions will consist of the following zones:
 - General Residential 1 and 2;
 - Single Residential;
 - General Business 2;
 - Open Space 3;
 - Community 1;
 - Transport Zone 1; and
 - Agriculture 1.
- The construction of two new reservoirs, one of which will be located on Portion 21 and the second one on Portion 23 of Farm Afdaks Rivier No. 575.
- Access roads and internal roads will be constructed.
- Bulk water, stormwater, as well as sewer pipelines will be installed.
- The mining area has been excluded from the development.

This alternative is preferred because it avoids sensitive botanical and freshwater features, provision is made for two biological conservation corridors within the site and the additional traffic anticipated will not require significant upgrades to the local road network.

is amended to read:

Preferred Alternative (Herewith Authorised):

The proposal entails:

- The subdivision of Portion 21 of the Farm Afdaks Rivier No. 575 in to two Portions (Portion A and B). Portion A will be kept as an agricultural unit of approximately 514ha and Portion B will be subdivided into 13 separate portions, to establish a mixed-use development. A total of 3 016 residential units will be catered for within the development. The 13 portions will consist of the following zones:
 - General Residential 1 and 2;
 - Single Residential;
 - General Business 2;
 - Open Space 3;
 - Community 1;
 - Transport Zone 1; and

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➤ Agriculture 1.

- The construction of two new reservoirs, one of which will be located on Portion 21 and the second one on Portion 23 of Farm Afdaks Rivier No. 575.
- Access roads and internal roads will be constructed.
- Bulk water and stormwater, as well as sewer pipelines will be installed.
- A portion of the mining area (Portion A- approximately 5,5ha in extent) has been incorporated into portions 9 and 12 of the development proposal. The remaining portion of the mining area (Portion B) is excluded from the development proposal.

This alternative is preferred because it avoids sensitive botanical and freshwater features, provision is made for two biological conservation corridors within the site and the additional traffic anticipated will not require significant upgrades to the local road network. Additionally, by including Portion A of the mining area into the development proposal, the road configuration will result in improved traffic flow and improved access to the sites. The inclusion of Portion A of the mining area into the approved Site Development Plan ("SDP") will create an opportunity to deal with stormwater management more effectively on site.

5. ANNEXURE 3: REASONS FOR THE DECISION- POINT 3.1 BIODIVERSITY AND BIOPHYSICAL IMPACTS

According to the Freshwater Impact Assessment dated November 2019, compiled by Ms. L. Day of Liz Day Consulting, the farm as a whole includes extensive watercourses of high importance and sensitivity. However, four watercourses are affected by the proposed development, i.e. a section of a seep/wetland; a minor watercourse and two artificial wetlands/dams. The seep/wetland is densely invaded by invasive alien vegetation, which may have impacted the extent of the wetland. The artificial dams located on Portion 1 and 2 of the development have been excluded from the development. Additionally, the artificial wetlands within the mining area will be retained as part of the stormwater management of the site. Through the implementation of the specialist recommendations and the EMPr (accepted in Condition 9), impacts on the watercourses will be limited.

is amended to read:

According to the Freshwater Impact Assessment dated November 2019, compiled by Ms. L. Day of Liz Day Consulting, the farm as a whole includes extensive watercourses of high importance and sensitivity. However, four watercourses are affected by the proposed development, i.e. a section of a seep/wetland; a minor watercourse and two artificial wetlands/dams. The seep/wetland is densely invaded by invasive alien vegetation, which may have impacted the extent of the wetland. The artificial dams located on Portion 1 and 2 of the development have been excluded from the development. A minor ephemeral watercourse that transects Portion A of the mining area dissipates in the deep sands found in the excavated depressions of Portion B of the mining area. In a development context, runoff would be generated on the hardened surfaces that would be established across the site. The deep sands into which the upstream runoff is currently naturally infiltrated, would not be available for the water to infiltrate into. Drainage in this area would be managed through the proposed stormwater management system. This includes the construction of an artificial channel, that would be vegetated to provide a wetland habitat, which will improve the stormwater amelioration function. Additionally, the artificial wetlands within Portion B of the mining area will be retained as part of the stormwater management of the site. Through the implementation of the specialist recommendations and the EMPr (accepted in Condition 9), impacts on the watercourses will be limited.

B. REASONS FOR THE DECISION

In reaching its decision, the Department took, inter alia, the following into consideration:

1. The Environmental Authorisation issued on 21 July 2020 (attached as Appendix A) excluded the mining area from the development proposal, however, a partial closure certificate has since been issued by the Department of Mineral Resources and Energy with respect to the mining activities being undertaken on the Remainder Portion 21 of Farm Afdakrivier No. 575.
2. The mining area formed part of the areas assessed during the specialist studies that were conducted for the original application for Environmental Authorisation. The partial closure certificate concludes the mining activities for Portion A of the mining area. The inclusion of Portion A of the mining area as part of the development, will increase the number of residential units by 102. The proposed amendment being applied for is in terms of Part 2 of the NEMA EIA Regulations, 2014 (as amended), since there will be a change in the scope of the Environmental Authorisation issued on 21 July 2020.

The findings of the specialist studies are as follows:

- 2.1 According to the Botanical Impact Assessment dated 23 September 2019, compiled by Mr. N. Helme of Nick Helme Botanical Surveys, the vegetation within Portion A of the mining area comprises Hangklip Sand Fynbos, an ecosystem listed as endangered, in terms of Section 52 of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEMBA"). Approximately 40% of the vegetation found on Portion A of the mining area is categorised as medium-high sensitivity, and the rest as low sensitivity. No Species of Conservation Concern are likely to occur in the low or low-medium sensitivity areas, with the exception of *Leucadendron linifolium* (Vulnerable), which seems to be able to exploit disturbed areas rather well. The species is very common in the previously mined areas and in some of the adjacent old, cultivated lands that have been fallow for more than ten years. No pristine areas of Hangklip Sand Fynbos remain on site, as it has either been previously cultivated or subjected to sand mining. There are, however, a few patches present on site, that have recovered well and support moderate plant diversity.
- 2.2 A minor ephemeral watercourse that transects Portion A of the mining area dissipates in the deep sands found in the excavated depressions of Portion B of the mining area. In a development context, runoff would be generated on the hardened surfaces that would be established across the site. The deep sands into which the upstream runoff is currently naturally infiltrated, would not be available for the water to infiltrate into. Drainage in this area would be managed through the proposed stormwater management system, which was approved as part of the original application for Environmental Authorisation. This includes the construction of an artificial channel, that would be vegetated to provide a wetland habitat, which will improve the stormwater amelioration function. The Freshwater Specialist has indicated that this channel would not be regarded as a natural watercourse, but rather as part of the stormwater management system.
3. The updated SDP provides for a road (with a 20 m wide road reserve) to transect Portion A of the mining area, which now forms part of Portions 9 and 12 of the proposed development. At the south-western corner of Portion 12, the road turns west, and links with the 20m wide road running parallel to the R43. This proposed configuration is more sensible than that of the previously approved SDP, which allows limited access to the south-eastern section of the development area. The improved

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road network configuration will result in improved traffic flow and improved access to the different portions within the development.

4. The inclusion of Portion A of the mining area into the approved SDP will be an advantage to the overall development and stormwater management on site, since the stormwater infrastructure transecting this section can now be developed with the rest of the development.
5. The amendment does not trigger any new listed activities in terms of the NEMA EIA Regulations, 2014 (as amended) (Listing Notices 1, 2 and 3 in Government Gazette No. 40772 of 7 April 2017) promulgated in terms of the NEMA.
6. The environment and the rights and interests of interested and affected parties ("I&APs") will not be adversely affected by the decision to amend the Environmental Authorisation.
7. No objections to the proposed amendments were raised during the public participation process.
8. A public participation process was conducted for the amendment application, and the list of State Departments that were consulted included, but are not limited to:
 - Overstrand Municipality;
 - Overberg District Municipality;
 - Department of Water and Sanitation;
 - Breede Gouritz Catchment Management Agency;
 - Department of Transport and Public Works;
 - Department of Agriculture;
 - CapeNature;
 - Department of Mineral Resources; and
 - Heritage Western Cape.

At the end of the commenting period, a number of comments were received. Concerns raised by I&APs were responded to during the public participation process. This Department is satisfied that the public participation process that was followed met the minimum legal requirements and the comments raised and responses thereto were included in the comments and response report.

C. CONDITIONS

1. All other conditions contained in the Environmental Authorisation issued on 21 July 2020 (Attached as Annexure A), remain unchanged and in force.

D. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.

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2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs –
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the 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. The appeal and the responding statement must be submitted to the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning
Private Bag X9186
CAPE TOWN
8000; or

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021 483 2659)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via DEADP.Appeals@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 2659, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

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E. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this EA 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.

Your interest in the future of our environment is appreciated.

Yours faithfully

Zaahir Toefy

Digitally signed by Zaahir
Toefy
Date: 2022.02.16 11:55:20
+02'00'

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 16 FEBRUARY 2022

CC: (1) Ms. M. de Villiers (Camerstone Environmental Consultants)
(2) Ms. P. Aplon (Overstrand Municipality)
(3) Mr. R. Smart (CapeNature)
(4) Mr. D. Hendriks (Overstrand Municipality)
(5) Mr. C. van der Walt (Department of Agriculture)
(6) Mr. A. September (Heritage Western Cape)

Email: mari@cornerstoneenviro.co.za
Email: paplon@overstrand.gov.za
Email: rsmart@capenature.co.za
Email: dhendriks@overstrand.gov.za
Email: carvdw@eisenburg.com
Email: Andrew.September@westerncape.gov.za



APPENDIX A
ENVIRONMENTAL AUTHORISATION ISSUED ON 21 JULY 2020





Annexure I
1/4

Division of Telkom SA SOC Ltd

10 Jan Smuts Drive
Pinelands
7404

Stefan Geldenhuys
Tel: 021 414 5546
Email: StefanG@openseve.co.za

Our Ref : WWIP_WHWS4199_21
Your Ref : Portion 21 of Farm 575, RCAL

09 November 2021

Attention : H Olivier
Overstrand Municipality
Hermanus

PLANT AFFECTED : COPPER AND OPTIC FIBRE

Wayleave application : Rezoning, Portion 21 of farm Afdakrivier No 575 (Between Hawston and Fisherhaven), north and south of R45 district road

With reference to your letter received 08 November 2021

**Important cables and other infrastructure are affected, please contact our representative
Melt Van As / 021 852 1717 / 081 363 7873 / Meltva@openseve.co.za
48 hours prior to commencement of construction work.**

I hereby inform you that OpenServe approves 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

Any changes or deviations from the original planning during or prior to construction must immediately be communicated to this office.

Approval is granted, subject to the following conditions.

As per sketch attached, OpenServe infrastructure **WILL BE AFFECTED**, consequently the conditions below and on the attached legend will apply.

61 Oak Avenue, Highveld, Techno Park, Centurion 0157,
Private Bag X881, Pretoria, Gauteng, 0001

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Telecommunication services position is shown as accurately as possible but should be regarded as approximate only.

Should alterations or relocation of existing infrastructure be required, such work will be done at the request and cost of the applicant.

Please notify this office within 21 working days from this letter of acceptance and if any alternative proposal is available or if a recoverable work should commence.

It would be appreciated if this office can be notified within 30 days of completion of the construction work. Confirmation is required on completion of construction as per agreed requirements.

Should OpenServe infrastructure be damaged while work is undertaken, kindly contact our representative immediately.

All OpenServe rights remain reserved.

Yours faithfully



For Selwyn Bowers
Operations Manager
Wayleave Management: Western Region

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PLANT AFFECTED : COPPER AND OPTIC

This wayleave, Reference Number WWIP_WHWS4199_21 valid for 12 months from date here of and is subject to the following conditions:

1. No mechanical plant or vibrator type compactors may be used within three metres of any Open Serve plant (I.E. any Telecommunication equipment above or below ground level).
2. The position of our plant affected by the proposal is indicated as approximate and Melt Van As / 021 852 1717 / 081 363 7873 / Meltva@openserve.co.za must be contacted at least 48 hours prior to commencement of the work, upon which the actual location of Open Serve Plant will be indicated on site.
3. A written request must be submitted to Open Serve for consideration should the applicant require our plant to be relocated. The cost of such relocation will be recoverable from the applicant.
4. It is the responsibility of the applicant to verify the existance of the indicated plant and to notify Open Serve immediately should the applicant locate any Open Serve plant which is not indicated on the plans.
5. Should the applicant expose any Open Serve plant, the safeguard thereof will be the applicant's full responsibility.
6. Failing to comply with the above conditions or any special conditions addendum hereto will be regarded as gross negligence and the applicant will be held responsible for the damage or loss as a result thereof.

Date: 09 November 2021

By: S Geldenhuys
For Regional General Manager
Western Cape (N2W3T1B)

Legend	
1. Underground Pipe	
2. Underground Cable	
3. Manhole	
4. Street Distributio Cabinet (SDC)	
5. Jointing Pit / AJB	
6. Jointing Pillar (PJ)	
7. Pipe Junction Box (B/S)	
8. Robot Control	
9. Pole	
10. Stay	
11. Strut	
12. Aerial Cable (A/C)	
13. Break in pipe	
Optic Fibre indicated in PINK on the plan	

The pipeline indicated contains OPTIC FIBRE cables.





FILE NO:	PN 21/575
	N. Addenier ✓
SCAN NO:	ESKOM
COLLABORATOR NO:	1604753

Annexure J 1/4



Overstrand Municipality

Loretta@overstrand.gov.za

T.P. O'Leary
(M. Oliver)

Date: 2021/11/15

Enquiries:

WayleavesWesternOU@eskom.co.za

WAYLEAVE APPLICATION: Subdivision and Rezoning : PORTION 21 OF FARM
AFDAKSRIEVER NO. 575 : Hermanus

YOUR REF: RCAL 21/575

ESKOM REF: 03682-21

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

16 NOV 2021

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

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 Graham Hector from the Land Development Office to be contacted on 021 980 3551 / HectorG@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 Graham Hector on HectorG@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

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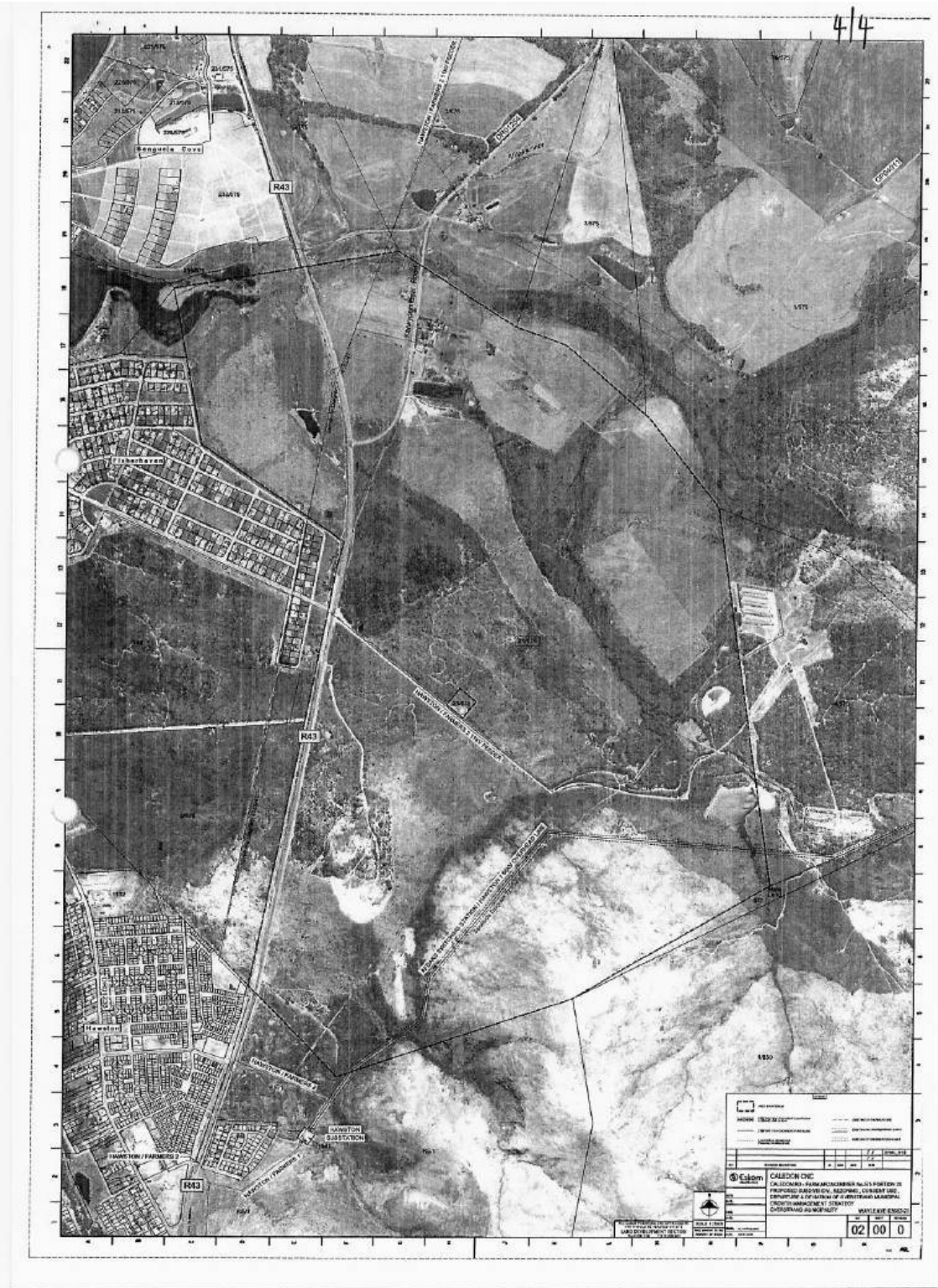
- f) That existing Eskom power lines and infrastructure are acknowledged as established infrastructure on the properties and any rerouting or relocation would be for the cost of the applicant/developer.
- g) That Eskom rights or servitudes, including agreements with any of the landowners, obtained for 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) Lungiile 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)



Annexure K

Municipaliteit • O-Mestpoort • Municipality

OVERSTRAND



File reference:	Portion 21 of Farm Afdakrivier No. 575, RCAL
Date:	5 November 2021

INTERNAL MEMORANDUM

From	: Town Planning Department
Town Planner	: Henk Olivier

TO:

<u>Area Manager</u>	<u>Building Control Department</u>	<u>District Health</u>	<u>Electrical Department</u>	<u>Environmental Officer</u>
<u>Fire Department</u>	<u>Infrastructure and Planning</u>	<u>Local Heritage Committee</u>	<u>Local Economic Development</u>	<u>Operational Services</u>
	<u>Traffic Department</u>	<u>Ward Councillor</u>	<u>Waste Management</u>	

Applicant	ARCH TOWN PLANNERS (obo AFDAKSRIVIER TRUST)
Property Details	PORTION 21 OF FARM AFDAKSRIVIER NO. 575 (BETWEEN HAWSTON AND FISHERHAVEN, NORTH AND SOUTH OF THE R43 DISTRICT ROAD), A DIVISION OF CALEDON
Application Description	APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, DEPARTURE AND DEVIATION OF OVERSTRAND MUNICIPAL GROWTH MANAGEMENT STRATEGY (2010)

ATTACHMENTS :

1.	Notice	Should the information be insufficient for you to make an informative comment, please list any additional documentation that you would require to make informed comments.
2.	Locality Plan	
3.	Motivation	
4.	Site Development Plan	

YOUR DEPARTMENT'S COMMENTS:

Application received. All food premises must apply for Rezoning @ Overstrand District Mun. The District Health Certificates must be obtained at Overstrand District Mun for the school, hospital & retirement village.

Signature:	<i>[Signature]</i>	Date:	<i>15 November 2021</i>
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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: 10 December 2021

Annexure M
1/2

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 8017
 email rsmart@capenature.co.za
 reference LS14/2/6/1/7/2/575-21_planning_Fisherhaven
 date 21 June 2022

Overstrand Municipality
 P.O. Box 20
 Hermanus
 7200

Attention: Henk Olivier
 By email: loretta@overstrand.gov.za

Dear Mr Olivier

TR n. Olivier
 (H. Olivier)

FILE NO. P/21/575
Farm n. Olivier
SCAN NO.
06
COLLABORATOR NO.
16999.50

Additional Comment: Application for Subdivision, Rezoning, Consent Use and Departure for a Proposed Mixed Use Development on Portion 21 of the Farm Afdakrivier 575, Hermanus (Overstrand Municipality ref. no.: Portion 21 of Farm 575, RCAL)

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.

CapeNature commented on this application where one of our recommendations was that the areas which will be included in the conservation area should be zoned to Open Space I: Nature Reserve. The applicant has requested that we reconsider this recommendation as this will require a delay in the process as it will require additional public participation. The conservation area must be signed up into a stewardship agreement according to the conditions of approval for the NEMA process.

CapeNature can confirm that we do not require that stewardship sites are rezoned to the appropriate conservation zoning for the relevant municipality. The primary use for the conservation area/conservation portion is however nature conservation therefore it is at the discretion of the municipality whether rezoning is required. The stewardship agreement provides for the necessary protection and management interventions required in order to manage the conservation area for the purposes of nature conservation. It should be noted that there are different levels of stewardship, and the level for this property will be decided at the next CapeNature Stewardship Review on 15 September 2022 and is based on the biodiversity value. The top tier is a nature reserve which is declared under the National Environmental Management: Protected Areas Act (NEM:PAA).

CapeNature therefore wishes to clarify that we do not require that the conservation areas referred to in the subject application are rezoned to Open Space I, and that this is merely a recommendation. We therefore do not have any objection to the application as proposed.

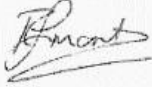
The Western Cape Nature Conservation Board trading as **CapeNature**
 Board Members: Prof Danver Hendricks (Chairperson), Prof Gavin Maneveldt (Vice Chairperson), Ms Marguarite Loubser, Mr Maryn Burton, Dr Colin Johnson, Prof Aubrey Redlinghuis, Mr Paul Slack

22 JUN 2022

2/2

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

Yours sincerely



Rhett Smart
For: Manager (Landscape Conservation Intelligence)

cc. Marike Bolz, Arch Town Planners

Annexure N



agriculture,
forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Private Bag X120, Pretoria , 0001
Dolpin Building, C/o Annie Botha & Union Street, Riviera, 0084

From: Directorate Land Use and Soil Management
Tel: 012-319-7634 Fax: 012-329-5938 E-mail: NhlakaD@daff.gov.za
Enquiries: Helpdesk Ref: 2016_09_0231

ARCH Town Planners
5 Elbertha Street
DIE BOORD
STELLENBOSCH
7600

Attention: M Boltz

**APPLICATION IN TERMS OF THE SUBDIVISION OF AGRICULTURAL LAND ACT, 1970:
APPLICATION FOR SUBDIVISION OF THE REMAINDER OF PORTION 21 OF THE FARM
AFDAKS RIVIER NO. 575, DIVISION CALEDON, WESTERN CAPE PROVINCE**

Your e-mail dated 20 February 2017 refers.

This Department has no objection against the proposed township establishment on the proposed Ptn B (221,68 hectares) from an agricultural point of view.

The formal subdivisional consent shall be issued upon receipt of rezoning permit from the Municipality.

This comment does not exempt the property from the provisions of any other law, with special reference to the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983) and does not purport to interfere with the rights of any person who may have an interest in the agricultural land.

Yours faithfully

**DR MOSHIBUDI RAMPEDI
DEPUTY DIRECTOR GENERAL:
FORESTRY AND NATURAL RESOURCES MANAGEMENT
DELEGATE OF THE MINISTER
DATE: 11.07.2017**

CC: Land Use and Soil Management P.O.Box 380 BELLVILLE 7535
CC: Mr Brandon Layman Landuse Management Department of Agriculture: Western Cape Private Bag x 1 ELSENBURG 7607

DAFF/MB/2017/Affairs River No. 575 Ptn 21

19 NOV 2021



Annexure O 1/3

TRANSPORT & PUBLIC WORKS: ROADS

Chief Directorate: Road Planning
 Email: grace.swanepoel@westerncape.gov.za
 Tel: +27 21 483 4669
 Room 335, 9 Dorp Street, Cape Town, 8001
 PO Box 2603, Cape Town, 8000

TP. A. Thegale
 (H. Olivier)

REFERENCE: 16/9/6/1-21/38 (Job 22919)
ENQUIRIES: Ms GD Swanepoel
DATE: 24 March 2021

The Municipal Manager
 Overstrand Municipality
 PO Box 20
HERMANUS
 7200

Attention: Ms L Isaacs

FILE NO. PIN 21/076
M. Bolz
SCAN NO.
10
COLLABORATOR NO.
1661492

Dear Madam

**PORTION 21 OF FARM 575, HAWSTON AND FISHERHAVEN AREA, OVERSTRAND: TRUNK ROAD 28
 SECTION 1: REZONING AND SUBDIVISION APPLICATION**

1. The following refer:
 - 1.1 Your e-mail dated 28 June 2018;
 - 1.2 This Branch's even numbered letter dated 23 August 2017;
 - 1.3 E-mail from the Applicant (M. Bolz of Arch Town Planners) dated 8 October;
 - 1.4 Addendum to the Traffic Impact Assessment dated 19 September 2019;
 - 1.5 This Branch's even numbered letter dated 8 December 2020 and
 - 1.6 E-mail received from the Applicant's Traffic Engineer, Messrs UDS (Pty) Ltd, dated 9 March 2021 which motivated for signals on an interim basis and also cited an earlier approval for signals when warranted with reference 13/3/5/1-28/43 (Job 17750) dated 12 September 2011 by this Branch for the industrial development to the west of the R43.
2. The subject property is located opposite Hawston in the Overstrand area.
3. It is understood that the revised development consists of the following:
 - 3.1 3016 residential units;

29 MAR 2022

- 3.2 4500 m² GLA of retail;
- 3.3 2500 m² GLA offices;
- 3.4 Hospital of 72 beds and 8 consulting rooms and
- 3.5 School for 1000 learners.
4. Cognisance is taken of the Traffic Impact Assessment undertaken by ICE Group (Pty) Ltd dated 4 October 2017 and the TIA Addendum dated 19 September 2019.
5. The TIA recommends that access be taken at the following location off the R43:
 - 5.1 R43 / George Viljoen Street (recently signalised);
 - 5.2 R43 / China Marais Road and
 - 5.3 R43 / Industrial Road (new intersection).
6. It would appear that the development is aimed at the higher income groups as the residential components are all access controlled. The school in all likelihood will also likely be a private school.
7. The interim access proposals motivate for signalisation as an interim measure, which means that the speed limit has to be reduced to 80 km/hr.
8. It is thought that the impact of the signals and the expected high volume of side traffic will cause a significant drop in the level of mobility of the R43 over this portion.
9. The R43 is a high order Class 2 Road which requires protection in order to serve the town of Hermanus.
10. In consideration of the motivation by the Traffic Engineers for the application and limiting the impact on the mobility of the R43, this Branch is prepared to consider traffic signals as an interim control measure, subject to the signals settings being vehicle actuated for the side streets, the phase for the side streets be set at the minimum green time, the pedestrian phase be push button actuated and/or run with the side street phase, that the stop line capacity of Trunk Road 28 Section 1 be increased to two lanes.
11. This Branch withdraws its objection to the application in terms of the Land Use Planning Act, No 3 of 2014, subject to the following conditions:
 - 11.1 Traffic signals will be considered when warranted at the intersections of R43 / China Marais Road and R43 / Industrial Road (new intersection);
 - 11.2 The signals must be set that the phase for the side streets are vehicle actuated and be set at the minimum green time;

16/9/6/1-21/38 (Job 22919)

- 11.3 The pedestrian phase must be activated with a push button and where feasible run with the side street phase and
- 11.4 The stop line capacity of Trunk Road 28 Section 1 be increased to two lanes.

Yours Sincerely

PP 

SW CARSTENS
For DEPUTY DIRECTOR-GENERAL: ROADS



Western Cape
Government



Annexure P 1/2

Department of Agriculture
Cor van der Walt
Land Use Manager
Land Use Management
Email: Corvdw@elsenburg.com
tel: +27 21 808 5099

OUR REFERENCE : 20/9/2/4/2/368
YOUR REFERENCE : Portion 21 of Farm No. 575, RCAL
ENQUIRIES : Cor van der Walt

TR. N. Ineart
(H. Olivier)

Overstrand Municipality
PO Box 20
HERMANUS
7200

Att: Mr. H Olivier

FILE NO:	PTN 21/575 ✓
	Afdaksvier
	PTN 21
COLLABORATOR NO:	1634828

**PROPOSED SUBDIVISION, REZONING, CONSENT USE, DEPARTURE: DIVISION CALEDON
PORTION 21 OF THE FARM AFDAKSRIVIER NO 575**

Your application of 05 November 2021 has reference.

The proposed development is situated within the urban edge of the 2020 Overberg Spatial Development Framework, in order to make provision for expansion of the urban area, in the most appropriate locality.

Therefore the Western Cape Department of Agriculture: Land Use Management has no objection.

Please note:

- That this is comment to the relevant deciding authorities in terms of the Subdivision of Agricultural Land Act 70 of 1970.
- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.

11 FEB 2022

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

Yours sincerely



Mr. CJ van der Walt

LANDUSE MANAGER: LANDUSE MANAGEMENT

2022-02-07



TPA-EMS-220216-01

Town Planning Application on 16-02-2022

Generated on Unifi by Penelope Aplon on 11-05-2022

Basic Information

Captured	16-02-2022 10:42	Call Time	16-02-2022 10:42	Captured By	Penelope Aplon
Reference	TPA-EMS-220216-01	Office		Office	EMS
District	Overberg	Status		Status	Closed
Municipality	Overstrand				

Description

APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, DEPARTURE AND DEVIATION OF OVERSTRAND MUNICIPAL GROWTH MANAGEMENT STRATEGY

Geographical Information



Afdakrivier development (-34.3745; 19.1442)

Application Details

File Reference	Portion 21 of Farm Afdakrivier 575, RCAL ARCH TOWN
Applicant	PLANNERS (c/o AFDAKRIVIER TRUST) PORTION 21 OF FARM AFDAKRIVIER NO. 575 (BETWEEN HAWSTON AND FISHERHAVEN, NORTH AND SOUTH OF THE R43 DISTRICT ROAD), A DIVISION OF CALEDON
Property Details	

Application Comments

Environmental Impact Assessment:

This development has gone through an EIA process where detailed specialist studies were conducted, including wetland and botanical studies. The outcome of the EIA was the delineation of ecological corridors and development set-backs adjacent to rivers and the estuary. The Environmental Management Programme which was approved with this development must be implemented and adhered to.

Stormwater management:

Portion 1 is located closest to the Bot River Estuary and the detention pond is proposed adjacent to Stormalong road. The applicant must ensure that sufficient measures are in place to ensure stormwater polishing prior to discharge into the natural system. It is proposed that a quarterly water monitoring programme should be implemented for this specific site.

Green infrastructure should be considered throughout this development application as alternatives to hardened structures and surfaces. These would include bioswales, permeable sidewalks, green roofs, rain water harvesting and so forth. This must be considered with detailed planning for each portion as well as the current stormwater management plan.

Air Quality management (dust control):

As this development will be a phased development, is requested that clearance of areas also be conducted in a phased manner, thereby decreasing the potential of creating vast open areas prone to the generation of dust. It is also recommended that dust mitigation measures be implemented during construction phases.

Environmental Management Overlay Zones (EMOZ):

The original application was submitted in 2017, before the EMOZ regulations were gazetted. This current application is a re-advertisement of the previous application. However, should future applications for sub-division of each of the individual portions be made, these will be dealt with in terms of the Overstrand Municipality Amendment By-law on Municipal Land-use Planning 2020, where the EMOZ regulations will be considered.

This office has no objection on the application for subdivision, rezoning, departure and consent-use.

TP. N. Theat
(H. Olivier)

ec/ H. Bignaut

BREED-GOURITZ
CATCHMENT MANAGEMENT AGENCY



Corner Mountain Mill & East Lake Roads, Worcester, 6850 | Private Bag X3055 Worcester 6850

Enquiries: F Smith Tel: 023 346 8000 Fax: 023 347 2012 E-mail: fsmith@bgcma.co.za

Our Reference no: 4/10/1/G40G/Afdakrivier 575/21, Caledon RD Date: 31 January 2021

Overstrand Municipality
P. O. Box 20
Hermandus
7200

For Attention: H. Olivier

Sir,

FILE NO:	AW 21/875
Afdakrivier	✓
CAN NO:	
LABORATOR NO:	1635789

PORTION 21 OF FARM AFDAKSRIVIER NO. 575 (BETWEEN HAWSTON AND FISHERHAVEN, NORTH AND SOUTH OF THE R43 DISTRICT ROAD), A DIVISION OF CALEDON: PROPOSED SUBDIVISION, REZONING, CONSENT USE, DEPARTURE AND DEVIATION OF OVERSTRAND MUNICIPAL GROWTH MANAGEMENT STRATEGY (2010): ARCH TOWN PLANNERS (obo AFDAKSRIVIER TRUST)

With reference to your letter dated 05/11/2021, with file reference number: Portion 21 of Farm 575, RCAL, as well as the Motivational Report by Arch Town Planners, dated OCTOBER 2021, herewith the following:

The BGCMA has no objection against the proposed subdivision, rezoning, consent use, departure and deviation of the Overstrand municipal growth management strategy (2010) but the following should be clarified and/or noted:

1. The recommendations as contained within the Aquatic Ecosystems Study (Liz Day Consulting), should be implemented and any deviation to these recommendations, should be communicated with the BGCMA.
2. It is incumbent on the applicant to ensure that the 'no go' areas remain intact.
3. The removal of alien vegetation should enjoy priority, and the ongoing clearing of alien vegetation ensured.
4. Any existing water use registration and/or authorisation applicable to the existing property (Farm Afdakrivier 575/21), should be amended accordingly, when the proposed subdivision has taken place.
5. Water for domestic use should be treated to an acceptable standard (SANS 241:2015).
6. New bulk sewer infrastructure should be put in place for the proposed development.

In addition:

7. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use should be adhered to.

- 1 FEB 2022

www.bgcma.co.za

8. Polluted storm water should be contained and managed in such a way that it does not pose an additional threat to surface- and groundwater resources.
9. Any future development should not have a detrimental impact on water resources, both surface- and groundwater resources.

Please be advised that the comment provided is in the interest of responsible water resource management. The BGCMA reserves the right to revise initial comments and request further information based on any additional information that might be received.

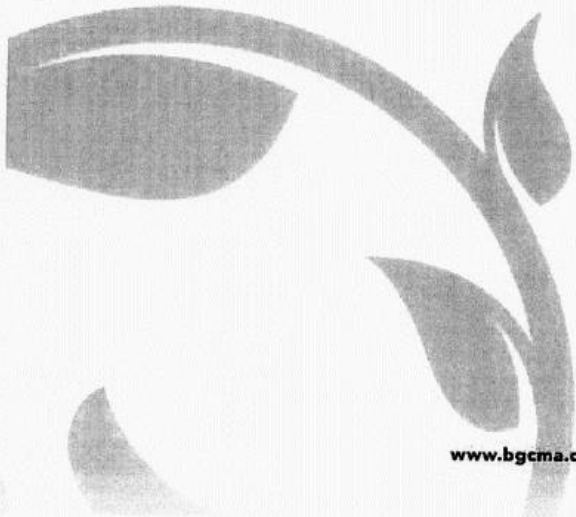
Please do not hesitate to contact this office if you have any further queries.

Please ensure to quote the above reference in doing so.

Yours faithfully,



JAN VAN STADEN
CHIEF EXECUTIVE OFFICER (ACTING)





Western Cape
Government



Annexure R

Department of Environmental Affairs and Development Planning
Dalene Carstens
Directorate: Development Management (Region 2)
dalene.carstens@westerncape.gov.za | Tel: 061 404 8133

Reference: 15/3/2/12/BO3

The Municipal Manager
Overstrand Municipality
PO Box 20
HERMANUS
7200

FILE NO:	PAW 21/578
	Afdakrivier
SCAN NO:	05
COLLABORATOR NO:	1615147

REQUEST FOR COMMENT: APPLICATION FOR THE PROPOSED SUBDIVISION, REZONING, CONSENT USE, DEPARTURE AND DEVIATION FROM THE OVERSTRAND MUNICIPAL GROWTH MANAGEMENT STRATEGY, 2010: PORTION 21 OF THE FARM AFDAKSRIVIER NO 575, DIVISION CALEDON

1. Your request for comment, dated 05 November 2021, on the amended Site Development Plan, dated 14 September 2021, has reference.
2. The application involves various land use and land development applications to establish a mixed-use development on a ±222ha portion of the application property.
3. From a provincial land use planning perspective there is no objection to the proposal.
4. It is noted that "applications" are made for deviations from the Growth Management Plan, 2010 in terms of section 10 of the Overstrand Municipality By-law on Municipal Land Use Planning. These deviations are not "applications" as such but should be addressed as part of the assessment of the development proposal.

Digitally signed by Kobus
Munro
Date: 2021.12.07 15:32:55
+02'00'

Kobus Munro
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)

TP - 7 DEC 2021