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**ERF 726, 72 BUFFELS ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR SUBDIVISION AND REZONING: PLAN ACTIVE TOWN & REGIONAL
PLANNERS ON BEHALF OF ENTK FAMILY TRUST**

726 KPRB (4069/2022)

H van der Stoep

10 January 2023

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Hermanus Administration

1. EXECUTIVE SUMMARY

An application has been received on 22 February 2022 from Plan Active Town & Regional Planners on behalf of ENTK Family Trust on Erf 726, Pringle Bay for the following:

- ❖ **subdivision** in terms of Section 16.(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to subdivide Erf 726, Pringle Bay into 4 portions, namely Portion A ($\pm 1240\text{m}^2$), Portion B ($\pm 1262\text{m}^2$), Portion C ($\pm 1050\text{m}^2$), and Portion D ($\pm 1285\text{m}^2$), and
- ❖ **rezoning** in terms of Section 16.(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to rezone the newly created Portion D ($\pm 1285\text{m}^2$) from Residential Zone 1: Single Residential (SR1) to Open Space Zone 1: Nature Reserve (OS1).

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

The property measures 4837m^2 in extent and located in Pringle Bay Extension 3. The erf is located in the area known as The Ridge. The erf was created in 1970 as per General Plan 8158.

The Pringle Bay Structure Plan (May 1993) recommended that Erven 721, 724 - 730, Pringle Bay, (shown as medium density) may be developed as a group housing scheme with a maximum of 15 units per gross hectare. However, the zoning of Residential Zone I was allocated to these properties during July 1993.

The previous owners of Erven 721 and 724 - 730 submitted applications during December 2002 for the removal of title deed conditions, consolidation, rezoning and subdivision of the said erven into 48 Single Residential plots, Private Open Space and private road. The owner who owned the majority of the erven became ill and decided to sell his erven individually. The applications were subsequently withdrawn. Kindly note that the open space corridor as indicated in Annexure M was determined by Council's Nature Conservation Department, prior to the submission of the aforementioned applications to the Municipality and is therefore still applicable. The

protection of an open space corridor for this current application along the ridge will be adhered to.

4. SUMMARY OF APPLICANT'S MOTIVATION

The motivation can be summarized as follows:

CONTEXTUAL INFORMATION

Development Proposal

Subdivision into four (4) erven:

Portion A: 1240m²
Portion B: 1262m²
Portion C: 1050m²
Portion D: 1285m²

Portion D will be rezoned to Open Space Zone 1: Nature Reserve.

Access

Access will be obtained from Buffels Road.

Services

Erf 726 has on service connection and new services for the additional portion will be provided in line with the Overstrand Municipality's regulation for installing service infrastructure. The Operational Department (Kleinmond) confirmed that the Municipality's capacity in terms of sewerage tankers were expanded in the area and thus will be able to service the new erven.

Electricity

Electricity supply will be obtained from the onsite supply from Eskom.

Environmental

The property is demarcated as Urban Conservation Area in terms of the Environmental Overlay Zone. A conservation corridor runs over the western portion of the property. The application includes the subdivision of the western section of the property and the subsequent rezoning from Residential 1 to Open Space 1 to meet the corridor requirement of the municipality and will be ceded to the Municipality.

The subdivision and rezoning do not trigger a NEMA application. Should the development in future trigger any NEMA activities, the landowner will have to comply with legislation. New property owners will have to be made aware that the erven are not sold with the required NEMA rights in place if applicable.

MOTIVATION

Physical characteristics

The property is a vacant portion of land and characterized by natural vegetation. The site slopes gradually in a south-easterly direction.

The land uses surrounding the property is residential of nature, roads, vacant erven and public roads.

Need and Desirability

Erf 726 Pringle Bay is an exceptionally large erf and zoned Residential 1 in the middle of a residential neighbourhood. It is proposed to keep the zoning and that the land use of the three proposed portions be zoned Residential Zone 1. The location of the subject property within the existing residential neighbourhood allows the property to be developed for low impact land uses.

In the early 2000's an open space was determined by the Nature Conservation Department of the Municipality in this specific area of Pringle Bay. The latter document is the basis on which subdivisions are evaluated in the area. The minimum requirement is erf sizes of 1000m² and the open corridor must be provided in line with the document. The open space corridor of approximately 10 292m², represents the sensitive dune and wetland areas. To comply with the latter, a portion is created and will be rezoned from Residential Zone 1 to Open Space Zone 1: Nature Reserve.

When evaluating the proposal against the surrounding erf sizes, minimum street frontage widths, compliance with the open space corridor, it is evident that the erf has the potential to be subdivided into three (3) portions of 100m² and a conservation portion.

A stricter building line applies to the common boundary with the nature reserve portion; however, this does not impact the area available for development.

The Overstrand Municipality densification policy establishes the principle of incremental densification in an established residential area if it does not have a detrimental impact on its character. It is important to enhance and protect the character of the existing low-density residential areas such as Pringle Bay, while still sensitively densifying where appropriate.

The development parameters of the Overstrand Land Use Scheme applicable to Residential Zone 1 will be applicable to the newly created erven with a more restrictive 5m common boundary with the Open Space erf.

The proposed subdivision and rezoning will not have a negative impact on the surrounding erven as the proposed zoning, land use and erf sizes are compatible with the surrounding area and no deviations from the applicable zoning is proposed.

The economic benefit will positively contribute to the area since the three (3) additional erven will contribute to the rates and taxes of the Municipality. It also creates the opportunity of three (3) households that will contribute to local business.

The application does not trigger the National Heritage Resources Act, 1999, since the erf is less than 5000m² and does not fall in the Heritage Overlay Zone.

In terms of the Environmental Overlay Zone, the erf is demarcated as Urban Conservation Area. A conservation corridor runs over the western portion of the subject property. The ceding of a portion of the western area to the Municipality as conservation meets the requirements of the Municipality. Should the potential owners start to develop the proposed erven, it remains the responsibility to comply with the applicable environmental legislation in terms of listed activities. The owner must inform the potential buyers of the properties to ensure that this aspect is conveyed.

The proposed subdivision and creation of three (3) potential residential erven does not trigger a Traffic Impact Assessment as it does not create an additional 50 trips or more to the area. Parking will be provided as per the Land Use Scheme.

There are no restrictive title conditions as per the conveyancer certificate compiled and submitted by Mr. H.L van Zyl at Van Zyl Kruger Attorneys.

CONSISTENCY WITH SPLUMA AND LUPA PRINCIPLES

Spatial Justice

N/A

Spatial Sustainability

The development is in line with the forward planning documentation. The layout of the proposed single residential erven is practical with respect with access, developable area, connecting to bulk services and the installation of services.

The status quo of the area will be maintained as single residential and will be compatible with the character of the area.

Efficiency

The properties are easily accessible and conveniently located close to major routes. It will also utilize and optimising existing resources and infrastructure. The proposal proof to be efficient since it discourages the phenomenon of urban sprawl encourages densification and more compact towns and cities, all of which relates to more responsible resource and infrastructure use and sustainable development.

Spatial Resilience

No comment.

Good Administration

The application will follow due process as stipulated by the relevant municipality's bylaw.

POLICY DOCUMENTS

OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK (SDF), 2020

The SDF earmarks the erf for urban development purposes. The zoning and use of the erf will remain unchanged and is therefore consistent with the Overstrand SDF.

OVERSTRAND MUNICIPAL GROWTH MANAGEMENT STRATEGY, 2010

The erf forms part of Planning Unit No.2. The planning unit stipulates that the status quo of the area must be maintained. The Municipality has established the principle of incremental densification in an established neighbourhood if it does not have a detrimental impact on its character. With this application incremental development is proposed. The erf sizes are between 1050m² and 1262m² and not smaller than the smallest erf in the immediate vicinity of 720m².

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local newspaper	Yes	17 March 2022	22 April 2022
Internal departments	Yes	17 March 2022	22 April 2022
Registered notices	Yes	17 March 2022	22 April 2022
Ward Councillor	Yes	17 March 2022	22 April 2022
Total comments	49		
Total letters of support	NONE		
Was public participation undertaken in accordance with Section 47 - 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	17/03/2022	No objection. Building plan applications must comply with all applicable law.
Fire Department	23/03/2022	No objection.
Engineering Services	11/05/2022	See Annexure F.
Western Cape Government: EADP (Planning)	30/03/2022	See Annexure G.
Western Cape Government: EADP (Environmental)	03/05/2022	See Annexure H.
Cape Nature	24/05/2022	See Annexure I.
BGCMA	20/06/2022	See Annexure J.
Environmental Management Services	22/04/2022	See Annexure K.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION, THE APPLICANT'S RESPONSE AND THE MUNICIPAL TOWN PLANNER'S RESPONSE THEREON

A number of 49 objections were received, which includes a petition. See Annexure D.

LIST OF OBJECTORS (49)		
E Miller	A Henning	Dr M Burns
A Harris	H Lamb	W van der Laan
J Schlachter	S van der Merwe	S Crawford
R Valente (<i>PETITION</i>)	N Pienaar	J de Wet
N Duminy	G Johnson	B Reynolds
Pringle Bay Ratepayers Association	A Edwards	H Robertson
Friends of Rooiels	Dr L Platzky	L van der Westhuizen
J & RC Pattinson	R & P Konings	A Eatwell
W Louw	T & K van Strijp	T Cloete
S Karstner	S Lees	N Dooge
Samantha Kimmel	K Burns	MM Vink
C Blair	M Willard	P de Villiers
MF Tagg	K van der Walt	M Kitching
B Hinrichsen	MM Borchers	R Walton
B Kennedy	K Protheroe	D Cooper
Dr M Chait	C Lucke	B Els
		W Valente

The applicant was provided an opportunity to comment on the objection received, and their comments are attached as Annexure E. The objections are depicted in a summarized version under headings of similar nature.

OBJECTION 1

All the property owners did not receive a formal notification of the proposed application. All documents referenced in the application were not attached to the notice.

Applicant's response

The Overstrand Municipality dealt with the public participation process.

A notification of the application in the media as stipulated in Section 47.(1) of the Overstrand Amendment Land Use Planning By-law (2020) did not apply to this application. In addition, Section 48.(1)(c) specifies the following with regards to the serving of notices: "*notice of an application must be served to on each person whose rights or legitimate expectations will be affected by the application.*" Registered notices were sent to all interested and affected parties as per the discretion of the Municipal Town Planning Case Officer.

The municipality uses their discretion to determine which documents have to accompany the notices sent to the interested and affected parties. As stipulated in the notice full details regarding the proposal are available for inspection during weekdays at the municipality's offices.

Town Planner's response

The erf is located within Pringle Bay Extension 3. The application property has additional conditions that relates to erven, known as *The Ridge*. The Township Establishment Conditions approved 20 November 1970 does not prohibit subdivision of the erf.

The condition of subdivision as per the Township Establishment Conditions makes no reference to all owners or "no subdivision" is allowed and therefore it is not required to inform all the owners of Pringle Bay Extension 3. The notice indicated that more information is available from scrutiny.

 **OBJECTION 2*****Impact on the biophysical environment to the detriment of fauna, flora, existing dune and wetland.***Applicant's response

The proposed subdivision (land use application) to create two additional single residential erven and one conservation area / open space portion does not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998). The latter was confirmed by the Department of Environmental Affairs & Development Planning (DEA&DP): Regions 1 and 2 as per the respective letters dated 30 March 2022 and 3 May 2022.

As stipulated in the letters from DEA&DP the subsequent development on the erven may constitute listed activities defined in terms of the NEMA EIA Regulations, 2014, should the development of the erven deviate from the vested rights (amendment of the specific parameters for which the property was set apart) and if construction activities entail the clearing of indigenous vegetation, in terms of the latter, if the site (different properties / cadastral units that were set apart for a particular purpose in terms of a General Plan) in question was cleared of indigenous vegetation prior to the EIA Regulations coming into effect, but not repeatedly so, and specifically not in the preceding ten-year period, clearance of indigenous vegetation would require environmental authorisation should the thresholds in the various listed activities in this regard be triggered. Developments deviating from the vested rights of the property i.e., amendment of the specific parameters for which the property was set apart may also require environmental authorisation should the thresholds in the various listed activities in this regard be triggered.

Therefore, if certain listed activities in terms of NEMA might become applicable, if facilities and infrastructure are constructed in future, it will be dealt with as separate environmental applications when the need arises in future. Should the future development of the respective properties trigger a NEMA application (removal of vegetation; wetland; etc.), due process will be followed prior to the commencement of the construction on site. The onus is with the landowner to inform potential buyers that some of the proposed properties fall within a demarcated wetland area. New property owners might have to apply for environmental authorization, depending on the development proposed for each respective property. New property owners should be made aware that the erven are not sold with the required rights in terms of NEMA.

In addition (and very importantly), the **Overstrand Municipality's Environmental Management Section has no objection** to the proposed application. A copy of the department's comments / consent dated 22 April 2022 is attached. The department indicates that due to the presence of a Floodplain Wetland on the property the Breede-Gouritz Catchment Management Agency (BGCMA) must be contacted for water use authorization on the property in relation to Sections 21 and 22 of National Water Act. It should be noted that the presence of this Floodplain Wetland applies to most of the adjacent and surrounding properties – also the properties of most of the objectors. And yet none of the adjacent properties were denied the right to develop at least one dwelling with ancillary outbuildings on the subject properties. The reference to the Floodplain Wetland does not restrict the development of the properties per se (since the department clearly stipulates it has no objection to the proposed subdivision and rezoning) but is merely considered a condition of approval.

Some objectors mention the Environmental Management Overlay Zone (EMOZ) applicable to this area (Urban Conservation EMOZ: Category D: Private Property) and the disregard of the application to the EMOZ and the objectives of the EMOZ.

The conservation area corridor as indicated on the Urban Conservation EMOZ runs over the western portion of the subject property. Refer to the extract from the EMOZ for Pringle Bay below:



Map 1: Environmental Management Overlay Zone (EMOZ, 2020): Pringle Bay

This application includes the subdivision of the western section of the subject property (Portion D) and the subsequent rezoning from SR1 to OS1 to meet the conservation area corridor requirement by the municipality. Portion D, a portion of erf 726 Pringle Bay, will be ceded to the municipality. We therefore fail to understand how the EMOZ was seemingly ignored with the proposed land use application, since it is obvious that the objectors are ignorant to the fact that $\pm 1285\text{m}^2$, which amounts to almost 27% of the total extent of Erf 726 Pringle Bay, will be rezoned to OS1 to ensure compliance with the conservation area corridor identified for this area of Pringle Bay.

Michelle Naylor, environmental consultant at Lornay Environmental Consulting, confirmed that the wetland requirements for the future development of dwellings on the respective portions after subdivision can only be attended to once there are building plans available. To submit an application to address the wetland requirements is considered premature on a rezoning / subdivision application, because the footprints for development (building plans) are not available as yet and the environmentalist has no idea what the impacts will be at this moment in time. This matter will be addressed by our clients once there are building plans available. If the proposed development of each erf is more extensive than a single residential dwelling, then a dedicated freshwater specialist's input might become applicable as well.

The impact on the biophysical environment is further addressed in the following comment / objection paragraph and our subsequent response.

Town Planner's response

The application does not trigger any listed NEMA activities and has been confirmed by the Western Cape Government: Environmental Affairs and Development Planning. However, it also states that once the property is developed, that it may trigger listed activities and may be subject to a Scoping Study. The same reasoning applies to the requirements of the Breede Gouritz Catchment Management Agency pertaining to the wetlands on the site.

The above-mentioned however can only be established once a building plan is submitted and, in this case, the Environmental Official of the Municipality will give her advice and requirements.

OBJECTION 3

The Urban Conservation EMOZ envisages two layers of protection as stipulated by the Pringle Bay Ratepayers Association and Friends of Rooiels:

- ***An Operational Management Plan for the whole Pringle Bay Urban Conservation area; and***
- ***Specialist Biodiversity / relevant studies report.***

The objectors request that an environmental impact assessment with relevant specialist studies be undertaken to determine the impact and mitigate the impact the proposed land use application will have. Once the application is approved the municipality will not be able to stop development and consequent environmental impact.

Applicant's response

We disagree with the Ratepayers Association that the application proposal represents a fragmented intervention into the Urban Conservation Area. Due regard is given to the conservation corridor demarcated for this area – with ±27% of the total extent of Erf 726 Pringle Bay made available for conservation purposes. The Ratepayers Association specifies that the subject property falls under Category D for the Urban Conservation Area demarcated for this area and then quote the Category D information. Section 8.5.1.1.4. of Category D clearly stipulates that the discretion lies with the municipality's officials to determine whether additional studies must be submitted even in cases where no NEMA listed activities are triggered:

*“In the face of development pressure, the Municipality may, **if it deems it necessary**, on receipt of a development proposal or application, that does not involve any activities identified under the NEMA listing Notices, require that specialist biodiversity and / or other relevant studies, be undertaken by the developer / owner in order to inform development planning and retain priority ecological corridors and habits.”*

No specialist studies were requested by the municipality. The Environmental Management Department of Overstrand Municipality has not indicated the need for an Operational Management Plan for the whole Pringle Bay Urban Conservation Area or the need to submit additional specialist studies. It is ludicrous for the objectors to expect our client to fund whole area specialist studies for the compilation of an Operational Management Plan. This was not a requirement for the subdivision of erven in this immediate vicinity in the past and should not become the financial burden of our client. The need for such a plan is also superfluous when considering the municipal and provincial environmental departments' comments / consents on the application.

It should also be noted that the subject property does not fall within a Critically Biodiverse Area. As described in the previous paragraphs, the land use application does not trigger any NEMA listed activities. No site development plan is available for the proposed new erven after subdivision. As a result, the possible impact of the footprints of these dwellings cannot be determined at this stage.

A Specialist Biodiversity Assessment for the subdivision and rezoning of Erf 726 Pringle Bay was compiled by environmental scientist, Mr Jacques van Rensburg, at Nature Works. A copy of the report dated August 2022 is attached. Nature Works was appointed to conduct a Specialist Biodiversity Assessment to inform development planning and retain priority ecological corridors and habitats.

The specialist assessment entailed the following:

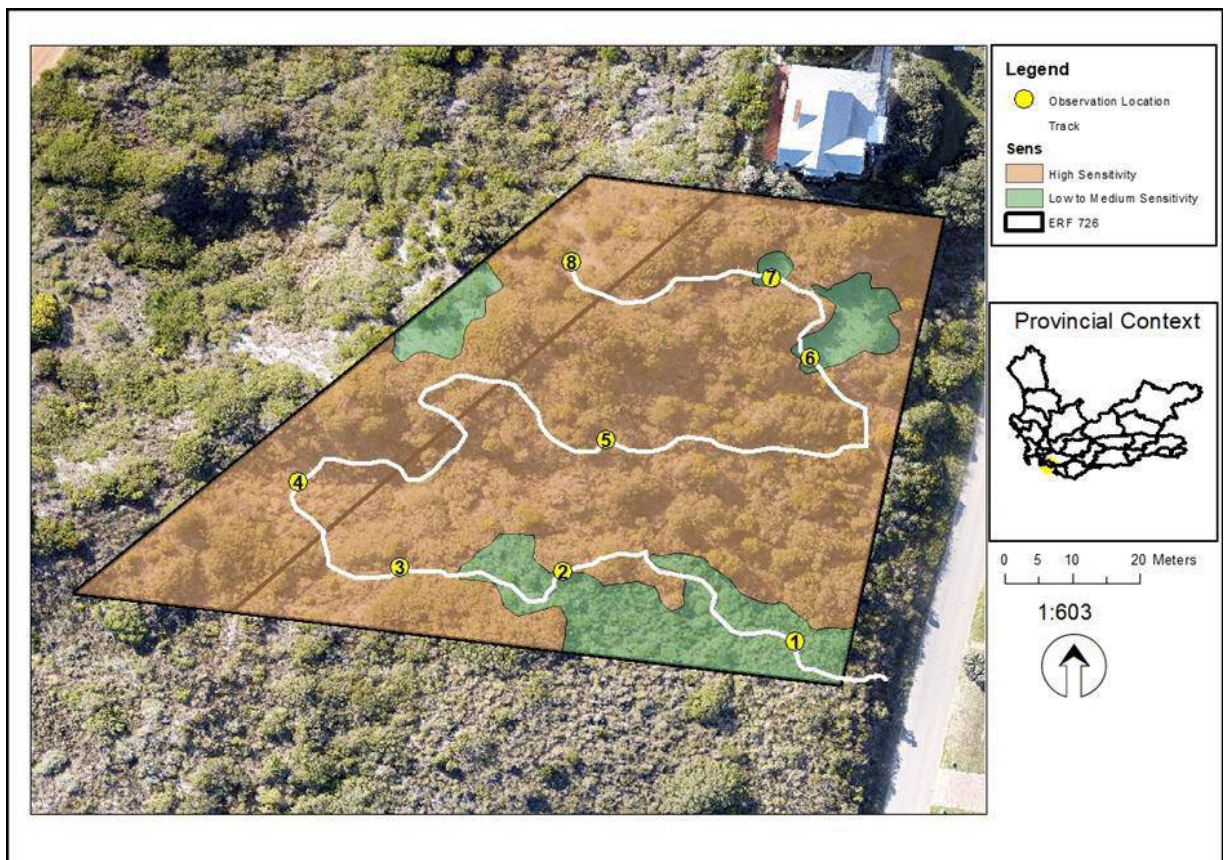
- *Identify and describe biodiversity patterns at the community and ecosystem level (primary vegetation type, plant communities in the vicinity and threatened/vulnerable ecosystems), species level (threatened Red List species, presence of alien species) and insignificant landscape features.*
- *Assess the local and regional importance of the vegetation communities and plant species within the affected areas based on the relevant biodiversity plans, bioregional planning documents, Environmental Management Frameworks etc.*
- *Describe the sensitivity of the site and its environs and map these resources.*
- *Identify any areas unsuitable for development or related activities (No-Go Areas) and associated buffers that should be observed.*
- *Include any rehabilitation or monitoring measures that may be required.*

The study / report concluded that: *the study area contains endangered Hangklip Sand Fynbos vegetation. The eventual development will result in the permanent loss of intact and degraded vegetation, which has high and low-to-medium sensitivity, respectively, in terms of the biodiversity value and ecological function. The site is part of a larger green belt home to endangered vegetation and a wetland. This area is not essential for meeting biodiversity targets but plays an important role in supporting the functioning of PAs or CBAs and is often vital for delivering ecosystem services.*

The proposed subdivision of erf 726 will create three (3) single residential erven and one (1) conservation area / open space portion. The subsequent development impact on the vegetation of the site will be restricted to portions A, B, and C. Portion D will be zoned as Open Space Zone 1: Nature Reserve (OS1) in terms of Chapter 4, Section 16(2)(a) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020. The Nature Reserve (Portion D: ±1285m²) will create an adequate buffer between the terrestrial habitat of portions A, B and C and the channelled valley-bottom wetland to the north of the site. The open space is an intact representation of Hangklip Sand Fynbos and must be managed to prevent indirect habitat degradation.

The subdivision for ERF 726 does not trigger any listed activities in terms of the NEMA EIA regulations 2014 (as amended) as defined in listing notices ("LN") 1, 2 & 3 of 7 April 2017. However, it is essential to note that due to the site's ecosystem threat status and the presence of ESA2, the subsequent development on the erven may constitute listed activities as defined 17 in terms of the NEMA Regulations. In this case, any clearance of vegetation over 300 m² will trigger LN 3, activity 12 of NEMA and require environmental authorisation from the competent authority before such activities may commence.

A Site Sensitivity Map was compiled as informed by the above factors. Refer to the Site Sensitivity Map below (Figure 6 in the attached report):



The following **development mitigation measures** were proposed to accommodate the proposed land use application:

Mitigation options are generally considered in terms of the following mitigation hierarchy: (1) avoidance, (2) minimisation, (3) restoration and (4) offsets.

- *The development must not detract visually from the natural environment, i.e., by building on the ridgeline and steep slopes.*
- *The larger shrubs and slow-growing dune stabilising vegetation such as *Euclea racemosa* should be kept in situ to prevent further degradation of the dune habitat.*
- *The impact should be restricted to the construction site.*
- *The site is situated on a stabilised old dune, and the construction phase will likely destabilise the dune. Restoration work will be required to ensure that the dune habitat stays intact.*
- *The current alien plant extent is low to moderate; these alien species must be removed. Annual clearing should be undertaken to ensure the effective management of all IAPs, especially after the disturbances caused by the construction activities.*
- *Landscaping should include native species rescued from the construction activities.*

As per the above and also the attached specialist report it is evident that subdivision and rezoning of the subject property is possible; however, the necessary mitigation measures should be followed to ensure that the development of the newly created portions in future takes the existing vegetation, ridgeline and slopes into consideration to ensure a low impact single residential development.

Town Planner's response

The property is located in the EMOZ and subject to the Guideline Development Plan, known as The Ridge. The Guideline Plan was incorporated in the EMOZ, since it was adopted by Council in 2007, with the subdivision of erf 725. To clarify, the EMOZ is a second layer of protection, but cannot take existing rights away. The area demarcated for Open Space constitutes 27% of the erf and coincide with the EMOZ layer.

A Specialist Study was undertaken namely a Biodiversity Assessment by environmental scientist, Mr J van Rensburg at Nature Works. The study concluded that the erf contains endangered Hangklip Sand Fynbos vegetation that with development results in the permanent loss of intact and degraded vegetation, which has high and low-to-medium sensitivity. The site is part of a larger green belt home to endangered vegetation and a wetland but is not essential for meeting biodiversity targets but still plays a vital role. The area of 27% is sufficient to buffer the dune system and wetland systems for development. The study has made recommendation to mitigate the development of the erven, which will be made applicable as conditions should the application be approved.

OBJECTION 4

The so called "Ridge Guideline Development Plan" is overridden by the EMOZ. The corridor concept should form part of a consideration in the development of the Operational Management Plan. The aforementioned plan is by no means the sole basis on which subdivision applications are evaluated in this area.

Applicants' response

The above statement is the opinion of the Pringle Bay Ratepayers Association. The land use management department (Town Planning) does not necessarily agree with this statement. Before the subject property was sold to our client, the estate agent (Ms W. Cilliers – Pam Golding) investigated the impact the open space corridor might have on the subject property, with the municipality. Overstrand Municipality confirmed the following for the consideration of the subdivision of Erf 726 Pringle Bay in a letter dated 19 March 2020:

ERF 726 PRINGLE BAY

In the early 2000's an open space corridor was determined by the Nature Conservation Department of the Municipality. The latter document is the basis on which subdivisions are evaluated. The minimum required erf size of a 1000m² and the open space corridor. This corridor (±10298m² in extent) represents the sensitive dune and wetland areas.

It was agreed between Mr Hazelden and the Pringle Bay Ratepayers' Association that it would be a condition of sale if future owners of these properties wish to subdivide, the portions of their properties that fall within this corridor be ceded to Council. The building line abutting the Nature Conservation Area be a minimum of 5m. This was accepted by the Municipality and is still in place.

Erf 725 was dealt with by Barry Blout of Messrs Diesel & Munns Land Surveyors. Their contact details are 021-852 3800 or 852 3759 Somerset West.

Please take note, that a new building will need a surveyed plan with contours when submitted at the Municipality. Therefore the Open Space Zone 1 area needs to be determined and clarity in this regard will have to be obtained by the Environmental Officer and Cape Nature.

Note that the municipality stipulates that the corridor represents the sensitive dune and wetland areas (and not the whole property). Also note that the Ratepayers Association was part of the agreement where it was decided that it be a condition of sale if future owners of these properties wish to subdivide – that the portions of their properties that fall within this corridor be ceded to Council. It was also agreed that the building line abutting the Nature Conservation Area be a minimum of 5m. The latter was also provided for in the subdivision proposal for erf 726 Pringle Bay. Does the Ratepayers Association not recall such an agreement for subdivisions in this area? Due regard was given to the criteria for subdivision with the proposal for erf 726 Pringle Bay (surveyed plan for determining the OS1 portion; compliance with the minimum erf size for the area, etc.). And it is evident from the letter from Town Planning dated 19 March 2020 and the comments / consents received from the municipal departments that the municipality still regards the corridor guide plan as relevant for the consideration of subdivisions in this area.

Town Planner's response

The so-called Ridge Plan background as submitted to the Pringle Bay Ratepayers Association is overridden by the EMOZ. However clearly nobody has taken due cognisance that the Ridge Plan was incorporated into the EMOZ. The Guideline Development Plan was part of an approval of Erf 725 and thus a Council Decision. The EMOZ cannot override a Council decision and is a second layer of protection without taking rights away.

The compilation of the development plan of The Ridge was due to the comments from the then Pringle Bay Ratepayers Association to ensure the protection of The Ridge, taking due cognisance of existing rights of the erven.

The application complies with the EMOZ with the rezoning of 27% of the erf to adhere to the portion of land to be ceded to the Municipality for conservation purposes.

In effect, The Ridge has three layers of development requirements, which none of the other erven located in Pringle Bay 3 have and thus much more eco-friendly in terms of development.

+ OBJECTION 5

There is insufficient infrastructure in Pringle Bay as it currently stands. The stormwater management in the area being one of the greatest concerns to the residents. The proposed subdivision will aggravate the existing insufficient infrastructure in the area – to the detriment of the existing property owners in the immediate vicinity. Some of the objectors request that a services report be submitted to address the concerns.

Applicant's response

The latest Overstrand Municipal SDF (2020) confirms that Pringle Bay is currently adequately supplied with bulk water in terms of source and network provision, however continuous replacement of old water network pipelines is needed to reduce the high-water losses. Thus, the ongoing problem the neighbouring properties are experiencing is acknowledged in the latest bulk services infrastructure concerns in the area.

The development rules for erven >400m² will apply to the newly created portions. The proposed subdivision will therefore maintain the existing development parameters applicable to the subject property as well as the surrounding properties. The subject property has existing rights. This entails that the property as it currently stands can be developed up to a maximum of 50% coverage (i.e., ±2418m²) – no land use approvals required (but subject to other statutory requirements, such as NEMA). This implies that 50% of the existing vegetation on the subject property can potentially be removed for development within the existing SR1 rights. A subdivision into four properties (one open space portion and three residential erven) spreads the 50% coverage over three residential erven, with no development proposed / allowed in the open space corridor portion. With three smaller and separate residential erven the stormwater management can most probably be better addressed than with the existing larger residential property.

The objectors are oblivious to the fact that the property has existing rights – perhaps they should consider the impact the development of the existing property to its full potential could have on the area and demarcated conservation worthy portion of the property versus the application proposed (definite portion for conservation purposes created and to be ceded to the municipality; three smaller portions for development and most likely room for better stormwater infrastructure planning and subject to NEMA if any listed activities are triggered).

Pre-submission discussions with the Overstrand Municipality's Engineering Services Department (Mr Denovan van Rhodie, Senior Operational Manager: Kleinmond) confirmed that the municipality's capacity in terms of sewerage tankers were expanded for the area. The municipality will therefore be able to service the sewerage tanks of the proposed new erven. The necessary services are therefore available to accommodate the proposed three (3) residential erven pending the upgrade of the sewer services (in line with the Sewer Master Plan) for the area.

The **Municipal Engineering Services Department has no objection** to the proposed subdivision and rezoning application. Refer to a copy of their comment / services report dated 11 May 2022. Standard approval conditions are stipulated that our client has to adhere to prior to taking transfer / transferring the newly created portions. If Pringle Bay had insufficient services capacity the latter would have been indicated by the engineering services department, and this was not the case. No special conditions were stipulated to address the stormwater. The consent from the engineering services department cannot be ignored since they are aware of bulk service issues in the respective towns. At the moment there is no moratorium placed on subdivisions due to insufficient infrastructure in this area of Pringle Bay.

Town Planner's response

The Engineering Services Department has viewed the application favourable and did not indicate any capacity problem for the area.

Important to note is that the problems experienced by the surrounding owners in terms of especially storm water, is an operational function and be dealt with accordingly. The proposed development cannot be held accountable for infrastructure e.g., provisioning of accommodating storm water in the area. The erven are extensive and storm water can be accommodated on the erven, without to the detriment of the surrounding denser and smaller erven.

OBJECTION 6

Extremely inadequate municipal budget to even consider further subdivisions / development in this area.

Applicant's response

Our client will be held liable for the payment of bulk service levies for the two new residential portions created. Bulk service contributions are used to upgrade the bulk services in the area.

The objectors are using the land use application to raise other concerns in and for the area - such as existing stormwater issues what seems to be a greater concern in roads further east and the inadequate municipal budget. This is irrelevant to the land use application at hand.

Town Planner's response

The comment of the Applicant is agreed with. The proposed subdivision cannot be held liable to address all ills within Pringle Bay Extension 3.

 **OBJECTION 7**

Increased traffic and noise impact.

Applicant's response

As the property currently stands, there is one residential erf (i.e., two vehicles to the property). We are proposing to create a mere two additional residential erven. That is an additional four cars that will travel to the area! No evidence is presented by the objectors that the subdivision will have a negative impact on the traffic or road safety in the area.

These types of applications generally generate low traffic and noise pollution to residential areas. The staggered nature of people arriving at their respective homes will further mitigate the proposed subdivision's traffic impact and ensure that the surrounding area and its road network are not overwhelmed with vehicular traffic. We are of the opinion that the traffic and noise generated will be low and in keeping with the residential character. In addition, the municipal engineering services department did not express any concerns with regards to the width of the road, the state of the road or additional traffic to the area and no requests for additional studies were received from the municipality.

The proposed development must provide sufficient parking bays on site once building plans are submitted in future. It is our opinion that the reference to traffic increase and noise in the area is rather overstated. The proposed development will have little, if any, adverse impact on the safety, health and wellbeing of the surrounding community. The proposed development within the Overstrand Land Use Scheme Regulations' parameters and subject to traffic control conditions for the area will not jeopardize the safety of road-users (vehicular and pedestrian).

Town Planner's response

The Engineering Services Department has not requested a Traffic Impact Assessment. The erven zoning remains intact and will not have any impact on the road users with the addition of two (2) households.

It is unclear why the noise levels are mentioned since the objectors all resides within Pringle Bay in existing built houses. Surely their erven were cleared and were there elevated noise levels during construction. None of these issues seem to have mattered when objectors purchased their properties.

Rules are much more restrictive when building in the town of Pringle Bay today. More legislation is applicable, the buildings constructed are more energy efficient and conditions of approval are more stringent than even the Title Deeds.

 **OBJECTION 8**

The application will set a precedent for similar future applications

Applicants' response

Objectors feel that other residents will also seek an opportunity in the future to submit similar applications. Objectors feel that there are enough vacant erven in the surrounding areas and that the proposal proves to be superfluous.

Approving the proposed development will not set a precedent since each land use application is evaluated on its own merit. In addition, similar land use applications have been approved in the past in the immediate area. It therefore seems as if the precedent is already set for low-impact, low-scale diversification of the residential land uses in the Pringle Bay area.

It is important to note that Erf 726 Pringle Bay was one of the eight (8) erven created when the original plot referred to as "The Ridge" was subdivided. With the initial subdivision of the original erf there were certain conditions set at the time which included that any future subdivision of the erven would be restricted to a minimum erf size of at least 1000m² and that a section of the property would have to be ceded to the municipality to form part of the Ecological Corridor. These conditions were adhered to when three of the eight properties received permission to subdivide in the past. The subdivision of Erf 726 Pringle Bay will adhere to the same conditions. We would therefore like to emphasize that of the original eight properties, three properties (Erven 724, 725 & 728) have already been subdivided. The precedent is therefore already set and not being set with this application as suggested by the objectors. Two of the already subdivided erven (Erven 724 and 725 Pringle Bay) have already been built on, with plans approved for a new house on Erf 728 as well. In addition, a single house was also built on Erf 721 Pringle Bay in 2021. This gives a total of five houses already been built on the "dune", with another one on the way on Erf 728 Pringle Bay.

Town Planner's response

The setting of a precedent is not relevant in this case; the owner of The Ridge has primary rights that can be executed. The Ridge was never earmarked for Public Open Space since the establishment of Pringle Bay Extension 3. It would be an assumption of surrounding owners to think as such since it is only now being developed.

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 and external municipal and governmental departments, respectively.

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

N/A

Spatial Sustainability

The interpretation of sustainability in terms of SPLUMA relates to the protection of agricultural land and environmentally sensitive land. In this case, agricultural is not a factor, but the environment does play a role. The application is located in an environmental sensitive area with existing land use rights. Thus in 2000, an area has been demarcated to address the sensitivity of the dun. The present application does adhere to the demarcation area. Additional to the preservation of the sensitive landscape and existing rights, a Botanical Study was done with recommended mitigating measures relating to the development of the proposed erven. The physical development of the erf e.g., building plans will be made subject to environmental review before any construction can take place.

Efficiency

The proposed erven will make use of municipal services, which was supported by the Engineering Services Department. Due to the sensitive nature of the area, any proposed development will be subject to the most optimal location of the dwellings to ensure efficient use of developable space on the erven.

Spatial Resilience

The development will attribute to the sustainability of the proposed erven in terms of the National Building Regulations and NEMA to ensure that The Ridge remain a functional ecological corridor.

Good Administration

Administrative procedure was followed as prescribed by the Municipality.

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 application is in line with the SDF 2020.

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

N/A

10.6 Impact on Municipal Engineering Services

Existing services will be used.

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

N/A

10.8 Existing and proposed zoning comparisons and considerations

The Land Use Scheme does make provision for the application and the zoning is not affected.

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

N/A

12. THE DESIRABILITY OF THE PROPOSAL

The objections have been addressed extensively under Paragraph 7; however, a few aspects need to be addressed in more detail.

Pringle Bay Extension 3 was established in the 1970's and the application erf was allocated a residential zoning. It was never an Open Space, ecological corridor or any other use as residential. The proposed development is subject to more stringent measures due to the sensitive nature of the erf. However, a compromise in this case is necessary due to existing rights applicable and the sensitive nature of the erf.

The development parameters of The Ridge were established in the 2000's between the original owner, the Municipality and the Pringle Bay Ratepayers, which is captured in the title deeds and a development plan. The applicant does comply with the requirements and all evaluations are based on these requirements e.g., the erven may not be less than 1000m² and a portion of the erf be ceded to the Municipality for conservation purposes.

It should be noted that the requirements and restrictions applicable to The Ridge is much more stringent than the surrounding properties. The storm water problems experienced in the areas is not applicable to the application in hand, but rather due to the existing developed area surrounding the application erf. The proposed erven are big enough to deal with their own stormwater on-site and thus cannot be held responsible for existing problems in the area with regard to stormwater infrastructure.

The applicant submitted a Specialised Biodiversity Study of the erf and recommended mitigating measures to ensure limited impact of dwellings on the erven. This recommendation will be part of the recommendation to the Municipal Planning Tribunal.

13. RECOMMENDATION

1. that the application in terms of Section 16.(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to subdivide Erf 726, Pringle Bay into four (4) portions, namely Portion A ($\pm 1240\text{m}^2$), Portion B ($\pm 1262\text{m}^2$), Portion C ($\pm 1050\text{m}^2$), and Portion D ($\pm 1285\text{m}^2$), **be approved** in terms of Section 61 of the By-Law;
2. that the application in terms of Section 16.(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to rezone the newly created Portion D ($\pm 1285\text{m}^2$) from Residential Zone 1: Single Residential (SR1) to Open Space Zone 1: Nature Reserve (OS1), **be approved** in terms of Section 61 of the By-Law;
3. that the approval of Points 1. & 2. above in terms of Section 61 of the By-Law be subject to the following conditions:
 - (a) that the approval is only for the subdivision as indicated on the Subdivisional Plan No. pring726s5.drw dated November 2021 as submitted with the application;
 - (b) that the rezoned portion be ceded to the Municipality with the transfer of the first registered erf or within 12-months of the approval;
 - (c) that with the submission of the building plan, a letter from the Western Cape Government: Environmental Affairs and Development Planning (Environmental) confirming whether any listed activities are applicable be submitted with such building plan;
 - (d) that a letter from BGMCA indicating whether a water license approval is required be submitted before building plan approval;
 - (e) that only one dwelling with associated outbuildings be allowed;
 - (f) that the conditions in the Services Report (attached as Annexure G), be complied with;
 - (g) that all conditions imposed by Western Cape Government: EADP-Planning (attached as Annexure H), be complied with;
 - (h) that all conditions imposed by Western Cape Government: EADP-Environmental (attached as Annexure I), be complied with;
 - (i) that all conditions imposed by Cape Nature (attached as Annexure J), be complied with;
 - (j) that all conditions imposed by Breede-Gouritz Catchment Management Agency (attached as Annexure K), be complied with;
 - (k) that the recommendations of the Specialised Biodiversity Assessment (attached as Annexure L), be adhered to;

- (l) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (m) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
4. that the applicant and objectors be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above decision.

14. REASONS FOR RECOMMENDATION

- ❖ The property has existing rights.
- ❖ Due diligence of environmental impact has been considered.
- ❖ Ecological corridor will be formally established.
- ❖ Low density development to the benefit of the area.

15. ANNEXURES

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Development Plans
Annexure D:	Objections received
Annexure E:	Applicant's response to the objections received
Annexure F:	Services Report
Annexure G:	Western Cape Government: EADP (Planning)
Annexure H:	Western Cape Government: EADP (Environmental)
Annexure I:	Cape Nature
Annexure J:	BGCMA
Annexure K:	Municipal Environmental Management Services
Annexure L:	Specialised Biodiversity Study
Annexure M:	Approvals relating to The Ridge Development Plan

SIGNATURE

REGISTERED PLANNER

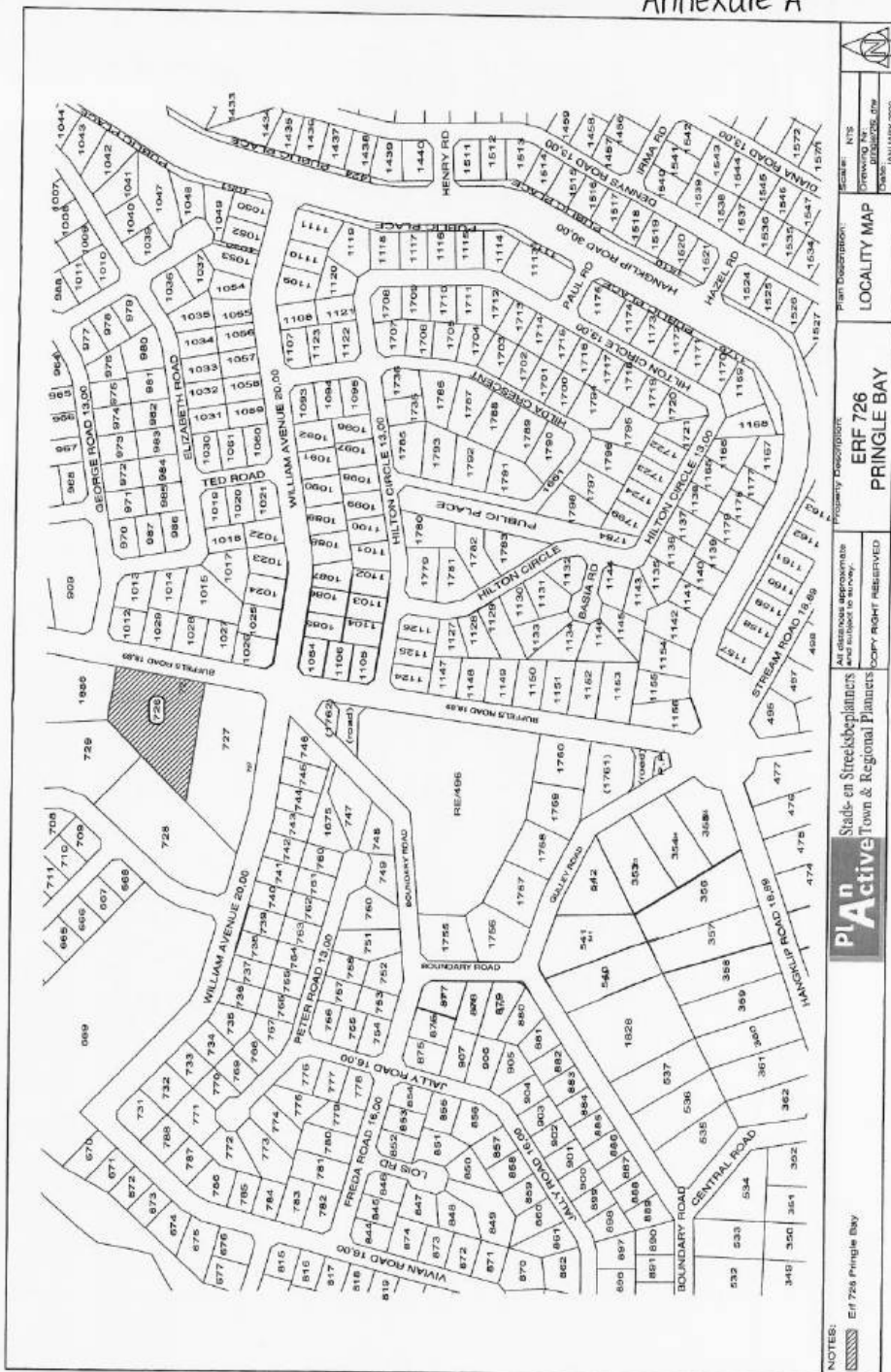
Name: **H VAN DER STOEP**

SACPLAN registration number: **A/1708/2013**

Signature: _____

Date: _____

Annexure A



PROPOSED SUBDIVISION AND REZONING**ERF 726 PRINGLE BAY****DIVISION: CALEDON****OVERSTRAND MUNICIPALITY****MOTIVATION REPORT****1. BACKGROUND**

Plan Active Town & Regional Planners has been appointed by E.W. Ottermann, on behalf of The ENTK Family Trust, the owner of erf 726 Pringle Bay, to apply for the subdivision and rezoning of a portion of the subject property.

Erf 726 Pringle Bay is 4 837m² in extent and is held by Title Deed No. T14326/2021.

The subject property is a vacant portion of land. The owner intends to subdivide erf 726 Pringle Bay into four portions to create three (3) single residential erven and one (1) public open space portion.

2. APPLICATION DETAILS

Application is made in terms of:

- Chapter 4, Section 16(2)(d) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, for the subdivision of erf 726 Pringle Bay;
- Chapter 4, Section 16(2)(a) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, for the rezoning of a portion of erf 726 Pringle Bay.

3. NEED AND DESIRABILITY**3.1 PROPERTY DESCRIPTION**

Erf 726 Pringle Bay is situated at 72 Buffels Road, Pringle Bay. Refer to the locality plan attached.

Erf 726 Pringle Bay is 4 837m² in extent and is held by Title Deed No T14326/2021.

The subject property is a vacant portion of land and characterized by natural vegetation (Fynbos). The site gradually slopes in a south-easterly direction (as indicated by the contours on the subdivision plan).

3.2 ZONING

Erf 726 Pringle Bay has the following land use rights:

ERF NUMBER	ZONING
Erf 726 Pringle Bay	Residential Zone 1: Single Residential (SR1)

Surrounding properties are zoned for single residential and public road purposes.

3.3 LAND USE

The subject property is currently a vacant portion of land.

Land uses that surround the subject property are dwellings, vacant erven and public roads.

3.4 THE POTENTIAL OF THE PROPERTY

Erf 726 Pringle Bay is currently an exceptionally large portion of land zoned Residential Zone 1: Single Residential (SR1) in the middle of an existing residential area. It is proposed to keep the zoning and land use of three proposed portions of erf 726 Pringle Bay to create three (3) single residential erven. The location of the subject property within an existing established single residential area allows the property to be developed for low impact land uses.

In the early 2000's an open space corridor was determined by the Nature Conservation Department of the Municipality in this specific area of Pringle Bay. The latter document is the basis on which subdivisions are evaluated in the area. The minimum required erf size is 1 000m² and the open space corridor must be provided in line with the aforementioned document. The open space corridor ($\pm 10\,292\text{m}^2$ in extent) represents the sensitive dune and wetland areas. To comply with the latter, a portion is created and will be rezoned from Residential Zone 1: Single Residential (SR1) to Open Space Zone 1: Nature Reserve (OS1). Refer to the letter from Mrs Hanneen van der Stoep dated 19 March 2020 confirming the need to address the open space corridor with future subdivision applications.

When evaluating the proposed subdivision and rezoning against surrounding erf sizes, minimum erf sizes, minimum street frontage widths, compliance with the open space corridor, etc. it is evident that the subject property has the potential to be subdivided and rezoned to create three (3) residential erven of at least 1000m² and larger in extent and a conservation area / open space portion. Compliance with the minimum erf size requirement confirms the compatibility with the area.

A stricter building line applies on the newly created portions on the common boundary with the nature reserve portion. This does however not impact on the developable land since the extent of the erven is on the larger side. The contours of the site have been surveyed and favour subdivision.

Compliance with the current spatial planning policies (discussed in this report) support and confirm the potential of the subject property for development. In addition, similar subdivisions have been approved in the area.

3.5 PROPOSAL

The following are proposed:

- The subdivision of erf 726 Pringle Bay in terms of Chapter 4, Section 16(2)(d) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, to create three (3) single residential erven and one (1) conservation area / open space portion as follows:
 - Portion A: $\pm 1240\text{m}^2$
 - Portion B: $\pm 1262\text{m}^2$
 - Portion C: $\pm 1050\text{m}^2$
 - Portion D: $\pm 1285\text{m}^2$
- The rezoning of Portion D, a portion of erf 726 Pringle Bay, from Residential Zone 1: Single Residential (SR1) to Open Space Zone 1: Nature Reserve (OS1) in terms of Chapter 4, Section 16(2)(a) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020.

The potential of the subject property is discussed in detail in *Section 3.4 Potential of the property*.

The owner intends to subdivide erf 726 Pringle Bay into four portions to create three (3) single residential erven and one (1) public open space portion. As previously mentioned, in the early 2000's an open space corridor was determined by the Nature Conservation Department of the Municipality in this specific area of Pringle Bay. The latter document is the basis on which subdivisions are evaluated in the area. The minimum required erf size is $1\ 000\text{m}^2$ and the open space corridor must be provided in line with the aforementioned document. The open space corridor ($\pm 10\ 292\text{m}^2$ in extent) represents the sensitive dune and wetland areas. To comply with the latter, a portion is created and will be rezoned from Residential Zone 1: Single Residential (SR1) to Open Space Zone 1: Nature Reserve (OS1).

It was agreed with the Pringle Bay Ratepayers Association that it would be a condition of sale if future owners of these properties wish to subdivide, the portions of their properties that fall within this corridor be ceded to Council. In addition, the building line abutting the conservation area must be a minimum of 5m.

When the proposed subdivision and rezoning of a portion of erf 726 Pringle Bay were considered cognisance was taken of the following criteria:

- o physical characteristics of the subject property;
- o surrounding and minimum erf sizes;
- o nature conservation area requirement;
- o accessibility to the subject properties;
- o impact on the character of the area;
- o erf shapes;
- o applicable spatial planning policies and densification guidelines.

Firstly, it is proposed to subdivide erf 726 Pringle Bay to create three (3) Residential Zone 1: Single Residential and one (1) conservation area / open space portion. The proposed subdivision will be as follows:

TOTAL AREA	4 837m ²
AREAS FOR SUBDIVISION	Portion A: ±1240m ² Portion B: ±1262m ² Portion C: ±1050m ² Portion D: ±1285m ²
OWNERS	The ENTK Family Trust
TITLE DEED	T14326/2021

Secondly, it is proposed to rezone Portion D, a portion of erf 726 Pringle Bay, from Residential Zone 1: Single Residential (SR1) to Open Space Zone 1: Nature Reserve (OS1). The zonings of the respective portions after subdivision and rezoning will be as follows:

		EXISTING / PROPOSED ZONING	TRANSFEREES
AREAS FOR SUBDIVISION	Portion A: ±1240m ²	Residential Zone 1: Single Residential	The ENTK Family Trust
	Portion B: ±1262m ²	Residential Zone 1: Single Residential	The ENTK Family Trust
	Portion C: ±1050m ²	Residential Zone 1: Single Residential	The ENTK Family Trust
	Portion D: ±1285m ²	Open Space Zone 1: Nature Reserve	Overstrand Municipality
TITLE DEED	T14326/2021		5

Refer to the subdivision plan for erf 726 Pringle Bay attached.

The Overstrand Municipality's densification policy establishes the principle of incremental densification in an established residential area if it does not have a detrimental impact on its character. It is important to enhance and protect the character of the existing low-density residential areas such as Pringle Bay, while still sensitively densifying where appropriate. This ensures that a wide range of erf sizes and types of development are available, not only within Pringle Bay, but also within the entire Greater Hermanus area.

The subdivision lines were determined to create erven of at least 1 000m² in extent to meet the minimum erf size requirement. The proposed subdivision lines were created in a manner to ensure optimal views from the subject property. The conservation area corridor plan / guideline development plan received from the municipality was used to demarcate the portion for conservation / open space purposes.

Minimum common boundary building lines of 2m (from the proposed subdivision lines / new erf boundaries) and street building lines of 4m will apply to all the newly created portions. A minimum common boundary building line of 5m will apply to the newly created erven where the erven share a common boundary with the conservation area corridor.

It was attempted to keep the subdivision lines as simple and practical as possible to avoid creating asymmetrical erf shapes that would have an impact on the future development of the subject properties as well as the character of the area. Pringle Bay is characterised by various shaped erven and as a result the proposed erf shapes after subdivision are still compatible with the area.

The proposed subdivision and rezoning adhere to all other land use restrictions in the Overstrand Land Use Scheme Regulations (2020). The impact of the proposed subdivision and rezoning is considered a low impact land use application.

The coverage for the respective portions after subdivision will be 0% since the respective portions remain undeveloped. A maximum coverage of 50% for the SR1 zoned erven must be adhered to once the respective portions are developed in future. Since the newly created residential portions will be transferred to prospective buyers in future, any future development of Portions A to C, portions of erf 726 Pringle Bay, will be done in accordance with the land use restrictions applicable to the relevant zoning. 6

Refer to Section 3.15 of this report for further motivation in terms of the relevant spatial planning policies.

The proposed subdivision and rezoning will not have a negative impact on the surrounding erven as the proposed zoning, land use and erf sizes are compatible with the immediate area and no deviations from the applicable zoning parameters are proposed.

The proposed subdivision and rezoning of a portion of erf 726 Pringle Bay are not in contrast to the existing land use tendencies in the surrounding environment and we therefore do not foresee any problems with the proposed application.

3.6 ECONOMIC IMPACT

The proposed subdivision and rezoning will have a positive impact on the economy of the area. By allowing the subdivision and rezoning of the subject properties, it creates three additional single residential portions from which the municipality can attain bulk service levies as well as monthly rates and taxes. Furthermore, the three portions after subdivision will be vacant portions of land and this implies that the future construction of a dwelling with an outbuilding on each of the respective properties will create temporary employment opportunities. The new portions will be occupied by new families who will invest and spend in the immediate local business area.

The proposed subdivision and creation of 3 residential erven will allow for the provision of increased residential accommodation in a well-located area.

3.7 SOCIAL IMPACT

The proposal will have a positive social impact as the proposed subdivisions will facilitate additional ownership of property. The impact that new families to the area will have will be beneficial and no negative impacts are anticipated.

The impact on the social wellbeing and social coherence of the adjacent community will be minimal given the extent of the proposed portions after subdivision as well as the fact that the zoning and land use of the newly created portions will be in line with the zoning and land uses associated with the immediate area.

3.8 COMPATIBILITY WITH SURROUNDING LAND USES

The subject property is situated in an existing low-density residential area. The application proposes to create three (3) single residential erven and a nature conservation / open space portion. The respective land uses will therefore be for single residential (dwellings with outbuildings) and nature conservation uses. The proposed subdivision and rezoning create erven that are compatible with the surrounding zonings and land uses of the area.

As mentioned in Sections 3.4 and 3.5 of this report the surrounding erf sizes, the minimum erf size for the area, the street frontage widths of existing erven of similar sizes, the proposed layout and shapes of the new residential portions that are compatible with the layout and erf shapes of the existing residential area, compliance with the nature conservation requirement for the area, etc. proof that the subdivision and rezoning are compatible with the existing context and character of the area. Properties of $\pm 720\text{m}^2$ - 5000m^2 in extent exist in the immediate vicinity of erf 726 Pringle Bay. The extent of the newly created portions still promotes and is compatible with the existing low-density residential area.

According to the development rules of the Overstrand Land Use Scheme (2020) the subdivision and rezoning will allow for the development rules for erven $>400\text{m}^2$ to apply to the three newly created single residential portions. The proposed subdivision and rezoning will therefore maintain the existing development parameters that apply to the existing residential erven in the immediate vicinity.

3.9 IMPACT ON EXTERNAL ENGINEERING SERVICES

Erf 726 Pringle Bay is not serviced, but one service connection is available to the subject property. New services for the additional portions created will be provided in line with the Overstrand Municipality's regulations for installing services infrastructure.

A bulk services contribution levy will be payable by the developer to supplement municipal services and amenities in accordance with the relevant legislation and as determined by the Council.

Previous discussions with the Overstrand Municipality's Engineering Services Department (Denovan van Rhodie, Senior Operational Manager: Kleinmond) confirmed that the municipality's capacity in terms of sewerage tankers were expanded for the area. The municipality will therefore be able to service the sewerage tanks of the proposed new erven. The necessary services are therefore available to accommodate the proposed three (3) residential erven pending the upgrade of the sewer services (in line with the Sewer Master Plan) for the area.

3.10 IMPACT ON SAFETY, HEALTH AND WELLBEING OF SURROUNDING COMMUNITY

The proposed subdivision will have no impact on the general safety and wellbeing of the surrounding community. It is anticipated that three new families will potentially occupy the three respective residential erven after the proposed subdivision of erf 726 Pringle Bay.

Furthermore, the construction of new dwellings on the respective portions after subdivision will conform to the relevant land use and construction guidelines of the municipality. The latter will ensure the safe construction of the dwellings and guarantee the safety and minimal noise pollution during construction to the immediate community.

Since the proposed subdivision and rezoning are not associated with a noxious trade with polluting air emissions the impact on the health of the community will be kept to a minimum.

3.11 IMPACT ON HERITAGE

The application does not involve changing the character of a site larger than 5 000m² (subject property is 4 837m² in extent). Consequently, the proposed application for the subdivision and rezoning does not trigger Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

Erf 726 Pringle Bay is not earmarked for heritage conservation purposes in the Overstrand Heritage Report (2009). The subject property does not fall within the Heritage Overlay Zone demarcated in the Overstrand Municipal Growth Management Strategy (2010).

The subject property is a vacant portion of land. The impact on the visual landscape of the area will be kept to a minimum since the future dwellings on Portions A to C, portions of erf 726 Pringle Bay, will be developed in line with the zoning parameters for Residential Zone I: Single Residential erven as stipulated in the Overstrand Municipal Land Use Scheme Regulations (2020).

From the above it is evident that the proposed application does not encompass any heritage significance and therefore the impact on the heritage value of the area will be kept to a minimum.

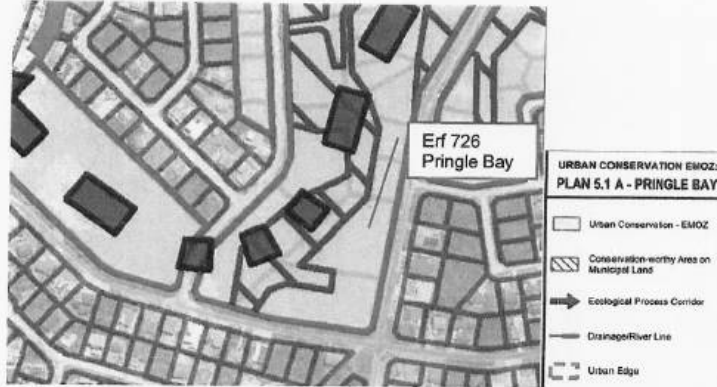
3.12 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed subdivision and rezoning (land use application) to create three single residential erven and a conservation area / open space portion do not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998). Subdivision and rezoning are not NEMA listed activities.

Certain listed activities in terms of NEMA might become applicable if facilities and infrastructure are constructed in future and will be dealt with as separate environmental applications when the need arises in future.

10

The subject property is demarcated as Urban Conservation Area in terms of the Environmental Management Overlay Zone (EMOZ, 2020). In addition, a conservation area corridor runs over the western portion of the subject property. Refer to the extract from the EMOZ for Pringle Bay below:



Map 1: Environmental Management Overlay Zone (EMOZ, 2020): Pringle Bay

This application includes the subdivision of the western section of the subject property (Portion D) and the subsequent rezoning from SR1 to OS1 to meet the conservation area corridor requirement of the municipality. Portion D, a portion of erf 726 Pringle Bay, will be ceded to the municipality.

Should the future development of the respective properties trigger a NEMA application (removal of vegetation; wetland; etc.), due process will be followed prior to the commencement of the construction on site. The onus is with the landowner to inform potential buyers that some of the proposed properties fall within a demarcated wetland area. New property owners might have to apply for environmental authorization, depending on the development proposed for each respective property. New property owners should be made aware that the erven are not sold with the required rights in terms of NEMA.

3.13 TRAFFIC IMPACT, PARKING AND ACCESS

The subject property abuts Buffels Road (existing tarred road) on its eastern erf boundary. The newly created residential portions (Portions A to C) will continue to take access from Buffels Road as depicted on the subdivision plan. The exact position of the access points / gates will only be determined once building plans are available and submitted in future for the respective portions.

Portion D, a portion of erf 726 Pringle Bay, will be landlocked. This portion will however be rezoned from SR1 to OS1 and will form part of the greater nature conservation area / corridor identified for this area. Hence, access to this portion is not a requirement.

The impact on the traffic of Pringle Bay and the immediate area will be kept to a minimum since the proposal is in line with the status quo for the area. A Traffic Impact Assessment / Statement is not required since the proposed development does not create an additional 50 trips or more to the area and since the access to the respective portions can easily be addressed.

The development of the respective portions after subdivision will comply with the relevant scheme regulations' parking requirements – i.e. at least two parking bays / garages must be provided for on site for each new portion created.

3.14 TITLE DEED

Title Deed No. T14326/2021 has no restrictions that need to be removed to accommodate the proposed subdivision and rezoning of erf 726 Pringle Bay. A conveyancer's certificate from Mr H.L. van Zyl at Van Zyl Kruger Attorneys will follow.

There is a bond registered against the subject property. The bondholder's consent dated 11 February 2022 is attached.

12

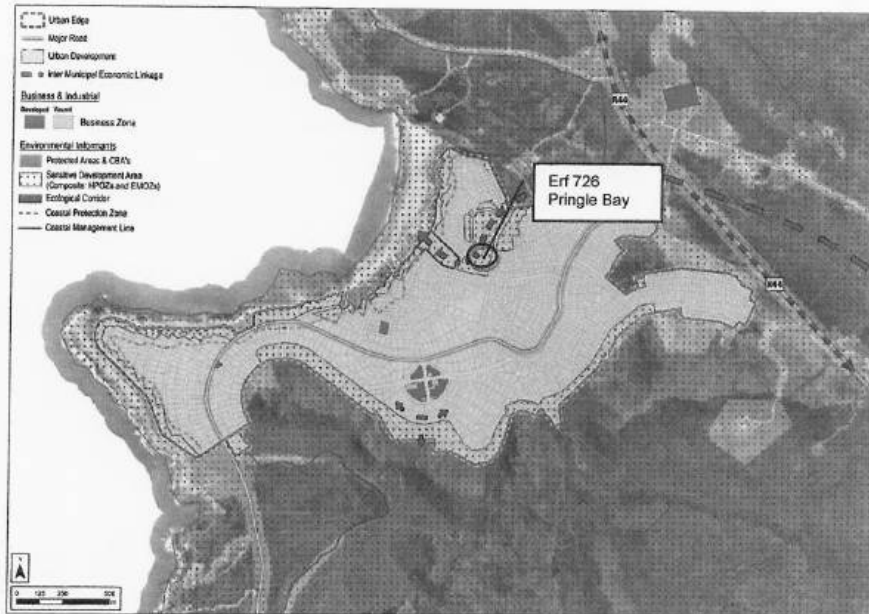
3.15 FORWARD PLANNING AND LAND USE DOCUMENTS

3.15.1 WESTERN CAPE PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK (PSDF, 2014)

The Provincial Spatial Development Framework (PSDF, 2014) supports densification. The PSDF (2014) regards subdivisions as one of the options of urban development tools available to achieve appropriate densification in the Western Cape.

3.15.2 OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK (2020)

The *Overstrand Spatial Development Framework (2020)* earmarks the area where erf 726 Pringle Bay is situated, for urban development purposes. An ecological corridor runs over the western section of the subject property as indicated on the Pringle Bay Spatial Proposal Plan (2020) - see below. The zoning and use of the subject property for the single residential erven will remain unchanged (Residential Zone 1: Single Residential). It is proposed to rezone Portion D, a portion of erf 726 Pringle Bay, from SR1 to OS1 to meet the conservation area / corridor requirement for this area. The proposed subdivision plan was therefore compiled in line with the Pringle Bay Spatial Proposal Plan (2020). The impact of the proposed subdivisions and rezoning on the spatial integrity of the area will be minimal and is therefore consistent with the Overstrand SDF (2020).



Map 2: Pringle Bay Spatial Proposals Plan (2020)

3.15.3 OVERSTRAND MUNICIPAL GROWTH MANAGEMENT STRATEGY

(2010)

The Overstrand Municipal Growth Management Strategy (OMGMS, 2010) specifies that erf 726 Pringle Bay forms part of Planning Unit no. 2. This planning unit stipulates that the status quo of the area (i.e. single residential) must be maintained. Refer to the OMGMS plan (2010) attached.

The Overstrand Municipality's densification policy establishes the principle of incremental densification in an established residential area if it does not have a detrimental impact on its character. It is important to enhance and protect the character of the existing low-density residential areas such as Pringle Bay, while still sensitively densifying where appropriate. This ensures that a wide range of erf sizes and types of development are available, not only within Pringle Bay, but also within the entire Greater Hermanus area.

With this application incremental development is proposed. The proposed erf sizes of between 1050m² and 1262m² are not smaller than the smallest erf in the immediate vicinity (which is a mere ±720m²) or the average erf sizes for the area. In addition, the proposed erf sizes of between 1050m² and 1262m² do not deviate more than 10% from the minimum erf size contemplated for this area. Erf 726 Pringle Bay is considered an exceptionally large property situated in the middle of Pringle Bay and this must be taken into consideration when considering the merit of the application. The proposal will therefore impact on the density of the area while still retaining the status quo.

The layout of the proposed single residential erven is practical in respect to access, developable areas, connecting to bulk services and the installation of services.

The proposal will promote land development in a location that is sustainable. The proposed subdivision and rezoning are to an improved erf within an established residential area and therefore will not impact on urban sprawl or upon a sensitive environment.

3.16 PLANNING PRINCIPLES

The planning principle of spatial resilience does not apply to this application.

Spatial justice: The proposed land use application ties in with the existing character of the area and will not have a negative impact on the surrounding properties.

This principle addresses the need to address the past imbalances with regard to opportunity. This application is located on an erf as per the establishment of the Pringle Bay Township and is this principle not applicable.

Spatial sustainability: The proposed subdivision and rezoning are to create three single residential erven and a conservation area portion. As contemplated in Section 3.15 the proposed land use application it is in line with the spatial planning policies for the area.

The layout of the proposed single residential erven is practical with respect to access, developable areas, connecting to bulk services and the installation of services. The visual impact will be kept to a minimum since the portions will be developed in line with the relevant land use scheme regulations. Since the status quo of the area will be maintained, it is submitted that the proposed future dwellings with outbuildings / garages on Portions A to C, portions of erf 726 Pringle Bay, will be compatible with the character of the area and will not impact negatively on the existing rights of anyone else.

By creating the conservation area portion (Portion D) the proposal ensures that the environmental management proposals for the area are met. Areas earmarked for conservation remain protected with this application proposal.

As a result, the proposed subdivision and rezoning will have no adverse impact on the spatial sustainability of the area.

Efficiency: The subject properties are easily accessible and conveniently located close to major routes. The subdivision and rezoning of erf 726 Pringle Bay will have a low impact on the character and ambiance of the existing residential area as motivated in this report. It proves to be efficient to allow the subdivision and rezoning since the impact will be kept to a minimum, while new portions are created for families to obtain and develop. As motivated in the above sections of the report the proposal is compatible with surrounding properties in the immediate area.

The proposed subdivision and rezoning prove to be efficient since it discourages the phenomenon of urban sprawl, encourages densification and more compact towns and cities, all of which relates to more responsible resource and infrastructure use and sustainable development. Moreover, the proposal is efficient in that it optimizes existing resources and infrastructure and continues the existing suburban development typology.

Good administration: Our firm is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's bylaw and related provincial and national land use planning

legislation. All measures will be taken to ensure an efficient and streamlined process within the applicable timeframes as stipulated by the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020.

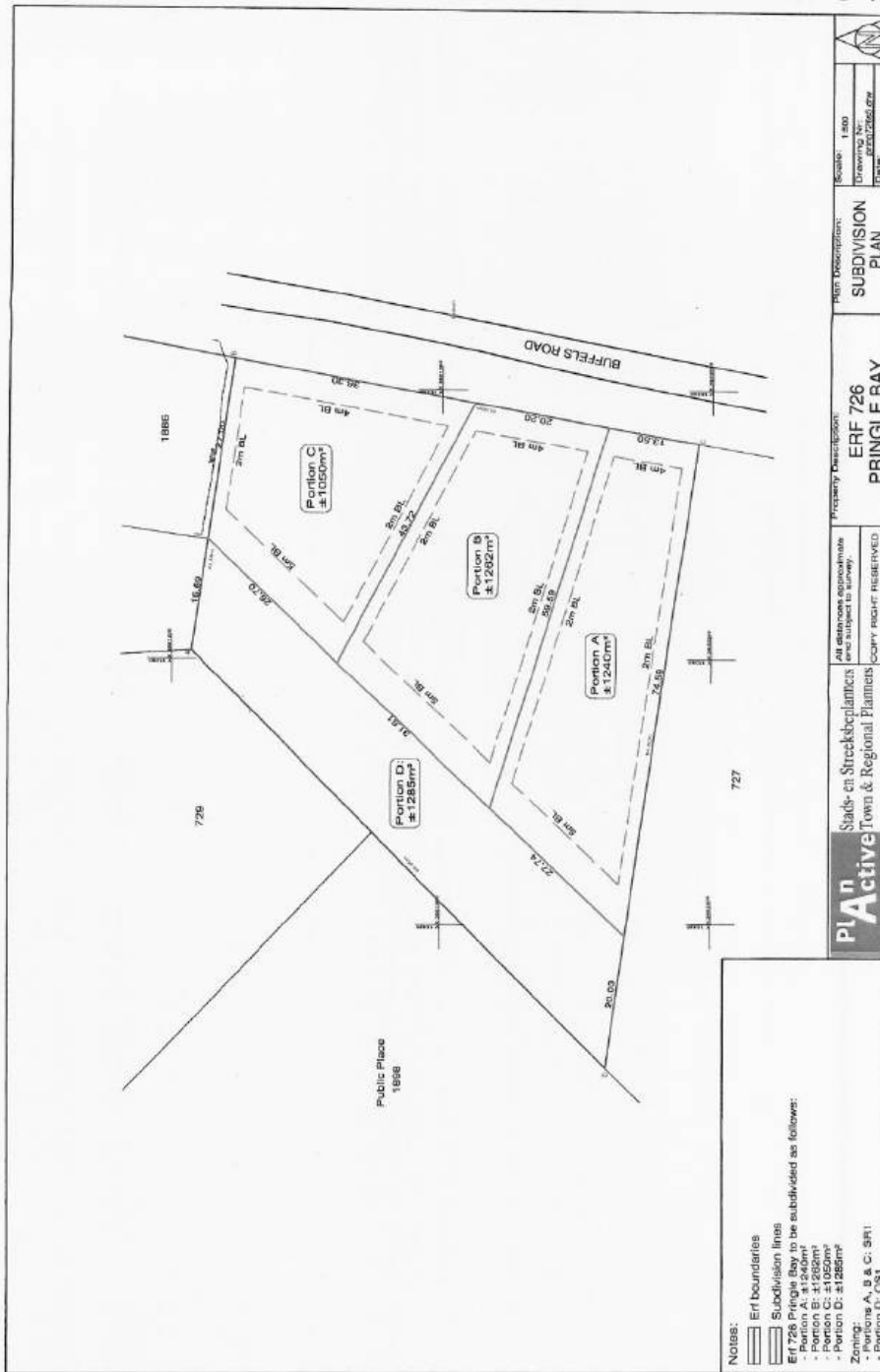
4. RECOMMENDATION

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

- The proposed application will not have a negative impact on the existing land use rights of the subject property or those of surrounding properties;
- The minimum erf size requirement (guideline) of $\pm 1000\text{m}^2$ for SR1 zoned properties in this area is met with this proposal;
- Cognisance was taken of the conservation area / corridor present on the subject property (Portion D to be rezoned from SR1 to OS1 and ceded to Overstrand Municipality);
- The proposal is compatible with the existing character and erf sizes of the immediate area;
- The zoning of Residential Zone I: Single Residential and land use (single residential) are compatible with the surrounding zonings of the area;
- The proposed subdivision and rezoning comply with the spatial planning policies for the area;
- Impact on the traffic and services will be kept to a minimum;
- The proposed land use application does not trigger any listed activities in terms of NEMA (Act 107 of 1998);
- The application is fully compliant with the applicable planning principles described in the LUPA (2014) and SPLUMA (2013).

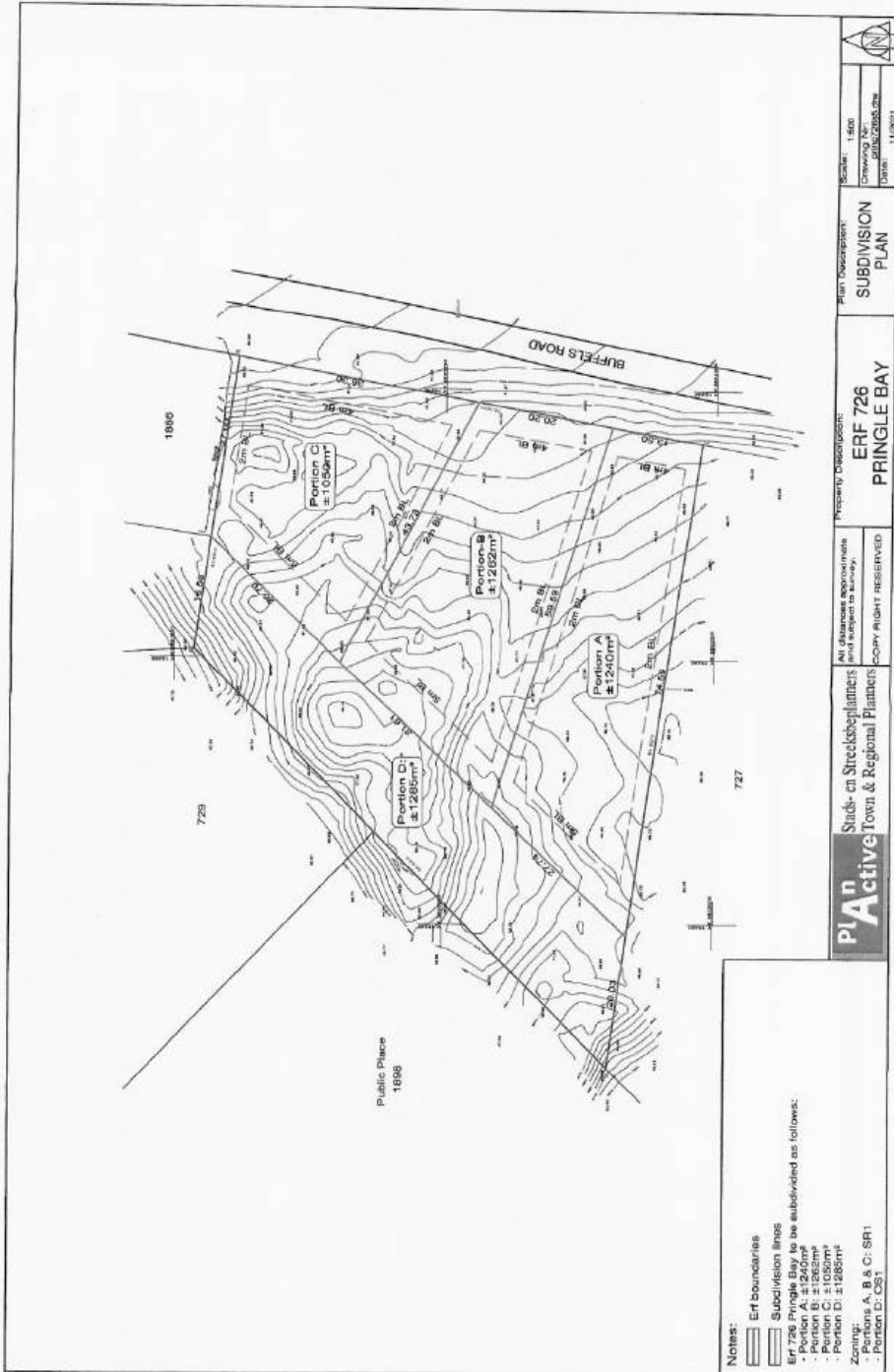
With regards to the above mentioned it would be appreciated if the application for the subdivision and rezoning of erf 726 Pringle Bay be approved.

Annexure C 1/2



- Notes:
- Erf boundaries
 - Subdivision lines
 - Erf 726 Pringle Bay to be subdivided as follows:
 - Portion A: 1,124.0m²
 - Portion B: 1,292.0m²
 - Portion C: 1,050.0m²
 - Portion D: 1,285.0m²
 - Zoning:
 - Portions A, B & C: SR1
 - Portion D: CS1

	All distances approximate and subject to survey.	Frequency Classification:	Plan Description:	Scale: 1:500
	COPY RIGHT RESERVED	ERF 726 PRINGLE BAY	SUBDIVISION PLAN	Drawn: P. J. DE VRIES Date: 11/2021



Notes:

- Erf boundaries
- Subdivision lines

ERF 726 Pringle Bay to be subdivided as follows:

- Portion A: ±1260m²
- Portion B: ±1202m²
- Portion C: ±1050m²
- Portion D: ±1285m²

Zoning:

- Portions A, B & C: SR1
- Portion D: CS1

	All distances approximate and subject to survey. COPY RIGHT RESERVED	Property Description: ERF 726 PRINGLE BAY	Plan Description: SUBDIVISION PLAN
	Scale: 1:500 Drawn: 11/08/2011 Date: 11/08/2011		



Annexure D

1/88



L Gillion

From: Eric Miller <[\[redacted\]](#)>
Sent: Friday, 22 April 2022 23:41
To: L Gillion
Subject: Fwd: Opposition to rezoning and subdivision of Erf 726 Pringle Bay: Municipal Notice 29/2022
Attachments: ADVERTISEMENT - Erf 726 Pringle Bay (Subdivision Rezoning).pdf

Ma'am,

In my capacity as a long time property owner and part time resident of Pringle Bay, I would like to register a most strenuous objection to the plans for intended rezoning of erf 726 Pringle Bay.

I am deeply concerned that the plans, if approved, will result in damage to the local environment, specifically the relationship between the dunes and and their symbiotic exchange with the beach/shoreline. Subdivision of the dunes close to the beach will be detrimental to both beach and dunes.

The subdivision of Erf 726 will destroy previous dunes and dune life. It is completely unacceptable that property development interests should be considered over the conservation of this highly threatened unique ecosystem.

I do not believe that these plans, if enacted, will be of benefit to the community economically, socially or infrastructurally. The claims that they will, are a fiction promoted by developers with little interest in the wellbeing of the community but rather driven by profit motive of densifying an area even beyond sustainability.

The densification policy promoted by Overberg Municipality, should not be a 'one size fits all' policy thrust upon a community and biosphere area that is already constantly struggling to maintain infrastructure in the face of repeated and regular water and electricity breakdowns, and inadequate sewerage capacity for the area. Any short term benefits of such densification will pale in the face of significant longer term damage to this sensitive environment.

I exhort the Overstrand Municipality to exercise ecological responsibility and unequivocally reject this application. The sustainability of our village, our district and biosphere reserve are at stake.

Eric Miller

1655 Caesar Rd

FILE NO. EL 726 - KPRB
SCAN NO. Eric
COLLABORATOR NO.
1676530

25 APR 2022

TP

2/88

TP-A theart
(Hold Steep)



L Gillion

From: Anthony and Hilary < >
Sent: Friday, 22 April 2022 15:59
To: L Gillion
Cc: and Hilary Harris Anthony
Subject: PRINGLE BAY ERF 726, 72 BUFFELS ROAD: APPLICATION FOR SUBDIVISION AND REZONING MUNICIPAL NOTICE 29/2022

To whom it may concern:

PRINGLE BAY ERF 726, 72 BUFFELS ROAD: APPLICATION FOR SUBDIVISION AND REZONING MUNICIPAL NOTICE 29/2022

I wish to object to the above rezoning on the grounds of destruction of habitat affecting flora and fauna of this area. The village infrastructure is already under pressure and will not cope with further subdivision and the accompanying increase in number of residents.

Yours,
Hilary Harris
ID
21 William Road, Pringle Bay.

FILE NO. EL 726-KPRB
SCAN NO. 08
COLLABORATOR NO.
1676124

TP 22 APR 2022

3/88

TP - A Theart
(H vld Steep)



L Gillion

From: Jill Schlachter < >
Sent: Thursday, 21 April 2022 23:54
To: L Gillion
Subject: Opposition to rezoning and subdivision of Erf 726 Pringle Bay: Municipal Notice 29/2022

Greetings

I would like to register my opposition to the subdivision and rezoning of Erf 726, Pringle Bay, and advertised in Municipal Notice 29/2022. I am a property owner and ratepayer in Pringle Bay. I provide my erf number and contact details below.

My objection falls under the heading IMPACT ON THE BIOPHYSICAL ENVIRONMENT.

The property is currently demarcated as Urban Conservation Area. The Land Use Plan recognises the need to protect sensitive dune and wetland areas adjacent to the property and an open space corridor has been built into the municipality's Land Use Plan.

Subdividing the erf into 3 single residence erven effectively means that 3 residences will be built in an area where the Land Use Plan has deliberately tried to protect the sensitive dune and wetland area. It is noted that the application proposes to rezone Portion D as Open Space Zone 1: Nature Reserve to meet the urban conservation corridor requirement of the municipality. However, Erf 726 is 4 837m2 and Portion D is planned as +/- 1 285m2.

There can be no doubt that allowing this subdivision will change the sensitive ecology of the dunes, and destroy much of the natural dune fynbos endemic to the area. This will in turn also destabilise the dune. The environment will be irretrievably damaged. Given that Pringle Bay is an urban area within a biosphere, it is imperative on us to protect the environment, and prioritise conservation over densification and urban development.

The application states: *'Subdivision and rezoning are not NEMA listed activities..... Certain listed activities in terms of NEMA might become applicable if facilities and infrastructure are constructed in future and will be dealt with as separate environmental applications when the need arises in future.'* It is cynical to use the fact that the subdivision and rezoning are not NEMA listed activities as a reason to disregard future damage to the environment. Once there are 3 residential erven the municipality will not be able to stop development and consequent environmental damage in the future.

Protecting our environment, especially one that has been designated as a biosphere due to its unique ecological status in the world, is the responsibility of all of us. At the same time, we citizens rely on the professionals within the municipality and our elected councillors to put in place the necessary policies and regulations to support conservation, and to hold the line by enforcing them.

I appeal to you to reject this application which will alter the ecology of the fynbos and dunes in that area and damage the integrity of the biosphere forever.

Yours
Janet Schlachter
Erf 402, Pringle Bay.
ID:
Phone:

FILE NO. EL 726-KPRB
SCAN NO. 05
COLLABORATOR NO.
1676113

TP 22 APR 2022

SCAN: EL 726-KPRB
 KPRB 726
 COLLABORATOR NO.
 1676327

SUID-AFRIKAANSE POLISIEDIENS



SOUTH AFRICAN POLICE SERVICE

AMAPOLISA OMZANTSI AFRICA

VERKLARING - STATEMENT



Naam Rochelle Valente
 Name
 Identiteitsnommer
 Identity number
 Woonadres
 Residential Address 1029 Buffels Street Pringle Bay
(P.O. 25 Market Street, Somerset West)
 Tel no
 Tel no(h) (w) Cell

Verklaar onder eed in Afrikaans. States under oath in English.

1.

I hereby confirm that the petition attached is signed by free-will, by concerned citizens & ratepayers of the neighbours to erf 26 in Pringle Bay.

I (or any of the signatories) are in no way affiliated by or colluding with any applicant, objector or appellant and is willing to act in regard to the application / appeal.

2.

Ek is vertroud met die inhoud van die verklaring en begryp dit. Ek het geen beswaar teen die aflegging van die voorgeskrewe eed nie. Ek beskou die voorgeskrewe eed as bindend vir my gewisde.
 I know and understand the contents of this statement. I have no objection in taking the prescribed oath. I consider the prescribed oath to be binding on my conscience.

Datum - Date 22 April 2022

Verklaarder - Deponent

Ek sertifiseer dat bostaande verklaring deur my afgeneem is en dat die verklaarder erken dat hy/ sy vertroud is met die inhoud van hierdie verklaring en dit begryp. Hierdie verklaring is voor my beëdig en verklaarder se handtekening / merk / duimafdruk is in my teenwoordigheid daarop aangebring.

I certify that the above statement was taken by me and that the deponent has acknowledged that he / she knows and understands the contents of this statement. This statement was sworn to / affirmed before me and deponent's signature / mark / thumbprint was placed thereon in my presence

at SOMERSET WEST op 2022-04-22 om 08:14
 on at



25 APR 2022
 TP

08353282
El Visser
 Kommissaris van eede - Commissioner of oaths
 S A Polisiediens - S A Police Service
 Hoofweg 181 - 181 Main road

Received: 23/4/2022

REF Tab - PETITION AGAINST REZONING & SUBDIVISIONS

D Number	Name	Surname	Contact Number	Address	Signature
1	Andrew	EM		69 George rd	[Signature]
2	Teat	M		1024 Buffalo	[Signature]
3	John			1029 Buffalo	[Signature]
4	Christa			1029 Buffalo	[Signature]
5	Stefanie			1029 Buffalo	[Signature]
6	Philip			1029 Buffalo	[Signature]
7	Kimberly			1029 Buffalo	[Signature]
8	Svenning			916 Elizabeth Rd	[Signature]
9	Christiane			1017 Elizabeth Rd	[Signature]
10	Ashley			1017 Elizabeth Rd	[Signature]
11	Lee			4 Bellwood South 18	[Signature]
12	Marie			" "	[Signature]
13	Rachel			23 Codrington Str.	[Signature]
14	Wessel			" "	[Signature]
15	Natasha			69 Buffels Road	[Signature]
16	Heidi			69 Buffels Road	[Signature]
17	Skylie			69 Buffels Road	[Signature]
18	Heidi			69 Buffels Road	[Signature]
19	Nikki			69 Buffels Road	[Signature]
20	Hilma			69 Buffels Road	[Signature]
21	Stephan			69 Buffels Road	[Signature]
22	Frankie			3617 Lakes	[Signature]
23	Levi			FLATLAND 327	[Signature]
24	Rudi			327 Flatland	[Signature]
25	Pam			13 Bobbie St	[Signature]

5/88

[Handwritten mark]

IS MADE CONSISTENT WITH THE
 DISPOSITIONS IN THE WISE PROVISIONS OF THE
 ACT THAT THE POLICE SERVICE SHALL
 BE RESPONSIBLE FOR THE PROTECTION OF THE
 PUBLIC AND THE MAINTENANCE OF THE
 ORIGINAL DOCUMENTS IN THE
 POLICE SERVICE.

0653282
 FJ Visser
 PHOTO TAKING / SIGNATURE

SOUTH AFRICAN POLICE SERVICE
 POLICE CLEARANCE
 22 APR 2022
 SOUTH AFRICAN POLICE SERVICE
 AMAPOLISA OMZANTSHTI AFRICA

ERF 126 -> PETITION AGAINST REZONING & SUBDIVISION

ID	Name	Surname	Contact Number	Address	Signature
1	Manelie	Neuerschwendel		Bobby	
2	ERDIE	UENSCHEMANN		15084 ST 11	
3	FRANCO	"		"	
4	MORRI	"		"	
5	EMILIE	"		"	
6	GERT	Brauer		912 Buffalo	
7	MINOR	KUMMERS		707 BOSSA LD	
8	BRUNO	FUCHS		215 "	
9	MARCO	FUCHS		311 "	
10	DEBORA	ADAMS		711 "	
11	KRISTIN	ADAMS		711 "	
12	KERSTIN	Zambelli		711 " William	
13	JULIA	LAHODANIT		738 William	
14	MARCO	KOHN		234 William	
15	WITOLD	POTYK		William 137	
16	PAUL	WILKINSON		William 132	
17	PAUL	WILKINSON		William 133	
18	A. MARI	WILKINSON		" "	
19	KARIN	WILKINSON		Buffels 17 Erf 107	
20	MARCO	WILKINSON		Erf 1105	
21	MARCO	WILKINSON		Erf 1106	
22	SANDRA	WILKINSON		Diana Road 158	
23	MARCO	WILKINSON		1147 Buffels	
24	MARCO	WILKINSON		1147 Buffels	
25	MARCO	WILKINSON		1152 Buffels	

1152 Buffels
 1152 Buffels
 1045 CEASER
 1045 CEASER
 22 APR 2022
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26) PHOENIX
 27) PHOENIX
 28) THERESA
 29) MARGARET
 30) ZALHAB
 De Villiers
 Schab
 Schab
 mihal.

SRF 726 - PETITION AGAINST SUBDIVIDING & REZONING

Name	Surname	Contact Number	Address	Signature	ID NUMBER
1) Neville	Schreuder		Ursula 954		
2) Belinda	Neuschwan		Ursula 954		
3) Marnis	Hartingh		Ursula 954		
4) Susan	Morgan		George 977		
5) VITTOBIA	JOOSSE		Buffels 1886		
6) Robert	Miller		Buffels 1886		
7) Lorna	Miller		Buffels 1886		
8) Georgia	Milner		Buffels 1802		
9) Terri	Hindson		Buffels 1802		
10) Brandon	Hindson		Buffels 1802		
11) Kayley	Panhan		Somerset west 6665		
12) ANTHONY	HARRIS		1025 WILLIAM		
13) BARBARA	KENNEDY		740 WILLIAM		
14) M/A	LE ROUX		947 URSULA		
15) SANTA	KASTNER		1029 BUFFELS		
16) Rachelle	Valente		Somerset, W 735		
17) WIKUS	VALENTE		Strand		
18) Kam	Clamson		Strand		
ANNON	GERBER		Strand		
Blend	Gerber		Ternard Rd		
Kinda	Villson		"		
Diedee	Kukey				

EXAMINER: DAT MECHE DOCUMENTS / WARE ACQUISITION
 BY: J. C. DE VRIES
 THIS DOCUMENT IS A TRUE COPY OF THE ORIGINAL DOCUMENT WHICH WAS EXAMINED BY THE EXAMINER IN THE ORIGINAL HANDWRITTEN MANNER.
 20250328
 F. Visser
 HANDWRITING / SIGNATURE

SOUTH AFRICAN POLICE SERVICE
 POLICE CLEARANCE
 22 APR 2022
 SOMERSET WEST
 AMAPOLISA, OIMZANTSHI AFRICA

7/88

Objection to the Subdivision of Erf 726, Pringle Bay

Dear Loretta and Overstrand Municipality Town planners,

It has come to our attention that there is a proposal to subdivide erf 726 in Buffels Road, Pringle Bay, into three separate erven and a fourth section to rezone into Nature Reserve. This erf is currently zoned as a Single Residence erf. (Noticed placed in the Herald on 17 March 2022.)

My husband and I are the property owners right opposite this land at 1029 Buffels Road and wish to strongly object to this proposal. It simply cannot go through. We have spoken to our neighbors who stand with us and will also appeal to you to prevent this subdivision from happening. I have also attached a petition and affidavit with direct concerned neighbors who were also not aware of this proposal.

Reasons for Objection:

- Devastating Ecological impact
- Insufficient Infrastructure
- Extremely inadequate budget Municipal Budget

Please see herewith a brief description of each of the aforesaid reasons:

Devastating Ecological impact

The proposed erf is situated on a large dune, completely covered in beautiful natural vegetation, which is keeping the landscape in place. It acts as a wind barrier and is home to much fauna and flora. According to the report "the site gradually slopes in a south-easterly direction". From the attached photo you will see this is a serious slope, and the entire dune is uneven. To build a house on the entire area would have to be cleared and leveled to be able to build a secure and safe structure on this land. To subdivide this area and build three houses is even more detrimental to the area which currently is the home to many rare plants, animals, and birdlife. (I am personally aware of a porcupine and mongoose family that live on this dune, not to mention the smaller wildlife and birds that would lose their home).

Sand dunes are prone to moving by the power of wind. Removing the vegetation from this dune will lead to a series of events such as sand being blown into abutting properties and destructing of natural habitat of scarce animal species. The stability of a sand dunes is also a major factor to consider. Once the vegetation has been removed, the integrity of the dune might be placed under stress, as the root systems of the plant keep the dune intact.

The area lying between Buffels Road, Willian Avenue and Bobbie Road is one of the only green spaces left in the town, currently divided into 4 large erven. It is a beautiful space, and a small refuge that has not yet been developed in Pringle Bay where almost every other open plot has been sold and being developed at a rapid pace. The town is expanding exponentially, and I fear will lose its peaceful atmosphere, which is such a strong attraction to homeowner and holiday makers, if even more subdivision is allowed.

Insufficient Infrastructure:

My biggest concern of approving this subdivision application is that should this go through, you set a precedent for the other four open erven on this dune to also follow suite. This would mean that an area supposed to add 4 houses could potentially lead to 12 or more homes!

There are currently no services connected to these erven – they are completely off the grid. All water, electrical and sewage lines would have to be dug, installed, and connected. Doing this for one house will already have a massive impact, doing it for three is just unwise.

There is also no flood/storm water canal on that side of Buffels road, or any type of level area that can deter waterflow. We have had to dig and maintain our own ditch on our property. The entire Buffels Road has a gradual slope, and with no walls or built structure to keep the water out of our property our house would be under water in the winter months. The municipality has promised to keep the canals clean of overgrowth, but this has not happened. How is the municipality to keep our standing property, for which we pay our rates & taxes, safe if they can't maintain what they have in place?

Furthermore, we have been in communication with Theresa Els, who had the municipality "Streets and Stormwater Superintendent" Mnr Brenton Baaitjies visit our home in January 2022, as we are concerned about the storm water canal behind our house in Elizabeth Road (erf 1013, 1014, 1015 and 1017). We were told this stormwater canal has been approved to be fixed by building/laying a solid structure with cement pipes in 2021 already, but to date there has been no improvement made. Due to this storm water canal that cannot handle the winter rains our neighbor (Mr Arthur Ray) has had numerous floods into his house, and we've felt the repercussions of this overflow too. The water table in our area is extremely high, and water is a huge concern for all landowners.

Each week there is a report from residents, all over town, communicating about a burst pipe, low pressure of some water issue. The current infrastructure simply cannot handle the pressure of a town that is already expanding beyond its capacity, and this plan will just add more strain on an already suffering system. Removing the natural vegetation from the dune on Buffels Road that keeps water lodged in the dunes is a saving grace, removing the plants will be detrimental.

Extremely Inadequate Municipal Budget:

I have have read the Overstrand Mayor's draft budget speech (<https://www.overstrand.gov.za/en/media-section/news/869-mayor-s-draft-budget-speech#:~:text=The%20Overstrand%20Capital%20budget%20ONLY,the%202022%2F23%20capital%20budget.>) which is very concerning: "The total budget is 11.3 LESS than the current year and The Mayor, Dr Annelie Rabie, stated the 5th capital budget project is "Replacement of waterpipes across Overstrand - R16million is allocated". The Mayor said she needs R60million for just Betty's Bay, Pringle Bay and Rooiels".

How on earth can the municipality make ends meet and secure the infrastructure of the people already owning land and paying their taxes in the Overstrand? The municipality does not have the budget to fix what they already have, let alone pay for new infrastructure.

10/88

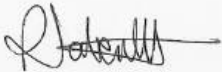
I have read the entire proposal drawn up by Plan-Active and though I see there is no "legal" reason for them to not proceed with subdivision it would be an ecological and infrastructural disaster for the entire dune, Pringle Bay biosphere and the other homeowners. I strongly urge you to not let this subdivision application pass.

Additional Concerns:

- Environmental Impact Assessment – Is there any study done by a professional Environmental Consultant that has investigated the subject property for any endangered fauna and flora?
- Impact of additional capacity on stormwater system and other Municipal Services such as electricity, solid waste, and sewerage.

Thank you

Rachelle & Wikus Valente
1029 Buffels Road, Pringle Bay
082 572 9422



L Gillion

From: Rachelle Valente <rachellevdm@gmail.com>
Sent: Friday, 22 April 2022 16:41
To: L Gillion
Subject: Erf 726 Pringle Bay - objection against subdivision and rezoning
Attachments: Erf 726 Pringle Bay - Certified Petition against rezoning and subdivision.pdf; Erf 726 Pringle Bay, Objection to Subdivision and Rezoning, by Rachelle Valente.pdf

Dear Loretta and Overstrand Municipality Town Planners,

I am the property owner at 1029 Buffels Street, Pringle Bay (ID 8507060023088). I am also a Pringle Bay Rate Payers Association and Street Watch member.

Please find attached my compiled document, with supporting images and objections against the subdivision of Erf 726, which was published in The Herald on 17 March 2021. This subdivision can not go through!

The only reason I know of this advertisement is that we were home on a Sunday and since I knew the plot had been sold, and I saw three individuals walking on the property, I introduced myself and welcomed them. I was then told, much to my surprise, "they will be subdividing and building three homes".

After much digging, I found the notice in The Herald and the information submitted by PlanActive town planners.

On Monday 18 April 2022, my neighbour (Natasha Duminy, who also wrote to you) and I canvassed the area around erf 726. None of the 76 people who signed our petition was even aware of this proposal. No one received notice or was consulted. They were all very concerned and willingly signed our plight to prevent subdivision from happening. I attach the certified petition, accompanied by an affidavit for your information.

They all object based on the points I list and discuss in my objection:

- 1) Devastating Ecological Impact
- 2) Insufficient Infrastructure
- 3) Extremely inadequate Municipal Budget

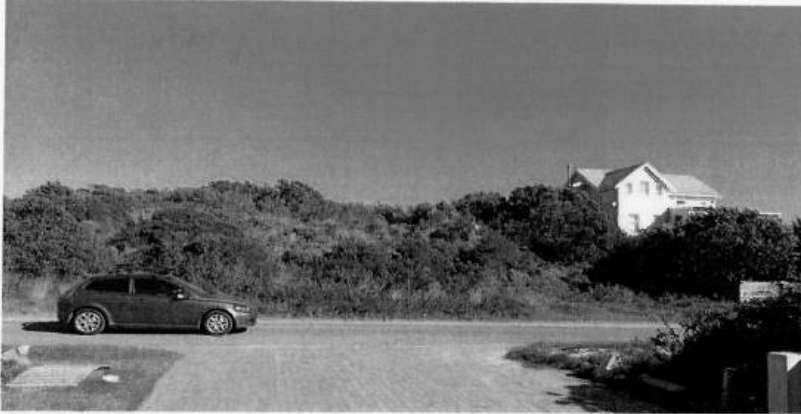
I will gladly be the contact person for this petition and do any work required to ensure we can prevent this subdivision from happening.

Thank you,

Rachelle Valente
082 572 9422

1029 Buffels Road, Pringle Bay

SUPPORTING IMAGES:



View from 1029 Buffels Driveway.

You can clearly see this is not a gradual slope as indicated on the document supplied by PlanActive. In fact, it is a steep uphill dune, fully covered in natural fynbos. The outlined plot division suggests this piece of land (Portion C), in the image, to be one of the sections. To be able to build a safe structure the entire dune would have to be flattened, leading to an ecological disaster. The dunes are critical to the entire Pringle Bay's fauna and flora. Development can't be stopped, but it can be done mindfully.





The rest of the dune looking left from 1029 Buffels Road.

You can clearly see the gradual slope of the road towards the built / inhabited side of Buffels Road, and the attempt at stormwater system that we dug ourselves. There is NO infrastructure on the dune, and if the vegetation should be removed all water, debris and floods would come gushing into our properties.



The complete lack of "stormwater" maintenance.

Image on the left if looking down from 1029 Buffels Road, which was only maintained last year when we complained after purchasing our property.

The image on the right is in Elizabeth Road, behind us.

To further establish the point that Pringle Bay does NOT have the infrastructure or capacity to handle more pressure on a buckling water system, this is the current situation in Elizabeth Road, right behind Buffels Road. This has been an issue for a couple of years, causing damage to the neighboring properties & after promises of it being fixed, nothing has happened.



The stormwater comes through behind / next to #1017. The sandbags are their only defense against impending floods, and the municipality promised a built stormwater structure, but nothing has happened.



15/88



The view from Elizabeth Road, to Buffels (our property at 1029 in the image), and the dune across from us, which is proposed to subdivide.
This open plot behind us is also sold and waiting to be built, which will add additional pressure as it is.



Image of our neighbors (69 Buffels Rd) back-garden due to burst water pipes after flooding in 2021. Image taken from our home by previous owner. The previous owners of our property had to safeguard themselves and built a retainer wall. Our entire property also has a very high water table and it won't take much to cause severe damage.

16/88

A snippet of images of the natural wildlife & beauty which will be lost if this plan get approved:



Natural fauna and flora: Small rodents, reptiles and beautiful flowers. Some images by Liz Potgieter, local Pringle Bay photographer and conservationist. (Via Facebook)





Liz Potgieter
 17h · 🌐 · ...

Pringle Bay Conservation friends, our hearts are really weighed down to see all the city fencing that is going up here, of late... The worry is that long term territorial residents for decades like angulate tortoise, (*Chersina angulata*) and the fast vanishing spotted thick-knee, (*Burhinus capensis*) amongst multiple others... will be ousted from their access to breeding areas and movement. It was always a policy of... no fencing and no night lights in Pringle Bay... What has changed, why and what can we do about it? Please give this some attention and offer some solutions... we have almost no bokies left? #naturelovers #Pringlebay #overstrand #overstrandenvironment #OverstrandMunicipality #capenature See less



Nocturnal Animals who live in the dunes, images from Facebook "Pringle Bay conservancy group"

There are also little buck, mongoose, porcupine and numerous other critters that live in the dune. These animals are being pushed out and what's the use of living in a Biosphere if there is no beauty and natural habitat left for those that were there first. It is our duty to protect the little wildlife that remains.

I thank you for your time and hope all the residents & ratepayers who have objected will be heard.



TP - A Theart
(H vld Stoep)



Objection to the Subdivision of Erf 726, Pringle Bay

Dear Loretta and Overstrand Municipality Town planners,

It has come to our attention that there is a proposal to subdivide erf 726 in Buffels Road, Pringle Bay, into three separate erven and a fourth section to rezone into Nature Reserve. This erf is currently zoned as a Single Residence erf. (Noticed placed in the Herald on 17 March 2022.)

My husband and I are the property owners right opposite this land at 1029 Buffels Road and wish to strongly object to this proposal. It simply cannot go through. We have spoken to our neighbors who stand with us and will also appeal to you to prevent this subdivision from happening. I have also attached a petition and affidavit with direct concerned neighbors who were also not aware of this proposal.

Reasons for Objection:

- Devastating Ecological impact
- Insufficient Infrastructure
- Extremely inadequate budget Municipal Budget

Please see herewith a brief description of each of the aforesaid reasons:

Devastating Ecological impact

The proposed erf is situated on a large dune, completely covered in beautiful natural vegetation, which is keeping the landscape in place. It acts as a wind barrier and is home to much fauna and flora. According to the report "the site gradually slopes in a south-easterly direction". From the attached photo you will see this is a serious slope, and the entire dune is uneven. To build a house on the entire area would have to be cleared and leveled to be able to build a secure and safe structure on this land. To subdivide this area and build three houses is even more detrimental to the area which currently is the home to many rare plants, animals, and birdlife. (I am personally aware of a porcupine and mongoose family that live on this dune, not to mention the smaller wildlife and birds that would lose their home).

Sand dunes are prone to moving by the power of wind. Removing the vegetation from this dune will lead to a series of events such as sand being blown into abutting properties and destructing of natural habitat of scarce animal species. The stability of a sand dunes is also a major factor to consider. Once the vegetation has been removed, the integrity of the dune might be placed under stress, as the root systems of the plant keep the dune intact.

The area lying between Buffels Road, Willian Avenue and Bobbie Road is one of the only green spaces left in the town, currently divided into 4 large erven. It is a beautiful space, and a small refuge that has not yet been developed in Pringle Bay where almost every other open plot has been sold and being developed at a rapid pace. The town is expanding exponentially, and I fear will lose its peaceful atmosphere, which is such a strong attraction to homeowner and holiday makers, if even more subdivision is allowed.

FILE NO. EL 726-KPRB
SCAN NO.
COLLABORATOR NO.
1676327

25 APR 2022

TP

Insufficient Infrastructure:

My biggest concern of approving this subdivision application is that should this go through, you set a precedent for the other four open erven on this dune to also follow suite. This would mean that an area supposed to add 4 houses could potentially lead to 12 or more homes!

There are currently no services connected to these erven – they are completely off the grid. All water, electrical and sewage lines would have to be dug, installed, and connected. Doing this for one house will already have a massive impact, doing it for three is just unwise.

There is also no flood/storm water canal on that side of Buffels road, or any type of level area that can deter waterflow. We have had to dig and maintain our own ditch on our property. The entire Buffels Road has a gradual slope, and with no walls or built structure to keep the water out of our property our house would be under water in the winter months. The municipality has promised to keep the canals clean of overgrowth, but this has not happened. How is the municipality to keep our standing property, for which we pay our rates & taxes, safe if they can't maintain what they have in place?

Furthermore, we have been in communication with Theresa Els, who had the municipality "Streets and Stormwater Superintendent" Mnr Brenton Baaitjies visit our home in January 2022, as we are concerned about the storm water canal behind our house in Elizabeth Road (erf 1013, 1014, 1015 and 1017). We were told this stormwater canal has been approved to be fixed by building/laying a solid structure with cement pipes in 2021 already, but to date there has been no improvement made. Due to this storm water canal that cannot handle the winter rains our neighbor (Mr Arthur Ray) has had numerous floods into his house, and we've felt the repercussions of this overflow too. The water table in our area is extremely high, and water is a huge concern for all landowners.

Each week there is a report from residents, all over town, communicating about a burst pipe, low pressure of some water issue. The current infrastructure simply cannot handle the pressure of a town that is already expanding beyond its capacity, and this plan will just add more strain on an already suffering system. Removing the natural vegetation from the dune on Buffels Road that keeps water lodged in the dunes is a saving grace, removing the plants will be detrimental.

Extremely Inadequate Municipal Budget:

I have have read the Overstrand Mayor's draft budget speech (<https://www.overstrand.gov.za/en/media-section/news/869-mayor-s-draft-budget-speech#:~:text=The%20Overstrand%20Capital%20budget%20ONLY,the%202022%2F23%20capital%20budget.>) which is very concerning: "The total budget is 11.3 LESS than the current year and The Mayor, Dr Annelie Rabie, stated the 5th capital budget project is "Replacement of waterpipes across Overstrand - R16million is allocated". The Mayor said she needs R60million for just Betty's Bay, Pringle Bay and Rooiels".

How on earth can the municipality make ends meet and secure the infrastructure of the people already owning land and paying their taxes in the Overstrand? The municipality does not have the budget to fix what they already have, let alone pay for new infrastructure.

I have read the entire proposal drawn up by Plan-Active and though I see there is no "legal" reason for them to not proceed with subdivision it would be an ecological and infrastructural disaster for the entire dune, Pringle Bay biosphere and the other homeowners. I strongly urge you to not let this subdivision application pass.

Additional Concerns:

- Environmental Impact Assessment – Is there any study done by a professional Environmental Consultant that has investigated the subject property for any endangered fauna and flora?
- Impact of additional capacity on stormwater system and other Municipal Services such as electricity, solid waste, and sewerage.

Thank you

Rachelle & Wikus Valente
1029 Buffels Road, Pringle Bay
082 572 9422

L Gillion

TP-A Theart
(Hvd Stoop)

21 | 88

From: Natasha Duminy < >
Sent: Thursday, 21 April 2022 18:10
To: L Gillion
Cc: Rachelle Valente
Subject: Objection to the Subdivision and Rezoning of Erf 726 Buffels Road, Pringle Bay
Attachments: Video.MOV; Video_1.MOV



- > Good day Loretta
 >
 > This email serves as an objection to the notice which was published in the Herald on 17 March 2022, regarding the rezoning and subdividing of Erf 726 Buffels Road, Pringle Bay.
 >
 > We are the homeowners of erf 1028 (nr 69) Buffels Road, Pringle Bay.
 > We are situated directly opposite Erf 726 Buffels Road.
 >
 > We hereby strongly object to the rezoning and subdividing of Erf 726 for the following reasons :
 >
 > The current Infrastructure of the area is already under immense pressure and by allowing additional houses to be built on an erf identified for one house, does not bode well for the future.
 >
 > There is a huge problem regarding the stormwater and drainage system in Pringle Bay. Last year our erf flooded with stormwater which could not be lead out or drained away. Resulting in the water remaining in our erf for days on end and not allowing us any access to the back and side yard. The water rose so high it almost entered our back sliding door, which is three steps high up on a stoep. The stormwater from Elizabeth Road also flooded into our erf. This problem was reported to the Municipality, photos and videos were sent and to date nothing was done regarding this. See attached photos of the water that welled up in our erf.
 > The stormwater in Pringle Bay is a huge concern to all residents as many properties have been damaged in the past.
 > Now just imagine if all the plants and fynbos of the dune (erf 726) opposite our house was removed, then all of that stormwater would also flow directly into our erf, as there is no stormwater canal or pipes that can deter the water. Where does it leave the houses on Erf 1028 and Erf 1029? Thus removing this vegetation will be detrimental.
 >
 > The dune is also home to various animal species such as the red bucks (which are very quickly disappearing), porcupines, meercats, tortoise and various bird species. What will happen to these animals? Where will they go? Not to mention all the fynbos and natural vegetation. This beautiful dune is one of the few left in Pringle Bay.
 >
 > Currently the normal waiting time for the sewerage tanks to be emptied out takes up to and average of two days. Adding extra houses with extra families will also add on to the pressure of this service.
 >
 > Whith the building of one house, comes a lot traffic and noise, just imagine the noise and traffic associated with building three houses.
 >
 > We strongly urge you not to let this subdivision and rezoning of Erf 726 be approved.
 >
 > For any queries please feel free to contact us.
 >
 > Thank you.
 >
 > Natasha and Heno Duminy

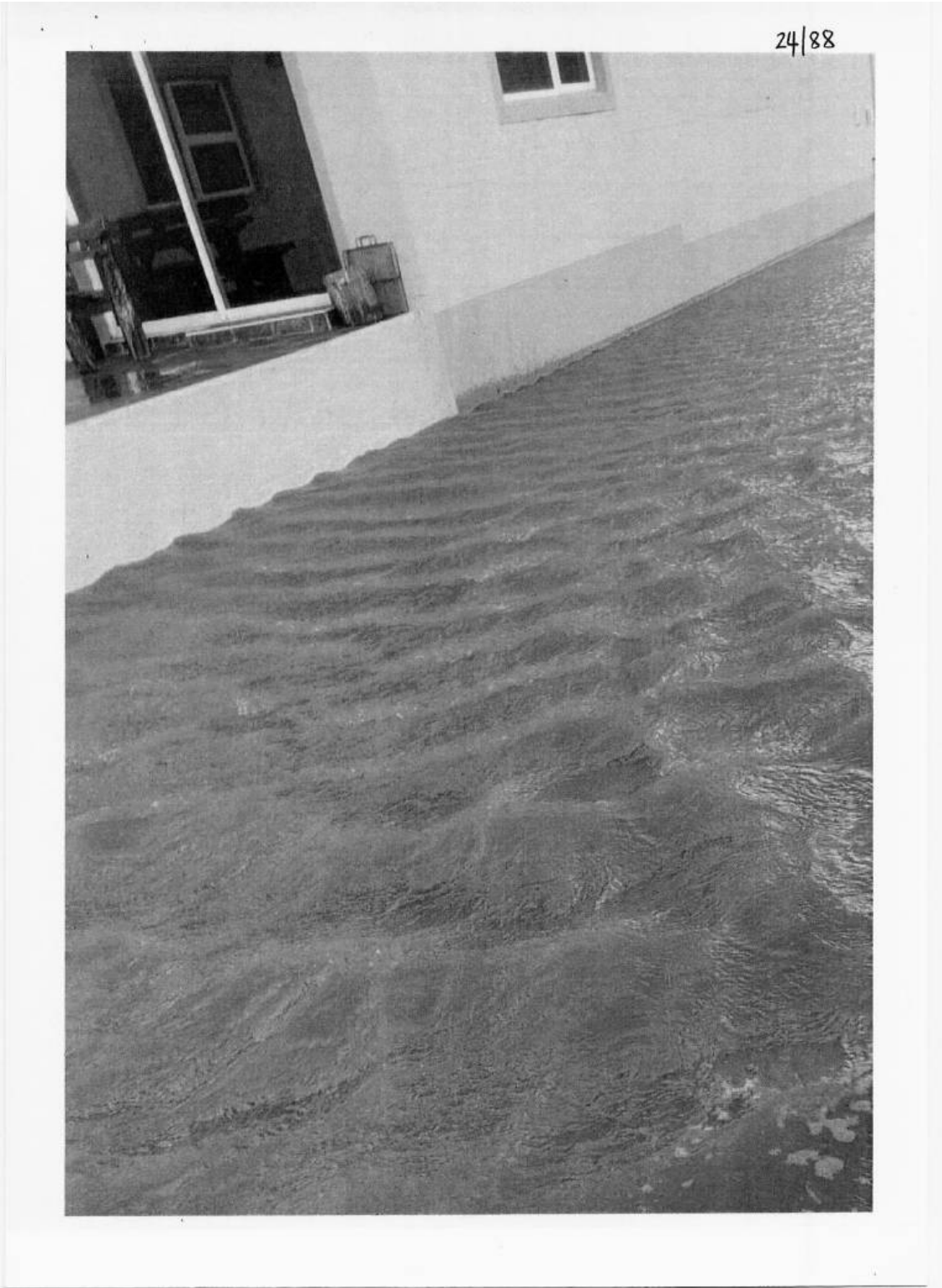
FILE NO. EL 726-KPRB
SCAN NO. 14
COLLABORATOR NO. 1676145

TP 22 APR 2022



23/88





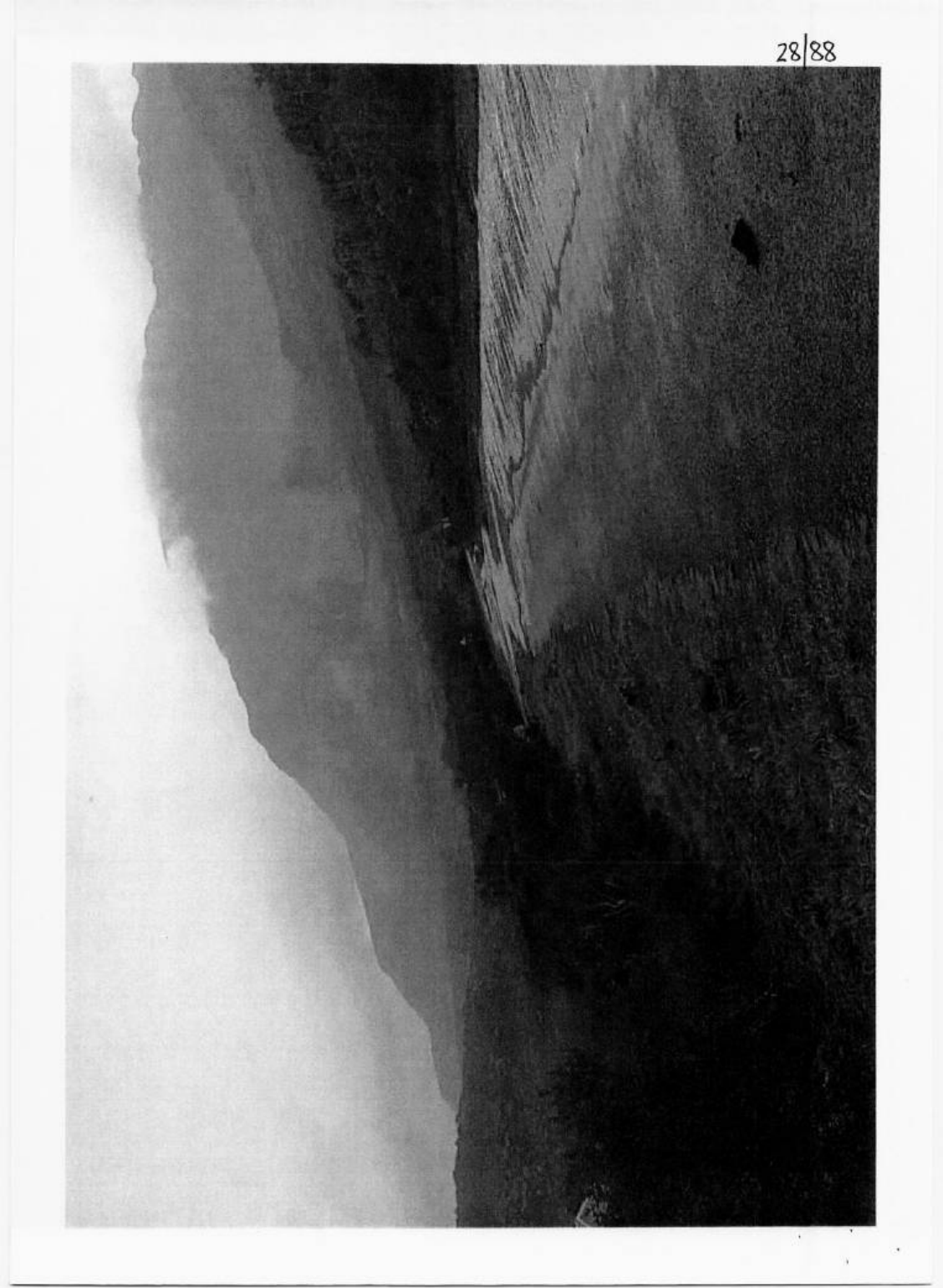
Photos and a video of the stormwater in our erf last winter.

26 | 88



27/88

Storm water from Elizabeth road which also flowed into our erf.



28/88

29 | 88



Stormwater flowing down Buffels road.

30/88



PRINGLE BAY RATEPAYERS' ASSOCIATION
PRINGLEBAAI BELASTINGBETALERSVERENIGING

31/88

SARS Reg. 9101/138/16/3
 NPO Reg. 214-205
 www.pringlebayratepayers.co.za
 P O Box 405, Pringle Bay, 7196 / Posbus 409, Pringlebaai, 7196
 Chairman / Voorsitter: chairman@pringlebayratepayers.co.za / Tel: 083 556 3345

22 APRIL 2022

The Municipal Manager

OVERSTRAND MUNICIPALITY
 HERMANUS
 7200

TP-A Theart
 (H v Id Steep)

PER EMAIL: loretta@overstrand.gov.za

Dear Sir

PRINGLE BAY ERF 726, 72 BUFFELS ROAD: APPLICATION FOR SUBDIVISION AND REZONING.
MUNICIPAL NOTICE 29/2022

PREAMBLE

I, the undersigned, ALBERT WILLEM VORSTER (Identity no. 611004 5027 084) in my representative capacity as Vice Chairman of the PRINGLE BAY RATEPAYERS' ASSOCIATION (hereafter referred to as PBRA, being a separate legal entity having a constitution, in terms of which it has a right, inter alia, to sue and to be sued), on behalf of our members who have granted a mandate to the PBRA to, among others, oppose applications for rezoning, consent use applications and changes to title deed conditions, hereby wish to submit comments and a request on behalf of the PBRA regarding the subject application.

1. ORGANISATION

The Pringle Bay Ratepayers' Association (PBRA) was started in the late 1960s by the first residents of Pringle Bay to represent the interests of ratepayers and residents. Today it is a registered Non-profit, Public Benefit Organisation.

The PBRA represents the ratepayers within the declared Urban Edge. This currently constitutes approximately 1,800 properties (erfs) of which approximately 1,000 are developed (thus having a habitable structure erected on it either for residential or business purposes).

Our Vision states:

"Motivated by the unspoiled beauty of our village and surrounds, the warm embracing spirit of its people, our aim is to grow and nurture a life-enriching community who live, work and play in Pringle Bay".

COMMENTS ON APPLICATION FOR SUBDIVISION AND REZONING
 ERF 726
 DATE: 22 APRIL 2022
 DOC STATUS: FINAL FOR SUBMISSION

TP 22 APR 2022

FILE NO. EL-726-KPRB
SCAN NO. 13
COLLABORATOR NO. 1676144

1



To fulfill our vision, we believe our primary goals are:

- To preserve our community's distinctive cultural & natural heritage and unique lifestyle.
- To promote a sustainable local economy that supports the unique lifestyle of the village.
- To influence orderly and sustainable growth and development supporting the uniqueness of the village.
- To establish and maintain a mutually beneficial partnership with the municipality and politicians to positively influence the provision of reliable and efficient services, to the benefit of the community.
- To secure Pringle Bay Village by developing and implementing a holistic safety and security solution using best practices.

We believe that the above mentioned can only successfully be achieved by firstly upholding our values through focusing our efforts on implementing appropriate plans to achieve these goals and secondly by having organs of state in place which are in support of these values and plans. Our overarching Strategic Plan must always be aligned with relevant statutory and legal requirements including but not necessarily limited to those included in the Spatial Development Framework, Land Use Scheme(s) and the Bylaws in support of these.

HENCE, herewith our comments and request regarding your municipal notice 29/2022.

2. EXECUTIVE SUMMARY

We request that the application be withdrawn for the following reasons:

- 2.1. Erf 726 falls within a specially designated conservation-worthy area and is classified as URBAN CONSERVATION ENVIRONMENTAL MANAGEMENT OVERLAY ZONE ("URBAN CONSERVATION EMOZ").
- 2.2. The URBAN CONSERVATION EMOZ envisages two possible layers of protection:
 - 2.2.1. An Operational Management Plan for the whole of the PB Urban Conservation Area (Par 8.5.1.1 of the Urban Conservation EMOZ).
 - 2.2.2. A Specialist Biodiversity and/or Other Relevant Studies Report to be undertaken by the particular individual developer/owner. (Par 8.5.1.1.4 of the Urban Conservation EMOZ).
 - 2.2.3. The present application represents a fragmented intervention into a very special and unique area of Pringle Bay.

Approval of the present application may result in the objective of the EMOZ being defeated.



- 2.3. We request that the present and future applications in respect of the PB Urban Conservation Area not be considered until an Operational Management Plan for the whole of the PB Urban Conservation Area has been prepared with involvement of all PB role players as part of a public participation process.
- 2.4. We further request that individual applications such as the present under Municipal Notice Number 29/2022 be substantiated by a Specialist Biodiversity and/or Other Relevant Studies Report by the particular individual developer/owner.

3. THE UNIQUENESS OF THE PB URBAN CONSERVATION AREA.

- 3.1. We attach the two OM maps that form part of the PB Urban Conservation Zone legislation and within which the erf is situated.
- 3.2. It is unique in that it contains a number of conservation categories resulting from township development.

It is a desperate, last ditch attempt to save and to recoup from less well conceived historical township development activities.

Any relaxation of requirements and/or conditions pertaining to the subdivision of the subject property will result in irrevocable loss to our Conservancy, our community, and to the Overstrand Municipality, with, in our opinion, very little in return save profit for an individual/Trust.

- 3.3. It also embraces the modern corridor concept of conservation, whereby the wild areas surrounding PB are linked to the coast, as it was before township development.
- 3.4. The present application represents a fragmented intervention into a very special and unique remaining area of Pringle Bay.

The PB Urban Conservation Zone is the only remaining natural environment of its kind remaining in PB and has, for that reason, been specially protected as part of the OM's overhaul of land legislation in 2019.

- 3.5. The present property falls into Category D of the above maps.

Category D is described as follows:

"8.5.1.1.4. Category D: Private Property

- Private property within priority conservation-worthy ecological corridors from mountain to coast and/or across priority conservation-worthy areas identified in accordance with the Overstrand Environmental Management Framework.
- In the face of development pressure, the Municipality may, if it deems it necessary, upon receipt of a development proposal or application that does not involve any activities identified under the NEMA listing notices, **require that specialist biodiversity and/or other relevant studies (our emphasis)** be undertaken by the developer/owner in order to inform development planning and retain priority ecological corridors and habitats."



- 3.6. The PB Urban Conservation Zone is furthermore unique in that it also contains a Category A area which is described as follows:

"5.1.1.1. Category A: Pristine Ecosystems

Pristine ecosystems to be protected and managed as wilderness, nature reserve or special management areas with very low impact development and environmental education and appreciation activities only."

- 3.7. The PB Urban Conservation Zone also uniquely contains a Category B area which can be described as nature reserve.

Category B is described as follows:

"8.5.1.1.2. Category B: Semi-Modified Ecosystems

Semi-modified ecosystems with intact biodiversity corridor function to be managed as conservation areas with low to medium impact recreational uses."

- 3.8. Special provision is made to enable an Operational Management Plan for PB as follows:**

"8.5.1.1. Overstrand Municipality may develop an operational management plan (our emphasis) for priority Urban Conservation EMOZ properties per residential area, according to the following categories:.....Categories A etc."

4. THE SO-CALLED RIDGE GUIDELINE DEVELOPMENT PLAN ("PLAN")

- 4.1. As part of this Plan the Nature Conservation Department of the Municipality had apparently proposed that in the event of subdivision in the present area, an open space corridor must be divided from the erven and be ceded to the Municipality.
- 4.2. The planners of the PB Urban Conservation Zone will have been well aware of this Plan when they classified the piece of land on the map which had been previously divided under the plan as corridor land as Category A.
- 4.3. They were apparently also fully aware that the area, with its various conservation categories from a flung-back township development, would have to be, as a composite whole, holistically protected, not only the few erven of which the present erf forms part.
- 4.4. **We are of the opinion that, whilst the original RIDGE GUIDELINE DEVELOPMENT PLAN had not been withdrawn, it is overridden by the EMOZ. The Plan, especially the corridor concept, will in our opinion form part of a consideration in the development of the Operational Management Plan.**
- 4.5. **The Plan is by no means the sole basis on which subdivisions are evaluated in the area, as the applicant would suggest in its application.**



5. COMMENTS ON THE APPLICATION DOCUMENTATION

We request that the application be withdrawn as being defectively documented or advertised, as follows:

5.1. Whilst we are of the opinion that the application be withdrawn for the reasons set out in the Executive Summary in Par 2, we briefly mention our concerns on the application documentation itself.

5.2. We are especially concerned that a misrepresentation is created in the application that erf 726 "is currently an exceptionally large portion of landin the middle of a residential area", without mentioning that the adjoining erven are similarly large.

In the process the applicant does not consider for what purpose the erven have been designed so large and why they should not be retained so large.

The statement that "Compliance with the minimum erf size confirms the compatibility with the area" similarly creates a wrong impression, because it refers to erven outside of the PB Urban Conservation Zone.

5.3. We have pointed out in Par 4.4 above that the Ridge Guideline Development Plan has been superseded for consideration by the EMOZ.

5.4. The applicant pays scant regard to the EMOZ.

Due consideration of Schedules A, B and C pertaining to the PB Urban Protection Zone, especially those regulations dealing with dune and wetland areas such as the present, is not given by the applicant, apparently because it mistakenly believes that the Plan is the only consideration.

5.5. The Plan (RIDGE GUIDELINE DEVELOPMENT PLAN) was not added to the advertised documentation, although it is this document that is relied on by the applicant.

Our effort to obtain a copy was not successful.

5.6. A copy of the title deed was also not attached, nor a copy of the Conveyancer's Certificate, nor a copy of the referenced letter by the Town Planning Department "Mrs Hanneen Van Der Stoep dated 19 March 2020".

5.7. There was no averment that all the individual property owners in the particular township development section had received notice of the application.

5.8. The reliance placed by the applicant on the OM's densification policy may not be justified in view of the special classification of the present property in the EMOZ.

In our opinion it will be one of the considerations in drafting a much needed management plan.



36/88

6. REQUEST PLEASE

We sincerely request that the application please be withdrawn for the reasons set out above.

Your kind attention to the above-mentioned will be appreciated and we are looking forward to receiving your reply in this regard.

Kind Regards

Bertie Vorster
Vice Chair: PBRA

Attachments:

- Overstrand Municipality: Overlay Zones for Zoning Schemes: Urban Conservation EMOZ: Plan 5.1-A Pringle Bay
- Overstrand Municipality: Overlay Zones for Zoning Schemes: Urban Conservation EMOZ: Plan 5.1-B Pringle Bay

39/88

• FRIENDS OF ROOIELS

FriendsofRooiels@gmail.com



PO BOX 420
Pringle Bay
7196

22 April 2022

The Municipal Manager
Overstrand Municipality
Hermanus

TP-A Theart
(Hild Steep)

By email to: loretta@overstrand.gov.za

Dear Madam/Sir,

OBJECTION MUNICIPAL NOTICE 29/2022

PRINGLE BAY ERF 726, 72 BUFFELS ROAD: APPLICATION FOR SUBDIVISION AND REZONING

Friends of Rooiels is a non profit community based organisation which was established in March 2018. Our organisation is primarily concerned about those land use matters and practices which may lead to the subversion/erosion of the Overstrand zoning scheme provisions and/or of title deed conditions to the detriment of the natural environment and sense of place.

We object to the above application on the basis that this is an extremely sensitive and ecologically valuable property, yet the double protections afforded by the zoning scheme have not been properly and fully implemented with regard thereto. If this type of practice is allowed to become the norm, it will have serious detrimental implications for the biodiversity and environmental integrity of the greater area.

Erf 726 falls within a specially designated conservation-worthy area and is classified as URBAN CONSERVATION ENVIRONMENTAL MANAGEMENT OVERLAY ZONE ("URBAN CONSERVATION EMOZ"). The Pringle Bay Urban Conservation Zone is the only remaining natural environment of its kind remaining in Pringle Bay. For that reason, it has been specially protected in the 2020 overhaul of Overstrand's land use legislation and brought under the URBAN CONSERVATION EMOZ. It was deemed vital in the zoning scheme that land falling under the URBAN CONSERVATION EMOZ should receive TWO layers of

TP
22 APR 2022

FILE NO. EL 726-KPRB
SCAN NO. 12
COLLABORATOR NO.
1676140

40/88

protection; namely (i) through an Operational Management Plan, and (ii) the requirement of specialist biodiversity and other relevant studies by the owner/developer.

Unfortunately, we see that neither of the above layers of protection of this extremely valuable property have been implemented. It is vital that any development of erf 726 should only be in accordance with an Operational Management Plan and that proper consideration needs to be given to Schedules A, B and C pertaining to the Pringle Bay Urban Conservation Zone, especially those regulations dealing with dune and wetland areas.

The application is defective in so far as it is covered by the URBAN CONSERVATION EMOZ, yet it is apparently not submitted and dealt with under the URBAN CONSERVATION EMOZ. This application is treated as if it were no different from any other property in Pringle Bay which has not been given the double protections under the URBAN CONSERVATION EMOZ.

A cynical and opportunistic approach to land use applications allowing applicants to exploit loopholes must not be tolerated – especially so where the last remnant of a threatened ecosystem is concerned. The URBAN CONSERVATION EMOZ should be implemented by all in the spirit it was intended, namely the safeguarding of the only remaining natural environment of its kind remaining in Pringle Bay.

We urge you to refer this application back to the developer.

Yours faithfully

D Esterhuysen

Secretary: Friends of Rooiels



TP-A Theart
(Huld Steep)

41/88

936 George Way,
Pringle Bay.

(PO Box _____)

21/04/2022

For attention: Loretta.

Re: Erf 726 - objection to rezoning and subdivision

Dear Sir/Madam

I wish to lodge an objection to the proposed rezoning of the above-mentioned erf for the following reasons.

1. Why is this necessary?

I drive around Pringle Bay doing a Street watch patrol on a regular basis and what I see is a lot of very large unoccupied houses. So, to me, this is saying that for many landowners in Pringle Bay these homes are only holiday homes. It makes me wonder then about what use these erven are going put to. I assume thus, that they will be built upon. Why – we do not have a shortage of accommodation in Pringle Bay? This is then, presumably about profit and not about benefit to the whole community including the “other residents” as mentioned in the following paragraph.

2. If this rezoning is granted it is likely that the rest of that particular dune area will be rezoned and it seems that sets a precedent for all “green” areas in the village to be rezoned.

3. If indeed this application succeeds and people start building homes – what seems to be the standard the course of action is to entirely clear the plot of all vegetation with total disregard for the other “residents” of Pringle Bay namely the vegetation (many species of fynbos endemic to this area potentially endangered because of habitat loss) insects, birds, reptiles and others e.g. mongooses, buck, porcupines etc. (species potentially endangered by habitat loss). To add insult to injury the builders that I have had experience with and from what I have seen at building sites are no respector’s of the soil which remains after the clearing of the plots, dumping building waste especially cement on the property, which can leach into and damage the soil. Those owners who wished to bring in elements of the fynbos into the garden (as I have heard it said by someone who had just cleared her property) would struggle because of the toxicity of the soil. It does not only affect fynbos and lasts for a long time.

4. So then having created a “a cement jungle” which given the situation might be difficult-building on a sand dune must have its challenges what then? –

- Is Buffels Rd able to handle extra traffic -I think not! It is difficult enough to navigate in high season as it is.
- Are the services able to cope with other houses in term of supplying water, sewerage - suctioning, rubbish removal? It seems to me especially with regard to the former two that this would be difficult -that is from personal experience

I have lived fulltime in Pringle Bay for 3 years and am horrified by what I see on building sites and plots. I think in years to come all the “residents” will be the poorer in terms of quality of life because of the development that is taking place already and if this application unfortunately succeeds.

Thank you for your attention in this matter.

Yours sincerely

FILE NO. EL 726-KPRB
SCAN NO. 11
COLLABORATOR NO. 1676139

TP

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Mrs JD and Prof RC Pattinson

Professor Robert Clive Pattinson ID _____

Mrs Jennifer Dianne Pattinson ID: _____

Cellphone number for both _____


J.D. PATTINSON


R.C. PATTINSON

L Gillion

TP-A Theart
(H vld Steep)

From: Wynand Louw < >
Sent: Thursday, 21 April 2022 17:07
To: L Gillion
Cc:
Subject: FW: Sub Division and Rezoning: ERF 726, Buffels Rd, Pringle Bay

FILE NO. GL 726-KPRB
SCAN NO. 10
1676132

Dear Ms,

As Chairperson of the Hangklip Environmental Action Group (HEAG) I hereby object to the application of the sub division and rezoning of Erf 726, Buffels Rd Pringle Bay. HEAG's objection must be viewed within the context of a marked acceleration in the urban densification of Pringle Bay over the last number of years which is still unabatedly continuing. This fact implies that the existing ecological corridors should be protected and nurtured at all cost, be they public or privately owned.

HEAG'S objection against the application to divide and rezone Erf 726 is based on the following:

1. Lack of Specialist Biodiversity Impact Assessment/Study:

The Overstrand Municipal Environmental Management Overlay Zone (EMOZ) is a set of strategically crucial regulatory guidelines and prerequisites that need to be followed and adhered to in matters such as this application. This document in paragraph 8.5.1.1.4 that deals with privately owned corridors of land that enjoys conservation – worthy status stipulates that, within the context of the above mentioned increasing developmental pressure within the urban edge ...
"the Municipality may, if it deems it necessary, upon receipt of a development proposal or application that does not involve any activities identified under the NEMA listing notices, require that specialist biodiversity and/or other relevant studies be undertaken by the developer/owner in order to inform development planning and retain priority ecological corridors and habitats." HEAG is of opinion that it is patently clear that the applicants need to adhere to this requirement before any consideration to their application is given.

2. Participation of Affected Parties and Broader Public

It is HEAG's contention that, given the potential environmental and aesthetic – visual impact that will eventuate from the erection of three dwellings (with outbuildings) as well as establishment of basic infrastructure and service provision it is imperative that a public participation process is established to inform and solicit the sentiment towards this application of those that will be directly affected and impacted upon by

TP 22 APR 2022

the mooted development (homeowners adjacent to erf 726), as well as importantly, the broader Pringle Bay community. The latter has over the last 30+ years made it abundantly clear through individual and collective action and mobilization that an extremely high premium is placed on protecting the environmental integrity of Pringle Bay, both within the urban parameters and beyond. The practice of participation of affected parties in proposed development has over the last number of years become an accepted normative expectation and orthodoxy that should be honoured and respected by applicants and local authority.

3. Storm Water Management

Erf 726, alongside adjacent land plays a significant part in the natural management of storm water during protracted spells of incessant rain. It acts as a sump to collect and slowly release high water volumes. This important ecological role played by the a range of erven was already brought under the attention by this town's ratepayers association in October 2003. Unfortunately subsequent development has led to serious flooding during winter months of dwellings in the direction of Anne Road. The storm water pipe to channel water to the sea installed by the local authority obviously is not able to handle the volume of water. Developing Erf 726 will inevitably exacerbate this problem.

Yours truly

Wynand Louw

Chair: HEAG

CC: Albert Kuhn: Vice Chair: HEAG

2022 04 21

45/88

TP-A Theart
(Huld Steep)



L Gillion

From: Sonja Kastner < >
Sent: Friday, 22 April 2022 11:43
To: L Gillion
Subject: Objection to proposed subdivision and rezoning of erf 726 Pringle Bay

To Whom it may concern,

I hereby wish to lodge my objection to the proposed subdivision of erf 726 Pringle Bay as per the notice in the Herald of 17 March 2022 on the grounds of the environmental impact it will have.

The larger dune area, of which erf 726 is a part of, is one of the last remaining areas of original untouched fynbos in Pringle Bay and a green belt where wildlife can still find refuge in this fast developing village. Subdivision of this property will be setting a precedent to the adjoining large erven following suit.

Another concern is the already inadequate infrastructure (stormwater, water, roads) to deal with the growth and increase in permanent residents in Pringle Bay. This became very evident during the last winter 2021, when roads and properties were flooded for weeks.

I am a permanent resident in Pringle Bay since 2014, when I purchased an existing house, 947 Ursula street. I have since purchased the vacant erf next to me, 946 Ursula street, for the sole purpose of retaining a small, unfenced area of fynbos that buck, porcupines and other small wildlife can move around in unhindered in undisturbed fynbos. Sadly it seems that money and greed have taken over this beautiful village now.

Hoping and praying that this and future subdivision will not be allowed!

Please confirm receipt of this email.

Sonja Kastner
947 + 946 Ursula street, Pringle Bay



FILE NO. 6L 726 - KPRB
SCAN NO. 09
COLLABORATOR NO. 1676128

TP 22 APR 2022

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TP - A Theart
(H vld. Steep)

L Gillion



From:
Sent: Friday, 22 April 2022 14:01
To: L Gillion
Subject: Object to sub-division rezoning of Erf 726 PB
Attachments: ADVERTISEMENT - Erf 726 Pringle Bay (Subdivision Rezoning).pdf

Dear Loretta

With reference to the above I wish to object formally to the sub-division and rezoning of erf 726 PB. I own erf 1354 Edward No 48 and object due to the following primary reasons:

The infrastructure/services are already severely constrained
As we are part of a biosphere and home to fauna/flora – this should be protected
The ecological impact of removing the vegetation from the sand dunes

Kind regards
Samantha Kimmel

FILE NO. EL 726-KPRB
SCAN NO. 07
COLLABORATOR NO.
1676120

TP 22 APR 2022

47/88

TP-A Theart
(Hvid Steep)

L Gillion

From: Chris Blair < >
Sent: Friday, 22 April 2022 13:14
To: L Gillion
Cc: Kimmel.Samantha
Subject: FW: Save our dunes
Attachments: ADVERTISEMENT - Erf 726 Pringle Bay (Subdivision Rezoning).pdf



Dear Loretta

Please accept my appeal against the sub-division and rezoning of erf 726 by email as I am currently travelling in the USA.

I am an owner of the property erf 1362 Caesar Road and have been resident in Pringle Bay for the past 4 years. My objection to the subdivision is for these reasons:

1. It is a biosphere and land should be protected
2. The density is already becoming unsustainable
3. The infrastructure (water and power) cannot handle additional volumes

Best regards
Chris Blair

FILE NO. EL 726-KPRB
SCAN NO. 06
COLLABORATOR NO.
1676114

TP 22 APR 2022

TP-A Theart
(H vld Steep)

48/88

L Gillion

From: Fay Tagg < >
Sent: Thursday, 21 April 2022 19:46
To: L Gillion
Subject: Objection to proposed Subdivision erf 726 Pringle Bay



Good day

Please note my objection to the proposed rezoning of erf 726 Pringle Bay from single residential to 3 separate erven. The negative impact of more and more development within the conservancy in recent years has been and continues to be problematic, with dwindling wildlife, continuously bursting water mains and increased traffic in the area, as well as additional noise and light pollution. Please leave this dune alone. There are currently little buck as well as numerous smaller animals living there.

I speak as a ratepayer who has chosen to live here precisely on account of the natural environment, and we have seen an excessive amount of development since moving here, which impacts on our own health and wellbeing, as well a many of the local residents who live here and also pay their taxes to this municipality. Please consider refusing subdivision rights on this property, and let Pringle Bay be worthy of the title of Conservation area, for future generations to come.

M.F, Tagg
erf 721 Pringle Bay

<https://www.facebook.com/10-Day-Eat-Clean-Challenge-2212534812326803>

Shape up now! - ask me how! Join our 10 day kickstart New Year New You shape up challenge

FILE NO. EL 726-KPRB
SCAN NO. 04
COLLABORATOR NO.
1676111

TP 22 APR 2022

49/88

L Gillion

From: Brandon Hinrichsen < >
Sent: Thursday, 21 April 2022 22:51
To: L Gillion
Subject: Erf 726, Pringle Bay - objection to rezoning and subdivision

Hi there

This email serves to provide the following information.

1. Brandon Hinrichsen,
2. 1802 Buffels Road, Pringle Bay.
3. Reasons for the objection include the impact on the environment, loss of natural habitat, insufficient infrastructure on the dunes and the town is unable to cope with the growing demand as it stands.

Kind regards

Brandon

TP-A Theart
(H vld Steep)



FILE NO. EL 726-KPRB
SCAN NO. 03
COLLABORATOR NO.
1676106

TP
22 APR 2022

50/88

TP - A Theart
(H vld Stoep)

L Gillion

From: Barbara Kennedy < >
Sent: Thursday, 21 April 2022 18:05
To: L Gillion
Subject: Re: Pringle Bay Erf 726
Attachments: Sections 51 & 52 of the By-Law.pdf



Dear Loretta

Thank you for your reply. My postal address is PO Box

My property is particularly vulnerable to flooding because there is increasingly less open ground for rain water to drain away. The municipality does not maintain the servitude alongside my house. I have lived there since 2005 and with all the building taking place around me I have noted the increase in the water table level around my house. This has resulted in frequent flooding of my garage as well as rising damp in my house. Adding more buildings will add to my problem which seems to not matter to the municipality. I am a single self employed female of 69 years and I do not wish any more of the balance of flora and fauna around me to be disrupted and destroyed. Added to this is the inevitable increase in crime brought about by influx of outside workers into the area.

Kind regards
Barbara Kennedy

Sent from my iPhone

> On 21 Apr 2022, at 08:55, L Gillion <loretta@overstrand.gov.za> wrote:

- >
- > Dear Ms Kennedy
- >
- > Your email refers. Please note that your email does not adhere to Section 52 of the By-Law.
- >
- > Kindly also provide your postal address and reasons for objection.
- >
- > Regards
- >
- >
- > Loretta Gillion
- > Administrator : Town & Spatial Planning Overstrand Municipality
- > A: 16 Paterson Street, Hermanus, 7200 P: P O Box 20
- > T: 028 313 8900 | F: 028 313 2093 | E: loretta@overstrand.gov.za

FILE NO. EL 726-KPRB
SCAN NO. 02
COLLABORATOR NO.
1676098

> -----Original Message-----
 > From: Barbara Kennedy < >
 > Sent: Thursday, 21 April 2022 08:34
 > To: L Gillion <loretta@overstrand.gov.za>
 > Subject: Pringle Bay Erf 726

- >
- > Please kindly make note: this is an Appeal to deny rezone and subdivision of the above Erf in Pringle Bay.
- >
- > Kind regards
- > Ms B Kennedy

TP 22 APR 2022

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TP-A Theart
(H v Id Steep)

L Gillion

From: Barbara Kennedy < >
Sent: Thursday, 21 April 2022 08:34
To: L Gillion
Subject: Pringle Bay Erf 726



Please kindly make note: this is an Appeal to deny rezone and subdivision of the above Erf in Pringle Bay.

Kind regards
Ms B Kennedy
William Ave, Pringle Bay

Sent from my iPhone

FILE NO. EL 726 - KPRB ✓
SCAN NO.
Kennedy
COLLABORATOR NO.
1675619

TP 21 APR 2022

L Gillion

From: Melanie Chait < >
Sent: Thursday, 21 April 2022 14:20
To: L Gillion
Subject: FW: Opposition to rezoning and subdivision of Erf 726 Pringle Bay: Municipal Notice 29/2022
Attachments: ADVERTISEMENT - Erf 726 Pringle Bay (Subdivision Rezoning).pdf

Dear Loretta,
 I would whole heartedly like to endorse Dr Laurine Platzky's letter against the rezoning on Buffels Rd, Pringle Bay.
 Sincerely,
 Dr Melanie Chait

Dr Melanie Chait | ++27 | [Linkedin](#)



Honorary Research Associate
 The Albertina and Walter Sisulu Institute of Ageing in Africa
 Department of Medicine
 Faculty of Health Sciences
 University of Cape Town



TP - A Theart
 (H vld Steop)

From: Laurine Platzky < >
Sent: Thursday, 21 April 2022 11:17
To: loretta@overstrand.gov.za
Subject: Opposition to rezoning and subdivision of Erf 726 Pringle Bay: Municipal Notice 29/2022

Dear Madam

As a Pringle Bay ratepayer, and resident of nearly 20 years, I am writing to protest strongly against the intended rezoning and subdivision of erf 726, which is situated on a beautiful dune near the shoreline.

I understand that this erf, which is zoned as a single residential plot, has recently been sold and that the plan is to subdivide it into at least four single residential erven.

Already Pringle Bay is losing its unique appeal as a fynbos haven for rapidly diminishing indigenous flora and fauna. Too many suburban style houses are covering plots and too little of the fynbos is preserved within the village. The rapid growth of high fences/walls - many electrified - prevents the movement of creatures who inhabit the fynbos. The subdivision of Erf 726 will destroy previous dunes and dune life. It is completely unacceptable that property development interests should be considered over the conservation of this highly threatened unique ecosystem.

I appeal to the Overstrand Municipality to exercise ecological responsibility and unequivocally reject this application. The sustainability of our village, our district and biosphere reserve are at stake.

Dr Laurine Platzky
 erf 1656 Pringle Bay

FILE NO. EL 726-KPRB
SCAN NO. 01
COLLABORATOR NO. 1676092

TP 2 APR 2022

53/88

L Gillion

From: Andree Henning <...>
Sent: Wednesday, 20 April 2022 15:15
To: L Gillion
Subject: Pringle Bay erf 726. Appeal to deny rezone and submission



TP - A Theart
(H ↓ Id Steep)

Dear Loretta,

My neighbour Rachelle Valente on erf 1029 Buffels road made me aware of the request for subdivision of erf 726 directly opposite their property next to the Nutec houses on the dune. The plan of the new owners of erf 726 apparently is to build three houses on the subdivided area allowing for a thin strip with original vegetation left as a wild corridor at the top. The notice was advertised in the Herald of 17 March 2022. **I wish to contest the application.**

That erf 726 is a very steep dune covered with mostly indigenous grasses and shrubs. There currently is nothing like a drainage furrow or any other infrastructure. There is not even a level area that could act as a verge to speak of. Since there is no speed bump along that section of Buffels road, cars race past that section as well. More entrances would really be an accident waiting to happen. We are already wary about traffic safety along that section of the road and where the western part of George road joins Buffels road. Flooding also occurs around that intersection and would be worse if more houses than planned are built higher up the road on the dune.

Everyone is wary of **another** ecological disaster in Pringle Bay. We know that the current infrastructure is already under pressure and allowing so many more houses to be built than originally "planned" doesn't bode well for the future. We cannot allow another natural area to be ruined.

Kind regards,
Andree Henning
Erf 1013 George rd 69

FILE NO. EL 726-KPRB ✓
SCAN NO.
Henning
COLLABORATOR NO.
1675632

TP 20 APR 2022

54/88

L Gillion

From: Harriet < >
Sent: Wednesday, 20 April 2022 13:09
To: L Gillion
Subject: Objection to subdivision application for Erf 726, Pringle Bay

Importance: High

TP - A Theart
(H vld Steep)



To whom it may concern:

I would like to register an objection to the proposed sub-division of Erf 726, Pringle Bay.

The densification of the village with an application such as this would put immense additional pressure on the already stretched resources. My key concerns are around the following:

Effluent removal

The tankers are already struggling to fulfil the needs of the current population – my last booking had a four day waiting period.
If densification of this sort be allowed it will impact badly on an already overstretched municipal facility.

Rain water

Another concern would be the run-off of water into surrounding properties with a concentrated development such as this.

Fresh water

The Buffels Dam and water treatment facility would undergo additional pressure – one cannot forget the recent droughts where the village was fortunate enough to not run dry – but the extra pressure of Capetonians coming through to their holiday homes was clearly evident. We cannot have densification of this sought without a proper impact study. What impact would additional pressure on the dam have on our estuary and the ecology of this natural environment.

In addition at our last AGM the Mayor raised the issue of the character of the village – I do not believe that allowing tiny plots with many more houses would be in the best interests of the character nor the roads and services.

Kind regards
Harriet Lamb
1580 James Avenue

FILE NO. EL 726-KPRB ✓
SCAN NO.
Lamb
COLLABORATOR NO.
1675627

TP 20 APR 2022

55/88

L Gillion

From:
Sent: Wednesday, 20 April 2022 11:23
To: L Gillion
Subject: "Pringle Bay, Erf 726 - Appeal to deny rezone and subdivision."

TP-A Theart
(Huld stoep)



Dear Loretta

I have been a resident of Pringlebay for over 15 years and own a Property 1578 Diane road.

It has become increasingly obvious that the development of the town is impacting the fauna and flora negatively.

I strongly appose the development of Erf 726 as a residential rezoned area.

The area where erf 726 is located is a ecologically sensitive area that had been an essential green belt for animals to use as a safe haven in the pringlebay biosphere.

I appeal to the overstrand municipality to please not allow development of residential properties that wil benefit the few to the determent of the many.

As a resident and property owner in the town it is important for me to state that the community animals and fynbos should be shielded from the negative impact this development will have in the town.

Thank you for your kind attention.

Regards
Sulette van der Merwe

FILE NO. EL 726-KPRB ✓
SCAN NO.
Sulette
COLLABORATOR NO.
1675622

TP 20 APR 2022

56/88

L Gillion

From: Nelleke Pienaar < >
Sent: Wednesday, 20 April 2022 18:39
To: L Gillion
Subject: 🛡️ SAVE OUR DUNES 🛡️🌿



TP - A Theart
(H v l d Steep)

Good evening, Loretta 🍷

I hope all good on your side 🙏

I'm responding to a post on the FB Group, Pringle Bay, Betty's Baai and Rooi Els 📧

I don't think I have to list objections...But I DO have to sincerely say : "PLEASE don't let them do what they want? without CAREFUL consideration 🙏🙄 Please consider a peaceful AGREEMENT to a solution 🙏 We can NOT lose our DUNES..... 🙏 Please do WHATEVER is in your POWER to PRESERVE this part of the World....for our children of the future..... 🙏

Thank you for your time ❤️

Kindest regards,

Nelleke Pienaar
5 SURF rd
Pringle Bay



FILE NO. EL 726-KPRB ✓
SCAN NO.
Pienaar
COLLABORATOR NO.
1675610

TP 21 APR 2022

L Gillion

From: gemma johnson < >
Sent: Thursday, 21 April 2022 09:58
To: L Gillion
Subject: Pringle bay erf 726 - Appeal to deny rezoning and subdivision

Good Morning Loretta

Trust you are well

I hereby wish to share my concern being a Pringle Bay resident that I am strongly against the rezoning and subdivision of Erf 726. Our village is fast becoming a popular place to live with already alot of building happening all over which has been and will continue to cause stress on our already stressed water and sewerage facilities which cannot at present become even worse. This erf is for a single residence which is perfectly fine as we want our village to be enjoyed by all those who move here to enjoy the peace and tranquility and not for those people who buy up the land to make a profit.

I therefore appeal to deny the application

Kind Regards
Gemma Johnson

TP- A Theart
(HvdStoep)



FILE NO. EL 726-KPRB
SCAN NO. 03
COLLABORATOR NO.
167.5451

TP 21 APR 2022

TP-A Theart
(Huldstoep)

58/88



L Gillion

From: Tony Edwards < >
Sent: Thursday, 21 April 2022 10:19
To: L Gillion
Cc:
Subject: Objection to subdivision application for Erf 726, Pringle Bay

I would like to register an objection to the proposed sub-division of Erf 726, Pringle Bay.

The Municipality is already under pressure regarding the sudden take up of properties in Pringle Bay. For example, the emptying of the conservancy tanks is taking longer and longer. Water is a finite resource and is constantly under threat from the far too often bursting of the water pipes.

Once sub division is allowed, it will open the door for other developers to "jump on the band wagon" and create multiple dwellings on a single plot. This, in my opinion, will be for their profit and with scant regard to this area being part of the biosphere.

Kind regards,
Anthony Edwards
Erf 848/Street No.5 Louis Road, Pringle Bay
P.O. Box

FILE NO. EL 726-KPRB
SCAN NO. 02
COLLABORATOR NO.
1675442

TP 21 APR 2022

59/28

TP - A Theart
(H vld stoep)



L Gillion

From: Laurine Platzky < >
Sent: Thursday, 21 April 2022 11:17
To: L Gillion
Subject: Opposition to rezoning and subdivision of Erf 726 Pringle Bay: Municipal Notice 29/2022
Attachments: ADVERTISEMENT - Erf 726 Pringle Bay (Subdivision Rezoning).pdf

Dear Madam

As a Pringle Bay ratepayer, and resident of nearly 20 years, I am writing to protest strongly against the intended rezoning and subdivision of erf 726, which is situated on a beautiful dune near the shoreline.

I understand that this erf, which is zoned as a single residential plot, has recently been sold and that the plan is to subdivide it into at least four single residential erven.

Already Pringle Bay is losing its unique appeal as a fynbos haven for rapidly diminishing indigenous flora and fauna. Too many suburban style houses are covering plots and too little of the fynbos is preserved within the village. The rapid growth of high fences/walls - many electrified - prevents the movement of creatures who inhabit the fynbos. The subdivision of Erf 726 will destroy previous dunes and dune life. It is completely unacceptable that property development interests should be considered over the conservation of this highly threatened unique ecosystem.

I appeal to the Overstrand Municipality to exercise ecological responsibility and unequivocally reject this application. The sustainability of our village, our district and biosphere reserve are at stake.

Dr Laurine Platzky
 erf 1656 Pringle Bay



FILE NO. EL 726-KPRB
SCAN NO. 01
COLLABORATOR NO.
1675440

TP

21 APR 2022

TP-A Theart
(H vld Stoep)

60/88

L Gillion

From: Konings <
Sent: Tuesday, 19 April 2022 15:32
To: L Gillion
Subject: erf 726 rezoning



Dear Loretta,

I wish to object to the rezoning of erf 726 in Buffels Street Pringle Bay.

This plot was zoned for a single residence and it is unacceptable that the zoning can be changed allowing it to be subdivided. We all purchase properties in Pringle Bay because we want to live in an area that has less densification and has flora and fauna around us. Many properties are only 600m2 which puts a lot of houses in a small area. The dune areas are important for the little wildlife that is left. There has already been enough damage to a wetland (Pringle Bay) that should never have been covered by houses.

Flora and Fauna are delicate and precious and need to be protected. Why allow rules to be changed. We bought our properties with these zoning rules inplace. They should not be changed now.

Kind Regards
Rudi and Pam Konings
Owner of erf 703 Pringle Bay
Rudi:
Pam:

 Virus-free: www.avq.com

FILE NO.	EL 726-KPRB ✓
SCAN NO.	Rudi
COLLABORATOR NO.	1674901

TP 19 APR 2022

61/88

L Gillion

From: TONY - CPANDB - NEW < >
Sent: Tuesday, 19 April 2022 15:33
To: L Gillion
Cc: 'KARLAINE'
Subject: Rezoning ERF 726 - Buffels Street - Pringle Bay



Good Day

We hereby lodge our objection the rezoning of the above erf into 3 separate erven.

TP- A Theart
(H vld stoep)

Tony & Karlaine van Strijp
 Erf 755 Trust
 3 Jally Road
 Pringle Bay

FILE NO. EL 726 - KPRB ✓
SCAN NO. Tony
COLLABORATOR NO. 1674892

TP 19 APR 2022

62/88

L Gillion

From: Bienkie Lees <[redacted]>
Sent: Tuesday, 19 April 2022 20:54
To: L Gillion;
Subject: Subdivision and rezoning of Pringle Bay Erf 726



Good Day

I am Sabina Lees residing in 1513 Dennys Road Pringle Bay and my postal address is P.O. Box

TP - A Theart
(H v Id Steep)

I have been a holiday maker in Pringle Bay for the last 50 years and now a full time resident for 14 years. I know that unfortunately development is part of any suburb but, I am very disturbed by the destruction and invasion of wetlands and greenbelts. We are in the buffer zone of the first Biosphere and slowly but surely our lovely Village is turning into a town that has hardly any greenbelts left. Why is it that we can not keep true to our Biosphere and protect the little bit of our fauna and flora species from becoming extinct?

We are already struggling with outside lights shining all over at night time, fencing that prevents animals from moving freely and fynbos that must be removed according to building regulations just to be replaced by grass and alien vegetation.

The Pringle Bay ERF 726, 72 Buffels Road's application for subdivision and rezoning according to Municipal Notice 29/2022, must not go through.

Please help us to prevent any further destruction and development from happening in this very special Village, Pringle Bay.

Kind Regards

Sabina Lees

FILE NO.	EL 726-KPRB
SCAN NO.	Sabina ✓
COLLABORATOR NO.	1674889

TP

19 APR 2022

L Gillion

TP-A Theart
(H vld. Stoep)

63/88

From: Karin Burns < >
Sent: Tuesday, 19 April 2022 19:41
To: L Gillion
Subject: Proposed sub-division of Erf 726, Pringle Bay



I would like to register an objection to the proposed sub-division of Erf 726, Pringle Bay.

The the recently published Spatial Development Framework advocates limits on development within Pringle Bay in order to maintain its character and degree of compatibility regarding its location within the Kogelberg Biosphere Reserve. A policy permitting densification of properties would not seem to be compatible with this policy guide. Currently, there is pressure on municipal services at the present level of development - e.g. with respect to the expensive exercise of using tankers to remove domestic effluent for treatment and disposal. To increase pressure on such services through densification would not be wise.

A second reason for objection is that the draft Conservancy Plan for Pringle Bay highlights the issue of future water demand pressures, for example, in the face of climate change, increasing population and the environmental costs to one of the village's most prized assets, which is the Buffels River estuary (see extract from the plan, below). To permit densification, which will inevitably place more demand on scarce water resources, will not be wise.

Kind regards
Karin Burns
Erf 825
Pringle Bay

FILE NO. EL-726-KPRB ✓
SCAN NO. Karin
COLLABORATOR NO. 1674888

TP 19 APR 2022

Re: Erf 726 KPRB

64/88

L Gillion

From: Monique Willard <[redacted]>
Sent: Tuesday, 19 April 2022 18:17
To: L Gillion
Subject: Re zoning



I would like to appose the rezoning of erf 726 We need to protect Pringle bay

Monique Willard
1103 Hilton Circle

TP- A Theart
(H vld stoep)

FILE NO.	EL 726 - KPRB ✓
SCAN NO.	
	Willard
COLLABORATOR NO.	
	1674885

19 APR 2022

65/88

L Gillion

From: Karen van der Walt < >
Sent: Tuesday, 19 April 2022 17:49
To: L Gillion
Subject: PRINGLE BAY ERF:726, 72 BUFFELS RD. APPLICATION FOR SUBDIVISION

Dear Loretta

TP - A Theart
(H vld Stoop)



MUNICIPAL NOTICE 29/2022

APPLICATION FOR SUBDIVISION AND REZONING OF ERF 726.

I, Karen Bryant van der Walt, ID of Erf 1242, Pringle Bay hereby object to the subdivision and rezoning of Erf 726, Pringle Bay.

Rezoning and subdivision of Erf 726 will add immense pressure on our delicate fauna and flora, which makes Pringle Bay so unique and diverse.

We must protect our delicate ecology which is vital to our village and the future of Pringle Bay.

I trust this email finds in favour of preserving our ecology.

We remain

Yours faithfully

Karen van der Walt

Erf 1424 Gerald Road, Pringle Bay

C:

FILE NO. EL 726-KPRB ✓
SCAN NO.
VdWalt
COLLABORATOR NO.
1674878

TP 19 APR 2022

L Gillion

Re: Erf 726 KPRB

66/88

From: Rea Borchers <
 Sent: Monday, 18 April 2022 10:54
 To: L Gillion
 Subject: Rezoning Pringle Bay

Dear madam I object most strongly to the subdivision of this plot. All these villages are being ruined by developmeny. The water and sewerage systems are already over strained to the utmost. The greatest problem is the loss of natural vegetation. We are becoming nothing but a slum.

Mrs MM Borchers
 6 Protea Rd
 Bettys Bay



TP - A Theart
 (H vld Stoep)

FILE NO. EL 726-KPRB
SCAN NO.
COLLABORATOR NO.
1674389

19 APR 2022

TP-A Theart
(H v/d Stoep)

67/88

L Gillion

From: Karen Protheroe, RD < | >
Sent: Wednesday, 20 April 2022 09:50
To: L Gillion
Cc:
Subject: Development of dune in buffels road, pringle bay



I am objecting to the division of the plots on the dune in pringle bay due to overdevelopment of land resulting in negative effect on nature.
Thank you



KAREN PROTHEROE (DOWNIE)
REGISTERED DIETICIAN

All the best in healthy living!

Practice Address: Unit 10, Oewerpark, Die Boord, Stellenbosch, 7600

FILE NO. EL 726-KPRB
SCAN NO. Karen
COLLABORATOR NO. 1674861

TP 20 APR 2022

L Gillion

Re: Erf 726 KPRB

TP-A Theart
(H vld stoep)

68/88

From: Craig Lucke < >
Sent: Monday, 18 April 2022 22:34
To: L Gillion
Subject: Dune disaster



Dear Loretta, we strongly object to any destruction of dunes and their delicate environment. There are few unspoilt coastal villages in South Africa and only 2 situated inside a UNESCO world heritage site. This would also set a precedent for developers to carry on in their uncaring destructive manner. Sincerely Craig Lucke

FILE NO. EL 726-KPRB
SCAN NO.
COLLABORATOR NO.
1674374

19 APR 2022

L Gillion

re: erf 726 KPRB

TP- A Theart 69/88
(H vld Stoep)

From: Craig Lucke < >
Sent: Tuesday, 19 April 2022 17:20
To: L Gillion
Subject: Re: Dune disaster



ERF 726 PRINGLE BAY, OVERBERG, WESTERN CAPE

Dear Loretta, we strongly object to any construction/building/house/s built on erf 726 Pringle Bay. This will cause destruction of dunes and their delicate environment. There are few unspoilt coastal villages in South Africa and only 2 situated inside a UNESCO world heritage site. This would also set a precedent for developers to carry on in their uncaring destructive manner.

Sincerely Craig Lucke (

Postal address: 66 Waterford close, Kirstenhof, Cape Town. I'm busy building my home in Pringle Bay.

On Tue, Apr 19, 2022 at 10:55 AM L Gillion <loretta@overstrand.gov.za> wrote:

Dear Mr Lucke

Your email refers. Please note that your email does not adhere to Section 52 of the By-Law.

Kindly confirm which application/erf you are referring to. Kindly also provide your **postal address** and reasons for objection.

Regards

FILE NO. EL 726-KPRB
SCAN NO. Lucke
COLLABORATOR NO.
1674846

Loretta Gillion

Administrator : Town & Spatial Planning

Overstrand Municipality

A: 16 Paterson Street, Hermanus, 7200 P: P O Box 20

T: 028 313 8900 | F: 028 313 2093 | E: loretta@overstrand.gov.za

19 APR 2022

L Gillion

TP - A Theart
(H vld Stoop)

70/88

From: Michael Burns < >
Sent: Tuesday, 19 April 2022 17:33
To: L Gillion
Cc: Michael Burns
Subject: Objection to subdivision application for Erf 726, Pringle Bay



I would like to register an objection to the proposed sub-division of Erf 726, Pringle Bay. My two policy reference points for doing so include the recently published Spatial Development Framework for the area and the draft Conservancy Plan for Pringle Bay.

The SDF advocates limits on development within Pringle Bay in order to maintain its character and degree of compatibility regarding its location within the Kogelberg Biosphere Reserve. A policy permitting densification of properties would not seem to be compatible with this policy guide. Currently, there is pressure on municipal services at the present level of development - e.g. with respect to the expensive exercise of using tankers to remove domestic effluent for treatment and disposal. To increase pressure on such services through densification would not be wise.

The draft Conservancy Plan for Pringle Bay highlights the issue of future water demand pressures, for example, in the face of climate change, increasing population and the environmental costs to one of the village's most prized assets, which is the Buffels River estuary (see extract from the plan, below). To permit densification, which will inevitably place more demand on scarce water resources, will not be wise.

Kind regards

Dr Mike BURNS

Buffels River estuary

Subsequent to the last scientific assessment of the Buffels River estuary, which was carried out 40 years ago, the system appears to be in an ecologically well-functioning state (Section 2.1). However, in response to the construction of the Buffels Dam, it is likely to have changed from having a permanently open mouth to being a seasonally closed system (between late summer and the onset of the winter rainy season). As water demand increases, in response to urban development, the estuary mouth can be expected to close for longer periods, which could be the tipping point towards altering its ecological character (e.g. caused by increases in average salinity levels). Extended mouth closure could also result in compromised water quality for recreation.

A management plan, which specifies a number of environmental targets, has been prepared for the Buffels River estuary (Western Cape Government, 2019). Amongst these, a key management objective is to ensure its eco-hydrological health, focused on ensuring sustained freshwater flow through the system. Implementation actions to achieve the targets, and specifically relating to hydrology, are listed below:

- The municipality is the agency responsible for achieving the environmental targets specified in the Buffels River estuary management plan, and there must be close liaison with the municipality to ensure that there is compliance in this regard
- A particular emphasis must be placed on water quality monitoring and comparison of measured data against regulated standards.
- Following the disruption of the system's hydrology caused by the construction of the Buffels Dam, there are three main spheres of action through which the flow of freshwater into the estuary can be optimised in order to sustain its ecological functioning and recreational value: (i) community water demand-side management; (ii) technical/engineering intervention aimed at providing for the system's ecological water demand; and, (iii) increasing catchment water yield through the eradication of alien invasive vegetation (the first intervention is addressed later).

FILE NO. EL 726-KPRB
SCAN NO. Burns
1674749
COLLABORATOR NO.

TP 19 APR 2022

7/188

- Management of the lower catchment of the Buffels River is the responsibility of the various property owners, under the jurisdiction of the municipality. There is extensive infestation of alien invasive species, in particular, black wattle and spider gum. This situation likely exceeds the limit of what can be managed by the local hacking groups and it needs to be gauged, therefore, whether additional resources must be employed to clear the vegetation.
- Complementing the above, the municipality must be approached to issue Declaratory Orders to the relevant property owners to clear their alien invasive vegetation.
- The Buffels dam was constructed before environmental protocols came into force that require dam design and operations to accommodate the ecological water demands of affected rivers (including estuaries). The municipality must commission a study to determine the ecological water demand of the lower Buffels River and to then establish the technical water release options to achieve (retro-)compliance in this regard.

L Gillion

TP - A Theart
(H vld Steep)

72/88

From: Wiebe Van Der Laan <1 >
Sent: Monday, 18 April 2022 12:24
To: L Gillion
Subject: Erf 726 rezoning objection



Good day

I'm the owner of Erf 766 in Pringle Bay.

I've been advised that there is an intention to subdivide Erf 726.

I herewith formally object to this planned subdivision for the following reasons:

- 1) Pringle Bay is located in a highly sensitive Fynbos environment which should be protected and conserved. Further subdivisions of erven will result in far greater footprint of fynbos and animal habitat being inadvertently destroyed for home developments.
- 2) Pringle Bay is a hotspot tourist attraction and one of its key attractions is the natural undeveloped open areas. Allowing further subdivisions for the profit of one individual will be at the cost of other residents and tourists and impact the town's natural beauty in a negative way.
- 3) Pringle Bay's infrastructure is already under significant pressure in servicing the current population. Allowing subdivision of erven will create an even greater demand on the infrastructure which is not sustainable in its current form.

Thanks & regards

Wiebe van der Laan
C:

FILE NO. EL 726-KPRB ✓
SCAN NO.
Wiebe
COLLABORATOR NO.
1674532

19 APR 2022

L Gillion

TP- A Theart
(H vld Steep)

73/88

From: Sharon C < >
Sent: Monday, 18 April 2022 11:31
To: L Gillion
Subject: OBJECTION TO REZONING OUR DUNES



Dear Loretta,

I would like to lodge an objection to rezoning of Dunes in Pringle Bay - Buffels Street and anywhere in our three Villages. We need to be protecting the environment at every possible opportunity and not reclaiming dunes, wetlands and every available space. These spaces are what make and keep our Villages as special as they are. If this type of behaviour continues we will become just another modernised, over populated suburb where wetlands, wildlife, bio diversity and views are removed forever.

Thanking you.

Sincerely
Sharon Crawford

FILE NO. EL 726-KPRB ✓
SCAN NO.
Crawford
COLLABORATOR NO.
1674526

19 APR 2022

L Gillion

TP-A Theart
(Hild Steep)

74/88

From: Joan De wet < >
Sent: Monday, 18 April 2022 12:29
To: L Gillion
Subject: Erf 726



It has come to our attention that the large plot (erf 726) on a dune in Buffels Road could potentially be cut up into smaller plots for housing.

As residents who have bought into a village in a biosphere and who love the fact that we still have open land for steenbokkies, porcupines etc as well as wonderful fynbos, we would like to lodge our objection concerning that application. Furthermore the municipality is struggling to maintain water pipes that service the current homes and businesses in Pringle Bay. We don't need extra properties added to that burden.

Thank you
Piet & Joan de Wet
858 Jally Road

Sent from my iPhone

FILE NO. EL 726-KPRB ✓
SCAN NO.
Piet
COLLABORATOR NO.
1674520

19 APR 2022

TP-A Theart 75/88
(H vld Steep)

L Gillion

From: Brad R < >
Sent: Monday, 18 April 2022 12:40
To: L Gillion
Subject: Rezoning ERF 726 Pringle bay



Dear Loretta

I'm the co-owner of erf 1086 Pringle bay which is on William road. I've recently been made aware of the rezoning of erf 726 in Buffalo street.

I would like to formally object to the rezoning as this firstly I don't believe that there is a need to do so as there are sufficient vacant plots.

Furthermore the rezoning will significantly increase the pressure on the fauna and flora in the area.

The existing infrastructure is already struggling as there are numerous water outages etc so to increase the number of stands will only contribute to this.

The beauty of Pringle bay is that of a village where houses are not on top of one another and there remains a large amount of open space. The town will change as more erven are subdivided. Where does the line drawn to subdivide a 20 story block of flats ?

Please note my rejection to this subdivision and look forward to a favourable outcome.

Thank you
Bradley Reynolds

1086 William road

FILE NO. EL 726-KPRB ✓
SCAN NO.
Reynolds
COLLABORATOR NO.
16714498

19 APR 2022

76/88

L Gillion

From: Heather Robertson < >
Sent: Tuesday, 19 April 2022 10:57
To: L Gillion
Subject: Pringle Bay, Erf 726 - Appeal to deny rezone and subdivision.

Dear Loretta

I am the chairman of Pethemida CC owner of Hilda Circle 1798. I would like to vehemently lodge my objection to rezoning and subdividing of Erf 726 as this will increase densification and add more pressure to the fragile ecosystem.

Kind regards
Heather Robertson



TP - A Theart
(H Vld Stoep)

Heather Robertson
Editor Daily Maverick 168

<https://168.dailymaverick.co.za/available-here.html>

FILE NO. EL 726-KPRB ✓
SCAN NO.
Robertson
COLLABORATOR NO.
1674488

19 APR 2022

L Gillion

TP - A Theart
(Hvd Steep)

77/88

From: Elizabeth E van der Westhuizen <
Sent: Monday, 18 April 2022 11:59
To: L Gillion
Subject: Objection to rezoning of erf 726 Pringle Bay



Dear sir/madam

We are home owners since 1994 and permanent residents since 2017 in Pringle Bay. It is with much concern (and sometimes horror) that we have noticed the un-managed growth and building happening in our pristine little eco village. It seems there is very little concern for the saving of our sensitive eco system, natural fynbos or the natural flow of above-/under-ground water in our area...

To allow any of the bigger erven anywhere in Pringle Bay (more specific erven in Buffels road) to be sub-divided (rezoned), would only add more than double fold to the already existing problem. Please, please do NOT allow this to happen?

Unless MUCH stricter rules are in place AND ENFORCED on zoning of erven or new/renovated buildings, we will soon destroy everything that Pringle Bay is to the current inhabitants, visitors and admirers.

Kind regards

Lizette van der Westhuizen

FILE NO. EL 726-KPRB
SCAN NO.
COLLABORATOR NO.
1674426

19 APR 2022

TP-A Theart
(H vld Steep)

78/88

L Gillion

From: Annie Eatwell < >
Sent: Monday, 18 April 2022 14:04
To: L Gillion
Subject: Building on Dunes in Pringle



Dear Loretta ,

There has already been so much 'raping' of our unique biosphere, please don't allow anymore. There is so much building opportunities along the sea towards Seafarm. Please don't allow any building erven not originally planned. The planning was done carefully don't upset it now

Kind regards

Annie Eatwell
893 Boundary Rd
Pringle Bay.

FILE NO. EL 726-KPRB
SCAN NO.
COLLABORATOR NO.
1674420

19 APR 2022

TP - A Theart 79/88
(H vld stoep)

L Gillion

From: Annie Eatwell < >
Sent: Tuesday, 19 April 2022 12:43
To: L Gillion
Subject: Re: Rezoning of Erf 726 in Pringle Bay



> Dear Loretta,

> There has already been so much 'raping' of our unique biosphere, please don't allow anymore. There is so much building opportunities along the sea towards Seafarm.

> Please don't allow any additional building erven not originally planned. The planning was done carefully don't upset it now.

Kind regards
 Annie Eatwell
 P O Box
 Pringle Bay
 7196

> On 19 Apr 2022, at 08:02, L Gillion <loretta@overstrand.gov.za> wrote:

> Dear Ms Eatwell

>

> Your email refers.

>

> Kindly confirm which application/property you are referring to. No erf number is provided.

>

> Kindly also provide your postal address - not erf number.

>

> Regards

>

>

> Loretta Gillion

> Administrator : Town & Spatial Planning Overstrand Municipality

> A: 16 Paterson Street, Hermanus, 7200 P: P O Box 20

> T: 028 313 8900 | F: 028 313 2093 | E: loretta@overstrand.gov.za

>

>

> -----Original Message-----

> From: Annie Eatwell < >

> Sent: Monday, 18 April 2022 14:04

> To: L Gillion <loretta@overstrand.gov.za>

> Subject: Building on Dunes in Pringle

>

> Dear Loretta,

>

FILE NO. EL 726-KPRB
SCAN NO.
COLLABORATOR NO.
1674362

TP 19 APR 2022

TP-A Theart
(Huld Stoop)

80/88

L Gillion

From: Tina <>
Sent: Tuesday, 19 April 2022 07:47
To: L Gillion
Subject: Buffels Road plot



Hi Loretta

I own a cottage in PB and it is so terribly sad to see the open plots turned into huge houses and formal gardens one will find in a city. Once a plot is sold it is cleaned of ALL fynbos regardless.

I object strongly to this plot being rezoned into 3 separate erven.

Kind regards

Tina Cloete

FILE NO. EL 726-KPRB
SCAN NO.
COLLABORATOR NO. 1674414

19 APR 2022

TP- A Theart
(H vld Stoep)

81/88

L Gillion

From: Nico Dooge < >
Sent: Monday, 18 April 2022 09:48
To: L Gillion
Subject: Buffels road



Hi

We also want to protest against further development and sub division on the Buffels road even as it will result in additional pressure on the Pringle Bay infrastructure

Regards
Nico Dooge

FILE NO. EL 726-KPRB
SCAN NO.
COLLABORATOR NO.
1674410

19 APR 2022

L Gillion

From: Marié Matjé Vink <1 >
Sent: Monday, 18 April 2022 14:45
To: L Gillion
Subject: Appeal against the proposal to rezone a single residence erf (726) into three separate erven on Buffels Street

To Whom it May Concern

I appeal against the proposal to rezone a single residence erf (726), into three separate erven on Buffels Street.

The plot should remain a single residence plot, because building more houses will have a negative impact on the biodiversity around this area. Pringle Bay is and will continue to grow, but over-developing will have a negative impact on a peaceful and nature-filled town.

Kind regards
Marié



TP- A Theart
(at vld stoep)

FILE NO.	EL 726-KPR13
SCAN NO.	
COLLABORATOR NO.	1674408

19 APR 2022

L Gillion

Re: Eif 726 KPRB

83/88

From: Phoebe de villiers < >
Sent: Monday, 18 April 2022 10:12
To: L Gillion
Subject: SAVE OUR DUNES

We are staying in Buffels Road, 1152, we are against the lot of houses to be built opposite us on the dunes. How can the original outlay just be set aside? It was not what was told when bought here. We especially bought here for the peaceful area, not to be surrounded by a lot of houses.

The municipality must stay with the original outlay.

Regards
Phoebe de Villiers



TP - A Theart
(# vld steep)

FILE NO. EL-726-KPRB
SCAN NO.
COLLABORATOR NO.
1674395

19 APR 2022

L Gillion

Re: Erf 726 KPRB

84/88

From: marianne kitching < > |>
 Sent: Monday, 18 April 2022 12:54
 To: L Gillion
 Subject: Nog erwe in Buffelsroad????

Beste Loretta
 Dit is baie ontstellend dat die Overstrand Munisipaliteit uitbreidings beplan wat nie op die oorspronklike uitleg vir Pringle was nie
 Hiermee maak ek ten sterkste beswaar teen hierdie besluit.
 Hierdie pragtige dorp is binnekort "Parow by the sea"
 Die hele atmosfeer van Pringle word vernietig.
 Marianne Kitching
 Beach View 548



TP-A Theart
 (Huid stoep)

FILE NO.	EL 726-KPRB
SCAN NO.	
COLLABORATOR NO.	1674381

19 APR 2022

L Gillion

Re: Erf 726 KPRB

85/88

From: Rob Walton < >
Sent: Monday, 18 April 2022 14:45
To: L Gillion

Hill/dune on Buffels Road Pringle Bay. As a resident in Basia Rd off Hilton Circle, I object strongly for anything to be build on it. There is already a ungodly disgusting steel and concrete unfinished structure there, that no one has worked on for the past 3 years . The unspoiled beauty of this village is been broken down by greedy uneducated new residents who do not know or care about the biosphere. : 1134 Basia road



TP-A Theart
(H vld stoep)

FILE NO. EL 726-KPRB
SCAN NO.
COLLABORATOR NO.
1674377

19 APR 2022

86/88

L Gillion

From: Denise Cooper < >
Sent: Monday, 18 April 2022 14:22
To: L Gillion
Subject: Protest against rezoning evern 726 Buffels rd *KPRB*

Please note this objection .Thank you .Concerned Pribgle Bay resident



*TP-A Theart
(H vld Stoop)*

FILE NO. <i>EL-726-KPRB</i>
SCAN NO.
COLLABORATOR NO.
<i>1674376</i>

19 APR 2022

L Gillion

Re: erf 726 KPRB

87/88

From: Bianca < >
Sent: Monday, 18 April 2022 22:37
To: L Gillion
Subject: Pringle bay dunes objection



Hi Loretta

This mail is to object against the rezone l'm buffels street in Pringle bay.

TP- A Theart
(H vld Stoep)

Thank you
Bianca els
Elizabeth rd, PB

FILE NO. EL 726-KPRB
SCAN NO.
COLLABORATOR NO.
1674369

19 APR 2022

L Gillion

TP-A Theart
(Hvd stoep)

88/88

From: Wikus Valente <
Sent: Monday, 18 April 2022 19:41
To: L Gillion
Subject: Appeal to subdivision of erf 726 Pringle bay



Good day Loretta,

As a property owner in Pringle bay I object to the subdivision request of erf 726 in Pringle bay. I would like the environmental impact study of this subdivision to be published, and I would like to see the public notice, which is a requirement of this process, to be displayed on the property. The advert placed in the Herald on 17 March needs to be supported by a public notice which was not present. I refer to infill development and densification regulations as published by COCT, which refers to the fact that:

- 1) Subdivisions can only take place if no harm is done to the environment.
- 2) That there are available municipal services to the subdivided portions

Overstrand municipality will be acting outside of the given mandate if they approve this subdivision - and as a neighbouring property owner, I would like to see the artefacts supporting points 1 and 2 above. As it stands today, Overstrand municipality is struggling to deal with Pringle bay's infrastructure problems, and I cannot see how point 2 above will be successfully met.

In addition to the above, as per municipal regulations requiring a subdivision, I would like copies of the required supporting subdivision paperwork listed below. These documents will be provided to Morkel and Devilliers law firm in Somerset west for legal review.

- Completed and signed application form
- The bondholder's permission for the proposed subdivision
- Locality plan
- Copy of an approved Surveyor-General's diagram/noting sheet/general plan extract of the parent property
- Title deed/deed of transfer
- Conveyancer's certificate confirming that there are no restrictive conditions prohibiting the proposed subdivision
- A proposed subdivision plan
- Phasing plan
- A motivation report explaining what makes the proposal desirable, as well as its likely impact on the surroundings
- Copy of an environmental impact assessment/heritage impact assessment/ record of decision (required by law)
- A copy of a transport impact assessment/transport impact statement
- A separate civil services report
- Flood line certificate and separate contour plan
- Unit types (plan and external face)
- Department of Agriculture approval letter
- Supporting documents in respect of any other land use management application submitted at the same time

Thank you,
Wikus Valente

FILE NO. EL 726-KPR13
SCAN NO.
COLLABORATOR NO. 1674359

19 APR 2022



TOWN & REGIONAL PLANNERS
STADS-EN STREEKSBEPLANNERS



Annexure E
1/42

Magnolia St / Str
PO Box / Posbus 296
HERMANUS
7200
Tel: (028) 313 1673
Fax / Faks: (028) 312 1351
Email:

planactive@hermanus.co.za
Website: www.planactive.co.za

Our reference: PA21010/ML
Your reference: 726 KPRB
Application ID: 3591/2020

29 AUGUST 2022

THE MUNICIPAL MANAGER
OVERSTRAND MUNICIPALITY
P.O. BOX 20
HERMANUS
7200

FOR ATTENTION: MRS H VAN DER STOEP

Sir

PROPOSED SUBDIVISION & REZONING: ERF 726 PRINGLE BAY

- THE ENTK FAMILY TRUST

Reference is made to our application dated 21 February 2022 and your letter with objections attached thereto dated 18 May 2022.

Forty nine (49) objections were received from the public. The number of objections received does however not indicate whether a proposed land use lacks desirability or not. Due regard must be given to the substance of each objection and not merely the number thereof. It should also be noted that in spite of the proposed application not being circulated by the municipality to all ratepayers of Pringle Bay as part of the formal advertising / public participation phase (since this is not a requirement in terms of the By-Law), almost the entire community was made aware of the proposed application on social media platforms and adjacent property owners fueling on the neighbourhood.

Herewith a summary of the objections received and our response to the objections. Our response will attempt to further motivate that the application is desirable in terms of Section 66 of the Overstrand Municipality's Bylaw on Municipal Land Use Planning:

- **All the property owners did not receive a formal notification of the proposed application. All documents referenced in the application were not attached to the notice.**

The Overstrand Municipality dealt with the public participation process.

A notification of the application in the media as stipulated in Section 47(1) of the Overstrand Amendment Land Use Planning By-law (2020) did not apply to this application. In addition, Section 48(1)(c) specifies the following with regards to the serving of notices: "notice of an application must be served to on each person whose rights or legitimate expectations will be affected by the application." Registered notices were sent to all interested and affected parties as per the discretion of the Municipal Town Planning Case Officer.

TP 29 AUG 2022

FILE NO.	EF 726 ✓
	Pringle Bay
SCAN NO.	
	KPRB 726
COLLABORATOR NO.	
	1737825

The municipality uses their discretion to determine which documents have to accompany the notices sent to the interested and affected parties. As stipulated in the notice full details regarding the proposal are available for inspection during weekdays at the municipality's offices.

- ***The objectors are of the opinion that the impact of the proposed subdivision and rezoning on the biophysical environment will be detrimental to the fauna, flora, the dunes with its symbiotic exchange with the beach / shoreline system and the wetland present on the subject property. The objectors state that it is imperative that the environment must be protected, and that conservation must be prioritized over densification and urban development.***

The proposed subdivision (land use application) to create two additional single residential erven and one conservation area / open space portion does not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998). The latter was confirmed by the Department of Environmental Affairs & Development Planning (DEA&DP): Regions 1 and 2 as per the respective letters dated 30 March 2022 and 3 May 2022.

As stipulated in the letters from DEA&DP the subsequent development on the erven may constitute listed activities defined in terms of the NEMA EIA Regulations, 2014, should the development of the erven deviate from the vested rights (amendment of the specific parameters for which the property was set apart) and if construction activities entail the clearing of indigenous vegetation, in terms of the latter, if the site (different properties / cadastral units that were set apart for a particular purpose in terms of a General Plan) in question was cleared of indigenous vegetation prior to the EIA Regulations coming into effect, but not repeatedly so, and specifically not in the preceding ten-year period, clearance of indigenous vegetation would require environmental authorisation should the thresholds in the various listed activities in this regard be triggered. Developments deviating from the vested rights of the property i.e. amendment of the specific parameters for which the property was set apart may also require environmental authorisation should the thresholds in the various listed activities in this regard be triggered.

Therefore, if certain listed activities in terms of NEMA might become applicable, if facilities and infrastructure are constructed in future, it will be dealt with as separate environmental applications when the need arises in future. Should the future development of the respective properties trigger a NEMA application (removal of vegetation; wetland; etc.), due process will be followed prior to the commencement of the construction on site. The onus is with the landowner to inform potential buyers that some of the proposed properties fall within a demarcated wetland area. New property owners might have to apply for environmental authorization, depending on the development proposed for each respective property. New property owners should be made aware that the erven are not sold with the required rights in terms of NEMA.

In addition (and very importantly), the **Overstrand Municipality's Environmental Management Section has no objection** to the proposed application. A copy of the department's comments / consent dated 22 April 2022 is attached. The department indicates that due to the presence of a Floodplain Wetland on the property the Breede-Gouritz Catchment Management Agency (BGCMA) must be contacted for water use authorization on the property in relation to Sections 21 and 22 of National Water Act. It should be noted that the presence of this Floodplain Wetland applies to most of the adjacent and surrounding properties – also the properties of most of the objectors. And yet none of the adjacent properties were denied the right to develop at least one dwelling with ancillary outbuildings on the subject properties. The reference to the Floodplain Wetland does not restrict the development of the properties per se (since the department clearly stipulates it has no objection to the proposed subdivision and rezoning) but is merely considered a condition of approval.



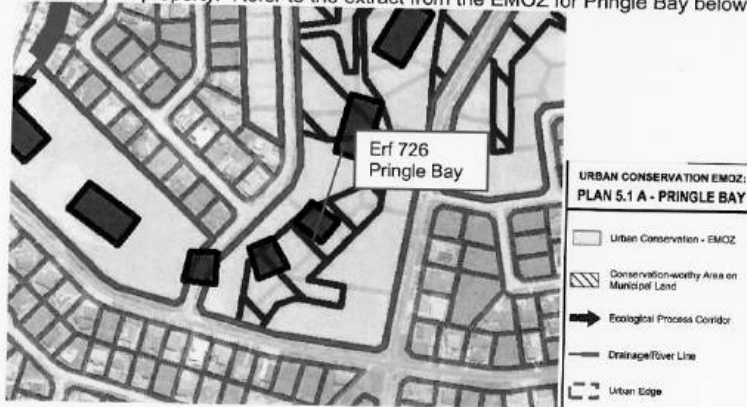
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Some objectors mention the Environmental Management Overlay Zone (EMOZ) applicable to this area (Urban Conservation EMOZ: Category D: Private Property) and the disregard of the application to the EMOZ and the objectives of the EMOZ.

The conservation area corridor as indicated on the Urban Conservation EMOZ runs over the western portion of the subject property. Refer to the extract from the EMOZ for Pringle Bay below:



Map 1: Environmental Management Overlay Zone (EMOZ, 2020): Pringle Bay

This application includes the subdivision of the western section of the subject property (Portion D) and the subsequent rezoning from SR1 to OS1 to meet the conservation area corridor requirement by the municipality. Portion D, a portion of erf 726 Pringle Bay, will be ceded to the municipality. We therefore fail to understand how the EMOZ was seemingly ignored with the proposed land use application, since it is obvious that the objectors are ignorant to the fact that $\pm 1285\text{m}^2$, which amounts to almost 27% of the total extent of erf 726 Pringle Bay, will be rezoned to OS1 to ensure compliance with the conservation area corridor identified for this area of Pringle Bay.

Michelle Naylor, environmental consultant at Lornay Environmental Consulting, confirmed that the wetland requirements for the future development of dwellings on the respective portions after subdivision can only be attended to once there are building plans available. To submit an application to address the wetland requirements is considered premature on a rezoning / subdivision application, because the footprints for development (building plans) are not available as yet and the environmentalist has no idea what the impacts will be at this moment in time. This matter will be addressed by our clients once there are building plans available. If the proposed development of each erf is more extensive than a single residential dwelling, then a dedicated freshwater specialist's input might become applicable as well.

The impact on the biophysical environment is further addressed in the following comment / objection paragraph and our subsequent response.

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- **The Urban Conservation EMOZ envisages two layers of protection as stipulated by the Pringle Bay Ratepayers Association and Friends of Rooiels:**
 - **An Operational Management Plan for the whole Pringle Bay Urban Conservation area; and**
 - **Specialist Biodiversity / relevant studies report.**

The objectors request that an environmental impact assessment with relevant specialist studies be undertaken to determine the impact and mitigate the impact the proposed land use application will have. Once the application is approved the municipality will not be able to stop development and consequent environmental impact.

We disagree with the Ratepayers Association that the application proposal represents a fragmented intervention into the Urban Conservation Area. Due regard is given to the conservation corridor demarcated for this area – with $\pm 27\%$ of the total extent of erf 726 Pringle Bay made available for conservation purposes. The Ratepayers Association specifies that the subject property falls under Category D for the Urban Conservation Area demarcated for this area and then quote the Category D information. Section 8.5.1.1.4. of Category D clearly stipulates that the discretion lies with the municipality's officials to determine whether additional studies must be submitted even in cases where no NEMA listed activities are triggered:

"In the face of development pressure, the Municipality may, if it deems it necessary, on receipt of a development proposal or application, that does not involve any activities identified under the NEMA listing Notices, require that specialist biodiversity and / or other relevant studies, be undertaken by the developer / owner in order to inform development planning and retain priority ecological corridors and habits."

No specialist studies were requested by the municipality. The Environmental Management Department of Overstrand Municipality has not indicated the need for an Operational Management Plan for the whole Pringle Bay Urban Conservation Area or the need to submit additional specialist studies. It is ludicrous for the objectors to expect our client to fund whole area specialist studies for the compilation of an Operational Management Plan. This was not a requirement for the subdivision of erven in this immediate vicinity in the past and should not become the financial burden of our client. The need for such a plan is also superfluous when considering the municipal and provincial environmental departments' comments / consents on the application.

It should also be noted that the subject property does not fall within a Critically Biodiverse Area. As described in the previous paragraphs, the land use application does not trigger any NEMA listed activities. No site development plan is available for the proposed new erven after subdivision. As a result, the possible impact of the footprints of these dwellings cannot be determined at this stage.

A Specialist Biodiversity Assessment for the Subdivision and Rezoning of erf 726 Pringle Bay was compiled by environmental scientist, Mr Jacques van Rensburg, at Nature Works. A copy of the report dated August 2022 is attached. Nature Works was appointed to conduct a Specialist Biodiversity Assessment to inform development planning and retain priority ecological corridors and habitats. The specialist assessment entailed the following:

- *Identify and describe biodiversity patterns at the community and ecosystem level (primary vegetation type, plant communities in the vicinity and threatened/vulnerable ecosystems),*



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species level (threatened Red List species, presence of alien species) and insignificant landscape features.

- *Assess the local and regional importance of the vegetation communities and plant species within the affected areas based on the relevant biodiversity plans, bioregional planning documents, Environmental Management Frameworks etc.*
- *Describe the sensitivity of the site and its environs and map these resources.*
- *Identify any areas unsuitable for development or related activities (No-Go Areas) and associated buffers that should be observed.*
- *Include any rehabilitation or monitoring measures that may be required.*

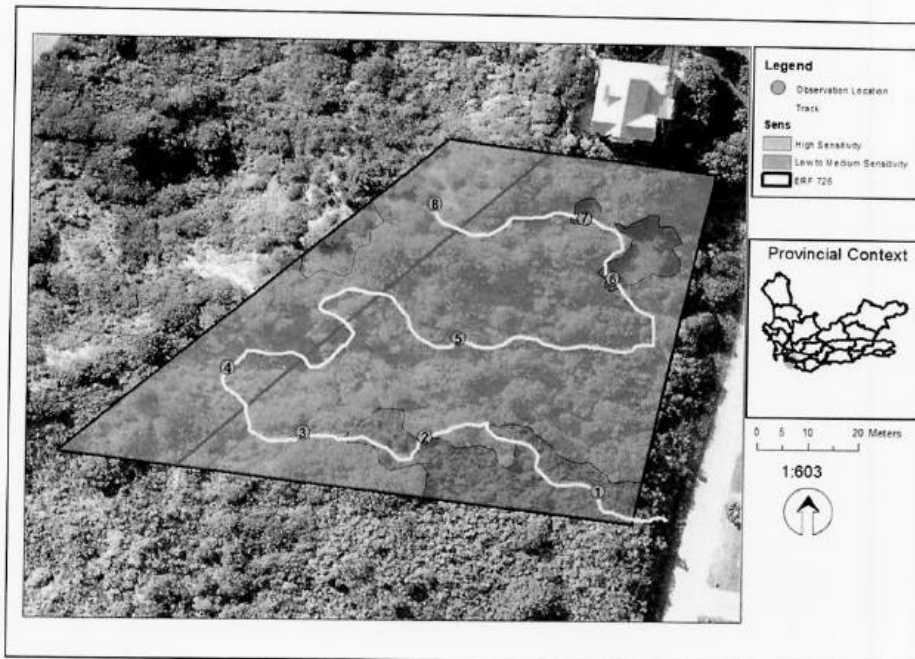
The study / report concluded that: *the study area contains endangered Hangklip Sand Fynbos vegetation. The eventual development will result in the permanent loss of intact and degraded vegetation, which has high and low-to-medium sensitivity, respectively, in terms of the biodiversity value and ecological function. The site is part of a larger green belt home to endangered vegetation and a wetland. This area is not essential for meeting biodiversity targets but plays an important role in supporting the functioning of PAs or CBAs and is often vital for delivering ecosystem services.*

The proposed subdivision of erf 726 will create three (3) single residential erven and one (1) conservation area / open space portion. The subsequent development impact on the vegetation of the site will be restricted to portions A, B, and C. Portion D will be zoned as Open Space Zone 1: Nature Reserve (OS1) in terms of Chapter 4, Section 16(2)(a) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020. The Nature Reserve (Portion D: ±1285m²) will create an adequate buffer between the terrestrial habitat of portions A, B and C and the channelled valley-bottom wetland to the north of the site. The open space is an intact representation of Hangklip Sand Fynbos and must be managed to prevent indirect habitat degradation.

The subdivision for ERF 726 does not trigger any listed activities in terms of the NEMA EIA regulations 2014 (as amended) as defined in listing notices ("LN") 1, 2 & 3 of 7 April 2017. However, it is essential to note that due to the site's ecosystem threat status and the presence of ESA2, the subsequent development on the erven may constitute listed activities as defined 17 in terms of the NEMA Regulations. In this case, any clearance of vegetation over 300 m² will trigger LN 3, activity 12 of NEMA and require environmental authorisation from the competent authority before such activities may commence.

A Site Sensitivity Map was compiled as informed by the above factors. Refer to the Site Sensitivity Map below (Figure 6 in the attached report):

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The following **development mitigation measures** were proposed to accommodate the proposed land use application:

Mitigation options are generally considered in terms of the following mitigation hierarchy: (1) avoidance, (2) minimisation, (3) restoration and (4) offsets.

- The development must not detract visually from the natural environment, i.e., by building on the ridgeline and steep slopes.



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- *The larger shrubs and slow-growing dune stabilising vegetation such as Euclea racemose should be kept in situ to prevent further degradation of the dune habitat.*
- *The impact should be restricted to the construction site.*
- *The site is situated on a stabilised old dune, and the construction phase will likely destabilise the dune. Restoration work will be required to ensure that the dune habitat stays intact.*
- *The current alien plant extent is low to moderate; these alien species must be removed. Annual clearing should be undertaken to ensure the effective management of all IAPs, especially after the disturbances caused by the construction activities.*
- *Landscaping should include native species rescued from the construction activities.*

As per the above and also the attached specialist report it is evident that subdivision and rezoning of the subject property is possible; however the necessary mitigation measures should be followed to ensure that the development of the newly created portions in future takes the existing vegetation, ridgeline and slopes into consideration to ensure a low impact single residential development.

- ***The so called "Ridge Guideline Development Plan" is overridden by the EMOZ. The corridor concept should form part of a consideration in the development of the Operational Management Plan. The aforementioned plan is by no means the sole basis on which subdivision applications are evaluated in this area.***

The above statement is the opinion of the Pringle Bay Ratepayers Association. The land use management department (Town Planning) does not necessarily agree with this statement. Before the subject property was sold to our client, the estate agent (Ms W. Cilliers – Pam Golding) investigated the impact the open space corridor might have on the subject property, with the municipality. Overstrand Municipality confirmed the following for the consideration of the subdivision of erf 726 Pringle Bay in a letter dated 19 March 2020:

ERF 726 PRINGLE BAY

In the early 2000's an open space corridor was determined by the Nature Conservation Department of the Municipality. The latter document is the basis on which subdivisions are evaluated. The minimum required erf size of a 1000m² and the open space corridor. This corridor (±10298m² in extent) represents the sensitive dune and wetland areas.

It was agreed between Mr Hazelden and the Pringle Bay Ratepayers' Association that it would be a condition of sale if future owners of these properties wish to subdivide, the portions of their properties that fall within this corridor be ceded to Council. The building line abutting the Nature Conservation Area be a minimum of 5m. This was accepted by the Municipality and is still in place.

Erf 725 was dealt with by Barry Blout of Messrs Diesel & Munns Land Surveyors. Their contact details are 021-852 3800 or 852 3759 Somerset West.

Please take note, that a new building will need a surveyed plan with contours when submitted at the Municipality. Therefore the Open Space Zone 1 area needs to be determined and clarity in this regard will have to be obtained by the Environmental Officer and Cape Nature.

Note that the municipality stipulates that the corridor represents the sensitive dune and wetland areas (and not the whole property). Also note that the Ratepayers Association was part of the agreement where it was decided that it be a condition of sale if future owners of these properties wish to subdivide – that the portions of their properties that fall within this corridor be ceded to Council. It was also agreed that the building line abutting the Nature Conservation Area be a minimum of 5m. The latter was also provided for in the subdivision proposal for erf 726 Pringle Bay. Does the Ratepayers Association not recall such an agreement for subdivisions in this area? Due regard was given to the criteria for subdivision with the proposal for erf 726 Pringle Bay (surveyed plan for determining the OS1 portion; compliance with the minimum erf size for the area, etc.). And it is evident from the letter from Town Planning dated 19 March 2020 and the comments / consents received from the municipal departments that the municipality still regards the corridor guide plan as relevant for the consideration of subdivisions in this area.

- ***There is insufficient infrastructure in Pringle Bay as it currently stands. The stormwater management in the area being one of the greatest concerns to the residents. The proposed subdivision will aggravate the existing insufficient infrastructure in the area – to the detriment of the existing property owners in the immediate vicinity. Some of the objectors request that a services report be submitted to address the concerns.***

The latest Overstrand Municipal SDF (2020) confirms that Pringle Bay is currently adequately supplied with bulk water in terms of source and network provision, however continuous replacement of old water network pipelines is needed to reduce the high water losses. Thus, the ongoing problem the neighboring properties are experiencing is acknowledged in the latest bulk services infrastructure concerns in the area.

The development rules for erven >400m² will apply to the newly created portions. The proposed subdivision will therefore maintain the existing development parameters applicable to the subject property as well as the surrounding properties. The subject property has existing rights. This entails that the property as it currently stands can be developed up to a maximum of 50% coverage (i.e. ±2418m²) – no land use approvals required (but subject to other statutory requirements, such as NEMA). This implies that 50% of the existing vegetation on the subject property can potentially be removed for development within the existing SR1 rights. A subdivision into four properties (one open space portion and three residential erven) spreads the 50% coverage over three residential erven, with no development proposed / allowed in the open space corridor portion. With three smaller and separate residential erven the stormwater management can most probably be better addressed than with the existing larger residential property.

The objectors are oblivious to the fact that the property has existing rights – perhaps they should consider the impact the development of the existing property to its full potential could have on the area and demarcated conservation worthy portion of the property versus the application proposed (definite portion for conservation purposes created and to be ceded to the municipality; three smaller portions for development and most likely room for better stormwater infrastructure planning and subject to NEMA if any listed activities are triggered).

Pre-submission discussions with the Overstrand Municipality's Engineering Services Department (Mr Denovan van Rhodie, Senior Operational Manager: Kleinmond) confirmed that the municipality's capacity in terms of sewerage tankers were expanded for the area. The municipality will therefore be able to service the sewerage tanks of the proposed new erven. The necessary services are



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therefore available to accommodate the proposed three (3) residential erven pending the upgrade of the sewer services (in line with the Sewer Master Plan) for the area.

The **Municipal Engineering Services Department has no objection** to the proposed subdivision and rezoning application. Refer to a copy of their comment / services report dated 11 May 2022. Standard approval conditions are stipulated that our client has to adhere to prior to taking transfer / transferring the newly created portions. If Pringle Bay had insufficient services capacity the latter would have been indicated by the engineering services department, and this was not the case. No special conditions were stipulated to address the stormwater. The consent from the engineering services department cannot be ignored since they are aware of bulk service issues in the respective towns. At the moment there is no monotorium placed on subdivisions due to insufficient infrastructure in this area of Pringle Bay.

- ***Extremely inadequate municipal budget to even consider further subdivisions / development in this area.***

Our client will be held liable for the payment of bulk service levies for the two new residential portions created. Bulk service contributions are used to upgrade the bulk services in the area.

The objectors are using the land use application to raise other concerns in and for the area - such as existing stormwater issues what seems to be a greater concern in roads further east and the inadequate municipal budget. This is irrelevant to the land use application at hand.

- ***Increased traffic and noise impact.***

As the property currently stands, there is one residential erf (i.e. two vehicles to the property). We are proposing to create a mere two additional residential erven. That is an additional four cars that will travel to the area! No evidence is presented by the objectors that the subdivision will have a negative impact on the traffic or road safety in the area.

These types of applications generally generate low traffic and noise pollution to residential areas. The staggered nature of people arriving at their respective homes will further mitigate the proposed subdivision's traffic impact and ensure that the surrounding area and its road network are not overwhelmed with vehicular traffic. We are of the opinion that the traffic and noise generated will be low and in keeping with the residential character. In addition, the municipal engineering services department did not express any concerns with regards to the width of the road, the state of the road or additional traffic to the area and no requests for additional studies were received from the municipality.

The proposed development must provide sufficient parking bays on site once building plans are submitted in future. It is our opinion that the reference to traffic increase and noise in the area is rather overstated. The proposed development will have little, if any, adverse impact on the safety, health and wellbeing of the surrounding community. The proposed development within the

Overstrand Land Use Scheme Regulations' parameters and subject to traffic control conditions for the area, will not jeopardize the safety of road-users (vehicular and pedestrian).

- ***The application will set a precedent for similar future applications***

Objectors feel that other residents will also seek an opportunity in the future to submit similar applications. Objectors feel that there are enough vacant erven in the surrounding areas and that the proposal proves to be superfluous.

Approving the proposed development will not set a precedent since each land use application is evaluated on its own merit. In addition, similar land use applications have been approved in the past in the immediate area. It therefore seems as if the precedent is already set for low-impact, low-scale diversification of the residential land uses in the Pringle Bay area.

It is important to note that erf 726 Pringle Bay was one of the eight (8) erven created when the original plot referred to as "The Ridge" was subdivided. With the initial subdivision of the original erf there were certain conditions set at the time which included that any future subdivision of the erven would be restricted to a minimum erf size of at least 1000m² and that a section of the property would have to be ceded to the municipality to form part of the Ecological Corridor. These conditions were adhered to when three of the eight properties received permission to subdivide in the past. The subdivision of erf 726 Pringle Bay will adhere to the same conditions. We would therefore like to emphasize that of the original eight properties, three properties (erven 724, 725 & 728) have already been subdivided. The precedent is therefore already set and not being set with this application as suggested by the objectors. Two of the already subdivided erven (erven 724 and 725 Pringle Bay) have already been built on, with plans approved for a new house on erf 728 as well. In addition, a single house was also built on erf 721 Pringle Bay in 2021. This gives a total of five houses already been built on the "dune", with another one on the way on erf 728 Pringle Bay.

Conclusion

We are of the opinion that the excessive number of objections received is merely due to a social media post (unfactual and emotionally based) made by a neighbouring property owner that made more residents aware of the application proposal. This social media post and the comments received instigated residents to submit objections with most of the residents not even aware of all the facts pertaining to the proposal. The objector that made the social media post on the application, was also the neighbouring property owner that led the petition in the area. Although concerned about the ecological impact the proposed subdivision might have on the area as a whole, she does however admit in her objection letter that there is no "legal" reason for the subdivision to be halted. By her own admission, the application meets the criteria for the positive consideration thereof. As mentioned in the motivation report, the proposal is in line with the spatial planning policies for and the character of the area.

As mentioned in the report the surrounding erf sizes, the minimum erf size for the area, the street frontage widths of existing erven of similar sizes, the proposed layout and shapes of the new residential portions that are compatible with the layout and erf shapes of the existing residential area, compliance with the nature conservation requirement for the area, etc. proof that the subdivision and rezoning are compatible with the existing context and character of the area. Properties of ±720m² - 5000m² in extent exist in the immediate vicinity of erf 726 Pringle Bay. As motivated, there is already a precedent to subdivide the erven in "The Ridge" area; therefore, we are not applying for more than what was previously considered and approved in the immediate area. The extent of the newly created portions still promotes and is compatible with the existing low-density residential area.



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Nature Works was appointed to conduct a Specialist Biodiversity Assessment to inform development planning and retain priority ecological corridors and habitats on the subject property. It was concluded that although high and low medium sensitive areas exist on the subject property, development of the respective portions after subdivision can still be undertaken (without being detrimental to the biophysical environment) with the consideration and implementation of the necessary mitigation measures as stipulated in this document and the attached report.

The proposal will promote land development in a location that is sustainable. The proposed subdivision and rezoning are to an improved erf within an established residential area and therefore will not impact on urban sprawl or upon a sensitive environment.

Find attached the following annexes for your attention:

- Letters from the Department of Environmental Affairs & Development Planning (DEA&DP): Regions 1 and 2 dated 30 March 2022 and 3 May 2022 respectively;
- Overstrand Municipality's Environmental Management Department's comments / consent dated 22 April 2022;
- Specialist Biodiversity Assessment dated August 2022 compiled by environmental scientist, Mr Jacques van Rensburg, from Nature Works;
- Letter from Mrs Hanneen van der Stoep (Overstrand Town Planning Department) addressed to Ms W. Cilliers (Pam Golding) of 19 March 2020;
- Overstrand Engineering Services Department's comments / services report dated 11 May 2022.

We trust that you find the above in order and that you will now be able to proceed with the processing of the application.

Yours faithfully

**M. LERM Pr. Pin. (A/158/2009)
PLAN ACTIVE**



Western Cape
Government



Department of Environmental Affairs and Development Planning
Kobus Momo
Directorate: Development Management (Region 2)
Xobus.Mump@westerncape.gov.za Tel: 083 701 1290

TP 12/42
(11. ud Sweep)

Reference: 15/9/2/12/BO3

Director: Infrastructure and Planning
Overstrand Municipality
PO Box 20
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FILE NO.	01-726
	Pringle Bay
SCAN NO.	
COLLABORATOR NO.	1563742

REQUEST FOR PROVINCIAL PLANNING COMMENT: APPLICATION FOR SUBDIVISION AND REZONING: ERF 726, PRINGLE BAY

- Your request for comment, dated 17 March 2022, has reference.
- The application under consideration is for the subdivision of Erf 726, Pringle Bay into 4 portions, namely Portion A ($\pm 240m^2$), Portion B ($\pm 262m^2$), Portion C ($\pm 1050m^2$) and Portion D ($\pm 265m^2$) and the rezoning of the newly created Portion D from Residential Zone : Single Residential (SRI) to Open Space Zone 1: Nature Reserve (OS1).
- The subject property is located inside the Urban Edge of Pringle Bay and is earmarked for Urban Development in terms of the SDF. In terms of the Zoning Scheme, however, the property falls within the Pringle Bay Urban Conservation Environmental Management Zone (EMOZ), which identifies private property within priority conservation-worthy ecological corridors.
- The proposed subdivision will result in three residential erven in excess of 1 000m² and an open space zone, aimed at protecting the sensitive dune and wetland areas, as required by the EMOZ.
- Whilst this Directorate has no objection to the subdivision proposal from a provincial planning perspective, the proposed rezoning to Open Space 1: Nature Reserve could be problematic given that the Zoning Scheme requires that a nature reserve must be "declared or registered as a nature reserve in terms of legislation for the purpose of conserving and managing wildlife, flora and fauna in a predominantly natural habitat". Failure to have the nature reserve registered or declared in terms of the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003) will, therefore, result in the lapsing of the zoning after a period of 10 years



TP 30 MAR 2022

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Department of Environmental Affairs and Development Planning

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from the date of approval and the subsequent reinstatement of an additional residential property.

6. An alternative would, therefore, be the rezoning of said portion of "private open space" to be used nature area, should the property not be ceded to the Municipality as proposed.

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)

14/42

Loriaan Isaacs

From: Helene Janser <Helene.Janser@westerncape.gov.za>
Sent: Wednesday, 30 March 2022 10:56
To: Loriaan Isaacs
Subject: DEA&DP comment: Erf 726 Pringle Bay (Subdivision, Rezoning)
Attachments: Pringle Bay Erf 726.pdf

Kind Regards

Helene Janser
Chief Town & Regional Planner: Development Management Region 2
 Department of Environmental Affairs and Development Planning
 Western Cape Government

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 Should you not be able to contact the numbers above, please call +27 (0)21 483 4091 between 7:30 -16:00.

From: Loriaan Isaacs <loriaanisaacs@overstrand.gov.za>
Sent: Thursday, March 17, 2022 9:25 AM
To: Helene Janser <Helene.Janser@westerncape.gov.za>; Zaahir Toefy <Zaahir.Toefy@westerncape.gov.za>; Ayesha Hamdulay <Ayesha.Hamdulay@westerncape.gov.za>
Cc: L Gillion <Loretta@overstrand.gov.za>
Subject: Request for comment: Erf 726 Pringle Bay (Subdivision, Rezoning)

Dear Sir / Madam

Attached find self-explanatory notice for your attention.

15/42



Western Cape
Government

Department of Environmental Affairs and Development Planning
Loretta Osborne
Directorate: Development Management: Region 1
loretta.osborne@westerncape.gov.za | Tel: 021 485 3696

REFERENCE: 16/3/3/6/6/E2/31/1088/22
DATE: 3/5/2022

The Municipal Manager
Overstrand Municipality
P.O. Box 22
HERMANUS
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Attention: Ms L Isaacs

FILE NO. EL 726-KPRB
SCAN NO.
COLLABORATOR NO. 148 0127



TP-A Theart
(Huid Stoop)

E-mail: lorianisaacs@overstrand.gov.za

Dear Madam

APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): APPLICATION FOR SUBDIVISION AND REZONING: ERF 726, PRINGLE BAY

1. The document, as received electronically by this Department on 17 March 2022, refers.
2. This letter serves as an acknowledgement of receipt of the abovementioned document by this Department.
3. According to the information contained in the correspondence this Department notes the following:
 - 3.1 An application has been submitted to Overstrand Municipality for subdivision in terms of Section 16(2)(d) of the By-law to subdivide Erf No. 726, Pringle Bay into four portions, namely Portion A (approximately 1240 square metres), Portion B (approximately 1262 square metres), Portion C (approximately 1050 square metres) and Portion D (approximately 1285 square metres); and
 - 3.2 An application has been submitted to Overstrand Municipality for rezoning in terms of Section 16(2)(a) of the By-law to rezone the newly created Portion D (approximately 1285 square metres) from Residential Zone I: Single Residential (SRI) to Open Space Zone I: Nature Reserve (OSI).
4. Your attention is therefore drawn to the listed activities in terms of the NEMA EIA Regulations 2014 (as amended) as defined in Listing Notices ("LN") 1, 2 & 3 of 7 April 2017. Be advised that, based on the information provided, the application for subdivision and rezoning on Erf No. 726, Pringle Bay **does not** constitute any listed activities as defined in the NEMA EIA Regulations, 2014 (as amended). Environmental Authorisation is therefore not required prior to the application for subdivision and rezoning on Erf No. 726, Pringle Bay.
5. However, the subsequent development on the erven may constitute listed activities as defined in terms of the NEMA EIA Regulations, 2014, should the development of the erven deviate from the vested rights (amendment of the specific parameters for which the property was set apart) and if construction activities entail the clearing of indigenous vegetation. In terms of the latter, if the site (different properties (cadastral units) that were all set apart for a particular purpose in terms of a General Plan) in question was cleared of indigenous vegetation prior to the EIA Regulations coming into effect, but not repeatedly so, and specifically not in the preceding ten-year period, clearance of indigenous vegetation would require environmental



03 MAY 2022

Department of Environmental Affairs and Development Planning

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authorisation should the thresholds in the various listed activities in this regard be triggered. Developments deviating from the vested rights of the property (i.e. amendment of the specific parameters for which the property was set apart) for may also require environmental authorisation should the thresholds in the various listed activities in this regard be triggered.

6. Should any revision of your development comprise any activities that constitute a listed activity as defined in LN 1, 2 and 3, an application for environmental authorisation must be submitted to the competent authority and authorisation obtained before such activity(ies) may commence.
7. You are advised that it is the responsibility of the applicant on the general duty of care and the remediation of environmental damage. Section 28(1) of NEMA specifically states that – "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."
8. The applicant must comply with any other statutory requirements that may be applicable to the undertaking of the activity.
9. The Department reserves the right to revise its comments and request further information from you based on any new or revised information received.

Yours faithfully

Marbe Digitaly signed by
Marbe Coetzee
Date: 2022-05-03
09:20:34 +0200
pp Coetzee

**HEAD OF COMPONENT
ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

17/42

Loriaan Isaacs

From: Loretta Osborne <Loretta.Osborne@westerncape.gov.za>
Sent: Tuesday, 03 May 2022 10:04
To: Loriaan Isaacs
Cc: Marbe Coetzee
Subject: Departmental letter
Attachments: Erf 726 Pringle Bay Not listed letter .pdf

Dear All,

Please find the attached letter for your perusal.

Kind Regards

Loretta Osborne
 Environmental Officer: Production (Grade B)
 Directorate: Development Management (Region 1)
 Department of Environmental Affairs and Development Planning
 Western Cape Government

6th Floor, Utilitas Building, 1 Dorp Street, Cape Town, 8000

Tel: +27 (0)21 483 3696
 Fax: +27 (0)21 483 3098
 Email: Loretta.Osborne@westerncape.gov.za
 Website: www.westerncape.gov.za/eactp



**Western Cape
 Government**
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Due to COVID-19 restrictions, we are still operating on a "work-from-home" basis.
 Should you not be able to contact the numbers above, please call +27 (0)21 483 4091
 between 07:30 - 16:00.

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TPA-EMS-220422-01

Town Planning Application on 22-04-2022

Generated on Unit by Tamzyn Zweig on 22-04-2022



Basic Information

Captured	22-04-2022 14:39	Call Time	22-04-2022 14:39	Captured By	Tamzyn Zweig
Reference	TPA-EMS-220422-01			Office	EMS
District	Overberg			Status	Open
Municipality	Overstrand				

Description

APPLICATION FOR SUBDIVISION AND REZONING

Application Details

File Reference	726 KPRB (4069/2022)
Applicant	PLAN ACTIVE (obo ENTK FAMILY TRUST)
Property	ERF 726, 72 BUFFELS
Details	ROAD, FRINGLE BAY

Application Comments

19/42

To Whom it may concern,

RE: File Reference 726 KPRB (4069/2022) APPLICATION FOR SUBDIVISION AND REZONING Erf 726 Pringle Bay.

The Environmental Management Section (EMS) has no objection to the application however the following should be noted

1. The National Water Act (NWA, 1998):

Due to the presence of a Floodplain Wetland on the property the Breede-Gouritz Catchment Management Agency (BGCMA) must be contacted for water use authorisation on the property in relation to Sections 21 and 22 of National Water Act.

2. National Environmental Management Act (NEMA, 1998)

The increase in the permitted development coverage in relation to the original erf 726 development parameters as detailed in the Overstrand Town Planning Scheme (2020) warrant an application to the Department of Environmental Affairs and Development Planning (DEA DP) for Environmental Authorisation through the Environmental Impact Assessment (EIA) process. If any of the activities in the EIA Regulations are triggered.

3. The Environmental Management Overlay Zones (EMOZ)

8.5.1.1.4. Urban Conservation EMOZ: Category D: Private Property

The seller must make prospective buyers aware of the status of Category D EMOZ for the subdivided erven. The EMS may *inter alia* request that an Environmental Management Plan (EMP) and/or specialist reports are submitted for proposed development on the erven.

Sincerely,

Tamzyn Zweig

Environmental Officer

Hangklip-Kleinmond Administration

tzwieg@overstrand.gov.za

028 271 8420

Cost Sheet

Cost Sheet Summary

Total

0.00

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**SPECIALIST BIODIVERSITY ASSESSMENT FOR THE SUBDIVISION &
REZONING OF ERF 726, PRINGLE BAY.**

Attention:

Michelle Naylor

Lornay Environmental Consultancy

Prepared by:

Jacques van Rensburg. MSc (Botany), Pr. Sci. Nat

Contact details:

Mobile – 082 748 6623

Email – jacques@natureworks.co.za

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APPOINTMENT OF SPECIALIST

Jacques van Rensburg, Director of Nature Works Environmental Consultancy, was appointed by Michelle Naylor from Lornay Environmental Consulting to provide specialist biodiversity input for the proposed subdivision & rezoning of ERF 726 Pringle Bay.

DECLARATION OF INDEPENDENCE

I, Jacques Jansen van Rensburg, as the appointed Specialist, with this, declare/affirm the correctness of the information provided or to be provided as part of the application and that I:

- In terms of the general requirement to be independent:
 - Other than fair remuneration for work performed in terms of this application, I have no business, financial, personal or other interest in the development proposal or application, and there are no circumstances that may compromise my objectivity; or
- Throughout the remainder of the general requirements for a specialist, I have met all the needs throughout this process.
- have disclosed to the applicant, the EAP, the Review EAP (if applicable), the Department and I&APs all material information that has or may have the potential to influence the decision of the Department or the objectivity of any report, plan or document prepared or to be prepared as part of the application; and
- am aware that a false declaration is an offence in Regulation 48 of the EIA Regulations, 2014 (as amended).

Mr. Jacques Jansen van Rensburg



August 2022

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CONDITIONS RELATING TO THIS REPORT

This report's methodology, findings, results, conclusions, and recommendations are based on my best scientific and professional knowledge. I reserve the right to modify aspects of the report, including the recommendations and decisions, should additional relevant information become available. This report may not be altered or added to without the author's prior written consent. Any recommendations, statements or conclusions drawn from, or based on this report, must cite this report and should not be taken out of context, and may not change, alter or distort the intended meaning of the original in any way. If these extracts or summaries form part of the main report relating to this study or investigation, this report must be included in its entirety as an appendix or as a separate section to the main report.

DETAILS OF THE SPECIALIST

Surname: van Rensburg

First names: Jacques

Address: 1 Fraser Road, Somerset West, 7130

Tel: 082 748 6623

Email: jacques@natureworks.co.za

Professional registration: South African Council for Natural Scientific Professions No. 119660

Expertise

- Qualifications: Hons (2012), Environmental Management & MSc (2017) in Botany at Unisa and Stellenbosch University.
- Ecologist with 13 years of experience in Environmental Management and Botanical Surveys.
- Founder of Nature Works Environmental Consultancy (Pty) Ltd.

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Introduction

The applicant wishes to subdivide erf 726 Pringle Bay in terms of Chapter 4, Section 16(2)(d) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, to create three (3) single residential erven and one (1) conservation area / open space portion as follows (Figure 1):

- Portion A: ±1240m²
- Portion B: ±1262m²
- Portion C: ±1050m²
- Portion D: ±1285m²

The rezoning of Portion D, a portion of erf 726 Pringle Bay, from Residential Zone 1: Single Residential (SR1) to Open Space Zone 1: Nature Reserve (OS1) in terms of Chapter 4, Section 16(2)(a) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020.

In terms of the Overstrand Municipality Environmental Management overlay zone regulations, 2020, Nature Works has been appointed to conduct Specialist Biodiversity Assessment to inform development planning and retain priority ecological corridors and habitats. The specialist assessment will entail the following:

- Identify and describe biodiversity patterns at the community and ecosystem level (primary vegetation type, plant communities in the vicinity and threatened/vulnerable ecosystems), species level (threatened Red List species, presence of alien species) and insignificant landscape features.
- Assess the local and regional importance of the vegetation communities and plant species within the affected areas based on the relevant biodiversity plans, bioregional planning documents, Environmental Management Frameworks etc.
- Describe the sensitivity of the site and its environs and map these resources.
- Identify any areas unsuitable for development or related activities (No-Go Areas) and associated buffers that should be observed.
- Include any rehabilitation or monitoring measures that may be required.

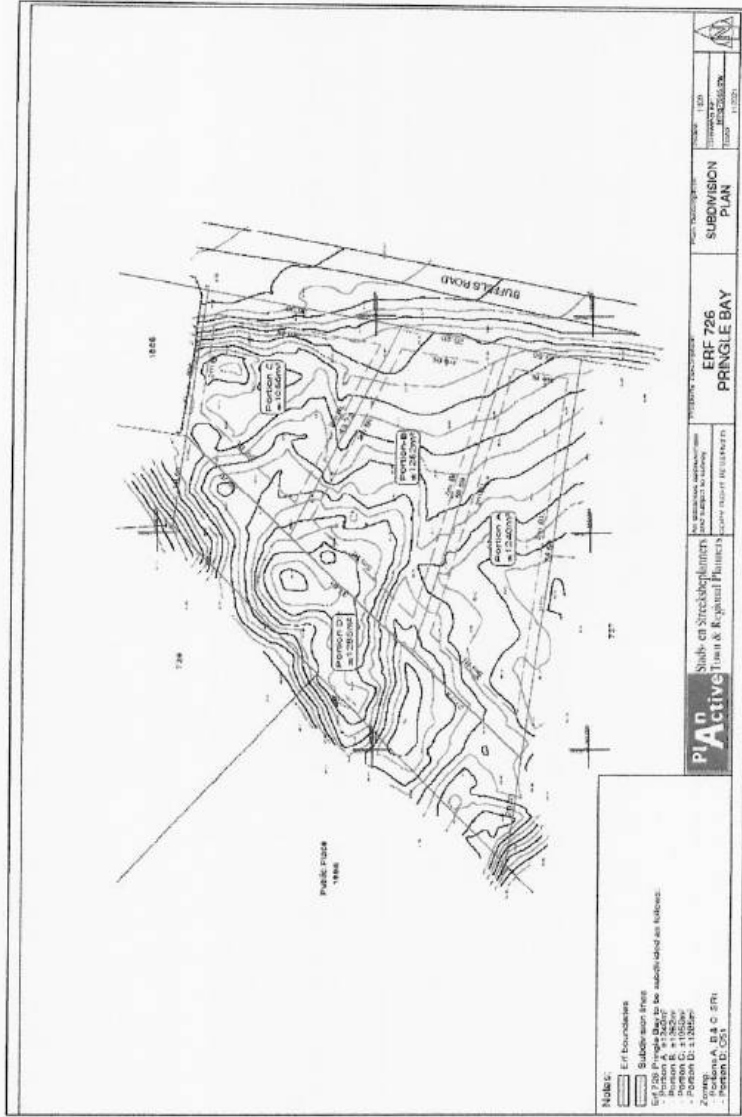


Figure 1: Proposed Subdivision layout of ERF 726

Regional Biodiversity Features

The National Vegetation and Ecosystem Threat Status

According to the Vegetation Map of South Africa, Lesotho and Swaziland (SANBI, 2018) (VEGMAP), the vegetation type occurring in the study area and its surrounds are Hangklip Sand Fynbos (Figure 2) (National Biodiversity Assessment, 2018).

The **vegetation and landscape feature** consists of dunes and sandy bottomlands supporting moderately tall, dense ericoid shrubland—emergent, tall shrubs in places. Proteoid, ericaceous and restioid fynbos are dominant, with some asteraceous fynbos also present. On the coastal fringe, this unit borders on strandveld. Shallow soils replace the deep soils of the coastal plains on mountain slopes on the northern edge. Hangklip Sand Fynbos occurs mainly on old dunes, but the high rainfall and leaching allow many typical sandstone fynbos species to occur on older deposits as well, so this unit is not as floristically distinct as other sandstone fynbos units.

Geology & Soils are Leached, acid Tertiary sand in coastal areas, mainly derived from dunes. Soils are generally of Lamotte or Houwhoek forms or grey, regic sands. Land types are primarily Ga, Hb and Gb.

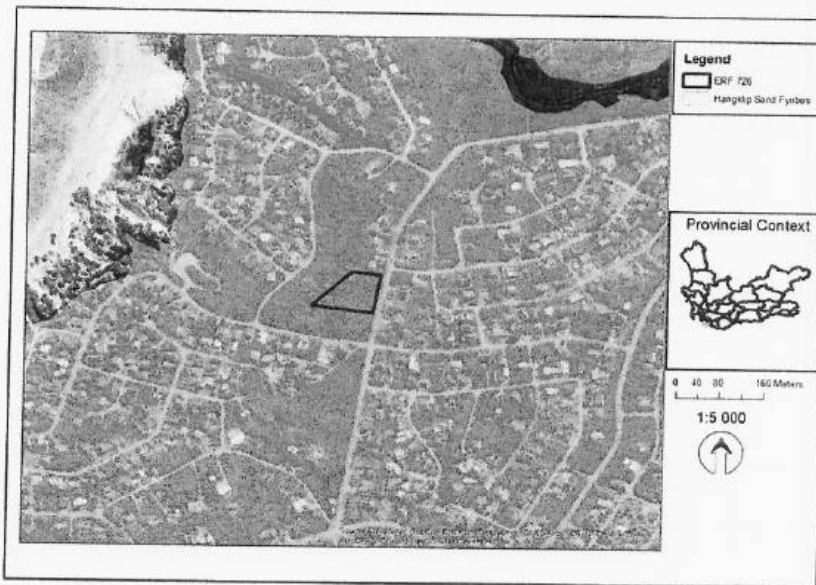


Figure 2: Presence of Hangklip Sand Fynbos

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Western Cape Biodiversity Plan

The Western Cape Biodiversity Spatial Plan (WCBSBP) indicates that the proposed development will directly impact an area categorised as ESA2 (figure 3).

The described ESA2 contains features that include a coastal corridor, Endangered vegetation and a wetland. This area is not essential for meeting biodiversity targets but plays an important role in supporting the functioning of PAs or CBAs and is often vital for delivering ecosystem services. The management objective for ESA2 is to restore and manage to minimise the impact on ecological processes and ecological infrastructure functioning, especially soil and water-related services, and to allow for faunal movement.

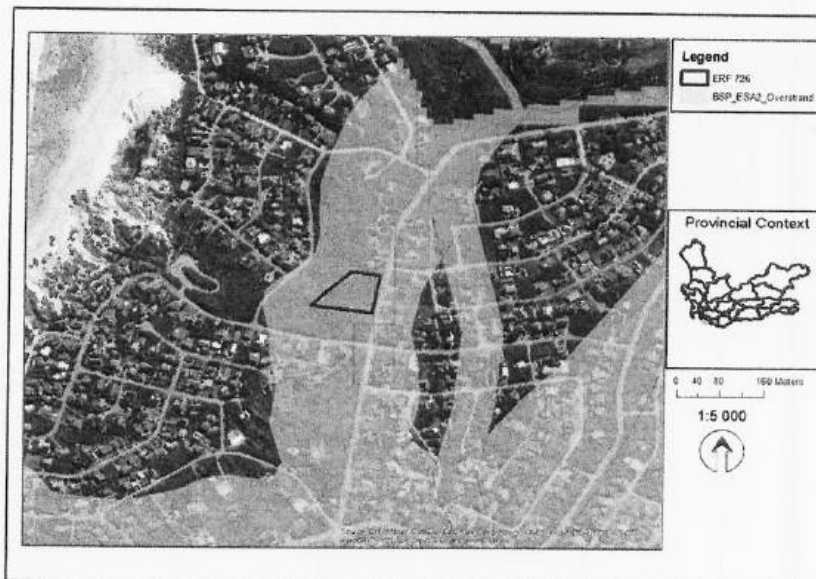


Figure 3: Western Cape Spatial Biodiversity Plan indicating the spatial distribution of ESA2 concerning the proposed subdivision.

Freshwater Ecosystems

The site falls in an area defined as a channelled valley-bottom wetland (Figure 4) (NWM5). This wetland area forms part of the National Wetland Freshwater Priority Area (NFEPA). The delineations were based mainly on remotely sensed imagery, and this specialist assessment will confirm the presence of a wetland on site.

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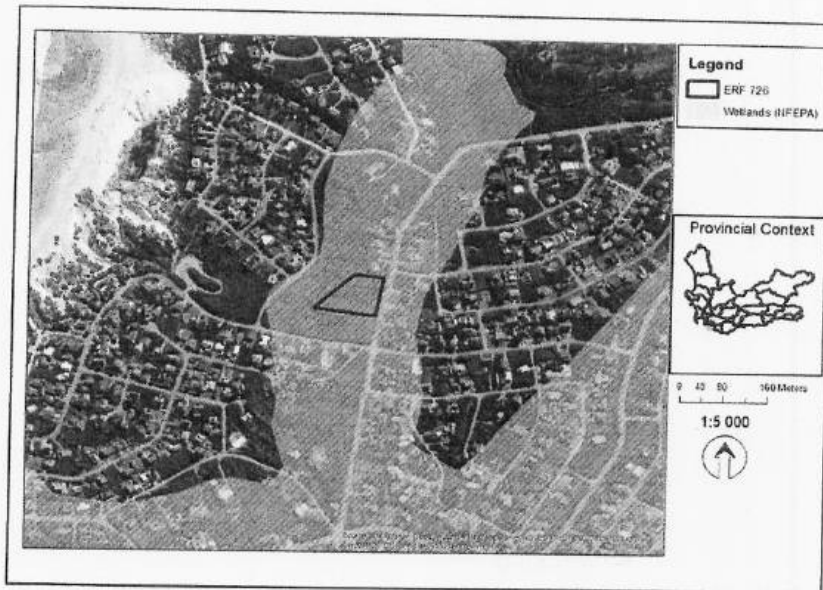


Figure 4: National Wetland Freshwater Priority Areas.

Vegetation of the Study Area

The site visits were conducted on 22 July and 13 August 2022. The site visits were conducted during the late winter months, heading into the peak observation period (August). The peak flowering time in this region is early spring, which occurs from August to November. The survey timing is therefore regarded as sub-optimal in terms of accurately assessing the site's flora. Despite this limitation, the condition of the vegetation can still be determined with a moderate to a high degree of confidence.

A time-meander search methodology was used to cover the full range of micro-habitats in each vegetation community. A floristic inventory was compiled while strolling through a particular vegetation community, recording all taxa encountered, including those that cannot be immediately identified.

Habitat condition

The current (August 2022) vegetation condition on the site is described below according to habitat categories provided in Table 1. The habitats mapped by the author are represented in Figure 5.

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Table 1: Habitat description.

Habitat condition	Description
Intact vegetation	An accurate representation of the original vegetation type in terms of structure and species makeup. Minimal soil disturbance. Unlikely to have ever been ploughed. The disturbance may be evident.
Semi-intact	It resembles the original vegetation type in structure and species makeup but has undergone some form of current or historical disturbance. Restoration potential is high.
Degraded	Only a few species representative of the original vegetation type are present. The vegetation has undergone heavy disturbance. Restoration potential is either low or moderate.
Highly degraded	The original vegetation is usually absent and has been removed in the past. Only a few remnants or pioneer species are present. Soils were traditionally ploughed in the past. Restoration potential is very low.
Transformed	No remnant species exist anymore. The landscape is altered irreversibly with no restoration potential. Examples include cultivated farmland and the built environment.

A detailed habitat description can be found in the below tables with photographs of each vegetation community, and the photo locations can be observed in figure 5.

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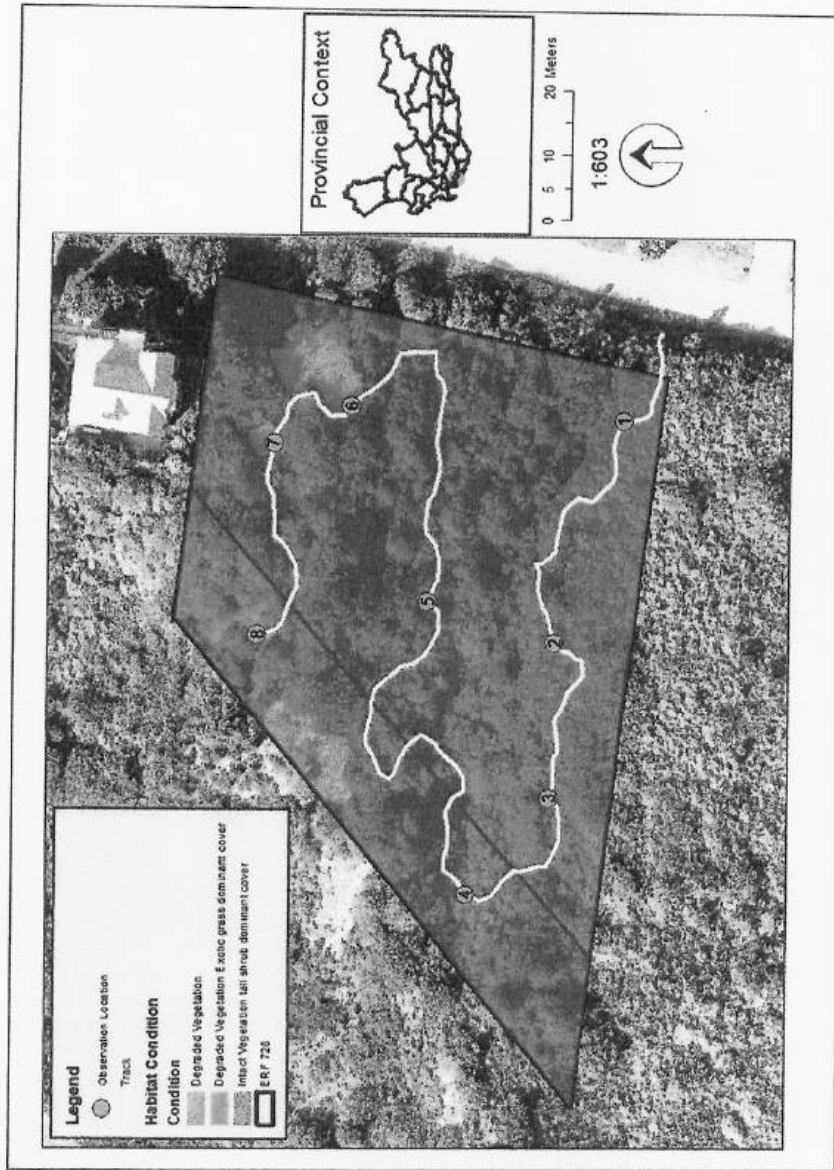
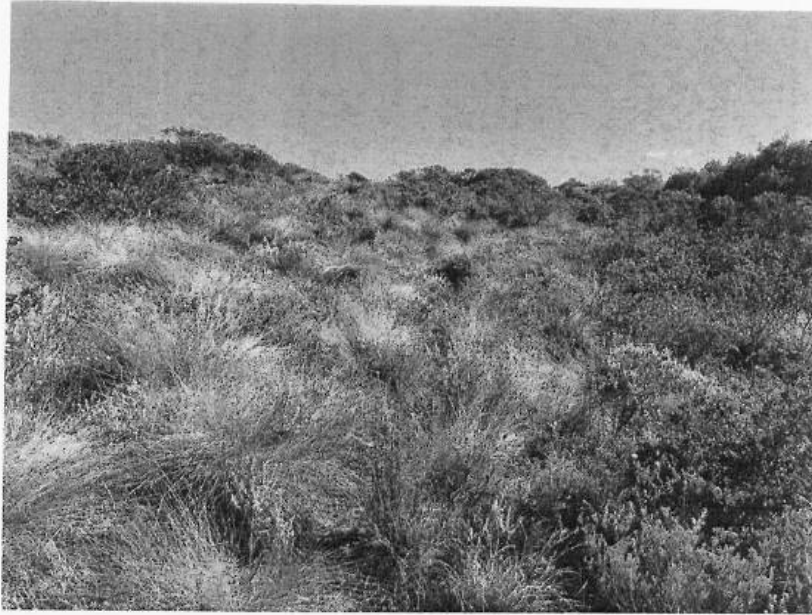


Figure 5: Habitat Map and location where the photos were taken during the site visits.

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Photo 1. Location: 34° 20' 43.542" S, 18° 50' 2.948" E



General Site Description: Degraded dune, supporting predominantly *Pennisetum setaceum* declared exotic invasive plant, with scattered medium to tall shrub vegetation consisting of *Searsia* sp., *Euclea racemose*, *Diosma hirsute* and *Helichrysum* sp. This area is distinct from the rest of the site, which is more densely populated with tall shrub vegetation.

Species Observed: *Felicia echinata* (LC), *Searsia lucida* (LC), *S. crenata* (LC), *Euclea racemose* (Dune Guart) (LC), *Babiana* Sp., *Chasmanthe* sp., Poaceae, *Colpoon compressum* (LC), *Helichrysum dasyanthum* (LC), *H. patulum* (LC), *Diosma hirsute* (LC), *Indigofera brachystachya* (LC), *Solanum africanum* (LC), *Agapanthus africanus* (LC), *Metalsia muricata* (LC).

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Photo 2. Location: 34° 20' 43.233" S, 18° 50' 2.087" E



General Site Description: Northerly view. Dune, supporting predominantly tall shrub vegetation, which included *Searsia* sp., *Colpoom Compressum* and *Euclea racemose*. *Metalasia muricata* can be seen scattered throughout the area. The vegetation is intact, with no disturbances observed.

Species Observed: *Felicia echinata* (LC), *Searsia lucida* (LC), *S. crenata* (LC), *Euclea racemose* (*Dune Guarni*) (LC), *Babiana* Sp., *Chasmanthe* sp., *Poaceae*, *Colpoom compressum* (LC), *Helichrysum dasyanthum* (LC), *H. patulum* (LC), *Diosma hirsute* (LC), *Indigofera brachystachya* (LC), *Solanum africanum* (LC), *Agapanthus africanus* (LC), *Metalasia muricata* (LC).

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Photo 3. Location: 34° 20' 43.213" S, 18° 50' 1.299" E



General Site Description: The transition zone from the more exotic grassy habitat to medium to tall shrub-dominated vegetation. The habitat is intact, with scattered exotic fountain grass observed.

Species Observed: *Felicia echinata* (LC), *Searsia lucida* (LC), *S. crenata* (LC), *Euclea racemose* (Dune Guarri) (LC), *Babiana* Sp., *Chasmanthe* sp., *Colpoon compressum* (LC), *Helichrysum dasyanthum* (LC), *H. patulum* (LC), *Diosma hirsuta* (LC), *Indigofera brachystachya* (LC), *Solanum africanum* (LC), *Agapanthus africanus* (LC), *Metalsia muricata* (LC).

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Photo 4. Location: 34° 20' 43.213" S, 18° 50' 1.299" E

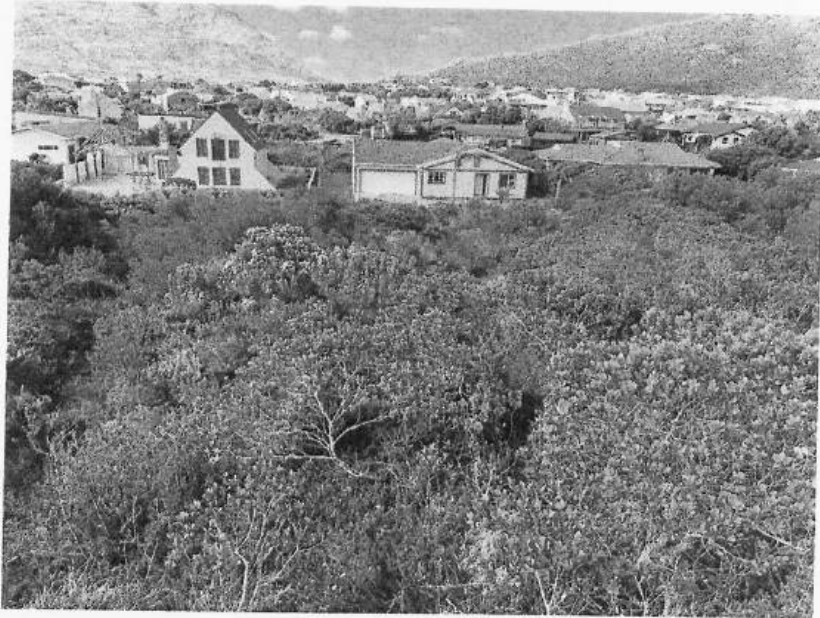


General Site Description: Intact dune habitat, this area will form part of the proposed Conservation Area. Scattered exotic fountain grass was observed.

Species Observed: *Felicia echinata* (LC), *Searsia lucida* (LC), *S. crenata* (LC), *Euclea racemose* (*Dune Guarn*) (LC), *Babiana* Sp., *Chasmanthe* sp., *Poaceae*, *Colpoon compressum* (LC), *Helichrysum dasyanthum* (LC), *H. patulum* (LC), *Diosma hirsuta* (LC), *Indigofera brachystachya* (LC), *Solanum africanum* (LC), *Agapanthus africanus* (LC), *Metalsia muricata* (LC), *Osteospermum moniliferum* (LC), *Restio Eleocharis* (LC).

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Photo 5. Location: 34° 20' 42.582" S, 18° 50' 2.268" E

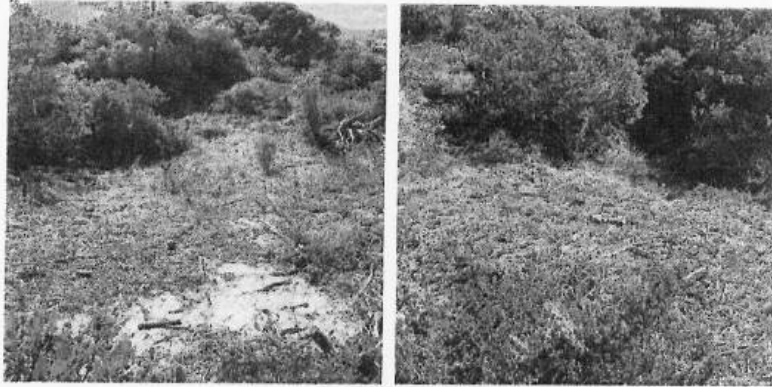


General Site Description: Easterly view of the site. Dune, supporting predominantly tall shrub vegetation, which included *Searsia* sp., *Colpoom Compressum* and *Euclea racemose*, and *Metalasia muricata* can be seen throughout the area. This site area has experienced some habitat degradation from alien plant invasion.

Species Observed: *Passerina corymbosa*, *Euclea racemosa*, *Metalasia densa*, *Osteospermum moniliferum*, *Acacia cyclops* (Alien vegetation)

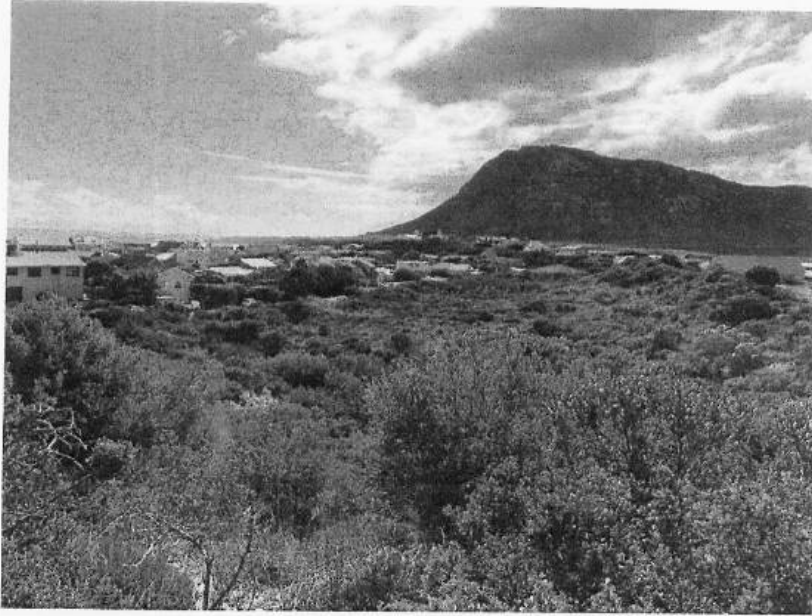
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Photo 6 and 7.



General Site Description: Photos 6 and 7, onsite disturbances in the form of vegetation clearing with scattered *Acacia cyclops* found on the periphery of the disturbances.

Photo 8. Location: 34° 20' 41.788" S, 18° 50' 2.117" E



General Site Description: View the channelled valley-bottom wetland north of the site from the top of the dune. This site part is dominated by tall shrub vegetation with moderate *Acacia cyclops* invasion.

Site Sensitivity

Sensitivity is defined here as the 'conservation value' and the 'degree of resilience to disturbance'. The conservation value relates to the conservation status (including the ecosystem threat status) and other factors, including ecological connectivity, habitat condition, the persistence of ecological processes and the sites' role in supporting biodiversity. The degree of resilience takes into consideration factors such as sensitivity to disturbance and restoration potential. The sensitivity categories are described below.

The intact habitat area is of **High sensitivity** (Figure 6) for the following reasons:

1. Natural areas with no or low evidence of human impact have intact ecosystem function and are considered necessary for maintaining ecosystem integrity.

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2. The vegetation is representative of the original vegetation type.
3. The habitat falls within a CBA2 area due to the ecosystem threat status.
4. Due to the intact habitat condition, minimal restoration will be required. Alien clearing would be required to prevent the further spread of *Acacia cyclops*.

The degraded habitat is of **Low-Medium sensitivity** for the following reasons:

1. Area void of vegetation due to manual vegetation clearing.
2. Densely invaded in areas by *Pennisetum setaceum* (exotic grass)
3. The degraded habitat's topsoil is intact; restoration potential is low to moderate if the site is kept clear of all IAPs.

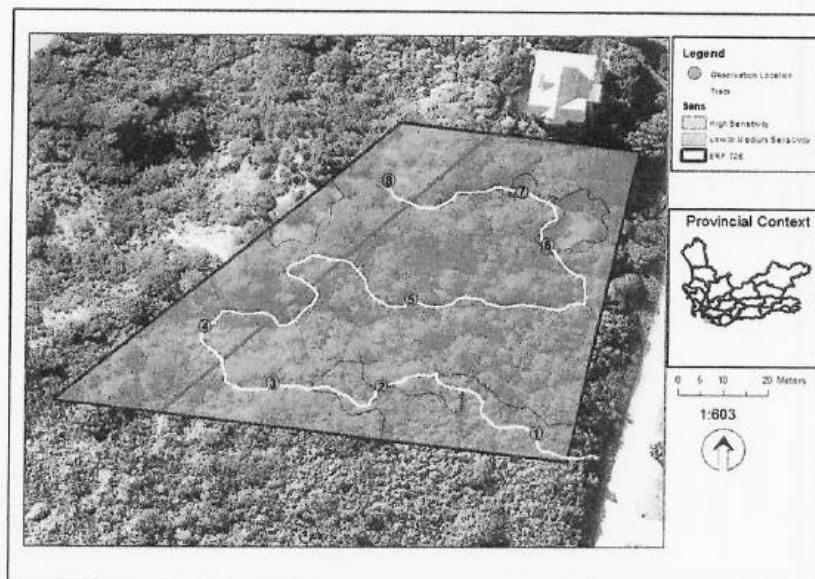


Figure 6: Site sensitivity Map

Development mitigation measures

Mitigation options are generally considered in terms of the following mitigation hierarchy: (1) avoidance, (2) minimisation, (3) restoration and (4) offsets.

- The development must not detract visually from the natural environment, i.e., by building on the ridgeline and steep slopes.

- The larger shrubs and slow-growing dune stabilising vegetation such as *Euclea racemose* should be kept in situ to prevent further degradation of the dune habitat.
- The impact should be restricted to the construction site.
- The site is situated on a stabilised old dune, and the construction phase will likely destabilise the dune. Restoration work will be required to ensure that the dune habitat stays intact.
- The current alien plant extent is low to moderate; these alien species must be removed. Annual clearing should be undertaken to ensure the effective management of all IAPs, especially after the disturbances caused by the construction activities.
- Landscaping should include native species rescued from the construction activities.

Conclusion and Recommendations

The study area contains endangered Hangklip Sand Fynbos vegetation. The eventual development will result in the permanent loss of intact and degraded vegetation, which has high and low-to-medium sensitivity, respectively, in terms of the biodiversity value and ecological function. The site is part of a larger green belt home to endangered vegetation and a wetland. This area is not essential for meeting biodiversity targets but plays an important role in supporting the functioning of PAs or CBAs and is often vital for delivering ecosystem services.

The proposed subdivision of erf 726 will create three (3) single residential erven and one (1) conservation area / open space portion. The subsequent development impact on the vegetation of the site will be restricted to portions A, B, and C. Portion D will be zoned as Open Space Zone 1: Nature Reserve (OS1) in terms of Chapter 4, Section 16(2)(a) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020. The Nature Reserve (Portion D: ±1285m²) will create an adequate buffer between the terrestrial habitat of portions A, B and C and the channelled valley-bottom wetland to the north of the site. The open space is an intact representation of Hangklip Sand Fynbos and must be managed to prevent indirect habitat degradation.

The subdivision for ERF 726 does not trigger any listed activities in terms of the NEMA EIA regulations 2014 (as amended) as defined in listing notices ("LN") 1, 2 & 3 of 7 April 2017. However, it is essential to note that due to the site's ecosystem threat status and the presence of ESA2, the subsequent development on the erven may constitute listed activities as defined

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in terms of the NEMA Regulations. In this case, any clearance of vegetation over 300 m² will trigger LN 3, activity 12 of NEMA and require environmental authorisation from the competent authority before such activities may commence.

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Navrae:
Enquiries: H van der Sloep (Senior Town Planner)

Leërvawysing:
File Reference: Erf 726 Pringle Bay

Datum:
Date: 19 March 2020



TOWN PLANNING / STADSBEPLANNING
HERMANUS

Ms W Cilliers
Pam Golding
PRINGLE BAY
7196

wendy.cilliers@pamgolding.co.za

Dear Madam

ERF 726 PRINGLE BAY

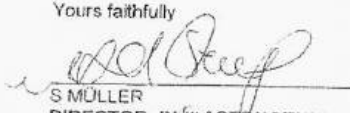
In the early 2000's an open space corridor was determined by the Nature Conservation Department of the Municipality. The latter document is the basis on which subdivisions are evaluated. The minimum required erf size of a 1000m² and the open space corridor. This corridor (±10298m² in extent) represents the sensitive dune and wetland areas.

It was agreed between Mr Hazelden and the Pringle Bay Ratepayers' Association that it would be a condition of sale if future owners of these properties wish to subdivide, the portions of their properties that fall within this corridor be ceded to Council. The building line abutting the Nature Conservation Area be a minimum of 5m. This was accepted by the Municipality and is still in place.

Erf 726 was dealt with by Barry Blout of Messrs Diesel & Munns Land Surveyors. Their contact details are 021-852 3800 or 852 3759 Somerset West.

Please take note, that a new building will need a surveyed plan with contours when submitted at the Municipality. Therefore the Open Space Zone 1 area needs to be determined and clarity in this regard will have to be obtained by the Environmental Officer and Cape Nature.

Yours faithfully


S MÜLLER
DIRECTOR: INFRASTRUCTURE AND PLANNING

Tel: 028 3138179
Fax: 028 3132093
Email: lorretta@overstrand.gov.za

PO Box 20 / Postbus 20
HERMANUS
7200

Annexure F 1/2

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION & REZONING: ERF 726, PRINGLE BAY**

Stormwater (SW)	:	In Order
Electricity	:	Eskom Area
Water	:	In Order
Sewer	:	In Order
Roads and traffic	:	In Order

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.

The contribution according to the current policy (2021/2022) is as follows:

Freehold erven:

Water	R 24 915.00 x 2	=	R 49 830.00
Sewerage	R 16 799.12 x 2	=	R 33 598.24
Roads	R 7 532.72 x 2	=	R 15 065.44
Stormwater	R 8 691.28 x 2	=	R 17 382.56
Solid Waste	R 1 505.92 x 2	=	<u>R 3 011.84</u>
TOTAL (inclusive of VAT)		=	R118 888.08

Note:

- 1.3 **The above figures are estimates**
 - 1.4 **The above figures do not include evaluation/investigation levies and connection fees**
2. that each property to have their own water connection, the cost of connection and / or any upgrade for any of these services be required, will be at the owner's cost;

3. that each property to have their own conservancy tank to Municipal specification;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
4. that, upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Senior Manager: Operational Services (Kleinmond) for written approval;
5. that any additional and / or extended vehicle entrance will be for the owner's account;
6. that stormwater be allowed to discharge through the proposed Erven, Pringle Bay, unobstructed;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

Annexure G 1/2



Western Cape
Government



Department of Environmental Affairs and Development Planning

Kobus Munro

Directorate: Development Management (Region 2)

Kobus.Munro@westerncape.gov.za | Tel: 083 701 1890

Reference: 15/3/2/12/BO3

Director: Infrastructure and Planning
Overstrand Municipality
PO Box 20
HERMANUS
7200

FILE NO.	OF 726
	Pringle Bay
SCAN NO.	
	03
COLLABORATOR NO.	
	1663442

REQUEST FOR PROVINCIAL PLANNING COMMENT: APPLICATION FOR SUBDIVISION AND REZONING: ERF 726, PRINGLE BAY

- Your request for comment, dated 17 March 2022, has reference.
- The application under consideration is for the subdivision of Erf 726, Pringle Bay into 4 portions, namely Portion A ($\pm 1\ 240\text{m}^2$), Portion B ($\pm 1\ 262\text{m}^2$), Portion C ($\pm 1\ 050\text{m}^2$) and Portion D ($\pm 1\ 285\text{m}^2$) and the rezoning of the newly created Portion D from Residential Zone 1: Single Residential (SR1) to Open Space Zone 1: Nature Reserve (OS1).
- The subject property is located inside the Urban Edge of Pringle Bay and is earmarked for Urban Development in terms of the SDF. In terms of the Zoning Scheme, however, the property falls within the Pringle Bay Urban Conservation Environmental Management Zone (EMOZ), which identifies private property within priority conservation-worthy ecological corridors.
- The proposed subdivision will result in three residential erven in excess of 1 000m² and an open space zone, aimed at protecting the sensitive due and wetland areas, as required by the EMOZ.
- Whilst this Directorate has no objection to the subdivision proposal from a provincial planning perspective, the proposed rezoning to Open Space 1: Nature Reserve could be problematic given that the Zoning Scheme requires that a nature reserve must be "declared or registered as a nature reserve in terms of legislation for the purpose of conserving and managing wildlife, flora and fauna in a predominantly natural habitat ". Failure to have the nature reserve registered or declared in terms of the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003) will, therefore, result in the lapsing of the zoning after a period of 10 years

TP 30 MAR 2022

from the date of approval and the subsequent reinstatement of an additional residential property.

6. An alternative would, therefore, be the rezoning of said portion a "private open space", to be used nature area, should the property not be ceded to the Municipality as proposed.

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)



Western Cape
Government

Annexure H 1/2
Department of Environmental Affairs and Development Planning

Loretta Osborne

Directorate: Development Management, Region 1
Loretta.Osborne@westerncape.gov.za | Tel: 021 483 3696

REFERENCE: 16/3/3/6/6/E2/31/1088/22

DATE: 3/5/2022

The Municipal Manager
Overstrand Municipality
P.O. Box 22
HERMANUS
7200

FILE NO. EL 726-KPRB
SCAN NO.
COLLABORATOR NO.
1680127



TP-A Theart
(Hild Stoep)

Attention: Ms L Isaacs

E-mail: loriaanisaacs@overstrand.gov.za

Dear Madam

APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): APPLICATION FOR SUBDIVISION AND REZONING: ERF 726, PRINGLE BAY

1. The document, as received electronically by this Department on 17 March 2022, refers.
2. This letter serves as an acknowledgement of receipt of the abovementioned document by this Department.
3. According to the information contained in the correspondence this Department notes the following:
 - 3.1 An application has been submitted to Overstrand Municipality for subdivision in terms of Section 16(2)(d) of the By-law to subdivide Erf No. 726, Pringle Bay into four portions, namely Portion A (approximately 1240 square metres), Portion B (approximately 1262 square metres) Portion C (approximately 1050 square metres) and Portion D (approximately 1285 square metres); and
 - 3.2 An application has been submitted to Overstrand Municipality for rezoning in terms of Section 16(2)(a) of the By-law to rezone the newly created Portion D (approximately 1285 square metres) from Residential Zone I: Single Residential (SRI) to Open Space Zone I: Nature Reserve (OSI).
4. Your attention is therefore drawn to the listed activities in terms of the NEMA EIA Regulations 2014 (as amended) as defined in Listing Notices ("LN") 1, 2 & 3 of 7 April 2017. Be advised that, based on the information provided, the application for subdivision and rezoning on Erf No. 726, Pringle Bay **does not** constitute any listed activities as defined in the NEMA EIA Regulations, 2014 (as amended). Environmental Authorisation is therefore not required prior to the application for subdivision and rezoning on Erf No. 726, Pringle Bay.
5. However, the subsequent development on the erven may constitute listed activities as defined in terms of the NEMA EIA Regulations, 2014, should the development of the erven deviate from the vested rights (amendment of the specific parameters for which the property was set apart) and if construction activities entail the clearing of indigenous vegetation. In terms of the latter, if the site (different properties (cadastral units) that were all set apart for a particular purpose in terms of a General Plan) in question was cleared of indigenous vegetation prior to the EIA Regulations coming into effect, but not repeatedly so, and specifically not in the preceding ten-year period, clearance of indigenous vegetation would require environmental



TP 03 MAY 2022

www.westerncape.gov.za

Department of Environmental Affairs and Development Planning

authorisation should the thresholds in the various listed activities in this regard be triggered. Developments deviating from the vested rights of the property i.e. amendment of the specific parameters for which the property was set apart for may also require environmental authorisation should the thresholds in the various listed activities in this regard be triggered.

6. Should any revision of your development comprise any activities that constitute a listed activity as defined in LN 1, 2 and 3, an application for environmental authorisation must be submitted to the competent authority and authorisation obtained before such activity(ies) may commence.
7. You are advised that it is the responsibility of the applicant on the general duty of care and the remediation of environmental damage. Section 28(1) of NEMA specifically states that – "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."
8. The applicant must comply with any other statutory requirements that may be applicable to the undertaking of the activity.
9. The Department reserves the right to revise its comments and request further information from you based on any new or revised information received.

Yours faithfully

Marbe Digitally signed by
Marbe Coetzee
PP Coetzee Date: 2022.05.03
09:20:34 +02'00'

**HEAD OF COMPONENT
ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Annexure I 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 087 087 866 8017
email rsmart@capenature.co.za
reference LS14/2/6/1/1/2/726_subdiv&rezon_Pringle Bay
date 23 May 2022

Overstrand Municipality: Hermanus Administration
 P.O. Box 20
 Hermanus
 7200

Attention: Hanneen van der Stoep
 By email: loretta@overstrand.gov.za

Dear Ms van der Stoep

FILE NO.	CF 726 ✓
	Pringle Bay
SCAN NO.	KPRB 726
COLLABORATOR NO.	1687762

**Application for Subdivision and Rezoning of Erf 726, Pringle Bay
(Overstrand Municipality ref: 726 KPRB)**

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.

The subject property is classified as Ecological Support Area 2 (ESA) according to the Western Cape Biodiversity Spatial Plan. The natural vegetation present consists of Hangklip Sand Fynbos, currently listed as Endangered and proposed to be Critically Endangered and there is a floodplain wetland present according to the National Wetland Mapping.

The site is situated within the Urban Conservation Environmental Management Overlay Zone (EMOZ) of the Overstrand Municipality as referred to in the planning report. According to the Regulations for the Urban Conservation EMOZ, for private properties within this zone the municipality may require that specialist biodiversity studies and/or other relevant studies be undertaken by the developer/owner in order to inform development planning and retain priority ecological corridors and habitats.

CapeNature recommends that a specialist biodiversity study is undertaken as discussed above and that this is used to inform the alignment of the proposed subdivision. The subdivision should aim to permit a sufficient footprint for each erf which avoids sensitive terrestrial and freshwater habitat. This may (or may not) result in fewer erven. This is consistent with the CapeNature comment for the adjacent erf (Erf 728).

With regards to the determination whether NEMA would be triggered, which would be a responsibility of the future owners of the subdivisions, it may be that DEA&DP may determine that the original subdivision to a residential erf functioned as environmental approval as well. Otherwise clearing of more than 300 m² of endangered vegetation would be a trigger. NEMA triggers are discussed in the planning report. CapeNature does not support subdivisions

The Western Cape Nature Conservation Board trading as CapeNature
 Board Members: Associate Prof Denver Hendricks (Chairperson), Prof Gavin Maneveldt (Vice Chairperson), Ms Marguerite Loubeur, Mr Menyn
 Burton, Dr Colin Johnson, Prof Aubrey Redlinghuis, Mr Paul Slack

2/2

which result in cadastres which cannot be developed due to biodiversity constraints and the burden is placed on the future landowner/s.

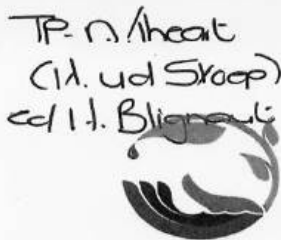
In conclusion, CapeNature recommends that the Regulations for the Urban Conservation EMOZ should be applied to this application and that a specialist biodiversity study should be undertaken to inform the subdivision to ensure that the connectivity is maintained and impacts on biodiversity are minimized.

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)



BREED-GOURITZ

CATCHMENT MANAGEMENT AGENCY

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

Enquiries: Rafeeq Le Roux

Tel: +27 23 346 8000

Fax: +27 23 347 2012

E-mail: rleroux@bgcma.co.za

Reference No: 4/10/1/G40B/ERF726, PRINGLE BAY, CALEDON

Date: 14th June 2022

Overstrand Municipality
P.O. Box 20
Hermanus
7200
loretta@overstrand.gov.za

Attention: L Gillion

FILE NO.	726
	Pringle Bay
SCAN NO.	KPRB 726
COLLABORATOR NO.	1699137

COMMENT ON THE APPLICATION FOR PROPOSED SUBDIVISION & REZONING: ERF 726 (72 BUFFELS ROAD), PRINGLE BAY.

With reference to the above application received on 19/04/2022.

This office in principle has no objection to the application subject to the adherence of the following conditions:

1. The property occur within the extent of a mapped watercourse. No development of the property and subdivided portions may occur without conducting a Freshwater screening by an appropriately registered SACNASP professional. The required Risk matrix and Freshwater screening must be submitted to this office for review. Where Water Use Authorisation processes are applicable in terms of Section 39 and/or 40 of the National Water Act, 1998 (Act 36 of 1998), authorisation must firstly be applied for and obtained before any development may occur.
2. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to.
3. No use of surface water and/or storage of water is permitted, unless the applicant has formally obtained a license in terms of Section 41 of the National Water Act (Act 36 of 1998) and/or formal authorisation in terms of General Authorisations issued under Section 39 (Government Notice 538 of 2016), and/or if it is authorised under Schedule 1 of the National Water Act, 1998 (Act 36 of 1998) and/or if it is an Existing Lawful Water Use in terms of the National Water Act, 1998 (Act 36 of 1998).
4. No permanent structures maybe constructed within the regulated area of any watercourse (seasonal or permanent river, stream etc.), without firstly obtaining authorization in terms of Section 21 (c) and (i) of the National Water Act, 1998 (Act 36 of 1998).

5. The registration of all water uses as defined in Section 21 of the National Water Act 36 of 1998 that need to be registered. The relevant registration forms may be accessed on the www.breedegouritzcma.co.za website or alternatively this office may be approached for assistance.
6. Where the applicant has an existing lawful registered water use, used for agricultural purposes thus far, application should be made to the Responsible Authority to amend such use proportionally per annual volume for domestic, commercial, industrial and/or agricultural, if this is applicable.
7. No pollution of surface water or ground water resources may occur due to any activity.
8. No stormwater runoff from any premises containing waste, or water containing waste emanating from industrial activities and premises may be discharged into a water resource. Polluted storm water must be contained.
9. All relevant sections and regulations of the National Environmental Management: Waste Act 2008 (Act 59 of 2008) regarding the disposal of solid waste must be adhered to. Solid waste may only be disposed of onto an authorized solid waste facility in terms of abovementioned legislation.
10. The water provided for domestic use must comply with the SANS 241: 2015 guidelines for drinking water (edition 1). Regular monitoring must be done to ensure compliance. If the quality of the water is of such a nature that it is a threat to human health, then this office and the Provincial Department of Health must be informed of the procedures to rectify the problem.

Please be advised that all relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to. The use of water without the required authorization in terms of the National Water Act, 1998 (Act 36 of 1998) may be regarded as unlawful and a criminal offence.

The onus remains on the registered property owner to confirm adherence to any relevant legislation with regards to the activities which might trigger and/or need authorization for

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



MR. JAN VAN STADEN

CHIEF EXECUTIVE OFFICER (ACTING)

TPA-EMS-220422-01

Town Planning Application on 22-04-2022

Generated on Unit! by Tamzyn Zweig on 22-04-2022



Basic Information

Captured	22-04-2022 14:39	Call Time	22-04-2022 14:39	Captured By	Tamzyn Zweig
Reference	TPA-EMS-220422-01			Office	EMS
District	Overberg			Status	Open
Municipality	Overstrand				

Description

APPLICATION FOR SUBDIVISION AND REZONING

Application Details

File Reference	726 KPRB (4069/2022)
Applicant	PLAN ACTIVE (obo ENTK FAMILY TRUST)
Property	ERF 726, 72 BUFFELS
Details	ROAD, PRINGLE BAY

Application Comments

To Whom it may concern,

RE: File Reference 726 KPRB (4069/2022) APPLICATION FOR SUBDIVISION AND REZONING Erf 726 Pringle Bay.

The Environmental Management Section (EMS) has no objection to the application however the following should be noted

1. The National Water Act (NWA, 1998):

Due to the presence of a Floodplain Wetland on the property the Breede-Gouritz Catchment Management Agency (BGMA) must be contacted for water use authorisation on the property in relation to Sections 21 and 22 of National Water Act.

2. National Environmental Management Act (NEMA, 1998)

The increase in the permitted development coverage in relation to the original erf 726 development parameters as detailed in the Overstrand Town Planning Scheme (2020) warrant an application to the Department of Environmental Affairs and Development Planning (DEA DP) for Environmental Authorisation through the Environmental Impact Assessment (EIA) process if any of the activities in the EIA Regulations are triggered.

3. The Environmental Management Overlay Zones (EMOZ)

8.5.1.1.4. Urban Conservation EMOZ: Category D: Private Property

The seller must make prospective buyers aware of the status of Category D EMOZ for the subdivided erven. The EMS may *inter alia* request that an Environmental Management Plan (EMP) and/or specialist reports are submitted for proposed development on the erven.

Sincerely,

Tamzyn Zweig

Environmental Officer

Hangklip-Kleinmond Administration

tzweig@overstrand.gov.za

028 271 8420

Cost Sheet

Cost Sheet Summary

Total

0.00

Annexure L 1/22

**SPECIALIST BIODIVERSITY ASSESSMENT FOR THE SUBDIVISION &
REZONING OF ERF 726, PRINGLE BAY.**

Attention:

Michelle Naylor

Lornay Environmental Consultancy

Prepared by:

Jacques van Rensburg. MSc (Botany), Pr. Sci. Nat

Contact details:

Mobile – 082 746 6623

Email – jacques@natureworks.co.za

APPOINTMENT OF SPECIALIST

Jacques van Rensburg, Director of Nature Works Environmental Consultancy, was appointed by Michelle Naylor from Lornay Environmental Consulting to provide specialist biodiversity input for the proposed subdivision & rezoning of ERF 726 Pringle Bay.

DECLARATION OF INDEPENDENCE

I, Jacques Jansen van Rensburg, as the appointed Specialist, with this, declare/affirm the correctness of the information provided or to be provided as part of the application and that I:

- In terms of the general requirement to be independent:
 - Other than fair remuneration for work performed in terms of this application, I have no business, financial, personal or other interest in the development proposal or application, and there are no circumstances that may compromise my objectivity; or
- Throughout the remainder of the general requirements for a specialist, I have met all the needs throughout this process.
- have disclosed to the applicant, the EAP, the Review EAP (if applicable), the Department and I&APs all material information that has or may have the potential to influence the decision of the Department or the objectivity of any report, plan or document prepared or to be prepared as part of the application; and
- am aware that a false declaration is an offence in Regulation 48 of the EIA Regulations, 2014 (as amended).

Mr. Jacques Jansen van Rensburg



August 2022

CONDITIONS RELATING TO THIS REPORT

This report's methodology, findings, results, conclusions, and recommendations are based on my best scientific and professional knowledge. I reserve the right to modify aspects of the report, including the recommendations and decisions, should additional relevant information become available. This report may not be altered or added to without the author's prior written consent. Any recommendations, statements or conclusions drawn from, or based on this report, must cite this report and should not be taken out of context, and may not change, alter or distort the intended meaning of the original in any way. If these extracts or summaries form part of the main report relating to this study or investigation, this report must be included in its entirety as an appendix or as a separate section to the main report.

DETAILS OF THE SPECIALIST

Surname: van Rensburg

First names: Jacques

Address: 1 Fraser Road, Somerset West, 7130

Tel: 082 748 6623

Email: jacques@natureworks.co.za

Professional registration: South African Council for Natural Scientific Professions No. 119660

Expertise

- Qualifications: Hons (2012), Environmental Management & MSc (2017) in Botany at Unisa and Stellenbosch University.
- Ecologist with 13 years of experience in Environmental Management and Botanical Surveys.
- Founder of Nature Works Environmental Consultancy (Pty) Ltd.

4/22

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Development mitigation measures 15

Conclusion and Recommendations 16

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Introduction

The applicant wishes to subdivide erf 726 Pringle Bay in terms of Chapter 4, Section 16(2)(d) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, to create three (3) single residential erven and one (1) conservation area / open space portion as follows (Figure 1):

- Portion A: $\pm 1240\text{m}^2$
- Portion B: $\pm 1262\text{m}^2$
- Portion C: $\pm 1050\text{m}^2$
- Portion D: $\pm 1285\text{m}^2$

The rezoning of Portion D, a portion of erf 726 Pringle Bay, from Residential Zone 1: Single Residential (SR1) to Open Space Zone 1: Nature Reserve (OS1) in terms of Chapter 4, Section 16(2)(a) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020.

In terms of the Overstrand Municipality Environmental Management overlay zone regulations, 2020, Nature Works has been appointed to conduct Specialist Biodiversity Assessment to inform development planning and retain priority ecological corridors and habitats. The specialist assessment will entail the following:

- Identify and describe biodiversity patterns at the community and ecosystem level (primary vegetation type, plant communities in the vicinity and threatened/vulnerable ecosystems), species level (threatened Red List species, presence of alien species) and insignificant landscape features.
- Assess the local and regional importance of the vegetation communities and plant species within the affected areas based on the relevant biodiversity plans, bioregional planning documents, Environmental Management Frameworks etc.
- Describe the sensitivity of the site and its environs and map these resources.
- Identify any areas unsuitable for development or related activities (No-Go Areas) and associated buffers that should be observed.
- Include any rehabilitation or monitoring measures that may be required.

6/22

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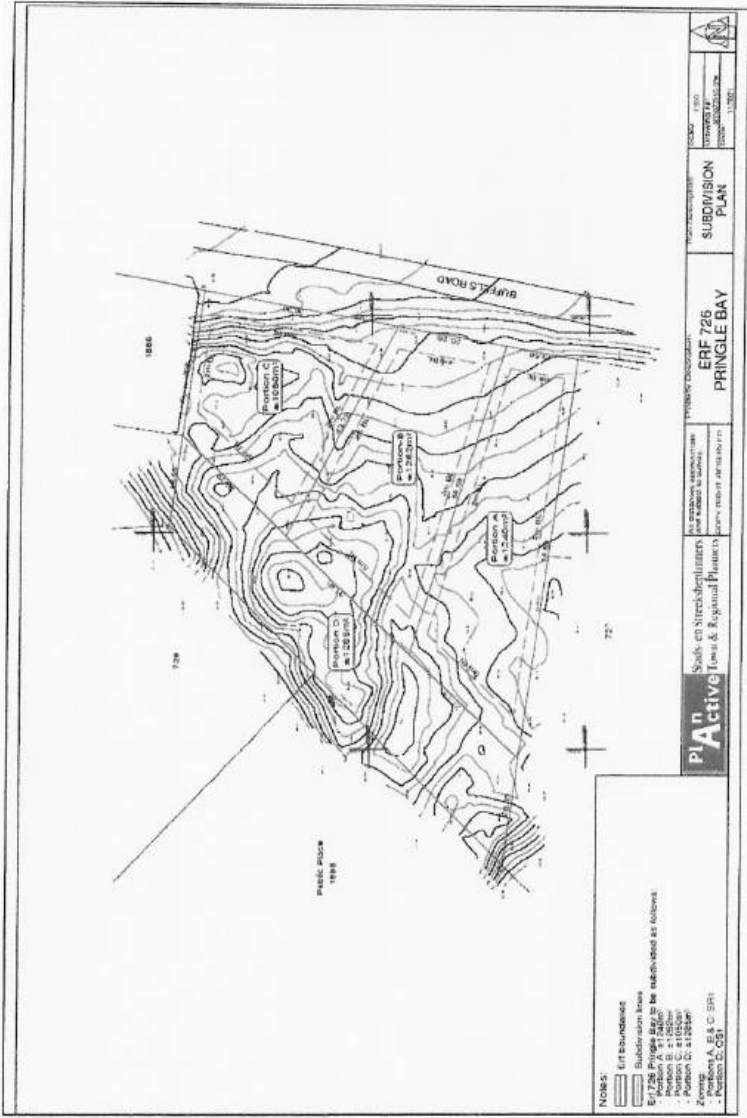


Figure 1: Proposed Subdivision layout of ERF 726

Regional Biodiversity Features

The National Vegetation and Ecosystem Threat Status

According to the Vegetation Map of South Africa, Lesotho and Swaziland (SANBI, 2018) (VEGMAP), the vegetation type occurring in the study area and its surrounds are Hangklip Sand Fynbos (Figure 2) (National Biodiversity Assessment, 2018).

The vegetation and landscape feature consists of dunes and sandy bottomlands supporting moderately tall, dense ericoid shrubland—emergent, tall shrubs in places. Proteoid, ericaceous and restioid fynbos are dominant, with some asteraceous fynbos also present. On the coastal fringe, this unit borders on strandveld. Shallow soils replace the deep soils of the coastal plains on mountain slopes on the northern edge. Hangklip Sand Fynbos occurs mainly on old dunes, but the high rainfall and leaching allow many typical sandstone fynbos species to occur on older deposits as well, so this unit is not as floristically distinct as other sandstone fynbos units.

Geology & Soils are Leached, acid Tertiary sand in coastal areas, mainly derived from dunes. Soils are generally of Lamotte or Houwhoek forms or grey, regic sands. Land types are primarily Ga, Hb and Gb.

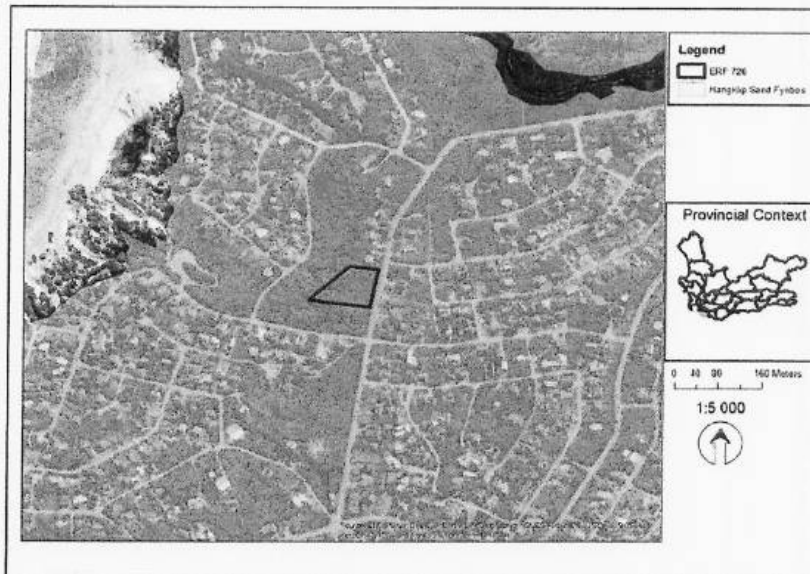


Figure 2: Presence of Hangklip Sand Fynbos

Western Cape Biodiversity Plan

The Western Cape Biodiversity Spatial Plan (WCBSP) indicates that the proposed development will directly impact an area categorised as ESA2 (figure 3).

The described ESA2 contains features that include a coastal corridor, Endangered vegetation and a wetland. This area is not essential for meeting biodiversity targets but plays an important role in supporting the functioning of PAs or CBAs and is often vital for delivering ecosystem services. The management objective for ESA2 is to restore and manage to minimise the impact on ecological processes and ecological infrastructure functioning, especially soil and water-related services, and to allow for faunal movement.

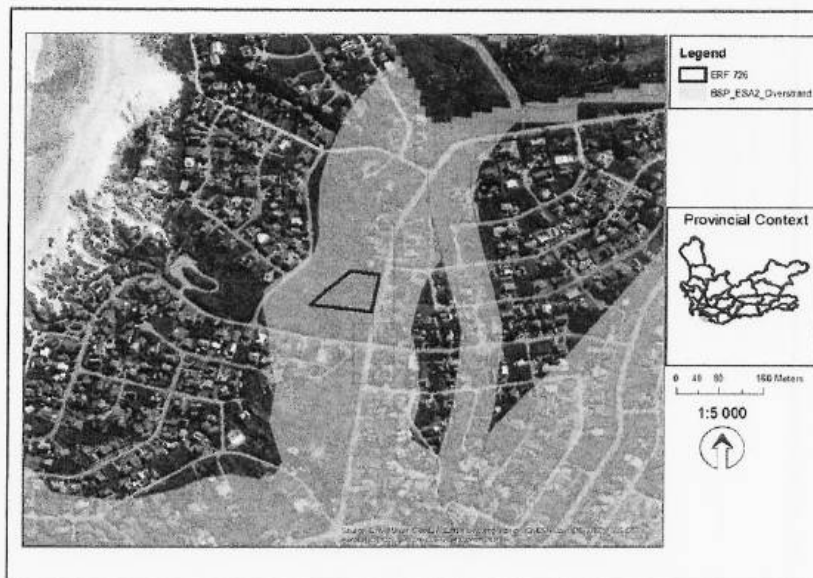


Figure 3: Western Cape Spatial Biodiversity Plan indicating the spatial distribution of ESA2 concerning the proposed subdivision.

Freshwater Ecosystems

The site falls in an area defined as a channelled valley-bottom wetland (Figure 4) (NWM5). This wetland area forms part of the National Wetland Freshwater Priority Area (NFEPA). The delineations were based mainly on remotely sensed imagery, and this specialist assessment will confirm the presence of a wetland on site.

9/22

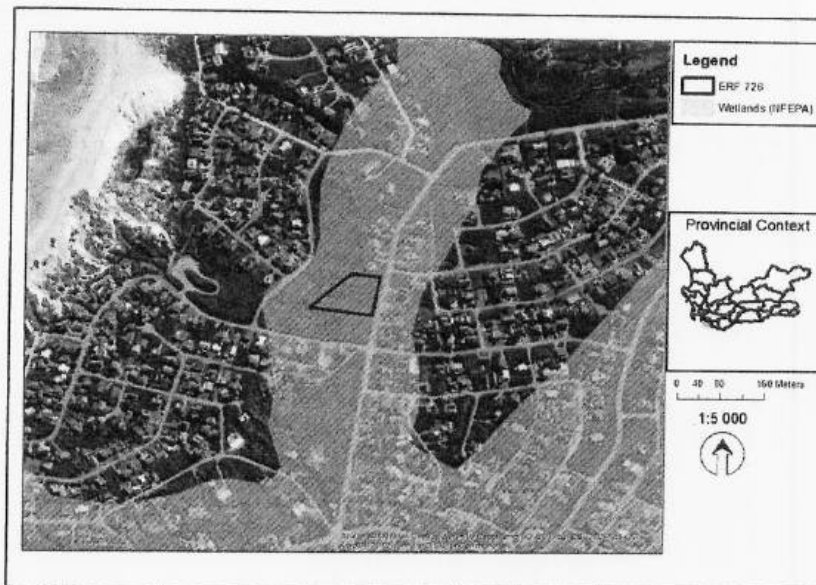


Figure 4: National Wetland Freshwater Priority Areas.

Vegetation of the Study Area

The site visits were conducted on 22 July and 13 August 2022. The site visits were conducted during the late winter months, heading into the peak observation period (August). The peak flowering time in this region is early spring, which occurs from August to November. The survey timing is therefore regarded as sub-optimal in terms of accurately assessing the site's flora. Despite this limitation, the condition of the vegetation can still be determined with a moderate to a high degree of confidence.

A time-meander search methodology was used to cover the full range of micro-habitats in each vegetation community. A floristic inventory was compiled while strolling through a particular vegetation community, recording all taxa encountered, including those that cannot be immediately identified.

Habitat condition

The current (August 2022) vegetation condition on the site is described below according to habitat categories provided in Table 1. The habitats mapped by the author are represented in Figure 5.

Table 1: Habitat description.

Habitat condition	Description
Intact vegetation	An accurate representation of the original vegetation type in terms of structure and species makeup. Minimal soil disturbance. Unlikely to have ever been ploughed. The disturbance may be evident.
Semi-intact	It resembles the original vegetation type in structure and species makeup but has undergone some form of current or historical disturbance. Restoration potential is high.
Degraded	Only a few species representative of the original vegetation type are present. The vegetation has undergone heavy disturbance. Restoration potential is either low or moderate.
Highly degraded	The original vegetation is usually absent and has been removed in the past. Only a few remnants or pioneer species are present. Soils were traditionally ploughed in the past. Restoration potential is very low.
Transformed	No remnant species exist anymore. The landscape is altered irreversibly with no restoration potential. Examples include cultivated farmland and the built environment.

A detailed habitat description can be found in the below tables with photographs of each vegetation community, and the photo locations can be observed in figure 5.

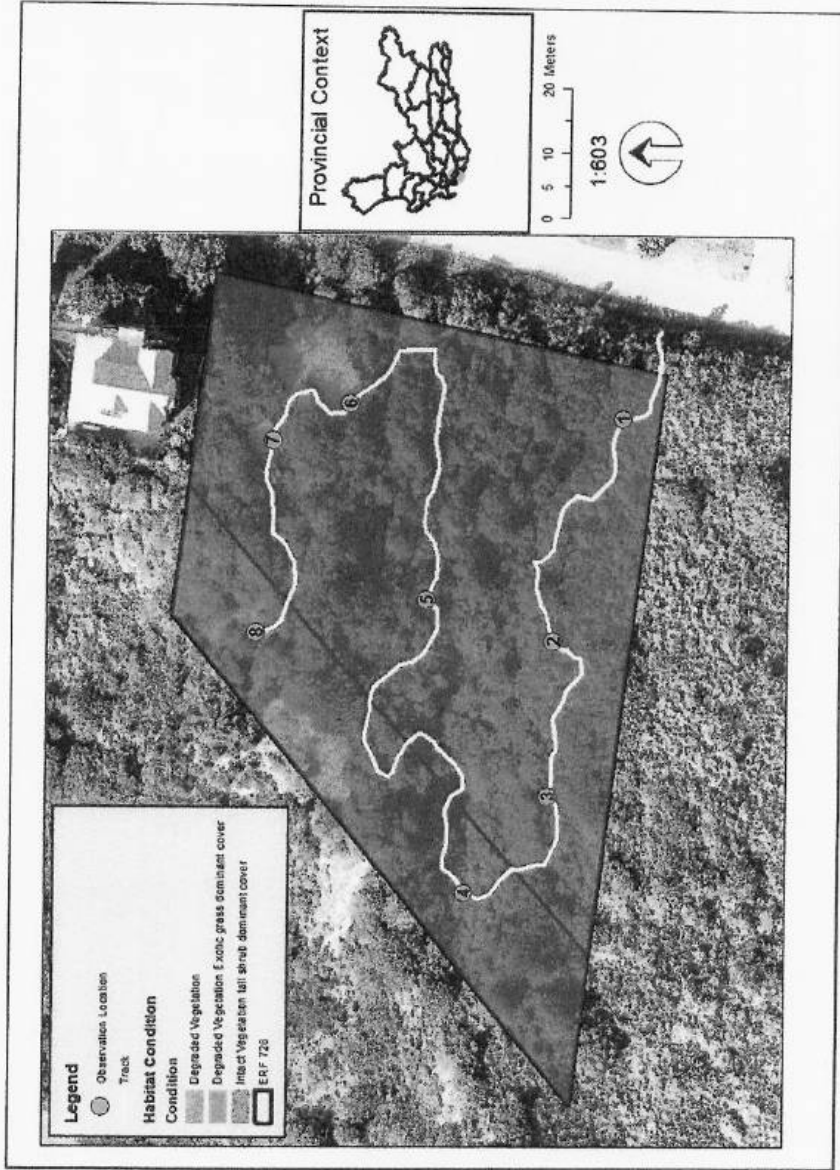


Figure 5. Habitat Map and location where the photos were taken during the site visits.

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Photo 1. Location: 34° 20' 43.542" S, 18° 50' 2.948" E



General Site Description: Degraded dune, supporting predominantly *Pennisetum setaceum* declared exotic invasive plant, with scattered medium to tall shrub vegetation consisting of *Searsia* sp., *Eculea racemose*, *Diosma hirsute* and *Helichrysum* sp. This area is distinct from the rest of the site, which is more densely populated with tall shrub vegetation.

Species Observed: *Felicla echinata* (LC), *Searsia lucida* (LC), *S. crenata* (LC), *Eculea racemose* (Dune Guarn) (LC), *Babiana* Sp., *Chasmanthe* sp., *Poaceae*, *Colpoon compressum* (LC), *Helichrysum dasyanthum* (LC), *H. patulum* (LC), *Diosma hirsute* (LC), *Indigofera brachystachya* (LC), *Solanum africanum* (LC), *Agapanthus africanus* (LC), *Metalsia muricata* (LC).

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Photo 2. Location: 34° 20' 43.233" S, 18° 50' 2.087" E



General Site Description: Northerly view. Dune, supporting predominantly tall shrub vegetation, which included *Searsia* sp., *Colpoon Compressum* and *Euclea racemose*, *Metalasia muricata* can be seen scattered throughout the area. The vegetation is intact, with no disturbances observed.

Species Observed: *Felicia echinata* (LC), *Searsia lucida* (LC), *S. crenata* (LC), *Euclea racemose* (*Dune Guari*) (LC), *Babiana* Sp., *Chasmanthe* sp., *Poaceae*, *Colpoon compressum* (LC), *Helichrysum dasyanthum* (LC), *H. patulum* (LC), *Diosma hirsute* (LC), *Indigofera brachystachya* (LC), *Solanum africanum* (LC), *Agapanthus africanus* (LC), *Metalasia muricata* (LC).

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Photo 3. Location: 34° 20' 43.213" S, 18° 50' 1.299" E

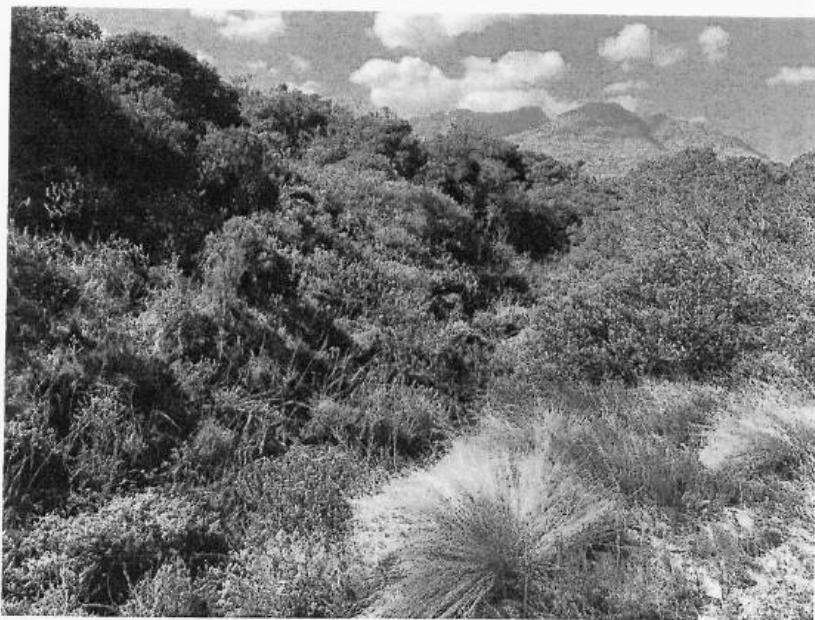


General Site Description: The transition zone from the more exotic grassy habitat to medium to tall shrub-dominated vegetation. The habitat is intact, with scattered exotic fountain grass observed.

Species Observed: *Felicia echinata* (LC), *Searsia lucida* (LC), *S. crenata* (LC), *Euclea racemose* (*Dune Guart*) (LC), *Babiana* Sp., *Chasmanthe* sp., *Colpoon compressum* (LC), *Helichrysum dasyanthum* (LC), *H. patulum* (LC), *Diosma hirsuta* (LC), *Indigofera brachystachya* (LC), *Solanum africanum* (LC), *Agapanthus africanus* (LC), *Metasia muricata* (LC).

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Photo 4. Location: 34° 20' 43.213" S, 18° 50' 1.299" E



General Site Description: Intact dune habitat, this area will form part of the proposed Conservation Area. Scattered exotic fountain grass was observed.

Species Observed: *Felicia echinata* (LC), *Searsia lucida* (LC), *S. crenata* (LC), *Euclea racemose* (Dune Guarni) (LC), *Babiana* Sp., *Chasmanthe* sp., *Poaceae*, *Colpoon compressum* (LC), *Helichrysum dasyanthum* (LC), *H. patulum* (LC), *Diosma hirsuta* (LC), *Indigofera brachystachya* (LC), *Solanum africanum* (LC), *Agapanthus africanus* (LC), *Metastasia muricata* (LC), *Osteospermum moniliferum* (LC), *Restio Eleocharis* (LC).

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Photo 5. Location: 34° 20' 42.582" S, 18° 50' 2.268" E

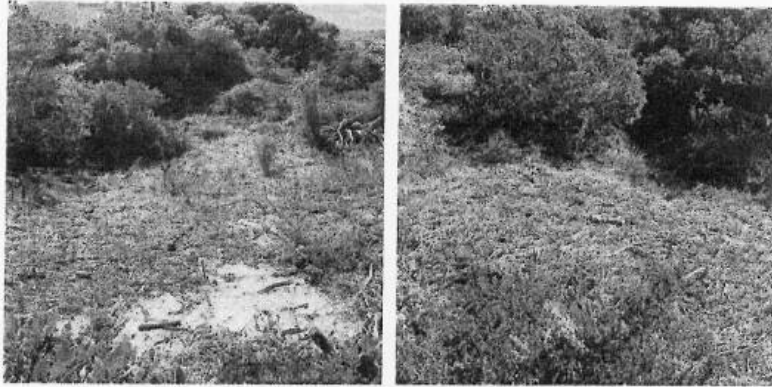


General Site Description: Easterly view of the site. Dune, supporting predominantly tall shrub vegetation, which included *Searsia* sp., *Colpoom Compressum* and *Euclea racemose*, and *Metalasia muricata* can be seen throughout the area. This site area has experienced some habitat degradation from alien plant invasion.

Species Observed: *Passerina corymbosa*, *Euclea racemosa*, *Metalasia densa*, *Osteospermum moniliferum*, *Acacia cyclops* (Alien vegetation)

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Photo 6 and 7.



General Site Description: Photos 6 and 7, onsite disturbances in the form of vegetation clearing with scattered *Acacia cyclops* found on the periphery of the disturbances.

18/22

Photo 8. Location: 34° 20' 41.788" S, 18° 50' 2.117" E



General Site Description: View the channelled valley-bottom wetland north of the site from the top of the dune. This site part is dominated by tall shrub vegetation with moderate *Acacia cyclops* invasion.

Site Sensitivity

Sensitivity is defined here as the 'conservation value' and the 'degree of resilience to disturbance'. The conservation value relates to the conservation status (including the ecosystem threat status) and other factors, including ecological connectivity, habitat condition, the persistence of ecological processes and the sites' role in supporting biodiversity. The degree of resilience takes into consideration factors such as sensitivity to disturbance and restoration potential. The sensitivity categories are described below.

The intact habitat area is of **High sensitivity** (Figure 6) for the following reasons:

1. Natural areas with no or low evidence of human impact have intact ecosystem function and are considered necessary for maintaining ecosystem integrity.

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2. The vegetation is representative of the original vegetation type.
3. The habitat falls within a CBA2 area due to the ecosystem threat status.
4. Due to the intact habitat condition, minimal restoration will be required. Alien clearing would be required to prevent the further spread of *Acacia cyclops*.

The degraded habitat is of **Low-Medium sensitivity** for the following reasons:

1. Area void of vegetation due to manual vegetation clearing.
2. Densely invaded in areas by *Pennisetum setaceum* (exotic grass)
3. The degraded habitat's topsoil is intact; restoration potential is low to moderate if the site is kept clear of all IAPs.

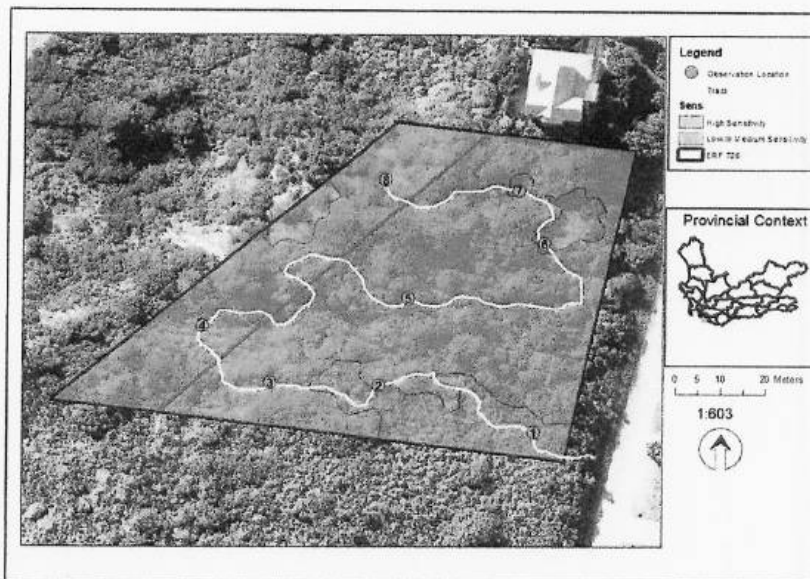


Figure 6: Site sensitivity Map

Development mitigation measures

Mitigation options are generally considered in terms of the following mitigation hierarchy: (1) avoidance, (2) minimisation, (3) restoration and (4) offsets.

- The development must not detract visually from the natural environment, i.e., by building on the ridgeline and steep slopes.

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- The larger shrubs and slow-growing dune stabilising vegetation such as *Euclea racemose* should be kept in situ to prevent further degradation of the dune habitat.
- The impact should be restricted to the construction site.
- The site is situated on a stabilised old dune, and the construction phase will likely destabilise the dune. Restoration work will be required to ensure that the dune habitat stays intact.
- The current alien plant extent is low to moderate; these alien species must be removed. Annual clearing should be undertaken to ensure the effective management of all IAPs, especially after the disturbances caused by the construction activities.
- Landscaping should include native species rescued from the construction activities.

Conclusion and Recommendations

The study area contains endangered Hangklip Sand Fynbos vegetation. The eventual development will result in the permanent loss of intact and degraded vegetation, which has high and low-to-medium sensitivity, respectively, in terms of the biodiversity value and ecological function. The site is part of a larger green belt home to endangered vegetation and a wetland. This area is not essential for meeting biodiversity targets but plays an important role in supporting the functioning of PAs or CBAs and is often vital for delivering ecosystem services.

The proposed subdivision of erf 726 will create three (3) single residential erven and one (1) conservation area / open space portion. The subsequent development impact on the vegetation of the site will be restricted to portions A, B, and C. Portion D will be zoned as Open Space Zone 1: Nature Reserve (OS1) in terms of Chapter 4, Section 16(2)(a) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020. The Nature Reserve (Portion D: ±1285m²) will create an adequate buffer between the terrestrial habitat of portions A, B and C and the channelled valley-bottom wetland to the north of the site. The open space is an intact representation of Hangklip Sand Fynbos and must be managed to prevent indirect habitat degradation.

The subdivision for ERF 726 does not trigger any listed activities in terms of the NEMA EIA regulations 2014 (as amended) as defined in listing notices ("LN") 1, 2 & 3 of 7 April 2017. However, it is essential to note that due to the site's ecosystem threat status and the presence of ESA2, the subsequent development on the erven may constitute listed activities as defined

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in terms of the NEMA Regulations. In this case, any clearance of vegetation over 300 m² will trigger LN 3, activity 12 of NEMA and require environmental authorisation from the competent authority before such activities may commence.

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Navrae
Enquiries P Bezuidenhout

Verwysing
Reference KPRB 724 & 730

Datum
Date 02 July 2008

Annexure M 1/5

**HANGKLIP-KLEINMOND
ADMINISTRASIE
ADMINISTRATION**

Mr AB Smit
ROS Ontwikkelingskonsultante BK
18 Heritage Drive
Cape Heritage
SOMERSET WEST
7130

REGISTERED MAIL

Dear Sir

PROPOSED REZONING AND SUBDIVISION OF ERVEN 724 AND 730, PRINGLE BAY

The above-mentioned applications refer.

The Mayoral Committee, at its meeting on 25 June 2008, resolved as follows:

"that the applications for the rezoning and subdivision of Erf 724, Bobbie Road and Erf 730, Buffels Road, Pringle Bay, from Residential Zone I to Subdivisional Area in order that Erf 724 be subdivided into 4 single residential plots and nature reserve, and Erf 730 into 1 single residential plot and nature reserve, **be approved**, subject to the following conditions:

- (a) that no building may exceed a height of 8m (2 storeys);
- (b) that no additional dwelling-units be allowed;
- (c) that no vibracrete walls be allowed;
- (d) that only indigenous vegetation be allowed;
- (e) that the Remainder of Erven 724 and 730 be registered in Council's name, by the owner;
- (f) that the conditions regarding engineering services (Annexure I) be adhered to;
- (g) that the conditions as stipulated by the Pringle Bay Ratepayers' Association be adhered to;
- (h) that only closed sewage systems (conservancy tanks) be allowed; and
- (i) that the above-mentioned conditions be included in the deeds of sale of the erven."

The conditions stipulated by the Pringle Bay Ratepayers' Association are as follows:

- "The building line on erf 724 abutting the Nature Conservation Area be a minimum

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7195

- of 5m. The same condition applies to the residential plot on erf 730, measured on a horizontal plain, to protect the ridge.
- The area to be cleared of vegetation for the purposes of building to be limited to a maximum of 150% of the footprint of each house so as to preserve the natural Fynbos and must be clearly demarcated.
 - Each sub-division to be fenced off from the Nature Conservation Area before construction work commences, which includes the clearing of the 150% footprint area.
 - The access causeway on erf 730 to be designed to allow for the free movement of water within the wetland, to the satisfaction of the Municipality and Ratepayers' Association before construction commences."

I wish to draw your attention to Section 44(1)(a) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) and paragraph 22 (as amended) of the General Regulations set out in Provincial Notice PN 1050 of 1988 (Cape) regarding a right of appeal in respect of the conditions which were imposed.

Should you wish to exercise this right you must do so within 21 days from the date of registration of this letter and appeal in writing to the Director, Integrated Environmental Management (Region B), Private Bag X9086, Cape Town, 8000. A copy of such an appeal (which must be fully motivated) must, simultaneously, be served on this Council within the stipulated time period.

Your attention is also drawn to Section 62 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) regarding a right of appeal. Such an appeal must be served on this Council within the above-mentioned time period and be accompanied by a deposit of R1000, which will be refunded should the appeal be upheld.

Kindly note that the objector also has a right of appeal against the approval of the application. Therefore, you may not act on this approval until such time as you have received written confirmation that no appeal has been received; provided that where an appeal is received, the said approval shall be suspended.

Yours faithfully

MUNICIPAL MANAGER

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Enquiries P Bezuidenhout

3/5

Verwysing
Reference KPRB 725

Datum
Date 19 August 2009

**HANGKLIP-KLEINMOND
ADMINISTRASIE ADMINISTRATION**

Cor van Rooyen
PO Box 594
BETTY'S BAY
7141

REGISTERED MAIL

Dear Sir

PROPOSED REZONING AND SUBDIVISION OF ERF 725, PRINGLE BAY

Your application regarding the above-mentioned has reference.

The Mayoral Committee, at its meeting of 27 June 2007, resolved:

1. that the application for the removal of restrictive title conditions applicable to Erf 725, Buffels Road, Pringle Bay, in order that the property be subdivided into 4 portions, **be recommended for approval** by the Provincial Administration : Western Cape.
2. that the application for the rezoning of Erf 725, Buffels Road, Pringle Bay, from Residential Zone I to Subdivisional Area, in order to subdivide the property into 3 single residential plots and nature reserve (as per Addendum B) **be approved**, in terms of sections 16 and 25 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), subject to the following conditions:
 - (a) that the subdivision be subject to the removal of the restrictive title conditions;
 - (b) that no building may exceed a height of 8 metres (2 storeys);
 - (c) that no additional dwelling-units be allowed;
 - (d) that no vibracrete walls be allowed;
 - (e) that only indigenous vegetation be allowed;
 - (f) that **Portion 1** of the property **be registered in Council's name**, by the owner,
 - (g) that the conditions regarding engineering services (Addendum G, pages 56 – 57 of the agenda) be adhered to;

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- (h) that only closed sewage systems (conservancy tanks) be allowed;
- (i) that the above-mentioned conditions **be included in the deeds of sale** of the erven; and
- (j) that the sensitive nature of the sandy dune area be recognised and that the construction footprint **be restricted** to the minimum, the rest of the vegetation be left undisturbed and the disturbed vegetation **be rehabilitated**.

As you are aware, the restrictive title conditions have been removed by the Provincial Administration: Western Cape. Their letter (ref E17/2/2/AP18/Erf725, Pringle Bay), dated 11 August 2009, has reference.

I wish to draw your attention to Section 44(1) (a) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) and paragraph 22 (as amended) of the General Regulations set out in Provincial Notice PN 1050 of 1988 (Cape) regarding a right of appeal in respect of the conditions which were imposed.

Should you wish to exercise this right you must do so within 21 days from the date of registration of this letter and appeal in writing to the Director, Integrated Environmental Management (Region B), Private Bag X9086, Cape Town, 8000. A copy of such an appeal (which must be fully motivated) must, simultaneously, be served on this Council within the stipulated time period.

Your attention is also drawn to Section 62 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) regarding a right of appeal. Such an appeal must be served on this Council within the above-mentioned time period and be accompanied by a deposit of R1100, which will be refunded should the appeal be upheld.

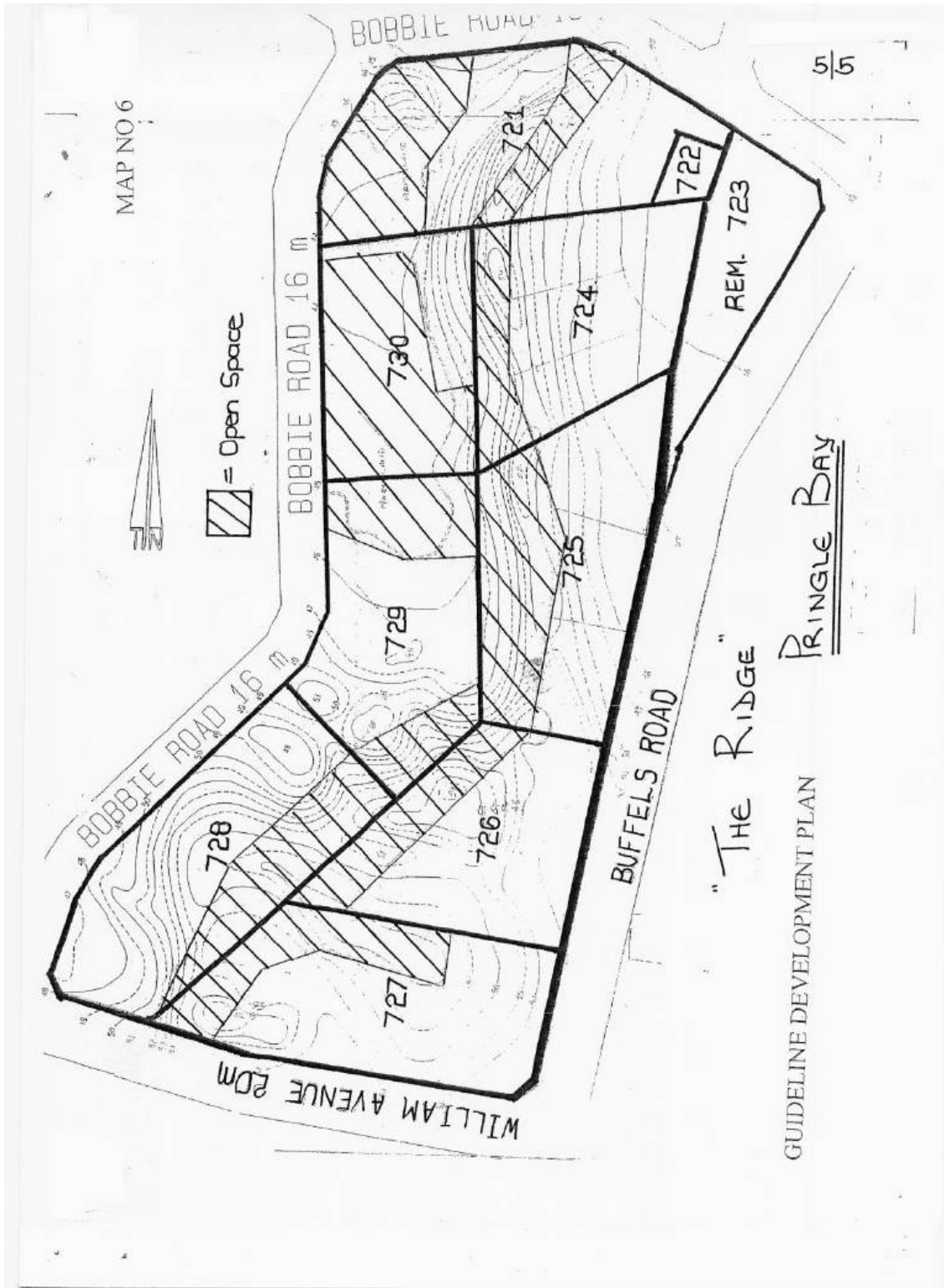
Kindly note that the objector also has a right of appeal against the approval of the application. Therefore, you may not act on this approval until such time as you have received written confirmation that no appeal has been received; provided that where an appeal is received, the said approval shall be suspended.

Yours faithfully

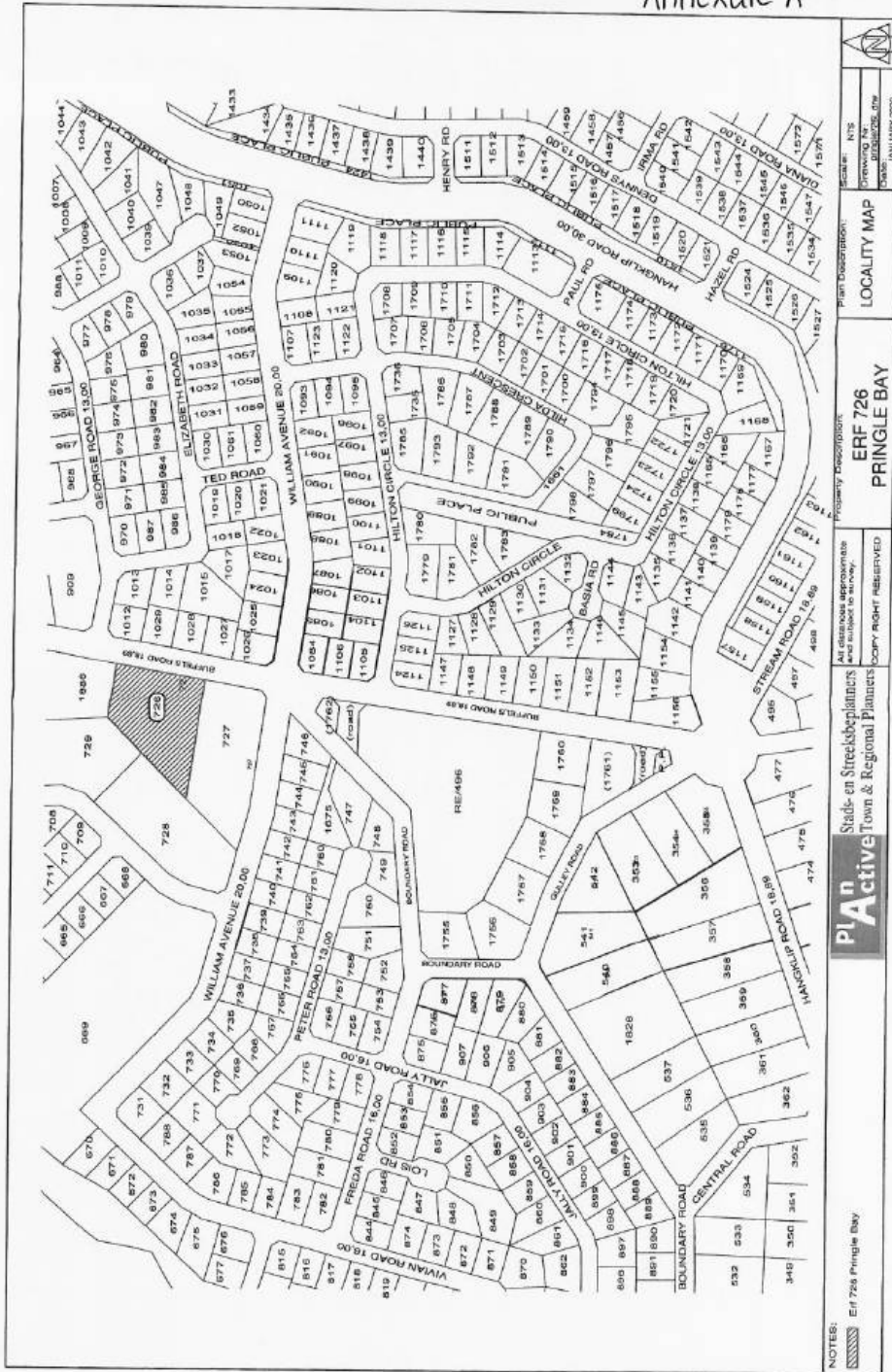
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Annexure A



NOTES:
All dimensions approximate and subject to survey.
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Plan Active
Stade en Streetsplanners
Town & Regional Planners

Project Description:
**ERF 726
PRINGLE BAY**

Scale: NTS
Drawing No: 1000
Date: 15 JANUARY 2022



PROPOSED SUBDIVISION AND REZONING**ERF 726 PRINGLE BAY****DIVISION: CALEDON****OVERSTRAND MUNICIPALITY****MOTIVATION REPORT****1. BACKGROUND**

Plan Active Town & Regional Planners has been appointed by E.W. Ottermann, on behalf of The ENTK Family Trust, the owner of erf 726 Pringle Bay, to apply for the subdivision and rezoning of a portion of the subject property.

Erf 726 Pringle Bay is 4 837m² in extent and is held by Title Deed No. T14326/2021.

The subject property is a vacant portion of land. The owner intends to subdivide erf 726 Pringle Bay into four portions to create three (3) single residential erven and one (1) public open space portion.

2. APPLICATION DETAILS

Application is made in terms of:

- Chapter 4, Section 16(2)(d) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, for the subdivision of erf 726 Pringle Bay;
- Chapter 4, Section 16(2)(a) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, for the rezoning of a portion of erf 726 Pringle Bay.

3. NEED AND DESIRABILITY**3.1 PROPERTY DESCRIPTION**

Erf 726 Pringle Bay is situated at 72 Buffels Road, Pringle Bay. Refer to the locality plan attached.

Erf 726 Pringle Bay is 4 837m² in extent and is held by Title Deed No T14326/2021.

The subject property is a vacant portion of land and characterized by natural vegetation (Fynbos). The site gradually slopes in a south-easterly direction (as indicated by the contours on the subdivision plan).

3.2 ZONING

Erf 726 Pringle Bay has the following land use rights:

ERF NUMBER	ZONING
Erf 726 Pringle Bay	Residential Zone 1: Single Residential (SR1)

Surrounding properties are zoned for single residential and public road purposes.

3.3 LAND USE

The subject property is currently a vacant portion of land.

Land uses that surround the subject property are dwellings, vacant erven and public roads.

3.4 THE POTENTIAL OF THE PROPERTY

Erf 726 Pringle Bay is currently an exceptionally large portion of land zoned Residential Zone 1: Single Residential (SR1) in the middle of an existing residential area. It is proposed to keep the zoning and land use of three proposed portions of erf 726 Pringle Bay to create three (3) single residential erven. The location of the subject property within an existing established single residential area allows the property to be developed for low impact land uses.

In the early 2000's an open space corridor was determined by the Nature Conservation Department of the Municipality in this specific area of Pringle Bay. The latter document is the basis on which subdivisions are evaluated in the area. The minimum required erf size is 1 000m² and the open space corridor must be provided in line with the aforementioned document. The open space corridor ($\pm 10\,292\text{m}^2$ in extent) represents the sensitive dune and wetland areas. To comply with the latter, a portion is created and will be rezoned from Residential Zone 1: Single Residential (SR1) to Open Space Zone 1: Nature Reserve (OS1). Refer to the letter from Mrs Hanneen van der Stoep dated 19 March 2020 confirming the need to address the open space corridor with future subdivision applications.

When evaluating the proposed subdivision and rezoning against surrounding erf sizes, minimum erf sizes, minimum street frontage widths, compliance with the open space corridor, etc. it is evident that the subject property has the potential to be subdivided and rezoned to create three (3) residential erven of at least 1000m² and larger in extent and a conservation area / open space portion. Compliance with the minimum erf size requirement confirms the compatibility with the area.

A stricter building line applies on the newly created portions on the common boundary with the nature reserve portion. This does however not impact on the developable land since the extent of the erven is on the larger side. The contours of the site have been surveyed and favour subdivision.

Compliance with the current spatial planning policies (discussed in this report) support and confirm the potential of the subject property for development. In addition, similar subdivisions have been approved in the area.

3.5 PROPOSAL

The following are proposed:

- The subdivision of erf 726 Pringle Bay in terms of Chapter 4, Section 16(2)(d) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, to create three (3) single residential erven and one (1) conservation area / open space portion as follows:
 - Portion A: $\pm 1240\text{m}^2$
 - Portion B: $\pm 1262\text{m}^2$
 - Portion C: $\pm 1050\text{m}^2$
 - Portion D: $\pm 1285\text{m}^2$
- The rezoning of Portion D, a portion of erf 726 Pringle Bay, from Residential Zone 1: Single Residential (SR1) to Open Space Zone 1: Nature Reserve (OS1) in terms of Chapter 4, Section 16(2)(a) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020.

The potential of the subject property is discussed in detail in *Section 3.4 Potential of the property*.

The owner intends to subdivide erf 726 Pringle Bay into four portions to create three (3) single residential erven and one (1) public open space portion. As previously mentioned, in the early 2000's an open space corridor was determined by the Nature Conservation Department of the Municipality in this specific area of Pringle Bay. The latter document is the basis on which subdivisions are evaluated in the area. The minimum required erf size is $1\ 000\text{m}^2$ and the open space corridor must be provided in line with the aforementioned document. The open space corridor ($\pm 10\ 292\text{m}^2$ in extent) represents the sensitive dune and wetland areas. To comply with the latter, a portion is created and will be rezoned from Residential Zone 1: Single Residential (SR1) to Open Space Zone 1: Nature Reserve (OS1).

It was agreed with the Pringle Bay Ratepayers Association that it would be a condition of sale if future owners of these properties wish to subdivide, the portions of their properties that fall within this corridor be ceded to Council. In addition, the building line abutting the conservation area must be a minimum of 5m.

When the proposed subdivision and rezoning of a portion of erf 726 Pringle Bay were considered cognisance was taken of the following criteria:

- o physical characteristics of the subject property;
- o surrounding and minimum erf sizes;
- o nature conservation area requirement;
- o accessibility to the subject properties;
- o impact on the character of the area;
- o erf shapes;
- o applicable spatial planning policies and densification guidelines.

Firstly, it is proposed to subdivide erf 726 Pringle Bay to create three (3) Residential Zone 1: Single Residential and one (1) conservation area / open space portion. The proposed subdivision will be as follows:

TOTAL AREA	4 837m ²
AREAS FOR SUBDIVISION	Portion A: ±1240m ² Portion B: ±1262m ² Portion C: ±1050m ² Portion D: ±1285m ²
OWNERS	The ENTK Family Trust
TITLE DEED	T14326/2021

Secondly, it is proposed to rezone Portion D, a portion of erf 726 Pringle Bay, from Residential Zone 1: Single Residential (SR1) to Open Space Zone 1: Nature Reserve (OS1). The zonings of the respective portions after subdivision and rezoning will be as follows:

		EXISTING / PROPOSED ZONING	TRANSFEREES
AREAS FOR SUBDIVISION	Portion A: ±1240m ²	Residential Zone 1: Single Residential	The ENTK Family Trust
	Portion B: ±1262m ²	Residential Zone 1: Single Residential	The ENTK Family Trust
	Portion C: ±1050m ²	Residential Zone 1: Single Residential	The ENTK Family Trust
	Portion D: ±1285m ²	Open Space Zone 1: Nature Reserve	Overstrand Municipality
TITLE DEED	T14326/2021		5

Refer to the subdivision plan for erf 726 Pringle Bay attached.

The Overstrand Municipality's densification policy establishes the principle of incremental densification in an established residential area if it does not have a detrimental impact on its character. It is important to enhance and protect the character of the existing low-density residential areas such as Pringle Bay, while still sensitively densifying where appropriate. This ensures that a wide range of erf sizes and types of development are available, not only within Pringle Bay, but also within the entire Greater Hermanus area.

The subdivision lines were determined to create erven of at least 1 000m² in extent to meet the minimum erf size requirement. The proposed subdivision lines were created in a manner to ensure optimal views from the subject property. The conservation area corridor plan / guideline development plan received from the municipality was used to demarcate the portion for conservation / open space purposes.

Minimum common boundary building lines of 2m (from the proposed subdivision lines / new erf boundaries) and street building lines of 4m will apply to all the newly created portions. A minimum common boundary building line of 5m will apply to the newly created erven where the erven share a common boundary with the conservation area corridor.

It was attempted to keep the subdivision lines as simple and practical as possible to avoid creating asymmetrical erf shapes that would have an impact on the future development of the subject properties as well as the character of the area. Pringle Bay is characterised by various shaped erven and as a result the proposed erf shapes after subdivision are still compatible with the area.

The proposed subdivision and rezoning adhere to all other land use restrictions in the Overstrand Land Use Scheme Regulations (2020). The impact of the proposed subdivision and rezoning is considered a low impact land use application.

The coverage for the respective portions after subdivision will be 0% since the respective portions remain undeveloped. A maximum coverage of 50% for the SR1 zoned erven must be adhered to once the respective portions are developed in future. Since the newly created residential portions will be transferred to prospective buyers in future, any future development of Portions A to C, portions of erf 726 Pringle Bay, will be done in accordance with the land use restrictions applicable to the relevant zoning. 6

Refer to Section 3.15 of this report for further motivation in terms of the relevant spatial planning policies.

The proposed subdivision and rezoning will not have a negative impact on the surrounding erven as the proposed zoning, land use and erf sizes are compatible with the immediate area and no deviations from the applicable zoning parameters are proposed.

The proposed subdivision and rezoning of a portion of erf 726 Pringle Bay are not in contrast to the existing land use tendencies in the surrounding environment and we therefore do not foresee any problems with the proposed application.

3.6 ECONOMIC IMPACT

The proposed subdivision and rezoning will have a positive impact on the economy of the area. By allowing the subdivision and rezoning of the subject properties, it creates three additional single residential portions from which the municipality can attain bulk service levies as well as monthly rates and taxes. Furthermore, the three portions after subdivision will be vacant portions of land and this implies that the future construction of a dwelling with an outbuilding on each of the respective properties will create temporary employment opportunities. The new portions will be occupied by new families who will invest and spend in the immediate local business area.

The proposed subdivision and creation of 3 residential erven will allow for the provision of increased residential accommodation in a well-located area.

3.7 SOCIAL IMPACT

The proposal will have a positive social impact as the proposed subdivisions will facilitate additional ownership of property. The impact that new families to the area will have will be beneficial and no negative impacts are anticipated.

The impact on the social wellbeing and social coherence of the adjacent community will be minimal given the extent of the proposed portions after subdivision as well as the fact that the zoning and land use of the newly created portions will be in line with the zoning and land uses associated with the immediate area.

3.8 COMPATIBILITY WITH SURROUNDING LAND USES

The subject property is situated in an existing low-density residential area. The application proposes to create three (3) single residential erven and a nature conservation / open space portion. The respective land uses will therefore be for single residential (dwellings with outbuildings) and nature conservation uses. The proposed subdivision and rezoning create erven that are compatible with the surrounding zonings and land uses of the area.

As mentioned in Sections 3.4 and 3.5 of this report the surrounding erf sizes, the minimum erf size for the area, the street frontage widths of existing erven of similar sizes, the proposed layout and shapes of the new residential portions that are compatible with the layout and erf shapes of the existing residential area, compliance with the nature conservation requirement for the area, etc. proof that the subdivision and rezoning are compatible with the existing context and character of the area. Properties of $\pm 720\text{m}^2$ - 5000m^2 in extent exist in the immediate vicinity of erf 726 Pringle Bay. The extent of the newly created portions still promotes and is compatible with the existing low-density residential area.

According to the development rules of the Overstrand Land Use Scheme (2020) the subdivision and rezoning will allow for the development rules for erven $>400\text{m}^2$ to apply to the three newly created single residential portions. The proposed subdivision and rezoning will therefore maintain the existing development parameters that apply to the existing residential erven in the immediate vicinity.

3.9 IMPACT ON EXTERNAL ENGINEERING SERVICES

Erf 726 Pringle Bay is not serviced, but one service connection is available to the subject property. New services for the additional portions created will be provided in line with the Overstrand Municipality's regulations for installing services infrastructure.

A bulk services contribution levy will be payable by the developer to supplement municipal services and amenities in accordance with the relevant legislation and as determined by the Council.

Previous discussions with the Overstrand Municipality's Engineering Services Department (Denovan van Rhodie, Senior Operational Manager: Kleinmond) confirmed that the municipality's capacity in terms of sewerage tankers were expanded for the area. The municipality will therefore be able to service the sewerage tanks of the proposed new erven. The necessary services are therefore available to accommodate the proposed three (3) residential erven pending the upgrade of the sewer services (in line with the Sewer Master Plan) for the area.

3.10 IMPACT ON SAFETY, HEALTH AND WELLBEING OF SURROUNDING COMMUNITY

The proposed subdivision will have no impact on the general safety and wellbeing of the surrounding community. It is anticipated that three new families will potentially occupy the three respective residential erven after the proposed subdivision of erf 726 Pringle Bay.

Furthermore, the construction of new dwellings on the respective portions after subdivision will conform to the relevant land use and construction guidelines of the municipality. The latter will ensure the safe construction of the dwellings and guarantee the safety and minimal noise pollution during construction to the immediate community.

Since the proposed subdivision and rezoning are not associated with a noxious trade with polluting air emissions the impact on the health of the community will be kept to a minimum.

3.11 IMPACT ON HERITAGE

The application does not involve changing the character of a site larger than 5 000m² (subject property is 4 837m² in extent). Consequently, the proposed application for the subdivision and rezoning does not trigger Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

Erf 726 Pringle Bay is not earmarked for heritage conservation purposes in the Overstrand Heritage Report (2009). The subject property does not fall within the Heritage Overlay Zone demarcated in the Overstrand Municipal Growth Management Strategy (2010).

The subject property is a vacant portion of land. The impact on the visual landscape of the area will be kept to a minimum since the future dwellings on Portions A to C, portions of erf 726 Pringle Bay, will be developed in line with the zoning parameters for Residential Zone I: Single Residential erven as stipulated in the Overstrand Municipal Land Use Scheme Regulations (2020).

From the above it is evident that the proposed application does not encompass any heritage significance and therefore the impact on the heritage value of the area will be kept to a minimum.

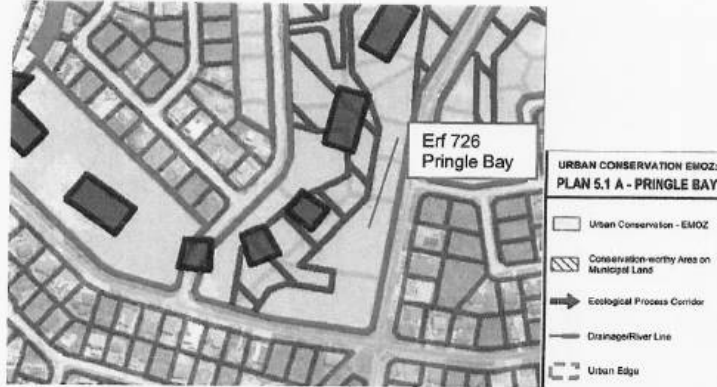
3.12 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed subdivision and rezoning (land use application) to create three single residential erven and a conservation area / open space portion do not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998). Subdivision and rezoning are not NEMA listed activities.

Certain listed activities in terms of NEMA might become applicable if facilities and infrastructure are constructed in future and will be dealt with as separate environmental applications when the need arises in future.

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The subject property is demarcated as Urban Conservation Area in terms of the Environmental Management Overlay Zone (EMOZ, 2020). In addition, a conservation area corridor runs over the western portion of the subject property. Refer to the extract from the EMOZ for Pringle Bay below:



Map 1: Environmental Management Overlay Zone (EMOZ, 2020): Pringle Bay

This application includes the subdivision of the western section of the subject property (Portion D) and the subsequent rezoning from SR1 to OS1 to meet the conservation area corridor requirement of the municipality. Portion D, a portion of erf 726 Pringle Bay, will be ceded to the municipality.

Should the future development of the respective properties trigger a NEMA application (removal of vegetation; wetland; etc.), due process will be followed prior to the commencement of the construction on site. The onus is with the landowner to inform potential buyers that some of the proposed properties fall within a demarcated wetland area. New property owners might have to apply for environmental authorization, depending on the development proposed for each respective property. New property owners should be made aware that the erven are not sold with the required rights in terms of NEMA.

3.13 TRAFFIC IMPACT, PARKING AND ACCESS

The subject property abuts Buffels Road (existing tarred road) on its eastern erf boundary. The newly created residential portions (Portions A to C) will continue to take access from Buffels Road as depicted on the subdivision plan. The exact position of the access points / gates will only be determined once building plans are available and submitted in future for the respective portions.

Portion D, a portion of erf 726 Pringle Bay, will be landlocked. This portion will however be rezoned from SR1 to OS1 and will form part of the greater nature conservation area / corridor identified for this area. Hence, access to this portion is not a requirement.

The impact on the traffic of Pringle Bay and the immediate area will be kept to a minimum since the proposal is in line with the status quo for the area. A Traffic Impact Assessment / Statement is not required since the proposed development does not create an additional 50 trips or more to the area and since the access to the respective portions can easily be addressed.

The development of the respective portions after subdivision will comply with the relevant scheme regulations' parking requirements – i.e. at least two parking bays / garages must be provided for on site for each new portion created.

3.14 TITLE DEED

Title Deed No. T14326/2021 has no restrictions that need to be removed to accommodate the proposed subdivision and rezoning of erf 726 Pringle Bay. A conveyancer's certificate from Mr H.L. van Zyl at Van Zyl Kruger Attorneys will follow.

There is a bond registered against the subject property. The bondholder's consent dated 11 February 2022 is attached.

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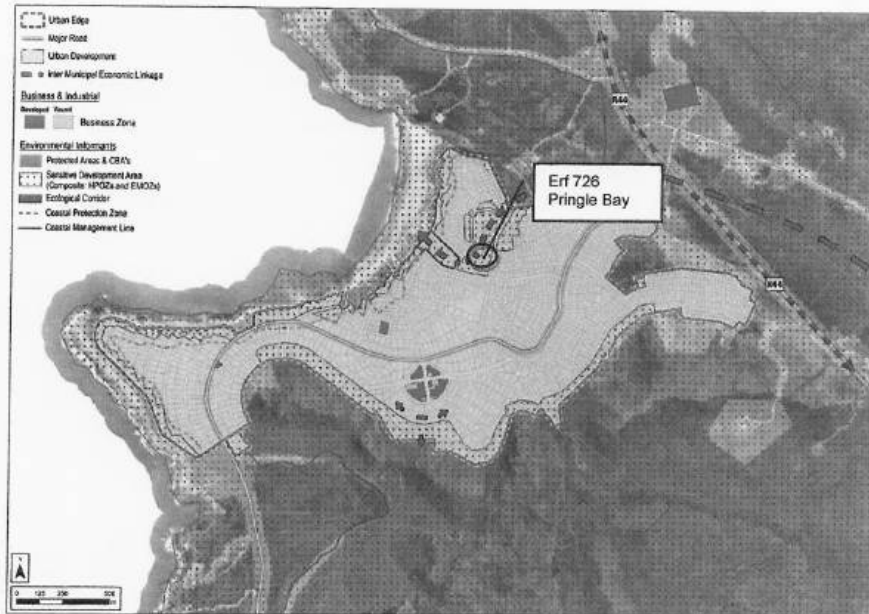
3.15 FORWARD PLANNING AND LAND USE DOCUMENTS

3.15.1 WESTERN CAPE PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK (PSDF, 2014)

The Provincial Spatial Development Framework (PSDF, 2014) supports densification. The PSDF (2014) regards subdivisions as one of the options of urban development tools available to achieve appropriate densification in the Western Cape.

3.15.2 OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK (2020)

The *Overstrand Spatial Development Framework (2020)* earmarks the area where erf 726 Pringle Bay is situated, for urban development purposes. An ecological corridor runs over the western section of the subject property as indicated on the Pringle Bay Spatial Proposal Plan (2020) - see below. The zoning and use of the subject property for the single residential erven will remain unchanged (Residential Zone 1: Single Residential). It is proposed to rezone Portion D, a portion of erf 726 Pringle Bay, from SR1 to OS1 to meet the conservation area / corridor requirement for this area. The proposed subdivision plan was therefore compiled in line with the Pringle Bay Spatial Proposal Plan (2020). The impact of the proposed subdivisions and rezoning on the spatial integrity of the area will be minimal and is therefore consistent with the Overstrand SDF (2020).



Map 2: Pringle Bay Spatial Proposals Plan (2020)

3.15.3 OVERSTRAND MUNICIPAL GROWTH MANAGEMENT STRATEGY

(2010)

The Overstrand Municipal Growth Management Strategy (OMGMS, 2010) specifies that erf 726 Pringle Bay forms part of Planning Unit no. 2. This planning unit stipulates that the status quo of the area (i.e. single residential) must be maintained. Refer to the OMGMS plan (2010) attached.

The Overstrand Municipality's densification policy establishes the principle of incremental densification in an established residential area if it does not have a detrimental impact on its character. It is important to enhance and protect the character of the existing low-density residential areas such as Pringle Bay, while still sensitively densifying where appropriate. This ensures that a wide range of erf sizes and types of development are available, not only within Pringle Bay, but also within the entire Greater Hermanus area.

With this application incremental development is proposed. The proposed erf sizes of between 1050m² and 1262m² are not smaller than the smallest erf in the immediate vicinity (which is a mere ±720m²) or the average erf sizes for the area. In addition, the proposed erf sizes of between 1050m² and 1262m² do not deviate more than 10% from the minimum erf size contemplated for this area. Erf 726 Pringle Bay is considered an exceptionally large property situated in the middle of Pringle Bay and this must be taken into consideration when considering the merit of the application. The proposal will therefore impact on the density of the area while still retaining the status quo.

The layout of the proposed single residential erven is practical in respect to access, developable areas, connecting to bulk services and the installation of services.

The proposal will promote land development in a location that is sustainable. The proposed subdivision and rezoning are to an improved erf within an established residential area and therefore will not impact on urban sprawl or upon a sensitive environment.

3.16 PLANNING PRINCIPLES

The planning principle of spatial resilience does not apply to this application.

Spatial justice: The proposed land use application ties in with the existing character of the area and will not have a negative impact on the surrounding properties.

This principle addresses the need to address the past imbalances with regard to opportunity. This application is located on an erf as per the establishment of the Pringle Bay Township and is this principle not applicable.

Spatial sustainability: The proposed subdivision and rezoning are to create three single residential erven and a conservation area portion. As contemplated in Section 3.15 the proposed land use application it is in line with the spatial planning policies for the area.

The layout of the proposed single residential erven is practical with respect to access, developable areas, connecting to bulk services and the installation of services. The visual impact will be kept to a minimum since the portions will be developed in line with the relevant land use scheme regulations. Since the status quo of the area will be maintained, it is submitted that the proposed future dwellings with outbuildings / garages on Portions A to C, portions of erf 726 Pringle Bay, will be compatible with the character of the area and will not impact negatively on the existing rights of anyone else.

By creating the conservation area portion (Portion D) the proposal ensures that the environmental management proposals for the area are met. Areas earmarked for conservation remain protected with this application proposal.

As a result, the proposed subdivision and rezoning will have no adverse impact on the spatial sustainability of the area.

Efficiency: The subject properties are easily accessible and conveniently located close to major routes. The subdivision and rezoning of erf 726 Pringle Bay will have a low impact on the character and ambiance of the existing residential area as motivated in this report. It proves to be efficient to allow the subdivision and rezoning since the impact will be kept to a minimum, while new portions are created for families to obtain and develop. As motivated in the above sections of the report the proposal is compatible with surrounding properties in the immediate area.

The proposed subdivision and rezoning prove to be efficient since it discourages the phenomenon of urban sprawl, encourages densification and more compact towns and cities, all of which relates to more responsible resource and infrastructure use and sustainable development. Moreover, the proposal is efficient in that it optimizes existing resources and infrastructure and continues the existing suburban development typology.

Good administration: Our firm is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's bylaw and related provincial and national land use planning

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legislation. All measures will be taken to ensure an efficient and streamlined process within the applicable timeframes as stipulated by the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020.

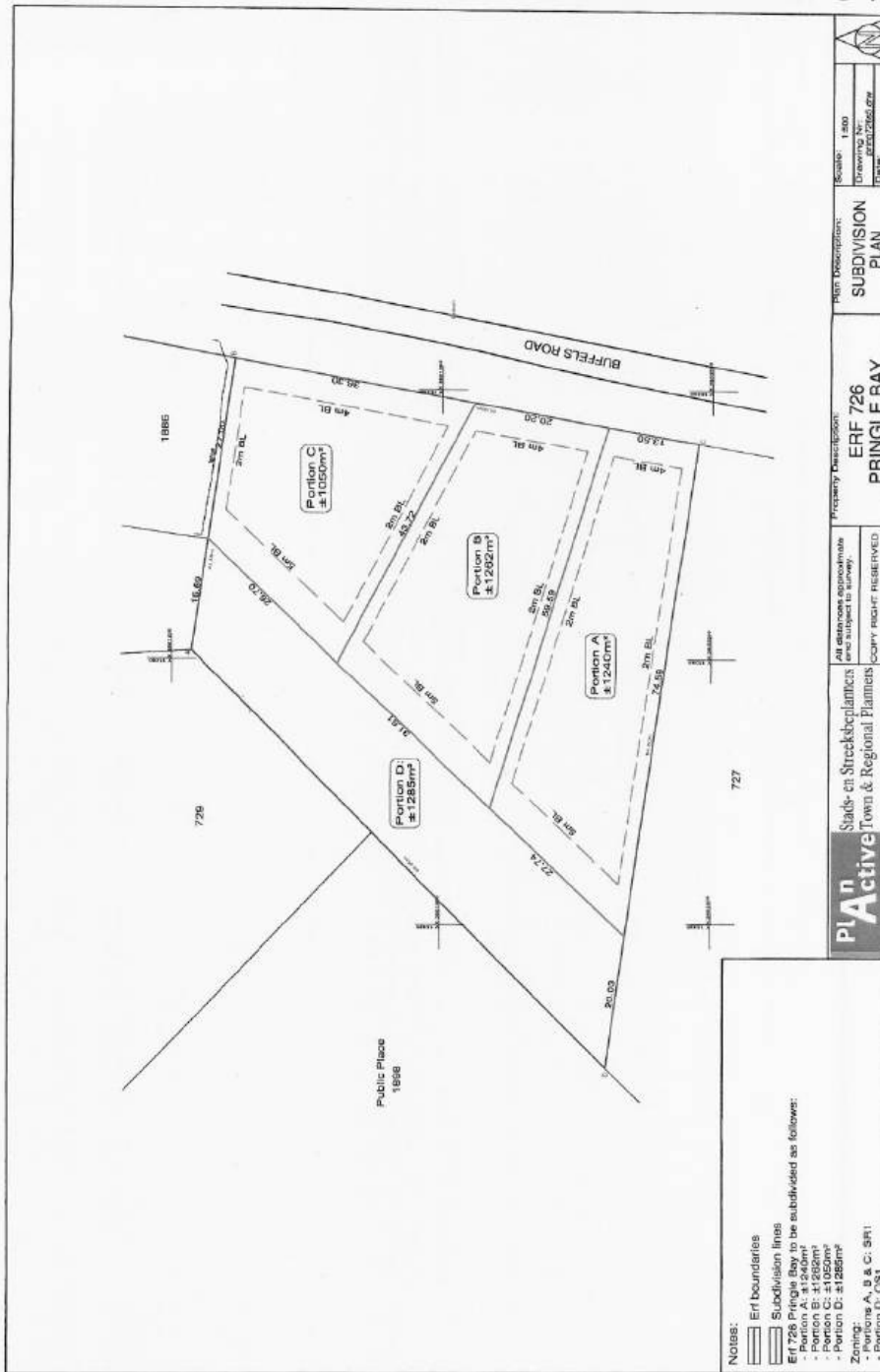
4. RECOMMENDATION

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

- The proposed application will not have a negative impact on the existing land use rights of the subject property or those of surrounding properties;
- The minimum erf size requirement (guideline) of $\pm 1000\text{m}^2$ for SR1 zoned properties in this area is met with this proposal;
- Cognisance was taken of the conservation area / corridor present on the subject property (Portion D to be rezoned from SR1 to OS1 and ceded to Overstrand Municipality);
- The proposal is compatible with the existing character and erf sizes of the immediate area;
- The zoning of Residential Zone I: Single Residential and land use (single residential) are compatible with the surrounding zonings of the area;
- The proposed subdivision and rezoning comply with the spatial planning policies for the area;
- Impact on the traffic and services will be kept to a minimum;
- The proposed land use application does not trigger any listed activities in terms of NEMA (Act 107 of 1998);
- The application is fully compliant with the applicable planning principles described in the LUPA (2014) and SPLUMA (2013).

With regards to the above mentioned it would be appreciated if the application for the subdivision and rezoning of erf 726 Pringle Bay be approved.

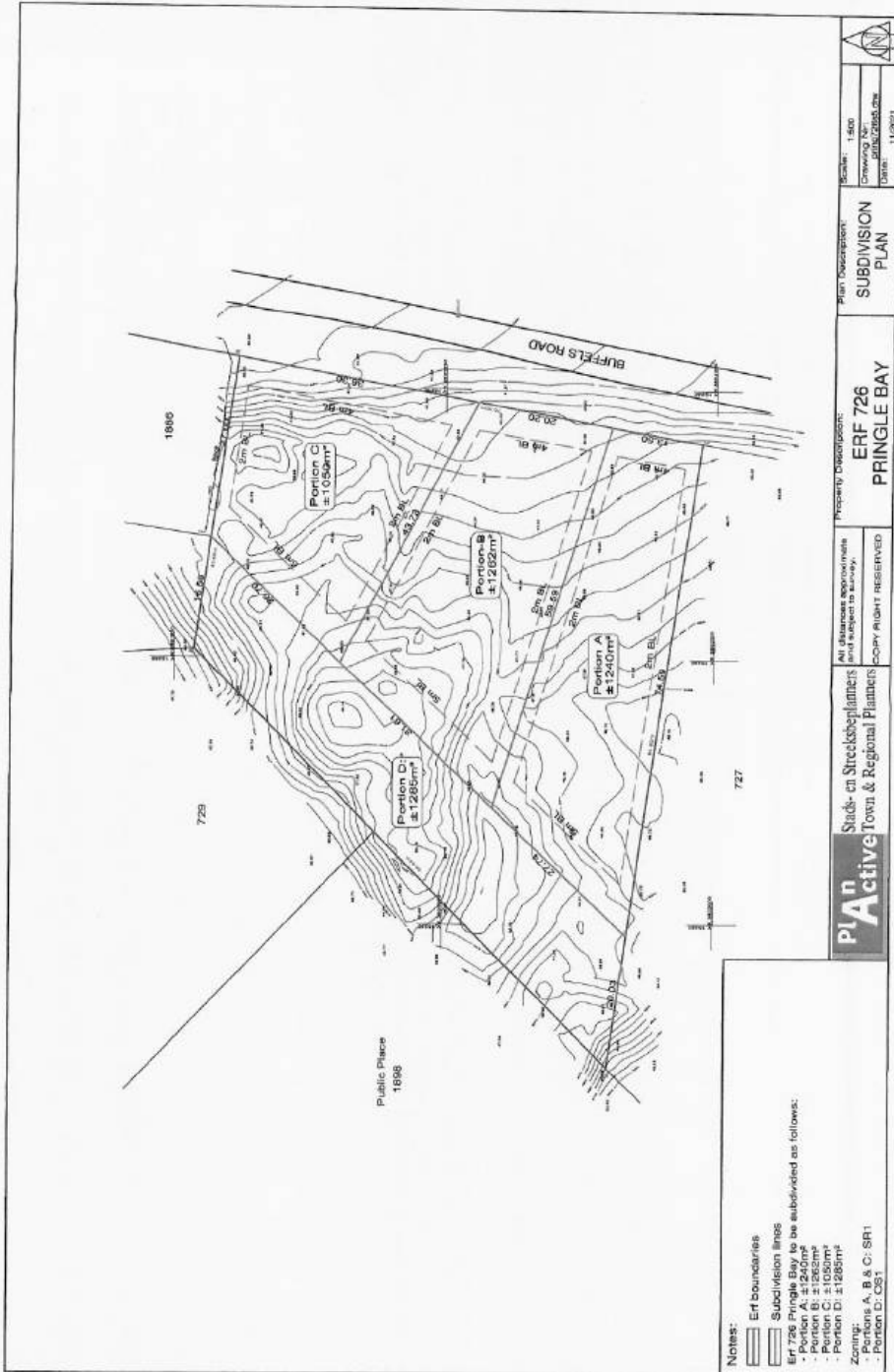
Annexure C 1/2



NOTES:

- Erf boundaries
- Subdivision lines
- Erf 726 Pringle Bay to be subdivided as follows:
 - Portion A: 1,124.00m²
 - Portion B: 1,292.00m²
 - Portion C: 1,050.00m²
 - Portion D: 1,285.00m²
- Zoning:
 - Portions A, B & C: SR1
 - Portion D: CS1

	All distances approximate and subject to survey.	Frequency Classification:	Plan Description:	Scale: 1:500
	COPY RIGHT RESERVED	ERF 726 PRINGLE BAY	SUBDIVISION PLAN	Drawn: P. J. DE VRIES Date: 11/2021



Notes:

- Erf boundaries
- Subdivision lines

ERF 726 Pringle Bay to be subdivided as follows:

- Portion A: ±1260m²
- Portion B: ±1202m²
- Portion C: ±1050m²
- Portion D: ±1285m²

Zoning:

- Portions A, B & C: SR1
- Portion D: CS1

Scale: 1:500
 Drawn: J.P. van der Merwe
 Date: 11/08/21

Plan Description:
SUBDIVISION PLAN

Property Description:
ERF 726 PRINGLE BAY

All distances approximate and subject to survey.
 Copy right reserved

PLAN Active Town & Regional Planners



Annexure D

1/88



L Gillion

From: Eric Miller <[\[redacted\]](#)>
Sent: Friday, 22 April 2022 23:41
To: L Gillion
Subject: Fwd: Opposition to rezoning and subdivision of Erf 726 Pringle Bay: Municipal Notice 29/2022
Attachments: ADVERTISEMENT - Erf 726 Pringle Bay (Subdivision Rezoning).pdf

Ma'am,

In my capacity as a long time property owner and part time resident of Pringle Bay, I would like to register a most strenuous objection to the plans for intended rezoning of erf 726 Pringle Bay.

I am deeply concerned that the plans, if approved, will result in damage to the local environment, specifically the relationship between the dunes and and their symbiotic exchange with the beach/shoreline. Subdivision of the dunes close to the beach will be detrimental to both beach and dunes.

The subdivision of Erf 726 will destroy previous dunes and dune life. It is completely unacceptable that property development interests should be considered over the conservation of this highly threatened unique ecosystem.

I do not believe that these plans, if enacted, will be of benefit to the community economically, socially or infrastructurally. The claims that they will, are a fiction promoted by developers with little interest in the wellbeing of the community but rather driven by profit motive of densifying an area even beyond sustainability.

The densification policy promoted by Overberg Municipality, should not be a 'one size fits all' policy thrust upon a community and biosphere area that is already constantly struggling to maintain infrastructure in the face of repeated and regular water and electricity breakdowns, and inadequate sewerage capacity for the area. Any short term benefits of such densification will pale in the face of significant longer term damage to this sensitive environment.

I exhort the Overstrand Municipality to exercise ecological responsibility and unequivocally reject this application. The sustainability of our village, our district and biosphere reserve are at stake.

Eric Miller

1655 Caesar Rd

FILE NO. EL 726 - KPRB
SCAN NO. Eric
COLLABORATOR NO.
1676530

25 APR 2022

TP

2/88

TP-A theart
(Hold Steep)



L Gillion

From: Anthony and Hilary < >
Sent: Friday, 22 April 2022 15:59
To: L Gillion
Cc: and Hilary Harris Anthony
Subject: PRINGLE BAY ERF 726, 72 BUFFELS ROAD: APPLICATION FOR SUBDIVISION AND REZONING MUNICIPAL NOTICE 29/2022

To whom it may concern:

PRINGLE BAY ERF 726, 72 BUFFELS ROAD: APPLICATION FOR SUBDIVISION AND REZONING MUNICIPAL NOTICE 29/2022

I wish to object to the above rezoning on the grounds of destruction of habitat affecting flora and fauna of this area. The village infrastructure is already under pressure and will not cope with further subdivision and the accompanying increase in number of residents.

Yours,
 Hilary Harris
 ID
 21 William Road, Pringle Bay.

FILE NO. EL 726-KPRB
SCAN NO. 08
COLLABORATOR NO.
1676124

TP 22 APR 2022

3/88

TP - A Theart
(H vld Steep)



L Gillion

From: Jill Schlachter < >
Sent: Thursday, 21 April 2022 23:54
To: L Gillion
Subject: Opposition to rezoning and subdivision of Erf 726 Pringle Bay: Municipal Notice 29/2022

Greetings

I would like to register my opposition to the subdivision and rezoning of Erf 726, Pringle Bay, and advertised in Municipal Notice 29/2022. I am a property owner and ratepayer in Pringle Bay. I provide my erf number and contact details below.

My objection falls under the heading IMPACT ON THE BIOPHYSICAL ENVIRONMENT.

The property is currently demarcated as Urban Conservation Area. The Land Use Plan recognises the need to protect sensitive dune and wetland areas adjacent to the property and an open space corridor has been built into the municipality's Land Use Plan.

Subdividing the erf into 3 single residence erven effectively means that 3 residences will be built in an area where the Land Use Plan has deliberately tried to protect the sensitive dune and wetland area. It is noted that the application proposes to rezone Portion D as Open Space Zone 1: Nature Reserve to meet the urban conservation corridor requirement of the municipality. However, Erf 726 is 4 837m2 and Portion D is planned as +/- 1 285m2.

There can be no doubt that allowing this subdivision will change the sensitive ecology of the dunes, and destroy much of the natural dune fynbos endemic to the area. This will in turn also destabilise the dune. The environment will be irretrievably damaged. Given that Pringle Bay is an urban area within a biosphere, it is imperative on us to protect the environment, and prioritise conservation over densification and urban development.

The application states: 'Subdivision and rezoning are not NEMA listed activities..... Certain listed activities in terms of NEMA might become applicable if facilities and infrastructure are constructed in future and will be dealt with as separate environmental applications when the need arises in future.' It is cynical to use the fact that the subdivision and rezoning are not NEMA listed activities as a reason to disregard future damage to the environment. Once there are 3 residential erven the municipality will not be able to stop development and consequent environmental damage in the future.

Protecting our environment, especially one that has been designated as a biosphere due to its unique ecological status in the world, is the responsibility of all of us. At the same time, we citizens rely on the professionals within the municipality and our elected councillors to put in place the necessary policies and regulations to support conservation, and to hold the line by enforcing them.

I appeal to you to reject this application which will alter the ecology of the fynbos and dunes in that area and damage the integrity of the biosphere forever.

Yours
Janet Schlachter
Erf 402, Pringle Bay.
ID:
Phone:

FILE NO. EL 726-KPRB
SCAN NO. 05
COLLABORATOR NO.
1676113

TP 22 APR 2022

SCAN: EL 726-KPRB
 KPRB 726
 COLLABORATOR NO.
 1676327

SUID-AFRIKAANSE POLISIEDIENS



SOUTH AFRICAN POLICE SERVICE

AMAPOLISA OMZANTSI AFRICA

VERKLARING - STATEMENT



Naam Rochelle Valente
 Name
 Identiteitsnommer
 Identity number
 Woonadres
 Residential Address 1029 Buffels Street Pringle Bay
(P.O. 25 Market Street, Somerset West)
 Tel no
 Tel no(h) (w) Cell

Verklaar onder eed in Afrikaans.
States under oath in English.

1.

I hereby confirm that the petition attached is signed by free-will, by concerned citizens & ratepayers of the neighbours to erf 26 in Pringle Bay.

I (or any of the signatories) are in no way affiliated by or colluding with any applicant, objector or appellant and is willing to act in regard to the application / appeal.

2.

Ek is vertroud met die inhoud van die verklaring en begryp dit. Ek het geen beswaar teen die aflegging van die voorgeskrewe eed nie. Ek beskou die voorgeskrewe eed as bindend vir my gewisde.
 I know and understand the contents of this statement. I have no objection in taking the prescribed oath. I consider the prescribed oath to be binding on my conscience.

Datum - Date 22 April 2022

Verklaarder - Deponent

Ek sertifiseer dat bostaande verklaring deur my afgeneem is en dat die verklaarder erken dat hy/sy vertroud is met die inhoud van hierdie verklaring en dit begryp. Hierdie verklaring is voor my beëdig en verklaarder se handtekening / merk / duimafdruk is in my teenwoordigheid daarop aangebring.

I certify that the above statement was taken by me and that the deponent has acknowledged that he / she knows and understands the contents of this statement. This statement was sworn to / affirmed before me and deponent's signature / mark / thumbprint was placed thereon in my presence

te SOMERSET WES. op 2022-04-22 om 08:14
 at on at



25 APR 2022
 TP

08353282
El Visser
 Kommissaris van eede - Commissioner of oaths
 S A Polisiediens - S A Police Service
 Hoofweg 181 - 181 Main road

Received: 23/4/2022

REF Tab - PETITION AGAINST REZONING & SUBDIVISIONS

D Number	Name	Surname	Contact Number	Address	Signature
1	Andrew	EM		69 George rd	[Signature]
2	Teat	M		1024 Buffalo	[Signature]
3	John			1029 Buffalo	[Signature]
4	Christa			1029 Buffalo	[Signature]
5	Stefanie			1029 Buffalo	[Signature]
6	Philip			1029 Buffalo	[Signature]
7	Kimberly			1029 Buffalo	[Signature]
8	Svenning			916 Elizabeth Rd	[Signature]
9	Christiane			1017 Elizabeth Rd	[Signature]
10	Ashley			1017 Elizabeth Rd	[Signature]
11	Lee			4 Bellwood South 18	[Signature]
12	Marie			" "	[Signature]
13	Rachel			23 Codrington Str.	[Signature]
14	Wessel			" "	[Signature]
15	Natasha			69 Buffels Road	[Signature]
16	Heidi			69 Buffels Road	[Signature]
17	Skylie			69 Buffels Road	[Signature]
18	Heidi			69 Buffels Road	[Signature]
19	Nikki			69 Buffels Road	[Signature]
20	Hilma			69 Buffels Road	[Signature]
21	Stephan			69 Buffels Road	[Signature]
22	Frankie			3617 Lakes	[Signature]
23	Levi			FLATLAND 327	[Signature]
24	Rudi			327 Flatland	[Signature]
25	Pam			13 Bobbie St	[Signature]

5/88

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IS MADE CONSISTENT WITH THE ARS
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 FOR PRODUCTION OF AN UNLAWFUL ACCIDENT WHICH IS
 BEING USED FOR AN UNLAWFUL OBSERVATION THE
 ORIGINAL DOCUMENT IN THE MANNER.
 00053282
 FJ Visser
 PHOTO TAKING / SIGNATURE

SOUTH AFRICAN POLICE SERVICE
 POLICE CLEARANCE
 22 APR 2022
 SOUTH AFRICAN POLICE SERVICE
 AMAPOLISA OMZANTSHTI AFRICA

SRF 726 - PETITION AGAINST SUBDIVIDING & REZONING

Name	Surname	Contact Number	Address	Signature	ID NUMBER
1) Neville	Schreuder		Ursula 954		
2) Belinda	Neuschwanz		Ursula 954		
3) Marnis	Hartingh		Ursula 954		
4) Susan	Morgan		George 977		
5) VITTOBIA	JOOSSE		Buffels 1886		
6) Robert	Miller		Buffels 1886		
7) Lorna	Miller		Buffels 1886		
8) Georgia	Milner		Buffels 1802		
9) Terri	Hindson		Buffels 1802		
10) Brandon	Hindson		Buffels 1802		
11) Kayley	Panhan		Somerset west 6665		
12) ANTHONY	HARRIS		1025 WILLIAM		
13) BARBARA	KENNEDY		740 WILLIAM		
14) M/A	LE ROUX		947 URSULA		
15) SANTA	KASTNER		1029 BUFFELS		
16) Rachelle	Valente		Somerset, W 735		
17) WIKUS	VALENTE		Strand		
18) Kam	Clamson		Strand		
ANNON	GERBER		Strand		
Blend	Gerber		Ternard Rd		
Kinda	Villson		"		
Diedrich	Kuiper				

BY CONFERRING DAT HEREON DOCUMENT, I WAIVE ALL RIGHTS TO BE CONSIDERED AS A TRUE COPY OF THE ORIGINAL DOCUMENT WHICH WAS EXAMINED BY THE OFFICIALS OF THE SOUTH AFRICAN POLICE SERVICE IN THE MANNER.

F Visser
 HANDWRITING / SIGNATURE

SOUTH AFRICAN POLICE SERVICE
 POLICE CLEARANCE
 22 APR 2022
 SOMERSET WEST
 AMAPOLISA, OMZANTSHI AFRICA

7/88

Objection to the Subdivision of Erf 726, Pringle Bay

Dear Loretta and Overstrand Municipality Town planners,

It has come to our attention that there is a proposal to subdivide erf 726 in Buffels Road, Pringle Bay, into three separate erven and a fourth section to rezone into Nature Reserve. This erf is currently zoned as a Single Residence erf. (Noticed placed in the Herald on 17 March 2022.)

My husband and I are the property owners right opposite this land at 1029 Buffels Road and wish to strongly object to this proposal. It simply cannot go through. We have spoken to our neighbors who stand with us and will also appeal to you to prevent this subdivision from happening. I have also attached a petition and affidavit with direct concerned neighbors who were also not aware of this proposal.

Reasons for Objection:

- Devastating Ecological impact
- Insufficient Infrastructure
- Extremely inadequate budget Municipal Budget

Please see herewith a brief description of each of the aforesaid reasons:

Devastating Ecological impact

The proposed erf is situated on a large dune, completely covered in beautiful natural vegetation, which is keeping the landscape in place. It acts as a wind barrier and is home to much fauna and flora. According to the report "the site gradually slopes in a south-easterly direction". From the attached photo you will see this is a serious slope, and the entire dune is uneven. To build a house on the entire area would have to be cleared and leveled to be able to build a secure and safe structure on this land. To subdivide this area and build three houses is even more detrimental to the area which currently is the home to many rare plants, animals, and birdlife. (I am personally aware of a porcupine and mongoose family that live on this dune, not to mention the smaller wildlife and birds that would lose their home).

Sand dunes are prone to moving by the power of wind. Removing the vegetation from this dune will lead to a series of events such as sand being blown into abutting properties and destructing of natural habitat of scarce animal species. The stability of a sand dunes is also a major factor to consider. Once the vegetation has been removed, the integrity of the dune might be placed under stress, as the root systems of the plant keep the dune intact.

The area lying between Buffels Road, Willian Avenue and Bobbie Road is one of the only green spaces left in the town, currently divided into 4 large erven. It is a beautiful space, and a small refuge that has not yet been developed in Pringle Bay where almost every other open plot has been sold and being developed at a rapid pace. The town is expanding exponentially, and I fear will lose its peaceful atmosphere, which is such a strong attraction to homeowner and holiday makers, if even more subdivision is allowed.

Insufficient Infrastructure:

My biggest concern of approving this subdivision application is that should this go through, you set a precedent for the other four open erven on this dune to also follow suite. This would mean that an area supposed to add 4 houses could potentially lead to 12 or more homes!

There are currently no services connected to these erven – they are completely off the grid. All water, electrical and sewage lines would have to be dug, installed, and connected. Doing this for one house will already have a massive impact, doing it for three is just unwise.

There is also no flood/storm water canal on that side of Buffels road, or any type of level area that can deter waterflow. We have had to dig and maintain our own ditch on our property. The entire Buffels Road has a gradual slope, and with no walls or built structure to keep the water out of our property our house would be under water in the winter months. The municipality has promised to keep the canals clean of overgrowth, but this has not happened. How is the municipality to keep our standing property, for which we pay our rates & taxes, safe if they can't maintain what they have in place?

Furthermore, we have been in communication with Theresa Els, who had the municipality "Streets and Stormwater Superintendent" Mnr Brenton Baaitjies visit our home in January 2022, as we are concerned about the storm water canal behind our house in Elizabeth Road (erf 1013, 1014, 1015 and 1017). We were told this stormwater canal has been approved to be fixed by building/laying a solid structure with cement pipes in 2021 already, but to date there has been no improvement made. Due to this storm water canal that cannot handle the winter rains our neighbor (Mr Arthur Ray) has had numerous floods into his house, and we've felt the repercussions of this overflow too. The water table in our area is extremely high, and water is a huge concern for all landowners.

Each week there is a report from residents, all over town, communicating about a burst pipe, low pressure of some water issue. The current infrastructure simply cannot handle the pressure of a town that is already expanding beyond its capacity, and this plan will just add more strain on an already suffering system. Removing the natural vegetation from the dune on Buffels Road that keeps water lodged in the dunes is a saving grace, removing the plants will be detrimental.

Extremely Inadequate Municipal Budget:

I have have read the Overstrand Mayor's draft budget speech (<https://www.overstrand.gov.za/en/media-section/news/869-mayor-s-draft-budget-speech#:~:text=The%20Overstrand%20Capital%20budget%20ONLY,the%202022%2F23%20capital%20budget.>) which is very concerning: "The total budget is 11.3 LESS than the current year and The Mayor, Dr Annelie Rabie, stated the 5th capital budget project is "Replacement of waterpipes across Overstrand - R16million is allocated". The Mayor said she needs R60million for just Betty's Bay, Pringle Bay and Rooiels".

How on earth can the municipality make ends meet and secure the infrastructure of the people already owning land and paying their taxes in the Overstrand? The municipality does not have the budget to fix what they already have, let alone pay for new infrastructure.

10/88

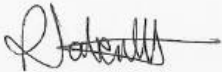
I have read the entire proposal drawn up by Plan-Active and though I see there is no "legal" reason for them to not proceed with subdivision it would be an ecological and infrastructural disaster for the entire dune, Pringle Bay biosphere and the other homeowners. I strongly urge you to not let this subdivision application pass.

Additional Concerns:

- Environmental Impact Assessment – Is there any study done by a professional Environmental Consultant that has investigated the subject property for any endangered fauna and flora?
- Impact of additional capacity on stormwater system and other Municipal Services such as electricity, solid waste, and sewerage.

Thank you

Rachelle & Wikus Valente
1029 Buffels Road, Pringle Bay
082 572 9422



L Gillion

From: Rachelle Valente <rachellevdm@gmail.com>
Sent: Friday, 22 April 2022 16:41
To: L Gillion
Subject: Erf 726 Pringle Bay - objection against subdivision and rezoning
Attachments: Erf 726 Pringle Bay - Certified Petition against rezoning and subdivision.pdf; Erf 726 Pringle Bay, Objection to Subdivision and Rezoning, by Rachelle Valente.pdf

Dear Loretta and Overstrand Municipality Town Planners,

I am the property owner at 1029 Buffels Street, Pringle Bay (ID 8507060023088). I am also a Pringle Bay Rate Payers Association and Street Watch member.

Please find attached my compiled document, with supporting images and objections against the subdivision of Erf 726, which was published in The Herald on 17 March 2021. This subdivision can not go through!

The only reason I know of this advertisement is that we were home on a Sunday and since I knew the plot had been sold, and I saw three individuals walking on the property, I introduced myself and welcomed them. I was then told, much to my surprise, "they will be subdividing and building three homes".

After much digging, I found the notice in The Herald and the information submitted by PlanActive town planners.

On Monday 18 April 2022, my neighbour (Natasha Duminy, who also wrote to you) and I canvassed the area around erf 726. None of the 76 people who signed our petition was even aware of this proposal. No one received notice or was consulted. They were all very concerned and willingly signed our plight to prevent subdivision from happening. I attach the certified petition, accompanied by an affidavit for your information.

They all object based on the points I list and discuss in my objection:

- 1) Devastating Ecological Impact
- 2) Insufficient Infrastructure
- 3) Extremely inadequate Municipal Budget

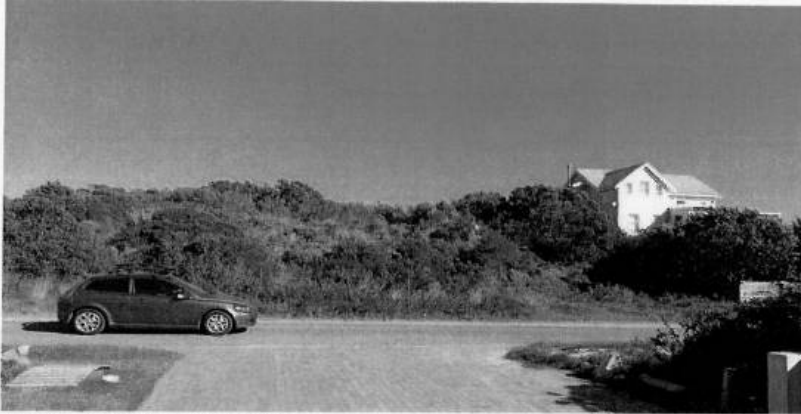
I will gladly be the contact person for this petition and do any work required to ensure we can prevent this subdivision from happening.

Thank you,

Rachelle Valente
082 572 9422

1029 Buffels Road, Pringle Bay

SUPPORTING IMAGES:



View from 1029 Buffels Driveway.

You can clearly see this is not a gradual slope as indicated on the document supplied by PlanActive. In fact, it is a steep uphill dune, fully covered in natural fynbos. The outlined plot division suggests this piece of land (Portion C), in the image, to be one of the sections. To be able to build a safe structure the entire dune would have to be flattened, leading to an ecological disaster. The dunes are critical to the entire Pringle Bay's fauna and flora. Development can't be stopped, but it can be done mindfully.





The rest of the dune looking left from 1029 Buffels Road.

You can clearly see the gradual slope of the road towards the built / inhabited side of Buffels Road, and the attempt at stormwater system that we dug ourselves. There is NO infrastructure on the dune, and if the vegetation should be removed all water, debris and floods would come gushing into our properties.



The complete lack of "stormwater" maintenance.

Image on the left if looking down from 1029 Buffels Road, which was only maintained last year when we complained after purchasing our property.

The image on the right is in Elizabeth Road, behind us.

To further establish the point that Pringle Bay does NOT have the infrastructure or capacity to handle more pressure on a buckling water system, this is the current situation in Elizabeth Road, right behind Buffels Road. This has been an issue for a couple of years, causing damage to the neighboring properties & after promises of it being fixed, nothing has happened.



The stormwater comes through behind / next to #1017. The sandbags are their only defense against impending floods, and the municipality promised a built stormwater structure, but nothing has happened.



15/88



The view from Elizabeth Road, to Buffels (our property at 1029 in the image), and the dune across from us, which is proposed to subdivide.
This open plot behind us is also sold and waiting to be built, which will add additional pressure as it is.



Image of our neighbors (69 Buffels Rd) back-garden due to burst water pipes after flooding in 2021. Image taken from our home by previous owner. The previous owners of our property had to safeguard themselves and built a retainer wall. Our entire property also has a very high water table and it won't take much to cause severe damage.

16/88

A snippet of images of the natural wildlife & beauty which will be lost if this plan get approved:



Natural fauna and flora: Small rodents, reptiles and beautiful flowers. Some images by Liz Potgieter, local Pringle Bay photographer and conservationist. (Via Facebook)





Liz Potgieter
 17h · 🌐 · ...

Pringle Bay Conservation friends, our hearts are really weighed down to see all the city fencing that is going up here, of late...
 The worry is that long term territorial residents for decades like angulate tortoise, (*Chersina angulata*) and the fast vanishing spotted thick-knee, (*Burhinus capensis*) amongst multiple others... will be ousted from their access to breeding areas and movement. It was always a policy of... no fencing and no night lights in Pringle Bay... What has changed, why and what can we do about it?
 Please give this some attention and offer some solutions... we have almost no bokies left?
 #naturelovers #Pringlebay #overstrand #overstrandenvironment #OverstrandMunicipality #capenature See less



Nocturnal Animals who live in the dunes, images from Facebook "Pringle Bay conservancy group"

There are also little buck, mongoose, porcupine and numerous other critters that live in the dune. These animals are being pushed out and what's the use of living in a Biosphere if there is no beauty and natural habitat left for those that were there first. It is our duty to protect the little wildlife that remains.

I thank you for your time and hope all the residents & ratepayers who have objected will be heard.



TP - A Theart
(H vld Stoep)



Objection to the Subdivision of Erf 726, Pringle Bay

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FILE NO. EL 726-KPRB
SCAN NO.
COLLABORATOR NO.
1676327

25 APR 2022

TP

Insufficient Infrastructure:

My biggest concern of approving this subdivision application is that should this go through, you set a precedent for the other four open erven on this dune to also follow suite. This would mean that an area supposed to add 4 houses could potentially lead to 12 or more homes!

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There is also no flood/storm water canal on that side of Buffels road, or any type of level area that can deter waterflow. We have had to dig and maintain our own ditch on our property. The entire Buffels Road has a gradual slope, and with no walls or built structure to keep the water out of our property our house would be under water in the winter months. The municipality has promised to keep the canals clean of overgrowth, but this has not happened. How is the municipality to keep our standing property, for which we pay our rates & taxes, safe if they can't maintain what they have in place?

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20/88

I have read the entire proposal drawn up by Plan-Active and though I see there is no "legal" reason for them to not proceed with subdivision it would be an ecological and infrastructural disaster for the entire dune, Pringle Bay biosphere and the other homeowners. I strongly urge you to not let this subdivision application pass.

Additional Concerns:

- Environmental Impact Assessment – Is there any study done by a professional Environmental Consultant that has investigated the subject property for any endangered fauna and flora?
- Impact of additional capacity on stormwater system and other Municipal Services such as electricity, solid waste, and sewerage.

Thank you

Rachelle & Wikus Valente
1029 Buffels Road, Pringle Bay
082 572 9422

L Gillion

TP-A Theart
(Hvd Steep)

21 | 88

From: Natasha Duminy < >
Sent: Thursday, 21 April 2022 18:10
To: L Gillion
Cc: Rachelle Valente
Subject: Objection to the Subdivision and Rezoning of Erf 726 Buffels Road, Pringle Bay
Attachments: Video.MOV; Video_1.MOV



- > Good day Loretta
 >
 > This email serves as an objection to the notice which was published in the Herald on 17 March 2022, regarding the rezoning and subdividing of Erf 726 Buffels Road, Pringle Bay.
 >
 > We are the homeowners of erf 1028 (nr 69) Buffels Road, Pringle Bay.
 > We are situated directly opposite Erf 726 Buffels Road.
 >
 > We hereby strongly object to the rezoning and subdividing of Erf 726 for the following reasons :
 >
 > The current Infrastructure of the area is already under immense pressure and by allowing additional houses to be built on an erf identified for one house, does not bode well for the future.
 >
 > There is a huge problem regarding the stormwater and drainage system in Pringle Bay. Last year our erf flooded with stormwater which could not be lead out or drained away. Resulting in the water remaining in our erf for days on end and not allowing us any access to the back and side yard. The water rose so high it almost entered our back sliding door, which is three steps high up on a stoep. The stormwater from Elizabeth Road also floded into our erf. This problem was reported to the Municipality, photos and videos were sent and to date nothing was done regarding this. See attached photos of the water that welled up in our erf.
 > The stormwater in Pringle Bay is a huge concern to all residents as many properties have been damaged in the past.
 > Now just imagine if all the plants and fynbos of the dune (erf 726) opposite our house was removed, then all of that stormwater would also flow directly into our erf, as there is no stormwater canal or pipes that can deter the water. Where does it leave the houses on Erf 1028 and Erf 1029? Thus removing this vegetation will be detrimental.
 >
 > The dune is also home to various animal species such as the red bucks (which are very quickly disappearing), porcupines, meercats, tortoise and various bird species. What will happen to these animals? Where will they go? Not to mention all the fynbos and natural vegetation. This beautiful dune is one of the few left in Pringle Bay.
 >
 > Currently the normal waiting time for the sewerage tanks to be emptied out takes up to and average of two days. Adding extra houses with extra families will also add on to the pressure of this service.
 >
 > Whith the building of one house, comes a lot traffic and noise, just imagine the noise and traffic associated with building three houses.
 >
 > We strongly urge you not to let this subdivision and rezoning of Erf 726 be approved.
 >
 > For any queries please feel free to contact us.
 >
 > Thank you.
 >
 > Natasha and Heno Duminy

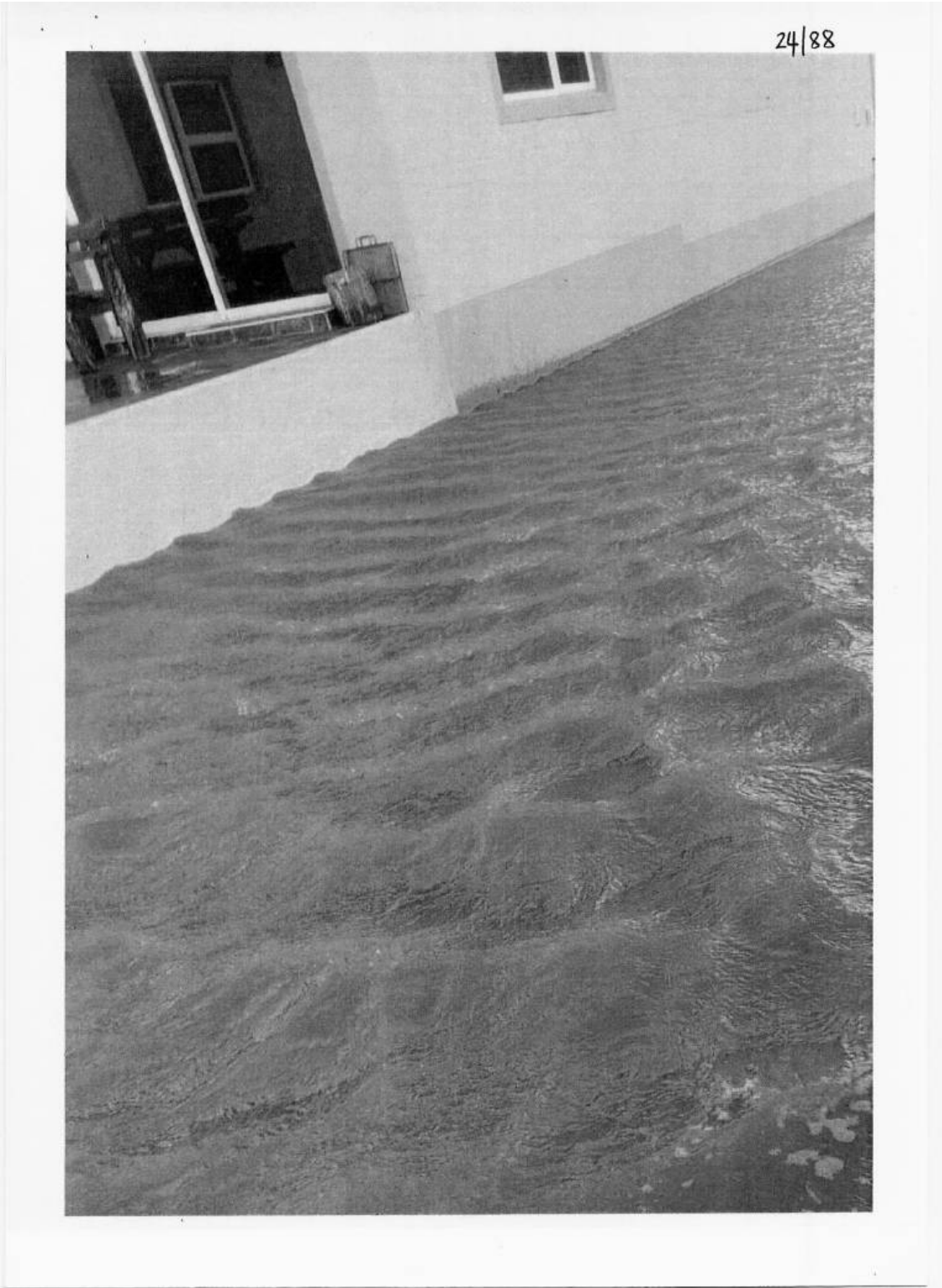
FILE NO. EL 726-KPRB
SCAN NO. 14
COLLABORATOR NO.
1676145

TP 22 APR 2022

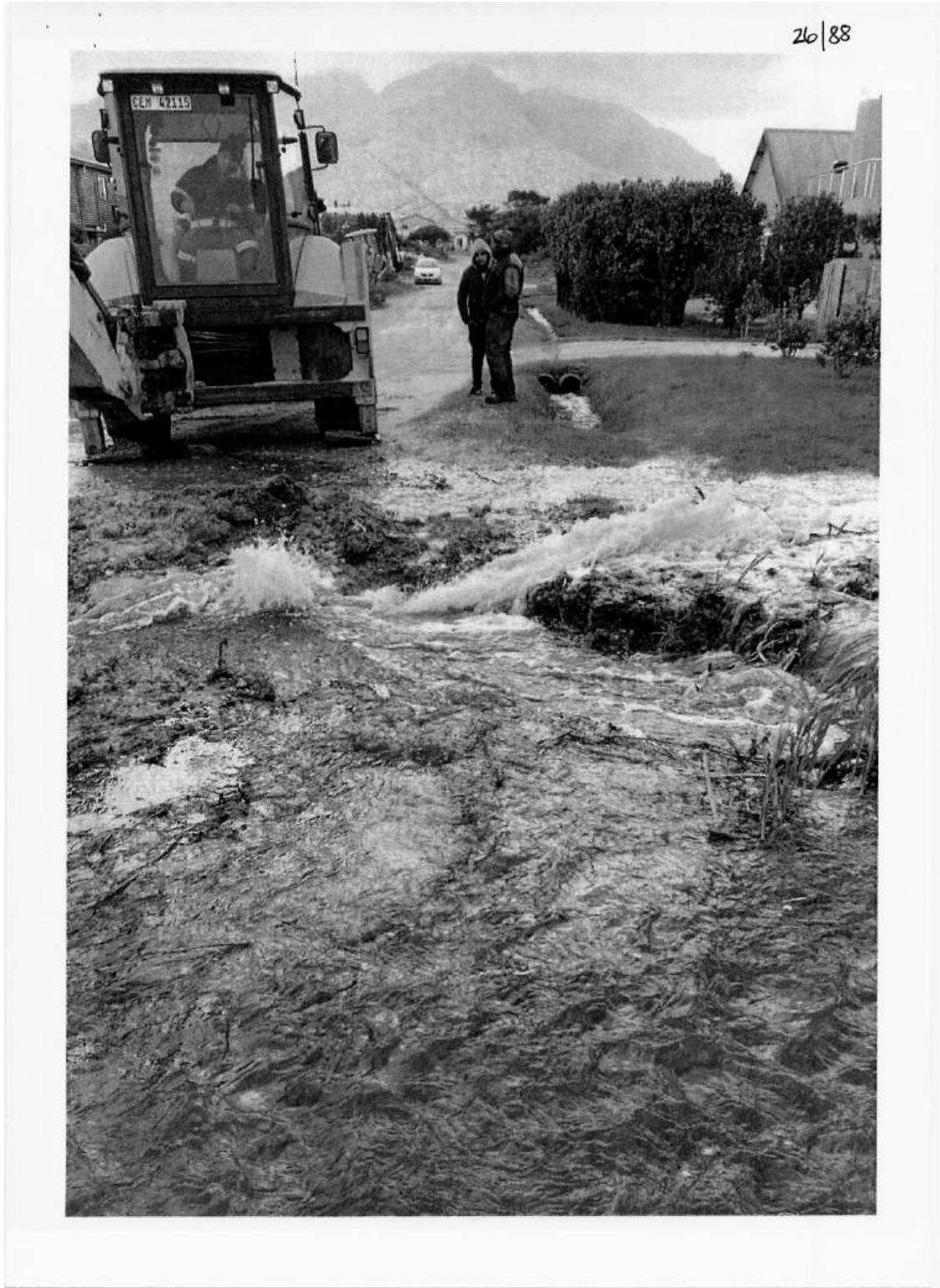


23/88



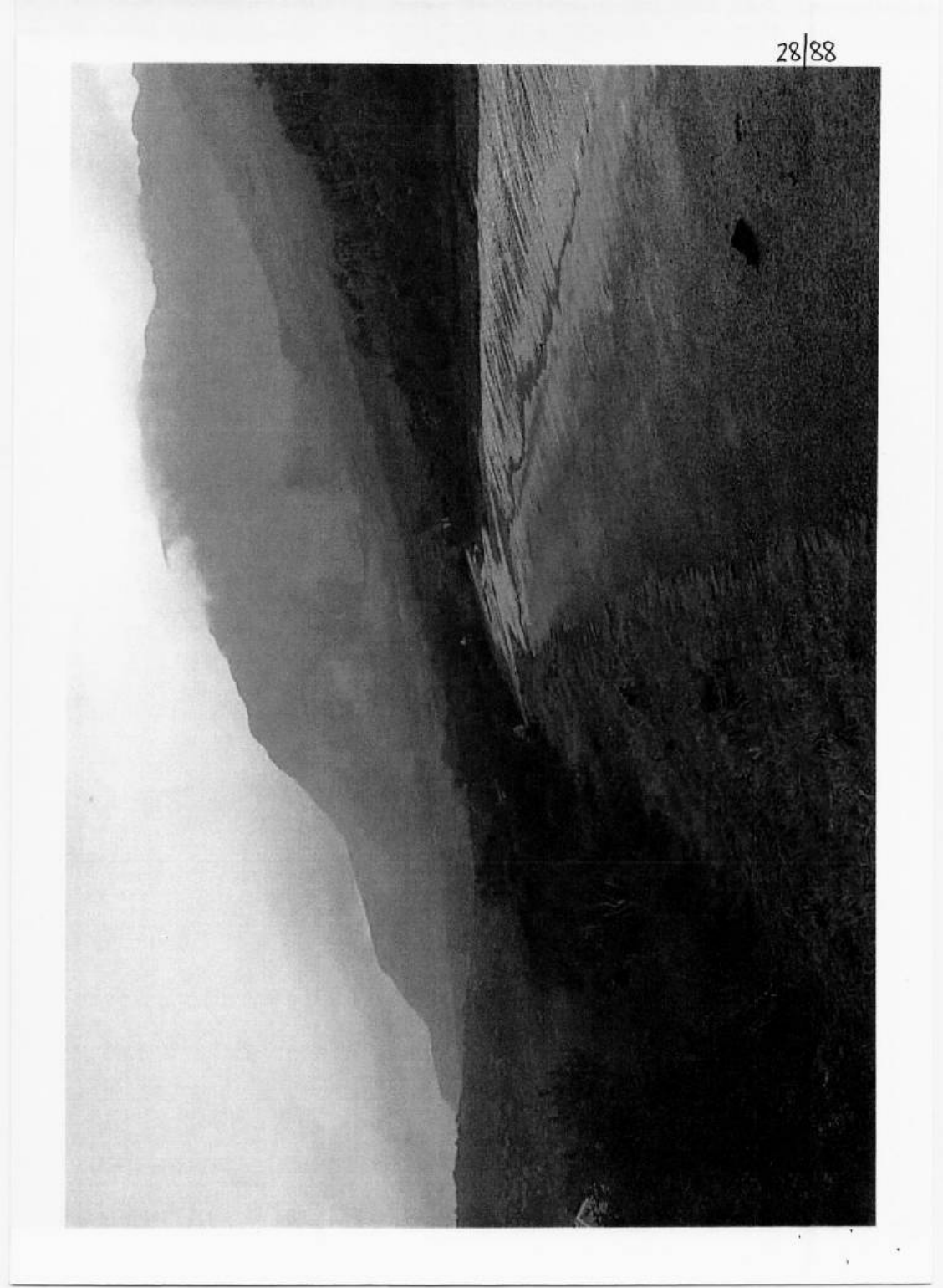


Photos and a video of the stormwater in our erf last winter.



27/88

Storm water from Elizabeth road which also flowed into our erf.



28/88

29 | 88



Stormwater flowing down Buffels road.

30/88



PRINGLE BAY RATEPAYERS' ASSOCIATION
PRINGLEBAAI BELASTINGBETALERSVERENIGING

31/88

SARS Reg. 9101/138/16/3
 NPO Reg. 214-205
 www.pringlebayratepayers.co.za
 P O Box 405, Pringle Bay, 7196 / Posbus 409, Pringlebaai, 7196
 Chairman / Voorsitter: chairman@pringlebayratepayers.co.za / Tel: 083 556 3345

22 APRIL 2022

The Municipal Manager

OVERSTRAND MUNICIPALITY
 HERMANUS
 7200

TP-A Theart
 (H v Id Steep)

PER EMAIL: loretta@overstrand.gov.za

Dear Sir

PRINGLE BAY ERF 726, 72 BUFFELS ROAD: APPLICATION FOR SUBDIVISION AND REZONING.
MUNICIPAL NOTICE 29/2022

PREAMBLE

I, the undersigned, ALBERT WILLEM VORSTER (Identity no. 611004 5027 084) in my representative capacity as Vice Chairman of the PRINGLE BAY RATEPAYERS' ASSOCIATION (hereafter referred to as PBRA, being a separate legal entity having a constitution, in terms of which it has a right, inter alia, to sue and to be sued), on behalf of our members who have granted a mandate to the PBRA to, among others, oppose applications for rezoning, consent use applications and changes to title deed conditions, hereby wish to submit comments and a request on behalf of the PBRA regarding the subject application.

1. ORGANISATION

The Pringle Bay Ratepayers' Association (PBRA) was started in the late 1960s by the first residents of Pringle Bay to represent the interests of ratepayers and residents. Today it is a registered Non-profit, Public Benefit Organisation.

The PBRA represents the ratepayers within the declared Urban Edge. This currently constitutes approximately 1,800 properties (erfs) of which approximately 1,000 are developed (thus having a habitable structure erected on it either for residential or business purposes).

Our Vision states:

"Motivated by the unspoiled beauty of our village and surrounds, the warm embracing spirit of its people, our aim is to grow and nurture a life-enriching community who live, work and play in Pringle Bay".

FILE NO. EL-726-KPRB
SCAN NO. 13
COLLABORATOR NO. 1676144

COMMENTS ON APPLICATION FOR SUBDIVISION AND REZONING
 ERF 726
 DATE: 22 APRIL 2022
 DOC STATUS: FINAL FOR SUBMISSION

TP

22 APR 2022

1



To fulfill our vision, we believe our primary goals are:

- To preserve our community's distinctive cultural & natural heritage and unique lifestyle.
- To promote a sustainable local economy that supports the unique lifestyle of the village.
- To influence orderly and sustainable growth and development supporting the uniqueness of the village.
- To establish and maintain a mutually beneficial partnership with the municipality and politicians to positively influence the provision of reliable and efficient services, to the benefit of the community.
- To secure Pringle Bay Village by developing and implementing a holistic safety and security solution using best practices.

We believe that the above mentioned can only successfully be achieved by firstly upholding our values through focusing our efforts on implementing appropriate plans to achieve these goals and secondly by having organs of state in place which are in support of these values and plans. Our overarching Strategic Plan must always be aligned with relevant statutory and legal requirements including but not necessarily limited to those included in the Spatial Development Framework, Land Use Scheme(s) and the Bylaws in support of these.

HENCE, herewith our comments and request regarding your municipal notice 29/2022.

2. EXECUTIVE SUMMARY

We request that the application be withdrawn for the following reasons:

- 2.1. Erf 726 falls within a specially designated conservation-worthy area and is classified as URBAN CONSERVATION ENVIRONMENTAL MANAGEMENT OVERLAY ZONE ("URBAN CONSERVATION EMOZ").
- 2.2. The URBAN CONSERVATION EMOZ envisages two possible layers of protection:
 - 2.2.1. An Operational Management Plan for the whole of the PB Urban Conservation Area (Par 8.5.1.1 of the Urban Conservation EMOZ).
 - 2.2.2. A Specialist Biodiversity and/or Other Relevant Studies Report to be undertaken by the particular individual developer/owner. (Par 8.5.1.1.4 of the Urban Conservation EMOZ).
 - 2.2.3. The present application represents a fragmented intervention into a very special and unique area of Pringle Bay.

Approval of the present application may result in the objective of the EMOZ being defeated.



- 2.3. We request that the present and future applications in respect of the PB Urban Conservation Area not be considered until an Operational Management Plan for the whole of the PB Urban Conservation Area has been prepared with involvement of all PB role players as part of a public participation process.
- 2.4. We further request that individual applications such as the present under Municipal Notice Number 29/2022 be substantiated by a Specialist Biodiversity and/or Other Relevant Studies Report by the particular individual developer/owner.

3. THE UNIQUENESS OF THE PB URBAN CONSERVATION AREA.

- 3.1. We attach the two OM maps that form part of the PB Urban Conservation Zone legislation and within which the erf is situated.
- 3.2. It is unique in that it contains a number of conservation categories resulting from township development.

It is a desperate, last ditch attempt to save and to recoup from less well conceived historical township development activities.

Any relaxation of requirements and/or conditions pertaining to the subdivision of the subject property will result in irrevocable loss to our Conservancy, our community, and to the Overstrand Municipality, with, in our opinion, very little in return save profit for an individual/Trust.

- 3.3. It also embraces the modern corridor concept of conservation, whereby the wild areas surrounding PB are linked to the coast, as it was before township development.
- 3.4. The present application represents a fragmented intervention into a very special and unique remaining area of Pringle Bay.

The PB Urban Conservation Zone is the only remaining natural environment of its kind remaining in PB and has, for that reason, been specially protected as part of the OM's overhaul of land legislation in 2019.

- 3.5. The present property falls into Category D of the above maps.

Category D is described as follows:

"8.5.1.1.4. Category D: Private Property

- Private property within priority conservation-worthy ecological corridors from mountain to coast and/or across priority conservation-worthy areas identified in accordance with the Overstrand Environmental Management Framework.
- In the face of development pressure, the Municipality may, if it deems it necessary, upon receipt of a development proposal or application that does not involve any activities identified under the NEMA listing notices, **require that specialist biodiversity and/or other relevant studies (our emphasis)** be undertaken by the developer/owner in order to inform development planning and retain priority ecological corridors and habitats."



- 3.6. The PB Urban Conservation Zone is furthermore unique in that it also contains a Category A area which is described as follows:

"5.1.1.1. Category A: Pristine Ecosystems

Pristine ecosystems to be protected and managed as wilderness, nature reserve or special management areas with very low impact development and environmental education and appreciation activities only."

- 3.7. The PB Urban Conservation Zone also uniquely contains a Category B area which can be described as nature reserve.

Category B is described as follows:

"8.5.1.1.2. Category B: Semi-Modified Ecosystems

Semi-modified ecosystems with intact biodiversity corridor function to be managed as conservation areas with low to medium impact recreational uses."

- 3.8. Special provision is made to enable an Operational Management Plan for PB as follows:**

"8.5.1.1. Overstrand Municipality may develop an operational management plan (our emphasis) for priority Urban Conservation EMOZ properties per residential area, according to the following categories:.....Categories A etc."

4. THE SO-CALLED RIDGE GUIDELINE DEVELOPMENT PLAN ("PLAN")

- 4.1. As part of this Plan the Nature Conservation Department of the Municipality had apparently proposed that in the event of subdivision in the present area, an open space corridor must be divided from the erven and be ceded to the Municipality.
- 4.2. The planners of the PB Urban Conservation Zone will have been well aware of this Plan when they classified the piece of land on the map which had been previously divided under the plan as corridor land as Category A.
- 4.3. They were apparently also fully aware that the area, with its various conservation categories from a flung-back township development, would have to be, as a composite whole, holistically protected, not only the few erven of which the present erf forms part.
- 4.4. **We are of the opinion that, whilst the original RIDGE GUIDELINE DEVELOPMENT PLAN had not been withdrawn, it is overridden by the EMOZ. The Plan, especially the corridor concept, will in our opinion form part of a consideration in the development of the Operational Management Plan.**
- 4.5. **The Plan is by no means the sole basis on which subdivisions are evaluated in the area, as the applicant would suggest in its application.**



5. COMMENTS ON THE APPLICATION DOCUMENTATION

We request that the application be withdrawn as being defectively documented or advertised, as follows:

5.1. Whilst we are of the opinion that the application be withdrawn for the reasons set out in the Executive Summary in Par 2, we briefly mention our concerns on the application documentation itself.

5.2. We are especially concerned that a misrepresentation is created in the application that erf 726 "is currently an exceptionally large portion of landin the middle of a residential area", without mentioning that the adjoining erven are similarly large.

In the process the applicant does not consider for what purpose the erven have been designed so large and why they should not be retained so large.

The statement that "Compliance with the minimum erf size confirms the compatibility with the area" similarly creates a wrong impression, because it refers to erven outside of the PB Urban Conservation Zone.

5.3. We have pointed out in Par 4.4 above that the Ridge Guideline Development Plan has been superseded for consideration by the EMOZ.

5.4. The applicant pays scant regard to the EMOZ.

Due consideration of Schedules A, B and C pertaining to the PB Urban Protection Zone, especially those regulations dealing with dune and wetland areas such as the present, is not given by the applicant, apparently because it mistakenly believes that the Plan is the only consideration.

5.5. The Plan (RIDGE GUIDELINE DEVELOPMENT PLAN) was not added to the advertised documentation, although it is this document that is relied on by the applicant.

Our effort to obtain a copy was not successful.

5.6. A copy of the title deed was also not attached, nor a copy of the Conveyancer's Certificate, nor a copy of the referenced letter by the Town Planning Department "Mrs Hanneen Van Der Stoep dated 19 March 2020".

5.7. There was no averment that all the individual property owners in the particular township development section had received notice of the application.

5.8. The reliance placed by the applicant on the OM's densification policy may not be justified in view of the special classification of the present property in the EMOZ.

In our opinion it will be one of the considerations in drafting a much needed management plan.



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6. REQUEST PLEASE

We sincerely request that the application please be withdrawn for the reasons set out above.

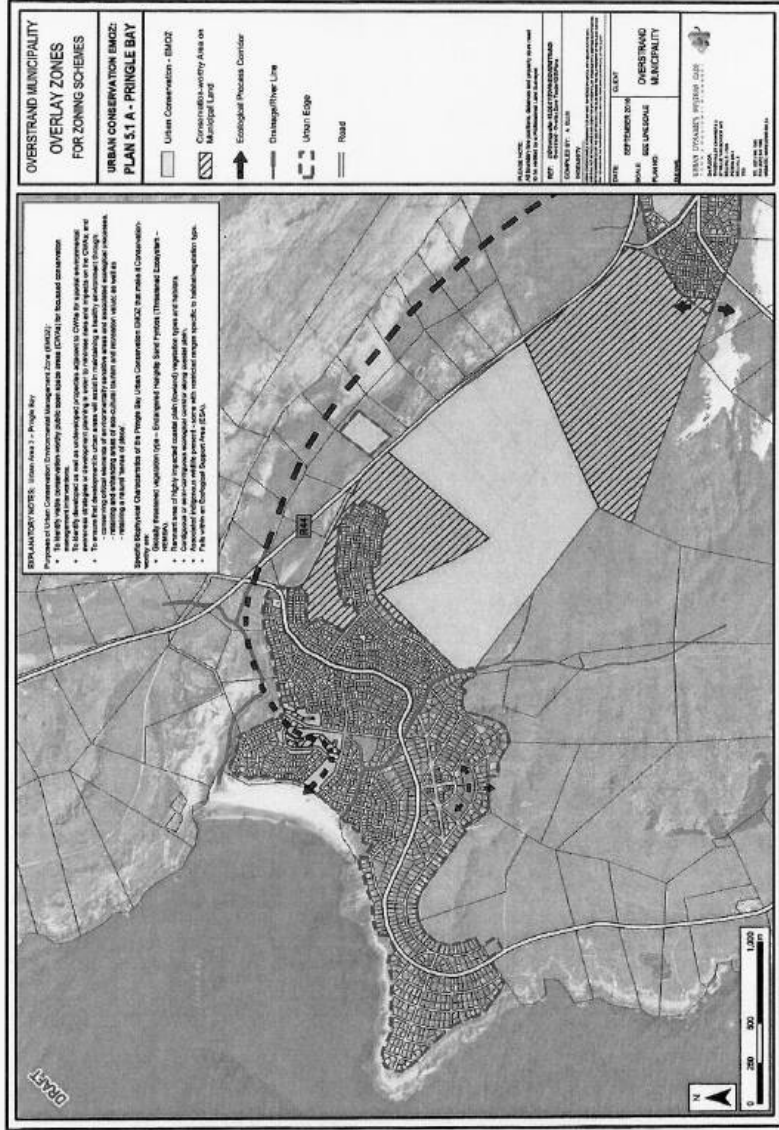
Your kind attention to the above-mentioned will be appreciated and we are looking forward to receiving your reply in this regard.

Kind Regards

Bertie Vorster
Vice Chair: PBRA

Attachments:

- Overstrand Municipality: Overlay Zones for Zoning Schemes: Urban Conservation EMOZ: Plan 5.1-A Pringle Bay
- Overstrand Municipality: Overlay Zones for Zoning Schemes: Urban Conservation EMOZ: Plan 5.1-B Pringle Bay



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• FRIENDS OF ROOIELS

FriendsofRooiels@gmail.com



PO BOX 420
Pringle Bay
7196

22 April 2022

The Municipal Manager
Overstrand Municipality
Hermanus

TP-A Theart
(Hild Steep)

By email to: loretta@overstrand.gov.za

Dear Madam/Sir,

OBJECTION MUNICIPAL NOTICE 29/2022

PRINGLE BAY ERF 726, 72 BUFFELS ROAD: APPLICATION FOR SUBDIVISION AND REZONING

Friends of Rooiels is a non profit community based organisation which was established in March 2018. Our organisation is primarily concerned about those land use matters and practices which may lead to the subversion/erosion of the Overstrand zoning scheme provisions and/or of title deed conditions to the detriment of the natural environment and sense of place.

We object to the above application on the basis that this is an extremely sensitive and ecologically valuable property, yet the double protections afforded by the zoning scheme have not been properly and fully implemented with regard thereto. If this type of practice is allowed to become the norm, it will have serious detrimental implications for the biodiversity and environmental integrity of the greater area.

Erf 726 falls within a specially designated conservation-worthy area and is classified as URBAN CONSERVATION ENVIRONMENTAL MANAGEMENT OVERLAY ZONE ("URBAN CONSERVATION EMOZ"). The Pringle Bay Urban Conservation Zone is the only remaining natural environment of its kind remaining in Pringle Bay. For that reason, it has been specially protected in the 2020 overhaul of Overstrand's land use legislation and brought under the URBAN CONSERVATION EMOZ. It was deemed vital in the zoning scheme that land falling under the URBAN CONSERVATION EMOZ should receive TWO layers of

TP
22 APR 2022

FILE NO. EL 726-KPRB
SCAN NO. 12
COLLABORATOR NO.
1676140

40/88

protection; namely (i) through an Operational Management Plan, and (ii) the requirement of specialist biodiversity and other relevant studies by the owner/developer.

Unfortunately, we see that neither of the above layers of protection of this extremely valuable property have been implemented. It is vital that any development of erf 726 should only be in accordance with an Operational Management Plan and that proper consideration needs to be given to Schedules A, B and C pertaining to the Pringle Bay Urban Conservation Zone, especially those regulations dealing with dune and wetland areas.

The application is defective in so far as it is covered by the URBAN CONSERVATION EMOZ, yet it is apparently not submitted and dealt with under the URBAN CONSERVATION EMOZ. This application is treated as if it were no different from any other property in Pringle Bay which has not been given the double protections under the URBAN CONSERVATION EMOZ.

A cynical and opportunistic approach to land use applications allowing applicants to exploit loopholes must not be tolerated – especially so where the last remnant of a threatened ecosystem is concerned. The URBAN CONSERVATION EMOZ should be implemented by all in the spirit it was intended, namely the safeguarding of the only remaining natural environment of its kind remaining in Pringle Bay.

We urge you to refer this application back to the developer.

Yours faithfully

D Esterhuysen

Secretary: Friends of Rooiels



TP-A Theart
(Huld Steep)

41/88

936 George Way,
Pringle Bay.

(PO Box _____)

21/04/2022

For attention: Loretta.

Re: Erf 726 - objection to rezoning and subdivision

Dear Sir/Madam

I wish to lodge an objection to the proposed rezoning of the above-mentioned erf for the following reasons.

1. Why is this necessary?

I drive around Pringle Bay doing a Street watch patrol on a regular basis and what I see is a lot of very large unoccupied houses. So, to me, this is saying that for many landowners in Pringle Bay these homes are only holiday homes. It makes me wonder then about what use these erven are going put to. I assume thus, that they will be built upon. Why – we do not have a shortage of accommodation in Pringle Bay? This is then, presumably about profit and not about benefit to the whole community including the “other residents” as mentioned in the following paragraph.

2. If this rezoning is granted it is likely that the rest of that particular dune area will be rezoned and it seems that sets a precedent for all “green” areas in the village to be rezoned.

3. If indeed this application succeeds and people start building homes – what seems to be the standard the course of action is to entirely clear the plot of all vegetation with total disregard for the other “residents” of Pringle Bay namely the vegetation (many species of fynbos endemic to this area potentially endangered because of habitat loss) insects, birds, reptiles and others e.g. mongooses, buck, porcupines etc. (species potentially endangered by habitat loss). To add insult to injury the builders that I have had experience with and from what I have seen at building sites are no respector’s of the soil which remains after the clearing of the plots, dumping building waste especially cement on the property, which can leach into and damage the soil. Those owners who wished to bring in elements of the fynbos into the garden (as I have heard it said by someone who had just cleared her property) would struggle because of the toxicity of the soil. It does not only affect fynbos and lasts for a long time.

4. So then having created a “a cement jungle” which given the situation might be difficult-building on a sand dune must have its challenges what then? –

- Is Buffels Rd able to handle extra traffic -I think not! It is difficult enough to navigate in high season as it is.
- Are the services able to cope with other houses in term of supplying water, sewerage - suctioning, rubbish removal? It seems to me especially with regard to the former two that this would be difficult -that is from personal experience

I have lived fulltime in Pringle Bay for 3 years and am horrified by what I see on building sites and plots. I think in years to come all the “residents” will be the poorer in terms of quality of life because of the development that is taking place already and if this application unfortunately succeeds.

Thank you for your attention in this matter.

Yours sincerely

FILE NO. EL 726-KPRB
SCAN NO. 11
COLLABORATOR NO. 1676139

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Mrs JD and Prof RC Pattinson

Professor Robert Clive Pattinson ID _____

Mrs Jennifer Dianne Pattinson ID: _____

Cellphone number for both _____


J.D. PATTINSON


R.C. PATTINSON

L Gillion

TP-A Theart
(H vld Steep)

From: Wynand Louw < >
Sent: Thursday, 21 April 2022 17:07
To: L Gillion
Cc:
Subject: FW: Sub Division and Rezoning: ERF 726, Buffels Rd, Pringle Bay

FILE NO. GL 726-KPRB
SCAN NO. 10
1676132

Dear Ms,

As Chairperson of the Hangklip Environmental Action Group (HEAG) I hereby object to the application of the sub division and rezoning of Erf 726, Buffels Rd Pringle Bay. HEAG's objection must be viewed within the context of a marked acceleration in the urban densification of Pringle Bay over the last number of years which is still unabatedly continuing. This fact implies that the existing ecological corridors should be protected and nurtured at all cost, be they public or privately owned.

HEAG'S objection against the application to divide and rezone Erf 726 is based on the following:

1. Lack of Specialist Biodiversity Impact Assessment/Study:

The Overstrand Municipal Environmental Management Overlay Zone (EMOZ) is a set of strategically crucial regulatory guidelines and prerequisites that need to be followed and adhered to in matters such as this application. This document in paragraph 8.5.1.1.4 that deals with privately owned corridors of land that enjoys conservation – worthy status stipulates that, within the context of the above mentioned increasing developmental pressure within the urban edge ...
"the Municipality may, if it deems it necessary, upon receipt of a development proposal or application that does not involve any activities identified under the NEMA listing notices, require that specialist biodiversity and/or other relevant studies be undertaken by the developer/owner in order to inform development planning and retain priority ecological corridors and habitats." HEAG is of opinion that it is patently clear that the applicants need to adhere to this requirement before any consideration to their application is given.

2. Participation of Affected Parties and Broader Public

It is HEAG's contention that, given the potential environmental and aesthetic – visual impact that will eventuate from the erection of three dwellings (with outbuildings) as well as establishment of basic infrastructure and service provision it is imperative that a public participation process is established to inform and solicit the sentiment towards this application of those that will be directly affected and impacted upon by

TP 22 APR 2022

the mooted development (homeowners adjacent to erf 726), as well as importantly, the broader Pringle Bay community. The latter has over the last 30+ years made it abundantly clear through individual and collective action and mobilization that an extremely high premium is placed on protecting the environmental integrity of Pringle Bay, both within the urban parameters and beyond. The practice of participation of affected parties in proposed development has over the last number of years become an accepted normative expectation and orthodoxy that should be honoured and respected by applicants and local authority.

3. Storm Water Management

Erf 726, alongside adjacent land plays a significant part in the natural management of storm water during protracted spells of incessant rain. It acts as a sump to collect and slowly release high water volumes. This important ecological role played by the a range of erven was already brought under the attention by this town's ratepayers association in October 2003. Unfortunately subsequent development has led to serious flooding during winter months of dwellings in the direction of Anne Road. The storm water pipe to channel water to the sea installed by the local authority obviously is not able to handle the volume of water. Developing Erf 726 will inevitably exacerbate this problem.

Yours truly

Wynand Louw

Chair: HEAG

CC: Albert Kuhn: Vice Chair: HEAG

2022 04 21

45/88

TP-A Theart
(Hild Steep)



L Gillion

From: Sonja Kastner < >
Sent: Friday, 22 April 2022 11:43
To: L Gillion
Subject: Objection to proposed subdivision and rezoning of erf 726 Pringle Bay

To Whom it may concern,

I hereby wish to lodge my objection to the proposed subdivision of erf 726 Pringle Bay as per the notice in the Herald of 17 March 2022 on the grounds of the environmental impact it will have.

The larger dune area, of which erf 726 is a part of, is one of the last remaining areas of original untouched fynbos in Pringle Bay and a green belt where wildlife can still find refuge in this fast developing village. Subdivision of this property will be setting a precedent to the adjoining large erven following suit.

Another concern is the already inadequate infrastructure (stormwater, water, roads) to deal with the growth and increase in permanent residents in Pringle Bay. This became very evident during the last winter 2021, when roads and properties were flooded for weeks.

I am a permanent resident in Pringle Bay since 2014, when I purchased an existing house, 947 Ursula street. I have since purchased the vacant erf next to me, 946 Ursula street, for the sole purpose of retaining a small, unfenced area of fynbos that buck, porcupines and other small wildlife can move around in unhindered in undisturbed fynbos. Sadly it seems that money and greed have taken over this beautiful village now.

Hoping and praying that this and future subdivision will not be allowed!

Please confirm receipt of this email.

Sonja Kastner
947 + 946 Ursula street, Pringle Bay



FILE NO. 6L 726-KPRB
SCAN NO. 09
COLLABORATOR NO.
1676128

TP 22 APR 2022

46/88

TP - A Theart
(H vld. Steep)

L Gillion



From:
Sent: Friday, 22 April 2022 14:01
To: L Gillion
Subject: Object to sub-division rezoning of Erf 726 PB
Attachments: ADVERTISEMENT - Erf 726 Pringle Bay (Subdivision Rezoning).pdf

Dear Loretta

With reference to the above I wish to object formally to the sub-division and rezoning of erf 726 PB. I own erf 1354 Edward No 48 and object due to the following primary reasons:

The infrastructure/services are already severely constrained
As we are part of a biosphere and home to fauna/flora – this should be protected
The ecological impact of removing the vegetation from the sand dunes

Kind regards
Samantha Kimmel

FILE NO. EL 726-KPRB
SCAN NO. 07
COLLABORATOR NO.
1676120

TP 22 APR 2022

47/88

TP-A Theart
(Huidstee)

L Gillion

From: Chris Blair < >
Sent: Friday, 22 April 2022 13:14
To: L Gillion
Cc: Kimmel.Samantha
Subject: FW: Save our dunes
Attachments: ADVERTISEMENT - Erf 726 Pringle Bay (Subdivision Rezoning).pdf



Dear Loretta

Please accept my appeal against the sub-division and rezoning of erf 726 by email as I am currently travelling in the USA.

I am an owner of the property erf 1362 Caesar Road and have been resident in Pringle Bay for the past 4 years. My objection to the subdivision is for these reasons:

1. It is a biosphere and land should be protected
2. The density is already becoming unsustainable
3. The infrastructure (water and power) cannot handle additional volumes

Best regards
Chris Blair

FILE NO. EL 726-KPRB
SCAN NO. 06
COLLABORATOR NO.
1676114

TP 22 APR 2022

TP-A Theart
(H vld Steep)

48/88

L Gillion

From: Fay Tagg < >
Sent: Thursday, 21 April 2022 19:46
To: L Gillion
Subject: Objection to proposed Subdivision erf 726 Pringle Bay



Good day

Please note my objection to the proposed rezoning of erf 726 Pringle Bay from single residential to 3 separate erven. The negative impact of more and more development within the conservancy in recent years has been and continues to be problematic, with dwindling wildlife, continuously bursting water mains and increased traffic in the area, as well as additional noise and light pollution. Please leave this dune alone. There are currently little buck as well as numerous smaller animals living there.

I speak as a ratepayer who has chosen to live here precisely on account of the natural environment, and we have seen an excessive amount of development since moving here, which impacts on our own health and wellbeing, as well as many of the local residents who live here and also pay their taxes to this municipality. Please consider refusing subdivision rights on this property, and let Pringle Bay be worthy of the title of Conservation area, for future generations to come.

M.F. Tagg
erf 721 Pringle Bay

<https://www.facebook.com/10-Day-Eat-Clean-Challenge-2212534812326803>

Shape up now! - ask me how! Join our 10 day kickstart New Year New You shape up challenge

FILE NO. EL 726-KPRB
SCAN NO. 04
COLLABORATOR NO.
1676111

TP 22 APR 2022

49/88

L Gillion

From: Brandon Hinrichsen < >
Sent: Thursday, 21 April 2022 22:51
To: L Gillion
Subject: Erf 726, Pringle Bay - objection to rezoning and subdivision

Hi there

This email serves to provide the following information.

1. Brandon Hinrichsen,
2. 1802 Buffels Road, Pringle Bay.
3. Reasons for the objection include the impact on the environment, loss of natural habitat, insufficient infrastructure on the dunes and the town is unable to cope with the growing demand as it stands.

Kind regards

Brandon

TP-A Theart
(H vld Steep)



FILE NO. EL 726-KPRB
SCAN NO. 03
COLLABORATOR NO.
1676106

TP
22 APR 2022

50/88

TP - A Theart
(H vld Stoep)

L Gillion

From: Barbara Kennedy < >
Sent: Thursday, 21 April 2022 18:05
To: L Gillion
Subject: Re: Pringle Bay Erf 726
Attachments: Sections 51 & 52 of the By-Law.pdf



Dear Loretta

Thank you for your reply. My postal address is PO Box

My property is particularly vulnerable to flooding because there is increasingly less open ground for rain water to drain away. The municipality does not maintain the servitude alongside my house. I have lived there since 2005 and with all the building taking place around me I have noted the increase in the water table level around my house. This has resulted in frequent flooding of my garage as well as rising damp in my house. Adding more buildings will add to my problem which seems to not matter to the municipality. I am a single self employed female of 69 years and I do not wish any more of the balance of flora and fauna around me to be disrupted and destroyed. Added to this is the inevitable increase in crime brought about by influx of outside workers into the area.

Kind regards
Barbara Kennedy

Sent from my iPhone

> On 21 Apr 2022, at 08:55, L Gillion <loretta@overstrand.gov.za> wrote:

- >
- > Dear Ms Kennedy
- >
- > Your email refers. Please note that your email does not adhere to Section 52 of the By-Law.
- >
- > Kindly also provide your postal address and reasons for objection.
- >
- > Regards
- >
- >
- > Loretta Gillion
- > Administrator : Town & Spatial Planning Overstrand Municipality
- > A: 16 Paterson Street, Hermanus, 7200 P: P O Box 20
- > T: 028 313 8900 | F: 028 313 2093 | E: loretta@overstrand.gov.za

> -----Original Message-----

> From: Barbara Kennedy < >
> Sent: Thursday, 21 April 2022 08:34
> To: L Gillion <loretta@overstrand.gov.za>
> Subject: Pringle Bay Erf 726

> Please kindly make note: this is an Appeal to deny rezone and subdivision of the above Erf in Pringle Bay.

> Kind regards
> Ms B Kennedy

FILE NO. EL 726-KPRB
SCAN NO. 02
COLLABORATOR NO.
1676098

TP 22 APR 2022

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TP-A Theart
(H v Id Steep)

L Gillion

From: Barbara Kennedy < >
Sent: Thursday, 21 April 2022 08:34
To: L Gillion
Subject: Pringle Bay Erf 726



Please kindly make note: this is an Appeal to deny rezone and subdivision of the above Erf in Pringle Bay.

Kind regards
Ms B Kennedy
William Ave, Pringle Bay

Sent from my iPhone

FILE NO. EL 726 - KPRB ✓
SCAN NO.
Kennedy
COLLABORATOR NO.
1675619

TP 21 APR 2022

L Gillion

From: Melanie Chait < >
Sent: Thursday, 21 April 2022 14:20
To: L Gillion
Subject: FW: Opposition to rezoning and subdivision of Erf 726 Pringle Bay: Municipal Notice 29/2022
Attachments: ADVERTISEMENT - Erf 726 Pringle Bay (Subdivision Rezoning).pdf

Dear Loretta,
 I would whole heartedly like to endorse Dr Laurine Platzy's letter against the rezoning on Buffels Rd, Pringle Bay.
 Sincerely,
 Dr Melanie Chait

Dr Melanie Chait | ++27 | [Linkedin](#)



Honorary Research Associate
 The Albertina and Walter Sisulu Institute of Ageing in Africa
 Department of Medicine
 Faculty of Health Sciences
 University of Cape Town



TP - A Theart
 (H vld Steop)

From: Laurine Platzy < >
Sent: Thursday, 21 April 2022 11:17
To: loretta@overstrand.gov.za
Subject: Opposition to rezoning and subdivision of Erf 726 Pringle Bay: Municipal Notice 29/2022

Dear Madam

As a Pringle Bay ratepayer, and resident of nearly 20 years, I am writing to protest strongly against the intended rezoning and subdivision of erf 726, which is situated on a beautiful dune near the shoreline.

I understand that this erf, which is zoned as a single residential plot, has recently been sold and that the plan is to subdivide it into at least four single residential erven.

Already Pringle Bay is losing its unique appeal as a fynbos haven for rapidly diminishing indigenous flora and fauna. Too many suburban style houses are covering plots and too little of the fynbos is preserved within the village. The rapid growth of high fences/walls - many electrified - prevents the movement of creatures who inhabit the fynbos. The subdivision of Erf 726 will destroy previous dunes and dune life. It is completely unacceptable that property development interests should be considered over the conservation of this highly threatened unique ecosystem.

I appeal to the Overstrand Municipality to exercise ecological responsibility and unequivocally reject this application. The sustainability of our village, our district and biosphere reserve are at stake.

Dr Laurine Platzy
 erf 1656 Pringle Bay

FILE NO. EL 726-KPRB
SCAN NO. 01
COLLABORATOR NO. 1676092

TP 2 APR 2022

53/88

L Gillion

From: Andree Henning <...>
Sent: Wednesday, 20 April 2022 15:15
To: L Gillion
Subject: Pringle Bay erf 726. Appeal to deny rezone and submission



TP - A Theart
(H ↓ Id Steep)

Dear Loretta,

My neighbour Rachelle Valente on erf 1029 Buffels road made me aware of the request for subdivision of erf 726 directly opposite their property next to the Nutec houses on the dune. The plan of the new owners of erf 726 apparently is to build three houses on the subdivided area allowing for a thin strip with original vegetation left as a wild corridor at the top. The notice was advertised in the Herald of 17 March 2022. **I wish to contest the application.**

That erf 726 is a very steep dune covered with mostly indigenous grasses and shrubs. There currently is nothing like a drainage furrow or any other infrastructure. There is not even a level area that could act as a verge to speak of. Since there is no speed bump along that section of Buffels road, cars race past that section as well. More entrances would really be an accident waiting to happen. We are already wary about traffic safety along that section of the road and where the western part of George road joins Buffels road. Flooding also occurs around that intersection and would be worse if more houses than planned are built higher up the road on the dune.

Everyone is wary of **another** ecological disaster in Pringle Bay. We know that the current infrastructure is already under pressure and allowing so many more houses to be built than originally "planned" doesn't bode well for the future. We cannot allow another natural area to be ruined.

Kind regards,
Andree Henning
Erf 1013 George rd 69

FILE NO. EL 726-KPRB ✓
SCAN NO.
Henning
COLLABORATOR NO.
1675632

TP 20 APR 2022

54/88

L Gillion

From: Harriet < >
Sent: Wednesday, 20 April 2022 13:09
To: L Gillion
Subject: Objection to subdivision application for Erf 726, Pringle Bay

Importance: High

TP - A Theart
(H vld Steep)



To whom it may concern:

I would like to register an objection to the proposed sub-division of Erf 726, Pringle Bay.

The densification of the village with an application such as this would put immense additional pressure on the already stretched resources. My key concerns are around the following:

Effluent removal

The tankers are already struggling to fulfil the needs of the current population – my last booking had a four day waiting period.
If densification of this sort be allowed it will impact badly on an already overstretched municipal facility.

Rain water

Another concern would be the run-off of water into surrounding properties with a concentrated development such as this.

Fresh water

The Buffels Dam and water treatment facility would undergo additional pressure – one cannot forget the recent droughts where the village was fortunate enough to not run dry – but the extra pressure of Capetonians coming through to their holiday homes was clearly evident. We cannot have densification of this sought without a proper impact study. What impact would additional pressure on the dam have on our estuary and the ecology of this natural environment.

In addition at our last AGM the Mayor raised the issue of the character of the village – I do not believe that allowing tiny plots with many more houses would be in the best interests of the character nor the roads and services.

Kind regards
Harriet Lamb
1580 James Avenue

FILE NO. EL 726-KPRB ✓
SCAN NO.
Lamb
COLLABORATOR NO.
1675627

TP 20 APR 2022

55/88

L Gillion

From:
Sent: Wednesday, 20 April 2022 11:23
To: L Gillion
Subject: "Pringle Bay, Erf 726 - Appeal to deny rezone and subdivision."

TP-A Theart
(Huld stoep)



Dear Loretta

I have been a resident of Pringlebay for over 15 years and own a Property 1578 Diane road.

It has become increasingly obvious that the development of the town is impacting the fauna and flora negatively.

I strongly appose the development of Erf 726 as a residential rezoned area.

The area where erf 726 is located is a ecologically sensitive area that had been an essential green belt for animals to use as a safe haven in the pringlebay biosphere.

I appeal to the overstrand municipality to please not allow development of residential properties that wil benefit the few to the determent of the many.

As a resident and property owner in the town it is important for me to state that the community animals and fynbos should be shielded from the negative impact this development will have in the town.

Thank you for your kind attention.

Regards
Sulette van der Merwe

FILE NO. EL 726-KPRB ✓
SCAN NO.
Sulette
COLLABORATOR NO.
1675622

TP 20 APR 2022

56/88

L Gillion

From: Nelleke Pienaar < >
Sent: Wednesday, 20 April 2022 18:39
To: L Gillion
Subject: 🛡️ SAVE OUR DUNES 🛡️🌿



TP - A Theart
(H v l d Steep)

Good evening, Loretta 🍷

I hope all good on your side 🙏

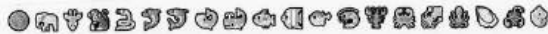
I'm responding to a post on the FB Group, Pringle Bay, Betty's Baai and Rooi Els 📧

I don't think I have to list objections...But I DO have to sincerely say : "PLEASE don't let them do what they want? without CAREFUL consideration 🙏🙏 Please consider a peaceful AGREEMENT to a solution 🙏 We can NOT lose our DUNES..... 🙏 Please do WHATEVER is in your POWER to PRESERVE this part of the World....for our children of the future..... 🙏

Thank you for your time ❤️

Kindest regards,

Nelleke Pienaar
5 SURF rd
Pringle Bay



FILE NO. EL 726-KPRB ✓
SCAN NO.
Pienaar
COLLABORATOR NO.
1675610

TP 21 APR 2022

57/88

L Gillion

From: gemma johnson < >
Sent: Thursday, 21 April 2022 09:58
To: L Gillion
Subject: Pringle bay erf 726 - Appeal to deny rezoning and subdivision

Good Morning Loretta

Trust you are well

I hereby wish to share my concern being a Pringle Bay resident that I am strongly against the rezoning and subdivision of Erf 726. Our village is fast becoming a popular place to live with already alot of building happening all over which has been and will continue to cause stress on our already stressed water and sewerage facilities which cannot at present become even worse. This erf is for a single residence which is perfectly fine as we want our village to be enjoyed by all those who move here to enjoy the peace and tranquility and not for those people who buy up the land to make a profit.

I therefore appeal to deny the application

Kind Regards
Gemma Johnson

TP- A Theart
(HvdStoep)



FILE NO. EL 726-KPRB
SCAN NO. 03
COLLABORATOR NO.
167.5451

TP 21 APR 2022

TP-A Theart
(Huldstoep)

58/88



L Gillion

From: Tony Edwards < >
Sent: Thursday, 21 April 2022 10:19
To: L Gillion
Cc:
Subject: Objection to subdivision application for Erf 726, Pringle Bay

I would like to register an objection to the proposed sub-division of Erf 726, Pringle Bay.

The Municipality is already under pressure regarding the sudden take up of properties in Pringle Bay. For example, the emptying of the conservancy tanks is taking longer and longer. Water is a finite resource and is constantly under threat from the far too often bursting of the water pipes.

Once sub division is allowed, it will open the door for other developers to "jump on the band wagon" and create multiple dwellings on a single plot. This, in my opinion, will be for their profit and with scant regard to this area being part of the biosphere.

Kind regards,
Anthony Edwards
Erf 848/Street No.5 Louis Road, Pringle Bay
P.O. Box

FILE NO. EL 726-KPRB
SCAN NO. 02
COLLABORATOR NO.
1675442

TP 21 APR 2022

59/28

TP - A Theart
(H vld stoep)



L Gillion

From: Laurine Platzky < >
Sent: Thursday, 21 April 2022 11:17
To: L Gillion
Subject: Opposition to rezoning and subdivision of Erf 726 Pringle Bay: Municipal Notice 29/2022
Attachments: ADVERTISEMENT - Erf 726 Pringle Bay (Subdivision Rezoning).pdf

Dear Madam

As a Pringle Bay ratepayer, and resident of nearly 20 years, I am writing to protest strongly against the intended rezoning and subdivision of erf 726, which is situated on a beautiful dune near the shoreline.

I understand that this erf, which is zoned as a single residential plot, has recently been sold and that the plan is to subdivide it into at least four single residential erven.

Already Pringle Bay is losing its unique appeal as a fynbos haven for rapidly diminishing indigenous flora and fauna. Too many suburban style houses are covering plots and too little of the fynbos is preserved within the village. The rapid growth of high fences/walls - many electrified - prevents the movement of creatures who inhabit the fynbos. The subdivision of Erf 726 will destroy previous dunes and dune life. It is completely unacceptable that property development interests should be considered over the conservation of this highly threatened unique ecosystem.

I appeal to the Overstrand Municipality to exercise ecological responsibility and unequivocally reject this application. The sustainability of our village, our district and biosphere reserve are at stake.

Dr Laurine Platzky
 erf 1656 Pringle Bay



FILE NO. EL 726-KPRB
SCAN NO. 01
COLLABORATOR NO.
1675440

TP

21 APR 2022

TP-A Theart
(H vld Stoep)

60/88

L Gillion

From: Konings <
Sent: Tuesday, 19 April 2022 15:32
To: L Gillion
Subject: erf 726 rezoning



Dear Loretta,

I wish to object to the rezoning of erf 726 in Buffels Street Pringle Bay.

This plot was zoned for a single residence and it is unacceptable that the zoning can be changed allowing it to be subdivided. We all purchase properties in Pringle Bay because we want to live in an area that has less densification and has flora and fauna around us. Many properties are only 600m2 which puts a lot of houses in a small area. The dune areas are important for the little wildlife that is left. There has already been enough damage to a wetland (Pringle Bay) that should never have been covered by houses.

Flora and Fauna are delicate and precious and need to be protected. Why allow rules to be changed. We bought our properties with these zoning rules in place. They should not be changed now.

Kind Regards
Rudi and Pam Konings
Owner of erf 703 Pringle Bay
Rudi:
Pam:

 Virus-free: www.avq.com

FILE NO.	EL 726-KPRB ✓
SCAN NO.	Rudi
COLLABORATOR NO.	1674901

TP 19 APR 2022

61/88

L Gillion

From: TONY - CPANDB - NEW < >
Sent: Tuesday, 19 April 2022 15:33
To: L Gillion
Cc: 'KARLAINE'
Subject: Rezoning ERF 726 - Buffels Street - Pringle Bay



Good Day

We hereby lodge our objection the rezoning of the above erf into 3 separate erven.

TP- A Theart
(H vld stoep)

Tony & Karlaine van Strijp
 Erf 755 Trust
 3 Jally Road
 Pringle Bay

FILE NO. EL 726 - KPRB ✓
SCAN NO. Tony
COLLABORATOR NO. 1674892

TP 19 APR 2022

62/88

L Gillion

From: Bienkie Lees <[redacted]>
Sent: Tuesday, 19 April 2022 20:54
To: L Gillion;
Subject: Subdivision and rezoning of Pringle Bay Erf 726



Good Day

I am Sabina Lees residing in 1513 Dennys Road Pringle Bay and my postal address is P.O. Box

TP - A Theart
(H v Id Steep)

I have been a holiday maker in Pringle Bay for the last 50 years and now a full time resident for 14 years. I know that unfortunately development is part of any suburb but, I am very disturbed by the destruction and invasion of wetlands and greenbelts. We are in the buffer zone of the first Biosphere and slowly but surely our lovely Village is turning into a town that has hardly any greenbelts left. Why is it that we can not keep true to our Biosphere and protect the little bit of our fauna and flora species from becoming extinct?

We are already struggling with outside lights shining all over at night time, fencing that prevents animals from moving freely and fynbos that must be removed according to building regulations just to be replaced by grass and alien vegetation.

The Pringle Bay ERF 726, 72 Buffels Road's application for subdivision and rezoning according to Municipal Notice 29/2022, must not go through.

Please help us to prevent any further destruction and development from happening in this very special Village, Pringle Bay.

Kind Regards

Sabina Lees

FILE NO.	EL 726-KPRB
SCAN NO.	Sabina ✓
COLLABORATOR NO.	1674889

TP 19 APR 2022

L Gillion

TP-A Theart
(H vld. Stoep)

63/88

From: Karin Burns < >
Sent: Tuesday, 19 April 2022 19:41
To: L Gillion
Subject: Proposed sub-division of Erf 726, Pringle Bay



I would like to register an objection to the proposed sub-division of Erf 726, Pringle Bay.

The the recently published Spatial Development Framework advocates limits on development within Pringle Bay in order to maintain its character and degree of compatibility regarding its location within the Kogelberg Biosphere Reserve. A policy permitting densification of properties would not seem to be compatible with this policy guide. Currently, there is pressure on municipal services at the present level of development - e.g. with respect to the expensive exercise of using tankers to remove domestic effluent for treatment and disposal. To increase pressure on such services through densification would not be wise.

A second reason for objection is that the draft Conservancy Plan for Pringle Bay highlights the issue of future water demand pressures, for example, in the face of climate change, increasing population and the environmental costs to one of the village's most prized assets, which is the Buffels River estuary (see extract from the plan, below). To permit densification, which will inevitably place more demand on scarce water resources, will not be wise.

Kind regards
Karin Burns
Erf 825
Pringle Bay

FILE NO. EL-726-KPRB ✓
SCAN NO. Karin
COLLABORATOR NO. 1674888

TP 19 APR 2022

Re: Erf 726 KPRB

64/88

L Gillion

From: Monique Willard <[redacted]>
Sent: Tuesday, 19 April 2022 18:17
To: L Gillion
Subject: Re zoning



I would like to appose the rezoning of erf 726 We need to protect Pringle bay

Monique Willard
1103 Hilton Circle

TP- A Theart
(H vld stoep)

FILE NO. EL 726 - KPRB ✓
SCAN NO.
Willard
COLLABORATOR NO.
1674885

19 APR 2022

65/88

L Gillion

From: Karen van der Walt < >
Sent: Tuesday, 19 April 2022 17:49
To: L Gillion
Subject: PRINGLE BAY ERF:726, 72 BUFFELS RD. APPLICATION FOR SUBDIVISION

Dear Loretta

TP - A Theart
(H vld Stoop)



MUNICIPAL NOTICE 29/2022

APPLICATION FOR SUBDIVISION AND REZONING OF ERF 726.

I, Karen Bryant van der Walt, ID of Erf 1242, Pringle Bay hereby object to the subdivision and rezoning of Erf 726, Pringle Bay.

Rezoning and subdivision of Erf 726 will add immense pressure on our delicate fauna and flora, which makes Pringle Bay so unique and diverse.

We must protect our delicate ecology which is vital to our village and the future of Pringle Bay.

I trust this email finds in favour of preserving our ecology.

We remain

Yours faithfully

Karen van der Walt

Erf 1424 Gerald Road, Pringle Bay

C:

FILE NO. EL 726-KPRB ✓
SCAN NO.
VdWalt
COLLABORATOR NO.
1674878

TP 19 APR 2022

L Gillion

Re: Erf 726 KPRB

66/88

From: Rea Borchers <
Sent: Monday, 18 April 2022 10:54
To: L Gillion
Subject: Rezoning Pringle Bay

Dear madam I object most strongly to the subdivision of this plot. All these villages are being ruined by developmeny. The water and sewerage systems are already over strained to the utmost. The greatest problem is the loss of natural vegetation. We are becoming nothing but a slum.

Mrs MM Borchers
 6 Protea Rd
 Bettys Bay



TP - A Theart
 (H vld Stoep)

FILE NO. EL 726-KPRB
SCAN NO.
COLLABORATOR NO.
1674389

19 APR 2022

TP-A Theart
(H v/d Stoep)

67/88

L Gillion

From: Karen Protheroe, RD < | >
Sent: Wednesday, 20 April 2022 09:50
To: L Gillion
Cc:
Subject: Development of dune in buffels road, pringle bay



I am objecting to the division of the plots on the dune in pringle bay due to overdevelopment of land resulting in negative effect on nature.
Thank you



KAREN PROTHEROE (DOWNIE)
REGISTERED DIETICIAN

All the best in healthy living!

Practice Address: Unit 10, Oewerpark, Die Boord, Stellenbosch, 7600

FILE NO. EL 726-KPRB
SCAN NO. Karen
COLLABORATOR NO. 1674861

TP 20 APR 2022

L Gillion

Re: Erf 726 KPRB

TP-A Theart
(H vld stoep)

68/88

From: Craig Lucke < >
Sent: Monday, 18 April 2022 22:34
To: L Gillion
Subject: Dune disaster



Dear Loretta, we strongly object to any destruction of dunes and their delicate environment. There are few unspoilt coastal villages in South Africa and only 2 situated inside a UNESCO world heritage site. This would also set a precedent for developers to carry on in their uncaring destructive manner. Sincerely Craig Lucke

FILE NO. EL 726-KPRB
SCAN NO.
COLLABORATOR NO.
1674374

19 APR 2022

L Gillion

re: erf 726 KPRB

TP- A Theart 69/88
(H vld Steep)

From: Craig Lucke < >
Sent: Tuesday, 19 April 2022 17:20
To: L Gillion
Subject: Re: Dune disaster



ERF 726 PRINGLE BAY, OVERBERG, WESTERN CAPE

Dear Loretta, we strongly object to any construction/building/house/s built on erf 726 Pringle Bay. This will cause destruction of dunes and their delicate environment. There are few unspoilt coastal villages in South Africa and only 2 situated inside a UNESCO world heritage site. This would also set a precedent for developers to carry on in their uncaring destructive manner.

Sincerely Craig Lucke (

Postal address: 66 Waterford close, Kirstenhof, Cape Town. I'm busy building my home in Pringle Bay.

On Tue, Apr 19, 2022 at 10:55 AM L Gillion <loretta@overstrand.gov.za> wrote:

Dear Mr Lucke

Your email refers. Please note that your email does not adhere to Section 52 of the By-Law.

Kindly confirm which application/erf you are referring to. Kindly also provide your **postal address** and reasons for objection.

Regards

FILE NO. EL 726-KPRB
SCAN NO. Lucke
COLLABORATOR NO.
1674846

Loretta Gillion

Administrator : Town & Spatial Planning

Overstrand Municipality

A: 16 Paterson Street, Hermanus, 7200 P: P O Box 20

T: 028 313 8900 | F: 028 313 2093 | E: loretta@overstrand.gov.za

19 APR 2022

L Gillion

TP - A Theart
(H vld Stoop)

70/88

From: Michael Burns < >
Sent: Tuesday, 19 April 2022 17:33
To: L Gillion
Cc: Michael Burns
Subject: Objection to subdivision application for Erf 726, Pringle Bay



I would like to register an objection to the proposed sub-division of Erf 726, Pringle Bay. My two policy reference points for doing so include the recently published Spatial Development Framework for the area and the draft Conservancy Plan for Pringle Bay.

The SDF advocates limits on development within Pringle Bay in order to maintain its character and degree of compatibility regarding its location within the Kogelberg Biosphere Reserve. A policy permitting densification of properties would not seem to be compatible with this policy guide. Currently, there is pressure on municipal services at the present level of development - e.g. with respect to the expensive exercise of using tankers to remove domestic effluent for treatment and disposal. To increase pressure on such services through densification would not be wise.

The draft Conservancy Plan for Pringle Bay highlights the issue of future water demand pressures, for example, in the face of climate change, increasing population and the environmental costs to one of the village's most prized assets, which is the Buffels River estuary (see extract from the plan, below). To permit densification, which will inevitably place more demand on scarce water resources, will not be wise.

Kind regards

Dr Mike BURNS

Buffels River estuary

Subsequent to the last scientific assessment of the Buffels River estuary, which was carried out 40 years ago, the system appears to be in an ecologically well-functioning state (Section 2.1). However, in response to the construction of the Buffels Dam, it is likely to have changed from having a permanently open mouth to being a seasonally closed system (between late summer and the onset of the winter rainy season). As water demand increases, in response to urban development, the estuary mouth can be expected to close for longer periods, which could be the tipping point towards altering its ecological character (e.g. caused by increases in average salinity levels). Extended mouth closure could also result in compromised water quality for recreation.

A management plan, which specifies a number of environmental targets, has been prepared for the Buffels River estuary (Western Cape Government, 2019). Amongst these, a key management objective is to ensure its eco-hydrological health, focused on ensuring sustained freshwater flow through the system. Implementation actions to achieve the targets, and specifically relating to hydrology, are listed below:

- The municipality is the agency responsible for achieving the environmental targets specified in the Buffels River estuary management plan, and there must be close liaison with the municipality to ensure that there is compliance in this regard
- A particular emphasis must be placed on water quality monitoring and comparison of measured data against regulated standards.
- Following the disruption of the system's hydrology caused by the construction of the Buffels Dam, there are three main spheres of action through which the flow of freshwater into the estuary can be optimised in order to sustain its ecological functioning and recreational value: (i) community water demand-side management; (ii) technical/engineering intervention aimed at providing for the system's ecological water demand; and, (iii) increasing catchment water yield through the eradication of alien invasive vegetation (the first intervention is addressed later).

FILE NO. EL 726-KPRB
SCAN NO. Burns
1674749
COLLABORATOR NO.

TP 19 APR 2022

7/188

- Management of the lower catchment of the Buffels River is the responsibility of the various property owners, under the jurisdiction of the municipality. There is extensive infestation of alien invasive species, in particular, black wattle and spider gum. This situation likely exceeds the limit of what can be managed by the local hacking groups and it needs to be gauged, therefore, whether additional resources must be employed to clear the vegetation.
- Complementing the above, the municipality must be approached to issue Declaratory Orders to the relevant property owners to clear their alien invasive vegetation.
- The Buffels dam was constructed before environmental protocols came into force that require dam design and operations to accommodate the ecological water demands of affected rivers (including estuaries). The municipality must commission a study to determine the ecological water demand of the lower Buffels River and to then establish the technical water release options to achieve (retro-)compliance in this regard.

L Gillion

TP - A Theart
(H vld Steep)

72/88

From: Wiebe Van Der Laan <1>
Sent: Monday, 18 April 2022 12:24
To: L Gillion
Subject: Erf 726 rezoning objection



Good day

I'm the owner of Erf 766 in Pringle Bay.

I've been advised that there is an intention to subdivide Erf 726.

I herewith formally object to this planned subdivision for the following reasons:

- 1) Pringle Bay is located in a highly sensitive Fynbos environment which should be protected and conserved. Further subdivisions of erven will result in far greater footprint of fynbos and animal habitat being inadvertently destroyed for home developments.
- 2) Pringle Bay is a hotspot tourist attraction and one of its key attractions is the natural undeveloped open areas. Allowing further subdivisions for the profit of one individual will be at the cost of other residents and tourists and impact the town's natural beauty in a negative way.
- 3) Pringle Bay's infrastructure is already under significant pressure in servicing the current population. Allowing subdivision of erven will create an even greater demand on the infrastructure which is not sustainable in its current form.

Thanks & regards

Wiebe van der Laan
C:

FILE NO. EL 726-KPRB ✓
SCAN NO.
Wiebe
COLLABORATOR NO.
1674532

19 APR 2022

L Gillion

TP- A Theart
(H vld Steep)

73/88

From: Sharon C < >
Sent: Monday, 18 April 2022 11:31
To: L Gillion
Subject: OBJECTION TO REZONING OUR DUNES



Dear Loretta,

I would like to lodge an objection to rezoning of Dunes in Pringle Bay - Buffels Street and anywhere in our three Villages. We need to be protecting the environment at every possible opportunity and not reclaiming dunes, wetlands and every available space. These spaces are what make and keep our Villages as special as they are. If this type of behaviour continues we will become just another modernised, over populated suburb where wetlands, wildlife, bio diversity and views are removed forever.

Thanking you.

Sincerely
Sharon Crawford

FILE NO. EL 726-KPRB ✓
SCAN NO.
Crawford
COLLABORATOR NO.
1674526

19 APR 2022

L Gillion

TP-A Theart
(Hild Steep)

74/88

From: Joan De wet < >
Sent: Monday, 18 April 2022 12:29
To: L Gillion
Subject: Erf 726



It has come to our attention that the large plot (erf 726) on a dune in Buffels Road could potentially be cut up into smaller plots for housing.

As residents who have bought into a village in a biosphere and who love the fact that we still have open land for steenbokkies, porcupines etc as well as wonderful fynbos, we would like to lodge our objection concerning that application. Furthermore the municipality is struggling to maintain water pipes that service the current homes and businesses in Pringle Bay. We don't need extra properties added to that burden.

Thank you
Piet & Joan de Wet
858 Jally Road

Sent from my iPhone

FILE NO. EL 726-KPRB ✓
SCAN NO.
Piet
COLLABORATOR NO.
1674520

19 APR 2022

TP-A Theart 75/88
(H vld Steep)

L Gillion

From: Brad R < >
Sent: Monday, 18 April 2022 12:40
To: L Gillion
Subject: Rezoning ERF 726 Pringle bay



Dear Loretta

I'm the co-owner of erf 1086 Pringle bay which is on William road. I've recently been made aware of the rezoning of erf 726 in Buffalo street.

I would like to formally object to the rezoning as this firstly I don't believe that there is a need to do so as there are sufficient vacant plots.

Furthermore the rezoning will significantly increase the pressure on the fauna and flora in the area.

The existing infrastructure is already struggling as there are numerous water outages etc so to increase the number of stands will only contribute to this.

The beauty of Pringle bay is that of a village where houses are not on top of one another and there remains a large amount of open space. The town will change as more erven are subdivided. Where does the line drawn to subdivide a 20 story block of flats?

Please note my rejection to this subdivision and look forward to a favourable outcome.

Thank you
Bradley Reynolds

1086 William road

FILE NO. EL 726-KPRB ✓
SCAN NO.
Reynolds
COLLABORATOR NO.
16714498

19 APR 2022

76/88

L Gillion

From: Heather Robertson < >
Sent: Tuesday, 19 April 2022 10:57
To: L Gillion
Subject: Pringle Bay, Erf 726 - Appeal to deny rezone and subdivision.

Dear Loretta

I am the chairman of Pethemida CC owner of Hilda Circle 1798. I would like to vehemently lodge my objection to rezoning and subdividing of Erf 726 as this will increase densification and add more pressure to the fragile ecosystem.

Kind regards
Heather Robertson



TP - A Theart
(H Vld Stoep)

Heather Robertson
Editor Daily Maverick 168

<https://168.dailymaverick.co.za/available-here.html>

FILE NO. EL 726-KPRB ✓
SCAN NO.
Robertson
COLLABORATOR NO.
1674488

19 APR 2022

L Gillion

TP - A Theart
(Hvd Steep)

77/88

From: Elizabeth E van der Westhuizen <
Sent: Monday, 18 April 2022 11:59
To: L Gillion
Subject: Objection to rezoning of erf 726 Pringle Bay



Dear sir/madam

We are home owners since 1994 and permanent residents since 2017 in Pringle Bay. It is with much concern (and sometimes horror) that we have noticed the un-managed growth and building happening in our pristine little eco village. It seems there is very little concern for the saving of our sensitive eco system, natural fynbos or the natural flow of above-/under-ground water in our area...

To allow any of the bigger erven anywhere in Pringle Bay (more specific erven in Buffels road) to be sub-divided (rezoned), would only add more than double fold to the already existing problem. Please, please do NOT allow this to happen?

Unless MUCH stricter rules are in place AND ENFORCED on zoning of erven or new/renovated buildings, we will soon destroy everything that Pringle Bay is to the current inhabitants, visitors and admirers.

Kind regards

Lizette van der Westhuizen

FILE NO. EL 726-KPRB
SCAN NO.
COLLABORATOR NO.
1674426

19 APR 2022

TP-A Theart
(H vld Steep)

78/88

L Gillion

From: Annie Eatwell < >
Sent: Monday, 18 April 2022 14:04
To: L Gillion
Subject: Building on Dunes in Pringle



Dear Loretta ,

There has already been so much 'raping' of our unique biosphere, please don't allow anymore. There is so much building opportunities along the sea towards Seafarm. Please don't allow any building erven not originally planned. The planning was done carefully don't upset it now

Kind regards

Annie Eatwell
893 Boundary Rd
Pringle Bay.

FILE NO. EL 726-KPRB
SCAN NO.
COLLABORATOR NO.
1674420

19 APR 2022

TP - A Theart 79/88
(H vld stoep)

L Gillion

From: Annie Eatwell < >
Sent: Tuesday, 19 April 2022 12:43
To: L Gillion
Subject: Re: Rezoning of Erf 726 in Pringle Bay



> Dear Loretta,

> There has already been so much 'raping' of our unique biosphere, please don't allow anymore. There is so much building opportunities along the sea towards Seafarm.

> Please don't allow any additional building erven not originally planned. The planning was done carefully don't upset it now.

Kind regards
 Annie Eatwell
 P O Box
 Pringle Bay
 7196

> On 19 Apr 2022, at 08:02, L Gillion <loretta@overstrand.gov.za> wrote:

> Dear Ms Eatwell

>

> Your email refers.

>

> Kindly confirm which application/property you are referring to. No erf number is provided.

>

> Kindly also provide your postal address - not erf number.

>

> Regards

>

>

> Loretta Gillion

> Administrator : Town & Spatial Planning Overstrand Municipality

> A: 16 Paterson Street, Hermanus, 7200 P: P O Box 20

> T: 028 313 8900 | F: 028 313 2093 | E: loretta@overstrand.gov.za

>

>

> -----Original Message-----

> From: Annie Eatwell < >

> Sent: Monday, 18 April 2022 14:04

> To: L Gillion <loretta@overstrand.gov.za>

> Subject: Building on Dunes in Pringle

>

> Dear Loretta,

>

FILE NO. EL 726-KPRB
SCAN NO.
COLLABORATOR NO.
1674362

TP 19 APR 2022

TP-A Theart
(Huld Stoop)

80/88

L Gillion

From: Tina <>
Sent: Tuesday, 19 April 2022 07:47
To: L Gillion
Subject: Buffels Road plot



Hi Loretta

I own a cottage in PB and it is so terribly sad to see the open plots turned into huge houses and formal gardens one will find in a city. Once a plot is sold it is cleaned of ALL fynbos regardless.

I object strongly to this plot being rezoned into 3 separate erven.

Kind regards

Tina Cloete

FILE NO. EL 726-KPRB
SCAN NO.
COLLABORATOR NO. 1674414

19 APR 2022

TP- A Theart
(H vld Stoep)

81/88

L Gillion

From: Nico Dooge < >
Sent: Monday, 18 April 2022 09:48
To: L Gillion
Subject: Buffels road



Hi

We also want to protest against further development and sub division on the Buffels road even as it will result in additional pressure on the Pringle Bay infrastructure

Regards
Nico Dooge

FILE NO. EL 726-KPRB
SCAN NO.
COLLABORATOR NO.
1674410

19 APR 2022

L Gillion

From: Marié Matjé Vink <1 >
Sent: Monday, 18 April 2022 14:45
To: L Gillion
Subject: Appeal against the proposal to rezone a single residence erf (726) into three separate erven on Buffels Street

To Whom it May Concern

I appeal against the proposal to rezone a single residence erf (726), into three separate erven on Buffels Street.

The plot should remain a single residence plot, because building more houses will have a negative impact on the biodiversity around this area. Pringle Bay is and will continue to grow, but over-developing will have a negative impact on a peaceful and nature-filled town.

Kind regards
Marié



TP- A Theart
(at vld stoep)

FILE NO.	EL 726-KPR13
SCAN NO.	
COLLABORATOR NO.	1674408

19 APR 2022

L Gillion

Re: Eif 726 KPRB

83/88

From: Phoebe de villiers < >
Sent: Monday, 18 April 2022 10:12
To: L Gillion
Subject: SAVE OUR DUNES

We are staying in Buffels Road, 1152, we are against the lot of houses to be built opposite us on the dunes. How can the original outlay just be set aside? It was not what was told when bought here. We especially bought here for the peaceful area, not to be surrounded by a lot of houses.

The municipality must stay with the original outlay.

Regards
 Phoebe de Villiers



TP - A Theart
(# vld steep)

FILE NO. EL-726-KPRB
SCAN NO.
COLLABORATOR NO.
1674395

19 APR 2022

L Gillion

Re: Erf 726 KPRB

84/88

From: marianne kitching < >
Sent: Monday, 18 April 2022 12:54
To: L Gillion
Subject: Nog erwe in Buffelsroad????

Beste Loretta
 Dit is baie ontstellend dat die Overstrand Munisipaliteit uitbreidings beplan wat nie op die oorspronklike uitleg vir Pringle was nie
 Hiermee maak ek ten sterkste beswaar teen hierdie besluit.
 Hierdie pragtige dorp is binnekort "Parow by the sea"
 Die hele atmosfeer van Pringle word vernietig.
 Marianne Kitching
 Beach View 548



TP-A Theart
(Huid stoep)

FILE NO.	EL 726-KPRB
SCAN NO.	
COLLABORATOR NO.	1674381

19 APR 2022

L Gillion

Re: Erf 726 KPRB

85/88

From: Rob Walton < >
Sent: Monday, 18 April 2022 14:45
To: L Gillion

Hill/dune on Buffels Road Pringle Bay. As a resident in Basia Rd off Hilton Circle, I object strongly for anything to be build on it. There is already a ungodly disgusting steel and concrete unfinished structure there, that no one has worked on for the past 3 years . The unspoiled beauty of this village is been broken down by greedy uneducated new residents who do not know or care about the biosphere. : 1134 Basia road



TP-A Theart
(H vld stoep)

FILE NO. EL 726-KPRB
SCAN NO.
COLLABORATOR NO.
1674377

19 APR 2022

86/88

L Gillion

From: Denise Cooper < >
Sent: Monday, 18 April 2022 14:22
To: L Gillion
Subject: Protest against rezoning evern 726 Buffels rd *KPRB*

Please note this objection .Thank you .Concerned Pribgle Bay resident



*TP-A Theart
(H vld Stoep)*

FILE NO. <i>EL-726-KPRB</i>
SCAN NO.
COLLABORATOR NO.
<i>1674376</i>

19 APR 2022

L Gillion

Re: erf 726 KPRB

87/88

From: Bianca < >
Sent: Monday, 18 April 2022 22:37
To: L Gillion
Subject: Pringle bay dunes objection



Hi Loretta

This mail is to object against the rezone l'm buffels street in Pringle bay.

TP- A Theart
(H vld Stoep)

Thank you
Bianca els
Elizabeth rd, PB

FILE NO. EL 726-KPRB
SCAN NO.
COLLABORATOR NO.
1674369

19 APR 2022

L Gillion

TP-A Theart
(Hvd stoep)

88/88

From: Wikus Valente <
Sent: Monday, 18 April 2022 19:41
To: L Gillion
Subject: Appeal to subdivision of erf 726 Pringle bay



Good day Loretta,

As a property owner in Pringle bay I object to the subdivision request of erf 726 in Pringle bay. I would like the environmental impact study of this subdivision to be published, and I would like to see the public notice, which is a requirement of this process, to be displayed on the property. The advert placed in the Herald on 17 March needs to be supported by a public notice which was not present. I refer to infill development and densification regulations as published by COCT, which refers to the fact that:

- 1) Subdivisions can only take place if no harm is done to the environment.
- 2) That there are available municipal services to the subdivided portions

Overstrand municipality will be acting outside of the given mandate if they approve this subdivision - and as a neighbouring property owner, I would like to see the artefacts supporting points 1 and 2 above. As it stands today, Overstrand municipality is struggling to deal with Pringle bay's infrastructure problems, and I cannot see how point 2 above will be successfully met.

In addition to the above, as per municipal regulations requiring a subdivision, I would like copies of the required supporting subdivision paperwork listed below. These documents will be provided to Morkel and Devilliers law firm in Somerset west for legal review.

- Completed and signed application form
- The bondholder's permission for the proposed subdivision
- Locality plan
- Copy of an approved Surveyor-General's diagram/noting sheet/general plan extract of the parent property
- Title deed/deed of transfer
- Conveyancer's certificate confirming that there are no restrictive conditions prohibiting the proposed subdivision
- A proposed subdivision plan
- Phasing plan
- A motivation report explaining what makes the proposal desirable, as well as its likely impact on the surroundings
- Copy of an environmental impact assessment/heritage impact assessment/ record of decision (required by law)
- A copy of a transport impact assessment/transport impact statement
- A separate civil services report
- Flood line certificate and separate contour plan
- Unit types (plan and external face)
- Department of Agriculture approval letter
- Supporting documents in respect of any other land use management application submitted at the same time

Thank you,
Wikus Valente

FILE NO. EL 726-KPR13
SCAN NO.
COLLABORATOR NO. 1674359

19 APR 2022



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Annexure E
1/42

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planactive@hermanus.co.za
Website: www.planactive.co.za

Our reference: PA21010/ML
Your reference: 726 KPRB
Application ID: 3591/2020

29 AUGUST 2022

THE MUNICIPAL MANAGER
OVERSTRAND MUNICIPALITY
P.O. BOX 20
HERMANUS
7200

FOR ATTENTION: MRS H VAN DER STOEP

Sir

PROPOSED SUBDIVISION & REZONING: ERF 726 PRINGLE BAY

- THE ENTK FAMILY TRUST

Reference is made to our application dated 21 February 2022 and your letter with objections attached thereto dated 18 May 2022.

Forty nine (49) objections were received from the public. The number of objections received does however not indicate whether a proposed land use lacks desirability or not. Due regard must be given to the substance of each objection and not merely the number thereof. It should also be noted that in spite of the proposed application not being circulated by the municipality to all ratepayers of Pringle Bay as part of the formal advertising / public participation phase (since this is not a requirement in terms of the By-Law), almost the entire community was made aware of the proposed application on social media platforms and adjacent property owners fueling on the neighbourhood.

Herewith a summary of the objections received and our response to the objections. Our response will attempt to further motivate that the application is desirable in terms of Section 66 of the Overstrand Municipality's Bylaw on Municipal Land Use Planning:

- **All the property owners did not receive a formal notification of the proposed application. All documents referenced in the application were not attached to the notice.**

The Overstrand Municipality dealt with the public participation process.

A notification of the application in the media as stipulated in Section 47(1) of the Overstrand Amendment Land Use Planning By-law (2020) did not apply to this application. In addition, Section 48(1)(c) specifies the following with regards to the serving of notices: "notice of an application must be served to on each person whose rights or legitimate expectations will be affected by the application." Registered notices were sent to all interested and affected parties as per the discretion of the Municipal Town Planning Case Officer.

TP

29 AUG 2022

FILE NO. ERF 726 ✓
Pringle Bay
SCAN NO.
KPRB 726
COLLABORATOR NO.
1737825

The municipality uses their discretion to determine which documents have to accompany the notices sent to the interested and affected parties. As stipulated in the notice full details regarding the proposal are available for inspection during weekdays at the municipality's offices.

- ***The objectors are of the opinion that the impact of the proposed subdivision and rezoning on the biophysical environment will be detrimental to the fauna, flora, the dunes with its symbiotic exchange with the beach / shoreline system and the wetland present on the subject property. The objectors state that it is imperative that the environment must be protected, and that conservation must be prioritized over densification and urban development.***

The proposed subdivision (land use application) to create two additional single residential erven and one conservation area / open space portion does not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998). The latter was confirmed by the Department of Environmental Affairs & Development Planning (DEA&DP): Regions 1 and 2 as per the respective letters dated 30 March 2022 and 3 May 2022.

As stipulated in the letters from DEA&DP the subsequent development on the erven may constitute listed activities defined in terms of the NEMA EIA Regulations, 2014, should the development of the erven deviate from the vested rights (amendment of the specific parameters for which the property was set apart) and if construction activities entail the clearing of indigenous vegetation, in terms of the latter, if the site (different properties / cadastral units that were set apart for a particular purpose in terms of a General Plan) in question was cleared of indigenous vegetation prior to the EIA Regulations coming into effect, but not repeatedly so, and specifically not in the preceding ten-year period, clearance of indigenous vegetation would require environmental authorisation should the thresholds in the various listed activities in this regard be triggered. Developments deviating from the vested rights of the property i.e. amendment of the specific parameters for which the property was set apart may also require environmental authorisation should the thresholds in the various listed activities in this regard be triggered.

Therefore, if certain listed activities in terms of NEMA might become applicable, if facilities and infrastructure are constructed in future, it will be dealt with as separate environmental applications when the need arises in future. Should the future development of the respective properties trigger a NEMA application (removal of vegetation; wetland; etc.), due process will be followed prior to the commencement of the construction on site. The onus is with the landowner to inform potential buyers that some of the proposed properties fall within a demarcated wetland area. New property owners might have to apply for environmental authorization, depending on the development proposed for each respective property. New property owners should be made aware that the erven are not sold with the required rights in terms of NEMA.

In addition (and very importantly), the **Overstrand Municipality's Environmental Management Section has no objection** to the proposed application. A copy of the department's comments / consent dated 22 April 2022 is attached. The department indicates that due to the presence of a Floodplain Wetland on the property the Breede-Gouritz Catchment Management Agency (BGCMA) must be contacted for water use authorization on the property in relation to Sections 21 and 22 of National Water Act. It should be noted that the presence of this Floodplain Wetland applies to most of the adjacent and surrounding properties – also the properties of most of the objectors. And yet none of the adjacent properties were denied the right to develop at least one dwelling with ancillary outbuildings on the subject properties. The reference to the Floodplain Wetland does not restrict the development of the properties per se (since the department clearly stipulates it has no objection to the proposed subdivision and rezoning) but is merely considered a condition of approval.



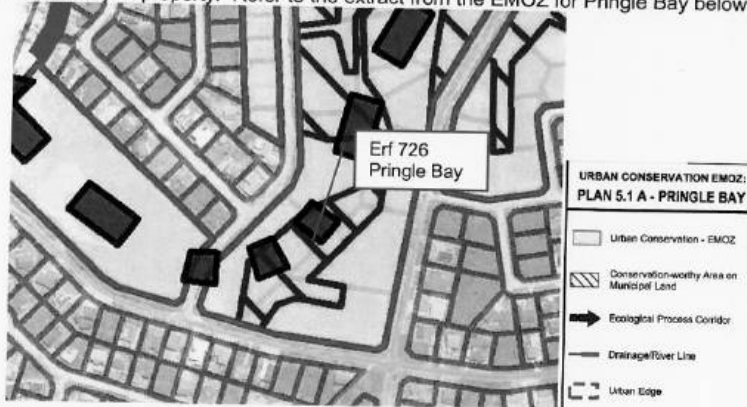
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Some objectors mention the Environmental Management Overlay Zone (EMOZ) applicable to this area (Urban Conservation EMOZ: Category D: Private Property) and the disregard of the application to the EMOZ and the objectives of the EMOZ.

The conservation area corridor as indicated on the Urban Conservation EMOZ runs over the western portion of the subject property. Refer to the extract from the EMOZ for Pringle Bay below:



Map 1: Environmental Management Overlay Zone (EMOZ, 2020): Pringle Bay

This application includes the subdivision of the western section of the subject property (Portion D) and the subsequent rezoning from SR1 to OS1 to meet the conservation area corridor requirement by the municipality. Portion D, a portion of erf 726 Pringle Bay, will be ceded to the municipality. We therefore fail to understand how the EMOZ was seemingly ignored with the proposed land use application, since it is obvious that the objectors are ignorant to the fact that $\pm 1285\text{m}^2$, which amounts to almost 27% of the total extent of erf 726 Pringle Bay, will be rezoned to OS1 to ensure compliance with the conservation area corridor identified for this area of Pringle Bay.

Michelle Naylor, environmental consultant at Lornay Environmental Consulting, confirmed that the wetland requirements for the future development of dwellings on the respective portions after subdivision can only be attended to once there are building plans available. To submit an application to address the wetland requirements is considered premature on a rezoning / subdivision application, because the footprints for development (building plans) are not available as yet and the environmentalist has no idea what the impacts will be at this moment in time. This matter will be addressed by our clients once there are building plans available. If the proposed development of each erf is more extensive than a single residential dwelling, then a dedicated freshwater specialist's input might become applicable as well.

The impact on the biophysical environment is further addressed in the following comment / objection paragraph and our subsequent response.

4142

- **The Urban Conservation EMOZ envisages two layers of protection as stipulated by the Pringle Bay Ratepayers Association and Friends of Rooiels:**
 - **An Operational Management Plan for the whole Pringle Bay Urban Conservation area; and**
 - **Specialist Biodiversity / relevant studies report.**

The objectors request that an environmental impact assessment with relevant specialist studies be undertaken to determine the impact and mitigate the impact the proposed land use application will have. Once the application is approved the municipality will not be able to stop development and consequent environmental impact.

We disagree with the Ratepayers Association that the application proposal represents a fragmented intervention into the Urban Conservation Area. Due regard is given to the conservation corridor demarcated for this area – with $\pm 27\%$ of the total extent of erf 726 Pringle Bay made available for conservation purposes. The Ratepayers Association specifies that the subject property falls under Category D for the Urban Conservation Area demarcated for this area and then quote the Category D information. Section 8.5.1.1.4. of Category D clearly stipulates that the discretion lies with the municipality's officials to determine whether additional studies must be submitted even in cases where no NEMA listed activities are triggered:

"In the face of development pressure, the Municipality may, if it deems it necessary, on receipt of a development proposal or application, that does not involve any activities identified under the NEMA listing Notices, require that specialist biodiversity and / or other relevant studies, be undertaken by the developer / owner in order to inform development planning and retain priority ecological corridors and habits."

No specialist studies were requested by the municipality. The Environmental Management Department of Overstrand Municipality has not indicated the need for an Operational Management Plan for the whole Pringle Bay Urban Conservation Area or the need to submit additional specialist studies. It is ludicrous for the objectors to expect our client to fund whole area specialist studies for the compilation of an Operational Management Plan. This was not a requirement for the subdivision of erven in this immediate vicinity in the past and should not become the financial burden of our client. The need for such a plan is also superfluous when considering the municipal and provincial environmental departments' comments / consents on the application.

It should also be noted that the subject property does not fall within a Critically Biodiverse Area. As described in the previous paragraphs, the land use application does not trigger any NEMA listed activities. No site development plan is available for the proposed new erven after subdivision. As a result, the possible impact of the footprints of these dwellings cannot be determined at this stage.

A Specialist Biodiversity Assessment for the Subdivision and Rezoning of erf 726 Pringle Bay was compiled by environmental scientist, Mr Jacques van Rensburg, at Nature Works. A copy of the report dated August 2022 is attached. Nature Works was appointed to conduct a Specialist Biodiversity Assessment to inform development planning and retain priority ecological corridors and habitats. The specialist assessment entailed the following:

- *Identify and describe biodiversity patterns at the community and ecosystem level (primary vegetation type, plant communities in the vicinity and threatened/vulnerable ecosystems),*



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species level (threatened Red List species, presence of alien species) and insignificant landscape features.

- *Assess the local and regional importance of the vegetation communities and plant species within the affected areas based on the relevant biodiversity plans, bioregional planning documents, Environmental Management Frameworks etc.*
- *Describe the sensitivity of the site and its environs and map these resources.*
- *Identify any areas unsuitable for development or related activities (No-Go Areas) and associated buffers that should be observed.*
- *Include any rehabilitation or monitoring measures that may be required.*

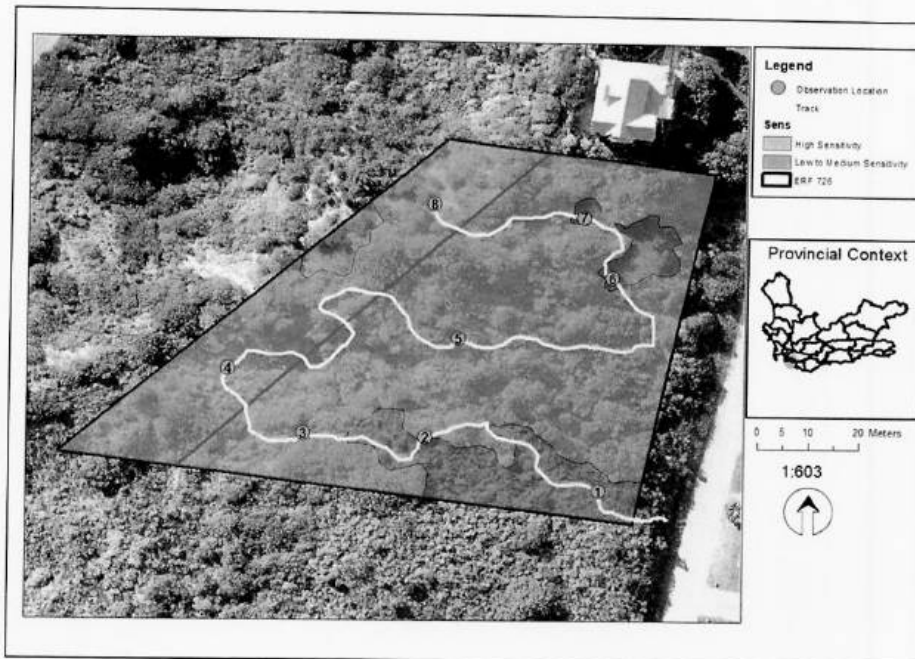
The study / report concluded that: *the study area contains endangered Hangklip Sand Fynbos vegetation. The eventual development will result in the permanent loss of intact and degraded vegetation, which has high and low-to-medium sensitivity, respectively, in terms of the biodiversity value and ecological function. The site is part of a larger green belt home to endangered vegetation and a wetland. This area is not essential for meeting biodiversity targets but plays an important role in supporting the functioning of PAs or CBAs and is often vital for delivering ecosystem services.*

The proposed subdivision of erf 726 will create three (3) single residential erven and one (1) conservation area / open space portion. The subsequent development impact on the vegetation of the site will be restricted to portions A, B, and C. Portion D will be zoned as Open Space Zone 1: Nature Reserve (OS1) in terms of Chapter 4, Section 16(2)(a) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020. The Nature Reserve (Portion D: ±1285m²) will create an adequate buffer between the terrestrial habitat of portions A, B and C and the channelled valley-bottom wetland to the north of the site. The open space is an intact representation of Hangklip Sand Fynbos and must be managed to prevent indirect habitat degradation.

The subdivision for ERF 726 does not trigger any listed activities in terms of the NEMA EIA regulations 2014 (as amended) as defined in listing notices ("LN") 1, 2 & 3 of 7 April 2017. However, it is essential to note that due to the site's ecosystem threat status and the presence of ESA2, the subsequent development on the erven may constitute listed activities as defined 17 in terms of the NEMA Regulations. In this case, any clearance of vegetation over 300 m² will trigger LN 3, activity 12 of NEMA and require environmental authorisation from the competent authority before such activities may commence.

A Site Sensitivity Map was compiled as informed by the above factors. Refer to the Site Sensitivity Map below (Figure 6 in the attached report):

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The following **development mitigation measures** were proposed to accommodate the proposed land use application:

Mitigation options are generally considered in terms of the following mitigation hierarchy: (1) avoidance, (2) minimisation, (3) restoration and (4) offsets.

- The development must not detract visually from the natural environment, i.e., by building on the ridgeline and steep slopes.



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- *The larger shrubs and slow-growing dune stabilising vegetation such as Euclea racemose should be kept in situ to prevent further degradation of the dune habitat.*
- *The impact should be restricted to the construction site.*
- *The site is situated on a stabilised old dune, and the construction phase will likely destabilise the dune. Restoration work will be required to ensure that the dune habitat stays intact.*
- *The current alien plant extent is low to moderate; these alien species must be removed. Annual clearing should be undertaken to ensure the effective management of all IAPs, especially after the disturbances caused by the construction activities.*
- *Landscaping should include native species rescued from the construction activities.*

As per the above and also the attached specialist report it is evident that subdivision and rezoning of the subject property is possible; however the necessary mitigation measures should be followed to ensure that the development of the newly created portions in future takes the existing vegetation, ridgeline and slopes into consideration to ensure a low impact single residential development.

- ***The so called "Ridge Guideline Development Plan" is overridden by the EMOZ. The corridor concept should form part of a consideration in the development of the Operational Management Plan. The aforementioned plan is by no means the sole basis on which subdivision applications are evaluated in this area.***

The above statement is the opinion of the Pringle Bay Ratepayers Association. The land use management department (Town Planning) does not necessarily agree with this statement. Before the subject property was sold to our client, the estate agent (Ms W. Cilliers – Pam Golding) investigated the impact the open space corridor might have on the subject property, with the municipality. Overstrand Municipality confirmed the following for the consideration of the subdivision of erf 726 Pringle Bay in a letter dated 19 March 2020:

ERF 726 PRINGLE BAY

In the early 2000's an open space corridor was determined by the Nature Conservation Department of the Municipality. The latter document is the basis on which subdivisions are evaluated. The minimum required erf size of a 1000m² and the open space corridor. This corridor (±10298m² in extent) represents the sensitive dune and wetland areas.

It was agreed between Mr Hazelden and the Pringle Bay Ratepayers' Association that it would be a condition of sale if future owners of these properties wish to subdivide, the portions of their properties that fall within this corridor be ceded to Council. The building line abutting the Nature Conservation Area be a minimum of 5m. This was accepted by the Municipality and is still in place.

Erf 725 was dealt with by Barry Blout of Messrs Diesel & Munns Land Surveyors. Their contact details are 021-852 3800 or 852 3759 Somerset West.

Please take note, that a new building will need a surveyed plan with contours when submitted at the Municipality. Therefore the Open Space Zone 1 area needs to be determined and clarity in this regard will have to be obtained by the Environmental Officer and Cape Nature.

Note that the municipality stipulates that the corridor represents the sensitive dune and wetland areas (and not the whole property). Also note that the Ratepayers Association was part of the agreement where it was decided that it be a condition of sale if future owners of these properties wish to subdivide – that the portions of their properties that fall within this corridor be ceded to Council. It was also agreed that the building line abutting the Nature Conservation Area be a minimum of 5m. The latter was also provided for in the subdivision proposal for erf 726 Pringle Bay. Does the Ratepayers Association not recall such an agreement for subdivisions in this area? Due regard was given to the criteria for subdivision with the proposal for erf 726 Pringle Bay (surveyed plan for determining the OS1 portion; compliance with the minimum erf size for the area, etc.). And it is evident from the letter from Town Planning dated 19 March 2020 and the comments / consents received from the municipal departments that the municipality still regards the corridor guide plan as relevant for the consideration of subdivisions in this area.

- ***There is insufficient infrastructure in Pringle Bay as it currently stands. The stormwater management in the area being one of the greatest concerns to the residents. The proposed subdivision will aggravate the existing insufficient infrastructure in the area – to the detriment of the existing property owners in the immediate vicinity. Some of the objectors request that a services report be submitted to address the concerns.***

The latest Overstrand Municipal SDF (2020) confirms that Pringle Bay is currently adequately supplied with bulk water in terms of source and network provision, however continuous replacement of old water network pipelines is needed to reduce the high water losses. Thus, the ongoing problem the neighboring properties are experiencing is acknowledged in the latest bulk services infrastructure concerns in the area.

The development rules for erven >400m² will apply to the newly created portions. The proposed subdivision will therefore maintain the existing development parameters applicable to the subject property as well as the surrounding properties. The subject property has existing rights. This entails that the property as it currently stands can be developed up to a maximum of 50% coverage (i.e. ±2418m²) – no land use approvals required (but subject to other statutory requirements, such as NEMA). This implies that 50% of the existing vegetation on the subject property can potentially be removed for development within the existing SR1 rights. A subdivision into four properties (one open space portion and three residential erven) spreads the 50% coverage over three residential erven, with no development proposed / allowed in the open space corridor portion. With three smaller and separate residential erven the stormwater management can most probably be better addressed than with the existing larger residential property.

The objectors are oblivious to the fact that the property has existing rights – perhaps they should consider the impact the development of the existing property to its full potential could have on the area and demarcated conservation worthy portion of the property versus the application proposed (definite portion for conservation purposes created and to be ceded to the municipality; three smaller portions for development and most likely room for better stormwater infrastructure planning and subject to NEMA if any listed activities are triggered).

Pre-submission discussions with the Overstrand Municipality's Engineering Services Department (Mr Denovan van Rhodie, Senior Operational Manager: Kleinmond) confirmed that the municipality's capacity in terms of sewerage tankers were expanded for the area. The municipality will therefore be able to service the sewerage tanks of the proposed new erven. The necessary services are



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therefore available to accommodate the proposed three (3) residential erven pending the upgrade of the sewer services (in line with the Sewer Master Plan) for the area.

The **Municipal Engineering Services Department has no objection** to the proposed subdivision and rezoning application. Refer to a copy of their comment / services report dated 11 May 2022. Standard approval conditions are stipulated that our client has to adhere to prior to taking transfer / transferring the newly created portions. If Pringle Bay had insufficient services capacity the latter would have been indicated by the engineering services department, and this was not the case. No special conditions were stipulated to address the stormwater. The consent from the engineering services department cannot be ignored since they are aware of bulk service issues in the respective towns. At the moment there is no monotorium placed on subdivisions due to insufficient infrastructure in this area of Pringle Bay.

- ***Extremely inadequate municipal budget to even consider further subdivisions / development in this area.***

Our client will be held liable for the payment of bulk service levies for the two new residential portions created. Bulk service contributions are used to upgrade the bulk services in the area.

The objectors are using the land use application to raise other concerns in and for the area - such as existing stormwater issues what seems to be a greater concern in roads further east and the inadequate municipal budget. This is irrelevant to the land use application at hand.

- ***Increased traffic and noise impact.***

As the property currently stands, there is one residential erf (i.e. two vehicles to the property). We are proposing to create a mere two additional residential erven. That is an additional four cars that will travel to the area! No evidence is presented by the objectors that the subdivision will have a negative impact on the traffic or road safety in the area.

These types of applications generally generate low traffic and noise pollution to residential areas. The staggered nature of people arriving at their respective homes will further mitigate the proposed subdivision's traffic impact and ensure that the surrounding area and its road network are not overwhelmed with vehicular traffic. We are of the opinion that the traffic and noise generated will be low and in keeping with the residential character. In addition, the municipal engineering services department did not express any concerns with regards to the width of the road, the state of the road or additional traffic to the area and no requests for additional studies were received from the municipality.

The proposed development must provide sufficient parking bays on site once building plans are submitted in future. It is our opinion that the reference to traffic increase and noise in the area is rather overstated. The proposed development will have little, if any, adverse impact on the safety, health and wellbeing of the surrounding community. The proposed development within the

Overstrand Land Use Scheme Regulations' parameters and subject to traffic control conditions for the area, will not jeopardize the safety of road-users (vehicular and pedestrian).

- ***The application will set a precedent for similar future applications***

Objectors feel that other residents will also seek an opportunity in the future to submit similar applications. Objectors feel that there are enough vacant erven in the surrounding areas and that the proposal proves to be superfluous.

Approving the proposed development will not set a precedent since each land use application is evaluated on its own merit. In addition, similar land use applications have been approved in the past in the immediate area. It therefore seems as if the precedent is already set for low-impact, low-scale diversification of the residential land uses in the Pringle Bay area.

It is important to note that erf 726 Pringle Bay was one of the eight (8) erven created when the original plot referred to as "The Ridge" was subdivided. With the initial subdivision of the original erf there were certain conditions set at the time which included that any future subdivision of the erven would be restricted to a minimum erf size of at least 1000m² and that a section of the property would have to be ceded to the municipality to form part of the Ecological Corridor. These conditions were adhered to when three of the eight properties received permission to subdivide in the past. The subdivision of erf 726 Pringle Bay will adhere to the same conditions. We would therefore like to emphasize that of the original eight properties, three properties (erven 724, 725 & 728) have already been subdivided. The precedent is therefore already set and not being set with this application as suggested by the objectors. Two of the already subdivided erven (erven 724 and 725 Pringle Bay) have already been built on, with plans approved for a new house on erf 728 as well. In addition, a single house was also built on erf 721 Pringle Bay in 2021. This gives a total of five houses already been built on the "dune", with another one on the way on erf 728 Pringle Bay.

Conclusion

We are of the opinion that the excessive number of objections received is merely due to a social media post (unfactual and emotionally based) made by a neighbouring property owner that made more residents aware of the application proposal. This social media post and the comments received instigated residents to submit objections with most of the residents not even aware of all the facts pertaining to the proposal. The objector that made the social media post on the application, was also the neighbouring property owner that led the petition in the area. Although concerned about the ecological impact the proposed subdivision might have on the area as a whole, she does however admit in her objection letter that there is no "legal" reason for the subdivision to be halted. By her own admission, the application meets the criteria for the positive consideration thereof. As mentioned in the motivation report, the proposal is in line with the spatial planning policies for and the character of the area.

As mentioned in the report the surrounding erf sizes, the minimum erf size for the area, the street frontage widths of existing erven of similar sizes, the proposed layout and shapes of the new residential portions that are compatible with the layout and erf shapes of the existing residential area, compliance with the nature conservation requirement for the area, etc. proof that the subdivision and rezoning are compatible with the existing context and character of the area. Properties of ±720m² - 5000m² in extent exist in the immediate vicinity of erf 726 Pringle Bay. As motivated, there is already a precedent to subdivide the erven in "The Ridge" area; therefore, we are not applying for more than what was previously considered and approved in the immediate area. The extent of the newly created portions still promotes and is compatible with the existing low-density residential area.



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Nature Works was appointed to conduct a Specialist Biodiversity Assessment to inform development planning and retain priority ecological corridors and habitats on the subject property. It was concluded that although high and low medium sensitive areas exist on the subject property, development of the respective portions after subdivision can still be undertaken (without being detrimental to the biophysical environment) with the consideration and implementation of the necessary mitigation measures as stipulated in this document and the attached report.

The proposal will promote land development in a location that is sustainable. The proposed subdivision and rezoning are to an improved erf within an established residential area and therefore will not impact on urban sprawl or upon a sensitive environment.

Find attached the following annexes for your attention:

- Letters from the Department of Environmental Affairs & Development Planning (DEA&DP): Regions 1 and 2 dated 30 March 2022 and 3 May 2022 respectively;
- Overstrand Municipality's Environmental Management Department's comments / consent dated 22 April 2022;
- Specialist Biodiversity Assessment dated August 2022 compiled by environmental scientist, Mr Jacques van Rensburg, from Nature Works;
- Letter from Mrs Hanneen van der Stoep (Overstrand Town Planning Department) addressed to Ms W. Cilliers (Pam Golding) of 19 March 2020;
- Overstrand Engineering Services Department's comments / services report dated 11 May 2022.

We trust that you find the above in order and that you will now be able to proceed with the processing of the application.

Yours faithfully

**M. LERM Pr. Pin. (A/158/2009)
PLAN ACTIVE**



Western Cape
Government



Department of Environmental Affairs and Development Planning
Kobus Momo
Directorate: Development Management (Region 2)
Xobus.Mump@westerncape.gov.za Tel: 083 701 1290

TP 12/42
(11. ud Sweep)

Reference: 15/9/2/12/BO3

Director: Infrastructure and Planning
Overstrand Municipality
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FILE NO.	01-726
	Pringle Bay
SCAN NO.	
COLLABORATOR NO.	1563742

REQUEST FOR PROVINCIAL PLANNING COMMENT: APPLICATION FOR SUBDIVISION AND REZONING: ERF 726, PRINGLE BAY

- Your request for comment, dated 17 March 2022, has reference.
- The application under consideration is for the subdivision of Erf 726, Pringle Bay into 4 portions, namely Portion A ($\pm 240m^2$), Portion B ($\pm 262m^2$), Portion C ($\pm 1050m^2$) and Portion D ($\pm 265m^2$) and the rezoning of the newly created Portion D from Residential Zone : Single Residential (SRI) to Open Space Zone 1: Nature Reserve (OS1).
- The subject property is located inside the Urban Edge of Pringle Bay and is earmarked for Urban Development in terms of the SDF. In terms of the Zoning Scheme, however, the property falls within the Pringle Bay Urban Conservation Environmental Management Zone (EMOZ), which identifies private property within priority conservation-worthy ecological corridors.
- The proposed subdivision will result in three residential erven in excess of 1 000m² and an open space zone, aimed at protecting the sensitive dune and wetland areas, as required by the EMOZ.
- Whilst this Directorate has no objection to the subdivision proposal from a provincial planning perspective, the proposed rezoning to Open Space 1: Nature Reserve could be problematic given that the Zoning Scheme requires that a nature reserve must be "declared or registered as a nature reserve in terms of legislation for the purpose of conserving and managing wildlife, flora and fauna in a predominantly natural habitat". Failure to have the nature reserve registered or declared in terms of the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003) will, therefore, result in the lapsing of the zoning after a period of 10 years



TP 30 MAR 2022

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from the date of approval and the subsequent reinstatement of an additional residential property.

6. An alternative would, therefore, be the rezoning of said portion of "private open space" to be used nature area, should the property not be ceded to the Municipality as proposed.

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)

14/42

Loriaan Isaacs

From: Helene Janser <Helene.Janser@westerncape.gov.za>
Sent: Wednesday, 30 March 2022 10:56
To: Loriaan Isaacs
Subject: DEA&DP comment: Erf 726 Pringle Bay (Subdivision, Rezoning)
Attachments: Pringle Bay Erf 726.pdf

Kind Regards

Helene Janser
Chief Town & Regional Planner: Development Management Region 2
 Department of Environmental Affairs and Development Planning
 Western Cape Government

4th Floor, Utilitas Building, 1 Dorp Street, Cape Town, 8001

Tel: +27 (0)21 483 3544
 Cell: +27 (0)84 585 2000
 Email: Helene.Janser@westerncape.gov.za
 Website: www.westerncape.gov.za/eadr

Register to vaccinate: vaccine.enroll.health.gov.za/#/
 or send the word 'REGISTER' to 0600 123 456 via WhatsApp or dial *134*832#



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From: Loriaan Isaacs <loriaanisaacs@overstrand.gov.za>
Sent: Thursday, March 17, 2022 9:25 AM
To: Helene Janser <Helene.Janser@westerncape.gov.za>; Zaahir Toefy <Zaahir.Toefy@westerncape.gov.za>; Ayesha Hamdulay <Ayesha.Hamdulay@westerncape.gov.za>
Cc: L Gillion <Loretta@overstrand.gov.za>
Subject: Request for comment: Erf 726 Pringle Bay (Subdivision, Rezoning)

Dear Sir / Madam

Attached find self-explanatory notice for your attention.

15/42



Western Cape
Government

Department of Environmental Affairs and Development Planning
Loretta Osborne
Directorate: Development Management: Region 1
loretta.osborne@westerncape.gov.za | Tel: 021 485 3696

REFERENCE: 16/3/3/6/6/E2/31/1088/22
DATE: 3/5/2022

The Municipal Manager
Overstrand Municipality
P.O. Box 22
HERMANUS
7200

Attention: Ms L Isaacs

FILE NO. EL 726-KPRB
SCAN NO.
COLLABORATOR NO. 148 0127



TP-A Theart
(Huid Stoop)

E-mail: lorianisaacs@overstrand.gov.za

Dear Madam

APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): APPLICATION FOR SUBDIVISION AND REZONING: ERF 726, PRINGLE BAY

1. The document, as received electronically by this Department on 17 March 2022, refers.
2. This letter serves as an acknowledgement of receipt of the abovementioned document by this Department.
3. According to the information contained in the correspondence this Department notes the following:
 - 3.1 An application has been submitted to Overstrand Municipality for subdivision in terms of Section 16(2)(d) of the By-law to subdivide Erf No. 726, Pringle Bay into four portions, namely Portion A (approximately 1240 square metres), Portion B (approximately 1262 square metres), Portion C (approximately 1050 square metres) and Portion D (approximately 1285 square metres); and
 - 3.2 An application has been submitted to Overstrand Municipality for rezoning in terms of Section 16(2)(a) of the By-law to rezone the newly created Portion D (approximately 1285 square metres) from Residential Zone I: Single Residential (SRI) to Open Space Zone I: Nature Reserve (OSI).
4. Your attention is therefore drawn to the listed activities in terms of the NEMA EIA Regulations 2014 (as amended) as defined in Listing Notices ("LN") 1, 2 & 3 of 7 April 2017. Be advised that, based on the information provided, the application for subdivision and rezoning on Erf No. 726, Pringle Bay **does not** constitute any listed activities as defined in the NEMA EIA Regulations, 2014 (as amended). Environmental Authorisation is therefore not required prior to the application for subdivision and rezoning on Erf No. 726, Pringle Bay.
5. However, the subsequent development on the erven may constitute listed activities as defined in terms of the NEMA EIA Regulations, 2014, should the development of the erven deviate from the vested rights (amendment of the specific parameters for which the property was set apart) and if construction activities entail the clearing of indigenous vegetation. In terms of the latter, if the site (different properties (cadastral units) that were all set apart for a particular purpose in terms of a General Plan) in question was cleared of indigenous vegetation prior to the EIA Regulations coming into effect, but not repeatedly so, and specifically not in the preceding ten-year period, clearance of indigenous vegetation would require environmental



03 MAY 2022

Department of Environmental Affairs and Development Planning

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authorisation should the thresholds in the various listed activities in this regard be triggered. Developments deviating from the vested rights of the property i.e. amendment of the specific parameters for which the property was set apart for may also require environmental authorisation should the thresholds in the various listed activities in this regard be triggered.

6. Should any revision of your development comprise any activities that constitute a listed activity as defined in LN 1, 2 and 3, an application for environmental authorisation must be submitted to the competent authority and authorisation obtained before such activity(ies) may commence.
7. You are advised that it is the responsibility of the applicant on the general duty of care and the remediation of environmental damage. Section 28(1) of NEMA specifically states that – "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."
8. The applicant must comply with any other statutory requirements that may be applicable to the undertaking of the activity.
9. The Department reserves the right to revise its comments and request further information from you based on any new or revised information received.

Yours faithfully

Marbe
pp Coetzee

Digitaly signed by
Marbe Coetzee
Date: 2022.05.03
09:20:34 +0200

**HEAD OF COMPONENT
ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

17/42

Loriaan Isaacs

From: Loretta Osborne <Loretta.Osborne@westerncape.gov.za>
Sent: Tuesday, 03 May 2022, 10:04
To: Loriaan Isaacs
Cc: Marbe Coetzee
Subject: Departmental letter
Attachments: Erf 726 Pringle Bay Not listed letter .pdf

Dear All,

Please find the attached letter for your perusal.

Kind Regards

Loretta Osborne
 Environmental Officer: Production (Grade B)
 Directorate: Development Management (Region 1)
 Department of Environmental Affairs and Development Planning
 Western Cape Government

6th Floor, Utilitas Building, 1 Dorp Street, Cape Town, 8000

Tel: +27 (0)21 483 3696
 Fax: +27 (0)21 483 3098
 Email: Loretta.Osborne@westerncape.gov.za
 Website: www.westerncape.gov.za/eactp



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 between 07:30 - 16:00.

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TPA-EMS-220422-01

Town Planning Application on 22-04-2022

Generated on Unit by Tamzyn Zweig on 22-04-2022



Basic Information

Captured	22-04-2022 14:39	Call Time	22-04-2022 14:39	Captured By	Tamzyn Zweig
Reference	TPA-EMS-220422-01			Office	EMS
District	Overberg			Status	Open
Municipality	Overstrand				

Description

APPLICATION FOR SUBDIVISION AND REZONING

Application Details

File Reference	726 KPRB (4069/2022)
Applicant	PLAN ACTIVE (obo ENTK FAMILY TRUST)
Property	ERF 726, 72 BUFFELS
Details	ROAD, FRINGLE BAY

Application Comments

19/42

To Whom it may concern,

RE: File Reference 726 KPRB (4069/2022) APPLICATION FOR SUBDIVISION AND REZONING Erf 726 Pringle Bay.

The Environmental Management Section (EMS) has no objection to the application however the following should be noted

1. The National Water Act (NWA, 1998):

Due to the presence of a Floodplain Wetland on the property the Breede-Gouritz Catchment Management Agency (BGCMA) must be contacted for water use authorisation on the property in relation to Sections 21 and 22 of National Water Act.

2. National Environmental Management Act (NEMA, 1998)

The increase in the permitted development coverage in relation to the original erf 726 development parameters as detailed in the Overstrand Town Planning Scheme (2020) warrant an application to the Department of Environmental Affairs and Development Planning (DEA DP) for Environmental Authorisation through the Environmental Impact Assessment (EIA) process. If any of the activities in the EIA Regulations are triggered.

3. The Environmental Management Overlay Zones (EMOZ)

8.5.1.1.4. Urban Conservation EMOZ: Category D: Private Property

The seller must make prospective buyers aware of the status of Category D EMOZ for the subdivided erven. The EMS may *inter alia* request that an Environmental Management Plan (EMP) and/or specialist reports are submitted for proposed development on the erven.

Sincerely,

Tamzyn Zweig

Environmental Officer

Hangklip-Kleinmond Administration

tzwieg@overstrand.gov.za

028 271 8420

Cost Sheet

Cost Sheet Summary

Total

0.00

20/42

**SPECIALIST BIODIVERSITY ASSESSMENT FOR THE SUBDIVISION &
REZONING OF ERF 726, PRINGLE BAY.**

Attention:

Michelle Naylor

Lornay Environmental Consultancy

Prepared by:

Jacques van Rensburg. MSc (Botany), Pr. Sci. Nat

Contact details:

Mobile – 082 748 6623

Email – jacques@natureworks.co.za

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APPOINTMENT OF SPECIALIST

Jacques van Rensburg, Director of Nature Works Environmental Consultancy, was appointed by Michelle Naylor from Lornay Environmental Consulting to provide specialist biodiversity input for the proposed subdivision & rezoning of ERF 726 Pringle Bay.

DECLARATION OF INDEPENDENCE

I, Jacques Jansen van Rensburg, as the appointed Specialist, with this, declare/affirm the correctness of the information provided or to be provided as part of the application and that I:

- In terms of the general requirement to be independent:
 - Other than fair remuneration for work performed in terms of this application, I have no business, financial, personal or other interest in the development proposal or application, and there are no circumstances that may compromise my objectivity; or
- Throughout the remainder of the general requirements for a specialist, I have met all the needs throughout this process.
- have disclosed to the applicant, the EAP, the Review EAP (if applicable), the Department and I&APs all material information that has or may have the potential to influence the decision of the Department or the objectivity of any report, plan or document prepared or to be prepared as part of the application; and
- am aware that a false declaration is an offence in Regulation 48 of the EIA Regulations, 2014 (as amended).

Mr. Jacques Jansen van Rensburg



August 2022

CONDITIONS RELATING TO THIS REPORT

This report's methodology, findings, results, conclusions, and recommendations are based on my best scientific and professional knowledge. I reserve the right to modify aspects of the report, including the recommendations and decisions, should additional relevant information become available. This report may not be altered or added to without the author's prior written consent. Any recommendations, statements or conclusions drawn from, or based on this report, must cite this report and should not be taken out of context, and may not change, alter or distort the intended meaning of the original in any way. If these extracts or summaries form part of the main report relating to this study or investigation, this report must be included in its entirety as an appendix or as a separate section to the main report.

DETAILS OF THE SPECIALIST

Surname: van Rensburg

First names: Jacques

Address: 1 Fraser Road, Somerset West, 7130

Tel: 082 748 6623

Email: jacques@natureworks.co.za

Professional registration: South African Council for Natural Scientific Professions No. 119660

Expertise

- Qualifications: Hons (2012), Environmental Management & MSc (2017) in Botany at Unisa and Stellenbosch University.
- Ecologist with 13 years of experience in Environmental Management and Botanical Surveys.
- Founder of Nature Works Environmental Consultancy (Pty) Ltd.

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Introduction

The applicant wishes to subdivide erf 726 Pringle Bay in terms of Chapter 4, Section 16(2)(d) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, to create three (3) single residential erven and one (1) conservation area / open space portion as follows (Figure 1):

- Portion A: ±1240m²
- Portion B: ±1262m²
- Portion C: ±1050m²
- Portion D: ±1285m²

The rezoning of Portion D, a portion of erf 726 Pringle Bay, from Residential Zone 1: Single Residential (SR1) to Open Space Zone 1: Nature Reserve (OS1) in terms of Chapter 4, Section 16(2)(a) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020.

In terms of the Overstrand Municipality Environmental Management overlay zone regulations, 2020, Nature Works has been appointed to conduct Specialist Biodiversity Assessment to inform development planning and retain priority ecological corridors and habitats. The specialist assessment will entail the following:

- Identify and describe biodiversity patterns at the community and ecosystem level (primary vegetation type, plant communities in the vicinity and threatened/vulnerable ecosystems), species level (threatened Red List species, presence of alien species) and insignificant landscape features.
- Assess the local and regional importance of the vegetation communities and plant species within the affected areas based on the relevant biodiversity plans, bioregional planning documents, Environmental Management Frameworks etc.
- Describe the sensitivity of the site and its environs and map these resources.
- Identify any areas unsuitable for development or related activities (No-Go Areas) and associated buffers that should be observed.
- Include any rehabilitation or monitoring measures that may be required.

Regional Biodiversity Features

The National Vegetation and Ecosystem Threat Status

According to the Vegetation Map of South Africa, Lesotho and Swaziland (SANBI, 2018) (VEGMAP), the vegetation type occurring in the study area and its surrounds are Hangklip Sand Fynbos (Figure 2) (National Biodiversity Assessment, 2018).

The **vegetation and landscape feature** consists of dunes and sandy bottomlands supporting moderately tall, dense ericoid shrubland—emergent, tall shrubs in places. Proteoid, ericaceous and restioid fynbos are dominant, with some asteraceous fynbos also present. On the coastal fringe, this unit borders on strandveld. Shallow soils replace the deep soils of the coastal plains on mountain slopes on the northern edge. Hangklip Sand Fynbos occurs mainly on old dunes, but the high rainfall and leaching allow many typical sandstone fynbos species to occur on older deposits as well, so this unit is not as floristically distinct as other sandstone fynbos units.

Geology & Soils are Leached, acid Tertiary sand in coastal areas, mainly derived from dunes. Soils are generally of Lamotte or Houwhoek forms or grey, regic sands. Land types are primarily Ga, Hb and Gb.

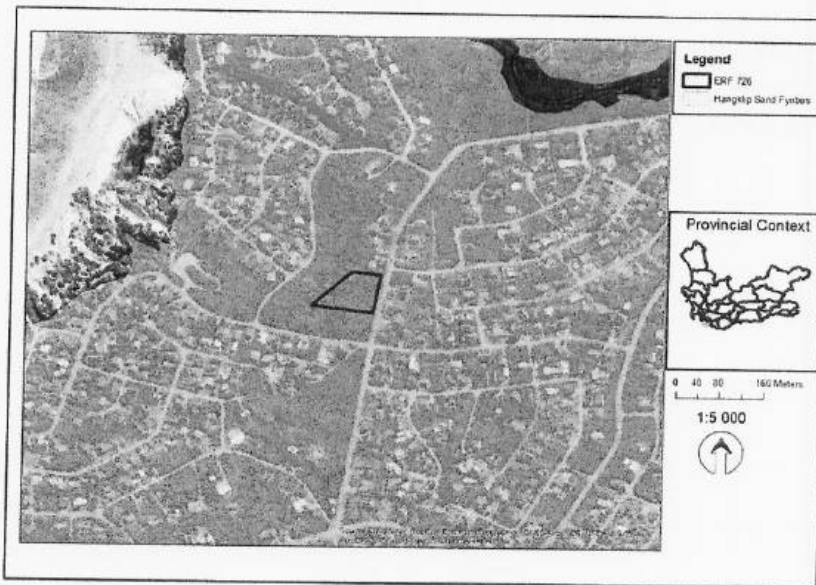


Figure 2: Presence of Hangklip Sand Fynbos

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Western Cape Biodiversity Plan

The Western Cape Biodiversity Spatial Plan (WCBSBP) indicates that the proposed development will directly impact an area categorised as ESA2 (figure 3).

The described ESA2 contains features that include a coastal corridor, Endangered vegetation and a wetland. This area is not essential for meeting biodiversity targets but plays an important role in supporting the functioning of PAs or CBAs and is often vital for delivering ecosystem services. The management objective for ESA2 is to restore and manage to minimise the impact on ecological processes and ecological infrastructure functioning, especially soil and water-related services, and to allow for faunal movement.

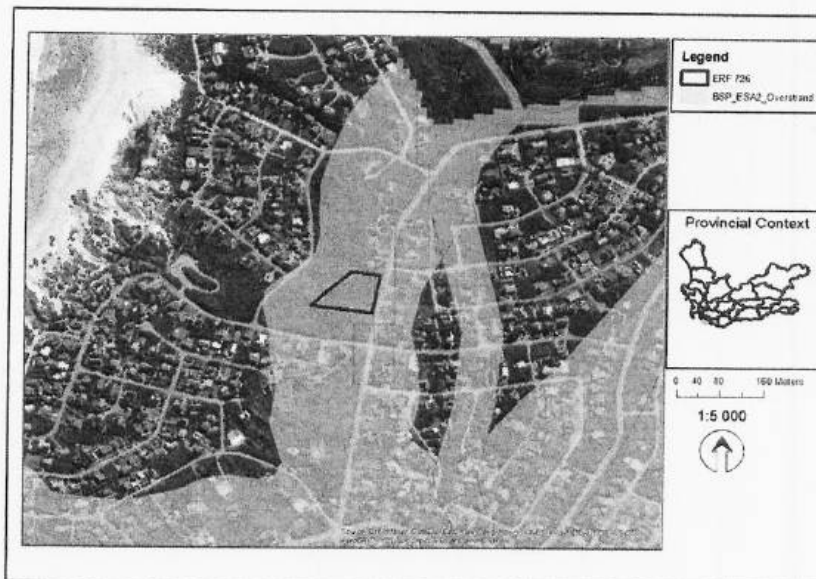


Figure 3: Western Cape Spatial Biodiversity Plan indicating the spatial distribution of ESA2 concerning the proposed subdivision.

Freshwater Ecosystems

The site falls in an area defined as a channelled valley-bottom wetland (Figure 4) (NWM5). This wetland area forms part of the National Wetland Freshwater Priority Area (NFEPA). The delineations were based mainly on remotely sensed imagery, and this specialist assessment will confirm the presence of a wetland on site.

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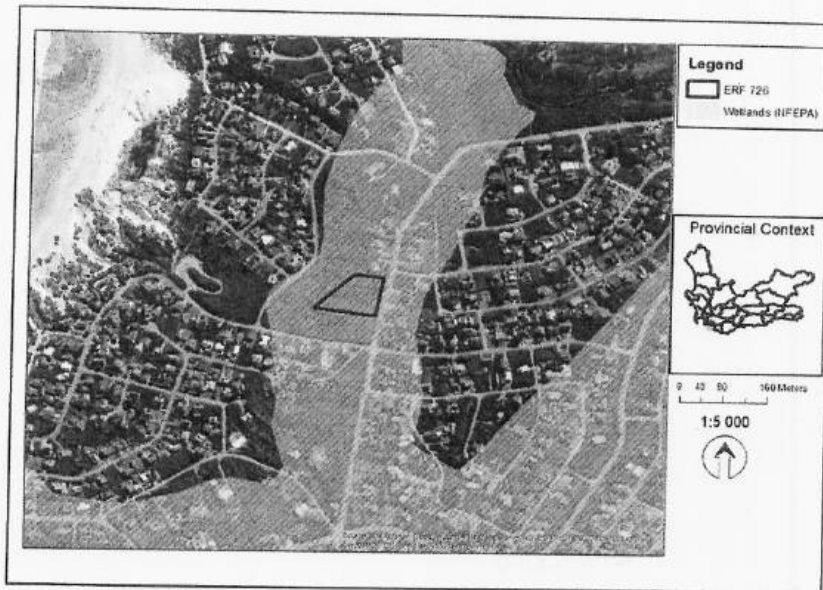


Figure 4: National Wetland Freshwater Priority Areas.

Vegetation of the Study Area

The site visits were conducted on 22 July and 13 August 2022. The site visits were conducted during the late winter months, heading into the peak observation period (August). The peak flowering time in this region is early spring, which occurs from August to November. The survey timing is therefore regarded as sub-optimal in terms of accurately assessing the site's flora. Despite this limitation, the condition of the vegetation can still be determined with a moderate to a high degree of confidence.

A time-meander search methodology was used to cover the full range of micro-habitats in each vegetation community. A floristic inventory was compiled while strolling through a particular vegetation community, recording all taxa encountered, including those that cannot be immediately identified.

Habitat condition

The current (August 2022) vegetation condition on the site is described below according to habitat categories provided in Table 1. The habitats mapped by the author are represented in Figure 5.

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Table 1: Habitat description.

Habitat condition	Description
Intact vegetation	An accurate representation of the original vegetation type in terms of structure and species makeup. Minimal soil disturbance. Unlikely to have ever been ploughed. The disturbance may be evident.
Semi-intact	It resembles the original vegetation type in structure and species makeup but has undergone some form of current or historical disturbance. Restoration potential is high.
Degraded	Only a few species representative of the original vegetation type are present. The vegetation has undergone heavy disturbance. Restoration potential is either low or moderate.
Highly degraded	The original vegetation is usually absent and has been removed in the past. Only a few remnants or pioneer species are present. Soils were traditionally ploughed in the past. Restoration potential is very low.
Transformed	No remnant species exist anymore. The landscape is altered irreversibly with no restoration potential. Examples include cultivated farmland and the built environment.

A detailed habitat description can be found in the below tables with photographs of each vegetation community, and the photo locations can be observed in figure 5.

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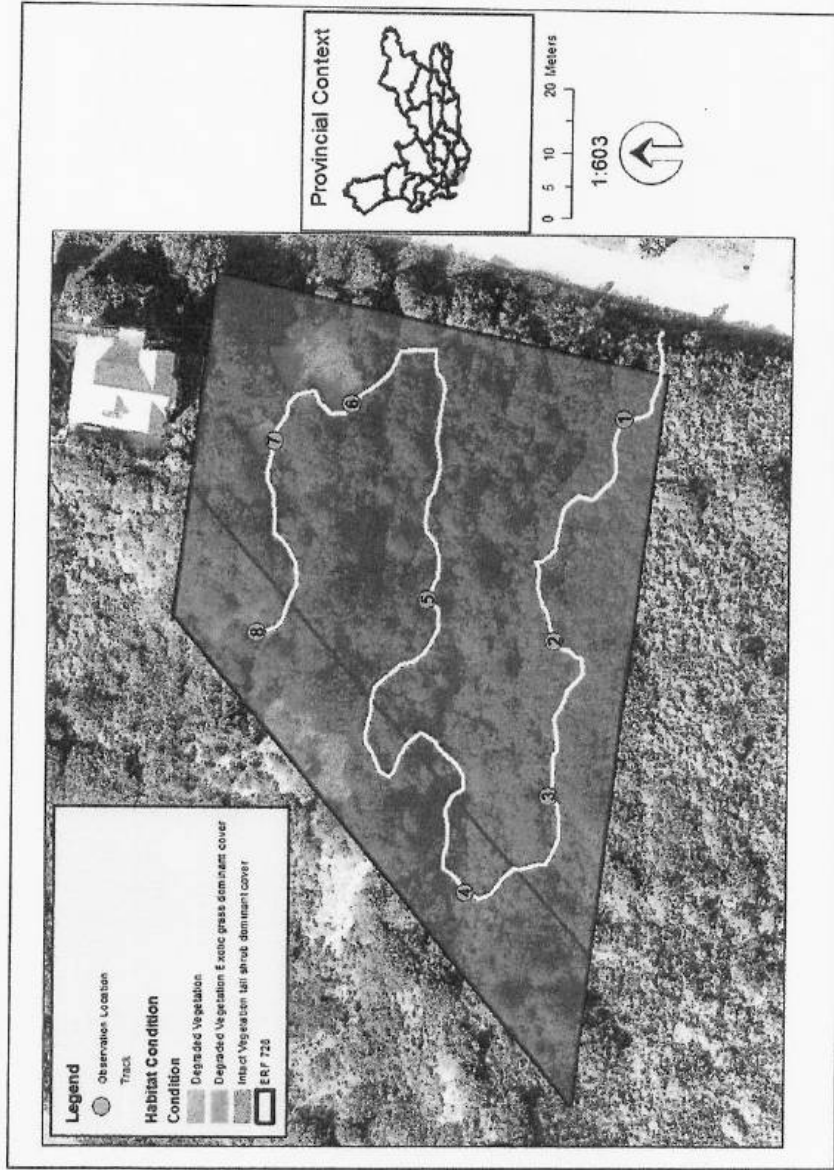
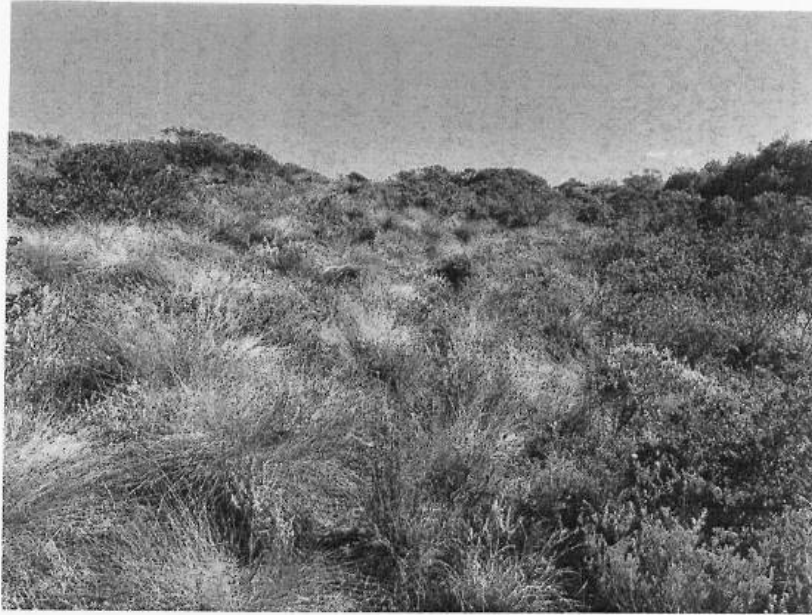


Figure 5: Habitat Map and location where the photos were taken during the site visits.

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Photo 1. Location: 34° 20' 43.542" S, 18° 50' 2.948" E



General Site Description: Degraded dune, supporting predominantly *Pennisetum setaceum* declared exotic invasive plant, with scattered medium to tall shrub vegetation consisting of *Searsia* sp., *Euclea racemose*, *Diosma hirsute* and *Helichrysum* sp. This area is distinct from the rest of the site, which is more densely populated with tall shrub vegetation.

Species Observed: *Felicia echinata* (LC), *Searsia lucida* (LC), *S. crenata* (LC), *Euclea racemose* (Dune Guart) (LC), *Babiana* Sp., *Chasmanthe* sp., Poaceae, *Colpoon compressum* (LC), *Helichrysum dasyanthum* (LC), *H. patulum* (LC), *Diosma hirsute* (LC), *Indigofera brachystachya* (LC), *Solanum africanum* (LC), *Agapanthus africanus* (LC), *Metalsia muricata* (LC).

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Photo 2. Location: 34° 20' 43.233" S, 18° 50' 2.087" E



General Site Description: Northerly view. Dune, supporting predominantly tall shrub vegetation, which included *Searsia* sp., *Colpoom Compressum* and *Euclea racemose*. *Metalasia muricata* can be seen scattered throughout the area. The vegetation is intact, with no disturbances observed.

Species Observed: *Felicia echinata* (LC), *Searsia lucida* (LC), *S. crenata* (LC), *Euclea racemose* (*Dune Guarni*) (LC), *Babiana* Sp., *Chasmanthe* sp., *Poaceae*, *Colpoom compressum* (LC), *Helichrysum dasyanthum* (LC), *H. patulum* (LC), *Diosma hirsute* (LC), *Indigofera brachystachya* (LC), *Solanum africanum* (LC), *Agapanthus africanus* (LC), *Metalasia muricata* (LC).

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Photo 3. Location: 34° 20' 43.213" S, 18° 50' 1.299" E



General Site Description: The transition zone from the more exotic grassy habitat to medium to tall shrub-dominated vegetation. The habitat is intact, with scattered exotic fountain grass observed.

Species Observed: *Felicia echinata* (LC), *Searsia lucida* (LC), *S. crenata* (LC), *Euclea racemose* (Dune Guarri) (LC), *Babiana* Sp., *Chasmanthe* sp., *Colpoon compressum* (LC), *Helichrysum dasyanthum* (LC), *H. patulum* (LC), *Diosma hirsuta* (LC), *Indigofera brachystachya* (LC), *Solanum africanum* (LC), *Agapanthus africanus* (LC), *Metalsia muricata* (LC).

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Photo 4. Location: 34° 20' 43.213" S, 18° 50' 1.299" E

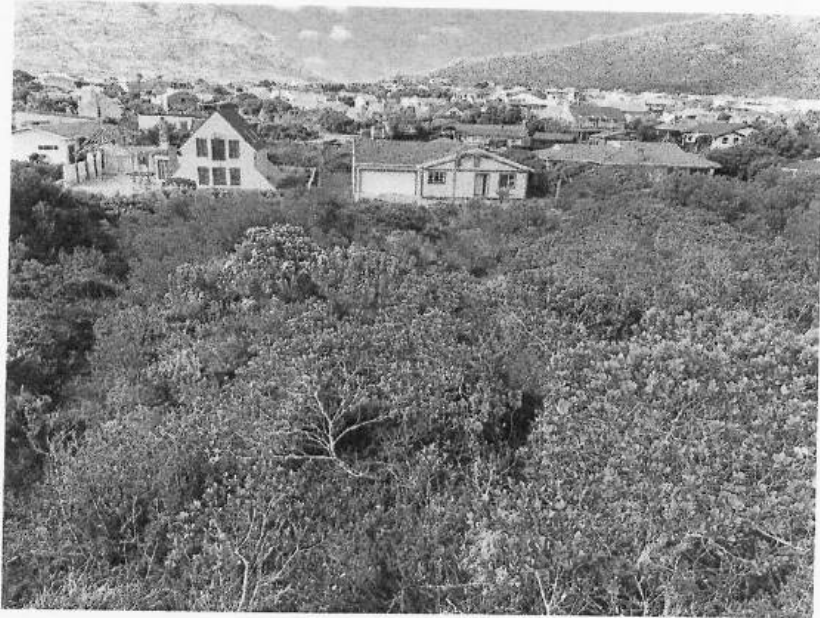


General Site Description: Intact dune habitat, this area will form part of the proposed Conservation Area. Scattered exotic fountain grass was observed.

Species Observed: *Felicia echinata* (LC), *Searsia lucida* (LC), *S. crenata* (LC), *Euclea racemose* (*Dune Guarn*) (LC), *Babiana* Sp., *Chasmanthe* sp., *Poaceae*, *Colpoon compressum* (LC), *Helichrysum dasyanthum* (LC), *H. patulum* (LC), *Diosma hirsuta* (LC), *Indigofera brachystachya* (LC), *Solanum africanum* (LC), *Agapanthus africanus* (LC), *Metalsia muricata* (LC), *Osteospermum moniliferum* (LC), *Restio Eleocharis* (LC).

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Photo 5. Location: 34° 20' 42.582" S, 18° 50' 2.268" E

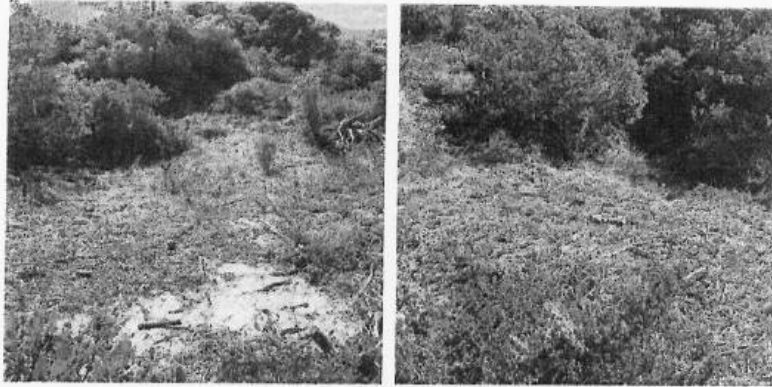


General Site Description: Easterly view of the site. Dune, supporting predominantly tall shrub vegetation, which included *Searsia* sp., *Colpoom Compressum* and *Euclea racemose*, and *Metalasia muricata* can be seen throughout the area. This site area has experienced some habitat degradation from alien plant invasion.

Species Observed: *Passerina corymbosa*, *Euclea racemosa*, *Metalasia densa*, *Osteospermum moniliferum*, *Acacia cyclops* (Alien vegetation)

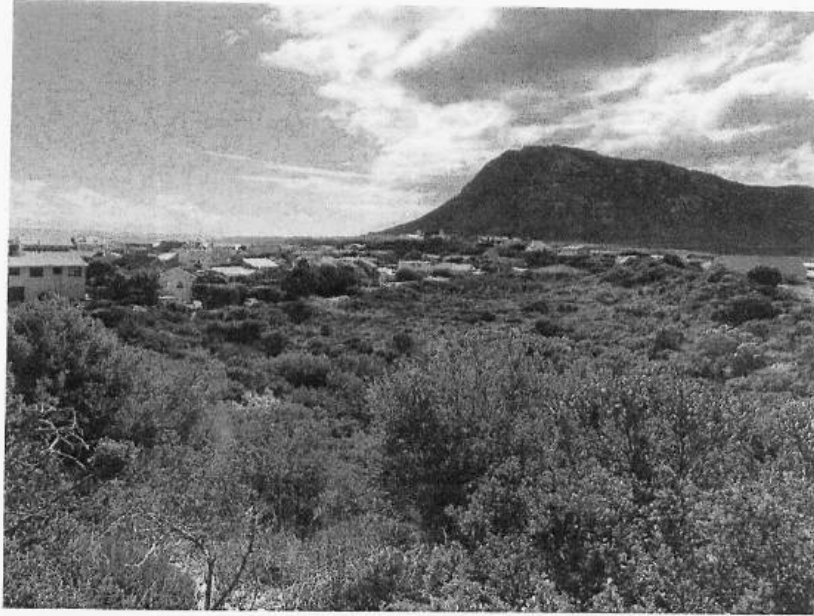
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Photo 6 and 7.



General Site Description: Photos 6 and 7, onsite disturbances in the form of vegetation clearing with scattered *Acacia cyclops* found on the periphery of the disturbances.

Photo 8. Location: 34° 20' 41.788" S, 18° 50' 2.117" E



General Site Description: View the channelled valley-bottom wetland north of the site from the top of the dune. This site part is dominated by tall shrub vegetation with moderate *Acacia cyclops* invasion.

Site Sensitivity

Sensitivity is defined here as the 'conservation value' and the 'degree of resilience to disturbance'. The conservation value relates to the conservation status (including the ecosystem threat status) and other factors, including ecological connectivity, habitat condition, the persistence of ecological processes and the sites' role in supporting biodiversity. The degree of resilience takes into consideration factors such as sensitivity to disturbance and restoration potential. The sensitivity categories are described below.

The intact habitat area is of **High sensitivity** (Figure 6) for the following reasons:

1. Natural areas with no or low evidence of human impact have intact ecosystem function and are considered necessary for maintaining ecosystem integrity.

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2. The vegetation is representative of the original vegetation type.
3. The habitat falls within a CBA2 area due to the ecosystem threat status.
4. Due to the intact habitat condition, minimal restoration will be required. Alien clearing would be required to prevent the further spread of *Acacia cyclops*.

The degraded habitat is of **Low-Medium sensitivity** for the following reasons:

1. Area void of vegetation due to manual vegetation clearing.
2. Densely invaded in areas by *Pennisetum setaceum* (exotic grass)
3. The degraded habitat's topsoil is intact; restoration potential is low to moderate if the site is kept clear of all IAPs.

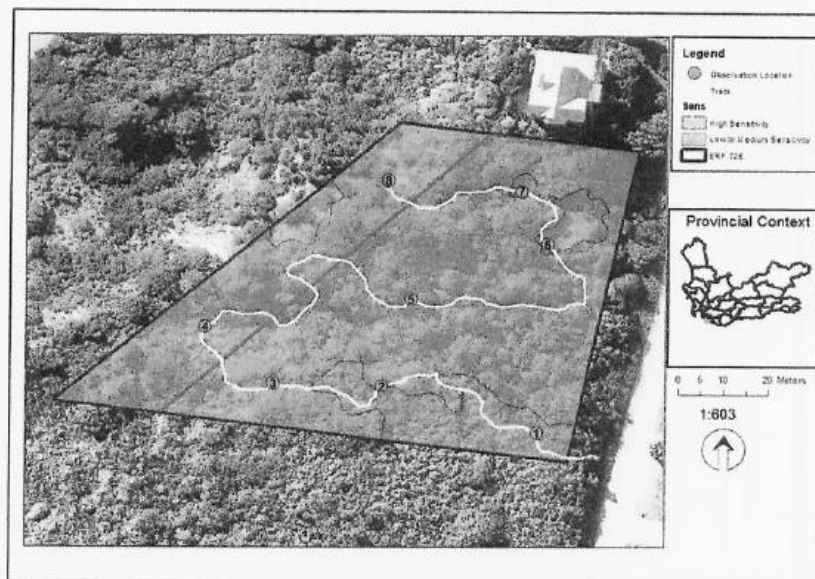


Figure 6: Site sensitivity Map

Development mitigation measures

Mitigation options are generally considered in terms of the following mitigation hierarchy: (1) avoidance, (2) minimisation, (3) restoration and (4) offsets.

- The development must not detract visually from the natural environment, i.e., by building on the ridgeline and steep slopes.

- The larger shrubs and slow-growing dune stabilising vegetation such as *Euclea racemose* should be kept in situ to prevent further degradation of the dune habitat.
- The impact should be restricted to the construction site.
- The site is situated on a stabilised old dune, and the construction phase will likely destabilise the dune. Restoration work will be required to ensure that the dune habitat stays intact.
- The current alien plant extent is low to moderate; these alien species must be removed. Annual clearing should be undertaken to ensure the effective management of all IAPs, especially after the disturbances caused by the construction activities.
- Landscaping should include native species rescued from the construction activities.

Conclusion and Recommendations

The study area contains endangered Hangklip Sand Fynbos vegetation. The eventual development will result in the permanent loss of intact and degraded vegetation, which has high and low-to-medium sensitivity, respectively, in terms of the biodiversity value and ecological function. The site is part of a larger green belt home to endangered vegetation and a wetland. This area is not essential for meeting biodiversity targets but plays an important role in supporting the functioning of PAs or CBAs and is often vital for delivering ecosystem services.

The proposed subdivision of erf 726 will create three (3) single residential erven and one (1) conservation area / open space portion. The subsequent development impact on the vegetation of the site will be restricted to portions A, B, and C. Portion D will be zoned as Open Space Zone 1: Nature Reserve (OS1) in terms of Chapter 4, Section 16(2)(a) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020. The Nature Reserve (Portion D: ±1285m²) will create an adequate buffer between the terrestrial habitat of portions A, B and C and the channelled valley-bottom wetland to the north of the site. The open space is an intact representation of Hangklip Sand Fynbos and must be managed to prevent indirect habitat degradation.

The subdivision for ERF 726 does not trigger any listed activities in terms of the NEMA EIA regulations 2014 (as amended) as defined in listing notices ("LN") 1, 2 & 3 of 7 April 2017. However, it is essential to note that due to the site's ecosystem threat status and the presence of ESA2, the subsequent development on the erven may constitute listed activities as defined

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in terms of the NEMA Regulations. In this case, any clearance of vegetation over 300 m² will trigger LN 3, activity 12 of NEMA and require environmental authorisation from the competent authority before such activities may commence.

References

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Navrae:
Enquiries: H van der Sloep (Senior Town Planner)

Leërvawysing:
File Reference: Erf 726 Pringle Bay

Datum:
Date: 19 March 2020



TOWN PLANNING / STADSBEPLANNING
HERMANUS

Ms W Cilliers
Pam Golding
PRINGLE BAY
7196

wendy.cilliers@pamgolding.co.za

Dear Madam

ERF 726 PRINGLE BAY

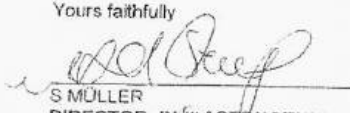
In the early 2000's an open space corridor was determined by the Nature Conservation Department of the Municipality. The latter document is the basis on which subdivisions are evaluated. The minimum required erf size of a 1000m² and the open space corridor. This corridor (±10298m² in extent) represents the sensitive dune and wetland areas.

It was agreed between Mr Hazelden and the Pringle Bay Ratepayers' Association that it would be a condition of sale if future owners of these properties wish to subdivide, the portions of their properties that fall within this corridor be ceded to Council. The building line abutting the Nature Conservation Area be a minimum of 5m. This was accepted by the Municipality and is still in place.

Erf 726 was dealt with by Barry Blout of Messrs Diesel & Munns Land Surveyors. Their contact details are 021-852 3800 or 852 3759 Somerset West.

Please take note, that a new building will need a surveyed plan with contours when submitted at the Municipality. Therefore the Open Space Zone 1 area needs to be determined and clarity in this regard will have to be obtained by the Environmental Officer and Cape Nature.

Yours faithfully


S MÜLLER
DIRECTOR: INFRASTRUCTURE AND PLANNING

Tel: 028 3138179
Fax: 028 3132093
Email: lorretta@overstrand.gov.za

PO Box 20 / Postbus 20
HERMANUS
7200

Annexure F 1/2

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION & REZONING: ERF 726, PRINGLE BAY**

Stormwater (SW)	:	In Order
Electricity	:	Eskom Area
Water	:	In Order
Sewer	:	In Order
Roads and traffic	:	In Order

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.

The contribution according to the current policy (2021/2022) is as follows:

Freehold erven:

Water	R 24 915.00 x 2	=	R 49 830.00
Sewerage	R 16 799.12 x 2	=	R 33 598.24
Roads	R 7 532.72 x 2	=	R 15 065.44
Stormwater	R 8 691.28 x 2	=	R 17 382.56
Solid Waste	R 1 505.92 x 2	=	<u>R 3 011.84</u>
TOTAL (inclusive of VAT)		=	R118 888.08

Note:

- 1.3 **The above figures are estimates**
 - 1.4 **The above figures do not include evaluation/investigation levies and connection fees**
2. that each property to have their own water connection, the cost of connection and / or any upgrade for any of these services be required, will be at the owner's cost;

3. that each property to have their own conservancy tank to Municipal specification;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
4. that, upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Senior Manager: Operational Services (Kleinmond) for written approval;
5. that any additional and / or extended vehicle entrance will be for the owner's account;
6. that stormwater be allowed to discharge through the proposed Erven, Pringle Bay, unobstructed;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

Annexure G 1/2



Western Cape
Government



Department of Environmental Affairs and Development Planning

Kobus Munro

Directorate: Development Management (Region 2)

Kobus.Munro@westerncape.gov.za | Tel: 083 701 1890

Reference: 15/3/2/12/BO3

Director: Infrastructure and Planning
Overstrand Municipality
PO Box 20
HERMANUS
7200

FILE NO.	OF 726
	Pringle Bay
SCAN NO.	
	03
COLLABORATOR NO.	
	1663442

REQUEST FOR PROVINCIAL PLANNING COMMENT: APPLICATION FOR SUBDIVISION AND REZONING: ERF 726, PRINGLE BAY

- Your request for comment, dated 17 March 2022, has reference.
- The application under consideration is for the subdivision of Erf 726, Pringle Bay into 4 portions, namely Portion A ($\pm 1\ 240\text{m}^2$), Portion B ($\pm 1\ 262\text{m}^2$), Portion C ($\pm 1\ 050\text{m}^2$) and Portion D ($\pm 1\ 285\text{m}^2$) and the rezoning of the newly created Portion D from Residential Zone 1: Single Residential (SR1) to Open Space Zone 1: Nature Reserve (OS1).
- The subject property is located inside the Urban Edge of Pringle Bay and is earmarked for Urban Development in terms of the SDF. In terms of the Zoning Scheme, however, the property falls within the Pringle Bay Urban Conservation Environmental Management Zone (EMOZ), which identifies private property within priority conservation-worthy ecological corridors.
- The proposed subdivision will result in three residential erven in excess of 1 000m² and an open space zone, aimed at protecting the sensitive due and wetland areas, as required by the EMOZ.
- Whilst this Directorate has no objection to the subdivision proposal from a provincial planning perspective, the proposed rezoning to Open Space 1: Nature Reserve could be problematic given that the Zoning Scheme requires that a nature reserve must be "declared or registered as a nature reserve in terms of legislation for the purpose of conserving and managing wildlife, flora and fauna in a predominantly natural habitat ". Failure to have the nature reserve registered or declared in terms of the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003) will, therefore, result in the lapsing of the zoning after a period of 10 years

TP 30 MAR 2022

from the date of approval and the subsequent reinstatement of an additional residential property.

6. An alternative would, therefore, be the rezoning of said portion a "private open space", to be used nature area, should the property not be ceded to the Municipality as proposed.

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)



Western Cape
Government

Annexure H 1/2

Department of Environmental Affairs and Development Planning

Loretta Osborne

Directorate: Development Management, Region 1
Loretta.Osborne@westerncape.gov.za | Tel: 021 483 3696

REFERENCE: 16/3/3/6/6/E2/31/1088/22

DATE: 3/5/2022

The Municipal Manager
Overstrand Municipality
P.O. Box 22
HERMANUS
7200

FILE NO. EL 726-KPRB
SCAN NO.
COLLABORATOR NO.
1680127



TP-A Theart
(Hild Stoep)

Attention: Ms L Isaacs

E-mail: loriaanisaacs@overstrand.gov.za

Dear Madam

APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): APPLICATION FOR SUBDIVISION AND REZONING: ERF 726, PRINGLE BAY

1. The document, as received electronically by this Department on 17 March 2022, refers.
2. This letter serves as an acknowledgement of receipt of the abovementioned document by this Department.
3. According to the information contained in the correspondence this Department notes the following:
 - 3.1 An application has been submitted to Overstrand Municipality for subdivision in terms of Section 16(2)(d) of the By-law to subdivide Erf No. 726, Pringle Bay into four portions, namely Portion A (approximately 1240 square metres), Portion B (approximately 1262 square metres) Portion C (approximately 1050 square metres) and Portion D (approximately 1285 square metres); and
 - 3.2 An application has been submitted to Overstrand Municipality for rezoning in terms of Section 16(2)(a) of the By-law to rezone the newly created Portion D (approximately 1285 square metres) from Residential Zone I: Single Residential (SRI) to Open Space Zone I: Nature Reserve (OSI).
4. Your attention is therefore drawn to the listed activities in terms of the NEMA EIA Regulations 2014 (as amended) as defined in Listing Notices ("LN") 1, 2 & 3 of 7 April 2017. Be advised that, based on the information provided, the application for subdivision and rezoning on Erf No. 726, Pringle Bay **does not** constitute any listed activities as defined in the NEMA EIA Regulations, 2014 (as amended). Environmental Authorisation is therefore not required prior to the application for subdivision and rezoning on Erf No. 726, Pringle Bay.
5. However, the subsequent development on the erven may constitute listed activities as defined in terms of the NEMA EIA Regulations, 2014, should the development of the erven deviate from the vested rights (amendment of the specific parameters for which the property was set apart) and if construction activities entail the clearing of indigenous vegetation. In terms of the latter, if the site (different properties (cadastral units) that were all set apart for a particular purpose in terms of a General Plan) in question was cleared of indigenous vegetation prior to the EIA Regulations coming into effect, but not repeatedly so, and specifically not in the preceding ten-year period, clearance of indigenous vegetation would require environmental



TP 03 MAY 2022

www.westerncape.gov.za

Department of Environmental Affairs and Development Planning

authorisation should the thresholds in the various listed activities in this regard be triggered. Developments deviating from the vested rights of the property i.e. amendment of the specific parameters for which the property was set apart for may also require environmental authorisation should the thresholds in the various listed activities in this regard be triggered.

6. Should any revision of your development comprise any activities that constitute a listed activity as defined in LN 1, 2 and 3, an application for environmental authorisation must be submitted to the competent authority and authorisation obtained before such activity(ies) may commence.
7. You are advised that it is the responsibility of the applicant on the general duty of care and the remediation of environmental damage. Section 28(1) of NEMA specifically states that – "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."
8. The applicant must comply with any other statutory requirements that may be applicable to the undertaking of the activity.
9. The Department reserves the right to revise its comments and request further information from you based on any new or revised information received.

Yours faithfully

Marbe Digitally signed by
Marbe Coetzee
PP Coetzee Date: 2022.05.03
09:20:34 +0200

**HEAD OF COMPONENT
ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Annexure I 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 087 087 866 8017
email rsmart@capenature.co.za
reference LS14/2/6/1/1/2/726_subdiv&rezon_Pringle Bay
date 23 May 2022

Overstrand Municipality: Hermanus Administration
 P.O. Box 20
 Hermanus
 7200

Attention: Hanneen van der Stoep
 By email: loretta@overstrand.gov.za

Dear Ms van der Stoep

FILE NO.	CF 726 ✓
	Pringle Bay
SCAN NO.	KPRB 726
COLLABORATOR NO.	1687762

**Application for Subdivision and Rezoning of Erf 726, Pringle Bay
(Overstrand Municipality ref: 726 KPRB)**

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.

The subject property is classified as Ecological Support Area 2 (ESA) according to the Western Cape Biodiversity Spatial Plan. The natural vegetation present consists of Hangklip Sand Fynbos, currently listed as Endangered and proposed to be Critically Endangered and there is a floodplain wetland present according to the National Wetland Mapping.

The site is situated within the Urban Conservation Environmental Management Overlay Zone (EMOZ) of the Overstrand Municipality as referred to in the planning report. According to the Regulations for the Urban Conservation EMOZ, for private properties within this zone the municipality may require that specialist biodiversity studies and/or other relevant studies be undertaken by the developer/owner in order to inform development planning and retain priority ecological corridors and habitats.

CapeNature recommends that a specialist biodiversity study is undertaken as discussed above and that this is used to inform the alignment of the proposed subdivision. The subdivision should aim to permit a sufficient footprint for each erf which avoids sensitive terrestrial and freshwater habitat. This may (or may not) result in fewer erven. This is consistent with the CapeNature comment for the adjacent erf (Erf 728).

With regards to the determination whether NEMA would be triggered, which would be a responsibility of the future owners of the subdivisions, it may be that DEA&DP may determine that the original subdivision to a residential erf functioned as environmental approval as well. Otherwise clearing of more than 300 m² of endangered vegetation would be a trigger. NEMA triggers are discussed in the planning report. CapeNature does not support subdivisions

The Western Cape Nature Conservation Board trading as CapeNature
 Board Members: Associate Prof Denver Hendricks (Chairperson), Prof Gavin Maneveldt (Vice Chairperson), Ms Marguerite Loubeur, Mr Menyn
 Burton, Dr Colin Johnson, Prof Aubrey Redlinghuis, Mr Paul Slack

2/2

which result in cadastres which cannot be developed due to biodiversity constraints and the burden is placed on the future landowner/s.

In conclusion, CapeNature recommends that the Regulations for the Urban Conservation EMOZ should be applied to this application and that a specialist biodiversity study should be undertaken to inform the subdivision to ensure that the connectivity is maintained and impacts on biodiversity are minimized.

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)

TP. n. / heart
(1. u. d. Sloop)
cd 1.1. Blignau



Annexure J 1/2



BREED-GOURITZ

CATCHMENT MANAGEMENT AGENCY

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

Enquiries: Rafeeq Le Roux

Tel: +27 23 346 8000

Fax: +27 23 347 2012

E-mail: rleroux@bgcma.co.za

Reference No: 4/10/1/G40B/ERF726, PRINGLE BAY, CALEDON

Date: 14th June 2022

Overstrand Municipality
P.O. Box 20
Hermanus
7200
loretta@overstrand.gov.za

Attention: L Gillion

FILE NO.	726
	Pringle Bay
SCAN NO.	KPRB 726
COLLABORATOR NO.	1699137

COMMENT ON THE APPLICATION FOR PROPOSED SUBDIVISION & REZONING: ERF 726 (72 BUFFELS ROAD), PRINGLE BAY.

With reference to the above application received on 19/04/2022.

This office in principle has no objection to the application subject to the adherence of the following conditions:

1. The property occur within the extent of a mapped watercourse. No development of the property and subdivided portions may occur without conducting a Freshwater screening by an appropriately registered SACNASP professional. The required Risk matrix and Freshwater screening must be submitted to this office for review. Where Water Use Authorisation processes are applicable in terms of Section 39 and/or 40 of the National Water Act, 1998 (Act 36 of 1998), authorisation must firstly be applied for and obtained before any development may occur.
2. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to.
3. No use of surface water and/or storage of water is permitted, unless the applicant has formally obtained a license in terms of Section 41 of the National Water Act (Act 36 of 1998) and/or formal authorisation in terms of General Authorisations issued under Section 39 (Government Notice 538 of 2016), and/or if it is authorised under Schedule 1 of the National Water Act, 1998 (Act 36 of 1998) and/or if it is an Existing Lawful Water Use in terms of the National Water Act, 1998 (Act 36 of 1998).
4. No permanent structures maybe constructed within the regulated area of any watercourse (seasonal or permanent river, stream etc.), without firstly obtaining authorization in terms of Section 21 (c) and (i) of the National Water Act, 1998 (Act 36 of 1998).

5. The registration of all water uses as defined in Section 21 of the National Water Act 36 of 1998 that need to be registered. The relevant registration forms may be accessed on the www.breedegouritzcma.co.za website or alternatively this office may be approached for assistance.
6. Where the applicant has an existing lawful registered water use, used for agricultural purposes thus far, application should be made to the Responsible Authority to amend such use proportionally per annual volume for domestic, commercial, industrial and/or agricultural, if this is applicable.
7. No pollution of surface water or ground water resources may occur due to any activity.
8. No stormwater runoff from any premises containing waste, or water containing waste emanating from industrial activities and premises may be discharged into a water resource. Polluted storm water must be contained.
9. All relevant sections and regulations of the National Environmental Management: Waste Act 2008 (Act 59 of 2008) regarding the disposal of solid waste must be adhered to. Solid waste may only be disposed of onto an authorized solid waste facility in terms of abovementioned legislation.
10. The water provided for domestic use must comply with the SANS 241: 2015 guidelines for drinking water (edition 1). Regular monitoring must be done to ensure compliance. If the quality of the water is of such a nature that it is a threat to human health, then this office and the Provincial Department of Health must be informed of the procedures to rectify the problem.

Please be advised that all relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to. The use of water without the required authorization in terms of the National Water Act, 1998 (Act 36 of 1998) may be regarded as unlawful and a criminal offence.

The onus remains on the registered property owner to confirm adherence to any relevant legislation with regards to the activities which might trigger and/or need authorization for

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



MR. JAN VAN STADEN

CHIEF EXECUTIVE OFFICER (ACTING)

TPA-EMS-220422-01

Town Planning Application on 22-04-2022

Generated on Unit! by Tamzyn Zweig on 22-04-2022



Basic Information

Captured	22-04-2022 14:39	Call Time	22-04-2022 14:39	Captured By	Tamzyn Zweig
Reference	TPA-EMS-220422-01			Office	EMS
District	Overberg			Status	Open
Municipality	Overstrand				

Description

APPLICATION FOR SUBDIVISION AND REZONING

Application Details

File Reference	726 KPRB (4069/2022)
Applicant	PLAN ACTIVE (obo ENTK FAMILY TRUST)
Property	ERF 726, 72 BUFFELS
Details	ROAD, PRINGLE BAY

Application Comments

To Whom it may concern,

RE: File Reference 726 KPRB (4069/2022) APPLICATION FOR SUBDIVISION AND REZONING Erf 726 Pringle Bay.

The Environmental Management Section (EMS) has no objection to the application however the following should be noted

1. The National Water Act (NWA, 1998):

Due to the presence of a Floodplain Wetland on the property the Breede-Gouritz Catchment Management Agency (BGMA) must be contacted for water use authorisation on the property in relation to Sections 21 and 22 of National Water Act.

2. National Environmental Management Act (NEMA, 1998)

The increase in the permitted development coverage in relation to the original erf 726 development parameters as detailed in the Overstrand Town Planning Scheme (2020) warrant an application to the Department of Environmental Affairs and Development Planning (DEA DP) for Environmental Authorisation through the Environmental Impact Assessment (EIA) process if any of the activities in the EIA Regulations are triggered.

3. The Environmental Management Overlay Zones (EMOZ)

8.5.1.1.4. Urban Conservation EMOZ: Category D: Private Property

The seller must make prospective buyers aware of the status of Category D EMOZ for the subdivided erven. The EMS may *inter alia* request that an Environmental Management Plan (EMP) and/or specialist reports are submitted for proposed development on the erven.

Sincerely,

Tamzyn Zweig

Environmental Officer

Hangklip-Kleinmond Administration

tzweig@overstrand.gov.za

028 271 8420

Cost Sheet

Cost Sheet Summary

Total

0.00

Annexure L 1/22

**SPECIALIST BIODIVERSITY ASSESSMENT FOR THE SUBDIVISION &
REZONING OF ERF 726, PRINGLE BAY.**

Attention:

Michelle Naylor

Lornay Environmental Consultancy

Prepared by:

Jacques van Rensburg. MSc (Botany), Pr. Sci. Nat

Contact details:

Mobile – 082 746 6623

Email – jacques@natureworks.co.za

APPOINTMENT OF SPECIALIST

Jacques van Rensburg, Director of Nature Works Environmental Consultancy, was appointed by Michelle Naylor from Lornay Environmental Consulting to provide specialist biodiversity input for the proposed subdivision & rezoning of ERF 726 Pringle Bay.

DECLARATION OF INDEPENDENCE

I, Jacques Jansen van Rensburg, as the appointed Specialist, with this, declare/affirm the correctness of the information provided or to be provided as part of the application and that I:

- In terms of the general requirement to be independent:
 - Other than fair remuneration for work performed in terms of this application, I have no business, financial, personal or other interest in the development proposal or application, and there are no circumstances that may compromise my objectivity; or
- Throughout the remainder of the general requirements for a specialist, I have met all the needs throughout this process.
- have disclosed to the applicant, the EAP, the Review EAP (if applicable), the Department and I&APs all material information that has or may have the potential to influence the decision of the Department or the objectivity of any report, plan or document prepared or to be prepared as part of the application; and
- am aware that a false declaration is an offence in Regulation 48 of the EIA Regulations, 2014 (as amended).

Mr. Jacques Jansen van Rensburg



August 2022

CONDITIONS RELATING TO THIS REPORT

This report's methodology, findings, results, conclusions, and recommendations are based on my best scientific and professional knowledge. I reserve the right to modify aspects of the report, including the recommendations and decisions, should additional relevant information become available. This report may not be altered or added to without the author's prior written consent. Any recommendations, statements or conclusions drawn from, or based on this report, must cite this report and should not be taken out of context, and may not change, alter or distort the intended meaning of the original in any way. If these extracts or summaries form part of the main report relating to this study or investigation, this report must be included in its entirety as an appendix or as a separate section to the main report.

DETAILS OF THE SPECIALIST

Surname: van Rensburg

First names: Jacques

Address: 1 Fraser Road, Somerset West, 7130

Tel: 082 748 6623

Email: jacques@natureworks.co.za

Professional registration: South African Council for Natural Scientific Professions No. 119660

Expertise

- Qualifications: Hons (2012), Environmental Management & MSc (2017) in Botany at Unisa and Stellenbosch University.
- Ecologist with 13 years of experience in Environmental Management and Botanical Surveys.
- Founder of Nature Works Environmental Consultancy (Pty) Ltd.

4/22

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Introduction

The applicant wishes to subdivide erf 726 Pringle Bay in terms of Chapter 4, Section 16(2)(d) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, to create three (3) single residential erven and one (1) conservation area / open space portion as follows (Figure 1):

- Portion A: $\pm 1240\text{m}^2$
- Portion B: $\pm 1262\text{m}^2$
- Portion C: $\pm 1050\text{m}^2$
- Portion D: $\pm 1285\text{m}^2$

The rezoning of Portion D, a portion of erf 726 Pringle Bay, from Residential Zone 1: Single Residential (SR1) to Open Space Zone 1: Nature Reserve (OS1) in terms of Chapter 4, Section 16(2)(a) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020.

In terms of the Overstrand Municipality Environmental Management overlay zone regulations, 2020, Nature Works has been appointed to conduct Specialist Biodiversity Assessment to inform development planning and retain priority ecological corridors and habitats. The specialist assessment will entail the following:

- Identify and describe biodiversity patterns at the community and ecosystem level (primary vegetation type, plant communities in the vicinity and threatened/vulnerable ecosystems), species level (threatened Red List species, presence of alien species) and insignificant landscape features.
- Assess the local and regional importance of the vegetation communities and plant species within the affected areas based on the relevant biodiversity plans, bioregional planning documents, Environmental Management Frameworks etc.
- Describe the sensitivity of the site and its environs and map these resources.
- Identify any areas unsuitable for development or related activities (No-Go Areas) and associated buffers that should be observed.
- Include any rehabilitation or monitoring measures that may be required.

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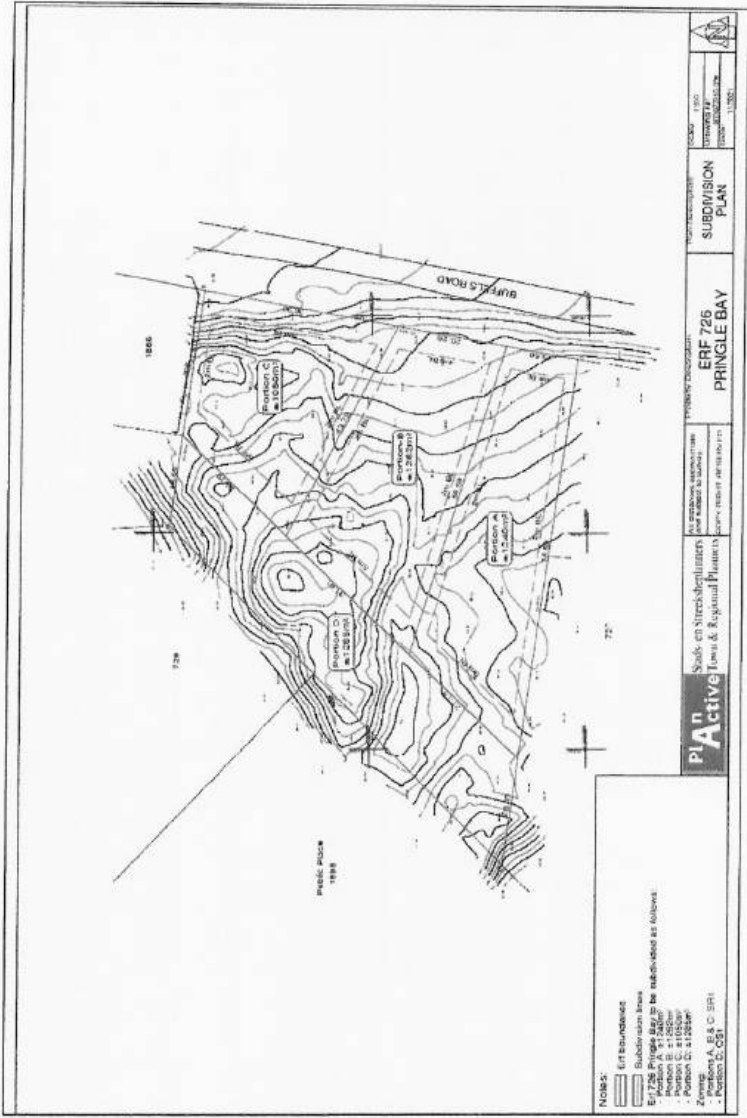


Figure 1: Proposed Subdivision layout of ERF 726

Regional Biodiversity Features

The National Vegetation and Ecosystem Threat Status

According to the Vegetation Map of South Africa, Lesotho and Swaziland (SANBI, 2018) (VEGMAP), the vegetation type occurring in the study area and its surrounds are Hangklip Sand Fynbos (Figure 2) (National Biodiversity Assessment, 2018).

The vegetation and landscape feature consists of dunes and sandy bottomlands supporting moderately tall, dense ericoid shrubland—emergent, tall shrubs in places. Proteoid, ericaceous and restioid fynbos are dominant, with some asteraceous fynbos also present. On the coastal fringe, this unit borders on strandveld. Shallow soils replace the deep soils of the coastal plains on mountain slopes on the northern edge. Hangklip Sand Fynbos occurs mainly on old dunes, but the high rainfall and leaching allow many typical sandstone fynbos species to occur on older deposits as well, so this unit is not as floristically distinct as other sandstone fynbos units.

Geology & Soils are Leached, acid Tertiary sand in coastal areas, mainly derived from dunes. Soils are generally of Lamotte or Houwhoek forms or grey, regic sands. Land types are primarily Ga, Hb and Gb.

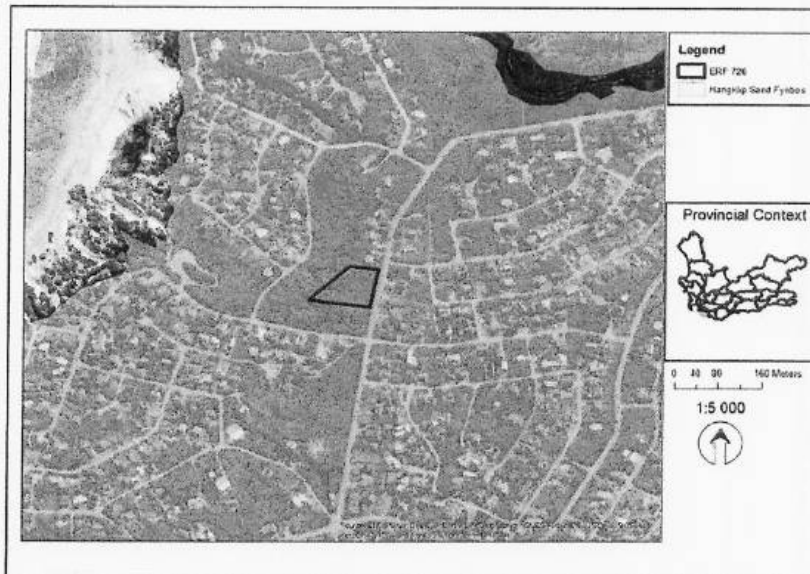


Figure 2: Presence of Hangklip Sand Fynbos

Western Cape Biodiversity Plan

The Western Cape Biodiversity Spatial Plan (WCBSP) indicates that the proposed development will directly impact an area categorised as ESA2 (figure 3).

The described ESA2 contains features that include a coastal corridor, Endangered vegetation and a wetland. This area is not essential for meeting biodiversity targets but plays an important role in supporting the functioning of PAs or CBAs and is often vital for delivering ecosystem services. The management objective for ESA2 is to restore and manage to minimise the impact on ecological processes and ecological infrastructure functioning, especially soil and water-related services, and to allow for faunal movement.

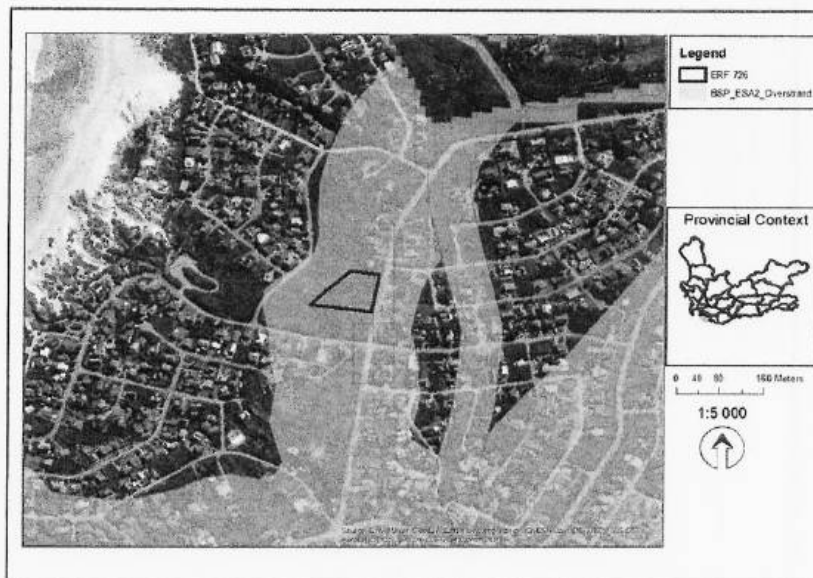


Figure 3: Western Cape Spatial Biodiversity Plan indicating the spatial distribution of ESA2 concerning the proposed subdivision.

Freshwater Ecosystems

The site falls in an area defined as a channelled valley-bottom wetland (Figure 4) (NWM5). This wetland area forms part of the National Wetland Freshwater Priority Area (NFEPA). The delineations were based mainly on remotely sensed imagery, and this specialist assessment will confirm the presence of a wetland on site.

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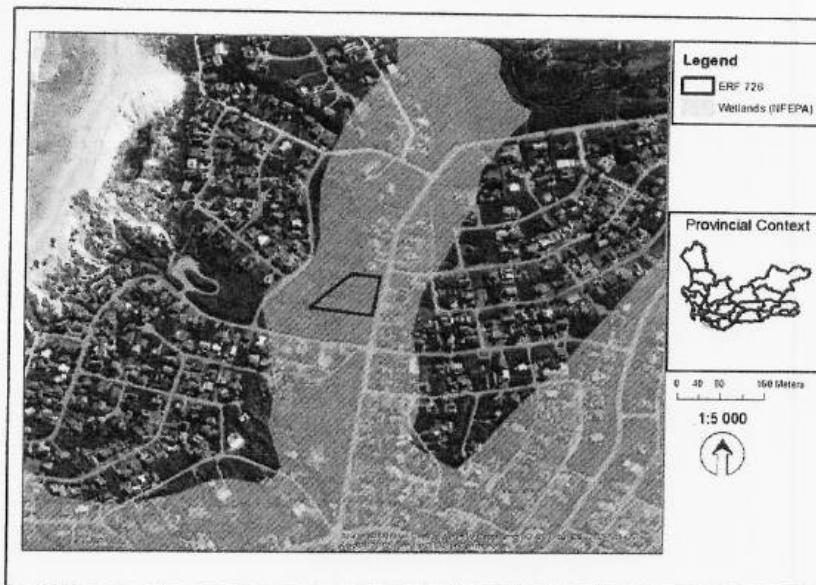


Figure 4: National Wetland Freshwater Priority Areas.

Vegetation of the Study Area

The site visits were conducted on 22 July and 13 August 2022. The site visits were conducted during the late winter months, heading into the peak observation period (August). The peak flowering time in this region is early spring, which occurs from August to November. The survey timing is therefore regarded as sub-optimal in terms of accurately assessing the site's flora. Despite this limitation, the condition of the vegetation can still be determined with a moderate to a high degree of confidence.

A time-meander search methodology was used to cover the full range of micro-habitats in each vegetation community. A floristic inventory was compiled while strolling through a particular vegetation community, recording all taxa encountered, including those that cannot be immediately identified.

Habitat condition

The current (August 2022) vegetation condition on the site is described below according to habitat categories provided in Table 1. The habitats mapped by the author are represented in Figure 5.

Table 1: Habitat description.

Habitat condition	Description
Intact vegetation	An accurate representation of the original vegetation type in terms of structure and species makeup. Minimal soil disturbance. Unlikely to have ever been ploughed. The disturbance may be evident.
Semi-intact	It resembles the original vegetation type in structure and species makeup but has undergone some form of current or historical disturbance. Restoration potential is high.
Degraded	Only a few species representative of the original vegetation type are present. The vegetation has undergone heavy disturbance. Restoration potential is either low or moderate.
Highly degraded	The original vegetation is usually absent and has been removed in the past. Only a few remnants or pioneer species are present. Soils were traditionally ploughed in the past. Restoration potential is very low.
Transformed	No remnant species exist anymore. The landscape is altered irreversibly with no restoration potential. Examples include cultivated farmland and the built environment.

A detailed habitat description can be found in the below tables with photographs of each vegetation community, and the photo locations can be observed in figure 5.

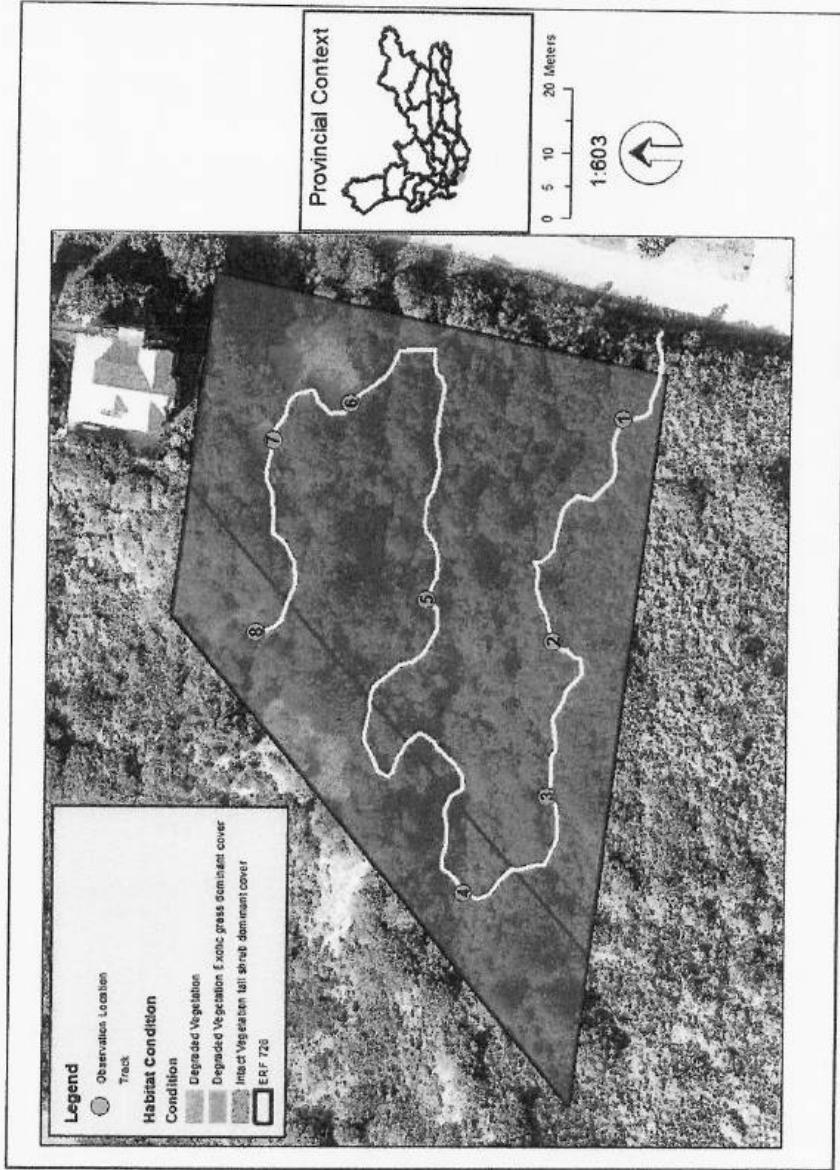


Figure 5. Habitat Map and location where the photos were taken during the site visits.

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Photo 1. Location: 34° 20' 43.542" S, 18° 50' 2.948" E



General Site Description: Degraded dune, supporting predominantly *Pennisetum setaceum* declared exotic invasive plant, with scattered medium to tall shrub vegetation consisting of *Scaevola* sp., *Eculea racemose*, *Diosma hirsute* and *Helichrysum* sp. This area is distinct from the rest of the site, which is more densely populated with tall shrub vegetation.

Species Observed: *Felicla echinata* (LC), *Scaevola lucida* (LC), *S. crenata* (LC), *Eculea racemose* (Dune Guarn) (LC), *Babiana* sp., *Chasmanthe* sp., *Poaceae*, *Colpoon compressum* (LC), *Helichrysum dasyanthum* (LC), *H. patulum* (LC), *Diosma hirsute* (LC), *Indigofera brachystachya* (LC), *Solanum africanum* (LC), *Agapanthus africanus* (LC), *Metalsia muricata* (LC).

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Photo 2. Location: 34° 20' 43.233" S, 18° 50' 2.087" E



General Site Description: Northerly view. Dune, supporting predominantly tall shrub vegetation, which included *Searsia* sp., *Colpoon Compressum* and *Euclea racemose*, *Metalasia muricata* can be seen scattered throughout the area. The vegetation is intact, with no disturbances observed.

Species Observed: *Felicia echinata* (LC), *Searsia lucida* (LC), *S. crenata* (LC), *Euclea racemose* (*Dune Guari*) (LC), *Babiana* Sp., *Chasmanthe* sp., *Poaceae*, *Colpoon compressum* (LC), *Helichrysum dasyanthum* (LC), *H. patulum* (LC), *Diosma hirsute* (LC), *Indigofera brachystachya* (LC), *Solanum africanum* (LC), *Agapanthus africanus* (LC), *Metalasia muricata* (LC).

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Photo 3. Location: 34° 20' 43.213" S, 18° 50' 1.299" E

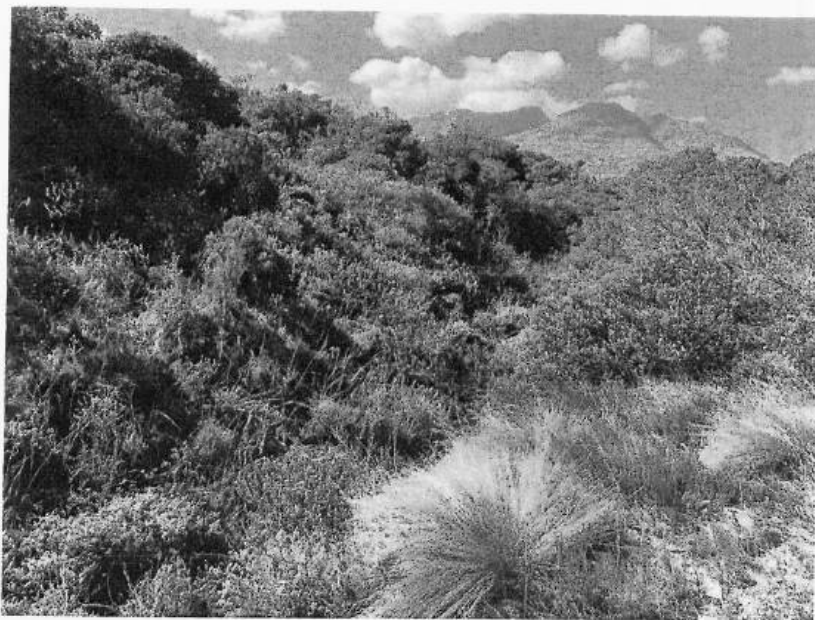


General Site Description: The transition zone from the more exotic grassy habitat to medium to tall shrub-dominated vegetation. The habitat is intact, with scattered exotic fountain grass observed.

Species Observed: *Felicia echinata* (LC), *Searsia lucida* (LC), *S. crenata* (LC), *Euclea racemose* (*Dune Guart*) (LC), *Babiana* Sp., *Chasmanthe* sp., *Colpoon compressum* (LC), *Helichrysum dasyanthum* (LC), *H. patulum* (LC), *Diosma hirsuta* (LC), *Indigofera brachystachya* (LC), *Solanum africanum* (LC), *Agapanthus africanus* (LC), *Metasia muricata* (LC).

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Photo 4. Location: 34° 20' 43.213" S, 18° 50' 1.299" E



General Site Description: Intact dune habitat, this area will form part of the proposed Conservation Area. Scattered exotic fountain grass was observed.

Species Observed: *Felicia echinata* (LC), *Searsia lucida* (LC), *S. crenata* (LC), *Euclea racemose* (Dune Guarni) (LC), *Babiana* Sp., *Chasmanthe* sp., *Poaceae*, *Colpoon compressum* (LC), *Helichrysum dasyanthum* (LC), *H. patulum* (LC), *Diosma hirsuta* (LC), *Indigofera brachystachya* (LC), *Solanum africanum* (LC), *Agapanthus africanus* (LC), *Metalsia muricata* (LC), *Osteospermum moniliferum* (LC), *Restio Eleocharis* (LC).

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Photo 5. Location: 34° 20' 42.582" S, 18° 50' 2.268" E

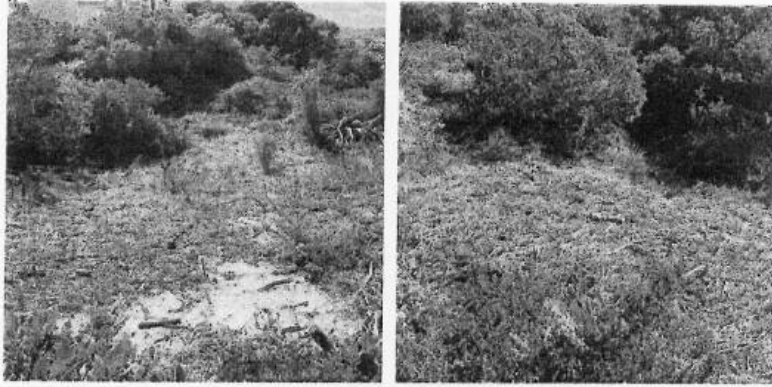


General Site Description: Easterly view of the site. Dune, supporting predominantly tall shrub vegetation, which included *Searsia* sp., *Colpoom Compressum* and *Euclea racemose*, and *Metalasia muricata* can be seen throughout the area. This site area has experienced some habitat degradation from alien plant invasion.

Species Observed: *Passerina corymbosa*, *Euclea racemosa*, *Metalasia densa*, *Osteospermum moniliferum*, *Acacia cyclops* (Alien vegetation)

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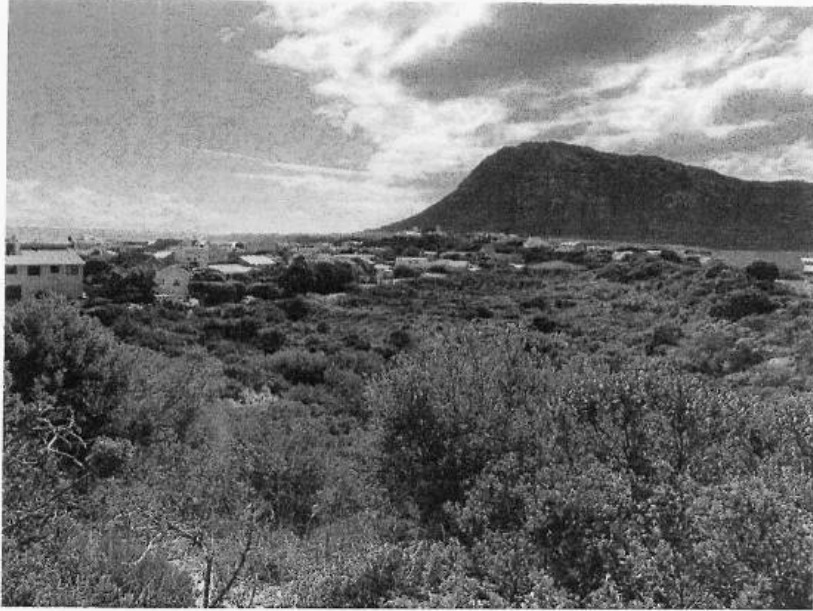
Photo 6 and 7.



General Site Description: Photos 6 and 7, onsite disturbances in the form of vegetation clearing with scattered *Acacia cyclops* found on the periphery of the disturbances.

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Photo 8. Location: 34° 20' 41.788" S, 18° 50' 2.117" E



General Site Description: View the channelled valley-bottom wetland north of the site from the top of the dune. This site part is dominated by tall shrub vegetation with moderate *Acacia cyclops* invasion.

Site Sensitivity

Sensitivity is defined here as the 'conservation value' and the 'degree of resilience to disturbance'. The conservation value relates to the conservation status (including the ecosystem threat status) and other factors, including ecological connectivity, habitat condition, the persistence of ecological processes and the sites' role in supporting biodiversity. The degree of resilience takes into consideration factors such as sensitivity to disturbance and restoration potential. The sensitivity categories are described below.

The intact habitat area is of **High sensitivity** (Figure 6) for the following reasons:

1. Natural areas with no or low evidence of human impact have intact ecosystem function and are considered necessary for maintaining ecosystem integrity.

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2. The vegetation is representative of the original vegetation type.
3. The habitat falls within a CBA2 area due to the ecosystem threat status.
4. Due to the intact habitat condition, minimal restoration will be required. Alien clearing would be required to prevent the further spread of *Acacia cyclops*.

The degraded habitat is of **Low-Medium sensitivity** for the following reasons:

1. Area void of vegetation due to manual vegetation clearing.
2. Densely invaded in areas by *Pennisetum setaceum* (exotic grass)
3. The degraded habitat's topsoil is intact; restoration potential is low to moderate if the site is kept clear of all IAPs.

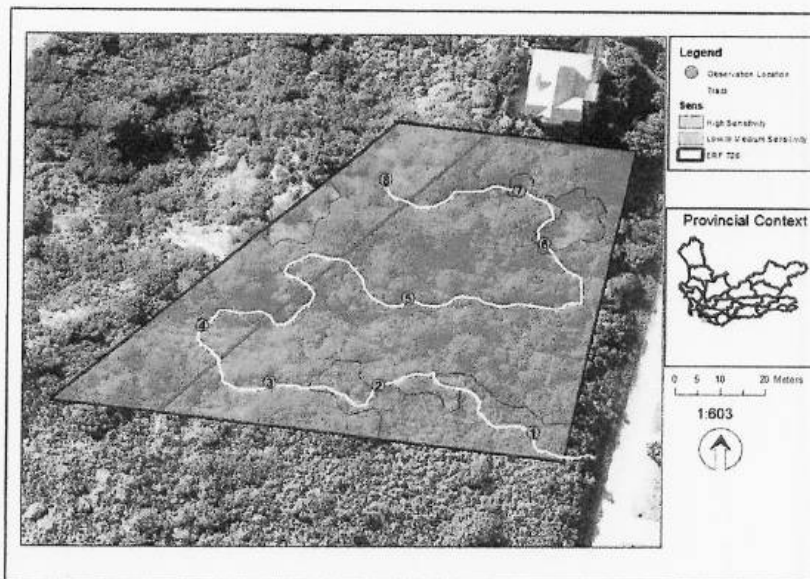


Figure 6: Site sensitivity Map

Development mitigation measures

Mitigation options are generally considered in terms of the following mitigation hierarchy: (1) avoidance, (2) minimisation, (3) restoration and (4) offsets.

- The development must not detract visually from the natural environment, i.e., by building on the ridgeline and steep slopes.

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- The larger shrubs and slow-growing dune stabilising vegetation such as *Euclea racemose* should be kept in situ to prevent further degradation of the dune habitat.
- The impact should be restricted to the construction site.
- The site is situated on a stabilised old dune, and the construction phase will likely destabilise the dune. Restoration work will be required to ensure that the dune habitat stays intact.
- The current alien plant extent is low to moderate; these alien species must be removed. Annual clearing should be undertaken to ensure the effective management of all IAPs, especially after the disturbances caused by the construction activities.
- Landscaping should include native species rescued from the construction activities.

Conclusion and Recommendations

The study area contains endangered Hangklip Sand Fynbos vegetation. The eventual development will result in the permanent loss of intact and degraded vegetation, which has high and low-to-medium sensitivity, respectively, in terms of the biodiversity value and ecological function. The site is part of a larger green belt home to endangered vegetation and a wetland. This area is not essential for meeting biodiversity targets but plays an important role in supporting the functioning of PAs or CBAs and is often vital for delivering ecosystem services.

The proposed subdivision of erf 726 will create three (3) single residential erven and one (1) conservation area / open space portion. The subsequent development impact on the vegetation of the site will be restricted to portions A, B, and C. Portion D will be zoned as Open Space Zone 1: Nature Reserve (OS1) in terms of Chapter 4, Section 16(2)(a) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020. The Nature Reserve (Portion D: ±1285m²) will create an adequate buffer between the terrestrial habitat of portions A, B and C and the channelled valley-bottom wetland to the north of the site. The open space is an intact representation of Hangklip Sand Fynbos and must be managed to prevent indirect habitat degradation.

The subdivision for ERF 726 does not trigger any listed activities in terms of the NEMA EIA regulations 2014 (as amended) as defined in listing notices ("LN") 1, 2 & 3 of 7 April 2017. However, it is essential to note that due to the site's ecosystem threat status and the presence of ESA2, the subsequent development on the erven may constitute listed activities as defined

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in terms of the NEMA Regulations. In this case, any clearance of vegetation over 300 m² will trigger LN 3, activity 12 of NEMA and require environmental authorisation from the competent authority before such activities may commence.

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Navrae
Enquiries P Bezuidenhout

Verwysing
Reference KPRB 724 & 730

Datum
Date 02 July 2008

Annexure M 1/5

**HANGKLIP-KLEINMOND
ADMINISTRASIE
ADMINISTRATION**

Mr AB Smit
ROS Ontwikkelingskonsultante BK
18 Heritage Drive
Cape Heritage
SOMERSET WEST
7130

REGISTERED MAIL

Dear Sir

PROPOSED REZONING AND SUBDIVISION OF ERVEN 724 AND 730, PRINGLE BAY

The above-mentioned applications refer.

The Mayoral Committee, at its meeting on 25 June 2008, resolved as follows:

"that the applications for the rezoning and subdivision of Erf 724, Bobbie Road and Erf 730, Buffels Road, Pringle Bay, from Residential Zone I to Subdivisional Area in order that Erf 724 be subdivided into 4 single residential plots and nature reserve, and Erf 730 into 1 single residential plot and nature reserve, **be approved**, subject to the following conditions:

- (a) that no building may exceed a height of 8m (2 storeys);
- (b) that no additional dwelling-units be allowed;
- (c) that no vibracrete walls be allowed;
- (d) that only indigenous vegetation be allowed;
- (e) that the Remainder of Erven 724 and 730 be registered in Council's name, by the owner;
- (f) that the conditions regarding engineering services (Annexure I) be adhered to;
- (g) that the conditions as stipulated by the Pringle Bay Ratepayers' Association be adhered to;
- (h) that only closed sewage systems (conservancy tanks) be allowed; and
- (i) that the above-mentioned conditions be included in the deeds of sale of the erven."

The conditions stipulated by the Pringle Bay Ratepayers' Association are as follows:

- "The building line on erf 724 abutting the Nature Conservation Area be a minimum

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7195

- of 5m. The same condition applies to the residential plot on erf 730, measured on a horizontal plain, to protect the ridge.
- The area to be cleared of vegetation for the purposes of building to be limited to a maximum of 150% of the footprint of each house so as to preserve the natural Fynbos and must be clearly demarcated.
 - Each sub-division to be fenced off from the Nature Conservation Area before construction work commences, which includes the clearing of the 150% footprint area.
 - The access causeway on erf 730 to be designed to allow for the free movement of water within the wetland, to the satisfaction of the Municipality and Ratepayers' Association before construction commences."

I wish to draw your attention to Section 44(1)(a) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) and paragraph 22 (as amended) of the General Regulations set out in Provincial Notice PN 1050 of 1988 (Cape) regarding a right of appeal in respect of the conditions which were imposed.

Should you wish to exercise this right you must do so within 21 days from the date of registration of this letter and appeal in writing to the Director, Integrated Environmental Management (Region B), Private Bag X9086, Cape Town, 8000. A copy of such an appeal (which must be fully motivated) must, simultaneously, be served on this Council within the stipulated time period.

Your attention is also drawn to Section 62 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) regarding a right of appeal. Such an appeal must be served on this Council within the above-mentioned time period and be accompanied by a deposit of R1000, which will be refunded should the appeal be upheld.

Kindly note that the objector also has a right of appeal against the approval of the application. Therefore, you may not act on this approval until such time as you have received written confirmation that no appeal has been received; provided that where an appeal is received, the said approval shall be suspended.

Yours faithfully

MUNICIPAL MANAGER

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3/5

Verwysing
Reference KPRB 725

Datum
Date 19 August 2009

**HANGKLIP-KLEINMOND
ADMINISTRASIE ADMINISTRATION**

Cor van Rooyen
PO Box 594
BETTY'S BAY
7141

REGISTERED MAIL

Dear Sir

PROPOSED REZONING AND SUBDIVISION OF ERF 725, PRINGLE BAY

Your application regarding the above-mentioned has reference.

The Mayoral Committee, at its meeting of 27 June 2007, resolved:

1. that the application for the removal of restrictive title conditions applicable to Erf 725, Buffels Road, Pringle Bay, in order that the property be subdivided into 4 portions, **be recommended for approval** by the Provincial Administration : Western Cape.
2. that the application for the rezoning of Erf 725, Buffels Road, Pringle Bay, from Residential Zone I to Subdivisional Area, in order to subdivide the property into 3 single residential plots and nature reserve (as per Addendum B) **be approved**, in terms of sections 16 and 25 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), subject to the following conditions:
 - (a) that the subdivision be subject to the removal of the restrictive title conditions;
 - (b) that no building may exceed a height of 8 metres (2 storeys);
 - (c) that no additional dwelling-units be allowed;
 - (d) that no vibracrete walls be allowed;
 - (e) that only indigenous vegetation be allowed;
 - (f) that **Portion 1** of the property **be registered in Council's name**, by the owner,
 - (g) that the conditions regarding engineering services (Addendum G, pages 56 – 57 of the agenda) be adhered to;

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- (h) that only closed sewage systems (conservancy tanks) be allowed;
- (i) that the above-mentioned conditions **be included in the deeds of sale** of the erven; and
- (j) that the sensitive nature of the sandy dune area be recognised and that the construction footprint **be restricted** to the minimum, the rest of the vegetation be left undisturbed and the disturbed vegetation **be rehabilitated**.

As you are aware, the restrictive title conditions have been removed by the Provincial Administration: Western Cape. Their letter (ref E17/2/2/AP18/Erf725, Pringle Bay), dated 11 August 2009, has reference.

I wish to draw your attention to Section 44(1) (a) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) and paragraph 22 (as amended) of the General Regulations set out in Provincial Notice PN 1050 of 1988 (Cape) regarding a right of appeal in respect of the conditions which were imposed.

Should you wish to exercise this right you must do so within 21 days from the date of registration of this letter and appeal in writing to the Director, Integrated Environmental Management (Region B), Private Bag X9086, Cape Town, 8000. A copy of such an appeal (which must be fully motivated) must, simultaneously, be served on this Council within the stipulated time period.

Your attention is also drawn to Section 62 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) regarding a right of appeal. Such an appeal must be served on this Council within the above-mentioned time period and be accompanied by a deposit of R1100, which will be refunded should the appeal be upheld.

Kindly note that the objector also has a right of appeal against the approval of the application. Therefore, you may not act on this approval until such time as you have received written confirmation that no appeal has been received; provided that where an appeal is received, the said approval shall be suspended.

Yours faithfully

MUNICIPAL MANAGER

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