

257



PO Box 63
Bredasdorp
7280

For attention: Mr S Muller
Director: Infrastructure & Planning
Overstrand Municipality

(S Van Der merwe)
A Theart

15 September 2014

Dear Mr Muller

Re File Ref 64/297, GRBRE (2627)

I would like to bring to your attention my comments and objections to Mr JML Leuner's Proposed Departure (portion 64 of Farm Wolvengat No. 297).

As a local business owner, I have a paid site licence and paid retail licence to sell fuel in Wolvengat (the area in which Mr JML Leuner would like to set up a fuel retail outlet).

In the 22 years I have sold fuel to the village of Wolvengat and surrounds it was found that there was not enough demand to sustain provision of fuel on a regular, on-going basis.

Local farmers have their own diesel tanks and purchase petrol from the Bredasdorp Cooperative.

Local demand from Wolvengat and surrounding areas such as Elim, Die Dam, and Buffeljags, together with incidental traffic through Wolvengat is sporadic, limited and uncertain at best.

Combined custom was not enough to make it profitable to continue selling fuel. We provided fuel for a number of years as a convenience to Wolvengat and the surrounding areas, but we were forced to cease this due to the low demand, sporadic nature of sales and lack of profitability.

I am currently licenced to sell petrol and intend to do so again in future should conditions change and it becomes financially viable to do so. However, current conditions do not support this, based on previous sales levels and the current number of potential customers.

Wolvengat's development has been retarded by several factors, including closure of the local school, which reduced village traffic, sluggish economic activity, and lack of amenities such as piped water and affordable electricity. Local businesses (B&B's, Artists etc.) did not make regular enough use of the fuel on sale while it was available, to make it a sustainable enterprise.

FILE NO:	Ptn 64/297
SCAN NO:	11
COLLABORATOR NO:	663090

There is proven insufficient customer demand to support Mr JML Leuner's intended installation of a fuel tank for commercial sale of fuel in the area, and therefore no basis for the proposed departure.

Yours sincerely
Mr G.N Bleeker

(S van der Merwe)
A Theart**Loretta Gillion - Fw: JML Leuner Wolvengat 64\297
departure, comments on Mr GN Bleeker letter**

From: <jleuner@rocketmail.com>
To: "Loretta Gillion" <lpage@overstrand.gov.za>
Date: 02/10/2014 08:53 AM
Subject: Fw: JML Leuner Wolvengat 64\297 departure, comments on Mr
 GN Bleeker letter



Sent from my BlackBerry® smartphone.

From: jleuner@rocketmail.com
Date: Thu, 2 Oct 2014 06:49:19 +0000
To: Schalk van der Merwe<svdmerwe@overstrand.gov.za>
ReplyTo: jleuner@rocketmail.com
Subject: Re: JML Leuner Wolvengat 64\297 departure, comments on Mr GN Bleeker letter

FILE NO: Ptn 64\297

SCAN NO: 25

COLLABORATOR NO: 669085

Att Mr S. Van der Merwe.

Please acknowledge receipt of my email.

My comments here forth.

I strongly disagree with Mr Bleekers comments/objections dated the 15th Sep 2014.

I don't see on what grounds can Mr Bleekers comments not allow me to proceed and obtain departure of my current title deeds and obtain a license to sell fuel.

I have proceeded with all the correct steps namely obtaining permission from the department of Environmental affairs Western Cape, which permission was granted and a full E.I.A was not needed in respect that my application falls under the threshold pertaining to the amount of litres of fuel stored. I have also had a EMP drawn up and in place from an environmental consultant, which Overstrand municipality has already viewed as a requirement of this application and the general opinion is that the majority is all in favour of my proposed application from local residents to the local authorities.

I have already submitted my motivation in detail(which one should please make reference to regarding this response) so I will try avoid re motivating and just make comment on Mr Bleekers comments made.

Firstly I question Mr Bleekers validation of his so called "paid fuel license and paid site License". These need to be renewed regularly according to the department of energy and one must be actively selling fuel to have a valid fuel licence. Mr Bleeker last sold fuel + - 6-7 years ago!!

The reason for Mr Bleeker ceasing to provide fuel was NOT due to a lack of demand as he mentioned but actually due to the petrol supply company refusing to supply Mr Bleeker as his dispensing pumps were no longer working(antiquated and rusted) and the holding tanks are heavily rusted, out of date and leaking and which up to date have not been replaced(Petrol was being dispensed in cans those years ago as the meters were also not working and also to date have not been replaced)The site can be visited to verify this. Locals stopped buying petrol from Mr Bleeker due to there being rust particles in the fuel from the ageing tanks and he was unreliable(sometimes there was fuel and other times not) The other reason is that Mr Bleeker did not have the funds anymore to buy the required minimum amount of petrol in and the reason for ceasing was definitely not due to lack of demand.

The demand is here..contrary to Mr Bleekers comment, especially from Elim and Buffeljags and even more so now than 22 years ago. The traffic through Wolvengat has increased considerably in recent years with much new development on the outskirts of the town.

- 3 OCT 2014

09:18:33 AM

Mr Bleeker also mentions he intends selling fuel again in the future when it becomes more viable..This does not make sense as fuel has only increased over the years and is not going to get any cheaper. If Mr Bleeker does not have the finances to buy in fuel then it is unfair for him to object to someone else who is prepared to supply our area at their own expense.

Mr Bleeker must also be reminded that he would also be required, due to the new Environmental Legislation to remove the old holding tanks which are an environmental hazard and the dispensing pumps which no longer work and this removal is also subject to an E.I.A and if he ever intends selling fuel again, he will have to install new holding tanks and dispensing pumps according to the new environmental laws as I will have to do if granted a license(sèe EMP). He would also have to re apply to the department of energy for a new fuel license. So it is not as simple as Mr Bleeker suggests to just one day decide to supply fuel again if viable for him,the correct steps have to be taken in line with the new laws which were not in place 22years ago according to when Mr Bleeker started supplying fuel. Must the whole area hold its breath and hope Mr Bleeker one day decides to sell Fuel again and be denied this vital resource because of his financial situation and selfish objection to deny others the opportunity.

In mention to local farmers..many farmers do not have there own diesel tanks and many run out of diesel and if petrol becomes available again, they would obviously make use of it as it is nearby.

With comment to the closing of the local school retarding Wolvengat's development has no grounding whatsoever. The school which burnt down +- 20 years only had a handful of children who were mainly farm labourers children who walked to school. So the closing of the school had nothing to do with Fuel sales declining or retarding the areas growth or traffic flow. What is retarding our area is a lack of services and the main one being Fuel not available anymore.

I would not go through this procedure and expense if there was no demand for fuel in our area, I have done my market research and since the opening of my business in wolvengat which has been a major success contrary to Mr Bleeker saying there is no need for another shop in our area.

I deal with daily enquiries regarding fuel and people running out of fuel.. I disagree with all of Mr Bleekers comments and can substantiate this with testimonies from locals if needs be. I'm confidant that I have the backing of 99.9% of locals who are all in favour of my application as it is a much needed service which our area desperately needs.(Please see my motivation report) I feel Mr Bleeker is more concerned about profitability and his own circumstances and shortcomings than a much needed service to our area which I am wanting to provide which will benefit all, including businesses(Mr Bleeker being one of them),individuals,tourists and farmers.

I close by asking even if Mr Bleeker was still selling fuel at present(which he is not)and had valid up to date license, in terms of fair and equal trade I don't see why this should deny my application being granted and to supply an additional much needed service from my licensed business premises in Wolvengat and I have followed the correct steps and procedures and in line with current environmental legislation and so would the proposed fuel installation on my property(please refer to my EMP).

Your thorough consideration and understanding of the positive impact of this application being granted, will have on our village and area.

Many thanks

Kind regards

JML Leuner Wolvengat 1 October 2014
Sent from my BlackBerry® smartphone.

From: "Schalk van der Merwe" <svdmerwe@overstrand.gov.za>
Date: Tue, 30 Sep 2014 16:21:26 +0200
To: <jleuner@rocketmail.com>
Subject: Re: JML Leuner Wolvengat 64\297 departure

261

BREEDE-GOURITZ

Catchment Management Agency
Opvanggebied Bestuursagentskap
i-Arhente yolawulo lomMandla nokungqongileyo
51 Baring Street Worcester 6850, Private Bag X3055 Worcester 6850



E-mail: fsmith@bocma.co.za

Cell: 082 445 5059

Navrae / Enquiries / Imibuzo:



F Smith

023 346 8000

Verwysing: / Reference / IReferenci:

4/10/1/G50A Portion 64 of
Portion 7 of Farm
Wolvengat 297

Datum: / Date:

23 October 2014

Overstrand Municipality
P. O. Box 20
Hermanus
7200

For Attention: S. van der Merwe

FILE NO:	Port 64 / Port 7
SCAN NO:	Farm 297
COLLABORATOR NO:	677950

Sir,

COMMENTS ON THE PROPOSED DEPARTURE ON PORTION 64 OF PORTION 7 OF FARM WOLVENGAT 297.

With reference to the application dated 12/08/2014, with reference number 64/297 GRBRE (2627) and subsequently received by the BGCMA on 19/08/2014, herewith the following:

The BGCMA has no objection against the proposed departure but would like to peruse the Site development Plan and EMP report mentioned within the short motivation submitted.

In addition, the following General conditions are applicable:

- All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to.
- No pollution of surface water or ground water resources may occur due to any activity on the property.
- No storm water 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.
- 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 the abovementioned legislation.
- The minimizing of waste must be promoted and alternative methods for waste management must be investigated.

262

- No permanent structures maybe constructed within the 100-year flood line of any watercourse (seasonal or permanent river, stream, etc).
- All relevant sections and regulations of the Environmental Conservation Act, 1989 (Act 73 of 1989) and the National Environmental Management Act No 107 of 1998: Government Notice 386 & 387 must be adhered to.
- No additional 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 authorization in terms of General Authorizations issued under Section 39 (Government Notice 399 dated 26 March 2004), and/or if it is authorized under Schedule 1 of the National Water Act, 1998 (Act 36 of 1998), and/or if defined and declared an Existing Lawful Use in terms of Section 32 & 33 of the National Water Act, 1998 (Act 36 of 1998).
- The monitoring of water resources in the designated area needs to be done on a regular basis. This monitoring initiative should be managed and driven in a co-operative manner.

Drinking water

- Water provided for domestic use/human consumption must comply with the SANS 241: 2011 guidelines for drinking water. 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.

Sewage

- The disposal of sewage must at all times comply with the requirements of Sections 22 and 40 of the National Water Act 36, Act 36 of 1998.
- A contingency plan and maintenance schedule must be developed and implemented.

Please be advised that no activities may commence without the appropriate approvals/authorizations (where needed) from the responsible authority. The onus remains with the registered property owner to confirm adherence to any relevant legislation that such activities might trigger and/or need authorization for.

Also be advised that the comment provided is in the interest of responsible water resource management. The BGCMA will gladly comment on any additional information provided for review. The BGCMA reserves the right to revise initial comments and request further information based on any additional information that might be received.

Please do not hesitate to contact this office if you have any further queries.

Please ensure to quote the above reference in doing so.

Yours faithfully.



PHAKAMANI BUTHELEZI
Chief Executive Officer

263



**Western Cape
Government**

Transport and Public Works



CHIEF DIRECTOR ROAD NETWORK MANAGEMENT

Email: Liana.Heynes@westerncape.gov.za

tel: +27 21 483 3412 fax: +27 21 483 2166

Rm 335, 9 Dorp Street, Cape Town, 8001

PO Box 2603, Cape Town, 8000

TP- A Theart (S van der Merwe)

REFERENC : 16/9/6/01-21/25 (Job 20034)

ENQUIRIES: Ms L Heynes

DATE : 22 September 2014

The Municipal Manager
Overstrand Municipality
Gansbaai Administration
PO Box 26
GANSBAAI
7220



Attention: Mr S van der Merwe

Dear Sir

PORTION 64 OF FARM WOLVENGAT NO 297: PROPOSED DEPARTURE: JML LEUNER

1. Your letter dated 12 August 2014 with reference 64/297, GRBRE (2627) refers.
2. The subject property is located 10km north of Die Dam, in Wolvengat, and takes access from DR1210 at ±km 13.47 and from OP4048 at ±km 0.06.
3. This application is for a departure in order to install a fuel tank on the premises for the storage and commercial sale of fuel from the site.
4. This Branch offers no objection to this application in terms of the Land Use Planning Ordinance, Ordinance 15 of 1985.

Yours faithfully

ML WATTERS
For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT

FILE NO:	<i>Rm 64/297</i>
SCAN NO:	<i>14</i>
COLLABORATOR NO:	<i>674962</i>

264

TP - A Theert
(S vd Merwe)**Western Cape
Government**Environmental Affairs and
Development Planning

DIRECTORATE: LAND MANAGEMENT (REGION 2)

Yolanda.matyolo@westerncape.gov.za
Tel: +27 21 483 8335 Fax: +27 21 483 3633
1 Dorp Street, Cape Town, 8000
www.westerncape.gov.za/eadd**REFERENCE:** 15/13/E2/38/Farm 297 Ptn 64, Wolvengat
ENQUIRIES: Yolanda Matyolo

FILE NO:

SCAN NO:

Director: Infrastructure & Planning
P. O. Box 26
GANSBAAI
7220

COLLABORATION NO:

MUNICIPALITEIT
OVERSTRAND

677448

22 OCT 2014

U-MASOPALA ★ MUNICIPALITY
GANSBAAI**For Attention: SW van der Merwe****OVERSTRAND MUNICIPALITY: PROPOSED DEPARTURE: PORTION 64 OF FARM WOLVENGAT NO. 297**

Your letter dated 12 August 2014, request comment on a proposed departure in order for the property owner to install a fuel tank on the premises for storage and commercial sale of fuel from site, refers.

1. BACKGROUND

- 1.1 The village of Wolvengat is situated approximately 43km from Bredasdorp and approximately 47km from Gansbaai. These two towns are the closest towns with basic amenities such as fuel, shops, banks, hospitals and doctors.
- 1.2 An average trip to one of these towns and back can amount to approximately 100km of travelling. Wolvengat used to have petrol and diesel available for sale about 6 or 7 years ago, but due to financial constraints and maintenance problems with equipment, the supplier decided to discontinue the service.

2. CONTEXT OF DEVELOPMENT PROPOSAL

The property measures 3.46ha in extend and the proposed fuel storage and handling facility will have a foot print of approximately 35m². There will be an excavation of 2 meters where the petrol tank will be buried, this will disturb an area of 10m². Construction material will consist of:

- Cement and bricks for sealing of the petrol tank below ground;
- Approximately 16m² area for dispensing of fuel; and
- Cable for power to the dispensing pumps x2.

3. ASSESSMENT OF DEVELOPMENT PROPOSAL

- 3.1 The Provincial Spatial Development Framework PSDF which was adopted in March 2014 included a strategy for opening-up opportunities in the rural space-economy by way of, amongst others, the following two options:

- 3.1.1 Accommodating a greater diversity of compatible land use activities on farms and in the rural landscape in general, is encouraged. Compatible activities are those that do not compromise biodiversity, farming activities, cultural and scenic landscapes, and recreation of an appropriate scale and form to fit in with their context in the rural landscape.
- 3.1.2 Channeling public investment in rural development initiatives (i.e. land reform, agrarian transformation, environmental rehabilitation, enterprise development, etc) to areas where it can offer real and sustained improvements to beneficiaries and the rural community is also encouraged.
- 3.2 Considering Wolvengat location in relation to basic amenities, it is this Directorate's opinion that the proposed petrol facility is desirable within the context of the small settlement, as it will contribute to the much needed day to day basic amenities of the community.

4. CONCLUSION

In consideration of the above and based on the information available at this time this Directorate has no objection to the departure on Portion 64 of Farm Wolvengat No. 297.

This directorate reserves the right to submit contradictory and/or amended comment should any additional or new information be submitted.



RIETTE FOURIE
CHIEF TOWN & REGIONAL PLANNER: GRADE A

DATE: 14/10/2014

266



Western Cape Government

Agriculture



Cor Van Der Walt
LandUse Management
Email: LandUse.Elsenburg@elsenburg.com
Tel: +27 21 808 5099 fax: +27 21 808 5092

OUR REFERENCE : 20/9/2/4/1/203
YOUR REFERENCE : 64/297 GRBRE (2627)
ENQUIRIES : Cor van der Walt

*A Theart
TP- (S vld Merwe)*

Overstrand Municipality
PO Box 20
HERMANUS
7200

FILE NO:	<i>ptn 64/297</i>
SCAN NO:	<i>79</i>
COLLABORATOR NO:	<i>669740</i>

Att: S Van Der Merwe

**PROPOSED DEPARTURE: DIVISION BREDASDORP
PORTION 64 OF THE FARM WOLVENGAT NO 297**

Your application of 12 August 2014 has reference.

The Western Cape Department of Agriculture has no objection.

Please note:

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

Yours sincerely

AS Roux
AS ROUX Pr Eng
DIRECTOR: SUSTAINABLE RESOURCE MANAGEMENT
2014-09-10

267

TP- A Theat
(Svd Merwe)

CapeNature



SCIENTIFIC SERVICES

postal Private Bag X5014 Stellenbosch 7599
 physical Assegaaibosch Nature Reserve Jonkershoek
 website www.capenature.co.za
 enquiries Rhett Smart
 telephone +27 21 866 8017 fax +27 21 866 1523
 email rsmart@capenature.co.za
 reference SSD14/2/6/1/7/2/297-64_departure_Wolvengat
 date 30 September 2014

Overstrand Municipality: Gansbaai Administration
 P.O. Box 26
 Gansbaai
 7220

Attention: S.W. van der Merwe
 By email: svdmerwe@overstrand.gov.za

Dear Schalk

FILE NO:	Ptn 64/297
SCAN NO:	26
COLLABORATOR NO:	669086/ 673328

Application for Departure for the Installation of Fuel Storage Facilities on Portion 64 of Farm Wolvengat 297, Wolvengat, Overstrand (Overstrand Municipality ref. no. 64/297 GRBRE (2627))

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 application is for a departure for the installation of fuel storage facilities on site. The site is not classified as a Critical Biodiversity Area according to the Overberg Conservation Plan, however it is classified as a wetland according to the National Freshwater Ecosystem Priority Area mapping. There is additionally a watercourse bisecting the site from east to west. The natural vegetation that would have occurred on the site is Overberg Sandstone Fynbos with Elim Ferricrete Fynbos on the southern boundary, both of which are listed as Critically Endangered.

An Environmental Management Plan (EMP) has been compiled for which the applicant is commended. The EMP indicates that there is no natural vegetation occurring in the vicinity of the proposed fuel tank. The fuel tank will also be located 33 m from the wetland as defined in the EMP. CapeNature does query whether this is the edge of the permanent wetland defined by the *Typha* (possibly *Phragmites*) beds or if the seasonal wetland conditions extend further. The proposed fuel storage facilities are however located further from the watercourse and wetland than the existing buildings on site.

CapeNature does not object to the proposed installation of the fuel storage facilities provided that the EMP is strictly adhered to.

One aspect of concern is potential groundwater contamination, particularly as the groundwater levels are likely to be near the surface at the location. Mitigation measures should be put in place to detect any leakage into the groundwater, which would ultimately contaminate the freshwater sources nearby, which are in a relatively good condition.

The Western Cape Nature Conservation Board trading as CapeNature

Board Members: Mr Eduard Kok (Chairperson), Prof Gavin Maneveldt (Vice Chairperson), Ms Francina du Bruyn, Mr Mico Eaton, Dr Edmund February, Prof Francois Hanekom, Mr Carl Lotter, Dr Bruce McKenzie, Ms Merle McOmbring-Hodges, Adv Mandla Mdludlu, Mr Danie Nel

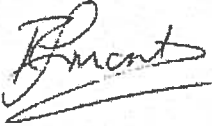
- 3 OCT 2014

268

It must be ensured that the bunds constructed are sufficient to contain any spills. An emergency spill procedure plan must be in place in the case of an accident, particularly considering the isolated location of the site.

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

Yours sincerely

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

Rhett Smart
For: Manager (Scientific Services)

cc. Duncan Heard, Duncan Heard Environmental Consulting

269



TP - A Theart
(S v/d Merwe)

Network Infrastructure Provisioning

Telkom SA SOC Limited
10 Jan Smuts Drive
Pinelands 7404

Tel +27 (21) 414-5614
Fax +27 (088) 021 414-5614
E-mail Peters12@telkom.co.za
Enquiries Ithaam Peters

Our Ref: WWIP_WHMN3037_14
Your Ref: 64/297, GRBHE (2627)

25 September 2014

Attention: S W van der Merwe

Overstrand Municipality
PO Box 20
HERMANUS
7200

Dear Sir/Madam

TELKOM SERVICES: PORTION 64 OF FARM WOLVENGAT NO 297: PROPOSED DEPARTURE

With reference to your letter dated 12 August 2014.

I hereby inform you that Telkom approves the proposed work indicated on your drawing in principle. This approval is valid for 12 months only, after which reapplication must be made if the work has not been completed.

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

Approval is granted, subject to the following conditions.

As per the drawing supplied, Telkom SA LTD infrastructure ***will not be affected***. However, care should still be taken should it be evident that there is in fact Telkom network present on the actual sites.

Please notify this office immediately if you locate any Telkom plant that was not indicated.

Please contact our representative ***Frederik Swart*** at telephone number ***(028) 514 1199 / 081 363 7815*** at least ***48 hours*** prior of commencement on construction work.

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

FILE NO:	64/297
SCAN NO:	02
COLLABORATOR NO:	668286



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

All Telkom SA LTD rights remain reserved.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Marius Langenhoven', written over a horizontal line.

Marius Langenhoven
Operations Manager
Wayleave Management: Western Region

OVERBERG²⁷¹ DISTRIKSMUNISIPALITEIT DISTRICT MUNICIPALITY UMASIPALA WESITHILI



MELD ASB/PLEASE QUOTE

Ons Verw./Our Ref.: 18/3/9/11/2

Navrae/Enquiries: C Adams

Bylyn/Ext.: 0829299901

Privaatsak: X22
Private Bag:
BREDASDORP
7280
Tel.: (028) 4251157
Faks/Fax: (028) 4251014
Hermanus Office
15 Flower Street
Hermanus
7200

Handwritten signature

Town Planning Department
Overstrand Municipality
P.O. Box 20
Hermanus
7200

12-09-2014

Attention: Ilze Le Roux

PROPOSED DEPARTURE: PORTION 64 OF THE FARM WOLVENGAT NO. 297

This Department has no objection for the departure on the abovementioned property subject to compliance with all the relevant health requirements and also to prevent any negative influence on the surrounding environment.

Applicant should apply for a Regulation 962 Certificate of Acceptability from Municipal Health in the case where a shop on the farm will be opened.

Your co-operation in this regard will be appreciated.

Yours truly,

MUNICIPAL MANAGER
CA/hc

272



TP-A Theert
(Submerse)

The Municipal Manager
OVERSTRAND MUNICIPALITY
P.O.BOX 20
HERMANUS
7200

Date:
2 September 2014

Enquiries:
Shaun Swanepoel
Tel 021 980-3913
Fax 086 660 0941

Attention: SW van der Merwe

Dear Sir / Madame

PORTION 64 OF THE FARM WOLVENGAT NO 297: PROPOSED DEPAURTURE: JML LEUNER

YOUR REF: 64/297, GRBRE (2627)
OUR REF: 01501/14

I refer to your application dated 12 August 2014.

This application affects an Eskom power line.

Eskom's services and equipment must be acknowledged at all times and may not be tampered with or interfered with.

There is a 9-metre building and tree restriction on either side of the centre line of the 11-kV power line which must be observed in all future developments.

Eskom has no objection to the abovementioned application, provided the following conditions are adhered to:

- a) No construction work may be executed closer than ten metres from any Eskom structure or structure-supporting mechanism.
- b) Natural ground level must be maintained within Eskom reserve areas and servitudes.
- c) No work is allowed within Eskom reserve areas and servitudes.
- d) Eskom shall not be liable for the death or injury of any person, or for loss of or damage to any property, whether as a result of the encroachment or use of the area where Eskom has its services, by the applicant, his/her agent, contractors, employees, successors in title and assignee.
- e) The applicant indemnifies Eskom against loss, claims or damages, including claims pertaining to interference with Eskom services, apparatus or otherwise.
- f) Eskom shall at all times have unobstructed access to and egress from its services.
- g) No dumping shall be allowed within Eskom Services.

Distribution Division - Western Region [Land Development]
Western Region
Eskom Road Brackenfell 7560 PO Box 222 Brackenfell 7561 SA
Tel +27 86 003 7566 www.eskom.co.za

Eskom Holdings SOC Limited Reg No 2002/015527/06

FILE NO:	Ph 64/297
SCAN NO:	24
COLLABORATOR NO:	659806


03 SEP 2014 ✓



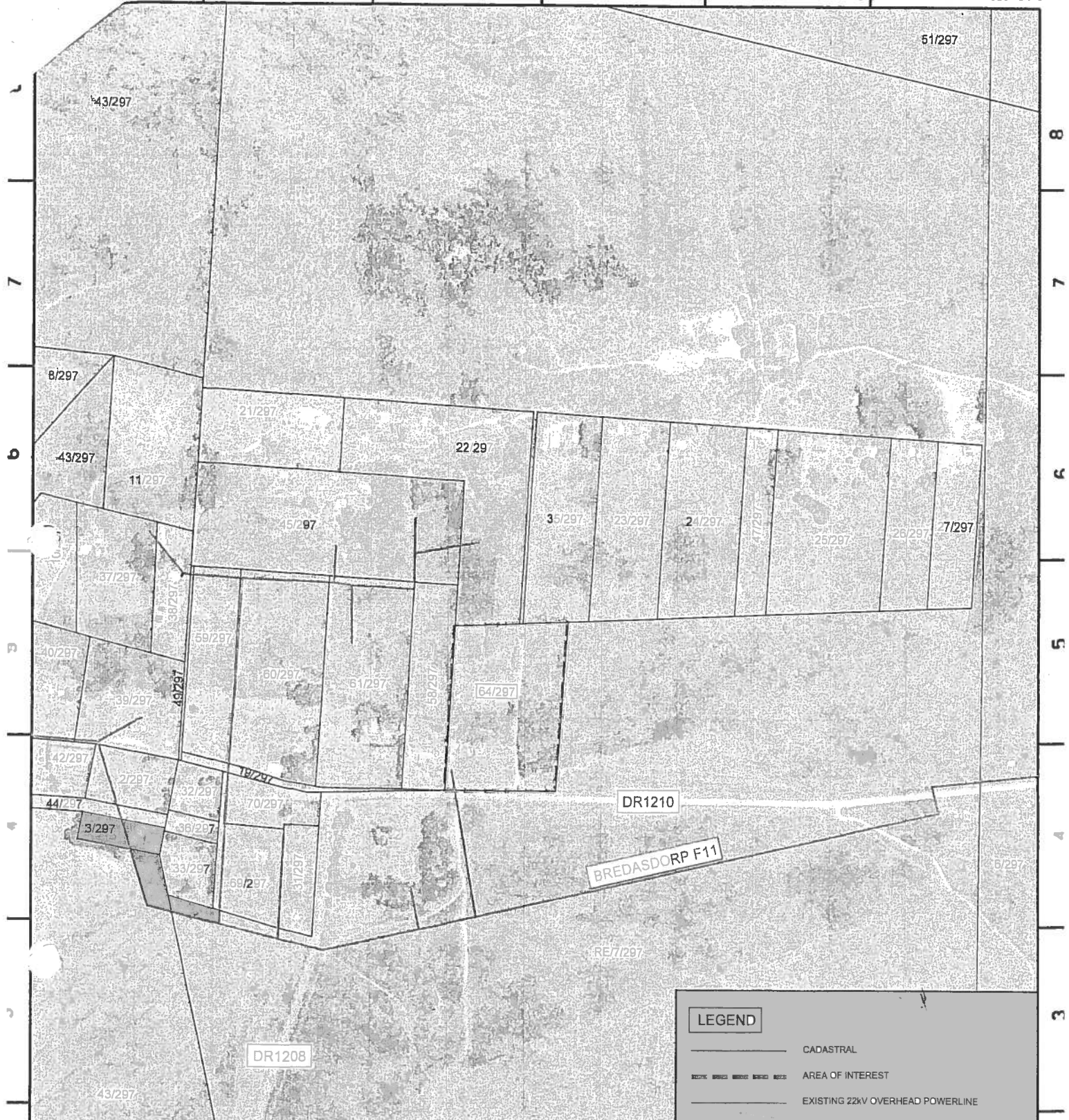
- h) Any development which necessitates the relocation of Eskom's services will be to the account of the developer.

Kindly contact Shaun Swanepoel at Tel 021 980-3913, should you require any further information.

Yours sincerely



Shaun Swanepoel
LAND DEVELOPMENT (BRACKENFELL)



LEGEND

- CADASTRAL
- ▨ AREA OF INTEREST
- EXISTING 22KV OVERHEAD POWERLINE

REV	REVISION DESCRIPTION	BY	CHKD	AUTH	DATE

Eskom Distribution

BREDASDORP CNC
PORTION 64 OF FARM WOLVENGAT No 297
PROPOSED DEPARTURE
OVERSTRAND MUNICIPALITY
WAYLEAVE REQUEST

01501/14

SET	SHEET	REVISION
02	00	0

LAND DEVELOPMENT SECTION
 TEL 021-980 3129 FAX 021-980 3053

SCALE 1 : 5 000
THIS DRAWING IS THE PROPERTY OF ESKOM

DRAWN: P. BOTMA
 DATE: 27/08/2014

275



**Western Cape
Government**

Environmental Affairs and
Development Planning

DIRECTORATE: LAND MANAGEMENT REGION 2

REFERENCE: 16/3/1/6/1/E2/27/2075/14
ENQUIRIES: NATASHA BIEDING
DATE OF ISSUE: 2014-05-15

James-Martin Lee Leuner
P O Box 16
NAPIER
7270

Tel: (028) 482 1166
Email: jleuner@rocketmail.com

Attention: James-Martin Lee Leuner

Dear Sir

COMMENT ON THE APPLICABILITY OF THE REGULATIONS IN TERMS OF CHAPTER 5 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") FOR THE PROPOSED OPERATION OF FUEL STORAGE AND HANDLING FACILITIES, INCLUDING THE INSTALLATION OF A PETROL TANK BELOW THE GROUND FOR THE COMMERCIAL SALE OF FUEL ON PORTION 64, OF THE FARM WOLVEN GAT NO. 297, BREDASDORP

1. The correspondence dated 5 April 2014 from Duncan H W Heard of Duncan Heard Environmental Consulting and the checklist for the determination of the applicability of the NEMA EIA Amendment Regulations of 2010 dated 3 April 2014 that were received by this Department on the same date, refer.
2. On 18 June 2010 the Minister of Water and Environmental Affairs promulgated regulations in terms of Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), viz, the Environmental Impact Assessment ("EIA") Regulations 2010 (Government Notice No. R. 543, R. 544, R. 545, R. 546 and R. 547 in Government Gazette No. 33306 of 18 June 2010). These regulations came into effect on 02 August 2010 (Government Notice No. R. 660, R. 661, R. 662, R. 663, R. 664 and R. 665 in Government Gazette No. 33411 of 02 August 2010). According to the NEMA EIA Regulations of 2010, no person must commence with a listed activity without an environmental authorisation from the competent authority.
3. Based on the information provided, the proposed operation of fuel storage and handling facilities, including the installation of a petrol tank below the ground for the commercial sale of fuel on Portion 64 of the Farm Wolven Gat No. 297, Bredasdorp does not appear to constitute any listed activities as defined in terms of the NEMA EIA Regulations Listing Notices of 2010. As such, an application for environmental authorisation is not required by the competent authority. This determination is based on the following:
 - 3.1. The proposed development will be located more than 32 metres from of any wetland or stream. **Item 11 of GN No. R. 544 of 18 June 2010** will therefore not be triggered, i.e.:

"The construction of:

 - (i) canals;
 - (ii) channels;
 - (iii) bridges;
 - (iv) dams;

276

- (v) weirs;
- (vi) bulk storm water outlet structures;
- (vii) marinas;
- (viii) jetties exceeding 50 square metres in size;
- (ix) slipways exceeding 50 square metres in size;
- (x) buildings exceeding 50 square metres in size; or
- (xi) infrastructure or structures covering 50 square metres or more

where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line".

- 3.2. The proposed development will not result in 5m³ of material or more, being removed from a watercourse. **Item 18 of GN No. R. 544 of 18 June 2010** will therefore not be triggered, i.e.:

"The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock or more than 5 cubic metres from:

- (i) a watercourse;
- (ii) the sea;
- (iii) the seashore;
- (iv) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater-

but excluding where such infilling, depositing, dredging, excavation, removal or moving:

- (a) is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or
- (b) occurs behind the development setback line".

- 3.3. The combined capacity of the fuel storage facilities will amount to approximately 7.3m³. In view of this, the two listed activities below will not be triggered:

Item 13 of GN No. R. 544 of 18 June 2010, i.e.:

"The construction of facilities or infrastructure for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 but not exceeding 500 cubic metres"; and

Item 10 of GN No. R. 546 of 18 June 2010, i.e.,

"The construction of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic metres.

(e) In Western Cape:

- i. In an estuary;
- ii. All areas outside urban areas;
- iii. Inside urban areas:
 - (aa) Areas seawards of the development setback line or within 200 metres from the high-water mark of the sea if no such development setback line is determined;
 - (bb) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined".

- 3.4. Although on to the South African Biodiversity Institute Biodiversity GIS map, the site is depicted as 'Critically Endangered' in terms of the remaining extent of vegetation, the total area to be cleared for the new fuel storage facility will amount to approximately 35m². **Item 12 of Listing Notice 3 of GN No. R. 546 of 18 June 2010** will therefore not be triggered, i.e.:

"The clearance of an area of 300 square metres or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation.

277

- (a) Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;
- (b) Within critical biodiversity areas identified in bioregional plans;
- (c) Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuary, whichever distance is the greater, excluding where such removal will occur behind the development setback line on even in urban areas".
4. However, should any revision of your proposed development comprise any activities that constitute a listed activity as defined in GN No. R. 544, R. 545 or R. 546 of 18 June 2010, an application for environmental authorisation must be submitted to the competent authority for consideration.
5. Please be reminded of the general duty of care and the remediation of environmental damage in Section 28 of the NEMA. It is stated in Section 28(1) of the NEMA 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"*.
6. The obligation to take reasonable measures is imposed on, *inter alia*, "an owner of land, a person in control of land or a person who has a right to use the land or premises on which or in which (a) any activity or process is or was performed or undertaken or (b) any other situation exists which causes, has caused or is likely to cause significant degradation of the environment....".
7. Even if no listed activities are applicable to the proposed subdivision of the said property, the principles of sustainability that are detailed in Section 2 of the NEMA must still be taken into account by the Overstrand Municipality when considering your application for departures to sell fuel on Portion 64 of the Farm Wolven Gat No. 297, Bredasdorp.
8. It is an offence in terms of Section 24F of the NEMA for a person to commence with a listed activity unless the competent authority has granted an environmental authorisation for the undertaking of the activity. Failure to comply in terms of Section 24F of the NEMA will result in the matter being referred to the Environmental Governance Directorate of this Department for possible prosecution. A person convicted of an offence in terms of Section 24F of the NEMA is liable to a fine not exceeding R5 000 000 or to imprisonment for a period not exceeding 10 years, or to both such fine and such imprisonment.
9. This Department reserves the right to revise or withdraw comments or request further information from you based on any new information received.

Yours faithfully

HEAD OF DEPARTMENT
DEPARTMENT OF ENVIRONMENTAL AFFAIRS & DEVELOPMENT PLANNING

Copied to: D H W Heard (Duncan Heard Environmental Consulting)

Fax: (086) 513 4462

MEMORANDUM

FROM: Gansbaai Town Planning Department

ENQ: Town Planner

APPL:

FILE:

PROPERTY: Farm 64 Wolvengat N0 297: JM Leuner

DATE: 19 August 2014

COMMENT: ASAP

TO: The Town Planning Administrator - Gansbaai

OPERATIONAL	DIR. INFRA. & PLANNING	*****FIRE DEPT.*****	TRAFFIC
ELECTRO TECHNICAL	HERITAGE	HEALTH	ENV. SPEC

PROPOSAL:

SUBDIVISION	REZONING	CONSENT USE	DEPARTURE	OTHER *
-------------	----------	-------------	-----------	---------

ATTACHED:

LOCALITY PLAN	S D P (Site Development Plan)	MOTIVATION REPORT	SUBDIVISION PLAN	SERVICES REPORT	OTHER *
---------------	----------------------------------	-------------------	------------------	-----------------	---------

COMMENT ON PROPOSAL

- 1) **Underground Ground Fuel Storage Tank:** This installation must be in compliance with South African National Standard – SANS 10089-3. Also a plan must be submitted to the municipal building control office for approval prior to installation.
- 2) **Above Ground Storage Tank:** This installation must be in compliance with South African National Standard SANS 10131-4. Also a plan must be submitted to the municipal building control office for approval prior to installation.
- 3) **Application for a Flammable Substance** must be submitted to the Fire Department before the storage of flammable liquids are permitted. This certificate must be applied for on an annual basis.
- 4) **All fire safety** must be in compliance with SANS 10400T:2011 and the Community Fire Safety By-Law P.N. 6454/2007
- 5) **Approval of use** is subject to a final Fire Safety Inspection.

Signature:  J. SCHOEMAN (DIVISION COMMANDER)
Date: 19 August 2014

**OVERSTRAND
FIRE SERVICES**

2014 -08- 19

D/O SCHOEMAN

279

Office of the Director
Infrastructure & Planning
Environmental Management

OVERSTRAND ENVIRONMENTAL SECTION

Kantoor van die Direkteur
Infrastruktuur & Beplanning
Omgewingsbestuur

Enquiries Benjamin Kondokter
Imibuzo
Navrae
Ref Farm 297/64 Wolvengat
Datum
Date 03 September 2014
Isuku
To Alida (Townplanning) (via email)

APPLICATION FOR DEPARTURE OF FARM 297/64 WOLVENGAT

Overstrand Environmental Management Section wishes to comment on the application for departure of Farm 297/64 Wolvengat. The above mentioned application does not trigger any listed activities and therefore has no implication on the NEMA Regulations.

The Environmental Section does not have any objection to the application. The owner must strictly comply with the Environmental Management Plan (EMP) of the proposed development compiled by Duncan Heard Environmental Consulting.

Please feel free to contact me should any questions arise.

Regards,

Pp *B. Kondokter*



-
- MR S MULLER
 - DIRECTOR:INFRASTRUCTURE & PLANNING
 - Cc : Liezl Bezuidenhout :Senior Environmental Manager