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Our reference: PA11014/ML

Your reference: Prt 2 of the Farm Strandfonteyn No. 712 (1867)

10 OCTOBER 2012

THE MUNICIPAL MANAGER  
OVERSTRAND MUNICIPALITY  
P.O. BOX 26  
GANSBAAI  
7220

FOR ATTENTION: MR. S. VAN DER MERWE

Sir

FILE NO: Ptn 2/712
SCAN NO: 10
COLLABORATOR NO: 398808

**PORTION 2 (LANG BOSCH) OF THE FARM STRANDFONTEIN NO. 712:  
PROPOSED SUBDIVISION, REZONING, AMENDMENT OF THE STRUCTURE PLAN & THE  
ESTABLISHMENT OF HOME OWNERS' ASSOCIATIONS**

- OOSTERWIJK STRANDFONTEYN CC

Reference is made to your e-mails dated 1 and 3 August 2012, as well as your letter dated 6 September 2012. Objections were received from L. Endeman, C. Theron, T.V. Hanslo, B. van der Merwe, I.H. Arbuthnot, J.L. Smit and the De Kelders and Perlemoenbaai Rate Payers Association. The objections / comments are summarized as follows:

- *The proposed development will be situated on sensitive Overberg Dune Sandveld and the proposed development will destroy and disturb the existing ecologically sensitive dune system. An objector asks whether a full impact study was undertaken for the proposed development. Furthermore the objector states that the portion earmarked for development forms part of a unique fynbos community and that the vegetation species should be conserved for future generations.*

*Firstly*, a revised Ecological Research Report was compiled by Dr. Charlie Boucher dated 3 May 2012. The alternatives for development were considered, which ranged from the development of the whole portion north of the R43 versus a mix of 50% development and 50% conservation plus 16% open space (last mentioned being the third alternative). The application at hand (i.e. the third

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alternative) was considered the most preferred alternative for the development of Portion 2 (Lang Bosch) of the farm Strandfonteyn No. 712. The impact of the proposed development on the existing vegetation of the subject property was assessed and in most instances the impact would be low or medium negative. Furthermore recommendations were made with regards to the buffer areas and fire breaks, pets, storm water management, etc. A copy of the Ecological Research Report is available at the Overstrand Municipality.

**Secondly**, and most importantly, a full Environmental Impact Assessment (EIA) was undertaken for the proposed development. The Department of Environmental Affairs and Development Planning issued an Environmental Authorisation on 19 June 2012. We attach a copy of the Environmental Authorisation for the objector's attention. Please refer to the reasons for the environmental authorisation on pages 13-21. The Environmental Authorisation is self explanatory and it is evident that the impact on the environment was thoroughly considered by the competent department. The developers of the subject property will have to abide to all the conditions and recommendations stipulated in the Environmental Authorisation.

Your attention is also drawn to the Department of Environmental Affairs & Development Planning's recommendation (page 10) in the Environmental Authorisation dated 19 June 2012 stipulating that all areas (to include the areas that are not approved for development) that have been identified to be of high sensitivity in terms of conservation importance are to be formally conserved through Cape Nature's stewardship programme.

- ***The proposed development will put more pressure on the existing water availability for the Greater Gansbaai area and may even lead to water scarcity in the area.***

It is mentioned in the motivation report that the services will have to be upgraded to accommodate the proposed development. The Services Report compiled by ICE Engineers stipulates that the following bulk water reticulation items are required to proceed with the development of the site and to improve residual pressures in areas where problems are currently experienced during peak demand conditions:

- 2.2MI reservoir;
- 300mm diameter parallel pipe reinforcement (560m) – from the proposed reservoir to the branch of the existing De Kelders development and the proposed site;
- 300mm diameter future main (300m) – from the branch mentioned above and the proposed ring-main for the site;

- 200mm diameter future main pipe (4 465m) – proposed ring-main for the site along the boundaries of the site and in the proposed roads (Road 2, R43).

It is also proposed that a variable speed booster pump be provided directly on the reticulation system as part of the bulk supply to ensure that the required residual pressure is maintained.

The additional reservoir of 2.2MI will be placed on the site of the existing two De Kelders reservoirs, a 0.75MI and a 2MI one. These reservoirs are called the Old and New reservoir respectively and must not be confused with the additional new reservoir of 2.2MI. The reservoir site is called Klipgat. Please refer to the attached reservoir plan. This 2.2MI reservoir and pipelines (in red on attached plan) are part of the Gansbaai Master Water Plan developed by CES consulting engineers for the Overstrand Municipality and will service the proposed Khoisan Bay development as well as the existing De Kelders and rest of Gansbaai, especially as far as water pressure is concerned. Although the reservoir will not be restricted for use by the Khoisan Bay development, the developer of Khoisan Bay will build the reservoir as part and parcel of their development levies. The construction of the reservoir was also included in the EIA.

From the above it is evident that the availability and provision of services can be fully addressed.

- ***One of the objectors states that he bought his property based on the fact that it was situated next to an open veld with unique fynbos. In fact, at the time the estate agent did not indicate that any development will ever take place close to the Walkerbay Nature Reserve.***

It is obvious that the estate agent did not have the necessary knowledge regarding the future planning policies of the Overstrand Municipality and consequently advised the objector incorrectly. It should be noted that the draft Overstrand Municipal Wide Spatial Development Framework (2006) earmarks the portion (Portions 1, 2 and 3) of Portion 2 (Lang Bosch) of the farm Strandfontein No. 712 north of the R43 (adjacent to De Kelders) for Urban Extension purposes. The remainder portion of Portion 2 (Lang Bosch) of the farm Strandfontein No. 712 south of the R43 is earmarked as Conservation-Agriculture Buffer. The portion north of the R43 falls within the proposed urban edge for the Greater Gansbaai area.

In addition the last mentioned Spatial Development Framework (SDF) is the latest SDF that was approved and accepted by Council. Consequently the aforementioned SDF serves as the latest mandate for Council's consideration and decisions regarding land use applications and it is evident that the proposed development was guided by this policy. The proposed development promotes a compact urban form, provides for a balanced mix of residential housing, does not propose any development outside the interim urban edge, is in line with the unique character of the area and makes provision for ample open space corridors throughout the development. The Overstrand Municipal Spatial Growth Management Strategy (2010) also earmarks the subject property for densification of up to 10-20 density units per hectare. The gross density for the proposed development amounts to only 14 density units per hectare. Consequently it is clear that the proposed development falls within the existing planning for the Greater Gansbaai area.

- *The proposed development will lead to noise pollution and promote criminal activity in the area. One of the objectors is not in favour of any type of development (low or high income) proposed for the subject property.*

Our client takes notice of the abovementioned. Noise levels will be in line with the level prescribed by relevant legislation.

As previously mentioned the subject property is earmarked for urban extension and therefore the development of the subject property in future is inevitable. It should be noted that the proposed application does not propose low income housing, and certainly not sub-economic housing, but rather a variety of residential / housing opportunities in the urban structure to provide for the various income levels in the Greater Gansbaai area.

- *At present there are many vacant erven in the De Kelders area. The objectors are of the opinion that the development of the vacant erven in De Kelders should rather be the priority of the municipality rather than the extension of the existing De Kelders town.*

The growing Overberg region, the extension of the De Kelders township (in line with the future planning policies of the region) as well as the proposed nuclear power station proposed for Bantamsklip contribute to the need for the extension of De Kelders and in turn the greater Gansbaai area. Our

clients also recognize the need for an inclusionary development that provides for residential units that meets the need of various income levels in the greater Gansbaai area.

The proposed development will contribute towards the creation of a variety of residential / housing opportunities in the urban structure to provide for the various income levels in the Greater Gansbaai area.

- ***An objector asks why the owners of the subject property do not consider developing the subject property as a reserve for small game animals. The aforementioned will contribute towards the tourism industry of Gansbaai and ensure work creation.***

The subject property is earmarked for urban extension purposes and densification in terms of the spatial planning policies for the Overstrand area and therefore the proposed development is not asking for more than what the spatial planning policies allows for the area.

- ***An objector asks how the proposed development will ensure sufficient facilities with regards to medical facilities, schools, etc.***

Provision was made for an Institutional Zone portion on recommendation of the local and provincial authorities. The community facility site was positioned opposite the commercial site at the entrance of the existing residential area of De Kelders (where the existing De Kelders residential area meets the proposed extension). The proposed community facility will be  $\pm 2417\text{m}^2$  in extent and the use of the proposed community facility will be determined by the market – the municipality can however regulate the type of community facility proposed for this site in future.

It should be noted that the Overstrand Municipal Growth Management Strategy (OMGMS, 2010) specifies that the area where the subject property is situated, falls within planning unit no. 3. Planning unit no. allows for densification of up to 10-20 density units per hectare. The gross density for the proposed development amounts to only 14 density units per hectare. The OMGMS also indicates the impact that densification will have on the existing community facilities and what additional community facilities are required when densification occurs. From the various community facilities (clinics / hospitals, community halls, schools, libraries, worship sites, etc.) a pre-primary or primary school, or a

worship site will be the most required community facility when densification occurs in this area. Consequently the municipality will also take the OMGMS into account when considering the development of the Institutional Zone property.

- *The objectors are not in favour of the locality of the community hall proposed for the development as they fear this will lead to noise pollution.*

A site development plan will be submitted prior to the development of the community facility. Not once in the application was it mentioned that the proposed institutional zoned portion will be used for community hall purposes – reference was only made to a community facility, which implies any one of the land uses below:

Primary rights:	Place of worship, place of instruction
Consent (secondary) uses:	Retirement village, institution, parsonage, place of assembly.

Please take note that a place of assembly (community hall) can only be accommodated as a consent use on an Institutional Zone property. This application therefore did not make provision for a community hall, but only for the primary rights specified above. Any future development of the subject property will be subject to the submission of site development plans. Any secondary uses can only be accommodated once a consent use application was submitted and approved by the local authority. Consequently if a community hall is proposed in future, another land use application has to be submitted to obtain a consent use to allow a community hall on the subject property. This will imply that the surrounding property owners will be notified regarding the proposed application again and once again given an opportunity to comment / object.

Currently application is not made for a community hall on the proposed Institutional Zone portion, therefore we are of the opinion that all the objections related to the community hall, are irrelevant to this application.

- *Concerns are raised that the existing main route that service Gansbaai and De Kelders will not be able to carry the increase amount of traffic to the area.*

A Traffic Impact Assessment was compiled by ICE Engineers in May 2012. The following conclusions and recommendations were made:

### 1. Conclusions

- The development will join up with the existing De Kelders road network at three points and access to and from the R43 will be obtained through one of these as well as a proposed access to the eastern side of the development.
- The R43 / Proposed Access intersection will be stop controlled.
- The full development will generate 624 trips (172 in, 452 out) during the AM peak hour and 908 trips (596 in, 313 out) during the PM peak hour.
- These trips were distributed to the three access points to the north of the development. The majority of trips were however distributed to the accesses which link the development to the R43.
- The commercial component's trips were distributed between the Khoisan Bay's residential component and the existing residential component of De Kelders. The commercial component has a local function and does not generate many by-pass trips.
- For safety reasons, the Provincial Road Access Guidelines indicate that right and left turning lanes should be added to the R43 at the R43 / Cove Street,
- R43 / Guthrie Street and R43 / Proposed Access intersections.

### 2. Recommendations

- A public transport embayment should be investigated near the commercial node of the Khoisan Bay Development.
- Adequate sidewalks must be provided for pedestrians and cyclists on the eastern internal access road of the Khoisan Bay Development.
- Right and left turning lanes should be provided on the R43 at the R43 / Cove Street, R43 / Guthrie Street and R43 / Proposed Access intersections;
- A sidewalk should be provided on at least one side of the eastern internal access road, which links the new commercial development to the R43.

From the above it is evident that the traffic concerns with regards to the proposed application, was fully addressed. A copy of the Traffic Impact Assessment is available at the Overstrand Municipality.

- *An objector is not in favour of a commercial site for the proposed development as the area currently has no commercial sites and they would like to keep it that way. The commercial site will also increase the flow of traffic to the area.*

The proposed commercial site was placed at the entrance of the existing residential area of De Kelders (where the existing De Kelders residential area meets the proposed extension). This way the proposed commercial site (shop) can serve both the existing residential area and the proposed residential extension of De Kelders. The proposed commercial site will only have a local function; consequently the development of the subject portion will most probably entail a supermarket that will serve the existing and proposed residential area.

The commercial site was also taken into account in the Traffic Impact Assessment (refer to page 7) to ensure that the impact on the traffic will be kept to a minimum. The TIA concluded that the commercial component has a local function and does not generate many by-pass trips. The location of the commercial site farthest from the R43 will also ensure no unnecessary drive through of cars travelling on the R43 to Gansbaai.

Furthermore a site development plan will be submitted prior to the development of the commercial site for approval by the Overstrand Municipality.

- *This portion of De Kelders has no street lights and an objector would like to keep it this way to maintain the character of De Kelders.*

The provision of services for the proposed development will be done in accordance with the local authority's regulations as well as the conditions to be stipulated once the application serves before Council.

- *No solid high security walls associated with group / town housing must be allowed.*

The group and town house complexes will be developed in accordance with the Gansbaai Scheme Regulations as well as the conditions to be stipulated once the application served before Council.

The layout of the proposed development was done in such a way to ensure that the security walls will not have a negative impact on the aesthetic character of De Kelders. The town and group housing complexes were therefore not placed in the proposed larger local distributors / public roads, but rather in the smaller access roads giving access to the proposed group and town houses. Your attention is drawn to the site development plan that accompanied the application.

*The De Kelders Tax Payers Association states that they SUPPORT the proposed subdivision and rezoning application. They did however stipulate the following conditions and concerns regarding the proposed development:*

- *The approval from the Department of Transport & Public Works dated 15 December 2006 has lapsed and consequently a new approval has to be obtained.*

The amended application was re-circulated to all the relevant departments for their revised comments on the application. A copy of the Traffic Impact Assessment dated 10 May 2012 was also submitted to the Department of Transport for their consideration. We are therefore awaiting their revised comments on the amended application.

- *The association has some concerns regarding the increased traffic to the De Kelders area. They comment that a direct access point from the R43 must be guaranteed. The municipality should also ensure that the maintenance of the existing residential public roads of De Kelders is also addressed in determining the bulk services levies.*

Please refer to our comments regarding the traffic concerns on page 7.

- *Internal and external connections to services, the installation of services and the maintenance of services (for example street lights, substations, etc.) should be fully addressed in the services agreement.*

The provision of services for the proposed development will be done in accordance with the local authority's regulations as well as the conditions to be stipulated once the application serves before Council.

- *All elements with heritage value in the area should be conserved.*

A full Heritage Impact Assessment is currently underway to ensure that no harm is done to existing elements with heritage value in the area.

- *The De Kelders Tax Payers Association stipulate that it is not clear what is meant by "town house" and "group house" respectively and asks whether this means provision has to be made for low cost housing developments.*

Low cost housing development is not proposed with this application. The main reason for proposing both town and group housing developments are because the allowable amount of units to be developed per hectare for town and group housing respectively, differs quite substantially. Group housing developments only allow for a density of 30 units per hectare, whereas town housing developments allow for a density of 50 units per hectare. To meet the densities allowed for the subject portion as well as to ensure an inclusionary development that provides for residential units that meets the need of various income levels in the greater Gansbaai area (i.e. not low cost housing, but more affordable housing), both town and group housing developments are proposed for this application.

By including both town and group housing developments the proposed development will contribute towards the creation of a variety of residential / housing opportunities in the urban structure to provide for the various income levels in the Greater Gansbaai area.

The group / town housing clusters will be developed in accordance with the land use parameters set out in the Gansbaai Scheme Regulations. Site development plans will be submitted prior to the development of each group / town housing cluster for approval by the Overstrand Municipality.

- *No architectural guidelines are proposed for the proposed development. The tax payers association suggested that the architectural style should be in line with the fisherman's character of Gansbaai and that the aforementioned should be made a condition of approval.*

As mentioned above site development plans (that will also address the architectural style) will be submitted prior to the development of each group / town housing cluster and the proposed commercial and institutional sites for approval by the Overstrand Municipality.

We trust that you find the above in order.

Yours faithfully

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



**Western Cape  
Government**  
Environmental Affairs and  
Development Planning

DIRECTORATE: LAND MANAGEMENT  
REGION 2

**EIA REFERENCE NUMBER:** E12/2/3/2-E2/11-0093/06  
**ENQUIRIES:** RONDINE ISAACS  
**DATE OF ISSUE:** 19 JUN 2012

The Board of Directors  
Khoisan Bay Estates (Pty) Ltd  
PO Box 175  
CENTURY CITY  
7445

**Attention: Mr GV Smif**

Tel/Fax: (021) 554 5057

Dear Sir

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT AMENDMENT REGULATIONS, 2006 AND 2010: THE PROPOSED KHOISAN BAY RESIDENTIAL DEVELOPMENT ON PORTION 2 OF THE FARM STRANDFONTEIN NO. 712, GANSBAAI.**

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

#### **ENVIRONMENTAL AUTHORISATION**

#### **DECISION**

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Amendment Regulations, 2006 and 2010, ("NEMA EIA Regulations") the competent authority herewith **grants environmental authorisation** to the applicant to undertake the list of activities specified in section B below with respect to the Site Development Plan for the reduced development footprint included in the additional information submission dated 6 March 2012.

The granting of this environmental authorisation is subject to compliance with the conditions set out in section E below.

**A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION**

Kholsan Bay Estates (Pty) Ltd  
 % Mr GV Smit  
 PO Box 175  
 CENTURY CITY  
 7445  
 Tel/Fax: (021) 554 5057

The abovementioned company is the holder of this environmental authorisation and is hereinafter referred to as "the applicant".

**B. LIST OF ACTIVITIES AUTHORISED**

Government Notice No. R. 386 of 21 April 2006 –

**Activity Number 1 (k):**

*"The construction of facilities or infrastructure, including associated structures or infrastructure for the bulk transportation of sewage and water, including storm water, in pipelines or channels with -*

- (a) An internal diameter of 0,36 metres or more; or*
- (b) A peak throughput of 120 litres per second or more";*

**Activity Number 12:**

*"The transformation or removal of indigenous vegetation of 3 hectares or more or of any size where the transformation or removal would occur within a critically endangered or an endangered ecosystem listed in terms of section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)";*

**Activity Number 15:**

*"The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long"; and*

**Activity Number 18:**

*"The subdivision of portions of land 9 hectares or larger into portions of 5 hectares or less".*

Government Notice No. R. 387 of 21 April 2006 -

**Activity Number 2:**

*"Any development activity, including associated structures and infrastructure, where the total area of the developed area is, or is intended to be, 20 hectares or more".*

Government Notice No. R. 544 of 18 June 2010 –

**Activity 22:**

*"The construction of a road, outside urban areas,*

- (i) with a reserve wider than 13,5 metres or,*
- (ii) where no reserve exists where the road is wider than 8 metres, or*

- (iii) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Notice 545 of 2010".

Government Notice No. R. 545 of 18 June 2010 -

**Activity 15:**

"Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20 hectares or more;

except where such physical alteration takes place for:

- (i) linear development activities; or
- (ii) agriculture or afforestation where Activity 16 in this Schedule will apply".

Government Notice No. R. 546 of 18 June 2010 -

**Activity 4:**

"The construction of a road wider than 4 metres with a reserve less than 13,5 metres.

**(d) In the Western Cape:**

- i. In an estuary;
- ii. All areas outside urban areas;
- iii. In urban areas:
  - (aa) Areas zoned for use as public open space within urban areas; and
  - (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose";

**Activity 13:**

"The clearance of an area of 1 hectare or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, except where such removal of vegetation is required for:

- (1) the undertaking of a process or activity included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), in which case the activity is regarded to be excluded from this list.
  - (2) the undertaking of a linear activity falling below the thresholds mentioned in Listing Notice 1 in terms of GN No. 544 of 2010.
- (a) Critical biodiversity areas and ecological support areas as identified in systematic biodiversity plans adopted by the competent authority.
  - (b) National Protected Area Expansion Strategy Focus areas.
  - (c) **In the Western Cape:**
    - i. In an estuary;
    - ii. Outside urban areas, the following:
      - (aa) A protected area identified in terms of NEMPAA, excluding conservancies;
      - (bb) National Protected Area Expansion Strategy Focus areas;

- (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;
  - (dd) Sites or areas identified in terms of an International Convention;
  - (ee) Core areas in biosphere reserves;
  - (ff) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve;
  - (gg) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined.
- iii. In urban areas, the following:
- (aa) Areas zoned for use as public open space;
  - (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;
  - (cc) Areas seawards of the development setback line;
  - (dd) 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"; and

#### **Activity 14**

"The clearance of an area of 5 hectares or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, except where such removal of vegetation is required for:

- (1) purposes of agriculture or afforestation inside areas identified in spatial instruments adopted by the competent authority for agriculture or afforestation purposes;
  - (2) the undertaking of a process or activity included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the activity is regarded to be excluded from this list;
  - (3) the undertaking of a linear activity falling below the thresholds in Notice 544 of 2010.
- (a) **In the Western Cape:**
- i. All areas outside urban areas".

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

The applicant is herein authorised to undertake the following alternative related to the listed activities:

This environmental authorisation is for the reduced development footprint as included in the additional information submission dated 6 March 2012 (Plan No. KSB2.DRW dated September 2011), attached hereto as Appendix A. The development entails the establishment of a residential development on Portion A of the Farm Strandfontein No. 712/2, Gansbaai. The Remainder of the property will be rezoned to Public and Private Open Space and will not be developed.

Portion A will be subdivided into 3 portions. Portions 2 and 3 (dune area) will be rezoned from Agriculture Zone 1 to Private Open Space (18.2ha) and Public Open

Space (54.3ha), respectively. Portion 1 (37.9ha) will be rezoned from Agriculture Zone 1 to Subdivisional Area. The residential development on Portion 1 of Portion A will comprise of the following:

- Approximately 472 residential erven (single residential, group housing and town housing);
- 45 Public and Private Open Space erven;
- 6 Erven for public and private roads;
- 1 Erf zoned for Institutional use;
- 1 Erf zoned for Business use; and
- Bulk services.

### C. PROPERTY DESCRIPTION AND LOCATION

The listed activities will take place on Portion A of the Farm Strandfontein No. 712/2, Gansbaai.

The SG 21 digit code is: C01100000000071200002

Co-ordinates:

Latitude: 34° 33' 15" S

Longitude: 19° 22' 29" E

hereinafter referred to as "the site".

### D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

Johan Neethling Environmental Services cc ("JNES")  
% Dr Johan Neethling  
PO Box 16594  
VLAEBERG  
8018  
Tel: (021) 461 4386  
Fax: (021) 461 6909

### E. CONDITIONS OF AUTHORISATION

1. This environmental authorisation is valid for a period of **five years** from the date of issue. The holder must commence with the listed activities within the said period or this environmental authorisation lapses and a new application for environmental authorisation must be submitted to the competent authority, unless the holder has lodged a valid application for the amendment of the validity period of this environmental authorisation, before the expiry of this environmental authorisation. In such instances, the validity period will be automatically extended ("the period of administrative extension") from the day before this environmental authorisation would otherwise have lapsed, until the amendment application for the extension of the validity period is decided. The listed activities, including site preparation, may not commence during the period of administrative extension.
2. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days of the date of issue of this environmental

authorisation. In the event that an appeal notice and subsequent appeal is lodged with the competent authority, the effect of this environmental authorisation may be suspended until such time as the appeal is decided.

3. The applicant must in writing, within 12 (twelve) calendar days of the date of this decision and in accordance with Regulation 10(2)–
  - 3.1 notify all registered Interested and Affected Parties of –
    - 3.1.1 the outcome of the application;
    - 3.1.2 the reasons for the decision as included in Annexure 1;
    - 3.1.3 the date of the decision; and
    - 3.1.4 the date of issue of the decision;
  - 3.2 draw the attention of all registered Interested and Affected Parties to the fact that an appeal may be lodged against the decision in terms of Chapter 7 of the Environmental Impact Assessment Amendment Regulations, 2010 detailed in section F below;
  - 3.3 draw the attention of all registered Interested and Affected Parties to the manner in which they may access the decision.
4. Seven calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities.
  - 4.1 The notice must make clear reference to the site details and EIA Reference number given above.
  - 4.2 The notice must also include proof of compliance with the following conditions described herein:  
Conditions: 2, 3, 15, 19, 22, 24, 28, 29 and 30.
5. The holder is responsible for ensuring compliance with the conditions by any person acting on his behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
6. Any changes to, or deviations from the scope of the description set out in section B above must be accepted or approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.
7. The applicant must notify the competent authority in writing, within 24 hours thereof if any condition herein stipulated is not being complied with.
8. The draft Construction Environmental Management Plan ("CEMP") dated February 2008 is hereby approved on condition that the following amendment is made to the CEMP, and must be implemented:
  - 8.1 The Environment Control Officer ("ECO") must retain proof/registers of training with regards to Environmental Awareness Training.

An application for amendment to the CEMP must be submitted to the competent authority if any further amendments are to be made to the CEMP, other than those mentioned above, and this may only be implemented once the amended CEMP has been authorised by the competent authority.

The CEMP must be included in all contract documentation for the pre-construction and construction phases of the development.

9. The applicant must compile and submit an acceptable operational phase EMP ("OEMP") for the entire property. The OEMP must be submitted to the competent authority for approval before any of the development components become operational.  
The OEMP must:
  - 9.1 Address the protection and management of the conservation area; the potential for wind erosion; the complete removal of all alien invasive plants; and fire management and control.
  - 9.2 Incorporate the conditions of authorisation given in this environmental authorisation, as appropriate to the operational phase of the project. The Home Owners' Association must implement and ensure compliance with this OEMP.
  - 9.3 Incorporate the visual management and monitoring plan.
10. A copy of the environmental authorisation and the EMP must be kept at the site where the listed activities will be undertaken. Access to the site referred to in section C above must be granted and, the environmental authorisation and EMP must be produced to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The environmental authorisation and EMP must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.
11. The applicant must submit an application for amendment of the environmental authorisation to the competent authority where any detail with respect to the environmental authorisation must be amended, added, substituted, corrected, removed or updated. Further, the rights granted by this environmental authorisation are personal rights (i.e. not attached to a property, but granted to a natural or juristic person). As such, only the holder may undertake the activities authorised by the competent authority. Permission to transfer the rights and obligations contained herein must be applied for in the following manner:
  - 11.1 The applicant must submit an originally signed and dated application for amendment of the environmental authorisation to the competent authority stating that he wishes the rights and obligations contained herein to be transferred, and including (a) confirmation that the environmental authorisation is still in force (i.e. that the validity period has not yet expired or the activities were lawfully commenced with); (b) the contact details of the person who will be the new holder; (c) the reasons for the transfer; (d) an originally signed letter from the proposed new holder acknowledging the rights and obligations contained in the environmental authorisation and indicating that he has the ability to

implement the mitigation and management measures and to comply with the stipulated conditions.

- 11.2 The competent authority will issue an amendment to the new holder either by way of a new environmental authorisation or an addendum to the existing environmental authorisation if the transfer is found to be appropriate.
12. Non-compliance with a condition of this environmental authorisation or EMP may result in suspension of this environmental authorisation and may render the holder liable for criminal prosecution.
13. Notwithstanding this environmental authorisation, the holder must comply with any other statutory requirements that may be applicable to the undertaking of the listed activities.
14. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings; shipwrecks; and graves or unmarked human burials.
- 14.1 Shovel testing of archaeological heritage remains in STF 1, 2, 8, 9 & 10 are required to determine the significance of below ground deposits. If surface scatters are found to have depth and undisturbed deposits, it must be sampled by way of controlled archaeological excavation.
- 14.2 Vegetation clearing operations in the eastern sector of the site must be monitored by a professional archaeologist. Should any archaeological remains be uncovered during such operations, shovel testing and systematic archaeological sampling will be required.
- 14.3 Bulk earthworks and excavations must be monitored by a professional archaeologist. Should any archaeological remains be uncovered during these operations, shovel testing and systematic archaeological sampling will be required.
15. The holder must appoint a suitably experienced ECO, or site agent where appropriate, for the construction phase of implementation before commencement of any land clearing or construction activities to ensure compliance with the CEMP and the conditions contained herein.
16. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a landfill licensed in terms of the applicable legislation.

17. No surface or ground water may be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
18. The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to.
19. A Storm Water Master Plan (Management Plan) must be approved by the Overstrand Municipality before commencement of construction activities. The Plan must address, *inter alia*:
  - 19.1 The development of appropriate infrastructure to accommodate a 1:100 flood event.
  - 19.2 The development of retention ponds as part of the storm water management system.
  - 19.3 The diversion of storm water as well as the required flow diversion structures.
  - 19.4 Catch pits and sediment traps.
  - 19.5 Runoff from roads and properties may not be directed into conservation areas as this would change the water balance in the vegetation.
20. A search and rescue must be conducted in order to collect all horticultural useful material plant species prior to the development footprints being pegged. The plants must be maintained in a nursery and then used in rehabilitation of the on-site disturbed areas and/or after roads have been completed and bulk services installed.
21. The following conditions as stipulated by the Department of Water Affairs in their letter dated 4 November 2008 must be adhered to:
  - 21.1 No activities may take place within a reach of 500m of a buffer zone upstream, downstream and riparian zone to any wetland system without formal authorisation thereto obtained from the Department of Water Affairs.
  - 21.2 No permanent structures may be constructed within the 50-year flood line of a river and/or stream.
  - 21.3 The applicant and Overstrand Municipality must sign a formal bulk services agreement, as per the tabled decreased number of units.
22. A Landscape Master Plan must be approved by the Overstrand Municipality before commencement of construction activities.
23. The Architectural and Landscaping Guidelines must be adhered to.
24. The final layout must be approved by the Overstrand Municipality before construction commences.
25. Separate right turn and left turn lanes must be provided on the side street at the Khoisan Bay access. A passing lane on TR28/2 will avoid delays to through traffic from Hermanus in the direction of Gansbaai.

26. Water saving devices e.g. dual flush toilet systems, low-flow showerheads etc. and energy saving devices such as geyser blankets must be used in all components of the development.
27. The ECO must oversee the installation of bulk services on the site and will be responsible for ensuring compliance with all construction activities.
28. A search and rescue operation must be conducted before construction commences to remove slow-moving animals such as tortoises.
29. All activities, including access, site clearing, lay down areas, site camp and excavation activities must be limited to the construction corridor, and the extent of the corridor must be clearly demarcated before the commencement of construction.
30. The exact boundary of the conservation area must be fenced off with veldpan type fencing prior to any heavy machinery going on site. The fence must carry signs, every 30m, to indicate that it is a sensitive area and that no access is permitted.
31. A fire management plan must be established in conjunction with CapeNature officials of the Walker Bay Nature Reserve. Home owners must formally agree to this practice when purchasing any property on the proposed site.
32. The location, width and management of firebreaks must be finalised in conjunction with the manager of the Walker Bay Nature Reserve.

**F. RECOMMENDATION**

It is recommended that all areas (that are not approved for development) that have been identified to be of high sensitivity in terms of conservation importance be formally conserved through CapeNature's stewardship programme (at the applicant's own cost). The identified areas should be included into the stewardship programme within one year after the completion of construction activities for the infrastructure requirements of the development. A duly signed and dated Memorandum of Understanding with CapeNature's stewardship programme should be submitted to the competent authority for record purposes.

**G. APPEALS**

Appeals must comply with the provisions contained in Chapter 7 of the NEMA EIA Regulations.

1. An appellant must –

- 1.1 submit a Notice of Intention to Appeal to the Minister, within 20 (twenty) calendar days of the date of the decision;
- 1.2 submit the appeal within 30 (thirty) calendar days after the lapsing of the 20 (twenty) calendar days contemplated in Regulation 60(1), for the submission of the Notice of Intention to Appeal; and
- 1.3 within 10 (ten) calendar days of having lodged the Notice of Intention to Appeal, provide each person and Organ of State registered as an Interested and Affected Party in respect of the application, or the applicant, with –
  - 1.3.1 a copy of the Notice of Intention to Appeal form; and

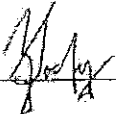
- 1.3.2 a notice indicating where and for what period the appeal submission will be made available for inspection by such person, Organ of State, or applicant, on the day of lodging it with the Minister, and that a responding statement may be made on the appeal within 30 (thirty) calendar days from the date the appeal submission was lodged with the Minister.
2. A person, Organ of State or applicant who submits a responding or answering statement in terms of Regulation 63 must within 10 (ten) calendar days of having submitted the responding or answering statement, serve a copy of the statement on the other party.
  3. If the person, Organ of State or applicant fails to meet a timeframe with respect to the requirements as detailed above, the person, Organ of State or applicant must immediately submit a written explanation to the Ministry providing a concise explanation for the non-compliance.
  4. All Notice of Intention to Appeal and Appeal forms must be submitted by means of one of the following methods:
    - By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning  
Private Bag X9186  
CAPE TOWN  
8000
    - By facsimile: (021) 483 4174; or
    - By hand: Attention: Mr J. de Villiers  
Room 305 A  
3<sup>rd</sup> Floor Leeusig Building (Entrance at: Utilitas Building, 1 Dorp Street, Cape Town, 8001)
  5. A prescribed Notice of Intention to Appeal form and Appeal form as well as assistance regarding the appeal processes are obtainable from the office of the Minister at: Tel. (021) 483 3721, E-mail [Jaap.deVilliers@pawc.gov.za](mailto:Jaap.deVilliers@pawc.gov.za) or URL <http://www.westerncape.gov.za/eadd>.

**G. DISCLAIMER**

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

Your interest in the future of our environment is appreciated.

Yours faithfully

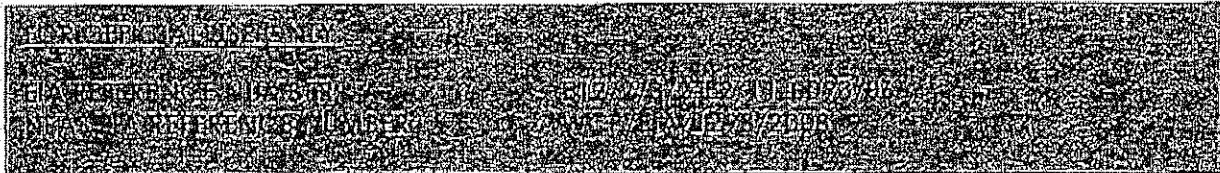


**MR ZAAHIR TOEFY**  
**DIRECTOR: LAND MANAGEMENT (REGION 2)**

DATE OF DECISION: 19/06/2012

Copied to: (1) Johan Neethling (JNES)  
(2) Pauline Spronk (Spronk and Associates)  
(3) Ilze le Roux (Overstrand Municipality)

Fax: (021) 461 6909  
Fax: (028) 312 1351  
Fax: (028) 384 8337



**ANNEXURE 1: REASONS FOR THE DECISION**

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

- a) The information contained in the Application Form dated 31 October 2006, as received by the competent authority on the same day, the Scoping Report dated 8 August 2007, the amended Scoping Report dated 30 October 2007, the EIA Report dated April 2008, the amended EIA Report dated 6 November 2008, the final amended EIA Report received by the competent authority on 10 February 2010, the EMP submitted together with the EIA Report, and the additional information received by the competent authority on 26 February 2010, 6 April 2011, 12 May 2011, 26 May 2011, and 8 March 2012, respectively;
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation and Alternatives (dated October 2011);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from Interested and Affected Parties and the responses provided thereon, as included in the final amended EIA Report dated 3 February 2010;
- e) The consent provided by the landowner (dated 27 October 2006);
- f) This application was submitted in terms of the previous NEMA EIA Regulations and was pending at the time of the promulgation of the Environmental Impact Assessment Amendment Regulations, 2010. Some of the listed activities herein authorised may not have been listed under the previous NEMA EIA Regulations, but are now listed in terms of the Environmental Impact Assessment Amendment Regulations, 2010. In accordance with Regulation 76(3) of Government Notice No. R. 543, these activities may be authorised as if applied for;
- g) The meetings held on
 

Date: 10 December 2008

Attended by: Mr R. Stassen, Mr E. Foster of EFG Engineers, Dr J. Neethling of JNES, Mr Z. Toefy, Ms Z. Toefy and Ms T. Sineke of the Department of Environmental Affairs and Development Planning ("DEA&DP").

Date: 1 September 2010

Attended by: Mr Z. Toefy, Ms Z. Toefy, Mr N. Muller and Ms Y. Matyolo of the DEA&DP, Mrs P. Spronk and Mr J. McLachlan of Plan Active Town & Regional Planners.
- h) No site visits were conducted. The competent authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the competent authority was taken into account in the consideration of the application for environmental authorisation. A summary of the issues

which, according to the competent authority, were the most significant reasons for the decision is set out below.

### 1. Public Participation

The Public Participation Process comprised of the following:

- Registered letters were posted to owners and occupiers of land adjacent to, and within 100 m of the boundary of the site, the ward councillor, relevant government departments and Non-Governmental Organisations on 1 December 2006;
- Notice boards were placed on site on 1 December 2006;
- Advertisements were placed in the "Gansbaai Herald" on 29 November 2006, the "Gansbaai Courant" on 1 December 2006, "Die Burger" on 1 December 2006, and the Hermanus Times on 1 December 2006, respectively;
- The project was presented to the De Kelders Residents Association on 21 December 2006;
- The draft Scoping Report was made available at the Gansbaai Public Library from 18 June 2007;
- Registered letters were sent to registered Interested and Affected Parties to inform them about the availability of the draft Scoping Report between 18 and 29 June 2007;
- The final Scoping Report was made available to registered Interested and Affected Parties until 25 October 2007;
- The draft EIA Report was made available at the Gansbaai Public Library on 9 February 2008;
- Registered letters were sent to registered Interested and Affected Parties to inform them about the availability of the draft EIA Report 9 February 2008;
- The final EIA Report was made available to registered Interested and Affected Parties on 17 April 2008;
- An amended final EIA Report was made available at the Gansbaai Public Library on 26 September 2008;
- Registered letters were sent to registered Interested and Affected Parties to inform them about the availability of the amended final EIA Report on 27 September 2008.

### Authorities consulted

The authorities consulted include the following:

- Department of Water Affairs;
- National Department of Agriculture;
- Western Cape Department of Agriculture;
- CapeNature;
- Department of Transport and Public Works;
- Overstrand Municipality; and
- Heritage Western Cape.

At the end of the commenting period the following issues were raised and were adequately addressed. Issues and a summary of the EAP's responses are presented in a table format below:

Comment	EAP's Response
<b>Provision of services</b>	
<ul style="list-style-type: none"> <li>• Confirmation on adequate water supply from the Overstrand Municipality.</li>   <li>• Provision of bulk services with regards to disposal of sewage.</li>   <li>• Adequate electricity supply does not exist.</li> </ul>	<ul style="list-style-type: none"> <li>• The developer will augment the water supply by building an additional reservoir. The construction of the reservoir does not trigger any of the listed activities as identified in Government Notices No. R. 544, R. 545 and R. 546 of 18 June 2010.</li>   <li>• Upgrading of bulk services, such as sewerage, has been approved and is being implemented by the local authority. Upgrading of the electricity and water supply services on the site is a condition of approval for the development and the costs thereof will be borne by the developer.</li>   <li>• Extensive upgrades will be brought about to the electricity supply grid as part of the development and the Municipality is satisfied with the proposed upgrades.</li> </ul>
<b>Planning Issues</b>	
<ul style="list-style-type: none"> <li>• The development is too big and will impact on the coastline.</li>   <li>• Negative impact on open spaces, bays and beaches will be irreversible.</li>   <li>• An eco-reserve should be established as was done with other farms in the vicinity.</li>   <li>• There are not enough employment opportunities in Gansbaai to allow for permanent residences as proposed in the development.</li> </ul>	<ul style="list-style-type: none"> <li>• The development will not be established adjacent to the coastline.</li>   <li>• The areas are already being used by residents of De Kelders, Gansbaai and other areas.</li>   <li>• The Provincial Spatial Development Framework advocates high urban densities within formal urban areas to limit urban sprawl. An eco-reserve is not economically viable on land that is earmarked as falling within the urban edge.</li>   <li>• The development will contribute substantially to the rates base of the Municipality allowing it to attend more adequately to the social needs of the community. The development will provide a large permanent population increase for the Gansbaai</li> </ul>

<ul style="list-style-type: none"> <li>• The application fails to identify a substantive need for the development.</li> <li>• It is claimed that there will be a uniform architectural theme and that strict guidelines will be imposed, which is not plausible.</li> <li>• The design is in conflict with Objective 7 of the Western Cape Provincial Spatial Development Framework ("WCPSDF").</li> <li>• The urban extension is taken on the basis that the Overstrand Municipal Spatial Development Framework has been approved by the Overstrand Municipality.</li> </ul>	<p>area.</p> <ul style="list-style-type: none"> <li>• The need for additional urban development was identified during the studies undertaken for the urban edge.</li> <li>• The architectural guidelines will be enforced by the Home Owners Association and a more uniform architectural style will be attained.</li> <li>• The development, with its range of residential opportunities, shopping centre, recreational facilities and retirement complex, indeed satisfies Objective 7 of the WCPSDF.</li> <li>• The urban edge was determined during the Overstrand Sub-Regional Plan Study before the development was initiated.</li> </ul>
<b>Traffic impacts</b>	
<ul style="list-style-type: none"> <li>• The most northerly access road should be moved two blocks further as it will impact on the existing open spaces in De Kelders.</li> </ul>	<ul style="list-style-type: none"> <li>• The proposed road enters De Kelders onto an existing road in De Kelders. The open space area is not affected by present traffic.</li> </ul>
<b>Visual/sense of place/Heritage impacts</b>	
<ul style="list-style-type: none"> <li>• Concerns about the geotechnical stability of the sandstone formations and the impacts on underground caves.</li> </ul>	<ul style="list-style-type: none"> <li>• The geotechnical and archaeological investigations did not reveal any such caves to exist.</li> </ul>
<b>Biodiversity</b>	
<ul style="list-style-type: none"> <li>• Clarification is required on the width of the buffer between the development and the Walker Bay Nature Reserve.</li> <li>• Clarity is required whether the firebreak will fall within community 2, and the impacts thereof must be assessed.</li> </ul>	<ul style="list-style-type: none"> <li>• The buffer is approximately 30m to 60m wide.</li> <li>• The firebreak will partly fall within community 2, and will be brush cut. The impacts on biodiversity will be limited if the Walker Bay Nature Reserve also establish their legally</li> </ul>

<ul style="list-style-type: none"> <li>• Clarity is required on the ecological processes to maintain the biodiversity in the conservation areas.</li> </ul>	<p>required firebreak.</p> <ul style="list-style-type: none"> <li>• Open space areas will be established so that they overlap with identified rare plant species. They will also link with the adjacent Reserve.</li> </ul>
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The Department concurs with the EAP's responses to the issues raised during the Public Participation Process and has included appropriate conditions in this environmental authorisation and in the EMP.

## 2. Alternatives

The following layout alternatives were considered:

### Alternative 1

This alternative entails the establishment of a residential development on Portion 2 of the Farm Strandfontein No. 712, Gansbaai, comprising of approximately 1550 single residential erven, bulk services and roads. This alternative was not supported since it contradicted the spatial principles and guidelines of the Western Cape Provincial Spatial Development Framework.

### Alternative 2

This alternative entails the establishment of a residential development on Portion 2 of the Farm Strandfontein No. 712, Gansbaai, comprising of approximately 449 residential units, bulk services and roads. Provision was also made for an ecological corridor linking the Walker Bay Nature Reserve with the areas south of the R43 Road. This alternative was rejected since it was economically unviable to the applicant.

### Alternative 3

This alternative entails the establishment of a residential development on Portion 2 of the Farm Strandfontein No. 712, Gansbaai, comprising of approximately 1700 residential units, bulk services and roads. This alternative was rejected since it contradicted the spatial principles and guidelines of the Western Cape Provincial Spatial Development Framework.

### Alternative 4

This was the initial preferred alternative and entails the establishment of a residential development on Portion 2 of the Farm Strandfontein No. 712, Gansbaai, which comprises of the following components:

- Approximately 665 single residential erven;
- 6 Group/town housing erven;
- 1 Retirement village site;
- Business sites situated at the entrance to the site to consist of a commercial and residential village;
- Approximately 37ha for public open spaces; and
- Bulk services and roads.

This alternative was rejected since the layout was not supported by the competent authority, because the portion that was indicated for "future residential development", had to be excluded and be rezoned to Private Open Space.

Alternative 5 (preferred alternative herewith authorized)

This alternative entails the establishment of a residential development on Portion A of the Farm Strandfontein No. 712/2, Gansbaai. The Remainder of the farm will retain its Agricultural zoning and will not be developed.

Portion A will be subdivided into 3 portions. Portions 2 and 3 (dune area) will be rezoned from Agriculture Zone 1 to Private Open Space and Public Open Space, respectively. Portion 1 will be rezoned from Agriculture Zone 1 to Subdivisional Area. The residential development on Portion 1 of Portion A will comprise of the following:

- Approximately 472 residential erven (single residential, group housing and town housing);
- 45 Public and private Open Space erven;
- 6 Erven for public and private roads;
- 1 Erf zoned for Institutional use;
- 1 Erf zoned for Business use; and
- Bulk services.

This is the preferred alternative as the layout is sympathetic to the character and urban fabric of the greater Gansbaai area. A public open space is situated between the proposed commercial site and the existing De Kelders Township and serves as a buffer between the residential and business components, as well as a storm water corridor. The group/town house component allows for a higher net and gross density which is in line with the provincial spatial planning guidelines for the area. Some of the private open spaces serve as a buffer between the single residential area of the De Kelders and the proposed group/town house component.

"No-Go" Alternative

This alternative means that the site remains in its current state. This alternative was rejected since agriculture is not an economically viable practice on this farm. Positive socio-economic impacts, such as the provision of housing, will not be realised.

**3. Impacts, assessment and mitigation measures****3.1 Activity Need and Desirability**

The preferred development proposal is in line with the spatial and planning policies for the De Kelders area. The development will contribute to the creation of housing opportunities and will cater for a variety of income levels in the greater Gansbaai area. Portion 3, which is situated directly adjacent to the Reserve, will be rezoned to Public Open Space and will ensure that the ecological corridor between the Reserve, the R43 and the development is maintained. The development adheres to the development parameters of the Gansbaai Scheme Regulations with regards to densities, provision of open spaces and minimum erf sizes.

**3.2 Regional/Planning Context**

The proposed Institutional zoned erf and single residential erven falls within an area that is earmarked for business purposes, therefore, the structure plan must be amended to accommodate the aforementioned erven. The proposed commercial erf is situated within an area that is earmarked in the greater Gansbaai Structure Plan for commercial purposes.

The development provides for a variety of group housing options and addresses the needs of the different income groups in the greater Gansbaai area. The draft

Overstrand Municipal Wide Spatial Development Framework (2006) earmarks Portions 1, 2 and 3 for urban expansion.

The development proposes a net density of  $\pm 24$  du/ha (residential component only) and a gross density of  $\pm 14$  du/ha for the entire development. The development is therefore compatible with the Overstrand Municipal Spatial Growth Management Strategy (2010).

### 3.3 Services/Bulk Infrastructure

The sewage will be transported to the existing Gansbaai Waste Water Treatment Works via an underground pipe system. The external sewage pipe system will be designed such that the existing De Kelders area can connect to the sewer system. A 2.2Ml reservoir and 300mm diameter parallel pipe reinforcement from the reservoir to the branch of the existing De Kelders residential area and the proposed development will be constructed. A 300mm diameter future main from the aforementioned branch and the proposed ring-main for the site will also be constructed. The Overstrand Municipality has confirmed that sufficient capacity exists to provide for services such as water supply, solid waste and effluent disposal.

### 3.4 Biophysical Impacts

A Botanical Assessment was conducted by Marzie Ecological Services and an Ecological Research Report dated 4 November 2009 was compiled by Dr C. Boucher.

The assessments undertaken concluded that the vegetation consist primarily of Overberg Dune Strandveld and transitional vegetation developing toward Agulhas Sand Fynbos and Agulhas Strandveld and Fynbos. A conservation area of approximately 43.76ha in size, comprising of a consolidated dune field, will be established between the development and the Walker Bay Nature Reserve.

Although the development will result in the loss of an area previously identified as being of conservation value, it is not considered to be of high significance. The preferred layout avoids the sensitive dune area and will not result in the fragmentation of the ecosystem. It also allows for a buffer area between the development and the Walker Bay Nature Reserve.

### 3.5 Visual Impacts/Sense of Place

A Visual Impact Assessment dated 14 December 2007 was conducted by New World Associates. The site's visibility is critical within the key 1km radius, especially from the south. Views onto the site are obscured by a roadside landform along the R43. Long distance views are possible from the north and the Walker Bay Nature Reserve, however, scenic coastal resources are typically unaffected. The site is split by a ridge and the visibility of a small section in the north is restricted to the Reserve. The site is not highly visible for long periods or over wide areas from nearby. The development will not impact negatively on the rural landscape. It will be located adjacent to the existing De Kelders Township and will therefore become a visual "continuation" thereof.

### 3.6 Traffic impacts

There is currently a single access gravel road that leads from the R43 which will be closed to make way for a new access point from the R43. The single residential

even and the business site will gain access directly from the internal collector roads. The community facility will gain access from a private road that forms part of the internal road design. No direct access from the R43 is allowed for any of the group/town house components.

### 3.7 Cultural historic

A Phase 1 Archaeological Impact Assessment dated March 2006 was conducted by the Agency for Cultural Resource Management. No buildings or structures are present on the site, except for a small pump station along the south-eastern boundary. Archaeological heritage remains are highly visible in the burnt western portion of the site. Most of the remains comprise of very thin, surface scatters of fragmented shellfish, with a few stone tools and occasional pieces of pottery and ostrich eggshell. The archaeological remains have been graded as high-medium, low-local significance. Heritage Western Cape has no objection against the development.

### 3.8 Socio-economic

The construction of approximately 472 residences and a business premises will provide a boost to the construction industry, which will create job opportunities for skilled professionals. It will also cater for less skilled trades and each of these trades will in turn provide opportunities for unskilled and semi-skilled workers. The development will generate a monthly income to the Overstrand Municipality from the provision of services such as water and electricity supply, refuse removal, sewerage and rates and taxes levied.

#### **Negative impacts:**

The development could have a potential negative impact on the Walker Bay Nature Reserve. The significance of the impacts will, however, be mitigated satisfactorily.

#### **Positive impacts:**

Although the development in a rural area will result in traffic and visual impacts, it can be mitigated to acceptable levels. No agricultural activities are currently taking place on the property and the development is deemed compatible with the surrounding existing developments. The development will result in positive socio-economic benefits for the immediately surrounding De Kelders Township. This includes the provision of housing, service infrastructure and a liveable urban environment, which would have otherwise not been achieved should the *status quo* have remained.

#### **National Environmental Management Act Principles**

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

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;

- 
- the resolving of actual or potential conflicts of interest between Organs of State through conflict resolution procedures; and
  - the selection of the best practicable environmental option.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this environmental authorisation, and compliance with the EMP, the competent authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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END

