

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
22 November 2016
(Also the agenda for the Mayoral Committee Meeting: 2 December 2016)**

**4.
PORTION 184 OF THE FARM BAARDSCHEERDERS BOSCH NO. 213, DIVISION
BREDASDORP, OVERSTRAND MUNICIPAL AREA : PROPOSED REZONING AND
SUBDIVISION : AC & HJ SWART**

184/213 BBOS (3012)

SW van der Merwe

(028) 313 8900

Hermanus Administration

4 October 2016

1. Executive Summary

To consider an application received on 4 August 2015 from the registered owners of Portion 184 of the Farm Baardscheerders Bosch No. 213, Division Bredasdorp, AC & HJ Swart, for the following:

- rezoning from Agricultural Zone 1: Agriculture (AR1) to Rural Zone 1: Agricultural Smallholding (R1); and
- subdivision into three (3) portions, namely Portion A ($\pm 4062\text{m}^2$), Portion B ($\pm 4062\text{m}^2$) and Portion C ($\pm 4062\text{m}^2$) in extent.

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town- and Spatial Planning

3. Compliance with Strategic Priorities

Provision of democratic, accountable and ethical governance
Promotion of tourism, economic and social development

4. Delegated Authority

Executive Mayor

5. Legal Requirements

Sections 16 and 24 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) (LUPO)

6. Background/Discussion/Evaluation/Conclusion

Background

Portion 184 of the Farm Baardscheerders Bosch No. 213 is situated within the urban edge of Baardskeerdersbos. The subject property is currently undeveloped and measures 1,2186 ha in extent. The applicant previously obtained approval for a subdivision comprising five (5) portions, which

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subdivision approval already lapsed since the applicant did not act upon the approval.

The current application entails the rezoning of the property from Agricultural Zone 1: Agriculture to Rural Zone 1: Agricultural Smallholdings and subdivision in three (3) portions, namely, Portion A ($\pm 4062\text{m}^2$), Portion B ($\pm 4062\text{m}^2$) and Portion C ($\pm 4062\text{m}^2$) in extent. The properties will be accessed via a 6m wide right of way servitude, with access from Oliehout Avenue and Kloof Street.

Discussion

The application was advertised in the prescribed manner and registered notices were served on the adjoining properties as well as the Baardskeerdersbos Home Owners Association. No objections were received.

The application was also circulated to the relevant government departments, and no objections were received.

Evaluation

The Overstrand Spatial Development Framework, 2006 (SDF) promotes the protection of the natural and built environment from inappropriate development, including the fragmentation of agricultural land. In terms of the adopted Baardskeerdersbos Precinct Plan the minimum erf size for erven within the urban edge following subdivision is determined at 4000m^2 .

The Overstrand Zoning Scheme Regulations introduced new rural zonings, namely Rural Zone 1: (Agricultural Smallholdings) and Rural Zone 2: (Conservation Usage). In order to facilitate the subdivision, the Department of Agriculture advised that the properties within the urban edge should be zoned out of agriculture, hence the application for rezoning to Rural Zone 1: (Agricultural Smallholding).

The proposed rezoning will not negatively impact on the vested rights of adjoining properties, which is zoned for agricultural purposes. These agricultural properties within the Urban Edge vary in size from $\pm 2000\text{m}^2$ to 8000m^2 and even some above 1 ha. The utilisation of the subject properties will still be in line with the character of the area since the applicable primary rights are restricted to agricultural purposes, dwelling house, home occupation, day care and guest rooms.

The proposed erf sizes following subdivision will be comparable to erf sizes in the surrounding area and above the minimum erf size of 4000m^2 as per the Baardskeerdersbos Precinct Plan. The opinion is held that the proposed subdivision will not detract from the character and appearance of the surrounding area. Furthermore, being situated within an agricultural settlement

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the proposal will not contribute to the fragmentation of high potential agricultural land.

The proposal is supported by Cape Nature and the Department of Environmental Affairs and Development Planning (DEA&DP) who advised that the proposed rezoning and subdivision does not trigger listed activities. Care should however be taken as the future development of the properties may trigger listed activities should indigenous vegetation in excess of 300m² be cleared.

No objection was raised by the Engineering Department from a service point of view, subject to conditions, which involves amongst others the payment of a development/bulk services contribution levy. Sewage will be dealt with by conservancy tanks, whilst water and solid waste removal services as well as sewage will be provided by the Municipality. The subject property is not located within a municipal electricity supply area and the applicant will liaise directly with Eskom.

Access to the site is obtained via a 6m right of way from Olienhout Avenue and the northern extension of Kloof Street.

The Western Cape Government, Department of Agriculture as well as the National Department of Agriculture Forestry and Fisheries also stated that they do not object to the proposed rezoning and subdivision.

The Title Deed does not hold any restrictive conditions against the proposal.

Conclusion

The application is considered desirable and supported as per the recommendation below.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Building Department

No objection.

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Environmental Section

The application does not trigger any listed activities and therefore has no implication on the NEMA Regulations.

Operational Services

Attached as Annexure D.

Environmental Department

The above mentioned application does not trigger any listed activities and therefore has no implication on the NEMA Regulations.

Health

No objection

Operational Services

Attached as Annexure D.

Services Report

Attached as Annexure E.

10. Annexures

- Annexure A: Locality Plan
- Annexure B: Subdivisional Plan
- Annexure C: Motivation Report
- Annexure D: Comment: Operational Services
- Annexure E: Services Report
- Annexure F: Eskom
- Annexure G: Department of Transport and Public Works
- Annexure H: Cape Nature
- Annexure I: Department of Environmental Affairs and Development Planning
- Annexure J: Provincial Department of Agriculture
- Annexure K: National Department of Agriculture
- Annexure L: Heritage Western Cape

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RECOMMENDATION:

1. that the application for the rezoning of Portion 184 of the Farm Baardscheerders Bosch No. 213, Division Bredasdorp from Agricultural Zone 1: Agriculture to Rural Zone 1: Agricultural Smallholding and the subsequent subdivision into three (3) portions, namely Portion A (4062m², Portion B (4062m²) and Portion C (±4062m²) in extent, **be approved**, subject to the following conditions:
 - (a) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (b) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (c) that this approval is valid for a five (5) year period only;
 - (d) that a right of way servitude, minimum 6m wide, be registered over the subdivided portions simultaneously with the registration of the subdivision;
 - (e) that the conditions contained in the Services Report (attached as Annexure E), be complied with; and
 - (f) that the requirements of Eskom, Department of Transport and Public Works, Cape Nature, Department of Environmental Affairs and Development Planning, Provincial Department of Agriculture, National Department of Agriculture and Heritage Western Cape (attached as Annexures F-L), be complied with.

2. that the applicant be notified of its right of appeal in terms of the Local Government: Municipal Systems Act, 2000 (Section 62) with regard to the above conditions of approval.

RESPONSIBLE OFFICIAL :	S VAN DER MERWE
TARGET DATE FOR IMPLEMENTATION :	14 DECEMBER 2016
TARGET DATE TO INFORM APPLICANT :	14 DECEMBER 2016
TARGET DATE TO INFORM OBJECTOR :	N/A

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SUBDIVISION : AC & HJ SWART**

184/213 BBOS (3012)

SW van der Merwe

(028) 313 8900

Hermanus Administration

4 October 2016

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
22 NOVEMBER 2016, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

RESPONSIBLE OFFICIAL :

S VAN DER MERWE

TARGET DATE FOR IMPLEMENTATION :

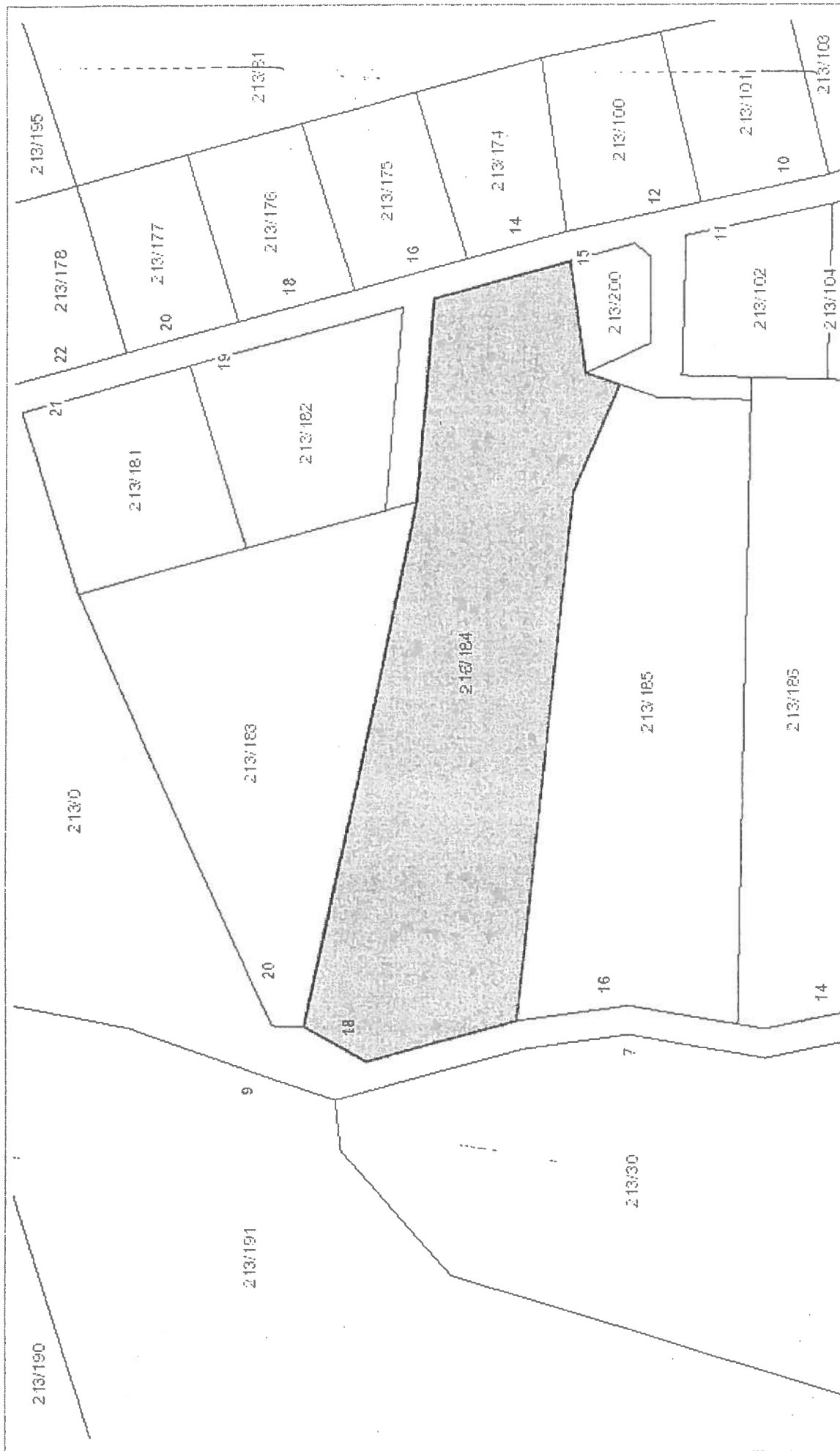
14 DECEMBER 2016

TARGET DATE TO INFORM APPLICANT :

14 DECEMBER 2016

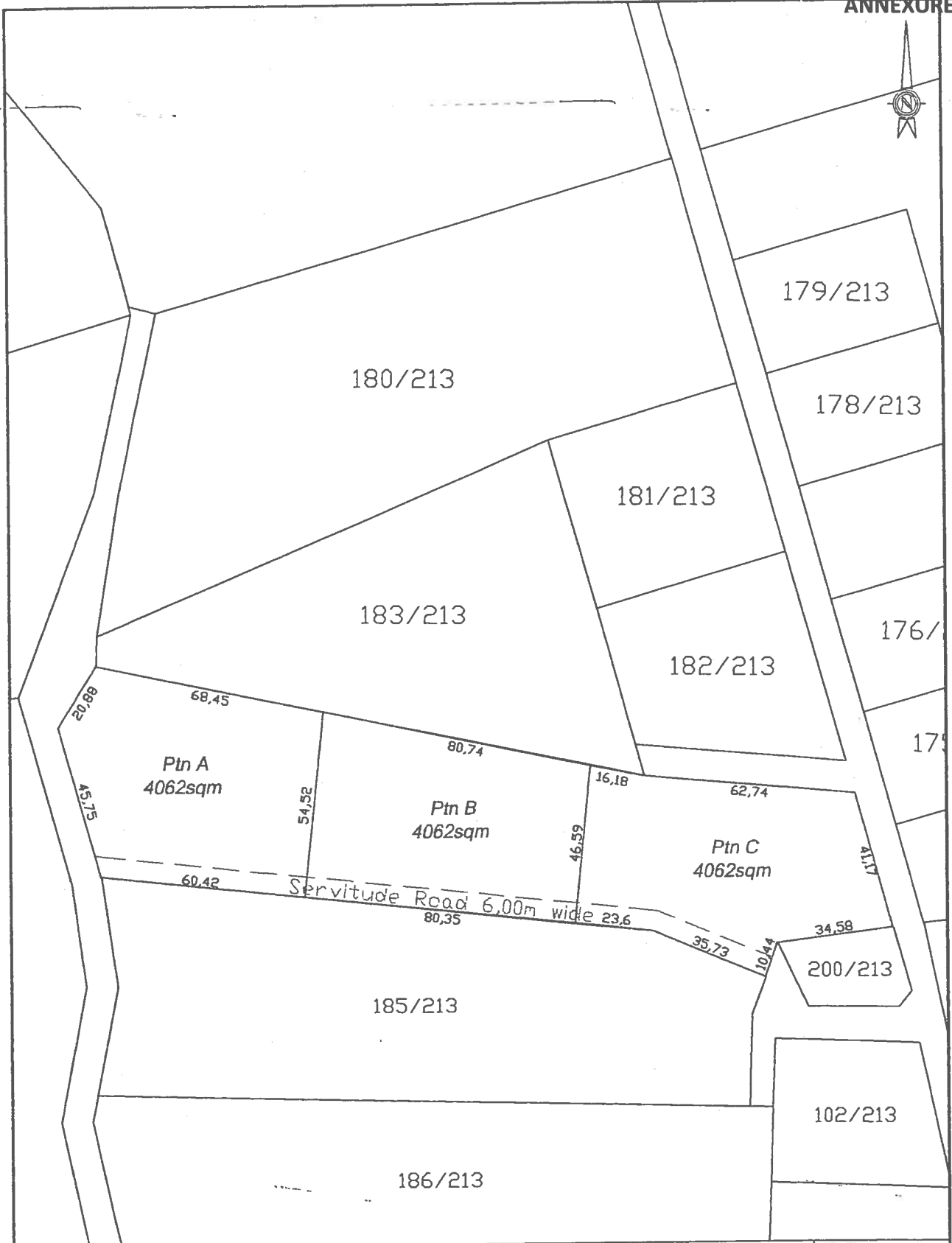
TARGET DATE TO INFORM OBJECTOR :

N/A



**Ptn 184 of Farm 213 Baardskeedersbos
Locality Map**





Town & Country Creative Land Solutions P.O. Box 1085 Bredasdorp 7280 Tel. 028 424 1545 Fax. 028 425 2085 E-mail: towncountry@vodamail.co.za © Copyright 2015 Town & Country	PROJECT Proposed Subdivision of Farm 213/184, Bredasdorp (Baardskeerdersbos)	DRAWN FT	CHECKED FT
	SCALE 1/1500 on A4	DATE July 2015	
	DWG No. BR437SUB	REVISION	
	Notes: All distances & sizes are subject to final survey		

MOTIVATIONAL REPORT

2 November 2015.

Sub-Division & Rezoning of Portion 184 of the farm Baardscheeders Bosch 213

I hereby apply for sub-division and rezoning of the above mentioned plot. Measuring 12186sqm. No residence and is situated in Olienhout Street/ Kloofstraat, within the urban edge of Baardskeedersbos, be subdivided into 3 equal portions of 4062sqm. As per attached diagram.

I hereby apply for the rezoning of the same plot from Agriculture Zoning to Rural Zone 1 Agricultural Small.

No restrictions on Title Deeds prohibiting the proposed rezoning and subdivision of this plot.

1. Need and desirability

The subdivision - into 3 equal portions. To enable us to sell some of the plots off and to build from the proceeds a dwelling.

1.1 Physical characteristics of the property.

Not any vegetation of any significance. Fall from east to west. The rocky formats & fynbos don't allowed any farming activities.

1.2 Existing planning in the area

As per the Baardskeedersbos Precinct Plan 2015, the property falls within the urban edge and is classified as residential on agriculture zoned land. Houses have been built on the Olienhoutlaan side already.

1.3 Character of the environment

As the plots after sub-subdivision will be no less than 4000sqm, this will be in line with the approved Baardskeedersbos Precinct Plan which was approved by Council in December 2014, as part of the Overstrand Spatial Development Framework.

1.4 The potential of the property

The sub-division will bring more revenue to the Municipality and will be more exchanged the property when houses are built.

1.5 The location and accessibility of the property

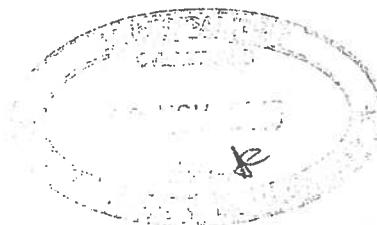
The portion 184/213 is situated within the town boundaries, on the bottom, Olienhoutlaan and to the top, Kloofstraat. The 3 plots will be provide access with a 6 meter servitude road running at the bottom of the plots from Olienhoutlaan to Kloofstraat.

1.6 Provision of services

All services supplied by Overstrand Municipality are in place within the urban edge of Baardskeedersbos. Eskom is supplied direct from Eskom.

1.7 The construction phase of the proposal

As soon as some of the properties are sold off and funds are available, a dwelling will be erected on the remaining plot.



1.8 Planning principles

As per Baardskeerdersbos Precinct Plan, all planning will be done within the regulations of Overstrand Municipality.

2. FORM OF THE DETAIL LAYOUT PLAN

2.1 Inherent characteristics of the terrain

On the Mountain side, rocky, sloping from East to West.

2.2 Provision of community facilities and open spaces

No open spaces provided in the sub-division plan for this particular property,
An open space provided on the meent, community hall and church.

2.3 Road infrastructure

The 3 plots will have access from Olienhoutlaan with the servitude running to Kloofstraat.

2.4 Local businesses and high density housing.

This will be only residential plots and as it is stipulated in the Baardskeerderbos Spatial Development Plan no high density developments will be allowed in the urban edge as plots may only sub-divided in minimum of 4000sqm plots.

Hereby requested the Council to consider my application in a positive way and would appreciate the approval the application.



Helena Swart

Munisipaliteit – U-Masipala – Municipality
OVERSTRAND

INTERNAL MEMORANDUM

Aandag / For Attention:	Town Planning department: A Calitz	Van / From:	Department: Operational Services
Afskrif / Copy:		Datum / Date:	09 May 2016

15/3/1

**RE: PROPOSED REZONING AND SUBDIVISION OF PORTION 184 OF FARM 213,
BAARDSKEERDESBOS**

The request for comment from the Department: Operational Services (Gansbaai) dated 26/01/2016 with regard to the abovementioned proposal refers.

The proposal entails the following:

- Rezoning and subdivision of Portion 184 of Farm 213, Baardskeerdersbos (12186m²), from current zoning of "Agriculture Zone I" to "Rural Zone I: Agricultural Small Holding (R1)" in order to create 3 small holdings.

1. ANALYSIS

1.1. Water

- 1.1.1. The municipal water network is available in the vicinity of Portion 184 of Farm 213.
- 1.1.2. Portion 184 of Farm 213 is not currently connected to the municipal water network.
- 1.1.3. The proposed Portion A, Portion B and Remainder of Portion 184 of Farm 213 must each be serviced with an individual and separate water connection to the municipal system, which must comply with the standards of the Department: Operational Services.
- 1.1.4. The owner must therefore apply for new water connections to which Portion A, Portion B and Remainder of Portion 184 of Farm 213 must each connect to.
- 1.1.5. Application for the municipal connections of Portion A, Portion B and Remainder of Portion 184 of Farm 213 must be made at least 3 weeks prior to requirement. A job card will be opened, and the owner will be responsible for all costs.

- 1.1.6. The proposed rezoning and subdivision will not have a significant impact on the existing water supply network. The Department: Infrastructure and Planning must however give comment with regard to network capacity and the relevant development contributions.

1.2. Sewer

- 1.2.1. There is currently no municipal sewer network in the vicinity of Portion 184 of Farm 213.
- 1.2.2. The proposed Portion A, Portion B and Remainder of Portion 184 of Farm 213 must each be serviced with individual and separate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services, and to which the sewer services of the individual Erven must each connect to.
- 1.2.3. Sewerage will be removed from the sewer conservancy tanks as per municipal arrangement.
- 1.2.4. The sewer conservancy tanks must be accessible to the municipal sewer tankers from one of the adjacent public roads, with parking areas for the sewer tankers provided with permanent surfaces and to the layout and specification of the Department: Operational Services.
- 1.2.5. The developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*.

1.3. Streets

- 1.3.1. Access can be obtained from Olienhoutlaan (gravel road).
- 1.3.2. Any additional and / or extended vehicle entrances will be for the owner's account.

1.4. Storm water

- 1.4.1. The "Common Law" shall apply with regards to storm water discharge.

1.5. Parking

- 1.5.1. "On-site parking" must be provided. The parking areas are to be provided at a ratio as described by the Town Planning Scheme, with permanent surfaces and layout to the satisfaction of the Department: Operational Services.

1.6. Refuse removal

- 1.6.1. Refuse will be removed from sidewalks as per municipal arrangement.

1.7. Other services

- 1.7.1. The Department: Operational Services does not have any information regarding any Telkom-, other telecommunications- and / or Electrical services which may be affected by the proposed development. The Electrical- and Traffic departments, as well as Telkom and other relevant service providers, must therefore also give their recommendations regarding the application.

1.8. Irrigation water

- 1.8.1. No irrigation water is available in this area.

1.9. Waste Water Treatment Works (WwTW)

- 1.9.1. The proposed rezoning and subdivision will not have a significant impact on the Waste Water Treatment Works. The Department: Infrastructure and Planning must however give comment with regard to plant capacity and the relevant Bulk Services Levies.

1.10. Bulk Water Supply

- 1.10.1. The proposed rezoning and subdivision will not have a significant impact on the bulk water supply, reservoirs or other bulk water infrastructure. The Department: Infrastructure and Planning must however give comment with regard to bulk capacity and the relevant Bulk Services Levies.

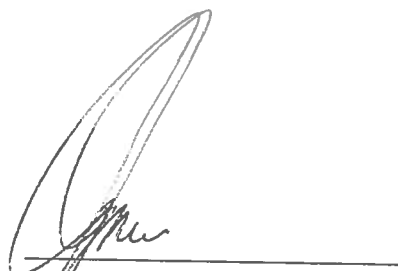
2. RECOMMENDATION

- 2.1. With regard to the application for rezoning and subdivision of Portion 184 of Farm 213, Baardskeedersbos, the **Department: Operational Services** has no objections to the application, subject to the following conditions:
- 2.1.1. That the proposed Portion A, Portion B and Remainder of Portion 184 of Farm 213 each be serviced with individual and separate water connections to the municipal system, which must comply with the standards of the Department: Operational Services.
- 2.1.2. That the proposed Portion A, Portion B and Remainder of Portion 184 of Farm 213 each be serviced with individual and separate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services, and to which the sewer services of the individual Erven must each connect to.
- 2.1.3. That the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*.
- 2.1.4. That on-site parking facility is provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services.
- 2.1.5. That any additional and / or extended vehicle entrances will be for the owner's account.
- 2.1.6. That the Electrical- and Traffic Departments, as well as Telkom and any other relevant authorities and service providers not have any objections to the application.

Yours faithfully



W. Germishuys
Principal Technician: Operational Services
Gansbaai



J. de Villiers Pr. Eng.
Senior Manager: Operational Services
Gansbaai

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION & REZONING: PTN 184 OF FARM 213,
BAARDSCHEERDERS BOSCH (3012)**

Stormwater (SW)	:	In order
Electricity	:	Escom Area
Water	:	In order
Sewer	:	In order
Roads and traffic	:	In order

Conditions:

1. That a Bulk Services Contribution Levy (BICL) be paid by the developer to supplement municipal services and amenities in accordance with the relevant legislation and as determined by the Council. The BICL tariff is adjusted by Council annually. The total BICL payable will be the amount as determined by the BICL Policy and tariff at the date of **actual payment**. BICL amounts quoted in any document will normally be applicable to the particular year in which the document was compiled and Council will not be bound by the quoted amounts.

1.1 Developments containing Sectional Title Units/ Commercial Buildings
(non-free standing properties – property is not to be subdivided)

The BICLs are to be paid in full **prior** to submission of the building plans.
Building Plans will not be accepted unless the BICL is paid in full.

1.2 Developments with free standing properties (property that is subdivided and plots to be sold individually).

The BICLs are payable **prior** to clearance being issued by the Income Department of the Municipality.

The contribution according to the current policy (**2015/2016**) is as follows:

Water (W7A)	R 24 851.00	x 2	=	R 49 702.00
Sewerage (SEW5A)	R 19 945.00	x 2	=	R 39 890.00
Roads & (SW) (RDST1)	R 6 500.00	x 2	=	<u>R 13 000.00</u>
TOTAL (inclusive of VAT)			=	<u>R 102 592.00</u>

Note:

The above figures are estimates

2. that the proposed Portion A and Portion B of Portion 184 of Farm 213 each be serviced with individual and separate water connections to the municipal system, which must comply with the standard of the Department: Operations;

3. that the proposed Portion A and Portion B of Portion 184 of Farm 213 each be serviced with individual and separate sewer conservancy tanks, which must comply with the standard of the Department: Operations, and to which the sewer services of the individual erven must each connect to;
4. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to minimum requirements of SANS 140400 – P: 2010: Drainage;
5. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operations;
6. that any additional and / or extended vehicle entrances will be for the developer's account;
7. that stormwater be allowed to discharge through the proposed erven, Ptn 198/213 Bbos, unobstructed.



DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

20 / 6 / 2016.
DATE



TR A Theart
(C H Olivier)

OVERSTRAND MUNICIPALITY

Date:
16.02.2016

Enquires:
Mr Owen Peters
Tel: 021 980 3817
Fax: 021 980 3053

Attention: Charlene Pieters

**PORTION 184 OF THE FARM BAARDSCHEEDERS BOSCH NO. 213, DIVISION CALEDON:
APPLICATION FOR REZONING & SUBDIVISION: AC & HJ SWART
YOUR REF: PTN 184/213 GBBOS (3012)
OUR REF: 00188/16**

Your letter dated 27 January 2016 refers.

1. Eskom has no objection to the proposal and would like to comment as follows:

(i) The proposal, is not affected by Eskom Distribution services.

Yours faithfully

**OWEN PETERS
LAND DEVELOPMENT - BRACKENFELL**

FILE NO:	Ptn 184/213
SCAN NO:	21
COLLABORATOR NO:	876283

Western Region
Eskom Road, Brackenfell, 7560, P.O. Box 222, Brackenfell, 7561 SA
Tel 00 27 (0)86 003 7566 www.eskom.co.za

Eskom Holdings SOC Limited Reg No 2002/015527/30



TR 16 FEB 2016

16 FEB 2016



**Western Cape
Government**

Transport and Public Works



ROAD NETWORK MANAGEMENT

Email: Grace.Swanepoel@westerncape.gov.za

tel: +27 21 483 4669

Rm 335, 9 Dorp Street, Cape Town, 8001

PO Box 2603, Cape Town, 8000

*TR A Theart
CS van der Merwe*

REFERENCE: 16/9/6/1-21/66 (Job 23707)

ENQUIRIES: Ms GD Swanepoel

DATE: 2 March 2016

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



Attention: Mr S van der Merwe

Dear Sir

PORTION 184 OF FARM BAARDSCHEERDERSBOSCH 213, CALEDON DIVISION: PROPOSED REZONING AND SUBDIVISION

1. Your letter Ptn 184/213 GBBOS (3012) dated 26 January 2016 refers.
2. The subject property is located in Baarscheerdersbosch and takes access off a municipal street (Olienhout Street).
3. This application is for the rezoning and subdivision of the property.
4. It is noted that this Branch is not affected in terms of access off its proclaimed road network.
5. Accordingly, this Branch offers no objection to the application in terms of the Land Use Planning Ordinance, No 15 of 1985.

Yours faithfully

ML Watters

ML WATTERS
For **CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT**

FILE NO: Ptn 184/213
SCAN NO: 11
CCLLABORATOR NO: 885916



CapeNature



TR A Theart
(S vld Merwe)

SCIENTIFIC SERVICES

postal Private Bag X5014 Stellenbosch 7599
 physical Assegaibosch 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 SSD14/2/6/1/7/2/213-184_subdiv&rezoning_Baardscheerdersbos
 date 15 August 2016

Overstrand Municipality: Hermanus Administration
 P.O. Box 20
 Hermanus
 7200

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

Dear Alida

FILE NO:	Am 184/213
SCAN NO:	50
COLLABORATOR NO:	927770

Additional Information for the Proposed Rezoning and Subdivision of Portion 184 of the Farm Baardscheersders Bosch 213, Baardscheerdersbos (Overstrand Municipality ref: Ptn 184/213 GBBOS (3012))

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

CapeNature objected to its application initially, primarily because the subdivision would provide additional development rights and the site was identified as a Critical Biodiversity Area (CBA) according to the Overberg Conservation Plan and the evidence available indicated that the site contains intact natural vegetation.

A response letter was provided by the applicant, requesting reconsideration of our comments. The primary motivation provided is that the erf is within the urban edge, with related issues regarding fire control and no presence of threatened species on site. In terms of the comments made, designation of an urban edge does not automatically guarantee development rights, but does indicate that urban development is the likely intended future use, but still subject to the relevant assessments and providing for open spaces within the urban edge and protection of key biodiversity areas within the urban edge.

As indicated in an initial informal response to the response letter, CapeNature is in the process of updating and refining the CBA maps to produce the province-wide Western Cape Spatial Biodiversity Plan. The CBA maps are being refined and improved on the existing maps, based on the experience to date and improved data. One of the issues that has now been factored into the CBA maps are the urban edges, as these are areas which have been targeted for development, and the algorithms for selecting CBAs are now more likely to select a similar vegetation type in similarly good condition outside the urban edge than inside the urban edge in order to meet the same conservation targets.

Although the new CBA map is not yet available, a draft internal "working" version is currently available which can be queried for individual cases. In terms of the current application, the majority of the site is no longer classified as a CBA, with only a small section along the western boundary within the CBA. It is likely that the use of the urban edge as a factor in the CBA calculation has resulted in the change and possibly a few other factors. The small

The Western Cape Nature Conservation Board trading as CapeNature

Board Members: Prof Gavin Maneveldt (Chairperson), Mr Carl Lotter (Vice Chairperson), Mr Mervyn Burton, Prof Denver Hendricks, Dr Colin Johnson, Dr Bruce McKenzie, Ms Merle McOmbring-Hodges, Adv Mandla Mdludlu, Mr Danie Nel, Prof Aubrey Redlinghuis, Mr Paul Slack, Prof Kamilla Swart-Arries

16 Aug 2016

17 Aug 2016

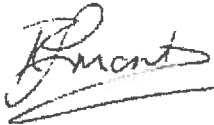
section of CBA is likely to be associated with the riparian wetlands and buffer of the Boskloof Stream.

In conclusion, CapeNature no longer objects to the application. Based on the CBA calculations, despite the presence of intact Overberg Sandstone Fynbos on the property, there are other areas where the same vegetation can be conserved to meet conservation targets. The Critically Endangered status of this vegetation type is due to high numbers of threatened species, and based on our records and the information provided in the response, there are no threatened species localities within the vicinity of the site.

The applicant should however still be made aware that the NEMA EIA Regulations listed activities still apply, in particular Listing Notice 3, Activity 12, related to clearing of natural Critically Endangered vegetation of more than 300 m². Environmental authorisation would be required for any development of greater than 300 m².

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

Yours sincerely



Rhett Smart
For: Manager (Scientific Services)

cc. Town & Country



**Western Cape
Government**

Environmental Affairs and
Development Planning



Directorate: Development Management
(Region 2)

TP-A Theart
(Suid Merwe)
L Bezuidenhout

REFERENCE: 16/3/3/6/6/E2/9/1070/16

ENQUIRIES: Ms. Arabel McClelland

DATE:

2016-03-29

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

FILE NO:	PTN 184/213 17/17/18
SCAN NO:	01
COLLABORATOR NO:	888585

Attention: Ms. Alida Calitz

Tel: (028) 313 8900

Fax: (028) 313 2093

Dear Sir

RE: PROPOSED REZONING AND SUBDIVISION: PORTION 184 OF FARM BAARDSCHEEDERS BOSCH NO. 213, OVERSTRAND MUNICIPAL AREA

1. The electronic correspondence received by the Department on 7 March 2016 refers.
2. Following review of the information submitted to this Department, the following is noted:
 - 2.1. The proposal is for the subdivision and rezoning of a vacant plot of 12 186m² into three equal size plots of 4062m² and subsequent rezoning of the three plots to Rural Zone 1 for residential purposes as agriculture small holdings.
 - 2.2. A 6m wide servitude road will run along the lower edge of the plots to allow access from Olienhoutlaan to Kloof Street.
 - 2.3. Services will be provided by the municipality and Eskom.
 - 2.4. The property is currently zoned Agriculture.
 - 2.5. A watercourse flows immediately to the north west of the site.
 - 2.6. Although the site appears disturbed, according to SANBI's BGIS it would comprise Elim Ferricrete Fynbos, which is categorised as a Critically Endangered ecosystem in terms of section 52 of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004).
 - 2.7. In addition, significant portions of the site are considered Critical Biodiversity Areas ("CBA"), including a CBA associated with the watercourse to the west.
 - 2.8. The site is situated within the boundary of the Baardscheedersbos "settlement", however, it is set apart from existing development and would be considered outside an urban area.

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TP 29 MAR 2016

30 MAR 2016

3. On 4 December 2014 the Minister of 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, 2014 (Government Notice ("GN") No. R. 982, R. 983, R. 984 and R. 985 in Government Gazette No. 38282 of 4 December 2014). These regulations came into effect on 8 December 2014. The EIA Regulations, 2014 replace the EIA Regulations that were promulgated in 2010 and also introduce new provisions regarding EIA's.
4. In light of the above, your attention is drawn to the listed activities in terms of the NEMA EIA Regulations, 2014 as defined in GN No. R. 983, R. 984 and R. 985 of 4 December 2014. Please be advised that the proposed subdivision and rezoning of the property does not constitute any listed activities in terms of the NEMA EIA Regulations, 2014. Environmental authorisation is therefore not required from this Department prior to the conclusion of the application.
5. It is, however, noted that should development on the newly created erven require the clearance of an area of indigenous vegetation exceeding the threshold of 300m², the following listed activity may apply:

Activity 12 of GN No. R. 985:

"The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.

(a) In Western Cape:

- i. ***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;***
- ii. *Within critical biodiversity areas identified in bioregional plans;*
- iii. *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 erven in urban areas.*
- iv. *On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning."*

In addition, should development on the westernmost erf fall within 32m of the watercourse that flows to the west of the property, the following listed activity may also apply:

Activity 12 of GN No. R. 983:

The development of—

- (i) *canals exceeding 100 square metres in size;*

- (ii) channels exceeding 100 square metres in size;
- (iii) bridges exceeding 100 square metres in size;
- (iv) dams, where the dam, including infrastructure and water surface area, exceeds 100 square metres in size;
- (v) weirs, where the weir, including infrastructure and water surface area, exceeds 100 square metres in size;
- (vi) bulk storm water outlet structures exceeding 100 square metres in size;
- (vii) marinas exceeding 100 square metres in size;
- (viii) jetties exceeding 100 square metres in size;
- (ix) slipways exceeding 100 square metres in size;
- (x) **buildings exceeding 100 square metres in size;**
- (xi) boardwalks exceeding 100 square metres in size; or
- (xii) **infrastructure or structures with a physical footprint of 100 square metres or more;**

where such development occurs—

- (a) within a watercourse;
- (b) in front of a development setback; or
- (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —**

excluding—

- (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;
- (bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;
- (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;
- (dd) where such development occurs within an urban area; or
- (ee) where such development occurs within existing roads or road reserves.

6. In light of the abovementioned listed activities, specifically Activity 12 of GN No. 985, it is recommended that CapeNature is consulted with respect to the type and condition of the vegetation present on site.
7. Please note that should any revision of the proposed development constitute a listed activity(ies) in terms of the NEMA EIA Regulations, 2014 as defined in GN No. R. 983, R. 984 and/or R. 985 an application must be submitted and environmental authorisation obtained before such activity(ies) may commence.
8. The applicant is reminded of his/her general duty of care and the remediation of environmental damage, Section 28(1) of NEMA specifically states that – "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."

9. Please note that the applicant must comply with any other statutory requirements that may be applicable to the undertaking of the activity.
10. Your interest in the future of our environment is greatly appreciated.
11. The Department reserves the right to revise its comments and request further information from you based on any new or revised information received.

Yours faithfully



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



**Western Cape
Government**

Agriculture

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*TP- A Theart
(Svd Merwe)*



OUR REFERENCE : 20/9/2/4/2/782
YOUR REFERENCE : Ptn 184/213 GBBOS (3012)
ENQUIRIES : Cor van der Walt

Overstrand Municipality
PO Box 20
HERMANUS
7200

Att: S van der Merwe

FILE NO:	<i>Am 184/213</i>
SCAN NO:	<i>D19</i>
COLLABORATOR NO:	<i>900337</i>

**PROPOSED REZONING AND SUBDIVISION: DIVISION CALEDON
PORTION 184 OF THE FARM NO 213**

Your application of 27 January 2016 has reference.

The Western Cape Department of Agriculture has no objection to the proposed subdivision on condition that it be rezoned out of Agriculture to the appropriate zoning scheme regulations of the Local Authority.

Please note:

- That this is only a recommendation to the relevant deciding Authorities in terms of the Subdivision of Agricultural Land Act 70 of 1970.
- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.

18 MAY 2016

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

Yours sincerely


AS ROUX Pr Eng

DIRECTOR: SUSTAINABLE RESOURCE MANAGEMENT

2016-04-14

Copies:

Directorate Land Use and Sustainable Resource Management
National Department of Agriculture
Private Bag X 120
PRETORIA
0001



agriculture, forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

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

From: Directorate Land Use and Soil Management
Tel: 012-319-7634 Fax: 012-329-5938 E-mail: ThokoB@daff.gov.za
Enquiries: Helpdesk Ref: 2016_02_0269

Director: Planning and Infrastructure
Overstrand Municipality
P.O. Box 20
HERMANUS
7200

Attention: S Muller

APPLICATION FOR REZONING AND SUBDIVISION OF PORTION 184 OF THE FARM BAARSCHERDERS BOSCH NO. 213, DIVISION CALEDON, WESTERN CAPE PROVINCE

Your letter bearing reference Ptn 184/213 GBBOS (3012) dated 26 January 2016 refers.

With reference to the above-mentioned matter, this department wishes to inform you that it has got no objection to the proposed subdivision into 3 portions each measuring approximately 4062m² from an agricultural point of view.

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

It is trusted that you will find the decision in order.

Yours faithfully

DR M. E. TAU
DEPUTY DIRECTOR-GENERAL: FORESTRY AND NATURAL RESOURCES MANAGEMENT
DELEGATE OF THE MINISTER
DATE: 12.08.16



TR-ATheart
C Suld mene

FILE NO:	Ptn 184/213
SCAN NO:	64
COLLABORATOR NO:	929323

CC: Mr Brandon Layman Landuse Management Department of Agriculture: Western Cape Private Bag x 1 ELSENBURG 7607

Our Ref: HM/OVERBERG/CAPE AGULHAS/BREDASDORP/PORION
184 OF FARM BAARDSCHEERDERSBOSCH 213

Case No.: 16080414AS0901E

Enquiries: Andrew September

E-mail: andrew.september@westerncape.gov.za

Tel: 021 483 9543

Date: 20 September 2016



ILifa leMveli leNtshona Koloni
Erfenis Wes-Kaap
Heritage Western Cape



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*TR A Theart
(S Jd Marwe)*

RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: FINAL
In terms of Section 38(2) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape
Provincial Gazette 6061, Notice 298 of 2003

NOTIFICATION OF INTENT TO DEVELOP: PROPOSED SUBDIVISION ON PORTION 184 OF FARM BAARDSCHEERDERSBOSCH 213, BAARDSKEERDERSBOS, CAPE AGULHAS, SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

CASE NUMBER: 16080414AS0901E

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter received on 7 September 2016. This matter was discussed at the Heritage Officers meeting held on 12 September 2016.

You are hereby notified that, since there is no reason to believe that the proposed subdivision will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately and Heritage Western Cape must be notified without delay.

This letter does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.

HWC reserves the right to request additional information as required.

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

Yours faithfully

Mr Mxolisi Dlamuka
Chief Executive Officer, Heritage Western Cape

FILE NO: <i>PH 184/213</i>
SCAN NO: <i>10</i>
COLLABORATOR NO: <i>940185</i>

26 SEP 2016

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