

**AGENDA of the  
Portfolio Committee : Infrastructure and Planning  
18 October 2016  
(Also the agenda for the Mayoral Committee Meeting : 26 October 2016)**

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**3.  
PORTION 30 OF THE FARM KLIPFONTEYN 711, DIVISION CALEDON :  
APPLICATION FOR CONSENT USE (SAND MINE) : MESSRS FJC CONSULTING  
ON BEHALF OF CHRIS LOUBSER (PTY) LTD**

**30/711 GRCAL (2924)**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**20 September 2016**

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**1. Executive Summary**

To consider an application received on 15 May 2015 from Messrs FJC Consulting on behalf of Chris Loubser (Pty) Ltd, the owner of Portion 30 of the Farm Klipfonteyn 711, Division Caledon, for a consent use in terms of the Overstrand Zoning Scheme Regulations to conduct a sand mine measuring 4,72 ha in extent.

A Locality Plan of the property concerned is attached as Annexure A. The proposed Site Development Plan is attached as Annexure B, while the Motivation Report in support of the proposal is attached as Annexure C.

**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**

Section 2.2 of the Overstrand Integrated Zoning Scheme Regulations

**6. Background/Discussion/Evaluation/Conclusion**

**Background/Discussion**

The subject property is located on the intersection of van Dyk Street and Divisional Road 1214 (DR1214) and measures 30,9 ha in extent. The

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property is developed with a dwelling house and agricultural outbuilding and obtains access from van Dyk Street.

A consent use application was submitted in order to acquire the land use rights for a sand mine approximately 4,72 ha in extent on a portion of the property. The sand mine will be accessed from DR 1214. The proposed sand mine will be divided into five (5) mining blocks measuring 0,9 ha each, with only one block to be cleared and mined at any given time. Mining will take place between 06:00 to 18:00 Mondays to Fridays and when require on Saturdays. The various blocks will be mined from east to west. Mining and rehabilitation will take place concurrently. A mine permit and Environmental Authorisation has already been issued in respect of the sand mine.

### **Discussion**

The application was advertised in the prescribed manner and registered notices were served upon adjoining property owners. Three (3) letters of objection and one (1) letter of comment were received (refer to Annexure D).

#### **1) Mrs M Swart, Erf 1467, Kleinbaai**

- Erf 1467 was acquired with the primary aim to erect a dwelling, due to the location in a residential area and beautiful views from the property;
- no mining activities occurred when the property was acquired;
- object to the proposed development on the basis of windblown sand since the primary aim of the objector is to erect a dwelling on Erf 1467;
- the proposal will result in additional traffic on an already busy road between Gansbaai and Kleinbaai, which will be dangerous;
- having had regard to the Danger Point Precinct Plan; mining activities in a residential area will be a foolish decision; and
- having had regard to the recent Responsible Tourism Award for Gansbaai and its location abutting the main access to one of the world's biggest tourist attractions, it is a foolish decision.

#### **2) Kleinbaai Ratepayers' and Residents' Association**

- property owner illegally commenced with the mining of sand without the necessary approvals in place;
- sand mine due to its proximity to the residential areas of Kleinbaai, Klipfonteyn II and Romansbaai will result in noise disturbance;
- having had regard to the prevalent wind direction the adjoining residential areas will be effected by dust pollution (i.e. windblown sand);

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- assume that rehabilitation plan states that the area will only be rehabilitated after mining activities took place and does not incorporate measures to be put in place to prevent windblown sand / dust; and
- heavy traffic between Gansbaai and Kleinbaai, with the resulting increase in traffic will have a negative impact on the road surface.

**3) Dyer Island Conservation Trust**

- the Environmental Impact Report made no provision for the close proximity of the permitted African Penguin and Seabird Sanctuary (APSS) on nearby Plot 1201;
- dust and noise pollution will be detrimental to the seabirds in rehabilitation at the APSS; and
- heavy vehicles required for sand mining and transport thereof will be detrimental to the surrounding road network and area.

**4) Mrs C Hulme, C Hulme Sand Mine**

Mrs Hulme submitted a letter of comment to be taken into account once the application is considered. The main comments are the following:

- there is currently three (3) sand mines in the area, one of which is legally operated by Mrs Hulme. The opinion is held that the proposed sand mine is not economically viable due to the poor economic climate;
- mining activities commenced illegally and was reported to the Department of Mineral Resources (DMR) and the Municipality;
- the subject area is a sensitive area with various fynbos species;
- the subject area is in close proximity to the residential area of Blompark and the APSS which is a well-known tourist attraction; and
- tourist traffic use the road between Gansbaai and Kleinbaai and comprises mainly of busses. Accordingly visibility of the mine will not be a positive advantage for the area.

**Applicant's Response to the objections and letter of comment**

The applicant's response to the objections and letter of comment is attached as Annexure E.

The grounds of objection/comment can be summarised as follows with the town planner's response directly below each point of objection/comment.

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**Objection**

The mining activities commenced illegally.

**Town Planner's Comment**

The applicant was instructed to stop any illegal mining activities. The applicant advised that the "illegal" mining activities related to trial holes in order to determine the suitability of the sand. Subsequent to the notice of the Planning Department no mining activities occurred. The applicant also submitted the necessary applications to the competent authorities, which to date resulted in an Environmental Authorization and a Mine Permit being issued. As such, the current application seeks permission in terms of the Zoning Scheme Regulations in terms of the Land Use Planning Ordinance, 1985 (LUPO).

**Objection**

Sand mine is not economically viable.

**Town Planner's Comment**

In terms of LUPO business competition cannot be used as reason for refusal. It should also be noted that the mines referred to in the objection/comment letter is not legal since it is not in possession of approval in terms of LUPO.

**Objection**

Sand mine is located in a residential area.

**Town Planner's Comment**

The sand mine is not located in a residential area, but is an agricultural property where such activities usually occur. The property is however located in an area that has been earmarked for residential development and densification purposes, subject to the provision of an ecological corridor. It is however situated in close proximity of the Van Dyksbaai small holdings, the APSS to the south and the Klein Groenberg extension of van Dyksbaai south of the aforementioned comprising to date vacant residential erven. Erf 1467 adjoining the subject property to the east, although located within the Klipfonteyn II development is an agricultural smallholding measuring 1,7 ha in extent and not a single residential property, currently vacant.

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**Objection**

The sand mine will cause windblown sand/dust and noise that will adversely impact on adjoining residential properties as well as tourist facilities, such as the APSS situated on Erf 1201.

**Town Planner's Comment**

The opinion is held that dust and noise levels can be mitigated in accordance with the Dust and Noise Management Plan submitted as part of the Basic Assessment Report (BAR) which has been incorporated in the conditions of approval of the Environmental Authorisation (EA). The EA also incorporates an Environmental Management Plan (EMP) for the operational phase of the sand mine as well as the rehabilitation thereof. Operational times will also be fixed in terms of the conditions of approval to normal work days, excluding Sundays and public holidays.

**Objection**

The sand mine is located in an area containing natural vegetation (i.e. fynbos).

**Town Planner's Comment**

A BAR has been conducted, resulting in an EA. A Botanical Report has been submitted stating that the sand mine is located outside the Critical Biodiversity Area (CBA) and is mainly situated on previously disturbed/cultivated land. Accordingly, subject to compliance with the EMP, the opinion is held that the impact of the development on the natural environment can be mitigated thereby ensuring that the activities will not result in degradation of the natural environment.

**Objection**

Additional traffic from the mine will be dangerous to road users and negatively impact on the road surface.

**Town Planner's Comment**

The objection on the basis of highway and traffic safety is speculative, since the mine only comprises a limited area of 4,72 ha. Access will be obtained via DR 1214 between Kleinbaai and Franskraal and not the main access to the farm (Dallas) from Van Dyk Street. DR 1214 was recently upgraded from gravel road to tar standard and subject to a speed limit. The proposal is, also by the Department of Transport, subject to the hard surfacing of the access and the provision of a hard surfaced shoulder to accommodate left turning vehicles into the property.

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### **Objection**

The sand mine will have a detrimental impact on tourism in the area which is well known for its tourist facilities resulting in the granting of the Responsible Tourism Award for Gansbaai.

### **Town Planner's Comment**

The objection is purely speculative and cannot be substantiated by facts. The Responsible Tourism Award does not automatically exclude land use activities such as sand mines, which is also an important contributor in the local economy and source of employment. Care should however be taken to ensure that such facilities occur in appropriate locations and that the operation thereof will not result in the degradation of the natural environment or detract from the aesthetic and visual character of the area. The opinion is held that subject to compliance with the conditions of approval the sand mine can be adequately managed in terms of impact on the natural and built environment. Furthermore, it should be borne in mind that the sand mine is well screened from public views by mature vegetation on the perimeter of the property and unlikely to have a significant visual impact seen from public views. The objections based on detrimental impact on tourism and the visual amenity of the locality is therefore deemed a gross exaggeration.

### **Evaluation**

The subject property is situated within the core urban area in terms of the Spatial Planning Categories as per the Spatial Development Framework, 2006 (SDF). The property is also situated within the urban edge and earmarked for low density residential development incorporating ecological corridors in terms of the SDF and Growth Management Strategy (GMS), 2010. Strategic Policies with regard to mining seek to minimise negative impacts on ecosystems, whilst also promoting efficient use of resources, whilst avoiding adverse impacts on the core urban area. As such mining activities will be subject to rehabilitation and monitoring by an Environmental Control Officer (ECO).

In terms of the Dangerpoint Precinct Plan, a Local Development Framework that has been adopted as a core component of the SDF, the long term vision for the Dangerpoint Precinct Area is the development of a mountain to sea eco estate. In terms of the aforementioned the subject property is earmarked for development as a small scale tourist node (i.e. farm stall/restaurant) as well as a private nature reserve.

The proposed sand mine comprises an area of only 4,72 ha situated roughly in the centre of the property, outside of a CBA. It represents approximately 15% of the total area of the property. The consent use will run concurrent

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with the lifecycle of the mine, which in the aforementioned context is not seen as a permanent right. Mining will be conducted in 0,9 ha lots that will have to be rehabilitated before mining can commence on a further lot. As such, the opinion is held that the mining activities will not prohibit the realising of the long term vision for the area. Furthermore, since the development does not comprise a rezoning it is not necessary to amend the Precinct Plan.

The applicant motivates the proposed mining activities in the context of the following aspects:

- diversification of income, supplementing agricultural activities on the premises;
- development provides an opportunity for the productive use of the premises, which currently comprises under-utilised agricultural land;
- the potential impacts can be managed satisfactorily in terms of the EMP, that amongst others provides for noise and dust mitigation and rehabilitation, hours of operation, etc;
- the proposed development will benefit the local economy (i.e. building and infrastructure projects) and create employment opportunities;
- the subject property is currently not a viable agricultural concern; and
- the proposed development will provide a legal source of building sand, thereby supporting the building and infrastructure projects/development and as such will contribute to the local economy.

Due consideration should be taken when evaluating the proposed application. Section 36 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) (LUPO) states the basis for refusing applications and the particulars applicable at granting thereof, this includes the desirability of the application, or the effect of the proposed use on existing rights concerned. Furthermore, the safety and welfare of the members of the community, the preservation of the natural and developed environment concerned must also be considered.

The opinion is held that the proposal is desirable since the sand mine will provide a legal source of building sand in support of the local building/construction industry. The applicant also submitted an EMP as part of the BAR, as well as a Dust and Noise Management Plan (DNMP). In terms of the aforementioned specialist studies it is demonstrated that potential adverse impacts (i.e. noise, dust, etc.) can be mitigated to avoid an adverse impact onto the adjoining properties. In this regard it should be noted that the immediate adjoining properties to the east and south comprises residential small holdings and municipal land to the north. The APSS is situated south east with the residential extension of Klein Groenberg, comprising vacant serviced erven further south. The DNMP demonstrates that having regard to the prevailing winds, residential properties are unlikely to be negatively impacted upon as a result of the mining activities. The Noise Mitigation Plan

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proposes hours of operation that will be incorporated in the conditions of approval, thereby protecting the amenity of the surrounding area. A condition will be incorporated that should justified complaints be received Council reserves the right to rescind the approval.

The sand mine will have no impact on the agricultural land as such, since it will only be temporary in nature and will be rehabilitated to its natural state following mining activity of each 0,9 ha lot. The proposal is also supported by the Western Cape Department of Agriculture and the Department of Agriculture, Forestry and Fisheries.

The Western Cape Department of Transport supports the proposal, subject to the hard surfacing of the access and the provision of a designated left turn lane.

The Overstrand Environmental Section supports the proposal subject to compliance with the EMP and DNMP.

With regard to the application under discussion, it should be noted that no permanent structures will be erected that is ancillary to the sand mine. Should, such structures in future be required, it will be subject to the submission of a site development plan, for prior municipal approval.

Considering the above the application is considered desirable in terms of Section 36 of of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985).

### **Conclusion**

That the application be supported in the manner as set out in the recommendation of this submission.

### **7. Financial Implications**

None

### **8. Staff Implications**

None

### **9. Comments from other Departments, Divisions and Administrations**

#### **Waste Management**

No objection.

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**Building Department**

No objection

**Fire Services**

No objection provided that any structure development on site is in compliance with National Fire Protection Regulations SANS10400T:2011

**Environmental Section**

Attached as Annexure F.

**Electro Technical Services**

Attached as Annexure G.

**Operational Services**

Attached as Annexure H.

**Department of Health**

Attached as Annexure I.

**Engineering Services**

Attached as Annexure J.

**10. Annexures**

- Annexure A: Locality Plan
- Annexure B: Site Development Plan
- Annexure C: Motivation Letter
- Annexure D: Objections/Comment received
- Annexure E: Response on Objections/Comment
- Annexure F: Comment: Environmental Section
- Annexure G: Comment: Electro Technical Services
- Annexure H: Comment: Operational Services
- Annexure I: Comment: Department of Health
- Annexure J: Services Report
- Annexure K: Environmental Authorisation
- Annexure L: Comment: Eskom
- Annexure M: Comment: Department of Agriculture
- Annexure N: Comment: Department of Agriculture, Forestry & Fisheries
- Annexure O: Comment: Department of Transport and Public Works

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Annexure P: Dust and Noise Management Plan

**RECOMMENDATION:**

1. that, in terms of the provisions of Section 2.2 of the Zoning Scheme Regulations, the application for consent use received from Messrs FJC Consulting on behalf of the owner of Portion 30 of the Farm Klipfonteyn No. 711, Division Caledon in order to conduct a sand mine measuring 4,72 ha in extent from the property, **be approved**;
2. that the approval in 1. above be subject to the following conditions:
  - (a) that the relevant conditions imposed by the Environmental Section, Electro Technical Services, Operational Services, Department of Health, Engineering Services (attached as Annexures F - J), Environmental Authorisation (Annexure K), Department of Agriculture, Forestry and Fisheries (Annexure M), Department of Transport and Public Works (Annexure O) and the Dust and Noise Management Plan (Annexure P), be adhered to;
  - (b) that the sand mine be restricted to the area of 4,72 ha and coordinates indicated on the Surveyor's Mining Plan dated February 2015 as submitted with the application (attached as Annexure B);
  - (c) that the mining activities be conducted in accordance with the Environmental Authorisation and Mining Permit;
  - (d) that the requirements of the Environmental Management Plan and the Dust and Noise Management Plan at all times be adhered to;
  - (e) that mining activities may only occur between the hours of 06:00 and 18:00 Monday to Friday and 08:00 to 13:00 on Saturday;
  - (f) that mining occur in 0,9 ha lots from east to west;
  - (g) that this approval does not absolve the applicant from compliance with any other applicable legislation;
  - (h) that Council reserves the right to rescind the approval should any justified complaints be received in the manner in which the mining activities are conducted resulting into noise and/or dust pollution; and
  - (i) that rates and service tariffs be considered in terms of multi zoning, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget.

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3. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

**RESPONSIBLE OFFICIAL :** SW VAN DER MERWE

**TARGET DATE FOR IMPLEMENTATION :** 9 NOVEMBER 2016

**TARGET DATE TO INFORM APPLICANT :** 9 NOVEMBER 2016

**TARGET DATE TO INFORM OBJECTOR :** 9 NOVEMBER 2016

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**3.  
PORTION 30 OF THE FARM KLIPFONTEYN 711, DIVISION CALEDON :  
APPLICATION FOR CONSENT USE (SAND MINE) : MESSRS FJC CONSULTING  
ON BEHALF OF CHRIS LOUBSER (PTY) LTD**

**30/711 GRCAL (2924)**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**20 September 2016**

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**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON  
18 OCTOBER 2016, WHICH COMMITTEE RECOMMENDED AS FOLLOWS:**

**RECOMMENDATION:**

that the item be referred back.

**RESPONSIBLE OFFICIAL :**

**SW VAN DER MERWE**

**TARGET DATE FOR IMPLEMENTATION :**

**9 NOVEMBER 2016**

**TARGET DATE TO INFORM APPLICANT :**

**9 NOVEMBER 2016**

**TARGET DATE TO INFORM OBJECTOR :**

**9 NOVEMBER 2016**



LIGGINGSPLAN / LOCALITY PLAN  
Portion 30 / 711 Klipfonteyn



ENDORSEMENTS

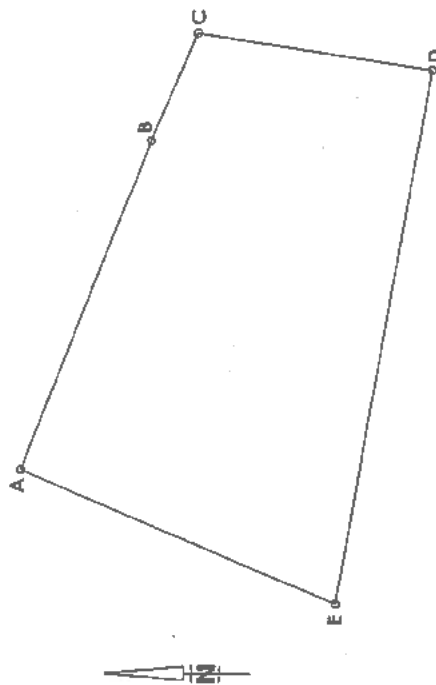
The figure ABCDE represents 4.72 Hectares of land and is situated on **PORTION 30 OF THE FARM KIJIP FONTEYN NO.711** in Overstrand Municipality Administrative District of Caledon Province of Western Cape

Surveyed in February 2015 and based on information supplied by the applicant

*M.A.*

NA Clark (PLS 1072) Pr. Land surveyor

Applicant \_\_\_\_\_ Regional Manager



Scale 1 : 3000

COORDINATES: ELLIPSOID: WGS84  
 SYSTEM: WGS19  
 CONSTANTS 0.00 0.00

POINT	Y	X
A	-32323.46	+3830689.08
B	-32510.11	+3830761.55
C	-32570.82	+3830787.56
G	-32550.61	+3830922.00
H	-32248.33	+3830870.82

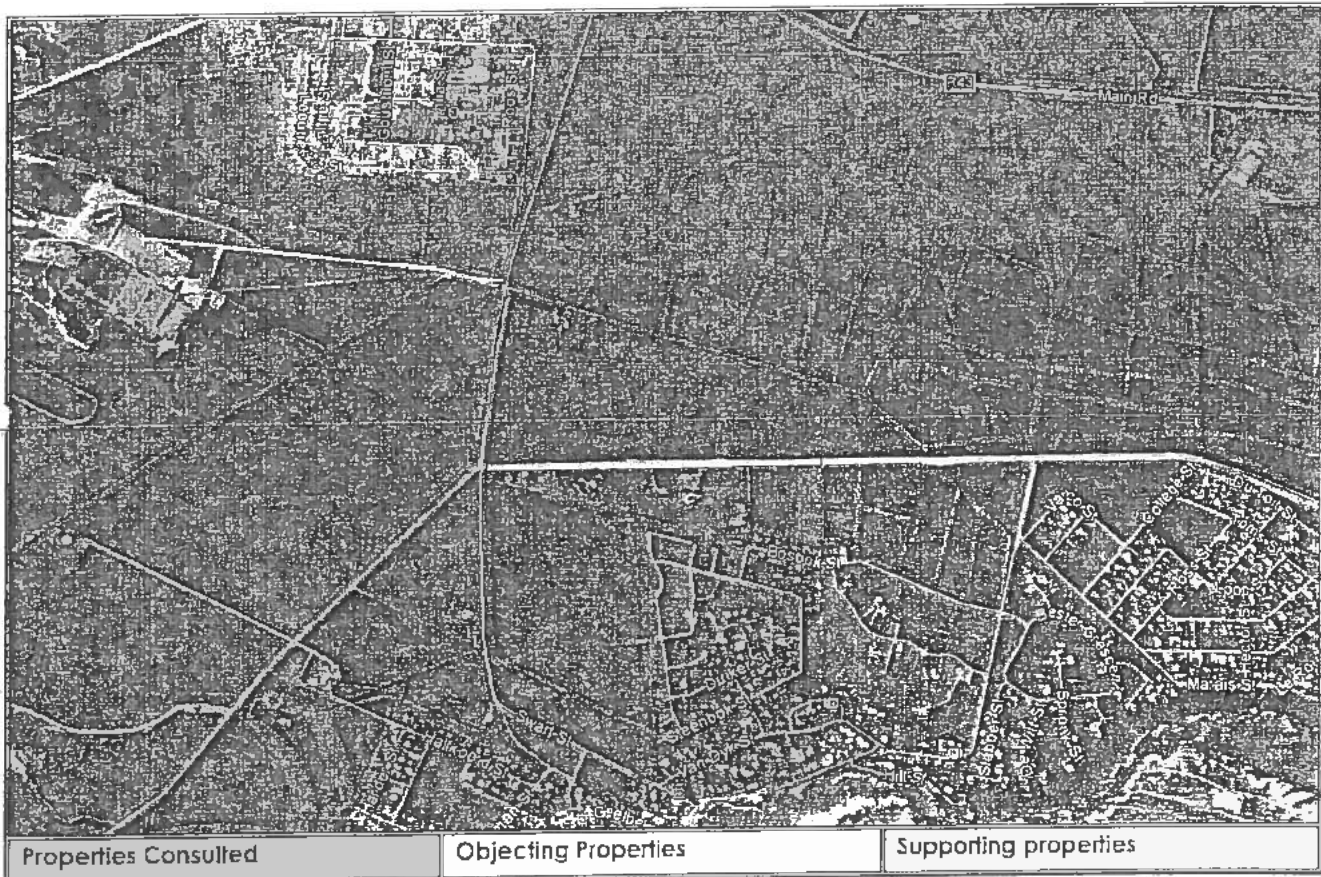
# EXECUTIVE SUMMARY

**Date:** May 2015  
**To:**  
**Subject:** Application for the Consent of the Council in favour of a portion of the property concerned so as to permit the proposed portion to be used for Sand Mining.

## 1. Application Summary

- 1.1 Existing Zoning: Agricultural Zone
- 1.2 The Application: Application is for the Consent of the Council in favour of a portion of the property concerned so as to permit the proposed portion to be used for Sand Mining.
- 1.3 Date of Application: May 2015
- 1.4 Recommendation:
- 1.5 Other Approvals:

All original documentation will be available to your committee



## SECTION I – INTRODUCTION

### 1.1 Background Information

The property concerned being Portion 30 of the Farm Klip Fonteyn No. 711 (Caledon) is situated east of Main Road which runs from Gansbaai in the north, to Van Dyks Bay in the south.

The property owner has identified an opportunity for a portion of the property concerned to be used for the extraction of sand. It has been identified that the applicable zoning scheme regulations make provision for the proposed mining activity to take place within **Agriculture Zone 1: Agriculture (Agr1)**, the **Industrial Zone 1: General Industry (GI1)**, as well as within the **Industrial Zone 2: Noxious & Risk Industry (GI2)**.

Based on the above, the Owner of the property concerned has instructed FJC Consulting (Town Planners and Land Surveyors) to proceed to act on his behalf by way of compiling and submitting an application for the Consent of the Council to the Overstrand Municipality to enable the mining use as contemplated above.

As a result, this application seeks to secure the Municipal approval of the Consent Application to utilise a portion of the property concerned for the mining of sand.

### 1.2 The Application

Pursuant to the above, application is herewith made for the approval, by the Overstrand Municipality of the Consent Application submitted herewith in favour of a Portion of Portion 30 of the Farm Klip Fonteyn No. 711 - Caledon.

As a result of the above, application is made:

- ♦ In terms of Section 2.2.1 of the Overstrand Municipality Zoning Scheme Regulations for the Consent of the Municipality to permit the affected portion of the property to be used for Mining (Sand) purposes.

### 1.3 The Consultants

The Consultants in this matter are:

## **FJC CONSULTING**

**Town Planners & Land Surveyors**

Tel: 021 - 418 - 2995 ♦ Fax: 086 - 610 - 4411 ♦ Cell: 084 - 789 - 9932

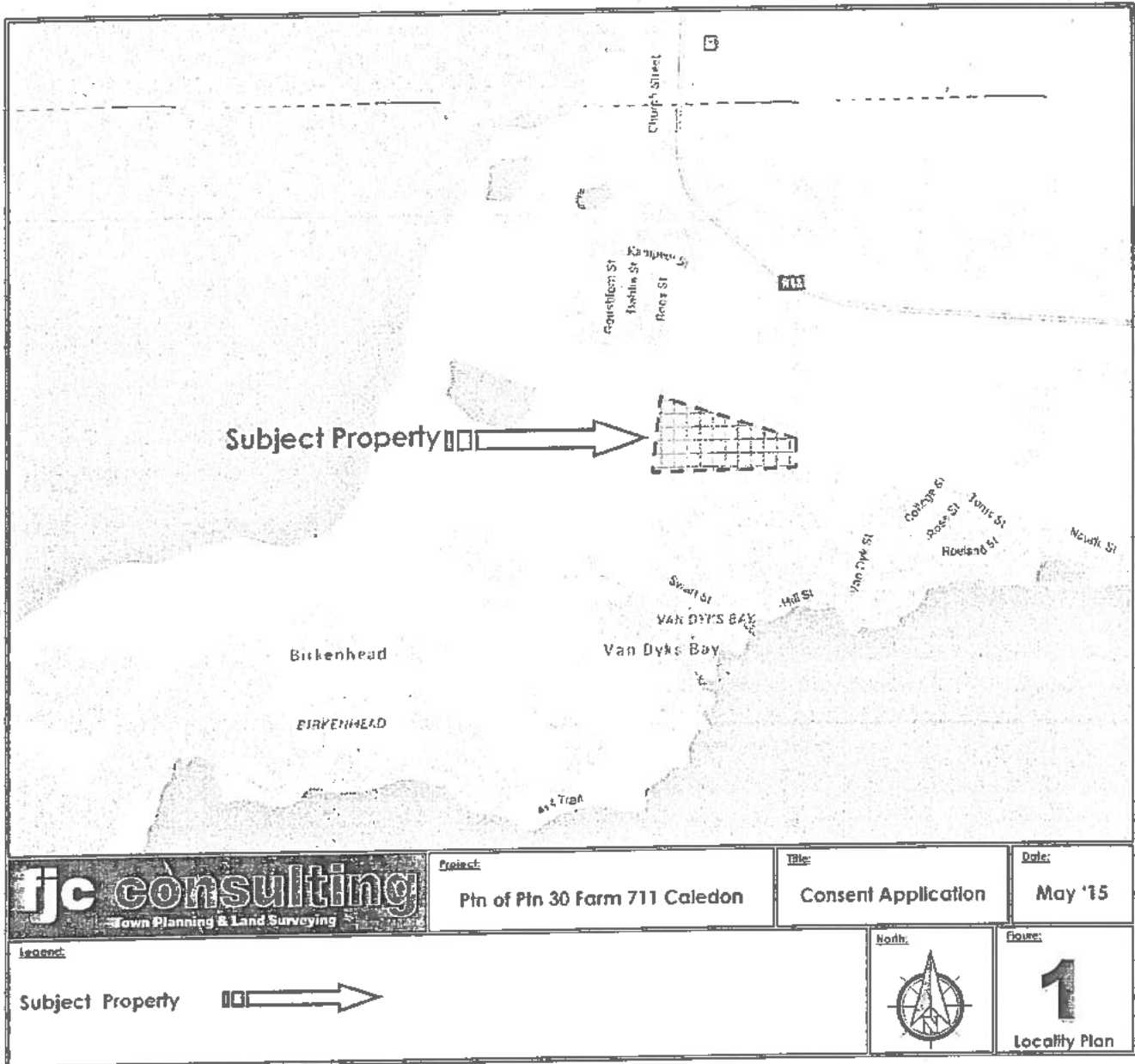
P. O. Box 7434, Roggebaai, 8012 ♦ jody@fjcconsulting.co.za

Represented herein by Mr. Jody Francis.

### 1.4 The Client

The Applicant acts under Special Power of Attorney (see **Annexure A**) for the registered owner of Portion 30 of the Farm Klip Fonteyn No. 711 (Caledon), being:

**Chris Loubser (Pty) Ltd**



**1.5 The Purpose of the Report**

The purpose of this report is to inform Council, officials and interested parties of the application for the property concerned.

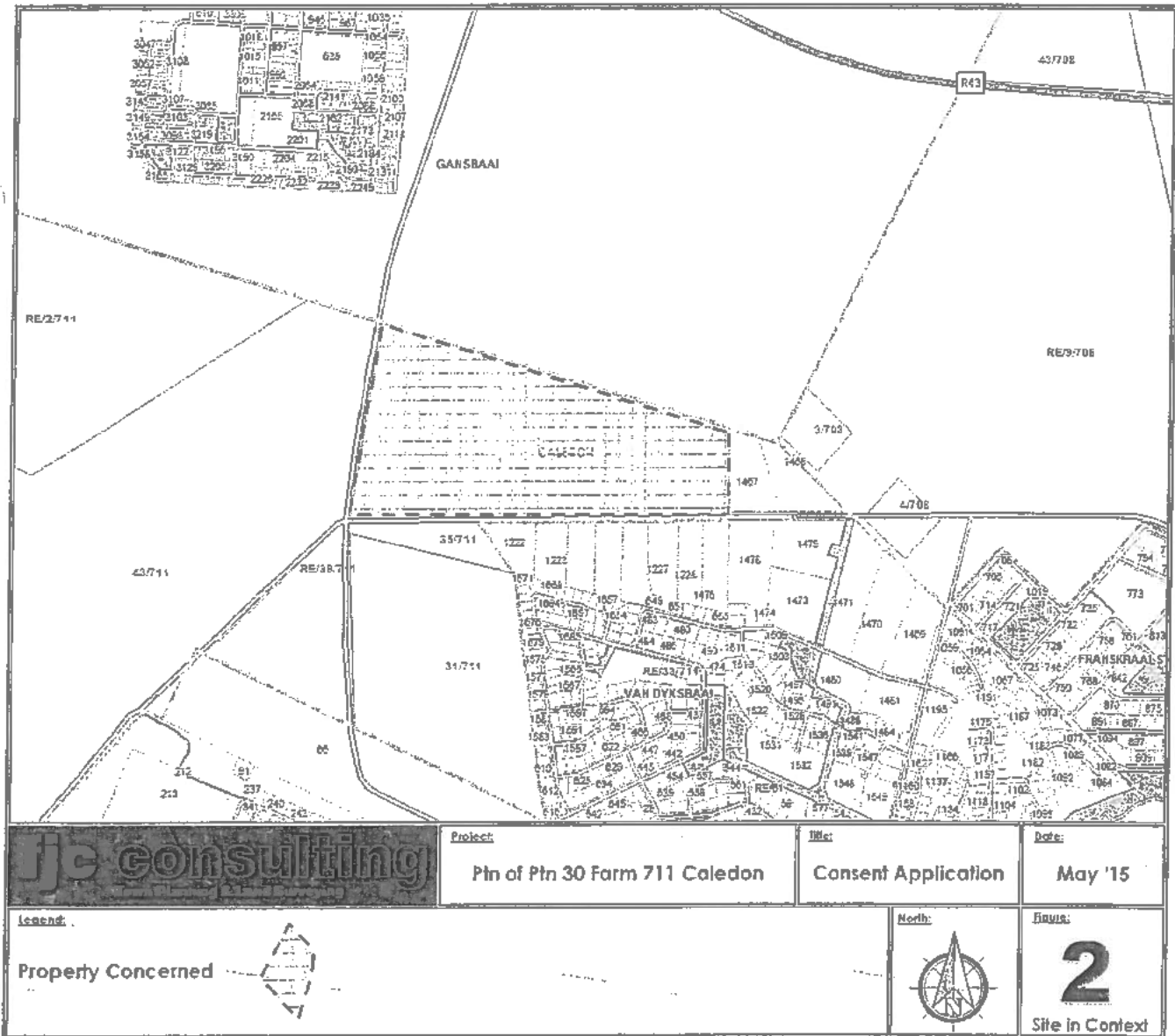
This report also serves to provide a motivation in support of the proposals envisaged, as well as identify the specifics of such application, so as to facilitate for easier and more efficient processing of the application by the administration concerned.

## SECTION II – PROPERTY DETAILS

### 2.1 Property Description

With regard to the description of the property concerned, title deed T51032/1980 (see Annexure B), describes the property concerned as:

**Portion 30 (a Portion of Portion 6) of the Farm Klip Fonteyn No. 711,  
Caledon Division, in the Province of the Western Cape**



### 2.2 Ownership

With regard to the Ownership of the registered property identified in 2.1 above, as confirmed by title deed T51032/1980, the registered owner is:

**Chris Loubser (Pty) Ltd**  
(Registration Number 1997/125641/07)

Represented herein by Mr. Chris Loubser.

**2.3** Extent

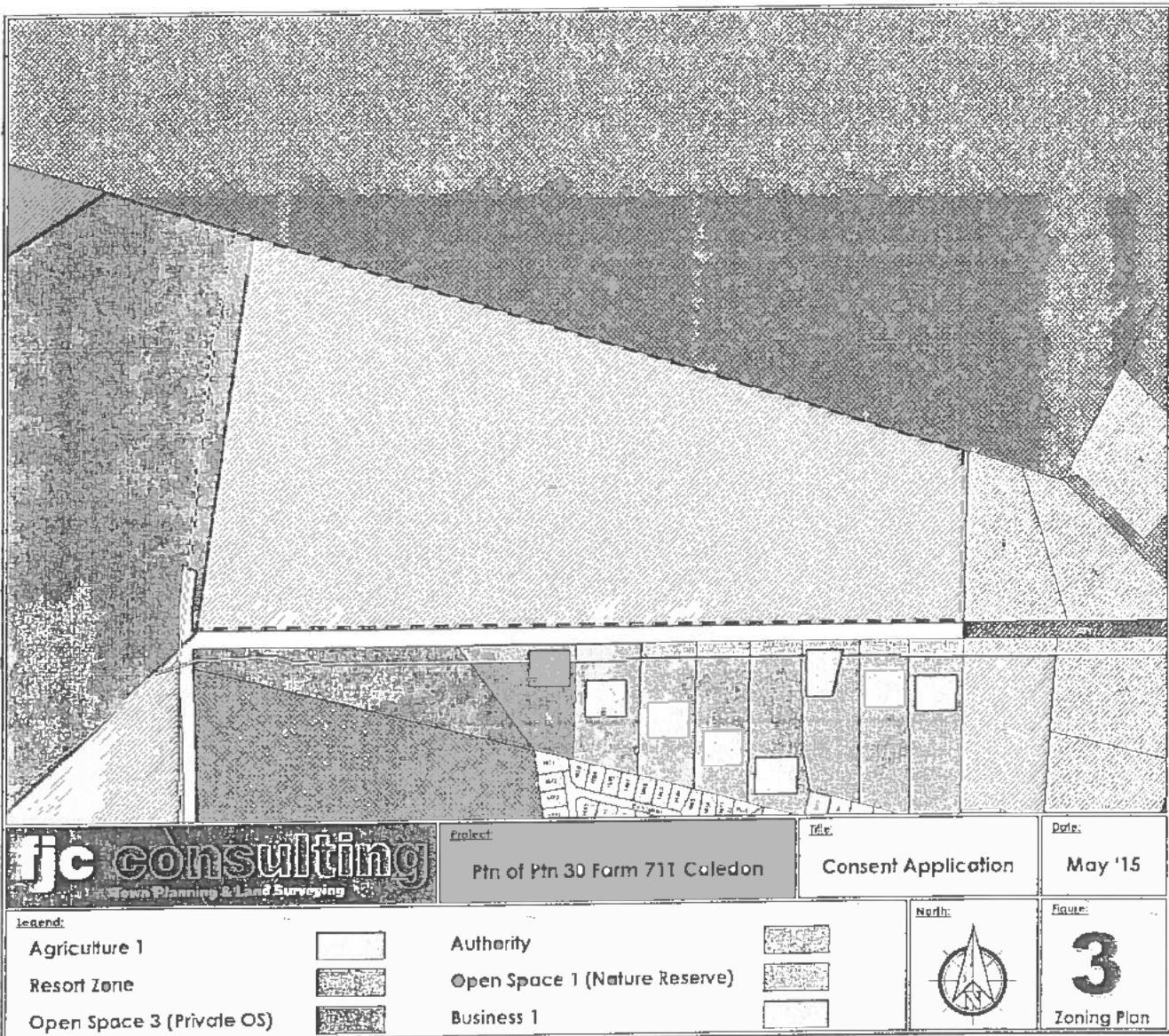
Regarding the extent of the property concerned, the Surveyor's Diagram (see Annexure C) and the title deed confirms the extent to measure:

30,4899ha  
Three Zero Comma Four Eight Nine Nine Hectares

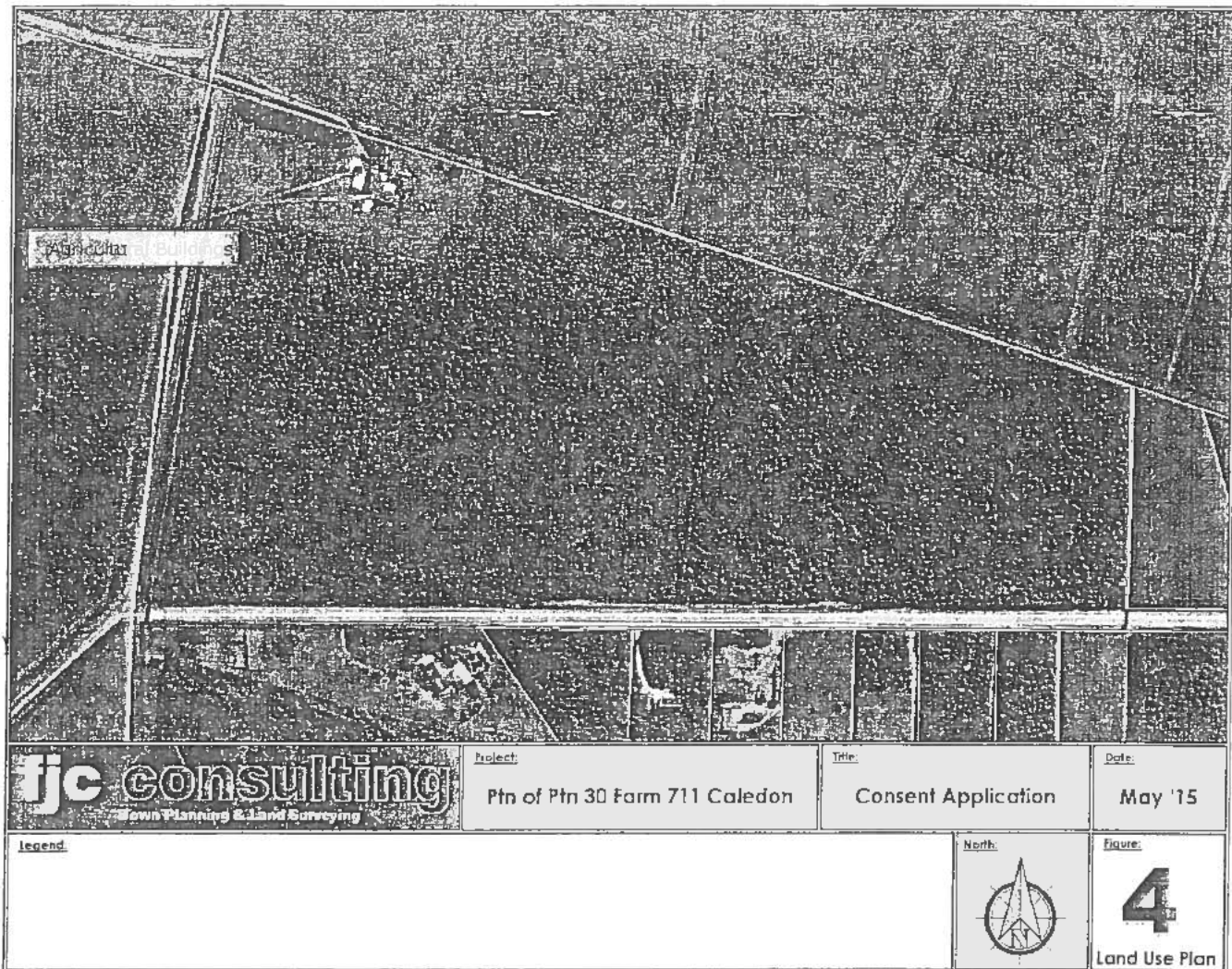
**2.4** Zoning

In terms of the zoning of the property concerned, investigation with the Overstrand Municipality (see Figure 3), revealed that the property concerned is zoned:

Agriculture Zone 1: Agriculture (Agr1)

**2.5** Existing Land Use

The property concerned is developed with a Main Dwelling and certain Agricultural Buildings as can be established from the aerial photograph below, with much of the subject property remaining vacant and severely underutilised.



## 2.6 Title Deed / Restrictive Title Conditions

When regard is had to the title deed concerned, and the existence of any restrictive conditions contained therein, which are potentially in conflict with the proposed mining of a portion of the property, it is confirmed that after having studied the applicable conditions of title that there **are no restrictive conditions** registered against the title of Portion 30 of the Farm Klip Fonteyn No. 711 (Caledon), which conflicts with the proposed use – Sand Mining.

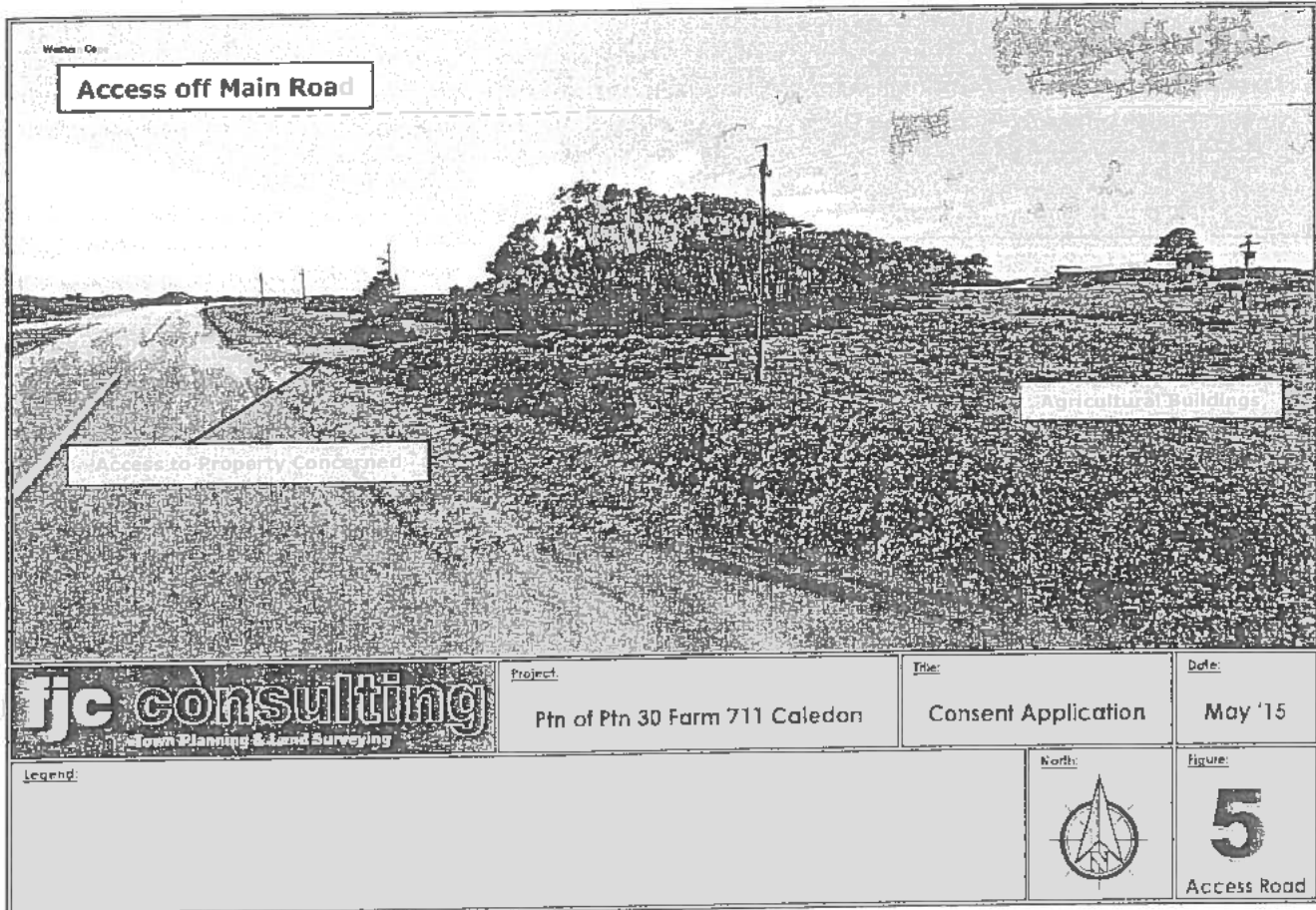
Condition B. of the title deed provides that the right to mine precious stones, gold and silver vests with the State, however, in lieu of the fact that the application concerned does not propose the mining of any precious stones or silver and gold, the application does not conflict with the condition concerned.

## 2.7 Access

The subject property currently enjoys direct access off Main Road which runs from Gansbaai in the north, to Van Dyks Bay in the south – see **Figure 5**.

## 2.8 Servitudes

There are no access or services servitudes registered over the property concerned based on the information sourced and assessed from the Deeds Office as well as based on the information sourced and assessed from the Office of the Surveyor General.



## 2.9 Environmental Sensitivity

Whilst the environmental authorisation application process which is to be submitted by the Environmental Assessment Practitioner in the form of a Mining Permit Application to the Department of Mineral Resources, will deal with the sensitivity intricacies of the application and the impacts associated therewith, it is nevertheless worth noting that the property concerned not fall within the Municipal Critical Biodiversity Area.

## SECTION III - THE LAND USE APPLICATION

### 3.1 Proposed Consent

It is proposed to obtain the approval of the Overstrand Municipality, of the Consent Application to enable the identified portion of the property concerned to be used for sand mining purposes.

In terms of the Overstrand Municipality Zoning Scheme Regulations, the following table applies to the Agriculture Zone 1:

Table - Buildings Permitted in Agriculture Zone 1: Agriculture (Agri1)		
Use Zone	Primary Uses	Consent Uses
Agriculture Zone 1	<ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Dwelling House</li> <li>• Day Care Centre</li> <li>• Guest Rooms</li> <li>• Home Occupation</li> </ul>	<ul style="list-style-type: none"> <li>• Additional Dwelling Units</li> <li>• Agricultural Industry</li> <li>• Animal Care Centre</li> <li>• Aquaculture</li> <li>• Crèche</li> <li>• Farm Shop/Stall</li> <li>• Guest House</li> <li>• Hotel</li> <li>• Institution</li> <li>• Intensive Animal Farming</li> <li>• Intensive Horticulture</li> <li>• <b>Mining</b></li> <li>• Place Of Assembly</li> <li>• Place Of Entertainment</li> <li>• Place Of Instruction</li> <li>• Plant Nursery</li> <li>• Riding Stables</li> <li>• Rooftop Base Station</li> <li>• Service Trade</li> <li>• Tourist Accommodation</li> <li>• Tourist Facilities</li> <li>• Transmission Tower</li> <li>• Utility Services</li> <li>• Wellness Centre</li> <li>• 4 X 4 Trail</li> </ul>

The zoning scheme regulations defines Mining as:

*meaning an enterprise which practices the extraction of raw materials, whether by means of surface or underground methods, and includes, but is not limited to, prospecting, the removal of stone, sand, clay, kaolin, ores, minerals, gas and precious stones*

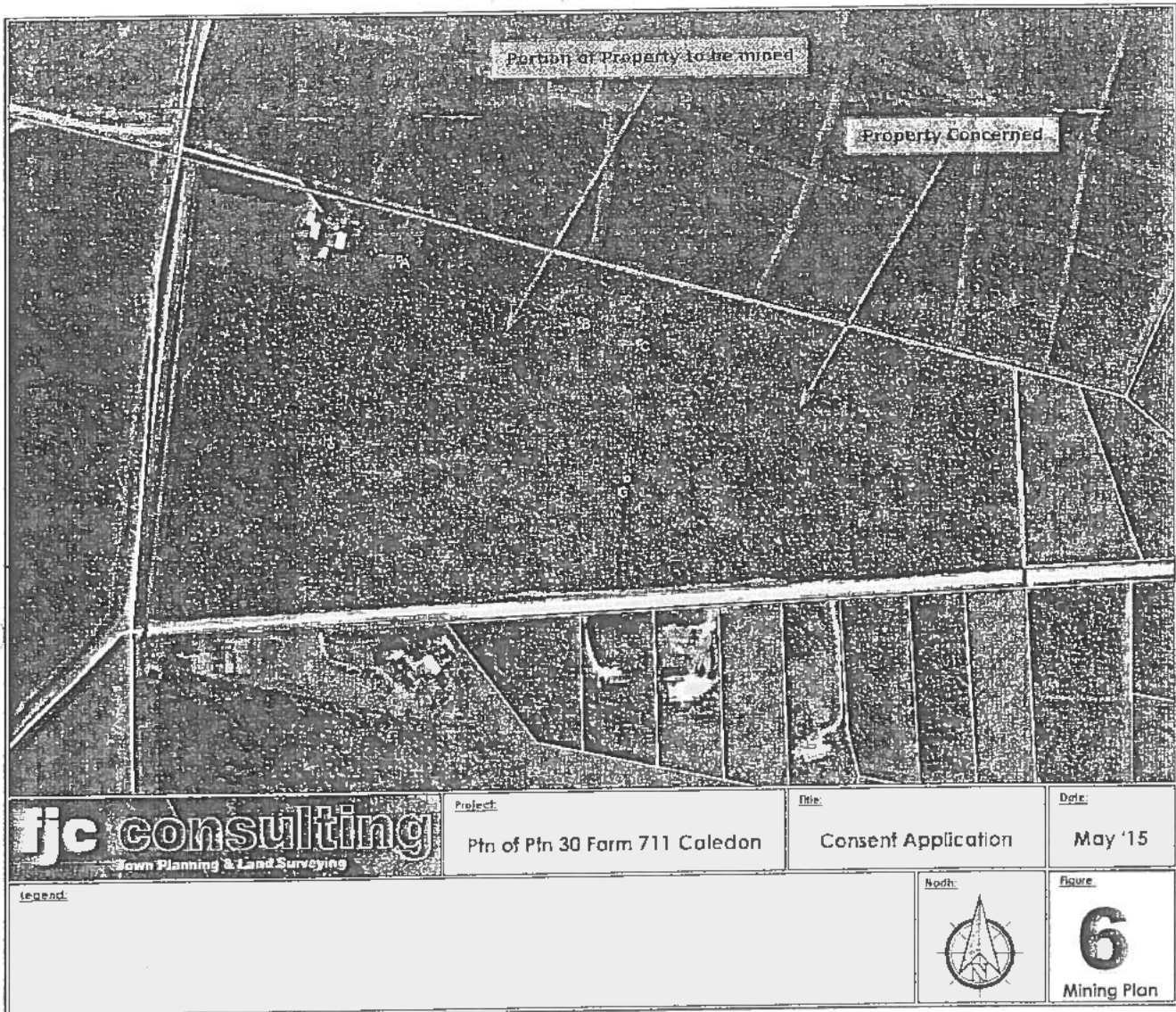
The above definition effectively captures the proposed used envisaged in terms of the application concerned.

### 3.2 Development Controls

This component of the application would typically deal with the physical aspects of the development on the property concerned.

The zoning scheme prescribes certain development controls, which serve to control development within the various zones identified in the scheme.

To this end, the consent application concerned can unfortunately not provide a measured assessment of the proposed Sand Mining Use, due to the absence of a development plan.



The Property Owner in terms of this application proposes utilising an area of roughly 4,72ha for the extraction of raw materials (sand) with no physical development proposed in association with such use.

The Applicant acknowledges that should the need for any structures to be developed on the affected portion of the property concerned arise, that such structure will need to comply with the zoning scheme regulations as are ordinarily applicable to agricultural zoned property.

The existing structures on the Farm are located outside the affected 4,72ha area of the farm which is to be mined.

### 3.3 Motivation

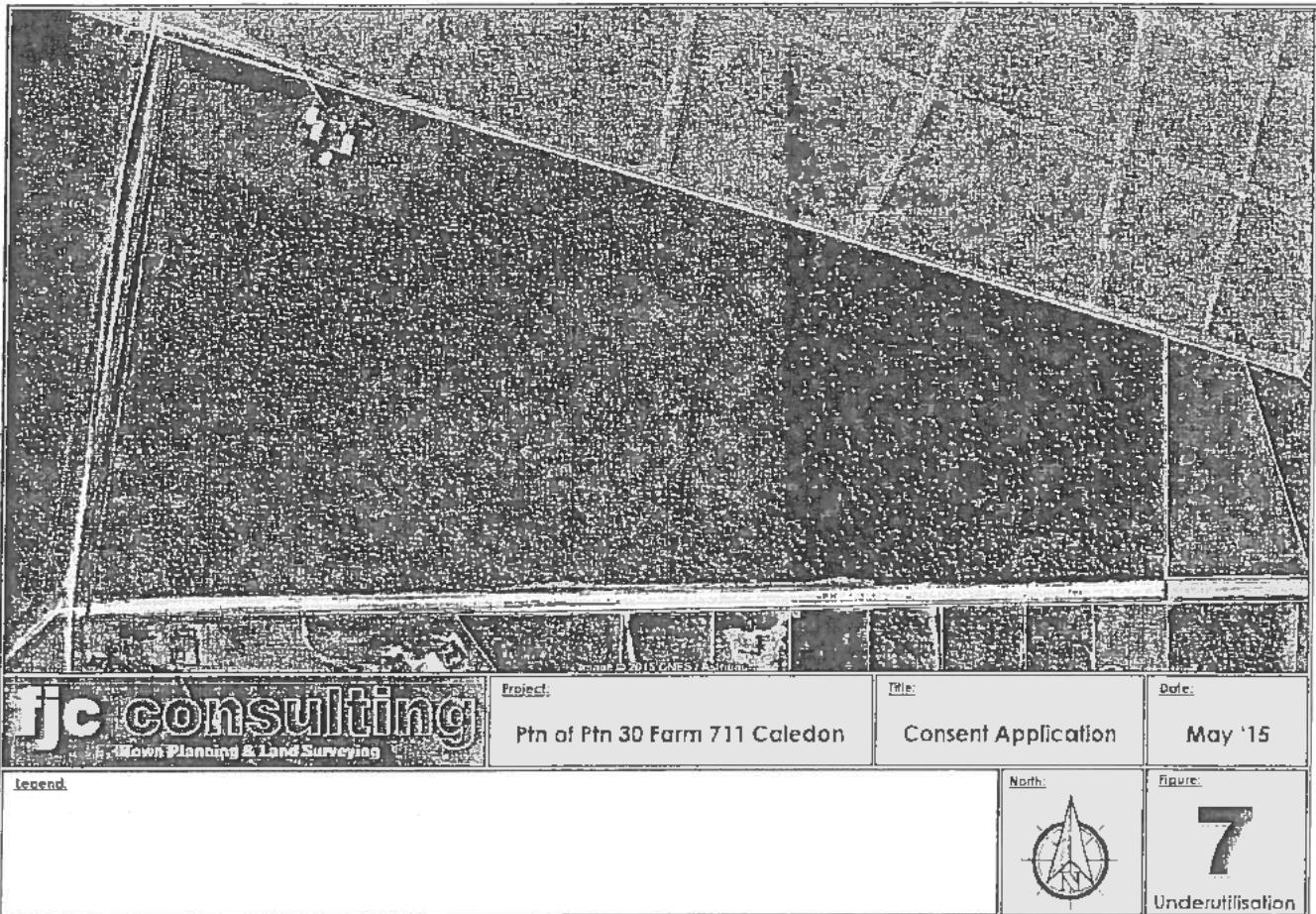
The motivation in support of the proposed Consent Use is based on a few fairly well established arguments:

- Opportunity
- Underutilisation
- Employment Generation
- Management of Use
- Summary

### Opportunity

The application concerned represents an opportunity for the property concerned to permit 15% of its site area to be used for the extraction of Sand.

This application provides an opportunity whereby the farm can generate an income through the proposed use of a small proportion of its extent.



### Underutilisation

The farm is currently severely underutilised, in that much of its total extent is not used for any purpose and is overgrown.

In terms of the above, this application provides an opportunity whereby the farm can be productively utilised for an activity which the zoning scheme regulations have identified as being compatible within the applicable zone of Agriculture Zone 1.

As a result, the application represents an appropriate use of the affected portion of the property concerned, subject to the implementation of appropriate control mechanisms deemed necessary in terms of the approved Environmental Management Plan, as well as the Rehabilitation Plan to safeguard the receiving environment (both natural and developed) from the potential impacts associated with the use concerned.

### Employment Generation

The proposed use of the affected portion of the property concerned has the definite potential to ensure direct permanent employment; as well as the indirect employment opportunities that will also be created.

At a time when employment creation is one of the countries primary objectives and challenges, the contribution by commercial undertakings of this nature is very important and should as far as is reasonably possible be encouraged and facilitated. The Municipality has a direct role to play in

facilitating such employment creating opportunities, especially where such opportunity has been identified as appropriate within agricultural zoned properties

The facilitating referred to above, would be limited to where it can be reasonably achieved, and with minimal impact to receiving environments. The Applicant is of the considered opinion that the property concerned is ideally suited to the use proposed, in terms of its convenient direct access off Main Road.

All of these contributing factors support the call for the proposed use and the employment that it has the potential to generate to be encouraged and facilitated.

#### Management of Use

In addition to this land use application, application will simultaneously be made by the Environmental Assessment Practitioner (EAP) to the Department of Mineral Resources for a mining permit.

This authorisation process through the Department of Minerals Resources will be associated with the approval of an Environmental Management Plan as well as a Rehabilitation Plan.

These additional approvals are directly concerned with the control of the proposed activity and its potential impacts on the immediate environment as well as the surrounding area.

These additional approvals ensure that any potential impact is anticipated, with the necessary mitigation measures being put in place.

In addition to the above controls, it is also qualified that the proposed 4,72ha area of the property concerned which is to be mined, is set some 175m from the property boundary of the Open Space zoned properties to the south.

#### Summary

In the above paragraphs the Applicant has demonstrated that the proposed Consent Use on the affected 4,72ha portion of the property concerned is associated with numerous benefits, including:

- Optimising the utilisation of property;
- Employment generation;

## SECTION IV – CONCLUSION

In the circumstances as fully detailed in this report, the Applicant submits that the proposed Consent Use Application has been shown to be **desirable**.

To this end, the Applicant strongly recommends that the authorities concerned, approve the application made:

- ♦ In terms of Section 2.2.1 of the Overstrand Municipality Zoning Scheme Regulations for the Consent of the Municipality to permit the affected portion of the property to be used for Mining (Sand) purposes.