

**PORTFOLIO COMMITTEE :
INFRASTRUCTURE & PLANNING**

Chairperson :

**Executive Deputy Mayor,
Cllr R Smith**

Committee Members :

**Cllrs K Brice, D Botha
M Dyani & JJ Januarie**

**PORTEFEULJEKOMITEE :
INFRASTRUKTUUR & BEPLANNING**

Voorsitter :

**Uitvoerende Onderburgemeester
Rdl R Smith**

Komiteeëdele :

**Rdle K Brice, D Botha
M Dyani & JJ Januarie**

INFRASTRUCTURE & PLANNING PORTFOLIO COMMITTEE
INFRASTRUKTUUR & BEPLANNING PORTEFEULJEKOMITEE

22 SEPTEMBER 2015

I N D E X

<u>ITEM</u>		<u>PAGE NUMBER</u>
APPLICATIONS FOR LEAVE OF ABSENCE		
1.	PORTIONS 93 AND 103 OF FARM 559, HANGKLIP SMALLHOLDINGS : OVERSTRAND MUNICIPAL AREA : PROPOSED REZONING AND RE- ALIGNMENT OF ERF BOUNDARIES : TV3 ARCHITECTS AND TOWN PLANNERS (ON BEHALF OF ANGLEHOEK (PTY) LTD)	1
2.	REMAINDER ERF 2395, CNR OF SIXTH AND TENTH STREET, HERMANUS (VOËLKLIP), OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : JMF COUTTS ON BEHALF OF "DIE TRUSTEES VAN TYD TOT TYD VAN DIE JARE PROPERTY 2 TRUST"	28
3.	ERF 305, 6 CLIFF ROAD, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : DETAIL CONSTRUCTION ON BEHALF OF NL & L FISH	41
4.	ERF 2367, 4 JELLIEVIS STREET, PEARLY BEACH, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : J SMIT	61
5.	ERF 503, 16 DE WET STREET, GANSBAAI, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : EM ROUX ON BEHALF OF DIE KERKRAAD VAN DIE GEMEENTE TE GANSBAAI VAN DIE NEDERDUITSE GEREFORMEERDE KERK IN SUID-AFRIKA	80
6.	ERF 966, 73 MAIN ROAD, SANDBAAI, OVERSTRAND MUNICIPAL AREA : PROPOSED REZONING : EAGLE VALLEY PROPERTIES 125 CC	104
7.	PEARLY BEACH: ELUXOLWENI LOW COST HOUSING DEVELOPMENT: TECHNICAL CLOSE OUT REPORT	126
8.	PROPOSED STREET NAMES : MOUNT PLEASANT HOUSING DEVELOPMENT	225
9.	ERF 4851, 142 TENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE: PC EVANS ON BEHALF OF JS BOYES	232
10.	TOWN- & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS CONSIDERED IN TERMS OF DELEGATED AUTHORITY : JULY 2015 - AUGUST 2015	242
11.	HERMANUS, A PORTION OF ERF 2332, ARUM STREET: LEASE OF MUNICIPAL PROPERTY TO PREWAY INVESTMENTS CC T/A AUTOHAVEN	293

12.	GANSBAAI, A PORTION OF ERF 210, VOORTREKKER STREET: LEASE OF MUNICIPAL PROPERTY TO SONIA DENISE ROCK T/A KLEINKAAP KWEKERY	299
13.	GANSBAAI, A PORTION OF ERF 462, SEA VIEW ROAD, FRANSKRAAL: LEASE OF MUNICIPAL PROPERTY TO 'DIE STRANDVELD MUSEUM TRUST'	305
14.	HERMANUS, ERF 640 (A PORTION OF ERF 560), ZWELIHLE: DEVIATION FROM PARAGRAPH 15.1 OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY ALLOWING THE MUNICIPALITY TO APPROVE IN PRINCIPLE THE ALIENATION OF MUNICIPAL PROPERTY TO THE CHURCH OF CHRIST MISSION	311
15.	PORTION 383 OF THE FARM ONRUST RIVER NO. 581, DIVISION CALEDON : PROPOSED AMENDMENT OF THE SITE DEVELOPMENT PLAN : PLAN ACTIVE ON BEHALF OF A BORTEGA (WHALE HAVEN WINERY (PTY) LTD)	318
16.	ERF 1104, 5 BITOU STREET, VERMONT, OVERSTRAND MUNICIPAL AREA : TITLE DEED RELAXATION AND PROPOSED DEPARTURE : HS VAN RIET	354
17.	ERF 81, 143 MARAIS STREET, FRANSKRAAL : PROPOSED DEPARTURE & RELAXATION OF RESTRICTIVE TITLE DEED CONDITION : AJ & L FOURIE	369

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
22 September 2015
(Also the agenda for the Mayoral Committee Meeting : 30 September 2015)**

**1.
PORTIONS 93 AND 103 OF FARM 559, HANGKLIP SMALLHOLDINGS :
OVERSTRAND MUNICIPAL AREA : PROPOSED REZONING AND RE-ALIGNMENT
OF ERF BOUNDARIES : TV3 ARCHITECTS AND TOWN PLANNERS (ON BEHALF
OF ANGLEHOEK (PTY) LTD)**

KHANG 93 & 103 / 559 (2772)

H van der Stoep

(028) 313 8900

Hermanus Administration

4 August 2015

1. Executive Summary

An application has been received on 5 December 2014 from Messrs TV3 Architects on behalf of Messrs Anglehoek (Pty) Ltd for rezoning of Portions 93 and 103 of Farm 559, Hangklip from Undetermined Zone to Rural Zone 2 : Conservation Usage (R2), as well as an application to re-align the boundaries of the properties.

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 Planning

3. Compliance with Strategic Priority

Provision of democratic, accountable and ethical governance

4. Delegated Authority

Executive Mayor

5. Legal Requirements

- Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)
- Section 22(i)(a) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
22 September 2015
(Also the agenda for the Mayoral Committee Meeting : 30 September 2015)**

6. Background/Discussion/Evaluation/Conclusion

Background

An application was received for the rezoning of Portion 93 and 103 of Farm 559 from Undetermined to Rural Zone 2 : Conservation Usage and the re-alignment of the farm boundary.

The application was advertised in the local newspaper and Government Gazette, and registered notices were sent to all surrounding affected property owners. No objections were received against the proposal.

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

Discussion

The application site is located 3km south of Betty's Bay and 3,5km south west of Pringle Bay. The area is also known as the Hangklip Small Holdings. The two portions of land is presently zoned Undetermined, which has a severe restriction on any possible development rights since the Overstrand Zoning Scheme does not allowed any development except for lawful land use approved before the inception of the Zoning Scheme, 2014. This zoning of Undetermined has had a negative impact on the possible development and protection of the area due to the restriction of land uses within the zoning category.

The Rural Zone 2 : Conservation Usage was specially created for the Hangklip Small Holdings in order to allow more land use rights while simultaneously protect the sensitive environmental area it is located in. This zoning also allows owners to apply for financial assistance at the banks in order to upgrade the properties and have a resale value.

Portions of 93 & 103 of the Farm 559 are located in a sensitive environmental area along the coastal zone. The farm portions are also located in the coastal zone as per the Integrated Coastal Management Act, 2008. Portion 93 has three residential dwelling units as per approved building plans, approved by the Overberg District Council as far back as 1988. Although the proposed zoning only makes provision for two dwellings, the existing dwellings on Portion 93 was approved and constructed before the Overstrand Zoning Scheme, 2014 came into effect. At present Portion 103 is undeveloped. According to the report, Portion 103 is deemed a highly sensitive area, which has not been disturbed and should be preserved. The proposal from the applicant is to allow the primary right of a dwelling unit for Portion 103 to be allocated to the less sensitive Portion 93. Although this is not the norm, it is the interest of the

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
22 September 2015
(Also the agenda for the Mayoral Committee Meeting : 30 September 2015)**

environmental extension program to assist and be proactive in the conservation of areas in private ownership, especially where the owners themselves are willing to earmark sensitive areas for conservation usage. This concept is also supported by Cape Nature.

The proposed re-alignment is to separate the disturbed and developed area from the undeveloped portion of land available for conservation purposes. This will leave the proposed Portion 103 available free from development. The proposed re-alignment is less than 10% of the areas concerned.

Evaluation

The primary right of a dwelling of the newly created Portion 103 be re-allocated to Portion 93 and that Portion 103 remain undeveloped for conservation purposes. The restriction of no development on Portion 103 be encapsulated in its Title Deed. The proposed Portion 93 be allowed to have in total four residential dwellings with the associated outbuildings. It is imperative to take due cognizance that no further development be allowed on Portion 93 without the comments from our Environmental Section, the Western Cape Government : Environmental Affairs & Development Planning and Cape Nature.

Conclusion

The application be approved subject to conditions.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Building Control Department

Indicate buildings as new subdivision line could cut through existing dwelling.

Environmental Officer

No objection.

Engineering Services Department

Attached as Annexure F.

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
22 September 2015
(Also the agenda for the Mayoral Committee Meeting : 30 September 2015)**

District Health

Approval recommended.

Fire Department

No comment.

10. Annexures

- Annexure A: Locality Plan
- Annexure B: Proposed Subdivision Plan
- Annexure C: Motivation Report
- Annexure D: Services Report
- Annexure E: Comment from Eskom
- Annexure F: Comment from Western Cape Government : Agriculture
- Annexure G: Comment from National Department of Agriculture
- Annexure H: Comment from Cape Nature
- Annexure I: Comments from Western Cape Government : Environmental Affairs and Development Planning

RECOMMENDATION:

1. that, in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for the rezoning of Portions 93 and 103 of Farm 559, Hangklip from Undetermined Zone to Rural Zone 2 : Conservation Usage (R2), **be approved**;
 2. that in terms of Section 22(i)(a) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) application to re-align the boundaries of Portions 93 and 103 of Farm 559, Hangklip, **be approved**,
- subject to the following conditions:
- (a) that the re-alignment as proposed by the applicant, Plan no.P3196, dated 04/11/2014 (2) be approved;
 - (b) that the primary rights of Rural Zone 2 : Conservation Usage be linked and allocated on proposed Portion 93;
 - (c) that the rights applicable to Portion 93 be subject to comments from Cape Nature and the Western Cape Government : Environmental Affairs and Development Planning;;
 - (d) that the proposed Portion 93 development be restricted to the four residential dwelling units, existing and one proposed;

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
22 September 2015
(Also the agenda for the Mayoral Committee Meeting : 30 September 2015)**

- (e) that an Environmental Management Plan in terms of the Overstrand Zoning Scheme be submitted to the Municipality for approval applicable to Portion 93, within three (3) months of the date of the letter of approval;
- (f) that access to Portion 93 via Portion 103 be registered as a right of way servitude;
- (g) that a restrictive condition be inserted in the Title Deed of Portion 103 that no development is allowed and the portion only be used for Conservation Usage;
- (h) that the application is not exempted for any other legislation;
- (i) that this approval only has reference to the Site Development Plan, Drawing No. P3196 dated 4 November 2014, as submitted with the application;
- (j) that all other parameters as prescribed in the Zoning Scheme be adhered to;
- (k) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
- (l) that all the conditions in the Services Report (attached as Annexure D) be complied with;
- (m) that all the conditions imposed by Eskom in their letter dated 23 February 2015 (attached as Annexure E), be complied with;
- (n) that all the conditions imposed by the Western Cape Government : Agriculture in their letter dated 31 March 2015 (attached as Annexure F), be complied with;
- (o) that all the conditions imposed by the National Department : Agriculture, Forestry and Fisheries in their letter dated 30 July 2015 (attached as Annexure G), be complied with;
- (p) that all the conditions imposed by Cape Nature in their letter dated 23 March 2015 (attached as Annexure H), be complied with; and
- (q) that all conditions imposed by the Western Cape Government : Environmental Affairs and Development Planning in their letter dated 24 June 2015 (attached as Annexure I), be complied with.

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
22 September 2015
(Also the agenda for the Mayoral Committee Meeting : 30 September 2015)**

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 :	H VAN DER STOEP
TARGET DATE FOR IMPLEMENTATION :	14 OCTOBER 2015
TARGET DATE TO INFORM APPLICANT :	14 OCTOBER 2015
TARGET DATE TO INFORM OBJECTOR :	N/A

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 September 2015
(Also the agenda for the Mayoral Committee Meeting : 30 September 2015)**

**1.
PORTIONS 93 AND 103 OF FARM 559, HANGKLIP SMALLHOLDINGS :
OVERSTRAND MUNICIPAL AREA : PROPOSED REZONING AND RE-
ALIGNMENT OF ERF BOUNDARIES : TV3 ARCHITECTS AND TOWN PLANNERS
(ON BEHALF OF ANGLEHOEK (PTY) LTD)**

**KHANG 93 & 103 / 559 (2772)
H van der Stoep (028) 313 8900 Hermanus
Administration
4 August 2015**

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
22 SEPTEMBER 2015, WHICH COMMITTEE SUPPORTED THE
RECOMMENDATION**

RESPONSIBLE OFFICIAL :	H VAN DER STOEP
TARGET DATE FOR IMPLEMENTATION :	14 OCTOBER 2015
TARGET DATE TO INFORM APPLICANT :	14 OCTOBER 2015
TARGET DATE TO INFORM OBJECTOR :	N/A



Notation:



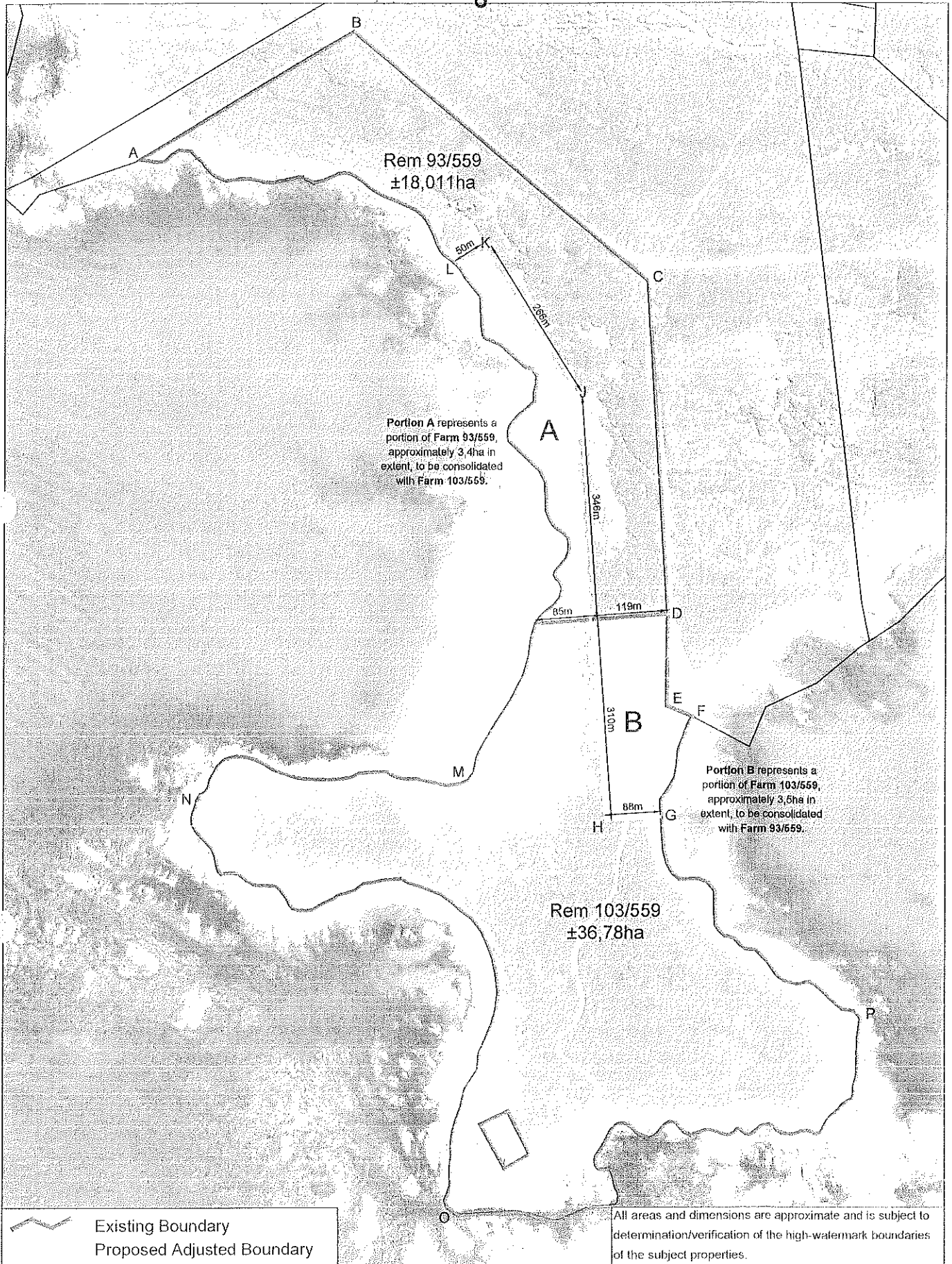
The drawing is the property of TV3 Architects and Town Planners (Pty) Ltd and copyright is reserved.

Drawn:	Checked:	Date:	Scale:
VH	MW	04/11/2014	NTS
Project no.:		Revision no.:	
P 3196		1	
Drawing:			Plan no.:
			1
			Local Locality
			1

Portions 93 & 103 of Farm 559,
Hangklip

TV3
ARCHITECTS AND TOWN PLANNERS

First Floor - La Gratitude Office Building
37 Dorp Street - Stellenbosch 7601
Tel (021) 891 3802
Fax (021) 892 5021
e-mail: tv3@tv3.co.za
web: www.tv3.co.za



Existing Boundary
Proposed Adjusted Boundary

All areas and dimensions are approximate and is subject to determination/verification of the high-watermark boundaries of the subject properties.

tv3
ARCHITECTS AND TOWN PLANNERS

First Floor • La Gratitude Office Building
97 Dorp Street • Stellenbosch 7600
tel (021) 861 3800
tel (021) 862 8025
e-mail: stel@tv3.co.za
web: www.tv3.co.za

Portions 93 & 103 of
Farm 559,
Hangklip



This drawing is the property of tv3 ARCHITECTS AND TOWN PLANNERS (Pty) Ltd and copyright is reserved.

Drawn:	Checked:	Date:	Scale:
WH	MW	04/11/2014	1:7 500 (A4)
Project no:		Revising no.	
P 3196		1	
Drawing:			Sheet no.:
Proposed Boundary Adjustment			2

A. APPLICATION

This section sets out the details of the particular application in terms of the Western Cape Land Use Planning Ordinance 1985 (15 of 1985) (LUPO) and or any other relevant legislation.

1. Description of application made in terms of LUPO

In respect of Portions 93 and 103 of Farm 559 Hangklip, application is herewith made in terms of the applicable sections of the Western Cape Land Use Planning Ordinance 1985 for the following:

- *Application for exemption from the provisions of LUPO in order to affect a boundary adjustment between the two subject properties, which adjustment is indicated on attached Plans No. 2 and 3;*
- *Rezoning of both portions from Undetermined Zone to Rural Zone II;*

B. APPLICATION PROPERTY DESCRIPTION AND DETAILS

This section sets out the relevant details of the properties that constitute the "application area / subject properties".

1. Application property details

The relevant details of the application properties are summarised in table 1 below.

Table 1: Application property details

PROPERTY DESCRIPTION	TITLE DEED NO.	EXTENT	OWNERSHIP
Portion 93 of Farm 559 Hangklip	T7204/1965	21,41ha	Anglehoek (Pty) Ltd
Portion 103 of Farm 559 Hangklip	T11067/1960	40,28ha	Anglehoek (Pty) Ltd

2. Restrictive conditions of title

The title deeds have been perused and there appears to be no apparent restrictive conditions that may prohibit the proposed application. A formal conveyancer's certificate will be provided if so required by your office.

C. PLANNING CONTEXT

This section describes the relevant planning context as background to the application.

1. Locality (Plan No. 1)

The subject properties is located in the area commonly known as Hangklip, approximately 3km south and 3,5km west of the holiday towns of Pringle Bay and Betty's Bay respectively.

b) Proposed boundary adjustment

In addition to the abovementioned application for rezoning, application is also made for the adjustment of the boundary between the two application properties, which proposed adjustment is depicted on the attached Plan No. 2, with the resulting newly to be established properties depicted on Plan No. 3.

The proposed boundary adjustment has the following implications:

- The extent of Portion 93 increases from 21,41ha to 21,53ha, which equates to a change of 0,12ha or 0,56%.
- The extent of Portion 103 decreases from 40,28ha to 40,16ha, which equates to a change of 0,12ha or 0,29%.
- The three existing structures attached to Portion 93 will be attached to Portion 103.

Currently Portion 103 is vacant and the owners would technically qualify to erect at least a one primary dwelling unit on this portion. However, due to the sensitive nature of the Portion 103 it is motivated that the right to one primary dwelling unit be attached to Portion 93, which is deemed to be less sensitive, by means of the proposed boundary adjustment. In doing so Portion 103 will be left undeveloped in future as its primary development rights will vest in the three existing structures that will be attached to it by virtue of the proposed boundary adjustment.

The boundary adjustment is affected in a manner which allows for a 10m building line to be retained for the existing structures, as prescribed in terms of the to be allocated Rural Zone II zoning. The latter is depicted on attached Plan No. 4. Accordingly no supplementary departure application component is required in order to affect the boundary adjustment.

The access arrangement to the existing structures will be managed by means of registering right-of-way access servitudes, the middle lines of which are indicated on attached Plan No. 3.

E. CONCLUSION

In conclusion it is argued that the proposed rezoning is duly aligned with and will be in support of the provisions of the Overstrand Municipal Planning policies and can therefore be duly supported.

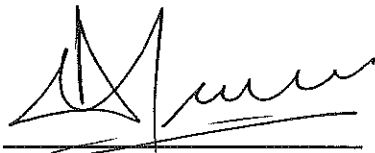
The proposed boundary adjustment results in a very minimal change in the current property extents and will not unduly impact on the current or future utilisation of the resulting property entities. The application for the adjustment to be exempted in terms of the provisions of Section 23 of LUPO can therefore be duly supported.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONING AND RE-ALIGNMENT OF ERF BOUNDARIES:
PORTION 93 & 103 OF THE FARM 559 HANGKLIP SMALLHOLDINGS:**

Water	:	In order
Electricity	:	ESCOM Area
Sewer	:	No Service Available
Roadsand Traffic	:	No Service Available
Stormwater	:	No Service Available

Conditions:

1. that only the existing water connection will be available for the proposed development;
2. that no other Municipal service will be available.



**DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES**

18/5/2015
DATE



12

FILE NO:	Plns 93/103/559
SCAN NO:	
COLLABORATOR NO:	758775



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

Date: 23 February 2015

TP - A Theart
 (H vld stoep)

Enquiries:
 Shaun Swanepoel
 Tel: +27 21 980 3913
 Fax: +27 06 660 0941

Attention: H van der Stoep

PLEASE NOTE: THIS IS NOT A WORKING PERMIT. OBTAIN WORKING PERMIT FROM CUSTOMER NETWORK CENTRE - GRABOUW CNC

PORTIONS 93 & 103 OF FARM 559 HANGKLIP SMALLHOLDINGS, OVERSTRAND MUNICIPAL AREA: PROPOSED REZONING AND RE-ALIGNMENT OF ERF BOUNDARIES: TV3 ARCHITECHS AND TOWN PLANNERS (ON BEHALF ANGLEHOEK (PTY) LTD)

YOUR REF: KHANG 93 & 103 / 559 (2772)
 OUR REF: 00300/15

I refer to your application dated 6 February 2015.

This application affects the following Eskom power lines

- **KLEINMOND FARMERS 1 11kV FEEDER OVERHEAD POWERLINE**

I hereby inform you that Eskom approves the proposed work indicated on your drawing in principle subject to the following. This approval is valid for **12 months** only, after which reapplication must be made if the work has not yet commenced.

- a) The following building and tree restriction on **either side of centre line** of overhead power line must be observed:

Voltage	Building restriction either side of centre line
11kV	9.0 m
66kV	11.0 m
132kV	15.5 m

- b) No construction work may be executed closer than **6 (SIX) metres** from any Eskom structure or structure-supporting mechanism.

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

Eskom Holdings SOC Limited Reg No 2002/015527/30



27 FEB 2015

- c) No work or no machinery nearer than the following **distances from the conductors:**

Voltage	Not closer than:
11kV	3.0 m
66kV	3.2 m
132kV	3.8 m

- d) Natural ground level must be maintained within Eskom reserve areas and servitudes.

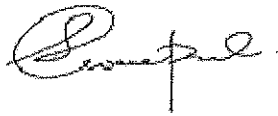
- e) That a **minimum ground clearance** of the overhead power line must be maintained to the following clearances:

Voltage	Safety clearance above road:
11kV	6.3 m
66kV	6.9 m
132kV	7.5 m

- f) That existing Eskom power lines and infrastructure are acknowledged as established infrastructure on the properties and any rerouting or relocation would be for the cost of the applicant/developer.
- g) That Eskom rights or servitudes, including agreements with any of the landowners, obtained for the operation and maintenance of these existing power lines and infrastructure be acknowledged and honoured throughout its lifecycle which include, but are not limited to:
- i. Having 24 hour access to its infrastructure according to the rights mentioned in (a) above,
 - ii. To perform maintenance (structural as well as servitude – vegetation management) on its infrastructure according to its maintenance programmes and schedules,
 - iii. To upgrade or refurbish its existing power lines and infrastructure as determined by Eskom,
 - iv. To perform any other activity not listed above to ensure the safe operation and maintenance of the Eskom power lines or infrastructure.
- h) Eskom must have at least a 10m obstruction free zone around all pylons (not just a 10m radius from the centre).
- i) Eskom shall not be liable for the death or injury of any person, or for loss of or damage to any property, whether as a result of the encroachment or use of the area where Eskom has its services, by the applicant, his/her agent, contractors, employees, successors in title and assignee.
- j) The applicant indemnifies Eskom against loss, claims or damages, including claims pertaining to interference with Eskom services, apparatus or otherwise.
- k) Eskom shall at all times have unobstructed access to and egress from its services.
- l) Any development which necessitates the relocation of Eskom's services will be to the account of the developer.
- m) **Sidney Mullins, Grabouw CNC** must be contacted on **021 859 4163** before working in close proximity to the overhead power lines.

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'Swanepoel', with a vertical line extending downwards from the end of the signature.

Shaun Swanepoel
LAND DEVELOPMENT (BRACKENFELL)

ESKOM (WESTERN REGION)

OCCUPATIONAL HEALTH AND SAFETY ACT (Act No 85 of 1993) WITH REGULATIONS

D16 (7) Excavations

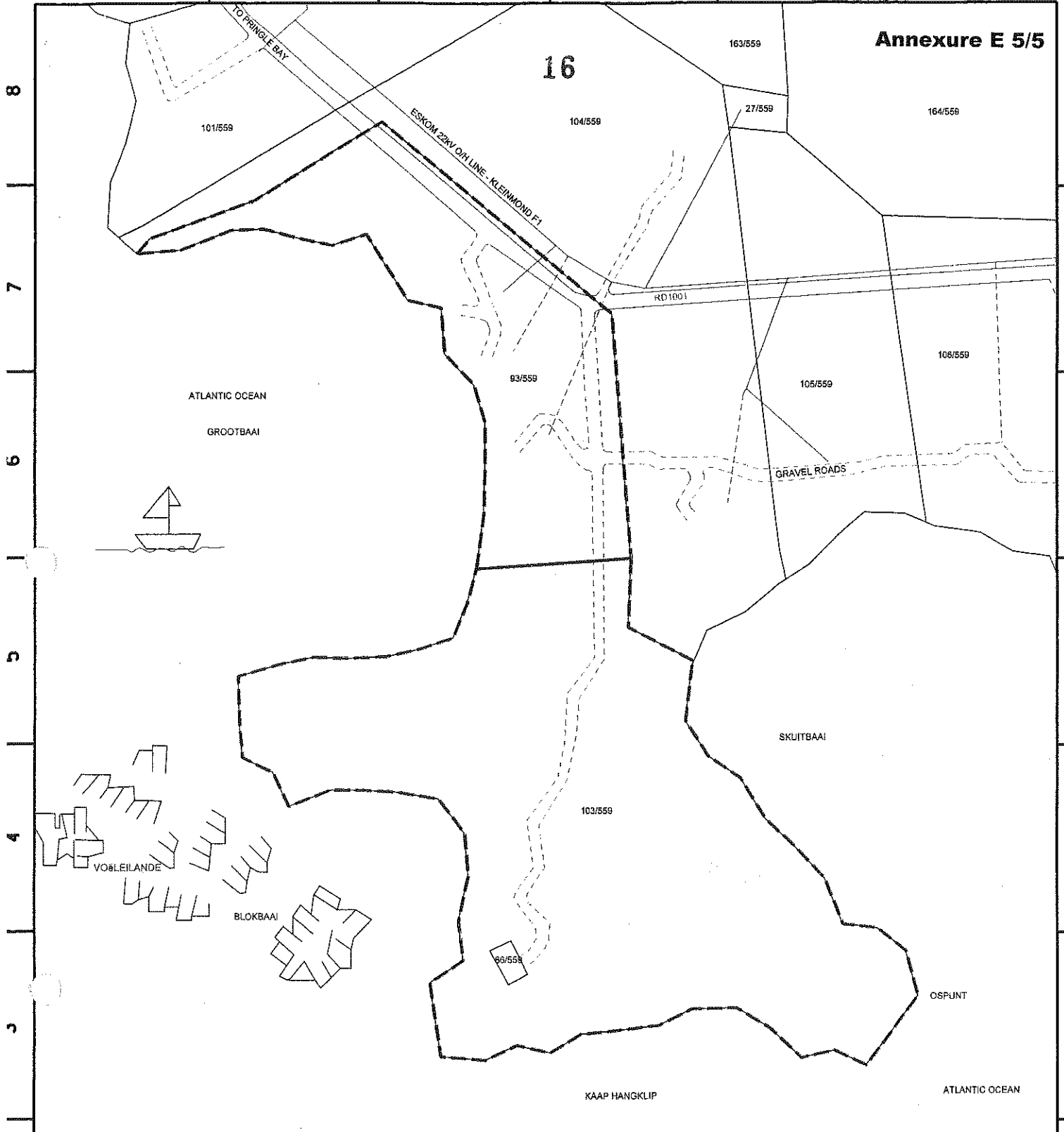
"The builder or excavator shall ascertain as far as possible the location and nature of underground services likely to be affected by the excavation and take such steps as may be necessary to prevent danger to persons".

THE ELECTRICITY ACT (Act No 41 of 1987)

Section 27 (3) : Offences and Penalties

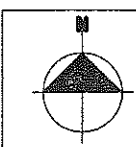
"Any person who without legal right (the proof of which shall be upon him) cuts or damages or interferes with any apparatus for generating, transmitting or distributing electricity, shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000,00 or to imprisonment for a period not exceeding twelve months".

16



LEGEND

- CADASTRAL BOUNDARIES
- - - - - ESKOM 22KV O/H LINE - KLEINMOND F1
- - - - - ESKOM UNDERGROUND CABLE (NOT GPS'd) - 1.7KV KLEINMOND F1
- ▭ AREA OF INTEREST



SCALE 1:17 500

ALL CABLE POSITIONS ARE APPROXIMATE AND SHOULD BE VERIFIED ON SITE

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

THIS DRAWING IS THE PROPERTY OF ESKOM

REV	REVISION DESCRIPTION	BY	CHKD	AUTH	DATE

GRABOUW CNC
HANGKLIP SMALLHOLDINGS - FARM 559 PTNS 93 & 103
OVERSTRAND MUNIC
PROPOSED REZONING & RE-ALIGNMENT OF BOUNDARIES

WAYLEAVE REQUEST

00300/15

SET	SHEET	REVISION

AUTH:
DATE:
CHKD:
DATE:
DRAWN: B CURTIS
DATE: 2015/02/17



**Western Cape
Government**

Agriculture



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

OUR REFERENCE : 20/9/2/4/2/746
YOUR REFERENCE : KHANG 93 & 103/559 (2772)
ENQUIRIES : Cor van der Walt

Overstrand Municipality
PO Box 20
HERMANUS
7200

FILE NO:	
SCAN NO:	
COLLABORATOR NO:	757986

Att: H. van der Stoep

**PROPOSED SUBDIVISION AND REZONING: DIVISION CALEDON
PORTION 93 OF THE FARM HANGKLIP NO 559
PORTION 103 OF THE FARM HANGKLIP NO 559**

Your application of 06 February 2015 has reference.

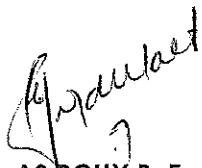
The Western Cape Department of Agriculture offers apologies as our previous letter of comment on this application was accidentally sent to Theewaterskloof Municipality. Please refer to our attached previous letter of no objection dated 2015/01/27.

Please note:

- That this is comment to the relevant deciding authorities in terms of the Subdivision of Agricultural Land Act 70 of 1970; Conservation of Agricultural Resources Act 43 of 1983 and the Land Use Planning Ordinance 15 of 1985.

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

Yours sincerely



AS ROUX Pr Eng

DIRECTOR: SUSTAINABLE RESOURCE MANAGEMENT

2015-03-31

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



TP - A Theart
C Huld Steep

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

From: Directorate Land Use and Soil Management
Tel: 012-319-7678 Fax: 012-329-5938
Enquiries: Helpdesk Ref: 2014_12_0071

TV3 Town Planners
97 Dorp Street
First Floor La Gratitude
STELLENBOSCH
7600

FILE NO: Ptns 93&103/559
SCAN NO:
COLLABORATOR NO: 827212

Attention: Matthys Michiel Walters

APPLICATION IN TERMS OF THE SUBDIVISION OF AGRICULTURAL LAND ACT, 1970:
SUBDIVISION OF PORTION 93 AND 103 OF THE FARM HANGKLIP NO. 559, DIVISION
CALEDON, WESTERN CAPE PROVINCE

Your letter bearing reference P3196_Portion 93 & 103 Farm 5459 Hangklip dated 02 December 2015 refers.

With reference to the above-mentioned subject I wish to inform you that the application has been granted.

Consent No. issued in terms of section 4 of the Act, is enclosed in duplicate.

The Conveyancer must lodge the signed copy of the Consent with the Registrar of Deeds together with the documents for registration.

Kindly note that the properties concerned are subject to the provisions of the Conservation of Agricultural Resources Act 1983 (Act 43 of 1983).

Yours faithfully

MS R.L. BOSOGA
ACTING CHIEF DIRECTOR: LAND USE AND SOIL MANAGEMENT
DELEGATE OF THE MINISTER

DATE: 30/7/2015

- CC: The Surveyor-General Private Bag X 9028 CAPE TOWN 8000
- CC: Land Use and Soil Management P.O.Box 380 BELLVILLE 7535
- CC: Mr Brandon Layman Landuse Management Department of Agriculture: Western Cape Private Bag x 1 ELSENBURG 7607



agriculture,
forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

VERW/REF.

2014_12_0071

TOESTEMMING
KRAGTENS DIE WET OP DIE ONDERVERDELING
VAN LANDBOUGGROND, 1970

CONSENT
IN TERMS OF THE SUBDIVISION OF
AGRICULTURAL LAND ACT, 1970

50613

By virtue of the powers delegated to me by the Minister of Agriculture, Forestry and Fisheries consent is hereby granted in terms of section 4(2) of the Subdivision of Agricultural Land Act, 1970, for the subdivision of the agricultural land described in paragraph 1, into units indicated in paragraph 2, subject to the conditions set out in paragraph 3.

PARAGRAPH 1: THE AGRICULTURAL LAND TO WHICH THIS CONSENT APPLIES

- 1.1 PORTION 93 OF THE FARM HANGKLIP NO. 559, IN EXTENT 21, 4133 HECTARES, AND
- 1.2 PORTION 103 (PORTION OF PORTION 94) OF THE FARM HANGKLIP NO. 559, IN EXTENT 40, 6542 HECTARES, DIVISION CALEDON, WESTERN CAPE PROVINCE

PARAGRAPH 2. CONSENT GRANTED

- 2.1 The subdivision of the agricultural land mentioned in subparagraph 1.1 above into two portions measuring approximately 3, 4 hectares and 18, 01 hectares respectively represented by the figures marked Ptn A and Rem/Ptn 93 as shown on the sketch plan which is attached to this Consent.
- 2.2 The subdivision of the agricultural land mentioned in subparagraph 1.2 above into two portions measuring approximately 3, 5 hectares and 36, 78 hectares respectively represented by the figures marked Ptn B and Rem/Ptn 103 as shown on the sketch plan which is attached to this Consent.

PARAGRAPH 3: CONDITIONS PERTAINING TO THIS CONSENT

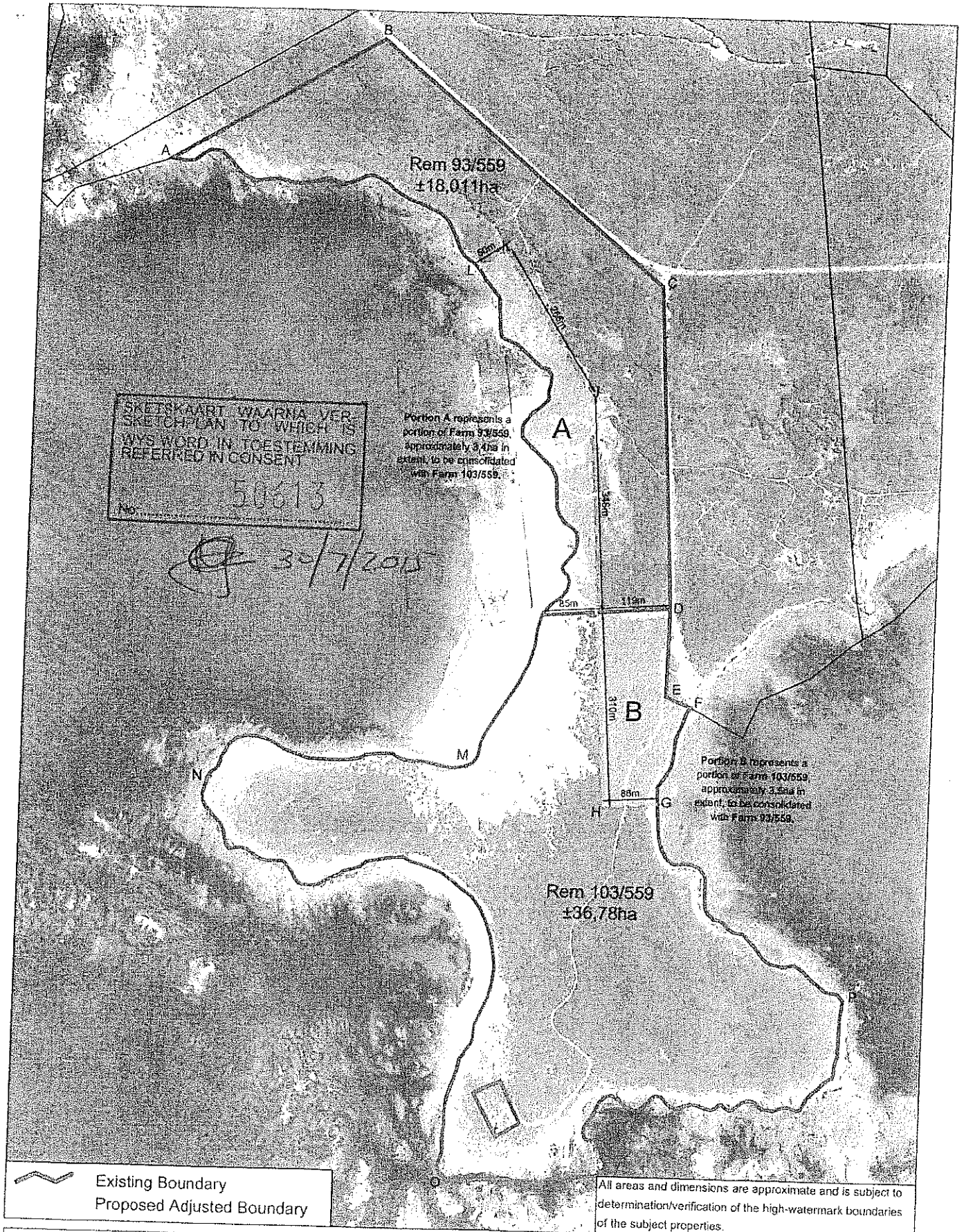
- 3.1 Simultaneously with registration of transfer the portion measuring approximately 3, 4 hectares (Ptn A) must be consolidated with the portion measuring approximately 36, 78 hectares (Rem/Ptn 103).
- 3.2 Simultaneously with registration of transfer the portion measuring approximately 18, 01 hectares (Rem/Ptn 93) must be consolidated with the portion measuring approximately 3, 5 hectares (Ptn B).
- 3.3 This consent does not imply that the above-mentioned subdivisions are assured of a permanent water supply.
- 3.4 This consent 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.

3.5 This consent is valid for 5 years from date of this grant.

30/7/2015
DATE



MS R.L. BOSOGA
ACTING CHIEF DIRECTOR: LAND USE AND SOIL
MANAGEMENT
DELEGATE OF THE MINISTER



SKETSKAART WAARNA VER-
SKETCH PLAN TO WHICH IS
WYS WORD IN TOESTEMMING
REFERRED IN CONSENT
No. 50613

30/7/2015

Portion A represents a portion of Farm 93/559, approximately 3.4ha in extent, to be consolidated with Farm 103/559.

Portion B represents a portion of Farm 103/559, approximately 3.2ha in extent, to be consolidated with Farm 93/559.

Existing Boundary
Proposed Adjusted Boundary

All areas and dimensions are approximate and is subject to determination/verification of the high-watermark boundaries of the subject properties.

tv3
ARCHITECTS AND TOWN PLANNERS

First Floor • La Gratitude Office Building
97 Dorp Street • Stellenbosch 7600
tel (021) 861 3800
fax (021) 882 6025
e-mail: ste@tv3.co.za
web: www.tv3.co.za

Portions 93 & 103 of
Farm 559,
Hangklip



Drawn:	Checked:	Date:	Scale:
WH	MW	04/11/2014	1:7 508 (A4)
Project no:		Revision no.	
P 3196		1	
Drawing			Plan no.
Proposed Boundary Adjustment			2



CapeNature

TP- A Theart
(H v D Stoep)

23

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 SSD14/216/117/2/559-93&103_rezoning_Hangklip
 date 23 March 2015

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

Attention: Hanneen van der Stoep
 By email: loretta@overstrand.gov.za

Dear Hanneen

FILE NO:	PHNS 93&103/559
SCAN NO:	41
COLLABORATOR NO:	768142

Application for Rezoning and Subdivision and Consolidation on Portions 93 and 105 of the Farm Hangklip 559, Cape Hangklip
 (Overstrand Municipality ref. no.: KHANG 93 & 103 / 559 (2772))

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

The application is for the re-alignment of the boundaries of the two properties (subdivision and consolidation) and rezoning of both properties from Undetermined to Rural Zone II (Conservation Usage).

The two subject properties are both Critical Biodiversity Areas (CBAs) according to the Overberg Conservation Plan, apart from the direct vicinity of the existing roads and buildings which are classified as Ecological Support Areas. The vegetation types occurring on site are Hangklip Sand Fynbos (listed as Endangered) and Cape Seashore Vegetation and Overberg Dune Strandveld (both listed as Least Threatened). No wetland features were identified on site.

The motivation for the re-alignment of the boundary is that Portion 103 of Farm 559 is too sensitive to allow for any development and the realization of the primary right of a single dwelling. The proposal is that Portion 103 will now include the dwellings located on Portion 93, which will then allow for the single dwelling rights on the re-aligned Portion 93.

In general, both properties can be considered as of high conservation value and environmentally sensitive, as is verified by the CBA status. Despite the conservation status of Cape Seashore Vegetation, this is a highly sensitive vegetation type as it consists of pioneer dune vegetation and is therefore not suitable for any form of development. The site also forms an important coast to mountain link to the Brodie Link Nature Reserve, which is managed by CapeNature (it is also recommended that comment is obtained from Heritage Western Cape).

CapeNature supports the proposal for no development on Portion 103. The re-aligned Portion 93 is however also a sensitive site and development opportunities are limited. Both properties are located in front of the proposed Overberg coastal management line, the location of which is supported by CapeNature.

The Western Cape Nature Conservation Board trading as CapeNature

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

TP2

CapeNature does not object to the rezoning of the two properties to Rural Zone II, as this zonation allows for a maximum combined building footprint of 800 m², which is considered sufficiently restrictive. However, CapeNature recommends that an ecological specialist must be consulted in order to advise on any development opportunities on Portion 93, should this be contemplated. The ecological specialist must take into account the coastal processes as well as the biodiversity pattern on site.

Although no development forms part of the current application, it is recommended that if development of a single dwelling is proposed, the applicant must double check if there are any listed activities triggered. In particular, NEMA Listing Notice 3 (Govt. Notice 985 of 2014):

Activity 12:

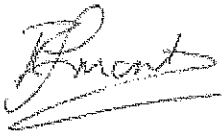
" The clearance of 300 m² or more of indigenous vegetation except ...

- a) iii): Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas".

It is evident from the Google Earth imagery that the site has a dense infestation of alien invasive species. The landowner is advised that they are responsible for clearing alien invasive species from their property according to the relevant legislation.

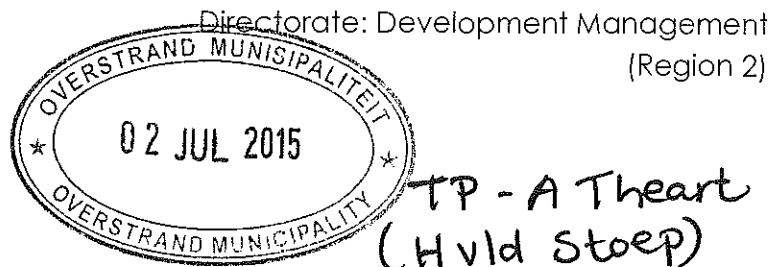
CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.

Yours sincerely



Rhett Smart
For: Manager (Scientific Services)

cc. tv3 Architects and Town Planners



REFERENCE: 15/13/E2/26/PTNS 93 & 103 OF FARM 559, OVERSTRAND
ENVIRONMENTAL ENQUIRIES: Ms. Arabel McClelland Tel: (021) 483 2660
TOWN PLANNING ENQUIRIES: Mr. Johann de Jongh Tel: (021) 483 5578

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

Attention: S. Muller

FILE NO:	Ptn 93 & 103 / 559
SCAN NO:	
COLLABORATOR NO:	816058

Tel: (028) 313 8900
Fax: (028) 313 2093

INTEGRATED COMMENT: TOWN PLANNING COMMENT AND APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 WITH RESPECT TO THE APPLICATION FOR THE PROPOSED REZONING AND REALIGNMENT OF ERF BOUNDARIES OF PORTIONS 93 AND 103 OF FARM NO. 559, HANGKLIP SMALLHOLDINGS, OVERSTRAND MUNICIPAL AREA

1. Your request for comment, dated 6 February 2015, and received by this Department on 10 February 2015, refers.
2. Based on a review of the information submitted to this Department, the following is noted:
 - 2.1. The proposal entails the rezoning of the abovementioned properties from Undetermined Zone to Rural Zone II (Conservation Usage).
 - 2.2. Furthermore, it is proposed to adjust the boundaries of the properties so that the extent of Portion 93 will increase from 21.41ha to 21.53ha and Portion 103 will decrease from 40.28ha to 40.16ha.
 - 2.3. The three existing structures currently positioned on Portion 93 will then be located on Portion 103, which is said to be currently vacant.
 - 2.4. Due to the abovementioned adjustment to the boundary, Portion 103 will not be developed further in future, as its primary development rights will vest in the three existing structures that will be attached to it. The right to erect one primary dwelling will be attached to Portion 93.

3. PLANNING COMMENT:

- 3.1. This Department has in principle no objection to the proposed rezoning of the two properties from Undetermined Zone to Rural Zone II (Conservation Usage).
- 3.2. Consideration of Google Earth imagery, however, indicates that two additional structures already exist on Portion 93, therefore 5 units in total, which is not mentioned in the attached correspondence, dated 6 February 2015. The nature and use of these structures are unknown.
- 3.3. In terms of the Integrated Overstrand Zoning Scheme only one dwelling house as a primary use and one second dwelling as a consent use are permitted per cadastral unit. With regards to Portion 93 and its proposed adjusted boundaries, no mention is made of an application for a consent use to regularise the second dwelling. It should be noted that the size of the second dwelling unit is restricted to 250m². As mentioned only one second dwelling is permitted and the proposal on Portion 103 includes a third unit.

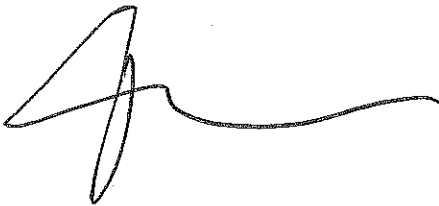
4. ENVIRONMENTAL COMMENT:

- 4.1. 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.
- 4.2. Based on the limited information provided, 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 rezoning of the subject properties 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 rezoning.
- 4.3. However, due to the presence of the two additional existing structures on Portion 93, this Directorate is of the opinion that the use and lawfulness of these structures must first be ascertained prior to the adjustment of the properties' boundary. In addition, there is no historical evidence on the Directorate's internal database to support that any application processes were followed for these structures, the ages of which are also unknown. It is, therefore, recommended that the history of the structures be confirmed to ensure the applicable and appropriate permitting processes were followed at the time of their construction.
- 4.4. Further to the above, should it be established that an additional dwelling unit can be established on Portion 93 of Farm No. 559 following the successful realignment of the property boundary, it is requested that application is once again made to this Directorate to confirm the applicability of the NEMA EIA Regulations, 2014, and establish if the proposed development of the dwelling unit constitutes a listed

activity(ies) in terms of the NEMA EIA Regulations, 2014 as defined in GN Na. R. 983, R. 984 and/or R. 985. The Directorate will provide guidance on whether an application must be submitted and environmental authorisation obtained before such activity(ies) may commence. This application should take the form of an applicability checklist, available on the Department's website, and include more specific detail with regards to the dwellings' placement, footprint, associated infrastructure requirements, including the access road as mentioned in the correspondence of 6 February 2015, a site development plan and confirmation from the municipality of the building restrictions applicable to the property.

- 4.5. 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.”*
5. Please note that the applicant must comply with any other statutory requirements that may be applicable to the undertaking of the activity.
6. The Department reserves the right to revise or withdraw comments or request further information based on any information received.

Your interest in the future of our environment is greatly appreciated.



7 HEAD OF DEPARTMENT

DATE: 24 JUN 2015