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ERF 1177, 56 FULMAR STREET, VERMONT, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REZONING AND DEPARTURE: FUTURE PLAN TOWN AND REGIONAL PLANNERS ON BEHALF OF IS FORTUIN

1177 HVM (4568/2024)

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23 April 2025

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Hermanus Administration

1. EXECUTIVE SUMMARY

An application was received on 29 January 2024 from Future Plan Town and Regional Planners on behalf of IS Fortuin on Erf 1177, Vermont in terms of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 for the following:

- ❖ **Rezoning** of the property in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 from Resort Zone: Holiday Resorts (RZ) to Residential Zone I: Single Residential (SR1), and
- ❖ **Departure** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 to relax the lateral building line from 2m to 0m to accommodate the placement of the proposed garage.

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

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

Erf 1177, Vermont is zoned Resort Zone. It is vacant at this stage.

In terms of the old planning records the erf was subdivided from Erf 939. It was however never rezoned and therefore can only be developed for resort purposes. The erf is however only 660m² in extend, and not suitable for resort purposes.

The owner applied to rezone the property to construct a dwelling with garage on the property.

4. SUMMARY OF APPLICANT'S MOTIVATIONTHE MOTIVATION CAN BE SUMMARIZED AS FOLLOWS:

- ❖ The rezoning is to enable the property owner to construct a dwelling.
- ❖ The departure is to enable the owner to construct a garage on the property boundary.
- ❖ Only half the property is developable as it falls below the identified high-water mark.
- ❖ The high-water mark was determined by doing an Aquatic Biodiversity Risk Assessment.

- ❖ The construction of a single dwelling house of 61,25m², a double garage of 43,8m² and conservancy tanks of 6m² are proposed, and the structures will be placed far away as possible from the wetland to minimize impact on the environment.
- ❖ The surrounding area has a mixture of resort, public open space and residential uses, and the rezoning is in line with the character of the area.
- ❖ Water services should be available from the municipal network.
- ❖ The property owner will install a septic tank that will be emptied regularly by the municipality or service provider.
- ❖ An electricity connection will be obtained from Eskom.
- ❖ Solid waste will be removed weekly by the municipality.
- ❖ Access servitude will provide access to the property off Malmok Crescent.

❖ **Need and desirability**

- The development will add value to Erf 1177 and the surrounding area
- Infill planning is crucial as land is scarcer.
- Neighbours' privacy will not be impacted.
- The General Authorization proves there will not be a detrimental impact on the environment or biodiversity of the Vermont Salt Pan.
- The residential erf will fit in with the character of the surrounding area.
- The application was submitted in line with the criteria in terms of Section 66 of the Municipal Planning By-Law and Section 49 of the Western Cape Land Use Planning Act of 2014.

❖ **Legislation**

- The application is in line with the Overstrand Municipality Spatial Development Framework, 2020. The site is in an urban development area and within the urban edge of Vermont.
- The application is in line with the Overstrand Municipal Growth Management Strategy, 2010, as the rezoning of the erf will help integrate the residential erven with the Vermont Pan.
- The area is not in an HPOZ area.

❖ **Consideration in terms of the Planning Principles:**

Spatial Justice

The application will not contribute to perpetuating past apartheid spatial development imbalances.

Spatial Sustainability

Will not negatively impact valuable agricultural land, environmentally sensitive areas or scenic landscapes or contribute to urban sprawl.

Efficiency

The proposal will help develop the property to its full potential.

Spatial Resilience

The proposal is well aligned with spatial plans and policies and will enable the property to accommodate environmental and economic shocks.

Good Administration

Good public participation process will be followed by the Municipality.

- ❖ **National Environmental Management Act, Act 107 of 1998 (NEMA)**
 - No NEMA listed activities are triggered by this application.
 - An Environmental Practitioner was appointed to evaluate the impact of the proposal on the surrounding area, and the consultant also applied for a water use registration and license.
- ❖ **EMOZ**
 - The property is situated in an area of conservation-worthy importance.
 - There are other developed residential properties in the area, and it is the opinion that this application will have a limited impact on EMOZ.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local newspaper	Yes	18 July 2024	23 August 2024
e-mail Notices and Notice board on-site	Yes	18 July 2024	23 August 2024
Ward councillor	Yes	19 July 2024	23 August 2024
Total comments	Four (4)		
Letters of support	Two (2)		
Was public participation undertaken in accordance with Section 46 – 50 of the By-Law on Municipal Land Use Planning?			Yes
Was the application processed correctly (if no, elaborate below):			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			Yes

6. SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

Name	Date received	Summary of comments
Building Branch	19/07/2024	No objection.
Fire Department	25/07/2024	No objection.
Waste Management	05/08/2024	No objection. Waste will have to be placed at Malmok Road, and servitude intersection point on the waste collection day for removal.
Engineering Services	19/05/2025	See Annexure F.
Western Cape Government: Environmental Affairs & Development Planning – Environmental Branch	23/08/2024	See Annexure G.

Cape Nature	23/10/2024	See Annexure H.
BOCMA	11/09/2024	See Annexure I.
Telkom	22/08/2024	See Annexure J.
Municipal: Property Administration Division	22/07/2024	See Annexure K.
Municipal: Environmental Management Services	16/05/2024	See Annexure L.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION.

The application was duly advertised in the local newspaper. Notices were e-mailed to surrounding residents in the area and the Vermont Ratepayers Association. A notice board was also placed on-site by the applicant's consultant.

In the public participation process four (4) letters of objection and two (2) letters of support were received.

OBJECTIONS

- ✚ *Whale Coast Conservation (S van Wyk)*
- ✚ *Duncan Heard Environmental Consulting (D Heard)*
- ✚ *K Chowney-Dall & others*
- ✚ *F Martella*

SUPPORT LETTERS

- ✚ *H Cloete*
- ✚ *I Schirmer*

The applicant was provided with an opportunity to respond to the objections received. The objections and support letters are attached as Annexure D and the applicant's response are attached as Annexure E respectively.

The objections, the applicant's reply and the Municipal Town Planners response thereon can be summarized as follows:

OBJECTION 1

✚ WHALE COAST CONSERVATION

Our interest in the application for rezoning of Erf 1177 from Resort Zone to Residential Zone 1 is twofold:

Firstly, the deleterious impact of building this close to the Vermont Salt Pan (both during the construction phase and after), and secondly the destruction of the habitat of Cape Dwarf Chameleons and the considerable number of chameleons presents within this habitat.

APPLICANT'S RESPONSE

The objector does not provide any evidence of the existence of the Cape Dwarf Chameleons at the application site.

We also believe that the Cape Dwarf Chameleons are not restricted to the site only and that after the construction on the site, the vegetation will be reintroduced where possible, and together with the building being on stilts will provide more "living space" for the chameleons.

TOWN PLANNER'S RESPONSE

The applicant did not respond to the possible impact on the Vermont Salt Pan during construction and after. The application was circulated to DEADP: Environmental who indicated that an EIA will only have to be done prior to any construction taking place on the property. The impact of construction will therefore be considered at that stage.

The comments regarding the Cape Dwarf Chameleons are noted. The application was circulated to DEADP: Environmental, The Municipal Environmental Division and Cape Nature, and no concerns were raised regarding the Cape Dwarf Chameleons.

OBJECTION 2 WHALE COAST CONSERVATION

I have extracted maps from the Municipal Public Viewer EMOZ system to show the position of Erf 1177 in relation to the other erf's on Fulmar Avenue.

This shows how the erf is set back from the street. No mention is made in this application of how this plot will be accessed. Erf 1177 is positioned along the fence line of the Paradise Park property on the western border through which a servitude is unlikely. On the eastern border, which is an option, it means that the driveway/servitude will also traverse the riparian area. This is highly undesirable as it implies further material damage to a highly sensitive ecological area.

APPLICANT'S RESPONSE

Access to the application site will be from the existing road off Fulmar Street and via the existing servitude along the north-eastern boundaries of Erf 628 and Erf 629.

Although no physical road is visible from Fulmar Road, it is nonetheless a demarcated area that will provide access to the application site.

TOWN PLANNER'S RESPONSE

The objection and applicant's comments are noted.

There is a road reserve between Erven 629 and 2069 to the south of the property, and a 4m servitude right of way links this road with the erf. This is the access to the site that was created when the erf was subdivided.

The objectors concern that the servitude road will traverse the riparian area is noted, but such impact can only fully be considered and managed when application is made in terms of NEMA prior to construction.

It is also to be noted that the Municipal Engineering Division recommended that an access and services servitude be registered over Erven 628 and/or 927 to serve as access road to Malmok Crescent, and to accommodate services to the erf. This can however not be forced as a requirement onto the applicant as this is an existing erf with an existing access with servitude over Erf 915. The Engineering Division therefore also recommended an alternative to service the erf from the existing servitude over Erf 915.

OBJECTION 3

WHALE COAST CONSERVATION

There are many Cape Dwarf Chameleons living in the riparian zone of which the highest concentration is at the point where the erf is located. This species carries an ICUN category of vulnerable and every attempt must be made to protect these charismatic creatures and their habitat. From this perspective alone we are strongly opposed to any disturbance of this area and would like to see this space afforded strong protection from development.

APPLICANT'S RESPONSE

We of Future Plan have personally been to the application site (on a few occasions) and have not found any Chameleons as stated by the objector. It is also imperative that we are not Environmental Specialists and cannot confirm the statement provided by the objector.

Our intention is not to discredit the objector in any way or to disregard the points made by the objector, but we would however like to point out that no evidence of the statement made by the objector has been brought forward.

TOWN PLANNER'S RESPONSE

This point was already addressed under Objection 1. Also note that the property already has development rights to develop holiday accommodation on the erf, and the development of a dwelling would not have a greater impact.

OBJECTION 4

WHALE COAST CONSERVATION

South African environmental law provides robust measures for protecting riparian zones of rivers and wetlands. Riparian zones are the areas immediately adjacent to a river course or wetland which are ecologically sensitive and biologically rich. These measures are intended to ensure the ecological integrity of these areas, maintain their natural functions, and prevent degradation due to human activities. Compliance with these laws is essential for the sustainable management of water resources and the conservation of biodiversity in South Africa.

The national environmental laws that govern the riparian zones of rivers and wetlands are primarily contained within the National Water Act, 1998 (Act No. 36 of 1998), and the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA). Section 19 of the National Water Act places a duty on landowners and occupiers of land to take reasonable measures to prevent pollution of water resources, including activities in riparian zones that could lead to pollution. Activities in the riparian zone which would alter the flow of water in a watercourse, discharge waste into a watercourse, or change the physical characteristics of a watercourse are prohibited by the National Water Act.

There are restrictions on developments within a specific distance from the edge of watercourses to protect riparian vegetation and prevent erosion, pollution, and habitat destruction. Buffer zones are usually required around wetlands and riparian areas to minimize impacts from human activities. Not only do building activities on this erf present a high risk of pollution to the Vermont Salt Pan, but the building constructed here would also impact the natural ecological functioning and flow dynamics of the pan deleteriously. The building itself would be at risk of flooding as the erf is often inundated with water. Conceivably access to the property would be cut off when the water volume in the pan is high during the winter season with climate change predictions for the Overstrand being that rainfall will increase in the near future. Furthermore, the ongoing removal of alien trees will increase water flow into the wetland areas. Again, access to this plot will require a servitude through the riparian area adjacent to the plot, which is not privately owned, and the national environmental law is clear that this will not be allowed making the potential construction on this erf unviable.

APPLICANT'S RESPONSE

The property owner spent a lot of money on various studies, as requested by the Overstrand Municipality and the external departments. No other professional, government body or interested and affected party brought this type of information forward to substantiate the claim made by the objector.

Again, we reiterate that the intention is not to discredit the objector but to insist on the evidence being brought forward. In addition to the objection, we state that great care will be taken during the construction phase (should this application be approved). A section of the proposed structure will be placed on 300mm x 300mm concrete stilts, while the other sections will have strip foundations.

All structures are outside the high-water mark provided by the Overstrand Municipality. Great care has been taken to place the structures as far from the Salt Pan's edge as possible so as not to interfere with the natural habitat. The unconventional shape of the application site further restricts the development and placement of structures.

The construction method and raised platform should also be considered, which the objector did not consider when making these objections. The owner is aware of the situation regarding setbacks, height, and other relevant constraints and has considered that when making the proposal in the architectural drawings for the proposed dwelling.

All of the comments and more were taken into consideration while planning the dwelling's location and design. The owner is much more into nature conservation than a normal person, and this is also a conservation method from her side, by "developing" the property only on a limited scale.

The objector is well aware that limitations exist in a law that does not provide a no-go area for development without the on-site specialists' reports, which we have provided over the course of time for the proposed development.

TOWN PLANNER'S RESPONSE

The objector and applicant's comments are noted.

The applicants comment that the Overstrand Municipality provided the high-water mark is not concurred with. The applicant had to determine such line, and it was included in the Aquatic Biodiversity Risk Assessment that was submitted by the applicants Environmental Practitioner to BOCMA for consideration.

It is be noted that the environmental specialist indicated that only 6 pillars will be constructed in the delineated wetland area with a "Low" impact, therefore only a General Authorization had to be obtained from BOCMA and not a Water License.

As previously indicated in this report the application was circulated to BOCMA, who supported the application subject to mitigation measures.

The application was circulated to Cape Nature who did not object to the application, they however recommended that the EIA be done prior to allowing the rezoning of the application.

The application was also circulated to DEADP: Environmental who indicated that the application could trigger an EIA, but only for the construction phase of the development. There was further consultation with such Department, but they confirmed the EIA must only be done prior to construction taking place.

The application was circulated to all relevant Departments and considered in terms of all relevant legislation.

The applicant also consulted with all relevant Departments and provided additional information to such Departments when requested.

The applicants comment that the dwelling was planned in a manner to consider the wetland and all departments' requirements are supported.

OBJECTION 5**✚ WHALE COAST CONSERVATION**

In 2006 the Overstrand Municipal Engineering Department commissioned the Freshwater Consulting Group to do a wetland study of the Vermont Pan and the associated wetlands. The authors of this report, N Job and G Ractliff, are highly respected South African wetland scientists. They produced the map which demarcates the wetland area with a blue line. The authors recommended a 30m set back protective buffer around the pan and associated wetlands which is demarcated in white. The position of Erf 1177 within the wetland boundary and the proposed buffer zone. Erf 1177 falls within the wetland boundary and no building should occur on it at all.

APPLICANT'S RESPONSE

This office takes note of the objector's comments and the preferred 30m buffer area. Due to the application site's unorthodox shape, it is rather difficult to arrange the structures in a manner that is both viable from a habitable sense and adheres to the suggested 30m buffer area.

However, the fact that the dwelling will be on stilts mitigates the circumstances and re-introduces a method of construction while considering the specialists' studies.

TOWN PLANNER'S RESPONSE

The objection and applicant's responses are noted.

The application was circulated to the Municipal Environmental Division, who is fully aware of the 2006 Vermont Wetland report and the 30m wetland buffer. The Municipal Environmental Division, who is the municipal specialist in such field however supports the application, subject to mitigation measures.

OBJECTION 6**✚ DUNCAN HEARD ENVIRONMENTAL CONSULTING**

The rezoning would provide the owner with a 'right' to construct a residence that will permanently and negatively impact upon the present, or any new future riparian edge of the pan. An intact riparian vegetation edge to a wetland such as the VSP provides an important ecological function and link that benefits the ecology of the pan. It provides a continuous wetland associated terrestrial habitat associated with the pan, that supports a broad spectrum of aquatic and other wildlife with food, shelter, and breeding habitat.

APPLICANT'S RESPONSE

We believe the proposed dwelling is situated away from the riparian edge and will not likely impede aquatic and other wildlife species from flourishing in their current habitats.

TOWN PLANNER'S RESPONSE

The objection and applicant's response are noted.

As previously indicated in this report all relevant environmental state and municipal divisions/departments support the application.

OBJECTION 7

+ DUNCAN HEARD ENVIRONMENTAL CONSULTING

Apart from the subject property, the Vermont Salt Pan precinct consists of municipal property (Erf 915) and four other private properties (Erven 927, 2388, 2389 and 939). Of the latter, three of these private properties are up for residential development and have gone through EIA processes in which it has been stipulated in each case, that the riparian edge of the VSP must not be impacted and must be rehabilitated. The invasive alien plants must also be removed and controlled. In this regard it would not be equitable if residential development rights are allocated to Erf 1177.

APPLICANT'S RESPONSE

An agreement can be made with the property owner that stipulates great care should be taken during construction and that sections that may have been damaged during the aforementioned phase will be rehabilitated, if necessary.

The property owner has shown compliance with the requests from Overstrand Municipality and external departments, for which certain studies have been requested, and has applied the necessary measures.

TOWN PLANNER'S RESPONSE

See Town Planners response under objection 4.

OBJECTION 8

+ DUNCAN HEARD ENVIRONMENTAL CONSULTING

Since the 1960's, invasive alien plants infestations grew exponentially in the catchment of the VSP, and by the early 2000's, the VSP was seldom full (i.e. flowing over into the Shearwater Crescent storm water outlet pipe). By removing invasive alien vegetation, ground water levels rise and streams flow consistently stronger. After invasive alien control measures were undertaken on the mountain and high rainfall in 2014, the VSP reached a level where it was strongly flowing out through the VSP outlet pipe. In more recent years a massive biomass of invasive alien trees has been removed from the VSP catchment and just recently in the last month, the VSP outflow level was significantly higher than that of 2014. At the same time, the water level at Erf 1177 was visibly higher than the normal water height shown on the plot diagram that was submitted to town planning (Drone video footage available). Currently massive amounts of invasive alien trees continue to be removed to the west of the VSP, on the Whale Coast Nature Reserve. Overall, therefore, inflows to the VSP are expected to increase significantly, especially if the annual rainfall increases driven by climate change, as some forecast. Erf 1177 can therefore be expected to be covered by increasing and more consistent higher water levels in the pan in future. A residential sewage conservancy tank on the erf may thus also be flooded.

APPLICANT'S RESPONSE

The owner understands that removing alien vegetation is crucial to ensuring that the local plant species may thrive. However, the owner has no control over the alien vegetation in other areas and can only mitigate what is on Erf 1177.

Measures have been taken to reduce the impact of potential flooding, such as placing a portion of the proposed dwelling on stilts and distancing all structures from the high-water mark.

TOWN PLANNER'S RESPONSE

The objection and applicant's response are duly noted.

The applicant did submit an Aquatic Biodiversity Risk Assessment for consideration to BOCMA. The high-water mark (flood line) is clearly indicated on such plan, and BOCMA provided no negative comment regarding the proposed application.

OBJECTION 9 DUNCAN HEARD ENVIRONMENTAL CONSULTING

The VSP is a popular, aesthetically pleasing natural attraction that draws visitors and locals for nature walks, picnics, birding etc. A residential structure on the riparian edge of the VSP would detract significantly from the 'Sense of Place' of the visitors experience at the VSP.

APPLICANT'S RESPONSE

The argument can be taken further that similar buildings are placed on the riparian edge. The likelihood of one additional dwelling destroying the aesthetics of the surroundings is thus not based on facts, as dwellings surround the Salt Pan. In some cases, they may be even closer than the proposed dwelling. The reader is thus urged to look at Erven 633 to 636 and Erven 1155, 1465, and 1466.

It can also be argued that visitors and barking dogs could disturb animals and other wildlife in their natural habitat, especially during mating season.

TOWN PLANNER'S RESPONSE

The applicant's opinion is supported. It must also be noted that even with a Resort zoning the erf does have potential to be developed to a certain extent. The property owner therefore has the same expectation as other properties in the area that was developed on the riparian edge.

OBJECTION 10 DUNCAN HEARD ENVIRONMENTAL CONSULTING

Vehicular access to a residence at Erf 1177 would have to be allowed along the VSP access route from the Malmok/Fulmar Road circle and then would have to be extended to Erf 1177 over Public Open Space. This too would certainly degrade the 'Sense of Place' when visiting the VSP on foot.

APPLICANT'S RESPONSE

As stated before, Erf 1177 has a right-of-way servitude that will provide the necessary vehicular access. This application does not entail creating an entry/egress point, seeing that it is already in place.

TOWN PLANNER'S RESPONSE

The applicant sufficiently addressed this objection.

The Engineering Division did indicate that a servitude for right of way and services should be registered over Erf 927 and/or Erf 628 as a first choice. However, they indicated that alternatively the existing road reserve and servitude rights of way should be used for access and services, and this is due to the fact that the property is an existing erf and must be serviced.

OBJECTION 11 DUNCAN HEARD ENVIRONMENTAL CONSULTING

Considering that Erf 1177 is zoned Resort and needs to be rezoned to Residential, as well as the fact that the development will be within 32m from of a wetland, an EIA may have to be undertaken in terms of the EIA Regulations. At least an Applicability Checklist Application needs to be submitted to DEA&DP for confirmation. Furthermore, a Water Use Licence in terms of the National Water Act may also be a requirement.

APPLICANT'S RESPONSE

This office believes that no EIA or similar studies have been conducted in the past, especially for Erven, situated on the south and southeastern boundary of the Salt Pan. Under no circumstances are justifying this application with the approvals of the past, but to promote additional studies for a property owner that merely seeks to create what is already in the area (precedent) is not deemed just or fair.

TOWN PLANNER'S RESPONSE

The objection was addressed under the Town Planner's response under Objection 4.

OBJECTION 12 DUNCAN HEARD ENVIRONMENTAL CONSULTING

The VSP, its ecological feeder wetlands and surrounding riparian environs are all listed as an Overstrand Environmental Focus Area within the Overstrand's Environmental Management Framework (2014). Furthermore, the VSP and its neighbouring properties fall within the Overstrand's Environmental Overlay Zone: Conservation-worthy Urban Areas. This application should therefore also be evaluated in terms of the objectives of these existing proactive municipal environmental planning and zoning protocols.

APPLICANT'S RESPONSE

We take note of the statement made by the objector.

TOWN PLANNER'S RESPONSE

The Municipal Environmental Division did consider the application in terms of EMOZ. They had no objection against the application, but recommended mitigation measures to be complied with. (See attached as Annexure L.)

OBJECTION 13

K CHOWNEY-DALL & OTHERS

A main consequence of this Erf being developed will be that the Vermont salt pan will have a chunk of the area's last bit of nature cut up and ruined literally the development will be in the water according to the current plan, even though the plan says it won't be. On a site visit, one can clearly see the demarcation of the property boundary, which shows that the erf is currently 20 meters under Wiler or below the municipality's supposed high-water mark. The plan is apparently inaccurate, which makes me think that the powers of the municipality have not actually come in person to see the facts and reason with the implications of this highly contentious build. For example, has an environmental impact study been made on the effects of the flora and fauna in the area.

APPLICANT'S RESPONSE

The proposed Site Development Plan depicts all structures to be placed outside the high-water mark. The section of the proposed structure or dwelling closest to the Salt Pan will be placed on stilts to ensure minimal excavation and loss of habitat.

TOWN PLANNER'S RESPONSE

The comments are duly noted.

The site is not zoned public open space and therefore the property owner has the expectation to develop the Erf.

Representatives of BOCMA, the Environmental Specialist, an engineer and the Municipal Environmental official did visit the site and indicated no concerns regarding the position of the high-water mark.

The writer also visited the site and found that the site is covered with grass and that a portion to the site closer to the water's edge drops with a steeper gradient towards the water's edge and is probably the area that is under the high-water mark. During the site visit steel pegs were identified which appears to be surveyed pegs. It is not clear if this is the erf pegs or the line of the high-water mark. At the time of the site visit (end of March 2025), the water level was below such pegs.

OBJECTION 14

K CHOWNEY-DALL & OTHERS

My secondary objection is based on the access point to the erf. I may be wrong about the access point, the plan is not clear where it would be from point A to point B but I am assuming that the access road will be where we (the neighbourhood), all walk with our family and our pets. This will inevitably mean

all the trees leading to the path along the pan will be cut down and the access road will be widened, paved and developed directly in front (on the very doorsteps) of 2 mountain/pan north facing privately owned properties. I am not even sure if the owners of these properties have been notified. Further to this point, the plot doesn't have services, Pipes, Sewerage, or Electric which I assume will follow the route of the access road.

APPLICANT'S RESPONSE

Access to the application site will be from the existing road off Fulmar Street and via the existing servitude along the north-eastern boundaries of Erf 628 and Erf 629.

Although no physical road is visible from Fulmar Road, it is nonetheless a demarcated area that will provide access to the application site.

TOWN PLANNER'S RESPONSE

It is correctly indicated by the applicant that Fulmar Road is an existing road reserve and that right of way servitude was created from the road to Erf 1177. The servitude is indicated on an approved SG Diagram.

The concern that two properties next to the Vermont Pan will be impacted with vehicles driving in front of their properties, and also the concern that services will have to be placed in such area, is valid concerns. There is however a right-of-way servitude in this area that was specifically created (on a survey diagram) to ensure that Erf 1177 is not land locked.

The Engineering Division in their comments requested that a services and access servitude be registered directly from Malmok Road over Erf 628 and/or Erf 927 but also indicated that if this cannot be made possible the alternative would be to utilize the Fulmar Road portion and 4m wide servitude over Erf 915 for services and access.

OBJECTION 15

 **K CHOWNEY-DALL & OTHERS**

Should this development go ahead without the consideration of its intrusions on:

- 1. the natural environment of the Vermont Salt Pan and the permanent implications of it ruining the public space and disturbing the habitat of animals and plants;***
- 2. the impact on the general public who regularly uses the space for their families, their friends, their guests and their pets to enjoy nature, the unhindered mountain views, and the salubrious opportunity of being part of an eco-system that is a unique jewel in the Overberg area within its own right, and***
- 3. the impact on my property, my direct neighbour's property, which will have a paved road, motor vehicles and municipal services directly in front of their homes.***

APPLICANT'S RESPONSE

We note the concerns raised by the objector; however, we argue that the application site, along with the objector, is situated within a residential area with already disturbed natural areas.

It is unlikely that this proposal will ruin all the natural habitats listed by the property owner. The natural areas were disturbed long before the property owner submitted a land use application.

TOWN PLANNER'S RESPONSE

In the application process all relevant Municipal/State Departments/Branches responsible for environmental legislation were consulted with. No objections were received.

The property is already zoned for Resort purposes and was never earmarked for open space purposes. It is also situated at the end of the public open space system next to the Vermont Pan, and the public may not enter this area as this is all private properties.

The comments regarding the impact of the application on directly surrounding neighbour was discussed under objection 14. The impact must however be measured against the property owners (Erf 1177) expectation to develop the erf with an existing right of way servitude to access the property.

OBJECTION 16 MARTELLA – ERF 628

It is not advisable to rezone Erf 1177 as the sewerage will be connected to a septic tank with the basement below the high-water level. A centralized system would probably be built when the resort is developed mitigating the risk of pollution of the Salt Pan.

The septic tank depicted in the plans constitute:

- ***first occurrence of a septic tank built so close to the waterline of the Pan;***
- ***pollution hazard in case of overflow of the tank or flood of the Salt Pan due to the climate change;***
- ***devaluation of the properties surrounding the Pan including mine, Erf 628, caused by the risk of pollution, and***
- ***problem for the Council to empty it as there is no direct street connection to Erf 1177.***

APPLICANT'S RESPONSE

The proposed septic tank will be constructed using materials that are deemed to be of a specific standard and according to the SANS 10400 regulations and the National Building Standards of South Africa.

It should also be noted that the owner is responsible for ensuring that the septic tank is emptied regularly to reduce the risk of overflowing.

Lastly, the septic tank is situated away from the prescribed high-water mark. We believe that this will not pollute the Salt Pan.

TOWN PLANNER'S RESPONSE

The concern regarding the septic tank and how services will be provided is noted.

The applicant's comment is noted.

The engineering division indicated that a conservancy tank will have to be constructed on the property and that services servitudes will have to be registered over Erf 628 and/or Erf 927 to ensure the services can connect with Malmok Road, or alternatively the road reserve and existing servitude over Erf 915 will have to be used for access and services.

It cannot be debated that the access and services would impact Erf 628, but there is an existing right of way servitude and erf 1177 is an existing erf and must be serviced by the municipality. It has existing rights of the property owner.

OBJECTION 17

MARTELLA – ERF 628

I object to the relaxation of the side boundary building line from 2m to 0m to allow for the placement of the proposed garage.

In fact, the proposed garage is a double garage. However, a single garage could be built on the same spot without granting this departure. A double garage is not a requisite for building a dwelling! Granting this departure in a prime area will devalue my property because some of the magnificent view will be forever prejudiced.

APPLICANT'S RESPONSE

The purpose of a double garage is to provide for the safety and security of motor vehicles and also serve as storage for equipment ordinarily associated with a household. The suggestion is to alter the double garage into a single garage, and we will propose this to the property owner. If this is deemed a worthy alteration, the decision is thus with the property owner.

We believe that the proposal will not devalue the objector's property value. The proposal is for a single dwelling that is consistent with the surrounding area and is not deemed to be out of the ordinary for a residential area. The objection may have been substantiated if the proposal constituted an out-of-the-ordinary proposal.

TOWN PLANNER'S RESPONSE

The objection and applicant's response are duly noted.

The proposed garage encroachment could slightly impact the objectors view towards the Vermont pan. Although the development potential of the property is very limited because of the shape and location next to a wetland, any additional possible impact on neighbours should be limited.

In terms of the Land Use Scheme regulations at least two parking bays must be provided on site. The placement of the garage will make it very difficult to manoeuvre on site and this will mean vehicles will have to reverse from the site. Should the garage be limited to a single garage it can be placed in such a manner that a second vehicle will be able to park on the site and would allow for more manoeuvrability, which will make it possible to leave the property via the right of way servitude.

OBJECTION 18 CAPE NATURE

However, in this case the property is Resort Zone, therefore it is interpreted that the original township approval was for this erf to be developed as a resort and the proposal is therefore not consistent with existing rights. Resort Zone does not make provision for residential dwellings as a primary right. We therefore wish to motivate that the listed activities in terms of the National Environmental Management Act (NEMA) are likely to be relevant for this property and therefore confirmation must be provided by the Department of Environmental Affairs and Development Planning whether environmental authorisation is required. The current zonation was not mentioned in the initial authority engagements.

APPLICANT'S RESPONSE

EADP, in principle, supports the proposal should it remain consistent and does not entail any alterations to the proposal as submitted to the Overstrand Municipality.

TOWN PLANNER'S RESPONSE

This is not the final comments of Cape Nature the applicant discussed, and in their final comments (Annexure H) they indicated they are concerned that a new road etc. could trigger an EIA. They recommended the rezoning not be considered before there is an environmental authorisation in place.

The application was circulated to EADP, and they indicated that an EIA is only required prior to the activities (construction) take place. There was further consultation with EADP regarding their comments, but their opinion remained the same.

OBJECTION 19**CAPE NATURE**

Regardless of the NEMA determination, CapeNature does not support the rezoning of this erf to Single Residential as the erf should not be developed due to the environmental constraints, most importantly as the majority of the erf is a wetland. Ideally the erf should be rezoned to one of the Open Space Zone options. The houses on the existing developed erven along the shoreline of the pan are all set further back than what is possible on Erf 1177. Erf 1177 is in line with the open space along the edge of the pan where the public path is located. Nonetheless, the current zoning allows for the current primary uses: conservation use, holiday accommodation, private open space, private road and tourist accommodation; and therefore, it can remain undeveloped under the current zonation. We wish to query if the current landowner was adequately informed regarding the development rights of the erf upon purchase.

APPLICANT'S RESPONSE

This comment made by Cape Nature is noted.

This office cannot comment on the information provided to the property owner as we were only appointed after the fact.

TOWN PLANNER'S RESPONSE

This is not the final comments of Cape Nature the applicant discussed; their final comments are attached as Annexure H.

The property owner was aware that the erf is situated in a very sensitive area and was aware of the risk factors.

OBJECTION 20**CAPE NATURE**

The planning motivation report refers to an aquatic biodiversity risk assessment, however this report has not been provided for review. There are also several other studies which have been undertaken of the Vermont Pan which can be used as a reference. We are willing to review additional evidence regarding the extent of the wetlands. It is further noted that the proposal does not indicate how the erf will be accessed.

APPLICANT'S RESPONSE

This office provided the relevant official (of Cape Nature) with the Aquatic Biodiversity Study on 28 January 2025 for review and comments.

TOWN PLANNER'S RESPONSE

The applicant indicated that Cape Nature was provided a copy of the Aquatic Biodiversity Study. In Cape Nature's comments dated 23 October 2024 they already did make reference to such study.

It is indicated in the motivation that there is an existing access right of way over Erf 915 providing access to Erf 1177.

OBJECTION 21

CAPE NATURE

We wish to note from a spatial planning perspective that the erf is indicated as CBA in the 2050 vision in the Overstrand Municipality Spatial Development Framework (SDF) and part of the open space linkage between Vermont Pan and the Bot River Estuary via the Whale Coast Nature Reserve. The SDF includes Vermont Salt Pan as a “special place” with the following objective “sensitive vlei areas within the urban edge should be managed with conservation objectives in mind and should be protected from urban development.”

APPLICANT’S RESPONSE

We note this comment. The Overstrand Municipality must consider all comments to decide on this land use application ultimately.

TOWN PLANNER’S RESPONSE

The property is situated in an area identified as a sensitive development area in terms of the Overstrand Municipal Wide SDF, 2020.

This means that development can take place and that it must be considered/managed in terms of the HPOZ and EMOZ for such area. The Municipal Environmental Branch supports this application with mitigating measures.

8. SUMMARY OF APPLICANT’S REPLY TO COMMENTS

See Paragraph 7 above.

9. MUNICIPAL ASSESSMENT OF COMMENTS (Town Planner’s comment on objections/and response thereon)

See Paragraph 7 above.

Internal and external departments

The application was supported by all internal municipal departments and external provincial and semi-state institutions.

Cape Nature did support the application but indicated that they recommend that an EIA be done prior to the rezoning being considered. DEADP Environmental was consulted on the matter, but they indicated that the EIA must only be done prior to any construction taking place.

10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

10.1 Background

N/A

10.2 (In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

The application is in line with the planning objectives applicable to this application.

The objectives relating to:

Spatial Justice

N/A

Spatial Sustainability

The application is within the urban edge and the application will not contribute to urban sprawl. It will not impact on agricultural land and considering the comments of the various environmental specialists and Departments on environmental sensitivity, no objections were received.

Efficiency

The proposal will help develop the property to its full potential.

Spatial Resilience

The proposal is well aligned with spatial plans and policies and will help provide additional housing.

Good Administration

Good procedure was followed and with a good public participation process.

10.3 (In)consistency with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)

Same as Point 10.2 above.

10.4 (In)consistency with the IDP/Various levels of SDF's/Applicable policies

The property is situated in an area identified as a sensitive development area in terms of the Overstrand Municipal Wide SDF, 2020.

This means that development can take place and that it must be considered/managed in terms of the HPOZ and EMOZ for such area.

10.5 (In)consistency with guidelines prepared by the Provincial Minister

N/A

10.6 Impact on Municipal engineering services

The area is already serviced and sufficient bulk capacity to serve the development. The application is supported by the Engineering Services Department. They however stipulated conditions that water and sewerage services should be linked in directly from Malmok Road to the south of the property. This will mean that servitudes will have to be registered over private land to service the site. The engineering division also indicate that access must be obtained from Malmok Road over such servitude.

The waste manager also indicated that the refuse waste will have to be placed in the servitude next to Malmok Road on the day refuse is collected.

After further consultation with the Engineering Division, they indicated that they prefer those services and access be from a new servitude over Erven 628 and/or 927. The fact is however Erf 1177 is an existing erf that must be serviced by the municipality. If the above-mentioned access/services servitude cannot be secured, the property will still have to obtain access over the servitude right of way over erf 915, and the municipality will also have to service the erf over such servitude. For that reason, the Engineering Division inserted a condition that the existing servitude could be used as an alternative for access and services.

10.7 Outcomes of investigations/applications i.t.o other legislation

N/A

10.8 Existing and proposed zoning comparisons and considerations

The properties to the north and west are zoned Resort. The property to the east is zoned Public Open Space and the property to the south is zoned Residential Zone 1. The proposed rezoning is not out of line with zoning of surrounding erven.

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

N/A

12. THE DESIRABILITY OF THE PROPOSAL

The application is to rezone Erf 1177, Vermont from Resort Zone to Residential Zone 1. Application is also made to relax a lateral building line to enable the construction of a new double garage on a lateral boundary.

The property was created in 1987 when it was subdivided off Erf 939. (See approval letter attached as Annexure M.) In terms of the old records that could be found, it was subdivided, but no information could be found that it was rezoned. The erf is also indicated as a Resort zoned erf in terms of the zoning map.

In 1989 a servitude was also created over Public Open Space Erf 915 to provide access to the property. The servitude is only indicated on SG diagram 7082/1989 (see Annexure N), but it appears that it was never inserted into any Title Deeds.

The property in terms of its existing zoning can be developed for holiday accommodation. It means that a holiday accommodation unit/s can be developed on the property, but it may then only be utilized as holiday accommodation, not a residential dwelling for permanent residence.

The new property owner now applied for the rezoning to enable the construction of a residential dwelling.

The erf measures 660m² in extent and is vacant. It is overgrown with grass, and it slopes towards the Vermont pan to its north.

The property falls in a Sensitive Development Area in terms of the Overstrand Municipal Spatial Development Framework, 2020. This means development can take place, but that it should consider the sensitive environmental nature of the area the property is situated in.

The property owner consulted with the Municipal Environmental Division, an environmental consultant, BOCMA and an engineer to determine the limitations on the site prior to submitting the planning application.

The environmental consultant prepared an Aquatic Biodiversity Risk Assessment for BOCMA to consider in the consideration of the registration of a water use license. See their comments attached as Annexure O.

The application was circulated to all relevant Municipal Divisions, Institutions and state departments. No objections were received against the application. BOCMA and the Municipal Environmental Branch support the application subject to mitigation measures. Cape Nature indicated they had no objection, but indicated they recommend that the rezoning not be considered before environmental authorization has been obtained.

The application was circulated to Western Cape Government: EADP (Environmental) who support the application but indicated that the application will in all probability trigger an EIA application, but the EIA must only be done **prior to any activities (development / construction) take place**. There were further enquiries directed to Western Cape Government: EADP (Environmental) if an EIA should not be considered prior to considering the rezoning approval, but they indicated it is only triggered when construction will take place.

The Engineering Division indicated that it is recommended the erf be serviced from Malmok Road to the south. This would mean that a servitude will have to be registered over two (2) private properties Erf 628 and/or Erf 927. The Engineering Division indicated that the recommended servitude also be used as an access servitude. The Waste Manager indicated that refuse would have to be collected next to Malmok Road.

After consultation with the Engineering Division, they indicated they prefer the above-mentioned servitude, but because this is an approved erf the erf must be serviced in an alternative way, should the preferred servitude not be possible. As an alternative the erf will have to obtain access via the existing right of way servitude over Erf 915, and the erf will then also have to be serviced from such servitude.

The application was advertised, and four (4) objections and two (2) support letters were received. The objections were discussed in detail in this report.

The following main objections will again be elaborated on:

- environmental concerns and high-water mark (flooding);
- impact of the development;
- impact of an access road on the open space and neighbours, and
- impact of new services on the area and the impact of a proposed double garage over the building line.

The application was circulated to all relevant state and municipal departments, and although they acknowledged the environmental sensitivity of the site, they supported the application.

The site falls within the 30m wetland buffer, but in the Aquatic Biodiversity Risk Assessment it was concluded that the impact of the proposal will be low. The findings are then also supported by BOCMA.

The Municipal Environmental Division also supports the application subject to mitigation measures proposed by the environmental specialist. The measures are that the Vermont pan be demarcated as a no-go area during construction of the six pillars, no endangered species should be disturbed during construction, construction should not take place in the rainy season, limited vegetation should be cleared, sediment should not enter the wetland, the top floor should be constructed a certain height to allow sun to infiltrate the area below, the conservancy tank should be placed 15m from the wetland delineation area and the construction camp should be constructed 15m from the edge of the wetland.

A high-water mark was indicated on the plan submitted, and the plan was also circulated to BOCMA. No concerns were indicated by BOCMA or any other state or municipal department regarding the high-water mark or flooding. It is also to be noted that the proposed portion of the dwelling on pillars would be 10m from the property boundary with the Vermont Pan and the ground storey approximately 14m. It is a significant setback from the Vermont Pan edge.

The erf is not part of the open space system, and the footpath ends to the east of the property. Although the surrounding property owners might not have been aware of the existence of this property, it is a private erf that was created many years ago. The development thereof could impact the immediate neighbours, as it could block some views to the lagoon and the servitude for access to the site right in front of adjacent erven could lead to a disturbance with vehicles traversing such area.

However, the owner of Erf 1177 does have the right to develop holiday accommodation on the property and therefore does have a legitimate expectation that development can take place on the property, and that access to the property can be via the existing 4m right-of-way servitude over Erf 915.

Considering the above, there will be some impact on surrounding neighbours, but this must be measured against the fact that this is an existing property with existing resort rights.

The property is not serviced, and water and sewer services will have to be provided to and on the property. The concern regarding a sewerage tank creating pollution is a valid concern. A conservancy tank system will have to be installed, and it must either be a small-bore system or have a suction point. In considering the comments of the Engineering Division, it is preferred that access and services to Erf 1177 be

over Erf 628 and/or Erf 927, linking directly with Malmok Road. If this option is not viable, the alternative will however have to be used, being the existing right of way servitude over Erf 915 and linking up with Fulmar Road and then Malmok Road. The applicant and the Engineering Division will have to deal with this matter at development stage.

Considering the above, access and services directly from Malmok Road would mitigate impact on surrounding neighbours, but it cannot be forced onto the applicant.

The proposed double garage will require a departure from the proposed Residential Zone 2m western lateral building line to 0m. The proposed new garage could possibly block some view of the lagoon from Erf 628. This is however not the greatest concern. It is not clear how two (2) vehicles will be able to manoeuvre into such double garage, considering the limited space on the property and the placement of the narrow 4m right-of-way servitude. A single garage or a double garage constructed against the dwelling could be constructed within the building lines and then have more space to manoeuvre vehicles to leave the property in first gear.

Considering the above, the application for rezoning can be supported. It is also recommended that the mitigating measure as recommended by the environmental specialist and the Environmental Branch be imposed as conditions of approval to mitigate impact on the Vermont Pan.

It is further recommended that the departure approval to relax the lateral building line not be supported.

13. RECOMMENDATION

1. that the application in terms of Section 16(2)(a) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 for the rezoning of Erf 1177, Vermont from Resort Zone: Holiday Resorts (RZ) to Residential Zone I: Single Residential (SR1), **be approved**, in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the mitigation measures as indicated in the Aquatic Biodiversity Risk Assessment dated November 2023 prepared by Delta Ecology (Environmental Specialist), attached as Annexure O, be complied with;
 - (b) that the approval of the Western Cape Government Environmental Affairs and Development Planning: Environmental Branch be obtained prior to any construction taking place;
 - (c) that the approval relates to the proposal as indicated on Plan No. VERM 1177/2024 dated 13/01/2024, excluding the encroachment of the garage over the building line;
 - (d) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department be complied with at that stage;
 - (e) that all conditions in the Services Report (attached as Annexure F), be complied with;

- (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (g) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with.
2. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 on Erf 1177, Vermont for a departure to relax the lateral building line from 2m to 0m to accommodate the placement of the proposed garage, **not be approved**, in terms of the provisions of Section 61 of the By-Law.
 3. that the following comments be noted:
 - ❖ Western Cape Government Environmental Affairs and Development Planning: Environmental Branch (Annexure G);
 - ❖ Cape Nature (Annexure H);
 - ❖ BOCMA (Annexure I);
 - ❖ Telkom (Annexure J), and
 - ❖ Municipal Environmental Services (Annexure L).
 4. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 regarding the above decisions.

14. REASONS FOR RECOMMENDATION

POINT 1

- ❖ All relevant municipal departments and external departments/institutions support the application.
- ❖ The erf is an existing property and has resort development rights and therefore has the right to be serviced and the right to obtain access over the servitude over Erf 915.
- ❖ Concerns/objections raised about the impact on the Vermont pan, the environment and on surrounding neighbours have been addressed, and the above-mentioned conditions and mitigation measures have been stipulated to limit impact.
- ❖ There are other developed residential properties on the edge of the Vermont Pan, and it is therefore not foreseen that the development would have a negative impact on the character the area.
- ❖ The application will have no Heritage impact.
- ❖ The application is in line with the general principles of SPLUMA and LUPA as this development will be spatially sustainable as it will create another housing opportunity and will not lead to urban sprawl.
- ❖ The Overstrand Municipality Spatial Development Framework, 2020 identifies this area as a sensitive development area, which means it can be developed in line with the measures as stipulated in the EMOZ to manage development.
- ❖ The applicant submitted an Aquatic Biodiversity Risk assessment in support of the application (with mitigating measures) and BOCMA supports the application

POINT 2

- ❖ The proposed encroachment could impact some views to the lagoon from Erf 628, Vermont.
- ❖ A double garage can be constructed up to the ground floor of the dwelling, or a separate single garage, without traversing the building line, which would also provide more space for manoeuvrability on the erf for vehicles to leave the property in first gear.
- ❖ It is a privilege to construct structures over building lines, and the property owner has other options to construct a garage within building lines.

15. ANNEXURES

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Plan
Annexure D:	Objections & support letters received
Annexure E:	Applicant's reply to objections
Annexure F:	Services Report
Annexure G:	Comments: Western Cape Government: Environmental Affairs and Development Planning (Environmental)
Annexure H:	Comments: Cape Nature
Annexure I:	Comments: BOCMA
Annexure J:	Comments: Telkom
Annexure K:	Municipal Property Administration Division
Annexure L:	Municipal Environmental Management Services
Annexure M:	Historic subdivision approval Erf 1177 Vermont dated 28/8/1987
Annexure N:	Survey Diagram with right of way servitude to Erf 1177 Vermont
Annexure O:	Aquatic Biodiversity Risk Assessment prepared by Delta Ecology dated November 2023
Annexure P:	Water Use Registration & Licence

SIGNATURES**AUTHOR:**Name: **HENK OLIVIER**SACPLAN registration number: **B/8128/2004**

Signature: _____

Date: _____

REGISTERED PLANNERName: **H VAN DER STOEP**SACPLAN registration number: **A/1708/2013**

Signature: _____

Date: _____



FUTURE PLAN
TOWN AND REGIONAL PLANNING

Project Title

Erf 1177, Vermont

Client Name

Ingrid Sylvia Fortuin

Street Address

56 Fulmar Street, Vermont,
7201

Property Particulars

Erf Numbers 1177

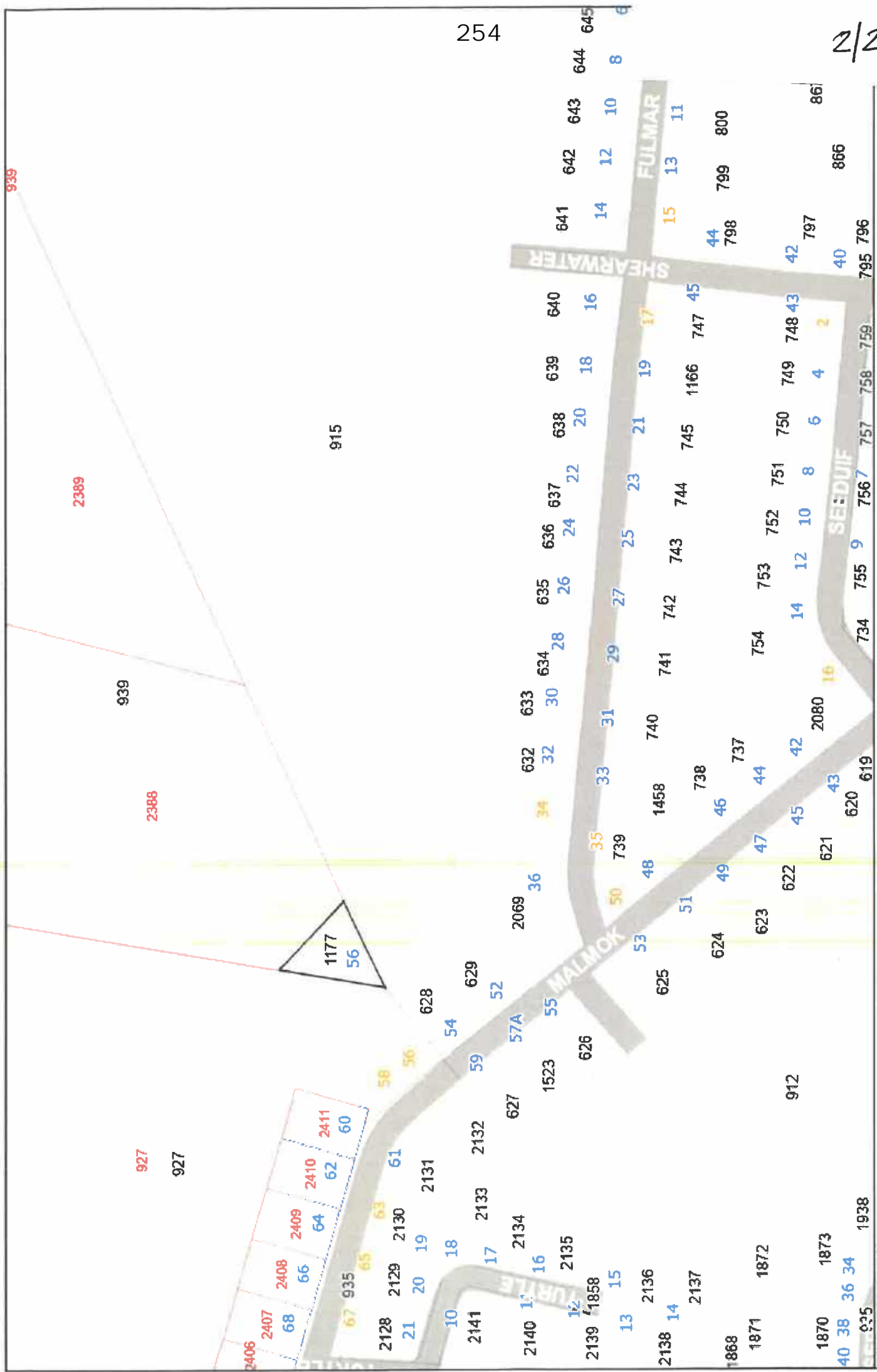
Area Vermont

Extent 660m²



Locality Plan





Locality Map
 Erf 1177 Vermont



Date: 2



1. EXECUTIVE SUMMARY

1.1. Background Information

Future Plan Town and Regional Planners (hereafter referred to as *this office*) was approached by the property owner to assist with the applicable town planning application as was deemed necessary. After lengthy consultation between Future Plan Town and Regional Planners, the property owner, Environmental Practitioner, and an Architect a decision was made to proceed with the application.

Please refer to the sections below for a comprehensive summary of the application particulars that will enable the reader, or authorised official, to decide based on the merits of the proposal at hand.

1.2. Application Summary

Herewith a land use planning application is made in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning of 2020 (OMLUS) for:

- *Section 16 (2) (a) - Rezoning of land (Rezoning from Resort Zone (RZ) to Single Residential Zone 1 (SR1))*
- *Section 16 (2) (d) - Permanent departure from the provisions of the zoning scheme.*

Please refer to the following attached Annexures:

Annexure A: Application Form

Annexure B: Power of Attorney

Annexure C: Title Deed





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2. THE PROPOSAL

To reiterate Section 1 of this motivation report, an application is hereby made for the following:

2.1. Rezoning of Land (Section 16 (2) (a))

The application site, Erf 1177, is currently zoned as a Resort Zone (RZ). The property owner intends to rezone the subject erf to Single Residential Zone 1 (SR1) for the sole purpose of erecting thereon one dwelling house.

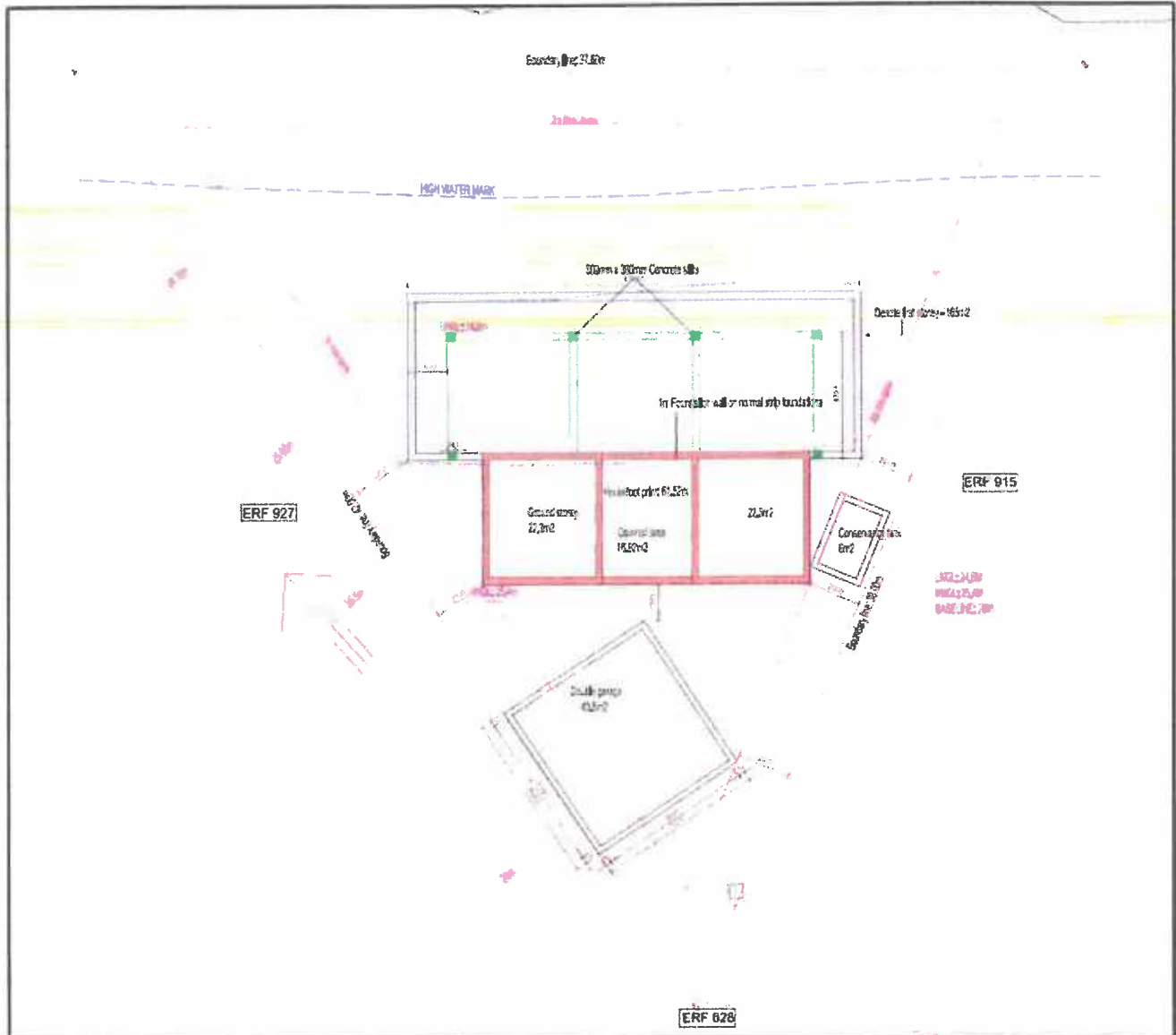


Figure 1: Proposed building footprint.

2.2. Permanent Departure (Section 16 (2) (b))

In addition to the proposed rezoning of Erf 1177 is also the relaxation of the side boundary building line from 2m to 0m to allow for the placement of the proposed garage. Due to the limited extent of the property (reference to the high-water mark as indicated on the SDP) it is evident that the proposed garage can only be placed in its current (proposed) position.





More than half of the property is essentially compromised by the identified high-water mark. Please refer to the document titled "Aquatic Biodiversity Risk Assessment" which provides the reader with a brief description of how the high-water mark delineation was undertaken:

"Watercourses were identified and delineated using the method described in the Manual for the Identification and Delineation of Wetlands and Riparian Areas for field-based delineation (DWAf, 2008). This method is the accepted best practice method for delineating watercourses in South Africa and its use is required by GN 509."

More than half of the subject property is "lost" or cannot be used for any form of construction as it may pose a significant threat to the property owner in terms of financial loss or structural damages in the event of excessive rise in water levels.

The proposed construction of a single dwelling house, as depicted above, consists of a dwelling house (61.25m²), a double garage (43.8m²), and a conservancy tank (6m²). The placement of the structures is to be as far away from the existing Vermont Salt Pan, as to minimise the possible impact on the environment and provide the owner of the property with a viable residential erf.





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3. CHARACTER OF ENVIRONMENT

3.1. Ownership Details

A perusal of the title deed revealed that no restrictive conditions could prohibit the approval of this land use planning application. Below are the details of the subject title deed.

Property Description	Erf 1177, Vermont, in the Overstrand Municipality, Division Caledon, Western Cape Province
Ownership	Ingrid Sylvia Fortin
Extent	660m ²
Title Deed Number	T2947/23

3.2. Current Zoning and Utilisation

Resort Zone: Holiday Resort (RZ) and currently vacant

3.3. Locality and Surrounding Land Uses

The surrounding consists of a mixture of land uses, ranging from Resort Zone, Public Open Space and Residential uses. The proposed rezoning of the application site is not deemed to be out of character for the surrounding area as it borders a well-established residential area.

Please refer to the Figures on Page 6 and 7.

3.4. Municipal Services, Access, and Parking

Due to the nature of the application site, it is evident that services are to be installed to enable the subject property to be utilised as a viable residential property. Herewith a summary of the applicable services.

3.4.1 Water:

The provision of water is essential to any residential property. Water provision is to be supplied by Overstrand Municipality. It is argued that connection to the existing services will be relatively straightforward as this service is readily available.

3.4.2 Sewerage:

The owner intends to install a septic tank that will be emptied regularly, or however frequently is required. This will be conducted by the Overstrand Municipality, or by a reputable service provider, that services the surrounding area.





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3.4.3. Electricity:

Eskom is the primary service provider, regarding electricity. Connection to this service will be done promptly with the relevant authority.

3.4.4. Solid Waste (Refuse Removal):

Waste will be stored properly, either in black refuse bins or in a similar manner, and removed weekly by the Overstrand Municipality.

3.4.5. Roads and Access:

A road servitude of approximately 15.74m wide will provide the subject property with access to Malmok Crescent. This servitude is already registered for such a purpose.

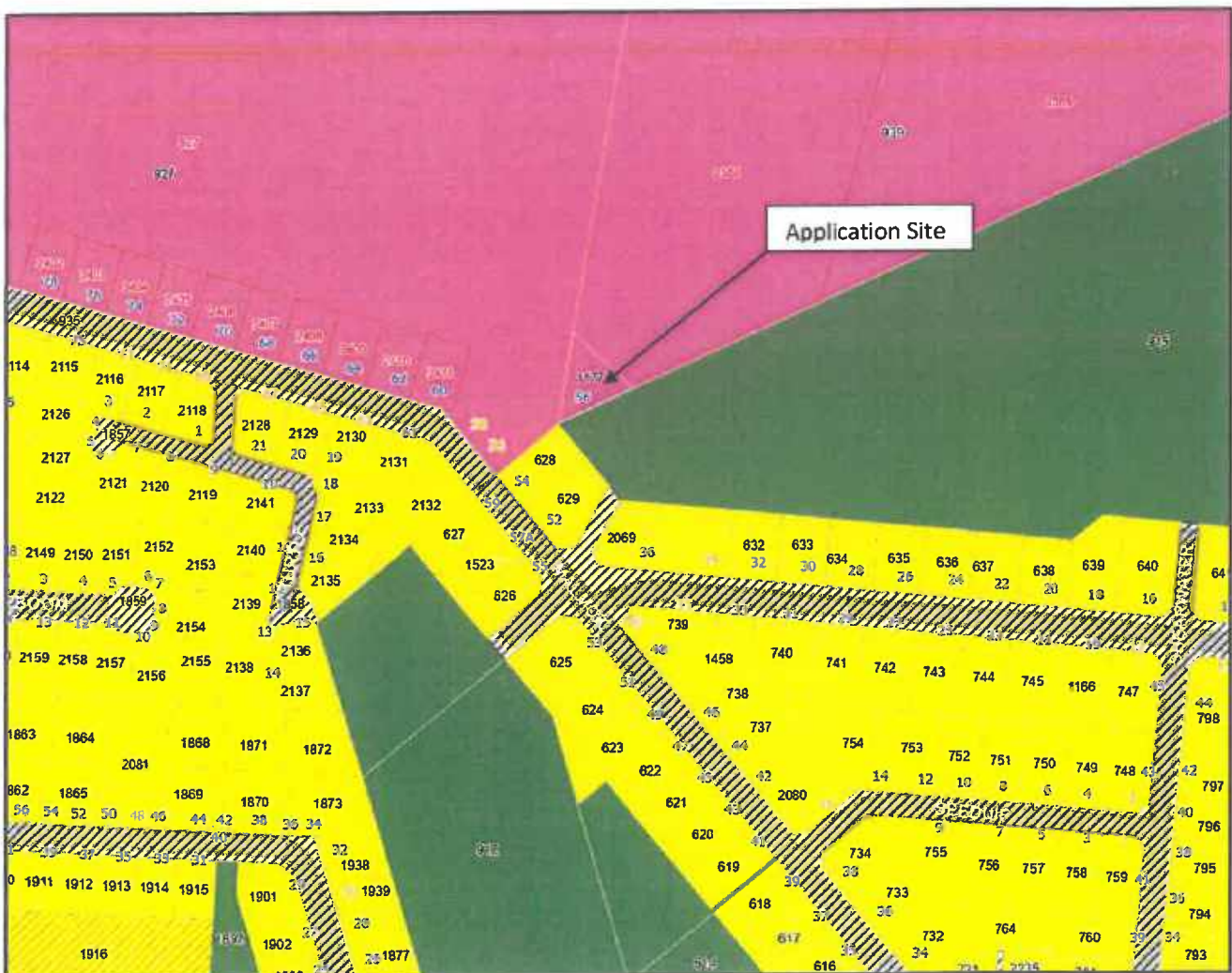


Figure 2: Current surroundings zonings.





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Figure 3: Aerial view of the application site and surrounding area.



4. NEED & DESIRABILITY

For an informed decision by the Authorised Official, it is crucial to address the need and desirability of an application. Therefore, this office has summarised a few site-specific key aspects that should be considered before a decision is made. Herewith is the need for the proposal:

- The current zoning does not permit the land use for which the owner intends to use the property.

The proposal is deemed desirable due to the following reasons:

- It is possible that the proposal may add value to Erf 1177 and potentially the surrounding area.
- Infill development, especially residential development is crucial to any Municipality. It is evident, especially in the Overstrand area that developable land has become scarcer and is rarely readily available.
- The proposal will not detract from the abutting neighbours regarding privacy.
- The General Authorisation (GA) proved that the impact of construction will not have a detrimental impact on any relevant environmental issues or the biodiversity of the Vermont Salt Pan.
- The application is situated within an existing residential area and will be fitting with the character of the surrounding area.

The following aspects are also crucial to take into consideration when determining the desirability of an application:

Section 66 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning of 2020:

- *When the Authorised Official or Municipal Planning Tribunal considers an application, it must have regard to the following:*
 - *the application submitted in terms of this By-law;*
 - *the procedure followed in processing the application;*
 - *the desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding proposed land uses;*
 - *the comments in response to the notice of the application and the comments received from organs of state and internal departments;*
 - *the response by the applicant to the comments referred to in paragraph (d);*
 - *investigations carried out in terms of other laws which are relevant to the consideration of the application;*
 - *a registered planner, or a planner eligible for registration, written assessment, which includes:*
 - *an amendment of a Spatial Development Framework or land use scheme*
 - *an approval of an overlay zone contemplated in the land use scheme*
 - *a phasing, amendment or cancellation of a subdivision plan or part thereof*
 - *a determination of a zoning*
 - *a rezoning*
 - *the integrated development plan and Municipal Spatial Development Framework;*
 - *the applicable Local Spatial Development Frameworks adopted by the Municipality;*
 - *the applicable policies of the Municipality that guide decision-making;*
 - *the Provincial Spatial Development Framework;*
 - *where applicable, the regional spatial development framework;*
 - *the policies, principles, planning and development norms and criteria set by the national and provincial government;*





- *the matters referred to in Section 42 of the Spatial Planning and Land Use Management Act;*
- *the principles referred to in Chapter VI of the Land Use Planning Act; and*
- *the relevant provisions of the land use scheme.*
- *An Authorised Official or Municipal Planning Tribunal must approve a site development plan submitted to the Municipality for approval in terms of applicable development parameters or conditions of approval if the site development plan—*
 - *is consistent with the development parameters of the zoning;*
 - *is consistent with the development parameters of the overlay zone;*
 - *complies with the conditions of approval; and*
 - *complies with this By-law.*
- *When a site development plan is required in terms of development parameters or conditions of approval—*
 - *the Municipality may not approve a building plan if the site development plan has not been approved; and*
 - *the Municipality may not approve a building plan that is inconsistent with the approved site development plan.*

The application, site development plan, and subsequent attachments conform to the specified regulations listed above. The application in its current form can thus be accepted. The application shall thus be motivated and assessed in terms of its merits and desirability.

Section 49 of the Western Cape Land Use Planning Act of 2014:

When a municipality considers and decides on a land use application, the municipality must have regard to at least—

- *the applicable spatial development frameworks;*
- *the applicable structure plans;*
- *the principles referred to in Chapter VI;*
- *the desirability of the proposed land use, and*
- *guidelines that may be issued by the Provincial Minister regarding the desirability of proposed land use.*

It is the opinion of this office that the proposed application is well motivated in terms of the legislation as provided for in this motivation report and is not deemed to impose an unusual risk to the surrounding community due to the reasons listed under Section 4 of the Motivation report. It is proven that the application conforms to the parameters of Desirability and also to that of Section 5 of this Motivation Report.





5. LEGISLATION

Overstrand Municipality Spatial Development Framework (May 2020)

The Municipal Spatial Development Framework is a sectoral component of the IDP that, in terms of the Municipal Systems Act, 2000 (Act No. 32 of 2000), is aimed at providing general direction to guide decision-making on an ongoing basis, aiming at the creation of integrated, sustainable, and habitable regions, cities, towns, and residential areas.

The key statutory requirements of the SDF are as follows:

- give effect to the principles, norms, and standards.
- Include a written and spatial representation of the Municipality's five-year spatial development plan.
- Include a longer spatial development vision statement.
- Identify current and future structuring elements of the Municipal spatial form (i.e., development corridors, activity spines, economic nodes, etc.).
- Include population growth estimates for the next five years.
- Include estimates for the demand for housing units and the planned location and density of future housing developments.
- Include estimates of economic activity, employment trends, and locations in the Municipality for the next five years.
- Identify, quantify, and provide location requirements for the next five years of engineering infrastructure and services.
- Identify the designated areas where a national or provincial inclusionary housing policy may be applicable.
- Include a strategic assessment of the environmental pressures.
- Create opportunities (incl. spatial location of environmental sensitivities, high potential agricultural land, and coastal strips).
- Identify areas where more detailed local plans must be developed and shortened land use procedures may be applicable.
- Provide spatial expression of integration of municipal sectoral policies.
- Determine a capital expenditure framework for the Municipal development programmes depicted spatially.
- Include an implementation.

The proposal is not deemed to be in contravention of the Overstrand SDF as it does not contradict the abovementioned statutory requirements of the SDF. Further to those described above, the application site is in an urban development area within the urban edge of Vermont. The proposal is thus not in contravention of





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the SDF as it will form part of the inclusion of the surrounding area and also the well-established character of Vermont.

Overstrand Integrated Development Plan (May 2020)

The Overstrand Municipality Integrated Development Plan (IDP) aims to address our communities' development needs with clearly defined strategic objectives and performance indicators. These strategic objectives are as follows:

- The provision of democratic, accountable, and ethical governance
- The provision and maintenance of municipal services
- The encouragement of structured community participation in the matters of the municipality
- The creation and maintenance of a safe and healthy environment
- The promotion of tourism and economic and social development.

The IDP is crucial to take into consideration in any planning-related application. It is the opinion of this office that the proposal promotes social development and creates a safe and healthy environment, not only for the property owner but also for the surrounding residents of the area.

Overstrand Municipal Growth Management Strategy (2010)

The application is situated in Vermont, which falls under the collective name of Hermanus West. Hermanus West consist of areas such as Vermont, Onrus and Sandbaai. As stated previously, the application site abuts both a residential area and the Vermont Salt Pan. According to the Growth Management Strategy, integration between the Salt Pan and the residential area to the south of the Pan is to be encouraged efficiently. The application site is well-situated to encourage the proposed rezoning that will ultimately integrate the Salt Pan with the existing residential aspect of the surrounding area.

The application site is not within a Heritage Overlay Zone defined in the Growth Management Strategy and will thus not constitute any heritage-related aspects.

Overstrand Municipality Amended By-Law on Municipal Land Use Planning (2020)

It is essential to consider Section 66 of the Overstrand Municipality Amended By-Law on Municipal Land Use Planning in terms of the "General criteria for consideration of applications":

- When the Authorised Official or Municipal Planning Tribunal considers an application, it must have regard to the following:
 - the application submitted in terms of this By-law;





- the procedure followed in processing the application;
- the desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding proposed land uses;
- the comments in response to the notice of the application and the comments received from organs of state and internal departments;
- the response by the applicant to the comments referred to in paragraph (d);
- investigations carried out in terms of other laws which are relevant to the consideration of the application;
- a registered planner, or a planner eligible for registration, written assessment, which includes:
 - an amendment of a Spatial Development Framework or land use scheme
 - an approval of an overlay zone contemplated in the land use scheme
 - a phasing, amendment or cancellation of a subdivision plan or part thereof
 - a determination of a zoning
 - a rezoning
- the integrated development plan and Municipal Spatial Development Framework;
- the applicable Local Spatial Development Frameworks adopted by the Municipality;
- the applicable policies of the Municipality that guide decision-making;
- the Provincial Spatial Development Framework;
- where applicable, the regional spatial development framework;
- the policies, principles, planning and development norms and criteria set by the national and provincial government;
- the matters referred to in Section 42 of the Spatial Planning and Land Use Management Act;
- the principles referred to in Chapter VI of the Land Use Planning Act; and
- the relevant provisions of the land use scheme.
- An Authorized Official or Municipal Planning Tribunal must approve a site development plan submitted to the Municipality for approval in terms of applicable development parameters or conditions of approval if the site development plan—
 - is consistent with the development parameters of the zoning;
 - is consistent with the development parameters of the overlay zone;
 - complies with the conditions of approval; and
 - complies with this By-law.
- When a site development plan is required in terms of development parameters or conditions of approval—
 - the Municipality may not approve a building plan if the site development plan has not been approved;and





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- the Municipality may not approve a building plan that is inconsistent with the approved site development plan.

The proposal is not considered a deviation from the requirements above; however, it is substantially per any residential neighbourhood and is not deemed to pose a significant threat to the surrounding community, the Salt Pan, and the character of the surrounding area.

Planning Principles

The proposed development supports the principles of Chapter VI (Article 59) of the Land Use Planning Act (LUPA), Act 3 of 2014, and Chapter 2 (Article 7) of the Spatial Planning and Land Use Management Act (SPLUMA), Act 16 of 2013, as follows:

Spatial Justice

Refers to the need to redress the past apartheid spatial development imbalances and aim for equity in the provision of access opportunities, facilities, services, and land.

The proposed application will not contribute to perpetuating past apartheid spatial development imbalances.

Spatial Sustainability

A spatially sustainable settlement will have an equitable land market while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity-rich areas, scenic and cultural landscapes, and ultimately limiting urban sprawl.

The proposal will not negatively impact valuable agricultural land, environmentally sensitive areas, or scenic landscapes and ultimately not contribute to urban sprawl.

Efficiency

Efficiency refers to the need to create settlements that optimise the use of space, energy, infrastructure, resources, and land.

The proposed development will optimally harness the potential that sustainably exists on the subject property, as is evident in the proposed SDP.





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Spatial Resilience

Spatial resilience in the context of land use planning refers to spatial plans, policies and land use management systems that should enable the communities to be able to resist, absorb and accommodate economic and environmental shocks and to recover from these shocks in a timely and efficient manner.

The proposed development is well aligned with the spatial plans and policies, enabling the subject property to resist, absorb, and accommodate environmental and economic shocks and recover from shocks in a timely and efficient manner.

Good Administration

Good administration in the context of land use planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role players ensure a joint planning approach is pursued.

The proposed development will promote consultative planning as the Municipality will advertise the proposal to the public to allow the comments of the public to be taken into consideration. In addition, Future Plan Town and Regional Planners will also respond to the public's comments and consider the comments in the project's planning.

This section outlines how the proposed development aligns with the core planning principles outlined in SPLUMA and LUPA. The proposal can, therefore, encompass and promote all planning principles.

National Environmental Management (Act 107 of 1998)

The National Environmental Management Act 107 of 1998 intends:

- to provide for cooperative, environmental governance by establishing principles for decision-making on matters affecting the environment, institutions that will promote co-operative governance and procedures for co-ordinating environmental functions exercised by organs of state; and
- to provide for matters connected therewith.

Taking the intentions of the Act (NEMA) and the location, plus surrounding conditions of the property, into consideration, the owner appointed an Environmental Practitioner to conduct the required reports and to interact with the relevant authorities, with the possible development of the property in mind.

This office believes that no NEMA listing notices are triggered by this proposal. The property owner did appoint an Environmental Practitioner to evaluate the impact of the proposed development on surrounding environmental aspects. The Environmental Practitioner also applied for a Water Use License, which can be studied in the document titled "Water Use Registration & License".



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Environmental Management Overlay Zone (EMOZ)

The purpose of the Environmental Management Overlay Zone (EMOZ) is to provide additional land use statutory controls whereby the Council may give effect to certain guidelines to address specific management issues. In short, these regulations may place additional constraints on existing land use rights, within the area of jurisdiction, i.e., Overstrand Municipal areas.

The application site, Erf 1177, is located within an existing Salt Pan (which is of conservation-worthy importance) and therefore enforces the regulations of EMOZ. From the figure below it is evident that Erf 1177 falls under the area shaded in the colour brown. This is to be known as a Category D classification.



Figure 4: Extract from the EMOZ Plans – Plan 5.7B Hermanus West



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Category D is designated for private property within priority conservation-worthy corridors or areas. From the above figure, it is also evident that not many residential erven (developed residential erven) are subject to Category D.

This office is of the opinion that the proposal, due to its limited extent and similar examples in the surrounding area, are not deemed to impact negatively on the Overstrand Environmental Management Framework, nor any conservation worthy aspects surrounding the Salt Pan. The impact is deemed limited (one residential dwelling) to an extent that can be managed and conserved.

This office also feels that the proposal does not trigger any NEMA listing notices.



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6. CONCLUSION & RECOMMENDATION

The motivation report has provided a clear and complete analysis of the land use proposal. It was proven that the application is desirable and will not adversely impact the existing landscape. It was also demonstrated that the proposal is well aligned with the spatial planning initiatives for the area in which it is located.

The following factors should also be considered when evaluating the feasibility of the proposed application:

- It is possible that the proposal will add value to Erf 1177 and potentially the surrounding area.
- Infill development, especially residential development is crucial to any Municipality. It is evident, especially in the Overstrand area that developable land has become scarcer and is rarely readily available.
- The proposal will not detract from the abutting neighbours regarding privacy.
- The General Authorisation (GA) proved that the impact of construction will not have a detrimental impact on any relevant environmental issues or the biodiversity of the Vermont Salt Pan.
- The application is situated within an existing residential area and will be fitting with the character of the surrounding area.

Considering the above, it is recommended that the following applications:

- *Section 16 (2) (a) - Rezoning of land (Rezoning from Resort Zone (RZ) to Single Residential Zone 1 (SR1))*
- *Section 16 (2) (d) - Permanent departure from the provisions of the zoning scheme.*

be approved in terms of Section 16 of the OMLUS.





overstrand conservation foundation, trading as
whale coast
CONSERVATION
Caring for your environment

Annexure D 1/13

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REKORDBEHEER

27 AUG 2024

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

Att: Department Town and Spatial Planning
 Overstrand Municipality
 loretta@overstrand.gov.za

20 August 2024

TP-A Theart
(H Olivier)

Re. Rezoning application, Erf 1177, Fulmar Avenue, Vermont

From: Sheraine van Wyk,
 Programme Manager,
 Whale Coast Conservation,
 GreenHouse,
 R43,
 Vermont,
 7200

FILE NO. Erf 1177-HVM
SCAN NO. HVM 1177
COLLABORATOR NO. 2109682

Whale Coast Conservation is a Non-Profit Organisation active in the field of river and wetland monitoring and rehabilitation with a mandate to advocate for the protection and sensitive use of the environment particularly in the Overstrand where the organisation is active. Furthermore, Whale Coast Conservation has been facilitating a Cape Dwarf Chameleon rescue and research project since 2018. For both these endeavours Whale Coast Conservation staff has worked closely with the Overstrand Municipal Environmental Management Section as well as CapeNature and have an interest in the erf in question.

Our interest in the application for rezoning of Erf 1177 from Resort Zone to Residential Zone 1 is twofold: Firstly, the deleterious impact of building this close to the Vermont Salt Pan (both during the construction phase and after), and secondly the destruction of the habitat of Cape Dwarf Chameleons and the considerable number of chameleons present within this habitat.

I have extracted maps from the Municipal Public Viewer EMOZ system to show the position of Erf 1177 in relation to the other erfs on Fulmar Avenue (see figure 1). This shows how the erf is set back from the street. No mention is made in this application of how this plot will be accessed. Erf 1177 is positioned along the fence line of the Paradise Park property on the

TEL +27 28 316 2527 FAX 086 695 0046 CELL +27 72 185 5726

E-MAIL wcc.greenhouse@gmail.com WEBSITE www.whalecoastconservation.org.za

Green House, R43 (opposite Lynx Rd turn off to Vermont), Hermanus PO Box 1949 Hermanus South Africa 7200

PBO 18/11/13/4541 NPO 020-771

TP 23 AUG 2024



western border through which a servitude is unlikely. On the eastern border, which is an option, it means that the driveway/servitude will also traverse the riparian area. This is highly undesirable as it implies further material damage to a highly sensitive ecological area.

There are many Cape Dwarf Chameleons living in the riparian zone of which the highest concentration is at the point where the erf is located. This species carries an ICUN category of vulnerable and every attempt must be made to protect these charismatic creatures and their habitat. From this perspective alone we are strongly opposed to any disturbance of this area and would like to see this space afforded strong protection from development.

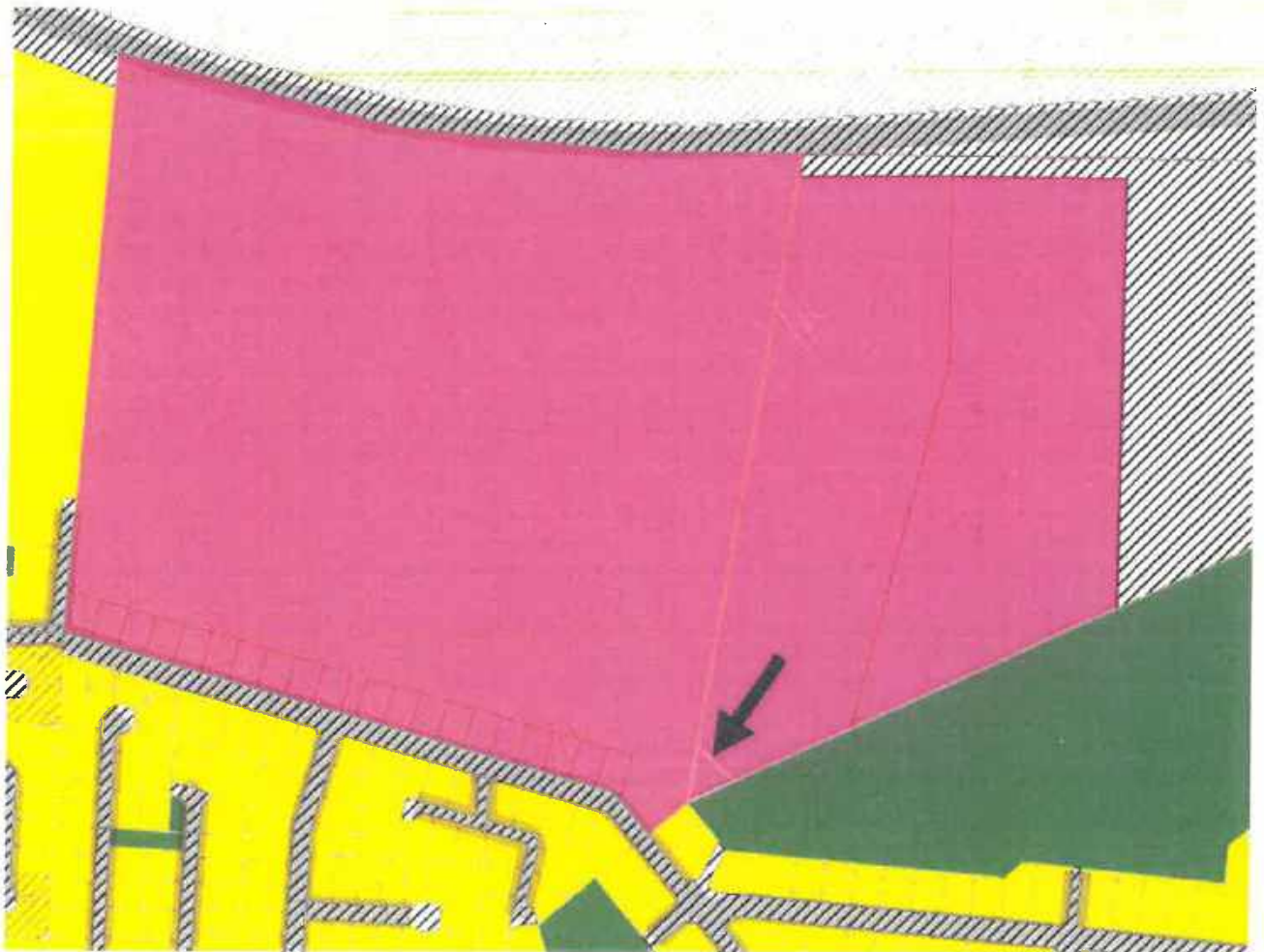


Figure 1: Map showing the municipal zonation along Fulmar Avenue, Vermont. The black arrow indicates erf 1177.



As can be seen in the aerial below (figure 2) erf 1177 falls within the grey-coloured riparian zone of the salt pan. This is also the area that is occupied by the Cape Dwarf Chameleon.

South African environmental law provides robust measures for protecting riparian zones of rivers and wetlands. Riparian zones are the areas immediately adjacent to a river course or wetland which are ecologically sensitive and biologically rich. These measures are intended to ensure the ecological integrity of these areas, maintain their natural functions, and prevent degradation due to human activities. Compliance with these laws is essential for the sustainable management of water resources and the conservation of biodiversity in South Africa.

The national environmental laws that govern the riparian zones of rivers and wetlands are primarily contained within the **National Water Act, 1998 (Act No. 36 of 1998)**, and the **National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA)**. **Section 19** of the National Water Act places a duty on landowners and occupiers of land to take reasonable measures to prevent pollution of water resources, including activities in riparian zones that could lead to pollution. Activities in the riparian zone which would alter the flow of water in a watercourse, discharge waste into a watercourse, or change the physical characteristics of a watercourse are prohibited by the National Water Act.

There are restrictions on developments within a specific distance from the edge of watercourses to protect riparian vegetation and prevent erosion, pollution, and habitat destruction. Buffer zones are usually required around wetlands and riparian areas to minimize impacts from human activities. Not only do building activities on this erf present a high risk of pollution to the Vermont Salt Pan, but the building constructed here would also impact the natural ecological functioning and flow dynamics of the pan deleteriously. The building itself would be at risk of flooding as the erf is often inundated with water. Conceivably access to the property would be cut off when the water volume in the pan is high during the winter season with climate change predictions for the Overstrand being that rainfall will increase in the near future. Furthermore, the ongoing removal of alien trees will increase water flow into the wetland areas. Again, access to this plot will require a servitude through the riparian area



adjacent to the plot which is not privately owned and the national environmental law is clear that this will not be allowed making the potential construction on this erf unviable.



Figure 2: Aerial overlay of EMOZ map extracted from Overstrand Municipality's public viewer website.

In 2006 the Overstrand Municipal Engineering Department commissioned the Freshwater Consulting Group to do a wetland study of the Vermont Pan and the associated wetlands. The authors of this report, N Job and G Ractliff, are highly respected South African wetland scientists. They produced the map below which demarcates the wetland area with a blue line. The authors recommended a 30m set back protective buffer around the pan and associated wetlands which is demarcated in white.

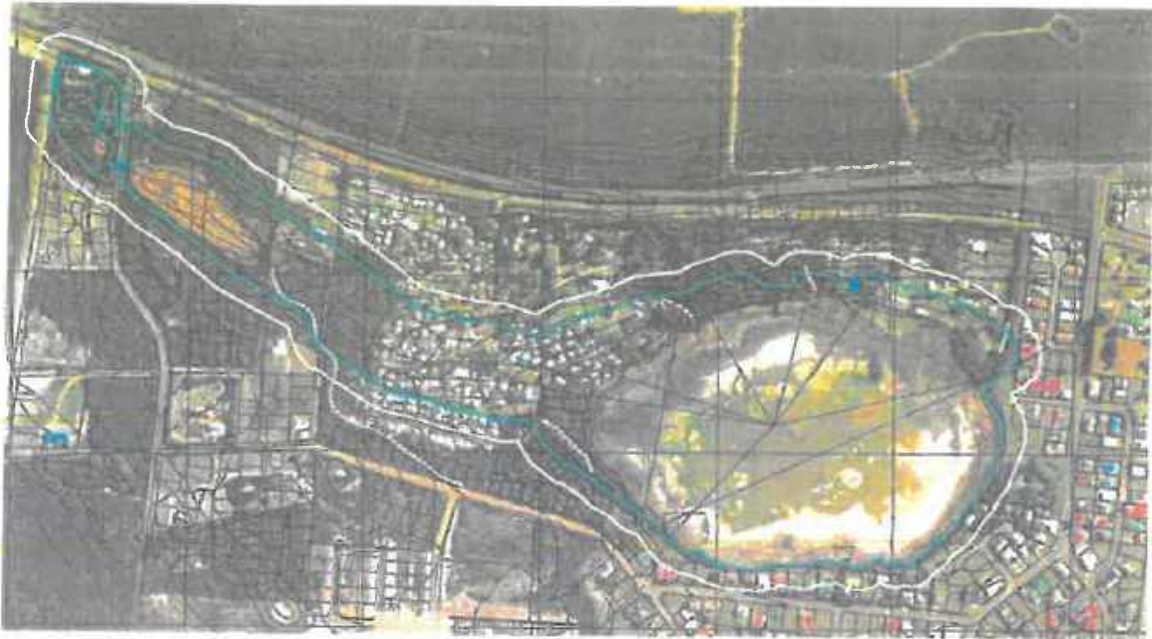


Figure 3: Map extracted from the 2006 FCG Vermont Pan Wetland Study Report. Blue line – wetland boundary; White line – proposed 30m protective buffer set back line.



Figure 4: Enlarged section of the map showing the orientation of erf 1177 (black arrow) to the blue line demarcating the wetland and the white line demarcating the proposed buffer zone.



Figure 4 shows an extract of this map to show the position of erf 1147 within the wetland boundary and the proposed buffer zone. As can be seen, erf 1177 falls within the wetland boundary and no building should occur on it at all.

The demarcation of erf 1177 by the Overstrand Municipal Planning Department was a mistake and we recommend that the owner of this land is compensated, and this land be withdrawn from the tradable market.

Whale Coast Conservation is strongly opposed to any development on this site and is therefore also opposed to the granting of the rezoning application for the reasons provided above.

23 AUG 2024

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

Loriaan Isaacs

From: Duncan Heard <duncanheard@telkomsa.net>
Sent: Friday, 23 August 2024 10:03
To: Loriaan Isaacs
Cc: chairman@orha.co.za; drooms@yebo.co.za; caroline@biogrow.co.za; dvdkooi07@gmail.com; operations@kidbrooke.co.za; chairman@orha.co.za; johannyburgh26@gmail.com; info@onrusvermontsra.com; onruspharmacy@hermanus.co.za; sheraine.wcc@gmail.com; Rene Hartslief; 'Penny Wieffering'; 'Peta Kennedy'; pillg@mweb.co.za; william@keenan.co.za; galvindlloyd@gmail.com; Liezl de Villiers; Penelope Aplon; cresandt@gmail.com; Clinton Lerm
Subject: RE: Request for comment: Residential Development on Erf 1177, 56 Fulmar Street, Vermont (Rezoning, Departure)
Attachments: image001.wmz

Importance: High

Dear Loriaan

Thank you for circulating the applications for rezoning and departure of Erf 1177, Vermont for comment.

I submit the following comments and response on behalf the following organisations that I am a member of:

- The Vermont Ratepayers and Environmental Association;
- The Vermont Conservation Foundation (South Africa); and
- The Overstrand Ward 13 Committee members

It is difficult to understand the reason why Erf 1177 was laid out in its position in 1988 and zoned as a Resort. It appears to be a town planning anomaly, particularly because it extends to the very edge of what can be called the 'old ' high water mark of the Vermont Salt Pan [VSP]] (see below for further explanation in this regard), is within the ecologically sensitive riparian area of the pan, and then obviously it is far too small to be a viable Resort.

The rezoning of this erf to Residential 1 is not supported for the following reasons:

1. The rezoning would provide the owner with a 'right' to construct a residence that will permanently and negatively impact upon the present, or any new future riparian edge of the pan. An intact riparian vegetation edge to a wetland such as the VSP provides an important ecological function and link that benefits the ecology of the pan. It provides a continuous wetland associated terrestrial habitat associated with the pan, that supports a broad spectrum of aquatic and other wildlife with food, shelter, and breeding habitat.
2. Apart from the subject property, the Vermont Salt Pan precinct consists of municipal property (Erf 915) and four other private properties (Erven 927, 2388, 2389 and 939). Of the latter, three of these private properties are up for residential development and have gone through EIA processes in which it has been stipulated in each case, that the riparian edge of the VSP must not be impacted and must be rehabilitated. The invasive alien plants must also be removed and controlled. In this regard it would not be equitable if residential development rights are allocated to Erf 1177.
3. Since the 1960's, invasive alien plants infestations grew exponentially in the catchment of the VSP, and by the early 2000's, the VSP was seldom full (i.e. flowing over into the Shearwater

FILE NO. Erf 1177-HVM

SCAN NO. Heard

COLLABORATOR NO. 2108174

TP 23 AUG 2024

Crescent storm water outlet pipe). By removing invasive alien vegetation, ground water levels rise and streams flow consistently stronger. After invasive alien control measures were undertaken on the mountain and high rainfall in 2014, the VSP reached a level where it was strongly flowing out through the VSP outlet pipe. In more recent years a massive biomass of invasive alien trees has been removed from the VSP catchment and just recently in the last month, the VSP outflow level was significantly higher than that of 2014. At the same time, the water level at Erf 1177 was visibly higher than the normal water height shown on the plot diagram that was submitted to town planning (Drone video footage available). Currently massive amounts of invasive alien trees continue to be removed to the west of the VSP, on the Whale Coast Nature Reserve. Overall, therefore, inflows to the VSP are expected to increase significantly, especially if the annual rainfall increases driven by climate change, as some forecast. Erf 1177 can therefore be expected to be covered by increasing and more consistent higher water levels in the pan in future. A residential sewage conservancy tank on the erf may thus also be flooded.

4. The VSP is a popular, aesthetically pleasing natural attraction that draws visitors and locals for nature walks, picnics, birding etc. A residential structure on the riparian edge of the VSP would detract significantly from the 'Sense of Place' of the visitors experience at the VSP.
5. Vehicular access to a residence at Erf 1177 would have to be allowed along the VSP access route from the Malmok/Fulmar Road circle and then would have to be extended to Erf 1177 over Public Open Space. This too would certainly degrade the 'Sense of Place' when visiting the VSP on foot.
6. Considering that Erf 1177 is zoned Resort and needs to be rezoned to Residential, as well as the fact that the development will be within 32m from of a wetland, an EIA may have to be undertaken in terms of the EIA Regulations. At least an Applicability Checklist Application needs to be submitted to DEA&DP for confirmation. Furthermore, a Water Use Licence in terms of the National Water Act may also be a requirement.
7. The VSP, its ecological feeder wetlands and surrounding riparian environs are all listed as an Overstrand Environmental Focus Area within the Overstrand's Environmental Management Framework (2014). Furthermore, the VSP and its neighbouring properties fall within the Overstrand's Environmental Overlay Zone: Conservation-worthy Urban Areas. This application should therefore also be evaluated in terms of the objectives of these existing proactive municipal environmental planning and zoning protocols.

Kind regards



Duncan H.W. Heard

(SACNASP: Reg. No. 300024/12 - Environmental Science) (Member IAIAsa)

Duncan Heard Environmental Consulting

From Project Design & Planning to Implementation

12 Sepia Avenue, Vermont, Onrusrivier. 7201. SOUTH AFRICA

Tel: +27 (0)28 316 3386 | Cell: +27 (0)82 495 3943 / +27 (0)60 573 0353 | Email: duncanheard@telkomsa.net

From: Loriaan Isaacs <loriaanisaacs@overstrand.gov.za>

Sent: Friday, 19 July 2024 9:36 AM

To: duncanheard@telkomsa.net

Cc: Loretta Gillion <loretta@overstrand.gov.za>

Subject: Request for comment: Erf 1177, 56 Fulmar Street, Vermont (Rezoning, Departure)

Dear Sir / Madam

Attached please find a copy of the application for your attention. Kindly provide the Ratepayer Association's comments directly to Loretta Gillion (loretta@overstrand.gov.za) on or before **23 August 2024**.

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15 AUG 2024
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OVERSTRAND MUNICIPALITY

1

The Town Planner, Overstrand Municipality
16 Paterson Street Hermanus

Attention: Mr. R. Kuchar
Sent by e-mail: Loretta@overstrand.gov.za

August 15 2024

FILE NO. Erf 1177-HVM
SCAN NO.
COLLABORATOR NO.
2103068

OVERSTRAND MUNICIPALITY

TP - A Theart
(Hollivier)

RE: OBJECTION TO THE DEVELOPMENT OF ERF 1177 56 FULMAR STREET. VERMONT WESTERN CAPE

Dear Mr. Kuchar,

My name is Katherine Chowney Dall and I have lived at 36 Fulmar Street for the past 26 years. I object to the rezoning and development of Erf 1177, 56 Fulmar Street, Vermont.

My foremost grounds of objection are based on the single most important fact that Erf 1177 is directly situated on and in the Vermont salt pan boundary; a recreational public space with undisturbed wild life such a birds, chameleons, frogs, porcupine and mongoose.

A main consequence of this Erf being developed will be that the Vermont salt pan will have a chunk of the area's last bit of nature cut up and ruined. Literally the development **will be in the water** according to the current plan, even though the plan says it won't be. On a site visit, one can clearly see the demarcation of the property boundary, which shows that the erf is currently 20 meters under water or below the municipality's supposed high water mark. The plan is apparently inaccurate, which makes me think that the powers of the municipality have not actually come in person to see the facts and reason with the implications of this highly contentious build. For example has an environmental impact study been made on the effects of the flora and fauna in the area.

My secondary objection is based on the access point to the erf. I may be wrong about the access point, the plan is not clear where it would be from point A. to point B. but I am assuming that the access road will be where we (the neighbourhood), all walk with our family and our pets. This will inevitably mean all the trees leading to the path along the pan will be cut down and the access road will be widened, paved and developed directly in front (on the very doorsteps) of 2 mountain/pan north facing privately owned properties. I am not even sure if the owners of these properties have been notified. Further to this point, the plot doesn't have services, Pipes, Sewerage, or Electric which I assume will follow the route of the access road.

Should this development go ahead without the consideration of its intrusions on 1. the natural environment of the Vermont Salt Pan and the permanent implications of it ruining the public space and disturbing the habitat of animals

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and plants 2. The impact on the general public who regularly use the space for their families, their friends, their guests and their pets to enjoy nature, the unhindered mountain views, and the salubrious opportunity of being part of an eco system that is a unique jewel in the Overberg area within its own right. 3. the impact on my property, my direct neighbours property which will have a paved road, motor vehicles and municipal services directly in front of their homes.

In conclusion, my feeling is that the development of Erf 1177 will permanently and meaningfully ruin a section of one of the few most beautiful natural public spaces left in our community for all of us now and for future generations to come. I implore you to block such a development.



Sincerely,

Katherine Chowney – Dall

Ben Chowney

Tal Chowney

Zoe Chowney

15 AUG 2024

11/13

Loretta Gillion

DOCUMENT CONTROL

COLLABORATOR NO

OVERSTRAND MUNICIPALITY

20103035

From: manuele martella < >
Sent: Thursday, 15 August 2024 09:04
To: Loretta Gillion
Subject: Objection "Erf 1177, 56 Fulmar Street, Vermont - comments and objection"

TP-A Theart
(H Olivier)

Dear Loretta Gillion

I am the owner of ERF 628, Vermont and I would like to send the following comments and objections.

Rezoning

It is not advisable to rezone ERF 1177 as the sewerage will be connected to a setting tank with the basement below the high water level. A centralized system would probably be built when the resort is developed mitigating the risk of pollution of the Salt Pan.

The septic tank depicted in the plans constitute:

- first occurrence of a septic tank built so close to the waterline of the Pan
- pollution hazard in case of overflow of the tank or flood of the Salt Pan due to the climate change.
- devaluation of the properties surrounding the Pan including mine, ERF 628, caused by the risk of pollution.
- problem for the Council to empty it as there is no direct street connection to ERF 1177

Departure

I object to the relaxation of the side boundary building line from 2m to 0m to allow for the placement of the proposed garage.

In fact the proposed garage is a double garage. However, a single garage could be built on the same spot without granting this departure. A double garage is not a requisite for building a dwelling!

Granting this departure in a prime area will devalue my property because some of the magnificent view will be forever prejudiced.

You are kindly requested to take cognisance of these facts.

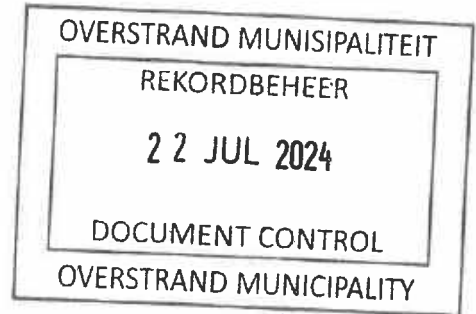
Yours faithfully,

Fabrizio Martella

TP
15 AUG 2024

Loriaan Isaacs

From: Henny Cloete < >
Sent: Monday, 22 July 2024 10:00
To: Loriaan Isaacs
Subject: Re: Erf 1177, 56 Fulmar Street, Vermont - Public Participation: You are regarded as a potentially affected property owner



*TP-A Theart
(H Olivier)*

Dear Mrs Isaacs
 With regards to the request for the rezoning of erf 56 Fulmar street:
 I do not have any objections to the rezoning thereof

Kind regards

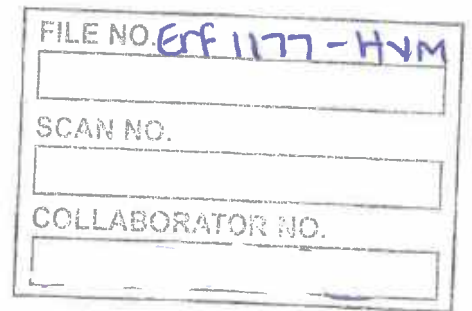
Mrs H Cloete
 10 Fulmar Street
 Vermont
 7201
 Sel.

On Fri, 19 Jul 2024 at 08:43, Loriaan Isaacs <loriaanisaacs@overstrand.gov.za> wrote:

To whom it may concern

ERF 1177, 56 FULMAR STREET, VERMONT: APPLICATION FOR REZONING AND DEPARTURE: FUTURE PLAN TOWN AND REGIONAL PLANNERS ON BEHALF OF IS FORTUIN

You are regarded as a potentially affected property owner.



Attached please find a self-explanatory notice for your attention.

Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) requires that notice must be given, and Section 49 allows for a period of not less than 30 days from the date on which notice was given to affected persons to submit comments, objections or representations in respect of a land use planning applications. Council, during a meeting held on 30 November 2023, resolved that such notice be given via e-mail in accordance with the provisions of the Electronic Communications and Transactions Act, 25 of 2002. Due to ongoing difficulties in service delivery experienced by the South African Post Office, and as per the aforesaid Council resolution, **NO** registered mail/letters will be forwarded in the interim period.

Kindly regard this email as your formal notification of such land use application. Kindly provide your comment, objection or representations, if any, directly to Loretta Gillion (loretta@overstrand.gov.za) on or before **23 August 2024**.

TP 22 JUL 2024

13/13

23 JUL 2024

Loriaan Isaacs

From: Ingo Schirmer <
Sent: Tuesday, 23 July 2024 13:03
To: Loriaan Isaacs; Loretta Gillion
Subject: Re: Erf 1177, 56 Fulmar Street, Vermont - Public Participation: You are regarded as a potentially affected property owner

To Whom It May Concern,

Thank you for the notification of this application.

I have no objection to the principle of pragmatic development and construction where it does not impact negatively on the environment or the entrenched rights of others. In fact, I wish this pragmatism were more generally applied, along with the motivation so elaborately laid out in this proposal.

That fact that the Municipality appears to be in agreement with the departure(s), and clearly subscribes to the principle that urban sprawl needs to be contained as best possible by creating higher density housing in the area, appears to be in stark contrast to our own application for an addition at 17 Green Mountain Villas, Sandbaai. Much of the motivation listed would apply equally here. After all, what are departures and waivers for?

Sincerely

Ingo Schirmer

FILE NO. Erf 1177-HVM
SCAN NO.
COLLABORATOR NO.
2087462

On 2024/07/19 08:43, Loriaan Isaacs wrote:

To whom it may concern

ERF 1177, 56 FULMAR STREET, VERMONT: APPLICATION FOR REZONING AND DEPARTURE: FUTURE PLAN TOWN AND REGIONAL PLANNERS ON BEHALF OF IS FORTUIN

You are regarded as a potentially affected property owner.

Attached please find a self-explanatory notice for your attention.

Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) requires that notice must be given, and Section 49 allows for a period of not less than 30 days from the date on which notice was given to affected persons to submit comments, objections or representations in respect of a land use planning applications. Council, during a meeting held on 30 November 2023, resolved that such notice be given via e-mail in accordance with the provisions of the Electronic Communications and Transactions Act, 25 of 2002. Due to ongoing difficulties in service delivery experienced by the South African Post Office, and as per the aforesaid Council resolution, **NO** registered mail/letters will be forwarded in the interim period.

TP 23 JUL 2024



FUTURE PLAN
TOWN AND REGIONAL PLANNING

Annexure E 1/13

Future Plan Town and Regional Planners

PO Box 20, Postlink,
21 Third Street, Kleinmond
7195

13 January 2025



Overstrand Municipality
16 Paterson Street
Hermanus
7200

Reference: Erf 1177-HVM

Send via Email: loretta@overstrand.gov.za & holivier@overstrand.gov.za

To whom this may concern:

RESPONSE TO COMMENTS & OBJECTIONS: ERF 1177, 56 FULMAR STREET, VERMONT, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REZONING AND DEPARTURE: FUTURE PLAN TOWN AND REGIONAL PLANNERS ON BEHALF OF IS FORTUIN

To finalise the item, we (Future Plan) decided, in consultation with you, to combine all the relevant comments and objections into a document. Our comments/responses are listed next to the comments/objections later in the document.

During the public participation process conducted by Overstrand Municipality, the abovementioned application received various comments and objections from the relevant interested and affected parties.

Interested and Affected Parties (that provided comments and objections):

- Whale Coast Conservation (S van Wyk)
- Duncan Heard Environmental Consulting (D Heard)
- K Chowney-Dall & Others
- F Martella
- H Cloete
- I Schirmer

FILE NO. ERF 1177-HVM
SCAN NO.
COLLABORATOR NO. 2597548

TP 30 JAN 2025



External Departments:

- BOCMA
- EADP
- Telkom
- Cape Nature





Herewith a summary of the comments and objections received, with the comment from Future Plan Town and Regional Planners:

Whale Coast Conservation

Objection / Comments:	Future Plan Response:
<p><i>Our interest in the application for rezoning of Erf 1177 from Resort Zone to Residential Zone 1 is twofold:</i></p> <p><i>Firstly, the deleterious impact of building this close to the Vermont Salt Pan (both during the construction phase and after), and</i></p> <p><i>secondly the destruction of the habitat of Cape Dwarf Chameleons and the considerable number of chameleons present within this habitat.</i></p>	<p>The objector does not provide any evidence of the existence of the Cape Dwarf Chameleons at the application site.</p> <p>We also believe that the Cape Dwarf Chameleons are not restricted to the site only and that after the construction on the site, the vegetation will be reintroduced where possible, and together with the building being on stilts will provide more "living space" for the chameleons.</p>
<p><i>I have extracted maps from the Municipal Public Viewer EMOZ system to show the position of Erf 1177 in relation to the other erf's on Fulmar Avenue (see figure 1). This shows how the erf is set back from the street. No mention is made in this application of how this plot will be accessed. Erf 1177 is positioned along the fence line of the Paradise Park property on the western border through which a servitude is unlikely. On the eastern border, which is an option, it means that the driveway/servitude will also traverse the riparian area. This is highly undesirable as it implies further material damage to a highly sensitive ecological area.</i></p>	<p>Access to the application site will be from the existing road off Fulmar Street and via the existing servitude along the northeastern boundaries of Erf 628 and Erf 629.</p> <p>Although no physical road is visible from Fulmar Road, it is nonetheless a demarcated area that will provide access to the application site.</p>
<p><i>There are many Cape Dwarf Chameleons living in the riparian zone of which the highest concentration is at the point where the erf is located. This species carries an ICUN category of vulnerable and every attempt must be made to protect these charismatic creatures and their habitat. From this perspective alone we are strongly opposed to any disturbance of this area and would like to see this space afforded strong protection from development. As can be seen in the aerial below (figure 2) erf 1177 falls within the grey-coloured riparian zone of the salt pan. This is also the area that is occupied by the Cape Dwarf Chameleon.</i></p>	<p>We of Future Plan have personally been to the application site (on a few occasions) and have not found any Chameleons as stated by the objector. It is also imperative that we are not Environmental Specialists and cannot confirm the statement provided by the objector.</p> <p>Our intention is not to discredit the objector in any way or to disregard the points made by the objector, but we would however like to point out that no evidence of the statement made by the objector has been brought forward.</p>



South African environmental law provides robust measures for protecting riparian zones of rivers and wetlands. Riparian zones are the areas immediately adjacent to a river course or wetland which are ecologically sensitive and biologically rich. These measures are intended to ensure the ecological integrity of these areas, maintain their natural functions, and prevent degradation due to human activities. Compliance with these laws is essential for the sustainable management of water resources and the conservation of biodiversity in South Africa.

The national environmental laws that govern the riparian zones of rivers and wetlands are primarily contained within the National Water Act, 1998 (Act No. 36 of 1998), and the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA). Section 19 of the National Water Act places a duty on landowners and occupiers of land to take reasonable measures to prevent pollution of water resources, including activities in riparian zones that could lead to pollution. Activities in the riparian zone which would alter the flow of water in a watercourse, discharge waste into a watercourse, or change the physical characteristics of a watercourse are prohibited by the National Water Act.

There are restrictions on developments within a specific distance from the edge of watercourses to protect riparian vegetation and prevent erosion, pollution, and habitat destruction. Buffer zones are usually required around wetlands and riparian areas to minimize impacts from human activities. Not only do building activities on this erf present a high risk of pollution to the Vermont Salt Pan, but the building constructed here would also impact the natural ecological functioning and flow dynamics of the pan deleteriously. The building itself would be at risk of flooding as the erf is often inundated with water. Conceivably assess to the property would be cut off when the water volume in the pan is high during the winter season with climate change predictions for the Overstrand being that rainfall will increase in the near future. Furthermore, the ongoing removal of alien trees will increase water flow into the wetland areas. Again, access to this plot will require a servitude through the riparian area adjacent to the plot which is not privately owned

The property owner spent a lot of money on various studies, as requested by the Overstrand Municipality and the external departments. No other professional, government body or interested and affected party brought this type of information forward to substantiate the claim made by the objector.

Again, we reiterate that the intention is not to discredit the objector but to insist on the evidence being brought forward. In addition to the objection, we state that great care will be taken during the construction phase (should this application be approved). A section of the proposed structure will be placed on 300mm x 300mm concrete stilts, while the other sections will have strip foundations.

All structures are outside the high-water mark provided by the Overstrand Municipality. Great care has been taken to place the structures as far from the Salt Pan's edge as possible so as not to interfere with the natural habitat. The unconventional shape of the application site further restricts the development and placement of structures.

The construction method and raised platform should also be considered, which the objector did not consider when making these objections. The owner is aware of the situation regarding setbacks, height, and other relevant constraints and has considered that when making the proposal in the architectural drawings for the proposed dwelling.

All of the comments and more were taken into consideration while planning the dwelling's location and design. The owner is much more into nature conservation than a normal person, and this is also a conservation method from her side, by "developing" the property only on a limited scale.

The objector is well aware that limitations exist in a law that does not provide a no-go area for development without the on-site specialists' reports, which we have provided over the course of time for the proposed development.



<p>and the national environmental law is clear that this will not be allowed making the potential construction on this erf unviable.</p> <p>In 2006 the Overstrand Municipal Engineering Department commissioned the Freshwater Consulting Group to do a wetland study of the Vermont Pan and the associated wetlands. The authors of this report, N Job and G Ractliff, are highly respected South African wetland scientists. They produced the map below which demarcates the wetland area with a blue line. The authors recommended a 30m set back protective buffer around the pan and associated wetlands which is demarcated in white. Figure 4 shows an extract of this map to show the position of erf 1177 within the wetland boundary and the proposed buffer zone. As can be seen, erf 1177 falls within the wetland boundary and no building should occur on it at all.</p>	<p>This office takes note of the objector's comments and the preferred 30m buffer area. Due to the application site's unorthodox shape, it is rather difficult to arrange the structures in a manner that is both viable from a habitable sense and adheres to the suggested 30m buffer area.</p> <p>However, the fact that the dwelling will be on stilts mitigates the circumstances and re-introduces a method of construction while considering the specialists' studies.</p>
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Duncan Heard Environmental Consulting (D Heard)

Objection / Comments:	Future Plan Response:
<p>The rezoning would provide the owner with a 'right' to construct a residence that will permanently and negatively impact upon the present, or any new future riparian edge of the pan. An intact riparian vegetation edge to a wetland such as the VSP provides an important ecological function and link that benefits the ecology of the pan. It provides a continuous wetland associated terrestrial habitat associated with the pan, that supports a broad spectrum of aquatic and other wildlife with food, shelter, and breeding habitat.</p> <p>Apart from the subject property, the Vermont Salt Pan precinct consists of municipal property (Erf 915) and four other private properties (Erven 927, 2388, 2389 and 939). Of the latter, three of these private properties are up for residential development and have gone through EIA processes in which it has been stipulated in each case, that the riparian edge of the VSP must not be impacted and must be rehabilitated. The invasive alien plants must also be removed and controlled. In this regard it would not be equitable if residential development rights are allocated to Erf 1177.</p>	<p>We believe the proposed dwelling is situated away from the riparian edge and will not likely impede aquatic and other wildlife species from flourishing in their current habitats.</p> <p>An agreement can be made with the property owner that stipulates great care should be taken during construction and that sections that may have been damaged during the aforementioned phase will be rehabilitated, if necessary.</p> <p>The property owner has shown compliance with the requests from Overstrand Municipality and external departments, for which certain studies have been requested, and has applied the necessary measures.</p>



<p>Since the 1960's, invasive alien plants infestations grew exponentially in the catchment of the VSP, and by the early 2000's, the VSP was seldom full (i.e. flowing over into the Shearwater Crescent storm water outlet pipe). By removing invasive alien vegetation, ground water levels rise and streams flow consistently stronger. After invasive alien control measures were undertaken on the mountain and high rainfall in 2014, the VSP reached a level where it was strongly flowing out through the VSP outlet pipe. In more recent years a massive biomass' of invasive alien trees has been removed from the VSP catchment and just recently in the last month, the VSP outflow level was significantly higher than that of 2014. At the same time, the water level at Erf 1177 was visibly higher than the normal water height shown on the plot diagram that was submitted to town planning (Drone video footage available). Currently massive amounts of invasive alien trees continue to be removed to the west of the VSP, on the Whale Coast Nature Reserve. Overall, therefore, inflows to the VSP are expected to increase significantly, especially if the annual rainfall increases driven by climate change, as some forecast. Erf 1177 can therefore be expected to be covered by increasing and more consistent higher water levels in the pan in future. A residential sewage conservancy tank on the erf may thus also be flooded.</p>	<p>The owner understands that removing alien vegetation is crucial to ensuring that the local plant species may thrive. However, the owner has no control over the alien vegetation in other areas and can only mitigate what is on Erf 1177.</p> <p>Measures have been taken to reduce the impact of potential flooding, such as placing a portion of the proposed dwelling on stilts and distancing all structures from the high-water mark.</p>
<p>The VSP is a popular, aesthetically pleasing natural attraction that draws visitors and locals for nature walks, picnics, birding etc. A residential structure on the riparian edge of the VSP would detract significantly from the 'Sense of Place' of the visitors experience at the VSP.</p>	<p>The argument can be taken further that similar buildings are placed on the riparian's edge. The likelihood of one additional dwelling destroying the aesthetics of the surroundings is thus not based on facts, as dwellings surround the Salt Pan. In some cases, they may be even closer than the proposed dwelling. The reader is thus urged to look at Erven 633 to 636 and Erven 1155, 1465, and 1466.</p> <p>It can also be argued that visitors and barking dogs could disturb animals and other wildlife in their natural habitat, especially during mating seasons.</p>
<p>Vehicular access to a residence at Erf 1177 would have to be allowed along the VSP access route from the Malmok/Fulmar Road circle and then would have to be extended to Erf 1177 over Public Open Space. This too would certainly degrade the 'Sense of Place' when visiting the VSP on foot.</p> <p>Considering that Erf 1177 is zoned Resort and needs to be rezoned to Residential, as well as the fact that the development will be within 32m from</p>	<p>As stated before, Erf 1177 has a right-of-way servitude that will provide the necessary vehicular access. This application does not entail creating an entry/egress point, seeing that it is already in place.</p> <p>This office believes that no EIA or similar studies have been conducted in the past, especially for Erven, situated on the south and southeastern boundary</p>



<p><i>of a wetland, an EIA may have to be undertaken in terms of the EIA Regulations. At least an Applicability Checklist Application needs to be submitted to DEA&DP for confirmation. Furthermore, a Water Use Licence in terms of the National Water Act may also be a requirement.</i></p> <p><i>The VSP, its ecological feeder wetlands and surrounding riparian environs are all listed as an Overstrand Environmental Focus Area within the Overstrand's Environmental Management Framework (2014). Furthermore, the VSP and its neighbouring properties fall within the Overstrand's Environmental Overlay Zone: Conservation-worthy Urban Areas. This application should therefore also be evaluated in terms of the objectives of these existing proactive municipal environmental planning and zoning protocols.</i></p>	<p>of the Salt Pan. Under no circumstances are justifying this application with the approvals of the past, but to promote additional studies for a property owner that merely seeks to create what is already in the area (precedent) is not deemed just or fair.</p> <p>We take note of the statement made by the objector.</p>
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K Chowney-Dall & Others

Objection / Comments:	Future Plan Response:
<p><i>A main consequence of this Erf being developed will be that the Vermont salt pan will have a chunk of the area's last bit of nature cut up and ruined. Literally the development will be in the water according to the current plan, even though the plan says it won't be. On a site visit, one can clearly see the demarcation of the property boundary, which shows that the erf is currently 20 meters under Wiler or below the municipality's supposed high water mark. The plan is apparently inaccurate, which makes me think that the powers of the municipality have not actually come in person to see the facts and reason with the implications of this highly contentious build. For example has an environmental impact study been made on the effects of the flora and fauna in the area.</i></p> <p><i>My secondary objection is based on the access point to the erf. I may be wrong about the access point, the plan is not clear where it would be from point A. to point B. but I am assuming that the access road will be where we (the neighbourhood), all walk with our family and our pets. This will inevitably mean all the trees leading to the path along the pan will be cut down and the access road will be widened, paved and developed directly in front (on the very doorstep) of 2 mountain/pan north facing privately owned properties. I</i></p>	<p>The proposed Site Development Plan depicts all structures to be placed outside the high-water mark. The section of the proposed structure or dwelling closest to the Salt Pan will be placed on stilts to ensure minimal excavation and loss of habitat.</p>
<p><i>Access to the application site will be from the existing road off Fulmar Street and via the existing servitude along the northeastern boundaries of Erf 628 and Erf 629.</i></p> <p><i>Although no physical road is visible from Fulmar Road, it is nonetheless a demarcated area that will provide access to the application site.</i></p>	<p>Access to the application site will be from the existing road off Fulmar Street and via the existing servitude along the northeastern boundaries of Erf 628 and Erf 629.</p> <p>Although no physical road is visible from Fulmar Road, it is nonetheless a demarcated area that will provide access to the application site.</p>

<p>am not even sure if the owners of these properties have been notified. Further to this point, the plot doesn't have services, Pipes, Sewerage, or Electric which I assume will follow the route of the access road.</p>	
<p>Should this development go ahead without the consideration of its intrusions on</p> <ol style="list-style-type: none"> 1. the natural environment of the Vermont Salt Pan and the permanent implications of it ruining the public space and disturbing the habitat of animals and plants 2. The impact on the general public who regularly use the space for their families, their friends, their guests and their pets to enjoy nature, the unhindered mountain views, and the salubrious opportunity of being part of an eco system that is a unique jewel in the Overberg area within its own right. 3. the impact on my property, my direct neighbours property which will have a paved road, motor vehicles and municipal services directly in front of their homes. 	<p>We note the concerns raised by the objector; however, we argue that the application site, along with the objector, is situated within a residential area with already disturbed natural areas.</p> <p>It is unlikely that this proposal will ruin all the natural habitats listed by the property owner. The natural areas were disturbed long before the property owner submitted a land use application.</p>

F Martella

<p>Objection / Comments:</p>	<p>Future Plan Response:</p>
<p>It is not advisable to rezone ERF 1177 as the sewerage will be connected to a setting tank with the basement below the high water level. A centralized system would probably be built when the resort is developed mitigating the risk of pollution of the Salt Pan.</p> <p>The septic tank depicted in the plans constitute:</p> <ul style="list-style-type: none"> • first occurrence of a septic tank built so close to the waterline of the Pan • pollution hazard in case of overflow of the tank or flood of the Salt Pan due to the climate change. • devaluation of the properties surrounding the Pan including mine, ERF 628, caused by the risk of pollution. • problem for the Council to empty it as there is no direct street connection to ERF 1177 	<p>The proposed septic tank will be constructed using materials that are deemed to be of a specific standard and according to the SANS 10400 regulations and the National Building Standards of South Africa.</p> <p>It should also be noted that the owner is responsible for ensuring that the septic tank is emptied regularly to reduce the risk of overflowing.</p> <p>Lastly, the septic tank is situated away from the prescribed high-water mark. We believe that this will not pollute the Salt Pan.</p>



<p><i>I object to the relaxation of the side boundary building line from 2m to 0m to allow for the placement of the proposed garage.</i></p> <p><i>In fact the proposed garage is a double garage. However, a single garage could be built on the same spot without granting this departure. A double garage is not a requisite for building a dwelling! Granting this departure in a prime area will devalue my property because some of the magnificent view will be forever prejudiced.</i></p>	<p>The purpose of a double garage is to provide for the safety and security of motor vehicles and also serve as storage for equipment ordinarily associated with a household. The suggestion is to alter the double garage into a single garage, and we will propose this to the property owner. If this is deemed a worthy alteration, the decision is thus with the property owner.</p> <p>We believe that the proposal will not devalue the objector's property value. The proposal is for a single dwelling that is consistent with the surrounding area and is not deemed to be out of the ordinary for a residential area. The objection may have been substantiated if the proposal constituted an out-of-the-ordinary proposal.</p>
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H Cloete

<p>Objection / Comments:</p> <p><i>No objection against the proposal.</i></p>	<p>Future Plan Response:</p> <p>Noted.</p>
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I Schirmer

<p>Objection / Comments:</p> <p><i>No objection against the proposal.</i></p>	<p>Future Plan Response:</p> <p>Noted.</p>
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Herewith a summary of the comments and objections received from the External Departments, with the comment from Future Plan Town and Regional Planners:

Breedee-Olifants Catchment Management Agency (BOCMA)

Objection / Comments:	Future Plan Response:
<i>No objection is raised against the proposal</i>	Noted.
<i>The copy of the Service Level Agreement (SLA), which is proposed between the property owner and the Overstrand municipality, should be issued to BOCMA as soon as possible.</i>	The relevant professional or applicant will provide the necessary upon acceptance of the Service Level Agreement.

Department of Environmental Affairs and Development Planning (EADP)

Objection / Comments:	Future Plan Response:
<i>Written authorisation will therefore be required from the competent authority prior to the undertaking of the said activity(ies). You are hereby advised that only those activities applied for will be considered for authorisation. The onus is on the applicant to ensure that all the applicable listed activities are included in the application.</i>	No changes are proposed, and this stage (nor is it deemed necessary) has been communicated to the property owner and all other professionals involved.

Telkom

Objection / Comments:	Future Plan Response:
<i>I hereby inform you that Open Serve approves the proposed work Indicated on your drawings in principle. This approval is valid for 6 months only, after which reapplication must be made if the work has not been completed.</i>	We note that no objection has been raised. Special precautions will be taken during the construction phase to ensure that all infrastructure is protected at all times.
<i>The approval wayleave letter also serves as the permit.</i>	



<p><i>Any changes or deviations from the original planning during or prior to construction must immediately be communicated to this office.</i></p> <p><i>Approval is granted, subject to the following conditions.</i></p> <p><i>As per the drawings supplied, Open Serve Infrastructure will not be affected. However, care should still be taken should it be evident that there is in fact Open Serve network present on the actual sites.</i></p>	
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Cape Nature

<p>Objection / Comments:</p>	<p>Future Plan Response:</p>
<p><i>However, in this case the property is Resort Zone, therefore it is interpreted that the original township approval was for this erf to be developed as a resort and the proposal is therefore not consistent with existing rights. Resort Zone does not make provision for residential dwellings as a primary right. We therefore wish to motivate that the listed activities in terms of the National Environmental Management Act (NEMA) are likely to be relevant for this property and therefore confirmation must be provided by the Department of Environmental Affairs and Development Planning whether environmental authorisation is required. The current zonation was not mentioned in the initial authority engagements.</i></p>	<p>EADP, in principle, supports the proposal should it remain consistent and does not entail any alterations to the proposal as submitted to the Overstrand Municipality.</p>
<p><i>Regardless of the NEMA determination, CapeNature does not support the rezoning of this erf to Single Residential as the erf should not be developed due to the environmental constraints, most importantly as the majority of the erf is a wetland. Ideally the erf should be rezoned to one of the Open Space Zone options. The houses on the existing developed erven along the shoreline of the pan are all set further back than what is possible on Erf 1177. Erf 1177 is in line with the open space along the edge of the pan where the public path is located. Nonetheless, the current zoning allows for the current primary uses: conservation use, holiday accommodation, private open space, private road and tourist accommodation; and therefore it can remain undeveloped under the current zonation. We wish to query if the current landowner was</i></p>	<p>This comment made by Cape Nature is noted.</p> <p>This office cannot comment on the information provided to the property owner as we were only appointed after the fact.</p>



<p><i>adequately informed regarding the development rights of the erf upon purchase.</i></p> <p><i>The planning motivation report refers to an aquatic biodiversity risk assessment, however this report has not been provided for review. There are also several other studies which have been undertaken of the Vermont Pan which can be used as a reference. We are willing to review additional evidence regarding the extent of the wetlands. It is further noted that the proposal does not indicate how the erf will be accessed.</i></p> <p><i>We wish to note from a spatial planning perspective that the erf is indicated as CBA in the 2050 vision in the Overstrand Municipality Spatial Development Framework (SDF) and part of the open space linkage between Vermont Pan and the Bot River Estuary via the Whale Coast Nature Reserve. The SDF includes Vermont Salt Pan as a "special place" with the following objective "sensitive vlei areas within the urban edge should be managed with conservation objectives in mind, and should be protected from urban development."</i></p>	<p>This office provided the relevant official (of Cape Nature) with the Aquatic Biodiversity Study on 28 January 2025 for review and comments.</p> <p>We note this comment. The Overstrand Municipality must consider all comments to decide on this land use application ultimately.</p>
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Future Plan Town and Regional Planners believe that the comments and objections raised by the interested and affected parties have sufficiently been addressed to enable the Municipal Planning Tribunal to make an informed decision on the land use planning application.

Yours Faithfully,

Jan Abraham Visagie

Future Plan Town and Regional Planners



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONING & DEPARTURE: ERF 1177, VERMONT
(4568/2024)**

Stormwater (SW)	:	Refer to conditions
Electricity	:	Eskom Area
Water	:	Refer to conditions
Sewer	:	Refer to conditions
Roads and traffic	:	Refer to conditions

Conditions:

1. that a servitude be registered in the favour of Erf 1177 Vermont over Erf 927 and/or Erf 628 at the owner's cost;
2. that the proposed servitude be utilised to provide road access and accommodate municipal engineering link services between Erf 1177 Vermont and Malmok Crescent at the owner's cost;
3. that Erf 1177 Vermont be provided with a suction point for the sewer conservancy tank in Malmok Crescent. The proposed suction point must be accessible to municipal sewer trucks;
4. that Erf 1177 Vermont connect to the municipal water network in Malmok Crescent, utilising the proposed servitude.
5. that the cost of all municipal engineering link services will be for the owner's account.
6. That all solid waste be placed in the road reserve of Malmok Crescent on collection day, for removal.
7. that the developer investigates and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*
8. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Principal Technologist: Hermanus Engineering Services for written approval;
9. that any additional and / or extended vehicle entrances will be for the owner's account;
10. that no reservation of on-street parking be allowed;

- 11. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;
- 12. that stormwater reticulation and connection(s) to the municipal system be provided at the owners cost, if required.



RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL

07/08/2024
DATE



Western Cape
Government

Department of Environmental Affairs and Development Planning

Bernadette Osborne

Directorate: Development Management, Region 1

Bernadette.Osborne@westerncape.gov.za | Tel: 021 483 3679

REFERENCE: 16/3/3/6/6/E2/40/1337/24
DATE OF ISSUE: 23 August 2024

The Municipal Manager
Overstrand Municipality
PO Box 20
HERMANUS
7200

TP-A Theart
(H Olivier)

OVERSTRAND MUNISIPALITEIT

REKORDBEHEER

23 AUG 2024

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

Attention: Ms. Loriaan Isaacs

Tel: (028) 313 8900

E-mail: loriaanisaacs@overstrand.gov.za

Dear Madam

THE APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: THE PROPOSED APPLICATION FOR REZONING AND DEPARTURE ON ERF NO. 1177, VERMONT.

1. The electronic copy of the abovementioned document received by the Directorate: Development Management (Region 1) ("this Directorate") on 19 July 2024, refers.
2. Based on the information provided by you, this Directorate notes the following:
 - The proposal entails the application for rezoning and departure on Erf No. 1177, Vermont for the construction of a double storey dwelling house, a double garage and a package plant.
 - The proposal will have a development footprint of 111,05m².
 - The site is zoned Resort Zone and is located inside the urban area of Vermont.
3. According to the mapping tools available to this Directorate, the site is located within a wetland and contains indigenous vegetation namely Hangklip Sand Fynbos, which is classified as critically endangered.
4. Please be advised that since the site is mapped as a wetland, the proposed development will constitute the following listed activity in terms of the EIA Regulations, 2014 (as amended).

Activity 19 of Listing Notice 1

The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock or more than 10 cubic metres from a watercourse;

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

- (a) Will occur behind a development setback;
- (b) Is for maintenance purposes undertaken in accordance with a maintenance management plan;
- (c) Falls within the ambit of activity 21 in this Notice, in which case that activity applies.

FILE NO. Erf 1177-HVM

SCAN NO. HVM 1177

2108152

- (d) Occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or
- (e) Where such development is related to the development of a port or harbor, in which case activity 26 in Listing Notice 2 of 2014 applies.
5. This determination is based on the fact that more than 10m³ of sand/soil will be dredged, excavated or removed within a watercourse.
6. Written authorisation will therefore be required from the competent authority prior to the undertaking of the said activity(ies). You are hereby advised that only those activities applied for will be considered for authorisation. The onus is on the applicant to ensure that all the applicable listed activities are included in the application.
7. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.
8. This Directorate reserves the right to revise initial comments and request further information based on the information received.

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

Yours faithfully

Melanese Schippers Digitally signed by
Melanese Schippers
Date: 2024.08.23
09:21:39 +02'00'

**pp HEAD OF COMPONENT
ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Copy to: Ms. P. Aplon (Overstrand Municipality)

Email: paplon@overstrand.gov.za



CONSERVATION INTELLIGENCE: SOUTH

postal 16 17th Avenue, Voëlklip, Hermanus, 7200
 physical 16 17th Avenue, Voëlklip, Hermanus, 7200
 website www.capenature.co.za
 enquiries Rhett Smart
 telephone 087 087 8017
 email rsmart@capenature.co.za
 reference LS14/2/6/1/7/2/1177_rezoning&dep_Vermont
 date 23 October 2024

Future Plan Town and Regional Planning
 P.O. Box 20
 Kleinmond
 7195

TP - A Theart
 (Hollivier)



Attention: Jan Visagie
 By email: jan@futureplan.co.za

Dear Mr Visagie

Additional Information for the Application for Rezoning and Departure for the Construction of a Single Dwelling on Erf 1177, Vermont, Hermanus (Overstrand Municipality ref: 1177 HVM; 4568/2024)

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.

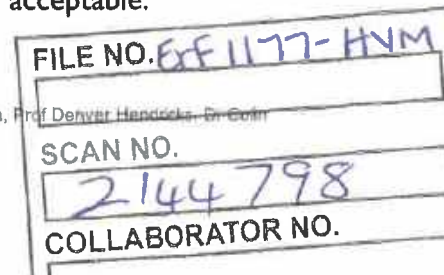
CapeNature was not in support of the initial application received however we indicated that we would be willing provide supplementary comment on additional information. The aquatic biodiversity risk assessment and general authorisation in terms of the National Water Act (NWA) have been provided to CapeNature.

The aquatic biodiversity risk assessment includes a wetland delineation according to standard recognised methodology with the result that the extent of the wetland associated with the Vermont Pan extending on to the site is similar but slightly less than the National Wetland Map extent. The description of the site and Figure 5.5 confirm that there was historical infilling on site. We therefore wish to query if the infilling could have affected the wetland delineation particularly with regards to the soil wetland indicators. The present ecological state and ecological importance and sensitivity are evaluated and used to form the risk assessment.

The results of the risk assessment are that there is a low risk provided all the proposed mitigation measures are implemented including the proposed design. As a result, only a general authorisation was required, and comment is provided from the Breede Olifants Catchment Management Agency (BOCMA) confirming the general authorisation wherein the concerns were addressed. It is noted that there were iterations of the development proposal until it was considered acceptable.

The Western Cape Nature Conservation Board trading as CapeNature

Board Members: Ms Marguerite Loubser (Chairperson), Prof Gavin Maneveldt (Vice Chairperson), Mr Mervyn Burton, Prof Denver Handócks, Dr Colin Johnson, Mr Paul Slack



24 OCT 2024

CapeNature will not interrogate the aquatic biodiversity risk assessment in detail as this is more appropriate for an NWA or National Environmental Management Act (NEMA) process. The risk assessment and general authorisation are however taken into consideration. As indicated previously we recommend that a determination is provided by the Department of Environmental Affairs and Development Planning (DEA&DP) if environmental authorisation is required.

As briefly referred to in our previous comments, the access road to the proposed dwelling is an integral component of the development and needs to be included in the assessment of the impacts. The proposed dwelling should not be considered for approval without detailed designs for an access road for which the potential impacts are evaluated to be acceptable. The access road must also be of an acceptable standard for access to trucks to service the sewage conservancy tank. Due to the proximity to the pan, the design and maintenance of the conservancy tank must be of the highest standard to minimize the risk of pollution. The alignment of the connections for the potable water and electricity are also still to be determined. A full description of the services (including road) must be included for the NEMA determination, including where these are located in relation to the wetland and the excavation and infilling which may be required.

CapeNature will comment in further detail within the NEMA process, including more detailed interrogation of the specialist studies. We recommend that other alternatives are investigated including open space/recreational use. We wish to advise that there have been studies undertaken of the Vermont Pan in the past which should also be referenced. Our previous comments are still relevant, and we recommend that rezoning is not considered for approval until there is an environmental authorisation in place.

Regards

RSmart

Rhett Smart

For: Manager: Landscape Conservation Intelligence South

cc. Henk Olivier, Overstrand Municipality

Jeanne Gouws, CapeNature

Fabion Smith, Breede Olifants Catchment Management Agency

Penelope Aplon, Overstrand Municipality

Michelle Naylor, Lornay Environmental Consulting

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
12 SEP 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY



BREED-OLIFANTS

TP- A Theart
(H Olivier)

Cnr Mountain Mill & East Lake Road, Worcester 6850, Private Bag X3055 Worcester 6849

Our Reference no: 4/10/1/G40G/Erf 1177 Vermont, Caledon RD
Date: 11 September 2024

Overstrand Municipality
P. O. Box 20
Hermanus
7200

For Attention: H Olivier

Sir,

ERF 1177, 56 FULMAR STREET, VERMONT: APPLICATION FOR REZONING AND DEPARTURE: FUTURE PLAN TOWN AND REGIONAL PLANNERS ON BEHALF OF IS FORTUIN, CALEDON REGISTRATION DIVISION

With reference to your electronic submission of information dated 19/07/2024, together with Motivational Report by Future Plan Town and Regional Planning, dated January 2024, herewith the following:

1. Since August 11, 2023, there had been extensive consultation between the proposer, the Overstrand municipality, the engineer and the environmental assessment practitioner.
2. The general requirement is that a 30m buffer be employed around the pan for protection, and this was to be considered for future developments in the area of the pan.
3. The site visit revealed that erf 1177 is within the 30m buffer and hence the requirement of an impact assessment.
4. Erf 1177 is within that sensitive buffer, and sufficient mitigation measures are needed which will ensure minimum impact to the wetland. The design on stilts was one of the measures the BOCMA supports.
5. The latest information, being 'the proposal' (Section 2 of the Motivational Report) attempts to minimize impacts on the pan and wetland area.
6. An Aquatic Biodiversity Risk Assessment was done and a General Authorization process followed by the EAP (LORNAY Consulting).
7. The impact was concluded as being LOW.
8. Henceforth, the BOCMA agrees with the proposal and don't have any objection against it.
9. The copy of the Service Level Agreement (SLA), which is proposed between the property owner and the Overstrand municipality, should be issued to BOCMA as soon as possible.
10. The BOCMA has no objection against the proposed application for consent use.

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

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

Please ensure to quote the above reference in doing so.

FILE NO. Erf 1177-HNM
SCAN NO.
COLLABORATOR NO.
2119559

17 SEP 2024

Yours faithfully.

A handwritten signature in black ink, appearing to read 'J. Van Staden', with a stylized flourish at the end.

JAN VAN STADEN
CHIEF EXECUTIVE OFFICER (ACTING)



TP - A Theart
(Holivier)

OPENSERVE (PTY)LTD – Western Cape
Jan Smuts Drive, Pinelands

Contact Person: Ihlaam Peters
Tel: 081 347 7443
Email: ihlaamp@openserve.co.za

Our Ref: WWIP_WONR2983_24

Your Ref: 1177HVM

22 August 2024

Attention: Mr H Olivier

OVERSTRAND MUNICIPALITY
Directorate: Planning & Development
Town & Spatial Planning

Dear Sir/Madam

FILE NO.	Erf 1177 - HVM
SCAN NO.	
COLLABORATOR NO.	2106790

NO SERVICES AFFECTED

WAYLEAVE: ERF 1177, 56 FULMAR STREET, VERMONT: APPLICATION FOR REZONING AND DEPARTURE

With reference to your letter received August 2024.

I hereby inform you that Open Serve approves the proposed work indicated on your drawing in principle. This approval is valid for 6 months only, after which reapplication must be made if the work has not been completed.

The approval wayleave letter also serves as the permit.

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

Approval is granted, subject to the following conditions.

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

Please notify this office immediately if you locate any Open Serve plant that was not indicated. Please contact our representative **MELT VAN AS** at telephone number **0813637873/MeltVA@openserve.co.za**

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

Should Open Serve infrastructure be damaged while work is undertaken, kindly contact our representative immediately.

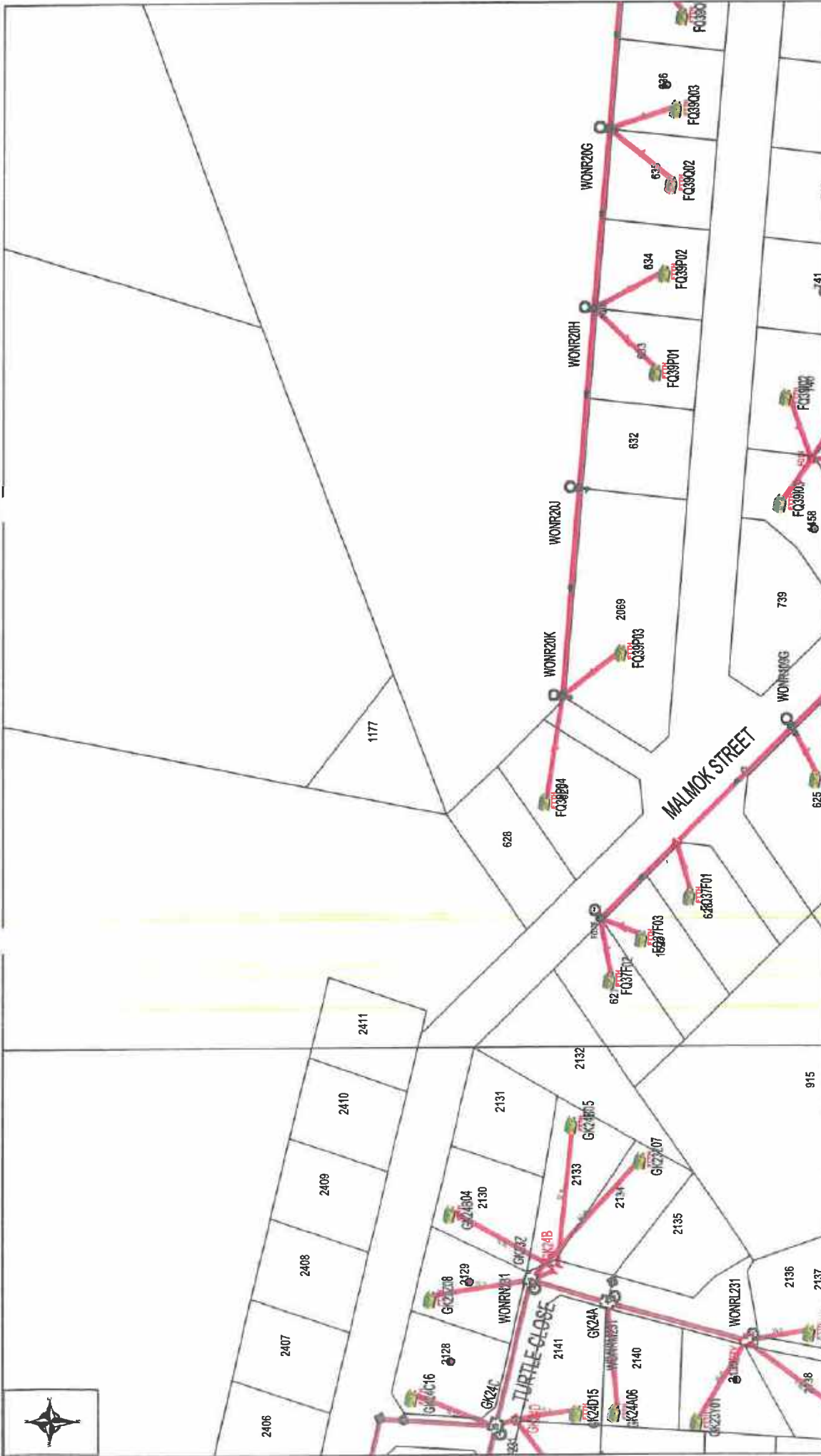
All Open Serve rights remain reserved.

Yours faithfully



Ihlaam Peters
for
WAYLEAVE MANAGEMENT





Legend		Legend		Legend	
	Existing Manhole		Existing SDC		Existing Indoor DP
	Planned Manhole		Planned SDC		Planned Indoor DP
	To Be Abandoned Manhole		To Be Recovered SDC		To Be Recovered DP
	Existing Jointing Pit		Existing DLC		Existing DP
	Planned Jointing Pit		Planned DLC		Planned DP
	To Be Abandoned Jointing Pit		To Be Recovered DLC		To Be Recovered DP
	Existing PJB		Existing Pillar Joint		Existing Pole
	Planned PJB		Planned Pillar Joint		Planned Pole
	To Be Abandoned PJB		To Be Recovered Pillar Joint		To Be Recovered Pole
	Existing Underground Route		Existing Overhead Route		To Be Recovered Overhead Route
	Planned Underground Route		To Be Abandoned Overhead Route		Existing Mini OMDF
	To Be Abandoned Underground Route		Planned Overhead Route		Planned Mini OMDF
	Existing Overhead Route		To Be Recovered Overhead Route		Existing Strut and Stay
	To Be Recovered Overhead Route				

TELKOM REGIONAL EXECUTIVE	
Completed By	1 Peters
Client	
Client ref	
Details	NO SERVICES AFFECTED
Date	22/08/2024
OpenServe ref	WWP_WONR2083_24
Page Size	A4

<p>FILE REF: 1177 HVM APP ID: 4568/2024</p>	<h1 style="margin: 0;">Internal Memorandum</h1>												
<p>FROM:</p> <p>TOWN & SPATIAL PLANNING</p> <p>TOWN PLANNER: Henk Olivier</p> <p>DATE: 19 July 2024</p> <p>NOTES: Please provide your comments (with specific reference to any conditions of approval that should be imposed) in the space provided above or in a separate Memo <u>by not later than the date stipulated below</u>. If you require an extension of time for submission of comments, kindly request this in writing. Should no comments be received, it will be assumed that you have no objection to the proposal and where appropriate, the MPT will be informed accordingly.</p> <p><i>Building Control Department to confirm that all structures on the properties are in accordance with the approved building plans.</i></p>	<p>APPLICANT: FUTURE PLAN TOWN AND REGIONAL PLANNERS ON BEHALF OF IS FORTUIN</p> <p>PROPERTY DETAILS: ERF 1177, 56 FULMAR STREET, VERMONT</p> <p>APPLICATION: REZONING AND DEPARTURE</p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <td style="padding: 2px;"><u>AREA MANAGER</u></td> <td style="padding: 2px;"><u>BUILDING CONTROL</u></td> <td style="padding: 2px;"><u>DISTRICT HEALTH</u></td> <td style="padding: 2px;"><u>ELECTRICAL</u></td> </tr> <tr> <td style="padding: 2px;"><u>ENVIRONMENTAL</u></td> <td style="padding: 2px;"><u>ENGINEERING SERVICES</u></td> <td style="padding: 2px;"><u>FIRE DEPARTMENT</u></td> <td style="padding: 2px;"><u>LOCAL HERITAGE</u></td> </tr> <tr> <td style="padding: 2px;"><u>OPERATIONAL</u></td> <td style="padding: 2px;">PROPERTY ADMINISTRATION</td> <td style="padding: 2px;"><u>WASTE MANAGEMENT</u></td> <td style="padding: 2px;"><u>WARD COUNCILLOR</u></td> </tr> </table> <p style="text-align: center; font-weight: bold; margin-top: 10px;">INTERNAL DEPARTMENT COMMENTS</p> <p>I am not sure to which 15.74m wide servitude the Applicant is referring to. The only servitude in favour of Erf 1177 HVM is indicated on SG7082/1989 and it represents a 4m access servitude, which servitude is not registered at the deeds office (see Annexure A). This servitude runs parallel with Erf 628 and Erf 629 Vermont and gains access from the extension of Molteno Road, which is an unbuil road (see Annexure B). This diagram was approved before the Municipality became owner of Erf 915 Vermont. If the Applicant keeps to the 4m wide servitude, I have no objection, but if the width is increased, additional approval must be obtained.</p>	<u>AREA MANAGER</u>	<u>BUILDING CONTROL</u>	<u>DISTRICT HEALTH</u>	<u>ELECTRICAL</u>	<u>ENVIRONMENTAL</u>	<u>ENGINEERING SERVICES</u>	<u>FIRE DEPARTMENT</u>	<u>LOCAL HERITAGE</u>	<u>OPERATIONAL</u>	PROPERTY ADMINISTRATION	<u>WASTE MANAGEMENT</u>	<u>WARD COUNCILLOR</u>
<u>AREA MANAGER</u>	<u>BUILDING CONTROL</u>	<u>DISTRICT HEALTH</u>	<u>ELECTRICAL</u>										
<u>ENVIRONMENTAL</u>	<u>ENGINEERING SERVICES</u>	<u>FIRE DEPARTMENT</u>	<u>LOCAL HERITAGE</u>										
<u>OPERATIONAL</u>	PROPERTY ADMINISTRATION	<u>WASTE MANAGEMENT</u>	<u>WARD COUNCILLOR</u>										
<p>SIGNATURE:</p>	<p><i>Henk Olivier</i></p>												
<p>DATE:</p>	<p>22/07/2024</p>												

CLOSING DATE:
23 AUGUST 2024

Should the information be insufficient for you to make an informative comment, please list any additional documentation that you would require to make informed comments.



05.26.2023

Memo

Pg.03

Annexure B



TPA-EMS-240312-01

Town Planning Application on 12-03-2024

Generated on Unifi by Penelope Aplon on 08-04-2024



Basic Information

Captured Reference	12-03-2024 12:32 TPA-EMS-240312-01	Call Time	12-03-2024 12:32	Captured By Office	EMS
District	Overberg	Status			Open
Municipality	Overstrand				

Description

Erf 1177 VM: rezoning and departure

Geographical Information



56 Fulmar Street, Vermont, South Africa (-34.4118; 19.1567)

Application Details

File Reference	-
Applicant	Future Plan: Town and Regional Planning obo Ingrid Fortuin
Property Details	Erf 1177 Vermont

Application Comments

The site is located within the Urban Conservation EMOZ and a mapped wetland area as indicated on Cape Farm Mapper.

In terms of location within a wetland, the following mitigation measures as outlined in the Aquatic Biodiversity Risk Assessment must be implemented.

- Other than the excavation activities involved with constructing the six concrete pillars, the Vermont Salt Pan should be demarcated as a No-Go area during construction – with care taken during excavation activities to ensure that no disturbance occurs beyond the 3,24 sqm.
- No individuals of *Disa hallackii* (Endangered species which have previously been observed in the west of the Vermont Salt Pan) should be disturbed during construction.
- If possible, conduct construction activities during low rainfall months (October – March) to reduce surface run-off and sedimentation within the Vermont Salt Pan.
- Limit vegetation clearing to the proposed development area.
- Cover dug / excavated material onsite with suitable erosion blankets (geotextile fabric weighed down with bricks) to prevent sediment from entering the onsite wetland.
- The top floor level should be constructed at an adequate height which allows for sunlight to infiltrate, albeit for certain times of the day, to wetland vegetation below.
- All alien invasive vegetation species should be removed from the proposed site. Only indigenous vegetation should be planted.
- The conservancy tank should be placed 15 m away from the delineated wetland area.
- The construction camp should be located 15 m away from the edge of the wetland

In terms of the EMOZ, consent-use is required a per Schedule B(c): Construction or placement any permanent object, building, shelter pathway or structure. This site is located directly adjacent to the Vermont pan.

Application Types

Rezoning

Departure

Closing Comments

Penelope Aplon

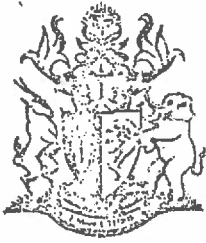


.....
08/04/2024.....

.....

Name and Surname
Date

Signature



AFDELINGSRAAD
CALEDON
DIVISIONAL COUNCIL

☎ 21120/1/2/3/4
Posbus/P.O. Box 5

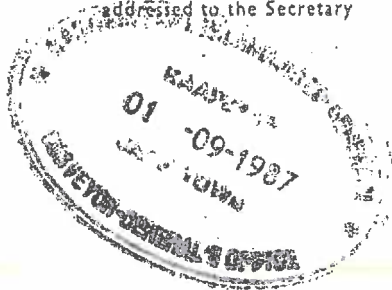
6 Pleinstraat/Sreet 6
CALEDON
7230

Verwysing L/6
Reference

Alle korrespondensie moet aan
die Sekretaris gerig word
All correspondence must be
addressed to the Secretary

NAYRAE
ENQUIRIES Mnr W van Zyl

Mr P A D Whitfield
P O Box 479
HERMANUS
7200



1987-08-28

Sir/Sins

SUBDIVISION OF ~~XXXXXX~~ REMAINDER OF ERE 939 VERMONT

1. By virtue of the powers delegated to my Council by the Administrator in terms of the Delegation of Powers Ordinance, No 13 of 1965, approval is hereby granted in terms of section 25 of Ordinance No 15 of 1985 for the subdivision of the abovementioned property (Yes) as shown on the attached plan which bears my Council's stamp dated 1987-08-28....
2. Your attention is drawn to the Provisions of Sections 22 to 32 of the above Ordinance as well as the relevant regulations promulgated in terms thereof.
3. It should also be noted that the Surveyor-General will, when approving the diagrams of the newly created erven, indicate on the back thereof by means of a rubber stamp, the date and reference number of this approval. The Registrar of Deeds will not register the separate registration of the erven until the application for Certificate of Registered Title or Power of Attorney has been endorsed by my Council. This endorsement will be given on submission of proof that the conditions of establishment, as set out herein, have been complied with. Furthermore, the conditions of title imposed must be quoted in the Power of Attorney or application for Certificate of Registered Title, which document must be submitted to my Council together with the diagrams for endorsement.

Yours faithfully

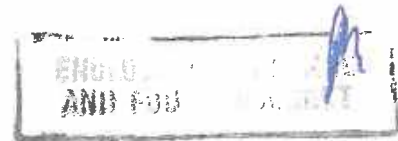
The Surveyor-General,
Private Bag 9028
CAPE TOWN 8000

SECRETARY

Sir

Copy for your information.

Secretary



Mt

SUBDIVISION: ERF 939 VERMONT

Dgm. 4092/74

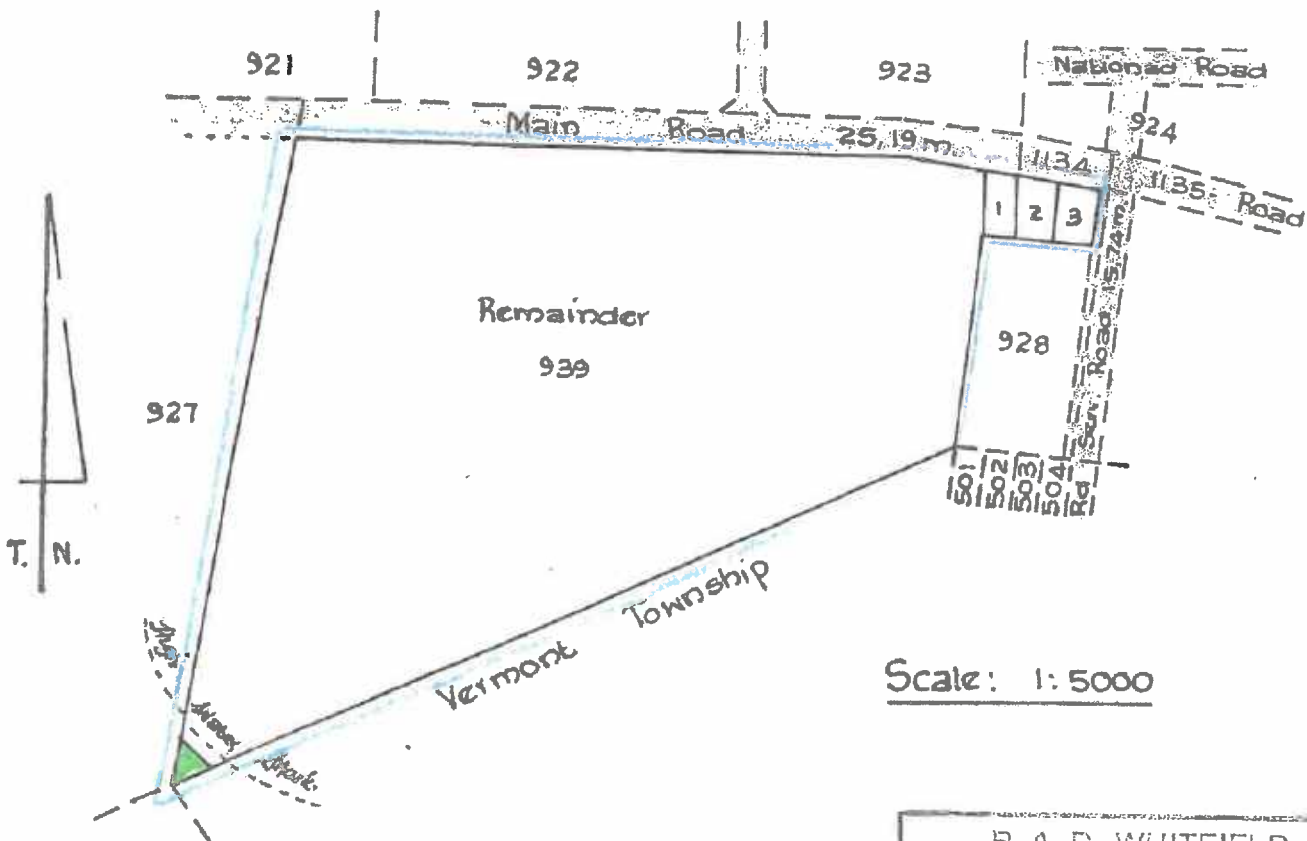
D./T. No. 1976. .5951

Local Area of Vermont

Admin. District Caledon

Scale: 1:1000


AI-3CB/X23 & 24(437, 438)



Scale: 1:5000

P. A. D. WHITFIELD	
LAND SURVEYOR	LANDMEASURER
P.O. BOX 479	HEMLOCK
POSBUS	
27-3-1987	File No. 88
	Lot No.

Afdelingsraad — Caledon — Divisional Council
Subdivision granted in terms of Section 25 of
Ordinance 15 of 1985
 Onderverdeling toegestaan kragtens Artikel 25
 van Ordinance 15 van 1985


 Sekretaris

CALEDON AFDELINGSRAAD	
Date	
Datum	28-08-1987
CALEDON DIVISIONAL COUNCIL	

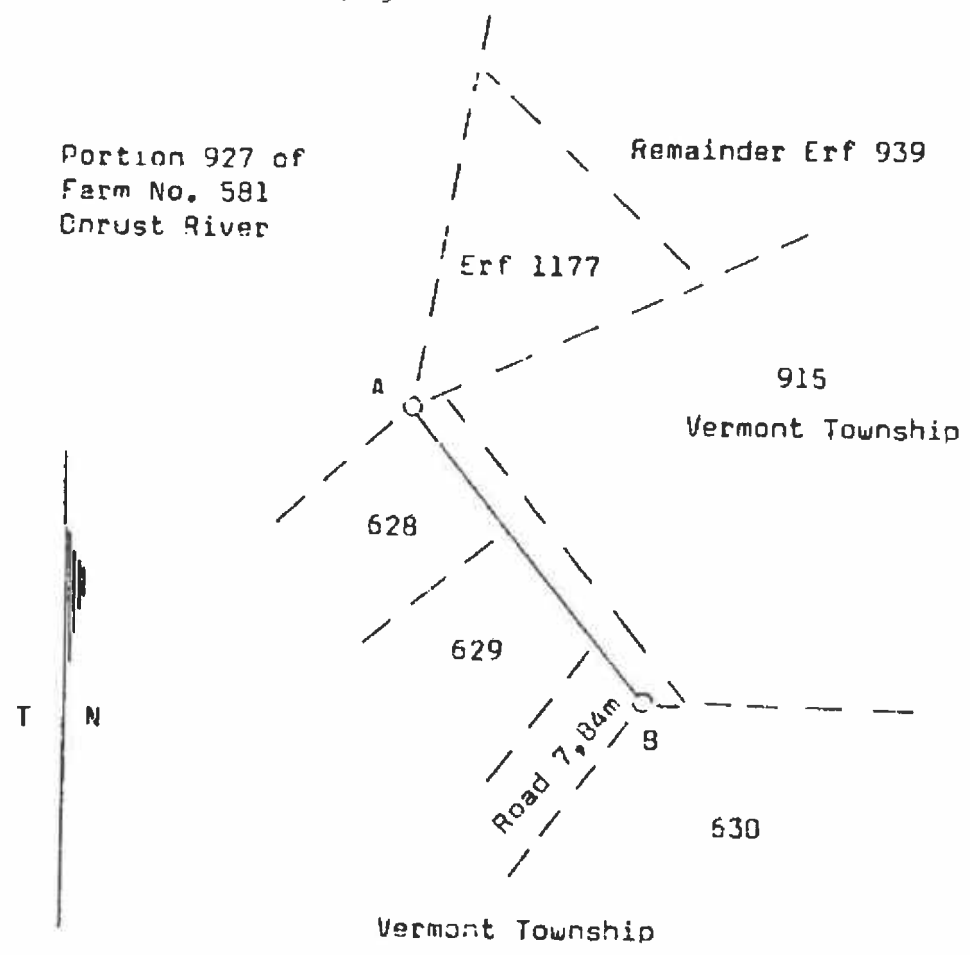
N

AB	Direction	Y	X
	Constant	- 10 000,00	+3 800 000,00
45,20	320 37 50	A - 4 453,38	+ 9 067,61
		B - 4 482,05	+ 9 102,55
(31) Mudge Point		- 3 749,09	+ 7 542,76
(207) Onrust		- 7 174,29	+ 7 501,45

7082-89
Approved
[Signature]
Surveyor-General
1989.11.13

Beacons:

A B : 12mm iron peg



Scale 1: 1000

The ~~figure~~ line A B represents the south west boundary of servitude of access 4 metres ~~of land being~~ wide over ~~Vermont Township~~ Remainder of Erf 915 Vermont situate in the Local Area of Vermont

Administrative District of Caledon Province of Cape of Good Hope.

Surveyed in October 1987 by me *S. Faure* Land Surveyor

This diagram is annexed to	The original diagram is	File No. 3/10350/2
No dated	No. 1690/1913 annexed to	S.R. No. E 2447/89
i.f.o.	Transfer, Grant 1913-115-7685 No 1055-106-20212	Comp. A1-3CB/X23(437) Gen. Plan V34 (3539)

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1

C

Aquatic Biodiversity Risk Assessment

Erf 1177, Vermont, Western Cape Province

November 2023



Report Information

Document name	Aquatic Biodiversity Risk Assessment, Erf 1177, Vermont V1.0		
Number of pages	35		
Author 1	Kimberley van Zyl	SACNASP Reg. No.	117097
Author contact details	Email: kimberley@deltaecologists.com Phone: +27 78 275 8815		
Author 2	Robyn Morton	SACNASP Reg. No.	Pending

Citation

Van Zyl, K., & Morton, R. 2023. Aquatic Biodiversity Risk Assessment Erf 1177 Vermont V1.0. Delta Ecology. RSA



Executive Summary

The owner of Erf 1177, Vermont proposes the development of a residential unit on the property. The proposed infrastructure comprises of a single residential unit (footprint of 67,5 m²), double garage (footprint of 43,8 m²) and a conservancy tank (footprint of 6 m²). The proposed development site is located within the Overstrand Local Municipality and borders the Vermont Salt Pan to the northeast.

According to the national web-based environmental screening tool report generated for the site, the Combined Aquatic Biodiversity Theme Sensitivity is classified as "Very High" (DFFE, 2023). The classification trigger is the presence of aquatic Ecological Support Areas (ESAs) and a Depression wetland within the proposed development site.

Following an aquatic biodiversity assessment of the proposed site on the 3rd of October 2023, a natural Depression wetland was confirmed and delineated onsite. The wetland forms part of the Vermont Pan to the northeast. The site was in a disturbed state and characterised by a mixture of alien and indigenous vegetation.

In this aquatic biodiversity assessment, the delineated onsite Depression wetland was assessed using current best practice assessment methodologies to determine the Present Ecological State (PES), Ecological Importance and Sensitivity (EIS), and Recommended Ecological Category (REC) metrics. The results of these assessments are as follows:

Table i: Results of the wetland status quo assessment.

	PES	EIS	REC
Depression Wetland	C	High	B or C

Although the condition of the Depression wetland was moderately disturbed, the high EIS indicates that the wetland is sensitive and important in terms of conservation planning or provision of ecosystem services.

Four potential aquatic biodiversity impacts associated with the proposed development were identified and assessed using the Risk Assessment Matrix prescribed by GN509 of 2016. The four post-mitigation scores fell within the "Low" risk category.

The proposed residential house is of limited scale and extent (61.52 sqm). However, the Vermont Salt Pan is considered to be an ecologically important and sensitive wetland. Therefore, the proposed layout has gone through various iterations in order to ensure that the footprint within the delineated wetland area is minimal. At present, the footprint area coinciding with the delineated wetland is limited to 6 concrete pillars which support the cantilever for the top floor. This amounts to 3,24 sqm of wetland habitat disturbance within the temporary zone of the Vermont Salt Pan and is considered to be of a "Low" risk to the wetland.

The Low-risk ratings confirm that a General Authorisation will be required for this project. Should there be any further encroachment into the onsite wetland, the risk will change to Moderate, and a Water Use Licence will be required. Therefore, other than the excavation activities involved with constructing the six concrete pillars, the Vermont Salt Pan should be demarcated as a No-Go area during construction – with care taken during excavation activities to ensure that no disturbance occurs beyond the 3,24 sqm. It is recommended that the top floor of the proposed house is sufficiently raised above the wetland area to allow for sunlight to infiltrate to the wetland plants below. In addition, the proposed conservancy tank and construction camp should be kept at a distance of 15 m from the delineated wetland area. All alien invasive vegetation, such as Port Jackson and Kikuyu should be removed from the site and only indigenous vegetation should be planted.



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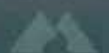


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Specialist Details

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Kimberley van Zyl is an ecologist and environmental scientist with over 7 years' experience in the environmental management field. She holds a MSc. degree in Water Resource Management from the University of Pretoria and her professional affiliations include the South African Council for Natural Scientific Professions (SACNASP) and the Southern African Society of Aquatic Scientists (SASAqS). Kimberley's work experience has exposed her to a range of projects across various business sectors such as mining, agriculture, and construction, as well as the public sector.

A signed statement of independence will be provided as a separate document.



1. Introduction

The owner of Erf 1177, Vermont proposes the development of a residential unit on the property (**Figure 1-1** & **Figure 1-2**). The proposed infrastructure comprises of a single residential unit (footprint of 67,5 m²), associated double garage (footprint of 43,8 m²) and conservancy tank (footprint of 6 m² (**Figure 1-2**).

The proposed development site is located within the Overstrand Local Municipality and borders the Vermont Salt Pan to the northeast with the proposed residential development located in the centre of the site, the garage in the southwest, and the conservancy tank to the southeast (**Figure 1-2**).

Delta Ecology was appointed to undertake an aquatic biodiversity risk assessment. During the site assessment conducted on the 3rd of October 2023, the presence of a Depression wetland, the Vermont Salt Pan, within the proposed development site was confirmed.

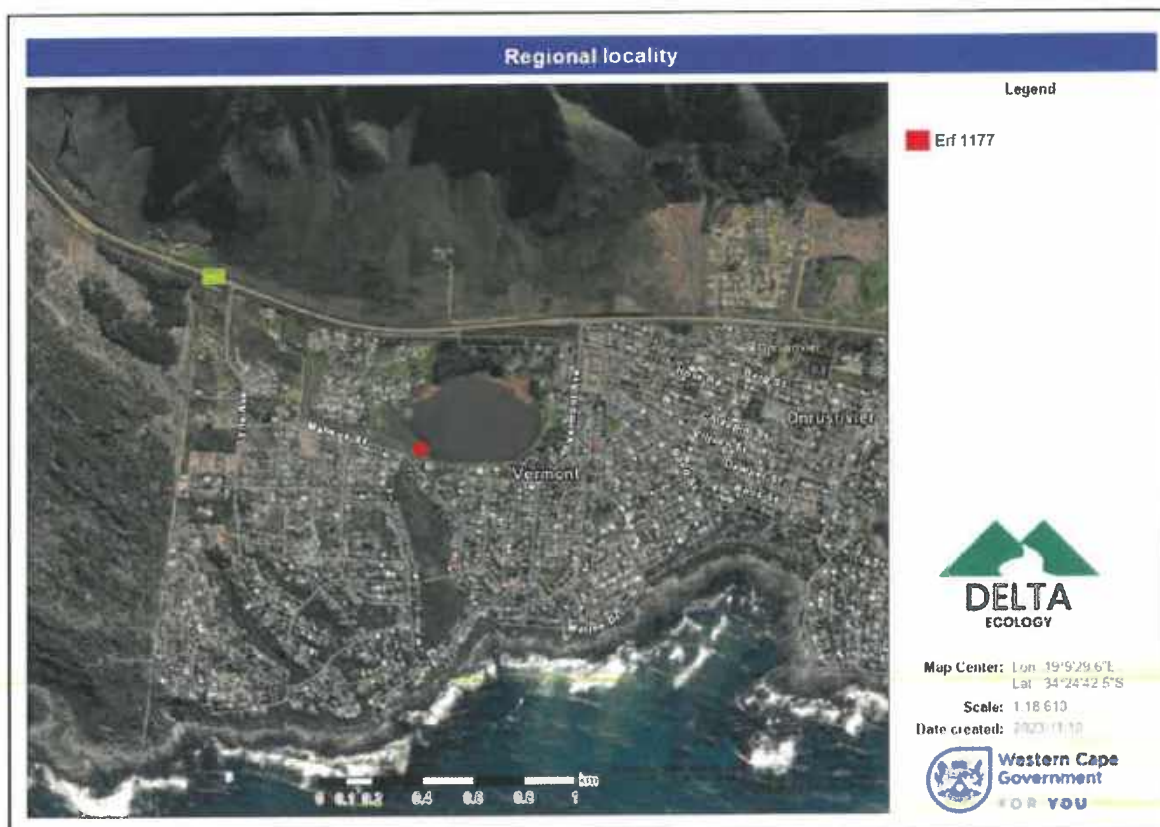


Figure 1-1: Location of the proposed site, Erf 1177, Vermont.



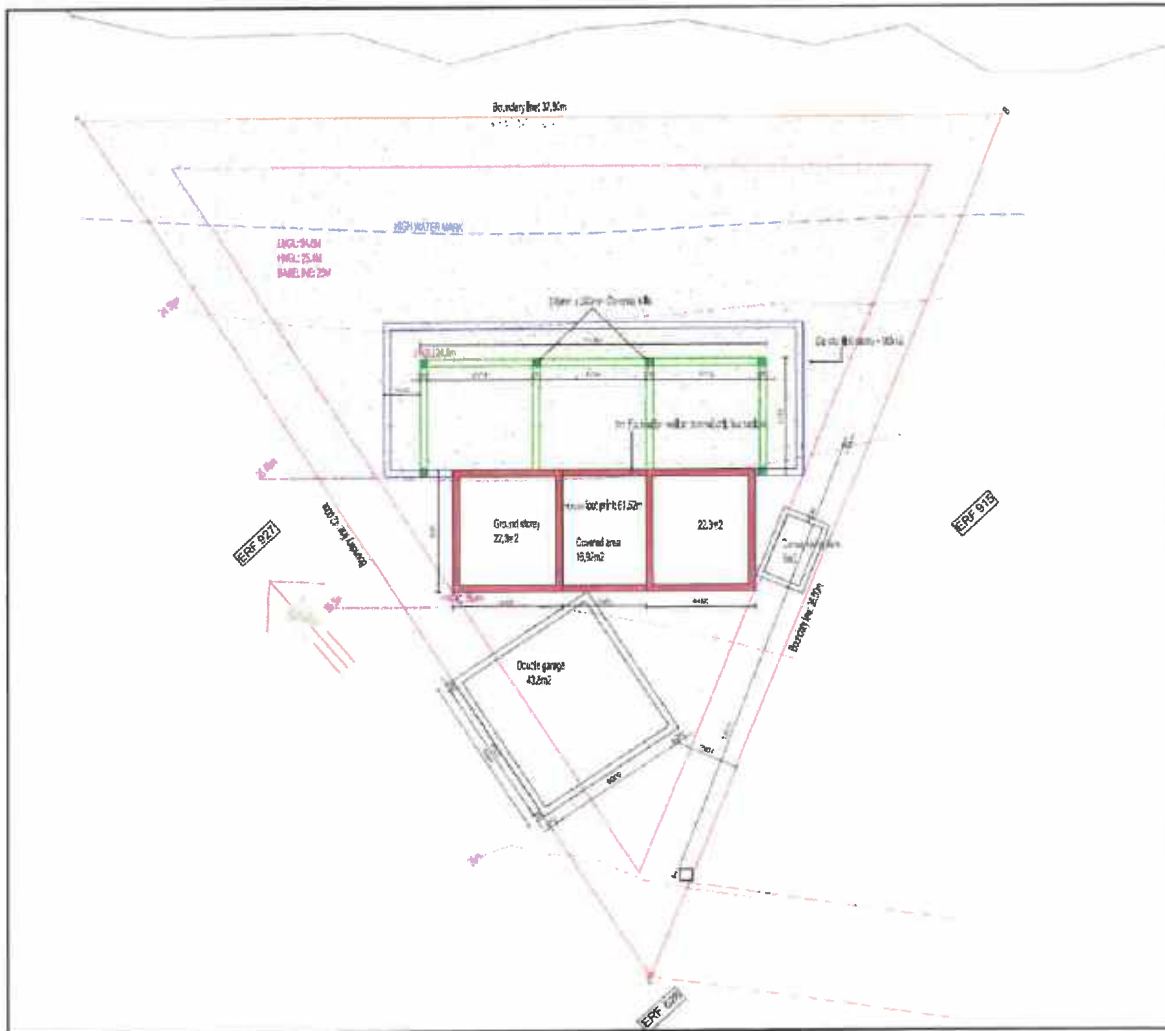


Figure 1-2: Preferred development plan for the site.

1.1. Terms of Reference

The terms of reference agreed upon for this aquatic biodiversity assessment include:

- A desktop background assessment to identify potential aquatic biodiversity constraints within the proposed development site and within the 500 m regulated proximity thereof.
- A site assessment to confirm potential aquatic biodiversity constraints within the proposed site.
- Delineation of all watercourses likely to coincide with proposed infrastructure using a combination of site-based and desktop methodologies as appropriate.
- Drafting of an aquatic biodiversity risk assessment report including the following:
 - General site description;
 - Site sensitivity verification;
 - Determination of the Present Ecological State (PES) & Ecological Importance and Sensitivity (EIS);
 - Application of the Risk Assessment matrix stipulated by GN509 of 2016 promulgated in terms of the National Water Act (Act 36 of 1998) to determine the risk of the proposed development activities on the delineated watercourse onsite;
 - Provision of mitigation measures to reduce aquatic biodiversity impact as far as possible.



1.2. Limitations and Assumptions

The following limitations and assumptions apply to this assessment:

- The site assessment was undertaken on the 3rd of October 2023, near the end of the winter season in the Western Cape Province. Therefore, this assessment does not cover complete seasonal variation in conditions at the site. This will however not have an impact on the aquatic assessment's outcome since hydrology, soil, and vegetation indicators were present and adequate for the delineation and assessment purposes.
- The duration of the site assessment was approximately 3 hours which was sufficient to adequately assess the watercourse and the aquatic biodiversity risk posed by the proposed development.
- The watercourse was delineated using a Garmin handheld GPSMAP 66i with an expected accuracy of 3 m or less at the 95% confidence interval. In the opinion of the specialist, this limitation is of no material significance to the assessment and all aquatic biodiversity constraints have been adequately identified.

Notwithstanding the above limitations, the specialist is of the opinion that the aquatic biodiversity constraints for the site have been adequately identified for the purposes of this aquatic biodiversity risk assessment.

1.3. Use of this report

This report reflects the professional judgement of its author and, as such, the full and unedited contents of this should be presented in any application to relevant authorities. Any summary of the findings should only be produced with the approval of the author.

2. Site Sensitivity Verification

According to the national web-based environmental screening tool report generated for the site, the Combined Aquatic Biodiversity Theme Sensitivity is classified as "Very High" (DFFE, 2023). The classification trigger is the presence of aquatic Ecological Support Areas (ESAs) and a mapped National Wetland Map Version 5 (NWM5) natural Depression wetland within the proposed development site.

During the site assessment undertaken on the 3rd of October 2023, a natural Depression wetland (the Vermont Salt Pan) was confirmed and delineated onsite. The overall site sensitivity was therefore found to be "Very High".

The wetland has hydromorphic soil and hydrophytic vegetation indicators that indicate both natural wetland function and habitat exist within the site, likely of a temporary nature, and form part of the larger wetland system of the Vermont Salt Pan. The proposed development is likely to impact the hydrology, water quality and wetland vegetation present. Encroachment of the development into the onsite wetland will impact the geomorphology of the wetland.

Given the confirmed presence of an onsite wetland, the site was determined to be of "Very High" aquatic sensitivity. Should an Environmental Authorisation (EA) be required for the proposed development, according to GN R. 320 of 2020, a full Aquatic Biodiversity Specialist Assessment is required.



3. Methodology

The methodology used in this aquatic biodiversity specialist assessment report, including a desktop background assessment, one site visit, and the delineation, and classification of the wetland associated with the proposed site, is outlined in the subsections below.

3.1. Desktop Assessment

A review of desktop resources was undertaken to determine the nature of the proposed site, the presence of watercourses in the vicinity, and the significance of the site in terms of biodiversity planning. The following desktop resources were consulted:

- Topographical and watercourse information from the Department of Rural Development and Land Reform (DRDLR);
- The South African Atlas of Climatology and Agrohydrology;
- Geological information from the Council for Geoscience;
- The SANBI (2018) National Vegetation Map (NVM);
- The National Wetlands Map Version 5 (NWM5 – CSIR 2018);
- The National Freshwater Ecological Priority Areas (NFEPA – CSIR, 2011) wetland, wetland vegetation group classification, river, and FEPA datasets;
- The Chief Directorate: National Geo-spatial Information (DRDLR) Rivers dataset;
- The Western Cape Biodiversity Spatial Plan (WCBSP, 2017).

3.2. Wetland Identification & Delineation

Watercourses were identified and delineated using the method described in the Manual for the Identification and Delineation of Wetlands and Riparian Areas for field-based delineation (DAAF, 2008). This method is the accepted best practice method for delineating watercourses in South Africa and its use is required by GN 509.

For wetlands, the method makes use of four key field indicators to guide the delineation process (refer to **Box 1**):



Box 1. Four indicators of wetland presence as described in DWAF (2008):

1. The **position in the landscape** – Identifies parts of the landscape where wetlands are more likely to occur;
2. The **soil form** – Wetlands are generally associated with certain soil types;
3. The presence of **aquatic vegetation communities**;
4. The presence of **hydromorphic soil features**, which are morphological signatures that appear in soils with prolonged periods of saturation (associated with anaerobic conditions). Key hydromorphic features include:
 - a. **Mottling** – Formation of clumps of iron oxide within the soil matrix in the form of orange, yellow, black, or reddish-brown speckling. Mottling occurs in most soils and reaches maximum density in the centre of the seasonal zone with sparse mottling in the temporary zone and no mottling in the permanent zone.
 - b. **Gleying** – Shift in soil colour from the terrestrial baseline towards a blue, green, or grey colour and an overall reduction in soil chroma. This phenomenon is normally difficult to identify in the temporary zone, noticeable in the seasonal zone and most significant in the permanent zone.
 - c. **Organic Surface Layers** – surface layers with very high organic content that typically occur in the wetland seasonal and permanent zones.
 - d. **Organic Streaking** – Streaks of organic matter within the soil column which may be present in all zones, but particularly the temporary and seasonal zones.

Soil samples were taken for inspection by hand augering to determine soil form, presence of redoximorphic and other hydromorphic soil features. Aquatic vegetation communities were identified using the (DWAF, 2008) classification of wetland plant species, along with auxiliary information from (Van Ginkel *et al.*, 2011). Wetland plant species classification categories include:

- Obligate species (occurring in wetlands >99% of the time – usually in the permanent or seasonal zone);
- Facultative Positive species (67 to 99% of the population occurs within wetlands – typically in the seasonal and temporary zones with the remaining 1 to 33% in the adjacent area on the wetland periphery);
- Facultative Species (33 – 67% of the population occurs within wetlands – usually in seasonal or temporary zones with the remaining 67 – 33% in the adjacent area on the wetland periphery);
- Facultative Negative Species (1 – 33% of the population occurs within wetlands – usually in the temporary zone with the remaining 99 to 67% in the adjacent area on the wetland periphery);
- Wetland Cosmopolitan Species (No specific affinity for wetlands and colonise wetland and terrestrial areas).

3.3. Wetland Classification

The Ollis *et al* (2013) Classification System for Wetlands and Other Aquatic Ecosystems in South Africa, as used in this assessment, is a tiered structured classification system that provides a uniform description of wetland types based on their hydrogeomorphic characteristics (**Figure 3-1**).



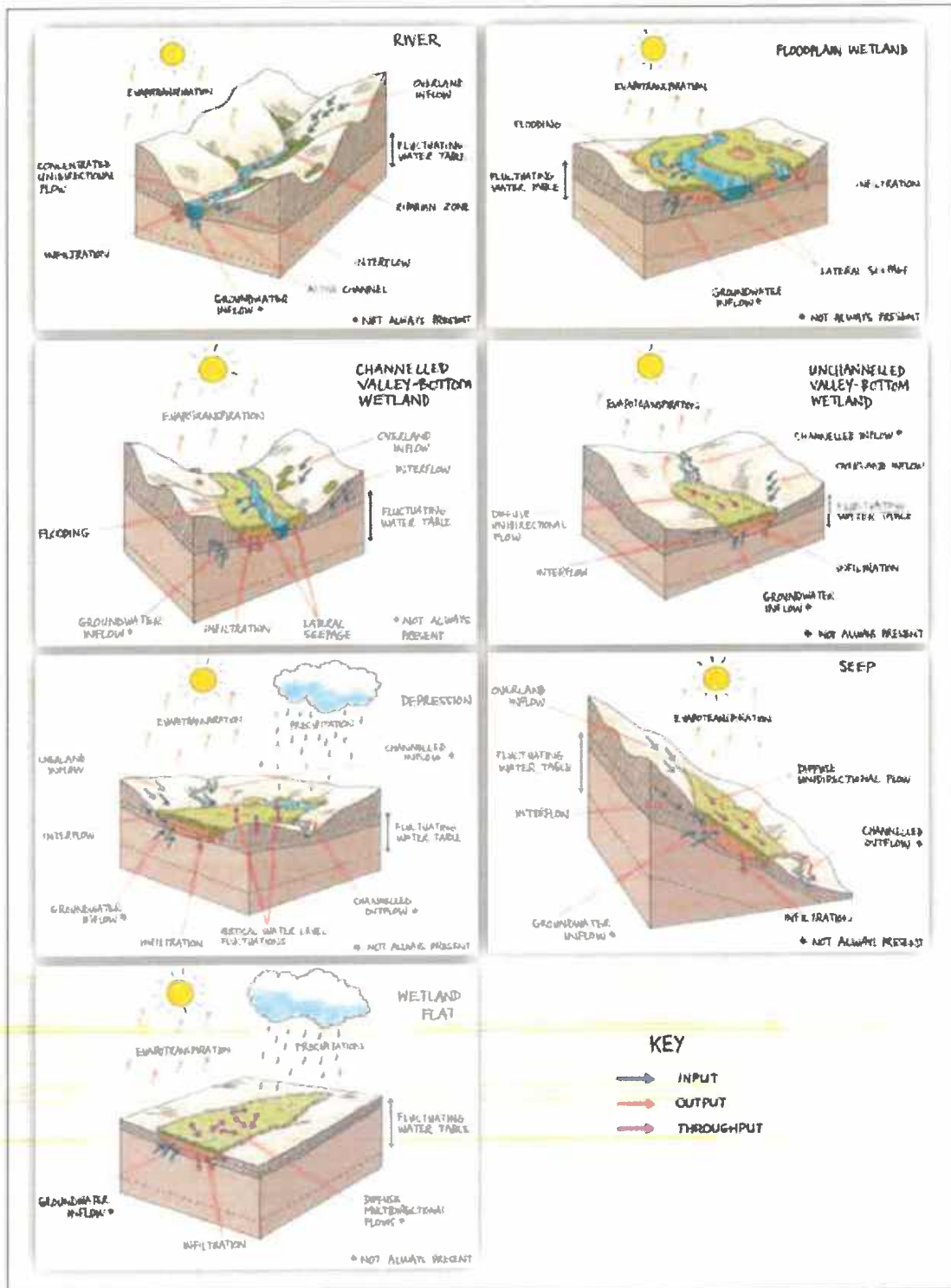


Figure 3-1: Wetland Hydrogeomorphic Types as defined in the Classification System for Wetlands and Other Aquatic Ecosystems in South Africa (Ollis et al., 2013).

3.4. Present Ecological State Assessment

WET-Health Version 2 (Macfarlane et al. 2020) is a modular tool designed to evaluate and assess the Present Ecological State (PES) of wetland hydrogeomorphic units based on the degree to which the wetland has deviated from its natural reference condition. The tool accounts for four inter-related



components that influence wetland health. These consist of three core drivers of wetland change namely hydrology, geomorphology and water quality, along with vegetation as a responding variable. A separate PES score is derived for each of these components, which are then combined into a single PES score for the wetland hydrogeomorphic unit. The scores for each component and the overall score fall into one of six Ecological Categories defined in **Table 3-1** below.

The tool offers three levels of assessment:

1. Level 1A, a low-resolution desktop-based assessment;
2. Level 1B, a high-resolution desktop-based assessment; and
3. Level 2, a detailed rapid field-based assessment.

Level 1A is applied to provincial and national scale assessments of many wetlands, while Level 1B is applied to catchment scale assessments or to rapid individual assessments. The Level 2 assessment incorporates information from a direct onsite assessment of the wetland and its catchment and adds detail by separately assessing the various disturbance units within the wetland. The level 2 PES assessment was applied in this case.

Table 3-1: PES Categories Scores as defined WET-Health Version 2 (Macfarlane et al., 2020).

Ecological Category	Description	Impact Score	PES Score (%)
A	Unmodified, natural.	0-0.9	90-100
B	Largely natural with few modifications. A slight change in ecosystem processes is discernible and a small loss of natural habitats and biota may have taken place.	1-1.9	80-89
C	Moderately modified. A moderate change in ecosystem processes and loss of natural habitats has taken place but the natural habitat remains predominantly intact.	2-3.9	60-79
D	Largely modified. A large change in ecosystem processes and loss of natural habitat and biota and has occurred.	4-5.9	40-59
E	Seriously modified. The change in ecosystem processes and loss of natural habitat and biota is great but some remaining natural habitat features are still recognizable.	6-7.9	20-39
F	Critically modified. Modifications have reached a critical level and the ecosystem processes have been modified completely with an almost complete loss of natural habitat and biota.	8-10	0-19

3.5. Ecological Importance and Sensitivity Assessment

The Ecological Importance and Sensitivity (EIS) method (Rountree *et al.* 2013) is a rapid scoring system designed to identify the ecological importance and sensitivity of wetlands to disturbances across multiple scales (i.e., catchment to international scales). The full EIS method integrates three important components, namely, ecological importance and sensitivity, hydro-functional importance, and basic socio-economic importance. The hydro-functional and socio-cultural benefits were however assessed using the updated WET-EcoServices assessment methodology and these two components were therefore omitted from this EIS assessment. The EIS score ranges from 0-4, and it provides an index for prioritisation and management of water resources. The EIS categories are presented in **Table 3-3**.



Table 3-2: Ecological Importance and Sensitivity Categories (DWAf, 1999).

EIS Category	Description	Range of Median
Very High	Ecologically important and sensitive on a national or even international level. These river systems and their biota are usually very sensitive to flow and habitat modifications and provide only a small capacity for use.	>3 and <=4
High	Ecologically important and sensitive on a regional or national scale. These river systems may be sensitive to flow and habitat modifications.	>2 and <=3
Moderate	Watercourses that are considered to be ecologically important and sensitive on a provincial or local scale. The biota of these watercourses is not usually sensitive to flow and habitat modifications.	>1 and <=2
Low/marginal	Watercourses that are not ecologically important and sensitive at any scale. The biota within these watercourses is not sensitive to flow and habitat modifications.	>0 and <=1

3.6. Recommended Ecological Category

The method for determining the Recommended Ecological Category (REC) for water resources is described in Rountree *et al.* (2013). The objective of the REC is to define the management objective for wetlands and does so in accordance with the following rules:

- A wetland within PES Category A (unmodified) cannot be rehabilitated. The management objective will therefore always be to maintain the existing PES Category.
- A wetland within PES Category B, C or D with a "Low-marginal" or "Moderate" EIS score must also be maintained in the pre-development PES category.
- A wetland within PES Category B, C or D with a "High" or "Very High" EIS score must, where practically possible, be rehabilitated to a PES category that is one higher than the pre-development category. E.g. a wetland with a pre-development PES score of C and a "High" EIS score must be rehabilitated to a PES category B. Where this is not practically possible, maintenance of the pre-development PES category will be the management objective.
- PES Categories E or F are considered unsuitable and always require rehabilitation to a PES Category D.

3.7. Risk Assessment

The risk assessment utilised the methodology and risk matrix specified in GN. 509 of 2016 for the purpose.



4. Desktop Assessment

A review of desktop resources was undertaken. A summary of key desktop information relevant to this assessment is provided below.

4.1. Biophysical Context

The proposed development site is relatively flat and slopes from approximately 26 MASL in the southwest corner to 21 -22 MASL in the northeast with an average gradient of 2,55 %. The mean annual rainfall received in the area is 638 mm, mostly during the winter months with the highest mean rainfall occurring in May-August and the lowest mean rainfall occurring in November-March (Schultz, 2009)

According to the Council for Geoscience geological map (ENPAT), the soils in this region are dominated by grey regic sands and other soils. The geology onsite consists of recent coastal sand and dunes, with slight occurrence along the coast of shale of the Bokkeveld Group and sandstone of the Peninsula Formation, Table Mountain Group. The soil types and descriptions map developed by the Department of Agriculture, Forestry and Fisheries (DAFF) indicates that this region is characterised by greyish sandy soils which are excessively drained. Soils tend to be poor in clay (<15%).

According to the SANBI Vegetation Map (SANBI, 2018), the natural vegetation in this area consists of Hangklip Sand Fynbos (**Figure 4-1**) which is listed as Critically Endangered (CR) and Moderately Protected (MP) (**Table 4-1**). According to the NFEPA (CSIR, 2011) spatial dataset, the southwestern portion of the site corresponds to Southwest Sand Fynbos which is CR and Hardly Protected (HP) while the northeastern portion of the site corresponds to Southwest Sandstone Fynbos, which is Endangered (EN) and Well Protected (WP) wetland vegetation type for wetlands where present (**Figure 4-2**).

The general biophysical characteristics of the proposed site are summarised in **Table 4-1**.

Table 4-1: General characteristics of the proposed site.

Site attribute	Description	Data source
Eco-region	Southern Coastal Belt	Department of Water Affairs Level 1 Ecoregions (DWS, 2011)
Terrestrial Vegetation Type	Hangklip Sand Fynbos (CR-MP)	National Vegetation Map of South Africa, 2018 (SANBI, 2018)
Dominant Geology and Soils	Recent coastal sand and dunes with slight occurrence along the coast of shale of the Bokkeveld Group and sandstone of the Peninsula Formation, Table Mountain Group	Cape Farm Mapper (ENPAT, 2021)
Soil Erodibility Factor (K)	0.64 (High)	SA Atlas of Climatology and Agrohydrology (Schulze, 2009)
Soil Depth & Clay Percentage (%)	>= 750 mm & <15%	Soil types and descriptions for the Western Cape, Department of Agriculture, Forestry and Fisheries (DAFF, 2021)



Mean Annual Precipitation (mm)	638 mm	SA Atlas of Climatology and Agrohydrology (Schulze, 2009)
Rainfall seasonality	Winter rainfall	
Mean Annual Temperature (°C)	16 °C	
Water Management Area	Breede-Gouritz	Water Management Areas (DWAF, 2011)
Quaternary Catchment	G40G	South African Quaternary Catchments Database (Schulze <i>et al.</i> 2007)
Wetland Vegetation Group (for wetlands within the applicable terrestrial vegetation type)	Southwest Sand Fynbos (CR-HP) Southwest Sandstone Fynbos (EN-WP)	NFEPA Wetland Vegetation Types (CSIR, 2011)

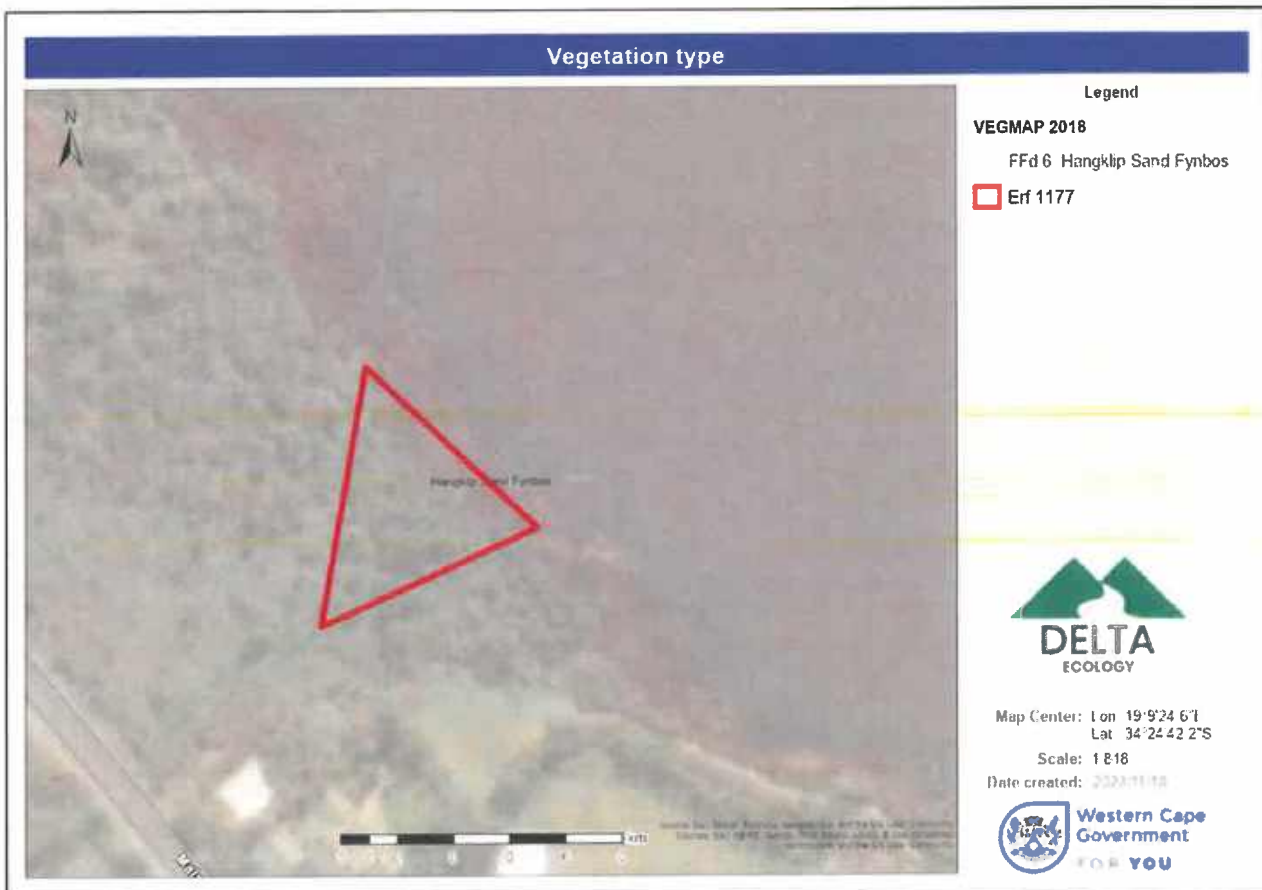


Figure 4-1: Terrestrial vegetation types (SANBI, 2018).



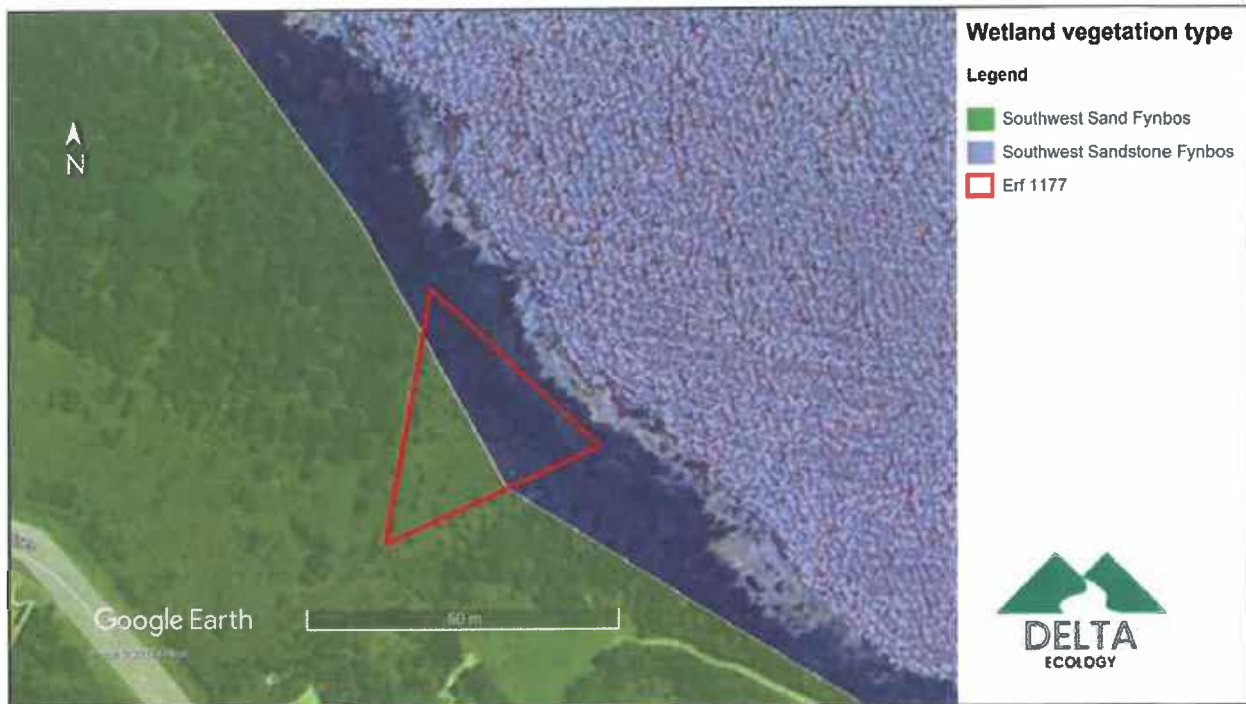


Figure 4-2: Wetland vegetation types (NFEPA, 2011).

4.2. Biodiversity Planning Context

The site under evaluation is located within the Breede-Gouritz Water Management Area, quaternary catchment G40G. The applicable sub-quaternary catchment is demarcated as a NFEPA Fish Support Area and Fish Sanctuary (CSIR, 2011). The regional setting, in terms of the Level 1 DWA (now Department of Water and Sanitation) Ecoregions, is within the Southern Coastal Belt (**Table 4-1**).

The NWM5 as well as the NFEPA wetland layer both indicate the presence of a large wetland system (the Vermont Salt Pan) extending across the majority of the proposed development site as well as within the 500 m regulated area from the site (**Figure 4-3** and **Figure 4-4**). In addition, the NFEPA wetland layer indicates an artificial Channelled Valley-Bottom (CVB) wetland system approximately 16 m northwest of the proposed development site (**Figure 4-4**). It was however the opinion of Job and Ratcliff (2006), EnviroSwift (2018), Delta Ecology (2023), and this current assessment, that this mapped NFEPA artificial CVB wetland is a large natural UVB wetland system which originates upslope, to the northwest of the site and augments the Vermont Salt Pan.

According to river line vector data of the 1:50 000 topography maps for the Western Cape produced by the DRDLR (NGI) there are two non-perennial drainage lines present within 500 m of the study area which are likely hydrologically connected to the Vermont Salt Pan system (**Figure 4-4**).

The WCBSP indicates a terrestrial Critical Biodiversity Area (CBA) within the southwestern portion of the site while aquatic Ecological Support Areas (ESAs) are indicated in the northeastern portion of the proposed development site (WCBSP, 2017) (**Figure 4-5**). In addition, several aquatic and terrestrial CBAs and ESAs are indicated within the 500m regulated proximity from the proposed development site (WCBSP, 2017) (**Figure 4-5**).



Figure 4-3: Watercourses within the proposed site (SANBI, 2011).

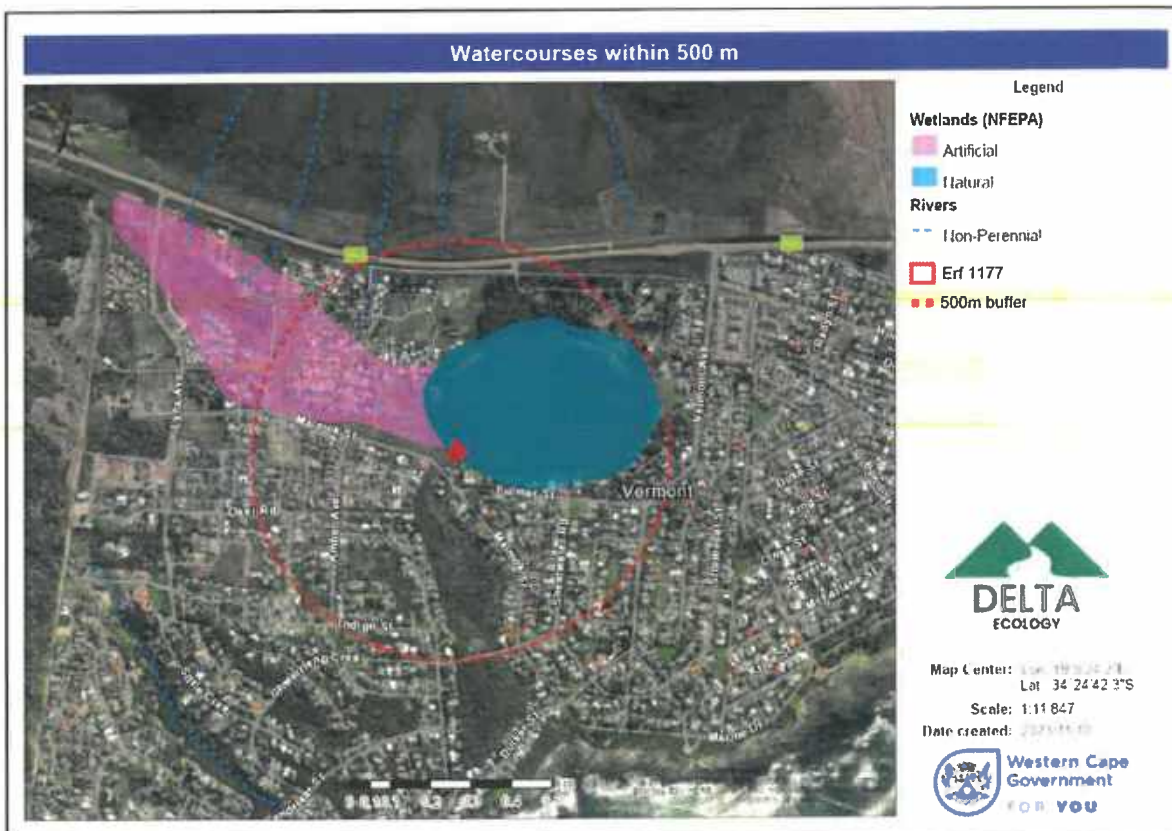


Figure 4-4: Watercourses within 500m of the proposed site (NFEPA, 2011).



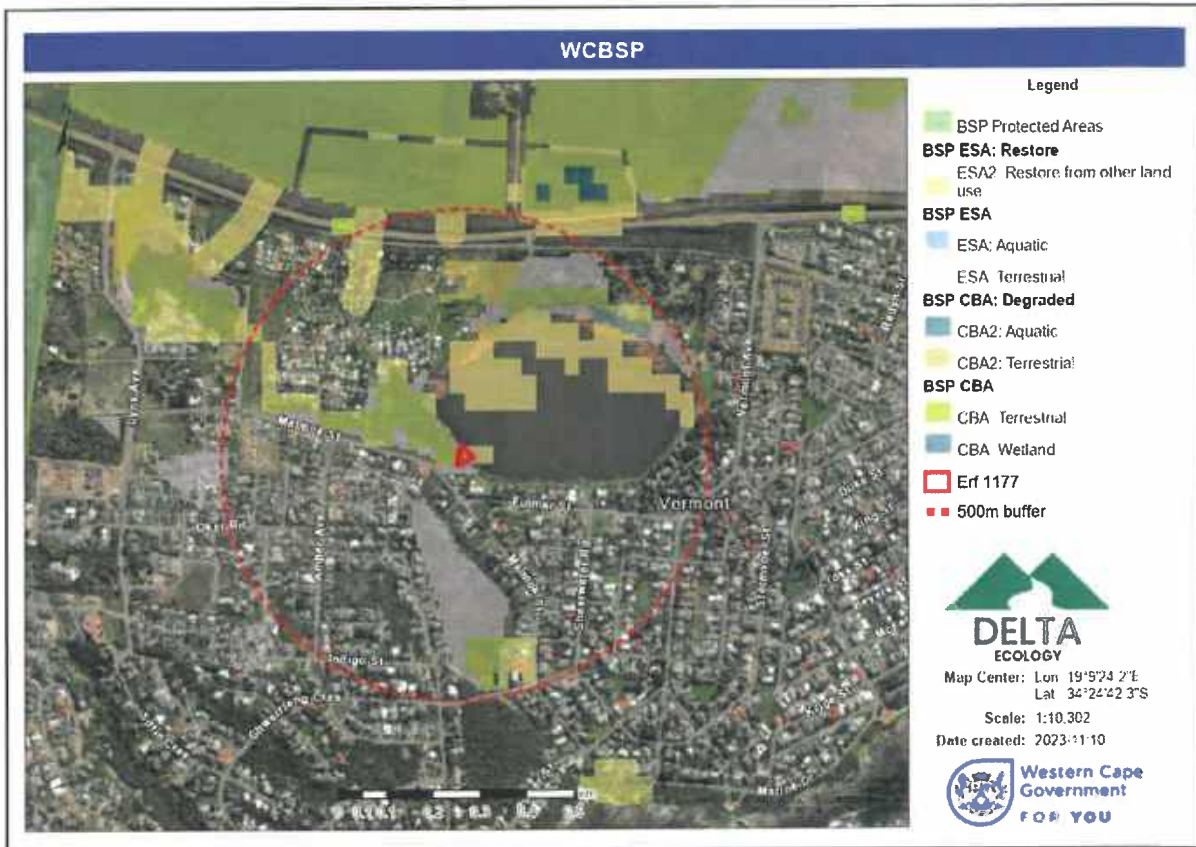


Figure 4-5: CBAs, ESAs, and Protected Areas within the 500 m regulated area (WCBSP, 2017).

4.3. Climate Change Perspective

The Beck *et al.* (2018) 1 km² climate model which utilises the Köppen-Geiger climate classifications to represent measured present and predicted future climate scenarios was consulted to determine the expected climatic shift by the end of the present century at the project location. The project site is predicted to shift from the Csb Warm-summer Mediterranean climate zone to the BSh Arid, steppe, hot climate zone (Figure 4-6).

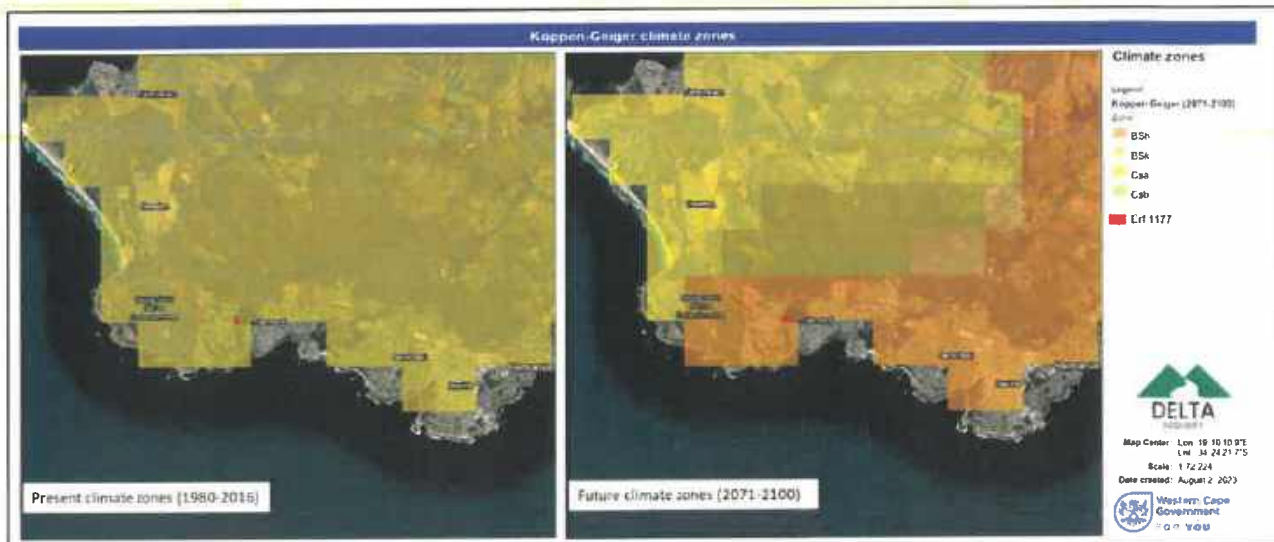


Figure 4-6: Beck *et al.* (2018) Köppen-Geiger climate zones for present day and for the close of the century.

The Western Cape Climate Response Strategy (DEADP, 2014) acts as a provincial level strategy modelled on the NCCRP. The strategy sets out the priorities for the Western Cape with regards to climate change adaptation and mitigation. The overarching intention of the strategy is to reduce climate vulnerability and increase adaptive capacity within the Western Cape in a manner that contributes to the attainment of the province's socio-economic and environmental goals.

Wetlands are a key factor in determining climate resilience due to the nature of ecosystem services offered. Streamflow regulation is important for maintaining baseflow of perennial rivers during climate-change induced droughts. During increased intensity rainfall events, attenuation and sediment trapping services reduce the risk of flooding downslope/stream. Furthermore, peat wetlands trap substantial carbon, reducing the impact anthropogenic carbon emissions. Conversely, peat removal or disturbance can release substantial volumes of carbon thereby increasing climate change impacts.

The wetland in question does not contain peat. The soils do contain a high amount of carbon and the pan likely contributes to ecosystem services which will be vital as the climate changes. However, due to the limited nature of the proposed development, the proposed construction activities and operation of the residential dwelling is unlikely to lead to any significant climate change impacts.

5. Site Description

The proposed site is located within the Overstrand Local Municipality. The site is bordered to the northeast by the Vermont Salt Pan, to the west by open space / natural vegetation, and to the south by residential housing (Malmok Street).

The proposed site is relatively flat and slopes from approximately 26 MASL in the southwest corner to 21 - 22 MASL in the northeast, with an average gradient of 2,55 % (**Figure 5-1**). The highest point of the site is at the southern boundary approximately 26 MASL, while the lowest point is on the northern boundary, and associated with the wetland at about 21 MASL.

The site is disturbed, with a mixture of indigenous vegetation such as *Senecio halimifolius* (Tabacco Ragwort), *Helichrysum patulum* (Honey Everlasting), *Pelargonium capitatum* (Rose-scented Geranium), *Watsonia borbonica* (Bugle-Lily), and *Hellmuthia membranacea* (Helmet Sedge) (**Figure 5-5**), alongside alien invasive species such as *Acacia saligna* (Port Jackson) and *Cenchrus clandestinum* (Kikuyu) (**Figure 5-6**).

Hydrology (saturated soils and standing water) could be observed on the proposed site, coinciding with the topography which slopes downwards toward the pan. Soils that were sampled in wetter areas near the Depression (**Figure 5-9**) did not differ markedly from terrestrial soils (**Figure 5-10**), aside from appearing darker, with a higher organic content than the terrestrial baseline. Mottling and gleying are not expected in this wetland.

The wetland was delineated at the outer boundary of the temporary zone (**Figure 5-11**). The presence of standing water, saturated high carbon soils (**Figure 5-9**) and general site topography was used in conjunction with the presence of hydrophytic vegetation (specifically *Senecio halimifolius* and *Hellmuthia membranacea*).

Located to the east of the site is a large UVB wetland system which has been canalised artificially in various places. One of these channels is located adjacent to the proposed site. The proposed activities on the site will not impact the UVB wetland system and it was not further considered in this report.



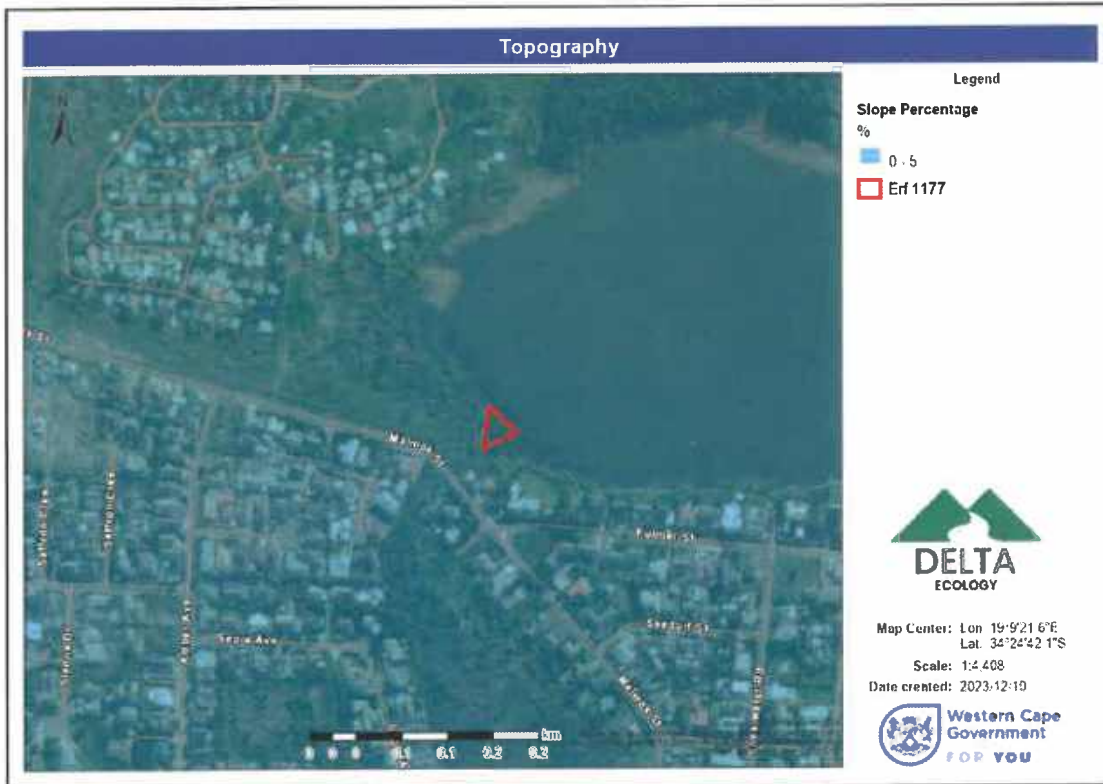


Figure 5-1: Topography of the proposed site and surrounds.



Figure 5-2: Northeastern boundary of the site, and the Vermont Salt Pan seen in the left of the image.





Figure 5-3: Overview of the Vermont Salt Pan.



Figure 5-4: Overview of the proposed site, facing southwest. Alien invasive kikuyu grass is dominant in this area.



Figure 5-5: Overview of the proposed site, facing northeast. Infill is present in the forefront of the image.



Figure 5-6: *Senecio halimifolius* with *Acacia saligna* (Port Jackson).



Figure 5-7: Facultative wetland plant species *Hellmuthia membranacea* found at the border of the wetland area.



Figure 5-8: Alien invasive Port Jackson (*Acacia saligna*).





Figure 5-9: Saturated, wetland soil samples.



Figure 5-10: Terrestrial soil samples.





Figure 5-11: Delineated wetland within Erf 1177.

Table 5-1: Classification of the wetland.

Factor	Wetland
System	Inland
Ecoregion	Southern Coastal Belt
Landscape Setting	Valley-Floor
Hydrogeomorphic type	Depression
Drainage	Rainfall, Groundwater / Interflow
Seasonality	Permanent – Seasonal/temporary
Anthropogenic influence	Excavation, vegetation clearing, alien invasive vegetation, and infilling
Vegetation	Southwest Sand Fynbos
Geology	Recent coastal sand and dunes with slight occurrence along the coast of shale of the Bokkeveld Group and sandstone of the Peninsula Formation, Table Mountain Group
Substrate	Sandy Loam with areas that have been infilled
Salinity	Fresh – mildly Saline



6. Wetland Status Quo Assessment

In this study, the wetland present within the proposed development area was assessed to determine its Present Ecological State (PES) and Ecological Importance and Sensitivity (EIS). These metrics were used to determine the management objective expressed in terms of the Recommended Ecological Category (REC).

6.1. Present Ecological State

The Present Ecological State (PES) of the Depression wetland was assessed using the Macfarlane *et al.* (2020) WET-Health Version 2.0 method which includes four assessment units, namely hydrology, geomorphology, water quality, and vegetation.

The Macfarlane *et al.* (2020) WET-Health Version 2.0 assessment produced an overall Present Ecological State (PES) score within category C (**Table 6-1**). This indicates that the wetland was in a moderately modified condition at the time of the assessment.

The assessment results for the wetland are presented in **Table 6-1** and the definitions of the ecological categories are presented in **Table 6-2**. The key factors that influenced the scoring are summarised below.

Hydrology

- The natural flow regime of the Vermont salt pan has been altered as a result of onsite disturbances such as historical vegetation clearing, dumping / infilling, and the presence of alien invasive vegetation species.
- Additionally, the hydrology of the wetland has been impacted by the presence of urban residential land use in the wetland's immediate catchment area. Urban land use such as residential areas, tarred roads, and Stormwater (SW) outlets have resulted in flow diversion and catchment hardening which is associated with increased runoff and storm peak flows.

Vegetation

- While several communities of indigenous hydrophytic species were noted onsite, there was moderate to large vegetation disturbance within the wetland area as a result of:
 - Previous dumping / infilling onsite.
 - Surrounding residential houses / gardens and associated indigenous vegetation removal to create lawns.
- The vegetation present within the wetland is characterised by a mixture of alien and indigenous vegetation. Alien invasive species noted onsite include Port Jackson and Kikuyu grass.
- No species of conservation concern were noted.



Geomorphology

- The geomorphology of the onsite wetland was slightly modified by historical vegetation clearing, dumping / infilling, and hardening across minimal areas of the wetland.

Water Quality

- The water quality within the wetland is likely to be impacted by the residential nature of the catchment.
- It is likely that runoff entering the wetland through the stormwater outlets (as observed) is polluted by the surrounding catchment area for example, runoff from roads is likely to contain contaminants such as laterite, oil, fuel, rubber from car tires and other pollutants.

Table 6-1: Outcome of the WET-Health Assessment for the delineated depression wetland area.

PES Assessment	Hydrology	Geomorphology	Water Quality	Vegetation
Impact Score	4.3	1.9	2.0	4.3
PES Score (%)	57%	81%	80%	57%
Ecological Category	D	B	C	D
Trajectory of change	↓	↓	↓	↓
Confidence (revised results)	Not rated	Not rated	Not rated	Not rated
Combined Impact Score	3.3			
Combined PES Score (%)	67%			
Combined Ecological Category	C			
Hectare Equivalents	0.0 Ha			

Table 6-2: Descriptions and definitions of the impact scores.

ECOLOGICAL CATEGORY	DESCRIPTION	IMPACT SCORE*	PES SCORE (%)*
A	Unmodified, natural.	0-0.9	90-100
B	Largely natural with few modifications. A slight change in ecosystem processes is discernible and a small loss of natural habitats and biota may have taken place.	1-1.9	80-89
C	Moderately modified. A moderate change in ecosystem processes and loss of natural habitats has taken place but the natural habitat remains predominantly intact.	2-3.9	60-79
D	Largely modified. A large change in ecosystem processes and loss of natural habitat and biota and has occurred.	4-5.9	40-59
E	Seriously modified. The change in ecosystem processes and loss of natural habitat and biota is great but some remaining natural habitat features are still recognizable.	6-7.9	20-39
F	Critically modified. Modifications have reached a critical level and the ecosystem processes have been modified completely with an almost complete loss of natural habitat and biota.	8-10	0-19

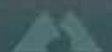


6.2. Ecological Importance and Sensitivity

The EIS method used to assess the wetland was based on the Rountree *et al.* 2013 method. The wetland achieved a median score of 2.3 which falls within the “High” category. The results of the assessment and the reasoning behind the scores are presented in **Table 6-5**.

Table 6-3: Results of the EIS assessment.

Ecological Importance and Sensitivity	Depression Wetland	Reason
Biodiversity Support (Median)	2.33	
Presence and status of Red Data species:	2	Lesser Flamingo (<i>Phoeniconaias minor</i>) has been sited within the Vermont Salt Pan which is Near Threatened according to BirdLife International, 2023. <i>Disa hallackii</i> , an Endangered orchid species, has previously been observed in the west of the pan.
Populations of unique species/uncommonly large populations of wetland species:	2	The Vermont Salt Pan provides shelter and a feeding place for large numbers of Greater Flamingos during Winter (<i>Phoenicopterus roseus</i>).
Migration/breeding/feeding sites: (Importance of the unit for migration, breeding sites and/or feeding):	3	The Vermont Salt Pan provides shelter and a feeding place for large numbers of Greater Flamingos during Winter (<i>Phoenicopterus roseus</i>).
Landscape Scale (Median)	2.40	
Protection status of the wetland: (National (4), Provincial/Private (3), municipal (1 or 2), public area (0 or 1))	3	The wetland is located within a privately owned property and is not protected. Although no statutory conservation protection is provided at present for its conservation, the Vermont Salt Pan as a whole falls within the Green Belts of Vermont (Vermont Conservation Trust) and is considered to be of high conservation importance.
Protection status of the vegetation type: (SANBI guidance on the protection status of the surrounding vegetation)	4	Southwest Sand Fynbos (CR-HP) & Southwest Sandstone Fynbos



Ecological Importance and Sensitivity	Depression Wetland	Reason
		(EN-WP) NFEPA (2011) WetVeg type.
Regional context of the ecological integrity: (Assessment of the PES (habitat integrity), especially in light of regional utilisation)	2	PES – C for the Depression.
Size and rarity of the wetland type/s present: (Identification and rarity assessment of wetland types)	2	The salt pan is deemed to be a unique system, but the wetland is considered to be moderately degraded.
Diversity of habitat types: (Assessment of the variety of wetland types present within a site)	1	One wetland type present in a moderately modified ecological condition; however, representation of permanent and seasonal – temporary zones provide a limited diversity of habitat types.
Sensitivity of the Wetland (Median)	1.33	
Sensitivity to changes in floods: (Floodplains at 4; valley bottoms 2 or 3; pans and seeps 0 or 1)	1	The Depression wetland is not sensitive to flooding.
Sensitivity to changes in low flows/dry season: (Unchanneled VB's probably most sensitive)	1	Depression wetlands are naturally not highly sensitive to change in low flows; in addition, the wetland is augmented by SW flow from adjacent residential areas.
Sensitivity to changes in water quality: (Especially natural low nutrient waters – lower nutrients likely to be more sensitive)	2	The wetland's immediate surrounding land use is residential which has likely impacted the water quality over the years; however, it is still expected that the water quality within the wetland is sensitive to changes in water quality.
Ecological Importance and Sensitivity Score	2.4	
Ecological Importance and Sensitivity Category	High	

6.3. Recommended Ecological Category

According to the Rountree *et al.* (2013) method for determining REC, the management objective for any wetland within PES Category B, C or D with a "High" or "Very High" EIS score must, where practically possible, be rehabilitated to a PES category that is one higher than the pre-development category. Where this is



not practically possible, maintenance of the pre-development PES category will be the management objective. In this case, the Depression has a PES of C and so the management objective should be to improve the wetland to a PES category of B or maintain the condition of the wetland within category C.

7. Risk Assessment and Mitigation Measures

The house's ground floor footprint area is 61.52 sqm, located outside of the delineated wetland (**Figure 1-2**). The layout has gone through various iterations in order to ensure the absolute minimal footprint (6 concrete pillars amounting to 3,24 sqm of wetland habitat disturbance) is within the disturbed area of the temporary zone of the Vermont Salt Pan (**Figure 1-2**).

The Risk Assessment Matrix prescribed by GN 509 of 2016 was applied to the proposed project with the following outcomes:

1. The risks associated with the proposed development were found to be within the Low-Risk category. The key factors included:
 - The limited extent and nature of the proposed development (i.e. 61.52 sqm footprint in total, 3,24 sqm of which is located within the delineated temporary wetland area);
 - The area where the concrete pillars will be located is considered to be in a Moderately Modified (PES of C) condition, with the presence of alien invasive vegetation and infill/dumping.
 - Water quality impairment from potential spillage of contaminants during construction, leakage of the proposed conservancy tank, and sedimentation associated with clearing of vegetation in the catchment area should be limited with the implementation of recommended mitigation measures.
 - Vegetation clearing, associated catchment hardening and alteration of flow regime is limited due to the limited scale of the proposed development (i.e. 61.52 sqm footprint in total). The limited footprint will ensure continued functionality of the present hydrological regime and water quality in the wetland to a large extent.
 - With the implementation of appropriate mitigation / management measures, the risks can be largely reduced / minimized onsite.

The completed risk assessment matrix is attached as **Annexure 3**.

The following are recommended mitigation measures for the proposed construction and operational of the residential house:

- Other than the excavation activities involved with constructing the six concrete pillars, the Vermont Salt Pan should be demarcated as a No-Go area during construction – with care taken during excavation activities to ensure that no disturbance occurs beyond the 3,24 sqm.
- No individuals of *Disa hallackii* (Endangered species which have previously been observed in the west of the Vermont Salt Pan) should be disturbed during construction.
- If possible, conduct construction activities during low rainfall months (October – March) to reduce surface run-off and sedimentation within the Vermont Salt Pan.
- Limit vegetation clearing to the proposed development area.
- Cover dug / excavated material onsite with suitable erosion blankets (geotextile fabric weighed down with bricks) to prevent sediment from entering the onsite wetland.



- The top floor level should be constructed at an adequate height which allows for sunlight to infiltrate, albeit for certain times of the day, to wetland vegetation below.
- All alien invasive vegetation species should be removed from the proposed site. Only indigenous vegetation should be planted.
- The conservancy tank should be placed 15 m away from the delineated wetland area.
- The construction camp should be located 15 m away from the edge of the wetland.

8. Conclusion and Recommendation

Following an aquatic biodiversity assessment of the proposed site on the 3rd of October 2023, a natural Depression wetland was confirmed and delineated onsite. The wetland forms part of the Vermont Pan to the northeast. The site was in a disturbed state and characterised by a mixture of alien and indigenous vegetation.

In this aquatic biodiversity assessment, the delineated Depression wetland was assessed using current best practice assessment methodologies to determine the PES, EIS, and REC metrics. The results of these assessments are as follows:

Table 10-1: Results of the wetland status quo assessment.

	PES	EIS	REC
Depression Wetland	C	High	B or C

Although the condition of the onsite Depression wetland was moderately disturbed, the high EIS indicates that the wetland (as a whole) is sensitive and important in terms of conservation planning or provision of ecosystem services.

Four aquatic biodiversity impacts associated with the proposed development were identified and assessed using the Risk Assessment Matrix prescribed by GN509 of 2016. All four of the post-mitigation scores fell within the "Low" risk category.

The proposed residential house is of limited scale and extent (61.52 sqm). However, the Vermont Salt Pan is considered to be an ecologically important and sensitive wetland. Therefore, the proposed layout has gone through various iterations in order to ensure that the footprint within the delineated wetland area is minimal. At present, the footprint area coinciding with the delineated wetland is limited to 6 concrete pillars which support the cantilever for the top floor. This amounts to 3,24 sqm of wetland habitat disturbance within the temporary zone of the Vermont Salt Pan and is considered to be of a "Low" risk to the wetland.

The Low-risk ratings confirm that a General Authorisation will be required for this project. Should there be any further encroachment into the onsite wetland, the risk will change to Moderate, and a Water Use Licence will be required.

Other than the excavation activities involved with constructing the six concrete pillars, the Vermont Salt Pan should be demarcated as a No-Go area during construction – with care taken during excavation activities to ensure that no disturbance occurs beyond the 3,24 sqm. It is recommended that the top floor of the proposed house is sufficiently raised above the wetland area to allow for sunlight to infiltrate to the wetland plants below. In addition, the proposed conservancy tank and construction camp should be kept at a distance of 15 m from the delineated wetland area. All alien invasive vegetation, such as Port Jackson and Kikuyu should be removed from the site and only indigenous vegetation should be planted.



9. References

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Annexure I: DWS Risk assessment

35/35

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Project Phase		Aspect	Impact	Flow Regime	Physico & Chemical (Water Quality)	Habitat (Geomorphic +Vegetation)	Biota	Severity	Spatial scale	Duration	Consequence	Frequency of activity	Frequency of impact	Legal Issues	Detection	Likelihood	Significance	Risk Rating	Control Measures	Borderline LOW MODERATE Rating Classes	Type Watercourse	PES and EIS of Watercourse
Construction & Operational Phase		Excavation within wetland habitat for the placement of concrete poles (total of 3,24 sqm).	3,24 sqm of wetland habitat disturbance.	1	1	2	1	1,5	1	2	4,25	5	2	5	1	13	55,25	1	Refer to Section 7	N/A	Vermont Salt Pan (depression wetland)	PES of C EIS High
				2	1	2	1	1,5	1	2	4,5	1	3	5	2	11	49,5	1	Refer to Section 7			
				1	3	2	1	1,75	1	2	4,75	1	2	5	3	11	52,25	1	Refer to Section 7			
		Potential spillage of contaminants during construction, potential leakage of conservancy tank, & sedimentation associated with vegetation clearing.	Water Quality Impairment.	1	3	2	1	1,75	1	2	4,75	1	2	5	3	11	52,25	1	Refer to Section 7			
		Vegetation and topsoil disturbance.	Generates conditions that favour the increase in alien invasive vegetation.	2	1	2	2	1,75	1	2	4,75	2	1,75	1	2	10	47,5	1	Refer to Section 7			

RISK MATRIX (Based on DWS 2015 publication: Section 21 C and I water use Risk Assessment Protocol):

NAME and REGISTRATION No of SACNASP Professional member: K. van Zyl Reg no. 117097

Date: 12 October 2023





water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

Private Bag X3055, WORCESTER, 6850, Street Address Corner Mountain Mill Drive & East Lake Way,
WORCESTER, 6850, www.dws.gov.za

Enquiries: Ms V Ligudu
Email: vligudu@bocma.co.za
Ref. No: WU30911

Tel: 0233468047
Fax: 0233472012
File No: 27/2/2/G840/19/3

INGRID SYLVIA FORTUIN
4126 AGAPANTHUS ROAD
BETTYS BAY
7141

Dear Ms. IS FORTUIN

REGISTRATION OF WATER USE IN TERMS OF SECTION 39 OF THE NATIONAL WATER ACT, NO 36 OF 1998: FOR THE RESIDENTIAL DEVELOPMENT ON ERF 1177 VERMONT IN QUATERNARY CATCHMENT G40H, BREEDE-OLIFANTS - WORCESTER

Your request dated 19/12/23 to be registered to use water in terms of General Authorisation no. 40229 dated 26/08/2016 refers.

The Department is pleased to confirm that the intended water use falls within the ambit of the General Authorisation. Therefore, you may continue with the water uses as permissible in terms of Section 22 (1) (a) (iii) of the NWA. You are therefore requested to adhere to the conditions stipulated in the said General Authorisation.

Water uses registered:

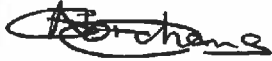
No	Water Section 21 Use	Quat	Property Description	Purpose	Co-ordinates
1	(c)	G40H	ERF 1177 VERMONT	Construction of a single residential dwelling in a wetland	-34.411807404697, 19.156696285779873
2	(i)	G40H	ERF 1177 VERMONT	Construction of a single residential dwelling in a wetland	-34.41180695521895, 19.15669196909957

Attached herewith are the Registration Certificate and a copy of the General Authorisation for ease of reference.

You are required to comply with the conditions of the General Authorisation.

Yours sincerely

Comments:



I, Mr Carlo Abrahams (WUL Manager/WUAAAC Chairperson) herewith electronically sign this document.

Serial Number : 5287470347506300420

WUL Manager

Date: Jan 26 2024 11:58AM



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

National Register of Water Use Registration Record 29023592

Water Use Registration Record 29023592 is issued in terms of the regulations requiring that a Water Use be registered, promulgated under Section 26(1)(c) of the National Water Act(Act 36 of 1998) to:

Applicant

Applicant Type: INDIVIDUAL
Name: MS IS FORTUIN
ID Number: 7409080100080
Gender: FEMALE
Population Group: WHITE

Postal Address: 4126 AGAPANTHUS ROAD
BETTY'S BAY
7141

VAT Registration Number:

Water Management Area Name:

BREEDE-GOURITZ

Register Status Status:

ACTIVE

Water Uses

See attached Annexure(s)

Water Use No.	Water Use	Volume	Volume Start Date	Volume End Date
1	21(c)		2023/10/01	
2	21(i)		2023/10/01	
3	21(c)		2024/02/01	
4	21(i)		2024/02/01	

National Register of Water Use Registration Record 29023592

Impeding or diverting the flow of water in a watercourse in terms of Section 21(c) of the National Water Act

Water Use Identification

Register Number: 29023592
 Water Use Number: 1
 Water Use Start Date: 2023/10/01
 Water Use Status Date: 2023/09/20
 Water Use Status: REGISTERED

RLA Details

RLA Business Unit: BREEDE GOURITZ - WORCESTER
 RLA Reference: GA13676

Lawfulness Authentication

Finding: LAWFUL
 Finding Date: 2023/09/12
 Finding Reason: GENERAL AUTHORISATION

Finding Confirmed: YES

General Authorisation: Gov. Gazette 40229, Notice 509, 26 August 2016
 Legal Section: Section 21(c) of the National Water Act (Act no. 36 of 1998)
 GA Applicable From Date: 2016/09/01
 GA Applicable To Date: 2036/08/31

Water Use Details for Impeding the Flow of Water

Water Resource: WETLAND WATERCOURSE

Geographic Location: Latitude 34.365509° south Longitude 18.891024° east

Datum Type: WGS-84

For the Purpose of: CONSTRUCTION OF SINGLE RESIDENTIAL DWELLING

Height: 10 METRES

Width: 20 METRES

Length: 20 METRES

Water Use Sector: INDUSTRY (URBAN)

Quaternary Drainage Region: G40B

National Register of Water Use Registration Record 29023592

Impeding or diverting the flow of water in a watercourse in terms of Section 21(c) of the National Water Act

Water Use Identification

Register Number: 29023592
Water Use Number: 1
Water Use Start Date: 2023/10/01
Water Use Status Date: 2023/09/20
Water Use Status: REGISTERED

Property Where Water Use Occurs

Property Name: ERF 5575 BETTYS BAY
Property Number: 5575
Portion of Property: 0
SG Cadastral Code: C01300020000557500000
Deeds Office: CAPE TOWN
Registration Division: CALEDON
Registration Division Province: WESTERN CAPE
Surveyor General Office: CAPE TOWN

WUN/Property Relationship Details

Relationship Start Date	Relationship End Date
2023/10/01	

DISCLAIMER :

This Registration Record:

- 1 is not an acknowledgement of an entitlement to the registered water use;
- 2 may NOT be used to create the impression that it is proof of a water use entitlement. By virtue of section 22(1) of the National Water Act, the only documents that may be used as proof of a water use entitlement, are:
 - 2.1 a licence;
 - 2.2 an official document stating the extent of existing lawful water use pursuant to sections 33 or 35 of the National Water Act;
 - 2.3 a general authorisation as published in the Gazette; or
 - 2.4 Schedule 1 of the National Water Act.

Notes:

- If an entitlement for the specific water use referred to in this Registration Record has been confirmed by the Department, it may be indicated as such in this Registration Record.
- If the responsible authority has dispensed with the requirement for a licence for a specific water use, no water use entitlement is needed for that use under the National Water Act.
- 3 is issued without alterations or erasures and is invalid if it contains alterations not in conformity with the Department's official copy; and in substitution of any Registration Record the Department may have previously issued and the information is valid as at the date of issue.

National Register of Water Use Registration Record 29023592

Impeding or diverting the flow of water in a watercourse in terms of Section 21(c) of the National Water Act

Water Use Identification

Register Number:	29023592
Water Use Number:	3
Water Use Start Date:	2024/02/01
Water Use Status Date:	2024/02/06
Water Use Status:	REGISTERED

RLA Details

RLA Business Unit:	BREEDE GOURITZ - WORCESTER
RLA Reference:	GA14224

Lawfulness Authentication

Finding:	LAWFUL
Finding Date:	2024/01/26
Finding Reason:	GENERAL AUTHORISATION

Finding Confirmed:	YES
---------------------------	-----

General Authorisation:	Gov. Gazette 40229, Notice 509, 26 August 2016
Legal Section:	Section 21(c) of the National Water Act (Act no. 36 of 1998)
GA Applicable From Date:	2016/09/01
GA Applicable To Date:	2036/08/31

Water Use Details for Impeding the Flow of Water

Water Resource:	WETLAND WATERCOURSE
------------------------	---------------------

Geographic Location:	Latitude	Longitude
	34.411807° south	19.156696° east

Datum Type:	WGS-84
--------------------	--------

For the Purpose of:	CONSTRUCTION OF SINGLE RESIDENTIAL DWELLING
----------------------------	---

Height:	10 METRES
Width:	20 METRES
Length:	20 METRES
Water Use Sector:	INDUSTRY (URBAN)

Quaternary Drainage Region:	G40H
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National Register of Water Use Registration Record 29023592

Impeding or diverting the flow of water in a watercourse in terms of Section 21(c) of the National Water Act

Water Use Identification

Register Number:	29023592
Water Use Number:	3
Water Use Start Date:	2024/02/01
Water Use Status Date:	2024/02/06
Water Use Status:	REGISTERED

Property Where Water Use Occurs

Property Name:	ERF 1177 VERMONT
Property Number:	1177
Portion of Property:	0
SG Cadastral Code:	C01300230000117700000
Deeds Office:	CAPE TOWN
Registration Division:	CALEDON
Registration Division Province:	WESTERN CAPE
Surveyor General Office:	CAPE TOWN

WUN/Property Relationship Details

Relationship Start Date	Relationship End Date
2024/02/01	

DISCLAIMER :

This Registration Record:

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 - 2.1 a licence;
 - 2.2 an official document stating the extent of existing lawful water use pursuant to sections 33 or 35 of the National Water Act;
 - 2.3 a general authorisation as published in the Gazette; or
 - 2.4 Schedule 1 of the National Water Act.

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National Register of Water Use Registration Record 29023592

Altering the bed, banks, course or characteristics of a watercourse in terms of Section 21(i) of the National Water Act

Water Use Identification

Register Number:	29023592
Water Use Number:	2
Water Use Start Date:	2023/10/01
Water Use Status Date:	2023/09/20
Water Use Status:	REGISTERED

RLA Details

RLA Business Unit:	BREEDÉ GOURITZ - WORCESTER
RLA Reference:	GA13676

Lawfulness Authentication

Finding:	LAWFUL
Finding Date:	2023/09/12
Finding Reason:	GENERAL AUTHORISATION

Finding Confirmed:	YES
General Authorisation:	Gov. Gazette 40229, Notice 509, 26 August 2016
Legal Section:	Section 21(i) of the National Water Act (Act no. 36 of 1998)
GA Applicable From Date:	2016/09/01
GA Applicable To Date:	2036/08/31

Water Use Details

Type of Water Resource:	WETLAND	
Water Resource:	WETLAND	
For the Purpose of:	CONSTRUCTION OF SINGLE RESIDENTIAL DWELLING IN URBAN AREA	
Altering of:	COURSE	
Start of Alteration:	Latitude	Longitude
	34.365514° south	18.891024° east
Datum Type:	WGS-84	
End of Alteration:	Latitude	Longitude
	34.365514° south	18.891024° east
Datum Type:	WGS-84	
Length of Watercourse Affected by Alteration:	1100 METRES	
Water Use Sectors:	INDUSTRY (URBAN)	
Quaternary Drainage Region:	G40B	

National Register of Water Use Registration Record 29023592

Altering the bed, banks, course or characteristics of a watercourse in terms of Section 21(i) of the National Water Act

Water Use Identification

Register Number: 29023592
 Water Use Number: 2
 Water Use Start Date: 2023/10/01
 Water Use Status Date: 2023/09/20
 Water Use Status: REGISTERED

Property Where Water Use Occurs

Property Name: ERF 5575 BETTYS BAY
 Property Number: 5575
 Portion of Property: 0
 SG Cadastral Code: C01300020000557500000
 Deeds Office: CAPE TOWN
 Registration Division: CALEDON
 Registration Division Province: WESTERN CAPE
 Surveyor General Office: CAPE TOWN

WUN/Property Relationship Details

Relationship Start Date	Relationship End Date
2023/10/01	

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National Register of Water Use Registration Record 29023592

Altering the bed, banks, course or characteristics of a watercourse in terms of Section 21(i) of the National Water Act

Water Use Identification

Register Number:	29023592
Water Use Number:	4
Water Use Start Date:	2024/02/01
Water Use Status Date:	2024/02/06
Water Use Status:	REGISTERED

RLA Details

RLA Business Unit:	BREEDE GOURITZ - WORCESTER
RLA Reference:	GA14224

Lawfulness Authentication

Finding:	LAWFUL
Finding Date:	2024/01/26
Finding Reason:	GENERAL AUTHORISATION

Finding Confirmed:	YES
General Authorisation:	Gov. Gazette 40229, Notice 509, 26 August 2016
Legal Section:	Section 21(i) of the National Water Act (Act no. 36 of 1998)
GA Applicable From Date:	2016/09/01
GA Applicable To Date:	2036/08/31

Water Use Details

Type of Water Resource:	WETLAND	
Water Resource:	WETLAND	
For the Purpose of:	CONSTRUCTION OF SINGLE RESIDENTIAL DWELLING IN URBAN AREA	
Altering of:	COURSE	
Start of Alteration:	Latitude	Longitude
	34.411806° south	19.156692° east
Datum Type:	WGS-84	
End of Alteration:	Latitude	Longitude
	34.411806° south	19.156692° east
Datum Type:	WGS-84	
Length of Watercourse Affected by Alteration:	1100 METRES	
Water Use Sectors:	INDUSTRY (URBAN)	
Quaternary Drainage Region:	G40H	

National Register of Water Use Registration Record 29023592

Altering the bed, banks, course or characteristics of a watercourse in terms of Section 21(i) of the National Water Act

Water Use Identification

Register Number: 29023592
 Water Use Number: 4
 Water Use Start Date: 2024/02/01
 Water Use Status Date: 2024/02/06
 Water Use Status: REGISTERED

Property Where Water Use Occurs

Property Name: ERF 1177 VERMONT
 Property Number: 1177
 Portion of Property: 0
 SG Cadastral Code: C01300230000117700000
 Deeds Office: CAPE TOWN
 Registration Division: CALEDON
 Registration Division Province: WESTERN CAPE
 Surveyor General Office: CAPE TOWN

WUN/Property Relationship Details

Relationship Start Date	Relationship End Date
2024/02/01	

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