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**ERF 726, 72 BUFFELS ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR SUBDIVISION AND REZONING: PLAN ACTIVE TOWN & REGIONAL
PLANNERS ON BEHALF OF ENTK FAMILY TRUST****726 KPRB (4602/2024)****H van der Stoep****13 November 2024****(028) 313 8900****Hermanus Administration****1. EXECUTIVE SUMMARY**

An application has been received on 6 March 2024 from Plan Active Town & Regional Planners on behalf of ENTK Family Trust on Erf 726, Pringle Bay for the following:

- ❖ **subdivision** in terms of Section 16.(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to subdivide Erf 726, Pringle Bay into 4 portions, namely Portion A ($\pm 1240\text{m}^2$), Portion B ($\pm 1262\text{m}^2$), Portion C ($\pm 1050\text{m}^2$), and Portion D ($\pm 1285\text{m}^2$), and
- ❖ **rezoning** in terms of Section 16.(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to rezone the newly created Portion D ($\pm 1285\text{m}^2$) from Residential Zone 1: Single Residential (SR1) to Open Space Zone 1: Nature Reserve (OS1).

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

The property measures 4837m^2 in extent and located in Pringle Bay Extension 3. The erf is located in the area known as The Ridge. The erf was created in 1970 as per General Plan 8158.

The Pringle Bay Structure Plan (May 1993) recommended that Erven 721, 724 - 730, Pringle Bay, (shown as medium density) may be developed as a group housing scheme with a maximum of 15 units per gross hectare. However, the zoning of Residential Zone I was allocated to these properties during July 1993.

The previous owners of Erven 721 and 724 - 730 submitted applications during December 2002 for the removal of title deed conditions, consolidation, rezoning and subdivision of the said erven into 48 Single Residential plots, Private Open Space and private road. The owner who owned the majority of the erven became ill and decided to sell his erven individually. The applications were subsequently withdrawn. Kindly note that the open space corridor as indicated in Annexure M was determined by Council's Nature Conservation Department, prior to the submission of the aforementioned applications to the Municipality and is therefore still applicable. The protection of an open space corridor for this current application along the ridge will be adhered to.

4. SUMMARY OF APPLICANT'S MOTIVATION

The motivation can be summarized as follows:

CONTEXTUAL INFORMATION

Development Proposal

Subdivision into four (4) erven:

Portion A: 1240m²
Portion B: 1262m²
Portion C: 1050m²
Portion D: 1285m²

Portion D will be rezoned to Open Space Zone 1: Nature Reserve.

Access

Access will be obtained from Buffels Road.

Services

Erf 726 has on service connection and new services for the additional portion will be provided in line with the Overstrand Municipality's regulation for installing service infrastructure. The Operational Department (Kleinmond) confirmed that the Municipality's capacity in terms of sewerage tankers were expanded in the area and thus will be able to service the new erven.

Electricity

Electricity supply will be obtained from the onsite supply from Eskom.

Environmental

The property is demarcated as Urban Conservation Area in terms of the Environmental Overlay Zone. A conservation corridor runs over the western portion of the property. The application includes the subdivision of the western section of the property and the subsequent rezoning from Residential 1 to Open Space 1 to meet the corridor requirement of the municipality and will be ceded to the Municipality.

The subdivision and rezoning do not trigger a NEMA application. Should the development in future trigger any NEMA activities, the landowner will have to comply with legislation. New property owners will have to be made aware that the erven are not sold with the required NEMA rights in place if applicable.

MOTIVATION

Physical characteristics

The property is a vacant portion of land and characterized by natural vegetation. The site slopes gradually in a south-easterly direction.

The land uses surrounding the property is residential of nature, roads, vacant erven and public roads.

Background

A land use application was submitted in February 2022. The application was approved on 6 March 2023. An appeal was lodged on 25 March 2023 by the Pringle Bay Ratepayers. The main reason for the appeal was that the specialised studies should have been circulated to interested and affected parties. The appeal Authority agreed and the appeal was upheld. The present application includes the Biodiversity Assessment conducted in August 2022 by Mr J van Rensburg. It should be noted that the latter did form part of the item that served before the Municipal Planning Tribunal.

It is our opinion that the merit of the application was not the concern with the previous application and as a result the application is the exact same application, inclusive of all departmental comments and specialist studies undertaken for the previous land use application to address previous concerns.

Need and Desirability

Erf 726 Pringle Bay is an exceptionally large erf and zoned Residential 1 in the middle of a residential neighbourhood. It is proposed to keep the zoning and that the land use of the three proposed portions be zoned Residential Zone 1. The location of the subject property within the existing residential neighbourhood allows the property to be developed for low impact land uses.

In the early 2000's an open space was determined by the Nature Conservation Department of the Municipality in this specific area of Pringle Bay. The latter document is the basis on which subdivisions are evaluated in the area. The minimum requirement is erf sizes of 1000m² and the open corridor must be provided in line with the document. The open space corridor of approximately 10 292m², represents the sensitive dune and wetland areas. To comply with the latter, a portion is created and will be rezoned from Residential Zone 1 to Open Space Zone 1: Nature Reserve.

When evaluating the proposal against the surrounding erf sizes, minimum street frontage widths, compliance with the open space corridor, it is evident that the erf has the potential to be subdivided into three (3) portions of 100m² and a conservation portion.

A stricter building line applies to the common boundary with the nature reserve portion; however, this does not impact the area available for development.

The Overstrand Municipality densification policy establishes the principle of incremental densification in an established residential area if it does not have a detrimental impact on its character. It is important to enhance and protect the character of the existing low-density residential areas such as Pringle Bay, while still sensitively densifying where appropriate.

The development parameters of the Overstrand Land Use Scheme applicable to Residential Zone 1 will be applicable to the newly created erven with a more restrictive 5m common boundary with the Open Space erf.

The proposed subdivision and rezoning will not have a negative impact on the surrounding erven as the proposed zoning, land use and erf sizes are compatible with the surrounding area and no deviations from the applicable zoning is proposed.

The economic benefit will positively contribute to the area since the three (3) additional erven will contribute to the rates and taxes of the Municipality. It also creates the opportunity of three (3) households that will contribute to local business.

The application does not trigger the National Heritage Resources Act, 1999, since the erf is less than 5000m² and does not fall in the Heritage Overlay Zone.

The proposed subdivision and creation of three (3) potential residential erven does not trigger a Traffic Impact Assessment as it does not create an additional 50 trips or more to the area. Parking will be provided as per the Land Use Scheme.

There are no restrictive title conditions as per the conveyancer certificate compiled and submitted by Mr. H.L van Zyl at Van Zyl Kruger Attorneys.

IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The subject property is demarcated as Urban Conservation Area in terms of the Environmental Management Overlay Zone (EMOZ, 2020). In addition, a conservation area corridor runs over the western portion of the subject property. Refer to the extract from the EMOZ for Pringle Bay below:

Map 1: Environmental Management Overlay Zone (EMOZ, 2020): Pringle Bay

This application includes the subdivision of the western section of the subject property (Portion D) and the subsequent rezoning from SR1 to OS1 to meet the conservation area corridor requirement by the municipality. Portion D, a portion of erf 726 Pringle Bay, will be ceded to the municipality. The EMOZ was considered and ±1285m², which amounts to almost 27% of the total extent of erf 726 Pringle Bay, will be rezoned to OS1 to ensure compliance with the conservation area corridor identified for this area of Pringle Bay. This proposal is in line with Overstrand Municipality's greater planning for this conservation area and supports their non-fragmented approach to protect the conservation area corridor. The subject property falls under Category D for the Urban Conservation Area demarcated for this area and then quote the Category D information. Section 8.5.1.1.4. of Category D clearly stipulates that the discretion lies with the municipality's officials to determine whether additional studies must be submitted even in cases where no NEMA listed activities are triggered:

"In the face of development pressure, the Municipality may, if it deems it necessary, on receipt of a development proposal or application, that does not involve any activities identified under the NEMA listing Notices, require that specialist biodiversity and / or other relevant studies, be undertaken by the developer / owner in order to inform development planning and retain priority ecological corridors and habits."

No specialist studies were requested by the Municipality with the previous land use application. In addition, the Environmental Management Department of Overstrand Municipality has not indicated the need for an Operational Management Plan for the whole Pringle Bay Urban Conservation Area or the need to submit additional specialist studies. The aforementioned cannot be pinned on merely one property owner intending to subdivide in this area.

This was not a requirement for the subdivision of erven in this immediate vicinity in the past and should not become the financial burden for our client. The need for such a plan is also superfluous when considering the municipal and provincial environmental departments' comments / consents on the application.

Michelle Naylor, environmental consultant at Lornay Environmental Consulting, confirmed that the wetland requirements for the future development of dwellings on the respective portions after subdivision can only be attended to once there are building plans available. To submit an application to address the wetland requirements is considered premature on a rezoning / subdivision application, because the footprints for development (building plans) are not available as yet and the environmentalist has no idea what the impacts will be at this moment in time. This matter will be addressed by the respective property owners once there are building plans available. If the proposed development of each erf is more extensive than a single residential dwelling, then a dedicated freshwater specialist's might be required. It should also be noted that the subject property does not fall within a Critically Biodiverse area but is listed as an Ecological Support Area 2 (ESA) according to the Western Cape Biodiversity Spatial Plan. No site development plan is available for the proposed new erven after subdivision. As a result, the possible impact of the footprints of these dwellings cannot be determined at this stage.

The proposed subdivision (land use application) to create two additional single residential erven and one conservation area / open space portion does not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998). The latter was confirmed by the Department of Environmental Affairs & Development Planning (DEA&DP): Regions 1 and 2 as per the respective letters dated 30 March 2022 and 3 May 2022 in the previous land use application process. The proposal remains unchanged hence their comment remains relevant.

As stipulated in the letters from DEA&DP received on the previous Land Use application, the subsequent development on the erven may constitute listed activities defined in terms of the NEMA EIA Regulations, 2014, should the development of the erven deviate from the vested rights (amendment of the specific parameters for which the property was set apart) and if construction activities entail the clearing of indigenous vegetation, in terms of the latter, if the site (different properties / cadastral units that were set apart for a particular purpose in terms of a General Plan) in question was cleared of indigenous vegetation prior to the EIA Regulations coming into effect, but not repeatedly so, and specifically not in the preceding ten-year period, clearance of indigenous vegetation would require environmental authorisation should the thresholds in the various listed activities in this regard be triggered. Developments deviating from the vested rights of the property i.e. amendment of the specific parameters for which the property was set apart may also require environmental authorisation should the thresholds in the various listed activities in this regard be triggered.

Consequently, if certain listed activities in terms of NEMA might become applicable, if facilities and infrastructure are constructed in future, it will be dealt with as separate environmental applications when the need arises in future. Should the future development of the respective properties trigger a NEMA application (removal of vegetation; wetland; etc.), due process will be followed prior to the commencement of the construction on site. The onus is with the landowner to inform potential buyers that some of the proposed properties fall within a demarcated wetland area. New property owners might have to apply for environmental authorization, depending on the development proposed for each respective property. New property owners should be made aware that the erven are not sold with the required rights in terms of NEMA.

In addition (and very importantly), the Overstrand Municipality's Environmental Management Section had no objection to the previous land use application (the proposal remains unchanged hence their comment remains relevant). A copy of the department's comments / consent dated 22 April 2022 is attached. The department indicates that due to the presence of a Floodplain Wetland on the property the Breede-Gouritz Catchment Management Agency (BGCMA) must be contacted for water use authorization on the property in relation to Sections 21 and 22 of National Water Act. It should be noted that the presence of this Floodplain Wetland applies to most of the adjacent and surrounding properties – also the properties of most of the objectors. And yet none of the adjacent properties were denied the right to develop at least one dwelling with ancillary outbuildings on the subject properties. The reference to the Floodplain Wetland does not restrict the development of the properties per se (since the department clearly stipulates it has no objection to the proposed subdivision and rezoning) but is merely considered a condition of approval.

Breede-Gouritz Catchment Management Agency (BGCMA) commented on the previous application (copy of their comment dated 14 June 2022 attached). BGCMA had no objection to the proposed land use application, subject to certain conditions as stipulated in their letter.

Cape Nature also commented on the previous land use application (copy dated 23 May 2022 attached). The department supported the application and recommended that a specialist biodiversity study be undertaken to inform the proposed subdivision.

The new land use application will be circulated to all relevant departments who commented in the previous application process to obtain updated comments / consents on the application. This process runs concurrently with the public participation process.

A Specialist Biodiversity Assessment for the Subdivision and Rezoning of erf 726 Pringle Bay was compiled by environmental scientist, Mr Jacques van Rensburg, at Nature Works. A copy of the report dated August 2022 is attached. Nature Works was appointed to conduct a Specialist Biodiversity Assessment to inform development planning and retain priority ecological corridors and habitats.

The specialist assessment entailed the following:

- *Identify and describe biodiversity patterns at the community and ecosystem level (primary vegetation type, plant communities in the vicinity and threatened/vulnerable ecosystems), species level (threatened Red List species, presence of alien species) and insignificant landscape features.*

- *Assess the local and regional importance of the vegetation communities and plant species within the affected areas based on the relevant biodiversity plans, bioregional planning documents, Environmental Management Frameworks etc.*
- *Describe the sensitivity of the site and its environs and map these resources.*
- *Identify any areas unsuitable for development or related activities (No-Go Areas) and associated buffers that should be observed.*
- *Include any rehabilitation or monitoring measures that may be required.*

The study / report concluded that: *the study area contains endangered Hangklip Sand Fynbos vegetation. The eventual development will result in the permanent loss of intact and degraded vegetation, which has high and low-to-medium sensitivity, respectively, in terms of the biodiversity value and ecological function.* The site is part of a larger green belt home to endangered vegetation and a wetland. This area is not essential for meeting biodiversity targets but plays an important role in supporting the functioning of PAs or CBAs and is often vital for delivering ecosystem services.

The proposed subdivision of erf 726 will create three (3) single residential erven and one (1) conservation area / open space portion. The subsequent development impact on the vegetation of the site will be restricted to portions A, B, and C. Portion D will be zoned as Open Space Zone 1: Nature Reserve (OS1) in terms of Chapter 4, Section 16(2)(a) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020. The Nature Reserve (Portion D: ±1285m²) will create an adequate buffer between the terrestrial habitat of portions A, B and C and the channelled valley-bottom wetland to the north of the site. The open space is an intact representation of Hangklip Sand Fynbos and must be managed to prevent indirect habitat degradation.

The subdivision for ERF 726 does not trigger any listed activities in terms of the NEMA EIA regulations 2014 (as amended) as defined in listing notices ("LN") 1, 2 & 3 of 7 April 2017. However, it is essential to note that due to the site's ecosystem threat status and the presence of ESA2, the subsequent development on the erven may constitute listed activities as defined in terms of the NEMA Regulations. In this case, any clearance of vegetation over 300m² will trigger LN 3, activity 12 of NEMA and require environmental authorisation from the competent authority before such activities may commence.

A Site Sensitivity Map was compiled as informed by the above factors. Refer to the Site Sensitivity Map below (Figure 6 in the attached report):

The following development mitigation measures were proposed to accommodate the proposed land use application:

- *Mitigation options are generally considered in terms of the following mitigation hierarchy: (1) avoidance, (2) minimisation, (3) restoration and (4) offsets.*
- *The development must not detract visually from the natural environment, i.e., by building on the ridgeline and steep slopes.*
- *The larger shrubs and slow-growing dune stabilising vegetation such as *Euclea racemosa* should be kept in situ to prevent further degradation of the dune habitat.*

- *The impact should be restricted to the construction site.*
- *The site is situated on a stabilised old dune, and the construction phase will likely destabilise the dune. Restoration work will be required to ensure that the dune habitat stays intact.*
- *The current alien plant extent is low to moderate; these alien species must be removed. Annual clearing should be undertaken to ensure the effective management of all IAPs, especially after the disturbances caused by the construction activities.*
- *Landscaping should include native species rescued from the construction activities.*

As per the above and also the attached specialist report it is evident that subdivision and rezoning of the subject property is possible; however, the necessary mitigation measures should be followed to ensure that the development of the newly created portions in future takes the existing vegetation, ridgeline and slopes into consideration to ensure a low impact single residential development.

CONSISTENCY WITH SPLUMA AND LUPA PRINCIPLES

Spatial Justice

N/A

Spatial Sustainability

The development is in line with the forward planning documentation. The layout of the proposed single residential erven is practical with respect with access, developable area, connecting to bulk services and the installation of services.

The status quo of the area will be maintained as single residential and will be compatible with the character of the area.

Efficiency

The properties are easily accessible and conveniently located close to major routes. It will also utilize and optimising existing resources and infrastructure. The proposal proof to be efficient since it discourages the phenomenon of urban sprawl encourages densification and more compact towns and cities, all of which relates to more responsible resource and infrastructure use and sustainable development.

Spatial Resilience

No comment.

Good Administration

The application will follow due process as stipulated by the relevant Municipality's bylaw.

 **POLICY DOCUMENTS**

OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK (SDF), 2020

The SDF earmarks the erf for urban development purposes. The zoning and use of the erf will remain unchanged and is therefore consistent with the Overstrand SDF.

OVERSTRAND MUNICIPAL GROWTH MANAGEMENT STRATEGY, 2010

The erf forms part of Planning Unit No.2. The planning unit stipulates that the status quo of the area must be maintained. The Municipality has established the principle of incremental densification in an established neighbourhood if it does not have a detrimental impact on its character. With this application incremental development is proposed. The erf sizes are between 1050m² and 1262m² and not smaller than the smallest erf in the immediate vicinity of 720m².

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local newspaper	Yes	23 May 2024	28 June 2024
Internal departments	Yes	23 May 2024	28 June 2024
E-mails & site notice	Yes	23 May 2024	28 June 2024
Ward Councillor	Yes	23 May 2024	28 June 2024
Total comments	FOUR (4)		
Total letters of support	NONE		
Was public participation undertaken in accordance with Section 47 - 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 Control	23/05/2024	No objection. Building plan application must comply with all applicable law.
Fire Department	14/06/2024	No objection.
Engineering Services	16/09/2024	Annexure F.
Western Cape Government: EADP (Planning)	26/08/2024	Annexure G.

Western Cape Government: EADP (Environmental)	18/06/2024	Annexure H.
Cape Nature	25/07/2024	Annexure I.
Environmental Management Services	28/06/2024	Annexure J.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION, THE APPLICANT'S RESPONSE AND THE MUNICIPAL TOWN PLANNER'S RESPONSE THEREON

Four (4) comments / objections were received forthcoming the public participation process. See Annexure D.

- ✚ *Peter & Audrey Nyman*
- ✚ *Matthew Jooste*
- ✚ *Pringle Bay Ratepayers Association*
- ✚ *N Duminy (Petition list)*

The applicant was provided an opportunity to comment on the objection received, and their comments are attached as Annexure E. The objections are depicted in a summarized version under headings of similar nature.

✚ COMMENT / OBJECTION

Peter & Audrey Nyman has no objection to the proposed application. They are simply seeking clarification regarding two key points: the clearance of vegetation exceeding 300m² and the proposed development of the erven, which may trigger listed activities under the NEMA (National Environmental Management Act) Regulations.

APPLICANT'S RESPONSE

As confirmed by the Department of Environmental Affairs and Development Planning: Development Management (DEA&DP; Region 1) in their comments on the application dated 18 June 2024, the subdivision and rezoning of erf 726 Pringle Bay do not constitute a listed activity in terms of the EIA Regulations, 2014 (as amended). The land use application does therefore not trigger listed activities in terms of the environmental legislation. However, any future development of the site may constitute listed activities in terms of the EIA Regulations. If any listed activities mentioned in the department's letter are triggered, Environmental Authorization from the competent authority (DEA&DP - Environmental) will be required before proceeding with such development.

In addition, to ensure that the conditions stipulated by DEA&DP are met with regards to listed activities and the future development of the erven, the municipality as the deciding authority has with the previous application made it a condition of approval that with the submission of the building plans for the respective portions, a letter from DEA&DP (Environmental) confirming whether any listed activities are applicable must be submitted with the building plans.

TOWN PLANNER'S RESPONSE

Concur.

 COMMENT / OBJECTION

Natasha Duminy re-submitted the signed petition obtained during the public participation process for the previous land use application, which opposed the subdivision of Erf 726 Pringle Bay.

APPLICANT'S RESPONSE

In our opinion, this outdated petition is not valid as the new application dated 6 March 2024 contains additional information that was not available at the time of the previous Public Participation process in 2022. Furthermore, there is no evidence that N. Duminy represents all the residents, nor is there proof that all the residents continue to object to the application on the second submission.

A new petition with power of attorney would have supported an objection. We therefore request that the petition submitted by the objector be dismissed.

TOWN PLANNER'S RESPONSE

The Petition cannot be transferred as an objection from the previous application to the resent application since ownership of erven may have changed and the representation of all the petitioners has not been validated or confirmed by the primary of the petition. The present application does contain additional information which may have had an impact on the views of the petitioners. The petition as an objection is rejected.

 COMMENT / OBJECTION

Matthew Jooste does not oppose the subdivision. He does however request that the subdivision be subject to the same condition stipulated for previous subdivisions on the Ridge, namely that 15m be added to the properties on the wetlands side to minimize encroachment onto their properties (erven 1884 and 1886).

APPLICANT'S RESPONSE

In the early 2000s, the Nature Conservation Department of the Municipality established an open space corridor in this specific area of Pringle Bay. This document serves as the basis for evaluating subdivisions in the area. The minimum required erf size is 1,000 m², and the open space corridor must be provided in accordance with this document. The open space corridor, approximately 10,292 m² in extent, encompasses sensitive dune and wetland areas. To comply, a portion of the property will be rezoned from Residential Zone 1: Single Residential (SR1) to Open Space Zone 1: Nature Reserve (OS1). This portion is 16.95 meters wide at the northern end and 20.03 meters wide at the southern end. It is important to note that the municipality specifies that the corridor covers the sensitive dune and wetland areas, not the entire property.

An adequate OS1 portion is being provided in accordance with the municipality's requirements.

TOWN PLANNER'S RESPONSE

Noted and accepted.

 COMMENT / OBJECTION

The Pringle Bay Ratepayers Association (PBRA) does not object to the application, but merely requests that the municipality considers their requests as per paragraph 6.1 of their letter.

APPLICANT'S RESPONSE

The comments / requests from PBRA are threefold and summarised as follow:

- I. The **request is for the approval of a subdivision to be contingent upon accepting an Environmental Management Framework (EMF)**. The applicant must ensure that the development of each plot (erven A, B, and C) complies with the recommendations outlined in the draft "Ridge Precinct Conservation Area: Pringle Bay Environmental Management Framework (2023-2028)." The municipality holds the document, and the Pringle Bay Ratepayers and Residents Association (PBRA) requires a letter from the applicant confirming their support and acceptance of the EMF, including any future updated versions.
- II. The PBRA proposes **amendments to existing Title Deed Conditions** to align with the recommendations in the application. **Their proposed amendments are shown in bold on page 4 of their comments:**

Amendment to Title Deed Condition "B2":

- Recommends that any provisions of a Town Planning **or Land Use Scheme or Special Overlay Zone**, if more restrictive than the conditions of title, take precedence.
- Ensures compliance with section 146 of Ordinance No 15 of 1952, as amended.

Amendment to Title Deed Condition "B6":

- Specifies that the erf may be used for erecting one dwelling or other approved buildings, if an erf is included within an area of a Town Planning **or Land Use Scheme, or Special or Overlay Zone**, the local authority may permit such other buildings as are permitted by the scheme **or zone** subject to the conditions and restrictions stipulated by the scheme **or zone**.
- Defines setback requirements for dwellings from street, lateral and rear **boundaries (street, side and rear building lines) in line with the land use scheme regulations building line requirements**. The proposed rear building line is 3m (and not 2m as per the land use scheme regulations).
- Defines setback requirements for outbuildings from lateral **and rear** building lines.

These amendments aim to ensure consistency with planning recommendations and legal requirements for the development of the property.

III. **PBRA proposes additional Title Deed Conditions** as follows:

- Subdivision of the erf must result in portions no smaller than 1000m², with only one residential building allowed per portion, and development restricted to half the area.
- A section of the erf, specified in Annexure B, will be rezoned to Open Space Zone 1: Nature Reserve (OS1) without compensation, and ceded to the local authority upon subdivision.
- Development proposals not involving activities listed under NEMA must undergo specialist biodiversity studies, informing planning to preserve ecological corridors and habitats.
- These studies must include mitigation measures as specified by the PBRA in their comments.

PBRA requested that the applicant consult with the Planning Department of the Overstrand Municipality (OM) before the comment submission deadline. Additionally, they asked the applicant to demonstrate agreement between the owner and the municipality regarding PBRA's comments outlined in paragraphs 3, 4, and 5.

Requests No. I and III mentioned above can only be addressed through approval conditions with the consideration and approval of the application. Furthermore, the proposed amendment to the title deed conditions (request no. II) was discussed with Mrs. Hanneen van der Stoep, who confirmed that an amended application to accommodate these conditions is not required.

Our client has formally responded to PBRA's letter. A copy of their response, dated 27 June 2024, is attached as Annexure E. Regarding the Title Deed condition request; it is the Municipality's prerogative to proceed with and finalize the Land Use application accordingly.

TOWN PLANNER'S RESPONSE

The applicants and the Pringle Bay Ratepayers responses are noted.

The application was for a rezoning and subdivision, the Title Deed in terms of removal, amendments or relaxation are not part of the application and thus not applicable.

Mr D Heard, has compiled a draft Ridge Precinct Conservation Area: Pringle Bay Environmental Management Framework (2023-2028) in response of comments received from the Pringle Bay Ratepayers on applications in the Ridge area. This document is now enforced by the Pringle Bay Ratepayers on owners intending to develop their erven located in the Ridge area. To elicit a positive comment from the Ratepayers, owners must accept the draft plan in writing. This in itself poses a problem, because the document is a draft and has not gone through a public participation process to become part of the Municipal legal documents relating to planning or the environment. It should be noted that the Ratepayers does not acknowledge or accept the Ridge Development Plan dated from 2000 of which the then Ratepayers supported.

However, the applicant did accept the Report.

Condition B.(2). The proposed amendment is not acceptable since the present condition does address the principle and there is no need to specify the land use categories land, since this is addressed in Condition 6 (a).

Condition 6.(a): Same.

Condition 6.(b): The land use scheme read with the Title Deed is sufficient to deal with the building lines. It seems that the Rate payers intend to rewrite the Conditions of Township Establishment and is proposing that town planning must revert to the years of 1934 and earlier, before the establishment of Land Use Schemes or zoning schemes. This is obviously to strengthen their hand in determining development in the town and strong hand the Municipality. However, Ratepayers members change and thus the comments on applications as well as can be seen in the Ridge case.

The request to insert additional conditions of Title of which most of them has no bearing on the application. The additional conditions as proposed is dealt with in terms of the Environmental Overlay Zone, NEMA and other applicable legislation and Municipal policy documents.

1. Departmental comments

Two (2) departmental comments were received:

- ***Department of Environmental Affairs and Development Planning: Development Management (DEA&DP; Region 1) dated 18 June 2024.***

Our clients understand and accept the conditions specified.

TOWN PLANNER'S RESPONSE

Noted.

COMMENT / OBJECTION

Cape Nature dated 25 July 2024. Recommended that the subdivision be restricted to 2 erven.

APPLICANT'S RESPONSE

It is our opinion that the case officer and ultimately the Overstrand Municipality are still able to consider and approve the application in three single residential portions. This approach was previously approved, and the biodiversity study relevant to this application was already at the time of the evaluation and approval of the application for the 3 erven, in the possession of Overstrand Municipality and considered during the previous application process.

Cape Nature remains a commenting authority, and their input continues to be relevant. Since the circumstances and documentation have not substantially changed, the previous approval process should be applicable for this application. Therefore, the approval of the application in three single residential portions and a nature reserve portion remains a viable option for consideration by the Overstrand Municipality.

TOWN PLANNER'S RESPONSE

It is unclear why Cape Nature has deviated from the previous comments, except that the area is highly sensitive. They have not disputed the biodiversity study or done one themselves. Cape Nature also do not disagree with the mitigating measures proposed for three (3) residential erven. Their comments are noted, but no evidence was provided contrary to the Biodiversity Assessment report and mitigating measures. Thus, the comment for the reduction of 3 erven to 2 is not accepted.

ENVIRONMENTAL SECTION

The EMS has no objection to the reapplication for subdivision and rezoning of Erf 726 Pringle Bay. As mentioned in the application, this is the same application as submitted in 2022, and the EMS comments submitted are included in the original application.

The below reiterates and expands on the 2022 application.

- 1) As per the application detail, and the DEA DP correspondence dated 18 June 2024 (DEA DP Reference: 16/3/3/6/6/E2/31/1240/24), although the subdivision and rezoning does not constitute the requirement for Environmental Authorisation from the DEA DP for activities listed under the National Environmental Management Act (NEMA), Environmental Impact Assessment (EIA) Regulations, the development on the proposed subdivided may trigger Listed Activities held within the EIA Regulations and all proposed future development on the resulting subdivided properties must submit the NEMA Applicability Checklist to the DEA DP to determine whether Environmental Authorisation is required. This **must** be communicated to the seller, estate agent(s) and prospective buyers.
- 2) The property is mapped on the CapeFarmMapper National Wetland Map 5 as a Floodplain wetland. As per the National Water Act Regulations, a Water Use License Application (WULA) is required for development within a watercourse. Mitigation measures to reduce wetland loss/degradation will be included in the WUL process.
- 3) The development mitigation measures submitted in the application Motivation Report, within the specialist report are supported by the EMS and must be implemented.

TOWN PLANNER'S RESPONSE

Noted.

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 and external municipal and governmental departments, respectively.

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 interpretation of sustainability in terms of SPLUMA relates to the protection of agricultural land and environmentally sensitive land. In this case, agricultural is not a factor, but the environment does play a role. The application is located in an environmental sensitive area with existing land use rights. Thus in 2000, an area has been demarcated to address the sensitivity of the dun. The present application does adhere to the demarcation area. Additional to the preservation of the sensitive landscape and existing rights, a Botanical Study was done with recommended mitigating measures relating to the development of the proposed erven. The physical development of the erf e.g., building plans will be made subject to environmental review before any construction can take place.

Efficiency

The proposed erven will make use of municipal services, which was supported by the Engineering Services Department. Due to the sensitive nature of the area, any proposed development will be subject to the most optimal location of the dwellings to ensure efficient use of developable space on the erven.

Spatial Resilience

The development will attribute to the sustainability of the proposed erven in terms of the National Building Regulations and NEMA to ensure that The Ridge remain a functional ecological corridor.

Good Administration

Administrative procedure was followed as prescribed by the Municipality.

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 application is in line with the SDF 2020.

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

N/A

10.6 Impact on Municipal Engineering Services

Existing services will be used.

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

N/A

10.8 Existing and proposed zoning comparisons and considerations

The Land Use Scheme does make provision for the application and the zoning is not affected.

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

N/A

12. THE DESIRABILITY OF THE PROPOSAL

The objections have been addressed extensively under Paragraph 7; however, a few aspects need to be addressed in more detail.

Pringle Bay Extension 3 was established in the 1970's and the application erf was allocated a residential zoning. It was never an Open Space, ecological corridor or any other use as residential. The proposed development is subject to more stringent measures due to the sensitive nature of the erf. However, a compromise in this case is necessary due to existing rights applicable and the sensitive nature of the erf.

The development parameters of The Ridge were established in the 2000's between the original owner, the Municipality and the Pringle Bay Ratepayers, which is captured in the title deeds and a development plan. The applicant does comply with the requirements and all evaluations are based on these requirements e.g., the erven may not be less than 1000m² and a portion of the erf be ceded to the Municipality for conservation purposes. It should be noted that Erven 724, 725 and 728 have been subdivided; subject to the ceding of portions of land as per The Ridge Development Plan and that the erven may not be less than a 1000m². This application will thus not set a precedent for subdivision of The Ridge.

It should be noted that the requirements and restrictions applicable to The Ridge is much more stringent than the surrounding properties. The storm water problems experienced in the areas is not applicable to the application in hand, but rather due to the existing developed area surrounding the application erf. The proposed erven are big enough to deal with their own stormwater on-site and thus cannot be held responsible for existing problems in the area with regard to stormwater infrastructure.

The applicant submitted a Specialised Biodiversity Study of the erf and recommended mitigating measures to ensure limited impact of dwellings on the erven. This recommendation will be part of the recommendation to the Municipal Planning Tribunal.

13. RECOMMENDATION

1. that the application in terms of Section 16.(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to subdivide Erf 726, Pringle Bay into four (4) portions, namely Portion A ($\pm 1240\text{m}^2$), Portion B ($\pm 1262\text{m}^2$), Portion C ($\pm 1050\text{m}^2$), and Portion D ($\pm 1285\text{m}^2$), **be approved** in terms of Section 61 of the By-Law;
2. that the application in terms of Section 16.(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to rezone the newly created Portion D ($\pm 1285\text{m}^2$) from Residential Zone 1: Single Residential (SR1) to Open Space Zone 1: Nature Reserve (OS1), **be approved** in terms of Section 61 of the By-Law;
3. that the approval of Points 1. & 2. above in terms of Section 61 of the By-Law be subject to the following conditions:
 - (a) that the approval is only for the subdivision as indicated on the Subdivisional Plan No. pring726s5.drw dated November 2021 as submitted with the application;
 - (b) that the rezoned portion be ceded to the Municipality with the transfer of the first registered erf or within 12-months of the approval;
 - (c) that with the submission of the building plan, a letter from the Western Cape Government: Environmental Affairs and Development Planning (Environmental) confirming whether any listed activities are applicable be submitted with such building plan;

- (d) that a letter from BOCMA indicating whether a water license approval is required be submitted before building plan approval;
 - (e) that only one dwelling with associated outbuildings be allowed;
 - (f) that the conditions in the Services Report (attached as Annexure F), be complied with;
 - (g) that all conditions imposed by Western Cape Government: EADP-Planning (attached as Annexure G), be complied with;
 - (h) that all conditions imposed by Western Cape Government: EADP-Environmental (attached as Annexure H), be complied with;
 - (i) that all conditions imposed by Cape Nature (attached as Annexure I), be complied with;
 - (j) that all conditions imposed by BOCMA (attached as Annexure J), be complied with;
 - (k) that all conditions imposed by the municipal Environmental Section (attached as Annexure K) be complied with;
 - (l) that the recommendations of the Specialist Biodiversity Assessment (attached as Annexure L), be adhered to;
 - (m) that building plans be submitted for all new buildings to the Building Control Department for approval, and that all conditions of the Building Control and Fire Departments be complied with at that stage;
 - (n) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (o) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with.
4. that the applicant and objectors be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above decision.

14. REASONS FOR RECOMMENDATION

- ❖ The property has existing rights.
- ❖ Due diligence of environmental impact has been considered.
- ❖ Ecological corridor will be formally established.
- ❖ Low density development to the benefit of the area.
- ❖ Biodiversity Report conducted for the erf indicates a positive result for the proposed subdivision of the erf with mitigating measures.

15. ANNEXURES

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Development Plans
Annexure D:	Objections received
Annexure E:	Applicant's response to the objections received
Annexure F:	Services Report
Annexure G:	Comment: Western Cape Government: EADP (Planning)
Annexure H:	Comment: Western Cape Government: EADP (Environmental)
Annexure I:	Comment: Cape Nature
Annexure J:	Comment: BOCMA
Annexure K:	Municipal Environmental Management Services
Annexure L:	Specialist Biodiversity Study dated August 2022
Annexure M:	Approvals relating to The Ridge Development Plan

SIGNATURE**REGISTERED PLANNER**

Name: **H VAN DER STOEP**

SACPLAN registration number: **A/1708/2013**

Signature: _____

Date: _____



Scale: NTS
 Drawing Nr: PH/11/281.dwg
 Date: JANUARY 2022

Plan Description:
LOCALITY MAP

Property Description:
ERF 726
PRINGLE BAY

All distances approximate and subject to survey.
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Stads- en Streekspekkers
 Town & Regional Planners
PLAn Active

NOTES:
 Erf 726 Pringle Bay

PROPOSED SUBDIVISION AND REZONING**ERF 726 PRINGLE BAY****OVERSTRAND MUNICIPALITY****MOTIVATION REPORT****1. BACKGROUND**

Plan Active Town & Regional Planners has been appointed by E.W. Ottermann, on behalf of The ENTK Family Trust, the owner of erf 726 Pringle Bay, to apply for the subdivision and rezoning of a portion of the subject property.

Erf 726 Pringle Bay is 4 837m² in extent and is held by Title Deed No. T14326/2021.

The subject property is a vacant portion of land. The owner intends to subdivide erf 726 Pringle Bay into four portions to create three (3) single residential erven and one (1) public open space portion.

A land use application for the above was submitted in February 2022. The application was approved on 6 March 2023. An appeal was submitted by the Pringle Bay Rate Payers Association (PBRA) on 25 March 2023. The main reason for the appeal was because the PBRA believed all specialist studies should have been circulated to interested and affected parties as part of the public participation process. Since this was not available at the time (the specialist study was undertaken because of the outcome of the public participation period), the Pringle Bay Rate Payers Association indicated that the relevant studies should have been provided to them for comment before the application was referred for a decision. The appeal authority agreed, and the appeal was upheld. Copies of all the decision letters are attached.

For background purposes, it should be noted:

- All the documents mentioned by the appellant (PBRA) in the previous application's appeal document and reasons for the appeal, that were not previously presented to the PBRA, except for the Biodiversity Assessment, were comments from various departments that were obtained during the public participation process and available for scrutiny by the Tribunal. The Biodiversity Assessment was done due to concerns raised by the objectors and submitted as part of the documentation to the Tribunal. The mitigation measures proposed by the Assessment was made part of the conditions of approval.
- In terms of the EMOZ, the erf is located in the Urban Conservation Category. This category is further divided into subcategories of which the following is applicable to erf 726 Pringle Bay, namely ecological process corridor and Category D. The latter is applicable to private owned properties and stipulates the following: *"In the face of development pressure, the Municipality may, if it deems it necessary, upon receipt of a development proposal or application that does not involved any activities identified by NEMA listing notices, require that specialist biodiversity and/or other relevant studies be undertaken by the developer/owner in order to inform development planning and retain priority ecological corridors and habitats."* A Biodiversity Assessment was conducted in August 2022 by Mr J. van Rensburg from Nature Works and submitted with the Item / report that served before the Tribunal.

In the light of the appeal received and upheld with the previous land use application, the following should be noted with this exact same land use application for consideration:

- The application is extensively dealt with in the land use planning report compiled by Plan Active Town Planners;
- The property owner has existing development rights and any development on the proposed subdivided properties needs to comply with the Ridge Guideline Development Plan, the EMOZ and the mitigation measures proposed in the Biodiversity Assessment;
- It should be clear that the application is for the *subdivision* of Erf 726 Pringle Bay, the proposed development on the erf portions to be created will be dealt with during the Building Plan Approval Phase.

It is our opinion that the merit of the application was not the concern with the previous land use application. As a result, we herewith apply for the exact same land use application – inclusive of all departmental comments and specialist studies undertaken for the previous

land use application to allow for a more comprehensive report to address the previous concerns raised and to allow for expectantly a positive outcome.

2. APPLICATION DETAILS

Application is made in terms of:

- Chapter 4, Section 16(2)(d) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, for the subdivision of erf 726 Pringle Bay;
- Chapter 4, Section 16(2)(a) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, for the rezoning of a portion of erf 726 Pringle Bay.

3. NEED AND DESIRABILITY

3.1 PROPERTY DESCRIPTION

Erf 726 Pringle Bay is situated at 72 Buffels Road, Pringle Bay. Refer to the locality plan attached.

Erf 726 Pringle Bay is 4 837m² in extent and is held by Title Deed No T14326/2021.

The subject property is a vacant portion of land and characterized by natural vegetation (Fynbos). The site gradually slopes in a south-easterly direction (as indicated by the contours on the subdivision plan).

3.2 ZONING

Erf 726 Pringle Bay has the following land use rights:

ERF NUMBER	ZONING
Erf 726 Pringle Bay	Residential Zone 1: Single Residential (SR1)

Surrounding properties are zoned for single residential and public road purposes.

3.3 LAND USE

The subject property is currently a vacant portion of land.

Land uses that surround the subject property are dwellings, vacant erven and public roads.

3.4 THE POTENTIAL OF THE PROPERTY

Erf 726 Pringle Bay is currently an exceptionally large portion of land zoned Residential Zone 1: Single Residential (SR1) in the middle of an existing residential area. It is proposed to keep the zoning and land use of three proposed portions of erf 726 Pringle Bay to create three (3) single residential erven. The location of the subject property within an existing established single residential area allows the property to be developed for low impact land uses.

In the early 2000's an open space corridor was determined by the Nature Conservation Department of the Municipality in this specific area of Pringle Bay. The latter document is the basis on which subdivisions are evaluated in the area. The minimum required erf size is 1 000m² and the open space corridor must be provided in line with the aforementioned document. The open space corridor (±10 292m² in extent) represents the sensitive dune and wetland areas. To comply with the latter, a portion is created and will be rezoned from Residential Zone 1: Single Residential (SR1) to Open Space Zone 1: Nature Reserve (OS1). Refer to the letter from Mrs Hanneen van der Stoep dated 19 March 2020 confirming the need to address the open space corridor with future subdivision applications.

When evaluating the proposed subdivision and rezoning against surrounding erf sizes, minimum erf sizes, minimum street frontage widths, compliance with the open space corridor, etc. it is evident that the subject property has the potential to be subdivided and rezoned to create three (3) residential erven of at least 1000m² and larger in extent and a

conservation area / open space portion. Compliance with the minimum erf size requirement confirms the compatibility with the area.

A stricter building line applies on the newly created portions on the common boundary with the nature reserve portion. This does however not impact on the developable land since the extent of the erven is on the larger side. The contours of the site have been surveyed and favour subdivision.

Compliance with the current spatial planning policies (discussed in this report) and the positive outcome of the specialist study support and confirm the potential of the subject property for development. In addition, similar subdivisions have been approved in the area.

3.5 PROPOSAL

The following are proposed:

- The subdivision of erf 726 Pringle Bay in terms of Chapter 4, Section 16(2)(d) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, to create three (3) single residential erven and one (1) conservation area / open space portion as follows:
 - Portion A: ±1240m²
 - Portion B: ±1262m²
 - Portion C: ±1050m²
 - Portion D: ±1285m²
- The rezoning of Portion D, a portion of erf 726 Pringle Bay, from Residential Zone 1: Single Residential (SR1) to Open Space Zone 1: Nature Reserve (OS1) in terms of Chapter 4, Section 16(2)(a) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020.

The potential of the subject property is discussed in detail in *Section 3.4 Potential of the property*.

5

The owner intends to subdivide erf 726 Pringle Bay into four portions to create three (3) single residential erven and one (1) public open space portion. As previously mentioned, in

the early 2000's an open space corridor was determined by the Nature Conservation Department of the Municipality in this specific area of Pringle Bay. The latter document is the basis on which subdivisions are evaluated in the area. The minimum required erf size is 1 000m² and the open space corridor must be provided in line with the aforementioned document. The open space corridor (±10 292m² in extent) represents the sensitive dune and wetland areas. To comply with the latter, a portion is created and will be rezoned from Residential Zone 1: Single Residential (SR1) to Open Space Zone 1: Nature Reserve (OS1).

It was agreed with the Pringle Bay Ratepayers Association (PBRA) that it would be a condition of sale if future owners of these properties wish to subdivide, the portions of their properties that fall within this corridor be ceded to Council. In addition, the building line abutting the conservation area must be a minimum of 5m. The Ridge Guideline Development Plan remains relevant to subdivisions in this area and is not overridden by the Environmental Management Overlay Zone (EMOZ). Before the subject property was sold to our client, the estate agent (Ms W. Cilliers – Pam Golding) investigated the impact the open space corridor might have on the subject property, with the municipality. Overstrand Municipality confirmed the following for the consideration of the subdivision of erf 726 Pringle Bay in a letter dated 19 March 2020:

ERF 726 PRINGLE BAY

In the early 2000's an open space corridor was determined by the Nature Conservation Department of the Municipality. The latter document is the basis on which subdivisions are evaluated. The minimum required erf size of a 1000m² and the open space corridor. This corridor (±10298m² in extent) represents the sensitive dune and wetland areas.

It was agreed between Mr Hazelden and the Pringle Bay Ratepayers' Association that it would be a condition of sale if future owners of these properties wish to subdivide, the portions of their properties that fall within this corridor be ceded to Council. The building line abutting the Nature Conservation Area be a minimum of 5m. This was accepted by the Municipality and is still in place.

Erf 725 was dealt with by Barry Blout of Messrs Diesel & Munns Land Surveyors. Their contact details are 021-852 3800 or 852 3759 Somerset West.

Please take note, that a new building will need a surveyed plan with contours when submitted at the Municipality. Therefore the Open Space Zone 1 area needs to be determined and clarity in this regard will have to be obtained by the Environmental Officer and Cape Nature.

As confirmed by the town planner in the item / report that served before the Municipal Planning Tribunal, Pringle Bay Extension 3 was established in the 1970's and the application erf was allocated a residential zoning. It was never an Open Space, ecological corridor or any other use as residential. The proposed development is subject to more stringent measures due to the sensitive nature of the erf. However, a compromise in this case is necessary due to existing rights applicable and the sensitive nature of the erf. 6

The development parameters of The Ridge were established in the 2000's between the original owner, the Municipality and the Pringle Bay Ratepayers, which is captured in the title deeds and a development plan. This application complies with the requirements – i.e. the erven may not be less than 1000m² and a portion of the erf be ceded to the Municipality for conservation purposes.

Note that the municipality stipulates that the corridor represents the sensitive dune and wetland areas (and not the whole property). Due regard was given to the criteria for subdivision with the proposal for erf 726 Pringle Bay (surveyed plan for determining the OS1 portion; compliance with the minimum erf size for the area, etc.). And it is evident from the letter from Town Planning dated 19 March 2020 and the comments / consents received from the municipal departments that the municipality still regards the corridor guide plan as relevant for the consideration of subdivisions in this area.

Notwithstanding the above, when the proposed subdivision and rezoning of a portion of erf 726 Pringle Bay were considered cognisance was taken of the following criteria:

- physical characteristics of the subject property;
- surrounding and minimum erf sizes;
- nature conservation area requirement;
- accessibility to the subject properties;
- impact on the character of the area;
- erf shapes;
- applicable spatial planning policies and densification guidelines.

Firstly, it is proposed to subdivide erf 726 Pringle Bay to create three (3) Residential Zone I: Single Residential and one (1) conservation area / open space portion. The proposed subdivision will be as follows:

TOTAL AREA	4 837m ²
AREAS FOR SUBDIVISION	Portion A: ±1240m ² Portion B: ±1262m ² Portion C: ±1050m ² Portion D: ±1285m ²
OWNERS	The ENTK Family Trust
TITLE DEED	T14326/2021

Secondly, it is proposed to rezone Portion D, a portion of erf 726 Pringle Bay, from Residential Zone 1: Single Residential (SR1) to Open Space Zone 1: Nature Reserve (OS1). The zonings of the respective portions after subdivision and rezoning will be as follows:

		EXISTING / PROPOSED ZONING	TRANSFEREES
AREAS FOR SUBDIVISION	Portion A: ±1240m ²	Residential Zone 1: Single Residential	The ENTK Family Trust
	Portion B: ±1262m ²	Residential Zone 1: Single Residential	The ENTK Family Trust
	Portion C: ±1050m ²	Residential Zone 1: Single Residential	The ENTK Family Trust
	Portion D: ±1285m ²	Open Space Zone 1: Nature Reserve	Overstrand Municipality
TITLE DEED	T14326/2021		

Refer to the subdivision plan for erf 726 Pringle Bay attached.

The Overstrand Municipality's densification policy establishes the principle of incremental densification in an established residential area if it does not have a detrimental impact on its character. It is important to enhance and protect the character of the existing low-density residential areas such as Pringle Bay, while still sensitively densifying where appropriate. This ensures that a wide range of erf sizes and types of development are available, not only within Pringle Bay, but also within the entire Greater Hermanus area.

The subdivision lines were determined to create erven of at least 1 000m² in extent to meet the minimum erf size requirement. The proposed subdivision lines were created in a manner to ensure optimal views from the subject property. The conservation area corridor plan / guideline development plan received from the municipality was used to demarcate the portion for conservation / open space purposes.

Minimum common boundary building lines of 2m (from the proposed subdivision lines / new erf boundaries) and street building lines of 4m will apply to all the newly created portions. A minimum common boundary building line of 5m will apply to the newly created erven where the erven share a common boundary with the conservation area corridor.

It was attempted to keep the subdivision lines as simple and practical as possible to avoid creating asymmetrical erf shapes that would have an impact on the future development of the subject properties as well as the character of the area. Pringle Bay is characterised by

various shaped erven and as a result the proposed erf shapes after subdivision are still compatible with the area.

The proposed subdivision and rezoning adhere to all other land use restrictions in the Overstrand Land Use Scheme Regulations (2020). The impact of the proposed subdivision and rezoning is considered a low impact land use application.

The coverage for the respective portions after subdivision will be 0% since the respective portions remain undeveloped. A maximum coverage of 50% for the SR1 zoned erven must be adhered to once the respective portions are developed in future. Since the newly created residential portions will be transferred to prospective buyers in future, any future development of Portions A to C, portions of erf 726 Pringle Bay, will be done in accordance with the land use restrictions applicable to the relevant zoning.

Approving the proposed development will not set a precedent since each land use application is evaluated on its own merit. In addition, similar land use applications have been approved in the past in the immediate area. It therefore seems as if the precedent is already set for low-impact, low-scale diversification of the residential land uses in the Pringle Bay area.

It is important to note that erf 726 Pringle Bay was one of the eight (8) erven created when the original plot referred to as "The Ridge" was subdivided. With the initial subdivision of the original erf there were certain conditions set at the time which included that any future subdivision of the erven would be restricted to a minimum erf size of at least 1000m² and that a section of the property would have to be ceded to the municipality to form part of the Ecological Corridor. These conditions were adhered to when three of the eight properties received permission to subdivide in the past. The subdivision of erf 726 Pringle Bay will adhere to the same conditions. We would therefore like to emphasize that of the original eight properties, three properties (erven 724, 725 & 728) have already been subdivided. The precedent is therefore already set and not being set with this application as suggested by the objectors. Two of the already subdivided erven (erven 724 and 725 Pringle Bay) have already been built on, with plans approved for a new house on erf 728 as well. In addition, a single house was also built on erf 721 Pringle Bay in 2021. This gives a total of five houses already been built on the "dune", with another one on the way on erf 728 Pringle Bay.

Nature Works was appointed to conduct a Specialist Biodiversity Assessment to inform development planning and retain priority ecological corridors and habitats on the subject property. It was concluded that although high and low medium sensitive areas exist on the subject property, development of the respective portions after subdivision can still be undertaken (without being detrimental to the biophysical environment) with the consideration and implementation of the necessary mitigation measures as stipulated in this document and the attached report. Refer to Section 3.12 of the report.

Refer to Section 3.15 of this report for further motivation in terms of the relevant spatial planning policies.

The proposed subdivision and rezoning will not have a negative impact on the surrounding erven as the proposed zoning, land use and erf sizes are compatible with the immediate area and no deviations from the applicable zoning parameters are proposed.

The proposed subdivision and rezoning of a portion of erf 726 Pringle Bay are not in contrast to the existing land use tendencies in the surrounding environment and we therefore do not foresee any problems with the proposed application.

3.6 ECONOMIC IMPACT

The proposed subdivision and rezoning will have a positive impact on the economy of the area. By allowing the subdivision and rezoning of the subject properties, it creates three additional single residential portions from which the municipality can attain bulk service levies as well as monthly rates and taxes. Furthermore, the three portions after subdivision will be vacant portions of land and this implies that the future construction of a dwelling with an outbuilding on each of the respective properties will create temporary employment opportunities. The new portions will be occupied by new families who will invest and spend in the immediate local business area.

The proposed subdivision and creation of 3 residential erven will allow for the provision of increased residential accommodation in a well-located area.

3.7 SOCIAL IMPACT

The proposal will have a positive social impact as the proposed subdivisions will facilitate additional ownership of property. The impact that new families to the area will have will be beneficial and no negative impacts are anticipated.

The impact on the social wellbeing and social coherence of the adjacent community will be minimal given the extent of the proposed portions after subdivision as well as the fact that the zoning and land use of the newly created portions will be in line with the zoning and land uses associated with the immediate area.

3.8 COMPATIBILITY WITH SURROUNDING LAND USES

The subject property is situated in an existing low-density residential area. The application proposes to create three (3) single residential erven and a nature conservation / open space portion. The respective land uses will therefore be for single residential (dwellings with outbuildings) and nature conservation uses. The proposed subdivision and rezoning create erven that are compatible with the surrounding zonings and land uses of the area.

As mentioned in Sections 3.4 and 3.5 of this report the surrounding erf sizes, the minimum erf size for the area, the street frontage widths of existing erven of similar sizes, the proposed layout and shapes of the new residential portions that are compatible with the layout and erf shapes of the existing residential area, compliance with the nature conservation requirement for the area, etc. proof that the subdivision and rezoning are compatible with the existing context and character of the area. Properties of $\pm 720\text{m}^2$ - 5000m^2 in extent exist in the immediate vicinity of erf 726 Pringle Bay. The extent of the newly created portions still promotes and is compatible with the existing low-density residential area.

According to the development rules of the Overstrand Land Use Scheme (2020) the subdivision and rezoning will allow for the development rules for erven $>400\text{m}^2$ to apply to the three newly created single residential portions. The proposed subdivision and rezoning will therefore maintain the existing development parameters that apply to the existing residential erven in the immediate vicinity.

The proposal will not set a precedent since the owners of The Ridge have primary rights that can be executed. In addition, The Ridge was never earmarked for Public Open Space purposes since the establishment of Pringle Bay Extension 3. It would be an assumption of surrounding owners to think as such since it is only now being developed.

3.9 IMPACT ON EXTERNAL ENGINEERING SERVICES

Erf 726 Pringle Bay is not serviced, but one service connection is available to the subject property. New services for the additional portions created will be provided in line with the Overstrand Municipality's regulations for installing services infrastructure.

A bulk services contribution levy will be payable by the developer to supplement municipal services and amenities in accordance with the relevant legislation and as determined by the Council. Bulk service contributions are used to upgrade the bulk services in the area.

The latest Overstrand Municipal SDF (2020) confirms that Pringle Bay is currently adequately supplied with bulk water in terms of source and network provision, however continuous replacement of old water network pipelines is needed to reduce the high water losses.

The development rules for erven >400m² will apply to the newly created portions. The proposed subdivision will therefore maintain the existing development parameters applicable to the subject property as well as the surrounding properties. The subject property has existing rights. This entails that the property as it currently stands can be developed up to a maximum of 50% coverage (i.e. ±2418m²) – no land use approvals required (but subject to other statutory requirements, such as NEMA). This implies that 50% of the existing vegetation on the subject property can potentially be removed for development within the existing SR1 rights. A subdivision into four properties (one open space portion and three residential erven) spreads the 50% coverage over three residential erven, with no development proposed / allowed in the open space corridor portion. With three smaller and separate residential erven the stormwater management can most probably be better addressed than with the existing larger residential property.

The property has existing rights – due consideration should therefore be given to the impact the development of the property in its current format to its full potential could have on the area and demarcated conservation worthy portion of the property versus the application proposed (definite portion for conservation purposes created and to be ceded to the municipality; three smaller portions for development and most likely room for better stormwater infrastructure planning and subject to NEMA if any listed activities are triggered).

Previous discussions with the Overstrand Municipality's Engineering Services Department (Denovan van Rhodie, Senior Operational Manager: Kleinmond) confirmed that the municipality's capacity in terms of sewerage tankers were expanded for the area. The municipality will therefore be able to service the sewerage tanks of the proposed new erven. The necessary services are therefore available to accommodate the proposed three (3) residential erven pending the upgrade of the sewer services (in line with the Sewer Master Plan) for the area.

The **Municipal Engineering Services Department had no objection** to the previous (similar) proposed subdivision and rezoning application. Refer to a copy of their comment / services report dated 11 May 2022. Standard approval conditions are stipulated that our client has to adhere to prior to taking transfer / transferring the newly created portions. If Pringle Bay had insufficient services capacity the latter would have been indicated by the engineering services department, and this was not the case. No special conditions were stipulated to address the stormwater on the new portions after subdivision. Currently there is *no* monotorium placed on subdivisions due to insufficient infrastructure in this area of Pringle Bay.

Important to note is that the problems experienced by the surrounding owners in terms of especially storm water, is an operational function and be dealt with accordingly. The proposed development cannot be held accountable for infrastructure e.g., accommodating storm water in the area. The erven are extensive and storm water can be accommodated on the erven, without to the detriment of the surrounding denser and smaller erven.

3.10 IMPACT ON SAFETY, HEALTH AND WELLBEING OF SURROUNDING COMMUNITY

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The proposed subdivision will have no impact on the general safety and wellbeing of the

surrounding community. It is anticipated that three new families will potentially occupy the three respective residential erven after the proposed subdivision of erf 726 Pringle Bay.

Furthermore, the construction of new dwellings on the respective portions after subdivision will conform to the relevant land use and construction guidelines of the municipality. The latter will ensure the safe construction of the dwellings and guarantee the safety and minimal noise pollution during construction to the immediate community.

Since the proposed subdivision and rezoning are not associated with a noxious trade with polluting air emissions the impact on the health of the community will be kept to a minimum.

3.11 IMPACT ON HERITAGE

The application does not involve changing the character of a site larger than 5 000m² (subject property is 4 837m² in extent). Consequently, the proposed application for the subdivision and rezoning does not trigger Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

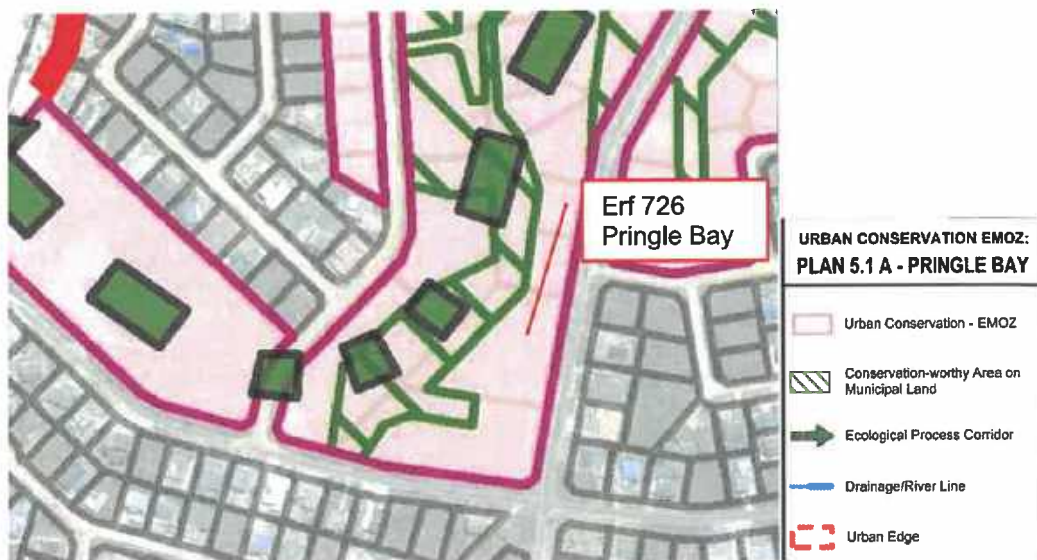
Erf 726 Pringle Bay is not earmarked for heritage conservation purposes in the Overstrand Heritage Report (2009). The subject property does not fall within the Heritage Overlay Zone demarcated in the Overstrand Municipal Growth Management Strategy (2010).

The subject property is a vacant portion of land. The impact on the visual landscape of the area will be kept to a minimum since the future dwellings on Portions A to C, portions of erf 726 Pringle Bay, will be developed in line with the zoning parameters for Residential Zone I: Single Residential erven as stipulated in the Overstrand Municipal Land Use Scheme Regulations (2020).

From the above it is evident that the proposed application does not encompass any heritage significance and therefore the impact on the heritage value of the area will be kept to a minimum.

3.12 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The subject property is demarcated as Urban Conservation Area in terms of the Environmental Management Overlay Zone (EMOZ, 2020). In addition, a conservation area corridor runs over the western portion of the subject property. Refer to the extract from the EMOZ for Pringle Bay below:



Map 1: Environmental Management Overlay Zone (EMOZ, 2020): Pringle Bay

This application includes the subdivision of the western section of the subject property (Portion D) and the subsequent rezoning from SR1 to OS1 to meet the conservation area corridor requirement by the municipality. Portion D, a portion of erf 726 Pringle Bay, will be ceded to the municipality. The EMOZ was considered and $\pm 1285\text{m}^2$, which amounts to almost 27% of the total extent of erf 726 Pringle Bay, will be rezoned to OS1 to ensure compliance with the conservation area corridor identified for this area of Pringle Bay. This proposal is in line with Overstrand Municipality's greater planning for this conservation area and supports their non-fragmented approach to protect the conservation area corridor. The subject property falls under Category D for the Urban Conservation Area demarcated for this area and then quote the Category D information. Section 8.5.1.1.4. of Category D clearly stipulates that the discretion lies with the municipality's officials to determine whether additional studies must be submitted even in cases where no NEMA listed activities are triggered:

"In the face of development pressure, the Municipality may, if it deems it necessary, on receipt of a development proposal or application, that does not involve any activities identified under the NEMA listing Notices, require that specialist biodiversity and / or other

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relevant studies, be undertaken by the developer / owner in order to inform development planning and retain priority ecological corridors and habits."

No specialist studies were requested by the municipality with the previous land use application. In addition, the Environmental Management Department of Overstrand Municipality has not indicated the need for an Operational Management Plan for the whole Pringle Bay Urban Conservation Area or the need to submit additional specialist studies. The aforementioned cannot be pinned on merely one property owner intending to subdivide in this area. This was not a requirement for the subdivision of erven in this immediate vicinity in the past and should not become the financial burden for our client. The need for such a plan is also superfluous when considering the municipal and provincial environmental departments' comments / consents on the application.

Michelle Naylor, environmental consultant at Lornay Environmental Consulting, confirmed that the wetland requirements for the future development of dwellings on the respective portions after subdivision can only be attended to once there are building plans available. To submit an application to address the wetland requirements is considered premature on a rezoning / subdivision application, because the footprints for development (building plans) are not available as yet and the environmentalist has no idea what the impacts will be at this moment in time. This matter will be addressed by the respective property owners once there are building plans available. If the proposed development of each erf is more extensive than a single residential dwelling, then a dedicated freshwater specialist's might be required. It should also be noted that the subject property does not fall within a Critically Biodiverse Area but is listed as an Ecological Support Area 2 (ESA) according to the Western Cape Biodiversity Spatial Plan. No site development plan is available for the proposed new erven after subdivision. As a result, the possible impact of the footprints of these dwellings cannot be determined at this stage.

The proposed subdivision (land use application) to create two additional single residential erven and one conservation area / open space portion does not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998). The latter was confirmed by the Department of Environmental Affairs & Development Planning (DEA&DP): Regions 1 and 2 as per the respective letters dated 30 March 2022 and 3 May 2022 in the previous land use application process. The proposal remains unchanged hence their comment remains relevant.

As stipulated in the letters from DEA&DP received on the previous land use application the subsequent development on the erven may constitute listed activities defined in terms of the NEMA EIA Regulations, 2014, should the development of the erven deviate from the vested rights (amendment of the specific parameters for which the property was set apart) and if construction activities entail the clearing of indigenous vegetation, in terms of the latter, if the site (different properties / cadastral units that were set apart for a particular purpose in terms of a General Plan) in question was cleared of indigenous vegetation prior to the EIA Regulations coming into effect, but not repeatedly so, and specifically not in the preceding ten-year period, clearance of indigenous vegetation would require environmental authorisation should the thresholds in the various listed activities in this regard be triggered. Developments deviating from the vested rights of the property i.e. amendment of the specific parameters for which the property was set apart may also require environmental authorisation should the thresholds in the various listed activities in this regard be triggered.

Consequently, if certain listed activities in terms of NEMA might become applicable, if facilities and infrastructure are constructed in future, it will be dealt with as separate environmental applications when the need arises in future. Should the future development of the respective properties trigger a NEMA application (removal of vegetation; wetland; etc.), due process will be followed prior to the commencement of the construction on site. The onus is with the landowner to inform potential buyers that some of the proposed properties fall within a demarcated wetland area. New property owners might have to apply for environmental authorization, depending on the development proposed for each respective property. New property owners should be made aware that the erven are not sold with the required rights in terms of NEMA.

In addition (and very importantly), the Overstrand Municipality's Environmental Management Section had no objection to the previous land use application (the proposal remains unchanged hence their comment remains relevant). A copy of the department's comments / consent dated 22 April 2022 is attached. The department indicates that due to the presence of a Floodplain Wetland on the property the Breede-Gouritz Catchment Management Agency (BGCMA) must be contacted for water use authorization on the property in relation to Sections 21 and 22 of National Water Act. It should be noted that the presence of this Floodplain Wetland applies to most of the adjacent and surrounding properties – also the properties of most of the objectors. And yet none of the adjacent properties were denied the right to develop at least one dwelling with ancillary outbuildings on the subject properties. The reference to the Floodplain Wetland does not restrict the development of the properties per se (since the department clearly stipulates it has no

objection to the proposed subdivision and rezoning) but is merely considered a condition of approval.

Breede-Gouritz Catchment Management Agency (BGCMA) commented on the previous application (copy of their comment dated 14 June 2022 attached). BGCMA had no objection to the proposed land use application, subject to certain conditions as stipulated in their letter.

Cape Nature also commented on the previous land use application (copy dated 23 May 2022 attached). The department supported the application and recommended that a specialist biodiversity study be undertaken to inform the proposed subdivision.

The new land use application will be circulated to all relevant departments who commented in the previous application process to obtain updated comments / consents on the application. This process runs concurrently with the public participation process.

A Specialist Biodiversity Assessment for the Subdivision and Rezoning of erf 726 Pringle Bay was compiled by environmental scientist, Mr Jacques van Rensburg, at Nature Works. A copy of the report dated August 2022 is attached. Nature Works was appointed to conduct a Specialist Biodiversity Assessment to inform development planning and retain priority ecological corridors and habitats. The specialist assessment entailed the following:

- *Identify and describe biodiversity patterns at the community and ecosystem level (primary vegetation type, plant communities in the vicinity and threatened/vulnerable ecosystems), species level (threatened Red List species, presence of alien species) and insignificant landscape features.*
- *Assess the local and regional importance of the vegetation communities and plant species within the affected areas based on the relevant biodiversity plans, bioregional planning documents, Environmental Management Frameworks etc.*
- *Describe the sensitivity of the site and its environs and map these resources.*
- *Identify any areas unsuitable for development or related activities (No-Go Areas) and associated buffers that should be observed.*
- *Include any rehabilitation or monitoring measures that may be required.*

The study / report concluded that: *the study area contains endangered Hangklip Sand Fynbos vegetation. The eventual development will result in the permanent loss of intact and degraded vegetation, which has high and low-to-medium sensitivity, respectively, in terms of*

the biodiversity value and ecological function. The site is part of a larger green belt home to endangered vegetation and a wetland. This area is not essential for meeting biodiversity targets but plays an important role in supporting the functioning of PAs or CBAs and is often vital for delivering ecosystem services.

The proposed subdivision of erf 726 will create three (3) single residential erven and one (1) conservation area / open space portion. The subsequent development impact on the vegetation of the site will be restricted to portions A, B, and C. Portion D will be zoned as Open Space Zone 1: Nature Reserve (OS1) in terms of Chapter 4, Section 16(2)(a) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020. The Nature Reserve (Portion D: ±1285m²) will create an adequate buffer between the terrestrial habitat of portions A, B and C and the channelled valley-bottom wetland to the north of the site. The open space is an intact representation of Hangklip Sand Fynbos and must be managed to prevent indirect habitat degradation.

The subdivision for ERF 726 does not trigger any listed activities in terms of the NEMA EIA regulations 2014 (as amended) as defined in listing notices ("LN") 1, 2 & 3 of 7 April 2017. However, it is essential to note that due to the site's ecosystem threat status and the presence of ESA2, the subsequent development on the erven may constitute listed activities as defined in terms of the NEMA Regulations. In this case, any clearance of vegetation over 300m² will trigger LN 3, activity 12 of NEMA and require environmental authorisation from the competent authority before such activities may commence.

A Site Sensitivity Map was compiled as informed by the above factors. Refer to the Site Sensitivity Map below (Figure 6 in the attached report):



Map 2: Site sensitivity map

The following **development mitigation measures** were proposed to accommodate the proposed land use application:

Mitigation options are generally considered in terms of the following mitigation hierarchy: (1) avoidance, (2) minimisation, (3) restoration and (4) offsets.

- *The development must not detract visually from the natural environment, i.e., by building on the ridgeline and steep slopes.*

- *The larger shrubs and slow-growing dune stabilising vegetation such as Euclea racemose should be kept in situ to prevent further degradation of the dune habitat.*
- *The impact should be restricted to the construction site.*
- *The site is situated on a stabilised old dune, and the construction phase will likely destabilise the dune. Restoration work will be required to ensure that the dune habitat stays intact.*
- *The current alien plant extent is low to moderate; these alien species must be removed. Annual clearing should be undertaken to ensure the effective management of all IAPs, especially after the disturbances caused by the construction activities.*
- *Landscaping should include native species rescued from the construction activities.*

As per the above and also the attached specialist report it is evident that subdivision and rezoning of the subject property is possible; however the necessary mitigation measures should be followed to ensure that the development of the newly created portions in future takes the existing vegetation, ridgeline and slopes into consideration to ensure a low impact single residential development.

3.13 TRAFFIC IMPACT, PARKING AND ACCESS

The subject property abuts Buffels Road (existing tarred road) on its eastern erf boundary. The newly created residential portions (Portions A to C) will continue to take access from Buffels Road as depicted on the subdivision plan. The exact position of the access points / gates will only be determined once building plans are available and submitted in future for the respective portions.

Portion D, a portion of erf 726 Pringle Bay, will be landlocked. This portion will however be rezoned from SR1 to OS1 and will form part of the greater nature conservation area / corridor identified for this area. Hence, access to this portion is not a requirement.

The impact on the traffic of Pringle Bay and the immediate area will be kept to a minimum since the proposal is in line with the status quo for the area. A Traffic Impact Assessment / Statement is not required since the proposed development does not create an additional 50

trips or more to the area and since the access to the respective portions can easily be addressed.

The development of the respective portions after subdivision will comply with the relevant scheme regulations' parking requirements – i.e. at least two parking bays / garages must be provided for on site for each new portion created.

The Engineering Services Department did not request a Traffic Impact Assessment or Statement as part of the previous (similar) land use application. The zoning of the erf remains intact and will not have any impact on the road users with the addition of two (2) households. These types of applications generally generate low traffic and noise pollution to residential areas. The staggered nature of people arriving at their respective homes will further mitigate the proposed subdivision's traffic impact and ensure that the surrounding area and its road network are not overwhelmed with vehicular traffic. The traffic and noise generated will be low and in keeping with the residential character. In addition, the municipal engineering services department did not express any concerns with regards to the width or state of the road or additional traffic to the area.

3.14 TITLE DEED

Title Deed No. T14326/2021 has no restrictions that need to be removed to accommodate the proposed subdivision and rezoning of erf 726 Pringle Bay. A conveyancer's certificate from compiled by Mr H.L. van Zyl at Van Zyl Kruger Attorneys dated 12 April 2022 is attached.

There is a bond registered against the subject property. The bondholder's consent dated 11 February 2022 is attached.

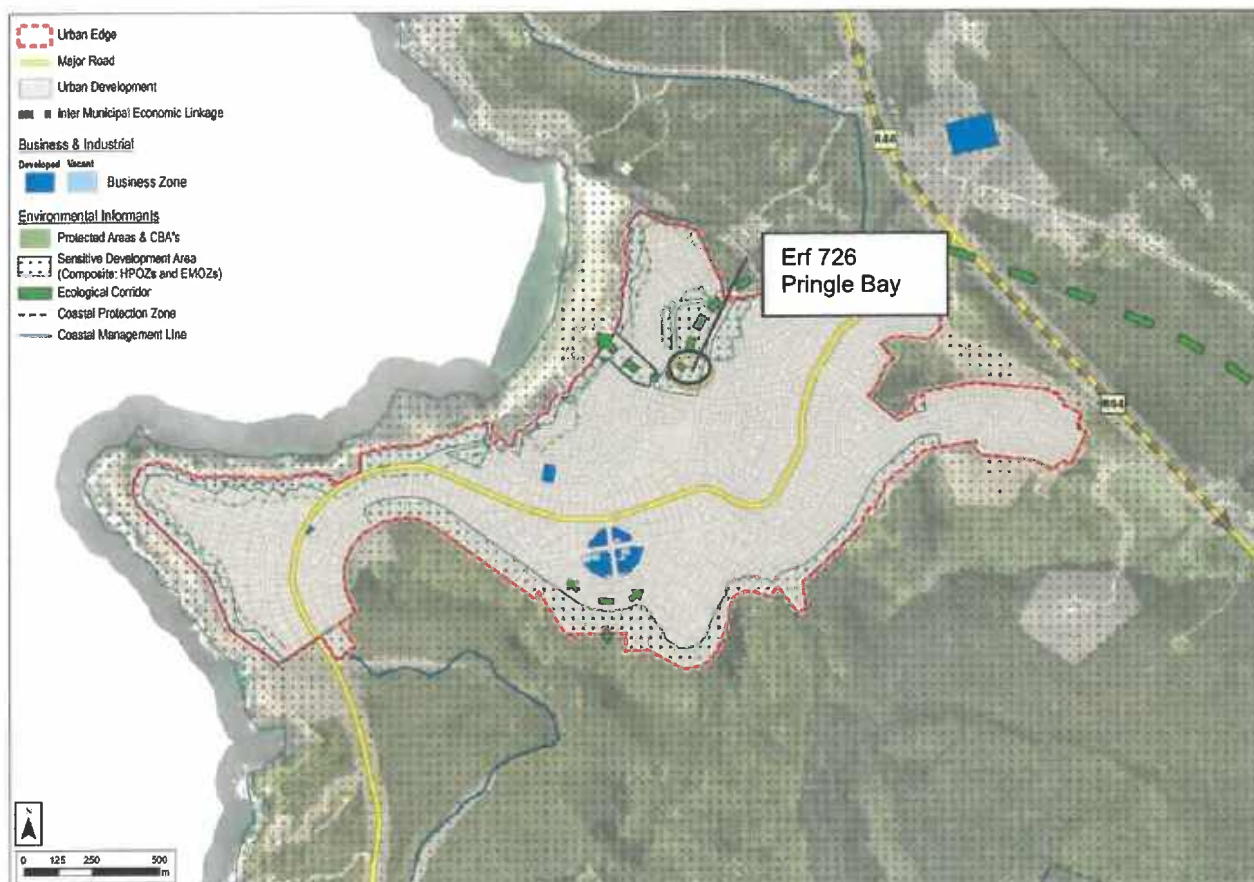
3.15 FORWARD PLANNING AND LAND USE DOCUMENTS

3.15.1 WESTERN CAPE PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK (PSDF, 2014)

The Provincial Spatial Development Framework (PSDF, 2014) supports densification. The PSDF (2014) regards subdivisions as one of the options of urban development tools available to achieve appropriate densification in the Western Cape.

3.15.2 OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK (2020)

The *Overstrand Spatial Development Framework (2020)* earmarks the area where erf 726 Pringle Bay is situated, for urban development purposes. An ecological corridor runs over the western section of the subject property as indicated on the Pringle Bay Spatial Proposal Plan (2020) - see below. The zoning and use of the subject property for the single residential erven will remain unchanged (Residential Zone 1: Single Residential). It is proposed to rezone Portion D, a portion of erf 726 Pringle Bay, from SR1 to OS1 to meet the conservation area / corridor requirement for this area. The proposed subdivision plan was therefore compiled in line with the Pringle Bay Spatial Proposal Plan (2020). The impact of the proposed subdivisions and rezoning on the spatial integrity of the area will be minimal and is therefore consistent with the Overstrand SDF (2020).



Map 3: Pringle Bay Spatial Proposals Plan (2020)

The property is located in the EMOZ and subject to the Guideline Development Plan, known as The Ridge. The Guideline Plan was incorporated in the EMOZ, since it was adopted by Council in 2007, with the subdivision of erf 725. To clarify, the EMOZ is a second layer of protection, but cannot take existing rights away. The area demarcated for Open Space constitutes 27% of the erf and coincide with the EMOZ layer.

A Specialist Study was undertaken namely a Biodiversity Assessment by environmental scientist, Mr J van Rensburg at Nature Works. The study concluded that the erf contains endangered Hangklip Sand Fynbos vegetation that with development will result in the permanent loss of intact and degraded vegetation, which has high and low-to-medium sensitivity. The site is part of a larger green belt home to endangered vegetation and a wetland but is not essential for meeting biodiversity targets but still plays a vital role. The area of 27% is sufficient to buffer the dune system and wetland systems for development. The study has made recommendation to mitigate the development of the erven, which will

be made applicable as conditions of approval.

3.15.3 OVERSTRAND MUNICIPAL GROWTH MANAGEMENT STRATEGY

(2010)

The Overstrand Municipal Growth Management Strategy (OMGMS, 2010) specifies that erf 726 Pringle Bay forms part of Planning Unit no. 2. This planning unit stipulates that the status quo of the area (i.e. single residential) must be maintained. Refer to the OMGMS plan (2010) attached.

The Overstrand Municipality's densification policy establishes the principle of incremental densification in an established residential area if it does not have a detrimental impact on its character. It is important to enhance and protect the character of the existing low-density residential areas such as Pringle Bay, while still sensitively densifying where appropriate. This ensures that a wide range of erf sizes and types of development are available, not only within Pringle Bay, but also within the entire Greater Hermanus area.

With this application incremental development is proposed. The proposed erf sizes of between 1050m² and 1262m² are not smaller than the smallest erf in the immediate vicinity (which is a mere ±720m²) or the average erf sizes for the area. In addition, the proposed erf sizes of between 1050m² and 1262m² do not deviate more than 10% from the minimum erf size contemplated for this area. Erf 726 Pringle Bay is considered an exceptionally large property situated in the middle of Pringle Bay and this must be taken into consideration when considering the merit of the application. The proposal will therefore impact on the density of the area while still retaining the status quo.

The layout of the proposed single residential erven is practical in respect to access, developable areas, connecting to bulk services and the installation of services.

The proposal will promote land development in a location that is sustainable. The proposed subdivision and rezoning are to an improved erf within an established residential area and therefore will not impact on urban sprawl or upon a sensitive environment.

3.16 PLANNING PRINCIPLES

The planning principle of spatial resilience does not apply to this application.

Spatial justice: The proposed land use application ties in with the existing character of the area and will not have a negative impact on the surrounding properties.

This principle addresses the need to address the past imbalances with regard to opportunity. This application is located on an erf as per the establishment of the Pringle Bay Township and is this principle not applicable.

Spatial sustainability: The proposed subdivision and rezoning are to create three single residential erven and a conservation area portion. As contemplated in Section 3.15 the proposed land use application it is in line with the spatial planning policies for the area.

The layout of the proposed single residential erven is practical with respect to access, developable areas, connecting to bulk services and the installation of services. The visual impact will be kept to a minimum since the portions will be developed in line with the relevant land use scheme regulations. Since the status quo of the area will be maintained, it is submitted that the proposed future dwellings with outbuildings / garages on Portions A to C, portions of erf 726 Pringle Bay, will be compatible with the character of the area and will not impact negatively on the existing rights of anyone else.

By creating the conservation area portion (Portion D) the proposal ensures that the environmental management proposals for the area are met. Areas earmarked for conservation remain protected with this application proposal.

As a result, the proposed subdivision and rezoning will have no adverse impact on the spatial sustainability of the area.

Efficiency: The subject properties are easily accessible and conveniently located close to major routes. The subdivision and rezoning of erf 726 Pringle Bay will have a low impact on the character and ambiance of the existing residential area as motivated in this report. It

proofs to be efficient to allow the subdivision and rezoning since the impact will be kept to a minimum, while new portions are created for families to obtain and develop. As motivated in the above sections of the report the proposal is compatible with surrounding properties in the immediate area.

The proposed subdivision and rezoning proof to be efficient since it discourages the phenomenon of urban sprawl, encourages densification and more compact towns and cities, all of which relates to more responsible resource and infrastructure use and sustainable development. Moreover, the proposal is efficient in that it optimizes existing resources and infrastructure and continues the existing suburban development typology.

Good administration: Our firm is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's bylaw and related provincial and national land use planning legislation. All measures will be taken to ensure an efficient and streamlined process within the applicable timeframes as stipulated by the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020.

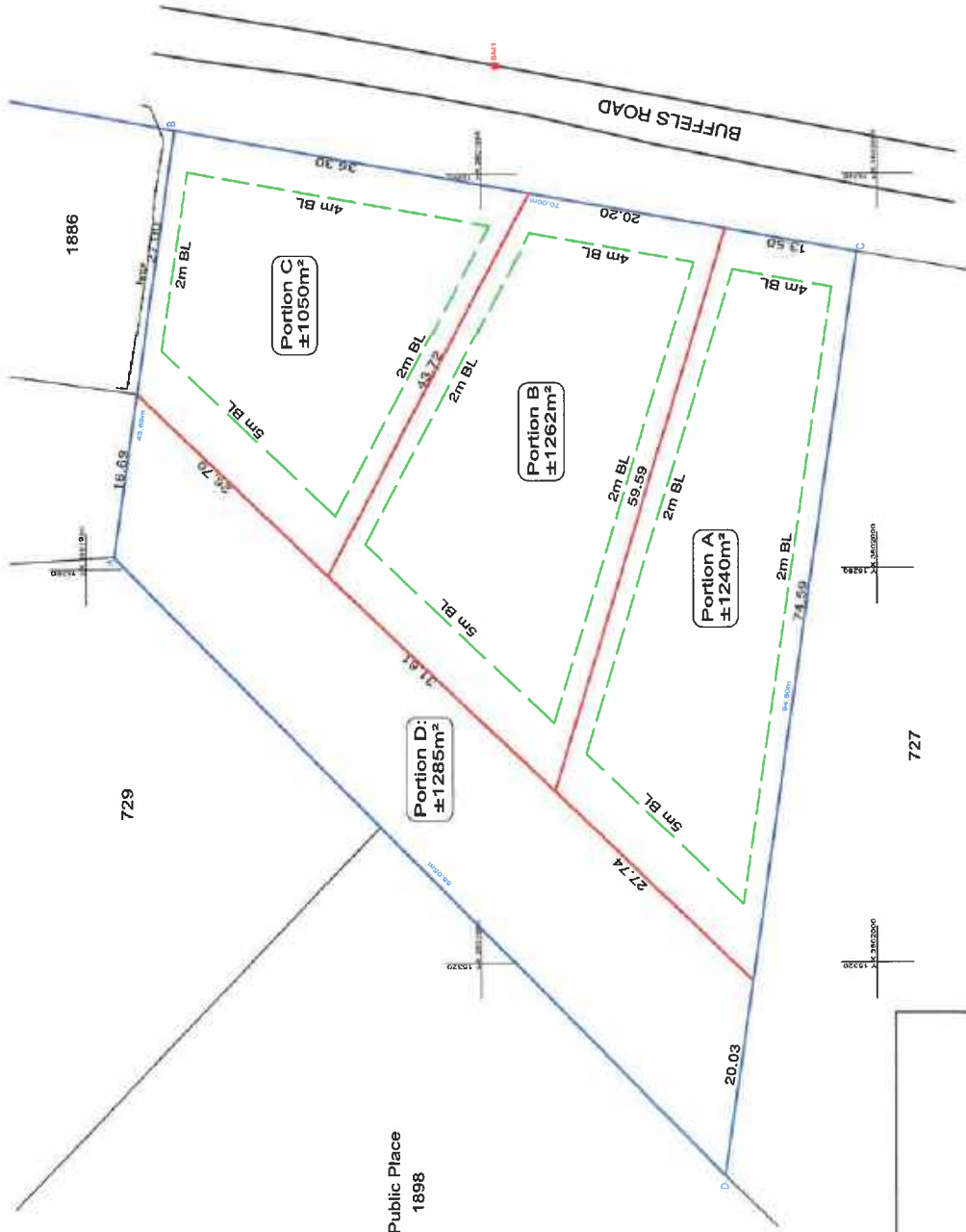
4. RECOMMENDATION

It is recommended that the application be considered favourably for the following reasons:

- The erf was created in 1970, located in Pringle Bay extension 3;
- The proposed land use application does not trigger any listed activities in terms of NEMA (Act 107 of 1998);
- The EMOZ does not prohibit any subdivision;
- The Biodiversity Assessment does not indicate any prohibition on a subdivision;
- All developments on the proposed subdivided areas will be subject to the input of various departments, Biodiversity Assessment mitigating measures and legislation applicable to this erf;

- The proposed application will not have a negative impact on the existing land use rights of the subject property or those of surrounding properties;
- The minimum erf size requirement (guideline) of $\pm 1000\text{m}^2$ for SR1 zoned properties in this area is met with this proposal;
- Cognisance was taken of the conservation area / corridor present on the subject property (Portion D to be rezoned from SR1 to OS1 and ceded to Overstrand Municipality);
- The proposal is compatible with the existing character and erf sizes of the immediate area;
- The zoning of Residential Zone I: Single Residential and land use (single residential) are compatible with the surrounding zonings of the area;
- The proposed subdivision and rezoning comply with the spatial planning policies for the area;
- Impact on the traffic and services will be kept to a minimum;
- The application is fully compliant with the applicable planning principles described in the LUPA (2014) and SPLUMA (2013).

With regards to the above mentioned it would be appreciated if the application for the subdivision and rezoning of erf 726 Pringle Bay be approved.



- Notes:**
- Erf boundaries
 - Subdivision lines
 - - - 2m Buffer lines
- Erf 726 Pringle Bay to be subdivided as follows:
- Portion A: ±1240m²
 - Portion B: ±1262m²
 - Portion C: ±1050m²
 - Portion D: ±1285m²
- Zoning:
- Portions A, B & C: SR1
 - Portion D: OS1

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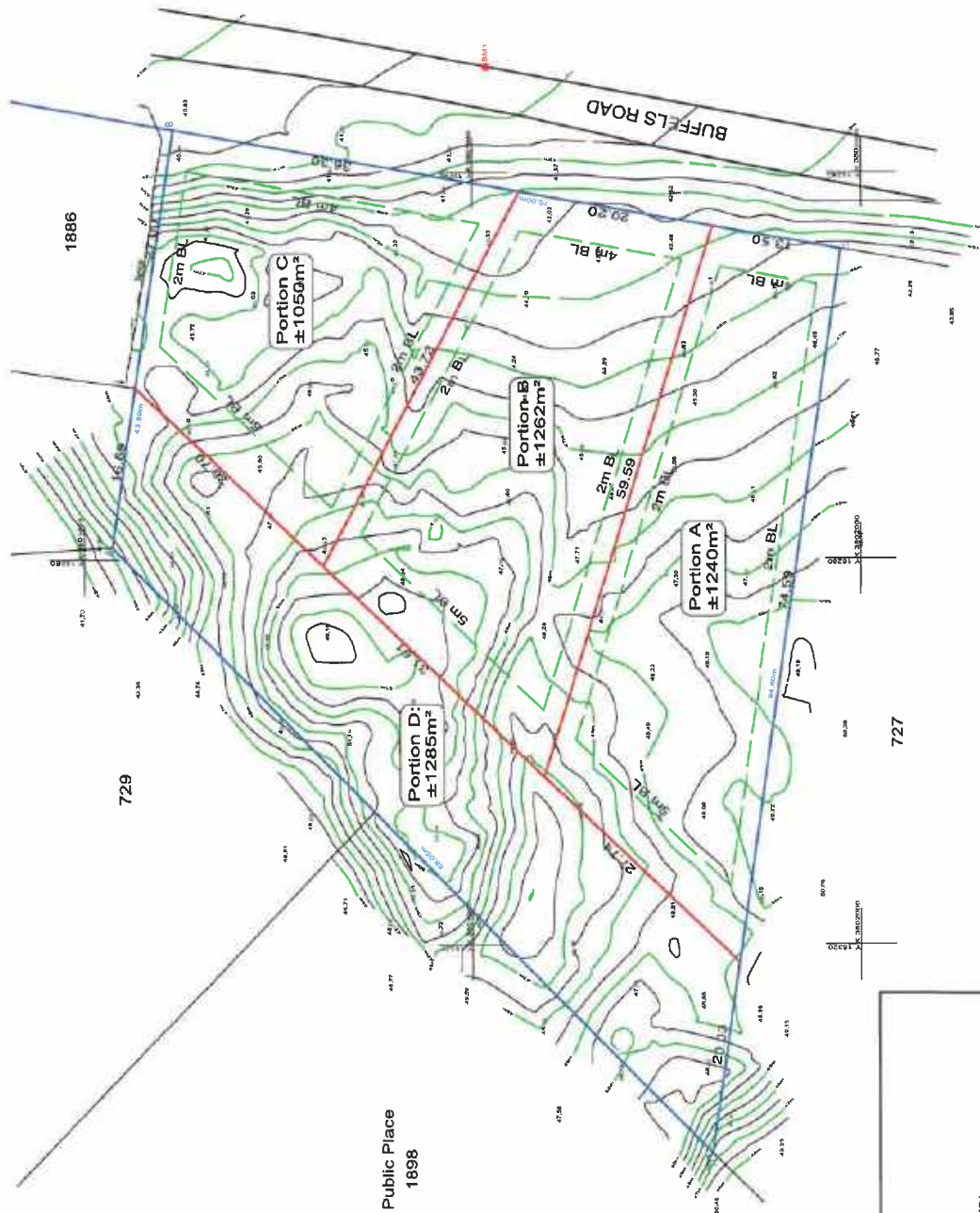
All distances approximate and subject to survey.
COPY RIGHT RESERVED

Property Description:
**ERF 726
PRINGLE BAY**

Plan Description:
**SUBDIVISION
PLAN**

Scale: 1:500
Drawing Nr: 72665.dwg
Date: 11/2021





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- Portion A: ±1240m²
 - Portion B: ±1262m²
 - Portion C: ±1050m²
 - Portion D: ±1285m²
- Zoning:
- Portions A, B & C: SR1
 - Portion D: OS1

Scale: 1:500
 Drawing Nr: 101726S.dwg
 Date: 11/2021

Plan Description:
SUBDIVISION PLAN

Property Description:
ERF 726 PRINGLE BAY

All distances approximate and subject to survey.
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PRINGLE BAY RATEPAYERS' ASSOCIATION
PRINGLEBAAI BELASTINGBETALERSVERENIGING

SARS Reg. 9101/138/16/3

NPO Reg. 214-205

www.pringlebayratepayers.co.za

P O Box 409, Pringle Bay, 7196 / Posbus 409, Pringlebaai, 7196

Chairman / Voorsitter: chairman@pringlebayratepayers.co.za / Tel: 084 222 1242

The Municipal Manager
 OVERSTRAND MUNICIPALITY
 HERMANUS
 7200

PER EMAIL: loretta@overstrand.gov.za

SUBJECT: PRINGLE BAY ERF 726, 72 BUFFELS ROAD: APPLICATION FOR SUBDIVISION AND REZONING. MUNICIPAL NOTICE 89/2024

PREAMBLE

I, the undersigned, ALBERT WILLEM VORSTER (Identity no. 611004 5027 084) in my representative capacity of the PRINGLE BAY RATEPAYERS' ASSOCIATION (hereafter referred to as PBRA, being a separate legal entity having a constitution, in terms of which it has a right, inter alia, to sue and to be sued), on behalf of our members who have granted a mandate to the PBRA to, amongst others, oppose/support departures, consent use applications and changes to title deed restrictions, hereby wish to submit comments on behalf of the PBRA regarding the subject application.

ORGANISATION

The Pringle Bay Ratepayers' Association (PBRA) was started in 1967 by the first property owners of Pringle Bay to represent the interests of ratepayers and residents. Today it is a registered Non-Profit, Public Benefit Organisation.

Our primary functions are to liaise with the Overstrand Municipality, with whom we enjoy a close relationship and to support local environmental conservation. We represent the community on the local Ward Committee and other consultative bodies. We maintain close contact with local authorities and service providers, particularly on matters affecting ratepayers and residents.

The PBRA represents the ratepayers within the declared Urban Edge. This currently constitutes approximately 1,700 properties (erven) of which approximately 1,200 are developed (thus having a habitable structure erected on it either for residential or business purposes).

FILE NO.	Erf 726-KPRB ✓
SCAN NO.	PRBRA
COLLABORATOR NO.	2011013

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OVERSTRAND MUNISIPALITEIT

REKORDBEHEER

02 JUL 2024

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

28 June 2024



1. EXECUTIVE SUMMARY

The PBRA herewith submit suggestions and recommendations we expect the Overstrand Municipality will duly take into consideration when considering the approval of this application. These are:

- a) The Ridge Precinct Conservation Area Pringle Bay: Draft Environmental Management Framework (2023-2028) (refer to Paragraph 3).
- b) The Title Deeds to be compiled for the four erven created by the subject sub-division (refer to Paragraphs 4 & 5)
- c) The Owners acceptance of the Ridge Precinct Conservation Area Pringle Bay: Draft Environmental Management Framework (2023-2028) and the proposed Title Deed Conditions recommended herein (refer to the attached letter received from the Owners: also included herewith as APPENDIX 1).

2. REFERENCES

- 2.1. The PBRA's submission dated 22 April 2022 titled "PRINGLE BAY ERF 726, 72 BUFFELS ROAD: APPLICATION FOR SUBDIVISION AND REZONING. MUNICIPAL NOTICE 29/2022"
- 2.2. The PBRA's submission dated 25 March 2023 titled "MOTIVATION OF APPEAL: ERF 726, 72 BUFFELS ROAD, PRINGLE BAY: APPLICATION FOR SUBDIVISION AND REZONING"
- 2.3. The Appeal Authority's notice dated 28 September 2023 confirming that the PBRA's Appeal was upheld.
- 2.4. We reference the "Specialist Biodiversity Assessment dated August 2022".
- 2.5. We reference the APPLICATION FOR SUBDIVISION AND REZONING: MUNICIPAL NOTICE 89/2024, the subject matter of this letter.
- 2.6. The PBRA wishes to commend the Applicant on the comprehensive professional input included in the application covering the necessary and important aspects of the subject property and the opinion and recommendations of the professionals in this regard.

In the following paragraphs we will reference applicable comments and suggestions based on the inputs the applicant received from its professional team and which we consider as relevant and important to the Pringle Bay community at large.

We focus our suggestion and request on two aspects namely:

- a) The importance of the draft Ridge Precinct Conservation Area: Pringle Bay Environmental Management Framework (2023-2028); and
 - b) Proposed Title Deed conditions, which we believe are important for inclusion in the Title Deeds related to the newly formed erven as a result of the sub-division.
- 2.7. Letter of Acceptance received from the Applicant (refer to APPENDIX 1 hereto)



3. RIDGE PRECINCT ENVIRONMENTAL MANAGEMENT FRAMEWORK ("EMF")

- 3.1. The applicant in their supporting documentation, reference 2.4 above, Introduction, Page 1, states the following:

"

-
- *Assess the local and regional importance of the vegetation communities and plant species within the affected areas based on the relevant biodiversity plans, bioregional planning documents, Environmental Management Frameworks etc. "*

The "*Environmental Management Framework*" being our emphasis.

- 3.2. Furthermore, in the same reference: Conclusions and Recommendations, Page 16, it is stated as follows:

"The study area contains endangered Hangklip Sand Fynbos vegetation. The eventual development will result in the permanent loss of intact and degraded vegetation, which has high and low-to-medium sensitivity, respectively, in terms of the biodiversity value and ecological function. The site is part of a larger green belt home to endangered vegetation and a wetland. This area is not essential for meeting biodiversity targets but plays an important role in supporting the functioning of PAs or CBAs and is often vital for delivering ecosystem services."

" *The site is part of a larger green belt*" being our emphasis.

It goes further to also state:

The proposed subdivision of erf 726 will create three (3) single residential erven and one (1) conservation area / open space portion. The subsequent development impact on the vegetation of the site will be restricted to portions A, B, and C. Portion D will be zoned as Open Space Zone 1: Nature Reserve (OS1) in terms of Chapter 4, Section 16(2)(a) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020. The Nature Reserve (Portion D: ±1285m2) will create an adequate buffer between the terrestrial habitat of portions A, B and C and the channelled valley-bottom wetland to the north of the site. The open space is an intact representation of Hangklip Sand Fynbos and must be managed to prevent indirect habitat degradation."

"... *must be managed to prevent indirect habitat degradation.*" being our emphasis.

The Conclusions and Recommendations finally state the importance of ensuring conformance to NEMA requirements when building designs and construction works commence. It clearly states:

"The subdivision for ERF 726 does not trigger any listed activities in terms of the NEMA EIA regulations 2014 (as amended) as defined in listing notices ("LN") 1, 2 & 3 of 7 April 2017. However, it is essential to note that due to the site's ecosystem threat status and the presence of ESA2, the subsequent development on the erven may constitute listed activities as defined in terms of the NEMA Regulations. In this case, any clearance of in terms of the



NEMA Regulations. In this case, any clearance of vegetation over 300 m² will trigger LN 3, activity 12 of NEMA and require environmental authorisation from the competent authority before such activities may commence."

- 3.3. Taking cognisance of the abovementioned, we sincerely request that the approval of the subdivision be subject to the acceptance of the EMF and that applicant agrees to ensure that the development of each of erven A, B and C described in 3.2 above conforms with the recommendations of the draft "Ridge Precinct Conservation Area: Pringle Bay Environmental Management Framework (2023-2028)". Refer to the attached letter of acceptance received from the Owner/Applicant (also included herewith as APPENDIX 1)

4. AMENDMENT OF EXISTING TITLE DEED CONDITIONS

- 4.1. The PBRA recommends that the existing Title Deed Conditions be amended as follows (our proposed amendments in **bold** to be added and in **[bold]** to be omitted) to ensure conformance to the recommendations contained in the application:

- 4.2. Refer to existing Title Deed Condition "B2"

"B.2 **The additional conditions of title as per Annexures A and B are applicable to this erf and any subdivided portion as if it were the original erf.** In the event of a Town Planning **or Land Use Scheme, or Special Overlay Zone,** or any portion thereof applying or being made applicable to this erf, any provisions thereof which are more restrictive than any conditions of title applicable to this erf shall take precedence. **[Furthermore, nothing in these conditions shall be construed as overriding the provisions of section 146 of Ordinance No 15 of 1952, as amended.]"**

- 4.3. Refer to existing Title Deed Condition "B6"

"B.6 (a) This erf shall be used solely for the purposes of erecting thereon one dwelling or other buildings for such purposes as the Administrator may, from time to time after reference to the Townships Board and the local authority, approve, provided that if an erf is included within an area of a Town Planning **or Land Use Scheme, or Special or Overlay Zone,** the local authority may permit such other buildings as are permitted by the scheme **or zone** subject to the conditions and restrictions stipulated by the scheme **or zone.**"

"B.6 (b) No Building or structure or any portion thereof except boundary walls and fences, shall **[except with the consent of the Administrator,]** be erected nearer than **4 (four) [5 (five)]** metres to the street line which forms a boundary of this erf, nor within **5 (five) [3 (three)]** metres of the rear or **2 (two) [1,5 (one comma five)]** metres of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority –

- (i) An outbuilding used solely for the housing of motor vehicles and not exceeding 3 (three) metres in height, measured from the ground floor of the outbuilding to the wall-plate thereof, may be erected within such side **[and rear]** spaces, and any other outbuilding of the same height may be erected within the **[rear space and]** side space for a distance of 12 (twelve) metres measured from the rear boundary of the erf, provided



that, in the case of a corner erf the distance of 12 (twelve) metres shall be measured from the point furthest from the street abutting the erf.

- (ii) An outbuilding in terms of sub-paragraph (i) may only be erected nearer to a lateral [or rear] boundary of a site than the prescribed spaces, if no windows or doors are inserted in any wall facing such boundary."

5. INSERTION OF ADDITIONAL TITLE DEED CONDITIONS

5.1. ANNEXURE A: ADDITIONAL CONDITIONS OF TITLE

- A (a) In the event of this erf being subdivided, subdivision of this erf is restricted to a minimum portion size of at least 1000m² (one thousand square metres). Only one residential building together with such outbuildings as are ordinarily required to be use therewith shall be erected on a portion. Not more than half the area of the portion shall be built upon.
- (b) In the event of this erf being subdivided, a section of the erf as per Annexure B will without compensation be rezoned to Open Space Zone 1: Nature Reserve (OS1) and be ceded to the local authority.
- (c) Upon receipt of a development proposal or application that does not involve any activities identified under the NEMA listing notices, the local authority must require that specialist biodiversity and/or other relevant studies be undertaken by the owner in order to inform development planning and retain priority ecological corridors and habitats.
- (d) Without limiting the generality of condition A(c) any study must include the following mitigation measures to ensure that the development of any subdivided portion takes the existing vegetation, ridgeline and slopes into consideration to ensure a low impact single residential development:
 - (i) Identification of applicable wetland considerations.
 - (ii) The development must not detract visually from the natural environment, i.e., by building on the ridgeline and steep slopes.
 - (iii) The larger shrubs and slow-growing dune stabilising vegetation should be kept in situ to prevent degradation of the dune habitat.
 - (iv) The impact of the development should be restricted to the construction site. The site is situated on a stabilised old dune, and the construction phase will likely destabilise the dune. Restoration work should be planned to ensure that the dune habitat stays intact.
 - (v) Alien plant species must be removed. Annual clearing should be undertaken to ensure the effective management alien species, especially after the disturbances caused by construction activities.
 - (vi) A landscaping plan should be submitted, which should include native species rescued from the construction activities.



6/23

- (vii) Considering the recommendations, risks and threats as set out in the draft "Ridge Precinct Conservation Area: Pringle Bay Environmental Management Framework", as amended.

6. REQUEST

- 6.1. The PBRA requests please that the suggestions and recommendation in Paragraphs 3, 4 and 5 be taken into consideration against the background of the acceptance by the Owner (the Applicant) as per their attached "letter of acceptance" (Refer to APPENDIX 1).

We sincerely request that you will please be so kind as to acknowledge receipt of our comments and to take the necessary steps outlined above.

Kind regards

A handwritten signature in black ink, appearing to read "AW Vorster".

AW Vorster

Obo: Pringle Bay Ratepayers' Association

Attached:

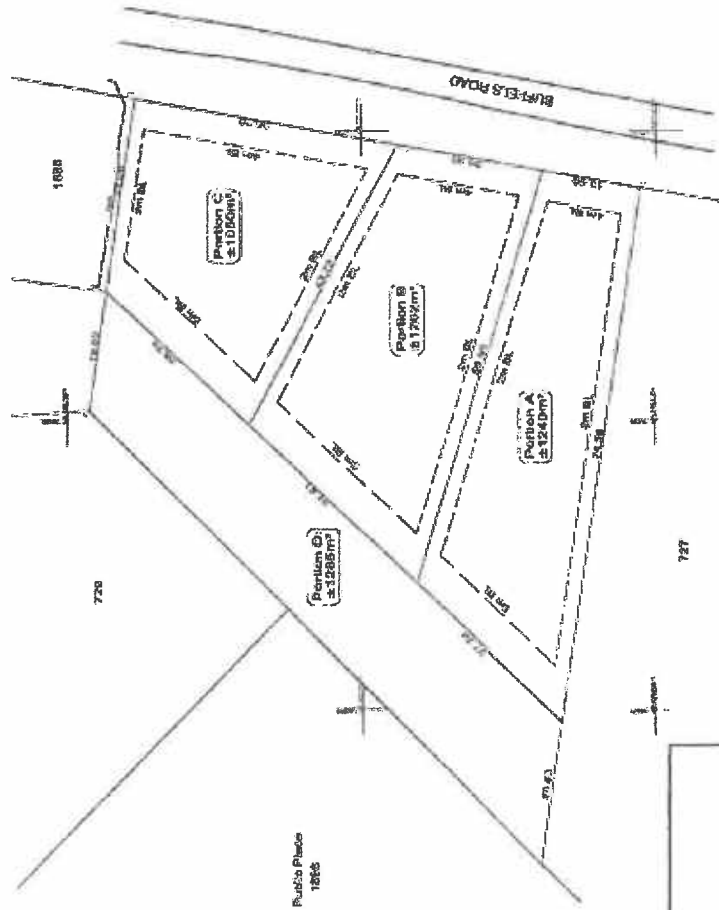
Annexure B: **SUB-DIVISIONS OF ERF 726**

APPENDIX 1: **APPLICANT'S LETTER OF ACCEPTANCE**



ANNEXURE B: SUB-DIVISIONS OF ERF 726

ANNEXURE B



Notes:

- 1. Erf boundaries
- 2. Subdivision lines
- 3. 726 Pringle Bay to be subdivided as follows:
 - Section A: 2124sqm
 - Section B: 1290sqm
 - Section C: 1050sqm
 - Section D: 1288sqm
- 4. Scale: 1:500
- 5. Sections A, B & C: SRT
- 6. Section D: CG1

PIA Study- en Streeklaanlyn Town & Regional Planners	All structural requirements and subject to Council. © 2024. ALL RIGHTS RESERVED.	ERF 726 PRINGLE BAY SUBDIVISION PLAN	1:500 01/2024
	Prepared by:	Checked by:	Drawn by:



APPENDIX 1: APPLICANT'S LETTER OF ACCEPTANCE

ENTK Family Trust

27 June 2024

Mr. AW Vorster
The Pringle Bay Ratepayers Association

Cc M Tiepelt, Plan Active, The City Planner

Dear Mr. Vorster.

After reviewing the content of your letter, dated 17 June 2024 and the Ridge Precinct Environmental Framework we would like to respond as follows:

1. We agree with the recommendations in the framework and with their implementation related to the proposed subdivision of our property in Pringle Bay and your recommendations in section 3 of your letter related to the EMF.
2. With regard to your proposed amendments to the title deed conditions in Paragraph 4 we would like to make the following comments:
 - a. Where your comments are in alignment with the Ridge Environmental Framework¹ and the EMOZ² we accept your comment. We intend to comply with these and other municipal by-laws when planning and constructing our houses on the subdivided properties.
 - b. Point 4.2 regarding Title Deed Condition B.2
The conditions are in line with our intentions for the property and are accepted.
 - c. Point 4.3 regarding Title Deed Condition B.6 (a)
The proposed conditions are in line with our intentions for the property and are accepted.

¹ The Ridge Precinct Conservation Area, Pringle Bay Environmental Management Framework (2023 – 2028)

² OVERSTRAND MUNICIPALITY ENVIRONMENTAL MANAGEMENT OVERLAY ZONE REGULATIONS, PUBLISHED 7 August 2020



-
- d. Point 4.3 (b) regarding Title Deed Condition B.6 (b)
The proposed conditions are already contained in our application.
- e. Point 4.3 (b i) regarding Title Deed Condition B.6 (b)
The proposed conditions are in line with our intentions for the property and are accepted.
- f. Point 4.3 (b ii) regarding Title Deed Condition B.6 (b)
The proposed conditions are in line with our intentions for the property and are accepted.
- g. Point 5.1 (a)
We feel that this comment is not relevant as the original subdivision proposal was in alignment with your suggestion anyway.
- h. Point 5.1 (b)
We feel that this comment is not relevant as the original subdivision proposal was in alignment with your suggestion anyway.
- i. Point 5.1 (c) and (d)
We agree in principle with the points raised.
- j. Point 6
Although we appreciate your recommendation, we have not been able to secure an appointment with the Planning Department of the Overstrand Municipality (OM) in the time allowed between the receipt of your letter on 20 June 2024.



10/23

We truly appreciate the consultative manner with which you approached this application, and we remain committed to the responsible development of the subdivided properties.

Further, we remain committed to open and transparent communication with you.

We look forward to becoming fully participating members of the Pringle Bay Community.

Sincerely,

A handwritten signature in black ink, appearing to read "Egmont W Ottermann", with a horizontal line extending to the right.

Egmont W Ottermann

Trustee

ENTK Family Trust

27 June 2024

Mr. AW Vorster
The Pringle Bay Ratepayers Association

Cc M Tiepelt, Plan Active, The City Planner

Dear Mr. Vorster.

After reviewing the content of your letter, dated 17 June 2024 and the Ridge Precinct Environmental Framework we would like to respond as follows:

1. We agree with the recommendations in the framework and with their implementation related to the proposed subdivision of our property in Pringle Bay and your recommendations in section 3 of your letter related to the EMF.

2. With regard to your proposed amendments to the title deed conditions in Paragraph 4 we would like to make the following comments:
 - a. Where your comments are in alignment with the Ridge Environmental Framework¹ and the EMOZ² we accept your comment. We intend to comply with these and other municipal by-laws when planning and constructing our houses on the subdivided properties.

 - b. Point 4.2 regarding Title Deed Condition B.2
The conditions are in line with our intentions for the property and are accepted.

 - c. Point 4.3 regarding Title Deed Condition B.6 (a)
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¹ The Ridge Precinct Conservation Area, Pringle Bay Environmental Management Framework (2023 – 2028)

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-
- d. Point 4.3 (b) regarding Title Deed Condition B.6 (b)
The proposed conditions are already contained in our application.
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- f. Point 4.3 (b ii) regarding Title Deed Condition B.6 (b)
The proposed conditions are in line with our intentions for the property and are accepted.
- g. Point 5.1 (a)
We feel that this comment is not relevant as the original subdivision proposal was in alignment with your suggestion anyway.
- h. Point 5.1 (b)
We feel that this comment is not relevant as the original subdivision proposal was in alignment with your suggestion anyway.
- i. Point 5.1 (c) and (d)
We agree in principle with the points raised.
- j. Point 6
Although we appreciate your recommendation, we have not been able to secure an appointment with the Planning Department of the Overstrand Municipality (OM) in the time allowed between the receipt of your letter on 20 June 2024.

We truly appreciate the consultative manner with which you approached this application, and we remain committed to the responsible development of the subdivided properties.

Further, we remain committed to open and transparent communication with you.

We look forward to becoming fully participating members of the Pringle Bay Community.

Sincerely,

A handwritten signature in black ink, appearing to be 'Egmont W Ottermann', with a horizontal line extending to the right from the end of the signature.

Egmont W Ottermann

Trustee

Loretta Gillion

From: Bertie Vorster <bvvossie04@gmail.com>
Sent: Friday, 28 June 2024 14:04
To: Loretta Gillion
Cc: chairman@pringlebayratepayers.co.za; Heather Morkel
Subject: Re: Erf 726 Pringle Bay (Rezoning & Subdivision): Request for comment
Attachments: PBRA COMMENTS erf 726 - 28 June 2024 application - FINAL.pdf; Letter to PBRPA 2024-06-27.pdf

Dear Ms Gillion

Please refer to your trailing email dated 23 May 2024 related to Erf 726 Pringle Bay.

As per your request, we hereby submit our comments related to the subject matter.

The attached document titled "**PBRA COMMENTS erf 726 - 28 June 2024 application - FINAL.pdf**" addresses our interest in the application as well as our comments. Also attached is the Applicant's "Letter of Acceptance" titled: "**Letter to PBRPA 2024-06-27.pdf**".

Through this submission we consider ourselves as registered parties wishing to receive all future relevant communication in this regard. Communications can be via email to chairman@pringlebayratepayers.co.za and CC secretary@pringlebayratepayers.co.za and bvossie04@gmail.com

We sincerely request that you acknowledge by return email that you have received this email as well as the mentioned attachments.

Yours Sincerely

AW Vorster
 obo PBRA

From: Loriaan Isaacs <loriaanisaacs@overstrand.gov.za>
Subject: Erf 726 Pringle Bay (Rezoning & Subdivision): Request for comment
Date: 23 May 2024 at 14:23:59 SAST
To: "chairman@pringlebayratepayers.co.za"
 <chairman@pringlebayratepayers.co.za>, Secretary
 <secretary@pringlebayratepayers.co.za>, "vicechair@pringlebayratepayers.co.za"
 <vicechair@pringlebayratepayers.co.za>
Cc: Loretta Gillion <loretta@overstrand.gov.za>

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 **28 June 2024**.

TP-123
A Theart
(H vld Stoep)

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
01 JUL 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

15/23

Loretta Gillion

From: Peter Nyman < >
Sent: Friday, 28 June 2024 16:54
To: Loretta Gillion
Cc: Audrey Nyman (RSA) (:
Subject: RE: Erf 726 Pringle Bay: Public Participation - You are regarded as a potentially affected property owner

Importance: High

Dear Loretta Gilleon,

Thank you for your e-mail of May 28 2024 which was sent to my wife after we had both left our home in Knysna. We are currently in the UK.

On behalf of the owner of Erf 727, The Peter Nyman Family Trust, we would appreciate clarification on what is meant by "any clearance of vegetation over 300m² will trigger LN 3"? The dwelling cannot exceed 50% of the erf, namely 620m² plus the driveway would be more than double the 300m², and how would this be monitored?

The subdivision for ERF 726 does not trigger any listed activities in terms of the NEMA EIA regulations 2014 (as amended) as defined in listing notices t"LN"J 1. 2 & 3 of 7 April 2017.
 However, it is essential to note that due to the site's ecosystem threat status and the presence of ESA2, the subsequent development on the erven may constitute listed activities as defined in terms of the NEMA Regulations. In this case, any clearance of vegetation over 300m² will trigger LN 3, activity 12 of NEMA and require environmental authorisation from the competent authority before such activities may commence. – on page 19.

We await your response.
Kind regards.

Peter & Audrey Nyman - Trustees

e-mail addresses: - Peter -
 Audrey - :
 Putney, London
 Tel No +.
 Mobile UK:- Peter +

OR WhatsApp

FILE NO. Erf 726-KPRB ✓
SCAN NO. KPRB
COLLABORATOR NO. 2070823

From: Loriaan Isaacs <loriaanisaacs@overstrand.gov.za>
Sent: Thursday, May 23, 2024 1:02 PM
To: Loretta Gillion <ioretta@overstrand.gov.za>
Subject: Erf 726 Pringle Bay: Public Participation - You are regarded as a potentially affected property owner

To whom it may concern

ERF 726, 72 BUFFELS ROAD, PRINGLE BAY: APPLICATION FOR SUBDIVISION AND REZONING: PLAN ACTIVE ON BEHALF OF ENTK FAMILY TRUST

You are regarded as a potentially affected property owner.

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

TP - 1 JUL 2024

TP-A Theart
(Hvd Stoop)

OVERSTRAND MUNICIPALITY
REKORDBEHEER
07 JUN 2024 16/23
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OVERSTRAND MUNICIPALITY

Loretta Gillion

From: Matthew Jooste <l...>
Sent: Thursday, 06 June 2024 15:16
To: Loretta Gillion; Vittoria Jooste
Subject: Erf 726, 72 Buffels Road, Pringle Bay Application for Subdivison and Rezoning
Attachments: Screenshot 2024-06-06 at 15.08.19.png; Screenshot 2024-06-06 at 15.12.04.png

Afternoon Loretta,

Regarding :
Overstrand Municipality Erf 726, 72 Buffels Road, Pringle Bay
Application for Subdivison and Rezoning
Plan Active on Behalf of ENTK Family Trust.

My details as follows:
 Matthew Jooste
 Erf 1886 Buffels Road, Pringle Bay.

I do have the following concern which I would like addressed.

When the original stand we developed on was approved and sub-divided, a condition was made that the then owner Keith Moss had to donate back 15 metres of the plot/land fronting the wetlands to the nature reserve in order to proceed with the sub-division. This was applicable to my plot and that of my neighbour Mr. Chris Edwards er 1885. This I understand became erf 1884.

I would also then expect of this sub-divison that the same condition be applied or that at least the building line have an additional 15m added to the properties on the wetlands side so as to minimise encroachment on our properties.

I have attached screenshots showing above.

I am in principle not opposed to the subdivision, but do feel the above needs to be addressed to protect our properties.

Regards

Matthew Jooste
 Buying
 Merchandise
 T :+27

FILE NO. Erf 726-KPRB
SCAN NO.
COLLABORATOR NO.
2059912



www.retailability.co.za

Unilever Building, 15 Nollsworth Crescent, Nollsworth Park, La Lucia 4051

Disclaimer

TP - 6 JUN 2024

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Matthew Jooste

Head of Buying: Menswear

Merchandise

T: +

M:



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LEGIT

b boardmans

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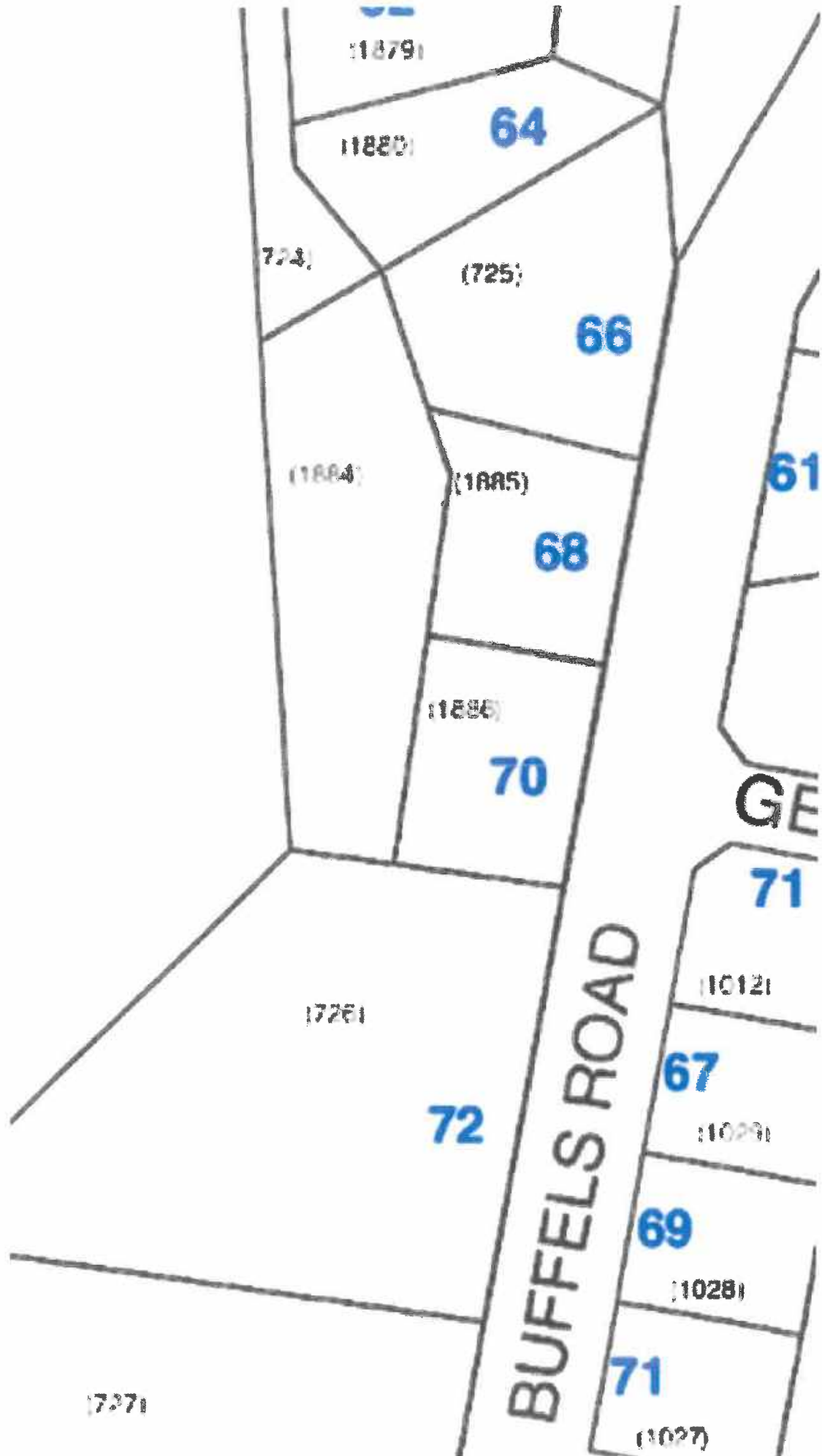
BEAVER CANOE

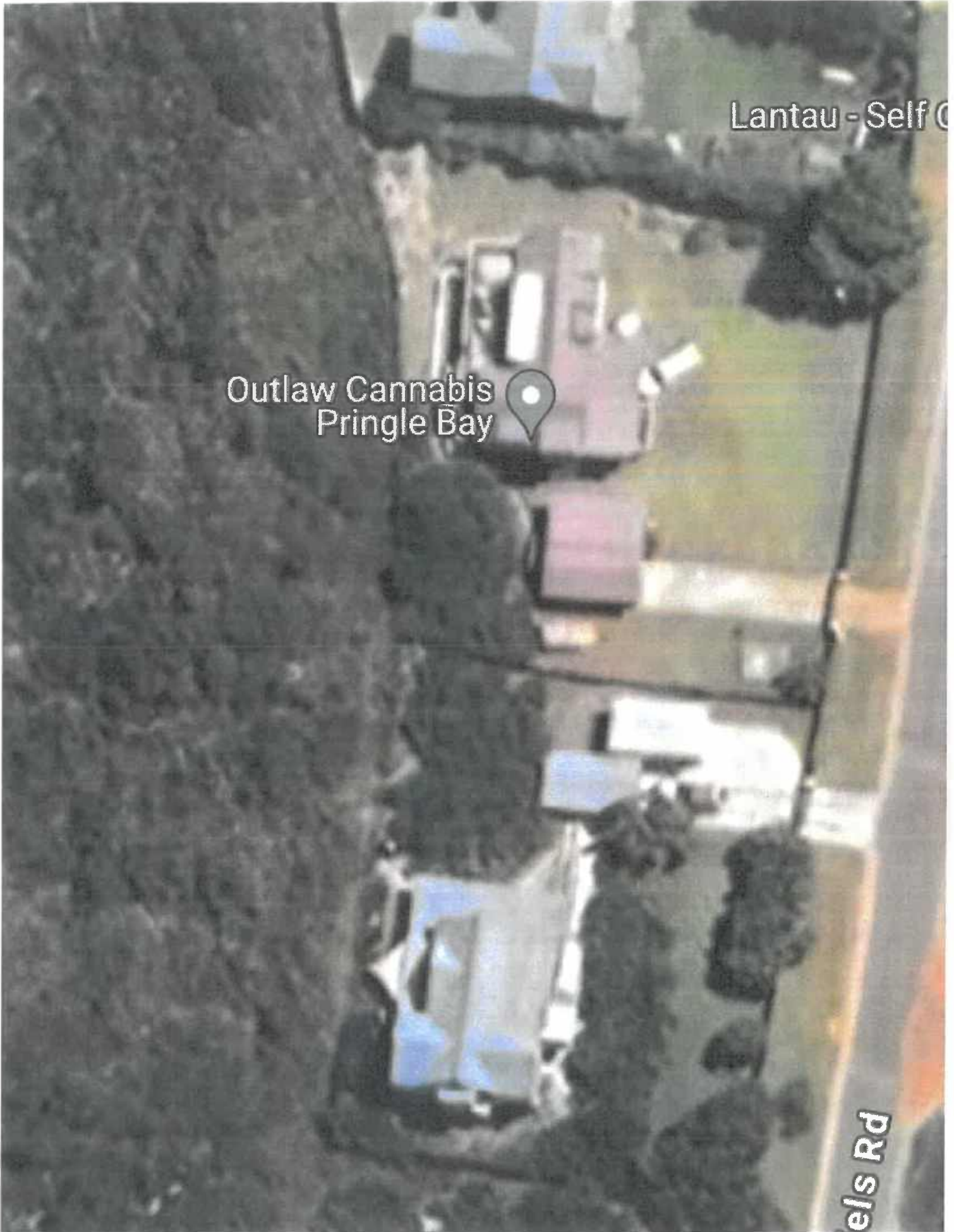
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Loretta Gillion

From: Natasha Duminy < >
Sent: Friday, 28 June 2024 17:52
To: Loretta Gillion
Subject: Signed Petition : ERF 726 Pringlebay
Attachments: erf 726 signed petition .pdf

OVERSTRAND MUNISIPALITEIT

REKORDBEHEER

01 JUL 2024

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

TP - A Theart
(Huid Steep)

Good day

We take note of your email recieved pertaining to the sub dividing of erf 726 Pringlebay.

A petition was signed previously and the residents still stand by the petition, to NOT allow erf 726 to be subdivided into 3 erfes.

Therefore we are resubmitting the signed petition once again.

Thanking you in this regard.

Natasha Duminy
 Erf 1028 Pringlebay
 Cell : (

Sent from my iPhone

Begin forwarded message:

>

FILE NO. Erf 726- KPRB ✓
SCAN NO. KPRB 726
COLLABORATOR NO.
2070805

TP - 1 JUL 2024

①

SELF TAB - PETITION AGAINST REZONING & SUBDIVISION

Name	Surname	Contact Number	Address	Signature
1	Andree EM		69 Pearce rd	Clara Henning
2	Jesset MY		1029 Buffels	[Signature]
3	WILLIAM		1029 Buffels	[Signature]
4	Christon		1029 Buffels	[Signature]
5	STEFAN		1029 Buffels	[Signature]
6	Philip		1029 Buffels	[Signature]
7	Kimodi		1029 Buffels	[Signature]
8	WENNING		986 Elizabeth Rd	[Signature]
9	CHRISTINE		1017 Elizabeth Rd	[Signature]
10	ARTHUR		1017 Elizabeth Rd	[Signature]
11	Lea		4 Bullhead Street PB	[Signature]
12	Marie		" "	M. P. Car-
13	Rachel		23 Codrington Str.	[Signature]
14	Wessel		" "	[Signature]
15	NATASHA		69 Buffels Road	[Signature]
16	HELO		69 Buffels Road	[Signature]
17	SKYE		69 Buffels Road	[Signature]
18	HEINO		69 Buffels Road	[Signature]
19	NIKKI		69 Buffels Road	[Signature]
20	HILMAR		69 Buffels Road	[Signature]
21	STEPHAN		3514 LEAVES	[Signature]
22	FRANCIS		FLATLAND 327	[Signature]
23	PAUL		327 FLATLAND	[Signature]
24	RUDI		13 Bobbie St	[Signature]
25	Pam		13 Bobbie St	[Signature]

ERF 726 -> PETITION AGAINST REZONING & SUBDIVISION

(2)

Name	Surname	Contact Number	Address	Signature
1 Marieke	Neuwenschwander		Bobby 11	
2 KERIC	USLOENSWANER		BOABY ST 11	
3 FRANCO	"		"	
4 Marcel	"		"	
5 Annie	"		"	
6 Grant	Bauer		912 Buffels	
7 MINNIE	ALUMBOLD		707 BOABY LA	
8 Brandon	Smeets		210 "	
9 MESSIN	Smeets		210 "	
10 DEEPEL	Abbott		711 "	
11 Kristy	Abbott		711 "	
12 Rob	Zampellio		738 William	
13 THELMA	LA MARGAITE		734 William	
14 MAGGIE	WILSON		WILLIAM 737	
15 WILHELMINE	KOPPEL		411/1900 732	
16 P/W Family Trust	WILSON		WILLIAM 743	
17 PAULA	WILSON		"	
18 A. MURPHY	WILSON		"	
19 NAKKIE	Vander Meer		Buffels 77 Erf 107	
20 Harry van Meere	van der Meer		Erf 1105	
21 Lynn			Erf 1106	
22 S van der Merwe	van der Merwe		Diana Road 58	
23 ANNE GARD	MCG LARK		1147 Buffels	
24 LIZEL GARD	GARD		1147 Buffels	
25 MARGA	WILSON		1152 Buffels	

1152 Buffels
 1152 Buffels
 1615 Ceasar
 1615 Ceasar

DE VILLIERS
 Phoebe
 Theresa
 Maynard
 De Villiers
 De Villiers
 Sothab
 Sothab
 Sothab

Annexure E 1/4



TOWN & REGIONAL PLANNERS
STADS-EN STREEKSBEPLANNERS

6 Magnolia St / Str
PO Box / Posbus 296
HERMANUS
7200

Tel: (028) 313 1673
Fax / Faks: (028) 312 1351
Email:

planactive@hermanus.co.za

za

Website:

www.planactive.co.za

Our reference: PA21010/ML
Your reference: 726 KPRB
Application ID: 4602/2024

19 AUGUST 2024

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

FOR ATTENTION: MRS H VAN DER STOEP

Sir

PROPOSED SUBDIVISION & REZONING: ERF 726 PRINGLE BAY

- **THE ENTK FAMILY TRUST**

Reference is made to our application dated 5 March 2024 and your email with objections attached thereto dated 15 July 2024. We will also respond to the departmental comment forwarded in the same email and as received from Cape Nature on 25 July 2024.

1. Public comments / objections

Four (4) comments / objections following the public participation process were received. Herewith our response on the comments / objections received:

- ***Peter & Audrey Nyman has no objection to the proposed application. They are simply seeking clarification regarding two key points: the clearance of vegetation exceeding 300m² and the proposed development of the erven, which may trigger listed activities under the NEMA (National Environmental Management Act) Regulations.***

As confirmed by the Department of Environmental Affairs and Development Planning: Development Management (DEA&DP; Region 1) in their comments on the application dated 18 June 2024, the subdivision and rezoning of erf 726 Pringle Bay do not constitute a listed activity in terms of the EIA Regulations, 2014 (as amended). The land use application does therefore not trigger listed activities in terms of the environmental legislation. However, any future development of the site may constitute listed activities in terms of the EIA Regulations. If any listed activities mentioned in the department's letter are triggered, Environmental Authorization from the competent authority (DEA&DP - Environmental) will be required before proceeding with such development.

Divine Inspiration Trading 329 (Pty) Ltd. trading as Plan Active
Reg. No. 2006/030921/07
Vat. No. 4770250340

John Mc Lachlan: Ndip (Town Planning) Tech Witwatersrand; MSAPI Nr. 10908; SACPLAN Tch.Pln B/8250/2014
Pauline Spronk: B (Soc Sc) US, BA Hon (UNISA)
Meriké Lerm: B. Art et Scien Cum Laude (Town Planning) UNW; SACPLAN Pr.Pln A/158/2009

TP-A Theart
(H vld Stoep)

OVERSTRAND MUNISIPALITEIT
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19 AUG 2024
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FILE NO. Erf 726-KPRB
SCAN NO.
COLLABORATOR NO.
2104357

TP

19 AUG 2024

In addition, to ensure that the conditions stipulated by DEA&DP are met with regards to listed activities and the future development of the erven, the municipality as the deciding authority has with the previous application made it a condition of approval that with the submission of the building plans for the respective portions, a letter from DEA&DP (Environmental) confirming whether any listed activities are applicable must be submitted with the building plans.

- **Natasha Duminy re-submitted the signed petition obtained during the public participation process for the previous land use application, which opposed the subdivision of Erf 726 Pringle Bay.**

In our opinion, this outdated petition is not valid as the new application dated 6 March 2024 contains additional information that was not available at the time of the previous Public Participation process in 2022. Furthermore, there is no evidence that the N. Duminy represents all the residents, nor is there proof that all the residents continue to object to the application on the second submission.

A new petition with power of attorney would have supported an objection. We therefore request that the petition submitted by the objector be dismissed.

- **Matthew Jooste does not oppose the subdivision. He does however request that the subdivision be subject to the same condition stipulated for previous subdivisions on the Ridge, namely that 15m be added to the properties on the wetlands side to minimize encroachment onto their properties (erven 1884 and 1886).**

In the early 2000s, the Nature Conservation Department of the Municipality established an open space corridor in this specific area of Pringle Bay. This document serves as the basis for evaluating subdivisions in the area. The minimum required erf size is 1,000 m², and the open space corridor must be provided in accordance with this document. The open space corridor, approximately 10,292 m² in extent, encompasses sensitive dune and wetland areas. To comply, a portion of the property will be rezoned from Residential Zone 1: Single Residential (SR1) to Open Space Zone 1: Nature Reserve (OS1). This portion is 16.95 meters wide at the northern end and 20.03 meters wide at the southern end. It is important to note that the municipality specifies that the corridor covers the sensitive dune and wetland areas, not the entire property.

An adequate OS1 portion is being provided in accordance with the municipality's requirements.

- **The Pringle Bay Ratepayers Association (PBRA) does not object to the application, but merely requests that the municipality considers their requests as per paragraph 6.1 of their letter.**

The comments / requests from PBRA are threefold and summarised as follow:

- I. **The request is for the approval of a subdivision to be contingent upon accepting an Environmental Management Framework (EMF).** The applicant must ensure that the development of each plot (erven A, B, and C) complies with the recommendations outlined in the draft "Ridge Precinct Conservation Area: Pringle Bay Environmental Management Framework (2023-2028)." The municipality holds the document, and the Pringle Bay Ratepayers and Residents Association (PBRA) requires a letter from the applicant confirming their support and acceptance of the EMF, including any future updated versions.

- II. The PBRA proposes **amendments to existing Title Deed Conditions** to align with the recommendations in the application. **Their proposed amendments are shown in bold on page 4 of their comments:**

Amendment to Title Deed Condition "B2":

- Recommends that any provisions of a **Town Planning or Land Use Scheme or Special Overlay Zone**, if more restrictive than the conditions of title, take precedence.
- Ensures compliance with section 146 of Ordinance No 15 of 1952, as amended.

Amendment to Title Deed Condition "B6":

- Specifies that the erf may be used for erecting one dwelling or other approved buildings, if an erf is included within an area of a **Town Planning or Land Use Scheme, or Special or Overlay Zone**, the local authority may permit such other buildings as are permitted by the scheme **or zone** subject to the conditions and restrictions stipulated by the scheme **or zone**.
- Defines setback requirements for dwellings from street, lateral and rear **boundaries (street, side and rear building lines) in line with the land use scheme regulations building line requirements**. The proposed rear building line is 3m (and not 2m as per the land use scheme regulations).
- Defines setback requirements for outbuildings from lateral **and rear** building lines.

These amendments aim to ensure consistency with planning recommendations and legal requirements for the development of the property.

- III. **PBRA proposes additional Title Deed Conditions** as follows:

- Subdivision of the erf must result in portions no smaller than 1000m², with only one residential building allowed per portion, and development restricted to half the area.
- A section of the erf, specified in Annexure B, will be rezoned to Open Space Zone 1: Nature Reserve (OS1) without compensation, and ceded to the local authority upon subdivision.
- Development proposals not involving activities listed under NEMA must undergo specialist biodiversity studies, informing planning to preserve ecological corridors and habitats.
- These studies must include mitigation measures as specified by the PBRA in their comments.

PBRA requested that the applicant consult with the Planning Department of the Overstrand Municipality (OM) before the comment submission deadline. Additionally, they asked the applicant to demonstrate agreement between the owner and the municipality regarding PBRA's comments outlined in paragraphs 3, 4, and 5.

Requests No. I and III mentioned above can only be addressed through approval conditions with the consideration and approval of the application. Furthermore, the proposed amendment to the title deed conditions (request no. II) was discussed with Mrs. Hanneen van der Stoep, whom confirmed that an amended application to accommodate these conditions is not required.

Our client has formally responded to PBRA's letter. A copy of their response, dated 27 June 2024, is attached. Regarding the title deed condition requests, it is the municipality's prerogative to proceed with and finalize the land use application accordingly.

2. Departmental comments

Two (2) departmental comments were received:

- ***Department of Environmental Affairs and Development Planning: Development Management (DEA&DP; Region 1) dated 18 June 2024.***

Our clients understand and accept the conditions specified.

- ***Cape Nature dated 25 July 2024.***

It is our opinion that the case officer and ultimately the Overstrand Municipality are still able to consider and approve the application in three single residential portions. This approach was previously approved, and the Biodiversity study relevant to this application was already at the time of the evaluation and approval of the application for the 3 erven, in the possession of Overstrand Municipality and considered during the previous application process.

Cape Nature remains a commenting authority and their input continues to be relevant. Since the circumstances and documentation have not substantially changed, the previous approval process should be applicable for this application. Therefore, the approval of the application in three single residential portions and a nature reserve portion remains a viable option for consideration by the Overstrand Municipality.

We trust that you find the above in order and that you will now be able to proceed with the processing of the application.

Yours faithfully

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

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION & REZONING: ERF 726, PRINGLE BAY
(4602/2024)**

Stormwater (SW)	:	In Order
Electricity	:	Eskom Area
Water	:	In Order
Sewer	:	In Order
Roads and traffic	:	In Order

Conditions:

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

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

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

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

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

The contribution according to the current policy (**2024/2025**) is as follows:

Freehold erven:

Water	R 27 598.00 x 2	=	R 55 196.00
Sewerage	R 19 725.00 x 2	=	R 39 450.00
Roads	R 8 845.00 x 2	=	R 17 690.00
Stormwater	R 10 205.00 x 2	=	R 20 410.00
Solid Waste	R 1 769.00 x 2	=	<u>R 3 538.00</u>
TOTAL (inclusive of VAT)		=	R136 284.00

Note:

- 1.3 **The above figures are estimates**
- 1.4 **The above figures do not include evaluation/investigation levies and connection fees**
2. that each property to have their own water connection, the cost of connection and / or any upgrade for any of these services be required, will be at the owner's cost;

3. that each property to have their own conservancy tank to Municipal specification;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
4. that, 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: Engineering Services (Kleinmond) for written approval;
5. that any additional and / or extended vehicle entrance will be for the owner's account;
6. that stormwater be allowed to discharge through the proposed Erven, Pringle Bay, unobstructed;
7. that no on-street parking be allowed.



**RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL**

16/09/2024
DATE



Western Cape
Government

Department of Environmental Affairs and Development Planning

Kobus Munro

Directorate: Development Management (Region 2)

Kobus.Munro@westerncape.gov.za | Tel: 083 701 1890

Reference: 15/3/2/12/BO3

TP-A Thearb
(H vld Stoep)

Director: Infrastructure and Planning
Overstrand Municipality
PO Box 20
HERMANUS
7200

FILE NO. Erf 726-KPRB ✓
SCAN NO. KPRB 726
COLLABORATOR NO.
2109341

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REQUEST FOR PROVINCIAL PLANNING COMMENT: APPLICATION FOR SUBDIVISION AND REZONING: ERF 726, PRINGLE BAY

1. Your request for comment, dated 23 May 2024, has reference. The proposal is identical to the application referred by your Municipality to this Department on 17 March 2022, on which the following comment was provided -
 - 1.1 The application under consideration is for the subdivision of Erf 726, Pringle Bay into 4 portions, namely Portion A (±1 240m²), Portion B (±1 262m²), Portion C (±1 050m²) and Portion D (±1 285m²) and the rezoning of the newly created Portion D from Residential Zone 1: Single Residential (SR1) to Open Space Zone 1: Nature Reserve (OS1).
 - 1.2 The subject property is located inside the Urban Edge of Pringle Bay and is earmarked for Urban Development in terms of the SDF. In terms of the Zoning Scheme, however, the property falls within the Pringle Bay Urban Conservation Environmental Management Zone (EMOZ), which identifies private property within priority conservation-worthy ecological corridors.
 - 1.3 The proposed subdivision will result in three residential erven in excess of 1 000m² and an open space zone, aimed at protecting the sensitive dune and wetland areas, as required by the EMOZ.
 - 1.4 Whilst this Directorate has no objection to the subdivision proposal from a provincial planning perspective, the proposed rezoning to Open Space 1: Nature Reserve could be problematic given that the Zoning Scheme requires that a nature reserve must be "declared or registered as a nature reserve in terms of legislation for the purpose of conserving and managing wildlife, flora and fauna in a predominantly natural habitat". Failure to have the nature reserve

registered or declared in terms of the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003) will, therefore, result in the lapsing of the zoning after a period of 10 years from the date of approval and the subsequent reinstatement of an additional residential property.

- 1.5 An alternative would, therefore, be the rezoning of said portion a "private open space", to be used nature area, should the property not be ceded to the Municipality as proposed.

Kobus Munro

Digitally signed by Kobus Munro
Date: 2024.08.26 18:04:11 +02'00'

DIRECTOR: DEVELOPMENT MANAGEMENT - REGION 2



Western Cape
Government

OVERSTRAND MUNISIPALITEIT

REKORDBEHEER

18 JUN 2024

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Annexure H 1/2

Department of Environmental Affairs and Development Planning
Taryn Mouries | Melanese Schippers
Directorate: Development Management, Region 1
Taryn.Mouries@westerncape.gov.za | Tel: 021 483 3679

REFERENCE: 16/3/3/6/6/E2/31/1240/24
DATE OF ISSUE: 18 June 2024

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

TP. D. Thearle
(M. ud Skoop)

FILE NO. 51726

Pringle Bay

SCAN NO.

COLLABORATOR NO.

2064214

Attention: Ms. L. Isaacs

Tel: +27 (0) 313 8900

E-mail: loriaanisaacs@overstrand.gov.za

Dear Madam

APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE APPLICATION FOR SUBDIVISION AND REZONING OF ERF 726, PRINGLE BAY.

1. The document received by this Directorate on 23 May 2024, refers.
2. This letter serves as an acknowledgement of receipt of the abovementioned documentation and to determine the applicability of the EIA Regulations, 2014 (as amended), with respect to the proposed development.
3. Based on the information provided by you, this Directorate notes the following:
 - 3.1. The proposal entails the subdivision and rezoning of Erf 726 into four portions with the following sizes:
 - Portion A: approximately 1240m²,
 - Portion B: approximately 1262m²,
 - Portion C: approximately 1050m², and
 - Portion D: approximately 1285m².
 - 3.2. The current zoning of the proposed site is Residential Zone 1.
 - 3.3. The proposal entails rezoning Portion D from Residential Zone 1 to Open Space Zone 1.
 - 3.4. Furthermore, the purpose of the subdivision and rezoning of Erf 726, Pringle Bay is to develop single dwellings on Portions A, B and C, respectively, and to create an open space on Portion D.
4. Based on the mapping tools available to this Directorate, the proposed site is mapped to contain Hangklip Sand Fynbos vegetation which is classified as a critically endangered ecosystem and a wetland is located on the site.

5. Your attention is therefore drawn to the listed activities in terms of the EIA Regulations, 2014 (as amended). Please be advised that the subdivision and rezoning of Erf 726, Pringle Bay **does not** constitute a listed activity in terms of the EIA Regulations, 2014 (as amended).
6. However, any future development of the site **may** constitute Activities 12 and 19 of Listing Notice 1 and Activity 12 of Listing Notice 3 in terms of the EIA Regulations, 2014 (as amended) should the thresholds be met.
7. Should any of the above-mentioned listed activities be triggered, Environmental Authorisation will therefore be required from the competent authority (in this case this Directorate), prior to undertaking of the said development.
8. The applicant must comply with any other statutory requirements that may be applicable to the development.
9. The applicant is reminded of his/her general duty of care and the remediation of environmental damage, Section 28(1) of NEMA specifically states that –*“Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.”*
10. This Department reserves the right to revise its initial comments and request further information from you based on any new or revised information received.

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

Yours faithfully

**Melanese
Schippers**
Digitally signed by
Melanese
Schippers
Date: 2024.06.18
07:20:39 +02'00'

**pp HEAD OF COMPONENT
ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**
CC: Ms. Penelope Aplon (Overstrand Municipality)

Email: paplon@overstrand.gov.za



CONSERVATION INTELLIGENCE

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 LS14/2/6/1/7/2/726_subdiv&rezon_Pringle Bay
 date 25 July 2024

Overstrand Municipality
 P.O. Box 20
 Hermanus
 7200

TP - A Theart
(Huld Stoep)



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

Dear Ms van der Stoep

Revised Application for Subdivision and Rezoning of Erf 726, Pringle Bay (Overstrand Municipality ref: 726 KPRB; 4602/2024)

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.

A subdivision and rezoning application was submitted in 2022 for which CapeNature recommended that a specialist biodiversity assessment should be undertaken to inform the proposed subdivision of the property in accordance with the environmental management overlay zone regulations. A specialist biodiversity assessment was undertaken from which excerpts are included in the revised subdivision and rezoning application (the full report was not provided to CapeNature).

The site sensitivity map from the specialist biodiversity assessment is included in the application report (Map 2, pg 20), which is the key outcome which is needed to inform the proposed subdivision. The majority of the property is mapped as high sensitivity with patches of low-medium sensitivity. We therefore recommend that only the low-medium sensitivity patches are suitable for development and should therefore be used to inform the delineation of the proposed new erven.

In this regard we support the proposed Open Space 1 erf to the west which will connect to the remainder of the open space corridor, however there are only two patches of low-medium sensitivity available on the remaining erven upon which a dwelling can be built. We therefore recommend that the subdivision plan is amended to allow for two single residential erven instead of three. We wish to advise that this is a replication of the outcome of the subdivision of the adjacent Erf 728 which is now Erven 1896, 1897 and 1898. Three residential erven and an open space erf were also proposed and reduced to two residential erven and an open space erf based on biodiversity constraints.

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 Hendricks, Dr

Colin Johnson, Mr Paul Slack

FILE NO.	Erf 726-KPRB
SCAN NO.	
COLLABORATOR NO.	2089741

26 JUL 2024

It is noted that there is motivation that subdivision does not trigger the National Environmental Management Act (NEMA) and therefore does not need to be considered. However, the liability will then be transferred to the owner of the new erf and in cases where the entire erf is of high sensitivity will result in unavoidable significant impacts on biodiversity for implementing primary rights and challenges in obtaining environmental authorisation. The biodiversity impact must therefore be addressed within the subdivision application. There are numerous precedents within the Pringle Bay/Bettys Bay area where there are erven which were established prior to NEMA where there are unavoidable unacceptable impacts on biodiversity when implementing primary rights, often unbeknown to the new landowner, therefore this should be avoided for new subdivisions.

In conclusion CapeNature does not support the current subdivision application, however we support the rezoning of the one erf of Open Space I. We recommend that the three Single Residential erven are changed to two Single Residential erven and that the specialist biodiversity assessment is provided to the new owners in order to ensure that they are adequately informed upon purchase with regards to NEMA compliance. The commencement of activities determination only applies to the current erf, however current legislation such as NEMA becomes relevant once the current erf is subdivided, although confirmation must be provided by the competent authority.

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

Yours sincerely



Rhett Smart

For: Manager (Landscape Conservation Intelligence)

cc. Plan Active Town and Regional Planners



BREED-GOURITZ
C A T C H M E N T M A N A G E M E N T A G E N C Y

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

Enquiries: Rafeeq Le Roux

Tel: +27 23 346 8000

Fax: +27 23 347 2012

E-mail: rleroux@bgcma.co.za

Reference No: 4/10/1/G40B/ERF726, PRINGLE BAY, CALEDON

Date: 14th June 2022

Overstrand Municipality

P.O. Box 20

Hermanus

7200

loretta@overstrand.gov.za

Attention: L Gillion

COMMENT ON THE APPLICATION FOR PROPOSED SUBDIVISION & REZONING: ERF 726 (72 BUFFELS ROAD), PRINGLE BAY.

With reference to the above application received on 19/04/2022.

This office in principle has no objection to the application subject to the adherence of the following conditions:

1. The property occur within the extent of a mapped watercourse. No development of the property and subdivided portions may occur without conducting a Freshwater screening by an appropriately registered SACNASP professional. The required Risk matrix and Freshwater screening must be submitted to this office for review. Where Water Use Authorisation processes are applicable in terms of Section 39 and/or 40 of the National Water Act, 1998 (Act 36 of 1998), authorisation must firstly be applied for and obtained before any development may occur.
2. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to.
3. No use of surface water and/or storage of water is permitted, unless the applicant has formally obtained a license in terms of Section 41 of the National Water Act (Act 36 of 1998) and/or formal authorisation in terms of General Authorisations issued under Section 39 (Government Notice 538 of 2016), and/or if it is authorised under Schedule 1 of the National Water Act, 1998 (Act 36 of 1998) and/or if it is an Existing Lawful Water Use in terms of the National Water Act, 1998 (Act 36 of 1998).
4. No permanent structures maybe constructed within the regulated area of any watercourse (seasonal or permanent river, stream etc.), without firstly obtaining authorization in terms of Section 21 (c) and (i) of the National Water Act, 1998 (Act 36 of 1998).

5. The registration of all water uses as defined in Section 21 of the National Water Act 36 of 1998 that need to be registered. The relevant registration forms may be accessed on the www.breedegouritzcma.co.za website or alternatively this office may be approached for assistance.
6. Where the applicant has an existing lawful registered water use, used for agricultural purposes thus far, application should be made to the Responsible Authority to amend such use proportionally per annual volume for domestic, commercial, industrial and/or agricultural, if this is applicable.
7. No pollution of surface water or ground water resources may occur due to any activity.
8. No stormwater runoff from any premises containing waste, or water containing waste emanating from industrial activities and premises may be discharged into a water resource. Polluted storm water must be contained.
9. All relevant sections and regulations of the National Environmental Management: Waste Act 2008 (Act 59 of 2008) regarding the disposal of solid waste must be adhered to. Solid waste may only be disposed of onto an authorized solid waste facility in terms of abovementioned legislation.
10. The water provided for domestic use must comply with the SANS 241: 2015 guidelines for drinking water (edition 1). Regular monitoring must be done to ensure compliance. If the quality of the water is of such a nature that it is a threat to human health, then this office and the Provincial Department of Health must be informed of the procedures to rectify the problem.

Please be advised that all relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to. The use of water without the required authorization in terms of the National Water Act, 1998 (Act 36 of 1998) may be regarded as unlawful and a criminal offence.

The onus remains on the registered property owner to confirm adherence to any relevant legislation with regards to the activities which might trigger and/or need authorization for

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

Please ensure to quote the above reference in doing so.

Yours Faithfully



MR. JAN VAN STADEN

CHIEF EXECUTIVE OFFICER (ACTING)



File reference:	726 KPRB (4602/2024)
Date:	23 May 2024
LI	

INTERNAL MEMORANDUM

From	: Town Planning Department
Town Planner	: Hanneen van der Stoep

TO:

Area Manager	<u>Building Control Department</u>	District Health	<u>Electrical Department</u>	<u>Environmental Officer</u>
<u>Fire Department</u>	<u>Infrastructure and Planning</u>	Local Heritage Committee	<u>Operational Services</u>	Property Administration
Tourism	Traffic Department	<u>Ward Councillor</u>	<u>Waste Management</u>	

Applicant	PLAN ACTIVE ON BEHALF OF ENTK FAMILY TRUST
Property Details	ERF 726, 72 BUFFELS ROAD, PRINGLE BAY
Application Description	APPLICATION FOR SUBDIVISION AND REZONING

ATTACHMENTS :

<ol style="list-style-type: none"> 1. Notice 2. Locality Plan 3. Motivation 4. Site Development Plan 	<p><i>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.</i></p>
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YOUR DEPARTMENT'S COMMENTS:

<p>The EMS has no objection to the reapplication for subdivision and rezoning of Erf 726 Pringle Bay. As mentioned in the application, this is the same application as submitted in 2022, and the EMS comments submitted are included in the original application. The below reiterates and expands on the 2022 application.</p> <ol style="list-style-type: none"> 1) As per the application detail, and the DEA DP correspondence dated 18 June 2024 (DEA DP Reference: 16/3/3/6/6/E2/31/1240/24), although the subdivision and rezoning does not constitute the requirement for Environmental Authorisation from the DEA DP for activities listed under the National Environmental Management Act (NEMA), Environmental Impact Assessment (EIA) Regulations, the development on the proposed subdivided may trigger Listed Activities held within the EIA Regulations and all proposed future development on the resulting subdivided properties must submit the NEMA Applicability Checklist to the DEA DP to determine whether Environmental Authorisation is required. This must be communicated to the seller, estate agent(s) and prospective buyers. 2) The property is mapped on the CapeFarmMapper National Wetland Map 5 as a Floodplain wetland. As per the National Water Act Regulations, a Water Use License Application (WULA) is required for development within a watercourse. Mitigation measures to reduce wetland loss/degradation will be included in the WUL process. 3) The development mitigation measures submitted in the application Motivation Report, within the specialist report are supported by the EMS and must be implemented.

4) The EMOZ Regulations are applicable to future development of the proposed subdivided erven.

5) The Ridge Guidelines are applicable.

Sincerely,
Tamzyn Zweig
Environmental Officer
Hangklip-Kleinmond Administration

Signature:		Date:	28 June 2024
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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 **by not later than the date stipulated below**. 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 Mayoral Committee will be informed accordingly.

Building Control Department to confirm that all structures on the property/ies are in accordance with the approved building plans.

COMMENTS REQUIRED BY: 28 June 2024

**SPECIALIST BIODIVERSITY ASSESSMENT FOR THE SUBDIVISION &
REZONING OF ERF 726, PRINGLE BAY.**

Attention:

Michelle Naylor

Lornay Environmental Consultancy

Prepared by:

Jacques van Rensburg. MSc (Botany), Pr. Sci. Nat

Contact details:

Mobile – 082 748 6623

Email – jacques@natureworks.co.za

APPOINTMENT OF SPECIALIST

Jacques van Rensburg, Director of Nature Works Environmental Consultancy, was appointed by Michelle Naylor from Lornay Environmental Consulting to provide specialist biodiversity input for the proposed subdivision & rezoning of ERF 726 Pringle Bay.

DECLARATION OF INDEPENDENCE

I, Jacques Jansen van Rensburg, as the appointed Specialist, with this, declare/affirm the correctness of the information provided or to be provided as part of the application and that I:

- In terms of the general requirement to be independent:
 - Other than fair remuneration for work performed in terms of this application, I have no business, financial, personal or other interest in the development proposal or application, and there are no circumstances that may compromise my objectivity; or
- Throughout the remainder of the general requirements for a specialist, I have met all the needs throughout this process.
- have disclosed to the applicant, the EAP, the Review EAP (if applicable), the Department and I&APs all material information that has or may have the potential to influence the decision of the Department or the objectivity of any report, plan or document prepared or to be prepared as part of the application; and
- am aware that a false declaration is an offence in Regulation 48 of the EIA Regulations, 2014 (as amended).

Mr. Jacques Jansen van Rensburg



August 2022

CONDITIONS RELATING TO THIS REPORT

This report's methodology, findings, results, conclusions, and recommendations are based on my best scientific and professional knowledge. I reserve the right to modify aspects of the report, including the recommendations and decisions, should additional relevant information become available. This report may not be altered or added to without the author's prior written consent. Any recommendations, statements or conclusions drawn from, or based on this report, must cite this report and should not be taken out of context, and may not change, alter or distort the intended meaning of the original in any way. If these extracts or summaries form part of the main report relating to this study or investigation, this report must be included in its entirety as an appendix or as a separate section to the main report.

DETAILS OF THE SPECIALIST

Surname: van Rensburg

First names: Jacques

Address: 1 Fraser Road, Somerset West, 7130

Tel: 082 748 6623

Email: jacques@natureworks.co.za

Professional registration: South African Council for Natural Scientific Professions No. 119660

Expertise

- Qualifications: Hons (2012), Environmental Management & MSc (2017) in Botany at Unisa and Stellenbosch University.
- Ecologist with 13 years of experience in Environmental Management and Botanical Surveys.
- Founder of Nature Works Environmental Consultancy (Pty) Ltd.

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Introduction

The applicant wishes to subdivide erf 726 Pringle Bay in terms of Chapter 4, Section 16(2)(d) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, to create three (3) single residential erven and one (1) conservation area / open space portion as follows (Figure 1):

- Portion A: $\pm 1240\text{m}^2$
- Portion B: $\pm 1262\text{m}^2$
- Portion C: $\pm 1050\text{m}^2$
- Portion D: $\pm 1285\text{m}^2$

The rezoning of Portion D, a portion of erf 726 Pringle Bay, from Residential Zone 1: Single Residential (SR1) to Open Space Zone 1: Nature Reserve (OS1) in terms of Chapter 4, Section 16(2)(a) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020.

In terms of the Overstrand Municipality Environmental Management overlay zone regulations, 2020, Nature Works has been appointed to conduct Specialist Biodiversity Assessment to inform development planning and retain priority ecological corridors and habitats. The specialist assessment will entail the following:

- Identify and describe biodiversity patterns at the community and ecosystem level (primary vegetation type, plant communities in the vicinity and threatened/vulnerable ecosystems), species level (threatened Red List species, presence of alien species) and insignificant landscape features.
- Assess the local and regional importance of the vegetation communities and plant species within the affected areas based on the relevant biodiversity plans, bioregional planning documents, Environmental Management Frameworks etc.
- Describe the sensitivity of the site and its environs and map these resources.
- Identify any areas unsuitable for development or related activities (No-Go Areas) and associated buffers that should be observed.
- Include any rehabilitation or monitoring measures that may be required.

Regional Biodiversity Features

The National Vegetation and Ecosystem Threat Status

According to the Vegetation Map of South Africa, Lesotho and Swaziland (SANBI, 2018) (VEGMAP), the vegetation type occurring in the study area and its surrounds are Hangklip Sand Fynbos (Figure 2) (National Biodiversity Assessment, 2018).

The vegetation and landscape feature consists of dunes and sandy bottomlands supporting moderately tall, dense ericoid shrubland—emergent, tall shrubs in places. Proteoid, ericaceous and restioid fynbos are dominant, with some asteraceous fynbos also present. On the coastal fringe, this unit borders on strandveld. Shallow soils replace the deep soils of the coastal plains on mountain slopes on the northern edge. Hangklip Sand Fynbos occurs mainly on old dunes, but the high rainfall and leaching allow many typical sandstone fynbos species to occur on older deposits as well, so this unit is not as floristically distinct as other sandstone fynbos units.

Geology & Soils are Leached, acid Tertiary sand in coastal areas, mainly derived from dunes. Soils are generally of Lamotte or Houwhoek forms or grey, regic sands. Land types are primarily Ga, Hb and Gb.

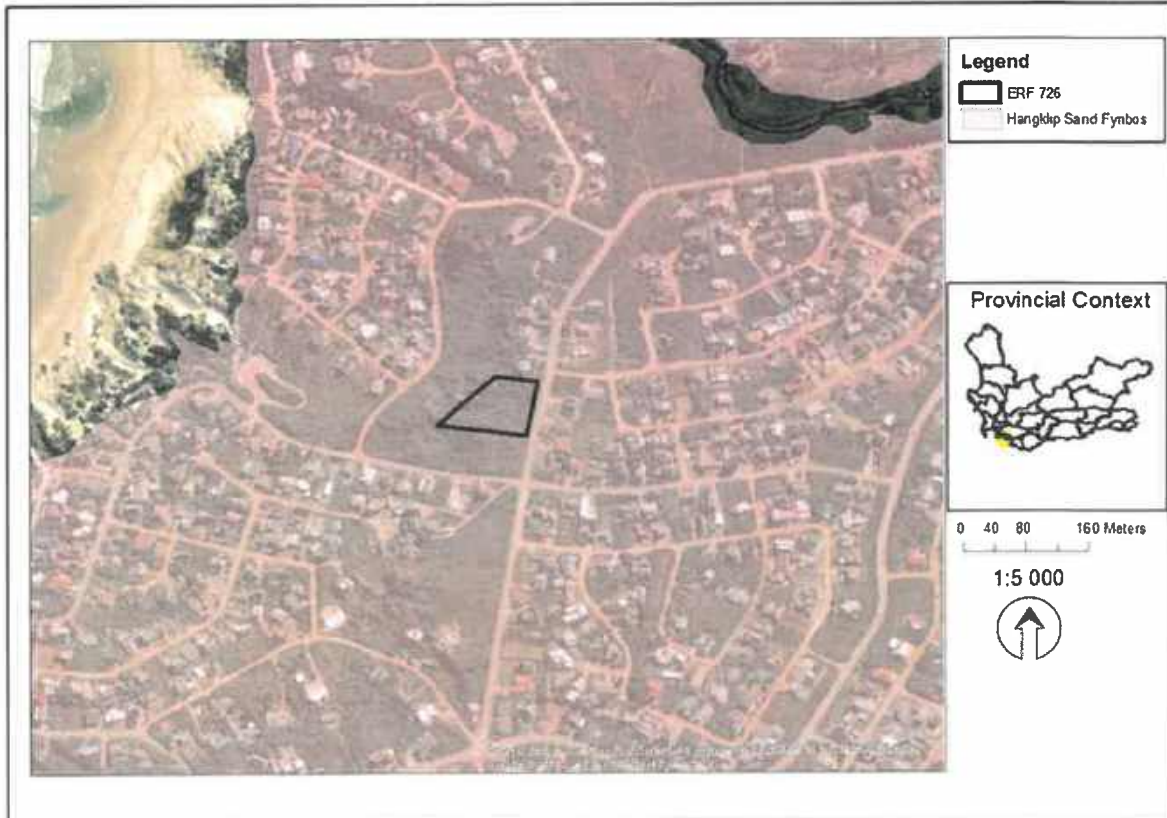


Figure 2: Presence of Hangklip Sand Fynbos

Western Cape Biodiversity Plan

The Western Cape Biodiversity Spatial Plan (WCBSP) indicates that the proposed development will directly impact an area categorised as ESA2 (figure 3).

The described ESA2 contains features that include a coastal corridor, Endangered vegetation and a wetland. This area is not essential for meeting biodiversity targets but plays an important role in supporting the functioning of PAs or CBAs and is often vital for delivering ecosystem services. The management objective for ESA2 is to restore and manage to minimise the impact on ecological processes and ecological infrastructure functioning, especially soil and water-related services, and to allow for faunal movement.

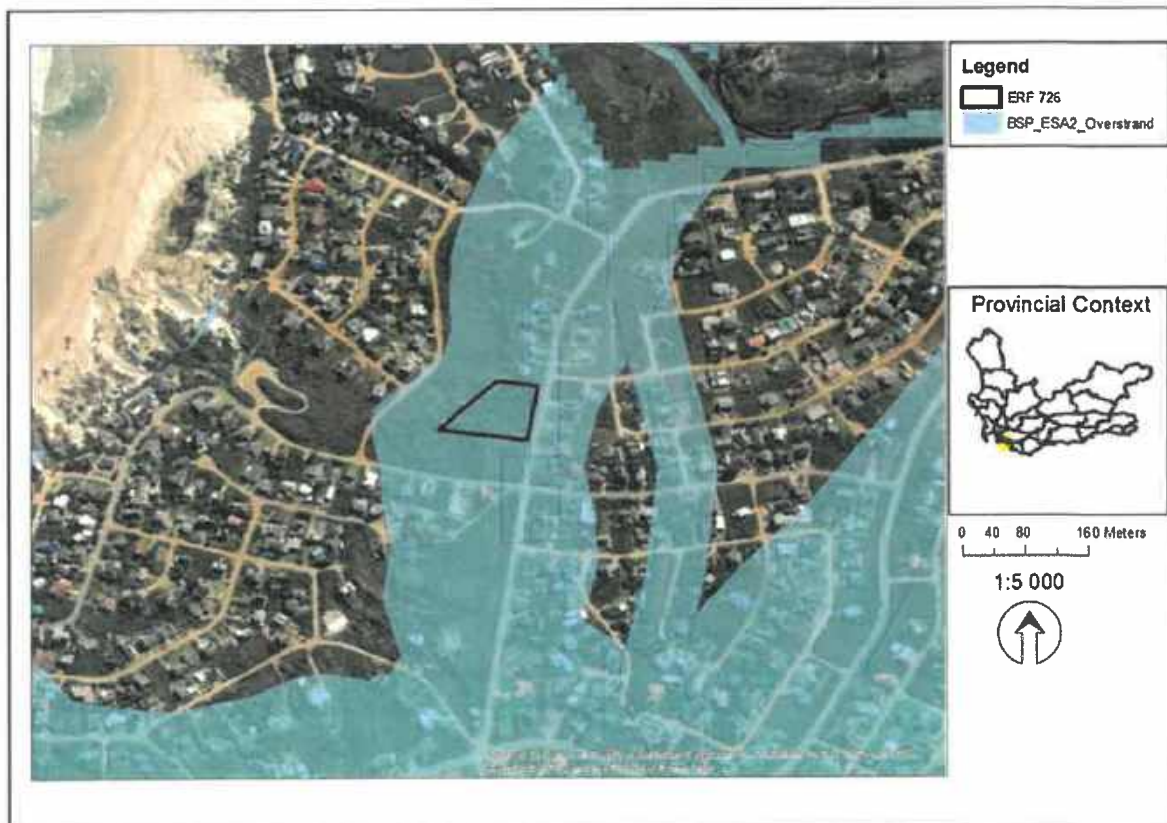


Figure 3: Western Cape Spatial Biodiversity Plan indicating the spatial distribution of ESA2 concerning the proposed subdivision.

Freshwater Ecosystems

The site falls in an area defined as a channelled valley-bottom wetland (Figure 4) (NWM5). This wetland area forms part of the National Wetland Freshwater Priority Area (NFEPA). The delineations were based mainly on remotely sensed imagery, and this specialist assessment will confirm the presence of a wetland on site.

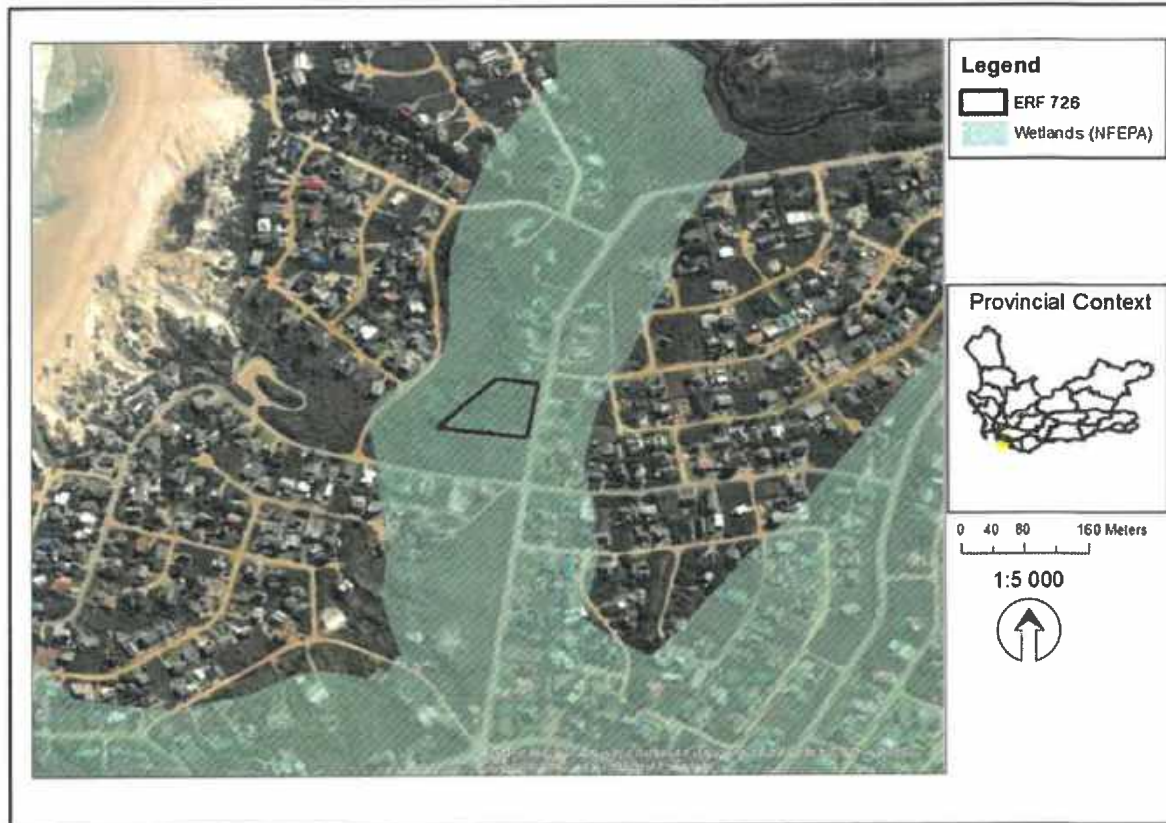


Figure 4: National Wetland Freshwater Priority Areas.

Vegetation of the Study Area

The site visits were conducted on 22 July and 13 August 2022. The site visits were conducted during the late winter months, heading into the peak observation period (August). The peak flowering time in this region is early spring, which occurs from August to November. The survey timing is therefore regarded as sub-optimal in terms of accurately assessing the site's flora. Despite this limitation, the condition of the vegetation can still be determined with a moderate to a high degree of confidence.

A time-meander search methodology was used to cover the full range of micro-habitats in each vegetation community. A floristic inventory was compiled while strolling through a particular vegetation community, recording all taxa encountered, including those that cannot be immediately identified.

Habitat condition

The current (August 2022) vegetation condition on the site is described below according to habitat categories provided in Table 1. The habitats mapped by the author are represented in Figure 5.

Table 1: Habitat description.

Habitat condition	Description
Intact vegetation	An accurate representation of the original vegetation type in terms of structure and species makeup. Minimal soil disturbance. Unlikely to have ever been ploughed. The disturbance may be evident.
Semi-intact	It resembles the original vegetation type in structure and species makeup but has undergone some form of current or historical disturbance. Restoration potential is high.
Degraded	Only a few species representative of the original vegetation type are present. The vegetation has undergone heavy disturbance. Restoration potential is either low or moderate.
Highly degraded	The original vegetation is usually absent and has been removed in the past. Only a few remnants or pioneer species are present. Soils were traditionally ploughed in the past. Restoration potential is very low.
Transformed	No remnant species exist anymore. The landscape is altered irreversibly with no restoration potential. Examples include cultivated farmland and the built environment.

A detailed habitat description can be found in the below tables with photographs of each vegetation community, and the photo locations can be observed in figure 5.

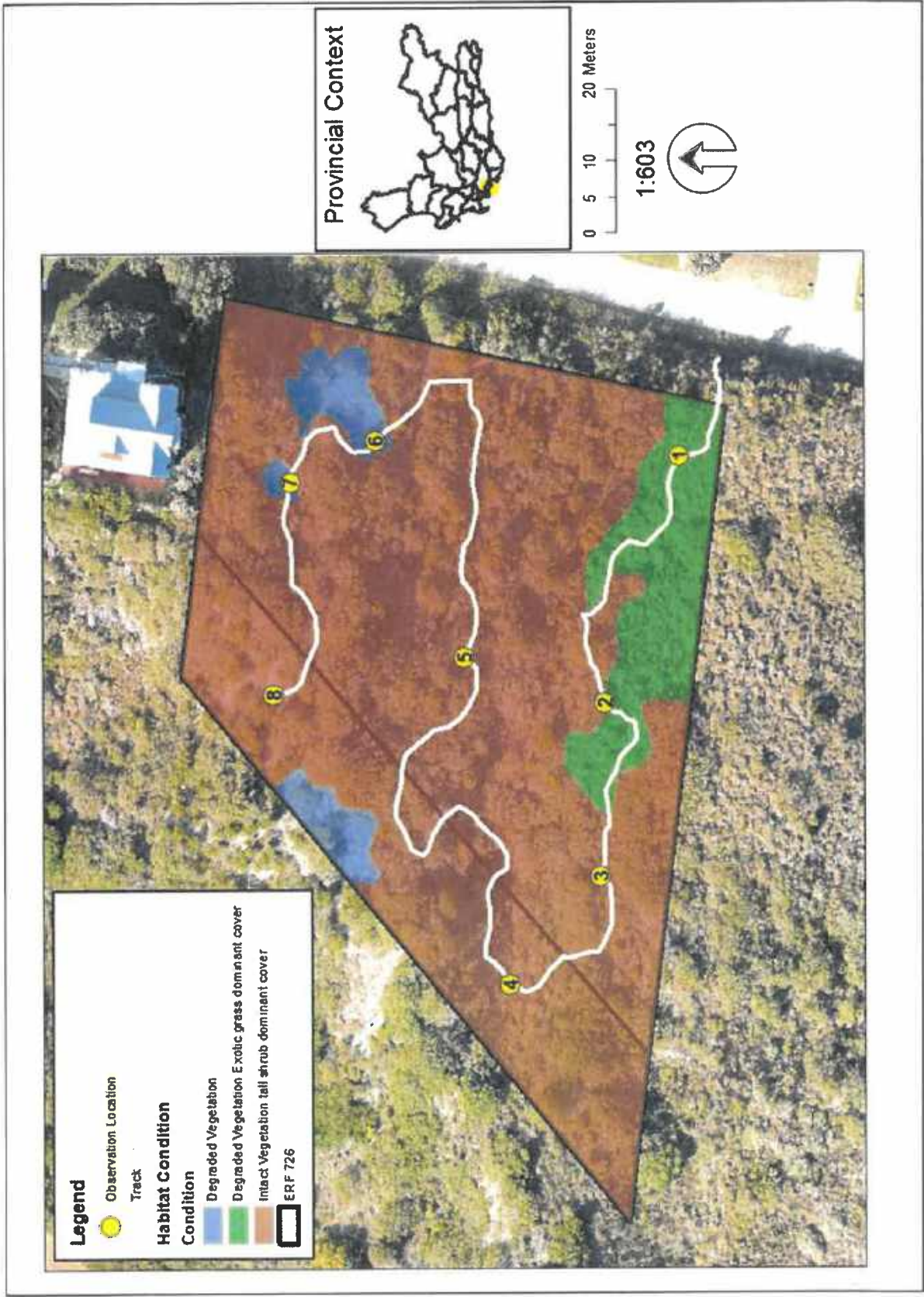


Figure 5: Habitat Map and location where the photos were taken during the site visits.

Photo 1. Location: 34° 20' 43.542" S, 18° 50' 2.948" E



General Site Description: Degraded dune, supporting predominantly *Pennisetum setaceum* declared exotic invasive plant, with scattered medium to tall shrub vegetation consisting of *Searsia* sp., *Euclea racemose*, *Diosma hirsute* and *Helichrysum* sp. This area is distinct from the rest of the site, which is more densely populated with tall shrub vegetation.

Species Observed: *Felicia echinata* (LC), *Searsia lucida* (LC), *S. crenata* (LC), *Euclea racemose* (Dune Guarri) (LC), *Babiana* Sp., *Chasmanthe* sp., *Poaceae*, *Colpoon compressum* (LC), *Helichrysum dasyanthum* (LC), *H. patulum* (LC), *Diosma hirsute* (LC), *Indigofera brachystachya* (LC), *Solanum africanum* (LC), *Agapanthus africanus* (LC), *Metalsia muricata* (LC).

Photo 2. Location: 34° 20' 43.233" S, 18° 50' 2.087" E



General Site Description: Northerly view. Dune, supporting predominantly tall shrub vegetation, which included *Searsia* sp., *Colpoon Compressum* and *Euclea racemose*, *Metalasia muricata* can be seen scattered throughout the area. The vegetation is intact, with no disturbances observed.

Species Observed: *Felicia echinata* (LC), *Searsia lucida* (LC), *S. crenata* (LC), *Euclea racemose* (*Dune Guarri*) (LC), *Babiana* Sp., *Chasmanthe* sp., *Poaceae*, *Colpoon compressum* (LC), *Helichrysum dasyanthum* (LC), *H. patulum* (LC), *Diosma hirsute* (LC), *Indigofera brachystachya* (LC), *Solanum africanum* (LC), *Agapanthus africanus* (LC), *Metalasia muricata* (LC).

Photo 3. Location: 34° 20' 43.213" S, 18° 50' 1.299" E



General Site Description: The transition zone from the more exotic grassy habitat to medium to tall shrub-dominated vegetation. The habitat is intact, with scattered exotic fountain grass observed.

Species Observed: *Felicia echinata* (LC), *Searsia lucida* (LC), *S. crenata* (LC), *Euclea racemose* (Dune Guarri) (LC), *Babiana* Sp., *Chasmanthe* sp., *Colpoon compressum* (LC), *Helichrysum dasyanthum* (LC), *H. patulum* (LC), *Diosma hirsuta* (LC), *Indigofera brachystachya* (LC), *Solanum africanum* (LC), *Agapanthus africanus* (LC), *Metalsia muricata* (LC).

Photo 4. Location: 34° 20' 43.213" S, 18° 50' 1.299" E



General Site Description: Intact dune habitat, this area will form part of the proposed Conservation Area. Scattered exotic fountain grass was observed.

Species Observed: *Felicia echinata* (LC), *Searsia lucida* (LC), *S. crenata* (LC), *Euclea racemose* (Dune Guarri) (LC), *Babiana* Sp., *Chasmanthe* sp., Poaceae, *Colpoon compressum* (LC), *Helichrysum dasyanthum* (LC), *H. patulum* (LC), *Diosma hirsuta* (LC), *Indigofera brachystachya* (LC), *Solanum africanum* (LC), *Agapanthus africanus* (LC), *Metalasia muricata* (LC), *Osteospermum moniliferum* (LC), *Restio Eleocharis* (LC).

Photo 5. Location: 34° 20' 42.582" S, 18° 50' 2.268" E



General Site Description: Easterly view of the site. Dune, supporting predominantly tall shrub vegetation, which included *Searsia* sp., *Colpoom Compressum* and *Euclea racemose*, and *Metalasia muricata* can be seen throughout the area. This site area has experienced some habitat degradation from alien plant invasion.

Species Observed: *Passerina corymbosa*, *Euclea racemosa*, *Metalasia densa*, *Osteospermum moniliferum*, *Acacia cyclops* (Alien vegetation)

Photo 6 and 7.



General Site Description: Photos 6 and 7, onsite disturbances in the form of vegetation clearing with scattered *Acacia cyclops* found on the periphery of the disturbances.

Photo 8. Location: 34° 20' 41.788" S, 18° 50' 2.117" E



General Site Description: View the channelled valley-bottom wetland north of the site from the top of the dune. This site part is dominated by tall shrub vegetation with moderate *Acacia cyclops* invasion.

Site Sensitivity

Sensitivity is defined here as the 'conservation value' and the 'degree of resilience to disturbance'. The conservation value relates to the conservation status (including the ecosystem threat status) and other factors, including ecological connectivity, habitat condition, the persistence of ecological processes and the sites' role in supporting biodiversity. The degree of resilience takes into consideration factors such as sensitivity to disturbance and restoration potential. The sensitivity categories are described below.

The intact habitat area is of **High sensitivity** (Figure 6) for the following reasons:

1. Natural areas with no or low evidence of human impact have intact ecosystem function and are considered necessary for maintaining ecosystem integrity.

2. The vegetation is representative of the original vegetation type.
3. The habitat falls within a CBA2 area due to the ecosystem threat status.
4. Due to the intact habitat condition, minimal restoration will be required. Alien clearing would be required to prevent the further spread of *Acacia cyclops*.

The degraded habitat is of **Low-Medium sensitivity** for the following reasons:

1. Area void of vegetation due to manual vegetation clearing.
2. Densely invaded in areas by *Pennisetum setaceum* (exotic grass)
3. The degraded habitat's topsoil is intact; restoration potential is low to moderate if the site is kept clear of all IAPs.



Figure 6: Site sensitivity Map

Development mitigation measures

Mitigation options are generally considered in terms of the following mitigation hierarchy: (1) avoidance, (2) minimisation, (3) restoration and (4) offsets.

- The development must not detract visually from the natural environment, i.e., by building on the ridgeline and steep slopes.

- The larger shrubs and slow-growing dune stabilising vegetation such as *Euclea racemose* should be kept in situ to prevent further degradation of the dune habitat.
- The impact should be restricted to the construction site.
- The site is situated on a stabilised old dune, and the construction phase will likely destabilise the dune. Restoration work will be required to ensure that the dune habitat stays intact.
- The current alien plant extent is low to moderate; these alien species must be removed. Annual clearing should be undertaken to ensure the effective management of all IAPs, especially after the disturbances caused by the construction activities.
- Landscaping should include native species rescued from the construction activities.

Conclusion and Recommendations

The study area contains endangered Hangklip Sand Fynbos vegetation. The eventual development will result in the permanent loss of intact and degraded vegetation, which has high and low-to-medium sensitivity, respectively, in terms of the biodiversity value and ecological function. The site is part of a larger green belt home to endangered vegetation and a wetland. This area is not essential for meeting biodiversity targets but plays an important role in supporting the functioning of PAs or CBAs and is often vital for delivering ecosystem services.

The proposed subdivision of erf 726 will create three (3) single residential erven and one (1) conservation area / open space portion. The subsequent development impact on the vegetation of the site will be restricted to portions A, B, and C. Portion D will be zoned as Open Space Zone 1: Nature Reserve (OS1) in terms of Chapter 4, Section 16(2)(a) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020. The Nature Reserve (Portion D: ±1285m²) will create an adequate buffer between the terrestrial habitat of portions A, B and C and the channelled valley-bottom wetland to the north of the site. The open space is an intact representation of Hangklip Sand Fynbos and must be managed to prevent indirect habitat degradation.

The subdivision for ERF 726 does not trigger any listed activities in terms of the NEMA EIA regulations 2014 (as amended) as defined in listing notices ("LN") 1, 2 & 3 of 7 April 2017. However, it is essential to note that due to the site's ecosystem threat status and the presence of ESA2, the subsequent development on the erven may constitute listed activities as defined

in terms of the NEMA Regulations. In this case, any clearance of vegetation over 300 m² will trigger LN 3, activity 12 of NEMA and require environmental authorisation from the competent authority before such activities may commence.

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Navrae
Enquiries P Bezuidenhout

Verwysing
Reference EL/PB 721, 724 - 730

Datum
Date 8 June 2006

**HANGKLIP-KLEINMOND
ADMINISTRASIE ADMINISTRATION**

Ms N Lloyd
c/o Pam Golding Properties
PRINGLE BAY

Dear Madam

Fax no 273 8327

THE RIDGE (ERVEN 721, 724 – 730), PRINGLE BAY

Our telephone discussions and your e-mail of yesterday refer.

It is hereby confirmed that:

1. Should an owner, of one of the above-mentioned properties, wish to erect a dwelling-house (which is his/her primary right), the Municipality will have no specific consideration where such house must be located as long as the applicable building lines are observed.
2. Should an owner wish to subdivide his/her property the Municipality, in considering such an application, will consider the following:
 - a minimum subdivision size of 1000m² as per Structure Plan;
 - the need to protect an open space corridor along the peak of the Ridge as per that demarcated on the previous subdivision proposal (October 2002) for the Ridge as a whole;
 - the need for the owners to locate future dwelling-houses outside of this corridor;
 - the need to prevent fencing of properties;
 - the need to encourage only indigenous gardens; and
 - the recognition that the minimum erf size of 1000m² would be inclusive of the "open space" corridor.

I trust that you will find the above in order. Should you have any further queries, please do not hesitate to contact me.

Kind regards

MUNICIPAL MANAGER

cc Mr George Hazelden (Fax no 021 852 1282)

Tel: (028) 271 8107
Faks/Fax: (028) 271-4100
E-pos/mail: fbezuidenhout@overstrand.gov.za

Privaatsak/Private Bag X3
KLEINMOND
7195

2/12

MAP NO 6



BOBBIE ROAD 10

171

OPEN SPACE

MARSHLAND

BOBBIE ROAD 16 M

OPEN SPACE 730

MARSHLAND

OPEN SPACE 722

722

REM. 723

724

OPEN SPACE 725

725

BOBBIE ROAD 16 M

729

728

OPEN SPACE

OPEN SPACE

726

BUFFEL'S ROAD

727

WILLIAM AVENUE 20M

GUIDELINE DEVELOPMENT PLAN

Extract of Pringle Bay Structure Plan (1993)

61

rezone and subdivide the few remaining large sites continue to be felt, and requests to construct "granny flats" are being received.

6.3.2 Policies

- i) Within the Original Pringle Bay Extension, no new residential subdivision should be permitted of less than 1 400m², which is the average erf size in this area. The only exception to this would be in granting servitudes of access, or subdivision and subsequent consolidation to form an access pan-handle where this is appropriate. There is no objection to consolidation of adjacent properties.
- ii) Within Extension 3 (with the exception of those properties shown as medium density on the map), no new residential subdivision should be permitted which is less than 1 000m². This smaller size is in recognition of the generally higher densities in this area, but care must be taken to ensure that the mistakes of the past are not repeated by permitting erf sizes that are too small.
- iii) Blocks of flats and large institutional buildings are considered to be inappropriate and unnecessary in Pringle Bay. It is therefore recommended that erven with these use rights are designated for medium density residential purposes such as group housing (with appropriate institutional uses by special consent).
- iv) The large commercial site in Extension 3 on Hangklip Road (Erf 908) is considered to be unnecessary and poorly located. The viability of this site is therefore questioned and residential development on either side of the natural stream is preferred.



- v) Those properties shown as medium density on the map may be developed as a group housing scheme. However it is



recommended that the density is restricted to a maximum of 15 units per gross hectare (as opposed to the Section 8 regulations which provide for 20 units per gross hectare. The reason for this is preserve lower densities in Pringle Bay and so as to not to aggravate the stormwater and sewerage problems. Note that the definition of group housing includes a requirement for harmonious architectural design together with a communal open space. These

sites may be rezoned and subdivided for single residential development provided they conform to the minimum subdivision size in ii) above. An application to establish a community or institutional use (such as a church retreat or chalets for youth camps) should be determined by special consent. In such cases it is important to ensure an appropriate architectural style, and while development may be clustered together, portions of the site, especially ridges or wetlands, should be retained as open space.

- vi) A separate, second dwelling unit or "granny flat" should not be permitted as this will alter the character of Pringle Bay and increase densities to inappropriate levels. Extensions to the main dwelling to provide additional bedrooms are permissible subject to normal building plan approval, but any application which will produce two separate dwellings on one erf are not permissible.
- vii) An appropriate architectural style, which is sensitive to the natural environment and character of the village is important. In particular, the height of buildings requires stricter control, but development guidelines are

MEMORANDUM

Hangklip-Kleinmond Nature Conservation Division

AAN/TO	Flippie
VAN/FROM	Craig Spencer - Nature Conservation
DATE	26 January 1999
VERWYSING/REF.	
ONDERWERP/SUBJECT	Proposed sub-division erven 721, 724-730 (Pringle Bay)

After a site inspection and scrutenizing the proposal, the following should be noted:

1. As is the case with all sub-divisions within the Hangklip-Kleinmond area, the extra pressure on services such as sewerage and water supply.
2. Sub-divisions of this nature can detract from the character of the town, which is only partially developed at this stage.
3. The community of Pringle Bay participated in the lengthy and costly process of establishing a structure plan for their town.
4. It should be remembered that Pringle Bay forms part of the transitional zone of the Kogelberg Biosphere Reserve and therefore although this type of activity is accomodated within this zone, considderation must be given to the possible long-term consequences.

Should the sub-division be approved, the following should be taken into considderation:

1. **The reccomendations of the Pringle Bay Structure Plan be adhered to in respect to the minimum plot size of 1000m².**
2. **The high dune ridge be retained as an open space and development be restricted to the periphery.**

It is important to vissualize what the town of Pringle Bay will look like after all the present erven are developed, before one can determine the impact of further sub-divisions on the character of the town.

C. R. SPENCER - NATURE CONSERVATION OFFICER

**PRINGLE BAY
PRINGLEBAAI**

**Ratepayers' Association
Belastingbetalersvereniging**

EL/PB. 721

Please address all correspondence to: P.O. Box 76 Pringle Bay, 7196
Rig asseblief alle korrespondensie aan: Posbus 76, Pringlebaai, 7196

Enquiries/Navrae:

Chairman/Voorsitter

Tel/Fax: (028) 2738240

Cell: 082-202-3381

e-mail: jwl@netactive.co.za

Vice Chairman/Treasurer – Onder-Voorsitter/Tesourier

Tel: (028) 2738589

Cell: 082-896-4248

e-mail: iancushny@worldonline.co.za

29 October 2003

Area Manager
Overstrand Municipality
Private Bag X3
Kleinmond, 7195

Dear Madam,



**PROPOSED CONSOLIDATION, REZONING AND SUBDIVISION OF
ERVEN 721, 724 TO 730, Pringle Bay**

The block of land in question is prime land situated on a prominent sand dune in the center of a high density housing area, where up to now, it has provided unofficial open space for the local residents and holiday makers. The Developers Proposal Document is impressive and we are pleased to see that the intention is for the development to be up-market with some control over the design and construction of the houses that will be erected on the site.

There are however a number of serious concerns arising out of the impact that the development will have on, in particular, the area immediately below the dune, bounded by William, Bobbie, Barbara and Anne Roads.

This is a very low-lying vlei area in which stormwater run-off from the surrounding higher ground collects. The lowest area comprising the lower portions of Barbara and Anne Roads floods each time that Pringle Bay has a few centimeters of rain which occurs several times each year. During very wet periods the flooding becomes serious with roads, gardens and septic tanks being under water for long periods and residents having difficulties in getting in and out of their homes.

During the wet winter of 2001 very serious flooding took place and the Mayor immediately authorized the laying of a 700mm stormwater pipe from the public car park at the bottom of William Road, through the dunes to the beach. This pipe has reduced the water flowing into Barbara/Anne Roads from the car park side but the problem is still bad. Photographs, which were taken 5 days after the flooding had occurred, are attached so that the serious nature of the flooding can be seen.

We have been advised by the municipal engineers that it is not feasible to lay a similar pipe from the area of worst flooding at the junction of Anne & Barbara Roads because it is too low-lying.

The ridge/dune that is the subject of this application runs the full length of the eastern side of this low-lying area and plays a very important role as it absorbs most of the rain water that falls onto it. It also has a very important wetland on it, that runs adjacent to the lower portion of Bobbie Road towards the corner of Anne Road, that acts as a sump for stormwater flowing down Anne & Bobbie Roads. There are also two smaller wetlands on the corner of William and Bobbie roads and on Anne Road just above the corner with Bobby Road that also play an important role in reducing the stormwater runoff from the ridge/dune. The construction of so many houses on this ridge, including most of the wetland areas, will result in an unacceptably high proportion of the surface area of the ridge/dune being lost to hard surfaces i.e. roofs driveways and paving. This will severely reduce the water absorption capability of the ridge/dune resulting in a huge increase in the run-off into an area that already has a severe problem not only from the stormwater but also from the health risks arising from the flooding of septic and conservancy tanks. There are a number of other concerns and for the sake of good order we set out hereunder the full list together with brief comments:

CONCERNS:

1. **Increased storm water runoff** into an area that is susceptible to very bad flooding. See above for more details.
2. **Health risks** associated with septic and conservancy tanks being under water for extended periods of time.
3. **Pringle Bay Structure Plan lays down a minimum subdivision size of 1000 sq meters for this specific area.** See below for more detail.
4. **Destruction of wetlands and other low-lying areas.** The proposed layout of the erven will result in the wetlands and low-lying sump areas, referred to above, being greatly reduced. See above for importance of these areas.
5. **Impact of higher traffic volumes on Bobbie Road** the road surface of the southern portion of which cannot cope with the current level of usage. A full traffic impact assessment should be done in respect of the portions of Bobbie, Anne and Buffels Roads that border the property.
6. **Integrity of the sand dune area that will be given over to open space / nature reserve.** The combination of people trampling the Fynbos and strong winds will erode this area.
7. **Access to plots No 23 & 24 appears to be across a municipal owned erf.**
8. **Garbage disposal in an area of almost daily baboon troop activity.** This is the worst area in Pringle Bay for baboon activity and therefore special precautions need to be taken.

The major concerns are however those of **stormwater and sewerage**. The Pringle Bay Structure Plan deals specifically with the possible subdivision of these erven and how this should be addressed, it states as follows:

Pg 62 para v) referring specifically to this piece of land, states – **These sites may be rezoned and subdivided for single residential development provided they conform to the minimum subdivision size in ii) above.”**

ii) above (pg 61) states – **“Within Extension 3 (which this is)...no new residential subdivision should be permitted which is less than 1 000 sq meters. This smaller size is in recognition of the generally higher densities in this area, but care must be taken to ensure that the mistakes of the past are not repeated by permitting erf sizes that are too small.”**

Pg 62 para v) goes on to state: **The reason for this is to preserve lower densities in Pringle Bay and so as to not to aggravate the stormwater and sewerage problems.**

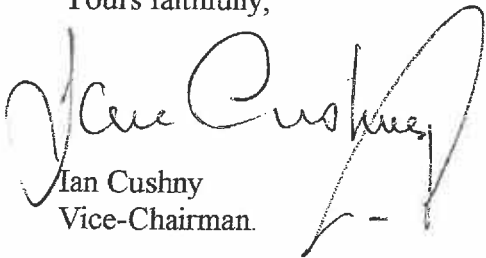
The Pringle Bay Structure Plan recognized the stormwater and sewerage problems that would result from the development of this land and has laid down that all new subdivisions of this land must not be less than 1 000 sqm to deal with the situation. The flooding that has occurred below the ridge has however, been much worse than was envisaged when the Structure Plan was drawn up, which is probably due to the high percentage of erven that have been developed in this area. As a result of this we believe that to avoid aggravating the already unacceptable situation, the minimum size for subdivisions of this land should be more than the 1 000 sq meters laid down in the Structure Plan.

The proposal on the basis submitted by the property owners is unacceptable because of the problems detailed above. In order to adequately address these problems we would propose that the following conditions be applied:

1. **Minimum subdivision size 1 400 square meters as applies to the rest of Pringle Bay.**
2. **Wetlands and low-lying sump areas are preserved as such and are not incorporated into any erven i.e. are given over to Open Space III.**
3. **Excluding the wetlands and sump areas at least 30% of the remaining area should be zoned as Open Space III.**
4. **Care must be taken to preserve the existing dune structure and a proper management programme be put in place to prevent damage during and after construction of the houses and rehabilitation where necessary.**
5. **A 5 meter building line all round should be imposed.**
6. **Boundary walls and fences should be discouraged but in any event be limited to a maximum height of 1.4 meters.**
7. **No panhandles should be permitted.**
8. **The developers should contribute to any necessary cost of upgrading roads.**
9. **Baboon proof garbage bins to be provided.**

We would be happy to meet with the Planning Committee and the Owners/Developers in an effort to arrive at an acceptable proposal.

Yours faithfully,

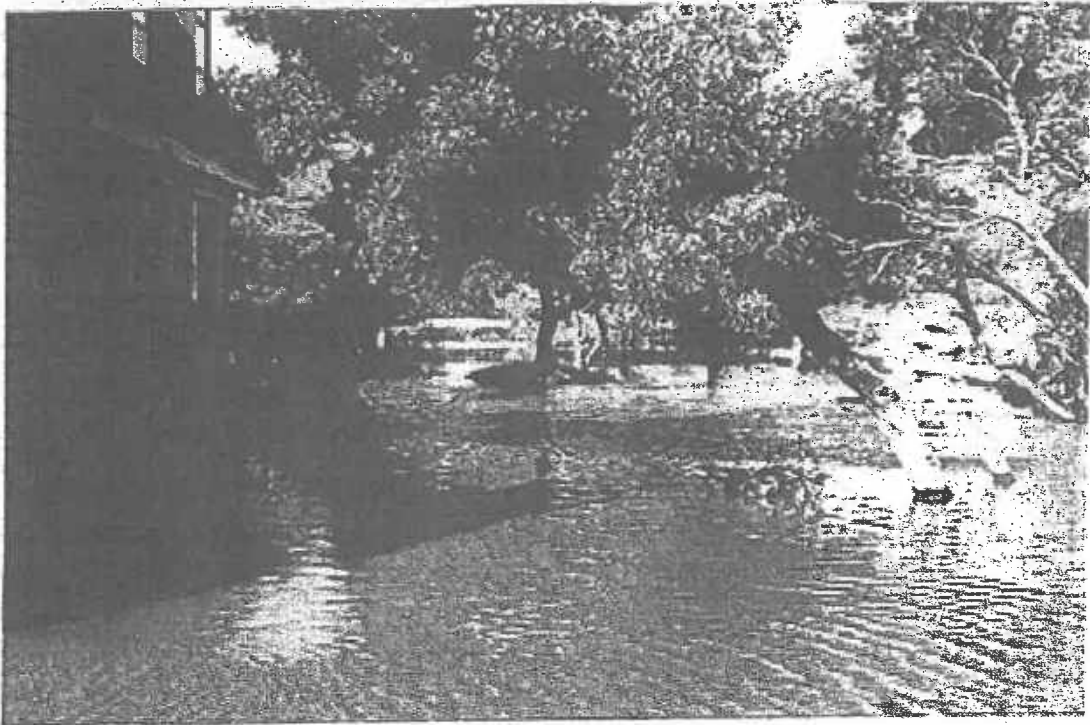


Ian Cushny
Vice-Chairman.

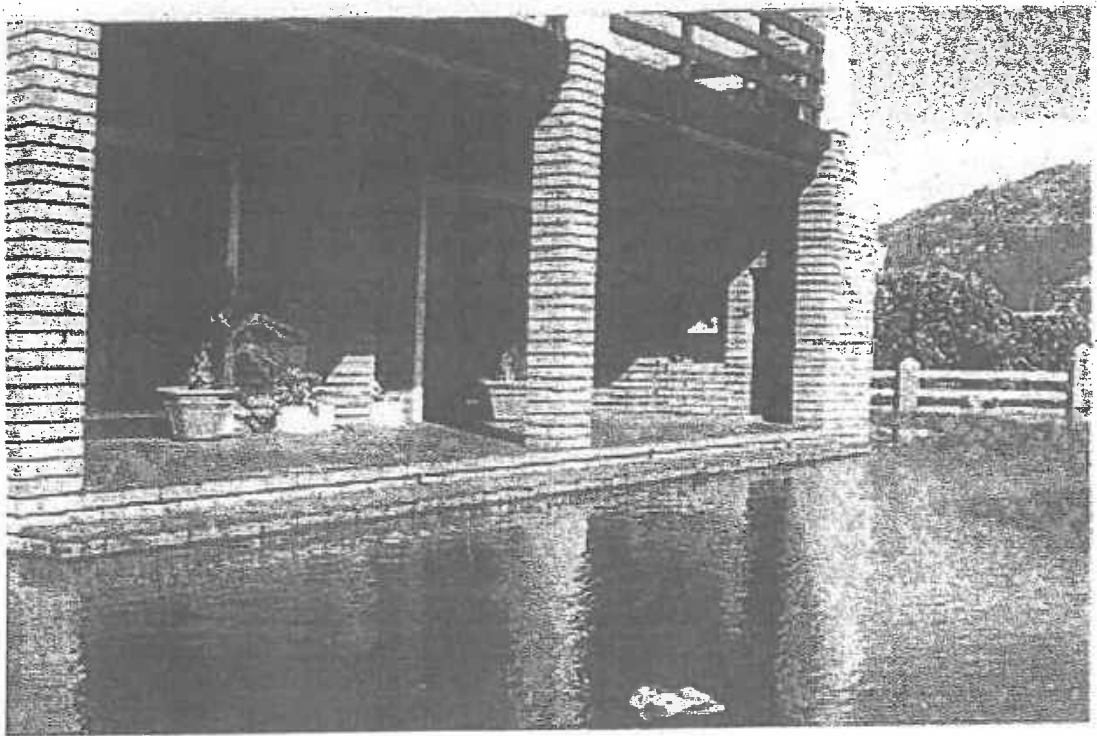
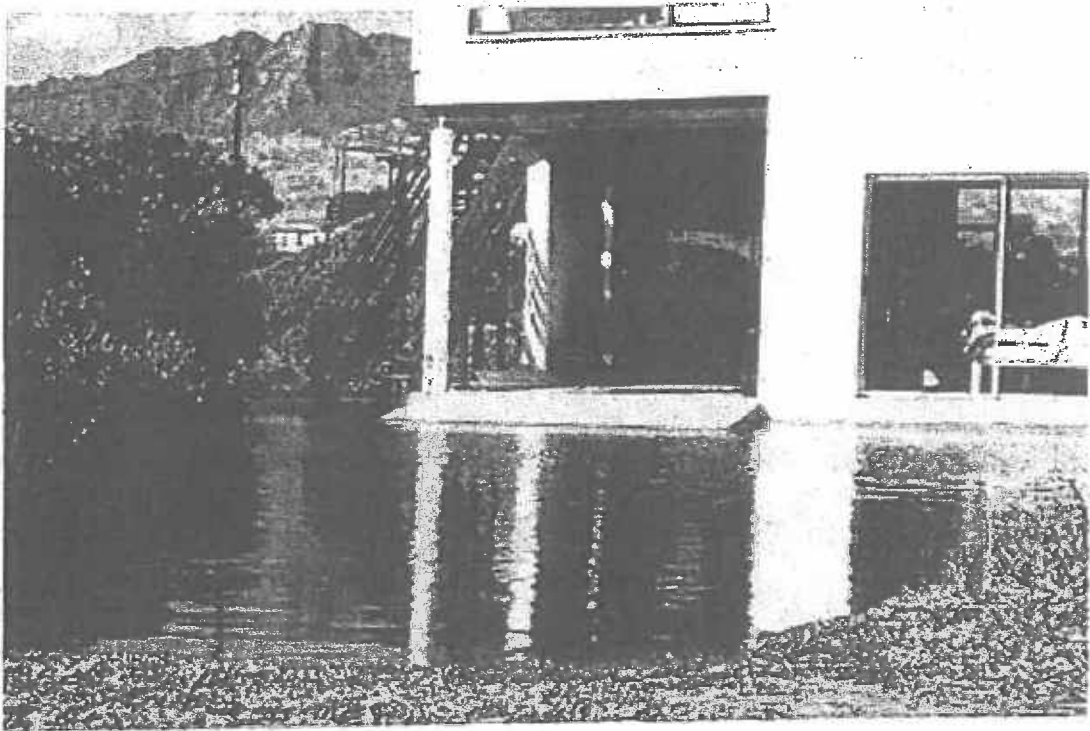
Attached – Flood Photographs

CC Wynand Louw – Chairman
CC George Hazelden

FOODING BELOW BOBBIE ROAD SEPTEMBER 2001



FOODING-BELOW BOBBIE ROAD SEPTEMBER 2001



TP - A Theart
(H Jd Steep)

PRINGLE BAY RATEPAYERS' ASSOCIATION
PRINGLEBAAI BELASTINGBETALERSVERENIGING

SARS Reg. # 9101/138/16/3

Kindly address all correspondence to PO Box 409, Pringle Bay 7196

Geliewe alle korrespondensie te rig aan Posbus 409, Pringlebaai 7196

www.pringlebayratepayers.co.za



I, the undersigned, DAVID MUIRHEAD (Identity no. 4802195103085) in my representative capacity as Chairman of the PRINGLE BAY RATEPAYERS' ASSOCIATION (the ASSOCIATION), hereby lodge an objection on behalf of the ASSOCIATION to the subdivision of ERF 728, Bobbie Road, Pringle Bay.

1. THE APPLICATION

1.1. The Application objected to is the proposed sub division of ERF 728 as published in the Overstrand Municipal Notice 116/2015

1.2. THE OBJECTOR

1.3. The objector is the PRINGLE BAY RATEPAYERS' ASSOCIATION, a separate legal entity having a constitution, in terms of which it has right, *inter alia*, to sue and to be sued.

1.4. The affairs of the Association are administered by an elected committee presided over by me as its elected Chairman.

1.5. The members of the Association are owners of property within the Township of PRINGLE BAY. The members have granted a mandate to PRINGLE BAY RATEPAYERS' ASSOCIATION to oppose sub division of property.

2. THE OBJECTION

2.1. Section 8.1 Subdivision, paragraph 2, of the application indicates that the property will be divided into three portions plus a remaining extent which the owners intend to develop for their own use. The sizes and usage description in the text of the application differ to the subdivision sketch Plan No 5472/sub2. The municipal notice indicates that the property will be subdivided into three portions and that the remainder will be ceded to council for Nature Conservation purposes. Since the application contains conflicting statements with respect to a major component of the proposed subdivision it must be referred back. It is not possible to evaluate the application without clarity on this matter.

2.2 The property is covered extensively with alien vegetation. The existing vegetation offers shelter to criminal elements and adds to the re-seeding of surrounding areas where aliens have been removed.

FILE NO:	EL 728 PRB
SCAN NO:	62
COLLABORATOR NO:	863088

TP

11 DEC 2015

Should it be the intention to cede a portion of the property to Council for Nature Conservation purposes a condition must be imposed that all invasive alien vegetation be eradicated from ERF 728.

It is unacceptable that a property intended for conservation or adjacent to a conserved area be ceded in this state or that vegetation be cut back in accordance with the fire regulation policy. Cutting invasive alien plants without eradication (e.g. herbicidal poisoning of fresh cut stems) results in rapid regrowth to the detriment of the indigenous fynbos.

DATED and SIGNED at Pringle Bay on 11th day of DECEMBER 2015



D. MUIRHEAD

Chairman of the PRINGLE BAY RATEPAYERS' ASSOCIATION.