



Western Cape
Government
Environmental Affairs and
Development Planning

BETTER TOGETHER

Development Management
(Region 3)

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ENQUIRIES: Shireen Pullen
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DELplan

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URBAN AND REGIONAL PLANNING

The Municipal Manager
Mossel Bay Municipality
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MOSSSEL BAY
6500

Attention: Mr. W. Manuel

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Dear Sir

RE: PROPOSED APPLICATION FOR CONSENT USE FOR ADDITIONAL DWELLING UNITS: FARM NO. 373 AND 420, MOSSSEL BAY

1. The abovementioned information received by this Department on 17 August 2018 refer.
2. It is noted that the proposal entails the construction of 6 units (one primary dwelling and 5 additional dwellings) on each of the above-mentioned farms (cumulatively larger than 100 hectares). It is proposed that the units be constructed along the Ruiterbosch River as depicted in Annexure 5 of the aforementioned application.
3. The site
 - 3.1 Most of the site is considered sensitive from an environmental perspective and contains large areas of Critical Biodiversity Areas (CBAs) (Terrestrial and Aquatic), as well as Terrestrial and Aquatic Ecological Support Areas.
 - 3.2 According to the Vegetation Map 2009 and in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEM: BA) the vegetation type affected by the proposal is Garden Route Granite Fynbos, which has a conservation status of Critically Endangered.
 - 3.3 The area is identified as an area in natural condition that is required to meet biodiversity targets for species, ecosystems or ecological processes and infrastructure.
 - 3.4 The objective of this specific CBA is to maintain the subject property in a natural or near-natural state, with no further loss of natural habitat. Degraded areas should be rehabilitated. Only low-impact, biodiversity-sensitive land uses are appropriate.
4. It is noted that the units will be placed on old agricultural areas, however, there is not sufficient information to make a determination on whether all the structures and infrastructure will be on old agricultural land.

5. In light of the above, please note that this Department is of the opinion that the proposal constitutes the following activity/ies listed in terms of the Environmental Impact Assessment Regulations Listing Notices GN No. R. 984 of 4 December 2014 as promulgated under Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"):

Listing Notice 1**Activity 12**

The development of—

- (a) dams or weirs, where the dam or weir, including infrastructure and water surface area exceeds 10 square metres; or
- (b) infrastructure or structures with a physical footprint of 10 square metres or more; where such development occurs—
 - (a) within a watercourse;
 - (b) in front of a development setback; or
 - (c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;

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i. Outside urban areas:

- (aa) A protected area identified in terms of NEMPAA, excluding conservancies;
- (bb) National Protected Area Expansion Strategy Focus areas;
- (cc) World Heritage Sites;
- (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;
- (ee) Sites or areas listed in terms of an international convention;
- (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;
- (gg) Core areas in biosphere reserves; or
- (hh) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined.

Activity 19A

The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from—

- (i) the seashore;
 - (ii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater; or
 - (iii) the sea; —
- but excluding where such infilling, depositing, dredging, excavation, removal or moving—
- (a) will occur behind a development setback;
 - (b) is for maintenance purposes undertaken in accordance with a maintenance management plan;
 - (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;
 - (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or
- where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.

Activity 28**Activity Description**

Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture or afforestation on or after 01 April 1998 and where such development:

- (i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or
- (ii) **will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;**

excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.

Listing Notice 3**Activity 12**

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

- i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;
 - ii. Within critical biodiversity areas identified in bioregional plans;
 - iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on even in urban areas; or
 - iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning.
6. Written authorisation is therefore required from the relevant authority (as defined in GN No R. 982 of 4 December 2014) prior to the undertaking of the said activity. The onus is on the applicant to ensure that all the applicable listed activities are applied for and assessed as part of the environmental impact assessment (EIA) process.
7. Should you not agree with the determination made by this Department, you are welcome to submit substantial proof of how and why you differ from this determination.
8. The Department reserves the right to revise initial comments and request further information based on any new or revised information received.

Yours faithfully



HEAD OF DEPARTMENT

CC Mr. D. Viljoen

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