

APPLICATION FOR ADHOC SETBACK LINE

Erf 9873, 21 Westcliff Drive,

Hermanus

14 March 2025

Consultant:

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Lornay Environmental Consulting Pty Ltd | Reg 2015/445417/07



**Western Cape
Government**

DEFINITION/ADOPTION OF A DEVELOPMENT SETBACK

Request for the definition/adoption of a development setback in terms of the National Environmental Management Act, 1998 (Act no. 107 of 1998) ("NEMA"), environmental Impact Assessment ("EIA") Regulations, 2014.

APRIL 2024

DEPARTMENTAL DETAILS

| CAPE TOWN OFFICE: DIRECTORATE: DEVELOPMENT MANAGEMENT (REGION 1) (City of Cape Town, West Coast District, Cape Winelands District & Overberg District) | GEORGE REGIONAL OFFICE: DIRECTORATE: DEVELOPMENT MANAGEMENT (REGION 3) (Central Karoo District & Garden Route District) |
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| <p>The completed Form must be sent via electronic mail to: DEADPEIAAdmin@westerncape.gov.za</p> <p>Queries should be directed to the Directorate: Development Management (Region 1) at: E-mail: DEADPEIAAdmin@westerncape.gov.za Tel: (021) 483-5829</p> <p>Western Cape Government Department of Environmental Affairs and Development Planning Attention: Directorate: Development Management (Region 1) Private Bag X 9086 Cape Town, 8000</p> | <p>The completed Form must be sent via electronic mail to: DEADPEIAAdmin.George@westerncape.gov.za</p> <p>Queries should be directed to the Directorate: Development Management (Region 3) at: E-mail: DEADPEIAAdmin.George@westerncape.gov.za Tel: (044) 814-2006</p> <p>Western Cape Government Department of Environmental Affairs and Development Planning Attention: Directorate: Development Management (Region 3) Private Bag X 6509 George, 6530</p> |

IMPORTANT INFORMATION TO BE READ PRIOR TO COMPLETING THE ATTACHED FORM:

1. Purpose

The purpose of this form is to provide baseline information for the definition/adoption of a development setback in terms of the NEMA EIA Regulations, 2014.

2. Administrative requirements

This form must be used to request the competent authority to define/adopt a development setback in terms of the NEMA EIA Regulations.

3. General

3.1 Submission of documentation, reports and other correspondence:

The Department has adopted a digital format for corresponding with proponents/applicants or the general public. If there is a conflict between this approach and any provision in the legislation, then the provisions in the legislation prevail. If there is any uncertainty about the requirements or arrangements, the relevant Competent Authority must be consulted.

The Directorate: Development Management has created generic e-mail addresses for the respective Regions, to centralise their administration. Please make use of the relevant general administration e-mail address below when submitting documents:

DEADPEIAAdmin@westerncape.gov.za

Directorate: Development Management (Region 1):
City of Cape Town; West Coast District Municipal area;
Cape Winelands District Municipal area and Overberg District Municipal area.

DEADPEIAAdmin.George@westerncape.gov.za

Directorate: Development Management (Region 3):
Garden Route District Municipal area and Central Karoo District Municipal area

General queries must be submitted via the general administration e-mail for EIA related queries. Where a case-officer of DEA&DP has been assigned, correspondence may be directed to such official and copied to the relevant general administration e-mail for record purposes.

- 3.2 The required information must be typed within the spaces provided in the form. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. The tables may be expanded where necessary. Please make use contrasting colours in the answer blocks to improve the visibility and highlight information.
- 3.3 The quality, correctness and detail of information submitted by you is extremely important and it remains your responsibility to interrogate the specifics of your proposed development in order to report on the potential listed activities in this form.
- 3.4 This form is a guide to the information that must be submitted. Any additional information, pictorial evidence or explanations prompted by the form must be submitted along with this form in order to ensure that the Competent Authority does not need to request additional information from you. Incomplete forms will result in a request for additional information.
- 3.5 Unless protected by law all information contained in, and attached to this form, will become public information on receipt by the Department. Upon request, the Applicant/EAP must provide any interested and affected party with the information contained in or submitted with this Form.

Protection of Personal Information Act, 2013 (Act No. 4 of 2013) ("POPIA"):

Your attention is drawn to POPIA which is a comprehensive data protection legislation enacted in South Africa and came into effect on 1 July 2020. POPIA aims to give effect to the constitutional right to privacy, whilst balancing this against competing rights and interests, particularly the right of access to information. Please note that your personal information will only be used as far as it relates to the EIA process. By including your personal details in the Form and any subsequent reports and documents it will be deemed as giving consent to use this information as far as it relates to the EIA process.

- 3.6 This form is current as of **April 2024**. It is the responsibility of the Proponent/EAP to ascertain whether subsequent versions of the form have been released by the Department. Visit the Department's website at <http://westerncape.gov.za/eadp> to check for the latest version of this Form.
- 3.7 This Form must be **duly dated and signed** by the Proponent and/or EAP (wherever applicable) and must be submitted to the Department at the details provided below.
- 3.8 Please note that it is an offence for a person to provide incorrect or misleading information in any form, including any document submitted in terms of the EIA Regulations to a competent authority or omits information that may have an influence on the outcome of a decision of a competent authority.

4. Circulars, Guidelines and Tools

The Department's latest Circulars pertaining to the "One Environmental Management System" and the EIA Regulations, and guidelines must be taken into account when completing this Form.

5. Development Setback information

- 5.1 A development setback is defined/adopted in terms of the NEMA EIA Regulations and only relates to the relevant listed activities triggered by the proposed development where this Department is the competent authority.
- 5.2 A development setback is not defined/adopted in terms of the National Environmental Management Act: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) ("ICMA") / National Water Act, 1998 (Act No. 36 of 1998) or any other legislation, and notwithstanding the location of the development setback, any other statutory requirements that may be applicable to the undertaking of the development must be adhered to. The requirements of all relevant legislation must be met.
- 5.3 A development setback that may be defined/adopted does not imply that the area inland of the line will not be exposed to risks arising from dynamic processes, including the risk of flooding or erosion.

6. Minimum Public Participation Process Requirements

A public participation process must be undertaken as part of the setback line definition/adoption request. As a minimum you will be required to:

- inform the surrounding neighbours and your local authority of your intentions (these interested and affected parties will be regarded as registered interested and affected parties);
- allow a minimum of 30 days as a commenting period for these interested and affected parties;
- obtain written comment from all relevant Organs of State and the Local Authority; and
- respond to comments received and the proof of the public participation including all comments received and responses provided thereto must be submitted to the Competent Authority.



DEVELOPMENT SETBACK DEFINITION/ADOPTION FORM

REQUEST FOR THE DEFINITION/ADOPTION OF A DEVELOPMENT SETBACK IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014.

APRIL 2024

GENERAL PROJECT DESCRIPTION

(This must include an overview of the project including the Farm name/Portion/Erf number)

**PROPOSED SUBDIVISION OF ERF 9873, 21 WESTCLIFF ROAD, HERMANUS,
CALEDON RD**

GENERAL REQUIREMENTS

1.1. Locality Map

A locality map must be attached to the Form, as Appendix A. The scale of the locality map must be at least 1:50 000. For linear activities of more than 25 kilometres, a smaller scale e.g. 1:250 000 can be used. The scale must be indicated on the map. The map must include the following:

- an accurate indication of the project site position;
- road names or numbers of all the major roads as well as the roads that provide access to the site(s)
- a north arrow;
- a legend;
- the prevailing wind direction; and
- GPS co-ordinates (Indicate the position of the proposed activity with the latitude and longitude at the centre point for the site. The co-ordinates should be in degrees, minutes and seconds. The minutes and seconds should be to at least three decimal places. The projection that must be used in all cases is the Hartebeesthoek94 WGS84 coordinate system;

1.2. Map of the development setback to be defined/adopted

A map that clearly shows the development setback to be defined/adopted must be attached to the Form as Appendix B

| | | | | |
|----------------|-----------------------------------------------------------------|-------|----|-----|
| Appendix A: | Site Development Plan | YES x | NO | N/A |
| Appendix B: | Map depicting the development setback to be adopted | YES x | NO | N/A |
| Appendix C: | Public Participation | YES x | NO | N/A |
| Appendix D: | Screening Tool | YES x | NO | N/A |
| Appendix E: | Existing Directives | YES | NO | N/A |
| Appendix F: | Zoning of properties | YES | NO | N/A |
| Appendix | Any other attachments must be included as subsequent appendices | YES | NO | N/A |

PART 1: ADMINISTRATIVE DETAILS

SECTION A: DETAILS OF PROPONENT | EAP | LANDOWNER | MUNICIPALITY

| Highlight the Departmental Region and District in which the intended application will fall | | CAPE TOWN OFFICE (REGION 1) | | GEORGE REGIONAL OFFICE (REGION 3) | |
|--------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|-------------------------|--------------------------------------|--------------|
| | | City of Cape Town | Cape Winelands District | Central Karoo District | |
| | | West Coast District | Overberg District | Garden Route District | |
| Duplicate this section where there is more than one Proponent | | | | | |
| 1. | Name of Proponent: | Jonquil Investments (Pty) Ltd | | | |
| | Contact person name (if other): | Elbe Cooper | | | |
| | Company/ Trading name State Department/Organ of State: | As above | | | |
| | Company Registration Number: | - | | | |
| | Postal address & Postal code: | 128 Strandstreet, Strand, Cape Town | | | Code |
| | Contact numbers: | Tel. | +27(0) | Cell: | +27(0) |
| | E-mail: | ecooper@horizoncapital.co.za | | | |
| 2. | Company of EAP: | Lornay Environmental Consulting | | | |
| | EAP / Candidate EAP name: | Michelle Naylor | | | |
| | EAP registration no: | 2019/698 | | | |
| | Postal address & Postal code: | Unit 5/1F, Hemel & Aarde Wine Village, Hermanus | | | Code |
| | Contact numbers: | Tel. | | Cell: | 083 245 6556 |
| | E-mail: | | | | |
| Duplicate this section where there is more than one Landowner | | | | | |
| 3. | Name of landowner: | As above | | | |
| | Name of contact person for landowner (if other): | | | | |
| | Postal address & Postal code: | | | | Code |
| | Contact numbers: | Tel. | +27(0) | Cell: | +27(0) |
| | E-mail: | | | | |
| Duplicate this section where there is more than one person in control of the land | | | | | |
| 4. | Name of Person in control of the land: | As above | | | |
| | Contact person for 'person in control of the land' (if other): | | | | |
| | Postal address & Postal code: | | | | Code: |
| | Contact numbers: | Tel. | +27(0) | Cell: | +27(0) |
| | E-mail: | | | | |
| Duplicate this section where there is more than one Municipal Jurisdiction | | | | | |
| 5. | Municipality in whose area of jurisdiction the proposed activity will be undertaken: | Overstrand Municipality | | | |
| | Name of contact person: | Penelope Aplon | | | |
| | Postal address & Postal code: | 1 Magnolia Street Hermanus | | | Code |
| | Contact numbers: | Tel. | +27(0) | Cell: | +27(0) |
| | E-mail: | paplon@overstrand.gov.za | | | |

PART 2: DEVELOPMENT SETBACK DEFINITION/ADOPTION

SECTION B: DETAILS OF CURRENT ACTIVITIES/EXISTING DEVELOPMENT

| | | | |
|----|-----------------------------------------------------------------------------------------------------------------|-----|------|
| 1. | Do you have approvals for the existing or new development. If yes, explain and attach a copy/ies as Appendix C. | YES | NO x |
|----|-----------------------------------------------------------------------------------------------------------------|-----|------|

Erf 9873 is an existing residential erf located in the built-up urban area of Hermanus central. A single residential dwelling was previously built on the property but has since been demolished.

| | | | |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|------|
| 2. | Is the development part of a bigger lawfully approved and commenced with development? If yes, provide details of all approvals and attach a copy/ies as Appendix C. | YES | NO x |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|------|

This application involves the subdivision of Erf 9873 into two separate erven, with the intention of constructing a single residential dwelling on each newly created erven.

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|----|------------------------------------------------------------------------------------------------------------------|-----|------|
| 3. | Have any activities physically commenced on the site? If yes, list the date of commencement of these activities. | YES | NO x |
|----|------------------------------------------------------------------------------------------------------------------|-----|------|

No physical activities related to the current application have commenced on the subject property. However, the property previously contained a single residential dwelling, which was demolished in ~2013. These aerial images (**Figure 1 & 2**) provide a clear comparison of the site's transformation over time, illustrating the removal of the previous dwelling and the vacant state of the land.



Figure 1: 2012 Aerial image showing single residential dwelling on the subject property.



Figure 2: 2024 aerial image depicting the site in its current state, confirming the absence of single residential dwelling.

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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| 4. | Clearly describe the commencement of these activities with clear timelines and development footprints. |
| The subject property previously contained a single residential dwelling, which was demolished in 2013. No further physical activities related to the current application have commenced on the site. | |
| 5. | Clearly describe the current state of the site/route. (This must be supported by recent colour photographs) |
| The site is currently in a transformed state, with no significant vegetation present except for grass cover. The property is vacant and within the built-up urban area of Hermanus, no existing structures or development activities are currently taking place. Evidence of previous disturbances is visible, including piles of rocks and wood chips, as depicted in Photo 1 below. | |



Photo 1: View of the site from Westcliff road towards the sea.



Photo 2. View of the site from Westcliff road towards the sea.

| | |
|----|------------------------------------------------------------------------------------------------------|
| 6. | Describe the existing vegetation/ground cover. (This must be supported by recent colour photographs) |
|----|------------------------------------------------------------------------------------------------------|

The site was originally characterised as Overberg Sandstone Fynbos, however, it is now transformed with no vegetation of this classification remaining, except for grass cover. There are no indigenous or protected plant species observed on-site, as shown in the above **Photo 1 & 2**. The ground cover consists primarily of grass, with no notable shrubs or trees.

| | | | |
|---------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------|
| 7. | Have any development setbacks in terms of the NEMA EIA Regulations been adopted by the competent authority for the subject site/route? If yes, copies must be attached as Appendix D. | YES | NO x |
| 8. | Have any Directives under Section 28 of the NEMA been issued by the competent authority for the subject site/route? If yes, copies must be attached as Appendix E. | YES | NO x |
| 9. | Have any Directives under Section 30A of the NEMA been issued by the competent authority for the subject site/route? If yes, copies must be attached as Appendix E. | YES | NO x |
| 10. | Have any Directives under Section 24G of the NEMA been issued by the competent authority for the subject site/route? If yes, copies must be attached as Appendix E. | YES | NO x |
| 11. | Describe the current land use. | | |
| The subject erf is zoned for Residential zone 1 and is within the built-up urban area of central Hermanus. | | | |
| 12. | Describe the surrounding land use. | | |
| The surrounding land use is predominantly residential and tourism overnight. | | | |
| 13. | Is the current land use lawful? If yes, please explain. | YES x | NO |
| The subject property is within the existing urban edge of Hermanus, situated within built-up urban area zoned for residential zone 1. | | | |

SECTION C: PROJECT DETAILS

Please "highlight" the appropriate answer by shading the relevant block or providing the answer in the space provided.

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| 1. | Does the proposed development entail the expansion of a lawful existing facility/structure/infrastructure or the development of a new facility/structure/infrastructure or the "like for like" replacement of an existing lawful facility/structure or infrastructure. Please explain. |
| The application herein entails the subdivision of Erf 9873 into two erven for the construction of a single residential dwelling on each new erf. The activity will be inline with existing surrounding landuse. | |
| 2. | Provide a detailed description of the proposed development and all its associated infrastructure. A clear, accurate and detailed description will obviate the request for additional information by the competent authority. |
| The application herein involves the subdivision of Erf 9873 into two erven for the proposed construction of 1 single residential dwelling on each new erf. The site development plan and the components of the proposed development are described and indicated in Figure 3 below. | |

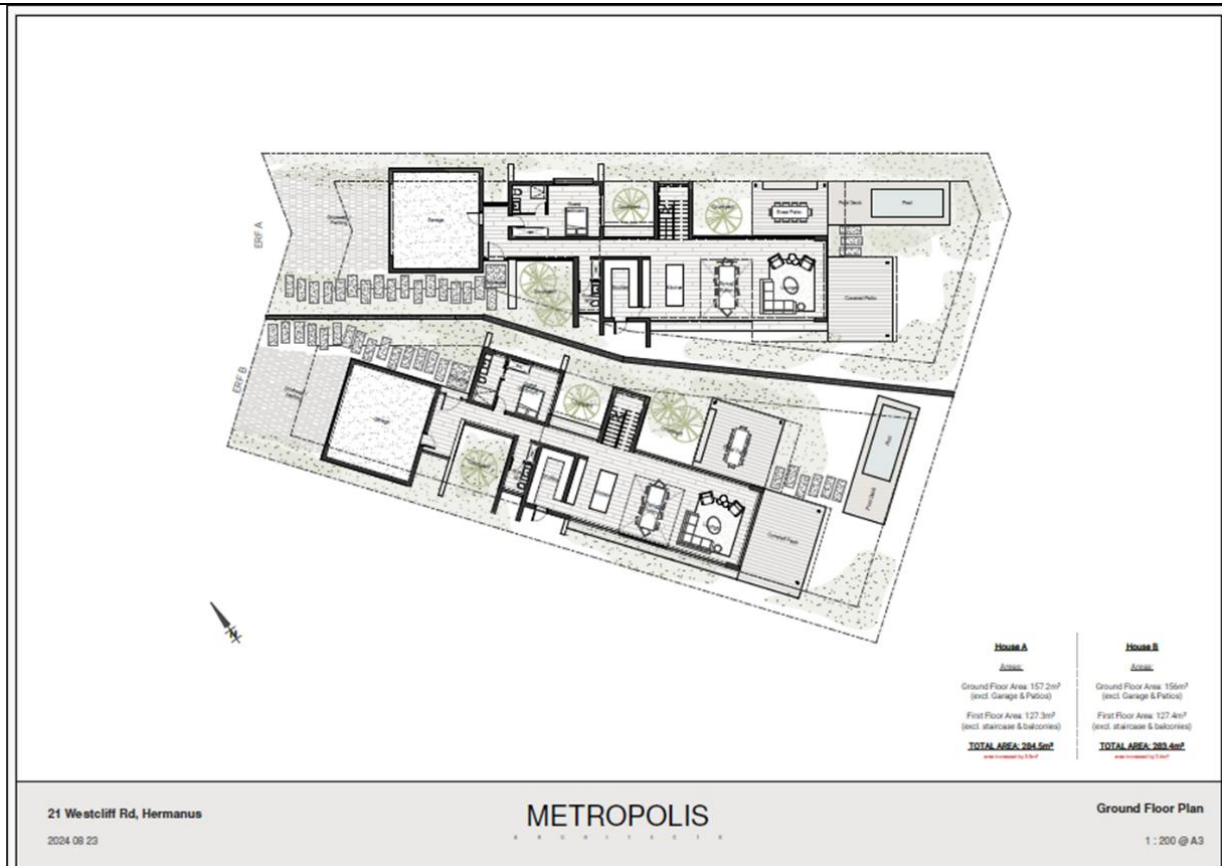


Figure 3: Proposed building plans of subdivided Erf 9873, Hermanus.

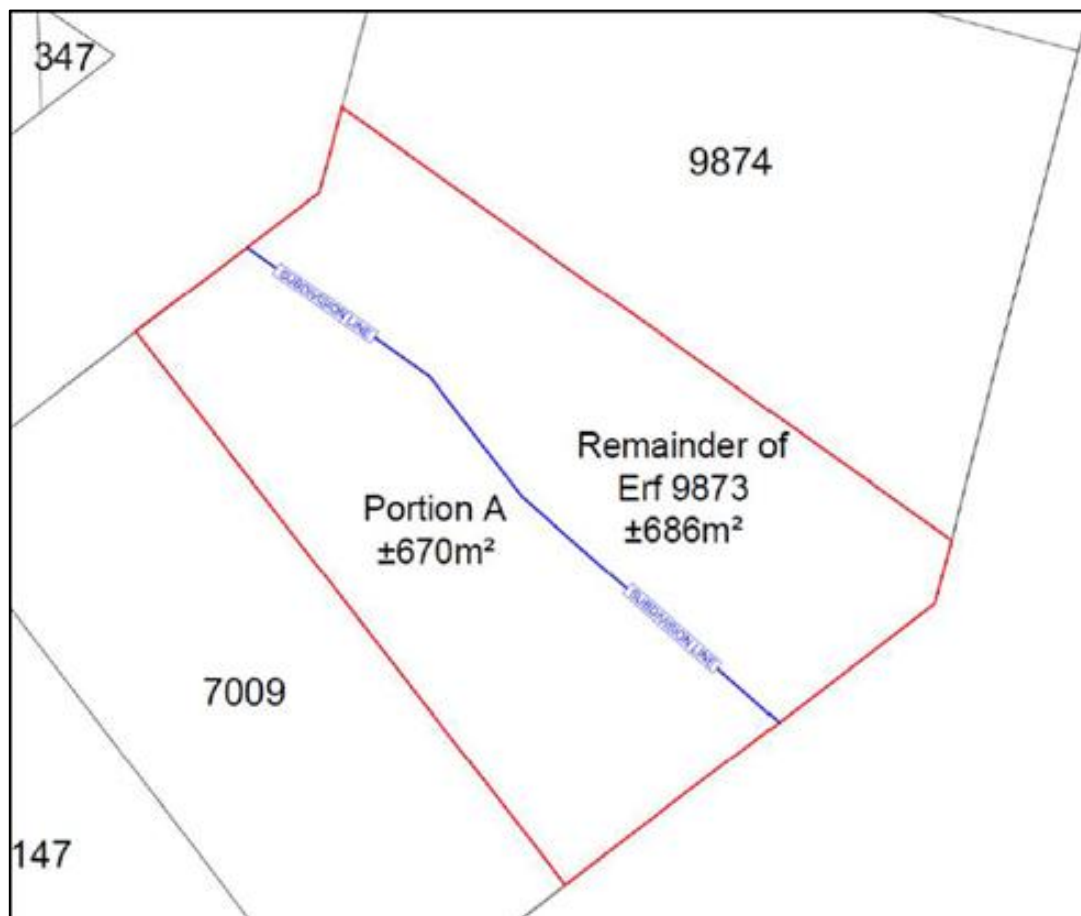


Figure 4: Proposed subdivision of Erf 9873, Hermanus.

| | | | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3. | Is the proposed development: | | | | |
| 3.1. | a linear activity? | YES | NO x | | |
| 3.2. | an activity directly related to prospecting or exploration of a mineral and petroleum resource or extraction and primary processing of a mineral resource? | YES | NO x | | |
| 3.3. | a strategic integrated project (SIP) as contemplated in the Infrastructure Development Act, 2014 (Act No. 23 of 2014)? | YES | NO x | | |
| 4. | Property location | Hermanus | | | |
| 5. | Erf/Farm name(s), number(s) and portion(s) | Erf 9873 | | | |
| 6. | Property size(s) (m ²) of all proposed sites: | 1361.5m ² | | | |
| 7. | What is the existing lawfully development footprint size in m ² ? | 0m ² | | | |
| 8. | Development footprint size(s) in m ² (i.e. the total area of land to be physically cleared for the proposed development (including associated infrastructure). Provide clear details of the required footprint). | <table border="1"> <tr> <td> <p>House A</p> <p><u>Areas:</u></p> <p>Ground Floor Area: 157.2m² (excl. Garage & Patios)</p> <p>First Floor Area: 127.3m² (excl. staircase & balconies)</p> <p><u>TOTAL AREA: 284.5m²</u> area increased by 3.5m²</p> </td> <td> <p>House B</p> <p><u>Areas:</u></p> <p>Ground Floor Area: 156m² (excl. Garage & Patios)</p> <p>First Floor Area: 127.4m² (excl. staircase & balconies)</p> <p><u>TOTAL AREA: 283.4m²</u> area increased by 2.4m²</p> </td> </tr> </table> | | <p>House A</p> <p><u>Areas:</u></p> <p>Ground Floor Area: 157.2m² (excl. Garage & Patios)</p> <p>First Floor Area: 127.3m² (excl. staircase & balconies)</p> <p><u>TOTAL AREA: 284.5m²</u> area increased by 3.5m²</p> | <p>House B</p> <p><u>Areas:</u></p> <p>Ground Floor Area: 156m² (excl. Garage & Patios)</p> <p>First Floor Area: 127.4m² (excl. staircase & balconies)</p> <p><u>TOTAL AREA: 283.4m²</u> area increased by 2.4m²</p> |
| <p>House A</p> <p><u>Areas:</u></p> <p>Ground Floor Area: 157.2m² (excl. Garage & Patios)</p> <p>First Floor Area: 127.3m² (excl. staircase & balconies)</p> <p><u>TOTAL AREA: 284.5m²</u> area increased by 3.5m²</p> | <p>House B</p> <p><u>Areas:</u></p> <p>Ground Floor Area: 156m² (excl. Garage & Patios)</p> <p>First Floor Area: 127.4m² (excl. staircase & balconies)</p> <p><u>TOTAL AREA: 283.4m²</u> area increased by 2.4m²</p> | | | | |
| 9. | SG Digit code(s) of the all the proposed property(ies) | | | | |
| | (description of cadastral unit) | C | 0 1 3 0 0 1 3 0 0 0 0 9 8 7 3 0 0 0 0 0 | | |
| 10. | Coordinates of the proposed site(s) for all alternatives: | | | | |
| | Latitude (S) | 34° | 25' 28.72" | | |
| | Longitude (E) | 19° | 14' 2.86" | | |

SECTION D: POTENTIAL LISTED ACTIVITIES THAT YOU REGARD TO BE APPLICABLE TO THE PROPOSED DEVELOPMENT

All activities listed in of the EIA Regulations that may be associated with the proposed development must be provided below.

| Activity No(s): | Provide the relevant Basic Assessment Activities as set out in Listing Notice 1 | Describe the portion of the <u>proposed development</u> to which the applicable listed activity relates. |
|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| 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; or (ii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or estuary, whichever distance is the greater but excluding where such infilling, depositing, dredging, excavation, removal or moving – (f) will occur behind a development setback. | The subject property is located within 100m of the highwater mark and is within built-up urban area. |
| Activity No(s): | Provide the relevant Basic Assessment Activities as set out in Listing Notice 3 | Describe the portion of the proposed development to which the applicable listed activity relates. |
| N/a | | |
| Activity No(s): | Provide the relevant Scoping and EIR Activities as set out in Listing Notice 2 | Describe the portion of the proposed development to which the applicable listed activity relates. |

SECTION E: PLANNING CONTEXT

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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|-------|------|
| 1. | What is the current zoning of the property or properties? | | |
| The subject property is zoned for Residential Zone 1. | | | |
| 2. | Is a rezoning application required? | YES | NO x |
| 3. | Is any other land use approval(s) (e.g. consent) required? If yes, please explain. | YES | NO x |
| | | | |
| 4. | Will the proposed development be located in an <u>urban area</u> as defined in the EIA Regulations? If yes, please explain. | YES x | NO |
| The subject property is located within demarcated urban edge and is situated within urban area of Hermanus in an area zoned for residential land use. | | | |
| 5. | Is the activity permitted in terms of the property's existing land use rights? If yes, please explain. | YES x | NO |
| The use for single residential is in line with current land use, although the property will be subdivided to accommodate two dwellings on two separate erven. | | | |
| 6. | Are there any building restrictions in terms of the applicable Municipal By-laws? If yes, please explain. | YES x | NO |
| The Overstrand Municipality By-Laws. | | | |
| 7. | Will the activity be aligned with the following: | | |
| 7.1. | The Provincial Spatial Development Framework? Please explain below: | YES x | NO |
| <p>Western Cape Provincial Spatial Development Framework (2014):</p> <p>" 3.3.4. LAND USE AND DENSITY</p> <p>3.3.4.1 KEY CHALLENGES</p> <p><i>The average densities of cities and towns in the Western Cape is low by international standards, in spite of policies to support mixed use and integration. There is clear evidence that urban sprawl and low densities contribute to unproductive and inefficient settlements as well as increase the costs of municipal and Provincial service delivery. This is especially the case with respect to transport, health and education.</i></p> <p><i>As Figure 48 demonstrates, settlement and population concentration continue in the urban centres. This trend is continuing with regional service centres growing over the past 10 years. At the same time there are many isolated, declining settlements in the Western Cape and these continue to be marginalised by distance and transportation costs. They are also costly to supply social services to.</i></p> <p><i>In cities and large towns densification, infill and brownfield redevelopment are complex processes requiring clear public policy, direction and incentive. Poor planning and investment decisions tend to be made in favour of simpler, peripheral, developer-led developments for quick profits, while municipalities usually pick up the tab for the long-term operating costs. This is not sustainable and the 2013 MSFM Study demonstrates that this is likely to push already fiscally stressed municipalities over the brink.</i></p> <p><i>Both low densities and mono-functional land uses mitigate against sustainable access, service provision and quality as investment tends to be scattered rather than concentrated, which diminishes its impact. Within the larger urban regions, some towns and outlying settlements are becoming dormitory commuter towns to the larger economic centres.</i></p> <p>3.3.4.2 SPATIAL IMPLICATIONS</p> <p><i>The lack of integration, compaction and densification in urban areas in the Western Cape has serious negative consequences for municipal finances, for household livelihoods, for the environment, and the economy.</i></p> <p><i>The PSDF provides principles to guide municipalities towards more efficient and sustainable spatial growth patterns.</i></p> | | | |

In order to secure a more sustainable future for the Province it is important that settlement planning and infrastructure investment achieves:

- i. higher densities*
- ii. a shift from a suburban to urban development model*
- iii. more compact settlement footprints to minimise environmental impacts, reduce the costs and time impacts of travel and enhance Provincial and Municipal financial sustainability in relation to the provision and maintenance of infrastructure, facilities and services.*
- iv. Address apartheid spatial legacies by targeting investment in areas of high population concentration and socio-economic exclusion.*

By prioritising a more compact urban form through investment and development decisions, settlements in the Western Cape can become more inclusionary, widening the range of opportunities for all.

3.3.4.3 PROVINCIAL SPATIAL POLICIES

POLICY S3: PROMOTE COMPACT, MIXED USE AND INTEGRATED SETTLEMENTS

- 1. Target existing economic nodes (e.g. CBDs, township centres, modal interchanges, vacant and under-utilised strategically located public land parcels, fishing harbours, public squares and markets, etc) as levers for the regeneration and revitalisation of settlements.*
- 2. Promote functional integration and mixed use as a key component of achieving improved levels of settlement liveability and counter apartheid spatial patterns and decentralization through densification and infill development.*
- 3. Locate and package integrated land development packages, infrastructure and services as critical inputs to business establishment and expansion in places that capture efficiencies associated with agglomeration.*
- 4. Prioritise rural development investment based on the economic role and function of settlements in rural areas, acknowledging that agriculture, fishing, mining and tourism remain important economic underpinnings of rural settlements.*
- 5. Respond to the logic of formal and informal markets in such a way as to retain the flexibility required by the poor and enable settlement and land use patterns that support informal livelihood opportunities rather than undermine them.*
- 6. Delineate Integration Zones within settlements within which there are opportunities for spatially targeting public intervention to promote more inclusive, efficient and sustainable forms of urban development.*
- 7. Continue to deliver public investment to meet basic needs in all settlements, with ward level priorities informed by the Department of Social Development's human development indices.*
- 8. Municipal SDFs to include growth management tools to achieve SPLUMA's spatial principles. These could include: a densification strategy and targets appropriate to the settlement context; an urban edge to protect agricultural land of high potential and contain settlement footprints; and a set of development incentives to promote integration, higher densities and appropriate development typologies".*

The proposed development on Erf 9873 is in line with the Western Cape Spatial Development Framework by addressing the land use and density challenges as well as spatial implications. The proposed development is a type of infill development within residential area of Hermanus, there are existing service infrastructure present in the vicinity and therefore no expansion of services required to support the development.

| | | | |
|------------------------------------------|---------------------------------------------------------------------------------------------------------|-------|----|
| 7.2. | The Spatial Development Framework of the local authority? Please explain below: | YES x | NO |
| The Spatial Development Framework of the | | | |
| 7.3. | The urban edge as delineated in the Municipality's Spatial Development Framework? Please explain below: | YES x | NO |

| | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------|
| 7.4. | An Environmental Management Framework (EMF)? Please explain below: | YES x | NO |
| <p>2.6.2.2. Draft Environmental Overlay Zones</p> <p>The Draft Environmental Management Overlay Zones are spatially depicted on two scales, namely on municipal scale and per settlement scale.</p> <p>The overlay zones specifically focused on environmental protection within specific settlements (i.e. Urban Conservation EMOZs), are compiled based on, amongst other, site-specific circumstances and are therefore also provided on the individual status quo plans as this is a key informant to the compilation of the individual settlement proposals.</p> <p>The municipal scale EMOZs consist of the following:</p> <ul style="list-style-type: none"> • Coastal Protection EMOZ • Mountain Catchment EMOZ • Protected Area Buffer EMOZ • Riverine EMOZ • Urban Conservation EMOZ | | | |
| 7.5. | Any other Policies, Plans, Guidelines, Spatial Tools, Development Planning Frameworks and instruments applicable to the development? Please explain below: | YES | NO x |
| <p>General Overstrand Municipality By-laws</p> | | | |
| 7.6. | Are any Amendments of the above-mentioned required? If yes, please explain. | YES | NO x |
| | | | |

SECTION F: EXISTING BIOPHYSICAL CONTEXT

| | | | |
|----|--------------------------------------------------------------------------------------------------------------------------|-----------|------|
| 1. | What is the distance in metres from the closest property boundary to the high-water mark of the sea/estuary/watercourse? | 59.35 (m) | |
| 2. | Is there evidence of existing erosion? If yes, please explain. (Include photographic evidence) | YES | NO x |

N/A – the property is located on rocky cliffs above the 15 m contour:

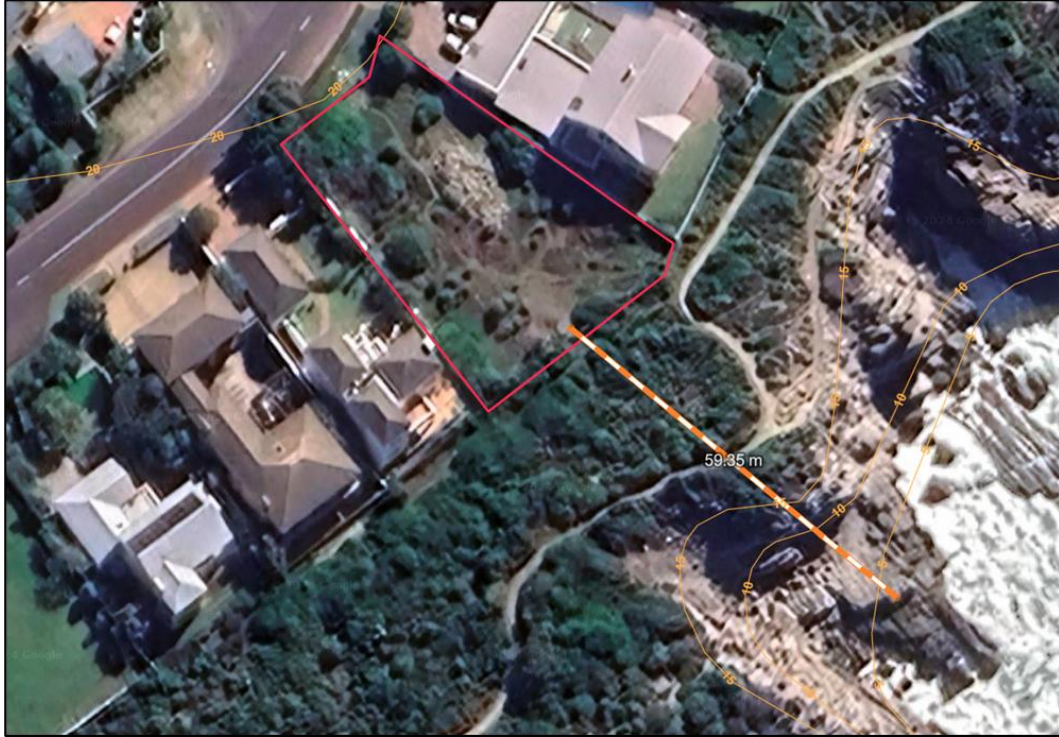


| | | | |
|----|---------------------------------------------------------------------------------------|-----|------|
| 3. | Have erosion protection measures been implemented previously? If yes, please explain. | YES | NO x |
|----|---------------------------------------------------------------------------------------|-----|------|

N/A – the property is elevated above the rocky coast, risk of coastal erosion is negligible.

| | | | |
|----|------------------------------------------------------------------------------------------------------------------------------------------|------------|------|
| 4. | What is the existing height above sea level? | 15- 20 (m) | |
| 5. | What is the distance in metres of the closest point of the proposed development to the known storm surge high-water mark or flood-lines? | 65 (m) | |
| 6. | Will the proposed development block public access to the coast? If yes, please explain below: | YES | NO x |
| 7. | Are there any servitudes registered on the property? If yes, please explain below: | YES | NO x |
| 8. | Is the site prone to flooding or inundation from the sea/watercourse? If yes, please explain and include dates of most recent events? | YES | NO x |
| 9. | Describe the type of sea shore (sandy, rocky, mixed etc.) or watercourse. (Attach photographs) | | |

The subject property is located on a elevated rocky cliff, above the 15 m contour within an area of existing residential development, approximately 59.35 m from the High-Water Mark (HWM) of the sea. The adjacent shoreline consists of a rocky seashore, characterized by exposed rock formations. No sandy is present and the risk of coastal erosion, sea level rise and storm impacts, are therefore low.



10. Describe the shape of the seashore or watercourse (concave, convex, meandering etc.) (Attach photographs)

The seashore in the vicinity of the subject property has a concave shape, rocky and elevated above the 15 m contour line.

11. Describe the type of substrate of the seashore or watercourse (eg, very fine sand, coarse sand, very coarse, pebbles) (Attach photographs).

N/A

12. Provide a description of the coastal zone / riparian zone and the existing vegetation. Provide pictorial evidence.

The coastal zone near the subject property consists of an elevated rocky shoreline with exposed rock formations. The erf is located above the 15 m contour.

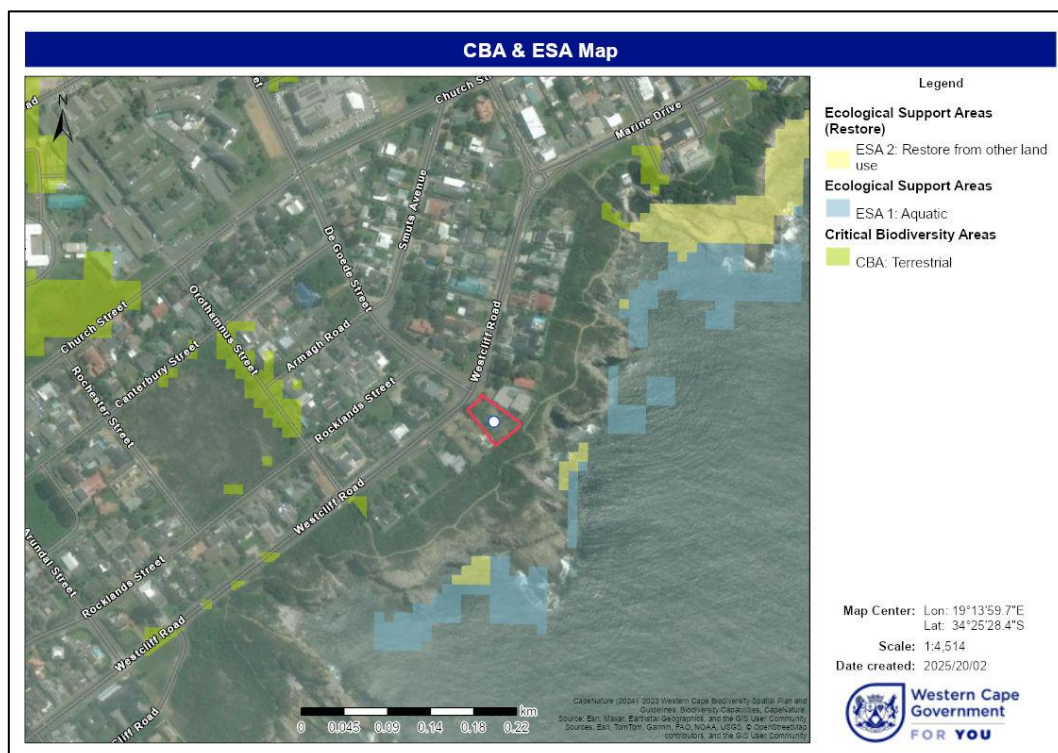
The site was originally classified as Overberg Sandstone Fynbos, a vegetation type characterized by a diverse mix of low-growing, fire-adapted shrubs and endemic species. However, the area has been transformed, and no intact vegetation of this classification remains. The transformation is due to historical residential dwelling that was built on the property.



Photo 3. illustrate the current state of the site and lack of remaining Overberg Sandstone Fynbos vegetation type.

| | | | |
|-----|----------------------------------------------------------------------------------|-----|------|
| 13. | Does the site form part of a Critical Biodiversity Area? If yes, please explain. | YES | NO x |
|-----|----------------------------------------------------------------------------------|-----|------|

According to Western Cape Spatial Biodiversity Plan (2023), the site does not form part of the CBA areas mapped in the area. The site is completely transformed by previous residential use and dwelling



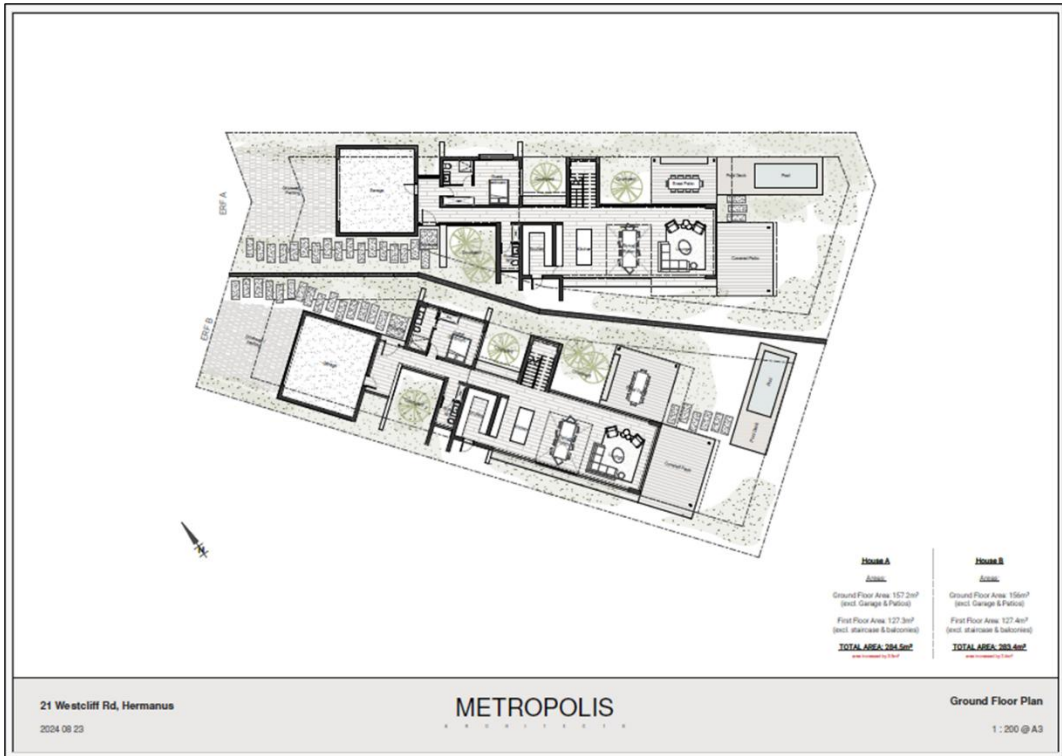
Critical Biodiversity mapping. Source: WCBSP (2023)

| | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|-----|----|
| 14. | Does the proposed development lie within coastal public property, the coastal protection zone or coastal access land. If yes, please explain. | YES | NO |
| The property lies within the Coastal Protection Zone and is in line with the existing residential development in the vicinity, it is not a coastal public property nor coastal access land and will not block public access to the coast. | | | |

SECTION G: ENVIRONMENTAL IMPACTS

| | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|----|
| 1. | Describe any negative environmental impacts that may occur if the request is granted. (Information on any increases in air emissions, waste generation, discharges to water and impacts of the natural or cultural environment such as pollution must be included.) | | |
| None. The proposed development is in line with the existing residential development in the vicinity. | | | |
| 2. | Describe any negative environmental impacts that may occur if the request is not granted (e.g.Continued erosion). | | |
| None. The development is in line with the existing residential development in the vicinity. | | | |
| 3. | Describe any positive environmental impacts that may occur if the request is granted. Information on any reduction in the ecological footprint, air emissions, waste generation and discharges to water, rehabilitation or coastal erosion protection measures must be included. | | |
| Socioeconomic impacts such as job creation during the construction phase of the proposed development is expected. Additional operational small scale can also be expected. | | | |
| 4. | Describe what investigations or assessments have been undertaken (if any) to inform this request. | | |
| No specialist assessment was undertaken on site, since the site has already been transformed historically. | | | |
| 5. | Is there any existing local authority building setback lines, or other in place? If yes, please explain. | YES x | NO |

The subject property is in line with the development parameters as set out on the Overstrand Municipality Land Use Scheme, 2020. The proposed activity involves the subdivision of the current (Erf 9873) into two erven for the proposed 1 single residential development on each new erf which are all in line with the Overstrand Municipality Land Use Scheme.



| | |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6. | Clearly describe what line you propose for the competent authority to adopt as a development setback (This MUST be supported by a map, in both hard and soft copy (preferably 1:10 000 or larger) clearly showing the proposed line and proximity to the high-water mark of the sea/ watercourses as well as any lines in terms of the above.) |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

The proposed development setback line in the subject property can be defined by four GPS coordinates measured...:

- **Point A:** 34°25'28.80" South : 19°14'3.90" East
- **Point B:** 34°25'29.52" South : 19°14'2.86" East
- **Point C:** 34°25'28.29" South ; 19°14'1.76" East
- **Point D:** 34°25'28.36" South; 19°14'1.74 East



Proposed development setback line

The proposed setback considers coastal erosion risks, sea-level rise projections, and ecological buffers to protect sensitive environments while allowing for responsible development.

| | |
|----|--------------------------------------------------------------------------------------------------|
| 8. | Explain how climate change concerns have been considered in the development of the property/ies. |
|----|--------------------------------------------------------------------------------------------------|

The subject property is located within built-up urban edge of Hermanus and is in line with the land use in the vicinity. The site is located above the 15 m contour on a rocky cliff above the sea. Storm surges, sea level rise and erosion are not anticipated to impact the site.

PART 3 DECLARATIONS

SECTION A: DECLARATION OF THE PROPONENT

Note: Duplicate this section where there is more than one Proponent.

[illegible]

in my personal capacity or duly authorised thereto hereby declare/affirm that:

- the information provided or to be provided as part of this form, is true and correct;
- I am fully aware of my responsibilities in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), the Environmental Impact Assessment ("EIA") Regulations, as defined in Chapter 5 of NEMA (as amended) and any relevant Specific Environmental Management Acts and that failure to comply with these requirements may constitute an offence in terms of relevant environmental legislation;
- I am aware that it is an offence in terms of Section 24F of the NEMA should I commence with a listed activity prior to obtaining an Environmental Authorisation;
- I am aware of my general duty of care in terms of Section 28 of the NEMA;
- I will provide the EAP and specialist, where applicable, and the competent authority with access to all information at my disposal that is relevant to the application;
- I will be responsible for the costs incurred in complying with the EIA Regulations, 2014 and other environmental legislation including but not limited to –
 - costs incurred for the appointment of the EAP or any person contracted by the EAP; and
 - costs in respect of any specialists, if any.

Note: If acting in a representative capacity, a certified copy of the resolution or power of attorney must be attached.

Signature of the Proponent:

Date: _____

Name of company (if applicable):

SECTION B: DECLARATION OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

I, **MICHELLE NAYLOR** EAP Registration Number:

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 2 | 0 | 1 | 9 | / | 6 | 9 | 8 |
|---|---|---|---|---|---|---|---|

as the appointed EAP hereby declare/affirm that:

- my EAP Registration is current and up to date, and will inform the proponent and Department if the registration should lapse;
- the information provided or to be provided as part of this form, is true and correct;
- I have disclosed/will disclose, to the Proponent, the specialist (if any), the competent authority and registered interested and affected parties, all material information that have or may have the potential to influence the decision of the competent authority or the objectivity of any report, plan or document prepared or to be prepared as part of the request for the definition/adoption of a development setback;
- I have ensured/will ensure that information containing all relevant facts in respect of the request for the definition/adoption of a development setback was/will be distributed or was/will be made available to registered interested and affected parties and that participation will be facilitated in such a manner that all interested and affected parties were/will be provided with a reasonable opportunity to participate and to provide comments;
- I have ensured/will ensure that the comments of all interested and affected parties were/will be considered, recorded and submitted to the competent authority;
- I have ensured/will ensure the inclusion of inputs and recommendations from any specialists in respect of the request for the definition/adoption of a development setback, where relevant;
- I have kept/will keep a register of all interested and affected parties that participated in the public participation process; and
- I am aware that a false declaration is an offence in terms of Regulation 48 of the EIA Regulations, 2014.



13-03-2025

Signature of the EAP:

Date:

LORNAY ENVIRONMENTAL CONSULTING

Name of company (if applicable):