

**PORTION 1 OF THE FARM MATJESFONTEIN NO.  
206, DIVISION WILLOWMORE (CEDAR FALLS)**

**PROPOSED REZONING & SUBDIVISION:**

**SPECIALIST PLANNING REPORT FOR ENVIRONMENTAL  
AUTHORISATION PURPOSES**



**CLIENT:** LEZMIN 2087 CC  
**PREPARED BY:** MARIKE VREKEN URBAN & ENVIRONMENTAL PLANNERS



**DECEMBER 2020**

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## SECTION A :

## BACKGROUND

### 1. PURPOSE OF THE REPORT

During 2016, the Department of Environmental Affairs granted Environmental Authorisation (EA) (**ANNEXURE A**) for the Leopard Hiking Trail Huts in the Baviaanskloof. The Leopard Hiking Trail has become a very famous and favourite hiking trail for avid hikers in the country; and is considered one of the main tourist attractions in the Baviaanskloof.

The starting point of the Leopard Hiking Trail is situated on Portion 1 of the Farm Matjesfontein No. 206 (the subject property). The popularity and continued success of the Leopard Hiking Trail resulted in an increased demand for tourist accommodation on Portion 1 of the Farm Matjesfontein No. 206.

The property owner of Portion 1 of the Farm Matjesfontein No. 206 wishes to rezone and subdivide the subject property; in order to allow a private nature reserve and tourist accommodation.

Marike Vreken Urban and Environmental Planners has been appointed by **LEZMIN 2087 CC** to apply to the Dr Beyers Naude Local Municipality to rezone and subdivide Portion 1 of the Farm Matjesfontein No. 206, to allow a private nature reserve and tourist accommodation.

The proposed development triggers various "listed activities" in terms of the 2017 NEMA listing notices, published under GNR 324-327, No. 40772, on 7 April 2017.

This Specialist Planning Report aims to provide a description of the proposed development and to "contextualise" the envisaged project within the administrative, legal and planning policy framework. These policies are for the most part not prescriptive legal requirements, but rather guidelines to inform detailed planning and design, and to be interpreted and applied at the level of an individual project.

In parallel with the abovementioned applications; **Sharples Environmental Services** has been appointed as Environmental Assessment Practitioners (EAP) for the preparation and submission of the application for 'environmental authorisation' of the envisaged development for consideration by the 'competent authority' in terms of the provisions of the National Environmental Management Act, 1998 (Act 107 of 1998).

### 2. BACKGROUND INFORMATION

Portion 1 of the Farm Matjesfontein No. 206 is currently zoned "Agriculture Zone I" in terms of the Section 8 Zoning Scheme Regulations. The subject property is located in the Baviaanskloof area of the Eastern Cape; and is approximately 205ha in extent.

The subject property was originally located within the Baviaanskloof Municipality; however during 2016 the former Municipalities of Camdeboo, Ikwezi and Baviaans merged to establish the Dr Beyers Naudé Local Municipality.

The famous 4-day Leopard Trail Hike starts and finishes on the application area. The Leopard Trail is a 4-day/3-night slack-packing, camping hike in the Baviaanskloof area.

The Leopard Trail is a project of the Another Way Trust (AWT), which is a Non-profit Organisation (NPO). The AWT is a charity that does community development work in the Baviaanskloof. The Leopard Trail was the brainchild of the Trust in 2015, looking to drive employment in the area and create a sustainable source of funding for the trust's community development work going forward. The beneficiaries of the AWT are the previously disadvantaged community of the Baviaanskloof. The Eastern Cape Parks and Tourism Agency (ECPTA) was enthusiastic about the idea, and after due process the AWT was given a 10 year concession to run the Leopard Trail in the Baviaanskloof World Heritage Site. The 4-day Leopard Trail Hike is run and managed by the Another Way Trust.



**FIGURE 1: LEOPARD HIKING TRAIL**

Currently on the property is a farmhouse, farm manager's house and some old labourers' cottages that have been converted into tourist accommodation. There are various trails (cycling and hiking) on the property, and also the well-known Cedar Falls is situated on the farm. There are no farming activities taking place on the property.



**FIGURE 2: CEDAR FALLS**



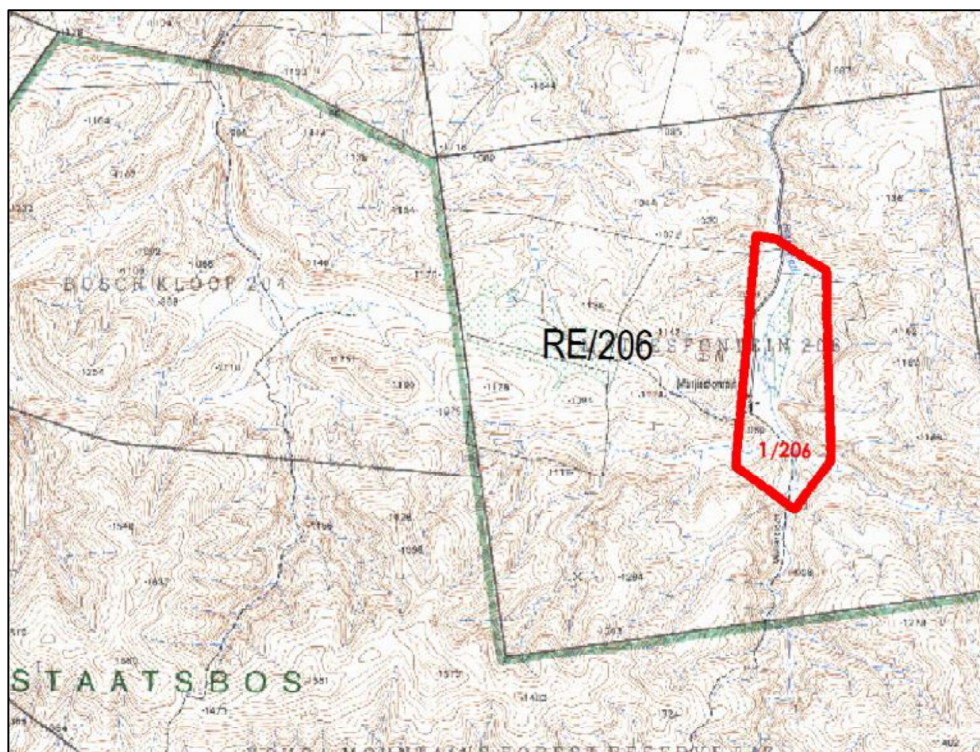
**FIGURE 3: FARMHOUSE**

The proposal is to rezone the entire farm to "Open Space Zone III", with a spot zoning for "Resort Zone II", to allow tourist accommodation. The proposal would then be to subdivide (19) "Resort Zone II" erven, which could be individually alienated.

A Homeowners Association (HOA) will be established to manage the "Resort Zone II" erven. The vision is to, over time, cease all agricultural activities, and to rehabilitate the farm back to a natural area, and manage the farm as a Private Nature Reserve.

Forming part of the development proposal is to allocate (4) "Resort Zone II" erven to individual farm workers (labourers) that have worked on the farm for more than 10 years. The farm workers will have the opportunity to acquire ownership of the allocated erven. It is the vision of the property owners to encourage a positive and achievable 'land reform' project with their loyal labourers that have been in their employment for many years.

One of the current farm workers that reside on the farm, has acquired security of tenure on the farm (in terms of the provisions of the Extension of Security of Tenure Act, Act No. 62 of 1997, since he has been employed and worked on the farm for more than 10 years. The intention of this proposal is not only to give him security of tenure, but also to give him ownership of his house. And to allow for the same opportunity for other loyal farm workers / employees.



**FIGURE 4: PORTION 1 OF THE FARM MATJESFONTEIN NO. 206**

### 3. PROPERTY DESCRIPTION SIZE AND OWNERSHIP

A copy of the Title Deed (T81628/2008CTN) and Surveyed Plan (SG No. 5033/2008) for Portion 1 of the Farm Matjesfontein No. 206, which includes all the information outlined below, is contained in (**ANNEXURE B** and **ANNEXURE C**):

<b>Property Description:</b>	Portion 1 of the Farm Matjesfontein No. 206
<b>Title Deed Number:</b>	T81628/2008CTN
<b>Property Owner:</b>	LEZMIN 2087 CC REGISTRATION NO. 200208801023
<b>Property Size:</b>	205.8417H (Two Hundred & Five Point Eight Four One Seven) Hectares
<b>Title Deed Restrictions:</b>	There are no title deed restrictions that could prevent the proposed development.
<b>Servitudes:</b>	There are no servitudes registered over the property that could prevent the proposed development.
<b>Bonds:</b>	There are no bonds registered over the property.

## SECTION B :

## DEVELOPMENT ALTERNATIVES

Section 24(O) (1) (b) (iv) of the National Environmental Management Act, 1998 (Act 107 of 1998) as amended states that:

*"...where appropriate, any feasible and reasonable alternatives to the activity which is the subject of the application and any feasible and reasonable modifications or changes to the activity that may minimise harm to the environment..."*

The following development alternatives were investigated for the application area:

- **Alternative 1 (Preferred Alternative):** Rezoning & Subdivision to allow a Private Nature Reserve & Tourist Accommodation ((19) x "Resort Zone II" erven, including the demarcated erven for the farm workers (labourers))
- **Alternative 2:** Rezoning & Subdivision to allow a Private Nature Reserve & Tourist Accommodation ((13) x "Resort Zone II" erven)
- **Alternative 3:** "No-go" Alternative

These development alternatives are discussed in more detail hereunder:

### 4. ALTERNATIVE 1: PREFERRED ALTERNATIVE

The proposal entails to rezone the entire farm to "Open Space Zone III" to allow a Private Nature Reserve<sup>1</sup>; with a spot zoning for "Resort Zone II", to allow tourist accommodation (holiday housing<sup>2</sup>).

#### 4.1. Open Space Zone III (Private Nature Reserve)

The vision is to, over time, cease all agricultural activities, and to rehabilitate the farm back to a natural area, and manage the farm as a Private Nature Reserve. It is proposed to remove all internal fences to allow the game animals to roam free on the property.

The Private Nature Reserve will include hiking & mountain bike trails for the tourists/visitors and owners (of the holiday housing units) to enjoy.

The only structures to remain on the "Open Space III" area will be (7) labourers' cottages, that are approximately ±75m<sup>2</sup> each. Of the (7) labourers' cottages; (4) are existing and

<sup>1</sup> **"Nature reserve"** means a national park, or some other nature park which is in the ownership of a public authority or has been declared as such in terms of legislation and remains in private ownership, it consists of an area which is utilized as a game park or reserve for fauna and flora in their natural habitat and includes accommodation facilities for tourists or holidaymakers. (Page 8 - Section 8 Scheme Regulations)

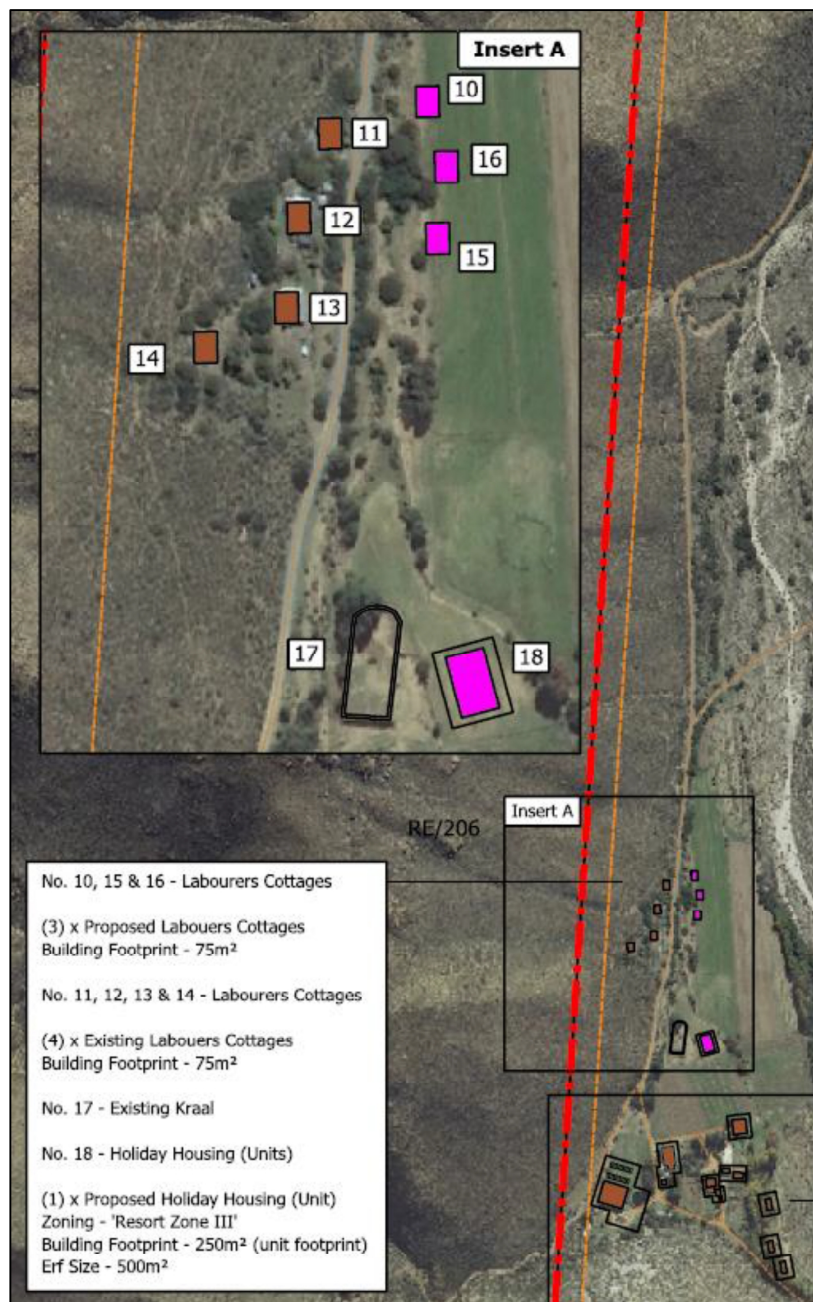
<sup>2</sup> **"Holiday housing"** means a harmoniously designed and built holiday development with an informal clustered layout which may include the provision of a camping site, mobile homes or dwelling units, and where the housing may be rented out or may be separately alienated by means of time sharing, sectional title division, the selling of block shares or the subdivision of the property on condition that a home owners association be established, but does not include a hotel or motel. (Page 7 - Section 8 Scheme Regulations)



(3) is proposed. The labourers residing in these cottages will work for the established HOA to help run the Private Nature Reserve and maintain the tourist accommodation units.

The labourers' cottages are No. 10-16 on the SDP. No. 11-14 are all existing labourers' cottages and No. 10, 15 & 16 are proposed labourers' cottages.

The only other structure to remain on "Open Space III" area, is the existing kraal, which is No. 17 on the SDP. The existing kraal is very old, with potential heritage value, and will remain as is on the property.



**FIGURE 5: EXTRACT OF THE SDP – LABOURERS COTTAGES**

## 4.2. Resort Zone II (Holiday Housing)

The proposed tourist accommodation entails the spot zoning for "Resort Zone II" to allow (19) holiday housing erven on the farm. A total of (18) holiday housing units and (1) tourist facility is proposed. Some of the units are existing structures that will be converted into holiday housing units and the other are all proposed. Table below is a summary of the total erven and the proposed land uses on the erven:

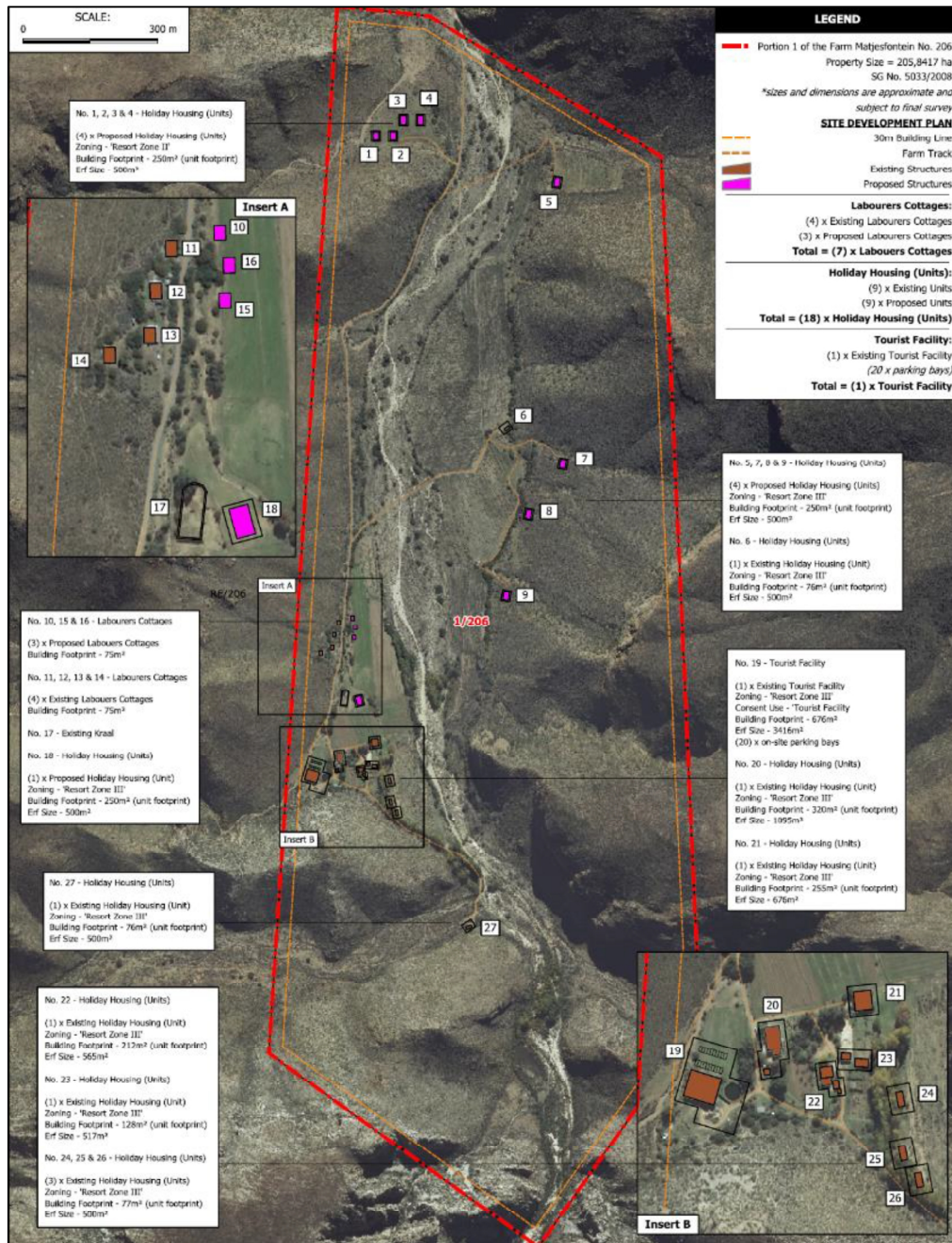
Resort Zone II (Section 8 Scheme Regulations)	
Land Use	Erven
Holiday Housing Units	(9) units will be within existing structures (9) units are new proposed units
	Total = 18 erven
Tourist Facility	(1) tourist facility within an existing structure
	Total = 1 erven
<b>GRAND TOTAL</b>	<b>19 erven</b>

(9x) of the proposed holiday housing units will be within existing structures; these include the existing farmhouse, farm manager's house and some old labourers' cottages that have already been converted into tourist accommodation. All the existing structures will be converted into holiday housing, which is to allow tourist accommodation.

The other (9) holiday housing units are new proposed units. These proposed units are specifically located on existing disturbed areas to limit any further disturbance of vegetation.

The Site Development Plan (SDP) below illustrate the development proposal:

**PORTION 1 OF THE FARM MATJESFONTEIN NO. 206, DIVISION WILLOWMORE (CEDAR FALLS):  
SPECIALIST PLANNING REPORT FOR NEMA AUTHORISATION PURPOSES**



**FIGURE 6: SITE DEVELOPMENT PLAN**

The table below illustrates the detail of the existing and proposed units (as per the SDP):

Unit No. on SDP	Existing / Proposed	Building Footprint / Erf Size	Land Use
1	Proposed	Footprint: 250m <sup>2</sup> Erf Size: 500m <sup>2</sup>	Holiday Housing ( <i>'land reform' unit</i> )
2	Proposed	Footprint: 250m <sup>2</sup> Erf Size: 500m <sup>2</sup>	Holiday Housing ( <i>'land reform' unit</i> )
3	Proposed	Footprint: 250m <sup>2</sup>	Holiday Housing



Unit No. on SDP	Existing / Proposed	Building Footprint / Erf Size	Land Use
		Erf Size: 500m <sup>2</sup>	( <i>'land reform' unit</i> )
4	Proposed	Footprint: 250m <sup>2</sup> Erf Size: 500m <sup>2</sup>	Holiday Housing ( <i>'land reform' unit</i> )
5	Proposed	Footprint: 250m <sup>2</sup> Erf Size: 500m <sup>2</sup>	Holiday Housing ( <i>Tourist Accommodation</i> )
6	<b>Existing</b>	Footprint: 76m <sup>2</sup> ( <i>max 250m<sup>2</sup></i> ) Erf Size: 500m <sup>2</sup>	Holiday Housing ( <i>Tourist Accommodation</i> )
7	Proposed	Footprint: 250m <sup>2</sup> Erf Size: 500m <sup>2</sup>	Holiday Housing ( <i>Tourist Accommodation</i> )
8	Proposed	Footprint: 250m <sup>2</sup> Erf Size: 500m <sup>2</sup>	Holiday Housing ( <i>Tourist Accommodation</i> )
9	Proposed	Footprint: 250m <sup>2</sup> Erf Size: 500m <sup>2</sup>	Holiday Housing ( <i>Tourist Accommodation</i> )
18	Proposed	Footprint: 250m <sup>2</sup> Erf Size: 500m <sup>2</sup>	Holiday Housing ( <i>Tourist Accommodation</i> )
19	<b>Existing</b>	Footprint: 676m <sup>2</sup> Erf Size: 3416m <sup>2</sup>	Tourist Facility
20	<b>Existing</b>	Footprint: 320m <sup>2</sup> Erf Size: 1095m <sup>2</sup>	Holiday Housing ( <i>Tourist Accommodation</i> )
21	<b>Existing</b>	Footprint: 255m <sup>2</sup> Erf Size: 676m <sup>2</sup>	Holiday Housing ( <i>Tourist Accommodation</i> )
22	<b>Existing</b>	Footprint: 212m <sup>2</sup> ( <i>max 250m<sup>2</sup></i> ) Erf Size: 565m <sup>2</sup>	Holiday Housing ( <i>Tourist Accommodation</i> )
23	<b>Existing</b>	Footprint: 128m <sup>2</sup> ( <i>max 250m<sup>2</sup></i> ) Erf Size: 517m <sup>2</sup>	Holiday Housing ( <i>Tourist Accommodation</i> )
24	<b>Existing</b>	Footprint: 77m <sup>2</sup> ( <i>max 250m<sup>2</sup></i> ) Erf Size: 500m <sup>2</sup>	Holiday Housing ( <i>Tourist Accommodation</i> )
25	<b>Existing</b>	Footprint: 77m <sup>2</sup> ( <i>max 250m<sup>2</sup></i> ) Erf Size: 500m <sup>2</sup>	Holiday Housing ( <i>Tourist Accommodation</i> )
26	<b>Existing</b>	Footprint: 77m <sup>2</sup> ( <i>max 250m<sup>2</sup></i> ) Erf Size: 500m <sup>2</sup>	Holiday Housing ( <i>Tourist Accommodation</i> )
27	<b>Existing</b>	Footprint: 76m <sup>2</sup> ( <i>max 250m<sup>2</sup></i> ) Erf Size: 500m <sup>2</sup>	Holiday Housing ( <i>Tourist Accommodation</i> )

#### 4.3. 'Land Reform' Units

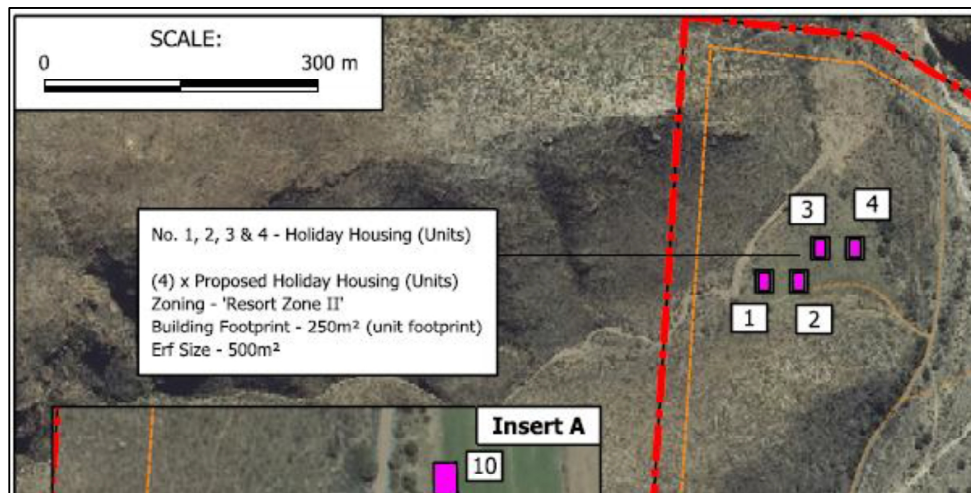
Units No. 1-4 are all proposed units, which are situated in the north-western corner of the application area. These (4) units are the erven that are reserved for 'land reform' purposes. As previously mentioned, it is the vision of the property owners to encourage a positive and sustainable 'land reform' project with their labourers that have been in their employment for many years.

The proposal is to allocate these (4) erven to individual farm workers (labourers) that have worked on the farm for more than 10 years. The farm workers will have the opportunity to acquire ownership of the individual erven.

These erven will also be zoned "Resort Zone II", as it will allow for holiday housing. The reason for this proposed zoning; is that this zoning category allows the units to be

separately alienated by means of sectional title division or the subdivision of the property. Thus, it will allow the owners to alienate these erven in future when the labourers have completed their employment commitments.

These erven will also form part of the established Home Owners' Association and must adhere to the rules and regulations as stipulated in their HOA Regulations Manual.



**FIGURE 7: NO. 1-4 – 'LAND REFORM' UNITS**

#### **4.4. Holiday Housing Units**

In total there will be (14) units available for tourist accommodation purposes. Of these (14) units, (9) are existing structures and (5) are proposed. As per the SDP, units No. 5, 7-9 & 18 are all proposed new units and units No. 6 & 20-27 are all existing units.

All these units will be zoned "Resort Zone II" to allow for holiday housing. Which means they will be harmoniously designed and built; and they may be rented out or may be separately alienated by means of time sharing, sectional title division, the selling of block shares or the subdivision of the property on condition that a Home Owners' Association be established. A Home Owners' Association will be established to ensure the residents adhere to the rules and regulations stipulated by the HOA.

The proposed units will be limited to 250m<sup>2</sup> within the identified erven. The configuration of the units will be varying from each other, however they will be limited to a footprint of 250m<sup>2</sup>. The existing units (which are smaller than 250m<sup>2</sup>) will be able to expand to a maximum of 250m<sup>2</sup>.

#### 4.5. Tourist Facility

One of the structures close to the original homestead of the farm is an existing barn. It is proposed to convert the existing barn into a tourist facility<sup>3</sup>, in order to allow a restaurant and a gift shop for the tourists/visitors.

The reception building and restaurant will be the start and finish of the Leopard Trail. The proposed tourist facility will be managed and operated by the Another Way Trust, and the profit and proceeds from the tourist facility will be ploughed back into the AWT. This is a key component of the Community tourism project. The shop will sell community goods, and the restaurant will be licensed to a community team to operate. These bits are where the community really starts to benefit, and where the link between conservation and community opportunities becomes even more real.

It is also proposed to transfer the proposed "Resort Zone II" erf (on which the tourist facility is situated) to the AWT; in order for them to generate additional income through tourism opportunities. The tourist facility will also form part of the established Home Owners' Association and must adhere to the rules and regulations as stipulated in their HOA Regulations Manual.

A tourist facility is permitted as a consent use for properties zoned "Resort Zone II", thus the tourist facility will have the exact same zoning as all the other units (Resort Zone II), and in addition a consent use to allow the tourist facility.

The site which will accommodate the tourist facility will have more than adequate space to accommodate parking for the restaurant and the gift shop. The tourist facility footprint is approximately 676m<sup>2</sup> in extent. As per the SDP a total of 20 parking bays are provided on-site.

The tourist facility is illustrated as No. 19 on the SDP:

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<sup>3</sup> **"Tourist facilities"** means amenities for tourists such as lecture rooms, restaurants, gift shops and restrooms permitted by the Council as a consent use, but does not include overnight accommodation. (Page 13 - Section 8 Scheme Regulations)

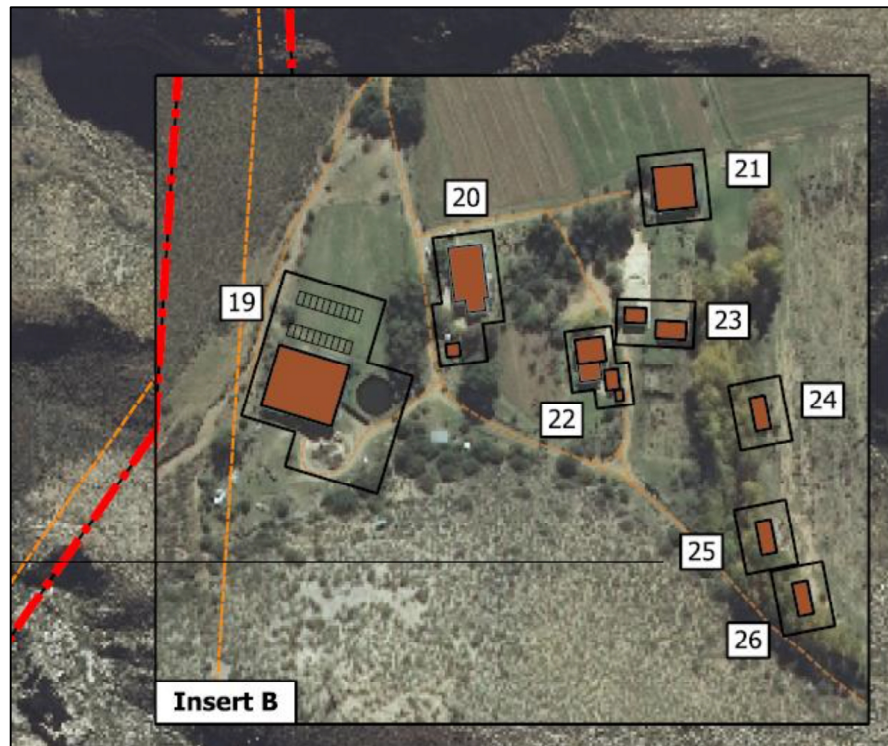


FIGURE 8: NO. 19 - TOURIST FACILITY

Holiday Housing Units No 20 & 22 will be exclusively used to allow accommodation for the tourist facility. This will ensure that the functions/activities of the tourist facility will be able to continue to successfully operate, by having an accommodation component.

The continued success of the Leopard Trail (tourist facility) will be depended on an accommodation component, in order to provide accommodation to the people/tourists that participate in the Leopard Trail.

#### 4.6. Farm Labourers' Accommodation

There are (4) existing bona fide farm labourers' cottages on the application area. It is foreseen that the proposed tourism activities will result in additional employment opportunities, hence the existing, bona fide labourers' accommodation will be expanded by (3) units.

As per the SDP, No. 11-14 illustrate the existing farm labourers' cottages and No. 10, 15 & 16 are the proposed farm labourers' cottages.

It is proposed to have a total of (7) bona fide farm labourers' cottages on the property.

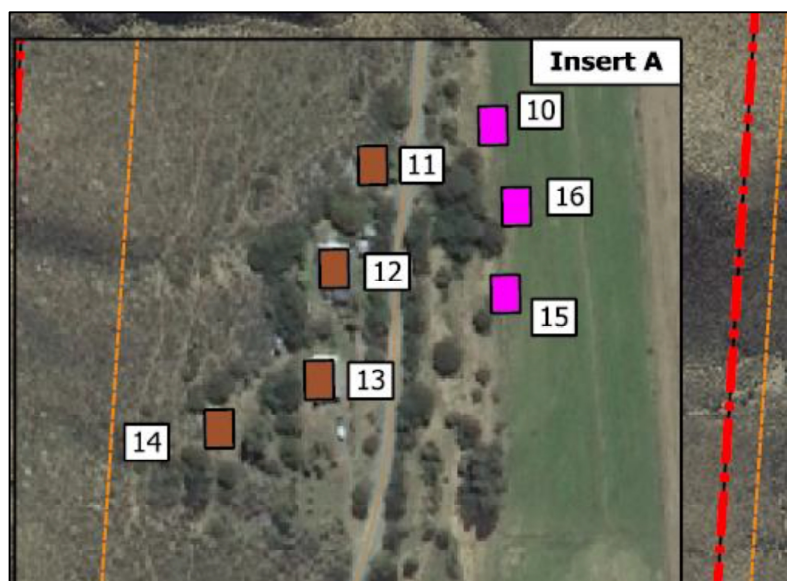


FIGURE 9: EXISTING (NO. 11-14) & PROPOSED (NO. 10, 15-16) LABOURERS COTTAGES

#### 4.7. Proposed Land Development Application

In order to obtain land development rights for the proposed Private Nature Reserve and tourist accommodation establishment, the following land development application will have to be lodged to Dr Beyers Naudé Municipality:

- i. The rezoning of Portion 1 of the Farm Matjesfontein No. 206, from "Agriculture Zone I" to "Open Space Zone III", in terms of Section 57(c) of the Beyers Naudé Municipal Land Use Planning By-law, to allow a private nature reserve;
- ii. The rezoning of Portion 1 of the Farm Matjesfontein No. 206 from "Agriculture Zone I" to "Subdivisional Area", in terms of Section 57(a) of the Beyers Naudé Municipal Land Use Planning By-law, to allow the subdivision of the farm into a private nature reserve with holiday housing;
- iii. The subdivision of Portion 1 of the Farm Matjesfontein No. 206, in terms of Section 57(a) of the Beyers Naudé Municipal Land Use Planning By-law, into (20) portions:
  - (1) x Remainder (Open Space III – Private Nature Reserve)
  - (19) x Portions (Resort Zone II – Holiday Housing)
- iv. A consent use on (1) of the 'Resort Zone II' erven on Portion 1 of the Farm Matjesfontein No. 206, in terms of Section 57(h) of the Beyers Naudé Municipal Land Use Planning By-law, to allow a tourist facility.

#### 4.8. Services Infrastructure

No municipal services will be required for the proposed development. Water will be supplied via the river and all electricity will be generated using solar panels at each of the accommodation units. Refuse will be collected on a daily basis from the units and recycled

as far as possible, and, where not possible, incinerated on site and disposed of at the nearest registered landfill. No additional services will be required.

#### **4.8.1. Water**

Rainwater harvesting will be implemented; each units will have water tanks to collect rainwater.

The farm has existing water rights (**ANNEXURE E**) to irrigate the crop fields on the property; however there are farming activities taking place on the farm and it is proposed to cease all farming activities on the farm. Thus, the amount of water to be used by all the units will be much less than the initial amount of water to be used for irrigation of the crops. The allocated amount of water for irrigation will be more than enough to service all the units and labourers cottages.

The water comes from the river, which is distributed by gravity feed and solar pumps.

The holiday housing units will be allowed to have 'splash pools' in their erven, these splash pools will also be filled with water from the river via gravity feed. There is more than sufficient water capacity to fill the splash pools.

#### **4.8.2. Sewer**

The existing structures (units) make use of septic tanks. The proposed units will also make use of septic tanks.

#### **4.8.3. Electricity**

Solar panels will be used to supply electricity to all the units. Solar pumps will be utilised to pump water from the river to the water tanks and reservoirs. No other energy requirements are needed for the proposed development.

#### **4.8.4. Waste**

All solid waste to be collected from each unit on a daily basis. All recyclables to be separated out for recycling. Collected recyclable waste to be disposed of at the nearest recycling depot (George or Oudtshoorn) on at least a monthly basis.

All incinerated waste to be disposed of at the Willowmore landfill site on a regular basis.

### **5. ALTERNATIVE 2: (TOURIST ACCOMMODATION WITH NO LAND REFORM)**

Alternative 2 is also to allow a Private Nature Reserve with tourist accommodation; however the layout of the units for tourist accommodation are scattered across the farm and the proposal to include units for 'land reform' is excluded from this alternative.

This alternative is not the preferred alternative, as the units are much more scattered across the farm, with some units being within sensitive areas. It will be difficult to reach some the units



because natural constraints (river & slopes). There is also no component of 'land reform' as per the Preferred Alternative.

The SDP for Alternative 2 is illustrated below:



**FIGURE 10: SDP - ALTERNATIVE 2**

## **6. ALTERNATIVE 3: "NO-GO" ALTERNATIVE**

The 'no-go' alternative will lead to no tourist infrastructure being developed and no 'land reform' units. The no-go alternative will also result in no job opportunities being generated, for both the construction and operational phases of the development and also no indirect entrepreneurial opportunities. For this reason, the 'no-go' alternative is not a desirable alternative.

## SECTION C :

## CONTEXTUAL INFORMANTS

### 7. LOCALITY

*(Plan 1: Locality Plan)*

The subject property is located southeast of Willowmore in the Baviaanskloof (Eastern Cape). It is situated close to the western border of the Eastern Cape Province, where it borders the Western Cape Province. The subject property is situated south of the R332 Road and the Baviaanskloofrivier; the Rietrivier runs through the middle of the property. The Beakosneck 2&3 Private Nature Reserve is situated east of the subject property. The GPS coordinates of the centre of the subject property is 33°34'31.94"S and 23°42'59.59"E.

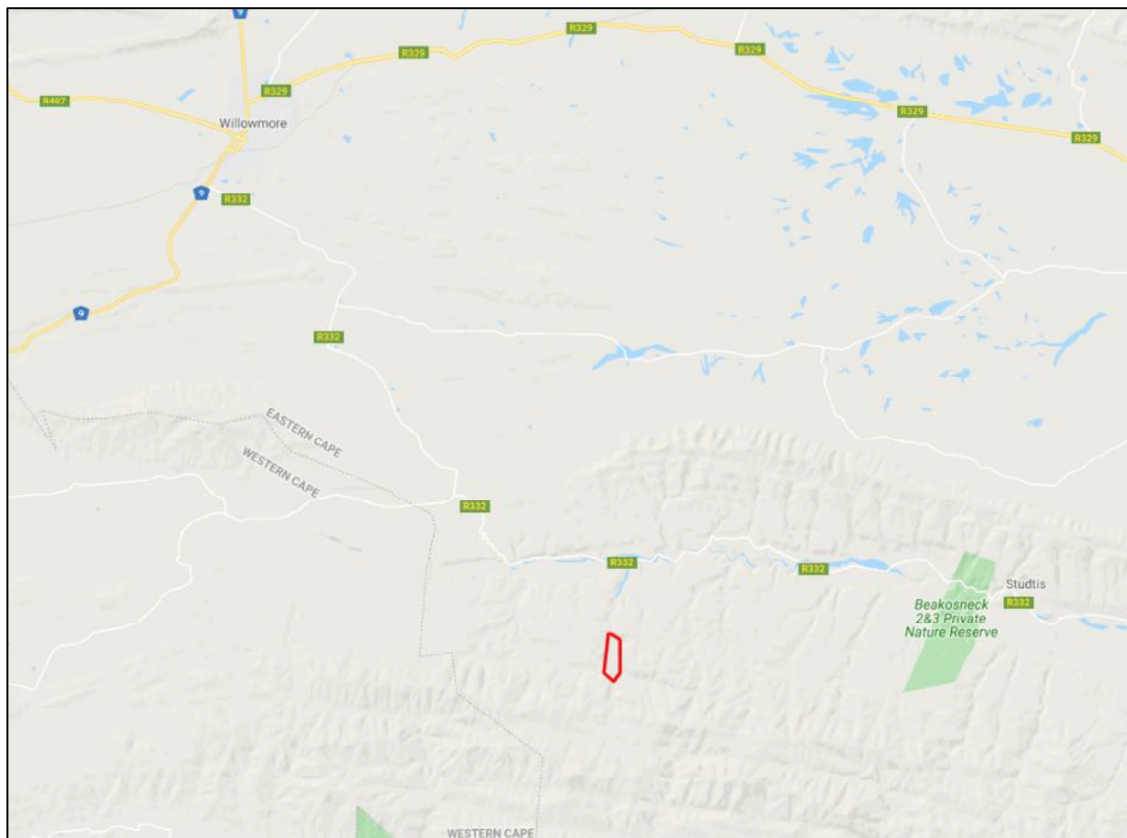


FIGURE 11: LOCALITY

### 8. CURRENT LAND USE & ZONING

#### 8.1. Land Use

There is a farmhouse, farm manager's house, (4) bona fide labourers' cottages and some old labourer cottages that have been converted into tourist accommodation. There are various trails (cycling and hiking) on the property. The property is mostly vacant, with little



to no agricultural activities; apart from the tourist activities (accommodation & hiking trails). There are no farming activities taking place on the farm.



**FIGURE 12: LAND USE (VACANT AREA)**



**FIGURE 13: LAND USE (EXISTING FARMHOUSE)**



**FIGURE 14: LAND USE (BONA FIDE LABOURERS' COTTAGES)**

## **8.2. Zoning**

Portion 1 of the Farm 206, Matjesfontein is currently zoned "Agriculture Zone I" in terms of the Section 8 Zoning Scheme Regulations, as per the attached zoning certificate (**ANNEXURE D**).

# **9. SITE CHARACTERISTICS**

## **9.1. Topography**

The application area consists of a valley with mountains on either side of the valley. The valley consists of a dry riverbed, with a few uncultivated fields. The mountains are quite steep; as they slope down towards the valley.

All of the existing and proposed development footprints are proposed in the flat areas of the valley. No development is proposed on the steep mountain slopes. The steep mountain slopes allow for spectacular footpaths and hiking trails.

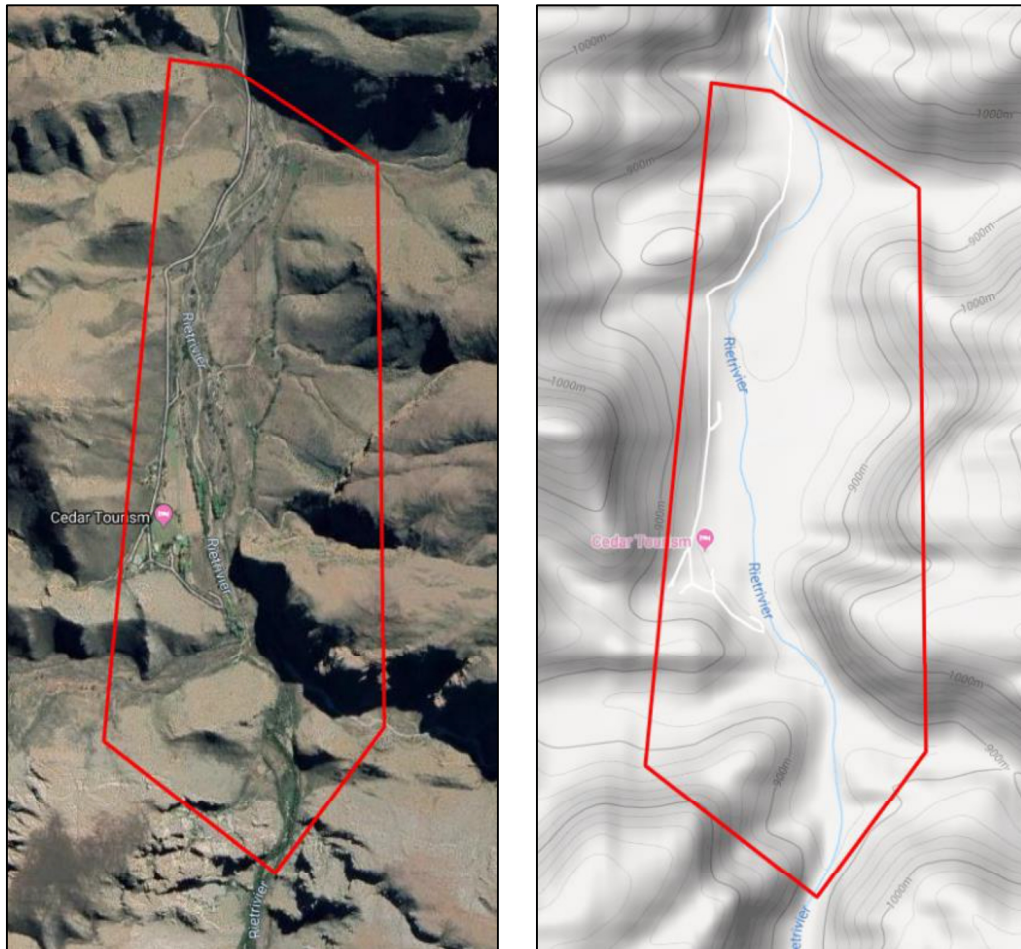


FIGURE 15: SITE CHARACTERISTICS

## 9.2. Drainage

The Riet River (a tributary of the Baviaanskloof River), runs through the application area. The river originates south of the application area, into the higher Baviaanskloof Mountains, and drains in a northern direction. A waterfall (Cedar Falls) also serves as a tourist attraction is located to the south of the application area.

The owners have existing water rights from the Rietrivier. There are ample water rights to provide potable water for the proposed resort development.

## 9.3. Vegetation

The application area was previously used for agricultural purposes and grazing, and is mostly therefore completely transformed, especially the areas adjacent to the river.





**FIGURE 16: VEGETATION**

A Botanical Report was compiled by **Mark Berry Environmental Consultants** that investigated the botanical aspects of the proposed footprints for resort accommodation units on the subject property.

In this report the various types of vegetation are discussed in more detail. However the report determined that the development proposal will have a low order impact on the biodiversity due to past agricultural disturbances noted on site, the low density and spread out nature of the proposed cottages.

#### **9.4. Built Environment**

Except for the existing farmhouse, farm managers house, associated outbuildings, and some old labourer cottages, the site is vacant.



**FIGURE 17: FARMHOUSE**



**FIGURE 18: LABOURER COTTAGES**

#### **9.5. Roads / Access**

Access to the property is obtained via an existing dirt road that runs along the dry riverbed of the Rietrivier. This dirt road connects to the R332 that ultimately connects to the N9 (National Road).

The dirt roads run from the R332, through the middle of the property, up to farmhouse.



**FIGURE 19: ACCESS ROAD (EXISTING DIRT ROAD)**

## **10. CHARACTER OF THE AREA**

The Baviaanskloof is associated with pristine nature, narrow gorges with flowing streams, steep mountain passes, vast plains with waving grasslands and views of unspoilt wilderness. It is flanked by the Baviaanskloof Mountains to the north and the Kouga Mountains to the south, and it receives numerous small tributaries from both. Agricultural settlements along the river include Studtis and Sandvlakte.

Intensive wise agriculture activities (irrigated fields) are kept close to the river (Baviaanskloofrivier) and less intensive wise agriculture (sheep, cattle, game etc.) occur further away from the Baviaanskloof. A number of tourist attractions occur along the Baviaanskloof:

- Baviaanskloof info Henriette - Self-catering accommodation
- Speekhout Plaas – Guest House
- Vero's Restaurant / Baviaans Craft Shop – Restaurant
- Verlorenrivier – Guest House
- Bo Kloof Guest Farm Campsite – Camp Site
- Bokloof Guest Farm – Guest House
- Baviaanskloof Cottages – Accommodation
- Baviaans Padstal – Farm Stall
- Cedar Tourism – Tourist Accommodation
- Babe's se Winkel – Store
- Sederkloof Lodge - Guest House

The character of the area is predominantly agriculture; however the Baviaanskloof's natural beauty lends itself to be a tourist destination. The R332 Road is a scenic road with numerous tourism related uses along the route.

The proposal to allow units for tourist accommodation, will in no way whatsoever detract from the existing character of the area; the units are so spread out and have a very low density that it will have no impact on the character of the area.

The Baviaanskloof is considered a tourist destination; and various spatial/planning documents encourage appropriate tourism activities in the area.

## SECTION D :

## SPATIAL PLANNING POLICIES

### 11. POLICY FRAMEWORKS

This section will discuss the applicable policy frameworks that have an influence on any development proposal on the application area. These include:

#### 11.1. Eastern Cape Provincial Spatial Development Plan (ECPSPD) (2010)

The key objective for the Eastern Cape Provincial Spatial Development Plan (ECPSPD) is; *"to prepare an interactive Provincial Spatial Development Plan in a consultative approach that would result in a plan that sets out a broad framework for investment in a spatially oriented approach to give effect to the successful implementation of the Provincial Growth and Development Plan (PGDP)."*

The cross cutting spatial implications of the physical environment has necessitated an additional section in the PSDP synthesis to accommodate the environmental spatial framework. Accordingly, for the purposes of the PSDP, the six PGDP pillars have been linked to seven sections of this report under the following headings: **Environment**, **Social Development** (People and Places), **Rural Development**, **Human Resource Development**, **Infrastructure**, **Economic Development** and finally, **Governance**.

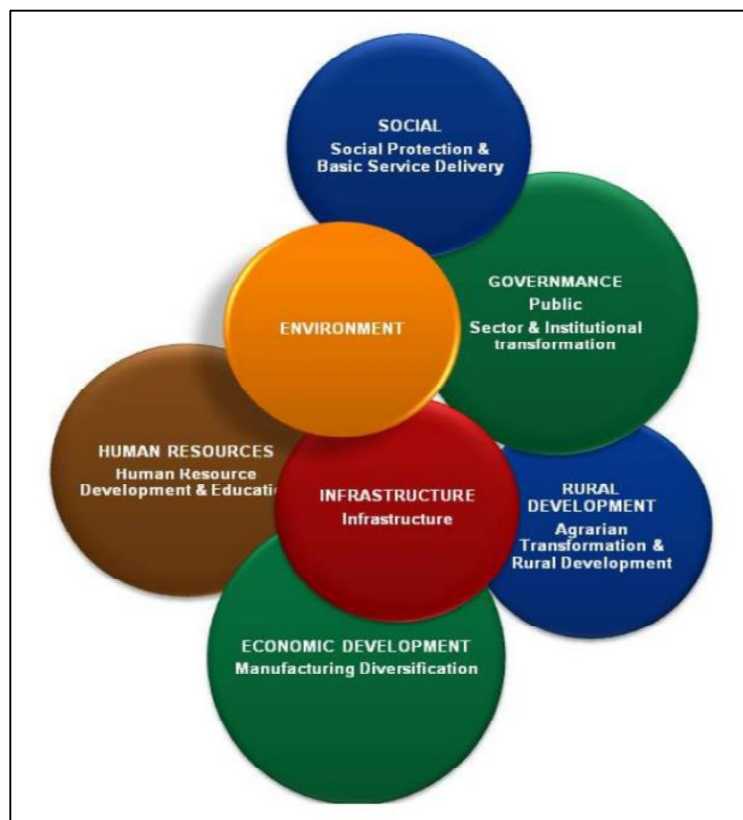


FIGURE 20: PSDP SPATIAL FRAMEWORK

The Provincial Spatial Development Plan is primarily intended to provide the framework for the spatial elements of development actions in the Province, from a Provincial perspective. It is not therefore, intended to be prescriptive but aims rather to establish clear strategic principles for the positioning of development spatially.

In order to achieve the future spatial vision and development philosophy, the Provincial Spatial Development Plan can be depicted in a series of spatial development strategic Frameworks. These are derived from the spatial planning principles, core values and concepts. Each spatial framework is linked to specific spatial development objectives and strategies, aligned to the associated policy contexts contained in the Provincial Growth and Development Plan Pillars.

<b>SPATIAL DEVELOPMENT STRATEGIC FRAMEWORK</b>	<b>OBJECTIVE</b>
ENVIRONMENTAL SPATIAL FRAMEWORK	Protection of the core bio-diversity areas, natural resources and the ecological system through integration and alignment of SDFs with the environmental policy and spatial frameworks.
SOCIAL DEVELOPMENT AND HUMAN SETTLEMENT SPATIAL FRAMEWORK	Managed development of compact and sustainable human settlements with appropriate infrastructure, amenities and socio-economic opportunities.
RURAL DEVELOPMENT SPATIAL FRAMEWORK	Integrated and broad based agrarian transformation leading to sustainable livelihoods, increased rural economic development and improved land reform.
ECONOMIC SPATIAL FRAMEWORK	The overall objectives of economic development are summarized in the Provincial Industrial Development Strategy (PIDS) 2010 as: <ul style="list-style-type: none"> <li>• Employment generation;</li> <li>• Increased growth and output;</li> <li>• More even income distribution;</li> <li>• More equal spatial distribution of economic activity;</li> <li>• Transforming ownership and control of production, and;</li> <li>• Enhanced technological capacity.</li> </ul>
INFRASTRUCTURE SPATIAL FRAMEWORK	Efficient, integrated spatial development of infrastructure and transport systems in shared focus areas
HUMAN RESOURCES SPATIAL FRAMEWORK	A unique, relevant, competent and professional Provincial scale spatial development and land use planning human resource supporting informed development decision making based on the fusion of indigenous and technical principles, policies and procedures.
GOVERNANCE SPATIAL FRAMEWORK	Enforceable integrated SDFs and Land Use Management systems, supporting stakeholder decision makers to implement a common Provincial development philosophy.

### **Planning Implication:**

*The Spatial Development Plan is primarily intended to provide the framework for the spatial elements of development actions in the Province, from a Provincial perspective. Thus, an application for rezoning and subdivision to allow (14) tourist accommodation units, is considered a small-scale development.*



*Nonetheless, the proposal does comply with a number of the Provincial Growth and Development Plan Pillars. The proposal is to rezone the property to allow a nature reserve, where the main aim is to protect the bio-diversity and the natural resources. The development will undergo an Environmental Impact Assessment to ensure the least amount of environmental impact will occur as a result of the development. The proposal will also contribute to the economic environment of the area, by providing tourism accommodation opportunities, which will help grow the tourism sector of the area. The proposal will generate numerous employment opportunities during construction and operation phase, which will improve the livelihood of many local residents. The proposal component to achieve a successful land reform programme is also considered highly consistent with the objectives of the Provincial Spatial Development Plan.*

*It is therefore considered that the proposal is consistent with objectives as set out by the Eastern Cape Provincial Spatial Development Plan.*

### **11.2. Dr Beyers Naudé Local Municipality Integrated Development Plan (2017 – 2022)**

Dr Beyers Naude Local Municipality incorporates the towns of Graaff-Reinet, Aberdeen, Nieu-Bethesda, Jansenville, Klipplaat, Willowmore, Steytlerville and surrounding areas. Dr Beyers Naudé LM was established as a result of a merger between the former Municipalities of Camdeboo, Ikwezi and Baviaans – on 8 August 2016 – after the Local Government Elections held on 3 August 2016.

*The three former Municipalities of Camdeboo, Ikwezi and Baviaans did have SDFs in place, but a new one must still be developed for Dr Beyers Naudé LM.*

The Integrated Development Plan is the basis for the managed development of the area and will be used by the political, business and community leadership to determine activities, operational plans and guide the allocation of resources.

All planned development within the Municipality must be structured in accordance with the 5 Key Performance Areas also referenced in Section 1.4 of Chapter 1 of the IDP:

<b>KPA 1</b>	<b>Organizational Transformation &amp; Institutional Development</b> (Including Institutional Plan, HR Strategies & Policies, OPMS)
<b>KPA 2</b>	<b>Service Delivery &amp; Infrastructure Planning</b> (Including FBS, Human Settlement & Spatial Planning, SDF, LUMS, Biodiversity, Disaster Management)
<b>KPA 3</b>	<b>Local Economic Development</b> (Including LED Strategy & Action Plans, SLED)
<b>KPA 4</b>	<b>Financial Viability</b> (Including MTREF Budget, Financial Plan, Audit Reports, Systems & Policies)
<b>KPA 5</b>	<b>Good Governance &amp; Public Participation</b> (Including Communication, IGR, Social Cohesion, Special Programmes)

Each KPA consists of one or more Development Priorities, identified during the public participation process as well as consultations with internal Role-players.

<b>PRIORITY 1</b>	<b>INFRASTRUCTURE DEVELOPMENT</b>	<b>KPA 2 &amp; 3</b>
<ul style="list-style-type: none"> <li>• Human Settlements</li> <li>• Streets &amp; Stormwater</li> <li>• Water (FBS, Bulk &amp; Reticulation)</li> <li>• Electrification (FBS, Bulk &amp; Reticulation)</li> <li>• Sanitation (Sewerage &amp; Solid Waste Disposal)</li> <li>• Sector Plans, O &amp; M Plans, Service Delivery Master Plans</li> <li>• SDF, Town Planning and Land Audits</li> <li>• Biodiversity &amp; Environmental Oversight</li> <li>• LUMS, SPLUMA &amp; GIS systems and by-laws in place</li> </ul>		
<b>PRIORITY 2</b>	<b>COMMUNITY DEVELOPMENT</b>	<b>KPA 1, 2 &amp; 5</b>
<ul style="list-style-type: none"> <li>• Social Cohesion</li> <li>• Community Facilities</li> <li>• Disaster Management</li> <li>• Special Programmes (SPU)</li> <li>• Community Safety &amp; Security</li> <li>• Strategies, Frameworks, Policies &amp; Plans</li> </ul>		
<b>PRIORITY 3</b>	<b>INSTITUTIONAL DEVELOPMENT</b>	<b>KPA 1</b>
<ul style="list-style-type: none"> <li>• Land &amp; Buildings</li> <li>• Vehicles &amp; Plant</li> <li>• Furniture &amp; Fittings</li> <li>• Tools, Equipment &amp; Machinery</li> <li>• Staff: Capacity Building &amp; Training</li> <li>• Performance Management System / OPMS</li> <li>• Organizational Restructuring &amp; Transformation</li> <li>• Information &amp; Communications Technology (ICT)</li> <li>• LLF, Institutional Plan, HR Strategies, Frameworks &amp; Policies</li> </ul>		
<b>PRIORITY 4</b>	<b>LOCAL ECONOMIC DEVELOPMENT</b>	<b>KPA 3</b>
<ul style="list-style-type: none"> <li>• SMMEs</li> <li>• Business Hubs</li> <li>• Enabling environment</li> <li>• Implementation of LED Strategies</li> <li>• Skills &amp; entrepreneurial development</li> <li>• Investment Attraction &amp; Business Retention</li> <li>• Land release; Commercial &amp; Industrial Infrastructure</li> <li>• Growth of established and emerging Economic Sectors, such as tourism, agriculture, manufacturing, creative industries, etc.</li> </ul>		

<b>PRIORITY 5</b>	<b>BACK TO BASICS</b>	<b>KPA 1, 2, 4 &amp; 5</b>
<u>Good Governance</u> <ul style="list-style-type: none"> <li>• Batho Pele</li> <li>• IGG Indigent Support</li> <li>• Ward Committees and CDWs</li> <li>• Inter-Governmental Relations (IGR)</li> <li>• By-laws; fair and consistent Law Enforcement</li> <li>• Credible Integrated Development Planning (IDP)</li> <li>• Functional Council, Standing Committees and Fora</li> <li>• Functional systems, proper record-keeping and archiving</li> <li>• Communication, Public Participation &amp; promoting Socio-Economic Dev.</li> </ul> <u>Sound Financial Management</u> <ul style="list-style-type: none"> <li>• Clean Audits</li> <li>• Annual Budget</li> <li>• Sustainable Cash Flow</li> <li>• Financial Plan &amp; Strategies</li> <li>• Annual Financial Statements</li> <li>• Systems, Structures &amp; Policies</li> <li>• GRAP, MFMA &amp; mSCOA compliance</li> </ul>		

These Strategic Objectives are focused on a much broader spectrum of development, than the proposed tourist accommodation units. However, it could be argued that the proposal of (14) holiday housing units will in some way contribute to the above-mentioned Strategic Objectives. Allowing (14) holiday housing units will contribute to the sustainable growth of the area, providing more people the opportunity to visit the area, which will result in additional expenditure. Numerous employment opportunities will be created during construction and operational phase. The units will contribute to the tourism sector as people will have the opportunity to rent the units.

According to the IDP the subject property is located in WARD 8:

WARD 8 QUICK FACTS (Based on StatsSA 2011 Census results)*				
Size of Ward	5,813 km²	Number of households		1,244
Main Places	Willowmore CBD, Rietbron & Baviaanskloof (incl. Saaimanshoek)			
Main Economic Drivers	Tourism & Agriculture			
Main Employers	Agricultural & Tourism Sectors, Public & Private Sectors			
	The famous Baviaanskloof Mega Reserve, a World Heritage Site, is situated in this Ward. A number of accommodation establishments and other tourism-related enterprise have been established as a result of the area being a very popular tourist destination.			
Population Stats	Total	Male	Female	Youth (15 – 34 yrs)
	4,980	49%	51%	
Employment Status	Employed	Unemployed	NEA	% of Youth Unemp.
	45%	8 + 6 = 14%	41%	
Sectors of Employment	Formal	Informal	Pvt Households	Unknown
	66%	23%	8%	3%
BIGGEST CHALLENGES IN THE WARD				
<ul style="list-style-type: none"><li>▪ Rural roads</li><li>▪ Electricity capacity in Willowmore</li><li>▪ Telecommunication in Baviaanskloof</li><li>▪ Housing development in Baviaanskloof</li><li>▪ Management of Vondeling i.t.o basic services</li><li>▪ Poverty in Rietbron &amp; Baviaanskloof</li><li>▪ Housing in Rietbron</li><li>▪ Water scarcity in Rietbron area</li></ul>		<ul style="list-style-type: none"><li>▪ Recreational facilities in Rietbron</li><li>▪ Illegal waste water treatment works in Rietbron</li><li>▪ Path Out of Poverty (POP) programme in Rietbron</li><li>▪ Illegal dumping sites in Rietbron &amp; Willowmore</li><li>▪ Geographic spread and spatial divide of Ward – vast distance between main places and planning for different needs</li></ul>		

**FIGURE 21: IDP - WARD 8**

The proposal will contribute to the tourism sector of the area as it is considered one of the main employers of the area. The numerous employment opportunities created by the proposal during construction and operation phase will contribute to additional income to the residents of the area, and ultimately improve their livelihoods.

Apart from being located in WARD 8; the proposed tourism accommodation units, is considered a small-scale development, thus much of the strategic goals and objectives of the IDP are not relevant to the proposal.

### **11.3. Draft Baviaanskloof World Heritage Site Protected Area Management Plan 2018-2028**

The main purpose of the Baviaanskloof World Heritage Site is to:

**“Conserve the unique natural and cultural heritage of the Cape Floristic Region as well as its associated landscapes.”**

The management of the Baviaanskloof World Heritage Site (Baviaanskloof WHS) is guided by the Protected Area Management Plan, which is a guiding document that outlines the desired future state of the Baviaanskloof WHS as well as the management actions required to achieve the desired future state.

Baviaanskloof WHS has five high level objectives and the management actions for the Baviaanskloof WHS are defined as per these objectives as well as the associated lower level objectives. These high level objectives are:

- To conserve and restore the integrity of the natural heritage through adopting sound conservation principles and implementing biodiversity conservation actions.
- To manage the cultural heritage through the adoption of the national heritage guidelines and implementation of necessary management actions.
- To ensure economic returns through sustainable tourism practices and pursuing other compatible forms of revenue generation.
- To enhance cooperative management and socio-economic beneficiation through interaction with local authorities, adjacent landowners as well as key stakeholders for the long term persistence of the heritage site.
- To ensure effective and efficient management through the provision of adequately resourced support services.

**Planning Implication:**

*The proposal is considered to be consistent with the objectives of the Baviaanskloof World Heritage Site:*

- *It is proposed to rezone the property to allow a private nature reserve for conservation purposes*
- *It is the aim to cease all agricultural activities and rehabilitate the farm back to a natural area, and manage the farm as a Private Nature Reserve*
- *A suitably qualified Heritage consultant has been appointed to comply with the requirements of the Heritage Act*
- *Construction activities will result in the creation of temporary job opportunities for the local Baviaanskloof labour force*
- *The use of local labour in the construction of the units will also involve the transfer of skills, which could improve future employment prospects for the individuals involved*
- *Benefit through income from increased tourism to the area, and these profits can be used for the continued conservation efforts within the Baviaans WHS*
- *Entrepreneurial opportunities during the operational phase of the accommodation units*
- *The project is aimed at increasing community economic development. It will provide income and skills to the local community through various employment and skills enhancement opportunities. It is also anticipated to indirectly provide multiple opportunities for community based micro businesses.*
- *An EIA is conducted to ensure the minimum impact on the natural environment*
- *An EMP will be compiled upon approval of the EIA, which will ensure the correct procedures and processes are in place to manage the development and operation as environmentally sensitive as possible*

## SECTION E :

## STATUTORY REQUIREMENTS

### 12. THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (107 OF 1998)

The National Environmental Management Act (NEMA) requires that all aspects of potential impacts of a proposed development are assessed within an Environmental Impact Assessment (EIA), with many specialists involved in order to investigate these potential impacts. From a Town Planning perspective, one of the most important considerations when providing input into the wider EIA process is the 'Need and Desirability' of a potential project.

The Guideline on Need and Desirability published by the Department of Environmental Affairs and Development Planning (DEADP) goes to great lengths to explain that the 'Need' for a project relates to its 'timing', where the 'Desirability' related to the 'placing' of the proposed development; i.e. is this the right time and is it the right place for locating the type of land-use/activity being proposed.

#### 12.1. Need

Need, as defined by DEADP refers to the timing of the proposal, as such the question 'do we need this development now?'. In answering this question, the forward planning and land use policy of the area must be examined. Therefore, the consistency with the existing approved Spatial Development Framework (SDF), the current Integrated Development Plan (IDP) and other municipal planning policy are important in the consideration of need.

Further considerations of need include the need of the community/area of the activity & land use – is the development "a societal priority"?

Need for a project also relates to the services capacity and consistency with infrastructure planning – No municipal services exist in this area.

##### 12.1.1. "Societal Priority"

The Baviaanskloof is considered a tourist destination; and various spatial/planning documents encourage appropriate tourism activities in the area. The subject property is completely surrounded with conservation areas and nature reserves and have very limited agricultural opportunities. Thus, the property owner must ensure a sustainable source of income to make a living of the property. The property owner acknowledges the fact that it is important to protect and preserve the property, as it is within a World Heritage Site; therefore it is proposed to rezone the property to allow a private nature reserve and to be consistent with the surrounding character of the area. However, it is impossible to have a sustainable income solely from a conservation area of the extent of the property; therefore it is important to have a strong and sustainable tourism sector on the property, which will ensure a sustainable income. Tourism is one of the main economic industries within the Baviaanskloof area. Tourism plays an important role in the development and economic growth of the area, thus there is a need for unique tourist accommodation.

Not only will the property continue to contribute to the conservation sector, but it will also contribute to the tourism sector. There is definitely a need to utilise the small agricultural properties (with limited agricultural potential) to their full potential, as it will generate employment opportunities and it will also attract business, which will contribute to the economic growth of the area.

The farm property is not big enough for the owner to benefit from its agricultural purposes alone or from its conservation alone; therefore it is proposed to allow a private nature reserve with tourist accommodation. The only way the owner can ensure a sustainable income from the agricultural property is to create opportunities to receive an income from more than one sector (conservation & tourism).

There is also a great need to uplift and empower previously disadvantaged communities in South-Africa. The property owner has helped established a Non-profit Origination (Another Way Trust (AWT)); who runs & operates the Leopard Hiking Trail, which starts and finishes on the subject property. The property owner wishes to provide further opportunities to the AWT by proposing to transfer the proposed tourist facility to the trust. The proposed tourist facility will be managed and operated by the Another Way Trust, and the profit and proceeds from the tourist facility will be ploughed back into the AWT. The tourist facility will have a gift shop where community goods can be sold and a restaurant will be licensed to a community team to operate.

The proposal also includes a 'land reform' component. It is the vision of the property owners to encourage a positive and sustainable 'land reform' project with their labourers that have been in their employment for many years. The proposal is to allocate these (4) erven to individual farm workers (labourers) that have worked on the farm for more than 10 years. The farm workers will have the opportunity to acquire ownership of the individual erven when they have completed their employment commitments. These erven will also form part of the established Home Owners' Association and must adhere to the rules and regulations as stipulated in their HOA Regulations Manual.

There is definitely a need to improve and uplift the livelihoods of previously disadvantaged communities; therefore this proposal is definitely 'needed', as it will provide sustainable and realistic opportunities for economic growth, income security and the upliftment of livelihoods of the local community.

### **12.2. Desirability**

The desirability of a proposed development also relies heavily on the consistency with policy documentation but has a distinctly spatial focus. The guideline on Need and Desirability specifically poses the question *"Would the approval of this application compromise the integrity of the existing approved and credible municipal IDP and SDF as agreed to by the relevant authorities?"*

NEMA also links the desirability of development to the concept of the *"best practicable environmental option"*; this refers to the option that provides the most benefit and *causes*

*the least damage to the environment, at a cost acceptable to society, in the long term as well as in the short term.* The consideration of alternatives is therefore closely related to this concept – because the property is not viable to be used for agricultural activities, a realistic option is to develop the property as discussed in the report.

The following key considerations are taken into account to determine the desirability of the proposed land use.

<b>ELEMENTS FOR CONSIDERATION</b>	<b>KEY QUESTIONS TO ASK</b>	<b>PROPOSAL (DESIRABILITY)</b>
Economic impact	<i>Positive or Negative impact on neighbourhood / settlement?</i>	<ul style="list-style-type: none"> <li>Positive economic impact</li> <li>Additional expenditure in area</li> <li>Contribute to tourism growth</li> <li>Additional employment opportunities (minimum of 6x permanent and 4x temporary opportunities)</li> <li>Encourages land reform</li> </ul>
Social impact	<i>Greater social justice, equity of access to opportunity</i>	<ul style="list-style-type: none"> <li>More accommodation opportunities</li> <li>Wider variety of housing in area</li> <li>Land reform opportunity</li> </ul>
Scale of capital investment	<i>&gt; capital investment - &gt; positive impact</i>	<ul style="list-style-type: none"> <li>New development, will attract new investment opportunities</li> <li>Allows owner to ensure a sustainable income from the property, as the agricultural activities were limited</li> <li>Approximately R5m will be spent on the Tourist Facility, and another R5m on the development of the hiker's accommodation.</li> </ul>
Compatibility with surrounding land uses		<ul style="list-style-type: none"> <li>Contribute to the existing character of the area</li> <li>Contribute to the tourism node</li> <li>Additional tourist accommodation</li> <li>Contribute to the surrounding conservation areas</li> <li>Various precedents are set in the surrounding area</li> </ul>
Impact on external engineering services	<i>How much must the developer contribute to municipal costs incurred?</i>	<ul style="list-style-type: none"> <li>No impact on existing service infrastructure</li> <li>No additional services needed</li> <li>The properties will make use of off-grid civil services</li> </ul>
Impact on safety, health & wellbeing		<ul style="list-style-type: none"> <li>No change in existing character of the area</li> </ul>



ELEMENTS FOR CONSIDERATION	KEY QUESTIONS TO ASK	PROPOSAL (DESIRABILITY)
of the surrounding community		<ul style="list-style-type: none"> <li>No existing rights will be impacted</li> <li>No noise and air pollution will be caused</li> <li>The proposed development will assist in the generation of income for the Another Way Trust, that does community upliftment work in the Baviaanskloof.</li> <li>Additional employment opportunities for the surrounding community will result in the economic upliftment of the community.</li> </ul>
Impact on heritage		<ul style="list-style-type: none"> <li>No heritage impacts</li> <li>No heritage value</li> </ul>
Impact on the biophysical environment	<p><i>Are there negative impacts?</i> <i>Are they adequately mitigated?</i></p>	<ul style="list-style-type: none"> <li>Proposed accommodation units are on existing disturbed areas</li> <li>The EIA will propose the best suitable way to allow the units</li> <li>No sensitive vegetation will be damaged</li> <li>Not on steep slopes</li> <li>Not in wetlands</li> <li>Not within the 1km highwater mark</li> <li>Currently the application area is the only farm that is not included in the Baviaanskloof World Heritage Site, and that do not have formal conservation status. The proposal to rezone the bulk of the farm to a Private Nature Reserve will benefit the biophysical environment.</li> </ul>
Traffic impacts, parking access, other transport considerations	<p><i>Support for densification &amp; functional public transport system?</i></p>	<ul style="list-style-type: none"> <li>No additional traffic</li> <li>Minor to no impact on traffic flow</li> <li>Access from existing road network</li> </ul>
Impact on quality of life (incl. views, sunlight, privacy, visual impact, character)		<ul style="list-style-type: none"> <li>No views will be obscured</li> <li>Within the allowed height</li> <li>Fits within character of the area</li> </ul>
Timing – need to densify or protect urban edges	<p><i>Best option for site at this point in time?</i></p>	<ul style="list-style-type: none"> <li>Surrounded with conservation areas and nature reserves</li> <li>Little to no agricultural potential</li> </ul>

ELEMENTS FOR CONSIDERATION	KEY QUESTIONS TO ASK	PROPOSAL (DESIRABILITY)
		<ul style="list-style-type: none"> <li>Agricultural opportunities are very limited on the property, the owner must have a better source of income to ensure a sustainable income</li> <li>Acceptable scale of densification</li> </ul>
Cumulative impacts	<i>Unacceptable cumulative impacts?</i>	<ul style="list-style-type: none"> <li>Only positive impacts</li> </ul>
Opportunity costs	<i>Any unacceptable opportunity costs?</i>	<ul style="list-style-type: none"> <li>Private investment</li> <li>No municipal funding required</li> </ul>
Alignment with SDF's		<ul style="list-style-type: none"> <li>In line with all the applicable legislation and policies</li> </ul>

Since the proposal is largely in line with the spatial planning for the area, allows for several positive impacts on the wider area and economy; and would have little detrimental impact on surrounding residents or visitors and since it contribute to the tourism sector without impacting the identity of the area it can be concluded that the proposal is desirable for the selected site.

### 13. THE NATIONAL HERITAGE RESOURCES ACT, 1999 (25 OF 1999)

The National Heritage Resources Act states in Section 38 of this Act, that the rezoning, of a property of more than 1 ha in extent, requires the permission from Heritage Western Cape.

In order to obtain permission, an application (Notice of Intent to develop – (NID), has to be submitted to Heritage Western Cape (HWC). A suitably qualified Heritage consultant has been appointed to comply with the requirements of the Heritage Act.

### 14. SUBDIVISION OF AGRICULTURAL LAND ACT, 1970 (ACT 70 OF 1970)

The purpose of the Act is amongst others to ensure that agricultural land is not cut into pieces which cannot be farmed economically and also to protect high potential agricultural land for productive agriculture and food security.

The Act prescribes that agricultural land may not be subdivided without the consent of the Minister of Agriculture. An application for the proposed subdivision will be submitted in terms of The Subdivision of Agricultural Land Act, 70 of 1970 to the Department of Agriculture.

The following points must be taken into account when evaluating the desirability of this application:

- The topography (steep slopes) of the property, combined with the size of the property, makes it in particular challenging to operate it as a sustainable agricultural property. The property is merely 205.8417H in extent, which is very small in comparison to the surrounding agricultural properties.

- The property is not considered as a viable agricultural land unit as it has limited agricultural potential with no active farming activities. The only areas considered for agricultural activities are situated along the river. However the size of these areas is too small to have a productive and sustainable agricultural enterprise.
- The entire property is surrounded by the Baviaanskloof World Heritage Site, which consists mostly of private nature reserves. Most of the surrounding properties have been converted from agricultural properties to conservation areas.
- The Baviaanskloof area has been identified as a conservation area; and one of the main objectives is to conserve and restore the integrity of the natural heritage through adopting sound conservation principles and implementing biodiversity conservation actions. The proposal is exactly in line with this objective, as it aim to and to rehabilitate the farm back to a natural area, and manage the farm as a Private Nature Reserve.
- The property will have much higher conservation value than agricultural value as it will ensure economic returns through sustainable tourism practices and pursue other compatible forms of revenue generation, which will ultimately contribute to better livelihoods and food security in the area.

Please see attached **ANNEXURE G** for a copy of the subdivision of agricultural land approval letter.

## **15. THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (16 OF 2013)**

Section 42 of SPLUMA prescribe certain aspects that have to be taken into consideration when deciding on an application. These are:

- Development principles set out in Chapter 2 of SPLUMA
- Protect and promote the sustainable use of agricultural land
- National and provincial government policies the municipal spatial development framework; and take into account—
  - (i) the public interest;
  - (ii) the constitutional transformation imperatives and the related duties of the State;
  - (iii) the facts and circumstances relevant to the application;
  - (iv) the respective rights and obligations of all those affected;
  - (v) the state and impact of engineering services, social infrastructure and open space requirements; and
  - (vi) any factors that may be prescribed, including timeframes for making decisions.

One of the main objectives of SPLUMA is to provide a framework for spatial planning and land use management to address past spatial and regulatory imbalances. This section illustrates how the

application is consistent with the 5 main development principles applicable to spatial planning, land use management as set out in Section 42 of SPLUMA.

### 15.1. Spatial Justice

Criteria	Compliance	Planning Implication
Past spatial and other development imbalances must be redressed through improved access to and use of land.	<b>Comply</b>	<ul style="list-style-type: none"> <li>A 'land reform' programme will be implemented to provide land opportunities to the loyal labourers of the farm.</li> <li>The labourers will have the opportunity to acquire ownership of land if they work on the farm for a minimum of 10 years.</li> </ul>
Spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterised by widespread poverty and deprivation.	Not applicable	<ul style="list-style-type: none"> <li>This policy is not applicable to the application.</li> <li>Not a Spatial Development Framework or Policy.</li> </ul>
Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons.	Not applicable	<ul style="list-style-type: none"> <li>This policy is not applicable to the application.</li> </ul>

### 15.2. Spatial Sustainability

Criteria	Compliance	Planning Implication
Promote land development that is within the fiscal, institutional and administrative means of the Republic.	<b>Comply</b>	<ul style="list-style-type: none"> <li>The proposed development will allow the owner to lawfully allow tourist accommodation units on his property, within the development parameters of the Section 8 Zoning Scheme Regulations.</li> </ul>
Ensure that special consideration is given to the protection of prime and unique agricultural land.	Not applicable	<ul style="list-style-type: none"> <li>Low potential agricultural land.</li> <li>This policy is not applicable to the application area, as the agricultural land is not prime or unique; the entire property is surrounded with conservation area and private nature reserves.</li> </ul>
Uphold consistency of land use measures in accordance with environmental management instruments.	<b>Comply</b>	<ul style="list-style-type: none"> <li>Currently busy with an environmental authorisation process.</li> </ul>

Criteria	Compliance	Planning Implication
Promote and stimulate the effective and equitable functioning of land markets.	<b>Comply</b>	<ul style="list-style-type: none"> <li>The proposed development is consistent with the character of the surrounding area.</li> <li>The proposal encourages tourism and conservation.</li> <li>The provision of the proposed tourism component will adhere to this principle.</li> <li>The proposal to rezone will not influence the functioning of the land markets in the area.</li> <li>The proposal will provide a wider range of tourist accommodation opportunities, supporting the functioning of land markets in the area.</li> </ul>
Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments.	<b>Comply</b>	<ul style="list-style-type: none"> <li>The property will make use of off-grid civil services. Any additional cost tot services required will be for the cost of the applicant.</li> </ul>
Promote land development in locations that are sustainable and limit urban sprawl; and result in communities that are viable.	Not applicable	<ul style="list-style-type: none"> <li>The property is located is outside the existing urban edge, however the proposal adheres to the parameters of the proposed zonings "Open Zone III" and "Resort Zone II" in terms of the Section 8 Zoning Scheme Regulations.</li> </ul>

### 15.3. Spatial Efficiency

Criteria	Compliance	Planning Implication
Land development optimises the use of existing resources and infrastructure.	Not applicable	<ul style="list-style-type: none"> <li>The property will make use of off-grid civil services.</li> </ul>
Decision-making procedures are designed to minimise negative financial, social, economic or environmental impacts.	<b>Comply</b>	<ul style="list-style-type: none"> <li>The municipality should adhere to procedures set out in the Dr Beyers Naudé Municipal Land Use Planning By-law and minimise the mentioned negative impacts.</li> </ul>
Development application procedures are efficient and streamlined and timeframes are adhered to by all parties.	Not Applicable	<ul style="list-style-type: none"> <li>The municipality should process this application within the prescribed time frames of the Dr Beyers Naudé Municipal Land Use Planning By-law.</li> </ul>

### 15.4. Spatial Resilience

Criteria	Compliance	Planning Implication
Flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in	<b>Comply</b>	<ul style="list-style-type: none"> <li>The proposal is consistent with the various applicable spatial plans, policies and land use management systems. It will have no negative impact on the livelihood of the community.</li> </ul>

communities most likely to suffer the impacts of economic and environmental shocks		<ul style="list-style-type: none"> <li>▪ The proposal will result in additional employment opportunities for locals from the Baviaanskloof area, and also poses the opportunity for land ownership for farm labourers, that grew up in the Baviaanskloof, and worked on the application area for more than ten years.</li> <li>▪ Currently busy with the Environmental authorisation process.</li> <li>▪ The proposed application complies with the requirements of the Dr Beyers Naudé Municipal Land Use Planning By-law.</li> </ul>
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### 15.5. Good Administration

Criteria	Compliance	Planning Implication
All spheres of government ensure an integrated approach to land use and land development that is guided by the spatial planning and land use management systems as embodied in this Act.	<b>Applicable to Dr Beyers Naudé Municipality</b>	<ul style="list-style-type: none"> <li>▪ This principle has no direct bearing on the application; however, Dr Beyers Naudé Municipality is obligated to consider the application fairly and within the time frames provided in terms of the municipal planning bylaw.</li> <li>▪ What is important, is that all decision making is aligned with sound policies based on national, provincial and local development policies.</li> </ul>
All government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of spatial development frameworks.		
The requirements of any law relating to land development and land use are met timeously.		
The preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications, include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them.		
Policies, legislation and procedures must be clearly set in order to inform and empower members of the public.		

## 16. DR BEYERS NAUDE LAND USE PLANNING BY-LAW

### 16.1. Pre-Application Consultation

A pre-application consultation meeting was held with the municipal officials at Dr Beyers Naude Municipality on 30 May 2019, the pre-application minutes is attached as (**ANNEXURE F**). The development proposal is supported in principle, and no "red flags" were raised.

The land use application to follow due process and also the prescribed NEMA Authorisations; an application in terms of Act 70 of 1970 (Subdivision of Agricultural Land Act), will also be required.

### 16.2. Aspects to take into consideration for assessment of Land Development Applications

#### 16.2.1. Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

Section 42 of SPLUMA prescribe certain aspects that have to be taken into consideration when deciding on an application. These are:

1. Development principles set out in Chapter 2 of SPLUMA
2. Protect and promote the sustainable use of agricultural land
3. National and provincial government policies the municipal spatial development framework; and take into account: —
  - (i) the public interest;
  - (ii) the constitutional transformation imperatives and the related duties of the State;
  - (iii) the facts and circumstances relevant to the application;
  - (iv) the respective rights and obligations of all those affected;
  - (v) the state and impact of engineering services, social infrastructure and open space requirements; and
  - (vi) any factors that may be prescribed, including timeframes for making decisions.

#### 16.2.2. Dr Beyers Naudé Municipal Land Use Planning By-law

The Dr Beyers Naude Municipality's By-law on Municipal Land Use Planning states the general criteria for consideration and determination of an application by the Municipal Planning Tribunal or an Authorised Official in Section 53 of the By-law.

The following criteria must be considered when evaluating the desirability of the application. The table below summarizes the criteria and reference to the motivation contained in the report:

Criteria	Reference in Report
The integrated development plan and municipal spatial development framework.	Par 11

Criteria	Reference in Report
The land's suitability for proposed utilisation of land in terms of location, accessibility and physical characteristics.	Par 9
The compatibility of the proposed utilisation of land with the character and the existing spatial structure of the surrounding area.	Par 10
The accessibility of the land regarding existing development and infrastructure.	Par 16
The cost and availability of required services and infrastructure.	Par 4.8
The external visual impact of the proposed utilisation of the land.	N/A
Any potential disruption of or damage to the environment or public nuisance as a result of the proposed utilisation of land and proposed mitigation measures.	Par 12
The potential impact on immediate neighbours and existing rights as well as the surrounding community.	Par 14
The proposed layout, including street pattern, density and open space and community facility provision; and	Par 4
Traffic impact and access arrangements	N/A
Applicable provisions of the zoning scheme	Par 4

### 16.3. Approval of a Home Owners' Association Constitution

HOA constitution will govern the activities on the resort (all the holiday housing units & tourist facility) and management of the Private Nature Reserve. Aspects that will be addressed in the HOA Constitution include:

- Management of Private Nature Reserve;
- Rules such as pets;
- Maintenance of internal private roads;
- Managements and transfer of designated land reform units;
- Architectural Design Principles;
- Maintenance of buildings;
- Activities on the Private Nature Reserve (hiking, mountain biking);
- Noise levels & operating hours;
- Waste management etc.

## 17. CONCLUSION

The purpose of this specialist report was to identify the administrative process, legal requirements and spatial planning policies that are directly applicable to the proposed development and to ensure compliance with the principles contained therein as far as reasonably possible.



It is the considered opinion that the proposed development will achieve a sensitive balance between the natural environment, the built environment, and the social economic environment, that is imperative to ensure sustainable development.

Marike Vreken Urban and Environmental Planners  
December 2020

**ANNEXURE A:**

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*Environmental Authorisation (2016)*



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA · 0001· Environment House · 473 Steve Biko, Arcadia· PRETORIA  
Tel (+ 27 12) 399 9372

**DEA Reference:** 14/12/16/3/3/1/1521

**Enquiries:** Ms Thulisile Nyalunga

**Telephone:** 012-395-9405 **E-mail:** [TNyalunga@environment.gov.za](mailto:TNyalunga@environment.gov.za)

Another Way Trust  
Mr Linden Booth  
15 Horne Drive  
Leisure isle  
**KNYSNA**  
6445

E-mail: [linden@boothfamily.co.za](mailto:linden@boothfamily.co.za)  
Cell: 082 878 3688

### PER MAIL / E-MAIL

Dear Mr Booth

### **APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 982/983: PROPOSED LEOPARD HIKING TRAIL HUTS, BAVIAANSKLOOF, EASTERN CAPE PROVINCE**

With reference to the above application, please be advised that the Department has decided to grant authorisation. The environmental authorisation (EA) and reasons for the decision are attached herewith.

In terms of regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the EA, of the Department's decision in respect of your application as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 2 of Government Notice No. R.993, which prescribes the appeal procedure to be followed. An appellant must submit an appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant.

By post: Private Bag X447,  
Pretoria, 0001; or

By hand: Environment House  
473 Steve Biko,  
Arcadia,  
Pretoria, 0083

If the applicant wishes to lodge an appeal, it must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection, should you intend to submit an appeal.

*MS*

**Appeals must be submitted in writing to:**

Mr Z Hassam, Director: Appeals and Legal Review, of this Department at the above mentioned addresses.  
Mr Hassam can also be contacted at:

Tel: (012) 399 9356

Email: [Appealsdirector@environment.gov.za](mailto:Appealsdirector@environment.gov.za)

Please note that in terms of section 43(7) of the National Environmental Management Act, 1998, an appeal under section 43 of that Act will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

For guidance on appeals submitted to the Minister in terms of NEMA and the SEMAs, please find a copy of the guideline on the administration of appeals on the Department's website:  
([https://www.environment.gov.za/documents/forms#legal\\_authorisations](https://www.environment.gov.za/documents/forms#legal_authorisations)).

Kindly include a copy of this document with the letter of notification to interested and affected parties.

Yours faithfully

  
**Mr Sabelo Malaza**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Environmental Affairs**  
Date: 4/07/2016

CC:	Ms N Rump	SRK Consulting	Tel: 041 508 4900	Email: nrump@srk.co.za
	Mr A Struwig	DEDEAT	Tel: 041 508 5840	Email: Andries.Struwig@deaet.ecape.gov.za
	Mr J Vumazonke	Baviaans Local Municipality	Tel: 044 923 1004	Email: jama@baviaans.gov.za



**environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

## Environmental Authorisation

In terms of regulation 25 of the Environmental Impact Assessment Regulations, 2014

The construction of the Leopard hiking trail huts, Baviaanskloof, Eastern Cape Province

Sarah Baartman District Municipality

<b>Authorisation register number:</b>	14/12/16/3/3/1/1521
<b>Last amended:</b>	First issue
<b>Holder of authorisation:</b>	Another Way Trust
<b>Location of activity:</b>	Eastern Cape Province: <i>Within</i> Ward 1 Baviaans Local Municipality

This environmental authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

MS



## Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activities specified below.

Non-compliance with a condition of this environmental authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the EIA regulations.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

## Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No.107 of 1998) and the Environmental Impact Assessment Regulations, 2014 the Department hereby authorises –

### **ANOTHER WAY TRUST**

(hereafter referred to as the **holder of the authorisation**)

with the following contact details –

Another Way Trust

Mr Linden Booth

15 Home Drive

Leisure isle

**KNYSNA**

6445

Cell: (082) 878 3688

E-mail: [linden@boothfamily.co.za](mailto:linden@boothfamily.co.za)

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1 (GN R. 983):

Listed activities	Activity/Project description
<p><u>GN R. 985 Item 6:</u></p> <p><i>The development of resorts, lodges, hotels and tourism or hospitality facilities that sleeps 15 people or more (ii) Outside urban areas, (aa) A protected area identified in terms of the NEMPAA; (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve.</i></p>	<p>The construction of the three overnight hiking huts each including 3 sleeping units (accommodating 4 people per unit), a toilet unit, a kitchen unit and a pool / reservoir. These will be able to accommodate a maximum of 36 people at a time if all hiker huts are in use simultaneously. The project activity also includes the construction of an additional camp site which will include 5 sleeping units, accommodating 4 people per unit, as well as a kitchen unit, a toilet and pool / reservoir to accommodate a maximum of 20 people at a time. Therefore if all accommodation facilities are simultaneously in use, a maximum of 56 people are able to be accommodated. The overnight hiking huts and the additional camp site will be constructed within the Baviaanskloof World Heritage Site.</p>
<p><u>GN R. 985 Item 12:</u></p> <p><i>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 (a) (iv) On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned as open space, conservation or had an equivalent zoning.</i></p>	<p>Clearing of indigenous vegetation for the overnight camps and additional camp site structures and associated firebreaks, amounting to 2 210m<sup>2</sup> will be required. Most of this will take place within the Baviaanskloof WHS, a conservation area.</p>

as described in the final Basic Assessment Report (BAR) dated March 2016 at:

The Farm 202 on Portion 0 Nieuwe Kloof, farm 206 on Portion 0 Matjesfontein and farm 210 on Portion 0 Middelplaats.

C	0	8	3	0	0	0	0	0	0	0	0	0	2	0	6	0	0	0	0	0
C	0	8	3	0	0	0	0	0	0	0	0	1	2	1	0	0	0	0	0	0
C	0	8	3	0	0	0	0	0	0	0	0	1	2	0	2	0	0	0	0	0

Site alternative 1 (preferred alternative)	Latitude	Longitude
Overnight camp 1	33°32'20.69"S	23°39'39.25"E
Overnight camp 2	33°34'58.39"S	23°43'42.64"E
Overnight camp 3	33°32'17.97"S	23°47'34.21"E
Additional camp site	33°31'23.68"S	23°47'55.82"E

the location indicated in the locality plan, attached as Annexure 2 of this authorisation.

- for the construction of the Leopard hiking trail huts, Baviaanskloof, Eastern Cape Province, hereafter referred to as "the property".

The proposal entails:

- The construction of wooden hiker's chalets with rudimentary facilities including ablutions;
- Water supply at three overnight spots;
- A separate campsite facility for non-hikers; and
- Upgrading of the road access to the overnight huts from the main road.

## Conditions of this Environmental Authorisation

### Scope of authorisation

1. The Site Alternative 1 (preferred alternative) for the construction of the Overnight Camp in three alternative site locations, all are within 630 m of each other and an additional Camp Site (along the Leopard Hiking Trail) in the western portion of the Baviaanskloof World Heritage Site is approved as per the above-mentioned geographic coordinates.
2. Authorisation of the activity is subject to the conditions contained in this environmental authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised may only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this environmental authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further environmental authorisation in terms of the regulations.
6. The holder of an environmental authorisation must apply for an amendment of the environmental authorisation with the competent authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.
7. This activity must commence within a period of five (05) years from the date of issue of this environmental authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
8. Construction must be completed within 05 years of the commencement of the activity on site.
9. Commencement with one activity listed in terms of this environmental authorisation constitutes commencement of all authorised activities.

### **Notification of authorisation and right to appeal**

10. The holder of the authorisation must notify every registered interested and affected party, in writing and within 14 (fourteen) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
11. The notification referred to must –
  - 11.1. specify the date on which the authorisation was issued;
  - 11.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
  - 11.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
  - 11.4. provide the reasons of the competent authority for the decision.
12. The holder of the authorisation must publish a notice –
  - 12.1. informing interested and affected parties of the decision;
  - 12.2. informing interested and affected parties where the decision can be accessed; and
  - 12.3. drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in terms of the National Appeal Regulations, 2014.

### **Commencement of the activity**

13. The authorised activity shall not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014. In terms of section 43(7), an appeal under section 43 of the National Environmental Management Act, 1998 will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged you may not commence with the activity until such time that the appeal has been finalised.

### **Management of the activity**

14. The Environmental Management Programme (EMPr) submitted as part of the application for EA is not approved. This EMPr must be amended to include mitigation measures on possible heritage impacts.
15. The EMPr must be made available for comments by registered Interested and Affected Parties and the holder of the authorisation must consider such comments. Once amended, the final

*MS*



EMPr must be submitted to the Department for written approval prior to commencement of the activity. Once approved the EMPr must be implemented and adhered to.

#### **Frequency and process of updating the EMPr**

16. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 23 below, indicate insufficient mitigation of environmental impacts associated with the undertaking of the activity, or insufficient levels of compliance with the environmental authorisation or EMPr.
17. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
18. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of GN R. 982. The updated EMPr must have been subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated EMPr to the Department for approval.
19. In assessing whether to grant approval of an EMPr which has been updated as a result of an audit, the Department will consider the processes prescribed in Regulation 35 of GN R.982. Prior to approving an amended EMPr, the Department may request such amendments to the EMPr as it deems appropriate to ensure that the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
20. The holder of the authorisation may apply for an amendment of an EMPr, if such amendment is required before an audit is required. The holder must notify the Department of its intention to amend the EMPr at least 60 days prior to submitting such amendments to the EMPr to the Department for approval. In assessing whether to grant such approval or not, the Department will consider the processes and requirements prescribed in Regulation 37 of GN R. 982.

#### **Monitoring**

21. The holder of the authorisation must appoint an experienced independent Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this environmental authorisation are implemented and to ensure compliance with the provisions of the approved EMPr.
- 21.1. The ECO must be appointed before commencement of any authorised activities.

- 21.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
- 21.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a schedule of tasks undertaken by the ECO.
- 21.4. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.

### **Recording and reporting to the Department**

- 22. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this environmental authorisation, must be submitted to the *Director: Compliance Monitoring* of the Department.
- 23. The holder of the environmental authorisation must, for the period during which the environmental authorisation and EMPr remain valid, ensure that project compliance with the conditions of the environmental authorisation and the EMPr are audited, and that the audit reports are submitted to the *Director: Compliance Monitoring* of the Department.
- 24. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, taking into account the processes for such auditing as prescribed in Regulation 34 of GN R. 982.
- 25. The holder of the authorisation must, in addition, submit an environmental audit report to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and a final environmental audit report within 30 days of completion of rehabilitation activities.
- 26. The environmental audit reports must be compiled in accordance with appendix 7 of the EIA Regulations, 2014 and must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the approved EMPr.
- 27. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

### **Notification to authorities**

- 28. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. Commencement for the purposes of this

condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence, as well as a reference number. This notification period may coincide with the notice of intent to appeal period.

### **Operation of the activity**

29. A written notification of operation must be given to the Department no later than fourteen (14) days prior to the commencement of the activity operational phase.

### **Site closure and decommissioning**

30. Should the activity ever cease or become redundant, the holder of the authorisation must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

### **Specific conditions**

31. Vegetation clearing must be kept to an absolute minimum. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
32. If any artefacts are uncovered during construction, all construction activities must be immediately halted and the Environmental Control Officer (ECO) should alert the Eastern Cape Provincial Heritage Resources Authority (ECPHRA).
33. A Heritage Impact Assessment study must be conducted before commencement of construction activities and the study must be conducted in line with the World Heritage Guidelines for Heritage Impact Assessment known as the "Advisory Note for Environmental Assessment and World Heritage" (ICOMOS), published by the International Union for Conservation of Nature (IUCN).
34. The Heritage Impact Assessment report must be submitted together with the amended EMPr for approval
35. The findings and recommended mitigation measures from the Heritage Impact Assessment must be incorporated into the amended EMPr, as per condition 15 above.
36. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate.

Any solid waste, which will not be recycled, must be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act No.59 of 2008).

### **General**

37. A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-

37.1. at the site of the authorised activity;

37.2. to anyone on request; and

37.3. where the holder of the environmental authorisation has a website, on such publicly accessible website.

38. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the holder of the authorisation or his/her successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the holder of the authorisation with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of environmental authorisation: 04/07/2015

  
Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations  
Department of Environmental Affairs

## **Annexure 1: Reasons for Decision**

### **1. Information considered in making the decision**

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the BAR dated March 2016;
- b) The comments received from National Department of Water and Sanitation, Eastern Cape Department of Economic Development, Environmental Affairs and Tourism, Eastern Cape Parks and Tourism Agency and interested and affected parties as included in the BAR dated March 2016;
- c) Mitigation measures as proposed in the BAR dated March 2016 and the EMPr;
- d) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No.107 of 1998).

### **2. Key factors considered in making the decision**

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) The findings of all the specialist study conducted and their recommended mitigation measures.
- b) The proposed project additionally addresses the need to make parts of the Baviaanskloof WHS accessible to hikers. One of the purposes of protected areas, in terms of the Protected Areas Act (Act No. 57 of 2003) is to provide nature-based tourism opportunities.
- c) There is a strong demand for hiking opportunities in the Baviaanskloof WHS, however due to the presence of dangerous game (namely Buffalo and Rhino) and other safety concerns, tourists visiting the WHS can currently only experience the reserve by means of vehicles and access is limited to the R332. The development of a multi-day hiking trail within the WHS will allow tourists to visit areas previously inaccessible to visitors.



- d) The BAR dated March 2016 identified all relevant environmental legislation and guidelines that have been considered in the preparation of the BAR dated March 2016.
- e) The methodology used in assessing the potential impacts identified in the BAR dated March 2016 and the specialist studies have been adequately indicated.
- f) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014 for public involvement.

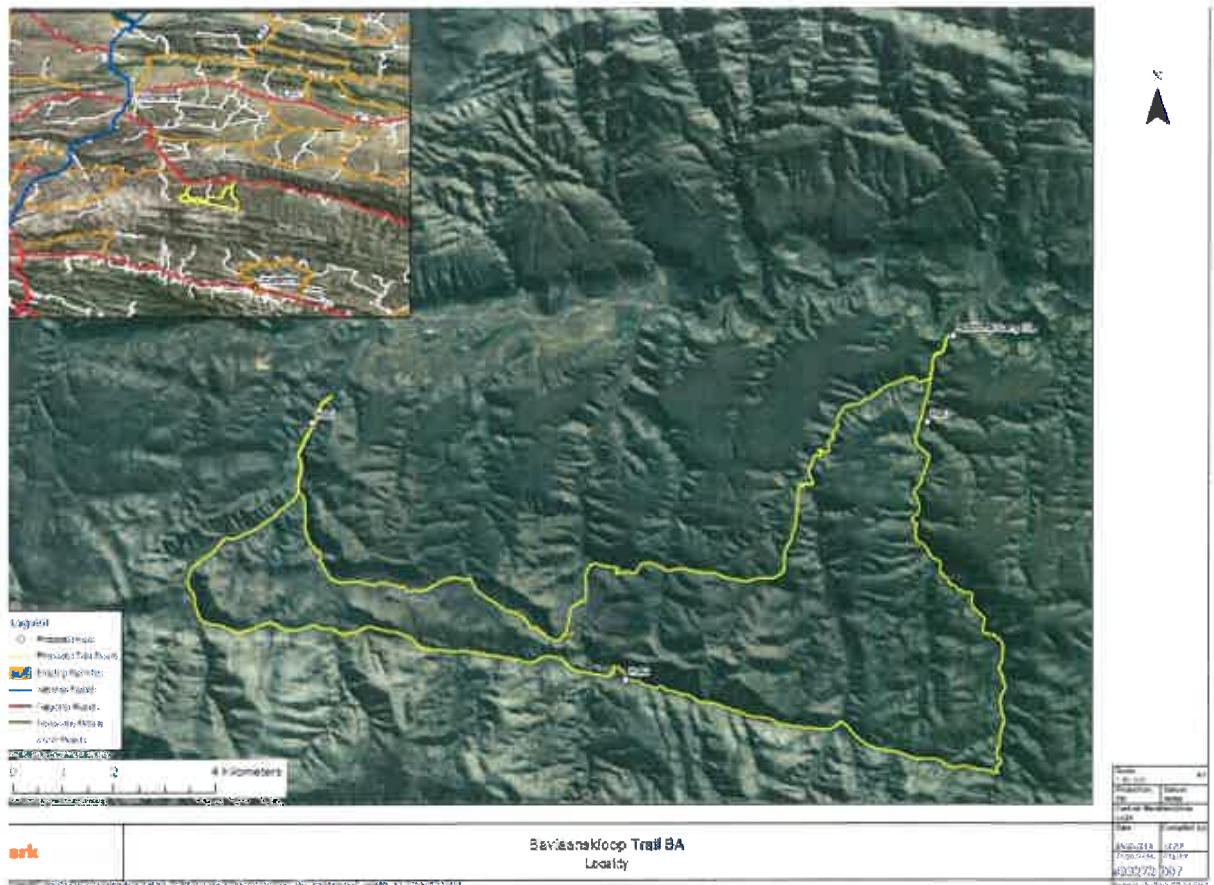
### **3. Findings**

After consideration of the information and factors listed above, the Department made the following findings -

- a) The identification and assessment of impacts are detailed in the BAR dated March 2016 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) According to the independent EAP, the information contained in the BAR dated March 2016 is accurate and credible.
- e) EMP measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the BAR and will be implemented to manage the identified environmental impacts during the construction phase.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the authorised activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the authorised activities can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.

## Annexure 2: Locality Map



**ANNEXURE B:**

---

*Title Deed & Windeed Copy*

Vir verdere endossemente sien  
For further endorsements see.....  
3

LIONEL MURRAY, SCHWORMSTEDT & LOUW  
2nd FLOOR  
42 BURG STREET  
CAPE TOWN, 8001

Prepared by me

  
CONVEYANCER  
STRYDOM L

**FEE**  
R. 110,00

**T** 081628/08

### CERTIFICATE OF REGISTERED TITLE

Issued under the provisions of Section 43 of the Deeds Registries Act No. 47 of 1937

#### WHEREAS

LEZMIN 2087 CC

Registration No. 2002/088010/23

DATA / CAPTURE  
2009 -01- 07  
ZWELONKE NTOMBI

has applied for the issue to it of a Certificate of Registered Title under Section 43 of the Deeds Registries Act No. 47 of 1937, in respect of the undermentioned land, being a portion of the land registered in its name by virtue of **DEED OF TRANSFER NO. T16264/2003**

DATA / CAPTURE  
14 JAN 2009  
VANHOOG JENNY



**NOW THEREFORE**, in pursuance of the provisions of the said Act, I, the Registrar of Deeds at Cape Town, do hereby certify that the said :-

**LEZMIN 2087 CC**  
**Registration No. 2002/088010/23**

Its successors-in-title or assigns is the registered owner of

**PORTION 1 OF THE FARM NO. 206 MATJESFONTEIN**  
**IN THE BAVIAANS MUNICIPALITY**  
**WILLOWMORE DIVISION**  
**EASTERN CAPE PROVINCE**

**IN EXTENT: 205,8417 (TWO HUNDRED AND FIVE COMMA EIGHT FOUR ONE SEVEN) HECTARES**

**AS WILL APPEAR FROM** diagram S.G. No. 5033/2008 annexed and **HELD BY DEED OF TRANSFER NO.T 16264/2003**

A. **SUBJECT** to the conditions referred to in Deed of Transfer No. T6647/1922.

B. ....

**AND THAT BY VIRTUE OF THESE PRESENTS**, the said

**LEZMIN 2087 CC**  
**Registration No. 2002/088010/23**

its successors in title or assigns now are and henceforth shall be entitled thereto conformably to local customs, the State, however, reserving its rights.

**IN WITNESS WHEREOF**, I, the said Registrar, have subscribed to these presents and have caused the seal of office to be affixed hereto.

**THUS DONE AND EXECUTED** at the Office of the Registrar of Deeds at Cape Town on this, the 23<sup>rd</sup> day of December in the year Two Thousand and Eight (2008).

REGISTRAR OF DEEDS

By deed of transfer no. T81 629/08 the within  
Property is:

T81628/08 ①

1. **ENTITLED** to a general servitude of right of way, created in the Deed of Sale dated 20 June 2008 and Addendum thereto dated 17 November 2008, across the Remainder of the Farm Matjesfontein No. 206, in the Baviaans Municipality, Willowmore Division, Eastern Cape Province, in extent 2363,7543 (Two Thousand Three Hundred and Sixty Three Comma Seven Five Four Three) hectares and one tenth share in the Farm Gonpha and Numah No. 211, in the Baviaans Municipality, Willowmore Division, Eastern Cape Province, in extent 4112,3616 (Four Thousand One Hundred and Twelve Comma Three Six One Six) hectares, the route of which may be agreed upon from time to time by the registered owners of the aforesaid properties.
2. **ENTITLED FURTHER** to a servitude of right of access, created in the Deed of Sale dated 20 June 2008 and Addendum thereto dated 17 November 2008, over Remainder of the Farm Matjesfontein No. 206, in the Baviaans Municipality, Willowmore Division, Eastern Cape Province, in extent 2363,7543 (Two Thousand Three Hundred and Sixty Three Comma Seven Five Four Three) hectares and one tenth share in the Farm Gonpha and Numah No. 211, in the Baviaans Municipality, Willowmore Division, Eastern Cape Province, in extent 4112,3616 (Four Thousand One Hundred and Twelve Comma Three Six One Six) hectares following the four existing hikes and trails namely the Dry Land Trail, the San Paintings Trail, the Honeybush Trail and the Waterfall Trail, without being charged any permit fees or any other costs/fees of whatsoever nature in respect of the access to or use of the aforesaid hikes and trails by the EASTERN CAPE PARKS BOARD (Established in terms of the Provincial Parks Board Act 12 of 2003) or its successors in title or assigns.
3. **ENTITLED FURTHER** to all existing water rights in terms of Registration Certificate No. 28063247, issued by the Department of Water Affairs and Forestry.

Deeds office  
Cape Town

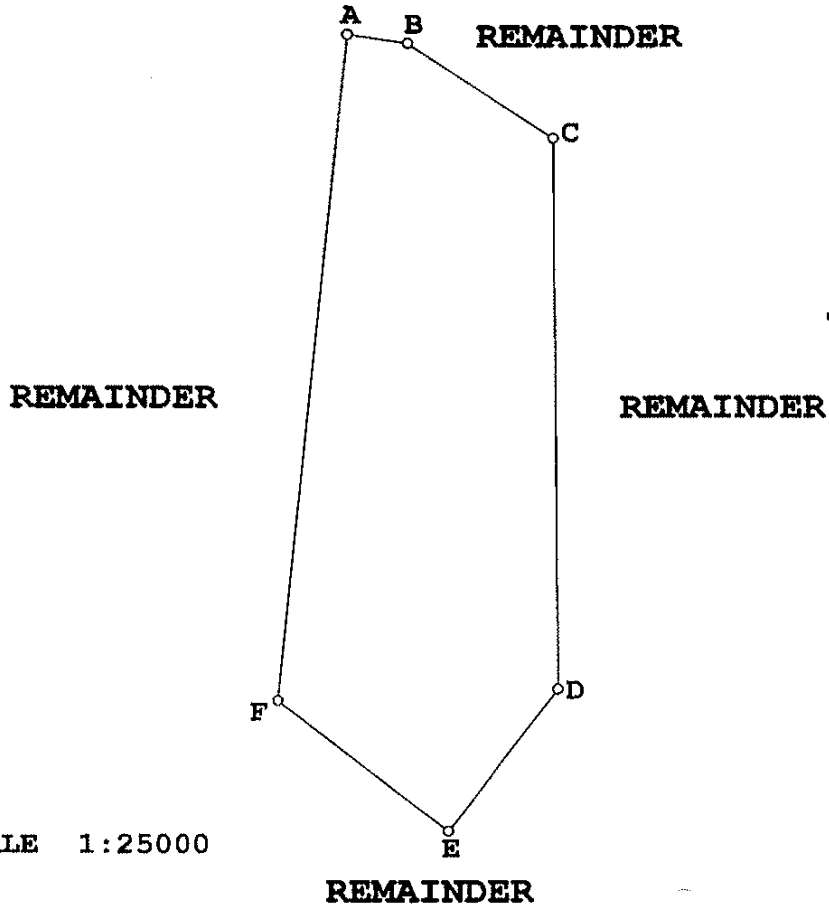
Register of Deeds

VPM SURVEYS [KNYSNA]

SIDES metres	ANGLES OF DIRECTION	CO-ORDINATES		
		Y	System: WG.23	X
		Constants	+0,00	+0,00
A B	207,62	278.28.20	A	-66 543,78 +3 715 096,65
B C	603,98	303.24.10	B	-66 749,13 +3 715 127,24
C D	1927,00	359.39.46	C	-67 253,34 +3 715 459,74
D E	625,60	37.22.40	D	-67 264,69 +3 717 386,71
E F	741,20	127.59.00	E	-66 884,90 +3 717 883,84
F A	2343,66	185.57.12	F	-66 300,70 +3 717 427,68
	(92) VE-ER			-71 890,71 +3 711 694,65
	(2) BO-OF			-58 056,83 +3 716 002,81

DESCRIPTION OF BEACONS:

A,B,C,D,E,F ... 20mm iron peg



The figure A B C D E F represents 205,8417 hectares of land being  
**PORTION 1 OF THE FARM No.206 MATJESFONTEIN**  
 Situate in the Baviaans Municipality, Administrative District of Willowmore, Province of the Eastern Cape  
 Surveyed in March & August 2008

by me Professional Land Surveyor (R.J.KOHLER - PLS0840)

This diagram is annexed to  
 No.  
 d.d.  
 i.f.o.  
 Registrar of deeds

The original diagram  
 is No. 550/1818  
 Transfer  
 Grant Uit.Q. 4-18  
 C.C.T.

File Wilm.206  
 S.R. No. 2327/2008  
 T.P.  
 Comp.BM-6A (4173)  
 LPI C0830000

SG No.

5033/2008

Approved

*[Signature]*

2008.09.25

for

SURVEYOR-  
 GENERAL

CERTIFIED COPY FOR REGISTRATION  
 OF SURVEYOR GENERAL  
 DATE 25 SEP 2008

APPROVED IN TERMS OF SECT. 25  
 OF ORD. 15/1908  
 REF 15/4/17  
 DATE 2008-08-01

APPROVED IN TERMS OF SECT. 4  
 OF ACT 78/1970  
 42872  
 REF 2008-01-11  
 DATE

FARM 206/1 WILLOWMORE



# Deeds Office Property

MATJESFONTEIN, 206, 1 (KING WILLIAMS TOWN)

## GENERAL INFORMATION

**Deeds Office** KING WILLIAMS TOWN  
**Date Requested** 2019/07/23 09:00  
**Information Source** DEEDS OFFICE  
**Reference** PR19/36



## PROPERTY INFORMATION

**Property Type** FARM  
**Farm Name** MATJESFONTEIN  
**Farm Number** 206  
**Portion Number** 1  
**Local Authority** WESTERN DC  
**Registration Division** WILLOWMORE RD  
**Province** EASTERN CAPE  
**Diagram Deed** T81628/2008  
**Extent** 205.8417H  
**Previous Description** -  
**LPI Code** C08300000000020600001

## OWNER INFORMATION

### Owner 1 of 1

**Company Type** CLOSE CORPORATION  
**Name** LEZMIN 2087 C C  
**Registration Number** 200208801023  
**Title Deed** T81628/2008CTN  
**Registration Date** 2008/12/23  
**Purchase Price (R)** CRT  
**Purchase Date** -  
**Share**  
**Microfilm Reference**  
**Multiple Properties** NO  
**Multiple Owners** NO

## ENDORSEMENTS (1)

#	Document	Institution	Amount (R)	Microfilm
1	CONVERTED FROM CTN	-	UNKNOWN	

## HISTORIC DOCUMENTS

No documents to display

## DISCLAIMER

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**ANNEXURE C:**

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*SG Diagram*

# VPM SURVEYS [KNYSNA]

SIDES metres		ANGLES OF DIRECTION		CO-ORDINATES Y System: WG.23 X		
		Constants		+0,00	+0,00	
A B	207,62	278.28.20	A	-66 543,78	+3 715 096,65	
B C	603,98	303.24.10	B	-66 749,13	+3 715 127,24	
C D	1927,00	359.39.46	C	-67 253,34	+3 715 459,74	
D E	625,60	37.22.40	D	-67 264,69	+3 717 386,71	
E F	741,20	127.59.00	E	-66 884,90	+3 717 883,84	
F A	2343,66	185.57.12	F	-66 300,70	+3 717 427,68	
		(92) VE-ER		-71 890,71	+3 711 694,65	
		(2) BO-OF		-58 056,83	+3 716 002,81	

**SG No.**

5033/2008

**Approved**

*[Signature]*

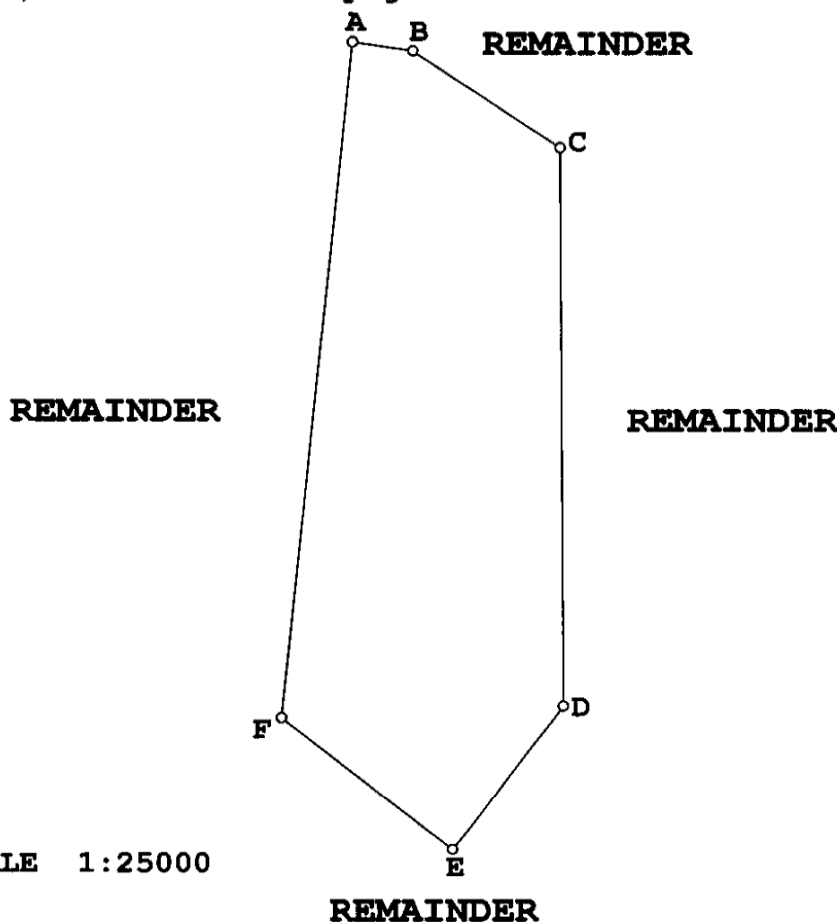
2008.09.25

for

**SURVEYOR-  
GENERAL**

## DESCRIPTION OF BEACONS:

A,B,C,D,E,F ... 20mm iron peg



The figure A B C D E F  
represents 205,8417 hectares of land being  
**PORTION 1 OF THE FARM No.206 MATJESFONTEIN**  
Situate in the Baviaans Municipality, Administrative  
District of Willowmore, Province of the Eastern Cape  
Surveyed in March & August 2008

by me Professional Land Surveyor (R.J.KOHLER - PLS0840)

This diagram is annexed to  
No.  
d.d.  
i.f.o.  
Registrar of deeds

The original diagram  
is No. 550/1818  
Transfer  
Grant Uit.Q. 4-18  
C.C.T.

File Wilm.206  
S.R. No. 2327/2008  
T.P.  
Comp.BM-6A (4173)  
LPI C0830000

**FARM 206/1 WILLOWMORE**

APPROVED IN TERMS OF SECT. 25  
OF ORD. 15/1985  
REF 15/4/1/7  
DATE 2008-08-01

APPROVED IN TERMS OF SECT. 4  
OF ACT 70/1970  
REF 42872  
DATE 2008-01-11

**ANNEXURE D:**

---

*Zoning Certificate*

Reference: 15/1/1  
Enquiries: N Camngca/fm  
30 May 2019

**MARIKE VREKEN TOWN PLANNERS CC**  
**P.O. BOX 2180**  
**KNYSNA**  
**6570**

Dear Sir/Madam

**ZONING INFORMATION OF PORTION 1 OF THE FARM MATJESFOINTEIN NO.206, DIVISION OF WILLOWMORE.**

With reference to Municipal records the Dr. Beyers Naude LM Portion 1 of the Farm Matjesfontein No.206, Division of Willowmore is zoned as Agricultural Zone 1.

Following are the details and information applicable to Portion 1 of the farm Matjesfontein No.206: -

Owner: LEZMIN 2087 C C  
Size: 205.8417ha

**1. Permitted land uses:**

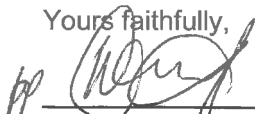
Primary use: agriculture.  
Consent uses: additional dwelling units, farm stall, farm store, intensive feed farming, riding

**2. Land Restrictions:**

Street building line: at least 30 m.  
Side building line: at least 30 m.

Trusting you will find the above in order.

Yours faithfully,

  
**DR. E.M. RANKWANA**  
**MUNICIPAL MANAGER**

**ANNEXURE E:**

---

*Water Use Certificate*



## water affairs

Department:  
Water Affairs  
REPUBLIC OF SOUTH AFRICA

PO BOX 7019, EAST LONDON. 5200

Enquiries: Ms T. Mfene  
E-mail: mfenet@dwa.gov.za

Tel: 043 – 701 0220

Fax: 043 – 722 6152

Ref. No.: 28063247

LEZMIN 2087 CC  
PO BOX 2  
WILLOWMORE  
6445

Dear Sir

**REGISTRATION CERTIFICATE: GOVERNMENT NOTICE NUMBER 519 TO REGISTER FOR WATER USE  
IN TERM OF NATIONAL WATER ACT.**

1. The above-mentioned subject and your register number have bearing on this matter.
2. In terms of paragraph 3(b) of Regulation 1352 dated 12 November 1999 a person who uses water as contemplated in section 21 of the National Water Act, 1998 (Act No. 36 of 1998) must, when called upon by the responsible authority to do so, register the water use. The registration of water use was requested by Notice Number 519, published in the Government Gazette Number 32209, dated 06 May 2009
3. The Department would like to take this opportunity to thank you for your co-operation in this regard. Attached please find your Registration Certificate Number **28063247** dated **21/02/2012** for your water use(s). This number will also be your account number for any monies that may be debited against you for your registered water uses. Please note that this certificate is not an acknowledgement of entitlement to the registered water use, nor does it create any such entitlement.
4. The registration of water use can be seen as the first building block in ensuring the correct and equitable application of the National Water Act. The registration process required that all water uses, despite the legal status thereof, had to be registered. The only requirement was that it must be an existing use, whether lawful or not.
5. Should you have any queries, questions or concerns regarding your water use, please do not hesitate to call this office at the above mentioned particulars.
6. For completeness and correctness check, please use attached form to acknowledge your certificate. Once more our gratitude is indebted to you for registering your water use with our Department.

Yours faithfully

PP REGIONAL DIRECTOR: EASTERN CAPE  
DATE: 21/02/2012



**ANNEXURE F:**

---

*Pre-application Minutes*

Pre application consultation meeting held at Dr Beyers Naude Municipality on 30 May 2019  
Proposed Rezoning and Subdivision of Portion 1 of the Farm Matjesfontein No 206, Division  
Willowmore

Attendance:

Mr Ndumiso Camngca

Mr Fezile Matya

Mr Hans Labuschagne

Ms Marike Vreken

Discussion:

1. The Farm is currently zoned "Agriculture Zone I" in terms of the Section 8 Zoning Scheme Regulations.
2. The 4-day Leopard Trail Hike starts on the farm. Currently there is some subsistence farming taking place, with a farm house, farm manager's house and some old labourer cottages that have been converted into tourist accommodation. There are various trails (cycling and hiking) on the property, and also the well-known Cedar Falls.
3. The proposal is to rezone the entire farm to "Open Space Zone III" with a spot zoning for tourist accommodation (Resort Zone II"). The proposal would then be to subdivide 5x 400m<sup>2</sup> Resort Zone II erven, which could be individually alienated. A Home Owners' Association will be established.
4. The vision is to, over time, cease all agricultural activities, and to rehabilitate the farm back to a natural area, and manage the farm as a Private Nature Reserve.
5. Access will be off the existing road network, and access to the proposed new resort units will all be from existing farm roads.
6. The meeting concurred that the proposal is supported in principle, and not "red flags" were raised.
7. The application will have to follow due process and also the prescribed NEMA Authorisations.
8. The Beyers Naude Municipality will be responsible for the advertising and circulation of the application, but the applicant will be responsible for the costs thereof.
9. An application in terms of Act 70 of 1970 (Subdivision of Agricultural Land Act), will also be required.

**ANNEXURE G:**

---

*Subdivision of Agricultural Land Approval,  
dated 2020-09-21*



**agriculture, land reform  
& rural development**

Department:  
Agriculture, Land Reform and Rural Development  
REPUBLIC OF SOUTH AFRICA

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

From: Directorate Soil and Land Management  
Tel: 012-319-7634 Fax: 012-329-5938 E-mail: LUAHelpdesk@daff.gov.za  
Enquiries: Helpdesk Ref: 2020\_07\_0153

Marike Vreken Town Planners CC  
P. O. Box 2180  
KNYSNA  
6570

For attention: Marike Vreken

**APPLICATION IN TERMS OF THE SUBDIVISION OF AGRICULTURAL LAND ACT, ACT 70 OF  
1970: PORTION 1 OF THE FARM MATJESFONTEIN NO. 206, DIVISION OF WILLOWMORE,  
EASTERN CAPE PROVINCE**

Your letter bearing reference Pr19/36b04 dated 13 July 2020 refers.

With reference to the above-mentioned subject, the Department wishes to inform you that the application has been granted.

Consent No. **55318** issued in terms of section 4 of the Act is enclosed in duplicate.

To facilitate registration, the conveyancer must lodge the signed copy of the consent with the Registrar of Deeds together with the documents.

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

Yours faithfully

**MR RM RAMASODI**  
**DEPUTY DIRECTOR GENERAL: AGRICULTURAL PRODUCTION, HEALTH AND FOOD**  
**SAFETY, NATURAL RESOURCES AND DISASTER MANAGEMENT**  
DATE: 2020-07-21

CC: The Surveyor-General, Private Bag X9086, EAST LONDON, 5200



**agriculture, land reform  
& rural development**

Department:  
Agriculture, Land Reform and Rural Development  
REPUBLIC OF SOUTH AFRICA

**VERW/REF.**

2020\_07\_0153

**TOESTEMMING**  
*KRAGTENS DIE WET OP DIE ONDERVERDELING  
VAN LANDBOUGROND, 1970*

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

55318

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

**PARAGRAPH 1: THE AGRICULTURAL LAND TO WHICH THIS CONSENT APPLIES**

PORTION 1 OF THE FARM MATJESFONTEIN NO. 206, IN EXTENT 205,841 HECTARES;  
DIVISION OF WILLOWMORE, EASTERN CAPE PROVINCE

**PARAGRAPH 2: CONSENT GRANTED**


The subdivision of the above-mentioned agricultural land into nineteen portions covering approximately 1,33 hectares in total and Remainder of 204,515 hectares represented by the colour pink and green as shown on the sketch plan attached.

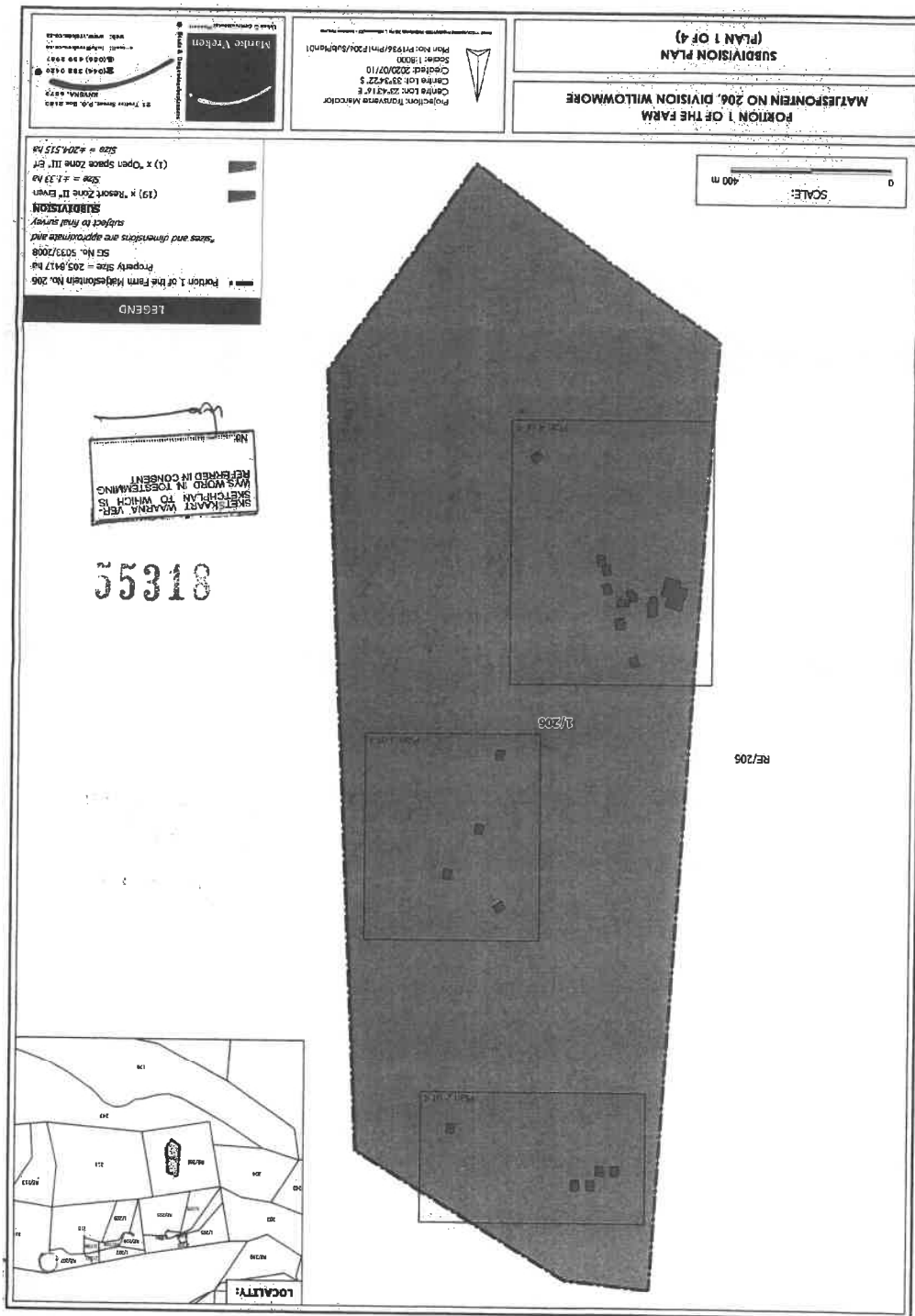
**PARAGRAPH 3: CONDITIONS PERTAINING TO THIS CONSENT**

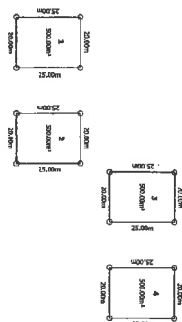
- 3.1 The portions created in paragraph 2 above may be used for tourist accommodation and Private Nature Reserve.
- 3.2 This consent does not imply that the above-mentioned subdivisions are assured of a permanent water supply.
- 3.3 This consent does not exempt the property from the provisions of any other law, and does not purport to interfere with the rights of any person who may have an interest in the agricultural land.
- 3.4 This consent is valid for 5 years from date of grant. Should it not be registered within the time frame, a new complete application must be lodged which will be considered on its own merits.

2020-09-21

**DATE**

  
**MR RM RAMASODI**  
**DEPUTY DIRECTOR GENERAL: AGRICULTURAL**  
**PRODUCTION, HEALTH AND FOOD SAFETY,**  
**NATURAL RESOURCES AND DISASTER**  
**MANAGEMENT**





SKETCHKAART WAARNA VER-  
SKETCHPLAN TO WHICH IS  
WYS WORD IN TOESTEMMING  
REFERRED IN CONSENT  
55318  
Not



## Subdivision Plan

## SUBDIVISION

- Erf 1 - 500m<sup>2</sup>  
Erf 2 - 500m<sup>2</sup>  
Erf 3 - 500m<sup>2</sup>  
Erf 4 - 500m<sup>2</sup>  
Erf 5 - 500m<sup>2</sup>

Zoning - 'Resort Zone II'

*Sizes and dimensions are approximate and subject to final survey*

**PORTION 1 OF THE FARM  
MAYESFONTEIN NO 206, DIVISION WILLOWMORE**

**SUBDIVISION PLAN  
(PLAN 2 OF 4)**

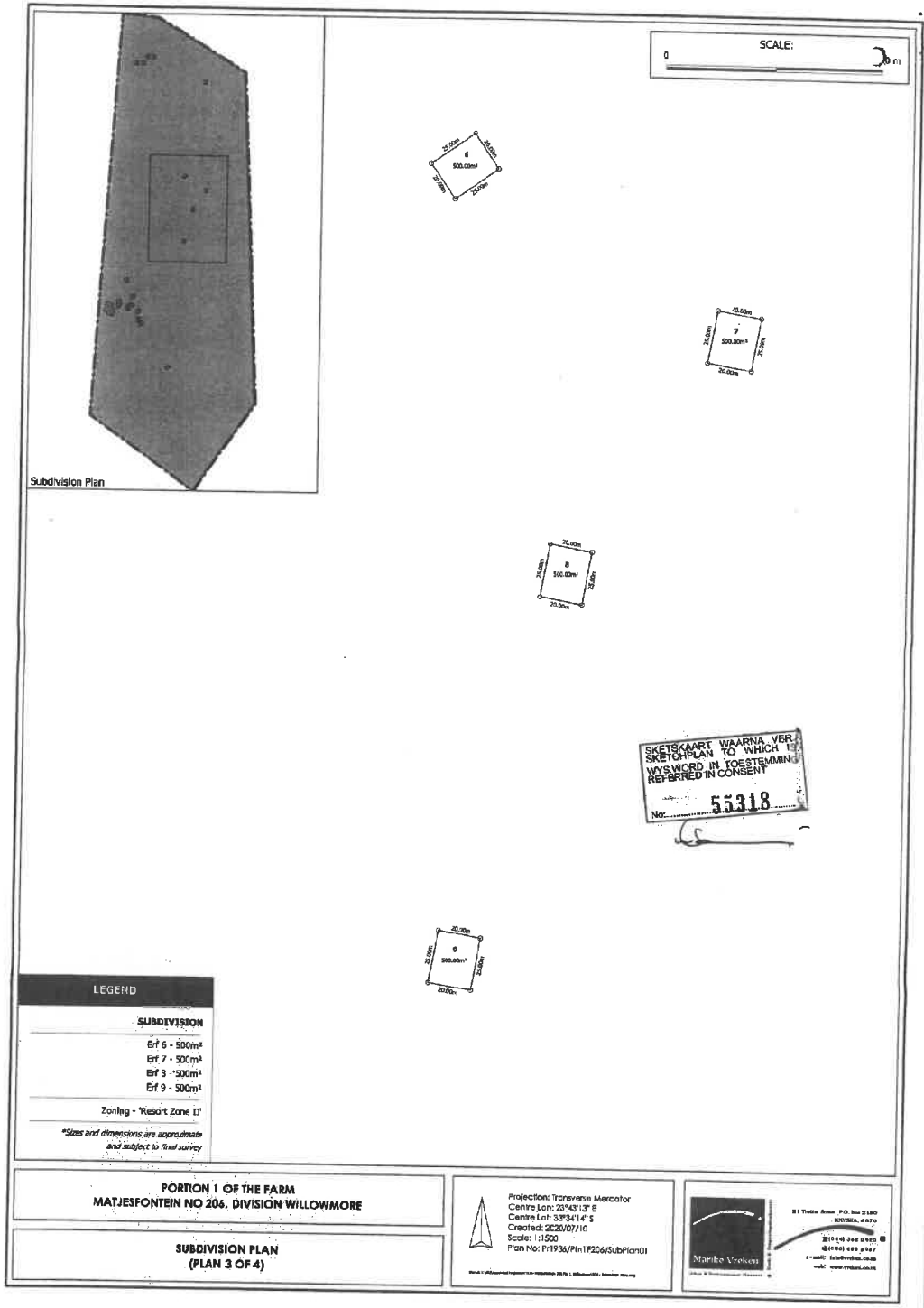


Projection: Transverse Mercator  
 Center Line: 28°42' 10" E  
 Center Lat: 33°33'47" S  
 Created: 2020/07/10  
 Scale: 1:1400  
 Plan No: P-1936(FM)P206/SubPlan01  
 Project: Highway 9706 - Roadside Mill Proj. - Wetmore Park - Subdiv. 9706



21 Frontier Street, P.O. Box 2100  
KIRKLAND, WA 98033  
TEL: (425) 822-0410  
FAX: (425) 479-1927  
E-MAIL: info@vishay.com  
WEB: www.vishay.com





Subdivision Plan

SCALE: 0 10 m



SKETSKAART WAARNA VER  
SKETCH PLAN TO WHICH IS  
REFERRED IN TOESTEMMING  
REFERRED IN CONSENT  
No. 55318

LEGEND	
SUBDIVISION	
Erf 6 - 500m <sup>2</sup>	
Erf 7 - 500m <sup>2</sup>	
Erf 8 - 500m <sup>2</sup>	
Erf 9 - 500m <sup>2</sup>	
Zoning - "Resort Zone I"	
*Sizes and dimensions are approximate and subject to final survey	

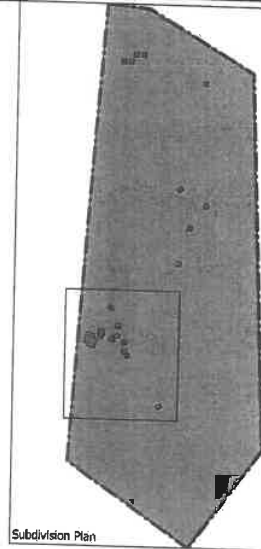
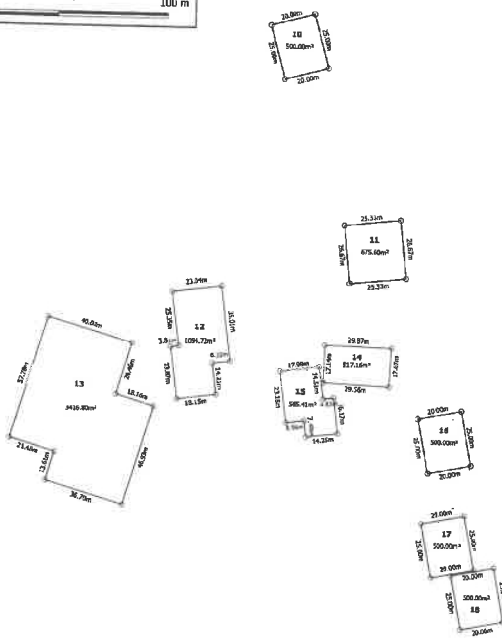
PORTION 1 OF THE FARM  
MATJESFONTEIN NO 206, DIVISION WILLOWMORE

SUBDIVISION PLAN  
(PLAN 3 OF 4)

Projection: Transverse Mercator  
Centre Lon: 23°43'13" E  
Centre Lat: 33°34'14" S  
Created: 22/07/10  
Scale: 1:1500  
Plan No: F11936/Ph1 P206(SubPlan01)

21 Tenth Street, P.O. Box 2100  
NORWICH, 4070  
0810 400 0000  
0810 400 0000  
e-mail: info@nrv.co.za  
web: www.nrv.co.za

SCALE: 0 100 m



SKETSKAART WAARNA VER:  
SKETCH PLAN TO WHICH IS  
WYS WORO IN TOESTEMMING  
REFUSED IN CONSENT  
**55318**  
No.

LEGEND

SUBDIVISION

- Erf 10 - 500m²
- Erf 11 - 675.60m²
- Erf 12 - 1094.72m²
- Erf 13 - 3415.80m²
- Erf 14 - 517.16m²
- Erf 15 - 565.41m²
- Erf 16 - 500m²
- Erf 17 - 500m²
- Erf 18 - 500m²
- Erf 19 - 500m²

Zoning - 'Resort Zone II'

\*Sizes and dimensions are approximate  
and subject to final survey

PORTION 1 OF THE FARM  
MATJESFONTEIN NO 206, DIVISION WILLOWMORE

SUBDIVISION PLAN  
(PLAN 4 OF 4)



Projection: Transverse Mercator  
Centre Lat: 29°43'01"E  
Centre Lat: 33°34'33"S  
Created: 2022/07/10  
Scale: 1:1 400  
Plan No: P11936/Plan 1 of 4 Sub Plan 1

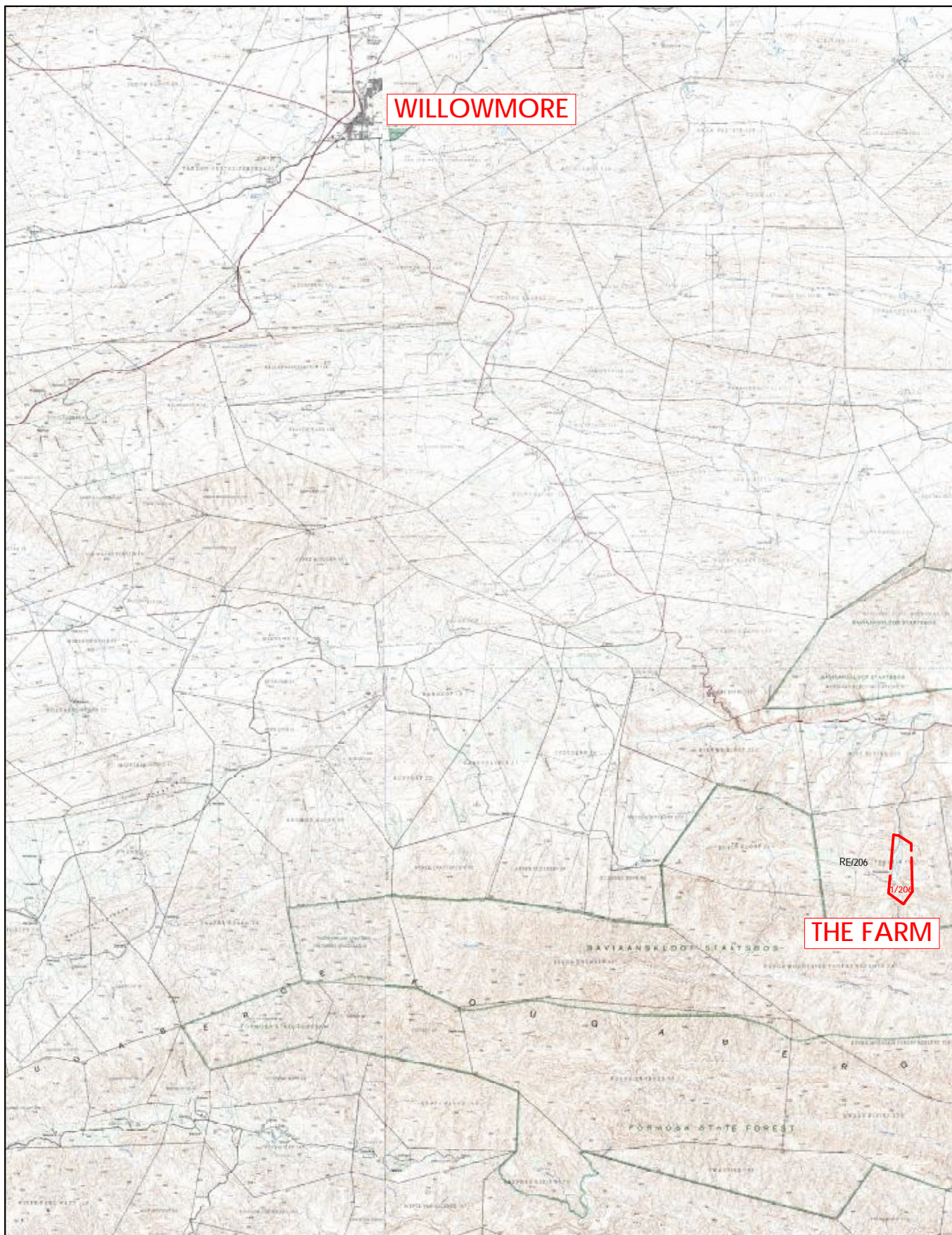


21 Trepper Street, P.O. Box 2160  
WYDOR, 6070  
Tel: 082 350 0000  
Email: info@markievroken.co.za  
Web: www.markievroken.co.za

**PLAN 1:**

---

*Locality Plan*



PLAN 1

LOCALITY PLAN

PORTION 1 OF  
THE FARM  
MATJESFONTEIN  
NO 206, DIVISION  
WILLOWMORE



Graphic Scale  
1:200,000



21 Trotter Street, PO Box 2180  
KNYSNA 6570

(044) 382 0420  
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e-mail: [marke@vreken.co.za](mailto:marke@vreken.co.za)  
[www.vreken.co.za](http://www.vreken.co.za)

**PLAN 2:**

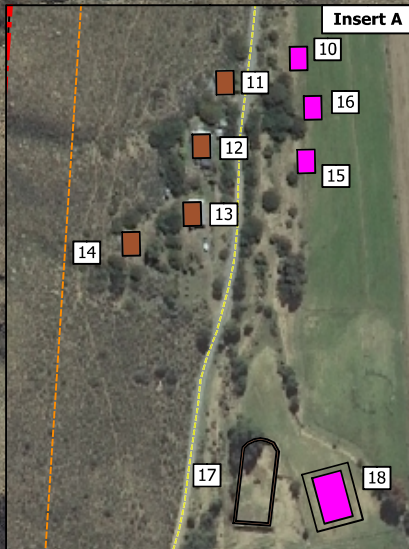
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*Preferred Alternative - Site Development Plan*



SCALE:  
0 300 m

No. 1, 2, 3 & 4 - Holiday Housing (Units)  
(4) x Proposed Holiday Housing (Units)  
Zoning - 'Resort Zone II'  
Building Footprint - 250m<sup>2</sup> (unit footprint)  
Erf Size - 500m<sup>2</sup>



RE/206

No. 10, 15 & 16 - Labourers Cottages

(3) x Proposed Labourers Cottages  
Building Footprint - 75m<sup>2</sup>

No. 11, 12, 13 & 14 - Labourers Cottages

(4) x Existing Labourers Cottages  
Building Footprint - 75m<sup>2</sup>

No. 17 - Existing Kraal

No. 18 - Holiday Housing (Units)

(1) x Proposed Holiday Housing (Unit)  
Zoning - 'Resort Zone III'  
Building Footprint - 250m<sup>2</sup> (unit footprint)  
Erf Size - 500m<sup>2</sup>

No. 27 - Holiday Housing (Units)

(1) x Existing Holiday Housing (Unit)  
Zoning - 'Resort Zone III'  
Building Footprint - 76m<sup>2</sup> (max. 250m<sup>2</sup> unit footprint)  
Erf Size - 500m<sup>2</sup>

No. 22 - Holiday Housing (Units)

(1) x Existing Holiday Housing (Unit)  
Zoning - 'Resort Zone III'  
Building Footprint - 212m<sup>2</sup> (max. 250m<sup>2</sup> unit footprint)  
Erf Size - 565m<sup>2</sup>

No. 23 - Holiday Housing (Units)

(1) x Existing Holiday Housing (Unit)  
Zoning - 'Resort Zone III'  
Building Footprint - 128m<sup>2</sup> (max. 250m<sup>2</sup> unit footprint)  
Erf Size - 517m<sup>2</sup>

No. 24, 25 & 26 - Holiday Housing (Units)

(3) x Existing Holiday Housing (Units)  
Zoning - 'Resort Zone III'  
Building Footprint - 77m<sup>2</sup> (max. 250m<sup>2</sup> unit footprint)  
Erf Size - 500m<sup>2</sup>

1 2 3 4

5

6

7

8

9

1/206

27

No. 5, 7, 8 & 9 - Holiday Housing (Units)

(4) x Proposed Holiday Housing (Units)  
Zoning - 'Resort Zone III'  
Building Footprint - 250m<sup>2</sup> (unit footprint)  
Erf Size - 500m<sup>2</sup>

No. 6 - Holiday Housing (Units)

(1) x Existing Holiday Housing (Unit)  
Zoning - 'Resort Zone III'  
Building Footprint - 76m<sup>2</sup> (max. 250m<sup>2</sup> unit footprint)  
Erf Size - 500m<sup>2</sup>

No. 19 - Tourist Facility

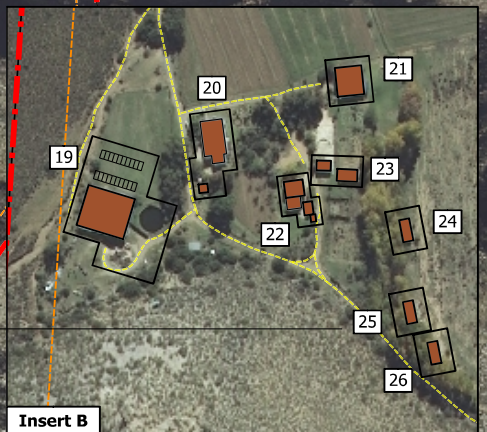
(1) x Existing Tourist Facility  
Zoning - 'Resort Zone III'  
Consent Use - 'Tourist Facility'  
Building Footprint - 676m<sup>2</sup>  
Erf Size - 3416m<sup>2</sup>  
(20) x on-site parking bays

No. 20 - Holiday Housing (Units)

(1) x Existing Holiday Housing (Unit)  
Zoning - 'Resort Zone III'  
Building Footprint - 320m<sup>2</sup> (unit footprint)  
Erf Size - 1095m<sup>2</sup>

No. 21 - Holiday Housing (Units)

(1) x Existing Holiday Housing (Unit)  
Zoning - 'Resort Zone III'  
Building Footprint - 255m<sup>2</sup> (unit footprint)  
Erf Size - 676m<sup>2</sup>



Insert B

## LEGEND

Portion 1 of the Farm Matjesfontein No. 206  
Property Size = 205,8417 ha  
SG No. 5033/2008  
*\*sizes and dimensions are approximate and  
subject to final survey*

## SITE DEVELOPMENT PLAN

30m Building Line  
Farm Track  
Existing Structures  
Proposed Structures

## Labourers Cottages:

(4) x Existing Labourers Cottages  
(3) x Proposed Labourers Cottages  
**Total = (7) x Labourers Cottages**

## Holiday Housing (Units):

(9) x Existing Units  
(9) x Proposed Units  
**Total = (18) x Holiday Housing (Units)**

## Tourist Facility:

(1) x Existing Tourist Facility  
(20 x parking bays)  
**Total = (1) x Tourist Facility**

**PORTION 1 OF THE FARM  
MATJESFONTEIN NO 206, DIVISION WILLOWMORE**

**SITE DEVELOPMENT PLAN**



Projection: Transverse Mercator  
Centre Lon: 23°43'11" E  
Centre Lat: 33°34'22" S  
Created: 2020/12/04  
Plan No: SDP/PL/01  
Scale: 1:7700

Stored: Y:\GIS\Approved Projects\PI1936 - Matjesfontein 206 Ptn 1, Willowmore\SDP - Subdivi



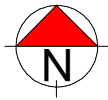
21 Trotter Street, P.O. Box 2180  
KNYSNA, 6570  
☎(044) 382 0420  
☎(086) 459 2987  
e-mail: info@vreken.co.za  
web: www.vreken.co.za

**PLAN 3:**

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*Alternative 2 – Site Development Plan*





SCALE 1: 12 500

RE/206

1/206

#### NOTES

1. Sizes and dimensions are approximate and subject to final survey
2. For Property data - Refer SG5033/2008
3. Property Size = 205,8417 ha

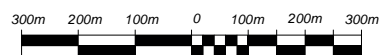
#### EXISTING LAND USES:

Farm House	295m <sup>2</sup>
Farm Manager's House	75m <sup>2</sup>
Outbuildings	820m <sup>2</sup>
Guest House	260m <sup>2</sup>
Hikers' Hut	160m <sup>2</sup>
Cottages (x4)	300m <sup>2</sup>
Labourers' Cottages (x3)	225m <sup>2</sup>
<b>TOTAL AREA</b>	<b>2135m<sup>2</sup></b>

#### PROPOSED LAND USES:

Resort II Erven 5x (20m x 20m)	2000m <sup>2</sup>
Hiking Trails & Farm Roads	

#### Graphic Scale



PORTION 1 OF THE FARM  
MATJESFONTEIN NO 206, DIVISION WILLOWMORE

### SITE DEVELOPMENT PLAN (Alternative 2)

DRAWN:	MV	CHECKED:	MV
PLAN NO:	P19/33F206Pin01SDP01		
PLAN DATE:	12 February 2020		
STORED:	z:\drawings\Port19/33F206Pin1DP01.dwg		



21 Trotter Street, PO Box 2180  
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[www.vreken.co.za](http://www.vreken.co.za)

**PLAN 4:**

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*Zoning Plan*

