PROPOSED REZONING AND SUBDIVISION

Portion of Erf 134

Cape Infanta

NOVEMBER 2025

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1. INTRODUCTION

1.1 Appointment and Brief

We have been appointed by Westerhelling Investment CC to prepare and submit the statutory land use application necessary for the subdivision and rezoning of a 3.04-hectare portion of erf 134, at Cape Infanta to permit the construction of an additional 20 single dwelling residential units. A copy of the necessary power of attorney is attached to this report**.** A resolution authorising Mark de Agrella to act on behalf of Westerhelling Investment CC is attached to this report.

The overall design philosophy guiding the proposal is based on an architectural approach, which draws from the best emerging architectural qualities inherent in the older Infanta settlement while respecting environmental issues identified through the various specialist studies that have been undertaken. A set of comprehensive Design Guidelines has been developed to ensure that this occurs. It is proposed that these guidelines will form part of the statutory controls governing the future development of the land.

The intention is to ensure that intervention in the natural landscape will be minimized. Every effort will be made to ensure that the placing of all buildings will respect the natural elements, which make up the landscape. These include ridgelines, watercourses, areas of significant and valuable indigenous vegetation, and primary dune vegetation, amongst other things.

Building footprints will be positioned within a Fynbos landscape, and landscaped or cultivated garden spaces will be restricted to the internal courtyards of each house. An appropriate indigenous planting programme is proposed to restore certain areas and enrich others. All environmentally sensitive areas will be protected and pedestrian access to these areas will be limited and controlled.

1.2 Summary of the Application

The application entails the subdivision and rezoning of a 3.04 hectare portion of erf 134 from Agricultural Zone (AZ) to Subdivisional Area (to permit portions of the site to be zoned Residential Zone 1(R1), Private Open Space (PrOS), and Transport Zone (TZ) (Public Road)) in terms of Section 15(2) of the Swellendam Municipal By-Law on Land Use Planning, 2020, to permit the development of the property in accordance with the proposed layout and design guidelines contained in this application.

The remainder of the site, the vast majority of Erf 134, will not be rezoned and will remain zoned for agriculture, and remain in its current natural vegetated state. This portion of the site is not the subject of the application at hand.

Environmental specialists PHS Consulting have been appointed to undertake the necessary Environmental Impact Assessment and the findings of the various specialist studies undertaken as part of this process have informed the overall design proposal.

2. THE PROPERTY IN QUESTION

2.1 Subject Property Details

Erf 134, owned by Westerhelling Investments CC, is 85.6 ha in extent. The application at hand is for a 3.05 ha portion of erf 134. The remainder of the site (82.5ha), which is located to the south of the road leading into Infanta, will not be developed and will remain zoned Agriculture Zone (AZ). This application excludes that portion of erf 134. See **Figure 1** below for the extent of the site.

Figure 1: The portion of erf 134 that forms the subject of this application.

2.2 Locality and Surrounds

The seaside settlement of Infanta is located 1 km south of the mouth of the Breede River and within the Swellendam Local Municipality in the Overberg District Municipality of the Western Cape Province. To the south of the settlement lies The De Hoop Nature Reserve and the associated Marine Reserve lies directly to the east. The town of Witsand, which is located on the opposite, eastern bank of the Breede River, falls within the Hessequa Local Municipality of the Eden District Municipality. **Diagram 1**, attached to this report depicts the regional context of Infanta. **Diagram 2** provides a Sub-Regional context. **Diagram 3** is an aerial photo indicating the position of the land in question within the context of the Cape Infanta settlement.

Erf 134, Cape Infanta is located between the Infanta village (an orthogonal grid settlement adjacent to the coastline) and Infanta Park (a later suburban development), some 50 km south east of Swellendam and about 1 km south east of the Breede River mouth – see **Diagram 3** an Aerial Photo of Infanta and surrounds. Infanta is situated on a portion of the Potteberg Estate, which consisted of a number of farms, which were acquired by Anders Ohlsson in the early 1900s.The portion of land on which Infanta appears to have been established is Rietfontein. This land was subdivided from the Potteberg Estate in 1927. Plans were submitted in 1949 by

Infanta Pty Ltd for a coastal village with a hotel and school. To date the settlement has remained predominantly a seasonal holiday destination.

Erf 134 is 85.6 hectares in size and stretches from the Indian Ocean coastline in a westerly direction. The property is traversed by the main access road into Infanta Village (north west to south east direction). The portion of erf 134 lying east of the main road is the portion, which is the subject of this planning application. The remainder of erf 134 is not part of this application.

The existing settlement of Infanta is comprised of two parts. The older settlement dating back to the 1950's, takes the form of an orthogonal grid. It is located immediately to the south of the site. Infanta Park, a slightly later suburban development, is located immediately to the west. The entire property lies within the jurisdiction of the Swellendam Local Municipality (SLM) in the Overberg District Municipality (ODM) of the Western Cape Province (WCP).

Figures 2 to 11 below provide an indication of the property and its borders with the surrounds.

Figure 2: The position of the site strategically positioned between the two parts of the Infanta settlement.

Figure 3: The entrance to Cape Infanta with the land in question on the left.

Figure 4: The coastal edge of the property in question.

Figure 5: The western edge of the property concerned. The property abuts development on this edge.

Figure 6: The western edge of the property concerned – looking north.

Figure 7: The northern corner of Cape Infanta abutting the portion of the property which will not be rezoned.

Figure 8: Looking north towards the rest of erf 134 which will not be rezoned.

Figure 9: Looking north west towards the residential area on the north of the entry road into Cape Infanta.

Figure 10: Looking north with the eastern boundary of the property in the middle of the photo.

Figure 11: The centre of the property looking towards the main part of Cape Infanta.

2.2 Existing Zoning

Erf 134 is zoned Agriculture Zone (AZ) in terms of Swellendam Municipality Integrated Zoning Scheme Regulations, June 2020 as amended**. Agriculture Zone: zoning permits a primary use of:** Agriculture, Agricultural building, Bed and Breakfast establishment, Crèche, Dwelling house, Employee housing, Limited occupational practice, Nursery, and Pack store. See **Figure 10** below for an extract of the Zoning Map which is attached to the Zoning Scheme for Infanta. The property lies inside the defined Urban Edge.

'Agriculture' is defined as; "The cultivation of land for crops and plants, or the keeping and breeding of animals, or the operation of a game farm, including use on an intensive basis of the natural veldt or land**".**

Consent uses allowed in terms of this zone include:

- Additional dwelling-units
- Agricultural industry
- Agri-village
- Antenna Structure
- Camping site
- Community facility
- Farm Shop
- Farm Stall
- Guest-house
- Heli-port; Air strip

- Intensive feed farming
- Kennel
- Quarry
- Occasional use
- On-farm educational institution
- Picnic and braai facilities
- Place of Assembly
- Renewable Energy Structure
- Riding School
- Special use
- Service Trade
- Tourist facilities

Only three development parameters are defined for this use zone:

Building lines

A street building line of at least 30m and a common boundary line of at least 30m.

Height

The maximum height of all buildings shall be:

(i) 8.5m for a dwelling house, measured from the base level to the top of the roof;

(ii) 12m, measured from the base level to the top of the roof, for agricultural buildings other than the dwelling houses; and

(iii) Employee housing is limited to 8.5m.

Floor Area

The total floor area for all dwelling units (including second dwelling houses, additional dwelling houses and guest houses) on the land unit, including the space for bona fide agricultural workers employed on the land unit will not exceed 1000m^2.

Other

All land designated mountain catchment area, in terms of the Mountain Catchment Areas Act, 1970, is hereby deemed Natural Environment Zone, and subject to that legislation and the provisions of that Zone as set out in this By-Law.

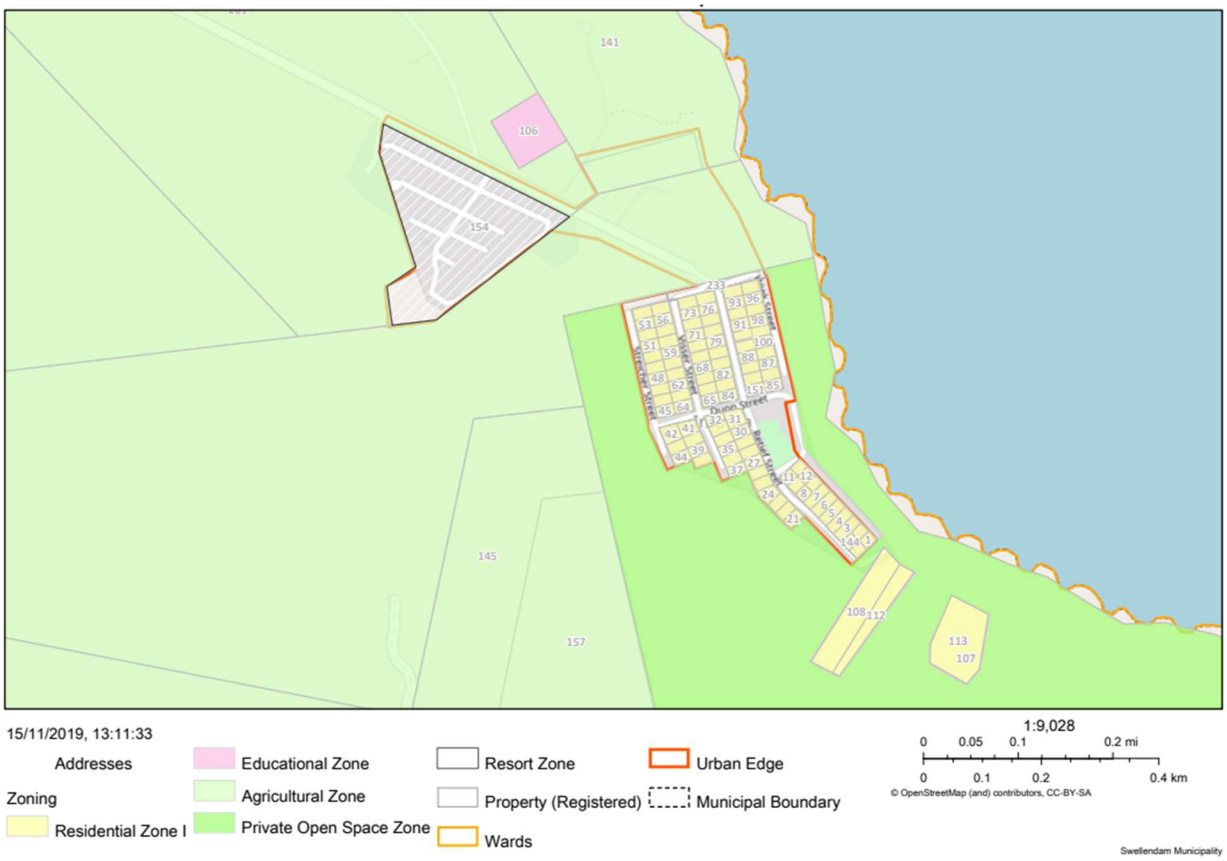

Figure 12: The Zoning Map for Infanta

2.4. Existing Land Uses

Dwelling House of modern face brick finish with a dominant central lantern (see **Figure 12** below), an outbuilding used as a garage (see **Figure 13** below), cultivated grassed area around the dwelling house, stand-alone braai, and family grave. See **Figure 14** below for all the existing structures.

The remainder of the site covered in indigenous vegetation, some of which is worth of protection.

Figure 13: Existing dwelling house on the property.

Figure 14: Existing double garage on the property.

Figure 15: All the existing structures are clustered on one portion of the property.

2.5. Existing Services

A dirt track provides vehicular and pedestrian access to an existing dwelling house, which has an electrical grid connection. Water is obtained from an existing borehole situated on the property in question (positioned on the north side of the main road entering Infanta).

2.6. Title Deed Conditions and Servitudes

There are no conditions of title which preclude the rezoning, or the proposed development, of the portion of land in question. A conveyancer's certificate confirming this is attached to this report as is a copy of the title deed.

3. RELEVANT LEGISLATION AND POLICIES

3.1 Spatial Planning and Land Use Management Act, 2017 (SPLUMA)

The Spatial Planning and Land Use Management Act, 2017 (SPLUMA) sets out a set of applicable development principles for assessment of all land use matters: spatial justice; spatial sustainability; efficiency; spatial resilience; and good administration.

Compliance with the Development Principles of SPLUMA (Section 7. of SPLUMA)

(a) The principle of spatial justice

The proposal will provide job opportunities during construction and limited job opportunities during operations.

(b) The Principle of spatial sustainability

The development will be carries out in a sensitive manner that will not impact negatively on the sensitive environment, but fully in compliance with the specialist studies undertaken for the area. Only a small portion of the larger is to be developed in the area delineated in the SDF, thereby reducing urban sprawl. The development represents infill of a portion of land adjacent to surrounded residential development. The development will be privately developed. All costs will be carried by the developer and no onerous burden will be placed on the Municipality / state. Services will for the most part be off-grid. The developer will, in consultation with the Municipality, pay the required services contributions. Further, rates charges will be payable to the Municipality once the development has been completed and occupied. Thus, this criterion is/will be fully met. Needless to say, the development will result in the collection of additional rates that could be utilised to protect areas worthy of protection.

(c) The principle of efficiency

The proposed development will make use of use of existing resources and infrastructure. Most services will be off- grid including water and sanitation. The existing road infrastructure is sufficient for the scale of development proposed. This has been confirmed by the provincial road authority and the traffic engineers employed to assess this aspect of the proposal

(d) The principle of spatial resilience

The development is set behind the coastal setback line and away from any sensitive ecosystems identified in the Breede River Management Plan. Land with high conservation value will remain as such and be protected

3.2 National Heritage Resources Act 25 of 1999 (NHRA)

The National Heritage Resources Act promotes good management of the national estate. Section 38 of the NHRA provides a list of a number of activities which require notification to the relevant Heritage authority, by furnishing it with details of the proposed development (which are submitted by way of a Heritage report). The proposed development falls within the category of activity requiring such a report. The National Environmental Management Act requires any such heritage assessment to be incorporated into an EIA process, if such a process is required to be undertaken in terms of the ECA. To satisfy the requirements of the NHRA, heritage specialists Nicolas Baumann and Emmylou Rabie were commissioned to compile a Heritage Report (Baumann N. 2010). This report states that site is predominantly vacant. There are no built structures of any heritage significance nor can the broader cultural landscape be regarded as having any heritage significance.

Apart from the natural, relatively undisturbed nature of the site, the only heritage significance relates to its potential archaeological significance. Limited archaeological testing in the areas identified is recommended. No further heritage analysis in terms of either the built environment or the broader visual spatial environment is required. Due to the sensitive nature of undisturbed coastal location, the Archaeological Contracts Office at UCT was appointed to conduct an archaeological survey and to determine whether any archaeological resources were evident on the site. Marine shell deposits were evident across the site but represented very ephemeral sites with little or no significance. The report states that as burials may be present, the necessary

protocols should be in place for dealing with the remains, particularly during the construction phase of the project. The existing grave on the property is protected in terms of Section 36 of the National Heritage Resources Act. There is no intention to move it as it has personal significance to the owners of the land.

3.3 The National Environmental Management Act 107 of 1998 (NEMA)

The National Environmental Management Act of 1998 applies to the actions of all organs of state that may significantly affect the environment. The Act requires that all development must be socially, environmentally and economically sustainable. In terms of the Act the procedures for the investigation, assessment and communication of the potential impact of activities, must be in accordance with the considerations as set out in section 24 (7). The associated EIA Regulations list a number of activities which if undertaken require the prior permission of the responsible authority and furthermore define the EIA process in detail. This application is being undertaken by Doug Jeffery Environmental Consultants (Pty) Ltd.

3.4 The Integrated Coastal Management Act (Act 24 of 2008)

A portion of the site is subject to the 100 m general coastal development setback, as contemplated in the Integrated Coastal Management Act. The Act provides for more specific, urban-edge related development setbacks from provincial and local authorities. At this stage, no actual setback lines have been identified for the coastal towns situated within the Overberg District Municipality. The coastal setback line for the area and the site has not been established. A setback line assessment was performed in 2010 by PBNS (PBNS 2010) at the request of Doug Jeffery Environmental Consultants (DJEC). Subsequently Geoff Toms (Consultant) was requested to reappraise the setback line in terms of recently published standard methodologies (e.g. DEA&DP 2010).

3.5 Breede River Estuarine Management Plan, June 2016

The National Estuarine Management Protocol (the Protocol), promulgated in May 2013 under the National Environmental Management: Integrated Coastal Management Act (Act No. 24 of 2008, as amended by Act No. 36 of 2014), sets out the minimum requirements for individual estuarine management plans. Under the ICM Act, the default Coastal Protection Zone (CPZ) is a continuous strip of land at extending from the coastal and estuarine high-water mark to at least 1 000 m inland in rural areas, and 100 m in urban areas, covering all areas not already zoned for residential or industrial development. The relevant municipalities are required to incorporate the default CPZ and coastal management lines and proposed coastal overlay zones, once adopted, within their spatial development frameworks and land use management systems in order to manage and regulate the use of land at the coast and ensure an adequate buffer for the estuary. A GIS buffer of 1000m is illustrated below in this extract from the management plan. The ground truthing has been carried out as described in the previous section.

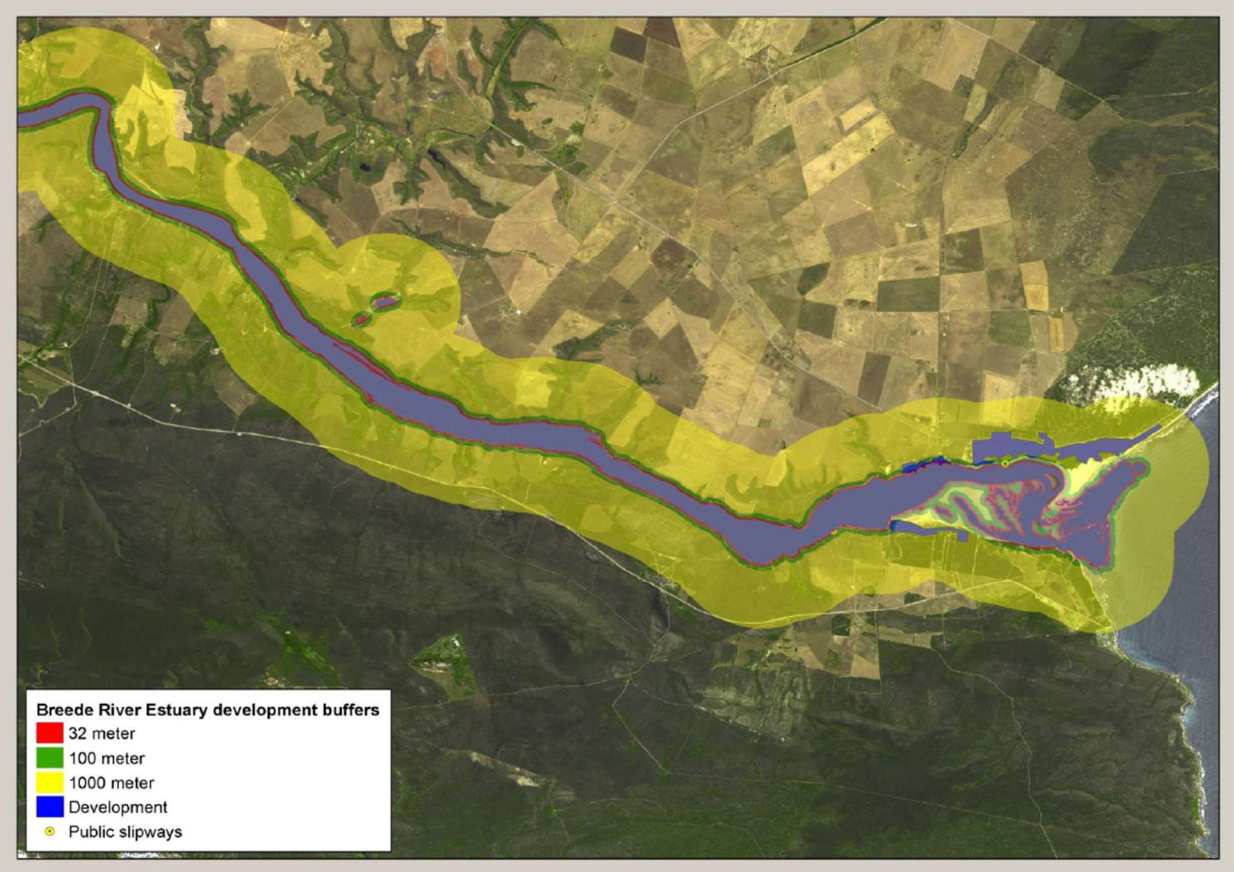

Figure 16: Extract from Breede River Estuary Management Plan: Development Buffer.

3.6 The Western Cape Provincial Spatial Development Framework, 2014

The Western Cape Provincial Spatial Development Framework (WCPSDF) was approved by the Minister of Local Government, Environmental Affairs and Development Planning in April 2014. This document sets out to put in place a coherent framework for the Province's urban and rural areas. It seeks to improve the effectiveness of public investment in the Western Cape's built and natural environments by:

- Adopting credible spatial planning principles to underpin all capital investment programmes;
- Spatially targeting and aligning the various investment programmes, and
- Opening-up opportunities for community and business development in targeted areas.
-

Local Spatial Development Frameworks need to align themselves with the spatial principles contained in the WCPSDP. The document describes the rural space-economy agenda, which is not only about agricultural development, it is also about broad based agrarian transformation, diversifying rural economic activities, including tourism and functional ecosystems. Local government fulfil crucial support roles in the implementation of the national Comprehensive Rural Development Programme (CRDP). The CRDP is targeted at 15 rural development nodes across the Province where participatory community-based planning is targeted at agrarian transformation as well as strategic investments in economic and social infrastructure. Swellendam as a whole is identified as one of these nodes (see extract below). The application complies with the principles contained in the WCPSDF.

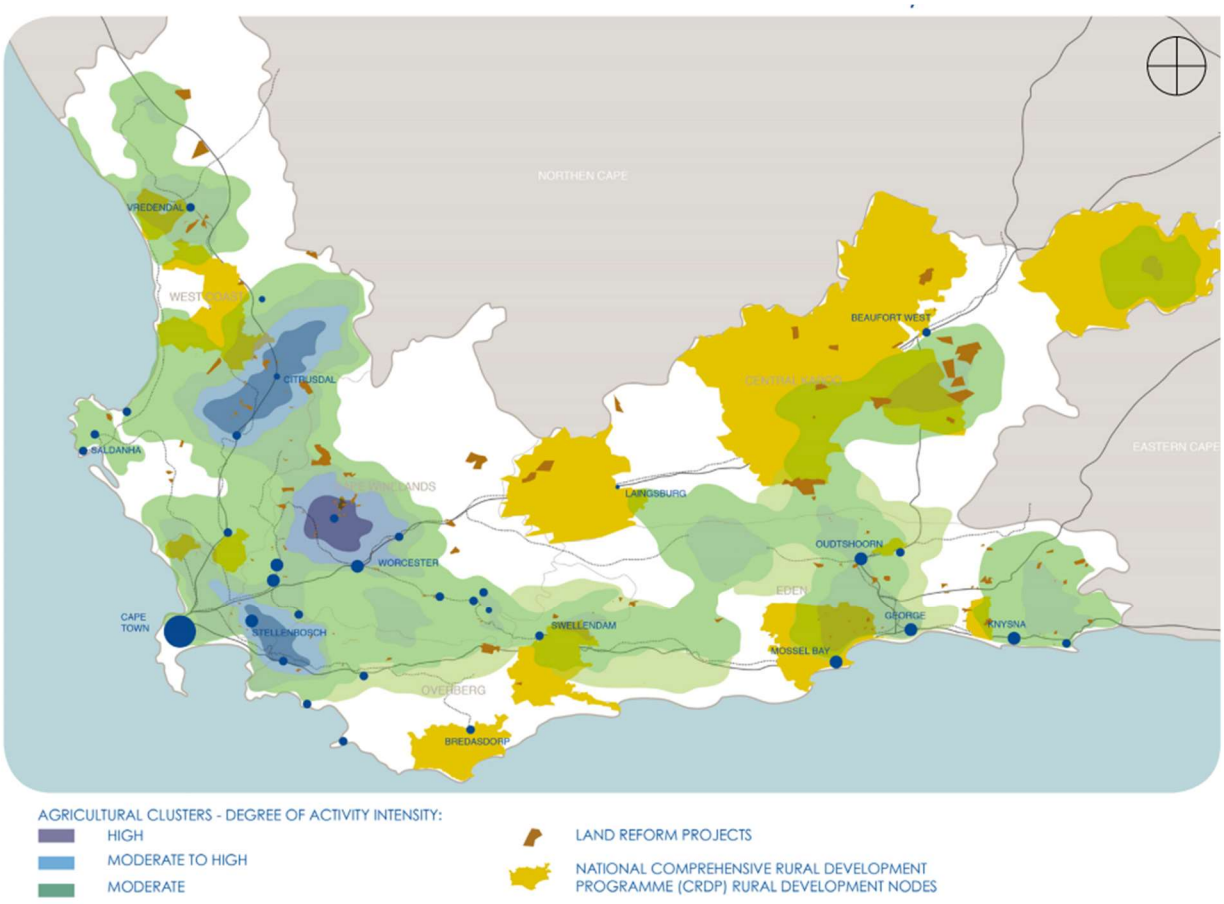

Figure 17: Extract from WCPSDF highlighting NCRDP nodes.

3.7 Swellendam Spatial Development Framework (SDF) May 2020

The primary objective of this document is to:

- provide spatial goals and supporting policies to achieve positive changes in the spatial organisation of Municipal areas to better ensure a sustainable development future;
- promote sound planning principles according to the relevant legislation;
- promote the general well-being of its inhabitants, thereby ensuring that the most effective and orderly planning is achieved for an area whereby changes, needs and growth in the area can be managed to the benefit of its inhabitants.

The Spatial Development Framework (SDF) dated May 2020, identifies the area in question as falling within the urban edge and as an urban extension area, the scale and form of which is to be determined by an Integrated Environmental Management (IEM) process. A public access road and a parking area are indicated immediately to the north of the site, adjacent to its northern boundary. The area abutting what is termed a natural drainage feature is identified as an open space area. The associated Growth Management Plan depicts two zones identified as B and C with a suggested collective number of 18 additional units. See figures …below for plans extracted from the SDF. The Spatial Development Framework pertaining to Infanta is attached to this report.

Figure 18: The Spatial Development Framework Proposal for Infanta

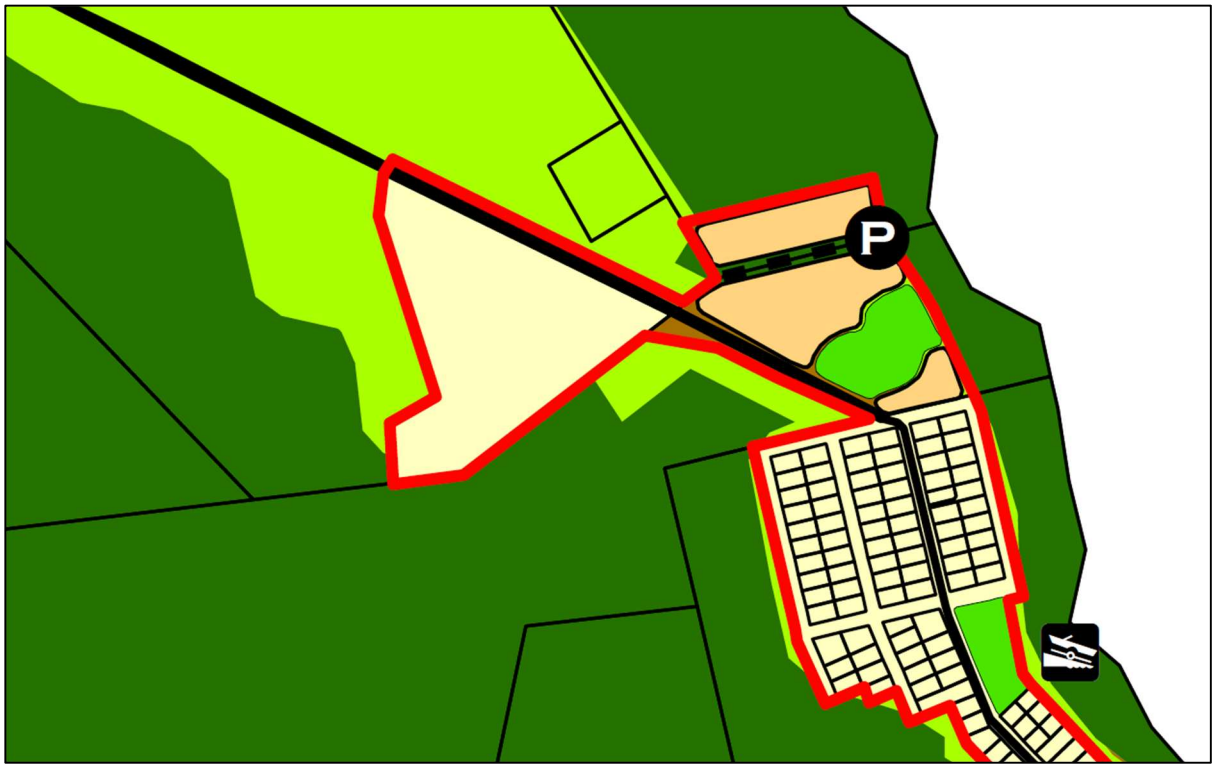

Figure 19: Enlarged extract of the pertinent portion of figure 3 above. The red line indicates the extent of the Urban Edge.

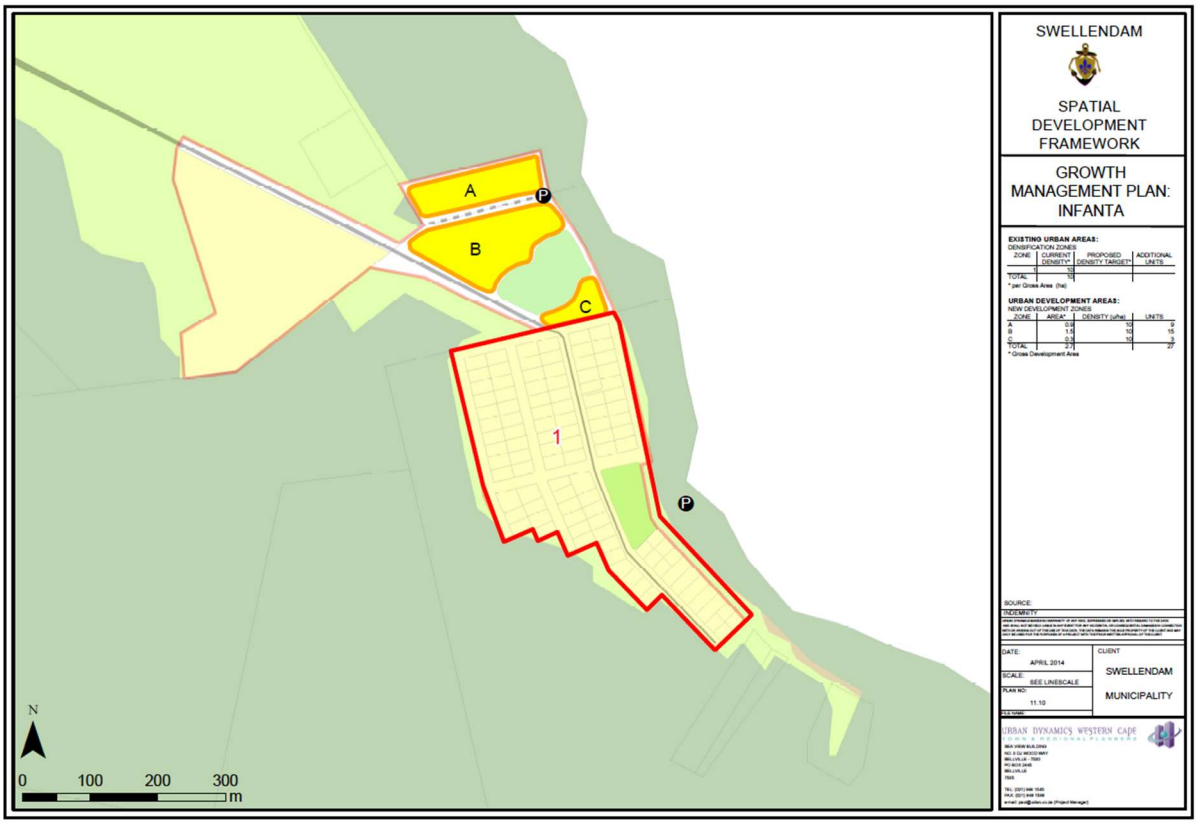

Figure 20: The Growth Management Plan for Infanta.

3.8 Swellendam Municipal By-Law on Land Use Planning, 2020

The application to rezone the land from Agricultural Zone to Subdivisional Area to permit land to be zoned Residential Zone 1, Open Space Zone 2, and Transport Zone 2 (Public Road), is therefore made in terms of Section 15(2)(a) of the Swellendam Municipal By-Law on Land Use Planning, 2020**.** The application to subdivide the land in accordance with the plan of subdivision submitted is made in terms of Section 15(2) (d) of the Swellendam Municipal By-Law on Land Use Planning, 2016. The applications at hand must be assessed in terms of Section 65 of the Swellendam Municipal By-Law on Land Use Planning, 2016. This section states that when the Municipality considers an application, it must have regard to the following:

the desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding the desirability of proposed land uses; *(h)* the impact of the proposed land development on municipal engineering services; *(i)* the integrated development plan, including the municipal spatial development framework; *(j)* the integrated development plan and spatial development framework of the district municipality, where applicable; *(k)* the applicable local spatial development frameworks adopted by the Municipality; *(l)* the applicable structure plans; *(m)* the applicable policies of the Municipality that guide decision-making; *(n)* the provincial spatial development framework; *(o)* where applicable, a regional spatial development framework contemplated in section 18 of the Spatial Planning and Land Use Management Act or provincial regional spatial development framework; *(p)* the policies, principles and the planning and development norms and criteria set by the national and provincial government; *(q)* the matters referred to in

section 42 of the Spatial Planning and Land Use Management Act; *(r)* the principles referred to in Chapter Vl of the Land Use Planning Act; and *(s)* the applicable provisions of the zoning scheme.

Desirability (should be considered under the following key headings):

- Overall character of the surrounding area
- Existing planning initiatives in the area
- Location and accessibility of the property
- Physical characteristics of the property
- Overall potential of the property
- Provision of services – how will the provision of water, sewage, electricity & solid waste be addressed?
- Brief explanation of the construction process / phases of the proposal

4. DESCRIPTION OF THE PROPOSAL

4.1 The Proposed Residential Development

The intention to develop a very small part of a 3.04-hectare portion of the property by constructing an additional 20 freestanding single dwelling residential units. About forty percent of the 3.04-hectare area is of conservation value and will remain in its existing naturally vegetated state. This land will be rezoned to Private Open space (PrOS) in order to afford it protection.

The internal road system serving the twenty dwelling units will be zoned Transport Zone 2 (Public Road). It is proposed that the local authority take ownership of all roads.

The rest of the site, approximately forty five percent, will be developed with twenty single dwelling units (the existing dwelling house on the property will remain as is). This area will be rezoned to Residential 1 Use Zone in terms of the Swellendam Zoning Scheme. The development parameters of the Zoning Scheme will be applicable here.

A comprehensive set of design guidelines have been compiled to address overall planning issues and the development and on-going management of the site. The proposed subdivision layout is the result of a very careful urban design exercise which has taken into consideration the opportunities and constraints of the environment as well as the existing pattern of development. The overall design proposal has been driven by criteria identified in a number of specialist studies that have been undertaken, the provision of services, road dimensions and access criteria, and the urban design informants that have been applied to the layout. The key design informants are attached to this report. The individual additional 20 erven will be sold off under freehold and a Home Owners Association will be established in order to regulate the development of the entire property in accordance with a set of approved Design Guidelines. The proposed set of Design Guidelines are attached to this report.

All building plans submitted to the local planning authority will have to comply with the approved Design Guidelines and the endorsement of the Home Owners Association will be required in order to make the necessary submission.

All setbacks, heights, and coverage will be as per the development parameters pertaining to Residential 1 zoned land contained in the Swellendam Integrated Zoning Scheme.

It is envisaged that a number of specific development constraint related conditions will be attached to the approval of the rezoning to ensure that that all building plans submitted will be approved strictly in accordance with the approved Design Guidelines.

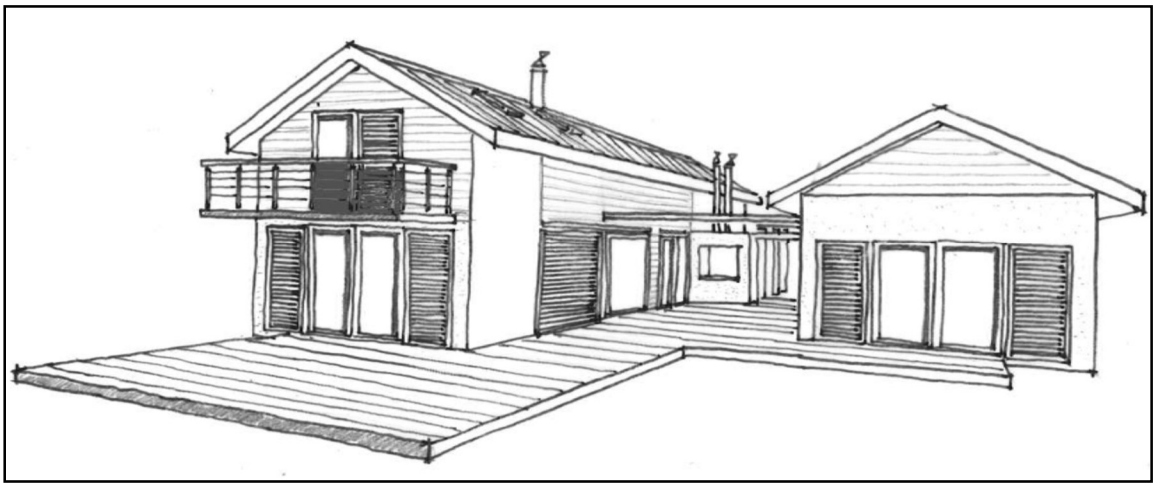

Figure 21: An example of the contemporary coastal architecture proposed.

4.2 The Proposed Development Guidelines

The approved Development Guidelines will be made enforceable on owners and exist as the primary control mechanism in terms of building and design. The proposed Development Guidelines prescribe the following development parameters:

4.2.1 Development platforms and setbacks

All development will have to be in accordance with the prescribed setbacks pertaining to Residential 1 as contained in the Swellendam Integrated Zoning Scheme .

4.2.2 Coverage and building footprints

All development will have to be in accordance with the prescribed coverage pertaining to Residential 1 as contained in the Swellendam Integrated Zoning Scheme .

4.2.3 Building form & shape

The Design Guidelines present various examples of the desired building form. The architectural approach draws from the best emerging architectural qualities inherent in the older Infanta settlement while respecting

environmental issues identified in the various specialist studies undertaken. These guidelines will ensure that the new residences will respect the form and massing of the existing built fabric found in Infanta.

4.2.4 Garages

Garages with storage space will be permitted.

Figure 22: Local **c**ontemporary coastal architecture.

Figure 23: Local **c**ontemporary coastal architecture.

4.2.5 Cut and fill

All building forms are to be directly attached to the ground. No posts, columns or stilts will be permitted in order to raise buildings above natural ground level. Only external timber decks will be allowed to be raised above the natural ground level.

4.2.6 Height restrictions

The height of buildings will be measured vertically to the natural ground level /slope of the site. The maximum height for single story dwellings will be 4.5m to midpoint of pitched roof and the maximum height for double story dwellings will be 6.5m to midpoint of pitched roof. The proposed plan of subdivision will also determine which properties will be permitted to be developed with double storey dwellings. Only five properties have been identified as suitable for double storey units. All the remaining properties will only be permitted to be developed with single storey dwelling units. No deviations from these height parameters will be permitted.

4.2.7 Roofs

The Design Guidelines present various examples of the roof forms to be permitted. Roofs are to be double pitched with a roof pitch of 30 degrees. Flat roof single storey elements will be permitted as links. These will however have to be secondary elements

4.2.8 Walls

All exterior walls are to consist of brick work with a combination of plaster and paint finish and fibre cement board cladding. At least 30 % of the building is to be covered with horizontally fixed boards (ship lapping) in an aesthetically pleasing / designed way. Timber or aluminum shuttering will be permitted to form part of exterior facades.

4. 2.9 Doors and windows

The Design Guidelines present various examples of windows to be permitted. Window proportions are to be vertically proportioned and orientated.

4.2.10 Fire Places, braais and chimneys

Flues will be required to be of the circular stainless-steel type and not exceed 300mm in diameter. Stainless steel rotating or fixed cowl will be permitted to be used on top of chimneys. Spark arrestors will have to be installed on all fireplaces or braais within the development.

4.2.11 Driveways & hard surfaces

Driveways will not be permitted to be totally covered with a water impermeable surface finish. Impermeable hard surfaces such as exposed aggregate pavers or rough natural stone will be permitted in
430mm wide bands to improved traction for vehicles. The area in-between these strips will have to be planted with appropriate indigenous ground cover as per the Landscaping Design Guidelines.

4.2.12 Exterior lighting

Garden lighting will only be permitted in the form of solar lamps. Omni-directional luminaires will have to be fitted with louvered grilles or eye-lids to direct light downwards to prevent light pollution and disturbance.

4.2.13 Security

No external burglar bars will be permitted.

4.2.14 Fencing

A low 1.2m fence integrated with planting will be allowed to enclose or demarcate any part of individual properties. Only prescribed fencing along the perimeter of the property will be permitted. This is in order to address issues of safety and security pertaining to adjacent roads. This perimeter fencing will be comprised of galvanised steel posts and wire panels no higher than 1500mm. Openings for small animals of 250mm x 250mm will be made in the required wire panels. These openings will be spaced at 1 opening per panel.

4.2.15 The proposed internal road system

The width of the internal road has been kept to minimal yet acceptable width of 6 metres, with a one metre dropped curb on either side, thus representing a street space of 8 metres. The internal road system will not be gated and will be accessible to visitors and the general public.

4.2.16 Double/Second dwelling units

No double or second dwelling units will be permitted on any of the new single residential erven.

4.2.17 Subdivision

No further subdivision of any of the new single residential erven will be permitted.

4.3 The proposed vehicular access points to the site

Access to the individual erven will be by means of two roads leading off the main road into Infanta. The exact positioning of these two entry points has been determined by the specialist traffic consultants. Access to the proposed 5 erven located in the south sector of the applicant property will be taken over erf 233 which has subdivided off and zoned to Transport Zone (Public Road).

4.4 The Proposed Open Space System

Two large areas will be set aside as open spaces. These areas will be protected by the assignment of a Private Open Space (PrOS) zoning to these two areas. This area of 15 239.70m² represents 50% of the entire developable area. While pedestrian access to these areas will be possible, such access will be limited and controlled due to conservation considerations. The protected areas will be clearly demarcated. Various specialist studies undertaken will inform the ongoing management of these two areas. It is envisaged that an Environmental Management Plan (EMP) will be adopted to guide management of this area by a Home Owner's Association (HOA).

4.5 The coastal walkway

It is proposed to create a public walkway along the eastern edge of the residential erven. This walkway will provide safe and defined public pedestrian access along the coastline. Construction of the walkway will be undertaken by the developer and the maintenance of the walkway will be the responsibility of the Home Owner's Association

4.6 The Plan of Subdivision

The proposed plan of subdivision is the result of a comprehensive design exercise which has been guided and driven by a number of factors which have emerged from the numerous specialist studies which have been undertaken. Natural elements such as ridgelines, watercourses, areas of significant and valuable indigenous vegetation, and primary dune vegetation, and urban design considerations such as the pattern of the existing surrounding built fabric and the geography of the site, have played a key role in determining the proposed pattern of subdivision and the number of subdivided erven proposed. It is proposed to subdivide of the site into 21 separate erven (twenty vacant erven for new dwellings and an erf for the existing house). Erf sizes vary between 321m^2 and 81582m^2, with Fourteen of the plots are large that 460m^2. The gross density of the land to be rezoned will be 6,9 units per hectare. This compares very favourably with the existing patterns of development in Infanta where one finds the following:

Infanta Village: Average plot size - 516.m^2.
Gross density - 10 units per hectare.
Infanta Park: Average plot size – 387.6.m^2.
Gross density - 13.7 units per hectare.

The plan of subdivision complies with Section 3.3.3(e) of the Swellendam Integrated Zoning Scheme.

The average plot size for the entire settlement of Cape Infanta is currently approximately 466m^2. The proposed plan of subdivision is therefore very much in keeping with existing plot sizes and densities. The Plan of Subdivision is attached to this report as Diagram **11.**

Figure 24: The proposed plan of subdivision overlayed on an aerial photo of the site.

4.7 The Proposed Zoning - Residential Zone 1(R1), Private Open Space (PrOS), and Transport Zone (TZ) (Public Road)

It is proposed to rezone a 3.04-hectare portion of erf 134 from Agricultural Zone (AZ) to Subdivisional Area in terms of Section 15(2)(a) of the Swellendam Municipal Planning Bylaw of November 2020. The following zonings are proposed for various portions of the site: Residential Zone 1(R1),Natural Resource Zone, Private Open Space (PrOS), Public Open Space, and Transport Zone (TZ) (Public Road) in terms of Section 3 of the Swellendam Municipality Integrated Zoning Scheme, June 2020, to permit the construction of an additional 20 single dwelling units in accordance with the proposed layout contained in this application. More than 53% of the land will remain in its natural form.

Section 3 lists a number of specified use zones to which land is or may be zoned and stipulates the nature of buildings and the utilisation of land permitted in each of these zones. It is also worth noting that in terms of Section 66 of the Swellendam Municipality By-Law on Land Use Planning, 2020, when rezoning the property in question; various conditions pertaining to the specific utilization of the land may be attached to the property in question. Such conditions may include the provision of engineering services and infrastructure amongst other things.

Zone	Extent	Percentage
Transport (public road)	2817.9m^2	9.%
Private Open Space:	47m^2	1%
Public Open Space	3983m^2	13%
Natural Resource Zone	12113m^2	39%
Residential 1 Zone (R1)	11557m^2	38%

Appropriately worded conditions attached to the approval will ensure that the enhanced rights obtained will be limited to the development making up this application, that these rights will be specifically prescribed, and that all mitigating measures required to be undertaken will be stipulated in law. Furthermore, it is important to note that the environmental authorisation applied for will also be subject to a number of environmentally related conditions which will safeguard the natural environment during any construction that will take place. This will no doubt include the submission of an Environmental management Plan and the appointment of an Environmental Control Officer to oversee matters. The Plan of Proposed Zonings is attached to this report as Diagram **12.** The Swellendam Municipality Integrated Zoning Scheme, June 2020 specifies the following land use parameters for the Residential zone 1(R1):

Primary uses	**Consent Uses**
Bed and breakfast establishment Dwelling-house Hot-house Limited crèche Limited Occupational Practice	Additional Dwelling Unit Breeding establishment Crèche Double dwelling Guest-house House shop Occupational practice Special use Tourist Facilities

Street setbacks: 301m^2 to 500m^2 = 3m. Greater than 500m^2 = 4m

Common boundary setbacks: 301m^2 to 500m^2 = 1.5m. Greater than 500m^2 = 2m

Coverage: 301m² - 500m² = 70%. 501m² and larger =50%

Height: 8.5m, measured from base level to the top of the roof.

Erf Size: Unless there are exceptional site conditions or circumstances, which are to be motivated:

- a newly created erf in this zone may not be smaller than the smallest registered erf in the immediate environment, and
- a newly created erf in this zone may not be smaller than 50% of the average erf size in the immediate environment.

4.8 Landscape Plan

A Landscape Plan and appropriate indigenous landscaping palette have been compiled to accompany the rezoning application. Water wise locally indigenous vegetation will be prescribed for planning on the individual plots. The proposed Landscape Plan is attached to this report as Diagram **13.**

The balance of Erf 134 which is zoned Agricultural Zone is not the subject of this application. It is however noted that is a Critical Biodiversity Area in term of the Western Cape Biodiversity Spatial Plan 2017.

4.9 The rezoning of land zoned agricultural use

It is proposed to rezone a 3.04-hectare portion of erf 134 from Agricultural Zone (AZ) to Subdivisional Area. This land lies entirely within the urban edge. Furthermore, over 40% of it is conservation worthy and therefore not desirable for agrilcultural use, the remainder of the land is largely comprised of limestone with very low agricultural potential.

4.9 The remainder of erf 134

The balance of Erf 134 which is zoned Agricultural Zone is not the subject of this application. It is however noted that is a Critical Biodiversity Area in term of the Western Cape Biodiversity Spatial Plan 2017.

5. APPLICATION DETAILS

Application is hereby made for the following:

5.1 Rezoning

The rezoning of a 3.05-hectare portion of erf 134 from Agricultural Zone (AZ) to Residential Zone 1(R1), Natural Resource Zone, Private Open Space (PrOS), Public Open Space and Transport Zone (TZ), all in terms of Section 15(2)(a) of the Swellendam Municipality By-law on Land Use Planning, 2020. These proposed zones are indicated on a diagram attached to this report.

5.2 Subdivision

The subdivision of a 3.04-hectare portion of erf 134 in terms of Section 15(2)(d) of the Swellendam Municipality By-law on Land Use Planning, 2020, into the following portions:

- Twenty-one Single dwelling erven;
- One erf of Natural Resource Zone;
- One erf of Private Open Space;
- Two erven of Public Open Space
- Two portions – public road.

The plan of subdivision is indicated on **Diagram 11** attached to this report.

6. IMPACT ASSESSMENTS AND THEIR RECOMMENDATIONS

6.1 Environmental Impact Assessment

PHS Consulting Environmental Consultants have been appointed to undertake the Environmental Impact Assessment required in terms of law. As part of this process, a number of specialist professionals were appointed to undertake a number of specific impact assessment studies. The findings of these studies are presented below:

6.1.1 Hydrogeological Impact Assessment

This study was undertaken by Geo Pollution Technologies. The recommendations contained in the report are as follows:

- Groundwater quality exceedances in the boreholes above the SANS 241 drinking water standards indicated that the groundwater at the site is not suitable for use as potable water without prior treatment. The exceedances in total coliforms can be addressed by improving sanitation systems and ensuring human or animal wastes are properly disposed of.
- The monitoring as recommended in the report should be established prior to operation. The water level monitoring should be conducted weekly for the first three months of operation and if no significant water level decline is observed, the monitoring can be conducted on a monthly basis. Alternatively, automatic water level measurement in the form of pressure transducers can be installed to aid in this process. Logs of flow meter readings should also be kept and the flowmeter should also be read once per month.
- Seawater intrusion may become a concern during extended abstraction periods and should be monitored.
- A rainfall gauge should be installed on the site and rainfall readings should be taken after every rainfall event and the time and date of the reading recorded.
- The monitoring data (water levels, rainfall and chemistry) should be kept in an electronic database for further analysis should this be required.
- The recommended pump cycle for the borehole is 12 hours per day. If the pump cycle is to be extended, the maximum daily volume for each borehole must not be exceeded and the pumping rate must be reduced to sustainable rates. Refer to management recommendations in Table 22.
- It is recommended that the hydrocensus be repeated once every 2 years to ensure that no new groundwater users are affected. The hydrocensus should extend to a 1km radius around the site boundary.
- The regional groundwater table must be maintained to:
- Ensure that schedule 1 water users adjacent to the site have adequate water supply to basic human need.
- Ensure that adequate water is available to maintain base flow in the tributaries of the Breede River.

6.1.2 Engineering/Services Report

This Study was undertaken by Hessequa Consulting Engineer. The Services Report dated March 2025 is annexed to this Motivation as **Annexure F.** The Report states that the provision of civil engineering services

will be in accordance with the guidelines and requirements of the *Guidelines for the Provision of Engineering Services and Amenities in Residential Township Development* as published by the CSIR and that of the Swellendam Municipality. This report indicates, discusses and elaborates on the design criteria and specifications to be applied in the detail design of the internal and external infrastructure including roads, stormwater, water and Waste Water Treatment, Solid Waste Management, flood lines as well as requirements for the provision of electrical sleeves.

Mass Earthworks

No mass earthworks will be required.

Roads

The internal road reserves are 8m wide. The access road as well as the internal road network will consist of 4,5m wide road surfaces. Road finishing will consist of 60mm Interlocking segmented paving with stormwater pipework, open stone pitched channel and inlet- and outlet structures. The design criteria will be based on the design standards of the *Guidelines for the Provision of Engineering Services and Amenities in Residential Township Development.* Suitable commercial sources for the construction materials are available within Swellendam municipal area and surrounding towns.

Stormwater Management

It is estimated that stormwater runoff, depending on erf coverage, will increase by approximately 25% post development. The following measures are proposed to mitigate the impact of post development stormwater runoff downstream from the proposed development:

- Installation of 5,0 kℓ water tanks on each residential erf will contribute to the attenuation of initial runoffs. The tank overflow will be directed to underground soakaways. With the expected Mean Annual Precipitation (MAP) of 430mm/year, an average roof size of 215m² and 80% efficiency rate the expected annually rainwater harvesting per unit will be around 74 kℓ /household.
- The runoff from any hardened surface, within the developed plots, will be directed towards gardens using strategic landscaping with native vegetation to intercept the runoff.
- The concentration of stormwater runoff will be minimised through the application of landscaping techniques, i.e. by creating grass lined swales, undulations and depressions. These cutoff swales will intercept any overland flow, which will discourage erf runoff to road surfaces.
- Stormwater from road surfaces will be released into the water course through energy dissipating Reno Mattresses structures.

Stormwater Design

Stormwater infrastructure will be constructed in accordance with the standard requirements and specifications as agreed with the Swellendam Municipality. The 100-year flood lines were determined by Mr A.L.Fraser (Pr Eng) and falls outside the development area. See outcome of the flood line study attached to Annexure B.

Design criteria adopted for the development regarding stormwater infrastructure is summarised as follows: Runoff rates will be determined according to the Rational Method.

Flood recurrence interval: 2 years

Pipe material: Concrete

Pipe class: 75D Pipe

Diameters: Minimum 375mm Ø up to diameter as required

Bedding: Class C

Inlets: Kerb and grid inlet structure for the northern erven.

: Open stone pitched channel, in stormwater servitude, for the southern erven.

Manholes: Point of deflections on pip

Water Demand

The estimated Annual Average Daily Demand (AADD) for the development is as follows: 21 Single Residential Erven (small) - 800 ℓ/unit/day 16,8 kℓ/day

Total AADD 16,8 kℓ/day or 0,194 ℓ/s

Availability of sufficient Water Sources

With the expected Mean Annual Precipitation (MAP) of 430mm/year, an average roof size of 215m² and 80% efficiency rate the expected annually rainwater harvesting per unit will be around 74 kℓ/household. It is proposed that the harvesting of rainwater be used for potable water consumption. Each household will be required to have a 5,0 kℓ water tank for rainwater harvesting. There are boreholes (134: 134A and 134C) located on erf 134, north of the district road. Van Biljon (2014-a) undertook a 72-hour pumping test on borehole 134C. The 72-hour pumping test established that borehole 134C can produce 25 m³/day, every day, for 100 years. For the best-case scenario, the yield goes up to 48m³/day. According to van Biljon (2014), borehole 134C's daily yield is 25 m³/day which is more than the daily demand which has been estimated as 16,8 m³/day. There is therefore sufficient borehole water for the proposed development of 21 units on erf 134. The calculations are conservative because the houses are unlikely to be occupied throughout the year.

Water Storage and Fire Fighting

The proposed development, with houses of floor area over 200 m², is classified, with respect to firefighting, as low risk group 1 by the Red Book (2004). To achieve the minimal low risk group 1 residual water pressure of 7m and the firefighting flow rate of 900 ℓ/minute, a 125mm Ø water supply pipeline is required from the reservoir to the development. Borehole 134C is located to the south of Main Road 268. It is recommended that a 130 kℓ SBS Tank reservoir be constructed near (the unused) borehole 134 A (Drawing HESRIV-573-W2). The size of the reservoir is determined by the required firefighting capacity (108 kℓ) plus the daily demand of 16,8k ℓ/day. To ensure that sufficient firefighting capabilities exist, the supply pipeline from the reservoir to the

development will consist of a 125mm Ø Class 9 uPVC water main complete with isolating valves, fire hydrants and erf connections. (Drawing HESRIV-573-W1). A servitude should be registered for the pipeline route.

Water Link Service

A new 125mm Ø, Class 9, uPVC water main will be constructed between the reservoir and development complete with isolating valves, fire hydrants and erf connections. An 200mm Ø corrosion protected steel sleeve will cross Main Road 268 between the two fence lines. An 125mm Ø HDPE fusion welded water main will be constructed through the steel sleeve. Water mains parallel to Main Road 268 will be constructed within the 5m building line. Confirmation that the District Roads Engineer support the proposal is attached under Annexure C of this report. Erf connections will consist of HDPE PE80 PN12,5 pipes and terminated with endcaps.

Sewage Management

Both the existing Infanta and the existing Infanta Park use septic tanks for sewage treatment. The septic tanks at Infanta Village are scattered amongst the potable water boreholes within the Village. A few new houses have conservancy tanks which are serviced by Swellendam Municipal tankers. One of three alternatives are available for consideration and approval by Swellendam Municipality namely Conservancy Tanks, Septic Tanks with Soak-aways or small household WWT Package Plants. The nearest Waste Water Treatment Works is 74 km (Swellendam) from site. The use of Conservancy tanks is in our opinion not economically viable and not recommended. It is proposed that each erf be fitted with an on-site WWTW Package Plant to handle the expected sewage flow. The factory built activated sludge sewage treatment plant will produce effluent that meets the Department of Water Affairs General Standards. According to the Manufacturer's (Maskam Water) design criteria the system consists over the following qualities:

- Odourless and quiet.
- The installed is underground.
- Has a small footprint.
- Effluent meets the South African DWS General Standard.
- Includes nitrification and de-nitrification cycles.

The smallest available model is the ZF450 which has a capacity to treat 1,500 ℓ/day which is well above the expected 640 ℓ/day sewage flow per household. The water can be recycled for non-potable usage such as flushing toilets, with the remaining effluent being used for irrigation or being discharged underground to a soak-away. Alternatively, all the effluent can be discharged to a soak-away as the surrounding soil is sand and very porous.

Sewer Design Flows

In accordance with the *Guidelines for the Provision of Engineering Services and Amenities in Residential Township Development* it is expected that 80% of the Average annual water daily demand will end up in the wastewater system. annual average dry weather flow (AADWF) equals 80% of 16,8 k ℓ /d = 13,44 k ℓ /d (640 ℓ /household/day) = 0,156 ℓ /s. To determine the Peak Wet Weather Flow

(PWWF) a peak factor of 2,5 were taken in consideration with an expected stormwater infiltration of 15%. The PWWF equals 0,447 ℓ/s.

Electrical Sleeves

The position of electrical sleeves (110mm Class 34 PVC) will be determined in consultation with the Electrical Engineer.

Solid Waste

The expected volume of solid waste generated, for the specific development, will be seasonable. The highest volume of solid waste will be generated during the December-January period with other peaks around school holidays. Low volumes of waste will be generated during winter months. It is expected that between 0,15 to 0,25 m^3/household/week, solid waste, will be generated. Homeowners will be expected to deliver household solid waste to a Waste Transfer Station that will be located at one of the two entrances to the development. Swellendam Municipality will service the transfer station on Tuesday's and transport the un-compacted solid waste to the Swellendam Municipal Solid Waste Site. A letter from Swellendam Municipality accepting this proposal is attached to the Service Report. The final decision/position of the solid waste transfer station will be made in association with the Swellendam Municipality.

6.1.3 Freshwater

This study was undertaken by K Snaddon of the Freshwater Consulting Group. The recommendations contained in the report are as follows:

The proposed layout addresses specific concerns from a freshwater ecological perspective.
A sufficiently wide (40 m) corridor around the watercourse is accommodated by the layout. The establishment of such a corridor will protect the watercourse/stream and the surrounding dunes that contribute runoff to the stream during rainfall. The proposed layout takes account of limestone sensitive area, as delineated by the botanist specialist report.

The movement of fauna and flora across the site would be improved through the absence of any fences between the houses, thus allowing fauna to move between the houses. A further mitigation would be through ensuring that all gardens are planted with locally indigenous plant species. With mitigation, this impact was assessed as being of medium negative significance for both development alternatives. This negative impact is balanced by the positive impact of the creation of a conservation area in the north-western portion of the site. While there is no detail on how this area will be managed, this represents a positive impact that it is unlikely would apply to the no development option, due to the uncertainties associated with this option.

There are several negative impacts associated with construction, the most significant of which is the introduction of alien plant species through the use of topsoil for filling and landscaping on the site. Topsoil must be obtained from a reliable source, and local topsoil made use of wherever possible. All of the construction

impacts can be minimised through the implementation of several mitigation measures, which must be detailed in an environmental management plan for the site, prior to the commencement of construction. The main concerns about the operational phase of the residential development are the generation and management of stormwater and treated sewage. The stream is ephemeral and any change in hydrology or pollution of the watercourse due to the introduction of residential stormwater runoff, or to irrigation with treated sewage will change the nature of the system, and lead to a deterioration in the quality of habitat provided within the corridor. This impact was assessed as being of low to medium significance before mitigation, and of low significance with mitigation. Septic tanks must be located outside of the 1:100-year flood line.

The following mitigating measures are proposed:

Construction Phase:

- Conduct trenching by hand within ecological corridors and avoid using machinery.
- Perform excavation during the dry season and rehabilitate disturbed areas quickly.
- Store building materials at least 50 meters away from watercourses and protect them from wind.
- Prevent pollution by placing machinery prone to leaks away from sensitive areas and using drip trays for equipment.
- Avoid introducing alien invasive species by ensuring soil and top material are free from alien seeds.
- Educate workers on environmental awareness and minimize disturbances to fauna and flora.

Operational Phase:

- Implement an Environmental Management Programme (EMPr) with specific guidelines for minimizing disturbances.
- Maintain connectivity between conservation areas and ensure gardens are planted with indigenous species.
- Limit the use of treated wastewater for irrigation and monitor waste treatment systems regularly.
- Educate residents on responsible use of household chemicals to avoid septic system inefficiencies.
- Utilize stormwater management systems designed to mimic natural hydrology, ensuring proper runoff infiltration.

In an updated report complied in December 2024 Snaddon confirmed that *"Alternative 3 is the preferred development layout from a freshwater ecological impact, as all of the erven are located outside of the watercourse corridor".*

6.1.4 Botanical

This study was undertaken by Dr. David McDonald. The recommendations contained in the report are as follows: Two vegetation types are found in the designated study area on erf 134 Infanta, namely De Hoop Limestone Fynbos and Overberg Dune Strandveld. On a regional and national scale Overberg Dune Strandveld is considered to be Least Threatened. De Hoop Limestone Fynbos is also rated as Least Threatened but this classification should be treated with circumspection at the local scale at Infanta.

The De Hoop Limestone Fynbos on the eastern section of erf 134 Infanta was deemed irreplaceable by Helme (2005) and there is complete agreement with that conclusion from the findings of the present study. Erica

oblongiflora, a Critically Endangered fynbos species was found at Infanta for the first time during this survey. This is a highly significant discovery and together with the presence of a number of other Red List plant species makes the limestone part of the study site extremely conservation-worthy. The constraints analysis based on the botanical survey of the eastern section of erf 134 determined the high importance of conservation of the area of De Hoop Limestone Fynbos whereas the area of Overberg Dune Strandveld was found to have lower conservation value, permitting development with no significant constraints.

- The constraints analysis was taken into consideration in a protracted process to mitigate for any impacts on the De Hoop Limestone Fynbos on Erf 134 Infanta. Early development proposals were rejected as potentially having **High Negative** impacts that would destroy the area of limestone fynbos with no opportunity for mitigation. Alternative 3 (preferred alternative) was also found to be flawed (**High Negative** impact) but was assessed for comparison with alternatives 1 and 2, to highlight the mitigation impacts and mitigation measures for the proposed 'limestone conservation area'.

- Alternative 2 was found to be acceptable from a botanical perspective for two main reasons: (1) The setting aside of a conservation area for De Hoop Limestone Fynbos and (2) the definition of a biodiversity corridor (which will accommodate some Overberg Dune Strandveld) along the watercourse extending to the eastern boundary of the property on the coastal side. The anticipated impact of Alternative 2 is **Low Negative**.

Alternative 3 was developed due to traffic regulation constraints and although less desirable than Alternative 2 from a botanical perspective, with anticipated **Medium negative** impacts after mitigation, this alternative is considered acceptable as long as the mitigation measures are strictly applied. It is strongly recommended that a management plan should be compiled to ensure the correct management of the conservation area of De Hoop Limestone Fynbos and the 'watercourse biodiversity corridor'. Attention should be paid to the high incidence of alien invasive species, in particular Acacia cyclops (rooikrans) on the property. These alien invasive plants must be controlled but not should also be taken of the large amount of seed in the soil. Construction disturbance on the site would stimulate germination of the dormant seed and in addition no soil which could contaminate other places should be removed from the site.

6.1.5 Setback Study

This study was undertaken by Geoff Toms. The recommendations contained in the report are as follows:
The setback line for flooding and erosion has been derived as 10m landward of the +6m MSL elevation contour. Using this guidance, the line has been superimposed on a plan of the development in Figure 9. This highlights areas of potential conflict for the development of the seaward plots just north of the "valley" formation. It is recommended that the precise location of the proposed line be discussed with the Provincial/Municipal authorities. In April 2024, Toms confirmed in writing that the "latest layout shows no conflict with the setback line study and is compliant with the setback line recommendations".

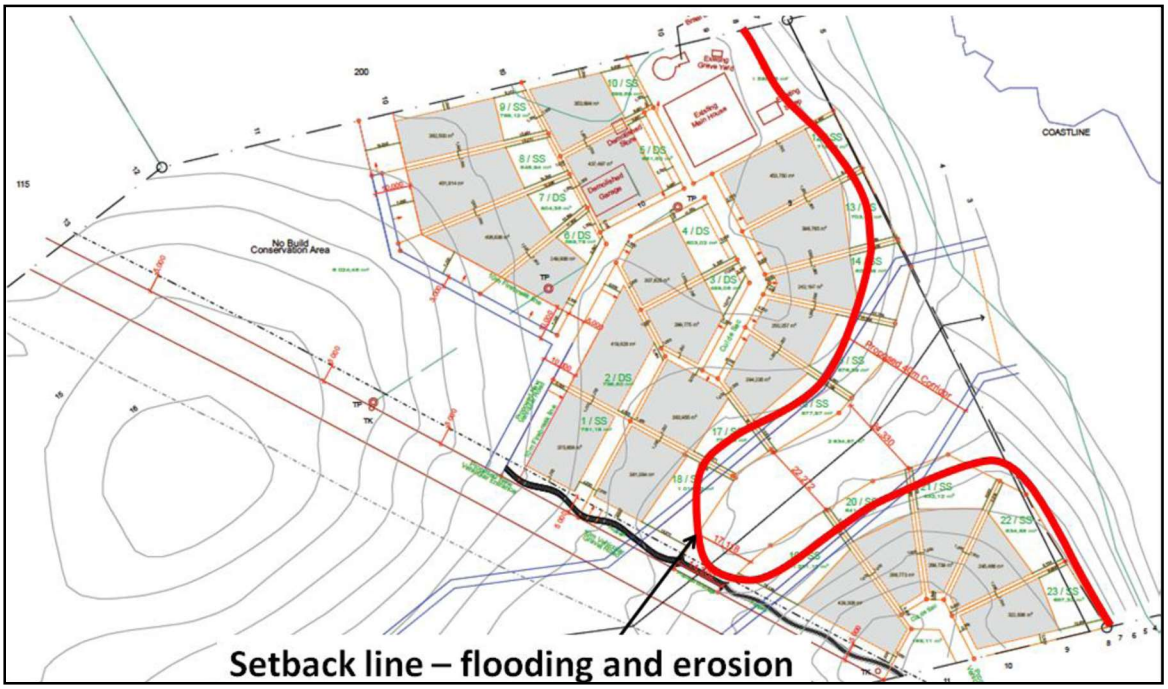

Figure 25: The proposed coastal setback lines

6.1.6 Erosion Study

This study was undertaken by Pieter Badenhorst Professional Services CC. The recommendations contained in the report are as follows: The analysis of the aerial photographs indicates that the shoreline is relatively stable. This is probably due to the protection provided by the rocky shelve and rocky beach. An existing vegetated dune buffer area of about 25m in width is present between the rocky beach and seaward boundary of the proposed development. On the northern seaward boundary this buffer is largely reduced to just a few metres. This is likely due to the much narrower rocky shelve and rocky beach protecting this area. Global warming will in all likelihood lead to sea level rise and increased frequency and intensity of storms that could cause erosion of the shoreline in the future. As a result, erosion of about 10m is expected. Following from coastal management principles, the buffer area should be larger than 10m. The available buffer is seen as adequate for this purpose. It is, however, very important that the vegetation in this buffer be protected and maintained to ensure that the sand remain stabilized at all times. For this purpose, a proper board walk(s) should be provided as access to the beach.

6.1.7 Social Assessment

This study was undertaken by Tony Barbour and Schalk van der Merwe. The recommendations contained in their report are as follows:

The area has therefore been identified as suitable for residential development. The findings of the SIA also indicate that the construction of the proposed 20-22 units will create employment and business opportunities for the local economy. The negative impacts associated with the construction phase can all be effectively mitigated.

The findings of the SIA indicate that the potential impact on Infanta's current character will be largely dependent upon the type and scale of houses developed. If strict architectural design guidelines that are in keeping with and sensitive to the current scale of development in Infanta are implemented and attached to the deed of sale for all properties, then the impact on the current character of the town will be limited.

Barbour provided an addendum to his first report in December 2023. In this addendum he concludes as follows: "Based on the findings of the March 2015 SIA and the review of the SLM SDF (2020), the proposed development of Alternative 3 (21 units) within the demarcated Infanta urban edge area is supported. However, as per the recommendations of the 2015 SIA, this support is conditional upon the application of strict architectural design guidelines that are in keeping with the current scale of development in Infanta and are sympathetic to the local environment. The mitigation measures listed in the SIA (2015) should also be implemented and included in the EMP4. The following additional mitigation measure is also recommended: The contractor for the bulk service component of the development will be liable for security arrangements during the construction operations.
In addition, the establishment of a security type estate, with controlled access is not recommended or supported.

6.1.8 Traffic Impact

A traffic study was undertaken by PJ van Blerk of the ICE Group in 2016. In 2019 the ICE Group confirmed "*that it is the opinion that the Conclusions and Recommendations made in the latest TIS for the proposed residential development on the subject property (prepared by this company, Ref: iCE/B/960, 4 May 2016)*
remains applicable." These are as follows:

i) That the portion of Erf 134 on which the development is proposed is located just north of the existing Cape Infanta town and on the north eastern side of Main Road 268 as indicated on the **Erf 134;**

ii) That a Traffic Impact Statement dated 7 December 2012 was submitted as part of the application for rezoning and subdivision of Erf 134, that based on comment from the PGWC (Road Network Management) in a letter with reference 16/9/6/1-27/24 (Job 23035) dated 1 July 2015, objecting to the previously proposed access to the northern portion, it was decided to omit the access and have one access to the development at the position of the proposed access to the southern portion and that the developer then decided to rather retain the existing access to the property as the access to the northern portion of the proposed development;

iii) That the proposed development will consists of 21 erven (including the existing house) of which 5 will be on the southern portion and the remaining 16 on the northern portion of the proposed development, that the two portions will be separated by means of a green corridor in which no hardened surfaces, such as roads, will be allowed and that each portion will therefore have to have its own access from the main road as indicated on the **Proposed Plan of Sub-Division;**

iv) That the northern access falls within the PGWC's jurisdiction whilst the southern access falls within the Swellendam Municipality's jurisdiction;

v) That, due to the low number of permanent inhabitants and the fact that there are no industrial- and business areas in the vicinity of Cape Infanta, no peak hour periods for traffic exists;
vi) That Main Road 268 between Infanta and the N2 is currently a gravel road with the surfaced section starting just before the residential houses at Infanta;
vii) That the speed limit on Main Road 268 is 80 km/h with the 60 km/h road sign just to the south of the existing access to the property (the now proposed access to the northern portion of the proposed development);

viii) That several speed humps exist along the surfaced section of the road within the residential area with the first one just to the south of the proposed access to the southern portion of the proposed development;

ix) That the point of access to the northern portion of the proposed development (16 properties) will be at the existing access to the property and that the access to the southern portion of the proposed development (5 properties) will be opposite an existing street just to the south of where the surfaced section of Main Road 268 starts; Page **9** of **9;**

x) That MR 268 is a Class 4-road and the environment can be classified as suburban;

xi). That the spacing between the accesses as indicated on the ***Erf 134 Access Spacing Plan*** is considered acceptable;

xii) That the sight distances from both the proposed accesses in both directions along Main Road 268 are considered acceptable;

xiii). That due to the fact that the existing development in Cape Infanta is residential and the proposed development will be zoned residential it is expected that very few trucks will visit the area other than construction vehicles and refuse trucks;

xiv) That parking on the properties should conform to the Municipality's requirements;

xv) That in view of the very low volumes of traffic and non-motorised traffic in the area no provision has been made for non-motorised transport along Main Road 268 and that a walkway will be provided along the beach front side of the proposed development; and

xvi) That most of the comments received from the public are related to the increase of the dust problem due to the additional traffic as well as whether the main road will be able to cope with the additional traffic but that the internal roads will be surfaced and thus not result in any additional dust and that the main road should be able to carry the additional light vehicle traffic as a result of the proposed development;

The access point to the development was in principle approved by both the Swellendam Municipality (l*etter dated 12 August 2015*) and PGWC (*letter with reference 16/9/6/1-27/24 dated 11 August 2015*). by the Provincial Roads Engineer.

6.1.9 Heritage Impact Assessment

This study was undertaken by Nicolas Baumann. The recommendations contained in his report are as follows:

The original assessment, dated 6 September 2010, concluded that the heritage significance of the site, apart from potential archaeological resources is low and the impacts on identified resources, predominantly the view from the main access road is also likely to be low. The assessment recommended that HWC recommend to DEA&DP that no farther heritage studies related to the built environment or the cultural, predominantly visual landscape are required. The mitigation measures identified in the report were considered to mitigate any potential negative impacts. These mitigation measures included:

- The provision of a landscaped strip adjacent to the main access road of approximately 8m with guidelines to ensure appropriate boundary wall treatment and to ensure that the immediately adjacent even do not present their rear elevations to the main access road to the village.
- An aspect of this landscaped strip should be the retention of the high point of the site at the southern tip and immediately adjacent to the existing residential area to the south-east as a natural green area.
- Sufficient set-back lines should be established along the natural drainage feature to ensure sufficient views across the site to the sea.
- The band of green space in front of the existing village should be used as a guide to the establishment of the set-back line.
- The need for the layout to respond to any findings that might emanate from the proposed shovel testing recommended for the three sites identified in the archaeological study.

These recommendations were endorsed in the Record of Decision issued by Heritage Western Cape on the 2 December 2010. In a subsequent letter from HWC dated 13 June 2012, no adjustment to the layout was required and it was stated that the development may proceed.

The heritage specialist confirmed that the revised proposal, which form the basis of this rezoning application, is a substantial improvement on the earlier layout. He notes that a no-build conservation area of approximately 6000m² is proposed at the point of entry into the village, replacing the original proposal of some 8 residential even. A 40m wide visual corridor along the dramatic course, linking the access road to the sea has also been provided. Furthermore, the 8m set-back line recommended in the heritage assessment has been adhered to. The band of green space in front of the existing village has been used as the guide to the establishment of the set-back line for the development adjacent to the coastline. All the mitigation measures have thus been adhered to. The revised proposal is a substantial improvement on the original layout. No heritage resources will be affected. The Heritage specialist therefore recommends that HWC comment to DEA&DP that no further heritage analysis is required and that the development may proceed. On the 31st October 2024 the Heritage

Consultant confirmed that the very minor changes to the layout had no material impact and that the *"original ROD remains valid and that the development may proceed according to the revised diagram"* .

6.1 10 Fauna Assessment

In addition to the July 2010 site visit that was conducted for the faunal baseline assessment (Burger 2011), the study area was again visited in July 2023 by Sungazer Faunal Surveys to assess the site. Their assessment concluded that the site of the proposed development is unlikely to support any of the bird and invertebrate SCC that were flagged by the STR, nor any of the additional bird SCC that are known from the general region. The site is too small to be of any significant value to any of these bird SCC, and these all have low probabilities of utilising this site. Although the size of the site may be somewhat better suited to accommodate invertebrate (insect) SCC, the species flagged by the STR are unlikely to occur at or sporadically utilise this property. The STR Animal Species Theme rating of MEDIUM sensitivity for this area (for is thus not appropriate and should instead be considered as being of LOW sensitivity in the context of these SCC. As such, it is not necessary to compile TASSAs for this proposed development, and thus this TASCS should suffice for the basic assessment process. Likewise, these results also negate the need for an impact assessment component.

In summary, this faunal assessment concludes that none of the bird and invertebrate SCC that were flagged by the STR are of significance to the proposed development – and thus they do not present any constraints in the context of the proposed development. The current layout (Alt. 3) makes provision for units of undeveloped terrain (eco-zones), which to some degree will allow for ecological functioning to be maintained. Additionally, the general habitat management recommendations and mitigation measures as per the botanical assessment (McDonald 2021) must be complied with.

6.1 10 Water Licence Use

An application in terms of the National Water Act, 1998 (Act No. 36 of 1998) and the Water Use Licence Application and Appeals Regulations, 2017, has been made to the Department of Water and Sanitation. The report states that the estimated Annual Average Daily Demand (AADD) for the development is for 21 Single Residential Erven (small) - 800 ℓ/unit/day 16,8 kℓ/day, with the total being 16,8 kℓ/day or 0,194 ℓ/s.

With the expected Mean Annual Precipitation (MAP) of 430mm/year, an average roof size of 215m² and 80% efficiency rate the expected annually rainwater harvesting per unit will be around 74 kℓ/household. It is proposed that the harvesting of rainwater be used for potable water consumption. Each household will be required to have a 5,0 kℓ water tank for rainwater harvesting. There are boreholes (134: 134A and 134C) located on erf 134, north of the district road. Van Biljon (2014-a) undertook a 72-hour pumping test on borehole 134C. The 72-hour pumping test established that borehole 134C can produce 25 m³/day, every day, for 100 years. For the best-case scenario, the yield goes up to 48m³/day. According to van Biljon (2014), borehole 134C's daily yield is 25 m³/day which is more than the daily demand which has been estimated as 16,8 m³/day. There is therefore sufficient borehole water for the proposed development of 21 units on erf 134. The calculations are conservative because the houses are unlikely to be occupied throughout the year.

7. MOTIVATION SUMMARY

7.1 Compliance with LUPA and SPLUMA

Section 7 of SPLUMA and Section 59 of LUPA require that land use planning be guided by a number of broad land use planning principles. The principles of special justice, special sustainability and efficiency are of relevance to land use applications. The proposed development is aligned with these principles as demonstrated below:

(a) The principle of spatial justice

The proposal will provide job opportunities during construction and limited job opportunities during operations.

(b) The Principle of spatial sustainability

The development will be carries out in a sensitive manner that will not impact negatively on the sensitive environment, but fully in compliance with the specialist studies undertaken for the area. Only a small portion of the larger is to be developed in the area delineated in the SDF thereby reducing urban sprawl. The development represents infill of a portion of land adjacent to surrounded residential development. The development will be privately developed. All costs will be carried by the developer and no onerous burden will be placed on the Municipality / state. Services will for the most part be off-grid. The developer will, in consultation with the Municipality, pay the required services contributions. Further, rates charges will be payable to the Municipality once the development has been completed and occupied. Thus, this criterion is/will be fully met.

(c) The principle of efficiency

The proposed development will make use of use of existing resources and infrastructure. Most services will be off- grid including water and sanitation. The existing road infrastructure is sufficient for the scale of development proposed.

(d) The principle of spatial resilience

The development is set behind the coastal setback line and away from any sensitive ecosystems identified in the Breede River Management Plan.

7.2. The impact of the proposed land development on municipal engineering services

Roads: The existing road network has sufficient spare capacity to accommodate the proposed development and the expected additional trips to and from the proposed development will have an insignificant impact on the surrounding road network.

Potable Water: 74m3/household (74kℓ) of rainwater can be harvested annually. The implication is that rainwater can supply 74 days of water supply. This exceeds the expected occupation of the typical erf 134

household, which is seasonal. In addition, the existing borehole 134C can produce 25m3/day, every day, for 100 years. For the best-case scenario, the yield goes up to 48m3/day. The daily yield is more than the daily demand which has been estimated as 21 m^3/day.

Stormwater: Runoff from the roofs will be led towards rainfall tanks. The tank overflow will be directed to underground soakaways. Paved areas within plots will be minimized. For instance, grass block driveways, or strip roads, will be preferred to paved driveways. The runoff from any hardened surface within the developed plots will be led towards gardens using strategic landscaping with native vegetation to intercept the runoff. Where feasible, cut off swales will be placed at the downstream side of the plots. These cut-off swales intercept any overland flow, which will then drain into the soil. The SWMP will comply with SUDS regulations.

Wastewater: A Fusion Wastewater Treatment plant system will be used to treat the wastewater generated by the development. All internal roads have been designed to accommodate associated vehicles.

7.3. Compliance with the applicable policies of the Municipality that guide decision-making;

Swellendam Spatial Development Framework Compliance

The Swellendam Spatial Development Framework (SDF),2020, identifies the area in question as falling within the urban edge and as an urban extension area, the scale and form of which is to be determined by an Integrated Environmental Management (IEM) processes. The planning document which is the product of an extensive public participatory programme undertaken, has been adopted by the Swellendam Municipality.

The proposed change in land use is for land positioned inside the designated urban edge and is in keeping with the Swellendam (SDF) (approved by the Swellendam Municipality). This document identifies the proposed uses as 'desired' land uses.

This Spatial Development Framework (SDF) is the most credible representation of the present-day local spatial planning paradigm. The composite map included in the SDF clearly shows the area in question as an area situated within the urban edge of Infanta and identifies the land suitable for residential development. The proposed rezoning of the site in question for residential purposes is therefore entirely in keeping with current and up to date planning policy. While the document provides a clear indication of the positioning of the Urban Edge Line and the number of dwelling unit opportunities, notional areas are presented for land to be developed and areas to be retained as natural open space. These "zones" are essentially schematic and the document makes it very clear that the exact detail of any proposal must be informed by all the necessary specialist studies required to address all pertinent issues.

At the time that the Swellendam Local Spatial Development Framework was compiled, no such detailed studies were undertaken and for this reason the diagrams provided indicate notional concepts. A series of specialist studies undertaken by respected specialists in their various fields have now been completed and the recommendations contained in these studies have informed the exact nature of the development concept proposed. On-site specialist analysis of flora and fauna has resulted in area specific evaluations. What has

become clear from the results of these studies is that it is simply not possible to assign specific uses to the site without undertaking such specialist studies, as many of the critical issues are quite area specific. This is something that the Swellendam SDF acknowledged.

The public access road indicated in the Growth Management Plan which is notionally positioned on the northern boundary of the property, cannot be accommodated in that position on erf 134. This is due to the fact that a large portion of the north western corner of erf 134 has been identified in the specialist study undertaken, to have extremely high conservation status. The Specialist studies undertaken have therefore necessitated the revision of the initial design proposal to ensure that no development or access of any manner occurs on this part of the property. The proposed point of vehicular entry on the Growth Management Plan is also not acceptable to the Provincial Roads Engineer due to obscured site lines at that point. This is due to the contoured landscape. For this reason, the, the access indicated on the Growth Management Plan requires revision.

It is therefore proposed that the access way as proposed in this application, be utilised to link up with the reminder of the road, as per the Growth Management Plan, on the adjacent property. Furthermore, it is simply not physically possible to locate parking in the northeast corner of the property as there is an existing grave of significance in this area which cannot be relocated. There are no physical hindrances to the accommodation of this concept on the adjoining land. There would be no objection from the applicant to such a proposal.

Figure 26: The existing informal road running across the portion of the property with high conservation value. The intention is to utilize this route to avoid further disturbance. The access point is also ideal for traffic site lines in both directions.

Figure 27: The corner of the adjacent property abutting the property in question. Note the disturbed planting which would suggest that the site is preferable to accommodate any parking proposal.

Figure 28: The Cape Infanta Growth Management Plan

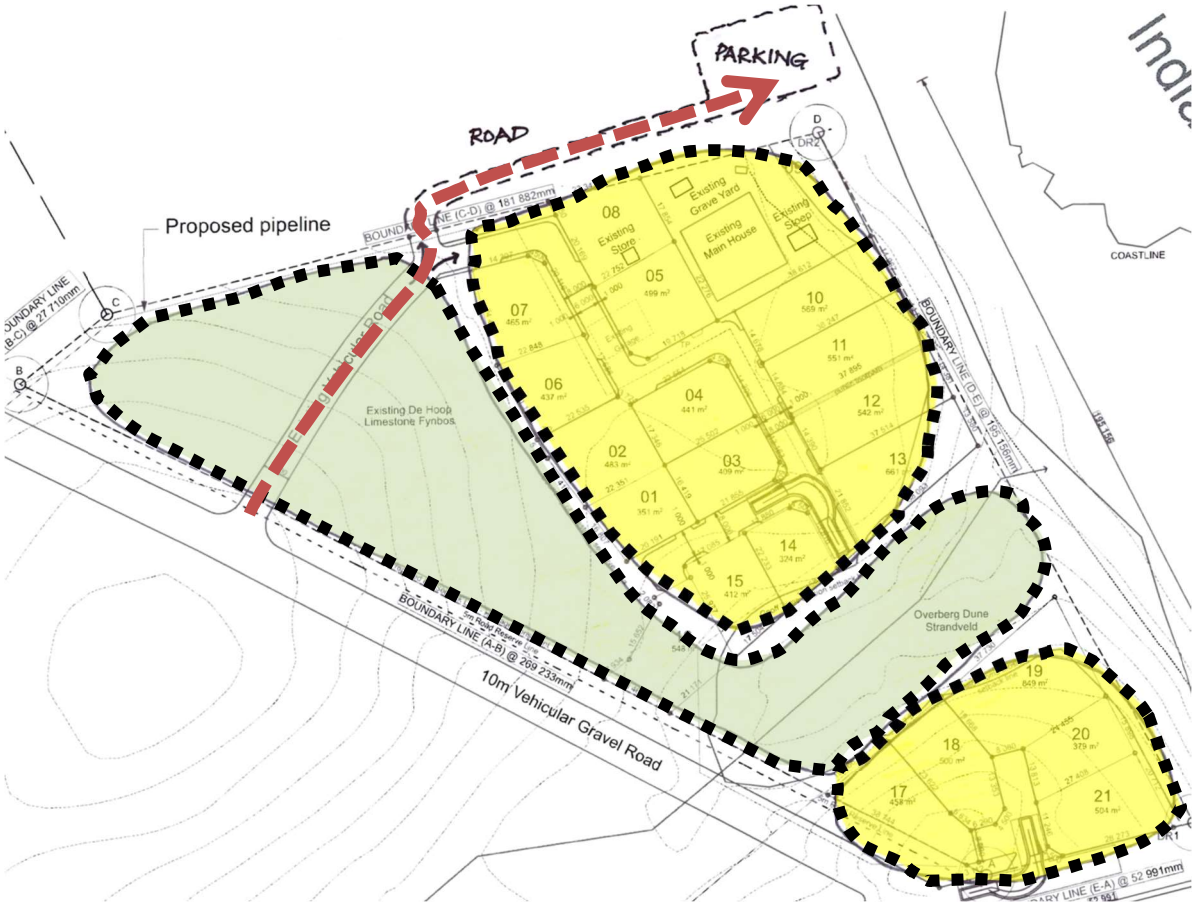

Figure 29: The warping of the Growth Management Plan conceptual diagram in order to respond to the specialist study informants.

7.4. Key Planning Considerations

Erf 134, Cape Infanta is located between the Infanta village (an orthogonal grid settlement adjacent to the coastline) and Infanta Park (a later suburban development), some 50 km south east of Swellendam and about 1 km south east of the Breede River mouth. A watercourse is located along a portion of the site that runs through the middle of these two portions of the village. A sufficiently wide (40 m) corridor around the watercourse is accommodated by the layout. The establishment of such a corridor will protect the watercourse/stream and the surrounding dunes that contribute runoff to the stream during rainfall.

Erf 134 is 85.6 hectares in size and stretches from the Indian Ocean coastline in a westerly direction. The property is traversed by the main access road into Infanta Village (north west to south east direction). The portion of erf 134 lying east of the main road is the portion, which is the subject of this planning application. The remainder, which constitutes 96% of the total site, will remain protected for conservation use. The intention to develop only a small part of a 3.05-hectare portion of the property by constructing an additional 20 freestanding single dwelling residential units. About fifty percent of the 3.04-hectare area is of conservation value and will remain in its existing naturally vegetated state. This land will be rezoned to Natural Environmental Zone, Public Open Space, and Private Open Space, in order to afford this land long term protection. Approximately thirty eight percent of the rest of the site will be developed with twenty single dwelling units (the existing dwelling house on the property will remain as is). Only about 5500m² or 18% of the

entire 3.05 hectares site will be set aside for potential building footprints. Eighty two percent of the site to be rezoned will therefore remain as open and unbuilt area.

A no-build conservation area of approximately 12113m² is proposed at the point of entry into the village. A 40m wide visual corridor along the water course, linking the access road to the sea has also been provided. Furthermore, an 8m set-back line along the access road, as recommended in the heritage assessment, has been adhered to. The band of green space in front of the existing village has been used as the guide to the establishment of the set-back line for the development adjacent to the coastline. Two vegetation types are found in the designated study area on erf 134 Infanta, namely De Hoop Limestone Fynbos and Overberg Dune Strandveld. Overberg Dune Strandveld is considered to be least threatened. De Hoop Limestone Fynbos presence makes a part of the study site extremely conservation-worthy. worthy. Development is only proposed on areas of lower conservation value, with a large portion of the area in question to remain protected as Public Open Space.

The proposed subdivision layout is the result of a very careful urban design exercise which has taken into consideration the opportunities and constraints of the environment as well as the existing pattern of development. The overall design proposal has been driven by criteria identified in the specialist studies that have been undertaken. The remainder of the site, the vast majority of Erf 134, will not be rezoned and will remain zoned for agriculture, and remain in its current natural vegetated state.

The overall design philosophy is to ensure that intervention in the natural landscape is minimized. Every effort will be made to ensure that the placing of all buildings will respect the natural elements, which make up the landscape. These include ridgelines, watercourses, areas of significant and valuable indigenous vegetation, and primary dune vegetation, amongst other things.

The dwelling houses are to be positioned within a Fynbos landscape, and landscaped or cultivated garden spaces will be restricted to the internal courtyards of each house. An appropriate indigenous planting program is proposed to restore certain areas and enrich others. All environmentally sensitive areas will be protected and access to these areas will be limited. The architectural approach draws from the best emerging architectural qualities inherent in the older Infanta settlement while respecting environmental issues identified through the various specialist studies that have been undertaken. A set of comprehensive Design Guidelines has been developed to ensure that this occurs. It is proposed that these guidelines will form part of the statutory controls governing the future development of the land in question.

Proposed erf sizes vary between 321m^2 and 1582m^2, with 14 of the 21 sites being at least 460m^2 in size. The gross density of the land to be rezoned will be 6,9 units per hectare. This compares very favourably with the existing patterns of development in Infanta where the gross density of Infanta Village is currently 10 units per hectare and the average plot size for the entire settlement of Cape Infanta is currently 466m^2. The proposed plan of subdivision is therefore very much in keeping with existing plot sizes and densities.

The construction of internal roads, the nature and positioning of all fencing, and the provision of services, will all be guided by the recommendations made by the various specialists who contributed to the Environmental Impact Assessment process.

8. CONCLUSION

The application to rezone the properties in question from Agricultural Zone (AZ) to Residential Zone 1(R1), Natural Environment Zone, Private Open Space, Public Open Space, and Transport Zone (TZ) (Public Road) in terms of Section 15(2) of the Swellendam Municipal By-Law on Land Use Planning, 2020, to permit the erection of an additional 20 single dwelling residential units satisfies the requirements of existing relevant legislation and planning policies.

Various comprehensive studies by experts in their respective fields have been undertaken as part of the Environmental Assessment process. Various mitigating measures have been recommended and adopted in the final sketch design process to ensure that the development of the 3.04-hectare portion of the property is undertaken in the most environmentally responsible and contextually appropriate manner. It is proposed that a set of Architectural Guidelines are adopted to ensure that development proceeds in a contextually sensitive manner.