



**Western Cape
Government**

Department of Environmental Affairs and
Development Planning

DEFINITION/ADOPTION OF A DEVELOPMENT SETBACK

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

APRIL 2024

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DEPARTMENTAL DETAILS

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



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

1. Purpose

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

2. Administrative requirements

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

3. General

3.1 Submission of documentation, reports and other correspondence:

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

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

DEADPEIAAdmin@westerncape.gov.za

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

DEADPEIAAdmin.George@westerncape.gov.za

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

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

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

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

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

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



4. Circulars, Guidelines and Tools

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

5. Development Setback information

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

6. Minimum Public Participation Process Requirements

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

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





DEVELOPMENT SETBACK DEFINITION/ADOPTION FORM

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

APRIL 2024

GENERAL PROJECT DESCRIPTION

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

This is an application for an Ad Hoc Setback Line to allow development on Erf 615, Agulhas. The proposal consists of the rezoning from single residential to business zone and departure from building lines, to convert the existing house into a boutique hotel. The erf is located within 100m of the high-water mark (HWM).

GENERAL REQUIREMENTS

1.1. Locality Map

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

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

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

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

Appendix A:	Locality map (with site plan)	YES	NO	N/A
Appendix B:	Map depicting the development setback to be adopted	YES	NO	N/A
Appendix C:	Existing approvals	YES	NO	N/A
Appendix D:	Existing development setback	YES	NO	N/A
Appendix E:	Existing Directives	YES	NO	N/A
Appendix F:	Zoning of properties	YES	NO	N/A
Appendix H:	Photo Report	YES	NO	N/A
Appendix I:	Planning Motivational Report	YES	NO	N/A
Appendix J:	National Screening Tool Report	YES	NO	N/A
Appendix K:	Site Sensitivity Verification Report	YES	NO	N/A



PART 1: ADMINISTRATIVE DETAILS

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

Highlight the Departmental Region and District in which the intended application will fall		CAPE TOWN OFFICE (REGION 1)		GEORGE REGIONAL OFFICE (REGION 3)	
		City of Cape Town		Cape Winelands District	
		West Coast District		Overberg District	
		Central Karoo District		Garden Route District	
Duplicate this section where there is more than one Proponent					
1.	Name of Proponent:	Daroja Trust			
	Contact person name (if other):	Rozitha Oosthuizen			
	Company/ Trading name State Department/Organ of State:				
	Company Registration Number:	411/97			
	Postal address & Postal code:	13 Sedgemoor Road, Camps Bay			Code 8004
	Contact numbers:	Tel.	+27(0)		Cell: +27(0) 83 270 84908
	E-mail:	rozitha@angorastud.co.za			
2.	Company of EAP:	PHS Consulting			
	EAP / Candidate EAP name:	Paul Slabbert /Josie Howard			
	EAP registration no:	Paul Slabbert – 2019/1036 Josie Howard – 2025/19917 (Candidate EAP)			
	Postal address & Postal code:	PO Box 1752, Hermanus			Code 7200
	Contact numbers:	Tel.	+27(0) 28 312 1734		Cell: +27(0) 82 740 8046
	E-mail:	paul@phsconsulting.co.za / josie@phsconsulting.co.za			
	Duplicate this section where there is more than one Landowner				
3.	Name of landowner:	Daroja Trust			
	Name of contact person for landowner (if other):	Rozitha Oosthuizen			
	Postal address & Postal code:	13 Sedgemoor Road, Camps Bay			Code 8004
	Contact numbers:	Tel.	+27(0)		Cell: +27(0) 83 270 84908
	E-mail:	rozitha@angorastud.co.za			
Duplicate this section where the is more that one person in control of the land					
4.	Name of Person in control of the land:	Rozitha Oosthuizen			
	Contact person for 'person in control of the land' (if other):				
	Postal address & Postal code:	13 Sedgemoor Road, Camps Bay			Code 8004
	Contact numbers:	Tel.	+27(0)		Cell: Tel.
	E-mail:	rozitha@angorastud.co.za			
Duplicate this section where there is more than one Municipal Jurisdiction					
5.	Municipality in whose area of jurisdiction the proposed activity will be undertaken:	Cape Agulhas Local Municipality			
	Name of contact person:	Sunel Nel (Senior Town Planner)			
	Postal address & Postal code:	PO Box 51, Bredasdorp			Code 7280
	Contact numbers:	Tel.	028 425 5500/57		Cell: +27(0)
	E-mail:	suneln@capeagulhas.gov.za			



PART 2: DEVELOPMENT SETBACK DEFINITION/ADOPTION

SECTION B: DETAILS OF CURRENT ACTIVITIES/EXISTING DEVELOPMENT

1.	Do you have approvals for the existing or new development. If yes, explain and attach a copy/ies as Appendix C.	YES	NO
	There are no new approvals on Erf 615, except for the residential primary rights of the current development.		

2.	Is the development part of a bigger lawfully approved and commenced with development? If yes, provide details of all approvals and attach a copy/ies as Appendix C.	YES	NO
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The Erf falls within the L'Agulhas urban area. The site consists of 5 consolidated erven (293, 294, 281, 282, 283) that formed part of the original township establishment in 1936, the General Plan is attached under Appendix C. See below Figure 1, extract from the Cape Agulhas Municipality Spatial Development Plan.

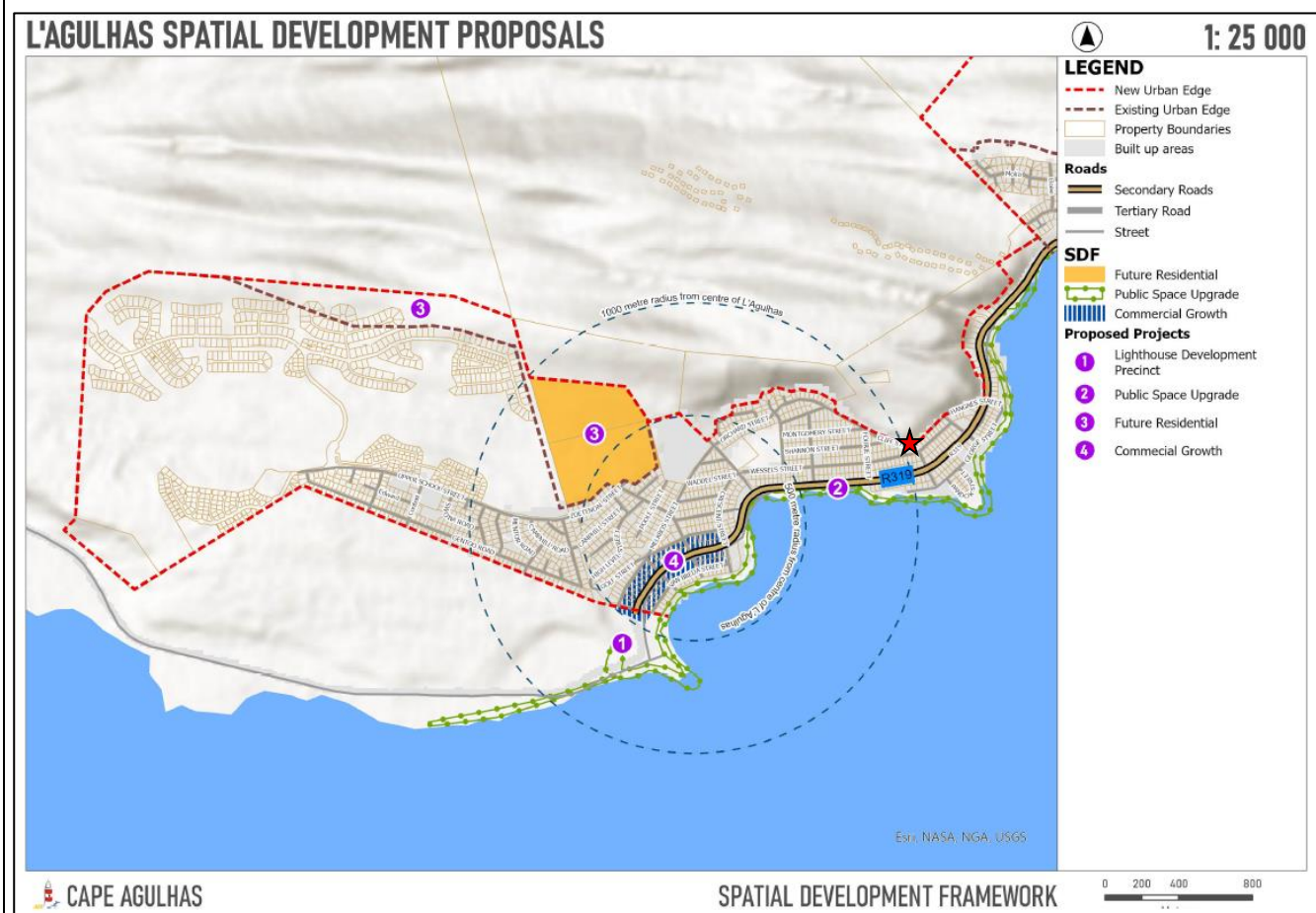


Figure 1: L'Agulhas Spatial Development Plan. Location of the Erf is indicated by a red star.

3.	Have any activities physically commenced on the site? If yes, list the date of commencement of these activities.	YES	NO
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The exact date of commencement of the current structure on the site is in the 1980's.

4.	Clearly describe the commencement of these activities with clear timelines and development footprints.
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The activities commenced with was the construction of a house, which was lawful and in line with the property's zoning as Single Residential.

5.	Clearly describe the current state of the site/route. (This must be supported by recent colour photographs)
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There is one large house, mostly one story but double story in one section with a thatched roof (Figure 2). The garden is mostly lawn, and the entire property is fenced off. There are two entrances to the property, one on Main Road and a second on George Street.



Figure 2: Photo taken of the current building on Erf 615 looking south from Main Road (the front of the property).



Figure 3: Photo of the current building on Erf 615 taken from George Street facing northwards (the back of the property).

6.	Describe the existing vegetation/ground cover. (This must be supported by recent colour photographs)		
Most of the site is transformed (house) and the majority of the garden area is mowed lawn. There are some shrubs/hedges on the fence line of the property.			
7.	Have any development setbacks in terms of the NEMA EIA Regulations been adopted by the competent authority for the subject site/route? If yes, copies must be attached as Appendix D.	YES	NO
8.	Have any Directives under Section 28 of the NEMA been issued by the competent authority for the subject site/route? If yes, copies must be attached as Appendix E.	YES	NO
9.	Have any Directives under Section 30A of the NEMA been issued by the competent authority for the subject site/route? If yes, copies must be attached as Appendix E.	YES	NO
10.	Have any Directives under Section 24G of the NEMA been issued by the competent authority for the subject site/route? If yes, copies must be attached as Appendix E.	YES	NO
11.	Describe the current land use.		
Erf 615 is currently zoned Single Residential Zone and is being used as such with a single, large dwelling on the property.			
12.	Describe the surrounding land use.		
To the south, across from Erf 615 is Public Open Space. The rest of the area surrounding the property is all residential and urban uses.			
13.	Is the current land use lawful? If yes, please explain.	YES	NO
Erf 615 is currently zoned Single Residential Zone and is being used as such with a single, large dwelling on the property.			

SECTION C: PROJECT DETAILS

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

1.	Does the proposed development entail the expansion of a lawful existing facility/structure/infrastructure or the development of a new facility/structure/infrastructure or the "like for like" replacement of an existing lawful facility/structure or infrastructure. Please explain.	
The proposal includes the extension of the existing house at a scale still reconcilable with the surrounding residential area to create a boutique hotel. The facility will provide world class tourist accommodation, that will be synonymous with luxury and relaxation.		
2.	Provide a detailed description of the proposed development and all its associated infrastructure. A clear, accurate and detailed description will obviate the request for additional information by the competent authority.	
The following is proposed:		
<ul style="list-style-type: none"> A rezoning of Erf 615 in terms of Section 15 (2)(a) of Cape Agulhas Municipality: By-law on Municipal Land Use Planning (PG 8632 of 15 July 2022), from Single Residential to Business Zone, for the development of a boutique hotel. An 8,5m height restriction will be applicable. A permanent departure from the development parameters of the zoning scheme in terms of Section 15 (2)(b) of Cape Agulhas Municipality: By-law on Municipal Land Use Planning (PG 8632 of 15 July 2022) to allow for a departure from the 3m side building line applicable to a Business Zone, to allow for a 2m side building line along the south-western boundary, to accommodate the existing house that is already located on this lesser building line. A removal of title deed restrictions in terms of Section 15 (2)(f) of Cape Agulhas Municipality: By-law on Municipal Land Use Planning (PG 8632 of 15 July 2022), for purposes of removing / suspension of restrictive title deed conditions. Restrictive conditions that must be removed is: B.,C."A.1.(a),(b), B.(a), (b) and (c) 		
An application will be made to rezone Erf 615 to Business to allow for a boutique hotel, with a height restriction of 8,5m. This is the same height restriction applicable to a single residential property.		
The existing house on Erf 615 is known as Shalom and a well-known landmark among residents and visitors. The proposal is to keep the already renovated house and entertainment areas mostly in its current form and to extend the house with additional guest rooms on the north-eastern boundary of the property. The proposed boutique hotel will be able to accommodate a total of 21 guest rooms in the existing house and the extension. The entire property will be available for guests to enjoy, and will include a living / dining area, a meticulously landscaped garden and a new swimming pool area.		
Meals will be prepared and served to clients as required. Breakfast, lunch, dinner and bar facilities will be available. Meals and liquor will only be provided to guests and will not be available to the general public. The parking layout is indicated on the attached site plan (Appendix A). For the proposed 21 guest rooms, 21 parking spaces are provided, to also make sufficient provision for management parking.		
3.	Is the proposed development:	
3.1.	a linear activity?	YES NO
3.2.	an activity directly related to prospecting or exploration of a mineral and petroleum resource or extraction and primary processing of a mineral resource?	YES NO
3.3.	a strategic integrated project (SIP) as contemplated in the Infrastructure Development Act, 2014 (Act No. 23 of 2014)?	YES NO
4.	Property location	Erf 615 is at 49 Main Road, L'Agulhas. The back of the property abuts George Street.
5.	Erf/Farm name(s), number(s) and portion(s)	Erf 615, L'Agulhas.
6.	Property size(s) (m ²) of all proposed sites:	3335 m ²
7.	What is the existing lawfully development footprint size in m ² ?	Footprint of the building structure only relate to current coverage 726 m ² (21.7%) however the allowable coverage 1667 m ² (at 50%) excluding parking, minor building works and landscaping.
8.	Development footprint size(s) in m ² (i.e. the total area of land to be physically cleared for the proposed development (including associated infrastructure). Provide clear details of the required footprint).	The proposed building extension will be an additional coverage of 456 m ² (13.6%), making the total proposed coverage 1182 m ² (35.4%). Note the development footprint will cover the entire site of 3335 m ² , this incl. buildings, parking, swimming pool, minor building works and landscaping. Please refer to the SDP under Appendix A.
9.	SG Digit code(s) of the all the proposed property(ies)	
(description of cadastral unit)		
C 0 1 1 0 0 0 1 0 0 0 0 0 6 1 5 0 0 0 0 0		

10.	Coordinates of the proposed site(s) for all alternatives:			
	Latitude (S)	34°	49'	19.21"
	Longitude (E)	20°	01'	33.04"

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

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

Activity No(s):	Provide the relevant Basic Assessment Activities as set out in Listing Notice 1	Describe the portion of the <u>proposed development</u> to which the applicable listed activity relates.
19A	<p>The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from—</p> <ul style="list-style-type: none"> (i) the seashore; (ii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater; or (iii) the sea; — <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <ul style="list-style-type: none"> (a) will occur behind a development setback; (b) is for maintenance purposes undertaken in accordance with a maintenance (c) management plan; (d) falls within the ambit of activity 21 in this Notice, in which case that activity applies; (e) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or <p>where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</p>	The entirety of the development is within 100m of the high-water mark of the sea. Material measuring more than 5 cubic meters will be deposited and moved on site during the construction phase.
Activity No(s):	Provide the relevant Basic Assessment Activities as set out in Listing Notice 3	Describe the portion of the proposed development to which the applicable listed activity relates.
N/A		
Activity No(s):	Provide the relevant Scoping and EIR Activities as set out in Listing Notice 2	Describe the portion of the proposed development to which the applicable listed activity relates.
N/A		

SECTION E: PLANNING CONTEXT

1.	What is the current zoning of the property or properties?
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Single Residential			
2.	Is a rezoning application required?	YES	NO
3.	Is any other land use approval(s) (e.g. consent) required? If yes, please explain.	YES	NO
Erf 615 is currently zoned Single Residential Zone in terms of the Cape Agulhas Zoning By-Law 2022. An application is being made for the Rezoning of Erf 615 to Business.			
4.	Will the proposed development be located in an <u>urban area</u> as defined in the EIA Regulations? If yes, please explain.	YES	NO
Erf 615 lies well within the urban edge, see Figure 1.			
5.	Is the activity permitted in terms of the property's existing land use rights? If yes, please explain.	YES	NO
The expansion and business (boutique hotel) activity are not permitted since the site will need to be rezoned to Business. Erf 615 is located on an active street. It is the only property in Agulhas that is large enough for what it proposed - that can offer visitors such an unspoiled view, without having to develop outside the urban edge, or encroach onto public open spaces.			
6.	Are there any building restrictions in terms of the applicable Municipal By-laws? If yes, please explain.	YES	NO
<p>The following applications will be made, with respect to the removal of restrictions:</p> <ul style="list-style-type: none"> A permanent departure from the development parameters of the zoning scheme in terms of Section 15 (2)(b) of Cape Agulhas Municipality: By-law on Municipal Land Use Planning (PG 8632 of 15 July 2022) to allow for a departure from the 3m side building line applicable to a Business Zone, to allow for a 2m side building line along the south-western boundary, to accommodate the existing house that is already located on this lesser building line. A removal of title deed restrictions in terms of Section 15 (2)(f) of Cape Agulhas Municipality: By-law on Municipal Land Use Planning (PG 8632 of 15 July 2022), for purposes of removing / suspension of restrictive title deed conditions. Restrictive conditions that must be removed is: B.,C."A.1.(a),(b), B.(a), (b) and (c) 			
PROPOSED DEPARTURES <u>Departure From Building Lines</u> <p>Even though a Business Zone generally has 0m street and side building lines, building lines applicable to a Business is more restrictive than those applicable to Single Residential when bordering on a Single Residential property. The existing house was erected with a 2m side building next to Erf 292. Application is made to deviate from this prescribed building line, to accommodate the existing house. The existing garage / outbuilding was historically erected on 2,88m. The proposed 4m building line will not detract from the existing land use, or impact on site lines.</p>			
PROPOSED REMOVAL OF TITLE DEED RESTRICTIONS <p>In terms of the title deed of erf 615 there are restrictions registered against the property. It is subject to the restrictions registered in title deed T38614/2020 imposed by the Administrator of the Province Cape of Good Hope during the approval of the Town Agulhas in terms of Ordinance 33 of 1934. There are also however restrictions in favour of the landowners of Extension 1 and the developers at that time. The restrictions that must be removed are B.,C."A.1.(a),(b), B.(a), (b) and (c). For more details see the attached Planning Motivation Report (Appendix I)</p>			
7.	Will the activity be aligned with the following:		
7.1.	The Provincial Spatial Development Framework? Please explain below:	YES	NO
<p>The proposed development compliments the PSDF spatial goals that aim to take the Western Cape on a path towards:</p> <ul style="list-style-type: none"> Greater productivity, competitiveness and opportunities within the spatial economy; More inclusive development in the urban areas; Strengthening resilience and sustainable development. <p>The Western Cape Spatial Development Framework identifies the Cape Agulhas area as one of four areas in the Western Cape with tourism potential through the expansion of its resources. This can be achieved through a higher density and more efficient grouping of tourist products and through the combination of products.</p> <p>Key policies that is supported by this application: Policy E3: Revitalise and Strengthen Urban Space-Economies as the Engine of Growth Policy S3: Ensure Compact, Balanced & Strategically Aligned Activities & Land Uses</p>			
7.2.	The Spatial Development Framework of the local authority? Please explain below:	YES	NO
<p><u>Overberg Spatial Development Framework.</u> Densification and concentration of facilities are one of the District Municipalities strategies to achieve more functional towns.</p>			

Cape Agulhas Spatial Development Framework

The 2024 Spatial Development Framework is applicable. With the residential erf being in an already mostly developed area, no special recommendations are made. It is mentioned in the document that context-sensitive densification should be supported. The importance of the protection of natural areas outside the urban edge is mentioned. With the intensification in use of an existing house, urban sprawl is contained and areas outside the urban edge protected. See Figure 1 above for location of Erf 615 in terms of SDF.

7.3.	The urban edge as delineated in the Municipality's Spatial Development Framework? Please explain below:	YES	NO
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The proposed site is located within the Urban Edge, see Figure 1.

7.4.	An Environmental Management Framework (EMF)? Please explain below:	YES	NO
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The Screening Tool Report indicates intersections with EMF areas found (Appendix J) however through the process of Site Sensitivity Verification these intersections are considered not applicable (Appendix K).

7.5.	Any other Policies, Plans, Guidelines, Spatial Tools, Development Planning Frameworks and instruments applicable to the development? Please explain below:	YES	NO
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The Spatial Planning and Land Use Management Act (SPLUMA) and Land Use Planning Act (LUPA) came into effect in 2016 in the Cape Agulhas Municipality. One of the main objectives of this act is to provide a framework for spatial planning and land use management to address past spatial and regulatory imbalances. Section 42 of SPLUMA and Chapter 6 of LUPA prescribe certain aspects that must 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 consider—
 - (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.

SPLUMA and LUPA sets out the following 5 main development principles applicable to spatial planning, land use management and land development:

1. Spatial justice
2. Spatial sustainability
3. Efficiency (optimising the use of existing resources and infrastructure)
4. Spatial resilience (allow for flexibility in spatial plans)
5. Good administration Compliance with SPLUMA & LUPA Principles:

The proposed development is consistent with the approved statutory spatial policy framework for the area, as well as the Provincial Spatial Development Framework. The table below indicates how the proposed development will be consistent with the SPLUMA principles.

SPLUMA & LUPA Principle	Compliance
Spatial Justice	The development allows for a higher order use, on a property that is large enough for what is proposed. It will ensure a world class guest accommodation facility inside the Agulhas urban edge. The erf is very well located in terms of unspoiled sea views.
Spatial Sustainability	The 21-bedroom boutique hotel, results in a higher order use inside the Urban Edge, intensifying existing infrastructure use, without impacting negatively on the Sense of Place.
Spatial Efficiency	Development will make use of existing resources in terms of infrastructure, providing slightly higher density development in a central location.
Spatial Resilience	The proposal is in line with overhead planning documents recommending densification inside the Urban Edge. The current house will be repurposed for a demand that was identified in the Cape Agulhas area.

Good Administration	This principle has no direct bearing on the application; however, the Cape Agulhas municipality is obligated to consider the application fairly and within the timeframes provided in terms of the municipal planning bylaw.	
7.6.	Are any Amendments of the above-mentioned required? If yes, please explain.	YES NO

SECTION F: EXISTING BIOPHYSICAL CONTEXT

1.	What is the distance in metres from the closest property boundary to the high-water mark of the sea/estuary/watercourse?	Approx. 34.3 m
2.	Is there evidence of existing erosion? If yes, please explain. (Include photographic evidence)	YES NO
There are no signs of erosion on or next to the site, considering there is lawns a road and a rocky shoreline in front of the site. Refer to the site photographs included as Appendix H.		
3.	Have erosion protection measures been implemented previously? If yes, please explain.	YES NO
4.	What is the existing height above sea level?	7m
5.	What is the distance in metres of the closest point of the proposed development to the known storm surge high-water mark or flood-lines?	Approx. 34.3 m
6.	Will the proposed development block public access to the coast? If yes, please explain below:	YES NO
The development will not block access to the coast.		
7.	Are there any servitudes registered on the property? If yes, please explain below:	YES NO
There are no servitudes registered.		
8.	Is the site prone to flooding or inundation from the sea/watercourse? If yes, please explain and include dates of most recent events?	YES NO
The site is located behind a fence, George Street and a section of Public Open Space and a rocky shore.		
9.	Describe the type of seashore (sandy, rocky, mixed etc.) or watercourse. (Attach photographs)	
The seashore in front of the site is a protected bay with outside reefs a wide rocky shore with a tidal pool, see Appendix H for photo report.		
10.	Describe the shape of the seashore or watercourse (concave, convex, meandering etc.) (Attach photographs)	
The seashore is concave.		



Figure 4: Google Satellite photo of the site (outlined in red), showing the concave wide rocky seashore.

11.	Describe the type of substrate of the seashore or watercourse (eg, very fine sand, coarse sand, very coarse, pebbles) (Attach photographs).
The seashore consists of mostly of pebbles mixed with some fine sand and a wide 80-100 m rock shelf and outside reefs.	
12.	Provide a description of the coastal zone / riparian zone and the existing vegetation. Provide pictorial evidence.
The coastal area in the vicinity of the site consists of a concave protected bay with a small tidal pool. An 80-100 m wide rocky shelf exist off the pebble beach inclusive of offshore reefs. There is some indigenous, coastal vegetation between the bay and George Street as well as grassy lawn. See Appendix H for more photos.	

A handwritten signature in black ink, consisting of stylized, overlapping loops and strokes.



Figure 5: Google Earth satellite image labelled to describe coastal zone.

13.	Does the site form part of a Critical Biodiversity Area? If yes, please explain.	YES	NO
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The site does not fall within a Critical Biodiversity Area, see Figure 6 below.

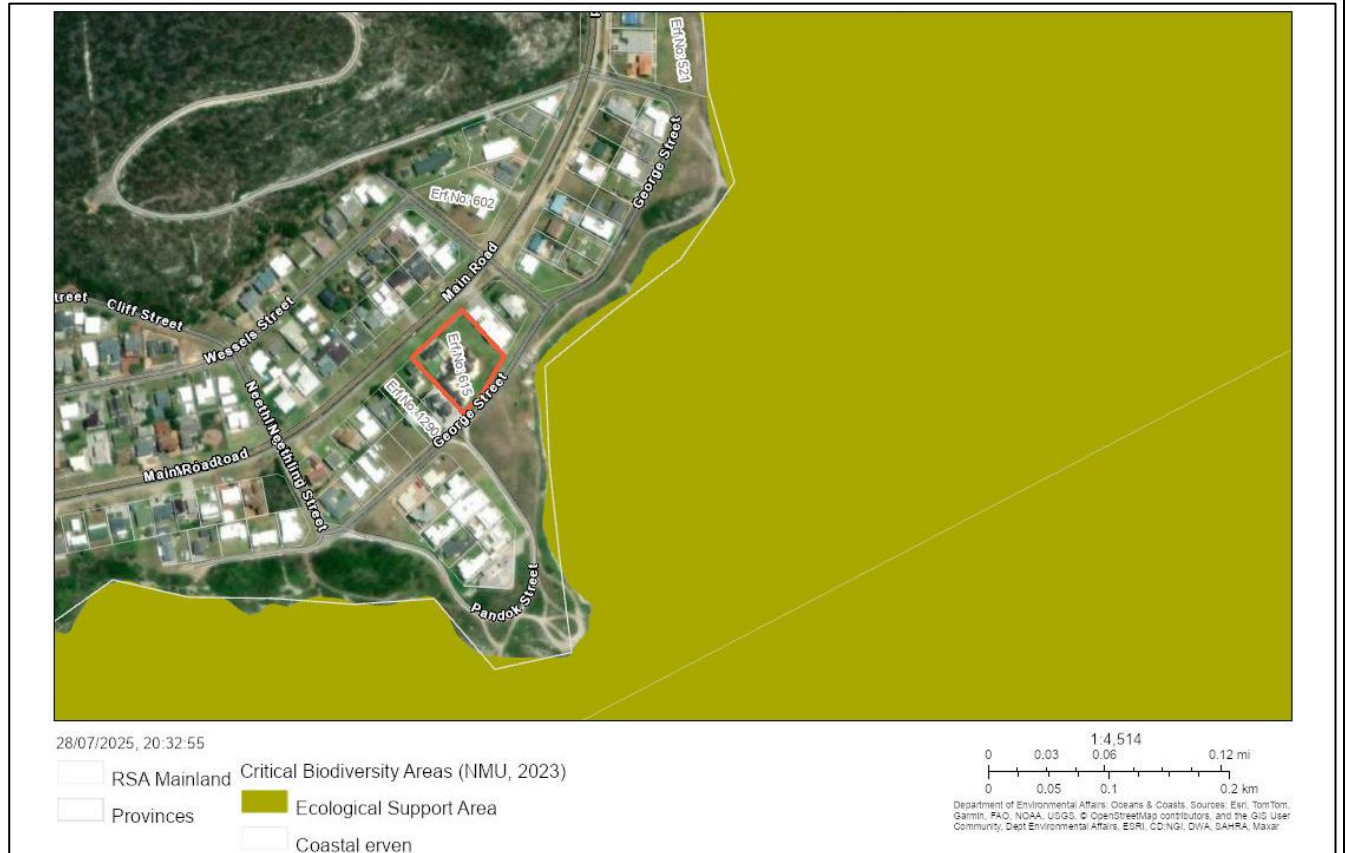


Figure 6: Map showing the site (outlined in red) in relation to an ESA.

14.	Does the proposed development lie within coastal public property, the coastal protection zone or coastal access land. If yes, please explain.	YES	NO
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The site does not lie within coastal public property or coastal access land; it is on private land. It is within the coastal protection zone but so is the entire town of L'Agulhas. The Overberg Coastal Management Line (CML) lies approx. 15 km inland of the site. See Figure 7 below.

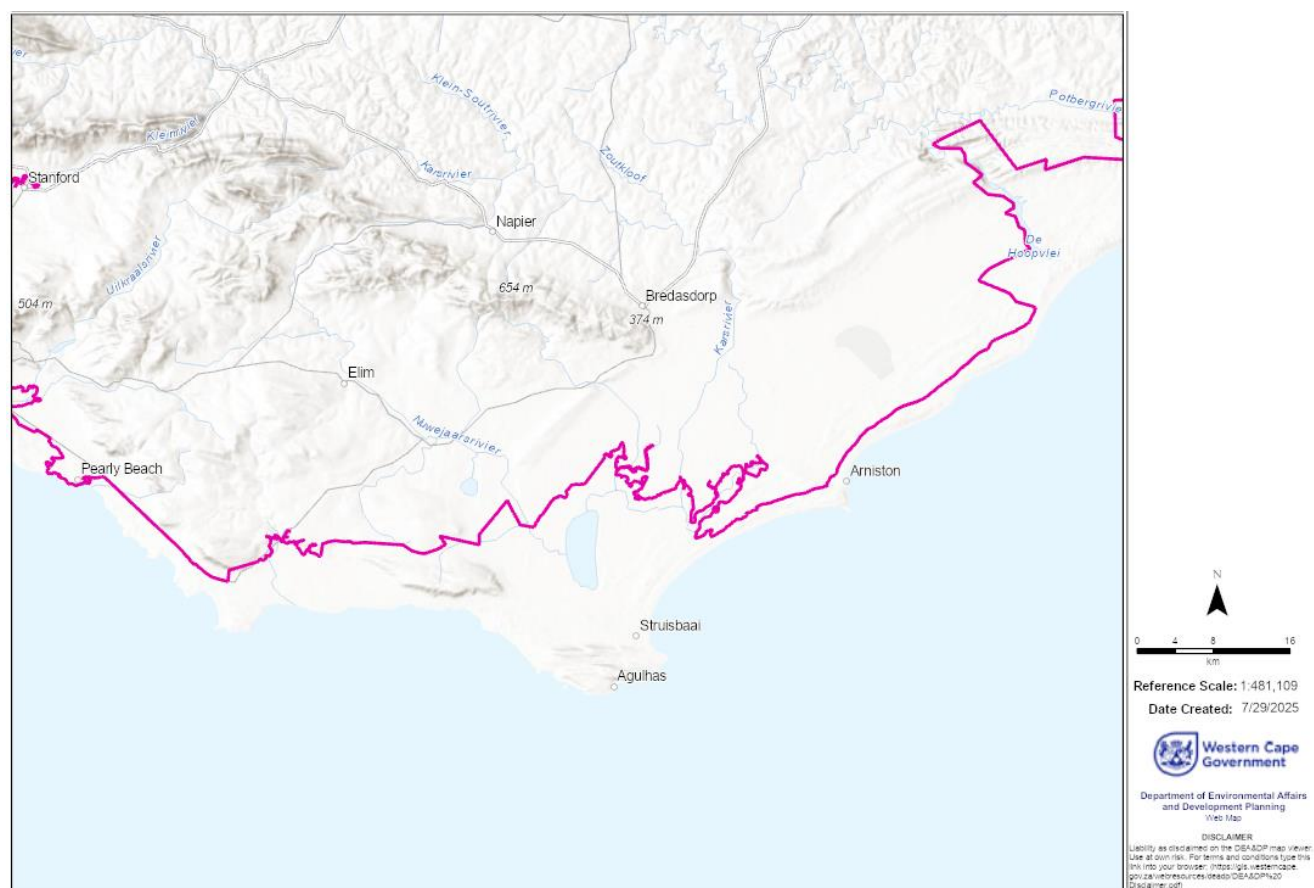


Figure 7: Map showing the Overberg Coastal Management Line (pink line).

SECTION G: ENVIRONMENTAL IMPACTS

1.	Describe any negative environmental impacts that may occur if the request is granted. (Information on any increases in air emissions, waste generation, discharges to water and impacts of the natural or cultural environment such as pollution must be included.)
<p>Should this request be granted, no significant environmental impacts will result from the proposed development. The site consists of disturbed and transformed land with no ecological importance, the entire site is transformed and it is surrounded by urban development. It is separated from the seashore by a fence, George Street and vegetation. The extent of infilling or removal of material as per NEMA LN 1 no 19 A will be the same for residential and the proposed business development. As such there is no elevated environmental impact because of the proposed development.</p>	
<p>CHARACTER OF THE SURROUNDING AREA</p> <p>The area in which Erf 615 is located is of a residential nature, with a large number of the houses mainly used for holiday accommodation. The erf and the existing house are significantly larger than most surrounding properties. The proposal will however, with the proposed coverage and height restriction, not have a significant impact on the character of the surrounding area. The extensions will be in the same style and scale of what is already there.</p>	
<p>SAFETY AND WELLBEING OF THE COMMUNITY</p> <p>With sufficient parking being provided on site, the proposal should not have a negative impact on the safety and wellbeing of the community. Year-round occupation and formal security at the site, therefore more surveillance, will add an element of safety to the neighbourhood.</p>	
<p>VISUAL IMPACT</p>	



The development is partially inside an existing building and the proposal should not have an undue visual impact. The proposed height restriction is the same as what is currently applicable to single residential properties and the coverage is significantly less than what is allowed by the title deed and zoning scheme by-law.

SOCIO-ECONOMIC IMPACT

- The owners will develop their property into a profitable enterprise.
- The boutique hotel will be the first of its nature in the Cape Agulhas area and will attract a significant number of overseas visitors, that will benefit all the service providers in the area.
- Job creation for at least eight permanent staff members.
- Local members of the community will receive training and acquire new skills.
- More tourists attracted to Agulhas, due to a new, quality accommodation facility offered, that will further strengthen the local economy.

Potential negative social impacts on the surrounding residential dwellings may include:

- Noise
- Disturbance

CONSTRUCTION IMPACTS

- Generation of construction rubble to be disposed of at a landfill site.
- Generation of construction noise which is temporary.
- Dust generation.

2. Describe any negative environmental impacts that may occur if the request is not granted (e.g. Continued erosion).

No perceived negative impacts are expected should the request not be granted.

3. Describe any positive environmental impacts that may occur if the request is granted. Information on any reduction in the ecological footprint, air emissions, waste generation and discharges to water, rehabilitation or coastal erosion protection measures must be included.

The use of the property for commercial purposes holds economic benefits for the Municipal area, such as:

- New job opportunities are created through the establishment of the new facility.
- Availability of more and better tourist attractions. Being close to Cape Town and the Whale Route, it provides an additional facility for tourist in the area. This also leads to benefits for the businesses and properties in the area. Growth in this business sector provides for a multiplying factor in other sectors.

4. Describe what investigations or assessments have been undertaken (if any) to inform this request.

The EAP undertook a desktop analysis (Cape Farm Mapper, National Screening Tool (Appendix J), DEFF Coastal Viewer) prior to the site visit to identify and verify any potential concerns or constraints.

A Planning Motivational Report was compiled (Appendix I).

5. Is there any existing local authority building setback lines, or other in place? If yes, please explain.

YES

NO

The Western Cape Government DEA&DP, with the support of Royal HaskoningDHV, developed coastal setback lines in 2011/2012 for the Overberg District, for implementation thereafter. Local Authorities use this as a guideline only.

The site is seawards of the Overberg Coastal Management Line – Figure 7. However, the site is located landwards of the High-Risk Line as per Figure 9.

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

The yellow line in the Figure 8 below represents the proposed ad hoc set back line. The line follows the outer, eastern edge of George Street regarded as a well-established road, not subjected to erosion or coastal encroachment. Figure 9 depicts the proposed ad hoc setback line in relation to the Coastal High Risk Lines.



Figure 8: Proposed ad hoc setback line shown in yellow.

Below are the co-ordinates of the proposed ad hoc setback line:

Point A:	34°49' 20.80" S	20° 1' 33.47" E
Point B:	34°49' 20.50" S	20° 1' 33.83" E
Point C:	34°49' 20.21" S	20° 1' 34.24" E
Point D:	34°49' 19.73" S	20° 1' 34.61" E
Point E:	34°49' 19.19" S	20° 1' 35.07" E



Figure 9: Proposed Setback Line (blue line) in relation to the Coastal Risk Lines. Erf 615 indicated by red outline.

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

The site is protected from storms and wave action by the outside reefs, the subsequent protected bay is facing southeast opposed to the southwest main winter storm event angle, the rocky outcrops all along the coastline with an average of between 80-100 m wide shelf. In addition, the proposed development is setback 34 m from the HWM and High-Risk Line as per Figure 9.

PART 3 DECLARATIONS


SECTION A: DECLARATION OF THE PROPONENT

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

I, **Rozitha Oosthuizen** ID Number: **6008180039080**
in my personal capacity or duly authorised thereto hereby declare/affirm that:

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

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


Signature of the Proponent:

8.10.25.
Date:

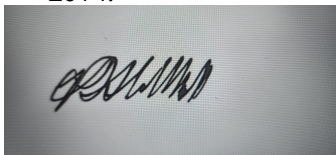
Daroja Trust

Name of company (if applicable):

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

I, PAUL SLABBERT EAP Registration Number: 2 0 1 9 / 1 0 3 6
as the appointed EAP hereby declare/affirm that:

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



08-10-2025

Signature of the EAP:

Date:

PHS Consulting

Name of company (if applicable):