



**Western Cape  
Government**

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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**

## DEPARTMENTAL DETAILS

CAPE TOWN OFFICE: <b>DIRECTORATE: DEVELOPMENT MANAGEMENT (REGION 1)</b> (City of Cape Town, West Coast District, Cape Winelands District & Overberg District)	GEORGE REGIONAL OFFICE: <b>DIRECTORATE: DEVELOPMENT MANAGEMENT (REGION 3)</b> (Central Karoo District & Garden Route District)
<p>The completed Form must be sent via electronic mail to: <a href="mailto:DEADPEIAAdmin@westerncape.gov.za">DEADPEIAAdmin@westerncape.gov.za</a></p> <p>Queries should be directed to the Directorate: Development Management (Region 1) at: E-mail: <a href="mailto:DEADPEIAAdmin@westerncape.gov.za">DEADPEIAAdmin@westerncape.gov.za</a> 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: <a href="mailto:DEADPEIAAdmin.George@westerncape.gov.za">DEADPEIAAdmin.George@westerncape.gov.za</a></p> <p>Queries should be directed to the Directorate: Development Management (Region 3) at: E-mail: <a href="mailto:DEADPEIAAdmin.George@westerncape.gov.za">DEADPEIAAdmin.George@westerncape.gov.za</a> 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](mailto: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](mailto: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.

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## 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

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### 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 on Portion 91 of the Farm no 516; Swellendam. The proposal consists of a small-scale expansion to the main house that entail the construction of two additional units, water tanks, parking and associated infrastructure, located on both sides of the main house and the resurfacing of a section of the existing access road. The area of works proposed on the farm is located within 100m of the high-water mark (HWM) of the sea/estuary.

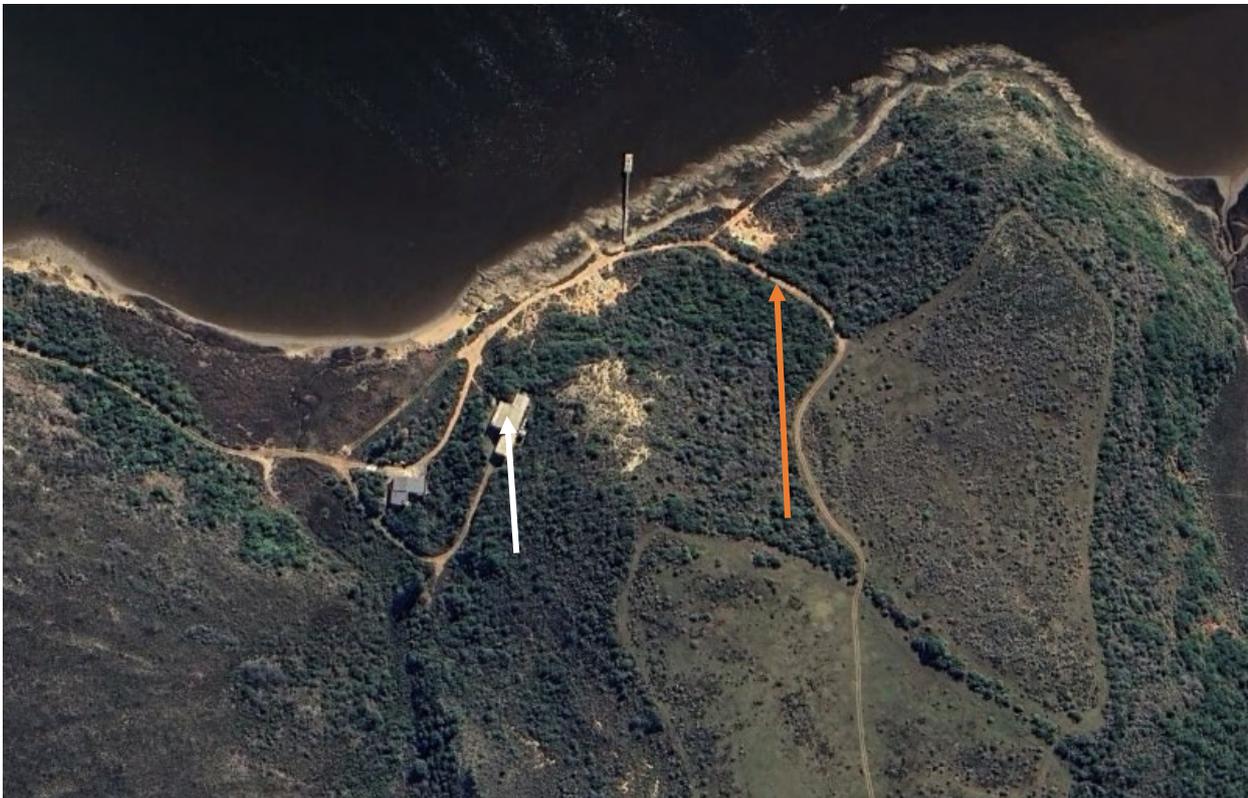


Figure 1: Aerial photo of farm, white arrow points the main house where two units are proposed on both sides of the house; the orange arrow indicate the access road to be resurfaced.

## 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
Appendix L:	Aquatic Biodiversity Screening Report	YES		

## PART 1: ADMINISTRATIVE DETAILS

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

Highlight the Departmental Region and District in which the intended application will fall	CAPE TOWN OFFICE (REGION 1)		GEORGE REGIONAL OFFICE (REGION 3)	
	City of Cape Town	Cape Winelands District	Central Karoo District	
	West Coast District	Overberg District	Garden Route District	
<b>Duplicate this section where there is more than one Proponent</b>				
1.	Name of Proponent:	BALLYFAR PROP PTY LTD		
	Contact person name (if other):	Catherine Mackenzie		
	Company/ Trading name State Department/Organ of State:			
	Company Registration Number:	29/03/2021		
	Postal address & Postal code:	29 Silwood Rd, Rondebosch, Cape Town	Code	7700
	Contact numbers:	Tel. +27(0)	Cell:	+27(0) 83 702 1551
	E-mail:	cmackenzie@homechoice.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		
	<b>Duplicate this section where there is more than one Landowner</b>			
3.	Name of landowner:	BALLYFAR PROP PTY LTD		
	Name of contact person for landowner (if other):	Same as under no 1 above		
	Postal address & Postal code:		Code	
	Contact numbers:	Tel. +27(0)	Cell:	+27(0)
	E-mail:	cmackenzie@homechoice.co.za		
<b>Duplicate this section where there is more than one person in control of the land</b>				
4.	Name of Person in control of the land:	Catherine Mackenzie		
	Contact person for 'person in control of the land' (if other):			
	Postal address & Postal code:	29 Silwood Rd, Rondebosch, Cape Town	Code	7700
	Contact numbers:	Tel. +27(0)	Cell:	+27(0) 83 702 1551
	E-mail:	cmackenzie@homechoice.co.za		
<b>Duplicate this section where there is more than one Municipal Jurisdiction</b>				
5.	Municipality in whose area of jurisdiction the proposed activity will be undertaken:	Swellendam Municipality		
	Name of contact person:	Manager : Town Planning, Building Control & Environment		
	Postal address & Postal code:	PO Box 20, Swellendam	Code	6740
	Contact numbers:	Tel. 028 5148539	Cell:	+27(0)
	E-mail:	rbrunings@swellendam.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
<p>The scope of work relates to the main house and the access road both of which is visible on historic aerial photography. According to the owner the building plans for the main house were approved in the 1968's, however the Swellendam Municipality lost these records due to a fire therefore a copy can't be attached.</p>			
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
<p>The farm falls within the Swellendam rural area between Malgas and Infanta. Development subject to this application relates to the main house and access road that has been in place since the 1968's. The original approved plans for the house were lost due to a fire at the Municipality. The submission of the additional plans will update the record.</p>			
3.	Have any activities physically commenced on the site? If yes, list the date of commencement of these activities.	YES	NO
<p>The date of commencement of the house on the site is in the 1968's. The road was also in place in 1968's when the house was constructed.</p>			
4.	Clearly describe the commencement of these activities with clear timelines and development footprints.		
<p>The activities commenced with was the construction of the main farmhouse, which was lawful and in line with the property's zoning as Agriculture zone 1. The road was in place to be able to construct the house in the 1968's.</p>			
5.	Clearly describe the current state of the site/route. (This must be supported by recent colour photographs)		
<p>There is one large single storey farmhouse subject of this application (Figure 2&amp;3) located approx. 12 m above msl and farm related outbuildings 40m west of the house unrelated to this application. The cleared area around the house is mostly lawn, leading into indigenous vegetation. There are two existing farm entrances leading off the Malgas/Infanta main gravel road down to the farmhouse (Figure 3). A short steep 26m section of the main access route (figure 4) will be resurfaced.</p>			
			
<p>Figure 2: Photo taken facing north-east of the main house the additional units will be on both sides of the house. Pls refer to the attached photo report for detail.</p>			



Figure 3: Photo facing west of the main house.



Figure 4: Photo facing south of the main access road, to be resurfaced.

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

As per figure 2, 3 and 4 above indigenous vegetation is evident. The indigenous vegetation is namely Overberg Dune Standveld (CE) and Potberg Sandstone Fynbos (LC). The aerial photo in Figure 1 above shows previously cultivated areas above the house, but most of the farm except for roads and areas of infrastructure consist of intact indigenous vegetation. The area of works consists of Overberg Dune Standveld that is Critically Endangered.

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.		
The farm is currently zoned Agricultural Zone 1 and is being used as a lifestyle farm.			
12.	Describe the surrounding land use.		
To the north is the Breede River Estuary, east, south and west it borders other farms, some is cultivated others is lifestyle.			
13.	Is the current land use lawful? If yes, please explain.	YES	NO
The farm is currently zoned Agriculture Zone 1 and is being used as a lifestyle farm. The main house is part of the primary rights.			

## 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 a) the expansion of the existing house by adding two new small units on both sides of the house and these rooms are regarded as additional units because they are detached from the house; additional new rain water tanks, parking and associated infrastructure are proposed b) the resurface of a short 26m section of the road by compacting with G5 within the existing tracks are proposed, this is regarded as a "like for like". All works are associated with existing lawful structures and infrastructure.			
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"> <li>A consent use application will be lodged at the Swellendam Municipality for two small additional units on both sides of the existing house. Unit 1 will be 58 m<sup>2</sup> and Unit 2 will be 52 m<sup>2</sup> in size excluding rainwater tanks, parking and some associated infrastructure (walkways, pipes etc.) to be developed. The proposed works including a construction buffer around the proposed buildings were carefully placed to ensure that the cumulative removal of indigenous vegetation remain below 300 sqm.</li> <li>The resurface of a short steep 26 m road section of the existing 3.5 m wide road to address erosion are proposed on the current alignment.</li> </ul>			
3.	Is the proposed development:		
3.1.	a linear activity?	<b>Partly, 26m road</b>	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	The farm is located next to the Breede River Estuary as the crow flies 5km West of Infanta in the Swellendam Municipal area	
5.	Erf/Farm name(s), number(s) and portion(s)	Portion 91 of the Farm no 516 The Potteberg Estates, Swellendam	
6.	Property size(s) (m <sup>2</sup> ) of all proposed sites:	102.33 Ha	
7.	What is the existing lawfully development footprint size in m <sup>2</sup> ?	The footprint of the existing components subjected to this application is the existing house and associated infrastructure is approx. 800 sqm and the existing road is approx. 1.4 km long	
8.	Development footprint size(s) in m <sup>2</sup> (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).	Some work is on already lawfully disturbed footprints, the proposed new vegetation clearance will be a total of 295.1 m <sup>2</sup> consisting of: - Unit 1 (58 m <sup>2</sup> ) clearance = 91.2 m <sup>2</sup> - Unit 2 (52 m <sup>2</sup> ) clearance = 22.7 m <sup>2</sup> - Water tanks clearance = 16.2 m <sup>2</sup>	

		- Parking area clearance = 33.8 m <sup>2</sup> - Construction buffer for workspace, walkways and pipes = 131.2 m <sup>2</sup>
9.	SG Digit code(s) of the all the proposed property(ies) (description of cadastral unit)	C 0 7 3 0 0 0 1 0 0 0 0 0 5 1 6 0 0 0 9 1
10.	Coordinates of the proposed site(s) for all alternatives:	
	Latitude (S)	34° 24' 40.40"
	Longitude (E)	20° 47' 52.94"

## 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 <b>Basic Assessment Activities</b> as set out in <b>Listing Notice 1</b>	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"> <li>(i) the seashore;</li> <li>(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</li> <li>(iii) the sea; —</li> </ul> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <ul style="list-style-type: none"> <li>(a) <u>will occur behind a development setback;</u></li> <li>(b) is for maintenance purposes undertaken in accordance with a maintenance</li> <li>(c) management plan;</li> <li>(d) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</li> <li>(e) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</li> </ul> <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>	<p>All the proposed activities (new &amp; like for like) are within 100 m from the HWM of the sea/estuary. The excavation of foundation, filling if of foundations, and resurfacing the road with G5 equate to more than 5 cubic meters. <u>However, an ad-hoc setback line provision applies.</u></p>
54	<p>The expansion of facilities-</p> <ul style="list-style-type: none"> <li>(i) in the sea;</li> <li>(ii) in an estuary;</li> <li>(iii) within the littoral active zone;</li> <li>(iv) in front of a development setback;</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>(v) <u>if no development setback exists,</u> within a distance of 100 metres inland</li> </ul>	<p>All the proposed activities (new and like for like) are within 100 m from the HWM of the sea/estuary. The total combined new build footprint is 110m<sup>2</sup> plus associated</p>

	<p>of the high-water mark of the sea or an estuary, whichever is the greater;</p> <p>in respect of-</p> <p>(a) fixed or floating jetties and slipways;</p> <p>(b) tidal pools;</p> <p>(c) embankments;</p> <p>(d) rock revetments or stabilising structures including stabilising walls; or</p> <p>(e) infrastructure or structures where the development footprint is expanded by 50 square metres or more,</p> <p>but excluding-</p> <p>(aa) the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>(bb) where such expansion occurs within an urban area.</p>	<p>works and it will exceed 50 m<sup>2</sup>. <u>However, an ad-hoc setback line provision applies.</u></p>
Activity No(s):	Provide the relevant <b>Basic Assessment Activities</b> as set out in <b>Listing Notice 3</b>	Describe the portion of the proposed development to which the applicable listed activity relates.
12.	<p>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p>(i) Western Cape</p> <p>(i) Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</p> <p>(ii) Within critical biodiversity areas identified in bioregional plans;</p> <p>(iii) Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on even in urban areas;</p> <p>(iv) On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</p> <p>(v) On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</p>	<p>The total amount of new vegetation clearance that include a construction buffer area relates to 295.1 m<sup>2</sup>.</p> <p><u>This activity is not triggered considering it's below the threshold.</u></p>

Activity No(s):	Provide the relevant <b>Scoping and EIR Activities</b> as set out in <b>Listing Notice 2</b>	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?		
Agricultural zone 1			
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
To accommodate the two detached small rooms, its regarded per definition as additional dwellings that require a Consent Use Application in terms of the Municipal Planning By-Law 2020 under Agriculture Zone 1. These units are not interconnected to the house therefore it is regarded as additional dwellings.			
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
The farm is outside the urban area			
5.	Is the activity permitted in terms of the property's existing land use rights? If yes, please explain.	YES	NO
The farmhouse is a primary right, because the two extra rooms are not interleading it is regarded as additional dwellings, therefore the development is subjected to a consent use under agriculture zone 1.			
6.	Are there any building restrictions in terms of the applicable Municipal By-laws? If yes, please explain.	YES	NO
7.	Will the activity be aligned with the following:		
7.1.	The Provincial Spatial Development Framework? Please explain below:	YES	NO
The proposed development is in line with the PSDF spatial goals that aim to take the Western Cape on a path towards: <ul style="list-style-type: none"> <li>Greater productivity, competitiveness and opportunities within the spatial economy;</li> <li>Strengthening resilience and sustainable development.</li> </ul> The Western Cape Spatial Development Framework identifies sensible environmental friendly development. This can be achieved through clustering at existing development nodes where infrastructure is available.			
7.2.	The Spatial Development Framework of the local authority? Please explain below:	YES	NO
The small scale development part of an existing node as in this case contribute to the following: <ul style="list-style-type: none"> <li>The area's unique agricultural, environmental and rural qualities is maintained;</li> <li>Private conservation area will continue to be promoted, with careful consideration of appropriate development rights to mobilise the necessary resources for veld rehabilitation and management;</li> <li>Fynbos linkage corridors not suitable for agriculture, is encouraged;</li> <li>These corridors can provide both a conservation opportunity as well as channels for faunal movement and seed transport;</li> </ul> The SDF promote water management on farms, in this case rainwater tanks are used; alien vegetation management are encourage and will be ongoing if farm is frequented due to upgrades, in this case the farm is conducting annual clearance; the proposal does not negatively impact on agriculture, sense of place or socio-economically; the farm will not be cleared of indigenous vegetation for agricultural production, the consent use strengthens the attraction as a lifestyle farm to be conserved, it further sustains employment on site and support links with the wider nature farms in the areas, by conducting small scale development ecological corridors are maintained.			
7.3.	The urban edge as delineated in the Municipality's Spatial Development Framework? Please explain below:	YES	NO
The proposed site is located outside the Urban Edge, see Figure 1.			
7.4.	An Environmental Management Framework (EMF)? Please explain below:	YES	NO
The Swellendam Municipality doesn't have an EMF			
7.5.	Any other Policies, Plans, Guidelines, Spatial Tools, Development Planning Frameworks and instruments applicable to the development? Please explain below:	YES	NO
The Spatial Planning and Land Use Management Act (SPLUMA) and Land Use Planning Act (LUPA) came into effect in 2016. 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.

7.6.	Are any Amendments of the above-mentioned required? If yes, please explain.	YES	<b>NO</b>
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## 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. 0 m	
2.	Is there evidence of existing erosion? If yes, please explain. (Include photographic evidence)	YES	<b>NO</b>
There are no signs of Breede River flood or tidal erosion on the site, considering the farmhouse is located at 12-13 m msl, behind dense intact indigenous vegetation. The access road that requires resurfacing along the steepest part does have signs of erosion, but this is due to rainwater erosion in the tracks and not due to Breede River Estuarine actions. Refer to the site photographs included as Appendix H.			
3.	Have erosion protection measures been implemented previously? If yes, please explain.	<b>YES</b>	NO
Basic mechanisms to divert rainwater off the road, however material has been eroded and new material is required.			
4.	What is the existing height above sea level?	Farmhouse on 12-13 m; Road section requiring work is 8-13 m	
5.	What is the distance in metres of the closest point of the proposed development to the known storm surge high-water mark or flood-lines?	Approx. 14-17 m	
6.	Will the proposed development block public access to the coast? If yes, please explain below:	YES	<b>NO</b>
7.	Are there any servitudes registered on the property? If yes, please explain below:	YES	<b>NO</b>
8.	Is the site prone to flooding or inundation from the sea/watercourse? If yes, please explain and include dates of most recent events?	<b>YES</b>	NO
The farm borders the Breede River Estuary, that floods during extreme rain events and its also tidal. The 1:100 year flood line is known the area of works is above the 1:100 year flood line. This flood line is the highest the river has been recorded at, the tidal affect is lower than the flood line, therefore the area of works is well above the high water mark of the estuary/sea.			
9.	Describe the type of seashore (sandy, rocky, mixed etc.) or watercourse. (Attach photographs)		

The Breede River Estuary in front of the site is approx. 600m wide, the shoreline is a combination of rocky and sandy area with floodplain and salt march vegetation, fringed with dense intact indigenous vegetation and tree thickets. See Appendix H for photo report. Also refer to the specialist Aquatic Biodiversity Screening Report attached under Appendix L.

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

The shore is concave opposite the area of works, representing a "bay" where the river is much wider than upstream areas. Also refer to the specialist Aquatic Biodiversity Screening Report attached under Appendix L.



Figure 5: Google Satellite photo of the site (farm boundary in white outline, farmhouse labelled, road section in red and labelled), showing the concave wide Breede River Estuary bay with a combination of rocky, sandy and vegetated shores.



Figure 6: Google Satellite photo of the site (approx. farm boundary in white outline, farmhouse labelled, road section in red and labelled), showing the concave Breede River Estuary bay with a combination of rocky shore indicated in yellow broken line, sandy shore indicated in white broken line and dense elevated vegetated shores indicated in green broken line.

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

The river/estuary shore consists of as per Figure 6 above and figure 7 below, and the photo report mostly of rocky vegetated shoreline with a sandy section, the areas of works are mainly buffered by rocky and vegetated shores between 40-50 m wide

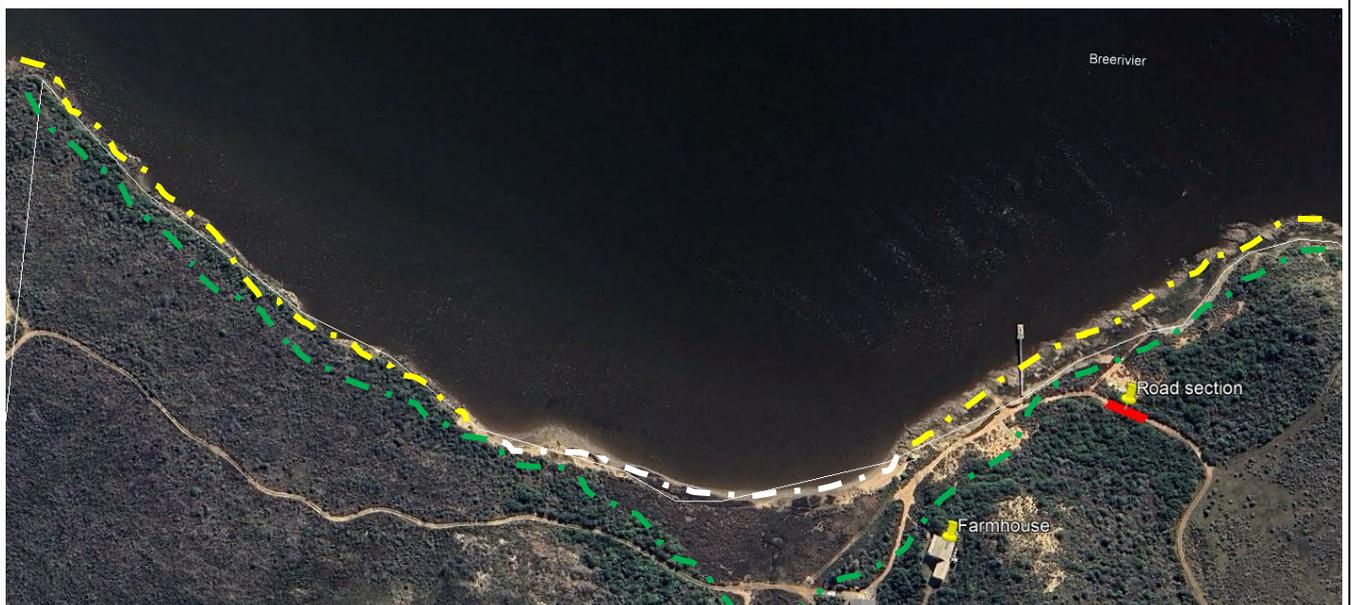


Figure 7: Google Satellite photo of the site (approx. farm boundary in white outline, farmhouse labelled, road section in red and labelled), showing the concave Breede River Estuary bay with a combination of rocky indicated in yellow broken line, sandy shore indicated in white broken line and vegetated shores indicated in green broken line

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

The coastal zone is 40- 50 m wide in this case estuary shoreline opposite the farmhouse as per figure below consists of a 17 m wide rocky section and a part sandy bay areas directly on the shoreline, the existing road at 6 m msl in front of the house runs above the HWM whereafter the landscape rises covered in dense indigenous vegetation with steep forest thickets between the farmhouse and the shoreline. The area opposite the road section proposed for resurfacing consist of a 25 m wide rocky shoreline, and a 30 m wide dense vegetated area up to where resurface work is proposed. See Appendix H for more photos.



Figure 8: Google Satellite photo of the site (approx. farm boundary in white outline, farmhouse label, road section in red and label), showing the estuary shoreline with a combination of rocky shore indicated in yellow broken line, sandy shore indicated in white broken line and wide vegetated shores indicated in green broken line. The house is approx. 44m from shore and the road is 34m from shore.

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

The site does fall within a Critical Biodiversity Area, see Figure 9 below. Unit 1 is in CBA terrestrial, Unit 2 & parking is not in a CBA and the road section is part CBA terrestrial and part estuary



Figure 9: Map showing the site (proposed works areas in blue) in relation to an CBA.

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. The proposed works area is above the Coastal Management Line (pink below). Unit 2 and the road section is below the Coastal Protection Zone and Unit 1 and parking is above Coastal Protection Zone. See Figure 10 below.

The proximity of the Coastal Protection Zone in relation to the site is negated by the facts that the site proposed for expansion from part of an existing development footprint with primary rights. It must further be considered that as per Figure 11 below the area of works is outside of the Estuarine Functional zone but inside the Estuarine Functional Zone 100m buffer zone. Also refer to the specialist Aquatic Biodiversity Screening Report attached under Appendix L, that confirms the Estuarine Functional Zone (EFZ) was delineated approximately 20 m downslope from the expanded house footprint and 15 m downslope from the proposed road upgrade. Figure 7 in the specialist report delineates the Breede River Estuary and it confirms that the proposed setback line is draw on the landside of the delineation, therefore the proposed expansion is above the delineated watercourses and are separated from these features by dense natural vegetation and steep rise in topography. In addition, the development footprint is situated above both the Coastal Management Line and the future 1:100-year flood line resulting in a low risk to human life and infrastructure and no intensification of impact on the integrity of the estuary shoreline and ecology. The specialist confirmed that "the aquatic biodiversity sensitivity of the development footprint is verified as **"Low"**."



Figure 10: Map showing the Overberg Coastal Management Line (pink line) and the Coastal Protection Zone in orange. (source: DEA&DP Coastal Management)

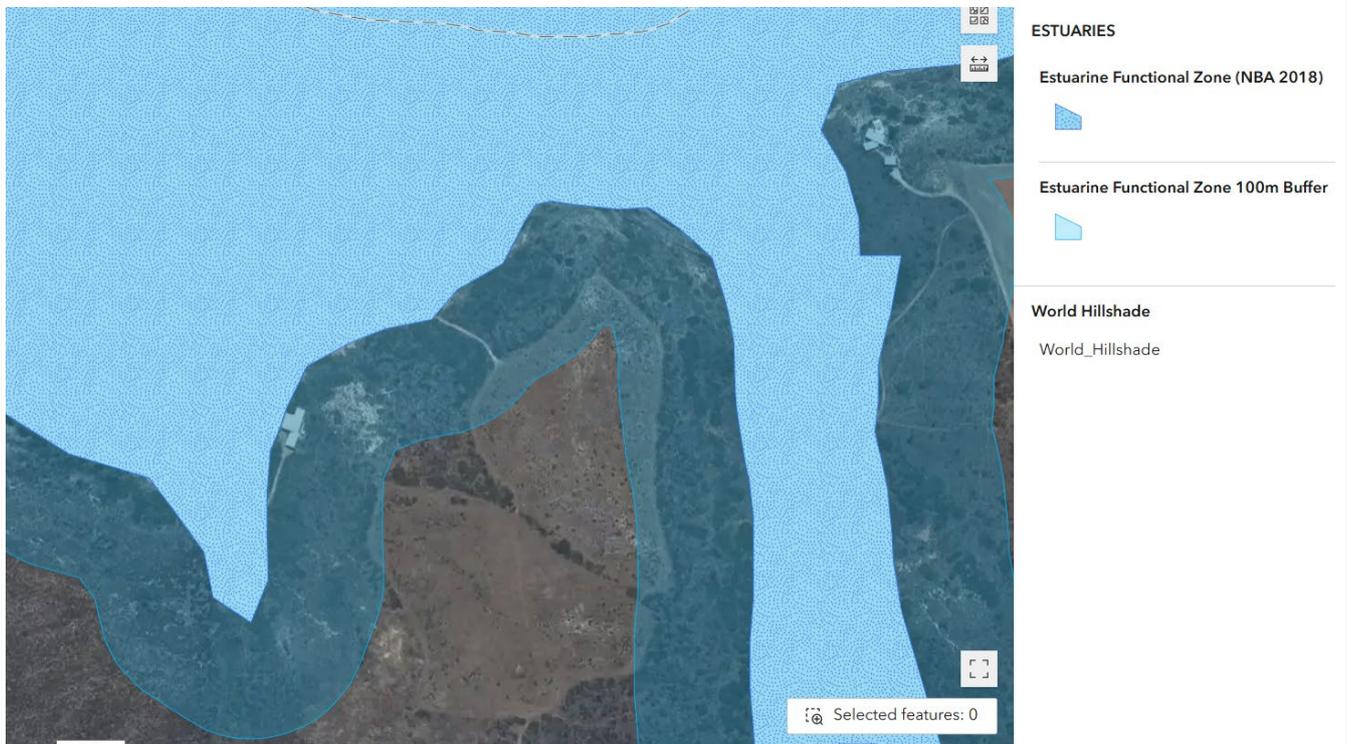


Figure 11: Map showing the Estuarine Functional zone (EFZ) in light blue and the Estuarine Functional Zone 100m buffer in transparent blue. All of the proposed works are outside the EFZ except for a short section of the road proposed to be resurfaced which is like for like in any case. The EFZ is clearly drawn on a macro scale considering the jagged pattern. The EFZ doesn't align with the 5m contour either. (source: DEA&DP Coastal Management)



Figure 12: Map showing that all proposed works areas are above the current and future 1:100 flood lines. (source: DEA&DP Coastal Management)



Figure 13: Map showing that all the lines discussed under Figure 10, 11 & 12 in relation to the approx. position of the proposed areas of work; blue new units and parking and red road section requiring resurface.

## 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.)

Should this request be granted, the new proposed development relates to the removal of 295 m<sup>2</sup> critically endangered indigenous vegetation. The two new units consist of one bedroom each, this relate to 4 people that can overnight, however the nett effect is no extra people considering that a large bedroom sleeping 4 people are demolished. The result is no extra people as a result no additional impact on services such as waste, sewer or water resources. The structures are single storey tucked in between trees, limiting visual impact. The road section proposed for resurfacing is existing the work is "like for like" and the infilling with G5 is on the same footprint, the works will result in better erosion control, therefore a positive environmental outcome. Except for the vegetation loss, which is below the NEMA threshold, no significant environmental impacts will result from the proposed development. The Aquatic specialist confirmed that the aquatic biodiversity sensitivity of the development footprint is verified as "Low".

#### **CHARACTER OF THE SURROUNDING AREA**

The farm is located in a natural area. The proposal is on and next to an existing footprint with a slight increase which is in keeping with the current small scale look and feel and will 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.

#### **SAFETY AND WELLBEING OF THE COMMUNITY**

The proposal should not have a negative impact on the safety and wellbeing of the community. The site and house is upgraded that will relate to more surveillance, will add an element of safety to the area.

#### **VISUAL IMPACT**

The proposal should not have an undue visual impact. The proposed height is kept single story in line of what is currently on site, the upgrade of the house will result in a more aesthetic pleasing place, it is in line with most other development in the area. The house is architecturally designed.

#### **SOCIO-ECONOMIC IMPACT**

- The owners will develop their property as per their needs to care for the farm
- Job creation

Potential negative social impacts of noise and dust is short term, nearby houses is far away

#### **CONSTRUCTION IMPACTS**

- Generation of construction rubble to be disposed of at a landfill site.
- Generation of construction noise which is temporary.
- Dust generation limited and away from any receptor.

The Aquatic Specialist further confirmed that with the following mitigation measures, the estuary is unlikely to be at risk or impacted:

- Where feasible, the proposed works should be undertaken during the dry season to reduce the potential for stormwater runoff and sediment mobilisation towards nearby watercourses and the estuary.
- Prior to the commencement of construction, the estuary and its associated buffer must be clearly demarcated on site using danger tape or temporary fencing, and workers must be instructed that no access, disturbance, or storage of materials may occur within this area.
- Construction vehicles must remain within clearly defined access routes and may not enter the estuary buffer or surrounding natural vegetation.
- Should construction activities occur outside of the dry season, additional mitigation measures must be implemented to minimise the risk of sediment transport and water quality impairment. These measures include the installation of temporary erosion and sediment control structures (e.g. silt fences, sandbags, or geotextile sediment barriers) downslope of disturbed areas, stabilisation of exposed soils, and the placement of stockpiled materials outside of drainage pathways.
- Road upgrade works must ensure that stormwater runoff from disturbed surfaces is directed through vegetated areas or temporary sediment traps prior to discharge.
- No temporary crossings, drainage diversions, or discharge of stormwater may occur directly into the estuary.
- Construction camps, laydown areas, stockpiling of materials, and waste storage must be located outside of the estuary buffer and away from any drainage pathways that could transport pollutants into the estuary.
- Concrete mixing and cement handling must take place in designated areas located well outside of the estuary buffer, and wash water from concrete works must not be discharged onto the ground where it could enter drainage pathways.
- The storage of fuels, oils, and other hazardous substances must occur within bunded areas, and vehicle refuelling or servicing must not occur near drainage lines or within the estuary buffer.
- A spill response kit must be kept on site at all times, and any accidental spills of fuels, oils, or chemicals must be immediately contained and cleaned up to prevent contamination of soils and stormwater runoff.

	<ul style="list-style-type: none"> <li>- All waste generated during construction must be stored in sealed containers and regularly removed from site to prevent litter and debris from entering the estuary or surrounding natural vegetation.</li> <li>- Construction activities must be temporarily suspended during periods of heavy rainfall where runoff may mobilise sediments, and all disturbed areas must be rehabilitated and stabilised as soon as practicable following completion of the works.</li> </ul>
2.	Describe any negative environmental impacts that may occur if the request is not granted (e.g. Continued erosion).
<p>No perceived negative impacts associated with unit 1, unit 2 and the parking are expected should the request not be granted. It needs to be noted if not granted the owner will have to considering building a double storey house that will result in visual impacts from the river.</p> <p>However if the resurfacing of the 26m road section is not granted then the road will deteriorate more, hampering access to the site and erosion will continue.</p>	
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.
<p>The sustainable use of the property is essential, the house is old constructed in the 1968's it contains asbestos to be removed , it is built unpractical limiting energy efficiency, the redevelopment and removal of a large bedroom and replacement with the two units will allow for better function and resource efficiency from natural light reducing heating requirements.</p> <p>Works will result in economic benefits, such as:</p> <ul style="list-style-type: none"> <li>• New job opportunities are created through the establishment of the new facility.</li> <li>• Availability and better accessibility would encourage the owner to be active on the farm wrt conservation and nature-based activities.</li> <li>• Maintained roads will result in less erosion.</li> </ul>	
4.	Describe what investigations or assessments have been undertaken (if any) to inform this request.
<p>The EAP undertook a desktop analysis (Cape Farm Mapper, National Screening Tool (Appendix J), DEFF Coastal Viewer) prior to the site visit that informed the SSVR to identify and verify any potential concerns or constraints. After a request from DEA&amp;DP an Aquatic Biodiversity specialist was appointed to produce a report (Appendix L) to inform the proposal.</p> <p>The EAP encouraged the reduction of the footprint to below 300 sqm and the placement of units partly over previously disturbed footprints. The resurface of the road including ensuring water are drained off the surface opposed to the re-alignment and construction of a new road section.</p>	
5.	Is there any existing local authority building setback lines, or other in place? If yes, please explain.
YES	NO
<p>The Western Cape Government DEA&amp;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.</p> <p>The site is landwards of the Overberg Coastal Management Line – Figure 10. However, part of the area of works is located landwards of the coastal protection zone as per Figure 10, but its not a new development node and this assessment on proposed ad-hoc setback line confirms that the risk is low as per the reports.</p> <p>In the Malgas area construction is advised above the 5m contour, this also reflects on the extrapolated flood line as per Figure 12. The proposed works is above the 5 m contour and also above the future 1:100 year floodline and well above the specialist delineated Estuary.</p>	
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.)
<p>Evaluating the various lines in Figure 10, 11, 12, 13 and Figure 7 in the specialist report (Appendix L); the EFZ is the most jagged and clearly not very accurate neither aligned with the 5 m contour therefore not considered as an ad-hoc setback line. The most restrictive risk-line is the 1:100 Future floodline as per Figure 12, which is advisable to use. Its should guide the Ad-Hoc setback line for the sections in front of the house, however this line does dissect the road section proposed for "like for like" resurfacing, in this area we propose that the Coastal Management Line in the Figure 10 be used as guideline for the Ad-hoc Setback line.</p> <p>We therefore propose that Ad-Hoc Setback line for the works on Unit1, Unit 2, Parking and Road Section to be a combination of the 1:100 future flood line and the Coastal Management Line as per alignment in Figure 14 below. This is clearly in line with the specialist delineations as per Figure 7 in Appendix L.</p>	



Figure 14: Proposed ad hoc setback line shown in pink.

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' 20.21" S	20° 1' 34.24" E
Point C:	34°49' 19.19" S	20° 1' 35.07" E
Point D:	34°49' 19.19" S	20° 1' 35.07" E
Point E:	34°49' 19.19" S	20° 1' 35.07" E
Point F:	34°49' 19.19" S	20° 1' 35.07" E

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

The important setback line points A to D, relevant to the two new units was selected on the same alignment as the most restrictive risk line in this case the 1:100 future flood line obtained from the DEA&DP Coastal Management Map Viewer. From point D the Ad -Hoc SBL was adapted to accommodate the area of "like for like" road works to be in line with the Coastal Management Line at point E, whereafter it reverts back to the 1:100 future flood line.

The future 1:100 flood line modelling has considered climate change in the form of flooding, which is the highest risk in this case and the coastal management line also considered climate change.

The site is 4.7 km from the Breede River Estuary mouth in the Indian ocean. Considering the distance and the concave bay with its "back" to the ocean, it's unlikely that extreme sea storm events will impact the site directly except for spring high tides that co-inside with such an event considering the river is tidal. However the 1:100 future flood line is considered to be higher than the expected sea storm event considering the distance and concave bay and rocky shore on the ocean side of the site. Sea/estuary level rise and coastal storm events will not affect the site because it is protected from storms and wave action due to distance from the sea, the subsequent protected bay is facing northwest opposed to the eastern direction of the river mouth that is subjected to winter storm events. In addition, the proposed development of the units is setback 44 m from the HWM and the like for like road is 34 m from the HWM as per Figures above.

## DECLARATIONS

### SECTION A: DECLARATION OF THE PROPONENT

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

I, Catherine Anne Mackenzie ID Number: 6811240099089

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.

*C Mackenzie*

\_\_\_\_\_  
Signature of the Proponent:

18 March 2026

\_\_\_\_\_  
Date:

BALLYFAR PROP PTY LTD

\_\_\_\_\_  
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.



18-03-2026

Signature of the EAP:

Date:

PHS Consulting

Name of company (if applicable):