

**PORTION 14 AND 15 OF THE
FARM BOSCH RIVIER NO 422
APPLICATION FOR:
REZONING**



CLIENT: K.K FARMS (PROPRIETARY)LIMITED
THERÉSE SCHNETLER

PREPARED BY: MARIKE VREKEN URBAN AND ENVIRONMENTAL PLANNERS



JULY 2018

CONTENTS

(I) TABLE OF CONTENTS

SECTION A :	EXECUTIVE SUMMARY.....	IV
SECTION B :	BACKGROUND	1
1.	BACKGROUND.....	1
2.	THE APPLICATION	1
3.	PROPERTY DESCRIPTION SIZE AND OWNERSHIP.....	2
SECTION C :	DEVELOPMENT PROPOSAL	4
4.	APPLICATION SPECIFICATIONS.....	4
4.1.	Mining Extension	4
4.2.	Building Rubble Disposal Facility	6
4.3.	Access.....	6
5.	STATUTORY APPLICATION.....	6
5.1.	Rezoning.....	7
5.2.	A permission required in terms of the Zoning Scheme	7
6.	SERVICES INFRASTRUCTURE	8
6.1.	Solid Waste.....	8
6.2.	Water.....	8
6.3.	Storm Water	8
6.4.	Electricity.....	8
SECTION D :	CONTEXTUAL INFORMANTS	9
7.	LOCALITY	9
8.	CURRENT LAND USE AND ZONING	10
8.1.	Land Use.....	10
8.2.	Zoning.....	11
9.	SITE CHARACTERISTICS	11
9.1.	Topography.....	11
9.2.	Vegetation	11
9.3.	Agriculture.....	12
9.4.	Hydrology	13
10.	CHARACTER OF THE AREA	14
11.	EXISTING POLICY FRAMEWORKS.....	15
11.1.	Western Cape Land Use Planning Rural Guidelines 2018	15

11.2.	Western Cape Provincial SDF (2014)	16
11.3.	Eden SDF 2017.....	26
11.4.	Bitou SDF (2017)	27
11.5.	Bitou Integrated Development Plan 2017-2022	29
SECTION E : MOTIVATION.....		31
12.	MOTIVATION	31
12.1.	Consistency with Character of the Area	31
12.2.	No Impact on High Potential Agricultural Land.....	32
12.3.	No Impact on the Environment and Biodiversity.....	32
12.4.	No Visual Impact	33
12.5.	No Noise Impact	33
12.6.	No Dust Pollution.....	34
12.7.	No Impact on Ground Water	35
12.8.	Impact on Tourism.....	35
12.9.	Access.....	36
12.10.	No impact on Existing Land Use Rights.....	36
12.11.	No Impact on Municipal Services	37
13.	NATIONAL HERITAGE RESOURCES ACT, 1999 (ACT 25 OF 1999)	37
14.	SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013).....	37
14.1.	Spatial Justice.....	37
14.2.	Spatial Sustainability	38
14.3.	Spatial Efficiency	38
14.4.	Spatial Resilience.....	38
14.5.	Good Administration	39
15.	CONCLUSION	39

(II) ANNEXURES

ANNEXURE A.	Power of Attorney & Company Resolution
ANNEXURE B.	Application Form
ANNEXURE C.	Environmental Authorisation Dated 24 May 2018
ANNEXURE D.	Title Deed Portion 14 of the Farm No 422
ANNEXURE E.	Title Deed Portion 15 of the Farm No 422
ANNEXURE F.	SG Diagrams Portion 14 of the Farm No 422

- ANNEXURE G.** SG Diagrams Portion 15 of the Farm No 422
- ANNEXURE H.** Mining Permit dated 02 October 2007
- ANNEXURE I.** Waste Management Licence dated 16 February 2018
- ANNEXURE J.** Botanical Assessment Report
- ANNEXURE K.** Freshwater Impact Report
- ANNEXURE L.** Archaeological Impact Assessment, dated 2011
- ANNEXURE M.** Letter from Heritage Western Cape dated 31 August 2017

(III) PLANS

- PLAN 1.** Locality Plan
- PLAN 2.** Land Use Plan & Character of the Area
- PLAN 3.** Site Development Plan
- PLAN 4.** Zoning Plan Portion 14 of the Farm No 422
- PLAN 5.** Zoning Plan Portion 15 of the Farm No 422

(IV) TABLE OF FIGURES

FIGURE 1	Current mining extent(green) on Portion 15 and the proposed extension(Blue)Over Portion 14 and 15.....	4
FIGURE 2	Proposed Mining Layout.....	6
FIGURE 3	Locality	9
FIGURE 4	Vacant Portion 14.....	10
FIGURE 5	Existing Land Uses on Portion 15	10
FIGURE 6	Existing Mining Quarry on Portion 15.....	11
FIGURE 7	Topography of Portion 14 and 15.....	11
FIGURE 8	Vegetation (Mucina & Rutherford 2009).....	12
FIGURE 9	Agricultural Potential.....	13
FIGURE 10	Topographic map showing a perennial river (solid blue line) and a non-perennial river (dotted blue line) traversing the application area.....	13
FIGURE 11	Character of Surrounding Area.....	15
FIGURE 12	Key Transitions for the PSDF	18
FIGURE 13	Extract from the Bitou SDF (2017)	28
FIGURE 14	Mining (Quarry) in the surrounding area	32
FIGURE 15	Tourism/Shop Facilities in the Surrounding Area	35
FIGURE 16	Access to the property	36

EXECUTIVE SUMMARY

Informant	Description	Reference
Property:	The property is situated north of the N2 National Road, near the 47km road mark on the N2 National Road towards Plettenberg Bay.	Par. 7
Size:	Ptn 14 - 23,5312ha Ptn 15 - 26,4207ha	Par. 3
Locality / Address:	Coordinates: 34° 1'53.79"S and 23°13'44.13"E	Par. 7
Development Proposal:	To allow for a Mine (Quarry); Permission required in terms of the Section 8 Zoning Scheme Regulations	Par. 2
Existing Land Use:	Quarry; dwelling house and farm managers house	Par. 8.1
Development Application:	15(2)(a) Rezoning Ptn 14 -6.5336 ha to allow for a Mine (quarry) 15(2)(a) Rezoning Ptn 15 - 8.1459 ha to allow for a Mine (quarry) 15(2)(g) A Permission required in terms of a Zoning Scheme	Par. 5
Services Availability:	No Municipal Service Connection available	Par. 6
Spatial Policy Framework:	<u>Bitou Integrated Development Plan 2017-2022</u> The property is located in Ward 7 Development consistent with development objectives of the IDP.	Par. 11.5
	<u>Bitou SDF (2013)</u> Located outside urban edge.	Par. 11.4
	<u>Eden SDF (2017)</u> Consistent with growth management and economy development policies	Par. 11.3
	<u>Western Cape Provincial SDF (2014)</u> Located in outside urban edge	Par. 11.2
	<u>Western Cape Land Use Planning Guideline 2018</u> Buffer Area 2 – Consistent with Industry in Rural Area	Par. 11.1
	<u>National Environmental Management Act, 1998 (Act 107 OF 1998)</u> Environmental Authorisation for mining operations obtained on 24 May 2018.	Par. 2
Motivation Criteria:	<u>Consistency with the character of the Surrounding Area</u> Application consistent with character of the area	Par. 12.1
	<u>No Impact on Agricultural Land</u> Application area has a low potential for productive agriculture activities. The extension of the mine will have no impact on productive agriculture land.	Par. 12.2
	<u>Impact on Environment and Biodiversity</u> No rare or threatened plants were found or are suspected to occur within the entire affected area.	Par. 12.3
	<u>Visual Impact</u> The site to be mined will be located at least 20m deep making it virtually impossible for surrounding landowners to observe mining activities. Berms will be provided to mitigate the visual impact on surrounding property owners.	Par. 12.4
	<u>Noise Impact</u> All noise levels will be controlled at the site and expected air pollution during operations and haulage will be monitored.	Par. 12.5
	<u>Dust Impact</u> The dust fallout monitoring and management programme to ensure that potential health issues as a result of dust fall out will be detected and immediately corrected as recommended by EAP	Par. 12.6
	<u>Impact on Ground Water</u>	Par. 12.7

Informant	Description	Reference
	Mining will have no direct impact on the groundwater	
	<u>Impact on Tourism</u> Extension of the mine will have no impact on the operation of tourism facilities in the surrounding area.	Par. 12.8
	<u>Access</u> Existing access to the application area will be used for the mining operations	Par. 12.9
	<u>No impact on Existing Land Use Rights</u> The mitigation measures imposed and compliance with the EMPr will ensure that the operation of the mine to a controlled impact on surrounding landowner.	Par. 12.10
	<u>No Impact on Municipal Services</u> The property is not connected to any municipal services. No impact on municipal services	Par. 12.11
	<u>Heritage Impact</u> No Heritage Impact	Par. 13
SPLUMA Principles:	<u>Spatial Justice:</u> Consistent.	Par. 14.1
	<u>Spatial Sustainability:</u> Consistent.	Par. 14.2
	<u>Spatial Efficiency:</u> Consistent.	Par. 14.3
	<u>Spatial Resilience:</u> Consistent.	Par. 14.4
	<u>Good Administration:</u> Applicable to Bitou Municipality.	Par. 14.5
Conclusion:	Meets the criteria as set out in The Spatial Planning and Land Use Management Act (SPLUMA) and Bitou Municipality By-Law on Municipal Land Use Planning (2015); is desirable and it is therefore recommended that the application for the proposal be supported by the relevant authorities and approved by Bitou Municipality.	

SECTION A :**BACKGROUND****1. BACKGROUND**

An existing sand mine measuring approximately 1.45ha on the Remainder of Portion 15 is proposed to be extended to include the Remainder of Portion 14. It is furthermore proposed that the current sand mine on Portion 15, which was decommissioned in 2017 will thereafter be used as a public building rubble disposal facility.

An extension of the sand mine is proposed on the subject properties over a total area of approximately 11.85ha. Such mining would be phased, with active mining areas not exceeding 1.5ha at any one stage. After mining, these 1.5ha areas will be rehabilitated. In addition, approximately 1500m² of haulage and internal roads in areas that have been mined will be rehabilitated after extraction of sand. Sand will be mined from existing sandbanks, and no blasting or washing of mined materials will occur.

In addition to the extension of sand mining activities, the applicant intends to establish a building rubble disposal facility on the application area. The proposed area identified for the building rubble disposal facility includes land (a quarry) that has already been mined, as well as land that will be mined.

To allow for the lawful operation and extension of the quarry a rezoning application needs to be submitted in terms of the Bitou Land Use Planning Bylaw.

2. THE APPLICATION

Marike Vreken Urban and Environmental Planners has been appointed by **K.K (Proprietary) Limited** and **Therese Schnetler** to prepare and submit the required application documentation (refer to **ANNEXURE A**: Power of Attorney and **ANNEXURE B**: Application Form) for:

- (i) Rezoning Application in terms of Section 15 (2) (a) of the Bitou Land Use Planning Bylaw to rezone a Portion of Portion 14 measuring 6.5336 ha from "Agriculture 1" to "Industrial III" to allow for the extension of the existing sand quarry.
- (ii) Rezoning Application in terms of Section 15 (2) (a) of the Bitou Land Use Planning Bylaw to rezone a Portion of Portion 15 measuring 8.1459 ha from "Agriculture 1" to "Industrial III" to allow for the extension of the existing sand quarry.
- (iii) A permission required in terms of the Section 8 Zoning Scheme Regulations; in terms of Section 15(2)(g) to allow for a construction and building waste disposal facility on Portion 15 of the Farm No 422.

Note:

It should be noted that the proposed mining activities have received Environmental Authorisation in terms of the National Environmental Management Act, 1998 (NEMA) and in terms of the Mineral and Resources Development Act, 2002, for sand mining activities. The authorisation letter is dated 24 May 2018 and is attached as **ANNEXURE C**.

3. PROPERTY DESCRIPTION SIZE AND OWNERSHIP

A copy of the Title Deed for Portion 14 is contained in **ANNEXURE D** and a copy of the Title Deed for portion 15 is contained in **ANNEXURE E**. A copy of the Surveyor General Diagram for Portion 14 is contained in **ANNEXURE F** and Portion 15 in **ANNEXURE G**.

	Portion 14 of the Farm No 422	Portion 15 of the Farm No 422
Title Deed Number:	T54759/2015	T50622/1981
Property Owners:	Therése Schnetler	K.K Proprietary (Limited)
Property Description:	<i>Remainder of Portion 14 (a Portion of Portion 4) of the Farm No 422 in the Bitou Bay Municipality, Division Knysna Province of the Western Cape</i>	<i>Piece of land situate in the Division of Knysna being Portion 15 (portion of portion 4) of the Farm No 422.</i>
Property Size:	24,0927 (twenty-four comma zero nine two seven) hectares.	26,4027 (twenty-six comma four nought two seven) hectares.
Title Deed Restrictions:	Condition B3: The land shall be used for residential and agricultural purposes only. The operation of an industry conducted on the land will require written approval of the controlling authority as defined in section 1 of Act 21/1940 The application will be circulated to SANRAL for approval in terms of Section 1 of Act 21/1940. There are no other title deed restrictions that could affect the proposed land development application	Condition B3: The land shall be used for residential and agricultural purposes only. The operation of an industry conducted on the land will require written approval of the controlling authority as defined in section 1 of Act 21/1940 Condition 2.1: No Direct Access or Egress from the Future N2 will be permitted. Access will be obtained from the existing N2 at km 47.52. This access shall only be used for bona fide farming purposes and for no other purposes without written approval from SANRAL The application will be circulated to SANRAL for approval in terms of Section 1 of Act 21/1940. There are no other title deed restrictions that could affect the proposed land development application
Servitudes:	The property is entitled to a servitude right of way 6.3m Wide from the National Road over Portion	A water pipeline servitude of 1.5m wide, is registered along the eastern boundary in favour of Portion 25 of the Farm No 422.

	15 (See attached Diagram No 980/1969). The property is subject to a powerline servitude in favour of Eskom with additional rights. The powerline is situated along the western boundary of this property Refer to Surveyor General Diagrams for the subject property as contained in <i>ANNEXURE F</i>. <i>No servitudes will be affected as a result of the land development application.</i>	The property is entitled to a servitude right of way 6.3m Wide from the National Road in favour of Portion 14. The property is entitled to a servitude right of way 6.3m Wide from the National Road in favour of Portion 15 Refer to Surveyor General Diagrams for the subject property as contained in ANNEXURE G. <i>No servitudes will be affected as a result of the land development application.</i>
Bonds:	There is a bond registered over the property. Bondholders consent has been applied for at Standard Bank and will be provided in due course.	There is a bond registered over the property. Bondholders consent has been applied for at Standard Bank and will be provided in due course.

SECTION B :**DEVELOPMENT PROPOSAL****4. APPLICATION SPECIFICATIONS****4.1. Mining Extension**

The existing sand quarry (approximately 1.45ha) is restricted to the southern portion of the Remainder of Portion 15 of Farm 422, Harkerville, which is located approximately 360m from the N2 (See attached ANNEXURE H for the existing mining permit for Ptn 15).

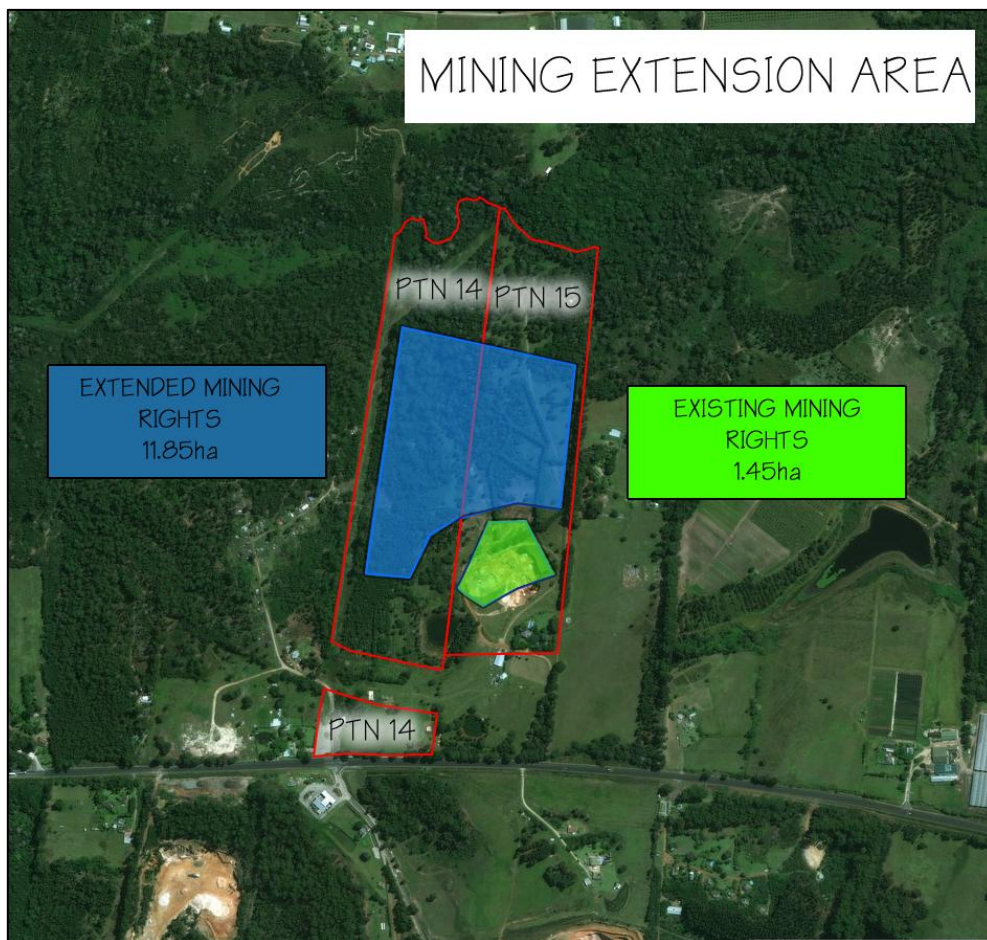


FIGURE 1: CURRENT MINING EXTENT(GREEN) ON PORTION 15 AND THE PROPOSED EXTENSION(BLUE)OVER PORTION 14 AND 15

The following mining activities are proposed on the application area:

- i. An extension of the sand mine is proposed on the subject properties over a total area of approximately 11.85ha;
- ii. Mining activities will be phased (from block MB1 – MB 9), with active mining areas not exceeding 1.5ha at any one stage. After mining, these 1.5ha areas will be rehabilitated;

- iii. Approximately 1500m² of haulage and internal roads in areas that have been mined will be rehabilitated after extraction of sand;
- iv. Mining will be conducted to a maximum depth of 40m;
- v. Mining areas will be visibly subdivided into blocks as indicated on the mine layout plan and mining will be strictly confined to one block at a time;
- vi. Sand will be mined from existing sandbanks;
- vii. No blasting or washing of mined materials will occur;
- viii. Mining activities will be conducted concurrently with the rehabilitation and measures such as mulching and or immediate cover with vegetation to make sure the rehabilitated surface is protected from forces of erosion;
- ix. A buffer area from 200m from the edge of the mining area and the Bos River will be demarcated and maintained;
- x. A 50m Buffer from the existing power lines will be maintained;
- xi. Stockpiled topsoil will be protected from wind and water erosion. Areas will be constantly monitored for any form of erosion;
- xii. After mining, the steep slopes will be reduced to 1:3 and profiled to blend in with the surrounding topography;
- xiii. The drainage slope of the mine will not drain directly into the Bos River;
- xiv. Dust repression measures will be implemented to reduce and mitigate dust pollution;
- xv. The potential impact of the mining activities will be managed through the implementation and monitoring measures proposed by the Environmental Management Programme (EMPr).

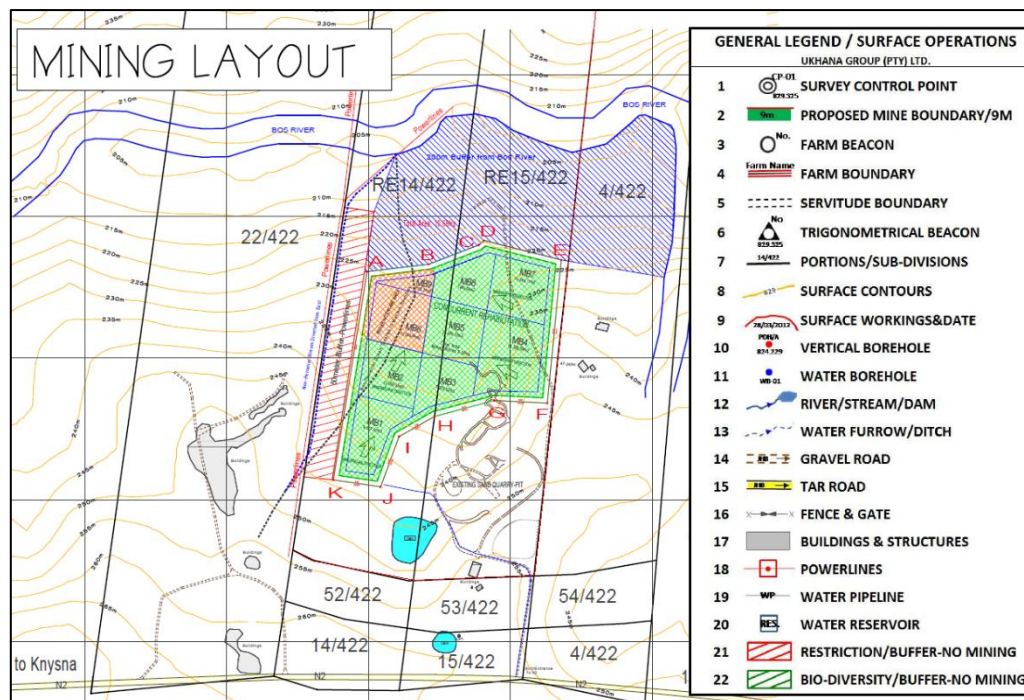


FIGURE 2: PROPOSED MINING LAYOUT

4.2. Building Rubble Disposal Facility

In addition to the extension of sand mining activities, the applicant intends to establish a building rubble disposal facility on the application area. The proposed area identified for the building rubble disposal facility includes land that have already been mined (a quarry), as well as land that will be mined. A waste management licence was issued during 2018 in terms of NEMA: Waste Act 2008(Act 59 of 2008) for a construction and demolition waste facility on Portion 15 of the Farm No 422 (see attached ANNEXURE I).

4.3. Access

The application area will receive access via the existing access road to the property which is located near the 47km Mark on the N2 National Road towards Plettenberg Bay. The existing road already makes provision for a turn off shoulder to the Barracks Township. The extension of the existing quarry will not generate a significant increase in traffic that could influence the safety of the access to the application area.

5. STATUTORY APPLICATION

The intention of the application is to obtain approval for the rezoning of a portion of portion 14 and 15 of the Farm No 422 to operate a Mine (Sand Quarry). The statutory applications that are lodged are as follows:

5.1. Rezoning

The Bitou Land Use Planning Bylaw is in conflict with the Section 8 Zoning Scheme Regulations. Section 5.1.1 of the Section 8 Zoning states that council can consider a temporary land use departure for the expected lifetime of the mine concerned. However, the new promulgated Bitou Land Use Planning Bylaw states in Section 18(3) that the municipality may not consider temporary land use departure for a period more than 5 years and council may not approve a temporary land use departure more than once Section 18(4). It should be noted that it is the intention of the existing landowners to use the quarry for more than 5 years. Therefore, a long-term solution (rezoning) is more feasible for the operation of the proposed mine.

To allow for the operation of a mine¹, a rezoning application is submitted in terms of Section 15(2)(a) of the Bitou Land Use Planning Bylaw to rezone the following:

- (i) A portion of Portion 14 measuring 6.5336 ha from "Agriculture Zone 1" to "Industrial III" to allow for the extension of the existing quarry;
- (ii) A portion of Portion 15 of the Farm No 422 measuring 8.1459 ha from "Agriculture Zone 1" to "Industrial III" to allow for the extension of the existing quarry.

It should be noted that the total extent of area to be rezoned to accommodate the operation of the mine on Portions 14 and 15 will be 14.6795 ha in extent (this includes the extent of the existing mining rights measuring 1.45ha).

5.2. A permission required in terms of the Zoning Scheme

A waste management licence was granted in terms of the National Environmental Management: Waste Act, 2008 (Act No 59 of 2008) for construction and demolition waste disposal facility on Portion 15 of the Farm No 422 (Please refer to ANNEXURE I).

The Section 8 Zoning Scheme Regulations does not have a zoning category that allows for the disposal of waste or refuse. This zoning scheme however makes provision for the General Utilisation of Land which reads as follow:

"4.1.1 No person shall damage or destroy zoned land so as to destroy or impair its utilization for the purpose for which it is zoned, provided that the council may consent to the deposit on such land of waste materials or refuse".

"4.1.2 In giving its consent under this regulation, the council may impose such conditions as it may deem fit".

To lawfully accommodate a waste disposal facility for construction and demolition waste a permission is required in terms of the Section 8 Zoning Scheme Regulations. Therefore an application is made in terms of Section 15 (g) of the Bitou Land Use Planning Bylaw for a permission required in terms of the Zoning Scheme.

¹ **"Mining"** means an enterprise which practices the extraction of raw materials, whether by means of surface or underground methods, and includes the removal of stone, sand, clay, coal, ores, minerals or precious stones.

6. SERVICES INFRASTRUCTURE

6.1. Solid Waste

A waste management system will be implemented, and sufficient waste bins will be provided for on the application area. A fine system will be implemented to further prevent littering and poor housekeeping practices.

Existing ablution facilities on the farm will be utilised during mining activities. However, if need be temporary chemical toilets will be provided on site for mine workers.

Metigation measures will be implemented to ensure that the mining activities don't pollute the Bos River.

Any solid waste generated by the mining activities will only be disposed of at an authorised solid waste facility in terms of National Environmental Management: Waste Act 2008 (Act 59 of 2008).

6.2. Water

The water currently provided for domestic use/human consumption on farm complies with the SANS 241: 2011 guidelines for drinking water with regular monitoring to ensure compliance.

Control measures will be implemented to prevent the pollution of any water resource, including groundwater, by oil, grease, fuel or chemicals. No use of surface water and/or storage of water is will take place during proposed activities.

A Water bowser will be filled to monitor the dust on sites when required however dust suppression alternatives will be investigated due to water scarcity in the area.

6.3. Storm Water

No pollution of surface water or groundwater resources will occur because of the proposed mining activities. No stormwater runoff from the proposed mining project containing waste, or water containing waste emanating from mining activities will be discharged into a water resource; in addition, stormwater management will be monitored in accordance with the Environmental Management Programme. Any mining particles will be prevented from entering the drainage furrows (if any) around the mining area so that suspended solids will not enter any water resource.

6.4. Electricity

Power supply to the property is obtained directly from Eskom. The Environmental Authorisation application was forwarded to Eskom for Comment and no objections were received. In is therefore deemed that sufficient electrical supply is available to the application area to accommodate the operation of a sand quarry.

SECTION C :**CONTEXTUAL INFORMANTS****7. LOCALITY**

(Plan 1: Locality Plan)

**FIGURE 3: LOCALITY**

The application area comprising Portions 14 and 15 of Farm 422, is situated in the Harkerville rural node, between the towns of Knysna and Plettenberg Bay. The application area is located approximately 15km west of Plettenberg Bay on the N2 National Road. The property is situated north of the N2 National Road, near the 47km road mark on the N2 National Road towards Plettenberg Bay. The rectangular farm Portions 14 and Portion 15 both extend in a northerly direction from the N2. The Bos River forms the northern boundary to farm Portions 14 and 15. The coordinates for the application area is 34° 1'53.79"S and 23°13'44.13"E.

8. CURRENT LAND USE AND ZONING

8.1. Land Use

(Plan 2: Land Use Plan)

Portion 14 of the Farm No 422

Portion 14 of the Farm is currently vacant and contains no land uses.



FIGURE 4: VACANT PORTION 14

Portion 15 of the Farm No 422

Portion 15 of the Farm contains the following land uses:

- 1 x Primary dwelling house;
- Farm managers house;
- Sand quarry;
- The proposed building rubble site falls within the existing disturbed sand quarry footprint and will include the proposed extended mining area onto Portion 14 once mining activities are completed.



FIGURE 5: EXISTING LAND USES ON PORTION 15



FIGURE 6: EXISTING MINING QUARRY ON PORTION 15

8.2. Zoning

The application area is currently zoned as Agriculture Zone I in terms of the Section 8 Zoning Scheme Regulations.

9. SITE CHARACTERISTICS

9.1. Topography

The landform of the area can be described as a undulating landscape and rounded hill slopes and forest bioregion area in the far north of the site ranging in heights from 250m to 185m above sea level, with an drainage line towards the Bos River. The planned mining activities are located more than 200m from the Bos River and the flow direction of the mine will be towards the North West feeding into a tributary of the Bos River eventually feeding into the Bos River.

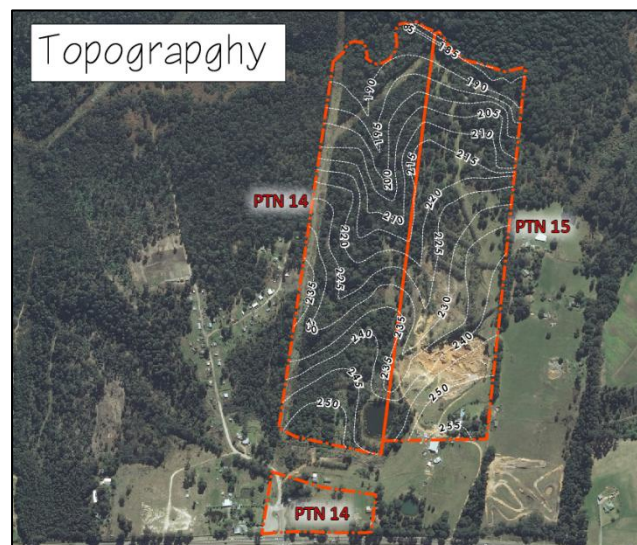


FIGURE 7: TOPOGRAPHY OF PORTION 14 AND 15

9.2. Vegetation

The general physiography of the proposed site originally consisted of Fynbos-Renosterveld, some hill crests, slightly undulating landscape and rounded hill slopes and Forest bioregion area in the far west of the site. The mining area is surrounded by natural vegetation comprising in general of Fynbos. The project site falls under land type unit of soils with a diagnostic Ferrihumic horizon which is predominantly deep (Lamotte form) (Mucina and Rutherford, 2006). The proposed site and surrounding area have long since had its natural vegetation unit of South Outeniqua sandstone Fynbos and portion of Eastern Coastal Shale Band vegetation on Eastern Fynbos-Renosterveld Bioregion area (Mucina and Rutherford,

2006). According to Mucina and Rutherford (2006), the land capability of the proposed area is named as *Non-arable; Grazing, Woodland or Wildlife unit*.

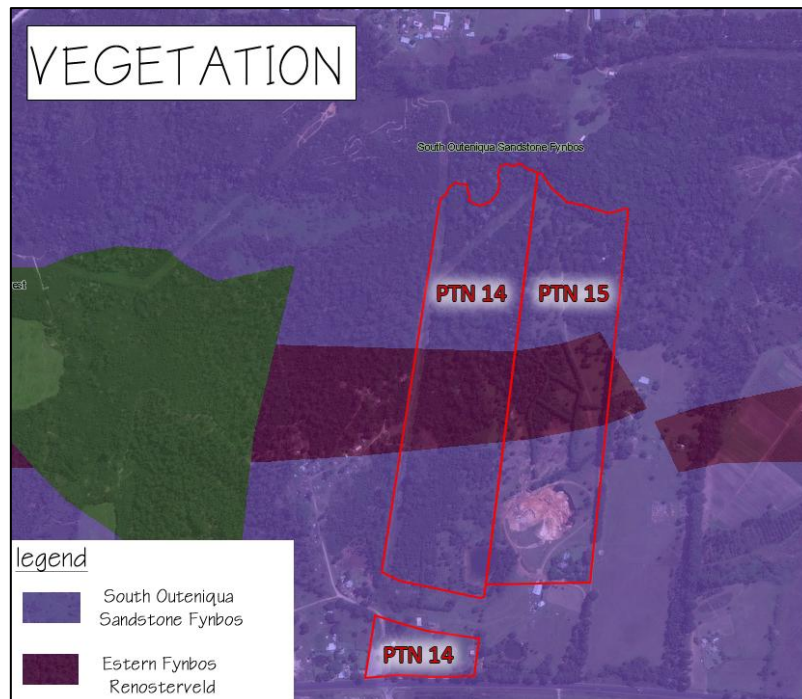


FIGURE 8: VEGETATION (MUCINA & RUTHERFORD 2009)

The project site falls under land type unit of soils with a diagnostic Ferrihumic horizon which is predominantly deep (Lamotte form) (Mucina and Rutherford, 2006). The proposed site and surrounding area have long since had its natural vegetation unit of South Outeniqua sandstone Fynbos and portion of Eastern Coastal Shale Band vegetation on Eastern Fynbos-Renosterveld Bioregion area (Mucina and Rutherford, 2006). This vegetation type is classified by the SANBI as 'least threatened' in terms of its conservation status. Much of this vegetation type on the property has been degraded and/or removed over time.

9.3. Agriculture

According to Cape Farm mapper, the application area has a low to moderate potential for agricultural activities and is suitable for grazing purposes (Refer to image below). Some agricultural activities could be sighted on the eastern side of Portion 15 but were limited to grazing. The vegetation on the site is however severely disturbed through historic and current agricultural practices. There are pasture east of the application area. It should be noted that the agriculture activities on site are not commercial and is merely substance farming. The proposed mining activities will not result in the loss of high potential agricultural land.

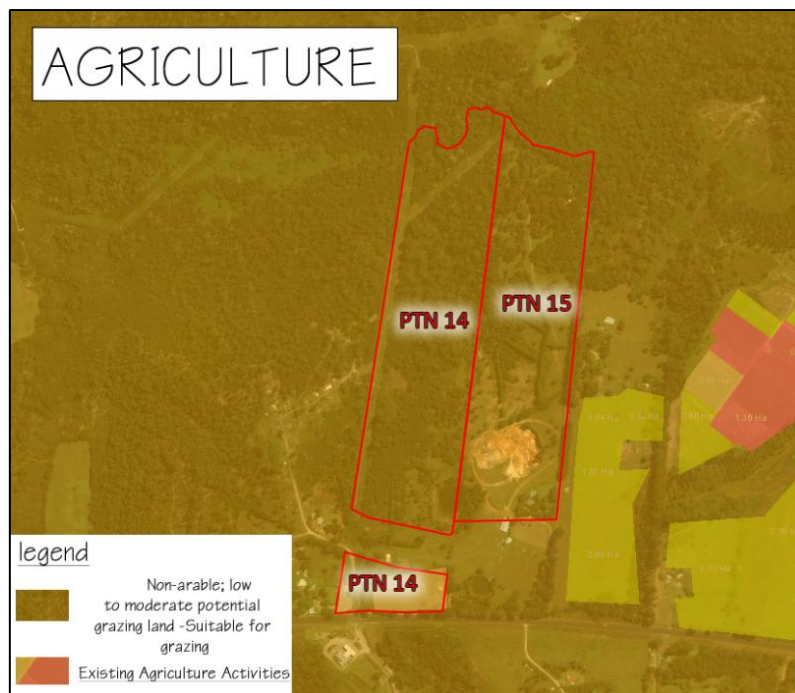


FIGURE 9: AGRICULTURAL POTENTIAL

9.4. Hydrology

A desktop study determined that a perennial river and a non-perennial river traverse the property (Figure 4). The perennial river (the Bos River) forms the northern border of the property. This is a narrow and degraded river, which is characterised by dense alien invasive plant species on its banks. The proposed extended mining area is buffered from the river by at least 200m.

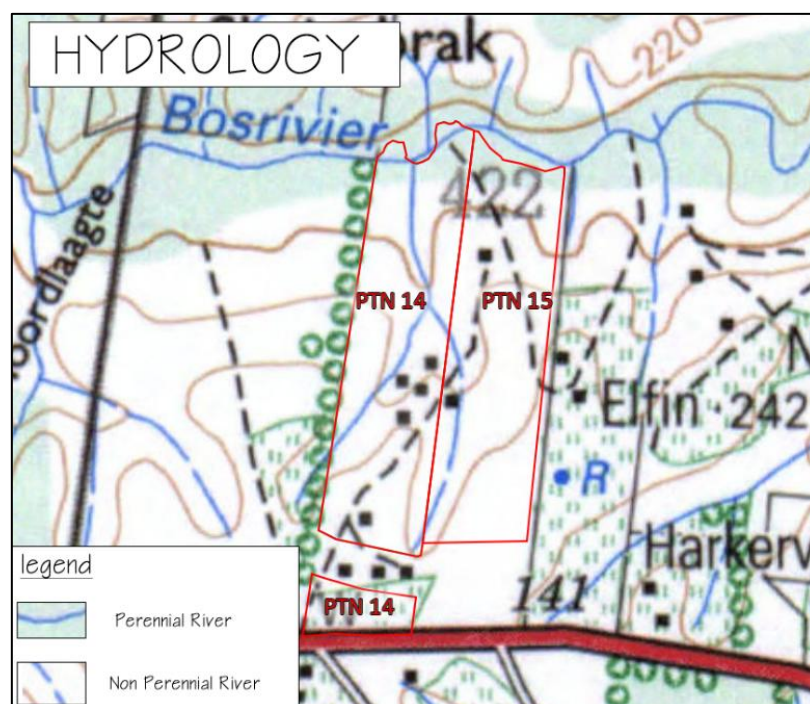


FIGURE 10: TOPOGRAPHIC MAP SHOWING A PERENNIAL RIVER (SOLID BLUE LINE) AND A NON-PERENNIAL RIVER (DOTTED BLUE LINE) TRAVERSING THE APPLICATION AREA

10. CHARACTER OF THE AREA

The application area is located within a rural area that is characterised by a mixture of small-scale agricultural uses; tourist facilities on agricultural properties as well as tourist accommodation establishments. Noticeable non-agricultural land uses in close proximity to the application area include:

Tourist Accommodation	
Corral Tree Cottages	Portion 9 of the Farm No 422
Guest House and Spa	Portion 5 of the Farm No 421
Tourist Facilities	
Adventure Land	Portion 9 of the Farm No 422
Harkerville Market	Portion 5 of the Farm No 427
Elephant Walk Farm Stall	Portion 22 of the Farm No 422
Shop	
Bottle Store	Portion 6 of the Farm No 422
Antique Shop	Portion 21 of the Farm No 422
Mining	
Harkerville Sand Quarry	Portion 49 of the Farm No 422
KK Quarry	Portion 49 of the Farm No 422
De Kop Quarry	Portion 49 of the Farm No 422
Other	
Nursery	The remainder of the Farm No 427 Portion 5 of the Farm No 422
Sasol Garage and Farm Stall	Portion 33 of the Farm No 422
The Barracks	Portion 22 of the Farm No 422

The figure below illustrates the locality of the land uses in relation to the subject properties:

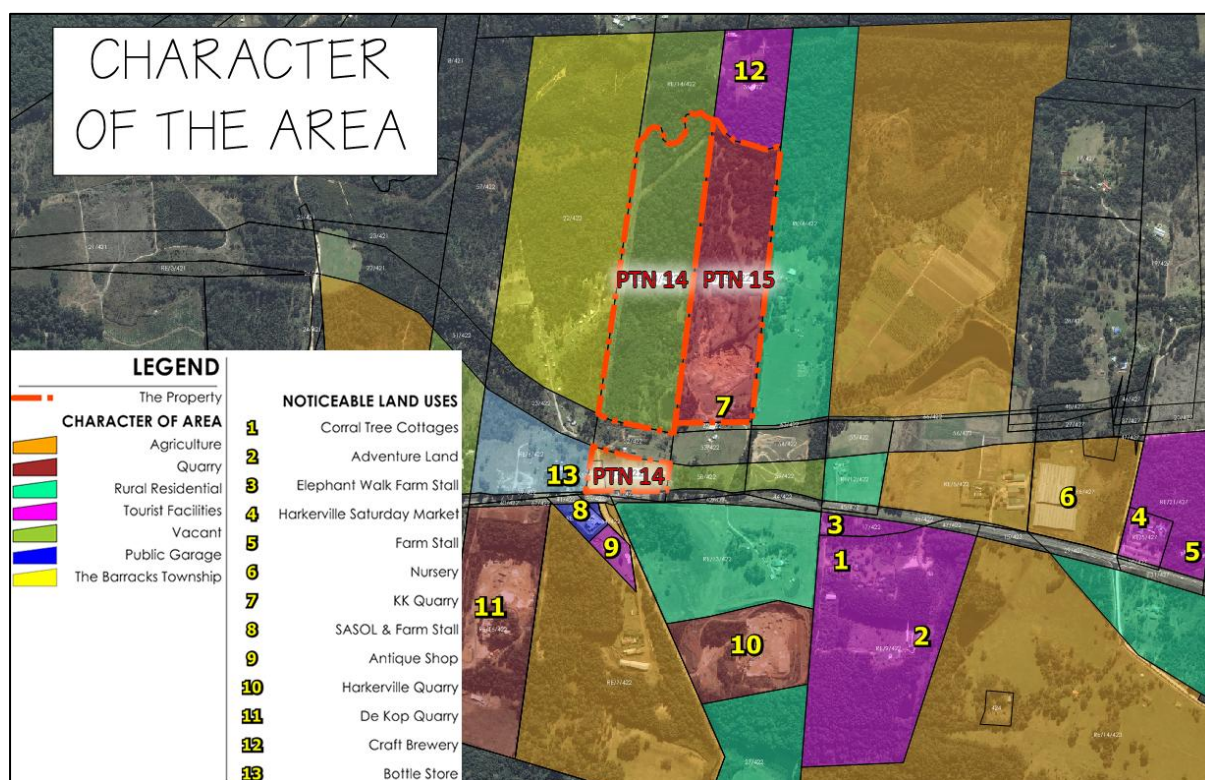


FIGURE 11: CHARACTER OF SURROUNDING AREA

11. EXISTING POLICY FRAMEWORKS

11.1. Western Cape Land Use Planning Rural Guidelines 2018

These Land Use Planning: Rural Guidelines do not represent a rural development strategy, but a guideline for land use planning decisions, being it forward planning or land management aspects. In accordance with the bioregional planning framework that the Western Cape has adopted, the PSDF calls for SDFs to delineate Spatial Planning Categories (SPCs) that cover the entire municipal domain. SPCs are not development proposals and do not confer development rights. They are rather the tools through which the SDF clarifies the inherent land use suitability of different landscapes.

The property is currently earmarked as Intensive Agriculture according to the latest Bitou SDF. Since the property is in an area demarked for Agriculture the Agriculture SPC will be applicable to the property. These guidelines should be acknowledged when Bitou reviews its current SDF.

Description of Agriculture SPC

Areas in which significant or complete loss of natural habitat and ecological functioning has taken place due to activities such as ploughing, hardening of surfaces, mining, cultivation and other activities that modify natural habitat.

Industry in The Rural Areas

The provincial approach is to facilitate the development of rural industrial activities in suitable locations and at an appropriate scale. Rural industrial activity includes:

Processing local and regional farm production; extracting minerals; processing natural resources; mining, conservation, and local tourism. The objective of the Province is to facilitate the development of industrial activity that underpins the rural economy.

Industry in the rural areas should only be located in one of the following SPC's: Settlement, Agriculture and Buffer 2. The following policies are applicable to industrial development in the rural area:

Policy	Compliance of Development Proposal
Extractive industry (i.e. quarrying and mining) and secondary beneficiation (e.g. cement block production, concrete batch plants, pre-mix asphalt plants) have to take place at the mineral or material source.	The existing mining footprint will be extended. Therefore, the operations of the mine will include the extension of the existing mineral resource.
If the mine will result in an impact on biodiversity a biodiversity offset must be implemented.	Environmental and biodiversity management will be addressed in the Environmental Management Programme which is a condition of approval in the Environmental Authorisation.
Industry in rural areas should not adversely affect the agricultural potential of the property.	The agriculture potential of the property is regarded as low/ marginal potential. The existing agriculture activities mainly used for grazing purposes will remain unchanged. The extension of the mine will not adversely affect the agriculture potential of the property.
Development applications should include a locality plan to indicate how it contributes to the clustering of nodal areas.	The existing mine is located in an area that can be considered as nodal area. Refer to Existing Character of Area as contained in Paragraph 10 of this report.
All industries should exclude any permanent on-site accommodation for workers or labourers.	No permanent on-site accommodation is provided for workers or labourers.
A site development plan must be submitted to the municipality for consideration. The site must be surveyed, and the exact delineation of the construction footprint must be shown on the site development plan,	The site development complies plan with the requirements of this policy.
Conditions should be imposed to effectively manage waste and effluent.	Conditions relating to Environmental Management is contained in the approved Environmental Authorisation.

11.2. Western Cape Provincial SDF (2014)

The Western Cape Provincial SDF was approved in 2014 by the Western Cape Parliament and serves as strategic spatial planning policy that "communicates the Province's spatial planning agenda".

The recent shift in legislative and policy frameworks have clearly outlined the roles and responsibility of provincial and municipal spatial planning and should be integrated towards the overall spatial structuring plan for the province to create and preserve the resources of the

province more effectively through sustainable urban environments for future generations. This shift in spatial planning meant that provincial inputs are in general limited to provincial scale planning.

The WCPSPDF's spatial goal is to take the Western Cape on a path towards:

- (i) Greater productivity, competitiveness, and opportunities within the spatial economy;
- (ii) More inclusive development in the urban areas;
- (iii) Strengthening resilience and sustainable development.

The PSDF puts in place a coherent framework for the Province's urban and rural areas that:

- Gives spatial expression to National and provincial development agendas.
- Serves as basis for coordinated and integrated planning alignment on National and Provincial Departmental Programmes.
- Supports municipalities to fulfil their mandates in line with national and provincial Agendas.
- Communicates government's spatial development agenda.

The Western Cape Province's Strategic objectives include:

- **Educating Cape:** Everyone has access to a good education, and the cities, towns and rural villages are places of innovation and learning
- **Working Cape:** There are livelihood prospects available to urban and rural residents, and opportunities for them to find employment and develop enterprises in these markets.
- **Green Cape:** All households can access basic services that are delivered resource efficiently, residents use land and finite resources prudently, and safeguard their ecosystems.
- **Connecting Cape:** Urban and rural communities are inclusive, integrated, connected and collaborate.
- **Living Cape:** Living and working environments are healthy, safe, enabling and accessible, and all have access to the region's unique lifestyle offering.
- **Leading Cape:** Urban and rural areas are effectively managed.

The PSDF sets out a policy framework within which the Western Cape Government will carry out its spatial planning responsibilities. Each of the three spatial themes contributes to the achievement of the Western Capes strategic objectives. These policies are categorised in three themes, namely:

- **Resources:** Sustainable use of spatial assets and resources
- **Space Economy:** Opening up opportunities in the Space Economy
- **Settlement:** Developing Integrated and sustainable settlements.

The Western Cape's agenda for spatial transformation and improved efficiencies in the use of natural resources are closely linked. The PSDF states that the paradigm that economic growth

implies the on-going depletion of the Province's natural capital needs to be broken. This is the rationale for the PSDF embracing a transition to a Green Economy. The so-called 'decoupling' of economic growth strived for, requires reductions/substitutions and/or replacements in the use of limited resources, while avoiding negative environmental impacts. The table below, contains a summary of the key transitions promoted in the PSDF:

PSDF THEME	FROM	TO
RESOURCES	Mainly curative interventions	More preventative interventions
	Resource consumptive living	Sustainable living technologies
	Reactive protection of natural, scenic and agricultural resources	Proactive management of resources as social, economic and environmental assets
SPACE-ECONOMY	Fragmented planning and management of economic infrastructure	Spatially aligned infrastructure planning, prioritisation and investment
	Limited economic opportunities	Variety of livelihood and income opportunities
	Unbalanced rural and urban space economies	Balanced urban and rural space economies built around green and information technologies
SETTLEMENT	Suburban approaches to settlement	Urban approaches to settlement
	Emphasis on 'greenfields' development and low density sprawl	Emphasis on 'brownfields' development
	Low density sprawl	Increased densities in appropriate locations aligned with resources and space-economy
	Segregated land use activities	Integration of complementary land uses
	Car dependent neighbourhoods and private mobility focus	Public transport orientation and walkable neighbourhoods
	Poor quality public spaces	High quality public spaces
	Fragmented, isolated and inefficient community facilities	Integrated, clustered and well located community facilities
	Focus on private property rights and developer led growth	Balancing private and public property rights and increased public direction on growth
	Exclusionary land markets and top-down delivery	Inclusionary land markets and partnerships with beneficiaries in delivery
	Limited tenure options and standardised housing types	Diverse tenure options and wider range of housing typologies
	Delivering finished houses through large contracts and public finance and with standard levels of service	Progressive housing improvements and incremental development through public, private and community finance with differentiated levels of service

FIGURE 12: KEY TRANSITIONS FOR THE PSDF

The table below contains all the PSDF policy statements, and then an assessment of how the proposed new development could respond to these policy statements (i.e. It is consistent, or not, or potentially, depending on the final design and compilation of the development proposal):

SUSTAINABLE USE OF PROVINCIAL ASSETS	
Biodiversity and Ecosystems	
POLICY R1: PROTECT BIODIVERSITY AND ECOSYSTEM SERVICES	
Policy Planning Method	Compliance of Development Proposal
To prevent further intrusion of agricultural activity or urban expansion into key Critical Biodiversity Areas and ecological support areas by consulting the latest CBA mapping as well as the Bitou SDF Priority Conservation Areas	- Very low impact of biodiversity is expected to occur as excavations (vegetation clearing) activities will be limited to the surface area of only 11.85 Ha which will be rehabilitated to suit other land use like crop farming or agricultural. - No significant botanical impact is expected to occur when considering implementing rehabilitation of the disturbed site. - In areas where vegetation must be removed, we still indicate a very low impact value as mitigation measures will be implemented. However, the rehabilitation of the disturbed area will include the revegetation of indigenous vegetation. 
Water	
POLICY R2: SAFEGUARD INLAND AND COASTAL WATER RESOURCES, AND MANAGE THE SUSTAINABLE USE OF WATER	
- Given current water deficits, which will be accentuated by climate change, 'water wise' planning and design approach in the Western Cape's built environment. is recommended. - Protect and rehabilitate river systems and high yielding groundwater recharge areas, particularly in areas of intensive land use.	- There is a 200m water buffer between the mine and the Bos River. - No pollution of surface water or groundwater resources will occur due to proposed mining activities. - No stormwater runoff from the proposed mining project containing waste, or water containing waste emanating from mining activities will be discharged into a water resource. 

Soils and Mineral Resources:	
POLICY R3: SAFEGUARD THE WESTERN CAPE'S AGRICULTURAL AND MINERAL RESOURCES, AND MANAGE THEIR SUSTAINABLE USE	
- Record unique and high potential agricultural land (as currently being mapped by the Provincial Department of Agriculture) in municipal SDFs, demarcate urban edges to protect these assets, and adopt and apply policies to protect this resource (especially in areas where raw water is available). - Record the location of mineral deposits and known reserves of construction materials in municipal SDFs and introduce and apply land use policies that reserve these assets for possible use (subject to environmental authorization). - Reconcile ecosystem requirements with conflicting land development pressures through proactive spatial planning, and application of a land use management system that safeguards biodiversity, protects resources and opens up opportunities for improved livelihoods and jobs. - Use transformed areas first for new farming and mining ventures.	- The vegetation on the site is however severely disturbed through historic and current agricultural practices. There are planted pastures east of the application area. - The property is currently marked for "intensive agriculture" according to the latest SDF. The quarries in operation in the area needs to be mapped and given a status in the SDF currently being reviewed. - According to Cape Farm mapper, the application area has a low to moderate potential for agriculture activities and is suitable for grazing purposes. - In conclusion, this policy relates to the optimal use of land and resources available on the land and it can be either agriculture or mining. 
Resource Consumption and Disposal	
POLICY R4: RECYCLE AND RECOVER WASTE, DELIVER CLEAN SOURCES OF ENERGY TO URBAN CONSUMERS, SHIFT FROM PRIVATE TO PUBLIC TRANSPORT, AND ADAPT TO AND MITIGATE AGAINST CLIMATE CHANGE	
<u>Waste</u> - Apply the principles of 'reduce, reuse, recycle'. <u>Air Quality</u> - Promote a shift from private to public transport modes, as well as from road to rail freight. - Avoid developing new residential areas in proximity to agricultural areas that utilise crop spraying.	The quarry will produce sand, an essential component in construction. The locally produced building material will reduce the impact of air quality waste and climate by reducing the need for transportation to obtain building material outside of Bitou Municipality. 

PORTIONS 14 AND 15 OF THE FARM NO 422- REZONING

<u>Energy</u> ▪ Reduce the need to travel (i.e. locate households closer to their place of work). <u>Climate Change Mitigation</u> ▪ Address climate change mitigation measures in Municipal SDFs, and mainstream energy efficiency and demand- side management in settlement making and upgrading	
Landscape and Scenic Assets	
POLICY R5: SAFEGUARD CULTURAL AND SCENIC ASSETS	
▪ Protect heritage and scenic assets from inappropriate development and land use change. ▪ The delineation of urban edges ▪ Conservation strategies and guidelines	▪ Concurrent rehabilitation will be done to mitigate visual impact on the aesthetic value of the area. ▪ The Cumulative traffic and visual impacts are rated with a negligible significance because the quarry is screened by vegetation. The quarry is also located at a much lower MSL than the surrounding properties making the quarry virtually impossible to detect. ▪ Compliance with the Visual impact will be monitored by the Environmental Control Officer. ▪ The quarry will not impact the views of the surrounding property owners or users of the N2 National Road. 

OPENING-UP OPPORTUNITIES IN THE SPACE-ECONOMY	
Regional Economic Infrastructure	
POLICY E1: USE REGIONAL INFRASTRUCTURE INVESTMENT TO LEVERAGE ECONOMIC GROWTH	
Policy Planning Method	Compliance of Development Proposal
Prioritise developing the required bulk infrastructure capacity to serve the connection and compaction of existing human settlements, over developing bulk infrastructure to serve the outward growth of settlements.	Policy not applicable to land development application. 
Rural Space-Economy	
POLICY E2: DIVERSIFY AND STRENGTHEN THE RURAL ECONOMY	
<u>Development Outside the Urban Edge</u> - Compatible and sustainable rural activities (i.e. activities that are appropriate in a rural context, generate positive socio-economic returns, and do not compromise the environment or ability of the municipality to deliver on its mandate) and of an appropriate scale and form can be accommodated outside the urban edge (except in bona fide wilderness areas). - The following criteria should be applied in assessing consistency with this policy: - Environmental authorisation; - Compatibility with land use activities suitable in the CBA it is situated in, and subject to an EIA; - Does not alienate unique or high-value agricultural land or compromise existing farming activities. - Does not compromise the current or future possible use of mineral resources	- The operation of the Quarry was granted Environmental Authorisation dated 24 May 2018. - A Botanical Impact Report was conducted by <i>Regalis Environmental Services</i> and it was confirmed that the recommendations of the ESA2 have no relevance to the application area for the mine. - The land is not suitable for productive agriculture activities, only for grazing purposes. The areas currently used for grazing purposes will remain undisturbed. - Compliance with the Visual impact will be monitored by the Environmental Control Officer. - The extension of the existing quarry will not have an impact on existing infrastructure services. - No municipal cost is associated with the operation of the quarry. - Quarry will have no impact on the municipality to deliver their mandate. - The authenticity of the rural landscape has already been transformed in the sense that there is rural community east of the application area, a

PORTIONS 14 AND 15 OF THE FARM NO 422- REZONING

v. Is consistent with the cultural and scenic landscapes within which it is situated. vi. Does not involve extensions to the municipality's reticulation networks (i.e. served by off-grid technologies) vii. Does not impose real costs or risks to the municipality delivering on their mandate. viii. Does not infringe on the authenticity of rural landscapes.	public garage south of the application area, mining quarries to the south and a mixture of tourist accommodation and facilities in close proximity. The extended quarry will therefore not infringe on the authenticity of the rural landscape. 
Urban Space-Economy:	
POLICY E3: REVITALISE AND STRENGTHEN URBAN SPACE-ECONOMIES AS THE ENGINE OF GROWTH	
▪ Existing economic assets (e.g. CBDs, township centres, modal interchanges, etc.) to be targeted to lever the regeneration and revitalisation of urban economies. ▪ Incentives should be put in place to attract economic activities close to dormitory residential areas, facilitate brownfields development (e.g. mixed-use development and densification in appropriate locations), and private sector involvement in the rental and gap housing market.	▪ Policy not applicable to land development application 

DEVELOPING INTEGRATED AND SUSTAINABLE SETTLEMENTS	
Sense of Place & Settlement Patterns	
POLICY S1: PROTECT, MANAGE AND ENHANCE SENSE OF PLACE, CULTURAL AND SCENIC LANDSCAPES	
Policy Planning Method	Compliance of Development Proposal
▪ Prevent settlement encroachment and urban sprawl ▪ Promote smart growth ensuring the efficient use of land and infrastructure by containing urban sprawl and prioritising infill, intensification, and redevelopment within settlements	▪ The extension of the mine will prevent further disperse of quarries in the area. It is therefore, a practical solution to extend the existing quarry rather than obtain new mining rights at a new location.

Accessibility	
POLICY S2: IMPROVE INTER AND INTRA-REGIONAL ACCESSIBILITY	
- Focus on compacting and connecting urban development and clustering - Curtail new settlement formation that increases average travel times.	- The accessibility of the quarry is a key consideration to take into account. The quarry is accessed off the N2 National Road and is located close to the town of Plettenberg Bay and Knysna. - The amalgamation of quarries in the surrounding area makes this a favourable location for mining and distribution of Building materials to the surrounding region. 
Land Use and Density	
POLICY S3: PROMOTE COMPACT, MIXED USE AND INTEGRATED SETTLEMENTS	
- Target existing economic nodes - The policy prioritise rural development investment based on the economic role and function of settlements in rural areas, acknowledging that agriculture, fishing, mining and tourism remain important economic underpinnings of rural settlements - Respond to the logic of formal and informal markets in such a way as to retain the flexibility required - promote more inclusive, efficient and sustainable forms of urban development - Promote functional urban integration.	Mining is acknowledged as a key sector and economic role within rural settlements. 
Facilities and Social Services	
POLICY S4: BALANCE AND COORDINATE THE DELIVERY OF FACILITIES AND SOCIAL SERVICES	

PORTIONS 14 AND 15 OF THE FARM NO 422- REZONING

▪ Balance sustainable service delivery and equitable access to education and health services ▪ Apply the principles of space utilization efficiency, multi-functionality and clustering to all facility provision projects	▪ Policy not applicable to land development application 
Informality, Housing Delivery, Inclusion and Urban Land Markets:	
POLICY S5: PROMOTE SUSTAINABLE, INTEGRATED AND INCLUSIVE HOUSING IN FORMAL AND INFORMAL MARKETS	
▪ Provide a wide choice of housing typologies and tenure options, based on economic, fiscal, and social affordability. ▪ Ensure that all housing delivery projects are founded on principles of sustainability and based on integrated development planning ▪ Promote private-sector participation in the gap market to diversify and expand housing delivery options. ▪ Promote more mixed-income, mixed-use, inclusionary forms of development through incorporating various scales of economic opportunities within housing projects.	▪ Policy not applicable to land development application 

11.3. Eden SDF 2017

The purpose of the Eden SDF is to coordinate District departments involved with planning, land use management, infrastructure, economic and social development to identify and provide guidance to effectively initiate and implement regional projects and provide a framework for public investment priorities. This document more importantly provides guidance to local municipalities in the District regarding future spatial planning, strategic decision-making and regional integration. Bitou Municipality is located within Eden District. The objectives, guidelines and spatial planning strategies are guided by the Eden District's Spatial Development Framework.

The Eden District SDF identified the following objectives applicable at a district level to promote sustainable development:

- Growth management (achieving a balance between urban development and the environment);
- Economic development (both growth and distribution, poverty alleviation and job creation);
- The provision of social facilities and services (in an equitable manner), and
- Settlement pattern (how these elements play out in space).

The following policies are applicable to the proposed land development planning application:

Strategy: The Economy	
Policy 1.1. Establish, manage and market the Garden Route and Klein Karoo as two unique sub-regions of Eden ² .	
Guideline 1.1.1. Contain development and manage rural areas through appropriate location of SPCs.	Compliance with land development application
▪ The Eden District SDF adopts and recommends the application of the Draft WCG Rural Land Use Planning and Management Guidelines (2017) and their definitions of rural and agricultural Spatial Planning Categories. ▪ Developments should not Compromise the current and future use of mineral resources.	▪ Industry in the rural areas should only be located in one of the following SPC's: Settlement, Agriculture and Buffer 2. This should be taken into consideration when Bitou Municipality amends its latest SDF version to earmark the existing Quarry areas as a Buffer Zone II.

² Pg. 106 Eden District Municipality Spatial Development Framework 2017

Strategy: Growth Management	
Policy 3.1. Direct and encourage growth to match capacity, resources and opportunity in relation to the regional socio-economic hierarchy of cities and towns ³ .	
Guideline 3.1.2. Roles of regional service centres ⁴	Compliance with land development application
- Regional Service Centres are main urban centres and contain industry, services sector and innovative business environments. - Industries such as mining operations are suitable to accommodate economic growth and are suitable to provide to jobs, services and facilities. - These centres/industries should be enhanced and further developed through integration, infill, densification and mixed-use development in welllocated areas.	- The accessibility of the quarry is a key consideration to take into account. The quarry is accessed off the N2 National Road and is located close to the towns of Plettenberg Bay and Knysna. The amalgamation of quarries in the surrounding area makes this a favourable location for mining and distribution of Building materials to the surrounding region. - The mining quarry will promote rural economic development by providing permanent skilled and unskilled labour.
Guideline 3.1.4: Development approach to rural settlements ⁵	Compliance with land development application
- Development must be in keeping with guidelines as set in the 2013 PSDF study Scenic and Cultural resources. - Only permitted if it enhances biodiversity, diversifies agriculture, supports tourism. Only allowed if appropriate scale, form and character of the relevant SPC.	The land development application is consistent with guidelines as set in the 2013 PSDF study Scenic and Cultural resources. Refer to policy S1-3 in paragraph 11.2 of this report.

11.4. Bitou SDF (2017)

The Bitou Spatial Development Framework (SDF) was approved by Bitou Municipal Council in May 2013. The SDF is, therefore, the primary spatial tool for guiding development within the municipal area.

The SDF echoes the principles laid down by the Provincial SDF including densification, the importance of compact settlements and walkability and the promotion of a mixture of uses in close proximity to one another.

³ Pg. 124 - Eden District Municipality Spatial Development Framework 2017.

⁴ Pg. 126 - Eden District Municipality Spatial Development Framework 2017.

⁵ Pg. 126 -Eden District Municipality Spatial Development Framework 2017.

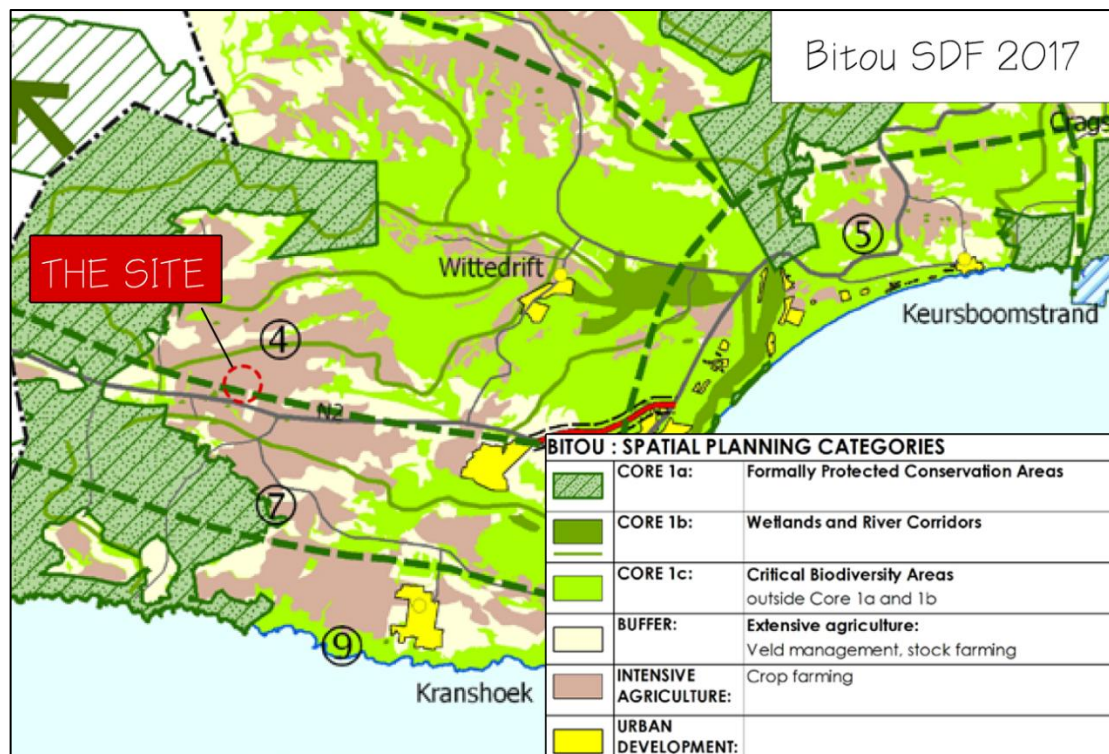


FIGURE 13: EXTRACT FROM THE BITOU SDF (2017)

The application area is located outside the urban edge and is earmarked as "Intensive Agriculture". The Bitou SDF does not specifically demarcate areas suitable for mining and only indicate areas that contain Bayerite, Lignite and Bentonite⁶. Further to the above the SDF acknowledges that there are two (2) mining companies that mine quarries in Bitou Municipality⁷. It should be noted that there are no land use management guidelines that regulate the most appropriate areas for the operation of a quarry.

It should be noted that although the Bitou Spatial Development Framework does not specifically provide for the utilisation of land for Mining Purposes and the proposed operation of a mining activity is not in conflict with the relevant designations in the Spatial Development Framework. Therefore, according to Section 19(2) of the Land Use Planning Act (Act 3 of 2014) or development can be regarded as being **consistent** with that spatial development framework

Planning Implication

In conclusion, the Bitou SDF makes no provision for land to be utilised for mining purposes neither does it prohibit mining uses. The only available information is that the property is earmarked for agricultural purposes. Until the Bitou SDF has been reviewed to accommodate mining in designated planning categories, Section 21(2) of SPLUMA is applicable which makes provisions that warrant a departure from being inconsistent with an SDF. Therefore, all the relevant information that informed the Environmental Authorisation, should be considered in order to be consistent with Section 21(1) of SPLUMA which states, the municipality or any other

⁶ Figure 3.2.9.1 – Mining: Bitou SDF 2017

⁷ Pg. 125 – Bitou SDF 2017

Authority mandated to make a land development may not make a decision which is inconsistent with a Municipal Spatial Development Framework. The fact that Environmental Authorisation in terms of NEMA has been obtained, is sufficient merit that warranted a decision that site-specific circumstances informed the final decision. The same principle should apply to the delegated decision maker in this regard.

The proposed operation of a mining activity is not in conflict with the relevant designations in the Spatial Development Framework and the following site specific circumstances should be taken into consideration when considering the land development application:

- i) Low agricultural potential;
- ii) Environmental authorisation was granted for the extension of the existing quarry.

11.5. Bitou Integrated Development Plan 2017-2022

The IDP is a municipal planning instrument that drives the process to address the socio-economic challenges as well as the service delivery and infrastructure backlogs experienced by communities in the municipality's area of jurisdiction.

Bitou Municipality approved the 4th generation IDP during June 2017 Council Resolution Number: C/6/23/05/17. According to this IDP, the municipality's vision⁸ is to:

Bitou IDP Vision	
To address the disjuncture in services delivery, inequality, unemployment and economic participation caused by the apartheid system which benefited a certain racial group at the neglect or exploitation of others	
Vision:	
To be the best together	

Bitou Municipality has adopted seven strategic objectives to deliver on its vision and to help realize the objectives of the district economic development, provincial strategic goals and national development plan which eventually will contribute to the global sustainable development goals. These objectives are:

Objective	Interventions
Grow local economy, create jobs, empower previously disadvantaged, transform ownership patterns 2. Economic development of local economy	Job creation: Support projects that will enable job creation in the municipality.

The application area is located in Ward 7 of the Bitou Municipality. The following Ward based planning interventions are considered to be applicable to the land development application:

⁸ Pg.1 - Bitou Integrated Development Plan 2017-2022

ECONOMIC DEVELOPMENT ⁹	Planning Intervention
	Make development more accessible and expedite applications (rezoning and building plans) make industrial and commercial development possible.

Planning Implication:

The IDP is a municipal planning tool to integrate municipal planning and allocate municipal funding to achieve strategic objectives that will contribute to the overall municipal vision. Although this application is not considered to be an important strategic objective it can be motivated that the development of the land has supported important municipal interventions amongst others creating economic jobs within the ward. Further to the above, the municipality adhered to the ward-based planning objective of making development more accessible. It is the considered opinion that the existing development has contributed to the strategic objectives within Ward 7.

⁹ Pg. 74 -Bitou Integrated Development Plan 2017-2022

SECTION A :**MOTIVATION**

In Section 65 of the By-law the general criteria necessary for considering an application by the Bitou Municipality is stated.

The following criteria must be considered when evaluating the desirability of this land development application submitted in terms of Section 15(2) of the By-Law:

- The integrated development plan, including the municipal spatial development framework;
- The applicable local spatial development frameworks adopted by the Municipality;
- The applicable policies of the Municipality that guide decision-making;
- The provincial spatial development framework;
- The policies, principles and the planning and development norms and criteria set by the national and provincial government;
- The matters referred to in section 42 of the Spatial Planning and Land Use Management Act;
- Principles referred to in Chapter VI (6) of the Land Use Planning Act; and
- The applicable provisions of the zoning scheme.

12. MOTIVATION

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

12.1. Consistency with Character of the Area

The application area is bordered by farming and mining activities. Mining activities in the surrounding area include:

- i. Harkerville Quarry on Portion 49. An application for environmental Authorisation and a rezoning application is currently in process for a decision.
- ii. Die Kop Quarry on Portion 16 of the Farm No 422.
- iii. KK Quarry on Portion 15 (Environmental Authorisation has been obtained for the extension of the Quarry on Portion 14 of the Farm No 422).

Mining in the surrounding area is a well-established land use. The proposed mining areas are within a 1km radius from each other and is deemed to be consistent with the character of the surrounding area.

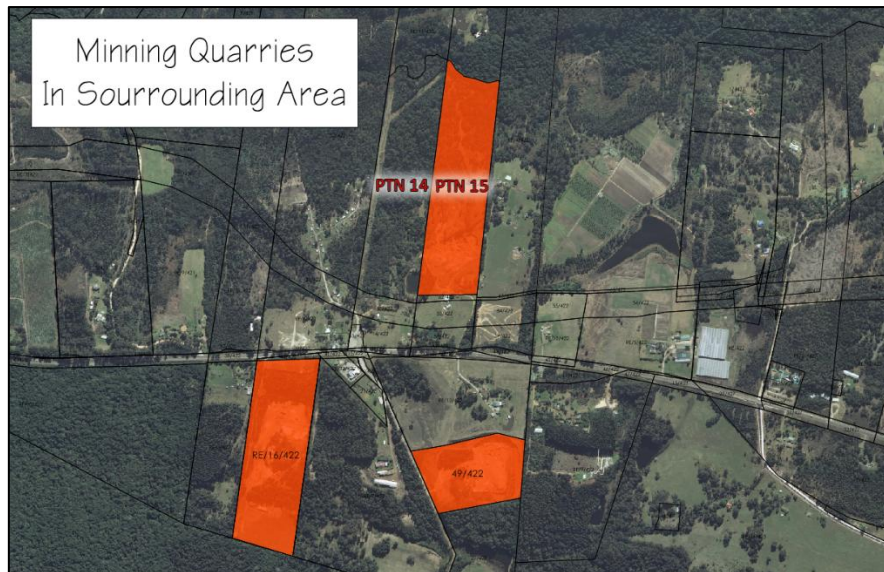


FIGURE 14: MINING (QUARRY) IN THE SURROUNDING AREA

12.2. No Impact on High Potential Agricultural Land

Given the low to medium agricultural potential of the land and the fact that far less than a half of it is proposed for mining, therefore, a negative impact on the yield of the footprint area is deemed to be of low-medium significance. The following mitigation measures can also be implemented on-site to accommodate the landowner:

- The major areas not mined by the applicant will be available to the farmer for grazing for his livestock if any.
- Mined-out major areas can be signed back to the farming areas (grazing) once final rehabilitation has been done and the areas have been vegetated.

The site earmarked for the extension of the existing quarry is covered by alien vegetation and was never used for productive farming purposes. Specific conditions to be included into the compilation and approval of EMPr (Environmental Management Programme) will include identifying and conserving land availability for agriculture use.

12.3. No Impact on the Environment and Biodiversity

A field study conducted by *Regalis Environmental Services* (see attached ANNEXURE J). The entire proposed development site was surveyed on foot to determine the ecological condition of the area and to establish if rare or endangered plant species are or may be present. It was concluded that:

- Currently, the entire area is dominated by alien tree species;
- No rare or threatened plants were found or are suspected to occur within the entire affected area;
- The entire affected area (and immediate surrounding area) consists of completely transformed vegetation;

- Not even the removal of the current dense infestation of alien plants can result in the natural re-establishment of the original vegetation;
- The vegetation on site (South Outeniqua Sandstone Fynbos) classified as 'least threatened' in terms of its conservation status. Much of this vegetation type on the property has been degraded and/or removed over time.

The following mitigation actions were proposed for the operation of the mine on the application area and will be implemented in the EMP:

- i. Ensure in the mining plan that siltation of the natural water drainage system will not occur.
- ii. Cover the current mining area, once filled, and landscape the area. Then revegetate the area by means of using easily established grass species
- iii. Exclude grazing from rehabilitation areas for at least 5 years until restored areas have a well-covered vegetation.
- iv. Eradicate all alien vegetation from the restored areas.

12.4. No Visual Impact

The risk of the proposed mining activities having a negative impact on the aesthetic quality of the surrounding environment can be reduced to a low-medium risk through the implementation of the mitigation measures listed below:

- i. The mining area is lower than the National Road and the surrounding property owners, therefore the mining operation will not be visible from National Road users or the surrounding property owners.
- ii. The site needs to have a neat appearance and be kept in good condition at all times.
- iii. Berms will be provided where necessary to reduce the visual impact of the mining operations;
- iv. The site to be mined will be located at a maximum depth of 40m, making it virtually impossible for surrounding landowners to observe mining activities;
- v. Vegetation surrounding the mine also acts as a visual screening barrier

12.5. No Noise Impact

Noise associated with the mining operations will include the following:

- Noise nuisance caused by machinery stripping and stockpiling the topsoil;
- Hauling of topsoil by heavy vehicles.

The risk of noise, generated from the proposed mining activities, having a negative impact on the surrounding environment can be reduced to being low-medium through the implementation of the mitigation measures listed below:

- i. The applicant must ensure that employees and staff conduct themselves in an acceptable manner while on site.
- ii. No loud music may be permitted at the mining area.
- iii. All mining vehicles must be equipped with silencers and maintained in a roadworthy condition in terms of the Road Transport Act.

All noise levels will be controlled at the site and expected air pollution during operations and haulage will be monitored. If the noise levels at the boundaries of the site exceed 7 dB above ambient levels, the local health authorities will be informed. The activities will take place on daylight to avoid night time noise disturbances and night-time collisions with fauna.

12.6. No Dust Pollution

Dust generated by the mining operation will include the following:

- Dust nuisance caused by the disturbance of the soil;
- Excavations and Stockpiling of topsoil;
- Excavation and Loading of gravel to be sold;
- Dust nuisance from denuded areas.

The limited extent of the mining will have an impact on air quality prior mitigation measures. When the results of the dust monitoring indicate that fall out levels exceeds the acceptable limit, the Regional Air Quality Officer in this regard will be contacted to instruct the applicant to develop and implement a dust management plan.

One of the key considerations with regards to the excavations activities adequate is dust collection and/or suppression. There are many choices for dust collection/suppression systems, including bag filters, scrubbers, cartridge collectors, surfactants, water sprays and sonic fog.

Water bowser will be filled to monitor the dust on sites when required however dust suppression alternatives will be investigated due to water scarcity in the area.

The dust fallout monitoring and management programme to ensure that potential health issues as a result of dust fall out will be detected and immediately corrected as recommended by EMPr. It has been reported that results of the dust fall out monitoring programme indicate dust fall out from Mining Operations to be far below that threshold as defined in the legislation. The operations of this project at the preferred location will not cause the loss of potential gain from another alternative industry; however, compensation will be negotiated between the applicant and the affected owners when needed.

12.7. No Impact on Ground Water

A Freshwater Assessment report conducted by Resource Management Services (see attached ANNEXURE K) concluded that the extension of the mine will result in the following potential impacts:

- The disturbance of the river system and vegetation habitats;
- Soil erosion and sedimentation: by the removal of topsoil, addition of spoil sites leading to wash and compaction by heavy machinery resulting in an increased runoff;
- Loss of riparian vegetation: due to the potential disturbance of the riparian bed and banks. This may further enhance erosion potential.

The following mitigation measures are proposed to mitigate the impact on groundwater for the extension of the mining area

- i. The perennial river (Bos Rivier) will have a buffer of over 200m;
- ii. Mining area will have an earth berm wall, which will protect the river from runoff, should any flooding occur.
- iii. Pollution: an increase in pollution due to heavy machinery, ablution facilities and possible spills during construction 7.
- iv. the non-perennial river (Refer to ANNEXURE K) currently bisects Portion 14 of Farm 422. Building the quarry around the non-perennial river is not a viable option. Instead, the river will be diverted along the western length of Portion 14 with a suitable buffer and a stormwater management plan. The potential operational-phase impacts on the diverted non-perennial river will be adequately mitigated in the EMPr.

12.8. Impact on Tourism

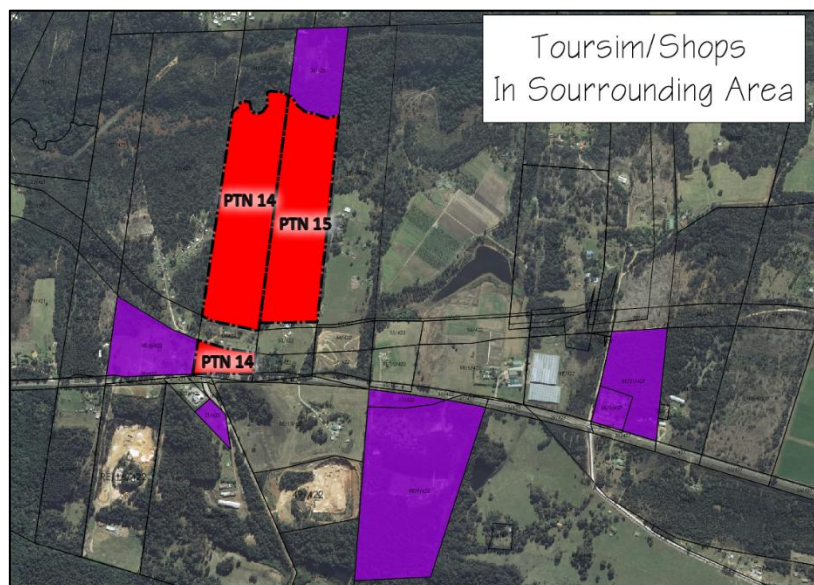


FIGURE 15: TOURISM/SHOP FACILITIES IN THE SURROUNDING AREA

From the image above, it is clear that the extension of the mining quarry is surrounded by various tourist accommodation establishments; and tourist facilities. The visual, noise and dust mitigation measures imposed and required to be regulated in accordance with the EMPR will result in no impact on surrounding tourist activities which include tourist shops and overnight accommodation. The following mitigation measures will be imposed to mitigate impacts on tourist activities:

- i. excavation and loading activities which will only occur onto mining sites from 7:00 am in the morning till at 17:00 pm on weekdays (Monday to Friday) to avoid night time noise disturbances. The quarry is also closed during the Builders Holiday, which largely coincides with the December school holidays.
- ii. The mine will be surrounded by vegetation that acts as a visual and noise barrier to surrounding land used in the area

12.9. Access

The application area will receive access via the existing access road to the property which is located near the 47km Mark on the N2 National Road towards Plettenberg Bay. The existing road already makes provision for a turn off shoulder to the Barracks Township. The extension of the existing quarry will not generate a significant increase in traffic that could influence the safety of the access to the application area. There are existing access roads in place for hauling material excavated on site. The existing gravel access roads will be used to access the proposed sites. Speed on the access roads must be limited to 40km/h to prevent the generation of excess dust. Management of the Access road will be maintained as part of the EMPr.



FIGURE 16: ACCESS TO THE PROPERTY

12.10. No impact on Existing Land Use Rights

The mitigation measures imposed and compliance with the EMPr will ensure the operation of the mine to a controlled impact on surrounding landowners. It is the considered opinion that rezoning the property to accommodate a mine (Quarry) will have no negative impact

whatsoever on any existing land use rights currently enjoyed by the surrounding property owners.

12.11. No Impact on Municipal Services

The proposed rezoning to accommodate a mine(quarry) will have no impact on municipal service infrastructure.

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

resources and encourages the nurturing and conservation of cultural legacy so that it may be bestowed to future generations. The Act requires all developers (including mines) to undertake cultural heritage studies for any development exceeding 0.5 ha. It also provides guidelines for impact assessment studies to be undertaken where cultural resources may be disturbed by development activities.

An Archaeological impact assessment report was conducted and submitted to Heritage western Cape See attached ANNEXURE L. HWC issued a Record of Decision (ROD) and confirmed that should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately, and Heritage Western Cape must be notified without delay (See attached ANNEXURE M).

14. SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013)

One of the main objectives of SPLUMA is to provide a framework for spatial planning and land use management to address past spatial and regulatory imbalances. This section illustrates how the application is consistent with the 5 main development principles applicable to spatial planning and land use management as set out in Section 42 of SPLUMA:

14.1. Spatial Justice

Criteria	Compliance	Planning Implication
Past spatial and other development imbalances must be redressed through improved access to and use of land.	Not applicable	The site is currently accessible from the N2 National Road. This principle is not applicable to the proposed mine.
Spatial Development Frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterised by widespread poverty and deprivation.	Not applicable	This is not a Spatial Development Framework; therefore, this criterion is not applicable to this particular land development application.
Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons.	Comply	The proposed application will allow for an industry in the rural area. Therefore, providing a mechanism for economic development in the rural area

14.2. Spatial Sustainability

Criteria	Compliance	Planning Implication
Promote land development that is within the fiscal, institutional and administrative means of the Republic.	Comply	Rural economic opportunities will be created as a result of the extended mine (Quarry) No additional spending or costs for the local authority is necessary to accommodate this land development application.
Ensure that special consideration is given to the protection of prime and unique agricultural land.	Not applicable	The application area is not considered as prime agricultural land.
Uphold consistency of land use measures in accordance with environmental management instruments.	Comply	The extension of the Mine has received Environmental Authorisation in terms of the National Environmental Management Act (1998) (refer to ANNEXURE C).
Promote and stimulate the effective and equitable functioning of land markets.	Comply	The proposed development is consistent with the character of the surrounding area and will not detract from the value of the surrounding properties.
Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments.	Comply	The proposed land use will have no impact on the existing municipal services of Bitou Municipality, hence, no additional cost for any party area involved.
Promote land development in locations that are sustainable and limit urban sprawl and result in communities that are viable.	Comply	The application area is an extension of an existing mining footprint in an area characterised by mining operations. The land development application will not contribute to urban sprawl.

14.3. Spatial Efficiency

Criteria	Compliance	Planning Implication
Land development optimises the use of existing resources and infrastructure.	Comply	The mining operations are located in an area with suitable natural resources for the excavation of building sand, a key building material for construction purposes in Bitou Municipality.
Decision-making procedures are designed to minimise negative financial, social, economic or environmental impacts.	Comply	Impacts on the economic, social, and physical environment will be mitigated and efficiently managed in the EMPr.
Development application procedures are efficient and streamlined and timeframes are adhered to by all parties.	Not Applicable	The Bitou Municipality should process this application within the prescribed time frames of the By-Law.

14.4. Spatial Resilience

Criteria	Compliance	Planning Implication
Flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable	Not Applicable	This criterion is not applicable to this land development application.

Criteria	Compliance	Planning Implication
livelihoods in communities most likely to suffer the impacts of economic and environmental shocks		

14.5. Good Administration

Criteria	Compliance	Planning Implication
All spheres of government ensure an integrated approach to land use and land development that is guided by the spatial planning and land use management systems as embodied in this Act.	Applicable to Bitou Municipality	This principle has no direct bearing on the application. However, the Bitou Municipality is obligated to consider the application fairly and within the timeframes provided for in terms of the By-Law. What is however important is that all decision-making is aligned with sound policies based on national, provincial and local development policies.
All government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of spatial development frameworks.		
The requirements of any law relating to land development and land use are met timeously.		
The preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications, include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them.		
Policies, legislation and procedures must be clearly set in order to inform and empower members of the public.		

15. CONCLUSION

In light of this motivation, and the information contained within the foregoing report, it is clear that the application for:

- (i) Rezoning Application in terms of Section 15 (2) (a) of the Bitou Land Use Planning Bylaw to rezone a Portion of Portion 14 measuring 6.5336 ha from "Agriculture 1" to "Industrial III" to allow for the extension of the existing sand quarry.
- (ii) Rezoning Application in terms of Section 15 (2) (a) of the Bitou Land Use Planning Bylaw to rezone a Portion of Portion 15 measuring 8.1459 ha from "Agriculture 1" to "Industrial III" to allow for the extension of the existing sand quarry.
- (iii) A permission required in terms of the Section 8 Zoning Scheme Regulations; in terms of Section 15(2)(g) to allow for a construction and building waste disposal facility on Portion 15 of the Farm No 422.

Meets the criteria as set out in the SPLUMA and the By-Law, is desirable and it is therefore recommended that the application for the proposal be supported by the relevant authorities and approved by Bitou Municipality.

Marike Vreken Urban and Environmental Planners
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