

COMMENTS RECEIVED ON THE SECTION 24G REPORT - RECTIFICATION OF THE UNLAWFUL CONSTRUCTION ACTIVITIES ON A PORTION OF FARM 733, MALMESBURY:

Comment period: 13 December 2017 – 2 February 2018

NO	DATE	COMMENT	I&AP	RESPONSE	RESPONDENT
1.	15 January 2018	<p align="center">Cape Nature</p> <p>We previously commented on an application for an ad hoc setback line for the same property. We did not object to that application as the documents provided indicated that the components of the development would make use of existing buildings or be inside the existing development footprint.</p> <p>We note that a rectification authorisation is being applied for as the applicant has commenced with development on the property. Development commenced with includes a toilet block with a soakaway system, a pre-fabricated dwelling and a platform for a tented camp area. Some clearing also appears to have commenced on the site for the photovoltaic (PV) facility. These footprints were not specifically assessed as part of the application for an ad hoc setback line.</p>	Alana Duffell-Canham: CapeNature	Noted.	M. Geldenhuys DJEC
		According to the botanical specialist report the above-mentioned development has occurred within low or medium sensitivity areas and no Species of Conservation Concern (SCC) were found in these areas. We are satisfied with the botanical specialists' findings in this regard.		Noted.	M. Geldenhuys DJEC
		Please note that Cape Nature is not in support of soakaway systems, particularly within 100m of the sea or any other waterbody or watercourse. A combination of sealed septic tanks combined with a reed bed system is more desirable but should be monitored frequently.		The new septic tank and soakaway at the temporary dwelling will be located 145 m from high water mark. The temporary toilet block and soakaway will be removed as shown in the Site Layout Plan. There is an existing septic tank and soakaway servicing the cottage. It is proposed to connect the existing sewer pipe from the cottage to the package plant eliminating the use of the septic tank and soakaway.	M. Geldenhuys DJEC

		A pipeline is also required for the development. Unfortunately, much of the pipeline route passes through an area of higher botanical sensitivity which has been determined as Critical Biodiversity Area (CBA) and will impact on at least one SCC. The botanical specialist has determined the vegetation to have high sensitivity. We therefore support the botanical specialists' recommendation that the pipeline be laid below the existing "twee spoor" road. No other mitigation will be possible for the disturbance of vegetation in this area. Once construction of all infrastructure is complete, surrounding disturbed areas should be allowed to rehabilitate and be monitored for erosion and alien vegetation must be removed.		Noted. The preferred alternative will be to locate the pipeline within the 2 spoor road as indicated in the draft 24 G report. However, part of the pipeline will run through indigenous vegetation in order to join with the road. This section of the pipe will run along a new proposed fire break line.	M. Geldenhuys DJEC
2.	1 February 2018	West Coast District Municipality			
		The subject farm is one of the oldest farms in the country, dating from the early 1700's and as such has significant heritage and cultural value. The original farm house is considered a prime example of early Cape Dutch architecture. However, in view of the historical significance of the farm, the West Coast District Municipality will only support suitably sensitive and appropriate development that will enhance the site's heritage and cultural values. The comments and approval of Heritage Western Cape must be obtained to ensure that all developments uphold these values.	Doretha Kotze – West Coast District Municipality	The record of decision in terms of Section 27 of the National Heritage Resources Act (Act 25 of 1999; NHRA) was received and is attached as Appendix E of the report.	M. Geldenhuys DJEC
		<ul style="list-style-type: none"> The Municipal Health Services Division of the West Coast District Municipality has the following comments: <p>General and household waste must be collected regularly and stored in an approved, designated waste area on site before being removed to a registered waste disposal facility on a weekly basis.</p>		Noted. Refuse and waste from the respective facilities will be collected on a daily basis and stored on site at a central refuse yard. A private contractor will be appointed for the removal and legal disposal of all solid waste from the site once a week. The service provider will be required to have a contract with the solid waste disposal site (e.g. Malmesbury Municipality) for the disposal of refuse. Recycling of applicable materials will also be incorporated through on site	M. Geldenhuys DJEC

			sorting of the waste material before collection by the private entity.	
		Provision must be made for a water purification plant to ensure water is suitable for human consumption. Water monitoring results must be submitted to the division and must conform to SANS 241.	The water quality from the boreholes was tested and it was determined that the water will need to go through a filtration process. The water quality results and quote for treatment plant is attached as Appendix G4 of the Section 24G report.	
		The sewage system must be approved by the Department of Water and Sanitation.	An application for general authorization has been submitted to the Department of Water and Sanitation. Proof of submission will be attached to the Draft Section 24 G report. See Appendix 12 for proof of submission of the General Authorisation application to DWS.	
		<ul style="list-style-type: none"> The Environmental Officer of the Municipality has the following comments: <p>Before any further activities take place on the site, the necessary approvals must be obtained from the Department of Environmental Affairs and Development Planning and Heritage Western Cape.</p>	Noted. Necessary approvals will be obtained before any further activities take place.	
		The Coastal Management Line (CML) process, with overlay zones, needs to be taken into account and no new development must be allowed seaward of the CML.	The development setback line has been taken into account and no activities will occur within the coastal management line. This has been discussed in the Section 24G application. See Page 18 of the Draft Section 24 G report.	
		The Report states that “no site alternatives were considered as existing buildings on the property will be converted for education use”. However, new	There is no site alternatives as the buildings are already existing	

	structures were constructed, necessitating this 24G application. Alternatives should have been identified within disturbed areas on the bigger property, inter alia, for services, access to such services, as well as, all new structures.		and the new buildings will be positioned around the existing buildings. Same for the infrastructure. The pipeline will run in the road "middelmannetjie" and the alternative was for the pipeline to run on the side of the road.	
	The temporary ablution facility with soak away is too close to the sea and the Bok Estuary and must be upgraded to a closed septic tank system which should be emptied regularly by a suitable service provider. Water and/or sewage pollution or accidental spills into the adjacent Bokrivier Estuary (micro estuary) should be prevented at all times. Detailed plans of the sewage infrastructure and sewage treatment system must be provided to the relevant authorities for comment and approval.		The new septic tank and soakaway at the temporary dwelling will be located 145 m from high water mark. The temporary toilet block and existing soakaway will be removed as shown in the Site Layout Plan. It is proposed to connect the existing sewer pipe from the cottage to the package plant eliminating the use of the septic tank and soakaway at the existing cottage. A submission for the sewerage treatment works have been made to DWS.	
	The temporary dwelling is situated in the High to Medium Botanical Sensitivity area and not in the low sensitivity area, as indicated in the report. Cape Nature's comments should be obtained.		A section of the temporary dwelling is located in the high sensitivity area as per the general services layout. The area where the dwelling was built has already been cleared. Comment from Cape Nature has been obtained and responded to.	
	No construction that will result in the clearance of 300m ² or more of critically endangered vegetation should be allowed and various alternatives should be investigated to limit clearance to already disturbed areas for the construction of services infrastructure and all other new buildings/ structures. Similarly, no new roads should be constructed.		Noted. Construction activities will be limited to disturbed areas. The construction of the road pipeline will however result in the clearance of indigenous, from the	

				reservoir till when it joins the road.	
		Access to coastal public property must be secured by the registration of a public access servitude in favour of Swartland Municipality as stipulated in the Integrated Coastal Management Act (Sec 18(9) of ICMA).		There is an existing public road traversing the property whereby access can be obtained. WHERE	
		An alien vegetation removal plan must be compiled and implemented as per NEMBA requirements.		Noted. The applicant will commit to ongoing removal of alien vegetation	
3.	14 Dec 2017	Heritage Western Cape			
		HWC is in receipt of your S24G Rectification of the unlawful construction of activities on a Portion of Farm 733 Malmesbury documentation dated 12 December 2017. Please note that the attached record of decision dated 27 June 2016 still stands.	Waseefa Dhansay	Noted.	M. Geldenhuys DJEC
4.	30 Jan 2018	Department of Water and Sanitation			
		No pollution of surface water or ground water resources may occur due to any activity on the property.	M. Lintnaar-Strauss	There are no surface water features on site, the closest surface water feature is the Bokkerivier approximately 1 km from site. It is not foreseen that this water resource will be impacted on. The applicant will ensure that no groundwater resources are impacted on. The EMPr will provide management and mitigation measures for the construction and operation phase of the development.	M. Geldenhuys DJEC
		No abstraction of surface or groundwater may be done without prior authorization from this Department, unless it is a schedule 1 use or an existing lawful use.		Government notice 538 of 2016 states that a person who takes more than 10 cubic meters of water from a groundwater resource, per day, on average	

				over a year, on a property of piece of land must register the water use with the responsible authority. The daily maximum consumption is calculated at 10,500 l/day. However, the facility will not be permanently occupied, thus groundwater abstraction will not exceed 10 cubic meters per day on average over a year period.	
		A water use authorization application dated 24 November 2017 has been received by this Department for section 21(g) “disposing of waste which may detrimentally impact on a water resource” water use of the National Water Act, 1998 (Act 36 of 1998). The water use authorization application is currently under assessment.		Noted. Section 21 (g) water uses will be applied for, for the disposal of waste water into the reed bed system and Section 21 (e) water use will be applied for, for the irrigation of waste water.	
		Storm-water runoff must be controlled to ensure that on-site activities do not culminate into off-site pollution.		Storm-water around the reed bed system will be diverted to avoid any polluted runoff. The direction of storm-water runoff is towards the ocean. It is not foreseen that there will be any polluted storm-water runoff.	
		All the requirements of the National Water Act, 1998 (Act 36 of 1998) in terms of water use and pollution control management must be adhered to at all times.		All the requirements of the National Water Act, 1998 (Act 36 of 1998) in terms of water use and pollution control management will be adhered to	
5.	28 March 2018	Department Of Environmental Affairs And Development Planning			
		It is requested that you consider whether the below listed activity has been or will be triggered by the activities undertaken or proposed to be undertaken on the site- Activity 17 of Government Notice No. 327 of 7 April 2017:	Jamie-lee van Zyl	This activity will need to be included in the list of activities to be applied for. A coastal management setback line application was submitted to the	M. Geldenhuys DJEC

		<p>Development-</p> <ul style="list-style-type: none"> (i) in the sea; (ii) in an estuary; (iii) within the littoral active zone; (iv) in front of a development setback; or (v) if no development setback line exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is greater; <p>In respect of-</p> <ul style="list-style-type: none"> (a) fixed or floating jetties and slipways; (b) tidal pools; (c) embankments; (d) rock revetments or stabilising structures including stabilising walls; or (e) buildings of 50 square metres or more; or (f) infrastructure or structures with a development footprint of 50 square metres or more- <p>but excluding-</p> <ul style="list-style-type: none"> (aa) the development of infrastructure and structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (bb) 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; (cc) the development of temporary infrastructure or structures where such structures will be removed within 6 weeks of the commencement of development and where coral or indigenous vegetation will not be cleared; or (dd) where such development will occur within an urban area. 		<p>department but was subsequently withdrawn and an application for a Section 24 G process was later submitted.</p>	
		<p>The description of the activity in Section 2 of the EIR is not clear in depicting</p>		<p>Section 2 of the report was amended as per</p>	

	<p>the detail of all the activities that have been undertaken on the site and those that are proposed. Section 2 of the EIR should therefore be amended to include the following:</p> <ul style="list-style-type: none"> (i) A breakdown of all existing and proposed structures and infrastructure along with their footprints; (ii) The dimensions of all proposed structures and infrastructure; and (iii) The amount of land that will be cleared to allow for the proposed structures and infrastructure. 		<p>recommendations.</p>	
	<p>You are requested to consider Cape Natures comments (dated January 2018) related to the existing soakaway system found within 100m of the high water mark of the sea. Alternatives including location alternatives must be considered for handling of all sewage on site, such as combination of sealed septic tanks and reed bed system, as recommended by Cape Nature</p>		<p>There is an existing septic tank and soakaway servicing the cottage. It is proposed to connect the existing sewer pipe from the cottage to the package plant eliminating the use of the septic tank and soakaway.</p>	
	<p>The Environmental Management Programme of December 2017 must be updated to ensure that the mitigation measures and the recommendations proposed by the appointed specialist are incorporated into the document.</p>		<p>The EMPr has been updated to include all the proposed mitigation measures and recommendations from the specialists.</p>	
	<p>Proof of the water use license application to the Department of Water and Sanitation must be included as an appendix to the revised EIR.</p>		<p>The proof of submission of the general authorisation application has been included as Appendix I2 of the report.</p>	
	<p>Proof of all public participation undertaken before submission of the EIR to the Department must be included in the revised EIR.</p>		<p>Proof of public participation has been included as Appendix F</p>	
	<p>The updated status on the application to rezone a portion of Farm Bokkerivier No. 733, Malmesbury from Agriculture 1 to Community Zone 1 must be included in the revised EIR.</p>		<p>The rezoning application has been submitted to the responsible authority and is awaiting decision on the Section 24 G application.</p>	