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**Checklist for the request for the adoption/definition of an *ad hoc* development setback line**

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**Request for the adoption/definition of an *ad hoc* development setback line in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended on 7 April 2017).**

**Form Number S07/2017**

**July 2017**

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(For official use only)	
DEA&DP Reference Number:	
EIA Reference Number:	
Date Received by Department:	
Date Received by Component:	

**PROJECT TITLE**

Proposed Construction of a Single Residential dwelling on Portion 12 of Farm Knorhoek 83

**GENERAL INFORMATION TO READ BEFORE COMPLETING THIS CHECKLIST**

1. This form must be used to request the competent authority to adopt/define an *ad hoc* development setback line.
2. This form is current as of **July 2017**. It is the responsibility of the proponent/Environmental Assessment Practitioner ("EAP") to ascertain whether subsequent versions of this checklist have been published or produced by the competent authority.
3. The required information must be typed within the spaces provided in the checklist. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. The spaces are in the form of a table that will expand itself as each space is filled with typing.
4. The use of "not applicable" in the checklist must be done with circumspection. Where it is used in respect of material information that is required by the competent authority for assessing the request, this will result in the request for additional information.
5. Incomplete checklists will result in a request for additional information.
6. Unless protected by law all information contained in, and attached to this checklist, will become public information on receipt by the competent authority.
7. This form must be submitted to the competent authority at the details provided below.
8. Where this request is made for coastal activities, consideration must be given to the NEM: ICMA, 2008.
9. This checklist is a guide to the information that must be submitted. Any additional information including photographs or explanations prompted by the checklist must be submitted along with this checklist in order to ensure that the competent authority does not need to request additional information from you.

**DEPARTMENTAL DETAILS**

<b>CAPE TOWN OFFICE: REGION 1 (West Coast District, , City of Cape Town)</b>	<b>CAPE TOWN OFFICE: REGION 2 (Cape Winelands District, Overberg District)</b>	<b>GEORGE OFFICE: REGION 3 (The Eden District and Central Karoo District)</b>
<p>Applications must be sent to the following details:</p> <p>Department of Environmental Affairs and Development Planning Attention: Directorate: Development Management (Region 1) Private Bag X 9086 Cape Town, 8000</p> <p>Registry Office 1<sup>st</sup> Floor Utilitas Building 1 Dorp Street, Cape Town</p> <p>Queries should be directed to the Directorate: Development Management (Region 1) at:</p> <p>Tel: (021) 483-5829 Fax (021) 483-4372</p>	<p>Applications must be sent to the following details:</p> <p>Department of Environmental Affairs and Development Planning Attention: Directorate: Development Management (Region 2) Private Bag X 9086 Cape Town, 8000</p> <p>Registry Office 1<sup>st</sup> Floor Utilitas Building 1 Dorp Street, Cape Town</p> <p>Queries should be directed to the Directorate: Development Management (Region 2) at:</p> <p>Tel: (021) 483-4793 Fax (021) 483-3633</p>	<p>Applications must be sent to the following details:</p> <p>Department of Environmental Affairs and Development Planning Attention: Directorate: Development Management (Region 3) Private Bag X 6509 George, 6530</p> <p>Registry Office 4<sup>th</sup> Floor, York Park Building 93 York Street George</p> <p>Queries should be directed to the Directorate: Development Management (Region 3) at:</p> <p>Tel: (044) 805 8600 Fax (044) 805 8650</p>

View the Department's website at <http://www.westerncape.gov.za/eadp> for the latest version of this document.

**Note the following:**

With regards to an ad hoc development setback line, note that:

- 1) the development setback line is defined/adopted in terms of the EIA Regulations, 2014 (as amended) and only relates to the relevant listed activities and to the determination of whether or not an environmental impact assessment in terms of NEMA is required before undertaking these listed activities only (refer to section 9 below);
  - 2) the development setback line is **not** defined/adopted in terms of the **National Environmental Management Act: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) ("ICMA") / National Water Act, 1998 (Act No. 36 of 1998)** or any other legislation, and notwithstanding the location of the development setback line, any other statutory requirements that may be applicable to the undertaking of the development must be adhered to. The requirements of all relevant legislation must be met;
  - 3) an *ad hoc* development setback line that may be adopted does not imply that the area inland of the line will not be exposed to risks arising from dynamic processes, including the risk of flooding or erosion;
  - 4) the fact that development will be undertaken behind (inland of) the development setback line does not absolve you from your general "duty of care" set out in Section 28(1) of the NEMA which states that *"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."* (Note: When interpreting "duty of care" responsibility, cognisance must be taken of the principles of sustainability as contained in Section 2 of the NEMA.);
  - 5) the social context of the proposed development must always be considered. This may include potential impacts of the proposed development on social issues such as HIV and Aids prevalence and on gender related concerns;
  - 6) climate change considerations must always be taken into account with respect to any development proposal, particularly along the coast;
  - 7) any development must always be designed in a water wise and conscious manner; and
  - 8) **a public participation process must be undertaken** for this request (refer to section 8 below).
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### 1. BACKGROUND INFORMATION

Highlight the Departmental Sub-Region(s) in which the request falls	REGION 1 (West Coast District, City of Cape Town Metropolitan)	REGION 2 (Cape Winelands District, Overberg District)	REGION 3 (The Eden District and Central Karoo District)

Name of Proponent:	Smithshaven Farm (Pty) Ltd		
RSA Identity/ Passport Number:			
Name of contact person (if other):	Julie van Breda		
RSA Identity/ Passport Number			
Postal address:	P.O. Box 2174, Somerset West		
		Postal code: 7129	
Telephone:		Cell: 082 3748695	
E-mail:	julie@bredasellick.co.za	Fax: 021 855 0785	
Company of Environmental Assessment Practitioner (EAP):  EAP name: Postal address: Telephone:  E-mail: EAP Qualifications:  EAP Registrations/Associations:	EnviroAfrica CC		
	Clinton Geyser / Bernard de Witt		
	P. O. Box 5367, Helderberg		Postal code: 7446
	( )		Cell:
			Fax: 086 512 0154
	<u>Clinton Geyser</u> : BSc; BSc (Hons); MSc. Environmental Management <u>Bernard de Witt</u> : B.Sc. Forestry (Stellenbosch); B.A. (Hons) Public Administration (Stellenbosch); National Diploma in Parks and Recreation Management; EIA Short course (UCT); ISO 14001 Auditors course (SABS)		
	<u>Bernard de Witt</u> : AIAI-SA		
Name of landowner:	Same as Applicant		
Name of contact person for landowner (if other):			
Postal address:	P.O. Box 2174, Somerset West		
		Postal Code: 7129	
Telephone:	( )	Cell: 0780229184, 0837946070	
E-mail:		Fax: ( )	

<b>Please note:</b> In instances where there is more than one landowner, please attach a list of landowners with their contact details, together with copies of the notices given to these landowners about the setback request, to the back of this form.			
Property location (area):	Knorhoek, Somerset West		
Farm name/s, Erf No., portion/s etc.	Portion 12 of Farm Knorhoek 830		
Property size/s (m <sup>2</sup> )	119600m <sup>2</sup> (11.96ha)		
Development footprint size/s (m <sup>2</sup> )	1757.10m <sup>2</sup>		
SG21 Digit code/s for all proposed properties:	C0670000000083000012		
Physical address/es where development is proposed:	Unnamed Road, off Knorhoek Rd		
Coordinates of all proposed properties: Latitude (S)	34°	06'	26.8"
Longitude (E)	18°	56'	10.5"
Magisterial District or Town:	Somerset West/ Sir Lowry's Pass Village		
Name(s) and status of Beach(es) and/or River(s) in question:	N/A. Unnamed farm dam classified as an Artificial wetland on the NFEPA map layer		
Local authority:	City of Cape Town: Helderberg District		

**NOTE:**

**You are required to attach aerial photographs and other supporting pictorial evidence clearly showing the site/s under discussion, all neighbouring sites, the proposed development footprint, and proximity to the sea, estuary and/or watercourses. In addition, where watercourses are applicable, the 1:50 and 1:100 year flood-lines (if known) and/or the 32m line from the banks of the watercourse must be shown on a map. Where estuaries are applicable, the 5m contour line (i.e. the estuarine functional zone) must be shown on a map. In order to source this information, please visit [www.bqjs.sanbi.org](http://www.bqjs.sanbi.org) and select the relevant National Estuaries Map.**

**If this evidentiary support is not included herewith, the Department WILL request this as additional information.**

## 2. DETAILS OF CURRENT ACTIVITIES ON THE SITE

a) Have any activities physically commenced on the site/s?	YES	NO
b) List the date of commencement of these activities (dd/mm/yy). N/A		
c) Describe the commencement of these activities.		
N/A		

## 3. EXISTING BIOPHYSICAL CONTEXT

a) What is the distance in metres from the closest property boundary to the high-water mark/watercourse?	Approximately 20m
b) Is there evidence of existing erosion?	No signs of erosion were observed
c) Have there been any previously implemented erosion protection measures?	No, but the dam walls are well vegetated and stabilised
d) What is the existing height of the property in question above sea level, or above the watercourse?	Unknown, but the development will be approximately 10.3m from the edge of the dam
e) What is the proximity to the nearest estuary?	N/A
f) What is the distance in metres of the closest point of the proposed development to the known storm surge high-water mark or flood-lines?	The development will be approximately 10.3m from the edge of the dam
g) Will the proposed development block public access to the sea shore or the watercourse?	No, the property is private property, and the watercourse is an off-stream farm dam
h) Are there any servitudes registered on the property? Explain.	No
i) Is the site prone to flooding or inundation from the sea? Explain including dates of most recent events? N/A	
j) Describe the type of sea shore or watercourse (sandy, rocky, mixed etc.) (Attach photographs).	The watercourse is a man-made off-stream farm dam, with a surface area of approximately 5650m <sup>2</sup> .
k) Describe the slope of the site, and the sea shore or banks of the river channel (Attach photographs).	The development will be on a very slight slope.

<p>l) Describe the shape of the beach or watercourse (concave, convex, meandering etc.) (Attach photographs)</p>	<p>Straight to concave (see Figure 1 below)</p>
<p>m) Describe the type of substrate of the sea shore or watercourse (eg, very fine sand, coarse sand, very coarse, pebbles) (Attach photographs).</p>	<p>The substrate around the dam is mostly fine to coarse sand (see Figure 3 below)</p>

**4. DETAILS OF THE EXISTING STATE OF THE FORESHORE OR WATERCOURSE**

Clearly describe the existing state of the foreshore or watercourse (i.e. is it canalised, are there existing gabions, is the foreshore paved, bordered by a road, etc.). Also include a description of riparian zones/coastal zones and the existing vegetation. This must be supported by recent photographs.

The site is on a slight slope, with adequate drainage towards the existing farm dam on the site. The dam is a man-made off-stream dam and is not considered a natural watercourse. According to the NFEPA map (**Appendix D**), the farm dam is considered “Artificial”. The dam is fed via an existing pipeline from a higher farm dam. This dam is not expected to be impacted by the proposed development and no water rights will change due to the construction of the house.

The proposed development footprint of the house will be approximately 12m from the edge of this dam (please see **Appendix B**).

The development site is completely disturbed, with no natural vegetation on the site. The site is currently covered in crops (garlic).

The vegetation around the edge of the dam mostly includes grasses (kikuyu), and Eucalyptus (Blue Gum) trees with aquatic grasses and reeds established within the dam (see Figure 1 – 4 below).

There is an existing dirt track between the dam and the proposed development site.



Figure 1. Photo of the existing site, with the approximate location development footprint indicated by the red polygon.



Figure 2. Current state of the edge of the watercourse. The farm dam can be seen to the right of the image, the existing crop area to the left of the image and the part of the proposed development footprint is indicated by the red polygon.





Figure 3. Existing dirt track between the dam and proposed site, looking south. Approximate location of the proposed ad-hoc setbackline is indicated by the blue line.



Figure 4. Reeds and kikuyu grass on the south-eastern side of the dam, looking north

## 5. DETAILS OF THE PROPOSED DEVELOPMENT ON THE SITE

Describe your proposed development on the property/ies in detail.
<p>It is proposed that a new single residential dwelling be constructed on part of Portion 12 of Farm Knorhoek 830. Please refer to <b>Appendix B</b> for the Site Development Plans. The building including associated infrastructure such as driveways, parking etc. will have a development footprint of approximately 1757.10m<sup>2</sup>.</p> <p>Services will link into the existing municipal services. A conservancy tank will be installed for the disposal of effluent.</p>
List which listed activities are relevant to this request for the Competent Authority to adopt an <i>ad hoc</i> development setback line:
<p><b>LN1: Activity 12: The development of;</b></p> <ul style="list-style-type: none"> <li>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres;</li> <li>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</li> </ul> <p>where such development occurs;</p> <ul style="list-style-type: none"> <li>(a) within a watercourse;</li> <li>(b) in front of a development setback; or</li> <li>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;</li> </ul> <p>Excluding:</p> <ul style="list-style-type: none"> <li>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</li> <li>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</li> <li>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</li> <li>(dd) where such development occurs within an urban area; or</li> <li>(ee) where such development occurs within existing roads or road reserves or railways line reserves; or</li> <li>(ff) The development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</li> </ul>
LN2: N/A
LN3: N/A

## 6. DETAILS OF THE SURROUNDING LAND USES

a) Describe all immediately neighbouring land uses (Attach photographs).

The land use surrounding the property are all agricultural/rural in nature.

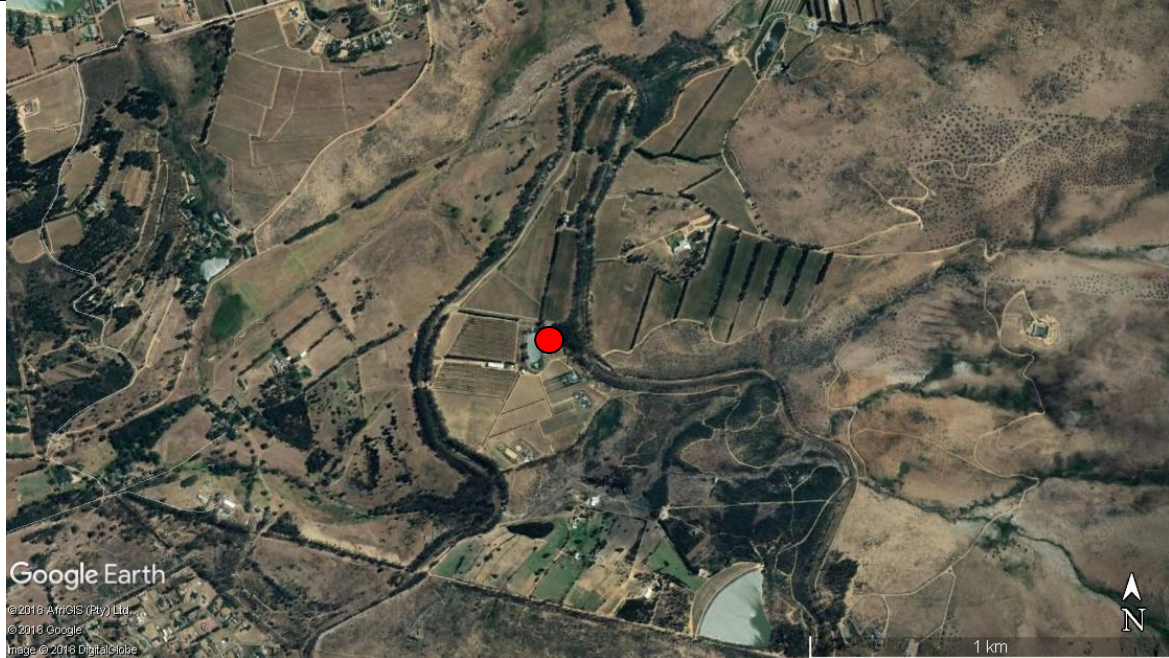


Figure 5. Google Earth image showing the surrounding land-uses (Agricultural and low-density residential). Proposed site location is indicated by the red dot.

b) Describe how the proposed development is consistent with the surrounding land uses (Attach photographs).

The proposed activity is the construction of a Main House as a residence for the owners of the property. This is consistent with the surrounding agricultural land-use and low-density residential development in the area, as can be seen in Figure 5 above

## 7. ENVIRONMENTAL IMPACTS

a) Describe any **negative** environmental impacts that may occur if the request is granted. Information on any increases in air emissions, waste generation, discharges to water and impacts of the natural or cultural environment such as pollution must be included.

The proposed activity is the construction of a single residential dwelling on the property. There will be no significant increases in air emissions, waste generation or any other impacts and discharges on the natural environment and freshwater system.

The farm dam is an off-stream dam and has limited ecological function. This ecological function is not expected to be significantly impacted by the activity.

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

No negative environmental impacts are expected if the request is not granted.

<p>c) Describe any <b>positive</b> environmental impacts that may occur if the request is granted. Information on any reduction in the ecological footprint, air emissions, waste generation and discharges to water, rehabilitation or coastal erosion protection measures must be included.</p>
<p><b>No positive environmental impacts are expected.</b></p>
<p>d) Does the site form part of a Critical Biodiversity Area?</p>
<p>The site is located adjacent to a Critical Biodiversity Area (CBA2), and within an Ecological Support Area (ESA2)(please refer to <b>Appendix C</b>). However, there is no natural vegetation on the site, as it is currently covered in crops (garlic).</p>
<p>e) Describe what investigations or assessments have been undertaken (if any) to inform this request.</p>
<p>Desktops assessments (SANBI BGIS, Cape Farm Mapper and NFEPA) and a site visit conducted by the Environmental Assessment Practitioner.</p>
<p>f) Are there any existing local authority building setbacks lines, or other in place. Explain.</p>
<p><b>None that we are aware of.</b></p>
<p>g) Clearly describe what line you propose for the competent authority to adopt as a setback line (This <b>MUST</b> be supported by a map, in both hard and soft copy (preferably 1:10 000 or larger) clearly showing the proposed line and proximity to the high-water mark of the sea/ watercourses as well as any lines in terms of f above. If a clear representation of this proposed line on a map is not provided, it will be requested as additional information.</p>
<p><b>Please refer to Appendix E</b></p>
<p>h) Does the proposed development lie in coastal public property, the coastal protection zone or coastal access land?                  YES/NO _____                  If yes, explain how the proposed development is consistent with the purpose for establishing and protecting these areas.</p>
<p><b>N/A</b></p>
<p>i) Explain how climate change concerns have been considered in the development of the property/ies.</p>
<p>Climate change has been considered to a limited extent, since the proposed development and the farm dam are of relatively small scale. However, the impacts of climate change on the area's water resources, and possible scarcity of fresh water in the future and the need to save water have been considered with water-saving measures, as described below, incorporated into the design of the house.</p>
<p>J) Explain what water-saving measures will be included in the development of the property/ies.</p>
<p>The house will be equipped with a 7 500-liter rainwater harvesting system, which will be used to flush toilets via a designated water main.</p>

## 8. RIGHTS AND INTERESTS OF OTHER PARTIES

**You are required to conduct a public participation process for this *ad hoc* development setback adoption request. As a minimum, you will be required to inform the surrounding neighbours and your local authority of your intentions (these interested and affected parties will be regarded as registered interested and affected parties), allowing a minimum of 30 days as a commenting period for these interested and affected parties. Written comment from your local authority must be provided. All comments received must be responded to and the proof of the public participation including all comments received and responses provided must be submitted to the Competent Authority for decision making purposes.**

<p>a) Will this request adversely affect the rights and interests of other parties?</p> <p>Explain.</p>	<p>YES</p>	<p>NO</p>
<p>The proposed development is for a single residential dwelling next to an existing farm dam on the site. The dam is a man-made off-stream dam and is not considered a natural watercourse and will therefore not potentially impact any down-stream users as there is none.</p> <p>The farm dam is not expected to be impacted by the proposed development and no water rights will change due to the construction of the house.</p> <p>It is therefore highly unlikely that the rights and interests of other parties will be adversely affected, due to the relatively small scale of the proposed development, and that it is within the rights of the property.</p>		
<p>b) Has any form of public participation already been conducted? Explain (attach all proof thereof and any comments received and responses provided on issues raised by interested and affected parties).</p>		
<p>No public participation has been conducted to date.</p> <p>The local municipality and immediate land owners will be notified of the application and will be given an opportunity to view and comment on this report. CapeNature and Department of Water and Sanitation will also be notified and given a copy of the setbackline application.</p> <p>A Comments and Response Report will be submitted to the Department along with the report for a decision.</p>		

**NB:**

**A public participation process must be conducted. Further, the competent authority will request additional information if it is believed that it is necessary for the consideration of this request.**

**9. DECLARATION**

THE PROPONENT

I .....ID number....., in my **personal capacity** or **duly authorized thereto** (please circle the applicable option) by..... (name of legal entity) hereby declare that I/we:

- confirm the information contained in this checklist to be true and correct,
- am fully aware of my responsibilities in terms of the NEMA, the EIA Regulations, 2014 (as amended on 7 April 2017), and the relevant specific environmental management Acts, that failure to comply with these requirements may constitute an offence in terms of the environmental legislation, and that this *ad hoc* development setback line request specifically pertains to the EIA Regulations, 2014 (as amended on 7 April 2017);
- am fully aware that my proposed development constitutes a listed activity/ies in terms of the NEMA EIA Regulations as follows: (List activity numbers only);

GN No. R. 983 (as amended on 7 April 2017)

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GN No. R. 984 (as amended on 7 April 2017)

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GN No. R. 985 (as amended on 7 April 2017)

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- will provide the Competent Authority with all information requested and access to all information at my disposal that is relevant to this request;
- will be responsible for any costs incurred in complying with the environmental legislation;
- hereby indemnify, the government of the Republic, the Competent Authority and all its officers, agents and employees, from any liability arising out of, *inter alia*, any loss or damage to property or person as a consequence of any development within the development setback area, requested for adoption by the competent authority;
- am aware that the decision by the Competent Authority with respect to this *ad hoc* setback request may be appealed and that the process to be followed for any appeal will be in terms of the National Appeal Regulations 2014; and
- am aware that a false declaration is an offence in terms of Regulation 48 GN No. R. 982 (as amended on 7 April 2017).

Signature of the proponent:

Date:

Name of company (if applicable):

**10. THE EAP (WHERE APPLICABLE)**

I ....., as the appointed EAP hereby declare/affirm the correctness of the information provided or to be provided as part of the request, and that I:

- in terms of the general requirement to be independent:
  - other than fair remuneration for work performed/to be performed in terms of this request, have no business, financial, personal or other interest in the activity or request and that there are no circumstances that may compromise my objectivity; or
  - am not independent, but another EAP that meets the general requirements set out in Regulation 13 of the NEMA EIA Regulations, 2014 (as amended on 7 April 2017) has been appointed to review my work (Note: a declaration by the review EAP must be submitted);
- in terms of the remainder of the general requirements for an EAP, am fully aware of and meet all of the requirements and that failure to comply with any the requirements may result in disqualification;
- will disclose, to the applicant, the specialist (if any), the Competent Authority and interested and affected parties, all material information that has or may have the potential to influence the decision of the Competent Authority or the objectivity of any report, plan or document prepared or to be prepared as part of the request;
- have ensured/will ensure that information containing all relevant facts in respect of the request was/will be distributed or was/will be made available to interested and affected parties and the public and that participation by interested and affected parties was/will be facilitated in such a manner that all interested and affected parties were/will be provided with a reasonable opportunity to participate and to provide comments;
- will ensure that the comments of all interested and affected parties will be considered, recorded and submitted to the Competent Authority in respect of the request;
- will ensure the inclusion of inputs and recommendations from any specialist reports in respect of the request, where relevant;
- have kept/will keep a register of all interested and affected parties that participate/d in the public participation process; and
- am aware that a false declaration is an offence in terms of regulation 48 of the NEMA EIA Regulations, 2014 (as amended on 7 April 2017).

**Note:** The terms of reference of the EAP must be attached.

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Signature of the environmental assessment practitioner:

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Name of company:

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Date: