

DRAFT BASIC ASSESSMENT REPORT COMMENTS RECEIVED - La Motte Integrated Housing

Date	Issue	I&AP	Comment	Response	Respondent
	General				
		ML Watters - Western Cape Department of Roads and Public Works - Road Network Management	This branch in its letter dated 24 March 2015 approved the subject development in terms of Ordinance 15 of 1985 (Land Use Planning Ordinance) and considers the approval process of the development as complete. This branch will therefore not be commenting further on the environmental process.	Noted	EnviroAfrica
		Werksmans Attorneys - On behalf of La Motte Pty (Ltd), L'Ormarins (Pty) Ltd, Richard Friedman t/a Moreson Blois Farms, Wolfkloof Plaas	Our clients, their members and employees all have a direct interest in the environmental, ecological and cultural heritage integrity of Franschoek and its surrounding areas generally and the proposed development site at La Motte specifically. Our clients act herein in their own interests, in the public interest and in the interest of the environment.	Noted	
			We ask that you register our Firm and each of our clients individually, C/O our Firm with the writer's contact details, as Registered Interested and Affected Parties in respect of this application.	Noted. You have been registered as Interested and Affected Parties	
			We have considered the BAR and its various appendices. At the outset we record our view that Basic Assessment is not an appropriate or legally permissible application process under NEMA in the present circumstances and that the Environmental Assessment Practitioner ("EAP") has not acted in accordance with his duties under NEMA, read with the 2010 NEMA EIA Regulations	Noted. See responses below	
			We submit that the EAP must withdraw the BAR and resubmit the application in accordance with NEMA's statutory requirements for Scoping and EIA	Noted. See responses below	
			We record further that the BAR and the specialist studies on which it purports to rely are generally vague and poorly motivated, that the EAP misrepresents certain material facts and the findings by certain of the specialists, that the conclusions reached by the EAP are unsubstantiated in many respects and are illogical in others	Noted. See responses below	
	NEMA				
		Werksmans Attorneys - On behalf of La Motte Pty (Ltd), L'Ormarins (Pty) Ltd, Richard Friedman t/a Moreson Blois Farms, Wolfkloof Plaas	The grounds on which our clients object to the BAR are described in detail below but may be summarised as follows		
			The material non-compliance by the applicant and its appointed EAP with the peremptory requirements under NEMA, read with the NEMA EIA Regulations and NEMA guidelines in, <i>inter alia</i> , the following respects		
			The proposed development includes activities that are listed in Listing Notice 2 (GN R545 of 18 June 2010) which requires a full Scoping and EIA process to be followed	As per Paragraph 3 of the letter dated 06/02/2014, as received from the Department of Environmental Affairs and Development Planning (included as Appendix J2 of the Final BAR), confirmation was received from the Department that the proposed development does not trigger Activity 15 in Listing Notice 2. This was concluded after a site visit conducted by the Department. It must be noted that the proposed plans and development of Farm 1653 is only formulation of the existing node.	EnviroAfrica
			The EAP's failure to present the true and correct facts amounts to an offence in terms of Regulations 71(1) and (2). The information provided in the BAR is inadequate, false, misleading and incomplete in a number of material respects, most alarmingly in respect of the presence and extent of a wetland on the site and the extent of the area that will be transformed by the proposed development;	Please see responses below, and above	
			The EAP has not acted in accordance with his duties under Regulation 17 of the 2010 NEMA EIA Regulations		

			The BAR does not comply with the principles contained in section 2 of NEMA or with the minimum requirements contained in section 24(4) of NEMA, read with Regulation 22 of the 2010 NEMA EIA Regulations;		
			The BAR fails to adequately identify and assess the alternatives, most pertinently the option of developing, <i>in situ</i> , the Langrug site and the "No Go" alternative;		
			The BAR fails to understand and describe the "need and desirability" of the activities in their proper context and there is a resulting failure to properly assess need and desirability		
			We will show further in the course of this objection letter that the Spatial Planning context of the area has not been presented in its full and correct context and that the proposed development is contrary to a number of spatial planning imperatives		
NEMA Listed Activities					
		Werksmans Attorneys - On behalf of La Motte Pty (Ltd), L'Ormarins (Pty) Ltd, Richard Friedman t/a Moreson Blois Farms, Wolfkloof Plaas	The EAP is at pains to state (which he does repeatedly throughout the BAR) that the area transformed by the development will not exceed 20 hectares. This is apparent in numerous instances (for example at paragraphs 2 (b) of Section A and 1 (c) of Section E) where the E AP records his views that the development proposal in respect of Area 2 on Farm 15653 entails the "formalisation of the existing node." We will show that this amounts to a misrepresentation of the true extent of the transformation and that the Applicant requires a full scoping and EIA process in our considered view as the area that will be transformed exceeds the 20ha legal threshold.	As per Paragraph 3 of the letter dated 06/02/2014, as received from the Department of Environmental Affairs and Development Planning (included as Appendix J2 of the Final BAR), confirmation was received from the Department that the proposed development does not trigger Activity 15 in Listing Notice 2. This was concluded after a site visit conducted by the Department. It must be noted that the proposed plans and development of Farm 1653 is only formalisation of of the existing node.	
			Any development which will include activities listed in Listing Notice 2 (GN R545) requires a full Scoping and EIA process. We submit that the applicant's activities will involve the transformation of an area in excess of 20ha and that the EAP's contentions to the contrary are disingenuous and false.	Please see above	
			Activity 15 in Listing Notice 2 (GN R 545) lists the <i>Physical alteration of undeveloped, vacant or derelict land for residential retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20 hectares or more</i> as an activity which requires Scoping and EIA.	Please see above	
			A large portion of Area 2 is currently <i>vacant, derelict and/or undeveloped</i> as defined in Listing Notice 2 (GN R545). A consideration of the area to be transformed shows clearly that it will exceed 20ha. This is also confirmed in the Applicant's own Town Planner's report at page 19 para 5.2.	Please see above	
			The EAP appears to be alive to this and, in what we believe is a calculated and disingenuous attempt to avoid the more onerous Scoping and EIA process, contends that the area to be transformed is not larger than 20ha based on his glib and unsubstantiated motivation that, in respect of Area 2 (Farm 1653) "only the formulization (sic) of the existing node area will take place, and therefore is not included in the total development area".	Please see above	
EAP					
		Werksmans Attorneys - On behalf of La Motte Pty (Ltd), L'Ormarins (Pty) Ltd, Richard Friedman t/a Moreson Blois Farms, Wolfkloof Plaas	The EAPS failure to present the true and correct facts and grounds for disqualification		

			In addition to our submissions regarding the extent of the area that will be transformed, we will show in the course of this objection letter that the EAP's description of the site is false and misleading in respect of the presence and significance of the wetland on the development area. Furthermore, the site description makes no reference to the Robertsvei River which is located immediately on the eastern border of the site and stands to be impacted on by the proposed development. This represents a fundamental omission and again raises doubts about the EAP's competence and objectivity.	Please refer to revised Freshwater Assessment (Appendix G3) for a description of the Robertsvei River, as well as to any wetlands on site. There are no wetlands within the development footprint. In an area as ploughed over and dug up as the ones at La Motte, the one obvious indicator left for the presence of a wetland would be the vegetation. <i>Penesetum macrorurum</i> (river bed grass) and <i>Zantedeschia aethiopica</i> (arum lilies) were the only observed indicator species. The botanical specialist came to the same conclusion. An important WRC publication does not recognise river bed grass as a wetland indicator species. A couple of clumps of arum lilies are not nearly enough to delineate a valid wetland. In reply to the accusation that botanists are not qualified to delineate wetlands, they are in fact most useful in the identification of indicator species and often are valuable members of teams working on wetlands. The plaintive repeatedly but erroneously state that there are wetlands on the site. To merely draw lines on a Google Earth image to delineate wetlands is not a valid method, scientifically or otherwise. For this scientifically sound criteria have to be applied, as has been published in peer-reviewed articles and as commonly recognised by people active in this field.	Dr. Dirk van Driel (freshwater Specialist)
			We will show that the EAP has not conducted himself in accordance with his duties under regulation 17 of the NEMA EIA Regulations and that the BAR does not meet the minimum statutory requirements under NEMA.		
			In terms of regulation 17 of the NEMA EIA regulations it is incumbent on the EAP to disclose all material information that reasonably has or may have the potential of influencing any decision to be taken by the competent authority; or the objectivity of any report, plan or document to be prepared for submission to the competent authority.	All material that was present to the EAP at the time of compilation of the Draft BAR was included. To the EAPs best knowledge, no material had been omitted. Additional specialist studies, including a Visual Impact Assessment, Urban Design Framework and Stormwater Management Plan have been included in the revised Draft BAR.	EnviroAfrica
			Considering the material misrepresentations contained in the BAR, together with the distinct lack of information in respect of various material impacts, and the poor quality of information in respect of others, it is clear that the EAP has failed to meet this requirement.		
			Due to the fact that the EAP has misrepresented the facts, and has omitted material information, we submit that the EAP has not met the required level of objectivity required under NEMA and as such should be disqualified from continuing with any of the applications in relation to this matter.		
Basic Assessment Report					
			The BAR does not comply with the principles contained in section 2 of NEMA or with the minimum requirements contained in section 24(4) of NEMA, read with Regulation 22		
			Section 24(4) of NEMA sets out the procedures for the investigation, assessment and communication of the potential consequences or impacts of activities on the environment which requires <i>inter alia</i> , that the findings and recommendations flowing from an investigation, the general objectives of integrated environmental management laid down in NEMA and the principles of environmental management set out in section 2 are taken into account in any decision made by an organ of state in relation to any proposed policy, programme, process, plan or project;		
			Subsections 2(4)(a)(i) and (ii) respectively, require that the disturbance of ecosystems and loss of biological diversity and the pollution and degradation of the environment should be avoided or mitigated where such an avoidance is not possible. Contrary to the Botanical specialist's recommendations, the EAP proposes developing the area which the Botanist recommended was expressly to have been excluded from the development area due to its botanical sensitivity. Furthermore, the development will have impacts on watercourses and wetland that are not adequately identified and assessed in the BAR. This will amount to significant disturbance of ecosystems and loss of biological diversity and the EAP has failed to avoid these areas in accordance with his duty under subsection 2(4)(a)(i) and (ii) of NEMA. No mitigation measures are proposed - in fact, the development in the yellow highlighted area on Figure 22 of the botanical specialist study (see below) is blatantly contrary to the Botanical specialist's recommended mitigation measures.	There has been a misinterpretation of what I have said in my report. I did not 'expressly recommend' that the yellow area in Figure 22 should be excluded from development due to its botanical sensitivity. The recommendation was that in the broader planning, fynbos should be earmarked for conservation purposes. This was a suggestion and should not be taken to mean and absolute 'No Go'. I originally made the assumption, from information that I had, that the yellow part of Area 3 would not be developed.	Dr Dave McDonald

			Subsection 2(4)(a)(vii) requires that a risk averse and cautious approach should be followed. It is patently clear that the EAP has failed to adopt such an approach - this would have required a proper identification and assessment of the wetland area and the impacts on all watercourses, including the Robertsvei River. It would also have led the EAP, considering the nature and extent of the area to be transformed, to conclude that a Scoping and EIA process was required to ensure that all impacts are adequately identified and assessed and appropriate mitigation measures are proposed.	All information and recommendations have been taken from the specialists assessments of the site and the potential impact of the proposed development. No specialist studies have recommended that no development should take place, but have acknowledged potential impacts, and provided recommendation to mitigate these impacts. These have all been included in the Draft BAR, with no material information being excluded to the EAPs best knowledge	EnviroAfrica
			Subsection 2(4)(a)(viii) requires the applicant to identify negative impacts on the environment and on people's environmental rights and propose measures to prevent or minimise such impacts. For the reasons already expressed above and elaborated on below, we maintain that the EAP has failed to meet this NEMA principle.	All potential negative impacts, as identified by the various specialists, has been included in the Draft BAR by the EAP	EnviroAfrica
			Subsection 2(4)(i) requires social, economic and environmental impacts of activities, including disadvantages and benefits to be weighed up. There are a number of glaring omissions in respect of the environmental impacts that have been identified and assessed by the EAP and the identification and assessment of social and economic impacts and benefits are hopelessly inadequate. This is also described in further detail below.	Noted, please see responses above and below	
			Subsection 2(4)(r) makes provision for sensitive, vulnerable, highly dynamic or stressed ecosystems which require specific attention in respect of management and planning procedures where they are subject to human usage and development. The Berg River catchment area, and the Berg River itself is an area that has been identified as a sensitive, vulnerable, highly dynamic or stressed ecosystem which requires specific attention in respect of management and planning procedures. Refer for instance to the various State Of the Rivers Reports dealing with the Berg River and the Berg River Improvement Project documents, as well as the Municipal Spatial Development Framework and Environmental Management Framework. Robertsvei and Franschoek rivers are both tributaries to the Berg River. Any risk of pollution in the Berg River catchment is a cause of great concern especially to communities, farmers and industry that are dependent on the water quality for their livelihood.	The specialist has been actively involved in the National River Health Program and State of the Rivers Reports since its inception and has monitored the Berg River along with the rest of the team. Recently the specialist has conducted biomonitoring, chemical analyses and habitat assessments on various sections of the Berg River for a number of clients. According to the available information, the Berg River is seriously impacted by a number of sewage treatment works, feedlots, dairy farms, piggeries, wineries and other large-scale concerns. Importance and Sensitivity are specific concepts that have been devised for the assessment and management of aquatic systems. The complainant is correct in stating that the Berg River is sensitive, quoting the relative section out of the Water Act. Its sensitivity is seriously compromised by a plethora of major impacts. To rate the possible deleterious effect on the Berg River's sensitivity of formal urban housing such as the proposed La Motte development as potentially significant does not seem warranted, especially not if compared to the exiting cumulative impact. The complainant mentions Regional Development Frameworks and River Improvement Plans. Provincial and local authorities have recently decommissioned the malfunctioning Franschoek Water Treatment Works (WWTW) and operationalised the new Wemmershoek WWTW. This has had an immediate positive and marked effect on the Franschoek River's microbiological and chemical water quality. Likewise, improvements of poorly operated concerns along the Berg River and the replacement of informal with formal housing would do much to negate current threats on the aquatic system. Hence the accusation that the specialist is not concerned about additional impact of new housing developments because of already existing impacts is misguided.	Dr. Dirk van Driel
			Regulation 22 of the 2010 NEMA EIA Regulations requires, <i>inter alia</i> , that a basic assessment report must contain the following information:		
			<i>a description of any identified alternatives to the proposed activity that are feasible and reasonable, including the advantages and disadvantages that the proposed activity or alternatives will have on the environment and on the community that may be affected by the activity;</i>		
			<i>Identification of all legislation and guidelines that have been considered in the preparation of the basic assessment report;</i>		
			<i>a description of the environment that may be affected by the proposed activity and the manner in which the geographical, physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity;</i>		
			<i>A description of environmental issues and potential impacts, including cumulative impacts, that have been identified;</i>		
			<i>A description of the need and desirability of the proposed activity;</i>		
			<i>In addition, a basic assessment report must take into account any guidelines applicable to the current activity which is the subject of the application.</i>		

			We will motivate below why we contend that the BAR does not meet these minimum standards prescribed under Regulation 22 of the 2010 NEMA EIA Regulations.	
Need and desirability				
	Riccardo Panzeri	The proposed development needs a much clearer study in how the project is made sustainable. Section F of the document and in particular from chapter 2 to chapter 5 included the indicated sustainability measures are to say the least very poor. A <u>sustainable resources plan of action</u> and a <u>food security program</u> linked to the new housing should be included in the master plan documents.	The national government embarked on a national programme providing subsidised housing to give effect to the constitutional right that each South African has to adequate housing. It has been proven beyond doubt that proper housing leads to heightened self esteem and resultant upliftment of individuals as people living in informal settlements have little or no security of tenure and often experience hostility. The rationale behind the provision of housing is to create an environment where proper liaison between government and the community can take place in an orderly fashion to launch development and economic projects such as crafts, agriculture etc. The need for a sustainable resource use plan and food security plan is noted. SM is committed to sustainable resources use and sustainable resources use become part of the construction tender requirements and in particular water and energy efficiency. The development of a food security plan will have to be done in conjunction with the relevant government departments. This would be possible only if such departments commit and have the budget to do so.	CK Rumboll
	Brian Howard	Thank you a very comprehensive report. However I have do have great doubts as to the concept of economic sustainability and of course the cost of such a development as a result of insufficient services, both technical and social in the prescribed area	The influx of job seekers into the Franschhoek Valley is not unique and every region/local authority has to deal with in-migration. The housing policy of government clearly states that only SA citizens meeting the criteria as outlined in the adjacent column qualify for the housing subsidy. Accordingly there are some households settled in informal or backyard structures that qualifies for formal housing. The development of housing areas is subject to due process ie: environmental legislation and town planning legislation. Council will not embark on a development for which bulk services is not available to. It needs to be noted that employment opportunities are not restricted to the town of Franschhoek but to the Valley as a whole. Hence employment will be within walking distance of the proposed development enhancing economic sustainability. The criteria for qualifying for a subsidized house is as follows: <ul style="list-style-type: none"> -You are married or cohabiting with a long-term partner. If you are married or cohabiting, it does not matter whether you have financial dependants or not; - You are single or divorced with financial dependants; - You are a South African citizen; - You have a South African permanent residence permit; - You are over 18 years of age; -You are under 18 years of age and married or divorced with financial dependants; - You are of sound mind; - Your gross monthly household income is less than R3500; - You have never received a subsidy from the government and neither has your partner; - You have never owned property and neither has your partner; - You and your family will live on the property bought with the subsidy; 	CK Rumboll
	Brian Howard	Just what is the need for additional housing in the Franschhoek valley. A community that has very limited employment opportunities. There are no published plans for any increase in the three principal employment opportunities, namely, farming, the hospitality industries and hotels and restaurants.	In 1998 the estimated backlog for subsidized housing in Franschhoek was ± 1000 units. A successful housing project was implemented at Mooiwater where 767 units were built and another 300 plots developed. Despite addressing the need, the backlog kept on growing and currently stands at an estimated 800-1000 housing units . This figure is made up of people not accommodated in Mooiwater, unable to afford their own accommodation and who have justification for living in the valley. Changing socio-economic trends have enhance urbanization of people from surrounding rural areas and elsewhere, leading to an informal settlement at Langrug which is still growing. People move from poor areas to areas which they perceived as economically advancing and well provided for i.t.o social amenities. People that are properly housed stand a better chance to find employment in the formal sector or create opportunities for themselves in the informal sector. Whilst agriculture has declined, tourism and lifestyle farming have increments. This would be possible only if such departments commit and have the budget to do	CK Rumboll

			<p>Our fear is that this will become a backwater for the unemployed and has little to no chance of becoming sustainable and that it will have a development form of endless standard "economic" houses with no sense of place, design or real purpose other than the provision of basic accommodation and that is more intended to suit a political imperative to just build houses irrespective of where and how.</p>	<p>More than 20 years ago (in the 1990's), Langrug became home to approximately 1800 families squatting on government land in Franschoek on the slope of a mountain. This settlement accomdate migrants from the Eastern Cape looking for job opportunities in wine factories in nearby Stellenbosch (Kenney 2011). The driver for migration was employment not housing. Hence the proposed development will be benefiting those who qualify. The criteria of who will be the beneficiaries in the proposed new La Motte development will be based on the requirements to obtain subsidized housing. Most importantly, a family in need of a house will only be considered if they are on the Municipal waiting list. Therefore the proposed housing development will not add to the unemployment in the valley, but it will rather seeks to improve the question of housing in the valley.</p>	CK Rumboll
			<p>My prime concern is the simple sustainability of this development. Forestry in the Franschoek valley is on the decline as will incomes and this is far from any business node than can offer and alternate or a substitute income stream . The opportunities for commerce and productive job creating enterprises at the La Motte village is small to non existent. How can this community be sustainable or affordably to its inhabitants. We therefore are in danger of creating an even larger community of potentially unemployed and unemployable people, with all the social ills that that generates. This looks more like and exercise of building houses to satisfy another agenda rather than the establishment and creation of real sustainable communities with long term objectives, which I understand to be the stated objective of Government.</p>	<p>Retail, wholesale, catering and accommodation contributed 15% to the Western Cape GDP whilst Agriculture, forestry and fishing contributed 4% in 2011. It is projected that agriculture, forestry and fishing will grow with 1.5% and retail, wholesale, catering and accommodation will grow with 3.1% for the period 2013 - 2018 (Provincial Economic Review and Outlook 2013, WC Treasury). It is unlikely that forestry will generate much employment but highly likely that employment will be increasing in the catering, accommodation and retail sector. The La Motte site was chosen not because of employment opportunities in forestry but because of state land available, the urban pattern of the Franschoek Valley and the proximity to work in catering and accommodation on farms in the Franschoek Valley. Furthermore the Stellenbosch SDF Part 1 (2012) earmarked 32ha developable land in La Motte. The proposed development take up ±22ha.</p>	CK Rumboll
			<p>We know that forestry is on the decline and will end in the near future, thus limiting further employment opportunities in the valley. So what are the real employment opportunities available. Farms will become more mechanised as labour is becoming more and more expensive and there are little to no plans for an increase in farm land development, The cost of vineyard or orchard development is prohibitive with little return so circumstances are not available to induce this activity, therefore farming is limited as an employer of opportunity. The same with tourism and wine. Not sure if the valley can sustain any further wine and food experiences. So even these avenues are more or less prescribed.</p>	See above	CK Rumboll
			<p>Commerce has not had any impact upon this small community of mainly forestry workers and these additional numbers would be insufficient to give any further incentive towards this establishment. This will be community of commuters and the decline of forestry activities will mean unemployed commuters and people living on Government grants. There is also insufficient mass here for real sustainability or a core point of any industrial or commercial activity, the cost of any development will be very high.</p>	<p>People migrate to areas where there is a perception of a better life. The economics of the country will dictate these migration patterns. The Franschoek Valley is by no means unique in this respect, and as stated earlier, every local authority must deal as best they could to fulfill governments pledge for formal housing for everyone. The housing need in South Africa runs into the millions and it is a well known fact that our unemployment rate is higher than 30%. In some poorer local authorities, up to 80% of people live off government grants. The Franschoek Valley is without doubt one of the most important tourist destinations in the Western Cape and therefor the inputs from heritage, freshwater specialist, engineers and environmental consultants were all considered. A relatively small development is being proposed as an extension to the existing settlement of La Motte. The housing need in the Valley is much bigger and is estimated over a 1000 households. The identification of the site and the scale of the project limit the negative impacts on the main source of income in the Valley namely tourism (catering and accommodation). Other areas of possible development have been explored, but as rightly pointed out there are very limited developable land available in the Franschoek Valley. In addition the Stellenbosch SDF, Part 1, 2012, earmarked 32ha of developable land at La Motte.</p>	CK Rumboll
			<p>The negative impact on tourism and the potential for crime as a result of this lack of sustainability within this community would and should be of concern to us all. Our farms are being robbed of produce as it is, a larger community of the under or unemployed will only acerbate the problem.</p>	<p>As previously pointed out, it has been proven beyond doubt that communities that are properly housed in a orderly fashion strives to better themselves economically and socially. Economic empowerment projects is much more easily implemented in structured societies as on informal settlement areas. Proper housing should also contribute to decrease the crime rate.</p>	CK Rumboll

			We understand the needs of housing but they must be within the orbit of either existing communities that can absorb a new influx, or if a new development node is to be created then let it be one that can develop with long term sustainable goals to create successful communities. A failed or failing community achieves nothing of value and will have nothing but a negative impact upon families and the necessary positive life of a community and the larger surrounding establishment.	Any settlement experiences growth, and the need for additional housing. As pointed out, the scale of the La Motte development will achieve no more than housing the inhabitants of the Franschhoek Valley living there for several years that are on the housing waiting lists. It will also include farm workers who are on the municipal waiting list. Note that employment opportunities are not restricted to the town of Franschhoek but to the Valley as a whole. Hence employment will be within walking distance of the proposed development enhancing economic sustainability.	CK Rumboll
			There is little or nothing significant to attract commerce to this area and I fear it will become a simple dormitory suburb with little availability of family income to support itself. We know that authorities have little cash to inject into projects such as this and our fear is that its inherent flaw will be its inability to be really affordable and have an inability to attract investment for commerce and social amenities. The lack of these necessary attributes will enforce this outcome. Suburbs are expensive to live within and affordability to live outside recognised spheres of commerce and industry take up large amounts of the family income, taxis and public transport are expensive. Also a community this size will not get primary and secondary schools, shops etc so children will have to commute, churches, clinics I fear will also not be viable because of limited state finance and the simple limited size of the community will not encourage such or much in the way of public participation.	The proposed development of La Motte also makes provision not only for housing, but for a school site and some business opportunities to cater for the community's need. It strives to limit the need to have to commute long distances to cater for their daily needs like education, recreation and shopping.	CK Rumboll
			I am not sure that an EIA of a given site is the best method of determining without the direct input of Town planning and some sociological consideration as to identify the determinants of successful communities, but I am quite sure that what we have at present will not fall in this category.	The town planning report, as well as a Socio-economic Impact Assessment and Visual Impact Assessment have been included in the Draft BAR	EnviroAfrica
22/05/2015		Rhett Smart - CapeNature	It is mentioned in the Draft BAR that some of the beneficiaries of the housing project will be from the existing Langrug informal settlement. There is no indication provided of the intention of the areas that will be vacated by inhabitants of the Langrug informal settlement, which should also be factored into the desirability and impact assessment of the proposed development.	The Langrug settlement is divided into three areas, Mandela Park, Nkanini and Zwelitsha. Both Mandela Park and Nkanini have water borne sewage and water reticulation. The people in these two areas will settle here. Zwelitsha, which is located toward the peak of the mountain, has no flush toilets and only one water tap due to the challenge of pumping water uphill (Informal Settlement Network 2011). Due to the cost of services and the slope gradient, Zwelitsha's inhabitants cannot continue to settle here. National policy regarding development on slopes and ridgelines prohibit such developments.	CK Rumboll
		Lorretta Osborne - Department of Environmental Affairs and Development Planning	In terms of the land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)(LUPO), rezoning and Subdivision planning approvals for the development will be required. The implementation of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), the Land Use Planning Act, 2014 (Act 3 of 2014) and the Stellenbosch Municipality's new Planning By-Law could impact on the planning procedure for the development going forward.	Noted. The necessary applications was lodged with Stellenbosch Municipality on 26/11/2013.	CK Rumboll
			Due to the distance between La Motte and Franschhoek, economic, employment and social opportunities are limited. The proposal could essentially be considered urban sprawl when reviewed in relation to the closest opportunities in Franschhoek and the fact that the physical content, as well as the population of the area, will likely double in size. The current socio-economic opportunities in La Motte will not be sufficient for the additional 435 subsidy housing opportunities proposed. It is, however, recognised that the application involves provision for business and social sites, which could contribute to the living conditions of existing and future residents.	It is common practise that people have to commute to their place of work. However employment opportunities are not restricted to the town of Franschhoek but to the Valley as a whole. Hence employment will be within walking distance of the proposed development enhancing economic sustainability. The proposed development at La Motte strives to limit the need for people to commute to the bigger centres for their day to day needs by the provision of schools, shops and recreation.	CK Rumboll
			It is acknowledged that most of the subject properties are located within the urban edge. However, it is noted that the proposal for subsidy housing in this location does not necessarily fulfil the goals of the Provincial Spatial development Framework, in terms of containing urban sprawl, as well as the Integrated Development Plan, specifically Strategic Perspectives 1, 3 and 4 identified therein.	Settlements grows over time and urban edges are adjusted from time to time. It need to be noted that the developable land within La Motte is limited. The Stellenbosch SDF, Part 1, 2012 earmark 32ha around La Motte for development. Two of the proposed extensions fall within the La Motte urban edge and are located in the direction in which expansion is indicated. The third portion, Farm 1339, does not fall within the edge but is an extension of the built environment and takes place on poor and moderate soils. Furthermore on closer scrutiny of the proposed La Motte edge extension through the various assessment the developable land within the proposed expansions decrease causing the proposed expansion to the north east (on Farm 1339)	CK Rumboll
			Furthermore, there are limited spatial linkages between La Motte and Franschhoek, which cannot be achieved in the shorter term, therefore rendering La Motte an isolated node or satellite town with limited growth potential in the short term.	The urban pattern of the Franschhoek valley was described as a string of pearls. The existing roads are the spatial linkages between the urban nodes. La Motte is a satellite of Franschhoek and the proposed development strengthen the linkages by providing limited opportunities and addressing the need for housing. Over time a critical mass will be achieved to create stronger spatial longterm linkages. Hence the SDF proposal to develop a total of 32ha at La Motte.	CK Rumboll

			La Motte's social infrastructure and the proposal will also require upgrading and expansion of bulk existing infrastructure within the area. Although located adjacent to the existing La Motte area, expansion of this hamlet is not considered to be warranted at this stage as it may exacerbate issues associated with inter alia employment opportunities, infrastructure and access to facilities and social amenities.	Department of Environmental Affairs and Council will not approve any development where there is not sufficient bulk services available or provision made for bulk services. Development cannot be inhibited by the fear of migration. The people who will benefit from the proposed development qualifies according the Constitution of SA and according to national policy.	CK Rumboll
			Should any development be considered within the urban edge of La Motte, such development should provide limited housing opportunities for existing surrounding farmworkers, should the need arise, and cater for the need of existing residents in terms of socio-economic facilities. These areas are better suited to cater for existing surrounding workforce. The provision of limited housing for farmworkers will also support one of the most valuable assets of the region, being agricultural activities.	The programme for the provision for housing is done in stages. First available land is identified, then the land use rights are put in place (this process), then the beneficiaries list is workshopped with the beneficiary community. We are now in stage two. Note that no allocation of any plot or dwelling can be made without the beneficiary being enrolled on the waiting list. Farm workers has to be enrolled. Social amenities required within the urban edge and in the proposed development will be provided according to the norms developed by the Western Cape provincial government.	CK Rumboll
		Werksmans Attorneys - On behalf of La Motte Pty (Ltd), L'Ormarins (Pty) Ltd, Richard Friedman t/a Moreson Blois Farms, Wolfkloof Plaas	We submit that the EAP has failed to properly assess the "need and desirability" of the proposed development as required in terms of regulation 28(1)(i) of the NEMA EIA Regulations.	Please see responses below	EnviroAfrica
			The Guidelines on Need and Desirability (" the Guidelines ") have also not been properly consulted, if at all, by the EAP.		
			The Guidelines therefore provide that the consideration of need and desirability during the Scoping process (which we maintain must be followed based on the fact that the area to be transformed is larger than 20ha) must consist of a preliminary description of the relevant considerations in relation to the feasible and reasonable alternatives.	Need and Desirability has been included in Section D of the Draft BAR, with input from the Town Planners and Municipality	EnviroAfrica
			The consideration of need and desirability requires the consideration of the strategic context of the development proposal along with the broader societal needs and the public interest. In the light of the flaws in the identification and assessment of alternatives noted above, the inadequacy of the assessment of need and desirability in the BAR is a glaring omission.	Please refer to Section D of the Draft BAR. Site Alternatives have also been expanded on in the revised Draft BAR	CK Rumboll
			Simply put, the statutory imperative to assess need and desirability is to determine whether this is the right time and the right place for the proposed activities, and whether the proposed activity is the most sustainable use of the land concerned. Considering the alternative option of upgrading the Langrug settlement in situ and the alternative sustainable development options available, we submit that the proposed use is patently not the most sustainable use of the land.	The Langrug settlement is divided into three areas, Mandela Park, Nkanani and Zwelitsha. Both Mandela Park and Nkanani have water borne sewage and water reticulation. Zwelitsha, which is located toward the peak of the mountain, has no flush toilets and only one water tap due to the challenge of pumping water uphill (Informal Settlement Network 2011). The expense of services and the policy not to develop on very steep slopes ruled out the expansion of Langrug as an alternative.	CK Rumboll
			In the circumstances it is our submission that the proposed development in its current form will manifestly not represent the Best Practicable Environmental Option (" BP EO"), which is defined in NEMA as " <i>the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term</i> ".	Although the best environmental option would be the No-Go Alternative, the Socio-economic benefits from the proposed development would not be realised. The revised layout, as well as inputs and recommendations from the various specialists, have attempted to cause as little environmental damage as possible, while still providing the socio-economic benefits	EnviroAfrica
			For the reasons expressed above, the draft BAR must be withdrawn and a draft scoping report submitted which includes a proper assessment of need and desirability that addresses all the questions posed in the Guidelines and this amended report must be circulated for public comment.	Need and Desirability has been included in Section D of the Draft BAR, with input from the Town Planners and Municipality.	EnviroAfrica
	Land-use				
		Riccardo Panzeri	The areas identified as existing node, authority zone and business zone needs a more detailed layout	No detailed plans are available, as there is no plan for further development of this area at present. This is just formalisation of the existing node, providing formalised zoning. This exercise only strives to allocate zonings and does not go to the extent of detailed layouts	CK Rumboll
		Riccardo Panzeri	What is the plan of action regarding all the in-between land? What will be use (zoning) of that land?	This development stays away from environmental sensitive areas like rivers. Open green strips has been left to create open areas for recreation and a safe environment for kids to play under the supervision of family. These portions of land are excluded because of their inherent properties i.e. biodiversity.	CK Rumboll
	Access				

			Considering the lack of comprehensive and objective assessment of alternatives and the "no-go" option, we submit that the BAR does not meet the standard required by NEMA and should be rejected on this aspect alone.	Noted. This has been expanded on in the revised Draft BAR	EnviroAfrica
Freshwater					
		Werksmans Attorneys - On behalf of La Motte Pty (Ltd), L'Ormarins (Pty) Ltd, Richard Friedman t/a Moreson Blois Farms, Wolfkloof Plaas	Failure to adequately address the impacts on water resources		
			On 28th August 2014 Doug Jeffery of Doug Jeffery Environmental Consultants informed EnviroAfrica that there were wetlands on the La Motte extension areas and that they should be investigated. In response EnviroAfrica advised that a specialist study would be done	Noted, a freshwater assessment was conducted by an independent specialist	
			The executive summary of the BAR states that <i>"According to the Freshwater Assessment, the envisaged development at La Motte does not have any bearing on wetlands or riparian zones. The proposed expansion of the La Motte Township and its resulting increase in storm water is not likely to have any effect on the ecological status of the Franschoek River."</i>		
			The Freshwater Report is titled <i>"Fresh Water Report for the Extension of the La Motte Township Franschoek River"</i> Figure 1 of the specialist report shows the Franschoek River on an aerial photograph. The location of the La Motte Township is shown on the map. Sampling points were chosen to cover the entire length of the Franschoek River with one sampling point being identified at the road bridge where the Robertsvlei Road crosses the Franschoek river before it joins up with the R45.		
			The only reference to the actual La Motte site itself in the Fresh Water Report was that <i>"McDonald (2014) investigated the site of the proposed expansion of La Motte and apart from sand mining pits could not find any area that could be classified as a wetland". Dr McDonald is a botanist and was contracted to assess the botanical impacts of the proposed development.</i>	In an area as ploughed over and dug up as the ones at La Motte, the one obvious indicator left for the presence of a wetland would be the vegetation. <i>Penesetum macroum</i> (river bed grass) and <i>Zantedeschia aethiopica</i> (arum lilies) were the only observed indicator species. The botanical specialist came to the same conclusion. An important WRC publication does not recognise river bed grass as a wetland indicator species. A couple of clumps of arum lilies are not nearly enough to delineate a valid wetland. In reply to the accusation that botanists are not qualified to delineate wetlands, they are in fact most useful in the identification of indicator species and often are valuable members of teams working on wetlands. The plaintive repeatedly but erroneously state that there are wetlands on the site. To merely draw lines on a Google Earth image to delineate wetlands is not a valid method, scientifically or otherwise. For this scientifically sound criteria have to be applied, as has been published in peer-reviewed articles and as commonly recognised by people active in this field.	Dr. Dirk van Driel
			The fresh water specialist then states as follows - <i>"Hence the need for wetland preservation does not apply to the proposed expansion of the La Motte Township."</i>	See above	
			The report in fact goes on to say that the Wemmershoek Wetland is to the north of the R45 trunk road <i>"and well away from the proposed La Motte development."</i> This is indicative of the poor level of assessment in relation to the wetlands -the Wemmershoek wetland referred to is 3km away and entirely irrelevant to this application.	Agreed. The wetland is far away from the proposed development and does not have any relevance, in case anyone wondered. It cannot be logically construed that mentioning this in the report is indicative of a poor assessment of the situation at the La Motte development site. To the contrary, it shows that all posts have been covered.	Dr. Dirk van Driel
			Figure 1 below shows the location of the Franschoek River. Development area 2 has a small border that is adjacent to the Franschoek river.		

		<p>Figure 1 shows clearly that the Robertsvlei river/wetland system is potentially significantly more impacted upon by the proposed development than the Franschoek river, yet the fresh water report makes no reference whatsoever to this important system that is identified as a Critical Biodiversity Area. It is clear that the report has assessed the wrong river or at least ignored the most significantly affected system. Considering these material omissions, it is doubtful if the fresh water specialist ever conducted a site inspection of the proposed development areas 1 and 3 that were being assessed in this BAR.</p>	<p>The water way that is branded as the Robertsvlei River is currently mechanically straightened and trenched, with little natural habitat left to sample. During summer the water level was too low to allow for a valid sample. It is a small and highly impacted rivulette. The lower sampling point at the road to the Berg River Dam in the Franschoek River was downstream of the confluence of the Robertsvlei River. With adequate flow and water through all seasons, as well as with a more varied habitat, it was deemed a much better sampling station than anything the Robertsvlei River had to offer. Moreover, if the Robertsvlei River had any impact, good or bad, it would have been picked up at the downstream sampling point. The water quality, as assessed by the SASS5 methodology, for all practical purposes, remained the same at all three sampling stations. If one was to split hairs, there was an insignificant improvement towards the lower sampling point, not nearly enough to elevate the status of the river into the next higher class. Therefore it can be confidently stated the sampling of the Robertsvlei River would not have made any material difference to the findings. One of the aims of monitoring is to provide baseline data prior to the envisaged development. Should the development have any negative impact in the years to follow, it would certainly show up in future rounds of sampling. The specialist report indeed mentions the water course that joins the Franschoek River and has not been left out of the evaluation, as has been erroneously alleged.</p>	Dr. Dirk van Driel
		<p>Not only did the specialist fail to identify and assess the impacts on the Robertsvlei river/wetland system which is potentially significantly more impacted upon by the proposed development than the Franschoek River, but the EAP did not point this out to the specialist when compiling the BAR.</p>	<p>See responses above and below</p>	EnviroAfrica
		<p>The Planning Motivation Report (Appendix G 1 of the BAR) makes very brief reference to the Robertsvlei River but states that it is 280m from the site. This is patently inaccurate.</p>	<p>The proposed layout lies at varying distances from the Robertsvlei river and care was taken to stay out of sensitive areas according to the NEMA legislation and the layout also seeks to protect the integrity of the river.</p>	CK Rumboll
		<p>Figures 2 to 4 below show aerial photographs of development Area 3 in 2003, 2010 and 2013 respectively. The blue outline shows the location of a wetland on the site. The location of the wetland is consistent between 2003 and 2013. The wetland is clearly visible in the 2003 photograph when the site was planted to pine trees (the wetland was very likely too wet for pines to grow hence the open area indicating the wetland). Possible sand mining is visible to the north of the wetland but not in the wetland.</p>	<p>Please refer to revised Freshwater Assessment (Appendix G3) for a description of the Robertsvlei River, as well as to any wetlands on site. There are no wetlands within the development footprint. In an area as ploughed over and dug up as the ones at La Motte, the one obvious indicator left for the presence of a wetland would be the vegetation. <i>Pennisetum macrourum</i> (river bed grass) and <i>Zantedeschia aethiopica</i> (arum lilies) were the only observed indicator species. The botanical specialist came to the same conclusion.</p> <p>An important WRC publication does not recognise river bed grass as a wetland indicator species. A couple of clumps of arum lilies are not nearly enough to delineate a valid wetland.</p> <p>In reply to the accusation that botanists are not qualified to delineate wetlands, they are in fact most useful in the identification of indicator species and often are valuable members of teams working on wetlands.</p> <p>The plaintive repeatedly but erroneously state that there are wetlands on the site. To merely draw lines on a Google Earth image to delineate wetlands is not a valid method, scientifically or otherwise. For this scientifically sound criteria have to be applied, as has been published in peer-reviewed articles and as commonly recognised by people active in this field.</p>	Dr. Dirk van Driel
		<p>It is our contention therefore that, despite the EAP being advised early on in the process that there were wetlands on the site, the wetland specialist study and hence the BAR itself is wholly inadequate and has not adequately and competently addressed the impact of the proposed La Motte development on the wetlands on site nor the impact on the sensitive Robertsvlei wetland system that is situated directly adjacent to the site.</p>	<p>See response to wetlands above. Please also refer to the revised Freshwater Assessment (Appendix G3)</p>	EnviroAfrica
		<p>Clearly then Sections 3 (a) and 4 (a) of the BAR are incorrectly completed.</p>	<p>See responses above.</p>	
		<p>Section 6 of the BAR does not refer to the fact that there are Wetlands and indigenous vegetation on the site.</p>		
		<p>The fact that there are wetlands on development Areas 1 and 3 and that stormwater will be discharged into the wetland and river systems in the area must mean that a Water Use Licence will be required. No reference is made to the National Water Act in Section 10 of the BAR.</p>	<p>Noted. Confirmation from DWS is still outstanding regarding the need for a WULA</p>	Dr. Dirk van Driel

			This is another glaring omission. Aside from the freshwater specialist's failure to identify all the impacted watercourses and wetlands on the site there are likely to be storm water outlets into the river systems in the area. These outlets would require Water Use Licences or at least a General Authorisation in terms of the NWA.	Noted. Confirmation from DWS is still outstanding regarding the need for a WULA	
		Werkmans Attorneys - On behalf of La Motte Pty (Ltd), L'Ormarins (Pty) Ltd, Richard Friedman t/a Moreson Blois Farms, Wolfkloof Plaas	The wetland specialist refers to the fact that the "proposed extension of the La Motte Township and its resulting increase in storm water is not likely to have any effect on the ecological status of the Franschoek River. The current status of notably to critically impacted is not likely to deteriorate more because of the increase in stormwater."		
			It seems that the view of the specialist is that since the river is already critically impacted upon there is no reason to make every effort to ensure that storm water is effectively managed and cleansed as far as possible before it is discharged into the Franschoek River. The Franschoek River and the Berg River are polluted to such an extent that downstream landowners are very concerned about the impact of the water quality on their export crops. It is therefore incumbent on developments of this nature to ensure that their storm water is of the best quality possible before it is discharged into the river system.	The specialist has been actively involved in the National River Health Program and State of the Rivers Reports since its inception and has monitored the Berg River along with the rest of the team. Recently the specialist has conducted biomonitoring, chemical analyses and habitat assessments on various sections of the Berg River for a number of clients. According to the available information, the Berg River is seriously impacted by a number of sewage treatment works, feedlots, dairy farms, piggeries, wineries and other large-scale concerns. Importance and Sensitivity are specific concepts that have been devised for the assessment and management of aquatic systems. The complainant is correct in stating that the Berg River is sensitive, quoting the relative section out of the Water Act. Its sensitivity is seriously compromised by a plethora of major impacts. To rate the possible deleterious effect on the Berg River's sensitivity of formal urban housing such as the proposed La Motte development as potentially significant does not seem warranted, especially not if compared to the exiting cumulative impact. The complainant mentions Regional Development Frameworks and River Improvement Plans. Provincial and local authorities have recently decommissioned the malfunctioning Franschoek Water Treatment Works (WWTW) and operationalised the new Wemmershoek WWTW. This has had an immediate positive and marked effect on the Franschoek River's microbiological and chemical water quality. Likewise, improvements of poorly operated concerns along the Berg River and the replacement of informal with formal housing would do much to negate current threats on the aquatic system. Hence the accusation that the specialist is not concerned about additional impact of new housing developments because of already existing impacts is misguided.	Dr. Dirk van Driel
			An assessment of a development situated in such a sensitive area should include a detailed Storm Water Management Plan (SWMP) which should clearly show how Storm Water will be dealt with. The insensitivity with respect to the Robertsvlei system (which was not even identified in the reporting) and the Franschoek River is carried through in the BAR with the fact that no SWMP was compiled for the development.	All stormwater network will be designed to transport the stormwater generated by the development to the closest water course via a retention pond. The retention will be designed to limit the post-development stormwater flow to the same flowrate as the pre-development flow. The stormwater ponds will also act as litter and sand traps. Please refer to the Stormwater Management Plan in Appendix G10	Malcolm Loubser - SKCM Engineers
			It is apparent from the BAR and engineering information included therein that the storm water has only been considered in a very superficial manner.	Proposed stormwater network layout drawings were included. Final design (pipe sizes, depth etc is not normally done at this stage as the layouts can only be finalised after the current process depending on the inputs received	Malcolm Loubser - SKCM Engineers
			Appendix B4 of the BAR shows that the storm water from Area 3 will be directed to the existing detention ponds to the north west of the site. From a preliminary look at the contours of the area it seem unlikely that all of the storm water from Area 3 will run in that direction and it is likely to in fact flow towards the east. No detention ponds are shown in this area and therefore the impact of any ponds located in this area on the environment have not been assessed. Will this storm water be discharged directly into the Roberstvllei wetland system?	The preliminary design indicates that the stormwater network will be able to connect to the existing ponds. No stormwater will be discharged directly into any water course except via a retention pond.	Malcolm Loubser - SKCM Engineers
			A small detention pond is also shown to the north east and adjacent to Area 1. Firstly this pond is situated in a possible wetland and secondly although it is situated in a potentially sensitive area no calculations are presented showing that the small pond size indicated is sufficient to accommodate the storm water that will be generated.	The size of the retention pond required to limit the post development flow rate to the same as the predevelopment flowrate = 260m ³ . The pond has not been designed to final detail but would be in the order of 13m x 13x 1.5m deep.	Malcolm Loubser - SKCM Engineers
			No storm water volume calculations are provided. It is expected that the location and size of storm water detention ponds would be assessed in the BAR but this has not happened.	The size of the retention pond required to limit the post development flow rate to the same as the predevelopment flowrate = 260m ³ . The pond has not been designed to final detail but would be in the order of 13m x 13x 1.5m deep.	Malcolm Loubser - SKCM Engineers

			No capacity letters are provided with respect to the Wemmershoek Sewerage Works, potable water supply, the solid waste disposal site and electricity.	Service confirmation letters will be provided with the Final BAR	EnviroAfrica
			The services report does not provide diagrams of existing infrastructure networks, particularly the existing sewer network.	Please refer to the GLS Report (Appendix J2) and included diagrams	Malcolm Loubser (SKCM Engineers)
		Rhett Smart - CapeNature	In conclusion, CapeNature does not object to Alternative 2 or a similar unfragmented layout, provided that the issues of concern are addressed, as outlined below.		
			More detail must be provided regarding the proposal for the current inundated borrow pits. These would either need to be infilled or retained as water features/stormwater detention ponds. If they are to be infilled, the fill must be obtained from within the proposed development footprint. It would be preferred if stormwater was detained on site, to ensure that stormwater discharge off site is of a suitable quality.	Localised eathworks will be done to cut and fill the borrow pits. The will not impact on the stormwater network.	Malcolm Loubser (SKCM Engineers)
			The riparian areas of the Robertsvei and Franschoek Rivers within the subject properties should be managed, which should include alien clearing, maintenance of natural riparian vegetation (which may include planting) and erosion control.	Noted	EnviroAfrica
			In terms of the impact on natural vegetation, CapeNature agrees with the botanical assessment. Management of the vegetation within the development area is unlikely to be highly successful and search and rescue is not considered necessary as a successful mitigation. To compensate for the loss of regenerating fynbos however, CapeNature recommends that the municipality should implement an alien clearing programme within the areas of recently felled pines, which should include removal of excessive debris. This is likely to have a longer term positive impact on biodiversity than search and rescue.	Noted	EnviroAfrica
			The botanical specialist has recommended that areas of fynbos should be earmarked for conservation in the broader planning for the La Motte area. CapeNature is in the process of identifying suitable areas of previous forestry land for inclusion in the protected area network, which included the La Motte/Franschoek district. The adjacent property was not identified as a priority for conservation although other properties within the broader area have been selected, which contain more threatened or higher quality vegetation. This also compensates for the loss of the vegetation on site.	Noted	EnviroAfrica
		Werksmans Attorneys - On behalf of La Motte Pty (Ltd), L'Ormarins (Pty) Ltd, Richard Friedman t/a Moreson Blois Farms, Wolfkloof Plaas	Figure 22 of the botanical specialist study (below) shows an area marked in green and one in yellow. The title text of this figure clearly states that the final layout excludes the yellow area based on its botanical sensitivity. This is not mentioned in the BAR or anywhere else in the report. In fact, the EAP ignores this recommendation altogether since the final layout includes the whole of the yellow area. What is the point of having specialist input if this input is ignored?	There has been a misinterpretation of what I have said in my report. I did not 'expressly recommend' that the yellow area in Figure 22 should be excluded from development due to its botanical sensitivity. The recommendation was that in the broader planning, fynbos should be earmarked for conservation purposes. This was a suggestion and should not be taken to mean and absolute 'No Go'. I originally made the assumption, from information that I had, that the yellow part of Area 3 would not be developed.	Dr Dave McDonald
		Werksmans Attorneys - On behalf of La Motte Pty (Ltd), L'Ormarins (Pty) Ltd, Richard Friedman t/a Moreson Blois Farms, Wolfkloof Plaas	The heritage report states that the Western Cape Provincial Spatial Development Framework: Rural Land Use & Management Guidelines 2009 advocates that "to achieve integrated rural development and sustainable human settlements in the Western Cape, new housing development beyond the urban edge needs to be curtailed." Notwithstanding this, development Area 3 is outside the urban edge and an application is being made to extend the urban edge to include this area.		
			In addition, the Heritage specialist makes the following statement: 'Sense of Place: Response to landscape context - Sensitivity to spiritual qualities of rural areas - Respect of rural settlement form - Integrated and safe rural communities.'		

			The area proposed for development is zoned as Agriculture Zone 1. <u>No agriculture or soil potential study has been undertaken.</u> The development area, especially Area 3 which according to the report is outside of the existing urban edge, should be assessed for its agricultural potential. There is a very cursory statement in the Social Impact Assessment that states: <i>"The permanent loss of 17ha agricultural land for forestation will impact slightly negatively, however it is unlikely that forestation would have proceeded on these portions of land. The impact is low negative."</i>	Included in the BAR find a map from the Department of Agriculture's data base classifying the soils as moderate potential arable and non - arable land. Farm 1653 (Area 1), lies within the urban edge and consist of a 1/3rd non -arable and 2/3rds moderately arable land, Portion 1 of Farm 1158 (Area 2), lies within the urban edge and consist of non arable and Remainder of Farm 1339 (Area 3), lies outside the urban edge and as Area 1 consist of a 1/3rd non -arable and 2/3rds moderately arable land. Thus the rating of agricultural land with moderate potential as low negative.	CK Rumboll
			It is not apparent that this statement is based on any specialist soil study or agricultural potential study. It is certainly not substantiated in the BAR. Without a soil or agricultural potential study it cannot simply be assumed that the land is unsuited for any form of agriculture. Various alternate forms of agriculture, including tunnel farming, may be more appropriate land uses for this site and particularly the portion that falls outside the urban edge, than the intended housing and urban type uses.	As it is state land it is unlikely that it will be used for agriculture.	CK Rumboll
			The social study specifically refers to the fact that in order to preserve sense of place there should be <i>"No development on good agricultural soils and (any development must) tread lightly on moderate soils"</i> . Without a specialist soil/agricultural potential study it is unclear how the EAP can ensure that the social impact specialist's recommendations are met. The EAP's views in respect of the agricultural potential of the development areas is entirely speculative and unsubstantiated by any specialist soil/agricultural potential study.	The proposed development tread lightly on moderate soils. Only 2/3rds (±8ha) of the proposed development area required on Remainder of Portion 1339 which is ±12.3ha in extent, are on moderate potential soils.	
			The overwhelming senses of place of La Motte Township and its surrounding areas would have previously been that of forestry and more recently, since almost all of the afforested areas have been felled, the sense of place is of a rural, fynbos area. The sense of place is not of a large township as is proposed and will be irretrievably altered. This has not been articulated in the heritage or social reporting of the BAR.	The Visual Impact Assessment is included as Appendix G8.	
			With respect to the response to <u>landscape context</u> the following concerns arise:		
			<ul style="list-style-type: none"> As already shown there are wetlands on Areas 1 and 3. Despite the EAP being made aware of this in 2014, this has been ignored. 	Please see responses above.	EnviroAfrica
			<ul style="list-style-type: none"> The botanist has identified an area in Area 3 that should not be developed. Again this has been ignored. 	In my report I recommended that the western section of Area 3 should be considered for conservation. This was not a straight-out 'No' to development in that area. As stated above, I originally made the assumption, from information that I had, that the yellow part of Area 3 would not be developed.	Dr. Dave McDonald
			The heritage report makes the following recommendations (amongst others), that:		
			<ul style="list-style-type: none"> <i>"As was recommended in the botanical survey areas of fynbos should be earmarked for conservation purposes, even if those areas previously had pine plantation."</i> 		
			<ul style="list-style-type: none"> <i>"In order to retain the dominance of wilderness and agriculture it is recommended that broad green corridors between the existing La Motte village and TCTA village and new areas of residential development be provided to break up the scale of urban development in this small valley."</i> 		
			It appears that these recommendations have been ignored. The preferred alternative layout includes the portion of Area 3 marked by the botanical specialist as an area that should not be developed. No explanation is provided for this.	My recommendation was that 'fynbos areas' should be earmarked for conservation. It was found that the fynbos has regenerated well after clear-felling of the pines. However, although the recommendation alluded to a 'nice to have' i.e. the fynbos should be conserved, it was not expressly stated in the botanical report that the western part of Area 3 should be a 'no development' zone.	Dr Dave McDonald
			The only "broad green corridor" provided in the preferred layout is one in Area 3 between the development area in the eastern portion of Area 3 and the development area on the western portion of Area 3 which is only approximately 40m wide. In addition the western portion of Area 3 falls within the area that the botanist has assumed is excluded from the development. Surely a single green corridor of a limited extent does not comply with the requirements of the heritage specialist who required "broad green corridors".	A 40m corridor would allow for substantial tree planting even if trees were spaced at 10m apart	Henry Aikman (Heritage Specialist)

			The SIA in assessing sense of place has assumed that there will be broad corridors between pockets of development which are not evident in the preferred alternative.	The corridors assessed were not only the proposed corridors within the developable areas, but include existing corridors i.e. the river dissecting the proposed development, the corridor separating the former forest workers and dam builders, the forest behind and fynbos surrounding the development.	CK Rumboll
			The R45 trunk road is a major tourist route and it is likely that development Area 3 will be visible from this road. Despite this, no visual impact assessment has been undertaken nor has the heritage specialist addressed the visual impact of the development.	The Visual Impact Assessment is included as Appendix G8.	EnviroAfrica/ Henry Aikman
			It is clear that the full extent of the impacts on the sense of place and the visual impacts of the development have not been adequately identified and assessed in the BAR	The Visual Impact Assessment is included as Appendix G8.	
Heritage					
		Riccardo Panzeri	Has the proposed plans being assessed by IACOM commission at BelCom?	The matter went to IACOM in February 2015 in error in my opinion as the draft HIA formed part of the BAR submitted to HWC by DEADP. The report was considered to be a Notification of Intent to Develop (NID) although a NID had been submitted in 2013. In a letter to CK Rumboll and not to Aikman Associates HWC set new conditions for the HIA including that an urban designer be appointed.	Henry Aikman (Heritage Specialist)
		Riccardo Panzeri	A visual impact assessment and comments from HWC (Heritage Western Cape) will be needed.	Noted. The Visual Impact Assessment has been included as Appendix G7 of the revised Draft BAR. Comment has also been received from HWC (Appendix E). This has led to the slight revision in the preferred layout plan.	EnviroAfrica
		Werksmans Attorneys - On behalf of La Motte Pty (Ltd), L'Ormarins (Pty) Ltd, Richard Friedman t/a Moreson Blois Farms, Wolfkloof Plaas	As motivated above, a number of the recommendations of the heritage impact specialist have not been considered in the preferred alternative layout that has been presented in the BAR.	My design indicators were followed: small pockets of development, avoidance of slopes greater than 9°, earmark areas of fynbos for conservation	Henry Aikman (Heritage Specialist)
			In addition a recommendation of the Heritage Assessment is that the cemetery site "needs further investigation and conservation and memorialisation by the municipality and SAHRA who should liaise in this regard." This has not been taken up in the BAR. The timing of this further investigation is not clarified; must it take place as a condition of approval? Before or after development commences on site?	This should be a condition of approval	Henry Aikman (Heritage Specialist)
			As motivated above, the development will potentially have a significant visual impact on the surrounding areas and an impact on the rural sense of place. Notwithstanding this, no visual impact assessment has been undertaken for the proposed development, separately or as part of the HIA. This is a significant omission for such a sensitive location.	Noted. The Visual Impact Assessment has been included as Appendix G7 of the revised Draft BAR.	EnviroAfrica
Social Impacts					
		Werksmans Attorneys - On behalf of La Motte Pty (Ltd), L'Ormarins (Pty) Ltd, Richard Friedman t/a Moreson Blois Farms, Wolfkloof Plaas	While the proposal to alleviate housing demand at Langrug and provide formal housing elsewhere is supported in principle, it is our submission that the social impacts of relocating some of these inhabitants to La Motte have not been adequately assessed, if at all. It is not clear from the SIA whether the communities at Langrug and La Motte respectively have been consulted in this regard and whether they would welcome the relocation. Has any consideration been given to the risk of xenophobia which is a tragic reality in our country at the moment? What are the impacts on the people to be relocated in terms of access to shops, transport to work, safety and security, access to community etc. This has not been addressed in the SIA.	The socio-economic statement did not include community consultation as the Municipality of Stellenbosch will only enter into such a process once it has been determined who qualify for subsidized housing. Furthermore the public participation process which afforded you to comment did not exclude any of the residents of La Motte or Langrug to participate.	CK Rumboll
			The alternative of redeveloping Langrug and its surrounding areas in situ to accommodate the additional housing required rather than uprooting communities to La Motte has not been addressed as a potential alternative. The assumption is made that La Motte is the answer but no substantiation or motivation of this is supplied in the BAR.	The Langrug settlement is divided into three areas, Mandela Park, Nkanini and Zwelitsha. Both Mandela Park and Nkanini have water borne sewage and water reticulation. The inhabitants of these areas will settle here. Zwelitsha, which is located toward the peak of the mountain, has no flush toilets and only one water tap due to the challenge of pumping water uphill (Informal Settlement Network 2011). The expense of services and the policy not to develop on very steep slopes ruled out the expansion of Langrug as an alternative.	CK Rumboll

			The proposed development of Areas 1 and 3 poses an increased risk of wildfires in the fynbos areas surrounding the development. Experience from the Wemmershoek Sawmill development supports this view. There is no identification and assessment of this risk in the SIA or the BAR and no mitigation measures are presented.	As per the previous response to the concern of fire " Fire hydrants will be provided along the roads at a maximum spacing of 90m. Fire breaks along the boundary of the development will be the responsibility of forest management" The preventative measure are according to Fire Management requirements. As it complies it does not need assessment.	CK Rumboll
Spatial Planning					
		Werksmans Attorneys - On behalf of La Motte Pty (Ltd), L'Ormarins (Pty) Ltd, Richard Friedman t/a Moreson Blois Farms, Wolfkloof Plaas	The land-use and spatial planning context is of material significance to the proposed development and it is necessary to interrogate this planning context in some detail. This degree of interrogation will show that the proposed development is relevant land-use and spatial planning laws, guidelines and policies and epitomises the incremental erosion of the rural and agrarian landscape and sense of place which these laws and policies aim to prevent.	This proposed development comes from a dire need for housing. It is not envisaged that this need will in any way diminish in future. New development can only strive to minimise the impact on the surrounding landscape. The scale and positioning of the proposed La Motte development strive to reach that goal. More over the Stellenbosch SDF, Part 1, 2012 earmarked 32ha to be included in the urban edge of La Motte. The proposed development take up ±22ha. Two thirds of the proposed development is located as per SDF directive. Assessment by specialists guided the inclusion of Area 3 (Farm 1339). This inclusion is part of the proposed 22ha development.	CK Rumboll
			The EAP's contention that the proposed development is fully in accordance with the relevant spatial planning informants is incorrect.		
			The property is zoned Agricultural land a large portion of the proposed development site falls outside the municipal urban edge.	The Land Use application deals with the legal requirements and application was made for the inclusion of these portions within the urban edge.	
			There are watercourses and wetlands located on the site and adjacent to the site which will undoubtedly be impacted upon by the proposed development. The full extent of these watercourses and wetlands must be identified, delineated and assessed by a reputable specialist.	Noted. Please refer to the Freshwater Assessment (Appendix G3)	EnviroAfrica
			The property falls within an area designated under the Western Cape Provincial Spatial Development Framework (2009) ("WCPSDF") as "Intensive Agriculture".	The Franschhoek valley is an intensive farming area, and the influx of job seekers can directly be attributed to this. Thus space will have to be made available inside the valley to house the qualifying beneficiaries in a humanly fashion as they are entitled to by the SA constitution. The WCPSDF promotes housing to be provided adjacent existing settlements. The land adjacent to the existing settlement has low and moderate agricultural potential.	CK Rumboll
			Under the Winelands Integrated Development Framework Spatial Plan (November 2000) the property is categorised as a Category C Agricultural Area where only extensive and intensive agriculture is to be permitted.	Spatial plans have a shelf life of 5 years and the dynamics of the Franschhoek Valley requires certain interventions to strive for a more orderly region. This can only be achieved through the formalisation of housing in the Valley on a scale that wont negatively impact on the environment and society as a whole.	CK Rumboll
			The property falls within the Cape Winelands Biosphere Reserve approved by UNESCO in May 2007 and is included in the area categorised under the Spatial Planning Category of "Agriculture" under the Biosphere Reserve Plan (December 2009). The Cape Winelands and their cultural landscape were added to the UNESCO World Heritage Site Tentative List on 24 January 2004 and the property borders the area identified in the Winelands Cultural Landscape motivation for inclusion on the list of World Heritage Sites which was submitted on 8 July 2009. In the circumstances it is likely to fall within the buffer zone of this World Heritage Site once declared and is therefore deserving of additional protection.	This proposed development only seeks to add on to the existing town of La Motte and this action will have the least impact on the formal agricultural activities in the valley.	CK Rumboll
			The surrounding area has a rural and agricultural character. The majority of the surrounding properties are zoned and used primarily for agriculture.	This proposed development does not impact on any productive agricultural land as forestation declined and the land lies fallow.	CK Rumboll
			WCPSDF		
			Objective 1 of the WCPSDF is to "Align the future settlement pattern of the Province with areas of economic potential and the location of environmental resources".	The influx of people into the Valley is surely an indication that people perceive the Valley to be an economic hub and that there is employment potential. This application will also be scrutinised and assessed by Provincial Planners whom will comment on its sustainability. Growth potential of towns in the Western Cape study done in 2010 by Prof IJ van der Merwe showed that Franschhoek has a high levels of human need and high development potential. The Stellenbosch SDF Part 1, 2012, earmark Franschhoek as a subregional node. It allows for 59ha and 32ha of land to be include in the urban edges of Franschhoek and La Motte respectively.	CK Rumboll
			The condition attached to this objective is stated as follows: "Urban development outside of the urban edges of settlements should be prohibited or as far as possible avoided."	This application is merely a re-alignment of the urban edge. The edge as proposed will have the least impact on agriculture and tourism, the two pillars of the local economy.	CK Rumboll
			Objective 5 of the WCPSDF is to "Conserve and strengthen the sense of place of important natural, cultural and productive landscapes, artefacts and buildings".		CK Rumboll
			Strategies for the achievement of this objective include:		CK Rumboll

			Identify and map key heritage resources;	Heritage Western Cape will issue a record of decision based on the submission made to them and will ensure that key heritage resources would have been considered.	CK Rumboll
			Ensure their protection in the face of increasing urban and rural development	The sites identified has the least impact on heritage resources including the rural landscape.	CK Rumboll
			The Heritage Resources Policy (HR20) under this objective provides that all changes to landscapes and urban settlements whether they be for agricultural or urban and rural development purposes, should consider any heritage resource policy that may be relevant including those which might be proposed such as World Heritage Site applications.	A Heritage consultant was appointed to assess the proposed development in accordance with the National Heritage Resources Act. Thus HWC will ensure that all the elements referred to would have been considered.	CK Rumboll
			The Scenic Quality Policy (HR25) calls for Visual Resource Management Plans for, <i>inter alia</i> , the Cape Winelands.		CK Rumboll
			The Conditions/Control measures attached to this objective are as follows: "All future buildings, roads and infrastructure, including powerlines should be sited and designed according to relevant guidelines and should undergo heritage, environmental and visual impact analyses before they are evaluated.	In process.	CK Rumboll
			Objective 8 of the WCPSDF is to "Protect biodiversity and agricultural resources".	Amidst the richness of agriculture and biodiversity within the Franschoek valley, the extension of La Motte has been identified to have the least impact on any natural or heritage resources.	CK Rumboll
			This objective calls for measures to "ensure that land with agricultural potential is not mined or otherwise damaged, or developed and then presented as a candidate for further urban or non-agricultural development purposes."		CK Rumboll
			Strategies to achieve this objective include:		CK Rumboll
			Prevent the inappropriate conversion of biodiverse, rich, rural areas, existing agricultural activity and soil with agricultural potential and important cultural and scenic landscapes to other uses	Amidst the richness of agriculture and biodiversity within the Franschoek valley, the extension of La Motte has been identified to have the least impact on any natural or heritage resources.	CK Rumboll
			Cease urban development outside of urban edges.	The urban has as it function to prevent urban sprawl, but when there is the need to expand, which cannot be accommodate within the vacant land within the urban edge, the edge can be revised.	CK Rumboll
					CK Rumboll
			A number of policies are identified to attain the stated objective.		CK Rumboll
			With regard to Land Use Management, Policy RC1 provides that all land in the province should be defined by broad spatial planning categories which are listed. The relevant category under which the property has been categorised is "intensive Agriculture".	That policy is exactly as defined, a "broad spatial planning categorie" that categorises the Franchoek Valley as intensive agriculture, but if you go site specific, the development is taking place on land that is unlikely to be farmed intensively.	CK Rumboll
			The following conditions/controls are prescribed for the attainment of this objectives:		CK Rumboll
			<i>"No development proposals may be approved until the boundaries of the bioregional spatial planning categories have been delineated and approved for that particular project if it is a large scale project, or for the precinct or sub - district if it is a small scale project. In all instances for ward planning should honour systematic biodiversity plans. "</i>	Currently being addressed	CK Rumboll
			Under the policy dealing with urban edges (RC7) the following is stated :		CK Rumboll
			<i>"The urban edge has two functions :</i>		CK Rumboll
			<i>The primary function is to contain the outward growth of urban settlement so as to promote the restructuring to address apartheid spatial patterns and urban functional inefficiencies. These inefficiencies relate to insufficient thresholds to support viable businesses and informal (second economy) activity, public transport and community facilities and sub-optimal use of well-located land, especially for subsidy and social housing. Thus the role of the urban edge is seen as restricting the outward growth of urban settlements until such time as average gross densities of twenty-five dwelling units or one hundred people per hectare are achieved. This may take five to ten years in settlements that are growing rapidly.</i>	The existing La Motte development surpasses those density parameters.	CK Rumboll
			<i>To protect land designated core, buffer and intensive agriculture from urban development where required."</i>	Buffer areas have been provided.	CK Rumboll
			In the explanation for this policy the following is stated	Noted	CK Rumboll
			<i>"In order to effectively redirect a continuing urban development dynamic of urban sprawl that perpetuates the apartheid layout of the province's urban settlements urban growth needs to be halted so as to focus urban development opportunities inwards.</i>	Noted. Densification within Franschoek can only provide for a limited number of people on the waiting list. Such provision will have to go through the same process as the proposed development. The projected numbers absorbed in such a process will be too low as most of the land within Franschoek is privately owned.	CK Rumboll

			<i>A strongly held urban edge is the most effective urban management tool to initiate settlement restructuring and therefore it is <u>crucially important</u> that, additional to the priority of not jumping the urban edge in the vicinity of a town, the urban edge principle in general should not be undermined through the approval of effectively urban development outside urban edges."</i>	In the Provincial Human Settlement Strategy Provincial government urges government departments to make strategic land available for housing development to address the serious demand for housing. This is exactly what happens in this case: Developable stateland adjacent to an exiting node was made available, addressing settling on undevelopable stateland. Note that the Stellenbosch SDF, Part 1, 2012, provides for 32ha to be included in the La Motte urban edge. The proposed development is ±22ha in extent.	CK Rumboll
			Under the policies dealing with development outside the urban edge (RCS and RC9) the following is stated:		CK Rumboll
			<i>"As a general rule development beyond current rights pertaining to agricultural or conservation activities outside the interim or medium term urban edge shall not be permitted except for applications that demonstrate, as their primary motivation by successfully complying with the four-stage test discussed under the action plan for biodiversity conservation.</i>	Noted	CK Rumboll
			<i>General Rural development, i.e. development outside the urban edge, shall not exceed densities of one DU per 10 hectares and may be considerably lower in landscapes with low visual carrying capacity."</i>	This is settlement establishment and not rural development. Therefore the density proposed is much higher than rural developments outside the urban edge.	CK Rumboll
			Under the explanation for this policy the following is stated: <i>inter alia:</i> "In exceptional circumstances applications for enhanced development rights outside the urban edge need to be considered. However it is extremely important that such exceptions will not continue urban sprawl	Urban sprawl is considered low density developments which could be accommodated within the urban edge. Urban edges are delineated and should provide sufficient land for private development and different subsidized developments. When land requirements are calculated vacant land within the "built edge" and opportunities to densify have to be considered. The balance of the required land is then included through expansion of the urban edge. For Franschoek 59ha was included on the eastern side of the Valley to link Franschoek South and North (Stellenbosch SDF, Part 2, 2013). The land proposed for expansion is owned privately. At La Motte the urban edge consolidate the mixed use area close to the R45 and the existing hamlet and include expansion around the mixed used area and to the south of the hamlet. The Stellenbosch SDF, Part 1, 2012 provides for 32ha to be included at La Motte. The land around La Motte is state owned. Note that the provision of housing including an erven that will be individually owned by beneficiaries is nothing less than land distribution. With regards to the four step test this application is in process with Step 1 and 2, complied to Step 3 and give effect to step 4 as it does not prejudice land distribution.	CK Rumboll
			<i>Therefore there should be a minimalist approach whereby the envisaged development touches the earth as lightly as possible with respect to visual impact and foundation disturbance, demand for services (especially water and energy) and traffic generation."</i>	Noted	CK Rumboll
			We submit that the proposed development is clearly contrary to all the objectives and policies referred to above for the following reasons:		CK Rumboll
			It constitutes urban type development outside the urban edge, contrary to Objective 1 in the WCPSDF and should be prohibited;	Only one of the areas, Farm 1339 (Area 3), is located outside the urban edge. However it is next to a settlement where expansion has been proposed, it is on developable state land and it is highly unlikely that this state land will be used for any alternative purpose. Note should be taken that development on state land within the urban edge is limited and as there is an area of Langrug where the slopes are too steep and inhabitants cannot be settled on the undevelopable portions of land.	CK Rumboll
			It will have significant negative impacts on the sense of place of an important natural, cultural and productive landscape and is contrary to Objective 5 in the WCPSDF;	These objectives were considered in this proposal. The site was considered as it would have the least impact on sense of place of an important natural, cultural and productive landscape.	CK Rumboll
			No specialist Visual Impact Assessment is submitted with the application as contemplated in the proposed Scenic Quality Policy (HR25) under Objective 5 of the WCPSDF;	Please refer to Appendix G8 for the Visual Impact Assessment	CK Rumboll
			It is contrary to Objective 8 of the WCPSDF in that it will destroy, rather than protect, biodiversity and agricultural resources;	All development will in some way impact on natural resources and agriculture. This proposal should have the least effect on the biodiversity and agricultural resources as specialist assessment have confirmed the developable land included within the urban edge and guided the urban edge expansion.	CK Rumboll
			The proposed development will entail the inappropriate conversion of a rural area, and soil with agricultural potential and will detract from an important cultural and scenic landscape, contrary to the strategy which seeks to prevent this under Objective 8 of the WCPSDF.	One could also argue that the urban edge expansion between Franschoek South and North will cause inappropriate conversion of rural areas and soil with agricultural potential. For precisely this reason an adjustment to the urban edge is proposed at La Motte as the conversion of soil with agricultural potential will have less effect on agricultural productivity, given that it is state land and the forestry has been down scaled	CK Rumboll
			One of the aims of the urban edge policy under Objective 8 is to protect land designated core, buffer and intensive agriculture from urban development and urban sprawl. The urban edge principal should not be undermined by the approval of (effectively) urban development outside urban edges which is precisely what the proposed development application seeks to do.	Addressed previously	CK Rumboll

			The urban edge policy provides for enhanced development rights outside the urban edge only where exceptional circumstances are present and where the exceptions will not continue urban sprawl. We submit that no exceptional circumstances are present and that the proposed development will indeed lead to urban sprawl.	The Municipality of Stellenbosch is experiencing huge pressure to provide housing for its inhabitants and the scale of this proposal cuts a fine balance between the real need and the resources that needs to be protected. Two thirds of the proposed development is within the urban edge and take up less land as indicated in the Stellenbosch SDF, Part 1, 2012. Further more the provision made by the proposed urban edge expansion is to accommodate people that cannot be accommodated on undevelopable land included within the urban edge and parallel exceptional circumstances. The expansion is directed by specialist assessments that reduced the developable land included in the La Motte urban edge. Yet it still take up less than the provide 32ha.	CK Rumboll
			The proposed development is further contrary to the urban edge policy in that it will create, <i>inter alia</i> , significant visual and noise impacts and cause significant foundation disturbance, increased demand for water and energy and generate a significant increase in traffic in a rural setting. In the circumstances it certainly does not "touch the earth as lightly as possible" as prescribed under the policy.	Some of the points raised are addressed in the Visual Impact Study. Of note is the Stellenbosch SDF 2013 propose that the link to the R45 be strengthen and the Robertsvlei road been tarred. The increase of traffic on the roads relevant to the prosed development is already contemplated in the Stellenbosch SDF 2013.	CK Rumboll
			The WCPSDF Rural Land Use and Management Guidelines (May 2009):		
			The Guidelines identify a number of fundamental concerns with regard to rural development patterns. These include the following: (i) The cumulative impact of piece-meal development in different municipal jurisdictions and its fragmenting effect on the Western Cape's rural landscapes and erosion of its natural resource base.	Stellenbosch has been identified as one of the major growth points in the Western Cape. The influx of people is a direct result of this reality. It can be assumed that some of the people residing in the Franschhoek Valley are immigrants (non-SA citizens). Under the current housing policy, they do not qualify to take part in the governments housing roll out. By law, the Municipality of Stellenbosch can only assist central government in its endaveour to provide housing to individuals that qualify. This development seeks to do exactly that, to provide housing for individuals that have a strong association with the Franschhoek Valley. Whether the beneficiaries are ex- forestry workers, farm workers or off spring of these people, the Muncipipltity in collaboration with central government will provide housing for these individuals. It needs to be stated that it is a reality that the need for housing in the Stellenbosch Municipality is very high and because of the high agricultural value and scenic beauty of the region, available land is a very scarce resource. The proposed development is not piece meal: two thirds of the proposed development is included within the urban edge of La Motte. However more land is required as land included within the urban edge of Franschhoek earmarked for settlement development is undevelopable (at Langrug). Therefore the expansion of the La Motte urban edge (Area 3) is not contemplated as a piece meal approach. It is done given the Stellenbosch SDF, Part 1, that provides for 32ha to be included in the La Motte urban edge.	CK Rumboll
			We submit that the concerns alluded to in these Guidelines can be applied directly to the proposed development which will create urban sprawl and undermine the authenticity of the rural landscape as a prime tourist attraction.	See above	CK Rumboll
			Provincial Urban Edge Guidelines (December 2005):		
			The Provincial Urban Edge Guidelines aim to assist local authorities in delineating their urban edges which are intended to be demarcated lines aimed at containing, managing, directing and controlling the outer limits of development around the urban area. The intention of an urban edge is to establish limits beyond which urban development should not occur and to promote urban and environmental efficiency, effectiveness and economy in the interest of all.	The Guidelines have been considered in motivating the extension of the La Motte urban edge. An urban edge is a planning tool that are revised every five years.	CK Rumboll
			The Guidelines identify two main categories of edges, namely hard and soft edges.	The existing and proposed urban edge have elements of a hard and a soft edge. This is likely for most urban edges.	CK Rumboll
			A hard edge is drawn on the development line of an urban area, for example along the outside of a residential neighbourhood, industrial area or any other collection of serviced erven with a relatively high intensity or high to medium density of use. A hard edge creates an immediate transition from urban to rural use, with a large undeveloped landscape between urban areas. Hard edges are typically employed where an absolute restraint on development is essential, such as abutting conservation areas, steep slopes and high intensity agricultural uses.	Noted. The proposed development create immediate transition between constrasting uses.	CK Rumboll
			A soft edge on the other hand permits gradual transition from high intensity urban uses to the low intensity, often residential uses such as smallholding, or institutional, recreational and service uses for example schools, correctional services facilities, golf courses, sports field, waste water treatment works, reservoirs or aerodromes. Soft edges have the potential to promote urban sprawl and the negative growth trends that need to be discouraged. The urban uses inside the edge should relate to the uses outside, so as to avoid conflict between the two .	Noted. As this is a human settlement extension to provide housing, no transition development is proposed. Even where soft edge sections occur, immediate transition is upheld given the development type.	CK Rumboll

			The proposed development site is a considerable distance outside the <i>de facto</i> Franschoek urban area and a large portion of the development falls outside the municipal urban edge. Urban type development such as that proposed by the applicant should be prohibited on the basis that it will amount to undesirable "leap-frogging" and land uses which are inconsistent and incompatible with the neighbouring agricultural uses.	This development makes provision for community facilities to limit commuting to Franschoek or Stellenbosch. The development of La Motte is included in the Stellenbosch SDF, Part 1, 2012. The proposed development under consideration is nothing other than implementing these proposals. The proposed development therefore does not constitute leap frogging.	CK Rumboll
			The Wine/ands District Council Integrated Development Framework Spatial Plan (November 2000) :		
		#####	The Spatial Plan promotes bio-regional planning. A land use classification model, based on the Biosphere Reserve model, was adopted for the entire Cape Winelands District Municipal Area, including the subject property	Noted	CK Rumboll
			Significantly the property is identified as a Category C Agricultural area where only extensive and intensive agriculture is to be accommodated. Although the spatial plan provides for tourism related developments, including accommodation facilities, being permitted in agricultural areas, this is subject to the strict proviso that the aesthetics and quality of the area is maintained / enhanced and importantly that the development is not out of scale and character in relation to the area.	The proposed development has as its objective to formalise housing for community members either living in back yards or in informal settlements. The whole purpose of the exercise is to better the lives of the individuals that would participate in this development. This exercise can in no way be seen as being seen as detrimental to the environment. It is foreseen that the mixed use precinct will strengthen the economic base of La Motte and enhance the sustainability of the settlement. The mixed use node is within the urban edge of La Motte as per Stellenbosch SDF 2013. The proposed residential extension of the edge has been determined by several specialist studies to ensure that the proposals are not out of scale or character. The proposed development is based on the Stellenbosch SDF, Part 1, 2012 which include 32ha land for development in the La Motte urban edge.	CK Rumboll
			We submit that the proposed development is clearly contrary to the Spatial Plan in that:	Noted	CK Rumboll
			It does not promote bio-regional planning but will instead create urban sprawl;	The proposed development is partially in line with the SDF proposal for La Motte.	CK Rumboll
			The proposed development will clearly be out of scale and character with the surrounding area and will detract significantly from the aesthetics, sense of place and quality of the surrounding area.	The scale of the existing town of La Motte was considered in the drafting of this proposal. The topography of the area assist in the proposed development outside the urban edge as it will have a low visual impact.	CK Rumboll
			<u>Cape Wine/ands Biosphere Reserve:</u>		
			The Cape Winelands District Municipality has prepared a Cape Winelands Biosphere Reserve Plan.	Noted	CK Rumboll
			The Cape Winelands Biosphere Reserve was approved by UNESCO in May 2007. This biosphere reserve constitutes a tool for the conservation of biological diversity and the sustainable use of its components contributes to, inter alia, the objectives of conventional biological diversity.	Noted	CK Rumboll
			A bioregion refers to both the geographical terrain and a terrain of consciousness, i.e. to a place and ideas that have developed about how to live in that place.	Noted	CK Rumboll
			The biosphere reserve plan, prepared in December 2009 presents different categories in terms of the bioregional planning framework for the different uses within the landscape. Five different spatial planning categories (SPC's) are identified namely core, buffer, agriculture, urban related, industry, and surface infrastructure and building.	Noted	CK Rumboll
			The relevant property falls within the area identified as agriculture.	Site specific, no productive agricultural land is implicated as the forestry operation was scaled down and no alternative agriculture activity will replace forestry.	CK Rumboll
			The proposed development cannot be accommodated under the property's designated spatial planning category of agriculture and is contrary to the biosphere reserve plan.	Categories have to be validated site specifically. The various assessment and their results set the category aside without jeopardising the biosphere reserve plan. The Stellenbosch SDF, Part 1, 2012 and the extension areas at La Motte confirm the accommodation of the proposed development within the said category.	CK Rumboll
			<u>Cape Wine/ands Cultural Landscape World Heritage site:</u>		
			The Cape Winelands and their cultural landscape were added to the UNESCO World Heritage Site Tentative List on 24 January 2004 and the property borders the area identified in the Winelands Cultural Landscape motivation for inclusion on the list of World Heritage Sites which was submitted on 8 July 2009. It is likely to fall within the buffer zone of the heritage site.	The site is outside the Grade 1 area. There is no provision in terms of Section 27 of the NHR Act for a buffer zone.	Henry Aikman (Heritage Specialist)
			A development of a nature and scale such as the proposed development, and the precedent it will set for a proliferation of similar developments in the rural and agricultural landscape of the Cape Winelands, may jeopardise the declaration of the Cape Winelands as a World Heritage Site	CKR - There is no substance in the statement that this development will lead to similar development in other places. Every development is judged on its own merits. Further more two thirds of this development falls within the urban edge of an existing settlement. Of note is that the proposed development is ±22ha in extent whilst the Stellenbosch SDF, Part 1, 2012 proposed that a total of 32ha be included in the urban edge of La Motte. The statement made implies then that the SDF proposal in itself pose a threat to the Cape Winelands being included as a world Heritage Site. HA - Each application has to be assessed on its own merits. The Stellenbosch Municipality is involved in several other settlement schemes within the municipal area. There is a desperate need.	CK Rumboll/Henry Aikman
			The Development Facilitation Act, 1995 ("DFA"):		

			The general principles contained in section 3 of the DFA are relevant.	Noted	CK Rumboll
			The following general principle, contained in section 3(c) of the DFA, is particularly relevant to the consideration of the application:	Noted	CK Rumboll
			"Policy, administrative practice and laws should promote efficient and integrated land development in that they - (inter alia)	Noted	CK Rumboll
			(i) optimise the use of existing resources including such resources relating to agriculture, land, minerals, bulk infrastructure, roads, transportation and social facilities;	Noted	CK Rumboll
			(i) discourage the phenomenon of "urban sprawl" in urban areas and contribute to the development of more compact towns and cities ..."	Noted	CK Rumboll
			We submit that the proposed development is contrary to the principles contained in the DFA in that it will not optimise the use of the existing agricultural resources and will create urban sprawl.	We hereby put forward that this development is in line with the principle of the DFA in that it is adjacent a current development node, on unproductive developable state land. Two thirds of the development falls within the proposed urban edge. The proposed development will have a huge social upliftment effect on beneficiaries, providing them with the necessary comfort to build self esteem and being able to live in an environment conducive to building a healthy family and community structure. It is our opinion that the form of the proposed development and its context strive to minimise the negative impacts which comes with any development and address the detrimental affect that informal settling caused on undevelopable state land due to steep slopes and expensive services. The premise of the proposed development is the Stellenbosch SDF, Part 1, 2012, that provides for the inclusion of 32ha in the La Motte urban edge.	CK Rumboll
Further engagement					
		Werksmans Attorneys - On behalf of La Motte Pty (Ltd), L'Ormarins (Pty) Ltd, Richard Friedman t/a Moreson Blois Farms, Wolfkloof Plaas	Finally, we record that our clients wish to engage with the Municipality in order to discuss and interrogate the available alternatives and the nature and form that the development will take and we would invite you and your client to consult and engage with our clients before proceeding further with the preparation of the draft scoping report.	Noted	CK Rumboll