



**Reference: 14/3/1/1/ D6/18/0574/22**

Mr Dreyer van Zyl  
ZEC4 Pty Ltd  
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**HARTENBOS**  
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Dear Mr van Zyl,

**APPLICATION FOR THE AMENDMENT OF THE APPEAL ENVIRONMENTAL AUTHORISATION GRANTED FOR THE DEVELOPMENT OF THE OUTENIKUASBOSCH SAFARI PARK ON FARM OUTENIKUASBOSCH NO. 149 AND FARM HARTENBOSCH NO. 217, HARTENBOS**

1. Your Amendment Application, received on 23 November 2021, submitted for the proposed amendment of the Appeal Environmental Authorisation ("EA") granted on 24 November 2014, the site inspection conducted on 4 June 2021 and the Final Amendment Application Report received on 28 January 2022, refer.
2. **EMPOWERING PROVISIONS IN TERMS OF THE APPLICABLE LEGISLATION:**  
*Sub-regulation 27(1) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") Environmental Impact Assessment ("EIA") Regulations, 2014 (Government Notice No. R. 982 of 4 December 2014) states that "The competent authority that issued an environmental authorisation has jurisdiction in all matters pertaining to the amendment of that environmental authorisation as long as the environmental authorisation is still valid, provided that the competent authority that issued such environmental authorisation still has jurisdiction in terms of the Act."*
3. **DECISION:**  
By virtue of the powers conferred on me in terms of the NEMA and EIA Regulations, 2014 (Government Notice No. R. 982 of 4 December 2014), I amend the Appeal EA as follows:
  - 3.1. **By replacing the description of the activity as follows:**  
*"The proposed development as amended in the amendment application entails the establishment of:*
    - 53 Resort units ( $\pm 350\text{m}^2$  per erf);
    - 249 Single residential erven (including the 18 farm worker accommodation units);
    - 173 General residential zone I;
    - 1 General residential V (hotel and conference facility);
    - 2 Business zone II;
    - 1 institution (education) facility = Community zone I;
    - 2 Utility zone I (reservoir);
    - 1 Industrial zone I (storage);
    - Private open space; and
    - Private roads."

3.2. The rights and obligations of the Appeal EA under Section A **"DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION"** are transferred from Mr Dreyer van Zyl to ZEC4 Pty Ltd (a company which is still represented by Mr Dreyer van Zyl):

3.3. The following additional condition of the authorisation must be implemented and complied with:

**Condition E15.9:**

*"The mitigations measures detailed in the recent Traffic Impact Assessment, dated September 2021, by Urban Engineering must be incorporated into the Environmental Management Programme, implemented and complied with."*

4. **REASONS FOR THE DECISION:**

Find below the reasons to amend the Appeal EA:

**Need and desirability**

4.1. Farm 428, Outeniquasbosch Wildlife Village, is a well-known approved development situated in the Hartenbos Basin. The development is located within the urban edge/area of Mossel Bay and is earmarked for expansion in accordance with the Mossel Bay Spatial Development Framework ("SDF") and as a low density/tourist facility in accordance with the Hartenbos River Basin Plan.

4.2. Outeniquasbosch is bordered and in close proximity to various residential developments / areas such as Monte Christo, Hartenbosch Lifestyle Estate, Hartland, Mystic Views, Hartenbos Landgoed, Hartenbos Heuwels and Sonskynvallei. The proposed amendment of the site development plan ("SDP") and densification will not have a negative impact on the character of the area.

4.3. The amendment of the site plan for Outeniquasbosch aims to provide a mixture of housing opportunities, allowing buying opportunities to various income groups – more than what is currently available through the approved development plan. It will increase the density of the area that will ensure the sufficient use of municipal services infrastructure.

4.4. The Western Cape SDF has a strong emphasis on revitalising urban spaces creating an urban living environment that is more convenient, efficient and aesthetically pleasing to residents. The proposal will be in line with this objective for the following reasons:

4.4.1. The development proposal will comply with the Western Cape SDF as the proposed residential development contribute to the regeneration and revitalisation of urban economies.

4.4.2. The development proposal ensures densification and contribute to infill development.

4.4.3. The proposed development is on a vacant site, thus contributing to infill development and it will be strengthening the character of the area by contributing to an existing residential neighbourhood.

4.4.4. The residential development will contribute to the integrated living environment which is strategically aligned with the surrounding land uses of the residential neighbourhood.

4.4.5. The proposal promotes smart growth, by ensuring the efficient use of land and infrastructure by containing urban sprawl and prioritising infill, intensification and redevelopment within settlements.

4.4.6. The development is a private-sector development, which will help to provide a housing opportunity and expand the housing delivery options.

4.4.7. The proposed development accommodates a mixture of land uses and upon operation of all the tourism related uses it will attract new economic activities within the established neighbourhood contributing to a functional and urban

integrated living environment which is strategically aligned with the surrounding land uses of the residential neighbourhood.

- 4.5. The proposed amendment will be in line with the Spatial Policy Statements and Guidelines of the Eden Spatial Development Framework (2017).
- 4.6. The proposed amendment is in line with the Western Cape Provincial SDF (2014), Eden SDF (2017), Mossel Bay Municipality SDF (2018), Hartenbos River Basin Precinct Plan (2018) and the Mossel Bay Integrated Development Plan ("DIP") (2017 – 2022).
- 4.7. The proposal will be in line with the character of the area and will have no impact on existing land use rights of any property owners within the area. In addition, the proposal will not prevent any of the surrounding owners to exercise their legal land use rights, in fact, the proposal will rather enhance the amenity of the area and will ensure sufficient use of municipal services.
- 4.8. There is consistent movement into this area and the proposed densification will provide additional needed and desired housing opportunities.
- 4.9. The proposed amendment will have positive socio-economic impact on the area. It will result in various long-and-short-term job opportunities.
- 4.10. The amendment will not result in any negative environmental impacts. The application areas consist of degraded old agricultural lands that have already been approved for development. The proposal will not result on any impact on open space areas that have been set out for conservation and sufficient internal open space areas have been provided.
- 4.11. Any potential impacts associated with the pre-construction and construction phase of the development are already being mitigated through the implementation of the EMPr and remain the same as the current approval. The proposed amendment and development on the property will not result in any adverse impacts that cannot be avoided / mitigated, and which have not already been considered and approved in the current Appeal EA.
- 4.12. The proposed amendment will add 94 additional erven to the approved development. This will not change the original development zone and approved open space areas will remain unchanged. The utility site abutting the municipality wastewater treatment works to be changed into a site for a storage facility including solar panels on buildings (Industrial).
- 4.13. At the time of the original application (in 2004/2005), the Mossel Bay Municipality was planning to expand the Wastewater Treatment Works on the Remainder of Portion 101 of Farm 217. As such, the development made provision for land in order to accommodate the planned expansion. Provision was made for a 4000m<sup>2</sup> 'Utility' site abutting the Regional Sewer Treatment works. The Municipality has decided to develop a sewerage plant and as such, this utility zone is no longer needed by the municipality.
- 4.14. The proposal now entails the development of 64-70 storage garages for boats, caravans, motor bikes etc. for the residents. These garages will be used by the residents and access will be provided from the internal private roads. Solar panels will be added to the roofs and will contribute to the sustainability of the development as a whole.
- 4.15. The proposed amendment of the SDP will allow an increase in densification in comparison to the approved SDP. In addition, it will provide much-needed storage facilities. The proposed amendment will be more in line with the current niche market and will increase housing opportunities within the urban edge in an ever-expanding town.
- 4.16. A planning application is in progress which entails the following:

**Proposed Rezoning Application**

- 4.16.1. The rezoning application on the Remainder of Farm No 428 entails the rezoning of Remainder of the Farm Outeniquasbosch Park No 428, to "Subdivisional Area", in terms of in terms of Section 15(2)(a) of the Mossel Bay Municipality By-Law on Municipal Land Use Planning (2015).

### **Proposed Subdivision Plan**

- 4.16.2. The proposal now is for the phased subdivision of Remainder of the Farm Outeniquasbosch Park No 428, in terms of in terms of Section 15(2)(d) of the Mossel Bay Municipality By-Law on Municipal Land Use Planning (2016), to allow:
- 4.16.2.1. 249 x Single Residential Zone I erven;
  - 4.16.2.2. 173 x General Residential Zone I erven;
  - 4.16.2.3. 1 x General Residential Zone V erf;
  - 4.16.2.4. 42 x Resort Zone II erven;
  - 4.16.2.5. 2 x Business Zone II erven;
  - 4.16.2.6. 2 x Utility Zone erven;
  - 4.16.2.7. 1 x Community Zone I erf;
  - 4.16.2.8. 1 x Industrial Zone I erf;
  - 4.16.2.9. Private Open Spaces and Roads
- 4.16.3. Since this is part of an existing approved development, the proposed subdivision is exempted from the provisions of the *Subdivision of Agricultural Land Act, 1970 (Act No. 70 of 1970)*.

### **Biodiversity impacts**

- 4.17. The biodiversity mapping for the area is an indication of what "would have been". The area has been historically used for agricultural activities as seen on imagery dating back to 1939. As such, the development area approved has no remaining natural vegetation.
- 4.18. The Western Cape Biodiversity Spatial Plan maps part of the property as falling within natural Critical Biodiversity Areas (CBA 1– terrestrial and aquatic), degraded CBA's, terrestrial Ecological Support Areas (ESA 1) and ESA's 2, to restore. The development area falls within CBA 1 & 2 and ESA 1 & 2.
- 4.19. The amendment proposal will have no impact on any CBA and ESA's as the land is transformed agricultural land that supports no natural vegetation. All remaining natural areas are already included within the open space areas (in line with the objectives set out for these areas). As such, this data should ideally be updated to show the remaining linkages and the proposed areas where rehabilitation will be undertaken to assist in expanding the ecological process through the approved development areas.
- 4.20. The National Biodiversity Areas ("NBA") mapping indicates the original and remaining extent of threatened ecosystems (based on 2018 data) - the property would have historically formed part of the endangered Mossel Bay Shale Renosterveld and endangered Garden Route Granite Fynbos.
- 4.21. The actual vegetation present on the property consist of transformed areas with various weeds and grasses with scattered pioneer species.
- 4.22. The only area that is consistent with the NBA mapping and that is highlighted as of medium sensitivity for the plant species theme in that it represents natural fynbos species (remaining vegetation) are steep sloped areas that have already been demarcated for conservation.
- 4.23. The proposal will also have no impact on any water resources and there will be no change to the aquatic environment than what was originally assessed.
- 4.24. Most of the property consists of transformed areas historically used as cultivation fields. The footprint areas have been designed to fit into the transformed areas while natural areas will remain conserved as open space areas. The amendment will not place any additional footprint areas outside of already disturbed areas.
- 4.25. As such, minimal pre-construction clearing of vegetation will be required. Plant-rescue will be undertaken should there be any indigenous plants within the development area, which could be used in the proposed landscaping areas as per the SDP.
- 4.26. There is no difference in impact between the approved SDP and the new proposed SDP in relation to vegetation clearing.



## Visual impacts

### Visual representation of the storage facility

- 4.27. The new storage units will have no impact on the character of the development, and have been designed in such a way that they appear like residential units, with some, having lofts units to cater for higher items like boat masts etc. This will have no change to the impacts assessed for the current EA.

### The densification of Phase 4 from 36 x single residential erven to 70 x group housing erven

- 4.28. The approved 36 single residential erven (average 1000m<sup>2</sup> each) will change to 70 group housing erven (average size of 430m<sup>2</sup> – 500m<sup>2</sup> each). The area of development will remain the same (to be located within transformed agricultural land), the erven will just reduce in size. Internal open space will change from 12346m<sup>2</sup> to 12388m<sup>2</sup> (slight increase).
- 4.29. The densification of the former Phase 9 from 44 x single residential erven to 103 x group housing erven.
- 4.30. The approved 44 single residential erven (average 1000m<sup>2</sup> – 1500m<sup>2</sup> each) will change to 103 group housing erven (430m<sup>2</sup> – 500m<sup>2</sup> each). The approved development area will remain the same, the proposal will just entail a reduction in the erf sizes. Internal open space areas will increase from 7 627m<sup>2</sup> to 11 325m<sup>2</sup> that will lower the visual impact of the densification.

### The addition of 5 x single residential erven at Phase 11

- 4.31. Five (5) single residential erven will be added to the north of the approved 36 single residential erven. The additional erven will be located within transformed agricultural lands and below the ridgeline set in terms of the original visual assessments. The open space corridors will remain in place between the nodes for the movement of wildlife on the reserve.

### The addition of 3 x single residential erven at Phase 12

- 4.32. Three (3) single residential erven will be added to the approved 19 single residential erven. The areas where the erven will be added consist of old agricultural land. With the building lines between the residential development footprints, there are wildlife corridors between each of the residential homes so the layout change does not impact on internal wildlife movement.

### The removal of 7 x residential erven at Phase 15.

- 4.33. Phase 15 consisted of 16 single residential erven that will be reduced to 6 single residential erven along the eastern side of the road. This will increase the private open space areas towards the electric lines and with rehabilitation will form a buffer towards the boundary and adjacent quarry.
- 4.34. The proposed new SDP will result in densification of certain phases by proposing a different unit type (group housing instead of single residential). The proposal will also decrease the number of erven of certain phases and proposes the addition of storage facilities. The proposal is in line with municipal restrictions and will not result in negative changes.
- 4.35. The development will be done in accordance with the Architectural Guidelines and care and attention paid to the visual impact of the amended SDP on the neighbours and the general sense of place.
- 4.36. In concluding, the Visual Impact Assessment and determination of ridge lines was done as part of the original EIA and informed the development layout and nodes for development. The densification within the nodes will not impact on this visual assessment and there is no encroachment onto the ridgeline as defined and accepted in the EIA and EA.

### **Services infrastructure**

4.37. Outeniquasbosch have entered into a Services Level Agreement with the Mossel Bay Municipality. As such, the services capacity for the development is reserved and available.

4.38. The proposed amendment will have the following impacts on civil services:

4.38.1. A technical report regarding bulk civil engineering services capacity have been compiled by Charl Moller Consulting Engineer.

#### **Water:**

4.38.2. The current water provision is from the existing Monte Christo Reservoir and municipal water mains to the east of Outeniquasbosch.

4.38.3. As confirmed by the engineer, the future required Annual Average Daily Water Demand ("AADWD") is equal to the current AADWD, as a result of the fact that the size of the General Residential Zone 1 erven are substantially smaller than the General Residential Zone 1 erven, although it is an increased number of erven.

4.38.4. No increase in water capacity and adjustment in the Service Agreement for the water provision is required as a result of the proposed amendment.

#### **Sanitation**

4.38.5. The Annual Average Daily Flow from the Outeniquasbosch development to the Hartenbos Waste Water Treatment Works ("WWTW")– after approval of the proposed densification – is projected to be approximately 525 kl/day (previously 560 kl/day), which can be attributed to two (2) reasons:

4.38.5.1. The size of the General Residential Zone 1 erven are substantially smaller than the General Residential Zone 1 erven, although it is an increased number of erven.

4.38.5.2. 7 of the General Residential Zone 1 erven and 53 of the Resort Zone II erven will in future be serviced by a sewer package plant (Maskam's Clarion Fusion or similar) in order to make substantial savings in expenditure on main sewer lines and a sewer pumping station, as well as dispensing with the resultant damage to the environment when main sewer lines and a sewer pump station are constructed. No sewerage will be discharged from these 60 erven to the Hartenbos WWTW.

4.38.6. The decrease in future sewerage discharge to the Hartenbos WWTW will require an adjustment in the Service Agreement in order to make provision for the non-calculation of sewer charges for the above mentioned 60 erven when the transfers of these 60 erven are to be effected in future.

#### **Storm water**

4.38.7. All of the current and future storm water on site is being managed by means of minimal pipe networks or surface drainage.

4.38.8. Discharge is to the natural streams and no storm water pipes are connected to the storm water system of the Mossel Bay Municipality. The proposed amendment will not change the current system.

#### **Wastewater**

4.38.9. No adjustment of the existing Service Agreement for the wastewater is required.

4.38.10. The current Service Agreement makes provision for the availability of wastewater to the Outeniquasbosch development for the purposes of the operation of the fire-fighting system, on the basis of at least 83% of the volume of water discharged into the Municipality's Hartenbos Regional WWTW by the development.

#### **Refuse removal**

4.38.11. The current and future refuse removal is the responsibility of the developer - No adjustment of the Service Agreement is required.

### **Electricity**

- 4.38.12. The 2019 Service Agreement application to the Mossel Bay Municipality requested a total estimated maximum demand for the entire development at  $\leq 3.6$  MVA. The 2019 approved layout plan equated to a 2.741 MVA demand. The new 2021 amended layout plan bulk electrical demand requirement is estimated at 2.866 MVA. This is within and below the original demand approved by the Mossel Bay Municipality.
- 4.38.13. The Municipality confirmed that there is enough spare capacity at Sonskynvallei Substation.

### **Traffic impacts**

- 4.39. Provision was made for asphalt and/or concrete paved roads for all internal roads in the development.
- 4.40. Roads for Phases 1, 2 and 3 have already been constructed. Current and future access to the development is from Provincial Main Road MR 344 via the existing Link Road/Monte Christo Access Road.
- 4.41. The recent Traffic Impact Assessment ("TIA"), dated September 2021, by Urban Engineering recommends, *inter alia*, as follows:
  - 4.41.1. Intersection improvements need to be implemented before the completion of Outeniquasbosch Main Phase 1. These are combinations of the improvements recommended by ITS in the 2018 TIA and by Element in the 2020 Hartland TIA and the 2021 Mystic Views TIA and it requires the construction of a dedicated right turn lane along the Waboom Street approach;
  - 4.41.2. Improvements need to be implemented before the completion of Outeniquasbosch Main Phase 2. It requires that the existing Louis Fourie Road/Main Road 344/ Waboom Street – intersection be upgraded with signal control and all the necessary ancillary improvements, such as streetlights. Cost apportionment can be based on the percentage of traffic attributed by each of the three developments and by natural background traffic growth;
  - 4.41.3. Depending on the completion date of Outeniquasbosch Main Phase 3, improvements may have to be implemented. This should be confirmed through an investigation of traffic conditions at that stage. Costs may be apportioned based on the percentages shown in TIA.
- 4.42. Although Urban Engineering in the 2021 TIA recommends that the cost apportionment be based on percentage of traffic, attributed by each of the developments, the Mossel Bay Municipality resolved that the upgrading of various intersections be included in the Service Agreements of the various developments.
- 4.43. It is recommended that the current Service Agreement, after the authorisation of the proposed amendments, be adjusted in order to include that the Outeniquasbosch developer be responsible for costs as apportioned towards:
  - 4.43.1. The construction of a dedicated right turn lane along the Waboom Street approach.
  - 4.43.2. The upgrading of the existing Louis Fourie Road/Main Road 344/ Waboom Street – intersection with signal control and all the necessary ancillary improvements, such as streetlights included, according to the recommendations of Urban Engineering TIA in terms of the time frames mentioned in the TIA.

### **Advantages and disadvantages of the amendment**

- 4.44. The advantages associated with the proposed amendments to the SDP are as follows:
  - 4.44.1. The development footprint will remain in areas that have been transformed and the open space areas will remain conserved.

- 4.44.2. The development of group houses, storage facilities and additional single residential erven will provide an increased offering in residential opportunities within the urban edge and will cater to the current needs of the community and niche market.
- 4.44.3. The higher density will provide an increase in housing within an ever-expanding town, and it will be located within the urban edge (in line with the local SDF and IDP).
- 4.44.4. The amendment will make use of a property with existing development rights and allow for densification within the urban edge which reduces the pressure for new greenfield development outside the urban edge.
- 4.45. The disadvantages associated with the proposed amendments to the SDP are as follows:
  - 4.45.1. TIA – increase in traffic but all accommodated in the road design and improvements indicated in the TIA.

#### **Changes to the environmental management programme (“EMPR”)**

- 4.46. The Environmental Management Programme was approved in October 2018. The Appeal EA and new SDP will be appended to the EMPR for the ongoing construction activities.

#### **Public participation process**

- 4.47. On 24 November 2011, a notice was placed at the entrance gate to the property.
- 4.48. The amendment application report was subjected to a minimum 30-day commenting period from 3 December 2021 to 24th January 2022. The period 15 December 2021 – 5th January 2022 was excluded from the days of reckoning in accordance with the departmental circular.
- 4.49. On 3 December 2021, the surrounding landowners were notified of the proposed amendment and were offered the opportunity to provide comments and inputs on the proposal. All previously registered interested and affected parties on the original NEMA EIA process were notified of the need to comment on the proposed amendment.
- 4.50. The following State Departments and Organs of State were notified (all formed part of the initial assessment and commenting process):
  - 4.50.1. Department of Health – no comments received;
  - 4.50.2. Department of Agriculture – no comments received;
  - 4.50.3. Breede-Gouritz Catchment Management Agency – comments received;
  - 4.50.4. Mossel Bay Municipality – comment received;
  - 4.50.5. Mossel Bay Municipality: Ward Councilor – no comments received;
  - 4.50.6. Garden Route District Municipality – no comments received;
  - 4.50.7. CapeNature – no comments received; and
  - 4.50.8. Heritage Western Cape – no comments received.
- 4.51. The following neighbouring properties have been notified:
  - 4.51.1. Monte Christo Homeowners Association: Johan van der Walt-Neighbouring Landowner: Portion 73/217.
  - 4.51.2. Outeniquasbosch Homeowners Association: Dreyer Pieter & Pieter Dreyer van Zyl-Applicant and Homeowners Association.
  - 4.51.3. Transand-Neighbouring Landowner: RE/11/217 & 12/217.
  - 4.51.4. Vaale Valley Trust - Klasie Lategan-Neighbouring Landowner: RE/219.
  - 4.51.5. Rachel Arendse - Mystic Views-Neighbouring Landowner: Erf No. 6483.
- 4.52. The following comments were received from the interested and affected parties and/or responded to or addressed as follows:

#### **Availability of capacity within the municipal infrastructure to provide services, spatial planning and the resort component of the development**

- 4.52.1. The Mossel Bay Municipality confirmed that:



- 4.52.1.1. There is availability of capacity within the services infrastructure to accommodate the proposed amendments.
- 4.52.1.2. It should be noted that Farm 428, Mossel Bay (Outeniquasbosch Wildlife Estate) is located within the urban edge.
- 4.52.1.3. Out of a spatial planning perspective the proposal is supported, due to the following reasons:
  - 4.52.1.3.1. The proposed amendments are on the same footprint.
  - 4.52.1.3.2. The Mossel Bay Municipality encourage densification.
  - 4.52.1.3.3. The proposal is in line with spatial planning principles.
- 4.52.2. The EAP stated that the proposed amendment is not related to erven 416-422, which forms part of the existing approval. The resort component is approved and has been commenced with and is not affected by the amendment application.

#### **Change of the holder**

- 4.53. The holder/ representative of the EA has not changed (Mr Dreyer van Zyl). However, the holder has changed to ZEC4 Pty Ltd. (a company which is still represented by Mr Dreyer).

#### **New listed activities**

- 4.54. No new activities are triggered by the proposed amendments in terms of the EIA Regulations, 2014 (Government Notices No. R. 983, R. 984 and R. 985 of 4 December 2014) promulgated in terms of the NEMA.

Sincerely,



A BREDELL

**WESTERN CAPE MINISTER OF LOCAL GOVERNMENT,  
ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

DATE: 25/5/2022  
Copied to:

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