

4.2**REMAINDER OF FARM 923, HEMEL AND AARDE VALLEY, OVERSTRAND MUNICIPAL AREA: PROPOSED CONSENT USE : MESSRS PLAN ACTIVE ON BEHALF OF BOSMAN ADAMA (PTY) LTD****Farm 923 RCAL (3512)****H van der Stoep****27 December 2017****(028) 313 8900****Hermanus Administration****1. EXECUTIVE SUMMARY**

An application has been received on 24 November 2016 from Messrs Plan Active Town & Regional Planners on behalf of Bosman Adama (Pty) Ltd on Remainder Farm No. 923, Hemel-en-Aarde Valley in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for a consent use in order to enable the owners to accommodate the following tourist facilities:

- ❖ Wine camp (main tent for wine tasting and sales): 160m² –accommodating sixty (60) people
- ❖ Restaurant: 160m² – accommodating sixty (60) people
- ❖ Three (3) fishing sheds (picnic sheds) of 18m² each
- ❖ Forest shed (Alfresco shed – picnic cabin) of 9m²
- ❖ Nature trails

A Locality Plan of the property concerned is attached as Annexure A. The proposed Site Development Plan is attached as Annexure B, while the Motivation Report from the applicant in support of the proposal is attached as Annexure C.

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

The farm is located approximately 9km north of Hermanus. The De Bos Dam and the Karwyderskraal road run through the property. The farm is zoned Agriculture Zone 1 and measure 230,0469 ha in extent.

The structures on the farm consist of three (3) dwelling units and two (2) storage sheds. One of the sheds accommodates employees during the week (when required).

The following agricultural activities are found on the farm:

- Vineyards 19,83 ha consisting of 19,83 ha irrigated and 24,28 ha dry land
- Vineyards 2016 10,28 ha irrigated
- Proteas 4,83 ha
- Rootstock 13,59 ha
- The Remainder Mountain, veld and roads – 157 ha

4. SUMMARY OF APPLICANT'S MOTIVATION

The application is for the establishment of the following proposed development:

Wine camp

Main tent for wine tasting and sales : 160m² – Accommodating sixty (60) people

The facility will have a storage facility of 18m² within the structure. The facility will have a kitchen facility and a rest room. The proposed facility is located on previously cultivated land, which is barren and is in the process of rehabilitating the land for conservation purposes.

Parking to be provided is 6/100m² = ten (10) parking bays, but the facility will provide twenty (20) parking bays

Restaurant

160² – Accommodating sixty (60) people

The facility will have the same development parameters as above pertain to use and facilities provided. It is in close proximity of the proposed wine camp and a mirror image of the wine camp.

Parking to be provided is 6/100m² = ten (10) parking bays, but the facility will provide twenty (20) parking bays

Three fishing sheds

Picnic sheds measuring 18m² each

The cabins are located on the bank of the dam and are about 20m from each other. The cabins in total can accommodate twelve (12) people. The cabins are to be located on disturbed land. A restroom is in close proximity of the cabins.

Parking to be provided is one (1) bay per cabin = three (3) parking bays, but the facility will provide four (4) parking bays.

Forest shed

Alfresco shed – picnic cabin measuring 9m²

The shed is located in the pine forest on the property. The picnic baskets are to be provided and can provide for eight (8) groups of four (4) people to picnic in the forest in a designated area. A restroom is to be provided for the shed.

Parking provided for the facility is one (1) parking bay per group = eight (8) parking bays.

Nature trail

There is an existing trail that runs across the property and adjacent farms. The applicant has employed Mr. Woodvine, a nature conservationist with 58 years of experience, to assist in improving the trail and the rehabilitation of barren land for conservations purposes. The trail will be used in conjunction with the tourist facilities.

Provision of Engineering Services for the proposed development:**Wine camp and restaurant**

- The proposed development will have an insignificant effect on the accumulation of stormwater as water will be dispersed into the field. Care will be taken to ensure no scouring effect takes place.
- The water requirement for daily operation is 80kl/day/seat and the estimated annual daily demand will be 9,6kl/day at maximum occupation. The potable water will be supplied by means of a borehole with an additional storage of 20kl in the proposed storage tanks. A treatment facility will be provided to ensure compliance with SANS 241.
- Sewerage generated is estimated at 6,72kl/day and will be accommodated in a conservancy tank to be serviced by the local authority and or a private contractor. The application complies with the Planning Principles indicated by the applicant: it is foreseen that a treatment plant will be installed in the future subject to compliance with legislation.
- In terms of the fire protection of the facilities, fire extinguishers will be provided as prescribed by SANS 10400 T and W regulations.
- The facilities will employ a waste recycling process and will be dealt with by farm management to remove solid waste to the municipal waste dump.
- Electricity is obtained from the existing Eskom network available on the farm.

Fishing cabins and Shed

- The proposed development will have an insignificant effect on the accumulation of storm water as water will be dispersed into the field. Care will be taken to ensure no scouring effect takes place.
- Bottled water will be supplied by management for these facilities. Water for the wash basins and toilets will be supplied from the farms irrigation system.
- Sewerage generated will be accommodated in a conservancy tank to be serviced by the local authority and or a private contractor.
- In terms of the fire protection of the facilities, fire extinguishers will be provided as prescribed by SANS 10400 T and W regulations.
- The facilities will employ a waste recycling process and will be dealt with by farm management to remove solid waste to the municipal waste dump.
- The proposed development will be located on disturbed or transformed land thus minimizing the impact on the environment. The facilities will obtain access from existing access points as determined by the Western Cape Government : Transport & Public Works and no new roads will be constructed. The farm has existing water rights and licenses sufficient to accommodate the existing agricultural activities and the proposed development.

Title Deed

In terms of Title Deed T56480/2013, Page 3, Paragraph A does contain a restrictive condition in terms of the Roads and Ribbon Development Act, 1940, Act 21 of 1940.

The condition reads as follows:

- “ A. *Wat betref die figuur A n2 B C D b m2 of gemelde kaart LG no. 3702/2004:*
 IV. *ONDERHEWIG VERDER aan die volgende spesiale voorwaarde vervat in Transportakte No. 17419/1982 opgelê deur die Afdelingsraad van Caledon as beherende owerheid in terme Artikel 11(6) van Wet 21 of 1940, soos gewysig, naamlik:-*

‘n Maksimum van alleenlik twee wonings met die nodige bona fide boerdery geboue mag op elke onderverdeling opgerig word.’

This condition was imposed by the Roads Engineer and with consent of the aforementioned the proposed land use activities can be accommodated. This was confirmed by Messrs Van Zyl Attorneys, Conveyancers Certificate, dated November 2016.

Spatial Planning Documents**Provincial Spatial Development Framework, 2013**

Criteria for development outside the urban edge are as follows:

- Do not alienate high value agricultural land or compromising existing farming activities. The application does none of the aforementioned.
- Is consistent with the cultural and scenic landscapes. The application is located on transformed land and utilizing existing road ways. The proposed development is small scale and in keep with the rural landscape.
- Does not involve extension of municipal services. The proposed development is self-sufficient.

Overstrand Development Framework, 2006

The farm is earmarked as Core Agriculture and Conservation 2 purposes. The aforementioned makes provision for agriculture and tourist facilities. The proposed development also complies with the policy statements relating to tourist facilities as per the Spatial Development Framework, Section 5.3.7, Policy Statements 1 - 4.

Policy statement	Evaluation of proposed land use
1. Tourist facilities should be carefully located to mitigate their potential visual impacts.	Complies.
2. Tourist facilities should be of a scale and built form that is consistent with the character of the rural environment.	Complies.

3. The establishment of tourist facilities should have its primary objective the sale of goods / services to tourists as opposed to the sale of convenience good and services to the local residents. Tourist facilities should therefore be complementary to farming activities and to tourism within the area.	Complies.
4. The primary source of income for a tourist facility should be the selling of products / services that are associated with farming as well as products that may contribute towards the existing farming or rural enterprises.	Complies.

The proposed development does not trigger any listed activities in terms of National Environmental Management Act (NEMA). This has been concurred by Cape Nature.

Planning Principles

Spatial Justice

The De Bos farm is owned by the Bosman family and the Adama Appollo Trust. De Bos Handpicked Vineyards is a premium Fairtrade offering and are audited by Flo Cert. This entails that the winery complies with all the environmental and social standards as prescribed by Fairtrade. This ensures wine sales that are contributing directly to social projects to that benefit farms owned by the Bosman family and the Adama Appollo Workers Trust. The proposed development will create employment opportunities for local residents.

The owners bought land to develop housing for its employees in the Sandbaai/Mount Pleasant area.

Spatial Sustainability

The proposed structures will be located on transformed land and have no impact on the economic viability of the agricultural land and activities. The proposed additions are to an operational farming unit.

Efficiency

The application property is easily accessible and conveniently close to Hermanus.

Spatial Resilience

Not applicable

Good administration

The application was submitted in accordance of the Overstrand Municipal Planning By-Law and procedures.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Notices	Yes	4 April 2017	12 May 2017
Ward councillor	Yes	4 April 2017	12 May 2017
Total comments	4 (FOUR)		
Was public participation undertaken in accordance with Section 45- 49 of the Proposed Draft By-Law on Municipal Land Use Planning?			Yes
Was the application processed correctly (if no, elaborate below):			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			Yes

6. SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

Name	Date received	Summary of comments	Recommendation
National Department : Agriculture, Forestry & Fisheries	06/12/17	See Annexure F.	Supported
Cape Nature	02/10/17	See Annexure G.	Supported
Breede Gouritz Catchment Management Agency	04/07/17	See Annexure H.	Supported
Western Cape Government: Agriculture	08/06/17	See Annexure I.	Supported
District Health	13/06/17	Apply for a R962 Certificate of Acceptability at Overberg District Municipality for the premises.	Supported
Western Cape Government : EADP (Planners)	23/05/17	No objection.	Supported
Western Cape Government : Transport and Public Works	26/04/17	See Annexure J.	Supported
Eskom	20/04/17	See Annexure K.	Supported
Environmental	18/05/17	No objection.	Supported

Fire Department	15/05/17	See Annexure L.	Supported
Building Control	11/04/17	All structures to have plans submitted and to be considered aesthetically, as well as to be compliant with SANS 10400.	Supported
Engineering Services	11/04/17	See Annexure M.	Supported
Waste Management	05/04/17	No objection.	Supported

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

Objections were received from four (4) individuals. See objections attached as Annexure F. The applicant's response to the objections received is attached as Annexure G.

The objections and reply can be summarized as follows:

1. Objection

- *All elements of the development propose a fire risk. This includes the overnight cabins and picnic shed (open fires, braais, etc.).*

Applicant's response

It should be noted that no overnight cabins (i.e. tourist accommodation units) are proposed with this application. Both the picnic ("Alfresco") shed and fishing sheds (also picnic cabins) will be used for daytime tourist facility purposes only.

No open fires are allowed anywhere on the farm without a fire permit and no braai facilities are provided at any of the daytime picnic cabins or at the wine tasting room. Pre-packed picnic baskets will be available for purchase which will grant access to the picnic area.

Town Planner's response

No overnight accommodation was applied for and no braai facilities are provided.

2. Objection

- *The subject property falls in an area earmarked as "critically endangered" and the proposed development will extensively exploit the natural resources. In addition the application will have a severe impact on the wildlife in the area (with reference to the hiking trails) and no mitigating measures are proposed. The proposed development will include listed activities which require environmental authorization in terms of NEMA (Act 107 of 1998).*

Applicant's response

The extent, use and position of and the provision of services for the proposed tourist facilities do not trigger any listed activities in terms of the NEMA, 1998 (Act no. 107 of 1998).

The farm management is working in conjunction with Mr. Frank Woodvine, former curator of the Fernkloof Nature Reserve, to improve the environment and promote the importance of the Cape Floral Kingdom by rehabilitating some portions of the farm for conservation purposes and adding the nature trail. Refer to the letter from Mr Woodvine dated 4 June 2017 attached regarding the environmental activities on the farm. Also refer to the letter from the farm owners dated 8 June 2017, specifically the paragraphs that refer to the Fynbos, Environment and Nature on the De Bos Farm.

The proposed tourist facilities do not impact on any conservation worthy portion/s of land on the subject property (the proposed tourist facilities will be accommodated on existing transformed portions of land with the surrounding land to be rehabilitated). Furthermore, the positions of the proposed tourist facilities are located next to existing farm roads.

There are Critically Biodiversity Areas (CBA's) present on the subject property. The proposed tourist facilities and parking areas are not positioned within a CBA. The CBA map was attached to the land use application.

Town Planner's response

No objections were received from Cape Nature as the custodians of the CBA's.

3. Objection

- ***The hiking trail will impose onto the neighbouring farms and trespassing onto these farms will have a negative impact on the produce and security of the farms. No contingency plans are included in the proposal.***

Applicant's response

The hiking trail does not cross any of the neighbouring farms. It is a circle route that will start and end at the proposed wine tasting room. Refer to the aerial photograph of the trail attached. The impact on the adjacent property owners will therefore be kept to a minimum.

It is in the best interest of the owners of Farm No. 923 to ensure the safety of the tourists, employees and surrounding farm owners with the additional land uses proposed. Any unwanted elements will be dealt with accordingly to ensure the safety of tourists, neighbouring farm owners as well as the employees of the De Bos Farm. No contingency plans are included since the hiking trail will be on Farm no. 923 only.

Town Planner's response

Same as applicant.

4. Objection

- ***The area is prime agricultural land and will be classified as such with the proposed Preservation and Development of Agricultural Land Framework Act. The objectors therefore requests that a soil and botanical assessment be submitted to ensure the impact on the agricultural and natural resources are kept to a minimum.***

Applicant's response

The existing structures are not situated on high potential agricultural land - the previously cultivated areas are in the process of being restored to natural vegetation (fynbos) areas and therefore the impact will be kept to a minimum. The proposed tourist facilities will have no impact on the existing viable agricultural unit and the existing and future agricultural activities on the farm. In addition the application was circulated to all relevant internal and external departments and a soil and botanical assessment were not deemed a requirement for the proposed application. The Department of Agriculture Western Cape gave their consent on the application on 29 May 2017.

Town Planner's response

No objections were received from Cape Nature as the custodians of the CBA's or the Department of Agriculture – custodians for protecting high potential agricultural land.

5. Objection

- ***The area should be protected against exploitation and commercialization to keep the status quo of no soil erosion and pollution of the De Bos Dam. The De Bos Dam will be opened to trespassing (and in turn pollution). No recreational activities are allowed on the dam. The proposal does not stipulate contingency measures for any negative impacts on the De Bos Dam.***

Applicant's response

The proposed tasting room, restaurant, two (2) designated picnic areas and the hiking trail are not within close proximity to the De Bos dam. Refer to the revised SDP.

The property owners have always believed in respecting the land and the owners have no intent to exploit and commercialize the area. The owners will merely tap into the expanding wine tourism of the Hemel-en-Aarde region. In addition the design philosophy of the tourism facilities from the outset was to have the smallest impact on the environment.

Consent uses for tourist facilities are in line with the secondary land uses allowed for agricultural farm units and are not considered commercial development outside of the urban edge. The statement with regards to the pollution of the De Bos Dam and exploitation from commercialism is therefore irrelevant and should be dismissed.

Town Planner's response

Same as Applicant.

6. Objection

- ***The application does not address the impact of the increased traffic on the existing gravel roads and private servitudal rights. A traffic impact assessment has to accompany the application to allow the Municipality to apply their mind concerning the possible traffic impact.***

Applicant's response

The application was circulated to the District Roads Engineer. The District Roads Engineer (DRE) did not consent to the initial access points to the proposed development (refer to DRE's letter dated 31 January 2017). Mr Francois Nortje from Nortje & De Villiers Consulting Engineers contacted the District Roads Engineer to arrange a site meeting. Mr Nortje met with Mr Manie van Eeden (DRE: Overberg District Municipality) on site on Friday 16 February 2017. Mr van Eeden proposed that access off Minor Road 4010 should be taken at the existing intersection point off a private tar road at ±1,47km. The existing T-junction will then be changed to a crossing with a 90° angle intersection and the shoulder sight distance on either side of the accesses to the MR 4010 will be at least 200m. The internal roads will then also change as shown on the revised Site Development Plans. The revised proposal was submitted to the DRE on 23 February 2017. The DRE approved the new access point on 24 April 2017 (i.e. during the public participation process). Find attach the ***revised site development plans (revised access point and internal access routes)*** in line with the DRE's approval. The attached plans should replace *Site Development Plan: Wine tasting, wine sales & restaurant* and *Site Development Plan: Tourist Facilities*.

It is submitted that the minor amendment to the SDP will have no impact on the neighbouring farm owners. In fact, the revised access points are in line with the Advertising on Roads and Ribbon Development Act, No. 21 of 1940 that ensures safe sight distances in line with the recommend standards of the Act. The revised SDP is therefore deemed to have a lower (safer) impact on the surrounding farms and the need to recirculate the revised SDP is therefore not deemed necessary.

Town Planner's response

The Western Cape Government : Transport and Public Works did not request a Traffic Impact Assessment, and approved the application.

7. Objection

- ***The additional traffic and increased human activity will increase the noise pollution and carbon footprint in the area. The proposal does not stipulate contingency measures for any negative impacts on the environment and natural resources. The lack of proper proposals and submissions to prevent major threats to the environment leaves the application flawed.***

Applicant's response

The proposed tourist facilities are not positioned in close proximity to farm boundaries nor within building lines to ensure that the possible noise pollution is kept to a minimum. In addition the facilities will only be open daily from 10:00 to 18:00 and the traffic will be spread throughout the course of the day (as is evident on similar facilities on farms in the Hemel-en-Aarde Valley).

As mentioned in the application all proposed structures will be positioned in already disturbed portions of land and existing internal access roads will be used to access the proposed facilities. It is therefore evident that the impact on the environment will be kept to a minimum. Also refer to the input from the property owners concerning the Fynbos, environment and nature, the hiking trail and the proposed picnic cabins.

Town Planner's response

The application is of such small scale in comparison to full blown agricultural activities, which can create more noise and light pollution.

8. Objection

- ***The fishing and picnic cabins will have a negative impact on the visual impact of the existing dwelling on Portion 27 of Farm no. 587. The proposed structures will have a negative impact on the privacy and views of the adjacent property.***

Applicant's response

The picnic cabins on the bank of the existing farm dam are wooden structures and each structure will only be 18m² in extent each. Visually the proposed tourist facilities will therefore blend in well with the natural and built environment. The main purpose of these cabins is to provide shielded picnic areas, not for overnight stay. The possible impact from tourists visiting the picnic area will therefore be limited to daytime (10:00 to 18:00) only. The purpose of the dam is for irrigation.

Each cabin can accommodate a maximum of four (4) people for a picnic. The cabins are positioned in already disturbed areas on the bank of the dam and the property owners are in the process of removing all alien plants in this specific area and by doing so helping to restore the natural vegetation/fynbos.

Town Planner's response

The proposal is limited in nature and will not be highly visible due to trees and vegetation.

9. Objection

- ***The proposed development will create a precedent for future commercialization of the area.***

Applicant's response

Once again it is emphasized that the proposal is in line with the character of the area. The Hemel-en-Aarde Valley is characterised by agricultural activities, resorts, tourist facilities (such as wine tasting facilities, function venues, restaurants, farm stalls, etc.), tourist accommodation (although only a few exist) and recreational facilities (mountain biking trails, adventure activities, etc.). The proposed tourist facilities (wine tasting and sales, restaurant & picnic facilities) are therefore in line with the existing character of the area.

In addition the zoning remains unchanged. The proposed land uses can be accommodated with consent (secondary) uses only and no commercial zonings are proposed.

Town Planner's response

Same as applicant.

10. Objection

- ***The wine to be sold from the premises is not a natural product of the farm, but a forced project with commercialization as intent. The subject property is owned by the Bosman family from as recently as 2013 (and not owned for generations,) and it is evident that the subject property was bought for the intent of commercial tourism and not for agricultural purposes.***

Applicant's response

The De Bos Farm currently has 66 ha vineyards (wine grapes) and 2,8 ha commercial Proteas established and is in the process of planting another 2 ha commercial Proteas.

All the grapes harvested on the De Bos farm is transported to the Wellington facility for processing. Processing all the grapes (a full potential production of 400 tons) on the De Bos property will have a larger impact on the environment, while the owners already have the winemaking capacity at the Wellington facility.

The De Bos farm takes pride of its place in the Upper-Hemel-en-Aarde Valley. They currently produce approximately ten (10) different wines from the Hemel-en-Aarde fruit and three of these wines are bottled as Upper Hemel-en-Aarde single varietal wines. Bosman is also a member of WIETA (Wine and Agricultural Ethical Trading Association) and has been Fairtrade certified since 2009. The Fairtrade certification requires that progressive environmental and social standards are met on an annual basis.

The main motivation for the project on the De Bos farm is to support the wine they produce from the Hemel-en-Aarde Valley and not from other regions. The investment in wine tourism in the Hemel-en-Aarde Valley is targeted at a specific client and not the mass market.

Tourism and more specifically Wine Tourism is growing fast worldwide and plays an especially important role in sustainable economic growth in South Africa. In addition Bosman Adama already employs thirty five (35) permanent employees on the property and plans to grow by five (5) employees with the tourism developments.

Town Planner's response

The Bosman family is involved in the wine making business for generations. The primary use of agriculture is being exercised. Various farms have restaurants of which all the produce comes from the surrounding owners, for example the meat provided by such restaurants.

11. Objection

- ***The fishing/picnic cabins are questioned – there are no indigenous fish species in the dams?***

Applicant's response

The owners applied and received a permit from Cape Nature to allow them to stock this specific farm dam next to the fishing cabins with a maximum of 1000 Rainbow Trout (*Onchorynchus Mykiss*). Only all-female trout will be stocked in the dam. Currently there are a lot of other farm dams throughout the Hemel-en-Aarde Valley which are stocked yearly with this same type of trout.

Town Planner's response

It has to comply with applicable legislation.

12. Objection

- ***The position of the fishing/picnic cabins within already disturbed areas, is a misperception. The area earmarked for the cabins forms part of the greater sub-region where endangered Fynbos species exist.***

Applicant's response

As previously mentioned all the cabins are positioned in already disturbed areas on the bank of the dam and the property owners are in the process of taking out all alien plants in this specific area and by doing this helping to restore the natural vegetation/fynbos.

Town Planner's response

No objections were received from Cape Nature or the custodians of the CBA's.

13. Objection

- ***The proposed development is inconsistent with and deviates from the OSDF. An amendment of the OSDF will entail the amendment of the Integrated Development Plan (IDP). For the aforementioned reasons the Municipality cannot consider the applicant's consent use application.***

Applicant's response

The OSDF indicates that Remainder Farm No. 923 is situated outside the urban edge in the rural area of the Overstrand region. The aforementioned policy earmarks the subject property for Core Agriculture and Conservation 2 purposes.

Remainder Farm No. 923 will be used for tourism and agriculture purposes. The proposed tourist facilities falls within an area earmarked for Core Agricultural and Conservation 2 purposes. The footprints and impact on the agricultural land is however minimal since the tourist facilities will be accommodated in new structures in already transformed areas not currently cultivated but rather rehabilitated for conservation purposes. It is important to note that the zoning and main land use will remain for agricultural purposes and the owners are in process of conserving a large portion of the subject property. In addition the tourist facilities are ancillary, related land uses associated with Agriculture Zoned land (hence no rezoning is required and consent uses allow for tourist facilities). The Hemel-en-Aarde Valley is characterised by similar tourist facilities and none of these applications were regarded as inconsistent with the spatial planning for the area (most farms in the area are earmarked for agriculture and conservation purposes). To amend the SDF would pose a larger risk to the character of the area since this will then allow farms to commercialize on a greater level. The statement with regards to the proposal being incompatible with the OSDF is nonsensical since the proposal is in line with the SDF.

In addition the OSDF stipulates that non-agricultural land uses should be restricted to those that support the sustainable production potential of the farming unit.

The OSDF also describes the following statements for compliance for tourist facilities:

Policy statement	Evaluation of proposed land use
1. Tourist facilities should be carefully located to mitigate their potential visual impacts.	Complies. Low visual impact on adjacent property owner's farm house is mitigated by extent of structures (only 18m ² each), occupation of 4 visitors per cabin, building materials used and the proposed use of the cabins (picnics from 10:00 to 18:00; no overnight accommodation).
2. Tourist facilities should be of a scale and built form that is consistent with the character of the rural environment.	Complies. The proposed picnic cabins are small in extent and only one storey. The proposed wine tasting and restaurant facilities are also small scale considering the extent of the farm and only one storey. The architectural design and materials used will blend in well with the environment and built character of the area.

<p>3. The establishment of tourist facilities should have its primary objective the sale of goods / services to tourists as opposed to the sale of convenience good and services to the local residents. Tourist facilities should therefore be complementary to farming activities and to tourism within the area.</p>	<p>Complies.</p>
<p>4. The primary source of income for a tourist facility should be the selling of products / services that are associated with farming as well as products that may contribute towards the existing farming or rural enterprises.</p>	<p>Complies.</p>

The statement from Messrs STBB Attorneys with regards to the deviation from the SDF refers. A SDF is one of the sectoral components of an Integrated Development Plan. As stated in par. 1 of the OSDF the purpose of an SDF is to provide general direction and to guide decision making on an ongoing basis. Furthermore, that the advantages included in the compilation of an SDF for the Overstrand Municipal area inter alia includes that:

- “It will ensure the identification of a **common spatial vision and a set of objectives** focussed on a desired **orderly spatial development pattern for the area;**” and
- “It will inform a **broad land use management policy**, which can be referred to and used to objectively assess the desirability of all future development applications”.

It is noteworthy that the OSDF is only one of several planning tools available to municipal government. It is evident that the municipal vision for the area concerned is to maintain its agricultural and conservation character. The proposed land use will not be inconsistent with the OSDF or its policies, as the primary use of the subject property will remain for agriculture and conservation purposes.

The proposed tourist facilities are secondary land uses. Land Use Management Schemes and Zoning Schemes generally provide for a number of land uses that the municipality may permit by way of special consent in agricultural areas, because such uses are in principle regarded as compatible with the rural / agricultural character. A SDF does not detract from the right to apply for and obtain special consent in terms of such schemes.

Seen in the light of the scale and built form of the proposed land use the amendment of the SDF is not required to accommodate the proposed land use applications. Even if the proposed land use deviates from those guidelines or the SDF concerned (which we have motivated that it does not), the decision-maker may approve the

applications at hand without formal amendment of the OSDF or its policies. The 2015 By-Law specifically sets the requirements that must be complied with when a SDF is deviated from.

To conclude, the proposed tourist facilities will also not have a negative impact on any conservation worthy portion/s of land on the subject property. Consequently the proposed consent use of Remainder Farm No. 923 is compatible with the spatial planning policies for the Overstrand area.

Town Planner's response

The application is consistent with the PSDF, SDF and Zoning Scheme.

Section 3.1.2 - Resource Management Policy Objectives:

The application address the diversification on agricultural, simultaneously re-establish natural fynbos and protect existing critical biodiversity areas on the farm. The buildings have been designed to blend in with the environment.

Overstrand Spatial Development Framework, 2006

Section 6.1.1 - Overarching Spatial Planning Principles

Section 7.14.2 - The Hemel-en-Aarde Valley area

The SDF clearly indicates the area needs to maximise its potential from an agricultural, heritage and tourism perspective.

The planning principles refer to ecological integrity and agricultural enhancement and this application support both the ecological integrity to ensure a healthy natural ecosystem with the appointment of a nature conservationist to assist with the rehabilitation of land.

The application ensures that high potential agricultural land is thus protected from the diversification pertaining to non-agricultural land uses.

Western Cape Provincial Spatial Development Framework, 2014

Section 1.4.5 – Western Cape Green Economy Strategic Framework, 2013

- (iii) Some of the strategic objectives are *“diversified, climate - resilient agricultural sector and expanded value chain”*.
- (iv) Emerging market leader in resilient, liveable and smart built environment.
The proposed application adheres to the aforementioned in terms of diversifying agricultural land and expanding the value chain. The concept and material use makes the proposal resilient and eco-friendly.

14. Objection

- ***A zoning determination process was never followed for this property and the objector submits that this process first has to be followed before a consent use application can be considered.***

Applicant's response

The subject property is zoned Agriculture Zone I.

Town Planner's response

The zoning was not in dispute, therefore no need for zoning determination.

15. Objection

- ***The motivation report is vague as far as the location of infrastructure is concerned (with reference to the position of the restaurant).***

Applicant's response

At the time of the submission of the land use application the owners were not certain as to the position of the proposed restaurant. Only one (1) of the two positions for the restaurant will be developed and the future building plan submission will indicate the position chosen for the restaurant. Regardless of position 1 or 2, the character of the area to be developed and the proposed size of the building remain unchanged. This was clearly indicated in the report as well as on the SDP.

Town Planner's response

The land use was indicated and has not changed.

16. Objection

- ***There are restrictive title deed conditions that prohibit the proposed land use. These conditions have to be removed in a lawful manner in terms of the relevant land use planning bylaw. The mere consent of the controlling authority (DRE) will not suffice.***

Applicant's response

A conveyancer's certificate compiled by HL van Zyl from Messrs Van Zyl Kruger Attorneys dated 3 November 2016 accompanied the application. The conveyancer's certificate specifies that the conditions specified are not restrictive, but merely requires the consent of the District Roads Engineer (DRE) and a removal of the condition is not required. As previously mentioned the DRE gave his consent to the proposed development. It should also be noted that various land use applications (including applications in the Hemel-en-Aarde Valley) have been dealt with in a similar way and not once did the DRE or the Municipality require the removal of the condition to allow for the diversification of land uses. We therefore submit that the conveyancer's certificate already investigated and resolved the process to be followed for the restrictive condition and the DRE's consent is attached.

Town Planner's response

The restrictive condition can be dealt with, with consent from the DRE. Comment has been obtained.

17. Objection

- ***It appears that the DRE required some amendments to the SDP. From a procedural fairness perspective the applicant has to furnish such revised SDP to all interested and affected parties to allow them to consider and comment on same.***

Applicant's response

As previously mentioned the application was circulated to the DRE as mentioned previously. The DRE did not consent to the initial access points to the proposed development (refer to DRE's letter dated 31 January 2017). Mr Francois Nortje from Messrs Nortje & De Villiers Consulting Engineers contacted the DRE to arrange a site meeting. Mr Nortje met with Mr Manie van Eeden (DRE: Overberg District Municipality) on site on Friday 16 February 2017. Mr van Eeden proposed that access off Minor Road 4010 should be taken at the existing intersection point off a private tar road at ±1,47km. The existing T-junction will then be changed to a crossing with a 90° angle intersection and the shoulder sight distance on either side of the accesses to the MR 4010 will be at least 200m. The internal roads will then also change as shown on the revised SDP. The revised proposal was submitted to the DRE on 23 February 2017. The DRE approved the new access point on 24 April 2017 (i.e. during the public participation process). Find attach the revised SDP in line with the DRE's approval.

It is submitted that the minor amendment to the SDP will have no impact on the neighbouring farm owners. In fact, the revised access points are in line with the Advertising on Roads and Ribbon Development Act, No. 21 of 1940, which ensures safe sight distances in line with the recommend standards of the Act. The revised SDP are therefore deemed to have a lower (safer) impact on the surrounding farms and the need to recirculate the revised SDP is therefore not deemed necessary.

Town Planner's response

Access is under the custodianship of the Western Cape Government : Transport & Public Works and the process to determine access points falls under their jurisdiction. Their approval was obtained.

18. Objection

- ***The proposed development will have a negative impact on privacy and security since the access to the private road to the objector's property will be highlighted through signage and marketing.***

Applicant's response

All advertising boards and tourism boards will be designed and placed in line with the Advertising on Roads and Ribbon Development Act, No. 21 of 1940, and Overstrand Municipality's By-law Relating to Advertising and Signage.

Town Planner's response

The applicant will have to comply with the Signage By-law.

Internal Departments

None of the departments had any objections.

8. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

8.1 Background

N/A

8.2 (In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

The application is in line with the planning objectives in terms of the PSDF, Sections 1.4 and 3.1.2 as well as the SDF development principles, Sections 6.11 and 7.14.2.

Spatial Justice

Bosman Adama (Pty) Ltd consists of the Bosman family and the Adama Appollo Workers Trust, which is a Propriety that incorporated the previous disadvantaged group into their agricultural farming operations and ownership.

This collaboration is based not only on profit, but also on social upliftment in terms of programmes, housing, employment and skills development. The application will strengthen the farming practices and activities with a non-agricultural use related to agriculture and conservation to make the farm more economically viable.

Spatial sustainability

The application is for the non-agricultural use to assist in the sustainability of the farm. It is well-known that many farms in the Hemel-en-Aarde Valley are restricted in terms of agricultural potential due to the environmental sensitivity of the area. Thus agricultural activities are severely restricted, especially in terms of water scarcity. In order to maintain the existing and possible extension of agricultural activities where possible, most farms require additional income. The latter activities are restricted to transform land and of low scale. This enables present farms to remain sustainable, which safeguard employment and create social stability for the employees.

Efficiency

The farm remains active and makes use of its own resources and is self-sufficient. This relieves pressure on Government departments to provide services in its widest sense.

Spatial Resilience

The non-agricultural activities will enable the farm to have an adaptation period in terms of climate change and also to remain sustainable in times of drought.

Good administration

Procedure was followed and full public participation was applicable.

8.3 (In)consistency with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)

Same as Point 8.2 above.

8.4 (In)consistency with the IDP/Various levels of SDF's/Applicable policies

The farm is earmarked as Core Agriculture and Conservation II, which makes provision for non-agricultural activities. This is addressed in under Section 4.5 Conservation II and Core Agriculture under Section 4.7, where it clearly addresses non-agricultural uses such as tourism activities and facilities.

8.5 (In)consistency with guidelines prepared by the Provincial Minister

The proposed application is in line with the Provincial Spatial Development Framework, 2013 under the section dealing with Development outside the Urban Edge. The criteria are dealt with under the motivation of the applicant.

8.6 Impact on Municipal engineering services

None.

8.7 Outcomes of investigations/applications i.t.o other legislation

The Title Deed makes provision for a consent from the District Engineer Roads in terms of the Roads and Ribbon Development Act, 1940. The consent has been obtained by the applicant.

8.8 Existing and proposed zoning comparisons and considerations

The application is in line with the Overstrand Spatial Documents and Overstrand Zoning Scheme.

9. THE DESIRABILITY OF THE PROPOSAL

The desirability has been dealt with extensively by the applicant. The application for the tourist facilities on the farm is in line with the principles of the By-law and the Provincial and OSDF. The non-agriculture land uses proposed is of low scale and associated with farming activities. The applicant went one step further to introduce picnic areas and not accommodation. The provision of such activity is limited in the Overstrand area, but prevalent in the Highveld and Lowveld areas. It is an attraction that contributes to the Overstrand as tourist destination.

The applicant did appoint an engineering firm to deal with the engineering services required and the report indicates that the farm can deal with added utilization of existing and proposed land uses. The applicant also appointed a conservationist and made use of the Hermanus Botanical Society to investigate the existing plant material to ensure that none of the present vegetation is disturbed by the proposed activities.

All engineering services are catered for and the access points to the farm have been resolved with the DRE, the applicable authority. The same applies to the Title Deed restriction of only two (2) dwelling units with associated structures present on the

farm. The Roads and Ribbon Act, 1940 is legislation under the auspices of the DRE, which has given their consent.

The application has also received approval from the National Department of Agriculture and the Provincial Department of Agriculture. The water licenses have been verified and approval was obtained from the Breede Gouritz Catchment Management Agency pertaining water licenses and availability of water.

The Hemel-en-Aarde Valley is renowned for its wine farms catering for its wine distillery, sales, tasting, restaurants and accommodation, thus this application is in line with the present activities in the area. Examples are La Vierge, Bona Dea, Summaridge, to name a few.

The grapes produced on the farm are transported to the Bosman Wine Cellar in Wellington. The wines are transported to the application property to market and sell the wines, produced on the farm. This arrangement has the potential due to the uniqueness of the Hemel-en-Aarde Valley in terms of location, vineyards and renowned wines to add value to the area, whilst remaining a productive farming unit.

It is imperative and important to enable farmers to keep high potential farming units as productive units and one of the incentives is to allow low scale non-agricultural uses to benefit not only the owner but also contribute to the wider community. The latter has reference to employment opportunities, tourism opportunities and economic benefit for the area as a whole. This application has the additional benefit of a business arrangement between owner and employees and the conversion of barren land to pristine natural environment. The proposed development is located on transformed land and makes use of existing roads to access the facilities. Sufficient parking is provided and all services are available to the facilities. The cabins and shed are provided with picnic baskets and no braai facilities are available, thus eliminating the fire hazard. The cabins and shed are also nestled within the pine forest and is not really visible due to its location and building material used. It blends in with the setting.

The wine tent and restaurant is designed that it will be less of an eyesore than a farming shed, that is a primary right. It is also small in extent in relation to other restaurants on farms in the Valley. There is no wine cellar thus eliminating any possible environmental impact in terms of pollution during the wine making process.

The nature trail is in existence on the property and a conservationist has been appointment to give guidance on the impact of the trail and maintenance. The effect of the trail on surrounding farms will be minimal due to utilization by arrangement only and the fact that is quite a distance from any farm stead.

The proposed uses are clean with little pollution attached to it and will have less of an effect than a full scale farming operation with bona fide uses attached to it. The application complies with the three principles of social, economic and environmental legs of sustainability. The application is recommended for approval.

10. RECOMMENDATION

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (the By-Law) on Remainder Farm No. 923, Hemel-en-Aarde Valley for a consent use in order to enable the owners to accommodate the following tourist facilities:

- ❖ Wine camp (main tent for wine tasting and sales): 160m² –accommodating sixty (60) people
- ❖ Restaurant: 160m² – accommodating sixty (60) people
- ❖ Three (3) fishing sheds (picnic sheds) of 18m² each
- ❖ Forest shed (Alfresco shed – picnic cabin) of 9m²
- ❖ Nature trails

be approved in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:

- (a) that development is restricted to the uses as indicated on Plan No. 923sdp1 and 923mainsdp 2, dated May 2017, which were submitted with this application;
- (b) that access points be as stipulated by the Western Cape Government : Transport & Public Works (District Roads Engineer);
- (c) that commercial rates and service tariffs, as determined by the annual budget be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
- (d) that the facility complies with Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector;
- (e) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
- (f) that this approval does not absolve the applicant from compliance with any other relevant legislation;
- (g) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
- (h) that all conditions imposed by National Department : Agriculture, Forestry & Fisheries (attached as Annexure F), be complied with;
- (i) that all conditions imposed by Cape Nature (attached as Annexure G), be complied with;
- (j) that all conditions imposed by Breede Gouritz Catchment Management Agency (attached as Annexure H), be complied with;
- (k) that all conditions imposed by the Western Cape Government: Agriculture (attached as Annexure I), be complied with;

- (l) that all conditions imposed by the Western Cape Government : Transport and Public Works (attached as Annexure J), be complied with;
 - (m) that all conditions imposed by Eskom (attached as Annexure K), be complied with;
 - (n) that all conditions imposed by the Fire Department (attached as Annexure L), be complied with, and
 - (o) that all the conditions in the Services Report (attached as Annexure M), be complied with.
5. that the applicant and objectors be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

11. REASONS FOR RECOMMENDATION

- ❖ The application has followed due procedure.
- ❖ Four (4) objections have been received.
- ❖ None of the internal departments have any objection.
- ❖ None of the municipal services will be needed.
- ❖ It is in line with policy documents.
- ❖ The impact will not be more than a full scale farming operation.

12. ANNEXURES

Annexure A:	Locality Plan
Annexure B:	Site Development Plan
Annexure C:	Motivation Report
Annexure D:	Objections received
Annexure E:	Applicant's response to objections received
Annexure F:	Comment: National Department : Agriculture, Forestry & Fisheries
Annexure G:	Comment: Cape Nature
Annexure H:	Comment: Breede Gouritz Catchment Management Agency
Annexure I:	Comment: Western Cape Government : Agriculture
Annexure J:	Comment: Western Cape Government : Transport & Public Works
Annexure K:	Comment: Eskom
Annexure L:	Comment: Fire Department
Annexure M:	Services Report

SIGNATURE

REGISTERED PLANNER

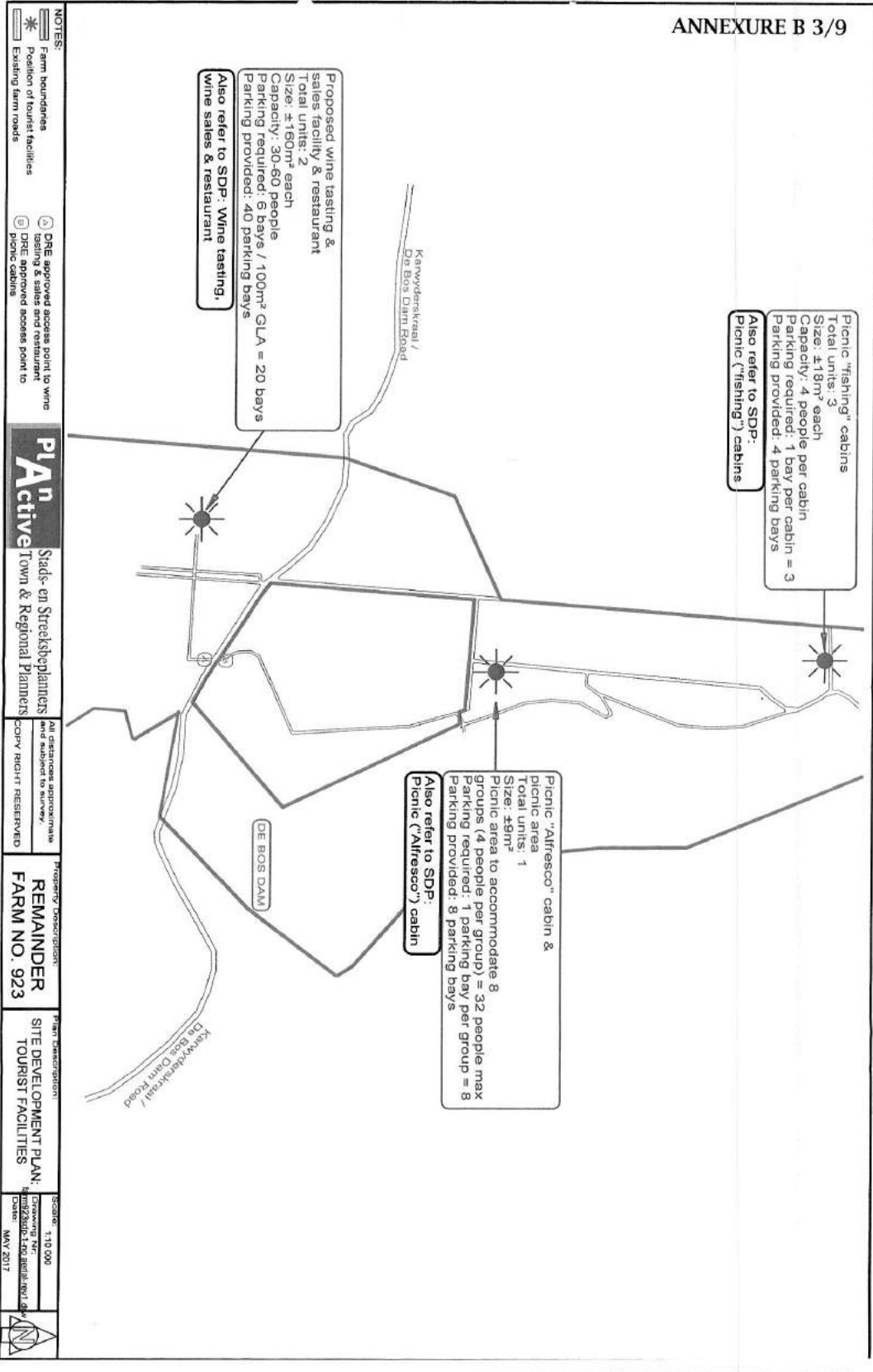
Name : **H VAN DER STOEP**

SACPLAN registration number: **A/1708/2013**

Signature : _____

Date: _____

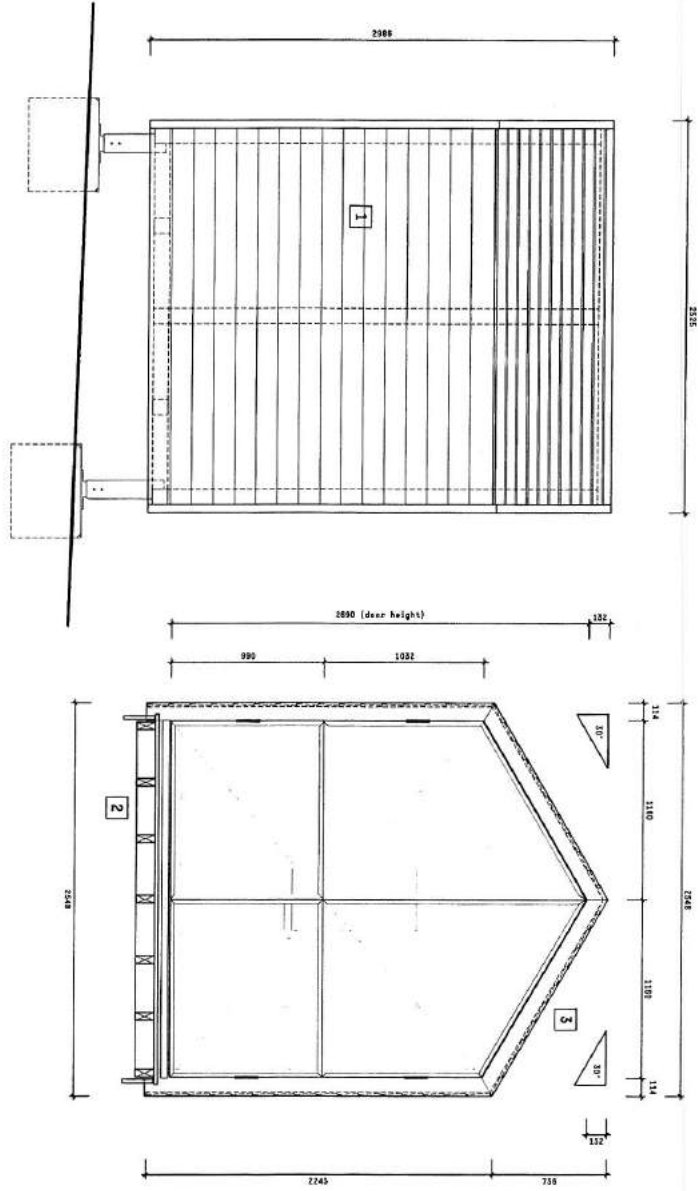
ANNEXURE B 3/9



ANNEXURE B 4/9

FISHING CABIN

QUANTITY: x 3
LOCATION: TROUT DAM



1 WALL CONSTRUCTION:
20mm thick chip-lam cladding,
presented to stem timber uprights (25 mm air vent)
insulated, waterproof membrane, 15 mm T
insulation (presented to primary 200 x 100 Spine
timber frame).
20mm exterior wall insulation barrier,
20mm exterior waterproofing membrane,
20mm exterior plaster (1:4, 2:19 or
Mortar), sika and paint finish.

2 FLOOR CONSTRUCTION:
100mm concrete, 100mm sika boards, waterproofing on sika,
waterproof layer, bitumen
100 x 100 mm Spine Timber Floor Joists, sika
2000 waterproofing,
20mm Spine Timber chip-lam cladding,
presented to stem timber uprights,
insulated, waterproof membrane,
15 mm T insulation (presented to
primary 200 x 100 Spine
timber frame).
20mm exterior wall insulation barrier,
20mm exterior waterproofing membrane,
20mm exterior plaster (1:4, 2:19 or
Mortar), sika and paint finish.

3 WINDOW CONSTRUCTION:
20mm Spine Timber chip-lam cladding,
presented to stem timber uprights,
insulated, waterproof membrane,
15 mm T insulation (presented to
primary 200 x 100 Spine
timber frame).
20mm exterior wall insulation barrier,
20mm exterior waterproofing membrane,
20mm exterior plaster (1:4, 2:19 or
Mortar), sika and paint finish.

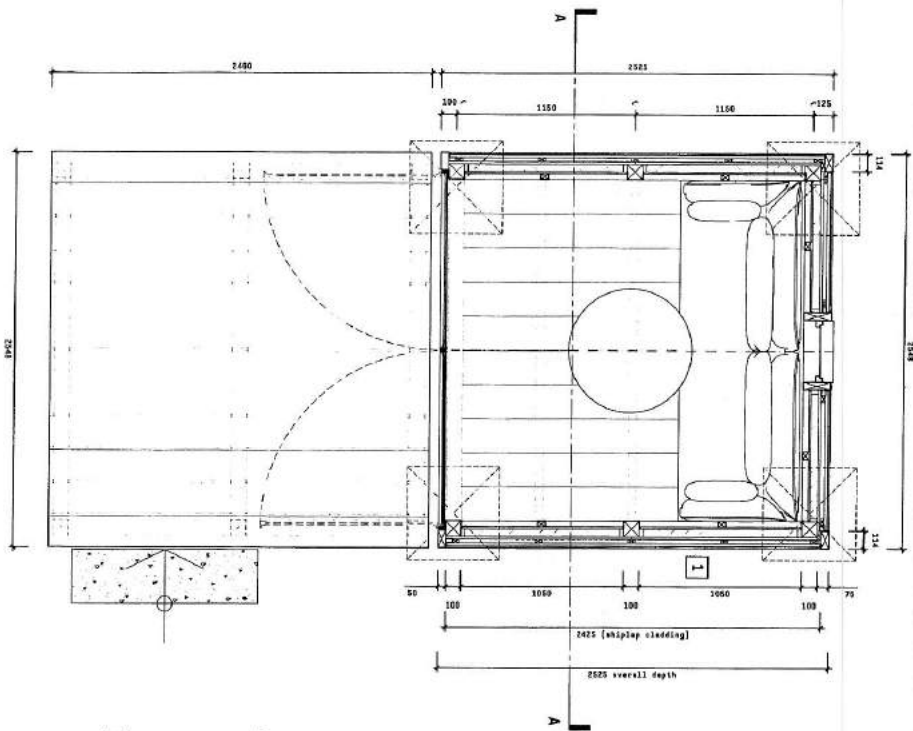
TYPICAL SIDE & FRONT ELEVATION

SCALE 1:25

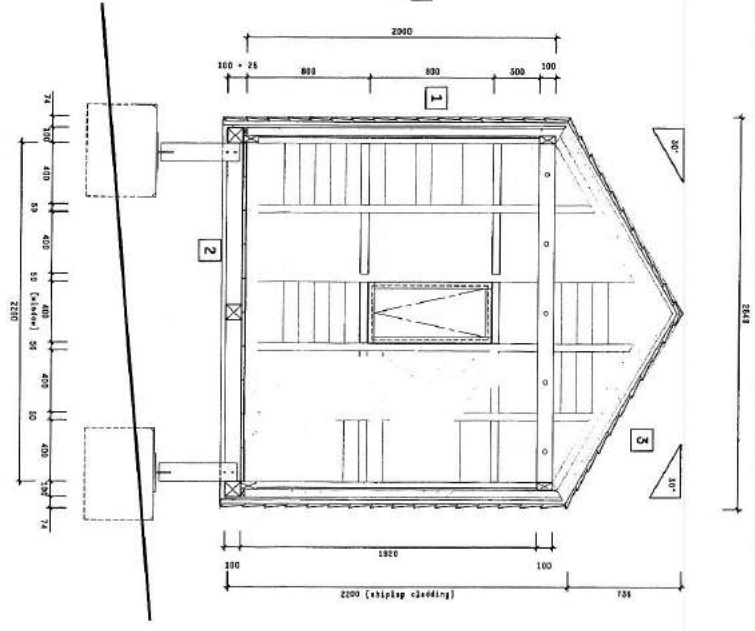
ANNEXURE B 5/9

FISHING CABIN

QUANTITY: x 3
LOCATION: TROUT DAM



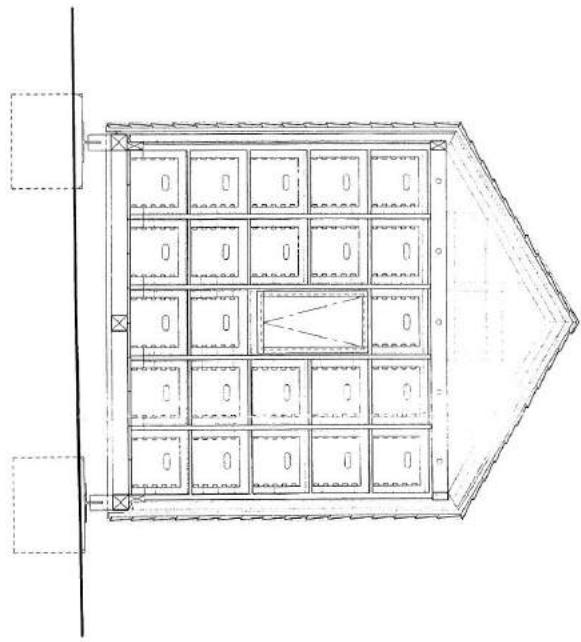
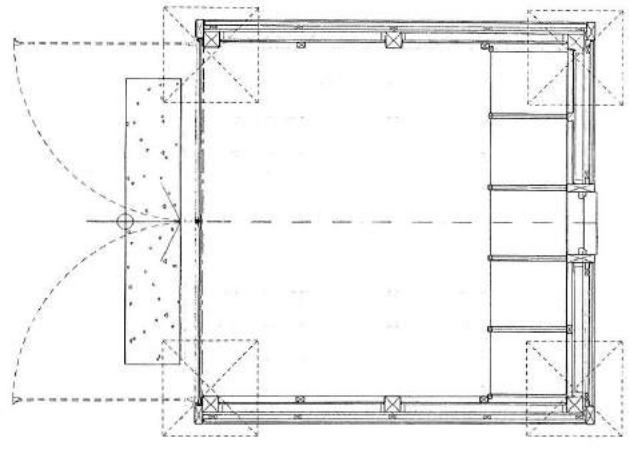
TYPICAL PLAN & INTERIOR ELEVATION
SCALE 1:25



- 1** WALL CONSTRUCTION: 100mm concrete block, 100mm concrete mortar, 100mm concrete finish, 100mm concrete top. Retained to 25mm timber upright (100 mm air vent) exterior/interior finish, 100mm concrete base, 100mm concrete screed (1.5 x 10 m² surface), 100mm concrete finish, 100mm concrete top. Retained to 25mm timber upright (100 mm air vent) exterior/interior finish, 100mm concrete base, 100mm concrete screed (1.5 x 10 m² surface), 100mm concrete finish, 100mm concrete top.
- 2** FLOOR CONSTRUCTION: 200mm concrete slab, 100mm concrete screed, 100mm concrete base, 100mm concrete finish, 100mm concrete top. Retained to 25mm timber upright (100 mm air vent) exterior/interior finish, 100mm concrete base, 100mm concrete screed (1.5 x 10 m² surface), 100mm concrete finish, 100mm concrete top.
- 3** ROOF CONSTRUCTION: 100mm concrete block, 100mm concrete mortar, 100mm concrete finish, 100mm concrete top. Retained to 25mm timber upright (100 mm air vent) exterior/interior finish, 100mm concrete base, 100mm concrete screed (1.5 x 10 m² surface), 100mm concrete finish, 100mm concrete top.

ANNEXURE B 7/9

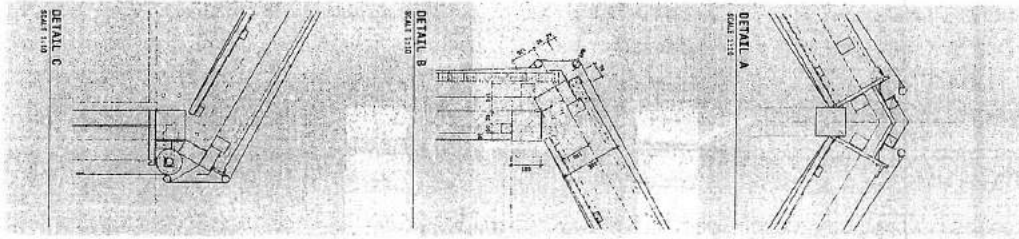
PLUNTLU CABLIN
 QUANTITY: 1
 LOCATION: PINE FOREST



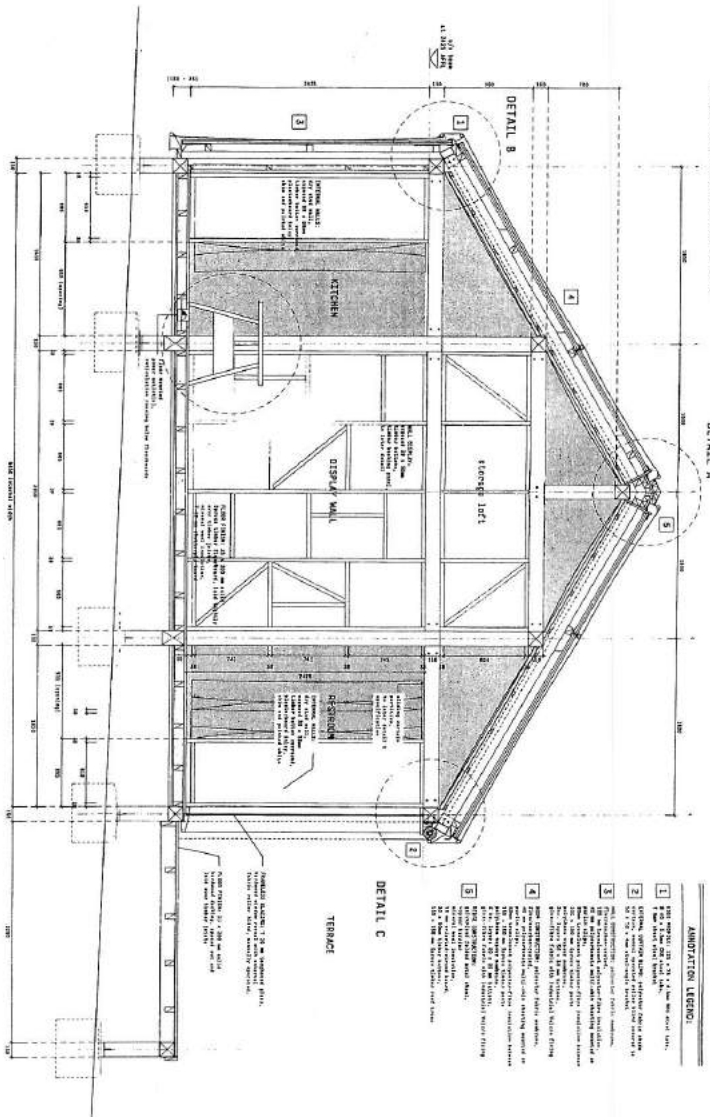
TYPICAL PLAN & INTERIOR ELEVATION
 SCALE 1:25

- 1 WALL CONSTRUCTION:
 20mm Spruce timber chip-lag cladding,
 fastened by 15mm timber uprights (25 mm air vent)
 installed/ waterproof membrane,
 15mm mineral wool insulation battling,
 18 mm 1
 ply sheathing (fastened to primary 300 x 100 Spruce
 timber frame),
 50mm acoustic board interior lining (i.e. ply or
 Nitrul), stain and paint finish
- 2 FLOOR CONSTRUCTION:
 20mm Spruce timber floor boards, half-joint or E&G,
 vapour proof sheet, wooden floor joists, walls,
 15mm mineral
 wool insulation
- 3 ROOF CONSTRUCTION:
 20mm Spruce timber chip-lag cladding,
 fastened by 15mm timber uprights (25 mm air vent)
 installed/ waterproof membrane,
 15mm mineral wool insulation battling,
 18 mm 1
 ply sheathing (fastened to primary 100 x 100 Spruce
 timber frame),
 50 mm mineral wool insulation battling (i.e. ply or
 Nitrul), stain and paint finish

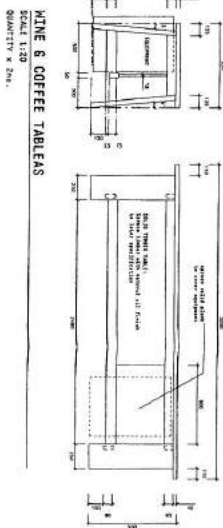
ANNEXURE B 9/9



FOR INFORMATION ONLY



DETAIL CROSS SECTION
SCALE 1:20



MINE & COFFEE TABLES
SCALE 1:20
QUANTITY X 2MS

ANNOTATION LEGEND:

1. FINISHES TO BE AS SHOWN ON THE DRAWING.
2. ALL WORK TO BE DONE IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS OF THE SOUTH AFRICAN BUREAU OF STANDARDS (SABS).
3. ALL MATERIALS TO BE SUPPLIED BY THE CONTRACTOR AND MUST BE APPROVED BY THE ARCHITECT BEFORE USE.
4. ALL WORK TO BE DONE IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS OF THE SOUTH AFRICAN BUREAU OF STANDARDS (SABS).
5. ALL WORK TO BE DONE IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS OF THE SOUTH AFRICAN BUREAU OF STANDARDS (SABS).

<p>CLIENT: WATERLOO WINE TOURS</p>	<p>PROJECT: BOSMAN WINE CAMP HEMEL AND AARDE VALLEY</p>	<p>DRAWING: MAIN PAVILION DETAIL SECTION AT 1:20 / DETAIL VIEWS AS 1:20</p>
	<p>DATE: 05 OCTOBER 16</p>	<p>DRAWING NO: MC-NAYLOR-DT-2001 CROSS SECTION DETAIL</p>

**PROPOSED CONSENT USE
REMAINDER FARM NO. 923
DIVISION CALEDON
OVERSTRAND MUNICIPALITY**

MOTIVATION REPORT

1. BACKGROUND

The company Plan Active has been appointed by P.W.J. Bosman, on behalf of Bosman Adama Pty Ltd, the owners of Remainder Farm No. 923, to submit an application for the consent use to accommodate tourist facilities on the subject property.

The subject property is known as De Bos Farm. De Bos Handpicked Vineyards is a new and exciting range of wines created by the Bosman family. The 8th generation family owned winery also has one of the most successful vine nurseries in the Southern Hemisphere and as a result gives the winemaking team of De Bos Handpicked Vineyards access to close to 50 different grape varieties to make wines from. "De Bos" is the name of the Walker Bay Vineyards owned by the Bosman family and the Adama Appollo Workers Trust.

The owners intend to diversify the land use on Remainder Farm no. 923 to lure and offer tourists to the subject property an unique wine experience and simultaneously market their wine brand more effectively.

This application proposes a consent use for tourist facilities to accommodate a wine camp (main tent – wine tasting and sales), three fishing sheds (picnic) and a forest shed (Alfresco shed – picnic cabin). This application also proposes nature trails for tourists visiting the farm.

Furthermore there is a restrictive condition in the title deed that prohibits the use of the farm for any other purposes than agriculture and residential (maximum of two dwellings only).

The aforementioned condition was imposed in terms of Act 21 of 1940. Therefore, to accommodate the tourism land uses on the subject property, application is also made to the District Roads Engineer to give their consent for the proposed development.

2. APPLICATION DETAILS

Application is made for the following:

- The consent use of Remainder Farm no. 923 in terms of Chapter 4, Section 16(2)(o) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, to accommodate tourist facilities on the subject property;
- The consent from the District Roads Engineer concerning the restrictive title deed conditions imposed in terms of the Ribbon Development Act, Act 21 of 1940.

3. GENERAL APPLICATION INFORMATION

3.1 PROPERTY DESCRIPTION

The subject property is 230,0469ha in extent and held by title deed no. T56480/2013.

The subject property is situated ±9km north of Hermanus (north-west travelling from Sandbaai on the Hemel & Aarde Road to De Bos Farm). The De Bosdam / Karwyderskraal Road runs through the subject property. Please refer to the locality plan and aerial photograph attached. The subject property is located in an agricultural and tourism environment.

3.2 ZONING

The land is zoned Agricultural Zone I and is utilized as such.

3.3 LAND USE

Remainder Farm No. 923 is used for agricultural purposes. The following structures can be found on Remainder Farm No. 923:

- Three dwelling units (accommodated in only two structures);
- Two storage sheds. One of the storage sheds has staff quarters for sleep-in of labourers during the week if and when required.

The following existing land uses are on the subject properties:

Remainder Farm No. 923

<i>Land use</i>	<i>Irrigated (ha)</i>	<i>Dry land (ha)</i>	<i>Total Extent in hectares</i>
Vineyards	19,83	24,28	44,11
Future plantings (vineyards 2016)	10,20		10,20
Proteas	4,83		4,83
Rootstock	13,59		13,59
Mountainous land, veld, access roads, werf, etc.			157
TOTAL			230

Land uses that surround Remainder Farm No. 923 are agricultural activities and tourism related land uses (Heaven restaurant, Summaridge Wines & Function Venue, La Vierge Restaurant, Heaven & Earth Cottage, etc.).

3.4 PROPOSED DEVELOPMENT

The following are proposed:

- The consent use of Remainder Farm No. 923 in terms of Chapter 4, Section 16(2)(o) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, to accommodate tourist facilities (wine tasting and sales facilities, a restaurant, picnic facilities and a nature trail) on the subject property;
- The consent from the District Roads Engineer concerning the restrictive title deed conditions imposed in terms of the Ribbon Development Act, Act 21 of 1940.

The subject property is known as De Bos Farm. De Bos Handpicked Vineyards is a new and exciting range of wines created by the Bosman family. The 8th generation family owned winery also has one of the most successful vine nurseries in the Southern Hemisphere and

ANNEXURE C 4/23

as a result gives the winemaking team of De Bos Handpicked Vineyards access to close to 50 different grape varieties to make wines from. "De Bos" is the name of the Walker Bay Vineyards owned by the Bosman family and the Adama Appollo Workers Trust.

The owners intend to diversify the land use on Remainder Farm no. 923 to lure and offer tourists to the subject property an unique wine experience and simultaneously market their wine brand more effectively.

This application proposes a consent use to accommodate the following tourist facilities:

- Wine camp (main tent – wine tasting and sales);
- Restaurant;
- Three fishing sheds (picnic cabins);
- Forest shed (Alfresco shed – picnic cabin);
- Nature trails for tourists visiting the farm.

Wine camp (wine tasting & sales facility):

The owners intend to construct a wine tasting and sales facility for the tasting and sales of the Bosman Wines. The proposed facility will be $\pm 160\text{m}^2$ in extent and will accommodate a maximum of 60 people. The facility will be accommodated in a new structure on the subject property. An upper level storage platform of $\pm 18\text{m}^2$ will also be accommodated in the proposed wine tasting and sales facility. Provision will be made for a restroom and a kitchen within the proposed wine tasting & sales facility.

The position of the proposed wine tasting & sales facility was determined to ensure the best views for guests visiting the farm, while also not having a detrimental impact on the existing farming activities on the farm. The position of the proposed facility is also next to existing farm roads and dirt track roads. The proposed facility will be situated on a portion of previously cultivated land – currently barren since the owners are in the process of rehabilitating this portion for conservation purposes.

Restaurant:

The proposed restaurant will be complimentary to the wine tasting and sales facility. The proposed structure will also be $\pm 160\text{m}^2$ in extent and will also accommodate a maximum of 60 people. The facility will be accommodated in a new structure on the subject property. An upper level storage platform of $\pm 18\text{m}^2$ will also be accommodated in the proposed restaurant. Provision will be made for a restroom and a kitchen within the proposed restaurant.

The position of the proposed restaurant was determined to ensure the best views for guests visiting the farm, while also not having a detrimental impact on the existing farming activities on the farm. The position of the proposed restaurant is also next to existing farm roads and dirt track roads and will be in close proximity to the proposed wine tasting and sales facility. The proposed restaurant will be situated on a portion of previously cultivated land – currently barren since the owners are in the process of rehabilitating this portion for conservation purposes.

The proposed restaurant will either be developed at position 1 or 2 in future - hence an area was demarcated where the restaurant will be accommodated and provision is made for two footprint options for the restaurant. It should be noted that only one footprint will be chosen in future for the development of the restaurant (as shown on the site development plan attached). Refer to the Site Development Plan: Wine Tasting, Wine Sales and Restaurant plan and main pavilion floor layout plan attached. The footprint and layout of the proposed restaurant will be a mirror image of the proposed wine tasting and sales facility.

Alfresco (picnic) shed:

The Alfresco shed will be one picnic cabin of $\pm 9\text{m}^2$ in extent positioned in the existing Pine Forest on the subject property. No trees will have to be removed to accommodate the proposed cabin. The cabin will consist of drawers where the guests visiting the farm can access their picnic baskets for a picnic in the forest. The cabin will provide eight groups of four people each with a picnic basket. The visitors can then choose their spot to enjoy a picnic in the designated picnic area.

In addition provision will be made for a restroom cabin. The position of the restroom cabin was determined to ensure easy accessibility for picnic goers, to ensure that the position of the cabin is in an already disturbed / transformed area as well as to ensure that the servicing of the restroom will have a minimal impact on the environment.

Refer to the Site Development Plan: Picnic "Alfresco" Cabin plan and Picnic cabin floor layout and elevation plan attached.

Fishing (picnic) cabins:

Three picnic cabins are proposed on the bank of the existing dam. These cabins will be $\pm 18\text{m}^2$ each and positioned $\pm 20\text{m}$ from each other. Each cabin will accommodate four

ANNEXURE C 6/23

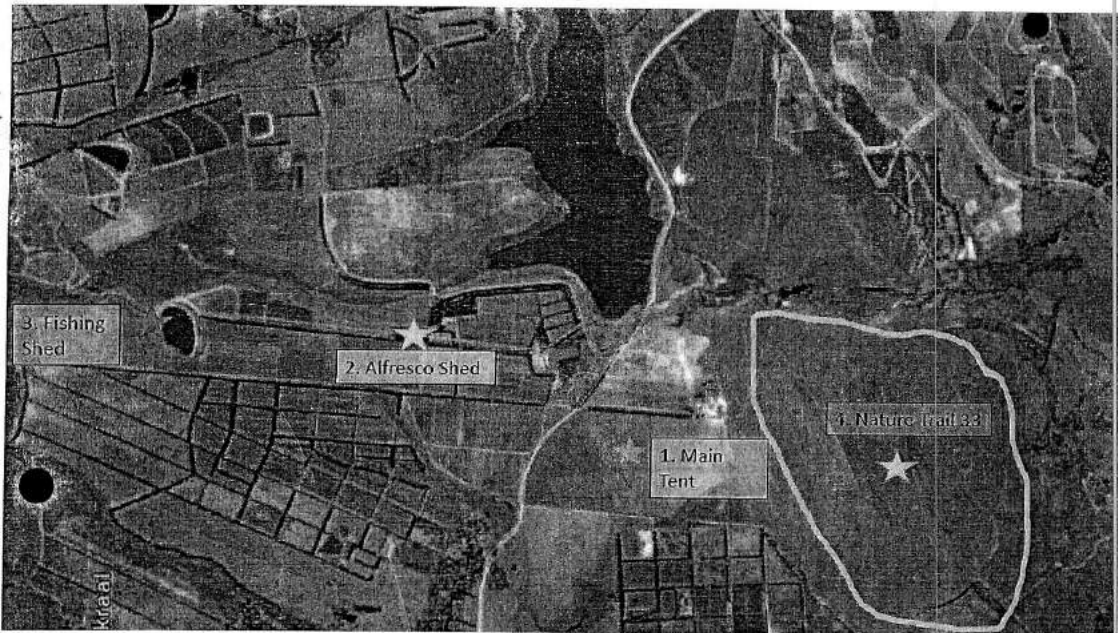
guests (i.e. total of 12 guests for all three the cabins). The proposed cabins will be positioned in already disturbed areas on the bank of the dam.

In addition provision will be made for a restroom cabin in close proximity to the parking area. The position of the restroom cabin was determined to ensure easy accessibility for picnic goers, to ensure that the position of the cabin is in an already disturbed / transformed area as well as to ensure that the servicing of the restroom will have a minimal impact on the environment.

Refer to the Site Development Plan: Picnic "fishing" Cabins plan and fishing cabin floor layout and elevation plans attached.

Nature trail:

There is an existing trail that runs across the subject property and adjacent farms. The owners are working in conjunction with Frank Woodvine to improve the existing trail and as well as extend the existing trail. Frank Woodvine has 58 years of environmental conservation experience and is actively involved in furthering the environment and promoting the importance of the Cape Floral Kingdom. The approximate location of the nature trail is shown on an aerial photograph below. Although no formal land use application is required for the proposed nature trail, we include the trail as part of the proposed tourist facilities on the subject property to ensure that the trail can be used in conjunction with the other tourist facilities on the farm.



The detail pertaining to the proposed tourist facilities is as follow:

BUILDING DESCRIPTION	EXTENT UNIT	PER	TOTAL UNITS	NO. OF VISITORS
Wine tasting & sales facility (wine camp)	160m ²	1	1	60
Restaurant	160m ²	1	1	60
Alfresco (picnic) cabin	9m ²	1	1	32
Fishing (picnic) cabin	18m ²	3	3	12
TOTAL	383m²		6	

The positions of all the proposed tourist facilities are shown on the site development plans attached. All the proposed structures will be positioned next to the existing farm roads and no new roads / driveways will be created to accommodate the structures.

The proposed facilities are not clustered together since the natural features on the farm (dam, Pine Forest, views) determine the position of the proposed tourist facilities. The proposed facilities will however be positioned on existing transformed / disturbed portions of land next to the existing roads and access ways on the subject property. The majority of the

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proposed tourist facility structures will have small footprint with only the proposed wine tasting and sales and restaurant that will have larger footprints ($\pm 160\text{m}^2$ each).

The tourist facilities will be open 7 days a week from 10:00 until 17:00. Ample parking bays are provided in close proximity to the proposed tourist facilities.

The proposed change in land use will not have a negative impact on any natural vegetation on the subject property. The footprints of the proposed structures were carefully chosen to ensure that the impact on the natural environment is kept to a minimum. The existing structures are not situated on high potential agricultural land - the previously cultivated areas are in the process of being restored to natural vegetation (fynbos) areas and therefore the impact will be kept to a minimum. The proposed tourist facilities will have no impact on the existing viable agricultural unit and the existing and future agricultural activities on the farm.

The tourist facilities will not lead to the fragmentation of ownership of land and therefore adheres to the objectives of the Agricultural Land Act, Act 70 of 1970.

All the proposed tourist facility structures will comply with the land use restrictions for Agriculture Zone I. The total floor space of all the structures on the subject property will not exceed the allowable 5000m^2 floor area (the proposed facilities only add to 383m^2 of the total floor space on the farm). None of the existing or proposed structures encroach the applicable building lines.

The existing dwellings and storage sheds' footprints and use will remain unchanged.

There are no labourers living permanently on the farm. Labourers and staff currently live in their own houses or rental houses in Sandbaai. The owners have recently purchased land in Mount Pleasant where houses will be constructed for the living purposes of the labourers on the farm. As previously mentioned one of the storage sheds is used during the peak harvest season for temporary accommodation for labourers. One of the new staff members for the proposed tourist facilities will reside on the farm on a permanent basis (he / she will occupy the main dwelling on the farm). All other new staff members will also be accommodated in the proposed housing development in Mount Pleasant or alternatively reside at their own houses if applicable.

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The estimated co-ordinates of the proposed tourist facilities are as follow:

Building description	Latitude	Longitude
Wine tasting & sales	19° 13' 32.99" E	34° 22' 05.11" S
Restaurant		
Footprint no. 1	19° 13' 31.98" E	34° 21' 05.14" S
Or	Or	Or
Footprint no. 2	19° 13' 33.85" E	34° 21' 05.98" S
Alfresco shed	19° 13' 49.79" E	34° 21' 36.76" S
Fishing cabins		
1.	19° 13' 47.42" E	34° 21' 07.72" S
2.	19° 13' 47.01" E	34° 21' 08.50" S
3.	19° 13' 48.81" E	34° 21' 09.28" S

The proposed consent use for tourist facilities complies with the parking requirement policy for tourist facility developments in the Overstrand:

Proposed land use	Parking required	Parking provided
Wine tasting & sales facility	6 per 100m ² GLA = 10 parking bays	20
Restaurant	6 per 100m ² GLA = 10 parking bays	20
Alfresco (picnic) cabin	1 parking per group = 8 parking bays	8
Fishing (picnic) cabins	1 bay per cabin = 3 parking bays	4
TOTAL	31	52

Parking will be provided in already disturbed areas as shown on the site development plans and photographs attached.

The proposed change in land use (consent use) does not propose activities that will lead to uncalled for smoke, smells, noise or dust and will therefore not have a negative impact on the adjacent property owners or the ambiance of the Hemel & Aarde Valley.

Title deed no. T56480/2013 has title deed conditions that prohibit the proposed consent use. The consent use can however be allowed with the consent of the District Roads Engineer

since the condition was imposed in terms of the Ribbon Development Act, Act 21 of 1940. Application is therefore made for consent from the District Roads Engineer concerning the restrictive title deed conditions. Please refer to Section 3.8 of this report for the detail in this regard.

The proposed consent use does not have a negative impact on the surrounding farms as the subject property's zoning will remain unchanged. The owners simply intend to apply for their secondary right on the subject property to allow them to diversify the existing land uses with ancillary land uses. The reasons for the diversified land uses are to provide visitors / tourists to the farm with a unique wine tasting experience as well as to further promote the Bosman Wineries brand.

To conclude: we are of the opinion that the proposal is compact, unobtrusive, respects the rural vernacular and does not impact on the existing agricultural activities of the subject property or of the surrounding farms.

For details pertaining to the services on the subject property please refer to Section 3.7.1 of this report.

Section 3.9 motivates the application further in terms of the applicable local and regional spatial planning policies.

The proposed consent use of Farm no. 923 is not in contrast to the existing land uses tendencies in the surrounding environment and we therefore do not foresee any problems with the proposed application.

3.5 CHARACTER OF THE ENVIRONMENT

The subject property is situated in the picturesque Hemel & Aarde Valley and last mentioned is known as an area with many tourism valued sites and attractions luring thousands of tourists to the area annually.

The Hemel & Aarde Valley is characterised by agricultural activities, resorts, tourist facilities (such as wine tasting facilities, function venues, restaurants, farm stalls, etc.), tourist

accommodation (although only a few exist) and recreational facilities (mountain biking trials, adventure activities, etc.). The proposed tourist facilities (wine tasting and sales, picnic facilities) are therefore in line with the existing character of the area.

Visually the proposed tourist facilities will blend in well with the natural and built environment. The proposed facilities will be wooden structures (similar to cabins). All external timber cladding will be Siberian larch and all internal structural post and beam work to be green sugar gum. Glazing where stipulated will be 6,3mm laminated safety glass. Internal floors will be larch butt jointed screwed through the face boards and external decks to be eucalyptus also screwed through the face fixing on to cca treated South African pine joists. All doors to be hot dipped galvanized mild steel with one way reflective film. Internal elements of the proposed structures will have 50mm white translucent insulation batting in between timber studs and removable Velcro attached white bull denim material panels.

3.6 THE POTENTIAL OF THE PROPERTY (DESIRABILITY OF THE PROPOSED UTILIZATION)

Due to the size and location of the property as well as the fact that the proposed tourist facilities are associated with the agricultural activities on the subject property it has the potential to be developed with tourist facilities. The subject property is situated in the picturesque Hemel & Aarde Valley and last mentioned is known as an area with many tourism valued sites and attractions luring thousands of tourists to the area annually.

When the owners bought the subject property they saw the potential of the subject property to be intensively cultivated for wine making purposes. As previously mentioned the grapes produced on the subject property are transported to the Bosman Wine Cellar in Wellington where the wines such as the De Bos Handpicked Vineyards range is produced. Even though wine is not produced on the farm, the subject property has the potential to market and sell the wines made by grapes produced on the property, from the property itself. The natural beauty, vineyards and location in the Hemel & Aarde Valley is indicative of the potential the property has to create a unique wine and tourist experience on the subject property, without compromising the agricultural land use. The owners therefore took the aforementioned into consideration and decided to contribute towards the tourist facility options for the Hemel & Aarde (and Greater Hermanus) area.

3.7 IMPACT ON EXTERNAL ENGINEERING SERVICES

3.7.1 PROVISION OF SERVICES

A service report for the proposed tourist facilities dated 26 October 2016 was compiled by Nortje & De Villiers Consulting Engineers. Here follows the information pertaining to the provision of services for the proposed tourist facilities:

1. Introduction

As a private estate the provision, operation and maintenance of the services will be the responsibility of the farm owner. As indicated in the application, the consent use area is divided in three nodes, namely the wine tasting, wine sales and restaurant area, the picnic (Alfresco) area and the picnic (fishing) area. These three nodes will be serviced independently and this report will therefore address the services as such.

2. Wine tasting, wine sales & restaurant

2.1 Stormwater

The impact of the proposed development will have an insignificant effect on the accumulation of stormwater on the farm. No underground stormwater system is envisaged and the runoff will as often as possible be dispersed into the field to prevent the accumulation thereof. Care will be taken to eliminate any scouring effects at the released areas.

2.2 Water

An average daily consumption of 80kl/day/seat for 120 seats is foreseen. The estimated annual average daily domestic water demand will therefore be 9,6 kl/day at full occupation. The potable water will be supplied from an existing borehole on the farm. This borehole and a storage facility currently provide domestic water to two farm houses and the outbuildings on the farm. The laboratory test results of a water sample from the borehole are enclosed in Annexure A. A treatment facility will be provided to ensure that the water quality complies with the SANS 241 requirements.

Additional storage of 20kl (48 hours) for the development will be provided by means of plastic containers (Jojo tanks or similar) at the borehole site. The static pressure from the position of the proposed storage tanks at the borehole to the development site will be 30 meters.

2.3 Sewerage

It is expected that 6,72k/ of sewerage will be produced per day at full occupation (120 guests @ 56//guest/day). An underground conservancy tank will be provided and the effluent will be transported by the local authority or a private contractor to the municipal sewage treatment works for treatment. The farm owner will be responsible for the funding thereof.

In the long run it will be considered to install a sewage treatment plant on the farm for the treatment of the sewage effluent. The necessary applications will then be lodged for the approval thereof as well as a water use license.

2.4 Fire Protection

The two buildings are approximately 160m² each and fire extinguishers will be provided in accordance with the SANS 10400 T and W regulations for fire fighting purposes.

2.5 Solid Waste

A waste recovery / recycling process will be implemented and all recyclable waste will be removed from the waste stream. The farm management will collect the solid waste and will cart it away to the municipal solid waste dump site

2.6 Electricity

Eskom is the supply authority and an overhead line is feeding the farm. The electrical supply will be obtained from the existing electrical distribution network on the farm.

3. Alfresco & fishing picnic areas

3.1 Stormwater

The impact of the hardened surfaces at both picnic sites will have no significant impact on the accumulation of the stormwater at the two applicable areas. No underground stormwater systems are envisaged and the runoff will be dispersed into the veld. Care will be taken to eliminate any scouring effects at the released areas.

3.2 Water

Bottled drinking water will be provided by farm management to the guests at both picnic sites. Water for the toilets and hand basins will be supplied from the farm's irrigation network adjacent to the two picnic sites.

3.3 Sewerage

An underground conservancy tank will be provided at each of the two picnic sites. The effluent will be transported by the local authority or a private contractor to the municipal

sewage treatment works for treatment. The farm owner will be responsible for the funding thereof.

3.4 Fire Protection

Fire extinguishers for fire fighting purposes will be provided at each picnic cabin in accordance with the SANS 10400 T and W regulations.

3.5 Solid Waste

The farm management will collect the solid waste and will cart it away to the municipal solid waste dump site.

3.6 Electricity

No electricity will be provided at the two picnic sites.

4. Available water for Farm No. 923

There is registered water on the subject property. Please refer to copies of the water registration certificates dated 2 August 2007 (licence no. 12/2/G403/66) and 22 July 2006 (certificate no. 22096866) attached.

Licence no. 12/2/G403/66 stipulates the following:

- Confirmation of registration of Teek Dam situated on Remainder Farm No. 923;
- Licence to impound water in the above Teek dam.
- Classification of the dam as follows:

Vertical wall height	15,2m
Storage capacity	112 000 cubic metres
Size classification	Medium
Hazard potential rating	Significant
Category	II

Water registration certificate no. 22096866 gives information with regards to taking water from a resource and storing water:

- Taking water from a resource (borehole): 80 400 per year (water supply service);
- Taking water from a resource (river / stream): 56 160 per year (irrigation);
- Storing water: 4800m³.

The proposed consent use will not impact on the existing dams on the farm nor the existing water rights of neighbouring farms.

3.7.2 TRAFFIC IMPACT, PARKING AND ACCESS

As we are not applying for a subdivision of Remainder Farm No. 923, no additional access points or access roads will be created and the existing access points and roads will remain. Access to Remainder Farm No. 923 is obtained from the De Bos Dam / Karwyderskraal Road that links to the Hemel & Aarde Road (the R320 travelling from Hermanus to Caledon).

- Access Roads and Parking: Wine tasting, wine sales and restaurant

The farm currently obtains access from the Karwyderskraal / De Bos Dam District Road. The Google coordinates of the intersection are 34° 21' 58.37"S; 19° 13' 40.31"E. There is no speed restriction sign on the said six to seven meter wide District Road, however a driving speed of more than 60 km/hour will most probably be unsafe, especially in wet conditions.

The main access road provides access to the farmstead, farm buildings and portion of farm to the south of the Karwyderskraal / De Bos Dam Road. This gravel access road will also provide access to the restaurant and wine tasting area. The shoulder sight distance for the stop condition at the intersection is approximately 200 meters in the westbound direction and 120 meters in the eastbound direction.

A dedicated parking area with twenty parking bays will be created. An informal parking area, for a further twenty vehicles, will be provided for overflow parking. A maximum of 120 guests can be accommodated at the venue.

- Access Roads and Parking: Alfresco shed & fishing cabins

The existing gravel access road that provides access to the portion of the farm to the north of the Karwyderskraal / De Bos Dam Road joins the main road directly across the main access road towards the farmstead and farm buildings. This access road will provide access to both picnic areas.

The shoulder sight distance for the stop condition at the intersection is approximately 190 meters in the westbound direction and 70 meters in the eastbound direction.

A maximum of eight groups of four guests each can be accommodated at the Alfresco picnic area. A dedicated parking area with eight parking bays will therefore be provided at the Alfresco site.

A maximum of twelve guests in total can be accommodated in the three fishing cabins. The dedicated parking area at the fishing picnic site will therefore make provision for four parking bays.

All servitudes right-of-way, servitude areas and services servitude being referred to in title deed no. T56480/2013 will remain.

3.8 TITLE DEED

The title deed T56480/2013 has a restriction that prohibits the proposed land use. Please refer to the conveyancer's certificate compiled by H.L. van Zyl from Van Zyl Kruger Attorneys dated 3 November 2016 attached.

Tourist facilities are a secondary right (consent use) for Agriculture Zone I properties. The subject property's title deed has a condition that prohibits the use of the subject property for tourism purposes:

Title deed no. T56480/2013, page 3, paragraph A:

"A. WAT BETREF die figuur A n2 B C D b m2 a op gemelde Kaart L.G. No. 3702/2004:

IV. ONDERHEWIG VERDER aan die volgende spesiale voorwaarde vervat in Transportakte No. 17419/1982 opgelê deur die Afdelingsraad van Caledon as beherende owerheid in terme van Artikel 11(6) van Wet 21 van 1940, soos gewysig, naamlik:-

'n Maksimum van alleenlik twee wonings met die nodige bona fide boerdery geboue mag op elke onderverdeling opgerig word.

The abovementioned condition was however imposed by the District Roads Engineer in terms of the Ribbon Development Act, Act 21 of 1940, and other structures and land uses can therefore be accommodated with the consent of the District Roads Engineer. We herewith request the consent from the District Roads Engineer to accommodate the proposed tourist facilities on the subject property. It should also be noted that there are already three existing dwelling units accommodated in two structures on the subject property. The aforementioned existing structures already contradict the title deed condition above. The consent of the District Roads Engineer will allow the owners to keep using the

existing structures for agricultural purposes and to add new structures on the subject property to allow for the diversification of the land uses on the subject property.

All the servitudes, servitude areas and conditions pertaining to water usage as described in the title deed will remain unchanged for the purposes of this application.

There is a bond registered against the subject property. The bondholder's consent will follow.

3.9 FORWARD PLANNING & OTHER LAND USE DOCUMENTS

3.9.1 PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK (2013)

DEVELOPMENT OUTSIDE THE URBAN EDGE

The PSDF (2013) stipulates that compatible and sustainable rural activities of an appropriate scale and form can be accommodated outside the urban edge (except in bona fide wilderness areas). The following criteria apply in assessing consistency with this policy:

- Does not alienate unique or high value agricultural land, or compromise existing farming activities.
- Does not compromise the current or future possible use of mineral resources.
- Is consistent with the cultural and scenic landscapes within which it is situated.
- Does not involve extensions to the municipality's reticulation networks (i.e. served by off-grid technologies)
- Does not impose real costs or risks to the municipality delivering on their mandate.
- Does not infringe on the authenticity of rural landscapes.

The proposed tourist facilities comply with the criteria specified by the PSDF (2013):

- Existing roads will be used to accommodate the proposed tourist facilities (keeping the impact on the environment to a minimum).
- There is no impact on the agricultural productive landscape since the proposed tourist facilities will be located in already transformed areas on the subject property. Areas available for the possible establishment of future agricultural activities on the subject property will not be affected.
- The proposed development does not compromise any possible future use of mineral resources.

- As a private estate the provision, operation and maintenance of the services will be the responsibility of the farm owner. Additional services as described in Section 3.7.1 can be provided on site without having a negative impact on the environment.
- The tourist facilities are a small-scale development to keep the impact on the rural landscape to a minimum.

From the above it is evident that the proposed development is consistent with the PSDF's (2013) criteria to reach the Province's objectives to strengthen and diversify the rural economy.

3.9.2 RURAL LAND USE PLANNING & DEVELOPMENT GUIDELINES

The abovementioned policy specifies that rural tourism activities should not compromise farm production and should be placed to reinforce the farmstead precinct. Existing structures or disturbed footprints should preferably be used, and adequate provision should be made for access and parking. Buildings should respond to the farm's built vernacular.

The tourist facilities will adhere to all the abovementioned criteria and objectives:

- The tourist facilities will not compromise the existing or future farming production activities;
- The tourist facilities will be accommodated within an already transformed portions of land and adequate provision is made for access (existing) and parking.

From the above it is evident that the proposed development adheres and complies with the Rural Land Use Management Guidelines.

3.9.3 OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK (2006)

The *Overstrand Spatial Development Framework (2006)* shows that Remainder Farm No. 923 is situated outside the urban edge in the rural areas of the Overstrand region. The aforementioned policy earmarks the subject property for Core Agriculture and Conservation 2 purposes – refer to the Overstrand SDF (2006) plan attached.

Remainder Farm No. 923 will be used for tourism and agriculture purposes. The proposed tourist facilities falls within an area earmarked for Core Agricultural and Conservation 2 purposes. The footprints and impact on the agricultural land is however minimal since the

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tourist facilities will be accommodated in new structures in already transformed areas not currently cultivated but rather rehabilitated for conservation purposes. It is important to note that the zoning and main land use will remain for agricultural purposes.

The Overstrand SDF (2006) stipulates that non-agricultural land uses should be restricted to those that support the sustainable production potential of the farming unit.

In addition the abovementioned SDF also describes the following statements for compliance for tourist facilities:

Policy statement	Evaluation of proposed land use
1. Tourist facilities should be carefully located to mitigate their potential visual impacts.	Complies.
2. Tourist facilities should be of a scale and built form that is consistent with the character of the rural environment.	Complies.
3. The establishment of tourist facilities should have its primary objective the sale of goods / services to tourists as opposed to the sale of convenience goods and services to the local residents. Tourist facilities should therefore be complementary to farming activities and to tourism within the area.	Complies.
4. The primary source of income for a tourist facility should be the selling of products / services that are associated with farming as well as products that may contribute towards the existing farming or rural enterprises.	Complies.

The proposed tourist facilities will also not have an impact on any conservation worthy portion/s of land on the subject property.

Consequently the proposed consent use of Remainder Farm No. 923 is compatible with the spatial planning policies for the Overstrand area.

3.10 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION

3.10.1 HERITAGE VALUE

The application does not involve changing the character of a site larger than 5000m² since the total extent of the proposed tourist accommodation units will not exceed 5000m² and the greater extent of the subject property's character will remain unchanged. Consequently the proposed consent use will not trigger Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

It should also be noted that there are no structures on the subject property older than 60 years. The proposed land use (tourist facilities) will be accommodated in new structures on the subject property. Furthermore the subject property is not earmarked as a property with heritage value and is also not associated with any persons or groups of heritage value or any past slavery occurrences.

A Notice of Intent to Develop was submitted to Heritage Western Cape for their approval / comments on the proposed application.

3.10.2 ENVIRONMENTAL IMPACT

The extent, use and position of and the provision of services for the proposed tourist facilities do not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

As previously mentioned the farm management are working in conjunction with Frank Woodvine to improve the environment and promote the importance of the Cape Floral Kingdom by rehabilitating some portions of the farm for conservation purposes and adding the nature trail. The proposed tourist facilities do not impact on any conservation worthy portion/s of land on the subject property (the proposed tourist facilities will be accommodated within existing transformed portions of land with the surrounding land to be rehabilitated). Furthermore the positions of the proposed tourist facilities are next to existing farm roads.

There is Critically Biodiversity Areas (CBA's) present on the subject property. The proposed tourist facilities and parking areas are not positioned within a CBA. Please refer to the CBA map attached.

3.11 PLANNING PRINCIPLES

Spatial justice: As previously mentioned De Bos Farm is owned by the Bosman family and the Adama Appollo Workers Trust. De Bos Handpicked Vineyards is a premium Fairtrade offering. The vineyards are accredited and that means that Bosman Family Vineyards as producer of De Bos Handpicked Vineyards are audited annually by Flo Cert. All efforts are made to ensure that the winery complies with all environmental and social standards as prescribed by Fairtrade. As a result of Fairtrade wine sales, many amazing social projects can be initiated, maintained and expanded on the farms owned by the Bosman family and the Adama Appollo Workers Trust.

Not only will the proposed tourist facilities give greater exposure to the wine produced by this amazing partnership, but the proposed tourist facilities will also create an additional four permanent employment opportunities for local residents. The existing labourers currently reside in Sandbaai (own houses or rental houses). The owners bought land in Mount Pleasant & Sandbaai where new accommodation units will be developed for the farm labourers.

One of the new staff members will reside on the farm. The remaining three staff members will be accommodated in the Mount Pleasant / Sandbaai housing project.

Spatial sustainability: the proposed structures will be situated in already transformed areas and have no negative impact on the conservation worthy areas on the farm. The proposed tourist facilities will have no impact on the economic viability of the agricultural land. The impact on the biophysical environment will also be kept to a minimum. Furthermore the extent of the subject property, the location of the subject property, compliance with the spatial planning policies for the area, etc. allows for the consideration and approval of the proposed consent use without having an adverse impact on the spatial sustainability of the area. The proposed additions are to an improved farm within an established agricultural and tourism area and therefore will not impact on a sensitive environment.

Efficiency: De Bos Farm is easily accessible and conveniently located close to Hermanus, and within the Hemel & Aarde Valley, which makes travelling to the farm to make use of the tourist facilities easy and accessible to everybody. At the moment the subject property is a working farm with no tourist facilities associated with the farm. It proves to be efficient to create a wine tasting and sales facility (off-set point) for the wines made from the subject property's vineyards while simultaneously creating a unique tourist experience on the farm.

Spatial resilience: Not applicable to this application.

Good administration: Our firm is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's bylaw and related provincial and national land use planning legislation.

4. RECOMMENDATION

When this application is evaluated it is important to take note of the following:

- The proposed consent use will not have a negative impact on the existing or future agricultural activities;
- The proposed tourist facilities will be accommodated in already transformed areas and therefore the impact on the environment will remain unchanged;
- The proposal is compatible with the existing character of the area;
- No additional access points or roads are proposed. All road infrastructure already exist;
- Services for the new structures can easily be provided without having a negative impact on the environment;
- The zoning will remain Agricultural Zone I;
- The proposed consent use of the subject property comply with the spatial planning policies of the area;
- There are no environmental aspects that will negatively impact the application and the application will not have a negative impact on any environmental factors;
- The application is fully compliant with the applicable planning principles described in the LUPA (2014).

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The application can be supported for your favourable evaluation. The opinion is held that this application will have no negative impacts in the area and that it will contribute towards the Overstrand rural area's tourist (specifically the agri-tourism) significance and value.

Mr. G F Hugo
 Portion 24 of Farm 587
 Hemel en Aarde Valley
 HERMANUS

The Director
 Infrastructure and Planning
 Overstrand Municipality
 HERMANUS

BY EMAIL: loretta@overstrand.gov.za

Dear Sir



TR A Theat
 C Holivier

FILE NO:	Farm 923, H + A Valley
SCAN NO:	
COLLABORATOR NO:	1021517

OBJECTION IN RESPECT OF APPLICATION FOR CONSENT USE ON REMAINDER OF FARM 923, HEMEL AND AARDE VALLEY

I am the registered owner of Portion 24 of Farm nr. 587, Hemel and Aarde Valley, one of the neighbouring farms to the subject property of the above application.

I am strongly objecting to the Proposed Consent Use on the Remainder of Farm 923 Hemel and Aarde Valley on the following basis:

1. Fynbos is extremely flammable, which leaves this area specifically vulnerable. Although it is accepted that fires are needed to promulgate some of the species, frequent fires pose a huge threat to other species that has a longer recovery period.
2. The Hemel and Aarde Valley has huge tourism potential, but to date has not been exposed to extensive commercial exploitation of the natural resources for these purposes. This ensured that besides relative small portions being utilized for agricultural purposes in the production of the finest produce, the natural vegetation which consist primarily of Fynbos and forms part of the famous Cape Floral Kingdom, is being conserved and protected. The subject property falls within an area of which the vegetation is classified as "critically endangered" according to an earlier study by the South African Biodiversity Institute.

The contribution of the Cape Floral Kingdom to the Western Cape economy, was estimated at 10% of the Gross Geographic Product in 2005. The protection of these natural resources is of paramount importance to ensure sustainable economic contribution.

In recent months, fires have caused huge damage to the already endangered Fynbos in the region. The consent use as proposed in the application will increase the fire hazard dramatically.

TP

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The following elements in the application holds an increased risk of fires on the subject property and the neighbouring farms as well: -

- 1.1 The increase in the number of people on the subject property (thus persons who smoke, open picnic fires etc);
- 1.2 The restaurant on the subject property;
- 1.3 The cabins accommodating overnight visitors;
- 1.4 The hiking trail; and
- 1.5 The Alfresco (picnic) shed.

My property, and other neighbouring farms, host a variety of critically endangered Fynbos species, comprising of both natural and commercially grown Fynbos. The picnic facilities and overnight cabins will increase the risk of open fires for braais, with increased risk of veld fires. The increase in the fire hazard is of major concern and the Application for Consent Use does not address this at all. In light of the sensitivity of this Fynbos area, the lack to provide for any fire prevention measures, leaves the application flawed in essence.

It is trait law that farm owners are obliged to inform the Fire Department in advance of any open fires, in terms of the by-laws. No solution or proposal is submitted to address the situation with picnic and cabin fires.

3. This area in the Hemel and Aarde Valley, also hosts a diversity of wildlife indigenous to the area, like game and birds of prey, to name a few. The protection of these animals is not addressed to at all in the application. The increase in human activity, especially the human traffic on the hiking trails, will have a severe impact on the natural wildlife. Since the proposed hiking trail is crossing several of the neighbouring farms, tourists will not only trespass on neighbouring farms in an uncontrolled manner, but wildlife on these farms will not escape the sudden human presence and the noise pollution that will automatically follow.
4. No public hiking trails exists on the right side of the De Bos dam at present and the owners of these properties will not consent to the use of hiking trails for recreational purposes. Trespassing on the neighbouring properties will unfortunately be impossible to monitor and police. As the proposed trails are crossing several other farms, and boundaries and fences in the area is not "human-proof" as such, trespassing will be a major problem for all neighbouring farms with serious consequences, as some of these farms are producing export fynbos as well as other products. It will be impossible to contain the movement of tourists on the trails and protect neighbouring properties from exploitation. No contingency plans, or plans to control the movement of tourists, are put forward in the proposal.

5. The area is prime agricultural land which will be classified under the category "land capability class I land" under the DRAFT PRESERVATION AND DEVELOPMENT OF AGRICULTURAL LAND FRAMEWORK ACT. This will mean that in future the consent of the Minister of Agriculture will be needed to rezone properties in this area, for any other purposes or to utilize the property for anything else. Such an application would in future be accompanied by a report by a registered agricultural scientist and comprise of inter alia the following: a general area description, natural resources assessment referring to soil, terrain, vegetation, water and agri-climate and ecosystem impact study. Because of the specific nature of the area, it would be in the interest of all affected parties, as well as in the interest of the natural resources, to have such a report done at this stage already, as it would ensure that nobody and nothing suffers unnecessarily as a result of the consent use, if it is granted.
6. The farmers in this area has to date succeeded in protecting the area from exploitation and commercialization without any assistance (except for a limited attempt by the Work-for-Water project). There is no signs of erosion of precious surface soil or threats of pollution in the influx of the De Bos dam. It is an area where nature is in perfect balance. Needless to say, this status quo should be maintained and protected at all cost.
7. The subject property is next to the De Bos dam, which is the major water source in the Overstrand municipal area. Increased pollution pose a serious threat to the wellbeing of this precious water source and as a result to the population of the greater Overstrand area. This dam, which is subject to a servitude in favour of the Overstrand Municipality and is situate on private property, will be opened to trespassing and no provision is made to prevent tourist activity on the dam. Part of the current servitude conditions are that no recreational activities are allowed on the dam, for obvious reasons.

Water is one of the most precious commodities in South Africa and the Overstrand Municipality has a very limited supply. This means that this resource is critical as a sustainable source of water for human consumption in the Overstrand area. Pollution of the dam will be disastrous to the human population in the Overstrand, which hosts more than 80,000 people (according to the latest available census of 2011).

As recently as 2012, the Overstrand area was subject to a severe draught, which is not uncommon to the area. South Africa is known to be a water scarce country and the existing resources needs to be protected at all costs. No contingency measures are suggested for any negative impact to this precious commodity.

8. The Application does not indicate how the increase in traffic on the road will impact the existing servitude road. The public road is a gravel road and it

ANNEXURE D 4/19

struggles to accommodate the current traffic, let alone sustain the increase in traffic due to tourists visiting the subject property.

9. The additional traffic and increase in human activity will increase noise pollution as well as the carbon footprint in the area with severe effect on wildlife and vegetation. The application does not address the impact and does not offer any solutions to the possible negative impact this will have on the environment and the natural resources. It is eminent to ensure that nature and wildlife in the area do not suffer from this and the input of scientists needs to be obtained to ensure a complete and impact assessment.

The application for consent use of the subject property is not addressing any of the major concerns and threats to the environment as set out in this objection. The lack proper proposals to prevent any of the major threats to the environment, leaves the application fundamentally flawed. The interest of all affected persons and the community and environment should in terms of Section 36 of the Constitution of South Africa, 1996, be considered and the application should not be granted.

Yours faithfully,


F.G. HUGO

PO BOX 683
HERMANUS 7200.



+27 (28) 316 3707 / 2384
+27 (28) 316 3720
legal@steynlaw.co.za

ANNEXURE D 5/19
Unit 2 | Hemel en Aarde Grant Village
off R43 and Main Road | Sandton
PO Box 1905
Hermanus
7200

ATTORNEYS NOTARIES CONVEYANCERS

In Pursuit of Justice



*TP - A Theart
CH Olivier*

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...
...

LW/cs/LL0253
3 May 2017

The Director
Infrastructure and Planning
Overstrand Municipality
HERMANUS

BY EMAIL: lorella@overstrand.gov.za

FILE NO:	<i>Farm 923</i>
	<i>H + A Valley</i>
SCAN NO:	
COLLABORATOR NO:	<i>1021531</i>

Dear Sir

RE: OBJECTION IN RESPECT OF APPLICATION FOR CONSENT USE ON REMAINDER OF FARM 923, HEMEL AND AARDE VALLEY

We are acting on behalf of MT Consulting and Training 101 Reg. Nr. 2001/006320/07 the registered owner of Portion 70 of Farm nr. 587, Hemel and Aarde Valley.

Our instructions are to submit our client's objections to the Proposed Consent Use on the Remainder of Farm 923 Hemel and Aarde Valley.

Our clients objections are based on the following:

1. Fynbos is extremely flammable which leaves this area specifically vulnerable. Although it is accepted that fires are needed to promulgate some of the species, frequent fires pose a huge threat to others.
2. The Hemel and Aarde Valley has huge tourism potential, but to date has not been exposed to extensive commercial exploitation of the natural resources for these purposes. This ensures that besides relative small portions being utilized as agricultural land to produce prime produce, the natural vegetation which consists primarily of Fynbos and forms part of the famous Cape Floral Kingdom, is being conserved and protected.

The subject property falls within an area of which the vegetation is classified as "critically endangered" according to an earlier study by the South African

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Biodiversity Institute and hosts some of 1 736 fynbos plants that are critically endangered, endangered or vulnerable.

The contribution of the Cape Floral Kingdom to the Western Cape economy, was estimated at 10% of the Gross Geographic Product in 2005. The protection of these natural resources is of paramount importance to ensure sustainable economic contribution.

In recent months, fires have caused huge damage to the already endangered Fynbos in the Overberg region. The consent use as proposed in the application will necessarily increase the fire hazard in this area dramatically.

The following elements in the application specifically holds an increased risk of fires on the subject property and the neighbouring farms as a result: -

- 1.1 The increase in the number of people on the subject property (thus persons who smoke, open picnic fires etc);
- 1.2 The restaurant on the subject property;
- 1.3 The cabins accommodating overnight visitors;
- 1.4 The hiking trail; and
- 1.5 The Alfresco (picnic) shed.

Our client, and other neighbouring farms, host a variety of critically endangered Fynbos species, comprising of both natural and commercially grown Fynbos. The picnic facilities and overnight cabins will increase the risk of open fires for braais, with increased risk of veld fires. The increase in the fire hazard is of major concern to our client and the Application for Consent Use does not address this at all. In light of the sensitivity of this Fynbos area, the lack to provide for any fire prevention measures, leaves the application flawed in essence.

It is trait law that farm owners are obliged to inform the Fire Department in advance of any open fires, in terms of the by-laws. No solution or proposal is submitted to address the situation with picnic and cabin fires.

3. This area in the Hemel and Aarde Valley, also hosts a diversity of wildlife indigenous to the area, like game and birds of prey, to name a few. The protection of these animals is not addressed to at all in the application. The increase in human activity, especially the human traffic on the hiking trails, will have a severe impact on the natural wildlife. Since the proposed hiking trail is crossing several of the neighbouring farms, tourists will not only trespass on neighbouring farms in an uncontrolled manner, but wildlife on these farms will

not escape the sudden human presence and the noise pollution that will automatically follow.

4. No public hiking trails exists on the right side of the De Bos dam at present and the owners of these properties will not consent to the use of hiking trails for recreational purposes. Trespassing on the neighbouring properties will unfortunately be impossible to police and monitor. As the proposed trails are crossing several other farms, and boundaries and fences in the area is not "human-proof" as such, trespassing will be a major problem for all neighbouring farms with serious consequences, as some of these farms are producing export fynbos as well as other produce. It will be impossible to contain the movement of tourists on the trails and protect neighbouring properties from exploitation. No contingency plans, or plans to control the movement of tourists, are put forward in the proposal.
5. The area is prime agricultural land which will be classified under the category "land capability class I land" under the DRAFT PRESERVATION AND DEVELOPMENT OF AGRICULTURAL LAND FRAMEWORK ACT. This will mean that in future the consent of the Minister of Agriculture will be needed to rezone properties in this area, for any other purposes or to utilize the property for anything else. Such an application would in future be accompanied by a report by a registered agricultural scientist and comprise of inter alia the following: a general area description, natural resources assessment referring to soil, terrain, vegetation, water and agri-climate and ecosystem impact study. No such report was annex to the application. Because of the specific nature of the area, it would be in the interest of all affected parties, as well as in the interest of the natural resources, to have such a report done, as it would ensure that nobody suffers unnecessarily, and neither does the natural resources, as a result of the consent use.
6. The farmers in this area has to date succeeded to protect the area from exploitation and commercialization without any assistance (except for a limited attempt by the Work-for-Water project). There are no signs of erosion of precious surface soil or threats of pollution in the influx of the De Bos dam. It is an area where nature is in perfect balance. Needless to say, this status quo should be maintained and protected at all cost.
7. The subject property is next to the De Bos dam, which is the major water source in the Overstrand municipal area. Increased pollution pose a serious threat to the wellbeing of this water source and automatically to the population of the greater Overstrand area. This dam, which is subject to a servitude in favour of the Overstrand Municipality and is situate on private property, will be opened to trespassing and no provision is made to prevent tourist activity on the dam. Part of the servitude conditions are that no recreational activities are

allowed on the dam, for obvious reasons. Water is one of the most precious commodities in South Africa and the Overstrand Municipality has a very limited supply. This means that this resource is critical as a sustainable source of water for human consumption in the Overstrand area. Pollution of the dam will be disastrous to the human population in the Overstrand, which hosts more than 80,000 people (according to the latest available census of 2011). As recently as 2012, the Overstrand area was subject to a severe draught, which is not uncommon throughout South Africa and this area. The optimum protection of the water resources is therefore not negotiable and should be the first priority under all circumstances. This is not addressed at all in the application.

8. The Application does not indicate how the increase in traffic on the road will impact the existing servitude road. The public road is a gravel road and struggles to accommodate the current traffic, let alone sustain the increase in traffic due to tourists visiting the subject property.
9. The additional traffic and increase in human activity will increase noise pollution as well as the carbon footprint in the area with severe effect on wildlife and vegetation. The application does not address the impact and does not offer any solutions to the possible negative impact this will have on the environment and the natural resources. It is eminent to ensure that nature and wildlife in the area do not suffer from this and the input of scientists needs to be obtained to ensure a complete and impact assessment.

The application for consent use of the subject property is not addressing any of the major concerns and threats to the environment as set out in this objection. The lack of proper proposals and submissions to prevent any of the major threats to the environment, leaves the application flawed in principle.

In terms of Section 36 of the Constitution of South Africa, 1996, in any administrative procedure, the interest of all affected persons, the community and the environment should be considered. The application does not take into account the interest of any of these and should therefore not be granted.

Yours faithfully,



STEYN WILSON ING/INC

Per: L WILSON

J H N Hanekom Trust
Eienaar van Gedeelte 27 van die Plaas 587
Hemel en Aarde Valle
HERMANUS

Die Direkteur
Infrastruktuur en Beplanning
Overstrand Munisipaliteit
HERMANUS

PER EPOS: loretta@overstrand.gov.za

Geagte Meneer,

**BESWAAR TEEN AANSOEK VIR VERBRUIKSVERGUNNING OP DIE RESTANT VAN DIE
PLAAS 923 HEHEL EN AARDE VALLEI**

Die JHN Hanekom Trust, IT 4721/97 is die eienaar van Gedeelte 27 van die Plaas nr. 587, aangrensend tot die betrokke eiendom.

Hoewel daar nie spesifieke beswaar teen die oprigting van 'n proelokaal op die voorgestelde posisie op die eiendom is nie, is die Trustees van die JHN Hanekom Trust van mening dat die eiendom van die Trust beslis negatief geraak sal word en daar ernstig inbreuk gemaak word op bestaande regte van die Trust, indien die aansoek vir verbruiksvergunning toegestaan word en wel om die volgende redes:

1. Die aansoek bevat verskeie onwaarhede en misleidende voorstellings:
Die belangrikste sover dit die eiendom van die trust betref is die feit dat die voorgestelde visvanghutte/pekniekhutte 'n definitiewe negatiewe visuele impak op die uitsig vanaf die plaashuis van die Trust sal hê. Die voorgestelde strukture, wat inderdaad al gedeeltelik onwettig opgerig is, aangesien die aansoek klaarblyklik nog nie goedgekeur is nie, is direk in die gesigsveld vanaf die postal van die Plaashuis van die Trust. Een van die redes waarom die betrokke eiendom deur die Trustees aangekoop is, was juis die ongeskonde aard van die omgewing en die natuur. Die ontwikkeling van toerisme strukture maak dus direkte inbreuk op die Vryheid van keuse soos beskryf in die handves van menseregte in die Grondwet.
Hierdie ontwikkeling is teenstrydig met die Titellovoorwaardes van die betrokke eiendom en kon nie voorsien word nie. Die onversteurde omgewing het die Trustees juis 'n groot belegging gemaak. Die potensiele kommersiële ontwikkeling van die betrokke eiendom is 'n direkte inbreukmaking op die regte van die huidige grondeienaars in die omgewing en baie spesifiek, die van die Trust.
2. Die toestaan van sodanige Verbruiksvergunning sal 'n president skiep vir toekomstige kommersialisering van die omgewing wat die aard en wese van die vallei in die toekoms ernstig sal benadeel. Die motivering van hierdie verbruiksvergunning is onseker, aangesien die Bosman-familie hoofsaaklik in die Wellington omgewing op kommersiële skaal boer. Die wyn vir die



TPA Theat
(H Olivier)

FILE NO: Plaas 923
H+A Valle
SCAN NO: 02
COLLABORATOR NO: 1023407

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10 MAY 2017

proelokaal wat beoog word, word nie plaaslik gepars en gebottel nie, wat beteken dat die produkte van elders na die proelokaal vervoer sal moet word. Dit is dus nie 'n natuurlike uitvloeisel van die produksie van die wyn plaaslik nie, maar 'n geforseerde projek wat suiwer kommersiële oogmerke het. Dit is nie in lyn met die oogmerke en doelstellings van ander plaaslike kommersiële landgoedere nie, aangesien die kringloop van produksie nie plaaslik voltooi word nie – dus produksie van wingerd, verwerking van die druiwe met die parsproses, veroudering en bottellering van die wyn en die gevolglike bevordering en bemarking van 'n genetiese plaaslike produk nie. Uit die aansoek self blyk dit dat die wyn wat langs hierdie kanaal bemark sal word, nie plaaslik gepars en gebottel word nie.

3. Die voorgestelde visvanghutte/pekniekhutte in die aansoek word sterk bevraagteken. Sover bekend is daar geen inheemse visspesie lank teenwoordig in die betrokke dam nie. Die aansoek meld ook nie die teenwoordigheid van enige visspesies nie. Sou die applikante beoog om enige visspesie te vestig, sal dit nie die natuurlike habitat van sodanige spesie wees nie, wat ernstige bedreiging vir die ekologie en amfibieë wat wel hier gevind word, inhou. Die aansoek bevat geen aanduiding dat die dam 'n volhoubare bron vir enige visspesies bied nie. Dit volg dus noodwendig dat die voorgestelde ontwikkeling van visvang hutte geforseerd en nie behoorlik gemotiveerd is nie. Weens die ligging van hierdie hutte en die aard van die omgewing, veroorsaak dit alreeds geraasbesoedeling in die omgewing, meer spesifiek vir die plaashuis op die Trust se eiendom wat reeds blootgestel was aan die onbeheerde geraas van toeriste wat gebruik gemaak het van die geriewe (wat lank onwettig op die eiendom is).
4. Die aansoek skep 'n wanindruk dat hierdie strukture opgerig sal word (en alreeds opgerig is) in 'n omgewing waar die natuurlike plantegroei reeds versteur is. Dit is nie die korrekte feite nie, aangesien die hutte opgerig is in 'n area langs die dam waar natuurlike fynbos voorkom en ook nie deur brande in die onlangse verlede geraak was nie. Die fynbos waar die hutte aangebring is en waarvan gedeeltes verwyder is om plek te maak vir die strukture, vorm deel van 'n groter sub-omgewing waarvan sommige van die fynbosspesies reeds op die lys van hoogsbedreigde spesies is, volgens 'n onlangse studie. Dit is 'n gegewe dat fynbos uiters flambaar is en die blote teenwoordigheid van toeriste hier, verhoog die brandgevaar dramaties. Hierdie area is direk aangrensend aan die eiendom van die Trust en hou dus 'n wesenlike gevaar vir die natuurlike plantegroei op die eiendom van die Trust in asook vir die infrastruktuur wat daarop voorkom. Die aansoek dui geensins aan hoe die brandgevaar aangespreek word nie. Die Bosman familie is nie permanent op die betrokke eiendom of selfs in die omgewing woonagtig nie en word dus nie persoonlik deur die verhoogde risiko geraak nie, terwyl die omliggende eiendomme die permanente woning van die oorgrote grondeienaars is vir wie die verhoogde brandgevaar wesenlike risikos inhou wat nie aangespreek word nie.
5. Voorts skep die aansoek die indruk dat die eiendom reeds geslagte lank in die Bosman familie se besit is, wat 'n wanvoorstelling is, aangesien die eiendom

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klarblyklik eers in 2013 in die betrokke eienaar se naam oorgedra is. Dit is dus nie 'n familie plaas wat geslagte lank in die familie se hande is nie. Dit is onlangs bekom, klarblyklik suiwer met die ook op kommersiële toerisme en nie vir landbou doeleindes soos bepaal word in die beperkende voorwaardes in die titelakte nie. Die eiendom is juis binne 'n omgewing wat bekend is vir die hoë landbou potensiaal en behoort daar nie lukraak toestemming verleen te word vir alternatiewe aanwending van hierdie eiendom nie. Die aansoek is dus suiwer kommersieel en geforseerd en nie in belang van die omgewing of die plaaslike inwoners nie.

Die uwe,



J H N HANEKOM
JHN HANEKOM TRUST

Farm 923 ✓	
COLLABORATOR NO:	Caledon
SCAN NO:	
FILE NO:	1025960

THE MUNICIPAL MANAGER
OVERSTRAND MUNICIPALITY

THE DEPARTMENT : TOWN PLANNING

Fax : 028 313 2093
Email: loretta@overstrand.gov.za

ANNEXURE D 12/19

STBB | SMITH TABATA
BUCHANAN BOYES

T.P.A. Theart
(C.H. Olivier)

t: +27 (0) 21 001 1170
f: +27 (0) 86 541 7085

Unit F1, Block A, Stellenpark, Business Park
& School Rd Stellenbosch, 7600
Box 1097, Stellenbosch, 7599
Somerset West Stellenbosch

andres@stbb.co.za | www.stbb.co.za



Your Ref:

Our Ref: AHS/CVDL/S595-28500

Date: 12 May 2017

Dear Sir,

CONSENT USE APPLICATION : REMAINDER OF THE FARM 923, HEMEL EN AARDE VALLEY, OVERSTRAND MUNICIPAL AREA

- We act in this matter on behalf of Kathy's Trust (the Client), the registered owner of the Farm No 1000, in the Overberg Municipality, Division Caledon, by virtue of Certificate of Consolidated Title No 39832/2013.
- Bosman Adama (Pty) Ltd (the Applicant) is the registered owner the Farm No 923, located in close proximity to our Client's property and has submitted a consent use application in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning (the By-Law).
- Notice of the aforementioned consent use application was advertised in the local media in the following terms:

'Notice is hereby given in terms of Section 48 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 that an application has been received for a consent use in terms of Section 16(2)(o) in order to accommodate tourist facilities on the property concerned.'

- We have been instructed to provide you with our Client's comments and objections against the granting of the application.
- For purposes of Section 52(3) of the By-Law, our Client records the following:
 - Name of the person or body concerned: Kathy's Trust

Attorneys Notaries & Conveyancers
Directors: Jonathan Steytler (Managing) | Stoffel Ackerman | Martin Bey | Jacques Blignaut | Darren Brander | Luthfeya Cassim | Tim Chase | Melanie Coetzee | Thabizile Dlamini | Refqah Fataar Jo-Yee
Niel Grundlingh | Warren Haner | Bev P'Das-Raeburn | Gerhard Kotze | Belinda Lewis | Robert Maitlani | Carlene Mostert | Hennie Mouton | Marlene Newmann | James Phillipson | Crix Riege de Dios | Mazlia Sibeard | Roshana Solomon | Nicole Stevens | Philip Steyn | Lauren Sullivan | Marlize Swart | Dumisani Tabata | June Theron | Annetjie van Rooyen | Percy van Staden | Ferdinand Verryn | Sirozen Volks | Allan White
Senior Associates: M Botha | D Du Plessis | H Dyssel | H Ferreira | J Foxoro | N Hayes | V W Jooste | D Starkey | A Voges | A Wiese
Associates: G Barends | S Chettiar | J Greyling | J Hamers | L Mace | N Menteur | B Mozen | G Pougier | K Richards | H Scudamore | T Smit | A Van Vuuren | L Verbeek | T Wainwright | M Williams
Executive Consultants: Peter Arnot | Kevin Daniel | Harry Friedland | Lizelle Kilbourn | Graham Liebenberg | Andy McPherson | Andre Swart | Colin Traub | Richard Volks
Financial Manager: Cullen Penny

Cape Town: 021 406 9100 | Bedfordview: 011 453 0577 | Centurion: 012 001 1546 | Claremont: 021 673 4700 | Fish Hoek: 021 784 1580 | Illovo: 011 219 6200 | Menlyn: 012 348 1682 | Somerset Mall: 021 850 6400 | Stellenbosch: 021 001 1170 | Table View: 021 521 4000 | Tyger Valley: 021 943 3800

Registration No. 1992/003316/21
VAT Reg No. 4670133877

TP 16 MAY 2017

- 5.2 Address and contact details: The address and contact details of our firm under the abovementioned reference will be where our Client will accept notice or service of documents.
- 5.3 The interest of our Client will be evident from what we state below and in particular, being a landowner in the immediate vicinity of the property of the Applicant and on whose property the proposed consent use will have a significant negative impact.
- 5.4 The reasons for our Client's objections will be evident from what we state below.
6. Below we will deal with:
- 6.1 Consistency with the Spatial Development Framework (SDF) of the Overstrand Municipality (the Municipality).
- 6.2 Zoning of the property
- 6.3 Restrictive title conditions
- 6.4 Traffic impact
- 6.5 Site development plan
- 6.6 Security
- 6.7 Fire risks
- 6.8 Environmental Authorisation

CONSISTENCY WITH THE SDF

7. In Paragraph 3.9.3 of the Motivational Report which accompanied the consent use application, the following is stated:

3.9.3 OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK (2006)

The Overstrand Spatial Development Framework (2006) shows that Remainder Farm No. 923 is situated outside the urban edge in the rural areas of the Overstrand region. The aforementioned policy earmarks the subject property for Core Agriculture and Conservation 2 purposes – refer to the Overstrand SDF (2006) plan attached.

Remainder Farm No. 923 will be used for tourism and agriculture purposes. The proposed tourist facilities falls within an area earmarked for Core Agricultural and Conservation 2 purposes. The footprints and impact on the agricultural land is however minimal since the tourist facilities will be accommodated in new structures in already transformed areas not currently cultivated but rather rehabilitated for conservation purposes. It is important to note that the zoning and main land use will remain for agricultural purposes.

The Overstrand SDF (2006) stipulates that non-agricultural land uses should be restricted to those that support the sustainable production potential of the farming unit.

The proposed tourist facilities will also not have an impact on any conservation worthy portion/s of land on the subject property.

Consequently the proposed consent use of Remainder Farm No. 923 is compatible with the spatial planning policies for the Overstrand area.¹

8. Specific reference is made to Section 22(1) and Section 42(1)(b) of the Spatial Planning Land Use Management Act No 16 of 2013 (SPLUMA), which states as follows:
- '22(1) A Municipal Planning Tribunal or any other authority required or mandated to make a land development decision in terms of this Act or any other law relating to land development, may not make a decision which is inconsistent with a municipal spatial development framework.*
- 42(1) In considering and deciding an application a Municipal Planning Tribunal must—*
- (b) make a decision which is consistent with norms and standards, measures designed to protect and promote the sustainable use of agricultural land, national and provincial government policies and the municipal spatial development framework¹*
9. The term '*consistent*' is not defined in SPLUMA, but is defined in Section 1 of the Land Use Planning Act No 3 of 2014 (LUPA) as follows:
- 'consistent, in relation to a spatial development framework, a land use application or a land development application, has the meaning set out in section 19(2)'*
10. Section 19 (1) and (2) states as follows:
- '19(1) If a spatial development framework or structure plan specifically provides for the utilisation or development of land as proposed in a land use application or land development application, the proposed utilisation or development is regarded as complying with that spatial development framework or structure plan.*
- (2) If a spatial development framework or structure plan does not specifically provide for the utilisation or development of land as proposed in a land use application or a land development application, but the proposed utilisation or development is not in conflict with the purpose of the relevant designation in the spatial development framework or structure plan, the utilisation or development is regarded as being consistent with that spatial development framework or structure plan.'*
11. Sections 22(1) and 42(1) of SPLUMA, referred to above, constitute mandatory and material procedures or conditions to the exercising of any powers by the Municipal Planning Tribunal (MPT) or the authorised official in this matter. Any decision inconsistent with the Spatial Development Framework (SDF) will be reviewable in terms of Section 6(1) and (2)(a) and (b) of the Promotion of Administrative Justice Act 3 of 2000, which states as follows:

¹ All underlining and bold print constitutes our emphasis unless stated otherwise.

- '6(1) *Any person may institute proceedings in a court or a tribunal for the judicial review of an administrative action.*
- (2) *A court or tribunal has the power to judicially review an administrative action if—*
- (a) *the administrator who took it—*
- (i) *was not authorised to do so by the empowering provision;*
- (ii) ...
- (iii) ...
- (b) *a mandatory and material procedure or condition prescribed by an empowering provision was not complied with'*
12. From Paragraph 3.9.3 of the Motivational Report, the following is evident:
- 12.1 The subject property has been designated for Core Agriculture and Conservation 2 purposes.
- 12.2 The proposed tourist facilities have been located within the areas designated for Core Agricultural and Conservation 2 purposes.
- 12.3 The SDF therefore does not provide for the utilisation or development of the subject property as proposed by the Applicant – see Section 19(1) of LUPA.
- 12.4 The proposed use of the property for tourist facilities is clearly in conflict with the purpose of the designation of the subject property as being for Core Agriculture and Conservation 2 purposes.
13. The Applicant's proposed development is therefore not only inconsistent with the SDF of the Municipality, but clearly deviates therefrom.
14. Before the Municipality will be entitled to consider the consent use application of the Applicant, it will be obliged to properly amend the SDF.
15. Our Client submits that the SDF of the Municipality forms a core component of the Municipality's Integrated Development Plan (IDP), in terms of Section 26(c) of the Local Government: Municipal Systems Act No 32 of 2000 (the Systems Act).
16. The amendment of the SDF of the Municipality will invariably entail the amendment of the Municipality's IDP.
17. It is of importance to note that the Systems Act does not provide for a separate process for the compilation, adoption or amendment of a SDF independently from the IDP. Any proposed amendment of the SDF must form an integral part of the process prescribed by the Systems Act and the Local Government: Municipal Planning and Performance Management Regulations, 2001.

18. Our Client therefore submits that for the abovementioned reason alone, the Municipality will not be entitled to consider the Applicant's consent use application.
19. The fact that tourist facilities, as suggested in Paragraph 3.9.3 of the Motivational Report, may possibly not have an impact on any conservation worthy portions of the land is, with respect, irrelevant.
20. Furthermore, Conservation 2 areas, according to the SDF, represents areas '*of the highest conservation status*'. Only low intensity, non-consumptive nature-based recreation is allowed in terms of the SDF. The SDF does not at all make provision for restaurants and wine tasting facilities, as proposed by the Applicant. The proposed development is totally inconsistent with the provisions of the SDF as far as bio-regional planning is concerned.

ZONING OF THE PROPERTY

21. In the Motivational Report it is stated that the property is zoned for Agricultural Zone I purposes. Our Client submits that this position is incorrect.
22. The subject property is located within the area in respect of which the so-called Section 8 Scheme Regulations, published under PN 1048 of 5 December 1988, apply.
23. Section 14(1) of the now repealed Land Use Planning Ordinance 15 of 1985 provided as follows:

'14(1) With effect from the date of commencement of this Ordinance all land referred to in section 8 shall be deemed to be zoned in accordance with the utilisation thereof, as determined by the council concerned.'
24. The only instance in which a property legally obtained a zoning, in terms of Section 14(1), was pursuant to an official determination made by the Municipality in accordance with the legal requirements explained in the *Hangklip Environmental Action Group vs Minister of Agriculture, Environmental Affairs and Development Planning, Western Cape and others (7139/03) [2007] ZAWCHC41 (15 June 2007)*.
25. Our instructions are that no such zoning determination process has ever been undertaken by the Municipality in respect of the subject property. In this regard, we would like to alert the decision maker to the following very important legal principle and that is that a zoning determination is something totally different than a zoning certificate. In terms of our case law it is clear that a zoning certificate carries no legal force. A specific zoning determination was therefore required.
26. We submit that the Applicant will first have to apply, in terms of Section 16(2)(m) of the By-Law, to the Municipality to determine a zoning for the subject property.
27. Zoning determinations in terms of the By-Law are done in terms of Section 13 thereof, which prescribes strict procedural requirements.
28. The Motivational Report is totally vague as far as the location of infrastructure is concerned. It is for example stated that the proposed restaurant will either be developed in position 1 or 2 in the future. We submit that in view of the fact that land use rights attach to land as defined in the Scheme

Regulations and the By-Law, that the land portions in respect of which use rights are granted must be known in some detail.

RESTRICTIVE TITLE CONDITIONS

29. The title deed of the subject property contains the following restrictive title condition:
- 'A. WAT BETREF die figuur A n2 B C D b m2 a op gemelde Kaart L.G. No. 3702/2004:*
- IV. ONDERHEWIG VERDER aan die volgende spesiale voorwaarde vervat in Transportakte No. 17419/1982 opgelê deur die Afdelingsraad van Caledon as beherende owerheid in terme van Artikel 11(6) van Wei 21 van 1940, soos gewysig, naamlik:-*
- 'n Maksimum van alleenlik twee wonings met die nodige bona fide boerdery geboue mag op elke onderverdeling opgerig word.'*
30. The decision maker will note that the aforementioned restrictive condition has been imposed by the controlling authority in terms of Section 11(6) of the Advertising on Roads and Ribbon Development Act No 21 of 1940, which section provides as follows:
- '11(6)(a) Any approval or consent granted under this section by a controlling authority may be made subject to any condition prohibiting the division of the land in question or any part thereof, or limiting the use to which the land in question or any part thereof may be put, or limiting the number and extent of any buildings or other structures which may be erected thereon, or prohibiting the erection, construction or laying of any structure or other thing on or under or below the surface of such land within a stated distance from the road in question.*
- (6)bis A condition mentioned in sub-section (6) may be imposed in such a manner as to permit of non-compliance therewith or departure therefrom with the approval or consent of the controlling authority.'*
31. The imposition of the restrictive title condition, in terms of Section 11(6), constitutes administrative action which stands until reviewed or set aside by a High Court. A salient feature of the said restrictive condition is that no provision is made that such condition may be suspended or relaxed with the consent of the controlling authority, as suggested in the Motivational Report. Differently put, the mere consent of the controlling authority is not enough to suspend or relax the condition. We specifically refer to Section 11(6)*bis* which provides that it would have been incumbent on the controlling authority at the time to impose the condition in a manner that such condition could be suspended or relaxed merely with the consent of the controlling authority. This did not happen in this instance.
32. Our Client submits that the only lawful manner in which the restrictive condition can be uplifted is by means of an application in terms of Section 16(2)(f) of the By-Law. The consent of the controlling authority (District Roads Engineer) will legally not suffice.
33. The fact that the existing structures might have been erected in contravention of the restrictive condition is not of any help to the Applicant. We submit that the existing unlawful structure

exacerbates the problem of the Applicant and that also for this reason, the restrictive condition will have to be removed from the title deed. We repeat that a mere consent is not provided for in the restrictive condition and that a removal of the restrictive condition will be required.

TRAFFIC IMPACT

34. Our Client submits that the traffic impact on the local roads system and the surrounding areas will be significant and that it is inconceivable that the Municipality can properly apply its mind in an integrated manner without a Traffic Impact Assessment Report by a duly qualified roads engineer.
35. From the papers in our possession, it appears that the District Roads Engineer has required amendments to the Site Development Plan (SDP).
36. A substantial part of the access road constitute private servitudes which need to be maintained by the involved dominant landowners. The Motivational Report does not all deal with the impacts of the substantial increase in vehicle trips in the area or provide any proof that the specifications and standard of the involved roads are sufficient to accommodate the proposed development. Our Client repeats its submission that a formal Traffic Impact Assessment will have to be undertaken to enable the Municipality to properly apply its mind.
37. The last paragraph under Paragraph 3.7.2 of the Motivational Report states as follows:

'All servitudes right-of-way, servitude areas and services servitude being referred to in title deed no. T56480/2013 will remain.'
38. Our Client submits that the aforementioned extract is simply stating the obvious. The Motivational Report is totally silent on the traffic impacts on the private servitudal rights of third parties. Interested and affected parties should be afforded an opportunity to view the relevant notarial deeds and to comment thereon.
39. The contents of the said road servitudes are unknown and no detail is given by the Applicant regarding the maintenance responsibilities and any possible restrictions on the use of such roads. The Applicant in this matter does not at all tender to assume responsibility for such upgrades and future increased maintenance occasioned by the increase in vehicle trips. It will be grossly unfair to expect from any of the other dominant landowners to assume any additional responsibility as far as the aforementioned issue is concerned.
40. Our Client submits that it will only be possible for interested and affected parties to comment on traffic impacts once the results and recommendations of a formal Traffic Impact Assessment has been undertaken and disclosed to such parties.

SITE DEVELOPMENT PLAN

41. As remarked above, our Clients submits that the Site Development Plan submitted with the application will have to be approved by the controlling authority. This is notwithstanding the fact that the abovementioned restrictive condition will have to be removed from the title deed. Our understanding is that the controlling authority did require amendments to the SDP in the form attached to the application. From a procedural fairness perspective, it will be legally incumbent on

the Applicant to furnish such revised SDP to all interested and affected parties and afford them an opportunity to properly consider and comment on same.

42. As remarked above, the maintenance responsibility of the servitude roads vests with the involved dominant landowners. It is not at all clear from the Motivational Report what upgrades may be required to the roads infrastructure and what the cost implication thereof might be.

SECURITY

43. Access to our Client's property is currently for the most part shielded in obscurity from the main traffic flow of the R320 due to its inaccessibility. The main access to the property is from a dirt road (Karwydeskraal / De Bos Dam) off the R320. This has provided a certain amount of natural security from the higher incidence of crime that has started to permeate the broader Hemel en Aarde valley.
44. The development on the subject property will remove all instance of privacy and security as the access to the private road on our Client's property will be highlighted through signage and marketing.
45. The increased volume of vehicular traffic and advertising of the access road will increase the risk of higher incidences of crime as more people become aware of the properties in the area and access thereto is highlighted.

FIRE RISKS

46. The area in which our Client's property is situated has been ravaged by fires in the past and each year fires are a grave concern to the inhabitants. The development on the subject property provides for braai facilities which greatly increases the risk of fires and especially considering that a wooded area has been identified for the positioning of the braai facilities.

ENVIRONMENTAL AUTHORISATION

47. Our Client submits that the proposed development will include listed activities which require environmental authorisation in terms of the National Environmental Management Act 107 of 1998.
48. The Motivational Report and supporting documents do not at all deal with the visual impacts of the proposed development. In the Motivational Report it is stated that, for example, the restaurant was positioned to ensure the best view for guests. We submit that it was incumbent on the Applicant to at least illustrate visual impacts of all structures including the restaurant.

Yours faithfully

ANDRE SWART
STBB | Smith Tabata Buchanan Boyes

ANNEXURE E 1/19

Plan Active
Town & Regional Planners
Stads-en Streeksbeplanners



6 Magnolia St / Str
PO Box / Postbus 296
HERMANUS
7200
Tel: (028) 313 1673
Fax / Faks: (028) 312 1351
Email: planactive@hermanus.co.za
Website: www.planactive.co.za

Our reference: PA15052/ML
Your reference: 923 Farm (3512)

22 JUNE 2017

THE MUNICIPAL MANAGER
OVERSTRAND MUNICIPALITY
P.O. BOX 20
HERMANUS
7200

FOR ATTENTION: MRS HANNEEN VAN DER STOEP

Sir

PROPOSED CONSENT USE: REMAINDER FARM NO. 923, CALEDON DIVISION

- BOSMAN ADAMA PTY LTD
- KARWYDESKRAAL / DE BOS DAM ROAD

Reference is made to our application dated 23 November 2016 as well as your letter dated 23 May 2017. Objections were received from G.F. Hugo, Steyn Wilson Inc. (L. Wilson), JHN Hanekom Trust and STBB Attorneys (A. Swart). Here follows our response to the objections:

- *All elements of the development propose a fire risk. This includes the overnight cabins and picnic shed (open fires, braais, etc.).*

It should be noted that no overnight cabins (i.e. tourist accommodation units) are proposed with this application. Both the picnic ("Alfresco") shed and fishing sheds (also picnic cabins) will be used for daytime tourist facility purposes only.

No open fires are allowed anywhere on the farm without a fire permit and no braai facilities are provided at any of the daytime picnic cabins or at the wine tasting room. Pre-packed picnic baskets will be available for purchase which will grant access to the picnic area.

- *The subject property falls in an area earmarked as "critically endangered" and the proposed development will extensively exploit the natural resources. In addition the application will have a severe impact on the wildlife in the area (with reference to the hiking trails) and no mitigating measures are proposed. The proposed development will include listed activities which require environmental authorization in terms of NEMA (Act 107 of 1998).*

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Vat. No. 4770250340

John Mc Lachlan: Ndip (Town Planning) Tech Witwatersrand; MSAPI
Pauline Spronk: B (Soc Sc) US, BA Hon (UNISA)
Meriké Lerm: B. Art et Scien Cum Laude (Town Planning) UNW; SACTRP

TRA Threat
CH vld stoep

FILE NO:	Farm 923
SCAN NO:	Cal: <input checked="" type="checkbox"/>
COLLABORATOR NO:	1041435

The extent, use and position of and the provision of services for the proposed tourist facilities do not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

The farm management is working in conjunction with Mr. Frank Woodvine, former curator of the Fernkloof Nature Reserve, to improve the environment and promote the importance of the Cape Floral Kingdom by rehabilitating some portions of the farm for conservation purposes and adding the nature trail. Refer to the letter from Mr Woodvine dated 4 June 2017 attached regarding the environmental activities on the farm. Also refer to the letter from the farm owners dated 8 June 2017, specifically the paragraphs that refer to the Fynbos, Environment and Nature on the De Bos Farm.

The proposed tourist facilities do not impact on any conservation worthy portion/s of land on the subject property (the proposed tourist facilities will be accommodated on existing transformed portions of land with the surrounding land to be rehabilitated). Furthermore the positions of the proposed tourist facilities are located next to existing farm roads.

There are Critically Biodiversity Areas (CBA's) present on the subject property. The proposed tourist facilities and parking areas are not positioned within a CBA. The CBA map was attached to the land use application.

- ***The hiking trail will impose onto the neighbouring farms and trespassing onto these farms will have a negative impact on the produce and security of the farms. No contingency plans are included in the proposal.***

The hiking trail does not cross any of the neighbouring farms. It is a circle route that will start and end at the proposed wine tasting room. Refer to the aerial photograph of the trail attached. The impact on the adjacent property owners will therefore be kept to a minimum.

It is in the best interest of the owners of Farm No. 923 to ensure the safety of the tourists, employees and surrounding farm owners with the additional land uses proposed. Any unwanted elements will be dealt with accordingly to ensure the safety of tourists, neighbouring farm owners as well as the employees of the De Bos Farm. No contingency plans are included since the hiking trail will be on Farm no. 923 only.

- ***The area is prime agricultural land and will be classified as such with the proposed Preservation and Development of Agricultural Land Framework Act. The objectors therefore requests that a soil and botanical assessment be submitted to ensure the impact on the agricultural and natural resources are kept to a minimum.***

The existing structures are not situated on high potential agricultural land - the previously cultivated areas are in the process of being restored to natural vegetation (fynbos) areas and therefore the impact will be kept to a minimum. The proposed tourist facilities will have no impact on the existing viable agricultural unit and the existing and future agricultural activities on the farm. In addition the application was circulated to all relevant internal and external departments and a soil and botanical assessment was not deemed a requirement for the proposed application. The Department of Agriculture Western Cape gave their consent on the application on 29 May 2017.

- ***The area should be protected against exploitation and commercialization to keep the status quo of no soil erosion and pollution of the De Bos Dam. The De Bos Dam will be opened to trespassing (and in turn pollution). No recreational activities are allowed on the dam. The proposal does not stipulate contingency measures for any negative impacts on the De Bos Dam.***

The proposed tasting room, restaurant, two designated picnic areas and the hiking trail are not within close proximity to the De Bos dam. Refer to the revised SDP.

The property owners have always believed in respecting the land and the owners have no intent to exploit and commercialize the area. The owners will merely tap into the expanding wine tourism of the Hemel & Aarde region. In addition the design philosophy of the tourism facilities from the outset was to have the smallest impact on the environment.

Consent uses for tourist facilities are in line with the secondary land uses allowed for agricultural farm units and are not considered commercial development outside of the urban edge. The statement with regards to the pollution of the De Bos Dam and exploitation from commercialism is therefore irrelevant and should be dismissed.

- ***The application does not address the impact of the increased traffic on the existing gravel roads and private servitудal rights. A traffic impact assessment has to accompany the application to allow the municipality to apply their mind concerning the possible traffic impact.***

The application was circulated to the District Roads Engineer. The District Roads Engineer (DRE) did not consent to the initial access points to the proposed development (refer to DRE's letter dated 31 January 2017). Mr Francois Nortje from Nortje & De Villiers Consulting Engineers contacted the District Roads Engineer to arrange a site meeting. Mr Nortje met with Mr Manie van Eeden (DRE: Overberg District Municipality) on site on Friday 16 February 2017. Mr van Eeden proposed that access off Minor Road 4010 should be taken at the existing intersection point off a private tar road at ±1,47km. The existing T-junction will then be changed to a crossing with a 90° angle intersection and the shoulder sight distance on either side of the accesses to the MR 4010 will be at least 200m. The internal roads will then also change as shown on the revised Site Development Plans. The revised proposal was submitted to the District Roads Engineer on 23 February 2017. The District Roads Engineer approved the new access point on 24 April 2017 (i.e. during the public participation process). Find attach the ***revised site development plans (revised access point and internal access routes)*** in line with the DRE's approval. The attached plans should replace *Site Development Plan: Wine tasting, wine sales & restaurant* and *Site Development Plan: Tourist Facilities*.

It is submitted that the minor amendment to the Site Development Plans will have no impact on the neighbouring farm owners. In fact, the revised access points are in line with the Advertising on Roads and Ribbon Development Act, No. 21 of 1940, that ensures safe sight distances in line with the recommend standards of the Act. The revised site development plans are therefore deemed to have a lower (safer) impact on the surrounding farms and the need to recirculate the revised site development plans is therefore not deemed necessary.

- ***The additional traffic and increased human activity will increase the noise pollution and carbon footprint in the area. The proposal does not stipulate contingency measures for any negative impacts on the environment and natural resources. The lack of proper proposals and submissions to prevent major threats to the environment leaves the application flawed.***

The proposed tourist facilities are not positioned in close proximity to farm boundaries nor within building lines to ensure that the possible noise pollution is kept to a minimum. In addition the facilities will only be open daily from 10:00 to 18:00 and the traffic will be spread throughout the course of the day (as is evident on similar facilities on farms in the Hemel & Aarde Valley).

As mentioned in the application all proposed structures will be positioned in already disturbed portions of land and existing internal access roads will be used to access the proposed facilities. It is therefore evident that the impact on the environment will be kept to a minimum. Also refer to the input from the property owners concerning the Fynbos, environment and nature, the hiking trail and the proposed picnic cabins.

- ***The fishing and picnic cabins will have a negative impact on the visual impact of the existing dwelling on Ptn 27 of farm no. 587. The proposed structures will have a negative impact on the privacy and views of the adjacent property.***

The picnic cabins on the bank of the existing farm dam are wooden structures and each structure will only be 18m² in extent each. Visually the proposed tourist facilities will therefore blend in well with the natural and built environment. The main purpose of these cabins is to provide shielded picnic areas, not for overnight stay. The possible impact from tourists visiting the picnic area will therefore be limited to daytime (10:00 to 18:00) only. The purpose of the dam is for irrigation.

Each cabin can accommodate a maximum of 4 people for a picnic. The cabins are positioned in already disturbed areas on the bank of the dam and the property owners are in the process of removing all alien plants in this specific area and by doing so helping to restore the natural vegetation/fynbos.

- ***The proposed development will create a precedent for future commercialization of the area.***

Once again it is emphasized that the proposal is in line with the character of the area. The Hemel & Aarde Valley is characterised by agricultural activities, resorts, tourist facilities (such as wine tasting facilities, function venues, restaurants, farm stalls, etc.), tourist accommodation (although only a few exist) and recreational facilities (mountain biking trails, adventure activities, etc.). The proposed tourist facilities (wine tasting and sales, restaurant & picnic facilities) are therefore in line with the existing character of the area.

In addition the zoning remains unchanged. The proposed land uses can be accommodated with consent (secondary) uses only and no commercial zonings are proposed.

- ***The wine to be sold from the premises is not a natural product of the farm, but a forced project with commercialization as intent. The subject property is owned by the Bosman family from as recently as 2013 (and not owned for generations) and it is evident that the subject property was bought for the intent of commercial tourism and not for agricultural purposes.***

The De Bos Farm currently has 66ha vineyards (wine grapes) and 2,8ha commercial Proteas established and is in the process of planting another 2ha commercial Proteas.

All the grapes harvested on the De Bos farm is transported to the Wellington facility for processing. Processing all the grapes (a full potential production of 400 tons) on the De Bos property will have a larger impact on the environment, while the owners already have the winemaking capacity at the Wellington facility.

The De Bos farm takes pride of its place in the Upper-Hemel-en-Aarde Valley. They currently produce approximately 10 different wines from the Hemel-en-Aarde fruit and three of these wines are bottled as Upper Hemel-en-Aarde single varietal wines. Bosman is also a member of WIETA (Wine and Agricultural Ethical Trading Association) and has been Fairtrade certified since 2009. The Fairtrade certification requires that progressive environmental and social standards are met on an annual basis.

The main motivation for the project on the De Bos farm is to support the wine they produce from the Hemel-en-Aarde Valley and not from other regions. The investment in wine tourism in the Hemel-en-Aarde Valley is targeted at a specific client and not the mass market.

Tourism and more specifically Wine Tourism is growing fast worldwide and plays an especially important role in sustainable economic growth in South Africa. In addition Bosman Adama already employs 35 permanent employees on the property and plans to grow by 5 employees with the tourism developments.

- ***The fishing/picnic cabins are questioned – there are no indigenous fish species in the dams?***

The owners applied and received a permit from Cape Nature to allow them to stock this specific farm dam next to the fishing cabins with a maximum of 1000 Rainbow Trout (*Onchorynchus mykiss*). Only all-female trout will be stocked in the dam. Currently there are a lot of other farm dams throughout the Hemel-en-Aarde Valley which are stocked yearly with this same type of trout.

- ***The position of the fishing/picnic cabins within already disturbed areas, is a misperception. The area earmarked for the cabins forms part of the greater sub-region where endangered Fynbos species exist.***

As previously mentioned all the cabins are positioned in already disturbed areas on the bank of the dam and the property owners are in the process of taking out all alien plants in this specific area and by doing this helping to restore the natural vegetation/fynbos.

- ***The proposed development is inconsistent with and deviates from the Overstrand Spatial Development Framework (2006). An amendment of the Overstrand SDF (2006) will entail the amendment of the Integrated Development Plan (IDP). For the aforementioned reasons the municipality cannot consider the applicant's consent use application.***

The ***Overstrand Spatial Development Framework (2006)*** indicates that Remainder Farm No. 923 is situated outside the urban edge in the rural area of the Overstrand region. The aforementioned

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policy earmarks the subject property for Core Agriculture and Conservation 2 purposes – refer to the Overstrand SDF (2006) plan attached.

Remainder Farm No. 923 will be used for tourism and agriculture purposes. The proposed tourist facilities falls within an area earmarked for Core Agricultural and Conservation 2 purposes. The footprints and impact on the agricultural land is however minimal since the tourist facilities will be accommodated in new structures in already transformed areas not currently cultivated but rather rehabilitated for conservation purposes. It is important to note that the zoning and main land use will remain for agricultural purposes and the owners are in process of conserving a large portion of the subject property. In addition the tourist facilities are ancillary, related land uses associated with Agriculture Zoned land (hence no rezoning is required and consent uses allow for tourist facilities). The Hemel & Aarde Valley is characterised by similar tourist facilities and none of these applications were regarded as inconsistent with the spatial planning for the area (most farms in the area are earmarked for agriculture and conservation purposes). To amend the SDF would pose a larger risk to the character of the area since this will then allow farms to commercialize on a greater level. The statement with regards to the proposal being incompatible with the Overstrand SDF (2006) is nonsensical since the proposal is in line with the SDF.

In addition the Overstrand SDF (2006) stipulates that non-agricultural land uses should be restricted to those that support the sustainable production potential of the farming unit.

The Overstrand SDF (2006) also describes the following statements for compliance for tourist facilities:

Policy statement	Evaluation of proposed land use
1. Tourist facilities should be carefully located to mitigate their potential visual impacts.	Complies. Low visual impact on adjacent property owner's farm house is mitigated by extent of structure (only 18m ² each), occupation of 4 visitors per cabin, building materials used and the proposed use of cabins (picnics from 10:00 to 18:00; no overnight accommodation).
2. Tourist facilities should be of a scale and built that is consistent with the character of the environment.	Complies. The proposed picnic cabins are small in extent and only one storey. The proposed wine tasting and restaurant facilities are also small in scale considering the extent of the farm and only one storey. The architectural design and materials used will blend in well with the environment and built character of the area.
3. The establishment of tourist facilities should have as primary objective the sale of goods / services to tourists as opposed to the sale of convenience goods / services to the local residents. Tourist facilities should therefore be complementary to farming activities and tourism within the area.	Complies.
4. The primary source of income for a tourist farm should be the selling of products / services that are associated with farming as well as products that contribute towards the existing farming or enterprises.	Complies.

The statement from STBB Attorneys with regards to the deviation from the SDF refers. A SDF is one of the sectoral components of an Integrated Development Plan. As stated in par. 1 of the

Overstrand SDF (2006) the purpose of an SDF is to provide general direction and to guide decision making on an ongoing basis. Furthermore that the advantages included in the compilation of an SDF for the Overstrand Municipal area inter alia includes that:

- "It will ensure the identification of a **common spatial vision and a set of objectives** focussed on a desired **orderly spatial development pattern for the area;**" and
- "It will inform a **broad land use management policy**, which can be referred to and used to objectively assess the desirability of all future development applications".

It is noteworthy that the Overstrand SDF (2006) is only one of several planning tools available to municipal government. It is evident that the municipal vision for the area concerned is to maintain its agricultural and conservation character. The proposed land use will not be inconsistent with the Overstrand SDF (2006) or its policies, as the primary use of the subject property will remain for agriculture and conservation purposes.

The proposed tourist facilities are secondary land uses. Land Use Management Schemes and Zoning Schemes generally provide for a number of land uses that the municipality may permit by way of special consent in agricultural areas, because such uses are in principle regarded as compatible with the rural / agricultural character. A SDF does not detract from the right to apply for and obtain special consent in terms of such schemes.

Seen in the light of the scale and built form of the proposed land use the amendment of the SDF is not required to accommodate the proposed land use applications. Even if the proposed land use deviates from those guidelines or the SDF concerned (which we have motivated that it does not), the decision-maker may approve the applications at hand without formal amendment of the 2006 SDF or its policies. The 2016 By-Law specifically sets the requirements that must be complied with when a SDF is deviated from.

To conclude, the proposed tourist facilities will also not have an negative impact on any conservation worthy portion/s of land on the subject property. Consequently the proposed consent use of Remainder Farm No. 923 is compatible with the spatial planning policies for the Overstrand area.

- ***A zoning determination process was never followed for this property and the objector submits that this process first has to be followed before a consent use application can be considered.***

The subject property is zoned Agriculture Zone I.

- ***The motivation report is vague as far as the location of infrastructure is concerned (with reference to the position of the restaurant).***

At the time of the submission of the land use application the owners were not certain as to the position of the proposed restaurant. Only one of the two positions for the restaurant will be developed and the future building plan submission will indicate the position chosen for the restaurant. Regardless of position 1 or 2, the character of the area to be developed and the proposed size of the building remain unchanged. This was clearly indicated in the report as well as on the Site Development Plans.

- ***There are restrictive title deed conditions that prohibit the proposed land use. These conditions have to be removed in a lawful manner in terms of the relevant land use***

planning bylaw. The mere consent of the controlling authority (District Roads Engineer) will not suffice.

A conveyancer's certificate compiled by H.L. van Zyl from Van Zyl Kruger Attorneys dated 3 November 2016 accompanied the application. The conveyancer's certificate specifies that the conditions specified are not restrictive but merely requires the consent of the District Roads Engineer and a removal of the condition is not required. As previously mentioned the District Roads Engineer gave his consent to the proposed development. It should also be noted that various land use applications (including applications in the Hemel & Aarde Valley) have been dealt with in a similar way and not once did the DRE or the municipality require the removal of the condition to allow for the diversification of land uses. We therefore submit that the conveyancer's certificate already investigated and resolved the process to be followed for the restrictive condition and the DRE's consent is attached.

- ***It appears that the District Roads Engineer required some amendments to the SDP. From a procedural fairness perspective the applicant has to furnish such revised SDP to all interested and affected parties to allow them to consider and comment on same.***

As previously mentioned the application was circulated to the District Roads Engineer as mentioned previously. The District Roads Engineer (DRE) did not consent to the initial access points to the proposed development (refer to DRE's letter dated 31 January 2017). Mr Francois Nortje from Nortje & De Villiers Consulting Engineers contacted the District Roads Engineer to arrange a site meeting. Mr Nortje met with Mr Manie van Eeden (DRE: Overberg District Municipality) on site on Friday 16 February 2017. Mr van Eeden proposed that access off Minor Road 4010 should be taken at the existing intersection point off a private tar road at ±1,47km. The existing T-junction will then be changed to a crossing with a 90° angle intersection and the shoulder sight distance on either side of the accesses to the MR 4010 will be at least 200m. The internal roads will then also change as shown on the revised Site Development Plans. The revised proposal was submitted to the District Roads Engineer on 23 February 2017. The District Roads Engineer approved the new access point on 24 April 2017 (i.e. during the public participation process). Find attach the revised site development plans in line with the DRE's approval.

It is submitted that the minor amendment to the Site Development Plans will have no impact on the neighbouring farm owners. In fact, the revised access points are in line with the Advertising on Roads and Ribbon Development Act, No. 21 of 1940, which ensures safe sight distances in line with the recommend standards of the Act. The revised site development plans are therefore deemed to have a lower (safer) impact on the surrounding farms and the need to recirculate the revised site development plans is therefore not deemed necessary.

- ***The proposed development will have a negative impact on privacy and security since the access to the private road to the objector's property will be highlighted through signage and marketing.***

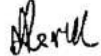
All advertising boards and tourism boards will be designed and placed in line with the Advertising on Roads and Ribbon Development Act, No. 21 of 1940, and Overstrand Municipality's Bylaw Relating to Advertising and Signage.

The comments from **Breede Gouritz Catchment Management Agency (BGCMA) dated 19 May 2017** refer. We (together with the client) are currently in process of resolving the lawful water use of the subject property. The outcome of our correspondence and / or the revised comments from BGCMA will follow in due course.

ANNEXURE E 9/19

We trust that you find the above in order and that you will now be able to proceed with the processing of the application.

Yours faithfully



M. LERM Pr. Pin (A/158/2009)
PLAN ACTIVE



The Director
Infrastructure and Planning
Overstrand Municipality
Hermanus

08 June 2017

**COMMENTS IN RESPECT OF OBJECTIONS RECEIVED OF APPLICATION FOR CONSENT USE ON
REMAINDER OF FARM 923, HEMEL-EN-AARDE VALLEY**

Introduction

The first part (Portion 10 of the Farm Hemel-en-Aarde No 587) was acquired in April 2001 which today is part of the consolidated De Bos farm (Farm no 923, 230Ha). The Bosman family who is the majority shareholder has been involved in the wine industry and agriculture on their farm Lelienfontein in Wellington, since 1798.

Wine was made on the family farm until 1957, when they turned their focus to their vine nursery. In 2007, they returned to the long-held family dream and released the first wines from their newly renovated 260-year-old cellar.

They have always believed in respecting the land and the people that farm the land. Over time, they have grown to be a leading producer of Fairtrade wine from South Africa, devoted to responsible handcrafted wines.

In 2008 they implemented which is still to date one of the most successful land reform transactions in agriculture and the largest in the South African Wine industry.

De Bos farm operations

On the De Bos Farm we currently have 66ha vineyards (wine grapes) and 2.8ha commercial proteas established and in the process of planting another 2ha commercial proteas.

All the grapes harvested on the De Bos farm is transported to the Wellington facility for processing. Processing all the grapes (a full potential production of 400tons) on the De Bos property will have a big impact on the environment, while we already have the winemaking capacity at the Wellington facility.

Our De Bos farm takes pride of its place in the Upper-Hemel-en-Aarde Valley. We currently produce approximately 10 different wines from the Hemel-en-Aarde fruit and three of these wines are bottled as Upper Hemel-en-Aarde single varietal wines. Bosman is also a member of WIETA (Wine and Agricultural Ethical Trading Association) and has been Fairtrade certified since 2009. The Fairtrade certification requires that progressive environmental and social standards are met on an annual basis.

The main motivation for the project on the De Bos farm is to support the wine we produce from the Hemel-en-Aarde Valley and not from other regions. The investment in wine tourism in the Hemel-en-Aarde Valley is targetted at a spesific client and not the mass market.

Tourism and more specifically Wine Tourism is growing fast worldwide and plays an especially important role in sustianable economic growth in South Africa. Bosman Adama already employs 35 permanent employees on the property and plans to grow by 5 employees with the tourism developments.

A site for future staff housing development in the resedential area of town has been secured.

Fynbos, environment and nature

Our philosophy on De Bos is to have minimal impact on the environment and more than two thirds of farmland is still preserved. The design philosophy of the tourism facilities from the outset was to have the smallest impact on the environment, as it is the environment that needs to be celebrated.

Bosman Family Vineyards has a deep respect and commitment to nature and the conservation and protection of the indigenous Fynbos which forms part of the famous Cape Floral Kingdom of this area. Mr Frank Woodvine was appointed as a conservation consultant to help with these matters. He is mainly responsible for developing the hiking trail and for tackling, removing and managing all invasive alien plants on our farm. He is also responsible to help restore the natural Fynbos on the farm all while recording the natural vegetation and animal life. Mr Woodvine held the position of curator of the Fernkloof Nature Reserve for almost 20 years and he is also a consultant at Bouchard Finlayson. Groups from the Hermanus Botanical Society are busy with Botanical Surveys and already identified and recorded 120 plant species on just the one hill top on the southern side of the farm. The land area where the tasting room is planned is former cultivated/agriculture land. The Bosman family is committing to rehabilitating a portion of this land area for conservation purposes. We are already in the process of restoring the natural Fynbos and other indigenous plants. The De Bos estate is also a member of the Hemel-en-Aarde Conservancy. Please also see letter from Mr Woondvine attached for your attention, regarding the environmental activities on the farm.

Hiking trail

The hiking trail does not cross any of the neighbouring farms. It is a circle route which starts and ends at our wine tasting room. Please see photo of trail attached.

Cabins , Rainbow Trout fishing and picnics

The picnic cabins on the bank of the existing farm dam is wood structures. The main purpose of these cabins is to provide shielded picnic area, not for overnight stay. The purpose of the dam is for irrigation.

Each cabin can accommodate 4 people for a picnic. The cabins are positioned in already disturbed areas on the bank of the dam and we are in the process of taking out all alien plants in this specific area and by doing this helping to restore the natural vegetation/fynbos. We applied and received a permit from Western Cape Province - Cape Nature that allows us to stock this specific farm dam with max 1000 Rainbow Trout

ANNEXURE E 12/19

(*Onchorynchus mykiss*). Only all-female trout to be stocked. There is a lot of other farm dams throughout the Hemel-en-Aarde Valley which is stocked yearly with this same type of trout.

The project does not include any overnight cabins. Business hours will be during the day time 10h00 till 18h00. No visitor to the farm may bring own food or beverages. The proposed tasting room, the two designated picnic areas and the hiking trail, are not within close proximity to the De Bos dam (the major water source in the Overstrand Municipal area). Please refer to the SDP for your reference.

Fires

No open fires are allowed anywhere on the farm without a fire permit and no braai facilities are provided at any of the picnic cabins or at the wine tasting room. Pre-packed picnic baskets will be available for purchase at a significant cost which will grant you access to the picnic area.

**REPORT ON ENVIRONMENTAL ACTIVITIES ON DE BOS FARM
04/06/2017**

1. In December 2016, I was asked to help and advise on various environmental strategies, as listed.
 - 1.1 Construct a system of nature trails through various plant communities
 - 1.2 Control invasive alien pest plants
 - 1.3 Produce a list of indigenous plant species
 - 1.4 Introduce measures to prepare and prevent soil erosion
 - 1.5 Advise on the role of fire in fynbos
2. The nature trail serves a double purpose. It allows nature lovers to traverse the farm and learn about the incredibly high levels of biodiversity in the fynbos. They also give access for removal of aliens and to engage in fire control initiatives. This is particularly important in the dense, virtually impenetrable growth in wetlands and old age fynbos.
3. Control of invasive plants is expensive, arduous and time consuming. The owners are to be congratulated on their awareness of the problem and in allocating substantial funds for the never-ending task. Good progress has been made over the last 6 months and operations continues on virtually a daily basis.
4. Botanical surveys were undertaken by groups from the Hermanus Botanical Society in December 2016 and May 2017. An impressive total of 120 species have been identified to date. I have added 5 more to this total in the past week and the Societies will be making another visit in mid June to survey areas in the Northern sector, previously inaccessible. It will be interesting to speculate on what the final total will be.
5. Some small degree of soil erosion has occurred on farm roads where adequate drainage systems are not in place. Damage is minimal and is receiving attention.
6. Fire plays a vital and critical role in fynbos management. In the long term, in the absence of fire the eco-system will collapse. The isolation of small pockets of fynbos, surrounded by cultivated lands means fynbos plants become senescent, and beyond the stage of adequate seed production in the absence of the rejuvenating effects of fire. Geophytes also fail to flower being totally dependant on fire. There is no easy solution but the possibility of controlled burns arises. Co operation of landowners is critical in this scenario
7. Concerns have been addressed regarding the impact of visitor pressure on wildlife. The Fernkloof Nature Reserve is this year celebrating the 60 years of its existence since 1957. Despite thousands of visitors visiting the reserve annually no adverse symptoms of disturbance have been recorded.

8. The owners of De Bos farm are to be commended on their ongoing support for conservation activities.

Yours sincerely,



Frank Woodvine



Picnic "fishing" cabins
 Total units: 3
 Size: ±18m² each
 Capacity: 4 people per cabin
 Parking required: 1 bay per cabin = 3
 Parking provided: 4 parking bays
 Also refer to SDP:
 Picnic ("fishing") cabins

Picnic "Alfresco" cabin & picnic area
 Total units: 1
 Size: ±59m²
 Picnic area to accommodate 8 groups (4 people per group) = 32 people max
 Parking required: 1 parking bay per group = 8
 Parking provided: 8 parking bays
 Also refer to SDP:
 Picnic ("Alfresco") cabin

Proposed wine tasting & sales facility & restaurant
 Total units: 2
 Size: ±160m² each
 Capacity: 30-50 people
 Parking required: 6 bays / 100m² GLA = 20 bays
 Parking provided: 40 parking bays
 Also refer to SDP: Wine tasting, wine sales & restaurant

NOTES:

- ✳ Farm boundaries
- ✳ Position of tourist facilities
- ✳ Existing farm roads

(A) DRE approved access point to wine tasting & sales and restaurant
 (B) DRE approved access point to picnic cabins

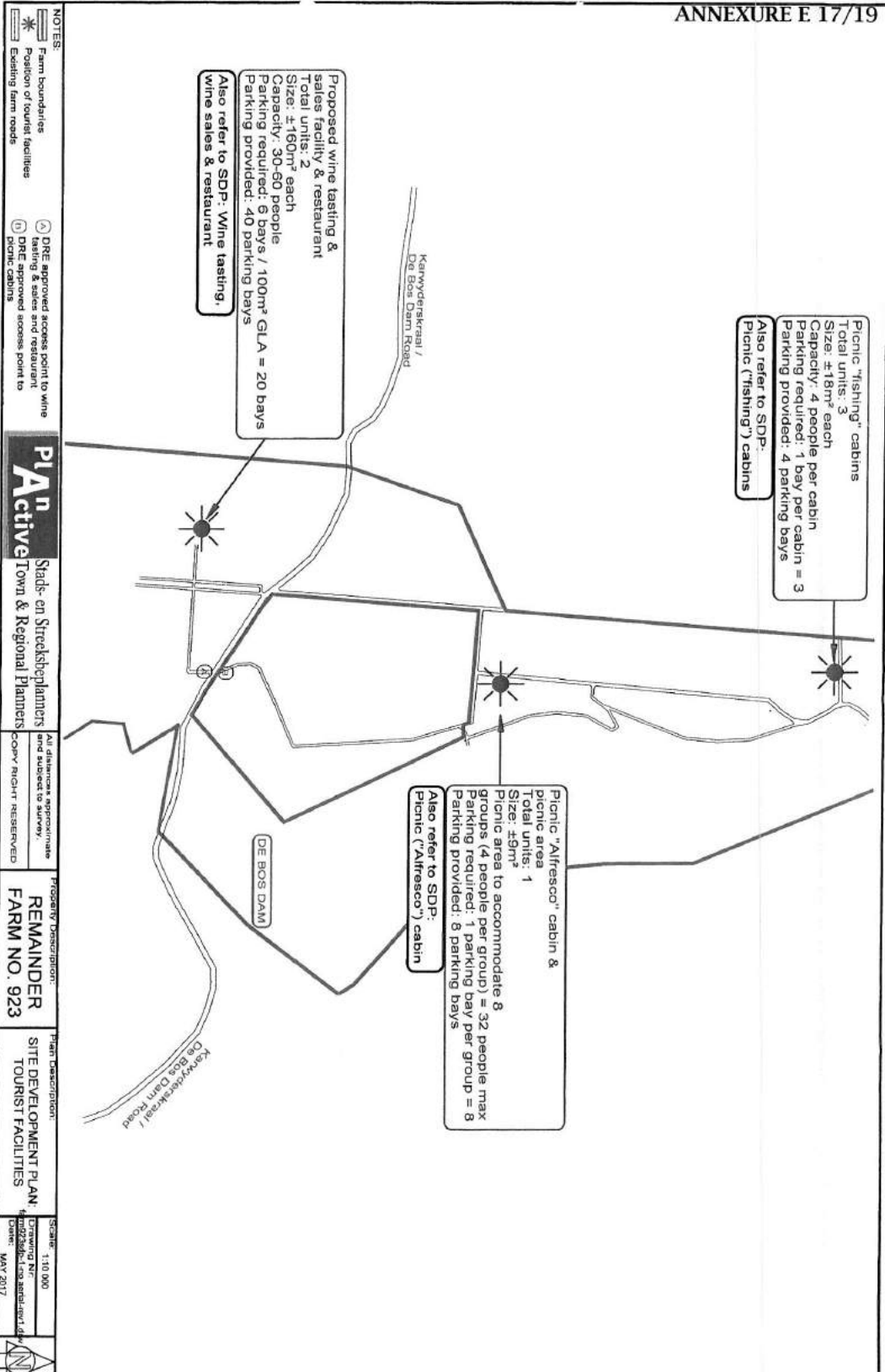
Plan Active Stads- en Streeksplanners
 Town & Regional Planners

All distances approximate and subject to survey.
 COPY RIGHT RESERVED

Property Designation: **REMAINDER FARM NO. 923**
 Plan Description: **SITE DEVELOPMENT PLAN: TOURIST FACILITIES**

SCALE: 1:10 000
 Drawing No.: 25000-01-001
 Date: MAY 2017

ANNEXURE E 17/19



NOTES:
 Farm boundaries
 Position of tourist facilities
 Existing farm roads
 RRE approved access point to wine bays and restaurant
 DRF approved access point to picnic cabins

Plan Active Stads- en Streeksplanners en Regionale Planners
 All dimensions approximate and subject to survey.
 COPYRIGHT RESERVED

PROSPECTIVE DESCRIPTION: REMAINDER FARM NO. 923

PLAN DESCRIPTION: SITE DEVELOPMENT PLAN TOURIST FACILITIES

Scale: 1:10 000
 Drawing No: 17-19-000
 Date: MAY 2017

ANNEXURE E 18/19

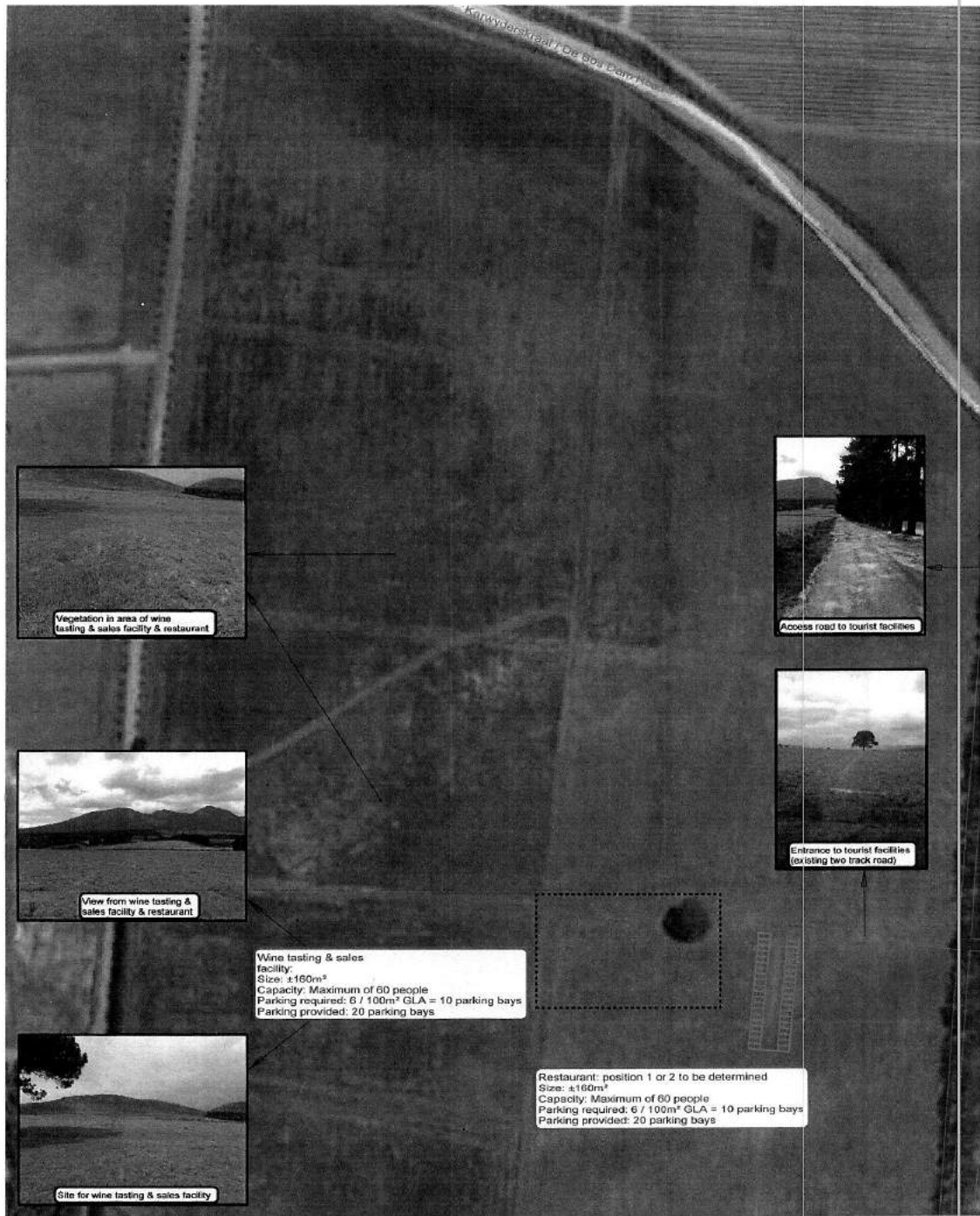


© 2004

Image © 2016 CNES / Astrium

Imagery Date: 11/25/2016 34°22'19.88" S 19°13'31.91" E elev: 234 m eye alt: 1.78 km

Google Earth



- ⊃ Existing farm roads
 - ⊃ Proposed wine tasting & sales facility
 - Ⓛ & Ⓜ Two alternative positions for restaurant
 - ⋯⋯⋯ Proposed area for positioning of restaurant
 - ▭ Parking area: 22 bays
 - ⓐ DRE approved access point
- Also refer to Boeman Wine Camp floor layout plan



**agriculture,
forestry & fisheries**

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Private Bag X120, Pretoria (Tshwane), 0001
Delpen Building, C/o Annie Botha & Union Street, Riviera, 0084

From: Directorate Land Use and Soil Management
Tel: 012-319-7634 Fax: 012-329-5938 E-mail: Thokob@nda.agric.za
Enquiries: Helpdesk Ref: 2016_12_0124

*TP- A Theart
(C H Olivier)*

Plan Active Town and Regional Planners
P. O. Box 296
HERMANUS
7200

For attention: M. Lerm

**PROPOSED CONSENT USE ON A PORTION OF THE REMAINDER OF THE FARM NO. 923,
DIVISION CALEDON, WESTERN CAPE PROVINCE**

Your letter bearing reference PA15052/ML dated 23 November 2016 refers.

This Department has no objection against the proposed Consent Use for Tourist facilities on a portion measuring approximately 383m² for the following uses:

- a wine camp (main tent- wine tasting and sales): 160m²
- Restaurant: 160m²
- Three fishing sheds (picnic) (18m² each) and a forest shed (Alfresco shed- picnic cabin)
- Nature trail

It is trusted that you will find the decision in order.

Yours faithfully

MS P N NODADA
ACTING DEPUTY DIRECTOR GENERAL: FORESTRY AND
NATURAL RESOURCES MANAGEMENT
DELEGATE OF THE MINISTER
DATE: 30/11/2017

CC: Land Use and Soil Management, Private Bag x2, SANLAMHOF, 7532
CC: Mr Brandon Layman Landuse Management Department of Agriculture: Western Cape Private Bag x 1 ELSENBURG 7607

FILE NO:	<i>Farm 923</i>
	<i>De Bos, H+A ✓</i>
SCAN NO:	<i>Caledon</i>
	<i>FARM 923</i>
COLLABORATOR NO:	<i>1109817</i>

FM / 2017 Farm 923

TP 6 DEC 2017



Overstrand Municipality: Hermanus Administration
P.O. Box 20
Hermanus
7200

Attention: Hanneen van der Stoep
By email: loretta@overstrand.gov.za

Dear Loretta

Additional Information for the Application for Consent Use for Tourism Facilities on Farm 923 De Bos, Hemel-en Aarde Valley (Overstrand Municipality ref: Farm 923 RCAL (3512))

CapeNature would like to thank you for the opportunity to comment on the application and would like to make the following comments. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the application.

Following on from CapeNature's comments on the application for consent use for tourism facilities on the subject property, additional information was provided by the applicant and the planning consultant. CapeNature had raised concerns regarding the location of the fishing cabins.

Further details were provided regarding the fishing cabins, such that they will not be used for accommodation and hence may be better termed as fishing shelters. The buildings are located on stilts which will limit the disturbance footprint.

The photograph of the area which will be affected does appear to indicate intact fynbos, however historical Google Earth imagery does reveal that the section of the fragment of natural vegetation upon which the shelters will be located was subject to earth moving activities in 2004/2005, presumably related to construction of the dam. Therefore, although it would appear that fynbos has restored well, this area would not consist of pristine fynbos.

Based on the information we are satisfied that no NEMA listed activities will be triggered in terms of those for which CapeNature provides input. The ultimate decision however lies with the Department of Environmental Affairs and Development Planning.

There already appears to be a track above the proposed shelters which can be used for access. The ablutions will probably only need to cater for low volumes however it must be ensured that the facility is of suitable quality such that it will not impact on surface or groundwater quality.

Based on the information provided CapeNature is therefore satisfied that the fishing shelters will not have a significant impact on biodiversity. We would additionally encourage that the fynbos surrounding the shelters is appropriately managed for conservation including alien

The Western Cape Nature Conservation Board trading as CapeNature

Board Members: Ms Merle McOmbring-Hodges (Chairperson), Dr Colin Johnson (Vice Chairperson), Mr Mervyn Burton, Prof Denver Hendricks, Dr Bruce McKenzie, Adv Mandla Mdludlu, Mr Danie Nel, Prof Aubrey Redlinghuis, Mr Paul Slack, Prof Kamilla Swart-Arries

TP

29 SEP 2017

ANNEXURE G 1/2

TR A Theart
(M v/d Stoep)

SCIENTIFIC SERVICES

postal Private Bag X5014 Stellenbosch 7599
physical Assegaaibosch Nature Reserve Jonkershoek
website www.capenature.co.za
enquiries Rhett Smart
telephone +27 21 866 8017 fax +27 21 866 1523
email rsmart@capenature.co.za
reference SSD14/2/6/1/7/2/923_consent use_Hemel-en-Aarde
date 29 September 2017

FILE NO:	Farm 923
	Hemel en Aarde
SCAN NO:	07
COLLABORATOR NO:	1081191

ANNEXURE G 2/2

clearing. We have taken note that a botanical specialist has provided inputs to the proposals on the farm, which is fully supported.

CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.

Yours sincerely

A handwritten signature in black ink, appearing to read "Rhett Smart", with a horizontal line underneath.

Rhett Smart
For: Manager (Scientific Services)

cc. Merike Lerm, PlanActive Town and Regional Planners

ANNEXURE H 1/2



TP - A Theart
(Hollivier)

BREEDE-GOURITZ

Catchment Management Agency
Opvanggebied Bestuursagentskap
I-Arhente yoLawulo lomMandla nokungqongileyo
51 Baring Street Worcester 6850, Private Bag X3055 Worcester 6850

FILE NO: Farm 923
SCAN NO: 05
COLLABORATOR NO: 1048787

Jan van Staden
(023) 346 8000

4/A/3/- C0130000000092300000-0

Bosman Adama
P.O. Box 17
WELLINGTON
7654

Dear Water User

Re: Remainder Farm 923 Karwyders Kraal

APPLICATION FOR THE VERIFICATION OF EXISTING LAWFUL WATER USE IN TERMS OF THE NATIONAL WATER ACT, 1998 (ACT 36 OF 1998): CONFIRMATION OF EXISTING LAWFUL WATER USE IN TERMS OF SECTION 35(4)

PROPERTY DESCRIPTION: C0130000000092300000-0, RE/923, 230.05ha.

You are hereby informed that the lawfulness and extent of your water use on the above-mentioned property has been determined by the responsible authority, as delegated by the Minister of Water and Sanitation, in terms of Section 35(4) of the National Water Act, 1998 (Act 36 of 1998) (NWA) as follows:

Section of NWA	Type of Water Use	Existing Lawful Water Use		
		Volume (m ³ /annum)*	Source	Irrigation Board or Water User Association Scheme
21 (a)	Taking of water for irrigation purposes	232 816	Surface water	
21 (a)	Taking of water for irrigation purposes	39 804	Groundwater	
21 (d)	Engaging in a stream flow activity (commercial forestry)	7 490		
21 (b)	Storage of water	76 000		

* In the case of Storage of water, the Existing Lawful Water Use is in m³

In terms of Section 35(4) of the NWA, this determination is also the extent of the Existing Lawful Water Use as contemplated in Section 32(1) for this property, which may be continued with under Section 34(1) subject to any existing conditions or obligations related to the water use.

TP

4 JUL 2017

ANNEXURE H 2/2

No water use in excess of the Existing Lawful Water Use as set out herein may be used on this property without authorisation by the responsible authority.

In terms of Section 148(1)(e) of the NWA, you may appeal against any decision on the verification of these water use(s) to the Water Tribunal within 30 (thirty) days from the date of this letter. The Registrar of the Water Tribunal is Mr. Robert Mabe and his contact details are:

Postal Address	Physical Address	Contact
The Registrar	Room 322	Tel: 012 336 7034
Water Tribunal	Waterbron Building	Cell: 082 611 1691
Private Bag X316	191 Francis Baard Street	Email: MabeR@dws.gov.za
Pretoria	Pretoria	
0001	0002	

A copy of the appeal must be submitted to this office.

Your water use registration will be amended to reflect the above details. A new registration certificate will then be issued to you. If an appeal is lodged, your registration certificate may be amended again depending on the outcome of the appeal.

Yours faithfully,



PHAKAMANI BUTHELEZI
CHIEF EXECUTIVE OFFICER

Date: 23 June 2017

ANNEXURE I 1/1



Western Cape
Government

Agriculture



Cor Van Der Walt
LandUse Management

Email: LandUse.Elsenburg@elsenburg.com
Tel: +27 21 808 5099 fax: +27 21 808 5092

OUR REFERENCE : 20/9/2/4/2/534
YOUR REFERENCE : Farm 923, RCAL (3512)
ENQUIRIES : Cor van der Walt

TP A Theart
(H vld Stoep)

Overstrand Municipality
PO Box 20
HERMANUS
7200

FILE NO:	Farm 923
SCAN NO:	
COLLABORATOR NO:	1036214

Att: H van der Stoep

**PROPOSED CONSENT USE: DIVISION CALEDON
REMAINDER OF FARM NO 923**

Your email of 04 April 2017 has reference.

The Western Cape Department of Agriculture has no objection against the proposed consent uses.

Please note:

- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.
- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely

AS ROUX Pr Eng

DIRECTOR: SUSTAINABLE RESOURCE MANAGEMENT
2017-05-29

Copy:
Plan Active
PO Box 296
HERMANUS
7200

ANNEXURE J 1/1



ROAD NETWORK MANAGEMENT
 Email: G. SwanePoel@westerncape.gov.za
 Tel: +27 21 483 4669
 635, 9 Dorp Street, Cape Town, 8001
 PO Box 2603, Cape Town, 8000

TR A Theart
 C H Jld Stoep

REFERENCE: 16/9/6/1-28/91 (Job 24553)
 ENQUIRIES: Ms GD SwanePoel
 DATE: 25 April 2017

The Municipal Manager
 Overstrand Municipality
 PO Box 20
HERMANUS
 7200

Attention: Ms H van der Stoep

Dear Madam

FILE NO:	Farm 923
SCAN NO:	
COLLABORATOR NO:	1016934

REMAINDER FARM 923, CALEDON DIVISION: PROPOSED CONSENT USE

1. The following refer:
 - 1.1 The application received from Messrs Plan Active dated 23 November 2016;
 - 1.2 This Branch's letter 16/9/6/1-28/91 (Job 24553) dated 31 January 2017 and
 - 1.3 Revised access proposal sent on 23 February 2017.
2. The revised access proposal off Minor Road 4010 at \pm km1.47 is acceptable.
3. The proposal entails the construction of an approach on the southern side and the realignment of the northern leg to 90 degrees with the minor road.
4. This Branch withdraws its objection to the application in terms of the Land Use Planning Act, No 3 of 2014.
5. Overberg District Municipality (Mr M van Eeden) must be approached regarding the approval of designs and construction procedure.

Yours faithfully

ML WATTERS
 For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT



OVERSTRAND MUNICIPALITY
P.O. Box 20
HERMANUS
7200

Attention: Loriaan Isaacs

PROPOSED CONSENT USE: ERF 923, HEMEL AND AARDE VALLEY, HERMANUS

YOUR REF: 923 RCAL (3512)

OUR REF: 01132/17

I refer to your letter dated 04 April 2017

Eskom has no objection to the proposal provided that the following requests are adhere to:

1. Should it be necessary to relocate / support any of the existing services, at least 3 months notice in writing is required and the cost will be entirely for the account of the Developer / Applicant.
2. Eskom's right on the properties not to be affected.
3. All services indicated on included drawing to be verified on site (by Applicant)
4. Enclosed find a copy of the **Occupational Health and Safety Act (Act No. 85 of 1993)**
5. (i) Included drawing indicates existing Eskom services in the vicinity and is for information / planning only and should not be issued.
(ii)(a) This is not an approval for applicant to undertake any work in close proximity of Eskom's services in proposed area as indicated on included drawing.
(b) Formal application must be made to Eskom, Land Development, P.O.Box 222, Brackenfell, 7561 – Rochelle Fortuin.

Yours faithfully

Porter
pp
David Williams
LAND DEVELOPMENT (BRACKENFELL)

FILE NO:	EL 923
	Hemel en Aarde
SCAN NO:	22
COLLABORATOR NO:	1015580

Western Region
Eskom Road Brackenfell 7560 PO Box 222 Brackenfell 7561 SA
Tel +27 86 003 7566 www.eskom.co.za

Eskom Holdings SOC Limited Reg No 2002/015527/06

ANNEXURE K 1/3

*TP-A Theart
(C H Olivier)*



Date:
11.04.2017

Enquiries:
Mr David Williams
Tel: 021 980 3102
Fax: 021 980 3053



ESKOM (WESTERN REGION)

OCCUPATIONAL HEALTH AND SAFETY ACT (Act No 85 of 1993) WITH REGULATIONS

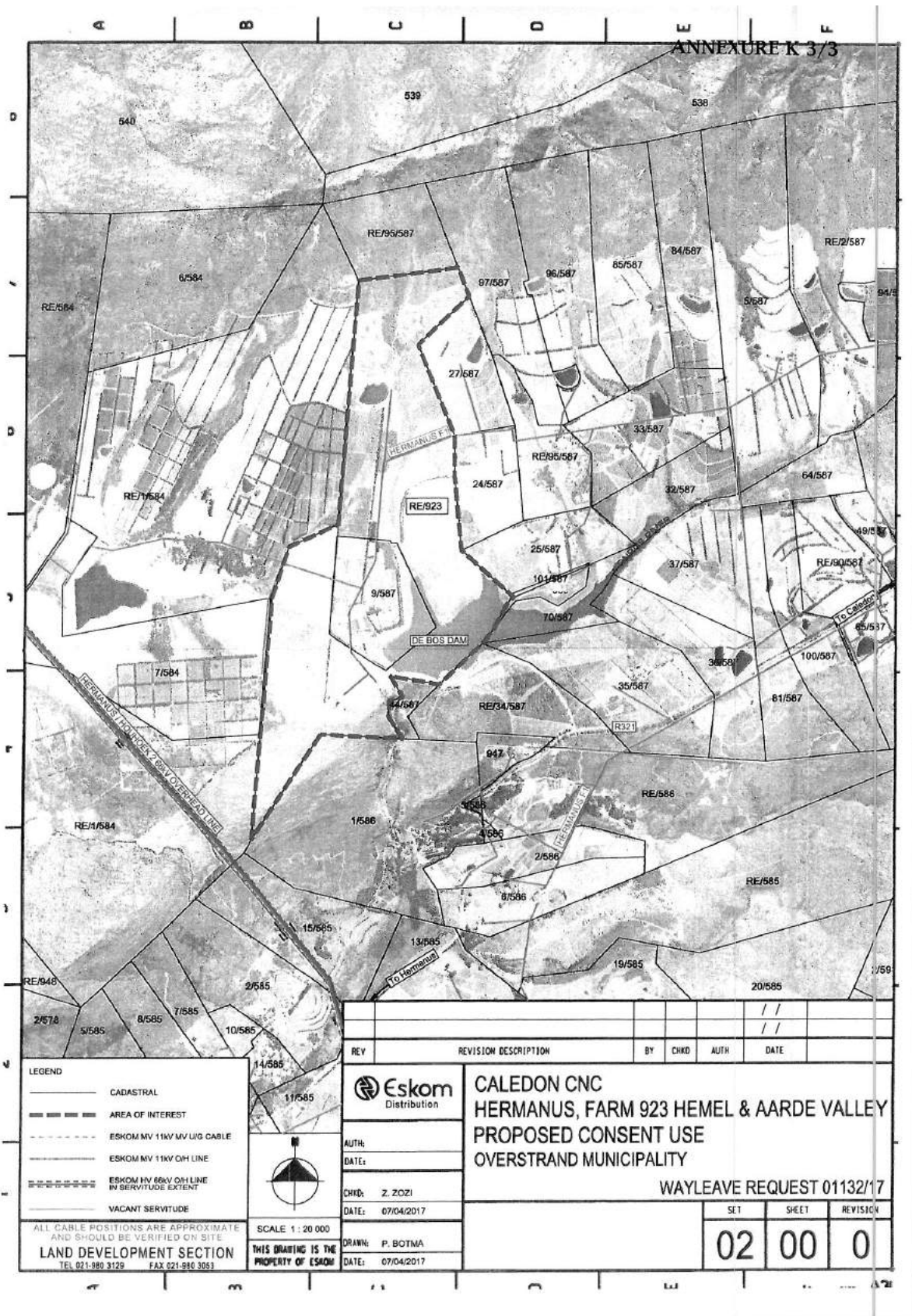
D16 (7) Excavations

"The builder or excavator shall ascertain as far as possible the location and nature of underground services likely to be affected by the excavation and take such steps as may be necessary to prevent danger to persons".

THE ELECTRICITY ACT (Act No 41 of 1987)

Section 27 (3) : Offences and Penalties

"Any person who without legal right (the proof of which shall be upon him) cuts or damages or interferes with any apparatus for generating, transmitting or distributing electricity, shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000,00 or to imprisonment for a period not exceeding twelve months".



ANNEXURE K 3/3

LEGEND

- CADASTRAL
- - - - AREA OF INTEREST
- - - - ESKOM MV 11kV MV U/G CABLE
- ESKOM MV 11kV OH LINE
- ESKOM MV 66kV OH LINE IN SERVITUDE EXTENT
- VACANT SERVITUDE



SCALE 1 : 20 000
THIS DRAWING IS THE PROPERTY OF ESKOM

ALL CABLE POSITIONS ARE APPROXIMATE AND SHOULD BE VERIFIED ON SITE
LAND DEVELOPMENT SECTION
TEL 021-980 3129 FAX 021-980 3053

REV	REVISION DESCRIPTION	BY	CHKD	AUTH	DATE



CALEDON CNC
HERMANUS, FARM 923 HEMEL & AARDE VALLEY
PROPOSED CONSENT USE
OVERSTRAND MUNICIPALITY

AUTH: _____
DATE: _____
CHKD: Z. ZOZI
DATE: 07/04/2017

WAYLEAVE REQUEST 01132/17

DRAWN: P. BOTMA
DATE: 07/04/2017

SET	SHEET	REVISION
02	00	0



File reference: Farm 923 (3512)
Date: 4 April 2017

INTERNAL MEMORANDUM

From : Town Planning Department
Town Planner : Hanneen van der Stoep

TO:

<u>Area Manager</u>	<u>Building Department</u>	<u>District Health</u>	<u>Electrical Department</u>
<u>Environmental Officer</u>	<u>Fire Department</u>	<u>Infrastructure and Planning</u>	<u>Local Heritage Committee</u>
<u>Operational Services</u>	Traffic Department	<u>Ward Councillor (Ald A Coetsee)</u>	<u>Waste Management</u>

Applicant	PLAN ACTIVE (obo BOSMAN ADAMA PTY LTD)
Property Details	REMAINDER OF FARM 923, HEMEL EN AARDE VALLEY, HERMANUS
Application Description	PROPOSED CONSENT USE




ATTACHMENTS :

1. Notice	Should the information be insufficient for you to make an informed decision, please list any additional documentation that you would require to make informed comments.
2. Locality Plan	
3. Site Development Plan	
4. Motivation	

YOUR DEPARTMENT'S COMMENTS:

① Tent may only be a temporary structure in terms of National Building Regulations.

② All timber structures must be in compliance with National Fire Protection Regulations SANS 10400T:2011 and SANS 10082 - Timber Frame Structures.

Signature:  Date: _____

MUNICIPALITEIT OVERSTRAND MUNICIPALITY
FIRE BRIGADE / BRANDWEER
APPROVED: GOECKEUR

Please provide your comments (with specific reference to any conditions of approval that should be imposed) in the space provided above or in a separate Memo by not later than the date stipulated below. If you require an extension of time for submission of comments, kindly request this in writing. Should no comments be received, it will be assumed that you have no objection to the proposal and where appropriate, the Mayoral Committee will be informed accordingly.

- Building Control Department to confirm that all structures on the property are in accordance with the approved building plans.

COMMENTS REQUIRED BY: 12 May 2017

③ Refer to Annexure for A1-Entertainment Compliance with National Fire Protection Regulations SANS 10400T:2011.

	<p>OFFICE of THE CHIEF FIRE OFFICER PO BOX 20 HERMANUS 7200 Tel: 028 313 8980 Fax: 028 313 1493</p>	<p>ANNEXURE L 2/3 <small>Wine Tasting Facility, Restaurant, Lecture Rooms, Shops</small> OVERSTRAND</p> 
---	--	---

Standard requirements for establishment of a Wine Tasting Facility, Restaurant, Lecture Rooms, Shops and other Entertainment will be classified as - A1 – Entertainment/Public Gathering with the following requirements to be included in a rational design required in terms of the National Fire Protection Regulations SANS10400T:2011

Annexure A – Farm 923 Hemel & Aarde Valley, Hermanus – Town Planning Application

- Provide fire hose reels in compliance with Section 4.34 of SANS10400T:2011
 - Provide 1 x Fire Hydrants for any building larger than 1000m² or part thereof in compliance with Section 4.35.4 of SANS10400T:2011.
 - Provide a manually activated visual and audible alarm system in compliance with Section 4.31.3 of SANS10400T:2011.
 - Provide 1 x Fire Extinguisher per 200m² of either type: Water - 9litre; Carbon Dioxide CO₂ – 5kg; Dry Chemical Powder – 4.5kg. Locations to be marked by SANS1186-5 (Photoluminescent) signs.
 - Fire protection of air conditioning systems must be in compliance with Section 4.43 of SANS10400T:2011.
 - Stage & Backstage areas: Fire Protection must be in compliance with Section 4.48 of SANS10400T:2011.
 - Provide automatic self-contained emergency lighting in compliance with Section 4.30.2 & 4 of SANS10400T:2011.
 - Provide emergency fire exits in compliance with Sections 4.16; 4.17; 4.18 & 4.21 of SANS10400T:2011 including provision for the escape of persons with disabilities in compliance with SANS10400S.
 - All emergency exits must be indicated along the entire route with SANS1186-5 (Photoluminescent) signs and illuminated EXIT signs above exit doors in compliance with Section 4.29 of SANS 10400T:2011.
 - Final escape doors must be provided with a panic bar release system in compliance with Section 4.16.10 of SANS10400T:2011.
 - Seating and furniture arrangement within places of entertainment must be in compliance with Section 4.29 of SANS10400T:2011.
 - The registration for use of any place of entertainment is subject to the issue of a Population control certificate by the local authority for which application must be submitted to the Fire & Rescue Service in terms of the Overstrand Community Fire Safety By-law P.N. 6454 of 2007.
- **Wine Cellar, & Wine Production:**
- The occupancy risk classification in terms of the SANS10400T:2011 as determined and the fire safety requirements and the applicant shall:
- ❖ Cellar – J2 Moderate Risk Storage
 - ❖ Wine Production – D2 Moderate Risk Industrial
- Provide a minimum of 1 x SANS543 approved Fire Hose Reel for every 500m² of the area of occupancy for both D2 & J2 occupancies.

ANNEXURE I, 3/3

- Provide an approved Flammable Liquid Store for the storage of Alcohol in excess of 200 litres where such products are required to be stored indoors.
- All external above ground flammable liquid storage tanks (Bulk to Agriculture) shall be located within approved bund walls and be in compliance with SANS10131 and the Overstrand Community Fire Safety By-law P.N. 6454 of 2007.
- Shall provide a minimum of 1 x 9kg Dry Chemical Powder fire extinguisher per 100m² for both D2 & J2 occupancy areas. Locations to be marked by SANS1186-5 (Photoluminescent) signs.
- Provide minimum of 120 minute fire resistance division walls between the Cellar and Production and abutting Wine Tasting areas in terms of Table 4 of SANS10400T:2011. Where doorways link the abutting compartments they shall be protected by self-closing SANS1253 Class D approved fire doors.
- Where more than 25 persons occupy D2 & J2 areas an additional exit door that is provided with a locking mechanism approved by the local authority shall be provided that lead directly to external safe areas. All Exits shall be indicated by SANS1186-5 (Photoluminescent) approved signs.

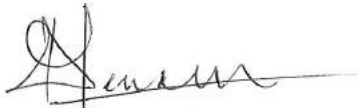
Chief Fire Officer

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: REMAINDER OF FARM 923, HEMEL
EN AARDE VALLEY (3215)**

Electricity : Eskom area
Stormwater : No services available
Water : No services available
Sewer : No services available
Roads and traffic : No services available

Conditions:

1. that the developer arrange with ESCOM for the provision of electricity and that he complies with all conditions as may be set by ESCOM;
2. that no water and sewer services from Overstrand Municipality is available and the developer will be responsible to obtain the necessary approval, licence and permits from the applicable authorities (Water and Sanitation, Health, Bocma etc.) for the use of any other water resources and the extraction thereof;
3. that the developer is responsible to provide potable water to the development that complies with SANS0241 standards and that relevant proof be submitted to the Senior Manager: Engineering Services, Overstrand Municipality;
4. that waste water disposal be done in a safe and healthy manner and that plans thereof be submitted to the Municipality and DWA for approval;
5. that the developer complies to all the conditions set by Department Of Water Affairs & Bocma.



**DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES**

11/4/2017
DATE