



Overstrand Municipality

LAND USE PLANNING REPORT - MUNICIPAL PLANNING TRIBUNAL (MPT)

**PORTION 143 OF THE FARM BAARDSCHEERDERS BOSCH NO. 213, DIVISION BREDASDORP,
OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : MESSRS WRAP CONSULTANCY
ON BEHALF OF B GROENEWALD**

Reference number	Pln 143/213 BBosch (3328)	Application submission date	9 June 2016	Date report finalised	20 January 2017
PART A: AUTHOR DETAILS					
First name(s)	SCHALK WILLEM				
Surname	VAN DER MERWE				
Job title	SENIOR TOWN PLANNER				
SACPLAN registration number	A/1850/2014				
Directorate/Department	INFRASTRUCTURE AND PLANNING				
Contact details	028 313 8900 svdmerwe@overstrand.gov.za				
PART B: APPLICANT DETAILS					
First name(s)	Rea				
Surname	Jankie				
Company name	WRAP Consultancy				
SACPLAN registration number	C.Pl n C/7873/2014)	Is the applicant authorised to submit this application	Yes		
Registered owner(s)	B Groenewald				
PART C: PROPERTY DETAILS					
Property description (in accordance with Title Deed)	Portion 143 of the Farm Baardscheerders Bosch No. 213, Division Bredasdorp				
Physical address		Town/City			
Current zoning	Agricultural Zone 1	Extent (m ² /ha)	8,8217 ha	Are there existing buildings on the property?	Yes
Applicable zoning scheme	Overstrand Municipality Zoning Scheme Regulations, 2014				
Current land use	Vacant	Title Deed number & date	T50940/2000		
Any restrictive title conditions applicable	No				

Any third party conditions applicable?	No
Any unauthorised land use/building work	No
PART D: PRE-APPLICATION CONSULTATION	
Has pre-application consultation been undertaken?	No A pre-application discussion took place that is not considered to be a formal pre-application meeting, since it mainly entailed as discussion of the relevant application procedures and applicable forward planning documents.
PART E: LIST OF APPLICATIONS	
Consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016	
PART F: EXECUTIVE SUMMARY	
An application has been received on 9 June 2016 from Messrs Wrap Consultancy on behalf of the owner of Portion 143 of the Farm Baardskeerdersbosch No. 213, Division Bredasdorp for consent use in terms of Section 16(2)(o) of the aforementioned By-Law, to conduct a tourist facility comprising of a restaurant, wellness centre, place of entertainment (games area) and a five (5) bedroom guest house (tourism accommodation).	
PART G: BACKGROUND	
<p>The subject property is situated ±300m to 400m outside the village of Baardskeerdersbos. The property measures 8,8 ha in extent and is zoned for agricultural purposes. The property is currently undeveloped and not actively utilised for agricultural purposes. The Boesmans River bisects the property in a northern and southern portion. The adjoining properties are developed with dwellings on the northern portion between the stream and the road, with agricultural land to the other side.</p> <p>The applicant wishes to develop the property into a venue, providing top class facilities for overnight guests, a restaurant with entertainment facilities and wellness centre where guest could relax, in an area with rural tranquillity. The applicant intends to develop the property with a primary dwelling as well as a further building housing the tourism facilities (restaurant), place of entertainment and tourism accommodation comprising five (5) guest rooms as well as a wellness centre in a separate building. A new access will be constructed from Divisional Road 1205 between Baardskeerdersbos and Elim.</p> <p>The original application in addition to the applications mentioned in Part F: Executive Summary above also entailed a chapel, lecture room/venue. Following receipt of the objections the applicant decided to omit the aforementioned from the application.</p>	
PART H: SUMMARY OF APPLICANTS MOTIVATION	
<p>The applicant motivates that the application is in line with the Provincial Spatial Development Framework (PSDF) since it will benefit the village of Baardskeerdersbos and grow the economy of Baardskeerdersbos directly through private investment into the development of the property creating temporary and permanent jobs, skills development, enhanced livelihood of employees, diversification of land uses all contributing to enhance the village of Baardskeerdersbos.</p> <p>The applicant motivates that the proposal is consistent with the Spatial Development Framework, 2006 (SDF) since tourist related businesses are encouraged, diversification of income (i.e. tourism related, whilst agricultural activities/potential is not hampered), development will not detract from the agricultural and heritage value of the farm, whilst the agricultural design will be in line with the character of Baardskeerdersbos.</p> <p>Although located outside the village, the proposed development is also consistent with the principles of the Baardskeerdersbos Precinct Plan (2015) since it will enhance the local economy and would not detract from the natural and built environment, whilst contributing to the social enhancement of the village, i.e. through employment opportunities, skills development contributing to tourism development in the area.</p> <p>Compliance with the applicable planning principles are motivated as follows, namely the principle of:</p>	

- **Spatial Justice**
Proposal contributes to the redress by providing employment opportunities in an accessible location.
- **Spatial Sustainability**
Development avoids environmental sensitive land and will not negatively impact on agricultural potential, whilst it will be designed to fit into the cultural landscape of Baardskeerdersbos.
- **Efficiency**
The proposed development will result in optimal and efficient use of the property.
- **Spatial Resilience**
The proposal is in line with the applicable spatial plans and policies that promote spatial resilience. Furthermore, diversification of land uses on the property also promotes spatial resilience.
- **Good Administration**
The application will be advertised thereby allowing the public to comment on the application, which comments will be taken into consideration in the planning of the project.

PART I: SUMMARY OF PUBLIC PARTICIPATION

Methods of advertising	Date published			Closing date for comments
Press	Yes			18/08/2016
Notices	Yes			23/09/2016
Ward councillor	Yes			23/09/2016
Total valid comments	Seven (7)			
Community organisation(s) response	Yes	Ward councillor response		No
Total letters of support	None			
Was public participation undertaken in accordance with Section 48 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016				Yes

PART J: SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

Five (5) letters of objection was received from adjoining property owners, as well as the Baardskeerdersbos Home Owners Association. The objections can be summarized as follows:

Traffic, parking and access

Objections based on the number of access points, the number and location of parking bays and impact from traffic generation on adjoining properties, as well as the use of the servitude access road on the adjoining property.

Sewage and conservancy tanks

- ❖ The use of conservancy tanks in terms of municipal service capacity is questioned.
- ❖ Concerns raised with regards to spillage of sewage into the Boesmans River with its outflow into the Uilkraals Estuary.

Building lines

The 95m building line is not observed with this development.

Chapel and tent extension

Concerns raised relate to the large number of people that will be attracted, as well as the lack of detailed information regarding the scale of the facilities.

Wedding venue and lecture hall

Concerns raised relate to the fact that the wedding venue is not defined on the plans, as well as the size of the venue and lecture room and lack of detailed information pertaining to the scale and extent of the facilities as well as the impact on adjoining properties in terms of character of the area, noise and disturbance.

Conserving the nature and building environment and wetland

According to the objectors the property is situated within a Critical Biodiversity Area (CBA) and possible wetland area.

Sufficient electricity

- ❖ Concerns pertaining to capacity of electrical supply.
- ❖ Recommended that provision should be made for a certain percentage of the electricity requirements to be made via solar and wind.

Place of entertainment and games area

Concerns raised regarding the size of the place of entertainment and potential use thereof by members of the public.

Tourist facilities

- ❖ Reference of tourist facilities is too vague if proximity of application in relation to Baardskeedersbos is taken into account.
- ❖ The inclusion of a chapel under the definition of tourist facilities was questioned

Loss of agricultural land

Concerns raised with regard to the loss of high potential agricultural land.

Noise that will be emanating from the activities, especially from a venue in close proximity to Baardskeedersbos and adjoining agricultural properties

Concerns raised that the development, with reference to its size and scale, will result in excessive noise and disturbance having had regard to the character of the area, which is a tranquil agricultural area.

Title deed restrictions

- ❖ the Title Deeds of the surrounding properties contain restrictions pertaining to the access points to the property, a 95m building line and residential use;
- ❖ the residential use restriction, thereby ensuring development will not be detrimental to the character of the area, being a quiet tranquil agricultural area;
- ❖ the Title Deed is a right that imposes an obligation pertaining to the future utilisation of the property;
- ❖ a formal application for removal of the title deed restrictions is required;
- ❖ in order to remove the title deed restriction a clear benefit should be demonstrated, whilst in this case only the applicant is to benefit;
- ❖ some of the objectors refer to a title deed restriction relating to a "single residential building" i.e. one (1) building restricted to residential use.

Urban edge

The subject property is not located within the urban edge as defined by the Baardskeedersbos Precinct Plan

Approval required in terms of National Heritage Resources Act (SAHRA) and National Environment Management Act (NEMA)

Objectors stated the approval in terms of NEMA SAHRA is required.

Community of Baardskeedersbos will not benefit from the development

Many objectors emphasised that the community of Baardskeedersbos lives in peace and tranquillity, i.e. the reason for acquiring property in Baardskeedersbos and do not need or want the development.

Complex too big

The development is seen too big and not appropriately scaled and therefore not reflecting the Strandveld building style.

Water availability

Availability of water is questioned.

Baardskeedersbos Precinct Plan

The objectors are of the opinion that the Baardskeedersbos Precinct Plan was not taken into consideration in the development proposal.

Buffer zones between the development and neighbours

Objectors, especially the owners of adjoining properties, requested buffer zones to be provided between their properties and the development.

Wellness centre

Objections based on the fact that the wellness centre has not been motivated/described in detail.

Impact on the character of the area

- ❖ Baardskeedersbos as well as the surrounding area is a quiet, peaceful and tranquil area, the character of which will be adversely impacted by the proposed development in terms of its scale and potential noise generation resulting from the proposed uses;
- ❖ concern is also raised that the parking area adjacent to the road will mimic a building line and will detract from the entrance to Baardskeedersbos.

PART K: SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

Name	Date received	Summary of comments	Recommendation	
Building Department	30/08/2016	No objection. Disabled toilet and parking to be provided on site.	Positive	Comment
Department of Transport and Public Works	08/09/2016	Attached as Annexure F.	Positive	Comment
Eskom	12/09/2016	Attached as Annexure G.	Positive	Comment
Environmental Section	22/09/2016	No objection	Positive	Comment
Operational Services	22/09/2016	Attached as Annexure H.	Positive	Comment
Fire Services	26/09/2016	Attached as Annexure I.	Positive	Comment
Telkom	30/09/2016	Attached as Annexure J.	Positive	Comment
Engineering Services	13/10/2016	Attached as Annexure K.	Positive	Comment
Department of Environmental Affairs and Development Planning; Component: Planning	24/10/2016	Attached as Annexure L.	Positive	Comment
Department of Agriculture	27/10/2016	Attached as Annexure M.	Positive	Comment
Waste Management	31/10/2016	Access to Gansbaai landfill is available.	Positive	Comment

Heritage Western Cape	08/11/2016	Attached as Annexure N.	Positive	Comment
Department of Environmental Affairs and Development Planning; Component: Environmental	25/11/2016	Attached as Annexure O.	Positive	Comment

PART L: SUMMARY OF APPLICANT'S REPLY TO COMMENTS

The applicant's response is attached as Annexure E and can be summarised as follows:

A. Traffic impact, parking areas and entrance roads

Parking has been provided according to the development parameters as outlined in the Overstrand Municipal Zoning Scheme Regulations for the different facilities. The parking in front of the restaurant area was specifically provided as close as possible to the road and the main entrance to the complex as these facilities, namely the restaurant and guest house will generate the most and frequent traffic.

For this reason it is important that this parking area is directly accessible from the main entrance so that all this traffic are not drawn into the rest of the development which is far more quiet with lots of gardens and landscaping.

The statement by one of the objectors that guests will have to walk 150m to the chapel and lecture room is no longer applicable as these facilities are now omitted from the application and only the wellness centre remains and the few guests that visit the centre will walk there or be transported from the accommodation facility.

Only one (1) access road is provided for all the facilities and that is in the north western corner. The other entrance is by means of servitude along the eastern boundary and which is registered over the adjacent property in favour of all the properties in the area. The purpose of this servitude is to provide access over the river for farmers. This entrance will however, as far as the development is concerned, only gives access to the homestead and the balance of the farm which will be used for farming purposes.

The parking provided in front of the restaurant and along the main road will be set back from the main road to allow for the planting of trees as suggested by one objector and this has been agreed to by the applicant.

B. Sewage and conservancy tanks

The subject property falls outside the urban edge of Baardskeerdersbos and as such no sewer network facilities exist and for this reason conservancy tanks will be installed and arrangements will be made with the Engineering Department of Overstrand Municipality for tanker services to empty these tanks on a regular basis. With the scaling down of the development there will only be at most forty (40) people visiting at a time and the pressure on these tanks will be far less.

C. Building lines

All the building lines as required in terms of the Overstrand Municipal Zoning Scheme are complied with. The 95m building line, calculated from the middle of the provincial road, required relaxation and an application was submitted to the Western Cape Department of Transport for a relaxation of this building line to 32m, which was approved.

D. Chapel and tent extension

The chapel and tent extension will not be developed and will no longer form part of the application.

E. Wedding venue and lecture hall

These facilities will not be developed and will no longer form part of the application.

F. Conserving the nature and built environment and wetlands

The applicant will clear the banks of the Boesmans River from all alien vegetation as this will add to the attractiveness of the development and will make the river accessible for guests to stroll around and enjoy the beauty of nature. To leave these river banks overgrown as it is at the moment will definitely not do the development any justice. The applicant has already started to remove all alien trees, using local knowledge, from the area and this will form part of the landscaping of the entire development and will be completed together with the building work.

An independent environmental impact practitioner was appointed to determine if the subject property falls within a critical biodiversity or wetland area and if a Basic Assessment will be required.

G. Sufficient electricity

Eskom provides electricity to this area and the application was forwarded to them for comment. The applicant acknowledged that it will be in his interest to try and reduce the dependency on Eskom power as far as possible. The design of the building will make provision for the installation of alternative energy components and will be implemented in phases.

H. Place of entertainment and games area

The accommodation area consists of five (5) guest rooms in a guest house, a restaurant and entertainment area which has a games room, gymnasium, a lounge, stoep and reception area. This accommodation area is in total just over 600m² in extent and the building is in fact 50m wide, but has a large open area in the middle. The sizes of all the mentioned facilities in this building are going to be five (5) star accommodations and as such the room sizes will reflect this. Detailed drawings of all the proposed buildings, showing their dimensions and sizes as well as the number of seats in each building, were submitted with the application and were open for inspection at the municipal offices if the objectors wished to obtain all the details. The place of entertainment will only include a games room and lounge and not all the other uses as contained in the definition of a "place of entertainment" and these facilities are provided primarily for the use of the guests staying in the guest rooms.

I. Tourist facilities

The chapel will no longer form part of the application due to public concerns, see revised Site Development Plan.

J. Loss of agricultural land

The portion of the property where the additional land uses are proposed was up till now not intensively used for agricultural activities and because of its size, only 8,8 ha, it is not considered to be a viable agricultural entity. If the objectors wanted to farm on their individual portions it is their privilege to do so and to continue to do so although it does not at the moment appear as if they do any intensive farming. The proposed development will not prevent them from doing so and will also not negatively affect any adjacent agricultural activities. It is important to note that the development will only be concentrated on a small area (± 1 ha), the size of a normal farm stead and the rest will still be farmed. At least now the agricultural potential will come to fruition and the owner who will also reside on the property and will use the balance of the property for agricultural purposes. Much of the green crops needed for the restaurant etc. will be grown on the property. It is also strange that the Baardskeerdersbos Home Owners Association suggested that the development must not be limited to the small portion, but be spread over the total area which is contradictory to the views of the other objectors.

K. Noise that will be emanating from the activities

The aspect of noise will now, with the withdrawal of the chapel and venue be reduced considerably, but as said previously there are strict legislation controlling noise levels and the authorities will act against the owner if this is reported and found to be unacceptably high and such venues can even be closed down if the noise levels and operating hours are not adhered to. The developer has agreed that the restaurant last order will be 22:00 and the wellness centre will only be open from 08:00 till 20:00.

L. Title deed restrictions

The Title Deed of the property contains three (3) restrictions namely the one being the 95m building line, access to the property and thirdly that the property may only be used for residential purposes. These conditions were imposed in terms of Act 21 of 1940 and in all three (3) cases it is stated that the competent authority, namely the Department of Transport must consent to the application. It is therefore not necessary for these conditions to be removed from the Title Deeds.

The Municipality circulated the application to the Department of Transport who supported the application.

M. Urban edge

The property is at present definitely not inside the urban edge. The zoning of the property is agriculture and only consents in terms of the agricultural zoning are applied for.

N. Approval required in terms of the National Environmental Management Act and National Heritage Resources Act

As stated previously an Environmental Practitioner was appointed to determine whether a Basic Assessment will be required. An application in terms of National Heritage Resources Act has already been submitted and the outcome is awaited.

O. Community of Baardskeerdersbos will not benefit

It might be the opinion of the objector that the community of Baardskeerdersbos will not benefit from the development, but it is inevitable that the development will generate a lot of skilled and unskilled jobs. Job seekers in the community and surrounding rural areas will be first in line to fill these positions as it will be better to employ people that already stay in the area than employing people that must travel from urban areas. If however, there are no job seekers in Baardskeerdersbos people from the region will be employed. As far as certain managerial and highly skilled positions are concerned they will most probably be filled by people from outside the area, but these will only be a few that will bring new people to Baardskeerdersbos.

It is also a known fact that a development like this will bring people to the area that will visit the town and support the art and craft shops as well as some of the other shops and outlets and even buy property. The point raised by one objector that there is a church in the town that can be used, is no longer relevant as the application for the chapel and wedding venue is withdrawn.

Apart from the few people objecting, that don't want the development, there are many people in the town who supports the development and feel that the town can only benefit by the development. There are very little accommodation facilities in the town and the proposed facilities will definitely fill this shortage and once the visitors stay over they will support the other facilities in the town like the local artists and the wine farms in the region.

P. The community of Baardskeerdersbos lives in peace and tranquillity and don't want the development

The proposed development is outside the urban edge and away from the town and will not interfere with the peace and tranquillity of the town or the area.

Q. Complex is too big

The concerns of some of the objectors are that the development is too big and must be scaled down is without taking into account that this is a barren piece of land and it will take a lot of money to get it developed and most of the initial costs will have to be incurred irrespective of the size of the development. The applicant however took cognisance of the comments and the development will now, with the omission of certain facilities, be much smaller.

As already indicated, the size of the development is now less than 1 ha in extent that is equal to a farm stead on most farms in the Overberg.

R. Water availability

As the development falls outside the urban edge the Municipality will not supply any water and the development will have to rely on boreholes and other means for water. The applicant appointed Cape Geophysics to do a study in this regard.

Rain water will be harvested from all roofs and this will be stored in a large facility under the manor house which will allow water to be stored in quiet times and used in peak times.

S. Baardskeerdersbos Precinct Plan

The Precinct Plan for Baardskeerdersbos was specifically drawn up for the village (inside the urban edge) and did not include this portion of land. The developer will however take note of the recommendations of the plan and will incorporate as much as possible of its proposals, such as tree planting for instance, as far as possible.

T. Buffer zones between the development and neighbours

The developer will as far as possible attempt to provide a buffer between the development and the neighbouring houses by means of tree planting and walling and the smaller development will have a less impact on neighbouring properties.

U. Wellness centre

The use of the wellness centre will not deviate from its definition in the Overstrand Zoning Scheme, but will only consist of two (2) treatment rooms.

PART M: MUNICIPAL ASSESSMENT OF COMMENTS

Comments from internal municipal departments as well as the relevant government departments support the proposed development.

With regard to the objections received, the applications for tourist facilities comprising a venue/lecture room and chapel had been withdrawn. As such, the application under consideration only relates to the following facilities, namely consent use to conduct tourism accommodation consisting of five (5) guest rooms, consent use for tourist facilities (restaurant) and place of entertainment and wellness centre comprising two (2) rooms.

The amended, scaled down application will have a far lesser impact on the adjoining properties in terms of noise and disturbance and the character of the area. As such, the municipal response is made based on the scaled down application.

A. Traffic Impact, parking areas and entrance roads

Access to the development will occur via the proposed new access from Divisional Road 1205 between Baardskeerdersbos and Elim and will be controlled in terms of the conditions of approval. Parking will be provided in accordance with the requirements of the Scheme Regulations. The applicant confirmed that the parking area will allow for an appropriate setback, thereby providing a landscaped buffer that will be accommodated in the conditions of approval.

B. Sewage and conservancy tanks

The subject property is not located in an area serviced by the Municipality. As such, the applicant will be responsible to install a sewage system to the specifications approved by the Department of Agriculture, Forestry and Fisheries (DAFF). This will be dealt with in the conditions of approval.

C. Building lines

The development will adhere to the applicable building lines in terms of the Scheme Regulations, whilst the competent authority, the Western Cape Department of Transport, provided consent for the relaxation of the 95m building line applicable in terms of Act 21 of 1940 to 32m.

D. Chapel and tent extension

The chapel and tent extension had been omitted from the application and will not be developed.

E. Wedding venue and lecture hall

The above facilities had been omitted from the application and will not be developed.

F. Conserving the nature and built environment and wetlands

The applicant indicated that the property owner is committed to alien eradication on the property and already commenced with alien clearing, since apart from the legal responsibility to do so, it will also be beneficial for the proposed development.

An independent environmental impact practitioner was appointed to determine if the subject property falls within a critical biodiversity or wetland area and if a Basic Assessment will be required. The competent authority, the Department of Environmental Affairs and Development Planning (DEA&DP) indicated that the property is situated within a Central Business Area (CBA), but that the location of the proposed facilities will be in a disturbed location as a result of past agricultural activities. The 32m buffer from the river will be adhered to. It was furthermore confirmed that no listed activities are triggered.

G. Sufficient electricity

No municipal electrical service will be available, since the property is not situated within a municipal electricity supply area. The applicant will liaise directly with Eskom, who did not object to the proposal. The applicant however indicated that he will endeavour to reduce the dependency on Eskom power as far as possible. The design of the building will make provision for the installation of alternative energy components and will be implemented in phases. The aforementioned is also required in terms of the National Building Regulations relating to energy efficiency.

H. Place of entertainment and games area

The restaurant, place of entertainment and tourism accommodation will be contained within the same building. The applicant indicated

that the accommodation area is in total just over 600m² in extent and the building is in fact 50m wide, but has a large open area in the middle. The sizes of all the mentioned facilities in this building are going to be five (5) star accommodation and the room sizes will reflect this. As such, the applicant will in his own interest have to manage the conduct of clients in the restaurant and place of entertainment so that it will not interfere adversely and impact on guest staying overnight, nor the adjoining properties.

The applicant also indicated that the place of entertainment will only include a games room and lounge and not all the other uses as contained in the definition of a "place of entertainment" and these facilities are provided primarily for the use of the guests staying in the guest rooms.

I. Tourist facilities

The chapel, lecture rooms, venue and tent extension no longer form part of the application due to public concerns and objections received. The amended Motivation Report and Site Development Plan are attached as Annexures B & C.

J. Loss of agricultural land

The portion of the property where the additional land uses are proposed was up till now not intensively used for agricultural activities and because of its size, only 8,8 ha, it is not considered to be a viable agricultural entity. The proposal is supported by the Western Cape Department of Agriculture. It is important to note that the development will only be concentrated on a small area, whilst the remainder of the property could still be farmed.

K. Noise that will be emanating from the activities

The opinion is held that the objections based on noise, disturbance and impact on the tranquillity of the surrounding area due to the withdrawal of the chapel, venue, tent extension and lecture rooms be reduced considerably. As stated by the applicant there are strict legislation controlling noise levels and the authorities will act against the owner if this is reported and found to be unacceptably high and such venues can even be closed down if the noise levels and operating hours are not adhered to. The applicant also has agreed that the restaurant last order will be 22:00 and the wellness centre will only be open from 08:00 till 20:00. The aforementioned will be incorporated within the conditions of approval.

L. Title deed restrictions

The Title Deed of the property contains three (3) restrictions namely the 95m building line, access to the property and thirdly that the property may only be used for residential purposes and associated structures. These conditions were imposed in terms of Act 21 of 1940 by the competent authority, namely the Western Cape Department of Transport and in all three (3) cases the Title Deed states that the competent authority may provide consent. It is therefore not necessary for these conditions to be removed from the Title Deeds. The Municipality circulated the application to the Department of Transport who supported the application.

M. Urban edge

The property is not situated within the urban edge. The property is zoned for agricultural purposes, whilst the proposed facilities could be accommodated by means of a consent use application.

N. Approval required in terms of the National Environmental Management Act and National Heritage Resources Act

As stated previously an Environmental Practitioner was appointed to determine whether a Basic Assessment will be required. Subsequently DEA&DP indicated that the proposed development does not trigger any listed activities.

The applicant submitted an application in terms of National Heritage Resources Act to the competent authority. The comment from the said authority indicated that the proposed development does not affect heritage resources and that no further application is required.

O. Community of Baardskeerdersbos will not benefit.

It might be the opinion of the objector(s) that the community of Baardskeerdersbos will not benefit from the development, but it is inevitable that the development will generate a lot of skilled and unskilled jobs both during the construction and operational phases of the development. It is also a known fact that a development like this will promote tourism due to people coming into the area that will also visit Baardskeerdersbos and support the art and craft shops as well as some of the other shops and outlets and even buy property.

The point raised by one objector that there is a church in the town that can be used, is no longer relevant as the application for the chapel and wedding venue is withdrawn.

Apart from the few people objecting, that don't want the development, there are many people in the town who supports the

development and feel that the town can only benefit by the development. There are very little accommodation facilities in the town and the proposed facilities will definitely fill this shortage and once the visitors stay over they will support the other facilities in the town like the local artists and the wine farms in the region.

P. The community of Baardskeedersbos lives in peace and tranquillity and don't want the development

The venue, conferencing and lecture rooms had been omitted from the proposed development. The proposed development is situated outside the urban edge and away from the town. The opinion is therefore held that the revised scaled down application will not unacceptably interfere with the peace and tranquillity of the town or surrounding area by means of noise and disturbance.

Q. Complex is too big

The concerns of some of the objectors are that the development is too big and must be scaled down is without taking into account that this is a barren piece of land and it will take a lot of money to get it developed and most of the initial costs will have to be incurred irrespective of the size of the development. The applicant however took cognisance of the comments and the development will now, with the omission of certain facilities (i.e. the venue, lecture room, tent extension and chapel), be much smaller. As already indicated, the size of the development is now less than 1ha in extent that is equal to a farm stead on most farms in the Overberg.

The development (manor house excluded) will be linked to a Site Development Plan in terms of the conditions of approval, thereby ensuring that the tourism facilities will not expand in an uncontrolled manner in future.

R. Water availability

As the development falls outside the urban edge the Municipality will not supply any water and the development will have to rely on boreholes and other means for water. The applicant appointed Cape Geophysics to do a study in this regard. It is furthermore proposed to harvest rainwater from all roofs and this will be stored in a large facility under the manor house which will allow water to be stored in quiet times and used in peak times.

S. Baardskeedersbos Precinct Plan

The Precinct Plan for Baardskeedersbos was specifically drawn up for the village (inside the urban edge) whilst the subject property is situated outside Baardskeedersbos and did not form part of the study area. The opinion is however held that the proposed scaled down development, subject to compliance with the conditions of approval will not detract from the principles stipulated in the precinct plan. The applicant furthermore indicated that the developer will however take note of the recommendations of the plan and will incorporate as much as possible of its proposals such as tree planting for instance.

T. Buffer zones between the development and neighbours.

The developer will as far as possible attempt to provide a buffer between the development and the neighbouring houses by means of tree planting and walling and the smaller development will have a less impact on neighbouring properties. It should also be noted that the development will be restricted to a site development, taking the aforementioned into account.

U. Wellness centre

The applicant confirmed that the use of the wellness centre will not deviate from its definition in the Overstrand Zoning Scheme, but will only consist of two (2) treatment rooms.



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

Application history

Not applicable.

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

It should be noted that the subject property is not situated within an established township, thus it is difficult to evaluate the proposed departure in terms of Section 42 of SPLUMA. However, one can determine its compliance as follows:

Spatial Justice

As mentioned above the subject property comprises an agricultural property situated 300m to 400m east of Baardskeedersbos. The opinion is held that the principle of spatial justice is not applicable.

Spatial Sustainability

The proposed application is limited to the subject property and therefore does not require additional use of resources such as municipal services, whilst at the same time would not adversely impact on the natural environment. The application proposes to utilise solar and wind energy, making use of rain water harvesting to supplement water, which is inherently seen as a sustainable practice.

Efficiency

The principle of efficiency is not applicable.

Spatial Resilience

The proposed development comprising additional use rights under the existing zoning will ensure that the current underutilised property will be utilised to its full potential, since the tourist facilities will diversify income from non-agricultural sources, thereby helping to resist, absorb and accommodate impacts which are caused by economic and environmental shocks.

Good Administration

The Overstrand Municipality seeks to maintain a good administrative quality which give adherence to well established administrative procedures.

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

Same as above.

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

The proposed development is consistent with the SDF and principles of the Baardskeedersbos Precinct Plan since it will diversify income from non-agricultural sources, promote tourism and economic development in the area whilst promoting employment opportunities.

(In)consistency with guidelines prepared by the Provincial Minister

N/A

Impact on Municipal Engineering Services

Not applicable. No municipal services will be rendered.

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

DEA&DP indicated that the proposed development will not trigger an application in terms of NEMA since the development is below the relevant threshold. Heritage Western Cape also indicated that the proposal does not trigger heritage resources.

Existing and proposed zoning comparisons and considerations

The proposed development could be accommodated as consent uses under the existing agricultural zoning and will be subject to the approval of a Site Development Plan. The manor house, being a primary dwelling is a primary right and will comply with the applicable development parameters in terms of the Scheme Regulations.

The desirability of the proposal

The amended application for consent use comprising tourist accommodation (five (5) bedroom guest house) as well as tourist facilities comprising a restaurant, place of entertainment and wellness centre is consistent with the provisions of the Scheme Regulations. The construction of the manor house, a primary dwelling, is permitted in terms of the Scheme Regulations and although indicated on the Site Development Plan (SDP) does not form part of the current application.

The subject property is earmarked for extensive agricultural purposes in terms of the Overstrand Spatial Development Framework that permits low impact agricultural activities and sustainable resource utilization. The SDF also acknowledge the importance of tourism and promotes the diversification of funding streams on agricultural properties, provided that it does not interfere with the main farming activities. In this case, the property is currently underutilised and not used for agricultural activities. The property comprises 8,8 ha only, whilst the viable agricultural land extends mainly on the southern portion of the property across the river and will not be impacted upon by the proposed development situated north of the river. The proposal is also supported by the Western Cape Department of Agriculture.

The subject property is located outside the study area of the Baardskeedersbos Precinct Plan and is technically not applicable to the development on the subject property. The opinion is however held that in accordance with the main principles of the Precinct Plan that seeks to attract commercial or tourist related development adjacent to the Divisional Road 1205 will be adhered to, the character of Baardskeedersbos or the rural tranquillity will not be adversely impacted upon. The development will in terms of the conditions of approval be restricted to a SDP and landscaping thereby ensuring appropriate setback from the boundaries and to protect the character of the area.

The Title Deed of the subject property contains conditions that were imposed in terms of Act 21 of 1940 restricting access to existing accesses, whilst the relocation or construction of new accesses required is not permitted without consent from the competent authority. The Title Deed furthermore contains a 95m building line restriction, whilst the use of the premises is restricted to bona fide residential purposes, together with associated structures. In case of land uses other than residential application for approval by the competent authority is required. The competent authority, the Western Cape Department of Transport, consented to the proposed development subject to conditions and as such an application for the removal of restrictive title conditions is therefore not applicable.

The proposed tourism accommodation, restaurant, place of entertainment and wellness centre is considered compatible with the character of the area and will not unacceptably detract from the amenity and tranquillity of the area. The accommodation facilities and wellness centre will not attract large numbers of visitors due to its limited extent. It should be noted that although the restaurant and place of entertainment is open to the general public, these facilities will primarily serve the guest rooms and be accommodated in the same building as the five (5) guest rooms. As such, it will be in the interest of the applicant to ensure that the facilities are managed as such that it will not result in general noise and disturbance of guest, including the owners of adjoining properties. The opinion is therefore held that the proposed scaled down development will not unacceptably detract from the character of the area, being a tranquil, quiet rural setting.

The development on the premises will be linked to an approved SDP, thereby ensuring that the development is contained to an acceptable scale, providing sufficient landscaped screening and that it will adhere with the predominant architectural character of the area, being the Strandveld building style.

The applicant will be responsible for the provision of the relevant services of the development, including water, sewage and refuse disposal. Since municipal water is not available, the applicant will have to demonstrate prior to the submission of building plans that in additions to the proposed water harvesting a sufficient water source is available whilst details of a DAFF approved sewage system is to be provided.

PART O: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS**The financial or other value of the rights**

N/A

The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal

N/A

The social benefit of the restrictive condition remaining in place, and/or being removed/amended

N/A

Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some of those rights

N/A

PART P: CONCLUSION

The proposed development comprising an application for consent use for tourist accommodation (five (5) bedroom guest house), tourist facilities (restaurant and wellness centre) and a place of entertainment (games area) is deemed to be desirable due to the following, namely:

- ❖ the proposal is consistent with the SDF, the Baardskeerdersbos Precinct Plan and applicable policies;
- ❖ the proposal is consistent with the Scheme Regulations;
- ❖ the scaled down application will not detract from the character of the area;
- ❖ the scaled down application will not unacceptably detract from the amenities of the surrounding area being a tranquil, peaceful rural setting.
- ❖ the proposal will promote tourism and economic development and provide employment opportunities, both during the construction and operational phase of the development.

PART Q: RECOMMENDATION**RECOMMENDATION:**

1. that the objections be noted;
2. that in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 the application for consent use for tourism accommodation (five (5) bedroom guest house), tourist facilities (restaurant and wellness centre) and place of entertainment (games room), **be approved**, subject to the following conditions:
 - (a) that a detailed Site Development Plan in accordance with the requirements of the Scheme Regulations be submitted for approval by the Senior Manager: Town and Spatial Planning and shall as a minimum have regard to access/egress, siting allowing appropriate buffers from the street as well as lateral property boundaries, elevation detail, landscaping, contours, the 32m set back from the edge of the watercourse etc.);
 - (b) that the development be restricted to the area indicated on the Site Development Plan and no further extension will be permitted without prior written approval of the Municipality;
 - (c) that a Landscaping Plan be submitted, allowing for a landscaped buffer adjoining to Divisional Road 1205 to the satisfaction of the Senior Manager: Environmental Management Services;
 - (d) that prior to the submission of building plans details of the water source be submitted demonstrating an adequate water source with sufficient capacity and suitable for human consumption;
 - (e) that the architectural expression of the proposed development shall not detract from the Strandveld building style and be referred to the Overstrand Heritage Committee for comment;
 - (f) that the restaurant and place of entertainment may only be conducted between the hours of 08:00 and 23:00 hours on Mondays to Sundays;

- (g) that the selling of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence;
 - (h) that the wellness centre may only be conducted between the hours 08:00 to 20:00 Mondays to Sundays;
 - (i) that all the conditions/comments from Operational Services and the Fire Department (attached as Annexures H and I), be complied with;
 - (j) that all the conditions contained in the Services Report (attached as Annexure K), be adhered to;
 - (k) that the requirements of the Department of Transport and Public Works, Eskom, Telkom, Department of Environmental Affairs and Development Planning (Planning Component), Department of Agriculture, Heritage Western Cape and the Department of Environmental Affairs and Development Planning (Environmental Component) (attached as Annexures F, G, J, L-O), be complied with;
 - (l) that on-site parking be provided at a ratio of one (1) bay per four (4) seats to the satisfaction of the Municipality;
 - (m) that a R918 certificate of Acceptability must be applied for at the Overberg District Municipality;
 - (n) that the development be conducted in such manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area;
 - (o) that rates and service tariffs be considered in terms of multi zoning, by the annual budget, be made applicable, which tariffs are automatically are adjusted in terms of the annual budget;
 - (p) that no activities other than stipulated in this approval, be allowed on the property without the written approval of the Municipality (except bona fide primary rights) in terms of the Zoning Scheme Regulations;
 - (q) that the guest house complies with the Overstrand Municipality policy pertaining to guest houses;
 - (r) that this approval is not transferable;
 - (s) that this approval does not absolve the applicant from compliance with any other relevant legislation; and
 - (t) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. 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.

PART R: REASONS FOR RECOMMENDATION

- ❖ the proposal is consistent with the SDF, the Baardskeerdersbos Precinct Plan and applicable policies;
- ❖ the proposal is consistent with the Scheme Regulations;
- ❖ the scaled down application will not detract from the character of the area;
- ❖ the scaled down application will not unacceptably detract from the amenities of the surrounding area being a tranquil, peaceful rural setting,
- ❖ the proposal will promote tourism and economic development and provide employment opportunities, both during the construction and operational phase of the development.

PART S: ANNEXURES

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Development Plan
Annexure D:	Objections
Annexure E:	Comment on objections
Annexure F:	Comment: Department Transport and Public Works

Annexure G:	Eskom
Annexure H:	Comment: Operational Services
Annexure I:	Comment: Fire Services
Annexure J:	Telkom
Annexure K:	Services Report
Annexure L:	Department of Environmental Affairs and Development Planning (Component: Planning)
Annexure M:	Department of Agriculture
Annexure N:	Heritage Western Cape
Annexure O:	Department of Environmental Affairs and Development Planning (Component: Environmental)

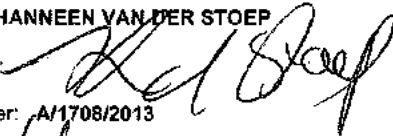
PART T: SIGNATURES

Author name: SCHALK VAN DER MERWE

Author signature: 

Date: 14/02/2017

Registered planner name: HANNEEN VAN DER STOEP

Registered planner signature: 

SACPLAN registration number: A/1708/2013

Date: 14/2/2017

Portion 143 of Farm 213
Baardscheeders Bosch

Subject property 8,8217 ha

225

Plan 1

Scale 1 : 4 000

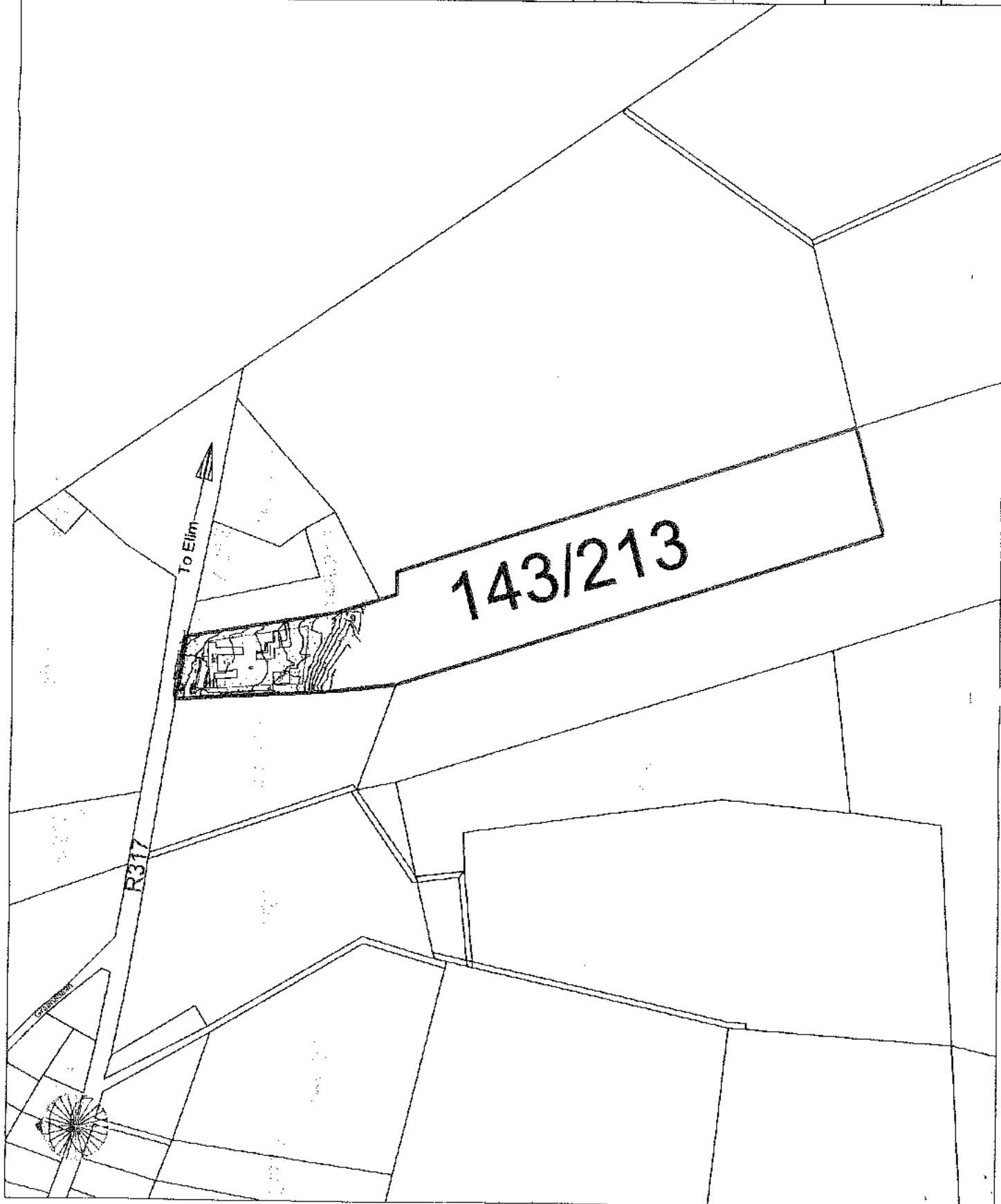
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WRAP



143/213

To Elim

R317

Capitulum



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3. CHARACTER OF ENVIRONMENT

The subject property is situated adjacent to Baardskeerdersbos, a village that is predominantly dominated by agricultural zonings and land uses. The village is tranquil and is an ideal holiday destination for urbanites who are seeking a quiet get away from the busy city life.

The proposed application will complement the rural character of the village and landscape of the surrounding properties and will not have an adverse impact on it and at the same time meeting the developer's intent in a holistic manner.

4. TITLE DEED AND PROPERTY DETAILS

The attached title deed refers to Hendrik Cornelius Groenewald, the previous owner but the property is now registered in name of Brian Groenewald as from 11 April 2016 as per attached Windeed report. A copy the subject properties' title deed has been attached as **Annexure A** and a study of the deeds revealed the following restrictive conditions:

"Met die uitsondering van bestaande strukture mag geen strukture van enige aard op enige erf binne n afstand van 95m vanaf die middel van die afdelingspaaië opgerig word sonder die goedkeuring van die Beherende Gesag."

"Die erwe mag slegs vir bona fide residensiële doeleindes gebruik word en slegs sulke strukture wat daarmee gepaard gaan, mag daarop opgerig word. Waar daar tans grondgebruike bestaan ander as residensiël, moet aansoek vir goedkeuring daarvoor aan die Beherende Gesag gerig word."

The application will be submitted to the Western Cape Department of Transport which is the competent authority.

No bond is registered over Portion 143 of the Farm Baardscheerders Bosch 213, District Bredasdorp.

PROPERTY DESCRIPTION	APPROX. EXTENT	OWNERSHIP	TITLE DEED NO
Portion 143 of the Farm Baardscheerders Bosch 213 and is situated in the Overstrand Municipality, District Bredasdorp	8,8217ha	Brian Groenewald ID Number 6803295261087	T19626/2016

5. DESIRABILITY

The Department of Environmental Affairs and Development Planning (DEADP) published a Guideline on Need and Desirability as part of the EIA Guideline and Information Document Series. In terms of the above, a number of questions need to be asked with regard to the need and desirability of any land use application and include the following:

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Need and desirability measure	Yes no	Applicability to the subject farms
Is the land use considered within the timeframe intended by the existing approved SDF agreed to by the relevant environmental authority?	Yes	The proposal is within the timeframe of the PSDF, SDF and the Baardskeerdersbos Precinct Plan and is well aligned with the overarching goals of these documents as the motivation will prove later on.
Does the community/area need the activity and the associated land use concerned?	Yes	There is a need for luxurious tourist accommodation for visitors to Baardskeerdersbos who would also spend money in the local economy and support businesses. The restaurant and entertainment area will also be open for the enjoyment of the public to enhance the social interaction in the town.
Are the necessary services with adequate capacity currently available, or must additional capacity be created to cater for the development.	Yes	Water and sewage services with adequate capacity will be provided by the developer in compliance with the relevant municipal legislation. Electricity will be provided by Eskom.
Is this development the best practicable environmental option for this land/site?	Yes	The proposed development is not situated on environmentally sensitive land and is the best practicable environmental option for this land.
Would the approval of this application compromise the integrity of the existing approved and credible municipal IDP and SDF as agreed to by the relevant authorities?	No	The proposed development is aligned with the aims and objectives of the IDP and the SDF and contributes to the implementation of the principles enshrined in these documents as the motivation will prove later on.
Do location factors favour this land use?	Yes	The site is well located as it is adjacent to the urban edge and at the entrance of the town. The proposed architectural character of the development has been designed to blend into the rural character that exists in the village.
How will the activity or the land use associated with the activity applied for, impact on sensitive natural and cultural areas?	No	The proposed application will not have any adverse impact on sensitive natural or cultural areas.
Will the proposed activity or the land use associated with the activity applied for, result in unacceptable opportunity costs?	No	The proposal seeks to enable the property to continue being used for tourism related activities and will not result in unacceptable opportunity cost.
Will the proposed land use result in unacceptable cumulative impact.	No	The proposal will not have any adverse impact on the society and the environment.

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The previous table provides evidence that the proposed development is desirable and beneficial to the community. The proposal will also lead to the visual and entertainment enhancement of the village while maintaining a village character.

5.1 Services

For the proposed development to be viable it is necessary for services such as water, sewage, electricity and roads to be available. This service section will provide an analysis on how the services will be provided.

5.2 Water

The site layout has been designed in a manner to ensure that surface water is channelled in a manner that will not result in any of the buildings being flooded with water.

Since the subject property is not within the urban edge the municipality will not be responsible for providing water to the subject property and water provision will solely be the responsibility of the property owner. The owner has therefore appointed Cape Geophysics who will drill a borehole on the property to provide sufficient water.

5.3 Traffic impacts, parking access and other transport related considerations

The site layout has sufficient parking bays that are compliant with the dimensions, configurations and numbers prescribed by the Overstrand Municipality Zoning Scheme. The majority of the parking is in front of the restaurant for the convenience of restaurant guests and the general public.

5.4 Electricity

The electricity will be provided by Eskom and necessary application procedures will be followed to ensure this.

5.5 Sewage

The client will install conservancy tanks on the farm to be serviced by the Overstrand Municipality.

6. ZONING OVERLAY

The zoning of the property is Agricultural Zone 1: Agriculture (AGR1) in terms of the Overstrand Municipality Zoning Scheme of November 2013. (See Plan 3)

The land use parameters associated with this zoning are therefore as follows:

Agricultural Zone 1: Agriculture (AGR1)	
Primary use	Agriculture, day care centre, dwelling house, guest rooms and home occupation.
Consent use	Additional dwelling units, agricultural industry, aquaculture, animal care centre, crèche, farm shop/stall, guest house, hotel, institution, intensive animal farming, intensive horticulture, mining, place of assembly, place of farming, intensive horticulture, place of instruction, plant nursery, riding stables, rooftop base station, service trade, tourist

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accommodation, tourist facilities, transmission tower utility services, wellness centre and 4x4 trials.

All the proposed uses fall under either primary uses or consent uses.

	Zoning Scheme Parameters	Development Proposal	Comply/ Deviate	
Primary uses	Agriculture, day care centre, dwelling house, guest rooms and home occupation.	Dwelling house	Comply	
Consent uses	Additional dwelling units, agricultural industry, aquaculture, animal care centre, crèche, farm shop/stall, guest house, hotel, institution, intensive animal farming, intensive horticulture, mining, place of assembly, place of entertainment, place of instruction, plant nursery, riding stables, rooftop base station, service trade, tourist accommodation, tourist facilities, transmission tower utility services, wellness centre and 4x4 trials.	Place of entertainment, tourist facilities, tourist accommodation for 5 guest rooms or guesthouse.	Comply	
Height	8m	Less than 8m	Comply	
Street boundary building line	10m	10m	Comply	
Common boundary building line	10m	10m	Comply	
Title deed building line	95m from the centre of the road	32m	Deviate	
Parking	Parameters	Need	Bays	
	Restaurants, 6 bays per 100m ² GLA	Restaurant is 133m ²	8	Comply
	Entertainment, 1 bay per 4 seats	Entertainment area has 8 seats	2	Comply
	Guest house: Office and reception area, 6 bays per 100m ² GLA	Offices are 68m ²	4	Comply
	Guest house, 1 bay per bedroom / 2 persons accommodated	5 guest rooms	5	Comply
	Dwelling house, 2 onsite parking bays per dwelling unit provided that on even less than 400m ² .	Manor house	2	Comply
	Recreation, 1 bay per 4 seats or persons	12 seats in the wellness centre	3	Comply
Total	Total number of parking bays		24	Comply

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7 SPATIAL PLANNING INITIATIVES

Spatial planning initiatives

The purpose of this section is to assess the consistency of the proposed consent use application with the existing spatial planning initiatives. This is to ensure that the development does not deviate from the spatial planning initiatives and is in line with the rural structure form that is envisaged by Local and Provincial Authorities.

Provincial Spatial Development Framework 2014 (PSDF)

The aim of the PSDF is to give spatial expression to the national and provincial development agendas and serves as a basis for coordinating, integrating, and aligning ground delivery of national and provincial departmental programmes. The framework also aims to communicate the government's spatial development intentions to the private sector and civil society. This section will outline how the proposed development is aligned with the aims of the PSDF.

The PSDF outlines that the rural space economy is not only about agricultural development but is about a broad based agrarian transformation, diversifying rural economic activities, tourism and not harming functional ecosystems. In line with the PSDF strategy for opening up opportunities in the rural space economy the following dimensions exist.

Dimensions	Alignment of the proposal with the dimensions
<p>Accommodating a greater diversity of compatible land use activities on farms and in the rural landscape in general. Compatible activities are those that do not compromise biodiversity, farming activities, cultural and scenic landscapes, and are of an appropriate scale and form to fit in with their context in the rural landscape (as specified in the to be updated 2009 PSDF Rural Land Use Planning and Management guidelines).</p>	<p>The proposed development is to accelerate diversification of land uses on the farm. In addition to the agricultural potential that exists the following is proposed: tourist accommodation, a restaurant and entertainment area. The purpose of the diversification is to make the farm more resilient in times of economic uncertainty as a downturn of one aspect of economic activity on the farm will not render all the economic activities on the farm unviable.</p> <p>The proposed buildings are designed in a manner to be consistent with the rural architectural style in the town. The buildings proposed are all single storey and will fit well into the rural landscape that exists. The proposal will not occur on any biodiversity areas.</p>
<p>Channelling public investment in rural development initiatives to areas where it can offer real and sustained improvements to beneficiaries and the rural community.</p>	<p>The proposed development does not involve the channelling of public investment into the town but does however result in the channelling of private investment in the rural area of Baardskeerdersbos to offer real sustained improvement to the rural community in the following ways.</p> <ul style="list-style-type: none"> • Temporary jobs will be created during the construction phase of the project. • Permanent jobs will be created in the restaurant, entertainment area, and tourist accommodation and will also lead

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	<p>to skills development in the village.</p> <ul style="list-style-type: none"> • The skills development will also contribute to building the entrepreneurial capacity of the employees. • Enhance the livelihood of the employees on the development. • Contribute towards making the village more prestigious with upmarket tourism related facilities. <p>The proposed development will contribute towards improving how the village looks visually and stimulate economic activity in the village to the benefit of the residents.</p>
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The PSDF's strategy is to accelerate and give momentum to the rural space economy in the Western Cape. The table above outlines how the proposed application will benefit the residents of Baardskeerdersbos, grow the economy of the village while encompassing the principles of the PSDF.

Overstrand Spatial Development Framework 2006 (SDF)

The objective of the SDF is to formulate strategic spatially based policy guidelines and proposals where the needs, changes and growth in the area can be managed to benefit the inhabitants and the environment in the Overstrand Municipality. The SDF describes Baardskeerdersbos as historically functioning as a local low order agricultural settlement. It can be expected that this functional role will diversify as tourism and gentrification processes develop as a result of the upgrading of the Gansbaai and Elim Road (R317).

Below is a table with the local spatial development principles for Baardskeerdersbos and how the proposed development is aligned with the principles.

Local spatial development principles	Alignment of the subject property with the local spatial development principles.
The role of the area as an agricultural zone of special significance.	The land on the subject property has agricultural potential and no building development will occur on the majority of the land. This can in the future potentially lead to the agricultural potential being tapped into.
Appropriately scaled tourism development based on the agricultural and heritage value of the region.	The proposed buildings are appropriately scaled and are within the building parameters as outlined in the zoning scheme. The proposed development will also not adversely impact on the agricultural and heritage value on the farm.
Appropriate residential development on a scale and in a form that retains the village character of Baardskeerdersbos.	The manor house is appropriately scaled and the architectural design is in line with the rural character of the town.
Maintain the special character of the area and quality tourist experience.	The proposed development will contribute toward providing state of art quality tourist facilities while maintaining the rural character of the village.
Encourage the location appropriate tourist-related businesses along the R317.	The subject property can be deemed as location appropriate for tourist related businesses as it is situated on the R317.

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The previous table outlines how the proposed development is well aligned with the nature of development that is promoted in the SDF for Baardskeerdersbos.

Baardskeerdersbos Precinct Plan 2015

The purpose of the Baardskeerdersbos Precinct Plan is to enhance sustainable development within the village by balancing three areas of sustainability which are namely socially advancing the population, conserving the natural and built environment and enhancing the economy. The subject property does not fall within the urban edge however this section will outline how the proposed development is aligned with the nature of development promoted in the Precinct Plan.

Below are some key challenges in Baardskeerdersbos and how the proposed development is responding to the key challenges.

Key challenges	Response to the key challenges
A variety of income levels are represented within the village. The challenge lies in strengthening and stabilising income for those living permanently in the village without negatively impacting on the rural character.	The proposed development with the restaurant, tourist accommodation, and wellness centre and entertainment area will provide permanent jobs to the unemployed residents of the village without impacting negatively on the rural character of the village. The proposed development will therefore make a positive contribution towards the livelihood of the residents.
The lack of economic development and low key role of agriculture and tourism.	The proposed development seeks to contribute towards tourism development in the village and there is still great agricultural potential that exists on the property particularly across the river.
Development pressure exists in Baardskeerdersbos given the beautiful rural setting, proximity to the coast and the perception of a safe rural settlement with little or no crime. These positive aspects and assets are attractive for city dwellers and others who want to relocate in the countryside.	The proposal is positively contributing to the development pressure in the village due to the beauty of the village and the low crime. The guest rooms will also be ideal for city dwellers who want to experience the tranquillity that the countryside has to offer.

The table above illustrates that the proposed development provides solutions to some of the key challenges that exist in the village. The Baardskeerdersbos Precinct Plan also promotes the development of location appropriate tourist related business uses along the R317 such as the proposed development.

Consistency with the various planning instruments

The analysis of the spatial planning initiatives has provided a clear and complete explanation of the alignment of the proposal with the relevant guidelines. The proposal is consistent with the PSDF, SDF and Baardskeerdersbos Precinct Plan and can be deemed as encompassing the core objectives of planning as set out in the documents.

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6 PLANNING PRINCIPLES

The purpose of this section is to analyse the consistency of the application with the planning principles and also to provide a recommendation to the Municipality for the development. These spatial planning principles are in terms of Section 42 of the Spatial Planning and Land Use Management Act, 2013 and also Chapter VI of the Land Use Planning Act, 2014.

Below are the spatial principles and the consistency of the proposed development with these planning principles:

Planning principles	Consideration and impact
<p>Spatial Justice "Refers to the need to redress the past apartheid spatial development imbalances and aim for equity in the provision of access opportunities, facilities, services and land."</p>	<p>The proposed development will contribute towards redressing past apartheid spatial imbalances by providing economic opportunities to residents in a very accessible location.</p>
<p>Spatial Sustainability "A spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscape and ultimately limits urban sprawl."</p>	<p>The proposed development can be deemed as sustainable as it will contribute towards the economic development of the village, while not negatively impacting on the agricultural potential that exists in the town, while designed in a manner to fit into the cultural landscape that exists in the town and will not occur on environmentally sensitive land and biodiversity rich areas.</p>
<p>Efficiency "Efficiency refers to the need to create settlements that optimise the use of space, energy, infrastructure, resources and land."</p>	<p>The proposed development is optimally making use of the development potential of the farm. There will also be additional infrastructure that will be provided on the farm and the resources of the farm will be efficiently used.</p>
<p>Spatial Resilience Spatial resilience in the context of land use planning refers to spatial plans, policies and land use management systems should enable the communities to be able to resist, absorb and accommodate these shocks and to recover from these shocks in a timely and efficient manner.</p>	<p>The spatial plans and policies compiled by the provincial and local authorities all promote spatial resilience in land use management. The proposed application is well aligned with the different policies and guidelines as set out by the competent authorities and promotes resilience. The proposed diversification of land uses on the farm will also contribute towards resilience during times of economic downturn.</p>
<p>Good Administration Good administration in the context of land use planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role players ensure a joint planning approach is pursued.</p>	<p>The proposed development will promote consultative planning as the Municipality will advertise the proposal to the general public to allow the comments of the public to be taken into consideration. WRAP will also respond to the comments of the general public and take the comments into consideration in the planning of the project.</p>

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This section outlines how the proposed development is aligned with the core planning principles as outlined in SPLUMA, LUPA and the "Motivation Guideline Report" compiled by the Overstrand Municipality Town Planning Department. The proposed consent use application can therefore be viewed as encompassing and promoting all planning principles.


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5. RECOMMENDATION

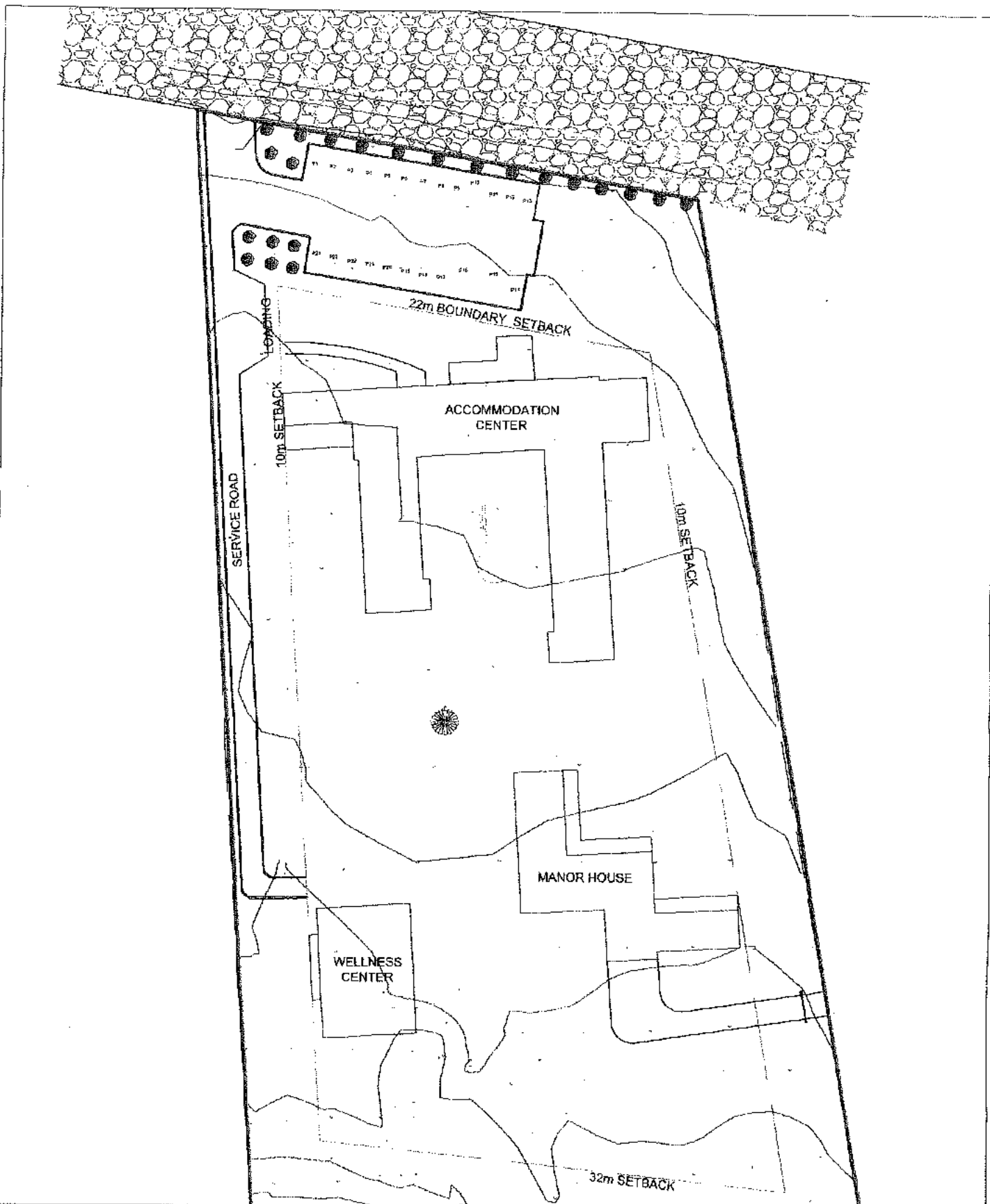
This motivational report has provided a clear and complete analysis of the land use proposal. It was shown that the proposal is indeed consistent with existing spatial planning initiatives and that there is a definite need exists for the application to be approved.

It was also shown that the proposed land use is compatible with the character of the surrounding area and that the approval of this application will not result in negative impacts on existing land use rights. Lastly it was shown that additional services will be provided on the subject property.

In light of the above, it is recommended that the following application be **approved**:

Consent use in terms of Section 16 (2) (o) of the Overstrand Municipality By Law on Municipal Land Use Planning

- **Tourist accommodation** for the 5 guest rooms or guest house.
- **Tourist facilities** to accommodate a restaurant which will be open for the general public.
- **Place of entertainment** to accommodate the games area and lounge which will be open for the general public.
- **Wellness centre.**



Building	Site boundary	Provincial road reserve

Fishing	Provision	Requirement	Bay	Comply
	Flat Bedrooms: 8 bays per 10000 GSA	Provisioned 10000	8	Comply
	Entertainment: 1 bay per 4 areas	Entertainment area has 8 bays, others are 2000	4	Comply
	Guest house: Office and reception area, 6 bays per 10000 GSA	Office area 6 bays	6	Comply
	Guest house: 1 bay per bedroom / 2 persons	5 guest rooms	5	Comply
	Guest house: 2 outdoor parking bays per dwelling with provision for 100 cars less than 400kg	Manor house	2	Comply
	Reception: 1 bay per 4 bays or persons	10 seats in the wellness centre	5	Comply
Total	Total number of parking bays		24	Comply

Site Development Plan (Inset)

Portion 143 of Farm 213 Baardscheerders Bosch

Plan: 2

All distances approximate and subject to survey.

Scale 1 : 500

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TP - A Thek
(Svd Merwe)Huiselenaarsvereniging
Home Owners' Association

Ref: 09/12/09/2016 - BBHOA/143/213

Overstrand Municipality
Town Planning
Mr. SW van der Merwe
P.o.Box 20
Hermanus
7200

16 September 2016

Email: svdmerwe@overstrand.gov.za

Dear sir,

FILE NO:	PH 143/213
SCAN NO:	38
COLLABORATOR NO:	938156

Ref: Portion 143 Farm 213 Baardscheerders Bosch Consent Use: Wrap Consultancy/B Groenewald.

In principle the BBHOA Management supports the development in its core elements, but not as presented in the existing form as per documents received. Hereby the comments of the BBHOA Management.

- 1) Ad 6.3: Traffic Impacts: Majority of parking is in front of restaurant for the convenience of restaurant guests and general public (assume also for guesthouse), what about the rest of 40 parking bays - would the parking be used for all activities such as functions etc ?
As it is understood correctly, the municipal regulations is 1 entrance gate per property, in this instance – from the main road. This is also to make sure that there will be a minimum disturbance/impact on neighbours. If in need of a 2nd entrance, this needs to be arranged/discussed with both authorities and neighbours (especially on the Eastside – servitude road.)
- 2) Ad 6.5: Sewage: Conservancy tanks to be serviced by the Overstrand Municipality The application includes 40 parking bays, which is 100-200 people. That is a lot of sewage. Are the resources of the municipality sufficient to deal with this quantity, also taking the driving distance of the sewage cars into consideration. It is paramount that no sewage will flow into the Boesmansriver which has its outflow into the Uilkraal Estuary.
- 3) Ad 7: Zoning Overlay

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18 SEP 2016

20 SEP 2016
20 SEP 2016

TP



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(i) "Street Boundary Building Line"

Complied, but one should take into consideration that the parking bays for 40 cars are not set back at all. 40 cars parked in a row "mimic" a building line. The imperative that the line of the parking bays are set back to allow for a minimum of 6 m set back from the road and this 6 m boundary to be used (as a condition for any approval) for the planting of indigenous trees and bush to create a green buffer between the road and the parking spaces. Failure to address this issue will result in a serious eye sore at the Eastern entrance to Baardskeerdersbos and clearly do away with the rural character of the town. As such the statement in the application that "the proposed application" (it is not the application of course, it is the development subject to this application) will complement the rural character of the village and landscape of the surrounding properties...." is incorrect. Parking bays for 40 cars immediately on the road and without any barrier, create an industrial area look, totally incompatible with the rural and small character of Baardskeerdersbos.

In this context, it should also be taking into consideration that Baardskeerdersbos has recently been enriched with many indigenous trees along the main road and that any development should be designed from a greening point of view with respect to the new look of Baardskeerdersbos. As such it should be a standard condition with any and all development over the erection of a normal residential dwelling that indigenous trees are planted along the road edge on the private property.

(ii) "Parking" "Lecture Hall" " Chapel" - Tent extension

The application plan shows next to the chapel ("place of worship") a "lecture hall". Both tick boxes for parking places and both are listed under "Consent uses". The list of consent uses does not mention "wedding venue". Are the developers aiming for a lecture hall ? Or will the "lecture hall" actually appear to be a wedding venue ? Why have a chapel if there is no wedding venue ? These questions need to be thoroughly addressed in order to ensure that true labels are connected to the respective planned buildings. On the plans -" tent-extension" -with functions, does this mean that life music is planned and is this going to be addressed? All the functions as planned adding up to 40 parking places. This gives rise to the idea that the proposed development might be written with the sole purpose of ticking the boxes, rather than a true reflection of what the developers actually plan to develop. It should be established that there is no incongruity between what is applied for and what will actually manifest itself after the building phase on the ground. Baardskeerdersbos is a small town and the application should be an



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honest reflection of what is actually planned. This is also in the interest of the developers to make sure that their application reflects the truth.

4) Ad 8) Spatial planning initiatives.

Under "Alignment of the proposal with the dimensions" is stated

Appropriately scaled tourism development based on the agricultural and heritage value of the region is a local spatial development principle. The application states that the proposed buildings are appropriately scaled. It is difficult to tell without definite building plans, but the "accommodation centre" however covers the whole width of what is drawn on the site development plan. Since this is approximately 50m, it is clearly not "appropriately scaled". This twice the size of the Strandveld Agriculture building and much bigger than the Baardskeerdersbos church. A building which vastly outsizes the two largest buildings in town is very clearly not "appropriately scaled".

5) The purpose of the Baardskeerdersbos Precint plan is to enhance sustainable development within the village by balancing three areas of sustainability".

The application addresses some "key challenges" but fully ignores one of the "three areas" namely "conserving the nature and built environment". As a minimum any approval should state that the developers should clear the riparian area around the Boesmansriver from alien trees and rehabilitate the streambanks as a condition to be fulfilled PRIOR to the commencement of building. The Boesmansriver is already severely degraded as a result of over-damming and alien infestation and has clearly decreased as a contributor to the water inflow in the Uilkraal Estuary. The health of the Uilkraal Estuary system is economically vital (tourism around the estuary and fisheries). With each and every filing of any application regarding properties through which the Boesmansriver runs, the municipality should use its legal discretion to have the streambanks rehabilitated and alien invasive vegetation cleared. Apart from this, making the clearing of alien vegetation on private land mandatory as a pre-condition to any building approval is in line with the public funds being spent at present for the clearing of the Boesmansriver on public land, which also greatly improved the visual attraction of the entrance road into Baardskeerdersbos.

ii) the application does not address the matter of electricity. It is an open door that it should be investigated that sufficient electricity is available so that the present dwellings in Baardskeerdersbos (and anticipated developments of which there are a lot, counting the empty plots) but it can also be addressed that a certain percentage of the electricity requirements of this development are addressed by means of solar and wind.



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This will be in line with what is happening with the newer developments in Baardskeerdersbos and greatly enhances the tourism potential of the development.

6) The remarks about providing "permanent jobs to unemployed residents of the village" are not realistic and can be discarded.

7) The application proposes several tourism functions of which the following are in principle compatible in the area and close to the town of Baardskeerdersbos : Wellness centre, tourist accommodation, restaurant (how many seats ?, this should be addressed). All these functions restrict the amount of "feet" and cars and by the nature of the activities connected to these functions, the times of traffic are concentrated and within reasonable hours of the day/niht. There is also a certain check on the clientele to the establishment since these functions will call for advanced appointments or reservations.

However, question marks should be raised in relation to :

(i) "Place of assembly" and "Place of instruction". It should be unambiguously be established that this does not entail an actual wedding venue. If so, there is no issue in principle, but it should a) be clearly stated and -hence- assessed on its true basis and b) be assessed for how many people such wedding venue can be allowed. A venue so close to the town obviously needs to be limited in a reasonable manner as to how many people it can cater for. The noise(music) factor is obviously also an issue.

(ii) "Place of entertainment, games area" . The application states that the development will be "upmarket". Depending on the size and facilities of such "entertainment area", it can be debated where and when an establishment with an "entertainment area" is "upmarket. Because of these functions, the venue will be open to the general public without prior reservations, the numbers cannot be kept in check and the traffic will be unpredictable and - likely- outside reasonable hours of the day. It should also be taken into consideration that there are already three establishments in Baardskeerdersbos which are open for the general public, are "places of entertainment" and this number is already quite high for a town the size of Baardskeerdersbos.

(iii) "tourist facilities" should be discarded as too vague and too encompassing to work as a phrase for any planned development close to the small town of Baardskeerdersbos

The BBHOA would like to suggest to the developer, to take a fresh look at the layout of the development with an eye to the above comments and to take into consideration to make use of more of the surface of the property in order to have less density of buildings concentrated on a small part of the property and extend the development to the other side of the



*Huiselenaarsvereniging
Home Owners' Association*

Boesmansriver. By doing this, the development might be assessed to be "appropriately scaled".

The BBHOA Management welcomes and supports new developments in and around Baardskeerdersbos as long as these are compatible with the rural character of Baardskeerdersbos and landscape of the surrounding properties. As such the BBHOA management would like to suggest to the developer to consider the above comments and kindly invites the developers to integrate the ideas behind these comments in a revised development plan and proposal.

Regards

A handwritten signature in cursive script, appearing to read "H. Swart".

Helena Swart
Chairperson.

Drafted by M Groos (BBHOA Tourism & Conservation) in cooperation op the BBHOA Management.

TP A Thant
(S van der Merwe)

Flondag: S van der Merwe



Gedeelte 143 Plaas 213 Baardskeerdersbos.

EK verwys na die aansoek om ontwikkeling van die bogemelde grond.

EK het in eiendom (Gedeelte 18/213 Baardskeerdersbos) waarop in huisie geleë is, welke eiendom nie ver van die beoogde ontwikkeling is nie.

EK maak beswaar aangesien landbou grond nou geïntensifiseer is vir ander ontwikkeling. Dit gaan geraas veroorsaak.

Geroues:

I.J. le Roux
Baardskeerdersbos

21 September 2016

Tel/Faks 028 381 9713

TP 21 SEP 2016
21 SEP 2016

FILE NO:	Pln 143/213
SCAN NO:	03
COLLABORATOR NO:	938960



243

Schalk van der Merwe - Portion 143 farm213 baardskeedersbos

TR A Theart
(Svd Merwe)

From: robin <robin@stott.co.za>
To: <svdmerwe@overstrand.gov.za>
Date: 2016/09/22 12:15 PM
Subject: Portion 143 farm213 baardskeedersbos



Dear mr van der merwe

Thank you for your time of today .

I would like to point out some areas of concern i have with the proposed development of the property which is abutting the erf 146 plaas 213 which i have very recently purchased...transfer to be finalised end october 2016.

1.all properties in the area have the houses near the river and title deed restricts all buildings at present to be more than 95m from the main road enforcing this .
If there was to be any commercial activities on erf143 i would think it better to have them as far from the neighbours and close to the road to restrict noise and impact as much as possible

2.the development is way too big and has no thought for the potential impact of noise and 200 plus people coming for a weekend to a wedding where there will be drinking ,speeches etc etc and all of this not 20 meters from my house.this is not a farm in the country where the nearest neighbours are far away.so a big worry NOISE!

3There is a servitude road on erf 146 which i see the developers intend to use.
I do not think this servitude was intended for erf 143 but even if he was to have access we would be worried about traffic coming down the side of erf 143,
It is also stated in both 143 and 146 title deeds that only existing access be granted from the main road .i would prefer if the development used it own roads on its own property to restrict the impact on my agricultural erf.

4.Whilst i am not against a restuarant, 5 bedroomed guest house and manor house,the venue being used as a wedding venue and attracting large amounts of people will be a big problem for the surrounding neighbours.

The entire development is also concentrated on a small portion of the erf above the river,the coverage of buildings to land area is high and will take away any feel of country and replace it with buildings,i suggest less building be allowed to retain the agricultural feel as much as possible.

In conclusion i would support a much scaled down version of this proposal with restrictions put in place to safeguard neighbours from large amounts of people partying and drinking and causing a disturbance in this quiet rural town.

Regards

Robin Stott

Sent from Samsung tablet.

FILE NO:	Pm 143/243
SCAN NO:	01
COLLABORATOR NO:	939335

23 SEP 2016



TP - A Theart
(S. van der Merwe)

Sue and Jan Vingerhoets
Foxglove Farm
Olienhoutlaan
Baardskeerdersbos

22nd September 2016

For Attention:

MR SW van der Merwe
Senior Town Planner
Gansbaai Municipality

FILE NO:	PH 143/213
SCAN NO:	03
COLLABORATOR NO:	939336

Dear Sir,

Re: OBJECTION TO PROPOSED USE OF PORTION 143 OF FARM 213 BAARDSKEERDEBSOS

We live on the edge of Baardskeerdersbos, on a small farm located around the cemetery. We moved here 3 years ago for the peace, tranquillity and relative safety of the area, and were very pleased to be involved in the last stages of the agreed Precinct Plan. It made sense and indicated, however naive we were to believe it, that the municipality was keen to maintain the hamlet's distinct nature and uniqueness.

We are therefore astonished and shocked at the proposed development described in the planning application for Portion 143 of Farm 213. Apart from the fact this is an absolute travesty that appears to have been handily slid under the very eyes of the community most affected, very little rigorous homework appears to have been done and much seems to have been conveniently ignored. We saw developments like this begin in Midrand and end with entire agricultural areas inundated by ever-larger projects. It is the thin end of the wedge...

1) Title Deeds and Agricultural Land: We live in a country that is very limited in terms of arable land. What possible sanction is there then to completely cover such perfect growing land with an unsustainable brick-and-concrete edifice? As far as we are aware, national government is strongly opposed to the use of agricultural land for development. Further, the very title deeds of this property and many others around it, have restrictions regarding building 95m from the road and also that ONLY a single residential building is to be allowed.

jan.a.vingerhoets@gmail.com Cell: 081 033 0899 PO Box 730, Stanford, 7210

22 SEP 2016

23 SEP 2016

It appears to have been forgotten that the purpose of a deed is *to protect the amenity and character experienced within an area*. A title deed is a right and an obligation on a property, and this property was bought and the building application submitted knowing fully that those restrictions existed. The people around this property also bought their land knowing that there was the security of such restrictions. Whose rights prevail?

Each erf is simultaneously both encumbered by the title deed in favour of all other similar erven and favoured by the title deed condition in respect of all other similar erven. To remove/amend/relax a title deed restriction, one must demonstrate a CLEAR benefit, but the only ones who will benefit from the changes would be the applicant - the rest of Baardskeerdersbos would not benefit whatsoever. In fact, quite the opposite would occur.

2) Visual Damage: The sheer scale of the proposed development would be a total eyesore, spoiling the open countryside of the area, the beautiful views and space. Only a residential property should be allowed on this land retaining its historical beauty, let alone all of the environmental issues which come with the application.

3) Noise Pollution: Having lived in Johannesburg and knowing the noise that projects from entertainment venues (our community there measured clearly-felt bass up to three kilometres from the source which was supposed to be soundproofed), it is unacceptable that such a business be allowed to operate in this environment. By definition the business will seek a high usage and occupancy rate to generate profits. Since most weddings take place over weekends, and all wedding receptions continue until the early hours of the morning, there will be no peace and tranquillity for the town. Unless very expensive total soundproofing and soundlock atriums are incorporated such that there is no detectable sound within 10 metres of the building, there will be no way not to hear the continual bass of dance music especially as people get more drunk and raucous later in the event and the doors are opened as people leave and enter. We know exactly what that is like. So it is utterly shocking that this would even be proposed by someone and, quite frankly, have even reached planning stage without the municipality itself stopping it before this. It has clearly been proposed and supported by people who do not live in the immediate vicinity.

It seems from the plans that the applicant is expecting to cater for up to 200 people given the car parking spaces listed. The noise, invasion, light pollution, music till all hours, cars going in and out and up and down the land, with the restaurant open to the public, weddings etc. lends a lie to the applicant's mention of the 'peaceful and tranquil' Baardskeerdersbos. One does not appreciate peace and tranquillity by bringing the opposite...

3) Water: We live in the 14th most arid nation in the world. Suddenly an enterprise that will contribute little if anything to the community will be drawing many times more resources than the entire town uses. If, as the application simply states, a borehole will be used, where then are the yield reports to show the amount of water and for how long will it last, let alone the quality of the water? The amount of water required to service such a huge development would be vast and one has to question the impact of this on neighbouring farms? Where are the yield and usage assessments? Have the downstream farms been informed and consulted? If not, why not?

4) Environmental Impact: Why is there no EIA? (a) Agricultural land, (b) bordering on a wetland, (c) further bordering on a water source (d) which is also a tributary to the water supply of Gansbaai, (e) and on essentially previously undisturbed ground? And no comprehensive EIA? This begs a lot of questions...

There are further issues: the land lies within a floodplain. What plans are there to eliminate any leakage of faecal matter into the said tributary in the event of flood or simply of inadequate management of the sewage? Faecal matter in a water source that supplies farms and a major town = cholera epidemic. It only needs one such occurrence from an overloaded sewage system or a decent rainfall... There are not even any considerations regarding this.

5) Employment and Socio-economic factors: Clearly the applicant and any champions of the project are uninformed about the state of employment in the area. The claim that this development will have a positive impact on the area from the perspective of employment is fallacious. In actual fact, apart from those living on working farms, the other businesses, for example the restaurants, the carpenter, etc. etc. all have to travel daily to Gansbaai, Pearly Beach and Elim in order to acquire staff as there is none available for employment in Baardskeerdersbos - there is no unemployment issue. Furthermore, there are farmers who have resorted to employing Malawians in order to complete their complement of staff. So where does the applicant see their employees coming from? Where will they live, because no doubt they will be from outside of Baardskeerdersbos? Nothing has been forwarded to substantiate their assertions. No socio-economic study to determine the effect of the business on other businesses downstream (dairies, farms), other existing wedding venues, no description of who would benefit locally, as so grandiosely claimed.

The applicant claims that local businesses would be supported - whose and why? Why would the local businesses benefit when clearly the applicant is the only one who will

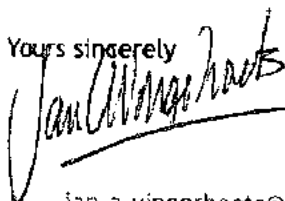
benefit from this development? How would the village benefit? Again, just a politically useful throwaway assertion from the applicant and zero evidence to support yet another 'claim'.

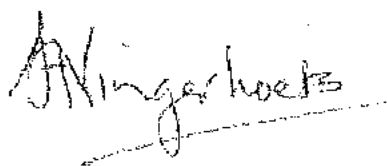
The land on which the huge 'complex' is proposed is NOT within the Urban edge of Baardskeerdersbos as defined within the Precinct Plan of January 2015. What value does the Precinct Plan have if people can simply ignore it and all of the hard work put into developing it, and just build what they want, where they want, conveniently outside the Precinct, usefully bypassing the Plan and the applicable bylaws? It makes a mockery of a very detailed and specific and well-presented report and this has to be referred to and respected by all parties. Further, any implication that the rates gained from this project would benefit the town is egregious, as the development falls outside the Precinct.

6) Crime: We have no police in the area because there are apparently not enough resources. We are left to our own devices by the province and district, being only able to rely on some delayed reaction when things happen. However professional and pleasant the few police are that do react, their presence is only reactive and not preventative. Further, it is well-known that, whenever there are a lot of builders around a large project, most do not go home after hours or on weekends as they are generally from further afield. It is also known that crime levels go up sharply under those circumstances. We experienced burglaries 8 times in Johannesburg and it was almost always construction-related people. So what will be done about that preventatively?

In conclusion: Having had some experience with the municipal processes in developments, we are sure that the correct procedures have been followed and everything has been done "by the book". However, doing something "right" is not close to doing "the right thing", albeit the former being a useful fallback excuse. We do not believe, and we're not alone in this, that there has been sufficient work done on the impact of this development in this community.

A project of this scale, without the proper consultation and public participation (out of sheer courtesy if not a legal requirement) is unacceptable and thuggish, and is entirely inappropriate for the area.

Yours sincerely




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248
Town & Regional Planners
Stads-en Streeksbeplanners

Plan Active



TP - A Theent
(Suid Merwe)

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Our reference: PA16076

22 September 2016

The Municipal Manager
Overstrand Municipality
PO Box 20
HERMANUS
7200

FILE NO:	PA16076
SCAN NO:	43
COLLABORATOR NO:	939190

e-mail: alida@overstrand.gov.za
For attention: Mr. Schaik van der Merwe

Sir,

**OBJECTION: PROPOSED CONSENT USE: PORTION 143 OF THE FARM
BAARDSCHEERDERS BOSCH NO.213**

The company Plan Active has been appointed by the owner of Portion 144 of the Farm Baardscheerders Bosch No.213, Ms. Innes Evans to object to the consent use proposals applied for by WRAP Consultancy on behalf of the owners of Portion 143 of the Farm Baardscheerders Bosch No.213. Please refer to the enclosed Special Power of Attorney.

Ms. Innes Evans sold her property in Stanford and moved to Baardscheerders Bosch to enjoy the quiet rural atmosphere that the area offers and has been a resident of the area for more than 10 years. It has come as a great shock to Ms. Evans once the plans for the neighbouring farm, Portion 143 of the Farm Baardscheerders Bosch, and the scale of the proposed development became known.

With reference to the application documentation prepared by WRAP Consultancy our objections against the proposed consent use development to accommodate tourist accommodation, tourist facilities, a place of entertainment and a wellness centre are as follow:

- As mentioned in the applicant's motivation the character of Baardscheerders Bosch can be described as being predominantly agricultural, tranquil and an ideal destination for urbanites who are seeking a quiet get away from the busy city life. These characteristics of

Divine Inspiration Trading 329 (Pty) Ltd. trading as Plan Active
Reg. No. 2006/030921/07
Vat. No. 4770250340

John Mc Lachlan: Ndip (Town Planning) Tech Witwatersrand; MSAPI Nr.1D908; SACPLAN Tch.Pln B/8250/2014
Pauline Spronk: B (Soc Sc) US, BA Hon (UNISA)
Meriké Lerm: B. Art et Scien Cum Laude (Town Planning) UNW; SACPLAN Pr.Pln A/158/2009

22 SEP 2016

TP

23 Sep 2016

Baardscheerders Bosch are the exact same reasons why our client bought property in this specific area. In order to retain the character a Title Deed restriction has also been imposed that restricts the land use to residential purposes. Should an application for 5 guest rooms, a restaurant and entertainment area (being open to the general public), a lecture room, chapel and wellness centre be approved, it would most definitely have a negative impact on the character of the area. Should the application be supported the tranquillity, quietness and agricultural character of the area will be lost and the property value of Ms. Evans would be adversely affected.

- The **chapel** that is applied for cannot be accommodated as tourist facilities. Please refer to the definition of tourist facilities below that does not include a chapel:

"tourist facilities" means amenities for tourists or visitors such as lecture rooms, restaurants, picnic areas, gift shops, cafés, restrooms, recreational facilities, animal parks (domestic or otherwise), but does not include a hotel or overnight facilities;

A chapel is defined as a place of worship and cannot be accommodated as a consent use on land that is zoned Agriculture Zone I as applied for.

- The proposed **guestrooms / guesthouse, place of entertainment, restaurant, chapel, tent extension and lecture room** is $\pm 50\text{m}$ from our clients dwelling situated on Portion 144 of the farm Baardscheerders Bosch No.213. The coverage of the development is $\pm 2268\text{m}^2$ and will clearly have a negative impact on them and the value of their property.

The applicant is not clear with regards to the number of people that the proposed land uses will be accommodating. With reference to the layout of the chapel, tent extension, the lecture room and its facilities to prepare and serve food it can be assumed that the development will also be utilised to host weddings or that the lecture room will be used as an events venue. With reference to the provision of the required parking bays the tent extension has not been taken into account. The tent extension can easily be incorporated as an extension of the proposed chapel or lecture room.

Should the tourist facilities be used as an events venue the number of people attending an event and the entertainment that will be provided within an extremely quiet setting will also have a negative impact on the surrounding land owners.

No parking is provided in close proximity of the wellness centre, chapel, tent extension and lecture room.

All the guests / visitors will have to walk from the proposed parking area situated on the northern boundary that is ± 130 to 150m from the tourist facilities and wellness centre.

An access road to the tourist facilities is provided and the assumption can be made that guests can be dropped off and picked up at the proposed tourist facilities. The operational hours have not been covered in the motivation. An assumption can be made that the tourist facilities will be operational during the day and night. Vehicles driving up and down the common boundary to and from the parking area and the tourist facilities will further impact negatively on our client.

- With further reference to the proposed site development plan and detailed plans of the proposed land uses it is also unclear why the applicant would apply for a place of entertainment to accommodate a games room that forms part of the restaurant and guest rooms / guesthouse. The definition of a place of entertainment is as follows:

"place of entertainment" means a place used for commercial entertainment which may attract large numbers of people, operate outside normal business hours or generate noise from music or revelry on a regular basis, including a cinema, theatre, amusement park, dance hall; night club, gambling and live music;

The motivation mentioned that the majority of the parking bays are provided in front of the restaurant for the convenience of the restaurant guests and the general public when in fact all the parking bays are provided in front of the restaurant. With reference to the layout of the land uses in relation to the parking area it is perceived that the restaurant and place of entertainment will be the main concern.

Taking into consideration the definition of a place of entertainment, the proposed land use change will definitely have a negative impact on the surrounding land owners and their property value due to fact that the land use rights includes a business to operate outside normal business hours, generate noise from music or revelry on a regular basis. The character of the area, as the applicant described as being predominantly agricultural, tranquil and an ideal destination for urbanites who are seeking a quiet get away from the busy city life, will definitely be negatively impacted on.

There is no noise buffer between the proposed development and our client's dwelling. The change in land use will clearly create pollution relating to noise and light. It should be noted that with the upgrading of the main road through Baardscheeders Bosch the land owners

in the area opposed the use of street lighting in order to retain the rural character of the area. The impact that the proposal will have on our client and the value of their property will be unacceptable.

- The detail of the wellness centre has also been omitted from the application text. It is mentioned that an application is made for a wellness centre and it is indicated on the plan with no further detail or explanation thereof. How many people will be accommodated? How many treatment rooms will be provided and how many staff members will be employed?
- With reference to the Title Deed (T50940/2000) that accompanied the application, specifically Page 4, Paragraph 3. It will also be required that an application be submitted for the amendment or the removal of this restrictive condition.

The restriction reads as follow:

3. Die erwe mag slegs vir bona fide residensiële doeleindes gebruik word en slegs sulke strukture wat daarmee gepaard gaan, mag daarop opgerig word. Waar daar tens grondgebruik bestaan ander as residensiël, moet aansoek vir goedkeuring daarvoor aan die Beherende Gesag gerig word.

No Conveyancer Certificate accompanied the application stating otherwise. Please refer to the enclosed e-mail from Rykhana Rabikissoo (Department of Environmental Affairs and Development Planning) that was sent to Mr. Henri Fortuin (Department of Environmental Affairs and Development Planning) that shares the same opinion.

An unique character and sense of place is an intrinsic part of an area. All the smaller farm portions of the Farm Baardscheerders Bosch has the same Title Deed restriction which offers a sense of security to current and future land owners that the character and sense of place of the area be retained. By removing restrictive conditions from a Title Deed that allows someone to deviate from such a condition impacts negatively on the benefit of having a Title Deed condition imposed. The removal of this restriction will clearly benefit the applicant but will have a negative impact on the adjoining land owner and their property value.

- The applicant has also indicated that the proposal is **desirable** taking into account the guidelines on need and desirability as part of the EIA Guideline and Information Document Series. We would like to point out the following factors that classify the proposal to be undesirable.

The proposed application cannot be compared with economically viable land from an agricultural point of view due to the lack in size (8.8127ha). The proposal cannot be motivated that by means of diversification the farm would be more resilient in times of economic uncertainty as a downturn of one aspect of economic activity on the farm. With reference to the development proposal the only source of income will be derived from what is proposed. The Agricultural use of the farm does not play any role in the proposal and cannot be taken into account.

The applicant also states that the proposal will result in channelling of private investment in the rural area of Baardscheerders Bosch to offer real sustainable improvement to the rural community. It is stated that temporary jobs will be created during the construction phase and permanent jobs will also be created, but the fact of the matter is that the town of Baardscheerders Bosch will not benefit from the restaurant, place of entertainment, chapel, wellness centre, tourist accommodation and the conference room. Currently the majority of the employees at related establishments and all other employment sectors situated in the area come from Pearly Beach, Elim or Gansbaai and not from the Baardscheerders Bosch area.

The local restaurants and places of entertainment will not be supported. There is a beautiful church situated in close proximity of the subject farm portion in the Town of Baardscheerders Bosch. This church will also not be supported. Only the owner will benefit from the proposed development of Portion 143 of the Farm Baardscheerders Bosch to the detriment of the area.

- It is further stated by the applicant that the proposal will not occur on any **biodiversity areas**. We consulted with our client, the owner of the adjoining farm, Portion 144 of Farm Baardscheerders Bosch whom explained that the area on which the development is proposed floods at least once a year. After further investigation it was also found that the area situated north of the river that bisects the farm, on which the development is proposed, is classified as natural wetland. A critically endangered ecosystem is also established in the area of the river as well as being mapped as a critical biodiversity area. Please refer to the enclosed maps for easy reference. It is our opinion that an EIA would be

required to accommodate the proposed development and we request that this be brought under the attention of the Department of Environmental Affairs and Development Planning and Cape Nature.

With reference to the last mentioned maps the area that the applicant has motivated as being the portion of the farm that has agricultural value lies outside the area of a threatened ecosystem, critically biodiversity areas and wetlands and would therefore be more acceptable to be developed. Unfortunately the diversification of the farm cannot be used as a point of motivation as the portion south of the river has great agricultural potential as clearly mentioned by the applicant and should be retained as agricultural land. The applicant mentions in the motivation that there is still great agricultural potential that exists on the property.

The Baardscheerders Bosch Precinct Plan clearly stipulates that the built development changing the rural character or heritage significance of the village must be restricted. The proposed development is not to diversify the property but to create a business site to the detriment of the surrounding land owners, the character of the area and the environment.

- On the face value of the motivation, the annexures and plans that accompanied the application it cannot be accepted that all **services** are in order. No yield tests of a borehole accompanied the application and therefore the provision and quality of water is not guaranteed.

As mentioned earlier in this document, the specific area north of the river is a wetland that has the result of an extremely high water table. Installing conservancy tanks for a large development as proposed will be problematic being situated in a wetland and floodplain and the pollution of the lower lying river is inevitable. It should also be noted that the Overstrand Municipality currently has no capacity to provide a tanker service to new developments within the Overstrand area.

The site development plan indicates the building lines but no indication of where the river is located. The access road that runs down the western boundary also has no dimensions. Using the building line as a scale, the road width is $\pm 8-9\text{m}$ wide that also triggers a listed activity in terms of the National Environmental Management Act.

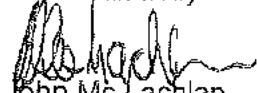
- In terms of the National Heritage Resources Act, S38(1)(c)(1), an application must be lodged for the approval by Western Cape Heritage for any development or activity that change the character of a site exceeding 5000m² in extent.

We are of the opinion that the application cannot be supported due to the following reasons:

- None of the proposed land uses have been covered in detail such as operating hours, number of people that will be catered for, reasoning behind the layout, how the development will function as a whole etc.
- Statements regarding the impact of the development on the environment are incorrect.
- No approval was obtained in terms of the National Environmental Management Act.
- No approval was obtained in terms of the National Heritage Resources Act.
- The provision of services has not been dealt with sufficiently, especially the provision of water and sewage disposal. No yield tests have been provided and the disposal of sewage by means of conservancy tanks within a natural wetland and floodplain is problematic.
- The proposed application is outside the urban edge of Baardscheerders Bosch.
- The proposed development will have a life changing negative impact on the surrounding land owners and the character of the Baardscheerders Bosch area and also adversely affect their property values.
- The community of Baardscheerders Bosch will not benefit from the proposed development.
- The Title Deed of the subject farm portion contains a restrictive condition that prohibits the proposed change of land use.

We trust that you would take the above factors into consideration and not approve the application in its current format.

Yours faithfully



John Mc Lachlan

the undersigned,

MS. INNES JEAN EVANS

is the registered owner of:-

PORTION 144 OF THE FARM BAARDSCHEEDERS BOSCH NO.213

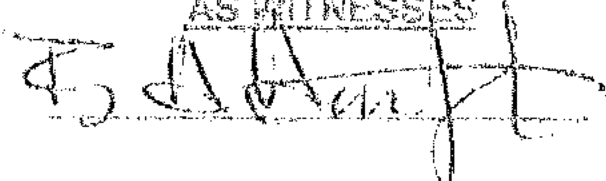

to hereby nominate, constitute and appoint

PLAN ACTIVE TOWN & REGIONAL PLANNERS

of 6 Magnolia Avenue, Hermanus, with power of Substitution, to be our lawful agent in our name, place and stead to appear before the Overstrand Municipality and any other officials of Government Departments, which may be necessary in order to submit an objection against the proposed consent uses proposed for Portion 143 of the Farm Baardscheeders Bosch No.213 and to sign documents and to perform all such acts which may be necessary in connection with the objection and generally for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, for all intents and purposes as we might or could do if personally present and acting herein - hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm all and whatsoever our said Agent shall lawfully do, or cause to be done, by virtue of these presents.

SIGNED AT Stauford on this 16th day of September 2016


MS. INNES EVANS

AS WITNESSES
1. 
2. 

257

From: Rykhana Rabikissoon
Sent: 07 September 2016 11:26 AM
To: Henri Fortuin <Henri.Fortuin@westerncape.gov.za>
Subject: Query

Good Morning Mr Fortuin

With reference to your query relating to Farm Land in Gansbaai, please see response below:

Upon perusal of the information at hand, it is apparent that the application for which the owner wishes to apply for would encompass:

- a Removal of restrictions application in order to remove the relevant restrictive conditions,
- as well as a consent use application in order to approve the various uses the owner wishes to accommodate on the property,
- Also, comment from our Department of Transport would need to be obtained as well in relation to any access on the property.

The Removal application would be submitted along with the consent use application and this would have to be advertised in line with new legislation and the Overstrand Municipal Planning Bylaw. Due to the public participation process being a prerequisite, the surrounding property owners would legally and no doubt have to be given the opportunity to comment/ object on the proposal.

In terms of whether a Municipality would use their discretion and issue a relaxation or when they are permitted to do so by way of the title deed, instead of following a Removal of Restrictions route, public participation still needs to be obtained at all times as the necessary consents would need to be obtained indication whether the affected party has no objection or an objection to the proposal.

I hope this meets your approval

Any further assistance, please contact me

PS: attached please find an extract of the Overstrand Municipal Planning Bylaw, in which I have highlighted the method, requirements etc for notices to be served as well as the objectors method and means for lodging an objection, as well as information relating to the removal of restrictions application as well as the consent use application – (procedure) in relation to Agricultural zoned land.

*Ms Rykhana Rabikissoon
Senior Land Use Management Regulator
Development Planning: Region 2
Planning Division
Department of Environmental Affairs and Development Planning
Utilitas Building, 6th Floor
1 Dory Street
Cape Town*

Tel: 0214835830

Fax: 0214833098

Email: Rykhana.Rabikissoon@westerncape.gov.za

Website: www.westerncape.gov.za/eadp



**Portion 143 of the Farm
No.213**

- Legend**
- Wetlands (NFEPA)
 - Artificial
 - Estuaries
 - Natural

Scale: 1:9 028

Date created: September 12, 2016





**Portion 143 of the Farm
No.213**

Legend

- Threatened Ecosystems
- Critically Endangered (CR)
- Endangered (EN)
- Vulnerable (VU)

Scale: 1:4 514






Date created: September 12, 2016





**Portion 143 of the Farm
No.213**

Legend

- WCBF Critical Biodiversity Areas**
-  Critical Biodiversity Area (CBA)
-  CBA (potentially rehabilitating agric land)
-  CBA (known agric landuse)
-  CBA lost to agric landuse
-  Ecological Support Areas (ESA)

Scale: 1:4 514

Date created: September 12, 2016



261

TR A Theat
(S. de Merwe)

For The Attention of Mr Schalk van de Merwe
Overstrand Municipality
Hermanus
7200



E mail alida@overstrand.gov.za

**OBJECTION TO PROPOSED USE OF PORTION 143 OF FARM 213
BAARDSKEERDERSBOS**

With this letter I, Mrs. G.E. Fourie resident of Baardskeersersbos and sole owner of property 147/213 which is bordering to the applicants (B. Groenewald) property. I object to the proposed use of the portion 143 of 213 for the following reasons.

This agricultural lands belongs to my ancestors back since the 1800's. My portion (147/213) is currently in use as agricultural land and main source of income which is bordering the proposed portion. This agricultural lands is still, and has being use as agricultural land for more than a century and cannot be threaten with a development like this. This is total unacceptable.

We live in Baardskeerdersbos because of the very nature of the land and environment, the peace and tranquillity of the area, the countryside, the rural community and the very special 'hamlet' ie the village itself. As the Precinct Plan of January 2015 indicates, the sense of it being 'stood still in time' should be preserved.

Given this, we are totally outraged by the planning application for Portion 143 of Farm 213, outraged.

The very title deeds of this property and many others around it, have the restrictions regarding firstly, building 95m from the road and secondly, that **ONLY** a single residential building is to be allowed. The purpose of a deed is to protect the amenity and character experienced within an area. A title deed is a right and an obligation on a property and this property was bought knowing fully that those restrictions existed. The people around this property also bought their land knowing that there was the security of such restrictions and therefore, a huge 'complex' such as this planning application could not be built and damage the area of Baardskeerdersbos. Each erf is simultaneously both encumbered by the title deed in favour of all other similar erven and favoured by the title deed condition in respect of all other similar erven.

To remove/amend/relax a title deed restriction, one must demonstrate a **CLEAR** benefit and the only ones who will benefit from the changes would be the applicant – the rest of Baardkseerdersbos would not benefit whatsoever and the 'peace and tranquillity' would be ruined forever, something the applicant professes to hold dear by all accounts and at the same time, would be the fundamental instigator of it's ruin in perpetuity.

FILE NO:	PTN 143/213
SCAN NO:	28
COLLABORATOR NO:	939651

28 SEP 2016

The size of the 'complex' would be a total 'blot on the landscape' spoiling the open countryside of the area, the beautiful views and space. Only a residential property should be allowed on this land retaining its historical beauty, let alone all of the environmental issues which come with the application, that will be discussed later.

It is obvious from the plans that the applicant is expecting to cater for up to 200 people given the car parking spaces listed. The noise, invasion, light pollution, music till all hours, cars going in and out and up and down the land, with the restaurant open to the public, weddings etc would be simply unbearable and totally unacceptable. How does this fit in with their 'peace and tranquil' Baardskeerdersbos that they refer to – it is a total and utter contradiction.

Water – the application simply states a borehole will be used. Where are the yield reports to show amount of water and it's sustainability, let alone the quality of the water? The amount of water required to service such a huge 'complex' would be vast and one has to question the impact of this on neighbouring farms, will it drain their resources? There is no report re the provision of water and it is totally necessary, again zero substantiating evidence.

Sewage – again, zero report to substantiate the demand that would be required, the impact of conservancy tanks on the environment, the impact of the inevitable pollution of the Boesmans River, the confirmation that the municipality can accommodate such a high demand given the size of the huge, imposing 'complex'.

The applicant claims that this 'complex' will have a positive impact on the Bbos area from the perspective of employment. The applicant appears to think that we have an issue of unemployment within the Baardskeerdersbos area when in actual fact, apart from those living on working farms, the other businesses for example the restaurants, the carpenter, etc etc all have to travel daily to Gansbaai, Pearly Beach and Elim in order to acquire staff as there are none available for employment in Baardskeerdersbos – there is no unemployment issue. Where does the applicant envisage their employees coming from, where will they live because no doubt they will be from outside of Baardskeerdersbos as opposed to what they claim, how many, etc etc etc . Again, zero substance is provided to support their claims.

The applicant claims that local businesses would be supported – who's and why? Why would the local businesses benefit when clearly the applicant is the only one who will benefit from this huge 'complex', why would the village benefit? Again, just an assumption from the applicant and zero evidence to support yet another 'claim'. Where is the socio, economic, demographic report to substantiate this claim?

It is claimed once again, with zero evidence to support the claim, that the plans will not impact on any environmentally endangered land. We know for certain that around this area there are specific wetlands defined but there is no report to indicate that the plans are not proposed around or close to these areas? Again, no evidence to support

such claims. There appears to be a total disregard for the land and area around them and it would appear they would quite happily 'bulldoze' their way through anything to create this huge 'complex'. Where is the full and detailed EIA?

The land on which the huge 'complex' is proposed is NOT within the Urban edge of Baardskeerdersbos as defined within the Precinct Plan of January 2015. What value does the Precinct Plan have if people can simply ignore it and all of the hard work put into developing it, and just build what they want, where they want? It makes a mockery of a very detailed and specific and well presented reported and this has to be referred to and respected by all parties.

In summary, we would be most grateful if you would take into consideration the points that we have raised. Forgive us, we are not attorneys and this is a layperson's attempt to try to protect the most beautiful, peaceful surroundings and wonderful environment that we all love and enjoy here in Baardskeerdersbos – it is very special and we think the Precinct Plan demonstrated that. And may we stress, that our visitors enjoy in it's current status!

When people from the city come to stay in Bbos as we fondly know it, and stay in wonderful, peaceful accommodation such as the Rondawel at Tierfontein, they want to read, maybe hike or horse ride, sleep or if they want to venture out, enjoy the wonderful wines at the vineyards closeby. They do not want to do a few sessions in the gym pumping iron, eat in a restaurant surrounded by hoards of people from the general public filling the 40 car parking spaces in the car park, play pool in a games room, etc etc etc. They could go to the GrandWest Casino in Cape Town and find more peace!!! This is simply not appropriate for Baardkseerdersbos in any shape or form and there is ZERO evidence to say that this huge 'complex' is needed in the area, ZERO. The applicant claims 'the proposal will lead to the visual and entertainment enhancement of the village while maintaining a village character' – this is rural, Agricultural Land, OUTSIDE of the village and we have to say, we would need to be wearing their 'special spectacles' to see how on earth in anyone's imagination this proposal enhances our beautiful land in which we live, it is a total 'blot on the landscape', it has no place in our beautiful Bbos, no place whatsoever. It is an insult and the application is very flawed, so very flawed!

We apologise for being emotional at the end of our objections/comments, but when such horrendous, inappropriate, negative, life sucking, environmentally damaging, things rear their ugly heads, it promotes not only the quantitative response necessary but also a qualitative one.

Yours sincerely



Mrs. G.E. Fourie

Signed at Baardskeerdersbos on the 21 September 2016

TR A Theat 264
C S J Merve

For The Attention of Mr Schaik van der Merwe

Overstrand Municipality
Hermanus
7200

E mail alida@overstrand.gov.za

FILE NO:	Am 143 fuz
SCAN NO:	27
COLLABORATOR NO:	939647

OVERSTRAND MUNISIPALITEIT
23 SEP 2016
OVERSTRAND MUNICIPALITY

**OBJECTION TO PROPOSED USE OF PORTION 143 OF FARM 213
BAARDSKEERDEBSOS**

We, Mrs. L en Mr. S.J.D. Harmse and property owners in Baardskeerdersbos we hereby give our objections to the proposed use of portion 143 of 213.

We live in Baardskeerdersbos because of the very nature of the land and environment, the peace and tranquillity of the area, the countryside, the rural community and the very special 'hamlet' ie the village itself. As the Precinct Plan of January 2015 indicates, the sense of it being 'stood still in time' should be preserved.

We left the city 17 years ago cause we want to live in a quiet, crime free and wide open spaces place, with farm animals, and farmers busy doing their daily farming all around us and Baardskeerdersbos is the place that we find exactly what we looking for. This is an amazing and most peaceful place of land that we could find.

Given this, we are totally outraged by the planning application for Portion 143 of Farm 213, outraged.

The very title deeds of this property and many others around it, have the restrictions regarding firstly, building 95m from the road and secondly, that **ONLY** a single residential building is to be allowed. The purpose of a deed is to protect the amenity and character experienced within an area. A title deed is a right and an obligation on a property and this property was bought knowing fully that those restrictions existed. The people around this property also bought their land knowing that there was the security of such restrictions and therefore, a huge 'complex' such as this planning application could not be built and damage the area of Baardskeerdersbos. Each erf is simultaneously both encumbered by the title deed in favour of all other similar erven and favoured by the title deed condition in respect of all other similar erven.

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The size of the 'complex' would be a total 'blot on the landscape' spoiling the open countryside of the area, the beautiful views and space. Only a residential property should be allowed on this land retaining its historical beauty, let alone all of the environmental issues which come with the application, that will be discussed later.

It is obvious from the plans that the applicant is expecting to cater for up to 200 people given the car parking spaces listed. The noise, invasion, light pollution, music till all hours, cars going in and out and up and down the land, with the restaurant open to the public, weddings etc would be simply unbearable and totally unacceptable. How does this fit in with their 'peace and tranquil' Baardskeerdersbos that they refer to – it is a total and utter contradiction.

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The land on which the huge 'complex' is proposed is NOT within the Urban edge of Baardskeerdersbos as defined within the Precinct Plan of January 2015. What value

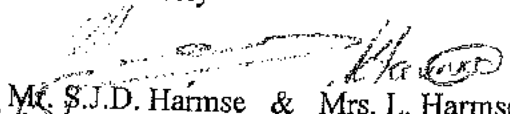
does the Precinct Plan have if people can simply ignore it and all of the hard work put into developing it, and just build what they want, where they want? It makes a mockery of a very detailed and specific and well presented reported and this has to be referred to and respected by all parties.

In summary, we would be most grateful if you would take into consideration the points that we have raised. Forgive us, we are not attorneys and this is a layperson's attempt to try to protect the most beautiful, peaceful surroundings and wonderful environment that we all love and enjoy here in Baardskeerdersbos – it is very special and we think the Precinct Plan demonstrated that. And may we stress, that our visitors enjoy in it's current status!

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Yours sincerely



Mr. S.J.D. Harmse & Mrs. L. Harmse

Signed at Baardskeerdersbos on the 21 September 2016

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WRAP

TR A Theart
C Suidman

Our Reference: 16/08
Your Reference: Ptn 143 of the Farm 213 BBosch (3328)

27 October 2016

The Municipal Manager
Overstrand Municipality
P O Box 20
HERMANUS
7200



Sir

PORTION 143 OF FARM BAARDSCHEERDERS BOSCH 213, DISTRICT BREDASDORP: RESPONSE TO OBJECTIONS

Objections to the application on the abovementioned property were received from:

1. Baardskeerdersbos Home Owners Association letter dated 16 September 2016;
2. JJ Le Roux letter dated 21 September 2016;
3. R Stott letter dated 22 September 2016;
4. Plan Active for I Evans letter dated 22 September 2016;
5. GE Fourie letter dated 22 September 2016; and
6. SJD & L Harmse letter dated 22 September 2016.

The above objections were discussed with the applicant and he has decided that due to the fact that most of the objections were against the chapel, lecture room / wedding venue, not to proceed with the application for these two facilities anymore and our comments on the objections will take this into account.

The various objections have been summarised under the following headings with our response directly below:

A. Traffic Impact, parking areas and entrance roads

Objections vary from the access points, the number of parking bays and their location as well as the impact that the traffic generated by the development will have on neighbouring properties.

FILE NO:	Ptn 143 / 213
SCAN NO:	19
COLLABORATOR NO:	964867

**ESTABLISHED
2002**

**Town and
Regional
Planning**

**Municipal
Legislation
and Procedures**

**Local Economic
Development
Technical
Assistance**

**35 Duiker Street
P O Box 1247
Hermanus
7200**

Tel: +27 (0)28 313 1411

Fax: +27 0865083248

Email:
wrap@telkomsa.net

Web:
www.wrapgroup.co.za

Wright Approach
Investments 136 CC

Reg No
CK 2002/060745/23

TP
27 OCT 2016

23 OCT 2016

WRAP

Parking has been provided according to the development parameters as outlined in the Overstrand Municipal Zoning Scheme for the different facilities. The parking in front of the restaurant area was specifically provided as close as possible to the road and the main entrance to the complex as these facilities, namely the restaurant and guest house will generate the most and frequent traffic.

For this reason it is important that this parking area is directly accessible from the main entrance so that all this traffic are not drawn into the rest of the development which is far more quiet with lots of gardens and landscaping.

The statement by one of the objectors that guests will have to walk 150m to the chapel and lecture room is no longer applicable as these facilities are now omitted from the application and only the wellness centre remains and the few guests that visit the centre will walk there or be transported from the accommodation facility.

Only one access road is provided for all the facilities and that is in the north western corner. The other entrance is by means of servitude along the eastern boundary and which is registered over the adjacent property in favour of all the properties in the area. The purpose of this servitude is to provide access over the river for farmers. This entrance will however, as far as the development is concerned, only give access to the homestead and the balance of the farm which will be used for farming purposes.

The parking provided in front of the restaurant and along the main road will be set back from the main road to allow for the planting of trees as suggested by one objector and this has been agreed to by the applicant.

B. Sewage and Conservancy tanks

The use of conservancy tanks in the development is questioned.

The subject property falls outside the urban edge of Baardskeerdersbos and as such no sewer network facilities exist and for this reason conservancy tanks will be installed and arrangements will be made with the Engineering Department of Overstrand Municipality for tanker services to empty these tanks on a regular basis. With the scaling down of the development there will only be at most 40 people visiting at a time and the pressure on these tanks will be far less.

C. Building Lines

The 95m building line is not observed in the development.

All the building lines as required in terms of the Overstrand Municipal Zoning Scheme are complied with. The 95m building line, calculated from the middle of the provincial road, required relaxation and an application was submitted to the Western Cape Department of Transport for a relaxation of this building line to 32m, which was approved.

D. Chapel and tent extension

Concern was raised that the tent extensions will make provision for large crowds and the noise associated with this.

The chapel and tent extension will not be developed and will no longer form part of the application.

E. Wedding venue and lecture hall

Concerns were raised that the wedding venue was not defined on the plans and concerns were raised about the size of the lecture room and the possible noise factor.

These facilities will not be developed and will no longer form part of the application

F. Conserving the nature and built environment and wetlands

It was pointed out that the area was a critical biodiversity area and a possible wetland area.

The applicant will clear the banks of the Boesman River from all alien vegetation as this will add to the attractiveness of the development and will make the river accessible for guests to stroll around and enjoy the beauty of nature. To leave these river banks overgrown as it is at the moment will definitely not do the development any justice. The applicant has already started to remove all alien trees, using local knowledge, from the area and this will form part of the landscaping of the entire development and will be completed together with the building work.

An independent environmental impact practitioner was appointed to determine if the subject property falls within a critical biodiversity or wetland area and if a Basic Assessment will be required.

G. Sufficient electricity

Concerns were raised that the provision of electricity could be problematic.

Eskom provides electricity to this area and the application was forwarded to them for comment. The applicant acknowledged that it will be in his interest to try and reduce the dependency on Eskom power as far as possible. The design of the building will make provision for the installation of alternative energy components and will be implemented in phases.

H. Place of entertainment and games area

The size of the entertainment area and the possible use thereof by the general public were questioned.

The accommodation area consists of five guest rooms in a guest house, a restaurant and entertainment area which has a games room, gymnasium, a lounge, stoep and reception area. This accommodation area is in total just over 600m² in extent and the building is in fact 50m wide but has a large open area in the middle. The sizes of all the mentioned facilities in this building are going to be five star accommodations and as such the room sizes will reflect this. Detailed drawings of all the proposed buildings, showing their dimensions and sizes as well as the number of seats in each building, were submitted with the application and were open for inspection at the municipal offices if the objectors wished to obtain all the details. The place of entertainment will only include a games room

and lounge and not all the other uses as contained in the definition of a "place of entertainment" and these facilities are provided primarily for the use of the guests staying in the guest rooms.

I. Tourist facilities

The inclusion of the chapel under the definition of tourist facilities was questioned.

The chapel will no longer form part of our application due to public concerns, see revised site development plan.

J. Loss of agricultural land

Comment was made that the agricultural potential of the farm portion will be lost.

The portion of the property where the additional land uses are proposed was up till now not intensively used for agricultural activities and because of its size, only 8,8ha, it is not considered to be a viable agricultural entity. If the objectors wanted to farm on their individual portions it is their privilege to do so and to continue to do so although it does not at the moment appear as if they do any intensive farming. The proposed development will not prevent them from doing so and will also not negatively affect any adjacent agricultural activities. It is important to note that the development will only be concentrated on a small area (± 1 ha), the size of a normal farm stead and the rest will still be farmed. At least now the agricultural potential will come to fruition and the owner who will also reside on the property will use the balance of the property for agricultural purposes. Much of the green crops needed for the restaurant etc will be grown on the property. It is also strange that the Baardskeerdersbos Home Owners Association suggested that the development must not be limited to the small portion but be spread over the total area which is contradictory to the views of the other objectors.

K. Noise that will be emanating from the activities

Noise that will be generated by the development was raised as a concern.

The aspect of noise will now, with the withdrawal of the chapel and venue be reduced considerably, but as said previously there are strict legislation controlling noise levels and the authorities will act against the owner if this is reported and found to be unacceptably high and such venues can even be closed down if the noise levels and operating hours are not adhered to. The developer has agreed that the restaurant last order will be 22h00 and the wellness centre will only be open from 08h00 till 20h00.

L. Title deed restrictions

A few objectors pointed out that there are restrictive title deed restrictions that may prohibit the proposed development.

The title deed of the property contains three restrictions the one being the 95m building line and the other access to the property and thirdly that the property may only be used for residential purposes. These conditions were imposed in terms of Act 21 of 1940 and in all three cases it is stated that the competent authority, namely the Department of Transport

must consent to the application. It is therefore not necessary for these conditions to be removed from the title deeds.

The Municipality circulated the application to the Department of Transport who supported the application.

M. Urban edge

The property is not inside the urban edge.

The property is at present definitely not inside the urban edge. The zoning of the property is Agriculture and only consents in terms of the Agricultural zoning are applied for.

N. Approval required in terms of the National Environmental Management Act and National Heritage Recourses Act

Objections were raised because an EIA study was not done and an application to National Heritage was not submitted.

As stated previously an Environmental Practitioner was appointed to determine whether a Basic Assessment will be required. An application in terms of National Heritage Resources Act has already been submitted and the outcome is awaited.

O. Community of Baardskeerdersbos will not benefit.

The opinion was given that the community of Baardskeerdersbos will not benefit from the development.

It might be the opinion of the objector that the community of Baardskeerdersbos will not benefit from the development but it is inevitable that the development will generate a lot of skilled and unskilled jobs. Job seekers in the community and surrounding rural areas will be first in line to fill these positions as it will be better to employ people that already stay in the area than employing people that must travel from urban areas. If however there are no job seekers in Baardskeerdersbos people from the region will be employed. As far as certain managerial and highly skilled positions are concerned they will most probably be filled by people from outside the area but these will only be a few that will bring new people to Baardskeerdersbos.

It is also a known fact that a development like this will bring people to the area that will visit the town and support the art and craft shops as well as some of the other shops and outlets and even buy property. The point raised by one objector that there is a church in the town that can be used, is no longer relevant as the application for the chapel and wedding venue is withdrawn.

Apart from the few people objecting, that don't want the development, there are many people in the town who supports the development and feel that the town can only benefit by the development. There are very little accommodation facilities in the town and the proposed facilities will definitely fill this shortage and once the visitors stay over they will support the other facilities in the town like the local artists and the wine farms in the region.

P. The community of Baardskeerdersbos lives in peace and tranquillity and don't want the development

Most objectors emphasised that the community of Baardskeerdersbos lives in peace and tranquillity and don't need or want the development.

The proposed development is outside the urban edge and away from the town and will not interfere with the peace and tranquillity of the town or the area.

Q. Complex is too big

The proposed development is seen as too big for the area.

The concerns of some of the objectors are that the development is too big and must be scaled down is without taking into account that this is a barren piece of land and it will take a lot of money to get it developed and most of the initial costs will have to be incurred irrespective of the size of the development. The applicant however took cognisance of the comments and the development will now, with the omission of certain facilities, be much smaller.

As already indicated, the size of the development is now less than 1 ha in extent that is equal to a farm stead on most farms in the Overberg.

R. Water availability

The availability of water is questioned.

As the development falls outside the urban edge the Municipality will not supply any water and the development will have to rely on boreholes and other means for water. The applicant appointed Cape Geophysics to do a study in this regard.

Rain water will be harvested from all roofs and this will be stored in a large facility under the manor house which will allow water to be stored in quiet times and used in peak times.

S. Baardskeerdersbos Precinct Plan

Baardskeerdersbos Precinct Plan was not taken into account.

The Precinct Plan for Baardskeerdersbos was specifically drawn up for the village (inside the urban edge) and did not include this portion of land. The developer will however take note of the recommendations of the plan and will incorporate as much as possible of its proposals such as tree planting for instance, as far as possible.

T. Buffer zones between the development and neighbours.

The owners of adjacent properties want buffer zones between their properties and the development.

The developer will as far as possible attempt to provide a buffer between the development and the neighbouring houses by means of tree planting and walling and the smaller development will have a less impact on neighbouring properties.

U. Wellness centre

The wellness centre was not described in detail.

The use of the wellness centre will not deviate from its definition in the Overstrand Zoning Scheme but will only consist of two treatment rooms.

Please accept this as our comments on the objections.

Please also accept our formal request that the application for a consent use for tourist facilities for the chapel and lecture room/wedding venue be withdrawn.

Two copies of a revised site development plan, reflecting all the changes, are attached.

Yours faithfully



PINE PIENAAR (Pr.PI n A/409/1985)

274



ROAD NETWORK MANAGEMENT
 Email: Grace.Swanepoel@westerncape.gov.za
 Tel: +27 21 483 4669
 Rm 335, 9 Dorp Street, Cape Town, 8001
 PO Box 2603, Cape Town, 8000

TP

REFERENCE: 16/9/6/1-21/99 (Job 24189)
ENQUIRIES: Ms GD Swanepoel
DATE: 8 September 2016

The Municipal Manager
 Overstrand Municipality
 PO Box 20
HERMANUS
 7200

Attention: Mr S van der Merwe

Dear Sir

FILE NO:	Ptn 143/213
SCAN NO:	
COLLABORATOR NO:	935695

APPLICATION FOR CONSENT USE ON PORTION 143 OF THE FARM 213 BAARDSCHEERDERS BOSCH

1. Your letter Ptn 143 of Farm 213 BBosch (3328) dated 18 August 2016 refers.
2. Portion 143 of the Farm 213 is located close to Baardscheerdersbosch and takes access off Divisional Road 1205 at \pm km17.86.
3. This application is for a consent use in favour of tourism facilities, tourist accommodation, a place of entertainment and a wellness centre.
4. This Branch offers no objections to this application in terms of the Land Use Planning Act No 3 of 2014, subject to:
 - 4.1 The existing access off Divisional Road 1205 at \pm km17.86 is improved to such a standard that it joins at no gradient to the roads surface and
 - 4.2 That it complies with the attached standard drawing WCS/11/2/C1 of this Branch and is hard surfaced up to the road reserve included.

Yours faithfully

ML WATTERS
 For **CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT**

14 Sep 2016

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TP. A Theat
(S Jol Merwe)

The Municipal Manager
OVERSTRAND MUNICIPALITY
P O Box 20
HERMANUS
7200

Date:
12 September 2016

Enquiries:
Shaun Swanepoel
Tel 021 980-3913
Fax 086 660 0941

Attention: S van der Merwe

Dear Sir / Madame

PTN 143 OF THE FARM 213 BAARDSCHEEDERS BOSCH, OVERSTRAND MUNICIPAL AREA: CONSENT: WRAP CONSULTANCY (obo B GROENEWALD)

OUR REF: 02410/16 + 02311/16
YOUR REF: Ptn 143 of Farm 213 BBosch (3328)

This application affects the following Eskom power lines

- **STANFORD F1 OVERHEAD POWERLINE**

Eskom has no objection to the abovementioned application, provided the following conditions are adhered to:

- a) The following building and tree restriction on either side of centre line of overhead power line must be observed:

Voltage	Building restriction either side of centre line
11kV	9.0 m

- b) No construction work may be executed closer than **6 (SIX) metres** from any Eskom structure or structure-supporting mechanism.
- c) No work or no machinery nearer than the following distances from the conductors:

Voltage	Not closer than:
11kV	3.0 m

- d) Natural ground level must be maintained within Eskom reserve areas and servitudes.
- e) That a minimum ground clearance of the overhead power line must be maintained to the following clearances:

Voltage	Safety clearance above road:
11kV	6.3 m

Distribution Division - Western Region [Land Development]
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 2002/015527/30

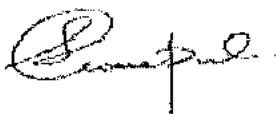
FILE NO:	Ptn 143/213
SCAN NO:	21
COLLABORATOR NO:	939076

23 SEP 2016

- f) That existing Eskom power lines and infrastructure are acknowledged as established infrastructure on the properties and any rerouting or relocation would be for the cost of the applicant/developer.
- g) That Eskom rights or servitudes, including agreements with any of the landowners, obtained for the operation and maintenance of these existing power lines and infrastructure be acknowledged and honoured throughout its lifecycle which include, but are not limited to:
- i. Having 24 hour access to its infrastructure according to the rights mentioned in (a) above,
 - ii. To perform maintenance (structural as well as servitude – vegetation management) on its infrastructure according to its maintenance programmes and schedules,
 - iii. To upgrade or refurbish its existing power lines and infrastructure as determined by Eskom,
 - iv. To perform any other activity not listed above to ensure the safe operation and maintenance of the Eskom power lines or infrastructure.
- h) Eskom must have at least a 10m obstruction free zone around all pylons (not just a 10m radius from the centre).
- i) Eskom shall not be liable for the death or injury of any person, or for loss of or damage to any property, whether as a result of the encroachment or use of the area where Eskom has its services, by the applicant, his/her agent, contractors, employees, successors in title and assignee.
- j) The applicant indemnifies Eskom against loss, claims or damages, including claims pertaining to interference with Eskom services, apparatus or otherwise.
- k) Eskom shall at all times have unobstructed access to and egress from its services.
- l) Any development which necessitates the relocation of Eskom's services will be to the account of the developer.
- m) **Dirk Swart, Caledon CNC** must be contacted on **028 212 1665** before working in close proximity to the overhead power lines.

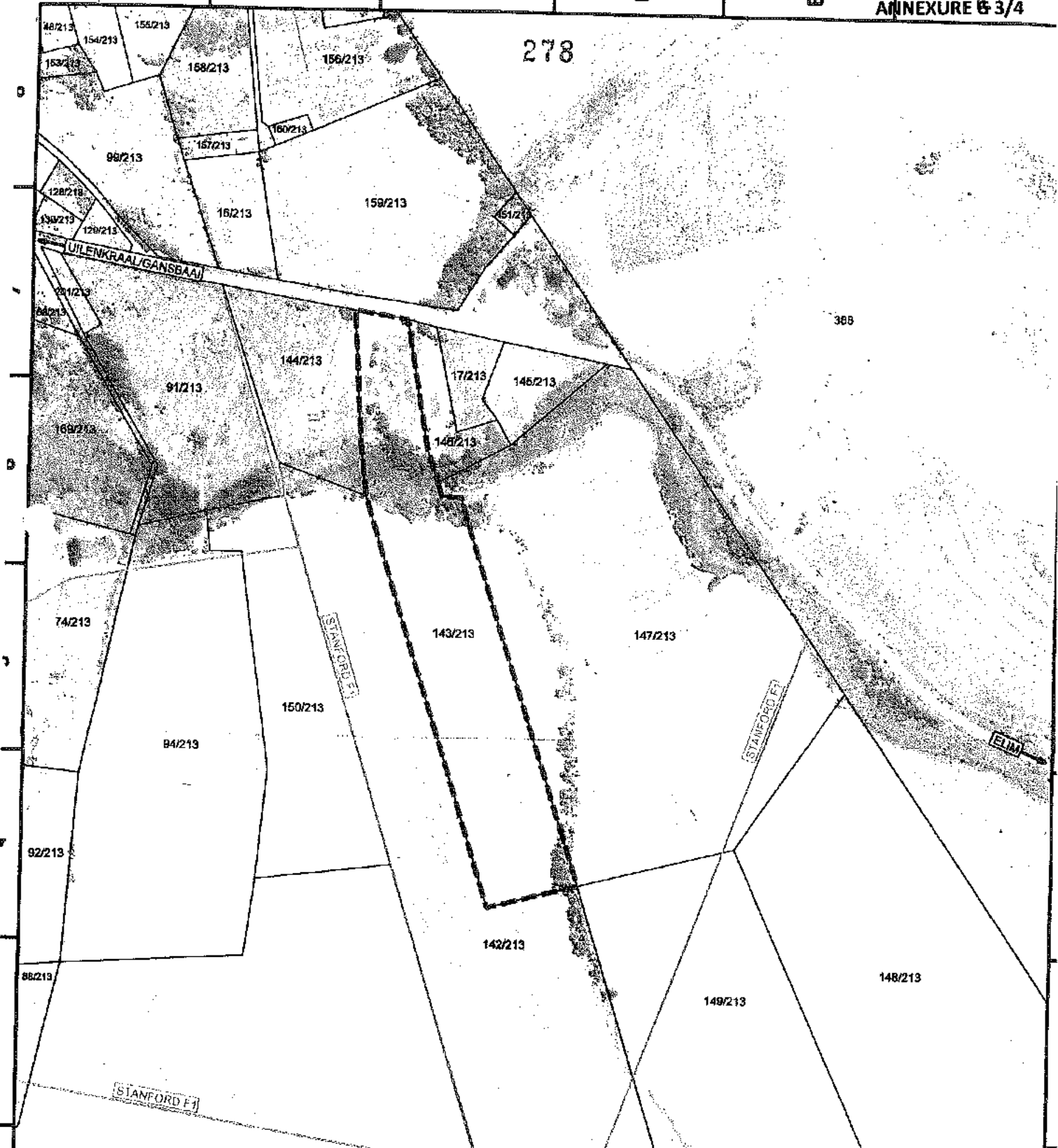
Kindly contact **Shaun Swanepoel** at Tel: 021 980 3913, should you require any further information.

Yours sincerely



Shaun Swanepoel
LAND DEVELOPMENT (BRACKENFELL)

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REV	REVISION DESCRIPTION	BY	CHKD	AUTH	DATE

Eskom
Distribution

AUTH: _____
DATE: _____

CHKD: Z. ZOZI
DATE: 30/08/2016

DRAWN: P. BOTMA
DATE: 30/08/2016

CALEDON CNC
CALEDON - FARM 213 PORTION 143
BAARDSCHEERDERS BOSCH
PROPOSED CONSENT USE
OVERSTRAND MUNICIPALITY

WAYLEAVE REQUEST 02311/16

SET	SHEET	REVISION
	00	0

LEGEND

- AREA OF INTEREST
- CADASTRAL
- ESKOM MV 11KV OH LINE

ALL CABLE POSITIONS ARE APPROXIMATE AND SHOULD BE VERIFIED ON SITE

LAND DEVELOPMENT SECTION
TEL 021-980 3120 FAX 021-980 3053

SCALE 1 : 5 000

THIS DRAWING IS THE PROPERTY OF ESKOM

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".

Munisipaliteit – U-Masipala – Municipality
OVERSTRAND

INTERNAL MEMORANDUM

Aandag / For Attention:	Town Planning department: A Calitz	Van / From:	Dept.: Operational Services (Gansbaai)
Afskrif / Copy:		Datum / Date:	22 September 2016

15/3/4

**RE: APPLICATION FOR CONSENT USE OF PORTION 143 OF FARM 213,
BAARDSCHEERDERS BOSCH**

The request for comment from the Department: Operational Services (Gansbaai) dated 18/08/2016 with regard to the abovementioned proposal refers.

The proposal entails the following:

- Rezoning of Portion 143 Of Farm 213, Baardscheerders Bosch, from current zoning of "Agricultural Zone 1" to "Agricultural Zone 1 with Consent Use" in order to develop tourism facilities on the farm.

1. ANALYSIS

1.1. Water

- 1.1.1. No municipal water network is available in the vicinity of Portion 143 of Farm 213, and no municipal water services will be rendered to Portion 143 of Farm 213.
- 1.1.2. The owner is responsible for the provision of any water supply and / or -services to the development on Portion 143 of Farm 213.

1.2. Sewer

- 1.2.1. There is currently no municipal sewer network in the vicinity of Portion 143 of Farm 213.
- 1.2.2. The proposed development on Portion 143 of Farm 213 must be provided with adequate sewer conservancy tanks, and to which the sewer services of the development must connect to.
- 1.2.3. The Municipality does not have the capacity to service the proposed development with regards to removal of sewerage from the property. The owner is therefor responsible for

removal of sewerage from the property, and disposal thereof at a licensed municipal sewerage treatment facility.

- 1.2.4. Alternatively, sewer treatment facilities that are approved by the Department of Water Affairs may be provided for disposal of sewer from the developments. Written proof of such approval is to be submitted to the Municipality.
- 1.2.5. The relevant commercial food preparation facilities must be provided with a grease trap, which must comply with the standards and specification of the Department: Operational Services.
- 1.2.6. The developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*.

1.3. Streets

- 1.3.1. Access can be obtained from Provincial Road R1205 via the existing access to Portion 143 of Farm 213. The Provincial Roads Engineer must however provide comment in this regard.

1.4. Storm water

- 1.4.1. The "Common Law" shall apply with regards to storm water discharge.

1.5. Parking

- 1.5.1. "On-site parking" must be provided. The parking areas are to be provided at a ratio as described by the Town Planning Scheme.

1.6. Other services

- 1.6.1. The Department: Operational Services does not have any information regarding any Telkom-, other telecommunications- and / or Electrical services which may be affected by the proposed development. The Electrical- and Traffic departments, as well as Telkom and other relevant service providers, must therefore also give their recommendations regarding the application.

1.7. Refuse removal

- 1.7.1. No municipal refuse removal services are rendered in the area.

1.7.2. The owner is responsible for removal of all refuse generated on the property, and disposal thereof at a registered municipal waste transfer station or -waste disposal facility.

1.8. Irrigation water

1.8.1. No irrigation water is available in this area.

1.9. Waste Water Treatment Works (WWTW)

1.9.1. The proposed rezoning will not have a significant impact on the Waste Water Treatment Works. The Department: Infrastructure and Planning must however give comment with regard to plant capacity and the relevant bulk services levies.

1.10. Bulk Water Supply

1.10.1. The proposed rezoning will not impact on the bulk water supply, reservoirs or other bulk water infrastructure.

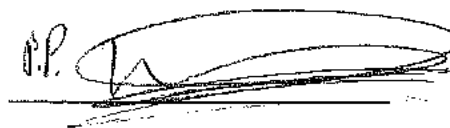
2. RECOMMENDATION

- 2.1. With regard to the application for consent use of Portion 143 Of Farm 213, Baardscheerders Bosch, the Department: Operational Services **has no objections to the application, subject to the following conditions:**
- 2.1.1. That, as no municipal water network is available in the vicinity of Portion 143 of Farm 213, and no municipal water services will be rendered to Portion 143 of Farm 213, the owner is responsible for the provision of any water supply and / or -services to the development on Portion 143 of Farm 213.
- 2.1.2. That the proposed development on Portion 143 of Farm 213 be provided with adequate sewer conservancy tanks, and to which the sewer services of the development must connect to.
- 2.1.3. That, as no municipal sewerage removal services are rendered in the area, the owner is responsible for removal of all sewerage generated on the property, and disposal thereof at a licensed municipal sewerage treatment facility.
- 2.1.4. That, alternatively, sewer treatment facilities that are approved by the Department of Water Affairs may be provided for disposal of sewer from the developments, and written proof of such approval be submitted to the Municipality.
- 2.1.5. That the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*.
- 2.1.6. That, as no municipal refuse removal services are rendered in the area, the owner is responsible for removal of all refuse generated on the property, and disposal thereof at a registered municipal waste transfer station or -waste disposal facility.
- 2.1.7. That on-site parking facility is provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services.
- 2.1.8. That the Electrical- and Traffic Departments, as well as Telkom and any other relevant authorities and service providers not have any objections to the application.

Yours faithfully





W. Germishuys
Principal Technician: Operational Services
Gansbaai



J. de Villiers Pr. Eng.
Senior Manager: Operational Services
Gansbaai

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	<p>OFFICE of THE CHIEF FIRE OFFICER PO BOX 20 HERMANUS 7200 Tel: 028 313 8980 Fax: 028 313 1493</p>	<p>Municipality of the Overstrand OVERSTRAND</p> 
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MEMORANDUM

Date: 26 September 2016

To: Mr. Schalk vd Merwe (Senior Town Planner)

From: J Schoeman (Division Commander – Fire Safety)

Re: **FIRE SAFETY REQUIREMENTS FOR TOWN PLANNING APPLICATION Ptn 143 of Farm 213 – BAARDSKEERDESBOS**

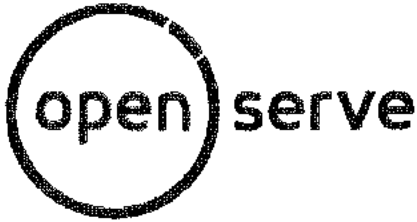
Dear Mr. van der Merwe

The following minimum requirements of the National Fire Protection Regulations – SANS10400T:2011 are applicable to the application in order for this department to grant approval. Being that the establishment will consist of several different occupancy classifications in terms of the National Building Regulations SANS10400 the overall requirements must be based on the highest risk category. The regulations provide a very little leeway to meet compliance apart from the applicant providing a Rational Design – Fire Safety for approval compiled by a registered competent person (fire engineering).

The approval of occupancies is subject to approved building plans that must be submitted to the Municipality.

Please find hereunder the requirements imperative to gain compliance in order for this department to approve the application which must be a part of the rational design by a competent person:

- **Places of Entertainment, Restaurant, Games and Public Lounge, Lecture Room and Wellness Centre will be classified as A1 – Entertainment/Public Gathering:**
 - 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.



TR A Theart
(S idmerwe)

Division of Telkom SA SOC Ltd

10 Jan Smuts Drive
Pinelands
7404

FILE NO:	Candice Spammer
Ptn 143/213	Tel: 021 414 5582
SCAN NO:	Fax: 086 480 0617
21	Email: spammec1@telkom.co.za
COLLABORATOR NO 942185	Our Ref.: WWIP_WPB+3905_16
	Your Ref.: Ptn 143 of Farm 213

30 September 2016

Attention: S Muller

Overstrand Municipality
HERMANUS

TELKOM SERVICES: CONSENT USE: PORTION 143 OF FARM 213 BAARDSCHEERDERS BOSCH

With reference to your letter received 28 September 2016.

I hereby inform you that Telkom approves the proposed work indicated on your drawing in principle. This approval is valid for 12 months only, after which reapplication must be made if the work has not been completed.

Any changes or deviations from the original planning during or prior to construction must immediately be communicated to this office.

Approval is granted, subject to the following conditions.

As per the drawing supplied, Telkom SA LTD infrastructure will not be affected. However, care should still be taken should it be evident that there is in fact Telkom network present on the actual sites.

Please notify this office immediately if you locate any Telkom plant that was not indicated.

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Please contact our representative **Frederik Swart** at telephone number **028 514 1199 / 081 363 7815**.

It would be appreciated if this office can be notified within 30 days of completion of the construction work. Confirmation is required on completion of construction as per agreed requirements.

Should Telkom SA infrastructure be damaged while work is undertaken, kindly contact our representative immediately.

All Telkom SA LTD rights remain reserved.

Yours faithfully



Selwyn Bowers

Operations Manager

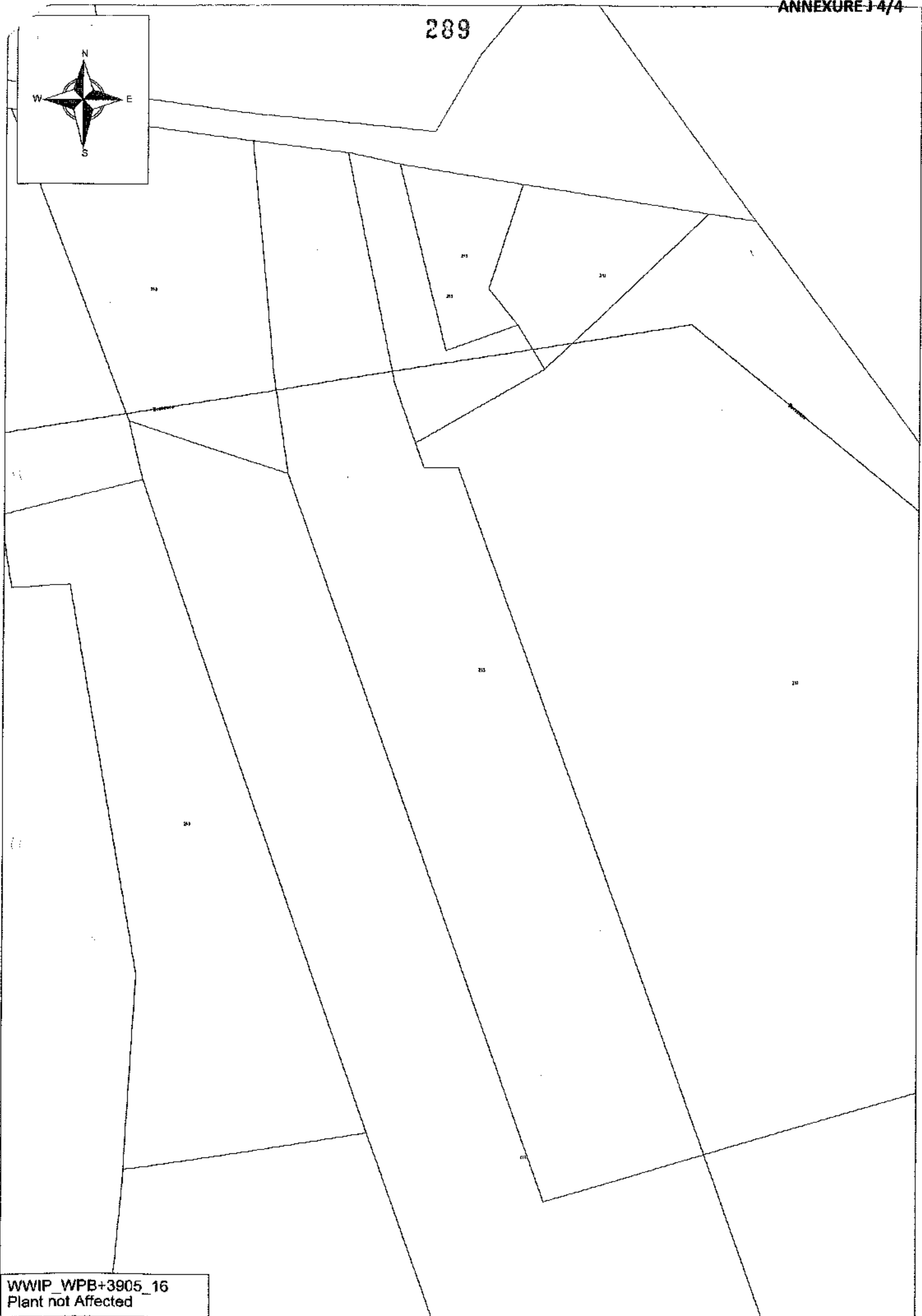
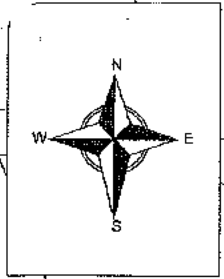
Wayleave Management: Western Region

PLANT NOT AFFECTED

If any plant not indicated exists and information or supervision is required please contact this office at least 48 hours before any work commences.

Frederik Swart**081 363 7815****Refence number
WWIP_WPB+3905_16****Marked Up
Candice Spammer****Date
30-Sep-16**

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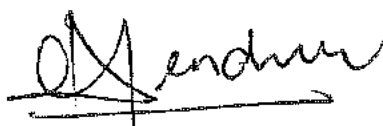
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Plant not Affected

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: PTN 143 OF FARM 213,
BAARDSCHEERDERS BOSCH (3328)**

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 service from Overstrand Municipality is available and the developer will be responsible to obtain the necessary approval, licence and permit from the applicable authorities (water affairs, health, BOCMA etc.) for the use of any other water resources and the extraction thereof;
3. that the quality of potable water comply 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 DWS. The written approval from DWS be submitted to the Municipality for their approval;
5. that, as no municipal refuse removal services are rendered in the area, the developer is responsible for removal of all refuse generated on the property, and disposal thereof at a registered municipal waste transfer station or –waste disposal facility.



**DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES**

18/10/2016
DATE





DEVELOPMENT MANAGEMENT: REGION 2

Angelina.Mabie@westerncape.gov.za
tel: +27 21 483 8354; +27 21 483 3633
1 Dorp Street, Cape Town, 8000
www.westerncape.gov.za

REFERENCE: 15/3/2/12/BO3/Farm 213 of Portion 143, Baardscheerder Bosch, Hermanus ^{GE}
ENQUIRIES: A. Mabie-Goeleman

The Municipal Manager
Overstrand Municipality
P O Box 20
Hermanus
7200



TR A Theart
(Svd Merwe)

(Attention: S van der Merwe)

OVERSTRAND MUNICIPALITY: CONSENT USE ON PORTION 143 OF FARM 213, BAARDERSCHEERDER BOSCH, HERMANUS ^{GE}

1. Your request for comment has reference.
2. The property is zoned Agricultural Zone I in terms of the Overstrand Zoning Scheme. The proposed facilities are located in an existing agriculture and the surrounding land uses are a combination of agriculture, restaurant, pub and grill, art gallery, and winery and food.
3. In terms of the Overstrand Municipality Zoning Scheme the zoning of the property is Agricultural Zone I, which makes the proposed land use (tourism facilities) consistent with the Agriculture Zone I. Portion 143 of Farm 213, Baardscheerder Bosch complies with the requirement of the Overstrand Municipal Zoning Scheme.
4. Overberg District Municipal Spatial Development Framework (Draft SDF) earmarks the property for Extensive Agricultural Use (Agricultural Zone I), to be used for extensive, low impact farming and sustainable resource utilization.
5. The said property is consistent with the forward planning document i.e. the Overberg Spatial Development Framework.
6. The above comment submitted is not binding on this Town and Regional Planning Sub-Directorate: Region 2, the Director: Development Management – Region 2, the Chief Director: Environmental and Development Management, the Head of the Department: Environmental Affairs and Development Planning or the Minister responsible for Environmental Affairs and Development Planning.

M. Mabie-Goeleman

CHIEF TOWN AND REGIONAL PLANNER: REGION 2

DATE: 24.10.2016

FILE NO:	Ph 143/213
SCAN NO:	
COLLABORATOR NO:	965 783

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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 : 20/9/2/4/1/256
YOUR REFERENCE : Ptn 143 of Farm 213 BBosch (3328)
ENQUIRIES : Cor van der Walt

Overstrand Municipality
PO Box 20
HERMANUS
7200

Att: S van der Merwe

**PROPOSED CONSENT USE: DIVISION CALEDON
PORTION 143 OF THE FARM NO 213**

Your application of 18 August 2016 has reference.

In principle the Western Cape Department of Agriculture has no objection but cautions the deciding authority against the nature and scale of this proposal.

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
AS ROUX Pr Eng

DIRECTOR: SUSTAINABLE RESOURCE MANAGEMENT

2016-10-27

Copy:

Department of Environmental Affairs & Development Planning
1 Dorp Street
CAPE TOWN
8001



FILE NO:	<i>Ptn 143/213</i>
SCAN NO:	
COLLABORATOR NO:	<i>971214</i>

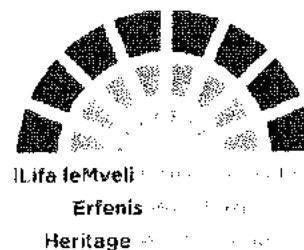
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Our Ref: HM/OVERBERG/OVERSTRAND/
 PORTION 143 OF FARM BAARDSCHEERDERSBOSCH 213
 Case No.: 16101911AS1028E
 Enquiries: Andrew September
 E-mail: andrew.september@westerncape.gov.za
 Tel: 021 483 9543
 Date: 08 November 2016

Brian Groenewald
 PO Box 1247
 Hermanus
 7200
wrap@telkomsa.net



RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: FINAL
In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape
Provincial Gazette 6061, Notice 298 of 2003

NOTIFICATION OF INTENT TO DEVELOP: PROPOSED DEVELOPMENT OF GUEST HOUSE AND ASSOCIATED INFRASTRUCTURE ON PORTION 143 OF FARM BAARDSCHEERDERSBOSCH 213, BAARDKEERSBOS, OVERSTRAND, SUBMITTED IN TERMS OF SECTION 38(8) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

CASE NUMBER: 16101911AS1028E

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter received on 28 October 2016.

You are hereby notified that, since there is no reason to believe that the proposed development will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

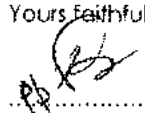
However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately and Heritage Western Cape must be notified without delay.

This letter does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.

HWC reserves the right to request additional information as required.

Should you have any further queries, please contact the official above and quote the case number.

Yours faithfully


 Mr Mxolisi Dlamuka
 Chief Executive Officer, Heritage Western Cape

www.westerncape.gov.za/cas

Street Address: Postal Address:

Tel: E-mail:

Street Address: Postal Address:



Directorate: Development Management
(Region 2)

REFERENCE: 16/3/3/6/1/E1/5/1322/16
ENQUIRIES: Ms. Arabel McClelland
DATE: 2016 -11- 2 5

The Members
Wright Approach Consultancy
P.O. Box 1247
HERMANUS
7200

Attention: Mr. B. Groenewald/R. Kotzé

Tel: (028) 313 1411
Fax: (086) 508 3248

Dear Sir

APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 WITH RESPECT TO THE PROPOSED DEVELOPMENT ON PORTION 143 OF FARM NO. 213, BAARDSKEERDEBSBOS

1. The abovementioned document, dated 4 November 2016, received by this Department on 9 November 2016, refers.
2. Based on review of the information submitted to this Department, the following is noted:
 - 2.1. The proposal entails development on Portion 143 of Farm No. 213, Baardskeerdersbos.
 - 2.2. The proposed development comprises the following:
 - A manor house to be used as a residence;
 - Tourist accommodation/guest house with five guest rooms for 10 people;
 - Tourism facilities including a restaurant and place of entertainment;
 - A wellness centre; and
 - Vehicle parking with 24 parking bays.
 - 2.3. Although the property is in total approximately 8.8ha, the development has a footprint of approximately 7900m².
 - 2.4. The site is situated outside an urban area and the property is currently zoned Agricultural Zone 1.
 - 2.5. The Boesmansrivier traverses the property in an east-west direction. The river corridor is located south of the proposed development, which is set more than 32m from the edge of the watercourse.
 - 2.6. The property is mapped as within Critical Biodiversity Areas, although it has been disturbed extensively, primarily through agricultural activities, including grazing, mowing and ploughing.

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Email: Arabel.McClelland@westerncape.gov.za

Private Bag X9086, Cape Town, 8000
www.westerncape.gov.za/eacdp

3. On 4 December 2014 the Minister of Environmental Affairs promulgated regulations in terms of Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), viz, the Environmental Impact Assessment ("EIA") Regulations, 2014 (Government Notice ("GN") No. R. 982, R. 983, R. 984 and R. 985 in Government Gazette No. 38282 of 4 December 2014). These regulations came into effect on 8 December 2014. The EIA Regulations, 2014 replace the EIA Regulations that were promulgated in 2010 and also introduce new provisions regarding EIA's.
4. In light of the above, your attention is drawn to the listed activities in terms of the NEMA EIA Regulations, 2014 as defined in GN No. R. 983, R. 984 and R. 985 of 4 December 2014. Please be advised that the proposed development on the portion of the subject property is below the applicable threshold with respect to the development footprint and does not encroach within 32m of the identified watercourse. Furthermore, it is accepted that the site is transformed and development thereof does not constitute clearance of indigenous vegetation. The application therefore does not constitute any listed activities in terms of the NEMA EIA Regulations, 2014. Environmental authorisation is therefore not required from this Department prior to the development.
5. However, should any revision of the proposed development constitute a listed activity(ies) in terms of the NEMA EIA Regulations, 2014 as defined in GN No. R. 983, R. 984 and/or R. 985 an application must be submitted and environmental authorisation obtained before such activity(ies) may commence. Please note, should the development encroach within 32m of the Boesmansrivier or exceed that which is currently proposed, the Department must be consulted with respect to the applicability of the NEMA EIA Regulations, 2014.
6. The applicant is reminded of his/her general duty of care and the remediation of environmental damage. Section 28(1) of NEMA specifically states that – *"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."*
7. Please note that the applicant must comply with any other statutory requirements that may be applicable to the undertaking of the activity.
8. Your interest in the future of our environment is greatly appreciated.

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9. The Department reserves the right to revise its comments and request further information from you based on any new or revised information received.

Yours faithfully



**HEAD OF COMPONENT
ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 2
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

CC: (1) Mr. D. Heard (Duncan Heard Environmental Consulting)

Fax: (086) 513 4462