

## 4.6

**PORTION 8 OF THE FARM DE DRAAY NO 563, OVERSTRAND MUNICIPAL AREA:  
APPLICATION FOR CONSENT USE AND EXEMPTION OF SUBDIVISION  
(REGISTRATION OF SERVITUDE RIGHT-OF-WAY) : MESSRS PLAN ACTIVE ON  
BEHALF OF THE EXECUTOR OF THE ESTATE OF LATE WJC MITCHELL**

RCAL 8/563

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Hermanus Administration

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## 1. EXECUTIVE SUMMARY

An application was received on 29 October 2019 on Portion 8 of farm De Draay No 563 from Messrs Plan Active Town and Regional Planners on behalf of the executor of the estate of the late WJC Mitchell, Kleinmond for the following:

- ❖ Consent Use in terms of Section 16.(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to accommodate the following:
  - Tourist facilities to accommodate the following:
    - Function and conference venue of ±350m<sup>2</sup> in extent to accommodate a maximum of 120 people.
    - Wedding chapel of ±132 m<sup>2</sup> in extent to accommodate a maximum of 120 people.
  - Tourist accommodation to accommodate four (4) semi-detached units [total of eight (8) self-catering units] offering a total of 18 beds for a maximum of 22 guests.
- ❖ Exemption of subdivision of Portion 3 of the of the farm De Draay No. 563 in terms of Section 26(1)(g)(v) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to register a 3m servitude right-of-way over the subject property in favour of Portion 8 of the farm De Draay No 563.

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

## 2. DECISION AUTHORITY

Municipal Planning Tribunal

## 3. BACKGROUND / SITE HISTORY

The property is primarily used for agricultural purposes and consists of the following buildings: three (3) dwelling units, stable, two (2) swimming pools, pool house, tennis court, caretaker's dwelling, fourteen (14) labourers' cottages, green house, flower shed, workshop, barn, carport, community hall, office and a laundry room.

The application for the consent uses will be accommodated in the existing buildings and structures and no new structures are proposed.

#### 4. SUMMARY OF APPLICANT'S MOTIVATION

The motivation for the application is as follows:

The development proposal is as follows:

##### Tourist Facility:

EXISTING	PROPOSED USE	EXTENT
Flower Shed/Barn	Function and Conference Facility	350m <sup>2</sup>
Community hall	Wedding Chapel	132m <sup>2</sup>
<b>Total GLA</b>		<b>482m<sup>2</sup></b>
<b>PARKING</b>		
1 bay/2 seats: (120 seats = 60 parking bays)		74 parking bays
<b>DEVELOPMENT PARAMETERS</b>		
Maximum of 60 people be allowed for conferences		
Maximum of 120 people be allowed for function venue and chapel		
Function venue will operate until 01:00		

##### Tourist Accommodation:

EXISTING	PROPOSED USE	EXTENT
<b>STAFF QUARTERS</b>		
Self-catering Unit 1a & 1b	4 guests	63m <sup>2</sup>
Self-catering Unit 2a & 2b	6 guests	106m <sup>2</sup>
Self-catering Unit 3a & 3b	4-8 guests	100m <sup>2</sup>
Self-catering Unit 4a & 4b	4 guests	86m <sup>2</sup>
<b>Total</b>	<b>22 guests</b>	<b>355m<sup>2</sup></b>
<b>PARKING</b>		
2 bays per unit : 8 units		16 parking bays
<b>DEVELOPMENT PARAMETERS</b>		
Maximum of 60 people be allowed for conferences		
Maximum of 120 people be allowed for function venue and chapel		
Function venue will operate until 01:00		

The staff quarters are semi detached units that were converted into self-catering units, each of the units are separate from each other, with its own layout, patio and living area. Units 1a and 1b have each an open plan room, living area and a bathroom.

Units 2, 3 and 4 have bedrooms, living areas separate from each other, with an en-suite bathroom (shower and toilet) to the bedrooms. These units are spacious enough to accommodate an extra bed.

Unit 2b is a spacious family room with a double bed and adjacent bedroom with two (2) single beds. Unit 3b is the honeymoon suite.

Units 1 to 3 has approved building plans for staff quarters, however Unit 4 does not have an approved building plan, and will be submitted once the application is finalised.

Parking is provided in parking area depicted as Parking Area 2, opposite the units in an already disturbed area.

### **MOTIVATION**

The zoning of Portion 8 will remain unchanged as Agriculture Zone 1. It consists of 25 ha dry land fynbos, which is harvested in flower production. The proposed land uses will be accommodated in existing structures, which complies with the total floor space of 5000m<sup>2</sup> as per the Overstrand Zoning Scheme. The footprint of the total development equates to 4042m<sup>2</sup>.

### **Character of the environment**

The subject property is characterised by fynbos and is currently a working farm. The Kleinmond/Hermanus rural area is characterised by agricultural activities, tourist facilities (wine tasting, function and wedding facilities), tourist accommodation and recreational facilities (hiking and mountain bike trails).

The proposed consent use will have a limited impact on the sense of place and a low impact visually. The proposed function and conference venue will be accommodated within an existing shed and the proposed chapel will be accommodated in an existing community hall. The existing staff quarters will be utilised as self-catering units. The existing structures will be renovated to accommodate the proposed land uses, thus visually there will be no change. The largest impact will be the parking areas that will only be utilised during functions on the farm. The parking areas are located on disturbed areas in proximity of the venues and accommodation facilities. As such the diversification of the land uses on the farm will not be out of character with the immediate surrounds and will have a minimum impact on the aesthetics of the area.

The possibility of noise pollution will be limited to the days the functions are booked. The shed will be fitted with additional hard board to serve as barriers to mitigate noise levels. In addition, the proposed function and conference venue is adjacent to another shed south of the venue building, which will create an additional barrier.

### **Potential of the property**

Due to its size and limited agricultural potential, the property has the potential to diversify to develop tourist facilities and accommodation. The existing infrastructure can easily accommodate the proposed diversification. The R44 (Hermanus to Gordons Bay) is characterized by tourism uses and without having a detrimental impact on the conservation worthy, agricultural activities or visual elements of the site and area.

The diversification will enable additional income to the owner due to the limited potential of agricultural activities of the land.

**Economic Impact**

The proposed consent use will have a positive impact on the economy of the area. The proposed diversification will afford the owner to generate an additional income to ensure the viability of the land. The existing agricultural activities and the proposed additional land uses will create permanent and seasonal employment opportunities. The proposed land uses will create at least 20 - 30 employment opportunities, which includes kitchen staff, waiters, barmen, security, cleaners, etc. In addition, the spinoffs to local providers in the area which includes guest houses, catering services and retail.

**Social Impact**

The impact will be minimal given that the zoning will remain in place and the proposed land use is in line with planning policies for the area. Although there will be more vehicles and visitors, this type of land use is not associated with higher levels of crime. Security measures will be taken to ensure safety of the guests, but also to the immediate area in general.

**ENGINEERING SERVICES:****Water**

Water is at present supplied by means of a pipeline. The route starts on Cape Nature's property, secured by an annual lease-license dated 20 September 2019. Since 1958 various catchment have been constructed and maintained by Portion 6 of Farm 563. In addition, Portion 8 has registered water rights for irrigation purposes with the Department of Water Affairs.

**Sewerage**

All the infrastructure to the existing structures already exists. The system will remain in place for the purposes of the application. Three (3) additional separate toilets and one (1) lavatory (3 urinals) will be installed to accommodate the proposed tourist facilities.

**Electricity**

Electricity is supplied by Eskom. The labourer's cottages are serviced with pre-paid meters. The property receives municipal accounts for the existing pack shed and all residences.

**Solid Waste**

The waste is removed by the property owners.

**Traffic Impact**

No additional access points or access roads will be created, and the existing access points and roads will remain. The existing access point to the farm is via Roos Avenue, Kleinmond. All structures are serviced by either tar or gravel roads.

The proposed two (2) parking areas to cater for the ninety (90) parking bays of which four (4) is demarcated for disabled persons. One (1) loading bay is also provided.

The proposed land use will generate additional traffic, but not to the extent that require a Traffic Impact Study. The activities will generate traffic during off-peak hours since most functions will take place over weekends. Although a maximum of 120 people can be catered for, this is seen more of the exception as standard visitors using the facilities.

Visitors to the self-catering arrives at different times which will not result in traffic congestion.

#### **FORWARD PLANNING DOCUMENTS:**

##### **Provincial Spatial Development Framework, 2013**

The PSDF stipulates that compatible and sustainable rural activities of an appropriate scale can be accommodated outside the urban edge. Although the subject property is zoned agriculture, it is located within the approved urban edge on the Overstrand Municipality. The criteria applicable for such developments are as follows:

- Does not alienate unique or high agricultural land
- Consistent with cultural and scenic landscapes
- Does not involve extensions to the municipality reticulation networks
- Does not impose real cost or risk to the Municipality

The proposed land use complies with the mentioned criteria. Existing roads and structures will be used, thus limiting the impact on the environment. There is no impact on agricultural land since activities will be accommodated in existing buildings. The engineering services is the responsibility of the owner and thus not real cost or risk to the Municipality. The proposed development is small scale with the rural landscape of the area.

##### **Rural Land Use Planning & Development Guidelines, 2019**

The policy specifies that rural tourism activities should not compromise farm production and should be placed to reinforce the farming operation. Existing structures and infrastructure should be used with adequate parking and access. The proposed facility will adhere to this since it will not compromise the existing or future farming operations. The facilities will be accommodated in existing structures and parking is provided on disturbed land.

##### **Overstrand Spatial Development Framework, 2006**

The subject property is located within the urban edge and is earmarked for future residential expansion. The SDF stipulates those non-agricultural activities should be restricted to those that support sustainable production potential of the farm unit.

### Overstrand Growth Management Strategy, 2010

The property falls within Planning Unit 14. The Planning Unit allows up to 7,7du/ha in future. The property is used for agriculture and related uses, and it is not proposed to rezone for residential developments.

### Heritage Value

The application does not involve changing the character of a site larger than 5000m<sup>2</sup> and does not trigger Section 38 of the National Heritage Resources Act, 1999.

### Environmental Impact

The application does not trigger any listed activities, since the proposed uses are located in existing structures. The parking is located on a disturbed area and thus does not require the clearing of 300m<sup>2</sup>, that would have triggered a listed activity.

### PLANNING PRINCIPLES:

#### Spatial Justice

N/A

#### Spatial Sustainability

The proposed development is located in existing approved structures and disturbed land and thus have no impact on the conservation worthy areas. The proposed development will have no impact on the agricultural activities on the property, but rather add value and additional income to keep the farm viable.

#### Efficiency

The property is easily accessible and conveniently located next to Kleinmond. The using of existing structures for tourist facilities and accommodation proof to be efficient as it relates to more responsible resource use and optimizing the existing resources.

#### Spatial Resilience

N/A

#### Good Administration

The application will follow due procedure as stipulated by the Overstrand Municipality.

## 5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Notices	Yes	2 December 2019 7 September 2020	24 January 2020 9 October 2020
Ward Committee	Yes	2 December 2019 7 September 2020	24 January 2020 9 October 2020
Total comments	<b>48 (FORTY EIGHT)</b>		
Total letters of support	<b>NONE</b>		

Was public participation undertaken in accordance with Section 46 - 50 of the By-Law on Municipal Land Use Planning?	<b>Yes</b>
Was the application processed correctly (if no, elaborate below):	<b>Yes</b>
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)	<b>Yes</b>

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

<b>Name</b>	<b>Date received</b>	<b>Summary of comments</b>
Engineering Services	28/07/2020	See Annexure F.
Western Cape Government: EADP (Planning)	12/03/2020	See Annexure G.
Western Cape Government: EADP (Environmental)	02/03/2020	See Annexure H.
Western Cape Government: Transport & Public Works	20/01/2021	See Annexure I.
Municipal Environmental Management Services	21/02/2020	See Annexure J.
Fire Department	24/01/2020	No objection provided that the structure complied to the National Fire Regulations SANS 10400-T:2011 and the By-Law relating to Community Fire Safety.
Building Control	24/01/2020	No objection. Building plan application to comply with National Building Regulations and all other applicable law.
District Health	18/02/2020	<ul style="list-style-type: none"> <li>▪ Apply for Certificate of Acceptability for food premises for the kitchen of the conference facility.</li> <li>▪ Apply for Health Certificate for Accommodation Establishment for the tourist accommodation.</li> </ul>

#### 7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

Important to note that two (2) rounds of public participations were followed. During the first round the applicant responded to make certain amendments to the application to address some of the concerns of the objectors:

During the first round of public participation an amount of 35 objections were received, and during the second round an amount of 13 objections were received (See Annexure D). The applicant was provided an opportunity to comment on the objections received, and their response is attached as Annexure E.

The objections are summarised as follows:

**OBJECTION 1 - Traffic impact**

***It is mentioned that the traffic volumes in the subject area would drastically increase due to the proposed development. The additional volumes of traffic would cause additional noise in the surrounding area. There will potentially be reckless driving in Heuningkloof when guests leave the functions due to alcohol abuse. According to the objectors it should also be mentioned that visitors do not always adhere to speed limits when visiting an area and therefore it can also lead to dangerous situations. In addition, staff working at especially the function / conference venue will only leave the premises at around 01:00. This implies that Heuningkloof residents must tolerate taxis and pedestrians in the streets in the early hours of the morning. The traffic load on Haemanthus Avenue, access from the R44 and further improvements required from the developer must be investigated by an independent consultant (if feasible at all) by means of a Traffic Impact Statement Assessment. Some of the objectors propose an alternative access to the subject property which is not through Heuningkloof – especially for the vehicles travelling to weddings and conferences.***

***Objectors also noted the following traffic related concerns: excessive amount of parking; one entrance and exit to Heuningkloof; nuisance of vehicle lights at night; suggestions to reroute traffic from the farm directly to the R44 instead of through Heuningkloof's only entrance and exit; and the exact number of people that will attend functions and conferences (120, 180, 300?).***

Applicant's response

The District Roads Engineer approved the current proposal to use the existing access to the subject property through Heuningkloof. There was also no concern or issue raised regarding the Heuningkloof access off the R44 to accommodate the additional traffic to the subject property.

Refer to the Department of Transport's (District Roads Engineer's) letter dated 6 February 2020 attached.

That said, our client took note of the number of traffic concerns as described above. It seems that most of the objectors approve the self-catering cottages. It seems that this low impact land use is also not the major traffic concern when reviewing their comments, but rather the number of guests and visitors the function and conference venue will bring to the area. In the light of the aforementioned our client decided to seek an alternative access way to accommodate especially the traffic to and from the function and conference venue on the farm. His neighbour, the owner of Portion 3 of the farm De Draay No 563, has agreed to the registration of a 3m servitude right-of-way over Portion 3 in favour of Portion 8 of the farm De Draay No 563. Refer to the consent letter dated 28 May 2020 attached.

The 3m servitude right-of-way will be registered over an existing gravel farm road that connects to the R44. This route over the neighbour's farm is straight-forward (and uncomplicated) and the wedding and conference guests can easily make use of the existing farm road during the night and day. The alternative access route was discussed with the Municipality's town planner and the District Roads Engineer. The District Roads Engineer gave his in principle approval for the proposed alternative

route (refer to the e-mail from the District Roads Engineer dated 1 June 2020 attached). The revised application will be officially submitted to the District Roads Engineer with this revised proposal submission for their formal comment. The municipal town planner verbally and per e-mail supported the alternative access route subject to the consent of the owner of Portion 3 of the farm De Draay No 563 and that the revised proposal must be recirculated to the objectors/adjacent properties.

The alternative access route proposed for use by the function and conference attendees will lessen the additional traffic to pass through the Heuningkloof residential area substantially. It will also restrict the number of vehicles to use the R44 access to Heuningkloof.

The alternative access road and access point will address the concern of vehicles driving around in the neighbourhood after functions and conferences.

It is also worth mentioning that high traffic volumes at weddings are a thing of the past in view of drinking and driving regulations. At most weddings on farms people are conveyed by minibuses (shuttles) to venues – where possible this will also be done on the subject property. The authorities are aware of these transporters as they license them. It would therefore be fair to say that evening traffic and late-night traffic to and from the venue would be minimal and not only cars as some may think. Minibuses today are comfortable and make little noise. The option of using minibuses (shuttles) to convey guests to the function/conference will further mitigate the traffic impact.

We agree that the number of parking bays as depicted on the site development plan seems excessive.

The application must however prove that sufficient parking bays can be provided on site. Although provision is made for at least ninety (90) parking bays for functions and conferences, this is only to indicate full compliance with the parking policy. The function and conference facility will be restricted to either a maximum of 120 guests or 60 conference goers at any time on the premises. The maximum and total amount of guests or conference attendees will never exceed 120 (excluding staff) – therefore references to 180 guests or 300 people including staff is incorrect.

No specialist studies were requested by the municipality, and it is submitted that a Traffic Impact Statement/Assessment will be unwarranted when considering the revised access proposal.

#### Town Planner's response

The concern with regard to excessive vehicle movement in Heuningkloof is valid. The applicant did address the issue with the alternative route for the tourism facilities as this was the main concern of residents.

The parking provided is as per requirement of the Overstrand Zoning Scheme.

#### **OBJECTION 2 - Noise impact**

***Objectors claim that the approval of specifically the function and conference venue will create high levels of noise. It is also mentioned that the increased traffic levels and visitors will raise the amount of noise in the area. In addition,***

***there is concern that the venue will be used for live music, concerts, etc. The Kleinmond Ratepayers Association requested that a noise impact assessment be undertaken to determine the noise impact of the proposed land uses. Some objectors also request that functions and weddings end at 23:00 or 00:00 instead of 01:00 as applied for. The use of busses and taxis will further contribute towards the noise pollution in the area.***

#### Applicant's Response

Our client is aware of the potential venue noise and has no desire to disturb neighbours. In view of all the objections received our client appointed a sound specialist to undertake a sound simulator test and compile a sound report (i.e. noise impact assessment). Find attached a copy of the sound simulator test and the sound report undertaken and compiled by Sky Krysia Vaccalluzzu.

Should there be a further requirement to alleviate noise problems, given that the report proves otherwise, steps will be taken to action a resolution. This will include additional cladding with the necessary sound proofing materials. As stipulated in the simulator test notes the primary purpose of most acoustic treatment is to bring the room's reverb time to an acceptable level. This is especially true in medium to large rooms. In smaller rooms controlling reverb time is a lesser consideration, and acoustic panels are used more for reducing out-of-phase reflections and flattening frequency response.

#### The following is proposed in the sound report:

##### 1. Sound proofing and treatment:

- Acoustic foam and Vibra block cladding to run along the width of the warehouse walls which are currently exposed metal (this will both improve interior sound quality and capture low frequency waves which would ordinarily vibrate, travel outwards and increase in intensity creating a reinforced 'boom' like sound);
- Hanging baffles to be installed along the ceiling to avoid sound travelling upwards and out of air vents/windows etc., this will also help contain and capture any high frequencies from leaking unnecessarily.

##### 2. Appropriate mitigating measures:

- Main entrance to revert to large wooden double doors which face onto the property and away from local residents, ensuring that sound leakage is directed away from inhabitants of the area as much as possible (primarily taking into consideration the closest residents of which are 80 meters);
- Noise laws to be considered when hosting any event, this includes lowering the volume level at both 22:00 and 00:00 (this is in compliance with both provincial and local sound compliance rules and regulations).

In conclusion, the sound engineer added a brief supporting note based on the inverse square law and the general law of sound propagation. As sound waves travel from a given sound source, they dissipate over distance travelled and arrive at any given object/obstacle substantially lower in volume/intensity from whence they originated.

For example, average daily life maintains a general level of 65dB (spoken speech, traffic, etc.) whereas a club operates at emitting frequencies up to or exceeding 95dB. If the above-mentioned venue were to hypothetically operate at 'club' volume levels (exceptionally higher than the wedding or function levels of around 75dB) this would still not incur any extreme noise disturbances to surrounding residents or neighbours as the nearest occupant is situated nearly 80 meters from the warehouse. By the time the sound has travelled from said venue to the nearest house it would have notably dissipated to a more than acceptable level.

No live music or concerts are proposed for the subject property.

Our client would also like to keep to the proposed time of 01:00 for all functions and venues (since the necessary soundproofing and treatment will be undertaken as well as the noise mitigating measures enforced as described above).

The traffic noise concern is fully addressed with the proposed alternative access route for the function and conference venue. Vehicles travelling to the farm for functions or conferences will make use of the alternative route on the neighbouring farm. Minibuses carrying wedding/function guests will also make use of the alternative access route. The agricultural related vehicles and the proposed tourism accommodation units will continue to use the existing access from Roos Avenue. Since the agricultural activities is a primary right on the farm the related noises do not have to be accounted for.

The traffic generated by eight self-catering units is considered low since guests do not arrive and leave at the same time. The guests' arrival and departure to the subject property will mostly be during off-peak times of the day (i.e. will be spread throughout the day) - keeping the impact on the traffic volumes to the area to a minimum. Staff will come to the farm by means of minibus or hired car transport. The staff will be dropped off in the morning and will use the main entrance gate from Roos Avenue. On the night of a function the staff will exit the property via the proposed alternative route (servitude road over Portion 3).

To conclude, it is evident that the greatest noise concern (the noise from the functions and weddings) can be mitigated to acceptable levels with the sound proofing and treatment as well as the appropriate mitigating measures. It is therefore submitted that the noise concerns from the surrounding residents should not be a significant factor when considering the merit and desirability of the application at hand.

Town Planner's response:

The noise aspect was adequately addressed by the applicant and possible noise impact can be successfully mitigated. The operating time proposal of 01:00 is acceptable since the noise levels will be minimal if the mitigating measures are implemented.

The probability is that the vehicle noise on the R44 will be more of a nuisance at night than the proposed venue who is strictly regulated by noise pollution legislation, whilst the latter not.

**OBJECTION 3 - Sewage outfall / Sewerage system and the environment**

***The objectors are of the opinion that the existing French drain/septic tanks cannot accommodate the increase of at least 150 people at one time (including staff and guests). The septic tanks will contaminate the underground water. They suggest that the existing system should not be allowed, and that all sewage disposal be done via the water borne system in place. There is a lot of Fynbos on the farm. No mention is made of the impact of the proposed development and upgrading of access routes on the various plant species in the area. An environmental impact assessment was not included in the application and should be a pre-requisite to address the impact on the plant species as well as sewage and waste disposal.***

***The application was circulated to all relevant internal and external departments for their comment /consent. The Overstrand Municipality's Environmental Department had the following comment on the application:***

***“As the application for the consent use of tourism facilities does not require development of infrastructure for the proposed facilities the Environmental Management Section does not have any objection to the application. The National Environmental Management Act, 2017, Environmental Impact Assessment Listing Notice 3. Section 7. excludes the conversion of existing buildings where the development footprint will not be increased.”***

**Applicant's response**

The proposed application does therefore not trigger the national environmental legislation (NEMA, 2017). No specialist studies were requested by the Municipality.

The subject property has been a labour-intensive flower farm for forty (40) years. There have been periods that up to 50 staff had been employed five days a week, from 07:00 to 17:00. In addition, the staff houses were occupied with up to 100 individuals and these ablutions all work on septic tanks. In these periods there has never been a problem nor a complaint. So surely if the venue has 120 people through once or twice a month for the evening, the volume of waste will never match what has been through the systems in previous years. It should also be noted that there is a plantation of gum trees next to the soak away from the venue. Gum trees are known for the impact that they have on wetlands, as they consume vast quantities of water and are being used to dry up these areas. Therefore, it is without doubt, that the absorption of effluent waters from the soak away, will greatly reduce and limit any suspected pollution. The farm was in existence before the Heuningkloof suburb was built and there has yet to have been an incident of pollution.

Currently the Municipality is upgrading the sewage pipeline in Heuningkloof. If there is a concern, the Municipality can allow the farm to connect directly into the waterborne system and the potential problem goes away.

**Town Planner's response**

The applicant is correct, no complaint was ever received from any surrounding properties to possible sewerage pollution from the farm activities. The farm is subject to the municipality's policies relating to sewerage disposal. Although the municipality does not provide services on farmland, due to the fact that the property

is located within the urban edge, the possibility to connect to the municipal system should be investigated by the applicant to investigate the viability thereof. Please note this cannot be enforced since the property's structures all have approved building plans dated from 1974, the earliest on record at the Municipality, which was for a stable and guest house. The plans all indicate septic tanks with French drains in accordance with the municipality's requirements.

**OBJECTION 4 - Character and land values of the area**

***The function and conference venue will have a negative impact on the character of the area. The proposed land uses (especially the function and conference venue) will have no benefit for the neighbourhood and will negatively impact on the ambiance, tranquillity (with regards to noise, pollution from vehicles etc.) and land values of the area. The proposal is not compatible with the surrounding single residential land uses.***

Applicant's response

It is commonplace in the Overstrand to locate tourist facilities in rural areas. Furthermore, the following factors support the desirability of the proposed land use and confirms that the proposal will not undermine or excessively disrupt the character or amenity of the surrounding area:

- a. The nature of the proposed land use (to be accommodated within existing structures; the use of existing roads and already disturbed areas);
- b. The minimal impact it will have on the immediate residential erven (considering the alternative access route and noise mitigating measures);
- c. The development is proposed in line with the Zoning Scheme Regulations and the criteria for tourist facilities as a consent use on agricultural land.

The increase in land use rights on the subject property will allow the owners of the subject property to create an income-producing asset. The consent uses being applied for are to ensure the viability of the farm through diversification. The diversification of the land uses will add to the diversification of sources of income on a farm that cannot be economically viable by means of agricultural activities only.

The proposed consent uses will have a limited to low impact visually with regards to the sense of place. The proposed function and conference venue will be accommodated within the existing shed and the proposed chapel will be accommodated within an existing community hall. Existing (approved) labourer's cottages were converted to self-catering units. No new structures are proposed to accommodate the proposed tourist facility and tourist accommodation land uses. Existing structures will/were merely renovated and converted to accommodate the tourist facilities and tourist accommodation units. Since the new owners' arrival on the farm, the existing cottages have been tastefully renovated and the gardens and grounds manicured. The view onto the property is beautiful.

Visually the proposed land uses will therefore have no impact on the existing character of the subject property as well as the area since all the structures already exist on the subject property.

As previously elaborated the possible noise impact can be mitigated to more acceptable levels.

Financial loss/decrease in property values as a result of the proposed land uses were not substantiated in the objection letters. Land value is determined by supply and demand.

Town Planner's response

The objector's comment is noted, however with the establishment of Heuningkloof, a residential township, was not compatible with the rural setting in 1974, thus the argument does not hold water. The proposed activities are present on farms across South Africa of which most of the residents have visited or make use of the accommodation. The proposed development is very low keyed and making use of existing structures and infrastructure there is no or minimal impact on the character of the area.

**OBJECTION 5 - Crime and general safety of the residents**

***According to the objectors the influx of staff (±20 - 30 people) is a safety concern. The increase in pedestrian traffic through especially Geelhout Avenue is a concern for some residents (luring people looking for work that will use the same route). This will encourage loitering and crime such as housebreaking and theft from properties in Geelhout Avenue. As a result, littering will also increase.***

Applicant's response

Our client will deal with unwanted elements (if any) on and outside their premises since it is in their own best interest to keep their property clean and safe.

Our client confirmed that it is more likely that staff for a function travelling from the outside of the property will not exceed 15 since some of the staff (that will also work at these functions) already live on the premises.

An occupied and actively observant property is likely to be a security asset amongst other properties.

The objectors do not provide factual evidence that support their claims that the proposed function and conference venue and cottages will adversely impact on the safety, health and well-being of the surrounding community or the existing rights of other landowners. The assumptions by some of the objectors that all pedestrians and workers are criminals are unfair and considered unconstitutional.

The objectors' statements are vague and unsubstantiated and should therefore be dismissed.

Town Planner's response

Agree with the Applicant.

**OBJECTION 6**

***Underutilization of the existing accommodation, catering services and venues in the area.***

Applicant's response

This statement is vague and unsubstantiated and should be dismissed.

The consent uses applied for are to ensure the viability of the farm through diversification. The diversification of the land uses will add to the diversification of sources of income on a farm that cannot be economically viable by means of agricultural activities only.

The existing infrastructure (buildings, access roads, already disturbed areas, etc.) can easily accommodate the proposed diversification of the land use. The Hermanus to Gordons Bay Route (R44) is characterized by tourism uses and due to its location, the subject property has the potential to diversify the tourism attractions in the area without having a detrimental impact on the conservation worthy, agricultural activities or visual elements of the site and the area.

The owners took the aforementioned into consideration and decided to contribute towards the diversification of the tourist facilities and holiday accommodation in the area by offering a unique location for functions, conferences and self-catering units. The aesthetic value of the subject property as well as the magnificent views over the mountains and Atlantic Ocean proofs this property to be ideal to accommodate the proposed tourist facilities and self-catering units. In addition, minimal changes to the existing structures and low impacts on the existing services infrastructure allow for the consideration of the diversification of income for the subject property.

Town Planner's response

The proposed development caters for a different tourism market. Wedding venues and conferences in recent times have moved to rural areas due to ambiance, accommodation on the premises, enough parking and that everything is provided in one place. Thus, the proposed development caters for a different market that is not in competition with the traditional tourist accommodation facilities.

This is especially true with regard to families with children, that these venues such as the subject properties accommodates children within a rural setting. The same apply to the elderly since most of these developments are required to cater for disabled and thus inadvertently are elderly friendly.

**OBJECTION 7 - Concern for the disregard of rules**

***Objectors stipulate the following concerns: number of units do not correlate to the units advertised on the website; the units (cottages) are already available and rented out for holiday accommodation purposes; the structures have already been converted to the proposed land uses; illegal functions are already being held on the farm; a shebeen is being operated from the farm.***

Applicant's response

Prior to submitting the land use application our client confirmed that the number of units and guests are correct as per the application submitted. It is most likely that the website is either not up to date or misinterpreted. The labourers' cottages were renovated in 2018/2019. Building plans were approved for all labourers' cottages and our client assumed that all was in order to allow him to use the cottages for tourism accommodation purposes. It was only when we commenced with the land

use application for the tourist facilities that we enquired about the tourism accommodation units (to determine the lawful land uses on the farm). It came to our attention that the cottages do not have the necessary land use approval (for use as tourism accommodation units). We then consulted with the client and the application was revised to include the tourism accommodation use.

There are four (4) semi-detached cottages (i.e. 8 units) that can accommodate a total of 22 guests:

- Unit 1a and 1b: ±63m<sup>2</sup>; sleeps 4 guests
- Unit 2a and 2b: ±106m<sup>2</sup>; sleeps 6 guests
- Unit 3a and 3b: ±100m<sup>2</sup>; sleeps 4-8 guests
- Unit 4a and 4b: ±86m<sup>2</sup>; sleeps 4 guests

**TOTAL: 22 guests**

Only one (1) wedding event took place in December 2019. This was a private family function on the farm.

No other weddings, functions or conferences have been booked or took place on the farm.

There is no shebeen on the subject property. The objections that refer to the illegal operation of the function and conference venue and a shebeen on the farm are disingenuous and should be dismissed.

#### Town Planner's response

The proposed development is subject to the applicable legislative requirements. Please note that private family functions are not restricted on the property similarly on a residential erf. The applicant has immediately addressed the legislative requirements with the application to ensure that no illegal activities are taken place.

#### ***OBJECTION 8 - The application will set a precedent for similar future applications and rezoning versus departure/consent use***

***One (1) objector states that the application will create an ad nauseum precedent where the rights are attached to the owner and not to the property and where the use is eventually regarded as the norm. It is stipulated that the owner should apply for the rezoning instead of consent use/departure since they are of the opinion that our client is taking a short cut to obtain business rights on the farm.***

#### Applicant's Response

Approving the proposed development will not set a precedent since each land use application is evaluated on its own merit.

The subject property is zoned for Agriculture Zone 1: Agriculture purposes. Tourist facilities and tourism accommodation are consent uses for an Agriculture Zone 1 property as stipulated in the

Overstrand Zoning Scheme Regulations (2013):*“5.1 AGRICULTURE ZONE 1: AGRICULTURE (AGR1)**Use of the property**5.1.1 The following use restrictions apply to property in this zone:*

- a) **Primary uses** are: agriculture, dwelling house, day care centre, guest rooms, home occupation;
- b) **Consent uses** are: additional dwelling units, agricultural industry, animal care centre, aquaculture, 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, 4 x 4 trail.”

*“**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;*

*“**tourist accommodation**” means the letting of rooms or individual units on a temporary basis to paying lodgers or guests, and includes a guest house, bed and breakfast, backpackers establishment, and camp sites, provided that the use complies with the requirements of any other relevant legislation;”*

In addition, an approval for consent use is fixed to the property and not the owner. It is therefore evident that the current zoning allows for the land uses applied for as consent uses.

The consent use is awarded to the property and not considered a temporary land use. To change the zoning of the farm or a portion of the farm will have greater spatial implications in the long term. Our client is therefore within his rights to apply for the consent use application and thus all indications that the application and its intent is misleading should be dismissed.

Town Planner’s response

In agreement with the applicant.

**OBJECTION 9 - Employment opportunities**

***The objectors are not convinced that the possible employment opportunities created should be a substantial factor when considering the application and regard the statements that refer to the impact on the economy as opportunistic.***

Applicant’s response

There will be social benefits flowing from the approval of the proposed land use application, including increasing employment opportunities in the area, making the area more attractive to visitors and optimizing the use of the land. The proposed development is therefore in the public interest.

The subject property is 36,23 ha in extent and too small to generate any real return on the investment.

Hence the former labourers' cottages are now self-catering cottages and other options need to be sought.

Alternatively, our client must consider chicken or pig farming or some form of agricultural processing that falls in line with the current zoning status. That will see staff transport and motor vehicles in and out all day as well as large trucks.

With the three (3) main areas of concern (traffic, noise and sewerage) dealt with, we are of the opinion that consideration should be given to the local Kleinmond economy and the employment of locals.

A wedding event of 120 people could bring a considerable amount of money into the town, for example: (minimums are quoted for this scenario)

Approximately 50 couples x one bed night @ R500	R 25 000
100 meals from local restaurants at R200 per person	R 20 000
Food, liquor, flowers and labour all local	<u>R 76 000</u>
<b>TOTAL</b>	<b>R121 000</b>

Local purchases, fuel, second night accommodation and additional meals are not included. It is therefore our client's opinion that a wedding event could bring upwards of R200 000 into this economy over one (1) weekend. Additionally, our client intends to offer the venue and hall for midweek activities being conferences, workshops and the like. This is not only about creating new jobs, but also the potential knock-on economic effect for the town and surrounding areas that must be considered. Our country's economy has been devastated by Covid-19 and the long-term impact is immense and needs serious consideration. There are vast job losses country wide and here is a project that will create jobs and assist the economy of an ailing town and surrounding area.

#### Town Planner's response

The Kleinmond area has very little employment opportunities and this proposed development will assist in addressing the unemployment in Kleinmond. In this case the proposed development is in line with various planning policies and of scale in nature, thus limiting the impact on the environment and will assist to keep the farming activities financially viable, which is of major importance.

#### **OBJECTION 10 - General concerns and comments**

- ✚ ***There was a concern for the submission of the application while the property is still part of the estate of the late WJC Mitchell.***

An executor's letter did accompany the application – one can only assume that the letter was not included in the public participation document.

- ✚ ***A question was raised whether there are any elevation plans available for the chapel.***

The chapel (existing community hall) already exists and was merely renovated. Building plans (with elevations) must only be submitted after land use approval (if the use of the building changed or additions were made).

- ✚ ***Some objectors do not understand whether the function and conference facility are one or two facilities.***

It is only one (1) facility (one shed) converted to a hall to be used for either a function (maximum 120 people) or a conference (maximum 60 people).

- ✚ ***The objectors also noted that an increased risk of fire in the veld at the entrance of the property if the application is successful.***

The Municipality's Fire Department gave their consent to the proposed application. The consent reads as follows:

*"The Fire Department has no objection provided that the structure complied to the National Fire Regulations SANS-T:2011 and the By-Law relating to Community Fire Safety."*

- ✚ ***The reference to 80 parking bays that equates to 240 guests that will visit the function and conference venue is deceitful.***

Only one facility (existing shed) for use of either functions (maximum 120 people) or conferences (maximum 60 people) is proposed. The number of parking bays indicated on the site development plan is to indicate compliance with the Overstrand's Parking Policy for tourist facilities and tourism accommodation on an agricultural land unit.

- ✚ ***There were also several remarks suggesting that a farm is a farm and needs to stay that way.***

Refer to our response under *Employment Opportunities* above stipulating why our client must diversify the land use on the subject property.

**To conclude:** Agritourism is a growing and important aspect in the agricultural industry. The proposed application will benefit our local community, struggling as a result of the current pandemic-induced recession and bring to the town mid-week trade. All infrastructure already exists keeping the impact on the environment to a min

#### Town Planner's response

These aspects have already been addressed in the comments above.

### **SECOND ROUND OF PUBLIC PARTICIPATION – 13 OBJECTIONS** **(See Annexure D)**

**The objections are summarised as follows:**

Thirteen (13) comments/objections were received from the public on the revised application versus thirty-five (35) objections received on the initial application. This is a sure indication that the revised proposal (alternative access route and sound report) addressed most of the concerns of the residents and was positively received.

We would however still like to state that the number of objections received does however not indicate whether a proposed land use lacks desirability or not. Due regard must be given to the substance of each objection and not merely the number thereof.

Herewith a summary of the comments/objections received and our response to the comments/objections. It is worth noting that most objectors approve of the tourism accommodation units (four semi-detached cottages). The proposed function / conference venue (traffic, noise and sewage treatment) seems to be their main concern. Our response will attempt to further motivate that the application is desirable in terms of Section 66 of the Overstrand Municipality's Bylaw on Municipal Land Use Planning:

#### **OBJECTION 1 - Traffic impact**

***Overall, the objectors commend the alternative route proposed. Only a few objectors still have concerns. They are sceptic that the alternative road only (and not the main entrance as well) will be used by guests visiting the farm over the long term and questions how this will be enforced. They ask what the rights of the residents are if the owner does not adhere to the proposed arrangement of using the alternative route? The question is also raised whether the staff and deliveries will make use of the alternative road or only guests. One objector is of the opinion that the proposed alternative route will still impact the northern erven of Heuningkloof and asks whether a report from nature conservation was obtained. Will the alternative road remain a gravel road?***

***A few objectors ask whether the Provincial Roads Department gave their consent for the alternative access point from the R44. One objector still insists on calming measures in Haemanthus, Ursinia and Nerina Avenues to address the overall increase in traffic from more houses built, commercial traffic increase and farm vehicles.***

#### Applicant's response

The revised road access application was submitted to the District Roads Engineer for their formal comment and the approval for the proposed alternative route was granted (refer to the consent letter from the District Roads Engineer dated 20 January 2021 attached).

If the revised land use application is approved, the Site Development Plan (SDP) will form part of the approval letter. The approved SDP (indicating the alternative access route) will be binding and will form part of the conditions of approval. If for whatever reason the property owner is not complying with the approval conditions, a formal complaint can be lodged at the Municipality's Law Enforcement / Town Planning Departments. Thus, complying with the conditions of approval is therefore in the best interest of our client to ensure that they keep their land use rights in place.

The alternative access route proposed for use by the function and conference attendees will lessen the additional traffic to pass through the Heuningkloof residential area substantially. It will also restrict the number of vehicles to use the R44 access to Heuningkloof. The alternative access road and access point will address the concern of vehicles driving around in the neighbourhood after functions and conferences.

Vehicles travelling to the farm for functions or conferences will make use of the alternative route on the neighbouring farm. Minibuses carrying wedding/function guests will also make use of the alternative access route. The agricultural related vehicles and the proposed tourism accommodation units will continue to use the existing access from Roos Avenue. Since the agricultural activities are a primary right on the farm, the related traffic and noises do not have to be accounted for. The traffic generated by eight (8) self-catering units is considered low since guests do not arrive and leave at the same time. The guests' arrival and departure to the subject property will mostly be during off-peak times of the day (i.e. will be spread throughout the day) – keeping the impact on the traffic volumes and noise to the area to a minimum. Staff will come to the farm by means of a minibus or hired car transport. The staff will be dropped off in the morning and will use the main entrance gate from Roos Avenue. On the night of a function the staff will exit the property via the proposed alternative route (servitude road over Portion 3). Thus, delivery vehicles, staff (drop-off only) and the cottages' guests will still be allowed to make use of the existing access from Roos Avenue. All function venue/conference guests will make use of the alternative access.

It is also worth mentioning that high traffic volumes at weddings are a thing of the past in view of drinking and driving regulations. At most weddings on farms people are conveyed by minibuses (shuttles) to venues – where possible this will also be done on the subject property. The authorities are aware of these transporters as they license them. It would therefore be fair to say that evening traffic and late-night traffic to and from the venue would be minimal and not only cars as some may think. Minibuses today are comfortable and make little noise. The option of using minibuses (shuttles) to convey guests to the function / conference will further mitigate the traffic impact.

A report from nature conservation was not requested by the Municipality. The application does not trigger the applicable environmental legislation. In addition, calming measures can only be enforced by the Municipality – and in most instances this only applies where schools are located. The alternative road will remain a farm/gravel access road.

#### Town Planner's response

The applicant did address the traffic congestion that may arise from the tourist facility by providing an alternative route to the farm. This has been supported by the Department of Transport. The alternative route will only be used by visitors to the tourist facility, which is controlled by official bookings, thus minimising the traffic flow through the residential township, Heuningkloof. All services and activities related to the facility will make use of the alternative route once a function stop.

The tourist accommodation and farming activities will be served by the use of Roos Avenue and should not influence the traffic patterns in Heuningkloof, since accommodation rules applies with regard to arrival and departure times.

#### **OBJECTION 2 - Noise impact and business hours**

***Objectors claim that the approval of specifically the function and conference venue will create high levels of noise. Although the efforts to minimize the noise impact are commendable, the residents fear that the neighbourhood's ambiance and tranquillity will still be negatively impacted by the potential***

***noise generated by the functions. It is still mentioned that the increased traffic levels and visitors will raise the amount of noise in the area. No mention is made in the noise report of noise from activities outside the function venue and parking area. One of the objectors is of the opinion that the mere insertion of hard board to the walls will not minimize the noise when windows and doors will remain open during the functions. She insists that the whole site be made soundproof. Some objectors still insist that functions and weddings end at 23:00 instead of 01:00 as applied for.***

Applicant's response

Our client is aware of the potential venue noise and has no desire to disturb neighbours. In view of all the objections received our client appointed a sound specialist to undertake a sound simulator test and compile a sound report (i.e. noise impact assessment) as submitted with our previous response letter.

Should there be a further requirement to alleviate noise problems, given that the report proves otherwise, steps will be taken to action a resolution. This will include additional cladding with the necessary sound proofing materials. Currently proposals to address the noise pollution include sound proofing and treatment (cladding of walls and hanging baffles installed to ceiling) and mitigating measures (doors facing property and away from residents and considering noise laws) as set out in the report and our previous response letter. The function venue is also situated behind the flower pack shed.

Our client would like to keep to the proposed completion time of 01:00 for all functions and venues (since the necessary soundproofing and treatment will be undertaken as well as the noise mitigating measures enforced as described above). An alternative closing time of 24:00 was discussed with one of the objectors.

The traffic noise concern is fully addressed with the proposed alternative access route for the function and conference venue. This is addressed under the traffic objection above.

To conclude, it is evident from the noise report, previously submitted, that the greatest noise concern (the noise from the functions and weddings) can be mitigated to acceptable levels with the sound proofing and treatment as well as the appropriate mitigating measures. It is therefore submitted that the noise concerns from the surrounding residents should not be a significant factor when considering the merit and desirability of the application at hand.

Town Planner's response

The traffic concerns from the first-round objectors had validity, especially the fact that Heuningkloof is a residential development. The proposal of an alternative route to accommodate the tourism facilities, with the approval of the Department of Transport does address most of the concerns with regard to traffic volumes and noise pollution created by a tourism facility.

The residents of Heuningkloof must take due cognisance that the Township was established in 1974, whilst the farm was created in the 50's. Thus, every resident bought into a township surrounded partially by farms with farming activities. The residents of Heuningkloof cannot restrict the vehicle movement relating to staff and or agricultural vehicles and or transportation vehicles relating to the farming activity.

What is important is that the creation of a tourism facility does have an impact on the community which resulted in the alternative route.

The applicant still intends to make use of Roos Avenue, transgressing through Heuningkloof with regard to the self-catering units and delivery vehicles. Taken into consideration that the self-catering units only consist of eight (8) units, the traffic generation will be minimal, especially taken into consideration that guest to not arrive simultaneously.

The one problematic area may be the aspect of delivery vehicles catering for the functions, conference or weddings. However, taking into consideration that with the down scaling of the flower production due to market trends, the delivery vehicles will replace the agricultural related vehicles traffic impact. Therefore, very little to no impact will the ad hoc delivery vehicles have on the residents of Heuningkloof.

The aspect of operating times is of concern to the objectors, the applicant still request a completing time of 1h00 for all venues and functions. The proposal from a town planning point of view, taking into consideration the sound proofing of the structures, that the 1h00 can be maintained over a weekend, however during the week the operating time be limited to 23h00. There are still working people in Heuningkloof and should this aspect be taken into consideration. The 1h00 closing time of the tourist facilities over the weekend will enable the applicant to comply with the Liquor By-Law of the Overstrand that restricts alcohol sales after 2h00.

### **OBJECTION 3 - Sewage outfall / Sewerage system and the environment**

***The objectors are of the opinion that the existing French drain/septic tanks cannot accommodate the increase of at least 150 people at one time (including staff and guests). The septic tanks will contaminate the underground water. They suggest that the existing system should not be allowed, and that all sewage disposal be done via the water borne system in place.***

#### Applicant's response

Since the sewage objections remained unchanged with the second round of public participation, we stand by our initial response to these objections:

The application was circulated to all relevant internal and external departments for their comment/consent. The Overstrand Municipality's Environmental Department had the following comment on the application:

*"As the application for the consent use of tourism facilities does not require development of infrastructure for the proposed facilities the Environmental Management Section does not have any objection to the application. The National Environmental Management Act, 2017, Environmental Impact Assessment Listing Notice 3. Section 7 excludes the conversion of existing buildings where the development footprint will not be increased."*

The proposed application does therefore not trigger the National Environmental Legislation (NEMA, 2017). No specialist studies were requested by the Municipality.

The subject property has been a labor-intensive flower farm for 40 years. There have been periods that up to 50 staff had been employed five days a week, from 07:00 to 17:00. In addition, the staff houses were occupied with up to 100 individuals

and these ablutions all work on septic tanks. In these periods there has never been a problem nor a complaint. So surely if the venue has 120 people through once or twice a month for the evening, the volume of waste will never match what has been through the systems in previous years. It should also be noted that there is a plantation of gum trees next to the soak away from the venue. Gum trees are known for the impact that they have on wetlands, as they consume vast quantities of water and are being used to dry up these areas. Therefore, it is without doubt, that the absorption of effluent waters from the soak away, will greatly reduce and limit any suspected pollution. The farm was in existence before the Heuningkloof suburb was built and there has yet to have been an incident of pollution.

Currently the Municipality is upgrading the sewage pipeline in Heuningkloof. If there is a concern, the Municipality can allow the farm to connect directly into the waterborne system and the potential problem goes away.

#### Town Planner's response

Due to the fact that the existing structures have a septic tank French drain system, a waterborne system and or conservancy tank cannot be forced on the applicant. However, should any new ablution be built, the applicant will be forced to revert to a conservancy system where applicable. The possibility to connect to the Municipal system must be investigated and taken up with the Engineering Services Department to establish whether capacity is available to accommodate the proposed development.

In order to establish that there is no sewage pollution, samples should be taken every 6 months, and the results be submitted to the Engineering Services Department to determine if there is pollution of the ground water. The sampling method must be established between the owner, Department of Water affairs and the Municipal Environmental Management Services Department.

#### **OBJECTION 4 - Character of the area**

***The function and conference venue will have a negative impact on the character of the area. The proposed land uses (especially the function and conference venue) will negatively impact on the ambiance and tranquillity (with regards to noise, pollution from vehicles, etc.).***

#### Applicant's response

Since the sewage objections remained unchanged with the second round of public participation, we stand by our initial response to these objections:

It is commonplace in the Overstrand to locate tourist facilities in rural areas. Furthermore, the following factors support the desirability of the proposed land use and confirms that the proposal will not undermine or excessively disrupt the character or amenity of the surrounding area:

- a. The nature of the proposed land use (to be accommodated within existing structures; the use of existing roads and already disturbed areas);
- b. The minimal impact it will have on the immediate residential erven (considering the alternative access route and noise mitigating measures);
- c. The development is proposed in line with the Zoning Scheme Regulations and the criteria for tourist facilities as a consent use on agricultural land.

The increase in land use rights on the subject property will allow the owners of the subject property to create an income-producing asset. The consent uses being applied for are to ensure the viability of the farm through diversification. The diversification of the land uses will add to the diversification of sources of income on a farm that cannot be economically viable by means of agricultural activities only.

The proposed consent uses will have a limit to low impact visually with regards to the sense of place. The proposed function and conference venue will be accommodated within the existing shed and the proposed chapel will be accommodated within an existing community hall. Existing (approved) labourer's cottages were converted to self-catering units. No new structures are proposed to accommodate the proposed tourist facility and tourist accommodation land uses. Existing structures will/were merely renovated and converted to accommodate the tourist facilities and tourist accommodation units. Since the new owners' arrival on the farm the existing cottages have been tastefully renovated and the gardens and grounds manicured. The view onto the property is beautiful. Visually the proposed land uses will therefore have no impact on the existing character of the subject property as well as the area since all the structures already exist on the subject property.

As previously elaborated the possible noise impact can be mitigated to more acceptable levels.

#### Town Planner's response

The impact of the proposed development will have no more impact than the township of Heuningkloof has on a predominantly rural character of the area, which consists of tourist facilities, activities, open space and farmland. The scale of the development is low density and impact on the surrounding area will be less than an optimally agricultural use with regard to vehicle and people movement.

The fact that the applicant has accommodated the objections by providing an alternative route to lessen the impact of traffic and visitor pollution, immediately addresses the traffic congestion on the roads through Heuningkloof and the intersection with the R44, which could have been to the detriment of the residents.

The noise aspect has been addressed by means of an initial sound impact assessment. The owner will have to comply with the proposals of the assessment. Should the noise escalate, a further assessment will be enforced to ensure additional mitigating measures.

#### **APPLICANT'S CONCLUSION**

**To conclude:** it is evident that the revised application proposal addressed the majority of the concerns of the residents of Heuningkloof. The thirteen objections received are also not as elaborate as with the first round of public participation, with lesser concerns being raised. In addition, agritourism is a growing and important aspect in the agricultural industry. The proposed application will benefit our local community, struggling as a result of the current pandemic-induced recession and bring to the town mid-week trade. All infrastructure already exists keeping the impact on the environment to a minimum.

**8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS**

See Paragraph 7 above.

**9. MUNICIPAL ASSESSMENT OF COMMENTS**

See Paragraph 7 above.

**10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)****10.1 Background**

N/A

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

The application is in line with the planning objectives applicable to this application.

The objectives relating to:

Spatial Justice

N/A

Spatial Sustainability

The proposed development does not have any environmental and or economic impact on the residents of Heuningkloof. The social impact has been mitigated by means of a sound assessment and the proposed alternative route.

Efficiency

None of the municipal services will be influenced.

Spatial Resilience

The resilience of the building will be ensured in compliance with the National Building Regulations.

Good Administration

The application followed the required planning procedures to ensure that land use activity is in line with Municipal By-Laws and the public participation process has been followed

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

Same as Point 10.2 above.

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

Consistent with the Overstrand Spatial Development Framework with regard to tourism facilities and accommodation on farmland.

**10.5 (In)consistency with guidelines prepared by the Provincial Minister**

N/A

**10.6 Impact on Municipal engineering services**

The existing services are available and have been viewed positively by the Engineering Services Department.

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

N/A

**10.8 Existing and proposed zoning comparisons and considerations**

The application is in line with the Overstrand Spatial Development Framework, 2006. The application is in line with the Overstrand Zoning Scheme to accommodate the proposed tourism accommodation and facilities through an application process.

**11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS**

N/A

**12. THE DESIRABILITY OF THE PROPOSAL**

The subject property is located in the rural area of Kleinmond. All the existing structures on the property have approved building plans (except Unit 4), which complies with the National Building Regulations.

The subject property is surrounded by land uses ranging from the residential township, Kleinmond Extension 3, also known as Heuningkloof, established in 1974 towards the south. West of the property is Fynbosspark (retirement village), Kleinmond Caravan Park and Open Space Zone 2 (golf course). East and north of the property is farmland. Thus, the character of the area is mixed low impact developments of which the proposed land uses will fit in.

In terms of the forward planning documents of the Western Province and Overstrand Municipality, the proposed development is in line with the criteria relating to tourism related uses.

The main concerns of the residents of Heuningkloof are the traffic congestion and noise pollution. The applicant has accommodated the tourist facilities traffic by means of an alternative route, not through Heuningkloof. The aspect of control and management of the visitors to the tourist facilities is questioned and will it be the responsibility of the owner or manager of the facility to ensure compliance. This aspect will be a condition of approval and enable to address the issue should it become a problem.

The noise pollution created by the facilities relates more to the wedding venue. The wedding venue will be insulated with extra board to mitigate the noise levels. The functions should be held inside the building and all acoustic sound must be directed inside the building - should be held inside the building and not outside. This will be made a condition to ensure that the mitigating measures are implemented. The

request that functions have a closing time of 01:00 and not 22:00 or 23:00 as proposed by the objectors should also be seen in context. Heuningkloof residents are mostly elderly, however realistically a lot of functions do proceed after 22:00 and the time requested by the applicant is not unrealistic. The mitigating measure proposed is that all sound be lowered after 22:00 and even more after 23:00 to be less than the 7dB as stipulated in the Noise Control Regulations of the Western Cape.

Issues were also raised by the objectors with regard to the sewage disposal. The subject property have approved building plans with all the structures that is connected to a septic tank and French drain system. The applicant cannot be forced into any other system, except if new toilet facilities are proposed. Although the Municipality is at present busy with the sewerage connection of Heuningkloof, it does not provide any services on farmland. In this case this may be a point for discussion due to the fact that the property is located within the urban edge and earmarked for residential purposes. To ensure that no pollution takes place, a system of testing needs to be established between the Environmental Management Department, Department of Water Affairs and the owner of the establishment.

The impact on sense of place within the rural setting, will not adversely be affected by the proposed development, since it is located within existing structures. The rural character is already compromised by the residential area of Heuningkloof and Fynbospark.

The farm has limited agricultural potential and to ensure that the activities remain, the diversification of the land activities are required. This will ensure and contribute to the sense of place as a rural setting character as envisaged by the objectors when they bought into the area.

### 13. RECOMMENDATION

1. that the application for that the application in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for a consent use to accommodate the following:
  - tourist facilities to accommodate the following:
    - Function and conference venue of ±350m<sup>2</sup> in extent to accommodate a maximum of 120 people.
    - Wedding chapel of ±132 m<sup>2</sup> in extent to accommodate a maximum of 120 people.
  - tourist accommodation to accommodate four (4) semi-detached units [total of eight (8) self-catering units = 355m<sup>2</sup>] offering a total of 18 beds for a maximum of 22 guests

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

- (a) that this approval is restricted to the development as indicated on the plans no farm563-8site plan, dated June 2019 (2 plans A and B), as submitted with the application;
- (b) that the operating hours be restricted as follows:

- Monday to Thursday, Sunday to 23:00;
  - Friday to Saturday to 1:00;
- (c) that the tourist Facility may only have access from the alternative route over Portion 3 of 563 as per agreement;
  - (d) that adequate provision be made to manage the behaviour of patrons (both inside and outside the building) and for security and protection of surrounding properties, patrons, vehicles, etc.;
  - (e) that a Certificate of Acceptability and Health Certificate from the Health Department of the Overberg District Council and Fire Prevention Certificate be obtained from the Municipal Fire Department;
  - (f) that the Overstrand Municipality retains the right to enforce any relevant legislation, as well as law and order on the premises, on the landowner/s;
  - (g) that commercial rates and service tariffs as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
  - (h) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department be complied with at that stage;
  - (i) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (j) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with;
  - (k) that all the conditions in the Services Report (attached as Annexure F), be complied with;
  - (l) that all the conditions imposed by Western Cape Government: Transport and Public Works (attached as Annexure I), be complied with, and
  - (m) that all the conditions imposed in the Sound Impact Assessment (attached as Annexure K), be complied with.
2. that in terms of Section 26(1)(g)(v) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 that Portion 3 of the Farm De Draay No 563, **be exempted** to register a 3m right-of-way servitude in favour of Portion 8 of the Farm De Draay No 563 to accommodate the alternative route for the tourism facilities.
  3. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decision.

**14. REASONS FOR RECOMMENDATION**

- ❖ The proposed development is in line with planning policies.
- ❖ The land uses applied for is located in existing structures which have approved building plans.
- ❖ The impact on the environment and agricultural land is minimal.
- ❖ The character of the area will not be impacted upon due to the low-keyed nature of the development.

**15. ANNEXURES**

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Development Plan
Annexure D:	Objections received
Annexure E:	Applicant's response
Annexure F:	Services Report
Annexure G:	Western Cape Government: EADP (Planning)
Annexure H:	Western Cape Government: EADP (Environmental)
Annexure I:	Western Cape Government: Transport & Public Works
Annexure J:	Municipal Environmental Management Services
Annexure K:	Sound Impact Assessment

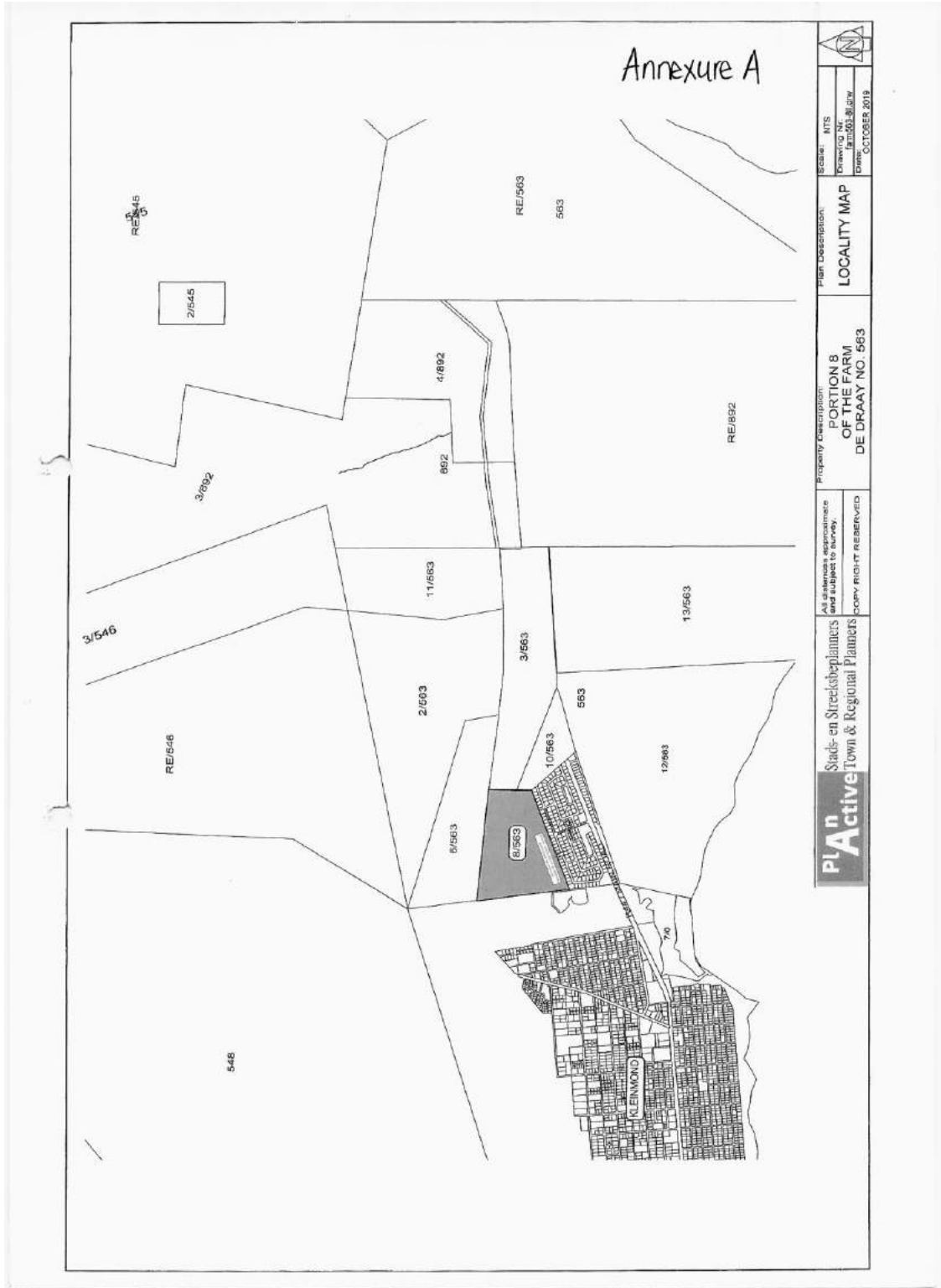
**SIGNATURE****REGISTERED PLANNER**

Name : **H VAN DER STOEP**

SACPLAN Reg No: **A/1708/2013**

Signature : \_\_\_\_\_

Date: \_\_\_\_\_



Annexure B 1/26

Motivation report

Portion 8 of farm De Draay No. 563

**PROPOSED CONSENT USE & EXEMPTED  
SUBDIVISION (REGISTRATION OF A SERVITUDE  
RIGHT-OF-WAY)**

**PORTIONS 3 AND 8 OF THE FARM DE DRAAY NO.  
563**

**DIVISION CALEDON**

**OVERSTRAND MUNICIPALITY**

**MOTIVATION REPORT – Revision 1**  
**JULY 2020**

**1. BACKGROUND**

The company Plan Active has been appointed by N. Hossak, the executor of the estate of the late W.J.C. Mitchell, the previous owner of Portion 8 of farm De Draay No. 563, to submit an application for the consent use for tourist facilities and tourist accommodation in respect of Portion 8 of farm De Draay No. 563 to accommodate a function and conference venue, wedding chapel and four semi-detached (i.e. eight) self-catering units within existing structures on the subject property. Plan Active was also appointed by Mr K. van der Spuy on behalf of Platinum Mile Investments 63 Pty Ltd to apply for the exempted subdivision to register a 3m servitude right-of-way over Portion 3 of the farm De Draay no. 563 in favour of Portion 8 of the farm De Draay no. 563.

The consent uses being applied for is to ensure the viability of the farm through diversification. The diversification of the land uses will add to the diversification of sources of income on a farm that cannot be economically viable by means of agricultural activities (flower farming) only.

To minimise the impact of the increased traffic on the Heuningkloof residential area, a 3m servitude right-of-way is proposed over Portion 3 of the farm De Draay no. 563 in favour of Portion 8 of the farm De Draay no. 563. This access point from the R44 and the existing gravel farm road will give access to the function / conference venue and chapel. The

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Motivation report

Portion 8 of farm De Draay No. 563

existing access point and farm access road off Rose Avenue will continue to be used for all agricultural related land uses and structures as well as the tourism accommodation units.

Existing structures (existing dwellings) that encroach the 30m lateral building lines were addressed with a previous application in 2017. Refer to a copy of the departure (building line relaxation) approval dated 8 August 2017.

## **2. APPLICATION DETAILS**

Application is made for the following:

- Chapter 4, Section 16(2)(o) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2015, for the consent use for tourist facilities and tourist accommodation of Portion 8 of the farm De Draay No. 563.
- Chapter 4, Section 26 (1)(g)(v) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2015, for the exempted subdivision (registration of a servitude right-of-way) over Portion 3 of the farm De Draay no. 563.

## **3. GENERAL APPLICATION INFORMATION**

### **3.1 PROPERTY DESCRIPTION**

The subject property is 36,2668ha in extent and held by title deed no. T876/2018.

The subject property is situated north of Kleinmond and the southern farm boundary abuts the residential area of Kleinmond. Refer to the locality plan attached. The subject property is located in an agricultural, residential (abuts Kleinmond to the south) and tourism environment.

The farm is known for the farming and distribution of flowers (Fynbos) and for the existing self-catering cottages on the subject property (<https://honeyrockcottages.co.za/>).

3/26

Motivation report

Portion 8 of farm De Draay No. 563

**3.2 ZONING**

Portion 8 of the farm De Draay No. 563 is zoned Agriculture Zone I and utilized as such.

Surrounding properties are zoned for Agriculture Zone I and Residential Zone 1 purposes.

**3.3 LAND USE**

The subject property is primarily used for agricultural purposes. The following agricultural activities occur on the subject property:

<i>Land use</i>	<i>Irrigated (ha)</i>	<i>Dry land (ha)</i>	<i>Total Extent in hectares</i>
Fynbos		25	25
Natural vegetation & veld, werf, roads, structures			11
<b>TOTAL</b>			<b>36</b>

The Fynbos species are divided into blocks by means of internal roads and are seasonally harvested.

The following structures / land uses are on the subject property:

- Three dwellings;
- Stable;
- Covered braai;
- Two swimming pools;
- Pool house;
- Tennis court;
- Caretaker's dwelling;
- 14 labourers' cottages;
- Greenhouse;
- Flower barn / shed;
- Workshop barn;
- Carport;
- Community hall;
- Office;
- Laundry & ironing room.

4/26

Motivation report

Portion 8 of farm De Draay No. 563

Refer to the site plan attached.

Land uses that surround Portion 8 of the farm De Draay No. 563 include agricultural activities, tourism related land uses and the Kleinmond town.

### **3.4 PROPOSED DEVELOPMENT**

The following are proposed:

- The consent use of Portion 8 of the farm De Draay No. 563 in terms of Chapter 4, Section 16(2)(o) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2015, for:
  1. tourist facilities to accommodate the following:
    - Function and conference venue of  $\pm 350\text{m}^2$  in extent to accommodate a maximum of 120 people;
    - Wedding chapel of  $\pm 132\text{m}^2$  (maximum 120 people).
  2. Tourist accommodation to accommodate four (4) semi-detached units (total of eight (8) self-catering units) offering a total of 18 beds for a maximum of 22 guests.
- The exemption of subdivision of Portion 3 of the farm De Draay no. 563 in terms of Chapter 4, Section 26 (1)(g)(v) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2015, to register a 3m servitude right-of-way over the subject property in favour of Portion 8 of the farm De Draay no. 563.

The subject property boasts magnificent views of the mountain ranges in the area. The Atlantic Ocean are also visible from the site. The aforementioned together with the location of the subject property next to Kleinmond and in close proximity to Hermanus, makes this the ideal place to accommodate tourist related land uses on the subject property.

5/26

Motivation report

Portion 8 of farm De Draay No. 563



1. View of the mountains from the subject function and conference venue and chapel location.

The consent uses applied for is to ensure the viability of the farm through diversification. The diversification of the land uses will add to the diversification of sources of income on a farm that cannot be economically viable by means of agricultural activities (flower farm) only.

All existing structures on the subject property have approved building plans but for other land uses than currently proposed. It is intended to accommodate the proposed new land uses within existing structures on the subject property to keep the impact on the environment to a minimum.

#### 1. Tourist facilities

Application is made for a consent use for tourist facilities to accommodate a function venue and conference facility as well as a wedding chapel within an existing shed (flower barn) and existing community hall building on the subject property. The proposed tourist facilities will entail the following:

- A function venue and conference facility within an approved shed (flower barn) with a total footprint / Gross Leasable Area of  $\pm 350\text{m}^2$ ;
- A wedding chapel of  $\pm 132\text{m}^2$  in extent within an approved community hall structure;
- A maximum of 120 people will be accommodated at the function venue and chapel;
- A maximum of 60 people will be accommodated for conferences;
- The function venue and conference facility will include a function / conference area with space for a dance floor and bar; a kitchen and lavatories;
- Conferences will mostly take place during the week (but will not be limited to

5

6/26

Motivation report

Portion 8 of farm De Draay No. 563

weekdays only);

- Functions will mainly be accommodated over the weekends. The type of functions will include birthday parties, weddings, etc.
- The function venue will operate until 01:00.
- The middle class / income bracket is the target market for the proposed facility – therefore providing a more affordable function venue and conference facility in the area;
- The proposed tourist facilities will create at least 20-30 employment opportunities for a fully booked function / conference – inclusive of kitchen staff, waiters, barman, security, cleaners, etc/;
- Catering for the functions / conferences can be done either from the function / conference venue's kitchen or outsourced to local caterers;
- The proposed tourist facility will have positive spin-offs to local Bed and Breakfast establishments and restaurants.

The positions of all the proposed tourist facilities are indicated on the site development plan and site plan attached. No new structures are proposed.

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

BUILDING DESCRIPTION	EXTENT	MAX. NO. OF GUESTS
Function & conference venue	±350m <sup>2</sup>	120 for functions / 60 for conferences
Chapel	±132m <sup>2</sup>	120* *same guests attending function / wedding
<b>Total</b>	<b>±482m<sup>2</sup></b>	<b>120</b>

Provision will be made for sufficient amount of parking bays on site. Refer to the Site Development Plan and Section 3.9.2 of the report.

Herewith photographs of the two structures to be used for tourist facility purposes:

6

7/26

Motivation report

Portion 8 of farm De Draay No. 583



2. The shed / proposed function venue



4. Inside of the shed / proposed function venue



5. The community hall / proposed chapel

## 2. Tourist accommodation

Application is made for a consent use to accommodate the existing self-catering units on the subject property. The proposed number and type of existing holiday accommodation units can be accommodated under the definition of tourist accommodation under the existing Agriculture Zone I zoning:

**"Tourist accommodation"** means the letting of rooms or individual units on a temporary basis to paying lodgers or guests, and includes a guest house, bed and breakfast,

Plan Active Town & Regional Planners

8/26

Motivation report

Portion 8 of farm De Draay No. 563

*backpackers establishment, and camp sites, provided that the use complies with the requirements of any other relevant legislation;"*

It is proposed to use the following existing and approved semi-detached labourer's cottages as self-catering units:

• Unit 1a and 1b:	±63m <sup>2</sup> ;	sleeps 4 guests
• Unit 2a and 2b:	±106m <sup>2</sup> ;	sleeps 6 guests
• Unit 3a and 3b:	±100m <sup>2</sup> ;	sleeps 4-8 guests
• Unit 4a and 4b:	±86m <sup>2</sup> ;	sleeps 4 guests
	<b>TOTAL</b>	<b>22 guests</b>

Two designs were used to convert the labourer's cottages into self-catering units. There are two units in each cottage, and each of these units are separate from each other, each with their own layout, patio and living areas.

The main cottages have two very distinct layouts. The first of these is Cottage 1 with units 1a and 1b. They each have an open plan room and living area with a bathroom to the side.

Cottages 2,3 and 4 have the bedrooms and living areas separate from each other, with an en suite bathroom (*shower and toilet*) to the bedrooms. These units are spacious enough to have an extra bed added.

Cottage 2b is a spacious Family room with a double bed, and an adjacent room with two single beds. Cottage 3b is called the Blushing Bride – it has both a bath and a shower and is designed as the honeymoon suite for couples getting married.

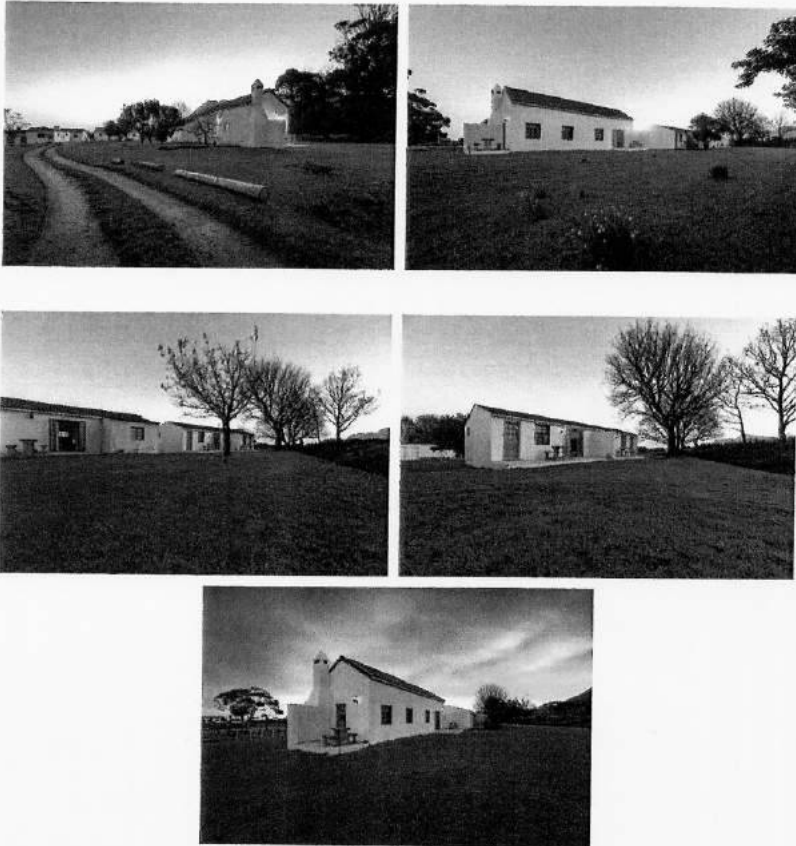
Refer to Site Development Plan and site plan attached. In total the proposed holiday accommodation units can accommodate 22 guests on the farm. The self-catering units will be used for holiday accommodation purposes in conjunction with the wedding and conference venue or separately (depending on the market and bookings received). All the above self-catering units will be accommodated in the existing approved structures (labourer's cottages) adjacent to the existing roads on the subject property. Refer to the photographs below:

8

9/26

Motivation report

Portion 8 of farm De Draay No. 563



3. Photographs of the labourer's cottages converted to self-catering units.

Units 1 to 3 have approved building plans As Built (but still for labourer's cottage use). Refer to a copy of the approved building plan for one of the labourer's cottages dated 17 January 2019 attached. Building plans for unit 4 will be submitted with land use approval.

Parking for the self-catering cottages will be provided in the proposed new parking area 2 opposite the cottages in the already disturbed area. Refer to the site development plan and Section 3.9.2 of the report.

9

10/26

Motivation report

Portion 8 of farm De Draay No. 563

### 3. General application information

The proposed change in land use will not have a negative impact on any natural vegetation or agricultural activities on the subject property since existing structures will accommodate the new land uses. The existing structures are not situated on high potential agricultural land.

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

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

Building description	Latitude	Longitude
Function & conference venue	19° 02' 43.70" E	34° 19' 54.76" S
Chapel	19° 02' 41.89" E	34° 19' 55.08" S
Unit 1a & 1b	19° 02' 40.70" E	34° 19' 54.59" S
Unit 2a & 2b	19° 02' 39.78" E	34° 19' 54.70" S
Unit 3a & 3b	19° 02' 39.08" E	34° 19' 54.83" S
Unit 4a & 4b	19° 02' 38.83" E	34° 19' 55.40" S

The zoning of Portion 8 of the farm De Draay No. 563 will remain unchanged (Agriculture Zone I: Agriculture).

All the proposed tourist facility and tourist accommodation structures will comply with the land use restrictions for Agriculture Zone I. The Overstrand Zoning Scheme Regulations (2013) determines that the total floor space of all buildings on the land unit zoned for Agriculture Zone I purposes, may not exceed 5 000m<sup>2</sup>. The total floor space for Portion 8 of the farm De Draay No. 563 will be as per the latest approved building plans (site plan) since no new structures are proposed. The total floor area amounts to ±4042m<sup>2</sup> and does not exceed the maximum permissible floor area for AGR1 zoned properties. None of the existing structures for tourist facility and tourist accommodation use encroaches the applicable building lines.

All other building footprints and use will remain unchanged.

To minimise the impact of the increased traffic on the Heuningkloof residential area, a 3m servitude right-of-way is proposed over Portion 3 of the farm De Draay no. 563 in favour of

Plan Active Town & Regional Planners

11/26

Motivation report

Portion 8 of farm De Draay No. 563

Portion 8 of the farm De Draay no. 563. This access point from the R44 and the existing gravel farm road will give access to the function / conference venue and chapel. An exempted subdivision application is therefore submitted for the registration of the 3m servitude right-of-way. The existing access point and farm access road off Rose Avenue will continue to be used for all agricultural related land uses and structures as well as the tourism accommodation units.

The proposed change in land use (consent use) does not propose activities that will lead to uncalled for smoke, smells or dust and will therefore not have a negative impact on the adjacent property owners or the ambiance of the area. Functions / conferences will be accommodated as the market demands and consequently the possible noise pollution associated with the functions will be limited to the days the functions are booked. The summer season (with its south-easterly wind) is the popular season for functions and weddings. The south-easterly wind in the summer season will assist in mitigating noise levels away from the existing town south of the subject property. The shed will also be fitted with additional hard board to serve as barriers to mitigate the noise levels. In addition, the proposed function and conference venue is adjacent to another shed south of the venue building and this shed building will also absorb and mitigate the noise from the function / conference building. In addition, conferences and self-catering units are generally not associated with high levels of noise.

For details pertaining to the services on the subject property please refer to Section 3.9.1 of this report. The proposed application for consent use will comply with the parking requirement policy for developments in the Overstrand Municipal Area (refer to Section 3.9.2). Section 3.11 motivates the application further in terms of the applicable local and regional spatial planning policies.

The existing agricultural activities as well as the proposed additional land uses will create permanent and seasonal employment opportunities. It is therefore evident that the farm contributes and will continue to contribute towards job creation in the Overstrand region.

The proposed consent use does not have a negative impact on the surrounding farms as the subject property's zoning will remain unchanged. The owners simply intend to apply for their secondary right on the subject property to allow them to diversify the existing land uses with ancillary land uses to ensure the viability of the farm.

11

To conclude: we are of the opinion that the proposal is compact, unobtrusive, respects the

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Plan Active Town & Regional Planners

12/26

Motivation report

Portion 8 of farm De Draay No. 563

rural vernacular and does not impact on the existing agricultural activities of the subject property or of the surrounding properties.

Considering all the above, the consent use of Portion 8 of the farm De Draay No. 563 is not in contrast to the existing land uses tendencies in the surrounding environment and the impact on the surrounding properties will be kept to a minimum.

### **3.5 CHARACTER OF THE ENVIRONMENT**

The subject property is situated at the foot of the Palmiet mountain range in the Kleinmond area. The subject property is characterised by Fynbos and is currently a working farm. The property boasts of spectacular views over the mountains to the north and the Atlantic Ocean to the south. This area is known for its many tourism valued sites and attractions luring thousands of tourists to the area annually. The Hermanus / Kleinmond rural area is characterised by agricultural activities, tourist facilities (such as wine tasting facilities, function venues, restaurants, farm stalls, etc.), tourist accommodation and recreational facilities (hiking trails, mountain biking trails, etc.).

The proposed consent use will have a limited to low impact visually with regards to the sense of place. The proposed function and conference venue will be accommodated within the existing shed and the proposed chapel will be accommodated within an existing community hall. Existing (approved) labourer's cottages were converted to self-catering units. No new structures are proposed to accommodate the proposed tourist facility and tourist accommodation land uses. Existing structures will / were merely be renovated and converted to accommodate the tourist facilities and tourist accommodation units. Visually the proposed land uses will therefore have no impact on the existing character of the subject property as well as the area since all the structures already exist on the subject property.

Since the proposed land uses will be accommodated within the existing structures, the largest impact will be the parking area to be provided on site. The largest part of the proposed parking area will only be occupied during the occasional function / conference on the farm. All parking areas are positioned within already disturbed footprints on the farm and close to the tourist facility buildings. As such the proposed diversification of the land uses on Portion 8 of the farm De Draay No. 563 will not be out of character with the immediate surrounds and will have a limited to no impact on the aesthetics of the area. The proposed tourist facilities and tourist accommodation units are therefore in line with the existing

12

13/26

Motivation report

Portion 8 of farm De Draay No. 563

character of the area

Since no new additions or alterations are proposed (the footprint of the structures will remain unchanged) the impact on the privacy of adjacent and surrounding property owners will remain unchanged.

As previously elaborated the possible noise impact can be mitigated to more acceptable levels. Functions / conferences will be accommodated as the market demands and consequently the possible noise pollution associated with the functions will be limited to the days the functions are booked. The summer season (with its south-easterly wind) is the popular season for functions and weddings. The south-easterly wind in the summer season will assist in mitigating noise levels away from the existing town south of the subject property. The shed will also be fitted with additional hard board to serve as barriers to mitigate the noise levels. In addition, the proposed function and conference venue is adjacent to another shed south of the venue building and this shed building will also absorb and mitigate the noise from the function / conference building. In addition, conferences and tourist accommodation units are generally not associated with high levels of noise.

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

Due to the size, location and limited agricultural potential of the property it has the potential to be developed with tourist facilities and tourist accommodation units to diversify the income for the subject property. The subject property is situated in an area that is known for its many tourism valued sites and attractions luring thousands of tourists to the area annually.

The existing infrastructure (buildings, access roads, already disturbed areas, etc.) can easily accommodate the proposed diversification of the land use. The Hermanus to Gordons Bay route (R44) is characterized by tourism uses and due to its location the subject property has the potential to diversify the tourism attractions in the area without having a detrimental impact on the conservation worthy, agricultural activities or visual elements of the site and the area.

13

The owners took the aforementioned into consideration and decided to contribute towards the diversification of the tourist facilities and holiday accommodation in the area by offering a location for functions, conferences and self-catering units. The aesthetical value of the

14/26

Motivation report

Portion 8 of farm De Draay No. 563

subject property as well as the magnificent views over the mountains and Atlantic Ocean proofs this property to be ideal to accommodate the proposed tourist facilities and self-catering units. In addition, minimal changes to the existing structures and low impacts on the existing services infrastructure allow for the consideration of the diversification of income for the subject property.

### **3.7 ECONOMIC IMPACT**

The proposed consent use will have a positive impact on the economy of the area. By allowing the consent use of the subject property, it diversifies the land uses on the subject property and affords the owners the opportunity to generate additional income. The existing agricultural activities as well as the proposed additional land uses will create permanent and seasonal employment opportunities. The proposed tourist facilities and tourist accommodation units will create at least 20-30 employment opportunities for a fully booked function / conference / accommodation – inclusive of kitchen staff, waiters, barman, security, cleaners, etc. In addition, the proposed tourist facilities and tourist accommodation units will also have positive spin-offs to the local service providers in the area – inclusive of bed and breakfast establishments, catering services, etc.

It is therefore evident that the farm contributes and will continue to contribute towards job creation in the Overstrand region.

### **3.8 SOCIAL IMPACT**

The impact on the social wellbeing and social coherence of the adjacent community will be minimal given that the zoning and land use will be in line with the character and spatial planning policies for the area. Although more vehicles and guests will travel to the subject property, function and conference venues and holiday accommodation in general are not associated with higher levels of crime in an area. In fact, the necessary security measures will be taken (car guards; safety guards) for functions in the evenings to ensure not only the safety of the guests but also the farm and immediate area in general. The impact on noise levels were addressed in Section 3.5 of the report. The proposed tourist facilities and tourist accommodation units will have no impact on the general health and wellbeing of people on surrounding farms and residences.

14

### **3.9 IMPACT ON EXTERNAL ENGINEERING SERVICES**

#### **3.9.1 PROVISION OF SERVICES**

All services on the subject property already exist. All the structures already exist and consequently the impact on the scale and usage of the existing available services will be minimal.

##### **Available water**

Water supply to the property was first by means of a furrow and currently by means of a pipeline. The furrow / pipeline route starts on Cape Nature's property (secured by means of an annual lease – refer to a copy of the licence dated 20 September 2019 attached) and then runs over Farm Witteklip No. 546, Portion 2 of farm De Draay No. 563 and Portion 6 of farm De Draay No. 563. Since 1958 various catchment / storage tanks have been constructed and maintained by the owners on Portion 6 of farm De Draay No. 563. These tanks also provide the water supply to Portion 2 of farm De Draay No. 563 and Portion 6 of farm De Draay No. 563. In addition, Portion 8 has registered water rights for irrigation purposes with the Department of Water Affairs.

All servitudes pertaining to water usage as described in title deed no. T876/2018 will remain unchanged.

This application does not propose to transfer any water rights. A water analysis of the water for domestic / commercial use was recently undertaken on the subject property. The certificate of water analysis / water test results will follow.

##### **Sewerage**

All sewerage infrastructures for the existing structures already exist. The existing structures (for function / conference venue, chapel and tourist accommodation use) are serviced with soak aways. This will remain unchanged for the purposes of the application. Provision will be made for three separate toilets (of which one can be used by the disabled) and one lavatory with three urinals (all the aforementioned are positioned in the function / conference venue building) to accommodate the proposed tourist facilities.

##### **Electricity**

Eskom is the electricity supplier to the subject property. The labourers' cottages are serviced with prepaid electricity meters. The subject property receives municipal accounts for the existing pack sheds and all residences.

16/2b

Motivation report

Portion 8 of farm De Draay No. 563

**Solid Waste**

All solid waste is removed by the property owners themselves.

**Conclusion**

Since it is not proposed to construct any new structures, limited additional services are required to accommodate the proposed application.

Additional services (if required) will be provided to the satisfaction of the Overstrand Municipality.

**3.9.2 TRAFFIC IMPACT, PARKING AND ACCESS**

We are not applying for a subdivision or to accommodate any new structures on Portion 8 of the farm De Draay No. 563. Consequently, no additional access points or access roads will be created, and the existing access points and roads will remain. Access to the respective land uses on Portion 8 of the farm De Draay No. 563 will be as follows:

- Existing agricultural related land uses and structures as well as the proposed tourism accommodation units to obtain access from the existing farm access point from Roos Avenue in Kleinmond. The tourism accommodation units are considered a low impact land use with low traffic volumes associated therewith. It is therefore proposed to use the existing access point for not only the agricultural-related land uses but also the proposed 4 semi-detached cottages (8 units).
- The proposed tourist facilities (function and conference venue; chapel) to obtain access from the neighbouring farm. It is proposed to register a 3m servitude right-of-way over the existing gravel farm road on Portion 3 of the farm De Draay no. 563 in favour of Portion 8 of the farm De Draay no. 563. The road on Portion 3 connects to the R44 (i.e. direct access) and thus the traffic stemming from the proposed tourist facilities will not have to be conveyed through Heuningkloof. An exempted subdivision application is submitted for the registration of the proposed servitude r.o.w. The Department of Transport gave their in-principle consent for the proposed servitude r.o.w. over the neighbouring farm (refer to the e-mail from Mr Faisal Fakier dated 1 June 2020).

16

All the existing structures are accessed by means of existing internal tar and gravel farm roads on the subject property. The structures to be used for function / conference venue,

17/26

Motivation report

Portion 8 of farm De Draay No. 563

chapel and self-catering unit purposes are located next to the existing tar and gravel access roads. As a result, no new access roads on the subject property are proposed.

The existing land uses and structures comply with the parking requirements for developments in the Overstrand municipal area:

Proposed land use	Parking required	Parking provided
Function & conference venue and chapel	1 bay per 2 seats (most restrictive ratio used) (120 seats = 60 parking bays)	74 parking bays
4 semi-detached (i.e. 8) self-catering units	2 bays per self-catering unit (8 units = 16 parking bays)	16 parking bays
<b>TOTAL</b>	<b>76 parking bays</b>	<b>90 parking bays</b>

Four (4) of the ninety (90) parking bays will be for the use of persons with disabilities (as indicated on the site development plan). Provision is also made for one loading bay east of the function and conference venue in line with the requirements of the Overstrand Zoning Scheme Regulations (1 loading bay per 500m<sup>2</sup> GLA).

Refer to the site development plan for the positions of the two proposed parking areas. Both the parking areas are accommodated in already disturbed areas on the farm. All parking bays are 2,5m x 5,5m in extent with at least 7m manoeuvre space behind each parking bay (except for the parking bays for disabled persons which will be 4m wide each). The proposed parking bays will not infringe onto the existing vegetation or water courses on the subject property. Refer to the site development plan. The photographs below show the existing roads on the farm and the already disturbed areas for parking purposes:



6. Existing access gate and tarred farm road

17

18/26

Motivation report

Portion 8 of farm De Draay No. 563



7. Parking area 1's location



8. Parking area 2's location



9. Existing farm gravel roads on the property going past the shed / function venue to parking area no. 2

19/26

Motivation report

Portion 8 of farm De Draay No. 563



10. Existing access road to self-catering units

The proposed land uses will attract higher volumes of traffic to the subject property, but not to the extent that a traffic impact statement is required. Diverting the tourist facility traffic over existing farm roads further away from the Heuningkloof residential area (instead of using the existing farm access from Rose Avenue in Heuningkloof) will substantially lower the traffic flow through Heuningkloof and address other traffic related concerns (nuisance of vehicle lights in the evening; increased traffic noise; irresponsible driving in and through the neighbourhood after functions, etc.). The traffic to the farm will mostly be during off peak hours since most functions will take place over the weekends. Although a maximum of 120 people can be accommodated for weddings / functions at the facility, it is anticipated that this would rather be the exception than the rule for a conference facility in Kleinmond and therefore the use of the existing shed as a conference facility will be limited to a maximum of 60 people. We are of the opinion that the existing access points and access roads over Portions 3 and 8 of the farms De Draay no. 563 will suffice for the purposes of this application and that the impact on the traffic during peak hours will be kept to a minimum. The traffic generated by eight self-catering units is also considered low since guests do not arrive and leave at the same time. The guests' arrival and departure to the subject property will mostly be during off-peak times of the day – keeping the impact on the traffic volumes to the area to a minimum.

Due to the extent of the farm there is ample space at each dwelling, labourer's cottage and pack shed to provide enough parking bays for the remaining (approved) structures on the subject property.

19

**3.10 TITLE DEED**

The title deed T876/2018 has no restrictions that need to be removed for this application to be approved. Refer to the conveyancer's certificate compiled by René Barry-Kleynhans from Henkes Nolte-Joubert Attorneys dated 13 February 2017 submitted with the previous land use application. Since the content of the title deed is straight forward the conveyancer's certificate was not updated for the purposes of this land use (consent use) application.

There is no bond registered against the subject property.

All existing servitudes referred to in the subject property's title deed will remain unchanged. The proposed application will not have a negative impact on the existing rights of anyone.

**3.11 FORWARD PLANNING AND LAND USE DOCUMENTS****3.11.1 PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK (2013)**

The PSDF (2013) stipulates that compatible and sustainable rural activities of an appropriate scale and form can be accommodated outside the urban edge (except in bona fide wilderness areas). Although Portion 8 of the farm De Draay no. 563 is zoned for AGR1 purposes and situated on the periphery of the town, the subject property is located within the approved urban edge of the Overstrand Municipality. The following criteria apply for developments in assessing consistency with this policy:

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

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

- Existing roads will be used to accommodate the proposed tourist facilities and tourist accommodation units (keeping the impact on the environment to a minimum).
- There is no impact on the agricultural productive landscape since the proposed tourist facilities and tourist accommodation units will be accommodated within existing structures and within already transformed areas on the subject property. Areas available for the possible establishment of future agricultural activities on the subject property will not be affected.
- The proposed development does not compromise any possible future use of mineral resources.
- As a private estate the provision, operation and maintenance of the services will be the responsibility of the farm owner. Additional services as described in Section 3.9.1 can be provided on site without having a negative impact on the environment.
- The tourist facilities and tourist accommodation units are a small-scale development to keep the impact on the rural landscape to a minimum.

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

### **3.11.2 RURAL LAND USE PLANNING & DEVELOPMENT GUIDELINES (2019)**

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

The proposed tourist facilities and tourist accommodation units will adhere to all the above-mentioned criteria and objectives:

- The tourist facilities and tourist accommodation units will not compromise the existing or future farming production activities;
- The tourist facilities, tourist accommodation units and parking areas will be accommodated within existing structures and on already transformed portions of land;

22/26

Motivation report

Portion 8 of farm De Draay No. 563

- Adequate provision is made for access (existing) and parking;
- The existing structures are compatible with the overall built vernacular of the area.

From the above it is evident that the proposed development adheres and complies with the Rural Land Use Management Guidelines (2019).

### 3.11.3 OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK (2006)

The *Overstrand Spatial Development Framework (2006)* stipulates that Portion 8 of the farm De Draay No. 563 is situated inside the urban edge of the Overstrand region. The policy earmarks the subject property for Urban Extension purposes.

A residential development is not proposed for the subject property. Portion 8 of the farm De Draay No. 563 will be used for tourism and agriculture purposes. The proposed tourist facilities' and tourist accommodation units' footprints and impact on the agricultural land will be minimal since the proposed land uses will be accommodated in existing structures. The zoning will remain for agricultural purposes. It is submitted that the proposed land uses will respect the rural character and are more compatible with the area than a possible development of the subject property for urban extension purposes.

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

In addition, the abovementioned SDF favours tourism-related development and describes the following statements for compliance for tourist facilities and tourist accommodation:

Policy statement	Evaluation of proposed land use
1. Tourist facilities and tourist accommodation should be carefully located to mitigate their potential visual impacts.	Complies.
2. Tourist facilities and tourist accommodation should be of a scale and built form that is consistent with the character of the rural environment.	Complies.
3. The establishment of tourist facilities should have its primary objective the sale of goods / services to tourists as opposed to the sale of convenience good and services to the local residents. Tourist facilities should therefore be complementary to farming activities and to tourism within the area.	Complies.

22

#### 3.11.4 OVERSTRAND MUNICIPAL GROWTH MANAGEMENT STRATEGY (2010)

The *Overstrand Municipal Growth Management Strategy (2010)* indicates that the subject property falls within planning unit no. 14. This planning unit allows for densification from the existing 0 density units / hectare to 7,7du/ha in future.

The subject property is and will primarily be used for agricultural and tourism purposes. It is not proposed to rezone or subdivide the subject property to accommodate additional own title or sectional title dwellings on the subject property. The status quo of the subject property and the area will therefore remain unchanged.

From the above it is evident that the proposed consent use adheres to and falls within the spatial planning policies for the Overstrand area.

### 3.12 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION

#### 3.12.1 HERITAGE VALUE

The application does not involve changing the character of a site larger than 5000m<sup>2</sup> since the proposed tourist facilities and tourist accommodation units will be accommodated within existing structures on the subject property. Consequently, the proposed land use application does not trigger Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

#### 3.12.2 ENVIRONMENTAL IMPACT

The proposed land use application does not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

24/26

The listed activity relating to tourism overnight activities has an exclusion for the conversion of existing buildings if the footprint is not increased. Since existing As Built structures were converted to holiday cottages (footprints remained unchanged) the proposed tourism overnight activities will not trigger NEMA. Road infrastructure and accesses will be via existing roads and parking will be confined to already disturbed areas, therefore the trigger of the removal of 300m<sup>2</sup> of vegetation is also not applicable.

The existing structures and land uses do not impact on any conservation worthy portions of land on the subject property.

### 3.13 PLANNING PRINCIPLES

The planning principles of spatial justice and spatial resilience do not apply to this application.

Spatial sustainability: the existing and proposed structures are situated in already transformed areas and have no negative impact on the conservation worthy areas on the farm. The proposed tourist facilities and tourist accommodation units will have no negative impacts on the economic viability of the agricultural land. The tourist facilities and tourist accommodation units would rather add to the economic viability / self-sustainability of the subject property without negatively impacting on the conservation worthy areas, surrounding farms or adjacent residential properties. The impact on the biophysical environment will also be kept to a minimum. Furthermore the extent of the subject property, the need to diversify the land use on the subject property to ensure an income, the location of the subject property next to Kleinmond and in close proximity to other tourist attractions, the anticipated economic spin-offs the proposed tourist facilities will have for other local businesses, compliance with the spatial planning policies for the area, etc. allows for the consideration and approval of the proposed consent use without having an adverse impact on the spatial sustainability of the area. The proposed and already completed renovations to the existing farm structures to accommodate the proposed tourist facilities and tourist accommodation units are to an improved farm within an established agricultural and tourism area and will therefore not impact on a sensitive environment.

24

Efficiency: The subject property is easily accessible and conveniently located next to Kleinmond which makes travelling to the farm to make use of the tourist facilities easy and

25/26

Motivation report

Portion 8 of farm De Draay No. 563

accessible to everybody. Currently the subject property is a working farm. It proves to be efficient to create tourist facilities to diversify the land uses and sources of income (since the economic viability depends on the diversification of the sources of income). Simultaneously the proposal creates a unique function and conference venue, chapel and tourist accommodation on the farm without negatively impacting on existing agricultural activities or the surrounding environment.

It is motivated that using the existing structures for tourist facilities and tourist accommodation prove to be efficient as it relates to more responsible resource use or sustainable development. Furthermore, the proposal is efficient in that it optimizes existing resources.

Good administration: Our company is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's bylaw and related provincial and national land use planning legislation. All measures will be taken to ensure an efficient and streamlined process within the applicable timeframes as stipulated by the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016.

#### 4. RECOMMENDATION

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

- The proposed consent use will not have a negative impact on the existing or future agricultural activities;
- The proposed tourist facilities, tourist accommodation units and parking areas will be accommodated in existing structures and on already transformed portions of land; therefore, the impact on the environment will remain unchanged;
- The proposal is compatible with the existing character of the area;
- No additional access points or roads are proposed. All the road infrastructure already exists;
- The zoning will remain Agricultural Zone I (AGR1);
- The proposal complies with the development management scheme's land use restrictions applicable to AGR1 zoned properties.
- There are no restrictive title deed conditions that prohibit the proposed land uses;

25

26/26

Motivation report

Portion 8 of farm De Draay No. 563

- The proposed consent use of the subject property complies with the spatial planning policies of the area;
- There are no environmental aspects that will negatively impact the application and the application will not have a negative impact on any environmental factors;
- The application is fully compliant with the applicable planning principles described in the LUPA (2014).

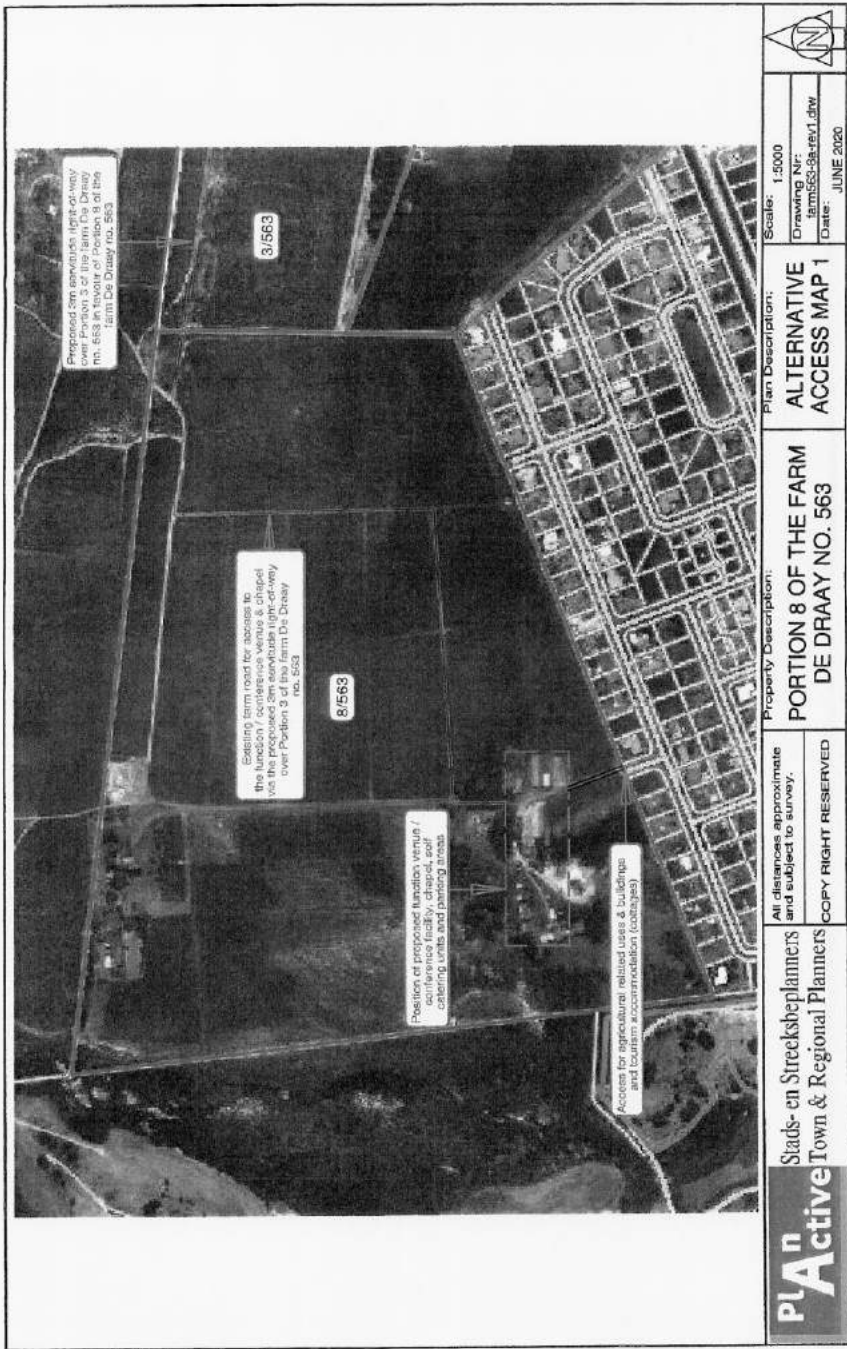
To conclude, the owners want to improve the value and income-generation of the farm and Kleinmond in general. The aforementioned will be done by way of renovation of the shed and community hall structure for tourist facility purposes. The labourer's cottages were already renovated for use as tourist accommodation units. Our client intends to collaborate with local service providers to create special experiences for guests while they experience a mutual benefit. The owners and the staff working on the farm are committed to contribute towards the Overstrand rural area's tourist (specifically the agri-tourism) significance and value.

The application can therefore be supported for your favourable evaluation.





3/3



Annexure D 1/95



24 January 2020

**Attention:**

H van der Stoep  
Townplanning  
Hermanus

TP. D. (Hooft  
(H. van der Stoep)

**PORTION 8 OF THE FARM 563. DE DRAAY, OVERSTRAND MUNICIPAL AREA :**

**APPLICATION FOR CONSENT USE: PLAN ACTIVE ON BEHALF OF WJC MITCHELL**

Heuningkloof has a unique **character** being a suburb that it is geographically **separated** from the hustle and bustle of the centre of Kleinmond. The proposed conference and wedding venue with dance hall is not in keeping with the absolute quiet nature of Heuningkloof.

Of particular concern is the **increased traffic** on all days of the week at different times perhaps due to newcomers getting lost on their way to or from the proposed venue and taking a detour through the previously quiet side streets, or wedding party guests taking their cars on joy rides through the empty streets of Heuningkloof at night.

The application makes seemingly unsubstantiated claims about income potential and job creation without mentioning the **underutilisation** of the existing supply (accommodation, catering, etc. venues) during **non-peak season** (i.e. most of the year). Similarly, it seems the **assumptions** made about the demand are mostly wishful thinking. Does Kleinmond really need additional out of season venues, and if so, does it really have to be in the currently quiet suburb of Heuningkloof?

Assuming the demand does exist and extra jobs are indeed created, this leads to extra traffic and **staff transport problems** as the existing **staff accommodation** was turned into guest accommodation. Staff will now probably have to travel late at night or in the early morning hours all the way to the other side of Kleinmond or even further.

I therefore strongly **object** to this application.

Ms. M M Gowie  
4 Nerina Avenue (Erf 5646 ), Heuningkloof, Kleinmond  
CharlesMichelle@absamail.co.za  
082 579 0847

FILE NO:	God 8 / 563 ✓
	De Draay
SCAN NO:	GOWIE
COLLABORATOR NO:	1377096

27 JAN 2020

TP received 24/01/2020

2/95



TP. N. /hoort  
(H. Jd Skoop)

Mnr. SJ Kleu  
Ursinialaan 2 (Erf 5560)  
Heuningkloof  
Kleinmond  
23 Januarie 2020

Senior Stadsbeplanner

Stadsbeplanning

Hermanus

Aandag: H van der Stoep

FILE NO: <u>God 8/563</u> ✓
<u>De Draay</u>
SCAN NO: <u>KLEU</u>
COLLABORATOR NO: <u>1377071</u>

**Restant gedeelte 8 van die plaas 563, De Draay, Overstrand Munisipale Area:**

**Beswaar teen voorgestelde vergunningsgebruik**

Ek verwys na u skrywe, met verwysing RCAL 8/563, gedateer 29 November 2019.

Ek bly die afgelepe ongeveer 8 jaar aan en af as besoeker in Heuningkloof en is dus **vertroud** met die karakter van die woonbuurt. Veral opvallend was die besondere **rustige** atmosfeer met inwoners wat mekaar **ken** en groet op straat.

Sedert 2018 soek ek 'n geskikte **afree** eiendom vir myself en ek het verskeie omgewings o.a. George en Overstrand oorweeg. Op die ou end het ek op die Overstrand area besluit o.a. vanweë die **goeie bestuur** van die munisipaliteit. 'n Groter oorweging was egter dat daar areas is wat selfs in **piek seisoene nie oorstroom** word met besoekers nie, bv. "Sunny Seas" in Bettiesbaai, Middelvlei Reserwaat en dan natuurlik Heuningkloof.

Selfs in Heuningkloof het ek verskeie faktore oorweeg voor ek besluit het op 'n baie spesifieke erf in Ursinialaan met **onbelemmerde berguitsig** en minimum geraas van bv. die pad.

Toe ek die koopkontrak in Oktober 2019 vir die erf geteken het, was daar heelwat erwe in Heuningkloof beskikbaar, maar slegs een het aan al hierdie behoeftes voldoen. Ek moes egter 'n **premie** bokant die gemiddelde markprys vir hierdie spesifieke erf betaal. Daar was egter op daardie stadium **geen sprake** van 'n ontwikkeling reg teen my grens nie.

Indien die voorgestelde **planne** om funksies en troues op die plaas te hou, goedgekeur word is daar 'n baie **goeie moontlikheid** dat nie net die **rustige** en **veilige** atmosfeer versteur word nie maar ook dat ek 'n **ernstige finansiële verlies** kan ly weens eiendomme in Heuningkloof en veral in Ursinialaan wat hul waarde kan verloor.

27 JAN 2020

TP received 24/01/2020

3/95

Dit is onwaarskynlik dat daar ag geslaan sal word op die voorgestelde maatreëls vir geraas beheer. Trouens, die verandering wat reeds aangebring is aan wooneenhede en die funksie wat reeds gehou is voordat die aansoek goedgekeur is dui op 'n **kommerwekkende minagting van reëls**.

**Geen** van die voorgestelde spertye vir geraas of musiek met funksies en troues kan aanvaarbaar wees nie want die karakter van die Heuningkloof woonbuurt is tans van so 'n aard dat dit **ALTYD** (enige tyd van die dag, nag of jaar) stil en rustig is.

Een van die potensiele probleme waaroor ek spesifiek bekommerd is, is die **bepaalde parkeer terreine** binne in die plaas. Motors gaan kom en gaan met motordeure wat toeslaan, motoralarms wat raas, "vrolike" mense wat in die parkeerterreine rond hang, drink, skreeu en oor die algemeen 'n oorlas van hulle self maak in effek **reg in my agterplaas**.

'n Ander potensiele probleem is **verveelde gaste** wat nie net binne in die plaas terrein nie, maar ook binne die woonbuurt van Heuningkloof **pretritte** onderneem met blêrende musiek vanuit hulle motors.

Derhalwe teken ek sterk beswaar aan teen die voorgestelde planne.



Mnr SJ Kleu  
Kontakbesonderhede: [seb@rhb.co.za](mailto:seb@rhb.co.za), 072 123 0999



TP. D. Ahearne  
(i.t. Jd Stoep)

4/95

**KLEINMOND BELASTINGBETALERSVERENIGING  
KLEINMOND RATEPAYERS ASSOCIATION**

Posbus 134, Kleinmond, 7195.

Voorsitter: Chris Harding, 028 271 3697 / 082 820 8005

Vonkpos: [Chrisharding005@gmail.com](mailto:Chrisharding005@gmail.com)

Sekretaris: Steve Loder

Vonkpos: [kbbv@kleinmondkalender.co.za](mailto:kbbv@kleinmondkalender.co.za)

VOORKEUR KORRESPONDENSIE WYSE is 'n Skrywe na BEIDE bostaande Epos-adresse.

2020-01-21

Overstrand Munisipaliteit  
Posbus 20  
Hermanus  
7200  
[loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)

Ms H van der Stoep,

FILE NO:	God 8/563
	De Draay ✓
SCAN NO:	KRA
COLLABORATOR NO:	1376446

**Portion 8 of Farm 563, De Draay: Application for consent use**

I refer to the above application for consent use, received by your council. Kleinmond Rate Payers Association hereby lodges its partial objection to the proposal and attaches certain conditions that we require to be adhered to.

**Background:**

KRPA represents a large number of residents in Heuningkloof, some of which reside in Ursinia Ave, which is situated close to the proposed development.

**Self catering tourist chalets:**

We do not have a problem in principle with these, as there are only a few proposed – 8 units in total.

**Wedding Venue:**

There is no objection other than the requirement that the chapel should only be used for weddings and not other regular church services.

**Traffic impact study:**

This is to be done by an independent consultant who should look at the traffic load on Haemanthus Ave, access from R44 and indicate further improvements from the developer or, if necessary, deem it not feasible at all.

**VOORKEUR KORRESPONDENSIE WYSE in 'n skrywe (PDF-Lêer) na BEIDE**  
[Chrisharding005@gmail.com](mailto:Chrisharding005@gmail.com) en [kbbv@kleinmondkalender.co.za](mailto:kbbv@kleinmondkalender.co.za)

24 JAN 2020

5/95

**Noise impact assessment:**

This is to be done by an independent consultant and limitations indicated on any approval given.

**Sewage outfall:**

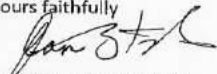
No french drains and/or septic tanks should be allowed and all sewage disposal be done via the water borne system in place. The ability of the current system to carry the additional load, is to be assessed.

**Further conditions:**

- No open air activities allowed eg. Music festivals.
- No camping or caravans on site.
- Other municipal by-laws to be strictly enforced.

It can be mentioned that it appears that the site is anyway already being used as wedding venue and is advertised as such on their website: [www.honeyrockcottages.co.za](http://www.honeyrockcottages.co.za)

Yours faithfully

  
Jan-Willem van Staden  
Chairman



TP. A. Incoort  
(H. vd Stoep)

6/95

J &amp; R Marais

ERF 5613 HEUNINGKLOOF

h/v Ursinia- &amp; Crassulalaan

HEUNINGKLOOF

KLEINMOND

7195

13 Januarie 2020

FILE NO: Ged 8/563
De Draay
SCAN NO:
Marais
COLLABORATOR NO:
1376445

Dir. Infrastruktuur en Beplanning

Posbus 20

Hermanus

7200

Vir aandag: H van der Stoep

Geagte Me. v. d. Stoep,

**KOMMENTAAR T.O.V. DIE AANSOEK OM VERGUNNINGSGEBRUIK OP RESTANT GEDEELTE 8 VAN DIE PLAAS 563 DE DRAAY, KLEINMOND. U. VERWYSING NR. RCAL 8/563**

Die kennisgewing ontvang, gedateer 29 November 2019 aangaande die aansoek om vergunningsgebruik op Gedeelte 8 van die plaas 563 De Draay, het betrekking.

Ten einde hierdie aansoek ook in perspektief te sien moet daar ook na die historiese agtergrond van die ontwikkeling van Heuningkloof gekyk word en moet kommentaar nie gesien word as 'n negatiewe houding teenoor nuwe ontwikkeling nie. Heuningkloof beskik ook net oor 'n enkel toegangspad wat die totale woongebied bedien.

*Die eerste gedeelte van Heuningkloof, ook destyds bekend as Uitbreiding 3 van Kleinmond, het die toegang-/toevoerpad na Uitbr. 3, (bekend as Heamanthuslaan) heeltemal ten ooste van die woongebied gehad en was die "Blomme-plaas" met sy gebruiklike voertuig en implemente grootliks verwyder van die normale woongebied-gebruik. Met die ontwikkeling van die oostelike deel van Heuningkloof (ten ooste van Heamanthuslaan) was hierdie plaasgedeelte se gebruik en bedryf steeds onveranderd en kon elke inwoner sy of haar keuse uitoefen of hy aldaar wil vestig en ook sy omstandighede langs hierdie gegewens beplan. Die wysiging van 'n gedeelte van hierdie plaas bring totaal ander omwentelinge, veral aan jou ouer gevestigde "afgetrede" inwoners mee en sal beslis nie 'n goeie invloed op hul lewenstyl meebring nie. In die lig hiervan ons kommentaar:*

Die aansoek word ter verwysing in twee gedeeltes gesien en dus ook soos volg hanteer;

**1. Toeriste akkommodasie – Selfsorg eenhede:**

Daar is geen beswaar teen die aansoek tot die gebruik van die bestaande agt (8) eenhede vir die verhuring daarvan as sulwer "Toeriste Selfsorg Akkommodasie" nie, op voorwaarde dat;

- die riool vanaf hierdie eenhede weggevoer word in 'n pyp-netwerk wat sal aansluit by die riool-netwerk van die aangrensende woongebied, Heuningkloof, soos goedgekeur sal word deur die OM,
- die huidige septiese riooltenk en stapelriool, in sy totaliteit afgeseel en gesloop sal word sodat geen besoedeling van enige ondergrondse water kan plaasvind nie. (Hier word ook verwys na

24 JAN 2020

7/95

die OM se beleid en toepassing van besoedeling deur hierdie verouderde rioolstelsels en besoedeling van rivier en ander water bronne)

**2.Toeriste fasiliteite – Funksie lokaal, Konferensie fasiliteit & “Chapel”:**

Hierdie voorgestelde aansoek word **nie ondersteun nie** en sou eers werklik beter oorweeg kon word as die volgende “*Impakstudies*” dit sou vergesel het naamlik;

a) 'n Behoorlike verkeers studie t.o.v. verkeerskalmering in Heamantuslaan, Ursinialaan en Rooslaan sowel as die aansluiting van Heamantuslaan met die R44. Hier word ook verwys na verskeie vorige versoeke vanuit die inwoners van Heuningkloof veral in die lig van vorige noodlottige ongelukke.

Die gereelde sluiting van die N2-roete weens betogings en dus die gebruik van die R43 as alternatief het beslis die omstandighede gewysig. Hierdie is ook die **enigste** toevoer na Heuningkloof.

b) 'n Geraasbesoedeling-studie t.o.v. die vestiging en gebruik as 'n “funksie lokaal” op die perseel

**Verdere beswaar wat ons wens ter skrif te plaas is soos volg:**

- dat geen opelug funksies of konsert op die perseel toegelaat mag word nie,
- geen aktiwiteit na 23:59 sal voortduur nie. Ongeag die dag of datum van die funksie of aktiwiteit,
- die funksie/konferensie-lokaal wat gebruik sal word moet behoorlik klankdig gemaak word. Hierdie strukture was nie oorspronklik vir hierdie doeleindes opgerig/ontwerp nie en dus moet dit dienoreenkomstig aangepas wod,
- die Chapel en of Funksie lokaal, indien die aansoek sou slaag om 'n vergunnings gebruik, nie vir enige ander “kerklike” funksie aangewend of verhuur mag word nie,
- geen riool vanaf hierdie geboue/toiletgeriewe na enige septiese tenk en of stapel rioolstelsel afgevoer word nie, maar met 'n behoorlike riool netwerk, soos goedgekeur deur die OM, gekoppel word aan die OM se riool netwerk langs Ursinialaan, en
- indien die aansoek, om welke rede ook al gunstig sou wees, die operateur van die Vergunnings gebruik-funksies sal toesien dat alle personeel behoorlik van en na die perseel, binne redelike tye vervoer word om so ook geen onnodige draal van personeel deur die gevestigde woongebied te bevorder nie. (geen bus of taxi in die gebied)

**3. Bestaande misbruik:**

Geliewe daarop te Let dat volgens waarneming daar reeds van hierdie “beoogde vergunning” in bedryf is en word die OM vriendelik daarop gewys dat daar ook 'n webtuiste ter advertering van die fasiliteite bestaan. Gaan gerus na “Honey rock Cottages.co.za”

U gunstige oorweging van hierdie kommentaar deur die OM en Tribunaal sal waardeer word.

By voorbaat dank

Die Uwe

J & R Marais

E-pos: bovlakte@gmail.com

TP - A. Ahearne  
(1). Ud Stoep)

8/95



**Loretta Gillion - Insake: Restant Gedeelte 8 van die Plaas 563, De Draay: Voorgestelde Vergunningsgebruik**

**From:** Jurie van der Merwe <jurie@gls.co.za>  
**To:** Loretta Gillion <lpag@overstrand.gov.za>  
**Date:** 23/01/2020 08:55 AM  
**Subject:** Insake: Restant Gedeelte 8 van die Plaas 563, De Draay: Voorgestelde Vergunningsgebruik

Me. H van der Stoep

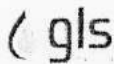
**Insake: Restant Gedeelte 8 van die Plaas 563, De Draay: Voorgestelde Vergunningsgebruik**

Hiermee wil ons, JJ en AS van der Merwe, eienaars van erf Nerinalaan 9 geleë te Heuningkloof, Kleinmond beswaar maak teen voorgestelde vergunningsgebruik, a.g.v. volgende redes;

1. Geraas: Ons het ons Kleinmond vakansiewoning aangekoop met die uitsluitlike doel om te kan ontsnap van die Stadsgeraas wat nou tydens aanbied van funksies nie meer gaan wees nie.
2. Verkeer: Ons het op Heuningkloofwoonbuurt besluit aangesien dit baie min verkeer het (geslote woonbuurte) wat nou addisioneel 120 persone moet akkommodeer tydens funksies.

Dankie

Jurie van der Merwe



13 Elektron Street, Techno Park  
 PO Box 814, Stellenbosch 7599  
 South Africa

Phone +27 21 880 0388  
 Fax +27 21 880 0389  
 Email jurie@gls.co.za

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**From:** Loretta Gillion [lpag@overstrand.gov.za]  
**Sent:** 15 January 2020 11:40  
**To:** Jurie van der Merwe <jurie@gls.co.za>  
**Subject:** Re: Insake: Restant Gedeelte 8 van die Plaas 563, De Draay: Voorgestelde Vergunningsgebruik

Beste Mnr JJ & AS van der Merwe

U epos verwys. Sien hierby aangeheg die aanhangsels van bogenoemde aansoek vir u aandag. Neem asb kennis dat die kommentaartydperk op Vrydag 24 Januarie 2020 sluit.

Neem asb kennis dat verspreiding van aansoeke na omliggende bure op die diskresie van die Stadsbeplanner plaasvind. Die Stadsbeplanner dui aan die hoeveelheid/radius.

Groete

**Loretta Gillion**

24 JAN 2020

FILE NO:	Ged 8/563
	De Draay
SCAN NO:	Jurie
COLLABORATOR NO:	1376443

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9/95

Administrator, Town & Spatial Planning  
 Overstrand Municipality  
 A: 16 Paterson Street, Hermanus, 7200 P: P O Box 20  
 T: 028 313 8900 | F: 028 313 2093 | E: [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)



**Overstrand Municipality**

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Please consider the environment before printing this correspondence.

>>> Jurie van der Merwe <[jurie@gls.co.za](mailto:jurie@gls.co.za)> 07/01/2020 03:40 PM >>>  
 Me. H van der Stoep

**Insake: Restant Gedeelte 8 van die Plaas 563, De Draay: Voorgestelde Vergunningsgebruik**

Ons, JJ en AS van der Merwe, eienaars van erf Nerinalaan 9 geleë te Heuningkloof, Kleinmond het geen kennisgewing ontvang insake voorgestelde vergunningsgebruik nie.

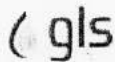
Ons het hiervan bewus geword na gesprekke met ons bure.  
 Kan u asb. aandui hoekom ons nie enige kennisgewing ontvang het nie.

Ons wil ook graag die geleentheid hê om kommentaar / beswaar te kan lewer op voorgestelde vergunningsgebruik.  
 Ons het ons Kleinmond vakansiewoning aangekoop met die uitsluitlike doel om te kan ontsnap van die Stadsgeraas.

By voorbaat dank

Groete

Jurie van der Merwe



13 Elektron Street, Techno Park  
 PO Box 814, Stellenbosch 7599  
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TP. A. (heerl  
(H. vd Stoep)

10/95

Departement: Stadsbeplanning  
Patersonstraat 16  
Hermanus

F & W van der Westhuizen  
Nerinalaan 20  
Heuningkloof  
Kleinmond  
Tel: 083 8967902  
E-pos: technical.advisor@kromco.co.za  
Aansoek ID: 3492/2019

FILE NO:	God 8/563
	De Draay ✓
SCAN NO:	VDW
COLLABORATOR NO:	1376432

Geagte Me. H van der Stoep (Senior Stadsbeplanner)

RESTANT GEDEELTE 8 VAN DIE PLAAS 563, DE DRAAY: OVERSTRAND MUNISIPALE AREA:  
VOORGESTELDE VERGUNNINGSGEBRUIK

Ek en my gesin is woonagtig in die Heuningkloof area, en het dus 'n belang in die bogenoemde voorgestelde projek. Die redes vir my kommentaar sluit in, impak op lewensgehalte van die inwoners van die area, impak op die baie sensitiewe fynbos omgewing en ondergrondse waterbronne, rusverstoring en algemene veiligheid van die inwoners.

In terme van die voorgestelde strukture: alhoewel geen groter area vir geboue gebruik gaan word nie, sal meer mense van die toilette gebruik maak en die restaurant sal meer afvalprodukte produseer. Dit sal dus 'n enorme impak hê op veiligheidsrisiko's ten op sigte van die gesondheid van mense en diere (bv. as daar lekkasies is in die septiese tenke, grondwater besoedeling, ens.) en moontlike bobbejane wat 'n probleem kan raak by die beplande stortingsterreine.

Die rusverstoring a.g.v. die onthaal area wat tot 01:00 oggende gaan gebruik word, is 'n groot bekommernis. Die oorgrote meerderheid van die inwoners is by gevorderde ouderdomme, en het dus langer slaapure gedurende die nag nodig. Inwoners wat ook klein kinders het, en wat gedurende die week werk, benodig ook onverstore slaapure. Hierdie tipe geraas gaan natuurlik ook 'n enorme impak hê op die natuurlewe in die area.

In terme van die veiligheid van die buurt. 'n Toeloop van personeel na die besigheid, sal 'n addisionele impak hê op die veiligheid van die buurt. Groot getalle personeel wat afgelaai word en deur die buurt na die besigheid stap, sal 'n veiligheidsrisiko skep. Weereens benadruk ek dat die oorgrote meerderheid van inwoners by gevorderde ouderomme is, en dus baie meer kwesbaar vir aanvalle en inbrake is.

24 JAN 2020

11/95

Ek wil dus opsommend vra:

Is daar 'n offisiële omgewings impakstudie deur 'n geakkrediteerde instansie gedoen?

Sal hierdie verslag beskikbaar wees vir inwoners van die gebied?

Gaan daar addisionele veiligheid (bv. buurtwag) wat deur die besigheid bestuur word, op die been gebring word?

By voorbaat dank

Mev. Wilma en Mnr. Francois van der Westhuizen



TP. A. Theart  
(11. Jd Stoop)

12/95

FILE NO: <u>Goed 8/563</u>	
<u>De Draay</u> ✓	
SCAN NO:	
<u>GOOSEN</u>	
COLLABORATOR NO: <u>1376423</u>	

4 El-Shammah  
Haemanthuslaan  
Heuningkloof  
KLEINMOND 7195

Goeie dag

**GEDEELTE 8 VAN DIE PLAAS 563, DE DRAAY**

Hiermee wens ons JW & SE Goosen kommentaar te lewer oor die voorgestelde Vergunningsebruik van bogenoemde eiendom.

Weens die volgende objeksies wens ons te noem dat ons nie ten gunste van die voorgestelde vergunnings is nie:

- Die geraas van funksies wat by die lokale gehou word, sal steurend wees by die inwoners van Heuningkloof – musiek, motors, beskonke besoekers, ens. Veral as die wind van die berg se kant af waai, sal dit baie onaangenaam raak in Heuningkloof. Daar was alreeds 'n funksie, waarvan ons deur die geraas deeglik bewus was.
- Omdat daar drank by die fasiliteit beskikbaar sal wees, kan die strate van Heuningkloof 'n gevaarsone raak met beskonke bestuurders.
- Daar sal uiteraard meer voertuie wees in die strate wat lei na toegang tot die fasiliteit. Dit sal lei tot gevaartoestande vir ouer inwoners en kinders wat stap, sowel as voertuie van inwoners, wat uit erwe in die verkeer moet inbeweeg. Met oordadige alkoholgebruik, verhoog die gevaar, sowel as lawaai en onverskilligheid.
- Die aansluiting van Haemanthuslaan met die R44, sal 'n probleem wees as daar meer voertuie vanuit stilstaande in 80km verkeer moet inbeweeg. Dit is 'n gevaar vir inwoners sowel as besoekers.
- Indien dit goedgekeur word dat funksies kan aanhou tot 01:00, sal dit verseker steurend wees vir ons, as ouer mense, wat nie tot daardie tyd na musiek en lawaai wil luister nie.
- Die personeel wat daar sal werk, sal moet stap of van openbare vervoer gebruik maak, wat beteken dat Heuningkloof taxis of voetgangers moet verduur tot 01:00 of later.
- Dit sal lei tot verhoogde misdaad-aktiwiteite, aangesien ongewenste elemente saam met taxis in Heuningkloof in kan beweeg.
- Daar is 'n vullishoop baie naby die behuising, wat ook weer naby Heuningkloof is, aangedui op die plan. Hierdie vullishoop gaan weer vlieë en ander kieme na Heuningkloof lok.
- Daar is geen riool-aansluiting na die fasiliteite. Aangesien daar slegs vir 'n septiese tenk voorsiening gemaak is, sal dit die ondergrondse water besoedel. In die Biosfeer is dit onaanvaarbaar.

Ons versoek dat die fasiliteit nie goedgekeur word nie.

Vriendelike groete

JW & SE Goosen  
Erf 7916

0833061044

0824640020

24 JAN 2020

13/95



**Loretta Gillion - BESWAARSKRIF TEEN DIE VOORGESTELDE  
VERGUNNINGSAANSOEK VIR GEDEELTE AGT VAN PLAAS 563, DE DRAAY,  
KLEINMOND**

**From:** Krige Visser <jkrigevisser@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 24/01/2020 07:10 AM  
**Subject:** BESWAARSKRIF TEEN DIE VOORGESTELDE VERGUNNINGSAANSOEK  
VIR GEDEELTE AGT VAN PLAAS 563, DE DRAAY, KLEINMOND

24 Januarie 2020

S Muller  
Die direkteur van infrastruktuur en beplanning  
Overstrand Munisipaliteit  
HERMANUS

FILE NO:	Ged 8/563
	De Draay
SCAN NO:	VISSER
COLLABORATOR NO:	1376420

**BESWAARSKRIF TEEN DIE VOORGESTELDE VERGUNNINGSAANSOEK VIR  
GEDEELTE AGT VAN PLAAS 563, DE DRAAY, KLEINMOND**

As huiseenaar, inwoner en belastingbetaler in Heuningkloof, Kleinmond betoog ek hiermee teen die voorgestelde vergunningsaansoek betreffende Gedeelte 8 van Plaas 563, soos ingelig deur S Muller in 'n kennisgewing gedateer 29 November 2019.

**VOORSKOU EN AGTERGROND**

Die eenaar van die eiendom in gedrang, mnr Mitchell (hierna verwys as die EIENAAR), doen aansoek vir 'n afwyking op bestaande Landbou 1 sonering. Volgens Landbou 1 sonering is die EIENAAR geregtig om boerdery te bedryf. En bykomend, laat dit vyf betalende gaste (vyf individue) toe en geen toerisme aktiwiteite (lees kommersieël-gedrewe troues, partytjies ens) nie.

Maar vergelyk dit met:

<https://honeyrockcottages.co.za/accommodation/>

<https://honeyrockcottages.co.za/weddings/>

Hier word toerisme aktiwiteite reeds geadverteer en 'n onderneming bedryf wat verblyf verskaf en troue-funksies aanbied.

Hiervolgens word:

- gaste teen betaling geakkommodeer sonder toestemming en sonering - 'n flagrante en opsetlike verontagsaming van die bestaande wetgewing deur die EIENAAR.
- gaste teen betaling onthaal sonder toestemming, en sonder gesondheids-, veiligheids- en brandbeheermaatreëls.
- 'n shebien bedryf op die grens van 'n respektabele woonbuurs deurdat alkoholiese drank

24 JAN 2020

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14/95

bedien word sonder toestemming van die Wes-Kaapse Drankowerheid en teenstrydig met Overstrand se wetgewing.

- 'n restaurant bedryf sonder gesondheids- en veiligheidstoestemming.
- 'n onderneming bedryf sonder sakelisensie van die Overstrand.

Dit is alles moontlik gemaak deur die EIENAAR wat tydens die laaste kwartaal van 2019, nege van die 15 werkershuise omskep het in dubbele selfsorgeenhede, 'n stoor verander het na 'n onthaal- en danslokaal en 'n ander obskure gebou aangepas het as 'n kerk/kapel.

Besluit u maar self of die aantal gastehuse soos versoek in die afwykingsvoorstel ooreenkom met die werklike toedrag (met reeds 'n beraamde 18 wooneenhede) van sake soos op die internet geadverteer en beskryf):

*"There are 2 units in each cottage, and each of these units are separate from each other, each with their own layout, patio and living areas.*

*The main cottages have two very distinct layouts.*

*The first of these is Cottage 1 with units 1a and 1b. They each have an open plan room and living area with a bathroom to the side.*

*Cottages 2,3 and 4 have the bedrooms and living areas separate from each other, with an en suite bathroom (shower and toilet) to the bedrooms. These units are spacious enough to have an extra bed added.*

*Cottage 2b is a spacious Family room with a double bed, and an adjacent room with two single beds. Cottage 3b is called the Blushing Bride – it has both a bath and a shower and is designed as the honeymoon suite for couples getting married (or wanting some special time away together).*

Dis ook belangrik om hier te meld dat die aanbouings en aanbring van openbare areas, met opset en opsetlik eensydig in kwade trou geskied het sonder die medewete, instemming en goedkeuring van Overstrand se bou-inspekteur en beplanningsowerheid - en sonder inspraak deur die belastingbetalers van Heuningkloof.

Tydens 'n onlangse vergadering tussen Heuningkloof-belastingbetalers en die Overberg se stadsbeplanner is die feite geopper in die teenwoordigheid van sowat 20 ander mense (en dalk meer) as getuies. Ten spyte hiervan is ons versoek om 'n skriftelike klag in te dien.

Ter wille van die rekord: Indien nog geen aksie hieromtrent geneem is nie (ten spyte van die openbare gewagmaak daarvan), laat hierdie betoog dan ook terselfdertyd dien as 'n amptelike klag.

Meer kommerwekkend egter is die feit dat die aansoek deur ons as huiseienaars van Heuningkloof, gesien kan word as slegs 'n amptelike stempel ter goedkeuring van 'n projek wat reeds in volle (uitdruklike en openbare kommersiële) swang is.

#### **SKEPPING VAN 'N PRESEDENT**

Die EIENAAR doen nie aansoek tot 'n hersonering nie, slegs 'n afwyking van die heersende Landbou 1 sonering.

Die goedkeuring hiervan sal 'n nimmereindigende, ad nauseum presedent skep.

15/95

Selfs al word dit beperk tot die einaarskap van die EIENAAR, versamel dit oor etlike jare en dekades voldoende gravitas om as die norm geag te word.

Indien die EIENAAR ernstig is oor die onderneming, behoort hy aansoek te doen vir Landbou 2 sonering. Ons wag.

#### **HERSONERING VS GEBRUIKSAFWYKING**

Die feit dat die EIENAAR 'n aansoek om afwyking verkies pleks van die meer blywende oplossing genaamd hersonering, dui in alle waarskynlikheid daarop dat hy bewus is van die struikelblokke met laasgenoemde. Dit sou koste- en tydimplikasies insluit soos byvoorbeeld onder meer 'n omgewingsimpakstudie.

'n Hersoneringaansoek van plaas na woonbuurt is nie problematies in die geval nie. Tewens, dis te verwagte, want Heuningkloof is per slot van sake as sodanig gesoneer. Enige sonering buite woonbuurtstatus s egter problematies. Die "plaas" -gedeelte 8 van De Draai, Kleinmond grens aan Heuningkloof. Maar die enigma skuil in die onaanvegbare feit dat die woon- en (veral) onthaalkwartiere midde-in 'n woonbuurt geplaas sal word indien voorgestelde afwykings enigsins aanvaar word.

Die presedentskappende afwykingsaansoek is dus niks minder as 'n kortpad om bedryfsregte te bekom - regte wat kapitale investering met die koop van die plaas en die lukrake en self-geregtigde inrigting van toerisme fasiliteite moet regverdig. En dit natuurlik ten koste van die belastingbetalers van Heuningkloof, Kleinmond.

#### **WANNEER IS 'N PLAAS NIE MEER NIE?**

As 'n landboueenheid bekend as 'n plaas nie meer volhoubaar is vir suiwer boerdery nie, maak dit sin om te diversifiseer.

Om in 'n dorp soos Kleinmond te wil en kan deel in die toerismemark, is logies en daarmee vind 'n mens nie noodwendig fout nie. Daar is immers talle voorbeelde van diesulke ondernemings in die Overberg waar dit perfek slaag, bv. trou- en onthaalfasiliteite op wynplase. Dié plase is egter in afsondering geleë en het nie impak op woongebiede nie.

Plaas 365/8 grens egter aan die woonbuurt, en die fasiliteite is sowat 50 meter van die grens van Heuningkloof en die naaste huise.

Waar die plaas ditself kan roem op 'n plaas en nou daarvan afstand wil doen, verander dit die uitgangspunt van hoe 'n mens die besluit oor gebruiksafwyking/ hersonering behoort te benader.

Die onthaal fasiliteit word nou dus geplaas midde in 'n woongebied, wat so goed is om dieselfde toe te laat in Eerste Laan, Kleinmond. Dis voorwaar 'n Catch 22, en word vererger deur die feit dat die fasiliteite reeds ontwikkel is en aangewend word.

Teen hierdie agtergrond kan 'n mens weinig beswaar aanteken teen 'n afwykingsaansoek vir die bedryf van 'n gasteplaas, dog sonder troue venue.

16/95

**VERKEER**

Enige hersoneringsaansoek(teenoor 'n oorsigtelike afwykingsaansoek) moet melding maak van die impak van 'n troue-venue op die verkeer deur 'n voorstedelike ontwikkeling soos Heuningkloof.

Indien die EIENAAR ernstig is met sy aansoek om 'n radikale ingreep te maak op die belastingbetalers van Heuningkloof, durf hy nie nalaat om te verwys na die veiligheidsaspekte van die ingang tot die woonbuurt nie. 'n Redelike mens sou minstens kon verwag dat hy eienaarskap sou neem van die situasie wat hy wil skep in 'n "doodloop-woonbuurt" - teenoor natuurlik 'n deurloop woonbuurt (wat Heuningkloof steeds is en sal bly indien Deel 8 van De Draai as woonbuurt ontwikkel.

Daar kan ook nie nagelaat word om te meld dat die woonbuurt 'n toename in nagverkeer (bruilofsgaste) en dagverkeer (kos- en drankaflewering) sal ervaar nie - aktiwiteite wat bowenal nie noodwendig met 'n woonbuurt saamval nie.

**GERAAS**

Die voorgestelde gebruiksfwyking skop die deur oop vir menige ander geldmaakgeleenthede (nie dat daar *per se* beswaar is teen geldmaak nie, maar dis 'n wesenlike probleem as ambisieuse planne ten koste van gevestigde belange beraam word).

Geleenthede soos popkonserte. Lewendige musiek. Dis uitsonderlik hoë desibel-geraas in 'n woonbuurt. In Heuningkloof, 'n woonbuurt!

Ja, met die goedkeuring van 'n afwyking kan maatreëls gestipuleer word. Maar wie polisieër dit. En hoe het dit 'n impak of geldende waardes as dit geminag word soos juis huidig die geval (waar 'n onderneming sonder goedkeuring bedryf word, grond-aanwending nie geskied ooreenkomstig sonering nie, en verbouings en aanbouings met argwaan en flagrante, opsetlike verontagsaming gedoen is!)

**WERKSKEPPING**

Die EIENAAR skryf die voordeel van werkskepping hoog aan. Dis egter blote retoriek met die hoop dat die voorstedelike slagoffers van "government speak " daarvoor sal val. Die rede vir die bedryf van 'n onderneming is in die eerste plek winsbejag, en daarna word die arena groter met oorwegings vir onder met werkskepping, ekonomiese groei, lok van toeriste, ens.

Werkskepping in die geval is nie nominaal meer of minder in 'n opset van toerisme gedrewe fasiliteite teenoor byvoorbeeld 'n lukrake getal van 50 nuwe wooneenhede met 'n vraag na tuindiense, huishulp, bou en aanbouings, elektriese en loodgietersdienste, en sekuriteits op eerste vlak en sekondêr op verbruikersvlak (ondersteuning van sakebedrywe en dienste op die dorp waar werk reeds geskep is en uitgebrei word).

Die sogenaamde voordeel van werksepping in Kleinmond is dus ook net 'n opportunistiese poging om tot 'n redelike mens se gevoel te spreek.

Baie dankie

17/95

JK Visser  
Ursiniarylaan 7, Heuningkloof, Kleinmond

18/95



Postbus 827  
 Kleinmond.  
 22 Januarie 2020  
 TP. A. / Ihoort  
 (H. vd Stoep)

Stadsbeplanning  
 Hermanus

FILE NO: God 8 / 563
De Draay
SCAN NO:
24
COLLABORATOR NO: 1376411

Landag: H. vd Stoep

i/s Deel 8 van plaas 563 De Draay.

Ons beswaar t.o.v. die beplande nuwe uitbrei-  
 ding op ons Heuningkloofgrens.

Ons in Merinalaan regoorikant die Hoofingang na  
 plaas het eerste hand onderrinding van die  
 geraas, toe die plaaswerkers daar woonagtig was,  
 het dit heel naweek dag en nag aan gebou.

Ons beswaar teen die beoogde ontwikkeling is  
 die geraas en die Loeloop van ongewensede  
 persone vanaf die doyp enterug deur ons  
 woonbuurt, en deur ons Kleinkampie en paaietjie.

Op hierdie stadium spreek ons die skuldeliges

24 JAN 2020

19/95

aan wat rammel straal.

Die toegang na Heuningkloof is ook nie voldoende om die toevloei te kan wegvoer nie.

baie dankie

Euf 5638

S.G. en S.B. Engelbrecht

Engelbrecht *(S.G.)*

20/95 1

**RESPONSE TO:**

"THE CONSENT USE OF PORTION 8 OF THE FARM 563 DE DRAAY, OVERSTRAND MUNICIPAL AREA"

CHRISTINE COUPAR 15 URSINIA AVENUE Erf 5625 [COUPAR@MJVN.CO.ZA](mailto:COUPAR@MJVN.CO.ZA)

I have reviewed the documentation regarding a proposed Wedding/Party Venue and Conference Centre being developed on the abovementioned property, and I list my various comments below:

Of most concern to me is the following:

- **Noise** created by a Wedding / Party and Conference venue per the submitted document.
- It is my understanding that 23:00 is an accepted cut-off period for party noise - **not 01:00**.
- **Increased Traffic** in a suburb with only ONE entrance and exit. To curb traffic congestion in Heuningkloof, a direct road from the farm to the main road will resolve this concern.

Our family have invested in several properties in Heuningkloof, doing this because of the peace and quiet of this upmarket suburb. Heuningkloof also does not have a major influx of holiday makers in the suburb because most of the properties are occupied by owners.

We personally have a great concern with the noise factor in Heuningkloof because of the proximity of our closest property (**#15 Ursinia Ave**) which is DIRECTLY IN LINE WITH THE ENTRANCE AND EXIT GATE of Heuningklip. The noise of the traffic driving to and from directly in front of our gate will be a problem day and night (for Conferences and Weddings), but *especially* in the evening when the cars all have their lights on. The lights from the cars exiting the property will shine DIRECTLY into the Main bedroom and lounge which is unacceptable..... and the party noise until 01:00 the next day!! *The value of our property will be impacted due to its proximity.*

While I understand the need to diversify a farming operation, my suggestion would be to implement a lower-noise impact Backpackers accommodation making use of the barn structure (dormitory-style), for example. The barn could also be divided into 2 self-catering units with a mezzanine area for additional space, or increase the number of self-catering units already in existence.

My response after due consideration is as follows:

1. The additional **TRAFFIC** to and from the Farm property through Heuningkloof is a problem as we only have ONE way in and out.
  - a) Haemanthus and Ursinia Avenues will become congested at certain times with traffic to and from the venue, and residents will have an issue accessing/leaving their properties, and entering Haemanthus and the R44.
  - b) **90 parking bays** are planned for guests or staff. All those cars will be travelling in and out of Heuningkloof during the day and/or night – be it for a Wedding, Party or Conference. With one entrance and exit to the suburb this will be a problem for Heuningkloof residents. My house is *directly* opposite the entrance / exit to the venue!

21/95 2

- c) When there is a problem along Sir Lowry's Pass or at Botrivier, all traffic to Cape Town is diverted through Kleinmond. This already causes congestion for **residents** of Heuningkloof trying to exit the suburb and join the main road due to the heavy traffic along the R44.
- d) Should there ever be a problem that the suburb has to be vacated because of its proximity to the mountain/fynbos and a fire risk, we would have a MAJOR risk because of the ONE EXIT. Additional people and vehicles will make this worse.
- e) Additional staff that will be required for a Wedding / Conference venue will also involve more vehicular AND pedestrian traffic to the area. Pedestrian traffic will short-cut through to the venue from the main road and the area bordering the caravan park and walk up Gousblom Avenue and along Ursinia. There will be **no control** as to who are staff members and who are loiterers.
2. NOISE FACTOR issue as per the documentation:
- a) "Functions/conferences will be accommodated as the market demands .....the noise pollution ..... will be limited to days the functions are booked" ..... *there is no control how often this will take place during the week and / or weekends!*
- b) The "south-easterly wind .... will mitigate the noise levels". *Wind-direction is not a viable or consistent noise level control.*
- c) "The Shed will be fitted with additional hardboard to serve as a barrier to mitigate noise levels" ..... *Hardboard would have to be accompanied by sound-dampening fibre to have effect. In summer the windows and doors will most likely be open. As sound travels, loud music will be most disturbing, especially till 01:00, as proposed.*
- d) "... conferences and self-catering units are generally not associated with high levels of noise" ..... *but WEDDINGS AND PARTIES are associated with loud music!!!*
3. OTHER FACTORS per the documentation:
- a) "... Will create at least 20-30 employment opportunities" ..... "inclusive of kitchen staff, waiters, barmen, security, cleaners etc" ..... *Will transport be provided for the staff? If not, pedestrian traffic will increase, and loiterers are likely to blend in with the pedestrian traffic possibly increasing crime to the area. Backpackers or more self-catering tourist accommodation will also provide increased employment opportunities*
- b) The focus in the documentation is that the "footprint", "already disturbed areas", "not be out of character with the immediate surrounds", "the proposed tourist facilities and tourist accommodation units are in line with the existing character of the area" ---- *but a Wedding / Party and Conference Venue is NOT in character with the quiet and peaceful surroundings!!*
- c) A VERY important factor is the **sewerage system**. How will the sewerage system created for an Agricultural Farm and a few cottages cope with a huge **increase of at least 150 people** at one time (including guests and staff). Will additional tanks be built to avoid issues?
- d) An increased number of scavenging Baboons may be attracted to the food bins after the large functions and begin plaguing the suburb.

22/95 3

As a family we purchased properties in Heuningkloof for investment as it is an upmarket and peaceful suburb. If this application goes through without any concessions / amendments (ie. a re-routed access road, further sound dampening and a 23:00 closure time) as a Wedding / Party venue, the whole ambiance and character of the suburb will change and property values will be negatively impacted, **especially # 15 Ursinia Avenue** -- the value of this specific property will inevitably be impacted!

We can understand the need for diversification on the farm, but *NOT as a* high volume Wedding / Conference / Party venues which will have traffic and noise implications for the whole suburb. It is NOT in keeping with an agricultural farm or the adjacent residential suburb.

The current **self-catering Cottages** are great as a tourist attraction, and as **Air B&B accommodation** as well. Rather build a few more of those as folk will enjoy spending time in the quiet, beautiful area as noted in your document. The Sheds can be converted into Backpackers accommodation (dormitory-type) as mentioned earlier. At least self-catering accommodation will not involve vast volumes of vehicular traffic at any one time.

Another idea is to develop **HIKING TRAILS**, and a small entrance fee can be charged for the up-keep of the trails -- folk are always looking for new and interesting areas to walk in. If the Hikers are going to stay over in the self-catering cottages they could have **FREE** access to the Hiking trails!!

**Arabella Golf Course** is not far away and the self-catering accommodation can be advertised **for Golfers** to utilise.

**I ask that you seriously consider the alternative proposals made in this submission:**

- Re-routing traffic from the farm directly to the main road (R44), instead of through Heuningkloof's only entrance and exit;
- Conversion of the Sheds to Back-packers accommodation instead of a Wedding / Party Venue in preference;
- Stop loud music /noise at 23:00, **not at 01:00** the next day as proposed.

**Please take into account fixed property investments made by all the residents of Heuningkloof who are an important community contributing to the sustainability of Kleinmond as an attractive coastal town.**

*note that the Heuningklip Website already advertises the area as a Wedding /Conference Venue with accommodation before approval?!*

Thank you for the opportunity to provide input.

Christine Coupar  
15 Ursinia Ave  
Heuningkloof.



23/95

Nerinalaan 6  
Kleinmond  
Tel. 0846998363

TP - n. / Incaal  
C.I. Ud Sloep

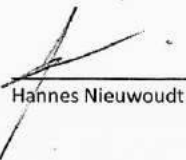
Me H van der Stoep

Ontwikkeling van gedeelte 8 van die plaas 563

Ons beswaar teen die ontwikkeling is dat die in- en uitvloei van verkeer in Heuningkloof baie gaan toe neem en dat dit laat aande gaan wees wanneer die fiksies klaar is. Heuningkloof is n stil buurt, maar daar is al klaar baie verkeer Desember vakansies as die karavaanpark se hek oop is.

As daar n oplossing is dat die plaas n ander ingang kan kry, sodat verkeer nie deur Heuningkloof ry nie het ons nie beswaar die ontwikkeling nie.

Baie Dankie

  
Hannes Nieuwoudt

  
Elma Nieuwoudt

FILE NO:	God 8/563
	De Draay
SCAN NO:	23
COLLABORATOR NO:	1376406

24 JAN 2020

Loretta Gillion - FILE reference RCAL 8/563



24/95

**From:** Denis Johnson <denisandcarool@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 22/01/2020 09:37 PM  
**Subject:** FILE reference RCAL 8/563  
**Cc:** "Denis & Carol Johnson" <denisandcarool@gmail.com>

TP - P. / Heart  
(H. ud Graap)

FILE NO:	Deed 8 563 ✓
SCAN NO:	De Draay
COLLABORATOR NO:	Johnson
	1376176

Erf 7457  
 9 Harmonie Park  
 Haemanthus Ave  
 HEUNINGKLOOF  
 7195

Town Planning Department Overstrand Municipality

Attention: S MULLER

Director : Infrastructure and Planning

**File reference RCAL 8/563, Application ID 3492/2019, Portion 8 of the farm 563, DE DRAAY.**

Dear Sir or Madam,

I am confirming receipt of the registered letter with regard to above matter.

I, C W Johnson, title deed holder of Erf 7457, a fulltime resident for 5 years, have the following comments which are not necessarily in order of priority.

1. It seems that half of this application for consent use is already established! The website of Honeyrock Cottages indicates this.
2. HAEMANTHUS Ave, as you know, is the only access road serving Heuningkloof and the farm portion 8 of the farm 563 De Draay. Over the past five years there has been a substantial increase in the usage by vehicles which has created a lot of noise and danger to pedestrians and other traffic, note there are no pavements provided. It should be noted that at least 30% are of a commercial nature. Attempts during the past 5 years to the Municipality, the Ward Councilors and the Rate Payers Association to introduce some form of traffic calming measures have been rejected and ignored. The proposed development will only make this situation dramatically worse.

It is very sad and disappointing that no mention of the inconvenience to the residents of Heuningkloof has been made in the application, either by the Municipality or the applicant.

It would seem that the Function center can accommodate up to 120 guests and the Conference center (which is already built) up to 60 guests, which could total up to 180 guests and therefore ??? up to 180 vehicles, plus staff up to 30, at one time should a function and a conference occur simultaneously.

**This would more than double the existing traffic volumes using Ursinia and Haemanthus Avenues.**

**This is totally unacceptable. Even half this increase in traffic is again, totally unacceptable.**

It has been mentioned in the application that functions will end no later than 01.00 hours. The amount of

noise and danger the exuberant guests will make as they depart using Ursinia and Haemanthus avenues

would be intolerable to residents.

23 JAN 2020

file:///C:/Users/loretta/AppData/Local/Temp/XPgrpwise/5E28C09FHermanusMunpos... 2020/01/23

25/95

3. In addition, there has been no mention of any intention to make improvements to the junction of the R44 and Haemanthus Ave which is already dangerous, despite attempts made over the last 15 years at least, to have improvements made. The N2 is being closed more frequently due to protest action and traffic is diverted along the R44 through Kleinmond to and from Cape Town. This increases the danger at this junction. **This needs to be addressed!**
4. I would like to suggest the Municipality should construct an alternative route connecting this proposed development with Geelhout road in Klein Berlin through the entrance to the Caravan Park and Fynbos village for example. This to take place before any further development.

Yours Sincerely,

Mrs CW Johnson Tel 028 271 3058 Cel 083 231 5332

26/95



TP - n. / heart  
(1. Jd Sloop)

28 Ursinia Ave  
Heuningkloof  
Kleinmond  
7195

20<sup>th</sup> January 2020

**OBJECTION TO**  
**Portion 8 of the Farm 563, DE DRAAY**

FILE NO:	Coed 8/863
	De Draay ✓
SCAN NO:	DREYER
COLLABORATOR NO:	1376158

To whom it may concern,

My objections are as follows:

- 1. High traffic on the single road in and out of Heuningkloof - danger to the children and community that use the area.
- 2. Existing cottages are on a sewerage drainage system which will affect the ground water.
- 3. Medium and Low income people will be using these facilities - and will not adhere to drinking, driving and noise bylaws.
- 4. Additional rubbish being added on the road for collection, with no control.
- 5. Noise impact will have a huge effect on the suburb .
- 6. The 1am time limit is far too late.
- 7. Constant traffic driving up and down all hours.
- 8. The influx of 20-30 walking staff through our suburb is a safety concern.
- 9. If Taxi's used even more traffic and noise.
- 10. Are buses to be used to bring in conference / wedding guest functions?

Yours's sincerely,

*HM Dreyer*  
HM Dreyer

23 JAN 2020

020/01/22) Loretta Gillion - For Attention Mrs H van der Stoep - file ref.

TP. N. (Heart  
(H. van der Stoep)



21/95

**From:** Koela & Lilo Coetzer <koelalilo@telkomsa.net>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 22/01/2020 07:46 AM  
**Subject:** For Attention Mrs H van der Stoep - file ref. RCAL 8/563, Application ID 3492/2019

Good day

RE: Increased pedestrian traffic through Geelhout avenue towards the caravan park and De Draay farm.

I am the owner of no. 14 Geelhout Avenue in Klein Bertyn. Should the development at De Draay farm go ahead as planned the increased number of workers at the farm will take the shortest route to work from midtown which is through Geelhout avenue and the caravan park. Also, people looking for work will use the same route. This will encourage loitering and crime such as housebreaking and theft from properties in Geelhout avenue. There will also be much more littering than now.

With kind regards  
JJ Coetzer

FILE NO:	RCAL 8/563
	De Draay
SCAN NO:	34
COLLABORATOR NO:	1375670

22 JAN 2020



TP- D. /hoort  
(H. Ud Stoep)

28/95

12 Nerina Ave

Kleinmond

7190

20 January 2020

Ms H van Der Stoep

Portion 8 of Farm 563, De Draay

FILE NO: Goed 81563
De Draay
SCAN NO:
COLLABORATOR NO:
1375667

Dear Hanien

Further to the meeting held in Kleinmond I wish to put on record as follows:

1) This farm was sold around 2 years ago and was advertised at a price of R20 million.

The buyer was obviously aware of the fact that it was not a viable flower farm and yet he still bought the land. It is therefore clear that his intention from day one was to use municipal bylaws to conduct a conference centre on agricultural land to maximise profit.

2) I strongly feel that it is unrealistic to only notify a selected number of Heuningkloof residents about this application. The dire consequences will definitely affect everybody as there is only one entrance to the site used by all of us. The noise made by extra vehicles, loud music and voices etc will also affect everybody, not only some. The notification period was during the Xmas holidays when not everybody was able to attend to it. I strongly feel that the deadline for comments should be postponed by at least another month.

3) As you are aware by now, the owner of the land is already breaking the law by operating a wedding venue and selling liquor as we speak. We urge you to stop this immediately and as you now realise, as he has no respect for the current laws, how on earth will you monitor the applied for usage as per the application in future ?? The local Police station is certainly not capable. Past experiences with them have proven that it is difficult to get their assistance with serious incidents such as burglaries etc. By now you would have received prove of his activities presented by other residents. It therefore seems more than reasonable to reject this application.

4) I wish to point out that the venue will be used for parties which include Batchelor Parties. These events are the worst thing that can happen to us as numerous drunk young men out to party as hard as they can are beyond control not only in noise levels but everything that goes with that. Use your imagination. There is no way on earth that they will stop at 01h00 and these parties normally continue non stop to daybreak and the next day!

5) You know that the road factor has to be dealt with as it was the intention to allow farm tractors etc for the use of farming activities and not around 600 people per month extra as per the usage of the venue as applied.

6) There is an issue with workers and their transport as we have discussed in the meeting. I however want to point out that when workers previously lived on the farm, the residents had endless problems with their noise even during the week. This will now most likely be the case again. We will

23 JAN 2020

29/95

certainly have to live with noisy taxis at 2am even if the owner have them transported by means of his own transport.

7] Property values will definitely drop as per all local estate agents. No one can put a definite figure to each property but would any right minded person buy next to a development as applied for? I have spoken to more than one City Planner in private practice and all confirmed that wedding venues on wine farms etc. are not remotely close to residential areas for obvious reasons. The developer stands to generate a healthy income at the financial cost to all property owners in Heuningkloof ! The total potential capital loss of all the property in Heuningkloof is surely more important than to line pockets on one wealthy individual ?

8] Sewerage is a major issue as there is already a problem with the current houses on site making use of soakaways currently. We all live below the property in terms of the land gradient and when you dig a hole in my plot at 12 Nerina Ave there is a strong sewerage smell which is at its worst in winter months when the water table is extremely low in Heuningkloof. I also want to point out that when we built our house last year we were forced to install a septic tank at a cost of around R38 000.00. How is it possible that the 14 guest houses were given permission recently to operate in terms of the current act without the same rules applying to them ? It seems very unfair that the rules apply to some and not others as in this case.

9] Finally I want to point out that we spent more than one year looking for a quiet, peaceful town to retire in and found Kleinmond. We spent millions on building the house that we worked for our whole lives and were looking forward to retirement. Should this venue be approved it will shatter not only that dream but the same for all residents in Heuningkloof who are mostly retirees.

Please let common sense prevail and do not let the financial ambitions of one person ruin the living conditions of all Heuningkloof residents.

Kindly confirm receipt of this letter by email at: [hnikolver@gmail.com](mailto:hnikolver@gmail.com)

Yours sincerely,



Ms A Kolver

Cell 082 782 0880

23 JAN 2020

TP. n./i/hoort  
(i.t. ud Stoop)

30/95

BESWAAR TEEN AANSOEK OM VERGUNNINGS GEBRUIK : RESTANT GEDEELTE 8  
VAN DIE PLAAS 563, DE DRAAY : OVERSTRAND MUNISIPALE AREA - PLAN ACTIVE  
namens WJC MITCHELL



1 INLEIDING

FILE NO:	God 8/563 De Draay
SCAN NO:	
COLLABORATOR NO:	1375424

Fynbos Park is 'n Afree- en versorgings fasiliteit geleë op Erf 8137, Kleinmond.

Die Oostelike grens van die perseel grens vir ongeveer 500 meter aan die Westelike grens van Plaas 563 De Draay.

Volgens die goedgekeurde terreinplan (Plan FBP 2017/6 – Rev 1) vir Fynbos Park Afreeoord word die oprigting van 19 Tweeslaapkamer huise, 9 Eenslaapkamer woonstelle, 15 Eenmans woonstelle en 'n siekeboeg en versorgingsfasiliteite vir 40 verswakte bejaardes op die perseel voorsien.

Die sentrum met die fasiliteite vir verswakte bejaardes sal gebou word in die Noord-Oostelike gedeelte van die perseel aangrensend aan die Westelike deel van die plaas De Draay.

## 2. BESWAARMAKER

Fynbos Afreeoord behoort aan die Goeiehoop Behuisingsmaatskappy en word ontwikkel en bestuur deur die Fynbos Dienssentrum van Kleinmond. Die ondergetekende is die Voorsitter van die tegniese komitee van die Dienssentrum en is verantwoordelik vir die oprigting van die strukture op die perseel.

## 2. BESWAAR

2.1 Beswaar word gemaak teen die gebruik van die perseel as Toeriste fasiliteit met Funksie fasiliteit, Konferensie fasiliteit en Kapel.

2.2 Daar word nie beswaar gemaak teen die gebruik van die perseel vir Toeriste akkomodasie nie met sekere voor behoude.

## 3. Motivering vir besware

### 3.1 Geraas

Aangesien Fynbos Park deur bejaardes en verswakte bejaardes bewoon gaan word sal enige buitengewone geraas en veral laat in die aand baie steurend wees vir die inwoners wat juis die perseel betrek vir die rustigheid van die ongewing. Die bewaarmaker meen dat die funksie- en konferensie fasiliteit met drank fasiliteite tot onaanvaarbare geraas tot laat in die nag sal lei.

Die toeriste akkomodasie kan aanvaar word mits dieselfde geraas beperkings op die perseel van toepassing gemaak word as wat geld vir Kleinmond karavaanpark wat ook aan

TP

23 JAN 2020

31/95

Fynbos Park grens.

### 3.2. Riolering

Die bestaand rioolstelsel van De Draay maak gebruik van septiese tenks.

Daar sal of van opgaar tenks(Pompstelsel) of 'n aansluiting na die munisipale rioolstelsel gemaak moet word. Geen aanduiding word gegee hoe dit Fynbos Park gaan raak nie.

Indien die huidige stelsel behou word kan dit die ondergrondse water van Fynbos Park besoedel.

### 3.3. Omgewingsimpak.

De Draay en die omgewing is bekend vir die groot verskeidenheid van fynbos wat daar voorkom.

Geen inligting word in die aansoek verstrekk oor hoe die fynbos geraak gaan word deur die beoogde aktiwiteite nie en of daar 'n omgewings impakstudie gedoen is om die aangeleentheid aan te spreek.

### 3.4. Verhoogde voetganger verkeer deur Geelhoutlaan Oos

Die ontwikkeling soos beoog sal noodwendig tot gevolg hê dat werkers vanaf die middedorp die kortste moontlike pad na die Beoogde Eiendom sal gebruik om by die werk uit te kom. Dit sal tot gevolg hê dat Geelhoutlaan en die korridor op die oostelike grens van Fynbospark as 'n toegangsroete gebruik sal word met verhoogde leegleëry wat in die gebied sal gedy.

Die karavaanpark aan die suidekant van Fynbospark sal as 'n gerieflike wegkruipplek gebruik word vanwaar inbrake in die omliggende gebiede gepleeg sal word.

Die werksgeleenthede wat deur die beoogde ontwikkelinge meegebring sal word sal as 'n trekpleister dien vir ongewenste elemente.



C. Kok

Voorsitter van die Tegniese Komitee van Fynbos Dienssentrum

Eerstestraat 5,

KLEINMOND

Sel: 083 257 8843

e-pos: christo1943@gmail.com

(2020/01/20) Loretta Gillion - Portion 8 of the farm 563 DE DRAAY. - Comments.

TP - D. Itzark  
(H. Jd Sloep)



32/95

From: Kobus Du Plessis <kobusdp@sonicmail.co.za>  
To: <loretta@overstrand.gov.za>  
Date: 20/01/2020 11:23 AM  
Subject: Portion 8 of the farm 563 DE DRAAY. - Comments.

Good day,

I hereby submit my written comments wrt the Notice of affected persons about Portion 8 of the farm De Draay, Application for consent use on behalf of WJC Mitchell.

Thanks very much for the detailed notice that I received.

My biggest concern wrt this proposed development/ change in use of this facility are the increased volume of traffic that will affect our neighborhood Heuningklouf.

1. Our neighborhood is a very quiet and peaceful area, which is probably one of the main reasons why we live in this part of the town. This will definitely be affected. I understand that there will probably not be functions every day, but the increase in daily workers on the premises will already drastically increase the volume of traffic in and through our neighborhood. A daily shuttle or bus service for these workers to and from work could mitigate this problem, instead of every worker traveling to work in his own transport.

2. Can a different entrance to the farm not be considered maybe through the northern side of the caravan park/ golf course side directly onto the farm? This would prevent all the traffic through our neighborhood.

3. The intersection of Heamanthus ave with the R44 is an extremely dangerous intersection. There are no "slipways" for turning into our neighborhood. With this increase in traffic volume into and through our neighborhood, this problem needs to be addressed very very urgently. This problem has been made known to our municipality before on numerous occasions and through different forums, but with NO success. I think before we allow any more traffic through our area, this problem needs to be addressed, because this affects all people, not only living here, but also all visitors to the mentioned facility.

I am sure this proposed facility and venue will attract more visitors to our lovely town and that extra jobs will be created, but this CANNOT be done to the detriment of us living permanently in this part of the town. A careful and well implemented compromise must first be reached.

Yours faithfully  
JJ DU PLESSIS  
URSINIA AVE 48  
Heuningklouf  
Kleinmond  
Tel: 0824582443  
kobusdp@sonicmail.co.za

FILE NO: (Ged 81 863 ✓)
De Draay
SCAN NO: DUP
COLLABORATOR NO: 1374982

Sent from my iPad

20 JAN 2020



TP. N. /thead  
(11. Ud Sloop)

33/95

**OBJECTION TO PORTION 8 OF THE FARM 563 , DE DRAAY**

**From:** "Ged McCartie" <ged.mccartie@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 19/01/2020 12:30 PM  
**Subject:** OBJECTION TO PORTION 8 OF THE FARM 563 , DE DRAAY

To whom it may concern,

We , JE Swanepoel and MG McCartie totally object to the above plan for changes to the farm .

We moved to this beautiful and quiet suburb for a reason in 2014.

- 1.The high traffic that will happen on the single road in and out of Heuningkloof - danger to the children and community that use the area .
2. The existing cottages are on a French drainage system which will affect the ground water even more , with more structures and people usage increased.
3. Medium and Low income people will be using these facilities - and will not adhere to drinking, driving and noise laws .
4. Where will the collection of the rubbish be after each function - the municipality will not service a private estate . We have observed that the farm drop off their rubbish on the corner for collection .  
 This is a health hazard from huge functions as the rubbish will be immense .
5. Noise impact will have a huge effect on the suburb - e.g. when the Street Lightning was switched on in December in the Main Road we could hear the music till late in Heuningkloof .
6. The 1am function closing is far too late .
7. We will have constant traffic driving up and down all hours .
8. The influx of 20-30 walking staff through our suburb is a safety concern - they will not be supervised .
9. Will taxi's then be used , even more traffic and noise .
10. Will Buses be used to bring in conference / wedding guest functions , our suburb is not meant for buses.

Please revert and acknowledge receipt of our OBJECTION

Thanks and regards

JE Swanepoel & MG McCartie  
 23 Ursinia Ave  
 Heuningkloof  
 KLEINMOND

© 083 247 8797

FILE NO:	Ged 8 / 563 ✓
	De Draay
SCAN NO:	McCartie
COLLABORATOR NO:	1374533

20 JAN 2020



TP- D. (Heart)  
(H. Ud Stoep)

34/95

CF &amp; GEC Harding

ERF 5713 HEUNINGKLOOF

IRISLAAN 1

HEUNINGKLOOF

KLEINMOND

7195

13 Januarie 2020

FILE NO: Ged 8/563
De Draay ✓
SCAN NO: HARDING
COLLABORATOR NO: 1374550

Dir. Infrastruktuur en Beplanning

Posbus 20

Hermanus

7200

Vir aandag: H van der Stoep

Geagte Me. v. d. Stoep,

**KOMMENTAAR T.O.V. DIE AANSOEK OM VERGUNNINGSGEBUIK OP RESTANT GEDEELTE 8 VAN DIE PLAAS 563 DE DRAAY, KLEINMOND. U. VERWYSING NR. RCAL 8/563**

Die kennisgewing ontvang, gedateer 29 November 2019 aangaande die aansoek om vergunningsgebruik op Gedeelte 8 van die plaas 563 De Draay, het betrekking.

Ten einde hierdie aansoek ook in perspektief te sien moet daar ook na die historiese agtergrond van die ontwikkeling van Heuningkloof gekyk word en moet kommentaar nie gesien word as 'n negatiewe houding teenoor nuwe ontwikkeling nie. Heuningkloof beskik ook net oor 'n enkel toegangspad wat die totale woongebied bedien.

*Die eerste gedeelte van Heuningkloof, ook destyds bekend as Uitbreiding 3 van Kleinmond, het die toegang-/toevoerpad na Uitbr. 3, (bekend as Heamanthuslaan) heeltemal ten ooste van die woongebied gehad en was die "Blomme-plaas" met sy gebruiklike voertuig en implemente grootliks verwyder van die normale woongebied-gebruike. Met die ontwikkeling van die oostelike deel van Heuningkloof (ten ooste van Heamanthuslaan) was hierdie plaasgedeelte se gebruik en bedryf steeds onveranderd en kon elke inwoner sy of haar keuse uitoefen of hy aldaar wil vestig en ook sy omstandighede langs hierdie gegewens beplan. Die wysiging van 'n gedeelte van hierdie plaas bring totaal ander omwentelinge, veral aan jou ouer gevestigde "afgetrede" inwoners mee en sal beslis nie 'n goeie invloed op hul lewenstyl meebring nie. In die lig hiervan ons kommentaar:*

Die aansoek word ter verwysing in twee gedeeltes gesien en dus ook soos volg hanteer;

**1. Toeriste akkommodasie – Selfsorg eenhede:**

Daar is geen beswaar teen die aansoek tot die gebruik van die bestaande agt (8) eenhede vir die verhuur daarvan as suiwer "Toeriste Selfsorg Akkommodasie" nie, op voorwaarde dat;

- die riool vanaf hierdie eenhede weggevoer word in 'n pyp-netwerk wat sal aansluit by die riool-netwerk van die aangrensende woongebied, Heuningkloof, soos goedgekeur sal word deur die OM,
- die huidige septiese riooltenk en stapelriool, in sy totaliteit afgeseel en gesloop sal word sodat geen besoedeling van enige ondergrondse water kan plaasvind nie. (Hier word ook verwys na

20 JAN 2020

die OM se beleid en toepassing van besoedeling deur hierdie verouderde rioolstelsels en besoedeling van rivier en ander water bronne)

## **2.Toeriste fasiliteite – Funksie lokaal, Konferensie fasiliteit & “Chapel”:**

Hierdie voorgestelde aansoek word **nie ondersteun nie** en sou eers werklik beter oorweeg kon word as die volgende **“Impakstudies”** dit sou vergesel het naamlik;

a) 'n Behoorlike verkeers studie t.o.v. verkeerskalmering in Heamantuslaan, Ursinialaan en Rooslaan sowel as die aansluiting van Heamantuslaan met die R44. Hier word ook verwys na verskeie vorige versoeke vanuit die inwoners van Heuningkloof veral in die lig van vorige noodlottige ongelukke.

Die gereelde sluiting van die N2-roete weens betogings en dus die gebruik van die R43 as alternatief het beslis die omstandighede gewysig. Hierdie is ook die **enigste** toevoer na Heuningkloof.

b) 'n Geraasbesoedeling-studie t.o.v. die vestiging en gebruik as 'n “funksie lokaal” op die perseel

**Verdere beswaar wat ons wens ter skrif te plaas is soos volg:**

- dat geen opelug funksies of konsert op die perseel toegelaat mag word nie,
- geen aktiwiteit na 12:00 sal voortduur nie. Ongeag die dag of datum van die funksie of aktiwiteit,
- die Chapel en of Funksie lokaal, indien die aansoek sou slaag om 'n vergunnings gebruik, nie vir enige ander “kerklike” funksie aangewend of verhuur mag word nie,
- geen riool vanaf hierdie geboue/toiletgeriewe na enige septiese tenk en of stapel rioolstelsel afgevoer word nie, maar met 'n behoorlike riool netwerk, soos goedgekeur deur die OM, gekoppel word aan die OM se riool netwerk langs Ursinialaan, en
- indien die aansoek, om welke rede ook al gunstig sou wees, die operateur van die Vergunnings gebruik-funksies sal toesien dat alle personeel behoorlik van en na die perseel, binne redelike tye vervoer word om so ook geen onnodige draal van personeel deur die gevestigde woongebied te bevorder nie. (geen bus of taxi in die gebied)

## **3. Bestaande misbruik:**

Geliewe daarop te Let dat volgens waarneming daar reeds van hierdie “beoogde vergunning” in bedryf is en word die OM vriendelik daarop gewys dat daar ook 'n webtuiste ter advertering van die fasiliteite bestaan. Gaan gerus na “Honey rock Cottages.co.za”

U gunstige oorweging van hierdie kommentaar deur die OM en Tribunaal sal waardeer word.

By voorbaat dank

Die Uwe

CF Harding & GEC Harding

E-pos: chrisharding005@gmail.com



Overstrand Munisipaliteit  
Posbus 20  
Hermanus  
7200

17 Januarie 2020

TP-A./thead  
(11. Jol Sloep)

36/95

Posbus 567  
Ursinialaan 26  
Kleinmond  
7195

FILE NO:	FIN 8/563 De Draay ✓
SCAN NO:	BOUCHER
COLLABORATOR NO:	1374364

**Beswaar teen aansoek om vergunningsgebruik – Restant Gedeelte 8 van die plaas 563, De Draay**

Ek verwys na die geregistreerde posstuk (gedateer 29 November 2019) wat ek in verband met bogenoemde vanaf (Departement) Stadsbeplanning, Overstrand Munisipaliteit ontvang het.

Ek is 'n aangrensende eienaar (Ursinialaan 26, Heuningkloof, Kleinmond – Erf 5572) aan die betrokke eiendom waarvoor aansoek om vergunningsgebruik gedoen word. Hiermee stel ek my besware teen sodanige vergunning op skrif.

Ek is langer as agtien jaar 'n permanente inwoner van genoemde eiendom. Een van die hoofredes waarom ek en my vrou besluit het om in ons huidige eiendom te belê, is die rustigheid van die betrokke buurt. Selfs in piek vakansietye is Heuningkloof 'n stil woonbuurt in vergelyking met ander dele van Kleinmond.

Gedurende die eerste klompie jare van ons permanente verblyf, het die plaas ter sprake, nog oor arbeidershuise beskik. Van hierdie huise is ook verhuur aan ander persone. Terwyl dit nog die situasie was, was ons rustigheid meermale, veral oor naweke, versteur deur harde musiek afkomstig vanaf dié betrokke plaas. Die destydse eienaars was oënskynlik onbewus van hierdie onaangename ongerief wat ons van tyd tot tyd moes verdra, want die plaaseienaars se woonhuise is ver van die betrokke gedeelte van die plaas verwyder.

Toe die gewese eienaars wegdoen met dié verblyf, was dit soos 'n rustige kalmte wat oor die aangrensende eiendoms-eienaars toegesak het. Skielik het ons die rede vir ons belegging in ons eiendom, naamlik "tranquility", begin ervaar. Sedertdien beleef ons reeds vir etlike jare 'n rustigheid waar ons nie meer van tyd tot tyd "gebombardeer" word met harde musiek, laatnag-jagende voertuie of luide mense nie. Hier waar ons woon is ons letterlik sowat 150 meter vanaf die betrokke deel wat nou geoormerk word met die aansoek vir vergunningsgebruik.

Ek vind dit uiters moeilik om te glo dat ons as aangrensende eienaars nie van tyd tot tyd versteur gaan word met harde lawaai, hetsy musiek, mense-stemme en voertuie by die betrokke perseel nie. Dit word duidelik gestel in die vergunnings-aansoek dat die tipe funksies onder andere verjaarsdae en huweliksonthale sal insluit – wat in meeste gevalle geassosieer word met jolyt. Dit word ook gemeld dat sodanige funksies sal duur tot 01:00. ("The function venue will operate until 01:00" – aldus die vergunningsaansoek). In die aansoek word genoem dat die somerseisoen die mees populêre tyd vir

37/95

funksies sal wees. Verder word die aanname gemaak dat die heersende windrigting van die somerseisoen, naamlik suidoostewind, die geraasvlakke sal temper. Vanuit praktiese ervaring gee ek u die versekering dat laasgenoemde 'n totale mistasting is.

Gedurende die tyd toe daar nog permanente inwoners in die arbeidershuise gewoon het, het ons die teenoorgestelde beleef. Dit was juis in die somerseisoen wat ons die meeste stoornis ten opsigte van geraasvlakke beleef het. My persoonlike mening oor die aanname (dat die heersende suidoostewind 'n bydrae gaan lewer om die klank, afkomstig van funksies, veral in die laataand wanneer algemene klankvlakke stiller as gedurende die dag is), 'n absolute bedenkensel is. Ek maak dan die afleiding dat ons op andersins windstil-aande – en nog te meer as die noordwestewind waai – die rumoer van jolyt-funksies sal moet verdra.

Dit is na my mening geensins vergesog om te verwag dat ons tydens sulke funksies laat in die nag gesteur sal word deur onder andere voertuie wat vanaf die lokaal by ons huis sal verbyry (die enigste toegangspad na die betrokke lokaal ter sprake). Die straat voor my huis (die gedeelte van Ursinialaan tussen Haemanthuslaan en Roosstraat) is inderwaarheid die mees algemene roete wat gebruik word om by en vanaf die plaas te kom. Gedurende die tyd toe daar nog permanente inwoners in die arbeidershuise was, het ons as inwoners van hierdie andersins rustige buurt, soms deurgeloopt onder onverantwoordelike voertuigbestuurders – veral laataande. Ek kan nie verhelp om my kommer uit te spreek t.o.v. voertuie waar bestuurders laataand (of dan liever vroegoggend) terugkeer vanaf funksies waar die bediening van alkohol waarskynlik 'n rol gaan speel nie.

Aansluitend by bogenoemde, is ek bekommerd oor die fasiliteite wat daar geskep sal word ten opsigte van riool. Ek verlaat my op hoorsê, maar verneem vanaf 'n betroubare bron ('n loodgieter), dat die bestaande 8 selfsorg-eenhede oor sogenaamde "French Drains" beskik. As iemand wat oor 'n sandpen ("well point") beskik, is dit vir my 'n bron van kommer. Indien toilet-fasiliteite vir die beoogde funksielokaal oor 'n soortgelyke riool-fasiliteit gaan beskik, begin daar vir my ernstige spreekwoordelike rooiligte flikker. Ons water is getoets deur 'n geakkrediteerde laboratorium (Bemlab). Die ontledings het getoon dat ons water onder andere vry van *E. Coli* is. As "French Drains" aan die orde van die dag is, kan ek nie help om te wonder oor die voortgesette kwaliteit van ons water nie.

Ons woonbuurt se rioolstelsel word tans opgegradeer sodat ons kan wegkom van die septiese tenkstelsel. Ek praat onder korreksie, maar sover my kennis strek word eienaars van eiendom in Kleinmond nie toegelaat om oor "French Drains" te beskik nie. Hierdie betrokke plaas grens aan 'n rivier wat in Kleinmond strandmeer inloop – 'n integrale deel van ons Blouvlag-strand. Ek is 'n leek op die betrokke gebied, maar kan nie help om te wonder wat is die kans van riool-besoedeling van die genoemde rivier a.g.v. die klaarblyklike "French Drains" wat reeds bestaan nie.

Om op te som, gesien in die lig van bogenoemde, moet ek my ernstige kommer uitspreek indien die betrokke vergunningsaansoek deur Overstrand Munisipaliteit toegeken sou word.

Laastens – ek sien op die internet ([honeyrockcottages.co.za](http://honeyrockcottages.co.za)) dat die lokaal reeds geadverteer word vir die doel waarvoor aansoek gedoen word – asof Overstrand Munisipaliteit reeds die vergunning toegestaan het.

CW Boucher (Chris & Ralie) – Tel: 079 500 1442  
 Ursinialaan 26, Kleinmond  
 Erf No: 5572

15 January 2020

Overstrand Municipality  
Town planning  
HERMANUS



TP. A. /Heart  
(H. vd Stoep)

38/95

FILE REFERENCE RCAL 8/563 Erf 5719  
LA & JSH Buckle  
P.O. Box 74 Kleinmond 7195  
028 271 3056

FILE NO:	Coed 8 / 563
	De Draay
SCAN NO:	06
COLLABORATOR NO:	1374155

Dear Ms H. van der Stoep,

We have seen a very disturbing/notification letter by accident regarding the proposed development of a portion of Portion 8 of the farm 563 De Draay which is situated above Ursinia Avenue in Heuningkloof. Sneaked in it appears when most permanent residents are on holiday or have their families visiting them.

**After working hours the neighbourhoods of Heuningkloof and surrounding areas are quiet.**

We have a guest house across the road from us with only a few guest rooms and the noise they make arriving and leaving is a pain second to none. Even worse when they have a party by the guests. We live in a residential area. Unacceptable but the owners do their utmost to get quietness by 10 pm.

There is only one entrance and exit to the venue right through the middle of Heuningkloof. The proposed tourist facilities would include a function and conference venue which could accommodate up to 120 people. Tourist accommodation would include 4 x semi-detached units which is a total of eight units. This could house up to 22 or more guests. There is also a claim of up to 40 workers that will be using this road every day. Again the people would need transport to get to the farm and additional vehicles will add to the noise and road maintenance factor.

One of our concerns are the sewerage system that is blocked on a regular basis specially during holiday periods. Please bear in mind the overflow of sewerage that went into the blue flag lagoon area when spillage occurred in the past.

Our other concerns are the noise, increased traffic flow at night joining the main coastal road which will have a serious impact on road safety at the junction and the infrastructure maintenance costs factor carried by the permanent/house owner residents.

Please acknowledge receipt.

Yours sincerely,

LA & JSH Buckle

TP 17 JAN 2020

15 January 2020

Overstrand Municipality  
Town planning  
HERMANUS



TP - A. / heard  
(H. vd Stoep).

39/95

FILE REFERENCE RCAL 8/563 Erf 5636  
KHF Kolodzyck  
P.O. Box 576  
Kleinmond 7195  
072 904 3433

FILE NO:	Col 8/563
	De Draay
SCAN NO:	05
COLLABORATOR NO:	1374149

Dear Ms H. van der Stoep,

I have received a very disturbing notification/ registered letter from the Overstrand Municipality regarding the proposed development of a portion of Portion 8 of the farm 563 De Draay which is situated above Ursinia Avenue in Heuningkloof, a small residential area next to the farm.

I have a house one road down from the proposed new wedding/conference and tourist centre on the above farm.

There is only one entrance and exit to the venue right through the middle of Heuningkloof. The proposed tourist facilities would include a function and conference venue which could accommodate up to 120 people. Tourist accommodation would include 4 x semi-detached units which is a total of eight units. This could house up to 22 or more guests. There is also a claim of up to 40 workers that will be using this road every day. Again the people would need transport to get to the farm and additional vehicles will add to the noise and road maintenance factor.

My main concern is the sewerage system that at present appear to be french drains. With over a possible 120 guests plus 40 staff over certain weekends there will be an overflow of the sewerage tanks that will effect ground water and the small stream flowing through the caravan park.

In the past there was also the storm water drain that got blocked due to lack of maintenance and then overflowed part of the adjacent properties.

My other concerns are the party, festivity and work noise, increased traffic flow at night joining the main coastal road which will have a serious impact on road safety at the junction and the infrastructure maintenance costs factor carried by the permanent home owners/residents.

Please acknowledge receipt.

Yours sincerely,

KHF Kolodzyck

17 JAN 2020

40/95

**Loretta Gillion - FW: Ptn 8 of the Farm Heuningkloof 563, de Draay**

**From:** "Marthie Barnard" <marthie.barnard13@gmail.com>  
**To:** <Loretta@overstrand.gov.za>  
**Date:** 17/01/2020 08:05 AM  
**Subject:** FW: Ptn 8 of the Farm Heuningkloof 563, de Draay



Heil die leser.

Voorgestelde ontwikkeling ten opsigte van bogenoemde plaas verwys.

Nadat ons die vergadering bygewoon het die volgende.

FILE NO:	Ptn 8/03
	De Draay
SCAN NO:	04
COLLABORATOR NO:	1374147

Ons het die reeds bestaande webwerf "Honey Rock" besigtig en is aangenaam verras oor die wyse waarop van die eenhede, wat op die webwerf verskyn, gerestoureer is. Dit getuig van goeie smaak en teiken 'n eksklusiewe mark. Natuurlik kan prentjies misleidend wees en niemand kan voorspel hoe hierdie voorgestelde ontwikkeling gaan uitspeel nie. Dit kan òf tot waardetoevoeging òf tot waardevermindering van eiendomspryse en agteruitgang vir ons direkte omgewing lei.

Ons, as die eienaars van ons primêre woning in Heuningkloof, voel dat dit nie ons reg is om die ontwikkelaar se inisiatief tot vooruitgang te stuit nie, maar ons het ook sekere bekommernisse wat dit vir ons mag inhou:

#### 1. Veiligheid

- \* Natuurlik is dit enige mens se grootste oorweging en wil ons dus veiligheid ten alle koste beskerm. Ekstra beweging van mense (werknemers van die fasiliteit) in ons omgewing kan 'n groot invloed hierop hê. Ons versoek dat ALLE werknemers van die fasiliteit nie sonder die nodige "credit en criminal checks" aangestel word nie en rekord hiervan beskikbaar is indien daar enige insident sou voorkom.
- \* Ons versoek ook dat ALLE werknemers deur die werkgewer na en van die fasiliteit vervoer word ten einde rondlopery in die woonbuurt uit te skakel.
- \* Ons versoek verder dat deeglik opgeleide sekuriteitswagte toegang tot die fasiliteit beheer en indien nodig enige ongewensde elemente deur sekuriteit tot buite Heuningkloof begelei word.

#### 2. Geraas

- \* Saam met die wonder van die natuur wat ons kan geniet, geniet ons

17 JAN 2020

file:///C:/Users/Loretta/AppData/Local/Temp/XPepwise/5E216AC7HermanusMunpo... 2020/01/17

4/95

ook die rustigheid wat die stilte bied. Dit sal jammer wees as ons hierdie stilte moet inboet as gevolg van gedurige geraas - veral snags. Ons is dankbaar vir die ekstra voorsiening wat die ontwikkelaar beloof om die klank te demp. Ons sou egter 'n mate van waarborg wou hê dat hierdie wel met in agneming van inwoners van Heuningkloof maksimaal toegepas sal word.

### 3. Argitektoniese sowel as estetiese aansig van die fasiliteit.

\* Gegewe die pragtige uitsig wat die fasiliteit bied, veronderstel ons dat die ontwikkeling argitektonies en esteties hierby sal aanpas om waarde toe te voeg tot die omgewing wat dan inderdaad ook 'n aanvaarbare teikengroep sal lok. Ons sal graag die "aansig"-planne van die voorgestelde Kapél wil sien. Is dit moontlik?

### 4. Riool

\* Ons as inwoners van Heuningkloof is deeglik bewus van die ongemak wat gebrekkige rioolstelsel kan veroorsaak. Ons versoek dat hierdie aspek deeglike aandag geniet. Ononderhandelbaar.

Aangesien dit blyk dat die verlies aan inkomste uit die blomplaas dalk hierdie voorgestelde verandering tot gevolg het, besef ons dat dit nie ons reg is om die inisiatief van die eienaar te gaan nie, maar ons sien uit daarna om in 'n gesonde ooreenkoms almal se belange te respekteer.

Vriendelike groete

Danie & Marthie Barnard

Nerinalaan 13

Heuningkloof

Marthie Barnard

<[marthie.barnard13@gmail.com](mailto:marthie.barnard13@gmail.com)> [marthie.barnard13@gmail.com](mailto:marthie.barnard13@gmail.com)

Cell. 084 400 4288



42/95

**Llewellyn Strydom**  
ARBEIDSREG EN NYWERHEIDS-VERHOUDINGE KONSULTANT

Sellulêre-foon N<sup>o</sup>: 082-4599-651

Fynbospark Affres Oord A-3  
Posbus 11  
KLEINMOND  
7195

e-posadres:  
llewellyn.strydom71@gmail.com

16 Januarie 2020

Die Munisipale Bestuurder  
Overstrand Munisipaliteit  
Posbus 20  
HERMANUS  
7200

**VIR AANDAG : ME H VAN DER STOEP**  
e-posadres : lorettaoverstrand.gov.za

Meneer

FILE NO:	FIN 8/563
	De Draay
SCAN NO:	03
COLLABORATOR NO:	137H143

**BESWAAR TEEN AANSOEK OM VERGUNNINGSGEBRUIK : RESTANT GEDEELTE  
8 VAN DIE PLAAS 563, DE DRAAY : OVERSTRAND MUNISIPALE AREA - PLAN  
ACTIVE namens WJC MITCHELL**

1. BESWAARMAKERS

1.1 Die beswaarmakers is MNR LLEWELLYN en MEV ALLET STRYDOM,  
inwoners van FYNBOSPARK FRAILCARE AND LIFE-RIGHT FACILITY  
(hierna verwys as "Fynbosspark");

2. LIGGING VAN FYNBOSPARK *vis-a-vis* DIE BETROKKE EIENDOM.

2.1 Fynbosspark is geleë op Erf 8137, KLEINMOND en behels die ontwikkeling  
van 19 leefreg-eenhede; 9 enkel en 15 "batchelors"-woonstelle asook 'n  
versorgingseenheid met akkommodasie vir 113 persone, waarvan 40

43/95

verswakte bejaardes. Fynbospark is gesoneer vir algemene woondoeleindes ("General Residential") (Kyk terreinplan No FBP017/6 -1/1 Rev. 1);

- 2.2 Fynbospark grens vir 'n afstand van ongeveer 500 meter aan die westelike grens van Gedeelte 8 van die Plaas 563, DE DRAAY ("die **Betrokke Eiendom**");
- 2.3 Die Betrokke Eiendom word tans van Fynbospark geskei deur 'n palisade heining, wat rondom Fynbospark opgerig is;
- 2.4 Daar is op die noordelike grens van Fynbospark voorsiening gemaak vir toekomstige padkontruksie wat die huidige toegangspad na Fynbospark langs Geelhoutstraat direk met die Betrokke Eiendom sal verbind;
- 2.5 Daar is ook voorsiening vir 'n stormwater korridor tussen die oostelike grens van Fynbospark en die naasliggende woonerwe van Heuningkloof, ongeveer 15m breed wat strek tot teen die karavaanpark aan die suidekant van Fynbospark. Die beoogde aanwendig van die korridor is onseker, maar verleen tans ongestoorde toegang vir voetgangers na die Betrokke Eiendom.

### 3. APPLIKANT

- 3.1 Volgens paragraaf 1 van die "Motivation Report" word die aansoek gebring in die naam van die boedel van wyle WJC Mitchell. Geen verduideliking word gegee van die uiteindelijke bestemming van of begunstigdes van die Boedel of wie verantwoordelikheid vir die bestuur en administrasie van die Betrokke Eiendom aanspreeklik sal wees namens die Boedel nie.
- 3.2 Ingevolge die bepalings van artikel 16(2) van die Overstrand Bywet op Munisipale Grondgebruik en Beplanning, 2016 verval die Vergunningsgebruik-regte sodra verandering van eienaarskap intree en moet die nuwe eenaar(s) weer *de novo* aansoek doen om sodanige regte te kan uitoefen.
- 3.3 Duidelikhied moet verleen word oor hierdie aspek en welke persoon regs aanspreeklikheid sal opdoen ingeval van verbreking van die Vergunningsgebruik-regte.

44/95

#### 4. BESWARE TEEN DIE VOORGENOME VERGUNNINGSGEBRUIK

Die Beswaarmakers wens hiermee die volgende besware teen die voorgename Vergunningsgebruik te opper :

##### 4.1 Geraasvlakke

- 4.1.1 Volgens die aansoek word beoog om 'n funksie- en konferensiefasiliteite vir 'n maksimum van 120 mense asook huweliksonthaal fasiliteite vir dieselfde hoeveelheid persone;
- 4.1.2 Dit is nie duidelik uit die aansoek of dit dieselfde of twee afsonderlike fasiliteite behels nie;
- 4.1.3 Indien dit afsonderlike fasiliteite behels sou dit beteken dat tot 240 persone per geleentheid op die Betrokke Eiendom geakkommodeer kan word.
- 4.1.4 Hoe-dit-ookal sy, is dit duidelik dat benewens gaste/besoekers daar ook voorsien word dat tot soveel as sestig werknemers op 'n gereelde basis op die perseel teenwoordig kan wees, wat die aantal besoekers tot 300 by geleentheid kan verhoog;
- 4.1.5 Die funksie en onthaal fasiliteite sal geleë wees binne 300 meter vanaf die noord-oostelike hoek van Fynbospark waar die versorgings eenheid vir verswakte persone opgerig sal word. Harde musiek te eniger tyd van die dag sal steurend wees vir die inwoners van die versorgings eenheid;
- 4.1.6 Daar word aan die hand gedoen dat die fasiliteite slegs gedurende gewone werkure vir konferensie- en onthaal doeleindes beskikbaar sal wees.

##### 4.2 Toename in verkeersvolume

- 4.2.1 Die aanwending van die fasiliteite vir die beoogde doeleindes sal tot gevolg hê dat die toegangsroetes deur Heuningkloof eksponensieel sal toeneem met gevolglike verhoging van die geraasvlakke;

- 4.2.2 Die dravermoë van die toegangspaaie na Heuningkloof is nie vir die hoeveelheid verkeer ontwerp nie en sal dus aangepas moet word vir die verhoogde volume te kan akkommodeer;
- 4.2.3 Die aansluiting van die bestaande toegangsroete na en van Heuningkloof is reeds problematies gedurende vakansietye en die aansluitingsbane sal herontwerp moet word om die verhoogde verkeervolumes te kan akkommodeer;
- 4.2.4 Daar word voorgestel dat 'n volledige verkeersimpakstudie gedoen word om die invloed van die verhoogde verkeersvolume op die bestaande infrastruktuur te bepaal en veranderinge voor te stel.

#### 4.3 Riolering

- 4.3.1 Die bestaande riolering bestaande uit septiesetenks is reeds nie toereikend vir huidige gebruik nie en die beoogde aanwending sal die gevaar dat die ondergrondse waterbronne besoedel kan word verhoog;
- 4.3.2 Van tyd tot tyd word die reuk wat van die bestaande gebruik afkomstig is in Fynbospark waargeneem en die verhoogde gebruik sal die situasie onuit houdbaar vererger;
- 4.3.3 Daar word aan die hand gedoen dat die rioolstelsel by die bestaande munisipale-spoelrioleringstelsel aangeskakel word met die nodige verbeterings om die verhoogde gebruik te kan akkommodeer.

#### 4.4 Omgewingsimpak

- 4.4.1 'n Gedeelte van die Beoogde Eiendom bestaan uit 'n fynbos- en vleiand- gebiede wat deur die beoogde gebruik bedreig sal word as gevolg van die uitbreiding van die toegangsroetes;
- 4.4.2 Aangesien endemiese plante in die gebiede voorkom is dit noodsaaklik dat 'n volledige omgewingsimpakstudie gelas word, veral met die oog op die beoogde opgradering van die paaistelsel asook die beoogde verlenging van Geelhoutstraat aan die noordelike grens van Fynbospark, sal ernstige gevaar inhou vir die ekosisteem.

46/95


#### 4.5 Verhoogde voetganger verkeer en leegleery

- 4.5.1 Die ontwikkeling soos beoog sal noodwendig tot gevolg hê dat werkers die kortste moontlike pad na die Beoogde Eiendom sal gdebruik om by die werk uit te kom. Dit sal tot gevolg hê dat die korridor op die oostelikegrens van Fynbospark as 'n toegangsroete gebruik word met verhoogde leegleery ("vagrancy"), wat in die gebied sal gedy.
- 4.5.2 Die karavaanpark aan die suidekant van Fynbospark sal as 'n gerieflike wegkruipplek gebruik word vanwaar inbrake in die omliggende gebiede gepleeg sal word;
- 4.5.3 Die werksgeleenthede wat deur die beoogde ontwikkelinge meegebring sal word sal as 'n trekpleister dien vir ongewenste elemente;
- 4.5.4 Die beoogde verlenging van Geelhoutstraat na Heuningklip sal die deurloop van ongewenste elemente verhoog.
- 4.5.5 Daar word voorgestel dat die ontwikkelaar vervoer vanaf 'n sentrale punt aan sy werknemers na en van die werkplek verskaf en dat werwing eweneens binne die dorpsgrense geskied, teeneinde "loitering" tot die minimum te beperk.

5. Ons verskaf graag enige verdere inligting wat verlang mag word.

6. Geliewe ontvangs te erken en ons op hoogte te hou van enige verdere verwickelinge.

Die Uwe

  
LLEWELLYN & ALET STRYDOM  
Fynbos Park Aftree Oord,  
Posbus 11,  
KLEINMOND  
7195

Loretta Gillion - De Draay



47/95

From: jdmhattingh <jdmhattingh@vodamail.co.za>  
 To: <loretta@overstrand.gov.za>  
 Date: 16/01/2020 04:31 PM  
 Subject: De Draay

TP. A. /heat  
 (1. ud Sloop)

16.01.2020  
 Deel 8 van die plaas De Draay no. 563

FILE NO:	PN 8/563
	De Draay
SCAN NO:	01
COLLABORATOR NO:	1374137

Probleme wat ek met bogenoemde het is die volgende.

1. "French drains"

"French drains" wat huidiglik by die selfsorg eenhede gebruik word en dan ook by die kerk, stoor ens. gebruik gaan word.

2. Geraas

Die dokument wat aan my gestuur is, erken die skrywer dat daar wel geraas gaan wees. Hy motiveer in die skrywe dat die suidooster die geraas sal verminder. Wat van die ander tye wat die suidooster nie waai nie.

Ek woon al amper 25 jaar by hierdie adres en die suidooster het nie op Vrydae, Saterdag en Sondag die mense wat daar gewoon het, se geraas voldoende gedemp nie! Die suidooster waai ook nie so gereeld nie.

Ek verstaan van n priester dat hul gemeente by die kerk dienste gaan hou. Hy het by my gespog met die groot luidsprekers wat hul gebruik. Ek het toe gevra hoekom sulke groot luidsprekers, waarop hy geantwoord het dat hulle hou van sing. Ons hou weer van Heuningkloof se stilte en rustigheid. Hoop dit kan so bly....

Johan Hattingh  
 Irsinialaan 13 (Erf no. 5624)  
 jdmhattingh@vodamail.co.za  
 082 6505604

Sent from my Samsung device

17 JAN 2020

48/95

**Loretta Gillion - OBJECTION TO APPLICATION FOR CONSENT USE: PLAN ACTIVE ON BEHALF OF WJC MITCHELL FILE REF RCAL 8/563**

**From:** "Riette Richardson" <richie5@telkomsa.net>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 15/01/2020 08:14 PM  
**Subject:** OBJECTION TO APPLICATION FOR CONSENT USE: PLAN ACTIVE ON BEHALF OF WJC MITCHELL FILE REF RCAL 8/563  
**Cc:** <riette1970@gmail.com>



TP. N. (Heart)  
(17. ud Steep)

Good day,

I, Stephen Richardson, owner of Erf 5643, 9 Ursinia Avenue, Heuningkloof, would hereby like to object to the application for consent use: plan active on behalf of WJC Mitchell for the following reasons:

1. Noise  
 Unacceptable cut off time, i.e. 1am. This is a residential area, and there is no guarantee that noise can be controlled, nor that traffic and guests will not enter the rest of the neighbourhood upon exiting the venue. Ursinia Avenue residents have already experienced unacceptable noise levels relating to this new development, as well as reckless late night driving of guests leaving the venue.
2. Traffic  
 As Heuningkloof only has one entry/exit (no slip way), which is currently insufficient for the normal residential traffic, the added traffic stemming from this project would thus increase the risk and frustration of residence in entering and exiting Heuningkloof.
3. Sewage  
 It is our concern that the distance to the existing wetland and sub water quality may be adversely affected by the proposed increase in waste via a septic tank/French drain system. This would not only affect residence, but also the environment.

In closing, I am a new home owner in Heuningkloof and one of the main reasons for choosing this house, is its appealing peace and tranquillity, and low traffic volumes, other than local residents.

Furthermore, we notice, with concern, that this venue is already being advertised as a wedding venue. The letter received from Overstrand Municipality clearly states that this is only a proposal. Please see link to website below, and gallery pictures clearly show that this venue is already operational:  
<https://honeyrockcottages.co.za/weddings/>

I would hereby like to request a copy of the Environmental Impact Assessment done relating to this project, with special reference to sewage and waste disposal.

Please acknowledge receipt of this email.

Yours sincerely  
 Stephen Richardson  
 Cell 0828958358

FILE NO: PIN 8/563 ✓
De Draay
SCAN NO:
STEPHEN
COLLABORATOR NO:
1373938

16 JAN 2020

file:///C:/Users/loretta/AppData/Local/Temp/XPgrpwise/5E1F729FHermanusMunpos... 2020/01/16

Overstrand Municipality  
TOWN PLANNING  
HERMANUS  
15 January 2020



49/95

FILE NO: PN 81563
De Draay
SCAN NO:
VANR
COLLABORATOR NO:
1373930

FOR THE ATTENTION OF MS H. VAN DER STOEP

Dear Madam,

I am in receipt of your e-mail regarding the proposed development of PORTION 8 FARM 563 DE DRAAY in Heuningkloof, Kleinmond Overstrand area.

According to the documentation the area is designated under ZONED as Agricultural Zone 1 and it is utilized as such. LAND USE states that it is primarily used for agricultural purposes.

There is a Moptivation report which proposes development accommodate tourist facilities and tourist accommodation. Does this mean that the Zoned area description has to be change - i.e. does the farm have to be re-zoned. Or is this proposed development going to be on the existing ZONE of Agricultural Zone 1 which is possibly not permitted?

Other concerns are as follows:

1. With the huge amount of additional people using the facilities what plans / proposals are in place to upgrade / develop / the SEWERAGE SYSTEM. What sewerage system is being used at the moment. French drains / soak-away are a total no-no and this has a very negative and dangerous POLLUTION PROBLEM TO UNDER GROUND WATER. The proposed new sewerage system in our section of Heuningkloof is still under construction and it would be interesting to know whether or not this current system can cope with the additional volumes which would be forthcoming from this new proposed expansion and improvement to the existing facilities. This very serious problem needs urgent and definite solutions before any further expansion should be allowed to happen.

2. My second concern is the ACCESS ROAD into Heuningkloof. There is only one entrance / exit into our area. There is no slip-way for the turn-off into the area. This is a very dangerous suburb entrance as this is the Main road into the town. Two people have been killed at this intersection and numerous serious accidents have occurred. The traffic build-up early mornings, afternoons, week-ends and holiday times are a nightmare to residents.

Law enforcement uses the open area just past the intersection for the monitoring / checking of motor vehicles on a regular basis. This causes a huge back-up and congestion of traffic and again, the entrance to the area is marginalised. Without an additional entrance to the area it would be impossible for this road / entrance to accommodate the additional traffic that this type of development would bring to the area. The entrance to the Main road has not changed or been further developed in more than 20 years and the additional extensions to area and new proposal on the table, it is of paramount importance that this has to be attended to.

A.M.T. VAN ROOYEN  
5 NERINA AVENUE  
HEUNINGKLOOF  
7195  
P.O. BOX 369 KLEINMOND 7195  
ERF NUMBER 5664

*A.M.T. Van Rooyen*

HP ... ..



TP. N. (Heart)  
(H. van der Stoep)

50/95

Erf 5567  
16 Ursula Avenue  
Heuningkloof  
Kleinmond  
12<sup>th</sup> January 2020

The Senior Town Planner  
Town Planning  
Overstrand Municipality  
Hermanus

FILE NO:	PIN 8/563 ✓
	De Draay
SCAN NO:	
	SNYDERS
COLLABORATOR NO:	
	1373925

For Attention: Ms. H van der Stoep

**SUBJECT: PORTION 8 OF THE FARM DE DRAAY, OVERSTRAND MUNICIPAL AREA:  
APPLICATION FOR CONSENT USE: TOURIST ENTERTAINMENT FACILITIES AND  
TOURIST ACCOMMODATION!**

I refer to your letter with reference to RCALS 563 dated 26th November 2019.

**I do not consent to the above application re Tourist Entertainment facilities.**

Any development or changes to the use of the property will have a very negative impact on the current tranquil atmosphere of the area.

- 1) I bought my property 17 years ago for my retirement, to come and enjoy the peace and tranquility of the veld and mountains in Heuningkloof with my family. Any mass functions entertainment on the adjoining property will generate noise which will spoil the peace and quietness. The owner of the property is currently unable to curtail noise and control visitors to his farm - I refer to persons that do not have access, but who have friends staying in the guest cottages and cannot get access when the gate is closed, there is constant hooting and shouting to draw attention to gain access.
- 2) The noise generated by music at the function will be loud and would be heard at our properties (We can hear the visitors at the guest house on the farm when they are braaing and playing music currently). Persons still partying at 01h00 hours are usually inebriated and the noise will increase when they leave the venue. The catering entertainment and venue staff will be leaving much later which will generate more noise later into the early morning hours i.e. 02h00-03h00 - this will impact on us as residents. I object to the point in the applicant's motivation report that the 'Summer season' south-easterly wind will assist in mitigating noise levels away from the town! Since when does the wind blow when there are functions? Kleinmond is renowned for its many quiet windless summer evenings so that point has no validity to the application!
- 3) There will be a marked increase of traffic volumes and noise through the residential area i.e. Hamantus, Ursula and Rose avenues will have a marked increase in traffic.

16 JAN 2020

movement (guests, suppliers, service provider's vehicles) to and from the function area. Most of this will take place on weekends. We enjoy walking, jogging and cycling in Heuningklouf due to the minimal traffic movement. There is no guarantee that guests leaving the venue and driving are within the zero alcohol tolerance limit. There will be an increased risk to road safety into the Heuningklouf residential area.

- 4) The current building structures sewerage system is inadequate, there is a potentially high risk of seepages/spillages resulting in bad odours and health issues, contamination/ pollution to ground water if adequate sewerage systems are not installed correctly to meet the increased volumes.
- 5) There is an increased risk of fire in the veld at the entrance of the property ie driveway up to the conference areas. What control is there to stop guests many of whom may smoke, from flicking a cigarette butt into the dry fynbos veld. (Note: there is a tinder dry Bluegum plantation between the proposed new parking area and my neighbours Messrs Vijoer, Pech and my properties. There is no way the Overstrand fire brigade have the capability to contain the fire if the Bluegum plantation had to suddenly catch fire as they do not have sufficient fire tenders available in Kleinmond!) - You are aware of the damage caused by Bluegum trees when ignited as is happening in Australia currently.
- 6) How come that the function venue is currently being used and marketed to the public when consent approval for the application has not yet been granted? See [www.honeyrock.co.za](http://www.honeyrock.co.za)



As stated I have no issue with the guest cottage application, but do not consent to entertainment facilities. Should you wish to discuss the matter further please feel free to contact me

Yours faithfully

Geoff Snyder

Mobile: 0834603655 email:gsnyders\_@absamail.co.za

TP- D. (Heart  
(11. Jd Stoop)

52/95

Erf 5575

C F Swart

Posbus 262

Grabouw

7160

chrisswartplumbing56@gmail.com

c1.swart@telkomsa.net



FILE NO: PIN 8/563
DE DRAAY
SCAN NO: 13
COLLABORATOR NO: 1373510

Munisipaliteit Overstrand

Posbus 20

Hermanus

7200

loretta@overstrand.gov.za

Geagte Mnr/Me.

RESTANT GEDEELTE 8 VAN DIE PLAAS 563, DE DRAAY: OVERSTRAND MUNISIPALE AREA:  
VOORGESTELDE VERGUNNINGSGEBRUIK: PLAN ACTIVE NAMENS WJC MITCHELL

Hieronder 'n uiteenstetting waarom ek die ontwikkeling teenstaan:

- 1 Verhoogte invloed van motors, afleweringsvoertuie en konstruksie voertuie.

Hierdie gebied is bekend vir die stilte en daarom het ons baie spandeer om hierdie huis te bou sodat ons die rustigheid en vrede kan ervaar. Selfs ons kinders in die stad se kuiers sal opdroog as ons skielik opgeskeep sit met 'n klomp voertuie wat in en uitry. Dit is juis vir ons lekker as die klein kinders in veiligheid hier met hulle fietse kan ry. Saam met die voertuie wat hier in en uitry, kan moontlike ongewense karakture hulle ongemerk teenwoordig maak.

- 2 Gekombineer met bostaande wil ek dus ook uitwys dat as daar 80 parkeerplekke is, dit 'n gemiddelde van 240 mense gaan inbring. Tagtig ekstra voertuie gaan maak dat ons in Ursiniastraat wat wil regsdraai, gaan sukkel as die verhoogte voertuig toename toegelaat gaan word. Voertuie en mense = verhoogte toename van geraasvlakke waarvoor ons nie instem nie.

- 3 Dit is 'n absolute mite dat die wind net suid-oos gaan waai in die tyd wanneer hier 'n verhoogte aktiwiteit gaan plaasvind. Die afgelope twee maande het meer

15 JAN 2020

53/95

noordwes gehad as Suid-oostewind. Indien ons Suid-Oos weer het en dis nie storm Suid-Oos nie, werk die weer as volg: dit begin gewoonlik met 'n windstil oggend. Later in die dag, soos die aarde warm word, word die grondoppervlakte se temperatuur gouer warm en sal 'n seewind begin waai van die see se kant af tot laat namiddag – vroeegaand. Dan vind die omgekeerde plaas en begin 'n landwind waai, van die land na die see: Direk van die area wat uitgewys is wat ontwikkel gaan word, na die woongebied. Dis op sulke "stil" aande dat ons selfs die mense wat in die werkershuise bly kan hoor hoe hul gesels en domino's speel.

- 4 Daar word niks genoem van die rioolsisteem wat daar geïstalleer gaan word nie.

Ek is self 'n Loodgieter wat dikwels saam met ingenieurs saamwerk om die verhoogte toename van mense en hulle impak op rioolstelsels uit te werk. Met slegs 'n ekstra 100 mense, is 'n baie ingewikkelde stelsel nodig wat nie storting in 'n eko-sensitiewe gebied mag geskied nie. 'n Tenk met oorloopstelsel mag nie meer ingeïnstalleer word nie. As daar gekyk word na hoeveel mense water onttrek vir besproeiing van tuine asook 'n riviertjie wat Lagune toe vloei, sal bogenoemde stelsel 'n Nee wees.

By voorbaat dank

Die Uwe

C F Swart

TP- A. /Ihead  
(17. ud Stoop)

54/95

Loretta Gillion - Aansoek id 3492/2019

**From:** Ss Gerber <ssgerber7@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 15/01/2020 11:39 AM  
**Subject:** Aansoek id 3492/2019



ptn 8/563

Hiermee teken ek SSJ Gerber beswaar aan teen die aansoek as gevolg van die volgende redes.  
 1. Die versteuring van n rustige omgewing. Ek het jare gelede die eiendom gekoop om hier te kom woon na aftrede juis a g.v die rustige atmosfeer. Musiek en n geraas tot oggendure gaan beslis n probleem wees en dan nog die moters wat daai tyd deur n woongebied die plaas verlaat gaan beslis n probleem wees. 2. Riool .Dit het onder my aandag gekom dat die huise vir akkomodasie sogenaamde french drains het. Daar word glad nie riool gepomp nie. Ek besit n wellput en die ondergrondse water wat ek laat toets het was suiwer en kan mos nou ernstig besmet word. Waar gaan hulle riool afval heen.? 3. Verkeer probleme Daar is net een pad deur heuningkloof woongebied na die plaas .Opeenhoping sal plaasvind en verkeer gaan ontwrig word. 4 Laastens verstaan ek nie die aansoek nie ,dit vind alles alreeds plaas..Die advertensie teken vir oornag verblyf is reeds op by ingang van plaas en n troue het reeds plaasgevind. By voorbaat dank . SSJ Gerber. Ursinialaan 24 erf no 5571 Kleinmond.

FILE NO:	PN 8/563
	DE Brooy
SCAN NO:	12
COLLABORATOR NO:	1373506

15 JAN 2020

55/95



**Letter to Overstrand for Portion 8 of the Farm**

DATE : 14.01.2020  
 TO : Overstrand  
 ATTENTION : H van der Stoep  
 FAX NO : 028-313 8900  
 FROM : Henk Esterhuyse  
 Ursinia 33  
 Plot 5610  
 082 852 9913

TP - D. Meert  
 (H. vd Stoep)

FILE NO: PAN 81 803
DE BRAY
SCAN NO:
04
COLLABORATOR NO: 1373440

**Reasons for not going ahead with proposed wedding venue.**

1. Heuningkloof is a quiet area where our kids can still play and walk to their friends and be safe. With all the cars on the one road coming in and out it will be dangerous, and some of the drivers will not respect the road rules and be vigilant for pedestrians and animals.
2. There are only one road going in and out of Heuningkloof and that where designed for residence and not 60 to 100 cars going in and out in a few hours.
3. Noise will be a big issue as it will travel quite far.
4. The farm is a farm and need to stay that way.

Regards

Henk Esterhuyse

15 JAN 2020

(2020/01/15) Loretta Gillion - For Attention Mrs H van der Stoep - file ref.



56/95

**From:** Koela & Lilo Coetzer <koelalilo@telkomsa.net>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 13/01/2020 09:18 AM  
**Subject:** For Attention Mrs H van der Stoep - file ref. RCAL 8/563, Application ID 3492/2019  
**Attachments:** Honeyrock cottages links 10-01-20.txt

TP. N. Ahearne  
(I. J. van der Stoep)

Good morning

With reference to our meeting in Kleinmond on Friday, attached please find a list of weblinks for Honeyrock cottages which show that the business applying for approval to run a function centre/ accommodation facility is already in operation.

Thank you and kind regards  
LR Coetzer

FILE NO:	P/N 8/563
	DE braay
SCAN NO:	03
COLLABORATOR NO:	1373435

15 JAN 2020

Honeyrock cottages links 10-01-20  
HONEYROCK COTTAGES LINKS

<https://honeyrockcottages.co.za/>

[https://www.booking.com/hotel/za/honeyrock-cottages.en-gb.html?aid=356980;label=gog235jc-1DCAs0-wFCEmhvbmv5cm9jay1jb3R0Ywd1c0gzWANO-wGIAQGyAQm4ARfIAQ\\_YAQPOAQGIAGoAgO4Aqqn4vAFwAIB;sid=59dd60cbfa8d86cea339233cbcee0ae5;dist=0&keep\\_landing=1&sb\\_price\\_type=total&ttype=total&](https://www.booking.com/hotel/za/honeyrock-cottages.en-gb.html?aid=356980;label=gog235jc-1DCAs0-wFCEmhvbmv5cm9jay1jb3R0Ywd1c0gzWANO-wGIAQGyAQm4ARfIAQ_YAQPOAQGIAGoAgO4Aqqn4vAFwAIB;sid=59dd60cbfa8d86cea339233cbcee0ae5;dist=0&keep_landing=1&sb_price_type=total&ttype=total&)

[https://www.airbnb.co.za/rooms/37425617?locale=en&set\\_bev\\_on\\_new\\_domain=1578657638\\_YwRHMjkzZTC4ZDUw&source\\_impression\\_id=p3\\_1578669934\\_1x9Fq8HTuBOvX184](https://www.airbnb.co.za/rooms/37425617?locale=en&set_bev_on_new_domain=1578657638_YwRHMjkzZTC4ZDUw&source_impression_id=p3_1578669934_1x9Fq8HTuBOvX184)

<https://www.facebook.com/HoneyrockCottages/>

<https://www.western-cape-info.com/provinces/business/17461/honeyrock-cottages-and-wedding-venue-kleinmond>

<https://www.overberg-info.co.za/region/business/17461/honeyrock-cottages-and-wedding-venue-kleinmond>

<https://xplorio.com/kleinmond/honeyrock-cottages-and-venue/>

<https://www.bedroomvillas.com/property/honeyrock-cottages/BC-5704142>

<https://www.bedandbreakfast.eu/bed-and-breakfast/kleinmond/honeyrock-cottages/6161499/>

<https://www.conferencing-south-africa.co.za/portal/businesses/272/accommodation>

<https://www.drakensberg-info.co.za/region/accommodation/province:1/country:1>

[https://www.airbnb.co.uk/rooms/37958220?source\\_impression\\_id=p3\\_1578671378\\_GdwMmxkxQ2swtRBn](https://www.airbnb.co.uk/rooms/37958220?source_impression_id=p3_1578671378_GdwMmxkxQ2swtRBn)

<https://www.south-africa-weddings.co.za/portal/businesses/245/wedding-accommodation>

[https://www.airbnb.co.nz/rooms/37425617/slideshow/825190920?sl\\_alternate\\_dates\\_exclusion=true&adults=1&children=0&infants=0](https://www.airbnb.co.nz/rooms/37425617/slideshow/825190920?sl_alternate_dates_exclusion=true&adults=1&children=0&infants=0)

2020/01/15) Loretta Gillion - For Attention Mrs H van der Stoep - file ref.

58/95



**From:** Koela & Lilo Coetzer <koelalilo@telkomsa.net>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 13/01/2020 03:30 PM  
**Subject:** For Attention Mrs H van der Stoep - file ref. RCAL 8/563, Application ID 3492/2019

Good afternoon

I am the owner of the property at 11 Nerina Avenue, Heuningkloof, erf 5667.

With reference to the abovementioned application and the meeting held in Kleinmond last Friday we would like to comment as follows:

My husband and I bought property in Heuningkloof specifically because it is promoted as a purely residential, quiet and clean suburb with a very low crime rate. We are sure we are not the only residents who bought here for these reasons. Our concerns with the above business proposition are:

Noise pollution, we do not want to be subjected to loud music and bass everytime there is a function or wedding. Especially the low bass frequencies (the duf duf sounds) travel far and cause severe headaches, nausea and feelings of frustration, aggression and anxiety because unless we leave our home we cannot escape from the noise. Frequent exposure may lead to serious health problems such as depression. Also, these functions happen mainly in the evenings which means they will definitely interfere with our right to a good night's sleep. The guinea fowl and pheasants living and breeding in the area will be disturbed and/or forced out by the noise and increased traffic/people.

According to the application, 120 people can be accommodated at weddings/parties. This will mean greatly increased traffic volumes to Heuningkloof which has only one access road from the R44, because of no slipway at the turnoff there is a much higher risk for accidents if the cars are stacked to turn. Also, we don't feel comfortable with drunk or drugged party guests driving through our suburb, especially late at night. Elderly people and children's safety will be jeopardised walking in Heuningkloof.

An increase in crime is likely because not every party guest may be a law abiding person and might look for opportunities to commit crime whilst being in Heuningkloof.

How will the staff get to work? At the moment there is very little pedestrian thoroughfare through Heuningkloof which helps greatly to keep the suburb clean and free of litter.

What sewerage system will be used? Surely the existing septic tank/french drain won't be enough to accommodate 120 people. Will the sewage contaminate our ground water?

In our opinion there is no benefit gained for the residents of Heuningkloof from the proposed development, however, the likelihood that the quiet and peaceful character of our suburb will be lost is very high.

Kindly confirm receipt of this email. Thank you

FILE NO: PIN 81863
DE BRAY
SCAN NO: 02
COLLABORATOR NO: 1373434

15 JAN 2020

59/95

**Loretta Gillion - Amptelike beswaar - Vergunningsgebruik Restant gedeelte 8 Plaas 563 De Draay.**

**From:** Johan Carstens <jc.carstens@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 13/01/2020 06:31 PM  
**Subject:** Amptelike beswaar - Vergunningsgebruik Restant gedeelte 8 Plaas 563 De Draay.



TP. D. Ahoort  
(A. J. de Staer)

In terme van artikel 51 en 52 van die voorgeskrewe verordening wil ek::

**Johan Carstens - Eienaar van No.8 Harmonie Park, Haemanthuslaan, Heuningkloof, Kleinmond ( Erf 7446)** graag hiermee amptelik beswaar maak teen die aansoek om vergunningsgebruik deur Restant gedeelte 8, Plaas 563, De Draay, Overstrand Munisipale Area.: Plan Active namens WJC Mitchell.

My rede vir kommentaar is dat my eiendom grens aan Haemanthuslaan wat die enigste ingang vanaf die R44 na Heuningkloof is en saam met 10 ander Harmonie eienaars( asook die 8 eienaars van El-Shammah kompleks oorkant ons) gebruik ons daaglik ons ingangshekke vir toegang tot Haemanthuslaan om die dorp te bereik.

Indien die vergunningsgebruik goedgekeur word sal die addisionele verkeer van bruihofgaste/funksiegaste/werkers/ selfsorggaste en konferensiegangers verdere druk plaas op die reeds onaanvaarbare hoë verkeersvlakke in Haemanthuslaan wat nou reeds problematies is. Al twee die komplekse in Haemanthuslaan het semi-versteekte ingange wat die veiligheidsrisiko van ekstra verkeer vir ons as verbruikers verder verhoog.

By die R44 afdraai na Heuningkloof ( Haemanthuslaan) is geen glybaan nie en is dit sonder die beplande adisionele verkeer reeds n reuse probleem en gevaarzone in seisoentyd. Die verkeersgeraasvlakke in Haemanthuslaan wat nou reeds onaanvaarbaar hoog is, sal met die addisionele verkeer ondraaglik wees. Met geen spoedbulte of stopstrate, asook wetstoepassing ten opsigte van spoed, het Haemanthuslaan reeds in n snelweg verander met voertuie wat daaglik jaag en spoedperke ignoreer.

Nog n rede tot kommer is die moonklike geraasvlakke van klankstelsels/lewendige orkeste tydens funksies/troues wat by die beoogde funksie/onthaallokaal sal plaasvind. Heuningkloof is bekend as n rustige en stil woonbuurt en inwoners het met skok kennis geneem hoe ver luidspreker klank dra tydens die onlangse Desember aanskakeling van feesliggies in die dorp.

Baie dankie

Johan Carstens  
 8 Harmonie Park  
 Haemanthuslaan  
 Kleinmond  
 Erf 7446  
 Sel: 082 574 1899

FILE NO: Ged 8 / 563
De Draay
SCAN NO:
05
COLLABORATOR NO: 1373371

15 JAN 2020

file:///C:/Users/loretta/AppData/Local/Temp/XPgrnwise/5E1CB775HermanusMunno 2020/01/15



TP. D. / heart  
(H. vd Stoep)

60/95

Mev. HM Pesch  
Ursinialaan 2 (Erf 5560)  
Heuningkloof X1  
Kleinmond  
2 Januarie 2020

Senior Stadsbeplanner

Stadsbeplanning

Hermanus

Aandag: H van der Stoep

FILE NO:	P/N 8/563
	Kleinmond
SCAN NO:	Farm 563
COLLABORATOR NO:	370488

**RESTANT GEDEELTE 8 VAN DIE PLAAS 563, DE DRAAY: OVERSTRAND MUNISIPALE AREA: VOORGESTELDE VERGUNNINGSGEBRUIK**

Ek verwys na u skrywe, met verwysing RCAL 8/563, gedateer 29 November 2019.

Inwoners van Kleinmond en meer spesifiek inwoners van Heuningkloof het hulle eiendomme aangeskaf weens die rustige atmosfeer van die woonbuurt.

Enige ontwikkeling/ verandering van gebruik van aangrensende grond sal 'n negatiewe impak hê op die rustige atmosfeer en stilte wat in ons woonbuurt ervaar word.

Die meeste eiendome behoort aan afgetrede individue of individue wat beoog om binnekort hier af te tree.

Die voorgestelde verandering van gebruik op die plaas ten noorde van Heuningkloof sal verkeersgeraas tot laat in die nag veroorsaak.

Musiek tydens funksies is meestal oorverdoewend en versteur die rus van aangrensende eiendomme. Sommiges binne 120m vanaf die saal waar dit beoog word.

Die bestaande structure het nie voldoende rioolvoorsiening nie, wat 'n besoedelingsgevaar vir die hele omgewing inhou. Selfs moderne kompakte riolsuiweringsaanlegte is nie reukvry nie en word op die einde weens nalatigheid en onkunde 'n onderhouds- en besoedelingsprobleem. Dit skep ergernis en ongemak vir almal in die nabye omgewing.

Die gedrag van gaste (rook ens.) is ook 'n ernstige bedreiging vir brandstigting met die bloekompos tussen die skuur en aangrensende woongebied.

61/95

Ek teken ten sterkste beswaar aan teen die beoogde verandering van gebruik, weens die negatiewe impak wat dit op ons buurt sal hê.



Mev. HM. Pesch

Kontakbesonderhede: peschelvin@gmail.com



TP. A. Alhout  
(H. Jd Stoep)

62/95

E Pesch  
Ursinialaan 14 (Erf 5566)  
Heuningkloof X1  
Kleinmond  
2 Januarie 2020

Senior Stadsbeplanner

Stadsbeplanning

Hermanus

Aandag: H van der Stoep

FILE NO:	PIN 8/563 ✓ Kleinmond.
SCAN NO:	PIN 8
COLLABORATOR NO:	1370486

**RESTANT GEDEELTE 8 VAN DIE PLAAS 563, DE DRAAY: OVERSTRAND MUNISIPALE AREA: VOORGESTELDE VERGUNNINGSGEBRUIK**

Ek verwys na u skrywe, met verwysing RCAL 8/563, gedateer 29 November 2019.

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63/95

Ek teken ten sterkste beswaar aan teen die beoogde verandering van gebruik, weens die negatiewe impak wat dit op ons buurt sal hê.



E. Pesch

Kontakbesonderhede: peschelvin@gmail.com

64/95



L Gillion

**From:** Geoff Snyders <gsnyders\_@absamail.co.za>  
**Sent:** 16 October 2020 09:26 PM  
**To:** L Gillion  
**Subject:** REF RCAL 8/563 re Farm 563 DE Draay proposed Tourist Function/Conference Facility

Dear Sir

I am in receipt of written communication from you re the above which I received notification of registered mail from our Post Office only on Friday 9<sup>th</sup> October ( I suppose due to Covid19 and their inefficiency to deliver a service) and collected on 13<sup>th</sup> October 2020 ie 4 days later than the required closing date for comment.

For what its worth I stand by my original comment in January of this year and am not in favour of the proposed function/conference venue. I do not have an issue with the tourist accommodation chalets.

Should you wish to contact me re the above please feel free to do so.

Yours faithfully

Geoff Snyders  
Mobile:0834603655

FILE NO:	PTN 8/563
	De Draay ✓
SCAN NO:	PTN 8
COLLABORATOR NO:	1469816

TP 19 OCT 2020

65/95



Departement: Stadsbeplanning

Patersonstraat 16

Hermanus

FE &amp; W van der Westhuizen

Nerinalaan 20

Heuningkloof

Kleinmond

Erf 5633

Tel: 083 8967902

E-pos: technical.advisor@kromco.co.za

Aansoek verwysing: RCAL 8/563

TP- A /heort  
(H. Jd Stoep)

FILE NO:	God 8/563
	De Draay ✓
SCAN NO:	
	VDW
COLLABORATOR NO:	
	1467332

Geagte Me. H van der Stoep (Senior Stadsbeplanner)

RESTANT GEDEELTE 8 VAN DIE PLAAS 563, DE DRAAY: OVERSTRAND MUNISIPALE AREA:  
VOORGESTELDE VERGUNNINGSGEBRUIK

Hiermee ons kommentaar rakend die aangepaste aansoek dokument, gedateer 4 September 2020.

Voorgestelde dienspad na onthaal/konferensie area

Indien hierdie voorgestelde dienspad goedkeuring kry, sal dit 'n grondpad bly? Die gebruik van 'n grondpad deur baie meer voertuie, sal 'n definitiewe impak op die omliggende omgewing hê. Daar is 'n baie groot verskil tussen gewone plaasverkeer en toeriste/gaste/konferensie gangers se verkeer op grondpaaie. En hoe sal die verkeer gereguleer word? Sal die beheer van die verkeer deur die Heuningkloof buurt, wat slegs vir die beplande paar gaste huise is, en nie vir konferensies en troues, beheer word sodat n toename in verkeer deur die buurt verhoed word?

In die dokument word daar genoem dat 'n beraamde '20-30' werkskeppingsgeleenthede beplan word. As 'n groot meerderheid van hierdie werknemers van Kleinmond/Palmiet area gaan kom (wat waarskynlik sal gebeur), waar gaan hulle deurloop? Die kortste en vinnigste roete sal deur Heuningkloof woonbuurt wees. Hoe sal hierdie deurloop van mense bestuur word? Dit skep 'n potensiele onveilige en raserige situasie in 'n residentiële area waar inwoners grootliks uit die kwesbaarste deel van ons samelewing bestaan. Ekstra sekuriteit wat op die perseel aangebring gaan word, gaan nie die buurt se inwoners beskerm nie.

Impak op die karakter van die omgewing: geraas

Die impak van meer geraas word aangespreek in die dokument deur te verwys na die suid-oosterlike winde wat die geraas gaan verlaag. Gaan die wind op aanvraag aangeskakel word wanneer 'n funksie gehou word? Gaan dit konstant waai vir die duur van funksies?

TP

12 OCT 2020

66/95

Ek is nie bewus dat enige navorsing gedoen is op geboue wat naburige geraas kan absorbeer en verlaag, soos in die dokument beweer word, nie.

Om elke naweek potensiële geraas te hê tot 01:00, is 'n probleem vir baie inwoners. Dit sal definitief die rustigheid van ons buurt nadelig beïnvloed. Hoeveel van die voël- en dierspesies is aktief in die nag – hoe sal hierdie tipe geraas hulle aktiwiteite beïnvloed.

Impak op die omgewing: waterbronne

Die hele area is 'n vleiland, dus met 'n baie vlak watertafel. As rou riool net gestort word, sal vlakke van skadelike organismes, soos *E.coli*, verhoog en 'n definitiewe impak op die gesondheid van mens en dier hê.

Enige ontwikkeling wat plaasvind, moet ekologies volhoubaar wees – veral in so 'n delikate ekosisteem.

Die mikropadda, *Microbatracella capensis*, is op die kritieke lys van bedreigde spesies. Hierdie padda het 'n baie beperkte area waar dit voorkom, met Kleinmond se fynbos vleilande ván die areas waar dit oorleef. Enige besoedeling van die area se vleilande/watertafel/waterbronne sal dit bedreig.

Dus, alhoewel daar nie nog geboue gaan opgerig word nie, moet daar nogsteeds 'n impakstudie gedoen word. Wat gaan die invloed van rou riool, meer geraas, meer verkeer en meer afval op delikate/bedreigde spesies wees?

By voorbaat dank

Mev. Wilma en Mnr. Francois van der Westhuizen

67/95

**Loretta Gillion - Formal Response : Request for Comment: Portion 8 of the Farm 563, De Draay, Overstrand Municipal Area (Ref: RCAL 8/563)**

**From:** Rassie van der Westhuizen <rassie@water-solutions.co.za>  
**To:** "loretta@overstrand.gov.za" <loretta@overstrand.gov.za>  
**Date:** 09/10/2020 12:39 PM  
**Subject:** Formal Response : Request for Comment: Portion 8 of the Farm 563, De Draay, Overstrand Municipal Area (Ref: RCAL 8/563)  
**Cc:** Wilma van der Westhuizen <technical.advisor@kromco.co.za>  
**Attachments:** Senior Town Planner - File Reference RCAL 8-563.pdf

Good day

This email (as well as the attached letter for commentary) pertains to the Request for Commentary letter that was received by myself through registered mail. The Request for Commentary letter is titled and referenced as follows:

PORTION 8 OF THE FARM 563, DE DRAAY, OVERSTRAND MUNICIPAL AREA:  
 APPLICATION FOR CONSENT USE AND EXEMPTION OF SUBDIVISION (REGISTRATION OF  
 SERVITUDE RIGHT-OF-WAY): PLAN ACTIVE ON BEHALF OF WJC MITCHELL

FILE REFERENCE: RCAL 8/563

Please see attached our detail commentary on the request, highlighting our concerns and questions regarding the proposed application.

Personal details for your reference:

Name: Francois and Wilma van der Westhuizen  
 Address: 20 Nerina Avenue, Heuningkloof, Kleinmond, 7195  
 Contact details: (c) 082 835 4786 / 083 896 7902 (e)

[Rassie.vanderwesthuizen@gmail.com](mailto:Rassie.vanderwesthuizen@gmail.com) / [technical.advisor@kromco.co.za](mailto:technical.advisor@kromco.co.za)

Since our house is in the vicinity of the proposed application we (my wife and I) have a vested interest in how this application will impact us personally and our neighbourhood in general. Our concerns with regards to the environment, our personal safety, the neighbourhood safety and noise disturbance has a direct impact on us. The attached letter is our formal response in order to highlight these concerns.

Regards,

**Rassie van der Westhuizen**  
 Chief Technical Officer

Turnkey Water Solutions (Pty) Ltd

68/95



TURNKEY  
WATER  
SOLUTIONS

Cell: [+27 \(02\) 635 4786](tel:+27(0)216354786)  
[www.water-solutions.co.za](http://www.water-solutions.co.za)

205, The Hills, Buchanan Square  
160 Sir Lowry Road  
Woodstock  
7925

FILE NO:	God 8/563 ✓
	De Draay
SCAN NO:	Kolwer
COLLABORATOR NO:	1467361

69/95



Heuningkloof

8 Oktober 2020

Hannien VD Stoep

Komentaar op plaas 563 De Draay deel 8.

Geagte Hannien.

Na aanleiding van ons telefoniese gesprek gister, hiermee my idees ivm bogenoemde saak:

Ek weet van geen Trou Perseel in die Weskaap wat binne 100m van n woonbuurt af geleë is nie. Die meeste plase waarop dit toegelaat word is afgeleë en ver buite geraas afstand van woonhuise en daarom is ons total teen die gebruik van die plaas hiervoor gekant.

Na maande van beplanning is daar slegs een verandering aan die voorgestelde plan wat aan ons voorgelê is naamlik die nuwe ingang. Die res van al ons besware is geensins aangespreek nie en ek verwys na veral die riool en geraas.

Klank geraas.

Dit is in my opinie belanglik om te dink dat n dun hout bord [ hard Board] volgens die voorstel die problem van harde geraas gaan oplos. Ek dring daarop aan dat die perseel ten volle klankdig gemaak word. Hoe op aarde dink die beplanners gaan oop deure en vensters die klank binne hou ?? Daar is geen rede dat ons aan hulle geraas blootgestel moet word nie.

Riool

Dit is total onaanvaarbaar dat hulle self daaraan dink om n " soak away " of " French drain " te gebruik.

Die watertafel in Heuningkloof is geweldig vlak en by meeste huise so laag as 50cm. Ons pomp tans soveerl as 1000 liter water per dag in die stormwater afvoer en steeds is dit nie genoeg nie.

Die water stroom by byna al die erwe in die strate. Stel jou voor ons sit nou nog met die plaas se riool ook daarby !

As mens die som doen dan sal jy sien dat hulle maandeliks sowat 9 nuwe huise waarin 2 persone woon se riool gaan produseer deur die aantal gaste en werkers soos beplan.

Hulle sal n tenk van sowat 20 000 liter moet inbou en uitpomp soos ons almal tans gedwing word deur wetgewing of by die nuwe stelsel in Heuningkloof aansluit.

Besigheidsure

Dit is onaanvaarbaar dat hulle tot 01h00 in die oggend wil bedryf. Die eienares het my gebel en aangedui dat hulle 12 uur sal sluit maar ons weet almal dat dit wensdenkery is. Wie gaan ons verantwoordelik hou om 12 uur die deure te sluit en geraas stop te sit? Die eienaars woon heel bo

TP- n. (hoort  
(H. vd Stoep)

TP 12 OCT 2020

70/95

teen die plaas se boonste grens en buite die geraas sone en gaan heel moontlik nie eens weet van die bedrywighede nie.

#### Toegang

Die beplanners dui aan dat slegs plaasvervoer van die huidige hek gebruik sal maak en besoekers die nuwe pad sal gebruik. Vir die doel wil ons dus dan die hekke van Vrydagaand 6 uur tot Maandag 8uur gesluit sien want dit is onmoontlik om die gaste andersins uit Heuningkloof te hou.

#### Werkers

Daar is geen aandag aan ons vraag rondom vervoer van werkers gegee nie. Hoe gaan 30 mense of hoeveel ookal in diens is na 12 uur by die huis kom en met watter roete gaan hulle stap?

Ten slotte wil ek byvoeg dat die fasiliteite vir partytjies gebruik gaan word en die ergste vorm van geraas en onaanvaarbare gedrag is bekend as Batchelor Parties. Wees verseker dat dit die geleentheid is waarop jong dronk mans vir oulaas hulle sinne verloor en geen perke het nie!

Indien julle die vergunningsgebruik toestaan dring ons aan dat geen van hierdie spesifieke partytjies toegelaat word word nie.

By voorbaat dank vir jou aandag.

A Kolver Mev

Mobiele foon 082 782 0880



# Dienssentrum / Service Centre

71/95

ONS GLO, ONS GEE OM, ONS DIEN

Tel: 028 271 3502  
Faks / Fax: 086 250 3654  
Epos / email: fynbospark@telkomsa.net

N G Kerksaal / D R Church Hall  
1ste Laan 36 1ste Avenue  
Posbus / P O Box 11  
Kleinmond 7195



8 Oktober 2020

Die Direkteur: Infrastruktuur en Beplanning,  
Overstrand Munisipaliteit,  
Posbus 20  
HERMANUS  
7200

## VERSOEK VIR KOMMENTAAR

TP: A. Ahoed  
(11. Ud Stoop)

U brief met verwysing RCAL 8/563 van 4 September 2020 het betrekking.

In die "Motivation Report – Revision 1 July 2020" word die volgende aangedui:

- The function venue will operate until 01:00
- Functions/conferences will be accommodated as the market demands and consequently the possible noise pollution associated with the functions will be limited to the days the functions are booked

Bogenoemde is 'n erkenning dat geraas stoornis deur funksies veroorsaak sal word.

- All sewerageinfrastructures for the existing structure already exist. The existing structures (for function/conference venue, chapel and tourist accommodation) are serviced with soak aways.

Die gebruik van "soak aways" deur groot getalle mense sal tot groot skaalse besoedeling van die ondergrond lei

In die aangehegte dokument word verduidelik waarom die Tegnieke Komitee van Fynbos Dienssentrum bewaar aanteken teen die goedkeuring van die aansoek.

Die uwe,

C. KOK

Voorsitter: Tegnieke Komitee van Fynbos Dienssentrum

FILE NO:	Ged 8/563
	De Draay ✓
SCAN NO:	KOK
COLLABORATOR NO:	1467338

Geregistreerde organisasie sonder winsoogmerk (NPO 011-891)  
Registered non-profit organisation (NPO 011-891)

'N DIENS VAN | A SERVICE OF

Badisa www.badisa.org.za

TP

12 OCT 2020

72/95

BESWAAR TEEN AANSOEK OM VERGUNNINGS GEBRUIK : RESTANT GEDEELTE 8  
VAN DIE PLAAS 563, DE DRAAY : OVERSTRAND MUNISIPALE AREA - PLAN ACTIVE  
namens WJC MITCHELL

---

## 1 INLEIDING

Fynbos Park is 'n Aftree- en versorgings fasiliteit geleë op Erf 8137, Kleinmond.

Die Oostelike grens van die perseel grens vir ongeveer 500 meter aan die Westelike grens van Plaas 563 De Draay.

Volgens die goedgekeurde terreinplan (Plan FBP 2017/6 – Rev 1) vir Fynbos Park Aftreeoord word die oprigting van 19 Tweeslaapkamer huise, 9 Eenslaapkamer woonstelle, 15 Eenmans woonstelle en 'n siekeboeg en versorgingsfasiliteite vir 40 verswakte bejaardes op die perseel voorsien.

Die sentrum met die fasiliteite vir verswakte bejaardes sal gebou word in die Noord-Oostelike gedeelte van die perseel aangrensend aan die Westelike deel van die plaas De Draay.

## 2. BESWAARMAKER

Fynbos Aftreeoord behoort aan die Goeiehoop Behuisingsmaatskappy en word ontwikkel en bestuur deur die Fynbos Dienssentrum van Kleinmond. Die ondergetekende is die Voorsitter van die tegniese komitee van die Dienssentrum en is verantwoordelik vir die oprigting van die strukture op die perseel.

## 2. BESWAAR

2.1 Beswaar word gemaak teen die gebruik van die perseel as Toeriste fasiliteit met Funksie fasiliteit, Konferensie fasiliteit en Kapel.

2.2 Daar word nie beswaar gemaak teen die gebruik van die perseel vir Toeriste akkomodasie nie met sekere voor behoude.

## 3. Motivering vir besware

### 3.1 Geraas

Aangesien Fynbos Park deur bejaardes en verswakte bejaardes bewoon gaan word sal enige buitengewone geraas en veral laat in die aand baie steurend wees vir die inwoners wat juis die perseel betrek vir die rustigheid van die ongewing. Die bewaarmaker meen dat die funksie- en konferensie fasiliteit met drank fasiliteite tot onaanvaarbare geraas tot laat in die nag sal lei.

Die toeriste akkomodasie kan aanvaar word mits dieselfde geraas beperkings op die perseel van toepassing gemaak word as wat geld vir Kleinmond karavaanpark wat ook aan

73/95

Fynbos Park grens.

### 3.2. Riolering

Die bestaand rioolstelsel van De Draay maak gebruik van septiese tenks.

Daar sal of van opgaar tenks(Pompstelsel) of 'n aansluiting na die munisipale rioolstelsel gemaak moet word. Geen aanduiding word gegee hoe dit Fynbos Park gaan raak nie.

Indien die huidige stelsel behou word kan dit die ondergrondse water van Fynbos Park besoedel.

### 3.3. Omgewingsimpak.

De Draay en die omgewing is bekend vir die groot verskeidenheid van fynbos wat daar voorkom.

Geen inligting word in die aansoek verstrek oor hoe die fynbos geraak gaan word deur die beoogde aktiwiteite nie en of daar 'n omgewings impakstudie gedoen is om die aangeleentheid aan te spreek.

### 3.4. Verhoogde voetganger verkeer deur Geelhoutlaan Oos

Die ontwikkeling soos beoog sal noodwendig tot gevolg hê dat werkers vanaf die middedorp die kortste moontlike pad na die Beoogde Eiendom sal gebruik om by die werk uit te kom. Dit sal tot gevolg hê dat Geelhoutlaan en die korridor op die oostelike grens van Fynbospark as 'n toegangsroete gebruik sal word met verhoogde leegleëry wat in die gebied sal gedy.

Die karavaanpark aan die suidekant van Fynbospark sal as 'n gerieflike wegkruipplek gebruik word vanwaar inbrake in die omliggende gebiede gepleeg sal word.

Die werksgeleenthede wat deur die beoogde ontwikkelinge meegebring sal word sal as 'n trekpleister dien vir ongewenste elemente.

.....  
C. Kok

Voorsitter van die Tegnieese Komitee van Fynbos Dienssentrum

Eerstestraat 5,

KLEINMOND

Sel: 083 257 8843

e-pos: christo1943@gmail.com

9 October 2020

FILE NO:	God 8/563 ✓
	De Draay
SCAN NO:	Alice
COLLABORATOR NO:	1467337



For the attention of:  
Senior town planner:

H. Van der Stoep Infrastructure and planning Overstrand Municipality

TP. N. (Heart)  
(H. van der Stoep)

Dear Madam / Sir,

Thank you for your "request for comment" pertaining to the development/changes to Portion 8 of the farm 563, De Draay, Overstrand Municipal area. This registered letter is dated 4 September 2020 but I only received this letter this week. But, there is still enough time to me to comment on the amended application as today 9 October 2020 is the final date for written comments.

My original concerns were twofold: the first was the access into Heuningkloof. One access road into the area with the additional traffic is not practical or sustainable. There have been alternative recommendations made in this regard.

My main concern was the SEWERAGE problem. Again it is clearly stated in the AMENDED APPLICATION that the soak-away will "remain for the purposes of the application" Once again I would respectfully like point out that this is TOTALLY UNACCEPTABLE. As we all know the farm is at the foot of the mountain and as such the area receives an enormous amount of water. We have a very high water table in this area. A soak-away, especially with the envisaged additional number of guests per month, will definitely pollute the valuable underground water system.

All underground water can also be seriously polluted by human faeces with human urine. The pollution of underground water by human waste has serious health effects on both humans and wildlife. All forms of life can be harmed by contaminated underground water that is contaminated by human excreta. This proposed soak-away sewerage system for Portion 8 of the Farm 563 De Draay cannot be condoned or approved or sanctioned.

The Overstrand Municipality has various other options for sewerage. There is the new sewerage system in the process of being installed Heuningkloof and there is the option of sewerage tanks that have been used in this town for many years. The Municipality needs to be consulted in this regard.

Alice van Rooyen

Erfd 5664, Number 5 Nerina Avenue, Heuningkloof, Kleinmond 7195

072 - 6111 -642

E-mail sent to : [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za) on 9 October 2020

*Alice van Rooyen*

*TR* 4 9 OCT 2020

9 October 2020

FILE NO:	God 8/563
	De Draay ✓
SCAN NO:	Alice
COLLABORATOR NO:	146 7337



TP. A/heard  
(H. van der Stoep)

For the attention of:

Senior town planner:

H. Van der Stoep Infrastructure and planning Overstrand Municipality

Dear Madam / Sir,

Thank you for your "request for comment" pertaining to the development/changes to Portion 8 of the farm 563, De Draay, Overstrand Municipal area. This registered letter is dated 4 September 2020 but I only received this letter this week. But, there is still enough time to me to comment on the amended application as today 9 October 2020 is the final date for written comments.

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Alice van Rooyen

Erfd 5664, Number 5 Nerina Avenue, Heuningkloof, Kleinmond 7195

072 - 6111 -642

E-mail sent to : [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za) on 9 October 2020

TP 12 OCT 2020

76/95

Loretta Gillion - Portion of farm 563 DE Draai *Pla 8/563*

**From:** Ss Gerber <ssgerber7@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 09/10/2020 01:19 PM  
**Subject:** Portion of farm 563 DE Draai

*TP. n. /hoort  
 (1. udStoop)*



Middag net die volgende. In beginsel het ek n probleem met Soak drains Ons almal in heuningkloof moet nou Baie geld betaal om by hoof riool aan te sluit en ek dink as hulle n besigheid daar wil he Kan hulle ook aansluit. SSJ Gerber, Ursinia laan 24 Kleinmond erf 5571.

FILE NO:	<i>Pla 8/563</i>
	<i>De Draai</i> ✓
SCAN NO:	
	<i>Gerber</i>
COLLABORATOR NO:	
	<i>1467327</i>

*TP 12 OCT 2020*



77/95

Loretta Gillion - RCAL 8/563

**From:** Denis Johnson <denisandcarool@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 09/10/2020 04:40 PM  
**Subject:** RCAL 8/563

TP. D. / heard  
(I. Ud Stoop)

Dear S Muller,

Thank you for the letter received a week ago concerning the amended application for consent use and exemption of subdivision by and on behalf of WJC Mitchell, and giving residents the opportunity to give their comments.

Being the title deed holder of erf 7457, Haemanthus Ave., Heuningkloof, I have lived here for the past 6 years and am very aware of the traffic in Haemanthus Ave and the impact it has on the quality of life of those living on Haemanthus Ave. Note that while a brick works and the Flower Farm were operating fully, traffic noise was especially horrendous.

"The existing access point and farm access road off Rose Ave will continue to be used for all agricultural related land uses and structures as well as the tourism accommodation units" Haemanthus Ave (the only access road into Heuningkloof) has been a problem as far as speed of traffic and noise created especially by the trucks from the farm and other commercial ventures. There will be a further increase in traffic from this development and from the residents of Heuningkloof as more houses are built and commercial traffic increases. It is suggested that the Municipality builds long overdue traffic calming measures (speed humps) in Haemanthus, Urstina and Nerina Avenues.

"It is proposed to register a 3m servitude right-of-way over the existing gravel farm road on Portion 3 of the farm De Draay no. 563 in favour of Portion 8 of the farm De Draay no. 563. The road on Portion 3 connects to the R44 (i.e. direct access) and thus the traffic stemming from the proposed tourist facilities will not have to be conveyed through Heuningkloof" The developer has offered an additional access route for use by the guests at all the functions, to the R44. It seems that this dirt road would not be popular with the guests and the access at the R44 would be more dangerous than the current, already dangerous, access from Haemanthus Ave to the R44 junction. However, it would appear that permission for this road has not actually been granted and it could be denied.

Assurance is needed that use of this additional access road will be enforced at all times.

Yours faithfully  
 C.W. Johnson.  
 Erf 7457  
 9 Harmonie Park  
 Haemanthus Road,  
 Heuningkloof,  
 Kleinmond.  
 028-712-3058 / 083 231 5332

FILE NO:	God 8/563 ✓
SCAN NO:	De Draay
	Johnson
COLLABORATOR NO:	1467321

TP 12 OCT 2020

file:///C:/Users/loretta/AppData/Local/Temp/XPgrpwise/5F80926AHermanusMunpos... 2020/10/12



For attention: Ms S. Muller

Director: Infrastructure and Planning

Overstrand Municipality

6<sup>th</sup> October 2020

From: Christine Coupar: Ursinia Road, Erf 5625, Heuningkloof:

TP. N. /Heart<sup>1</sup>  
(H. W. Sloep) 78/95

FILE NO: Ged 8/563
De Draay
SCAN NO: 04
COLLABORATOR NO: 1465860

2<sup>ND</sup> RESPONSE TO:

"THE CONSENT USE OF PORTION 8 OF THE FARM 563, DE DRAAY, OVERSTRAND MUNICIPAL AREA:

Summary of communication to date:

- We received and responded to your "Notice to Affected Persons", dated 29 November 2019.
- Our 1<sup>st</sup> response to this document was dated 22 January 2020 (attached) and delivered to your offices in Hermanus by deadline.
- We received an email directly from Noeleen and James Wessels, dated 03 September 2020 (attached: "Proposed Wedding Venue – Heuningklip Farm"), which we responded to on 14 September 2020, also attached. No response received.
- We received your "Request for comment" document (dated 04 September 2020) via Registered mail last week, to which we are now responding (2<sup>nd</sup> response).

Thank you for the detailed document outlining the "Amended Application" for Portion 8 of the Farm 563, De Draay, Overstrand Municipal area.

We note that a 3 meter servitude right-of-way is proposed over portion 3 of the farm De Draay no 563 in favour of portion 8 of the farm De Draay. We understand that this means an **alternative access route from the R44 will be provided to the proposed Wedding and Conference venue**. This is good news for the residents of Heuningkloof.

We assume therefore that the transport of function-staff and deliveries will also use the **alternative route** to the proposed venue on the farm. Should this not be the case, we would be concerned if the existing access point off Roos Avenue will be used for pedestrian function-staff and deliveries. Gousblom ave for example would be one of the direct short-cut routes for increased pedestrian traffic. This was raised in our previous communication point 1 (e).

We see under "Tourist Facilities"(point 1) in your "Request for comment on the Amended Application", as well as in the e-mail from Noeleen Wessels, that **the function venue will continue to operate until 01:00 am**. This was a point of concern raised by us in all our responses to date. This is not a generally acceptable time to continue a function to, especially on a Sunday morning, in, or bordering a suburb. **Consideration of this issue and the noise factor needs to be taken seriously.**

TP - 6 OCT 2020

79/95

Regarding the soak-away sewerage system, we assume that it will be sufficiently provisioned to accommodate the increased volumes of guests over and above the regular usage and not be impacted by increased mountain water during good rainy seasons.

In our response document (point 3 (d)) we raised a concern about **food refuse which could attract scavenging baboons**. We trust that the refuse will be removed immediately after each function, as the baboons are frequenting the area again ie this past weekend a small troop entered homes in Heuningkloof and raided bins.

Thank you for the opportunity provided to us to comment.

Christine Coupar.

Heuningkloof.

*For ease of reference, please receive the following copies of correspondence:*

- E-mail correspondence from Noeleen and James Wessels, as well as our reply, dated 14 September.
- Our 1<sup>st</sup> response to Overstrand Municipality, dated 22 January;

e-Mail from Noeleen and James Wessels & our reply:

N Noeleen <noelsw@mweb.co.za>      coupar@mjvn.co.za  
**PROPOSED WEDDING VENUE - HEUNINGKLIIP FARM**

▶ You replied to this message on 2020/09/14 20:41.

**From:** Noeleen <noelsw@mweb.co.za>  
**Sent:** Thursday, 03 September 2020 12:21  
**To:** coupar@mjvn.co.za  
**Subject:** PROPOSED WEDDING VENUE - HEUNINGKLIIP FARM

Good morning Mrs Coupar

I am writing this email to you in connection with the above proposed wedding venue. I very much wanted to call you and touch base and let you know what measures we have put in place, but unfortunately do not have a telephone number for you, so hence the email.

I have been in contact with other residents of Heuningkloof yesterday and this morning, introducing myself and chatting to them about the letter that was sent out by the Municipality re. the proposed venue. The concerns that came up were the impact on the roads through the suburb, the noise factor from the wedding venue and that the sewage was dealt with correctly.

You will be receiving an up-date from the Municipality with answers to the concerns by the residents in the next couple of weeks, if not sooner but I just wanted to let you know what we have done in the meantime.

80/95

We have had permission from the owners of the farmland above us to use their farm gate which is East of the Animal Sanctuary on the side of Heuningkloof specifically for weddings. The wedding parties will enter from this entrance and exit the same. None of the wedding party and guests will have use of our main gate coming onto the farm and therefore will not be coming through the Suburb.

In terms of the noise factor coming from the wedding, we have had a sound engineer give us a report on what can be done to minimise the noise and we have also cladded the inside of the wedding shed to reduce this as well. The wedding shed is situated behind the flower pack shed so this should help as well.

With regard to the sewage, we will be able to access the new sewage system that has been put in place in Heuningkloof if the need arises, bearing in mind that the septic tanks that we have on the property have been in situ for the last 50 years and were used by 50 permanent live in staff and over 100 workers.

I would very much like to ask if you would send me your contact number via return email so that I might call you and answer any other concerns you may have, if you so wish.

You are very welcome to contact me and come and have a look at what we have done, we would be very happy to show you around, or furthermore perhaps we can organise an open day for all the residents to take part in.

Apologies again for having to send you the email and not chat directly but I look forward to that when you have time.

Many thanks and our

Kind regards,

Noeleen & James Wessels



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E:

[info@honeyrockcottages.co.za](mailto:info@honeyrockcottages.co.za)

"Who live – see much. Who travel – see more"

KC

Karen Coupar <[coupar@mjvn.co.za](mailto:coupar@mjvn.co.za)>

[noelsw@mweb.co.za](mailto:noelsw@mweb.co.za)

RE: PROPOSED WEDDING VENUE - HEUNINGKLIP FARM

2020/09/14

Dear Noeleen and James -

Thank you for your e-mail of 3<sup>rd</sup> September 2020 in response to our feedback on the "Consent Use of Portion 8 of the Farm 563 De Draay, Overstrand Municipal Area".

We note that our suggestion regarding lower impact diversification such as an accommodation venue like Backpackers or additional Self-catering Units has not been considered.

We appreciate that the access to the Farm for all functions and Conferences will now be routed via the farmland above your property as entrance and exit, and clearly sign posted as such. We assume this will include all function staff, deliveries and guests.

We ask you to confirm that the function closing time will not be 01:00 as mentioned in your proposal, but at 23:00 as is acceptable practice in or close to suburbs for Function Venues, or even house parties!

Thank you for insuring additional noise reduction mechanisms will be put in place. The noise reduction will of course only apply to the guests inside the venue, not outside!!

We trust that the Sewerage system on your property is adequate and will not impact our area.

No mention has been made about secure Refuse containment and removal to avoid attracting foraging Baboons.

We would be happy to attend your proposed "Open Day" for Heuningkloof residents.

Regards

Christine Coupar

Our 1<sup>st</sup> response to Overstrand Municipality:

RESPONSE TO:

"THE CONSENT USE OF PORTION 8 OF THE FARM 563 DE DRAAY, OVERSTRAND MUNICIPAL AREA"

CHRISTINE COUPAR 15 URSINIA AVENUE Erf 5625 [COUPAR@MJVN.CO.ZA](mailto:COUPAR@MJVN.CO.ZA)

I have reviewed the documentation regarding a proposed Wedding Venue and Conference Centre being developed on the abovementioned property, and I list my various comments below:

Of most concern to me is the following:

- **Noise created by a Wedding / Party and Conference venue** per the submitted document.
- It is my understanding that 23:00 is an accepted cut-off period for party noise - **not 01:00**.
- **Increased Traffic** in a suburb with only ONE entrance and exit. To curb traffic congestion in Heuningkloof, a direct road from the farm to the main road will resolve this concern.

Our family have invested in several properties in Heuningkloof, doing this because of the peace and quiet of this upmarket suburb. Heuningkloof also does not have a major influx of holiday makers in the suburb because most of the properties are occupied by owners.

We personally have a great concern with the noise factor in Heuningkloof because of the proximity of our closest property (**#15 Ursinia Ave**) which is DIRECTLY IN LINE WITH THE ENTRANCE AND EXIT GATE of Heuningkloof. The noise of the traffic driving to and from directly in front of our gate will be a problem day and night (for Conferences and Weddings), but *especially in the evening when the cars all have their lights on. The lights from the cars exiting the property will shine DIRECTLY into the Main bedroom and lounge which is unacceptable..... and the party noise until 01:00 on a Sunday!! The value of our property will be impacted due to its proximity.*

While I understand the need to diversify a farming operation, my suggestion would be to implement a lower-noise impact Backpackers accommodation making use of the barn structure (dormitory-style), for example. The barn could also be divided into 2 self-catering units with a mezzanine area for additional space, or increase the number of self-catering units already in existence.

My response after due consideration is as follows:

82/95

1. The additional **TRAFFIC** to and from the Farm property through Heuningkloof is a problem as we only have ONE way in and out.
  - a) Haemanthus and Ursinia Avenues will become congested at certain times with traffic to and from the venue, and residents will have an issue accessing/leaving their properties, and entering Haemanthus and the R44.
  - b) **90 parking bays** are planned for guests or staff. All those cars will be travelling in and out of Heuningkloof during the day and/or night – be it for a Wedding, Party or Conference. With one entrance and exit to the suburb this will be a problem for Heuningkloof residents. My house is *directly* opposite the entrance / exit to the venue!
  - c) When there is a problem along Sir Lowry's Pass or at Botrivier, all traffic to Cape Town is diverted through Kleinmond. This already causes congestion for residents of Heuningkloof trying to exit the suburb and join the main road due to the heavy traffic along the R44.
  - d) Should there ever be a problem that the suburb has to be vacated because of its proximity to the mountain/fynbos and a fire risk, we would have a MAJOR risk because of the ONE EXIT. Additional people and vehicles will make this worse.
  - e) Additional staff that will be required for a Wedding venue will also involve more vehicular AND pedestrian traffic to the area. Pedestrian traffic will short-cut through to the venue from the main road and the area bordering the caravan park and walk up Gousblom Avenue and along Ursinia. There will be no control as to who are staff members and who are loiterers.
  
2. NOISE FACTOR issue as per the documentation:
  - a) "Functions/conferences will be accommodated as the market demands .....the noise pollution ..... will be limited to days the functions are booked" ..... *there is no control how often this will take place during the week and / or weekends!*
  - b) The "south-easterly wind .... will mitigate the noise levels". *Wind-direction is not a viable or consistent noise level control.*
  - c) "The Shed will be fitted with additional hardboard to serve as a barrier to mitigate noise levels" ..... *Hardboard would have to be accompanied by sound-dampening fibre to have effect. In summer the windows and doors will most likely be open. As sound travels, loud music will be most disturbing, especially till 01:00, as proposed.*
  - d) "... conferences and self-catering units are generally not associated with high levels of noise" ..... *but WEDDINGS AND PARTIES are associated with loud music!!*
  
3. OTHER FACTORS per the documentation:
  - a) "... Will create at least 20-30 employment opportunities" ..... "inclusive of kitchen staff, waiters, barmen, security, cleaners etc" ..... *Will transport be provided for the staff? If not, pedestrian traffic will increase, and loiterers are likely to blend in with the pedestrian traffic possibly increasing crime to the area. Backpackers or more self-catering tourist accommodation will also provide increased employment opportunities*
  - b) The focus in the documentation is that the "footprint", "already disturbed areas", "not be out of character with the immediate surrounds", "the proposed tourist facilities and tourist accommodation units are in line with the existing character of the area" ---- *but a Wedding / Party and Conference Venue is NOT in character with the quiet and peaceful surroundings!!*
  - c) A VERY important factor is the **sewerage system**. How will the sewerage system created for an Agricultural Farm and a few cottages cope with a huge increase of at least 150 people at one time (including guests and staff). Will additional tanks be built to avoid issues?

- d) An increased number of scavenging Baboons may be attracted to the food bins after the functions and begin plaguing the suburb.

As a family we purchased properties in Heuningkloof for investment as it is an upmarket and peaceful suburb. If this application goes through without any concessions / amendments (ie. a re-routed access road, further sound dampening and a 23:00 closure time) as a Wedding / Party venue, the whole ambience and character of the suburb will change and property values will be negatively impacted, **especially # 15 Ursinia Avenue** -- the value of this specific property will inevitably be impacted!

We can understand the need for diversification on the farm, but *not as a high volume Wedding / Conference / Party venues* which will have traffic and noise implications for the whole suburb. It is NOT in keeping with an agricultural farm or the adjacent residential suburb.

The current **self-catering Cottages** are great as a tourist attraction, and as **Air B&B accommodation** as well. Rather build a few more of those as folk will enjoy spending time in the quiet, beautiful area as noted in your document. The Sheds can be converted into Backpackers accommodation (dormitory-type) as mentioned earlier. At least self-catering accommodation will not involve vast volumes of vehicular traffic at any one time.

Another idea is to develop **HIKING TRAILS**, and a small entrance fee can be charged for the up-keep of the trails -- folk are always looking for new and interesting areas to walk in. If the Hikers are going to stay over in the self-catering cottages they could have **FREE** access to the Hiking trails!!

**Arabella Golf Course** is not far away and the self-catering accommodation can be advertised for **Golfers** to utilise.

I ask that you seriously consider the alternative proposals made in this submission:

- Re-routing traffic from the farm directly to the main road (R44), instead of through Heuningkloof's only entrance and exit;
- Conversion of the Sheds to Back-packers accommodation instead of a Wedding / Party Venue in preference;
- Stop loud music /noise at 23:00, **not at 01:00** the next day as proposed.

Please take into account fixed property investments made by all the residents of Heuningkloof who are an important community contributing to the sustainability of Kleinmond as an attractive coastal town.

*I note that the Heuningklip Website already advertises the area as a Wedding /Conference Venue with accommodation before approval?!*

Thank you for the opportunity to provide input.

Christine Coupar  
15 Ursinia Ave  
Heuningkloof.

22<sup>nd</sup> January 2020



84/95



**KLEINMOND BELASTINGBETALERSVERENIGING**  
**KLEINMOND RATEPAYERS ASSOCIATION**

Posbus 134, Kleinmond, 7195.  
 Voorster: Jan-Willem van Staden.  
 Vonkpos: kbbv@diekleinmonder.co.za  
 Sekretaris: Steve Loder  
 Vonkpos: kbbv@diekleinmonder.co.za

VOORKEUR KORRESPONDENSIE WYSE is 'n Skrywe na BEIDE bostaande Epos-adresse.

2020-10-05

By e-mail

TP - A/hoof  
 (H. ud Stoep)

Dir. S. Muller  
 Directorate: Infrastructure & Planning  
 PO Box 20  
 Hermanus  
 7200

Attention: Me. H. V. D. Stoep  
 Dear Madam,

**REQUEST FOR CONSENT: PORTION 8 OF THE FARM 563, DE DRAAY, : APPLICATION FOR CONSENT USE AND EXEMPTION OF SUBDIVISION (REGISTRATION OF SERVITUDE RIGHT-OF-WAY): PLAN ACTIVE ON BEHALF OF WJC MITCHELL**

Your letter received, dated 4 September 2020 regarding the above matter refers.

We would like to comment as follow and would like to make it clear that we do not hereby condemn any previous comments by the KRA or any of the residents of Heuningkloof;

1. A formal application to the Department of Roads at the Western Cape Administration must be submitted and the approval thereof, for the deviation of the existing use of the entrance/exit to portion 3 from the R44, other than that of farming, must clearly be stated and the new use thereof approved before registration of a servitude.

2. All precautions to the safety of motorists at this proposed junction with the R44, must be taken in consideration with the entrance/exit designed with necessary slip-ways to accommodate motorist at speeds up to 100km/h on the R44.

Thank you  
 Yours sincerely

Jan-Willem van Staden

FILE NO:	Ged 8/563 ✓
	De Draay
SCAN NO:	KBEV
COLLABORATOR NO:	1465456

VOORKEUR KORRESPONDENSIE WYSE in 'n skrywe (PDF-Lêer) na  
 kbbv@diekleinmonder.co.za

TP - 5 OCT 2020

TP. A. /hoort  
(H. ud Stoop) 85/95



04 October 2020

LR Coetzer

11 Nerina Ave, Heuningkloof

Kleinmond

Dear Sir/ Madam

RE: Your request for comment regarding portion 8 of the farm 563, De Draay dated 4 September 2020, file reference RCAL 8/563

Thank you for the opportunity to comment on the amended application as per above.

Whilst there does not seem to be a problem with tourist accommodation, as long as it is promoted as a peaceful country stay, noise pollution is a major issue.

Even though it is commendable that the barn/hall will be fitted with extra hard board for insulation, it is preposterous to think that on a warm summer night all the doors/windows of the barn will stay closed to help keep the noise level down and to hope that the wind will blow the noise the other way is laughable. Especially at night noise and thumping bass will carry and be heard/felt far away in all directions.

The noise of loud music and 120 people partying right next to a purely residential area will have an enormously negative effect on the lives of the people living in the neighbourhood. This is totally unacceptable as it takes away our right to a good night's sleep and to enjoy our homes/gardens without noise intrusion from outside. Where are the residents supposed to go when the party noise becomes unbearable? Our homes is the only place which offers a sanctuary from external stress, the only place which provides an environment of peaceful quietness. Nobody should be allowed to take this away. Studies have shown that regular exposure to noise pollution can lead to a number of mental health issues, anxiety, stress related illnesses, depression and aggression.

The existing sewerage system surely was meant to accommodate the people staying in the farm cottages, even with soakaways, how is this facility supposed to cope with multiple times that number (120)? Who will make sure that no sewage will penetrate our groundwater?

Although there is always a chance of some drunk drivers on the road, after a wedding/ function of 120 people how many will be driving under the influence of alcohol? This poses a safety risk for our suburb and surrounding area.

Heuningkloof is known for its quiet, peaceful ambience, a safe purely residential area without shops, bars, pubs etc. This wedding/function venue will destroy this and pose continual harassment for the people living in Heuningkloof.

In our opinion the creation of a handful of jobs does not justify the depreciation of our quality of life.

LR Coetzer

JJ Coetzer

FILE NO:	60081563
	De Draay
SCAN NO:	coetzer
COLLABORATOR NO:	1465452

TP - 5 OCT 2020

TP- D./hcart  
(11. Ud Sloep) 86/95

**Loretta Gillion - Comments on application for consent use - Portion 8 of the Farm 563, De Draay**

**From:** "Chris Boucher" <chris.boucher@sonicmail.co.za>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 01/10/2020 11:39 AM  
**Subject:** Comments on application for consent use - Portion 8 of the Farm 563, De Draay



I react to the registered mail I received regarding "Request for Comment" on the application for consent use for Portion 8 of the farm 563, De Draay, Overstrand Municipal Area.

My main concern remains the entry route to the farm for wedding, function and conference purposes. I cannot help to ask what guarantee the inhabitants of Heuningkloof is going to have regarding the use of the present entrance road to the farm for the mentioned venues? A relatively short and tarred present entrance (and still to be used for farming purposes and entrance to the accommodation units) versus a much longer gravel road to be travelled for the mentioned activities. I can not help to feel a sense of scepticism that the present short and tarred entrance (being much easier to use), will eventually become the norm for the planned functions too. What can we as Heuningkloof inhabitants (especially people like us living in Ursinia Avenue) do when it happens? What will be done to prevent such an issue?

Secondly – the reasoning that most functions will happen over weekends in the summer months and therefore relying on the south-easterly wind to "blow" the noise away from the Heuningkloof urban area, is a bit far-fetched. What about windless nights, or when we also experience north-westerly winds in summer (which does happen)? And furthermore, the south-easterly wind tends to calm down in the evenings when partying is foreseen to carry on till 01:00 in the morning.

I can see a lot of merit in the application for the mentioned consent use. And I would like to see any person earning a decent living in his/her business and employing other persons to earn a living too. But I am not in favour of it if it is going to infringe in my standard of living.

Kind regards

**CW Boucher**  
 26 Ursinia Avenue  
 Heuningkloof  
 Kleinmond

Erf: 5572

Tel: 079 500 1442

E-mail: chris.boucher@sonicmail.co.za

FILE NO:	God 8/563
	De Draay
SCAN NO:	02
COLLABORATOR NO:	1463815

TP - 1 OCT 2020

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81/95

Loretta Gillion - GEDEELTE 8 VAN DIE PLAAS 563 DE DRAAY: REGESTRASIE VAN SERVITUUT - 4 SEPTEMBER 2020



**From:** Chris Harding <chrisharding005@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 28/09/2020 02:08 PM  
**Subject:** GEDEELTE 8 VAN DIE PLAAS 563 DE DRAAY: REGESTRASIE VAN SERVITUUT - 4 SEPTEMBER 2020  
**Attachments:** BESWAAR 563 DE DRAAY- Tweede beswaar.docx

TP. N. (H. J. d. Stoep)

Geagte Me. v d Stoep,

Ek verwys na u nuutste geregistreerde skrywe, gedateer 4 September 2020 en wens te verwys n my aangehegte skrywe soos reeds voorheen aan u gestuur.

Geliewe hierdie skrywe as my kommentaar te ontvang en wil ek graag twee (2) punte uitlig, naamlik;

1. IS TOEGANG, SOOS HIER BEPLAN, VANAF DIE PROVINSIALE DEPARTEMENT: PAAIE VERKRY TOT DIE R44?
2. WATTER INSTANSIE GAAN BEHEER UITOEFEN VAN DIE TOEGANGSBEHEER NA EN VAN ROOS LAAN? WATTER WAARBORG IS DAAR VIR HEUNINGKLOOF WOON GEBIED??

Dankie

Chris Harding

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FILE NO:	Good 8/2020
	De Draay ✓
SCAN NO:	
	PLAAS 563
COLLABORATOR NO:	
	1461436

TP 29 SEP 2020

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88/95  
CF & GEC Harding

**ERF 5713 HEUNINGKLOOF**

IRISLAAN 1

HEUNINGKLOOF

KLEINMOND

7195

07 September 2020

Dir. Infrastruktuur en Beplanning

Posbus 20

Hermanus

7200

**Vir aandag: H van der Stoep**

Geagte Me. v. d. Stoep,

**KOMMENTAAR T.O.V. DIE AANSOEK OM VERGUNNINGSGEBRUIK OP RESTANT GEDEELTE 8 VAN DIE PLAAS 563 DE DRAAY, KLEINMOND. U. VERWYSING NR. RCAL 8/563**

Graag wens ek hiermee te verwys na 'n E-pos ontvang vanaf Me. Noleen Wessels, gedateer 3 September 2020 aangaande haar verwysing na my vorige beswaar aan u op 13 Januarie 2020 in die verband en wens ek hiermee my kommentaar op haar skrywe soos volg aan te spreek.

**1. Toegangspad:**

- Die persoon verwys hier dat toestemming van die plaas eienaar verkry is om 'n bestaande interne "Dienspad" op die plaas te gebruik, wat ten ooste van Heuningkloof 'n aansluiting by die R44 het en dus alle toegang tot en van die voorgestelde "Venue" sal voorsien.
- Hierdie betrokke pad sal steeds, na gelang van die hoeveelheid verkeer, 'n inpak hê op die noordelike persele van Heuningkloof, wat grens aan die plaas sowel as die natuur en dierelewe. Dit sal dus ook 'n impak hê op die bestaande invloed van die lewenskwaliteit van hierdie persele. Is daar enigsins vanaf Natuurbewaring 'n verslag beskikbaar hieroor?
- Toegang beheer by die bestaande hek vanuit Rooslaan sal ook aangepas/gewysig moet word sodat **geen** outomatiese oop of toemaak kan geskied nie. **Wie gaan hierdie beheer toepas en ook afdwing op 'n 24uur siklus?**
- Sal die aansluiting en die gewysigde gebruik van hierdie plaaspad met die R44, die goedkeuring van die Provinsiale Administrasie benodig / verkry?

**2. Geraas beheer:**

- Me. Wessels noem in haar skrywe dat daar wel 'n "Klankingenieur" aangestel was en kan daar vanuit haar skrywe slegs afgelui word dat hulle gekonsenteer het op die klank vanuit die binnekant van die gebou, maar is daar geen melding gemaak oor die moontlike aktiwiteite buite die geboue en ook parkeerterreine nie. Hierdie Ingenieur sal beslis 'n baie wyer uiteensetting van die beoogde beheer moet verskaf om enigsins te kan oorweeg.

**3. Riool wegdoening:**

89/95

Daar is begrip vir die sienswyse van Me. Wessels maar moet ek egter die volgende aan u voorhou, naamlik;

- Die Hangklip-Kleinmond (nou bekend as die Overstrand Munisipaliteit) het reeds etlike jare gelede, na verskeie ondersoeke en toetse besef dat die "stapelriool-stelsel" in sy munisipale gebied 'n uiterste slegte en afbrekende invloed het op die besoedeling van die ondergrondse watertafel en dus die natuurlike waterbronne, soos die vleiland, drasties beïnvloed. Daar was dan ook besluit om bestaande stapel-rioolstelsels mettertyd uit te skakel deur veral by uitbreiding/wysiging van bestaande persele en gebruike, daardie ontwikkelaar te dwing om 'n geslote tenk-stelsel aan te bring of om by 'n rioolstelsel aan te sluit tot bevrediging van die munisipaliteit. Die ligging van hierdie bestaande riooltenke kan beslis 'n invloed op nabygeleë strome tot gevolg hê. **Die gebruike in hierdie aansoek sal drasties verander vanaf die oorspronklike en dus ook ten volle aangespreek moet word.**

Ek vertrou dat bogenoemde hierdie aangeleentheid duidelik aanspreek en volstaan ons daarby.

By voorbaat dank

Die Uwe

CF Harding & GEC Harding

E-pos: chrisharding005@gmail.com

J &amp; R MARAIS

90/95

ERF 5613 HEUNINGKLOOF

URISLAAN 39

HEUNINGKLOOF

KLEINMOND

7195

07 September 2020

*bottekte@gmail.com*

Dir. Infrastruktuur en Beplanning

Posbus 20

Hermanus

7200

Vir aandag: H van der Stoep

Geagte Me. v. d. Stoep,

**KOMMENTAAR T.O.V. DIE AANSOEK OM VERGUNNINGSGEBRUIK OP RESTANT GEDEELTE 8 VAN DIE PLAAS 563 DE DRAAY, KLEINMOND. U. VERWYSING NR. RCAL 8/563**

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**3. Riol wegdoening:**

91/95

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Ek vertrou dat bogenoemde hierdie aangeleentheid duidelik aanspreek en volstaan ons daarby.

By voorbaat dank

Die Uwe



J & R MARAIS

LovLakte@gmail.com

03/2020

Gmail - PROPOSED WEDDING VENUE - HEUNINGKLIIP FARM

92/95



Chris Harding &lt;chrisharding005@gmail.com&gt;

## PROPOSED WEDDING VENUE - HEUNINGKLIIP FARM

1 message

Noeleen <noelsw@mweb.co.za>  
To: chrisharding005@gmail.com

Thu, Sep 3, 2020 at 1:09 PM

Goodday Mr and Mrs Harding

I am writing this email to you in connection with the above proposed wedding venue. I very much wanted to call you and touch base and let you know what measures we have put in place, but unfortunately do not have a telephone number for you, so hence the email.

I have been in contact with other residents of Heuningkloof yesterday and this morning, introducing myself and chatting to them about the letter that was sent out by the Municipality re. the proposed venue. The concerns that came up were the impact on the roads through the suburb, the noise factor from the wedding venue and that the sewage was dealt with correctly.

You will be receiving an up-date from the Municipality with answers to the concerns by the residents in the next couple of weeks, if not sooner but I just wanted to let you know what we have done in the meantime.

We have had permission from the owners of the farmland above us to use their farm gate which is East of the Animal Sanctuary on the side of Heuningkloof specifically for weddings. The wedding parties will enter from this entrance and exit the same. None of the wedding party and guests will have use of our main gate coming onto the farm and therefore will not be coming through the Suburb. This would also be the same for anyone foot traffic. We would not be employing people to come and work at the weddings as we already have a team of people we can call on who will be driven onto the farm through the alternate entrance.

In terms of the noise factor coming from the wedding, we have had a sound engineer give us a report on what can be done to minimise the noise and we have also cladded the inside of the wedding shed to reduce this as well. The wedding shed is situated behind the flower pack shed so this should help as well.

With regard to the sewage, we will be able to access the new sewage system that has been put in place in Heuningkloof if the need arises, bearing in mind that the septic tanks that we have on the property have been in situ for the last 50 years and were used by 50 permanent live in staff and over 100 workers.

I would very much like to ask if you would send me your contact number via return email so that I might call you and answer any other concerns you may have, if you so wish.

You are very welcome to contact me and come and have a look at what we have done, we would be very happy to show you around, or furthermore perhaps we can organise an open day for all the residents to take part in. My cell number is 082 880 3497.

Gmail - PROPOSED WEDDING VENUE - HEUNINGKLIP FARM

93/95

Apologies again for having to send you the email and not chat directly but I look forward to that when you have time.

Many thanks and our

Kind regards,

Noeleen & James Wessels



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E:

[info@honeyrockcottages.co.za](mailto:info@honeyrockcottages.co.za)

"Who live -- see much. Who travel -- see more"

94/95  
CF & GEC Harding

ERF 5713 HEUNINGKLOOF

IRISLAAN 1

HEUNINGKLOOF

KLEINMOND

7195

07 September 2020

Dir. Infrastruktuur en Beplanning

Posbus 20

Hermanus

7200

Vir aandag: H van der Stoep

Geagte Me. v. d. Stoep,

**KOMMENTAAR T.O.V. DIE AANSOEK OM VERGUNNINGSGEBRUIK OP RESTANT GEDEELTE 8 VAN DIE PLAAS 563 DE DRAAY, KLEINMOND. U. VERWYSING NR. RCAL 8/563**

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**3. Riool wegdoening:**

95/95

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Ek vertrou dat bogenoemde hierdie aangeleentheid duidelik aanspreek en volstaan ons daarby.

By voorbaat dank

Die Uwe

CF Harding & GEC Harding

E-pos: chrisharding005@gmail.com

**Plan Active**  
Town & Regional Planners  
Stads-en Streeksbeplanners

TP - A Theart  
(Huidstoeep)



Annexure E  
1116

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

Our reference: PA19048/ML  
Your reference: RCAL 8/563  
Application ID: 3492/2019

17 JULY 2020

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

FILE NO: PEn 8/563
De Draay
SCAN NO: 27
COLLABORATOR NO: 1431370

FOR ATTENTION: HANNEEN VAN DER STOEP

Sir

**PROPOSED CONSENT USE: PORTION 8 OF THE FARM DE DRAAY NO. 563**  
• **THE LATE W.J.C. MITCHELL**

Reference is made to our application dated 29 October 2019 and your letter with objections attached thereto dated 4 March 2020. An extension of time until 31 July 2020 to respond to the objections was granted in an email from Mrs Loretta Gillion dated 15 May 2020.

Thirty-five (35) comments / objections were received from the public. The number of objections received does however not indicate whether a proposed land use lacks desirability or not. Due regard must be given to the substance of each objection and not merely the number thereof.

The residents of Heuningkloof were displeased that only a few notices were served to the immediate neighbours during the public participation process. They scheduled a meeting with Mrs Hanneen van der Stoep in January 2020 to discuss their concerns. Neither Plan Active nor our client was invited to the meeting with the residents. It is clear from the objections that they also had concerns for the timing of the public participation process that stretched over the holiday season. The public participation commenced on 2 December 2019 and concluded on 24 January 2020. Thus, the public participation period was extended to almost 8 weeks (instead of the required 30 days) due to the advertising period during the holiday season. It is important to note that the relevant department has the discretion to decide on the extent of the notices to be served as well as the length of the extended public participation period.

Herewith a summary of the comments / objections received and our response to the comments / objections. It is worth noting that the largest percentage of the objectors approve of the tourism accommodation units (four semi-detached cottages). The proposed function / conference venue seems to be their main concern. Our response will attempt to further motivate that the application is

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Vat. No. 4770250340

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

2/16

desirable in terms of Section 66 of the Overstrand Municipality's Bylaw on Municipal Land Use Planning:

#### **1. Traffic Impact**

*It is mentioned that the traffic volumes in the subject area would drastically increase due to the proposed development. The additional volumes of traffic would cause additional noise in the surrounding area. There will potentially be reckless driving in Heuningkloof when guests leave the functions due to alcohol abuse. According to the objectors it should also be mentioned that visitors do not always adhere to speed limits when visiting an area and therefore it can also lead to dangerous situations. In addition, staff working at especially the function / conference venue will only leave the premises at around 01:00. This implies that Heuningkloof residents must tolerate taxis and pedestrians in the streets in the early hours of the morning. The traffic load on Haemanthus Avenue, access from the R44 and further improvements required from the developer must be investigated by an independent consultant (if feasible at all) by means of a Traffic Impact Statement / Assessment. Some of the objectors propose an alternative access to the subject property which is not through Heuningkloof – especially for the vehicles travelling to weddings and conferences.*

*Objectors also noted the following traffic related concerns: excessive amount of parking; one entrance and exit to Heuningkloof; nuisance of vehicle lights at night; suggestions to reroute traffic from the farm directly to the R44 instead of through Heuningkloof's only entrance and exit; and the exact number of people that will attend functions and conferences (120, 180, 300?).*

The District Roads Engineer approved the current proposal to use the existing access to the subject property through Heuningkloof. There was also no concern or issue raised regarding the Heuningkloof access off the R44 to accommodate the additional traffic to the subject property. Refer to the Department of Transport's (District Roads Engineer's) letter dated 6 February 2020 attached.

That said, our client took note of the number of traffic concerns as described above. It seems that most of the objectors approve of the self-catering cottages. It seems that this low impact land use is also not the major traffic concern when reviewing their comments, but rather the number of guests and visitors the function and conference venue will bring to the area. In the light of the aforementioned our client decided to seek an alternative access way to accommodate especially the traffic to and from the function and conference venue on the farm. His neighbour, the owner of Portion 3 of the farm De Draay no. 563, has agreed to the registration of a 3m servitude right-of-way over Portion 3 in favour of Portion 8 of the farm De Draay no. 563. Refer to the consent letter dated 28 May 2020 attached.

The 3m servitude right-of-way will be registered over an existing gravel farm road that connects to the R44. This route over the neighbour's farm is straight-forward (and uncomplicated) and the wedding and conference guests can easily make use of the existing farm road during the night and day. The alternative access route was discussed with the municipality's town planner and the District Roads Engineer. The District Roads Engineer gave his in principle approval for the proposed alternative route (refer to the email from the District Roads Engineer dated 1 June 2020 attached). The revised application will be officially submitted to the District Roads Engineer with this revised proposal submission for their formal comment. The municipal town planner verbally and per e-mail supported the alternative access route subject to the consent of the owner of Portion 3 of the farm De Draay no. 563 and that the revised proposal must be recirculated to the objectors / adjacent properties.

The alternative access route proposed for use by the function and conference attendees will lessen the additional traffic to pass through the Heuningkloof residential area substantially. It will also restrict the number of vehicles to use the R44 access to Heuningkloof.

The alternative access road and access point will address the concern of vehicles driving around in the neighbourhood after functions and conferences.

It is also worth mentioning that high traffic volumes at weddings are a thing of the past in view of drinking and driving regulations. At most weddings on farms people are conveyed by minibuses (shuttles) to venues – where possible this will also be done on the subject property. The authorities are aware of these transporters as they license them. It would therefore be fair to say that evening traffic and late-night traffic to and from the venue would be minimal and not only cars as some may think. Minibuses today are comfortable and make little noise. The option of using minibuses (shuttles) to convey guests to the function / conference will further mitigate the traffic impact.

We agree that the number of parking bays as depicted on the site development plan seems excessive. The application must however prove that sufficient parking bays can be provided on site. Although provision is made for at least 90 parking bays for functions and conferences, this is only to indicate full compliance with the parking policy. The function and conference facility will be restricted to either a maximum of 120 guests or 60 conference goers at any time on the premises. The maximum and total amount of guests or conference attendees will never exceed 120 (excluding staff) – therefore references to 180 guests or 300 people including staff is incorrect.

No specialist studies were requested by the municipality and it is submitted that a Traffic Impact Statement / Assessment will be unwarranted when considering the revised access proposal.

## **2. Noise impact**

*Objectors claim that the approval of specifically the function and conference venue will create high levels of noise. It is also mentioned that the increased traffic levels and visitors will raise the amount of noise in the area. In addition, there is concern that the venue will be used for live music, concerts, etc. The Kleinmond Ratepayers Association requested that a noise impact assessment be undertaken to determine the noise impact of the proposed land uses. Some objectors also request that functions and weddings end at 23:00 or 00:00 instead of 01:00 as applied for. The use of busses and taxis will further contribute towards the noise pollution in the area.*

Our client is aware of the potential venue noise and has no desire to disturb neighbours. In view of all the objections received our client appointed a sound specialist to undertake a sound simulator test and compile a sound report (i.e. noise impact assessment). Find attached a copy of the sound simulator test and the sound report undertaken and compiled by Sky Krysia Vaccalluzzu.

Should there be a further requirement to alleviate noise problems, given that the report proves otherwise, steps will be taken to action a resolution. This will include additional cladding with the necessary sound proofing materials. As stipulated in the simulator test notes the primary purpose of most acoustic treatment is to bring the room's reverb time to an acceptable level. This is especially true in medium to large rooms. In smaller rooms controlling reverb time is a lesser consideration, and acoustic panels are used more for reducing out-of-phase reflections and flattening frequency response.

4/16

The following is proposed in the sound report:

1. Sound proofing and treatment:

- Acoustic foam and Vibra block cladding to run along the width of the warehouse walls which are currently exposed metal (this will both improve interior sound quality and capture low frequency waves which would ordinarily vibrate, travel outwards and increase in intensity creating a reinforced 'boom' like sound);
- Hanging baffles to be installed along the ceiling to avoid sound travelling upwards and out of air vents / windows etc, this will also help contain and capture any high frequencies from leaking unnecessarily.

2. Appropriate mitigating measures:

- Main entrance to revert to large wooden double doors which face onto the property and away from local residents, ensuring that sound leakage is directed away from inhabitants of the area as much as possible (primarily taking into consideration the closest residents of which are 80 meters);
- Noise laws to be considered when hosting any event, this includes lowering the volume level at both 10pm & 12am (this is in compliance with both provincial and local sound compliance rules and regulations).

In conclusion, the sound engineer added a brief supporting note based on the inverse square law and the general law of sound propagation. As sound waves travel from a given sound source, they dissipate over distance travelled and arrive at any given object / obstacle substantially lower in volume / intensity from whence they originated.

For example, average daily life maintains a general level of 65dB (spoken speech, traffic etc.) whereas a club operates at emitting frequencies up to or exceeding 95dB. If the above mentioned venue were to hypothetically operate at 'club' volume levels (exceptionally higher than the wedding or function levels of around 75dB) this would still not incur any extreme noise disturbances to surrounding residents or neighbours as the nearest occupant is situated nearly 80 meters from the warehouse. By the time the sound has travelled from said venue to the nearest house it would have notably dissipated to a more than acceptable level.

No live music or concerts are proposed for the subject property.

Our client would also like to keep to the proposed time of 01:00 for all functions and venues (since the necessary soundproofing and treatment will be undertaken as well as the noise mitigating measures enforced as described above).

The traffic noise concern is fully addressed with the proposed alternative access route for the function and conference venue. Vehicles travelling to the farm for functions or conferences will make use of the alternative route on the neighbouring farm. Minibuses carrying wedding / function guests will also make use of the alternative access route. The agricultural related vehicles and the proposed tourism accommodation units will continue to use the existing access from Roos Avenue. Since the agricultural activities is a primary right on the farm the related noises do not have to be accounted for. The traffic generated by eight self-catering units is considered low since guests do not arrive and leave at the same time. The guests' arrival and departure to the subject property will mostly be during off-peak times of the day (i.e. will be spread throughout the day) – keeping the impact on the traffic

5/16

volumes to the area to a minimum. Staff will come to the farm by means of minibus or hired car transport. The staff will be dropped off in the morning and will use the main entrance gate from Roos Avenue. On the night of a function the staff will exit the property via the proposed alternative route (servitude road over Portion 3).

To conclude, it is evident that the greatest noise concern (the noise from the functions and weddings) can be mitigated to acceptable levels with the sound proofing and treatment as well as the appropriate mitigating measures. It is therefore submitted that the noise concerns from the surrounding residents should not be a significant factor when considering the merit and desirability of the application at hand.

### **3. Sewage outfall / Sewerage system and the environment**

*The objectors are of the opinion that the existing French drain / septic tanks cannot accommodate the increase of at least 150 people at one time (including staff and guests). The septic tanks will contaminate the underground water. They suggest that the existing system should not be allowed, and that all sewage disposal be done via the water borne system in place. There is a lot of Fynbos on the farm. No mention is made of the impact of the proposed development and upgrading of access routes on the various plant species in the area. An environmental impact assessment was not included in the application and should be a pre-requisite to address the impact on the plant species as well as sewage and waste disposal.*

The application was circulated to all relevant internal and external departments for their comment / consent. The Overstrand Municipality's Environmental Department had the following comment on the application:

*"As the application for the consent use of tourism facilities does not require development of infrastructure for the proposed facilities the Environmental Management Section does not have any objection to the application. The National Environmental Management Act, 2017, Environmental Impact Assessment Listing Notice 3. Section 7. excludes the conversion of existing buildings where the development footprint will not be increased."*

The proposed application does therefore not trigger the national environmental legislation (NEMA, 2017). No specialist studies were requested by the municipality.

The subject property has been a labor-intensive flower farm for 40 years. There have been periods that up to 50 staff had been employed five days a week, from 7.00am to 5.00pm. In addition, the staff houses were occupied with up to 100 individuals and these ablutions all work on septic tanks. In these periods there has never been a problem nor a complaint. So surely if the venue has 120 people through once or twice a month for the evening, the volume of waste will never match what has been through the systems in previous years. It should also be noted that there is a plantation of gum trees next to the soak away from the venue. Gum trees are known for the impact that they have on wetlands, as they consume vast quantities of water and are being used to dry up these areas. Therefore, it is without doubt, that the absorption of effluent waters from the soak away, will greatly reduce and limit any suspected pollution. The farm was in existence before the Heuningkloof suburb was built and there has yet to have been an incident of pollution.

Currently the Municipality is upgrading the sewage pipeline in Heuningkloof. If there is a concern, the municipality can allow the farm to connect directly into the waterborne system and the potential problem goes away.

#### **4. Character and land values of the area**

*The function and conference venue will have a negative impact on the character of the area. The proposed land uses (especially the function and conference venue) will have no benefit for the neighbourhood and will negatively impact on the ambiance, tranquillity (with regards to noise, pollution from vehicles etc.) and land values of the area. The proposal is not compatible with the surrounding single residential land uses.*

It is commonplace in the Overstrand to locate tourist facilities in rural areas. Furthermore, the following factors support the desirability of the proposed land use and confirms that the proposal will not undermine or excessively disrupt the character or amenity of the surrounding area:

- a. The nature of the proposed land use (to be accommodated within existing structures; the use of existing roads and already disturbed areas);
- b. The minimal impact it will have on the immediate residential erven (considering the alternative access route and noise mitigating measures);
- c. The development is proposed in line with the zoning scheme regulations and the criteria for tourist facilities as a consent use on agricultural land.

The increase in land use rights on the subject property will allow the owners of the subject property to create an income-producing asset. The consent uses being applied for are to ensure the viability of the farm through diversification. The diversification of the land uses will add to the diversification of sources of income on a farm that cannot be economically viable by means of agricultural activities only.

The proposed consent uses will have a limited to low impact visually with regards to the sense of place. The proposed function and conference venue will be accommodated within the existing shed and the proposed chapel will be accommodated within an existing community hall. Existing (approved) labourer's cottages were converted to self-catering units. No new structures are proposed to accommodate the proposed tourist facility and tourist accommodation land uses. Existing structures will / were merely renovated and converted to accommodate the tourist facilities and tourist accommodation units. Since the new owners' arrival on the farm the existing cottages have been tastefully renovated and the gardens and grounds manicured. The view onto the property is beautiful. Visually the proposed land uses will therefore have no impact on the existing character of the subject property as well as the area since all the structures already exist on the subject property.

As previously elaborated the possible noise impact can be mitigated to more acceptable levels.

Financial loss / decrease in property values as a result of the proposed land uses were not substantiated in the objection letters. Land value is determined by supply and demand.

#### **5. Crime and general safety of the residents**

*According to the objectors the influx of staff (±20-30 people) is a safety concern. The increase in pedestrian traffic through especially Geelhout Avenue is a concern for some residents (luring people looking for work that will use the same route). This will encourage loitering and crime such as housebreaking and theft from properties in Geelhout Avenue. As a result, littering will also increase.*

Our client will deal with unwanted elements (if any) on and outside their premises since it is in their own best interest to keep their property clean and safe.

Our client confirmed that that it is more likely that staff for a function travelling from the outside of the property will not exceed 15 since some of the staff (that will also work at these functions) already lives on the premises.

7/16

An occupied and actively observant property is likely to be a security asset amongst other properties. The objectors do not provide factual evidence that support their claims that the proposed function and conference venue and cottages will adversely impact on the safety, health and well-being of the surrounding community or the existing rights of other landowners. The assumptions by some of the objectors that all pedestrians and workers are criminals are unfair and considered unconstitutional. The objectors' statements are vague and unsubstantiated and should therefore be dismissed.

#### **6. Underutilization of the existing accommodation, catering services and venues in the area.**

This statement is vague and unsubstantiated and should be dismissed.

The consent uses applied for are to ensure the viability of the farm through diversification. The diversification of the land uses will add to the diversification of sources of income on a farm that cannot be economically viable by means of agricultural activities only.

The existing infrastructure (buildings, access roads, already disturbed areas, etc.) can easily accommodate the proposed diversification of the land use. The Hermanus to Gordons Bay route (R44) is characterized by tourism uses and due to its location the subject property has the potential to diversify the tourism attractions in the area without having a detrimental impact on the conservation worthy, agricultural activities or visual elements of the site and the area.

The owners took the aforementioned into consideration and decided to contribute towards the diversification of the tourist facilities and holiday accommodation in the area by offering a unique location for functions, conferences and self-catering units. The aesthetic value of the subject property as well as the magnificent views over the mountains and Atlantic Ocean proofs this property to be ideal to accommodate the proposed tourist facilities and self-catering units. In addition, minimal changes to the existing structures and low impacts on the existing services infrastructure allow for the consideration of the diversification of income for the subject property.

#### **7. Concern for the disregard of rules**

*Objectors stipulate the following concerns: number of units do not correlate to the units advertised on the website; the units (cottages) are already available and rented out for holiday accommodation purposes; the structures have already been converted to the proposed land uses; illegal functions are already being held on the farm; a shebeen is being operated from the farm.*

Prior to submitting the land use application our client confirmed that the number of units and guests are correct as per the application submitted. It is most likely that the website is either not up to date or misinterpreted. The labourers' cottages were renovated in 2018 / 2019. Building plans were approved for all labourers' cottages and our client assumed that all was in order to allow him to use the cottages for tourism accommodation purposes. It was only when we commenced with the land use application for the tourist facilities that we enquired about the tourism accommodation units (to determine the lawful land uses on the farm). It came to our attention that the cottages do not have the necessary land use approval (for use as tourism accommodation units). We then consulted with the client and the application was revised to include the tourism accommodation use.

8/16

There are four semi-detached cottages (i.e. 8 units) that can accommodate a total of 22 guests:

- |                   |                      |                   |
|-------------------|----------------------|-------------------|
| • Unit 1a and 1b: | ±63m <sup>2</sup> ;  | sleeps 4 guests   |
| • Unit 2a and 2b: | ±106m <sup>2</sup> ; | sleeps 6 guests   |
| • Unit 3a and 3b: | ±100m <sup>2</sup> ; | sleeps 4-8 guests |
| • Unit 4a and 4b: | ±86m <sup>2</sup> ;  | sleeps 4 guests   |

**TOTAL** **22 guests**

Only one wedding event took place in December 2019. This was a private family function on the farm. No other weddings, functions or conferences have been booked or took place on the farm.

There is no shebeen on the subject property. The objections that refer to the illegal operation of the function and conference venue and a shebeen on the farm are disingenuous and should be dismissed.

**8. The application will set a precedent for similar future applications and rezoning versus departure / consent use**

*One of the objectors states that the application will create an ad nauseum precedent where the rights are attached to the owner and not to the property and where the use is eventually regarded as the norm. It is stipulated that the owner should apply for the rezoning instead of consent use / departure since they are of the opinion that our client is taking a short cut to obtain business rights on the farm.*

Approving the proposed development will not set a precedent since each land use application is evaluated on its own merit.

The subject property is zoned for Agriculture Zone 1: Agriculture purposes. Tourist facilities and tourism accommodation are consent uses for an Agriculture Zone 1 property as stipulated in the Overstrand Zoning Scheme Regulations (2013):

**"5.1 AGRICULTURE ZONE 1: AGRICULTURE (AGR1)**

**Use of the property**

5.1.1 The following use restrictions apply to property in this zone:

- a. Primary uses are: agriculture, dwelling house, day care centre, guest rooms, home occupation;
- b. **Consent uses** are: additional dwelling units, agricultural industry, animal care centre, aquaculture, 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, 4 x 4 trail."

**"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;

**"Tourist accommodation"** means the letting of rooms or individual units on a temporary basis to paying lodgers or guests, and includes a guest house, bed and breakfast, backpackers establishment, and camp sites, provided that the use complies with the requirements of any other relevant legislation;"

In addition, an approval for consent use is fixed to the property and not the owner.

It is therefore evident that the current zoning allows for the land uses applied for as consent uses. The consent use is awarded to the property and not considered a temporary land use. To change the zoning of the farm or a portion of the farm will have greater spatial implications in the long term. Our

9/16

client is therefore within his rights to apply for the consent use application and thus all indications that the application and its intent is misleading should be dismissed.

#### **9. Employment opportunities**

*The objectors are not convinced that the possible employment opportunities created should be a substantial factor when considering the application and regard the statements that refer to the impact on the economy as opportunistic.*

There will be social benefits flowing from the approval of the proposed land use application, including increasing employment opportunities in the area, making the area more attractive to visitors and optimizing the use of the land. The proposed development is therefore in the public interest.

The subject property is 36,23ha in extent and too small to generate any real return on the investment. Hence the former labor cottages are now self-catering cottages and other options need to be sought. Alternatively, our client must consider chicken or pig farming or some form of agricultural processing that falls in line with the current zoning status. That will see staff transport and motor vehicles in and out all day as well as large trucks.

With the three main areas of concern (traffic; noise; sewerage) dealt with we are of the opinion that consideration should be given to the local Kleinmond economy and the employment of locals. A wedding event of 120 people could bring a considerable amount of money into the town, for example: (minimums are quoted for this scenario)

Approx. 50 couples x one bed night @ R500	R 25 000
100 meals from local restaurants at R200 per person	R 20 000
Food, liquor, flowers and labor all local	<u>R 76 000</u>
Total	<b>R121 000</b>

Local purchases, fuel, second night accommodation and additional meals are not included. It is therefore our client's opinion that a wedding event could bring upwards of R200 000 into this economy over one weekend. Additionally, our client intends to offer the venue and hall for midweek activities being conferences, workshops and the like. This is not only about creating new jobs, but also the potential knock-on economic effect for the town and surrounding areas that must be considered. Our country's economy has been devastated by Covid-19 and the long-term impact is immense and needs serious consideration. There are vast job losses country wide and here is a project that will create jobs and assist the economy of an ailing town and surrounding area.

#### **10. General concerns and comments**

- *There was a concern for the submission of the application while the property is still part of the estate of the late WJC Mitchell.*

An executor's letter did accompany the application – one can only assume that the letter was not included in the public participation document.

- *A question was raised whether there are any elevation plans available for the chapel.*

The chapel (existing community hall) already exists and was merely renovated. Building plans (with elevations) must only be submitted after land use approval (if the use of the building changed or additions were made).

10/16

- *Some objectors do not understand whether the function and conference facility are one or two facilities.*

It is only one facility (one shed) converted to a hall to be used for either a function (maximum 120 people) or a conference (maximum 60 people).

- *The objectors also noted that an increased risk of fire in the veld at the entrance of the property if the application is successful.*

The municipality's Fire Department gave their consent to the proposed application. The consent reads as follows:

*"The Fire Department has no objection provided that the structure complied to the National Fire Regulations SANS-T:2011 and the By-Law relating to Community Fire Safety."*

- *The reference to 80 parking bays that equates to 240 guests that will visit the function and conference venue is deceitful.*

Only one facility (existing shed) for use of either functions (max. 120 people) or conferences (max. 60 people) is proposed. The number of parking bays indicated on the site development plan is to indicate compliance with the Overstrand's Parking Policy for tourist facilities and tourism accommodation on an agricultural land unit.

- *There were also several remarks suggesting that a farm is a farm and needs to stay that way.*

Refer to our response under *Employment Opportunities* above stipulating why our client must diversify the land use on the subject property.

*To conclude:* agritourism is a growing and important aspect in the agricultural industry. The proposed application will benefit our local community, struggling as a result of the current pandemic-induced recession and bring to the town mid-week trade. All infrastructure already exists keeping the impact on the environment to a minimum.

Find attached the following documents for your attention (revised documents to replace the initial documents submitted):

- District Roads Engineer (Department of Transport) consent dated 6 February 2020;
- Email from Mr Faisal Fakier (District Roads Engineer / Department of Transport) dated 1 June 2020;
- Neighbour's consent letter dated 28 May 2020;
- Special power of attorney and company resolution for Portion 3 of the farm De Draay no. 563 (registration of 3m servitude right-of-way);
- Sound simulator test and Sound Report undertaken and compiled by Sky Krysia Vaccalluzzu;
- Revised site development plan and Access Maps no. 1 and 2 dated June 2020;
- Revised motivation report (revision 1 dated July 2020) to include the exempted subdivision for the registration of the 3m servitude right-of-way.

11/16

Yours faithfully



M. LERM Pr. Pln. (A/158/2009)  
PLAN ACTIV

**PLAN** Town & Regional Planners  
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Website: [www.planactive.co.za](http://www.planactive.co.za)

**Our reference:** PA19048/ML

**Your reference:** RCAL 8/563

**Application ID:** 3492/2019

2 FEBRUARY 2021

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

**FOR ATTENTION:** MS. HANNEEN VAN DER STOEP

Sir

**PROPOSED CONSENT USE: PORTION 8 OF THE FARM DE DRAAY NO. 563**

- **THE LATE W.J.C. MITCHELL**

Reference is made to our application dated 29 October 2019 and your letter with objections attached thereto dated 3 December 2020. An extension of time was granted until 8 December 2021 to respond to the objections as confirmed in an email from Mrs Loretta Gillion dated 10 December 2020.

Thirteen (13) comments / objections were received from the public on the revised application versus thirty-five (35) objections received on the initial application. This is a sure indication that the revised proposal (alternative access route and sound report) addressed most of the concerns of the residents and was positively received. We would however still like to state that the number of objections received does however not indicate whether a proposed land use lacks desirability or not. Due regard must be given to the substance of each objection and not merely the number thereof.

Herewith a summary of the comments / objections received and our response to the comments / objections. It is worth noting that most objectors approve of the tourism accommodation units (four semi-detached cottages). The proposed function / conference venue (traffic, noise and sewage treatment) seems to be their main concern. Our response will attempt to further motivate that the application is desirable in terms of Section 66 of the Overstrand Municipality's Bylaw on Municipal Land Use Planning:

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  
Pauline Spronk: B (Soc Sc) US, BA Hon (UNISA)  
Meriké Lemm: B. Art et Scien Cum Laude (Town Planning) UNW; SACTRP

*JP* - 2 FEB 2021



TP-A Theart  
(Hild Stoep)

FILE NO: Ptn 81563

De Braay

SCAN NO:

05

COLLABORATOR NO:

1503567

### **1. Traffic impact**

*Overall, the objectors commend the alternative route proposed. Only a few objectors still have concerns. They are sceptic that the alternative road only (and not the main entrance as well) will be used by guests visiting the farm over the long term and questions how this will be enforced. They ask what the rights of the residents are if the owner does not adhere to the proposed arrangement of using the alternative route? The question is also raised whether the staff and deliveries will make use of the alternative road or only guests. One objector is of the opinion that the proposed alternative route will still impact the northern erven of Heuningkloof and asks whether a report from nature conservation was obtained. Will the alternative road remain a gravel road?*

*A few objectors ask whether the Provincial Roads Department gave their consent for the alternative access point from the R44. One objector still insists on calming measures in Haemanthus, Ursinia and Nerina Avenues to address the overall increase in traffic from more houses built, commercial traffic increase and farm vehicles.*

The revised road access application was submitted to the District Roads Engineer for their formal comment and the approval for the proposed alternative route was granted (refer to the consent letter from the District Roads Engineer dated 20 January 2021 attached).

If the revised land use application is approved, the site development plan will form part of the approval letter. The approved site development plan (indicating the alternative access route) will be binding and will form part of the conditions of approval. If for whatever reason the property owner is not complying with the approval conditions, a formal complaint can be lodged at the municipality's law enforcement / town planning departments. Thus, complying with the conditions of approval is therefore in the best interest of our client to ensure that they keep their land use rights in place.

The alternative access route proposed for use by the function and conference attendees will lessen the additional traffic to pass through the Heuningkloof residential area substantially. It will also restrict the number of vehicles to use the R44 access to Heuningkloof. The alternative access road and access point will address the concern of vehicles driving around in the neighbourhood after functions and conferences.

Vehicles travelling to the farm for functions or conferences will make use of the alternative route on the neighbouring farm. Minibuses carrying wedding / function guests will also make use of the alternative access route. The agricultural related vehicles and the proposed tourism accommodation units will continue to use the existing access from Roos Avenue. Since the agricultural activities are a primary right on the farm the related traffic and noises do not have to be accounted for. The traffic generated by eight self-catering units is considered low since guests do not arrive and leave at the same time. The guests' arrival and departure to the subject property will mostly be during off-peak times of the day (i.e. will be spread throughout the day) – keeping the impact on the traffic volumes and noise to the area to a minimum. Staff will come to the farm by means of a minibus or hired car transport. The staff will be dropped off in the morning and will use the main entrance gate from Roos Avenue. On the night of a function the staff will exit the property via the proposed alternative route (servitude road over Portion 3). Thus, delivery vehicles, staff (drop-off only) and the cottages' guests will still be allowed to make use of the existing access from Roos Avenue. All function venue / conference guests will make use of the alternative access.

14/16

It is also worth mentioning that high traffic volumes at weddings are a thing of the past in view of drinking and driving regulations. At most weddings on farms people are conveyed by minibuses (shuttles) to venues – where possible this will also be done on the subject property. The authorities are aware of these transporters as they license them. It would therefore be fair to say that evening traffic and late-night traffic to and from the venue would be minimal and not only cars as some may think. Minibuses today are comfortable and make little noise. The option of using minibuses (shuttles) to convey guests to the function / conference will further mitigate the traffic impact.

A report from nature conservation was not requested by the municipality. The application does not trigger the applicable environmental legislation. In addition, calming measures can only be enforced by the municipality – and in most instances this only applies where schools are located. The alternative road will remain a farm / gravel access road.

## **2. Noise impact and business hours**

*Objectors claim that the approval of specifically the function and conference venue will create high levels of noise. Although the efforts to minimize the noise impact are commendable, the residents fear that the neighbourhood's ambience and tranquillity will still be negatively impacted by the potential noise generated by the functions. It is still mentioned that the increased traffic levels and visitors will raise the amount of noise in the area. No mention is made in the noise report of noise from activities outside the function venue and parking area. One of the objectors is of the opinion that the mere insertion of hard board to the walls will not minimize the noise when windows and doors will remain open during the functions. She insists that the whole site be made soundproof. Some objectors still insist that functions and weddings end at 23:00 instead of 01:00 as applied for.*

Our client is aware of the potential venue noise and has no desire to disturb neighbours. In view of all the objections received our client appointed a sound specialist to undertake a sound simulator test and compile a sound report (i.e. noise impact assessment) as submitted with our previous response letter.

Should there be a further requirement to alleviate noise problems, given that the report proves otherwise, steps will be taken to action a resolution. This will include additional cladding with the necessary sound proofing materials. Currently proposals to address the noise pollution include sound proofing and treatment (cladding of walls and hanging baffles installed to ceiling) and mitigating measures (doors facing property and away from residents and considering noise laws) as set out in the report and our previous response letter. The function venue is also situated behind the flower pack shed.

Our client would like to keep to the proposed completion time of 01:00 for all functions and venues (since the necessary soundproofing and treatment will be undertaken as well as the noise mitigating measures enforced as described above). An alternative closing time of 24:00 was discussed with one of the objectors.

The traffic noise concern is fully addressed with the proposed alternative access route for the function and conference venue. This is addressed under the traffic objection above.

To conclude, it is evident from the noise report previously submitted that the greatest noise concern (the noise from the functions and weddings) can be mitigated to acceptable levels with the sound proofing and treatment as well as the appropriate mitigating measures. It is therefore submitted that the noise concerns from the surrounding residents should not be a significant factor when considering the merit and desirability of the application at hand.

### **3. Sewage outfall / Sewerage system and the environment**

*The objectors are of the opinion that the existing French drain / septic tanks cannot accommodate the increase of at least 150 people at one time (including staff and guests). The septic tanks will contaminate the underground water. They suggest that the existing system should not be allowed, and that all sewage disposal be done via the water borne system in place.*

Since the sewage objections remained unchanged with the second round of public participation, we stand by our initial response to these objections:

The application was circulated to all relevant internal and external departments for their comment / consent. The Overstrand Municipality's Environmental Department had the following comment on the application:

*"As the application for the consent use of tourism facilities does not require development of infrastructure for the proposed facilities the Environmental Management Section does not have any objection to the application. The National Environmental Management Act, 2017, Environmental Impact Assessment Listing Notice 3, Section 7, excludes the conversion of existing buildings where the development footprint will not be increased."*

The proposed application does therefore not trigger the national environmental legislation (NEMA, 2017). No specialist studies were requested by the municipality.

The subject property has been a labor-intensive flower farm for 40 years. There have been periods that up to 50 staff had been employed five days a week, from 7.00am to 5.00pm. In addition, the staff houses were occupied with up to 100 individuals and these ablutions all work on septic tanks. In these periods there has never been a problem nor a complaint. So surely if the venue has 120 people through once or twice a month for the evening, the volume of waste will never match what has been through the systems in previous years. It should also be noted that there is a plantation of gum trees next to the soak away from the venue. Gum trees are known for the impact that they have on wetlands, as they consume vast quantities of water and are being used to dry up these areas. Therefore, it is without doubt, that the absorption of effluent waters from the soak away, will greatly reduce and limit any suspected pollution. The farm was in existence before the Heuningkloof suburb was built and there has yet to have been an incident of pollution.

Currently the Municipality is upgrading the sewage pipeline in Heuningkloof. If there is a concern, the municipality can allow the farm to connect directly into the waterborne system and the potential problem goes away.

### **4. Character of the area**

*The function and conference venue will have a negative impact on the character of the area. The proposed land uses (especially the function and conference venue) will negatively impact on the ambiance and tranquillity (with regards to noise, pollution from vehicles etc.).*

Since the sewage objections remained unchanged with the second round of public participation, we stand by our initial response to these objections:

16/16

It is commonplace in the Overstrand to locate tourist facilities in rural areas. Furthermore, the following factors support the desirability of the proposed land use and confirms that the proposal will not undermine or excessively disrupt the character or amenity of the surrounding area:

- a. The nature of the proposed land use (to be accommodated within existing structures; the use of existing roads and already disturbed areas);
- b. The minimal impact it will have on the immediate residential erven (considering the alternative access route and noise mitigating measures);
- c. The development is proposed in line with the zoning scheme regulations and the criteria for tourist facilities as a consent use on agricultural land.

The increase in land use rights on the subject property will allow the owners of the subject property to create an income-producing asset. The consent uses being applied for are to ensure the viability of the farm through diversification. The diversification of the land uses will add to the diversification of sources of income on a farm that cannot be economically viable by means of agricultural activities only.

The proposed consent uses will have a limited to low impact visually with regards to the sense of place. The proposed function and conference venue will be accommodated within the existing shed and the proposed chapel will be accommodated within an existing community hall. Existing (approved) labourer's cottages were converted to self-catering units. No new structures are proposed to accommodate the proposed tourist facility and tourist accommodation land uses. Existing structures will / were merely renovated and converted to accommodate the tourist facilities and tourist accommodation units. Since the new owners' arrival on the farm the existing cottages have been tastefully renovated and the gardens and grounds manicured. The view onto the property is beautiful. Visually the proposed land uses will therefore have no impact on the existing character of the subject property as well as the area since all the structures already exist on the subject property.

As previously elaborated the possible noise impact can be mitigated to more acceptable levels.

To conclude: it is evident that the revised application proposal addressed the majority of the concerns of the residents of Heuningkloof. The thirteen objections received are also not as elaborate as with the first round of public participation, with lesser concerns being raised. In addition, agritourism is a growing and important aspect in the agricultural industry. The proposed application will benefit our local community, struggling as a result of the current pandemic-induced recession and bring to the town mid-week trade. All infrastructure already exists keeping the impact on the environment to a minimum.

Yours faithfully

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

Annexure F 1/2

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR CONSENT USE: PORTION 8 OF THE FARM DE  
DRAAY NO. 563 (3492/2019)**

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 ESKOM for the provision of electricity and that he complies with all conditions as may be set by ESKOM;
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 Manager : Water Infrastructure & Quality, Overstrand Municipality (Telephone: 028 313 8972);
4. that no sewerage 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, etc.) for the use of any sewage disposal;
5. that the owner will be responsible for the removal of sewerage from the proposed development, and the safe disposal thereof at a licensed municipal sewerage treatment facility;
6. that, alternatively, the developer will be responsible to obtain the necessary approval, licences and permits from the applicable authorities (water affairs, health, etc.) for the use of any other method of sewage disposal;
7. that the owner is responsible for the removal of all refuse generated on the property and the disposal thereof at a registered municipal waste transfer station or –waste disposal facility;
8. that waste water disposal be done in a safe and healthy manner and that plans thereof be submitted to the Municipality and the Department of Water Affairs for approval;

9. that the developer complies to all the conditions set by Department Of Water & Environmental Affairs;
10. that on-site parking facilities are provided as per Planning Schedule and to the satisfaction of the Department: Operational Services;
11. that the developer will arrange with Provincial Administration to obtain approval for any new access from the Provincial road.

*D.P. R. Chelver*  
DENNIS HENDRIKS

*29/07/2020*  
DATE

**SENIOR MANAGER: ENGINEERING SERVICES**



**Western Cape  
Government**  
Environmental Affairs and  
Development Planning

*Annexure G*  
**DIRECTORATE: DEVELOPMENT MANAGEMENT  
(REGION 2)**

E-mail : [Angelina.Mabie@westerncape.gov.za](mailto:Angelina.Mabie@westerncape.gov.za)  
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Private Bag X9086, 1 Dorp Street, Cape Town, 8000  
[www.westerncape.gov.za/eadp](http://www.westerncape.gov.za/eadp)

**REFERENCE:** 15/3/2/12/BO3

Director: Infrastructure & Planning  
Overstrand Municipality  
PO Box 20  
**HERMANUS**  
7200

*TP. N. Theart  
(H. vd Stoep)*



For attention: H VAN DER STOEP

e-mail: [hvdstoep@overstrand.gov.za](mailto:hvdstoep@overstrand.gov.za)

**COMMENT: CONSENT USE ON PORTION 8 OF FARM 563, CALEDON**

1. Your request for comment, dated 16 January 2020, refers.
2. In consideration of the information provided, this Directorate has no objection to the proposed consent use for tourist facilities (function venue, conference facility & chapel) and tourist accommodation (8 self-catering units) on Portion 8 of the Farm 563, Division Caledon.
3. The subject property is located inside the urban edge and is earmarked for urban extension.
4. The above comment is based on the information provided and on the information extracted from forward planning documents for the area. This Directorate, therefore, reserves the right to amend its comment, should any new information come to light.

**K. MUNRO**  
**DIRECTOR: DEVELOPMENT MANAGEMENT: REGION 2**  
**DATE:** 12.3.2020

FILE NO:	PIN 8   563
	<i>Mounro</i>
SCAN NO:	13
COLLABORATOR NO:	1397130

2nd Floor, 1 Dorp Street, Cape Town, 8001  
Tel: +27 21 483 3544 Fax: +27 21 483 3633

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**Western Cape  
Government**  
Environmental Affairs and  
Development Planning

DIRECTORATE: DEVELOPMENT MANAGEMENT (REGION 1)



Annexure H 1/2

TP. N. Ahoed  
(H. vd Stoep)

**REFERENCE:** 16/3/3/6/E4/5/1015/20  
**ENQUIRIES:** BERNADETTE OSBORNE  
**DATE:** 2020-03-02

The Municipal Manager  
Overstrand Municipality  
PO Box 20  
**HERMANUS**  
7200

FILE NO:	Ged 8/563
	De Draay ✓
SCAN NO:	
COLLABORATOR NO:	139079

**Attention: H van der Stoep**

Tel: (028) 313 8900  
Fax: (028) 313 2093

Dear Sir/Madam

**THE APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: THE PROPOSED APPLICATION FOR CONSENT USE ON PORTION 8 OF THE FARM NO. 563, DE DRAAY, KLEINMOND.**

1. The abovementioned document and letter dated 16 January 2020, as received by the Department on 29 January 2020, refer.
2. Based on the information provided it is this Department's understanding that the proposal entails the following:
  - The proposed application for consent use on Portion 8 of the Farm No. 563, De Draay, Kleinmond for the conversion of existing buildings on the site to accommodate the following:
    - A function and conference venue of approximately 350m<sup>2</sup> in extent to accommodate a maximum of 120 people.
    - A wedding chapel of approximately 132m<sup>2</sup> in extent to accommodate a maximum of 120 people.
    - Four semi-detached units, which is a total of eight self-catering units offering a total of 18 beds for a maximum of 22 people.
  - No new structures are proposed as part of the proposed development.
  - No indigenous vegetation will be cleared as a result of the proposed development.
  - According to the available mapping resources a wetland is present on the site.
  - The site is zoned for agricultural purposes and is located outside the urban area of Kleinmond.
3. Your attention is therefore drawn to the listed activities in terms of the NEMA EIA Regulations, 2014 as defined in Listing Notices 1, 2 and 3. Please be advised that the proposed development does not constitute any listed activities as defined in the NEMA

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2/2

EIA Regulations, 2014, since the proposed conversion of the existing buildings will not result in an increase of the development footprint. Environmental Authorisation is therefore not required from this Department prior to the proposed development.

4. However, should any revision of the proposed development constitute a listed activity(ies) in terms of the NEMA EIA Regulations, 2014 as defined in Listing Notices 1, 2 and 3 an application must be submitted and environmental authorisation obtained before such activity(ies) may commence.
5. The applicant must comply with any other statutory requirements that may be applicable to the development.
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. This Department reserves the right to revise its initial comments and request further information from you based on any new or revised information received.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully



**HEAD OF COMPONENT**  
**ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1**  
**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**  
Cc: (1) Liesl de Villiers / Penelope Aplan (Overstrand Municipality)

Fax: (028) 316 4953



**Western Cape  
Government**

Transport and Public Works



Annexure I 1/3

**ROADS**

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

**REFERENCE: TPW/CFS/RP/LUD/REZ/SUB-21/202 (Job 16474)**

**ENQUIRIES: Ms GD Swanepoel**

**DATE: 20 January 2021**

TP-A Theart  
(H vld Stoep)

The Municipal Manager  
Overstrand Municipality  
PO Box 20  
**HERMANUS**  
7200

Attention: Ms H van der Stoep

Dear Madam

FILE NO: Ptn8/563
De Draay
SCAN NO:
COLLABORATOR NO: 1500286

**PORTION 8 OF THE FARM DE DRAAY 563, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE**

1. The following refer:
  - 1.1 Your letter RCAL8/563 dated 15 January 2020;
  - 1.2 This Branch even-numbered letter dated 6 February 2020;
  - 1.3 Motivation for an alternative access received from the Applicant on 23 April 2020; and
  - 1.4 E-mail notification on 20 January 2021 from the Applicant that application is proceeding and that this Branch's comments are required on the alternative access.
2. The subject property is located in Kleinmond and takes access off a municipal street.
3. This application is for Consent Use in order to accommodate the following:
  - 3.1 Function venue (up to 120 people), conference facility (up to 60 people) and chapel and

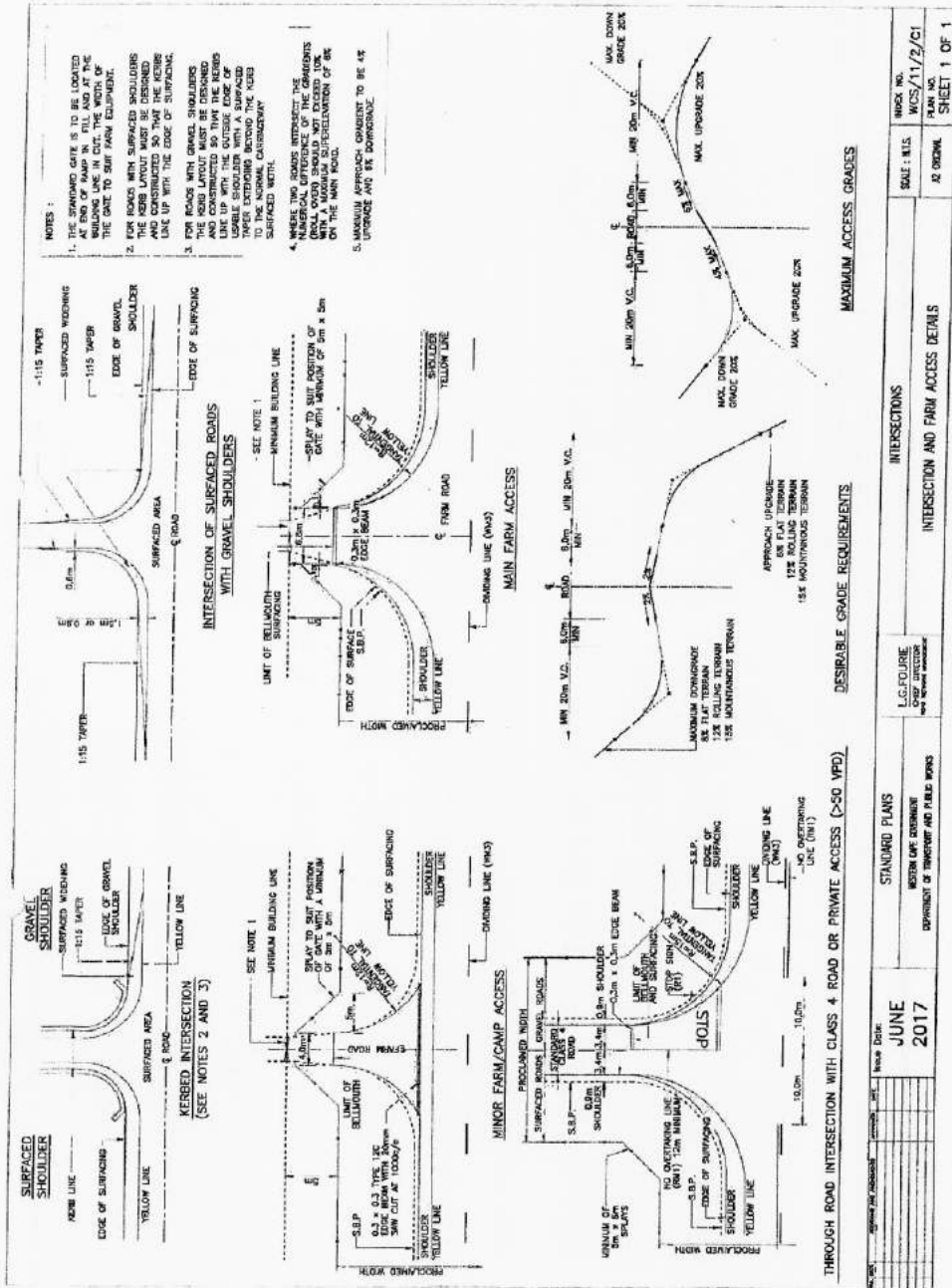
2/3

- 3.2 Tourist accommodation consisting of 8 self-catering units (22 guests).
4. Due to the number of objections to taking access through the residential area, the Applicant is proposing that access be taken off Trunk Road 27 Section 1 at  $\pm$ km 8.8.
5. This Branch offers no objection to the application in terms of the Land Use Planning Act No 3 of 2014, subject to the hard-surfacing of the access at  $\pm$ km 8.8 off Trunk Road 27 Section 1 and it complying with the specifications of a Main Farm Access as per the attached standard.
6. The District Roads Engineer Paarl, (Mr H Uys 021 863 2020), must be contacted for authorisation to make improvements to the access.

Yours faithfully



**SW CARSTENS**  
For **DEPUTY DIRECTOR-GENERAL: ROADS**



ATS Acoustics - Room Analysis

<https://www.atsacoustics.com/>

**Summary**

Report ID: 144075  
 Customer: Sky\_sky\_krysia@yahoo.com  
 Room: Warehouse, 68.90 x 26.25 x 14.76 feet  
 Acoustical Purpose: Assembly Hall  
 Target reverb time: 1.00 to 2.00 seconds at 1000Hz

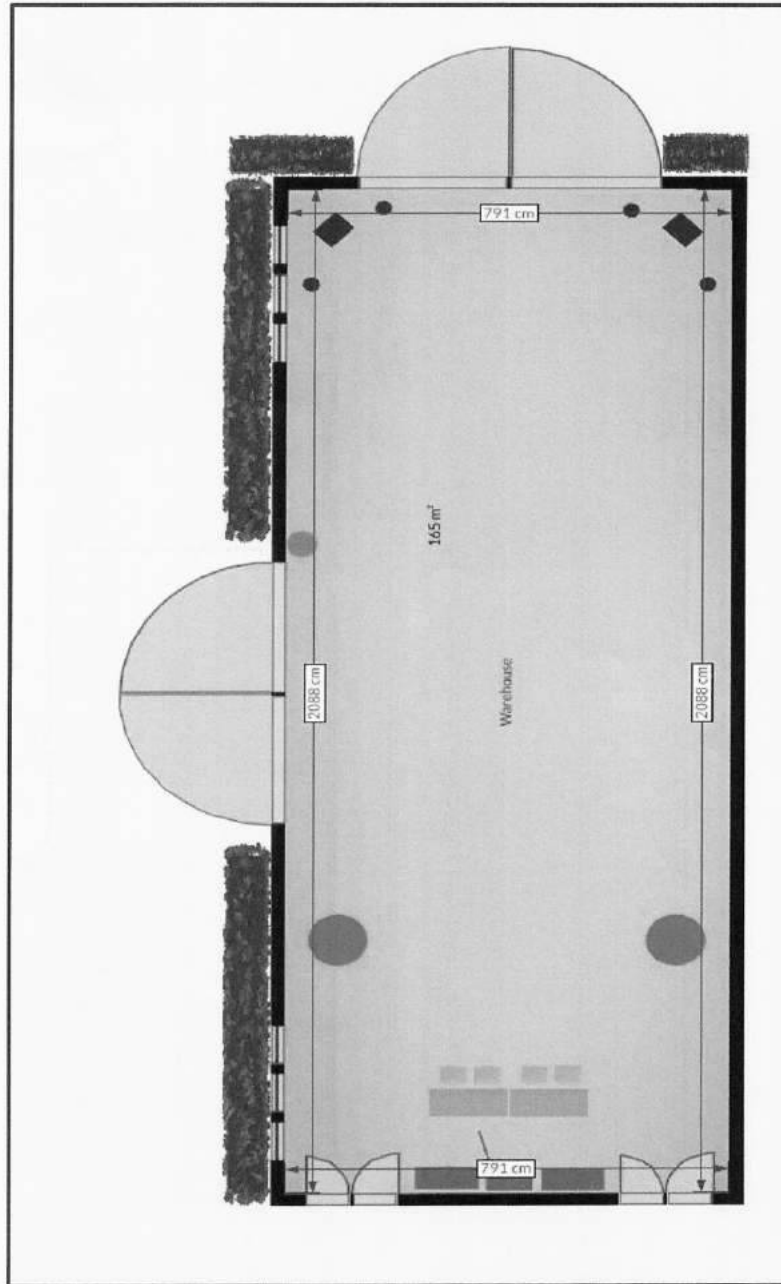
Square Feet	Panels Added		Resulting Reverb Time - RT60					
	Count	0 panels	125Hz	250Hz	500Hz	1000Hz	2000Hz	4000Hz
0 sq.ft.	0 panels	0 panels	0.93	1.05	1.14	0.81	0.68	0.67
280 sq.ft.	35 panels	35 panels	1.01	0.99	0.89	0.67	0.57	0.56
560 sq.ft.	70 panels	70 panels	1.10	0.93	0.73	0.56	0.49	0.49
840 sq.ft.	105 panels	105 panels	1.21	0.88	0.61	0.49	0.43	0.42
1120 sq.ft.	140 panels	140 panels	1.34	0.83	0.52	0.43	0.38	0.38
1400 sq.ft.	175 panels	175 panels	1.50	0.79	0.46	0.38	0.34	0.34
1680 sq.ft.	210 panels	210 panels	1.70	0.75	0.40	0.34	0.31	0.30
1960 sq.ft.	245 panels	245 panels	1.96	0.71	0.36	0.30	0.28	0.28
2240 sq.ft.	280 panels	280 panels	2.31	0.68	0.32	0.28	0.25	0.25
2520 sq.ft.	315 panels	315 panels	2.81	0.65	0.29	0.25	0.23	0.23
2800 sq.ft.	350 panels	350 panels	3.55	0.62	0.27	0.23	0.22	0.21

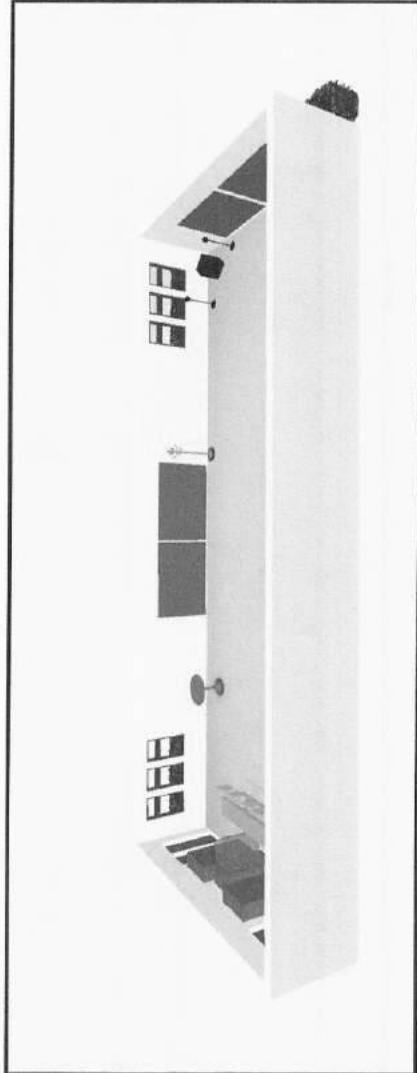
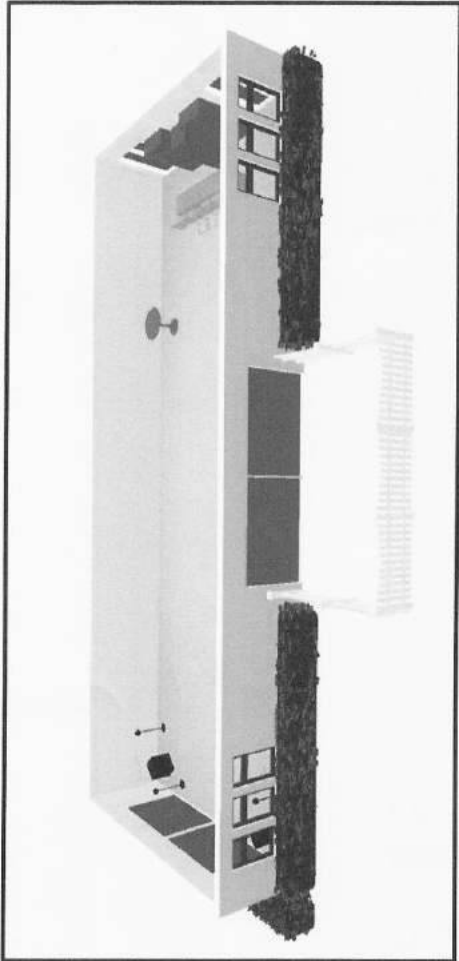
**Notes:**

1. Reverb time or RT60 is a measure of how long it takes for echoes and reverb from a sound in the room to die away until it is 60 decibels quieter than the original sound. This is similar to the time it takes for a very loud sound to die away in the room until it is barely loud enough to hear at all.
2. The target reverb time is based on the room's purpose you selected in Step 1. For example, a recording studio has a lower target reverb time (0.20 to 0.40 seconds) than a home gym (0.50 to 1.00 seconds), because it's ok to have more reverb in a home gym than in a recording studio.
3. The reverb times shown in the table above were calculated using mathematical equations that model the behavior of sound in rooms. The dimensions of the room, and the area and acoustical properties of each surface material in the room are taken into account.
4. Reverb time is different for each sound frequency (hertz, or Hz), because surface materials absorb more of some frequencies than others. Whatever sound is not absorbed (or transmitted) by a surface, is reflected back into the room. Six representative frequencies are shown above.
5. The primary purpose of most acoustic treatment is to bring the room's reverb time to an acceptable level. This is especially true in medium to large rooms. In smaller rooms controlling reverb time is a lesser consideration, and acoustic panels are used more for reducing out-of-phase reflections and flattening frequency response. So in smaller rooms (for example the size of a typical bedroom) more panels may be needed than indicated by this reverb time report.

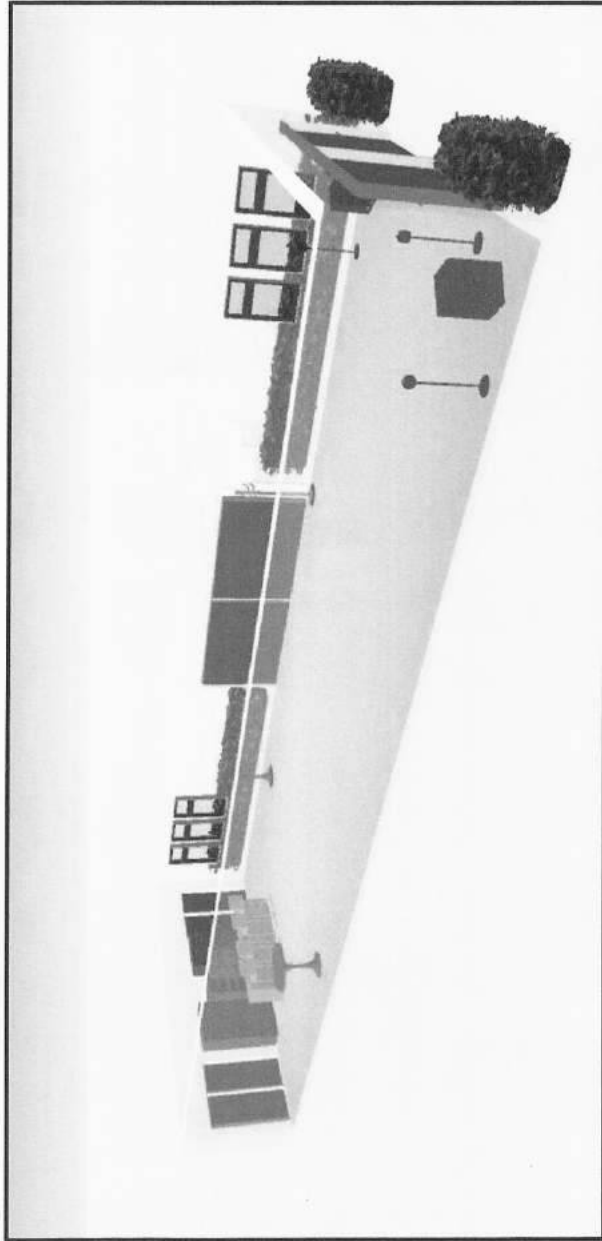
Annexure K 1/5

## GIK Acoustics - Room Simulation





4/5



## Sound Report

On the 7<sup>th</sup> of March 2020 I conducted a review of the warehouse building situated in Heuningklip Flower Farm in order to assess its sound properties.

My main focus was to investigate the probability of sound pollution with regard to the local residents of the area & municipal bi-laws.

My findings allowed me to verify that there is no need for concern with regard to sound pollution, in accordance with municipal bi-laws.

I was also able to certify the implementation of sound proofing & treatment (double cladded 12mm boarding) within the buildings construction. I took into consideration the placement of the warehouse ( roughly 80 meters from the nearest local inhabitants / buffered by a second warehouse situated between local residents & the building in question ) & the dimensions & materials of said building ( 21 meters by 8 meters / asbestos cladding ).

The owners have taken all fundamental steps & precautionary measures to avoid unnecessary sound leakage. In my professional opinion these are more than suffice to avoid sound pollution or noise disturbance:

Appropriate measures taken :

- Main entrance to revert to large wooden double doors which face onto the property & away from local residents, ensuring that sound leakage is directed away from inhabitants of the area as much as possible ( primarily taking into consideration the closest residents of which are 80 meters )
- Noise laws to be taken into account when hosting any event, this includes lowering the volume level at both 10pm & 12am ( this is in compliance with both Provincial & local sound compliance rules & regulations )

I conclude that there is no discernible reason as to why the building in question should be hindered from moving forward as a function venue.

Please be advised that further practical testing of the above-mentioned venue has been placed on hold due to Covid-19 restrictions.

Furthermore, I am officially on maternity leave as of the 1<sup>st</sup> of June 2020, however, am still available via email should the need arise.

If you have any further questions or queries, please do not hesitate to contact me.

Kind Regards  
Sky-Krysia Vaccalluzzo  
BA (hons) in Sound Engineering & Music Technology (City & Guilds)