

**AGENDA of the  
Portfolio Committee: Investment & Infrastructure  
5 April 2023  
(Also the agenda for the Mayoral Committee Meeting: 24 April 2023)**

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**2.  
OVERSTRAND MUNICIPALITY: HEMEL & AARDE VALLEY RURAL  
DEVELOPMENT AREA (RDA)**

**R Kuchar  
25 July 2022**

**Senior Manager: Town & Spatial Planning**

**(028) 313 8087**

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**1. Executive Summary**

The purpose of this report is to table the Overstrand Municipality: Hemel & Aarde Valley Rural Development Area Guidelines (RDA) for approval by Council as a guiding document with regard to the development potential of the Hemel & Aarde Valley.

**2. Service Delivery and Budget Implementation Plan Reference**

Infrastructure & Planning  
Town Planning / Spatial Development

**3. Compliance with Strategic Priorities**

Provision of democratic, accountable and ethical governance  
Promotion of Tourism, Economic and Social Development

**4. Delegated Authority**

None

**5. Legal Requirements**

Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)  
Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)  
Western Cape Land Use Planning Act, 2014 (Act 3 of 2014)  
Overstrand Municipality By-Law on Municipal Land Use Planning, 2020

**6. Background/Discussion/Comments/Conclusion**

**Background**

An application was lodged on Portion 4, 6, 11 & 17 of Farm 585, Caledon (Hemel & Aarde Valley) for a Departure, Subdivision, Consolidation, Consent Use and Amendment of Restrictive Conditions by Messrs Urban Dynamics on behalf of Midnight Storm Investments for extensive tourist accommodation and facilities, residential erven on the farm Southern Right.

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The Municipality, in a discussion with the applicant, indicated that the farm portions are in the RDA and the rights requested are of such a nature and scale that a comprehensive assessment is required to determine the development potential of the HAV.

Therefore, the applicant appointed a professional team to conduct a detailed assessment of the HAV. The assessment covered the following topics:

- Spatial Development
- Overlay Zones (Heritage and Environmental)
- Topology
- Biodiversity
- Hydrology
- Heritage
- Landscape
- Agriculture
- Land Use
- Engineering Services

From the assessment, Draft Development Guidelines for the HAV was proposed.

**Public Participation Process:**

The Draft Development Guidelines was advertisement for comments on 21 November 2021.

The public participation process and the comment period ended on 17 December 2021.

Organs of state were given a sixty (60) day period for comments as prescribed by legislation which ended 21 February 2022.

The comments received from the public and organs of state are attached as Annexure B. The applicant's response to the comments is contained in Annexure C.

**Participants in the public participation process were as follows:**

**Public Comments**

- Mr. Jan Cilliers
- Cullinan & Associates Attorneys (for Camphill School & Farm)
- Hemel & Aarde Wine Growers' Association
- Rebuild Trust (Mr. John Makepeace)

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**Organs of State Comments**

- Western Cape Department of Agriculture, Elsenburg
- Western Cape Department of Transport & Public Works
- Overstrand Engineering Department
- Cape Nature
- DEA&DP : Environment
- DEA&DP : Planning
- Eskom
- Telkom

**Summary of Comments and Response thereto**

The above-mentioned comments have been carefully assessed and summarised, to identify the most pertinent aspects and concerns, and to respond to the relevant aspects, either through clarification or by amending the draft Guidelines.

**RESPONSE TO PUBLIC COMMENTS**

**6.1 Mr. Jan Cilliers**

**Table 1.1: Response to Comments**

| <b>REF.</b> | <b>COMMENT / ISSUE</b>  | <b>RESPONSE</b>  |
|-------------|---|--|
| <b>1</b>    | <b>Administrative</b>   |  |
|             | Clarification is sought with regard to the authors of the guidelines document.  | The RDA Guidelines document is an Overstrand Municipality initiative, originating from the Municipal Spatial Development Framework (MSDF, 2020). Consultants were appointed to undertake the required assessments and to prepare the draft RDA Guidelines. The Municipal Planning, Environmental and Engineering Departments formed part of a committee that provided inputs to the drafting of the RDA Guidelines document. |
| <b>2</b>    | <b>Purpose of the RDA Guidelines</b>  |  |
|             | Mr. Cilliers request confirmation of the purpose of the RDA Guidelines, suggesting that there may have been irregularities as to the use of municipal owned land in the Hemel & Aarde Valley in the past. | The previous utilisation of municipal land in the valley is not relevant to the drafting of the Hemel & Aarde RDA Guidelines. As clearly stated in the Guidelines document, the objective of the RDA Guidelines is: <i>To assist and</i>   |

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|  |  | <i>provide clarity to all role players on the scale and type of development that is considered appropriate beyond the current built-up areas within the rural-urban transitional area, in terms of suitable locations, and the desirable form and scale of development.</i> |
|--|--|---|

Town Planner's Response:

1. The response is not correct. In order for the Midnight Storm Investments to proceed with an application submitted in 2021, which falls within the RDA, the applicant compile a guideline document for the HAV to enable the evaluation of the application. Rather to process applications on an ad hoc basis the property falls within the RDA and thus would a guideline be appropriate. The compilation and process were done in conjunction with the requirements stipulated by the Municipality.
2. The irregularities pertaining municipal owned land is not applicable in this process and the comment party should follow the correct procedure to address such issues on the correct platform

**6.2 Cullinan & Associates Attorneys (for Camphill School & Farm)**

**Table 1.2: Response to Comments**

| REF.     | COMMENT / ISSUE  | RESPONSE   |
|----------|--|--|
| <b>1</b> | <b>Acceptable Development</b>  |  |
|          | With reference to the different development scenarios (from an engineering feasibility perspective) presented in the draft RDA Guidelines, it should be clearly stated that the lowest density scenario should be the preferred/appropriate scenario/ development form for the RDA. This is informed by the sensitivity of the rural character of the Valley, not only by the feasibility to provide engineering services. | The RDA Guidelines document clearly states that the higher density development scenarios are not supported, due to the sensitivity and nature of the receiving rural environment. It should further be noted that, any development proposals in the Valley are subject to specialist impact assessments, policy alignment and several statutory processes, i.e. Act 70 of 1970, Environmental Authorisations, Planning By-Law decision, etc. |
| <b>2</b> | <b>Impact on Water Sources</b>   |  |
|          | The impact of medium-higher density development on underground water and   | The RDA Guidelines document presents guidelines to inform the form and scale of development in the Valley. Any   |

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|          | potential increased pollution of the Onrust River is raised as a risk.  | development applications will have to illustrate appropriate solutions and mitigations for domestic water supply and sewer treatment. Any proposals will be scrutinised and evaluated to ensure sustainability.   |
| <b>3</b> | <b>Application Requirements</b>   |   |
|          | It is stated that the RDA does not make it clear that only suitable tourism and rural residential development proposals may be approved and that what may be considered suitable depends on the area specific guidelines. The impression is created that any non-agricultural land uses may be approved.        | The statement relates specifically to the application requirements stated on page 57 of the draft RDA Guidelines document. It is however important to read page 57 with the rest of the RDA Guidelines document, which specifically identify tourism and rural residential uses as the type of uses envisaged, rather than 'any other uses'. Notwithstanding this, any proposals for development in the Valley will be subject to scrutiny in terms of a number of policies and statutory processes, thereby providing sufficient measures to avoid any undue land use proposals. |
| <b>4</b> | <b>Specialist Investigations</b>  |   |
|          | Specialist studies should be written in a uniform manner, to allow authorities and stakeholders to compare apples with apples. In this regard, it is recommended that the Municipality specify the methodology and standard that each specialist study must adhere to. This will assist to achieve consistency. | There are several types of specialist studies, many of which relate to the Environmental Authorisation process in terms of the National Environmental Management Act (NEMA). It is noted that the Department of Environmental Affairs & Development Planning (DEA&DP) has established certain protocols and template formats that are applied to impact assessment reports. It is not the intention of the Overstrand Municipality to dictate the form/standard of specialist studies, as many studies relate to legislation and policy with existing established standards.      |
|          | It is requested that development applications include studies on the impact of such developments on the Camphill facilities.  | When developments are proposed directly abutting to the Camphill facilities, socio-economic studies could be undertaken to determine such impacts, which will be a requirement in terms of NEMA. It can however not be a general requirement for any development in the study area.   |

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| 5 | Additional Local Area Guidelines   |  |
|---|--|--|
|   | It is requested that an additional local area guidelines should prescribe that no non-agricultural uses be permissible within 500m of the boundaries of the Camphill facility. | The concern of Camphill is noted. Any development proposals will be carefully assessed to determine potential impacts and mitigations, with the objective of preserving the sustainability of the Valley in the long term. The Camphill facility is acknowledged in all documentation, which will therefore be an informant to development proposals in the vicinity, and will form part of impact assessment processes, should development proposals be made. However, the proposed additional 500m buffer area cannot be incorporated into the RDA Guidelines. |
| 6 | Loss of Agricultural Land  |  |
|   | The permanent loss of agricultural land due to development will have a long-term impact on food security.  | The RDA Guidelines clearly states the importance of preserving valuable agricultural land. It is not the intention of the RDA Guidelines to promote urban development of all existing agricultural land. In fact, the objective is that the RDA Guidelines should promote a balanced approach, allowing some form of appropriate development in a managed way, rather than sacrificing all agricultural land with the impacts as mentioned by the objector.  |

Town Planner's Response:

1. It is imperative to note that the RDA guidelines and actual applications will not be evaluated in terms of availability of services, but rather in terms of agricultural high potential land and environmental sensitive areas.
2. The concern is duly noted, however all applications are referred to the Engineering- and Environmental Department for scrutiny to ensure compliance with relevant legislation.
3. The document is based on primarily the safeguarding of high potential agricultural and environmental land with an overlaying uses such as primarily rural residential and tourism. However, it should be noted that any application will be evaluated on merit with due cognisance of the guideline document.
4. Agree with response. Due to the different focus of specialist studies, a generic standardization is not possible.

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5. This request is not possible, since any owner has a right to lodge an application as determined by the Land Use Scheme of the Municipality.
6. High potential agricultural land is not available for non-agricultural uses, the medium and low potential agricultural land available for development may well be the solution for viable agricultural units.

### **6.3 Hemel & Aarde Winegrowers' Association**

**Table 1.3: Response to Comments**

| <b>REF.</b> | <b>COMMENT / ISSUE</b>  | <b>RESPONSE</b>   |
|-------------|---|---|
| <b>1</b>    | <b>Support</b>  |   |
|             | The Hemel & Aarde Winegrowers' Association supports the RDA Guidelines. It is acknowledged that uncontrolled development in the Valley would be detrimental to the character of the Valley, while the proposed management of development as per the RDA Guidelines will contribute to the offering of the Valley. | The positive comment is noted. The intention and objectives of the RDA Guidelines fully epitomises what is stated by the stakeholder, namely, to guide development to contribute to the Valley offering in an appropriately managed manner. |

#### Town Planner's Response

Noted

### **6.4 Redbuild Trust (Mr. John Makepeace)**

**Table 1.4: Response to Comments**

| <b>REF.</b> | <b>COMMENT / ISSUE</b>   | <b>RESPONSE</b>  |
|-------------|--|--|
| <b>1</b>    | <b>Study Area</b>  |  |
|             | The study area boundaries are questioned.  | The study area was determined on the topography of the land, with the upper mountain ridges forming the edge of the study area. This was an expansion of the originally intended RDA study area identified in the MSDF (2020). |
| <b>2</b>    | <b>Farm 2/578</b>  |  |
|             | The objector is of the view that the draft RDA Guidelines excludes development potential of portions of this farm, due to its locality above | The study area was determined on the topography of the land, with the upper mountain ridges forming the edge of the study area. The 140m contour relates to height of existing development in the area,                        |

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|          | the 140m contour line. It is the view of the objector that portions of the land could be developed without compromising the objectives of the RDA. | while already being more progressive than the 120m contour prescribed in the HPOZ.   |
| <b>3</b> | <b>Farm 338/581</b>  |  |
|          | The objector is of the view that this property should be within the Hemel & Aarde RDA study area.  | The study area boundaries were determined based on the Valley boundaries, starting at beyond the gateway in the topography leading into the Valley. The property is not located within the Hemel & Aarde Valley area, hence its exclusion from the study area. |
| <b>4</b> | <b>Consultation with Department of Agriculture</b>   |  |
|          | The objector questions whether the Department of Agriculture was consulted on the RDA Guidelines.  | The Western Cape Department of Agriculture was consulted. A meeting was convened with the representative official, while written comment was also received.  |

Town Planner's Response

1. The response of the Consultant is noted and agreed with.
2. The response of the Consultant is noted and agreed with.
3. The response of the Consultant is noted and agreed with.
4. The Department of Agriculture was consulted, and the comments are addressed under Section B, 2.5 of Annexure C.

**RESPONSE TO DEPARTMENT COMMENTS**

**6.5 Western Cape Department of Agriculture (Elsenburg)**

**Table 1.5: Response to Comments**

| <b>REF.</b> | <b>COMMENT / ISSUE</b>   | <b>RESPONSE</b>  |
|-------------|--|--|
| <b>1</b>    | <b>Impact on Agricultural Land</b>   |  |
|             | The department does not support the subdivision of farms for residential purposes or alienation of individual units, as it is considered intrusive use that creates competing rights on agricultural land. | The RDA Guidelines propose to accommodate subdivisions of rural residential properties, which should be set within the landscape and not identified/delineated by fences. The narrative being that the RDA is not a typical agricultural environment but has been proclaimed in the approved Overstrand MSDF (2020) as a transition area for rural-urban |

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|  |   | <p>development purposes.<br/>The provision of rural residential properties within the rural environment should not be considered intrusive, as it will be guided by the series of guidelines and assessments proposed in the RDA Guidelines, i.e. visual sensitivity, biodiversity conservation, etc. Various precedent cases exist in the Western Cape and other provinces of how rural residential development can be appropriately managed within an agricultural environment. On this basis, the department's concern should not be considered a fatal flaw, but rather a caution to ensure appropriate management mechanisms within a rural agricultural context.</p> |
|  | <p>The department is of the view that residential subdivisions and nodal development in rural areas are in conflict with the recommendations of the Western Cape Land Use Planning Guidelines for Rural Areas (2019).</p> | <p>The comment ignores the fact that the Hemel &amp; Aarde RDA is a demarcated local transition area that has been approved as part of the Overstrand MSDF. On this basis, the local guidelines provide more detailed policy guidelines compared to the overarching high-level provincial guidelines. The overall objectives are not in conflict, while the local area specific guidelines incorporate detailed site assessments and localised micro-conditions, which did not inform provincial guidelines.</p>   |

Town Planner's Response:

The concern is noted and of importance. The Department is rightfully cautioning the Municipality about the possible creation of non-viable agricultural units. In the same breath many of these farms are encumbered with high biodiversity areas, thus limiting some of the farms already as non-viable units. The provincial guideline on rural development is generic and cannot cater for every Municipality and its characteristics. Therefore, it is important that a more localised investigation into the HAV, an area identified as a transition area, to ensure that high potential agricultural land is not developed and not intrusive to any agricultural activities. The area remains primarily agriculture in nature.

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**6.6 Western Cape Department of Transport & Public Works**

**Table 1.6: Response to Comments**

| REF.     | COMMENT / ISSUE   | RESPONSE  |
|----------|---|---|
| <b>1</b> | <b>Transport &amp; Traffic</b>  |   |
|          | The department request that the RDA incorporates transport and traffic considerations as key informants to development proposals.                                   | The draft RDA Guidelines document has been updated to incorporate this aspect ( <b>refer Section 6.2</b> ).   |
|          | It is requested that Transport Impact Assessments (TIA) be added as important specialist studies informing development applications.                                | The draft RDA Guidelines document has been updated to incorporate this aspect ( <b>refer Section 6.2.viii</b> ).  |
|          | More development in the area will increase demand for public transport services. It is proposed that public transport embayments be considered along the R320 road. | Noted. Detailed proposals will be incorporated when TIA's are undertaken for respective development applications. It is now listed in the RDA as a requirement. |

Town Planner's Response:

Noted. The comments has been incorporated in the Final Document, Section 6.2.viii.

**6.7 Overstrand Engineering Services**

**Table 1.7: Response to Comments**

| REF.     | COMMENT / ISSUE   | RESPONSE                    |
|----------|---|-----------------------------|
| <b>1</b> | <b>Services &amp; Access</b>  |                             |
|          | The R320 is Main Road 269, being a provincial road. No road signage or access may be approved without provincial approvals. | Noted. Amended accordingly. |
|          | Application requirements (Section 6.2) should include TIA as a required study for applications.                             | Noted. Amended accordingly. |

Town Planner's Response:

The comments were incorporated in Section 6.2 (viii), page 58 of the document.

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**6.8 Cape Nature**

**Table 1.7: Response to Comments**

| <b>REF.</b> | <b>COMMENT / ISSUE</b>  | <b>RESPONSE</b>   |
|-------------|---|---|
| <b>1</b>    | <b>Services &amp; Access</b>  |   |
|             | Conservation of upper slopes is recommended, as this can become an extension of the Fernkloof Nature Reserve.   | Noted. The Guidelines recommend that upper slopes be protected in some way, either through formal rezoning or by means of stewardship agreements with Cape Nature. Refer Section 6.2.2 (i). |
|             | With regards to the section on control of invasive vegetation, we recommend that a statement is added that control of alien and invasive vegetation must be in accordance with the National Environmental Management Biodiversity Act (NEM:BA). We also recommend that another statement should be added that stands of alien and invasive species which present a significant threat in terms of fire risk, water resources and biodiversity should be prioritised for clearing. | The statements have been added to the guidelines (refer <b>page 61</b> )  |
|             | Development guidelines should be included that improve run-off from the catchment to the Onrustrivier, both in terms of quantity and quality. A development setback from the Onrustrivier and flood plain should be stipulated, which is recommended to be 50m.   | Additional guidelines added to address Onrustrivier catchment (refer <b>Section 6.2.2 (vii)</b> ).  |
|             | Guidelines should be included with regard to water resource protection and services provision. Sewer solutions if done inadequately can lead to pollution of groundwater and the Onrustrivier.  | Additional guidelines added to address Onrustrivier catchment (refer <b>Section 6.2.2 (vii)</b> ).  |

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Town Planner's Response:

The concerns of Cape Nature were incorporated per Applicant's response. The 50m setback however has not been addressed. This should be dealt with in terms of the Water Act and delineation of the river and floodplain should be done during an application process and depicted on the site development plan.

**6.9 DEA&DP: Environment**

**Table 1.7: Response to Comments**

| REF.     | COMMENT / ISSUE  | RESPONSE |
|----------|--|----------|
| <b>1</b> | <b>Services &amp; Access</b>   |          |
|          | NEMA activities are applicable to development proposals in the Hemel & Aarde Valley area.  | Noted.   |
|          | Development applications within the Hemel & Aarde Valley must be forwarded to this Department for comment, to check the applicability of the NEMA EIA Regulations 2014 (as amended). | Noted.   |

Town Planner's Response:

Noted

**6.10 DEA&DP: Planning**

**Table 1.7: Response to Comments**

| REF.     | COMMENT / ISSUE   | RESPONSE   |
|----------|---|--|
| <b>1</b> | <b>Services &amp; Access</b>  |  |
|          | The guidelines require more detail on guiding service infrastructure provision.   | Noted. Infrastructure provision will be considered as part of environmental assessment processes on a case-by-case basis. At a municipal level, viability of potential future municipal infrastructure networks into the valley cannot be determined at this stage, but will be assessed by the municipality over time in response to development proposals. |
|          | The guidelines need to be clear as to whether or not extensions to the municipal infrastructure network to service the area under consideration | The guidelines cannot specify this. The Overstrand Municipality will over time assess the need to consider infrastructure provision to the study   |

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|  | will be provided and if so under what circumstances.  | area, depending on the extent of development occurring. In the interim, development will be self-supply in terms of water, sewer and stormwater services.  |
|  | <p>The guidelines should reference certain critical aspects of the Western Cape Land Use Planning Guidelines for Rural Areas (2019). The Rural Guidelines list accommodation types which should be avoided, namely: multiples residences of owners of farms, nature reserves, resorts where the owner is an entity with more than one shareholder, alienable units, urban sprawl and new settlements. The Rural Guidelines states that the only type of residential development or accommodations units allowed in the rural landscape are tourist accommodation and farmworker housing. Currently, the proposed guideline reads as if residential development in the rural area can be supported, whereas this is not what the Provincial Rural Guidelines are saying.</p> | <p>The Provincial Guidelines are broad and high-level, with no area / site specific consideration. The Hemel &amp; Aarde RDA was demarcated in the Overstrand SDF since the early 2000's and now more defined in the recent 2020 SDF.</p> <p>The Overstrand SDF and now the RDA Guidelines realised the importance of promoting a balanced approach to development in the valley. Tourism development requires major investments in the area, which can only be justified and attractive to investors if opportunity is created for some form of equity/ownership, which will result in return on investment. On this basis, the RDA Guidelines have been formulated with specific consideration of this valley as a demarcated RDA, a rural-urban transition area, not similar to any other random rural hinterland where broad brushed Provincial Guidelines can be applied on a generic approach. The RDA Guidelines therefore include and promote some form of rural residential subdivision, appropriate to context, sensitive to environment and in a mutual beneficial manner to agriculture. This is the only way that investment can be attracted and long-term sustainability of agriculture in the valley can be supported. The alternative being to designate the lower valley as a suburban extension of Hermanus as it could make spatial sense, but which will be grossly inappropriate relative to the scenic, agricultural, environmental and heritage landscape. The RDA</p> |

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|  |  | guidelines, by incorporating limited rural residential subdivisions, promote an appropriate form and scale of development, subject to detailed case-by-case assessments.   |
|  | It is not clear how the proposed guidelines relate to the Overstrand Growth Management Strategy. | The GMS forms part of the SDF. The GMS(2010) did not consider / include proposals for rural areas, as it was focussed on existing urban areas. The review of the GMS is due, which can potentially include the RDA area. |

Town Planner's Response:

The RDA has been earmarked since 2006 and the recent updating of the SDF in 2020. It has established the principle that the HAV is primarily agriculture but has the potential to form a transitional zone with related activities on a low-density scale. The RDA document is clear in establishing low density residential development within the agricultural landscape, with the safeguarding of high potential agricultural land.

This mixed development proposals in an agricultural area are not fully compliant with the Guidelines on Rural Development, especially relating to residential development. However, it should be taken into consideration that it is guidelines for the whole of the Western Province and a generic document applicable all land in rural areas. The RDA has taken due cognisance of the document and developed a local scale, thus more site-specific stance on possible development in the rural area as depicted in the SDF for the HAV.

Instead of dealing with Ad Hoc applications in the area, the RDA Guideline document has investigated the carrying capacity in terms of scale, services and access which will determine the type of development appropriate for the area. The development of the area is severely restricted by environmental aspects and thus imperative to have a guideline document to firstly guide development and to ensure that the agricultural potential is safeguarded by ad hoc development applications.

The Growth Management Document, a guideline document, focussed on the residential densification of the existing towns within the Overstrand Municipal area and with the review of the mentioned document, this aspect will be address accordingly.

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### 6.11 Eskom

**Table 1.7: Response to Comments**

| REF. | COMMENT / ISSUE   | RESPONSE |
|------|---|----------|
| 1    | <b>Services &amp; Access</b>  |          |
|      | Eskom has no objection to the proposed works in the Valley and include a drawing indicating Eskom 11kv/lv underground services. | Noted.   |
|      | Should it be necessary to move or relocate Eskom services to accommodate development, it should be for the developer's cost.    | Noted.   |

Town Planner's Response:

Noted and accepted.

### 6.12 Telkom

**Table 1.7: Response to Comments**

| REF. | COMMENT / ISSUE   | RESPONSE |
|------|---|----------|
| 1    | <b>Services &amp; Access</b>  |          |
|      | Should it be necessary to move or relocate existing telecommunication services to accommodate development, it should be for the developer's cost. | Noted.   |

Town Planner's Response:

Noted and agreed with.

### Conclusion

### Discussion:

The proposed document is the realisation of the Rural Development Area of the Hemel & Aarde Valley as depicted in the Overstrand Spatial Development Framework, 2020. The area has been identified and depicted in the Overstrand Spatial Development Framework, 2010 as a transition area between the built environments of the town of Hermanus on route to the town of Caledon in Shaws Pass.

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The study area comprised of 27 cadastral land parcels, ranging from 10 ha to 200 ha. The majority is privately owned and some by the Overstrand Municipality. The valley is set between undulating hills and mountains south and north of the study area. The Onrust River curves along the valley basin with the R320 road following the alignment of the river. The northern side of the river is characterised by steeper south facing slopes, including large areas with slopes steeper than 1:4. The study area is approximately 670 ha in extent.

The area identified is the area closest to Hermanus, which is deemed a natural extension of the town, however due to the sensitivity of the environment, this progressive intrusion of activities on the agricultural sector needs to be guided and directed to have the minimal impact on the land, but still be viable to ensure a return on investment for the landowners.

The Hemel & Aarde Valley has over the years developed in a mixed-use area relating to premium wine production area on the available and limited high potential developable agricultural land. This is restricted by topography and environmental biodiversity factors. The activities presently relate to rural residential developments, wine production and tourism related activities.

The Hemel & Aarde Valley farms, due to the natural restrictions on agricultural land and extent of some of the properties, needs to reinvent itself to remain viable agricultural land. Therefore, from the Municipal viewpoint, it is imperative to conserve the natural environments and high potential agricultural where possible. New thinking in combining land uses and activities that contribute to viable agricultural units, essential for production and employment opportunities is required.

**Evaluation:**

The Hemel & Aarde Valley: Rural Development Area Guidelines has been developed with the following professional input: Town Planners, Engineering, Heritage Practitioners and Landscape and Visual Assessment Practitioner.

Town Planning:

The concept of the RDA was established with the approval of the SDF, 2006 and the present SDF, 2020 refers to the need for development guidelines in this specific area. The area, depicting in the SDF is the lower valley as an urban-rural transition area, represents an important agri-tourism resource for the Municipality.

The original RDA was based on the 140m contour line, however during the process, the study area was redefined to include a broader visual catchment along the ridgelines comprising of 20 cadastral properties with an extent of 1800 ha. Various legislation policies exist for rural development of which the Western

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Cape Land Use Guidelines: Rural Areas, 2019 read with the Overstrand SDF and Land Use Scheme are the most applicable of this case. The WC Rural Guidelines have a few key objectives regarding the development in the rural area of which the following are of importance: Sustainable development, safeguarding biodiversity, rural landscapes, and clarity to role players on the type of development that is appropriate. The legislative context is dealt with extensively in Section 2 of the document.

The RDA falls within the ambit of the objectives of the various policy documents applicable to rural areas. Although the proposal may not strictly adhere to the Western Cape Land Use Guidelines for rural areas, it is a generic guideline, whilst the RDA is location specific and clearly identifies the objectives for the proposed guidelines for future development.

### **Contextual Analysis**

#### Biodiversity:

The area is located within the Cape Floral Kingdom. The predominant vegetation is Overberg Sandstone Fynbos. The biodiversity spatial plan for the Western Cape clearly indicates the disturbed areas where vegetation has been removed for agricultural purposes.

The RDA took due cognisance of the Critical Biodiversity Categories and comment from Cape Nature during the public participation process were partially address in the guidelines. The guideline document did not address the 50m set back requirement by Cape Nature's comment. The appropriate measure would be that the Onrust River and flood plains be delineated to ensure that development does not impede on the function of the river and the flood plain, and in compliance with the Water Act and NEMA.

#### Hydrology:

The area is characterised by elevated southern and northern mountain slopes sloping down towards the Onrust River. The primary hydrological system draining westwards, towards Atlantic Ocean. It is recommended that development proposals in the Valley be dealt with sensitively. The Breede Gouritz Catchment Management Association did not comment during the public participation process. It is thus recommended that all application within the vicinity of the Onrust River and Floodplains be submitted to the Association to establish the possible impact of a proposed development on the Onrust River as per the Water Act of 1954 as amended.

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Heritage:

The Heritage indicators were cultural landscape, historical data and scenic route in the Valley. The development guidelines placed a strong emphasis the place making concept based on the indicators. To establish guidelines, a further extension of the assessment was done on the Visual and Landscape Character of the valley.

The assessment concluded into very specific guidelines relating to general guidelines, but also identified 9 local character areas within the RDA. This is dealt with extensively in Section 6.2 and Section 6.3 of the document.

Agriculture:

The farming practice is informed by the topography, soil conditions and the natural vegetation. The RDA consists of approximately 1800 ha of which approximately 300 ha is cultivated, less than 25% of the area.

The area has limited agricultural land expansion possibilities and that the existing cultivated land needs to be protected. This aspect has been elevated in the guidelines that no high potential agricultural land will be available for non-agricultural activities.

Land Uses:

The existing land uses prevalent in the RDA area is agriculture, agriculture related activities, tourism and leisure activities. The exception is the Camphill development that is very specific in nature and contributes to the medical and health sector in the Overstrand.

The RDA is still based on the abovementioned activities with the added potential of low density rural residential land use. The latter is restricted by agricultural land, natural environment and service provision. The potential of low density rural residential development will contribute to the viability and protection of existing agricultural cultivated land and production. It will also enable farms to enhance and modernise agricultural practices to ensure financially viable agricultural units.

Engineering:

In terms of provision of municipal engineering services to developments located within the RDA, a certain threshold must be reached before it is cost effective to render services. The investigation considered 5 scenarios, and it concludes that a minimum of 1500 residential units need to be developed to make the installation of engineering services viable. In terms of the Heritage and Land

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Scape Assessments, this is not recommended for the Hemel & Aarde Valley and thus not viable.

Developments will have to be self-sufficient and with each development, services will have to be addressed comprehensively to ensure that it complies with standards and minimise the possible effect on the environment and agriculture.

Proposed Guidelines:

The guidelines as proposed for the RDA are extensively dealt with under Section 6 of the document.

In terms of the General Guidelines, the main objective is to ensure a balance between agriculture, natural environment and non-agricultural activities of which the latter refers to appropriate land uses for the HAV. This will ensure that the sense of place or place making of the HAV remains intact. Section 6: 6.2.2 (vii) and (viii) is clear on the requirements should any landowner intends to develop in the RDA. This addresses specifically the sensitive nature of the Onrust River and flood lines and thus the developable area are only then determined. A fifty-meter buffer along the Onrust River as proposed by Cape Nature is too generic and should be determined by specialist studies.

In terms of the Local Area Specific Guidelines, nine focus areas has been identified which needs special attention regarding the scenic experience along the R340 and developments between the 100m and 140m contour lines. The detail of the guideline proposals is discussed in Section 6: Subsection 6.3.

### **Conclusion**

The study and assessment of the HAV concluded that the area is a significant cultural and visual amenity in the Overstrand. The study also emphasises the high economic tourism value. The proximity of the HAV to the urban area makes it a natural transitional development area that requires careful planning to ensure its character and sense of place remains intact.

It is proposed that the Hemel & Aarde Rural Development Area: Guidelines be accepted to form part of the SDF as a guiding document. One condition to be added to the document is that all development along the Onrust River be subject to a delineation of the floodplain by a registered professional person.

### **7. Financial Implications**

N/A

### **8. Staff Implications**

N/A

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**9. Comments from other Departments, Divisions and Administrations**

It has been dealt with extensively under Section 2 of the Item.

**10. Annexures**

- Annexure A: Final Document: Hemel & Aarde Valley: Rural Development Area (RDA) Development Guidelines
- Annexure B: Objections
- Annexure C: Reply on Objections

**RECOMMENDATION TO THE COUNCIL:**

that the Hemel & Aarde Valley: Rural Development Area (RDA) Development Guidelines be approved as a guiding document to the Overstrand Spatial Development Framework, 2020 and the Overstrand Integrated Development Plan with the condition that all development along the Onrustrivier be subject to a delineation of the floodplain by a professional registered person.

**RESPONSIBLE OFFICIAL:**

**H VAN DER STOEP**

**TARGET DATE FOR IMPLEMENTATION:**

**25 APRIL 2023**



# Hemel & Aarde Valley: Rural Development Area (RDA)

## Development Guidelines



Annexure F11/82

June 2022



# Preamble

This guideline (policy) document for the Hemel & Aarde Rural Development Area (RDA) is a project by the Overstrand Municipality.



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The professional consultant services acquired by the Overstrand Municipality in preparing the RDA Guideline, include the following:

**Project Managers & Town Planners :**  
Urban Dynamics South Cape



**Consulting Engineers :**  
ICON Engineers




**Heritage Practitioners :**  
Dr. Nicolas Baumann & Ms. Sarah Winter



**Landscape / Visual Assessment Practitioner :**  
Terra + Landscape Architects





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Hemel & Aarde Valley: Rural Development Area – Development Guidelines 3

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## SECTION 1 : Introduction

- 1.1 Background & Introduction
- 1.2 Objectives
- 1.3 Legislative Context
- 1.4 Methodology
- 1.5 Study Area

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### 1.1 BACKGROUND & INTRODUCTION

The rural environment in the Western Cape and specifically in the Overstrand Municipality is faced with escalating development pressures, as available land for urban expansion is gradually becoming a rare commodity.

In response to the development pressures, several provincial and municipal policy frameworks have in the past recognised the need to manage and guide appropriate development within the rural environment. The consensus and conclusions identified in many policies point out the sensitivity of the rural environment to inappropriate urban-type development, as it detracts and destroys the rural character, scenic qualities, impacts on agricultural sustainability and results in many other challenges, i.e. engineering services, impacts on safety & increased crime, impacts on natural vegetation, wetlands, biodiversity and ecological systems.

With specific reference to the Hemel & Aarde Valley in the Overstrand Municipal Area, the concept of a Rural Development Area (RDA) was already presented and approved in the former Overstrand Spatial Development Framework (SDF) of 2005. The more recently approved Overstrand SDF 2020 specifically delineated and referenced the need for rural development guidelines in this specific area. The overall objective being to permit an appropriate level and type of development that manages the southern rural-urban gateway transition by protecting the agricultural and natural resource base and the scenic and cultural resource, while promoting tourism and an appropriate form and scale of residential development.

Within its regional and local context the Hemel & Aarde Valley represents an important agri-tourism resource to the Overstrand Municipality. The strategic importance of the R20 road (Main Road 269) linking the R43 to Caledon on the NZ is of regional significance. Its scenic qualities, together with the growing popularity as a recognised tourism 'wine-route' make it an increasingly important tourism asset within the regional and local space economy of the Overberg. The current Spatial Development Framework identified the lower valley as an urban-rural transition area, requiring specific management guidelines.

The Overstrand MSDP (2020) required that a set of development guidelines be prepared for the Hemel & Aarde RDA, setting out a framework and parameters to proactively unlock the development potential and guide the future development in the area. The objective of the guidelines being to assist landowners and the decision-making authorities in realising an appropriate form and level of development within this urban-rural transition area.

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### 1.2 OBJECTIVES

It is acknowledged that the Provincial Spatial Development Framework (PSDF, 2014) and the Western Cape Land Use Planning Guidelines: Rural Areas (2019) provide land use specific guidelines for rural development in the Western Cape. On this basis, the objective of this guideline document is not to contradict or duplicate the overarching guidelines already provided, but rather to:

- Provide local area specific guidelines for the demarcated Hemel & Aarde RDA, based on a thorough understanding of the study area in terms of its rural scenic character, locality, configuration, accessibility, etc.
- Promote a sustainable form and extent to development in appropriate rural locations within the study area, so as to ensure that the inherent strengths and economic potential of the area are extracted to the benefit of the broader Overstrand community;
- Retain & conserve the integrity and authenticity of the rural cultural landscape character, scenic route experience, agricultural productivity and biodiversity assets in the area;
- To broadly assist and provide clarity to all role players and partners (public and private) on the scale and type of development that is considered appropriate beyond the current built-up areas within this rural-urban transitional area, in terms of suitable locations, and the desirable form and scale of such development.

### 1.3 LEGISLATIVE CONTEXT

This Rural Areas Guideline for the Hemel & Aarde RDA are drafted with due cognisance of, and informed by, complementary national, provincial and municipal planning processes, and will in turn, inform the implementation thereof at the local level. The Rural Development Area Guideline should therefore be read and interpreted together with the legislative prescripts, policy informants and guidelines. The following documents / legislation are considered most relevant as the contextual strategic policy informants to this initiative:

- Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983) (CARA);
- National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA);
- Spatial Planning & Land Use Management Act (SPLUMA, 2013);
- National Spatial Development Framework (NSDF, 2019);
- Integrated Urban Development Framework (IUDF, 2016);
- National Development Plan 2030 (NDP, 2012).

An overview and summary of most relevant provincial and local government policies are provided in Section 2, herein.

1.4 METHODOLOGY

The methodology followed in formulating the Hemel & Aarde RDA Guidelines is summarised in diagram 1, as follows:

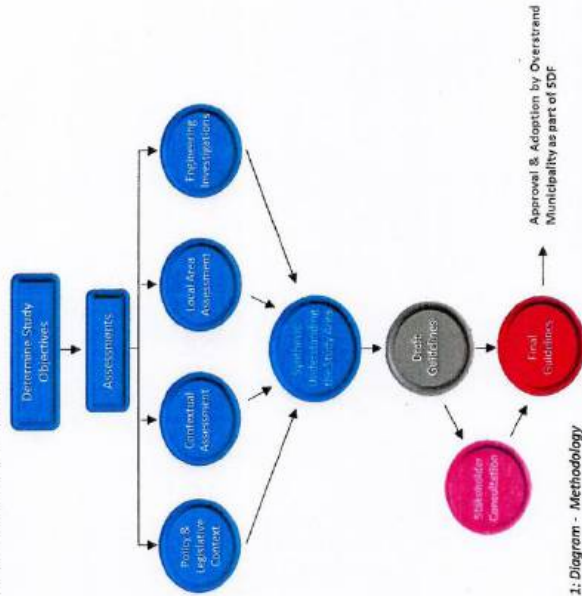


Figure 1: Diagram - Methodology

1.5 STUDY AREA

The study area is located along the R320 between Hermanus and Caledon, incorporating the lower lying parts of the greater Hemel & Aarde Valley, located in the urban-rural transition area. Figure 2 shows the locality of the study area in the broader district context.



Figure 2: Study Area – Regional Context

Section 1: Introduction

The Overstrand SDF (2020) designated conceptual boundaries for the Hemel & Aarde RDA, which was based on the 140m contour line forming the outer edges of the study area (refer Figure 3). During initial assessment and conceptualising of the process, the boundaries of the study area was redefined to include the broader visual catchment along the ridgelines that frame the valley (refer Figure 4). The total extent of the reconfigured study area comprises roughly 20 cadastral properties with a total area of ± 1800 hectares.

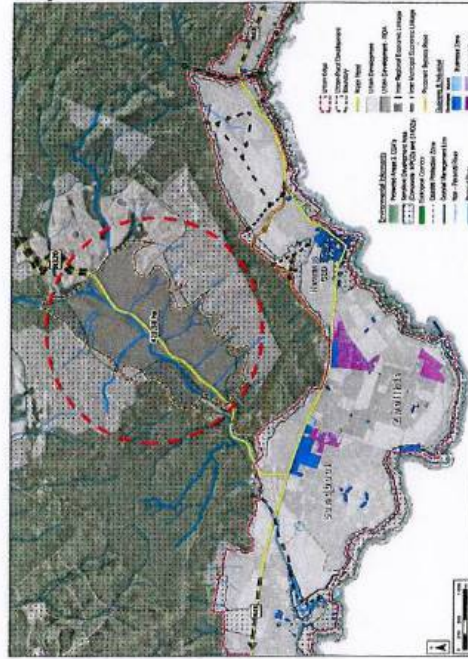


Figure 3: Overstrand SDF (2020) – RDA boundary designation



Figure 4: Reconfigured Expanded RDA Study Area



## SECTION 2 : Policy Context

- 2.1 Introduction
- 2.2 Provincial Spatial Development Framework (PSDF, 2014)
- 2.3 Western Cape Land Use Planning Guidelines: Rural Areas (2019)
- 2.4 Overstrand Spatial Development Framework (2020)
- 2.5 Overstrand Additional Dwellings Guidelines (2009)
- 2.6 Overstrand Overlay Zones

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2.1 INTRODUCTION

A number of existing provincial and local (Overstrand) spatial policy directives are considered relevant to the formulation of development guidelines for the Hemel & Aarde Valley RDA. Some of the existing policies provide principles and strategies relating specifically to development in the rural environment.

There are a plethora of national and provincial policies that could be considered relevant to this initiative. However, the following policies were considered most relevant:

- Provincial Spatial Development Framework (PSDF, 2014);
- Western Cape Land development Guidelines: Rural Areas (2019);
- Western Cape Biodiversity Spatial Plan, 2017 (WCBSP);
- Overstrand Integrated Development Plan (IDP);
- Overstrand Spatial Development Framework (OSDF, 2020);
- Overstrand Additional Dwellings Guidelines; and
- Overstrand Overlay Zones.

The relevance and implications of the above-mentioned policy directives are summarised herein, as follows:

2.2 PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK (PSDF, 2014)

The PSDF (2014) include a number of strategies and objectives that can be considered relevant to the RDA Guidelines, including the following most relevant strategies:

- **Protect Biodiversity & Ecosystem Services**  
Biodiversity mapping for the study area is based on the latest data forthcoming from the Western Cape Biodiversity Spatial Plan (Cape Nature, WCBSP - 2017). The WCBSP represents the priority biodiversity areas and ecological systems that need to be secured in the long-term.
- **Manage, Repair & Optimise Provincial Water Resources**  
The study area is located in a water scarce area, relying on water supply from the De Bos Dam for domestic water use and limited agricultural irrigation. Boreholes are commonly used in the area to supplement water supply.
- **Promote Sustainable Use of Resources**  
The Western Cape's resources, including biodiversity, heritage, natural landscapes and agricultural land should be wisely managed to promote sustainability.
- **Opening-Up Opportunities in the Rural Space Economy**  
Accommodating a greater diversity of compatible land use activities on farms and in the rural landscape in general. Compatible activities are those that do not compromise biodiversity, farming activities, cultural and scenic landscapes, and are of an appropriate scale and form to fit in with their context in the rural landscape

Section 2: Policy Context

The consolidated PSDF (2014) spatial proposals for the Western Cape is reflected in Figure 4, with the Overstrand area designated as a Priority Urban Functional Region for Leisure purposes. This is due to the growing tourism attraction of the area, scenic and natural beauty and strong property markets.

The PSDF further indicates that the Western Cape Government will support rural communities (inclusive of agri workers and land owners) to take control of their destiny, and help build opportunities for growth and development in rural areas. This involves a shift from a compliance driven system to a developmental system that encourages rural entrepreneurship, whilst recognising the importance of protecting important biodiversity areas and ecological infrastructure.

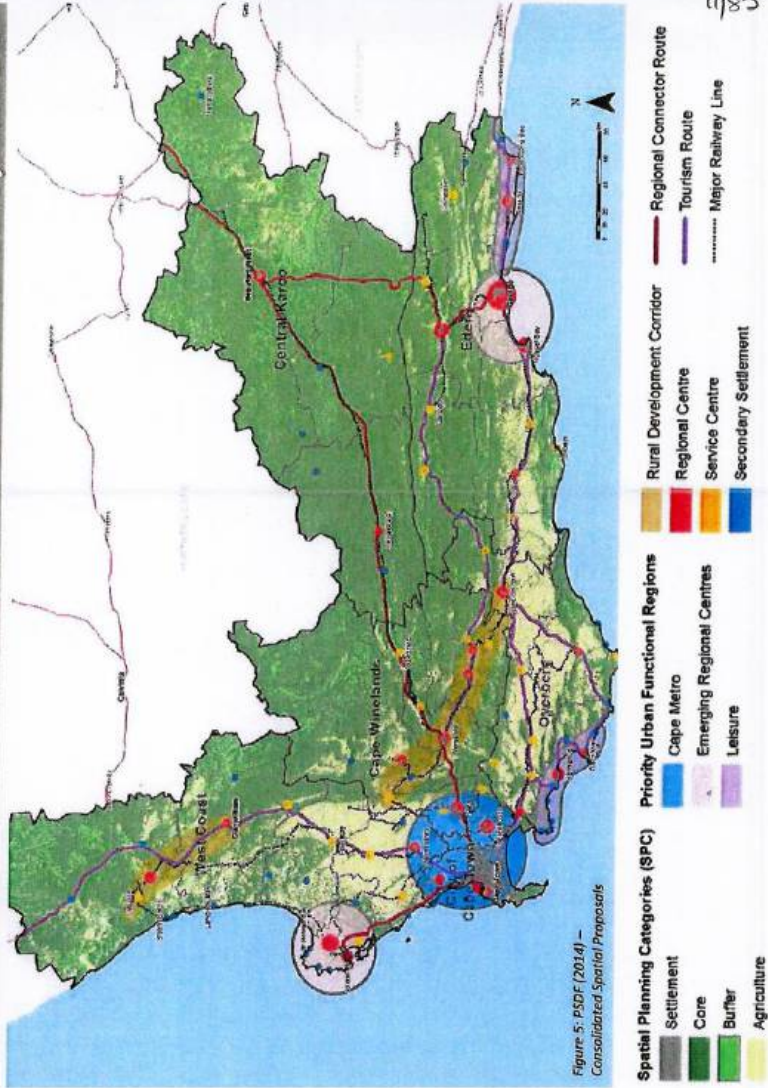


Figure 5: PSDF (2014) – Consolidated Spatial Proposals

**2.3 Western Cape Land Use Planning Guidelines: Rural Areas (2019)**

Subsequent to the compilation and approval of the province's PSDF (2009, and subsequently 2014), forming part of the roll-out of the PSDF, the Rural Areas Guideline were formulated, with its **key objectives** being to:

- Promote sustainable development in appropriate rural locations throughout the Western Cape, and ensure the inclusive growth of the rural economy.
- Safeguard priority biodiversity areas and the functionality of the Province's life supporting ecological infrastructure and ecosystem services (i.e. environmental goods and services).
- Maintain the integrity, authenticity and accessibility of the Western Cape's significant farming, ecological, coastal, cultural and scenic rural landscapes, and natural resources.
- Assist Western Cape municipalities to plan and manage their rural areas more effectively, and to inform the principles of their zoning schemes and spatial development frameworks in a pro-active manner.
- Provide clarity to all role players and partners (public and private) on the type of development that is appropriate beyond the current built-up areas, suitable locations where it could take place, and the desirable form and scale of such development.

Furthermore, the following important considerations forthcoming from the Rural Areas Guidelines are considered relevant to the proposed RDA Development Guidelines for the Hemel & Aarde Valley, namely:

- The Rural Areas Guideline supports the roll-out of the implementation of the PSDF and its call to open up opportunities in the rural space-economy. Building on the NDP vision of an inclusive and integrated rural economy.
- Due to the nature of the Rural Areas Guidelines document as a guideline, authorities could deviate from it in exceptional cases if justification for such deviation is motivated. Such justification could include the promotion and support for the objectives of strengthening the rural economy, but in doing so should not compromise the unique asset base that make up the distinctive rural landscape of the Western Cape.

**The following principles are promoted in the Rural Areas Guidelines, which are considered relevant to this study:**

- Good quality and carefully sited development should be encouraged and located as far as possible in existing settlements.
- Accessibility should be a key consideration in all land development decisions.
- New building development should be strictly controlled with respect to scale, dimension, height, colour, roof profile, etc.
- Land development must avoid negative impact on river systems and should therefore not be permitted below the 1:100 flood line or within 100m of a river bank, whichever distance is greater.

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## Section 2: Policy Context

- Promote sustainable development in appropriate rural locations throughout the Western Cape, and ensure the inclusive growth of the rural economy.
  - Priority should be given to the re-use of previously developed sites in preference to greenfield sites.
  - All development in rural areas should be in keeping and in scale with its location, and sensitive to the character of the rural landscape and local distinctiveness.
  - Only activities that are appropriate in a rural context, generate positive socio-economic returns, and do not compromise the environment or ability of the municipality to deliver on its mandate are supported.
  - The cumulative effect of all ancillary and non-agricultural land uses should not detract from the rural character of the landscape and the primary agricultural activities.
  - Rural activities must have a focus on sustainability and be in harmony with the surrounding agricultural landscape.
  - Agricultural resources should be protected for increased agricultural production, as far as permissible within the context of balanced economic activities within the RDA.
- The Rural Areas Guidelines include general guidelines for development, stating that development in the rural area should not:
- have a significant negative impact on biodiversity, ecological system services or the coastal environment;
  - lead to undue loss or alienation of agricultural land or has a cumulative impact there upon;
  - compromise existing or potential farming activities;
  - be inconsistent with the cultural and scenic landscape within which it is situated;
  - lead to inefficient service delivery or unjustifiable extensions to the municipality's reticulation networks;
  - impose real costs or risks to the municipality delivering on their mandate; and
  - infringe on the authenticity of the rural landscape.
- Furthermore, in addition to the above-mentioned general guidelines, the Rural Areas Guidelines include specific guidelines for different land uses, i.e. conservation, industry, agriculture, rural business, land reform, community uses, accommodation, tourist facilities, etc.

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## Section 2: Policy Context

### 2.4 Overstrand Spatial Development Framework (OSDF, 2020)

The current Overstrand SDF (2020) sets the spatial development vision for the municipality for the next 5-10 years and beyond. The SDF incorporates several strategies towards achieving its spatial vision, summarized diagrammatically as follows:

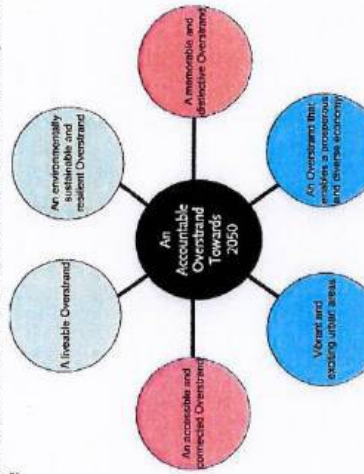


Figure 6: Overstrand SDF (2020) – Strategies

It is clear from the above-mentioned spatial policy, that the Overstrand Municipality's spatial vision is directed towards unlocking opportunities within its space economy, using the inherent character and attractions of the biophysical environment to strategically promote the area for tourism, investment and sustainable development.

Of most relevance to the development guidelines for the Hemel & Aarde RDA is the strategies of (1) 'An environmentally sustainable and resilient Overstrand', and (2). 'An Overstrand that enables a prosperous and diverse economy. In terms of the 2050 vision of the Overstrand Municipality, as put forward in the SDF (2020), the following 2 statements are specifically relevant to the rural area of the Hemel & Aarde Valley, namely:

- *The Overstrand will continue to be South Africa's leading Municipality in terms of best practice for conservation planning and sustainable environmental management. The Overstrand supports bio-regional planning, defined as land-use planning and management that promotes sustainable development, as the methodology on which spatial planning is based.*

In this regard, maintaining the quality of the natural environment and how future development in the RDA responds to, and promotes conservation of critical biodiversity and the integrity of the Onrus River system, will be particularly important in order to ensure alignment with the 2050 vision of the Overstrand.

- *Overstrand values and preserves its rural and natural environments and maintains a thriving rural sector that contributes to local and export markets. The Overstrand builds on its reputation as being a world class tourism destination attracting increasing amounts of tourists to its prime locations and facilities. Tourists in addition to visitors and new skilled labourers are drawn to the Overstrand's unique natural, heritage and cultural attributes and well-designed built environment, providing a consistent economic inflow to the area.*

In this regard, the role of the rural area and the attractiveness of the Hemel & Aarde Valley as a rural / agricultural / natural environment, in attracting tourism to the Overstrand is noted. The potential to enhance the tourism offering and attraction in the area should therefore inform development proposals in the area.

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Section 2: Policy Context

The Overstrand SDF (2020) specifically designated and demarcated the Hemel & Aarde RDA, as part of the SDF spatial plan for the Hermanus area. The SDF assigned the lower valley area as an 'Urban-Rural Development Area', delineated conceptually in the plan herewith. Furthermore, the 'urban rural development area' is defined in the SDF as follows:

*Given the tremendous tourism potential of this valley, it is proposed that the area be partially earmarked for urban development in the form of rural development settlements, which could include a variety of tourism land uses on various scales as well as rural residential opportunities. The development rules / parameters / guidelines must be determined by the Municipality. This area is at this stage delineated by a proposed rural development boundary.*

The Overstrand SDF (2020) therefore acknowledges and promotes the principle and potential for rural residential opportunities within this urban-rural transition area. The implications of rural residential development for subdivision of agricultural land should however be considered relative to the norms for subdivision of agricultural land in the Western Cape and the objectives of National Department of Agriculture relating to the preservation of agricultural land. The designation of the study area as an urban-rural transitional area, presents the opportunity to consider appropriate subdivision of land to allow rural residential development, subject to applying policy and sustainable development principles.

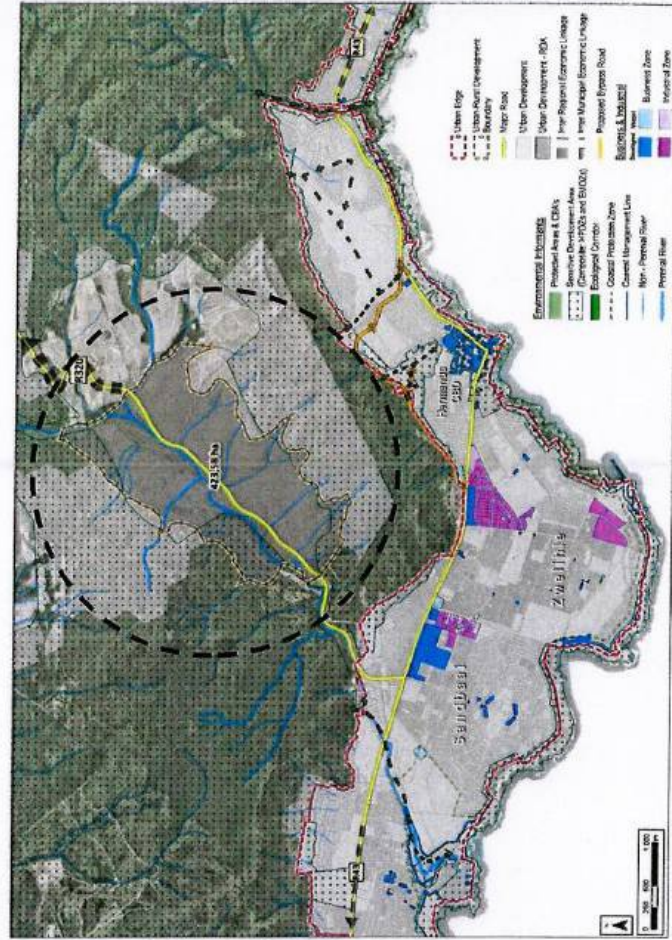


Figure 7: Overstrand SDF (2020) – RDA Delineation

2.5 Overstrand Additional Dwellings Guidelines (2009)

The growing tourism market of the Overstrand has resulted in the growing opportunity for landowners in the agricultural and rural environs to generate an additional income from their land units other than from bona fide farming activities, amongst others by means of developing short term rental accommodation establishments for tourists. The Overstrand Municipality compiled guidelines and requirements to enable the decisionmakers to properly assess agri-tourism applications of this nature and to enable well-informed decision making.

The following is a summary of the most relevant guidelines, namely:

- Residential / accommodation unit/s must be located in such a manner that the development is compact and unobtrusive and that the local vernacular is respected, and if placed within or peripheral to the farmstead precinct, the unit/s should reflect the farmstead style;
- Unit/s must be located in such a manner that it:
  - i) be clustered together;
  - ii) do not result in excessive expansion and encroachment of the existing development of the land unit and surrounding land units;
  - iii) is placed on localities where it will not interfere in the daily agricultural activities (e.g. the plough and harvest routes of farming implements);

- iv) do not impact on the farming unit and surrounding farming units (e.g. in regard to dust generation or product security), and do not impact on surrounding agricultural practices (e.g. through spray drift);
- v) is placed in localities where it will not contribute to the loss of Critical Biodiversity Areas (CBA's), Critical Ecological Support Areas, or Buffer Areas to CBA's.
- vi) do not contribute to soil erosion (location in terms of soil conservation works e.g. contour banks must be noted in order to avoid erosion - care must be taken not to break existing contour banks;
- vii) is placed on localities where no new roads need to be constructed and should be informed by the existing on-line services network;
- viii) is not placed in high visually exposed areas, and
- ix) is placed in localities where a building line departure is not required.

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**2.6 Overlay Zones (2020)**

The Overstrand Municipality proclaimed a number of overlay zones within the broader municipal area. The objective of the Overlay Zones being to manage development in certain specific areas more specifically, than per the standard zoning parameters of the Zoning Scheme. The Hemel & Aarde RDA study area is located partly within the following Overlay Zone designations:

**Heritage Protection Overlay Zones (HPOZ)**

- HPOZ Scenic Route HPOZ (R320 road)
- HPOZ Landscape Significance

**Environmental Management Overlay Zones (EMOZ)**

- EMOZ Mountain Catchment
- EMOZ Riverine
- EMOZ Protected Areas Buffer

The respective Overlay Zones are each specifically defined by regulations that set out the permissible uses and the consent requirements of the Municipality. The Overlay Zone regulations therefore inform the compilation of the RDA guidelines.

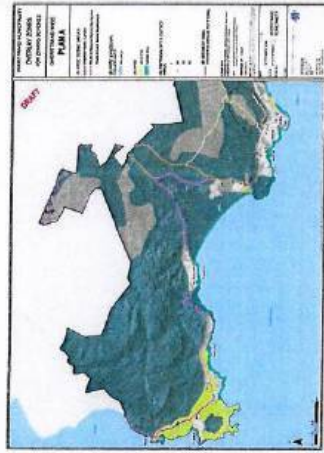


Figure 8: HPOZ



Figure 9: EMOZ - Riverine

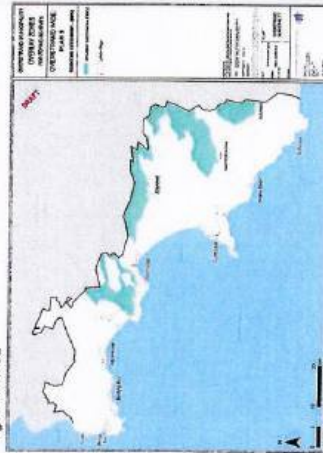


Figure 10: EMOZ - Mountain Catchment



Figure 11: EMOZ - Protected Areas Buffer

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## SECTION 3 : Contextual Assessment

- 3.1 Introduction
- 3.2 Locality
- 3.3 Ownership & Cadastral Configuration
- 3.4 Topography
- 3.5 Biodiversity
- 3.6 Hydrology
- 3.7 Heritage
- 3.8 Agricultural Context
- 3.9 Land Use Context
- 3.10 Services Infrastructure

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Section 3: Contextual Analysis

3.1 INTRODUCTION

The rural development guidelines for the Hemel & Aarde lower valley RDA study area, are aimed at being a focussed set of guidelines, based on the specific characteristics and terrain of the study area. This is different to a generic guidelines document that could potentially apply to any rural area. On this basis, an informed understanding of the study area is required, given its specific locational context, biophysical conditions and its salient place making characteristics.

A series of specialist baseline investigations were undertaken to obtain a better and informed view of the study area and its salient informants.

The analysis starts with the macro context, exploring the significance of the study area within the broader context, and then narrows into the local context. The environmental, physical and historical context is evaluated at these different scales. The capturing of cultural landscape elements runs parallel to this exercise, as the environment in which the site is located is rich in cultural heritage and scenic significance. The identification of the various critical landscape units within the study area will therefore be informed and developed from the analysis of the layers.

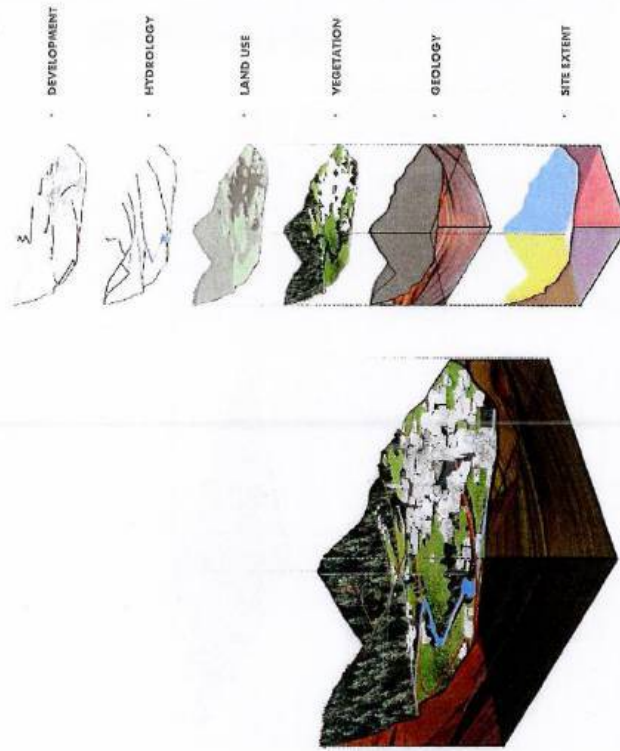


Figure 12: Diagrammatic Overview – Layered Methodology (Terra+)

Section 3: Contextual Analysis

3.2 LOCALITY

The Hemel & Aarde Valley is located between Hermanus and Caledon, along the R320 road. Its accessibility to central Hermanus and its suburbs, contributes increasingly to the attractiveness of the valley for tourism and recreational uses.

The study area focusses on the lower wouth-western portion of the Hemel & Aarde Valley, which interfaces and connects with the urban area of Hermanus.



Figure 13: Locality Plan – RDA Study Area

Section 3: Contextual Analysis

**3.3 OWNERSHIP & CADASTRAL CONFIGURATION**

The study area is comprised of 27 cadastral land parcels (portion of), ranging in extent from 10 hectares to 200+ hectares. The majority of the land parcels are privately owned, while the Overstrand Municipality also owns a number of properties.

The current cadastral pattern is evidence of the gradual subdivision of agricultural land over time, creating a historical tapestry of subdivisions, now reflected on the cadastral map of the area. Although cadastral boundaries are, in some cases notional and arbitrary, they are often together with a number of other factors definitive in terms of determining development potential, economic land utilisation, land care and management.

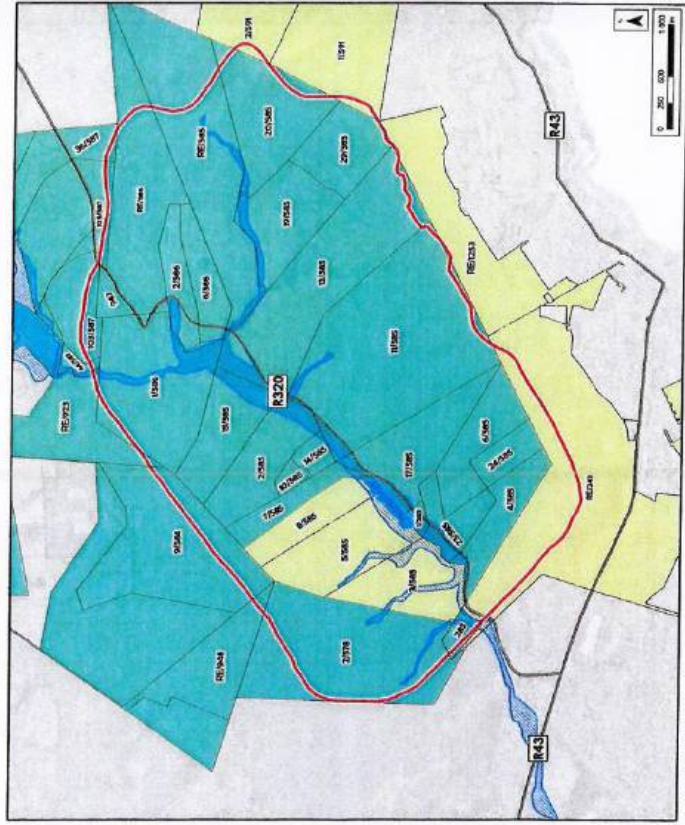


Figure 14: Ownership Plan

Section 3: Contextual Analysis

3.4 TOPOGRAPHY

The topography of the study area is particularly relevant, being a valley setting amongst undulating hills / mountains to the south and north of the study area.

The Onrus River curves along the valley basin, with the R320 road following the alignment of the Onrus River along the lower valley basin. To the south of the river on the north-facing slopes, the slope is gentle leading up towards the hill tops overlooking Hermanus and Walker Bay. On the opposite site, the northern side of the river is characterised by steeper south-facing slopes, including large areas with slopes steeper than 1:4.

For reference purposes, the 120m and 140m contour lines (above mean sea level) are marked in the topographical plan. However, these contour lines form arbitrary lines that cannot be identified in the landscape with the naked eye. The portion of the study area located beneath the 140m contour line height is approximately 670 hectares in extent.

Further assessment of the topography, land form an character is provided in the landscape character analysis.

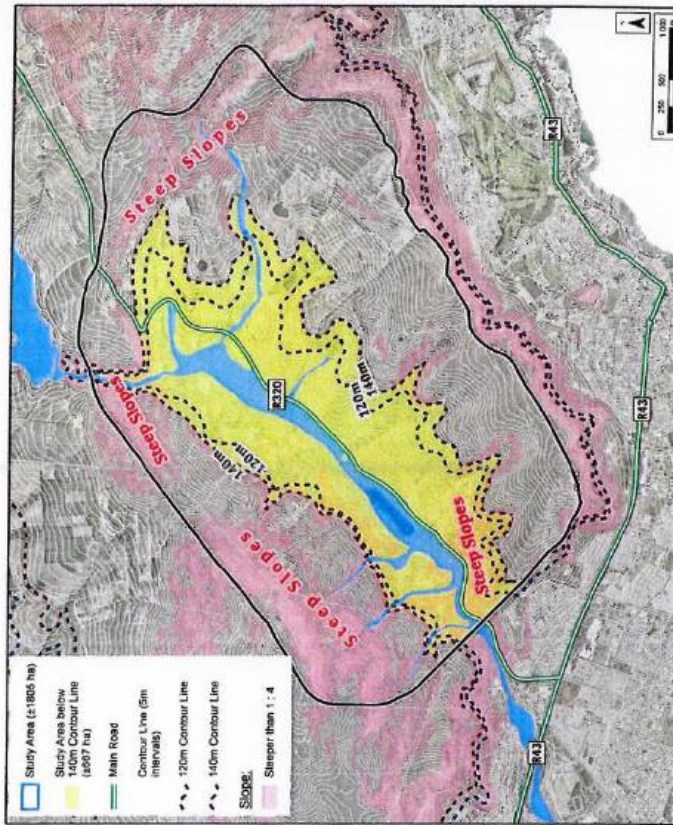


Figure 15: Topography

Section 3: Contextual Analysis

3.5 BIODIVERSITY

From a biodiversity / botanical conservation perspective, the study area is located within the context of the Cape Floral Kingdom. The predominant vegetation found in the study area is Overberg Sandstone Fynbos. The Fernkloof Nature Reserve abuts onto the southern boundary of the study area, while some private conservation areas straddle the boundaries into the study area.

Biodiversity mapping for the study area is based on the latest data forthcoming from the Western Cape Biodiversity Spatial Plan (Cape Nature, WCBSP - 2017). The WCBSP represents the priority biodiversity areas and ecological systems that need to be secured in the long-term.

The biodiversity map clearly shows the disturbed agricultural areas, where natural vegetation have been removed for agricultural cultivation over the past 100+ years. The north-facing mountain slopes on the southern side of the valley includes mostly Ecological Support Areas, with Critical Biodiversity Area 1 (CBA1) areas to the east and on the south-facing mountain slopes in the study area. It is recommended that natural vegetated mountain slopes abutting onto Fernkloof Nature Reserve be considered for formalised conservation purposes either through rezoning or stewardship agreements, which will contribute to expand ecological and biodiversity conservation.

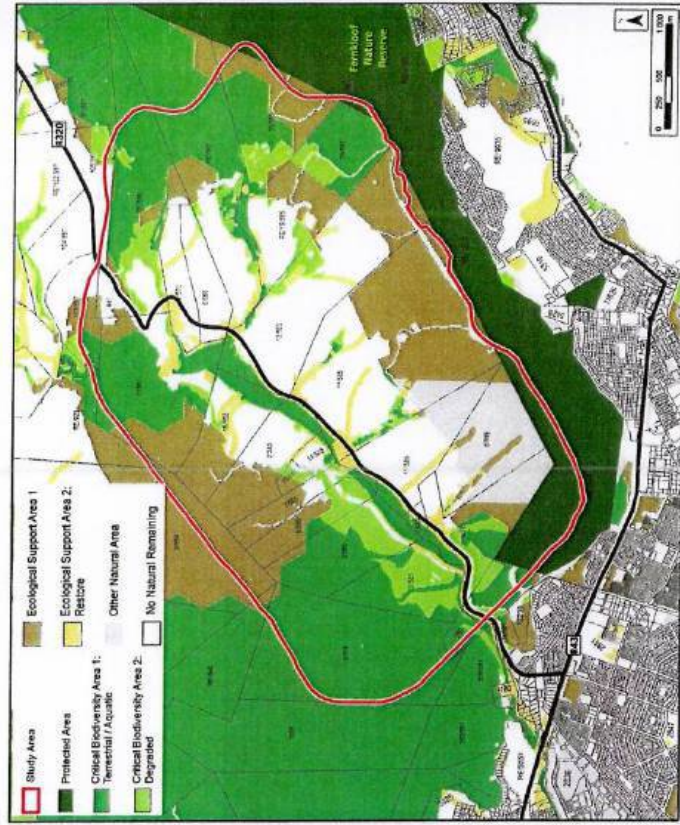


Figure 16: Biodiversity Map (WCBSP, 2017)

Section 3: Contextual Analysis

The WCBSP (2017) sets out the desired outcomes for the respective biodiversity categories / areas, providing a better understanding of the intention and objectives to achieve the most sustainable balance between biodiversity conservation and development pressures, as summarised in the table below.

These desired objectives for the respective CBA categories, together with more detailed land use guidelines in the WCBSP (2017) and in the Western Cape Land Use Planning Guidelines for Rural Areas (2019), are used as a key informant, by all authorities, when assessing land use and environmental proposals and decisions in the study area.

| BIODIVERSITY CATEGORY  | OBJECTIVES   |
|--|--|
| <b>Protected Areas</b>   | Must be kept in a natural state, with a management plan focused on maintaining or improving the state of biodiversity.   |
| <b>CBA1</b><br><small>CBA - Critical Biodiversity Area</small>             | Keep natural, with no further loss of habitat. Degraded areas should be rehabilitated. Only low-impact, biodiversity-sensitive land-uses are appropriate.  |
| <b>CBA2</b>  | Keep natural, with no further loss of habitat. Degraded areas should be rehabilitated. Only low-impact, biodiversity-sensitive land-uses are appropriate.  |
| <b>ESA 1: Terrestrial</b><br><small>ESA - Ecological Support Areas</small> | Maintain in a functional, near-natural state. Some habitat loss is acceptable, provided the underlying biodiversity objectives and ecological functioning are not compromised.   |
| <b>ESA: Aquatic</b>  | Maintain in a functional, near-natural state. Some habitat loss is acceptable, provided the underlying biodiversity objectives and ecological functioning are not compromised.   |
| <b>ESA2</b>  | Restore and/or manage to minimise impact on ecological infrastructure functioning; especially soil and water-related services.   |
| <b>ONA</b><br><small>ONA - Other Natural Areas</small>                     | Minimise habitat and species loss and ensure ecosystem functionality through strategic landscape planning. Offers flexibility in permissible land-uses, but some authorisation may still be required for high impact land uses.  |
| <b>No Natural</b><br><small>NNR - No Natural</small>                       | These areas are suitable for development but may still provide limited biodiversity and ecological infrastructure functions and should be managed in a way that minimises impacts on biodiversity and ecological infrastructure. |

Table 2: Desired Outcomes / Objectives for the different CBA categories (WCBSP, 2017)

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Section 3: Contextual Analysis



Figure 17: Hydrology – River, streams, drainage lines, wetlands (note: localised wetlands subject to ground truthing)

3.6 HYDROLOGY

The topography of the RDA study area is characterised by the elevated southern and northern mountain slopes enclosing the area as a valley / bowl, sloping down towards the Onrus River in the valley basin. The drainage directions are therefore southwards, northwards and westwards to the Onrus River, being the primary hydrological system draining westwards, towards the Atlantic Ocean.

It is recommended that development proposals in the Valley be sensitively planned to minimise impacts on natural drainage patterns and to protect the Onrus River catchment against pollution.

Section 3: Contextual Analysis

3.7 HERITAGE

A historical overview of the evolution of place and the nature of heritage significance of the valley, as a whole and its component parts, has been undertaken by Baumann and Winter and forms part of the Appendix. The analysis of significance is fundamental to the formulation of development guidelines and heritage indicators to ensure the retention and enhancement of **significance and place character**.

A rich layering of the landscape is evident dating from the pre-colonial and early colonial periods. The abundance of fresh water from streams and springs and the adjacent rocky coastline with the opportunities for the harvesting of sea life, made the area an attractive destination for hunter-gatherer groups.

The hospitable environment for human occupation is evident in the richness of archaeological sites, including Early Stone Age, Middle Stone Age and Later Stone Age periods. It was thus a place of occupation and migration for Khoes pastoralists in pre-colonial times.

After the VOC settlement in 1652 the migration routes of the indigenous borders were followed by Company expeditions. As elsewhere, these expeditions sought to find suitable grazing and freshwater and to establish trade relationships with Khoes pastoralists to augment the company stocks of sheep and cattle.

Settler expansion to the Overberg was relatively slow compared to the pattern of development of the West Coast and the Winelands areas. However, from the early 1700s stock farmers began moving into the area. Grazing licenses were issued and homesteads established.

The early agricultural activities in the area were thus related to stock farming and wheat farming. Wine producing vines were established from the 1900's.

A variety of themes on can thus be established in the historical layering of the place which need to inform future patterns of development. They include:

- Pre-colonial settlement and migration.
- Early contact between Khoes pastoralists and Dutch traders.
- Isolation and refuge.
- Education and religion.
- Cultivation.
- Tourism and Recreation



Hemel & Aarde Valley: Rural Development Area – Development Guidelines

## Section 3: Contextual Analysis

### Heritage significance is thus seen to reside in the following:

- A cultural landscape of high heritage value (Grade III A) as identified in the Provincial Spatial Development Framework Heritage and Scenic Resources: Inventory and Policy Framework (2013).
- High historical associational significance as a British Colonial institution for the treatment (separation and isolation) of leprosy patients at the Cape from the early to mid 19th century, prior to the institution being established on Robben Island in 1845.
- It's sense of enclosure serves to re-enforce its role as a place of refuge and isolation.
- A landscape of high scenic (aesthetic) quality based on a combination of mountain valley setting, riverine corridor and a dominant rural settlement pattern, which is in vivid contrast to the adjacent sprawling urban development of the Greater Hermanus coastal plain.
- The experiential qualities of three distinctive valley settings and associated gateway or threshold conditions, including the Hemel en Aarde Lower Valley, the Hemel en Aarde Plateau and the Karwyderskraal Valley.
- The scenic route (R320) of high local significance which provides historical and contemporary connectivity between the Overberg interior and the coastline. It was possibly a route connecting the Moravian Mission settlement of Genadendal and the coastline.

Any development proposal should thus be considered within the context of the cultural heritage of the valley, which is embedded within the rural landscape, the agricultural character and the scenic quality of the place. This understanding of the nature of significance and place character, informs the formulation of guidelines for the RDA.

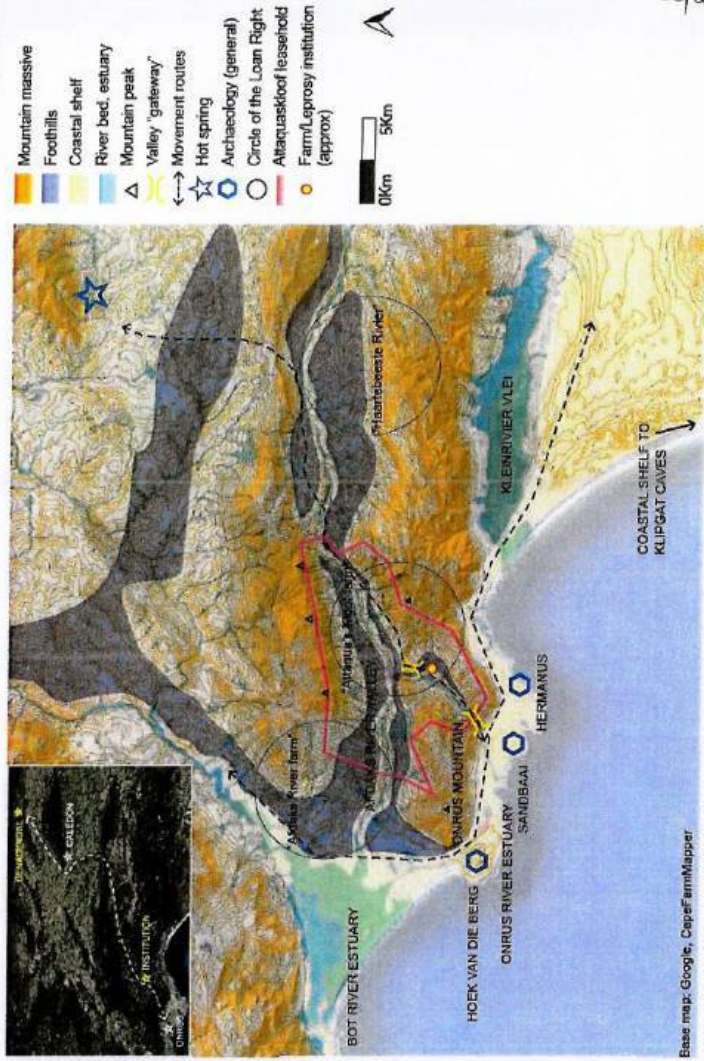
Figures 18 – 21 depicts an overview of the historical evolution of place and the nature of heritage significance of the valley, as well as the heritage resources now relevant to an understanding and appreciation of the valley.



Hemel & Aarde Valley: Rural Development Area – Development Guidelines

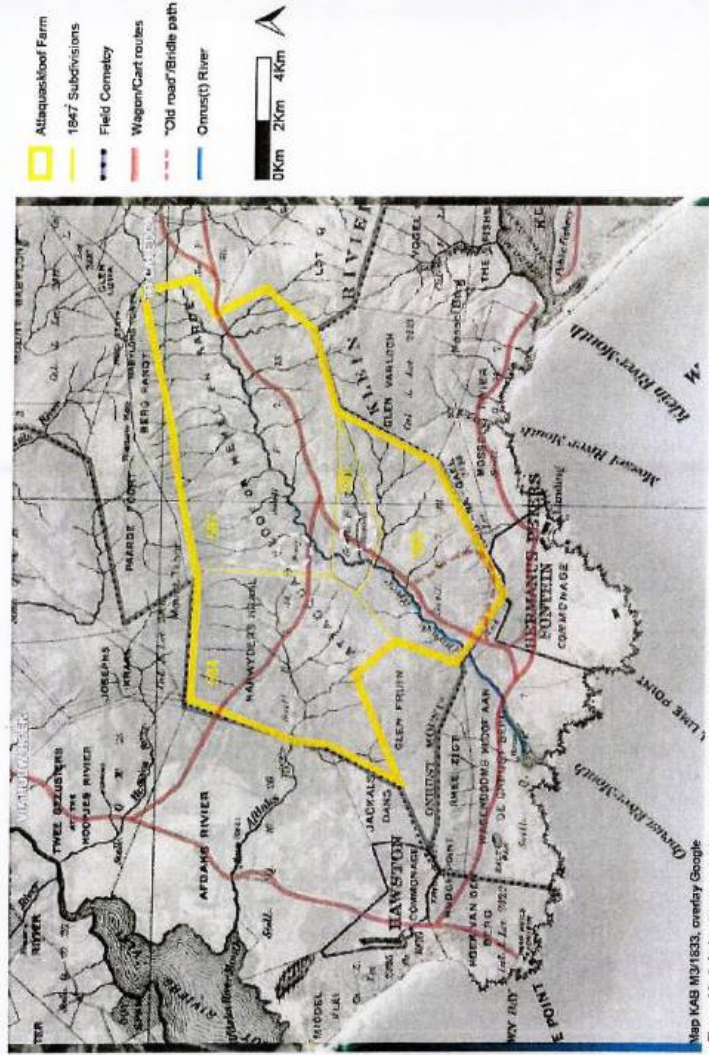
### Section 3: Contextual Analysis

- Heritage Informants: Contextual Maps**
- The map of the pre-colonial and early colonial settlement patterns reveals the following aspects pertaining to the study area within its broader historical context:
- The natural occurring landscape 'gateways' create a sense of controlled access and containment of the study area
  - Slopes on the eastern valley side are shallow and gradual, while western slopes are steeper
  - The broader area is host to abundant freshwater springs, perennial rivers and salt water estuaries
  - The plateau and plains were historically utilized for cattle grazing



Base map: Google, CapeTownMapper  
 Figure 18: Pre-Colonial & Early Colonial Settlement (Baumann & Winters)

Section 3: Contextual Analysis



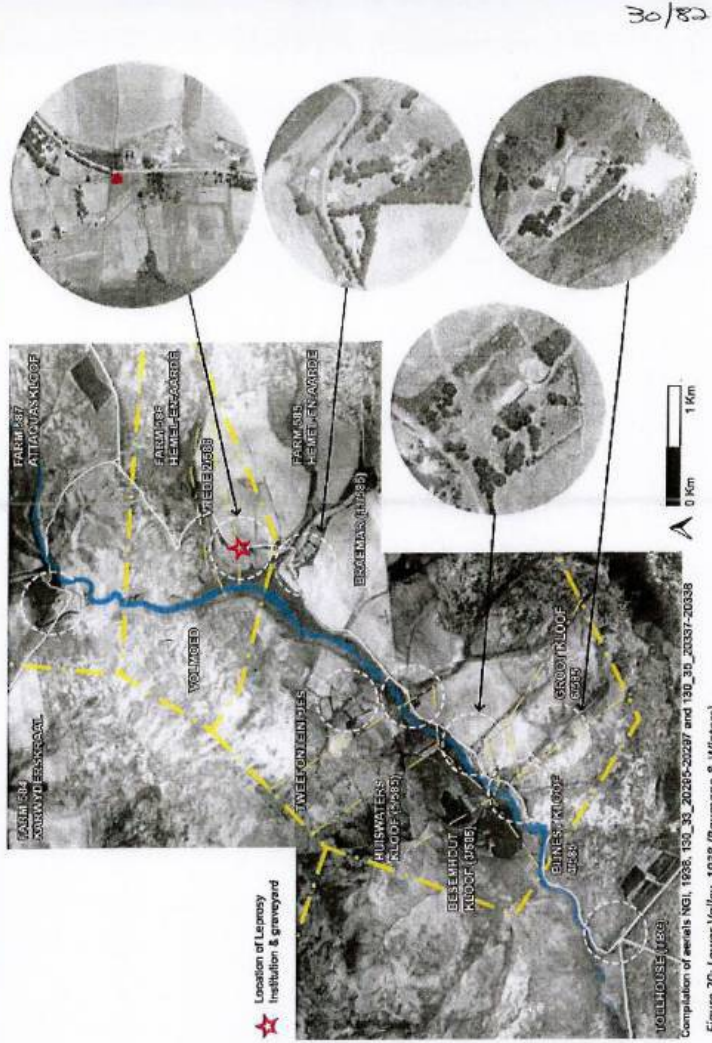
Map KAB M3/1833, courtesy Google  
 Figure 19: Caledon District Field Comety, 1890 (Baumann & Winters)

Heritage Informants: Contextual Maps

- The map shows the Attaquas Kloof / Hemel & Aarde valley with land subdivision dated 1847.
- The valley was sparsely developed with only the institution hospital on Farm 586, and a house on Farm 587 identified.
- Wagon routes straddled the valley, connecting the coast to Caledon, then a substantial town, and west via Houw Hoek pass.
- Development of the coastal plain with Hermanus boat landing, public fishery, productive freehold farm Wagenbooms Kloof, and grazing commonages at Hawston and Hermanus.

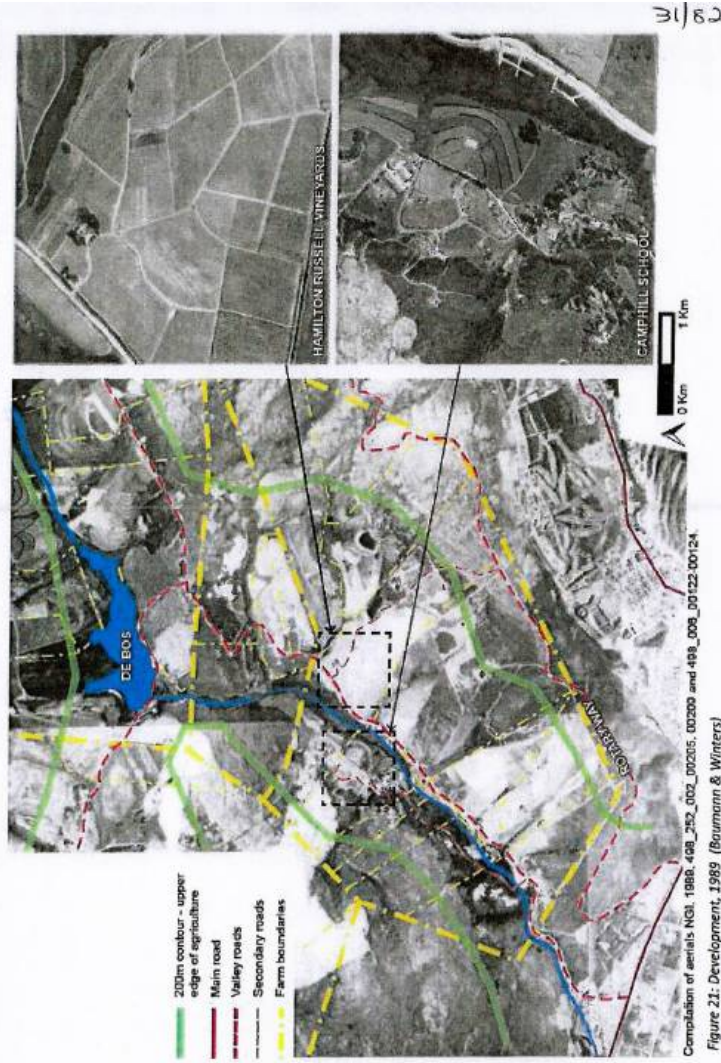
Section 3: Contextual Analysis

- Heritage Informants: Contextual Maps
- The map shows the 1920-1930 subdivision and development of Farms 585 and 586 Hemel & Aarde.
  - The Leprosy Institution located on Volmoed (Farm 586 remainder) & portion 2/586, Vrede.
  - Pockets of development can be observed: modest farm clusters and homestead groupings close to the access road; farm dams established, quarries, land worked for forestry and agriculture (wheat).



Section 3: Contextual Analysis

- Heritage Informants: Contextual Maps
- The map shows development in the valley in 1989.
- Subdivisions and pockets of mixed development are observed.
- Viticulture across shallow east valley; diverse agriculture on steeper west valley.
- The De Bos Dam and Rotary Way can be seen, being 2 significant infrastructure developments in the valley.



Hemel & Aarde Valley: Rural Development Area – Development Guidelines

### Section 3: Contextual Analysis

#### Heritage Informants: Contextual Maps

The heritage resources identified and mapped for the study area, include the following:

- Planting as placemaking: Aligned tree avenues, predominantly pine, along roadway; traditional planting patterns with oak, polar & camphor trees (e.g. Volmoed); gumtree clusters to shade farm werf areas (e.g. Southern Right); hedged terraces (e.g. Camphill).
- Braemar School & Cottage (early-mid 20<sup>th</sup> Century): Associated with the life and work of Ella Gordon.
- Dawn Homestead (c1940's): Intact Cape-revival features with older core.
- Cottages (late 19<sup>th</sup> century – early 20<sup>th</sup> century): intact examples of modest Cape vernacular farmhouses positioned within 100m of access road.
- Farm complex (early 20<sup>th</sup> century): Typical characteristics of modest Cape vernacular farm werf with shade trees.
- Brick kiln (c1940's): Rare example of a rural industrial structure.

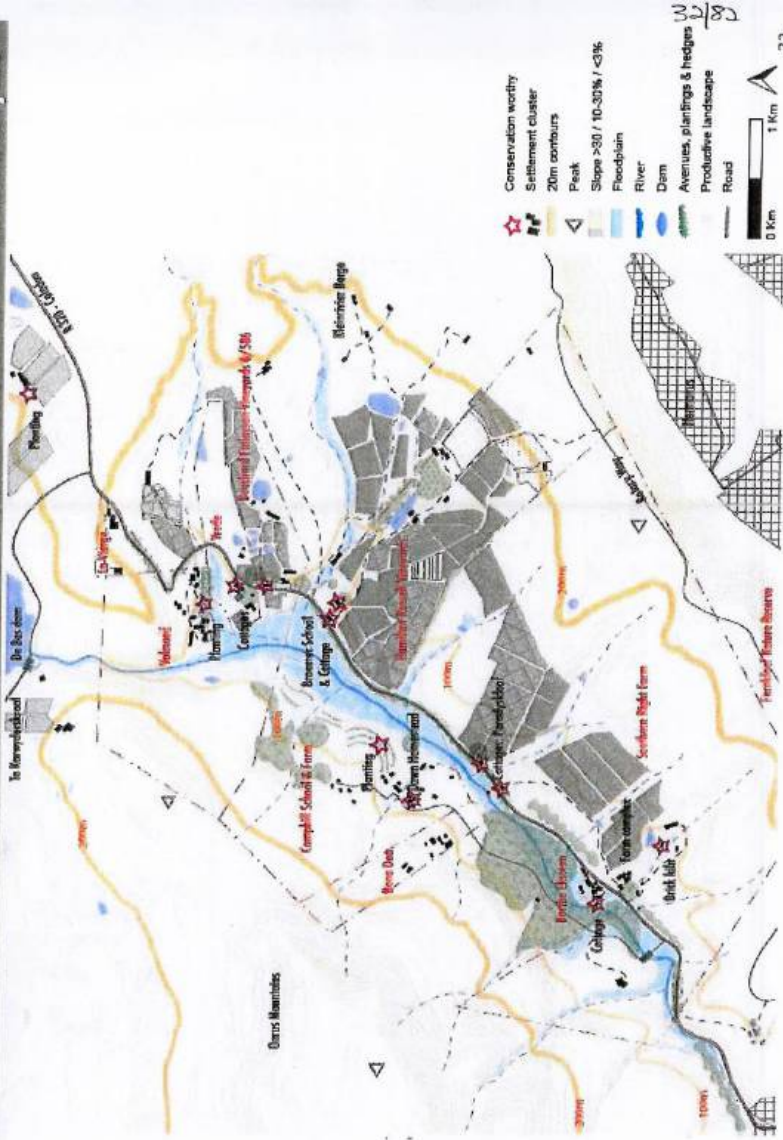


Figure 22: Heritage Resources (Baumann & Winters)

Section 3: Contextual Analysis

3.8 AGRICULTURAL CONTEXT

The agricultural resource / production area within the valley is informed by the topography, underlying geology and soil conditions, as well as the natural vegetated fynbos mountain slopes. On the southern side of the R320 road, agricultural cultivation stretches towards the 140m contour line where the natural fynbos areas form a distinct change of character in the landscape. Further north on the Hamilton Russel farms the agricultural cultivation stretches further up the north-facing mountain slopes.

To the north of the R320 road, significantly less cultivated land areas occur, as the Onrus River flood plain restrict cultivation in the lower valley basin, before the topography rises steeply onto the south-facing shaded mountain slopes, which are clearly less suitable for crops and vines. Large parts of these south-facing slopes are either blue gum plantations or natural fynbos areas, with some natural live stock grazing.

The total cultivated land area within the ± 1800 hectares study area is approximately 300 hectares, less than 25% of the study area. Notwithstanding the limited extent of active productive agricultural land in the study area, the impression / experience of the valley when travelling through it remains agricultural in nature, but is in fact perhaps more rural-natural in nature.

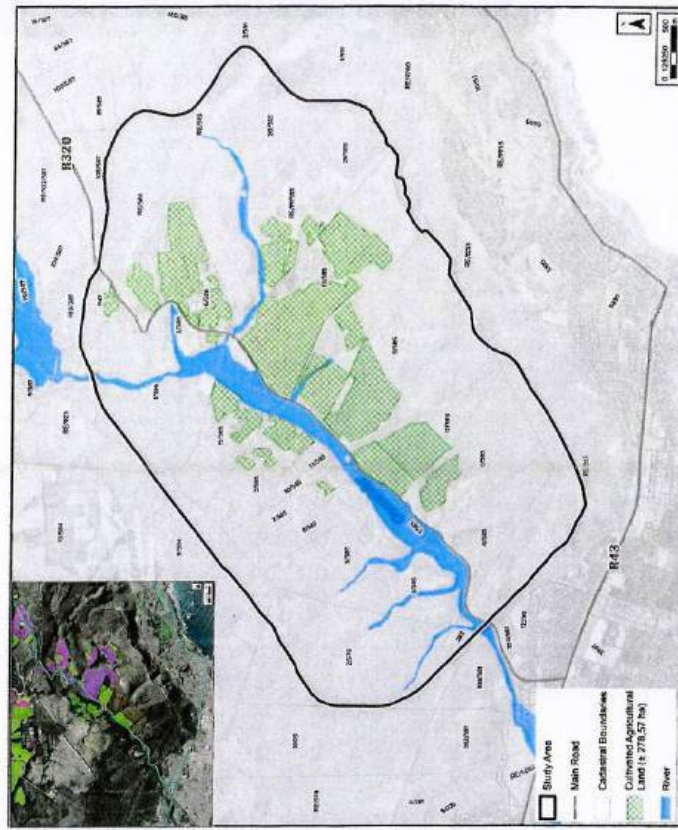


Figure 23: Cultivated Agricultural Land

Section 3: Contextual Analysis

3.9 LAND USE CONTEXT

The land uses observed within the Hemel & Aarde RDA study area includes a variety of agricultural uses, dominated by vineyards and associated wine cellar infrastructure. Tourism while rural residential dwellings are observed nestled within the landscape. Tourism related uses celebrate the natural and scenic beauty of the valley, with a variety of restaurants, fine dining and wine-related rural experiences, randomly located along the R320 route throughout the valley.

The Camphill school and village on the northern part of the study area is a historical settlement, providing a safe haven for disabled persons, and contributing to the medical and health offering in the broader Overstrand area.

Recreational uses are offered in the area, including mountain biking, adventure sports, hiking and fishing in some of the local farm dams, further contributing to the attraction and offering hosted within the Hemel & Aarde Valley right on the doorstep of Hermanus.

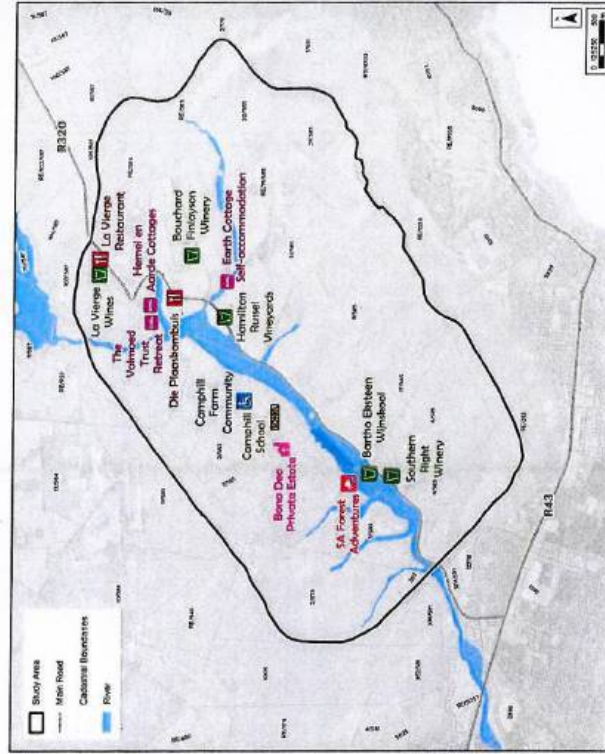


Figure 24: Existing Land Uses



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### 3.10 SERVICES INFRASTRUCTURE (refer Annexure B)

#### i. Status Quo

Due to the rural nature of the study area, municipal services infrastructure in terms of water supply, sewer reticulation, stormwater drainage and electrical supply are not established.

The farms in the study area make use of septic tanks and conservancy tanks for their sewer drainage, as no municipal sewer services exist. Recent new developments in the area would be operating on conservancy tanks, as the Overstrand Municipality does not permit the use of septic tanks due to the groundwater pollution associated thereto.

The water supply for farms in the study area would be mostly from localised boreholes, water from farm dams and rainwater capture in tanks, as no municipal water service is available. Water connections to the Dwaars municipal raw water pipeline are not permitted for domestic water use, while some limited irrigation water allocations exist to the farms in the area.

Existing bulk infrastructure existing in the study area include the following:

- R320 minor road to Caledon (Main Road 269)
- ESKOM 11kV electrical overhead transmission line
- Dwaars municipal raw water pipeline from the De Bos Dam

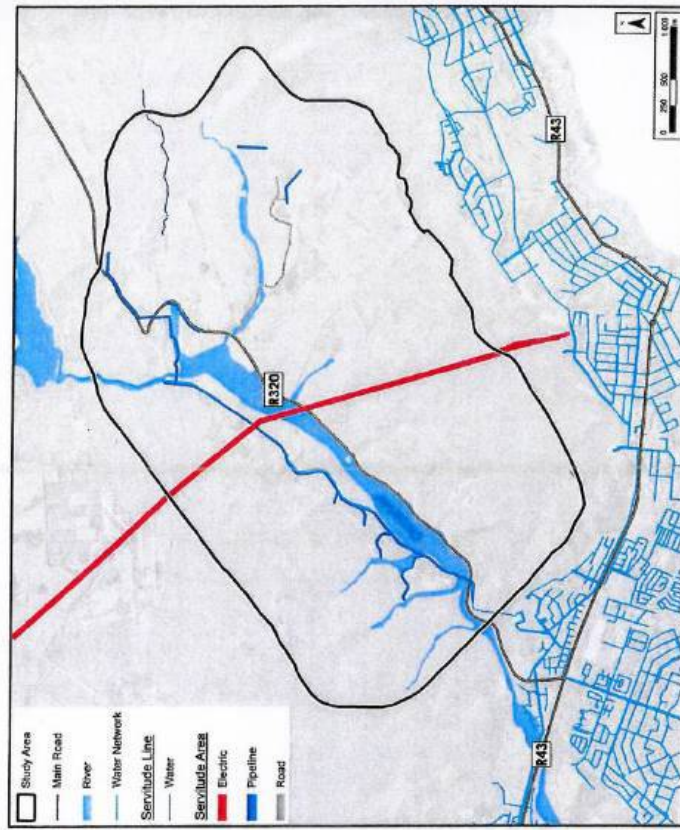


Figure 25: Existing Bulk Engineering Infrastructure

## Section 3: Contextual Analysis

### ii. Municipal Services Provision to the RDA

An engineering investigation was undertaken to determine the potential to introduce municipal bulk services to the RDA, which would allow future developments in the study area to connect with municipal services.

The engineering investigations considered 5 potential development scenarios for the RDA, with the objective being to determine the required development scale and economies to justify the costs of municipal services provision to the RDA, namely:

- **Scenario 1: Low density** - 1 primary residential dwelling per cadastral, with 5 additional residential dwellings per cadastral (total  $\pm$  310 units), 15 people guest accommodation per cadastral, 1000m<sup>2</sup> per farm for cellars, restaurants or farm shops.
- **Scenario 2: Medium Density** - 1 residential unit/2ha (total  $\pm$  470 units), 15 people guest accommodation per cadastral, 1000m<sup>2</sup> per farm for cellars, restaurants or farm shops.
- **Scenario 3: Medium-High Density #1**: 1 residential unit/1ha (total  $\pm$  800 units), 15 people guest accommodation per cadastral, 1000m<sup>2</sup> per farm for cellars, restaurants or farm shops.
- **Scenario 4: Medium-High Density #2**: 2 residential units/1ha (total  $\pm$  1500 units), 15 people guest accommodation per cadastral, 1000m<sup>2</sup> per farm for cellars, restaurants or farm shops.
- **Scenario 5: Suburban Density** - 10 residential units/1ha (total  $\pm$  6800 units), 15 people guest accommodation per cadastral, 1000m<sup>2</sup> per farm for cellars, restaurants or farm shops, 5000m<sup>2</sup> retail.

The scenarios were applied to the portion of the study area located below the 140m contour line, comprising of  $\pm$  667 hectares of land. Following assessment and calculations, the engineering investigation concluded as follows:

- Although there is bulk water supply capacity to service the area, a bulk water line will have to be constructed along the length of the R320 road, and a new water reservoir will have to be constructed at a height of at least 165m above mean sea level;
- In order to provide a sewer main to the Hemel & Aarde Valley's rural development area (RDA), a combination of gravity mains, pump stations and rising mains would be required. The route would be along the Hemel & Aarde Valley Road, which would be laid from the intersection of the Hemel and Aarde Valley Road and the R43 Trunk Road (the Main Road to Hermanus), to the north eastern end of the RDA. The route along the Hemel & Aarde Valley Road would be 6250m (6,25km) in length and undulates between approximately 20m MSL at the intersection, to 205m MSL at the north eastern corner of the RDA. Due to the undulations along the pipe route at least five sewer pump stations would be required to service the area;
- The construction cost of the bulk services requirements for water and sewer services (as described above) will be significant. To justify the costs and spread the cost to development at an acceptable offset to development, the most viable option would be **Scenario 4: Medium-High Density #2**;

The minimum viable development scenario (as an engineering infrastructure threshold to achieve critical economies of scale) to justify implementation of municipal services infrastructure to the RDA, implies development of  $\pm$  1500 residential units in the lower valley area. Such a scale and form of development should be considered relative to the local cultural heritage, scenic qualities and rural nature of the study area, which due to its sensitivities, is not supportive to development of such scale and form.



## SECTION 4 : VISUAL & LANDSCAPE CHARACTER ANALYSIS

4.1 Contextual Analysis

4.2 Landscape Character Mapping

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#### 4.1 Contextual Analysis

- Topography
- Valley Context
- Thresholds
- Edges
- Character Areas – ‘rooms’

Expanding on the contextual analysis in Section 3 herein, the objective of this section is to provide a further refined specialist view on the visual and landscape character of the study area. In this regard, it is considered important to understand the inherent landscape character of the study area, and to recognise these key informants in the drafting of development guidelines for development in the valley, in a manner most appropriate to the area's unique specific urban-rural transitional context.

Section 4: Visual & Landscape Character Analysis



Context : Topography

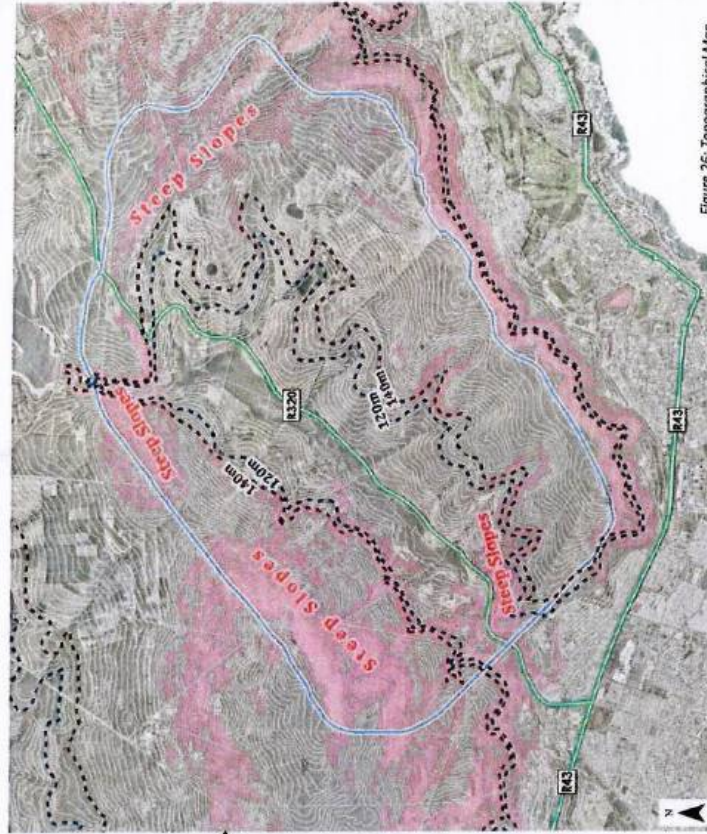


Figure 26: Topographical Map

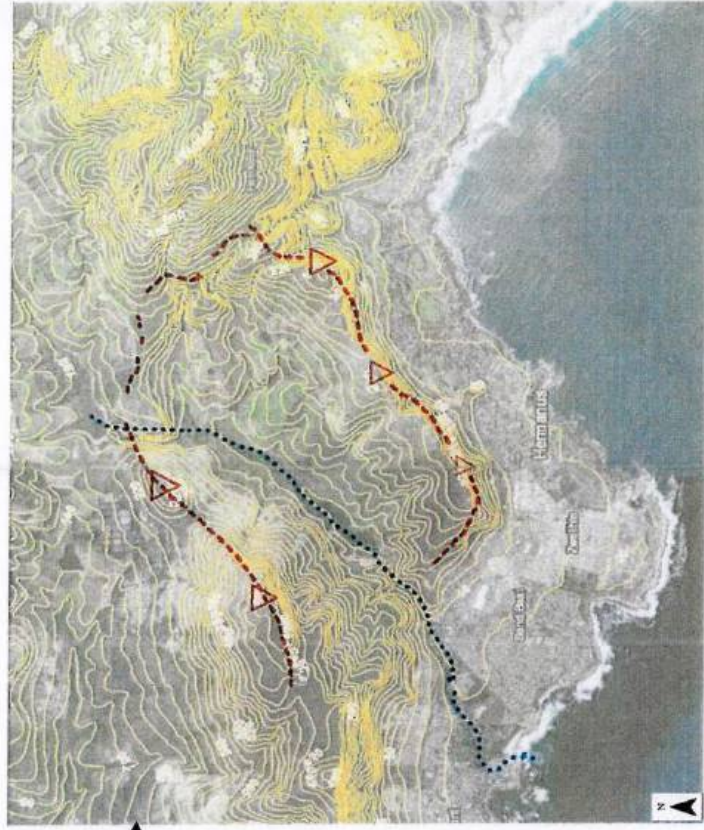
The study area is predominantly defined by the topography that defines the valley. In the macro context this valley lies within a broader valley with clear distinctions of entry and exit thresholds defining each sub-valley.

The steep slopes along the western edge of the valley creates a sense of enclosure as the viewer is moving along the major scenic route. This route experience is juxtaposed by the more gently sloping hills along the eastern edge of the valley. This sense of enclosure is accentuated by the position of the route in the valley floor / bottom.

Section 4: Visual & Landscape Character Analysis



Context : Topography



- The 20m contour lines indicate the land form of the valley, with dominant mountain peaks creating the ridge of the surrounding mountains. These high points are significant landforms defining the valley, and contributing to the dramatic qualities perceived by people entering the valley.

- The landform and dominant ridges define the sub-valley (study area) from the broader valley and create a significant subset in the landscape.

Figure 27: Significant Peaks & Ridges

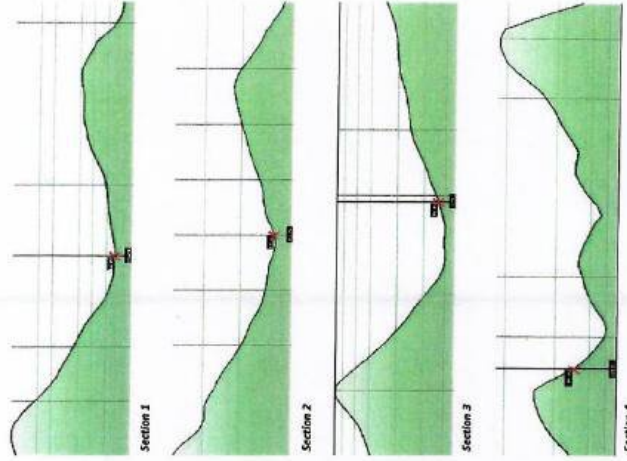
## Section 4: Visual & Landscape Character Analysis

### Context: Topography

The sequence of sections through the study area illustrate the variation in the landscape, as described by the topography. There is an increase in the dynamic and dramatic qualities as one moves further out of the valley and towards the north. Here the landscape reveals smaller valleys tucked between the folds of the hills. These smaller valleys and landscape spaces are created by the ephemeral streams and drainage lines leading to the river in the valley bottom.



Figure 28: Sections through the Valley Topography



48 (14)

### Section 4: Visual & Landscape Character Analysis

#### Context : Journey

The illustration of the valley with the relationship of the river, access road and surrounding topography illustrates the significant journey that is taken through the valley, and the significance and prominence of the topography in the landscape setting.

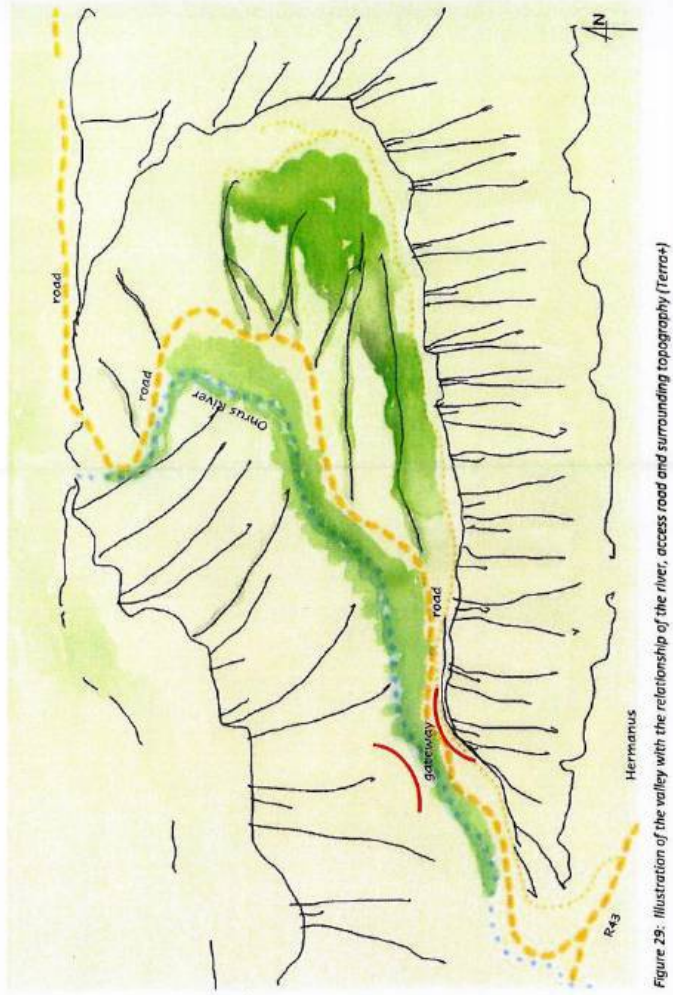
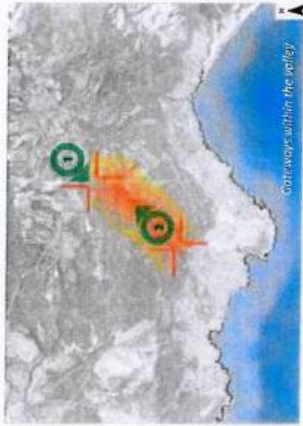


Figure 29: Illustration of the valley with the relationship of the river, access road and surrounding topography (Terra+)

### Section 4: Visual & Landscape Character Analysis



Context : Edges

Travelling through the valley along the scenic R320 road, 2 distinct gateway conditions present itself at the western entrance and eastern exit to / from the lower valley area. Framing the scenic route are strongly defined roadside edges and contained views within the valley area. The western mountain slopes rise steeply, containing and framing views from the road, while the eastern slopes are more gentle allowing for longer opening views onto the rural agricultural slopes and fynbos areas above.



Figure 30: Strongly defined roadside edge to the west opening up to views over rolling hills (Terra+)

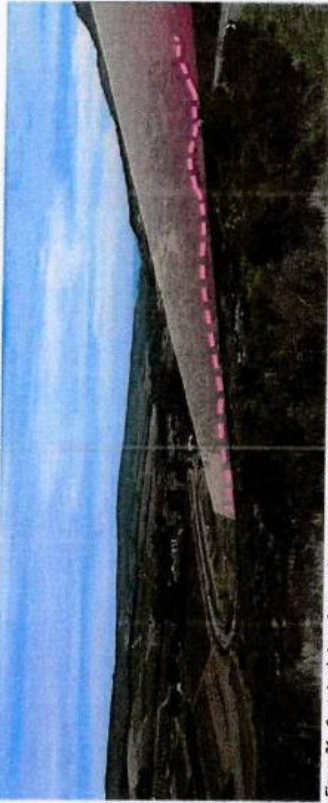
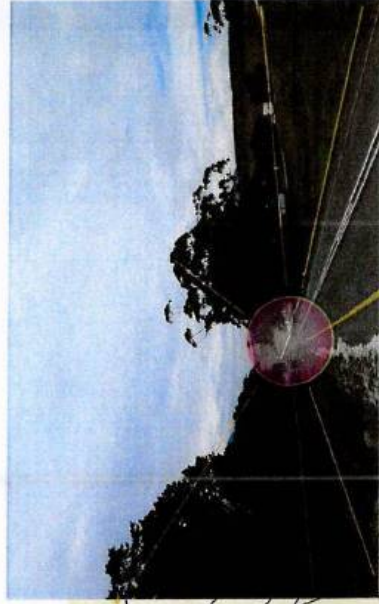
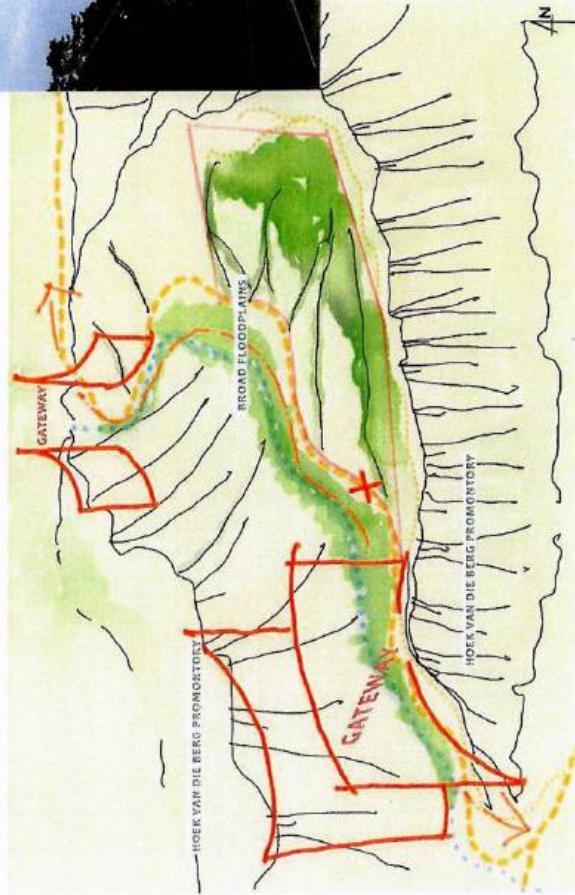


Figure 31: Contained views from within Hemel & Aarde Valley (Terra+)

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### Section 4: Visual & Landscape Character Analysis

Context : Gateways



Sense of threshold in the landscape, created by the natural features

The 2 distinct gateway conditions present a sense of arrival into the study area, announcing a change in landscape character, creating an expectation to the traveller along the scenic route.

Figure 32: Illustration showing the gateways that occur and are experienced in the landscape (Terra+)

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**Section 4: Visual & Landscape Character Analysis**



**4.2 Landscape Character Mapping**

Landscape Character Mapping aims to identify the subtle and fine nuances in a landscape that are defined not only by natural features, but also include the intervention of man through time. The particular interaction of people on the landscape and the natural weathering and features in the landscape. This is partly what constitutes the cultural landscape and must be cherished and responsibly developed to ensure that its unique qualities are retained. The series of diagrams are synthesized in the overall final map, which refer in-depth to the various Landscape Character Areas (LCA).

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Section 4: Visual & Landscape Character Analysis

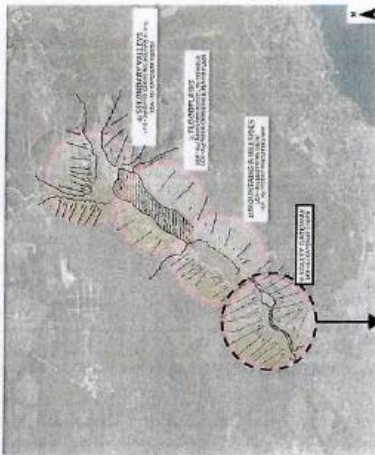


Figure 34. Valley Gateway – 1 of 4 local character areas (Terro)

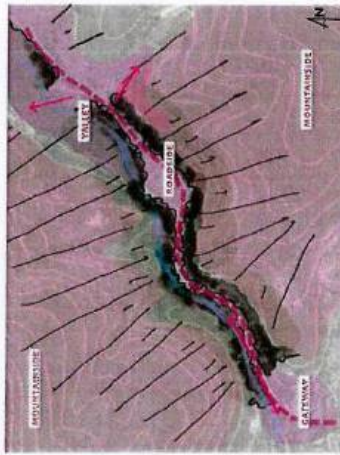


Figure 35. Southern Gateway to Havelock & Aoraki valley demonstrating the narrow roadside experience (Terro)

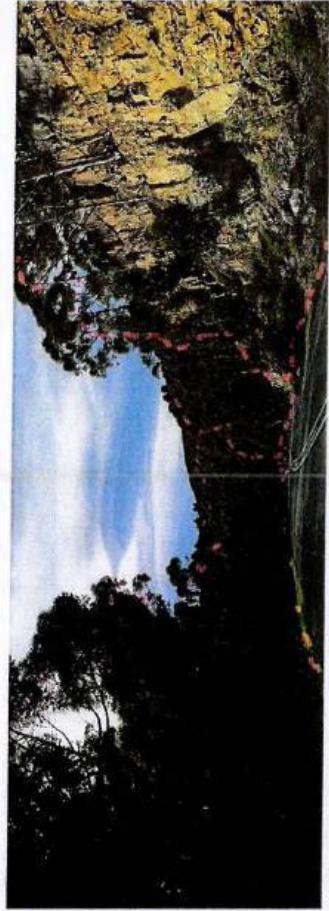


Figure 36. Gateway to valley with steep slopes and tree planting on either side (Terro)

**VALLEY GATEWAY – LCA – A1 (Gateway South)**

The southern entrance to the RDA is through a narrow valley created by steep hills on either side. The views are limited and there are glimpses of the steep mountainside on either side of the road with dense tree planting in the foreground. The location of the narrow valley visual experience is indicated in figures 34 – 36. The space and experience of this southern portion of the route is of enclosure and being held by the landscape and vegetation. This threshold is further accentuated by the winding roadway which limits long-distance views, and leaves the traveler with a sense of expectation and anticipation.

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Section 4: Visual & Landscape Character Analysis

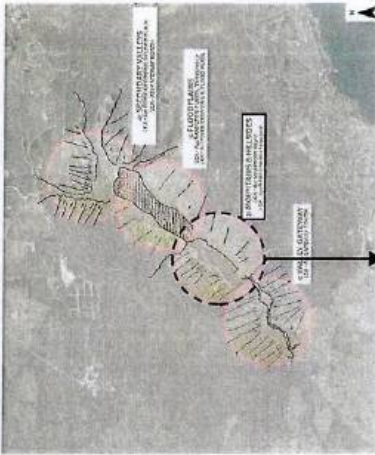


Figure 37: Mountains & Hillsides – 2nd of 4 local character areas (Terry)

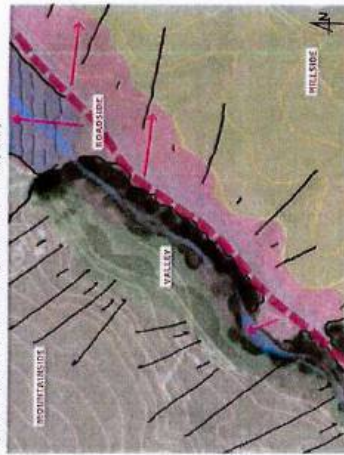


Figure 38: Midway up Murrumbidgee & Ararat valley the roadside experience opens toward the edge of the hills (Terry)



Figure 39: At a threshold with tree planting and steep slopes on the left and the rolling hills opening up to distant views (Terry)

**MOUNTAINS AND HILLSIDES – LCA – A2 and A3 (Southern Right and Boekomhouts kloof thresholds)**

As the route enters the valley there are glimpses of the broader landscape in the distance and a distinct threshold as one moves from the enclosed narrow entrance valley to a landscape with rolling hills on the right and gentle slopes created by the weathering of the geological substrate and the various drainage lines feeding into the river valley. It is the first perception of agricultural patterns in the landscape which then dominates the route as it progresses. The dense tree planting along the river edge limits the views of the mountain side, but allows for glimpses of the development on the lower slopes. This is also illustrated in the section where the views to the left (when travelling northwards) are limited.

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Section 4: Visual & Landscape Character Analysis

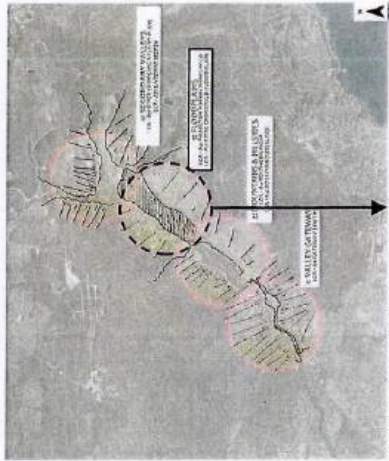


Figure 40: Floodplains – 3rd of 4 local character areas (Ferrary)

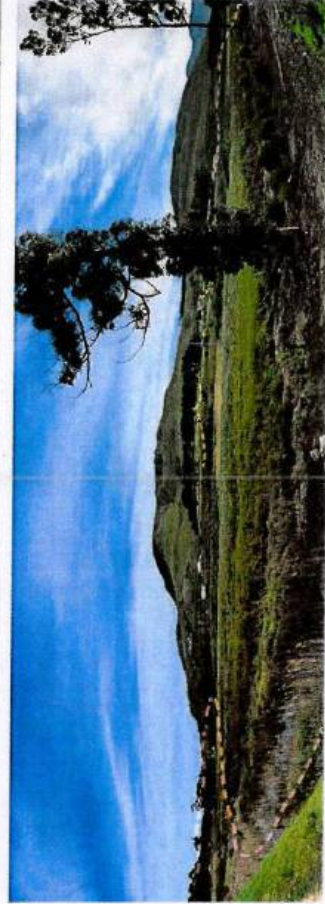


Figure 42: Impressive floodplains of the river with mountain ranges in the background (Ferrary)

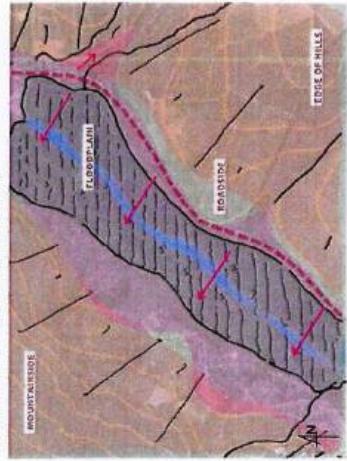


Figure 41: Upper reaches of the river valley with roadside view opening up over floodplains (Ferrary)

**FLOOD-PLAINS – LCA - A4 and A5 (Hamilton Russel threshold and river crossing)**

As the route continues through the valley the natural flood-plain of the river is revealed. It is significant to realise that the valley is a natural product of a free-flowing river which has not been canalized and with minimal obstruction. This allows for the natural flood-plain to form and deposit nutrient rich soils. This flat expanse in the valley is accentuated by the opposing hills with intense agricultural patterns of vineyards. This juxtaposition of the natural patterning and geometric patterning contributes to the rural character of the valley. Clustering of development, farmsteads and small enterprises are typical of the urban patterning along the road edge, with distant views of the mountains as a constant backdrop.

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Section 4: Visual & Landscape Character Analysis

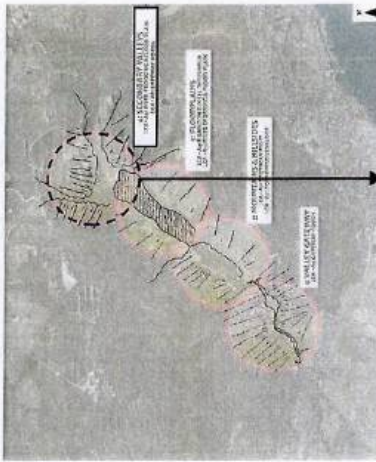


Figure 43. Inner valleys with roadside views directed through valley windows – #8 local area (Terra.)

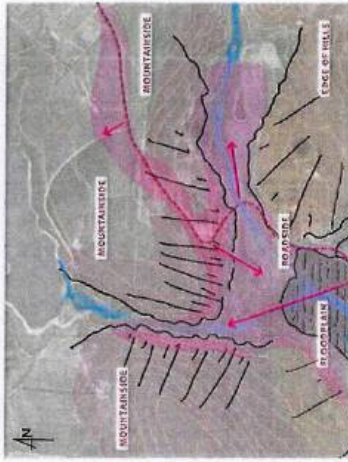


Figure 44. Ridgeline sub-valleys located towards the upper eastern end of the valley (Terra.)



SECONDARY VALLEYS – LCA - A6 (Gateway North)

The end of the valley is demarcated with the steep rise of the road as it ascends out of the valley to the ridge. This portion of the valley is typified by a series of smaller secondary valleys created by the feeder stream to the river. There are glimpses of densely planted riverine vegetation nestled in the secondary valleys. These unexpected views of the inner secondary valleys are a continuous surprise and delight for the traveler and the landscape is revealed and obscured to provide further interest and a layered experience. These views should not be obstructed by development, but rather framed and seen as an amenity.



## SECTION 5 : SYNTHESIS – POSITION STATEMENT

5.1 Key Observations

5.2 Conclusions – Position Statement

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## Section 5: Synthesis – Position Statement

Forthcoming from the contextual and landscape analysis of the study area, the following observations and findings were identified, providing the basis (position statement) for and setting the context for formulating development guidelines for the study area, namely:

### 5.1 OBSERVATIONS :

- The study area is considered to be a significant cultural rural landscape of high visual and scenic amenity
- The study area, as part of the bigger Hemel & Aarde Valley, has an exceptionally high economic tourism attraction value. Tourism uses should be promoted and supported, focussing on celebrating local assets, i.e. nature, hiking, mountain biking, wine experience, etc.
- The rural cultural landscape character of the area can be described as having a special rural sense of place, comprising of the lower agricultural cultivated slopes and wilderness character of the upper mountain slopes flanking the lower valley and perennial Onrus River along its southern and northern edges
- The proximity of the study area to the abutting urban environs makes it a logical area for establishing an appropriate urban-rural transitional development area, which requires careful planning and consideration given the rural, natural and scenic landscape qualities of the area



Hemel & Aarde Valley: Rural Development Area – Development Guidelines

## 5.2 CONCLUSIONS – POSITION STATEMENT:

- The area is generally not considered suitable as an urban expansion area, with typical suburban type development, to the existing urban footprint of Hermanus
- Rather, suitable tourism and rural residential development should be promoted in the area, supplementing agricultural uses, allowing for community recreational activities and appropriate residential development without displaying any cadastral expression (fencing) in the landscape. The development objective for the RDA being to unlock its economic potential by enhancing the supply side tourism attractions and development offerings of the southern rural-urban transition of the Hemel & Aarde Valley, by ensuring the appropriate scale, careful design and positioning of development, so as to preserve and retain the authenticity and integrity of the rural natural character of the area.



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## SECTION 6: DEVELOPMENT GUIDELINES

- 6.1 Introduction
- 6.2 General Guidelines
- 6.3 Localised Area-Specific Guidelines

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## Section 6: Development Guidelines

### 6.1 Introduction

Following the assessment and analysis of the study area in its broader and localised context, it is necessary to firstly revisit the objectives of the rural development guidelines for the Hemel & Aarde RDA, namely:

- Provide local area specific guidelines for the demarcated Hemel & Aarde RDA, based on a thorough understanding of the study area in terms of its rural scenic character, locality, configuration, accessibility, etc.
- Promote a sustainable form and extent of development in appropriate rural locations within the study area, so as to ensure that the inherent strengths of the area are extracted to the benefit of the broader Overstrand community;
- Retain & conserve the integrity and authenticity of the rural cultural landscape character; scenic route experience, agricultural productivity and biodiversity assets in the area;
- Assist and provide clarity to all role players and partners (public and private) on the type of development that is appropriate beyond the current built-up areas within this rural-urban transition area, in terms of suitable locations, and the desirable form and scale of such development.

Subsequently, the position statement is considered as the synthesised overall objective for development in the RDA going forward, namely:

- The area is generally not considered suitable for typical suburban type urban development, as an urban expansion area to the existing urban footprint of Hermanus
- Rather, it must be managed as an urban-rural transition, where tourism and appropriate rural residential development should be promoted in the area, supplementing agricultural uses, allowing for community recreational activities and residential development without displaying any cadastral expression (fencing) in the landscape. The development objective for the RDA being to unlock its economic potential, by enhancing the tourism attractions and supply side development offerings of the southern rural-urban transition of the Hemel & Aarde Valley. This process must be underpinned by ensuring the appropriate scale, careful design and positioning of development within the landscape, so as to preserve and retain the authenticity and integrity of the rural / natural character of the area.

In order to achieve these objectives and to align with the overall position statement for the RDA, development guidelines are categorised into two different categories, namely:

- **General Guidelines** that will be applicable and relevant to the entire RDA study area, with the overall objective to allow appropriate development that will retain and preserve the scenic, natural and rural quality / authenticity of the valley; and
- **Area Specific Guidelines** aimed at preserving localised character areas, rural authenticity and scenic qualities specific to certain character areas ('rooms') within the study area.

## Section 6: Development Guidelines - General

### 6.2 General Guidelines

#### 6.2.1 Objectives

The objective of the general guidelines is to unlock and promote the preserving of the scenic, natural and rural quality of the valley, acknowledging that the area is not suitable for typical urban / suburban type development. However, suitable tourism and rural residential development should clearly be promoted in the area, in a manner and scale that retains the primary rural character.

#### 6.2.2 Development Guidelines

General guidelines proposed for the study area as a whole are informed by guidelines forthcoming from existing policy directives, and by the general contextual rural nature and cultural heritage character of the entire study area. The proposed general guidelines include the following:

##### i. Preserve Critical Biodiversity Areas

The land use development guidelines for different Spatial Planning Categories (SPCs) as set out in the Western Cape Biodiversity Spatial Plan (Cape Nature, WCBSPP - 2017), should apply to the different biodiversity categories and SPC's. Upper mountain slopes with high value biodiversity and vegetation should be formally protected for conservation purposes, while including appropriate compatible uses, i.e. selected residences, hiking trails, etc.

##### ii. Manage Permissible Land Uses in the Rural Environment

The permissible land uses in the rural environment is determined primarily by the Overstrand Municipality's Planning By-Law (2020) and Zoning Scheme (2020), with Agriculture Zone 1 being the relevant existing zoning of all properties in the study area. The Western Cape Land Use Guidelines for Rural Areas (2019) should also be considered when assessing development proposals in the rural environment, as it sets specific guidelines for different land use categories.

##### iii.

##### Maintain the Rural Cultural / Natural Landscape

The character of the landscape is currently that of a productive agricultural landscape with wind break tree lanes and clusters of trees at farmsteads, set within the context of the more natural wilderness mountain slopes. This landscape character should inform any development proposal, rather than allowing superficial urban-like landscaping.

To preserve the rural landscape of the environment, the following general guidelines should apply:

- Avoid building on ridgelines and skylines
- Position development on the eastern slopes of rolling hills
- Maintain visual connections to nature
- Set back development from the R320 scenic drive

##### iv.

##### Balance between wilderness, agricultural and urban landscape domains

Respect the logic of landscape and settlement and the balance between wilderness, agricultural and urban landscapes. As a general principle development should respond to the traditional use of coastal plains for settlements, the fertile foothills / valleys for agriculture, and the natural mountain slopes for conservation and water catchment.

##### v.

##### Respect for the Valley Section

Development needs to take place in response to the historical agricultural pattern and traditional siting and scale of farmsteads thereby with settlement concentrated on the valley floor and lower slopes, and avoiding elevated, steep, visually sensitive slopes.

##### vi.

##### Promote Tourism Development

Tourism uses should consider integration with the broader tourism strategies for the area (mountain biking, hiking, conservation, etc.), focussing on promoting the assets and scenic qualities of the area.

##### vii.

##### Protect Onrus River

Development should be planned sensitively to avoid negative impacts on the natural drainage patterns in the Onrus River catchment. Services infrastructure should incorporate measures to avoid potential pollution on the water resources.

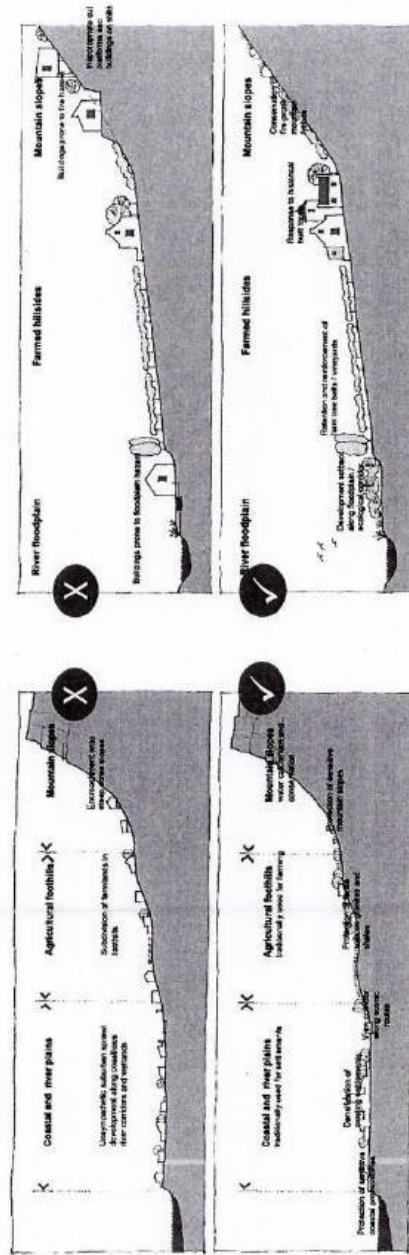
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## Section 6: Development Guidelines

### vii. Manage the Appropriate Built Form

The rural character of the study area and the scenic beauty of the Onrus River valley, Kleinrivier Mountains, fynbos vegetated slopes and agricultural cultivated landscapes require an appropriate response to how buildings are positioned within the area. The following broad guidelines should inform any non-agricultural buildings proposed for the study area:

- Buildings to be set into the landscape, working into/within slopes rather than positioning buildings onto the land;
- Scale and height of buildings should be fragmented into smaller articulated portions, rather than proposing large monolithic footprints;
- Natural colours and materials should be applied to buildings facades and roofs, blending into the landscape;
- Driveways and parking areas to follow the topography, rather than cutting into the landscape and creating visually intrusive cut lines in the landscape.
- Buildings / development to be set back at least 50m from the Onrus River. Linear infrastructure provision (municipal services lines / pipes / cables) is allowable, subject to statutory NEMA approvals.



## Section 6: Development Guidelines

### viii. Application Requirements

When land use applications are made for non-agricultural land uses in the study area, such proposals should be substantiated by the following specialist investigations, assessing the proposal relative to the broader valley context and at local site scale, namely:

- Visual Impact Assessment
- Heritage Impact Assessment
- Civil & Electrical services investigations (including alternative solutions)
- Agricultural Assessment – development relative to agricultural land
- Biodiversity mapping
- Freshwater assessment – water drainage lines, wetlands & streams
- Site Development Plan – mapping of development proposal within the context of existing buildings, property boundaries, topography, landscape, trees, cultivation, parking, access, infrastructure, etc.
- Transport Impact Assessment – the R320 road (Main Road 269) is a provincial road. Access management, traffic safety, pedestrian & bicycle safety, as well as public transport considerations should be incorporated into any TIA's for detailed development proposals.

Furthermore, in approving development applications, the Overstrand Municipality and other authorities must consider the impact that a development may have on the municipality, agriculture and the rural landscape.

Appropriate conditions and other measures must be considered / imposed, thereby ensuring that activities are appropriate in a rural context, that the developments generate positive socio-economic returns, and do not compromise the environment or ability of the municipality to deliver on its mandate.

In assessing proposed developments in rural areas, the following criteria should be applied:

- Environmental authorisation.
- Compatibility with land use activities suitable in the WCBSP (Biodiversity) category it is situated in, and subject to an environmental impact assessment.
- Does not compromise integrity and viability of existing farming activities. Consider the potential to contribute to long-term sustainability of farming activities, by allowing appropriate development rights that can leverage additional capital income to invest into agricultural technologies, sustainable water / irrigation infrastructure and to promote productivity of agricultural land.
- Is compatible with the cultural and scenic landscapes within which the development is proposed, therefore not infringing on the authenticity of the rural landscapes.
- Does not lead to inefficient service delivery or unjustifiable extensions to the municipality's reticulation networks.
- Does not impose real costs or risks to the municipality delivering on its mandate.

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Section 6: Development Guidelines – Local Character Areas

6.3 Local Area-Specific Guidelines

Following the assessment and interpretation of the study area, it is evident that this particular sub-valley in the broader landscape context is a unique landscape sub-set with further secondary valley sub-areas. Within the valley, distinct landscape sub-sets are present and the relationship with the scenic route through the valley creates a visual experience that require guidelines to ensure an appropriate development response. In each of these sub-set areas, there are particular conditions that typify the landscape and sets it apart. These unique characteristics should be developed as amenities and development managed to enhance rather than detract from them.

The different localised areas have been defined and mapped, to enable orientation and property identification within the respective areas, associated with guidelines applicable to each local character area (LCA), as set out in table 1.

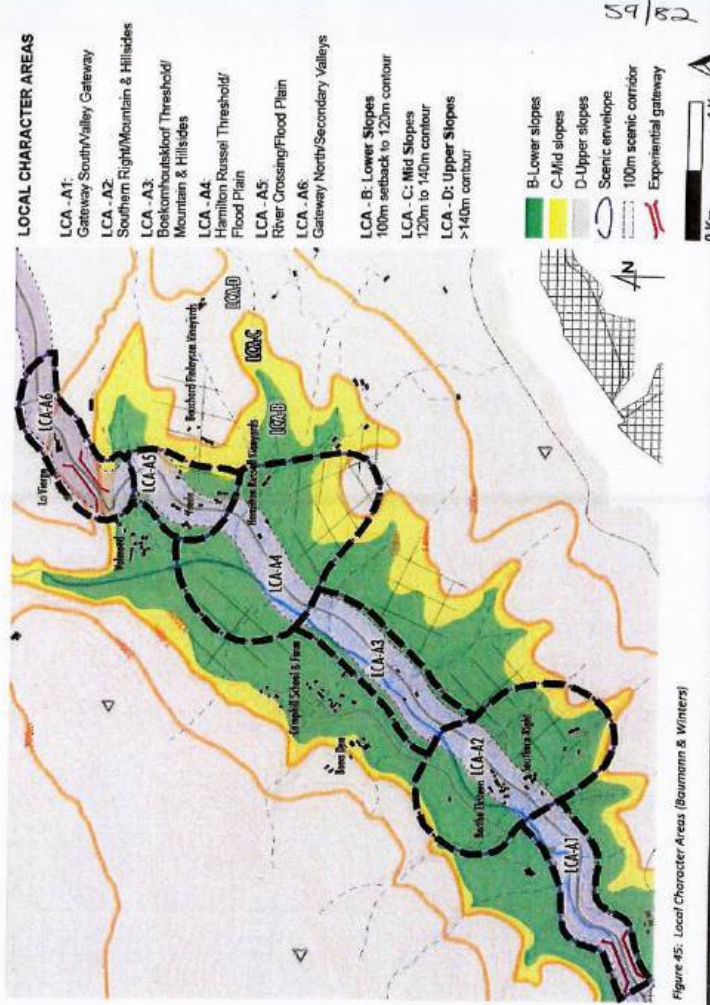


Figure 45: Local Character Areas (Baumann & Winters)



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**Section 6: Development Guidelines – Local Character Areas**

**i. LCA A. SCENIC ENVELOPE**

| <p><b>Visual &amp; Heritage Significance</b></p>   | <p><b>Character Statement</b><br/>Description and Character Forming Elements</p>   | <p><b>Development Guidelines</b><br/>Criteria for Decision Making<br/>Capacity to Accommodate Change &amp; Absorb Development</p>  |
|--|--|--|
| <p>Considerable visual and heritage significance.</p> <p>The scenic drive traverses a valley which is both distinctive and representative as a natural and cultural landscape.</p> <p>A number of heritage resources, representing a layering of history are embedded within the landscape and form part of the experiential qualities of the scenic drive.</p> <p>The crucial significance lies not only in the various viewpoints along the scenic drive, but the entire experience, a sum of the various parts.</p> | <p>A single public access route through the Valley contributing its sense of rural seclusion.</p> <p>The scenic drive is the primary means by which people experience and engage with the various component elements which constitute the cultural landscape of the valley.</p> <p>The valley is a visually contained landscape with a particular valley cross section with a generally steep terrain to the west and a gentler undulating landscape, comprising a series of ridges and valleys to the east.</p> <p>The scenic drive experience moves sinuously through this landscape offering a range of near and far open and closed views. These views are nuanced with the interactions of landscape elements in the fore, mid, and back ground which give a combined complex visual experience.</p> <p>The scenic envelope, which is the primary visual experience contains a number of landscape compartments or character areas which have distinctive qualities which are analysed in the sections below.</p> | <p>The sections below identify heritage indicators which are regarded to be applicable to the different character areas which comprise the scenic envelope. The following indicators are applicable to the scenic envelope as a whole.</p> <p><b>Protection of views towards visual and heritage resources.</b></p> <ul style="list-style-type: none"> <li>New structures should be sited to avoid blocking views from the scenic route, particularly towards places and sites identified as having visual or scenic significance.</li> <li>New interventions should be modest and restrained in scale, recessive in character and subservient to the natural and cultural landscape.</li> <li>New developments should be associated and linked with existing built form, rather than on isolated sites on undeveloped land.</li> <li>Buildings should be aligned parallel to the contours.</li> <li>Hard and soft landscaping (particularly clumps of trees) should be used to tie buildings into the landscape.</li> <li>Outdoor spaces should be designed so that the landscape appears to flow through the site.</li> <li>Any solid hard form of cadastral expression should be discouraged, where inappropriate.</li> <li>Access roads and pathways should be designed to avoid excessive cut and fill and to ensure harmonious adaptation to the existing topography.</li> </ul> |

**Section 6: Development Guidelines – Local Character Areas**

**i. LCA A. SCENIC ENVELOPE (continued)**

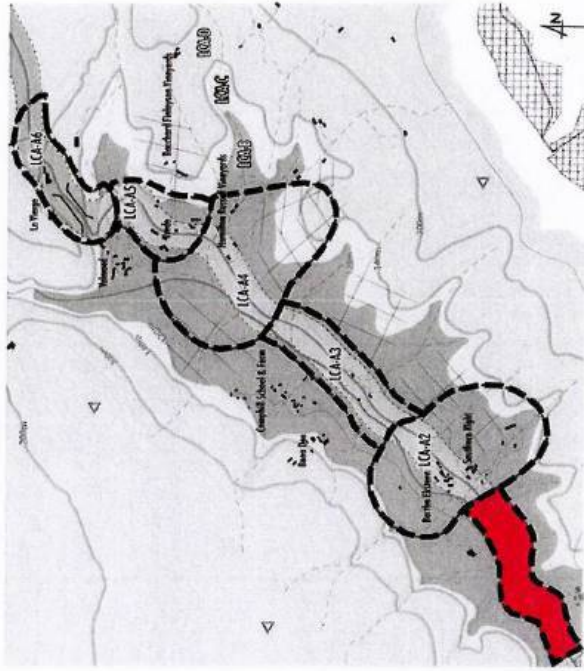
| Visual & Heritage Significance | Character Statement<br>Character Statement<br>Description and Character Forming Elements | Development guidelines<br>Criteria for Decision Making<br>Capacity to Accommodate Change & Absorb Development   |
|--------------------------------|--|---|
|                                |  | <p><b>The control of edge treatments along the scenic route</b></p> <ul style="list-style-type: none"> <li>• Visually intrusive structures such as billboards should not be permitted adjacent to the scenic route.</li> <li>• Precast concrete, 'vibracrete' walls, unpainted cement blocks and razor wire should not be permitted.</li> <li>• Appropriate road edge and stormwater channel treatments should be designed to fit in with the rural context.</li> <li>• Gateways should be recessive in character and limited in scale.</li> <li>• Visually impermeable walls or fencing, substations or electrical infrastructure, kiosks, trees and hedges which block significant views should not be permitted.</li> </ul> <p><b>The control of signage along the route</b></p> <ul style="list-style-type: none"> <li>• Signage must be in accordance with the Overstrand signage by-law.</li> <li>• Signage should be located against a backdrop to avoid silhouette effects on the skyline.</li> <li>• Low signs are less visually intrusive and preferable.</li> <li>• Signs should be fixed to buildings where possible to avoid the proliferation of poles.</li> <li>• No third party or illuminated signage should be permitted.</li> </ul> <p><b>The control of invasive vegetation</b></p> <ul style="list-style-type: none"> <li>• Exotic trees may be permitted only if they contribute to place character.</li> <li>• Existing alien trees which block significant views should be removed, e.g. along the banks of the river.</li> <li>• Control of alien and invasive vegetation must be in accordance with the National Environmental Management Biodiversity Act (NEM:BA).</li> </ul> |

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Section 6: Development Guidelines – Local Character Areas

ii. LCA A.1 SCENIC ENVELOPE GATEWAY SOUTH


LCA A1 comprises the southern gateway to the RDA.



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**Section 6: Development Guidelines – Local Character Areas**

**ii. LCA A.1 SCENIC ENVELOPE GATEWAY SOUTH**

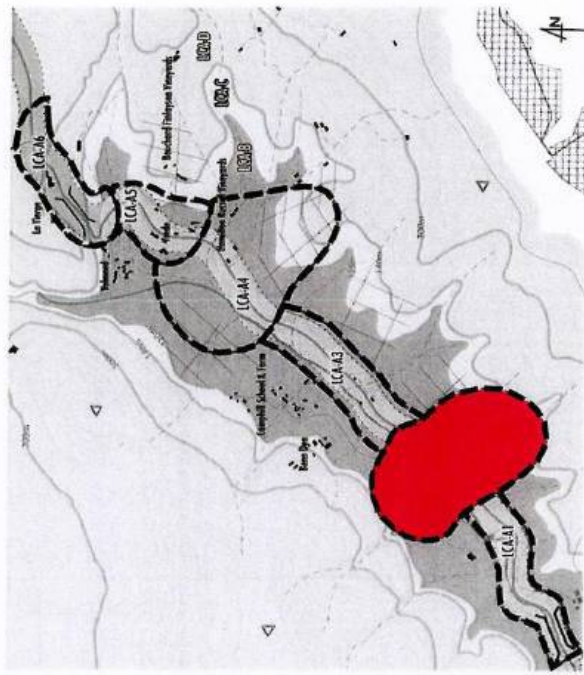
| <p><b>Visual &amp; Heritage Significance</b></p>  | <p><b>Character Statement</b><br/>Character Statement Description and Character Forming Elements</p>   | <p><b>Development Guidelines</b><br/>Criteria for Decision Making Capacity to Accommodate Change &amp; Absorb Development</p>  |
|---|--|--|
| <p>Considerable significance as the southern gateway into the valley considered to have high cultural landscape value.</p> <p>The mature trees, although exotic have a cultural significance as part of initial vegetation to manage adverse condition in the area, and have a significant spatial impact.</p>  | <ul style="list-style-type: none"> <li>• Threshold condition. Close spatial juxtaposition of the key character forming elements of the valley; mountain valley setting bisected by riverine corridor.</li> <li>• Vivid contrast to the adjacent sprawling suburban development to the south (Greater Hermanus coastal plain).</li> <li>• Limited restricted visual catchment area with thickly vegetated edge conditions.</li> <li>• Large mature trees have a significant spatial quality.</li> </ul> | <ul style="list-style-type: none"> <li>• Maintain natural wooded edge conditions.</li> <li>• Limited 'tread lightly' development opportunities, informed by site-specific informants, preferably related to the hospitality/tourism sector, e.g. chalets.</li> <li>• Any form of solid hard cadastral expression not to be permitted, where inappropriate.</li> <li>• Long term replacement of alien trees with appropriate indigenous species. Maintain the spatial enclosed, intimate quality during the long-term tree strategy. Control of alien and invasive vegetation must be in accordance with the National Environmental Management Biodiversity Act (NEM:BA).</li> <li>• Informal markets should be located at points of entry onto the scenic routes and points of natural opportunity such as at intersections and stop-over points. These should be integrated with tourism facilities such as parking and ablutions.</li> </ul> |

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**Section 6: Development Guidelines – Local Character Areas**

**iii. LCA A.2 SCENIC ENVELOPE SOUTHERN RIGHT**

LCA A2 comprises the Southern Right farm yard precinct.



**Section 6: Development Guidelines – Local Character Areas**

**iii. LCA A.2 SCENIC ENVELOPE SOUTHERN RIGHT**

| <p><b>Visual &amp; Heritage Significance</b></p>  | <p><b>Character Statement</b><br/>Character Statement Description and Character Forming Elements</p>  | <p><b>Development Guidelines</b><br/>Criteria for Decision Making Capacity to Accommodate Change &amp; Absorb Development</p>  |
|---|---|--|
| <p>Considerable significance as a representative component of the Valley with a combination of conservation-worthy built and planted elements and productive agricultural landscape located at the southern entrance to the Valley.</p> | <ul style="list-style-type: none"> <li>• Dominant rural character with limited nodal development at farm entrance.</li> <li>• Simple welf typology with disaggregated built environment components.</li> <li>• Structures located close to valley floor with limited development on upper slopes.</li> <li>• Lateral views into valley to the east.</li> <li>• Brick kiln and graveyard and associated oak trees as distinctive heritage resources.</li> <li>• Landscape patterning of the formal agricultural practices are visible in the foreground as a contrast to the wilderness areas in the background both east and west.</li> </ul> | <ul style="list-style-type: none"> <li>• Maintain and enhance existing nodal form of development.</li> <li>• Maintain and enhance lateral views into the valley to the east by limiting development on the upper slopes and on greenfield sites.</li> <li>• Maintain view cones towards the brick kiln.</li> <li>• Emphasis to be placed on tourism opportunities within a clear rural base.</li> <li>• Any new development, apart from the possible consolidation of the existing node to be set back at least 100m from the scenic route.</li> <li>• Any building interventions to be limited in scale, massing and form.</li> <li>• No double storey buildings should be permitted above the 120m contour line.</li> <li>• Encourage the use of rural elements such as clumps of trees, tree belts and road infrastructure in the form of grachts rather than urban elements such as kerb and channels and tarred roads.</li> <li>• Limited cadastral expression / subdivision should be permitted to allow for appropriately scaled rural residential development.</li> <li>• The continuity of rural and natural landscape should remain dominant.</li> </ul> |

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## Section 6: Development Guidelines – Local Character Areas

### iii. LCA A.2 SCENIC ENVELOPE SOUTHERN RIGHT (continued)



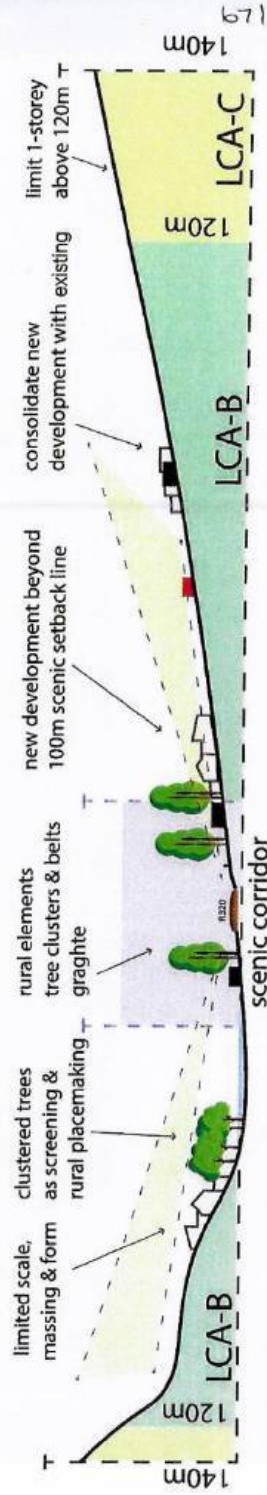
Pattern of planting either side of the R320 with low white wall as a contemporary element; oak grove opposite the entrance to Southern Right Farms as distinctive pattern of planting in the Valley (Google Earth 2018)



Entrance to Southern Right Farms with simple farm buildings, distinctive long werf wall, treed setting and glimpsed views up the valley towards the brick kiln (Google Earth 2018).



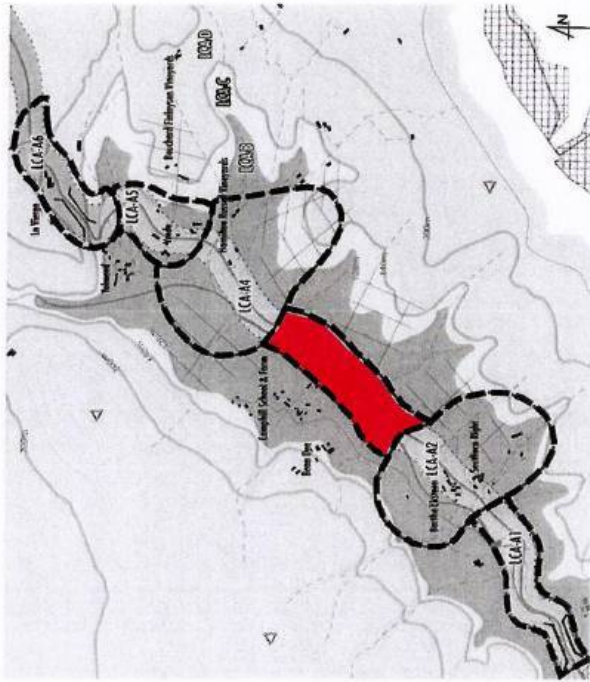
Brick kiln with farm werf below (Scurr 2018)



Section 6: Development Guidelines – Local Character Areas

iv. LCA A.3 BOEKOMHOUTSKLOOF THRESHOLD

LCA A3 comprises the scenic route along the Boekomhouts Kloof threshold.



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**Section 6: Development Guidelines – Local Character Areas**

**iv. LCA A.3 BOEKOMHOUTSKLOOF THRESHOLD**

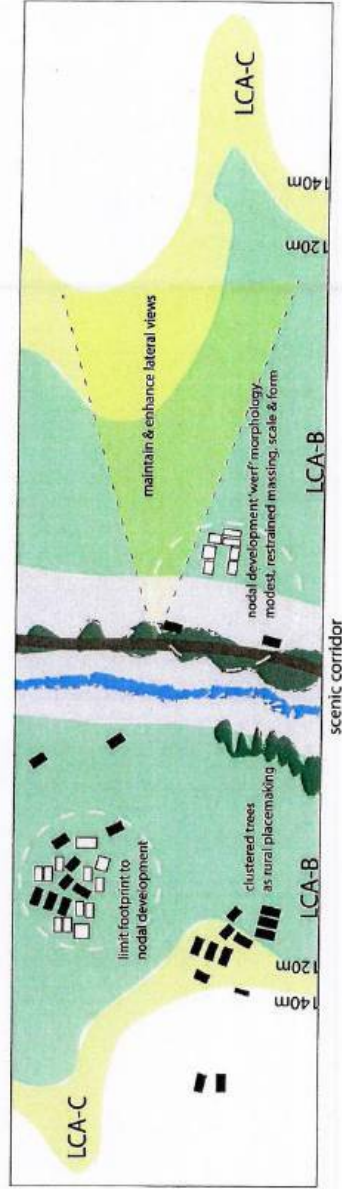
| <b>Visual &amp; Heritage Significance</b>   | <b>Character Statement</b><br>Character Statement Description and Character Farming Elements   | <b>Development Guidelines</b><br>Criteria for Decision Making Capacity to Accommodate Change & Absorb Development  |
|---|--|--|
| Considerable visual and heritage significance.<br>Integral and representative component of broader Hemel en Aarde cultural landscape. | <ul style="list-style-type: none"> <li>Transition zone between Southern Right and more expansive vineyard landscape to the east.</li> <li>Integral component of sequence of open and closed views from the scenic drive characteristic of the Valley.</li> <li>Evidence of farmhouse ruin at cross roads of local routes.</li> <li>The Camphill village and the Bona Dea Estate are set back from the scenic drive with Camphill having limiting visual relationship with the R320.</li> <li>Intensive vineyard landscape to the east.</li> <li>Views towards the distant mountains and valleys become more pronounced.</li> <li>Link to the broader context of the valley.</li> </ul> | <ul style="list-style-type: none"> <li>Opportunity for development of incipient nodal form of development.</li> <li>Maintain and enhance lateral views to the east.</li> <li>Any new structures within a possible node should adopt a 'werf' morphology, be modest and restrained in massing, scale and form, recessive in character and appropriate to the natural and cultural landscape. Residential subdivisions should not display any hard cadastral expression in the landscape.</li> <li>Rural elements such as clumps of trees and appropriate road infrastructure (surfacing, kerb and channel treatment) should be incorporated into the new development.</li> <li>Landscape patterns such as tree clumps, wind-breaks, orchard planting and more informal fynbos wilderness planting should be encouraged as screening devices and rural place-making elements.</li> <li>Control of alien and invasive vegetation must be in accordance with the National Environmental Management Biodiversity Act (NEM:BA).</li> </ul> |

Section 6: Development Guidelines – Local Character Areas

iv. LCA A.3 BOEKOMHOUTSKLOOF THRESHOLD (continued)



Farmhouse ruin to the east of the R320 which in combination with the built form clusters at Southern Right and Bartho Eksteen suggests an incipient nodal type development related to the scenic route corridor, i.e. 'beads on a string'

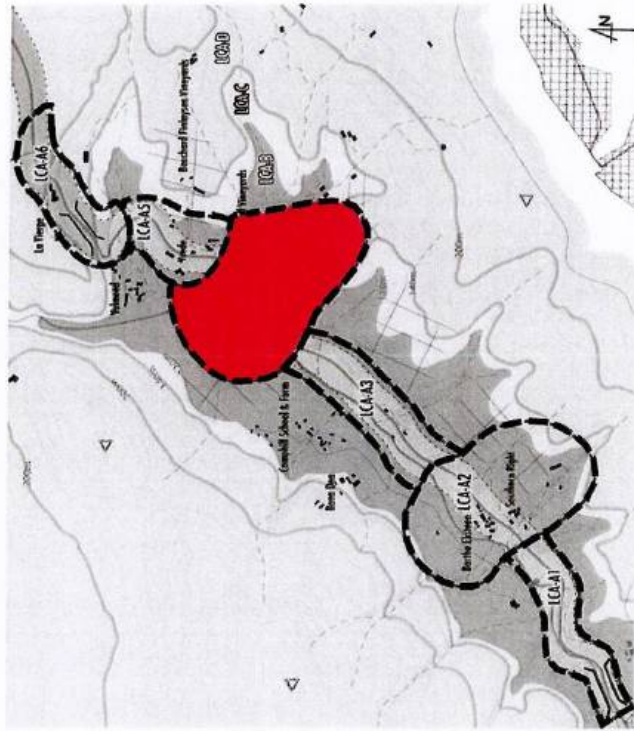


CS/82

Section 6: Development Guidelines – Local Character Areas

v. LCA A.4 SCENIC ENVELOPE PASTURELAND, HAMILTON RUSSEL THRESHOLD


LCA A4 comprises the scenic envelope and pastureland at Hamilton Russel farm

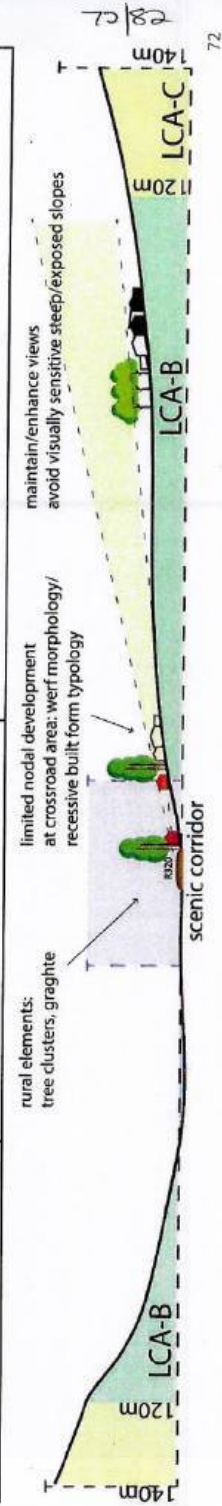


es/12

Section 6: Development Guidelines – Local Character Areas

V. LCA A.4 SCENIC ENVELOP PASTURELAND, HAMILTON RUSSEL THRESHOLD

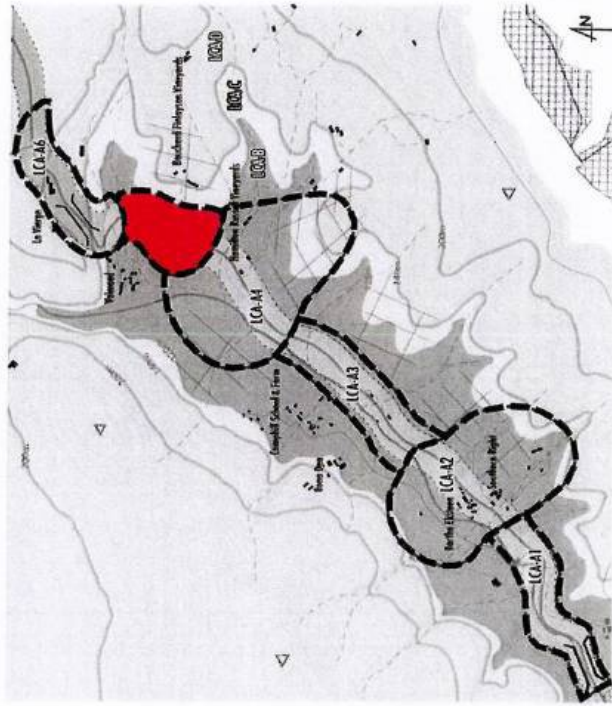
| Visual & Heritage Significance   | Character Statement<br>Character Statement<br>Description and Character Forming Elements   | Development Guidelines<br>Criteria for Decision Making<br>Capacity to Accommodate Change & Absorb Development   |
|--|--|---|
| <p>Considerable visual and heritage significance. Integral, representative component of broader Hemei an Aarde cultural landscape.</p>  | <ul style="list-style-type: none"> <li>Open, expansive landscape as part of the sequence of open and closed visual envelopes associated with the scenic drive.</li> <li>Pastureland associated with the flatter topography and Onrus River flood plain.</li> <li>Cross section condition at entrance to Hamilton Russell vineyards.</li> </ul> | <ul style="list-style-type: none"> <li>Limited nodal development opportunity at cross route condition; entrance to Hamilton Russell vineyards.</li> <li>Maintain and enhance lateral views to the east.</li> <li>Any new structures within a possible node at the cross route should adopt a 'werf' morphology, be modest and restrained in massing, scale and form, recessive in character and appropriate to the natural and cultural landscape. Residential subdivisions should not display any hard cadastral expression in the landscape.</li> <li>Rural elements such as clumps of trees and appropriate road infrastructure (surfacing, kerb and channel treatment) should be incorporated into the new development.</li> <li>Landscape patterns such as tree clumps, wind-breaks, orchard planting and more informal fynbos wilderness planting should be encouraged as screening devices and rural place-making elements.</li> </ul> |



Section 6: Development Guidelines – Local Character Areas

vi. LCA A.5 SCENIC ENVELOP RIVER CROSSING AND FLOOD PLAIN

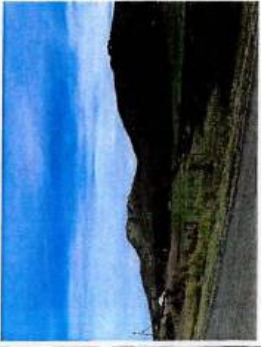

LCA A5 comprises the scenic envelope, river crossing and flood plain towards the north of the RDA

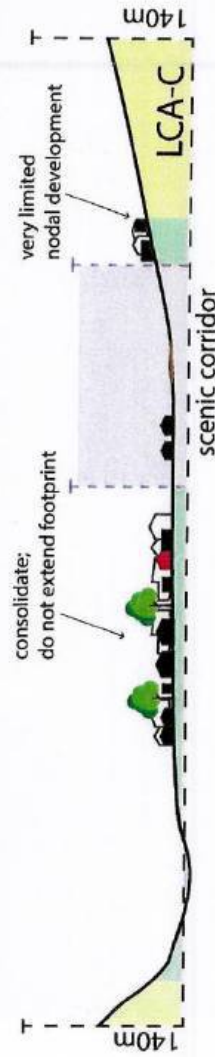


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Section 6: Development Guidelines – Local Character Areas

vi. LCA A.5 SCENIC ENVELOP RIVER CROSSING AND FLOOD PLAIN

| Visual & Heritage Significance   | Character Statement<br>Character Statement<br>Description and Character Forming Elements  | Development Guidelines<br>Criteria for Decision Making<br>Capacity to Accommodate Change & Absorb Development  |
|--|---|--|
| <p>Considerable visual and heritage significance.<br/>Integral, representative component of broader Hemel en Aarde cultural landscape.</p>  | <ul style="list-style-type: none"> <li>Open, expansive landscape similar to LCA.4 but separated from it by a ridge line to the east.</li> <li>Cross route condition at entrance to Bouchard Finlayson, 'Plaaskombuis'.</li> <li>Curvaceous, curvilinear route offering sequences of views to the east and west.</li> <li>Transition zone between agricultural/viticultural landscape and natural rural landscape associated with the higher topography to the north.</li> </ul> | <ul style="list-style-type: none"> <li>Very limited opportunity for any form of nodal development.</li> <li>Some possible consolidation of existing development but existing footprints should not be extended.</li> </ul>  |

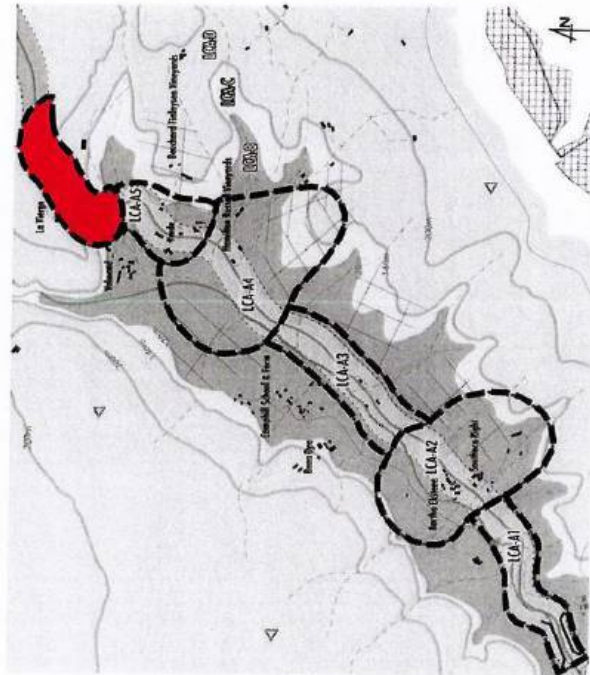


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Section 6: Development Guidelines – Local Character Areas

vii. LCA A.6 SCENIC ENVELOP GATEWAY NORTH

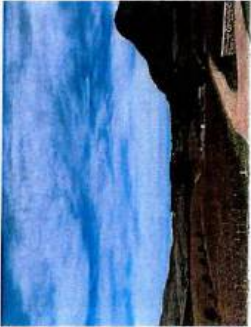
LCA A6 comprises the northern gateway into the RDA



28/10/2

**Section 6: Development Guidelines – Local Character Areas**

**vii. LCA A.6 SCENIC ENVELOP GATEWAY NORTH**

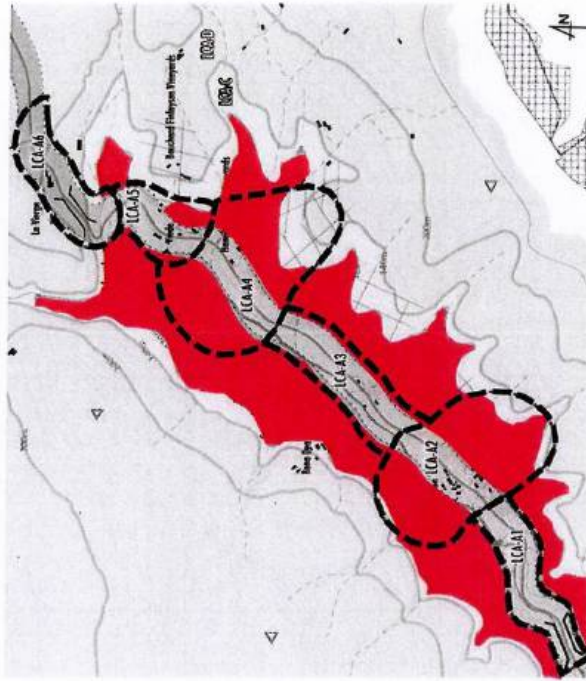
| Visual & Heritage Significance  | Character Statement<br>Character Statement<br>Description and Character Forming Elements   | Development Guidelines<br>Criteria for Decision Making<br>Capacity to Accommodate Change & Absorb Development   |
|---|--|---|
| <p>Considerable visual and heritage significance. Integral, representative component of broader Hemel en Aarde cultural landscape.</p> <p>High significance as point of entry into the valley from the north.</p>  | <p>Substantially different scenic drive experience to the character areas to the south.</p> <p>Steeply ascending/descending route traversing a natural rural environment.</p> <p>Dramatic 'bird's eye' view points from upper reaches to the valley below.</p> | <ul style="list-style-type: none"> <li>No further development beyond existing footprints.</li> <li>Selective upgrading and possible extension of viewpoints on the southern side of the route.</li> <li>Removal of alien vegetation (trees) which impact on the route experience. Removal of trees with significant spatial and cultural significance must be carefully considered. Control of alien and invasive vegetation must be in accordance with the National Environmental Management Biodiversity Act (NEM:BA).</li> </ul> |

76/80

Section 6: Development Guidelines – Local Character Areas

viii. LCA B. LOWER SLOPES 100M SETBACK TO 120M CONTOUR

LCA B comprises the slope areas between the 100m scenic setback and 120m contour



77/82

**Section 6: Development Guidelines – Local Character Areas**

**viii. LCA B. LOWER SLOPES 100M SETBACK TO 120M CONTOUR**

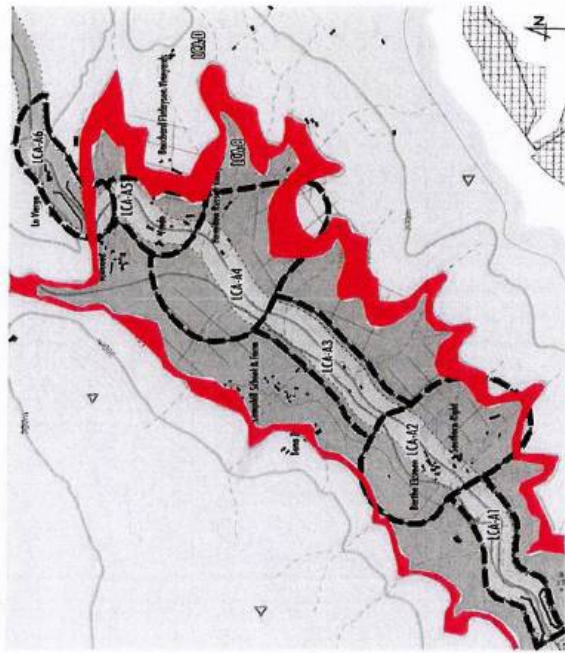
| Visual & Heritage Significance   | Character Statement<br>Character Statement<br>Description and Character Forming Elements  | Development Guidelines<br>Criteria for Decision Making<br>Capacity to Accommodate Change & Absorb Development  |
|--|---|--|
| <p>Considerable visual and heritage significance.<br/>Integral, representative component of broader Hemel en Aarde cultural landscape.</p> | <ul style="list-style-type: none"> <li>• Key component of valley cross section.</li> <li>• Immediately adjacent to scenic envelope.</li> <li>• Transition zone between valley floor and upper slopes</li> </ul> | <ul style="list-style-type: none"> <li>• Positive response to valley cross section and rural landscape qualities.</li> <li>• Gradation from more intensive nodal form of development on valley floor to a more dispersed built form on mid slopes.</li> <li>• Building typologies to reflect valley cross section.</li> <li>• 'Wierf typologies' embedded within the agricultural landscape.</li> <li>• Recessive architectural treatment in terms of scale, massing and form.</li> <li>• Extensive use of rural landscape elements such as clumps of trees.</li> <li>• Agricultural landscape patterns and natural fynbos planting to integrate any development into the rural landscape.</li> <li>• All development to have a landscape plan by a registered landscape architect.</li> </ul> |

78/80

Section 6: Development Guidelines – Local Character Areas

ix. LCA C. MID SLOPES 120M TO 140M CONTOUR

LCA C comprises the slope areas between the 120m and 140m contours



79/82

**Section 6: Development Guidelines – Local Character Areas**

**ix. LCA C. MID SLOPES 120M TO 140M CONTOUR**

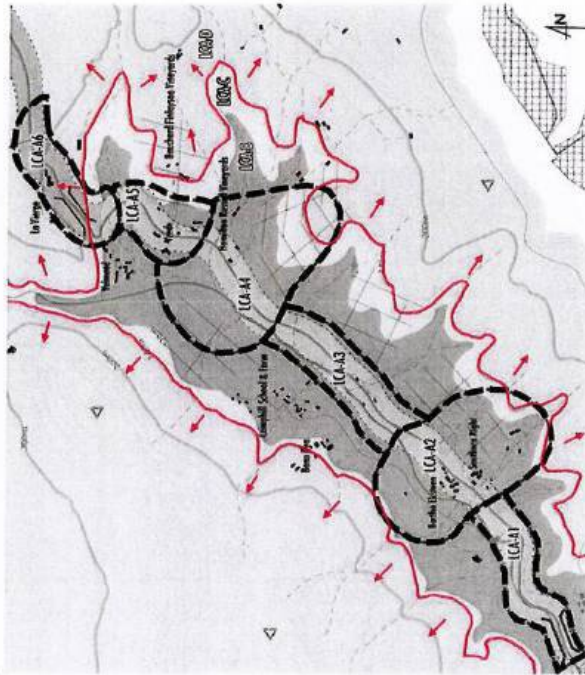
| Visual & Heritage Significance   | Character Statement<br>Character Statement:<br>Description and Character Forming Elements  | Development Guidelines<br>Criteria for Decision Making<br>Capacity to Accommodate Change & Absorb Development   |
|--|--|---|
| <p>Considerable visual and heritage significance.<br/>Integral, representative component of broader Hemel en Aarde cultural landscape.</p> | <ul style="list-style-type: none"> <li>• Key component of valley cross section.</li> <li>• Transition zone between valley floor and lower slopes and upper visually exposed slopes.</li> </ul> | <ul style="list-style-type: none"> <li>• More limited form of development than LCA B.</li> <li>• Development opportunities to be dependent on detailed site analysis, including specific topographical conditions and the views from the scenic drive.</li> <li>• Recessive architectural treatment in terms of scale, massing and form.</li> <li>• Extensive use of rural landscape elements such as clumps of trees.</li> <li>• Agricultural landscape patterns and natural fynbos planting to integrate any development into the rural landscape.</li> <li>• All development to have a detailed landscape plan by registered landscape architect.</li> </ul> |

80/80

Section 6: Development Guidelines – Local Character Areas

X. LCA D. UPPER SLOPES >140M CONTOUR

LCA D comprises the slope areas above the 140m contour



81 | 80

**Section 6: Development Guidelines – Local Character Areas**

**X. LCA D. UPPER SLOPES >140M CONTOUR**

| Visual & Heritage Significance   | Character Statement<br>Description and Character Forming Elements  | Development Guidelines<br>Criteria for Decision Making<br>Capacity to Accommodate Change & Absorb Development  |
|--|--|--|
| <p>Considerable visual and heritage significance.<br/>Integral, representative component of broader Hemel en Aarde cultural landscape.</p> | <ul style="list-style-type: none"> <li>• Key component of the valley cross section.</li> <li>• Visually exposed natural, rural wilderness condition in contrast to the pattern of cultivation and limited settlement on the lower slopes.</li> </ul> | <ul style="list-style-type: none"> <li>• Predominantly a 'no go' area. Natural vegetated mountain slopes with high-value biodiversity and important ecological function should be considered for formal conservation purposes, while compatible uses can be considered, i.e. rural residences, hiking tracks, etc.</li> <li>• Any potential development to be located in the immediate vicinity of the 140m contour line and to adopt a 'tread lightly' approach, including recessive architectural treatment and limited cut and fill.</li> <li>• A detailed SDP and Landscape Plan should be required for each development site to ensure the appropriate response to the specific local context.</li> </ul> |

End



22/08

Annexure B1/B7

**DRAFT DEVELOPMENT GUIDELINES: HEMEL AND AARDE VALLEY RURAL DEVELOPMENT AREA**

I received the documents concerning the above Municipal Notice NO. 159/2021 by registered mail today, 17th December 2021, which also happens to be the closing date for comments to the report, which may explain the delayed response - which I trust will be accepted as within the time-frame allowed. I had to speed-read through the document before midnight, but here are my comments:

My interest and reasons for the comments provided below is that:

I am a property owner and ratepayer of the Overstrand Municipality, and member of the Hermanus Ratepayers Association Executive Committee tasked with matters relating to the Infrastructure and Development Department of the Overstrand Municipality. I have also, until December 2020, been Chairman of the Westcliff Residents Association and member of the Ward Committee of Ward 4, which boundaries includes most of the Hemel and Aarde valley. My membership on the Cliff Path Management Committee, which is part of Fernkloof Nature Reserve, explains my further interest in the natural aspects of the Hemel and Aarde Valley.

These are my comments:

- There is no disclosure of who was responsible for the compilation of the above report. If it was done by private practitioners, who are they?
- And what were they paid?
- <https://www.overstrand.gov.za/en/documents/notices/8888-draft-policy-creating-and-maintaining-fire-wise-erven-in-urban-and-suburban-areas-of-the-overstrand-municipality-1> - This link is still available on the Overstrand Municipality's website, but NOT the above new "guideline document", which is promised to culminate in a Rural Areas Guideline - why not?

Section 3:3 of the report discloses that "the Overstrand Municipality also owns a number of properties". Sections 585/3, 585/5 and 585/8 concern us, as they form part of the "Municipal Farm" at the start of the H & A Valley. This area, for those who have lived in Hermanus long enough, is, has, and seems to have been routinely gifted to various individuals - over many years - as an area to build their own private house on, provide a feeding range for cattle and piggery for Zwelthle residents and, most under-reported, an area - not only used as a tourism business operation with zip-lines and quad-bikes - but also as a storage area for a defunct caravan, boat, and other junk.

- Are you able to disclose any of the contractual arrangements pertaining to the "Municipal Farm" property without admitting that a former engineering contractor to the (then) Hermanus Municipality, as well as a current DA Councillor on the Mayoral Exco, whose father and mother were both previously Councillors of the Overstrand Municipality, are beneficiaries of these arrangements?
- Do you confirm that the purpose of the report with regard to the Hemel and Aarde Valley RDA, has the purpose to "broadly assist and provide clarity to all role players and partners (public and private) on the scale and type of development that is considered appropriate beyond the current built-up areas within this rural-urban transitional area, in terms of suitable locations, and the desirable form and scale of such development"?
- Or is the sole purpose of this lengthy document to serve as a rug under which to sweep all the old (and future) misdeeds?

In all other respects, the document has been very professionally compiled.

Your reply to these comments and questions will be highly appreciated.

Kind regards

Jan Cilliers  
38 Canterbury Street

2/37

Westcliff  
Hermanus 7200  
Cell: 0828960517  
Email: [jancprop@hermanus.co.za](mailto:jancprop@hermanus.co.za)

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CULLINAN & ASSOCIATES  
Environmental and green business attorneys

TR N. Smeets  
(H. Olivier)

**COMMENTS ON THE HEMEL AND AARDE VALLEY RURAL  
DEVELOPMENT AREA**

**Prepared for:**  
Camphill Farm Community, Hermanus  
Camphill School, Hermanus

**Prepared by:**  
Gregory Daniels  
Cullinan & Associates Inc

|                  |                                 |
|------------------|---------------------------------|
| FILE NO:         | Farm 587 RDA<br>Hemel & Aarde ✓ |
| SCAN NO:         | Cull                            |
| COLLABORATOR NO: | 1618655                         |

**17 December 2021**

**Our ref.** Camphill - 003

**Expertise grounded in experience**

Cullinan & Associates Incorporated (2001/001024/21)

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**ATTORNEYS:** B Adams, GD Daniels, M Groenink, K Handley, SD Kvalsvig, H Wessels,  
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20 DEC 2021 /cullinans.co.za/

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## 1. INTRODUCTION

We refer to the invitation by the Overstrand Municipality (the Municipality) in which it called for comments from the public on or before 17 December 2021 on the draft Hemel and Aarde Valley Rural Development Area Guidelines, November 2021 (the RDA).<sup>1</sup>

We represent the Camphill Farm Community, Hermanus the owners of Portions 2 and 15 of Farm 585, which is 126ha in extent and Camphill School, Hermanus, on Portions 10 and 14 of Farm 585 which is about 16ha in extent which in total comprises an area of 142ha. These comments are submitted to Ms H van der Stoep to her email address at: [hvdstoep@overstrand.gov.za](mailto:hvdstoep@overstrand.gov.za)

Our clients cater for the needs of children and adults with intellectual disabilities and have been doing so in the valley since 1952 and 1978, respectively. The sites were chosen precisely because of their beautiful rural characteristics and their proximity to semi-urban areas as they then were. This provides our clients' beneficiaries with the safety generally associated with rural areas but is close enough to urban areas to allow integration for those members and their families who can or choose to do so, as well as easy access to specialist and emergency medical and other care service providers.

The contact details of our clients' respective representatives are:

Mr S Hodson, Executive Manager, Camphill Farm Community, email: [sam@camphill-hermanus.org.za](mailto:sam@camphill-hermanus.org.za)  
Ms J-M Botha, Principal of Camphill School, email: [jeanne-marie@camphill-hermanus.org.za](mailto:jeanne-marie@camphill-hermanus.org.za).

Below we set-out our clients' interest in the matter and the reasons for their comments.

## 2. OUR CLIENTS' INTERESTS IN THE MATTER

The RDA is to serve as a set of development guidelines that provides a framework and parameters to unlock the development potential and guide future development. Furthermore, its objective is to assist landowners and decision-making authorities in realising an appropriate form and level of development within this urban rural transition area.

Our clients' primary concerns are the protection, safety and well-being of their beneficiaries. Camphill Farm provides a safe work and home environment for 50 intellectually disabled residents. Camphill School has 55 intellectually challenged day school learners ranging between the ages of 6 – 19 years, the majority of whom come from the surrounding areas of Mount Pleasant, Hawston and Zwelihle. The RDA recognises that the Farm and School are historical settlements, that they provide a safe haven for disabled persons and contribute to the medical and health offering in the broader Overstrand area and that inappropriate urban-type development impacts on safety and results in increased crime as well as undue pressure on available water supply and water security.<sup>2</sup>

Our clients have noticed that any increase in the number of persons that temporarily or permanently enter the RDA, proportionally increases the risks that their beneficiaries are exposed to. These risks include the increased likelihood of fire, water pollution, infectious disease vectors, noise pollution and also to the person and safety of the beneficiaries as they are generally extremely and naively trusting of people. It is not unusual

<sup>1</sup> Municipal Notice No: 159/2021.

<sup>2</sup> At pages 4 and 33.



for beneficiaries to accept items from strangers or to accompany them without any regard for their own safety or well-being. Unfortunately, criminals regard vulnerable persons as soft targets.

The proportional increase in crime that would flow from an increase of persons to the valley as it becomes developed, would make it difficult for our clients to continue to provide services that are safe and secure without incurring significant and prohibitive security costs. More importantly though, is that it significantly affects the quality of life of their beneficiaries, as it adds a layer of anxiety that they are not always able to work through.

As mentioned before, this was one of the reasons why the facilities were initially established in the valley. It would be a significant blow to our clients and the beneficiaries if the rural character of the valley were to be undermined by developments that were incongruent with the current setting and with the objectives of our clients. It is on this basis that our clients would like to comment on the RDA. Our clients are in principle not opposed to development, but any such development, must be in line with the rural character of the valley and must not undermine the safety and well-being of the beneficiaries.

### 3. REASONS FOR COMMENTS

---

Areas such as this are coming under increasing pressure from developers looking to satisfy the market for rural estate living and by municipalities seeking to extend their rates base. However, once developed, it loses the essence or sense of place that attracted people to it in the first place.

The Municipality is to be commended for seeking to ensure that the sense of place is retained, and that any proposed development adds to the authenticity and integrity of the rural / natural character of the area. Our clients support such an approach.

Below we discuss acceptable development proposals, the application requirements, propose additional area specific guidelines and the negative effect of permanently losing viable agricultural land.

#### 3.1 Acceptable development

The RDA is to assist landowners and decision-making authorities in realising an appropriate form and level of development within this urban-rural transition area. It recognises that there is no infrastructure for water supply, sewerage reticulation, stormwater drainage or electrical supply. Furthermore, the minimum viable development scenario (from an engineering stance to achieve critical economies of scale, implies development of +- 1500 residential units (referred to as scenario 4: medium high-density 2 (2 residential units/1 ha) but due to the area's sensitivity, development of such a scale and form is not supported.<sup>3</sup>

However, the RDA must state unequivocally that even if a developer were to pay all the infrastructure costs, the development of +- 1500 residential units would still be inappropriate. Stated differently, it is not the cost of the infrastructure but rather the area's sensitivity that precludes a development with that many residential units of ever receiving municipal approval.

Furthermore, even though the RDA rejects Scenario 4 and by implication Scenario 5, it does not mention a preferred scenario. It is our view that a scenario with as low a density as possible is an appropriate designation for the area. We have previously commented on why fewer people in the valley is better than more people.

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<sup>3</sup> At page 34.



### 3.1.1 Risks posed by medium to high density development

Medium to high-density developments result in an increased risk of fire, water pollution and safety concerns. It is well known that as the number of people to a natural environment increases so too does the risk of fire. The Hemel en Aarde Valley has been identified as one of two major hotspot areas in the Overberg region, due to its extremely high risk of veld fire. Not only do fire events occur more frequently but because of the higher densities, they are more likely to result in fatalities. This is of particular concern to our clients as they only have one road which is used as both as access and egress. Furthermore, the valley itself only has two exit and entry points all of which makes disaster management very difficult; more so, if there is a large number of people who must be evacuated.

Residents of the study area only use borehole water for potable use. An increase in the number of people to the valley would result in an increase in the likelihood of water pollution. This is so as there is no sewer reticulation system and it is unlikely that such a system would be installed given the significant expense against the accepted low development scenario. The risk of water pollution arises as a direct result of the number of septic and conservatory tanks that would be needed. There is also an increased risk from oil or diesel spillage or run-off. Furthermore, the section of the Onrus River in the study area is home to a globally unique Palmiet Peat wetland which was badly damaged in the January 2019 veld fire, with the rehabilitation thereof proving to be extremely resource-consuming and very expensive to carry out.

Lastly, an increase in the number of boreholes and quantity of water abstracted from such boreholes to accommodate new developments, may negatively affect existing users rendering long established uses or farms less viable.

We have already discussed the issue of safety in relation to our clients' beneficiaries in respect of their health and person, so do not repeat those concerns here.

### 3.2 Application requirements

The application requirements and its division into General Guidelines and Area Specific Guidelines is a sensible approach, especially the requirement for numerous specialist investigations when an application is made for non-agricultural land uses.

However, the RDA does not make it clear that only suitable tourism and rural residential developments proposals may be approved and that what may be considered suitable depends on the area specific guidelines. The RDA creates the impression that any "non-agricultural land uses" may be approved provided specialist investigations are also submitted.<sup>4</sup> This is not so.

Stated differently, where a development proposal does not meet the requirements of either a suitable tourist facility or rural residential development, then it would not be considered any further or if it were to be considered, then the decision would generally be "no", because it is inconsistent with the policy. If one assumes that it does not meet the exceptional circumstances threshold that would justify a deviation from the RDA.

Where a development proposal meets the requirements (i.e., it is regarded as a suitable tourism or rural residential development) then the additional requirements of the Local Area-Specific Guidelines and special investigation reports must be considered.

<sup>4</sup> VIII, at page 57.



The RDA must make it clear that the “non-agricultural land uses” that are being referred to are tourism developments, rural residential developments or developments that do not compromise the unique asset base that make up the distinctive rural landscape. These are the developments that may be considered suitable. It does not mean any “non-agricultural land use”.

Furthermore, any justification for deviation from the RDA as a policy must be decided on whether the development proposal adds or detracts from the unique asset base that makes up the distinctive rural landscape. This is the lens through which all development proposals must be considered. The RDA uses strengthening of the rural economy as an example of exceptional circumstances that would justify deviating from the RDA.<sup>5</sup> This is far too wide. We have yet to come across a development proposal that could not be justified on this basis.

A better approach is for the applicant to show how the proposed development that is not a tourist development nor rural residential development nevertheless does not compromise the unique asset base that make up the area’s distinctive rural landscape. This is the only way to protect the unique asset base while maintaining an approach that is flexible.

### 3.2.1 General Guidelines

The general guidelines must specify thresholds that development proposals must comply with or not transgress. We accept that it may not be possible to do so for all the general guideline criteria. However, it should be possible to do so for some of them.

It must be clear to decision-makers that when a threshold is not met or is transgressed, then their decisions must be “no”. This would also create certainty upfront for developers as they would know which type of development would be refused and which may require additional reports but may still be refused. In other words, these criteria should be the non-negotiables with the very narrow exception being if the proposed development, despite not complying with all the criteria, would nevertheless not compromise the unique asset base that make up the area’s distinctive rural landscape.

### 3.2.2 Specialist investigations

The special investigation reports for non-agricultural land uses must make provision for thresholds in respect of the different assessments and include an assessment of the cumulative impacts of a proposed development on the area. It is not unusual for development applicants to submit piecemeal applications that gradually transform an area, and which are ironically then used to motivate for further approvals.

Accordingly, it is important that the cumulative impacts of a proposed development application on the area also be considered. A proposed development may be appropriate in the context of the local area but wholly inappropriate when considered in the context of the greater area, although it usually is the other way round.

Furthermore, the thresholds must be reported in a consistent manner. It is important that the decision makers, landowners and interest and affected parties can compare reports of different applicants in a uniform way. In other words, the reports must be written in such a way that it is possible for decision-makers to compare apples with apples. Accordingly, the Municipality must specify the methodology and standard that each specialist investigation report must comply with. This is one of the ways in which it can achieve consistency and make sure that its decisions are fair in respect of all development applications.

<sup>5</sup> At page 10.



For example, all the visual impact assessments must use the same prescribed methodology so that each application is rated against the same criteria and weighted the same so that results or outcomes are consistent. This would make it difficult to "hide" information in badly written specialist reports. Moreover, it would facilitate quick decision-making as the parameters would be stated up-front and the decision-makers, landowners and interest and affected parties can easily access and interpret the information.

### 3.2.3 Additional specialist investigation report

Our clients propose that an additional specialist investigation report that considers the impact of proposed development applications on its beneficiaries also be required. Such a requirement is unusual, but it is nevertheless necessary in these factual circumstances and supported in law.

In addition, as Camphill School is accountable to both the Western Cape Education Department and the Department of Basic Education, there are additional legislative requirements and limitations regarding proximity to a school which need to be formally taken into consideration.

As mentioned, our clients provide for the needs of children and adults with intellectual disabilities and who require a high level of stability and certainty. Their respective facilities were established in the valley precisely because of its rural characteristics and its distance from high-density developments. These factors were important from a functional and safety aspect. The RDA recognises the historical settlement of our clients' properties, the tremendous health services they provide to the Overstrand community, and the safety risks posed by increased developments. The beneficiaries would find it impossible to reach their full potential in environments where their safety is compromised. This would be the case if medium density or additional development contrary to agricultural land use activities were allowed in the valley or in close proximity to their facilities.

Furthermore, an approach that provides for the health and safety of these children and adults who are particularly vulnerable and disadvantaged, is supported in law. The Constitution of the Republic of South Africa, 1996 (the Constitution) states that the objects of local government include, among other things, to promote a safe and healthy environment.<sup>6</sup> This requirement is echoed in the Local Government: Municipal systems Act<sup>7</sup> which states that the council of a municipality and having regard, among other things, to practical considerations, has the duty to promote a safe and healthy environment.<sup>8</sup>

The National Environmental Management Act<sup>9</sup> (NEMA) states that the principles set out in section 2 of the Act, which apply to the actions of organs of states, guide the interpretation, administration and implementation of any law concerned with the protection or management of the environment.<sup>10</sup> The Overstrand Municipality Amendment By-law on Municipal Land Use Planning, 2020 under which the RDA is being developed, deals with protection and management of the environment. NEMA states further that environmental management must place people and their needs at the forefront of its concerns, and serve their physical, psychological, developmental, cultural and social interests equitably<sup>11</sup> and that environmental justice must be pursued so that adverse environmental impacts shall not be distributed in such a manner as to unfairly discriminate against any person, particularly vulnerable and disadvantaged persons.<sup>12</sup>

<sup>6</sup> Section 152 (1) (d).

<sup>7</sup> Act 32 of 2002.

<sup>8</sup> Section 4 (2) (i).

<sup>9</sup> Act 107 of 1998.

<sup>10</sup> Section 2 (1) (e).

<sup>11</sup> Section 2 (2).

<sup>12</sup> Section 2 (4) (b).



Accordingly, where a land use application is for a non-agricultural land use it would be eminently reasonable for the municipality to require a specialist investigation report of the impact of that land use, including its cumulative effects, on our clients' facilities and beneficiaries.

### 3.3 Additional local area specific guideline requirement

Our clients request that the RDA includes an additional local area requirement that prohibits non-agricultural development within at least 500m from their respective boundaries. This would mean that their properties would have a buffer zone around it. Such an approach, that prohibits non-agricultural development in close proximity to our clients' properties, would be in line with the Municipality's obligation as set out in the Constitution and the laws mentioned above.

Any development that would require water poses an additional strain on the existing water resources. Furthermore, as mentioned above, Camphill Road is the only access and egress road for our clients. Any development or activity along this road that results in an increase in the number of persons that use it would significantly affect our clients' ability to ensure the safety of their beneficiaries, if there is an emergency that requires quick access to or evacuation of their properties.

We accept that such a buffer zone would be unusual, but given the long-established history of their facilities, the significant investment our clients have made, the benefit to the community in having the most vulnerable members of society being properly taken care of and the immense satisfaction and fulfilling lives that the beneficiaries enjoy, that such a restriction would be appropriate. Our clients are not asking that rights be taken away; simply that the existing status quo be retained.

### 3.4 Permanent loss of agricultural land

It is widely accepted that the Earth is warming by at least 1.5°C in the next few years. This increase in temperature would result in land that is currently being used for agricultural activities, becoming unsuitable or simply too hot or dry. It is important that as much agricultural land as possible is retained in order to provide a measure of food security.

The RDA states that less than 25% of the study, approximately 300ha, is cultivated land. The production area is informed by the topography, underlying geology, soil conditions and the natural vegetated fynbos mountain slopes.<sup>13</sup>

Areas such as this, which are currently being used for agricultural purposes and are close to urban areas, may become vitally important in ensuring food security in the near future. Once such land is developed for non-agricultural purposes, it would be lost forever. Accordingly, the Municipality must also consider ever dwindling agricultural land that is close to urban areas and the consequence if that land were lost in perpetuity because of inappropriate rezoning or land use developments. The development principles in both the national Spatial Planning and Land Use Management Act, 2013 and the provincial Western Cape Land Use Planning Act, 2014 expressly acknowledges this threat and the importance of protecting agricultural land.

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<sup>13</sup> At page 32.



#### 4. CONCLUDING REMARKS

The Municipality is to be commended for its pro-active approach, but its draft RDA does not go far enough in seeking to secure the sense of place of the Hemel and Aarde valley. The area is going to come under increasing pressure from developers unless the extent of what may or may not be developed is clear.

The RDA must state up-front that high density developments (scenario 4) would not be approved because it is incongruent with the area's sense of place and that this is so even if a developer were to finance the infrastructure costs for such a development. It would simply not be allowed.

The Municipality must clearly set-out the parameters or thresholds when decision-makers ought to refuse development applications in terms of both the General Guidelines and the Area Specific Guidelines. Any exception to this must be based on how the proposed development would nevertheless enhance the authenticity and integrity of the rural / natural character of the area.

The Municipality must prescribe the methodology and rating system to be used for each category of specialist reports required for non-agricultural land use applications. This is to ensure that the information is presented in a uniform manner so that it can be assessed and compared with other similar applications. In this way consistent and fair decision-making would be promoted.

The maximum development threshold for the area must be set and each development application and its cumulative impacts must be assessed against these thresholds.


The increased risk of fire, water pollution and now infectious diseases where large numbers of people move in and out of the area poses a very real risk to the safety and well-being of our clients' beneficiaries. These risks are compounded if an emergency situation were to occur by the single access and egress road. A mechanism must be created in terms of which the Municipality can assess the impacts, including the cumulative impacts, of applications for non-agricultural land uses on the vulnerable children and adults of our clients. This mechanism may include the requirement of a special investigation report of the effects of the proposed development on our clients' beneficiaries or the creation of local area-specific guidelines that prohibit non-agricultural land uses within a certain area of the properties (i.e., a buffer zone) or both.

We trust that the Municipality will fulfil its constitutional obligations by ensuring that these vulnerable children and adults continue to have a safe and healthy environment where they can enjoy life to the full.

Our clients commend the Municipality's pragmatic approach and look forward to collaborating with it to ensure that the area's sense of place is maintained so that future generations may also experience and enjoy it.

Please do not hesitate to contact us if you would like to discuss any of these comments.

DATED at CAPE TOWN on this 17<sup>th</sup> day of December 2021.

  
 \_\_\_\_\_  
 G. DANIELS

Re: Hemel & Aarde RDA



12/37

Dear Overstrand Municipality,

On behalf of Hemel-en-Aarde Winegrowers' Association, we, the members of the Executive Committee, would like to register our wholehearted support for the creation of the Hemel-en-Aarde Valley Rural Development Area as outlined in your circulated document.

Your document is thorough and well considered and we fully support the development guidelines it outlines.

As representatives of the three wine Wards making up the Hemel-en-Aarde area (Hemel-en-Aarde Valley, Upper Hemel-en-Aarde Valley, Hemel-en-Aarde Ridge), we are highly aware of the strategic importance of the proposed Rural Development Area (RDA) to the significant and growing tourism and wine industry along the R320. The RDA is our gateway and sets the tone for an area of great economic importance, not only in terms of agriculture, but conservation, tourism, eco-tourism recreational activity, skills development and community development as well.

The Hemel-en-Aarde area has been voted one of the top 10 wine routes in the world and is the fastest growing wine route in South Africa. Its attractions are not just national, but international too. The proposed development would add greatly to its attractions and further economic development. Ill-conceived or uncontrolled development in this vital gateway would have significant negative economic consequences.

The Hemel-en-Aarde area is one of the internationally recognised jewels of the South African winelands and we are grateful for your role in protecting it and developing it even further.

Yours sincerely

HAWA Executive Committee

TP n. Theart  
(I. J. du Toit)

|                  |               |
|------------------|---------------|
| FILE NO:         | Kam 587 RDA   |
|                  | Hemel & Aarde |
| SCAN NO:         | 112871        |
|                  |               |
| COLLABORATOR NO: | 161669        |

TP 14 DEC 2021

13/37



TP N. Theart  
(I. vd Stoep)

17 December 2021

## Redbuild Trust

IT2386/98  
 VAT No 4230246102  
 Box 1415, Hermanus, 7200  
 Fax: +27 +86 617 9567  
 Cell 084 506 8486 (Louise Makepeace)  
 Cell: 083 700 0079 (John Makepeace)

BY EMAIL: [hvdstoep@overstrand.gov.za](mailto:hvdstoep@overstrand.gov.za)

Attn: Ms Hanneen van der Stoep, Overstrand Municipality

**MUNICIPAL NOTICE Nr. 159/2021 – "INVITATION FOR COMMENTS WITH REGARD TO THE HEMEL AND AARDE VALLEY RURAL DEVELOPMENT AREA"**

**Introduction:**

Redbuild Trust (a family trust of John & Louise Makepeace) is the long-time owner of 3 pieces of land relevant to the proposed RDA, (see attached image) being:

- Ptn. 2 of 578 Glenfruin (included in the study area);
- 338 Onrust River No. 58 (not included in the study area, but adjacent to it);
- Erf 4179 (not included in the study area but bordering 338/581);

In total the above properties are close to 200ha in extent, comprising steep slopes where the Onrus river has cut through on it's path to the sea, extensive flat areas above the 120mt contour and then a mountain backdrop extending to the top of the mountain on the Karwderskraal side at over 400mt.

**Background for our comments:**

At the outset, it is submitted that urban encroachment will forever change the whole fabric of the area under discussion and probably the Hemel & Aarde Valley as a whole.

As a long term non-commercial land-owner, the development of the Lower Hemel & Aarde Valley is in total contrast and a deviation to the visions and plans that we have for our own property referred to above including, the potential value, use and future enjoyment thereof.

We do acknowledge that demand and future growth of Hermanus and it's environs is inevitable and that tourism plays a large role in the local economy in creating jobs and needs to be catered for and also, that various Spatial Development Frameworks have been adopted over the years highlighting the need for controlled rural development.

Although the development of the lower valley is not something that we envisaged when we as a family acquired (at great sacrifice) the property that we own that falls within this greater area and have enjoyed in it's current natural and unimproved state for some 17 years now – inevitably times change and we need to move forward.

If the RDA and development of the area immediately surrounding us is to go ahead, it is clear that the whole fabric and indeed our reasons for ownership of our property will be irreversibly altered for the rest of time.

|                  |                 |
|------------------|-----------------|
| FILE NO:         | Kam 581 RDA     |
|                  | Hemel & Aarde ✓ |
| SCAN NO:         |                 |
|                  |                 |
| COLLABORATOR NO: | 1618624         |
|                  |                 |

TP 17 DEC 2021

To be clear, we are not necessarily against this urbanisation, but definitely not at the sacrifice of what we have invested in for so many years, which would be now altered dramatically from its historical and current natural state, were this development to happen on its doorstep, but that we are effectively precluded from any meaningful benefit arising for this loss of use.

*Furthermore, this would hardly be just and fair and constitutionally questionable, if the areas of our property, that we consider to be ideal for development in the context of the RDA are excluded – i.e. those that lie above the contour lines that are indicated as being where any meaningful development is to take place, or in regard just ignored and excluded from the proposals for no apparent reason.*

Put another way, whilst the mountainous portions of our property and properties like ours are providing the backdrop and aesthetic appeal and beauty which, in the opinion of those drawing up this study would be necessary for the various goals outlined therein to be achieved, the flatter areas of our property and those which we consider to be ideal to be included as a developed area in such an RDA, have affectively been excluded by virtue of falling above certain contours (although partially included in the 'study area') or just totally excluded.

In a nutshell the result would be that our property is forever changed, as we would be forced to look out over noisy, developing and developed property, with all the negatives that this brings.

On the other hand, the developed properties would be enjoying the views and aesthetics of our property – with the obvious benefits to those involved in the development thereof.

In effect owners of properties like ours would be the sacrifice – having been excluded purely on the basis of what we see as distinctions between fairly arbitrary contour lines without reference to an actual onsite / on the ground reality and experience.

If this were to be the case, we would oppose the implementation of these guidelines vehemently.

On a positive note though, we are open to meeting on the ground for participation and discussion on the matter.

**The study area in specifics - as relating to the impact and possibilities of our individual properties refers:**

**Property Falling within the study area - Ptn 2 of 578 Glenfruin (Redbuild Trust):**

We spend a lot of time on the land in question (cycling, hiking, camping picnicking etc.) and as a result of more intense observation by us prompted by this study an guidelines, we are of the opinion that the limitation of the primary portion of land for development – to be below the 140mt contour line and labelling the area above as largely "no go areas" - in view of the visual impact, is not in all cases actually a realistic consideration.

On the ground and on site - as opposed to looking at aerial representations and topographical maps - one will realise that you cannot actually see from any public vantage point when entering or exiting the valley, the vast area of flattish land which would be most suitable for more intense development, for example on portions of our 2/578 Glenfruin.

These lie above the 140mt contour line, but don't encroach on the attractive mountain backdrop and are ideally suited for development along the aesthetic lines as contained in some of the recommendations.

We submit that given the specifics of the site, development of large areas of this would not be contrary with Section 6: Development Guidelines – Local Character Areas (as read with the rest of the document) or the other goals, objectives and outcomes, as outlined in the draft guidelines.

Accordingly, we would request that these areas be included in those for more intense development should the RDA go ahead. In addition, this could/would greatly assist with the creation of bulk for viability purposes of the RDA.

You are welcome to meet with us so that we can identify the areas referred to.

**Excluded from the study area but of a similar nature and bordering on / but not currently within the urban edge - 338 Onrust River No. 581**

In our opinion, there seems to be no objective or logical reason for excluding Remainder of Portion 338 of the Farm Onrust River No. 581.

Noting that it is also not within the urban edge, was this an omission perhaps?

In location it is very much at the beginning of the gateway to the valley from Hermanus on the south end, facing onto the cycle paths and R320.

To the south it borders on the existing urban edge and has a boundary running along the middle of the Onrus River – see LCA-A1 - Opposite Glenfruin Meadows Estate.

To the Northeast this land borders on Erf 283, which in turn borders on the municipality's 3/585 - both the latter included in the study area and probably developable in terms of the guidelines see LCA-A1.

Our 338/581 is very similar in all relevant respects to those properties.

We submit that, given the specifics of the site, development of portions of this would be totally within the goals, objectives and outcomes, as outlined in the draft guidelines and "Section 6: Development Guidelines – Local Character Areas".

Accordingly, we believe that it is imperative to include this area in what is proposed to be an area of development. In addition, by inclusion, this could/would greatly assist with the creation of greater bulk for viability purposes of the RDA.

Alternatively, areas of this property need to be incorporated within the urban edge.

**Excluded from any mention in the RDA, but undeveloped and bordering on developed residential erven and the Urban Edge and almost adjacent to the RDA – see attached image**

We are also the owners of erf 4179, a property of approximately 21 183m<sup>2</sup> - bordering on the Onrus River and the greater Kidbrooke. Historically and before our ownership, this together with erf 4180 (not ours) was subdivided off our 338/581 discussed above.

Despite protestations and representations, for no apparent reason this property has historically been excluded from the urban edge and is now also excluded from the proposed RDA.

Although not necessarily within the context of this RDA with respect, this does not make any sense and requires redress.

**Department of agriculture:**

There is no reference to any consultative process that has been followed with the department. Have they been included in the consultations and discussions at a preliminary stage and if so, would they lend their support to the establishment of an RDA as envisaged?

**Conclusion:**

To reiterate our position: we are not necessarily against this urbanisation, but definitely not at the sacrifice of what we have invested in for so many years, which would be now altered dramatically from it's historical and current natural state, were this development to happen on it's doorstep, but that we are effectively precluded from any meaningful benefit arising for this loss of use.

Accordingly given that our dreams and expectations for our property and environs are forever changed, we would want to see that there is a benefit to us for making such sacrifice.

You are welcome to meet with us so that we can identify the areas referred to and to take the matter further.

○

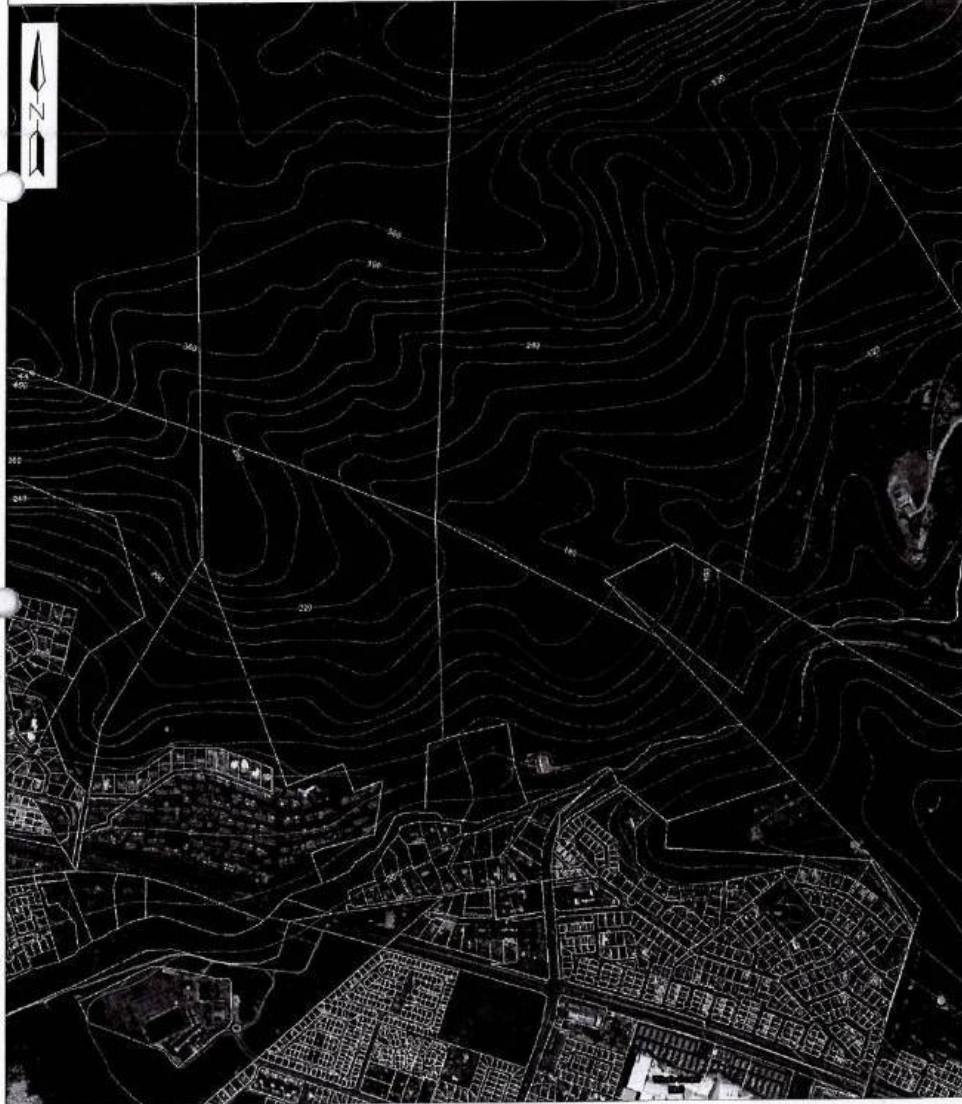
Yours sincerely

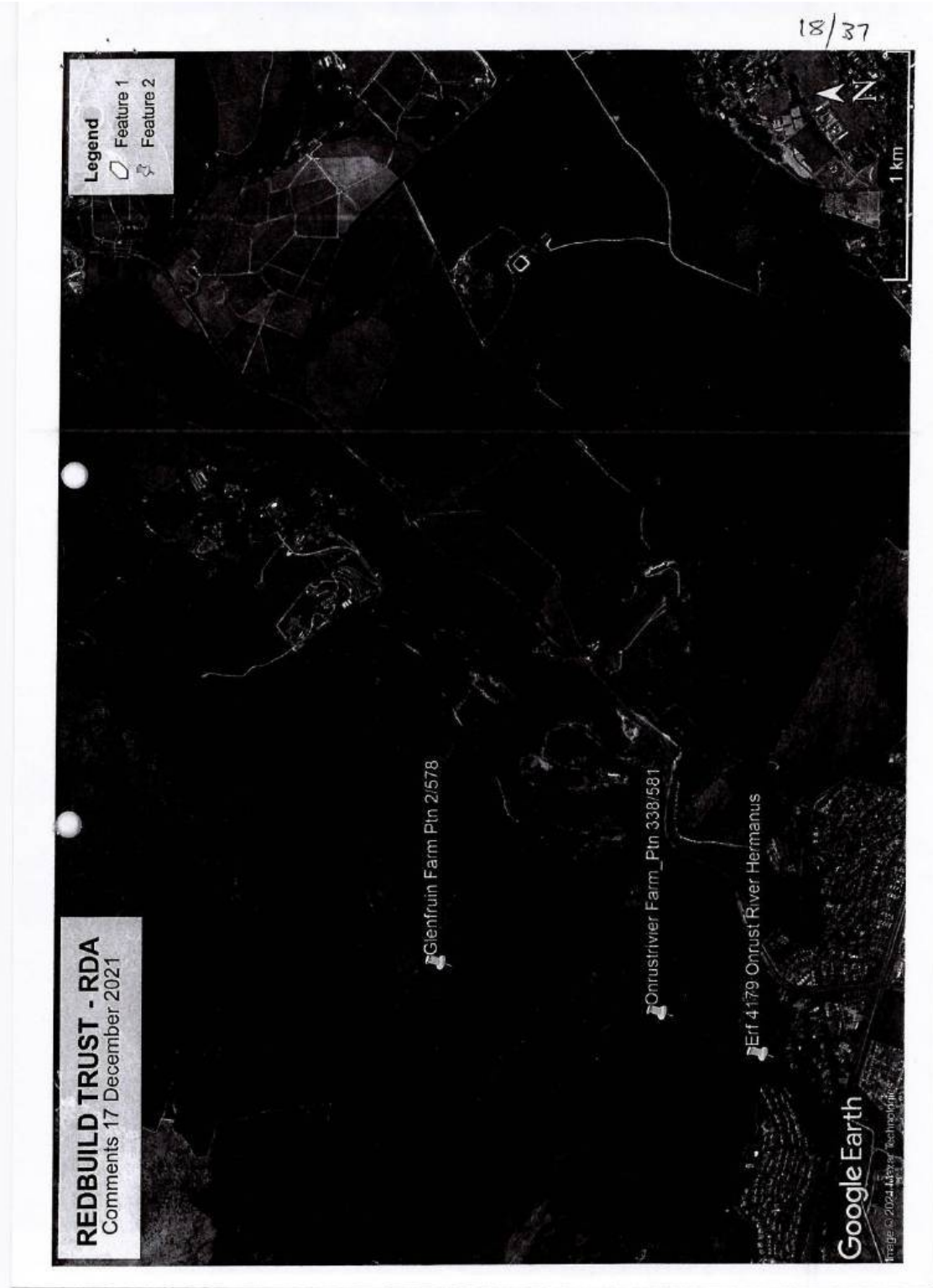
**John Makepeace – Sole Trustee, Redbuild Trust**

○

### Proposed RDA Plan

— 140m Contour





19/37



Western Cape  
Government



Department of Agriculture  
Cor van der Walt  
- Land Use Manager  
Land Use Management  
Email: [Corvdw@elsenburg.com](mailto:Corvdw@elsenburg.com)  
tel: +27 21 808 5099

TP. A. Ahearne  
(vl. ud Stoep)

OUR REFERENCE : 20/9/2/4/2/919  
YOUR REFERENCE : Hemel & Aarde RDA  
ENQUIRIES : Cor van der Walt

Overstrand Municipality  
PO Box 20  
HERMANUS  
7200

|               |                 |
|---------------|-----------------|
| FILE NO:      | Kaim 587 RDA    |
|               | Hemel & Aarde ✓ |
| SCAN NO:      | Farm 587        |
| LABORATOR NO: | 1639838         |

Att: Ms. H van der Stoep

**COMMENT ON THE HEMEL AND AARDE VALLEY RURAL DEVELOPMENT AREA (RDA) -  
DEVELOPMENT GUIDELINE: CALEDON**

Your application of 12 November 2021 has reference.

- Thank you for the opportunity to comment on the Hemel-en-Aarde Valley Rural Development Area (RDA) Guideline.

The Western Cape Department of Agriculture was a co-contributor to the Western Cape Land Use Planning Guidelines for Rural Areas (2019), which clearly sets out the vision for development in rural areas and also incorporates the goals of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) (SALA).

In terms of the Overberg Spatial Development Framework, the Hemel-en-Aarde Valley wine region is a popular tourist area and the opportunity exists to strengthen the road link (R320) and further market the valley as an important tourism corridor connecting Caledon and Hermanus. From an agricultural perspective, land uses that facilitate agricultural diversification and non-agricultural opportunities (e.g. game farming, additional dwellings units, tourist facilities) "value-adding" to the primary agricultural product are supported.

11 FEB 2022

[www.elsenburg.com](http://www.elsenburg.com) | [www.westerncape.gov.za](http://www.westerncape.gov.za)  
Western Cape Department of Agriculture

In terms of the Western Cape Land Use Planning Guidelines for Rural Areas (2019), development in the rural area should not lead to the loss or alienation of agricultural land or compromise existing or potential farming activities. In principle, the WCDoA does not support the subdivision of farms for residential purposes or the alienation of individual units as it is considered as intrusive use that creates competing rights on agricultural land. The cumulative impact of such subdivisions/alienation of units ultimately has a negative impact on the rural landscape.

References to "residential subdivisions" and "nodal development" in the proposed Hemel-en-Aarde Valley Rural Development Area (RDA) Guideline are concerning, as the subdivision of agricultural land for individual title as well as the development of new residential nodes in the rural landscape are in conflict with the recommendations contained in the Western Cape Land Use Planning Guidelines for Rural Areas (2019).

Furthermore, the guideline is vague regarding the scale and type of development that is envisaged for each of the demarcated Local Character Areas.

Guidelines issued by the Provincial Government regarding the desirability of proposed land uses is one of the criteria that must be taken into consideration when a Municipality considers and decides on a land use application. In this regard the Hemel-en-Aarde Valley Rural Development Area (RDA) Guideline does not sufficiently motivate why it is justified to deviate from said rural guidelines.

In consideration of the above, the WCDoA does not support the proposals contained in the RDA Guideline.

Please note:

- That this is comment to the relevant deciding authorities in terms of the Subdivision of Agricultural Land Act 70 of 1970.
- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.

21/37

- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely



**Mr. C.J van der Walt**

**LANDUSE MANAGER: LANDUSE MANAGEMENT**

**2022-02-04**

Copies:

Directorate Land Use and Sustainable Resource Management  
National Department of Agriculture  
Private Bag X 120  
PRETORIA  
0001

Department of Environmental Affairs and Development Planning (Helene Janser) (T de Waal)  
1 Dorp Street  
Cape Town  
8001

Urban Dynamics Town & Regional Planners  
PO Box 2445  
BELLVILLE  
7535

cc/27

**Loriaan Isaacs**

**From:** Faisal Fakier <Faisal.Fakier@westerncape.gov.za>  
**Sent:** Tuesday, 08 February 2022 14:39  
**To:** Loriaan Isaacs  
**Cc:** Grace Swanepoel  
**Subject:** Hemel en Aarde RDA - Job 29102



TP. A. Theak  
(M. Olivia)

Dear Loriaan,

Cognisance is taken of the report "Hemel and Aarde Rural Development Area: Development Guidelines".

A key area has not been covered in the report, viz, Transportation and traffic engineering. The subheadings under this, are the capacity of the road, access spacing guidelines as per the Access Management Guidelines document (AMG2020), pedestrian and cycling needs, traffic safety issues, and public transport requirements.

As the area develops, it is likely that more workers will come from Hermanus and the need for public transport embayments will increase. The road is already popular with cyclists and the proposed densification will result in more tourists and more cyclists/pedestrians. Traffic safety issues need to be identified so that it can be addressed as the area develops.

The Access Management Guidelines 2020 edition are available on our website for downloading - [https://rnis.westerncape.gov.za/rnis/rnis\\_web\\_reports.main](https://rnis.westerncape.gov.za/rnis/rnis_web_reports.main)

Best regards

Faisal Fakier Pr. Eng.  
 On behalf of:  
 Chief Engineer: Road Use Management  
 Chief Directorate Road Planning, Roads Branch  
 Department of Transport and Public Works  
 Western Cape Government  
 3<sup>rd</sup> Floor, 9 Dorp Street, Cape Town 8001; PO Box 2603, Cape Town 8000  
 Mobile: +27 83 408 9315  
 E-mail: [Faisal.Fakier@westerncape.gov.za](mailto:Faisal.Fakier@westerncape.gov.za)  
 Website: [www.westerncape.gov.za](http://www.westerncape.gov.za)

|               |               |
|---------------|---------------|
| FILE NO:      | Kaim 587 RDA  |
|               | Hemel & Aarde |
| CAN NO:       |               |
| LABORATOR NO: | 1638221       |



**Western Cape  
Government**  
FOR YOU

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P 08 FEB 2022

23/37

**L Gillion**

**From:** L Gillion  
**Sent:** Friday, 11 March 2022 10:34  
**To:** pj@udwc.co.za  
**Cc:** H van der Stoep  
**Subject:** FW: REMINDER : Hemel & Aarde Valley Rural Development Area (RDA)

**Importance:** High

Dear PJ

See comments below from our Engineering Services Department for your attention.

Regards

Loretta Gillion  
 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

-----Original Message-----

**From:** R Andrew <randrew@overstrand.gov.za>  
**Sent:** Friday, 11 March 2022 08:06  
**To:** L Gillion <loretta@overstrand.gov.za>  
**Cc:** D Hendriks <dhendriks@overstrand.gov.za>; M Mantyi <mmantyi@overstrand.gov.za>  
**Subject:** FW: REMINDER : Hemel & Aarde Valley Rural Development Area (RDA)  
**Importance:** High

Good Day,

The Engineering Services Department have the following comments:

1. Section 3.10 (i) - The "R320 route" is Main Road 269 a part of the provincial road network. It is under control of the Paarl District Roads Engineer and Overberg District Municipality. No municipal services or signage may be installed in the road reserve with their approval.
2. Section 3.10 (ii) - Please provide a copy of the "engineering investigation" mentioned in this part of the report. Approval to install the envisaged bulk line would have to be obtained from the provincial road authorities.
3. Section 6.2 - Please add the following application requirements :- Traffic Impact Statements or Studies - Specialist capacity reports for water and sewer services.

Regards

Ricardo Andrew  
 Manager: Engineering Services  
 Tel: (028) 313 5073  
 Fax: (028) 313 0760  
 E: randrew@overstrand.gov.za

24/37



CapeNature

## CONSERVATION INTELLIGENCE

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 reference LS14/2/6/1/7/2/development guideline\_Hemel-en-Aarde RDA  
 date 12 January 2022

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

Attention: Hanneen van der Stoep  
 By email: [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)

Dear Ms van der Stoep

**Development Guideline for the Hemel-en-Aarde Rural Development Area  
 (Overstrand Municipality ref. no.: Hemel-en-Aarde RDA)**

CapeNature would like to thank you for the opportunity to comment on the guideline. Please note that our comments only pertain to the biodiversity related matters.

The development guideline for the Hemel-en-Aarde Rural Development Area focuses on the guidelines for residential and tourism development to minimize the impact on the landscape character and sense of place of the Hemel-en-Aarde Valley. In this regard it is important to note that the natural habitat on the upper slopes and peaks of the valley contribute to the character and sense of place. Prevention of development on the upper slopes due to visual impact will therefore also minimize the impact on biodiversity and the threat to infrastructure from fynbos fires. We note that there is no maximum height above sea level for development stipulated.

There is minimal natural vegetation remaining on the lower slopes and in the valley floor as these areas have been transformed through agriculture. The Onrus River and floodplain are however important features from a biodiversity and ecological function perspective and needs to be considered in the guidelines, in particular the palmiet (*Prionium serratum*) peat floodplain wetland. Rehabilitation of the river and riparian zone through alien clearing and restoration from fire damage are priority actions with regards to water resources and ecological function. Management actions in the catchment will resolve many of the impacts experienced in the Onrus River Estuary, which are mainly as a result of reduced quantity and quality of freshwater inflow.

The general guidelines include preservation of the Critical Biodiversity Areas as defined in the Western Cape Biodiversity Spatial Plan which is strongly supported. We further recommend that the upper slopes should be considered for conservation areas, particularly on the eastern side of the valley where this will function as an extension to Fernkloof Nature Reserve. Ashbourne Biodiversity Agreement is already in place and there are proposals for a nature

The Western Cape Nature Conservation Board trading as CapeNature

Board Members: Prof Denwer Hendricks (Chairperson), Prof Gavin Maneveldt (Vice Chairperson), Ms Marguerite Loubser, Mr Mervyn Burton, Dr Colin Johnson, Prof Aubrey Redlinghuis, Mr Paul Slack

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reserve linked to the Southern Right mixed use development application. This will have a positive impact on biodiversity and management of Fernkloof Nature Reserve.

With regards to the recommended specialist studies for the land use planning applications, we recommend that these should be integrated with the specialist studies for NEMA applications as far as possible.

With regards to the section on control of invasive vegetation, we recommend that a statement is added that control of alien and invasive vegetation must be in accordance with the National Environmental Management: Biodiversity Act (NEM:BA) Alien and Invasive Species Regulations, which does make provision for retention of trees with cultural and heritage value under specific conditions. The current wording of the guideline could facilitate contravention of these regulations. We also recommend that another statement should be added that stands of alien and invasive species which present a significant threat in terms of fire risk, water resources and biodiversity should be prioritized for clearing.

Development guidelines should be included that improve run-off from the catchment to the Onrus River, both in terms of water quantity and quality. A development setback from the Onrus River and floodplain should be stipulated, which we recommend should be  $\pm 50$  m.

Provision of services would be the most important consideration with regards to impacts on the catchment. An investigation was undertaken for the feasibility of municipal service provision as stated in the guideline. The minimum density for this to be economically feasible is too high to be compatible with maintaining the sense of place and character, therefore each development will need cater for their own services. Inadequate sewerage infrastructure can result in water quality impacts and the stormwater management infrastructure will influence catchment run-off. The source of potable water should also not reduce run-off into the catchment. Guidelines should therefore be included for service provision, as water resources are a very important consideration in addition to the landscape character.

Yours sincerely



**Rhett Smart**  
**For: Manager (Landscape Conservation Intelligence)**

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Western Cape  
Government



Department of Environmental Affairs and Development Planning  
D'mitri Matthews  
Directorate: Development Management, Region I  
Dmitri.Matthews@westerncape.gov.za | Tel: 021 483 8350

TP. n. Theart  
(H. Oliva)

REFERENCE: 16/3/3/6/6/E2/27/1396/21  
DATE: 2/2/2022

The Municipal Manager  
Overstrand Municipality  
P. O. Box 20  
HERMANUS  
7200

Attention: Ms. L. Isaacs

|               |                 |
|---------------|-----------------|
| FILE NO:      | Farm 587 RDA    |
|               | Hemel & Aarde ✓ |
| -CAN NO:      | Farm 587        |
| LABORATOR NO: | 1636473         |

Tel.: 028 313 8900  
Email: lorfaanisaacs@overstrand.gov.za

Dear Madam

**RE: APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED), WITH RESPECT TO THE INVITATION FOR COMMENTS WITH REGARDS TO THE HEMEL AND AARDE RURAL DEVELOPMENT AREA ("RDA"), OVERSTRAND**

1. The electronic correspondences dated 12 November 2021, as received by the Department on the same day and the electronic correspondence dated 21 January 2022, refers.
2. Following the review of the information contained in the electronic correspondence, this Department notes the following:
  - 2.1 The main goal of Hemel and Aarde RDA, is to transform the south into a gateway between rural and urban areas by safeguarding agricultural and natural resource infrastructure. As well as the landscape and cultural resources, while supporting the correct shape and size of tourism and housing development. It's to manage the appropriate level and development mode.
  - 2.2 The area is not generally thought to be suited for urban growth, with conventional suburban-style construction, to Hermanus' present urban footprint. Instead, appropriate tourist and rural residential development should be supported in the area, augmenting agricultural uses and allowing for community recreational activities and appropriate residential development without cadastral manifestation (in the landscape). The RDA's development goal is to unlock its economic potential by improving the tourism attractions and development offerings of the Hemel en Aarde Valley's southern rural urban transition, while also ensuring the appropriate scale, careful design, and positioning of development to preserve and retain the area's authenticity and natural character.

- 3 FEB 2022

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## 3. Departmental comments:

- 3.1 On 7 April 2017 the Minister of Environmental Affairs promulgated amendments to the regulations in terms of Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), viz, the EIA Regulations 2014 (Government Notice ("GN") No. R. 326, R. 327, R. 325 and R. 324 in Government Gazette No. 40772 of 7 April 2017). These regulations came into effect on 7 April 2017.
- 3.2 The following listed activities in terms of the NEMA EIA Regulations 2014 (as amended) may be applicable to the various options available :

| Development types: | Listing Notice 1 | Listing Notice 2 | Listing Notice 3 |
|--------------------|------------------|------------------|------------------|
| Tourism            | 9; 10            |                  | 4; 6; 12; 17     |
| Residential/Urban  | 24; 27; 28       | 15               | 12               |
| Bulk services      | 9; 10            |                  | 2; 4; 12         |

- 3.3 The abovementioned activities are directly related to possible development options available or the expansion thereof. However, other listed activities may be triggered for various aspects of the development (i.e. construction with 32m of a watercourse (Activity 12 of LN 1) etcetera).
- 3.4 Development applications within the Hemel en Aarde Valley must be forwarded to this Department for comment, to check the applicability of the NEMA EIA Regulations 2014 (as amended). Please note it is an offence in terms of Section 49A of the NEMA for a person to commence with a listed activity/ies unless the competent authority has granted an environmental authorisation for the undertaking of the activity/ies. Failure to comply with the requirements of Section 24F and 49A of the NEMA will result in the matter being referred to this Department's Directorate: Environmental Law Enforcement for investigation and possible prosecution.
4. Please note that the applicant must comply with any other statutory requirements that may be applicable to the undertaking of the activity.
5. Kindly quote the abovementioned reference number in any future correspondence concerning the proposed development.
6. This Department reserves the right to revise or withdraw its comments and request further information based on any information received.

Yours faithfully

Marbe  
pp Coetzee

Digitally signed by  
Marbe Coetzee  
Date: 2022.02.02  
14:17:53 +0200

**HEAD OF COMPONENT**  
**ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1**  
**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**



**Western Cape  
Government**

Department of Environmental Affairs and Development Planning

**Tania de Waal**

Spatial Planning

Tania.dewaal@westerncape.gov.za | Tel: 021 483 4360

## Memo

To: Overstrand Municipality  
 Attention: Ms H. van der Stoep  
 Email: [hvdstoep@overstrand.gov.za](mailto:hvdstoep@overstrand.gov.za)  
 Date: 10/01/2022  
 Ref Number: 15/4/3/2/BO3  
 Re: **Invitation to comment on the Hemel and Aarde Valley Rural Development Area (RDA) – Development Guideline**

### Comment on the Hemel and Aarde Valley Rural Development Area (RDA) - Development Guideline

1. To begin with, thank you for providing our Department with an opportunity to comment on this Development Guideline.
2. Whilst the Guideline provides useful criteria for decision making related to visual impact and heritage significance, further detail is required to guide infrastructure service provision. Currently, Section 6 of the Development Guideline on page 57, lists criteria which should be applied when assessing development proposals, one of which is that the development should not lead to "inefficient service delivery or unjustifiable extensions to the municipality's reticulation network." This bullet point is critical, but the wording is too vague. What exactly would constitute "inefficient service delivery" and on what basis would a "justifiable" vs "unjustifiable" extension to the reticulation network be determined? A further bullet on the same page goes on to say that the development proposal should not impose any "real costs or risks to the Municipality's ability to deliver on its mandate". It is unclear what exactly will be assessed in an effort to determine "real costs and risks" and who will be responsible for undertaking such an assessment, i.e. the applicant or the municipality? How for example would an "off-grid" application be approached by the Municipality? Would the "real costs and risks" in this instance include the municipality potentially having to provide services in the future, where off-grid service provision is no longer viable for one reason or another?
3. From the extracts of the Development Guideline referred to in the paragraph above, it would seem that extensions to the municipal infrastructure network could be considered, however this seems to contradict what is stated on page 35 of the Development Guideline. The last paragraph on page 35 reads "*The minimum viable development scenario (as an engineering infrastructure threshold to achieve critical economies of scale) to justify implementation of municipal services infrastructure to the Rural Development Area (RDA) implies development of +/- 1500 residential units in the lower valley area. Such a scale and form of development should be considered relative to the local cultural heritage, scenic qualities and rural nature of the study area, which due to its sensitivities, is not supportive to development of such scale and form.*" This extract from the Development Guideline seems to indicate that the extension of municipal services infrastructure to this study area / RDA cannot be justified? The

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[www.westerncape.gov.za](http://www.westerncape.gov.za)

Department of Environmental Affairs and Development Planning  
 Cape Town Office: Utilitas Building, 1 Dorp, Street Cape Town, 8001  
 George Office: York Park Building, 93 York Street, George, 6529

TR 12 JAN 2022

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- Development Guideline must be clear as to whether or not extensions to the municipal infrastructure network to service the area under consideration will be provided and if so under what conditions. This is especially important as the Overstrand Capital Expenditure Framework is in the process of being developed and currently no mention has been made in the Framework of development / infrastructure provision in this part of the Hemel and Aarde Valley. Should the municipality decide to extend bulk service provision to the study area, the Capital Expenditure Framework will need to be changed.
4. It is acknowledged that the Guideline makes reference to the Western Cape Land Use Planning Guidelines for Rural Areas (2019)/ the Rural Guidelines, however there are some critical aspects in the Rural Guidelines which should be referenced in the Hemel and Aarde Valley Development Guidelines. The Rural Guideline lists accommodation types which should be avoided "at all cost", namely: "Multiple residences of owners of farms, nature reserves, resorts where the owner is an entity with more than one shareholder; Alienable units; Urban Sprawl into the rural landscape, including linear coastal development; and New settlements". The Rural Guideline states that the only types of residential development or accommodation units to be allowed in the rural landscape are: "Tourist Accommodation (including resorts and nature reserves) and Agri Worker Housing. Pressures for residential development should be channelled to existing towns and hamlets." This message around what residential development is and isn't supported in the Rural Guidelines should be reflected in this Guideline as currently it reads as if residential development in the rural area can be supported, whereas this is not what the Rural Guidelines are saying at all.
  5. Lastly, whilst this Guideline is clear on how it relates to the Overstrand Municipal Spatial Development Framework, by stating that the former provides further detail on the concept of a Rural Development Area, no mention is made of the Overstrand Growth Management Strategy which was due to be developed together with the MSDF? It is therefore unclear what the relationship between this Guideline and the Overstrand Growth Management Strategy is and how the various documents will impact on decision making?
  6. Please do not hesitate to contact us should you require any clarity on the comments made above, on [tania.dewaal@westerncape.gov.za](mailto:tania.dewaal@westerncape.gov.za).

20/37



Overstrand Municipality

Date: 2021/11/17

Loretta@overstrand.gov.za

Enquiries:

WayleavesWesternOU@eskom.co.za

**WAYLEAVE APPLICATION:** Invitation is hereby given in terms of Section 8, read with Section 48, of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020 for the compilation of a

YOUR REF: Hemel &amp; Aarde RDA

ESKOM REF: 03744-21

### THIS IS NOT AN APPROVAL TO START CONSTRUCTION

I hereby inform you that Eskom has no objection to the proposed work indicated on your drawing in principle. This approval is valid for **12 months** only, after which reapplication must be made if the work has not been completed.

1. **Eskom services are affected by your proposed works and the following must be noted:**

- a) Eskom has no objection to the proposed work and include a drawing indicating Eskom 11kV/LV underground services in close proximity.
- b) Please note that underground services indicated are only approximate and the onus is on the applicant to verify its location.
- c) There may be LV overhead services / connections not indicated on this drawing.
- d) The successful contractor must apply for the necessary agreement forms and additional cable information not indicated on included drawing, in order to start construction.

Application for Working Permit must be made to:

Customer Network Centre: Caledon

Dirk Swart / Francois Swart

028 214 5710 / 028 214 5713 / 083 502 2590

SwartDi@eskom.co.za

**Include Eskom Wayleave as-built drawings and all documentation, when applying for Working Permit.**

Should it be necessary to move, relocate or support any existing services for possible future needs, it will be at the developer's cost. Application for relocating services must be made to Customer Services on 08600 37566 or customerservices@eskom.co.za

Distribution Division - Western Region [Land Development]  
 Western Region  
 Eskom Road, Brackenfell 7560 PO Box 222 Brackenfell 7561 SA  
 Tel +27 86 003 7566 www.eskom.co.za  
 Eskom Holdings SOC Limited Reg No 2002/015527/30

18 NOV 2021

## 2. Underground Services

The following conditions to be adhered to at all times:

- a) Works will be carried out as indicated on plans.
- b) No mechanical plant to be used within 3.0m of Eskom underground cables.
- c) All services to be verified on site.
- d) Cross trenches to be dug by hand to locate all underground services before construction work commences.
- e) If Eskom underground services cannot be located or is grossly misplaced from where the wayleave plan indicates, then all work is to be stopped and Graham Hector from the Land Development Office to be contacted on 021 980 3551 / HectorG@eskom.co.za, to arrange the capturing of such services.
- f) In cases where proposed services run parallel with existing underground power cables the greatest separation as possible should be maintained with a minimum of 1000mm.
- g) Where proposed services cross underground power cables the separation should be a minimum of **300mm** with protection between services and power cables. (Preferably a concrete slab)
- h) No manholes, catch-pits or any structure to be built on top of existing underground services.
- i) Only walk-behind (2 ton Bomac type) compactors to be used when compacting on top of and 1 metre either side of underground cables.
- j) If underground services cannot be located then the Customer Network Centre (CNC) should be consulted before commencement of any work.
- k) **No work can take place within the servitude of a 66kV Cable or 132kV Cable if indicated.** Should you need to undertake any work within the proximity of our 66kV or 132kV Cables please contact Graham Hector on HectorG@eskom.co.za to arrange a site visit.

## 3. O.H. Line Services:

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

| Voltage   | Building restriction either side of centre line |
|-----------|---|
| 11 / 22kV | 9.0 m   |
| 66kV      | 11.0 m  |
| 132kV     | 15.5 m  |

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

| Voltage   | Not closer than: |
|-----------|------------------|
| 11 / 22kV | 3.0 m            |
| 66kV      | 3.2 m            |
| 132kV     | 3.8 m            |

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

| Voltage   | Safety clearance above road: |
|-----------|------------------------------|
| 11 / 22kV | 6.3 m                        |
| 66kV      | 6.9 m                        |
| 132kV     | 7.5 m                        |

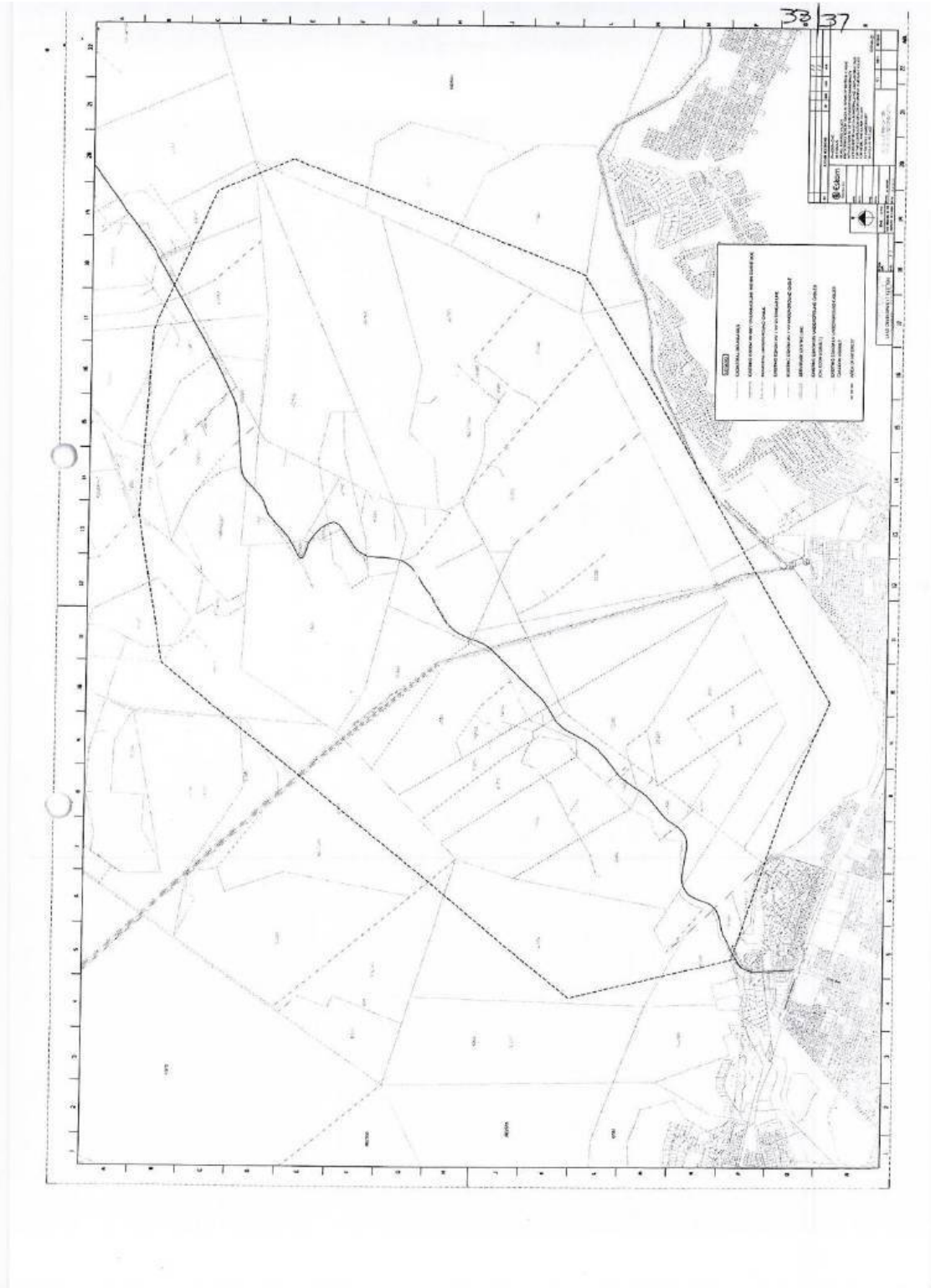
- f) That existing Eskom power lines and infrastructure are acknowledged as established infrastructure on the properties and any rerouting or relocation would be for the cost of the applicant/developer.
- g) That Eskom rights or servitudes, including agreements with any of the landowners, obtained for the operation and maintenance of these existing power lines and infrastructure be acknowledged and honoured throughout its lifecycle which include, but are not limited to:
- i. Having 24 hour access to its infrastructure according to the rights mentioned in (a) above,
  - ii. To perform maintenance (structural as well as servitude – vegetation management) on its infrastructure according to its maintenance programmes and schedules,
  - iii. To upgrade or refurbish its existing power lines and infrastructure as determined by Eskom,
  - iv. To perform any other activity not listed above to ensure the safe operation and maintenance of the Eskom power lines or infrastructure.
- h) Eskom must have at least a 10m obstruction free zone around all pylons (not just a 10m radius from the centre).
- i) Eskom shall not be liable for the death or injury of any person, or for loss of or damage to any property, whether as a result of the encroachment or use of the area where Eskom has its services, by the applicant, his/her agent, contractors, employees, successors in title and assignee.
- j) The applicant indemnifies Eskom against loss, claims or damages, including claims pertaining to interference with Eskom services, apparatus or otherwise.
- k) Eskom shall at all times have unobstructed access to and egress from its services.
- l) Any development which necessitates the relocation of Eskom's services will be to the account of the developer.
- m) Lungile Motsisi MotsisiL@eskom.co.za. Eskom Transmission must be contacted on 011 800 5734 to comment on behalf of the 400 KV OVERHEAD POWERLINES. NO WORK WITHIN THIS SERVITUDE OR UNDERNEATH POWERLINES IS ALLOWED until comment from Eskom Transmission has been obtained.

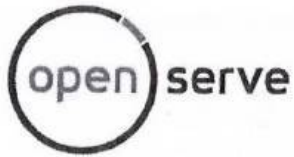
#### 4. NOTE

Wayleaves, Indemnity form (working permit) and all as-built drawings issued by Eskom to be kept on site at all times during construction period.

Yours faithfully

**LAND DEVELOPMENT (BRACKENFELL)**





Division of Telkom SA SOC Ltd

Wayleave Office Western Region  
Tel: 081 354 7398  
Email: WayleavesWR@telkom.co.za

Our Ref.: WWIP\_WONR4295\_21  
Your Ref.: Hemel & Aarde RDA

17 November 2021

Attention: H. van der Stoep/ Loriaan Isaacs  
Overstrand Municipality

PLANT AFFECTED – COPPER & OPTIC FIBRE

APPLICATION FOR OPENSERVE WAYLEAVE: COMMENTS WITH REGARD TO THE HEMEL AND AARDE VALLEY RURAL DEVELOPMENT AREA (RDA).

With reference to your application received 12 November 2021.

**As important cables and other infrastructure are affected, please contact our representative Melt van As on 081 363 7873/MeltVA@openserve.co.za prior to commencement of construction work.**

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

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

Approval is granted, subject to the following conditions.

As per sketch attached, Openserve infrastructure **WILL BE AFFECTED**, consequently the conditions below and on the attached legend will apply.

Telecommunication services position is shown as accurately as possible but should be regarded as approximate only.

18 NOV 2021

61 Oak Avenue, Highveld, Techno Park, Centurion 0157,  
Private Bag X881, Pretoria, Gauteng, 0001

Should alterations or relocation of existing infrastructure be required, such work will be done at the request and cost of the applicant.

Please notify this office within 21 working days from this letter of acceptance and if any alternative proposal is available or if a recoverable work should commence.

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

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

All Openserve rights remain reserved.

Yours faithfully



---

For Selwyn Bowers  
Operations Manager  
Wayleave Management: Western Region



This wayleave, Reference Number **WWIP WONR4295 21** is valid for 12 months from date here of and is subject to the following conditions:

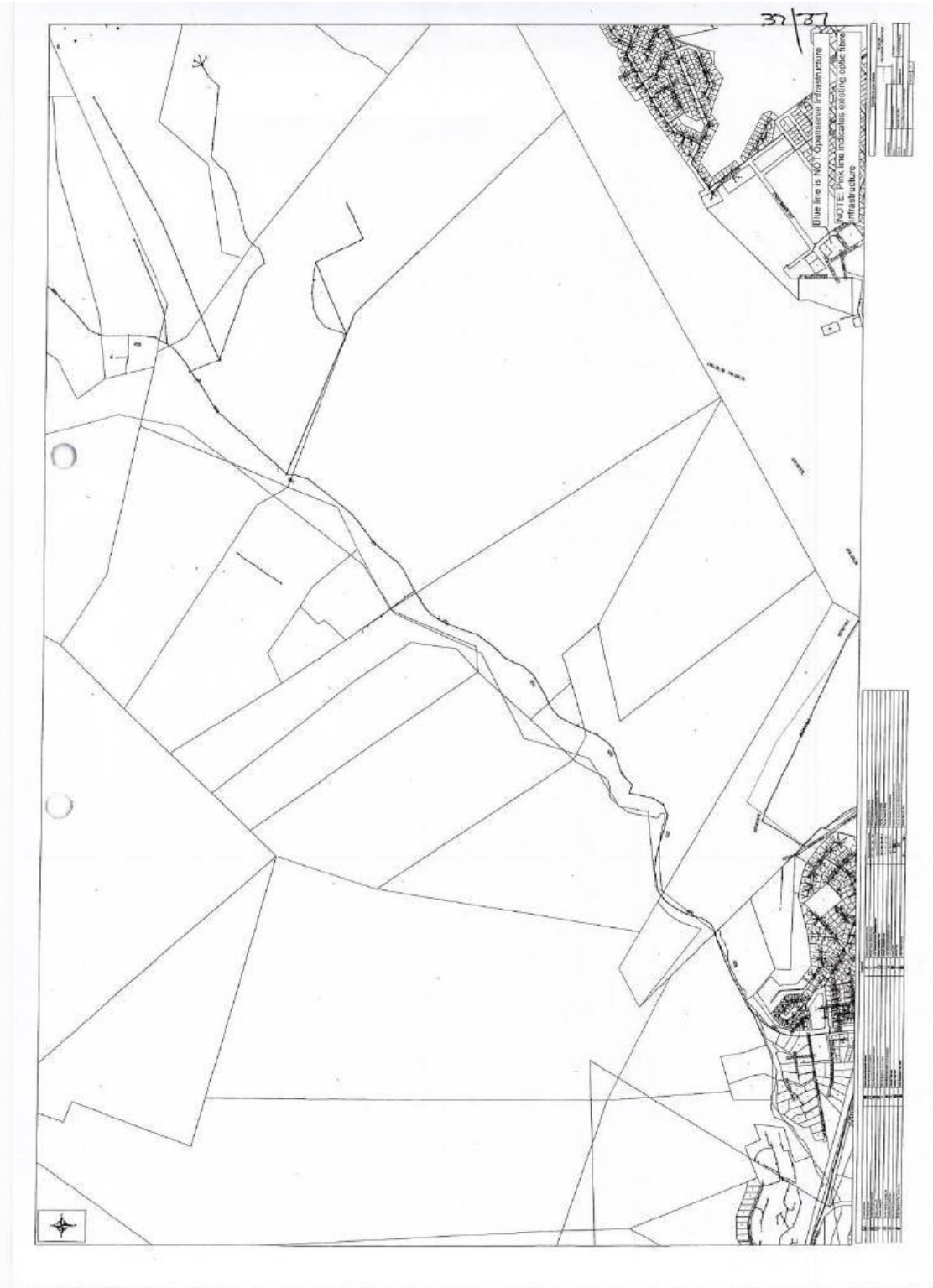
1. No mechanical plant or vibrator type compactors may be used within three metres of any Open Serve plant ( I.E. any Telecommunication equipment above or below ground level ).
2. The position of our plant affected by the proposal is indicated as approximate approximate and **Melt van As** at telephone number **081 363 7873** email address : **MeltVA@openserve.co.za** must be contacted at least 48 hours prior to commencement of the work, upon which the actual location of Open Serve Plant will be indicated on site.
3. A written request must be submitted to Open Serve for consideration should the applicant require our plant to be relocated. The cost of such relocation will be recoverable from the applicant.
4. It is the responsibility of the applicant to verify the existance of the indicated plant and to notify Open Serve immediately should the applicant locate any Open Serve plant which is not indicated on the plans.
5. Should the applicant expose any Open Serve plant, the safeguard thereof will be the applicant's full responsibility.
6. Failing to comply with the above conditions or any special conditions addendum hereto will be regarded as gross negligence and the applicant will be held responsible for the damage or loss as a result thereof.

Date: 17 November 2021

Wayleave Management  
Western Cape

| Legend                                |  |
|---------------------------------------|--|
| 1. Underground Pipe                   |  |
| 2. Underground Cable                  |  |
| 3. Manhole                            |  |
| 4. Street Distributio Cabinet ( SDC ) |  |
| 5. Jointing Pit / A/JB                |  |
| 6. Jointing Pillar ( PJ )             |  |
| 7. Pipe Junction Box ( B/S )          |  |
| 8. Robot Control                      |  |
| 9. Pole                               |  |
| 10. Stay                              |  |
| 11. Strut                             |  |
| 12. Aerial Cable ( A/C )              |  |

The pipeline indicated contains OPTIC FIBRE cables.  
**Melt van As** at telephone 021 852 1717/ 081 363 7873/  
**MeltVA@openserve.co.za** must be contacted at least 48 hours  
 before commencement of work.



## RESPONSE TO COMMENTS REPORT

### 1. Introduction & Background

Following the advertising and circulation process of the draft Hemel & Aarde RDA Guidelines, comments were received from the following stakeholders:

#### Public Comments

- Mr. Jan Cilliers
- Cullinan & Associates Attorneys (for Camphill School & Farm)
- Hemel & Aarde Wine Growers' Association
- Rebuild Trust (Mr. John Makepeace)

#### Departmental Comments

- Western Cape Department of Agriculture, Elsenburg
- Western Cape Department of Transport & Public Works
- Overstrand Engineering Department

### 2. Summary of Comments and Response thereto

The above-mentioned comments have been carefully assessed and summarised, in order to identify the most pertinent aspects / concerns, and to respond to these relevant aspects, either through clarification or by amending the draft Hemel & Aarde RDA Guidelines.

#### 2.1 Mr. Jan Cilliers

Table 1.1: Response to Comments

| REF. | COMMENT / ISSUE  | RESPONSE  |
|------|--|---|
| 1    | Administrative   |   |
|      | Clarification is sought with regard to the authors of the guidelines document. | The RDA Guidelines document is an Overstrand Municipality initiative, originating from the Municipal Spatial Development Framework (MSDF, 2020). Consultants were appointed by the Overstrand Municipality to undertake the required assessments and to prepare the draft RDA Guidelines. The municipal planning, environmental and engineering departments formed part of a committee that provided inputs to the drafting of the RDA Guidelines document. |



| 2 | Purpose of the RDA Guidelines  |   |
|---|--|---|
|   | <p>Mr. Cilliers request confirmation of the purpose of the RDA Guidelines, suggesting that there may have been irregularities as to the use of municipal owned land in the Hemel &amp; Aarde Valley in the past.</p> | <p>The previous utilisation of municipal land in the valley is not relevant to the drafting of the Hemel &amp; Aarde RDA Guidelines. As clearly stated in the Guidelines document, the objective of the RDA Guidelines is to: <i>To assist and provide clarity to all role players on the scale and type of development that is considered appropriate beyond the current built-up areas within the rural-urban transitional area, in terms of suitable locations, and the desirable form and scale of development.</i></p> |

## 2.2 Cullinan & Associates Attorneys (for Camphill School & Farm)

Table 1.2: Response to Comments

| REF. | COMMENT / ISSUE   | RESPONSE  |
|------|---|---|
| 1    | Acceptable Development  |   |
|      | <p>With reference to the different development scenarios (from an engineering feasibility perspective) presented in the draft RDA Guidelines, it should be clearly stated that the lowest density scenario should be the preferred/ appropriate scenario / development form for the RDA. This is informed by the sensitivity of the rural character of the Valley, not only by the feasibility to provide engineering services.</p> | <p>The RDA Guidelines document clearly states that the higher density development scenarios are not supported, due to the sensitivity and nature of the receiving rural environment. It should further be noted that, any development proposals in the Valley are subject to specialist impact assessments, policy alignment and several statutory processes, i.e. Act 70 of 1970, Environmental Authorisations, Planning By-Law decision, etc.</p> |
| 2    | Impact on Water Sources   |   |
|      | <p>The impact of medium-higher density development on underground water and potential increased pollution of the Onrus River is raised as a risk.</p>   | <p>The RDA Guidelines document presents guidelines to inform the form and scale of development in the Valley. Any development applications will have to illustrate appropriate solutions and mitigations for domestic water supply and sewer treatment. Any proposals will be scrutinised and evaluated to ensure sustainability.</p>   |



|          |  |   |
|----------|--|---|
| <b>3</b> | <b>Application Requirements</b>  |   |
|          | <p>It is stated that the RDA does not make it clear that only suitable tourism and rural residential development proposals may be approved and that what may be considered suitable depends on the area specific guidelines. The impression is created that any non-agricultural land uses may be approved.</p>        | <p>The statement relates specifically to the application requirements stated on page 57 of the draft RDA Guidelines document. It is however important to read page 57 with the rest of the RDA Guidelines document, which specifically identify tourism and rural residential uses as the type of uses envisaged, rather than 'any other uses'. Notwithstanding this, any proposals for development in the Valley will be subject to scrutiny in terms of a number of policies and statutory processes, thereby providing sufficient measures to avoid any undue land use proposals.</p>      |
| <b>4</b> | <b>Specialist Investigations</b>   |   |
|          | <p>Specialist studies should be written in a uniform manner, to allow authorities and stakeholders to compare apples with apples. In this regard, it is recommended that the municipality specify the methodology and standard that each specialist study must adhere to. This will assist to achieve consistency.</p> | <p>There are several types of specialist studies, many of which relate to the Environmental Authorisation process in terms of the National Environmental Management Act (NEMA). It is noted that the Department of Environmental Affairs &amp; Development Planning (DEA&amp;DP) has established certain protocols and template formats that are applied to impact assessment reports. It is not the intention of the Overstrand Municipality to dictate the form / standard of specialist studies, as many studies relate to legislation and policy with existing established standards.</p> |
|          | <p>It is requested that development applications include studies on the impact of such developments on the Camphill facilities.</p>  | <p>When developments are proposed directly abutting to the Camphill facilities, socio-economic studies could be undertaken to determine such impacts, which will be a requirement in terms of NEMA. It can however not be a general requirement for any development in the study area.</p>  |
| <b>5</b> | <b>Additional Local Area Guidelines</b>  |   |
|          | <p>It is requested that an additional local area guidelines should prescribe that no non-agricultural uses be permissible within 500m of the boundaries of the Camphill facility.</p>  | <p>The concern of Camphill is noted. Any development proposals will be carefully assessed to determine potential impacts and mitigations, with the objective of preserving the sustainability of the Valley in the long term. The</p>   |



|   |   |   |
|---|---|---|
|   |   | Camphill facility is acknowledged in all documentation, which will therefore be an informant to development proposals in the vicinity, and will form part of impact assessment processes, should development proposals be made. However, the proposed additional 500m buffer area cannot be incorporated into the RDA Guidelines.   |
| 6 | <b>Loss of Agricultural Land</b>  |   |
|   | The permanent loss of agricultural land due to development will have a long-term impact on food security. | The RDA Guidelines clearly states the importance of preserving valuable agricultural land. It is not the intention of the RDA Guidelines to promote urban development of all existing agricultural land. In fact, the objective is that the RDA Guidelines should promote a balanced approach, allowing some form of appropriate development in a managed way, rather than sacrificing all agricultural land with the impacts as mentioned by the objector. |

### 2.3 Hemel & Aarde Winegrowers' Association

Table 1.3: Response to Comments

| REF. | COMMENT / ISSUE   | RESPONSE  |
|------|---|---|
| 1    | <b>Support</b>  |   |
|      | The Hemel & Aarde Winegrowers' Association supports the RDA Guidelines. It is acknowledged that uncontrolled development in the Valley would be detrimental to the character of the Valley, while the proposed management of development as per the RDA Guidelines will contribute to the offering of the Valley. | The positive comment is noted. The intention and objectives of the RDA Guidelines fully epitomises what is stated by the stakeholder, namely, to guide development to contribute to the Valley offering in an appropriately managed manner. |



## 2.4 Redbuild Trust (Mr. John Makepeace)

Table 1.4: Response to Comments

| REF. | COMMENT / ISSUE  | RESPONSE   |
|------|--|--|
| 1    | Study Area   |  |
|      | The study area boundaries are questioned.  | The study area was determined on the topography of the land, with the upper mountain ridges forming the edge of the study area. This was an expansion of the originally intended RDA study area identified in the MSDP (2020).   |
| 2    | Farm 2/578   |  |
|      | The objector is of the view that the draft RDA Guidelines exclude development potential of portions of this farm, due to its locality above the 140m contour line. It is the view of the objector that portions of the land could be developed without compromising the objectives of the RDA. | The study area was determined on the topography of the land, with the upper mountain ridges forming the edge of the study area. The 140m contour relates to height of existing development in the area, while already being more progressive than the 120m contour prescribed in the HPOZ. |
| 3    | Farm 338/581   |  |
|      | The objector is of the view that this property should be within the Hemel & Aarde RDA study area.  | The study area boundaries were determined based on the Valley boundaries, starting at beyond the gateway in the topography leading into the Valley. The property is not located within the Hemel & Aarde Valley area, hence its exclusion from the study area.                             |
| 4    | Consultation with Department of Agriculture  |  |
|      | The objector questions whether the Department of Agriculture was consulted on the RDA Guidelines.  | The Western Cape Department of Agriculture was consulted. A meeting was convened with the representative official, while written comment was also received.  |



## 2.5 Western Cape Department of Agriculture (Eisenburg)

Table 1.5: Response to Comments

| REF. | COMMENT / ISSUE  | RESPONSE   |
|------|--|--|
| 1    | <b>Impact on Agricultural Land</b>   |  |
|      | The department does not support the subdivision of farms for residential purposes or alienation of individual units, as it is considered intrusive use that creates competing rights on agricultural land.         | <p>The RDA Guidelines propose to accommodate subdivisions of rural residential properties, which should be set within the landscape and not identified/ delineated by fences. The narrative being that the RDA is not a typical agricultural environment, but has been proclaimed in the approved Overstrand MSDF (2020) as a transition area for rural-urban development purposes.</p> <p>The provision of rural residential properties within the rural environment should not be considered intrusive, as it will be guided by the series of guidelines and assessments proposed in the RDA Guidelines, i.e. visual sensitivity, biodiversity conservation, etc. Various precedent cases exist in the Western Cape and other provinces of how rural residential development can be appropriately managed within an agricultural environment. On this basis, the department's concern should not be considered a fatal flaw, but rather a caution to ensure appropriate management mechanisms within a rural agricultural context.</p> |
|      | The department is of the view that residential subdivisions and nodal development in rural areas are in conflict with the recommendations of the Western Cape Land Use Planning Guidelines for Rural Areas (2019). | The comment ignores the fact that the Hemel & Aarde RDA is a demarcated local transition area that has been approved as part of the Overstrand MSDF. On this basis, the local guidelines provide more detailed policy guidelines compared to the overarching high-level provincial guidelines. The overall objectives are not in conflict, while the local area specific guidelines incorporate detailed site assessments and localised micro-conditions, that did not inform provincial guidelines.   |



**2.6 Western Cape Department of Transport & Public Works****Table 1.6: Response to Comments**

| REF. | COMMENT / ISSUE   | RESPONSE  |
|------|---|---|
| 1    | Transport & Traffic   |   |
|      | The department request that the RDA incorporates transport and traffic considerations as key informants to development proposals.                                   | The draft RDA Guidelines document has been updated to incorporate this aspect (refer Section 6.2).  |
|      | It is requested that Transport Impact Assessments (TIA) be added as important specialist studies informing development applications.                                | The draft RDA Guidelines document has been updated to incorporate this aspect (refer Section 6.2.viii).   |
|      | More development in the area will increase demand for public transport services. It is proposed that public transport embayments be considered along the R320 road. | Noted. Detailed proposals will be incorporated when TIA's are undertaken for respective development applications. It is has now been listed in the RDA as a requirements. |

**2.7 Overstrand Engineering Services****Table 1.7: Response to Comments**

| REF. | COMMENT / ISSUE   | RESPONSE                    |
|------|---|-----------------------------|
| 1    | Services & Access   |                             |
|      | The R320 is Main Road 269, being a provincial road. No road signage or access may be approved without provincial approvals. | Noted. Amended accordingly. |
|      | Application requirements (Section 6.2) should include TIA as a required study for applications.                             | Noted. Amended accordingly. |



### 3. Conclusion

Following the above-mentioned assessment of the comments received, it can be concluded that the draft Hemel & Aarde RDA Guidelines respond positively to the concerns raised by the respective stakeholders. The objectives of the RDA Guidelines being to guide decision makers and landowners on appropriate proposals within the Valley. The proposals to accommodate rural residential subdivisions in the study area should be considered within the context of the approved RDA, being a transitional area between rural and urban environs, rather than being a typical agricultural environment. The RDA Guidelines present the opportunity to manage and guide development in a controlled manner, taking careful cognisance of the sensitivities and rural cultural character of the area, rather than allowing ad-hoc haphazard development to continue in the Valley due to significant development pressures arising from continued semi-gration to the Overstrand area. Managing rural residential development within the rural agricultural context should be carefully considered, taking into consideration several precedents in the Western Cape and other provinces. Such a planned approach will create opportunity for investment and growth, rather than taking the approach of allowing no such development, which would be a missed opportunity to promote the tourism potential and investment into the Valley and the broader Overstrand.

