

**PORTION 104 (A PORTION OF PORTION 102) OF THE FARM HEMEL EN AARDE NO 587, DIVISION CALEDON:
APPLICATION FOR CONSENT USE: PLAN ACTIVE ON BEHALF OF HASPELAGH VINEYARDS (PTY) LTD**

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) that an application has been received for consent use in terms of Section 16(2)(o), for:

- tourist accommodation to accommodate four (4) eco cabins; and
- consent from the District Roads Engineer concerning the restrictive title deed conditions imposed in terms of the Ribbon Development Act, Act 21 of 1940.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, Paterson Street, Hermanus. Any written comments may be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law to the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / loretta@overstrand.gov.za) on or before **15 December 2022**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **Mr. H Olivier** at 028-313 8900. The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them in order to formalize their comment.

GEDEELTE 104 ('N GEDEELTE VAN GEDEELTE 102) VAN DIE PLAAS HEMEL EN AARDE NR 587, AFDELING CALEDON: AANSOEK OM VERGUNNINGSGEBRUIK: PLAN ACTIVE NAMENS HASPELAGH VINEYARDS (PTY) LTD

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) dat 'n aansoek ontvang is om vergunningsgebruik ingevolge Artikel 16(2)(o), vir:

- toeriste-akkommodasie om vier (4) eko-hutte te akkommodeer, en
- toestemming van die Distrikspadingenieur met betrekking tot die beperkende titelaktevoorwaardes wat opgelê is ingevolge die Lintontwikkelingswet, Wet 21 van 1940.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. Enige kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening na die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / loretta@overstrand.gov.za) voor of op **15 Desember 2022**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan **Mnr. H Olivier** by 028-313 8900. Die Munisipaliteit mag weier om die kommentaar te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

**INXALENYE 104 (INXALENYE YENXALENYE 102) YEFAMA IFARM HEMEL EN AARDE NO 587, DIVISION CALEDON:
ISICELO SOKUVUMELA UKUSEBENZISA: NGABAKWAPLAN ACTIVE EGAMENI LEHASPELAGH VINEYARDS (PTY) LTD**

Kukhutshwe isaziso esimayela nemiba yeSoloty lama48 nguMasipala waseOverstrand ngoMthethwana OngokuHlomela Izicwangciso Ngokusetyenziswa koMhlaba kaMasipala ku2020 (UMthethwana) saziso eso sithi kufunyenwe isicelo esingokuvumela ukusebenzisa ngokwemiba yeSoloty le16(2)(o), for:

- iindawo ezilungiselelwe iindawo zokuhlala ezine (4) iikhebhini ezisebenzisana nendalo ;
- nezivumelwano ezisuka kwiNjineli Yezendlela esithilini ngokuphathelene neemeko eziyimiqobo ezinyanzeliswayo ngokwemiba loMthetho woPhuhliso iRibbon, enguMthetho 21 ka1940.

Linkcukacha ezipheleleyo mayela nesi siphakamiso ziyafumaneka kwiintsuku zaphakathi evekini Phakathi kwentsimbi ye8:00 neye6:30 kwiSebe: IziCwangciso zeDolophu, Paterson Street, Hermanus. Naziphi na izimvo mazingeniswe ngokwezibonelelo zeSoloty lama51 nelama52 loMthethwana kaMasipala ochazwe ngeNtla (16 Paterson Street, Hermanus / (f) 0283132093 / loretta@overstrand.gov.za) ngomhla okanye ngaphambi komhla wama**15 uDisemba 2022**, uchaze igama lakho, idilesi neenkukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zokuhlomla kwakho. Imibuzo ngefowuni ingathunyelwa ku**Mnu. H Olivier** kwa028-313 8900. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvula. Nabani na ongakwazi ukufunda okanye ukubhala angandwendwela ISebe Lezicwangciso zeDolophu apho igosa likaMasipala liza kumnceda ukuhlomla ngokufaka izimvo zakhe ngokusemthethweni.

PROPOSED CONSENT USE
**PORTION 104 OF THE FARM HEMEL
& AARDE NO. 587**
DIVISION CALEDON
OVERSTRAND MUNICIPALITY

MOTIVATION REPORT

1. BACKGROUND

The company Plan Active has been appointed by Mr F. Herten, on behalf of Haspeslagh Vineyards Pty Ltd, owner of Portion 104 of the farm Hemel & Aarde no. 587, to submit an application for the consent use for tourist accommodation on the subject property.

The subject property forms part of the Hasher Family Farm Estate. The owner intends to diversify the land use on Portion 104 of the farm Hemel & Aarde no. 587 in order to offer tourists an unique experience on the subject property. The development will be eco-friendly, and all attempts were made during the planning design phase to keep the development footprint to a minimum.

This application proposes a consent use for tourist accommodation units to accommodate four (4) eco cabins as well as a manager's dwelling and new vineyards (primary uses) on the subject property.

2. APPLICATION DETAILS

Application is made in terms of:

- Chapter 4, Section 16(2)(o) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, for the consent use for tourist accommodation to accommodate four (4) eco cabins on Portion 104 of the farm Hemel & Aarde no. 587;
- The consent from the District Roads Engineer concerning the restrictive title deed conditions imposed in terms of the Ribbon Development Act, Act 21 of 1940.

3. GENERAL APPLICATION INFORMATION

3.1 PROPERTY DESCRIPTION

The subject property is 38,2481ha in extent and held by title deed no. T43250/2021.

Haspesslagh Vineyards Pty Ltd owns Remainder Portion 102 of the farm Hemel & Aarde no. 587, Portion 103 of the farm Hemel & Aarde no. 587 and Portion 104 of the farm Hemel & Aarde no. 587 (the application property). The subject properties are adjacent to one another and are known as the Hasher Family Estate. The Hasher Family Estate is located in the Upper Hemel-en-Aarde Valley, Hermanus.

Portion 104 of the farm Hemel & Aarde no. 587 is situated ±14,4km north of Hermanus (travelling on the R320 / Hemel & Aarde Road from Hermanus to Caledon). The subject property is located north of the R320 / Hemel & Aarde Road and takes access from the Karwyderskraal Road that links to the R320. Refer to the locality plan attached. The subject property is situated in an agricultural and tourism environment.

3.2 ZONING

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

3.3 LAND USE

Portion 104 of the farm Hemel & Aarde no. 587 is used for agricultural purposes. There are 4ha of established vineyards on the subject property. There are no existing structures on Portion 104 of the farm Hemel & Aarde no. 587.

The following existing land uses are on the subject property:

<i>Land use</i>	<i>Irrigated (ha)</i>	<i>Dry land (ha)</i>	<i>Total Extent in hectares</i>
Vineyard	4		4
Mountainous land, veld / Fynbos, access roads, etc.			34,2481
TOTAL			38,2481

Land uses that surround Portion 104 of the farm Hemel & Aarde no. 587 are agricultural activities and tourism related land uses.

3.4 PROPOSED DEVELOPMENT

The following are proposed:

- The **consent use** of Portion 104 of the farm Hemel & Aarde no. 587 in terms of Chapter 4, Section 16(2)(o) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, for **tourist accommodation** to accommodate four (4) eco cabins on the subject property;
- The consent from the District Roads Engineer concerning the restrictive title deed conditions imposed in terms of the Ribbon Development Act, Act 21 of 1940.

3.4.1 Background

The Hasher Family Estate spans 180ha that includes Remainder Portion 102 of the farm Hemel & Aarde no. 587, Portion 103 of the farm Hemel & Aarde no. 587 and Portion 104 of the farm Hemel & Aarde no. 587 (the application property). The Hasher Family Estate houses vineyards, their production facility and some of Hemel-and-Aarde Valley's most diverse Fauna and Flora.

The owner intends to diversify the land use on Portion 104 of the farm Hemel & Aarde no. 587

to offer tourists an unique accommodation experience. The development proposal consists of the establishment of vineyards, four (4) tourism accommodation units, a manager's house, and associated access roads on Portion 104 of farm nr. 587. Two alternative layouts were assessed for the accommodation units, with the alternative consisting of a more clustered layout. The layouts for the two proposed alternatives can be observed in figures 1 and 2 of the Terrestrial Biodiversity Assessment undertaken by Nature Works for the subject property.

The development proposal will entail the clearance of indigenous vegetation for cultivation purposes and the development of tourist accommodation units and a manager's dwelling unit on Portion 104 of the Farm No. 587, Hemel and Aarde Valley, Hermanus. The development proposal comprises the following:

- The clearance of approximately 16,35ha of indigenous vegetation for the development of new vineyards;
- The development of four (4) overnight tourist accommodation units of approximately 100-120m² each (sleeping 12 guests);
- The development of one (1) manager's dwelling unit of approximately 250m²; and
- An access road at 0,34km off Karwyderskraal Road (Minor Road 4010).

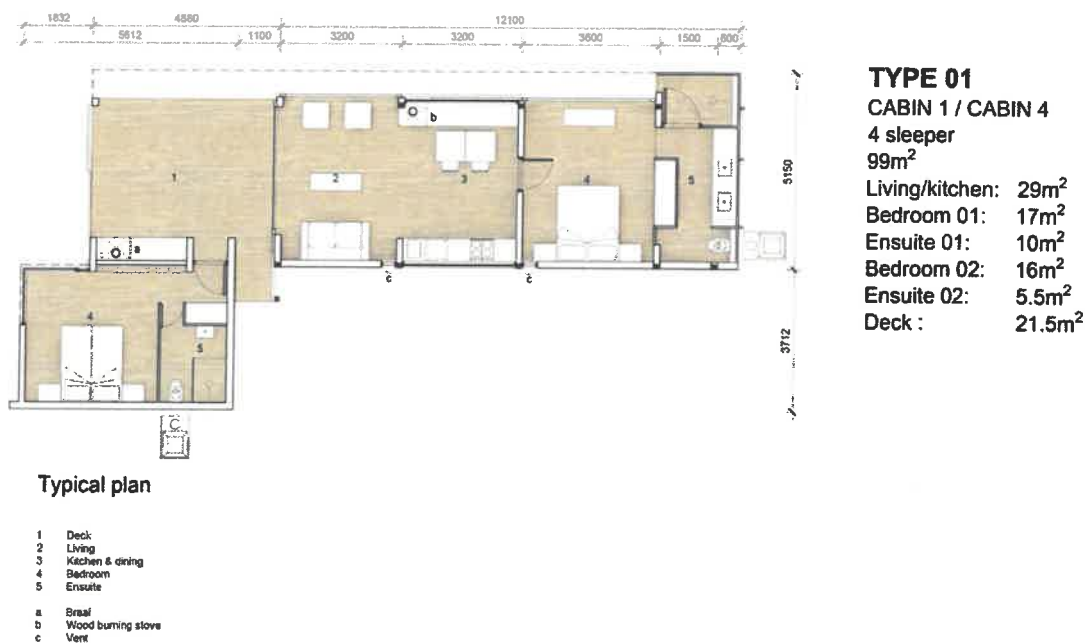
The proposed establishment of vineyards, four (4) tourism accommodation units, a manager's house and associated access roads on the subject property triggered listed activities in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) ("NEMA"). The development proposal included with this application was therefore informed by the Environmental Impact Assessment (EIA) and Terrestrial Biodiversity Impact Assessment report undertaken for the subject property. The placement of the eco cabins on the subject property was to ensure privacy and tranquillity of guests staying over, while still meeting the requirements of a clustered development in close proximity to existing access roads.

3.4.2 Tourist accommodation units (eco-cabins)

An application is submitted for consent use to accommodate four tourist accommodation units (eco-cabins) on Portion 104 of the farm Hemel & Aarde no. 587. The four eco cabins will provide tourist accommodation options on the farm as an ancillary use to the Hasher Family Estate farm. The four units will take the form of eco cabins. The owner intends to place four (4) eco cabins and a manager's dwelling on the subject property in close proximity to each other.

The proposed eco cabins and manager's house on Portion 104 of the farm Hemel & Aarde no. 587 will mainly be constructed out of sustainably sourced timber and glass. The cabins are low slung in order to blend in with the natural environment and to allow the focus to be on the extraordinary surroundings. The architectural expression is understated and contemporary. From the east the buildings appear more solid to allow for privacy and act as a backdrop for the natural vegetation. The cabins open up towards the west views. The raised cabins allow ground water, the local fauna and flora uninterrupted routes under the cabins and allow the visitor uninterrupted views over the landscape and dam. The latter also ensures a minimal development footprint impact on the biophysical environment.

The four eco cabins will be self-catering units overlooking the farm and the stunning Hemel & Aarde Valley. Two of the cabins (cabins no. 1 and 4) will accommodate a maximum of four guests each and will be ±99m² in extent each (building footprint of 77,5m² and deck of 21,5m²). The other two cabins (cabins no. 2 and 3) will accommodate a maximum of two guests and will be 71m² in extent each (building footprint of 54m² and deck of 17m²). The total number of guests for all four the cabins amount to twelve (12). Although the environmental application and subsequent Environmental Authorization (EA) dated 24 June 2022 approved cabin footprints of 120m² each with four guests per unit (i.e. a total of 16 guests), the latest site development plan makes provision for a total of twelve guests in the four proposed eco cabins. Refer to the images below indicating what the two design types for the eco cabin units:



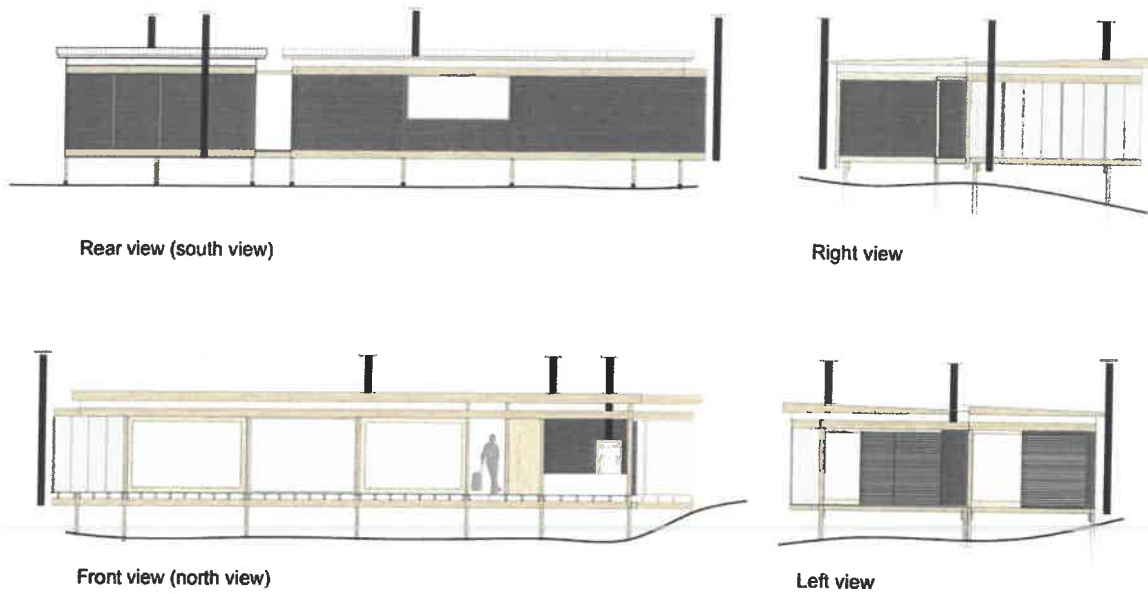
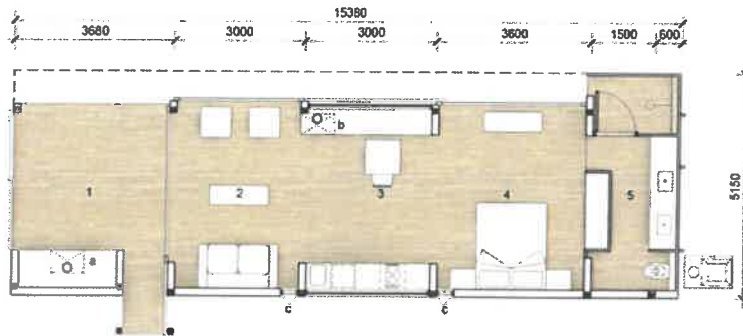


Image 1: Design type 1 for cabins no. 1 and 4



Typical plan

- 1 Deck
- 2 Living
- 3 Kitchen & dining
- 4 Bedroom
- 5 Ensuite
- a Braai
- b Wood burning stove
- c Vent

TYPE 02
CABIN 2 / CABIN 3
 2 sleeper
 71m²
 Living/kitchen: 27m²
 Bedroom 01: 17m²
 Ensuite 01: 10m²
 Deck : 17m²

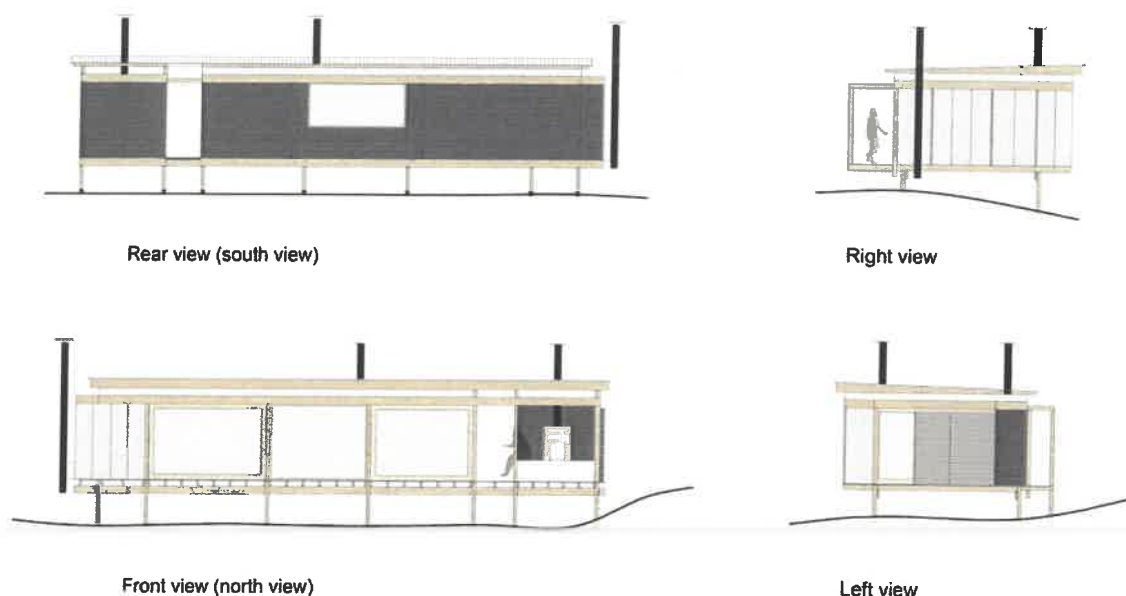


Image 2: Design type 2 for cabins no. 2 & 3

The proposed number and type of holiday accommodation units can be accommodated under the definition of tourist accommodation under the existing Agriculture Zone I zoning:

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

The tourist accommodation units on the farm will be as follow:

• Cabin 1	±99m ²	4 guests
• Cabin 2	±71m ²	2 guests
• Cabin 3	±71m ²	2 guests
• <u>Cabin 4</u>	±99m ²	4 guests
TOTAL	±340m²	12 guests

The site development plan included with this proposal was the preferred option in terms of the EIA conducted for the development proposal, as the tourist accommodation units are clustered together, therefore making access and the extension of services easier, which reduces the risk of sprawl of activities into the natural areas.

A 32m setback line from the edge of the De Bos Dam was determined, and the tourist accommodation units will be positioned outside of the 32m setback line as indicated on the site development plan. All land use restrictions pertaining to Agriculture Zone 1 and tourist accommodation units will be complied with for Portion 104 of the farm Hemel & Aarde no. 587.

The target market for the tourist accommodation units is nature lovers wanting to experience this beautiful area of the Hemel & Aarde Valley. The Hemel & Aarde Valley boasts abundant eco-tourism activities such as fauna and flora, hiking trails and mountain biking trails. It will therefore be solely an eco-tourism venture to diversify the farm's source of income.

The proposed eco cabins will take access from new timber walkways that connect to a parking area that is considered an extension of the existing gravel vehicular road. One parking bay is required per tourist accommodation unit. One parking bay is therefore proposed for each eco cabin. The parking bays will be positioned next to the existing gravel farm road to keep the impact to a minimum. One parking area will be created to serve the four eco cabins as well as the manager's dwelling. Refer to the site development plan attached. Provision is therefore made for ample parking space for guests visiting the eco cabins.

The Terrestrial Biodiversity Impact Assessment undertaken by Nature Works considered the vegetation types, biodiversity areas and botanical sensitivity of the subject portion. The study then considered the impact of the two alternative development proposals. It was concluded that both the assessed alternatives will result in the permanent loss of degraded to highly degraded endangered Elim Ferricrete Fynbos.

According to the Western Cape Bioregional Spatial Plan, the proposed eco-cabins for alternative 1 and 2 fall within CBA2. This Critical Biodiversity Area (CBA) has been identified as an area in natural condition that is required to meet biodiversity targets, for species, ecosystems or ecological processes and infrastructure. The conservation objective of the CBA is to maintain the site in a natural or near-natural state, with no further loss of natural habitat. Degraded areas should be rehabilitated and only low-impact, biodiversity sensitive land uses are appropriate.

Portion 104 of the farm Hemel & Aarde no. 587 historically contained Elim Ferricrete Fynbos. This area has however been ploughed in the past and habitat condition is degraded to highly degraded, some native pioneer species were observed. The impact for both alternatives has been assessed to be of **Low (-)** significance. The implementation of the proposed mitigation measures will not reduce the impact significance for the two alternatives it will however have

a positive impact on the surrounding areas, especially for the habitats that are heavily impacted by interested and affected parties (IAPs) along the Die Bos dam.

3.4.3 General information pertaining to the tourist accommodation units

The property is zoned Agricultural Zone 1 and the expansion of the cultivation area is therefore permitted in terms of the land use rights of the property. A manager's dwelling is also permitted in terms of the existing land use rights of the subject property. This application is therefore for consent use for the establishment of overnight tourist accommodation only.

The total floor space of all the structures on the subject property will not exceed the allowable 5 000m² floor area for AGR1 zoned properties. In addition, the proposed tourist accommodation units will not encroach the 30m farm building lines.

The Overstrand Municipality has indicated in their comment on the EIA application that the proposed development is in line with the Overstrand Additional Dwellings Guidelines (2009). This guideline makes provision for rural owners in the agricultural environment to generate additional income from their land units other than standard farming practices. The position of the tourist accommodation units is shown on the site development plan attached.

The proposed tourist accommodation units will be clustered within a specific area on the farm. The natural features, current and future farming activities and views on the farm determined the position of the proposed eco cabins.

The proposed change in land use will not have a negative impact on any natural vegetation on the subject property. The footprints of the proposed structures were carefully chosen to ensure that the impact on the natural environment is kept to a minimum. The proposed structures will also not be situated on high potential agricultural land and therefore the units will have no impact on the viable agricultural land and the existing and future agricultural activities on the farm.

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

The new tourist accommodation units will create new employment opportunities in the area.

There are no labourers living permanently on the farm. New staff members will be employed from the Hermanus / Caledon area, as and when required. Only the new farm manager will reside permanently on the farm (in the proposed manager's dwelling). It is therefore evident that the farm will contribute towards job creation in the Overstrand region.

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

For details pertaining to the services on the subject property refer to Section 3.7.1 of this report. Section 3.11 motivates the application further in terms of the applicable local and regional spatial planning policies.

Title deed no. T43250/2021 has title deed conditions that prohibit the proposed consent use. The consent use can however be allowed with the approval of the District Roads Engineer since these conditions (conditions 3. I.C. and 3. II.C. on pages 13-15) were imposed in terms of the Ribbon Development Act, Act 21 of 1940. Application is therefore made for consent from the District Roads Engineer concerning the restrictive title deed conditions. Refer to Section 3.8 of this report for the detail in this regard.

The proposed consent use does not have a negative impact on the surrounding farms as the subject property's zoning will remain unchanged. The owner simply intends to apply for the secondary right on the subject property to allow them to diversify the existing land uses with ancillary land uses. The reasons for the diversified land uses are to provide eco-friendly yet luxurious tourist accommodation options on the farm while simultaneously diversifying the source of income of the farm.

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

The proposed consent use of Portion 104 of the farm Hemel & Aarde no. 587 is not in contrast to the existing land use tendencies in the surrounding environment and we therefore do not foresee any problems with the proposed application.

3.5 CHARACTER OF THE ENVIRONMENT

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

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

Visually the proposed tourist accommodation units will blend in well with the natural and built environment.

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

Due to the size and location of the property the proposed tourist accommodation units can be accommodated on the subject property. In addition, the subject property forms part of the larger Hasher Family Estate – a working wine farm.

The owner still envisages to develop the subject property (and in turn the Hasher Family Estate as a whole) to its full potential in terms of the agricultural land / activities (hence the EIA application for the cultivation of another 16,4ha vineyards). It is however of utmost importance to diversify the land use to diversify the income of the farm and to ensure the long-term viability thereof. The natural beauty, surrounding agricultural activities and location in the Hemel & Aarde Valley are indicative of the potential the property has to create a unique tourist experience on the subject property, without compromising the agricultural land use. The owner therefore took the aforementioned into consideration and decided to contribute towards the tourist accommodation options in the Hemel & Aarde (and Greater Hermanus) area.

3.7 ECONOMIC IMPACT

The proposed consent use will have a positive impact on the economy of the area. By allowing the consent use of the subject property, it diversifies the land uses on the subject property and affords the owner the opportunity to generate additional income that would be re-invested in the conservation and cultivation of the land.

The existing and future farming activities as well as the proposed tourist accommodation units create and will continue to create permanent employment opportunities. It is a well-known fact that tourism plays an important role in the Western Cape's economy and in the Overstrand area in particular. It is anticipated that the employees will mostly (or all) come from the neighbouring Caledon and Hermanus areas. Further employment would be generated for goods sourced and services obtained from the surrounding farming community.

In addition, temporary employment opportunities will be created in the construction phase of the proposed development. It is therefore evident that the farm contributes and will continue to contribute towards job creation in the Overstrand region. Local businesses will benefit from construction material purchases. The diversified land uses will add value to the subject property once the development is complete and fully operational. This will imply higher rates and taxes payable to both the municipality and SARS. In addition, the proposed tourist accommodation units will also have positive spin-offs to the local service providers and businesses in the area.

It is therefore evident that the farm portion will contribute towards job creation in the Overstrand region.

3.8 SOCIAL IMPACT

It is the intent of the property owner to protect the sense of place of the area while generating additional income to manage the land sustainably and develop the farm to its fullest agricultural potential.

The consent use will attract more tourists to the area. The impact on the social wellbeing and social coherence of the adjacent property owners will be minimal given that the land use will be in line with the character and spatial planning policies for the area. Tourist accommodation in general is not associated with higher levels of traffic or crime in an area.

The proposed tourist accommodation units will have no impact on the general health and wellbeing of residents on surrounding farms.

3.9 IMPACT ON EXTERNAL ENGINEERING SERVICES

3.9.1 PROVISION OF SERVICES

Water, electricity and sewage

The tourist accommodation units will be solar powered (roof mounted solar panels). Water will be sourced from the onsite borehole, as per existing allocations. Sewage will be piped to on-site closed conservancy tanks (serviced by the municipality).

The Overstrand municipality has confirmed in correspondence (dated 14 January 2022) that sufficient capacity exists to provide the proposed development with sewage treatment and solid waste disposal services.

The provision, operation and maintenance of the services will be the responsibility of the farm owner.

Water availability

Portion 104 of the farm Hemel & Aarde no. 587 has lawful water use. The extent of the lawful water use of the subject property is confirmed by Breede-Gouritz Catchment Management Agency's (BGCMA's) letter dated 18 February 2019.

There are approved water rights for the subject property which are currently undergoing an amendment process with the water authority to accommodate the name change of the ownership of the property.

A copy of the water registration certificate is also attached to the application.

Fire Protection

Fire extinguishers will be provided in accordance with the SANS 10400 T and W regulations for firefighting purposes.

Solid Waste

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

3.9.2 TRAFFIC IMPACT, PARKING AND ACCESS

Since we are not applying for a subdivision of Portion 104 of the farm Hemel & Aarde no. 587, no additional access points or access roads will be created and the existing access points and roads will remain. Access to the subject property is obtained from the access road at 0,34km off Karwyderskraal Road (Minor Road 4010). The Karwyderskraal Road connects to the Hemel & Aarde Road (the R320 travelling from Hermanus to Caledon). The existing access point to the farm will be used to provide access to the proposed tourist accommodation units (eco cabins). The existing access and gravel roads on the farm and the existing access point from Karwyderskraal Road are indicated on the site development plan.

The manager's dwelling requires a minimum of two parking bays. One parking bay per tourist accommodation unit must be provided for on site. A total of six (6) parking bays are therefore required for the development proposal. Provision is made for a single parking area with seven (7) parking bays next to the existing gravel road on the subject property. The parking area will be in close proximity to the proposed manager's dwelling and walking distance from the proposed eco cabins. The proposed eco cabins will take access from new timber walkways that connect to the parking area that is considered an extension of the existing gravel vehicular road.

A mere additional six vehicles will travel to the subject property and will therefore have a low impact on the traffic of the area. In addition, vehicular trips will be generated throughout the day.

3.10 TITLE DEED

Title deed no. T43250/2021 has title deed conditions that prohibit the proposed consent use. The consent use can however be allowed with the approval of the District Roads Engineer since these conditions (conditions 3. I.C. and 3. II.C. on pages 13-15) were imposed in terms of the Ribbon Development Act, Act 21 of 1940. Application is therefore made for consent from the District Roads Engineer concerning the restrictive title deed conditions.

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

Title deed no. T43250/2021, pages 13-15, paragraphs 3. I.C and 3. II.C:

- I. As regards the figure PbQLMN and JfgFGH as shown on the attached Diagram SG no 2738/2018 -
*"C. SUBJECT FURTHER to the following special condition contained in Deed of Transfer Number 9040/1982 imposed by the Divisional Council of Caledon, as the controlling authority in terms of Section 11(6) of Act 21 of 1940 as amended, namely:
 "n Maksimum van alleenlik twee wonings met die nodige bona fide boerdery geboue mag op elke onderverdeling opgerig word."*

- II. AS REGARDS the figure QAaeBCDEgFJKcL as shown on the attached Diagram SG number 2738/2018 –
*"C. SUBJECT FURTHER to the following special condition contained in Deed of Transfer Number 9040/1982 imposed by the Divisional Council of Caledon, as the controlling authority in terms of Section 11(6) of Act 21 of 1940 as amended, namely:
 "n Maksimum van alleenlik twee wonings met die nodige bona fide boerdery geboue mag op elke onderverdeling opgerig word."*

As mentioned, the abovementioned conditions were however imposed by the District Roads Engineer in terms of the Ribbon Development Act, Act 21 of 1940, and other structures and land uses can therefore be accommodated with the consent of the District Roads Engineer. We herewith request the consent from the District Roads Engineer to accommodate the proposed manager's dwelling and tourist accommodation units on the subject property. The consent of the District Roads Engineer will allow the owner to add new structures on the subject property to allow for the diversification of the land uses on the subject property.

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

There is no bond registered against the subject property. The conveyancing certificate was requested and will follow.

3.11 FORWARD PLANNING & OTHER LAND USE DOCUMENTS

3.11.1 PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK (2014)

DEVELOPMENT OUTSIDE THE URBAN EDGE

The PSDF (2014) stipulates that compatible and sustainable rural activities of an appropriate scale and form can be accommodated outside the urban edge (except in bona fide wilderness areas). The following criteria apply in assessing consistency with this policy:

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

The proposed tourist accommodation units comply with the criteria specified by the PSDF (2014):

- Existing roads will be used to accommodate the proposed tourist accommodation units (keeping the impact on the environment to a minimum).
- There is no impact on the agricultural productive landscape since areas available for the establishment of future agricultural activities on the subject property will not be affected. An Environmental Authorization was issued for the proposed tourist accommodation units and future vineyard planting.
- The proposed development does not compromise any possible future use of mineral resources.
- The provision, operation and maintenance of the services will be the responsibility of the farm owner. Additional services as described in Section 3.7.1 can be provided on site without having a negative impact on the environment.

- The tourist accommodation units are a small-scale development to keep the impact on the rural landscape to a minimum.

From the above it is evident that the proposed development is consistent with the PSDF's (2014) criteria to reach the Provincial objectives to strengthen and diversify the rural economy.

3.11.2 WESTERN CAPE RURAL LAND USE PLANNING & DEVELOPMENT GUIDELINES (2019)

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

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

- The tourist accommodation units will not compromise the existing or future farming production activities;
- A specialist terrestrial assessment was conducted and informed the EIA. An environmental authorization was issued for the development proposal and the placement of the proposed manager's dwelling and tourist accommodation units was done accordingly.
- Adequate provision is made for access (existing) and parking (one proposed parking area will keep the impact to a minimum);
- The proposed structures are compatible with the overall built vernacular of the area.

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

3.11.3 OVERBERG DISTRICT SPATIAL DEVELOPMENT FRAMEWORK (2017)

The objective of the ODSDF (2017) is to optimise the rich and balanced mix of the Overberg's agriculture, tourism, heritage, conservation resources and eco system services within their scenic setting. With this application conserving the natural environment and maintaining the

agricultural landscape are still promoted, and careful consideration is given to appropriate development rights. In addition, the tourist appeal and rural land use for Portion 104 of the farm Hemel & Aarde no. 587 are promoted and consistent with the Western Cape Rural Land Use Planning and Development Guidelines (2019).

3.11.4 OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK (2020)

The *Overstrand Spatial Development Framework (2020)* stipulates that Portion 104 of the farm Hemel & Aarde no. 587 is situated outside the urban edge of the Overstrand region. The policy earmarks the subject property as mainly for “other natural areas”. Refer to the SDF Plan (2020) for the Overstrand region below:



Map 3: Overstrand SDF (2020)

The Overstrand SDF (2020) stipulates that non-agricultural land uses should be restricted to those that support the sustainable production potential of the farming unit. In addition, the abovementioned SDF favours tourism-related development and describes the following statements for compliance for tourist facilities and tourist accommodation:

- Promote tourism development by means of strategically identifying areas which should be prioritised for tourism infrastructure / facilities development;

- Determine the nature and extent of infrastructure and facility development needed to make key natural areas accessible to all the Overstrand's inhabitants and tourists.

In addition, the 2050 Vision of the Overstrand SDF (2020) includes the key policy of ensuring that tourism destinations are accessible, safe and attractive by means of maintaining and developing new facilities.

Portion 104 of the farm Hemel & Aarde no. 587 will be used for tourism and agriculture purposes. The footprint of the proposed tourist accommodation units as well as the impact on the agricultural land will be minimal. The zoning will remain for agricultural purposes. It is submitted that the proposed land use will respect the rural character (with reference to the design of the structures and the green energy used) and is compatible with the area.

The proposed development will promote rural tourism in the Hemel & Aarde / Greater Hermanus area without degrading the critically biodiversity areas and agricultural land present on the subject property. The unique rural character of Hermanus is still promoted with this application.

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

3.12 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION

3.10.1 HERITAGE VALUE

The application involves partially changing the character of a site larger than 5 000m² since the total extent of the proposed tourist accommodation units will not exceed 5 000m² and the greater extent of the subject property's character will remain unchanged. Consequently, the proposed consent use triggers Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

A Notice of Intent to Develop was submitted to Heritage Western Cape as part of the EIA undertaken for the development proposal. Correspondence from Heritage Western Cape

(dated 2 February 2022 – copy attached) confirmed that no further action under Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is required.

Additionally, the property owner will comply with Conditions 20 and 21 of the Environmental Authorisation. This will help to ensure the protection of any heritage resources that may be encountered on the site.

3.10.2 ENVIRONMENTAL IMPACT

The development proposal will entail the clearance of indigenous vegetation for cultivation purposes and the development of tourist accommodation units and a manager's dwelling unit on Portion 104 of the Farm No. 587, Hemel and Aarde Valley, Hermanus. The development proposal comprises the following:

- The clearance of approximately 16,35ha of indigenous vegetation for the development of new vineyards;
- The development of four (4) overnight tourist accommodation units of approximately 100-120m² each (sleeping 12 guests);
- The development of one (1) manager's dwelling unit of approximately 250m²; and
- An access road at 0,34km off Karwyderskraal Road (Minor Road 4010).

The proposed establishment of vineyards, four (4) tourism accommodation units, a manager's house and associated access roads on the subject property triggered listed activities in terms of NEMA. A Basic Environmental Impact Assessment (EIA) was submitted by Lornay Environmental Consultants for the development proposal and an Environmental Authorisation was issued on 24 June 2022.

The EIA was informed by a Terrestrial Biodiversity Impact Assessment undertaken by Nature Works. A copy of the report dated 15 January 2022 is attached. This specialist report considered the vegetation types, biodiversity areas and botanical sensitivity of the subject portion. The study also considered the impact of the two alternative development proposals on Portion 104. It was concluded that both the assessed alternatives will result in the permanent loss of degraded to highly degraded endangered Elim Ferricrete Fynbos.

According to the Terrestrial Biodiversity Impact Assessment Report the development proposal will result in the permanent loss of degraded to highly degraded Elim Ferricrete Fynbos, which is classified as a Critically Endangered ecosystem in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEM:BA"), List of Threatened

Ecosystems in Need of Protection, December 2011). According to the Cape Bioregional Spatial Plan, the proposed tourist accommodation units will be located within an area that has been classified as a degraded Critically Biodiversity Area 2 (“CBA2”).

Clustering the tourist accommodation units together will result in minimal disturbance to natural vegetation. The manager’s dwelling unit and areas proposed for the new vineyards will be located within a degraded area, since it has been previously ploughed. The Terrestrial Biodiversity specialist supports the proposed development from a terrestrial ecological perspective, with the implementation of the proposed mitigation measures. The impacts on indigenous vegetation as a result of the proposed development have been rated as being of low negative significance after mitigation.

The development proposal will result in both negative and positive impacts.

Negative impacts include:

- Construction related impacts, such as dust, noise and visual intrusion during the construction phase.

Positive impacts include:

- The creation of temporary employment opportunities during the construction phase;
- Removal of alien vegetation; and
- The proposed development will increase the financial viability of the farm.

In view of the above, the NEMA principles, compliance with the conditions stipulated in the Environmental Authorisation, and compliance with the Environmental Management Programme, the Department of Environmental Affairs & Development Planning is satisfied that the authorised listed activities will not conflict with the general objectives of Integrated Environmental Management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the undertaking of the listed activities can be mitigated to acceptable levels.

3.13 PLANNING PRINCIPLES

The planning principle of spatial resilience does not apply to this application.

Spatial justice: This principle addresses the need to address the past imbalances regarding

opportunity. The proposed development will contribute to addressing past apartheid spatial imbalances by providing access to employment opportunities particularly to the historically economically disadvantaged. This will increase the spending power of the employees by enabling upward economic mobility by being able to afford services, facilities and access to residential opportunities.

The proposed application will not further promote spatial development imbalances. The proposed application is in character with the existing rural area where similar applications have been approved in the past and therefore, the approval of the proposed application will not be spatially biased.

Spatial sustainability: The proposal has no negative impact on the conservation worthy areas and agricultural land on the farm. The development footprints will be kept to a minimum and within the 5 000m² floor area allowed for all structures on the farm. The tourist accommodation units will not have a negative impact on the economic viability of the agricultural land. The tourist accommodation units will rather add to the economic viability / self-sustainability of the subject property without negatively impacting on the conservation worthy / agricultural areas and surrounding farms.

The impact on the biophysical environment will be kept to a minimum as motivated in this report. Furthermore the extent of the subject property, the need to diversify the land use on the subject property to ensure an additional income, the location of the subject property in the Hemel & Aarde Valley and in close proximity to other tourist attractions, the anticipated economic spin-offs the proposed tourist accommodation units will have for other local businesses, compliance with the spatial planning policies for the area, etc. allow for the consideration and approval of the proposed consent use without having an adverse impact on the spatial sustainability of the area.

The proposal is for a farm situated within an established agricultural and tourism area and will therefore not impact on a sensitive environment.

Efficiency: The subject property is easily accessible and conveniently located close to Hermanus and Caledon, and situated within the Hemel & Aarde Valley, which makes travelling to the farm to make use of the tourist accommodation units easy.

The proposed tourist accommodation units prove to be efficient as it relates to more responsible resource use and sustainable development. Furthermore, the proposal is efficient in that it

optimizes existing resources.

Good administration: Our company is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's bylaw and related provincial and national land use planning legislation. All measures will be taken to ensure an efficient and streamlined process within the applicable timeframes as stipulated by the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020.

4. RECOMMENDATION

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

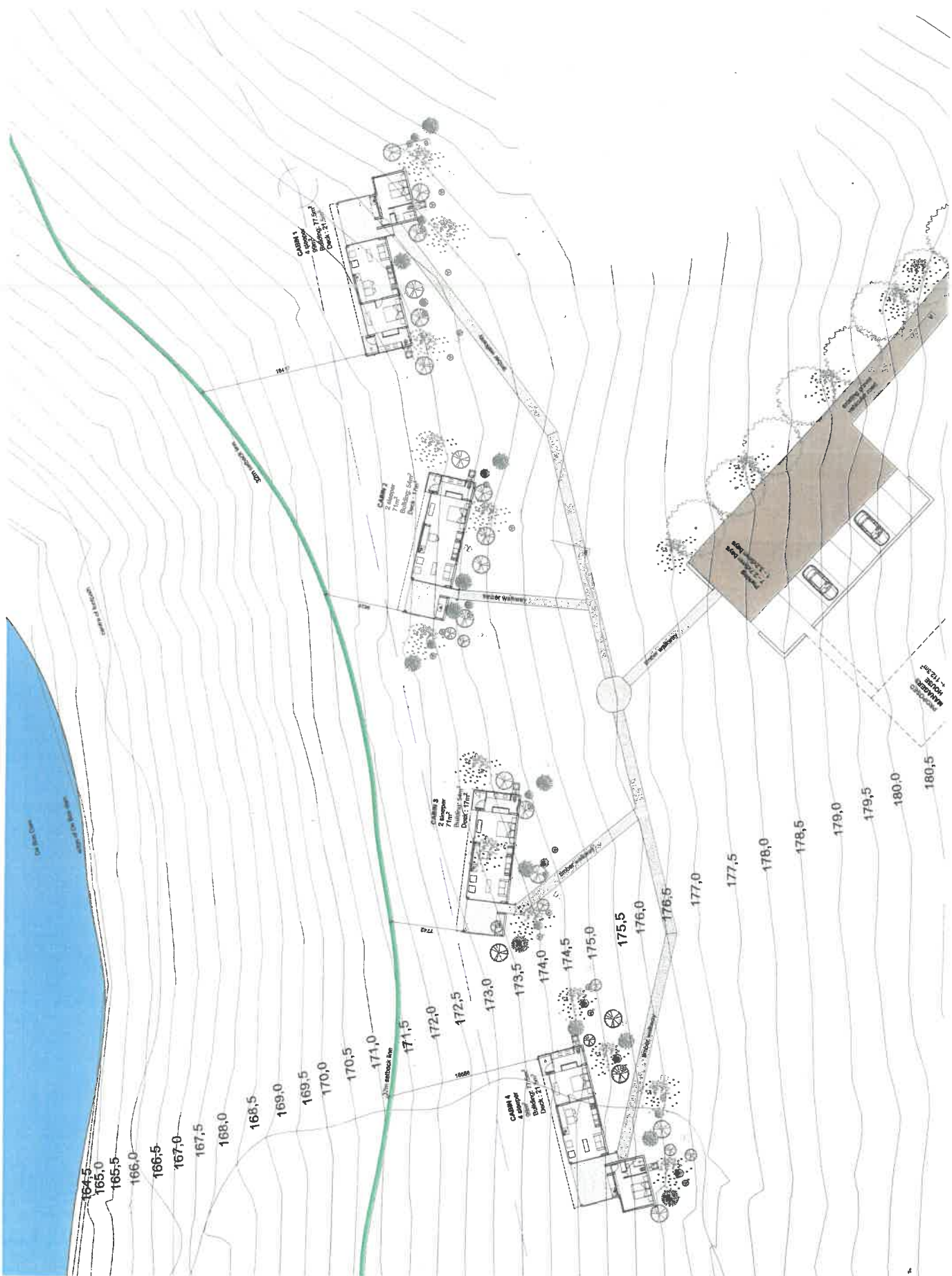
- The proposed consent use will not have a negative impact on the existing or future agricultural activities;
- There is no impact on the agricultural productive landscape since areas available for the establishment of future agricultural activities on the subject property will not be affected. An Environmental Authorization was issued for the proposed tourist accommodation units and future plantings;
- Heritage Western Cape gave their consent for the development proposal;
- The proposal is compatible with the existing character of the area;
- No additional access points or roads are proposed. All road infrastructure already exists;
- Services for the new structures can easily be provided without having a negative impact on the environment;
- The zoning will remain Agricultural Zone I;
- The proposal complies with the development management scheme land use restrictions applicable to AGR1 zoned properties;
- The proposed consent use of the subject property complies with the spatial planning policies of the area;
- The application is fully compliant with the applicable planning principles described in the LUPA (2014) and SPLUMA (2013).

The application can be supported for your favourable evaluation. The opinion is held that this

application will have no negative impact in the area and that it will contribute towards the Overstrand rural area's tourist (specifically the agri-tourism) significance and value.

NOTE:
All dimensions & levels to be verified before construction
or works & any discrepancies to be reported to the Architect

DRAFT



Client:

Architect:

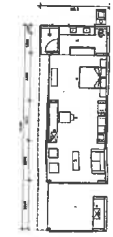
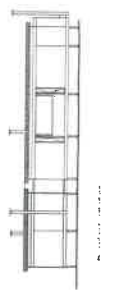
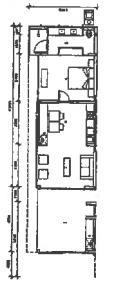
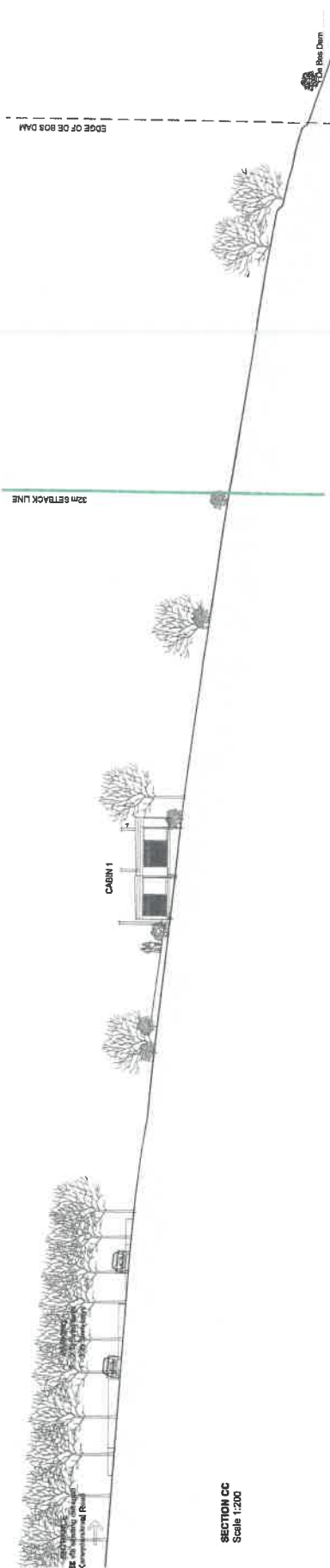
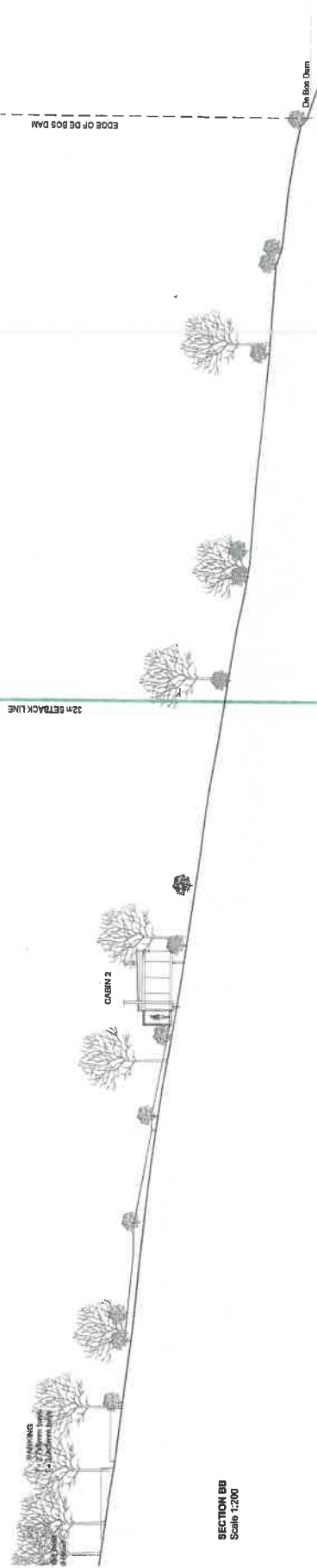
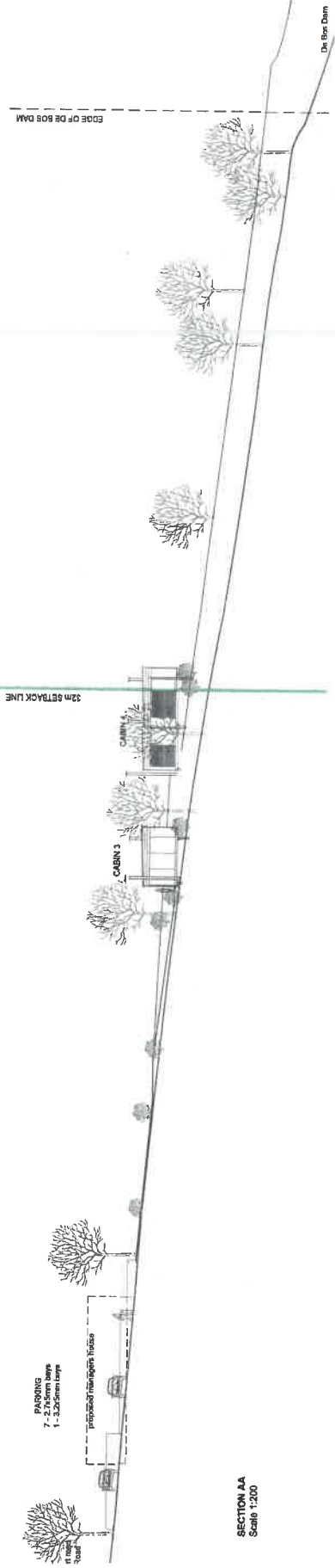
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HEMEL EN AARDE
ECO CABINS
ERF 104/587

SITE DEVELOPMENT DI AN

NOTE:
 1. This drawing is to be used in conjunction with the site plan and other drawings of this project.
 2. All dimensions are in meters unless otherwise stated.

DRAFT



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SITE DEVELOPMENT DI AN