

RE-CIRCULATION

PORTIONS 210 AND 220 (PORTIONS OF PORTION 80) OF FARM AFDAKS RIVIER NO. 575, CALEDON DIVISION: APPLICATION FOR CONSENT USE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: WRAP PROJECT OFFICE ON BEHALF OF BENGUELA COVE HOMEOWNER'S ASSOCIATION

This notice replaces the notice sent out on 28 March 2023. All comments received by the Municipality in respect of the first notice will also be considered as valid comments.

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 that an application has been received for the following:

- **consent use** in terms of Section 16(2)(o) to allow tourist facilities (operating of a pontoon boat as a recreational facility).
- **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law for the unauthorised land use activities as stipulated above.

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 **2 June 2023**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to the Town Planner, 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.

HERSIRKULASIE

GEDEELTES 210 & 220 (GEDEELTES VAN GEDEELTE 80) VAN DIE PLAAS AFDAKS RIVIER NO. 575, GEDEELTE CALEDON: AANSOEK OM VERGUNNINGSGEBRUIK EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: WRAP PROJECT OFFICE NAMENS BENGUELA COVE HUISEIENAARSVEREENIGING

Hierdie kennisgewing vervang die kennisgewing wat op 28 Maart 2023 uitgestuur is. Alle kommentaar wat deur die Munisipaliteit ontvang word ten opsigte van die eerste kennisgewing sal ook as geldige kommentaar beskou word.

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 dat 'n aansoek soos volg ontvang is:

- **vergunningsgebruik** ingevolge Artikel 16(2)(o) om toeristefasiliteite toe te laat (bedryf van 'n pontonboot as 'n ontspanningsfasiliteit).
- **bepaling van 'n administratiewe boete** ingevolge Artikel 16(2)(q) van die Verordening vir ongemagtigde grondgebruik aktiwiteite soos hierbo uiteengesit.

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 **2 Junie 2023**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan die Stadsbeplanner, **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.

UKUJIKELZISWA KWAKHONA

IZAHLULO 210 & 220 (IZAHLULO ZENXALENYE 80) YEFAMA AFDAKS RIVIER NO. 575, E-CALEDON: ISICELO SOKUSETYENZISWA KWEMVUME NOKUMISELWA KWESOHLWAYO SOLAWULO: WRAP PROJECT OFFICE: EGAMENI LIKA-BENGUELA COVE HOMEOWNER'S ASSOCIATION

Esi saziso sithatha indawo yesaziso esithunyelwe ngomhla wama-28 kuMatshi ka-2023. Zonke izimvo ezifunyenwe nguMasipala malunga nesaziso sokuqala nazo ziya kuthathwa njengezimvo ezifanelekileyo.

Isaziso siyanikezelwa ngokweCandelo lama-48 loMthetho kaMasipala woLungiso loMthetho kaMasipala kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, ka-2020 sokuba isicelo sifunyenwe soku kulandelayo:

- imvume yokusetyenziswa ngokwemigaqo yeCandelo le-16(2)(o) ukuvumela izibonelelo zabakhenkethi (ukusebenza kwephenyane lepontoni njengendawo yokuzonwabisa).
- Ukumiselwa kwesohlwayo solawulo ngokweCandelo le-16(2)(q) loMthetho kaMasipala wemisebenzi yokusetyenziswa komhlaba engagunyaziswanga njengoko kuchaziwe ngasentla.

linkcukacha ezipheleleyo malunga nesi sindululo ziyafumaneka ngeentsuku zomsebenzi phakathi kweyure-08:00 ne-16:30 kwiSebe: Town Planning, Paterson Street, Hermanus. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zamaCandelo 51 nelama-52 alo Mthetho kamasipala zithunyelwe kuMasipala (16 Paterson Street, Hermanus / (f) 028-313-2093 / (e) loretta@overstrand.gov.za) ngolu suku okanye ngaphambi komhla **2 Eyesilimela 2023**, unike igama lakho, idilesi neenkukacha zonxibelelwano nawe, umdla wakho kwesi sicelo nezizathu zokunika izimvo. Xa ufuna ukubuza into malunga nesi saziso ungafonela Umcwangcisi weDolophu **Mnu H Olivier** kule nombolo yomnxeba 028-313-8900. UMasipala angala ukuzamkela izimvo ezifike emva komhla wokuvalwa. Nabani na ongakwaziyo ukufunda okanye ukubhala makaye kwiSebe loYilo lweDolophu apho igosa likamasipala liya kumncedisa azibhale izimvo zakhe.

Tel: 028 313 8900 | Fax: 028 313 2093 | E-mail: loretta@overstrand.gov.za

PO Box 20 | HERMANUS 7200

www.overstrand.gov.za

Locality Plan

Portion 210 and 220 of the Farm Afdaks Rivier 575, Caledon



Subject property (Portion 210 and 220 of the Farm Afdaks Rivier 575, Caledon)

Plan prepared by: Thian Jansen

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

Unit B, Standard House,
Corner of Royal and Dirkie Uys
Street Hermanus, 7200



Project Office
Town Planning & Project Management



6440



Scale 1 : 5 000



1. ABBREVIATIONS

OM	Overstrand Municipality
OMLUS	Overstrand Municipality Land Use Scheme, 2020
BY-LAW	Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020
PSDF	Western Cape Provincial Spatial Development Framework, 2014
LUPA	Western Cape Land Use Planning Act, 2014.
MSDF	Overstrand Spatial Development Framework, 2020

2. PROPERTY DETAILS

Consultant	WRAP Project Office	
Erf Number	Portion 210 of the Farm Afdaks Rivier 575, Caledon	Portion 220 of the Farm Afdaks Rivier 575, Caledon
Extent	7555m ²	4,0028ha
Zoning	Open Space Zone 3: Private Open Space	Open Space Zone 1: Nature Reserve

3. BACKGROUND AND INTENT

Portions 210 and 220 of the Farm Afdaks Rivier 575, Caledon, hereafter referred to as the subject properties, are located inside of the Benguela Cove Lagoon Wine Estate (refer **Plan 1 - Locality**). Both properties are owned by the Benguela Cove Homeowners Association (hereafter referred to as the property owners) and the Board of Trustees have appointed WRAP Project Office to submit this land use application on their behalf (refer **Annexure A – Power of Attorney and Resolution**).

The subject properties serve as recreation areas for private homeowners and guests of the wine estate, mainly for access to the Bot River Estuary. Portions 210 of the Farm Afdaks Rivier 575, Caledon, is used for storing water vessels and features amenities like a tennis court and pool for residents.

Portions 220 of the Farm Afdaks Rivier 575, Caledon, improved with a jetty and boathouse, is proposed to be converted into a tourist facility offering pontoon boat experiences on the Bot River Estuary. (Refer **Annexure B – Approved Building Plans**)

The Bot-Kleinmond Estuarine System was ranked the 8th most Important Estuary in South Africa due to its size, habitat importance, zonal type rarity and biodiversity. With all its natural attractions, excellent location, well developed surroundings, and a surplus of outdoor activities, this is a RAMSAR wetland well suited for tourism.

According to RAMSAR the Bot-Kleinmond Estuarine System became South Africa's 23rd RAMSAR wetland on 31 January 2017. It comfortably met most of the 9 stated RAMSAR criteria : it regularly supports more than 20,000 waterbirds, it regularly supports 1% of the population of one species of waterbird, it supports a significant proportion of indigenous fish species - 20 of the 41 fish species recorded in the Bot-Kleinmond Estuarine System, are Southern African endemics, the wetland accounts for 12% of the total estuarine fish



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nursery area along 900km of coastline from False Bay to Port Alfred, thus an important nursery and/or migration path on which fish stocks depend.

To ensure compliance with the OMLUS, approval of the following applications is required:

- Consent Use for a tourist facility; and
- Determination of an Administrative Penalty.

4. PROCEDURE TO ACHIEVE THE PROPERTY OWNER'S INTENT

4.1 Consent Use to allow a tourist facility in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

The proposal is to establish a tourist facility that will allow property owners to expose their guests to the wine farm to the natural beauty of the surrounding area. A tourist facility, as defined by the OMLUS, is:

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

*"**recreational facilities**" means the use of land to practice a particular sport or combination of sports and general recreation and includes a clubhouse and associated infrastructure and buildings, indoor and outdoor swimming pools and associated infrastructure, and a shooting and driving range but does not include any building or structure that is used for business, or any other use not aligned to or dependant on the sport concerned.*

These definitions align with the use of the Lady Bonnie pontoon boat for these two properties as the whole intent is to be able to provide a recreational activity that allows the resident and visitors to enjoy the beauties of the Bot-Kleinmond Estuarine System. The proposal is to utilise a trimaran designed boat to host guided boat tours on the Bot River Estuary.

The aim of the pontoon boat (hereafter referred to as the "Lady Bonnie") is to provide development in the tourism industry that brings a positive experience for local people as well as the tourists themselves. Lady Bonnie is able to accommodate 12 passengers and 2 crew members and the proposal to have the boat tours, last approximately 60 minutes which means that onboard ablution will not be required.

Sustainable Practices

The vessel is equipped with 2 x 40hp 4-stroke Honda outboards, minimizing sound and pollution. The motors will be fuelled by detachable fuel tanks that will eliminate possible fuel spills into the estuary as it will be refuelled off-site.

These two motors are extremely small and there are little to no wake erosion being expected. Additionally, the Lady Bonnie will be equipped with two recycle bins although there are rarely any rappers, papers etc. on board. Appropriate signage will also be added, advising users to recycle any waste. The boat does not have ablution facilities



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and guests will be able to utilise the facilities available on Portion 220 of the Farm Afdaks Rivier Number 575, Caledon, that further eliminates any possible contamination.

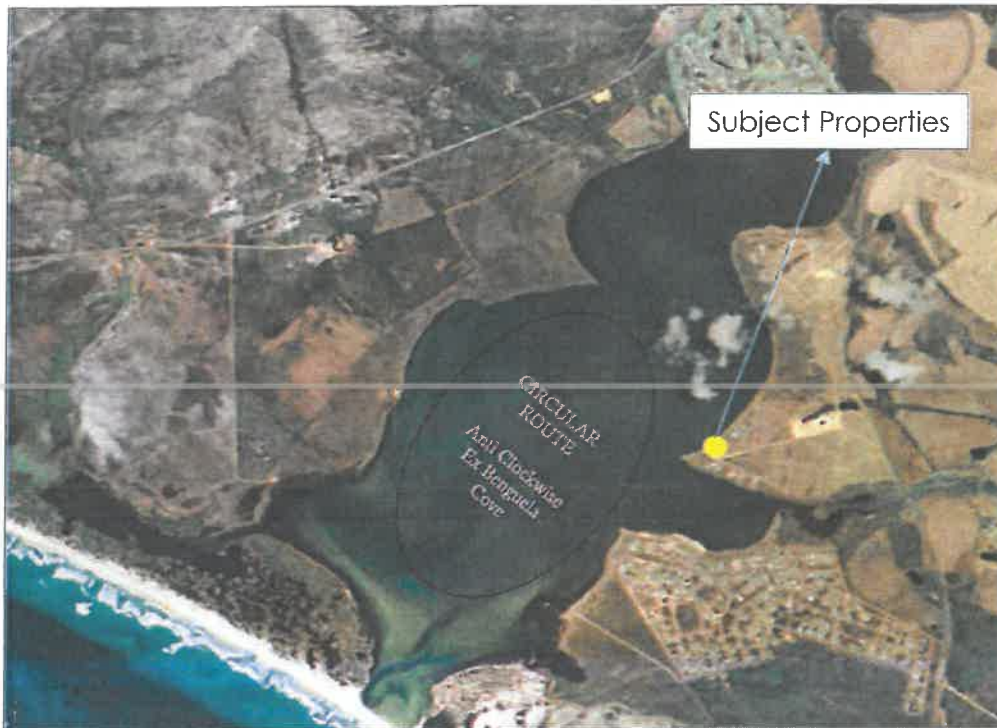


Figure 1: Lady Bonnie Route

The proposal is deemed to be aligned with the core values of Benguela Cove Lagoon Wine Estate which is nature conservation. The estate has been awarded by the World Wildlife Fund (WWF) for Nature with the top award for excellence. It is for exceptional commitment to the collective conservation of threatened habitat in South Africa's Succulent Karoo and the Cape Floral Kingdom as well as for outstanding dedication to environmentally responsible farming practices.

These standards will be adhered to with this venture, and it will be on the top of the list when these tours will be hosted to ensure the environmental aspect is being adhered to.

The owners/operators have also acquainted themselves with the By-Law Relating to the Control and Use of the Bot River and Klein River Estuaries (Provincial Gazette, 6147/2004).

4.2 Determination of an administrative penalty in terms of Section 90(5) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

As the Lady Bonnie has been operated without prior land use approval it is important to ensure compliance with the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020. The inclusion of an application for the determination of an administrative penalty will ensure compliance.



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Section 90(3) of the By-law requires the following information:

The nature, duration, gravity and extent of the contravention.

The nature, gravity and extent are explained in Section 4.1 above.

The conduct of the person (allegedly) involved in the contravention.

The Lady Bonnie has been operated without prior approval of a formal land use application.

A report by a quantity surveyor in matters of unauthorised building/construction.

A quantity surveyor was not appointed as there are no unauthorised building/construction.

Whether the unlawful conduct was stopped.

The operations of the Lady Bonnie have not been halted as it would mean loss of income to the guides and workers employed to operate the tourist attraction.

Whether the person allegedly involved in the contravention has previously contravened this By-Law or a previous planning law.

To the knowledge of this office, the property owner has not previously contravened the By-Law.



5. APPLICATION

Considering the above, application is made for the following:

- 5.1 Consent Use** to allow a tourist facility in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 5.2 Determination of an administrative penalty** in terms of Section 90(5) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

6. LAND USE ENVIRONMENT

The subject properties are part of the Benguela Cove Lagoon Wine Estate that is located on the banks of the Bot-Kleinmond Estuarine System. The Benguela Cove Lagoon Wine Estate is a unique estate that is home to an Agri-residential development where residential properties are mixed with a successfully operated wine farm. There are several different land uses surrounding the subject property. The surrounding area's zonings are illustrated in **Plan 2** (zoning plan).

7. TITLE DEED

Title deed T77627/2017 which includes both properties (refer **Annexure C – Title Deed**) was perused and there are no restrictive conditions that prohibit the proposed tourist facility.

8. ZONING

The following zoning parameters were assessed in conjunction with the OMLUS zoning as this is a relevant consideration in terms of Section 66 (1) (q) of the OM By-Law:



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PORTIONS 210 OF THE FARM AFDAKS RIVIER NUMBER 575, CALEDON OPEN SPACE ZONE 3: PRIVATE OPEN SPACE (OS3)			
Land Use Restrictions			
Primary use Consent use that may be applied for	Parameters	Proposal	Comply/ deviate
	Private Open Space Cemetery, Environmental Facilities, Recreational Facilities, Tourist Accommodation, Tourist Facilities, Transmission Apparatus (Subject to the provisions of Chapter 16.10), Urban Agriculture, Utility Services and Any Other Related Uses Permitted By The Municipality.	Tourist Facilities	Deviate and applied for
Development parameters			
a) A site development plan must be submitted in terms of 16.3 to the satisfaction of the Municipality. b) The Municipality may require an environmental study and/or environmental management plan in terms of 16.4. c) Prior to the approval of any building plans or engineering services, the Municipality must determine the development parameters applicable to a land unit when: (i) the zoning of a land unit to this zone is approved; (ii) any environmental impact report is considered; (iii) any environmental management plan is considered; and (iv) any site development plan is approved. d) No structure shall be erected, or use practised except such as is compatible with the "private open space" as defined. e) Structures/buildings may be erected with the written consent of the Municipality, should the Municipality deem it necessary, provided that the Municipality may impose conditions relating to design, architecture and development parameters.			



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PORTIONS 220 OF THE FARM AFDAKS RIVIER NUMBER 575, CALEDON			
OPEN SPACE ZONE 1: NATURE RESERVE (OS1)			
Land Use Restrictions			
Primary use Consent use that may be applied for	Parameters	Proposal	Comply/ deviate
	Nature Reserve and Conservation Use Dwelling Units, Environmental Facilities, Transmission Apparatus (Subject to The Provisions Of Chapter 16.10), Tourist Accommodation, Tourist Facilities, Utility Service And Any Other Related Uses Permitted By The Municipality	Tourist Facilities	Deviate and applied for
Development parameters			
b) A site development plan must be submitted in terms of 16.3 to the satisfaction of the Municipality. b) The Municipality may require an environmental study and/or environmental management plan in terms of 16.4. c) Prior to the approval of any building plans or engineering services, the Municipality must determine the development parameters applicable to a land unit when: (i) the zoning of a land unit to this zone is approved; (ii) any environmental impact report is considered; (iii) any environmental management plan is considered; and (iv) any site development plan is approved. d) Structures/buildings may be erected with the written consent of the Municipality, should the Municipality deem it necessary, provided that the Municipality may impose conditions relating to design, architecture and development parameters.			



9. SERVICES

The availability of services is a relevant consideration in terms of Section 42(1)(c)(v) of SPLUMA and is herewith illustrated.

Electricity, Water, Sewage and Solid Waste

Services to the property includes electricity from ESKOM and municipal water from the Fisherhaven Reservoir. The proposal of this application will not affect these networks as no additional development is required.

The subject properties are connected to the existing sewer network and system of the estate.

Solid wastes are collected and moved to designated points and collected by the OM.

Access and Egress

Access from the R43 and egress to the subject properties are gained from an existing internal road network.

10. NEED AND DESIRABILITY

The need and desirability of the approval and implementation of this proposal in accordance with Section 66 (1) (c) of the OM By-Law can be illustrated as follow:

Need and desirability.

The approval of this land use application is required to ensure that the property adheres to the requirements set out by the Overstrand Municipality to have the existing tourist facility approved. The boat tours will enable the property owners to attract more visitors to the area as more people visit the area. It would allow the property owners to continue supporting the livelihoods of the employees (crew) that have been employed to ensure the operation runs smoothly.

The property owners have tasked WRAP Project Office with submitting this application to ensure the proposed development aligns with policies, legislation, and title deed conditions, in pursuit of their vision.

Impact on views, sunlight and character of the area.

The proposed tourist facility at the subject property, situated in a unique location, is not predicted to impact on the nearby area or neighbouring property owners. Only the authorization for boat tours is sought and no new structures are planned.

Economic impact

The proposal allows the property owners to generate an income from the pontoon boat, which creates employment opportunities to crew members earning a living.

Opportunity cost

An opportunity cost in the context of land use planning refers to a development proposal that leads to the devaluation or foregoing of valued land use rights of interested and affected parties when an application is approved. The proposal is not predicted to have a negative impact on surrounding properties.



Impact on heritage

The subject property is not listed in the OM Heritage Register.

Environmental Impact

The subject properties are located adjacent the Bot/Kleinmond Estuarine System. The proposal is not to have a negative impact on the estuary and the proposal is in line with the Bot/Kleinmond Estuarine Management Plan Draft January 2019.

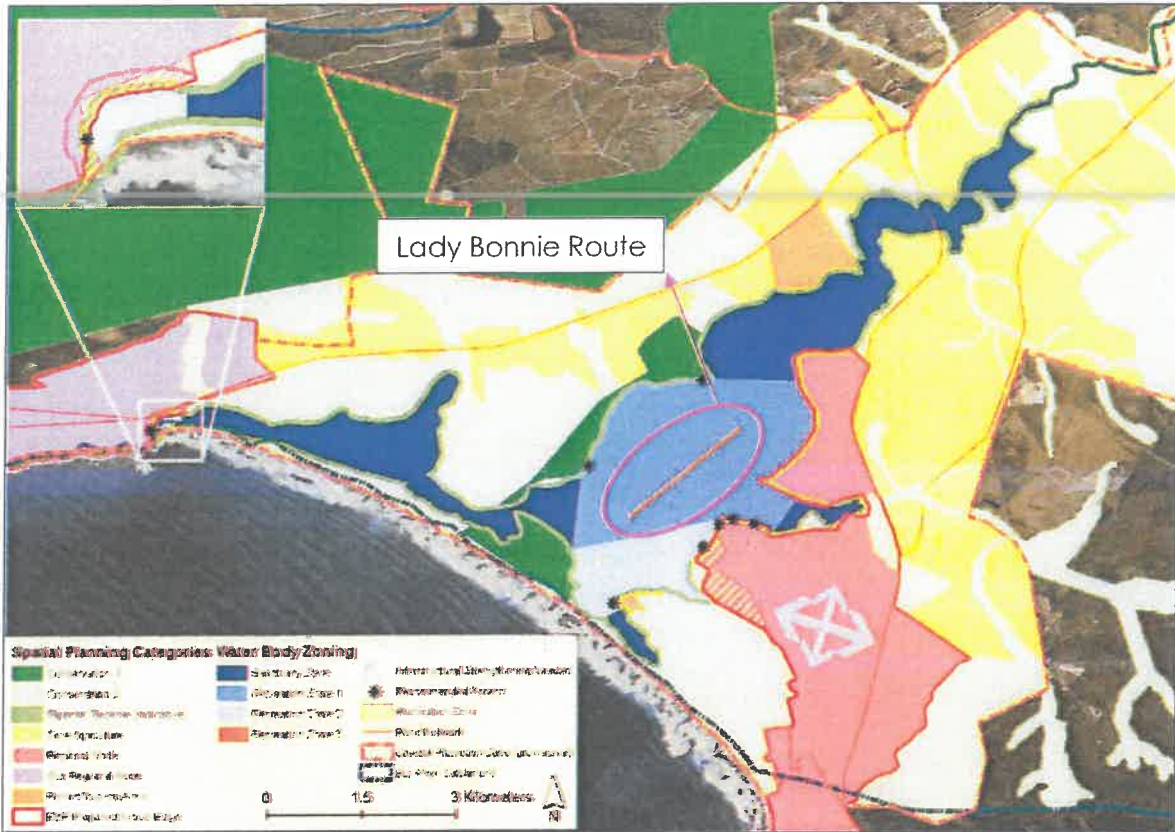


Figure 2: Extract from the Bot/Kleinmond Estuarine Management Plan Draft January 2019.

Majority of the route Lady Bonnie follows is located within the 'Recreation Zone 1' which is identified and aligned with the use of the Lady Bonnie on the estuary, and it is identified as the following:



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ESTUARINE RECREATION ZONE 1 – (WATER BODY)		
Description / Location	Specific Intent	Estuarine Management Guidelines
<p>GENERAL USE AREA</p> <p>Central zone between Beacons No.1 and 2, excluding backwater areas at Afak's inlet and Rooisand NR.</p> <p>Upper reaches of the estuary, in the vicinity of the R43 road bridge and above.</p>	<p>a) Low impact recreational uses;</p> <p>b) Recreational line-fishing;</p> <p>c) Sailing;</p> <p>d) Protection of bird habitats on western shores from disturbance.</p>	<p>Supported uses and activities:</p> <p>Line fishing from the shore or from a boat or craft in compliance with MLRA regulations, permitting system and bag limits.</p> <p>Canoes, kayaks, paddle skis, rowing boats, sail craft, motorised boats – speed limit 10 km/h, subject to periodic review of guidelines, by-laws and public notices aimed at ensuring safety and security of all users.</p> <p>Bird watching, hiking, swimming, non-destructive scientific research.</p> <p>Rehabilitation of disturbed portions of the Riparian Buffer.</p> <p>Non-supported uses and activities:</p> <p>No capturing or removal of fish during mouth breaching events.</p> <p>No bait collecting. No cast- or throw-netting.</p> <p>No capturing of line fish species with cast nets, seine nets, gill nets, traps, gaffs or spears.</p> <p>Riparian Buffer: No removal of indigenous vegetation, no planting of any material (except where rehabilitation is underway), no fertilisers or pesticides.</p> <p>No jet boats. No jet skis. No kite surfing. No parasailing.</p> <p>No motorised boats exceeding the speed limit of 10 km/h.</p> <p>No skiing.</p> <p>No aquaculture. No sand mining.</p> <p>Infrastructure and municipal services:</p> <p>No new bridges or causeways. No launch sites, new jetties, wharfs or edge hardening on western shores of the Central zone. In other areas, launch sites, jetties, boardwalks, wharfs and edge hardening, subject to compliance with relevant legislation Cleaning services to address water-borne waste at public recreational nodes.</p>



The Bot/Kleinmond Estuarine Management Plan Draft January 2019 proposed some changes to the areas as identified in Photo 1, refer to the following:

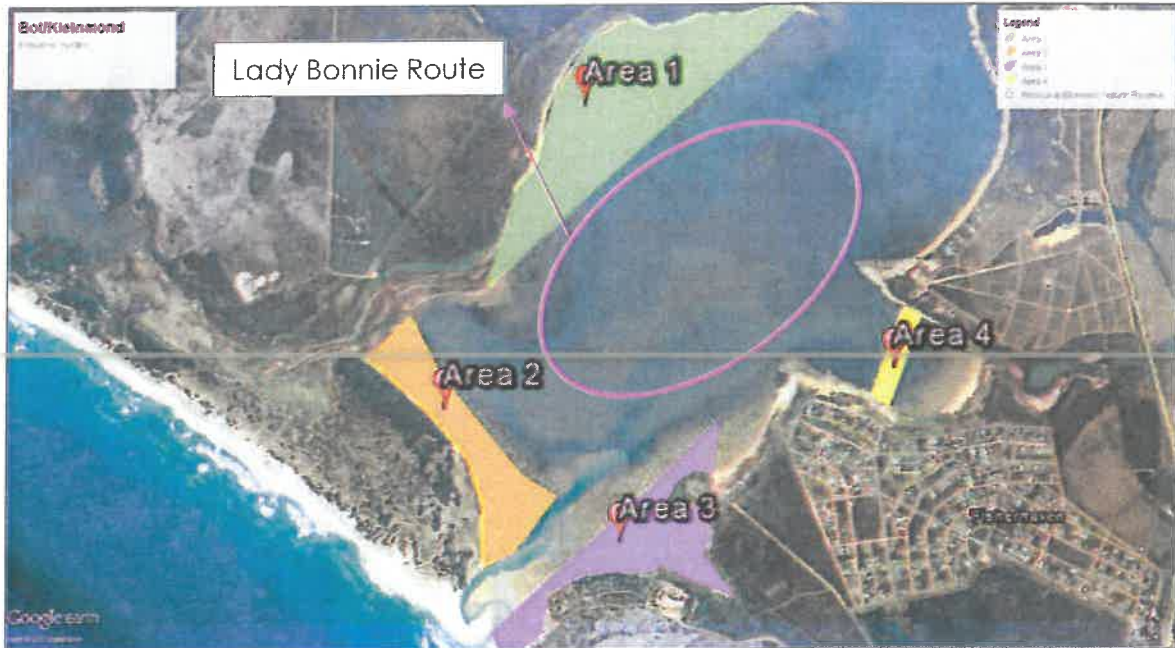


Figure 3: Proposed zone amendments

- Area 1: Buffer to Rooisand Nature reserve, no watercraft propelled by engines;
- Area 2: Buffer to bird habitat, no boating allowed;
- Area 3: Recreational access; and
- Area 4: Alleviate congestion at slipway, add to general boating zone.

To ensure compliance with these new zones, the Lady Bonnie will also avoid these 'no-go' areas entirely while complying with the other regulations of the area.



11. POLICIES AND REGULATIONS

11.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

Portion 220 of the Farm Afdaks Rivier Number 575, Caledon is located within the 'Coastal Protection' EMOZ, managing the integrity of coastal ecosystems, ecosystem services, coastal dynamic processes, and biodiversity within Coastal Reserves.

To ensure compliance with the guidelines set out in the EMOZ, the application was evaluated in terms of the provisions of Schedule A & B of the Environmental Management Overlay Zone 2020:

SCHEDULE A PROHIBITED ACTIVITIES IN OVERSTRAND ENVIRONMENTAL MANAGEMENT OVERLAY ZONES		
Prohibited Activity	Applicable Environmental Management Overlay Zone (EMOZ)	Applicable to the application or not
	Coastal Protection	
Agricultural practices within this EMOZ which may cause water logging and siltation.	X	N/A
Planting or harbouring of declared emerging weeds on properties within and adjacent to this EMOZ.	X	N/A
Development or agriculture on slopes steeper than 1:4.	X	N/A
Establishment of Informal settlements or Temporary Relocation Areas.	X	N/A
No land user within this EMOZ may utilise the vegetation in a vlei, marsh or within the flood area of watercourse in a manner that may cause the deterioration or damage to the natural agricultural resources.	X	N/A
Placement of religious symbols or memorabilia.	X	N/A
Harvesting /collection of kelp / seaweed in municipal designated "no-take" zones.	X	N/A
Harvesting, collection, moving, loading drying of kelp /seaweed, with a valid Seaweed Harvesting Permit or an exemption in terms of Section 81 or the MLRRA issued by the DAFF.	X	N/A
Stockpiling, drying, processing or loading of marine resources beyond areas designated, demarcated and signposted by the Municipal Council for such purposes.	X	N/A
Modification of the littoral active zone / functional dune systems in absence of approved management plans.	X	N/A
Feeding, disturbing / pursuit of fauna.	X	N/A



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Disturbance, modification or destruction of the environment or species within special management areas designated, demarcated and signposted by the Municipal Council from time to time.	X	N/A
Defacing/damaging / removing of any notice, sign, barrier building or other infrastructure.	X	N/A
Playing or tampering with any rope, float, buoy, vessel, shelter or similar life - saving device.		N/A
Staying overnight.	X	N/A
The discharging of domestic effluent / grey water into all natural systems.	X	N/A
Tampering with security / surveillance infrastructure.	X	N/A
Defacing of rocky outcrops and placement of memorial plaques, religious symbols or structures on natural features.	X	N/A
Graffiti, vandalism or damaging of municipal infrastructure.	X	N/A
Littering	X	N/A
Disposal of cigarette butts, ash or other hazardous materials in any place or manner other than a receptacle designated for such items	X	N/A
Dog walking / exercising of dogs in non- designated zones.	X	N/A
SCHEDULE B		
ACTIVITIES ONLY PERMITTED WITH COUNCIL CONSENT IN OVERSTRAND ENVIRONMENTAL OVERLAY ZONES		
A) Activities Only Permitted With Council Consent	Applicable Environmental Management Overlay Zone (EMOZ)	Applicable to the application or not
	Coastal Protection	
Permission for the utilization of access routes to permitted kelp / seaweed harvesting sites.	X	N/A
Removal or destruction of vegetation which is protected and/or of conservation concern.	X	N/A
Dune maintenance on private land as per approved dune maintenance management plans.	X	N/A
Excavation and destruction or removal of substrate (soil, substrate, rock, shellgrit, dune sediment, mineral deposits).	X	N/A
Discharging of pool backwashing or untreated grey water or the channelling of storm water into open	X	There are no pools on the property.



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spaces without the necessary approval from the Municipality.		
B) Permit Upon Approval By Delegated Authority and / Receipt of Tariff	Applicable Environmental Management Overlay Zone (EMOZ)	Applicable to the application or not
	Coastal Protection	
Installation of conservancy tanks or biological treatment plants within 50 metres from the edge of a watercourse / wetland.	X	N/A
Access from private properties to open spaces, including the removal of vegetation and the establishment of paths, structures and infrastructure.	X	N/A
Commercial filming.	X	N/A
Construction or placement of any temporary object, building, shelter, path or structure.	X	N/A
Use of engine or motor driven vehicles, remotely piloted aircraft or any other means of transport or other conveyances beyond designated, demarcated and signposted areas.	X	N/A
Launching of vessels at registered launch sites.	X	The property has approval to launch vessels.
C) Council Authorisation Pending Consent Use Application / Lease Agreement / Applicable Tariffs as applicable	Applicable Environmental Management Overlay Zone (EMOZ)	Applicable to the application or not
	Coastal Protection	
Buildings / Structures associated with: Taking of water, storing of water, impeding or diverting flow, stream flow reduction, altering the bed, banks, course characteristics, outflow structures or discharge pipes.	X	N/A
Application for the designation of industrial sites and activities associated with the seaweed harvesting, collection, drying, transport and processing fishery.	X	N/A
Encroachment of private buildings, structures, infrastructure, access routes.	X	The entire property is within the zone. All of the structures are located within the zone.
Commercial Harvesting/collection and removal of any natural resource.	X	N/A
Construction or placement of any permanent object, building, shelter, pathway or structure.	X	The entire property is within the zone. All of the structures are located within the zone.

The proposed consent use is not predicted to affect the EMOZ.



11.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)

Both properties are classified by the "LANDSCAPES HPOZ" of which the purpose is the following:

"Purpose: To ensure that any land use application resulting in additional rights complies with the existing character and contextual significance:

- To protect and enhance landscapes identified as having high natural, scenic and heritage significance and which contribute to the character and sense of place in the Overstrand and its economic base.*
- To promote the cultural, tourism, environmental and amenity potential of significant Overstrand landscapes."*

To ensure compliance with the HPOZ it is of importance that certain aspects need to be provided and addressed in terms of Overstrand Municipality Heritage Protection Overlay Zone Regulations, 2020:

Section 20 – 22 states the following -

"20

The Overstrand Municipality By-Law on Municipal Planning, 2020, will apply in respect of all applications, processes and decisions contemplated in these regulations.

21

In considering an application for written consent in order to undertake an activity in terms of the Heritage Protection Overlay Zone, the Municipality may require from an applicant whatever information it deems necessary in order for an informed decision to be made regarding the application.

22 This could include, inter alia:

22.1 statements of significance;

22.2 heritage research;

22.3 photographs, including contextual photographs;

22.4 results of public consultation;

22.5 impact assessments; and

22.6 comment from affected and interested bodies."

Statements of Significance

The heritage significance of the subject property is not large. The proposal is allowing the Lady Bonnie to continue operation.

Heritage Research

No additional heritage research was done.

Photographs, Including Contextual Photograph

Aerial maps were included into the application, refer to **Plan 3 – Aerial Plan**.



Results of Public Consultation

Regarding this application, an extensive public participation process will be followed. If any comments are received regarding the heritage aspect it will be addressed accordingly.

Impact Assessments

No impact assessments were conducted.

Comment From Affected and Interested Bodies

The application will be circulated to affected and interested bodies for comment.

11.3 Spatial Planning Policies

This proposal is not in conflict with any provisions of the Western Cape Provincial Spatial Development Framework, 2014 or the Overstrand Spatial Development Framework, 2020 and it does not indicate any specific development opportunities for the Benguela Cove Lagoon Wine Estate.

The sensitivity of the estuary was highlighted within the MSDP, and the proposal will not have any negative effect on the estuary. The Benguela Cove Lagoon Wine Estate is also highlighted as a tourist attraction and the Lady Bonnie will only add to this while ensuring the environment is being protected.

12. PLANNING PRINCIPLES

Chapter 2 of SPLUMA contains 5 uncompromisable planning principles by which each development application must be guided. Policy proposals in SPLUMA which are pertinent to this proposal are recorded below:

Spatial justice

Spatial justice refers to planning proposals that do not contribute towards the perpetuation of apartheid spatial development imbalances. This proposal to allow the Lady Bonnie to continue operation will not contribute to spatial injustices.

Spatial sustainability and Efficiency

Spatial sustainability refers to planning proposals that are ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscapes while limiting urban sprawl. This proposal will not have an impact on any of the aspects listed above, the property owners will also ensure that the area is being maintained.

Spatial resilience

This proposal is not in conflict with any spatial planning policies or other OM regulations which is a hallmark of resilience.

Good administration

The Overstrand Municipality has demonstrated a solid history of effectively incorporating public participation in its administrative processes. Public participation is a crucial aspect of the land use planning process. This process allows individuals who may be impacted upon by the proposal to provide feedback and raise any concerns or make suggestions that may lead to a more favourable outcome for all parties involved. All comments



MOTIVATION

received will be carefully reviewed and taken into consideration before being addressed appropriately.



RECOMMENDATION

13. EVALUATION

This application is being submitted in accordance with the requirements set forth by the Overstrand Municipality to ensure that the Lady Bonnie can continue operation. It is evident that the property owners are ensuring that the tourist facility will be operated in line with the legislation which includes environmental and land use policies. The application as motivated above and throughout this report is regarded as a desirable enterprise that will add value to the area while creating economic activity and providing employment opportunities.

14. RECOMMENDATION

Based on the abovementioned motivation, it is recommended that the following be approved.

14.1 Consent Use to allow a tourist facility in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020; and

14.2 Waiving of the determination of an administrative penalty in terms of Section 90(5) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

Aerial Map.
Portion 210 and 220 of the Farm,
Afdaks Rivier 575, Caledon



Plan prepared by: Thian Jansen

All distances are approximate
and subject to a survey

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