



**MEETING OF THE  
MUNICIPAL PLANNING TRIBUNAL  
(MPT)**

**A G E N D A**

**DATE:  
VENUE:  
TIME:**

**29 APRIL 2021  
VIRTUAL  
11:00**

# OVERSTRAND MUNICIPALITY

Office of the Chairperson: MPT  
Civic Centre  
HERMANUS  
7200

**9 April 2021**

**TO : THE MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL**

**CONVENING NOTICE : SESSION OF THE MUNICIPAL PLANNING TRIBUNAL (MPT)**

**NOTICE IS HEREBY GIVEN** that, due to the Covid-19 lockdown, a meeting of the **Municipal Planning Tribunal (MPT)** will go into session by means of a virtual platform on **Thursday, 29 April 2021 at 11:00**, to consider the attached agenda.

**H JANSER (MS)**  
**CHAIRPERSON : MUNICIPAL PLANNING TRIBUNAL**

## **Distribution:**

1. Ms H Janser (Chairperson)
2. Mr S Müller (Vice Chairperson)
3. Mr S Madikane (Member)
4. Mr H Blignaut (Member)
5. Ms R Louw (Member)
6. Mr R Kuchar (Authorised Official)
7. Mr S van der Merwe (Senior Town Planner)
8. Ms H van der Stoep (Senior Town Planner)
9. Mr H Olivier (Town Planner)
10. Mr P Roux
11. Secretariat

**MUNICIPAL PLANNING TRIBUNAL  
(MPT)**

29 April 2021

**I N D E X**

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**1. OPENING**

**2. APPLICATIONS FOR LEAVE OF ABSENCE**

**3. CONFIRMATION OF MINUTES**

**3.1 Minutes of a Municipal Planning Tribunal Meeting held on 1 April 2021**

**4. ITEMS FOR CONSIDERATION**

**4.1 PORTION 1 OF THE FARM KLEINRIVIER NO. 646, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE AND CONSENT USE: MESSRS WRAP PROJECT OFFICE ON BEHALF OF BIZ AFRIKA 62 (PTY) LTD**

Report attached.

**4.2 PORTION 228 OF THE FARM NO 575, BENGUELA COVE, HERMANUS: PROPOSED AMENDMENT OF THE SITE DEVELOPMENT PLAN AND CONSENT USE: MESSRS WRAP ON BEHALF OF BENGUELA COVE INVESTMENTS (PTY) LTD**

Report attached.

**4.3 ERF 4413, 4 LACHENALIA ROAD, BETTY'S BAY: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, REZONING, SUBDIVISION AND DEVIATION FROM THE OVERSTRAND MUNICIPAL GROWTH MANAGEMENT STRATEGY, 2010: MESSRS WRAP ON BEHALF OF BS MCLEOD**

Report attached.

## 4.1

**PORTION 1 OF THE FARM KLEINRIVIER NO. 646, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE AND CONSENT USE: MESSRS WRAP PROJECT OFFICE ON BEHALF OF BIZ AFRIKA 62 (PTY) LTD**

1/646 RCAL

P Roux

17 February 2021

(028) 313 8900

Hermanus Administration

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**1. EXECUTIVE SUMMARY**

An application was received on 27 June 2018 from Messrs WRAP Project Office on behalf of BIZ Afrika 62 (Pty) Ltd on Portion 1 of the Farm Kleinrivier No. 646, Division Caledon for the following:

- departure in terms of Section 16(2)(b) to accommodate a farm store on the property, and
- consent use in terms of Section 16(2)(o) to utilise twelve (12) holiday housing units as permanent residence by the shareholders, tourist facilities (lecture room and gift shop), restaurant and place of assembly (clubhouse).

The Locality Plan of the property concerned is attached as Annexure A. The Motivation Letter from the applicant in support of the application is attached as Annexure B, while the Site Development Plan (SDP) is attached as Annexure C.

**2. DECISION AUTHORITY**

Municipal Planning Tribunal

**3. BACKGROUND / SITE HISTORY**

Portion 1 of the Farm Kleinrivier No. 646, Division Caledon is situated directly next to the R43 leading into Stanford and is located in the rural area of Overstrand Municipal Area (outside of the urban edge). In 2002, the farm was rezoned from Agricultural Zone 1 to Resort Zone 1 subject to conditions - one of which is quoted as follows:

*“that a detailed Development Plan showing the location of each unit be submitted”.*

Additional to the approval in 2002, an application was approved in 2009 to allow for the establishment of a camping site on the property which would have been styled and developed as Indian Style Tipi’s tents. A condition was also stipulated, which is quoted as follow:

*“that prior to the submission of building plans, a revised Site Development Plan, taking into account the conditions of amendment of the conditions of rezoning approval, with detailed elevation drawings of the structures proposed to be constructed, be submitted for comment to the Aesthetic Committee and to the Municipal Council for consideration and that Council reserves the right to impose conditions relating to the footprints of the proposed structures, layout of parking, architecture landscaping (including external to the property), aesthetics, etc. at that stage”.*

After approval was gained on both occasions, several dwellings were constructed on the property including the camping area, but no detailed SDP was submitted as per the approval conditions. It was later decided not to allow for the approval of building plans on the property until such time that the SDP was submitted, and conditions of approval was adhered to. Messrs WRAP Project Office was appointed by the property owners to provide an updated SDP. The consultants were also on site when it was noted that there are also several structures erected on the property which was not indicated on the approved building plans. Further, the property owners also indicated that they permanently reside on the property and that there is a need for twelve (12) holiday houses and twelve (12) tourist accommodation units on the property. Therefore, an SDP was submitted indicating the location of the existing structures and the proposed new structures.

Additionally, consent is also applied for to allow for various tourism related facilities.

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

The motivation for the application is summarised as follows:

- ❖ Portion 1 of the Farm Rocklands No. 646, Division Caledon is zoned Resort Zone 1 and is ±43.844 ha in extent.
- ❖ The 2002 application for rezoning, indicated that there are six (6) cottages and four (4) rondavels on the property and the owners wanted to erect two (2) additional units, bringing the total number of units up to twelve (12) and the density to 0.28 units per ha. The primary use under the Resort Zone 1 zoning was holiday accommodation. Approval was provided subject to conditions. A Record of Decision (RoD) was also issued by the Department of Environmental and Cultural Affairs and Sport on 30 October 2001.
- ❖ On 19 December 2009 a further approval was issued by the Municipality for the amendment of conditions of approval to establish a camping site subject to conditions of which is that an updated SDP be submitted. This plan was never submitted and will form part of the submission and application.
- ❖ The property owner purchased the property in 1999, based on the fact that it had nine (9) existing dwellings on the property, which the shareholders intended to occupy on a permanent basis. In 2002 the property owner sought to upgrade, refurbish, and extend the dwellings and wanted to build two (2) additional dwellings. At that stage the property was zoned Agricultural Zone 1 and it was advised that the property be rezoned to Resort Zone 1. The rezoning was approved, and twelve (12) dwelling units were approved. The extension of some of the dwellings went ahead and building plans were submitted to the Overstrand Municipality and dwellings of up to 450m<sup>2</sup> were approved. Plans were also approved to join two (2) of the dwellings. Due to no SDP being submitted the Municipality started to refuse building plans in 2014 until a SDP was submitted. Messrs WRAP Project Office was then appointed by the property owners to provide an updated Development Plan and assist with compliance of the resort with the relevant legislation. The consultants were on site when it was noted that there are also several structures erected on the property which was not indicated on approved building plans. It was also noted that the shareholders live permanently on the property and therefore the land use is none compliant with the zoning of the property. It is now the property owner's intention to rectify the situation and to comply with the conditions of approval and to make all land uses currently on the property compliant with the parameters of the Zoning Scheme.
- ❖ The use of the property is determined as follows:

### Resort Zone 1

The following use restrictions apply to property in this zone:

- (a) Primary uses are conservation use, **holiday accommodation**, private open space, private road, tourist accommodation.
- (b) Consent uses are additional dwelling units, conference facilities, **holiday housing**, hotel, **place of assembly**, place of entertainment, recreational facilities, restaurant, rooftop base station, transmission tower, tourist facilities, any other use determined by Council.

**holiday accommodation** means a harmoniously designed and built development, used for holiday and recreational purposes, whether in private or public ownership, which:

- (i) Consists of a single enterprise in which accommodation is supplied by means of short-term renting and time sharing only.
- (ii) May include the provision of a camping site, mobile home park and dwelling units.
- (iii) May also accommodate a restaurant and in- and outdoor recreation facilities; but
- (iv) Does not include a hotel or conference centre.

**holiday housing** means dwelling units, mobile homes or camping sites that are harmoniously designed and built, for holiday or recreational purposes, and which may be separately alienated by means of sectional title division, fractional title, the selling of share blocks or the subdivision of property.

Further, Council may stipulate development rules as determined under Section 13.1.2 of the Zoning Scheme.

- ❖ The subject property has not been used for specific agricultural activity as the size of the farm is of such a nature that it limits its uses. Therefore, the reason for the rezoning which was approved in terms of Section 8 of the Land Use Ordinance, 15 of 1985.
- ❖ Since most of the shareholders permanently reside on the property since 1999, they expressed the need to legally reside on the property on a permanent basis. The owners of the undeveloped units also want to develop such units for permanent habitation. As the property is zoned as Resort Zone application is made for holiday housing. However, holiday housing only allows for 50% of the dwellings on a resort zoned property. Since all twelve (12) units will be permanently used for habitation the shareholders want to develop twelve (12) additional holiday accommodation units on the property with each on a 500m<sup>2</sup> exclusive use area and a development footprint of 250m<sup>2</sup>. This will be in addition to the current twelve (12) units, to be utilized as holiday housing units of which the extent varies between 70m<sup>2</sup> and 450m<sup>2</sup>. The largest dwelling which was approved was 450m<sup>2</sup> and therefore it is proposed that the other holiday housing units be allowed the same footprint. It is also proposed that each holiday housing unit as a 2000m<sup>2</sup> which will bring the allowed coverage to 22.5% of each exclusive use area.
- ❖ Should all dwellings be extended then the total floor area would have been 5 400m<sup>2</sup>.
- ❖ It is also intended to develop a farm store (300m<sup>2</sup> in extent), restaurant (300m<sup>2</sup> in extent), lecture room, gift shop and a place of assembly [club house] (300m<sup>2</sup> in extent) which will be available to the general public. The development of the facilities is to generate income to pay for the expenses of the resort relating to rates and taxes, cost of services and general maintenance of the resort. Due to the resort only being made up of twelve (12) holiday accommodation units it is necessary to open the facilities to the public.

- ❖ The 2005 Western Cape Guidelines for Resort Developments was considered as it contains guidelines for densities. However, the history of the property is unique and the guidelines date back to 2005 and is regarded as outdated. What was regarded as relevant to the application is Section 4.2.1 on page 25 of the guidelines which state the following:
 

*“Given that consent for at least one additional dwelling unit could be given on any residential or agricultural property, a density of 2 dwelling units per 3 hectares or 0.67 unit per hectare could be deduced for that area/portion, of the larger original farm (or other land unit), primarily dedicated for the resort. As a result of local conditions being taken into account, densities for many resorts have often been restricted to 1 unit per hectare or even less (sometimes even approaching the densities of rural occupation, that is, 1 unit per 3 to 5 hectares). It should nevertheless be noted that these figures refer to gross density, i.e. number of units relative to the total area/portion, of the larger original farm (or other land unit), primarily dedicated for the resort. On the other hand, nett density could be higher if it relates to number of units with regard to the immediate area of the resort development site itself, should the resort units be clustered in a node or nodes.”*

  - The applicant maintains that if the abovementioned is considered and that a density of 1 unit per hectare can be used on a property of 43,84 ha, then 44 units could have been developed and if a density of 2 units per 3 ha is allowed then it will equate to 29 units. The proposed development is for 24 resort units which will equate to a density of 0,54 units per hectare that is less than the recommended density.
  - The structures on the property which do not comply with the National Building Regulations will be demolished and replaced with extensions to the existing holiday housing units for which building plans will be submitted and the erection of one holiday accommodation unit per shareholder.
  - Coverage of all structures on the property is 2700m<sup>2</sup> and if everything is developed as proposed in the motivation, the total coverage will be 9 300m<sup>2</sup> which is a 2,1% coverage of the subject property with a floor factor of 0,021.
  - If the property was still zoned Agricultural Zone 1 then only 5000m<sup>2</sup> of floor space may be developed with a floor factor of 0,011.
  - The applicant further compares the resort guidelines with the Overstrand Zoning Scheme Regulations by maintaining that the Municipality is not bound by the 2005 resort guidelines and must determine the development rules of the resort on basic site-specific circumstances in terms of the Overstrand Zoning Scheme.
- ❖ An EMP was compiled by Messrs Lornay Environmental Consulting and a Clarification Letter was issued by the Department of Environmental Affairs and Development Planning (DEA&DP) which approved the environmental soundness of this proposal as indicated on the SDP. No additional environmental approval is required.
- ❖ Architecture of the dwellings will blend with the prevailing rural character and aesthetically appealing existing dwellings.
- ❖ No additional services will be required from the Municipality.
- ❖ Zoning of the property will remain for resort purposes.
- ❖ The proposal adheres to the spatial planning policies for the area.
- ❖ The application is motivated to be in line with forward planning frameworks and planning principles.

## 5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Internal Departments	Yes	31 October 2018	7 December 2018
External Departments	Yes	31 October 2018	7 December 2018
Ward councillor	Yes	31 October 2018	7 December 2018
Notices	Yes	1 November 2018	7 December 2018
Total number of letters	<b>Nine (9) objections were received</b>		
Was public participation undertaken in accordance with Section 46 - 50 of the By-Law on Municipal Land Use Planning?			<b>Yes</b>
Was the application processed correctly?			<b>Yes</b>
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA?			<b>Yes</b>

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

Name	Date received	Summary of comments
Waste Management	31/10/2018	No refuse collection to be provided from the farm. Access to Stanford Drop off and Gansbaai Landfill is available.
Heritage Western Cape	1/11/2018	The proposal does not trigger the National Heritage Resources Act.
Building Department	20/11/2018	No objection.
Department of Environmental Affairs and Development Planning: <i>Component: Planning</i>	3/12/2018	Annexure F.
Fire Services	7/12/2018	Attached as Annexure G.
Department of Environmental Affairs and Development Planning: <i>Component: Environmental</i>	7/12/2018	Attached as Annexure H.
Telkom	11/12/2018	Attached as Annexure I.
Environmental Section	12/12/2018	No objection.

District Health	18/12/2018	Applicant to apply for COA for shop as well as restaurant. Additional application needs to be completed to operate as an accommodation establishment.
Breede-Gouritz Catchment Management Agency (BGCMA)	19/12/2018	Annexure J.
CapeNature	21/01/2019	Annexure K.
Engineering Services	26/02/2019	Annexure L.
Department of Transport and Public Works	3/07/2019	Annexure M.

## 7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

Nine (9) objections were received on the application, the objections are from:

- GM Buys & WH Buys;
- L Mossop;
- Stanford Conservation Trust;
- L Swart;
- DA Smith;
- C & D Hagen;
- RH Metcalf;
- R Mann, and
- Stanford Rate Payers association.

The points of objections and responses thereto will be tabled together and discussed.

1. Comment/Objection	Response from applicant
<p><b>GM Buys and WH Buys L Mossop, A Smith, and RJ Mann</b></p> <p><i>"In the Notice dated 30 October 2018 (the Proposal), on page 10, paragraph 6 — Existing Land Use rights, it states that:</i></p> <p><i>"Development rules</i>  <i>In terms of Section 13.1.2 of the OMZS, the following development rules apply:</i></p> <p><i>(a) The council shall stipulate development parameters with regard to density, height, coverage, layout, building design, landscaping, parking, access; signage and the use of the property when: (points</i></p>	<p>There are approved building plans for some of the existing buildings (refer to the submitted SDP which illustrates this in detail). The building plans were not approved with a SDP. The Overstrand Municipality subsequently requested that an SDP be submitted together with the town planning application to confer the most appropriate land use rights on the subject property for the existing and proposed land uses. The actions which are proposed to be instituted above, illustrates that the property owner is committed to upholding the obligations and conditions of approval which were imposed by Council.</p> <p>The submission of the town planning application</p>

<p><i>i to v follow)</i></p> <p><i>(b) A Site Development Plan must be submitted to the Council for approval in accordance with 16.3;"</i></p> <p><i>On page 9, paragraph 5 Owner's Intent, it states that:</i></p> <p><i>"Part of the conditions of approval included the submission of a Site Development Plan (SDP) and in 2014 the OM started to refuse the acceptance of building plans until such time that an SDP is submitted."</i></p> <p><i>The refusal to process plan approval commenced in 2014 as a result of the approval on 19 December 2008 which required a Site Development Plan prior to the submission of building plans. There was a six (6) year delay by the applicants for the SDP submission.</i></p> <p><i>This demonstrates a trend where the applicant fails to uphold their obligations as imposed by Council in regard to conditions imposed.</i></p> <p><i>Under Section 83, <u>Enforcement</u>, the Municipality has obligations to ensure enforcement occurs.</i></p> <p><i>On page 21, paragraph 17 <u>Architecture</u>, it states that:</i></p> <p><i>"The main objective is to create a development that will blend in with the natural surroundings, without disturbing indigenous vegetation and in a sustainable manner. A natural building style, in line with the style and architecture of the existing dwellings will be created for the additional buildings and units, which will reflect the local architecture and heritage."</i></p> <p><i>On page 20 — under applicant's heading <u>Overstrand Spatial Development Framework</u>:</i></p> <p><b><i>Local spatial development principles</i></b> <i>Alignment of the proposal with the local spatial development principles</i></p> <p><b><i>Promote conservation of the historic townscape</i></b></p>	<p>is also intended to facilitate a process to make it easier for the Overstrand Municipality to enforce all prescripts of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (hereafter referred to as the By-Law) and the Overstrand Municipality Zoning Scheme, 2013 (hereafter referred to as the OMZS). The submission of the town planning application illustrates the commitment of the property owners to comply with prescribed legislation.</p> <p>Considering that the subject property is located outside of the Stanford urban edge, the requirements of the Stanford Urban Conservation Area Overlay Zone do not need to be complied with. Compliance with the Stanford Urban Conservation Area Overlay Zone on the subject property is therefore optional.</p> <p>The building plans which have been approved for some dwellings and rondavels on the subject property have architectural integrity and comply with all prescribed building regulations. The footprints of the 12 holiday accommodation units which are depicted on the subject property is a primary right, and building plans only need to be submitted to the Overstrand Municipality upon approval of this proposal. There is therefore no need at this point for detailed architectural drawings of the units. It can however be assured that the units will comply with prescribed Building Regulations and will not compromise on the cultural and scenic landscapes.</p> <p>The motivation clearly illustrated that the historic townscape within the urban edge will not be affected with the approval and implementation of this proposal.</p> <p>It also needs to be noted that the architectural styling, character, and heritage of properties outside of the urban edge are slightly different from properties within the urban edge. There is a commitment to have some heritage value on the subject property which complies with the vision of the owners of the subject property and in harmony with the heritage value of surrounding properties outside the urban edge of Stanford. The zoning of Resort Zone: Holiday Resort (hereafter referred to as RZ) which allows the Overstrand Municipality to stipulate development rules, provides the owners of the</p>
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*Stanford is a historical rural village which increasingly functions as a tourist destination. The location of the subject property adjacent to the urban edge is also ideal as the proposed land uses and tourist facilities will contribute to creating a transition from inside the urban edge to the farms of Stanford. The historic townscape will not be affected.*

**Objection**

*These two statements are in conflict. The applicant has not presented plans with sufficient detail to demonstrate support of any architectural integrity with the Stanford Conservation requirements. The Provincial Spatial Development Framework requires that land use not compromise ... "cultural and scenic landscapes."*

*The applicant and their consultant have attempted to confuse the reader by their statement that their plans will "promote conservation of the historic townscape". Then stating that they wish to adopt "A natural building style, in line with the style and architecture of the existing dwellings will be created for the additional buildings and units, which will reflect the local architecture and heritage." A statement that can be read as "anything existing sets the style". Given that building work has been completed without plans, together with the applicant stating that some dwellings are to be demolished, this laissez-faire approach is a concern.*

*The commitment by the applicant to comply with alignment with the dominant style currently existing within Stanford (supported by Heritage and Conservation) is tenuous at a minimum or non-existent. The applicant has indicated that Overstrand Municipality shall stipulate development rules (see page 10 of Application).*

*It is noted that there are existing double storey dwellings on the property. This is in conflict with Stanford Heritage and Conservation - which represents the local environment. This also conflicts with the Overstrand Spatial Development Framework. Stanford has adopted rules, which impose restrictions and guidelines exceeding the*

subject property with some room to dictate the heritage character which be established on the subject property.

The resort zoning has no height restriction and does not prevent double storey buildings from being constructed on the subject property.

*minimum requirements elsewhere prevailing within Overstrand Municipal Areas. This fact goes to the key issue that the Stanford community has agreed to comply with such more restrictive conditions. There can be no doubt that the applicant seeks to benefit from the additional visual, commercial and community benefits emerging from the Stanford Heritage and Conservation objectives, yet the applicant requests that lesser rules apply to their property."*

### Response from Town Planner

The subject property does not form part of the urban fabric of Stanford and is separated from the settlement by a river. Further, whether or not the application is approved the applicant or developer will have to liaise with the Stanford Heritage Committee as per previous the previous rezoning approval.

2. Comment/Objection	Response from applicant
<p><b><i>GM Buys and WH Buys, L Mossop, and A Smith</i></b></p> <p><i>"Building uniformity and heights with reference to Section 6. <u>Existing Land Use Rights</u> "holiday accommodation is defined as harmoniously designed and built". There is a contradiction in the motivation regarding the dwelling size limits. A holiday accommodation limit of 250m<sup>2</sup> footprint, as per Overstrand Municipality policy, is referred to in the motivation. However, mention is then made of the largest existing building erected AFTER "the approval of building plans" which has a 450m<sup>2</sup> footprint. The interpretation of this second recommendation suggests that this building is one of the un-approved dwellings. This previous oversight cannot be used as a means of enabling permission for larger footprint dwellings. All future dwellings must be limited to 250m<sup>2</sup> footprint and the Stanford Standard Height of a maximum of 6.8m."</i></p>	<p>The holiday accommodation units are proposed to be capped at 250m<sup>2</sup> in the Motivation Report.</p> <p>There is no historic oversight deficiency when the dwelling unit of 450m<sup>2</sup> was approved by the Overstrand Municipality, because the resort zoning stipulates that the Overstrand Municipality may determine development rules on the subject property. The building plans for any units will be addressed in conjunction with the prescripts of the resort zoning which stipulates that the Overstrand Municipality may determine development rules.</p>

### Response from Town Planner

The comments of the objectors are noted. In general, before any building plan is approved on a resort property an Architectural Guideline must be established with an approved SDP. This was not historically done due to the history of the property which is to say that the property was developed with several structures prior to the rezoning in 2002. The historical structures were never in uniformity in character and the property never truly functioned as a resort, but as a small holding/ urban development.

3. Comment/Objection	Response from applicant
<p><i>"It is submitted that the applicant and Overstrand Municipality would minimize objections by agreeing, in advance, to follow architectural and building standards which align closely to Stanford's prevailing standards. In this regard Section 16 and the Stanford Urban Conservation Overlay Zone requirements of the Overstrand Zoning Scheme Regulations dated 29 November 2013 are relevant. At page 125, Section 11 applies, as the wording includes "... and also, where necessary outside those areas".</i></p>	<p>It is submitted that it is not necessary for the Urban Conservation Overlay Zone to be stringently applied on the subject property. The objector has also not motivated why it is necessary to apply the Urban Conservation Overlay Zone on the subject property.</p> <p>The owners of the subject property may comply with the Urban Conservation Overlay Zone when deemed to be necessary.</p>

#### Response from Town Planner

The subject property does not form part of the urban fabric of Stanford and therefore it is submitted that it is unnecessary to implement and impose the parameters of the Stanford Urban Conservation Overlay Zone on the subject property. What is important is that the design of the structures be compatible with rural character where it is located.

4. Comment/Objection	Response from applicant
<p><i>"We however insist that the 12 new units (9+3) adhere to the Stanford Style Guidelines with a maximum height of 6,8m with a limitation of 250m<sup>2</sup> footprint."</i></p>	<p>The Overstrand Municipality may determine the development rules on the subject property. Considering this, it is proposed that all buildings on the subject property not be higher than 8m and not 6,8m as proposed by the objector.</p>

#### Response from Town Planner

The subject property does not form part of the urban fabric of Stanford and should the application be approved, then development may be allowed to construct up to 8m from the base level in order to mitigate visual impact on the scenic route (R43).

5. Comment/Objection	Response from applicant
<p><b><i>D &amp; C Hagen</i></b></p> <p><i>"The planned structures shall be submitted for comment to the Overstrand Heritage &amp; Aesthetics Committee and the Stanford Heritage Committee before seeking Overstrand Planning Department approval."</i></p>	<p>The objector is correct. This process will however only be initiated once the town planning application is approved.</p>

#### Response from Town Planner

The comments from the objector are agreed with.

6. Comment/Objection	Response from applicant
<p><i>"We insist the style adheres to Stanford guidelines and is approved by all the Overstrand and Village Heritage Committees."</i></p>	<p>Considering that the Overstrand Municipality may determine development rules on the subject property, conforming to the Village Heritage Committees prescripts is not necessary. The owners of the subject property will only conform to the prescripts of the Village Heritage Committees when it is deemed to be necessary.</p>

#### **Response from Town Planner**

The comment from the applicant is agreed with. The resort has the opportunity to establish a unique character and sense of place which can reflect the rural character of Stanford and does not need to conform to the pre-existing character of Stanford village itself. That being stated the current buildings constructed are not uniformity in design and do not have a specific character.

7. Comment/Objection	Response from applicant
<p><b>Stanford Conservation Trust (SCT)</b></p> <p><i>"As Stanford is the only Heritage Village in the Overstrand, any development adjacent to the village will impact on the ambiance thereof and should therefore add value to the village rather than detract from it. The Overstrand Municipality (in its Overlay Zones) has also recognised the R43 as a scenic tourist route where all development should blend in with the existing rural visual aspects. In the light of the above, the SCT wishes to clearly state that the application does not take any of the above into consideration and it therefore objects against the application in its present form although it in principle agrees to some of the aspects of the development. Detailed comments are listed below."</i></p>	<p>Considering that the existing and proposed buildings on the subject property are spread out, the rural character and ambiance outside the urban edge is maintained in the current form.</p>

#### **Response from Town Planner**

The comment made by the objector is noted and it is true that the R43 is identified as a scenic tourist route where all development should blend in with the existing rural visual aspects. The applicant did not present design proposals to illustrate how this will be developed.

8. Comment/Objection	Response from applicant
<p><b>Stanford Conservation Trust</b></p> <p><i>"We note that the shareholders request to develop: The utilization of 12 existing holiday accommodation units as permanent residences:</i></p>	<p>It was proposed in the Motivation Report that the submission of building plans for buildings and structures on the camp site be submitted to the Aesthetics Committee in conjunction with the future building plan submission to guarantee harmony and coherence in the building plan submission process. This statement illustrates</p>

<ul style="list-style-type: none"> <li>• <i>The development of a further 12 new tourist accommodation units.</i></li> <li>• <i>A farm store.</i></li> <li>• <i>Tourism facilities, including a lecture room, gift shop, restaurant and place of assembly.</i></li> <li>• <i>Possibly a hotel which is mentioned in the documentation, but not in the actual development approval request.</i></li> </ul> <p><i>We have the following comments and recommendations to these requests (please note again that a more detailed SDP indicating the existing, the proposed, the proposed civil services layout, parking and access is required before any approval should be granted and to avoid any future misinterpretation).</i></p> <p><i>We have no objection in principal to 12 existing holiday accommodation units to be used as permanent residences. However, in 2008 the condition of amendments to the rezoning of the property were (pg. 6) 'subject to proposed structures to be constructed be submitted for comment to the Aesthetics Committee and Municipal Council for consideration and that council reserved the right to impose conditions re footprint, structures and parking, landscaping, architecture and aesthetics'. These conditions were clearly not adhered to as the 'as built' buildings now need to be legalised."</i></p>	<p>the commitment of the property owner to comply with this historic condition of approval.</p>
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### Response from Town Planner

No additional building plans will be approved until the property owner has adhered with the conditions of approval from the past approvals or if this application is approved. The past transgressions made on the property is noted and needs to be addressed.

9. Comment/Objection	Response from applicant
<p><b><i>Stanford Conservation Trust (SCT)</i></b></p> <p><i>"As to the further development of 12 new tourist accommodation units, the SCT insists that the conditions in a) above are again stipulated and that the Municipality imposes the adherence to the 'Stanford Style Guidelines'. These include a compulsory height restriction of 6,8 meters to apex of the roof for all new accommodation units, that the 'Victorian Cape Dutch' style be recommended</i></p>	<p>The Overstrand Municipality may determine development rules pertaining to the subject property which is zoned Resort Zone. The development rules which may be determined by the Overstrand Municipality among others pertain to scale and architectural styling. It would not assist this town planning process to pre-empt the development rules which will be determined by the Overstrand Municipality.</p>

*because of its close proximity to the entrance of Stanford and its visibility from the northern section of Stanford, and that the proposed structures to be constructed must be submitted for comment to the Stanford Heritage Committee (SHC) and the Overstrand Heritage and Aesthetics Committee (OHAC) before the Overstrand Planning Department approval.”*

### Response from Town Planner

No additional building plans will be approved until the property owner has indicated compliance with the conditions of approval from the past approvals or if this application is approved.

10. Comment/Objection	Response from applicant
<p><b><i>Stanford Conservation Trust</i></b></p> <p><i>“Regarding the development of a farm stall, we have in principal no objection to a farm stall but would once again request that the building compliment the 'Stanford Style' of the Proclaimed Heritage area. In addition, parking and dust control of the roads must be stipulated and that the entrance and exit from the R43 be clearly assessed and approved by the Provincial Roads Department.</i></p> <p><i>A seriously inadequate and incomplete application with no reference to access, traffic and transportation issues, which are critical on the R43.</i></p> <p><i>No reference to the upgrading of the R43 and the formalisation of accesses incorporated in the design.</i></p> <p><i>The need and desirability of the farm store, restaurant, lecture room, gift shop and club house are not motivated and merely glanced over in a single one sentence paragraph in Paragraph 9 <u>Motivation and Development Proposal</u>. These uses can result in trip generation far outstripping the current 12 holiday accommodation units.”</i></p>	<p>The Western Cape Department of Transport and Public Works requested that a Traffic Impact Assessment (TIA) be done on the subject property and it addresses all access related considerations and remedies will be applied where necessary.</p>

**Response from Town Planner**

The Department of Transport and Public Works (DOT) has provided revised comment on the proposed application which addresses the concerns raised by the objector. Further, a traffic impact study was done by Messrs DECA Consulting who determined that the traffic impact will be minimal.

11. Comment/Objection	Response from applicant
<p><b>Stanford Conservation Trust (SCT)</b></p> <p><i>“Regarding the development of tourism facilities, including a lecture room, place of assembly (club house), gift shop and restaurant our comments are as follows:</i></p> <ul style="list-style-type: none"> <li>• <i>These additional facilities will further put strain on the entrance and exits from the R43 into Farm 646. It is suggested that the Provincial Roads Department, who have assessed the urgent need to improve the R43, be consulted and their approval is granted before the application is approved. "Blue Moon" is situated on a blind corner of the R43 at the bridge over the Klein River, also to be rebuilt in the near future, and within 200 meters to the entrance of Stanford, having traffic stop to enter or exit Farm 646 would be considered extremely dangerous.</i></li> <li>• <i>These facilities would encourage many more people on the site putting a strain on the water supply which already needs to be supplemented by the Sir Robert Stanford Estate on the opposite site of the R43. It must be consulted with BGCMA to see whether such a development is feasible within their present water allocation. If not, this development should not be approved unless the applicant can prove that sufficient water is available from a source other than the existing water it receives. It must be noted that, should the applicant say that water is to be obtained via groundwater, this first needs to be proved as being viable in terms of the Resource Quality Objectives for the Klein River which are being gazetted at the moment.</i></li> </ul>	<p>The Western Cape Department of Transport and Public Works requested a TIA which was submitted to the department for approval. All traffic related concerns will be addressed in the document.</p> <p>BGCMA has been consulted regarding the proposal and a letter was issued which highlights that there is no objection to the proposal. There are however several conditions of approval which were laid out by BGCMA which the owners of the subject property will have to comply with to avoid the strain on water supply which is projected by the objector.</p> <p>When building plans are submitted for all the future structures on the subject property, the Building Control Department will insist that the location of the conservancy tanks be illustrated on the property. After the construction of the conservancy tanks, the Overstrand Municipality Building Control Department will be approached to confirm if the conservancy tanks are in a satisfactory position before a right of occupancy is issued.</p> <p>There is no wedding venue which is proposed on the subject property.</p> <p>A hotel is not part of this application.</p>

<ul style="list-style-type: none"> <li>• <i>The application states that the sewage facilities will entail conservancy tanks which will be pumped by Municipal trucks. Due to the proximity of the development to the already compromised Klein River estuary (please refer to the document that is gazetted at the moment), the SCT requests, and the municipality clearly states that it must oversee and receive copies of documentation that will guarantee that the conservancy tanks have been installed to the satisfaction of the municipality, and that both the SCT and the Klein River Estuary Forum be provided with copies for each unit to be built.</i></li> <li>• <i>It is mentioned that the place of assembly will be used for weddings. Considering the close proximity to the northern residential area of Stanford this would be inappropriate due the amount of people on the property at any one point in time, and the noise factor that this will have on the area, Stanford being considered a 'quiet' country village. There have been 'Trance Parties' held in the past at the Quarry, at least a further 2km away and this was clearly heard all over the village and a stop to these was put in place.</i></li> </ul> <p><i>Clarity must be given whether the hotel is part of the application, or not."</i></p>	
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### Response from Town Planner

The Department of Transport and Public Works (DOT) has provided revised comment on the proposed application which addresses the concerns raised by the applicant.

Conditions were also stipulated by BGMCA and the Engineering Department regarding the water and effluent infrastructure development on the property.

It is noted, however the applicant did state in the motivation that the place of assembly (clubhouse) and restaurant may be rented out for other functions such as weddings, but it is never elaborated upon. This is noted and will be discussed under the desirability of the application.

12. Comment/Objection	Response from applicant
<p><b><i>Stanford Conservation Trust</i></b></p> <p><i>"Stanford Conservation Trust is therefore not in acceptance with this application in its</i></p>	<p>A Visual Impact Assessment (VIA) will not be necessary on the subject property. Compliance with the prescribed Building Regulations will be sufficient.</p>

<p><i>present format. We furthermore request that we be informed regarding the outcome of the necessary impact assessments (which should include a visual assessment) and the RoD's from the different departments attached to the application. We would also appreciate feedback from the Municipality/Town Planning regarding whether it supports the height restrictions proposed, or whether other height restrictions will be applicable."</i></p>	<p>The Overstrand Municipality is responsible for the dissemination of any information pertaining to the outcome of the subject town planning application. The Stanford Conservation Trust can therefore be assured all prescribed processes and procedures of the By-Law will be followed in the dissemination of information.</p>
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### Response from Town Planner

Should the application be approved then comments and conditions as listed by the various departments will be circulated to all who commented/objectioned to the application. It should, however, be noted that the application was circulated to Heritage Western Cape who stated that no Notice of Intend to Develop (NID) assessment is required.

13. Comment/Objection	Response from applicant
<p><i>"No Site Development Plan was attached, and the internal roads layout/circulation, parking and access cannot be evaluated."</i></p>	<p>An SDP was submitted with the application document which depicts internal road layout, circulation, parking and access.</p>

### Response from Town Planner

An SDP was attached with the public participation documents. Comment from the relevant authorities are all indicative of this.

14. Comment/Objection	Response from applicant
<p><i>"The sustainability of the development is not elaborated on. If the development fails, this could become a motivation for the extension of the urban edge and Stanford developing in a hap hazard manner."</i></p>	<p>The subject proposal cannot be seen as going to lead to the haphazard extension of the Stanford urban edge.</p>

### Response from Town Planner

To date the property has not been developed as a resort or in uniformity. The concerns of the objector are noted.

### Response to comments and objections pertinent to the history of the proposal

15. Comment/Objection	Response from applicant
<p><b><i>GM Buys and WH Buys, L Mossop and A Smith</i></b></p> <p><i>"With regard to this application, this property was originally zoned as farmland. The farmland zoning is prevalent between Stanford and Hermanus. The rezoning</i></p>	<p>The property was previously zoned for agricultural purposes but is currently zoned as Resort. The submitted application does not entail a rezoning as asserted by the objector. Considering that the development parameters of the subject zoning allow the Overstrand Municipality to determine development rules, the</p>

<i>intends to remove the restrictions that have evolved on the applicant's land to enable 24 units for accommodation as well as associated additional tourist related infrastructure."</i>	24 accommodation units were extensively motivated in the proposal.
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### Response from Town Planner

The zoning of the property will remain unchanged, it is however intended to allow for additional units on the property, tourist accommodation, retainment of some of the illegal structures and consent for tourist facilities.

16. Comment/Objection	Response from applicant
<p><b>Stanford Conservation Trust</b></p> <p><i>"Lastly the SCT wishes to draw your attention to the 2008 condition of amendments to the rezoning of the property were (pg. 6) subject to proposed structures to be constructed be submitted for comment to the Aesthetics Committee and Municipal Council for consideration and that council reserved the right to impose conditions re footprint, structures and parking, landscaping, architecture and aesthetics'. None of this was adhered to (hence the request to legalise the existing structures) and it is our understanding that rezoning only becomes valid once the zoning conditions have been met. In this case it would have been the conditions of submitting drawings and comments from the various departments. This was not done within the required period of 5 years. In this case the zoning lapses back to the original, which in this case is agriculture and this application can therefore not be a departure, but an entire re-zoning process (which will include a comprehensive EIA and public participation process)."</i></p>	<p>The zoning of the subject property cannot lapse because the property owners acted upon all of the primary rights which are in the Resort Zoning (RZ). There is a TP tented style camping site on the subject property (marketed as "the last resort campsite" which is in harmony with the definition of <i>tourist accommodation</i> and <i>holiday accommodation</i> which are primary right in the RZ.</p> <p>There are also environmentally sensitive areas on the subject property which the property owners are keeping in a pristine condition in accordance with the prescripts of DEA&amp;DP and the Environmental Management Plan (EMP). The environmentally sensitive areas comply with the definition of <i>conservation use</i> which is a primary right on the subject property and has been acted upon.</p> <p>There are also existing historic private roads on the subject property which comply with the definition of the "<i>private road</i>" which is a primary right on the subject property. There are areas on the subject property which are used for rest and recreational activities and comply with the definition of "<i>private open space</i>" which is a primary right on the subject property.</p> <p>Considering that all the primary rights have been acted upon, the RZ of the subject property cannot lapse. The purpose of the submitted town planning application is to ensure that the property owners institute a process to comply with the conditions of approval which are highlighted by the objector.</p>

**Response from Town Planner**

Due to historic approval of building plans the zoning cannot lapse. Prior to the submission of building plans, the process as discussed by the objector should have occurred and therefore it was flawed, however building plans were still approved and the property owner has the right to develop in line with the approved building plans. The application is an attempt to resolve issues on the site which require attention due to their legal status and to apply for additional right use.

**Response to comments and objections pertinent to the scale of the proposal**

17. Comment/Objection	Response from applicant
<p><b>GM Buys and WH Buys, L Mossop, and A Smith</b></p> <p><i>“The proposal refers consent uses for this property as including an hotel, a conference centre and rooftop base station and transmission tower. Of concern is that only the hotel and conference centre are specifically excluded.”</i></p>	<p>No hotel was applied for in the submitted town planning application. The only mention of the word “hotel” in the submitted Motivation Report are the instances where the permissible consent use applications are listed.</p>

**Response from Town Planner**

The applicant’s motivation and the notice which was severed to the public clearly state what is currently being applied for. A hotel and transmission tower are not applied for.

18. Comment/Objection	Response from applicant
<p><b>GM Buys and WH Buys, L Mossop, A Smith, D &amp; C Hagen and RJ Mann</b></p> <p><i>“<u>Increased housing density</u> The proposal refers to this farm size as having a permissible density of 29 or 44 units, depending upon interpretation of the dwelling density laws.</i></p> <p><b>Objection:</b> <i>This reference to 29 or 44 units should not be used to smooth the way for future requests for dwelling density increases.”</i></p>	<p>The subject property is not a farm. The density calculations were based on methodologic formulas which are prescribed by the Guidelines for Resort Developments in the Western Cape, 2016 and was not done arbitrarily. Considering this, the intent of the density calculations is not used to smooth the way for future requests for dwelling density increases.</p>

**Response from Town Planner**

This will be considered under the desirability of the application.

19. Comment/Objection	Response from applicant
<p><b>GM Buys and WH Buys, L Mossop, A Smith, D &amp; C Hagen and RJ Mann</b></p>	<p>The vacancy rates of holiday accommodation establishments in Stanford differ depending on the quality of the accommodation which is</p>

<p><i>“A need for additional holiday accommodation. It is suggested in the proposal that this development will address a pressing need for holiday accommodation in Stanford</i></p> <p><b>Comment:</b> <i>We question whether this is an accurate assessment. We understand that occupancy rates on current holiday accommodation in a normal year are nowhere near 100%.”</i></p>	<p>offered. Establishments with a quality service and a great reputation are normally fully booked the whole year and the establishments with poor service and a bad reputation have low occupancy rates. This by implication means that the assertion by the objectors that the occupancy rates of Stanford can be used to pre-amp the future occupancy rates on the subject property are unfounded.</p>
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### Response from Town Planner

The comments made by the objectors is understandable, the applicant did not substantiate the statement and the objectors merely question the validity of the statement.

20. Comment/Objection	Response from applicant
<p><b>D and C Hagen</b></p> <p><i>“Your latest plan shows nine existing dwellings (legal or illegal structures), with the proposal to add nine new dwellings within the same common property or exclusive use area of maximum of 500m<sup>2</sup></i></p> <p>a) <i>Three new residential dwellings marked 10,11, and 12,</i></p> <p>b) <i>A commercial property comprising of a gift shop, restaurant and place of assembly (club) with required parking bays at the north/west corner of Erf 646 - adjacent to the R43.</i></p> <p><i>Your document text does not correctly reflect the above proposal with regard to the plans received from Hermanus town planner.”</i></p>	<p>It needs to be borne in mind that the 12 holiday accommodation units is a primary right and there was no need to apply for these in the Motivation Report. The 12 holiday housing units is a consent use and were applied for. The location of all these land uses was clearly depicted on the SDP and the approval of this proposal would be subject to the owners of the subject property having to comply with the detail which is on the SDP.</p>

### Response from Town Planner

The comment made by the objectors is noted. The motivation does not elaborate and directly motivate the commercial facilities in the motivation and link them to the SDP. What is difficult to determine on the SDP is which of the structures are a part of the original 12 approved holiday accommodation and which are outbuildings or other structures.

21. Comment/Objection	Response from applicant
<p><b>D &amp; C Hagen</b></p> <p><i>“We do object to an additional development of an additional 12 tourist accommodations over and above the 9 + 13 (12) new dwelling</i></p>	<p>The objectors are not providing any grounds for the submitted objection.</p>

units.”	
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### Response from Town Planner

The objectors' objection is noted, and it is presumed that the objection relates to the other matters raised in their letter although not specifically stated and the objection also presumably relate to the addition of new dwellings and footprints. As the objectors clearly state that they have no objection with the retention of the existing 12 structures, but objects to the overdevelopment of additional structures.

22. Comment/Objection	Response from applicant
<p><b>D &amp; C Hagen</b></p> <p>“We object to additional commercial facilities like hotels, large wedding venues and antenna masts on Erf 646.”</p>	<p>There is no application for a consent use for a hotel which is submitted with this application. The place of assembly which is applied for is not large but only measures 300m<sup>2</sup> and is not projected to be of an adverse impact as asserted by the objector.</p>

### Response from Town Planner

The applicant does not apply for a hotel or antenna masts on the subject property. The applicant does not state directly why they object towards the wedding venue. However, the applicant did state in the motivation that the place of assembly (clubhouse) and restaurant may be rented out for other functions such as weddings, but it is never elaborated upon. This is noted and will be discussed under the desirability of the application.

23. Comment/Objection	Response from applicant
<p>“We object to any additional developments over and above the 12 homes and 1 commercial hub at the R43.”</p>	<p>The objectors do not provide ground or merit for the objection.</p>

### Response from Town Planner

The objectors' objection is noted, and the objection relates to the addition of new dwellings and footprints. No clear reason is provided for the objection.

24. Comment/Objection	Response from applicant
<p><b>RH Metcalf</b></p> <p>“<u>Building lines</u>: ‘It is stated “there are no building lines which are applicable on the subject property” and further it is stated “no doors and windows shall be permitted in any wall closer than 1,0m to the rear or side boundary” (rear or side boundaries are not indicated.)</p> <p>This is not acceptable, and I would recommend that a 30m building line be implemented/mentioned, the same building</p>	<p>The absence of building lines on the subject property does not absolve the property owner from having to comply with the prescripts of the OMZS which the objector highlights in this objection.</p> <p>The reason why the 30m building line is applicable on the erf of the objector is because the farm is zoned Agriculture Zone 1: Agriculture. A perusal of the plans also reveals that none of the proposed structures are located within 30m from the side boundary line and that only 7 existing buildings (some of these</p>

<i>line as applicable to our erf.”</i>	buildings will be demolished) are located within 30m from the side building line. The proposed future expansions will therefore not have any impact on the space which is 30m from the side building line.
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### Response from Town Planner

The RZ does not have a 30m building line as stipulated in the Zoning Scheme. Developments in the particular zone are to be in line with an approved SDP. The property owner/developer did not provide the required SDP as stipulated in the land use approvals and therefore the applicant now submitted an SDP indicating the location of each structure. As a precaution and to lessen the effect of the development on the street scape and surrounding properties the applicant indicates a 30m setback line for all new structures.

### Response to comments and objections pertinent to the future implication of the proposal

25. Comment/Objection	Response from applicant
<p><b><i>GM Buys and W H Buys, L Mossop, A Smith and RJ Mann</i></b></p> <p><i>“As this application will set the precedent it is incumbent upon the applicant and relevant authorities to ensure that unintended future consequences do not emerge whereby other parties purchase farms, change zoning and build along the entire R43 in a manner that will diminish the value of the culture and heritage prevailing.”</i></p>	<p>The submitted town planning application does not entail a change in zoning. The intention of this proposal is not to build along the entire R43 and the density calculations which were done reveal that the character and ambiance around the R43 will not be adversely altered with the approval and implementation of this proposal.</p>

### Response from Town Planner

The zoning of the property has vested as Resort Zoning. The objection is noted and the proposed application will be evaluated on merit.

26. Comment/objection	Response from applicant
<p><b><i>Stanford Conservation Trust</i></b></p> <p><i>“In addition, the application refers to a hotel, but then it is not mentioned in the final development request. There is no clarity whether this is part of the application, or not.”</i></p>	<p>The submitted town planning application is not for a hotel.</p>

### Response from Town Planner

The application clearly states that application is made for a consent use in terms of Section 16(2)(o) to utilise a twelve (12) holiday housing units as permanent residence by the shareholders; tourist facilities (lecture room and gift shop); restaurant and place of assembly (clubhouse).

## Response to comments and objections pertinent to services on the subject property

27. Comment/Objection	Response from applicant									
<p><b>GM Buys and WH Buys, L Mossop, A Smith and RJ Mann</b></p> <p><u>“Water Requirements</u>  <i>In the proposal under Services — Water, it states that:</i>  <i>‘Water is currently provided from a stream that flows into a dam on the subject property, which has its origin on the Remainder of the farm Kleinrivier, 646 (Sir Robert Stanford Estate). Servitude for the use of the water is in place for many years.</i>  <i>Water to the additional buildings will be provided from the same source.”</i></p> <p><u>Comment:</u>  <i>We understand that the applicant has recently had to request water from the owner of Sir Robert Stanford Estate as the stream flow is insufficient and/or dries up during summer months due to low rainfall. Section 67(10) is applicable in this situation. There is insufficient water for the existing occupants of the affected property, therefore there would be insufficient water for the additional water requirements of farmstall, 12 additional units, tourist facilities (lecture room and gift shop), restaurant and clubhouse. The property does not fall within the existing residential area of Stanford so there is no existing municipal supply to the property via pipelines.</i>  <i>There are alternate sources of potable water; these being rainwater tanks, borehole water or river water. The existing site has 12 dwellings plus a campsite. The additional water requirements as listed above indicate that daily water requirements when the requested units are occupied by two persons per dwelling (based upon a conservative estimate of 100 liters per person per day) would be:</i></p> <table border="1" data-bbox="188 1850 743 2074"> <thead> <tr> <th data-bbox="188 1850 402 1953">Description</th> <th data-bbox="402 1850 536 1953">Persons using water</th> <th data-bbox="536 1850 743 1953">Daily total - liters</th> </tr> </thead> <tbody> <tr> <td data-bbox="188 1953 402 2029">12 existing dwellings</td> <td data-bbox="402 1953 536 2029">24</td> <td data-bbox="536 1953 743 2029">2 400</td> </tr> <tr> <td data-bbox="188 2029 402 2074">12 additional</td> <td data-bbox="402 2029 536 2074"></td> <td data-bbox="536 2029 743 2074">2 400</td> </tr> </tbody> </table>	Description	Persons using water	Daily total - liters	12 existing dwellings	24	2 400	12 additional		2 400	<p>The submitted town planning application was forwarded to BGCMA who are experts in terms of assessing the adequacy of availability of water on a property. There was no water related objections from the experts regarding the availability of water on the subject property. There is therefore no foreseeable possibility of water related problems emerging on the subject property.</p>
Description	Persons using water	Daily total - liters								
12 existing dwellings	24	2 400								
12 additional		2 400								

<i>dwelling</i> s		
<i>Farm store</i>		1 000
<i>Restaurant</i>		2 000
<i>Campsite</i>		2 000
<i>Lecture room &amp; gift shop</i>		1 000
<i>Total water per da</i>		10 800
<i>Total water per 30 da month</i>		324 000

*We suggest that water requirements will be a major constraint to the overall viability of the application. Insufficient water will render the stated benefits of the departure and consent use as unattainable.*

*The existing holding volume of the dams is inadequate to provide sufficient water for the duration of the period of summer when minimal rainfall occurs. The additional load will not be attainable without significant infrastructure investment (with reference to By-Law at 67(2)(a))”*

### Response from Town Planner

Comment was received from BGCMA and the Engineering Department of the Municipality. Should the application be approved then their comments will be inserted as conditions of approval.

28. Comment/Objection	Response from applicant
<p><b>GM Buys and WH Buys, L Mossop, A Smith and RJ Mann</b></p> <p><u>Sewage</u>  <i>In the proposal under Services - Sewerage, it states that:</i>  <i>"Sewerage is currently collected in conservancy tanks that are serviced by the Overstrand Municipality. This arrangement will remain for the additional buildings proposed."</i>  <i>And at page 8, paragraph 2:</i>  <i>"To this end a conservancy tank with a minimum capacity of 10 000 litres to be provided on the property".</i>  <i>It is submitted that By-Law at 67(2)(a) again applies to this service.</i></p> <p><u>Objection:</u>  <i>The planning required to meet additional</i></p>	<p>The Motivation Report refers to the minimum capacities which will be provided for all future dwellings on the subject property. This bare minimum which will be provided, cannot be interpreted as insinuating that the sewage capacity will be capped at this level. There will be additional provision of sewage capacity for the additional commercial land uses on the subject property.</p>

*volumes of sewage is not evident. There is a fragile river eco-system adjacent to the property and increased sewage volumes present a real risk of river pollution. Extensive legislation addresses the issue and consequences of under-managed effluent into rivers.”*

### Response from Town Planner

Comment was received from BGCMA and the Engineering Department of the Municipality. Should the application be approved then their comments will be inserted as conditions of approval.

It is however noted that the Operational Department states that they do not render services on the property and therefore going forward the property owner will have to appoint a private company to service the conservancy tanks unless otherwise agreed by the Municipality.

29. Comment/Objection	Response from applicant
<p><b><i>GM Buys and WH Buys, L Mossop, A Smith and RJ Mann</i></b></p> <p><u><i>“Fire break</i></u> <i>We note that a fire break is not possible on the Farm 646 portion boundary with Walsh Acres.</i></p> <p><u><i>Comment:</i></u> <i>The original buildings on Blue Moon cited for improvement, are too close to this boundary therefore insufficient space exists for a critical fire break. Fire breaks should be established on all other boundaries.”</i></p>	<p>The applicant will comply with the conditions of approval set by the Overstrand Fire Department.</p>

### Response from Town Planner

Comment was received from the Municipality’s Fire Department and no specific mention is made to fire breaks. Should the application be approved, then the comments will be inserted as conditions of approval.

30. Comment/Objection	Response from applicant
<p><b><i>D &amp; C Hagen</i></b></p> <p><i>“In the Proposal under Services – Sewerage, it states that:</i> <i>“Sewerage is currently collected in conservancy tanks that are serviced by the Overberg Municipality. This arrangement will remain for the additional buildings proposed.</i></p> <p><i>A conservancy a minimum capacity of 10 000</i></p>	<p>The sewage capacity, which is referred to, is a minimum requirement for every dwelling. There will however be sufficient sewage capacity provided in compliance with the prescribed building regulations.</p>

<p><i>litres to be provided on property.</i></p> <p><i>This capacity is too small for the planned 12 new dwellings and commercial facility. This poses a high risk of seepage/spillage and sewer non-collection effecting threat of river pollution. It should be 10 000 litres conservancy tank per common property.”</i></p>	
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### Response from Town Planner

Comment was received from BGCMA and the Engineering Department of the Municipality. Should the application be approved, then their comments will be inserted as conditions of approval. The onus will be on the developer to comply with the conditions of approval and to ensure that adequate water is available in terms of their water use license.

It is however noted that the Operational Department states that they do not render services on the property and therefore going forward the property owner will have to appoint private company to service the conservancy tanks unless otherwise agreed by the Municipality.

31. Comment/Objection	Response from applicant
<p><i>“Sewerage reticulation and risk mitigation of spillage is of concern.”</i></p>	<p>The property owners will dispose of sewage from the subject property in a manner which is compliant with the prescripts of the OM.</p>

### Response from Town Planner

Comment was received from BGCMA and the Engineering Department of the Municipality. Should the application be approved, then their comments will be inserted as conditions of approval. The onus will be on the developer to comply with the conditions of approval and to ensure that sewerage reticulation does not pose a risk to the environment and community.

It is however noted that the Operational Department states that they do not render services on the property and therefore going forward the property owner will have to appoint a private company to service the conservancy tanks unless otherwise agreed by the Municipality.

32. Comment/objection	Response from applicant
<p><b><i>RH Metcalf</i></b></p> <p><i>“I’m concerned about the fire break.</i></p> <p><i><u>Firebreaks:</u> No mention is made of firebreaks which should be maintained along the boundary. Without a sufficient building line, a provision for firebreaks on the boundary will be possible on the subject property.”</i></p>	<p>The proposed building expansion on the subject property is not within the 30m from the boundary wall. There is therefore ample space for the provision of firewalls on the subject property if it is deemed to be necessary.</p>

### Response from Town Planner

Comment was received from the Municipality’s Fire Department and no specific mention is made to fire breaks. Should the application be approved, then the comments will be inserted as

conditions of approval.

33. Comment/objection	Response from applicant
<p><b>L Swart</b></p> <p><i>"I wish to object to the proposed departure amendment of SDP and consent use.</i></p> <p><i>I am concerned about the sewage and its effect on the river.</i></p> <p><i>Though not supposed to say this, but the view is going to be badly compromised.</i></p> <p><i>Also concerned about the water usage for so many houses, etc."</i></p>	<p>The objector does not motivate substantively why an objection to the town planning proposal is made.</p> <p>The sewage on the subject property is currently not discharged into the river and will not be discharged should this application be approved. There is an EMP which the owner of the subject property will have to comply with which will also ensure that the proposed land uses do not lead to environmental degradation.</p> <p>None of the buildings which are to be constructed on the subject property will exceed a height of 8m which is the same height restriction in Stanford. The objector resides within the urban edge of Stanford and cannot see the subject property from the area of residence. The view enjoyed by the objector will therefore not be impacted in any way.</p>

#### Response from Town Planner

Comment was received from BGCMA and the Engineering Department of the Municipality. Should the application be approved, then their comments will be inserted as conditions of approval. The onus will be on the developer to comply with the conditions of approval and to ensure that sewerage reticulation does not pose a risk to the environment and community.

It is however noted that the Operational Department states that they do not render services on the property and therefore going forward the property owner will have to appoint a private company to service the conservancy tanks unless otherwise agreed by the Municipality.

#### Response to comments and objections pertinent to access and traffic of the proposal

34. Comment/Objection	Response from applicant
<p><b>GM Buys and WH Buys, L Mossop, A Smith and RJ Mann</b></p> <p><u>Traffic</u></p> <p><i>There is inadequate evidence of planning for the management of traffic onto the R43. It should be noted that this road is due for improvement in the near future.</i></p> <p><u>Objection:</u></p> <p><i>Traffic management planning is not evident in the application. This road currently has a high number of accidents (including fatalities). There are three (3) entrance/exit</i></p>	<p>A Traffic Impact Assessment was compiled by Messrs DECA Consulting Engineers who was appointed by the owner of the subject property, who also submitted a copy of the report to Mr Faizel Fakier at the Western Cape Department of Transport. A copy of the assessment is attached as Annexure N.</p>

*points onto the property all about onto a 100 kilometre per hour speed limit road zone.”*

### Response from Town Planner

Revised comment was received from the Department of Transport and Public Works, the concern of the objector is addressed in the comment.

### Response to comments and objections pertinent to noise

35. Comment/Objections	Response from applicant
<p><b><i>GM Buys and WH Buys, L Mossop, A Smith and RJ Mann</i></b></p> <p><u><i>“Noise pollution</i></u>  <i>An additional 12 holiday units in addition to a place of assembly and restaurant with the intention of bringing a fairly large number of visitors.</i></p> <p><u><i>Comment:</i></u>  <i>A large number of visitors may have less regard for the surrounding property owners. This would create control problems related to noise levels.”</i></p>	<p>The place of assembly and restaurant is located to the far north of the subject property. The location of the proposed land uses in relation to properties within the Stanford urban edge is a buffer which ensures that the peace and comfort which property owners currently enjoy will not be altered.</p>

### Response from Town Planner

In general, when a place of assembly is approved conditions relating to the management of noise will be stipulated in the approval. This will be on the owners' account.

36. Comment/Objections	Response from applicant
<p><b><i>RH Metcalf</i></b></p> <p><i>“The planned commercial facility (gift shop/small restaurant and club) at the far north side of Erf 646 on the R43. We are concerned of increased human and vehicle traffic and associated noise.”</i></p>	<p>There is no club proposed in the submitted application. Gift shops require a quiet atmosphere for the operation of the land use to be possible. Restaurants do not normally emit ear shattering music (an example is the fact that there are numerous restaurants in Queen Victoria Street in Stanford, yet the street is not characterised by ear shattering noise levels) and the noise levels are therefore not projected to be ear shattering.</p> <p>The vehicles which will enter and egress the subject property will not in any way interfere with the peace and comfort which the objector enjoys in the occupation of his property which is within the Stanford urban edge.</p>

**Response from Town Planner**

As stated by the objector, the commercial facility (gift shop/small restaurant and club) is planned at the far north side of Erf 646 on the R43. There are no dwellings of surrounding property owners nearby, it stands to reason that the usage of the proposed facilities will not be an impedance in the enjoyment of the surrounding property owners.

**Response to comments and objections pertinent to the procedural aspects of the proposal**

37. Comment/Objections	Response
<p><b>GM Buys and WH Buys, L Mossop, A Smith and RJ Mann</b></p> <p><u>“Deficiencies in the proposal document:</u>  <i>Most affected parties have received a document, but with missing sections or information, including Annexure A, B, F and G.</i></p> <p><i>Some parties who are entitled to receive the applicant's notice under Section 48(1)(c) were omitted from the distribution list.</i></p> <p><u>Objection:</u>  <i>In order for objections to be adequately addressed by persons who may wish to raise objections, the distribution and content should not be restricted. This is stated in Section 48(1)(c) and therefore it is requested that Overstrand Municipality delay the deadlines to enable all parties to raise valid objections as contemplated by the relevant regulations.”</i></p>	<p>The submitted town planning application was also advertised in newspaper which is widely in circulation in Stanford. Ample time was given to the community to allow comments to be formulated about this proposal. To extend the commenting period would be in gross violation of the By-Law. It is therefore proposed to the Overstrand Municipality that this request by the objector be set aside as it would undermine the prescripts of the By-Law.</p>

**Response from Town Planner**

Comment by the applicant is agreed with. In terms of the By-Law any person who wished to submit an objection in the commenting period may do so, moreover should a interested and affected person not have received a notice then he/she may apply to partake in the application process in terms of intervener status.

38. Comment/Objections	Response from applicant
<p><b>D and C Hagen</b></p> <p><i>“No site Development Plan was available for scrutiny at the Stanford Library as you documented. The only plan was available from your Hermanus offices.”</i></p>	<p>The onus was on the objector to approach the Overstrand Municipality and make necessary arrangements to obtain all required documentation.</p>

**Response from Town Planner**

Applicant's comment is agreed with. It should be noted that the Town Planning Department ensures that the relevant copies are sent to the Area Manager or her assistant at the time who ensures that the documentation is at the library. The public should have contacted the Municipality so that we could have aided them, further the copies are available for viewing at the Town Planning office as per the registered notice/advert served on the public.

39. Comment/objections	Response from applicant
<p><b>D and C Hagen</b></p> <p><i>"Annexures A, B, F and G are missing/omitted from your document received via registered letter and have not been received to date."</i></p>	<p>The cover letter of the registered letter which was forwarded to the objector highlights the following:</p> <p><i>"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 and at the Stanford Library, Queen Victoria Street, Stanford."</i></p> <p>The onus was therefore on the objector to go to the Stanford Library to peruse Annexure A, B, F and G.</p>

**Response from Town Planner**

The Annexures which the objector relates to are the following:

- A – Power of Attorney;
- B – Copy of the title deed;
- F – Record of Decision, and
- G – Letter from DEA&DP.

Annexure A and B is not circulated to the affected and interested property owners as it may contain sensitive personal information regarding the property owner(s) and it does not speak to the detail of the application. Overall, not every attachment can be sent to the public as it will cause to the notice to be oversized and at an additional cost to the client/Municipality. That being said the full application is available for viewing at the Town Planning office as stated in the notification letter.

40. Comment/Objections	Response from applicant
<p><b>RJ Mann</b></p> <p><i>"INCORRECT INFORMATION regarding information regarding the proposal. OMISSIONS from NOTICE TO AFFECTED PERSONS and NOTICE NOT COMMUNICATED timeously to some affected parties."</i></p> <p><i>"In the notice to Affected Persons, issued 30 October 2018, there is the following details regarding the proposal are available from</i></p>	<p>The public is normally given 30 days to comment on a town planning application. The public was afforded 60 days to comment on the subject application which is an extraordinarily long-time frame. To further extend this time frame would be a gross violation of public participation processes prescribed in the By-Law.</p> <p>The objector could also have contacted the Overstrand Municipality: Town Planning Department to plead to obtain additional</p>

<p><i>Town Planning, Hermanus, and at the Stanford Library, Queen Victoria Street, Stanford.</i></p> <p><i>Another affected person and I, Mr. Glenn Buys, visited Stanford Library on 4 December 2018 and requested to view the relevant documentation. A staff member, Ms Elizabeth du Toit, assisted us and was unable to locate any documentation. This included checking the on-line register. None of us could see any matter that related to Farm 646. The information was not available in Stanford.</i></p> <p><i>OBJECTION 1.1: As I was unable to view the documentation in Stanford as stated in the notice, I regard this as a significant impediment to my ability to form an informed decision on the content for objections. I therefore request the Overstrand Municipality to delay the final submission date by extending the due date for objections.</i></p> <p><i>OBJECTION 1.2: As I was unable to view the complete documentation, I regard these omissions as a significant impediment to my ability to form an informed decision on complete Information. I therefore request the Overstrand Municipality to delay the final submission date, by extending the due date for objections.”</i></p>	<p>information regarding the submitted town planning application.</p>
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### Response from Town Planner

The notice was sent to the normal internal departments and affiliated personnel. The notice was sent to Ms P Ferreira who was the Area Manager of Stanford at that stage. The procedure was that notices which are to be placed in the Stanford Library must be sent to her or her assistant (Ms N Cornelius) who will ensure that the notice and documentation is printed and placed in the library. Since Ms P Ferreira's retirement, the notices are sent to Ms N Cornelius to be placed in the library. This is the first objection where the public had issues viewing the notice and documentation at the library. However, the full file and copies of the application are made available for viewing at the Town Planning office as per the registered notice/advert served on the public.

41. Comment/Objections	Response from applicant
<p><b>RJ Mann</b></p> <p><i>“In regard to R Mann, the owner of Erf 2110, correspondence requesting Overstrand Municipality to register me as an affected person were declined due to inaccurate</i></p>	<p>The Overstrand Municipality is in the best position to attend to this, considering that registered letters were circulated by the Overstrand Municipality.</p>

*record keeping by Overstrand Municipality (who had not updated their GIS plans). On complaint by myself, to Ms. Alida Conradie, the failure to consider me was subsequently rectified and I was advised on 3 December 2018 that I may now object given the errors in Overstrand Municipality's notice (no content in Stanford and excluded Appendices), it is onerous to expect a fully informed decision in 4 days, where the period is at least one month in the absence of errors by the issuing party.*

*OBJECTION 1.3: As I was only recognized as an Affected Person as contemplated in the By-Law, 4 days before the deadline for objections, I regard this as a significant impediment to my ability to form an informed decision, including if required professional advice from an independent town planner or other professional person and I therefore request the Overstrand Municipality to delay the final submission date by extending the due date for objections.”*

### **Response from Town Planner**

The property of Mr Mann (Erf 2110) were not included as part of the notification list due to a difference between the registered layer of the Municipality's GIS system and the SAMRAS (previously Flexgen) system from which we gather the property owner's details for the notices.

The difference between the two systems occurred because Erf 2110 was subdivided from the Remainder Erf 1180, however the registration of Erf 2110 was not indicated on the GIS system at the time but was registered on the SAMRAS (previously Flexgen) system. We sent notices to the Remainder Erf 1180 as indicated on the GIS system.

Mr Mann became aware of the application due to the property owner of Erf 1180 informing him accordingly. However, it should be noted that any person becoming aware of an application may provide comment during the public participation time period, this was conveyed to Mr Mann, and on 7 December 2018 we received an objection form Mr Mann.

42. Comment/Objections	Response from applicant
<p><b><i>Stanford Conservation Trust (SCT)</i></b></p> <p><i>“The notification by the Overstrand Municipality refers to full details being available at Stanford Library. Upon request, the librarian at the Stanford Library informed the SCT that the information is not available and not on the system. This is a material failure by Overstrand Municipality and therefore the deadline for comment should at</i></p>	<p>The Overstrand Municipality is in the best position to respond to this.</p>

*least be extended to end January 2019 due to the fact that South Africa is now entering the school holiday season. (The SCT did eventually obtain a copy of the information sent by registered mail to one of the neighbours.)”*

### Response from Town Planner

As stated above, the notice was sent to the normal internal departments and affiliated personnel. The notice was sent to Ms P Ferreira who was the Area Manager of Stanford at that stage. Ms P Ferreira would have printed the notice and the documentation and placed in the library. Since Mrs Ferreira’s retirement the notices and documentation are sent to Ms N Cornelius to be printed and placed in the library. This is the first objection where the public had issues viewing the notice and documentation at the library. However, as stated in the notice the full file and copies are available for viewing at the Town Planning office should additional information be required. Further it should be noted that the notice was directly sent to Stanford Conservation Trust.

43. Comment/objections	Response from applicant
<p><b>Stanford Conservation Trust</b></p> <p><i>“Furthermore, the information sent to the adjacent neighbours (not to all!) did not have sufficient detail to comment meaningfully on the application. The Site Development Plan personally obtained from the Town Planning Department by one of the Stanford residents, for example indicates three extremely large new dwellings close to the river and clearly visible from Stanford. Such type information is required before any approval can be obtained from I&amp;AP’s.”</i></p>	<p>The buildings which are proposed which the objector is referring to are not going to adversely impact on the views enjoyed by the residents in Stanford. It also needs to be borne in mind that there are existing houses within the urban edge which overlook into the river and Stanford. The proposed units along the river in Stanford are therefore of a lower scale and intensity in comparison with the existing impact caused by properties within the Stanford urban edge.</p>

### Response from Town Planner

The Site Development Plan was attached with the notice which was sent to the affected and interested parties. It should be noted that comment from Heritage Western Cape requires no further studies.

44. Comment/Objections	Response from applicant
<p><b>Stanford Conservation Trust (SCT)</b></p> <p><i>“Registration as an I&amp;AP for all future communication.</i></p> <p><i>Stanford Conservation Trust would like to be registered as an Interested and Affected Party (I&amp;AP) with regard to this proposed departure, amendment of SDP and consent use application.”</i></p>	<p>The request to be registered as an interested and affected party must be taken up with the Overstrand Municipality by SCT.</p>

**Response from Town Planner**

Noted, SCT will be notified of the outcome of the decision.

45. Comment/Objections	Response from applicant
<p><b>Stanford Conservation Trust (SCT)</b></p> <p><i>“SCT is a registered NPO, it has actively protected Stanford's "Proclaimed Heritage Area" and helps the Stanford Municipality maintain its green areas, namely the "Wandelpad", which runs along the Klein Rivier bank, adjacent to Farm 646, for the past 25 years.”</i></p>	<p>The EMP and authorisation granted by DEA&amp;DP for this proposal highlights that the Klein Rivier bank will not in any way be adversely impacted by the approval and implementation of this proposal.</p>

**Response from Town Planner**

Noted.

46. Comment/Objections	Response from applicant
<p><b>Stanford Ratepayers Association (SRA)</b></p> <p><i>“Dear Mr Myburgh, the notice to affected persons re this application addressed to the Stanford Ratepayers' Association (SRA) was INCORRECTLY addressed to PO Box 136, which resulted in the SRA not receiving the notice in time to comment. Ms Lyn Pullen also objected to the maladministration, as the correct PO Box number has been in use for years. The due date was 7 December 2018. I became aware of the application on 11 December at our monthly meeting. We therefore ask that you, as empowered to, accept late submission from the SRA. This assessment is based on the statement that "The municipality <u>may</u> refuse to accept comments received after the closing date." My underlining. This statement implies that late submissions can be accepted. I will elaborate on the concerns that we have in a formal letter.”</i></p>	<p>The Overstrand Municipality is the appropriate authority to respond to this as the officials were responsible for the dissemination of the registered letters.</p>

**Response from Town Planner**

The address used was erroneously taken from an old data sheet. The mistake was rectified, and the SRA's comment is discussed here in.

## Response to comments which pertain to the detail of the submitted documentation

47. Comment/Objection	Response from applicant
<p><b>Stanford Conservation Trust (SCT)</b></p> <p><b><i>“Proposed departure documentation:</i></b></p> <p><i>The information diagrams attached to the application are seriously lacking in detail. As such, it is difficult to comment on the proposal without sight of a more detailed SDP indicating the existing and proposed structures, the proposed civil services layout, parking and access. Approval should be linked to a formal SDP and the SCT requests that the documentation be referred back to the applicant for more clarity and then be resubmitted for approval. If the municipality does not agree with request, the SCT has no other choice than to object to the present application.”</i></p>	<p>The submitted SDP was submitted in A1 size and does depict all of the considerations which are highlighted by the objector.</p>

## Response from Town Planner

The SDP was sent as part of the notice. The SCT could have enquired the Municipality should they have required a clearer or digital copy of the SDP.

48. Comment/Objection	Response from applicant
<p><b>Stanford Conservation Trust (SCT)</b></p> <p><i>“The SCT therefore rejects the proposal on the grounds that:</i></p> <p><i>a) the correct process was not followed;</i></p> <p><i>b) there is too little information for meaningful comment; and</i></p> <p><i>c) there is no clear vision exactly what the application entails (i.e. all the structures that are applied for as part of the rezoning process).”</i></p>	<p>The prescribed public participation process was followed.</p> <p>Sufficient information was provided to the objector to comment on the submitted proposal.</p> <p>The submitted town planning application is not for a rezoning. The Motivation Report is 20 pages and explains in detail what is applied for.</p>

## Response from Town Planner

Both parties' comments will be noted.

## Response to comments which support the application

49. Comments/Objection	Response from applicant
<p><b><i>D and C Hagen</i></b></p> <p><i>“We have no objection to the nine new holiday dwellings, the existing dwellings and 3 new dwellings, all being used for permanent residence total of 12 new units.”</i></p>	<p>This comment supports the submitted town planning application.</p>

## Response from Town Planner

Comment is noted.

50. Comments/Objection	Response from applicant
<p><b><i>D and C Hagen</i></b></p> <p><i>“Further we have no objection to demolishing and legalizing illegal dwellings that do not have the required planning approvals.”</i></p>	<p>The purpose of proposing some of the wooden structures for demolition is to ensure that all buildings on the subject property comply with Town Planning and Building Regulations.</p>

## Response from Town Planner

Comment is noted

51. Comments/Objection	Response from applicant
<p><b><i>D and C Hagen</i></b></p> <p><i>“We welcome legalizing illegal structures, rezoning for permanent residence and nine new dwellings to the existing nine homes.”</i></p>	<p>The comment is agreed with.</p>

## Response from Town Planner

Comment is noted.

52. Comments/Objection	Response from applicant
<p><b><i>Stanford Conservation Trust (SCT)</i></b></p> <p><i>SCT comments on the information available.”</i></p> <p><i>Comment on information on the present application</i></p> <p><i>We note the stated:</i></p> <p><i>a) intention to demolish a number of temporary structures constructed without building plans and</i></p>	<p>The comment is agreed with.</p>

b) *the intention to legalise a number of existing "as built" holiday units.*

*We have no objection in principle to this.*

### Response from Town Planner

Comment is noted

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

See above-mentioned.

## 9. MUNICIPAL ASSESSMENT OF COMMENTS

The comments received from the relevant internal department's supports the proposed development subject to conditions. The initial comment received from the Department of Transport and Public Works was revised due to the applicant conducting a TIA.

The following comment from Western Cape Department of Environmental Affairs and Development Planning (DEA&DP) Region 2 and the response from the applicant should be noted:

Comment/Objection	Response from applicant
<p><i>"Both holiday accommodation and holiday housing are accommodation units for holiday and recreation purposes, thus implying temporary occupation, with the primary difference being that the holiday housing units can individually be owned.</i></p> <p><i>A unit that is separately alienated remains earmarked for holiday housing for holiday purposes exclusively and the consent use as proposed will not "legalise" the permanent habitation of the said units."</i></p>	<p>The subject proposal is unique as there are historic building plan approvals granted by the Overstrand Municipality: Building Control Department for the existing permanent structures as illustrated in the SDP submitted with the application. These building plans were approved as <u>dwelling units</u> and permanent residential rights were conferred to the residents which cannot be arbitrarily deprived.</p> <p>The submitted town planning application was for a consent use for holiday housing which is defined in terms of the Overstrand Municipality Zoning Scheme as follows:</p> <p><i>"<b>holiday housing</b> means <u>dwelling units</u>, mobile homes or camping sites that are harmoniously designed and built, for holiday or recreational purposes, and which may be separately alienated by means of sectional title division, fractional title, the selling of share blocks or the subdivision of property."</i></p> <p>The above definition in the Zoning Scheme explicitly highlights that a dwelling unit is considered as holiday housing. The Zoning</p>

	<p>Scheme defines a dwelling unit as follows:</p> <p><i>“dwelling unit means a unit containing one or more rooms, with adequate sanitary facilities and a kitchen, which may be used for <u>long- or short term accommodation purposes</u> and may be included in or separate from the main building on the property.”</i></p> <p>The dwelling units for which historic building plans have been approved can therefore be included in the definition of holiday housing as applied for. The buildings which have been approved by the Overstrand Municipality: Building Control Department are therefore legal.</p>
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### Response from Town Planner

The applicant's rational is not agreed with as holiday accommodation also allows for the development of dwelling units and therefore the building plans as approved cannot be used to motivate the proposed consent use. The objection as stated by the objector is agreed with and will be discussed under the desirability heading.

Comment/Objection	Response from applicant
<p><i>“The establishment of a residential estate comprising 12 units, 1km outside the urban edge constitutes urban sprawl and inconsistent with both the Overstrand SDF and the Provincial SDF.”</i></p>	<p>The nearest dwelling on the subject property is located 170m from the urban edge and the furthest dwelling is located 455m from the urban edge. The subject proposal therefore does not constitute urban sprawl but promotes the subject property as an interface/transitional zone in between the urban edge and the properties which are zoned Agriculture Zone 1: Agriculture.</p>

### Response from Town Planner

The comment is noted from both parties and will be discussed under the desirability heading.

Comment/Objection	Response from applicant
<p><i>“The Guidelines for Resort Development in the Western Cape (2005) as cited by applicant are outdated and will be replaced by the Western Cape Land Use Planning Guidelines: Rural Areas in the near future. It should further be noted that the abstract quoted by the applicant to motivate density refers to the historical calculation of density.”</i></p>	<p>The Guidelines for Resort Development in the Western Cape (2005) is the only document which guides the development of resorts in the Western Cape which has been approved to date of submission. The Western Cape Land Use Planning Guidelines: Rural Areas was not an approved document on date of submission.</p>

**Response from Town Planner**

The comment is noted from both parties and will be discussed under the desirability heading.

Comment/Objection	Response from applicant
<p><i>“The recommendation for density put forward in the Resort Guidelines is essentially one unit per 10 ha or 20 ha, depending on the visual carrying capacity of the surrounding environment. Furthermore, dwelling units within a resort should generally be limited to a single storey. with a maximum floor area of 120m<sup>2</sup>”</i></p>	<p>The existing dwellings which have been approved, exceed both this density and maximum floor area. It should therefore be noted that the historic approvals on the subject property makes this proposal unique.</p> <p>The Motivation Report highlights the following on page 14:</p> <p><i>“Given that consent for at least one additional dwelling unit could be given on any residential or agricultural property, a density of 2 dwelling units per 3 hectares or 0,67 units per hectare could be deduced for that area/portion of the larger original farm (or other land unit) primarily dedicated for the resort. <u>As a result of local conditions being taken into account, densities for many resorts have often been restricted to one unit per hectare or even less (sometimes even approaching the densities of rural occupation, that is, 1 unit per 3 to 5 hectares.</u> It should nevertheless be noted that these figures refer to gross density, i.e. the number of units relative to the total area/portion, of the larger farm primarily dedicated for the resort. On the other hand, nett density could be higher if it relates to number of units with regard to the immediate area of the resort development itself, should the resort units be clustered in a node or nodes.</i></p> <p><i>As the subject property is 43,8444 ha in extent, a density of 1 unit per hectare will equate to ±44 units and if a density of only 2 units per 3 ha is allowed, will equate to 29 units. The development proposal is for 24 resort units (12 holiday accommodation- and 12 holiday housing units) which will equate to a density of 0,54 units per hectare that is less than the aforementioned recommended density of 2 dwelling units per 3 hectares that equates to 0,66 units per hectare, in terms of the Resort Zone Policy.”</i></p>

	Considering the local and historic conditions which are pertinent to the subject site, the density as applied for can be regarded as appropriate.
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### Response from Town Planner

The comment is noted from both parties and will be discussed under the desirability heading.

Comment/Objection	Response from applicant
<i>“Permanent accommodation within resort developments are not permitted, with the only possible exception being to accommodate staff employed for the operation of the resort itself.”</i>	There are building plans which were historically approved on the subject property which permit dwelling units.  Holiday housing as elucidated earlier in a response permits dwelling units which may be used for long term/permanent accommodation purposes.

### Response from Town Planner

As stated earlier the applicant’s rational is not agreed with, as holiday accommodation also allows for the development of dwelling units and therefore the building plans as approved cannot be used to motivate the proposed consent use.

Comment from CapeNature	Response from applicant
<p><i>The application is for the departure to accommodate a farm store, and consent use to utilise 12 holiday housing units as permanent residence, tourist facilities, lecture room, gift shop, restaurant and clubhouse. The applicant also wishes to erect 12 additional holiday housing units for use as such. The existing 12 holiday housing units are being used as permanent residence, which is incongruent with the current zoning: Resort Zone 1. This property is outside the urban edge of Stanford. CapeNature commends the alien clearing efforts of the landowner and the environmentally friendly approach to the design of the construction.</i></p> <p><i>A botanical site scan was conducted in mid-spring, which is an optimal time of year. Critically endangered Elim Ferricrete Fynbos is mapped for the property. The botanical specialist confirmed that Sites 3 and 4 contain disturbed but identifiable Elim Ferricrete Fynbos and two Species of Conservation Concern (SCC). As per standard best practice guidelines, Search and Rescue is</i></p>	<p>CapeNature does not provide any reason why the application is “incongruent” with the Resort 1 Zoning, which actually does not exist as the Overstrand Zoning Scheme only makes provision for Resort Zone.</p> <p>It is recommended that “search and rescue” is made a condition of approval.</p>

*recommended for the bulbs of Lachenalia contaminata, and for the seeds of Leucadendron linifolium. Vulnerable Agulhas Limestone Fynbos was mapped on the northwest corner of the property and has been ground-truthed by the botanical specialist to intersect with the proposed lecture hall, restaurant, farm stall and parking (900m<sup>2</sup>). CapeNature requests that a map of the Elim Ferricrete Fynbos patches be provided, including the area that will be developed.*

*A valley floor floodplain wetland is mapped for the property, which is a National Freshwater Ecosystem Priority Area (NFEPA) and falls within a National Strategic Water Source Area (SWSA). The freshwater specialist report did not refer to the NFEPA maps, nor to the SWSA maps, although the latter has only recently become available. The estuarine functional zone of the Klein Rivier runs along the southern border of the property, with a non-perennial tributary thereof along the eastern section of the property that intersects with Site 11. The area also serves as watercourse protection for the Southern Folded Mountains. The freshwater specialist study should have incorporated soil auguring (coring) as a means of delineating wetlands that may persist below the ground surface, rather than relying solely on the presence of wetland vegetation. This may have resulted in Type II false negative errors for the detection of wetlands on the property. CapeNature therefore recommends that the freshwater specialist -*

*Follow up with more detailed wetland delineation. Additionally, some site photos in the report appear to show signs of wetness, albeit seasonal:*

- 1. Site 1, Figure 3;*
- 2. Site 8, Figure 10;*
- 3. Site 12, Figure 14.*

*Although a servitude for the use of water is in place, the additional infrastructure may require a general authorisation from the Department of Water and Sanitation, administered by the Breede Gouritz Catchment Management Agency (BGCMA). CapeNature recommends that the BGCMA be contacted for comment.*

DEA&DP on 6 December 2018 confirmed that no listed activities are triggered and that no structures will be built on any area disturbed within 32m of any wetlands.

*According to the Western Cape Biodiversity Spatial Plan (CapeNature 2017), the Critical Biodiversity Area (CBAI) along the Klein River and the Agulhas Limestone Fynbos will not be affected by the developments except for a portion of Site 3. An Ecological Support Area with restoration potential (ESA2) occurs across the rest of the property and will be impacted on by the remaining 11 sites.*

*The Environmental Management Plan (EMP) is not linked to a condition of environmental authorisation of the development; therefore, the EMP will only have repercussions for non-compliance if it becomes a condition of approval through the town planning application process undertaken by the Municipality, which CapeNature recommends.*

*According to the application, several illegal structures will be demolished. Additionally, the application reports that the proposed farm stall may lead to the loss of rehabilitated areas. Where applicable, the disturbed footprints must be rehabilitated with locally indigenous vegetation, supervised by a horticulturalist or botanist. The building rubble must be disposed of off-site at an appropriate receiving facility, and not stored on site unless it will be reused shortly thereafter. If so, the building rubble must be stored on a disturbed area. This rehabilitation plan should be implemented as part of the EMP.*

*Given the presence of an NFEPA wetland and the close proximity to the Klein River and estuarine functional zone, CapeNature recommends that a storm water and wastewater management plan be drawn to address the proposed increase in hardened surfaces and effluent. The wastewater plan should include an upgrade of the existing soak-away sewerage system, which poses a high pollution risk to the wetlands.*

*The Department of Environmental Affairs and Development Planning (DEA&DP) have confirmed that the NEMA will not be triggered by the development, however based on the additional botanical and freshwater information requested above, the applicability of the NEMA might change accordingly.*

<p><i>In conclusion, CapeNature recommends that: (i) a map of the Elim Ferricrete Fynbos patches be provided; (ii) the freshwater specialist report be followed up with more detailed wetland delineation methods to ensure that no wetlands fall within 32m of each site; (iii) BGCMA is contacted for comment; (iv) the EMP become a condition of approval and contains a rehabilitation plan; and (v) storm water and wastewater management plans are drawn.</i></p> <p><i>CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.”</i></p>	
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### **Response from Town Planner**

Comment from both parties are noted.

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

### **10.1 Background**

N/A

### **10.2 The application relates to the planning objectives applicable in terms of SPLUMA and LUPA as discussed below.**

The objectives relating to:

#### Spatial Justice

The application does not contribute to past spatial injustices. The application further allows for job opportunities for the local community.

#### Spatial sustainability

The impact of the proposal on the biophysical environment will also be kept to a minimum comment received from the Environmental Services and DEA&DP is evident of the aforementioned.

#### Efficiency

The proposal is to make efficient use of the land unit by diversifying the land uses.

#### Spatial resilience

The application is motivated in line with the spatial and forward planning documentation of the Overstrand Municipality.

Good administration

The application followed the required planning procedures and public participation processes in line with the Municipal By-Laws.

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

Same as 10.2 above.

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

The compatibility of the applicant with the Spatial Development Framework, 2006 will be discussed in the heading for desirability below.

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

The applicant motivated the application with regards to the 2005 Western Cape Guidelines for Resort Developments. This is discussed under the heading for desirability below.

**10.6 Impact on Municipal engineering services**

The proposed application will not require additional services from the Municipality. It is however noted that in the 2002 approval a condition was stipulated that the Municipality will only provide services for the removal of sewage. The latest comment from the Operational Department indicates that they will not render services on the property and therefore going forward the property owner will have to appoint a private company to service the conservancy tanks unless otherwise agreed by the Municipality.

Further, it was indicated that at minimum a 10 000 litre conservancy tank must be installed on the property, it stands to reason that the size is the minimum size required and that should additional effluent be generated on the property then additional tanks or larger tanks will be required.

The owner of the subject property will have to apply for any additional water use rights from BGCMA.

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

N/A

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

The zoning will remain unchanged as Resort Zone. The application includes consent uses in order to allow for additional use rights on the property.

**10.9 ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS**

N/A

## 11. THE DESIRABILITY OF THE PROPOSAL

As stated earlier the applicant applies for the following:

- ❖ departure in terms of Section 16(2)(b) to accommodate a farm store on the property, and
- ❖ consent use in terms of Section 16(2)(o) to utilise twelve (12) holiday housing units as permanent residence by the shareholders; tourist facilities (lecture room and gift shop); restaurant and place of assembly (clubhouse).

The history of the property must be noted prior to the discussion.

### History

As per building plan approvals several structures on the property were already constructed prior to the rezoning approval in 2002. Several of the structures date back to 1977 and 1985. As per the applicant's statement several of the property owners (shareholders) resided on the property and intended to permanently reside on the property. The property was zoned as Agricultural Zone 1 and was, and still is, situated outside of the urban edge. The use of the property therefore did not comply with the zoning at that stage and was considered a rural urban development which is not allowed for in terms of the SDF. The rezoning of the property was to aid the property owners to allow for sectional title units and the addition of two (2) dwelling houses on the property. However, the use of the property was always to be used in line with the acquired zoning which is for resort purposes and not for permanent dwelling or a rural settlement. In 2009 additional use rights were approved for a camp site. The camp site itself does relate to the resort zoning.

As stated in the background section of this report, after approval was gained on both occasions, several dwellings were constructed on the property including the camping area, but no detailed SDP was submitted as per the approval conditions. It was later decided not to allow for the approval of building plans on the property until such time that the SDP was submitted, and conditions of approval was adhered to. Messrs WRAP Project Office was appointed by the property owners to provide an updated SDP. The consultants were also on site when it was noted that there are also several structures erected on the property which do not have approved building plans. Further, the property owners also indicated they permanently reside on the property and that there is a need for twelve (12) holiday houses and twelve (12) tourist accommodation units on the property. Therefore, an SDP was submitted indicating the location of the existing structures and the proposed new structures.

Additionally, consent is also applied for in order to allow for various tourism related facilities.

### **Departure for farm store and consent use for gift shop, restaurant, lecture room, and place of assembly**

The motivation provided by the applicant does not address the need to depart from the Zoning Scheme Regulations in order to allow for a farm store. In terms of Section 20 (6) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015. The Municipality cannot approve a departure (a temporary use) which includes structures which are not temporary in nature, extract of the section is quoted below:

*A temporary departure contemplated in Subsection (1)(b) may not include the improvement of land that is not temporary in nature and which has the effect that the land cannot, without further construction or demolition, revert back to its previous lawful use upon the expiry of the period contemplated in Subsection (1)(b).*

The applicant failed to address the above in the motivation when regarding the temporary use of the farm store and the permanent nature of the structures proposed.

Further, as noted by the objectors the motivation proposal for the development only shortly deals with the proposal of a farm store, restaurant, lecture room, gift shop and place of assembly and the main motivation is that these additional facilities are to allow for an additional generation of income to pay the expenses of the resort. Due to the small size of the resort with only twelve (12) holiday accommodation units it is proposed by the applicant to open the facilities to the general public.

Only minor details are provided regarding the proposed additional tourism uses on the property. From the information provided the scope of the proposals cannot be adequately discussed and evaluated, therefore the objections regarding the proposal is valid and weighs heavily against the proposal.

What would have benefitted the applicant was to link the motivation with the SDP and to include the size footprint of each facility, capacity in terms of patrons, the time of operation, discussion on parking ratio's and vehicle manoeuvring, how signage and advertisement would be limited or designed to be compatible with the rural area and to properly motivate the farm store when considering Section 20 (6) of the By-law.

What is also noted by the objectors are the fact that the place of assembly (clubhouse) and restaurant are to be rented out for functions, weddings, conferences and meetings. However, in the response to the objections the applicant in verbatim states that no wedding venue is being applied for, thus the question remains for what purpose will the place of assembly (clubhouse, as stated in the motivation) be used for and what function will it serve? Due to the lack of information in the motivation, the insufficient link between the motivation, the SDP and the objections received, the proposals to depart from the Zoning Scheme and apply for additional public commercial facilities cannot be supported from a Town Planning perspective.

**Consent use in terms of Section 16(2)(o) to utilise twelve (12) holiday housing units as permanent residence by the shareholders.**

The proposal consists of turning the previously approved twelve (12) holiday accommodation units into twelve (12) holiday housing units with a footprint of 450m<sup>2</sup> and an exclusive use area of 2000m<sup>2</sup>. Further, the applicant will add an additional twelve (12) holiday accommodation units with a footprint of 250m<sup>2</sup> and an exclusive use area of 500m<sup>2</sup>. It should be noted that the holiday accommodation units are a primary right subject to the approval of the SDP.

As stated by the applicant and noted in the background, the use of the property prior to the rezoning was for the permanent habitation of the shareholders - this use continued even after receiving the approval to rezone the property in 2002. The applicant seeks to legalise the continuation of the use and thereby allowing shareholders to permanently reside on the property. The applicant proposes to change the uses of the twelve (12) holiday accommodation units into twelve (12) holiday housing units. Further, it is proposed to add an additional twelve (12) holiday

accommodation units. The reason for the additional twelve (12) holiday accommodation units is an attempt to bypass the Zoning Scheme parameters which state the following:

*“13.1.4 The following additional development rules apply to holiday housing:*

- (a) Holiday housing shall not comprise more than 50% or a lesser percentage as determined by the Council of the units provided on the property concerned;”*

Therefore, by having an additional twelve (12) holiday accommodation units the developer ensures that the existing twelve (12) units (nine [9] of which have been built) can be used for holiday housing units.

However, the applicant fails to motivate how the proposed holiday housing units will be utilised with reference to the definition of the use which is defined as follows:

**“Holiday Housing:** *means dwelling units, mobile homes or camping sites that are harmoniously designed and built, for holiday or recreational purposes, and which may be separately alienated by means of sectional title division, fractional title, the selling of share blocks or the subdivision of property;”*

The current use of the property is not being utilised for holiday or recreational purposes and is being used for permanent residence (the primary dwelling for some shareholders), small scale farming and food gardens, and stock piling various materials. This is in stark contrast to the definition which states that the use must be for holiday or recreational purposes. Further, most of the dwellings situated on the property is not harmoniously designed and built. Therefore, the comment received from DEA&DP is noted as stated below:

*“Both holiday accommodation and holiday housing are accommodation units for holiday and recreation purposes, thus implying temporary occupation, with the primary difference being that the holiday housing units can individually be owned.*

*A unit that is separately alienated remains earmarked for holiday housing for holiday purposes exclusively and the consent use as proposed will not “legalise” the permanent habitation of the said units.”*

The comment received from DEA&DP is agreed with. As stated before, the applicant fails to motivate how the existing twelve (12) units will be utilised for holiday or recreational purposes as depicted in terms of the zoning. Holiday housing will allow for *sectional title division, fractional title, the selling of share blocks or the subdivision of property* which will allow for private ownership, but the use of the dwelling units will remain for short term use (holiday use). By allowing permanent occupation on a property outside of the formal urban edge will result in the creation of a rural residential estate. This statement is conveyed by DEA&DP in their comment which state the following: *“the establishment of a residential estate comprising 12 units, 1km outside the urban edge constitutes urban sprawl and is inconsistent with both the Overstrand SDF and the Provincial SDF”*. The applicant maintains that due to the location of the property the land unit can be considered as a transitional zone. In terms of the Rural Land Use Policy of the Overstrand Municipal Spatial Development Framework (SDF), 2006 “transition areas can be attributed to the need to supplement or diversify from an agricultural economy base, to other income sources.” However, it should be noted that “transition areas” is a term used for a broad set of uses and

includes residential estates, tourism, agri-villages, etc. Given the existing use of the property, the permanent occupation of the shareholders and the proposal that each shareholder will have his or her own exclusive use area, it is clear that the use of the property will be that of rural residential or residential estate opposed to that of a resort use. Therefore, careful consideration must be given to approve the proposal. Although the SDF promotes tourism in the rural area as stated by the applicant, the SDF also states that non-agricultural development along the Klein Rivier must be restricted, and due to growth pressures, that the urban footprint of Stanford must be contained in a clearly defined urban edge. Further, the SDF also relates to the character of the area which is rural in nature, the surrounding larger farms only have a few units (some farms have between one (1) to six (6) units) on them whilst the proposal is to allow for 50% more units to allow for twenty four (24) units in total.

Considering the aforementioned, the proposal made by the applicant is based on the principle to legalise past infringement and to pressure the Municipality to allow for the establishment of permanent housing units on a property outside of the urban edge and scope of the character of the rural area, and is therefore considered undesirable.

In addition to the above the property is located on a scenic drive (the R43) as determined in the SDF. To this end the applicant has indicated a 30m setback from the R43 and adjoining properties to limit the visual impact of the development, which is supported, and this must be shown on the approved SDP.

When referring to the densities of the proposed development on the subject property the applicant relates to the Guidelines for Resort Development in the Western Cape (2005) which was still being implemented at the time of submission.

The applicant maintains that if the guidelines is utilised and it is considered that a density of one (1) unit per hectare can be used. Then on a property of 43,84 ha, forty-four (44) units could be developed and if a density of two (2) units/3 ha is allowed then it will equate to twenty-nine (29) units. The proposed development is for twenty-four (24) resort units which will equate to a density of 0,54 units/ha that is less than the recommended density in terms of the guideline.

Cognisance is taken of the applicant's rational, however the opinion is held that the carrying capacity of the property should first be determined in order to fully understand the impact of the proposed additional units with the existing approved units. To this end; the given the landscape type, the type of the use and size of each unit, it might be that the site has already reached its' carrying capacity. As stated previously the surrounding farms are large scale farms and only have a few units (some farms have between one (1) to six (6) units) on them whilst the proposal is to allow for 50% more units to allow for twenty four (24) units in total.

Comment from DEA&DP states the following: "The Guidelines for Resort Development in the Western Cape (2005) as cited by applicant are outdated and will be replaced by the Western Cape Land Use Planning Guidelines: Rural Areas in the near future. It should further be noted that the abstract quoted by the applicant to motivate density refers to the historical calculation of density."

As stated earlier the Guidelines for Resort Development in the Western Cape (2005) which was still being implemented at the time of submission of the application and the replacement document was only in draft form. Therefore, the item will focus on the 2005 guidelines.

From the Municipality's perspective the property must not be over-developed, nor does it want to promote a development which relate to a residential estate outside of the urban edge and on a property, which is not demarcated for such a specific use. As stated in the aforementioned guidelines on page 15 *"one of the main reasons for justifying the concept or resort outside urban areas in the first place – it is also far less likely to eventually result in permanent accommodation outside the urban edge, and therefore just another form of township development under the guise of being a resort."* and therefore *"Only under exceptional circumstances may such freehold ownership possibly be considered."*

Page 16 *"Furthermore, every possible conceivable effort should be taken to ensure that these freehold resort units do not result in the undesirable scenario of permanent occupation outside the urban edge."*

*"Concern for permanent housing in resort developments is threefold:*

- a) Permanent accommodation tends to acquire an own residential character over time that is not in keeping with the desired resort character. While the intention of resort visitation is normally to "get away from it all" and to escape the urban lifestyle, the "urbanisation" of resorts is counterproductive.*
- b) Resorts are generally located in areas with an attraction that is naturally sensitive. Permanent residential intrusion within such an area may cause environmental disturbance or destruction.*
- c) Permanent accommodation within a rural area is the first step towards township establishment. This can - i) destroy rural character, ii) increase pressure on roads, such as those caused by longer home to work trips, and other regional elements of infrastructure, iii) cause loss of valuable agricultural land and iv) even lead to the demise of existing towns."*

Although the above mentioned are only extracts form the Guidelines for Resort Development in the Western Cape (2005) it resonates the Municipality's view regarding the establishment of permanent dwellings outside of the urban edge. Cognisance is taken of the history of the property and the development. However, the proposed consent use will not resolve the main issue which is that the property owner wants to utilise the property on a permanent basis and to add additional units. Considering the aforementioned comment from DEA&DP and the guidelines provided by Province the proposal is not supported.

### **Proposed Site Development Plan**

It stands to reason that should the proposed consent use and departure applications not be supported and not be approved then the SDP as submitted by the applicant cannot be supported or approved. This however, does not absolve the applicant from complying with the previous approval conditions which stipulated that *prior to the submission of building plans, a revised SDP, taking into account the conditions of amendment of the conditions of rezoning approval, with detailed elevation drawings of the structures proposed to be constructed, be submitted for comment to the Aesthetic Committee and to the Municipal Council for consideration and that Council reserves the right to impose conditions relating to the footprints of the proposed structures, layout of parking, architecture landscaping (including external to the property), aesthetics, etc. at that stage.*

The developer still has to adhere to the conditions of approval prior to the approval of further building plans. It is however proposed that the Municipality specify the development parameters in order to aid in the drafting of the SDP.

The proposed development parameters are as follows:

- The site development will be limited to the historically approved twelve (12) holiday accommodation units.
- Footprint of each holiday accommodation unit is limited to 250m<sup>2</sup> (excluding garages and the structures which have building plan approvals).
- Each holiday accommodation unit must have two (2) parking bays and will be limited to one (1) double garage structure which must be subservient in size to that of the holiday accommodation unit.
- Height restriction of the twelve (12) holiday accommodation units will be limited to 8m from base level to the top of the structure and only 2-storeys (excluding the dwellings which have building plan approvals).
- Height restriction of garages will be limited to single storey and 5,5m in height.
- The placement of the two (2) remaining holiday accommodation units, which are still to be constructed, will be limited in location as indicated on the final SDP.
- New holiday accommodation units and renovation made to the existing units will be that of Cape Vernacular/ Victorian in style.
- All new structures are to comply with a 30m setback line.

### **Building plans and constructed structures**

An in-depth study was done by the consultants. The study indicated which of the structures on the property was approved via building plans, which structures do not have approved building plans based on the findings, the SDP also indicates which of the structures will be removed and which of the structures will be retained. As part of the SDP an information table was drawn up to summarise the aforementioned actions. The actions proposed will have to be updated to reflect the decision of the land use application as taken by the Municipal Planning Tribunal.

There are certain discrepancies regarding the information table and the motivation submitted. On the information table the holiday accommodation units are being referred to second dwelling units which can be interpreted that the holiday accommodation units will be regarded as a second dwelling unit for the specific shareholder. It is stated in the motivation that each shareholder will be able to rent out the holiday accommodation unit on his property. However, the second dwelling as referred to in the information table alludes to residential developments where it is a primary right to have a second dwelling which can be utilised on a permanent basis.

There are also several structures which are interleading with the existing units on the property which currently do not conform to building regulations and will require building plan approval and alterations to conform to the Building Regulations.

Further, there are several outbuildings for each shareholder on the property which will be retained. However, the uses of the outbuildings are not addressed in the information table and most of the outbuildings are not in uniformity of character and building material to the formal constructed dwellings. This is a concern as the use of an outbuilding may differ extensively from one use to the next and the development will not be harmonious in character. The uses of the outbuildings will have to be specified on the final SDP to ensure compliance with the RZ.

Should the application not be approved then the SDP will have to be updated as stipulated in the decision.

### **Conclusion**

The proposal to apply for a departure for farm store and consent use for gift shop, restaurant, lecture room, place of assembly and holiday housing units is not supported for the following reasons:

- Only minor details are provided regarding the proposed additional tourism uses on the property. From the information provided, the scope of the proposals cannot be adequately discussed and evaluated, therefore the objections regarding the proposal is valid and weighs heavily against the proposal.
- Due to the lack of information in the motivation, the insufficient link between the motivation and the SDP and the objections received, the proposals to depart from the Zoning Scheme and apply for additional public commercial facilities is not supported from a Town Planning perspective and is considered undesirable.
- Consent use for holiday housing units will not resolve the main issue which is that the property owner wants to utilise the property on a permanent basis and to add additional units. The definition for holiday housing units as contained in the Zoning Scheme specifies that the units must be used for holiday and recreational use and not for permanent housing of residents.
- Currently the property is not being utilised for holiday and recreational use other than the existing camp site.
- The reason for the additional twelve (12) holiday accommodation units is an attempt to bypass the Zoning Scheme parameters which state that "*holiday housing shall not comprise more than 50% or a lesser percentage as determined by the Council of the units provided on the property concerned*". The applicant fails to provide substantive reasons for the need of the additional twelve (12) holiday accommodation units in the Stanford area other than the reason provided above. This was noted by the objectors.
- The applicant failed to motivate how the resort will function and be developed in line with the Zoning Scheme and land use right.
- The main purpose of the proposal is made and based on the principle to legalise past infringement and to pressure the Municipality to allow for the establishment of permanent housing units on a property outside of the urban edge. Although the SDF promotes tourism in the rural area as stated by the applicant the SDF also states that non-agricultural development along the Klein River must be restricted and, due to growth pressures, that the urban footprint of Stanford must be contained in a clearly defined urban edge. From the Municipality's point of view and as communicated by DEA&DP the proposal is considered undesirable.
- Several the outbuildings are considered not to be in uniformity of character and building material to the formal constructed dwellings.

## 12. RECOMMENDATION

1. that the comments and objections be noted;
2. that the application in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) received from Messrs WRAP Project Office on behalf of BIZ Afrika 62 (Pty) Ltd on Portion 1 of the Farm Kleinrivier No. 646, Division Caledon for the following:
  - departure in terms of Section 16(2)(b); to accommodate a farm store on the property; and
  - consent use in terms of Section 16(2)(o) to utilise twelve (12) holiday housing units as permanent residence by the shareholders; tourist facilities (lecture room and gift shop); restaurant and place of assembly (clubhouse).

**not be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the decision does not preclude the property owner(s) or developer from complying with the relevant approvals received and that the SDP be submitted to include the following development parameters:
  - The site development will be limited to the historically approved twelve (12) holiday accommodation units.
  - Footprint of each holiday accommodation unit is limited to 250m<sup>2</sup> (excluding garages and the structures which have building plan approvals).
  - Each holiday accommodation unit must have two (2) parking bays and will be limited to one (1) double garage structure which must be subservient in size to that of the holiday accommodation unit.
  - Height restriction of the twelve (12) holiday accommodation units will be limited to 8m from base level to the top of the structure and only 2-storeys (excluding the dwellings which have building plan approvals).
  - Height restriction of garages will be limited to single storey and 5,5m in height.
  - The placement of the two (2) remaining holiday accommodation units, which are still to be constructed, will be limited in location as indicated on the final SDP.
  - New holiday accommodation units and renovation made to the existing units will be that of Cape Vernacular/Victorian in style.
  - All new structures are to comply with a 30m setback line from the property boundary, and
  - Reticulation system of water and sewerage must be clearly indicated on the final SDP.
4. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval

## 13. REASONS FOR RECOMMENDATION

- Only minor details are provided regarding the proposed additional tourism uses on the property. From the information provided the scope of the proposals

cannot be adequately discussed and evaluated, therefore the objections regarding the proposal is valid and weighs heavily against the proposal.

- Due to the lack of information in the motivation, the insufficient link between the motivation and the SDP and the objections received, the proposals to depart from the Zoning Scheme and apply for additional public and commercial facilities is not supported from a town planning perspective and is considered undesirable.
- Consent use for holiday housing units will not resolve the main issue which is that the property owner wants to utilise the property on a permanent basis and to add additional units. The definition for holiday housing units as contained in the Zoning Scheme specifies that the units must be used for holiday and recreational use.
- Currently the property is not being utilised for holiday and recreational use other than the existing camp site.
- The reason for the additional twelve (12) holiday accommodation units is an attempt to bypass the Zoning Scheme parameters which state that "*holiday housing shall not comprise more than 50% or a lesser percentage as determined by the Council of the units provided on the property concerned*". The applicant fails to provide substantive reasons for the need of the additional twelve (12) holiday accommodation units in the Stanford area other than the reason provided above. This was noted by the objectors.
- The applicant failed to motivate how the resort will function and be developed in line with the Zoning Scheme and land use rights.
- The main purpose of the proposal is made and based on the principle to legalise past infringement and to pressure the Municipality to allow for the establishment of permanent housing units on a property outside of the urban edge. Although the SDF, 2006 promotes tourism in the rural area as stated by the applicant the SDF, 2006 also states that non-agricultural development along the Klein Rivier must be restricted and, due to growth pressures, that the urban footprint of Stanford must be contained in a clearly defined urban edge. From the Municipality's point of view and as communicated by DEA&DP the proposal is considered undesirable.
- Several outbuildings are considered not to be in uniformity of character and building material to the formal constructed dwellings.

#### 14. ANNEXURES

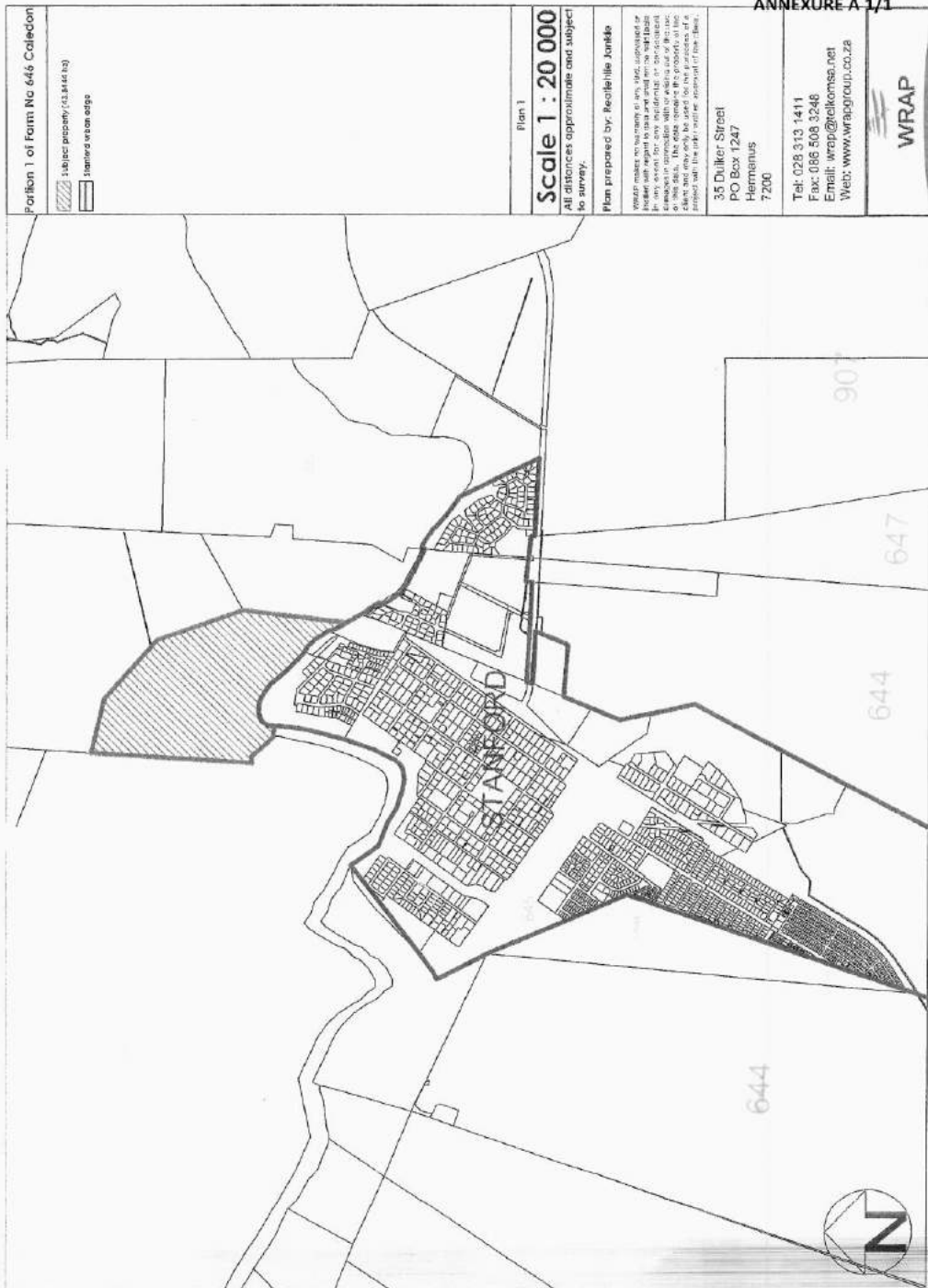
Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Development Plans
Annexure D:	Objections
Annexure E:	Comment on objections
Annexure F:	Comment: DEA&DP <i>Component: Planning</i>
Annexure G:	Comment: Fire Services
Annexure H:	Comment: DEA&DP Component: Environmental
Annexure I:	Comment: Telkom
Annexure J:	Comment: Breede-Gouritz Catchment Management Agency
Annexure K:	Comment: CapeNature
Annexure L:	Services Report
Annexure M:	Comment: Department of Transport and Public Works
Annexure N:	Traffic Impact Assessment

**SIGNATURES****AUTHOR**

Name: **PJ ROUX**  
SACPLAN Reg No: **A/2246/2015**  
Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

**REGISTERED PLANNER:**

Name: **SW VAN DER MERWE**  
SACPLAN Reg No: **A/1850/2014**  
Signature: \_\_\_\_\_  
Date: \_\_\_\_\_



ANNEXURE A 1/1

## 2. ABBREVIATIONS

<b>OMZS</b>	Overstrand Municipality Zoning Scheme, 2013
<b>SDF</b>	Overstrand Municipality Spatial Development Framework, 2006
<b>OM</b>	Overstrand Municipality
<b>OM BY-LAW</b>	Overstrand Municipality By-Law on Municipal Land Use Planning, 2015
<b>SPLUMA</b>	Spatial Planning and Land Use Management Act, 2013
<b>LUPA</b>	Land Use Planning Act, 2014
<b>LUPO</b>	Land Use Planning Ordinance, 1985
<b>PSDF</b>	Western Cape Provincial Spatial Development Framework 2014
<b>IDP</b>	Overstrand Municipality Integrated Development Plan
<b>DEADP</b>	Western Cape Department of Environmental Affairs and Development Planning
<b>ROD</b>	Record of Decision
<b>SDP</b>	Site Development Plan

## 3. SUMMARY OF PROPERTY DETAILS

<b>Applicant</b>	WRAP (Wright Approach Consultancy)
<b>Registered owner</b>	Biz Afrika 62 (Pty) Ltd
<b>Farm number</b>	Portion 1 of Farm Kleinrivier 646 Caledon
<b>Suburb</b>	Adjacent to the Stanford urban edge
<b>Property extent</b>	43,8444 ha
<b>Title deed</b>	T46827/99
<b>Restrictive title deed conditions</b>	None
<b>Applicable zoning scheme</b>	OMZS
<b>Current zoning</b>	Resort Zone: Holiday Resorts (RZ)
<b>Permissible primary uses on SR1</b>	Conservation use, holiday accommodation, private open space, private road, tourist accommodation
<b>Current land use</b>	Residential, outbuildings and resort

## 4. BACKGROUND

When application was made for the rezoning of the subject property to Resort Zone 1 in 2002, the motivation and SDP considered by the Overstrand Executive Mayoral Committee indicated that, at the time, there were 6 cottages and 4 rondavels on the property and the owners wanted to erect two additional units. The application included rezoning to Resort Zone 1, with the primary use for holiday accommodation, as defined in the Regulations promulgated in terms of Section 8 of the LUPO. The motivation further stated that the property is 43.8444 ha in extent, would have 12 units in total that will bring the density to 0.28 units per hectare.

The Executive Mayoral Committee of the OM, on 16 July 2002 approved the application for rezoning from Agricultural Zone 1 to Resort Zone 1, subject to the following conditions (Refer **Annexure C**):

1. Municipal services, limited to sewage disposal at this stage, will be rendered by the OM;
2. To this end a conservancy tank with a minimum capacity of 10 000 litres to be provided on the property;
3. Tariffs for pumping will be calculated at the rate of actual cost plus 15%;
4. A detailed site development plan showing the location of each unit to be submitted;
5. All the requirements of the following authorities to be met:
  - 5.1 Department of Minerals and Energy;
  - 5.2 Department of Water Affairs and Forestry;
  - 5.3 Department of Economic Affairs, Agriculture & Tourism – Transport Branch;
  - 5.4 Department of Health;
  - 5.5 Hermanus Lagoon Property Owner's Association;
  - 5.6 Department of Environmental and Cultural Affairs and Sport."

A ROD was also issued by the Department of Environmental and Cultural Affairs and Sport on 30 October 2001, for the following activity (refer **Annexure D**):

"The upgrade and extension of an existing development for residential purposes on Portion 1 of the Farm Kleinrivier No. 646, Stanford: There are ten existing buildings (6 Rondavels and 4 Cape Style Cottages) in total. The proposal is to renovate and upgrade the buildings and to build an additional two dwellings – an activity identified in Schedule 1 of Government Notice No R 1182 of 5 September 1997 as activity (2c) viz. the change of land use from agriculture or undetermined to any other land use herein after referred to as the activity."

On 19 December 2008, a further land use approval was issued by the OM for the amendment of conditions of approval, in order to establish a camping site with traditional Indian style "tipi" tented group accommodation on the subject property (refer **Annexure E**).

In terms of condition 1(b) of the approval:

"That prior to the submission of building plans, a revised Site Development Plan, taking into account the conditions of the amendment of the Conditions of Rezoning approval, with detailed elevation drawings of the structures proposed to be constructed, be submitted for comment to the Aesthetic Committee and the Municipal Council for consideration and that Council reserves the right to impose conditions relating to the footprints of the proposed structures, layout of parking, architecture, landscaping (including landscaping external to the property), aesthetics, etc. at that stage".

The abovementioned plan has also not been submitted and will form part of the submission and application.

#### 5. OWNERS INTENT

The owner the subject property, Biz Africa 62 (Pty) Ltd (Registration Nr 99/01604/07) purchased the property in 1999, based on the fact that it had 10 existing dwellings on the property, which the shareholders intended to occupy on a permanent basis.

In 2002, Biz Africa 62 (Pty) Ltd wanted to upgrade, refurbish and extend the dwellings and wanted to build 2 additional dwellings. At that stage, the property was zoned Agriculture Zone 1 and the authorities advised the shareholders to rezone the subject property to Resort Zone 1.

Application was made, and approval was granted for rezoning of the property from Agriculture Zone 1 to Resort Zone 1 and 12 dwellings were approved (10 existing and 2 additional). The extension of some of the dwellings went ahead and building plans were submitted to the OM and dwellings of up to 450 m<sup>2</sup> were approved. Plans were also approved to join two of the dwellings.

Part of the conditions of approval included the submission of a Site Development Plan (SDP) and in 2014 the OM started to refuse the acceptance of building plans until such time that a SDP is submitted.

Biz Africa 62 (Pty) Ltd appointed WRAP to do an investigation and submit the required SDP and assist with the compliance of the resort with relevant legislation.

With the investigation, it was found that quite a few temporary structures exist on the subject property for which no approved building plans are available. It was also found that due to the shareholders residing on the subject property permanently, the land use does not comply with the primary rights in terms of the Resort Zone 1 zoning, approved in terms of LUPO (at the time) or the Resort Zone: Holiday Resort zoning in terms of the OMZS.

The owner's intent is to rectify the situation and to comply with the conditions of approval and to make all land use currently on the property compliant with the parameters of the OMZS.

#### 6. EXISTING LAND USE RIGHTS

In terms of the OMZS, the subject property is zoned as (RZ). The following land use rights and development rules are therefore applicable to this zoning:

- (a) **Primary uses are:** conservation use, holiday accommodation, private open space, private road, tourist accommodation;

- (b) **Consent uses are:** additional dwelling units, conference facilities, holiday housing, hotel, place of assembly, place of entertainment, recreational facilities, restaurant, rooftop base station, transmission tower, tourist facilities, any other use determined by Council.

Holiday accommodation is defined as a harmoniously designed and built development, used for holiday and recreational purposes, whether in private or public ownership, which:

- (i) consists of a single enterprise in which accommodation is supplied by means of short term renting and time sharing only;
- (ii) may include the provision of a camping site, mobile home park and dwelling units;
- (iii) may also accommodate a restaurant and indoor and outdoor recreation facilities; but
- (iv) does not include a hotel or conference centre.

Holiday housing is defined as dwelling units, mobile homes or camping sites that are harmoniously designed and built, for holiday or recreational purposes, and which may be separately alienated by means of sectional title division, fractional title, the selling of shareblocks or the subdivision of property.

#### Development Rules

In terms of Section 13.1.2 of the OMZS, the following development rules apply:

- (a) The Council shall stipulate development parameters with regard to density, height, coverage, layout, building design, landscaping, parking, access; signage and the use of the property 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;
  - (iv) any site development plan and landscape master plan are approved; and
  - (v) prior to the approval of any building or engineering services plan.
- (b) A site development plan must be submitted to the Council for approval in accordance with 16.3;
- (c) A landscape master plan and environmental management plan shall be submitted to the Council and approved in terms of provision stipulated in 16.4; and
- (d) The Council shall stipulate the required services and other infrastructure required to service the resort.

#### 7. DEVELOPMENT PROPOSAL

The subject property is situated within the OM, approximately 1 kilometre north of Stanford and being located directly adjacent to the R43, it enjoys excellent access via three existing access points. The subject property is, and was not in the recent

past, utilised for any specific agricultural activity as the size of the farm is of such a nature that it limits agricultural practices.

For this reason, the owners applied for the rezoning of the subject property from Agriculture Zone 1 to Resort Zone 1 in terms of the Regulations promulgated in terms of Section 8 of the Land Use Planning Ordinance, 15 of 1985, which was approved in 2002.

As most of the shareholders resided on the property since it was purchased in 1999, they expressed the need to legally reside on the property on a permanent basis. The owners of the undeveloped units also want to develop such units for permanent habitation. As the property is currently zoned as Resort Zone in terms of the OMZS, it only includes holiday accommodation in which accommodation is supplied by means of short term renting and time sharing only.

To "legalise" the permanent habitation of the 12 units, a consent use for holiday housing, as defined above, is required.

In terms of Section 13.1.4 of the OMZS, holiday housing shall not comprise more than 50% or a lesser percentage as determined by Council of the units provided on the property concerned.

To comply with the aforementioned, the shareholders also want to develop 12 holiday accommodation units, as defined above, on the subject property, each on an exclusive use area of 500 m<sup>2</sup> and a development footprint of 250 m<sup>2</sup>.

This will be in addition to the current 12 units, to be utilised as holiday housing units, of which the extents vary between 70 m<sup>2</sup> and 450 m<sup>2</sup>.

The shareholders also want to develop a farm store, restaurant, lecture room, gift shop and a place of assembly (club house) on the subject property. The aforementioned facilities will be available for guests and the general public.

An Environmental Management Plan (EMP) was compiled by Lornay Environmental Consulting (refer **Annexure F**) to ensure that the planning proposal adheres to sound environmental principles. A "Clarification Letter" dated 19 March 2018 was issued by DEADP (refer **Annexure G**) which approved the environmental soundness of this proposal as indicated on the SDP (refer **Plan 4**) and confirmed that no further applications in terms of NEMA are required.

Considering the above, Wright Approach (WRAP) Consultancy was appointed (refer **Annexure A**) to submit an application to the OM for the following:

- **Consent use** for 12 holiday housing units to be used as permanent residences by the shareholders in terms of Section 16(2)(o) of the Overstrand Municipality: By Law on Municipal Land Use Planning, 2015;

- **Consent use** for tourist facilities (lecture room and gift shop) in terms of Section 16(2)(o) of the Overstrand Municipality: By Law on Municipal Land Use Planning, 2015;
- **Consent use** for a restaurant in terms of Section 16(2)(o) of the Overstrand Municipality: By Law on Municipal Land Use Planning, 2015;
- **Consent use** for a place of assembly (clubhouse) in terms of Section 16(2)(o) of the Overstrand Municipality: By Law on Municipal Land Use Planning, 2015;
- **Compliance and amendment of previous conditions of approval** and submission of Site Development Plan indicating 12 holiday accommodation units, 12 holiday housing units and a camp site in terms of Section 16(2)(h) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015;
- **Departure** for the development of a farm store in terms of Section 16(2)(b) of the Overstrand Municipality: By-Law on Municipal Land Use Planning, 2015; and
- **Departure** from the 30m building line to 0m for all present and future buildings on the western and south western boundary in terms of Section 16(2)(b) of the Overstrand Municipality: By-Law on Municipal Land Use Planning, 2015.

#### 8. URBAN FABRIC

The character of the environment can be described as rural in nature, with low residential densities and wide-open spaces. Some agricultural activities are present within the immediate surrounding areas.

The subject property is situated across the Klein River from Stanford town in the south and situated across the R43 from Sir Robert Stanford Wine Estate. It borders agricultural properties to the east and the west.

#### 9. MOTIVATION AND DEVELOPMENT PROPOSAL

The subject property was never farmed economically but has been utilised (before 1999) by the previous owners, for the purposes of a guest farm.

When purchased by the current owners, BIZ Afrika 62 (Pty) Ltd in 1999, the shareholders specifically purchased the farm due to the existing 10 existing dwellings on the farm and with the specific intention to reside on the farm on a permanent basis.

We are therefore of the opinion that the application made and approved in 2002 should have been for Resort Zone II in order to allow for the permanent habitation of the shareholders.

Through the years, the existing buildings were improved and upgraded and building plans were submitted and approved by the OM for most extensions to existing- and new buildings. The extent of the 9 existing residences vary between 70 and 450 m<sup>2</sup> for which building plans were approved by the OM. This means that if building plans for the extension of all 12 approved residences were submitted, the total floor space of all dwellings would have been 5 400 m<sup>2</sup>. Various other buildings and structures were however also constructed, for which no building plans exist.

The need has now arisen to build additional 12 holiday accommodation units to be utilised for short term renting. For proper management and servicing of these units it is proposed that the units be built in close proximity of the existing units and that each shareholder will be responsible for the construction, maintenance and management of one such unit.

It is proposed that the exclusive use areas around the holiday accommodation units be limited to 500 m<sup>2</sup> and the footprints of the holiday accommodation units be limited to 250 m<sup>2</sup> which extent is in line with the policy of the OM for additional dwellings on farms.

The largest of the main buildings that were erected after the approval of building plans is approximately 450 m<sup>2</sup> in size. It is therefore proposed that the size of the holiday housing units is limited to 450m<sup>2</sup> which equals the size of the largest of the existing approved buildings being, 450 m<sup>2</sup>.

It is proposed that the exclusive use area around the holiday housing units is to be 2000 m<sup>2</sup> which will bring the allowed coverage to 22.5 % of each of the exclusive use areas.

Exclusive use area is not defined in the OMZS but is defined in the Sectional Titles Act as a part or parts of the common property for the exclusive use by the owner or owners of one or more of the sections.

The shareholders, by agreement decided that their shareholding will include the right to build a residence on an exclusive use area of 2 000 m<sup>2</sup> and the rest of the farm will be available as common area that may be enjoyed by all shareholders.

The same will apply to the exclusive use area proposed around the holiday accommodation units, which will be utilised as open area/garden for the enjoyment of guests renting the unit on a short-term basis.

The rationale for the development of the farm store, restaurant, lecture room, gift shop and a place of assembly (club house) is to generate income to pay for the expenses of the resort relating to rates and taxes, cost of services and general maintenance of the resort.

Due to the small size of the resort (only 12 holiday accommodation units), it is proposed that the aforementioned facilities are also open to the general public. The holiday accommodation to be provided can be rented with the place of assembly and restaurant for functions, weddings, conferences and meetings.

#### 10. DENSITY

In terms of the OMZS, the OM shall stipulate development parameters with regard to density, height, coverage, layout, building design, landscaping, parking, access, signage and the use of the property when approving the zoning or any consent uses

in terms thereof.

Although the Guidelines for Resort Developments in the Western Cape, December 2005, contains guidelines with regards to densities (that includes the number of buildings as well as the average size of the individual buildings) we are of the opinion that the subject property is unique, due to the history of the farm, the resort approved thereon, the fact that the shareholders reside on the property permanently and the extent of the building plans approved by the OM. The Resort Guidelines is also dating back to 2005 (13 years) and is regarded as outdated.

What was however found relevant to the application is Section 4.2.1 on page 25 of the Resort Policy with regards to density:

*Given that consent for at least one additional dwelling unit could be given on any residential or agricultural property, a density of 2 dwelling units per 3 hectares or 0,67 units per hectare could be deduced for that area/portion of the larger original farm (or other land unit) primarily dedicated for the resort. As a result of local conditions being taken into account, densities for many resorts have often been restricted to one unit per hectare or even less (sometimes even approaching the densities of rural occupation, that is, 1 unit per 3 to 5 hectares. It should nevertheless be noted that these figures refer to gross density, i.e. the number of units relative to the total area/portion, of the larger farm primarily dedicated for the resort. On the other hand, nett density could be higher if it relates to number of units with regard to the immediate area of the resort development itself, should the resort units be clustered in a node or nodes.*

As the subject property is 43.8444 ha in extent, a density of 1 unit per hectare will equate to  $\pm 44$  units and if a density of only 2 units per 3 ha is allowed, will equate to 29 units. The development proposal is for 24 resort units (12 holiday accommodation- and 12 holiday housing units) which will equate to a density of 0.54 units per hectare that is less than the aforementioned recommended density of 2 dwelling units per 3 hectares that equates to 0.66 units per hectare, in terms of the Resort Zone Policy.

In the investigation done by WRAP it was found that various temporary structures exist on the farm for which no building plans were submitted and most of these structures and buildings also do not comply with the National Building Regulations.

It was agreed by the shareholders that these non-conforming structures and buildings would rather be demolished and replaced with extensions to the existing holiday housing units for which building plans will be submitted and the erection of one holiday accommodation unit per shareholder.

The total extent of all current buildings and structures (approved and not approved) on the subject property is approximately 2 700 m<sup>2</sup> and if a holiday housing unit of a maximum of 450 m<sup>2</sup> and a holiday accommodation unit of a maximum of 250 m<sup>2</sup> per shareholder is approved, the total extent of all buildings for the 9 built sites, containing 1 holiday accommodation unit and 1 holiday housing unit per site will be

6 300 m<sup>2</sup> or 8 400 m<sup>2</sup> for all 12 units (3 sites still to be developed). The extent of the farm store, place of assembly and the restaurant will be 300 m<sup>2</sup> each, adding another 900 m<sup>2</sup> to the extent of all buildings on the farm. The total extent of all buildings on the farm will therefore be 9 300 m<sup>2</sup>.

The aforementioned once fully developed, will equate to a coverage of approximately 2.1% of the subject property.

Section 5.1.2 of the OMZS determines that if the property was still zoned Agriculture Zone 1, the total floor space of all buildings on the land unit may not exceed 5 000 m<sup>2</sup>, provided that Council may relax this requirement if satisfied that such buildings are required for genuine farming activities on the land unit. In the case of the subject property this would have meant a floor factor of 0.011. With the proposed total floor space of 9 300 m<sup>2</sup> the floor factor will be 0.021.

When it comes to the second component of density, namely the average size of individual buildings, the same motivation as provided for the number of units per hectare applies here.

The Resort Guidelines propose the maximum units size for resorts outside the urban edge as 120 m<sup>2</sup>. In terms of the OM's Policy on additional dwellings on farms, the size of such a unit may not exceed 250 m<sup>2</sup>. In terms of the Overstrand Zoning Scheme, owners of land zoned Agriculture, may apply for additional dwellings on such properties at a ratio of 1 unit per 10 ha, maximum 5. The definition for additional dwellings is:

"additional dwelling units" means dwellings in the Agriculture 1 Zone, which are not required for the accommodation of bona fide persons involved in the agricultural practice on the property concerned and additional dwelling units may be used for long or short-term accommodation purposes.

In terms of the definition, additional dwelling units may be used for long and short-term renting accommodation purposes, without any additional approval required.

As previously stated, in terms of the OMZS's development rules for Resort Zone: Holiday Resorts (RZ), the Council shall stipulate the development rules with regard to density, height, coverage, layout, building design, landscaping, parking, access, signage and the use of the property.

Based on the aforementioned we are of the opinion that the Municipality is not bound by the 2005 Resort Zone Guidelines and must determine the development rules of the resort basic on site specific circumstances in terms of the Overstrand Zoning Scheme.

#### 11. SITE DEVELOPMENT PLAN

A SDP indicating all existing buildings and structures, roads, the campsite, dams, as

well as all proposed buildings and structures is attached to this report (refer Plan 4).

The SDP also indicates the access to the R 43 and the 1:50 and 1:100 flood lines.

The information relating to the SDP is summarised in Table 1, attached to the report (refer Plan 5). Table 1 also gives an indication of which buildings will be demolished and which buildings will be retained. A photo report containing a photograph of each building currently on the farm is also attached to this report (refer Plan 6).

## 12. SERVICES

The subject property is located outside the urban edge of Stanford and can therefore not connect to any municipal services provided by the OM.

### Roads and access

A number of gravel roads have already been constructed on the subject property and with the necessary road network already in place it provides access to most areas of the farm. No additional access points or roads will be constructed.

The internal roads of the subject property all link to these access points, so access to all the units on the subject property can will be secured.

### Water

Water is currently provided from a stream that flows into a dam on the subject property, which has its origin on the Remainder of the farm Kleinrivier, 646 (Sir Robert Stanford Estate). Servitude for the use of the water is in place for many years

Water to the additional buildings will be provided from the same source.

### Electricity

Currently Eskom supplies the property with electricity which is supplemented by solar power to some of the units.

Future power provision will still include Eskom, supplemented by solar power.

### Sewerage

Sewerage is currently collected in conservancy tanks that are serviced by the OM. This arrangement will remain for the additional buildings proposed.

## 13. BUILDING LINES

It was requested by the OM that the 30 m building line be indicated on the SDP and where necessary, the required departures are applied for.

The development rules under Resort Zone: Holiday Resorts (RZ) however contains no provisions with regards to building lines. It is accepted that a 30 m building line applies to properties zoned Agriculture Zone 1: Agriculture (AGR 1) where the area of the land unit is greater than 10 ha.

Although not specifically stated in the zoning scheme, it may be that the Council may also stipulate the building lines applicable as part of the development rules and if that is 30 m the necessary departure is applied for where buildings were built or will be built within the 30 m building line.

#### 14. NEED AND DESIRABILITY

In terms of Section 55 (b) and (c) of the Western Cape Land Use Planning Act, 2014 an application can be refused based on it being undesirable. The measure to assess the desirability of the application is the consistency of the application with spatial development frameworks, the principles referred to in Chapter VI and guidelines issued by the Provincial Minister regarding the desirability of the proposed development.

The proposed development needs to be desirable and consistent with the logic character of the rural area and add value to the owner and the community. The Department of Environmental Affairs and Development Planning (DEADP) published a Guideline on Need and Desirability as part of the EIA Guideline and Information Document Series.

In terms of the above, a number of questions need to be asked with regard to the need and desirability of a proposal, which include the following:

- **Does the community/area need the activity and the associated land use concerned?**

There is a definite need in Stanford for holiday accommodation which will contribute to enhancing the image of Stanford as a holiday destination. There is also a need for the shareholders to reside on the subject property and capitalise on the tourism potential on the property.

- **Is this development the best practicable environmental option for this land/site?**

The "Clarification Letter" issued by DEADP highlights the environmental soundness of this proposal (refer **Annexure G**).

- **Do location factors favour this land use?**

The subject property is located adjacent to the R43 which makes it easily accessible. The property is also located adjacent to the Stanford which increasingly functions as a viable tourist destination. This resort is therefore projected to be successful and viable to this favourable location.

- **Will the proposed land use result in unacceptable cumulative impact or unacceptable opportunity cost?**

The approval and implementation of this proposal will not result in unacceptable cumulative impact or unacceptable opportunity cost.

#### 15. SPATIAL PLANNING POLICIES

The consistency of the proposed application was assessed within the existing spatial planning initiatives. This is to ensure that the development does not deviate from the spatial planning initiatives and is in line with the urban form/fabric that is envisaged by Local and Provincial Authorities.

##### Provincial Spatial Development Framework 2014 (PSDF)

The aim of the PSDF is to give spatial expression to the national and provincial development agendas and serves as a basis for coordinating, integrating, and aligning ground delivery of national and provincial departmental programmes. The framework also aims to communicate the government's spatial development intentions to the private sector and civil society. The alignment of this proposal with the PSDF will be highlighted.

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

Dimensions	Alignment of the proposal with the dimensions
Accommodating a greater diversity of compatible land use activities on farms and in the rural landscape in general. Compatible activities are those that do not compromise biodiversity, farming activities, cultural and scenic landscapes, and are of an appropriate scale and form to fit in with their context in the rural landscape (as specified in the to be updated 2009 PSDF Rural Land Use Planning and Management guidelines).	The intention of the proposed development is to diversify the land uses on the subject property. The buildings proposed will be designed to fit into the rural character of the area. The proposed land uses will not compromise on the cultural landscape that exists in the area.
Channelling public investment in rural development initiatives to areas where it can offer real and sustained improvements to beneficiaries and the rural community.	The proposal does not include the channelling of any public investment into the subject property but does include the channelling of private investment into the subject property with the intention of providing real and sustained improvements to shareholders and the rural economy. Below are the

	<p>benefits that the proposal will offer to those that are unemployed.</p> <ul style="list-style-type: none"> <li>• The construction phases of the building operations would lead to the creation of temporary jobs.</li> <li>• The proposed farm store/restaurant/gift shop and the employment opportunities associated with these land uses will lead to the creation of permanent jobs.</li> <li>• The skills development of the employees will also potentially contribute to the unlocking of the entrepreneurial skills of the workers.</li> <li>• The employees that would have been unemployed would also have a sustainable income that would lead to the livelihoods of the employees and their families improving.</li> <li>• The proposed development will also contribute to making the rural area more prestigious with some tourist related activities such as the farm store and accommodation.</li> <li>• The prime objective of the proposed development is to channel private investment into this rural community and create real and sustained improvements to the beneficiaries and the rural economy.</li> <li>• The proposed development will also result in the circulation of fresh capital into the rural economy that would have positive economic spinoffs for the broader value chain of the town and rural area.</li> </ul>
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#### Overstrand Spatial Development Framework (SDF)

The objective of the SDF is to formulate strategic spatially based policy guidelines and proposals where the needs, changes and growth in the area can be managed to benefit the inhabitants and the environment in the OM. The SDF is guided by a set of objectives and this section will assess the consistency of the proposed consent use application with these core objectives.

The SDF describes Stanford as a historical rural village, which increasingly functions as a tourism destination and retirement town. The intention of the proposed development is to complement the character of the rural village.

Local spatial development principles	Alignment of the proposal with the local spatial development principles
Promote conservation of the historic townscape	Stanford is a historical rural village which increasingly functions as a tourist destination. The location of the subject property adjacent to the urban edge is also ideal as the proposed land uses and tourist facilities will contribute to creating a transition from inside the urban edge to the farms of Stanford. The historic townscape will not be affected.
Promote rural tourism development based on the ecological and heritage value of the region.	The application seeks to promote rural tourism and will maintain the ecological integrity of the subject property.
Promote a balanced mix of residential development.	The proposal includes holiday accommodation and holiday housing which will provide accommodation that is appropriate and balanced within the context of the Resort zoning of the subject property.
Promote Stanford as a retirement and tourism village.	The proposal does not include a retirement village but does seek to contribute to enhancing and capitalising on the tourism potential that exists on the subject property and contribute to promoting Stanford as a tourism destination.

#### 16. GUIDELINES FOR RESORT DEVELOPMENTS IN THE WESTERN CAPE: DECEMBER 2005

Although the contents of the guidelines were consulted, we are of the opinion that the contents are outdated and that in terms of the OMZS, **the OM must determine the relevant development parameters such as coverage, bulk, height, density etc.**

It must also be kept in mind that the situation on the subject property is unique as the shareholders of the company that owns the subject property resides on the property permanently. The situation is also further unique in the sense that the OM approved building plans for the residences that the shareholders reside in of up to 450 m<sup>2</sup>.

The subject property also has an existing Resort Zoning and is the guidelines in terms of a "unique resource" also not applicable.

### 17. ARCHITECTURE

The main objective is to create a development that will blend in with the natural surroundings, without disturbing indigenous vegetation and in a sustainable manner. A natural building style, in line with the style and architecture of the existing dwellings will be created for the additional buildings and units, which will reflect the local architecture and heritage.

### 18. ENVIRONMENTAL CONSIDERATIONS

Michelle Naylor from Lornay Environmental Consulting was appointed to attend to the compliance of the development with the National Environmental Management Act (NEMA). The "Clarification Letter" issued by DEADP highlights the environmental soundness of this proposal (refer **Annexure G**).

### 19. PLANNING PRINCIPLES

The proposal was analysed for consistency with planning principles and also to provide a recommendation to the Municipality for the development. These spatial planning principles are in terms of Section 42 of the Spatial Planning and Land Use Management Act, 2013 and also Chapter VI of the Land Use Planning Act, 2014.

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

#### **Spatial Justice**

Spatial justice refers to the need to redress the past apartheid spatial development imbalances and aim for equity in the provision of access opportunities, facilities, services and land. The intention of the proposed development is to contribute to addressing past apartheid spatial development imbalances by providing the unemployed economically marginalised residents in Stanford with employment opportunities within close proximity instead of the prospective employees travelling an extended distance to Hermanus to access employment opportunities.

#### **Spatial Sustainability**

A spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscape and ultimately limits urban sprawl. The proposal can be deemed to be spatially sustainable as it intends on promoting some activities on the subject property without adversely impacting on environmentally sensitive and biodiversity rich areas and cultural landscape.

#### **Efficiency**

Efficiency refers to the need to create settlements that optimise the use of space, energy, infrastructure, resources and land. The existing and proposed units on the

subject resort are aimed at efficiently and optimally making use of the space, energy, infrastructure and land on the subject property while being in harmony with the prevailing rural context and within services capacity limits.

#### **Spatial Resilience**

Spatial resilience in the context of land use planning highlights that spatial plans, policies and land use management systems should enable the communities to be able to resist, absorb and accommodate these shocks and to recover from these shocks in a timely and efficient manner. This proposal is aligned with the spatial development imperatives enshrined in the PSDF and SDF and promotes spatial resilience. This resilience is as a result of the diversification and compliance with spatial policies and will enhance the recovery of the land uses on the subject property from any shocks.

#### **Good Administration**

Good administration in the context of land use planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role players ensure a joint planning approach is pursued. The OM has integrated consultative planning processes whereby the application is advertised to the public and comments on the application are made. All relevant departments are also afforded the opportunity to comment on the application. WRAP will respond to such comments and this will ensure that a joint planning approach is perused.

## **20. EVALUATION AND CONCLUSION**

The acceptance of land use on a specific land portion must be tested in accordance with the physical characteristics of the property, existing planning in the area, and the character of the environment, the potential, location and accessibility of the property as well as the provision of service infrastructure to the proposed development.

In light of this motivational report it is clear that the proposed development of Portion 1 of Farm Kleinrivier 646, Caledon is desirable and that the minimum impact on the natural environment is expected. The units will furthermore ensure that a unit, that is not an independent economic unit, generates an income. The report has been motivated in terms of numerous policy guidelines and from these motivations it is clear that the development proposal is in line with guidelines and policies as discussed.

## **21. PROPOSAL SUMMARY**

Herewith are the site-specific circumstances which make this proposal viable and practical.

Application

- **Consent use** for 12 holiday housing units to be used as permanent residences by the shareholders;

- **Consent use** for tourist facilities (lecture room and gift shop);
- **Consent use** for a restaurant;
- **Consent use** for a place of assembly (clubhouse);
- **Compliance and amendment of previous conditions of approval** and submission of Site Development Plan indicating 12 holiday accommodation units, 12 holiday housing units and a camp site;
- **Departure** for the development of a farm store; and
- **Departure** from the 30m building line to 0m for all present and future buildings on the western and south western boundary.

#### Urban fabric

The approval and implementation of this proposal will contribute to enhancing prevailing rural fabric/ambiance in Stanford.

#### Motivation

- Building plans have been approved which vary in size from 70 and 450 m<sup>2</sup>;
- A need has arisen to build additional 12 holiday accommodation units to be utilised for short term renting;
- The shareholders envisage having the right to build a residence on an exclusive use area of 2 000 m<sup>2</sup>; and
- The need has arisen to have a farm store, restaurant, lecture room, gift shop and a place of assembly (club house) which are proposed to be open to the general public.

#### Density

- This proposal is for 24 resort units which is below the ±44 or ±29 units which are permissible on the property in terms of the Guidelines for Resort Developments in the Western Cape;
- Shareholders have agreed to demolishing buildings which do not comply with building regulations; and
- The OM is not bound by the Guidelines for Resort Developments and may determine development rules with regards to resorts.

#### SDP

- An SDP is submitted which indicates all the existing building and structures; and
- An SDP which indicates the buildings to be demolished is also submitted.

#### Services

- **Roads and access:** there are existing access roads on the subject property which will be used to gain access to the existing and proposed units.
- **Water:** water is derived from the stream that flows into the dam and the approval and implementation of this proposal will not alter this.
- **Electricity:** Electricity is provided by Eskom which is supplemented by solar power on some units and will not be altered with the approval and implementation of this proposal.
- **Sewage:** sewage is collected in conservancy tanks serviced by the OM and will not be altered with the approval and implementation of this proposal.

**Building line**

The OM requested that 30m building lines be indicated and building line departures be submitted where applicable. This proposal includes a building line departure.

**Need and desirability**

- There is a definite need in Stanford for short term and permanent rental facilities to enhance the image of Stanford as a viable tourist destination and residential area;
- This proposal is the most practical environmental option as highlighted in the "Clarification Letter" issued by DEADP;
- The subject property is well located in an area where it is easily accessible and in a rural area that increasingly functions as a tourist destination; and
- The approval and implementation of this proposal will not result in unacceptable opportunity cost.

**PSDF**

- The existing and proposed units as indicated on the SDP are dispersed and sensitive to the rural character of Stanford; and
- This proposed diversification on the subject property is intended to open economic opportunities in terms of employment and attract tourists to Stanford.

**SDF**

- The approval and implementation of this proposal will not alter the prevailing townscape of Stanford;
- This proposal promotes tourism while maintaining the ecological integrity on the subject property; and
- This proposal promotes the balanced mixed use of holiday housing and holiday accommodation.

**Architecture**

The architecture on the subject property will blend in with the prevailing rural character and aesthetically appealing existing dwellings.

**Planning Principles**

**Spatial justice:** the approval and implementation of this proposal will provide economic opportunities to people who are economically marginalised in Stanford.

**Spatial sustainability:** this proposal will not degrade any environmentally sensitive areas in Stanford as highlighted in the "Clarification Letter" issued by DEADP.

**Efficiency:** this proposal and implementation thereof seeks to contribute to optimally make use of the existing resources on the subject property within the services capacity on the subject erf.

**Spatial resilience:** this proposal is aligned with the relevant development frameworks and can be regarded as spatially resilient.

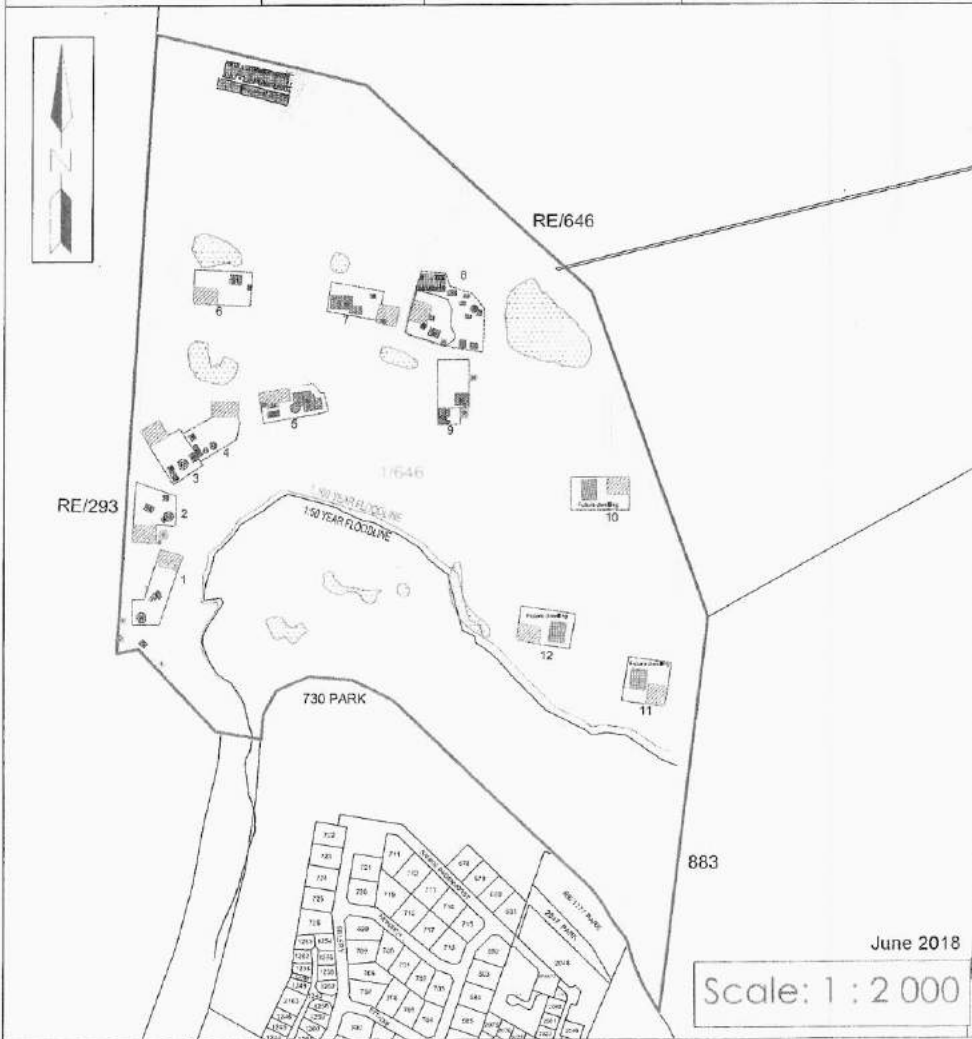
**Good administration:** this application will follow the prescribed town planning process and ensure good administration.

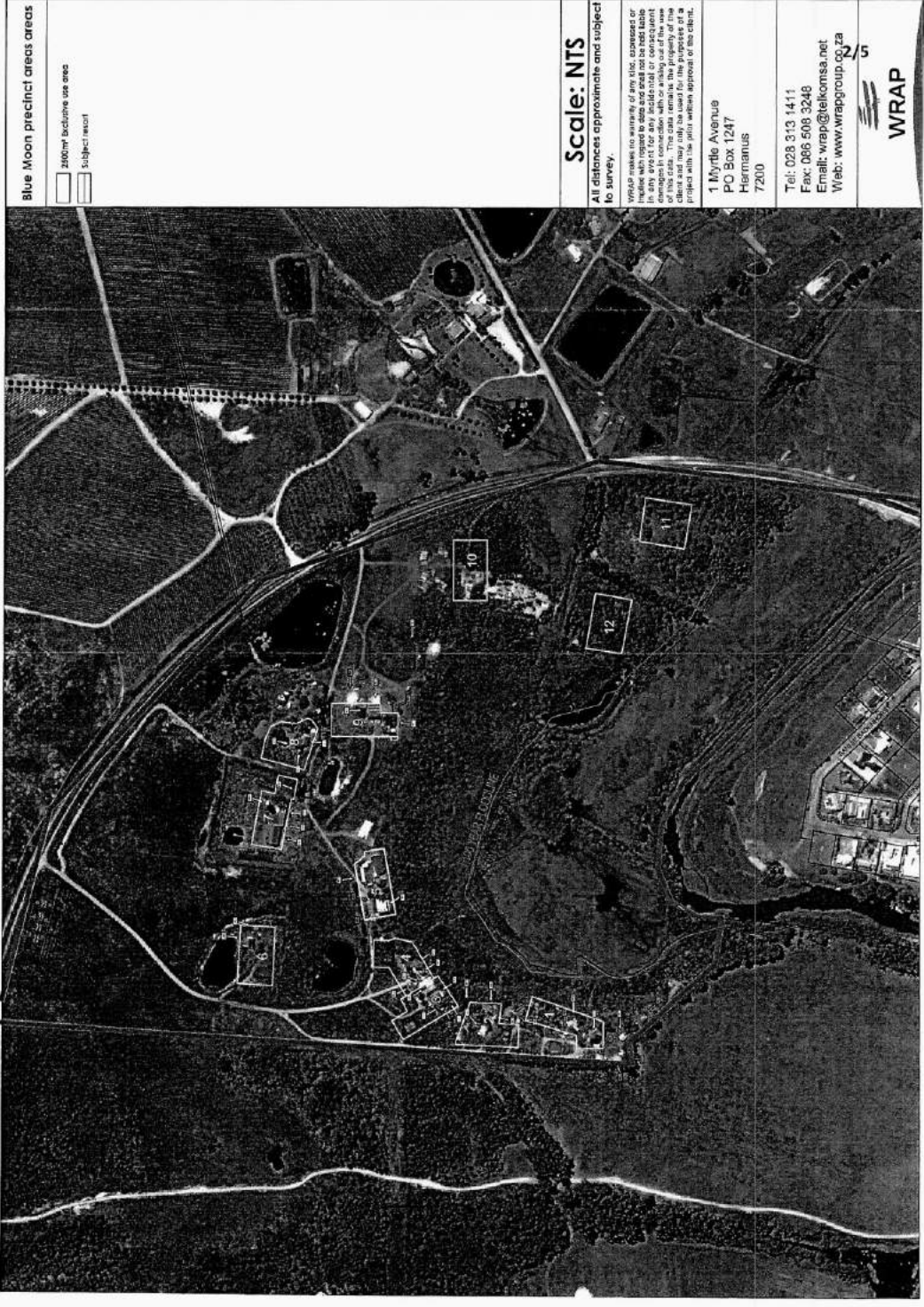
## 22. RECOMMENDATION

Considering the motivation, it is our recommendation that the following application be approved on Portion 1 of Farm Kleinrivier 654, Caledon:

- **Consent use** for 12 holiday housing units to be used as permanent residences by the shareholders in terms of Section 16(2)(o) of the Overstrand Municipality: By Law on Municipal Land Use Planning, 2015;
- **Consent use** for tourist facilities (lecture room and gift shop) in terms of Section 16(2)(o) of the Overstrand Municipality: By Law on Municipal Land Use Planning, 2015;
- **Consent use** for a restaurant in terms of Section 16(2)(o) of the Overstrand Municipality: By Law on Municipal Land Use Planning, 2015;
- **Consent use** for a place of assembly (clubhouse) in terms of Section 16(2)(o) of the Overstrand Municipality: By Law on Municipal Land Use Planning, 2015;
- **Compliance and amendment of previous conditions of approval** and submission of Site Development Plan indicating 12 holiday accommodation units, 12 holiday housing units and a camp site in terms of Section 16(2)(h) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015;
- **Departure** for the development of a farm store in terms of Section 16(2)(b) of the Overstrand Municipality: By-Law on Municipal Land Use Planning, 2015; and
- **Departure** from the 30m building line to 0m for all present and future buildings on the western and south western boundary in terms of Section 16(2)(b) of the Overstrand Municipality: By-Law on Municipal Land Use Planning, 2015.

SDP of Portion 1 of Farm Kleinrivier 646 Caledon			ANNEXURE C 1/5
<ul style="list-style-type: none"> <li> 200m² Precinct areas</li> <li> Subject resort (43 8444 ha)</li> <li> Road Reserve</li> <li> 500m² for proposed holiday accommodation units</li> <li> Approved structures to remain</li> <li> Not approved structures to remain</li> <li> Structures to be demolished</li> <li> Proposed buildings / parking area</li> </ul>	<ul style="list-style-type: none"> <li> Top site delineation</li> <li> Top site</li> <li> Camp site kitchen</li> <li> Cafe</li> <li> Entertainment area</li> <li> Playroom</li> <li> Accommodation</li> <li> Abullion block</li> <li> Dam</li> </ul>	<ul style="list-style-type: none"> <li> 20 boys Boys provided for the first site</li> <li> Parking calculation for the place of assembly, restaurant and farm store / gift shop</li> <li> 18 boys Farm store / gift shop 300m²</li> <li> 18 boys Restaurant 300m²</li> <li> 45 boys Place of assembly for 18 people</li> <li> 45 boys Required total parking</li> <li> 25 boys Parking provided</li> </ul>	<p>All distances are subject to survey.</p> <p>Plan prepared by: Reaitehile Jankie</p> <p>35 Duiker Street PO Box 1247 Hermanus 7200</p> <p>Tel: 028 313 1411 Fax: 086 508 3248 Email: wrap@telkomsa.net Web: www.wrapgroup.co.za</p>





## INFORMATION TABLE

Anton Boshoff			
Structures to be surveyed	Land use approval	Building plan approval	Conclusion
AB 1. Rondawel	Yes	Yes	The dwelling conforms to the definition of dwelling unit and will be used for holiday housing.
AB 2. Outbuilding	No	No	The structure will be renovated to conform to building regulations.
AB 6. Outbuilding	No	No	The structure will be renovated to comply with building regulations.
Structures not to be surveyed	Land use approval	Building plan approval	Conclusion
AB 3. Covered workshop	No	No	The structure will be demolished.
AB 4. Outbuilding	No	No	The structure will be demolished.
AB 5. Outbuilding	No	No	The structure will be demolished.
AB 7. Outbuilding	No	No	The structure will be demolished.
AB 8. Outbuilding	No	No	The structure will be demolished.
AB 9. Rondawel	Yes	Yes	The structure burnt down and the ruin will be removed.
AB 10. Wendy house	Yes	No	The structure burnt down and the ruin will be removed.
<b>Precinct area</b> The precinct area is 2499.7m <sup>2</sup>			

Quentin Green			
Structures to be surveyed	Land use approval	Building plan approval	Conclusion
QG 1. Wendy house	Yes	No	The structure is interleading with the rondawel.
QG 2. Rondawel	Yes	Yes	The rondawel will be used as a primary dwelling.
QG 3. Outbuilding	Yes	Yes	The structure will be kept as a garage.
QG 4. Outbuilding	No	No	The structure will become an outbuilding but building plan approvals will have to be obtained.
QG 5. Future dwelling unit	No	No	The place is vacant and will be used in the future as a second dwelling unit.
Structures not to be surveyed	Land use approval	Building plan approval	Conclusion
All structures in the precinct will be surveyed.			
<b>Precinct area</b> The second dwelling cannot be built in proximity of the existing buildings as there are no space available. There was a suggestion to split the 2500m <sup>2</sup> precinct into two portions. One portion being the site with existing buildings and the other portion being down the road to the north and to the left of the road. The second dwelling will then be built on this portion. The precinct area as indicated on is 1447m <sup>2</sup> . The second precinct area is 1010m <sup>2</sup> .			

Val Crocker			
Structures to be surveyed	Land use approval	Building plan approval	Conclusion
VC 1. Rondawel	Yes	Yes	Rondawel conforms to dwelling unit definition.
VC 2. Extension of rondawel	Yes	No	The extension of the rondawel will be made interleading with the existing rondawel and will therefore be one dwelling
VC 3. Car port	Yes	No	The structure will be converted into a carport.
VC 4. Outbuilding	Yes	No	The structure will be maintained as an outbuilding
Structures not to be surveyed	Land use approval	Building plan approval	Conclusion
VC 5. Outbuilding	No	No	This building will not comply with the building regulations and will have to be demolished.
<b>Precinct area</b> The precinct area is 2498.4m <sup>2</sup> .			

Terry Danks			
Structures to be surveyed	Land use approval	Building plan approval	Conclusion
TD 1. Rondawel	Yes	Yes	Rondawel conforms to dwelling unit definition. However, it appears that additional building work has taken place that is not indicated on any approved building plan.
TD 2. Rondawel	Yes	Yes	The rondawel conforms to the dwelling unit definition. The two rondawels are interleading and can be regarded as one dwelling.
TD 3. Flat	No	No	The flat will be extended closer to the rondawel and made interleading with the rondawel to make it one dwelling.
TD 4. Outbuilding	Yes	No	The structure will remain as an outbuilding.
Structures not to be surveyed	Land use approval	Building plan approval	Conclusion
All structures in the precinct will be surveyed.	NA	NA	
<b>Precinct area</b> The precinct area is 2498.4m <sup>2</sup> .			

4/5

Jocelyn Webster			
Structures to be surveyed	Land use approval	Building plan approval	Conclusion
JW 1. Wendy house	No	No	The building is presently used as staff quarters and will be converted into an outbuilding.
JW 2. Main dwelling	Yes	Yes	The building will be used as the main dwelling (holiday housing).
Structures not to be surveyed	Land use approval	Building plan approval	Conclusion
JW 3. Wendy house	No	No	The structure will be used in the interim as holiday accommodation but will be demolished as soon as a new second dwelling is built for holiday accommodation.
JW 4. Wendy house	No	No	The structure is used as a wendy house and will have to be demolished.
<b>Precinct area</b> The precinct area is 2560.4m <sup>2</sup> .			

Craig Templar			
Structures to be surveyed	Land use approval	Building plan approval	Conclusion
CT 2. Dwelling house	No	Yes	The structure will function as a main dwelling.
CT 3. Outbuilding	Yes	No	The structure can be used for storage purposes.
CT 4. Outbuilding	No	Yes	The structure can also be used for storage purposes.
Structures not to be surveyed	Land use approval	Building plan approval	Conclusion
CT 1. Caravan and wooden structure	No	No	The structure will be demolished.
<b>Precinct area</b> The precinct area is 2496.9m <sup>2</sup> .			

Aidan Butler			
Existing structures	Land use approval	Building plan approval	Conclusion
AIB 1. Main house	No	Yes	This house will be used as the main dwelling.
AIB 2. Outbuilding	Yes	No	The structure can be regarded as an outbuilding and building plans will have to be submitted.
<b>Precinct area</b> The precinct area is 2495m <sup>2</sup> .			

## INFORMATION TABLE

Elmarie Boshoff			
Structures to be surveyed	Land use approval	Building plan approval	Conclusion
EB 1. Main dwelling	No	Yes	The structure will be used as a main dwelling.
EB 2. Garage	Yes	No	Will function as an outbuilding.
EB 3. Staff quarters	No	No	The structure will be the second dwelling unit.
EB 4. Outbuilding	No	No	The structure will function as a storage place.
EB 5. Lean to	No	No	The lean to will function as a car port.
Structures not to be surveyed	Land use approval	Building plan approval	Conclusion
All structures on the structures on the subject property will be surveyed.	NA	NA	
<b>Precinct area</b> The exclusive use area is 2496.9m <sup>2</sup> .			

Nick Lauer			
Structures to be surveyed	Land use approval	Building plan approval	Conclusion
NL 1: Dwelling	Yes	Yes	The subject house will be converted to a second dwelling that will be used for holiday accommodation.
NL 3: Garage	Yes	Yes	The structure is part of the garage.
NL 4: Storage	No	No	The structure is part of the storage.
NL 6: Solar panels	No	No	The sketch plans of these will be submitted to the Municipality.
Structures not to be surveyed	Land use approval	Building plan approval	Conclusion
NL 2: Outbuilding	No	No	The structure will temporarily be used for accommodation until the holiday housing has been constructed.
NL 5: Wood dryer	No	No	The structure does not relate to the zoning of the subject property and will be relocated.
<b>Precinct</b> The precinct area is 2491.6 m <sup>2</sup> .			



G.M. Buys & W.H. Buys  
7 Sannie Badenhorst Street  
Stanford  
7200  
Phone: 028 341 0113

Mr. Schalk van der Merwe  
Senior Town Planner  
Overstrand Municipality

*J.P.A. Theart  
Svd Merwe*

Objections, Comments and Representations per section 52

This document is submitted by:

FILE NO: <i>Fm 1/646</i>
<i>Kleinvis</i>
<i>SIT</i>
SCAN NO:
<i>BUYS</i>
COLLABORATOR NO: <i>1239197</i>

Name of person or body concerned	Mr GM Buys 5405205127085 Mrs WH Buys 5511260064085
Address or contact details for notice or service of documents	7 Sannie Badenhorst Street PO Box 1105 Stanford 7200
Interest of body or person in the application	Occupant of ERF adjacent to Farm 646 portion 1 (the applicant)
The reason for the objection, comment or representation	As indicated in the document below

We Glenn M. Buys and Wilhelmina H. Buys residing at No. 7 Sannie Badenhorst Street, Stanford (ERF 678) do hereby raise concerns and objections, with reference to the Notice to Affected Persons, dated 30 October 2018 with file reference Farm 646 portion 1 (RCAL) 4069

In the content below there are sections of various Gazettes listed to indicate as examples. The use of one or more listed sections as examples is not intended to limit the objection only to the listed sections, other legislation may also apply to the objections, comments or representations below.

We have the following Concerns and Objections:

#### 1. Aesthetics and Impact on Stanford

In the Notice dated 30 October 2018 (the Proposal), on page 10, paragraph 6 – Existing Land Use rights, it states that:

“Development rules

In terms of Section 13.1.2 of the OMZS, the following development rules apply:

- (a) The council shall stipulate development parameters with regard to density, height, coverage, layout, building design, landscaping, parking, access; signage and the use of the property when: (points i to v follow)
- (b) A site development plan must be submitted to the Council for approval in accordance with 16.3;”

On page 9, paragraph 5 Owner's Intent, it states that:

"Part of the conditions of approval included the submission of a Site Development Plan (SDP) and in 2014 the OM started to refuse the acceptance of building plans until such time that a SDP is submitted."

The refusal to process plan approval commenced in 2014 as a result of the approval on 19 December 2008 which required a Site Development Plan prior to the submission of building plans. There was a six (6) year delay by the applicants for the SDP submission.

This demonstrates a trend where the applicant fails to uphold their obligations as imposed by Council in regard to conditions imposed.

Under section 83, Enforcement, the Municipality has obligations to ensure enforcement occurs.

On page 21, paragraph 17 Architecture, it states that:

"The main objective is to create a development that will blend in with the natural surroundings, without disturbing indigenous vegetation and in a sustainable manner. A natural building style, in line with the style and architecture of the existing dwellings will be created for the additional buildings and units, which will reflect the local architecture and heritage."

On page 20 – under applicant's heading Overstrand Spatial Development Framework:

Local spatial development principles	Alignment of the proposal with the local spatial development principles
Promote conservation of the historic townscape	Stanford is a historical rural village which increasingly functions as a tourist destination. The location of the subject property adjacent to the urban edge is also ideal as the proposed land uses and tourist facilities will contribute to creating a transition from inside the urban edge to the farms of Stanford. The historic townscape will not be affected.

Objection:

These two statements are in conflict. The applicant has not presented plans with sufficient detail to demonstrate support of any architectural integrity with the Stanford Conservation requirements. The Provincial Spatial Development Framework requires that land use not compromise ... "cultural and scenic landscapes."

The applicant and their consultant have attempted to confuse the reader by their statement that their plans will "Promote conservation of the historic townscape". Then stating that they wish to adopt "A natural building style, in line with the style and architecture of the existing dwellings will be created for the additional buildings and units, which will reflect the local architecture and heritage." A statement that can be read as "anything existing sets the style". Given that building work has been completed without

plans, together with the applicant stating that some dwellings are to be demolished, this laissez-faire approach is a concern.

The commitment by the applicant to comply with alignment with the dominant style currently existing within Stanford (supported by Heritage and Conservation) is tenuous at a minimum or non-existent. Applicant has indicated that Overstrand Municipality shall stipulate development rules (see page 10 of application).

It is noted that there are existing double storey dwellings on the property. This is in conflict with Stanford Heritage and Conservation – which represents the local environment. This also conflicts with the Overstrand Spatial Development Framework. Stanford has adopted rules, which impose restrictions and guidelines exceeding the minimum requirements elsewhere prevailing within Overstrand municipal areas. This fact goes to the key issue that the Stanford community has agreed to comply with such more restrictive conditions. There can be no doubt that the applicant seeks to benefit from the additional visual, commercial and community benefits emerging from the Stanford Heritage and Conservation objectives, yet the applicant requests that lesser rules apply to their property.

Building uniformity and heights with reference to section 6. Existing Land Use Rights "holiday accommodation is defined as harmoniously designed and built" There is a contradiction in the motivation regarding the dwelling size limits. A holiday accommodation limit of 250m<sup>2</sup> footprint, as per OM policy, is referred to in the motivation. However mention is then made of the largest existing building erected AFTER "the approval of building plans" which has a 450m<sup>2</sup> footprint. The interpretation of this second recommendation suggests that this building is one of the un-approved dwellings This previous oversight cannot be used as a means of enabling permission for larger footprint dwellings. All future dwellings must be limited to 250m<sup>2</sup> footprint and the Stanford Standard Height of a maximum of 6.8m.

It is submitted that the applicant and Overstrand Municipality would minimize objections by agreeing, in advance, to follow architectural and building standards which align closely to Stanford's prevailing standards. In this regard section 16 and the Stanford Urban Conservation Overlay Zone requirements of the Overstrand Zoning Scheme Regulations dated 29 November 2013 are relevant. At page 125, section 11 applies, as the wording includes "... and also where necessary outside those areas".

With regard to this application, this property was originally zoned as farmland. The farmland zoning is prevalent between Stanford and Hermanus. The rezoning intends to remove the restrictions that have evolved on the applicant's land to enable 24 units for accommodation as well as associated additional tourist related infrastructure.

The proposal refers Consent Uses for this property as including an hotel, a conference centre and rooftop base station and transmission tower. Of concern is that only the hotel and conference centre are specifically excluded.

As this application will set the precedent it is incumbent upon the applicant and relevant authorities to ensure that unintended future consequences do not emerge whereby other parties purchase farms, change zoning and build along the entire R43 in a manner that will diminish the value of the culture and heritage prevailing.

## 2. Increased housing density

The proposal refers to this farm size as having a permissible density of 29 or 44 units, depending upon interpretation of the dwelling density laws.

Objection:

This reference to 29 or 44 units should not be used to smooth the way for future requests for dwelling density increases.

## 3. Water Requirements

In the Proposal under Services – Water, it states that:

"Water is currently provided from a stream that flows into a dam on the subject property, which has its origin on the Remainder of the farm Kleinrivier, 646 (Sir Robert Stanford Estate). Servitude for the use of the water is in place for many years.

Water to the additional buildings will be provided from the same source."

Comment:

We understand that the applicant has recently had to request water from the owner of Sir Robert Stanford Estate as the stream flow is insufficient and/or dries up during summer months due to low rainfall. Section 67 (10) is applicable in this situation. There is insufficient water for the existing occupants of the affected property, therefore there would be insufficient water for the additional water requirements of farmstall, 12 additional units, tourist facilities (lecture room and gift shop), restaurant and clubhouse. The property does not fall within the existing residential area of Stanford so there is no existing municipal supply to the property via pipelines.

There are alternate sources of potable water; these being rainwater tanks, borehole water or river water. The existing site has 12 dwellings plus a campsite. The additional water requirements as listed above indicate that daily water requirements when the requested units are occupied by two persons per dwelling (based upon a conservative estimate of 100 liters per person per day) would be:

Description	Persons using water	Daily total - liters
12 existing dwellings	24	2 400
12 additional dwellings		2 400
Farmstore		1 000
Restaurant		2 000
Campsite		2 000
Lecture room & gift shop		1 000
Total water per day		10 800
Total water per 30 day month		324 000

We suggest that water requirements will be a major constraint to the overall viability of the application. Insufficient water will render the stated benefits of the departure and consent use as unattainable.

The existing holding volume of the dams is inadequate to provide sufficient water for the duration of the period of summer when minimal rainfall occurs. The additional load will not

be attainable without significant infrastructure investment (with reference to By-Law at 67(2)(a) )

#### 4. Sewage

In the Proposal under Services - Sewerage, it states that:

"Sewerage is currently collected in conservancy tanks that are serviced by the OM. This arrangement will remain for the additional buildings proposed."

And at page 8, paragraph 2:

"To this end a conservancy tank with a minimum capacity of 10 000 litres to be provided on the property".

It is submitted that By-Law at 67(2)(a) again applies to this service.

Objection:

The planning required to meet additional volumes of sewage is not evident. There is a fragile river eco-system adjacent to the property and increased sewage volumes present a real risk of river pollution. Extensive legislation addresses the issue and consequences of under-managed effluent into rivers. ✓

#### 5. Traffic

There is inadequate evidence of planning for the management of traffic onto the R43. It should be noted that this road is due for improvement in the near future.

Objection:

Traffic Management planning is not evident in the application. This road currently has a high number of accidents (including fatalities). There are three (3) entrance\exit points onto the property all abut onto a 100 kilometer per hour speed limit road zone. ✓

#### 6. Noise pollution

An additional 12 holiday units in addition to a Place of Assembly and Restaurant with the intention of bringing a fairly large number of visitors

Comment:

A large number of visitors may have less regard for the surrounding property owners. This would create control problems related to noise levels. ✓

#### 7. A need for additional Holiday Accommodation

It is suggested in the proposal that this development will address a pressing need for holiday accommodation in Stanford

Comment:

We question whether this is an accurate assessment. We understand that occupancy rates on current holiday accommodation in a normal year are nowhere near 100%. ✓

#### 8. Fire break

We note that a fire break is not possible on the farm 646 portion boundary with Walsh Acres.

#### Comment:

The original buildings on Blue Moon cited for improvement, are too close to the this boundary therefore Insufficient space exists for a critical fire break. Fire breaks should be established on all other boundaries ✓

#### Deficiencies in the proposal document:

Most affected parties have received a document but with missing sections or information, including Annexure A, B, F and G.

Some parties who are entitled to receive the applicant's notice under section 48(1)(c) were omitted from the distribution list.

#### Objection:

In order for objections to be adequately addressed by persons who may wish to raise objections, the distribution and content should not be restricted. This is stated in 48(1)(c) and therefore it is requested that Overstrand Municipality delay the deadlines to enable all parties to raise valid objections as contemplated by the relevant regulations.

Signed at STANFORD on the 04.12.2018

GM Buys

WH Buys



2 Sannie Badenhorst Street  
Stanford 7210

TR Theart  
(Suid Merwe)

FILE NO:	Phu/646
SCAN NO:	SF
MOSSOP	
COLLABORATOR NO:	1239191

Mr Schalk van der Merwe  
Senior Town Planner  
Overstrand Municipality

Objections, Comments and Representations per section 58

This document is submitted by:

Name of person or body concerned	Lynette Mossop
Address or contact details for notice or service of documents	2 Sannie Badenhorst Street, Stanford - 0825574477
Interest of body or person in the application	Occupant of ERF 1180 adjacent to the applicant's property
The reason for the objection, comment or representation	As indicated in the document below

I, LYNNETTE MOSSOP residing at No. 2 Sannie Badenhorst Street, Stanford (ERF nnn) do hereby raise concerns and objections, with reference to the Notice to Affected Persons, dated 30 October 2018 with file reference Farm 646 portion 1 (RCAL) 4069

In the content below there are sections of various Gazettes listed to indicate as examples. The use of one or more listed sections as examples is not intended to limit the objection only to the listed sections, other legislation may also apply to the objections, comments or representations below.

We have the following Concerns and Objections:

**1. Aesthetics and Impact on Stanford**

In the Notice dated 30 October 2018 (the Proposal), on page 10, paragraph 6 – Existing Land Use rights, it states that:

"Development rules

In terms of Section 13.1.2 of the OMZS, the following development rules apply:

- (a) The council shall stipulate development parameters with regard to density, height, coverage, layout, building design, landscaping, parking, access; signage and the use of the property when: (points i to v follow)
- (b) A site development plan must be submitted to the Council for approval in accordance with 16.3;"

On page 9, paragraph 5 Owner's Intent, it states that:

"Part of the conditions of approval included the submission of a Site Development Plan (SDP) and in 2014 the OM started to refuse the acceptance of building plans until such time that a SDP is submitted."

The refusal to process plan approval commenced in 2014 as a result of the approval on 19 December 2008 which required a Site Development Plan prior to the submission of building plans. There was a six (6) year delay by the applicants for the SDP submission.

This demonstrates a trend where the applicant fails to uphold their obligations as imposed by Council in regard to conditions imposed.

Under section 83, Enforcement, the Municipality has obligations to ensure enforcement occurs.

On page 21, paragraph 17 Architecture, it states that:

"The main objective is to create a development that will blend in with the natural surroundings, without disturbing indigenous vegetation and in a sustainable manner. A natural building style, in line with the style and architecture of the existing dwellings will be created for the additional buildings and units, which will reflect the local architecture and heritage."

On page 20 – under applicant's heading Overstrand Spatial Development Framework:

Local spatial development principles	Alignment of the proposal with the local spatial development principles
Promote conservation of the historic townscape	Stanford is a historical rural village which increasingly functions as a tourist destination. The location of the subject property adjacent to the urban edge is also ideal as the proposed land uses and tourist facilities will contribute to creating a transition from inside the urban edge to the farms of Stanford. The historic townscape will not be affected.

Objection:

These two statements are in conflict. The applicant has not presented plans with sufficient detail to demonstrate support of any architectural integrity with the Stanford Conservation requirements. The Provincial Spatial Development Framework requires that land use not compromise ... "cultural and scenic landscapes."

The applicant and their consultant have attempted to confuse the reader by their statement that their plans will "Promote conservation of the historic townscape". Then stating that they wish to adopt "A natural building style, in line with the style and architecture of the existing dwellings will be created for the additional buildings and units, which will reflect the local architecture and heritage." A statement that can be read as "anything existing sets the style". Given that building work has been completed without plans, together with the applicant stating that some dwellings are to be demolished, this laissez-faire approach is a concern.

The commitment by the applicant to comply with alignment with the dominant style currently existing within Stanford (supported by Heritage and Conservation) is tenuous at a minimum or non-existent. Applicant has indicated that Overstrand Municipality shall stipulate development rules (see page 10 of application).

It is noted that there are existing double storey dwellings on the property. This is in conflict with Stanford Heritage and Conservation – which represents the local environment. This also conflicts with the Overstrand Spatial Development Framework. Stanford has adopted rules, which impose restrictions and guidelines exceeding the minimum requirements elsewhere prevailing within Overstrand municipal areas. This fact goes to the key issue that the Stanford community has agreed to comply with such more restrictive conditions. There can be no doubt that the applicant seeks to benefit from the additional visual, commercial and community benefits emerging from the Stanford Heritage and Conservation objectives, yet the applicant requests that lesser rules apply to their property.

Building uniformity and heights with reference to section 6. Existing Land Use Rights "holiday accommodation is defined as harmoniously designed and built" There is a contradiction in the motivation regarding the dwelling size limits. A holiday accommodation limit of 250m<sup>2</sup> footprint, as per OM policy, is referred to in the motivation. However mention is then made of the largest existing building erected AFTER "the approval of building plans" which has a 450m<sup>2</sup> footprint. The interpretation of this second recommendation suggests that this building is one of the un-approved dwellings This previous oversight cannot be used as a means of enabling permission for larger footprint dwellings. All future dwellings must be limited to 250m<sup>2</sup> footprint and the Stanford Standard Height of a maximum of 6.8m.

It is submitted that the applicant and Overstrand Municipality would minimize objections by agreeing, in advance, to follow architectural and building standards which align closely to Stanford's prevailing standards. In this regard section 16 and the Stanford Urban Conservation Overlay Zone requirements of the Overstrand Zoning Scheme Regulations dated 29 November 2013 are relevant. At page 125, section 11 applies, as the wording includes ".. and also where necessary outside those areas".

With regard to this application, this property was originally zoned as farmland. The farmland zoning is prevalent between Stanford and Hermanus. The rezoning intends to remove the restrictions that have evolved on the applicant's land to enable 24 units for accommodation as well as associated additional tourist related infrastructure.

The proposal refers Consent Uses for this property as including an hotel, a conference centre and rooftop base station and transmission tower. Of concern is that only the hotel and conference centre are specifically excluded.

As this application will set the precedent it is incumbent upon the applicant and relevant authorities to ensure that unintended future consequences do not emerge whereby other parties purchase farms, change zoning and build along the entire R43 in a manner that will diminish the value of the culture and heritage prevailing.

## 2. Increased housing density

The proposal refers to this farm size as having a permissible density of 29 or 44 units, depending upon interpretation of the dwelling density laws.

### Objection:

This reference to 29 or 44 units should not be used to smooth the way for future requests for dwelling density increases.

## 3. Water Requirements

In the Proposal under Services – Water, it states that:

"Water is currently provided from a stream that flows into a dam on the subject property, which has its origin on the Remainder of the farm Kleinrivier, 646 (Sir Robert Stanford Estate). Servitude for the use of the water is in place for many years.

Water to the additional buildings will be provided from the same source."

### Comment:

We understand that the applicant has recently had to request water from the owner of Sir Robert Stanford Estate as the stream flow is insufficient and/or dries up during summer months due to low rainfall. Section 67 (10) is applicable in this situation. There is insufficient water for the existing occupants of the affected property, therefore there would be insufficient water for the additional water requirements of farmstall, 12 additional units, tourist facilities (lecture room and gift shop), restaurant and clubhouse. The property does not fall within the existing residential area of Stanford so there is no existing municipal supply to the property via pipelines.

There are alternate sources of potable water; these being rainwater tanks, borehole water or river water. The existing site has 12 dwellings plus a campsite. The additional water requirements as listed above indicate that daily water requirements when the requested units are occupied by two persons per dwelling (based upon a conservative estimate of 100 liters per person per day) would be:

Description	Persons using water	Daily total - liters
12 existing dwellings	24	2 400
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Restaurant		2 000
Campsite		2 000
Lecture room & gift shop		1 000
Total water per day		10 800
Total water per 30 day month		324 000

We suggest that water requirements will be a major constraint to the overall viability of the application. Insufficient water will render the stated benefits of the departure and consent use as unattainable.

The existing holding volume of the dams is inadequate to provide sufficient water for the duration of the period of summer when minimal rainfall occurs. The additional load will not

be attainable without significant infrastructure investment (with reference to By-Law at 67(2)(a) )

#### **4. Sewage**

In the Proposal under Services - Sewerage, it states that:

"Sewerage is currently collected in conservancy tanks that are serviced by the OM. This arrangement will remain for the additional buildings proposed."

And at page 8, paragraph 2:

"To this end a conservancy tank with a minimum capacity of 10 000 litres to be provided on the property".

It is submitted that By-Law at 67(2)(a) again applies to this service.

Objection:

The planning required to meet additional volumes of sewage is not evident. There is a fragile river eco-system adjacent to the property and increased sewage volumes present a real risk of river pollution. Extensive legislation addresses the issue and consequences of under-managed effluent into rivers.

#### **5. Traffic**

There is inadequate evidence of planning for the management of traffic onto the R43. It should be noted that this road is due for improvement in the near future.

Objection:

Traffic Management planning is not evident in the application. This road currently has a high number of accidents (including fatalities). There are three (3) entrance/exit points onto the property all abut onto a 100 kilometer per hour speed limit road zone.

#### **6. Noise pollution**

An additional 12 holiday units in addition to a Place of Assembly and Restaurant with the intention of bringing a fairly large number of visitors

Comment:

A large number of visitors may have less regard for the surrounding property owners. This would create control problems related to noise levels.

#### **7. A need for additional Holiday Accommodation**

It is suggested in the proposal that this development will address a pressing need for holiday accommodation in Stanford

Comment:

FILE NO:	PTM/646 SIF
SCAN NO:	CONS
COLLABORATOR NO:	1239771



TR A Theart  
C P Roux

P O Box 639, Stanford 7210

Stanford Conservation Trust: Email: [lzhochfelden@gmail.com](mailto:lzhochfelden@gmail.com) : Tel: (028) 3410164

3<sup>rd</sup> December 2018

Overstrand Municipality  
Town Planning  
Hermanus

Attention: Ms A. Conradie, by email: [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)

Dear Sirs,

**Farm 646, Portion 1 "Kleinriver", R43 Road, Stanford: Town Planning – Application for Departure and Consent Use; Biz Afrika 62 (Pty) Ltd/Wright Approach Consulting (WRAP)**

We refer to the e-mail from S. Muller dated 30<sup>th</sup> October 2018 and the attachment.

**1. Registration as an I&AP for all future communication**

Stanford Conservation Trust would like to be registered as an Interested and Affected Party (I&AP) with regard to this proposed departure, amendment of SDP and consent use application.

SCT is a registered NPO, it has actively protected Stanford's "Proclaimed Heritage Area" and helps the Stanford Municipality maintain its green areas, namely the "Wandelpad", which runs along the Klein River bank, adjacent to the Farm 646, for the past 25 years.

**2. Flawed process**

The notification by the Overstrand Municipality refers to full details being available at Stanford Library. Upon request, the librarian at the Stanford library informed the SCT that the information is not available and not on the system. This is a material failure by OM and therefore the deadline for comment should at least be extended to end January 2019 due to the fact that South Africa is now entering the school holiday season. (The SCT did eventually obtain a copy of the information sent by registered mail to one of the neighbours.)

Furthermore; the information sent to the adjacent neighbours (not to all) did not have sufficient detail to comment meaningfully on the application. The site plan personally obtained from the Town Planning department by one of the Stanford residents, for example indicates three extremely large new dwellings close to the river and clearly visible from Stanford. Such type information is required before any approval can be obtained from I&APs.

---

Stanford Conservation Trust is a registered NPO No. 024-867

- 4 DEC 2018

In addition, the application refers to a hotel, but then it is not mentioned in the final development request. There is no clarity whether this is part of the application, or not.

The SCT therefore rejects the proposal on the grounds that

- a) the correct process was not followed;
- b) there is too little information for meaningful comment; and
- c) there is no clear vision exactly what the application entails (i.e. all the structures that are applied for as part of the re-zoning process).

Lastly the SCT wishes to draw your attention to the 2008 the condition of amendments to the re-zoning of the property were (pg 6) 'subject to proposed structures to be constructed be submitted for comment to the Aesthetics Committee and Municipal Council for consideration and that council reserved the right to impose conditions re footprint, structures and parking, landscaping, architecture and aesthetics'. None of this was adhered to (hence the request to legalise the existing structures) and it is our understanding that rezoning only becomes valid once the zoning conditions have been met. In this case it would have been the conditions of submitting drawings and comments from the various departments. This was not done within the required period of 5 years. In this case the zoning lapses back to the original, which in this case is agriculture and this application can therefore not be a departure, but an entire re-zoning process (which will include a comprehensive EIA and public participation process).

### 3. SCT comments on the information available

As Stanford is the only heritage village in the Overstrand, any development adjacent to the village will impact on the ambience thereof and should therefore add value to the village rather than distract from it. The Overstrand Municipality (in its overlay zones) has also recognised the R43 as a scenic tourist route where all development should blend in with the existing rural visual aspects. In the light of the above, the SCT wishes to clearly state that the application does not take any of the above into consideration and it therefore objects against the application in its present form although it in principle agrees to some of the aspects of the development. Detailed comments are listed below.

#### a) Proposed departure documentation:

The information diagrams attached to the application are seriously lacking in detail. As such, it is difficult to comment on the proposal without sight of a more detailed Site Development Plan (SDP) indicating the existing and proposed structures, the proposed civil services layout, parking and access. Approval should be linked to a formal SDP and the SCT requests that the documentation be referred back to the applicant for more clarity and then be resubmitted for approval. If the municipality does not agree with request, the SCT has no other choice than to object to the present application.

#### b) Comment on information in the present application

We note the stated:

- a) intention to demolish a number of temporary structures constructed without building plans and
- b) the intention to legalise a number of existing "as built" holiday units.

We have no objection in principle to this, subject to the concerns listed below.

We note that the shareholders request to develop:

- The utilization of 12 existing holiday accommodation units as permanent residences;
- The development of a further 12 new tourist accommodation units.
- A farm store;
- Tourism facilities, including a lecture room, gift shop, restaurant and place of assembly; and
- Possibly a hotel which is mentioned in the documentation but not in the actual development approval request.

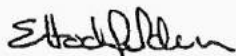
We have the following comments and recommendations to these requests (please note again that a more detailed SDP indicating the existing, the proposed, the proposed civil services layout, parking and access is required before any approval should be granted and to avoid any future misinterpretation).

- i. We have no objection in principal to **12 existing holiday accommodation units** to be used as permanent residences. However, in 2008 the condition of amendments to the re-zoning of the property were (pg 6) 'subject to proposed structures to be constructed be submitted for comment to the Aesthetics Committee and Municipal Council for consideration and that council reserved the right to impose conditions re footprint, structures and parking, landscaping, architecture and aesthetics'. These conditions were clearly not adhered to as the 'as built' buildings now need to be legalised.
- ii. As to the further development of **12 new tourist accommodation units**, the SCT insists that the conditions in a) above are again stipulated and that the municipality imposes the adherence to the 'Stanford Style Guidelines'. These include a compulsory height restriction of 6.8 meters to apex of the roof for all new accommodation units, that the 'Victorian Cape Dutch' style be recommended because of its close proximity to the entrance of Stanford and its visibility from the northern section of Stanford, and that the proposed structures to be constructed must be submitted for comment the Stanford Heritage Committee (SHC) and the Overstrand Heritage and Aesthetics Committee (OHAC) before the Overstrand Planning Department approval.
- iii. Regarding the development of a **Farm Stall**, we have in principal no objection to a Farm Stall but would once again request that the building compliment the 'Stanford Style' of the Proclaimed Heritage area. In addition, parking and dust control of the roads must be stipulated and that the entrance and exit from the R43 be clearly assessed and approved by the Provincial Roads Department.
- iv. Regarding the development of **tourism facilities, including a lecture room, place of assembly (Club House), gift shop and restaurant** our comments are as follows:
  - These additional facilities will further put strain on the entrance and exits from the R43 into Farm 646. It is suggested that the Provincial Roads Department, who have assessed the urgent need to improve the R43, be consulted and their approval is granted before the application is approved. "Blue Moon" is situated on a blind corner of the R43 at the bridge over the Klein River, also to be rebuilt in the near future, and within 200 meters to the entrance of Stanford, having traffic stop to enter or exit Farm 646 would be considered extremely dangerous.
  - These facilities would encourage many more people on the site putting a strain on the water supply which already needs to be supplemented by the Sir Robert Stanford Estate on the opposite site of the R43. The BGCMA must be consulted to see whether such a development is feasible within their present water allocation. If not, this development should not be approved unless the applicant can prove that sufficient water is available from a source other than the existing water it receives. It must be noted that, should the applicant say that water is to be

- obtained via groundwater, this first needs to be proved as being viable in terms of the Resource Quality Objectives for the Klein River which are being gazetted at the moment.
- The application states that the sewage facilities will entail conservancy tanks which will be pumped by Municipal trucks. Due to the proximity of the development to the already compromised Klein River estuary (please refer to the document that is gazetted at the moment), the SCT requests, and the municipality clearly states that it must oversee and receive copies of documentation that will guarantee that the conservancy tanks have been installed to the satisfaction of the municipality, and that both the SCT and the Klein River Estuary Forum be provided with copies for each unit to be built. ✓
  - It is mentioned that the place of assembly will be used for weddings. Considering the close proximity to the northern residential area of Stanford this would be inappropriate due the amount of people on the property at any one point in time, and the noise factor that this will have on the area, Stanford being considered a 'quiet' country village. There have been 'Trance Parties' held in the past at the Quarry, at least a further 2km away and this was clearly heard all over the village and a stop to these was put in place. ✓
- v. Clarity must be given whether the hotel is part of the application, or not ✓

Stanford Conservation Trust is therefore **not in acceptance with this application** in its present format. We furthermore request that we be informed regarding the outcome of the necessary impact assessments (which should include a visual assessment) and the RODs from the different departments attached to the application. We would also appreciate feedback from the municipality/Town Planning regarding whether it supports the height restrictions proposed, or whether other height restrictions will be applicable. ✓

Yours faithfully,



Elizabeth Hochfelden  
Chair: SCT

Alida Conradie - Fwd: Farm 646 Portion 1 (RCAL) 4069

TR A Theart  
(Svd) Merwe

**From:** Linda Swart <lindacarolineswart@gmail.com>  
**To:** <aconradie@overstrand.gov.za>  
**Date:** 2018/12/05 03:48 PM  
**Subject:** Fwd: Farm 646 Portion 1 (RCAL) 4069



----- Forwarded message -----

**From:** Linda Swart <lindacarolineswart@gmail.com>  
**Date:** Wed, 05 Dec 2018, 15:32  
**Subject:** Farm 646 Portion 1 (RCAL) 4069  
**To:** [aconradie@overstran.gov.za](mailto:aconradie@overstran.gov.za) <[aconradie@overstran.gov.za](mailto:aconradie@overstran.gov.za)>

Dear Sirs

Attention S Muller

I wish to object to the proposed departure amendment of SDP and consent use

Am concerned about the sewage and its affect on the river

Am concerned about the fire break

Though not supposed to say this but the view is going to be badly compromised

Also concerned about the water usage for so many houses etc

Please advise receipt of this email and that my objection has been validated

Yours respectfully

L C Swart  
Stand 682 Stanford  
15 Lower Longmarket St  
Stanford Western Cape  
0726720498  
0283410022  
[Lindacarolineswart@gmail.com](mailto:Lindacarolineswart@gmail.com)

FILE NO:	Plan 1/646
SCAN NO:	Farm Kleinriver
	SWART
COLLABORATOR NO:	1239572

- 6 DEC 2018

file:///C:/Users/aknoetze/AppData/Local/Temp/XPgrpwise/5C07F343HermanusMump... 2018/12/06

FILE NO:	Kleinrivier
SCAN NO:	Pln 1/646
COLLABORATOR NO:	SMITH
	1239430

D.A. Smith  
5 Sannie Badenhorst Street  
Stanford  
7200  
Phone: 082 650 3464

Mr. Schalk van der Merwe  
Senior Town Planner  
Overstrand Municipality

TR A Thant  
(S.v.d.Merwe)



Objections, Comments and Representations per section 52

This document is submitted by:

Name of person or body concerned	DA Smith ID 6510155104088
Address or contact details for notice or service of documents	5 Sannie Badenhorst Street PO Box 1207 Stanford 7200
Interest of body or person in the application	Occupant of ERF adjacent to Farm 646 portion 1 (the applicant)
The reason for the objection, comment or representation	As indicated in the document below

I David A. Smith residing at No. 5 Sannie Badenhorst Street, Stanford (ERF 679) do hereby raise concerns and objections, with reference to the Notice to Affected Persons, dated 30 October 2018 with file reference Farm 646 portion 1 (RCAL) 4069

In the content below there are sections of various Gazettes listed to indicate as examples. The use of one or more listed sections as examples is not intended to limit the objection only to the listed sections, other legislation may also apply to the objections, comments or representations below.

We have the following Concerns and Objections:

#### 1. Aesthetics and Impact on Stanford

In the Notice dated 30 October 2018 (the Proposal), on page 10, paragraph 6 – Existing Land Use rights, it states that:

"Development rules

In terms of Section 13.1.2 of the OMZS, the following development rules apply:

- (a) The council shall stipulate development parameters with regard to density, height, coverage, layout, building design, landscaping, parking, access; signage and the use of the property when: (points i to v follow)
- (b) A site development plan must be submitted to the Council for approval in accordance with 16.3;"

On page 9, paragraph 5 Owner's Intent, it states that:

06 DEC 2018

On page 9, paragraph 5 Owner's Intent, it states that:

"Part of the conditions of approval included the submission of a Site Development Plan (SDP) and in 2014 the OM started to refuse the acceptance of building plans until such time that a SDP is submitted."

The refusal to process plan approval commenced in 2014 as a result of the approval on 19 December 2008 which required a Site Development Plan prior to the submission of building plans. There was a six (6) year delay by the applicants for the SDP submission.

This demonstrates a trend where the applicant fails to uphold their obligations as imposed by Council in regard to conditions imposed.

Under section 83, Enforcement, the Municipality has obligations to ensure enforcement occurs.

On page 21, paragraph 17 Architecture, it states that:

"The main objective is to create a development that will blend in with the natural surroundings, without disturbing indigenous vegetation and in a sustainable manner. A natural building style, in line with the style and architecture of the existing dwellings will be created for the additional buildings and units, which will reflect the local architecture and heritage."

On page 20 – under applicant's heading Overstrand Spatial Development Framework:

Local spatial development principles	Alignment of the proposal with the local spatial development principles
Promote conservation of the historic townscape	Stanford is a historical rural village which increasingly functions as a tourist destination. The location of the subject property adjacent to the urban edge is also ideal as the proposed land uses and tourist facilities will contribute to creating a transition from inside the urban edge to the farms of Stanford. The historic townscape will not be affected.

Objection:

These two statements are in conflict. The applicant has not presented plans with sufficient detail to demonstrate support of any architectural integrity with the Stanford Conservation requirements. The Provincial Spatial Development Framework requires that land use not compromise ... "cultural and scenic landscapes."

The applicant and their consultant have attempted to confuse the reader by their statement that their plans will "Promote conservation of the historic townscape". Then stating that they wish to adopt "A natural building style, in line with the style and architecture of the existing dwellings will be created for the additional buildings and units, which will reflect the local architecture and heritage." A statement that can be read as "anything existing sets the style". Given that building work has been completed without

plans, together with the applicant stating that some dwellings are to be demolished, this laissez-faire approach is a concern.

The commitment by the applicant to comply with alignment with the dominant style currently existing within Stanford (supported by Heritage and Conservation) is tenuous at a minimum or non-existent. Applicant has indicated that Overstrand Municipality shall stipulate development rules (see page 10 of application).

It is noted that there are existing double storey dwellings on the property. This is in conflict with Stanford Heritage and Conservation – which represents the local environment. This also conflicts with the Overstrand Spatial Development Framework. Stanford has adopted rules, which impose restrictions and guidelines exceeding the minimum requirements elsewhere prevailing within Overstrand municipal areas. This fact goes to the key issue that the Stanford community has agreed to comply with such more restrictive conditions. There can be no doubt that the applicant seeks to benefit from the additional visual, commercial and community benefits emerging from the Stanford Heritage and Conservation objectives, yet the applicant requests that lesser rules apply to their property.

Building uniformity and heights with reference to section 6. Existing Land Use Rights "holiday accommodation is defined as harmoniously designed and built" There is a contradiction in the motivation regarding the dwelling size limits. A holiday accommodation limit of 250m<sup>2</sup> footprint, as per OM policy, is referred to in the motivation. However mention is then made of the largest existing building erected AFTER "the approval of building plans" which has a 450m<sup>2</sup> footprint. The interpretation of this second recommendation suggests that this building is one of the un-approved dwellings This previous oversight cannot be used as a means of enabling permission for larger footprint dwellings. All future dwellings must be limited to 250m<sup>2</sup> footprint and the Stanford Standard Height of a maximum of 6.8m.

It is submitted that the applicant and Overstrand Municipality would minimize objections by agreeing, in advance, to follow architectural and building standards which align closely to Stanford's prevailing standards. In this regard section 16 and the Stanford Urban Conservation Overlay Zone requirements of the Overstrand Zoning Scheme Regulations dated 29 November 2013 are relevant. At page 125, section 11 applies, as the wording includes ".. and also where necessary outside those areas".

With regard to this application, this property was originally zoned as farmland. The farmland zoning is prevalent between Stanford and Hermanus. The rezoning intends to remove the restrictions that have evolved on the applicant's land to enable 24 units for accommodation as well as associated additional tourist related infrastructure.

The proposal refers Consent Uses for this property as including an hotel, a conference centre and rooftop base station and transmission tower. Of concern is that only the hotel and conference centre are specifically excluded.

As this application will set the precedent it is incumbent upon the applicant and relevant authorities to ensure that unintended future consequences do not emerge whereby other parties purchase farms, change zoning and build along the entire R43 in a manner that will diminish the value of the culture and heritage prevailing.

## 2. Increased housing density

The proposal refers to this farm size as having a permissible density of 29 or 44 units, depending upon interpretation of the dwelling density laws.

Objection:

This reference to 29 or 44 units should not be used to smooth the way for future requests for dwelling density increases.

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Water to the additional buildings will be provided from the same source."

Comment:

We understand that the applicant has recently had to request water from the owner of Sir Robert Stanford Estate as the stream flow is insufficient and/or dries up during summer months due to low rainfall. Section 67 (10) is applicable in this situation. There is insufficient water for the existing occupants of the affected property, therefore there would be insufficient water for the additional water requirements of farmstall, 12 additional units, tourist facilities (lecture room and gift shop), restaurant and clubhouse. The property does not fall within the existing residential area of Stanford so there is no existing municipal supply to the property via pipelines.

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The existing holding volume of the dams is inadequate to provide sufficient water for the duration of the period of summer when minimal rainfall occurs. The additional load will not

be attainable without significant infrastructure investment (with reference to By-Law at 67(2)(a) )

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"Sewerage is currently collected in conservancy tanks that are serviced by the OM. This arrangement will remain for the additional buildings proposed."

And at page 8, paragraph 2:

"To this end a conservancy tank with a minimum capacity of 10 000 litres to be provided on the property".

It is submitted that By-Law at 67(2)(a) again applies to this service.

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#### **5. Traffic**

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Traffic Management planning is not evident in the application. This road currently has a high number of accidents (including fatalities). There are three (3) entrance/exit points onto the property all abut onto a 100 kilometer per hour speed limit road zone.

#### **6. Noise pollution**

An additional 12 holiday units in addition to a Place of Assembly and Restaurant with the intention of bringing a fairly large number of visitors

Comment:

A large number of visitors may have less regard for the surrounding property owners. This would create control problems related to noise levels.

#### **7. A need for additional Holiday Accommodation**

It is suggested in the proposal that this development will address a pressing need for holiday accommodation in Stanford

Comment:

We question whether this is an accurate assessment. We understand that occupancy rates on current holiday accommodation in a normal year are nowhere near 100%.

#### **8. Fire break**

We note that a fire break is not possible on the farm 646 portion boundary with Walsh Acres.

Comment:

The original buildings on Blue Moon cited for improvement, are too close to the this boundary therefore Insufficient space exists for a critical fire break. Fire breaks should be established on all other boundaries

#### **Deficiencies in the proposal document:**

Most affected parties have received a document but with missing sections or information, including Annexure A, B, F and G.

Some parties who are entitled to receive the applicant's notice under section 48(1)(c) were omitted from the distribution list.

Objection:

In order for objections to be adequately addressed by persons who may wish to raise objections, the distribution and content should not be restricted. This is stated in 48(1)(c) and therefore it is requested that Overstrand Municipality delay the deadlines to enable all parties to raise valid objections as contemplated by the relevant regulations.

Signed at STANFORD on the 04, 11 / 2018

DA Smith





Mrs Christine Hagen & Mr David Hagen  
10 Sannie Badenhorst Street  
Stanford 7200  
4 December 2018

Overstrand Municipality  
Town Planning  
Hermanus

TP-ATHort  
(S. vd. Merwe)

Attention: Ms A. Conradie - send by email : [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)

**Application for departure and consent - BIZAFRICA 62 c/o Wright Approach Consulting - farm 646, portion 1**

I, Mr David Hagen and Mrs Christine Hagen - joint owners residing at 10 Sannie Badenhorst Street, Stanford (ERF 712) do hereby raise concerns and objections, with reference to the Notice to Affected Persons, dated 30 October 2018 with file reference Farm 646 portion 1 RRCAL) 4069

We have the following Concerns and Objections:

1. No site development plan was available for scrutiny at the Stanford Library as you documented. The only plan was available from your Hermanus offices. ✓
  2. Your latest plan shows nine existing dwellings (legal or illegal structures), with the proposal to add nine new dwellings within the same common property or exclusive use area of a maximum of 500m<sup>2</sup>. ✓
    - a. Three new residential dwellings marked 10,11, 12,
    - b. A commercial property comprising of a gift shop, restaurant and place of assembly (club) with required parking bays at the north/west corner of ERF 646 - adjacent to the R43.
  3. Your document text does not correctly reflect the above proposal wrt. the plans received from Hermanus town planner.
  4. Annexures A, B, F and G are missing / omitted from your document received via registered letter- and have not been received to date. ✓
- 5 Structures:
- a. We have no objection to the nine new holiday accommodations linked to the existing dwellings and 3 new dwellings, all being used for permanent residence - total of 12 new units. ✓
  - b. Further we have no objection to demolishing and legalizing illegal dwellings that do not have the required planning approvals.
  - c. We however insist that the 12 new units (9+3) adhere to the Stanford Style Guidelines with a maximum height of 6.8m with a limitation of 250m<sup>2</sup> footprint.

FILE NO:	Phy 1/646
SCAN NO:	Farm Kleinrivier
	HAGEN
COLLABORATOR NO:	1239380

- 6 DEC 2018

- d. The planned structures shall be submitted for comment to the Overstrand Heritage & Aesthetics Committee and the Stanford Heritage Committee before seeking Overstrand Planning Department approval.
- e. We DO OBJECT to an additional development of an additional 12 tourist accommodations over and above the 9+3 (12) new dwelling units.

6 Building density:

- a. The proposal refers to this farm size as having a permissible density of 29 or 44 units, depending upon interpretation of the dwelling density laws.
- b. We object to further development - as referenced to 29 or 44 units - this application cannot be used for future requests for dwelling density increases.

7. Sewage reticulation:

- a. In the Proposal under Services - Sewerage, it states that:  
"Sewerage is currently collected in conservancy tanks that are serviced by the OM. This arrangement will remain for the additional buildings proposed."
- b. A conservancy tank with a minimum capacity of 10 000 liters to be provided on the property.
- c. This capacity is too small for the planned 12 new dwellings and commercial facility - This poses a high risk of seepage/spillage and sewer non-collection effecting threat of river pollution. It should state 10'000 liters conservancy tank per common property

In closing :

- We welcome legalizing illegal structures , rezoning for permanent residence and adding nine new dwellings to the existing nine homes.
- Further adding a maximum of three new homes (homes 10,11,12 as marked ) , albeit they are directly in front of our view of Blue Moon and the mountain foothills from our ERF 712.
- We insist the style adheres to Stanford guidelines and is approved by all the Overstrand and Village Heritage Committees.
- We object to additional commercial facilities like Hotels , large wedding venues and antenna masts on ERF 646.

- The planned commercial facility (gift shop/small restaurant and club) at the far north side of ERF 646 on the R 43. We are concerned at increased human and vehicle traffic and associated noise.
- Sewerage reticulation and risk mitigation of spillage is of concern.
- We object to any additional developments over and above the 12 homes and 1 commercial hub at the R43.

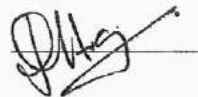
Thanking you for your consideration

Regards

Mrs C.Hagen (owner ERF 712)  
ID 6403140026084



Mr D Hagen (owner ERF 712)  
ID 6104115119087





26/35

Overstrand Municipality  
16 Patterson str, Heren  
aconradie@overstrand.gov

7 Desember 2018

RH METCALF  
WALCENACRES, STANFORD

TP-AT Heart  
(S vld Merwe)

FILE NO:	PM 1 / 646
SCAN NO:	
	METCALF
COLLABORATOR NO:	1239831

Attention: Town Planning Dept

Subject: Proposed departure & consent use: Portion 1 of the farm no 61

As a direct neighbour, erf 293 Stanford, the following impacts to us need to be considered

**Building lines:** It is stated "there are no building lines which are applicable on the subject property" and further it is stated "no doors and windows shall be permitted in any wall closer than 1.0 m to the rear or side boundary." (Rear or side boundaries are not indicated)

This is not acceptable and I would recommend that a 30m building line be implemented/maintained, the same building line as applicable to our erf.

**Firebreaks:** No mention is made of firebreaks which should be maintained along the boundary. Without a sufficient building line or provision for firebreaks on the boundary will be possible on the subject property

In respect of facility making provision for: lecture room, gift shop, restaurant clubhouse & fun stall consideration must be given in respect of noise generated, especially if operated at night as it is to be situated in a currently quiet rural setting, where sound travel

- 7 DEC 2018

Thank you for the opportunity to comment  
regarding the proposals

Yours Sincerely  
R Metcalf

R Metcalf

082 898 4889

russell@walshanes.co.za

My apologies for the handwritten response because at  
time of submission I had still not received information  
as requested from Overstrand Municipality. Not receiving a  
reply I drove to the Humans offices to visit the  
Town Planning Department to receive assistance to  
finalize my comment - as per the advert, only to  
find the offices closed during working hours.  
Could also not get <sup>through</sup> telephonically. Only office who  
answered was Ganshree who suggested I hand in at Stofod.



*TRATheart  
C Suld merwe*

R J Mann  
2A Sannie Badenhorst Street  
Stanford  
7 December 2018

Mr Schalk van der Merwe (Senior Town Planner),  
Overstrand Municipality

**Re: FARM 646 – NOTICE TO AFFECTED PERSONS 30 October 2018**

Objections, Comments and Representations per section 52

This document is submitted by:

Name of person or body concerned	Roderick James Mann
Address or contact details for notice or service of documents	2A Sannie Badenhorst Street , Stanford (no post delivery)
Postal	Box 1257, Stanford, 7210
email	roddymann@icloud.com
telephone	082 469 2545
Interest of body or person in the application	Occupant and owner of ERF 2110 adjacent to the applicant's property
The reason for the objection, comment or representation	As indicated in the document below
signature	<i>R J Mann</i>

**Reference to the Notice to Affected Persons, 30 October 2018 with file reference Farm 646 portion 1 (RCAL) 4069**

In the content below there are sections of various Gazettes listed to indicate as examples. The use of one or more listed sections as examples is not intended to limit the objection only to the listed sections, other legislation may also apply to the objections, comments or representations below.

**1. INCORRECT INFORMATION regarding information regarding the proposal, OMISSIONS from NOTICE TO AFFECTED PERSONS and NOTICE NOT COMMUNICATED timeously to some affected parties**

In the notice to Affected Persons, issued 30 October 2018, there is the following statement on the second page, the Overstrand Municipality (OM) has stated, "Full

FILE NO: *Pm 1/646*  
 SCAN NO: *Kleinrivier*  
 COLLABORATOR NO: *MANN*  
*1239845*

*RAM*

- 7 DEC 2018

details regarding the proposal are available from Town Planning, Hermanus ,  
and at the Stanford Library, Queen Victoria Street, Stanford.

Myself and another affected person, Mr. Glenn Buys visited Stanford Library on  
4 December, 2018 and requested to view the relevant documentation. A staff  
member, Ms Elizabeth du Toit assisted us and was unable to locate any  
documentation. This included checking the on-line register. None of us could see  
any matter that related to Farm 646. The information was not available in  
Stanford.

OBJECTION 1.1: As I was unable to view the documentation in Stanford as stated  
in the notice, I regard this as a significant impediment to my ability to form an  
informed decision on the content for objections. I therefore request the  
Overstrand Municipality to delay the final submission date, by extending the due  
date for objections.

The notice mentions at various places, Appendices including C, D, E, F and G.  
These were not included in the documentation provided by OM.

OBJECTION 1.2 As I was unable to view the complete documentation, I regard  
these omissions as a significant impediment to my ability to form an informed  
decision on complete information. I therefore request the Overstrand  
Municipality to delay the final submission date, by extending the due date for  
objections.

In regard to R Mann, the owner of ERF 2110, correspondence requesting OM to  
register me as an affected person were declined due to inaccurate record  
keeping by Overstrand Municipality (who had not updated their GIS plans). On  
complaint by myself, to Ms. Alida Conradie, the failure to consider me was  
subsequently rectified and I was advised on 3 December that I may now object.  
Given the errors in OM's notice (no content in Stanford and excluded  
Appendices), it is onerous to expect a fully informed decision in 4 days, where  
the period is at least one month in the absence of errors by the issuing party.

OBJECTION 1.3 As I was only recognized as an Affected Person as contemplated  
in the By-Law, 4 days before the deadline for Objections, I regard this as a  
significant impediment to my ability to form an informed decision, including if  
required professional advice from an independent town planner or other  
professional person and I therefore request the Overstrand Municipality to delay  
the final submission date. by extending the due date for objections.

2. AESTHETICS and IMPACT ON STANFORD

In the Notice dated 30 October 2018, on page 10, paragraph 6 – Existing Land Use rights, it states that:

“Development rules

In terms of Section 13.1.2 of the OMZS, the following development rules apply:

- (a) The council shall stipulate development parameters with regard to density, height, coverage, layout, building design, landscaping, parking, access; signage and the use of the property when: (points i to v follow)
- (b) A site development plan must be submitted to the Council for approval in accordance with 16.3;”

On page 9, paragraph 5 Owner’s Intent, it states that:

“Part of the conditions of approval included the submission of a Site Development Plan (SDP) and in 2014 the OM started to refuse the acceptance of building plans until such time that a SDP is submitted.”

The refusal to process plan approval commenced in 2014 as a result of the last prior approval on 19 December 2008 which required a Site Development Plan prior to the submission of building plans. There was a six (6) year delay by the applicants for the SDP submission.

This demonstrates a trend where the applicant fails to uphold their obligations as imposed by Council in regard to conditions imposed.

Under section 83, Enforcement, the Municipality has obligations to ensure enforcement occurs.

On page 21, paragraph 17 Architecture, it states that:

“The main objective is to create a development that will blend in with the natural surroundings, without disturbing indigenous vegetation and in a sustainable manner. A natural building style, in line with the style and architecture of the existing dwellings will be created for the additional buildings and units, which will reflect the local architecture and heritage.”

On page 20 – under applicant’s heading Overstrand Spatial Development Framework:

Local spatial development principles	Alignment of the proposal with the local spatial development principles
Promote conservation of the historic townscape	Stanford is a historical rural village which increasingly functions as a

	<p>tourist destination. The location of the subject property adjacent to the urban edge is also ideal as the proposed land uses and tourist facilities will contribute to creating a transition from inside the urban edge to the farms of Stanford. The historic townscape will not be affected.</p>
--	---

**Objection 2.1 :** These two statements are in conflict. Applicant has not presented plans with sufficient detail to demonstrate support of any architectural integrity with the Stanford Conservation requirements. The Provincial Spatial Development Framework requires that land use not compromise ... "cultural and scenic landscapes."

The applicant and their consultant have attempted to confuse the reader by their statement that their plans will "Promote conservation of the historic townscape". Then stating that they wish to adopt "A natural building style, in line with the style and architecture of the existing dwellings will be created for the additional buildings and units, which will reflect the local architecture and heritage." A statement that can be read as "anything existing sets the style". Given that building has been done without plans, together with applicant stating that dwellings are to be demolished, this laissez-faire approach is a concern.

The commitment by the applicant to comply with alignment with the dominant style currently existing within Stanford (supported by Heritage and Conservation) is tenuous at a minimum or non-existent. Applicant has indicated that Overstrand Municipality shall stipulate development rules (see page 10 of application).

It is visible that there are existing double storey dwellings on the property. This is in conflict with Stanford Heritage and Conservation - which represents the local environment. This also conflicts with the Overstrand Spatial Development Framework. Stanford has adopted rules, which impose restrictions and guidelines exceeding the minimum requirements elsewhere prevailing within Overstrand municipal areas. This fact goes to the key issue that the Stanford community has agreed to comply with such more restrictive conditions. There can be no doubt that the applicant seeks to benefit from the additional visual, commercial and community benefits emerging from the Stanford Heritage and Conservation objectives, yet the applicant requests that lesser rules apply to their property.

The maximum size of dwellings at 450m<sup>2</sup> is significantly more than would be possible on the vast majority of Stanford properties for purpose of domestic occupation. On plan 4 of the application three new dwellings are located - which could be 450m<sup>2</sup> and would be visible in an area that is currently natural vegetation.

2.2 Comment: it is submitted that applicant and Overstrand Municipality would reduce objections by agreement in advance to follow architectural and building standards, which align closely to Stanford's prevailing standards. In this regard section 16 and the Stanford Urban Conservation Overlay Zone requirements of the Overstrand Zoning Scheme Regulations dated 29 November 2013 are relevant. At page 125, section 11 applies, as the wording includes "and also where necessary outside those areas".

Precedent. In regard to this application, this property was originally zoned as farmland. The farmland zoning is prevalent between Stanford and Hermanus. The rezoning intends to remove the restrictions that have evolved on the applicant's land to enable 24 units for accommodation as well as associated additional tourist related infrastructure.

2.3 Comment: this application will set a precedent so it is incumbent on the applicant and relevant authorities to ensure that unintended future consequences do not emerge whereby other parties purchase farms, change zoning and build along the entire R43 in a manner that will diminish the value of the culture and heritage prevailing.

### 3. REZONING - DENSITY

The proposal mentions the farm size and a legal possibility of 29 or 44 units depending upon interpretation of the dwelling density laws).

- a limit is required for any future development requests for the property (currently 12- now requesting 24)
- Ambiguity in the proposal document in reference to an hotel, cell phone base station and tower (part 6(b))
- Sets a precedent for entire R43 area

3.1 Objection: The application is unclear as to the intention of the current occupants of the property in respect of density. This should be limited to the items in the application on page 25 under the heading " 22. Recommendation".

### 4. WATER REQUIREMENTS

In the Notice dated 30 October 2018, on page 16, paragraph 12 – Water, it states that:

"Water is currently provided from a stream that flows into a dam on the subject property, which has its origin on the Remainder of the farm Kleinrivier, 646 (Sir Robert Stanford Estate). Servitude for the use of the water is in place for many years

Water to the additional buildings will be provided from the same source."

## Comments:

- 4.1 The applicant has recently had to request water from the owner of Sir Robert Stanford Estate as the stream flow is insufficient and dries up during summer months due to low rainfall. Section 67 (10) is applicable in this situation.
- 4.2 There is insufficient water for the existing occupants of the affected property, therefore there is insufficient water for the additional water requirements of farmstall, 12 additional units, tourist facilities (lecture room and gift shop), restaurant and clubhouse.
- 4.3 The property does not fall within the existing residential area of Stanford so there is no existing municipal supply to the property via pipelines.
- 4.4 There are alternate sources of potable water, these being rainwater tanks, borehole water or river water. The existing site has 12 dwellings plus a campsite. The additional water requirements as listed in 1.2 above indicate that daily water requirements when the requested units are occupied by two persons per dwelling would be:

Description	Persons using water	Daily total - liters
12 existing dwellings	24	2 400
12 additional dwellings		2 400
Farmstore		1 000
Restaurant		2 000
Campsite		2 000
Lecture room & gift shop		1 000
Total water per day		10 800
Total water per 30 day month		324 000

Assumption based on 100 liters per person per day which is conservative.

It is submitted that water requirements will be a major constraint to the overall viability of the application. **Insufficient water will render the stated benefits of the departure and consent use as unattainable.**

The existing holding volume of the dams is inadequate to provide sufficient water for the duration of the period of summer when minimal rainfall occurs. The additional load will not be attainable without significant infrastructure investment.

It is noted that the By-Law at 67(2)(a) requires:

## Conditions of approval

(1) When the Municipality approves an application subject to conditions, the conditions must be reasonable conditions and must arise from the approval of the proposed utilization of land.

(2) Conditions imposed in accordance with Subsection (1) may include conditions

relating to  
(a) the provision of engineering services and infrastructure;

## 5. SEWAGE

In the Notice dated 30 October 2018, on page 16, paragraph 12 – Sewerage, it states that:

“Sewerage is currently collected in conservancy tanks that are serviced by the OM. This arrangement will remain for the additional buildings proposed.”

And at page 8, paragraph 2:

“To this end a conservancy tank with a minimum capacity of 10 000 litres to be provided on the property”.

It is submitted that By-Law at 67(2)(a) again applies to this service.

Objections:

5.1 The planning required to meet additional volumes of sewage is not evident. There is a fragile river eco-system adjacent to the property and increased sewage volumes present a real risk of river pollution. Extensive legislation addresses the issue and consequences of under-managed effluent into rivers.

## 6. TRAFFIC

There is inadequate evidence of planning for the management of traffic onto the R43. It should be noted that this road is due for improvement in the near future.

Objection:

6.1 Traffic Management planning is not evident in the application. This road currently has a high number of accidents (including fatalities).

There are three (3) entrance\exit points onto the property all abut onto a 100 kilometer per hour speed limit road zone.

Submitted by

Roderick James Mann

Signed:



**Alida Conradie - Proposed departure, amendment of SDP and Consent use Farm 646 Portion 1 Kleinrivier**

---

**From:** Louis Roodt <ldvroodt@gmail.com>  
**To:** Francois Myburgh <fmyburgh@overstrand.gov.za>, <Aconradie@overstrand.gov...>  
**Date:** 2018/12/13 11:56 AM  
**Subject:** Proposed departure, amendment of SDP and Consent use Farm 646 Portion 1 Kleinrivier

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Ref: Farm 646 Prtn1 (RCAL) 4069

Dear Mr Myburgh, the notice to affected persons re this application addressed to the Stanford Ratepayers Association (SRA) was INCORRECTLY addressed to P O Box 136, which resulted in the SRA not receiving the notice in time to comment. Ms Lyn Pullen also objected to the maladministration, as the correct PO Box number has been in use for years. The due date was 7 December 2018.

I became aware of the application on 11 December at our monthly meeting. We therefore ask that you, as empowered to, accept late submission from the SRA. This assessment is based on the statement that "The municipality may refuse to accept comments received after the closing date." My underlining. This statement implies that late submissions can be accepted.

I will elaborate on the concerns that we have in a formal letter. In the main, it will be based on:  
 1 a seriously inadequate and incomplete application with no reference to access, traffic and transportation issues, which are critical on the R43.

2 No reference to the upgrading of the R43 and the formalisation of accesses incorporated in the design.

3 The need and desirability of the farm store, restaurant, lecture room, gift shop and club house is not motivated and merely glanced over in a single one sentence paragraph in Paragraph 9 Motivation and Development Proposal. These uses can result in trip generation far outstripping the current 12 holiday accommodation units.

4 No site development plan was attached and the internal roads layout / circulation, parking and access cannot be evaluated.

5 The sustainability of the development is not elaborated on. If the development fails, this could become a motivation for the extension of the urban edge and Stanford developing in a hap hazard manner.

6



ESTABLISHED 2002

Town  
PlanningLiquor  
LicensingProject  
Management35 Duiker Street  
P O Box 1247  
Hermanus  
7200

Tel: +27 (0)28 313 1411

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[admin@wrapgroup.co.za](mailto:admin@wrapgroup.co.za)

Web:

[www.wrapgroup.co.za](http://www.wrapgroup.co.za)Wright Approach  
Investments 136 CCReg No  
CK 2002/060745/23Our reference: 14/53  
Your reference: 646/1 (RCAL) 4069

12 June 2019

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

Sir

**RESPONSE TO COMMENTS AND OBJECTIONS: PORTION 1 OF FARM KLEINRIVIER 646 CALEDON**

Objections to and comments on the application for the abovementioned were received from:

- GM Buys & WH Buys;
- L Mossop;
- Stanford Conservation Trust;
- L Swart;
- DA Smith;
- C & D Hagen;
- RH Metcalf;
- R Mann;
- Western Cape Department of Transport and Public Works;
- Breede Gouritz Catchment Management Agency;
- Cape Nature;
- Western Cape Department of Environmental Affairs and Development Planning (Environmental Impact Management Services: Region 1);
- Western Cape Department of Environmental Affairs and Development Planning (Development Management: Region 2); and
- Stanford Ratepayers Association.

**Response to an objection by the Western Cape Department of Transport and Public Works**

<b>Comment/objection</b>	<b>Response to objections</b>
<p>"This application is for the following:</p> <ol style="list-style-type: none"> <li>1 Consent Use for twelve holiday housing units to be used by the shareholders;</li> <li>2 Consent Use for tourist facilities (lecture room and gift shop);</li> <li>3 Consent Use for a place of assembly (clubhouse) and</li> <li>4 Departure to accommodate a farm store on the property.</li> <li>5 It is noted from the Site Development plan that 42 parking bays have been provided.</li> <li>6 The upgrade plan for Trunk Road 28 is that the access at ±km 22.17 off Trunk Road be permanently closed and that the access at ±km 21.65 be the approved access to the property.</li> <li>7 It is noted that the Applicant also wishes to open the facilities to members of the public.</li> <li>8 Since a Traffic Impact Statement has not been submitted, this Branch objects to the application in terms of the Land Use Planning Act, No 3 of 2014.</li> <li>9 This Branch may review its comment on receipt of a Traffic Impact Statement that has considered the full impact of the development and the warrants for left turn and right turn lanes at the access." </li></ol>	<p>A traffic impact assessment was compiled by DEKA Consulting Engineers who was appointed by the owner of the subject property, who also submitted a copy of the report to Mr Faizel Fakier and the Department of Transport. A copy of the Assessment is attached as Annexure.</p>

**Response to objections by the Western Cape Department of Environmental Affairs and Development Planning (Directorate: Development Management Region 2)**

Herewith is a summary of the elements of the application which are supported and the elements which are not supported by DEADP.

<b>Part of the application</b>	<b>Supported or not supported</b>
Consent use for 12 holiday housing units to be used as permanent residences by the shareholders in terms of Section 16(2)(o) of the Overstrand Municipality: By Law on Municipal Land Use Planning, 2015.	<b>Not supported</b>
Consent use for tourist facilities (lecture room and gift shop) in terms of Section 16(2)(o) of the Overstrand Municipality: By Law on Municipal Land Use Planning, 2015.	<b>Supported</b>
Consent use for a restaurant in terms of Section 16(2)(o) of the Overstrand Municipality: By Law on Municipal Land Use Planning, 2015.	<b>Supported</b>

Departure for the development of a farm store in terms of Section 16(2)(b) of the Overstrand Municipality: By-Law on Municipal Land Use Planning, 2015.	<b>Supported</b>
Consent use for a place of assembly (clubhouse) in terms of Section 16(2)(c) of the Overstrand Municipality: By Law on Municipal Land Use Planning, 2015.	<b>Not addressed in the response letter</b>

Our response will primarily only address the parts of the application which are not supported by DEADP.

<b>Comment/objection</b>	<b>Response</b>
<p><i>"Both holiday accommodation and holiday housing are accommodation units for holiday and recreation purposes, thus implying temporary occupation, with the primary difference being that the holiday housing units can individually be owned.</i></p> <p><i>A unit that is separately alienated remains earmarked for holiday housing for holiday purposes exclusively and the consent use as proposed will not "legalise" the permanent habitation of the said units."</i></p>	<p>The subject proposal is unique as there are historic building plan approvals granted by the Overstrand Municipality Building Control department for the existing permanent structures as illustrated in the SDP submitted with the application. These building plans were approved as <u>dwelling units</u> and permanent residential rights were conferred to the residents which cannot be arbitrarily deprived.</p> <p>The submitted town planning application was for a consent use for holiday housing which is defined in terms of the Overstrand Municipality Zoning Scheme as follows:</p> <p><i>"<b>holiday housing</b> means <u>dwelling units, mobile homes or camping sites that are harmoniously designed and built, for holiday or recreational purposes, and which may be separately alienated by means of sectional title division, fractional title, the selling of shareblocks or the subdivision of property.</u>"</i></p> <p>The above definition in the Zoning Scheme explicitly highlights that a dwelling unit is considered as holiday housing. The Zoning Scheme defines a dwelling unit as follows:</p> <p><i>"<b>dwelling unit</b> means a unit containing one or more rooms, with adequate sanitary facilities and a kitchen, which may be used for <u>long- or short-term accommodation purposes</u> and may be included in or separate from the main building on the property."</i></p> <p>The dwelling units for which historic building plans have been approved can therefore</p>

	be included in the definition of holiday housing as applied for. The buildings which have been approved by the Overstrand Municipality Building Control Department are therefore legal.
"The establishment of a residential estate comprising 12 units, 1km outside the urban edge constitutes urban sprawl and inconsistent with both the Overstrand SDF and the Provincial SDF."	The nearest dwelling on the subject property is located 170m from the urban edge and the furthest dwelling is located 455m from the urban edge. The subject proposal therefore does not constitute urban sprawl but promotes the subject property as an interface/transitional zone in between the urban edge and the properties which are zoned Agriculture Zone1: Agriculture.
"The Guidelines for Resort Development in the Western Cape (2005) as cited by applicant are outdated and will be replaced by the Western Cape Land Use Planning Guidelines: Rural Areas in the near future. It should further be noted that the abstract quoted by the applicant to motivate density refers to the historical calculation of density."	The Guidelines for Resort Development in the Western Cape (2005) is the only document which guides the development of resorts in the Western Cape which has been approved to date of submission. The Western Cape Land Use Planning Guidelines: Rural Areas was not an approved document on date of submission.
"The recommendation for density put forward in the Resort Guidelines is essentially one unit per 10ha or 20ha, depending on the visual carrying capacity of the surrounding environment. Furthermore, dwelling units within a resort should generally be limited to a single storey, with a maximum floor area of 120m <sup>2</sup> "	<p>The existing dwellings which have been approved, exceed both this density and maximum floor area. It should therefore be noted that the historic approvals on the subject property makes this proposal unique.</p> <p>The motivation report highlights the following on page 14:</p> <p><u>"Given that consent for at least one additional dwelling unit could be given on any residential or agricultural property, a density of 2 dwelling units per 3 hectares or 0,67 units per hectare could be deduced for that area/portion of the larger original farm (or other land unit) primarily dedicated for the resort. As a result of local conditions being taken into account, densities for many resorts have often been restricted to one unit per hectare or even less (sometimes even approaching the densities of rural occupation, that is, 1 unit per 3 to 5 hectares. It should nevertheless be noted that these figures refer to gross density, i.e. the number of units relative to the total area/portion, of the larger farm primarily dedicated for the resort. On the</u></p>

	<p>other hand, nett density could be higher if it relates to number of units with regard to the immediate area of the resort development itself, should the resort units be clustered in a node or nodes.</p> <p>As the subject property is 43.8444 ha in extent, a density of 1 unit per hectare will equate to ± 44 units and if a density of only 2 units per 3 ha is allowed, will equate to 29 units. The development proposal is for 24 resort units (12 holiday accommodation and 12 holiday housing units) which will equate to a density of 0.54 units per hectare that is less than the aforementioned recommended density of 2 dwelling units per 3 hectares that equates to 0.66 units per hectare, in terms of the Resort Zone Policy."</p> <p>Considering the local and historic conditions which are pertinent to the subject site, the density as applied for can be regarded as appropriate.</p>
<p>"Permanent accommodation within resort developments are not permitted, with the only possible exception being to accommodate staff employed for the operation of the resort itself."</p>	<p>There are building plans which were historically approved on the subject property which permit dwelling units.</p> <p>Holiday housing as elucidated earlier in a response permits dwelling units which may be used for long term/permanent accommodation purposes.</p>

**Response to objections by Cape Nature**

<b>Comment/objection</b>	<b>Response to objections</b>
<p>The application is for the departure to accommodate a farm store; and consent use to utilise 12 holiday housing units as permanent residence, tourist facilities, lecture room, gift shop, restaurant and clubhouse. The applicant also wishes to erect 12 additional holiday housing units (3000 m2 development footprint, with additional 3000 m2 as yard space) for use as such. The existing 12 holiday housing units are being used as permanent residence, which is incongruent with the current zoning: Resort Zone 1. This property is outside the urban edge of Stanford. CapeNature commends the alien clearing efforts of the landowner and the</p>	<p>Cape nature does not provide any reason why the application is "incongruent" with the Resort 1 Zoning, which actually does not exist as the Overstrand Zoning Scheme only makes provision for Resort Zone.</p>

environmentally friendly approach to the design of the construction.

A botanical site scan was conducted in mid-spring, which is an optimal time of year. Critically endangered Elim Ferricrete Fynbos is mapped for the property. The botanical specialist confirmed that Sites 3 and 4 contain disturbed but identifiable Elim Ferricrete Fynbos and two Species of Conservation Concern (SCC). As per standard best practice guidelines, Search and Rescue is recommended for the bulbs of *Lachenalia contaminata*, and for the seeds of *Leucadendron linifolium*. Vulnerable Agulhas Limestone Fynbos was mapped on the northwest corner of the property and has been ground-fruthed by the botanical specialist to intersect with the proposed lecture hall, restaurant, farm stall and parking (900 m<sup>2</sup>). CapeNature requests that a map of the Elim Ferricrete Fynbos patches be provided, including the area that will be developed.

A valley floor floodplain wetland is mapped for the property, which is a National Freshwater Ecosystem Priority Area (NFEPA) and falls within a National Strategic Water Source Area (SWSA). The freshwater specialist report did not refer to the NFEPA maps, nor to the SWSA maps, although the latter has only recently become available. The estuarine functional zone of the Klein River runs along the southern border of the property, with a non-perennial tributary thereof along the eastern section of the property that intersects with Site 11. The area also serves as watercourse protection for the Southern Folded Mountains. The freshwater specialist study should have incorporated soil augering (coring) as a means of delineating wetlands that may persist below the ground surface, rather than relying solely on the presence of wetland vegetation. This may have resulted in Type II false negative errors for the detection of wetlands on the property. CapeNature therefore recommends that the freshwater specialist.

It is recommended that "search and rescue" is made a condition of approval.

DEADP on 6 December 2018 confirmed that not listed activities are triggered and that no structures will be built on any area disturbed within 32m of any wetlands.

Follow up with more detailed wetland delineation. Additionally, some site photos in the report appear to show signs of wetness, albeit seasonal:

1. Site 1, Figure 3;
2. Site 8, Figure 10;
3. Site 12, Figure 14.

Although a servitude for the use of water is in place, the additional infrastructure may require a general authorisation from the Department of Water and Sanitation, administered by the Breede Gouritz Catchment Management Agency (BGCMA). CapeNature recommends that the BGCMA be contacted for comment.

According to the Western Cape Biodiversity Spatial Plan (CapeNature 2017), the Critical Biodiversity Area (CBAI) along the Klein River and the Agu'has Limestone Fynbos will not be affected by the developments except for a portion of Site 3. An Ecological Support Area with restoration potential (ESA2) occurs across the rest of the property and will be impacted on by the remaining 11 sites.

The Environmental Management Plan (EMP) is not linked to a condition of environmental authorisation of the development; therefore, the EMP will only have repercussions for noncompliance if it becomes a condition of approval through the town planning application process undertaken by the Municipality, which CapeNature recommends.

According to the application, several illegal structures will be demolished. Additionally, the application reports that the proposed farm stall may lead to the loss of rehabilitated areas. Where applicable, the disturbed footprints must be rehabilitated with locally indigenous vegetation, supervised by a horticulturalist or botanist. The building rubble must be disposed of off-site at an appropriate receiving facility, and not stored on site unless it will be reused shortly thereafter. If so, the building rubble must be stored on a disturbed area. This rehabilitation plan should be implemented as part of the EMP.

Given the presence of an NFEPA wetland and the close proximity to the Klein River and estuarine functional zone, CapeNature recommends that a storm water and wastewater management plan be drawn to address the proposed increase in hardened surfaces and effluent. The wastewater plan should include an upgrade of the existing soak-away sewerage system, which poses a high pollution risk to the wetlands.

The Department of Environmental Affairs and Development Planning (DEA&DP) have confirmed that the NEMA will not be triggered by the development; however, based on the additional botanical and freshwater information requested above, the applicability of the NEMA might change accordingly.

In conclusion, CapeNature recommends that: (i) a map of the Elim Ferricrete Fynbos patches be provided; (ii) the freshwater specialist report be followed up with more detailed wetland delineation methods to ensure that no wetlands fall within 32 m of each site; (iii) BGCMA is contacted for comment; (iv) the EMP become a condition of approval and contains a rehabilitation plan; and (v) storm water and wastewater management plans are drawn. CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received."

#### Breede Gouritz Catchment Management Agency

Comment/objection	Response to objection
<p>"COMMENT ON THE APPLICATION FOR PROPOSED DEPARTURE AND CONSENT USE: PORTION 1 OF FARM NO 646, CALEDON.</p> <p>With reference to the above application received on 02/11/2018.</p> <p><b><u>This office, in principle, has no objection to the application, subject to the following conditions.</u></b></p> <p>1. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of</p>	<p>BGCMA has no objection to the water related considerations of the submitted town planning proposal. The owners of the subject property will comply with the conditions laid out by BGCMA. There is also no authorisation required on the subject property in terms of the National Water Act, 1998 (Act 36 of 1998).</p> <p>The Environmental Management Plan addresses all aspects which relate to solid</p>

1998) regarding water use must be adhered to.

2. No use of surface water and/or storage of water is permitted, unless the applicant has formally obtained a license in terms of Section 41 of the National Water Act (Act 36 of 1998) and/or formal authorisation in terms of General Authorisations issued under Section 39 (Government Notice 399 dated 26 March 2004), and/or if it is authorised under Schedule 1 of the National Water Act, 1998 (Act 36 of 1998) and/or if it is an Existing Lawful Water use in terms of the National Water Act, 1998 (Act 36 of 1998).

3- No pollution of surface water or ground water resources may occur due to any activity.

4. No storm water runoff from any premises containing waste, or water containing waste emanating from industrial activities and premises may be discharged into a water resource. Polluted storm water must be contained.

5. All relevant sections and regulations of the National Environmental Management: Waste Act 2008 (Act 59 of 2008) regarding the disposal of solid waste must be adhered to. Solid waste may only be disposed of onto an authorized solid waste facility in terms of abovementioned legislation.

6. No permanent structures may be constructed within the 100-year flood line or within 100 meters of any watercourse (seasonal or permanent river, stream etc.), whichever is furthest without firstly obtaining authorization in terms of Section 21 (c) and (i) of the National Water Act, 1998 (Act 36 of 1998). Please be advised that based on the available information no Section 21 (c) & (i) authorization is required in terms of the National Water Act, 1998 (Act 36 of 1998) for the activities as contained in the application.

7. The water provided for domestic use must comply with the SANS 241: 2011 guidelines for drinking water (edition 1). Regular monitoring must be done to ensure compliance. If the quality of the water is of such a nature that it is a threat to human health, then this office and the Provincial

waste disposal. There are therefore no foreseeable waste disposal problems which will arise on the subject property.

The proposed density on the subject property is very low and there is no storm water related problems which are projected to arise. The natural flow of water from the subject property into the river will not be interfered with by the owners of the subject property.

The submitted SDP shows that none of the existing and proposed buildings are located within the 50 year and 100-year flood line.

Potable water and disposal of sewage for the proposed structures will be provided in accordance with the prescripts of SANS.

Department of Health must be informed of the procedures to rectify the problem.

Disposal of sewage

8. The disposal of sewage must at all times comply with the requirements of Sections 22 and 40 of the National Water Act 36, Act 36 of 1998.

9. The construction site for a conventional sewerage disposal system (french drain system) and/or conservancy tank must be placed above the 100-year flood line, or alternatively, more than 100 metres from the edge of a water resource, whichever is further.

10. Conventional sewerage disposal systems can only be considered where the residential structures are more than a 75m radius apart and are limited only to single residential units, if and where the geology supports such system and must be supported by District Municipal Health.

(Conference facilities, lodges, schools, restaurants, tasting facilities and hotels will require alternative methods of sewage treatment for disposal and/or treatment.)

11. The construction of a conservancy tank must be of such a nature that no water will enter the system or leave it by means of seepage. Special care must be taken with the placing of the damp proof course during the construction phase. The tank needs to be inspected on a regular basis for seepage as a precautionary approach against any sewage leaving the system and causing pollution.

12. When a conservancy tank is used for the disposal of sewage, this office must be furnished with a signed copy of the contract between the contractor or the Overstrand Municipality which is appointed to pump the conservancy tank and the applicant. A contingency plan must be developed and furnished to this office.

13. The volume of sewage needs to be metered on a monthly basis and a removal programme needs to be scheduled to ensure that the conservancy tank is pumped well within time before overflowing. Alternatively, floating devices should be installed within the tanks that initiate an alarm at 75% full capacity to arrange for collection and disposal

Please be advised that all relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to. The use of water without the required authorization in terms of the National Water Act, 1998 (Act 36 of 1998) may be regarded as unlawful and a criminal offence.

The onus remains on the registered property owner to confirm adherence to any relevant legislation with regards to the activities which might trigger and/or need authorization for.

Please do not hesitate to contact this office if you have any further queries.

Please ensure to quote the above reference in doing so."

**Response to comments and objections pertinent to the aesthetics of the proposal.**

Comment/objection	Response to objections
<p>"In the Notice dated 30 October 2018 (the Proposal), on page 10, paragraph 6 — Existing Land Use rights, it states that:</p> <p>"Development rules In terms of Section 13.1.2 of the OMZS, the following development rules apply:</p> <p>(a) The council shall stipulate development parameters with regard to density, height, coverage, layout, building design, landscaping, parking, access; signage and the use of the property when: (points i to v follow)</p> <p>(b) A site development plan must be submitted to the Council for approval in accordance with 16.3:"</p> <p>On page 9, paragraph 5 Owner's Intent, it states that:</p> <p>"Part of the conditions of approval included the submission of a Site Development Plan (SDP) and in 2014 the OM started to refuse the acceptance of building plans until such time that an SDP is submitted."</p> <p>The refusal to process plan approval commenced in 2014 as a result of the</p>	<p>There are approved building plans for the some of the existing buildings (refer to the submitted SDP which illustrates this in detail). The building plans were not approved with an SDP. The OM subsequently requested that an SDP be submitted together with the town planning application to confer the most appropriate land use rights on the subject property for the existing and proposed land uses. The actions which are proposed to be instituted above, illustrates that the property owner is committed to upholding the obligations and conditions of approval which were imposed by Council.</p> <p>The submission of the town planning application is also intended to facilitate a process to make it easier for the OM to enforce all prescripts of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (hereafter referred to as the By Law) and the Overstrand Municipality Zoning Scheme, 2013 (Hereafter referred to as the OMZS). The submission of the town planning application illustrates the commitment of the property owners to comply with prescribed legislation.</p> <p>Considering that the subject property is located outside of the Stanford urban edge, the requirements of the Stanford Urban</p>

approval on 19 December 2008 which required a Site Development Plan prior to the submission of building plans. There was a six (6) year delay by the applicants for the SDP submission.

*This demonstrates a trend where the applicant fails to uphold their obligations as imposed by Council in regard to conditions imposed.*

*Under section 83, Enforcement, the Municipality has obligations to ensure enforcement occurs.*

*On page 21, paragraph 17 Architecture, it states that:*

*"The main objective is to create a development that will blend in with the natural surroundings, without disturbing indigenous vegetation and in a sustainable manner. A natural building style, in line with the style and architecture of the existing dwellings will be created for the additional buildings and units, which will reflect the local architecture and heritage."*

*On page 20 — under applicant's heading Overstrand Spatial Development Framework:*

**Local spatial development principles**

*Alignment of the proposal with the local spatial development principles*

**Promote conservation of the historic townscape**

*Stanford is a historical rural village which increasingly functions as a tourist destination. The location of the subject property adjacent to the urban edge is also ideal as the proposed land uses and tourist facilities will contribute to creating a transition from inside the urban edge to the farms of Stanford. The historic townscape will not be affected.*

*Objection:*

*These two statements are in conflict. The applicant has not presented plans with*

Conservation Area Overlay Zone do not need to be complied with. Compliance with the Stanford Urban Conservation Area Overlay Zone on the subject property is therefore optional.

The building plans which have been approved for some dwellings and rondavels on the subject property have architectural integrity and comply with all prescribed building regulations. The footprints of the 12 holiday accommodation units which are depicted on the subject property is a primary right, and building plans only need to be submitted to the Overstrand Municipality upon approval of this proposal. There is therefore no need at this point for detailed architectural drawings of the units. It can however be assured that the units will comply with prescribed building regulations and will not compromise on the cultural and scenic landscapes.

The motivation clearly illustrated that the historic townscape within the urban edge will not be affected with the approval and implementation of this proposal.

It also needs to be noted that the architectural styling, character and heritage of properties outside of the urban edge are slightly different from properties within the urban edge. There is a commitment to have some heritage value on the subject property which complies with the vision of the owners of the subject property and in harmony with the heritage value of surrounding properties outside the urban edge of Stanford. The zoning of Resort Zone: Holiday Resort (hereafter referred to as RZ) which allows the OM to stipulate development rules, provides the owners of the subject property with some room to dictate the heritage character which be established on the subject property.

The Resort zoning has no height restriction and does not prevent double storey buildings from being constructed on the subject property.

sufficient detail to demonstrate support of any architectural integrity with the Stanford Conservation requirements. The Provincial Spatial Development Framework requires that land use not compromise ... "cultural and scenic landscapes."

The applicant and their consultant have attempted to confuse the reader by their statement that their plans will "Promote conservation of the historic townscape". Then stating that they wish to adopt "A natural building style, in line with the style and architecture of the existing dwellings will be created for the additional buildings and units, which will reflect the local architecture and heritage." A statement that can be read as "anything existing sets the style". Given that building work has been completed without plans, together with the applicant stating that some dwellings are to be demolished, this laissez-faire approach is a concern.

The commitment by the applicant to comply with alignment with the dominant style currently existing within Stanford (supported by Heritage and Conservation) is tenuous at a minimum or non-existent. Applicant has indicated that Overstrand Municipality shall stipulate development rules (see page 10 of application).

It is noted that there are existing double storey dwellings on the property. This is in conflict with Stanford Heritage and Conservation — which represents the local environment. This also conflicts with the Overstrand Spatial Development Framework. Stanford has adopted rules, which impose restrictions and guidelines exceeding the minimum requirements elsewhere prevailing within Overstrand municipal areas. This fact goes to the key issue that the Stanford community has agreed to comply with such more restrictive conditions. There can be no doubt that the applicant seeks to benefit from the additional visual, commercial and community benefits emerging from the Stanford Heritage and Conservation

<p>objectives, yet the applicant requests that lesser rules apply to their property."</p>	
<p>"Building uniformity and heights with reference to section 6. Existing Land Use Rights "holiday accommodation is defined as harmoniously designed and built". There is a contradiction in the motivation regarding the dwelling size limits. A holiday accommodation limit of 250m<sup>2</sup> footprint, as per OM policy, is referred to in the motivation. However mention is then made of the largest existing building erected AFTER "the approval of building plans" which has a 450m<sup>2</sup> footprint. The interpretation of this second recommendation suggests that this building is one of the un-approved dwellings. This previous oversight cannot be used as a means of enabling permission for larger footprint dwellings. All future dwellings must be limited to 250m<sup>2</sup> footprint and the Stanford Standard Height of a maximum of 6.8m."</p>	<p>The holiday accommodation units are proposed to be capped at 250m<sup>2</sup> in the motivation report.</p> <p>There is no historic oversight deficiency when the dwelling unit of 450m<sup>2</sup> was approved by the OM because the Resort zoning stipulates that the OM may determine development rules on the subject property. The building plans for any units will be addressed in conjunction with the prescripts of the Resort zoning which stipulates that the OM may determine development rules.</p>
<p>"It is submitted that the applicant and Overstrand Municipality would minimize objections by agreeing, in advance, to follow architectural and building standards which align closely to Stanford's prevailing standards. In this regard section 16 and the Stanford Urban Conservation Overlay Zone requirements of the Overstrand Zoning Scheme Regulations dated 29 November 2013 are relevant. At page 125, section 11 applies, as the wording includes "... and also, where necessary outside those areas".</p>	<p>It is submitted that it is not necessary for the Urban Conservation Overlay Zone to be stringently applied on the subject property. The objector has also not motivated why it is necessary to apply the Urban Conservation Overlay Zone on the subject property.</p> <p>The owners of the subject property may comply with the Urban Conservation Overlay Zone when deemed to be necessary.</p>
<p>"We however insist that the 12 new units (9+3) adhere to the Stanford Style Guidelines with a maximum height of 6,8m with a limitation of 250m<sup>2</sup> footprint."</p>	<p>The OM may determine the development rules on the subject property. Considering this, it is proposed that all buildings on the subject property not be higher than 8 m and not 6,8 m as proposed by the objector.</p>
<p>"The planned structures shall be submitted for comment to the Overstrand Heritage &amp; Aesthetics Committee and the Stanford Heritage Committee before seeking Overstrand Planning Department Approval."</p>	<p>"The objector is correct. This process will however only be initiated once the town planning application is approved."</p>
<p>"We insist the style adheres to Stanford guidelines and is approved by all the Overstrand and Village Heritage Committees."</p>	<p>Considering that the OM may determine development rules on the subject property, conforming to the Village Heritage Committees prescripts is not necessary. The owners of the subject property will only</p>

	conform to the prescripts of the Village Heritage Committees when it is deemed to be necessary.
<p>"As Stanford is the only heritage village in the Overstrand, any development adjacent to the village will impact on the ambiance thereof and should therefore add value to the village rather than detract from it. The Overstrand Municipality (in its overlay zones) has also recognised the R43 as a scenic tourist route where all development should blend in with the existing rural visual aspects. In the light of the above, the SCT wishes to clearly state that the application does not take any of the above into consideration and it therefore objects against the application in its present form although it in principle agrees to some of the aspects of the development. Detailed comments are listed below."</p>	<p>Considering that the existing and proposed buildings on the subject property are spread out, the rural character and ambiance outside the urban edge is maintained in the current form.</p>
<p>"We note that the shareholders request to develop: The utilization of 12 existing holiday accommodation units as permanent residences;</p> <ul style="list-style-type: none"> <li>• The development of a further 12 new tourist accommodation units.</li> <li>• A farm store;</li> <li>• Tourism facilities, including a lecture room, gift shop, restaurant and place of assembly; and</li> <li>• Possibly a hotel which is mentioned in the documentation but not in the actual development approval request.</li> </ul> <p>We have the following comments and recommendations to these requests (please note again that a more detailed SDP indicating the existing, the proposed, the proposed civil services layout, parking and access is required before any approval should be granted and to avoid any future misinterpretation).</p> <p>We have no objection in principal to 12 existing holiday accommodation units to be used as permanent residences. However, in 2008 the condition of amendments to the re-zoning of the property were (pg 6) 'subject to proposed structures to be constructed be submitted</p>	<p>It was proposed in the motivation report that the submission of building plans for buildings and structures on the camp site be submitted to the Aesthetics Committee in conjunction with the future building plan submission to guarantee harmony and coherence in the building plan submission process. This statement illustrates the commitment of the property owner to comply with this historic condition of approval.</p>

<p>for comment to the Aesthetics Committee and Municipal Council for consideration and that council reserved the right to impose conditions re footprint, structures and parking, landscaping, architecture and aesthetics'. These conditions were clearly not adhered to as the 'as built' buildings now need to be legalised."</p>	
<p>"As to the further development of 12 new tourist accommodation units, the SCT insists that the conditions in a) above are again stipulated and that the municipality imposes the adherence to the 'Stanford Style Guidelines'. These include a compulsory height restriction of 6.8 meters to apex of the roof for all new accommodation units, that the 'Victorian Cape Dutch' style be recommended because of its close proximity to the entrance of Stanford and its visibility from the northern section of Stanford, and that the proposed structures to be constructed must be submitted for comment the Stanford Heritage Committee (SHC) and the Overstrand Heritage and Aesthetics Committee (OHAC) before the Overstrand Planning Department approval."</p>	<p>The OM may determine development rules pertaining to the subject property which is zoned Resort Zone. The development rules which may be determined by the OM among others pertain to scale and architectural styling. It would not assist this town planning process to pre-empt the development rules which will be determined by the OM.</p>
<p>"Regarding the development of a Farm Stall, we have in principal no objection to a Farm Stall but would once again request that the building compliment the 'Stanford Style' of the Proclaimed Heritage area. In addition, parking and dust control of the roads must be stipulated and that the entrance and exit from the R43 be clearly assessed and approved by the Provincial Roads Department.</p> <p>A seriously inadequate and incomplete application with no reference to access, traffic and transportation issues, which are critical on the R43.</p> <p>No reference to the upgrading of the R43 and the formalisation of accesses incorporated in the design.</p> <p>The need and desirability of the farm store, restaurant, lecture room, gift shop and club house is not motivated and merely glanced over in a single one sentence</p>	<p>The Western Cape Department of Transport and Public Works requested that a traffic impact assessment be done on the subject property and it addresses all access related considerations and remedies will be applied where necessary.</p>

<p>paragraph in Paragraph 9 Motivation and Development Proposal. These uses can result in trip generation far outstripping the current 12 holiday accommodation units."</p>	
<p>"Regarding the development of tourism facilities, including a lecture room, place of assembly (Club House), gift shop and restaurant our comments are as follows:</p> <ul style="list-style-type: none"> <li>• These additional facilities will further put strain on the entrance and exits from the R43 into Farm 646. It is suggested that the Provincial Roads Department, who have assessed the urgent need to improve the R43, be consulted and their approval is granted before the application is approved. "Blue Moon" is situated on a blind corner of the R43 at the bridge over the Klein River, also to be rebuilt in the near future, and within 200 meters to the entrance of Stanford, having traffic stop to enter or exit Farm 646 would be considered extremely dangerous.</li> <li>• These facilities would encourage many more people on the site putting a strain on the water supply which already needs to be supplemented by the Sir Robert Stanford Estate on the opposite site of the R43. The BGCMA must be consulted to see whether such a development is feasible within their present water allocation. If not, this development should not be approved unless the applicant can prove that sufficient water is available from a source other than the existing water it receives. It must be noted that, should the applicant say that water is to be obtained via groundwater, this first needs to be proved as being viable in terms of the Resource Quality Objectives for the Klein River which are being gazetted at the moment.</li> <li>• The application states that the sewage facilities will entail conservancy tanks which will be pumped by Municipal trucks. Due to the proximity of the development to the already compromised Klein River estuary (please refer to the document that is gazetted at the moment), the SCT requests, and the</li> </ul>	<p>The Western Cape Department of Transport and Public Works requested a traffic impact assessment which was submitted to the Department for approval. All traffic related concerns will be addressed in the document.</p> <p>BGCMA has been consulted regarding the proposal and a letter was issued which highlights that there is no objection to the proposal. There are however several conditions of approval which were laid out by BGCMA which the owners of the subject property will have to comply with to avoid the strain on water supply which is projected by the objector.</p> <p>When building plans are submitted for all the future structures on the subject property, the building control department will insist that the location of the conservancy tanks be illustrated on the property. After the construction of the conservancy tanks, the OM Building Control Department will be approached to confirm if the conservancy tanks are in a satisfactory position before a right of occupancy is issued.</p> <p>There is no wedding venue which is proposed on the subject property.</p> <p>A hotel is not part of this application.</p>

<p>municipality clearly states that it must oversee and receive copies of documentation that will guarantee that the conservancy tanks have been installed to the satisfaction of the municipality, and that both the SCT and the Klein River Estuary Forum be provided with copies for each unit to be built.</p> <p>It is mentioned that the place of assembly will be used for weddings. Considering the close proximity to the northern residential area of Stanford this would be inappropriate due the amount of people on the property at any one point in time, and the noise factor that this will have on the area, Stanford being considered a 'quiet' country village. There have been 'Trance Parties' held in the past at the Quarry, at least a further 2km away and this was clearly heard all over the village and a stop to these was put in place.</p> <p>Clarity must be given whether the hotel is part of the application, or not."</p>	
<p>"Stanford Conservation Trust is therefore not in acceptance with this application in its present format. We furthermore request that we be informed regarding the outcome of the necessary impact assessments (which should include a visual assessment) and the RODS from the different departments attached to the application. We would also appreciate feedback from the municipality/Town Planning regarding whether it supports the height restrictions proposed, or whether other height restrictions will be applicable."</p>	<p>A visual impact assessment will not be necessary on the subject property. Compliance with the prescribed building regulations will be sufficient.</p> <p>The OM is responsible for the dissemination of any information pertaining to the outcome of the subject town planning application. The Stanford Conservation Trust can therefore be assured all prescribed processes and procedures of the By-Law will be followed in the dissemination of information.</p>
<p>"No site development plan was attached, and the internal roads layout / circulation, parking and access cannot be evaluated."</p>	<p>A site development plan was submitted with the application document which depicts internal road layout, circulation, parking and access.</p>
<p>"The sustainability of the development is not elaborated on. If the development fails, this could become a motivation for the extension of the urban edge and Stanford developing in a hap hazard manner."</p>	<p>The subject proposal cannot be seen as going to lead to the haphazard extension of the Stanford urban edge.</p>

**Response to comments and objections pertinent to the history of the proposal.**

Objection/comment	Response
<p>"With regard to this application, this property was originally zoned as farmland. The farmland zoning is prevalent between Stanford and Hermanus. The rezoning intends to remove the restrictions that have evolved on the applicants land to enable 24 units for accommodation as well as associated additional tourist related infrastructure."</p>	<p>The property was previously zoned for agricultural purposes but is currently zoned as Resort. The submitted application does not entail a rezoning as asserted by the objector. Considering that the development parameters of the subject zoning allow the OM to determine development rules, the 24 accommodation units were extensively motivated in the proposal.</p>
<p>"Lastly the SCT wishes to draw your attention to the 2008 condition of amendments to the re-zoning of the property were (pg 6) 'subject to proposed structures to be constructed be submitted for comment to the Aesthetics Committee and Municipal Council for consideration and that council reserved the right to impose conditions re footprint, structures and parking, landscaping, architecture and aesthetics'. None of this was adhered to (hence the request to legalise the existing structures) and it is our understanding that rezoning only becomes valid once the zoning conditions have been met. In this case it would have been the conditions of submitting drawings and comments from the various departments. This was not done within the required period of 5 years. In this case the zoning lapses back to the original, which in this case is agriculture and this application can therefore not be a departure, but an entire re-zoning process (which will include e comprehensive E'A and public participation process)."</p>	<p>The zoning of the subject property cannot lapse because the property owners acted upon all of the primary rights which are in the Resort zoning. There is a TP tended style camping site on the subject property (marketed as The Last Resort Campsite which is in harmony with the definition of tourist accommodation and holiday accommodation which are primary right in the Resort zoning.</p> <p>There are also environmentally sensitive areas on the subject property which the property owners are keeping in a pristine condition in accordance with the prescripts of DEADP and the environmental management plan. The environmentally sensitive areas comply with the definition of conservation use which is a primary right on the subject property and has been acted upon.</p> <p>There are also existing historic private roads on the subject property which comply with the definition of the private road which is a primary right on the subject property. There are areas on the subject property which are used for rest and recreational activities and comply with the definition of private open space which is a primary right on the subject property.</p> <p>Considering that all the primary rights have been acted upon, the Resort zoning of the subject property cannot lapse. The purpose of the submitted town planning application is to ensure that the property owners institute a process to comply with the conditions of approval which are highlighted by the objector.</p>

**Response to comments and objections pertinent to the scale of the proposal.**

Objection/comment	Response
<p>"The proposal refers Consent Uses for this property as including an hotel, a conference centre and rooftop base station and transmission tower. Of concern is that only the hotel and conference centre are specifically excluded."</p>	<p>No hotel was applied for in the submitted town planning application. The only mention of the word hotel in the submitted motivation report are the instances where the permissible consent use applications are listed.</p>
<p>"Increased housing density The proposal refers to this farm size as having a permissible density of 29 or 44 units, depending upon interpretation of the dwelling density laws.</p> <p>Objection: This reference to 29 or 44 units should not be used to smooth the way for future requests for dwelling density increases."</p>	<p>The subject property is not a farm. The density calculations were based on methodologic formulas which are prescribed by the Guidelines for Resort Developments in the Western Cape, 2016 and was not done arbitrarily. Considering this, the intent of the density calculations is not used to smooth the way for future requests for dwelling density increases.</p>
<p>"A need for additional Holiday Accommodation It is suggested in the proposal that this development will address a pressing need for holiday accommodation in Stanford</p> <p>Comment: We question whether this is an accurate assessment. We understand that occupancy rates on current holiday accommodation in a normal year are nowhere near 100%."</p>	<p>The vacancy rates of holiday accommodation establishments in Stanford differ depending on the quality of the accommodation which is offered. Establishments with a quality service and a great reputation are normally fully booked the whole year and the establishments with poor service and a bad reputation have low occupancy rates. This by implication means that the assertion by the objector that the occupancy rates of Stanford can be used to preamp the future occupancy rates on the subject property are unfounded.</p>
<p>"Your latest plan shows nine existing dwellings (legal or illegal structures), with the proposal to add nine new dwellings within the same common Property or exclusive use area of maximum of 500m<sup>2</sup></p> <p>(a) Three new residential dwellings marked 10,11, 12, (b) A commercial property comprising of a giftshop, restaurant and place of assembly (club) with required parking bays at the north/west corner of ERF 646 - adjacent to the R43.</p> <p>Your document text does not correctly reflect the above proposal wrt the plans received from Hermanus town planner."</p>	<p>It needs to be borne in mind that the 12 holiday accommodation units is a primary right and there was no need to apply for these in the motivation report. The 12 holiday housing units is a consent use and were applied for. The location of all these land uses was clearly depicted on the SDP and the approval of this proposal would be subject to the owners of the subject property having to comply with the detail which is on the SDP.</p>
<p>"We do object to an additional development of an additional 12 tourist</p>	<p>The objector is not providing any grounds for the submitted objection.</p>

accommodations over and above the 9 + 13 (12) new dwelling units."	
"We object to additional commercial facilities like hotels, large wedding venues and antenna masts on Erf 646."	There is no application for a consent use for a hotel which is submitted with this application. The place of assembly which is applied for is not large but only measures 300m <sup>2</sup> and is not projected to be of an adverse impact as asserted by the objector.
"We object to any additional developments over and above the 12 homes and 1 commercial hub at the R43."	The objector does not provide ground or merit for the objection.
"Building lines: It is stated "there are no building lines which are applicable on the subject property" and further it is stated "no doors and windows shall be permitted in any wall closer than 1,0m to the rear or side boundary." (rear or side boundaries are not indicated.)  This is not acceptable, and I would recommend that a 30m building line be implemented/mentioned, the same building line as applicable to our erf."	The absence of building lines on the subject property does not absolve the property owner from having to comply with the prescripts of the OMZS which the objector highlights in this objection.  The reason why the 30m building line is applicable on the erf of the objector is because the farm is zoned Agriculture Zone 1: Agriculture. A perusal of the plans also reveals that none of the proposed structures are located within 30m from the side boundary line and that only 7 existing buildings (some of these buildings will be demolished) are located within 30m from the side building line. The proposed future expansions will therefore not have any impact on the space which is 30m from the side building line.

**Response to comments and objections pertinent to the future implication of the proposal.**

Comment/objection	Response
"As this application will set the precedent it is incumbent upon the applicant and relevant authorities to ensure that unintended future consequences do not emerge whereby other parties purchase farms, change zoning and build along the entire R43 in a manner that will diminish the value of the culture and heritage prevailing."	The submitted town planning application does not entail a change in zoning. The intention of this proposal is not to build along the entire R43 and the density calculations which were done reveal that the character and ambiance around the R43 will not be adversely altered with the approval and implementation of this proposal.
"In addition, the application refers to a hotel, but then it is not mentioned in the final development request. There is no clarity whether this is part of the application, or not."	The submitted town planning application is not for a hotel.

**Response to comments and objections pertinent to services on the subject property.**

Comment/objection	Response																								
<p><b>Water Requirements</b>  <i>In the Proposal under Services — Water, it states that:</i>  <i>"Water is currently provided from a stream that flows into a dam on the subject property, which has its origin on the Remainder of the farm Kleinrivier, 646 (Sir Robert Stanford Estate). Servitude for the use of the water is in place for many years. Water to the additional buildings will be provided from the same source."</i>  <b>Comment:</b>  <i>We understand that the applicant has recently had to request water from the owner of Sir Robert Stanford Estate as the stream flow is insufficient and/or dries up during summer months due to low rainfall. Section 67 (10) is applicable in this situation. There is insufficient water for the existing occupants of the affected property, therefore there would be insufficient water for the additional water requirements of farmstore, 12 additional units, tourist facilities (lecture room and gift shop), restaurant and clubhouse. The property does not fall within the existing residential area of Stanford so there is no existing municipal supply to the property via pipelines.</i>  <i>There are alternate sources of potable water; these being rainwater tanks, borehole water or river water. The existing site has 12 dwellings plus a campsite. The additional water requirements as listed above indicate that daily water requirements when the requested units are occupied by two persons per dwelling (based upon a conservative estimate of 100 liters per person per day) would be:</i></p>	<p>The submitted town planning application was forwarded to BGCMA who are experts in terms of assessing the adequacy of availability of water on a property. There was no water related objections from the experts regarding the availability of water on the subject property. There is therefore no foreseeable possibility of water related problems emerging on the subject property.</p>																								
<table border="1"> <thead> <tr> <th data-bbox="304 1283 456 1305">Description</th> <th data-bbox="459 1283 544 1361">Persons using water</th> <th data-bbox="547 1283 730 1339">Daily total - liters</th> </tr> </thead> <tbody> <tr> <td data-bbox="304 1361 456 1417">12 existing dwellings</td> <td data-bbox="459 1361 544 1417">24</td> <td data-bbox="547 1361 730 1417">2 400</td> </tr> <tr> <td data-bbox="304 1417 456 1473">12 additional dwellings</td> <td data-bbox="459 1417 544 1473"></td> <td data-bbox="547 1417 730 1473">2 400</td> </tr> <tr> <td data-bbox="304 1473 456 1507">Farmstore</td> <td data-bbox="459 1473 544 1507"></td> <td data-bbox="547 1473 730 1507">1 000</td> </tr> <tr> <td data-bbox="304 1507 456 1541">Restaurant</td> <td data-bbox="459 1507 544 1541"></td> <td data-bbox="547 1507 730 1541">2 000</td> </tr> <tr> <td data-bbox="304 1541 456 1574">Campsite</td> <td data-bbox="459 1541 544 1574"></td> <td data-bbox="547 1541 730 1574">2 000</td> </tr> <tr> <td data-bbox="304 1574 456 1628">Lecture room &amp; gift shop</td> <td data-bbox="459 1574 544 1628"></td> <td data-bbox="547 1574 730 1628">1 000</td> </tr> <tr> <td data-bbox="304 1628 456 1650">Total water per da</td> <td data-bbox="459 1628 544 1650"></td> <td data-bbox="547 1628 730 1650">10 800</td> </tr> </tbody> </table>	Description	Persons using water	Daily total - liters	12 existing dwellings	24	2 400	12 additional dwellings		2 400	Farmstore		1 000	Restaurant		2 000	Campsite		2 000	Lecture room & gift shop		1 000	Total water per da		10 800	
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Total water per 30 da month	324 000	
<p>We suggest that water requirements will be a major constraint to the overall viability of the application. Insufficient water will render the stated benefits of the departure and consent use as unattainable.</p> <p>The existing holding volume of the dams is inadequate to provide sufficient water for the duration of the period of summer when minimal rainfall occurs. The additional load will not be attainable without significant infrastructure investment (with reference to By-Law at 67(2)(a))"</p>		
<p>"Sewage In the Proposal under Services - Sewerage, it states that: "Sewerage is currently collected in conservancy tanks that are serviced by the OM. This arrangement will remain for the additional buildings proposed." And at page 8, paragraph 2: "To this end a conservancy tank with a minimum capacity of 10 000 litres to be provided on the property".</p> <p>It is submitted that By-Law at 67(2)(a) again applies to this service. Objection: The planning required to meet additional volumes of sewage is not evident. There is a fragile river eco-system adjacent to the property and increased sewage volumes present a real risk of river pollution. Extensive legislation addresses the issue and consequences of under-managed effluent into rivers."</p>		<p>The motivation report refers to the minimum capacities which will be provided for all future dwellings on the subject property. This bare minimum which will be provided, cannot be interpreted as insinuating that the sewage capacity will be capped at this level. There will be additional provision of sewage capacity for the additional commercial land uses on the subject property.</p>
<p>"Fire break We note that a fire break is not possible on the fam 646 portion boundary with Walsh Acres.</p> <p>Comment: The original buildings on Blue Moon cited for improvement, are too close to this boundary therefore Insufficient space exists for a critical fire break. Fire breaks should be established on all other boundaries."</p>		<p>The applicant will comply with the conditions of approval set by the Overstrand Fire Department.</p>

<p>"In the Proposal under Services – Sewerage, it states that: "Sewerage is currently collected in conservancy tanks that are serviced by the OM. This arrangement will remain for the additional buildings proposed.</p> <p>A conservancy a minimum capacity of 10 000 liters to be provided on property.</p> <p>This capacity is too small for the planned 12 new dwellings and commercial facility. This poses a high risk of seepage/spillage and sewer non-collection effecting threat of river pollution. It should 10 000 litres conservancy tank per common property."</p>	<p>The sewage capacity which is referred to is a minimum requirement for every dwelling. There will however be sufficient sewage capacity provided in compliance with the prescribed building regulations.</p>
<p>"Sewerage reticulation and risk mitigation of spillage is of concern."</p>	<p>The property owners will dispose of sewage from the subject property in a manner which is compliant with the prescripts of the OM.</p>
<p>"I'm concerned about the fire break.</p> <p>Firebreaks: No mention is made of firebreaks which should be maintained along the boundary. Without a sufficient building line a provision for firebreaks on the boundary will be possible on the subject property."</p>	<p>The proposed building expansion on the subject property is not within the 30m from the boundary wall. There is therefore ample space for the provision of firewalls on the subject property if it is deemed to be necessary.</p>
<p>"I wish to object to the proposed departure amendment of SDP and consent use</p> <p>Am concerned about the sewage and its effect on the river.</p> <p>Though not supposed to say this but the view is going to be badly compromised.</p> <p>Also concerned about the water usage for so many houses etc."</p>	<p>The objector does not motivate substantively why an objection to the town planning proposal is made.</p> <p>The sewage on the subject property is currently not discharged into the river and will not be discharged should this application be approved. There is an environmental management plan which the owner of the subject property will have to comply with which will also ensure that the proposed land uses do not lead to environmental degradation.</p> <p>None of the buildings which are to be constructed on the subject property will exceed a height of 8m which is the same height restriction in Stanford. The objector resides within the urban edge of Stanford and cannot see the subject property from the area of residence. The view enjoyed by the objector will therefore not be impacted in any way.</p>

**Response to comments and objections pertinent to access and traffic of the proposal.**

<b>Comment/objection</b>	<b>Response</b>
<p>"Traffic There is inadequate evidence of planning for the management of traffic onto the R43. It should be noted that this road is due for improvement in the near future.</p> <p>Objection: Traffic Management planning is not evident in the application. This road currently has a high number of accidents (including fatalities). There are three (3) entrance/exit points onto the property all about onto a 100 kilometre per hour speed limit road zone."</p>	<p>A traffic impact assessment was compiled by DEKA Consulting Engineers who was appointed by the owner of the subject property, who also submitted a copy of the report to Mr Faizel Fakier at the Western Cape Department of Transport. A copy of the Assessment is attached as Annexure.</p>

**Response to comments and objections pertinent to noise.**

<b>Comment/objections</b>	<b>Response</b>
<p>"Noise pollution An additional 12 holiday units in addition to a Place of Assembly and Restaurant with the intention of bringing a fairly large number of visitors</p> <p>Comment: A large number of visitors may have less regard for the surrounding property owners. This would create control problems related to noise levels."</p>	<p>The place of assembly and restaurant is located to the far north of the subject property. The location of the proposed land uses in relation to properties within the Stanford urban edge is a buffer which ensures that the peace and comfort which property owners currently enjoy will not be altered.</p>
<p>"The planned commercial facility (giftshop/small restaurant and club) at the far north side of ERF 646 on the R 43. We are concerned at increased human and vehicle traffic and associated noise."</p>	<p>There is no club proposed in the submitted application. Gift shops require a quiet atmosphere for the operation of the land use to be possible. Restaurants do not normally emit ear shattering music (an example is the fact that there are numerous restaurants in Queen Victoria Street in Stanford, yet the street is not characterised by ear shattering noise levels) and the noise levels are therefore not projected to be ear shattering.</p> <p>The vehicles which will enter and egress the subject property will not in any way interfere with the peace and comfort which the objector enjoys in the occupation of his property which is within the Stanford urban edge.</p>

**Response to comments and objections pertinent to the procedural aspects of the proposal.**

Comment/objections	Response
<p><i>"Deficiencies in the proposal document: Most affected parties have received a document but with missing sections or information, including Annexure A, B, F and G.</i></p> <p><i>Some parties who are entitled to receive the applicant's notice under section 48(1)(c) were omitted from the distribution list.</i></p> <p><i>Objection:</i> <i>In order for objections to be adequately addressed by persons who may wish to raise objections, the distribution and content should not be restricted. This is stated in 48(1)(c) and therefore it is requested that Overstrand Municipality delay the deadlines to enable all parties to raise valid objections as contemplated by the relevant regulations."</i></p>	<p>The submitted town planning application was also advertised in newspaper which is widely in circulation in Stanford. Ample time was given to the community to allow comments to be formulated about this proposal. To extend the commenting period would be in gross violation of the By-Law. It is therefore proposed to the OM that this request by the objector be set aside as it would undermine the prescripts of the By-Law.</p>
<p><i>"No site development plan was available for scrutiny at the Stanford Library as you documented. The only plan was available from your Hermanus offices."</i></p>	<p>The onus was on the objector to approach the OM and make necessary arrangements to obtain all required documentation.</p>
<p><i>"Annexures A, B, F and G are missing/ omitted from your document received via registered letter- and have not been received to date."</i></p>	<p>The cover letter of the registered letter which was forwarded to the objector highlights the following.</p> <p><i>"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 and at the Stanford Library, Queen Victoria Street, Stanford."</i></p> <p>The onus was therefore on the objector to go to the Stanford Library to peruse Annexure A, B, F and G.</p>
<p><b>INCORRECT INFORMATION</b> regarding information regarding the proposal. <b>OMISSIONS</b> from NOTICE TO AFFECTED PERSONS and NOTICE NOT COMMUNICATED timeously to some affected parties."</p> <p><i>"In the notice to Affected Persons, issued 30 October 2018, there is the following details regarding the proposal are available from Town Planning, Hermanus, and at the Stanford Library, Queen Victoria Street, Stanford.</i></p>	<p>The public is normally given 30 days to comment on a town planning application. The public was afforded 60 days to comment on the subject application which is an extraordinarily long-time frame. To further extend this time frame would be a gross violation of public participation processes prescribed in the By-Law.</p> <p>The objector could also have contacted the OM town planning department to plead to obtain additional information regarding the submitted town planning application.</p>

Myself and another affected person, Mr. Glenn Buys visited Stanford Library on 4 December, 2018 and requested to view the relevant documentation. A staff member, Ms Elizabeth du Toit assisted us and was unable to locate any documentation. This included checking the on-line register. None of us could see any matter that related to Farm 646. The information was not available in Stanford.

OBJECTION 1.1: As I was unable to view the documentation in Stanford as stated in the notice, I regard this as a significant impediment to my ability to form an informed decision on the content for objections. I therefore request the Overstrand Municipality to delay the final submission date, by extending the due date for objections.

OBJECTION 1.2 As I was unable to view the complete documentation, I regard these omissions as a significant impediment to my ability to form an informed decision on complete Information. I therefore request the Overstrand Municipality to delay the final submission date, by extending the due date for objections."

"In regard to R Mann, the owner of ERF 2110, correspondence requesting OM to register me as an affected person were declined due to inaccurate record keeping by Overstrand Municipality (who had not updated their GIS plans). On complaint by myself, to Ms. Alida Conradie, the failure to consider me was subsequently rectified and I was advised on 3 December that I may now object Given the errors in OM's notice (no content in Stanford and excluded Appendices), it is onerous to expect a fully informed decision in 4 days, where the period is at least one month in the absence of errors by the issuing party.

OBJECTION 1.3 As I was only recognized as an Affected Person as contemplated in the By-Law, 4 days before the deadline for Objections, I regard this as a significant impediment to my ability to form an informed decision, including if required

The OM is in the best position to attend to this, considering that registered letters were circulated by the OM.

<p>professional advice from an independent town planner or other professional person and I therefore request the Overstrand Municipality to delay the final submission daw by extending the due date for objections."</p>	
<p>"The notification by the Overstrand Municipality refers to full details being available at Stanford Library. Upon request, the librarian at the Stanford library informed the SCT that the information is not available and not on the system. This is a material failure by OM and therefore the deadline for comment should at least be extended to end January 2019 due to the fact that South Africa is now entering the school holiday season. (The SCT did eventually obtain a copy of the information sent by registered mail to one of the neighbours.)"</p>	<p>The OM is in the best position to respond to this.</p>
<p>"Furthermore; the information sent to the adjacent neighbours (not to all) did not have sufficient detail to comment meaningfully on the application. The site plan personally obtained from the Town Planning department by one of the Stanford residents, for example indicates three extremely large new dwellings close to the river and clearly visible from Stanford. Such type information is required before any approval can be obtained from I&amp;APs."</p>	<p>The buildings which are proposed which the objector is referring to are not going to adversely impact on the views enjoyed by the residents in Stanford. It also needs to be borne in mind that there are existing houses within the urban edge which overlook into the river and Stanford. The proposed units along the river in Stanford are therefore of a lower scale an intensity in comparison with the existing impact caused by properties within the Stanford urban edge.</p>
<p>"Registration as an I&amp;AP for all future communication</p> <p>Stanford Conservation Trust would like to be registered as an Interested and Affected Party (I&amp;AP) with regard to this proposed departure, amendment of SDP and consent use application."</p>	<p>The request to be registered as an interested and affected party must be taken up with the OM by the Stanford Conservation Trust.</p>
<p>"SCT is a registered NPO, it has actively protected Stanford's "Proclaimed Heritage Area" and helps the Stanford Municipality maintain its green areas, namely the "Wandelpad", which runs along the Klein River bank, adjacent to the Farm 646, for the past 25 years."</p>	<p>The environmental management plan and authorisation granted by DEADP for this proposal highlights that the Klein Rivier Bank will not in any way be adversely impacted by the approval and implementation of this proposal.</p>
<p>"Dear Mr Myburgh, the notice to affected persons re this application addressed to the Stanford Ratepayers Association (SRA) was INCORRECTLY addressed to P O Box 136, which resulted in the SRA not</p>	<p>The OM is the appropriate authority to respond to this as the officials were responsible for the dissemination of the registered letters.</p>

<p>receiving the notice in time to comment. Ms Lyn Pullen also objected to the maladministration, as the correct PO Box number has been in use for years. The due date was 7 December 2018.</p> <p>I became aware of the application on 11 December at our monthly meeting. We therefore ask that you, as empowered to, accept late submission from the SRA. This assessment is based on the statement that "The municipality may refuse to accept comments received after the closing date." My underlining. This statement implies that late submissions can be accepted.</p> <p>I will elaborate on the concerns that we have in a formal letter."</p>	
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**Response to comments which pertain to the detail of the submitted documentation.**

<b>Comment/objection</b>	<b>Response</b>
<p><b>"Proposed departure documentation:</b></p> <p>The information diagrams attached to the application are seriously lacking in detail. As such, it is difficult to comment on the proposal without sight of a more detailed Site Development Plan (SDP) indicating the existing and proposed structures, the proposed civil services layout, parking and access. Approval should be linked to a formal SDP and the SCT requests that the documentation be referred back to the applicant for more clarity and then be resubmitted for approval. If the municipality does not agree with request, the SCT has no other choice than to object to the present application."</p>	<p>The submitted SDP was submitted in A1 Size and does depict all of the considerations which are highlighted by the objector.</p>
<p>"The SCT therefore rejects the proposal on the grounds that</p> <ul style="list-style-type: none"> <li>a) the correct process was not followed;</li> <li>b) there is too little information for meaningful comment; and</li> <li>c) there is no clear vision exactly what the application entails (i.e. all the structures that are applied for as part of the re-zoning process)." </li></ul>	<p>The prescribed public participation process was followed.</p> <p>Sufficient information was provided to the objector to comment on the submitted proposal.</p> <p>The submitted town planning application is not for a rezoning. The motivation report is 20 pages and explains in detail what is applied for.</p>

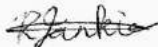
**Response to comments which support the application.**

<b>Comments/objection</b>	<b>Response</b>
"We have no objection to the nine new holiday the existing dwellings and 3 new dwellings, all being used for permanent residence total of 12 new units."	This comment supports the submitted town planning application.
"Further we have no objection to demolishing and legalizing illegal dwellings that do not have the required planning approvals."	The purpose of proposing some of the wooden structures for demolition is to ensure that all buildings on the subject property comply with town planning and building regulations.
"We welcome legalizing illegal structures, rezoning for permanent residence and nine new dwellings to the existing nine homes."	The comment is agreed with.
SCT comments on the information available." Comment on information on the present application We note the stated: a) intention to demolish a number of temporary structures constructed without building plans and b) the intention to legalise a number of existing "as built" holiday units. We have no objection in principle to this.	The comment is agreed with.

**Conclusion**

Considering that the OM may determine the development rules on the subject property, it is proposed that that these objections be set aside and that the OM determine the development rules to be in harmony with what was applied for in the submitted town planning application.

Yours faithfully



**REA JANKIE**  
**TOWN PLANNER (B/8392/2017)**



**DIRECTORATE: DEVELOPMENT MANAGEMENT**  
**(REGION 2)**

E-mail: [Helene.Janser@westerncape.gov.za](mailto:Helene.Janser@westerncape.gov.za)  
Tel: +27 21 483 3544 Fax: +27 21 483 3633  
Private Bag X9086, 1 Dorp Street, Cape Town, 8000  
[www.westerncape.gov.za/eadp](http://www.westerncape.gov.za/eadp)

**ENQUIRIES:** H. Janser  
**REFERENCE:** 15/3/2/12/BO3



TRA Theart  
(P Roux)

Director: Infrastructure & Planning  
Overstrand Municipality  
P O Box 20  
**HERMANUS**  
7200

FILE NO:	PTM 1/646
SCAN NO:	25
COLLABORATOR NO:	1237980

Sir

(e-mail: [aconradie@overstrand.gov.za](mailto:aconradie@overstrand.gov.za))

**DEPARTURE, AMENDMENT OF SDP AND CONSENT USE: FARM 646 PORTION 1 KLEINRIVIER, CALEDON**

- Your letter Farm 646 portion 1 (RCAL) 4069 dated 31 October 2018 refers.
- Whilst this Directorate has no objection to the departure for a farm store and consent use for tourist facilities and restaurant, the application for 12 holiday housing units for permanent occupation is not supported.
- Both holiday accommodation and holiday housing are accommodation units for holiday and recreation purposes, thus implying temporary occupation, with the primary difference being that the holiday housing units can be individually owned.
- A unit that is separately alienated remains earmarked for holiday purposes exclusively and the consent use as proposed will not "legalise" the permanent habitation of said units.
- The establishment of a residential estate comprising 12 units, 1km outside the urban edge constitutes urban sprawl and inconsistent with both the Overstrand SDF and the Provincial SDF.
- The Guidelines for Resort Development in the Western Cape (2005) as cited by applicant are outdated and will be replaced by the *Western Cape Land Use Planning Guidelines: Rural Areas* in the near future. It should further be noted that the abstract quoted by the applicant to motivate density refers to the historical calculation of density.

2nd Floor, 1 Dorp Street, Cape Town, 8001  
Tel: +27 21 483 3544 Fax: +27 21 483 3363

Private Bag X9086, Cape Town, 8000  
[www.westerncape.gov.za](http://www.westerncape.gov.za)

7. The recommendation for density put forward in the Resort Guidelines is essentially one unit per 10ha or 20ha, depending on the visual carrying capacity of the surrounding environment. Furthermore, dwelling units within a resort should generally be limited to a single storey, with a maximum floor area of 120m<sup>2</sup>.
8. Permanent accommodation within resort developments are not permitted, with the only possible exception being to accommodate staff employed for the operation of the resort itself.
9. The above-mentioned comment is based on the information received. The Department reserves the right to amend its comment should any additional or new information be obtained.

Yours faithfully



**K. MUNRO**  
**DIRECTOR: DEVELOPMENT MANAGEMENT: REGION 2**  
**DATE:** 27.11.2018



File reference:	1/646 RCAL (4069)
Date:	31 October 2018

## INTERNAL MEMORANDUM

From	: Town Planning Department
Town Planner	: P Roux

TO:

<u>Area Manager</u>	<u>Building Department</u>	<u>District Health</u>	<u>Electrical Department</u>
<u>Environmental Officer</u>	<u>Fire Department</u>	<u>Infrastructure and Planning</u>	<u>Stanford Heritage Committee</u>
<u>Operational Services</u>	<u>Traffic Department</u>	<u>Ward Councillor (Ald. D Coetzee)</u>	<u>Waste Management</u>

Applicant	WRAP (obo BIZ AFRIKA 62 (Pty) LTD)
Property Details	PTN 1 OF THE FARM NO 646, DIVISION CALEDON
Application Description	PROPOSED AMENDMENT OF SDP & CONSENT USE

## ATTACHMENTS:

1.	Notice	Should the information be insufficient for you to make an informative comment, please list any additional documentation that you would require to make informed comments.
2.	Locality Plan	
3.	Site Development Plan	
4.	Motivation	

## YOUR DEPARTMENT'S COMMENTS:

1)	FARM STORE/SHOP: MUST COMPLY WITH THE REQUIREMENTS OF NATIONAL FIRE PROTECTION REGULATIONS – OCCUPANCY F1 (SHOP LARGER THAN 250m <sup>2</sup> ) OR F2 (SHOP SMALLER THAN 250m <sup>2</sup> ).
2)	CONSENT USE FOR RESTAURANT, CLUBHOUSE, ANY TOURIST ENTERTAINMENT FACILITY IS SUBJECT TO COMPLIANCE WITH THE REQUIREMENTS OF THE NATIONAL FIRE PROTECTION REGULATIONS SANS10400T:2011 FOR A1 (ENTERTAINMENT/PUBLIC GATHERING) OCCUPANCY: REFER TO ANNEXURE B ATTACHED FOR MINIMUM REQUIREMENTS.
3)	TOURIST ACCOMMODATION: CONSENT USE IS SUBJECT TO THE REQUIREMENTS OF THE FIRE PROTECTION REGULATIONS SANS10400T:2011 FOR OCCUPANCY H5 (HOSPITALITY) REFER TO ANNEXURE A ATTACHED FOR MINIMUM REQUIREMENTS.
Signature:	_____
Date:	_____ 2018

Please provide your comments (with specific reference to any conditions of approval that should be imposed) in the space provided above or in a separate Memo by not later than the date stipulated below. If you require an extension of time for submission of comments, kindly request this in writing. Should no comments be received, it will be assumed that you have no objection to the proposal and where appropriate, the Mayoral Committee will be informed accordingly.

- Building Control Department to confirm that all structures on the property/ies are in accordance with the approved building plans.



**STANDARD REQUIREMENTS FOR OPERATION OF AN ESTABLISHMENT CLASSIFIED – H5 HOSPITALITY - SELF CATERING TOURIST ACCOMMODATION IN ANY H3 OR H4 CATEGORY BUILDING IN TERMS OF THE NATIONAL FIRE PROTECTION REGULATION SANS10400T:2011**

**ANNEXURE A – PORTION 1 OF FARM 646, KLEINRIVIER**  
**TOWN PLANNING APPLICATION No: 4069**

The town planning application is subject to compliance with the following fire safety requirements are prescribed together with any other building standards compliance requirements:

**Fire Extinguishers:**

SANS10400T:2011 – 4.37:

1 x Portable Fire Extinguisher per each accommodation unit of a type - 4.5kg Dry Chemical Powder.

**Combustibility of Floor Coverings:**

Shall comply with requirements of Section 4.14 of SANS10400T:2011 for occupancy H5.

**Combustibility of Wall Coverings:**

Shall comply with requirements of Section 4.15 of SANS10400T:2011 for occupancy H5.

**SANS10400T:2011 – 4.58 require the provision of:**

- Escape route signs – Photoluminescent SANS1186-5 in all passages and corridors and also above all exit doors.
- Self-contained luminaires (automatic actuating battery operated lights) in all passages and corridors.
- Stand-alone smoke alarms compliant with the requirements of European Standard EN14604 in each:
  - Sleeping room
  - Communal area
  - Passage or corridor leading to rooms
- Fire Hose Reels located so that each accommodation unit can be protected in case of fire.
- Doors leading to the outside of the building with single turn locks or any other lock device approved by the Fire Authority.

A suitable approved emergency plan indicating evacuation routes that informs guests as to action that must be taken in the event of an emergency that is affixed to the back of each room door or prominent place in the room.

**These plans must include:**

- Action to be taken when discovering a fire or if an emergency arises
- Action to be taken for evacuation of the building and assuring accountability of all occupants.
- The interim action to be taken pending the arrival of emergency services
- An evacuation floor plan that identifies the escape route, appropriate exit doors and post evacuation mustering point.

Chief Fire Officer

	<p><b>OFFICE of THE CHIEF FIRE OFFICER</b>  <b>PO BOX 20</b>  <b>HERMANUS</b>  <b>7200</b>  <b>Tel: 028 313 8980</b>  <b>Fax: 028 313 1493</b></p>	
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**Compliance requirements for A1 - Restaurants, Bars, Entertainment, Tourist Facility - Public Gathering venues in terms of the National Fire Protection Regulations SANS10400T:2011**  
**ANNEXURE B - TOWN PLANNING APPLICATION: PORTION 1 OF FARM 646, KLEINRIVIER**  
**APPLICATION No: 4069**

- Free standing building - Provide fire hose reels in compliance with Section 4.34 of SANS10400T:2011 – 1x0m FHR per 500m<sup>2</sup> in the case of a building being larger than 250m<sup>2</sup>.
- Provide 1 x Fire Hydrants for any building larger than 1000m<sup>2</sup> or part thereof in compliance with Section 4.35.4 of SANS10400T:2011.
- Provide a SANS10139 compliant manually activated visual and audible alarm system in compliance with Section 4.31.3 of SANS10400T:2011.
- Provide 1 x Fire Extinguisher per 200m<sup>2</sup> of either type: Water - 9litre; Carbon Dioxide CO<sub>2</sub> – 6kg; Dry Chemical Powder – 4.5kg. Locations to be marked by SANS1186-5 (Photoluminescent) signs.
- Fire protection of air conditioning systems must be in compliance with Section 4.43 of SANS10400T:2011.
- **Kitchen Extraction Systems:**  
Kitchen extraction systems must be in compliance with SANS1850:2012 – Design of Commercial Kitchen Extraction Systems. Maintenance and cleaning of extraction systems must be on a 6 monthly basis with certificate of work done issued by the maintenance company.
- **Solid Fuel Ovens (Pizza or Tandoor!):**  
Solid Fuel ovens shall be provided with a suitable dedicated extraction/ventilation system in compliance with Section 7 of SANS1850:2012.
- **Release of Solid Fuel Combustion Products:**  
Where there is a risk of airborne sparks being produced, a suitable spark arrester shall be fitted to prevent embers entering the extraction duct in compliance with Section 7.2 of SANS1850:2012.
- **Grease Draws:**  
All canopies shall be fitted with an internal gutter and grease draw of capacity large enough as to not require constant attention, or some other device to contain any run-off safely. Such a device should have a maximum capacity of 500millilitre.
- **Fire Suppression of Deep Frying Units:**  
At least one Type F (Saponification/Wet Chemical) fire extinguisher shall be supplied for cooking operations involving deep frying units. The size and rating of the unit should be commensurate with the oil capacity of the frying unit. Type extinguishers should meet the requirements of ISO 7165 or acceptable equivalent. In accordance with Section 11 of SANS1850
- Provide automatic self-contained emergency lighting in compliance with Section 4.30.2 & 4 of SANS10400T:2011 that is able to provide lighting for a minimum period of 60 minutes or alternatively provide automatic power supply i.e. Generator or Battery backup with a maximum startup of 10 seconds time lapse.
- Provide emergency fire exits in compliance with Sections 4.16; 4.17; 4.18 & 4.21 of SANS10400T:2011 including provision for the escape of persons with disabilities in compliance with SANS10400S. i.e. 1m in width for up to 100 persons without disabilities and 1.5m width for persons with disabilities.
- All emergency exits must be indicated along the entire route with SANS1186-5 (Photoluminescent) signs and directional arrows together with illuminated EXIT signs above exit doors in compliance with Section 4.29 of SANS 10400T:2011.
- Final escape doors must be provided with a panic bar release system in compliance with Section 4.16.10 of SANS10400T:2011.
- Seating and furniture arrangement within places of entertainment must be in compliance with Section 4.29 of SANS10400T:2011 i.e. that a walking space between the backrests of chairs shall be a minimum of 500mm.
- The use of any place of entertainment is subject to the issue of a Population control certificate issued by the local authority for which application must be submitted to the Fire & Rescue Service in terms of the Overstrand Community Fire Safety By-law P.N. 6454 of 2007.

Chief Fire Officer



**Western Cape  
Government**  
Environmental Affairs and  
Development Planning

TP  
18 DEC 2018



ANNEXURE H 1/7  
Directorate: Development Management  
Region 1

**REFERENCE:** 16/3/3/6/E2/27/1388/18  
**ENQUIRIES:** Ms. Saa-rah Adams  
**DATE:** 06 · 12 · 2018

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

FILE NO:	Am/646
SCAN NO:	
COLLABORATOR NO:	1239846

**Attention: Mr. P. Roux**

Tel: (028) 313 8900  
Fax: (028) 313 2093

Dear Sir

**COMMENT WITH RESPECT TO THE APPLICATION FOR DEPARTURE ON PORTION 1 OF FARM  
KLEINRIVIER NO. 646, STANFORD NEAR HERMANUS**

1. The abovementioned document, dated 31 October 2018, as received by the Department on 6 November 2018, the Department's correspondence dated 15 November 2018 and the additional information received from WRAP consulting Department on 27 November 2018, refer.
2. Further to review of the information submitted to this Department, the following is noted:
  - 2.1. The proposal entails three components, namely Part 1, which relates to the application for consent use to allow the permanent inhabitation of 12 existing holiday units, Part 2, the construction of 12 additional holiday units, and Part 3, the construction of a farm store, restaurant and lecture room along the R43, on portion 1 of Farm No. 646, Stanford near Hermanus.
  - 2.2. The proposal remains as per the original description, included in the Department's correspondence dated 19 March 2017.
  - 2.3. Subsequent to the Department's initial response, botanical and wetland specialist input was obtained and a minor revision undertaken to the site development plan.
  - 2.4. Precinct 12 has been shifted to the southern portion of the farm. This location is preferred by both the freshwater and botanical specialists.

2<sup>nd</sup> Floor, 1 Dorp Street, Cape Town, 8001  
Tel: +27 21 483 2660 Fax: +27 21 483 3633  
Email: Arabel.McClelland@westerncape.gov.za

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

- 2.5. Based on the findings of the specialists, a total of less than 1ha of indigenous vegetation will be removed from the property to allow for the proposed development. In areas where Critically Endangered Elim Ferricrete Fynbos has been identified, a total of less than 300m<sup>2</sup> will be cleared for development.
- 2.6. As a result of the minor amendment to the site development plan, no watercourses or wetlands occur within the development footprints or within 32m of the proposed development. The development is situated more than 100m from the Klein River estuary.
3. Your attention is drawn to the Department's correspondence, dated 19 March 2017, attached for ease of reference, responding to a similar query relating to the proposed permanent inhabitation of 12 holiday homes, the development of 12 additional holiday units within each of the 12 exclusive use areas and tourist facilities, on Portion 1 of Farm Kleinrivier No. 646, Stanford, Hermanus.
4. As confirmed previously, please be advised, that the proposed development does not constitute any listed activities in terms of the NEMA EIA Regulations, 2014 (as amended), as the development will not result in the clearance of more than 300m<sup>2</sup> of Critically Endangered indigenous vegetation or 1ha of indigenous vegetation, the site is not located within 5km of a formally protected area, and does not contain or fall within 32m of watercourses or wetlands or 100m of an estuary. Therefore, environmental authorisation is not required from this Department prior to the development thereof.
5. Please note, however, that should further revisions of the development be proposed, advice must be sought from this Department on the applicability of the NEMA EIA Regulations, 2014 (as amended) as defined in GN No. 324, 325 and 327, and/or confirmation of whether an amendment application is required before such activity(ies) may commence.
6. The Department notes that the above point, Point 5, must be strictly adhered to in the event of any further revisions to the development proposal and the Department consulted on the applicability of the listed activities. This is in light of the presence of Critically Endangered indigenous vegetation, the presence of Red List species and the close proximity of the Klein River Estuary and associated wetlands.
7. The applicant is reminded of his/her general duty of care and the remediation of environmental damage, Section 28(1) of NEMA specifically states that – "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."

8. Please note that the applicant must comply with any other statutory requirements that may be applicable to the undertaking of the activity.
9. Your interest in the future of our environment is greatly appreciated.
10. This Department reserves the right to revise or withdraw any comments or request further information from you based on any information received.

Yours faithfully



**HEAD OF COMPONENT**

**ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

ANNEXURE A: DEPARTMENT'S CORRESPONDENCE DATED 19 MARCH 2019- CASE  
OFFICER ARABEL McCLELLAND



Directorate: Development Management  
(Region 2)

**REFERENCE:** 16/3/3/6/1/E2/37/1176/17  
**ENQUIRIES:** Ms. Arabel McClelland  
**DATE:** 2018-03-19

The Director  
Lornay Environmental Consulting (Pty) Ltd  
P.O. Box 1990  
HERMANUS  
7200

**Attention: Ms. M. Naylor**

Tel: (028) 316 1769  
Fax: (086) 585 2461

Dear Madam

**RE: APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) WITH RESPECT TO THE PROPOSED ADDITIONAL ACTIVITIES ON PORTION 1 OF FARM KLEINRIVIER NO. 646, STANFORD**

1. The abovementioned document, dated 21 June 2017, received by this Department on 23 June 2017, the Department's correspondence dated 10 July 2017, and the correspondence dated 16 November 2017, received by the Department on 23 January 2018, refer.
2. This letter serves as an acknowledgement of receipt of the aforementioned document by this Department.
3. Based on review of the information submitted to this Department, the following is noted:
  - 3.1. The proposal entails two components, namely Part 1, which relates to the establishment of 12 holiday units, and Part 2, the construction of a farm store, restaurant and lecture room along the R43, on portion 1 of Farm No. 646, Stanford.
  - 3.2. The proposal remains as per the original description, included in the Department's correspondence dated 10 July 2017.
  - 3.3. Additional information has been provided confirming the inclusion of an informal parking area of approximately 1139m<sup>2</sup>, associated with the proposed farm stall component. This area will not be cleared but will fall within the brush cut firebreak area adjacent to the R43.
  - 3.4. Subsequent to the Department's initial response, botanical and wetland specialist input was obtained and a minor revision undertaken to the site development plan.

2<sup>nd</sup> Floor, 1 Dorp Street, Cape Town, 8001  
Tel: +27 21 483 2660 Fax: +27 21 483 3633  
Email: Arabel.McClelland@westerncape.gov.za

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

- 3.5. Precinct 12 has been shifted to the southern portion of the farm. This location is preferred by both the freshwater and botanical specialists.
  - 3.6. Based on the findings of the specialists, a total of less than 1ha of indigenous vegetation will be removed from the property to allow for the proposed development. In areas where Critically Endangered Elim Ferricrete Fynbos has been identified, a total of less than 300m<sup>2</sup> will be cleared for development.
  - 3.7. As a result of the minor amendment to the site development plan, no watercourses or wetlands occur within the development footprints or within 32m of the proposed development. The development is situated more than 100m from the Klein River estuary.
4. 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 Environmental Impact Assessment ("EIA") Regulations 2014 (Government Notice ["GN"] Nos. 324, 325, 326, and 327 in Government Gazette No. 40772 of 7 April 2017). These regulations came into effect on 7 April 2017.
  5. In light of the additional information provided and specialist input, your attention is drawn to the listed activities in terms of the NEMA EIA Regulations, 2014 (as amended) as defined in GN No. 324, 325 and 327 of 7 April 2017. Please be advised that the proposed development does not constitute any listed activities in terms of the NEMA EIA Regulations, 2014 (as amended), as the development will not result in the clearance of more than 300m<sup>2</sup> of Critically Endangered indigenous vegetation or 1ha of indigenous vegetation, the site is not located within 5km of a formally protected area, and does not contain or fall within 32m of watercourses or wetlands or 100m of an estuary. Therefore, environmental authorisation is not required from this Department prior to the development thereof.
  6. Please note that should any revision of the proposed development constitute a listed activity(ies) in terms of the NEMA EIA Regulations, 2014 (as amended) as defined in GN Nos. 324, 325 and/or 327 an application must be submitted and environmental authorisation obtained before such activity(ies) may commence.
  7. The Department notes that the above point, Point 6, must be strictly adhered to in the event of any further revisions to the development proposal and the Department consulted on the applicability of the listed activities. This is in light of the presence of Critically Endangered indigenous vegetation, the presence of Red List species and the close proximity of the Klein River Estuary and associated wetlands.
  8. The applicant is reminded of his/her general duty of care and the remediation of environmental damage. Section 28(1) of NEMA specifically states that – "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."

9. Please note that the applicant must comply with any other statutory requirements that may be applicable to the undertaking of the activity.
10. Your interest in the future of our environment is greatly appreciated.
11. This Department reserves the right to revise or withdraw any comments or request further information from you based on any information received.

Yours faithfully



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

CC: (1) Ms. L. de Villiers (Overstrand Municipality)

Fax: (028) 316 4953



Division of Telkom SA SOC Ltd

10 Jan Smuts Drive  
Pinelands  
7404

Candice Spammer  
Tel: 021 414 5582  
Fax: 086 480 0617  
Email: spammec1@telkom.co.za

Our Ref.: WWIP\_WHMN4050\_18  
Your Ref.: Farm 646 Portion 1 RCAL 4069

11 December 2018

Attention: S Muller

Overstrand Municipality  
HERMANUS

**PLANT AFFECTED:**

**PROPOSED DEPARTURE - PORTION 1 OF FARM KLEINRIVIER NO 646**

With reference to your application received October 2018.

**As important OPTIC FIBREcables and other infrastructure are affected, please contact our representative Frederik Swart at 028 514 1199 / 081 363 7815 / FrederikS@openserve.co.za 48 hours prior to commencement of construction work.**

I hereby inform you that Open Serve 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, Open Serve infrastructure will be affected, consequently the conditions below and on the attached legend will apply.

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

11 DEC 2018

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

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

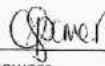
Please notify this office within 21 working days from this letter of acceptance and if any alternative proposal is available or if a recoverable work should commence.

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 Open Serve infrastructure be damaged while work is undertaken, kindly contact our representative immediately.

All Open Serve rights remain reserved.

Yours faithfully

  
\_\_\_\_\_  
pp Selwyn Bowers  
Operations Manager  
Wayleave Management: Western Region

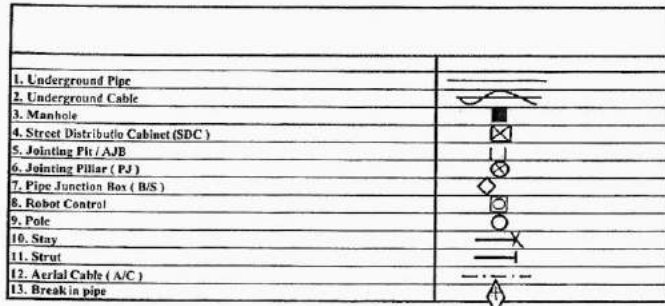
This wayleave, Reference Number **WWIP WHMN4050 18** is valid for 12 months from date here of and is subject to the following conditions:

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 and **Frederik Swart** at telephone number **081 363 7815** 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 a relocation will be recoverable from the applicant.
4. It is the responsibility of the applicant to verify the existence of the indicated plant and to notify Open Serve immediately, should the applicant locate any Open Serve plant indicated on the provided 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: 11 December 2018

By: C Spammer

For Regional General Manager  
Western Cape ( N2W3T1B)

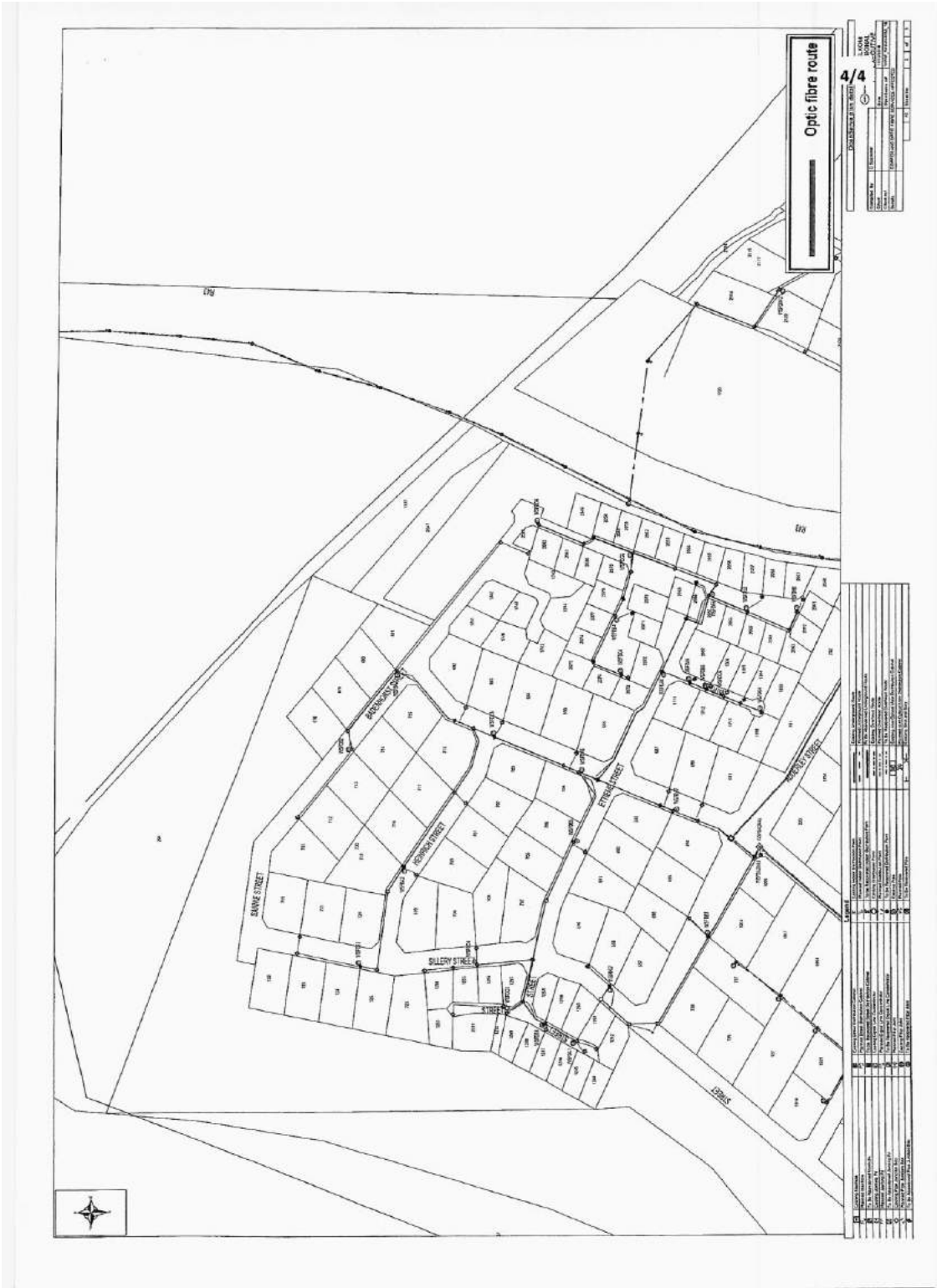


P

The pipeline indicated contains OPTIC FIBRE cables.

F Swart - telephone 028 514 1199 must be contacted at least 48 hours before commencement of work.





**4/4**  
**Optic fibre route**

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TR. A. Theat  
(Roux)

FILE NO: Ptn 1/646 STE
17/17/18
SCAN NO:
FARM 646
COLLABORATOR NO: 1249661



51 Baring Street Worcester 6850, Private Bng X3055 Worcester 6850

Enquiries: Rafeeq Le Roux Tel: 023 346 8000

Fax: 023 347 2012

E-mail: rleroux@bgcma.co.za

Reference No: 4/10/1/G40L/FARM KLEINRIVIER 646/1, CALEDON  
Date: 19<sup>th</sup> December 2018

Overstrand Municipality  
P.O. Box 20  
Hermanus  
7200  
[alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)

Attention: Alida Conradie

**COMMENT ON THE APPLICATION FOR PROPOSED DEPARTURE AND CONSENT USE: PORTION 1 OF FARM NO 646, CALEDON.**

With reference to the above application received on 02/11/2018.

This office, in principle, has no objection to the application, subject to the following conditions.

1. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to.
2. No use of surface water and/or storage of water is permitted, unless the applicant has formally obtained a license in terms of Section 41 of the National Water Act (Act 36 of 1998) and/or formal authorisation in terms of General Authorisations issued under Section 39 (Government Notice 399 dated 26 March 2004), and/or if it is authorised under Schedule 1 of the National Water Act, 1998 (Act 36 of 1998) and/or if it is an Existing Lawful Water Use in terms of the National Water Act, 1998 (Act 36 of 1998).
3. No pollution of surface water or ground water resources may occur due to any activity.
4. No stormwater runoff from any premises containing waste, or water containing waste emanating from industrial activities and premises may be discharged into a water resource. Polluted storm water must be contained.
5. All relevant sections and regulations of the National Environmental Management: Waste Act 2008 (Act 59 of 2008) regarding the disposal of solid waste must be adhered to. Solid waste may only be disposed of onto an authorized solid waste facility in terms of abovementioned legislation.
6. No permanent structures may be constructed within the 100 year flood line or within 100 meters of any watercourse (seasonal or permanent river, stream etc.), whichever is furthest without

firstly obtaining authorization in terms of Section 21 (c) and (i) of the National Water Act, 1998 (Act 36 of 1998). Please be advised that based on the available information no Section 21 (c) & (i) authorization is required in terms of the National Water Act, 1998 (Act 36 of 1998) for the activities as contained in the application.

7. The water provided for domestic use must comply with the SANS 241: 2011 guidelines for drinking water (edition 1). Regular monitoring must be done to ensure compliance. If the quality of the water is of such a nature that it is a threat to human health, then this office and the Provincial Department of Health must be informed of the procedures to rectify the problem.

**Disposal of sewage**

8. The disposal of sewage must at all times comply with the requirements of Sections 22 and 40 of the National Water Act 36, Act 36 of 1998.
9. The construction site for a conventional sewerage disposal system (french drain system) and/or conservancy tank must be placed above the 100 year flood line, or alternatively, more than 100 metres from the edge of a water resource, whichever is further.
10. Conventional sewerage disposal systems can only be considered where the residential structures are more than a 75m radius apart and are limited only to single residential units, if and where the geology supports such system and must be supported by District Municipal Health.

(Conference facilities, lodges, schools, restaurants, tasting facilities and hotels will require alternative methods of sewage treatment for disposal and/or treatment.)

11. The construction of a conservancy tank must be of such a nature that no water will enter the system or leave it by means of seepage. Special care must be taken with the placing of the damp proof course during the construction phase. The tank needs to be inspected on a regular basis for seepage as a precautionary approach against any sewage leaving the system and causing pollution.
12. When a conservancy tank is used for the disposal of sewage, this office must be furnished with a signed copy of the contract between the contractor or the *Overstrand Municipality* which is appointed to pump the conservancy tank and the applicant. A contingency plan must be developed and furnished to this office.
13. The volume of sewage needs to be metered on a monthly basis and a removal programme needs to be scheduled to ensure that the conservancy tank is pumped well within time before overflowing. Alternatively, floating devices should be installed within the tanks that initiate an alarm at 75% full capacity to arrange for collection and disposal

Please be advised that all relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to. The use of water without the required authorization in terms of the National Water Act, 1998 (Act 36 of 1998) may be regarded as unlawful and a criminal offence.

The onus remains on the registered property owner to confirm adherence to any relevant legislation with regards to the activities which might trigger and/or need authorization for

Please do not hesitate to contact this office if you have any further queries.

Please ensure to quote the above reference in doing so.

Yours Faithfully



**MR. JAN VAN STADEN**

**CHIEF EXECUTIVE OFFICER (ACTING)**



Overstrand Municipality  
P.O. Box 20  
Hermanus  
7200

Attention: Alida Conradie

Dear Ms Conradie

#### SCIENTIFIC SERVICES

postal Private Bag X5014 Stellenbosch 7599  
physical Assegaibosch Nature Reserve Jonkershoek  
website www.capenature.co.za  
enquiries Chanel Rampartab  
telephone +27 21 866 8017 fax +27 21 866 1523  
email crampartab@capenature.co.za  
reference SSD14/2/5/1/7/2/648-1\_dep\_cons\_houses\_Stanford  
date 21 January 2019

ANNEXURE K 1/2  
(S. v. M. v. M.)

FILE NO:	Ptnj/b4b Stanford ✓
SCAN NO:	Farm 646
COLLABORATOR NO:	1248526

**Application for departure and consent use for 12 tourist accommodation units, 12 existing dwellings and a farm store on FA 646/1, Stanford**  
(Theewaterskloof Municipality ref: Farm 646 portion 1 (RCAL) 4069)

CapeNature would like to thank you for the opportunity to comment on the application and would like to make the following comments. Please note that our comments only pertain to the biodiversity-related impacts and not to the overall desirability of the application.

The application is for the departure to accommodate a farm store; and consent use to utilise 12 holiday housing units as permanent residence, tourist facilities, lecture room, gift shop, restaurant and clubhouse. The applicant also wishes to erect 12 additional holiday housing units (3000 m<sup>2</sup> development footprint, with additional 3000 m<sup>2</sup> as yard space) for use as such. The existing 12 holiday housing units are being used as permanent residence, which is incongruent with the current zoning: Resort Zone 1. This property is outside the urban edge of Stanford. CapeNature commends the alien clearing efforts of the landowner and the environmentally friendly approach to the design of the construction.

A botanical site scan was conducted in mid-spring, which is an optimal time of year. Critically endangered Elim Ferricrete Fynbos is mapped for the property. The botanical specialist confirmed that Sites 3 and 4 contain disturbed but identifiable Elim Ferricrete Fynbos and two Species of Conservation Concern (SCC). As per standard best practice guidelines, Search and Rescue is recommended for the bulbs of *Lachenalia contaminata*, and for the seeds of *Leucadendron linifolium*. Vulnerable Agulhas Limestone Fynbos was mapped on the northwest corner of the property, and has been ground-truthed by the botanical specialist to intersect with the proposed lecture hall, restaurant, farm stall and parking (900 m<sup>2</sup>). CapeNature requests that a map of the Elim Ferricrete Fynbos patches be provided, including the area that will be developed.

A valley floor floodplain wetland is mapped for the property, which is a National Freshwater Ecosystem Priority Area (NFEP), and falls within a National Strategic Water Source Area (SWSA). The freshwater specialist report did not refer to the NFEP maps, nor to the SWSA maps, although the latter has only recently become available. The estuarine functional zone of the Klein River runs along the southern border of the property, with a non-perennial tributary thereof along the eastern section of the property that intersects with Site 11. The area also serves as watercourse protection for the Southern Folded Mountains. The freshwater specialist study should have incorporated soil augering (coring) as a means of delineating wetlands that may persist below the ground surface, rather than relying solely on the presence of wetland vegetation. This may have resulted in Type II false negative errors for the detection of wetlands on the property. CapeNature therefore recommends that the freshwater specialist

The Western Cape Nature Conservation Board trading as CapeNature

Board Members: Prof Denver Hendricks (Chairperson), Prof Gavin Maneveldt (Vice Chairperson), Ms Marguerite Bond-Smith, Mr Merwyn Burton, Dr Colin Johnson, Prof Aubrey Redlinghuis, Mr Paul Slack

21 JAN 2019

follow up with more detailed wetland delineation. Additionally, some site photos in ti appear to show signs of wetness, albeit seasonal:

2/2

1. Site 1, Figure 3;
2. Site 8, Figure 10;
3. Site 12, Figure 14.

Although a servitude for the use of water is in place, the additional infrastructure may require a general authorisation from the Department of Water and Sanitation, administered by the Breede Gouritz Catchment Management Agency (BGCMA). CapeNature recommends that the BGCMA be contacted for comment.

According to the Western Cape Biodiversity Spatial Plan (CapeNature 2017), the Critical Biodiversity Area (CBA1) along the Klein River and the Agulhas Limestone Fynbos will not be affected by the developments except for a portion of Site 3. An Ecological Support Area with restoration potential (ESA2) occurs across the rest of the property and will be impacted on by the remaining 11 sites.

The Environmental Management Plan (EMP) is not linked to a condition of environmental authorisation of the development; therefore, the EMP will only have repercussions for non-compliance if it becomes a condition of approval through the town planning application process undertaken by the Municipality, which CapeNature recommends.

According to the application, several illegal structures will be demolished. Additionally, the application reports that the proposed farm stall may lead to the loss of rehabilitated areas. Where applicable, the disturbed footprints must be rehabilitated with locally indigenous vegetation, supervised by a horticulturalist or botanist. The building rubble must be disposed of off-site at an appropriate receiving facility, and not stored on site unless it will be reused shortly thereafter. If so, the building rubble must be stored on a disturbed area. This rehabilitation plan should be implemented as part of the EMP.

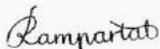
Given the presence of an NFEPA wetland and the close proximity to the Klein River and estuarine functional zone, CapeNature recommends that a stormwater and wastewater management plan be drawn to address the proposed increase in hardened surfaces and effluent. The wastewater plan should include an upgrade of the existing soak-away sewerage system, which poses a high pollution risk to the wetlands.

The Department of Environmental Affairs and Development Planning (DEA&DP) have confirmed that the NEMA will not be triggered by the development; however based on the additional botanical and freshwater information requested above, the applicability of the NEMA might change accordingly.

In conclusion, CapeNature recommends that: (i) a map of the Elim Ferricrete Fynbos patches be provided; (ii) the freshwater specialist report be followed up with more detailed wetland delineation methods to ensure that no wetlands fall within 32 m of each site; (iii) BGCMA is contacted for comment; (iv) the EMP become a condition of approval and contains a rehabilitation plan; and (v) stormwater and wastewater management plans are drawn.

CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.

Yours sincerely



**Chanel Rampartab**  
For: Manager (Scientific Services)

cc. Jeanne Gouws, Freshwater Scientist, CapeNature

The Western Cape Nature Conservation Board trading as CapeNature

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

TRATH  
ANNEXURE L1/2  
(P. Kona)

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR AMENDMENT OF SITE DEVELOPMENT PLAN &  
CONSENT USE: PTN 1 OF THE FARM NO 646, DIVISION CALEDON  
(4069)**

Electricity : Eskom area  
Stormwater : No services available  
Water : No services available  
Sewer : No services available  
Roads and traffic : No services available



**Conditions:**

1. that the developer arrange with ESCOM for the provision of electricity and that he complies with all conditions as may be set by ESCOM;
2. that no water service from Overstrand Municipality is available and the developer will be responsible to obtain the necessary approval, licence and permit from the applicable authorities (water affairs, health, BOCMA etc.) for the use of any other water resources and the extraction thereof;
3. that the quality of potable water comply with SANS0241 standards and that relevant proof be submitted to the Senior Manager: Engineering Services, Overstrand Municipality;
4. that waste water disposal be done in a safe and healthy manner and that plans thereof be submitted to the Municipality and DWA for approval;
5. that the proposed development on Ptn 1 of Farm 646 is provided with adequate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services, and to which the sewer services of the development must connect to;
6. that any commercial food preparation facilities (e.g. restaurant / guest house etc.) must be provided with a grease trap, which must comply with the standards and specification of the Department: Operational Services;
7. that on-site parking facility are provided as per the Planning Schedule;
8. that, as no municipal sewerage removal services are rendered in the area, the owner is responsible for removal of all sewerage generated on the property, and disposal thereof at a licensed municipal sewerage treatment facility.

26 FEB 2019

FILE NO:	Ptn 1/646
SCAN NO:	
COLLABORATOR NO:	

9. that, as no municipal refuse removal services are rendered in the area, the developer is responsible for removal of all refuse generated on the property, and disposal thereof at a registered municipal waste transfer station or –waste disposal facility.

  
DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES

  
DATE



TP D. Ahead  
(S. van Nieuw)

ANNEXURE M 1/4

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

**REFERENCE: 16/9/6/1-28/146 (Job 26536)**  
**ENQUIRIES: Ms GD Swanepoel**  
**DATE: 3 July 2019**

The Municipal Manager  
Overstrand Municipality  
Gansbaai Administration  
PO Box 26  
GANSBAAI  
7220

FILE NO: PIN 1/646 ✓	
Kleinrivier	STF
SCAN NO:	
FARM 646	
COLLABORATOR NO:	
1333883	

Attention: Mr P Roux

Dear Sir

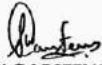
**PORTION 1 OF FARM KLEINRIVIER. 646, OVERSTRAND MUNICIPAL AREA: TRUNK ROAD 28:  
APPLICATION FOR DEPARTURE AND CONSENT USE**

1. The following refer:
  - 1.1 Your letter Farm 646 Portion 1 (RCAL) 4069 dated 31 October 2018 and
  - 1.2 This Branch's even numbered letter dated 21 November 2018.
2. The subject property is located 1km north of Stanford and takes access off Trunk Road 28.
3. This application is for the following:
  - 3.1 Consent Use for twelve holiday housing units to be used by the shareholders;
  - 3.2 Consent Use for tourist facilities (lecture room and gift shop);
  - 3.3 Consent Use for a place of assembly (clubhouse) and
  - 3.4 Departure to accommodate a farm store on the property.
4. Cognisance is taken of the TIS undertaken by DECA Consulting Engineers dated 31 May 2019 and its conclusion that no turning lanes are required for the proposed land uses.

14 OCT 2019

5. Accordingly, this Branch withdraws its objection to the application in terms of the Land Use Planning Act, No 3 of 2014, subject to the following conditions:
- 5.1 The access at  $\pm$ km22.17 off Trunk Road 28 be permanently closed, the fence reinstated and the verge restored;
- 5.2 The approved access to the property is at  $\pm$ km21.65 off Trunk Road 28. It should be provided with a sealed hard-surface and upgraded to that of a Main Farm Access as per the attached standard and
- 5.3 The District Roads Engineer, Paarl (021 863 2020), should approve all matters regarding paragraph 5.2 above in respect of site handover, traffic accommodation, drainage, design, signs, road-markings and materials.

Yours faithfully



**SW CARSTENS**  
For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT

**ENDORSEMENTS**

1. Overstrand Municipality  
Attention: Mr P Roux (e-mail: [proux@overstrand.gov.za](mailto:proux@overstrand.gov.za))
2. WRAP  
Attention: R Jankie (e-mail: [wrap@telkomsa.net](mailto:wrap@telkomsa.net))
3. Mr SW Carstens (e-mail)
4. Mr F Fakier (e-mail)





**Date:** 31 May 2019  
**Contact Person:** Lize du Plooy (Tel 082 338 6466)  
**Our Ref:** D352  
**Your ref:** Job 26 536

Western Cape Government  
 Department of Transport and Public Works  
 Road Network Management  
 PO Box 2603  
 Cape Town  
 8000

**For attention: Mr. Faisal Fakier**

Sir

**TRANSPORT IMPACT ASSESSMENT FOR THE DEVELOPMENT OF PORTION 1 OF FARM KLEINRIVIER NO. 646 CALEDON**

This transport impact assessment accompanies the Consent Use, Departure and Site Development Plan Approval application for the above-mentioned development and was prepared in response to comment received from the Western Cape Department of Transport and Public Works in a letter addressed to the Overstrand Municipal Manager dated 21 November 2018.

**1. BACKGROUND**

Deca Consulting Engineers were appointed by the owners of Blue Moon Farm to investigate the transport impact of the proposed development and possible infrastructure improvements that may be required as a result of development traffic. The property is located directly to the north of Stanford on the northern bank of the Kleinrivier. The property obtains access from Trunk Road 28 (the R43). The location of the site is shown in the attached *Figure 1*.

**2. DEVELOPMENT PROPOSAL**

The property has been used as a residential farm with ten homes since 1999. An application was submitted for the construction of two additional units in 2002, which would bring the total number of units to twelve.

The current application is for the following:

- Holiday housing: 12 units
- Holiday accommodation: 12 units
- Farm store
- Restaurant
- Clubhouse

The farm store, clubhouse and restaurant facilities will be available for the public and for residents of the farm. Please refer to the attached *Site Development Plan (SDP of Portion of Farm Kleinrivier 646 Caledon, WRAP Architects, dated June 2018)*.

### 3. EXISTING ROADS AND TRAFFIC

The development currently has two accesses off Trunk Road 28: The first at Km 22,17 approximately 280 metres north of the TR28 / Minor Road 4033 intersection, and the second at Km 21,65. TR28 is in the process of being reconstructed and some accesses along the road will be closed or moved as part of the project. Accordingly, the Km 22,17 access will be closed and only the access at Km 21,65 will remain open. The upgraded TR28 will have one lane per direction with paved shoulders on both sides.

The intersections that will be most affected by traffic from the proposed development are the TR28 / Farm 464/1 access junction and the TR28 / MR267 intersection. The Farm 464/1 access will have stop control on the access road and free flow on TR28, whereas a roundabout will be provided at the TR28 / MR267 intersection. Traffic counts for the TR28 / MR267 intersection were obtained from the Western Cape Provincial Road Network Information System (RNIS) website. The counts are dated 26 November 2015 and were increased to estimated 2019 volumes using the historical growth rate of 2,48%. The counts show that the peak hour occurs over midday rather than the typical early morning and late afternoon peak hours. The TR 28 / MR267 intersection was analysed with its current layout (stop control), using SIDRA software. The analysis shows that all movements at the intersection currently operate at a level of service A during the midday peak hour. The morning and late afternoon traffic volumes are lower, meaning that service levels will be even better during those periods.

### 4. TRIP GENERATION AND DISTRIBUTION

Morning and afternoon trip generation rates for the different land uses were obtained from the COTO TMH17 Trip Rates Manual. There are no specific rates for farm stalls or small restaurants in the manual. The morning peak hour rates for retail centres and up-market restaurants yield realistic trip numbers for the morning peak hour, but afternoon figures are much higher than can be realistically expected for the Farm 464/1 facilities. The recommended afternoon peak hour rates for the farm store and restaurant were halved. Only 50% of trips to the farm store will be new to the road network; the other 50% will be pass-by and diverted trips. Similarly, there will also be bypass trips attracted to the restaurant in the afternoon peak hour. Because the peak hour on TR28 is at noon, midday trip generation figures were calculated as well. The trip generation potential of Farm 464/1 is summarised in *Table 1*.

*Table 1: Farm 464/1 trip generation potential*

Land use			Trip generation			Trips		
			Rate	% in	% out	Total	In	Out
	Floor area	Actual use	Morning peak hour					
Recreational homes		24 units	0,15	65%	35%	3,4	2,2	1,2
Farm store	300 m <sup>2</sup>	225 m <sup>2</sup> GLA	3,98	65%	35%	9,9	6,4	3,5
Restaurant	300 m <sup>2</sup>	225 m <sup>2</sup> GLA	0,75	70%	30%	1,9	1,3	0,6
Clubhouse	300 m <sup>2</sup>	20 seats	0,5	90%	10%	10,0	9,0	1,0
<b>Total trips</b>						<b>25</b>	<b>19</b>	<b>6</b>
<b>NEW TRIPS (excl residential)</b>						<b>22</b>	<b>17</b>	<b>5</b>

Land use			Midday						
Recreational homes		24 units	0,25	50%	50%	6,0	3,0	3,0	
Farm store (pass-by)	300 m <sup>2</sup>	225 m <sup>2</sup> GLA	5,64	65%	35%	4,2	2,8	1,5	
Farm store (new)						4,2	2,8	1,5	
Restaurant	300 m <sup>2</sup>	225 m <sup>2</sup> GLA	9,8	40%	60%	17,6	7,1	10,6	
Clubhouse	300 m <sup>2</sup>	20 seats	0,5	0,9	0,1	10,0	9,0	1,0	
						<b>Total trips</b>	<b>42</b>	<b>25</b>	<b>18</b>
						<b>NEW TRIPS (excl residential and bypass)</b>	<b>32</b>	<b>19</b>	<b>13</b>

Land use			Afternoon						
Recreational homes		24 units	0,25	40%	60%	6,0	2,4	3,6	
Farm store (pass-by)	300 m <sup>2</sup>	225 m <sup>2</sup>	5,64	65%	35%	7,0	4,6	2,5	
Farm store (new)						7,0	4,6	2,5	
Restaurant (pass-by)	300 m <sup>2</sup>	225 m <sup>2</sup>	11,8	60%	40%	20,4	12,2	8,1	
Restaurant (new)						9,1	5,5	3,7	
Meeting room	300 m <sup>2</sup>	20 seats	0			0,0	0,0	0,0	
						<b>Total trips</b>	<b>43</b>	<b>25</b>	<b>18</b>
						<b>NEW TRIPS (excl residential and bypass)</b>	<b>9</b>	<b>5</b>	<b>4</b>

It was assumed that 60% of the generated trips would be in the direction of Stanford (south) and 40% would in the direction of Hermanus (north). The trip distribution is shown in *Figure 3*

#### 5. TRAFFIC IMPACT

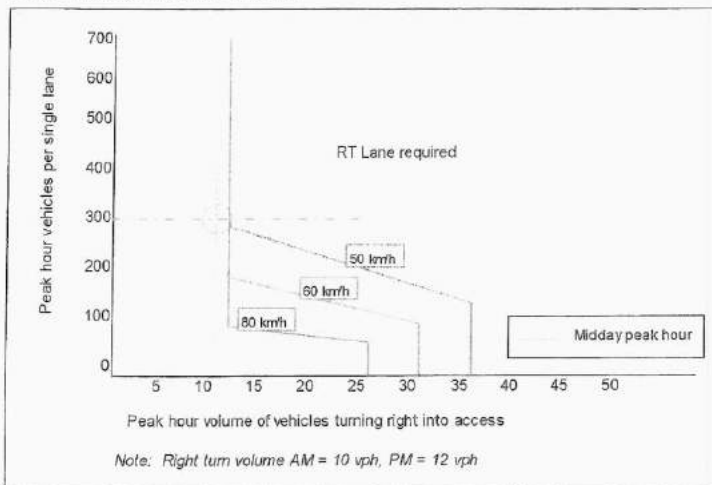
The residential component of the proposed development is already in place and it is expected that the commercial component will be completed by the end of 2020. The trips generated by the proposed development were added to the existing midday traffic volumes to obtain the total post-development traffic volumes. The access intersection and the TR28 / MR 267 intersection were analysed to determine the expected service levels. The analysis indicates that all movements will continue to operate at a level of service A (excellent) during the midday peak hour with the existing layout. The intersection will continue operate at a level of service A when it has been upgraded to a roundabout. All movements at the TR28 / Farm 464/1 access intersection also operate at a level of service A.

The proposed development will have a low impact on the surrounding road network. Please see attached *Figure 4* for expected total traffic volumes and levels of service for 2020.

#### 6. ACCESS CONFIGURATION, INTERNAL ROADS AND PARKING

The need for an exclusive right turn lane on TR28 were investigated based on the Western Cape Road Access Guidelines warrants. *Diagram 1* on the next page shows that right turn lane will not be required. Shoulder sight distance will be sufficient in both directions with the new TR28 design. All internal roads will be private gravel roads.

Diagram 1: Right turn lane warrants



The Provincial parking guidelines do not make provision for holiday homes, but there is sufficient space for two cars to be parked at each house and this will be sufficient. The parking requirement for the commercial component is four bays per 100m<sup>2</sup> GLA for the farm store, eight bays per 100m<sup>2</sup> for the restaurant and 1 bay per 6 seats for the meeting venue. This equates to a total requirement of 30 parking bays for the commercial component (see **Table 3**). The Site Development Plan shows that 42 bays will be provided at the commercial hub. The sizes of all parking bays should be in accordance with the South African Road Traffic Signs Manual.

Table 3: Parking requirements

Single residential	12	units	2	per unit	24	bays	
Farm store	225	m <sup>2</sup> GLA	4	per 100m <sup>2</sup>	9	bays	
Restaurant	225	m <sup>2</sup> GLA	8	per 100m <sup>2</sup>	18	bays	
Clubhouse	20	seats	0,17	per seat	3	bays	
<b>Commercial total</b>						<b>30</b>	<b>bays</b>

7. PUBLIC AND NON-MOTORISED TRANSPORT

The majority of trips generated by the proposed development will be private transport trips and only a small number of public transport trips will be generated by staff. The development is expected to generate little to none non-motorised trips because it is situated approximately 1,5 kilometres from the Stanford town centre.

No public or non-motorised transport infrastructure improvements will be required.

## 8. CONCLUSIONS

It can be concluded that the proposed development on Portion 1 of Farm 464 will have a low transport impact. Other conclusions drawn from the transport impact assessment may be summarised as follows:


- The development application is for the addition of a clubhouse, restaurant and farm store to the existing twelve residential plots on the property;
- The development will obtain access off Trunk Road 28 at Km 21,65, as per the EFG Engineers' plan for the upgrading of TR28;
- The peak hour on TR28 occurs over midday;
- The development will have the potential to generate a total of 42 trips (24 in, 18 out) during the midday peak hour. Of this, 32 trips will be new trips added to the road network;
- The TR28 / Main Road 267 intersection and the Farm 464/1 access intersection currently operate at excellent service levels and will continue to do so with the addition of Farm 464/1 traffic;
- No turning lanes will be required on TR28 at the Farm 464/1 access;
- Sufficient parking will be provided on site;
- No non-motorised or public transport improvements will be required.

## 9. RECOMMENDATIONS

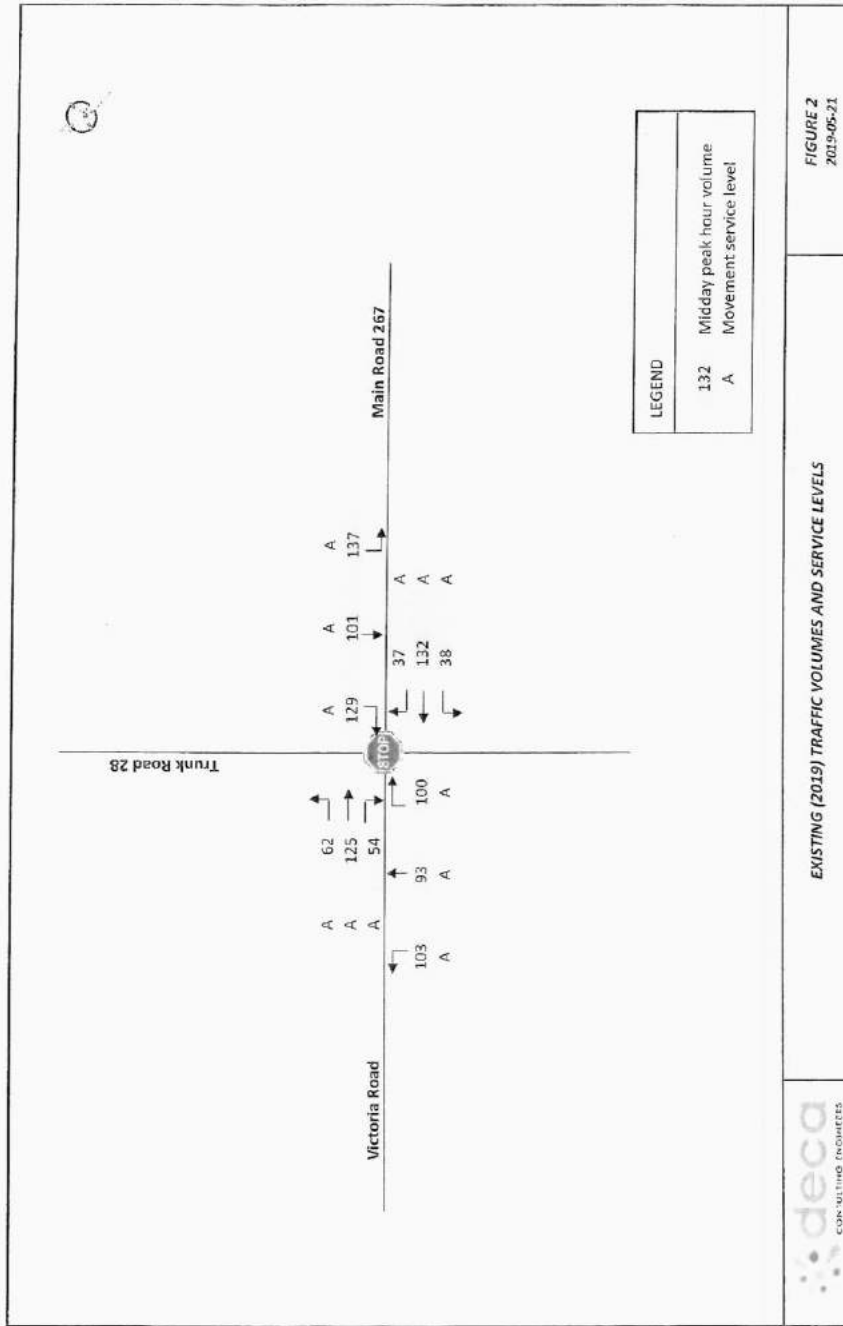
It is recommended that the development proposal for Farm 464/1 should be supported.

We trust that you will find this transport impact assessment in order. Please contact the undersigned should there be any queries.

Yours truly,

  
Liezl du Plooy (M.Eng Pr.Eng)  
Deca





EXISTING (2019) TRAFFIC VOLUMES AND SERVICE LEVELS

FIGURE 2  
2019-05-21

