

4.2**PORTION 164 OF THE FARM BAARDSCHEERDERS BOSCH NO. 213, DIVISION BREDASDORP, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : MESSRS PLANACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF JJ NEL AND AL RABIE**

**Ptn 164/213 GRBRE
SW van der Merwe
5 December 2021**

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application has been received on 16 August 2021 from Messrs PlanActive Town & Regional Planners on JJ Nel and AL Rabie, the owners of Portion 164 of the Farm Baardscheerders Bosch No. 213, Division Caledon for consent use in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for tourist facilities, intensive horticulture, agricultural industry, farm store, nursery and tourist accommodation.

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

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

The subject property is situated in Baardskeerdersbos 20km east of Gansbaai and 10km north north-east of Pearly Beach. The property is situated south of the main road and is currently vacant. The property is zoned for Agricultural Zone 1: Agriculture purposes and measures 3027m² in extent. The applicant is also the owner of the adjacent property, namely Portion 163 of the Farm Baardscheerders Bos No. 213.

Adjacent properties are also zoned for Agriculture Zone 1 purposes and accommodates various consent uses, (i.e. restaurants, shops, liquor store and tourist facilities) as well as small scale sheep and cattle farming. Farms in the surrounding area comprises mixed uses with agricultural use and also accommodate restaurants, wineries, wedding venues and tourism accommodation.

The owner's vision is to create a variety of small scale tourist and agri-industry related uses on the property (similar to Spice Route Paarl, albeit at a small scale) aimed at local and international tourists. The owner's intent is to create a development that is not directly in competition with existing established land uses, but something different that will promote tourism in the area. The proposal comprises small hives where products being provided by artisans (i.e. chocolatier, baker, charcutier, brewers, distillers, artist and craftsmen). The hives will be made available to the aforesaid for rent. The open spaces surrounding the buildings labelled A to F on the SDP will be of an agricultural nature and be beneficial to the proposed uses. The areas to be offered for rent will be small scale to fit in with the current character of the area. The total floor area of the development would be 610m² and constitutes coverage of 20% of the area of the property. The proposal to be read together with the proposed SDP (refer to Annexure C) comprises the following:

- ❖ A - Intensive horticulture ($\pm 60\text{m}^2$): proposed green house to be used for growing of plants, including micro greens and herbs on an intensive scale. Products would be available on site, used for making preserves etc and used in the restaurant or made available to restaurants in the area, making of aromatic soaps and oils, used for confectionary, etc.
- ❖ B & D - Tourist facilities / Agri Industry ($\pm 60\text{m}^2$ & $\pm 120\text{m}^2$): multi-use areas are situated south of the greenhouse (labelled A). These buildings will be used for one or a combination of restaurant, coffee shop, beanery, deli, art gallery, arts and crafts, micro-brewery / distillery, bakery and charcutier.
- ❖ C - Farm shop / store / tourist facilities (250m^2): the building will be used to make provision for sale of products sourced from the area, including products from the application property, whilst a section of the building will be used for a restaurant / venue where participants can take part in short bread making / beer brewing or cheese making courses.
- ❖ F - Tourist accommodation & tourist facilities (self-catering, $\pm 60\text{m}^2$): the proposal comprising either self-catering accommodation for up to 4 guests or use as a wellness spa if the need arise, but not both.
- ❖ Plan nursery: It is proposed to use the open area between Buildings A, B & D as a plant nursery where plants will be displayed for sale to the public.

The dwelling indicated on the SDP referenced as E will be utilised as a single family dwelling and does not form part of the application as per the above.

4. SUMMARY OF APPLICANT'S MOTIVATION

- ❖ The property is situated within the urban edge and earmarked for urban development purposes.
- ❖ The proposed development is in line with forward planning legislation.
- ❖ The proposed buildings will be designed to fit with the architectural style of the area in order to promote the heritage of the town.
- ❖ The proposal is in line with land use tendencies for Baardskeerdersbos and will not have an adverse impact thereon.
- ❖ The subject property is vacant and conveniently located adjacent the main road.
- ❖ There are not title deed conditions that restrict the proposed consent uses.
- ❖ Impact upon services are minimal and can be provided to the satisfaction of the municipality.
- ❖ Parking will be provided on-site in accordance with the provisions of the Overstrand Land Use Scheme, 2020.
- ❖ Tourism is the fastest growing land use within the Overstrand area.
- ❖ The proposed development aims to create a venue showcasing local arts, crafts, food beverages etc.
- ❖ The proposed development will add another facet to the industry and will be an asset to the town.
- ❖ The proposal will provide temporary (construction phase) and permanent employment) opportunities (operational phase for local residents).
- ❖ The proposal will not negatively impact surrounding land uses within the urban edge of Baardskeerdersbos or surrounding farms.
- ❖ The proposal is compatible with existing land uses of the area.
- ❖ The property is situated outside the demarcated heritage conservation areas (Heritage Survey Report).
- ❖ The property itself has no heritage significance but being located on the main road cognisance will be taken of the surrounding built form, building styles of the past and local heritage to be incorporated within the building designs to blend in and promote the character of Baardskeerdesbos.
- ❖ The proposal is consistent with the planning principles in terms of LUPA & SPLUMA.
- ❖ The proposal does not trigger NEMA.

- ❖ The proposal is consistent with the SDF and Baardskeerdersbos Precinct Plan.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Advertisement	Yes	10 September 2021	15 October 2021
Notices	Yes	13 September 2021	15 October 2021
Internal Departments	Yes	10 September 2021	15 October 2021
Ward councillor	Yes	10 September 2021	15 October 2021
Total comments	Three (3) letters of objection including a petition One (1) letter of support One (1) letter of comment		
Was public participation undertaken in accordance with Section 46 - 49 of the Proposed Draft By-Law on Municipal Land Use Planning?			Yes
Was the application processed correctly (if no, elaborate below):			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			Yes

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

Name	Date received	Summary of comments.
Eskom	14/09/2021	Annexure F.
Fire Services	22/09/2021	No objection, subject to compliance with the provision of SANS-A:2016, 10400-T:2020 and the By-Law relating to community fire safety.
Open Serve	23/09/2021	Annexure G.
Building Control	04/10/2021	No objection. The building plan application must comply with all applicable law.
Local Heritage	06/10/2021	No comment.
Environmental Section	15/10/2021	No implications on NEMA.
District Health	25/10/2021	Applicant to ensure that both buildings with all proposed facilities complies with health requirements and certification. Health Certificate and Certificate of Acceptability.
Department of Transport and Public Works	26/10/2021	Annexure H.
DEA&DP: <i>Development Management (Region 2)</i>	03/11/2021	Annexure I.

Department of Agriculture	15/11/2021	No objection.
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7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION.

Three objection letters were received, namely, a letter of objection from G Roberts, RB Hey as well as a petition with primary signature of RB Hey. A letter of support was received from S Hey and R Murzl as well as a letter of comment from the Baardsheerdersbos Homeowners Association.

The letters of objection, comment and support are attached as Annexure D. The applicants' response is attached as Annexure E.

The main grounds of objection are summarised as follows:

Baardskeerdersbos Homeowners Association (HOA)

Point of comment

The HOA support development that complies with the Spatial Development Framework (SDF) and Overlay Zones regulations. The HOA recommends the parking area to be separated from the main road by a green corridor of trees and shrubs in order to retain the rural feel.

Response from applicant

The proposed consent uses adhere to the spatial planning policies for the area and consequently falls within the existing planning for the area and can be supported. The subject farm portion has a gentle slope, and it is suitable to accommodate the proposed parking bays. A green corridor has already been established between the road surface and the property boundary by means of a row of trees that were planted.

Response from town planner

With the upgrade of the main road landscaping had been provided within the road reserve between the sidewalk and boundaries of properties being situated south of the main road. The proposed parking is therefore not considered to detract from the rural character of the area.

Point of comment

The HOA recommend that the applicant apply water saving principles and introduce grey water recycling for garden use, whilst refuse handling should take place within municipal regulations.

Response from applicant

The owners will introduce water saving measures such as the recycling of greywater for gardening purposes. Rainwater harvesting tanks will also be used to harvest water from the roofs of the proposed structures. The rainwater will be used to flush toilets and urinals. Only blackwater will flow to strategically placed conservancy tanks that will be located on the lower portion of the subject property, that will be accessible to the municipal tanker truck.

Response from town planner

The applicant's comment is noted.

RB Hey, owner of Portion 113 of Farm 213 and petition with primary signatory of RB HeyPoint of objection

The objector refers to incorrect statements in the application that classifies Baardskeerdersbos as a "town" (Paragraph 1 Background and 3.1 Property Description). The objector is of the view that Baardskeerdersbos is not a "town" but a 'hamlet'. To the best of my knowledge there are approximately 200 properties in total and fewer than 100 with dwellings. Less than half of these are permanently occupied.

Response from applicant

We have come across the following definitions of a hamlet:

- *A hamlet is considered to be smaller than a village and distinctly without a church or other place of worship (e.g. one road or a crossroads, with houses either side).*
- *A small settlement, generally one smaller than a village.*
- *A hamlet is a small human settlement. In different jurisdictions and geographies, a hamlet may be the size of a town, village, or parish.*

Since the formalisation of the township of Baardskeerdersbos we are comfortable to refer to Baardskeerdersbos as a town. The classification of Baardskeerdersbos as a hamlet or town has no bearing on the application.

Response from town planner

The opinion is held that the classification has no bearing on the consideration of the application.

Point of objection

The objector is of the view that the property is not a farm due to its size only measuring 3039m². Reference to a farm is therefore deceptive in that activities cited mostly takes place outside the hamlet. The application property is situated within the urban edge of the hamlet and cannot be described as a farm, whilst the SDF designates Portion 164 of Farm 213 as residential. Similarity with other developments (Paragraph 3.4 Proposed Development). The application makes an incorrect statement that the proposal is similar to the Spice Route tourist attraction near Paarl. However, it must be noted that this complex is actually situated on a farm estate, whilst this proposal is to rezone a small plot within a residential area.

Response from applicant

The reasons why we refer to the subject property as a farm portion is because it has an Agricultural Zone I zoning and is also referred to as Portion 164 of the Farm Baardscheerders Bosch No. 213 on the subject diagram and in the title deed. Referring to the proposal as being similar to the Spice Route is not because of the location thereof but because of the multiple uses that we propose that is similar to the land uses found at the Spice Route and the concept thereof.

Response from town planner

The applicant's comment is noted and agreed with.

Point of objection

The objector is of the view that the proposal deviates from the Baardskeerdersbos Precinct Plan, 2015 that promotes appropriate scaled tourism and development that retain the unique form of the hamlet as a residential area. The objector is of the view that scaled tourism implies a low-keyed approach.

Response from applicant

The proposal is in line with the Baardskeerdersbos Precinct Plan, 2015. The precinct plan encourages and promotes appropriately scaled tourism development based on regional agricultural and heritage value and rural cottage industries. It is further proposed that the unique village / rural character and the quality of the tourism experience be maintained and protected. The vision from an economical point of view is to become a rural centre of crafts and tourism. Tourism and related cottage industries are also promoted alongside main road to which the subject property abuts.

In terms of the Baardskeerdersbos Precinct Plan, January 2015, the following appropriate land uses are proposed for the area that includes Portion 164 of the Farm Baardscheerdersbosch No.213:

- commercial use should be encouraged along Main Road;
- restaurants and guesthouses are allowed adjacent to the Main Road;
- cottage industry and light industrial uses of non-pollutant nature and home occupation could be allowed;
- art, craft and pottery are encouraged;
- cultural activities and festivals related to food, art and performance is encouraged;
- a wide variety of crop production is encouraged and includes orchards and horticulture.

Response from town planner

The applicant's comment is noted and agreed with.

Point of objection

Baardskeerdersbos now have a minimum subdivision of 4000m² so as to prevent densification of the sites. The objector is of the view that the development is too dense. The comparison to Dassiesfontein on the N2 being a large venue on farmland adjacent the N2 which is a notional road is not relevant in a small hamlet with a provincial road.

Response from applicant

The subject property is 3 039m² in extent. The combination of all buildings constitutes ±610m² that is ±20% of the total area of the site that constitutes a low density type of development. The proposed coverage of the site compares well with other developed farm portions in the area.

The parking area will not be paved or tarred. Permeable material or grass blocks will be used for the construction of the parking area in order to create stability and allow

grass to grow. Subsequently the rural area will be kept intact, and the parking area will not be perceived as a solid surface.

We have listed a number of land use possibilities that could be accommodated onsite to create a multi-use tourist facility. The development could accommodate a combination of the proposed uses and at this stage the combinations are flexible. The proposed tourist facility creates a platform from where local artisans, artists, etc. could sell their products and produce from. The fact of the matter is that the coverage of the site and the proposed buildings are fixed. The uses will be managed by the owners to ensure that a good mix is represented to benefit the proposed developed. The combination of uses of these building will be determined by the interested entrepreneurs making use of this platform.

The comparison to Dassiesfontein was made because of the use and rural atmosphere, not the location or size thereof.

Response from town planner

The applicant's comment is noted and agreed with.

Point of objection

The building line departure request is contrary to recommendations of the Precinct Plan of 2015 which is to encourage buildings to be built up to the street building line in order to create a positive street scene. Also parking areas should be at the back of buildings. (See 7.1.3.6 and 8 Implementation Plan Strategy and Activities 3 Enhance Tourism 3.1 and page 29 Illustration Baardskeerdersbos Design Framework and Proposals).

Response from applicant

The application for the relaxation of the street building line is to bring the land use restrictions in terms of the title deed in line with Zoning Scheme Regulations. The site development plan was designed to create a view corridor from the street by means of placing the parking area close to the entrance, a centred walkway through an agricultural garden and nursery flanked by smaller buildings before reaching the farm store / farm shop / restaurant / multi-use area being the focal point. With the existing trees planted alongside the main road, the "green" parking area, agricultural uses, and the proposed placement of the buildings will create a positive street scene and will suit the character of Baardskeerdersbos.

The proposed development will cater for all ages and therefore it was decided to create the majority of parking at the entrance making it a much safer environment for pedestrians and especially children.

Response from town planner

The title deed imposes a 95m building line restriction imposed by the Roads Authority in terms of Act 21 of 1940. The said authority provided written consent for the relaxation of the building line which is considered in accordance with the Land Use Scheme and Baardskeerdersbos Precinct Plan.

Point of objection

The proposal will increase the impact upon municipal services (water, refuse, stormwater and sewerage). There are currently no sewer treatment facilities and this

development will exacerbate the problem. The applicant would need to spell out in detail how they propose to manage not only their own personal sewage, but that of guests and tourists, without polluting the river. Current municipal regulations require a sewerage pump out point from a conservancy tank next to the road. This will be impossible with the slope of the site and residences at the bottom of the plot. Also, there is no proper storm water system and run off from the extensive paved areas will flow to the river and increase pollution.

Response from applicant

There will be an additional load on the municipal services, but the owners will implement water saving measures and will also recycle greywater. Sewage will be disposed of by means of conservancy tanks that will be strategically placed and supplied with a suction point that will be easily accessible to the municipal service tanker to empty the tanks. It is also proposed that only blackwater would flow to the septic tanks and that the greywater be utilised for irrigation purposes.

The blackwater will be disposed of at the closest sewage treatment works. If tanker services are limited, the owner will make use of private companies to transport the blackwater to the approved sewage treatment works. Making use of conservancy tanks limits pollution and therefore the development will not pose a threat to the lower lying Boesmans River.

The subject property is located adjacent to Division Road 1205. Subsequently the sewage tanker may not park on the side of the road to connect to the sewage section point. Due to the slope of the property the conservancy tanks will be constructed on the lower southern portion of the site behind the proposed Building C. The conservancy tanks will be fitted with suction point that will be accessible to the tanker. Adequate access will be provided for the tanker to access the conservancy tanks. Sufficient space will also be provided onsite for the tanker to turn around and exit the site safely.

Response from town planner

The proposal is supported by the Engineering Services Department who did not object on the basis of capacity constraints, subject to compliance with approval conditions, which amongst others entails payment of a bulk services levy.

Point of objection

The objector is of the view that the proposed development will detrimentally affect micro-businesses in the hamlet having had regard to the impact of presumably Covid 19 on other business in the area that either had to close or turn to alternatives to stay afloat.

Response from applicant

Baardskeerdersbos has become a quaint little tourist destination for both local and international tourists. People frequently visit Baardskeerdersbos especially over weekends, even if it is just to enjoy a meal at one of the restaurants. It is the goal of the owners of Portion 164 of the Farm Baardscheerders Bosch No. 213 to make provision for a venue with a difference in the area, to attract more tourists and day visitors to the town of Baardskeerdersbos by means of creating a venue from where local arts, crafts, food, beverages etc. can be showcased and enjoyed. More visitors to Baardskeerdersbos will have much more positive spinoffs from which the micro

businesses will benefit from. The micro business would rather be stimulated, than having a negative impact on them.

Response from town planner

The applicant's comment is noted. In addition, thereto business competition is not a material planning consideration since the responsibility lies with the property owner to their research regarding the viability of the proposed enterprise.

Point of objection

With respect to the establishment of a nursery, there are already a number of good nurseries in the area (Grootbos, Platbos, Eikenhoff, Napier, Groeneweide etc.). Is another nursery necessary?

Response from applicant

If cognisance is taken of the scale of the proposed multi uses it is clear that the establishment of a small nursery will not have an impact on nurseries established elsewhere. The proposed nursery brings another complementing aspect to the proposed development and can be supported.

Response from town planner

The applicant's comment is noted and agreed with.

Point of objection

The development will not necessarily offer employment for local residents. Staff is likely to be brought in from outside the hamlet. As it is, there is a pub / restaurant / shop which brings in staff from Gansbaai. With respect to construction work, the two building projects currently on the go in the hamlet area totally manned by workers from outside Baardskeerdersbos.

Response from applicant

If suitable employees are locally available, they will surely be given a fair opportunity to apply for work. The same would apply for contractors, skilled and unskilled workers. The best candidate for a specific job will be employed.

Response from town planner

The applicant's response is noted and agreed with. Fact of the matter is that the proposal will provide employment opportunities that is currently not available.

Point of objection

Impact on the Biophysical Environment (Paragraph 3.9.2). I agree that the property is not situated in a demarcated wetland area. However, the slope of the site is such that site storm water runs directly into a wetland area and river. The proposal will thus have a negative effect on the environment.

Response from applicant

The subject property has a gentle slope from the road towards the Boesmans River and can be developed. Water drainage will take place in a natural manner as

described under paragraph 8 above. The proposed development will not have a negative impact on the environment.

Response from town planner

The objector failed to demonstrate how stormwater runoff will have a negative impact on the wetland. Should the recommendation be accepted the matter of stormwater runoff will be dealt with in terms of the approval conditions.

Point of objection

It can be argued that the applicant is not fully compliant with Municipal Guidelines and Regulations, the Western Cape Government Land Use Planning Act of 2014(LUPA) and / or the National Spatial Planning and Land Use Management Act of 2013(SPLUMA). Setting a precedent for other commercial property owners in the main street. Approval of this development could set a precedent for similar high-density developments along the main road.

Response from applicant

The application is in line with the forward planning guidelines referred to in our motivation report. There are several businesses already developed in the Main Road of Baardskeerdersbos. Subsequently this application will not create a precedent and it is definitely not a high-density development.

Response from town planner

The objector did not provide any reasoning for the statement that the development is not compliant with municipal guidelines and regulations, LUPA and SPLUMA. The objection can therefore not be evaluated.

Glen Roberts on behalf of Travelling Tortoise (Pty) Ltd

Travelling Tortoise is involved in tourism marketing in Baardskeerdersbos and thus has an interest in the products and experience offered. Our interest thus lies in providing an authentic offer without deducting from the very essence of what Baardskeerdersbos is and thus the very reason people want to visit Baardskeerdersbos. It is important to understand that Baardskeerdersbos is not a town but a rural settlement which developed and grew organically until approximately the year 2000 when it was finally subdivided and provided the opportunity for non-descendants of the original owners, to own property. As such Baardskeerdersbos has a very unique character, and it is this character which attracts visitors. Any development should thus honour this intricate balance between economic development and conserving the essence of Baardskeerdersbos.

The application states that the character of the area will not be changed or affected negatively. Character is not a tangible issue and lies in the values of the community. The report does indicate that Baardskeerdersbos is a quiet town, however it is my view that the development proposal holds the potential to increase the activity levels and thus reduce the serene environment. It is thus my view that the development will change and negatively affect the character of Baardskeerdersbos.

Response from applicant

From a density and proposed land use point of view we have taken the existing character of Baardskeerdersbos into account and is the proposal compatible therewith.

More visitors will only have a positive impact on Baardskeerdersbos and residents will be in a position to uplift themselves. Visitors will also support the other local businesses that are established in Baardskeerdersbos. With the proposed scale of the development the rural character will be retained.

The intention of marketing the town (as per the objector's own admission) has in effect the result that more tourists are enticed to visit Baardscheerdersbos and in order to provide in the needs of the greater number of tourists drawn, more activities should be made available.

Response from town planner

Having had regard to the point of objection, the opinion is held that the objector's business will rather benefit from the proposed development and not negatively impacted upon.

The proposal is in accordance with the provisions of the scheme regulations, SDF and Baardskeerdersbos Precinct Plan. The aforesaid strategic policy documents had been developed with public input, including the Baardskeerdersbos Bos Precinct Plan. The proposal is fully compliant with the aforesaid documents, and it is not clear how or which aspects of the development is not in accordance therewith.

Point of objection

The conglomerate of buildings does not follow the settlement pattern of Baardskeerdersbos and thus change the character of the settlement. It is suggested that a visual assessment be done with specific reference to the cultural landscape aspects.

Response from applicant

The proposed buildings in total calculate to approximate 610m² that constitutes $\pm 20\%$ of the site. The sizes and number of the buildings proposed on Portion 164 of the Farm Baardscheerders Bosch No. 213 are similar to buildings already established in Baardskeerdersbos and are definitely not out of character. A visual assessment is not justified. Please refer to the photographs below:



Response from town planner

The objector did not provide any reasoning of the point of objection that the development would be out of keeping with the character / settlement pattern. Accordingly, the applicant's comment is noted and agreed with. In addition, the application being situated within the Heritage Protection Overlay Zone (HPOZ) was referred to the Overstrand Heritage and Aesthetics Committee (OHAC). OHAC did not raise any objections to the proposed development.

Point of objection

On visiting the Gansbaai Library, the documentation was not available as stated in the advertisement. I had to request the documentation which was then send by email. It is therefore suggested that the application be advertised for a further 30 days to comply with the procedures. It is furthermore suggested that applications related to Baardskeerdersbos, be available at a venue in Baardskeerdersbos. There are a number of businesses where documentation can be made available as such applications would in the majority cases be of interest for the local community.

Response from applicant

The required documentation was sent to the Municipal Offices in Gansbaai by the Planning Department on the 10 September 2021 to be accessible to the general public in the municipal library. The notice and the associated information were available on the Overstrand Municipality's website and if requested, the notice could also have been e-mailed. It is therefore our opinion that the information as advertised was available to the general public during the public participation process and that no further advertising is required.

Response from town planner

It is true that the objector on visiting the Gansbaai Library could not immediately access the information in the absence of the Library Manager. Furthermore, proof is on record that upon return to the library the manager forwarded the application information electronically to the objector. As such, the public participation requirements had been fully complied with and there is no need for new or additional round of public participation.

Point of objection

Water use: the proposal includes a number of industrial and processing activities which are all water intensive. No detail is provided on the estimated water use. It is requested that an indication of water use be determined, and the municipal water department indicate whether this water use is within the capacity of the current supply as well as taking into account if all existing vacant properties are developed within their existing land use rights.

Response from applicant

Taking the scale of the proposed development into consideration it is clear that any processing will be of a micro scale and that can definitely not be classified as being water intensive uses. The owners will put recycle measures in place as previously mentioned and rainwater harvesting tanks will also be introduced to reduce the load on the provision of water.

Response from town planner

The municipal Engineering Services Department reviewed the application and did not raise any objection on the basis of capacity. Furthermore, having had regard to the motivation report and the applicant's response the proposal will not have a significant impact from a water use point of view.

Point of objection

Wastewater: this aspect should be considered in relation to water use as well with regard to the volume of wastewater to be produced. The proposal indicates that grey and black water will be separated, and that grey water will be used for irrigation purposes. The proposal should include details on what methods will be used to re-use grey water specifically with reference to the potential pollutions of run-off and ground water and the potential pollution of the Boesmansrivier. To this extend the comment of the Department of Water Affairs should also be obtained. The proposal should include information on the types of wastewater to be generated from the various activities e.g. micro-brewery, soap making etc.

Response from applicant

The proposal will put an additional load on municipal services, but the owners will implement water saving measures (i.e. rainwater harvesting and greywater recycling). Sewage will be collected in conservancy tanks and transported to the municipal sewage works for disposal, thereby preventing pollution of the Boesmans River.

Response from town planner

The proposal is supported by the Engineering Services Department who subject to compliance with conditions of approval did not object on the basis of services impact or capacity constraints. Furthermore, the applicant will be required to submit full details of the proposed greywater recycling system prior to commencement of the development thereby ensuring that the proposed greywater system complies with the relevant requirements.

Point of objection

The proposal is very vague and refer to multi-use buildings without being specific. Reference is for example made to the self-catering accommodation which may be used for a spa. It is not possible to determine whether the floor areas comply with the scheme regulations as more than one building can be used for the same use, exceeding the limits.

Response from applicant

The sizes and proposed uses of each of the buildings have been clearly indicated on the site plan. The number of the parking bays have also been calculated to provide for the worst-case scenario with reference to the proposed self-catering unit that could also be utilized as a spa that is 60m² in extent. The uses, proposed on the SDP, have been tabled on the SDP as follows:

Lable	Proposed Land Use	Size	Parking Bays required	Parking Bays Required	Parking Bays Provided
A	Intensive Horticulture	60m ²		0	0
B	Multi Use Area	60m ²	4 Parking Bays / 100m ² GLA.	2.4	3
C	Farm Store / Farm Shop	250m	4 Parking Bays / 100m ² GLA.	10	11
D	Multi Use Area	120m ²	4 Parking Bays / 100m ² GLA.	4.8	5
E	Dwelling	60m ²	2 Parking Bays / dwelling.	2	2
F	Self Catering Unit / Spa	60m ²	2 Parking bays for selfcatering or 4 parking bays per 100m ² GLA.	2.4	3
TOTAL				21.6	24

Response from town planner

With reference to the use of the proposed self-catering unit / spa of 60m² the applicant's motivation clearly stipulates that it will be used as either a self-catering unit or a spa and not both. The applicant will be required to submit a detailed SDP indicating natural, scale and extent of the various land uses, including compliance with the applicable parking standards.

Point of objection

The application mention that units will be rented individually. This implicate that the development will not be operated as an owner business. A special consent is granted to an owner with the intention that such owner remains responsible to comply with the conditions of approval. With different tenants this control becomes difficult when conditions are not complied with.

Response from applicant

The whole concept of the proposed development is to create a platform from where entrepreneurs could make, sell and showcase their work. The uses could be a combination of any of the following examples:

- Restaurant
- Coffee Beanery
- Micro-Brewery
- Micro Distillery
- Bakery
- Art Gallery
- Arts & Crafts
- Farm Store

The proper management of the rentals is essential in order to ensure that there are no duplications, that the uses are beneficial to the development and that they are in line with the vision of the proposal. The tenants will have to comply with the contractual agreements that will be enforced to ensure control. The management of the site will be strict in order to create a harmoniously designed multi use tourist facility that will be beneficial to the tenants.

Response from town planner

The applicant's comment is noted and agreed with.

Point of objection

The development proposals indicate that the property will not be utilized primarily in terms of its primary land use rights, and this implies that the character of the area will be changed permanently. It is mentioned that the buildings will be in line with the historical context and that this will be dealt with on building plan stage. It is important that the community who holds the historical value, be involved at an early stage and should the concept design proposals not be included at this stage, the community will have little if any input at building plan stage. It is thus suggested that the applicant already provide guidelines of the type of buildings and that a condition be imposed, should the application be approved, that the building plans be referred for comment by the broader community and the Baardskeerdersbos Homeowners Association.

Response from applicant

With reference to the strong history and sense of place of the older established areas of Baardskeerdersbos the owners will design the proposed buildings to fit in with the architectural style of the area in order to promote the heritage of the town and to be compatible therewith. Building plans will be submitted to be evaluated by the Overstrand Municipality prior to any development taking place, but after an approval has been obtained, as per this application at hand.

Response from town planner

The applicant's response is noted. Building plans upon receipt thereof, will be referred to OHAC for comment due to the location of the property within the HPOZ.

Point of objection

If the street building line is a condition of title, an application for removal of title condition should also be lodged.

Response from applicant

The title deed contains restrictions with reference to a street building line and access was imposed in terms of Act 21 of 1940. In terms of the restrictions, it is possible to apply for the relaxation thereof. Approval for these restrictions is required from the District Road Engineer and does not require the removal of this restrictive Title Deed condition.

Response from town planner

The title deed contains a condition in favour of the Roads Authority stipulating the new buildings or structures may not be erected within 95m from the centre line of the road without consent of the road authority. This proviso also applies to new accesses. Therefore, a consent is required and not a removal of restrictive title condition application.

Point of objection

The ground level difference from road level to the bottom boundary is approximately 10m. The road is significantly higher than the proposed parking area. Design concepts

should be included to indicate how this will be dealt with and whether retaining walls will be built.

Response from applicant

The applicant did not address this point of objection.

Response from town planner

According to the GIS the fall of the property is in the region of 5m and not as severe as per the objector's comment. The applicant will be required to submit a detailed SDP for prior approval, whilst approval of building plans will be subject to submission to OHAC for comment due to the location of the property within the HPOZ.

Point of objection

Stormwater: no mention is made of stormwater management. Stormwater is already problematic especially for properties below the main road. With the added hard surfaces and roofs, the run-off will be increased significantly. Areas such as parking and land uses such as intensive horticulture create contaminated run-off. This may result in the pollution of the Boesmansrivier. The proposal should include measures how the run-off from these surfaces will be contained and filtered before disposed of downward as to prevent pollution to adjoin properties and eventually the Boesmansrivier. The proposal should also include measure to prevent any erosion due to stormwater discharge.

Response from applicant

The proposed coverage of the site is $\pm 20\%$ and the parking area will not be paved or tarred. Permeable material or grass blocks will be used to stabilize the parking area. Rainwater tanks will also be strategically placed next to the proposed buildings to harvest water. Due to the proposed method of surfacing of the parking area, the minimal coverage of only 20% and the fact that water harvesting tanks will also be utilized, stormwater can be disposed of naturally throughout the site and drain naturally.

Response from town planner

The management of stormwater is incorporated within the engineering conditions in that the applicant will have to compile a stormwater management plan. As such, the opinion is held that this matter has been dealt with satisfactorily.

Point of objection

Refuse removal: the proposal mentions that refuse will be removed by the municipality and by the owner. Note that refuse is only removed once a week in Baardskeerdersbos. This is not sufficient for a business of this size. The proposal should include a waste management plan specifying the different waste streams and how each will be dealt with. The design should include a waste holding facility for the once a week removal and how the weekly refuse will be collected. Placing a large number of refuse bags on the pavement is unacceptable.

Response from applicant

It is proposed that the solid waste be collected by the Overstrand Municipality and disposed of at the Gansbaai solid waste transfer station or the closest municipal landfill site. If this is not a possibility the solid waste will be privately transported to the Gansbaai solid waste transfer station on a regular basis. If it is required that the refuse

be disposed of more frequently the owner will transport the refuse privately to an approved landfill site or refuse transfer station.

Response from town planner

The Operational Services Department indicated that solid waste removal will take place as per the municipal schedule for Baardskeerdersbos. In accordance with the Land Use Scheme a solid waste removal shall be indicated on the building plan. This aspect will be assessed with the building plan submission.

Point of objection

Currently there is no or few suitably skilled workers available in Baardskeerdersbos. Labour will thus be sourced from outside Baardskeerdersbos. The proposal thus does not create jobs where there is a job shortage but rather create a housing need for labourers from outside. This will also contribute to the cumulative impact of the proposal.

Response from applicant

If suitable employees are locally available, they will surely be given a fair opportunity to apply for work. The same would apply for contractors, skilled and unskilled workers. The best candidate for a specific job will be employed. A development such as this does not require skilled labour only but would also include unskilled labour. Unskilled employees can learn skills during their term of employment.

Response from town planner

The applicant's response is noted and agreed with. Fact of the matter is that the proposal will provide employment opportunities that is currently not available. The point of objection that the proposal will create a housing need for labourers from outside Baardskeerdersbos, thereby contributing to the cumulative impact of the proposal is speculative and not supported.

Point of objection

The report states that the proposal does not intend to be in competition with other business. Note that all the uses mentioned in the application, already exist in Baardskeerdersbos, or approval has been granted for such uses. The development thus proposes uses already present and would thus be in competition with existing business. There is for example already four restaurants and art gallery. etc.

Response from applicant

In terms of good planning practice, competition cannot be used as a reason for objecting. There are no developments presently in existence such as the one proposed in Baardskeerdersbos. Even though another restaurant is proposed, each restaurant offers a different menu with their own unique way of preparing and presenting their food to patrons. Each restaurant also has its own atmosphere. It is a common phenomenon that where popular restaurants are fully booked that the overflow of patrons supports other restaurants in the area. Subsequently everyone benefits from one another as long as they attract patrons / visitors to the area.

Response from town planner

The applicant's comment is noted and agreed with.

Point of objection

It is my view that the application does not provide sufficient information for Council to make an informed decision and that the above be requested and once provided, presented to the Baardskeerdersbos community for further input. The comments from other relevant state departments should also be presented to the community at the next round of public participation. Confirmation should also be provided by the Department of Environmental Affairs and Development that an environmental assessment is not required for the various uses and wastewater use.

Response from applicant

We have not received any comments from the various departments that were informed, other than the Department of Transport and the Department of Environmental Affairs and Development Planning (DEA&DP). The Department of Transport supports the proposed access and building line.

As mentioned in our motivation report, the proposed consent uses do not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998). The application constitutes the development of a small farm portion located within the urban edge of Baardskeerdersbos, not situated within demarcated wetland areas or Environmental Management Overlay Zones. Subsequently the proposal is also supported by the Department of Environmental Affairs and Development Planning.

In terms of the Municipal By-Law the application has gone through a public participation process and does not require any further processes in this regard.

Response from town planner

Confirmation had been received from DEA&DP that the proposal does not trigger listed activities. Public participation had been conducted affording interested and affected parties opportunity to comment. As such, there is no need for further public participation.

A letter of support was submitted signed by S Hey and R Murzl as the proposed development will benefit the community from an economic point of view, particularly more impoverished members by providing employment opportunities whilst not posing a great threat to the environment.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

N/A

9. MUNICIPAL ASSESSMENT OF COMMENTS (Town Planner's comment on objections/and response thereon)

N/A

Internal Departments

No objections.

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

10.1 Background

N/A

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

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

Spatial Justice

The proposal will not further perpetuate past spatial injustices. The proposed development promote access to employment opportunities and promote tourism and economic development.

Spatial sustainability

The proposed development will not have a negative impact on conservation worthy areas or the rural character of the area.

Efficiency

The proposed development is easily accessible and conveniently located alongside Main Road, Baardskeerdersbos in close proximity of many tourists attraction and will ensure optimal use of the property.

Spatial Resilience

The proposed development complies with the applicable forward planning and policy documents that adheres to the principle of spatial sustainability.

Good administration

Good procedure was followed and with a good public participation process.

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

Same as Point 10.2 above.

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

The application property is situated within the urban edge of Baardskeerdersbos and is earmarked for urban development. The Baardskeerdersbos Precinct Plan, 2015 promotes and encourage appropriately scaled tourism based on regional agricultural and heritage value and rural cottage industries, subject to the unique village / rural character and quality of the tourism experience being maintained and protected. Tourism and related cottage industries are promoted alongside Main Road to which the subject property abuts.

The proposed development is consistent with the SDF, 2020 and Baardskeerdersbos Precinct Plan, 2015. The latter with refence to properties alongside Main Road specifically promotes the following:

- Commercial use
- Restaurants and guest houses

- Cottage industry and light industrial uses of on pollutant nature, including home occupation
- Art, craft and pottery are encouraged
- Cultural activities and festivals related to food, art and performance is encouraged
- A variety of crop production is encouraged and includes orchards and horticulture

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

N/A

10.6 Impact on Municipal engineering services

The proposal is supported by the Municipal Engineering Services Department who did not raise any objections on the basis of availability and capacity of services, subject to compliance with approval conditions, including payment of a bulk service development contribution.

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

The application does not trigger the provisions of NEMA. The proposed development further does not trigger the provisions of the National Heritage Resources Act.

10.8 Existing and proposed zoning comparisons and considerations

The application for consent use is in line with the Overstrand Land Use Scheme, 2020. The application property is situated within the Heritage Protection Overlay Zone promulgated in terms of the Overstrand Municipal Land Use Planning Amendment By-law, 2020.

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

N/A

12. THE DESIRABILITY OF THE PROPOSAL

The property is situated within the urban edge of Baardskeedersbos as per the SDF (2020) and the Baardskeedersbos Precinct Plan, 2015, which promotes appropriately scaled tourism development based on the agricultural and heritage value of the region.

The proposed development comprises a mixed-use development of intensive horticulture, tourist facilities, agricultural industry, farm store nursery and tourism accommodation (self-catering). The floorspace of the proposed development comprises 610m² (i.e. 20% coverage).

The proposal is fully consistent with the SDF as well as the Baardskeedersbos Precinct Plan that promotes business mixed with residential uses and tourism along Divisional Road 1205 are as follows:

- Commercial use
- Restaurants and guest houses / tourism accommodation
- Cottage and light industry of non-pollutant nature

- Home occupation
- Arts and crafts and pottery
- Cultural activities and festivals related to food, art, performance
- Variety of crop production, including orchards

The proposed mixed-use development comprises residential, commercial and tourist related land uses at a scale that is not considered to detract from the rural character of Baardskeerdersbos. The applicant proposes to create a venue from where local arts, crafts, food beverages ect. can be showcased to tourist / visitors and residents of the village. The proposal will also incorporate small scale agricultural and agricultural industry activities, tourist facilities, tourist accommodation, plant nursery.

The scale of the proposed development is considered compatible with the character of the surrounding area, with a proposed site coverage of 20%. The applicant under the applicable primary rights is permitted to construct a dwelling and associated outbuildings with a total footprint of 1520m² that equates to a coverage of 50%. Thus the opinion is held that the proposal is not out of keeping with the rural character of the surrounding area.

The property owner proposes to construct a dwelling on the property that is included in the above figure. The property owner also acquired the adjoining Portion 163 and obtained building plan approval to construct a primary dwelling. This will also serve to ensure that the nature and scale of the proposed mixed land uses will not detract from the character of the area or vested rights of adjoining property owners.

The property is situated within the Heritage Protection Overlay Zone promulgated in terms of the Overstrand Municipal Land Use Planning Amendment By-law, 2020 and was referred to the Overstrand Heritage & Aesthetics Committee for comment who did not raise any objection to the proposed development. The applicant will however be required to submit a detailed SDP which will be referred to OHAC for comment. Prior to commencement of development building plans will also be referred to OHAC for comment, thereby ensuring that the proposal does not detract from the rural character and heritage quality of Baardskeerdersbos.

Municipal services, save for electricity are available. No objection is raised by the municipal Engineering Services Department on the basis of availability and capacity of services, subject to conditions of approval and the payment of a bulk development contribution levy.

Eskom did not object to the proposed development, whilst the other relevant government departments including Department of Agricultural fully supports the proposal.

Waste Management indicated that the proposed SDP did not indicate a refuge storage facility. The aforesaid is controlled in terms of the Land Use Scheme parameters. The applicant will be required to indicate the relevant area on the final SDP, prior to building plan approval.

There are not title deed conditions that restricts the proposed development.

The proposal does not trigger the provisions of NEMA or Section 38 of the National Heritage Resources Act.

None of the direct adjoining property owners objected to the proposed development.

Access will be obtained from a single 6m entrance / exit. The Department of Transport provided consent for the relaxation of the 95m building line and the new access as per the proposed SDP.

Considering the above, the application is considered to be of a scale that is in line with the rural, tourist / agricultural character of the area, will not adversely impact upon biodiversity or eco system functioning, vested rights of adjoining properties whilst promoting tourism and economic development and therefore considered desirable.

13. RECOMMENDATION

1. that the objections / comments be noted;
2. that the application in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) on Portion 164 of the Farm Baardskeerdersbos No. 213, Division Bredasdorp for consent use for tourist facilities, intensive horticulture, agricultural industry, farm store, nursery and tourism accommodation (self-catering unit), **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that a detailed Site Development Plan (SDP) in accordance with the provisions of the Scheme Regulations be submitted for approval by the Authorized Official, prior to the submission of building plans;
 - (b) that on-site parking be provided in accordance with the SDP as per paragraph (a) above;
 - (c) that the building plans be submitted to the Building Control Department prior to commencement of the development;
 - (d) that the use of the building indicated as F on the SDP be limited to either a self-catering unit or a spa;
 - (e) that details of the proposed grey water system be submitted for municipal approval and that any conditions or requirements regarding the maintenance and operation thereof be adhered to;
 - (f) that all the conditions in the Services Report (attached as Annexure J), be complied with;
 - (g) that all the conditions of Eskom, Open Serve and Department of Transport and Public Works (attached as Annexures F-H), be complied with;
 - (h) that commercial rates and service tariffs as determined by the annual budget be made applicable, which rates and tariffs are automatically adjusted in terms of the annual budget;
 - (i) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (j) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
3. that the applicant and persons who commented be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land

Use Planning, 2016 with regard to the above conditions of approval.

14. REASONS FOR RECOMMENDATION

- ❖ The proposal is consistent with the SDF and Baarskeedersbos Precinct Plan.
- ❖ The proposal is at a scale that will not detract from the rural character of the area.
- ❖ The proposal promotes tourism and economic development.
- ❖ The proposal will provide much needed employment opportunities.
- ❖ The proposal is not considered to unacceptably detract from the character of Baardskeedersbos.
- ❖ The proposal is consistent with the planning principles in terms of LUPA and SPLUMA.

15. ANNEXURES

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Development Plan
Annexure D:	Letters of comment and objection
Annexure E:	Applicants comment to letters of comment and objection
Annexure F:	Comment: Eskom
Annexure G:	Comment: Open Serve
Annexure H:	Comment: Department of Transport and Public Works
Annexure I:	Comment: Department of Environmental Affairs and Development Planning (Region 2)
Annexure J:	Services Report

SIGNATURE

REGISTERED PLANNER

Name : **SW VAN DER MERWE**

SACPLAN Reg No: **A/1850/2014**

Signature : _____

Date: _____



Scale: NTS
 Drawing Nr: Farm213Ptn164L.drw
 Date: 05/2021

Plan Description:
LOCALITY MAP

Property Description:
**PORTION 164 OF THE
 FARM NR.213**

All distances approximate
 and subject to survey.
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 Town & Regional Planners

**PROPOSED CONSENT USES, DEPARTURE FROM
THE PRESCRIBED STREET BUILDING LINE AND
ACCESS IN TERMS OF THE TITLE DEED**

**PORTION 164 OF THE FARM
BAARDSCHEERDERSBOSCH NO. 213**

MOTIVATION REPORT

1. BACKGROUND

Plan Active Town & Regional Planners has been appointed by Mr. J. J. Nel & Dr. A.L. Rabie, the owners of the Portion 164 of the Farm Baardscheerdersbosch Nr. 213 to apply for consent uses, a departure from the street building line prescribed in the Title Deed and to change the position of the existing access from the Main Road.

The farm portion is located west of and abutting Main Road within the Baardskeerdersbos town and is currently vacant. The new owners intends to develop a variety of small-scale tourist related and small scale agricultural industrial uses on the subject farm portion. The idea is to create a facility that can be enjoyed by local and international tourists, and day visitors of all ages other than what is established in Baardskeerdersbos already. Something similar to the Spice Route Tourist Attraction established close to Paarl, but only at a smaller scale. It is not the owners vision and intent to accommodate uses that would be in competition to existing tourist facility establishments in the area, but to provide tourist facilities that will be different and auxiliary to the established land uses promoting tourism in the area. In order to

accommodate such a development on the subject farm it would be required that we apply for consent uses.

Portion 164 of the Farm Baardscheerdersbosch No. 213 is in the process of being transferred. Please refer to the enclosed confirmation letter from the transferring attorneys, Booth Attorneys for records. The Title Deed number for the subject farm portion reflecting the new owners is not yet available. We have attached a copy of the Draft Title Deed submitted to the Deeds Office for registration purposes. Portion 164 of the Farm Baardscheerdersbosch No.213 is 3 039m² in extent.

2. APPLICATION DETAILS

Application is made for / in terms of:

- Chapter 4, Section 16(2)(o) of the Overstrand Municipality's revised By-law on Municipal Land Use Planning, 2020, for consent uses for Portion 164 of the Farm Baardscheerdersbosch No. 213;
- Application for the relaxation of the street building line imposed in favour of the District Roads Engineer in terms of Act 21 of 1940 and to change the position of the existing access.

3. GENERAL APPLICATION INFORMATION

3.1 PROPERTY DESCRIPTION

Portion 164 of the Farm Baardscheerdersbosch No. 213 is situated within the small town of Baardskeerdersbos that is located approximately 20km east of Gansbaai and approximately 10km north-north-east of Pearly Beach. Please refer to the enclosed locality map.

The farm is 3 039m² in extent and is currently vacant.

3.2 ZONING

The subject farm is zoned Agriculture Zone 1 and has the following primary land use rights and consent uses:

Primary uses are agriculture, crèche, dwelling house, guest rooms and home occupation.

Consent uses are additional dwelling units, agricultural industry, animal care centre, aquaculture, day care centre, farm shop/stall, fertiliser plant, guest house, hotel, institution, intensive animal farming, intensive horticulture, lodge, mining, place of assembly, place of entertainment, place of instruction, plant nursery, riding stables, service trade, tourist accommodation, tourist facilities, transmission apparatus, utility services, wellness centre and 4x4 trail.

The farm portion is currently vacant. Surrounding farm portions have the same zoning and are used for residential purposes, restaurants, a shop, agricultural uses and public roads. In general, the rights obtained for the former mentioned land uses on farms in the vicinity were obtained by means of consent uses. The Agriculture Zone 1 zoning has been retained.

3.3 LAND USE

As mentioned above, the farm portion is currently vacant. Land uses that occur on the farm portions in the vicinity consist of residential, restaurants, pubs, small scale sheep and cattle farming, lifestyle farms, tourist accommodation and tourist facilities such as conference facilities and wedding venues.

The predominant uses of farms in the area are therefore mixed uses with agricultural related uses with associated tourist facilities such as restaurants, wineries, wedding venues and tourist accommodation on the larger farms in the vicinity.

3.4 PROPOSED DEVELOPMENT

The following is proposed in terms of:

- Chapter 4, Section 16(2)(o) of the Overstrand Municipality's revised By-law on Municipal Land Use Planning, 2020, for consent uses for Portion 164 of the Farm Baardscheerdersbosch No. 213;
- Application for the relaxation of the street building line imposed in favour of the District Roads Engineer in terms of Act 21 of 1940 and to change the position of the existing access.

Agriculture is one of the primary uses listed under a zoning of Agriculture Zone 1 and has the following definition:

“**agriculture**” means the cultivation of land for crops and plants, including plantations, the keeping and breeding of animals, beekeeping, bird farming or the operation of a game farm, may comprise natural veld and includes only such activities and buildings as are reasonably connected to the main farming activities such as residential accommodation for the farmer, farm manager and farm labourers and the packing of agricultural produce grown on the property but excludes intensive horticulture, intensive animal farming, agricultural industry, and a farm shop;

The following land uses will have to be applied for as consent uses defined under the proposed zoning, Agriculture Zone 1 to accommodate the proposed land uses that will be explained later in this motivation report. The consent uses under the last mentioned zoning are:

“additional dwelling units, **agricultural industry**, animal care centre, aquaculture, day care centre, **farm shop/stall**, fertiliser plant, guest house, hotel, institution, intensive animal farming, **intensive horticulture**, lodge, mining, place of assembly, place of

entertainment, place of instruction, **plant nursery**, riding stables, service trade, **tourist accommodation**, **tourist facilities**, transmission apparatus, utility services, **wellness centre** and 4x4 trail. "

The definitions of the applicable consent uses printed in bold and underlined above read as follow:

"agricultural industry" means an enterprise for the processing of agricultural related products on or close to the land unit where these agricultural products, whether land- or marine-based (such as aquaculture), are grown, harvested and raised where processing in such proximity is necessary due to the nature, perishability and fragility of such agricultural products or promotion of tourism related activities, and includes, inter alia, dairies, wineries, distilleries, olive processing facilities, breweries and other facilities required for the processing of agricultural products where produce packed is not produced on the land unit but does not include service trades;

"farm shop/stall" means a building, located on a farm, where a farmer sells produce and other goods to the general public;

"intensive horticulture" means the cultivation of plants and indigenous flora on an intensive scale, where plants are cultivated under a roof or on open land or in greenhouse(s) and includes the sale of self-produced plants from the land;

"plant nursery" means a property or part thereof which is utilised primarily for the propagation and sale of plants and sale of gardening products;

"tourist accommodation" means the letting of rooms or individual unit(s) (including a dwelling house/unit) on a temporary basis to transient guests where a daily or weekly tariff is applicable and includes a guest house, backpackers establishment, camp sites, and associated amenities, provided that the use complies with the requirements of any other relevant legislation;

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

“wellness centre” means a place where health-related treatments and services such as meditation, massage, beauty treatments and exercise regimes, including yoga, are provided for the general health and wellbeing of clients; it includes a health spa, retreat and the provision of meals to clients but does not include accommodation facilities or provide for medical treatment of patients;

As mentioned earlier in this report it is the owners intention to create a multi-use development consisting mainly of tourist facilities and other auxiliary uses to create a unique venue similar to the Spice Route development that is situated in close proximity of Paarl, Western Cape Winelands District. The proposal on Portion 164 Baardscheerdersbosch No. 213 is just at a smaller scale. Baardscheerdersbosch and the surrounding farming community make access to fresh produce and dairy products very easy to be used to prepare foodstuffs, condiments, beverages, alcoholic beverages, confectionary, baked goods etc. The aim is not to be in competition with the existing established restaurants and shops but to offer something else that could promote the area from which existing establishments would also benefit from.

The proposal consists of small hives with different land uses that can be referred to products being provided by artisans that could include chocolatiers, bakers, charcutier, brewers, distillers, artists and craftsmen. The hives will be made available to artisans, artists, craftsmen etc for rent. The open spaces that surround the proposed uses labelled A to F on the proposed site plan will be of an agricultural nature that would compliment and be beneficial to the proposed uses. It should be noted that if a brewery or distiller be accommodated within the proposed development that the production would be of a small scale, a bit larger than what is produced by a hobbyist.

The areas that will be offered for rent for the various uses are small in order to fit in with the current character of the area. The total coverage of the proposed development is $\pm 610\text{m}^2$ that constitutes 20% of the site.

The proposed consent uses are described as follow in the same order from A to F as indicated on the proposed site development plan:

- **A: Intensive Horticulture** (Consent use approval required)

A greenhouse, labelled as A on the site development plan, of $\pm 60\text{m}^2$ is proposed. From the proposed parking area, the greenhouse is the first building in a western direction. The greenhouse will be used for the growing of plants that would include herbs, microgreens etc. on an intensive scale. The possible uses of the plants are:

- The herbs and micro greens will be used onsite for the preparation of food, making preserves etc. It will also be for sale to the general public at the proposed farm store / farm shop/ multi-use area – Building C;
- Aromatic plants will be used for the making of soap, essential oils, used as flavouring during a brewing or distilling process;
- Herbs and aromatic plants could also be used at a confectionary etc.
- Fresh produce will also be made available to restaurants established in the vicinity.

- **B & D: Tourist facilities / Agricultural Industrial**

The whole concept of creating a multi-use experience requires that we apply for a variety of consent uses even though the uses will all be at a very small scale when one refers to the size of the building proposed.

Two multi-use areas are proposed that is labelled B and D on the enclosed proposed site development plan. Building B is located south of the proposed greenhouse labelled A, that was described above and it is also of the same size, 60m^2 . The building labelled D is located east of buildings A & B. Building D is proposed parallel to Buildings A & B and is 120m^2 in extent. It is proposed that we apply for 2 consent uses namely, tourist facilities and agricultural industry as defined on pages 5 and 6 of this report.

It is proposed that these 2 buildings be used for one of, or a combination of the following examples and related small scale uses:

- Restaurant;
- Coffee shop,
- Beanery;
- Deli;
- Art gallery;
- Arts and crafts;
- Micro brewery;
- Micro distillery;
- Bakery;
- Charcutier;

The buildings or portions thereof will be made available to rent or utilised by the owners as the need arises. The architectural style will be compatible with the existing built form and character of the established Baardskeerdersbos area. The proposed location of buildings A, B and D creates an access corridor from the proposed parking area to the north towards the proposed farm store / farm shop / restaurant / multi-use area that will be the focal point of the development.

- **C: Farm Store / Farm Shop / Tourist facilities**

A farm store / farm shop / tourist facility of 250m² is proposed and is labelled C on the attached site development plan. Building C will be the focal point of the proposed development.

This building will be utilised to make provision for the sale of products sourced from the area as well as products that derive from the farm portion. It is furthermore proposed that a section of this building be possibly used as a restaurant similar to

Dassiesfontein that is situated between Botrivier and Caledon adjacent to the N2. On the site development plan this building is also labelled as a multi-use area. In this case the multi-use area will be that guests will be able to do something interactive such as taking part in a short social bread baking course, beer brewing, cheese making etc. and having the opportunity to take home what they have made.

- **F: Proposed Self-Catering unit & Tourist Facilities**

A 60m² self-catering unit is proposed in the south-eastern corner of the Portion 164 of the Farm Baardscheerdersbosch No.213. The self-catering unit will accommodate a maximum of 4 guests. Due to the fluctuation of traveling guests we are also applying for a consent use for tourist facilities to be able to also use the self-catering unit as a spa if the need arises. The unit will either be used as a self-catering unit or a spa and not a combination of the 2 proposed uses.

- **Plant Nursery**

The nursery is being applied for as a consent use to utilise the demarcated open areas between buildings A,B and D as a nursery where plants will be put on display for sale to the general public.

- **Proposed street building line departure and access**

The Title Deed contains restrictions with reference to a street building line and access that was imposed in terms of Act 21 of 1940. In terms of the restrictions it is possible to apply for the relaxation thereof. Approval for these restrictions is required from the District Road Engineer.

We are therefore applying for the relaxation of the street building line determined from the middle of the street from 95m to ± 14 m. The centre of the Main Road is ± 10 m from the subject farm boundary. A 4m building line is applicable in terms of the Overstrand Municipality Land Use Scheme Regulations, 2020. We are subsequently applying for a building line relaxation from 95m to ± 14 m in order for the prescribed Title Deed

building line to conform with the Land Use Scheme regulation's 4m street building line measured from the farm boundary.

It is also proposed that the existing access be moved $\pm 9\text{m}$ in a western direction to make provision for a single entrance and exit, as proposed on the site development plan. The proposed access aligns up with the western lateral boundary line. The proposed access is located approximate halfway between kilometre markers 17 & 18 on Division Road No. 1205. The subject farm portion is currently vacant and it is our opinion that by moving the access by $\pm 9\text{m}$ in a western direction will not have a negative impact on traffic or other accesses from the said Division Road.

- **General**

With reference to the descriptions above of all the proposed various land uses as indicated on the site development plan, it is clear what the land owners intentions are. The owners intends to create a multi-use facility where locals, local and international guests can enjoy fresh produce, arts, crafts, food stuffs and relax with friends and family. The total coverage of the proposed buildings is 610m^2 and constitutes coverage of 20% of the site. A parking area is proposed on the northern side of the farm portion in close proximity to Main Road. Having the parking area as close as possible to the access ensures that there would be no conflict between pedestrian movement onsite and traffic. Only 4 parking bays are proposed in close proximity of the opposite western side of the farm portion that will be utilised by the single dwelling proposed in the south western corner and the proposed self-catering unit / spa. Detail of the access and parking will be dealt with later in this motivation.

3.5 CHARACTER OF THE ENVIRONMENT

Portion 164 of the Farm Baardscheerdersbosch No.213 is situated within the rural town of Baardskeerdersbos. For a long time the village remained rural and undisturbed, but recently it has been discovered as a quiet getaway particularly for residents of Cape Town. Several new houses have been built, several more renovated and other land

uses have been established such as restaurants. Portion 164 of the Farm Baardscheerdersbosch No.213 is situated within the urban edge and earmarked for urban development purposes.

With reference to the strong history and sense of place of the older established areas of Baardskeerdersbos the owners will design the proposed buildings to fit in with the architectural style of the area in order to promote the heritage of the town and to be compatible therewith. Building plans will be submitted to be evaluated by the Overstrand Municipality prior to any development taking place but after an approval has been obtained, as per this application at hand.

The proposed land uses will be beneficial to the town of Baardskeerdersbos and a number of temporary jobs will be created with the construction phase of the proposed development and also permanent jobs will be created once the buildings are occupied. It is furthermore our opinion that the proposed land uses are in line with the land use tendency found in the area.

With reference to the proposed consent uses that are in line with the land use tendencies of the area it is clear that the proposal will not have a negative impact on the character thereof.

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

The farm portion, as previously mentioned, is situated within the urban edge of the town Baardskeerdersbos that has become a quaint little tourist destination for both local and international tourist. People frequently visits Baardskeerdersbos especially over weekends, even if it is just to enjoy a meal at one of the restaurants. It is the goal of the owners of Portion 164 of the Farm Baardscheerdersbosch No. 213 to make provision for a venue with a difference in the area to attract more tourists and day

visitors to the town of Baardskeerdersbos by means of creating a venue from where local arts, crafts, food, beverages etc. can be showcased and enjoyed.

The subject property is vacant and ideally located adjacent to the main road giving the site great visibility to visitors and tourists passing by. The site also offers ample space to be tastefully developed within the character of the area and to make provision for enough parking bays on-site. The proposed small scale agricultural industries, tourist facilities, plant nursery, tourist accommodation, dwelling and related uses open up another sector for guests and visitors to now be accommodated within the area of Baardskeerdersbos and will have the opportunity to experience the town within a beautiful rural setting.

The consent uses being applied for, in order to accommodate the various proposed small scale land uses, will not have a negative impact on the existing land uses in the area and would create a number of job opportunities that will be a great asset to the Overstrand region and making this an unique establishment. The proposed land uses will also have the effect that more visitors will spend more than just a day in the area and will also have positive spinoffs towards tourist facilities in the vicinity that will also be supported by guests and visitors to the proposed establishment.

In the light of the above it is clear that the proposed consent uses can be supported from a desirability point of view due to the fact the proposals are in line with land use tendencies within the area. It is also compatible with the current land uses and tourist related land uses found in the area and that it will be an asset to Baardskeerdersbos.

3.7 IMPACT ON EXTERNAL ENGINEERING SERVICES

3.7.1 PROVISION OF SERVICES

Water:

It is proposed that the development link up with the current water reticulation system that is available. The owners will also impose water saving measures such as dual flush toilet systems and the use of rainwater harvesting tanks is also proposed.

Sewerage and greywater disposal:

It is proposed that the Sewage is being disposed of by means of septic tanks that will be strategically placed and supplied with a suction point that will be easy accessible to the Municipal service tanker to empty the tanks. It is also proposed that only blackwater would flow to the septic tanks and that the greywater be utilised for irrigation purposes.

Electricity:

There is ESKOM electricity available in the town Baarskeerdersbos and it is proposed that the development link up with the existing electrical reticulation system.

Solid Waste:

It is proposed that the solid waste be collected by the Overstrand Municipality and disposed of at the Gansbaai solid waste transfer station or the closest municipal landfill site. If this is not a possibility the solid waste will be privately transported to the Gansbaai solid waste transfer station on a regular basis.

Conclusion:

It can be concluded that the proposed development could be accommodated as far as services provision is concerned.

3.7.2 TRAFFIC IMPACT, PARKING AND ACCESS

With this application for consent uses it is proposed that the existing access from Divisional Road 1205 be moved $\pm 9\text{m}$ in a western direction to make provision for an entrance and exit point that has a width of 6m. A single entrance and exit is proposed from where the proposed parking area will be accessed. The 2 parking bays located at the dwelling and at the self-catering unit / spa respectively will also use this entrance. This access is located approximately halfway between kilometer marker 17 and 18.

In terms of the Overstrand Municipality Land Use Scheme Regulations 2020, 4 parking bays / 100m² GLA for businesses are required, 2 parking bays per dwelling, 2 parking bays / 100m² GLA for industrial uses etc. With reference to the proposed site development plan, a worse case scenario was used and parking calculated at a ratio of 4 parking bays per 100m² indicated on the site development plan. The calculation and provision of parking bays provided can be tabled as follows:

Lable	Proposed Land Use	Size	Parking Bays required	Parking Bays Required	Parking Bays Provided
A	Intensive Horticulture	60m ²	0	0	0
B	Multi Use Area	60m ²	4 Parking Bays / 100m ² GLA.	2.4	3
C	Farm Store / Farm Shop	250m	4 Parking Bays / 100m ² GLA.	10	11
D	Multi Use Area	120m ²	4 Parking Bays / 100m ² GLA.	4.8	5
E	Dwelling	60m ²	2 Parking Bays / dwelling.	2	2
F	Self Catering Unit / Spa	60m ²	2 Parking bays for selfcatering or 4 parking bays per 100m ² GLA.	2.4	3
TOTAL				21.6	24

With reference to the table above enough parking can be provided onsite for the proposed land uses. All parking bays are 2.5m x 5m with 7.5m manoeuvre space

behind each parking bay. 1 Parking bay has been reserved for the handicapped, parking bay No.19 and is 5m x 4m in extent. In terms of the Overstrand Municipality Land Use Scheme Regulations 2020, 1 parking bay for every 25 parking bays must be a parking bay reserved for the handicapped.

The proposed consent uses will have very little impact on the traffic using Divisional Road 1205, Main Road, Baardskeerdersbos.

3.8 TITLE DEED

There are no restrictive title deed conditions in Title Deed that will have to be removed to accommodate the proposed consent uses as described earlier in this motivation report. We have addressed the relaxation of the street building line and to relocate the access to the farm portion in Section 3.4 of this motivation report to be processed and decided on by the District Road Engineer.

There is no bond registered against the subject farm portion as confirmed by the transferring attorneys, Booth Attorneys.

3.9 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION

3.9.1 HERITAGE VALUE

With reference to the contents of the Overstrand Heritage Survey Report, 2009, Baardskeerdersbos is described as follows:

"Baardskeerdersbos is located alongside the Boskloof river, a tributary of the Boesmans river, and has several springs. The abundance of water and good grazing in the valley would have made it a good place for temporary Khoe stock settlements."

"In the Overberg area at this time there were a number of loanfarms given to wealthy Cape families such as the Cloetes of Groot Constantia, Van Bredas and Van Reenens, who subsequently bought up more of the farms and linked them together to form extensive grazing areas for horses, cattle and Merino sheep (Walton 1989:142). Baardskeerdersbos was initially granted as a loanfarm to Jan Cloete, a heemraad of Drakenstein, between 1725 and 1730 but was not linked to other farms, changed hands several times and was probably first permanently occupied by Philip Fourie and his descendants from 1778."

"The natural resources available in the area would have informed the location of the dwellings marked on the 1831 quitrent survey (which do not remain intact), and consequently the location of the current town which was populated by the descendants of Fourie's son and son-in-law in the nineteenth century. The village layout is not in a grid pattern, unlike many *drostdy* towns (VASSA 2005:24), demonstrating the organic nature of its development as a series of family smallholdings during the 19th century and into the 20th."

"The urban form of the village is characterised by cottages lining the street edges, relative absence of hard boundary treatments such as high walls, variable plot sizes and orientations, and stands of poplar and gum trees. There is a furrow 'leiwater' system, probably dating back to the 19th century, using water that comes from the spring in the kloof above Baardskeerdersbos, and which remains in use."

"Most of the historical dwellings are late 19th and 20th century white-plastered mud-brick rectangular buildings of modest dimensions, with poplar beams, pitched roofs (originally thatch, now iron or asbestos), usually a single window on each side of the front door, loft doors, an external stone chimney stack, and sometimes a simple veranda. Rounded end gables were common but are no longer characteristic of Baardskeerdersbos once iron roofs were used with square end gables (interview Barney Otto 07.07.2008)."

"The gable styles seem consistent with the examples from other loanfarm settlements in the Bredasdorp vicinity (Walton 1989:144-145). Walton notes that most of the

Overberg stock farmers especially in the Strandveld used ferricrete (koffieklip) and sandstone that were roughly squared and laid in courses (Walton 1989:141). However, although they often have a stone base, the Baardskeedersbos houses tend to be built from mud bricks above the plastered koffieklip foundation layer.”

Historical Significance:

“Baardskeedersbos is a rural settlement of historical significance, illustrating the expansion of a town from a modest family settlement on a VOC loanfarm, based on subsistence farming and the exploitation of coastal resources. It has architectural significance as a late 19th and early 20th farming settlement, with much of its modest vernacular architecture intact. It also has still intact the organic town layout of the original farming settlement, without street names or numbers (although that is changing now.”

“Baardskeedersbos is characterised by its setting in the rural landscape, and its topographical containment. It is a rare example of a village that has undergone relatively little development during the mid to late 20th century, where a leiwater system is still in use, and where street addresses have not traditionally been used. “

Street names and numbers have been assigned.

“Renovations of older buildings at Baardskeedersbos are happening apace, with variable sensitivity. New buildings, especially those made of wood, do not always fit in with the visual character of the town. Where roofs are not left on, houses made of mudbrick deteriorate rapidly. “

Proposed heritage conservation and special areas:

“**Conservation area:** There are two main parts of the original late 19th and early 20th century settlement which are characterised by remaining stands of poplars and gum trees, and houses dating to the period. These could be described as the *bo-dorp* (above the church) and the *onder-dorp* (along the road between Gansbaai and Elim). In the heritage area demolition should be proscribed, houses without roofs should be

immediately covered, and a set of regulations for maintenance and renovations of older dwellings should be drawn up.”

“**Special area:** It is recommended that the special area around the proposed heritage areas should encompass the whole existing settlement as laid out in the current erf diagram, and the topographical dish within which the settlement is contained, including the town’s adjacent agricultural edges.”

“The original settlement evident in the 1831 quitrent plan is no longer evident. Some outlying houses would have been on the neighbouring smallholdings and may also be conservation worthy.”

Heritage Management Recommendations:

“It is recommended that the special area should encompass the whole existing settlement as laid out in the current erf diagram, and the topographical dish within which the settlement is contained, including the town’s adjacent agricultural edges. Baardskeerdersbos is such a unique rural settlement, being characterised by family-managed and rather organic expansion of relatively modest houses in a rural settlement between 1831 and the 1960s, and relatively little commercial development, that development in the village as a whole should be carefully regulated – this is urgent because much new building and renovation is happening apace.”

“The original settlement evident in the 1831 quitrent plan is no longer evident but may be in the region of erf 73 and 24, or 111-114 therefore archaeological surveys should be done before building in these areas. Some outlying houses would have been on the neighbouring smallholdings and may also be conservation-worthy.”

From the abstracts above from the Heritage Survey Report it is clear that Baardskeerdersbos has a rich heritage and should be conserved. Portion 164 of the Farm Baardscheerdersbosch No.213 is located outside the demarcated heritage conservation areas and the farm portion is currently vacant. The property itself has no

heritage significance but being located on the Main Road, cognisance will be taken of the surrounding built form, building styles of the past, the local heritage that will be incorporated into the designs of the proposed buildings in order to blend and promote the character of Baardskeerdersbos. The owners will liaise with the Building Control Office prior to submitting building plans to the Overstrand Municipality for approval after the application has been finalized.

3.9.2 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed consent uses do not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

The application constitutes the development of a small farm portion located within the urban edge of Baardskeerdersbos, not situated within demarcated wetland areas or Environmental Management Overlay Zones.

From the above it is evident that the proposed consent uses do not have a negative impact on the environment.

3.10 FORWARD PLANNING AND LAND USE DOCUMENTS

The *Overstrand Spatial Development Framework (2006)* earmarks the area where Portion 164 of the Farm Baardscheerdersbosch No. 213 is situated, as residential.

The *Overstrand Municipal Growth Management Strategy (OMGMS, 2010)* does not address Baardskeerdersbos.

The *Baardskeerdersbos Precinct Plan, January 2015*, encourages and promotes appropriately scaled tourism development based on regional agricultural and heritage

value and rural cottage industries. It is further proposed that the unique village / rural character and the quality of the tourism experience be maintained and protected. The vision from an economical point of view is to become a rural centre of crafts and tourism. Tourism and related cottage industries are also promoted alongside Main Road to which the subject property abuts.

In terms of the **Baardskeerdersbos Precinct Plan, January 2015**, the following appropriate land uses are proposed for the area that includes Portion 164 of the Farm Baardscheerdersbosch No.213:

- Commercial use should be encouraged along Main Road;
- Restaurants and guesthouses are allowed adjacent to the Main Road;
- Cottage industry and light industrial uses of non pollutant nature and home occupation could be allowed;
- Art, craft and pottery are encouraged;
- Cultural activities and festivals related to food, art and performance is encouraged;
- A wide variety of crop production is encouraged and includes orchards and horticulture.

The **Overstrand Municipality Spatial Development Framework (May 2020)** indicates the subject farm portion as being within the urban edge of Baardskeerdersbos and is earmarked for urban development.

From the above it is evident that the proposed consent uses adhere to the spatial planning policies for the area and consequently falls within the existing planning for the area and can be supported.

3.11 PLANNING PRINCIPLES

The planning principles of spatial justice, spatial sustainability, efficiency and spatial resilience of this application can be described as follows:

Spatial Justice: The proposed consent uses will create employment opportunities for the local residents of the Baardskeedersbos area and also promote tourism. The various land uses proposed will attract more visitors to Baardskeedersbos that will be beneficial to other established businesses in the area. In the long term the whole town would benefit from the proposal. The owners will ensure that proposed development compliments Baardskeedersbos. The proposed buildings will be carefully designed to fit in with the current character and built form of the area in order to sustain the sense of place.

Spatial sustainability: The variety of the small scale uses proposed are promoted alongside Main Road as stated above and the owners will ensure that development will not have a negative impact on the conservation worthy areas, the land uses and rural character of the area.

Efficiency: The proposed consent uses are easily accessible and conveniently located alongside Main Road, Baardskeedersbos.

Spatial Resilience: Spatial resilience is not applicable to this application.

Good administration: Our company is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's bylaw and related provincial and national land use planning legislation. All measures will be taken to ensure an efficient

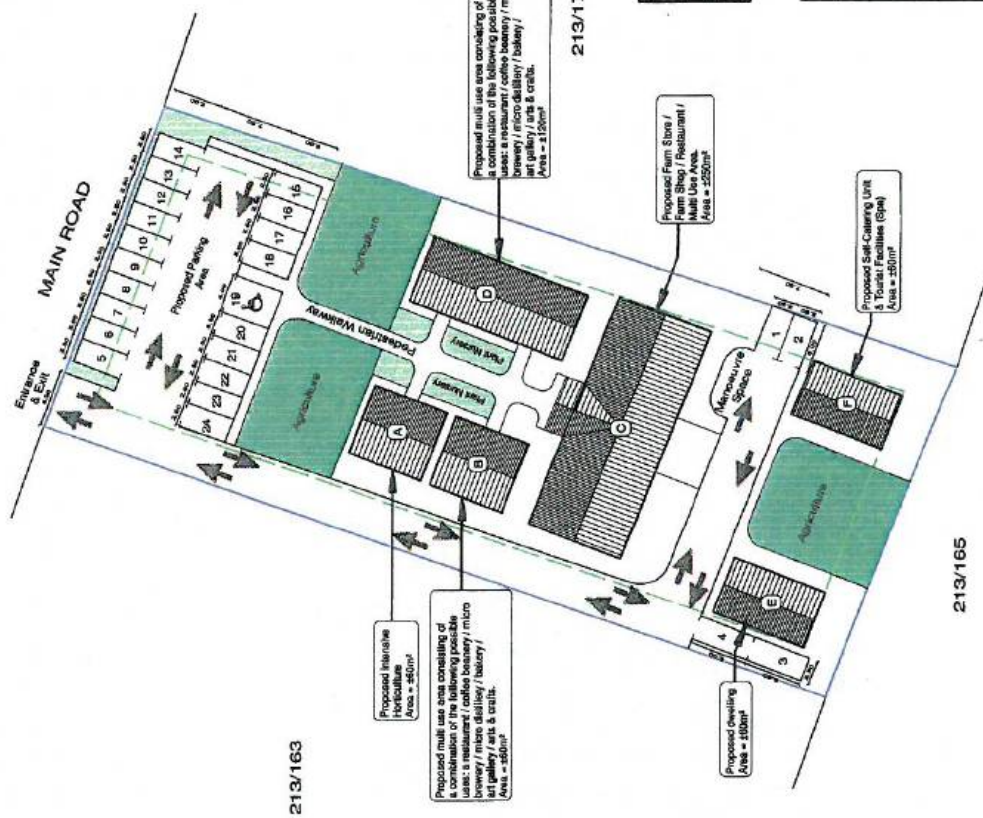
and streamlined process within the applicable timeframes as stipulated by the Overstrand Municipality's By-law on Municipal Land Use Planning.

4. RECOMMENDATION

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

- The application for consent uses and the relaxation of the street building line and relocation of the existing access is in line with forward planning legislation.
- There are no Title Deed conditions that restrict the proposed consent uses proposed for Portion 164 of the Farm Baardscheerdersbosch No.213.
- The impact on services is minimal and can be provided on the subject farm portion to the satisfaction of the Overstrand Municipality. Water saving measures will be put in place;
- Tourism is the fastest growing land use in the Overstrand area of which Portion 164 of the Farm Baardscheerdersbosch No.213 will add another facet to the industry and will be an asset to the town;
- With the approval of this application the owners will be in a position to make provision for a number of permanent job opportunities for local residents.
- The proposed consent uses will not have a negative impact on the surrounding land uses of other farm portions (erven) within the urban edge of Baardskeerdersbos and surrounding farms;
- The proposal is compatible with the existing land uses of the area;
- The application is fully compliant with the applicable planning principles described in the LUPA (2014) and SPLUMA (2013).

It is our opinion that the proposal for consent uses can be supported for your favourable evaluation as it would have no negative impact on the surrounding farms.



Coverage:
 Total Coverage A+B+C+D+E+F
 =610m²
 Total area of the site = 3038m²
 Coverage = 20%

Label	Proposed Land Use	Size	Parking bays required	Parking bays Provided
A	Invasive Horticulture	50m ²	0	0
B	Multi Use Area	50m ²	4 Parking Bays / 100m ² G.L.A.	2,4
C	Farm Store / Farm Shop	250m ²	4 Parking Bays / 100m ² G.L.A.	10
D	Multi Use Area	120m ²	4 Parking Bays / 100m ² G.L.A.	4,8
E	Dwelling	50m ²	2 Parking bays for self-catering or 4 parking bays per dwelling	2
F	Self-Catering Unit / Spa	50m ²	100m ² G.L.A.	2,4
TOTAL				21,6



Scale: 1:500
 Drawing No: farm213m164b.dwg
 Date: 04/2021

Plan Description:
 SITE DEVELOPMENT PLAN

Property Description:
 PORTION 164 OF THE BAARDSCHHEEDERSBOS NO.213

All distances approximate and subject to survey.
 COPY RIGHT RESERVED

PLAN Active Stads- en Sireeksbeplanners
 Town & Regional Planners

TR n/hoort
(S. vd Kende)



Comment letter

Municipal Notice No 134 of 2021: Rezoning of Portion 164 of the Farm No 213 Baardscheedersbosch

Date: 12th October 2021

To whom it may concern

As Ratepayers in Baardskeedersbos, we would like to offer our comments with regard to the application to rezone portion 164.

Reasons for Comment

To address the concerns of ratepayers and ensure legal compliance

Comments

Incorrect statements in the application

FILE NO: PN 164/213
Baardscheedersbosch
SCAN NO: 07
COLLABORATOR NO: 1593153

The application classifies Baardskeedersbos as a 'town' (Paragraphs 1 Background and 3.1 Property Description)

Baardskeedersbos is **not** a 'town' as indicated, but is designated as a 'hamlet'. To the best of my knowledge there are approximately 200 properties in total and fewer than 100 with dwellings. Less than half of these are permanently occupied.

Property description (Paragraph 3.1)

The property is **not** a 'farm' since it is just 3039 m² in area. (See also paragraph 'Excessive Plot Density' below).

Incorrect zoning (Paragraphs 3.2 Zoning and 3.3 Land Use)

The re-zoning on the application refers to Farm 213 and is thus deceptive in that activities cited in the proposal take place mostly outside the hamlet. Portion 164 is within the urban edge of the hamlet and cannot be described as a 'farm' as such. The Overstrand Spatial Development Plan (2006) designates portion 164 as 'residential'.

Similarity with other developments (Paragraph 3.4 Proposed Development)

The application makes an **incorrect statement** that the proposal is similar to the Spice Route tourist attraction near Paarl. However, it must be noted that this complex is actually situated on a farm estate, whilst this proposal is to rezone a small plot within a residential area.

Deviation from Precinct Plan of 2015 (Paragraph Historical Significance and Paragraph 3.10 Forward Planning and Land Use Documents)

The Precinct Plan of 2015 proposed that Baardskeerdersbos be developed while retaining the unique form of the hamlet as a residential area. This Precinct Plan also designated certain streets (Granaat and Protea) for industries. Appropriately scaled tourism is suggested for the main road. Scaled tourism implies a **low keyed approach**. *(Quote from Precinct Plan '8 Implementation Plan Strategy and Activities 3.3 Promote business uses, mixed with residential uses along R317 and monitor implementation as per guideline for such development.)'*

Excessive Plot Density (Paragraph 3.4 Proposed Development)

Portions of Baaardskeerdersbos now have a minimum subdivision of 4000 m² so as to prevent densification of the sites.

In our view, the **proposed development is too dense**. Proposed building coverage is 610 m² which is **20% of the plot**. It includes for 24 parking places, intensive horticulture, tourist facilities, agricultural/ industrial (restaurant, coffee shop, beanery, deli, art gallery, arts & crafts, micro-brewery, micro distillery, bakery, chocolatier), farm store/shop/mall, self catering accommodation and plant nursery.

Comparison to the restaurant at Dassiesfontein on the N2 is **not relevant** as this is a large venue on farm land next to a National Road and not in a small hamlet with a Provincial Road passing through.

Building Line (Paragraph 3.4 Proposed Development - Proposed Street Building Line Departure and Access)

This request is **contrary to recommendations of Precinct Plan of 2015** which is to encourage buildings to be built up to the street building line in order to create a positive street scene. Also parking areas should be at the back of buildings. *(See 7.1.3.6 and 8 Implementation Plan Strategy and Activities 3 Enhance Tourism 3.1 and page 29 Illustration Baardskeerdersbos Design Framework and Proposals).*

Impact on External Engineering Services (Paragraph 3.7)

The proposed development would **increase the load on the municipal services** (water, refuse, sewerage, and storm water). Currently there is **no proper treatment of sewerage** and this development will exacerbate the problem. The applicant would need to spell out in detail how they propose to manage not only their own personal sewage, but that of guests and tourists, without polluting the river. Current municipal regulations require a sewerage pump out point from a conservancy tank next to the road. This will be impossible with the slope of the site and residences at the bottom of the plot. Also there is **no proper storm water system** and run off from the extensive paved areas will flow to the river and increase pollution.

Character of the Environment (Paragraph 3.5)

Effect on local micro-businesses

Business in Baardskeerdersbos is very seasonal. Thus, we believe the proposed development will detrimentally affect the following micro-businesses in the hamlet:

- General Dealers (2)
- Restaurants (3 -1 closed)
- Pubs (Bbos is reputed to have the most liquor licenses per capita in the country)
- Accommodation (There are already many places of accommodation in the hamlet and the surrounding area)
- Artisanal Bakery (part time)
- Home bakes and crafts
- Furniture manufacturing
- Plant sales directly from the grower
- Art sales directly from the artists
- Compost directly from horse stables
- Nursery
- Metal work
- Micro-brewery (planned).

With respect to the establishment of a nursery, there are already a number of good nurseries in the area (Grootbos, Platbos, Eikenhoff, Napier, Groeneweide etc.) Is another nursery necessary?

Employment

The development will not necessarily offer employment for local residents. Staff may have to be brought in from outside the hamlet. As it is, there is a pub/restaurant/shop which brings in staff from Gansbaai. With respect to construction work, the two building projects currently on the go in the hamlet are totally manned by workers from outside Bbos.

Impact on the Biophysical Environment (Paragraph 3.9.2)

We agree that the property is not situated in a demarcated wetland area. However, the slope of the site is such that site storm water runs directly into a wetland area and river. The proposal will thus have a negative effect on the environment.

Compliance with the law (Paragraph 4 Recommendations and above Paragraph 'Incorrect statements in the application')

It can be argued that the applicant is not fully compliant with Municipal Guidelines and Regulations, the Western Cape Government Land Use Planning Act of 2014 (LUPA) and/or the National Spatial Planning and Land Use Management Act of 2013 (SPLUMA).

Setting a precedent for other commercial property owners in the main street

Approval of this development could set a precedent for similar high density developments along the main road.

Based on these comments, we hereby strongly recommend that the proposal be rejected.

7 signatures in support of objection



The Municipal Manager
 Overstrand Municipality
 PO Box 20
 Hermanus
 7200
 e-mail: alida@overstrand.gov.za

15 October 2021

T.P.N. Smeat
 (Sudwane)

FILE NO:	FA/164/213 ✓
	Baardskeerdersbos
SCAN NO:	
	Farm 213
COLLABORATOR NO:	
	1593973

Dear Sir

NOTICE 134/2021: DEVELOPMENT PROPOSAL PORTION 164 FARM 213,
 BAARDSSCHEERDEBSOS

With reference to the above application herewith comment relating to the application.

1. The applicant is involved in tourism marketing for Baardskeerdersbos and thus has an interest in the products and experience offered. Our interest thus lies in providing an authentic offer without deducting from the very essence of what Baardskeerdersbos is and thus the very reason people want to visit Baardskeerdersbos. It is important to understand that Baardskeerdersbos is not a town but a rural settlement which developed and grew organically until approximately the year 2000 when it was finally subdivided and provided the opportunity for non-descendants of the original owners, to own property. As such Baardskeerdersbos has a very unique character and it is this character which attracts visitors. Any development should thus honour this intricate balance between economic development and conserving the essence of Baardskeerdersbos.
 The application states that the character of the area will not be changed or affected negatively. Character is not a tangible issue and lies in the values of the community. The report does indicate that Baardskeerdersbos is a quiet town, however it is my view that the development proposal holds the potential to increase the activity levels and thus reduce the serene environment. It is thus my view that the development will change and negatively affect the character of Baardskeerdersbos.
 From a design perspective, the conglomerate of buildings does not follow the settlement pattern of Baardskeerdersbos and thus change the character of the settlement. It is suggested that a visual assessment be done with specific reference to the cultural landscape aspects.
2. On visiting the Gansbaai Library, the documentation were not available as stated in the advertisement. I had to request the documentation which was then send by e-mail. It is therefore suggested that the application be advertised for a further 30 days to comply with the procedures.
3. It is furthermore suggested that applications related to Baardskeerdersbos, be available at a venue in Baardskeerdersbos. There are a number of businesses where

15 OCT 2021

documentation can be made available as such applications would in the majority cases be of interest for the local community.

4. Water use: The proposal include a number of industrial and processing activities which are all water intensive. No detail is provided on the estimated water use. It is requested that an indication of water use be determined and the municipal water department indicate whether this water use is within the capacity of the current supply as well as taking into account if all existing vacant properties are developed within their existing land use rights.
 5. Waste water: This aspect should be considered in relation to water use as well with regard to the volume of waste water to be produced. The proposal indicates that grey and black water will be separated and that grey water will be used for irrigation purposes. The proposal should include details on what methods will be used to re-use grey water specifically with reference to the potential pollutions of run-off and ground water and the potential pollution of the Boesmansriver. To this extend the comment of the Department of Water Affairs should also be obtained. The proposal should include information on the types of waste water to be generated from the various activities e.g. micro-brewery, soap making etc.
 6. The proposal is very vague and refer to multi-use buildings without being specific. Reference is for example made to the self-catering accommodation which may be used for a spa. It is not possible to determine whether the floor areas comply with the scheme regulations as more than one building can be used for the same use, exceeding the limits.
 7. The application mention that units will be rented individually. This implicate that the development will not be operated as an owner business. A special consent is granted to an owner with the intention that such owner remains responsible to comply with the conditions of approval. With different tenants this control becomes difficult when conditions are not complied with.
 8. The development proposals indicate that the property will not be utilized primarily in terms of its primary land use rights and this implies that the character of the area will be changed permanently.
 9. It is mentioned that the buildings will be in line with the historical context and that this will be dealt with on building plan stage. It is important that the community who holds the historical value, be involved at an early stage and should the concept design proposals not be included at this stage, the community will have little if any input at building plan stage. It is thus suggested that the applicant already provide guidelines of the type of buildings and that a condition be imposed, should the application be approved, that the building plans be referred for comment by the broader community and the Baardskeerdersbos Homeowners Association.
 10. If the street building line is a condition of title, an application for removal of title condition should also be lodged.
 11. The ground level difference from road level to the bottom boundary is approximately 10m. The road is significantly higher than the proposed parking area. Design concepts should be included to indicate how this will be dealt with and whether retaining walls will be build.
-

12. Stormwater: No mention is made of stormwater management. Stormwater is already problematic especially for properties below the main road. With the added hard surfaces and roofs, the run-off will be increased significantly. Areas such parking and land uses such as intensive horticulture creates contaminated run-off. This may result in the pollution of the Boesmansriver. The proposal should include measures how the run-off from these surfaces will be contained and filtered before disposed of downward as to prevent pollution to adjoin properties and eventually the Boesmanriver. The proposal should also include measure to prevent any erosion due to stormwater discharge.
13. Refuse removal: The proposal mention that refuse will be removed by the municipality and by the owner. Note that refuse is only removed once a week in Baardskeerdersbos. This is not sufficient for a business of this size. The proposal should include a waste management plan specifying the different waste streams and how each will be dealt with. The design should include a waste holding facility to for the once a week removal and how the weekly refuse will be collected. Placing a large number of refuse bags on the pavement is unacceptable.
14. Currently there is no or few suitably skilled workers available in Baardskeerdersbos. Labour will thus be sources from outside Baardskeerdersbos. The proposal thus does not create jobs where there is a job shortage but rather create a housing need for labourers from outside. This will also contribute to the cumulative impact of the proposal.
15. The report states that the proposal do not intend to be in competition with other business. Note that all the uses mentioned in the application, already exist in Baardskeerdersbos, or approval has been granted for such uses. The development thus propose uses already present and would thus be in competition with existing businesses. There is for example already four restaurants, an art gallery, etc.

It is my view that the application does not provide sufficient information for Council to make an informed decision and that the above be requested and once provided, presented to the Baardskeerdersbos community for further input. The comments from other relevant state departments should also presented to the community at the next round of public participation. Confirmation should also be provided by the Department of Environmental affairs and Development that an Environmental assessment is not required for the various uses and waste water use.

Sincerely,

108
TP A. Theart
(S. Udine)



Letter of Comment: Municipal Notice No 134 of 2021

Portion 164 of the Farm No 213 Baardscheerdersbosch Application for Consent Use:

Messrs Plan Active Town and Regional Planner on behalf of Mr JJ Nel and Dr A

Rabie

Date: 14th October 2021

To whom it may concern

FILE NO:	PIN 164 / 213
	Baardscheerdersbosch
SCAN NO:	09
COLLABORATOR NO:	1593160

Interest in the Application

As a Ratepayer in Baardskeerdersbos, I would like to offer my comments with regard to the application to rezone portion 164.

Reasons for Comment

To address the concerns of ratepayers and ensure legal compliance.

Comments

Incorrect statements in the application

The application classifies Baardskeerdersbos as a 'town' (Paragraphs 1 Background and 3.1 Property Description)

Baardskeerdersbos is **not** a 'town' as indicated, but is designated as a 'hamlet'. To the best of my knowledge there are approximately 200 properties in total and fewer than 100 with dwellings. Less than half of these are permanently occupied.

Property description (Paragraph 3.1)

The property is **not** a 'farm' since it is just 3039 m² in area. (See also paragraph 'Excessive Plot Density' below).

Zoning (Paragraphs 3.2 Zoning and 3.3 Land Use)

The application refers to Farm 213 and is thus **deceptive** in that activities cited in the proposal take place mostly outside the hamlet. Portion 164 is within the urban edge of the hamlet and cannot be described as a 'farm' as such. The Overstrand Spatial Development Plan (2006) designates portion 164 as 'residential'.

Similarity with other developments (Paragraph 3.4 Proposed Development)

The application makes an **incorrect statement** that the proposal is similar to the Spice Route tourist attraction near Paarl. However, it must be noted that this complex is actually situated on a farm estate, whilst this proposal is to rezone a small plot within a residential area.

14 OCT 2021

Deviation from Precinct Plan of 2015 (Paragraph Historical Significance and Paragraph 3.10 Forward Planning and Land Use Documents)

The Precinct Plan of 2015 proposed that Baardskeerdersbos be developed while retaining the unique form of the hamlet as a residential area. Appropriately scaled tourism is suggested for the main road. Scaled tourism implies a **low keyed approach**. (*Quote from Precinct Plan '8 Implementation Plan Strategy and Activities 3.3 Promote business uses, mixed with residential uses along R317 and monitor implementation as per guideline for such development.'*)

Excessive Plot Density (Paragraph 3.4 Proposed Development)

Portions of Baaardskeerdersbos now have a minimum subdivision of 4000 m² so as to **prevent** densification of the sites.

In my view, the **proposed development is too dense**. Proposed building coverage is 610 m² which is **20% of the plot**. It includes for 24 parking places, intensive horticulture, tourist facilities, agricultural/ industrial (restaurant, coffee shop, beanery, deli, art gallery, arts & crafts, micro-brewery, micro distillery, bakery, chocolatier), farm store/shop/mall, self catering accommodation and plant nursery.

Comparison to the restaurant at Dassiesfontein on the N2 is **not relevant** as this is a large venue on farm land next to a National Road and not in a small hamlet with a Provincial Road passing through.

Building Line (Paragraph 3.4 Proposed Development - Proposed Street Building Line Departure and Access)

This request is **contrary to recommendations of Precinct Plan** of 2015 which is to encourage buildings to be built up to the street building line in order to create a positive street scene. Also parking areas should be at the back of buildings. (*See 7.1.3.6 and 8 Implementation Plan Strategy and Activities 3 Enhance Tourism 3.1 and page 29 Illustration Baardskeerdersbos Design Framework and Proposals*).

Impact on External Engineering Services (Paragraph 3.7)

The proposed development would **increase the load on the municipal services** (water, refuse, sewerage, and storm water). Currently there is **no proper treatment of sewerage** and this development will exacerbate the problem. The applicant would need to spell out in detail how they propose to manage not only their own personal sewage, but that of guests and tourists, without polluting the river. Current municipal regulations require a sewerage pump out point from a conservancy tank next to the road. This will be impossible with the slope of the site and residences at the bottom of the plot. Also there is **no proper storm water system** and **run off** from the extensive paved areas will flow to the river and **increase pollution**.

Character of the Environment (Paragraph 3.5)

Effect on local micro-businesses

Business in Baardskeerdersbos is very seasonal. Micro businesses are struggling. Already one restaurant/ pub has been forced to close. Another has turned to selling handcrafts, honey,

eggs, jams, cakes etc. from the hamlet and its surrounding areas. A third has become a shop. Thus, I believe that the proposed development will **detrimentally** affect micro-businesses in the hamlet.

With respect to the establishment of a nursery, there are already a number of good nurseries in the area (Grootbos, Platbos, Eikenhoff, Napier, Groeneweide etc.) Is another nursery necessary?

Employment

The development will **not** necessarily offer employment for local residents. Staff is likely to be brought in from outside the hamlet. As it is, there is a pub/restaurant/shop which brings in staff from Gansbaai. With respect to construction work, the two building projects currently on the go in the hamlet are totally manned by workers from outside Bbos.

Impact on the Biophysical Environment (Paragraph 3.9.2)

I agree that the property is not situated in a demarcated wetland area. However, the slope of the site is such that **site storm water runs directly into a wetland area and river**. The proposal will thus have a **negative effect on the environment**.

Compliance with the law (Paragraph 4 Recommendations and above Paragraph 'Incorrect statements in the application')

It can be argued that the **applicant is not fully compliant** with Municipal Guidelines and Regulations, the Western Cape Government Land Use Planning Act of 2014(LUPA) and/or the National Spatial Planning and Land Use Management Act of 2013 (SPLUMA).

Setting a precedent for other commercial property owners in the main street

Approval of this development could set a precedent for similar **high density** developments along the main road.

Based on these comments, I hereby strongly recommend that the proposal be rejected.





Huiseienaarsvereniging Home Owners Association

Ref: BBHOA Portion 164/213 App Consent Use

30 September 2021

Town Planning
Overstrand Municipality
Hermanus Administration

For Attention: Schalk van der Merwe
Email: alida@overstrand.gov.za

Dear Mr van der Merwe

Portion 164/213 Baardskeedersbos – Application for consent use

We as, BBHOA Management will support developments which comply with the Overstrand Municipality building, Spatial Development Framework and Overlay Zone regulations.

Hereby a recommendation regarding the application and should be one of the conditions when considering the application.

1. Parking layout – looks good on paper but can it work in practice on the sloping plot.
As we can recall a while ago was a similar application located on the main road, just outside the urban edge. At that time we conditioned a green corridor with trees and shrubs to separate the main road from the parking to maintain the space rural feel. The same should apply here.
2. Comments:
Services – trust the applicants will do their part when it comes to water saving because this particular property has no resources other than municipal water.
Refuse handling will take place within the municipal regulations and to recycle as much as possible.
Sewerage, that greywater is recycled for garden use etc where possible to put less pressure on the pump system.

Kind Regards

..... (Signature)

Our reference: PA21017
Your reference: PTN 164/213 GRBRE

3 November 2021

The Municipal Manager
Overstrand Municipality
PO BOX 20
Hermanus
7200

FOR ATTENTION: MR S. VAN DER MERWE

Sir

PTN 164/213 ✓
Baarscheerdersbosch
SCAN NO:
PTN 164
COLLABORATOR NO:
1600960

COMMENTS ON OBJECTIONS:

**PORTION 164 OF THE FARM BAARSCHERDERS BOSCH NO.213: PROPOSED
CONSENT USES, DEPARTURES FROM THE PRESCRIBED BUILDING LINE AND
ACCESS IN TERMS OF THE TITLE DEED**

Reference is made to our application dated 11 June 2021 as well as your e-mail dated 22 October 2021 accompanying the comments / objections and letter of support received. The *objections* and our **comments** can be summarised as follow:

1. We as the BBHOA Management will support developments which comply with the Overstrand Municipality building, Spatial Development Framework and Overlay Zone regulations. Hereby a recommendation regarding the application and should be one of the conditions when considering the application.

Parking layout –looks good on paper but can it work in practice on the sloping plot? As we can recall a while ago was a similar application located on the main road, just outside the urban edge. At the time we conditioned a green corridor with trees and shrubs to separate the main road from the parking to maintain the space rural feel. The same should apply here.

The proposed consent uses adhere to the spatial planning policies for the area and consequently falls within the existing planning for the area and can be supported. The subject farm portion has a gentle slope and it is suitable to accommodate the proposed parking bays. A green corridor has already been established between the road surface and the property boundary by means of a row of trees that were planted.

2. Services – trust the applicants will do their part when it comes to water saving because this particular property has no resources other than municipal water. Refuse handling will take place within the municipal regulations and to recycle as much as possible. Sewerage - that greywater is recycled for garden use etc where possible, to put less pressure on the pump system.

The owners will introduce water saving measures such as the recycling of greywater for gardening purposes. Rainwater harvesting tanks will also be used to harvest water from the roofs of the proposed structures. The rainwater will be used to flush toilets and urinals. Only blackwater will flow to strategically placed conservancy tanks that will be located on the lower portion of the subject property, that will be accessible to the municipal tanker truck.

3. Incorrect statements in the application:

The application classifies Baardskeedersbos as a “town” (Paragraph 1 Background and 3.1 Property Description) Baardskeedersbos is not a “town” as indicated but is designated as a ‘hamlet’. To the best of my knowledge there are approximately 200 properties in total and fewer than 100 with dwellings. Less than half of these are permanently occupied.

We have come across the following definitions of a hamlet:

- A hamlet is considered to be smaller than a village and distinctly without a church or other place of worship (e.g. one road or a crossroads, with houses either side).
- A small settlement, generally one smaller than a village.
- A hamlet is a small human settlement. In different jurisdictions and geographies, a hamlet may be the size of a town, village or parish.

Since the formalisation of the Township of Baardskeedersbos we are comfortable to refer to Baardskeedersbos as a town. The classification of Baardskeedersbos as a hamlet or town has no bearing on the application.

Property description (Paragraph 3.1)

The property is not a 'farm' since it is just 3039m² in area. (See also paragraph 'Excessive Plot Density' below).

Zoning (Paragraphs 3.2 Zoning and 3.3 Land Use)

The application refers to Farm 213 and is thus deceptive in that activities cited in the proposal take place mostly outside the hamlet. Portion 164 is within the urban edge of the hamlet and cannot be described as a 'farm' as such. The Overstrand Spatial Development Plan (2006) designates portion 164 as 'residential'.

Similarity with other developments (Paragraph 3.4 Proposed Development) The application makes an incorrect statement that the proposal is similar to the Spice Route tourist attraction near Paarl. However, it must be noted that this complex is actually situated on a farm estate, whilst this proposal is to rezone a small plot within a residential area.

The reasons why we refer to the subject property as a farm portion is because it has an Agricultural Zone I zoning and is also referred to as Portion 164 of the Farm Baardscheerders Bosch No.213 on the subject diagram and in the Title Deed. Referring to the proposal as being similar to the Spice Route is not because of the location thereof but because of the multiple uses that we propose that is similar to that the land uses found at the Spice Route and the concept thereof.

4. Deviation from the Precinct Plan of 2015 (Paragraph Historical Significance and Paragraph 3.10 Forward Planning and Land Use Documents). The Precinct Plan 2015 proposed that Baardskeerdersbos be developed while retaining the unique form of the hamlet as a residential area. Appropriately scaled tourism is suggested for the main road. Scaled tourism implies a low keyed approach. *(Quote from Precinct Plan '8 Implementation Plan Strategy and Activities 3.3 Promote business uses, mixed with residential uses along R317 and monitor implementation as per guideline for such development.)'*

The proposal is in line with the above mentioned Precinct Plan. The Baardskeerdersbos Precinct Plan, January 2015, encourages and promotes appropriately scaled tourism development based on regional agricultural and heritage value and rural cottage industries. It is further proposed that the unique village / rural character and the quality of the tourism experience be maintained and protected. The vision from an economical point of view is to become a rural centre of crafts and tourism. Tourism and related cottage industries are also promoted alongside Main Road to which the subject property abuts.

In terms of the Baardskeerdersbos Precinct Plan, January 2015, the following appropriate land uses are proposed for the area that includes Portion 164 of the Farm Baardscheerdersbosch No.213:

- Commercial use should be encouraged along Main Road;
- Restaurants and guesthouses are allowed adjacent to the Main Road;
- Cottage industry and light industrial uses of non-pollutant nature and home occupation could be allowed;
- Art, craft and pottery are encouraged;
- Cultural activities and festivals related to food, art and performance is encouraged;
- A wide variety of crop production is encouraged and includes orchards and horticulture.

5. Excessive Plot Density (Paragraph 3.4 Proposed Development). Portions of Baardskeerdersbos now have a minimum subdivision of 4000m² so as to prevent densification of the sites. In my view the proposed development is too dense. Proposed building coverage is 610m² which is 20% of the plot. It includes for 24 parking places, intensive horticulture, tourist facilities, agricultural / industrial (restaurant, coffee shop, beanery, deli, art gallery, arts & crafts, micro-brewery, micro distillery, bakery, chocolatier), farm store / shop / mall, self-catering accommodation and plant nursery.

The subject property is 3 039m² in extent. The combination of all buildings constitutes ±610m² that is ±20% of the total area of the site that constitutes a low density type of development. The proposed coverage of the site compares well with other developed farm portions in the area.

The parking area will not be paved or tarred. Permeable material or grass blocks will be used for the construction of the parking area in order to create stability and allow grass to grow. Subsequently the rural area will be kept intact and the parking area will not be perceived as a solid surface.

We have listed a number of land use possibilities that could be accommodated onsite to create a multi-use tourist facility. The development could accommodate a combination of the proposed uses and at this stage the combinations are flexible.

The proposed tourist facility creates a platform from where local artisans, artists, etc could sell their products and produce from. The fact of the matter is that the coverage of the site and the proposed buildings are fixed. The uses will be managed by the owners to ensure that a good mix is represented to benefit the proposed developed. The combination of uses of these building will be determined by the interested entrepreneurs making use of this platform.

6. Comparison to the restaurant at Dassiesfontein on the N2 is not relevant as this is a large venue on farmland next to a National Road and not in a small hamlet with a Provincial Road passing through.

We compared the development to Dassiesfontein because of the use, rural atmosphere etc. and not the location or size thereof.

7. Building Line (Paragraph 3.4 Proposed Development – Proposed Street Building Line Departure and Access). This request is contrary to recommendations of Precinct Plan of 2015 which is to encourage buildings to be built up to the street building line in order to create a positive street scene. Also parking areas should be at the back of buildings. (See 7.1.3.6 and 8 Implementation Plan Strategy and Activities 3 Enhance Tourism 3.1 and page 29 Illustration Baardskeerdersbos Design Framework and Proposals).

The application for the relaxation of the street building line is to bring the land use restrictions in line with Zoning Scheme Regulations. The site development plan was designed to create a view corridor from the street by means of placing the parking area close to the entrance, a centred walkway trough an agricultural garden and nursery flanked by smaller buildings before reaching the farm store / farm shop / restaurant / multi use area being the focal point. With the existing trees planted alongside the main road, the “green” parking area, agricultural uses and the proposed placement of the buildings will create a positive street scene and will suit the character of Baardskeerdersbos.

The proposed development will cater for all ages and therefore it was decided to create the majority of parking at the entrance making it a much safer environment for pedestrians and especially children.

8. Impact on External Engineering Services (Paragraph 3.7). The proposed development would increase the load on the municipal services (water, refuse, sewerage, and storm water). Currently there is no proper treatment of sewerage and this development will exacerbate the

problem. The applicant would need to spell out in detail how the proposes to manage not only their own personal sewage, but that of guests and tourists, without polluting the river. Current municipal regulations require a sewerage pump out point from a conservancy tank next to the road. This will be impossible with the slope of the site and residences at the bottom of the plot. Also, there is no proper storm water system and run off from the extensive paved areas will flow to the river and increase pollution.

There will be an additional load on the municipal services, but the owners will implement water saving measures and will also recycle greywater. Sewage will be disposed of by means of conservancy tanks that will be strategically placed and supplied with a suction point that will be easily accessible to the Municipal service tanker to empty the tanks. It is also proposed that only blackwater would flow to the septic tanks and that the greywater be utilised for irrigation purposes.

The blackwater will be disposed of at the closest sewage treatment works. If tanker services are limited, the owner will make use of private companies to transport the blackwater to the approved sewage treatment works. Making use of conservancy tanks limits pollution and therefore the development will not pose a threat to the lower lying Boesmans River.

The subject property is located adjacent to Division Road 1205. Subsequently the sewage tanker may not park on the side of the road to connect to the sewage section point. Due to the slope of the property the conservancy tanks will be constructed on the lower southern portion of the site behind the proposed Building C. The conservancy tanks will be fitted with suction point that will be accessible to the tanker. Adequate access will be provided for the tanker to access the conservancy tanks. Sufficient space will also be provided onsite for the tanker to turn around and exit the site safely.

As mentioned above and in our motivation. The proposed coverage of the site is $\pm 20\%$ and the parking area will not be paved or tarred. Permeable material or grassblocks will be used to stabilise the parking area. Rainwater tanks will also be strategically placed next to the proposed buildings to harvest water. Due to the proposed method of the surfacing of the parking area, the minimal coverage of only 20% and the fact that water harvesting tanks will also be utilised, stormwater can be disposed of naturally throughout the site and drain naturally.

9. Character of the Environment (Paragraph 3.5). Effect on local micro-business Business in Baardskeerdersbos is very seasonal. Micro businesses are struggling. Already one restaurant / pub has been forced to close. Another has turned to selling handcrafts, honey, eggs, jams, cakes etc. from the hamlet and its surrounding areas. A third has become a shop. Thus, I believe that the proposed development will detrimentally affect micro-businesses in the hamlet.

Baardskeerdersbos has become a quaint little tourist destination for both local and international tourists. People frequently visit Baardskeerdersbos especially over weekends, even if it is just to enjoy a meal at one of the restaurants. It is the goal of the owners of Portion 164 of the Farm Baardscheerders Bosch No. 213 to make provision for a venue with a difference in the area, to attract more tourists and day visitors to the town of Baardskeerdersbos by means of creating a venue from where local arts, crafts, food, beverages etc. can be showcased and enjoyed. More visitors to Baardskeerdersbos will have much more positive spinoffs from which the micro businesses will benefit from. The micro business would rather be stimulated, than having a negative impact on them.

10. With respect to the establishment of a nursery, there are already a number of good nurseries in the area (Grootbos, Platbos, Eikenhoff, Napier, Groeneweide etc.) Is another nursery necessary?

If cognisance is taken of the scale of the proposed multi uses it is clear that the establishment of a small nursery will not have an impact on nurseries established elsewhere. The proposed nursery brings another complementing aspect to the proposed development and can be supported.

11. Employment. The development will not necessarily offer employment for local residents. Staff is likely to be brought in from outside the hamlet. As it is, there is a pub / restaurant / shop which brings in staff from Gansbaai. With respect to construction work, the two building projects currently on the go in the hamlet area totally manned by workers from outside Bbos.

If suitable employees are locally available, they will surely be given a fair opportunity to apply for work. The same would apply for contractors, skilled and unskilled workers. The best candidate for a specific job will be employed.

12. Impact on the Biophysical Environment (Paragraph 3.9.2). I agree that the property is not situated in a demarcated wetland area. However, the slope of the site is such that site storm water runs directly into a wetland area and river. The proposal will thus have a negative effect on the environment.

Compliance with the law (Paragraph 4 Recommendations and above Paragraph 'Incorrect statements in the application'). It can be argued that the applicant is not fully compliant with Municipal Guidelines and Regulations, the Western Cape Government Land Use Planning Act of 2014(LUPA) and / or the National Spatial Planning and Land Use Management Act of 2013(SPLUMA). Setting a precedent for other commercial property owners in the main street. Approval of this development could set a precedent for similar high density developments along the main road.

The subject property has a gentle slope from the road towards the Boesmans River and can be developed. Water drainage will take place in a natural manner as described under paragraph 8 above. The proposed development will not have a negative impact on the environment.

The application is in line with the forward planning guidelines referred to in our motivation report. There are several businesses already developed in the Main Road of Baardskeerdersbos. Subsequently this application will not create a precedent and it is definitely not a high density development.

13. (Name deleted by Municipal Town Planner) is involved in tourism marketing in Baardskeerdersbos and thus has an interest in the products and experience offered. Our interest thus lies in providing an authentic offer without deducting from the very essence of what Baardskeerdersbos is and thus the very reason people want to visit Baardskeerdersbos. It is important to understand that Baardskeerdersbos is not a town but a rural settlement which developed and grew organically until approximately the year 2000 when it was finally subdivided and provided the opportunity for non-descendants of the original owners, to own property. As such Baardskeerdersbos has a very unique character, and it is this character which attracts visitors. Any development should thus honour this intricate balance between economic development and conserving the essence of Baardskeerdersbos.

The application states that the character of the area will not be changed or affected negatively. Character is not a tangible issue and lies in the values of the community.

The report does indicate that Baardskeedersbos is a quiet town, however it is my view that the development proposal holds the potential to increase the activity levels and thus reduce the serene environment. It is thus my view that the development will change and negatively affect the character of Baardskeedersbos.

From a density and proposed land use point of view we have taken the existing character of Baardskeedersbos into account and is the proposal compatible therewith. More visitors will only have a positive impact on Baardskeedersbos and residence will be in a position to uplift themselves. Visitors will also support the other local businesses that are established in Baardskeedersbos. With the proposed scale of the development the rural character will be retained.

The intention of marketing the town (as per the objector's own admission) has in effect the result that more tourists are enticed to visit Baardscheedersbosch and in order to provide in the needs of the greater number of tourists drawn, more activities should be made available.

14. From a design perspective, the conglomerate of buildings does not follow the settlement pattern of Baardskeedersbos and thus change the character of the settlement. It is suggested that a visual assessment be done with specific reference to the cultural landscape aspects.

The proposed buildings in total calculate to approximate 610m² that constitutes ±20% of the site. The sizes and number of the buildings proposed on Portion 164 of the Farm Baardscheeders Bosch No.213 are similar to buildings already established in Baardskeedersbos and are definitely not out of character. A visual assessment is not justified. Please refer to the photographs below:



15. On visiting the Gansbaai Library, the documentation was not available as stated in the advertisement. I had to request the documentation which was then send by email. It is therefore suggested that the application be advertised for a further 30 days to comply with the procedures.

It is furthermore suggested that applications related to Baardskeerdersbos, be available at a venue in Baardskeerdersbos. There are a number of businesses where documentation can be made available as such applications would in the majority cases be of interest for the local community.

The required documentation was sent to the Municipal Offices in Gansbaai by the Planning Department on the 10 September 2021 to be accessible to the general public in the Municipal library. The notice and the associated information were available on the Overstrand Municipality's website and if requested, the notice could also have been e-mailed. It is therefore our opinion that the information as advertised was available to the general public during the public participation process and that no further advertising is required.

16. Water use: The proposal includes a number of industrial and processing activities which are all water intensive. No detail is provided on the estimated water use. It is requested that an indication of water use be determined, and the municipal water department indicate whether this water use is within the capacity of the current supply as well as taking into account if all existing vacant properties are developed within their existing land use rights.

Taking the scale of the proposed development into consideration it is clear that any processing will be of a micro scale and that can definitely not be classified as being water intensive uses. The owners will put recycle measures in place as previously mentioned and rainwater harvesting tanks will also be introduced to reduce the load on the provision of water.

17. Wastewater: This aspect should be considered in relation to water use as well with regard to the volume of wastewater to be produced. The proposal indicates that grey and black water will be separated, and that grey water will be used for irrigation purposes. The proposal should include details on what methods will be used to re-use grey water specifically with reference to the potential pollutions of run-off and ground water and the potential pollution of the Boesmansrivier. To this extend the comment of the Department of Water Affairs should also be obtained. The proposal should include information on the types of wastewater to be generated from the various activities e.g. micro-brewery, soap making etc.

Please refer to our comments under paragraphs 8 and 12 above.

18. The proposal is very vague and refer to multi-use buildings without being specific. Reference is for example made to the self-catering accommodation which may be used for a spa. It is not possible to determine whether the floor areas comply with the scheme regulations as more than one building can be used for the same use, exceeding the limits.

The sizes and proposed uses of each of the buildings have been clearly indicated on the site plan. The number of the parking bays have also been calculated to provide for the worst case scenario with reference to the proposed self-catering unit that could also be utilised as a spa that is 60m² in extent. The uses, proposed on the site development plan, have been tabled on the site development plan as follow:

Lable	Proposed Land Use	Size	Parking Bays required	Parking Bays Required	Parking Bays Provided
A	Intensive Horticulture	60m ²		0	0
B	Multi Use Area	60m ²	4 Parking Bays / 100m ² GLA.	2.4	3
C	Farm Store / Farm Shop	250m	4 Parking Bays / 100m ² GLA.	10	11
D	Multi Use Area	120m ²	4 Parking Bays / 100m ² GLA.	4.8	5
E	Dwelling	60m ²	2 Parking Bays / dwelling.	2	2
F	Self Catering Unit / Spa	60m ²	2 Parking bays for selfcatering or 4 parking bays per 100m ² GLA.	2.4	3
TOTAL				21.6	24

19. The application mention that units will be rented individually. This implicate that the development will not be operated as an owner business. A special consent is granted to an owner with the intention that such owner remains responsible to comply with the conditions of approval. With different tenants this control becomes difficult when conditions are not complied with.

The whole concept of the proposed development is to create a platform from where entrepreneurs could make, sell and showcase their work. The uses could be a combination of any of the following examples:

- Restaurant
- Coffee Beanery
- Micro-Brewery
- Micro Distillery
- Bakery
- Art Gallery
- Arts & Crafts
- Farm Store

The proper management of the rentals is essential in order to ensure that there are no duplications, that the uses are beneficial to the development and that they are in line with the vision of the proposal. The tenants will have to comply with the contractual agreements that will be enforced to ensure control. The management of the site will be strict in order to create a harmoniously designed multi use tourist facility that will be beneficial to the tenants.

20. The development proposals indicate that the property will not be utilized primarily in terms of its primary land use rights and this implies that the character of the area will be changed permanently. It is mentioned that the buildings will be in line with the historical context and that this will be dealt with on building plan stage. It is important that the community who holds the historical value, be involved at an early stage and should the concept design proposals not be included at this stage, the community will have little if any input at building plan stage. It is thus suggested that the applicant already provide guidelines of the type of buildings and that a condition be imposed, should the application be approved, that the building plans be referred for comment by the broader community and the Baardskeerdersbos Homeowners Association.

With reference to the strong history and sense of place of the older established areas of Baardskeerdersbos the owners will design the proposed buildings to fit in with the architectural style of the area in order to promote the heritage of the town and to be compatible therewith. Building plans will be submitted to be evaluated by the Overstrand Municipality prior to any development taking place, but after an approval has been obtained, as per this application at hand.

21. If the street building line is a condition of title, an application for removal of title condition should also be lodged.

The Title Deed contains restrictions with reference to a street building line and access was imposed in terms of Act 21 of 1940. In terms of the restrictions it is possible to apply for the relaxation thereof. Approval for these restrictions is required from the District Road Engineer and does not require the removal of this restrictive Title Deed condition.

22. The ground level difference from road level to the bottom boundary is approximately 10m. The road is significantly higher than the proposed parking area. Design concepts should be included to indicate how this will be dealt with and whether retaining walls will be built.

Please refer to our comments under paragraph 12 above.

23. Stormwater: No mention is made of stormwater management. Stormwater is already problematic especially for properties below the main road. With the added hard surfaces and roofs, the run-off will be increased significantly. Areas such as parking and land uses such as intensive horticulture create contaminated run-off. This may result in the pollution of the

Boesmansrivier. The proposal should include measures how the run-off from these surfaces will be contained and filtered before disposed of downward as to prevent pollution to adjoin properties and eventually the Boesmansrivier. The proposal should also include measure to prevent any erosion due to stormwater discharge.

As mentioned in our comment under paragraph 8, the proposed coverage of the site is $\pm 20\%$ and the parking area will not be paved or tarred. Permeable material or grassblocks will be used to stabilise the parking area. Rainwater tanks will also be strategically placed next to the proposed buildings to harvest water. Due to the proposed method of surfacing of the parking area, the minimal coverage of only 20% and the fact that water harvesting tanks will also be utilised, stormwater can be disposed of naturally throughout the site and drain naturally.

24. Refuse removal: The proposal mention that refuse will be removed by the municipality and by the owner. Note that refuse is only removed once a week in Baardskeerdersbos. This is not sufficient for a business of this size. The proposal should include a waste management plan specifying the different waste streams and how each will be dealt with. The design should include a waste holding facility for the once a week removal and how the weekly refuse will be collected. Placing a large number of refuse bags on the pavement is unacceptable.

It is proposed that the solid waste be collected by the Overstrand Municipality and disposed of at the Gansbaai solid waste transfer station or the closest municipal landfill site. If this is not a possibility the solid waste will be privately transported to the Gansbaai solid waste transfer station on a regular basis. If it is required that the refuse be disposed of more frequently the owner will transport the refuse privately to an approved landfill site or refuse transfer station.

25. Currently there is no or few suitably skilled workers available in Baardskeerdersbos. Labour will thus be sources from outside Baardskeerdersbos. The proposal thus does not create jobs where there is a job shortage but rather create a housing need for labourers from outside. This will also contribute to the cumulative impact of the proposal.

If suitable employees are locally available, they will surely be given a fair opportunity to apply for work. The same would apply for contractors, skilled and unskilled workers. The best candidate for a specific job will be employed. A development such as this does not require skilled labour only but would also include unskilled labour. Unskilled employees can learn skills during their term of employment.

26. The report states that the proposal does not intend to be in competition with other business. Note that all the uses mentioned in the application, already exist in Baardskeerdersbos, or approval has been granted for such uses. The development thus proposes uses already present and would thus be in competition with existing business. There is for example already four restaurants and art gallery. etc.

In terms of good planning practise, competition cannot be used as a reason for objecting. There are no developments presently in existence such as the one proposed in Baardskeerdersbos. Even though another restaurant is proposed, each restaurant offers a different menu with their own unique way of preparing and presenting their food to patrons. Each restaurant also has its own atmosphere. It is a common phenomenon that where popular restaurants are fully booked that the overflow of patrons support other restaurants in the area. Subsequently everyone benefits from one another as long as they attract patrons / visitors to the area.

27. It is my view that the application does not provide sufficient information for Council to make an informed decision and that the above be requested and once provided, presented to the Baardskeerdersbos community for further input. The comments from other relevant state departments should also presented to the community at the next round of public participation. Confirmation should also be provided by the Department of Environmental affairs and Development that an Environmental assessment is not required for the various uses and wastewater use.

We have not received any comments from the various departments that were informed, other than the Department of Transport and the Department of Environmental Affairs and Development Planning. The Department of Transport supports the proposed access and building line.

As mentioned in our motivation report, the proposed consent uses do not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998). The application constitutes the development of a small farm portion located within the urban edge of Baardskeerdersbos, not situated within demarcated wetland areas or Environmental Management Overlay Zones. Subsequently the proposal is also supported by the Department of Environmental Affairs and Development Planning.

In terms of the Municipal Bylaw the application has gone through a public participation process and does not require any further processes in this regard.

28. We (7 names and addresses provided, which details have been removed by the Municipal Town Planner) would like to be known that we fully support and approve of the initiative since we believe that it will not only be of great economic benefit to the community as a whole, but particularly to the more impoverished members, by providing employment opportunities, while not posing a great environmental threat.

We concur with the comment above.

We trust that you will find our comments on the objections received in order and that the application will be dealt with favourably.

Yours faithfully



John Mc Lachlan



Overstrand Municipality

alida@overstrand.gov.za

Date: 2021/09/14

Enquiries:

WayleavesWesternOU@eskom.co.za

WAYLEAVE APPLICATION: Application for Consent Use : Portion 164 of the Farm No. 213, Baardscheerders Bosch : Gansbaai

YOUR REF: 213/164 GRBRE

OUR REF: 02999-21

Referring to your application dated 10/09/2021

1. Eskom Distribution has no objection to the proposal.
2. This application is not affected by Eskom services and should be referred to the Local Authority.

Yours faithfully

LAND DEVELOPMENT (BRACKENFELL)

Distribution Division - Western Region [Land Development]
Western Region
Eskom Road Brackenfell 7560 PO Box 222 Brackenfell 7561 SA
Tel +27 86 003 7566 www.eskom.co.za



REV	REVISION DESCRIPTION	BY	CHKD	APPD	DATE

Eskom
Distribution

CALEDON CNC
GANSBAAI
PORTION 164 OF FARM NO. 213, BAARDSCHERDERS BOSCH
APPLICATION FOR CONSENT USE
OVERSTRAND MUNICIPALITY



SCALE 1 : 750
DATE: 22/09/2009
DRAWN BY: 130092924
CHECKED BY: 130092924

ALL CABLE POSITIONS ARE APPROXIMATE
AND SHOULD BE VERIFIED ON SITE.
LAND DEVELOPMENT SECTION
TEL: 021-946 3123 FAX: 021-946 3633

SET	SHEET	REVISION
00	00	0

WAYLEAVE 02989-21

12 11 10 9 8 7 6 5 4 3 2 1
A B C D E F G H



61 Oak Avenue, Highveld,
P.O. Box 1142, Port Elizabeth
Private Bag X881, Pretoria, Gauteng, 0001
Techno Park, Centurion 0157,

Our reference: WWIP_WBRP3347_21
Your reference: 164 OF THE FARM NO. 213
Enquiries: P. Ngqakayi
TEL: 0437056236/0813922403

EMAIL: Portian@openseve.co.za / Ngqakapz@telkom.co.za

23 September 2021

Attention: Marlize Miller

Overstrand Municipality
16 Paterson Street
Hermanus
7200 P
PO Box 20

OPTIC FIBRE & COPPER PLANT AFFECTED

RE: PORTION 164 OF THE FARM NO. 213, BAARDSCHEERDERS BOSCH, DIVISION BREDASDORP, OVERSTRAND MUNICIPALITY AREA: APPLICATION FOR CONSENT USE: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF MR JJ NEL & DR AL RABIE

With reference to your application received 10 September 2021.

As important cables are affected, please contact our representative **Melt van As** telephone number **081 363 7873**

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.

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.

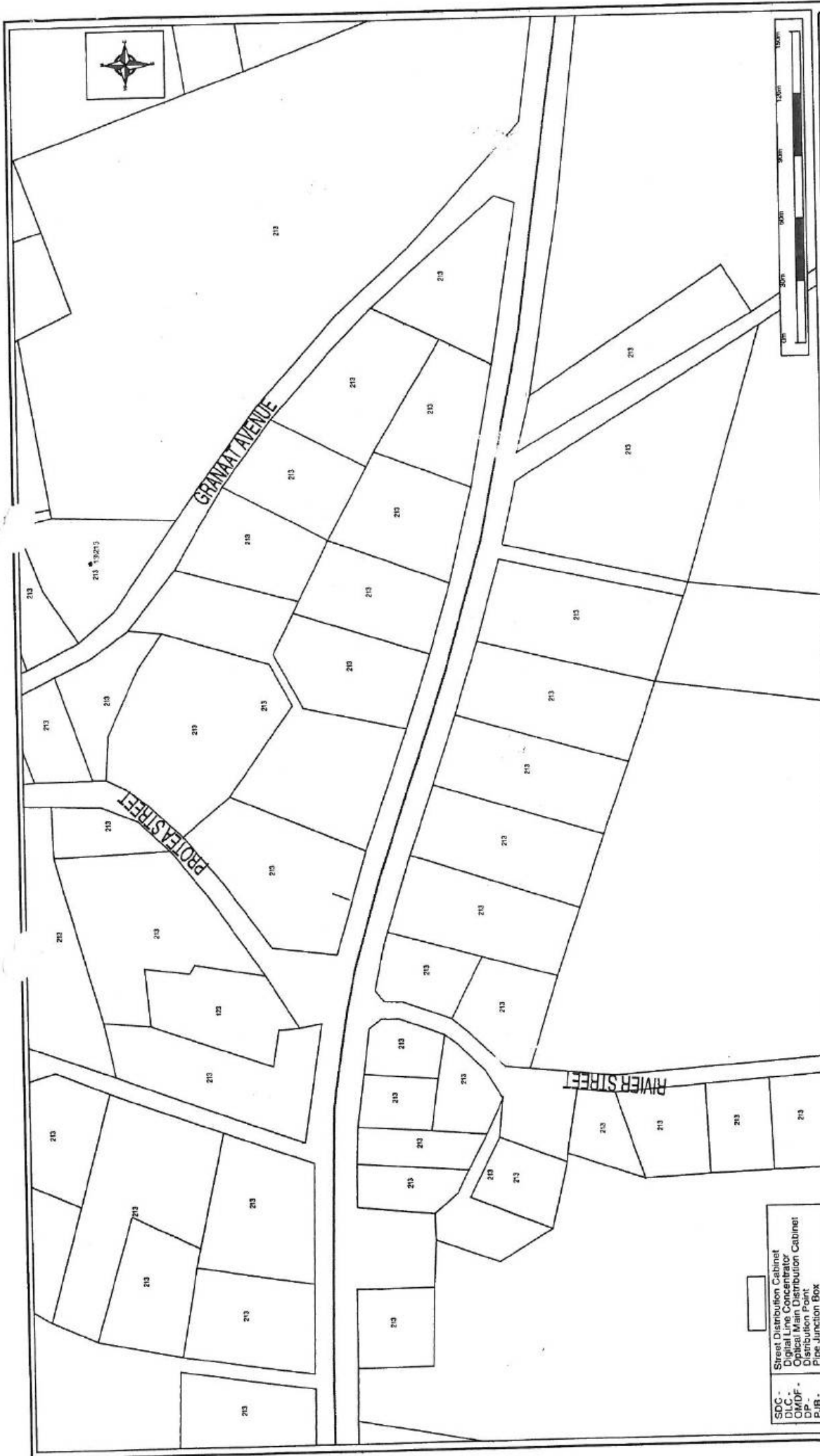
Should Open Serve infrastructure be damaged while work is undertaken, kindly contact our representative immediately.

All Open Serve rights remain reserved.

Yours faithfully

P Ngqakayi

For Selwyn Bowers
Operations Manager
Wayleave Management: Southern and Western Region



Region		TELKOM REGIONAL EXECUTIVE	
Exchange area	Drawn By	Date	25/09/2021
Checked By	Approved	Project No.	
Details	Drawing No.	1:2412	1 of 1
Scale	Page Size	A4	Sheet No

Legend		Existing Underground Route	
	Existing SDC		Existing Underground Route
	Planned SDC		Planned Underground Route
	To Be Recovered SDC		To Be Abandoned Underground Route
	Existing DLC		Existing Overhead Route
	Planned DLC		Planned Overhead Route
	To Be Recovered DLC		To Be Recovered Overhead Route
	Existing Pillar Joint		Existing Mini OMDF
	Planned Pillar Joint		Planned Mini OMDF
	To Be Recovered Pillar Joint		Existing Strut and Stay

SDC - Street Distribution Cabinet
 DLC - Digital Line Concentrator
 CMDF - Optical Main Distribution Cabinet
 DP - Distribution Point
 PJB - Pipe Junction Box



Western Cape
Government

TRANSPORT & PUBLIC WORKS: ROADS

Chief Directorate: Road Planning
Email: grace.swanepoel@westerncape.gov.za
Tel: +27 21 483 4669
Room 335, 9 Dorp Street, Cape Town, 8001
PO Box 2603, Cape Town, 8000

REFERENCE: TPW/CFS/RP/LUD/REZ/SUB-21/237 (Job 28943)
ENQUIRIES: Ms G Swanepoel
DATE: 15 October 2021



The Municipal Manager
Overstrand Municipality
PO Box 20
HERMANUS
7200

TP - A Theart
(S vld Merwe)

Attention: SW van der Merwe

Dear Sir

PORTION 164 OF FARM 213, CALEDON: DIVISIONAL ROAD 1205: APPLICATION FOR CONSENT USE

1. Your letter 213/164 GRBRE dated 10 September 2021 refers.
2. The subject property is in Baardscheerdersbosch and takes access off Divisional Road 1205 at ± km 17.94.
3. This application is for Consent Use to accommodate a mixed-use development comprising of intensive horticulture, tourist facilities, agricultural industry, farm store, nursery and tourism accommodation.
4. The application also requires the relaxation of the 95m building line restriction to be relaxed to 14m and the relocation of the access some 20m from the eastern side of the erf to the western side of the erf.
5. This Branch offers no objection to the application in terms of the Land Use Planning Act, No 3 of 2014.
6. This Branch approves the relaxation of the 95m building restriction line to 14m to accommodate the proposed development.

Yours Sincerely

SW CARSTENS
For DEPUTY DIRECTOR-GENERAL: ROADS

FILE NO:	Ptn 164 213 ✓
	Baardscheerdersbosch
SCAN NO:	
	Farm 213
COLLABORATOR NO:	
	1596586

20 OCT 2021

TP

ENDORSEMENTS

1. Overstrand Municipality
Attention: Mr S van der Merwe (e-mail: svandermerwe@overstrand.gov.za)

2. PlanActive
Attention: Mr J Mc Lachlan (planactive@maxitec.co.za)

3. District Roads Engineer
Paarl

4. Mr Hein Uys (e-mail)

5. Mr SW Carstens (e-mail)

6. Mr F Fakier (e-mail)



**Western Cape
Government**
Environmental Affairs and
Development Planning



**DIRECTORATE: DEVELOPMENT MANAGEMENT
(REGION 2)**

Kobus.Munro@westerncape.gov.za
Tel: +27 21 483 5842 Fax: +27 21 483 3633
1 Dorp Street, Cape Town, 8000
www.westerncape.gov.za/eadp

*TP. N. Theard
(S. ud. Neno)*

REFERENCE: 15/3/2/12/BO3

Director: Infrastructure and Planning
Overstrand Municipality
PO Box 20
HERMANUS
7000

FILE NO: <i>PTN 164 / 213</i>
<i>Baardscheedersbosch</i>
SCAN NO: <i>PTN 164</i>
COLLABORATOR NO: <i>1600024</i>

**REQUEST FOR PROVINCIAL PLANNING COMMENT: PROPOSED CONSENT USE: PORTION 164
OF FARM BAARDSCHEEDERS BOSCH NO. 213, DIVISION BREDASDORP**

1. Your request for comment, dated 10 September 2021, has reference.
2. The application under consideration is for the following consent uses:
 - o Tourist facilities (possible uses include a restaurant/coffee beanery/micro-brewery/micro distillery/bakery/art gallery/arts & crafts, measuring 60 m² & ±120m²)
 - o Tourist accommodation (±60 m²)
 - o Wellness centre (±60m²)
 - o Farm shop/stall (±250 m²)
 - o Intensive horticulture (±60m² greenhouse)
 - o Agricultural industry (±120 m²)
 - o Plant nursery (areas between the buildings)
3. The property is located inside the urban edge of Baardskeedersbos as per the 2020-2030 MSDF and the Baardskeedersbos Precinct Plan, 2015, which promotes appropriately scaled tourism development based on the agricultural and heritage value of the region.
4. The floor space for the proposed mixed-use development on the farm will comprises ±610m², which is below the maximum total floor space of all buildings on the land unit, i.e., 5 000 m². The hard surface area for the parking, however,

comprises a further $\pm 677\text{m}^2$, which together with the 6m wide driveway that extends almost the length of the property ($\pm 408\text{m}^2$), covers approximately 56,5% of the property.

5. The property is located within a Local Heritage Area on a route of Local Scenic Significance and the Heritage Protection Overlay Zone Regulations will, therefore, need to be considered.
6. The proposal, which is of an appropriate scale and contributes to the sustainability of Farm 251, is aligned to the Western Cape Land Use Planning Guidelines: Rural Areas, March 2019.
7. From a provincial land use perspective, this Directorate therefore has no objection to the proposed consent uses, which will be located within an existing unutilised building and within an already disturbed area along Minor Road 5946.

Kobus Munro Digitally signed by Kobus Munro
Date: 2021.11.03 10:01:11 +02'00'

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: PORTION 164 OF THE FARM 213,
BAARDSCHEERDERS BOSCH, DIVISION BREDASDORP**

Stormwater (SW)	:	In order
Electricity	:	Eskom
Water	:	In order
Sewer	:	In order
Roads and traffic	:	In order

Conditions:

1. That a Bulk Services Contribution Levy (BICL) be paid by the developer to supplement municipal services and amenities in accordance with the relevant legislation and as determined by the Council. The BICL tariff is adjusted by Council annually. The total BICL payable will be the amount as determined by the BICL Policy and tariff at the date of **actual payment**. BICL amounts quoted in any document will normally be applicable to the particular year in which the document was compiled and Council will not be bound by the quoted amounts.

1.1 Developments containing Sectional Title Units/ Commercial Buildings (non-free standing properties – property is not to be subdivided)

The BICLs are to be paid in full **prior** to submission of the building plans. Building Plans will not be accepted unless the BICL is paid in full.

1.2 Developments with free standing properties (property that is subdivided and plots to be sold individually).

The BICLs are payable **prior** to clearance being issued by the Income Department of the Municipality.

The contribution according to the current policy (2021/2022) is as follows:

Freehold erven:

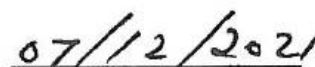
Water	R 24 915.00 x 1.96 =	R 48 833.40
Sewerage	R 16 799.12 x 1.96 =	R 32 926.28
Solid Waste	R 1 505.92 x 7.59499=	<u>R 11 437.45</u>
TOTAL (inclusive of VAT)	=	R 93 197.13

Note:

- 1.3 **The above figures are estimates**
 - 1.4 **The above figures do not include evaluation/investigation levies and connection fees**
-
2. that, should the applicant require water to Portion 164 of Farm 213, Portion of Farm 213 be provided with a municipal water meter as per detail and requirements stipulated;

3. that the proposed development on Portion 164 of Farm 213 be 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;
4. that the sewer conservancy tanks must be accessible to the municipal sewer tankers from one of the adjacent public roads, with parking areas for the sewer tankers provided with permanent surfaces and to the layout and specification of the Department: Operational Services;
5. that, alternatively, sewer treatment facilities that are approved by the Department of Water Affairs may be provided for disposal of sewer from the developments, and written proof of such approval be submitted to the Municipality;
6. that a stormwater management plan, which may include attenuation facilities to ensure that the pre-development run-off is not exceeded and that erosion and pollution is minimised, be submitted to the Director: Infrastructure and Planning for approval and that the approved management plan be implemented by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning;
7. that the above stormwater management plan include the following:
 - 7.1 pre-development run-off from the catchment area;
 - 7.2 post-development run-off from catchment area;
 - 7.3 existing stormwater reticulation system and the capacity thereof;
 - 7.4 connection of internal stormwater reticulation system;
 - 7.5 overland escape routes
8. that the connection to the stormwater reticulation system be provided according to the stormwater management plan, by the developer at his cost and approved by Overstrand Municipality;
9. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
10. that on site parking facilities be provided as per the Planning Schedule, and to the satisfaction of Department: Operational Services;
11. that any additional and / or extended vehicle entrances will be for the owner's account;
12. that stormwater be allowed to discharge through Ptn 164 of farm 213, unobstructed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE