



MEETING OF THE MUNICIPAL PLANNING TRIBUNAL (MPT)

A G E N D A

**THE AGENDA OF THE MPT MEETING OF 10 NOVEMBER 2022
WHICH WAS POSTPONED WILL ALSO BE DEALT WITH**

**DATE:
VENUE:
TIME:**

**8 DECEMBER 2022
TOWN PLANNING COMMITTEE
ROOM
12:00**

OVERSTRAND MUNICIPALITY

Office of the Chairperson: MPT
Civic Centre
HERMANUS
7200

1 December 2022

TO : THE MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL

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

NOTICE IS HEREBY GIVEN that the **Municipal Planning Tribunal (MPT)** will be held on **Thursday, 8 December 2022 at 12:00** in the **Town Planning Committee Room, Patterson Street, Hermanus** to consider the attached agenda.

H JANSER (MS)

CHAIRPERSON : MUNICIPAL PLANNING TRIBUNAL

Distribution:

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

MUNICIPAL PLANNING TRIBUNAL (MPT)

8 December 2022

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1. OPENING

2. APPLICATIONS FOR LEAVE OF ABSENCE

3. CONFIRMATION OF MINUTES

3.1 Minutes of a Municipal Planning Tribunal Meeting held on 13 October 2022

4. ITEMS FOR CONSIDERATION

4.1 PORTION 12 OF THE FARM MIDDELBERG NO. 643, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE AND DEPARTURE: MESSRS WRAP PROJECT OFFICE ON BEHALF OF MIDDELBERG INVESTMENTS (PTY) LTD

Report attached

4.2 PORTION 21 OF FARM AFDAKSRIVIER NO. 575 (BETWEEN HAWSTON AND FISHERHAVEN, NORTH AND SOUTH OF THE R43 DISTRICT ROAD), A DIVISION OF CALEDON: PROPOSED SUBDIVISION, REZONING, CONSENT USE, DEPARTURE AND DEVIATION OF OVERSTRAND MUNICIPAL GROWTH MANAGEMENT STRATEGY (2010): ARCH TOWN PLANNERS ON BEHALF OF AFDAKSRIVIER TRUST

Report attached

4.1

PORTION 12 OF THE FARM MIDDELBERG NO. 643, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE AND DEPARTURE: MESSRS WRAP PROJECT OFFICE ON BEHALF OF MIDDELBERG INVESTMENTS (PTY) LTD

**Prt 12 of Farm 643
3658/2021
P Roux
11 November 2022**

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application has been received on 25 January 2021 from Messrs WRAP Project Office on behalf of Middelberg Investments (PTY) Ltd on Portion 12 of the Farm Middelberg No. 643, Division Caledon for the following:

- consent use in terms of Section 16(2)(o) in order to accommodate five additional dwelling units (tourist accommodation), tourist facilities, restaurant, gift shop, pottery studio, restrooms, admin office and farm shop on the property, and
- departure to relax the lateral building line from 30m to 19m in terms of Section 16(2)(b) to accommodate the existing farm managers cottage.

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, and the Site Development Plan is attached as Annexure C.

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

Portion 12 of the Farm Middelberg No. 643, Division Caledon is zoned for Agricultural Zone 1 purposes and is developed with various structures including a farm shed, main dwelling, and labourer's accommodation. The property owner seeks to diversify the land use rights and therefore a land use application was submitted.

4. SUMMARY OF APPLICANT'S MOTIVATION

Only the main points of motivation are summarised as follows (the detailed report is attached as Annexure B):

Consent uses

- ❖ It is the intention of the property owner to establish tourist related land uses on the subject property.
- ❖ The uses proposed, range from tourist facilities, farm shop/stall and tourism accommodation which will increase the number of amenities which are available on the subject property.
- ❖ The property is situated in an area which is close in proximity to other tourism related enterprises prevalent in the Stanford rural area which will make the proposal economically viable.
- ❖ The breakdown of the uses proposed are as follows:

Additional dwelling units and tourist accommodation

Building	Existing use	Proposed use	Building area (m ²)	Covered patios (m ²)
Barn	farm equipment store	accommodation - suite 1 (4 guests)	106.7	-
		accommodation - suite 2 (2 guests)	53.4	-
		restaurant/farm shop/stall	538.5	123.2
		utility store	27.8	-
		kitchen	72	-
		pottery studio	72.7	-
		subtotal		871.1
Reception	farm office	admin/reception	71.9	184.5
		rest rooms	24.8	-
		subtotal	96.7	184.5
Tree House	staff canteen & domestic accommodation	accommodation - cabin 1 (4 guests)	76.4	21.6
		accommodation - cabin 2 (4 guests)	73.8	-
		subtotal	150.2	21.6
Round House	guest bedroom	accommodation unit (2 guests)	65.9	-
		subtotal	65.9	0
Total			1183.9	329.3

- ❖ Consent use for 5 additional dwelling units and tourist accommodation. The additional dwelling units are not required for the bona fide accommodation of employees in terms of farming activities.
- ❖ The additional dwelling units are as follows in conjunction to the floor plan:

Additional dwelling unit and size	Relevant plan
Accommodation suite 1 (4 guests) 106,7m ² .	Plan 4.1
Accommodation suite 2 (2 guests) 53,4m ²	Plan 4.1
Accommodation cabin 1 (4 guests) 76,4m ²	Plan 4.3
Accommodation cabin 2 (4 guests) 73,8m ²	Plan 4.3
Accommodation unit 2 (2 guests) 65,9m ²	Plan 4.4

- ❖ In total a number of 16 guests will be accommodated in the additional dwelling units.
- ❖ The additional dwelling units will be accommodated in existing structures with insignificant expansions to the buildings.
- ❖ It is also proposed to utilise the additional dwelling units for tourist accommodation. This is due to the scenic quality which attract tourist to the area and the property. The accommodation units are also clustered together.

Tourist facilities

- ❖ Consent use for tourist facilities to accommodate a restaurant, gift shop, pottery studio, restrooms and admin office and consent use for a farm shop/stall open to the general public.

- ❖ The individual tourist accommodation units do not have kitchens and the proposed restaurant will therefore serve meals to the guests. The restaurant adds convenience and attractiveness to the premises.
- ❖ The restaurant will also be open to the general public to eat on the subject property with a covered and uncovered seating area.
- ❖ The gift shop and farm shop/stall will sell products which range from local products, designed gifts, farm produce and other goods to guests and the general public.
- ❖ The gift shop and farm shop/stall will source items from local and international businesses and therefore holistically contribute towards the economic growth of the respective businesses. It should be noted that the land uses proposed will be subservient to the primary uses and ancillary to the activities on the farm.
- ❖ Pottery studio will be for tourist to improve their creativity skills and the ability of participants to create memories, socialise and gain a sense of accomplishment.

Departure

- ❖ Departure from the 30m side building line to 19m to accommodate the existing farm managers cottage. The existing structure is exclusively used for residential purposes and will not generate or unlock land uses which are a nuisance.
- ❖ The surrounding property owners have become accustomed to the existence of structure and will not become a visual intrusion on the neighbouring property.
- ❖ The farm manager's cottage measures 203m² and only 98m² thereof encroaches on the side building line.
- ❖ The farm is located the Klein River estuary which boasts spectacular views and has tourism activities such as canoeing, boating and swimming.
- ❖ The subject property is accessible from Wortelgat Road which is a route of regional significance.
- ❖ The subject property is 551,0538ha in size and possesses significant agricultural potential south of the Wortelgat Road, therefore the current application is for the northern side of the property.
- ❖ There are no restrictive conditions in the title deed.
- ❖ Ample parking will be provided on site. Services are available on site. Eskom provides electricity, solid waste is collected and transported by the property owner, the approved water use license which has been issued by the National Department of Water and Sanitation which permits water for the subject property to be extracted from the Stanford Aquifer in volume of 1 020 400m³ and sewage for the proposed land uses will be discharged by means of a conservancy tank which will be emptied.
- ❖ A basic assessment was done by Lornay Environmental Consulting which has been appointed by the applicant.
- ❖ The application does not trigger any listed activities in terms of NEMA.
- ❖ The application complies with all the Planning Principles as set out in SPLUMA and LUPA.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Internal Departments	Yes	16 March 2021	23 April 2021
Ward councillor	Yes	16 March 2021	23 April 2021

Notices	Yes	13 April 2021	21 May 2021
Total comments	SIX (6)		
Total letters of support	NONE		
Was public participation undertaken in accordance with Section 46 - 50 of the 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
Building Department	20/05/2021	No objection: Building plan application must comply with all applicable law.
Fire Department	16/05/2021	No objection subject to compliance with the provisions of SANS 10400 A:2016, 10400-T: 2020, and the By-Law Relating to Community Fire Safety (Guest houses and bed and breakfast accommodation SANS 10400-T:2020 Section 4.58).
Department of Environmental Affairs and Development Planning: <i>Component Planning</i>	24/03/2021	Attached as Annexure F.
Open Serve	24/03/2021	Attached as Annexure G.
Heritage Western Cape	29/03/2021	Attached as Annexure H.
Department of Transport and Public Works	31/03/2021	Attached as Annexure I.
Waste Management	06/04/2021	No objection.
Stanford Heritage Committee	08/04/2021	Attached as Annexure J.
District Health	23/04/2021	Attached as Annexure K.
Department of Agriculture (Provincial)	13/12/2021	No objection.
DEA&DP (<i>Environmental Authorisation</i>)	14/12/2021	Attached as Annexure L.

Engineering Services	04/02/2022	Attached as Annexure M.
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7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

Six (6) objections were received from the adjacent property owners. The points of objections and responses thereto will be grouped together and discussed together.

Comments from the public participation process	Response to comment
<p><u>Existing vegetation</u></p> <p><i>"We do however comment that the existing vegetation along the district road should be maintained as a visual screen for the parking lot."</i></p>	<p>This comment is noted, and it is important to consider Plan 5, the landscape plan that illustrates the proposed methods to ensure the parking lot is visually screened by the existing and planned vegetation.</p> <p>Three and four rows of deciduous trees are proposed. On top of the existing vegetation along the road.</p>
<p>Response from the Town Planner:</p> <p>Comment is noted</p>	
<p><u>Affect and taint the country (agricultural) setting.</u></p> <p><i>"Please can we try to preserve a little bit of the country feel."</i></p> <p><i>"Our plan is to move to the "country" from the "city" in order to enjoy a quieter life, free of car pollution, noise pollution, and the activities that accompany shopping centres, restaurants etc"</i></p>	<p>It is and never was the intention of the applicant (Middelberg Investments Proprietary Limited) to affect the surrounding area in a negative manner. It is the opposite in fact.</p> <p>The applicant's intention is neither to impede on anyone's right to silence, freedom of car pollution and freedom of noise pollution.</p> <p>The applicant appointed WRAP Project Office to submit the application on their behalf. This was done to ensure the proposed tourist facilities meet all the requirements set out by the Overstrand Municipality.</p> <p>When the application was made it was of importance to adhere to the development parameter set out by the Overstrand Municipality and its policies. This would ensure the proposed tourist facilities remains in line with what is allowed on agricultural properties.</p> <p>The reason that the zoning (Agriculture Zone</p>

	<p>1: Agriculture) has not been altered is to ensure the proposed tourist facilities is not out of character in the surrounding area.</p> <p>These land uses proposed are not out of character for the area as various other developments surrounding the subject property (Portion 12 of the Farm the Middelberg 643 Caledon) have been established for example: Springfontein Wine Estate, Mosaic Lagoon Lodge, and others in the area.</p>
<p>Response from the Town Planner:</p> <p>The nature of the activities on site will be subservient to the primary use. It stands to reason that the property owner will seek to maintain the scenic quality and natural feel of the area in order to attract tourist to stay on the property. And as stated by the applicant the type of uses are not out of character for the area as similar land uses have been approved on farms adjacent to the estuary and rural area surrounding Stanford.</p>	
<p><u>Protected area free from commercial activities.</u></p> <p><i>“We bought land zoned Agricultural Zone 1 with the understanding that we would be in a protected area, free of commercial activities.”</i></p>	<p>This application proposes agricultural related ‘commercial activities’ that are allowed under the current zoning (Agriculture Zone 1: Agriculture).</p> <p>No area is ‘protected’ from development.</p> <p>The area is, however, protected from illegal development, which the proposed tourist facilities are not, hence the current application.</p> <p>It was of utmost importance to the applicant that the proposed tourist facilities adhere to the Overstrand Municipality’s policies and development parameters.</p>
<p>Response from the Town Planner:</p> <p>The proposed commercial activities applicable to this application is subservient to the primary farming activities, further the activities will be clustered together and will be accommodated in existing structures, thereby protecting the agricultural potential of the farm.</p>	
<p><u>Visitors to congregate.</u></p> <p><i>“The proposals made by Middelberg Investments (Pty) Ltd to establish tourist related businesses, including shops, accommodation for 16 guests, additional dwelling units, a restaurant etc. are going to completely change the tone feel of the surrounding areas. Weekends would likely see a full restaurant and full use of the accommodation facilities, which will entail a busy noisy environment. Groups of visitors will</i></p>	<p>The application was made for a consent use to allow ‘tourist facilities’ which included a ‘restaurant, gift shop, pottery studio, restrooms and an admin office’.</p> <p>These are all legal consent uses allowed on the current zoning. All the development parameters of the Overstrand Municipality are adhered to.</p>

<p><i>be congregating and the tourism on the river could become overbearing.”</i></p>	<p>Tourist facilities does permit the gathering of visitors, and it is allowed as a consent use on the current zoning of the subject property.</p> <p>The number of quests will be capped at 16 that utilise the tourist accommodation as this is the number of beds that are provided.</p>
<p>Response from the Town Planner:</p> <p>The type of use is considered to have a positive influence on the area. It should be noted that the nearest building on an adjacent farm is ±255m away. With various trees and open spaces which limit the visual impact and mitigate any noise influence which tourists may cause.</p>	
<p><u>The proposed tourist facilities will affect the river and possibly overwhelm the river.</u></p> <p><i>“The farm in question is 551 ha, why can't they set this development back to the south side of the property so that it does not impact on the river frontage and the lives of adjacent land owners.”</i></p> <p><i>“The application is not clear if holidaymakers using the new proposed accommodation will be allowed to launch boats from the site. This again could have safety issues with uncontrolled access to the river.”</i></p> <p><i>“Impact on safe use of river for various water sport activities which do currently freely and safely take place”</i></p> <p><i>“We request that, should the departure applied for be granted, a condition be imposed that guests should specifically be prohibited from launching or operating motorized boats from this property.”</i></p> <p><i>“In the summer months and over holiday periods, the river is very busy with various types of boating activities and this lack of control to the river can cause serious safety concerns, noises and privacy impacts to the surrounding landowner”</i></p>	<p>The only riparian rights are those of the applicant and it will not be shared with the guests/patrons that make use of the proposed tourist facilities.</p> <p>Occasional shared rides on the applicant's craft may be considered, but no private crafts will be allowed to enter or egress the water from or onto the subject property.</p> <p>If guest/patrons would like to partake in the water sports they will be directed towards the municipal launch site in Stanford where fees and applicable licenses are required.</p> <p>TAKE NOTE: ‘GUESTS’ ARE SEEN AS OVERNIGHT GUESTS THAT MAKE USE OF THE TOURIST ACCOMODATION & OTHER FACILITIES.</p> <p>‘PATRONS’ ARE DAY VISITORS THAT MAKE USE OF THE FARMSTALL, RESTAURANT AND OTHER FACILITIES.</p>
<p>Response from the Town Planner:</p> <p>The comment by the applicant is noted and agreed with. It should be noted that the applicant does not propose any additional use of the river in this application.</p>	
<p><u>To relocate the proposed tourist facilities to other portions of the subject property.</u></p>	

<p><u>The proposed tourist facilities will impede on the privacy of the surrounding properties.</u></p> <p><i>“The farm in question is 551 ha, why can’t they set this development back to the south side of the property so that it does not impact on the river frontage and the lives of adjacent landowners.”</i></p>	<p>The <u>existing buildings</u> have formed a fundamental part of the proposed tourist facilities as it is illustrated in Plan 3.2 of the application. The <u>existing barn</u> will be transformed into the farmstall and restaurant.</p> <p>In addition, the proposed location was chosen due to the proximity to the river and the ambiance it provides the proposed tourist facilities.</p> <p>The applicant has gone to great lengths to ensure there is no invasion of privacy occurring from the proposed tourist facilities. Some methods used are keeping vegetation at certain points and adding more where it is required.</p> <p>It is also of importance to ensure the privacy of the guest and patrons that will enjoy the proposed tourist facilities.</p>
<p>Response from the Town Planner:</p> <p>The comment by the applicant is noted and agreed with. It should be noted that the clustering of land units and activities is a standard principle which is contained in the relevant land use and forward planning documentation such as the SDF. If the activities and development was to be shifted southward, then there would have been a disjoint between where the existing development rights are and where the new development would occur.</p>	
<p><u>Concerns that the proposed tourist facilities will affect the quality and quantity of the water that enters the Estuary (Lagoon/Vlei) from the Klein River and surrounding area.</u></p> <p><i>“The quality and quantity of the water that enters the Estuary (Lagoon/Vlei) from the Klein River and surrounding area is of great concern to the property owners.”</i></p>	<p>As a property owner on the Klein River themselves, the applicant is also concerned with the quality and quantity of the water that enters the estuary.</p> <p>The proposed tourist facilities will not affect the river, the only riparian rights are those of the applicant and it will not be shared with the guests/patrons that make use of the proposed tourist facilities.</p> <p>Occasional shared rides on the applicant’s craft may be considered, but no private crafts will be allowed to enter the water from the site. If guest/patrons would like to partake in the</p>

	water sports they will be directed towards the municipal launch site in Stanford where fees and applicable licenses are required.
<p>Response from the Town Planner:</p> <p>The comment by the applicant is noted and agreed with. This application does not propose any additional use of the river area.</p>	
<p><u>Concerns that the proposed tourist facilities will impact the Bird Sanctuary.</u></p> <p><i>“In addition any impact on the established Bird Sanctuary is of interest and concern to the property owners.”</i></p>	<p>The proposed tourist facilities will not intentionally affect the Bird Sanctuary.</p> <p>The subject property is approximately 551ha in extent and the proposed tourist facilities will only utilise a small portion of the property and the other hundreds of hectares will allow the birds to feed and reproduce.</p> <p>The environment is important to the applicant and they would never intentionally affect any part of the environment.</p>
<p>Response from the Town Planner:</p> <p>The comment by the applicant is noted and agreed with. It should be noted that the larger number flock of birds breed in the major Klein River estuary area which is further west than the proposed application.</p>	
<p><i>“All boats, boating, jetties and usage of the Klein River and Klein River Estuary must strictly adhere to the Regulations and Conditions pertaining to these activities.”</i></p>	<p>This comment is noted, and the applicant will ensure that they adhere to any regulations and conditions that are required to use the river safely and in an appropriate manner. As mentioned above the only riparian rights are those of the applicant.</p> <p>It is also of importance that Plan 3.2 – SDP does not entail a proposed jetty or any other development on the banks of the river.</p>
<p>Response from the Town Planner:</p> <p>The comment by the applicant is noted and agreed with.</p>	
<p><u>The proposed tourist facilities will affect the ‘Wortelgat Road’ and that the increased the traffic will aid in the degradation of the road.</u></p> <p><i>“I have concerns as to what is being done to manage the increased vehicle usage on Wortelgat road, and its degradation this</i></p>	<p>The ‘Wortelgat’ road is a provincial (subordinate) road, and the Western Cape Department of Transport was a commenting</p>

<p><i>development will entail. Please advise measure to manage this.”</i></p> <p><i>“Cars will be in and out all the time”</i></p> <p><i>“But we bought on the country road, expecting a tranquil nature driven experience.”</i></p>	<p>authority involved in the process and granted their approval for access to the proposed tourist facilities.</p> <p>They did not have any objections to the proposed tourist facilities.</p> <p>There is no need of concern that the proposed tourist facilities will greatly affect the road. Also, it of important to note that it’s not the applicant’s responsibility to maintain the road.</p>
<p>Response from the Town Planner:</p> <p>The comment by the applicant is noted and agreed with. It should be noted that similar land uses have been approved along this route and the traffic making use of the additional uses will have to use of the same road.</p>	
<p><u>The proposed tourist facilities will have a noise impact on the surrounding area.</u></p> <p><i>“We are moving to the country to escape CT noise and high density traffic”</i></p> <p><i>“Weekends would likely see a full restaurant and full use of the accommodation facilities, which will entail a busy noisy environment.”</i></p> <p><i>“These trading hours can have a significant negative impact due to the noise generated by such an establishment in the- evenings and over weekends and if other social events are planned. The noise will easily travel across the river unhindered.”</i></p> <p><i>“Noise Generation”</i></p> <p><i>“Now we will have restaurants, increase accommodation usage, as well as shops. Whilst I have no wish to prevent anyone earning a living and making reasonable developments the increase noise factor is a concern. What measure is being taken to keep this impact as low as possible particularly in evenings?”</i></p>	<p>The land uses proposed are not land use activities which generate excessive noise. It is not the intent of the applicant to disrupt the tranquil rural environment prevalent in the area.</p> <p>It is of importance to note that the applicant does not want the proposed tourist facilities to have any negative affect on others.</p> <p>Vegetation is proposed as a method to dampen the low predicted noises that may occur on the subject property.</p> <p>In addition, to the method mentioned above the business hours of the land uses are proposed for to be from 07h00 in the morning to provide guests breakfast until 22h00 to ensure guest and patrons have access to the restaurant.</p>
<p>Response from the Town Planner:</p> <p>The type of use is considered to have a positive influence on the area. It should be noted that the nearest building on an adjacent farm is ±255m away. With various trees and open spaces which limit the visual impact and mitigate any noise influence which tourists may cause.</p>	
<p><u>Provide the trading hours of the restaurant and farmstall.</u></p> <p><i>“Application is not clear on the trading hours of</i></p>	<p>Take note that the restaurant will be open from 07h00 to ensure the guests of the tourist accommodation have breakfast facilities available as the units do not have kitchens. It</p>

<i>the restaurant and farmstall</i>	is important to note the restaurant will be open to the public patrons to ensure economic viability but as mentioned above to ensure no excessive noise is prevalent during the late evenings the business hours will not be later than 22h00 as proposed.
<p>Response from the Town Planner:</p> <p>The comment by the applicant is noted and agreed with.</p>	
<p><u>If the quest/patrons will have access to the riverbank and river as it could raise safety concerns.</u></p> <p><i>“The application does not address in anyway if the guests/patrons will have access to the riverbank and the river.”</i></p> <p><i>“Will the patrons or the restaurant and guest at the accommodation be able to make use of the lawns and jetty in front of the owner’s house or is there any other proposed access to the river which is not shown or addressed in the application? Can we receive clarity on this issue?”</i></p>	<p>The subject property has the same riparian right as all other landowner in Area 16F. Although the banks and river may occasionally be used by the guests and not patrons, the area forms part of the private garden of the main dwelling and for their own privacy the landowners will not allow that river is overwhelmed with people.</p> <p>To ensure safety measures are adhered to the applicant will provide the necessary requirements to ensure the safety of their guests.</p>
<p>Response from the Town Planner:</p> <p>The comment by the applicant is noted and agreed with.</p>	
<p><u>If the proposed tourist facilities will affect the “Gum tree plantation” on the subject property as it may affect privacy.</u></p> <p><i>“As the proposed development is around the current barn, which is hidden by a gum tree plantation, will the intention be to cut down some of the trees to provide better views for patrons? If this is the case, this will have major negative visual impacts for the surrounding neighbors. as the new developments will before clearly visible from their properties.”</i></p> <p><i>“Invasion of Privacy”</i></p>	<p>The applicant would never intentionally impede on the privacy of any property or person.</p> <p>It is of importance to note that Plan 3.2 illustrates the proposed tourist facilities, and some of the trees will be removed to make space for the facilities, but the majority of the trees between the proposed tourist facilities and the river will remain.</p> <p>The applicant will be adding more trees than what is set to be removed as they are also concerned for the environment.</p>
<p>Response from the Town Planner:</p> <p>The comment by the applicant is noted and agreed with.</p>	

<p><u>A comment regarding the Septic tanks was received.</u></p> <p><i>“With the increased use of septic tanks on the development, have mitigation steps been taken so as to ensure that no sewerage can leak into the river by accident?”</i></p> <p><i>“Possible pollution due to the extra volumes of sewerage that might enter into river if no clear plan is in place.”</i></p>	<p>All habitable buildings on the subject property are connected to a conservancy tanks and is being functioning in an acceptable manner to ensure no pollution occurs.</p> <p>The required steps and regulations will be abided by when the conservancy tanks are installed to all new habitable areas and tourist facilities to ensure that no waste or pollution is leaked into the Klein River.</p>
<p>Response from the Town Planner:</p> <p>The comment by the applicant is noted and agreed with.</p>	
<p><u>If the dwelling unit on the subject property will be used by the landowner?</u></p> <p><i>“As per email confirmation on 22 April 2021 from A Conradie the original dwelling will remain as such and will be solely use by the landowner for his own exclusive use. Can this be confirmed?”</i></p>	<p>The original/main dwelling unit will be used solely by the applicant as they bought Middelberg Farm to reside on and will be personally in the operation of the proposed tourist facilities.</p>
<p>Response from the Town Planner:</p> <p>The comment by the applicant is noted.</p>	
<p><u>That the commenters be included in future developments of the application.</u></p> <p><i>“... reviewing a submission proposal in due course.”</i></p> <p><i>“... we wish to be aware of further updated information in the future.”</i></p>	<p>This comment is noted, but it is directed to Overstrand Municipality.</p>
<p>Response from the Town Planner:</p> <p>The public can only provide comment during the time period as provided in the By-law, the public (those who commented on the application) will be notified of the outcome of the application.</p>	

8. SUMMARY OF APPLICANT’S REPLY TO COMMENTS.

As above.

9. MUNICIPAL ASSESSMENT OF COMMENTS

As above.

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 considered consistent in the following manner from a town planning perspective:

Spatial Justice

The application will not prolong spatial development injustices.

Spatial sustainability

The application is located outside of the urban edge and but does not constitute urban sprawl. No natural habitat is impacted upon, and it will have no negative influence on the environment.

Efficiency

The application will optimize the use of the property in terms of municipal services and infrastructure.

Spatial resilience

The structures on the property will ensure that the existing resource (land) is used to its maximum in an affordable manner and in line with the Overstrand Municipality's forward planning documents.

Good administration

The application followed the required planning procedures, and the required public participation process has been followed.

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 proposed use is consistent with the policies of the Spatial Development Framework for rural areas, this is to promote agri-tourism in rural areas and to cluster land uses on the farm.

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

N/A

10.6 Impact on Municipal engineering services

The existing services are available and have been viewed positively by the Engineering Department, thus no additional services will be required.

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

The application does not trigger any listed activities in terms of local or national legislation.

10.8 Existing and proposed zoning comparisons and considerations

The subject property is zoned Agricultural Zone 1: Agriculture the proposed land use is only accessible via a consent use application.

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

N/A

12. THE DESIRABILITY OF THE PROPOSALConsent use

The subject property is located outside of the urban edge of Hermanus on Portion 12 of Farm Middelberg No. 643, Division Caledon, which is situated on the southern side of the Klein River Estuary.

The property measures approximately 551,0538ha in extent and is zoned Agricultural Zone 1. The property is developed with farm shed, main dwelling, and labourer's accommodation.

The property owner is seeking to diversify the current land uses on the property and seeks to attain the land use rights to conduct the following:

- To convert the existing barn into a restaurant, farmstall/shop, guest accommodation suites 1 and 2, utility store kitchen and pottery studio.
- It is proposed to convert the farm office to admin and reception area with rest rooms.
- The existing staff canteen & domestic accommodation will be converted to cabin 1 and 2.
- Lastly guest bedroom will be altered in order to be an accommodation unit.
- Accommodation that the building will be utilised for a dual purpose. For majority of the time the structure will be used as a restaurant and on special occasions it will serve as a wedding venue or for functions and events with outside seating areas.
- Consent use is therefore made for five additional dwelling units (tourist accommodation), tourist facilities, restaurant, gift shop, pottery studio, restrooms, admin office and farm shop on the property.

Access to the property is gained from a gravel road which leads from Stanford namely, the Minor Road 4017. This road links the subject farm with the other farms and tourism activities in the area and is the only distributor route.

The Department of Health does not have any objection regarding the application subject to conditions. Comment received from the DEADP provides environmental authorisation for the listed activities in terms of the National Environmental Management Act (NEMA).

It is noted that most of the new uses will be accommodated in existing structures, and it is only proposed to enlarge the footprint of a few structures to accommodate the uses. Alterations to the structures and landscaping is proposed in order to make the property more aesthetically pleasing.

Similar applications have been approved along the Klein Rivier Lagoon and the rural area of Stanford. This is due to the natural beauty and scenic value which attracts tourists. Furthermore, the applicant seeks to preserve the natural beauty of the area as this is the main attraction for tourists.

In terms of the Spatial Development Framework (SDF) eco-tourism on agricultural land is seen in a positive light, because of the natural beauty in rural areas and the need that exists among the farming community to supplement the farming community. Inherent policies and guidelines are established. The proposed application is in compliance with the policies.

The objections as submitted were addressed by the applicant.

Considering the above discussion, the application for the consent use is considered desirable.

Departure

In additions to the consent uses the applicant seeks to convert the existing structure into a house for the manager. There are no building plans for the structure and the current property owner bought it as is. Renovations and alterations will be done to the structure in order to accommodate a farm manager on the property.

The dwelling will be used in line with the current primary uses on the property however due to it being located in the 30m building line as per the land use scheme a departure is required. Once renovated the structure itself will be located $\pm 19\text{m}$ from the boundary and $\pm 175\text{m}^2$ from the nearest structure on the adjacent property.

No objections were received with regards to placement and alterations to the structures. The structure will also not have any impact on the environment.

Conclusion

As stated in this report the consent use and departure are supported.

13. RECOMMENDATION

1. that the objections/comments be noted;
2. that the application for consent use in terms of Section 16(2)(o) of the By-Law applicable to Portion 12 of the Farm Middelberg No. 643, Division Caledon, in order to accommodate five additional dwelling units (tourist accommodation), tourist facilities, restaurant, gift shop, pottery studio, restrooms, admin office and farm shop on the property, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application for departure in terms of Section 16(2)(b) of the By-Law applicable to Portion 12 of the Farm Middelberg No. 643, Division Caledon to

relax the lateral building line from 30m to 19m, **be approved** in terms of the provisions of Section 61 of the By-Law;

3. that the approvals in 1. and 2. above be subject to the following conditions:
 - (a) that the approval is only for development as proposed on *Plan No 3.2* as submitted with the application;
 - (b) that building plans be submitted to the Building Control Office for approval and that all comment of the Building Control Office and Fire Department be complied with at that stage;
 - (c) that the selling or serving of liquor on the property will be subject to the owner obtaining the necessary Liquor Licence;
 - (d) that the building plans indicate that the farm shop/stall will not comprise of an area of more than 300m²;
 - (e) that parking be clearly indicated on the building plan showing the dimensions, ratios and the material used to develop the parking area;
 - (f) that the applicable rates and service tariffs, as determined by the annual budget is applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (g) that the accommodation facility complies with Health and Safety Legislation;
 - (h) that only a single non-illuminated sign that complies with the Municipal By-Law on Signage, may be displayed on the premises;
 - (i) that the conditions of District Health and Engineering Services (attached as Annexures K and M), be complied with;
 - (j) that the conditions of Open Serve, Heritage Western Cape, Department of Transport and Public Works and DEA&DP Environmental Authorisation (attached as Annexures G-I and L), be complied with;
 - (k) that this approval does not absolve the landowner from compliance with any other relevant legislation, and
 - (l) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
4. that the applicant and the persons who commented be notified of its respective appeal rights in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

14. REASONS FOR RECOMMENDATION

- ❖ The application has followed due procedure.
- ❖ The structures are aesthetically pleasing and situated far away from dwelling units on adjacent properties.

- ❖ The structures are not out of the ordinary for the greater area nor will it impact on the surrounding built environment.
- ❖ The accommodation establishment will be beneficial for optimization of the farm.
- ❖ The proposal will promote the tourism industry, thus in line with the forward planning documentation of the municipality.
- ❖ The use is not regarded as being undesirable from a town planning point of view.

15. ANNEXURES

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Layout Plans
Annexure D:	Objections received
Annexure E:	Comment on objections from application
Annexure F:	Comment: DEA&DP: <i>Planning</i>
Annexure G:	Comment: Open Serve
Annexure H:	Comment: Heritage Western Cape
Annexure I:	Comment: Department of Transport and Public Works
Annexure J:	Comment: Stanford Heritage
Annexure K:	Comment: District Health
Annexure L:	Comment: DEA&DP: Environmental Authorisation
Annexure M:	Services Report

SIGNATURES

AUTHOR

Name: **PETRUS ROUX**

SACPLAN Reg No: **A/2246/2015**

Signature: _____

Date: _____

REGISTERED PLANNER

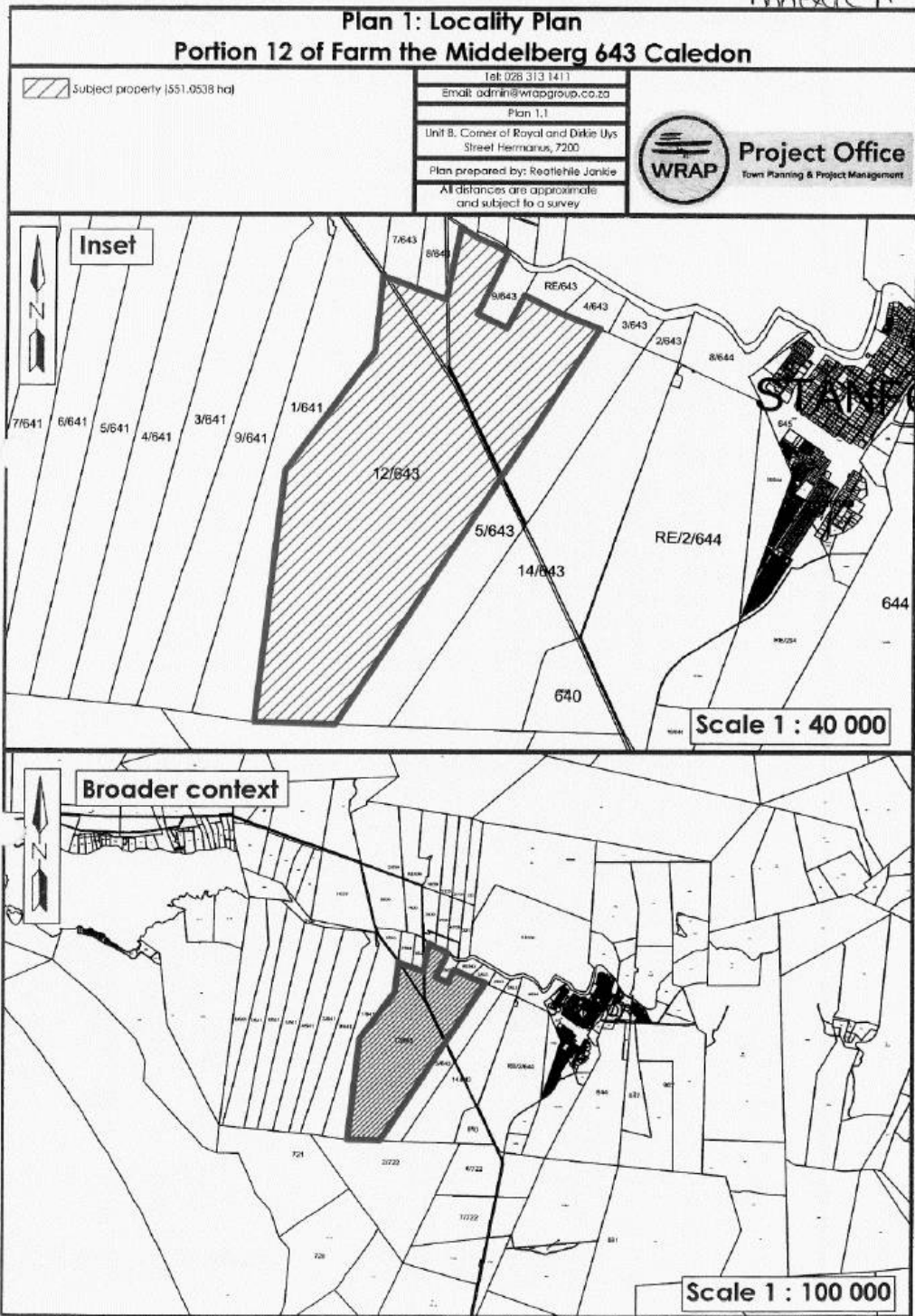
Name: **SW VAN DER MERWE**

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

Signature: _____

Date: _____

Annexure A





EXECUTIVE SUMMARY

1. ABBREVIATIONS

1.1	OMLUS	Overstrand Municipality Land Use Scheme, 2020
1.2	SDF	Overstrand Municipality Spatial Development Framework, 2020
1.3	OMGMS	Overstrand Municipal Growth Management Strategy, 2010
1.4	OM	Overstrand Municipality
1.5	OM By-Law	Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, as amended
1.6	LUPA	Land Use Planning Act, 2014
1.7	DEADP	Western Cape Department of Environmental Affairs and Development Planning
1.8	WCLUPGRA	Western Cape Land Use Planning Guidelines Rural Areas, 2019
1.9	PSDF	Western Cape Provincial Spatial Development Framework, 2014
1.10	DTPW	Western Cape Department of Transport and Public Works
1.11	SDP	Site Development Plan
1.12	AGR1	Agriculture Zone 1: Agriculture

2. SUMMARY OF STATUS QUO PROPERTY DETAILS

2.1	Property description	Portion 12 of the Farm Middelberg 643 Caledon
2.2	Registered owner	Middleberg Investments Propriety Limited
2.3	Consultant	WRAP Project Office
2.4	Restrictive title deed conditions	None
2.5	Property extent	551,0538ha
2.6	Current zoning	Zoning: Agriculture Zone 1: Agriculture Primary use: agriculture, crèche, <u>dwelling house</u> , guest rooms and home occupation. Consent uses which can be applied for: <u>additional dwelling units</u> , agricultural industry, animal care centre, aquaculture, day care centre, <u>farm shop/stall</u> , 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, <u>tourist accommodation</u> , <u>tourist facilities</u> , transmission apparatus, utility services, wellness centre and 4x4 trail.

3. INTRODUCTION

- 3.1 The intention of the property owner (Middleberg Investments Proprietary Limited) hereafter referred to as the applicant is to establish tourist related land uses on the subject property which range from tourist facilities, farm shop/stall and tourism accommodation which will increase the number of amenities which are available on the subject property;



EXECUTIVE SUMMARY

- 3.2 The excellent location of the subject property in proximity to other tourism related enterprises prevalent in the Stanford rural area is likely to ensure that this proposal is economically viable at the operational level;
- 3.3 This report will motivate this proposal by providing the terms of reference, scale of the application, compatibility with surrounding land uses, assessment with the zoning land use rights and development parameters, availability of services and compliance with SPLUMA motivation requirements; and
- 3.4 This report will then illustrate that the development proposal was informed by spatial planning policy prescripts which are pertinent to the subject property and illustrate compliance with the planning principles. This report will then conclude by highlighting the overall desirability of this proposal in accordance with the relevant criteria and statutory requirements.

4. BRIEF (TERMS OF REFERENCE)

The brief of the applicant to WRAP who is duly authorised to submit this planning application (refer **Annexure A**) was to assess the permissible land uses on the property and identify the development potential of the site and provide advice on the most feasible development option. Based on WRAPs advice to the client, the following is applied for.

Building	Existing use	Proposed use	Building area (m ²)	Covered patios (m ²)
Barn	farm equipment store	accommodation - suite 1 (4 guests)	106.7	-
		accommodation - suite 2 (2 guests)	53.4	-
		restaurant/farm shop/stall	538.5	123.2
		utility store	27.8	-
		kitchen	72	-
		pottery studio	72.7	-
		subtotal	871.1	123.2
Reception	farm office	admin/reception	71.9	184.5
		rest rooms	24.8	-
		subtotal	96.7	184.5
Tree House	staff canteen & domestic accommodation	accommodation - cabin 1 (4 guests)	76.4	21.6
		accommodation - cabin 2 (4 guests)	73.8	-
		subtotal	150.2	21.6
Round House	guest bedroom	accommodation unit (2 guests)	65.9	-
		subtotal	65.9	0
Total			1183.9	329.3



EXECUTIVE SUMMARY

When the table above is evaluated in conjunction with the SDP (refer **Plan 3.2**) it reveals that this proposal primarily entails a change of land use within existing buildings which are intended to be upgraded with minor building expansions done where necessary.

5. PROCEDURE TO ACHIEVE THE OWNER'S INTENT

The following technical procedures are proposed for the applicant to obtain the necessary land use rights to conduct the activities which are listed in Section 4 of this report.

5.1 Consent use for 5 additional dwelling units in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

5.1.1 The OMLUS defines additional dwelling units as follow:

5.1.1.1 *"additional dwelling units means dwelling(s) in the Agriculture Zone 1 which are not required for the accommodation of bona fide persons involved in the agricultural practice on the property concerned"*

5.1.2 The proposed additional dwelling units are not required for the bona fide accommodation of employees that are involved in the agricultural activities on the subject farm;

5.1.3 The additional dwelling units are proposed in the following buildings which should be assessed in conjunction with the sketch floor plans;

Additional dwelling unit and size	Relevant plan
Accommodation suite 1 (4 guests) 106,7m ² .	Plan 4.1
Accommodation suite 2 (2 guests) 53,4m ²	Plan 4.1
Accommodation cabin 1 (4 guests) 76,4m ²	Plan 4.3
Accommodation cabin 2 (4 guests) 73,8m ²	Plan 4.3
Accommodation unit 2 (2 guests) 65,9m ²	Plan 4.4

5.1.4 Detailed architectural drawings will be submitted upon the finalisation of this application; and

5.1.5 The applicant envisages sleeping a total of 16 guests in the 5 additional dwelling units which are proposed in existing buildings and the additional building expansions will be insignificant as illustrated in the SDP (refer **Plan 3.2**). This proposal was therefore carefully thought through by the applicant based on the advice from WRAP to ensure that this development proposal does not become a visual intrusion or unlock buildings which surrounding property owners are not accustomed to.

5.2 Consent use for tourist accommodation in the additional dwelling units in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

5.2.1 The OMLUS defines tourist accommodation as follows.

5.2.1.1 *"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"*



EXECUTIVE SUMMARY

- 5.2.2** The application for additional dwelling units primarily pertains to obtaining the rights for the units to be used for the occupation of people who are not involved in the bona fide agricultural activities of the farm. This however does not imply that the units can be used for the accommodation of tourists. Considering this, application for a consent use for tourist accommodation is applied for the individual rooms to be rented out to tourists;
- 5.2.3** The rationale for this proposal at the current location is the proximity of the tourist accommodation units to the Klein Rivier which is visually attractive, and the beauty thereof possesses the potential to be a significant tourism drawcard on the subject property;
- 5.2.4** The tourist accommodation units are also clustered together and will have a variety of amenities and facilities located in proximity thereto. This avoids the units being spread out on the farm and from requiring ample space around for the personal use of tourists which would compromise on the agricultural potential of the farm which the applicant wants to avert; and
- 5.2.5** Apart from the 5m contour line, which is located to the north, there are no significant environmental constraints on the subject property.
- 5.3** Consent use for tourist facilities to accommodate a restaurant, gift shop, pottery studio, restrooms and admin office which are also open to the general public in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended; and
Consent use for a farm shop/stall open to the general public in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

5.3.1 The OMLUS defines tourist facilities and a farm shop/stall as follow:

- 5.3.1.1** *"tourist facilities mean 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"*
"Farm shop/stall means a building, located on a farm, where a farmer sells produce and other goods to the general public"

The benefits which can be derived from the different land use rights which are applied for are herewith individually motivated:

5.3.2 Restaurant

- 5.3.2.1** The individual tourist accommodation units do not have kitchens and the proposed restaurant will therefore serve meals to the guests;
- 5.3.2.2** The availability of a restaurant on the same premises as tourist accommodation units increases the attractiveness of an establishment to guests due to the convenience associated therewith;
- 5.3.2.3** The restaurant will also allow the general public to eat on the subject property which will enhance the economic viability thereof;
- 5.3.2.4** There is a proposed covered area and uncovered area which will provide patrons with greater seating choice based on the weather conditions; and
- 5.3.2.5** The restaurant will serve signature cuisine which is projected to be a drawcard to the subject property and an additional gastronomic offering to the area.

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Portion 12 of the Farm the Middelberg 643 Caledon

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EXECUTIVE SUMMARY

5.3.3 Gift shop and farm shop/stall

- 5.3.3.1 The proposed gift shop and farm shop/stall will sell products which range from local products, designed gifts, farm produce and other goods to guests and the general public;
- 5.3.3.2 The gift shop and farm shop/stall will source items from local and international businesses and therefore holistically contribute towards the economic growth of the respective businesses; and
- 5.3.3.3 The gift shop and farm shop/stall are not standalone activities but are ancillary and subservient to the dominant land uses which are applied for which are the tourist accommodation units and restaurant and constitutes a complementary land use.

5.3.4 Pottery studio

- 5.3.4.1 This would improve the creativity skills and the ability of participants to focus;
- 5.3.4.2 Participating in studio pottery lessons in a tranquil rural area will enable participants to capture memories which will enhance the viability of the entire proposed tourism enterprise;
- 5.3.4.3 Considering that the guests on the subject property will come from different backgrounds, the proposed pottery studio will encourage sociability among the participants which is positive; and
- 5.3.4.4 The final pottery product once completed will provide the participants with a sense of accomplishment.

The proposed tourist facilities and farm shop/stall are intended to contribute towards the functionality of the entire tourism enterprise prevalent on the subject property. The applicant has also appointed professionals to draft a landscape plan to ensure that the gardening on the subject property is visually appealing to visitors and surrounding property owners (refer Plan 5).

5.4 Departure from the 30m side building line to 19m to accommodate the existing farm managers cottage in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

- 5.4.1 The existing farm managers cottage is located 19m from the side building line and encroaches on the 30m building line. The existing cottage is exclusively used for residential purposes and will not generate or unlock land uses which are a nuisance;
- 5.4.2 The surrounding property owners have become accustomed to the existence of the structure at the current location which will avert the likelihood of the structure becoming a visual intrusion;
- 5.4.3 The farm managers cottage measures 203m² and only 98m² thereof encroaches on the side building line which is an insignificant size; and
- 5.4.4 While building lines on farms can serve as fire breaks, the minor encroachment of the existing dwelling over the building line would not undermine this function.

6. APPLICATION

Considering the land use rights which are sought by the owner of the subject property, the following is applied for:

- 6.1 **Consent use** for 5 additional dwelling units in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended;



EXECUTIVE SUMMARY

- 6.2 **Consent use** for tourist accommodation in the additional dwelling units in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended;
- 6.3 **Consent use** for tourist facilities to accommodate a restaurant, gift shop, pottery studio, restrooms and admin office which are also open to the general public in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended;
- 6.4 **Consent use** for a farm shop/stall open to the general public in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended; as amended; and
- 6.5 **Departure** from the 30m side building line to 19m to accommodate the existing farm managers cottage in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.



MOTIVATION

7. RURAL FABRIC

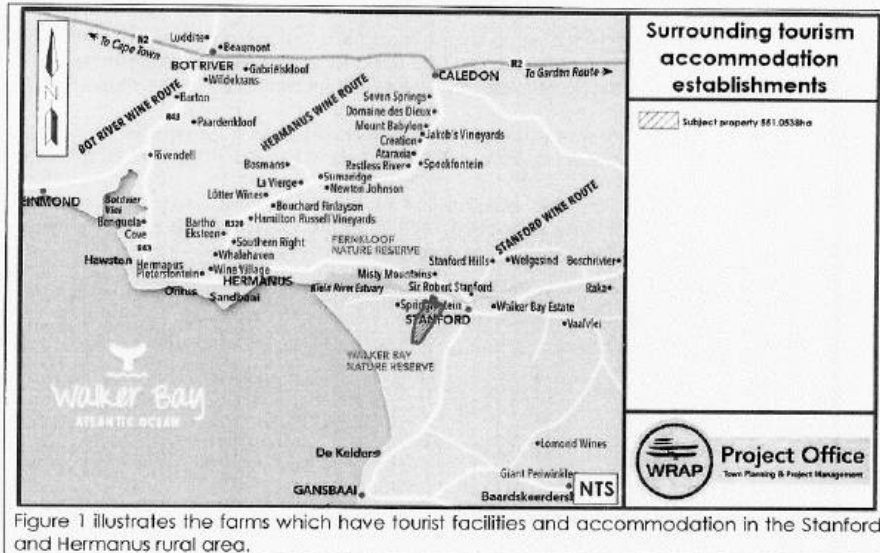


Figure 1 illustrates the farms which have tourist facilities and accommodation in the Stanford and Hermanus rural area.

The subject farm is located in the Stanford rural area which has a plethora of tourist accommodation, tourist facilities, places of entertainment, restaurants etc. This creates a peculiar rural fabric in addition to the agricultural land uses which are prevalent in the area which are valued by property owners. The conformity of this proposal with the prevailing rural land use patterns in Stanford is compatible to the land use fabric of the area.

8. SITE AND SURROUNDING CHARACTERISTICS

- 8.1 The characteristics of the subject site and surroundings were assessed to illustrate the advantages of locating the land use rights which are described in Section 4 of this report on the subject property.
- 8.1.1 The northern farm boundary is located along the Klein Rivier Lagoon which offers spectacular views and tourism activities such as canoeing, boating and swimming;
 - 8.1.2 The mountains to the north would offer guests a great view;
 - 8.1.3 The subject property is highly accessible via the Wortelgat road which is a route of regional scenic significance;
 - 8.1.4 The subject farm measures approximately 551,0538 ha and possesses significant agricultural potential south of the Wortelgat road hence this application area being north of the road to not interfere with the agricultural potential of the farm; and
 - 8.1.5 The subject farm is not constrained by wetlands, critical biodiversity areas or any other environmental sensitivity.



MOTIVATION

8.2 Considering the ideal natural surrounding and tranquil environment on the property, the tourist facilities, farm shop/stall and tourism accommodation which are applied for complement the agricultural potential which the subject farm possess.

9. TITLE DEED

Title deed T13189/2020 (refer **Annexure B**) was perused and there are no restrictive title deed conditions which prohibit the land use rights which are sought in this application. No application for the removal of restrictive title deed conditions is therefore required.

10. ZONING

This proposal was assessed in conjunction with the AGR1 zoning as this is a relevant consideration in terms of Section 66 (1) (q) of the OM By-Law.

Agriculture Zone 1: Agriculture			
	Parameters	Proposal	Deviate or comply
(a) Primary use	agriculture, crèche, dwelling house, guest rooms and home occupation.	Dwelling house	Comply
(b) Consent use	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.	<ul style="list-style-type: none"> • Consent use for 5 additional dwelling units; • Consent use for tourist accommodation in the additional dwelling units; • Consent use for tourist facilities to accommodate a restaurant, gift shop, pottery studio, restrooms and admin office which are also open to the general public; and • Consent use for a farm shop/stall open to the general public. 	Applied for and motivated
Development rules			
Floor space	The total floor space of all buildings on the land unit may not exceed 5 000 m ² , provided that the Municipality may relax this requirement if it is satisfied that such buildings are required for bona fide farming activities on the land unit.	1513.2 m ²	Comply
Building lines	Street and common boundary building lines are all 30m.	19m	Departure motivated



MOTIVATION

Height	<p>(i) The maximum height of a building, measured from the base level to the top of the roof is 8,0 m, provided that;</p> <p>(ii) Agricultural buildings other than dwelling units shall not exceed a height of 12,0 m measured from the base level to the top of the roof; and where Council is satisfied that a greater height is necessary for the agricultural function of the building, it may permit such greater height; and</p> <p>(iii) Earth banks and retaining structures shall comply with 16.6, provided that earth banks and retaining structures, which in the opinion of Council are associated with the bona fide agricultural activities, are exempt from the requirements of 16.6.</p>	<p>(i) The buildings are lower than 8m and will be addressed during building plans submission process;</p> <p>(ii) Future agricultural buildings will be lower than 12m; and</p> <p>(iii) N/A.</p>	Comply
Parking	<p>The provision of parking is provided in accordance with Section 17.1.3 of the OMLUS: Additional dwelling unit = 1 bay per unit Restaurant = 6 bays per 100m².</p>	<p>5 additional dwelling units = 5 parking bays</p> <p>Restaurant/gift shop 538,5m² = 32 parking bays</p> <p>Shop 27,8m² = 1,67 parking bays</p> <p>Pottery studio 72 m² = 4,3 parking bays</p> <p>Admin/reception = 71,9m² = 4,3</p> <p>Kitchen 72m² = 4,3</p> <p>Total = 782,2m²</p> <p>47 bays required and 50 parking bays provided.</p>	Comply
Loading	<p>The minimum off-street loading must be provided to the satisfaction of the Engineering Department.</p>	<p>Loading bays will be provided if required, but with the subject property being a farm, there is ample space for loading and off-loading purposes.</p>	Comply



MOTIVATION

This proposal was assessed in conjunction with the prescripts relating to additional dwelling units contained in Section 16.10.1 of the OMLUS.

Prescripts	Compliance or deviation
The additional dwelling units shall remain on the same cadastral boundary as the primary dwelling unit.	The additional dwelling units are on the same cadastral boundary as the primary dwelling unit.
The number of additional dwelling units shall not exceed the 1 unit per 10,0 ha, up to a maximum of 5 additional dwelling units per land unit.	The subject farm measures 551,0538 ha and 5 additional dwelling units are proposed.
One additional dwelling unit will also be considered for land units less than 10,0 ha.	N/A
No additional dwelling units may be erected within 100 m of the high-water mark on the coast, other than where additional dwelling units are provided as an integral part of an existing farmstead with special consent of the Municipality.	The subject property is located along the river and not the coast which nullifies the applicability of this regulatory prescript. The additional dwellings are however provided as an integral part of the existing farmstead.
The total floor area of the dwelling is limited to 250m ² .	The size of each of the additional dwelling units range from 53,4m ² to 106,7m ² .
No sectional title or alienation of units.	The applicant has no desire to alienate the proposed additional units by means of sectional title.

11. EMOZ AND HPOZ

The applicability of the EMOZ and the HPOZ to the submitted proposal will herewith be assessed.

11.1 EMOZ

11.1.1 The subject property falls within the Urban Conservation Overlay Zone. The land use activities which may be conducted only with the consent of the OM is the excavation and destruction or removal of substrate (soil, substrate, rock, shellgrit, dune sediment, mineral deposits). This proposal primarily entails a change of land use and minimal excavations will be done.

11.1.2 The use of the subject property for overnight accommodation is prohibited. Lornay Environmental Consulting has been appointed by the applicant to conduct a basic assessment as 16 guests are proposed to stay overnight on the subject property.

11.2 HPOZ

The portion of the subject property where the proposed tourist facilities, farm shop/stall and tourism accommodation are located is partially located within the very high landscape significance designation. The Wortelgat road which is located on the subject property (refer Plan 3.2) is designated as a route of regional scenic significance. In recognition of this, the applicant has appointed a landscaper (refer **Plan 5**) to draft landscape plan which would enhance the landscape on the subject property. This will visually enhance the environment for the visitors and enhance the scenic significance of the Wortelgat road as prescribed.



MOTIVATION

12. SERVICES

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

12.1 Solid waste

Solid waste is collected on the premises and transported by the Landowner to the Stanford waste transfer station.

12.2 Electricity

Electricity to the existing buildings is supplied by Eskom and the approval and implementation of this proposal will not alter that.

12.3 Water

There is an approved water use license which has been issued by the National Department of Water and Sanitation which permits water for the subject property to be extracted from the Stanford Aquifer in volume of 1 020 400m³ (refer **Annexure C**). There is therefore sufficient potable water available to cater to the demand which will be required by the proposed tourist facilities, farm shop/stall and tourism accommodation.

12.4 Sewage

Sewage for the proposed land uses will be discharged by means of a conservancy tank which will be regularly emptied.

12.5 Access and egress

Access and egress to the subject property is currently gained from the 2,52 km marker which is not proposed for alteration.

13. SPLUMA MOTIVATION REQUIREMENTS

The following are relevant considerations in terms of Section 42 (c) of SPLUMA and is motivated as follows:

13.1 Public interest

The approval and implementation of this proposal will enable the applicant to establish and operate tourist facilities, a farm shop/stall and tourism accommodation. This will result in SARS collecting higher taxes and the OM deriving higher rates income due to the projected increase in property value as a result of the proposed renovations.

13.2 Opportunity costs

Opportunity cost in the context of land use planning refers to devaluation of a valued land use right of interested and affected parties when an application is approved and implemented. This proposal primarily entails the change of land uses in existing buildings and renovations. The neighbours who are interested and affected parties will therefore not be impacted by any additional increase in the scale of the existing buildings on the subject property. The aesthetic improvements which the proposed renovations will bring about will enhance the architectural integrity of the subject property which will be to the benefit of neighbours and unlikely to be an opportunity cost.



MOTIVATION

13.3 Respective rights and obligations of all those affected

The land use rights for tourist facilities, farm shop/stall and tourism accommodation which are sought have been carefully thought through. This is intended to not infringe on the ability of surrounding property owners to occupy respective properties in comfort and can be summarised as follows:

- 13.3.1 The proposed tourist accommodation will only be used for resting and sleeping which does not constitute a noisy land use;
- 13.3.2 The farm shop/stall and tourist facilities such as restaurant, gift shop, pottery studio, restrooms and admin office are not land use activities which generate excessive noise and will not be disruptive to the tranquil rural environment prevalent in the area;
- 13.3.3 The proposal is in harmony with similar tourism related land uses prevalent on other farms in the rural area and is therefore not unlocking any unprecedented land use rights which can potentially infringe on the rights of surrounding property owners; and
- 13.3.4 The proposed land use changes are not located within the building lines. This will retain the buffering function which building lines play between the subject farm and neighbouring ones and reduce the likelihood of conflict related to land uses.

The owner of the subject property enjoys cordial relations with neighbours and has carefully crafted this development proposal to avoid land use activities which could disrupt the occupancy comfort which neighbours enjoy on respective properties.

14. POLICY FRAMEWORK

- 14.1 The compliance of this proposal with the applicable spatial development policies will herewith be illustrated. These policies are instrumental in guiding spatial development and providing prescripts of what constitutes sound town planning development patterns in rural areas. The compliance of this proposal with provincial and local policy prescripts which are key development informants can be illustrated as follows:

	Applicable policy	Authority
14.1.1	Western Cape Land Use Planning Guidelines Rural Areas (WCLUPGRA)	Provincial
14.1.2	Western Cape Provincial Spatial Development Framework, 2014 (PSDF)	Provincial
14.1.3	Overstrand Municipality Spatial Development Framework, 2020 (SDF)	Municipal

14.2 WCLUPGRA

14.2.1 Policy preface

The policy document aims to create alignment between the changed legislative planning landscape since the promulgation of SPLUMA and LUPA and intends to implement the provincial agenda in rural areas. The policy acknowledges that the Western Cape rural areas are faced with escalating development pressures and provides clarity to local municipalities to manage development in rural areas more effectively. The Western Cape rural areas are cited as a unique rural asset base which requires concrete efforts to ensure a sustainable spatial trajectory.



MOTIVATION

14.2.2 Broad policy objectives

The objectives of the policy include the promotion of sustainable development in rural locations while safeguarding the ecological infrastructure. The policy also highlights that rural communities should have greater economic and social opportunities which enable successful job creation and contribute towards an inclusive rural economy. The consistency of this proposal with the rural spatial development prescripts which are pertinent to this proposal will be illustrated in the sections below:

14.2.3 Consistency of the proposal with the policy

- 14.2.3.1 The policy cites that the OM plays an important tourism role in the Western Cape. The rationale for the proposed tourist facilities, farm shop/stall and tourism accommodation are to enhance this valued tourism role of the Stanford rural areas as cited in the policy;
- 14.2.3.2 The policy states that tourist accommodation should ideally be clustered in visually discreet nodes. The proposed tourist accommodation units are located within proximity to the Klein Rivier in an area which is surrounded by trees which reduces the visual prominence of the buildings and makes the units discreet within the rural setting as prescribed;
- 14.2.3.3 The policy highlights that the form and scale of tourist accommodation should reinforce rural landscape qualities. The proposed tourist accommodation which are located within existing buildings are of a small scale and reinforce rural landscape qualities;
- 14.2.3.4 Rural areas are highlighted as having to pursue greater resilience through diversification in so doing ensuring that they do not become single economic sectors. The subject property possessed significant agricultural potential considering that there are no environmental constraints thereon south of the Wortelgat Road. The proposed tourist facilities, farm shop/stall and tourism accommodation are intended to increase diversification on the subject property; and
- 14.2.3.5 The policy highlights that additional dwelling units should be restricted to a maximum of 175m². The largest of the proposed additional dwelling units is 106,7m² and complies with this prescript.

14.3 PSDF

14.3.1 Policy preface

The PSDF is a product of a provincial inter departmental and inter-governmental collaboration under the guidance of the inter departmental steering committee in collaboration with the private sector, academia, and non-governmental organisations. This broad participatory process has created a shared spatial vision which is intended to inform spatial development patterns in urban and rural areas in the province.

14.3.2 Broad policy objectives

The objective of the policy is to create an enabling policy environment which prioritises the creation of employment opportunities, social inclusion and improvement of the quality of life of the Western Cape inhabitants. The development principles in the PSDF are informed by other spatial planning policies which are aimed at creating a policy alignment between different spheres of government.



MOTIVATION

14.3.3 Consistency of the proposal with the policy

- 14.3.3.1 The policy underscores that the Overstrand is a significant leisure, lifestyle, holiday and economic centre. The approval and implementation of this proposal will contribute toward enhancing the role of the OM as a significant leisure, lifestyle, holiday and economic centre which is cited as an integral functionality role;
- 14.3.3.2 Safeguarding and celebrating the Western Cape's unique cultural, scenic resources, on which the tourism economy depends is cited as critical in the policy. The Kleinrivier is a significant scenic resource in Stanford and the location of the proposed tourism land uses in proximity thereto is an essential element which the tourism economy will depend on; and
- 14.3.3.3 The integration of the Province's natural and built environments is cited as being of critical importance to the further development of tourism. This proposal entails a harmonious integration of the natural and built environments and illustrates the critical role in the further development of the tourism industry in the rural area.

14.4 SDF

14.4.1 Policy preface

The broad policy objectives of the SDF include enhancing the image of the Overstrand as a liveable urban and rural area which accommodates a variety of life. Development proposals should also capitalise on the unique sense of place which settlements and urban areas in the Overstrand are renowned for. The SDF promotes developments which enhance the visual quality and attraction of the built environments while preserving the social and cultural attributes which are valued by inhabitants.

14.4.2 Broad policy objectives

The broad policy objectives of the SDF include enhancing the image of the Overstrand as a liveable urban and rural area which provides a range of facilities as activities which tourists can enjoy. Development proposals should also capitalise on the unique sense of place which rural areas in the Overstrand are renown for. The SDF promotes developments which enhance the visual quality and attraction of the built environments while preserving the social and cultural attributes which are valued by inhabitants.

14.4.3 Consistency of the proposal with the policy

- 14.4.3.1 The promotion of rural tourism development based on the ecological and heritage value of the region is encouraged. The tourist facilities, farm shop/stall and tourism accommodation will be highly dependent on the ecological value of surrounding natural systems as the subject property is located within a 5km radius from the Cape Nature Walker Bay.
- 14.4.3.2 The maintenance of the dominance of the natural and agricultural environment in Stanford is encouraged. This proposal for tourist facilities, farm shop/stall and tourism accommodation are of a low intensity and will not interfere with the dominance of natural and agricultural environment which is prevalent on the subject farm.
- 14.4.3.3 The SDF highlights that Stanford needs to be promoted as a tourism village. This proposal is intended to enhance the image and value of Stanford as tourist destination as prescribed.



MOTIVATION

15. PLANNING PRINCIPLES

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

15.1 Spatial Justice

Spatial justice in the context of spatial and land use planning refers to development proposals which redress the past apartheid spatial development imbalances. The apartheid spatial development imbalance entailed economic opportunities located far from rural dwellers and the only employment on farms being agricultural opportunities. This led to rural areas having limited economic opportunities and being on the backfoot of economic development. This proposal is therefore intended to provide economic opportunities through the establishment of additional dwelling units to be used as tourist accommodation in a rural area which are an alternative to the exclusive agricultural character which is in stark contrast to apartheid planning.

15.2 Spatial Sustainability

Spatial sustainability refers to the need to promote mixed use rural environments which allow for a functional space economy to flourish. The subject proposal promotes complementary mixture of tourist facilities, farm shop/stall and tourism accommodation in addition to the agricultural activities on the subject farm. The land uses will also allow for a functional space economy to flourish as a downturn in the economic activities of one aspect of the farm would not render other activities as obsolete which are hallmarks of diversification and spatial sustainability.

15.3 Efficiency

Efficiency in the context of land use planning refers to the need to enable rural areas to optimally make use of space, land and resources. This proposal is intended for the applicant to capitalise on the maximum number of tourist accommodation units which can be accommodated on a farm without adversely altering the rural fabric of the area.

15.4 Spatial Resilience

Spatial resilience in the context of land use planning refers to spatial plans, policies and land use management systems that should enable the communities to resist, absorb and accommodate these shocks and to recover from these shocks in a timely and efficient manner. This proposal is aligned with the spatial resilience principles contained in the WCLUPGRA, PSDF and SDF.

15.5 Good administration

The OM is the organ of state which is responsible for good administration by means of public participation and complying with the prescribed time frames in the By Law and the OM has a credible history of upholding the principles of good administration.

16. NEED AND DESIRABILITY

The need and desirability for the approval and implementation of this proposal will be illustrated in accordance with Section 66 (1) (c) of the OM By-Law and DEADP Provincial Support Document on Relevant Considerations:



MOTIVATION

16.1 Need and desirability

Desirability, amongst others, refers to two components where need refers to "time" and desirability refers to "place". In other words, is it the right time and is it the right place for locating the proposed type of land use/activity? The land use rights are sought are at the right time to enable the applicant to generate an income and create numerous employment opportunities which are necessary in the current economic climate. The tourist facilities, farm shop/stall and tourism accommodation are located in the right place which are in existing buildings and will therefore minimise the building footprint impact on the surrounding. There is therefore a need for the approval and implementation of this desirable development proposal.

16.2 Impact on views, sunlight and character of the area

As stated earlier, this proposal primarily entails a change of land use within existing buildings and no significant building footprint expansions are sought. There will therefore be no additional impact on views, sunlight and alteration in the character of the area.

16.3 Economic impact

Tourism accommodation and tourist facilities land uses will be labour intensive which constitutes a positive economic impact in terms of employment creation. The goods which will be sold in the tourist facilities will be sourced from other businesses which will boost incomes and economic viability of other businesses which is needed particularly in this trying economic climate.

16.4 Impact on safety and wellbeing

The approval and implementation of this proposal will lead to people entering and egressing the subject property who will be surveillance in the surrounding rural area which is currently insufficient. This will contribute to increasing the safety on the subject property which will have a positive impact on the safety and well-being of surrounding property owners.

16.5 Social impact

Numerous studies have proven that going on holiday reduces stress, increases creativity, boosts emotional stability, makes confidence soar, improves intelligence, improves low moods, strengthens relationships and enable people to do introspections. The approval and implementation of this proposal is therefore projected to accrue positive social impacts for tourists.

16.6 Environmental Considerations

This proposal constitutes tourist accommodation for 16 people located within a 5km radius from a protected area and triggers the following clauses in the National Environmental Management Act.

"(6) The development of resorts, lodges, hotels, and tourism or hospitality facilities that sleeps 15 people or more. i. Western Cape i. Inside a protected area identified in terms of NEMPAA; ii. Outside urban areas; (aa) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; or (bb) Within 5km from national parks, world heritage sites, areas identified in terms of NEMPAA or from the core area of a biosphere reserve; -excluding the conversion of existing buildings where the development footprint will not be increased.



MOTIVATION

(17) The expansion of a resort, lodge, hotel, [and] tourism or hospitality facilities where the development footprint will be expanded, and the expanded facility can accommodate an additional 15 people or more. i. Western Cape i. Inside a protected area identified in terms of NEMPAA; ii. Outside urban areas:

(aa) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; or (bb) Within 5km from national parks, world heritage sites, areas identified in terms of NEMPAA or from the core area of a biosphere reserve; - excluding the conversion of existing buildings where the development footprint will not be increased."

Lornay Environmental Consulting has been appointed by the applicant to submit the necessary application to DEADP and all corresponded will be forwarded to the OM for consideration.

16.7 Heritage considerations

The subject property is not listed in the heritage register.

The subject property is located within the Stanford Heritage Committee (SHC) area of interest. This application will be forwarded by the OM to the SHC for comments pertaining to heritage related considerations. Any heritage related concerns which may be raised will be addressed by Lornay Environmental Consulting through the basic assessment application which will be submitted to DEADP.



RECOMMENDATION

17. EVALUATION

The rationale for the approval and implementation of this proposal can be summarised as follows:

- 17.1 This proposal will contribute towards the enhancement of the image of Stanford as a tourist destination; and
- 17.2 This proposal will also unlock employment/economic opportunities in the rural area which will be positive impact in the area.

18. RECOMMENDATION

It is recommended that the following is approved:

- 18.1 **Consent use** for 5 additional dwelling units in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended;
- 18.2 **Consent use** for tourist accommodation in the additional dwelling units in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended;
- 18.3 **Consent use** for tourist facilities to accommodate a restaurant, gift shop, pottery studio, restrooms and admin office which are also open to the general public in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended;
- 18.4 **Consent use** for a farm shop/stall open to the general public in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended; as amended; and
- 18.5 **Departure** from the 30m side building line to 19m to accommodate the existing farm managers cottage in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

Avenue C12



Plan 3.2: Inset of Site Development Plan Portion 12 of the Farm Middelberg 643 Caledon

Subject property (31,0238 ha)
 5m Contour
 Existing buildings/roofed areas
 Existing unroofed built areas
 New building/roofed areas
 New unroofed built areas
 New unroofed built areas

Coordinates

Farm house
 34°25'44.3"S 19°25'22.7"E
Existing guest bedroom
 34°25'46.1"S 19°25'20.9"E
Existing barn
 34°25'46.7"S 19°25'19.7"E
Existing farm office
 34°25'47.7"S 19°25'18.3"E
Staff canteen and domestic accommodation
 34°25'48.5"S 19°25'20.5"E
Existing chicken coop
 34°25'48.2"S 19°25'21.8"E
Farm managers cottage
 34°25'48.6"S 19°25'22.9"E

Based on plans by Richo Perloff and Holly Toppert
 Tel: 028 313 1411
 Email: admin@wrapgroup.co.za
 Plan 3.2
 Unit B, Corner of Royal and Dikke Uys
 Street Hammarus, 7200
 Plan prepared by: Heidehle Jankle
 All distances are approximate
 and subject to a survey

Project Office
Town Planning & Project Management

Building	Building use	Proposed use	Building area (m ²)	Covered office (m ²)
Barn	farm equipment store	accommodation - site 1 (4,044.13)	163.2	
		accommodation - site 2 (2,368.05)	33.4	
		warehouse/warehouse	528.2	122.2
		utility store	27.8	
		workshop	72	
Reception/farm office	policy studio		72.7	
	reception		811.3	122.2
	staff rooms		184.5	
Bee house	staff canteen & domestic	accommodation - cabin 1 (2,368.05)	76.4	21.6
	domestic	accommodation - cabin 2 (4,044.13)	73.8	
Round House	accommodation		158.2	21.4
	guest bedroom		63.9	
	storeroom		45.4	
Totals			1183.61	222.2

extract of 12/643 FARM 643 (portion 12)

Inset Area
Scale 1 : 1 000

**Plan 3.1: Inset of Site
Development Plan
Portion 12 of the Farm
Middelberg 643 Caledon**

Based on plans by Richar
Perfect and Hailey Tippett
Tel: 028 313 1411
Email: admin@wrapgroup.co.za
Plan 3.1
Unit B, Corner of Royal and Dirkie Uys
Street Hermanus, 7200
Plan prepared by: Reallehla Jankie
All distances are approximate
and subject to a survey



Project Office
Town Planning & Project Management



Scale 1 : 16 000

MM
15 April 2021

Annexure D/9



Stanford Heritage Committee

PO Box 539 STANFORD 7210 stanfordheritage@gmail.com 028 341 0164
www.stanfordconservation.co.za

8 April 2020

Overstrand Municipality
Alia Conradie: alia@overstrand.gov.za
Stanford Administration: ncornelius@overstrand.gov.za

TP
(S vld Merwe)
A. Theart

Dear Sirs,

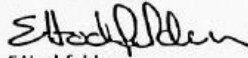
Portion 12 of Farm 643, application for consent use and relaxation of side boundary restriction

This committee has reviewed the above application. We have no objection to it.

We do however comment that the existing vegetation along the district road should be maintained as a visual screen for the parking lot.

We anticipate reviewing a submission proposal in due course.

Yours faithfully


E Hochfelden
Chair

FILE NO:	Ptn 12 of Farm
	643
SCAN NO:	
COLLABORATOR NO:	1521993

13 APR 2021
TP

Mary
26 April 2021

TP- A Theart
(Suid merwe)



A Conradie

From: Mairi Brimble <mairi@brimble.co.za>
Sent: Friday, 23 April 2021 11:02
To: A Conradie
Subject: Fwd: Middelberg Investments Application PTN 643/12 RCAL

Morning Alida

My details:

Name : Mary Brimble

Address: 7 Weltevreden Avenue Rondebosch Cape Town 7700

Phone: 082 9048037

Interest: Trustee of Quickvest 13 (Pty) Ltd, owner of Farm 643/7.

Reasons for Comment: See below

My husband and I are owners of the land referred to above.

We are shortly to start building on our Farm, planning to move to Stanford from Cape Town.

Our plan is to move to the "country" from the "city" in order to enjoy a quieter life, free of car pollution, noise pollution, and the activities that accompany shopping centres, restaurants etc.

We bought land zoned Agricultural Zone 1 with the understanding that we would be in a protected area, free of commercial activities.

The proposals made by Middelberg Investments (Pty) Ltd to establish tourist related businesses, including shops, accommodation for 16 guests, additional dwelling units, a restaurant etc etc are going to completely change the tone and feel of the surrounding areas. Weekends would likely see a full restaurant and full use of the accommodation facilities, which will entail a busy noisy environment. Groups of visitors will be congregating and the tourism on the river could become overbearing. Cars will be in and out all the time. If we were happy about this sort of activity, we would have bought in the Village, and enjoyed the ambiance. But we bought on the country road, expecting a tranquil nature driven experience.

Please can our expectations be taken into account. Please can we try to preserve a little bit of the country feel. If we are expecting too much from the Overstrand Municipality, can we at least expect a reduction in the activity proposed by Middelberg Investments. The farm in question is 551 ha, why can't they set this development back to the south side of the property so that it does not impact on the river frontage and the lives of adjacent land owners.

Best wishes

Mary Brimble

FILE NO: Ptn 121643
Middelberg
SCAN NO: 10
COLLABORATOR NO: 1532401

23 APR 2021

Handwritten: 26 April 2021

Handwritten: 3/9

HERMANUS LAGOON PROPERTY OWNERS' ASSOCIATION



P O Box 235
Stanford
7210
22 April 2021

Mr P Roux
Department of Town Planning
16 Paterson Street
Hermanus
7200

Handwritten: TP - A Theart
(Suid merke)

Attention: Ms Alida Conradie

Dear Sir/Madam

PORTION 12 OF THE FARM NO. 643, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA; APPLICATION FOR CONSENT USE AND DEPARTURE; MESSRS WRAP PROJECT OFFICE ON BEHALF OF MIDDELBERG INVESTMENTS (PTY) LTD

The Hermanus Lagoon Property Owners' Association has received Notice of the above Application and requests to be registered as an Interested and Affected Person with regard to the above application.

The Association has twenty two members who own property either on the northern or the southern side of the Kleinrivier Estuary downstream from the Klein River.

The quality and quantity of the water that enters the Estuary (Lagoon/Vlei) from the Klein River and surrounding area is of great concern to the property owners. In addition any impact on the established Bird Sanctuary, is of interest and concern to the property owners.

All boats, boating, jetties, and usage of the Klein River and Klein River Estuary must strictly adhere to the Regulations and Conditions pertaining to these activities.

We note that details of Services have been given in the Application but we wish to be aware of further updated information in the future.

We are unaware of the Notice of this Application in the public newspaper and therefore we are unable to provide a Municipal Notice number.

Thank you for the opportunity to express our interest and concern.

Regards

E L L Ivey
Chairperson HLPOA
P O Box 235 Stanford 7210
email: reivey@iafrica.com

FILE NO: Ptn 12/643
Middelberg
SCAN NO: 20
COLLABORATOR NO: 1532501

23 APR 2021

4/9

cellphone: 0827707320
landline: 0283140263

5/9



A Conradie

From: John Brimble <johnb@begclaw.co.za>
Sent: Sunday, 25 April 2021 18:26
To: A Conradie
Subject: RE: Farm 643/7 . Wrap Departure application

TP - A Theart
(Suid merke)

Evening

Thank you for listening to my complaint re short notice period. And extending the period to comment.

I have had time this weekend to read in detail and discuss with our architect.

I have no further comment to add. And am happy to leave my comments as below.

My regards

in

For Quickvest 13 cc

7 Weltevreden Avenue
Rondebosch
7700
083 6388368

From: A Conradie [mailto:alida@overstrand.gov.za]
Sent: 23 April 2021 12:17 PM
To: John Brimble <johnb@begclaw.co.za>
Subject: RE: Farm 643/7 . Wrap Departure application

Good day mr Brimble

Kindly note that an amended notice has in the meantime been send by registered mail to possibly affected property owners (see attached). The closing time for comment/objections is 21 May 2021.

Kindly let me know if you wish to add anymore comments to your email below. All comments/objections/concerns will be forwarded to the application for response after the closing date of the public participation process.

Regards

Alida Conradie
Administrator, Town & Spatial Planning Department
Overstrand Municipality
A: 16 Paterson Street, Hermanus, 7200 **P:** P O Box 20
T: 028 313 8900 | **F:** 028 313 2093 | **E:** alida@overstrand.gov.za

FILE NO: Ptn 71643 ✓ STR
SCAN NO: Farm 643
COLLABORATOR NO: 1533360

From: John Brimble <johnb@begclaw.co.za>
Sent: Thursday, 22 April 2021 17:57
To: A Conradie <alida@overstrand.gov.za>

TP
28 APR 2021

Cc: John Brimble <johnb@begclaw.co.za>
Subject: Farm 643/7 . Wrap Departure application

Good day

I received from the PO on Monday 19th April the registration chit advising to collect registered mail.

I went on Tuesday 20th to collect this registered mail.

I have 2 days now to respond.

I consider this short time frame unfair, and prejudicial ,to my rights.

Especially as the mail is dated 16 March..

Can you advise as to why one has such a short time frame in which to object

I have concerns as to what is being done to manage the increased vehicle usage on Wortelgat road, and its degradation this development will entail. Please advise measure to manage this.

I also have concerns re noise containment. We are moving to the country to escape CT noise and high density traffic. Now we will have restaurants, increase accommodation usage, as well as shops.

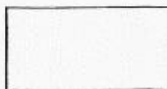
Whilst I have no wish to prevent anyone earning a living and making reasonable developments the increase noise factor is a concern.

What measure are being taken to keep this impact as low as possible. Particularly in evenings.

Thank you

John

7 Weltevreden Avenue
Rondebosch
7700
083 6388368



Overstrand Municipality

A: 1 Magnolia Street, Hermanus, 7200 | P: P.O Box 20, Hermanus, 7200
T: +27 (0) 313 8000 | F: +27 (0) 312 1894
E: enquiries@overstrand.gov.za | W: www.overstrand.gov.za

7/9

TP-A Theart
(Suid merke)

Fitzmore Investments (Pty) Ltd

Registration Number 2002/026781/07
 Portion 4 of Farm 725 Caledon
 P O Box 246 Noordhoek 7979

3 May 2021

RE: Objection to proposed development of Portion 12 of the Farm Middelberg No: 643
(File Ref PTN643/12)

Attention:
 S Muller
 Director Infrastructure and Planning
 Overstrand Municipality

Dear Sir/Madam

Fitzmore Investments (Pty) Ltd is the owner of Portion 4 of Farm 725, Caledon, Western Cape. This farm is on the opposite bank of the Klein River to the proposed development, with the south western corner of the farm overlapping the view of the proposed development. The proposed development will be in close proximity to and the new proposed usage of the land could have a material impact on our property and as such, we believe we are an affected party and have the right to raise our concerns with regards to this development.

After studying the proposal, we would like to raise the following objections as we feel they have not been addressed in the Notice of Development that has been issued by registered post:

1. The application is not clear on the trading hours of the restaurant and farmstall. These trading hours can have a significant negative impact due to the noise generated by such an establishment in the evenings and over weekends and if other social events are planned. The noise will easily travel across the river unhindered.
2. The application does not address in anyway if the guests/patrons will have access to the river bank and the river. If so, how will this access be controlled by the developer? In the summer months and over holiday periods, the river is very busy with various types of boating activities and this lack of control to the river can cause serious safety concerns, noises and privacy impacts to the surrounding land owners.
3. The application is not clear if holidaymakers using the new proposed accommodation will be allowed to launch boats from the site. This again could have safety issues with uncontrolled access to the river.
4. As the proposed development is around the current barn, which is hidden by a gum tree plantation, will the intention be to cut down some of the trees to provide better views for patrons? If this is the case, this will have major negative visual impacts for the surrounding neighbours, as the new developments will become clearly visible from their properties.

11

24 MAY 2021

FILE NO: Ptn 12	643
Middelberg	
SCAN NO:	
COLLABORATOR NO: 1542113	

5. With the increased use of septic tanks on the development, have mitigation steps been taken so as to ensure that no sewerage can leak into the river by accident?
6. As per Email confirmation on 22 April 2021 From A. Conradie the original dwelling will remain as such and form no part of the new development and will be solely used by the landowner for his own exclusive use. Can this be confirmed?
7. Will patrons or the restaurant and guests at the accommodation be able to make use of the lawns and jetty in front of the owner's house or is there any other proposed access to the river which is not shown or addressed in the application? Can we receive clarity on this issue?

Based on the above and the lack of information in the Application for the Departure, we would oppose this at this stage based on the following points:

- Invasion of Privacy
- Noise generation
- Impact on safe use of river for various water sports activities which do currently freely and safely take place.
- Possible pollution due to the extra volumes of sewerage that might enter into river if no clear plan is in place.

Please note that should we be provided with better details and further clarification, we would be willing to reconsider our objections.

Yours faithfully



Dave Blackmore
Director
Cell: 0832590976

9/9

TP-A Theart
(S vld Kerkie)



A Conradie

From: John Martin <john@martinfamily.co.za>
Sent: Tuesday, 11 May 2021 10:15
To: A Conradie
Subject: NOTIFICATION - Portion 12 of the Farm 643

The Lochinvar Trust is the owner of Erf 639/1.

As riparian property owners of area 16F of the Klein River we are permitted to operate motorized boats in this area in terms of proclamation 389 of 1977.

Portion 12 of the farm 643, being riparian, currently enjoys the same rights.

We request that, should the departure applied for be granted, a condition be imposed that guests should specifically be prohibited from launching or operating motorized boats from this property.

Should this condition not be imposed the carrying capacity of the river could be exceeded and result in a chaotic situation in what is presently a well controlled situation.

Regards,

John Martin

Trustee

FILE NO: Ptn 12,643 ✓
Middelberg
SCAN NO:
COLLABORATOR NO: 1538452

11 MAY 2021



TP-A Theart
(S vld merwe)



Project Office

Town Planning & Project Management

Our Reference: 20/58
Your reference: PTN 643/12 RCAL

03 June 2021

The Municipal Manager
Overstrand Municipality
P O Box 20
HERMANUS
7200

Attention: Mr SW Van der Merwe

PORTION 12 OF THE FARM NO. 643 CALEDON DIVISION: RESPONSE TO OBJECTIONS FOR THE APPLICATION FOR CONSENT USE AND DEPARTURE.

Your letter dated 26 May 2021, refers.

Letters of comments were received through the public participation process from:

- Stanford Heritage Committee;
- M Brimble;
- Hermanus Lagoon Property Owners' Association;
- J Brimble;
- D Blackmore obo Fitzmore Investments (Pty) Ltd; and
- J Martin.

FILE NO: Ptn 12/643 ✓
Middelberg
SCAN NO:
Farm 643
COLLABORATOR NO:
548897



Response to the comments received to the consent use and departure application.

Comments from the public participation process	Response to comment
<p>Existing vegetation</p> <p><i>"We do however comment that the existing vegetation along the district road should be maintained as a visual screen for the parking lot."</i></p>	<p>This comment is noted, and it is important to consider Plan 5, the landscape plan that illustrates the proposed methods to ensure the parking lot is visually screened by the existing and planned vegetation.</p> <p>Three and four rows of deciduous trees are proposed. On top of the existing metrosideros vegetation along the road.</p>
<p>Affect and taint the country (agricultural) setting.</p> <p><i>"Please can we try to preserve a little bit of the country feel."</i></p> <p><i>"Our plan is to move to the "country" from the "city" in order to enjoy a quieter life, free of car pollution, noise pollution, and the activities that accompany shopping centres, restaurants etc"</i></p>	<p>It is and never was the intention of the applicant (Middleberg Investments Proprietary Limited) to affect the surrounding area in a negative manner. It is the opposite in fact.</p> <p>The applicant's intention is neither to impede on anyone's right to silence, freedom of car pollution and freedom of noise pollution.</p> <p>The applicant appointed WRAP Project Office to submit the application on their behalf. This was done to ensure the proposed tourist facilities meet all the requirements set out by the Overstrand Municipality.</p> <p>When the application was made it was of importance to adhere to the development parameter set out by the Overstrand Municipality and its policies. This would ensure the proposed tourist facilities remains in line with what is allowed on agricultural properties.</p> <p>The reason that the zoning (Agriculture Zone 1: Agriculture) has not been altered is to ensure the proposed tourist facilities is not out of character in the surrounding area.</p> <p>These land uses proposed are not out of character for the area as various other developments surrounding the subject property (Portion 12 of the Farm the Middelberg 643 Caledon) have been</p>



	established for example: Springfontein Wine Estate, Mosaic Lagoon Lodge, and others in the area.
<p><u>Protected area free from commercial activities.</u></p> <p><i>"We bought land zoned Agricultural Zone 1 with the understanding that we would be in a protected area, free of commercial activities."</i></p>	<p>This application proposes agricultural related 'commercial activities' that are allowed under the current zoning (Agriculture Zone 1: Agriculture).</p> <p>No area is 'protected' from development.</p> <p>The area is, however, protected from illegal development, which the proposed tourist facilities are not, hence the current application.</p> <p>It was of utmost importance to the applicant that the proposed tourist facilities adhere to the Overstrand Municipality's policies and development parameters.</p>
<p><u>Visitors to congregate.</u></p> <p><i>"The proposals made by Middelberg Investments (Pty) Ltd to establish tourist related businesses, including shops, accommodation for 16 guests, additional dwelling units, a restaurant etc etc are going to completely change the tone feel of the surrounding areas. Weekends would likely see a full restaurant and full use of the accommodation facilities, which will entail a busy noisy environment. Groups of visitors will be congregating and the tourism on the river could become overbearing."</i></p>	<p>The application was made for a consent use to allow 'tourist facilities' which included a 'restaurant, gift shop, pottery studio, restrooms and an admin office'.</p> <p>These are all legal consent uses allowed on the current zoning. All the development parameters of the Overstrand Municipality are adhered to.</p> <p>Tourist facilities does permit the gathering of visitors, and it is allowed as a consent use on the current zoning of the subject property.</p> <p>The number of guests will be capped at 16 that utilise the tourist accommodation as this is the number of beds that are provided.</p>
<p><u>The proposed tourist facilities will affect the river and possibly overwhelm the river.</u></p> <p><i>"The farm in question is 551 ha, why can't they set this development back to the south side of the property so that it does not impact on the river frontage and the lives of adjacent land owners."</i></p>	<p>The only riparian rights are those of the applicant and it will not be shared with the guests/patrons that make use of the proposed tourist facilities.</p> <p>Occasional shared rides on the applicant's craft may be considered, but no private crafts will be allowed to enter or egress the water from or onto the subject property.</p>



<p>"The application is not clear if holidaymakers using the new proposed accommodation will be allowed to launch boats from the site. This again could have safety issues with uncontrolled access to the river."</p> <p>"Impact on safe use of river for various water sport activities which do currently freely and safely take place"</p> <p>"We request that, should the departure applied for be granted, a condition be imposed that guests should specifically be prohibited from launching or operating motorized boats from this property."</p> <p>"In the summer months and over holiday periods, the river is very busy with various types of boating activities and this lack of control to the river can cause serious safety concerns, noises and privacy impacts to the surrounding landowner"</p>	<p>If guest/patrons would like to partake in the water sports they will be directed towards the municipal launch site in Stanford where fees and applicable licenses are required.</p> <p>TAKE NOTE: 'GUESTS' ARE SEEN AS OVERNIGHT GUESTS THAT MAKE USE OF THE TOURIST ACCOMODATION & OTHER FACILITIES.</p> <p>'PATRONS' ARE DAY VISITORS THAT MAKE USE OF THE FARMSTALL, RESTAURANT AND OTHER FACILITIES.</p>
<p><u>To relocate the proposed tourist facilities to other portions of the subject property.</u></p> <p><u>The proposed tourist facilities will impede on the privacy of the surrounding properties.</u></p> <p>"The farm in question is 551 ha, why can't they set this development back to the south side of the property so that it does not impact on the river frontage and the lives of adjacent landowners."</p>	<p>The existing buildings have formed a fundamental part of the proposed tourist facilities as it is illustrated in Plan 3.2 of the application. The existing barn will be transformed into the farmstall and restaurant.</p> <p>In addition, the proposed location was chosen due to the proximity to the river and the ambience it provides the proposed tourist facilities.</p> <p>The applicant has gone to great lengths to ensure there is no invasion of privacy occurring from the proposed tourist facilities. Some methods used are keeping vegetation at certain points and adding more where it is required.</p> <p>It is also of importance to ensure the privacy of the guest and patrons that will enjoy the proposed tourist facilities.</p>



<p><u>Concerns that the proposed tourist facilities will affect the quality and quantity of the water that enters the Estuary (Lagoon/Vlei) from the Klein River and surrounding area.</u></p> <p><i>"The quality and quantity of the water that enters the Estuary (Lagoon/Vlei) from the Klein River and surrounding area is of great concern to the property owners."</i></p>	<p>As a property owner on the Klein River themselves, the applicant is also concerned with the quality and quantity of the water that enters the estuary.</p> <p>The proposed tourist facilities will not affect the river, the only riparian rights are those of the applicant and it will not be shared with the guests/patrons that make use of the proposed tourist facilities.</p> <p>Occasional shared rides on the applicant's craft may be considered, but no private crafts will be allowed to enter the water from the site. If guest/patrons would like to partake in the water sports they will be directed towards the municipal launch site in Stanford where fees and applicable licenses are required.</p>
<p><u>Concerns that the proposed tourist facilities will impact the Bird Sanctuary.</u></p> <p><i>"In addition any impact on the established Bird Sanctuary, is of interest and concern to the property owners."</i></p>	<p>The proposed tourist facilities will not intentionally affect the Bird Sanctuary.</p> <p>The subject property is approximately 551ha in extent and the proposed tourist facilities will only utilise a small portion of the property and the other hundreds of hectares will allow the birds to feed and reproduce.</p> <p>The environment is important to the applicant and they would never intentionally affect any part of the environment.</p>
<p><i>"All boats, boating, jetties and usage of the Klein River and Klein River Estuary must strictly adhere to the Regulations and Conditions pertaining to these activities."</i></p>	<p>This comment is noted, and the applicant will ensure that they adhere to any regulations and conditions that are required to use the river safely and in an appropriate manner. As mentioned above the only riparian rights are those of the applicant.</p> <p>It is also of importance that Plan 3.2 – SDP does not entail a proposed jetty or any other development on the banks of the river.</p>



<p><u>The proposed tourist facilities will affect the 'Wortelgat Road' and that the increased the traffic will aid in the degradation of the road.</u></p> <p><i>"I have concerns as to what is being done to manage the increased vehicle usage on Wortelgat road, and its degradation this development will entail. Please advise measure to manage this."</i></p> <p><i>"Cars will be in and out all the time"</i></p> <p><i>"But we bought on the country road, expecting a tranquil nature driven experience."</i></p>	<p>The 'Wortelgat' road is a provincial (subordinate) road, and the Western Cape Department of Transport was a commenting authority involved in the process and granted their approval for access to the proposed tourist facilities.</p> <p>They did not have any objections to the proposed tourist facilities.</p> <p>There is no need of concern that the proposed tourist facilities will greatly affect the road. Also, it of important to note that its not the applicant's responsibility to maintain the road.</p>
<p><u>The proposed tourist facilities will have a noise impact on the surrounding area.</u></p> <p><i>"We are moving to the country to escape CT noise and high density traffic"</i></p> <p><i>"Weekends would likely see a full restaurant and full use of the accommodation facilities, which will entail a busy noisy environment."</i></p> <p><i>"These trading hours can have a significant negative impact due to the noise generated by such an establishment in the-evenings and over weekends and if other social events are planned. The noise will easily travel across the river unhindered."</i></p> <p><i>"Noise Generation"</i></p> <p><i>"Now we will have restaurants, increase accommodation usage, as well as shops. Whilst I have no wish to prevent anyone earning a living and making reasonable developments the increase noise factor is a concern. What measure are being taken to keep this impact as low as possible particularly in evenings."</i></p>	<p>The land uses proposed are not land use activities which generate excessive noise. It is not the intent of the applicant to disrupt the tranquil rural environment prevalent in the area.</p> <p>It is of importance to note that the applicant does not want the proposed tourist facilities to have any negative affect on others.</p> <p>Vegetation is proposed as a method to dampen the low predicted noises that may occur on the subject property.</p> <p>In addition, to the method mentioned above the business hours of the land uses are proposed for to be from 07h00 in the morning to provide guests breakfast until 22h00 to ensure guest and patrons have access to the restaurant.</p>
<p><u>Provide the trading hours of the restaurant and farmstall.</u></p> <p><i>"Application is not clear on the trading hours of the restaurant and farmstall"</i></p>	<p>Take note that the restaurant will be open from 07h00 to ensure the guests of the tourist accommodation have breakfast facilities available as the units do not have kitchens. It is important to note the</p>



	<p>restaurant will be open to the public patrons to ensure economic viability but as mentioned above to ensure no excessive noise is prevalent during the late evenings the business hours will not be later than 22h00 as proposed.</p>
<p><u>If the guest/patrons will have access to the riverbank and river as it could raise safety concerns.</u></p> <p><i>"The application does not address in anyway if the guests/patrons will have access to the riverbank and the river."</i></p> <p><i>"Will the patrons or the restaurant and guest at the accommodation be able to make use of the lawns and jetty in front of the owner's house or is there any other proposed access to the river which is not shown or addressed in the application? Can we receive clarity on this issue?"</i></p>	<p>The subject property has the same riparian right as all other landowner in Area 16F. Although the banks and river may occasionally be used by the guests and not patrons, the area forms part of the private garden of the main dwelling and for their own privacy the landowners will not allow that river is overwhelmed with people.</p> <p>To ensure safety measures are adhered to the applicant will provide the necessary requirements to ensure the safety of their guests.</p>
<p><u>If the proposed tourist facilities will affect the "Gum tree plantation" on the subject property as it may affect privacy.</u></p> <p><i>"As the proposed development is around the current barn, which is hidden by a gum tree plantation, will the intention be to cut down some of the trees to provide better views for patrons? If this is the case, this will have major negative visual impacts for the surrounding neighbors, as the new developments will be clearly visible from their properties."</i></p> <p><i>"Invasion of Privacy"</i></p>	<p>The applicant would never intentionally impede on the privacy of any property or person.</p> <p>It is of importance to note that Plan 3.2 illustrates the proposed tourist facilities, and some of the trees will be removed to make space for the facilities, but the majority of the trees between the proposed tourist facilities and the river will remain.</p> <p>The applicant will be adding more trees than what is set to be removed as they are also concerned for the environment.</p>
<p><u>A comment regarding the Septic tanks was received.</u></p> <p><i>"With the increased use of septic tanks on the development, have mitigation steps been taken so as to ensure that no sewerage can leak into the river by accident?"</i></p> <p><i>"Possible pollution due to the extra volumes of sewerage that might enter into river if no clear plan is in place."</i></p>	<p>All habitable buildings on the subject property are connected to a conservancy tanks and is being functioning in an acceptable manner to ensure no pollution occurs.</p> <p>The required steps and regulations will be abided by when the conservancy tanks are installed to all new habitable areas and tourist facilities to ensure that no waste or pollution is leaked into the Klein River.</p>



<p><u>If the dwelling unit on the subject property will be used by the landowner?</u></p> <p><i>"As per email confirmation on 22 April 2021 from A Conradie the original dwelling will remain as such and form no of the development and will be solely use by the landowner for his own exclusive use. Can this be confirmed?"</i></p>	<p>The original/main dwelling unit will be used solely by the applicant as they bought Middelberg Farm to reside on and will be personally in the operation of the proposed tourist facilities.</p>
<p><u>That the commenters be included in future developments of the application.</u></p> <p><i>"... reviewing a submission proposal in due course."</i></p> <p><i>"... we wish to be aware of further updated information in the future."</i></p>	<p>This comment is noted, but it is directed to Overstrand Municipality.</p>

Conclusion

The comments revealed that the objectors are concerned for several aspects of their wellbeing and rights and would like to ensure the proposed tourist facilities do not affect these aspects.

The applicant would never intentionally affect any person or property negatively, and the nature, scale and design of the proposed tourist facilities confirm this. To ensure the wellbeing and rights of the objectors are not impeded upon, the proposed tourist facilities are aligned with the requirements set out by the Overstrand Municipality and its policies.

Considering that this response has adequately addressed all the comments raised by the objectors, it is recommended that the planning application be approved as submitted.

Yours faithfully

T JANSEN

PROFESSIONAL TOWN PLANNER (A/2858/2019)

Annexure F1/2



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

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

Kobus.Munro@westerncape.gov.za
Tel: +27 21 483 3544 Fax: +27 21 483 3633
1 Dorp Street, Cape Town, 8000
www.westerncape.gov.za/eadp

REFERENCE: 15/3/2/12/BO3

Overstrand Municipality
PO Box 20
HERMANUS
7200

FOR ATTENTION: DIRECTOR INFRASTRUCTURE & PLANNING

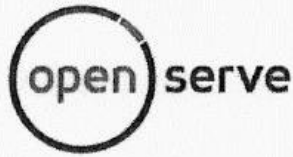
**REQUEST FOR COMMENT - PROPOSED CONSENT USE AND DEPARTURE ON PORTION 12 OF
THE FARM MIDDELBERG NO 643, CALEDON DIVISION**

1. Your request for comment, dated 16 March 2021, has reference.
2. The application submitted is for a consent use in order to establish tourist accommodation (total of 16 guests in five additional dwelling units) and tourist facilities (i.e. restaurant, gift shop, pottery studio, restrooms, admin office and farm shop) on the property and to relax the lateral building line from 30m to 19m to accommodate the existing farm manager's cottage.
3. The subject property, which measures 551ha, is located \pm 1,5km west of Stanford.
4. The proposal is in line with the recommendations as set out in the Western Cape Land Use Planning Guidelines (March 2019), which encourages the establishment of activities of an appropriate scale that diversify farm income and add value to locally produced products. All buildings are clustered within the farmstead precinct and the total floor space of all buildings on the land does not exceed 5000m², as prescribed in the Overstrand Municipality Land Use Scheme, 2020.
5. The tourist accommodation and tourist facilities are proposed within existing buildings for the most part and the additional building expansions, as shown on the Site Development Plan, will be marginal.

6. In consideration of the above-mentioned, this Directorate has no objection to the development as proposed.

Kobus Munro Digitally signed by Kobus Munro
Date: 2021.03.24 17:05:55 +02'00'
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)

Annexure G1/S



Division of Telkom SA SOC Ltd

10 Jan Smuts Drive
Pinelands
7404

Wayleave Office Western Region
Tel: 021 414 5707
Email: WayleavesWR@telkom.co.za

Our Ref.: WWIP_WGNB0914_21
Your Ref.: REM 698 & 912 RCAL

24 March 2021

Attention: SW van der Merwe/ Marlize Miller
Overstrand Municipality

**APPLICATION FOR OPENSERVE WAYLEAVE: REMAINDER OF FARM GROOT BOS NO. 698 AND
REMAINDER OF FARM BAVIANS FONTEYN NO. 912 CALEDON DIVISION, MUNICIPAL AREA: APPLICATION
FOR THE EXTENSION OF THE PERIOD OF VALIDITY OF AN EXISTING APPROVAL: MESSRS CITY GREEN
POINT (PTY) LTD ON BEHALF OF PURPLE PLUM PROPERTIES 105 CC.**

With reference to your application received 04 March 2021.

Please notify this office immediately if you locate any Openserve plant that was not indicated.
Please contact our representative Melt van As telephone number 021 852 1717/081 363 7873
Email address: MeltVA@openserve.co.za

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

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

Approval is granted, subject to the following conditions.

As per the drawing supplied, Openserve infrastructure will not be affected. However, care should still be
taken should it be evident that there is in fact Openserve network present on the actual sites.

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


z/s

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

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

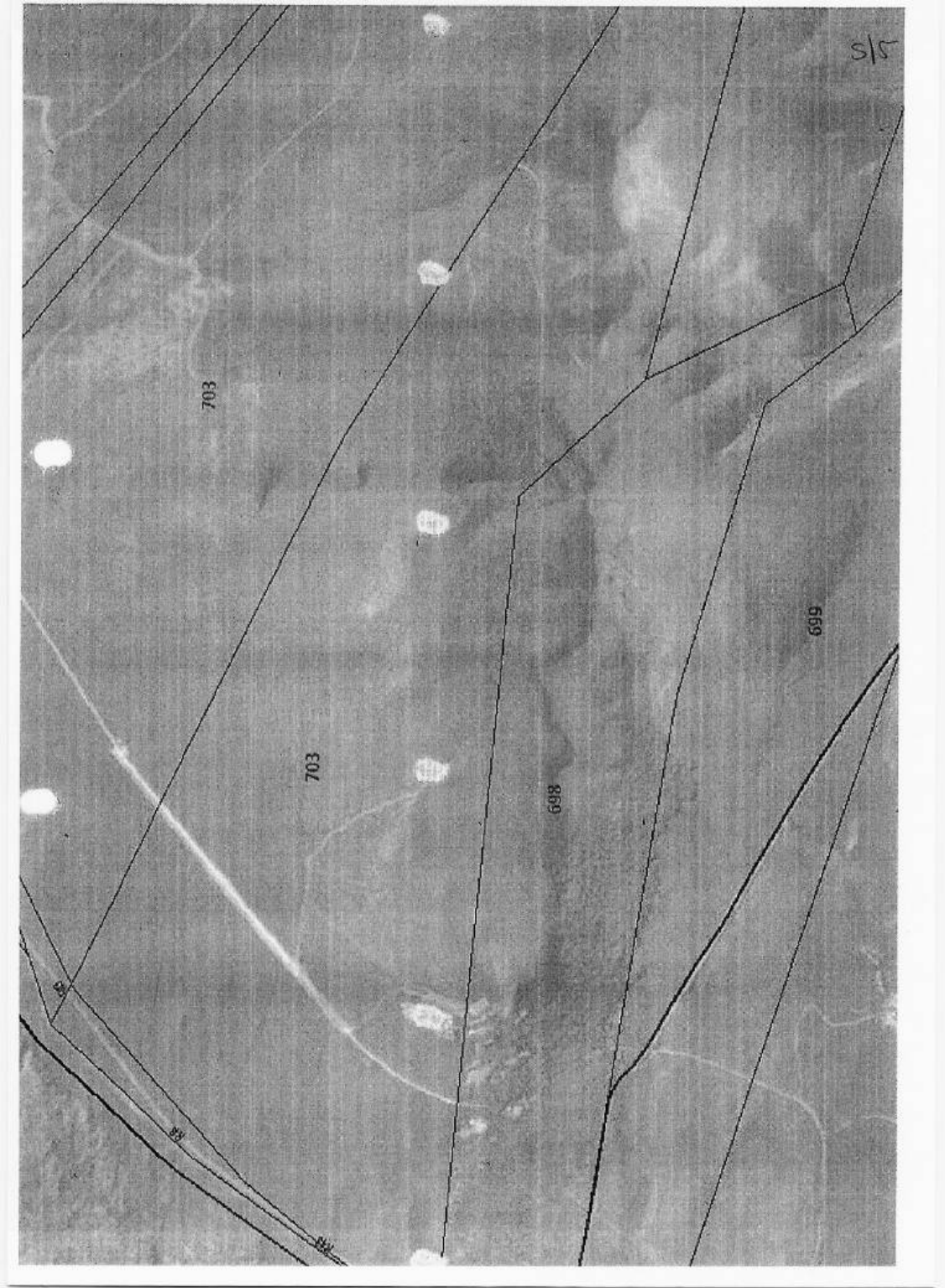
All Openserve rights remain reserved.

Yours faithfully



For Selwyn Bowers
Operations Manager
Wayleave Management: Western Region

		
PLANT NOT AFFECTED		
If any plant not indicated exists and information or supervision is required please contact this office at least <u>48 hours</u> before any work commences.		
Melt van As MeltVA@openserve.co.za	081 363 7873	
<u>Reference number</u> WWIP_WGNB0914_21	<u>Marked Up</u> Wayleave Management	<u>Date</u> 24-Mar-21





Our Ref: 21021102ND0212E
 Case No: 21021102ND0212E
 Enquiries: Nokubonga Dlamini
 Email: Nokubonga.Dlamini@westerncape.gov.za
 Tel: 021 483 5959
 Date: 19 February 2021

MIDDLEBERG INVESTMENTS (PTY) LTD
 SANDRA CUMMING
 P.O BOX 896
 STANFORD
 7210
 sandra@middleberg.co.za/ michelle@lomay.co.za

TP. D. / Heart
 (S. ud Mene)



ILifa leMveli leMtsheana Koloni

Erfenis Wes-Kaap

Heritage Western Cape

FILE NO: PTN 12	LH3
Stanford ✓	
SCAN NO:	PTN 12
COLLABORATOR NO:	1521743

RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: FINAL COMMENT
 In terms of Section 38(1) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003

NOTIFICATION OF INTENT TO DEVELOP: PROPOSED ALTERATIONS AND EXPANSION OF EXISTING BUILDINGS TO CREATE TOURIST RELATED LAND-USES (FARM STALL/SHOP) AND TOURISM OVERNIGHT ACCOMMODATION. THE SITE WILL BE LARGELY TRANSFORMED AND APPROXIMATELY 16 BEDS WILL BE PROVIDED. THIS DEVELOPMENT IS LOCATED IN PORTION 12 OF FARM 643, CALEDON DISTRICT IN THE OVERSTRAND MUNICIPALITY: SUBMITTED IN TERMS OF SECTION 38(4) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999).

CASE NUMBER: 21021102ND0212E

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter. This matter was discussed at the Heritage Officers meeting held on 18 February 2021.

You are hereby notified that, since there is no reason to believe that the proposed tourist facilities will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

In addition, Heritage Western Cape committee notes that a Section 34 of the NHRA (Act 25 of 1999) application will be required for the alterations and additions to structures older than 60 years.

However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately, and Heritage Western Cape must be notified without delay.

This letter does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.

HWC reserves the right to request additional information as required.

Should you have any further queries, please contact the official above and quote the case number.

Colette Scheermeyer
 Acting Chief Executive Officer



29 MAR 2021

www.westerncape.gov.za/cas

Street Address: Protea Assurance Building, Green Market Square, Cape Town, 8000 • Postal Address: P.O. Box 1665, Cape Town, 8000
 • Tel: +27 (0)21 483 5959 • E-mail: ceheritage@westerncape.gov.za

Straatadres: Protea Assuransiegebou, Groentemarkplein, Kaapstad, 8000 • Posadres: Postbus 1665, Kaapstad, 8000
 • Tel: +27 (0)21 483 5959 • E-pos: ceheritage@westerncape.gov.za

Idilesi yendawo: kungangabho 2, kwiniMawo lototea Assurance, Greenmarket Square, eKapa, 8000 • Idilesi yepost: Inombolo yebhokki yeposi 1665, eKapa, 8000 • Inombolo zomnxeba: +27 (0)21 483 5959 • Idilesi ye-imeyile: ceheritage@westerncape.gov.za



Western Cape
Government



TP - A. Theunis
(P. Roux)

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, 8006

Answer File

REFERENCE: TPW/CFS/RP/LUD/ACC-28/06 (Job 27905)
ENQUIRIES: Ms GD Swanepoel
DATE: 26 March 2021

The Municipal Manager
Overstrand Municipality
PO Box 20
HERMANUS
7200

FILE NO:	PTN 12 643
	Middelberg Stanford ✓
SCAN NO:	PTN 12
COLLABORATOR NO:	1524016

Attention: Mr Petrus Roux

Dear Sir

PORTION 12 OF FARM MIDDELBERG 643, CALEDON: MINOR ROAD 4017: APPLICATION FOR CONSENT USE AND DEPARTURE

- Your letter PTN642/12 dated 16 March 2021 refers.
- The subject property is located 3km west from Stanford and takes access off Minor Road 4017 at ±km2.82 (RHS).
- This application is for Consent Use and Departure in order to accommodate five additional dwelling units, restaurant, farm shop and pottery studio.
- This Branch offers no objection to the application in terms of the Land Use Planning Act, No 3 of 2014 subject to the access off Minor Road 4017 at ±km2.82 (RHS) being upgraded to that of a Main Farm Access as per the attached standard.

Yours Sincerely

PP 

SW CARSTENS
For DEPUTY DIRECTOR-GENERAL: ROADS

30 MAR 2021

ENDORSEMENTS

1. Overstrand Municipality
Attention: Mr P Roux (e-mail: petusroux@overstrand.gov.za)

2. WRAP
Attention: R Jankie (e-mail: wrap@telkomsa.net)

3. District Roads Engineer
Paarl

4. Mr Hein Uys (e-mail)

5. Mr SW Carstens (e-mail)

6. Mr F Fakier (e-mail)

Annexure J

File reference:	PTN 643/12 RCAL
Date:	16 March 2021
	MM



INTERNAL MEMORANDUM

From	: Town Planning Department
Town Planner	: P Roux

TO:


<u>Area Manager</u>	<u>Building Control Department</u>	<u>District Health</u>	Electrical Department	<u>Environmental Officer</u>
<u>Fire Department</u>	<u>Infrastructure and Planning</u>	<u>Local Heritage Committee</u>	<u>Operational Services</u>	Property Administration
Tourism	Traffic Department	<u>Ward Councillor</u>	<u>Waste Management</u>	

Applicant	WRAP PROJECT OFFICE ON BEHALF OF MIDDELBERG INVESTMENTS (PTY) LTD
Property Details	PORTION 12 OF THE FARM NO. 643, DIVISION CALEDON
Application Description	APPLICATION FOR CONSENT USE AND DEPARTURE

ATTACHMENTS :

1. Notice	<i>Should the information be insufficient for you to make an informative comment, please list any additional documentation that you would require to make Informed comments.</i>
2. Locality Plan	
3. Motivation	
4. Site Development Plan	

YOUR DEPARTMENT'S COMMENTS:

Farm shop/stall requires a Health Inspection before opening and needs a COA to operate and handle food. Applicant needs to apply for Health Certificate for Accommodation Establishment.	
Signature: 	Date: 23/04/2021

Please provide your comments (with specific reference to any conditions of approval that should be imposed) in the space provided above or in a separate Memo by not later than the date stipulated below. If you require an extension of time for submission of comments, kindly request this in writing. Should no comments be received, it will be assumed that you have no objection to the proposal and where appropriate, the Mayoral Committee will be informed accordingly.

COMMENTS REQUIRED BY: 23 APRIL 2021

TP- N. Theart Avenue K1/14
(S. ud Nono).



Western Cape
Government



Department of Environmental Affairs and Development Planning

Ndivhuho Mudau

Directorate: Development Management, Region 1

ndivhuho.Mudau@westerncape.gov.za | Tel: 021 483 2881

EIA REFERENCE: 16/3/3/1/E4/5/1035/21
NEAS REFERENCE: WCP/EIA/0000933/2021
DATE OF ISSUE: 14 December 2021

FILE NO:	PN 12/643
	Middleberg Stanford ✓
SCAN NO:	PTN 12
COLLABORATOR NO:	1618828

The Director
Middleberg Investments (Pty) Ltd.
P.O. Box 896
STANFORD
7670

Attention: Ms. S. Cumming

Cell: (082) 449 6537

E-mail: sandra@middleberg.co.za

Dear Madam

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: THE PROPOSED CONVERSION AND EXPANSION OF EXISTING BUILDINGS TO ESTABLISH A TOURISM FACILITY AND ASSOCIATED INFRASTRUCTURE ON PORTION 12 OF THE FARM MIDDLEBERG, NO. 643, STANFORD.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** the Environmental Authorisation ("EA") together with the reasons for the decision.
2. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached amended Environmental Authorisation.

Yours Faithfully

Zaahir
Toefy

Digitally signed by Zaahir Toefy
Date: 2021.12.14 16:32:11 +02'00'

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

CC: Ms. M. Naylor (Lernay Environmental Consulting)
Ms. P. Aplon (Overstrand Municipality)

E-mail: michele@lcmay.co.za

E-mail: paplon@overstrand.gov.za

21 DEC 2021



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Department of Environmental Affairs and Development Planning



**Western Cape
Government**

Department of Environmental Affairs and Development Planning
Ndivhuho Mudau
 Directorate: Development Management, Region 1
 Ndivhuho.Mudau@westerncape.gov.za | Tel: 021 483 2881

EIA REFERENCE: 16/3/3/1/E4/5/1035/21
NEAS REFERENCE: WCP/EIA/0000933/2021
DATE OF ISSUE: 14 December 2021

The Director
 Middleberg Investments (Pty) Ltd.
 P.O. Box 896
STANFORD
 7670

Attention: Ms. S. Cumming

Cell: (082) 449 6537
 E-mail: sandra@middleberg.co.za

Dear Madam

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: THE PROPOSED CONVERSION AND EXPANSION OF EXISTING BUILDINGS TO ESTABLISH A TOURISM FACILITY AND ASSOCIATED INFRASTRUCTURE ON PORTION 12 OF THE FARM MIDDLEBERG, NO. 643, STANFORD.

With reference to your application for the abovementioned, find below the outcome with respect to this application.

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activity specified in section B below with respect to the Preferred alternative as described in the Basic Assessment Report ("BAR"), received on 17 September 2021.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Director
 Middleberg Investments (Pty) Ltd.
 P.O. Box 896
STANFORD
 7670

Cell: (082) 449 6537
 E-mail: sandra@middleberg.co.za

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "**the holder**".

B. LISTED ACTIVITY AUTHORISED

Listed Activity	Project Description
<p>Listing Notice 3 Activity Number: 6 <i>"The development of resorts, lodges, hotels, tourism or hospitality facilities that sleeps 15 people or more"</i></p> <p>i. Western Cape</p> <p>(i) <i>inside a protected area identified in terms of NEMPAA;</i></p> <p>(ii) <i>outside urban areas</i></p> <p><i>(aa) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; or</i></p> <p><i>(bb) Within 5km from national parks, world heritage sites, areas identified in terms of NEMPAA or from the core area of a biosphere reserve".</i></p>	<p>Existing buildings will be converted and expanded to establish a tourism facility that sleeps more than 15 people and will be located within 5km of a protected area.</p>

The abovementioned list is hereinafter referred to as "**the listed activity**".

The holder is herein authorised to undertake the following alternative as it relates to the listed activity:

The proposed development will entail the conversion and expansion of existing buildings to establish a tourism facility on Portion 12 of the Farm Middleberg No. 643, Stanford. The expansion footprint will be approximately 814m². The proposed development will also include a restaurant and farm shops. The proposed tourism facility will sleep more than 15 people and will be located within 5km of a protected area.

C. SITE DESCRIPTION AND LOCATION

The authorised listed activity will be undertaken on Portion 12 of the farm Middleberg, No. 643, Stanford and has the following co-ordinates:

Latitude (S)	34°	25'	45.04"
Longitude (E)	19°	25'	22.13 "

The SG digit codes are: C0130000000064300012

Refer to Annexure 1: Locality Plan and Annexure 2: Site Plan

The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

c/o Ms. M. Naylor
Lomay Environmental Consulting
P.O. Box 1990
HERMANUS
7200

Cell: 083 245 6556
Email: michelle@lomay.co.za

E. CONDITIONS OF AUTHORISATION**Scope of authorisation**

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with and restricted to the preferred Alternative described in the BAR received 17 September 2021 on the site as described in Section C above.
2. The holder must commence with the listed activity on the site within a period of **five (5) years** from the date issue of this Environmental Authorisation.
3. The development must be concluded within **ten (10) years** from the date of commencement of the Listed Activities.
4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and

impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written notice to the Competent Authority

6. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities.
 - 6.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 6.2. The notice must also include proof of compliance with the following conditions described herein:
Conditions: 6, 7, 8 and 11.

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision—
 - 7.1. notify all registered Interested and Affected Parties ("I&APs") of –
 - 7.1.1. the outcome of the application;
 - 7.1.2. the reasons for the decision as included in Annexure 3;
 - 7.1.3. the date of the decision; and
 - 7.1.4. the date when the decision was issued.
 - 7.2. draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 detailed in Section F below;
 - 7.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 7.4. provide the registered I&APs with:
 - 7.4.1. the name of the holder (entity) of this Environmental Authorisation,
 - 7.4.2. name of the responsible person for this Environmental Authorisation,
 - 7.4.3. postal address of the holder,
 - 7.4.4. telephonic and fax details of the holder,
 - 7.4.5. e-mail address, if any, of the holder,
 - 7.4.6. the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations.
8. The listed activity, including site preparation, may not commence within **20 (twenty)** calendar days from the date of issue of this Environmental Authorisation. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

Management of activity

9. The draft or Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
10. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

11. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of the proposed development to ensure compliance with the provisions of the EMPr, and the conditions contained herein. The ECO must conduct site visits as prescribed in the EMPr.
12. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activity, and must be made available to anyone on request, including a publicly accessible website.
13. Access to the site referred to in Section C above must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

14. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person, that is not the ECO referred to in Condition 10 above and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014.
15. The audit reports must be compiled and subsequently submitted to the Department in the following manner:
 - 15.1. The holder must undertake an environmental audit and submit an Environmental Audit Report to the Competent Authority within 3 months of after construction commence.
 - 15.2. A final Environmental Audit Report must be submitted within three months after the development is completed.

The holder must, within 7 days of the submission of each of the above-mentioned reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

16. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include: meteorites, archaeological and/or palaeontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

17. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
18. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a landfill licensed in terms of the applicable legislation.
19. All noise and sounds generated during the proposed development must comply with the relevant SANS codes and standards and the relevant noise regulations.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activity.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with a listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr, must be done in accordance with Regulations 35 to 37 of the EIA Regulations 2014 or any relevant legislation that may be applicable at the time.

G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014.

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision. -
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 to the Appeal Administrator; and
 - 2.2 Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021 483 3721)
Room 809, 8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.

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5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, e-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully

Zaahir
Toefy

Digitally signed by
Zaahir Toefy
Date: 2021.12.14
14:32:39 +02'00'

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 14 DECEMBER 2021

Cc: Ms. M. Naylor (Lomay Environmental Consulting)

Ms. P. Aplon (Overstrand Municipality)

E-mail: michelle@lomay.co.za

E-mail: paolon@overstrand.gov.za



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ANNEXURE 1: LOCALITY MAP



Figure 1: Location of Portion 12 of the Farm Middleberg No. 643, Stanford

ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, inter alia, the following:

- a) The information contained in the Application Form received by the Department on 25 June 2021 and the EMPr submitted together with the Basic Assessment Report on 17 September 2021.
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the Basic Assessment Report received on 17 September 2021; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues that were the most significant for the decision is set out below.

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- fixing a notice board at the site where the listed activity is to be undertaken were placed at the site entrance from 22 April 2021;
- the placing of a newspaper advertisement in the "Hermanus Times" on 19 May 2021;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activity is to be undertaken, the municipality and ward councilor, and the various Organs of State having jurisdiction in respect of any aspect of the listed activity, on 28 April 2021;
- making the pre-application draft BAR available to I&APs for comment from 28 April 2021 to 28 May 2021; and
- making the draft BAR available to I&AP's for comment from 12 July 2021 to 11 August 2021.

The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and that the comments raised and responses thereto were included in the comments and response report.

Specific alternatives, management and mitigation measures have been considered in this Environmental Authorisation and EMPr to adequately address the concerns raised.

2. Alternatives

Preferred alternative – (Herewith authorised)

The preferred alternative entails the conversion and expansion of existing buildings to establish a tourism facility on Portion 12 of the Farm Middleberg No. 643, Stanford. The expansion footprint will be approximately 814m². The proposed development will also include a restaurant and farm shops. The proposed tourism facility will sleep more than 15 people and will be located within 5km of a protected area.

The "No-Go" Alternative

The "No-Go" option of not proceeding with the establishment of a tourism facility is not preferred, as the benefits associated with the proposed development will not be realised.

3. Impact Assessment and Mitigation measures

3.1. Activity needs and desirability

The Municipal Spatial Development Framework indicates that the town of Stanford must be promoted as a tourism village. Furthermore, the Overberg District Municipality has indicated in comment dated 21 May 2021 that the proposed development aligns with the strategic goals of the Overberg District Regional Economic Development and Tourism strategy, namely the diversification of the economy and promotion of local tourism. The establishment of the tourism facility will positively impact the area as it will increase tourism related activities in the area.

The Overstrand municipality has confirmed in correspondence (dated 9 September 2021) that sufficient capacity exists to provide the proposed development with sewage treatment and solid waste disposal services. Electricity to the existing buildings is supplied by Eskom. There is an approved water use license for water rights for the subject property. Sufficient potable water is therefore available to cater for the water demand of the proposed tourist facility. An amendment of the water use license will be applied for to change the name of the holder of the license.

3.2. Biophysical impacts

According to CapeNature's comment (dated 16 July 2021), there is no natural habitat occurring within the footprint of the proposed development and the site is mapped as "no natural vegetation" on the Western Cape Biodiversity Spatial Plan. The proposed development will therefore have no direct impact on natural habitat.

The property borders the Klein River estuary and is regarded to be located within the Coastal Protection Zone ("CPZ") and partially within the Estuarine Functional Zone. However, the potential impacts associated with development within the CPZ are expected to be of low negative significance as the proposed development will be setback more than 100m from the estuary and will occur in existing buildings.

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3.3. Impact on Heritage Resources

Heritage Western Cape indicated that there is no reason to believe that the proposed development will impact on heritage resources. However, mitigation measures have been included as a condition of this environmental authorisation and the EMP, should heritage resources be discovered during the conversion and expansion of the existing buildings.

The development will result in both negative and positive impacts.

Negative Impacts:

- Potential impact on the Klein River estuary; and
- Construction related noise and dust impacts.
- All the negative impacts can be mitigated satisfactorily.

Positive impacts:

- The proposed development will create temporary and permanent employment opportunities;
- The proposed development will allow for additional tourism activities; and
- The proposed development will contribute to economic development.

4. National Environmental Management Act Principles

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMP, the Competent Authority is satisfied that the proposed listed activity will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activity can be mitigated to acceptable levels.

-----END-----

Annexure C1/2

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE & DEPARTURE: PORTION 12 OF THE
FARM NO. 643, DIVISION CALEDON**

Stormwater (SW) : In order
Electricity : Eskom
Water : No Services Available
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:

Sewerage	R 16 799.12 x 8.128799=	R 136 556.67
TOTAL (inclusive of VAT)	=	R 136 556.67

Note:

- 1.3 **The above figures are estimates**
- 1.4 **The above figures do not include evaluation/investigation levies and connection fees**
2. that no water service from Overstrand Municipality is available and the developer will be responsible to obtain the necessary approval, licence and permits from the applicable authorities (water affairs, health, etc.) for the use of any other water resources and the extraction thereof;
3. that the developer is responsible to provide potable water to the development that complies with SANS0241 standards and that relevant proof be submitted to the Senior Manager: Engineering Services, Overstrand Municipality;

4. that the developer complies to all the conditions set by Department Of Water Affairs;
2. that the proposed development on Portion 12 of Farm 643 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;
3. 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;
4. 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;
5. that stormwater run-off within the development must be accommodated in line with the National Building Regulations, the Overstrand Municipal Stormwater Bylaw and common law principles. A Stormwater Master Plan may be required;
6. 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;
7. that on site parking facilities be provided as per the Planning Schedule, and to the satisfaction of Department: Operational Services;
8. that any additional and / or extended vehicle entrances will be for the owner's account;
9. that stormwater be allowed to discharge through Portion 12 of farm 643, unobstructed.

p.p. R. Crafer
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

04/02/2027
DATE