

4.5**PORTION 1 (WIND HEUVEL) OF FARM WIND HEUVEL NO. 696, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA: PROPOSED CONSENT USE: MESSRS PLANACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF HOLISTIC 888 (PTY) LTD****696/1 GRCAL (2922/2019)****SW van der Merwe****(028) 313 8900****Hermanus Administration****6 May 2020**

1. EXECUTIVE SUMMARY

An application has been received on 26 November 2018 from Messrs PlanActive Town & Regional Planners on behalf of Holistic 888 (Pty) Ltd, the owner of Portion 1 (Wind Heuvel) of Farm Wind Heuvel No. 696, Division Caledon for consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) for tourist facilities (chapel, wedding venue, conference facility, tourism accommodation (four (4) guest rooms, two (2) self-catering units and five (5) self-catering eco cabins).

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

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

The subject property is situated 10km east of Gansbaai adjacent to Flower Valley, on route from Grootbos Private Nature Reserve to Baardskeerdersbos. The property measures 27,2520 ha, is zoned for Agriculture Zone I purposes and developed with a manor house, managers dwelling, two (2) additional dwellings, labourers cottages, flower pack store, two (2) dams and associated infrastructure. The property forms part of the original Uilenkraal loan farm and contains heritage buildings/structures. Access is obtained from Minor Road 4027 (MR 4027).

Surrounding land uses in the vicinity of the subject property comprises small scale sheep and cattle farming, private nature reserves, life style farms and tourism accommodation as well as tourist facilities (i.e. restaurant, conference, wedding venue etc.).

The current owner acquired the property during 2018. The property is utilised as a lifestyle residence since it is not a viable agricultural unit due to its limited size. The owner intends to diversify the farm in order to generate an income. The application for consent use for tourist facilities comprises a venue / conferencing facilities and chapel, whilst the tourist accommodation comprises two (2) additional dwelling units, four (4) guest rooms and five (5) eco cabins (self-catering). Except for the eco-cabins, the development will be contained in existing buildings clustered around the werf area. The proposed eco-cabins will be single storey with a footprint limited to 120m² and will be situated on former disturbed areas of the property, accessed via existing farm tracks.

4. SUMMARY OF APPLICANT'S MOTIVATION

- ❖ There are no title deed restrictions with reference to the proposed consent uses.
- ❖ All services can be provided on the property to the satisfaction of the Municipality.
- ❖ The agricultural zoning will be retained.
- ❖ Tourism is the fastest growing land use in Overstrand.
- ❖ Diversification would provide additional income.
- ❖ Guests would make use of tourism facilities on offer in the surrounding area.
- ❖ Proposed consent uses do not have a negative impact on the surrounding land uses/farms in the area.
- ❖ The proposal is compatible with the built character of the area.
- ❖ Only minor changes to existing structures will take place.
- ❖ Heritage character of the site will be retained.
- ❖ The proposed consent uses will enable the management of the property as a viable farm portion, which capital will be used of the upkeep of the property.
- ❖ The proposal does not trigger listed activities in terms of NEMA.
- ❖ The proposal is consistent with the planning principle.
- ❖ The proposal adheres to the spatial planning policies for the area.

5. ADMINISTRATIVE COMPLIANCE

| Methods of advertising | | Date published | Closing date for comments |
|---|--|------------------|---------------------------|
| Notices | Yes | 27 February 2019 | 5 April 2019 |
| Internal Departments | Yes | 27 February 2019 | 5 April 2019 |
| Ward councillor | Yes | 27 February 2019 | 5 April 2019 |
| Total comments | One (1) invalid letter of objection was received. | | |
| Was public participation undertaken in accordance with Section 46 - 50 of the Proposed Draft By-Law on Municipal Land Use Planning? | | | Yes |
| Was the application processed correctly (if no, elaborate below): | | | Yes |
| Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below) | | | Yes |

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

| Name | Date received | Summary of comments. |
|-----------------------|---------------|----------------------|
| Waste Management | 28/02/2019 | No objection. |
| Building Control | 29/03/2019 | Supported. |
| Eskom | 3/04/2019 | Annexure F. |
| Environmental Section | 5/03/2019 | No objection. |

| | | |
|--|------------|----------------------|
| DEA&DP: <i>Development Management (Region 2)</i> | 13/03/2019 | Annexure G. |
| Department of Transport and Public Works | 10/04/2019 | Annexure I. |
| CapeNature | 23/05/2019 | Annexure J. |
| Department of Agriculture | 22/05/2019 | Annexure K. |
| Telkom | 5/06/2019 | Annexure L. |
| DEA&DP: <i>Development Management (Region 1)</i> | 7/10/2019 | Annexure M. |
| Services Report | 23/12/2019 | Annexure N. |
| Breede-Gouritz Catchment Management Agency | - | No comment received. |

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION.

One (1) late objection has been received from Mr Sean Privett, on behalf of the Privett Trust, the owner of Portion 1 of Farm 697 and Portion 2 of Farm 696, adjoining the application property to the north and west.

The objection being late does not comply with the requirements for objections/comments in terms of Section 52(2) of the Overstrand Municipal Land Use Planning By-Law, thus the objector will only be notified of the outcome of the application.

The main grounds for the late objection are the following:

1. Point of objection

No objection to the development of the property for tourism, but are extremely concerned about the proposed conferencing/wedding venue and refers to regular disturbance from a venue 1,5km away. Noise emanating from wedding venue/conferencing facility situated 350m from the objector's property will negatively impact upon the sense of place and tranquillity of the area and subsequently the objector's nature based tourism enterprise and livelihood of staff they employ as well as the market value of the objector's property.

Applicant's comment

The applicants left the rat race of the concrete jungle three (3) years ago for a new rural lifestyle of peace and tranquillity and purchased the application property with the intention to live on the property and develop it into a tourism since other farms in the Uilenkraal Valley have many forms of tourism operating, including wedding/conference venues.

We are all three very sensitive to any form of noise pollution and prefer classical and nature's music over any other genre of loud music, and will therefore only host "green weddings" and "spiritual" conferences with gentle soft music or no music at all.

As we will also be living on the farm, we will certainly not host weddings more than 1-2 times a month and will further ensure that noise levels are kept low at all times. We believe that our “Green Weddings” and “Spiritual” conferences will not impact negatively on the tranquillity of the area nor on Mr. Sean Privett’s existing tourism activities and property market values.

The comments Mr. Privett made are again speculative, and furthermore both his properties have been on the market for quite some time.

Town Planner’s response

Having had regard to the objection above, as well as the applicant’s comment above, it is acknowledged that the proposed venue is situated in close proximity to the objector’s property. The opinion is held that the potential impact, if any, could be mitigated with appropriate conditions. In addition, the wedding venue(s) referred to by the objector operates for a number of years to date without a formal complaint history.

The SDF encourage tourism and local economic development and diversification, whilst at the same time protecting high potential agricultural land. The subject property is not a viable agricultural unit. As such, the applicant intends to diversify and generate income through tourism based activities, i.e. venue/conferencing and tourism accommodation in accordance with the provisions of the Scheme Regulations.

The applicant states that the owner will reside on the premises and as such will be in a position to manage the venue, thus ensuring that the amenity of the area and vested rights of adjoining property owners are not adversely affected.

Further, in accordance with the provisions of the Western Cape Noise Control Regulations, 2013 the applicant, should the application be supported, will be required to submit a Noise Impacted Assessment with regard to noise levels of the proposed land use (i.e. venue/conferencing) as well as a Noise Management Plan with appropriate mitigation measures, prior to commencement of the development.

2. Point of objection

Impact on natural vegetation due to the location of the eco cabins on the interface between endangered Overberg Sandstone Fynbos and vulnerable Agulhas Limestone Fynbos that became infested with invasive alien species, visual impact since the area is infested with alien species and impact of site clearing and new road network required.

Applicant’s comment

The applicant appointed an experienced environmental consultant to ensure that the proposed developments are in line with all environmental requirements, and the green light was given by them.

The eco-cabins will be placed on already disturbed areas and parking will be provided on existing farm tracks from where guests will walk to the eco cabins. The objection is therefore considered speculative.

The applicant’s already embarked on an alien clearing program with Flower Valley Conservation farm experts utilising the DEA herbicide program, so we understand our

responsibilities in terms of preserving the environment and the clearing of the many aliens that they inherited.

It is also important to note that a large part of the invasive grey poplar forest trees is on Mr. Privet's farm ("Witkrans" Portion 1 of 697) that forms the north-western boundary with the objector's property.

Town Planner's comment

The application was circulated to Cape Nature who did not object subject to the siting of the proposed eco cabins, subject to a 32m buffer from the stream on the property being maintained. DEA&DP also confirmed in writing that the proposal does not trigger listed activities in terms of NEMA. The proposal is also supported by the Overstrand Environmental Management Services Department.

The proposed eco cabins will be single storey structures with a footprint of 120m² each and is not considered to have an unacceptable visual impact, should the alien trees be removed.

3. Point of objection

According to the objector a single spring on the adjacent Flower Valley Farm provides water for all the farms in the valley, i.e. twelve (12) cadastral units. Therefore, the proposed development should also take future needs of all of these into account when stating that there is sufficient water for the proposed development. The water allocation referred to by the applicant is also subject to water availability, thus not guaranteed. The objector is thus concerned that the scale of the proposed development will put pressure on limited water availability in the valley and is of the opinion that a proper assessment of water availability and water rights of all property owners in the valley be commissioned prior to a decision being made.

Applicant's comment

The applicant states that water allocation were agreed upon between the respective properties in accordance with a gentleman's agreement and is managed in terms of a water schedule. It is stated that the water supply never dried up, whilst the water source is properly managed and maintained, thus ensuring minimum waste and good water flow. The applicant assisted Flower Valley with the same, whilst the objector due to lack of resources often declined to assist.

The applicant also invested in a new water reticulation system to ensure that no water is wasted, understand and that all the respective property owners will have to limit the use of water during times of drought, and as such have already taken measures to manage water effectively and responsibly.

Lastly, we disagree with the objector's statement pertaining to the impact of the proposal on the existing water resources and is of the view that their future guest facilities are also not of such a large magnitude when compared to other establishments in the area.

Town Planner's comment

The application property is not situated in an area where municipal services are rendered and is self-sufficient with regard to services, including water. The subject property is entitled to a water allocation, subject to water availability as per an existing

agreement between the respective properties. The applicant already implemented an internal water reticulation system with sufficient space capacity, with a view to conserve available water. Cognisance should also be taken that the proposed land uses, save for the five (5) eco cabins, are contained in existing buildings and structures on the property. With regard to the venue the applicant would also be able to easily supplement the water demand from bottled water as well the implementation of rain water harvesting. The applicant also cannot be held responsible for investigating existing and future demand of all applicable water users. The opinion is held that the proposal will have little impact on vested rights of the remaining water users and that a refusal on this basis cannot be justified.

4. Point of objection

The objector disagrees with the applicant's statement: "it is clear that the proposed consent use can be supported from a desirability point of view due to the fact that the proposal is in line with land use tendencies within the area. It is also compatible with the current agricultural land uses and tourist related uses found in the valley and that it will be an asset to Flower Valley." for the following reasons:

- *the development of a wedding/function venue on a small property in the heart of Flower Valley is directly opposed to the nature based tourism economy of the valley;*
- *the Flower Valley Conservation Trust was established Fauna and Flora International to safeguard the exceptional bio diversity of this unique valley, thus ensuring responsible conservation management of the valley;*
- *the owners of Witkrans 697/1 (the objector) similarly signed a conservation servitude over most of the property in 2008, thereby ensuring protection of biodiversity into perpetuity;*
- *the proposed wedding/function facility and associated business will negatively impact the fauna of the valley.*

Applicant's comment

The applicant motivates that they intend to undertake small intimate "Green weddings", "Spiritual conferences" and well managed guest accommodation that will not negatively impact sensitive fauna of the valley.

The applicant states that Mr. Privett operates hiking trails and guest accommodation on both his farms on a frequent basis, and in addition also operates a nursery from Flower Valley farm utilising small trucks and 4x4's on a regular basis traveling on MR 4027 between Witkrans and Flower Valley. Flower Valley also offer guest accommodation and outsource flower harvesting to teams of flower pickers with pickups and very large trucks to collect same on a regular basis utilising MR 4027 that runs through our farm.

The applicant is of opinion that the above activities create noise pollution and we believe have a negative impact on the fauna as they operate at all hours of the day and sometimes even late at night.

Town Planner's comment

The objector failed to demonstrate how the proposed development would adversely impact upon the fauna and flora (bio diversity) of the valley. Subject to the submission of a Noise Impact Assessment of the proposed land use and a Noise Management Plan the opinion is held that the proposal would not unacceptably detract from the

vested rights of the adjoining property owners, sufficient to justify refusal of the application.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

Refer to Paragraph 7. above.

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

Refer to Paragraph 7. above.

Internal Departments

No objections.

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

10.1 Background

N/A

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

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

Spatial Justice

The proposal will not further perpetuate past spatial injustices but will allow access to employment opportunities.

Spatial sustainability

The proposed tourist facilities and tourism accommodation are accommodated in the rural area consisting of many tourist attractions. The proposed development will not have an impact upon conservation worthy area whilst the land use is in line with the rural character of the area.

Efficiency

The subject property is easily accessible and conveniently located in the rural area in close proximity of many tourist attractions and will ensure optimal use of the property.

Spatial Resilience

The proposed tourism facilities and tourism accommodation will improve the viability of the property.

Good administration

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

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

Same as Point 10.2 above.

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

The proposal is consistent with the SDF that allows non-agricultural uses provided that it is not located on high potential agricultural land, easily accessible, must have minimal impact on aesthetics and also on farming activity and does not adversely impact on biodiversity or ecosystem functioning.

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

N/A

10.6 Impact on Municipal engineering services

No municipal services are provided.

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

The application does not trigger the provisions of NEMA.

The application does not trigger the provisions of Section 38 of the National Heritage Resources Act. Only the Manor House and the proposed chapel (to be accommodated in the converted guest suite) existed in 1965/1966 according to photographic evidence. As such, building plans will be referred to Heritage Western Cape prior to finalisation and approval of building plans in terms of the Building Regulations.

10.8 Existing and proposed zoning comparisons and considerations

The application is in line with the Overstrand Integrated Zoning Scheme Regulations.

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

N/A

12. THE DESIRABILITY OF THE PROPOSAL

Portion 1 (Wind Heuvel) of the Farm Wind Heuvel No. 696 is situated in the Uilenkraal Valley, 10km east of Gansbaai comprising a mixture of agricultural and tourist related land uses and activities.

The property is situated in the agricultural conservation buffer zone as per the SDF Spatial Planning Categories (SPC). This SPC forms the buffer between the core conservation and agricultural SPC's within which small scale eco-tourism, farm based tourism and nature based recreation is normally considered acceptable.

The proposed development will be located within existing buildings and structures on the property save for the proposed eco cabins that will be located on disturbed areas, accessed off existing farm tracks and located such to maintain a 32m buffer from the watercourse in the property.

The proposal is thus consistent with the principles of the applicable SPC in that it would not adversely impact bio-diversity or ecosystem functioning or the sense of place due to the fact that most of the activities is contained to the werf area, whilst the

proposed eco cabins will be single storey and limited to a footprint of 120m². The number of occupants of the eco cabins will be limited to fourteen (14) and will not trigger the provisions of NEMA. The proposal is also supported by Cape Nature.

Except for the proposed eco-cabins, all of the proposed uses will be accommodated within existing buildings and structures. The conversion of the building will be done sympathetic to the local vernacular and where applicable be referred to Heritage Western Cape for approval. The opinion is thus held that the proposed development will not detract from the rural character of the area from.

The tourism accommodation comprising of two (2) self-catering units, four (4) guest rooms and five (5) proposed eco-cabins will not detract from the sense of place or the vested rights of adjoining properties.

The proposed wedding venue/conferencing facility due to the small size of the subject property might impact upon the ambiance and tranquillity of the rural area and other nature based tourism related enterprises if not properly managed. In this regard it should be noted that the venue/conferencing facilities, including the chapel will be limited to a maximum of fifty (50) people, whilst the applicant/manager will reside on the property. The applicant in his response to the objections submitted confirmed that the intention is to host weddings two or three times per month and refers to "green weddings" and "spiritual conferences" with gentle or soft music or no music at all. The applicant does not further elaborate on what is meant with "green weddings" or "spiritual conferences". It is however assumed that being a venue, amplified sound will be utilised.

The opinion is held that the potential impact could be sufficiently mitigated. Therefore, in accordance with the provisions of the Western Cape Noise Control Regulations, 2013 the applicant, should the application be supported, will be required to submit a Noise Impacted Assessment with regard to noise levels of the proposed land use (i.e. venue/conferencing) as well as a Noise Management Plan with appropriate mitigation measures having that as a minimum shall incorporate hours of operation and sound proofing prior to the venue/conferencing facility being utilised.

All services are available on-site.

The Department of Environmental Affairs and Development Planning: Directorate Land Development Management (Region 2) did not object to the proposed development, but recommends that the property be rezoned to Resort Zone as the total amount of self-catering units will exceed the maximum additional dwelling units per ha prescribed in terms of the Zoning Scheme. The department also recommended that the application be referred to Heritage Western Cape for comment. The Overstrand Integrated Zoning Scheme Regulations, 2014 provides for tourism accommodation as a secondary right (consent use) under Agricultural Zone, thus eliminating the need to rezone the property to Resort Zone or to create cumbersome split zonings on a single cadastral unit. Further, it should be noted that the density requirement in terms of the Zoning Scheme is applicable to additional dwelling units and not to tourism accommodation. Lastly, the proposal complies with the floor space restriction in terms of the Scheme Regulations applicable to Agricultural Zone 1 of 5000m².

The development does not trigger the provisions of Section 38 of the National Heritage Resources Act and as such was not referred to the said department for comment. The property does contain buildings and structures older than sixty (60)

years. Accordingly building plans will however be referred to Heritage Western Cape for approval, prior to approval in terms of the Building Regulations.

The BGCMA did not object to the proposal, but commented that the property does not have a confirmed lawful water use and required proof in respect of lawfulness, that a water balance pertaining to current and proposed use be provided and a copy of the water schedule as per the applicant's motivation.

It should be noted that the letter of comment was received outside the sixty (60) days commenting period as provided for within the Overstrand Municipal Land Use Planning By-Law. The requested information had however been submitted to BGCMA indicating that the existing water use in accordance with a 1912 water use agreement. Despite several follow up e-mails, no response was received.

The Department of Transport indicated their conditional support, subject to agreement entered into between the applicant and the District Road Engineer (DRE) pertaining to the maintenance of the affected portion of MR 4027 and their written acceptance of the maintenance conditions specified by the DRE and will be accommodated in the conditions of approval.

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

13. RECOMMENDATION

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) on Portion 1 (Wind Heuvel) of the Farm Wind Heuvel No. 696 for a consent use for tourist facilities to accommodate a venue/conferencing and chapel and consent use for tourism accommodation to accommodate four (4) guest rooms, two (2) self-catering units and five (5) self-catering eco cabins, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that a detailed Site Development Plan (SDP) in accordance with the provisions of the Scheme Regulations be submitted for approval by the Authorised Official, prior to the submission of building plans;
 - (b) that the applicant appoint a suitably qualified noise specialist to submit a Noise Impact Assessment pertaining to noise levels of the proposed land use (i.e. venue/conferencing) and incorporate a Noise Management Plan with appropriate mitigation measures above demonstrating that music volumes emanating from the premises will at all times comply with the provisions of the Western Cape Noise Control Regulations;
 - (c) that the applicant shall furnish this office with written confirmation pertaining to the implementation of the of the mitigation measures referred to in paragraph (b) above;
 - (d) that the building plans be submitted to the Building Department for any changes existing or new to the building(s);

- (e) that should it be necessary to provide any additional ablution facilities due to the additional people visiting the site, it be provided to the satisfaction of the Building Department;
 - (f) that parking be provided in accordance with the SDP referred to in paragraph (a) above;
 - (g) that adequate provision be made to manage the behaviour of patrons (both inside and outside the buildings) and protection of surrounding properties;
 - (h) that there be compliance with all relevant Health and Fire regulations;
 - (i) that all the conditions in the Services Report (attached as Annexure N), be complied with;
 - (j) that all the conditions of Eskom, Department of Transport and Public Works, CapeNature, and Telkom (attached as Annexures F, I, J and L), be complied with;
 - (k) that the final placement of the proposed eco-cabins be determined in conjunction with the Environmental Management Department and be subject to a maximum footprint of 120m² and single storey in height;
 - (l) that the eco-cabins may not be occupied by more than fourteen (14) tourists and indicated as such on the SDP and building plans;
 - (m) that the owner or manager permanently resides on the premises when the venue/conferencing facility is in use;
 - (n) that the venue/conferencing facility may only be used between 08:00am and 00:00pm.
 - (o) that the applicable tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (p) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (q) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

14. REASONS FOR RECOMMENDATION

- ❖ It is in line with the aims of the Overstrand SDF to promote tourism.
- ❖ All services can be provided on the property to the satisfaction of the Municipality.
- ❖ Proposed consent uses do not have a negative impact on the surrounding land uses/farms in the area.
- ❖ The proposal is compatible with the built character of the area.
- ❖ Only minor changes to existing structures will take place.
- ❖ Heritage character of the site will be retained.
- ❖ The proposed consent uses will enable the management of the property as a viable farm portion, which capital will be used of the upkeep of the property.
- ❖ The proposal does not trigger listed activities in terms of NEMA.
- ❖ The proposal is consistent with the planning principles.
- ❖ The proposal adheres to the spatial planning policies for the area.

15. ANNEXURES

| | |
|-------------|--|
| Annexure A: | Locality Plan |
| Annexure B: | Motivation Report |
| Annexure C: | Site Development Plan |
| Annexure D: | Late objection |
| Annexure E: | Applicants comment on late objection |
| Annexure F: | Comment: Telkom |
| Annexure G: | Comment: DEA&DP Development Management (Region 2) |
| Annexure H: | Comment from applicant on letter from DEA&DP |
| Annexure I: | Comments: Department of Transport and Public Works |
| Annexure J: | Comment: Cape Nature |
| Annexure K: | Comment: Department of Agriculture |
| Annexure L: | Comment: Eskom |
| Annexure M: | Comment: DEA&DP Development Management (Region 1) |
| Annexure N: | Services Report |

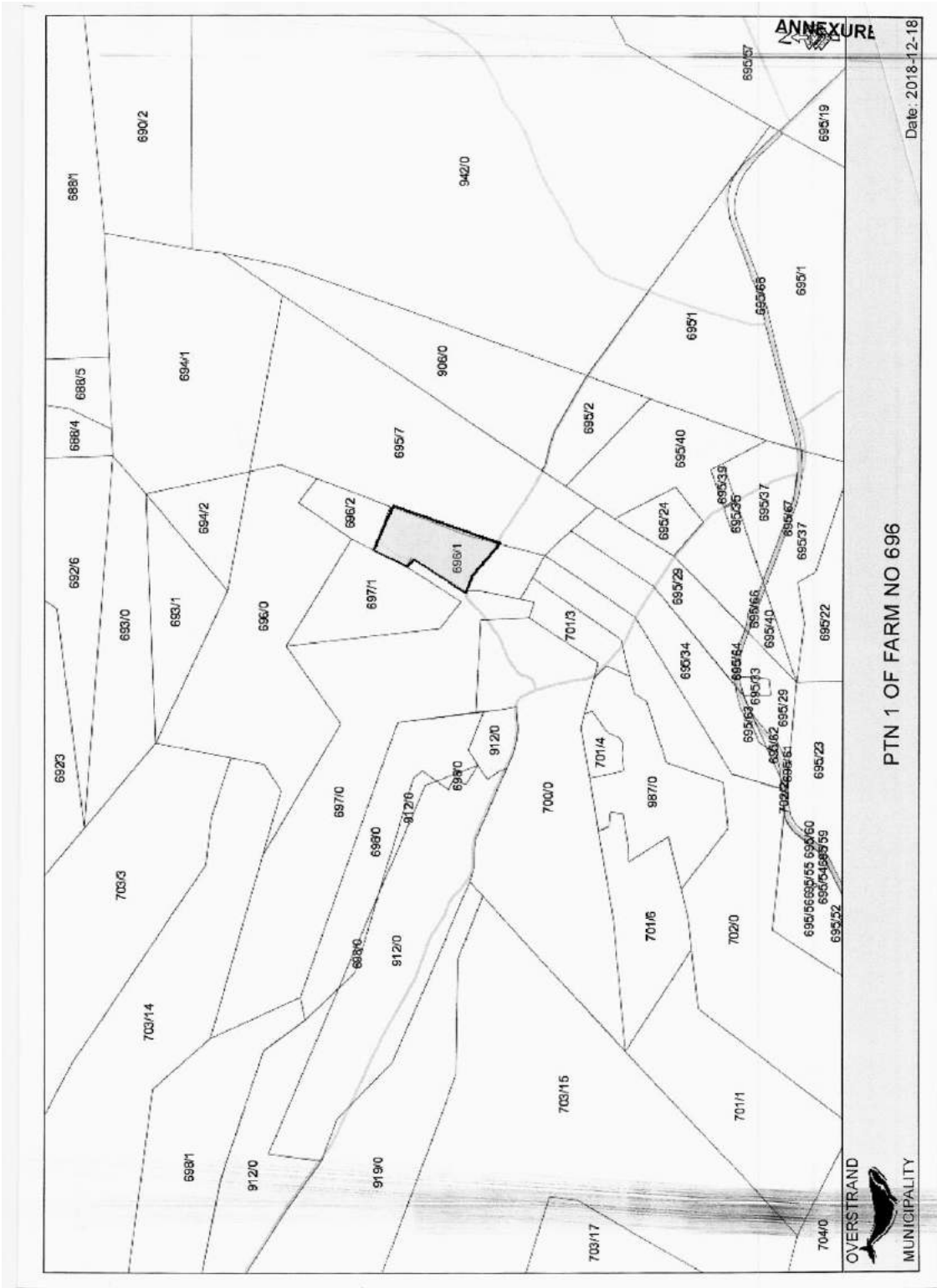
SIGNATURE**REGISTERED PLANNER**

Name: **SW VAN DER MERWE**

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

Signature: _____

Date: _____



ANNEXURE

Date: 2018-12-18

PTN 1 OF FARM NO 696



PROPOSED CONSENT USES

PORTION 1 OF THE FARM NR. 696

DIVISION: CALEDON

MOTIVATION REPORT

1. BACKGROUND

Plan Active Town & Regional Planners has been appointed by Holistic 888 (Pty) Ltd, the owner of Portion 1 of the Farm Nr.696 to apply for consent uses in order to accommodate a small chapel, self-catering units, wedding venue and eco-cabins on the farm. Most of the mentioned land uses will be located within existing structures that will be upgraded.

Portion 1 of the Farm Nr. 696 is held by Title Deed T23308/2018 and is ±27.2520ha in extent.

There is a manor house, manager's house, 2 additional dwellings, laborers' cottages, flower pack store, 2 dams and associated infrastructure situated on the subject farm portion that offers a great opportunity to be used as a wedding venue / conference facility with tourist accommodation. The subject farm is being utilised as lifestyle residence and the owner intends to diversify the farm in order to generate an income.

2. APPLICATION DETAILS

Application is made for / in terms of:

- Chapter 4, Section 16(2)(o) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for consent uses for Portion 1 of the Farm No.696.

3. GENERAL APPLICATION INFORMATION

3.1 PROPERTY DESCRIPTION

Portion 1 of the Farm No.696 is situated in Flower Valley on route from Grootbos Private Nature Reserve to Baardscheerdersbosch. Please refer to the enclosed locality map.

The farm is 27.2520ha in extent and is used as a lifestyle residence. A manor house, manager's house, 2 additional dwellings, laborer's cottages, flower pack store, 2 dams and associated infrastructure are situated on the subject farm portion. Please refer to the enclosed aerial photograph depicting the different structures.

3.2 ZONING

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

Primary uses are: agriculture, dwelling house, day care centre, guest rooms, home occupation;

Consent uses are: additional dwelling units, agricultural industry, animal care centre, aquaculture, crèche, farm shop/stall, guest house, hotel, institution, intensive animal farming, intensive horticulture, mining, place of assembly, place of entertainment, place of instruction, plant nursery, riding stables, rooftop base station, service trade, tourist accommodation, tourist facilities, transmission tower, utility services, wellness centre, 4 x 4 trail.

3.3 LAND USE

As mentioned above, the farm is being utilised as a lifestyle residence due to its lack in size to qualify as an economical agricultural unit. There are laborer's accommodation, guest rooms, 2 additional dwelling units, manager's house and manor house established on the farm. Formerly flowers were packed on the farm in a flower packing store / barn, these flowers were harvested on surrounding farms and despatched overseas. It is unclear if the farm was formerly used to accommodate guests and the above mentioned land uses were established by previous owners. The farm was only recently purchased by Holistic 888 (Pty) Ltd with the established structures on the farm.

Land uses that occur on farm portions in the vicinity consist of small scale sheep and cattle farming, private nature reserves, lifestyle farms and tourist accommodation and tourist facilities such as restaurants, conference facilities and wedding venues.

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

3.4 PROPOSED DEVELOPMENT

- Proposed consent uses to accommodate a chapel, wedding venue / conference facility, 2 self-catering units, 4 guestrooms, 5 self-catering eco-cabins in terms of Chapter 4, Section 16(2)(o) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016.

The owner of Portion 1 of the Farm No.696, Holistic 888 (Pty) Ltd intends to diversify the farm. The land use changes that require an approval from the Overstrand Municipality can be summarised as follow:

- The existing additional dwelling and guest suites to be changed internally to make provision for a Chapel and a self-catering unit (2 & 3);
- The existing flower pack store to be changed internally to make provision for a wedding venue / conference facility (4);
- The existing 4 laborers accommodation attached to the flower pack store to be changed internally into 4 guest rooms. (Please note that new laborers' cottages will be constructed south of Minor Road 4027 as indicated on the site plan (4);
- The existing second additional dwelling unit to be used as a self-catering unit (6);
- 5 proposed self-catering eco-cabins (15-18).
- Proposed parking areas (10, 13 & 14)

The current land uses and minor amendments that are in line with the land use restrictions prescribed under a zoning of Agriculture Zone 1 can be summarised as follow:

- The Manor House remains as is (1);
- The existing nursery will be used as a music room. The owners / directors of Holistic 888 (Pty) Ltd are classical musicians and would like to utilise the last mentioned building as a music room (5);
- Existing storage remains as is (7);
- Existing pump house remains as is (8);

- Existing bird pen remains as is (9);
- Existing parking for manor house and manager's house remains as is (11);
- The construction of new laborers' cottages

Please refer to the enclosed site development plan and the corresponding numbers of the various structures, existing land uses and proposed land uses.

The detail of the existing land uses that can be accommodated under the primary land use rights of the said zoning and the proposed self-catering units, guestrooms, chapel, wedding venue / conference facility and eco-cabins can be accommodated as a consent use, can be described as follow:

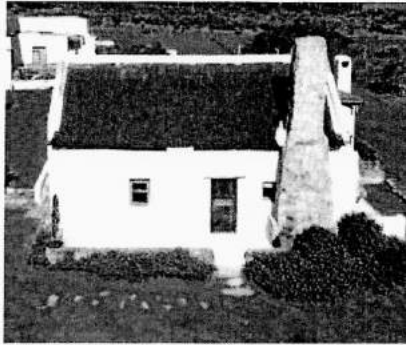
- **Manor House (1) (No approval required)**

The existing manor house consists of 5 bedrooms, 5 bathrooms, courtyards, tv room, kitchen laundry, dining room and living room. The manor house will be used as the primary dwelling on the farm. No land use changes are proposed for the dwelling. Please refer to the enclosed as built building plan for your records.

- **Proposed Chapel (2) (Consent use)**

The 2 formerly used guest suites that are established in the thatched structure will be renovated to have the function of a Chapel. In order to function as a Chapel, it is required that we apply for a consent use for tourist facilities.

Only internal changes, such as the removal of internal walls will be made to the building. Being one of the oldest building on the site it was decided that the exterior of this specific building will remain unchanged. The guest suites as depicted on the photograph below is $\pm 54\text{m}^2$ in extent.



The intention of the new owners is to utilise this 54m^2 structure formerly used as guest suites as a Chapel that can accommodate a maximum of 50 people.

It is our opinion that this structure in its current exterior state suites the proposed used extremely well. Keeping the exterior of the building as is will also not detract from the current built character of the farmstead.

With reference to the proposed Chapel and the fact that it is of heritage value it must be noted that if approval for the change in use of this building be obtained, that building plans will be drawn and submitted to the Overstrand Municipality and Western Cape Heritage for their approval before any building work commences. Please refer to the enclosed as built building plan for your records.

- **Proposed Self-Catering Unit (3) (Consent use)**

There is an additional dwelling unit attached to the above mentioned guest suites. It is proposed that this additional dwelling that is $\pm 146\text{m}^2$ in extent be used as a self-catering unit. It is currently not occupied, and it is ideal to be used as a self-catering unit. It is required that we apply for a consent use to utilise the additional dwelling unit as a self-catering unit.

The self-catering unit consists of 2 bedrooms, 2 bathrooms, a living area, covered stoep and built braai. The self-catering unit will accommodate 4 guests, 2 guests in each bedroom. Please refer to the enclosed as built building plan for your records.

- **Proposed Tourist Facilities and tourist accommodation (4) (Consent use)**

A single structure that consists of a barn (former flower packing store), workshop, courtyard and labourer's accommodation is located south east of the manor house and also forms part of the farmstead. Please refer to the photographs below.





This building is ideal to be utilised as a wedding venue / conference facility and tourist accommodation. In order to utilise the structure as a wedding venue /

conference facility and tourist accommodation it would be required that we apply for a consent use for tourist facilities and tourist accommodation.

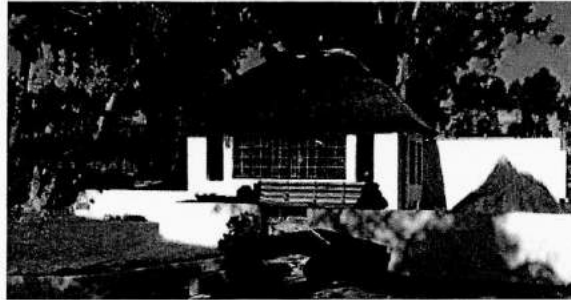
It is proposed that the existing workshop that is $\pm 73.36\text{m}^2$ in extent and the barn that is $\pm 181.37\text{m}^2$ in extent be renovated to be used as a wedding venue / conference facility with associated infrastructure such as a kitchen and toilet facilities for guests. With reference to the proposed wedding venue / conference facility a maximum number of guests allowed would be for 50 people.

The living areas, bedrooms and bathrooms indicated on the enclosed as built plan are currently used as labourer's accommodation. It is proposed that these living rooms, bedrooms and bathrooms be renovated and used as 4 guestrooms that would accommodate 2 guests each. Please refer to the enclosed as built building plan for your records.

Please note that new accommodation for the laborers will be constructed south of the Minor Road 4027. Building plans will be drawn and submitted after approval has been obtained of this land use application prior to the commencement of any construction work.

- **Proposed Music Room (5) (No approval required)**

The structure located directly north of the above mentioned barn that also forms part of the farmstead was formerly used a nursery. Please refer to the photograph below.



The owners of the farm are avid classical musicians. The nursery that is $\pm 33\text{m}^2$ in extent will be renovated to be utilised as a music room. Please note that no external changes will be made. The music room consisting of a single room will accommodate a grand piano and other classical music instruments. Please refer to the enclosed as built building plan for your records.

- **Proposed Self-Catering Unit (6) (Consent Use)**

There is a second additional dwelling unit located south of Minor Road 4027 that is $\pm 131.53\text{m}^2$ in extent. It is proposed that this ideally situated additional dwelling be used as a self-catering unit. It is required that we apply for a consent use to utilise the additional dwelling unit as a self-catering unit.

The self -catering unit consists of 2 bedrooms, bathroom and living areas, covered stoep and built braai. The self-catering unit will accommodate 4 guests,

2 guests in each bedroom. Please refer to the enclosed as built building plan for your records.

- **Existing Storage (7)** (No approval required)

This storage is a wooden wendy house type structure that is ±33m² in extent and the use for storage is proposed. This structure and land use will remain the same. Please refer to the enclosed as built building plan for your records.

- **Existing Pump House (8)** (No approval required)

The existing pump house is the most northern structure that still forms part of the farmstead. This structure and it's use will remain the same. Please refer to the enclosed as built building plan for your records.

- **Existing Bird Pen (9)** (No approval required)

The existing bird pen is the most western structure that still forms part of the farmstead. This structure and it's use will remain the same. Please refer to the enclosed as built building plan for your records.

- **Proposed Parking Area (10)** (Consent use)

With reference to the proposed wedding venue it is required that enough parking bays are provided for guests. An informal parking area to be situated directly south of the manor house is proposed. The established lawn will be retained, and the parking bays will be marked.

In terms of the Overstrand Municipality Zoning Scheme 1 parking bay is required for every 2 seats with reference to conference facilities. A maximum of 50 people will be catered for and subsequently 25 parking bays will be required. With reference to the parking layout 25 parking bays are proposed. Please refer to the proposed parking layout.

- **Existing Parking Area (11)** (No approval required)

There is currently an informal parking area that can accommodate up to 9 vehicles. This parking area is depicted on the site development plan as No.11 will be for the sole use of the owners that will reside in the manor house and the farm manager. Guests visiting the owners and farm manager will also have access to this parking area.

- **Existing Farm Manager's House (12)** (No approval required)

The farm manager's house is located north-east of the manor house and is indicated as No.12 on the site plan. The manager's house consists of a living area, kitchen, bedroom, bathroom and covered stoep. The use of this dwelling will remain the same and will accommodate the farm manager. The owner intends to extend the farm manager's house in the future within the land use restrictions applicable to structures within Agricultural Zone 1 zoning.

Building plans will be submitted for the extension of the dwelling for the approval of the Overstrand Municipality and all relevant departments. Please refer to the enclosed as built building plan for your records.

- **Proposed parking for 5 eco-cabins (13 & 14)** (Consent use)

5 eco-cabins are proposed that will be located \pm 250m to 300m north of the manor house. The location of these cabins is indicated on the site plan as numbers 15, 16, 17, 18 and 19. 1 parking bay will be provided for each of the proposed eco-cabins. 3 parking bays are provided on the farm that are indicated as number 13 on the site plan. These 3 parking bays will be in close proximity of the eco-cabins numbered 15, 16 & 17.

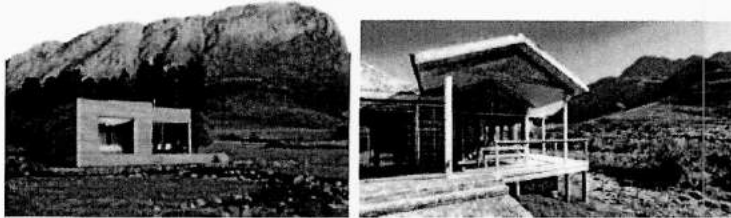
One eco-cabin is proposed south of the existing dam. 1 parking is proposed for this eco-cabin and is indicated as number 14 on the site development plan.

- **Proposed 5 Eco-Cabins (15 to 19) (Consent use)**

5 eco-cabins are proposed to supplement the self-catering units and 4 guestrooms that are located in close proximity of the farmstead. In order to accommodate the 5 proposed eco-cabins on the farm it is required that we apply for a consent use for tourist accommodation. These proposed eco-cabins will offer a different nature orientated experience. The eco-cabins will be tucked away between the lush trees that are established on the northern quarter of the subject farm. We traversed the farm to determine the best suited location for the proposed eco-cabins and to ensure that it would not impact negatively on the natural vegetation of the area.

The 5 eco-cabins will hardly be visible from the farmstead and will not have a negative impact on the existing built character and heritage value of the farmstead.

The owner has not decided on the final design of these units, but it can be confirmed that the proposed eco-cabins will not have a footprint in excess of 120m² each. The following photographs are examples of the styles of the cabins that will be considered.



Each eco-cabin will be design as self-catering units that can accommodate maximum of 4 guests per unit. The owner will submit building plans for the proposed eco-cabins prior to the construction thereof.

- General

The maximum floor / ground space to be covered in terms of the Overstrand Municipality Zoning Scheme under a zoning of Agriculture Zone 1 is 5 000m². The floor / ground space of all the current structures, altered structures and new structures are tabled below:

| STRUCTURE | ±m ² |
|-----------|-----------------|
|-----------|-----------------|

| | |
|---|-------------|
| 1 Manor House | 330 |
| 2 Proposed Chapel | 54 |
| 3 Self-Catering Unit | 146 |
| 4 Proposed Wedding Venue / Conference Facility & guestrooms | 410 |
| 5 Music Room | 33 |
| 6 Self-catering unit | 131 |
| 7 Existing Storage | 33 |
| 8 Existing Pumphouse | 7 |
| 9 Existing Bird Pen | 9 |
| 10 Proposed Parking for guests | N/A |
| 11 Existing Parking | N/A |
| 12 Manager's House | 154 |
| 13 & 14 Proposed Parking | N/A |
| 15-19 Proposed Eco-Cabins (5 @120m ²) | 600 |
| TOTAL | 1907 |

Inclusive of the proposed 5 eco-cabins and all existing and proposed land uses within existing structures the floor area will be 3093m² below the maximum 5000m² allowable floor area as prescribed in the municipal Zoning Scheme. Therefore, ample space is still available for the establishment of the labourer's cottages mentioned earlier in this report.

As mentioned earlier in this document a site meeting was conducted in order to determine the position of the proposed eco-cabins to be practical from an aesthetic and environmental point of view.

The proposed self-catering units, guestrooms and proposed wedding venue / conference facilities offer great mountain views within a spectacular farmstead. The farm as a whole with its exceptional location would an asset to the tourist attractions

found in the valley that currently consists of wineries, a private nature reserve, restaurants, wedding venues, tourist accommodation and various tourist attractions.

3.5 CHARACTER OF THE ENVIRONMENT

Portion 1 of the Farm Nr. 696 is situated within an area of natural beauty in Flower Valley. The farms situated within the area are actively farmed and have also diversified in order to provide a number of tourist related uses.

The proposed change of land use, to diversify Portion 1 of the Farm No. 696 by means of providing self-catering units, guest rooms, wedding venue / conference facility and eco-cabins is in line with the land use tendency of the area. The agricultural zoning will be retained.

The farm stead's appearance will remain the same due to the fact that the existing buildings will be utilised to accommodate 2 self-catering units, 4 guestrooms, a chapel, and wedding venue / conference facility. Only internal changes and upgrades will take place. The only additional structures that will be constructed are the 5 proposed eco-cabins. These cabins will be located $\pm 250\text{m}$ to $\pm 300\text{m}$ from the farmstead and would be hardly visible. Subsequently the proposed consent uses will not have a negative impact on the architectural appearance of the farmstead and will not impact negatively on the Heritage vale of the farm.

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

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

The farm, as previously mentioned, is situated within an area of natural beauty and not actively farmed within a farming community that attracts tourists to the area. The farm offers great mountain views and is located within the picturesque Flower Valley. The proposed self-catering units, guest rooms, eco-cabins, chapel and wedding

venue / conference facility will open up another sector for guests to now be accommodated within the valley and will have the opportunity to experience the nature within a beautiful farm setting.

The proposed self-catering units, guest rooms, eco-cabins, chapel and wedding venue / conference facility will not have a negative impact on the existing land use of the farm, but would rather create a number of job opportunities and also create income for the owners making this small farm portion a viable establishment. The proposed tourist accommodation and tourist facilities will also have the effect that more visitors will spend more than just a day in the valley and will also have positive spinoffs towards tourist facilities in the vicinity that will also be supported by guests to the farm.

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

3.7 IMPACT ON EXTERNAL ENGINEERING SERVICES

3.7.1 PROVISION OF SERVICES

Water:

The farm presently obtains water from fountains / streams originating on the Flower Valley Conservation Trust farm. It is agreed that Portion 1 of the Farm 696 (Berg & Dal) receive 2 hours of water per day from 08h00 to 10h00.

Please refer to the enclosed water schedule that we have attached for easy reference. This water arrangement has been in place since 1912.

According to our client the current water supply that is pumped into holding tanks is enough to cater for the proposed consent uses. The owner would make the necessary upgrades to the holding tanks and filters should the need arise. The water supply will comply with the required SANS 0241 standards for the provision of domestic water.

Please note that the 2 proposed self-catering units, proposed chapel and 4 guestrooms are already serviced and would not require any additional water supply. Mr. Gert Visser on behalf of Holistic 888 (Pty) Ltd had discussions with Mr. Jan van Staden at Breede Gouritz Catchment Management Agency whom confirmed that they would not have to go through a Validation and Verification process as per the 1998 National Water Act due to the fact that the subject farm is not used for agricultural purposes and classified the water use as Schedule 1. (Water used for domestic, landscaping and small scale agricultural use for own use.)

Sewerage:

The existing established land uses such as the manor house, 2 additional dwellings to be used as self-catering units, the manager's house and 4 guestrooms currently make use of existing septic tanks. With the proposed change of land use of only the 2 additional dwelling units to 2 self-catering units will not have a negative impact or additional impact on the current sewage system.

It is proposed that additional conservancy tanks be constructed to cater for the proposed wedding venue that would accommodate at most 50 guests. Conservancy tanks are also proposed for the 5 eco-cabins that will accommodate 4 guests per eco-cabin. It would be preferred if the Overstrand Municipality could provide a service to empty these tanks, but if not, the necessary arrangement will be made with a 3rd party to provide a service such as JUNO. The septic tanks will be placed sensibly to be easily accessible to the services provider.

The location of the proposed conservancy tanks will be indicated on the site development plan that will accompany the building plans for all amendments to existing structures and its land use and the proposed 5 eco-cabins to be constructed.

Electricity:

There is access to ESKOM electricity on the farm portion that will be used to provide electricity to the proposed land uses. Electricity is been supplied to all existing structures and should be sufficient to continue to provide electricity to the proposed consent uses within existing structures.

With reference to the proposed eco-cabins other electricity alternatives will be investigated. These units may be units that would function totally of the electricity grid, or ESKOM electricity may only be used as a backup feed to these eco-cabins. The use of gas for cooking purposes will also be investigated.

Solid Waste:

The solid waste will be privately disposed of at the nearest municipal landfill site on a regular basis.

Conclusion:

It can be concluded that the proposed development could be largely self-sufficient as far as services provision is concerned except for the removal of sewage.

3.7.2 TRAFFIC IMPACT, PARKING AND ACCESS

With this application for consent use for tourist accommodation and tourist facilities in order to accommodate 2 self-catering units, 4 guestrooms, a chapel, wedding venue

and 5 eco-cabins on Portion 1 of the Farm No.696 it is proposed that the existing access from Minor Road 4027 be used. This access is located ±42m before the 2km mark.

From this access point there are a number of existing internal roads and tracks as depicted on the site development plan. These existing internal roads and tracks will be used to access the proposed 2 self-catering units, 4 guestrooms, a chapel, wedding venue and 5 eco-cabins.

1 parking bay will be provided for each self-catering unit and guestroom. 1 parking bay per 2 seats for the wedding venue / conference facility will be provided. The wedding venue / conference facility will be able to accommodate a maximum of 50 guests. 25 parking bays are required for this use and 25 parking bays are provided. Provision for 1 parking bay per eco-cabin has also been provided. Please refer to the enclosed site development plan.

The proposed number of self-catering units, guestrooms, eco-cabins and wedding venue will create an increase in traffic using Minor Road No. 4027 but the impact on traffic flow will be minimal.

3.8 TITLE DEED


There are no restrictive title deed conditions in Title Deed No. T23308/2018 that will have to be removed to accommodate the proposed application for consent uses for tourist accommodation and tourist facilities in order to accommodate 2 self-catering units, 4 guestrooms, a chapel, wedding venue and 5 eco-cabins

There is no bond registered against Portion 1 of the Farm No.696.

3.9 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION

3.9.1 HERITAGE VALUE

The subject farm was allocated a 3(C) grading in the Overstrand Heritage Survey Report prepared by the Overstrand Heritage Landscape Group. Please refer to the abstract below from the mentioned report.

| | | | | | |
|-------------|-------|--|----|--|---|
| Berg en Dal | 69611 | Uilenkraal foothills Caledon Farms 34°33' 29.137"S 19°27' 46.56"E | 3C | Forms part of the original Uilenkraal loan farm. Significant in terms of historical layering, having its roots in an 18th century farm, situated on the Uilenkraal foothills. Evidence of older structures encased in the current guesthouse. Stone cottage. |  |
|-------------|-------|--|----|--|---|

The 3 (C) grading in terms of the Overstrand Heritage Survey Report is described as follows:

Grade 3C

This grading is applied to buildings and/or sites whose significance is, in large part, a significance that contributed to the character or significance of the environs. It should be noted that although a 3C grading relates primarily to contextual significance a 3C grading has also been allocated to heritage sites which reveal typical architectural and aesthetic characteristics of the region, i.e. there are intrinsic and contextual values associated with this category.

It should be emphasized that in the Overstrand heritage survey, a 3C grading has been allocated to buildings which are representative of their type or which represent what is regarded as typical Overstrand architecture i.e. a 3C grading does not refer solely to contextual significance. These buildings and sites should, as a consequence, only be protected and regulated if the significance of the environs is sufficient to warrant protective measures.

The significance of the site is also described as follows:

- It forms part of the original Uilenkraal loan farm;
- It is significant in terms of the historical layering, having its roots in an 18th century farm, situated on the foothills of the Uilenkraal Mountain.

We have received a statement from Robyn Simmons whom visited the farm regularly. The farm was owned by Robyn's aunt. We have enclosed the statement that also includes a photograph of Robyn's grandparents that was taken in

1966/1967. From this photograph it is clear that only the existing manor house (1) and the structure that was used as guestrooms (3) by the former owners, that we are proposing to be used as a chapel, existed. All the other structures depicted on the site plan were constructed at a later stage.

The current owner of the farm takes cognisance of the heritage value and would do it's utmost best to preserve the farmstead. With reference to the proposals for consent uses where current structures will be utilised, only internal changes will take place. Even though the land use of the existing structures on the farm would change, the character as perceived from the outside would remain intact.

The proposed 5 eco-cabins are $\pm 250\text{m}$ to $\pm 300\text{m}$ from the farmstead and will have no impact on the heritage value of the farm.

The current owner will submit building plans for all alterations and where it is required the necessary approvals will be obtained from Heritage Western Cape, the Local Heritage Committee and the Building Control Department of the Overstrand Municipality prior to any alterations / additions.

In the light of the above mentioned it is evident that the owner is aware of the heritage value of the site and will cooperate with the authorities to best preserve the site. It is also our opinion that the proposed consent uses in order to accommodate 2 self-catering units, 4 guestrooms, a chapel, wedding venue and 5 eco-cabins will not have a negative impact on the heritage value of the subject property.

Please take note that Michelle Naylor from Lornay Environmental Consulting has been appointed to present the proposals to the Local Heritage Committee and also to submit an Annexure A application to Heritage Western Cape for their approval.

3.9.2 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed consent uses do not trigger any listed activities in terms of the National Environmental Management Act. The vegetation is listed as being Agulhas Limestone Fynbos where the threshold for development is 1ha in extent. No new internal roads are proposed, and the development will mostly make use of existing

structures. The only new structures proposed are the 5 eco-cabins that will be at most 120m² each. With reference to all the existing structures and the proposed eco-cabins the coverage amounts to ±1907m².

It should also be noted that the development is not closer than 100m to a natural water course and more than 32m from the existing dam.

3.10 FORWARD PLANNING AND LAND USE DOCUMENTS

The *Overstrand Spatial Development Framework (2006)* earmarks the area where Portion 1 of the Farm No. 696 is situated, as an Agricultural Core and Conservation Agriculture Buffer area. The application consists of consent uses and the existing Agriculture Zone I zoning will be retained.

The *Overstrand Municipal Growth Management Strategy (OMGMS, 2010)* does not address areas outside the urban edge and is therefore not applicable.

From the above it is evident that the proposed consent uses to accommodate 2 self-catering units, 4 guestrooms, a chapel, wedding venue and 5 eco-cabins on Portion 1 of the Farm No. 696 adheres to the spatial planning policies for the area and consequently falls within the existing planning for the area.

3.11 PLANNING PRINCIPLES

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

Spatial Justice: The proposed tourist facilities and tourist accommodation consisting of 2 self-catering units, 4 guestrooms, a chapel, wedding venue and 5 eco-cabins will create employment opportunities for the local residents of the area.

Spatial sustainability: The proposed tourist accommodation and tourist facilities are accommodated within an established rural area consisting of many tourist attractions. The proposed application will have no impact on the conservation worthy areas and the land use will be in line with the rural character of the area.

Efficiency: The proposed tourist facilities and tourist accommodation are easily accessible and conveniently located in a rural area in close proximity of many tourist attractions.

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

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

4. RECOMMENDATION

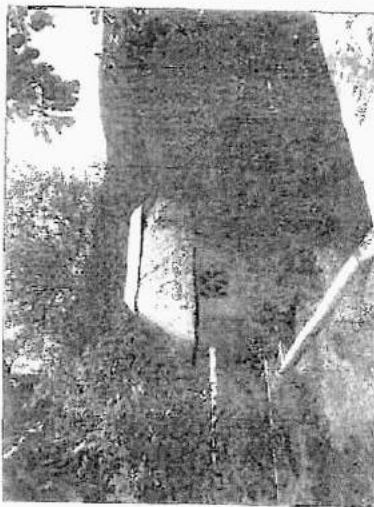
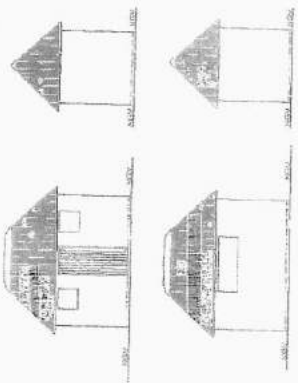
When this application is evaluated it is important to take note of the following:

- There are no Title Deed conditions that restrict the proposed consent uses for Portion 1 of the Farm No. 696.,
- All services can be provided on the subject farm portion to the satisfaction of the Overstrand Municipality;
- The zoning of farm portion will be retained;
- Tourism is the fastest growing land use in the Overstrand area of which Portion 1 of the Farm No.696 will add another facet to the industry;
- Diversification of the farm would have the effect that the owners would make a further income and that guests would make use of the surrounding tourist attractions that the area has to offer.
- The proposed consent use does not have a negative impact on the surrounding land uses of other farms in the area;
- The proposal is compatible with the existing built character of the area.
- Only minor changes of the existing structures will take place and the heritage character of the site will be retained.
- The proposed consent uses will give the farm the opportunity to be managed as a viable farm portion of which the capital can be used for the upkeep of the farmstead.

It is our opinion that the proposal for consent uses for 2 self-catering units, 4 guestrooms, a chapel, wedding venue and 5 eco-cabins can be supported for your favourable evaluation as it would have no negative impact on the surrounding farms.

Bld Per
8,80m²

Floor Plan
Skaal 1 : 100



Gewerke Argitektuur van Diensse
Johan Bertels
 27-04-1964 (1964)
 Tel: 047 264 1659 Fax: 047 264 1674
 info@diensse.be
 Diensse 1000

Beklewing :
 Verspreide Boud Gewerke Affiliëes
 Verspreide Boud Gewerke Affiliëes
 Prins geordelid van 08/01
 Oorspronk Munisipaliteit

Plan n^o : 1001
 Afdeling : 200
 200
 200

CHUQUERE SANS TITRE : 43 Gewerke
 Date : 09/07/18
 Projet : Municipale gewerke
 Skaal : 1:100
 Bladsel : 1 / 3
 Blad : 10 / 10

Hierdie ontwerp is ingetrek volgens die stelsel vir bouaantelinge : SABS O 149

TP- A Theart
(Suid merke)



Privett Trust
Witkrans Farm
Gansbaai
May 13, 2019

Schalk van der Merwe
Senior Town Planner
Overstrand Municipality
Po Box 20
Hermanus 7200

13 May 2019

Proposed Consent Use over Portion 1 of the Farm 696

Dear Schalk

We wish to comment on the proposed consent use over portion 1 of the farm 696. The proposal is for tourist accommodation and tourist facilities in order to accommodate 2 self-catering units, 4 guestrooms, a chapel, wedding venue and 5 eco-cabins. Please note, we unfortunately only received the notification of this consent use application on the 7th May 2019. Furthermore the notice was incorrectly addressed to Ptn 1 & 2/697, whereas we are the owners of Ptn 1/697 and 2/696.

The Privett Trust is the direct neighbor to Portion 1 of the Farm 696, Division Caledon. We have owned Witkrans 697/1 since 2008 and Windheuwel 696/2 since 2017. Both of the properties were purchased by Privett Trust on the basis of the natural beauty, conservation value and tranquility of the location. Over the last eleven years we have invested significant financial and human resources into the properties in order to develop self-catering accommodation and hikers accommodation for The Fynbos Trail (www.fynbostrail.com) on the basis of the regions aforementioned tranquility and natural beauty. The Fynbos Trail has become established as one of South Africa's leading slackpacking hiking trails, consistently being placed No 1 on Tripadvisor for things to do in Gansbaai as well as having received the Getaway Award for 'Best Adventure Destination'. During the last year alone, 500 local and international nature lovers have hiked the Fynbos Trail, all of whom spend one night of their trail at Witkrans. Furthermore we hosted 1200 bed nights of self-catering visitors over this period. We currently employ eleven staff in our business, nine of whom are from the local community.

While we have no issues with the new owners of Berg n Dal (696/1) developing their property for tourism, we are extremely concerned about their proposal to develop a wedding and function facility on the site. We have experienced the development of De Uijlenes Wedding Venue on (portion 29 of 695) over the last few years and regularly are disturbed by the noise emanating from their venues, mostly on Saturday nights. However

14 MAY 2019

| |
|--------------------------|
| FILE NO: Ptn 1/696 |
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| SCAN NO: |
| |
| COLLABORATOR NO: 1284562 |
| |

Overstrand Municipality
 May 9, 2019
 Page 2

while the De Uijlenes venue is 1.5km away, the proposed wedding/function venue on Berg n' Dal is 350m from our private dwelling and guest accommodation on Witkrans and 550m from the dwelling on Windheuwel (see Figure 1 below).



Figure 1. Proximity of proposed new wedding/function facility on Berg n Dal 696/1 to existing private residence and guest accommodation on Witkrans 697/1 and Windheuwel 696/2.

We believe the development of a wedding/function venue on portion 1 of 696 will directly and dramatically negatively impact on the sense of place and tranquility of the area and thereby on our nature based tourism enterprise and the livelihoods of the staff we employ.

We have no doubt that the proposed wedding/conference facility will also significantly reduce the market value of our two properties owing to the proximity and associated noise/disturbance that will emanate from the proposed wedding/function venue.

Furthermore, we have the following additional concerns regarding the proposed development application:

1. Impact on natural vegetation

The site development area for the proposed new eco-cabins is on the interface between critically endangered Overberg sandstone fynbos and vulnerable Agulhas limestone fynbos that has become infested by invasive species. There is no indication that this area has ever been ploughed and therefore site selection and access for the new units needs to be carefully checked and vetted for species of conservation concern. It is unlikely that

Overstrand Municipality
 May 9, 2019
 Page 3

existing internal roads and tracks will provide sufficient disturbed areas for road access and related infrastructure for the proposed five new units as suggested in the development proposal. The new road network required to access the proposed ecocabins alone is about 300m in length. This would amount to the clearing of approximately 900m² of natural vegetation in order to access the units. The proposed five conservancy tanks, sewage, electricity, water supply lines and construction zones around the eco-cabins will also all impact on natural vegetation outside of the 600m² stated in the application.

The application states that 'The eco-cabins will be tucked away between the lush trees that are established on the northern quarter of the subject farm.' These trees are Category I invasive species including Black wattle (*Acacia mearnsii*), Spider gum (*Eucalyptus conferruminata*), Port Jackson (*Acacia saligna*) and Gray poplar (*Populus × canescens*). It is the legal responsibility of the landowner to remove these trees from the property as they are a significant fire threat and a source of re-infestation into surrounding cleared farms. As such the 5 eco-cabins will be visible from the manor house and from surrounding properties.

2. Water availability

There is a single spring in Stinkhoutsbos on Flower Valley farm that provides all the water for the valley (12 cadastral units). While Flower Valley Conservation Trust currently owns eight of these cadastral units, future needs of all of these farms should be taken into account when stating that there is sufficient water for a development of this magnitude. As the owners of Windheuvel 696/2, which also receives water from the Flower Valley Conservation Trust on the basis of the agreement mentioned in the development proposal, we are aware that this agreement is based on water availability from Stinkhoutsbos, and there is no guarantee that water can be provided during dry periods, or times of drought. We are concerned that a development of the magnitude proposed by Holistic 888 (Pty) Ltd will put significant pressure on the limited water availability of the valley and that a proper assessment of the water availability and water rights associated with all property owners in the Valley should be commissioned prior to a decision being made on this development proposal.

3. Biodiversity conservation

The motivation report states "it is clear that the proposed consent use can be supported from a desirability point of view due to the fact the proposal is in line with land use tendencies within the area. It is also compatible with the current agricultural land uses and tourist related land uses found in the valley and that it will be an asset to the Flower Valley.'

We do not agree with this statement. In essence the proposed development of a wedding/function venue on a small property nestled in the heart of Flower Valley is directly opposed to the current conservation and nature based tourism economy of the valley. The Flower Valley Conservation Trust was established by Cambridge-based

Overstrand Municipality
May 9, 2019
Page 4

Fauna and Flora International in 1999 in order to safeguard the exceptional biodiversity of this unique valley and ensure the responsible conservation management of the valley going forward. Similarly, we as owners of Witkrans 697/1 signed a conservation servitude over most of the property in 2008 to ensure the protection of the biodiversity of this property in perpetuity. Sensitive fauna such as Western leopard toad, Cape leopard, Bushbuck, Blue mantis flycatcher, Knysna woodpecker, Forest buzzard amongst many others frequent the forest areas on 696/, less than 150m from the proposed wedding/function venue.

The proposed wedding/function facility and associated business will negatively impact on this sensitive fauna of the valley and the general sense of place and sanctuary which we have strived to develop over the last two decades.

We thank you for considering our position on this application.

Sincerely,

Sean Privett
On Behalf of Privett Trust

ANNEXURE E 1/28

PLAN Town & Regional Planners
Stads-en Streeksbeplanners
Active

6 Magnolia St / Str
PO Box / Posbus 296
HERMANUS
7200

Tel: (028) 313 1673
Fax / Faks: (028) 312 1351

Email: planactive@hermanus.co.za

Website: www.planactive.co.za



15 July 2019

Our reference: PA18039
Your reference: Ptn 1/696 GRCAL

The Municipal Manager
Overstrand Municipality
PO Box 20
HERMANUS
7200

TR A Theart
(S vd Merwe)

For attention: Mr. Schalk van der Merwe

Sir,

**COMMENTS: PORTION 1 OF THE FARM NO.696: CALEDON DISTRICT: PROPOSED
CONSENT USE**

Your letter dated 27 May 2019 and our request for extension of an additional 30 days that was approved to comment on the late objection received and the comments received from the Department of Transport and Breede Gouritz Catchment Management Agency (BGCMA) refers.

We enclose a copy of the letter from the farm owner, Holistic 888, providing their comments on your above mentioned letter, a letter from CF Haasbroek Attorneys & Conveyancers commenting on the comments received from BGCMA that include a water schedule and copy of the Title Deed confirming the water use rights applicable to the subject farm portion.

We trust that you would find the comments in order to finalise the subject application. Should you have any further questions please feel free to contact us.

Your faithfully

John Mc Lachlan

| | |
|------------------|-----------|
| FILE NO: | Ptn 1/696 |
| | GB |
| SCAN NO: | Farm 696 |
| COLLABORATOR NO: | 1302404 |

Divine Inspiration Trading 329 (Pty) Ltd. trading as Plan Active
Reg. No. 2006/030921/07
Vat. No. 4770250240

John Mc Lachlan: Ndip (Town Planning) Tech: Witwatersrand; MSAP: Nr.20908; SACPLAN Tch.Pln B/8250/2014
Pauline Spronk: B (Soc Sc) US, BA Hon (UNISA)
Merike Lrens: B. Art et Scien Cum Laude (Town Planning) UFRW; SACPLAN Pr.Pln A/158/2009



Berg n Dal Heritage Farm, Lillenkraal, Gansbaai, 7140
PO Box 3640, Somerset West, 7129
Tel: 082 554 7494

12 July 2019

**Plan Active
Town and Regional Planners
6 Magnolia Street
Hermanus
7200**

For attention: Mr. John Mc Lachlan

**PROPOSED CONSENT USES - PORTION 1 OF THE FARM NR. 696 DIVISION
CALEDON OVERSTRAND MUNICIPALITY**

Dear John,

Our former discussions and comments / objections received refer.

Herewith our response pertaining to each letter received.

1. Department of Environmental Affairs (DEA) letter dated 9 April 2019

Our records reflect that this matter was already attended to by means of a response from Lornay Environmental Consulting on 9 May 2019 with a follow-up letter from you to Overstrand on 23 May 2019.

Kindly advise whether a response was received from Overstrand and/or DEA.

**2. Department Transport and Public Works letter dated 10 April 2019
and subsequent letter dated 17 May 2019**

We have noted the "*no objection*" to our application with the condition that we engage with the District Roads Engineer Paarl and accept his maintenance prescription in terms of the affected portion of minor road 4027.

We accept this condition and shall proceed with this engagement once we have received the final outcome pertaining to all comments / objections from the Overstrand Municipality.



3. BGCMA letter dated 13 May 2019

We have reason to believe that this query was submitted after the 60-days given to Government Departments to respond, nevertheless we respond as follows to the THREE comments received:

1. The available information indicates that the property have no confirmed Existing lawful Water Use. Kindly provide this office with proof of lawfulness for the current and proposed water use.

Kindly refer to the attached document from CF Haasbroek Conveyancers that clearly describes the process that was followed regarding the 'Water Usage'.

Also refer to the 1912 agreement attached ("WINDHEUWEL 17563-T 10768-1912.pdf") that we believe has been honoured between all parties concerned since then.

It is important to note that we understand that the Water Act of 1998 takes precedence over any former agreement, and for this reason the Validation and Verification process requirements were discussed with Mr. van Staden prior to finalising the contract with the former owner.

2. Kindly provide this office with a Water Balance indicating how water is currently used and proposed to be used.

Since we became the owners of the farm, we have experienced problems with the quality of water received (Unfiltered, full of sludge and high bacteria) as well as the water reticulation system that was old, and giving all sorts of problems.

We invested a lot of money and appointed a water reticulation consultant and installed a brand new water system consisting of:

- i. **Water Filtering Plant** – Incoming water from Flower Valley is filtered using a high capacity filter then slowly filtered using 3 x 5000 litre tanks where-after the filtered water is stored in 6 x 5000 litre tanks providing a 30 000 litre storage capacity. The filtered stored water is then gravity fed to the:
- ii. **Water purification area / pump house** – Here we Chlorinate and store 10 000 litres of water in 2 x 5 000 Litre tanks that are pumped on demand, through a newly installed water reticulation system, to all existing buildings for domestic use.



We believe that this newly installed water reticulation system and water that we receive as per the water schedule, will be sufficient for all existing buildings (Manor house, Manager house, Cottages and Workers accommodation) as well as the new small wedding / conference facility, guest accommodation and 5 x Eco-cabins that we request consent use for.

3. Please provide a copy of the water schedule as referred to in the application.

Kindly refer attached Water Schedule ("Water schedule.pdf") as received from Flower Valley that was agreed upon between all 3 affected parties before we became the owners.

4. Invalid Letter of Objection received from S Privett dated 13 May 2019

Notwithstanding the fact that the objection was received well after the closing date and is deemed invalid, we decided to respond to this letter as a courtesy to the Overstrand Municipality.

Introduction

3-Years ago the three directors and owners of Holistic 888, registered owners of Portion 1 of Wind Heuvel Farm 696 (also known as Berg n Dal) decided to give up the rat race in the concrete jungle for new rural lifestyle of peace and tranquility.

We started our "Farm Hunting" journey and after 2 years found "Berg n Dal" farm just more than a year ago and purchased same with the intention to live there, and develop part of it into tourism as it already lend itself to it. Other farms in the Uilenkraal valley already have many forms of tourism operating, including wedding and conference venues.

We are all three very sensitive to any form of noise pollution and prefer classical and nature's music over any other genre of loud music, and will therefore only host "green weddings" and "spiritual" conferences with gentle soft music or no music at all.

As we will also be living on the farm, we will certainly not host weddings more than 1-2 times a month and will further ensure that noise levels are kept low at all times.



We believe that our "Green Weddings" and "Spiritual" conferences will not impact negatively on the tranquility of the area nor on Mr. Sean Privett's existing tourism activities and property market values.

The comments Mr. Privett made are again speculative, and furthermore both his properties have been on the market for quite some time.

1. Impact on natural vegetation

We appointed an experienced Environmental consultant to ensure that our proposed developments are in line with all environmental requirements, and the green light was given by them. (*Kindly refer to "Lornay Environmental Consulting" documentation*)

It is important to note that there are existing tracks on the farm to the areas where we intend to place the Eco-Cabin parking bays, again Mr. Privett's statement in this regard is speculative.

Also, no clearing of natural vegetation will have to be done to reach these parking areas. Guests will walk from these parking areas to their respective Eco-cabins that will be designed and built with care to preserve any existing natural vegetation.

Although we have only been the owners of the farm for a year now, we have already embarked on an alien clearing program with Flower Valley Conservation farm experts utilising the DEA herbicide program, so we understand our responsibilities in terms of preserving the environment and the clearing of the many aliens that we inherited.

It is also important to note that a large part of the invasive grey poplar forest trees are on Mr. Privett's farm ("Witkrans Portion 1 of 697) that forms the North-Western boundary between us.

2. Water availability

Our understanding is that since the Water Act of 1998 was established, all natural water sources such as the cadastral units that Mr. Privett refers to, belongs to the people and not to the farms where they originate from.

As per Mr. Bailey, Operations Director at Flower Valley, Flower Valley has a pipeline registered as servitude (since 1912) over its property that connects to our and Mr. Privett's "Windhevel" farms.

Water allocations were agreed upon by means of a "Gentlemen's agreement" between the 3 farms and a water schedule has been drawn up before our time.



According to the previous owner, who owned the property for more than 10-years, and other long standing employees at Flower valley, the water supply has never dried up, nor has it been used irresponsibly by any of the farms.

Regular maintenance and care is taken at the origin of the containment area of the mountain springs to ensure minimum waste and good water flow. Since we have become the owners of Berg n Dal, we have consistently assisted Flower Valley personnel with our resources to maintain same, whereas Mr. Privett has often declined to assist stating that he had no available personnel.

We are responsible landowners and have recently invested handsomely into a brand-new water reticulation system to ensure that no water is wasted and that we have more control on usage. *(Also refer our response to BGCMA)*

We understand and acknowledge that all of us will have to limit the use of water during times of drought, and as stated above, we have already taken measures to manage our water effectively and responsibly.

Lastly, we disagree with Mr. Privett's statement:

"We are concerned that a development of the magnitude proposed by Holistic 888 (Pty) Ltd will put significant pressure on the limited water availability of the valley"

Our "Green Weddings" and "Spiritual Conferences" will be attended by small numbers of people mostly visiting for the event only, and will not use large amounts of water.

Our future guest facilities are also not of such a large magnitude when compared to other establishments in the area, and again we re-iterate that we are responsible owners that take extreme care of the environment as we are living on the farm as well.

3. Biodiversity conservation

We do not believe that small intimate "Green weddings", "Spiritual conferences" and well managed guest accommodation **will negatively impact' on the stated sensitive fauna of the valley that is over-exaggerated by Mr. Privett.**

Mr. Privett operates hiking trails and guest accommodation on both his farms on a frequent basis, and in addition also operates a nursery from Flower Valley farm utilising small trucks and 4x4's on a regular basis traveling on minor road 4027 between Witkrans and Flower valley.

Flower valley also offer guest accommodation and outsource flower harvesting to teams of flower pickers with pickups and very large trucks to collect same on a regular basis utilising minor road 4027 that runs through our farm.



All the above mentioned activities create noise pollution and we believe have a negative impact on the fauna as they operate at all hours of the day and sometimes even late at night.

We trust that we have responded adequately to all comments / objections and look forward to a favourable response.

Yours truly,

Marion Wandel

Gert Visser

Andrea Wandel

Directors
Holistic 888 (PTY) LTD
Registered Owners of Berg n Dal Heritage Farm
(Portion 1 of the farm Wind Heuvel 696)



Berg 'n Dal Heritage Farm, Uilenkraal, Gansbaai, 7140
PO Box 3640, Somerset West, 7129
Tel: 082 554 7494

8 April 2020

**Plan Active
Town and Regional Planners
6 Magnolia Street
Hermanus
7200**

For attention: Mr. John Mc Lachlan

**PROPOSED CONSENT USES - PORTION 1 OF THE FARM NR. 696 DIVISION
CALEDON OVERSTRAND MUNICIPALITY**

Dear John,

Your email dated 7 April 2020 refers.

Introduction

Two of the three joint owners of Berg 'n Dal (Gert and Marion) are living on the farm most of the time, and Andrea at least 6-8 months of the year. We are all looking forward to live here full-time once we have received approval for the applied for consent use to promote tourism, create job opportunities, and make a living on the farm.

We are all very sensitive to any form of noise pollution and prefer classical or nature's music over any other genre of loud music, and will therefore only host "green weddings" and "spiritual" conferences with soft music or no music at all.

We respect and appreciate this wonderful area and support all conservation initiatives and are members of the Walker Bay Fynbos Conservancy, Greater Overberg Fire Protection Association, Flower Valley / Department Environmental Affairs Alien Clearing Initiative and frequently support local communities and businesses.

Two of the owners are classical musicians and also highly qualified and experienced health practitioners who offer silent retreats to small groups of people.

Kindly refer to www.andrea-wandel.com and <https://www.jetzt-sein.com/> for more information on the type of conferences that will be hosted at Berg 'n Dal.



Our definition of "*Green Weddings*" and "*Spiritual Conferences*", with specific reference to ensure minimal impact on the existing rural fabric of the valley and adjacent farms, are:

Small Guest Footprint and Onsite Accommodation

The maximum number of guests will be limited to 50, of which most guests will be accommodated on the farm without the need to travel to their sleep-over accommodation somewhere else.

This will minimise any late-night noise pollution caused by guests driving to their sleep-over accommodation during the early hours of the mornings after the function.

Hands-on Management, Limited Number of Weddings & Noise Pollution

As we will also be living on the farm, weddings / conferences will be limited to 2-3 a month and we shall further ensure that noise levels are kept low at all times, especially after 23h00.

Wedding / Conference Themes and Music

We will only promote and advertise weddings and conferences to like-minded people that prefer peace and tranquility.

If music is required, it will be kept low at all times. In addition adequate soundproofing will be installed in the music room and wedding / conference venue.

**Conclusion**

We believe that our "Green Weddings" and "Spiritual" conferences will not impact negatively on the tranquillity of the area and adjacent farms, and we look **forward to a favourable outcome shortly.**

Yours truly,

Marion Wandel

Gert Visser

Andrea Wandel

Directors
Holistic 888 (PTY) LTD
Registered Owners of Berg n Dal Heritage Farm
(Portion 1 of the farm Wind Heuvel 696)



CF Haasbroek
ATTORNEYS & CONVEYANCERS

021 595 3225
info@cfhlaw.co.za
www.cfhlaw.co.za

08/07/2019

Our Ref: Pvn/J78

To whom it may concern

**TRANSFER: JWS TRUST / HOLISTIC 888 (PTY) LTD
PORTION 1 OF FARM NUMBER 696**

1. We refer to the above matter and confirm that our offices attended to the registration of the above transfer in the Deeds Office of Cape Town.
2. We confirm that the writer has been involved in this transaction from stage when the terms of the agreement of sale in respect of Portion 1 of the Farm Wind Heuvel Number 696 ("the Property"), were negotiated.
3. The representatives of Holistic 888 (Pty) Ltd ("the Purchaser") were concerned with the water use on the Property, and therefore insisted that the following special condition be inserted in the agreement:

21.1 WATER USAGE

21.1.1 It is recorded that the Property receives water from water streams forming a river having its source on the neighbouring farm, being the Remainder of the Farm Wind Heuvel Number 696, currently owned by the Flower Valley Conservation Trust. The water is received by virtue of a registered servitude, and in accordance with the agreement, as revised from time to time, with the Flower Valley Conservation Trust.

21.1.2 It is recorded further that the Seller is required to, at its sole cost and prior to registration of transfer, attend to the Validation and Verification process prescribed by the Breede Gouritz Catchment Management Agency in respect of the existing water use on the Property, unless otherwise agreed to by the parties in writing.

Charl Francois Haasbroek and Petra van Nieuwoltz • Assisted by: Jan-Louw van der Merwe
Candidate Attorneys: Vanessa Caldeira and Paul Smit
D13 & D14 Wentworth House, Midpark Business Village, Greens Close, Parow, 7500
Fax: 021 595 3230 • Docex 9 Goodwood • PO Box 12981 N1 City
CF Haasbroek Attorneys Inc (Registration number: 2018/032865/21)

PORTION 1 OF FARM NUMBER 696

8 JULY 2019

4. The Property has received water from water streams forming a river having its source on the Remainder of the Farm Wind Heuvel Number 696 ("Flower Valley Farm"), which is currently owned by the Flower Valley Conservation Trust, since the water servitude was created about 1912 by way of a registered notarial agreement between the owners at the time ("the 1912 Agreement"). The water usage has been governed in accordance with a water schedule agreed upon from time to time between the neighbouring owners.

5. The Purchaser employed the services of Agricultural and Civil Engineering Consultants, Sinclair & Associates, to perform a due diligence investigation and provide a report on the existing lawful water use in terms of the Water Act, 1998 ("the Act"). They advised the Purchaser to consult with Mr Jan van Staden of the Breede Gouritz Catchment Management Agency ("BGCMA") (now Acting Chief Executive Officer of BGCMA).

6. Both the writer and the Purchaser made contact with BGCMA regarding the water use:
 - 6.1 The writer provided Mr Patrick van Coller, a Water Use Specialist of the BGCMA, with the details of the farm, including the code thereof as appears on CapeFarmMapper (being C01300000000069600001) to enable them to ascertain the status of the registration of the water use. Mr Duwayne Meiring from Mr van Coller's offices confirmed that there were no records of water use registered for the farm.

 - 6.2 Mr Gert Visser, a director of the Purchaser, liaised with the said Mr van Staden on 13 March 2018 regarding the Validation and Verification process ("V&V"). Mr van Staden telephonically confirmed to Mr Visser that according to the aerial records of the BGCMA, the Property was not flagged as an agricultural entity, nor was it earmarked for any V&V, due to the fact that it was deemed to be a Schedule 1 water user as defined in the Act and therefore, the water use did not have to be registered.

7. It was on the basis of the following that the Purchaser decided to waive the abovementioned special condition and proceed with the transfer of the Property:
 - 7.1 Mr Jan van Staden's confirmation regarding the Schedule 1 water use as aforesaid; and

-3-

PORTION 1 OF FARM NUMBER 696

8 JULY 2019

- 7.2 Mr Roger Bailey, who is the Operations Manager of the Flower Valley Conservation Trust, having confirmed the water agreement that exists between the relevant landowners and that water is provided to the Property by way of a registered water pipeline servitude.
8. We have been advised by the Purchaser that the said Mr Jan van Staden has now addressed a letter to the Overstrand Municipality on 13 May 2019, in reaction to the Purchaser's application for certain consent use relating to the Property.
9. The Property has received water in accordance with the 1912 Agreement from the Flower Valley Farm for over a hundred years, and furthermore, the Property is receiving water by way of a registered water pipeline servitude, which use is regulated in terms of a water schedule agreed upon from time to time between the neighbouring owners.
10. It is submitted that whereas the water usage of the owners of the Property has been lawful and that they were not required to register the water use, the Purchaser's application for consent use should proceed. In the event that BGCMA now requires further action from the Purchaser in respect of the registration of the water use, this should be dealt with separately so as to not delay the application for consent use.
11. We trust you will find the above in order. Kindly contact our offices with any questions herein.

Yours Faithfully
CF HAASBROEK ATTORNEYS

per:
J VAN DER MERWE

Charl Francois Haasbroek and Petra van Nieuwoltz • Assisted by: Jan-Louw van der Merwe
Candidate Attorneys: Vanessa Caldeira and Paul Smit
D13 & D14 Wentworth House, Midpark Business Village, Greens Close, Parow, 7500
Fax: 021 595 3230 • Docex 9 Goodwood • PO Box 12981 N1 City
CF Haasbroek Attorneys Inc (Registration number: 2018/032865/21)

| Water Schedule for users connected to Flower Valley water supply line | | | | | | |
|---|------------|----------|--------------------------------|-----------------|----------|----------------------------------|
| | Berg & Dal | | | Windheuwel Farm | | |
| | Start time | End time | Person Responsible | Start time | End Time | Person Responsible |
| Monday | 08h00 | 10h00 | Flower Valley Farm or Berg&Dal | 12h00 | 13h00 | Flower Valley farm or Windheuwel |
| Tuesday | 08h00 | 10h00 | Flower Valley Farm or Berg&Dal | 12h00 | 13h00 | Flower Valley farm or Windheuwel |
| Wednesday | 08h00 | 10h00 | Flower Valley Farm or Berg&Dal | 12h00 | 13h00 | Flower Valley farm or Windheuwel |
| Thursday | 08h00 | 10h00 | Flower Valley Farm or Berg&Dal | 12h00 | 13h00 | Flower Valley farm or Windheuwel |
| Friday | 08h00 | 10h00 | Flower Valley Farm or Berg&Dal | 12h00 | 13h00 | Flower Valley farm or Windheuwel |
| Saturday | 08h00 | 10h00 | Berg & Dal | 12h00 | 13h00 | Windheuwel farm |
| Sunday | 08h00 | 10h00 | Berg & Dal | 12h00 | 13h00 | Windheuwel farm |

Now therefore he, the said Appearer, in his capacity as Attorney aforesaid, did, by these Presents, cede and transfer, in full and free property, to and on behalf of

PHILIPPUS COENRAAD JOHANNES SWART

His Heirs, Executors, Administrators or Assigns.

The Quitrent Land "Plat Klip B" Audit Folios 233/II and 233/III

in Division of Bredasdorp comprising-

| | | |
|---|---|------------|
| (a) Part of that portion of Uilenkraal Rivier transferred | | |
| 12 December 1856 to W.J. Groenewald | - | 156 Morgen |
| (Audit Folio 233/II). | | |
| (b) Part of that portion of Uilenkraal Rivier | | |
| transferred 12 December 1856 to C.J. Groenewald - | | 91 Morgen |
| (Audit Folio 233/III). | | |
| Measuring together | | |
| Two Hundred and Forty Seven Morgen | | 247 Morgen |

Bounded

| | |
|--------|--|
| N. | by Plat Klip A |
| SE | " Remaining Extents of parts of Uilenkraals Rivier transferred to W.J. Groenewald and C.J. Groenewald on 12 December 1856. |
| S | " Remaining Extent farm Uilenkraal Rivier |
| W & NW | " Strands Kloof |
| W. | " Wind Heuvel B |

As will more fully appear from annexed diagram subject to the conditions mentioned or referred to in the Transfers set forth in the foregoing Schedule. Certain special conditions being set forth in the Annexure hereto to which this property is subject in so far as is applicable.

ALLEN VIR INFORMASIEDELENDERS DATOUW

2
3

Wherefore the Appearer, in his said capacity, renouncing all the Right and Title his Principal as aforesaid heretofore had to the Premises, acknowledged and declared his Principal as aforesaid to be entirely dispossessed of, and disentitled to, the same, and that by virtue of these Presents the said

PHILIPPUS COENRAAD JOHANNES SWART

His Heirs, Executors, Administrators or Assigns, now and henceforth shall be entitled thereto, conformably to local custom; moreover promising to free and warrant the Property thus transferred as also to clear it from all Encumbrances and Hypothecations, according to Law, Government, however, reserving its right; and finally acknowledging his remaining Principals to have received as a Consideration Transfer on this day, of their respective shares in the said Landed Property.

IN WITNESS whereof, I, the said

Registrar, together with the Appearer, q.q., have subscribed to these Presents, and have caused the seal of Office to be affixed thereto.

Thus done and executed at the Office of the Registrar of Deeds of Cape Town,

Cape of Good Hope, on this twenty fourth

Day of December in the Year of

Our Lord, One Thousand Nine Hundred and Twelve

[Signature]

2-2. { his Principal
as aforesaid,

In my Presence

[Signature]
Registrar of Deeds.

led from its source in a furrow running over the property of Maria Elizabetha Fouie & then again on to his own property, and it is hereby agreed between them, that the water in the furrow running over D. E. Fouie's property shall not be utilized by her, but shall run over her property free and undisturbed.

5. That all owners of the farm "Ilentraals Rivier, now subdivided, shall for the purpose of leading water out of the stream referred to in paragraph 1 hereof, be permitted by their respective upper proprietors to lead water over his (the upper proprietor's) property, but shall in so doing use as small a piece of ground as is possible so as to get the water to their plantations.

6. That the water from "Stinkhout Bosch" and all water coming into the furrow from springs on the property of P. G. J. Swas, shall run free and undisturbed over his, P. G. J. Swas's, property.

7. That all owners of the farm "Ilentraals Rivier, now subdivided, shall have reasonable access to the property of their respective upper proprietors for the purpose of cleaning water furrows passing through their respective properties.

The stream referred to therein shall not be turned off by the upper proprietors higher than 230 yards from the dwelling house i.e. homestead, on the property of the said upper proprietors.

2. That the water that has its source on the property Wilentz-aals Rivier, now owned under Partition by the Appense, Philippus G. J. Swart, may be utilized by the said P. G. J. Swart, for household purposes and he shall also be allowed to draw water for his cattle, and the lower proprietors Elsabe Johanna Groenewald, shall have the right to lay a lead pipe from the source of the stream over the property of the said P. G. J. Swart to her dwelling house, without hindrance to the said P. G. J. Swart.

- 3. That Philippus Boensaad Groenewald shall have the right to draw water on the property of the said Elsabe Johanna Groenewald, whenever the main stream is dry, but to reach the water thereon the said P. G. Groenewald shall use the public road and not be at liberty to pass through the gardens of the said E. J. Groenewald.

4. That on the property of Wessel Johannes

as nearly as possible that the original record non remaining filed in my historical files has been duly stamped to the value of two shillings

8. That the water from Stinkton Bosch shall be utilized by the said b. j. Groenewald and P. H. M. van Dyk only, and shall be divided as follows:-

P. H. M. van Dyk to have the use of water from midnight on Sundays until midnight on Wednesdays.

b. j. Groenewald to have the use of water from Wednesday midnight till Saturday midnight.

Sunday water to run free.

For 12 hours in each week during their respective turns of leading the said b. j. Groenewald and P. H. M. van Dyk shall have the right to turn off the water at a spot not more than 100 yards above the homestead of the said b. j. Groenewald, the water otherwise to run in the existing furrows.

9. That the appraisers declared to hereby cancel, waive and make utterly void special condition No. 3 attached to their respective transfers, and do hereby jointly, severally and individually consent to each owner of the said farm Wentraats Rivier, now subdivided, and his successors, freely dealing with and disposing of the said property in such

think proper, without reference to any other owner or his, he or their successors, as if the said special conditions were not attached to the said transfers, and hereby declaring that any transfers already or hereafter derived from the aforesaid transfers shall be absolutely free of the said restriction, and the same be regarded as pro non scriptum.

So further appeared Jacobus Philippus Groenewald, having an interest in the aforesaid paragraph, and declared to consent to the cancellation of the servitude as set out more fully in paragraph 9 hereof.

Napier this 12th September 1913.

As witnesses: P. C. Y. Smart

1. W. J. Groenewald of Groenewald jr.

2. W. J. van Sijpe ^{the same} & X Fourie

D. H. M. Kandyke

G. J. Groenewald

E. J. Groenewald

D. C. Groenewald

P. J. Smart

J. P. Groenewald

Procl. Attest.

Smart

8th



Navrae: SW van der Merwe (Senior Town Planner)
Enquiries:

Lêerverwysing: Ptn 1/696 GRCAL
File Reference:

Aansoek ID: 2922/2019
Application ID:

Datum: 27 May 2019
Date:

TOWN PLANNING / STADSBEPLANNING
HERMANUS

PlanActive Town- and Regional Planners
HERMANUS

BY E-MAIL : planactive@hermanus.co.za

Dear Sir

APPLICANT TO REPLY TO COMMENTS

PORTION 1 OF THE FARM NO 696, DIVISION CALEDON, OVERSTRAND MUNICIPAL
AREA: PROPOSED CONSENT USE: PLANACTIVE TOWN- AND REGIONAL
PLANNERS ON BEHALF OF HOLISTIC (PTY) LTD

The above application refers.

Attached please find a copy of a letter of objection dated 13 May 2019, received from S Privett on behalf of Privett Trust forthcoming the public participation process. *(Kindly note that the application was received after the closing date for comment/objections and is therefore deemed invalid.)*

Kindly provide this Municipality with a written reply within 30 days of date of this letter.

Arrangements can be made, prior to the 30 days lapsing, for a further period agreed upon with the Municipality for the submission of your response to the *late* objections received.

Yours faithfully

S MÜLLER

DIRECTOR: INFRASTRUCTURE & PLANNING

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

PO Box 20 / Posbus 20
HERMANUS
7200



Privett Trust
Witkrans Farm
Gansbaai
May 13, 2019

TP-A Theart
(Suid merwe)

Schalk van der Merwe
Senior Town Planner
Overstrand Municipality
Po Box 20
Hermanus 7200

13 May 2019

Proposed Consent Use over Portion 1 of the Farm 696

Dear Schalk

We wish to comment on the proposed consent use over portion 1 of the farm 696. The proposal is for tourist accommodation and tourist facilities in order to accommodate 2 self-catering units, 4 guestrooms, a chapel, wedding venue and 5 eco-cabins. Please note, we unfortunately only received the notification of this consent use application on the 7th May 2019. Furthermore the notice was incorrectly addressed to Ptn 1 & 2/697, whereas we are the owners of Ptn 1/697 and 2/696.

The Privett Trust is the direct neighbor to Portion 1 of the Farm 696, Division Caledon. We have owned Witkrans 697/1 since 2008 and Windheuvel 696/2 since 2017. Both of the properties were purchased by Privett Trust on the basis of the natural beauty, conservation value and tranquility of the location. Over the last eleven years we have invested significant financial and human resources into the properties in order to develop self-catering accommodation and hikers accommodation for The Fynbos Trail (www.fynbostrail.com) on the basis of the regions aforementioned tranquility and natural beauty. The Fynbos Trail has become established as one of South Africa's leading slackpacking hiking trails, consistently being placed No 1 on Tripadvisor for things to do in Gansbaai as well as having received the Getaway Award for 'Best Adventure Destination'. During the last year alone, 500 local and international nature lovers have hiked the Fynbos Trail, all of whom spend one night of their trail at Witkrans. Furthermore we hosted 1200 bed nights of self-catering visitors over this period. We currently employ eleven staff in our business, nine of whom are from the local community.

While we have no issues with the new owners of Berg n Dal (696/1) developing their property for tourism, we are extremely concerned about their proposal to develop a wedding and function facility on the site. We have experienced the development of De Uijlenes Wedding Venue on (portion 29 of 695) over the last few years and regularly are disturbed by the noise emanating from their venues, mostly on Saturday nights. However

13 MAY 2019

| |
|--------------------------|
| FILE NO: Ptn 11696 |
| SCAN NO: Privett |
| COLLABORATOR NO: 1284562 |

Overstrand Municipality
 May 9, 2019
 Page 2

while the De Uijlenes venue is 1.5km away, the proposed wedding/function venue on Berg n' Dal is 350m from our private dwelling and guest accommodation on Witkrans and 550m from the dwelling on Windheuwel (see Figure 1 below).



Figure 1. Proximity of proposed new wedding/function facility on Berg n Dal 696/1 to existing private residence and guest accommodation on Witkrans 697/1 and Windheuwel 696/2.

We believe the development of a wedding/function venue on portion 1 of 696 will directly and dramatically negatively impact on the sense of place and tranquility of the area and thereby on our nature based tourism enterprise and the livelihoods of the staff we employ.

We have no doubt that the proposed wedding/conference facility will also significantly reduce the market value of our two properties owing to the proximity and associated noise/disturbance that will emanate from the proposed wedding/function venue.

Furthermore, we have the following additional concerns regarding the proposed development application:

1. Impact on natural vegetation

The site development area for the proposed new eco-cabins is on the interface between critically endangered Overberg sandstone fynbos and vulnerable Agulhas limestone fynbos that has become infested by invasive species. There is no indication that this area has ever been ploughed and therefore site selection and access for the new units needs to be carefully checked and vetted for species of conservation concern. It is unlikely that

Overstrand Municipality
 May 9, 2019
 Page 3

existing internal roads and tracks will provide sufficient disturbed areas for road access and related infrastructure for the proposed five new units as suggested in the development proposal. The new road network required to access the proposed ecocabins alone is about 300m in length. This would amount to the clearing of approximately 900m² of natural vegetation in order to access the units. The proposed five conservancy tanks, sewage, electricity, water supply lines and construction zones around the eco-cabins will also all impact on natural vegetation outside of the 600m² stated in the application.

The application states that 'The eco-cabins will be tucked away between the lush trees that are established on the northern quarter of the subject farm.' These trees are Category 1 invasive species including Black wattle (*Acacia mearnsii*), Spider gum (*Eucalyptus conferruminata*), Port Jackson (*Acacia saligna*) and Gray poplar (*Populus × canescens*). It is the legal responsibility of the landowner to remove these trees from the property as they are a significant fire threat and a source of re-infestation into surrounding cleared farms. As such the 5 eco-cabins will be visible from the manor house and from surrounding properties.

2. Water availability

There is a single spring in Stinkhoutsbos on Flower Valley farm that provides all the water for the valley (12 cadastral units). While Flower Valley Conservation Trust currently owns eight of these cadastral units, future needs of all of these farms should be taken into account when stating that there is sufficient water for a development of this magnitude. As the owners of Windheuvel 696/2, which also receives water from the Flower Valley Conservation Trust on the basis of the agreement mentioned in the development proposal, we are aware that this agreement is based on water availability from Stinkhoutsbos, and there is no guarantee that water can be provided during dry periods, or times of drought. We are concerned that a development of the magnitude proposed by Holistic 888 (Pty) Ltd will put significant pressure on the limited water availability of the valley and that a proper assessment of the water availability and water rights associated with all property owners in the Valley should be commissioned prior to a decision being made on this development proposal.

3. Biodiversity conservation

The motivation report states "it is clear that the proposed consent use can be supported from a desirability point of view due to the fact the proposal is in line with land use tendencies within the area. It is also compatible with the current agricultural land uses and tourist related land uses found in the valley and that it will be an asset to the Flower Valley."

We do not agree with this statement. In essence the proposed development of a wedding/function venue on a small property nestled in the heart of Flower Valley is directly opposed to the current conservation and nature based tourism economy of the valley. The Flower Valley Conservation Trust was established by Cambridge-based

Overstrand Municipality
May 9, 2019
Page 4

Fauna and Flora International in 1999 in order to safeguard the exceptional biodiversity of this unique valley and ensure the responsible conservation management of the valley going forward. Similarly, we as owners of Witkrans 697/I signed a conservation servitude over most of the property in 2008 to ensure the protection of the biodiversity of this property in perpetuity. Sensitive fauna such as Western leopard toad, Cape leopard, Bushbuck, Blue mantis flycatcher, Knysna woodpecker, Forest buzzard amongst many others frequent the forest areas on 696/, less than 150m from the proposed wedding/function venue.

The proposed wedding/function facility and associated business will negatively impact on this sensitive fauna of the valley and the general sense of place and sanctuary which we have strived to develop over the last two decades.

We thank you for considering our position on this application.

Sincerely,

Sean Privett
On Behalf of Privett Trust



Division of Telkom SA SOC Ltd

10 Jan Smuts Drive
Pinelands
7404



TRA Theart
(H Olivier)

| | |
|------------------|-----------|
| FILE NO: | Ptn 1/696 |
| SCAN NO: | |
| COLLABORATOR NO: | 1291323 |
| | |

Candice Spammer
Tel: 021 414 5582
Fax: 086 480 0617
Email: spammec1@telkom.co.za

Our Ref.: WWIP_WHMN1800_19
Your Ref.: Ptn 1/696 RCAL

5 June 2019

Attention: S Muller

Overstrand Municipality
HERMANUS

PROPOSED CONSENT USE: PORTION 1 OF THE FARM NO 696, DIVISION CALEDON

With reference to your letter received February 2019.

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

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

Approval is granted, subject to the following conditions.

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

Please notify this office immediately if you locate any Open Serve plant that was not indicated. Please contact our representative **Frederik Swart** at telephone number **028 514 1199 / 081 363 7815 / Frederiks@openserve.co.za**

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.

28 JUN 2019

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

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

All Open Serve rights remain reserved.

Yours faithfully

pp  _____

Selwyn Bowers

Operations Manager

Wayleave Management: Western Region

PLANT NOT AFFECTED

If any plant not indicated exists and information or supervision is required please contact this office at least 48 hours before any work commences.

| | | |
|---|-------------------------------------|--------------------------|
| Frederik Swart | 081 363 7815 | |
| <u>Reference number</u> WWIP_WHMN1800_19 | <u>Marked Up</u> Candice Spammer | <u>Date</u> 05-Jun-19 |



ANNEXURE G 1/2


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

E-mail : Helene.Janser@westerncape.gov.za
 Tel: +27 21 483 3544 Fax: +27 21 483 3633
 Private Bag X9086, 1 Dorp Street, Cape Town, 8000
www.westerncape.gov.za/eadp

REFERENCE: 15/3/2/12/B03

The Director: Infrastructure & Planning
 Overstrand Municipality
 P.O. Box 20
HERMANUS
 7200

Sir

e-mail: svdimerwe@overstrand.gov.za

COMMENT: APPLICATION FOR CONSENT USE: PORTION 1 OF THE FARM NO.696, DIVISION CALEDON

1. The abovementioned application submitted, refers.
2. This Directorate has no objection to the development proposal to make alterations to the existing historical structures on the subject property to accommodate a chapel, wedding venue/conference facility, 2 self-catering units and 4 guestrooms as well as to establish 5 self-catering eco-cabins, for tourism purposes. It is however recommended that the applicant apply for a rezoning to Resort Zone, as the total of the existing and proposed self-catering units will exceed the maximum additional units per hectare as prescribed in the zoning scheme applicable to this area.
3. It is further recommended that the applicant apply to Heritage Western Cape for comment/approval as the subject property has historical buildings.
4. The Section Head, Ms. Mare-Liez Oosthuizen of this Directorate's Environmental Section can be contacted on (021) 483 5756 or via e-mail: Mare-Liez.Oosthuizen@westerncape.gov.za with regards to any environmental queries or the applicability of the NEMA EIA Regulations, 2014 (as amended).
5. The above comment is based on the information provided and on the information extracted from forward planning documents for the area.

2nd Floor, 1 Dorp Street, Cape Town, 8001
 Tel: +27 21 483 3544 Fax: +27 21 483 3633

Private Bag X9086, Cape Town, 8000
www.westerncape.gov.za

6. This Directorate reserves the right to amend its comment, should any additional or new information be obtained.



K. MUNRO

DIRECTOR: DEVELOPMENT MANAGEMENT: REGION 2

DATE: 13-3-2019

ANNEXURE H 1/2



6 Magnolia St / Str
PO Box / Posbus 296
HERMANUS
7200

Tel: (028) 313 1673

Fax / Faks: (028) 312 1351

Email: planactive@hermanus.co.za

Website: www.planactive.co.za

Our reference: PA18039
Your reference: 15/3/2/12/B03

30 April 2019

The Director: Development Management (Region 2)
The Department of Environmental Affairs
and Development Planning
Private Bag X9086
CAPE TOWN
8000

For attention: Ms. Mare-Liez Oosthuizen
Mare-Liez.Oosthuizen@westerncape.gov.za

PORTION 1 OF THE FARM NO.696: DIVISION CALEDON

Your comments on the subject application sent to Mr. Schalk van der Merwe at the Overstrand Municipality dated 13 March 2019 refer. Your letter was forwarded to us on the 15th of April 2019 for our comments and subsequently we discussed the matter with Mr. Schalk van der Merwe.

With reference to the Overstrand Municipality Zoning Scheme there is a clear distinction between additional dwelling units and tourist accommodation. The following development parameters apply to additional dwelling units:

Additional dwelling units

- 5.1.3 The Council may approve additional dwelling units in Agricultural Zone I provided that:
- (a) The additional dwelling units shall remain on the same cadastral units as the primary dwelling unit;
 - (b) The number of additional dwelling units shall not exceed the 1 unit per 10,0 ha, up to a maximum of five additional dwelling units per land unit, and
 - (c) 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 or with the special consent of Council.

The definition of an additional dwelling unit in terms of the mentioned Zoning Scheme reads as follows:

"additional dwelling units" means dwellings 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; and additional dwelling units may be used for long or short term accommodation purposes;

With reference to the above mentioned development parameters and definition of additional dwelling units the 1 unit per 10 hectare density with a maximum of 5 additional dwelling units per farm unit is only applicable to additional dwelling units. The Overstrand Municipality differentiates

Divine Inspiration Trading 329 (Pty) Ltd. trading as Plan Active
Reg. No. 2006/030921/07
Vat. No. 4770250340

John Mc Lachlan: Ndiip (Town Planning) Tech Witwatersrand; MSAPI Nr.10908; SACPLAN Tch.Pln B/8250/2014
Pauline Spronk: B (Soc Sc) US, BA Hon (UNISA)
Meriké Lerm: B. Art et Scien Cum Laude (Town Planning) UNW; SACPLAN Pr.Pln A/158/2009

between the two land uses being additional dwelling units and tourist accommodation and therefore the density control for additional dwelling units does not apply to tourist accommodation. We have submitted a number of applications for tourist facilities on Agricultural Zone 1 land that were approved by the Overstrand Municipality that exceeds the density parameters mentioned above.

Furthermore, the Overstrand Municipality Zoning Scheme makes provision for tourist accommodation as a consent use, the same land use that is one of the primary rights under a zoning of Resort Zone.

The definition of tourist accommodation reads as follows:

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

With reference to our discussions with Mr. Schalk van der Merwe it is a preferred option that where provision is made for a land use within a rural context as a consent use, that it should be used instead of applying for a rezoning. This is also the reason for the inclusion of tourist accommodation as a consent use under an Agriculture Zone 1 zoning in terms of the Overstrand Municipality Scheme Regulations. This was done to eliminate the rezoning of agricultural land and also to eliminate cumbersome split zonings and the policing thereof relating to tourist related uses.

The majority of the farm consists of natural veld and a manor house and other related land uses related to agricultural land have also been established on the farm. In terms of the definition of "agriculture" the land uses covered in the definition includes the last mentioned land uses. Please refer to the definition below:

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

With reference to the above is it our opinion that the majority of the farm would still be for agricultural use and that the consent use would suit the proposal much better than a rezoning to Resort zone. The farm is within a primary agricultural area of which farms in the vicinity are used for tourist related uses such as wedding venues, tourist accommodation and other tourist facilities of which land use rights have also been obtained by means of consent uses.

We appreciate your support of the proposed application but in the light of the above information. It is our opinion that the current Agriculture Zone 1 zoning to be retained and that the proposed tourist accommodation and tourist facilities be accommodated as a consent use. The 5 proposed self-catering eco-cabins will be used as tourist accommodation and cannot be classified as additional dwelling units and therefore the density control in terms of additional dwelling units does not apply.

We trust that you would find the above in order and it would be appreciated if you could amend your comments accordingly.

Yours faithfully



ROAD NETWORK MANAGEMENT
 Email: Grace.Swanepoel@westerncape.gov.za
 Tel: +27 21 483 4669
 Rm 335, 9 Dorp Street, Cape Town, 8001
 PO Box 2603, Cape Town, 8000

REFERENCE: 16/9/6/1-21/171 (Job 26771)
ENQUIRIES: Ms GD Swanepoel
DATE: 10 April 2019

The Municipal Manager
 Overstrand Municipality
 PO Box 20
HERMANUS
 7200

| | |
|---------------|---------|
| FILE NO: | |
| SCAN NO: | |
| GENERATOR NO: | 1278110 |

Attention: Mr S van der Merwe

Dear Sir

PORTION 1 OF FARM 696, CALEDON DIVISION, OVERSTRAND MUNICIPAL AREA: MINOR ROAD 4027: PROPOSED CONSENT USE

1. Your letter Ptn 1/696 RCAL dated 27 February 2019 refers.
2. The subject property is located 10km east of Gansbaai and takes access off Minor Road 4027.
3. This application is for Consent Use in order to accommodate tourist facilities and tourist accommodation comprised of a wedding chapel, wedding venue, conference facility, 2 self-catering units, 4 guest rooms, as well as 5 self-catering eco-cabins.
4. As this Branch is under no obligation to maintain this Minor Road, the Applicant must prepare a report on the current condition of the Minor Road and liaise with the District Roads Engineer, Paarl, with respect to the required future maintenance.

5. This Branch offers no objection to the application in terms of the Land Use Planning Act, No 3 of 2014, subject to the Applicant preparing a report on the condition of the affected portion of Minor Road 4027 and accepting the maintenance conditions specified by the District Roads Engineer, Paarl.

Yours faithfully


SW CARSTENS
For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT



Twenty years of nurturing nature for you

20
YEARS

SCIENTIFIC SERVICES

postal Private Bag X5014, Stellenbosch, 7599
 physical Assegaibosch Nature Reserve, Jonkershoek Road
 website www.capenature.co.za
 enquiries Chanel Rampartab
 telephone +27 21 866 8015
 email crampartab@capenature.co.za
 reference SSDI 4/2/5/1/7/2/696-1_tourism_FlowerValley
 date 23 May 2019

Overstrand Municipality
 P.O. Box 20
 Hermanus
 7200

*TPA Theert
 (submarine)*



Attention: Alida Conradie

Dear Ms Conradie

Application for consent use to convert existing buildings into tourism facilities and to erect five new cabins on FA 696/1, Flower Valley, Baardskeedersbos
 (Overstrand Municipality ref: Portion 1/696 RCAL)

CapeNature would like to thank you for the opportunity to comment on the application for consent use to convert existing buildings into tourism facilities and to erect five new cabins on FA 696/1, Flower Valley, Baardskeedersbos. Please note that these comments only pertain to the biodiversity-related impacts and not to the overall desirability of the application.

A perennial tributary of the Uilenkraal River flows along the western border of the property, and its associated floodplain wetland has been classified as a National Freshwater Ecosystem Priority Area (NFEP). This NFEP wetland extends into the property, but is more than 32 m from the development node. According to the Western Cape Biodiversity Spatial Plan (CapeNature 2017), Ecological Support Areas occur both north and south of the development node. Vulnerable Agulhas Limestone Fynbos would have occurred on site; however, it has since been transformed. The tourism facilities will occur more than 5 km from a Protected Area. Therefore, CapeNature does not object to the application.

CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.

Yours sincerely

Rampartab

Chanel Rampartab
 For: Manager (Scientific Services)

| | |
|------------------|------------|
| FILE NO: | PTn1/696 v |
| | B.305 |
| SCAN NO: | FARM 696 |
| COLLABORATOR NO: | 1287202 |

The Western Cape Nature Conservation Board trading as CapeNature
 Board Members: Prof Denvar Hendricks (Chairperson), Prof Gavin Manevaldt (Vice Chairperson), Ms Marguerite Bond-
 Smith, Mr Mervyn Burton, Dr Collin Johnson, Prof Aubrey Redlinghuis, Mr Paul Slack

23 MAY 2019



**Western Cape
Government**
Agriculture



Cor Van Der Walt
LandUse Management
Email: LandUse.Elsenburg@elsenburg.com
tel: +27 21 808 5099 fax: +27 21 808 5092

TP-A Theart
(S vld merwe)

OUR REFERENCE : 20/9/2/4/2/869
YOUR REFERENCE : Ptn 1/696 RCAL
ENQUIRIES : Cor van der Walt

Overstrand Municipality
PO Box 20
HERMANUS
7200

Att: S van der Merwe

**PROPOSED CONSENT USE: DIVISION CALEDON
PORTION 1 OF THE FARM NO 696**

Your application of 27 February 2019 has reference.

The Overstrand Municipality is requested to act within the parameters of the Planning and Zoning scheme by-laws.

Please note:

- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.
- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely

Mr. C van der Walt
LANDUSE MANAGER: LANDUSE MANAGEMENT
2019-05-22

| |
|-----------------------------|
| FILE NO: Ptn 1/696 ✓ |
| B COS |
| SCAN NO: Farm 696 |
| COLLABORATOR NO: 1289788 |

ANNEXURE L 1/3



The Municipal Manager
OVERSTRAND MUNICIPALITY
 P O Box 20
HERMANUS
 7200
 Per email: aconradie@overstrand.gov.za
 Attention: **Alida Conradie**

Date:
 3 April 2019

Enquiries:
 Shaun Swanepoel
 Tel 021 980-3913
 Fax 086 660 0941

*TRATheart
 (sub Merwe)*

Dear Madame

RE: CONSENT USE: FARM 696/1 CALEDON

OUR REF: 00599/19
 YOUR REF: 2922/2019

This application affects the following Eskom power line:

- **STANDFORD F1 OVERHEAD FEEDER**

Eskom has no objection to the abovementioned application, provided the following conditions are adhered to:

- a) The following building and tree restriction on either side of centre line of overhead power line must be observed:

| Voltage | Building restriction either side of centre line |
|---------|---|
| 11kV | 9.0 m |
| 66 kV | 11.0 m |
| 132 kV | 15.5 m |

- b) No construction work may be executed closer than **6 (SIX) metres** from any Eskom structure or structure-supporting mechanism.
- c) No work or no machinery nearer than the following distances from the conductors:

| Voltage | Not closer than: |
|---------|------------------|
| 11kV | 3.0 m |
| 66kV | 3.2 m |
| 132kV | 3.8 m |

- d) Natural ground level must be maintained within Eskom reserve areas and servitudes.
- e) That a minimum ground clearance of the overhead power line must be maintained to the following clearances:

| Voltage | Safety clearance above road: |
|---------|------------------------------|
| 11kV | 6.3 m |
| 66kV | 6.9 m |

Distribution Division - Western Region (Land Development)
 Western Region
 Eskom Road Brackenfell 7560 PO Box 222 Brackenfell 7561 SA
 Tel +27 96 003 7566 www.eskom.co.za

Eskom Holdings SOC Limited Reg No 2002/015527/30

- 5 APR 2019

| | |
|------------------|------------------|
| FILE NO: | <i>Phm 1/696</i> |
| | <i>GB</i> |
| SCAN NO: | <i>Farm 696</i> |
| COLLABORATOR NO: | <i>1273786</i> |

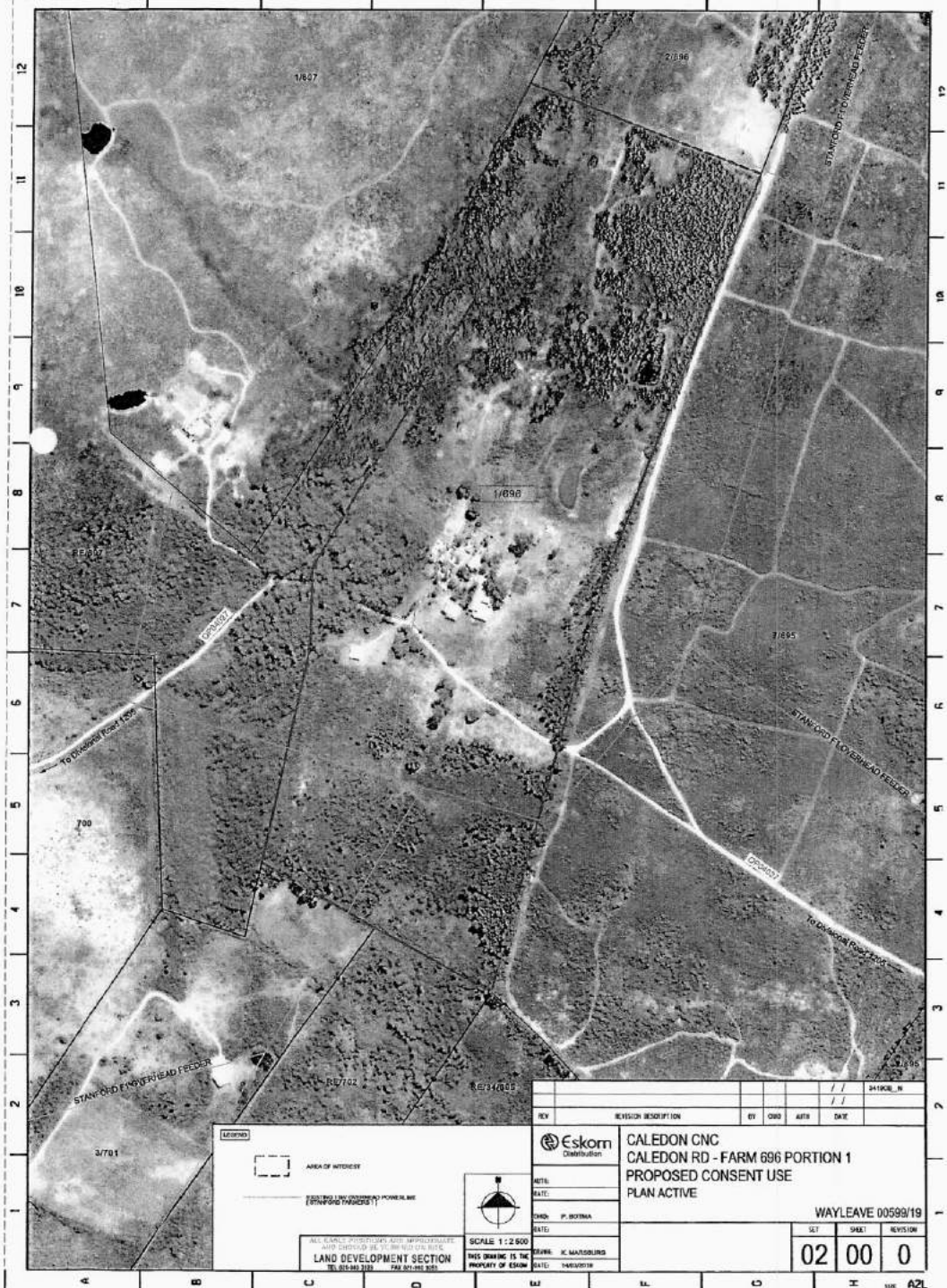
| | |
|-------|-------|
| 132kV | 7.5 m |
|-------|-------|

- f) That existing Eskom power lines and infrastructure are acknowledged as established infrastructure on the properties and any rerouting or relocation would be for the cost of the applicant/developer.
- g) That Eskom rights or servitudes, including agreements with any of the landowners, obtained for the operation and maintenance of these existing power lines and infrastructure be acknowledged and honoured throughout its lifecycle which include, but are not limited to:
- i. Having 24 hour access to its infrastructure according to the rights mentioned in (a) above,
 - ii. To perform maintenance (structural as well as servitude – vegetation management) on its infrastructure according to its maintenance programmes and schedules,
 - iii. To upgrade or refurbish its existing power lines and infrastructure as determined by Eskom,
 - iv. To perform any other activity not listed above to ensure the safe operation and maintenance of the Eskom power lines or infrastructure.
- h) Eskom must have at least a 10m obstruction free zone around all pylons (not just a 10m radius from the centre).
- i) Eskom shall not be liable for the death or injury of any person, or for loss of or damage to any property, whether as a result of the encroachment or use of the area where Eskom has its services, by the applicant, his/her agent, contractors, employees, successors in title and assignee.
- j) The applicant indemnifies Eskom against loss, claims or damages, including claims pertaining to interference with Eskom services, apparatus or otherwise.
- k) Eskom shall at all times have unobstructed access to and egress from its services.
- l) Any development which necessitates the relocation of Eskom's services will be to the account of the developer.
- m) **DIRK SWART, CALEDON CNC** must be contacted on **+27 28 214 5710** before working in close proximity to the overhead power lines.

Kindly contact **Shaun Swanepoel** at Tel: 021 980 3913, should you require any further information.

Yours sincerely

Shaun Swanepoel
LAND DEVELOPMENT (BRACKENFELL)
 (Transmitted electronically and thus not signed)



LEGEND

- AREA OF INTEREST
- EXISTING UTILITIES (POWERLINE, STANFORD FEEDERS)

ALL LANDS PHOTOGRAPHY AND IMPROVEMENTS AND CAPTURED BY THE ROAD EASEMENT. LAND DEVELOPMENT SECTION TEL: 016 860 3100 FAX: 016 860 3050



SCALE 1:2 500
THIS DRAWING IS THE PROPERTY OF Eskom

| | | | | | | |
|---|--|---|-----------|-------------|------|-------------------|
| REV | REVISION DESCRIPTION | BY | CHKD | APPR | DATE | SH1908_R |
| | | | | | | |
| | | CALEDON CNC CALEDON RD - FARM 696 PORTION 1 PROPOSED CONSENT USE PLAN ACTIVE | | | | WAYLEAVE 00599/19 |
| METL: DATE: ENGR: P. BOYNA DATE: | DESGN: K. MANSOURI DATE: 14/03/2019 | SFT: 02 | SHEET: 00 | REVISION: 0 | | |

From:

To: 00283121894

07/10/2019 11:19

#623 P.001/002

ANNEXURE M 1/2



TP N. Hoort
(S. Jol w/ hand)



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

OVERSTRAND MUNISIPALITEIT

Directorate: Development Management
Region I

REFERENCE: 16/3/3/6/E2/27/11068/18
ENQUIRIES: Ms. Saa-rah Adams
DATE: 07-10-2019

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

| | |
|------------------|-------------|
| FILE NO: | PIN 1 696 |
| | Gansbaai |
| SCAN NO: | FARM 696 |
| COLLABORATOR NO: | 1330830 |

Attention: Mr. S. van der Merwe

Tel: (028) 313 8900

Fax: (028) 313 2093

Dear Sir/Madam

RE: APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) WITH RESPECT TO THE PROPOSED APPLICATION FOR CONSENT USE ON PORTION 1 OF FARM NO. 696, CALEDON

1. The abovementioned document and letter, dated 27 February 2019, as received by this Department on 5 March 2019, the Department's correspondences dated 15 March 2019 and 9 April 2019 and the additional information from Lornay Environmental Consulting, refers.
2. According to the information submitted to this Department, the following is noted:
 - 2.1. The proposal entails the application for the construction of five new eco-cabins and associated infrastructure to be utilised as tourist facilities and tourist accommodation on Portion 1 of farm No. 696, Caledon.
 - 2.2. A watercourse is present on the eastern side of the property and a small artificial dam is located on the western end of the proposed development area.
 - 2.3. A 32m buffer has been implemented around both watercourses and the proposed cabins and associated infrastructure will be located outside of this buffer area.
 - 2.4. The proposed cabins will be located on the northern end of the site and will each have a development footprint of 120m², i.e. a total disturbance footprint of 600m².
 - 2.5. Access to the proposed cabins will be via an existing jeep track and it does not require an upgrade. Parking for the cabins will be in areas where vegetation has been brush cut where no removal of additional vegetation is required.
 - 2.6. There is indigenous vegetation on site and a watercourse runs along the eastern boundary of the farm. According to available mapping information sources, the site comprises of

6th Floor, 1 Dorp Street, Cape Town, 8001
Tel: +27 21 483 0773 Fax: +27 21 483 3098
Email: Saa-rah.Adams@westerncape.gov.za

Private Bag X9086, Cape Town, 8000
www.westerncape.gov.za/eadp

From:

To: 00283121894

07/10/2019 11:19

#623 P.002/002

2/2

Agulhas Limestone Fynbos which is categorised as a Vulnerable ecosystem in terms of Section 52 of the National Environmental Management: Biodiversity Act (NEM:BA), 2004.

3. In light of the above, your attention is drawn to the listed activities in terms of the NEMA EIA Regulations, 2014 (as amended) and Listing Notices 1, 2 and 3. Based on the additional information provided, the proposed development of five new eco cabins does not constitute any listed activities as defined in terms of the EIA Regulations, 2014 (as amended). This is based on the following reasons:
 - The proposed development falls outside of 32m of the watercourse on site;
 - The proposed development does not require the removal of 1ha or more of indigenous vegetation;
 - The proposed development does not include the development of an access road; and
 - The proposed development accommodates 14 guests, only.
4. However, should any revision of the proposed development constitute a listed activity(ies) as defined terms of Listing Notice 1, 2 & 3, an application must be submitted and environmental authorisation obtained before such activity(ies) may commence.
5. The applicant is reminded of his/her general duty of care and the remediation of environmental damage, Section 28(1) of NEMA specifically states that – "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."
6. Be advised that the applicant must comply with any other statutory requirements that may be applicable to the undertaking of the activity.
7. Your interest in the future of our environment is greatly appreciated.
8. This Department reserves the right to revise or withdraw any comments or request further information from you based on any information received.

Yours faithfully



HEAD OF COMPONENT

ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Cc: (1) L. de Villiers (Overstrand Municipality)

(2) M. Naylor (Lomay Environmental Consulting)

Fax: 028 312 1894

Fax: 086 585 2461

Reference: 16/3/3/6/E2/27/1068/18

Page 2 of 2

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: PTN 1 OF THE FARM NO.696,
CALEDON DIVISION (2922/2019)**

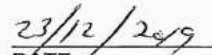
| | | |
|-------------------|---|-----------------------|
| Electricity | : | Eskom area |
| Stormwater | : | No services available |
| Water | : | No services available |
| Sewer | : | No services available |
| Roads and traffic | : | No services available |

Conditions:

1. that the developer arrange with ESKOM for the provision of electricity and that he complies with all conditions as may be set by ESKOM;
2. that no water service from Overstrand Municipality is available and the developer is responsible for the provision of any water supply and/or services to the development;
3. that the developer will be responsible to obtain the necessary approval, licence and permit from the applicable authorities (water affairs, health, BOCMA etc.) for the use of any other water resources and the extraction thereof;
4. that the quality of potable water comply with SANS0241 standards and that relevant proof be submitted to the Manager : Water Infrastructure & Quality, Overstrand Municipality (Tel: 028 313 5046, email: probinson@overstrand.gov.za);
5. that no sewerage service from Overstrand Municipality is available and no municipal sewerage services will rendered to the development;
6. that the owner will be responsible for the removal of sewerage from the proposed development, and the safe disposal thereof at a licensed municipal sewerage treatment facility;
7. that the proposed development must be provided with adequate sewer conservancy tanks, which must comply with the relevant legislation;
8. that, alternatively, the developer will be responsible to obtain the necessary approval, licences and permits from the applicable authorities (water affairs, health, etc.) for the use of any other method of sewage disposal;
9. that the owner is responsible for the removal of all refuse generated on the property and the disposal thereof at a registered municipal waste transfer station or –waste disposal facility;

10. that waste water disposal be done in a safe and healthy manner and that plans thereof be submitted to the Municipality and the Department of Water Affairs for approval;
11. that the developer complies to all the conditions set by Department Of Water & Environmental Affairs;
12. that on-site parking facilities are provided as per Planning Schedule and to the satisfaction of the Department: Operational Services;
13. that the developer will arrange with Provincial Administration to obtain approval for any new access from the Provincial road.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE