

**4.3****PORTION 4 (PORTION OF PORTION 1) OF FARM KLEIN RIVIER KLOOF NO. 660, CALEDON DIVISION, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE AND AMENDMENT OF THE APPROVED SITE DEVELOPMENT PLAN: MESSRS WRAP PROJECT OFFICE ON BEHALF OF WHITE WATER FARM CC****Prt 4 of 660****P Roux****9 September 2021****(028) 313 8900****Hermanus Administration****1. EXECUTIVE SUMMARY**

An application in terms of the provisions of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 17 September 2020 from Messrs WRAP Project Office on behalf of White Water Farm CC.

- consent use in terms of Section 16(2)(o) to accommodate a place of entertainment, additional dwelling unit, tourist accommodation and wellness centre (micro spa) on the property, and
- amendment of the approved Site Development Plan in terms of Section 16(2)(l) to accommodate a place of entertainment as well as the proposed consent uses.

The Locality Plan of the property concerned is attached as Annexure A. The Motivation Report is attached as Annexure B and the proposed amended Site Development Plan is attached as Annexure C.

**2. DECISION AUTHORITY**

Municipal Planning Tribunal

**3. BACKGROUND**

Portion 4 of the Farm No. 660 is situated in the rural area near Stanford and measures 50.3843ha in extent. The property is zoned as Agricultural Zone 1 and has obtained several historical approvals to diversify the land use on the property and to ensure the viability of the farm. The historical approvals include the following:

- ❖ 4 luxury suites with a conservatory;
- ❖ utilising of the manor house for guest accommodation (guest house) with two guest rooms;
- ❖ manager's cottage and a labourer's cottage were converted into 2 self-catering units, and
- ❖ a chapel/conference facility/wedding venue which is also used a restaurant.

The approval in 2016 restricted the approved land uses to a Site Development Plan.

The property owners are seeking to add a place of entertainment, additional dwelling unit, tourist accommodation and wellness centre (micro spa) on the property and by doing so requires a land use application for a consent use in addition to the amendment of the approved of the SDP.

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

Only the main points of the motivation for the application is summarised as follows (the detailed Motivation Report is attached as Annexure B).

- ❖ The farm has a scenic and architectural quality and beauty which lends itself to the opportunities of hosting a variety of activities.
- ❖ The owner envisages the establishing of an additional dwelling unit which will be used for the purpose of tourist accommodation, establishing a function venue and a micro spa to operate in addition to the existing land use approvals.
- ❖ Due to the interest for the overnight accommodation it is established by the owner that there is a need for 1 additional dwelling unit/tourist accommodation. Which would meet the need for consumer demand.
- ❖ The property owner has done market researchers and has determined that there is a need for a function/ place of entertainment venue which will cater for a variety of functions. Guests will sleep on the property while attending a function or venue, thus making the property more economically viable.
- ❖ The proposed spa (wellness centre) will cater for the needs of the guests being entertained on the property.
- ❖ All the uses applied for are tourism related and therefore are compatible with the existing uses on the property.
- ❖ Application is made for a consent use for an additional dwelling unit and tourist accommodation to utilise the dwelling unit on a temporary basis. The additional dwelling unit is in compliance with Section 16.10.1 of the Land Use Scheme 2020. The tourist accommodation unit will be used to diversify the income on the property. The unit will also be used in conjunction with the proposed place of entertainment and other facilities (such as wedding, conference etc.). The unit will be constructed in similar fashion and design as the existing structures and will be of the same tourism and quality standards as already relevant on the farm. The proposed use can be considered as being compatible with the rural fabric as a tourism of tourist accommodation and facilities are regarded as value addition to the agricultural land uses.
- ❖ Application is also made for a consent use to accommodate a place of entertainment (venue). It is estimated that the place of entertainment (venue) will accommodate 64 people. The venue will generate some music and dancing which will be generated by the variety of activities. Location is ideal in providing the guests with a scenic experience which will allow for photography and video recording of the entertainment proceedings. The low-density rural nature will allow guests a different experience that high density urban locations and wedding venues. The new venue will retain the same architectural style as the existing structures.
- ❖ In addition to the above an application is also made for a consent use to accommodate a wellness centre (micro spa). The services of the spa will be open to the guests and the general public. The wellness centre (micro spa) will cater for a variety of treatments and such as massages, facials, body treatments, manicures, pedicures and deep cleansing of the face and body. The wellness centre (micro spa) will be compatible with the existing land uses.
- ❖ The proposal for the new facilities and amendments to the parking layout requires the application to amend the approved site development plan. The place of entertainment (venue) will work interchangeably with the existing restaurant and reception area.
- ❖ Considering the site characteristics and the limited agricultural potential on the property, the proposed additional land uses are intended to enable the property

owners to enhance the existing income stream which capitalises on the opportunities of the farm.

- ❖ The application is motivated to be in line and compliant with the HPOZ, as the proposal is consistent with the character and contextual significance of the rural area. The proposed land uses rely on the aesthetically appealing environmental significance of the area such as the mountains and rivers.
- ❖ The application is motivated to be in compliance with the EMOZ, as the proposed uses will not be situated on ecologically sensitive areas or in proximity to mountain or catchment area and will therefore not interfere with water security of the Overstrand Communities.
- ❖ Services are available on the farm.

#### 5. ADMINISTRATIVE COMPLIANCE

| Methods of advertising   |                                    | Date published   | Closing date for comments |
|--|------------------------------------|------------------|---------------------------|
| Notices  | Yes                                | 12 November 2020 | 18 December 2020          |
| Ward councillor  | Yes                                | 11 November 2020 | 18 December 2020          |
| Total comments   | <b>Two comments were received.</b> |                  |                           |
| Was public participation undertaken in accordance with Section 46 - 50 of the By-Law on Municipal Land Use Planning? |                                    |                  | <b>Yes</b>                |
| Was the application processed correctly?   |                                    |                  | <b>Yes</b>                |
| Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA?            |                                    |                  | <b>Yes</b>                |

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

| Name                                     | Date received | Summary of comments |
|--|---------------|---------------------|
| Fire Services                            | 11/11/2020    | Annexure F.         |
| Building Department                      | 11/11/2020    | No objection.       |
| Department of Transport and Public Works | 09/12/2020    | Annexure G.         |
| Heritage Western Cape                    | 18/12/2020    | Annexure H.         |
| Environmental Section                    | 18/12/2020    | No objection.       |
| CapeNature                               | 18/01/2021    | No objection.       |

|                             |            |  |
|-----------------------------|------------|--|
| District Health             | 15/01/2021 | Applicant to apply for Health Certificate to operate as an accommodation establishment, application for a Certificate of Acceptability needs to be completed for restaurant as well. |
| Department of Agriculture   | 01/03/2021 | No objection.  |
| Engineering Services        | 11/03/2021 | Annexure I.  |
| Open Serve                  | 11/04/2021 | Annexure J.  |
| District Health             | 12/01/2021 | Annexure   |
| CapeNature                  | 18/01/2021 | Annexure   |
| Heritage Western Cape (NID) | 11/12/2020 | Annexure   |

## 7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

Two comments were received from adjacent landowners, which comments will be summarised and discussed below:

### Comment from objector/person who commented

Access routes and maintenance of the servitude road which services Winter Farm and adjacent farms, must be restored.

### Comment from applicant

The concerns are related to the maintenance of the roads and not a reflection of the desirability of the planning application.

The maintenance of the road is a matter to be addressed in terms of the servitude agreement between parties.

### Response from Town Planner

Comment is noted and this is considered a matter which will have to be discussed between the parties involved and as per the servitude agreement.

### Comment from objector/person who commented

Drinking water is supplied from a dam on Bergplaas which services Farm 626, 4/660 and 3/660. A calculated study needs to be done in terms of the additional people who will be attracted to the site and their impact on water use. The micro spa is also depended on high volume of water.

Comment from applicant

The application has been circulated to Breede-Gouritz Catchment Management Agency (BGCMA) for comments on potable water-related considerations. Although no negative comments have been received thus far, should concerns be raised, mitigations will be proposed which will sufficiently address the objector's concern.

Response from Town Planner

No comment was received from BGCMA. It should be noted that the property has a National Registration of Water Certificate 22095411 providing proof that the owner is allowed to take 94600m<sup>3</sup> per year, should more than this be used then the relevant authority will have to be contacted.

Comment from objector/person who commented

The property owner states that they have no objection towards the proposal and that they only have concern regarding the unspecified nature of the place of entertainment. It is understood that the venue will be mainly used for weddings. However, the application is referred to as a function venue and to be used for weddings and a variety of functions.

Comment from applicant

The neighbour supports the application.

The application is for mainly hosting weddings. Should other functions such as birthdays which are of similar scale as weddings also be conducted then the place of entertainment allows for such uses. No additional impact is therefore projected to occur.

Noise mitigation measures:

- The proposed entertainment venue is located 50m from the boundary line and this distance acts as a sound buffer from the surrounding farms.
- The entertainment venue is enclosed as illustrated in the elevations submitted with the application.
- Weddings and functions would not occur daily but occasionally which invariably reduces the impact which will be experienced by the surrounding property.

The consultant maintains the above circumstances acts as a noise mitigation measures.

Response from Town Planner

The proposed land uses will be restricted to the inside of the proposed new structure, the structure can be developed in order to mitigate noise pollution and therefore mitigating the impact of the proposed use. It should be noted that the proposed new structure will be further away from the existing facility which is used as a wedding venue.

Comment from objector/person who commented

Noise travels far and the commentator has experienced noise from events held on adjacent farms as far as 4km away. The commentator is also concerned regarding the unspecified nature of the use and if not restricted the excessive noise and revelry will occur which will have a negative impact on the adjacent property owners especially the Phillipskop Mountain Reserve which is situated in natural surroundings and the business is dependent on the peace and quiet of the area.

Comment from applicant

The objector's concern is noted. The irresponsible excessive noise emitted on the farm is not a reflection of the noise levels which can be projected to be emitted on the subject property due to variation of behaviour, management, and control over the behaviour.

The size of the entertainment venue would limit the amount of people who would enter the venue and the noise which can possibly be emitted. The purpose of the place of entertainment is not for continuous revelry which persists over several days and nights and attended by thousands of people and characterised by DJs who play amplified music which would invariably avert the noise impact.

Response from Town Planner

The comment from the adjoining property owner and the response from the applicant is noted. Conditions of approval will limit the use of the property for functions of the same size.

Comment from objector/person who commented

Even if the current owner is respectful, should the property change hands in the future then any unrestricted usage could cause problems at a later date and we would have no recourse.

Comment from applicant

It is the intent of the property owner is to be respectful as stated by the objector. The Overstrand Municipality may impose conditions of approval with pertain to noise to avert the likelihood of excessive noise being generated on the property and if it changes hands then it could function as a recourse mechanism.

Response from Town Planner

As stated earlier the conditions of approval will be specified.

Comment from objector/person who commented

The commentator trusts that the municipality will consider the matters raised by them into consideration in granting any consent use for the venue bearing in mind the rural nature, and how easy sound is carries and the damaging effect it may have on the surrounding businesses.

Comment from applicant

The Overstrand Municipality is known to be impartial when making decisions. It has been illustrated in previous responses that noise which would be generate will not be as excessive as projected by the objector and the Overstrand Municipality is empowered to lay down noise related conditions of approval which are in the interest of the public. The outcome of the decision will be forwarded to the objector.

Response from Town Planner

Noted, as required by the By-law the property owners who provided comment upon the application will receive notice of the decision.

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

N/A

**9. MUNICIPAL ASSESSMENT OF COMMENTS**

Comments from the various departments are noted and will be considered.

**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.

The objectives relating to:

Spatial Justice

The amendment of the SDP and the proposed uses will not further perpetuate historic spatial imbalances.

Spatial sustainability

The application promotes mixed uses which are related to the tourism industry, which again promotes a functional space economy. The proposed application will not damage or impact any prime and unique agricultural land.

Efficiency

The application will optimize the use of the farm and be compatible with the existing land uses.

Spatial resilience

The application is in line with forward planning policies.

Good administration

The application followed the required planning procedures to ensure that land use activity is in line with Municipal By-Laws and the public process has been followed.

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

N/A

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

Consistent with the Spatial Development Framework and the Overstrand Municipal Growth Management Strategy, 2020 as the proposed tourism facilities are of a scale and built form that is consistent with the character of the rural environment as informed by the HPOZ and EMOZ.

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

N/A

**10.6 Impact on Municipal engineering services**

Water rights have been obtained as prescribed in the National Register of Water Certificate 22095411 that was enclosed with a previous application in 2016. Further BGCMA has confirmed to the applicant in writing that the existing septic tanks are sufficient, and that the property owner receive comment from BGCMA before additional tanks are installed.

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

The Overstrand Environmental Section indicated that the proposed application does not trigger any of the listed activities.

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

The property is zoned as Agricultural Zone 1 and has obtained several historical approvals to diversify the land use on the property and to ensure the viability of the farm. It is now proposed to amend the Site Development Plan and to apply for several consent uses in order to further diversify the land uses on the property.

**11. THE DESIRABILITY OF THE PROPOSAL**

The property is currently developed with the following land uses:

- 3 self-catering Tourist accommodation units;
- main dwelling;
- restaurant and Reception;
- agricultural shed, and
- 4 luxury suites (which forms part of a lodge) with a conservatory.

As stated above the owner of the property intends to add an additional dwelling unit which will be used for the purpose of tourist accommodation, establishing a function venue and a micro spa to operate in addition to the existing land use approvals on the property.

It should be noted that the previous landowner obtained the right to develop five additional dwelling units and to use them as self-catering units in 2004. Only three of the five was developed, the land use rights lapsed with the sale of the farm to the current owner; however, in a sense it can be considered that the proposed additional dwelling unit is still in line with the original proposal as there will only be four additional dwelling units developed on the property.

In 2016 the current landowner obtained the rights to retain the existing chapel and to diversify the use of the chapel by adding a restaurant. The chapel will therefore be used as a chapel, wedding, conference facility and restaurant. The chapel will only be used for one of the corresponding uses at a time and not as a combination of the uses simultaneously. The proposed place of entertainment will be situated approximately 50m away from the chapel and restaurant. It is noted that the proposed place of entertainment will function together with the existing uses and therefore it stands to reason that only one function can be held at a time. The concerns raised by the adjacent property owners regarding noise can be mitigated by the property owner by developing the structure to eliminate noise radiation and by keeping the functions and activities inside of the dwelling. To this effect a condition can be stipulated.

The main use of the property is still agricultural related as there are still various agricultural activities taking place on the farm. The additional land uses are clustered together and within a short walking distance from each other, it is noted that the new land uses do not disturb land which is already used for agricultural purposes.

It should be noted that the farm is located in an area of natural beauty. The owner is seeking to diversify the tourism related structures on the property, these uses are not out of character from the current land uses on the farm and will be subservient the main agricultural activity. Although new structures are proposed the structures will be clustered together in order not to impose on agricultural land. The proposal is furthermore in line with the Overstrand Spatial Development Framework which encourages tourism in the area and viable economic opportunities.

#### Access

The access road, Minor Road 114, to the property was previously realigned which was approved by the Overberg District Municipality. The total number of parking bays is supplied as required.

#### Services

In 2016 the applicant a National Register of Water Certificate 22095411 providing proof that the owner is allowed to take 94600m<sup>3</sup> per year, should more than this be used then the relevant authority will have to be contacted.

Considering the assessment made above the proposed application is considered desirable subject to the conditions as listed in the recommendation.

**12. RECOMMENDATION**

1. that the comments be noted;
2. that the application received on Portion 4 of the Farm No. 660, Division Caledon for the following;
  - consent use in terms of Section 16(2)(o) of the By-law to accommodate a place of entertainment, additional dwelling unit, tourist accommodation and wellness centre (micro spa) on the property, and
  - amendment of the approved Site Development Plan in terms of Section 16(2)(l) of the By-law to accommodate a place of entertainment as well as the proposed consent uses,

**be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions;

- (a) that the development be restricted as indicated on the revised Site Development Plan; Plan no 3.2.1, as submitted with the application;
- (b) that the functions to be held on the farm be limited to the inside of the new entertainment venue;
- (c) that the functions held on the farm be limited to 64 people;
- (d) that should complaints be received by the adjacent property owners, then the property owner of Portion 4 of the Farm No. 660, Division Caledon will have to sound proof the structure. Should additional complaints be received a noise level test must be done at the account of the property owner to determine the noise levels;
- (e) that building plans be submitted to the Building Department for approval and that any conditions by the Building Department and Fire Services at the time, be adhered to;
- (f) that the conditions of Fire Services, Department of Transport and Public Works, Engineering Services and Open Service (attached as Annexure F, G, I and J), be adhered to;
- (g) that the venue may only be used between 7:00am and 24:00pm, preparation of the venue may take place before the set times;
- (h) that a Certificate of Acceptability from the Health Section of the Overberg District Council and Fire Prevention Certificate be obtained from the Municipal Fire Department;
- (i) that no accumulation of refuse occur on the premises and that refuse be disposed of at the Municipal transfer station;
- (j) that this approval does not absolve the applicant from compliance with any other relevant legislation, and

- (k) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with.
3. that the applicant and persons who commented be notified of their right to appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditional approval.

### **13. REASONS FOR RECOMMENDATION**

- ❖ The application has followed due procedure.
- ❖ None of the internal departments have any objection.
- ❖ The proposal is regarded as being compatible with the existing land uses and zoning of the property.
- ❖ The development is regarded as being desirable from a town planning perspective.
- ❖ The proposed development will not impact the natural environment.
- ❖ The proposed development will not have a negative impact on the of the surrounding area.
- ❖ The proposal is consistent with the SDF, 2020.

### **14. Annexures**

|             |   |
|-------------|---|
| Annexure A: | Locality Plan                                     |
| Annexure B: | Motivation report                                 |
| Annexure C: | Site Development Plan                             |
| Annexure D: | Comment/objections received                       |
| Annexure E: | Comment on objections                             |
| Annexure F: | Comment: Fire Services                            |
| Annexure G: | Comment: Department of Transport and Public Works |
| Annexure H: | Comment: Heritage Western Cape                    |
| Annexure I: | Services Report                                   |
| Annexure J: | Comment: Open Serve                               |

### **SIGNATURES**

#### **AUTHOR:**

Name: **P ROUX**

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

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**REGISTERED PLANNER**Name: **SW VAN DER MERWE**SACPLAN Reg No: **A/1850/2014**

Signature: \_\_\_\_\_

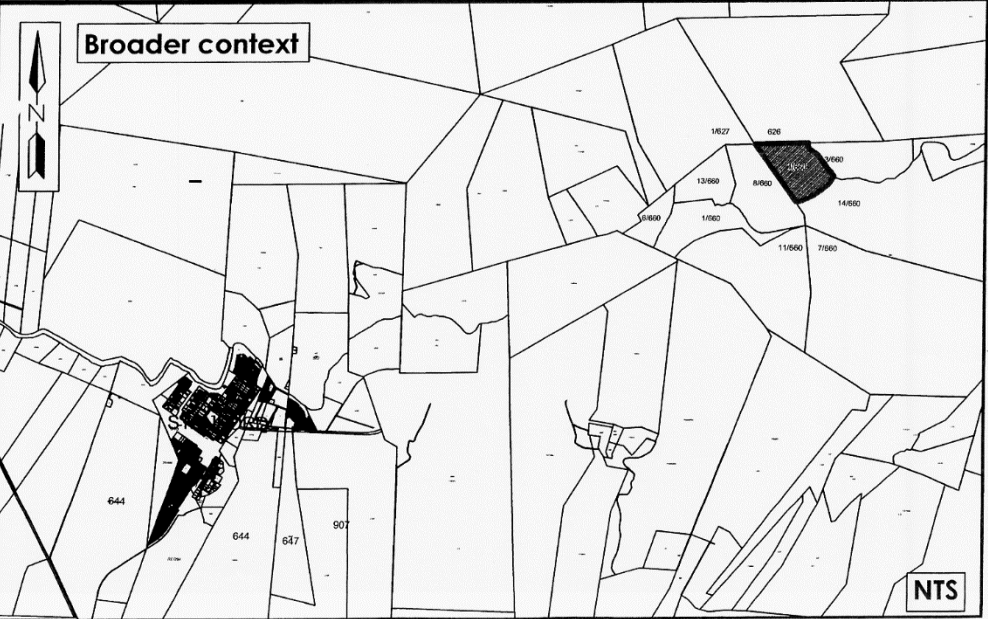
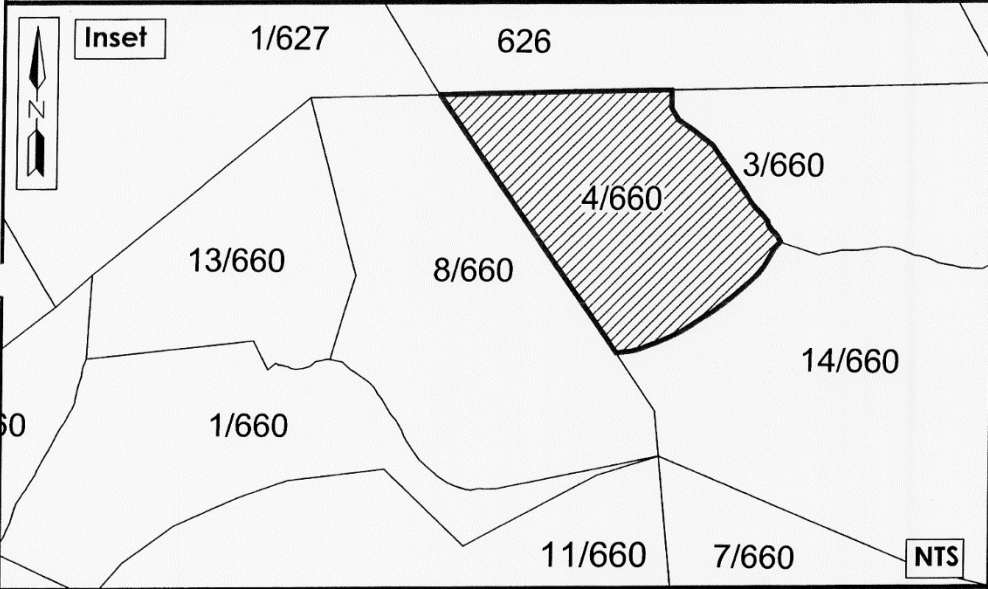
Date: \_\_\_\_\_

Anneure A

**Plan 1: Locality Plan**  
**Portion 4 of Farm Kleinrivier Kloof 660, Caledon**

|   |   |
|---|---|
| Subject property (50,3843 ha)                         | Tel: 028 313 1411   |
|   | Email: <a href="mailto:admin@wrapgroup.co.za">admin@wrapgroup.co.za</a> |
|   | Plan 1.1  |
|   | Unit 8, Corner of Royal and Dirkie Uys<br>Street Hermanus, 7200         |
|   | Plan prepared by: RealEstate Jankie                                     |
| All distances are approximate and subject to a survey |   |

**Project Office**  
Town Planning & Project Management





## EXECUTIVE SUMMARY

### 3. BACKGROUND

- 3.1 An application was submitted by Plan Active Town and Regional Planners in 2015 and the following tourist facilities and tourist accommodation in the structures indicated was approved (refer **Annexure C**):
- Reception (4 suites & conservatory);
  - Two-bedroom cottage;
  - One-bedroom cottage;
  - Two suites;
  - Manor House with 2 guest rooms suites;
  - Restaurant;
  - Chapel;
  - Conference facility;
  - Swimming pool; and
  - Parking area.

The property owners envisage expanding the tourism related land uses on the property.

### 4. PROPERTY OWNERS INTENT

- 4.1 The property owners envisage establishing an additional dwelling unit which would be used for the purpose of tourist accommodation, establishing a function venue and a micro spa to operate in addition to the existing approved land uses.
- 4.2 Based on historic bookings for the tourist overnight accommodation, the property owners established that there is a need for 1 additional dwelling unit/tourist accommodation. This proposal would meet the consumer demand for tourist accommodation on the subject property.
- 4.3 The property owners have conducted extensive market research and has established that there is a definite need for a place of entertainment/venue on the subject property which can host a variety of functions and events. The people who would attend the events and functions would also eat at the existing restaurant and some would sleep in the existing tourist accommodation and the proposed additional dwelling unit/tourist accommodation. The proposed place of entertainment/function venue is therefore intended to enhance the economic viability of the land use activities which occur within the existing buildings.
- 4.4 The property owners also envisage establishing a small spa which can be read under the definition of a wellness centre. The rationale for this is due to the fact that the guests of the tourist accommodation and visitors of the place of entertainment might need the services of a micro spa. This by implication means that the proposed place of entertainment/venue will provide clients for the proposed micro spa.
- 4.5 The tourism land uses which are proposed in this application are therefore intended to be complementary to each other.



## EXECUTIVE SUMMARY

## 5. PROCEDURE TO ACHIEVE THE PROPERTY OWNERS INTENT

The following applications are proposed for the property owners to attain the development intent highlighted in Section 4:

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

5.1.1 An additional dwelling is defined in terms of the definition in the OMZS as follows:

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

5.1.2 The following development parameters apply for additional dwelling units in terms of Section 16.10.1 of the OMZS.

| OMZA requirements   | Compliance of this proposal   |
|---|---|
| <p>The Municipality may approve additional dwelling units in Agricultural Zone 1, provided that:</p> <p>(a) the additional dwelling units shall remain on the same cadastral boundary as the primary dwelling unit;</p> <p>(b) the number of additional dwelling units shall not exceed the 1 unit per 10,0 ha, up to a maximum of 5 additional dwelling units per land unit;</p> <p>(c) one additional dwelling unit will also be considered for land units less than 10,0 ha;</p> <p>(d) no additional dwelling units may be erected within 100 m of the high-water mark on the coast, other than where additional dwelling units are provided as an integral part of an existing farmstead with special consent of the Municipality;</p> <p>(e) the total floor area of the dwelling is limited to 250 m<sup>2</sup>; and</p> <p>(f) no sectional title or alienation of units."</p> | <p>(a) the additional dwelling unit is on the same cadastral boundary as the primary dwelling;</p> <p>(b) there is a main dwelling and 4 approved tourist accommodation units in the existing units. This proposal for 1 additional dwelling unit in addition to the approvals does not exceed the prescript that not more than 5 additional dwelling units be established on a farm;</p> <p>(c) the farm is larger than 10 ha so this is not applicable;</p> <p>(d) the subject farm is not located along the coast;</p> <p>(e) the proposed additional dwelling unit measures 249m<sup>2</sup>;</p> <p>(f) the property owner does not want to alienate the additional dwelling unit by means of sectional title.</p> |

5.1.3 The definition of an additional dwelling limits the use thereof to the accommodation of people who are not involved in the agricultural practice on the property concerned. This does not allow the additional dwelling units to be used for the accommodation of tourists. Considering this, a consent use for tourist accommodation is applied for which is defined as follow in the OMZS.

File 20/065

Portion 4 of Farm Klein Rivier Kloof 660 Caledon  
September and amended October 2020

Page | 2



## EXECUTIVE SUMMARY

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

The definition of tourist accommodation permits the use of the proposed additional dwelling units for the accommodation of tourists as envisaged by the property owner. The rationale for this proposal is to enable a minor expansion of the tourist accommodation on the premises for the property owner to increase the income which can be generated in the tourist related activities.

**5.1.5** The subject farm measures 50,3843 ha and the size of the farm limits the likelihood of the owner having a highly profitable conventional agricultural enterprise. This therefore places pressure on the property owner to increase tourism diversification on the farm. The proposed tourist accommodation is intended to be used for the accommodation of guests who would attend conference/wedding proceedings which would occur on the subject property and other guests who would only want to use the facilities on the subject property for overnight accommodation.

**5.1.6** The subject farm (more commonly known as White Water) has a certificate of excellence from Trip Advisor for the years of 2016, 2017, 2018 and 2019 as well as the Travellers Choice Award from Afristay. The awards are evident that the tourist accommodation which is offered on the subject property is of a superlative standard. The proposed additional dwelling unit/tourist accommodation is designed according to the architectural styling of the existing tourist accommodation. The surrounding property owners and the public can therefore be assured that the approval and implementation of this proposal will retain the high-quality tourism environment which is prevalent on the subject farm. The existing tourist accommodation units are evident of the high-quality accommodation prevalent on the subject farm which can be expected in the proposed additional dwelling unit/tourist accommodation (refer **Plan 7**).

**5.1.7** The Stanford rural area is generally known for having a variety of tourist accommodation and facilities which constitute value addition to the agricultural land uses of the area. This proposal for tourist accommodation can be regarded as compatible with the rural fabric of the area.

**5.2** Consent use for a place of entertainment to accommodate a venue in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

**5.2.1** The OMZS defines a place of entertainment as follows:

*"Place of entertainment means a place used for commercial entertainment which may attract large numbers of people, operate outside normal business hours or generate noise from music or revelry on a regular basis, including a cinema, theatre, amusement park, dance hall; night club, gambling and live music."*

**5.2.2** The place of entertainment/venue is projected to attract a maximum of 64 people. The place of entertainment/venue is projected to generate some music and dancing

File 20/065

Portion 4 of Farm Klein Rivier Kloof 660 Caledon  
September and amended October 2020

Page | 3



## EXECUTIVE SUMMARY

which will be generated by the variety of activities which would occur on the premises. The scale and nature of activities in the proposed place of entertainment exceeds activities in a conference facility which is characterised by meetings and necessitates additional land use rights.

**5.2.3** The location of the proposed place of entertainment/venue is ideal as it offers the guests with a great view of the Kleinrivier and magnificent mountain backdrop which can be used for photography and video recordings of the entertainment proceedings. The rural low-density character of the subject farm also offers the guests ample space to wander on the farm and experience the sense of openness which the farm presents. This offers a more desirable wedding venue experience compared to high density urban areas.

**5.2.4** The existing restaurant and conference facility are of high architectural integrity (refer **Plan 7**). The architectural styling of the proposed place of entertainment/venue conforms to the same high architectural standards which are prevalent in the existing restaurant and conference facility (refer **Plan 5.1** and **5.2**). This will ensure that the architectural character which is prevalent on the subject property is uniform and visually enhance the property.

**5.2.5** The owners of the subject property have travelled extensively abroad and have observed principles of what constitutes a successful place of entertainment/venue which does not infringe on the rights of surrounding property owners. The owners therefore intend to implement these learnings on the subject property.

### **5.3 Consent use for a wellness centre to accommodate a micro spa in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.**

**5.3.1** The OMZS defines a wellness centre as follows:

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

**5.3.2** The property owners have identified the need for the establishment of a health spa which would provide a variety of treatments such as massages, facials, body treatments, manicures, pedicures and deep cleansing of the face and body. These services would be open to the guests of the subject establishment and the general public. The following benefits are associated with spas which the property owners wish to provide to the guests.

- 5.3.2.1** Detox;
- 5.3.2.2** De-stress;
- 5.3.2.3** Healthy ageing;
- 5.3.2.4** Sleep;
- 5.3.2.5** Being pampered;
- 5.3.2.6** Relieves aches and pains;
- 5.3.2.7** Improve health and fitness; and
- 5.3.2.8** Weight loss.

**File 20/065**

Portion 4 of Farm Klein Rivier Kloof 660 Caledon  
September and amended October 2020

Page | 4



## EXECUTIVE SUMMARY

**5.3.3** The benefits which are associated with the spa which can be derived with the approval and implementation of this proposal will therefore enhance the viability of all the existing and proposed tourist related land uses.

**5.4 Amendment of a site development plan in terms of Section 16(2)(l) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.**

**5.4.1** This proposal for the place of entertainment/venue, additional dwelling unit, micro spa and the amendment of the parking layout on a new footprint necessitates the amendment of the approved site development plan.

**5.4.2** The existing and approved restaurant (refer **Annexure C**) is proposed to include the footprint of the proposed place of entertainment/venue as the seated patrons will occasionally be served meals and alcoholic beverages when deemed necessary while engaging in the entertainment proceedings. A restaurant is defined in terms of the OMZS as follows:

*"restaurant means a licensed business in which mainly meals and beverages are primarily sold to seated patrons and includes the on-site consumption of liquor but does not include premises used exclusively as a bar, a pub or tavern."*

**5.4.3** The definition of restaurant as approved would allow meals and alcoholic beverages to be served in the place of entertainment/venue.

**5.4.4** The proposed amendment of the site development plan will also result in the alteration of the number of parking bays and the location thereof which will require assessment regarding feasibility and practicality.

## **6. APPLICATION**

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

- 6.1 Consent use** for an additional dwelling unit in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended;
- 6.2 Consent use** for tourist accommodation in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended;
- 6.3 Consent use** for a wellness centre to accommodate a micro spa in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended;
- 6.4 Consent use** for a place of entertainment to accommodate a venue in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended; and
- 6.5 Amendment of a site development plan** in terms of Section 16(2)(l) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

**File 20/065**

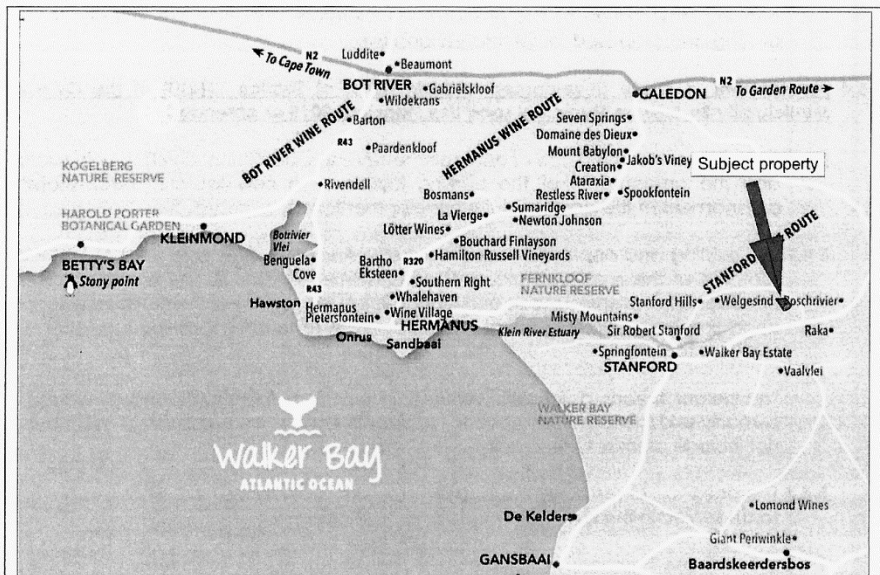
Portion 4 of Farm Klein Rivier Kloof 660 Caledon  
September and amended October 2020

Page | 5



## MOTIVATION

## 7. RURAL FABRIC



**Figure 1** illustrates all the wineries, restaurants, venues and tourist related facilities in the Hangklip, Kleinmond, Hermanus, Stanford and Gansbaai rural area.

While the lockdown regulations have had a negative impact on the tourism industry in Stanford, figure 1 illustrates that the rural areas in Hermanus have a strong and historic rural tourism base. The proposal for tourist accommodation, spa and wedding venue/restaurant on the subject property is in harmony with the prevailing tourism fabric of the Stanford rural area. This is compatible with the land uses as illustrated in figure 1 which conforms to the valued rural fabric of the area.

## 8. SITE CHARACTERISTICS

- 8.1** The characteristics of the subject property pertaining to opportunities and constraints are the following:
- 8.1.1** A perusal of the topography reveals that the adjacent property located to the north mostly consists of mountains which offers a spectacular mountain backdrop which is an ideal setting for functions/weddings and tourist accommodation;
  - 8.1.2** The Kleinrivier which is visible from the subject property is scenic and creates a tranquil atmosphere on the subject property and is located within a walking distance;
  - 8.1.3** The presence of buildings with high architectural integrity on the subject farm and surrounding farms creates a rural environment characterised by high architectural aesthetics; and

**File 20/065**

Portion 4 of Farm Klein Rivier Kloof 660 Caledon  
September and amended October 2020

Page | 6



## MOTIVATION

**8.1.4** The subject farm measures 50,3843ha and possesses limited potential for high intensity profitable agricultural activities.

**8.2** Considering the site characteristics and the limited agricultural potential on the property, the proposed additional dwelling unit/tourist accommodation, spa and place of entertainment/venue are intended to enable the property owners to enhance the existing income stream which capitalises on the opportunities of the farm.

### 9. TITLE DEED

Title deed T30531/2015 was perused and there are no restrictive title deed conditions which prohibit the land use rights which are sought in this application.

### 10. ZONING

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

| <b>Agriculture Zone 1: Agriculture</b> |                       |   |   |                                  |
|--|-----------------------|---|---|----------------------------------|
|  |                       | <b>Parameters</b>   | <b>Proposal</b>   | <b>Deviate or comply</b>         |
| <b>10.1</b>                            | <b>(a)Primary use</b> | agriculture, crèche, dwelling house, guest rooms and home occupation.   | N/A   | N/A                              |
| <b>10.2</b>                            | <b>(b)Consent use</b> | additional dwelling units, agricultural industry, animal care centre, aquaculture, day care centre, farm shop/stall, fertiliser plant, guest house, hotel, institution, intensive animal farming, intensive horticulture, lodge, mining, place of assembly, place of entertainment, place of instruction, plant nursery, riding stables, service trade, tourist accommodation, tourist facilities, transmission apparatus, utility services, wellness centre and 4x4 trail. | <b>Consent use</b> for an additional dwelling unit;<br><b>Consent use</b> for tourist accommodation;<br><b>Consent use</b> for a wellness centre to accommodate a micro spa; and<br><b>Consent use</b> for a place of entertainment to accommodate a venue. | <b>Applied for and motivated</b> |
| <b>Development rules</b>               |                       |   |   |                                  |
| <b>10.3</b>                            | <b>Floor space</b>    | The total floor space of all buildings on the land unit may not exceed 5000m <sup>2</sup> , provided that the Municipality may relax this requirement if it is satisfied that such buildings are required for bona fide farming activities on the land unit.  | 2856m <sup>2</sup>  | <b>Comply</b>                    |

File 20/065

Portion 4 of Farm Klein Rivier Kloof 660 Caledon  
September and amended October 2020

Page | 7



## MOTIVATION

|      |                       |  |   |               |
|------|-----------------------|--|---|---------------|
| 10.4 | <b>Building lines</b> | Street boundary and common boundary buildings lines are 30m.   | None of the proposed buildings encroach on the building lines.  | <b>Comply</b> |
| 10.5 | <b>Height</b>         | (i) The maximum height of a building, measured from the base level to the top of the structure, is 8,0 m;<br>(ii) Agricultural buildings other than dwelling units shall not exceed a height of 10,0 m, measured from the base level to the top of the structure, provided that where the Municipality is satisfied that a greater height is necessary for the agricultural function of the building, it may permit such greater height.   | (i) The proposed additional dwelling units / tourist accommodation is 5,845m high; and<br>The proposed place of entertainment/venue is 8m high;<br>(ii) N/A   | <b>Comply</b> |
| 10.6 | <b>Parking</b>        | Restaurant & reception<br>4 bays per 100m <sup>2</sup> required;<br>Main dwelling<br>2 bays<br>Tourist accommodation<br>1 bay per unit<br>Place of entertainment/venue<br>1 bay per 4 seats<br>Wellness spa<br>4 bays per 100m <sup>2</sup><br>Tourist accommodation<br>1 bay per unit<br>Agricultural shed<br>2 bays per 100m <sup>2</sup><br>Tourist accommodation<br>1 bay per unit<br>Additional dwelling/tourist accommodation<br>1 bay per unit<br>Tourist accommodation<br>1 bay per unit<br>Pump house | 345m <sup>2</sup> = 14 bays<br><br>(614m <sup>2</sup> ) 1 unit = 2 bays<br><br>(160m <sup>2</sup> ) 2 bedrooms = 1 bays<br>(95m <sup>2</sup> ) 64 seats = 16 bays<br><br>(17m <sup>2</sup> ) = 1 bay<br><br>(727m <sup>2</sup> ) 4 bedrooms = 1 bays<br>(325m <sup>2</sup> ) = 7 bays<br><br>(73m <sup>2</sup> ) 1 bedroom = 1 bay<br>(249m <sup>2</sup> + 18 m <sup>2</sup> carport) 3 bedrooms = 1 bays<br><br>(215m <sup>2</sup> ) 2 bedrooms = 1 bays<br>(18m <sup>2</sup> ) no parking required. | <b>Comply</b> |
|      |                       | <b>Total number of parking bays</b>  | <b>A total of 45 parking bays are required and 52 are provided</b>  |               |

File 20/065

Portion 4 of Farm Klein Rivier Kloof 660 Caledon  
September and amended October 2020

Page | 8



## MOTIVATION

### 11. HERITAGE PROTECTION OVERLAY ZONE, 2020

#### 11.1 Objective of the regulation

The HPOZ provides a mechanism for land use management which is additional to the existing land use planning controls. The regulation gives effect to specific guidelines in the spatial development framework to address specific management issues which may arise.

**11.2** The compliance of this proposal with the regulatory prescripts of the HPOZ can be illustrated as follows:

**11.2.1** The spatial proposal plan of the HPOZ designates the subject property as "*landscape significance which is very high*". The purpose of this designation is to ensure that a planning application which unlocks additional land use rights is consistent with the existing character and contextual significance of the rural area. This includes the promotion of cultural, tourism and environmental amenity potential and significance of the Overstrand landscapes. This proposal for an additional dwelling unit, tourist accommodation, wellness centre and place of entertainment is intended to promote and enhance the economic viability of the existing tourism activities on the subject farm. The proposed land uses rely on the aesthetically appealing environmental significance of the area such as mountains and rivers which are a draw card to the area and therefore complies with the prescripts of this regulation.

**11.2.2** The regulation cites that all land use planning applications which forms part of this designation will be forwarded to the Overstrand Heritage and Aesthetics Committee, Stanford Heritage Committee and Heritage Western Cape, and/or a registered conservation body, for comment. All comments which will be made by the relevant bodies will be responded to and mitigation measures introduced when deemed necessary.

**11.2.3** Based on the above, this proposal is in harmony with the prescripts of HPOZ.

### 12. ENVIRONMENTAL MANAGEMENT OVERLAY ZONES, 2020

#### 12.1 Objective of the regulation

The purpose of this regulation is to provide a mechanism for additional land use management, additional to existing statutory land use controls, whereby Council may give effect to specific guidelines in a spatial development framework or policy plan or address a specific management issue.

**12.2** The compliance of this proposal with the regulatory prescripts of the EPOZ can be illustrated as follows:

**12.2.1** The subject property is designated as a mountain catchment area. The purpose of this designation is to conserve the ecology and water provision functions of priority unprotected mountain catchments, to ensure optimal water security for the Overstrand communities. The proposed additional dwelling unit, tourist accommodation, wellness centre and place of entertainment are not located on

**File 20/065**

Portion 4 of Farm Klein Rivier Kloof 660 Caledon

September and amended October 2020

Page | 9



## MOTIVATION

ecologically sensitive areas or in proximity to mountain or catchment area and will therefore not interfere with water security for Overstrand communities.

**12.2.2** The regulation also promotes the preservation of significant eco-cultural tourism value of the Overstrand's natural mountain landscapes. The mountain landscapes appear in several pictures which are used for the marketing of the existing tourism land uses on the subjection property. The preservation thereof in a pristine state which is crucial for the property owner as it is a major draw card to the subject property.

**12.3** The table below contains a checklist of activities which are prohibited, permissible with the consent of the relevant authority and other general regulations which are applicable to the EMOZ. The consistency of this proposal with the provisions of the checklist can be illustrated as follows:

| Prohibited Activity   | Motivation   |
|---|--|
| Agricultural practices within this EMOZ which may cause water logging and siltation.  | The approval and implementation of this proposal will not expand agricultural activities on this farm. |
| Planting or harbouring of declared alien invasive plant species on properties located within and adjacent to this EMOZ.   | Not applicable.  |
| Planting or harbouring of declared emerging weeds on properties within and adjacent to this EMOZ.   | Not applicable.  |
| Planting or harbouring of locally important emerging weed species within and adjacent to this EMOZ.   | Not applicable.  |
| Development or agriculture on slopes steeper than 1:4.  | Not applicable.  |
| Development above the 120m geographical contour line.   | Not applicable.  |
| Development on the crest of a mountain, ridge or hill.  | Not applicable.  |
| Establishment of Informal settlements or Temporary Relocation Areas.  | Not applicable.  |
| No land user within this EMOZ may utilise the vegetation in a vlei, marsh or within the flood area of watercourse in a manner that may cause the deterioration or damage to the natural agricultural resources. | Not applicable.  |
| Feeding, disturbing / pursuit of fauna.   | Not applicable.  |
| Disturbance, modification or destruction of the environment or species within special management areas designated, demarcated and signposted by the Municipal Council from time to time.                        | Not applicable.  |
| Defacing/damaging/removing of any notice, sign, barrier building or other infrastructure.   | Not applicable.  |
| Staying overnight.  | Not applicable.  |

File 20/065

Portion 4 of Farm Klein Rivier Kloof 660 Caledon  
September and amended October 2020

Page | 10

**MOTIVATION**

|  |                 |
|--|-----------------|
| The discharging of domestic effluent / grey water into natural systems.  | Not applicable. |
| Tampering with security / surveillance infrastructure.   | Not applicable. |
| Defacing of rocky outcrops and placement of memorial plaques, religious symbols or structures on natural features.                     | Not applicable. |
| Graffiti, vandalism or damaging of municipal infrastructure.   | Not applicable. |
| Littering  | Not applicable. |
| Disposal of cigarette butts, ash or other hazardous materials in any place or manner other than a receptacle designated for such items | Not applicable. |
| Dog walking / exercising of dogs in non-designated zones.  | Not applicable. |

| <b>Activities Only Permitted with Council Consent</b>  | <b>Motivation</b> |
|--|-------------------|
| Removal or destruction of vegetation which is protected and/or of conservation concern.  | Not applicable.   |
| Excavation and destruction or removal of substrate (soil, substrate, rock, shellgrit, dune sediment, mineral deposits).  | Not applicable.   |
| Discharging of pool backwashing or untreated grey water or the channelling of storm water into open spaces without the necessary approval from the Municipality. | Not applicable.   |

| <b>Permit Upon Approval by Delegated Authority and / Receipt of Tariff</b>   | <b>Motivation</b>  |
|--|--|
| Installation of conservancy tanks or biological treatment plants within 50 metres from the edge of a watercourse / wetland.  | Not applicable.  |
| Access from private properties to open spaces, including the removal of vegetation and the establishment of paths, structures and infrastructure.                          | The only vegetation which will be removed with the approval and implementation of this proposal will be grass. |
| Commercial filming.  | Not applicable.  |
| Construction or placement of any temporary object, building, shelter, path or structure.   | Not applicable as this proposal is for the placement of permanent structures.                                  |
| Use of engine or motor driven vehicles, remotely piloted aircraft or any other means of transport or other conveyances beyond designated, demarcated and signposted areas. | Not applicable.  |

12/20



## MOTIVATION

| Activities Only Permitted with Council Consent<br>Council Authorisation Pending Consent Use<br>Application / Lease Agreement / Applicable<br>Tariffs as applicable  | Motivation   |
|---|--|
| Buildings / Structures associated with: Taking of water, storing of water, impeding or diverting flow, stream flow reduction, altering the bed, banks, course characteristics, outflow structures or discharge pipes. | Not applicable.  |
| Commercial Harvesting/collection and removal of any natural resource.   | Not applicable.  |
| Construction or placement of any permanent object, building, shelter, pathway or structure.   | This proposal is for the permanent construction of an additional dwelling unit to be used by tourists and a place of entertainment (venue). The purpose of this consent use application is to obtain appropriate consent use rights as prescribed by the EMOZ. |

This proposal will be circulated by the OM Town Planning Department to the OM Environmental Management Services and DEADP for comments which are related to environmental considerations.

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**13. SERVICES**


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

**13.1 Solid waste**

Solid waste is collected on the premises and dumped by the owners at the Stanford landfill site.

**13.2 Electricity**

Electricity to the existing buildings is supplied by Eskom and the buildings which will be constructed will connect to the Eskom electricity network.

**13.3 Water**

The proposed buildings will have access to potable water via a borehole.

**13.4 Sewage**

Sewage in the proposed buildings will be disposed of by means of a conservancy tank.

**13.5 Access and egress**

Access to the subject property is gained from minor road OP04032 at the 1,25km (refer **Plan 8**).

**13.6 Internal farm road network**

This proposal does not entail the construction of any additional roads as the proposed buildings are located adjacent to existing roads.

**File 20/065**

Portion 4 of Farm Klein Rivier Kloof 660 Caledon  
September and amended October 2020

Page | 12



## MOTIVATION

### 14. SPLUMA MOTIVATION REQUIREMENTS

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

#### 14.1 Public interest

**14.1.1** The approved land uses on the subject property which are tourist accommodation, a restaurant, chapel and conference facility present provide income for the owners. This proposal for the establishment of an additional dwelling unit/tourist accommodation, wellness centre and place of entertainment where functions can be held is intended to increase the income. This will consequently lead to more rates and taxes which would be collected and used towards service delivery which is in the public interest.

**14.1.2** The approval of this proposal will lead to the construction of additional buildings on the subject property which will significantly increase the value of the property. This will therefore lead to the OM collecting higher rates which will be used towards service delivery which is in the public interest.

**14.1.3** The additional income which the state and the municipality would generate from the approval and implementation of this proposal through rates and taxes is pivotal, particularly in an environment of reduced state and municipal revenue collections which have been caused by the impact of Covid-19.

#### 14.2 Opportunity costs

Opportunity cost in the context of land use planning refers to the devaluation or foregoing a valued land use right of interested and affected parties when an application is approved. The proposed additional dwelling unit/tourist accommodation, spa and place of entertainment/venue are proposed to be clustered with the existing buildings/land uses. The proposed land uses are also complementary to the existing approved tourism related land uses which are on the subject property. Surrounding property owners have therefore become accustomed to tourism related land uses on the subject property. The unlocking of additional tourism land uses as sought in this application which are of a lower scale compared to the existing approval therefore cannot be regarded as an opportunity cost.

#### 14.3 Respective rights and obligations of all those affected

This proposal acknowledges the mutual rights of neighbouring property owners and residents of the rural area to freely use and enjoy respective properties on the one hand. The proposal also acknowledges that it is essential for the proposed additional dwelling unit/tourist accommodation, wellness centre and place of entertainment to not interfere with the land use rights of surrounding property owners and the reasonable expectation which property owners have to enjoy the occupancy of the respective properties. The impact of the proposed land uses on surrounding property owners can be summarised as follow:

**14.3.1** The proposed additional dwelling unit/tourist accommodation will only be used for sleeping which is not projected to negatively affect the land use rights enjoyed by neighbours;

File 20/065

Portion 4 of Farm Klein Rivier Kloof 660 Caledon  
September and amended October 2020

Page | 13



## MOTIVATION

- 14.3.2** The proposed wellness centre will rely on a tranquil environment to function while guests receive treatments which will not impact on the neighbours' ability to occupy respective properties in comfort; and
- 14.3.3** The proposed place of entertainment/venue is projected to be used for weddings and a variety of functions which will be tailored towards the individual needs of the different clients. These functions are therefore not projected to emit excessive noise and not impact adversely on the rights enjoyed by neighbours.
- 14.4** None of the proposed land uses are located within the building lines which will ensure that the neighbours are somewhat buffered from the minimal impact which will be created by the proposed land uses. The approval and implementation of this proposal will therefore not unlock land use rights which will infringe on the respective land use rights which are enjoyed by neighbours.

## 15. POLICY FRAMEWORK

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

|               | <b>Applicable policy</b>   | <b>Authority</b> |
|---------------|--|------------------|
| <b>15.1.1</b> | Western Cape Land Use Planning Guidelines Rural Areas (WCLUPGRA)   | Provincial       |
| <b>15.1.2</b> | Western Cape Provincial Spatial Development Framework, 2014 (PSDF) | Provincial       |
| <b>15.1.3</b> | Overstrand Municipality Spatial Development Framework, 2020 (SDF)  | Municipal        |

## 15.2 WCLUPGRA

### 15.2.1 Policy preface

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

### 15.2.2 Broad policy objectives

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

File 20/065

Portion 4 of Farm Klein Rivier Kloof 660 Caledon  
September and amended October 2020

Page | 14



## MOTIVATION

**15.2.3** The compliance of this proposal with the policy proposals in the WCLUPGRA which are pertinent to this proposal are recorded below:

**15.2.3.1** The policy cites that the OM plays an important role in the Western Cape from a tourism perspective. The proposed additional dwelling unit/tourist accommodation, wellness centre and places of entertainment/venues play a pivotal role towards the image of the Overstrand Municipality as a tourism destination as prescribed by the WCLUPGRA.

**15.2.3.2** Additional land uses to facilitate diversification and value adding in rural areas in the form of restaurants and venue facilities are encouraged in the policy. This proposal is intended to further facilitate the mixed tourism land use environment on the subject property. This will contribute towards enhancing the functioning of the subject property as a viable tourism destination.

**13.2.3.2** The policy promotes tourist and recreational opportunities as a form of diversification. The only agricultural activities on the subject property is the grazing of livestock. This proposal is intended to unlock tourism diversification on the subject property with associated recreational activities as prescribed by the policy.

### 15.3 PSDF

#### 15.3.1 Policy preface

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

#### 15.3.2 Broad policy objectives

The objective of the policy is to create an enabling policy environment which prioritises the creation of employment opportunities, social inclusion and improvement of the quality of life of the Western Cape inhabitants. The development principles in the PSDF are informed by other spatial planning policies which are aimed at creating a policy alignment between different spheres of government. This is intended to ensure that spatial development is uniformly guided according to spatial development principles which have been agreed upon by the stakeholders cited in 13.3.3.

**15.3.3** The compliance of this proposal with the policy proposals in the PSDF which are pertinent to this proposal are recorded below:

**15.3.3.1** The policy cites that the Overstrand is a significant leisure, lifestyle, holiday and economic centre. The proposal for an additional dwelling unit which will be used for the accommodation of tourists and a place of entertainment/venue is intended to contribute towards safeguarding the role of the Overstrand Municipality as a significant leisure, lifestyle and holiday centre.

**File 20/065**

Portion 4 of Farm Klein Rivier Kloof 660 Caledon  
September and amended October 2020

Page | 15



## MOTIVATION

**15.3.3.2** A diversity of agricultural and tourism activities on strategic locations which provide a range of local employment opportunities are encouraged. The subject property is strategically located adjacent to existing tourism activities such as the Blue Gum Country Estate, Stanford Valley Guest Farm and Klein Rivier Cheese which all have a variety of tourism and agricultural land uses. There are some agricultural activities on the subject property and the approval and implementation of this proposal will create a diversity of agricultural and tourism activities as prescribed by the PSDF.

**15.3.3.3** The integrity of the Province's natural and built environments is highlighted as being of critical importance to the further development of tourism. The subject farm is surrounded by mountains and rivers which create a naturally scenic environment. The rationale for proposing the location of the tourism related land uses as applied for is due to the fact that the scenic natural beauty of the area is of critical importance towards the further development of tourism on the subject property.

## 15.4 SDF

### 15.4.1 Policy preface

The SDF's intention is to ensure compliance with national, provincial and district legislation policies and principles. The SDF aims to provide sufficient guidance regarding what constitutes appropriate spatial development land uses and direction in rural areas. The SDF was drafted after considering input from other state departments and the public and provides a shared spatial vision which development proposal should ideally attempt to synchronise with.

### 15.4.2 Broad policy objectives

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

**15.4.3** The compliance of this proposal with the policy proposals in the SDF which are pertinent to this proposal are recorded below:

**15.4.3.1** The dominance of the natural and agricultural environment as the visual setting for Stanford is proposed to be maintained. The approval and implementation of this proposal will not impact on the contribution of the subject property towards the valued natural and agricultural environment of the Stanford rural area.

**15.4.3.2** The promotion of rural tourism which is based on the ecological and heritage value of the region is encouraged. The subject property is abutted by a mountain on the north western boundary and a wetland on the south eastern boundary. The existing and proposed tourism related land uses are

**File 20/065**

Portion 4 of Farm Klein Rivier Kloof 660 Caledon  
September and amended October 2020

Page | 16



## MOTIVATION

heavily depended on the scenic value of the ecological and heritage value of Stanford as prescribed by the SDF.

**15.4.3.3** The spatial proposal plan indicates that the subject property is located outside of the urban edge which by implication means that it can be used for rural purposes. The proposal for an additional dwelling/tourist accommodation, wellness centre and place of entertainment/venue is aligned with the rural land uses which are prevalent in the Stanford rural area.

## 16. PLANNING PRINCIPLES

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

### 16.1 Spatial Justice

Spatial justice in the context of spatial and land use planning refers to development which redress apartheid spatial development imbalances. The apartheid spatial development pattern generally entailed rural areas exclusively functioning for agricultural purposes which presented limited and seasonal employment opportunities. This proposal to add additional dwelling unit/tourist accommodation, wellness centre and a place of entertainment/venue in addition to the existing approved tourism activities on the farm is in stark contrast with the exclusive agricultural land uses which have historically been prevalent on farms in the apartheid era.

### 16.2 Spatial Sustainability

Spatial sustainability in the context of land use planning refers to the promotion of rural environments which are characterised by a mixture of land uses which allow for a functional space economy to flourish. This proposal is intended to confer the property owners with a variety of land use rights which allow a mixture of tourism activities in addition to the existing agricultural land uses which promote a mixed land use environment as prescribed. The approval and implementation of this proposal would enable a functional space economy to flourish on the subject property which is a hallmark of spatial sustainability.

### 16.3 Efficiency

Efficiency in the context of land use planning refers to the need to enable rural areas to optimally make use of space, land and resources. The existing and proposed land uses entail the optimal use of the subject property while retaining the rural character of the subject site which is in synchrony with the surrounding rural character and can be regarded as a hallmark of efficiency.

### 16.4 Spatial Resilience

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

File 20/065

Portion 4 of Farm Klein Rivier Kloof 660 Caledon  
September and amended October 2020

Page | 17



## MOTIVATION

### 16.5 Good administration

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

## 17. NEED AND DESIRABILITY

The need and desirability for the approval and implementation of this proposal will be illustrated in accordance with Section 66 (1) (c) of the OM By-Law and DEADP Provincial Support Document on Relevant Considerations, 2015:

### 17.1 Need and desirability

Desirability, amongst others, refers to two components where need refers to "time" and desirability refers to "place". In other words, is it the right time and is it the right place for locating the proposed type of land use/activity? The proposed additional dwelling unit/tourist accommodation and place of entertainment/venue are proposed at the right time and place for the following reasons:

- 17.1.1 There is currently a definite need for the expansion of tourism related land uses on the subject property as the property owner projects that the demand for the tourist accommodation and a place of entertainment will be high upon the approval and implementation of this proposal; and
- 17.1.2 The land use rights which are sought will enhance the financial viability of the existing tourism related land uses on the subject farm as the guests of the place of entertainment will eat at the existing restaurant and sleep in the existing and proposed tourist accommodation units. The complementary nature of the land use rights sought with the existing tourism land uses on the subject property are proposed at the right place.

### 17.2 Impact on views, sunlight and character of the area

The total footprint of all existing buildings is 2494m<sup>2</sup> and the approval and implementation of this proposal will increase this footprint to 2856m<sup>2</sup> which constitutes an increase of 12,7% which is insignificant. The coverage on the subject farm is proposed to increase from 0,4949% to 0,5674% which is also insignificant. The insignificant building footprint increase which is sought in this application on a farm which measures 50,3843 ha will have any significant impact on the views and sunlight which is enjoyed by the owners of the surrounding properties.

### 17.3 Economic impact

The proposed additional dwelling unit/tourist accommodation and place of entertainment/venue will constitute scaled up economic activities on the subject farm upon approval and implementation. The following direct and indirect economic impacts will therefore be derived.

#### 17.3.1 Direct economic impacts

The projected significant increase in employment opportunities coupled with an increased income which will be generated by the property owner are direct economic benefits which will be derived.



## MOTIVATION

### 17.3.2 Indirect economic impacts

A variety of businesses which would supply the proposed place of entertainment with consumer goods such as food which will be sourced, decoration which would be tailored to individual events, tailors who would make clothing for the guests and many other companies would all benefit economically. The approval and implementation of this proposal will therefore have positive economic benefits for a variety of other businesses along the tourism value chain.

### 17.4 Impact on safety and wellbeing

The proposal for an additional dwelling unit/tourist accommodation, wellness centre and place of entertainment/venue is projected to attract guests who will be surveillance into the surrounding rural area. This will subsequently contribute towards reducing crime in the area which will be in the interest of the safety and wellbeing of surrounding property owners.

### 17.5 Social impact

The proposed additional dwelling unit/tourist accommodation, wellness centre and place of entertainment/venue are projected to attract people from different socio-cultural backgrounds. This can be regarded as a positive social impact as that will contribute towards social cohesion.

### 17.6 Environmental Considerations

None proposed buildings/land uses are located in environmentally sensitive areas such as wetlands and critical biodiversity areas and no environmental harm will be accrued from the approval and implementation of this proposal (refer **Plan 6**). This application will be forwarded by the OM to DEADP for a record of decision regarding environmental considerations.



## RECOMMENDATION

### 18. EVALUATION

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

- 18.1 The architectural integrity on the subject property will further be enhanced;
- 18.2 A variety of economic opportunities will be unlocked with the approval and implementation of this proposal; and
- 18.3 The proposal is in harmony with all spatial planning policies which illustrates that this proposal was not created arbitrarily invented by the property owners but was done with due consideration for spatial planning policy directives.

### 19. RECOMMENDATION

It is recommended that the following is approved:

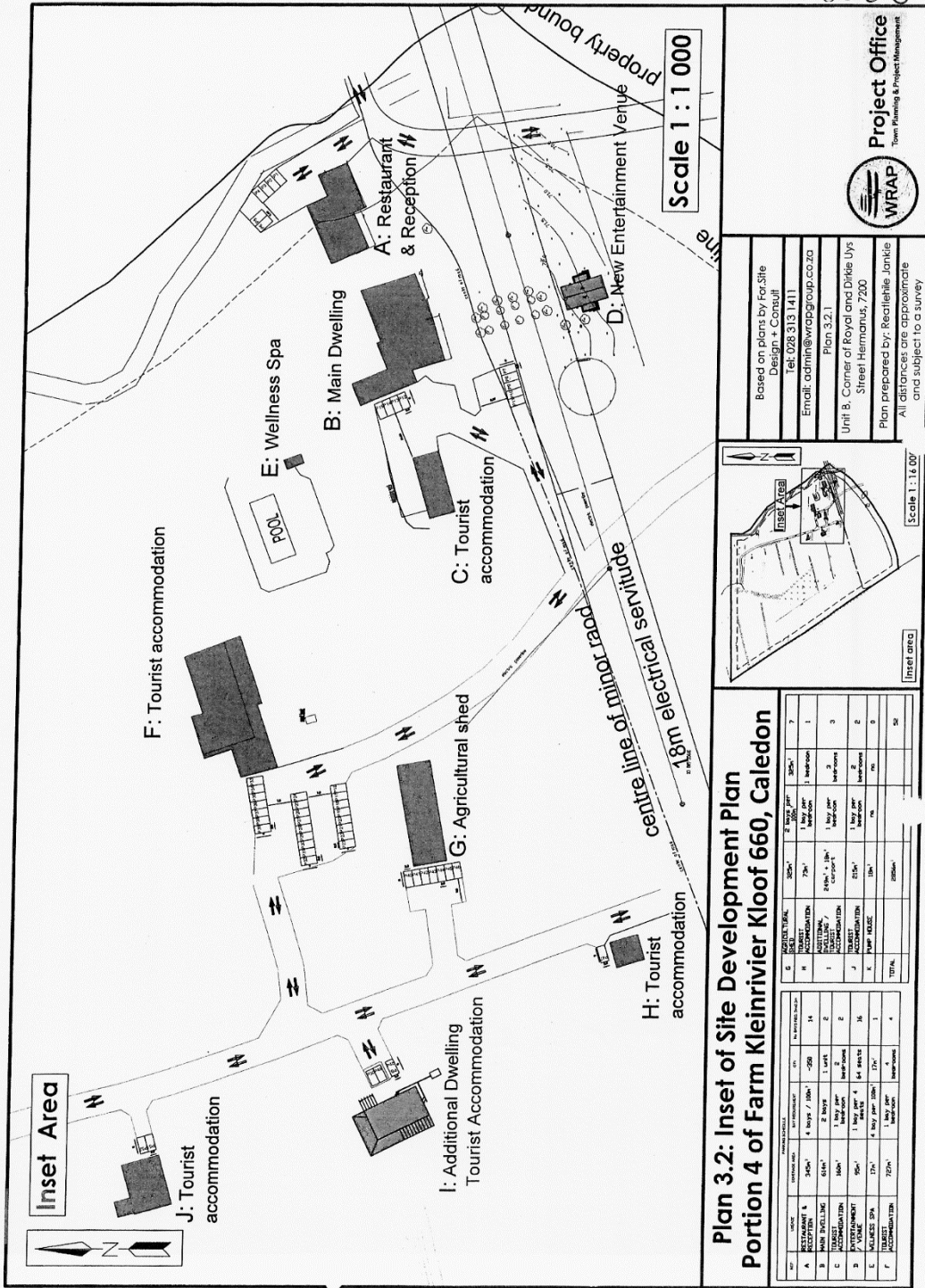
- 19.1 **Consent use** for an additional dwelling unit in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended;
- 19.2 **Consent use** for tourist accommodation in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended;
- 19.3 **Consent use** for a wellness centre to accommodate a micro spa in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended;
- 19.4 **Consent use** for a place of entertainment to accommodate a venue in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended; and
- 19.5 **Amendment of a site development plan** in terms of Section 16(2)(l) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

**File 20/065**

Portion 4 of Farm Klein Rivier Kloof 660 Caledon  
September and amended October 2020

Page | 20

Annexure C



Plan 3.2: Inset of Site Development Plan  
Portion 4 of Farm Kleinrivier Kloof 660, Caledon

| NO.          | NAME                    | AREA (m <sup>2</sup> ) | NO. OF UNITS | NO. OF UNITS PER HA | NO. OF UNITS PER 1000m <sup>2</sup> |
|--------------|-------------------------|------------------------|--------------|---------------------|-------------------------------------|
| A            | RESTAURANT & RECEPTION  | 235m <sup>2</sup>      | 4            | 4                   | 1.7                                 |
| B            | MAIN DWELLING           | 616m <sup>2</sup>      | 2            | 2                   | 0.8                                 |
| C            | TOURIST ACCOMMODATION   | 616m <sup>2</sup>      | 1            | 1                   | 0.4                                 |
| D            | NEW ENTERTAINMENT VENUE | 750m <sup>2</sup>      | 1            | 1                   | 0.4                                 |
| E            | WELLNESS SPA            | 171m <sup>2</sup>      | 4            | 4                   | 1.7                                 |
| F            | TOURIST ACCOMMODATION   | 750m <sup>2</sup>      | 1            | 1                   | 0.4                                 |
| G            | AGRICULTURAL SHED       | 300m <sup>2</sup>      | 1            | 1                   | 0.4                                 |
| H            | TOURIST ACCOMMODATION   | 750m <sup>2</sup>      | 1            | 1                   | 0.4                                 |
| I            | ADDITIONAL DWELLING     | 616m <sup>2</sup>      | 1            | 1                   | 0.4                                 |
| J            | TOURIST ACCOMMODATION   | 616m <sup>2</sup>      | 1            | 1                   | 0.4                                 |
| <b>TOTAL</b> |                         |                        |              |                     |                                     |

Based on plans by For Site Design + Consult  
Tel: 028 313 1411  
Email: admin@wrapgroup.co.za

Plan 3.2.1  
Unit 8, Corner of Royal and Dirke Uys Street Hermanus, 7200

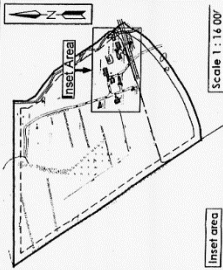
Project Office  
Town Planning & Project Management

WRAP

Scale 1:1000

Scale 1:1000

Inset area



Annexure D.13

TP- D.1/heart  
(S. Ud Mad)



**A Conradie**

**From:** Christopher Whitehouse <christophermwhitehouse@gmail.com>  
**Sent:** Thursday, 10 December 2020 10:09  
**To:** Alida Conradie  
**Subject:** Comment on Portion 4 of Klein Rivier Kloof no. 660 application

To whom it may concern

Christopher and Anna Whitehouse on behalf of Phillipskop Discovery Trails (Pty) Ltd, Phillipskop Mountain Reserve, Farm 627-1, Stanford, cell: 073 621 1808.

We would like to comment on the consent use and amendment of approved site development plan application for Portion 4 of Farm Klein Rivier Kloof no. 660, Caledon Division as distributed on the 10 November 2020.

We are neighbours to Farm 660-4 and note that an application has been made for an additional dwelling unit, wellness centre and place of entertainment. We have no objections to the building of either the tourist accommodation or the one that is intended to be used for the place of entertainment. We also support the establishment of a wellness centre. We do have concern though regarding the unspecified nature of the "place of entertainment" in the application. We understand from the applicants that this is mainly to be used as a place for holding weddings. Again we have no objection to such an implied use but the application goes beyond that referring to it merely as a "4.1 function venue" and "14.3.3 to be used for weddings and a variety of functions which will be tailored towards the individual needs of the different clients". While the application goes on to say that they will not emit excessive noise and not impact adversely on neighbours, there is no limits within the application to actually ensure this is so.

Phillipskop Mountain Reserve is situated in natural surroundings and the business is dependent upon people coming to the reserve and accommodation who want to enjoy the peace and quiet that goes with such a setting. Noise here carries exceptionally easily across long distances, and is accentuated by the hillside, especially the deep bass beat connected with music. Although we are up to 2km from the venue, we have in the past experienced noise from events held at neighbouring farms as far away as 4km. These have negatively affected the experience of our clients and damaged the business. A "place of entertainment" permits the user to "generate noise from music or revelry on a regular basis and to operate outside normal business hours". No limits on this are placed in the application and as such would allow the applicant free rein to provide whatever are "the individual needs of the different clients". While the size of the venue would limit this to some degree, the noise generation, either in loudness or length of time, are not limited at all. It would not be out of the scope of the application to provide an all weekend party with loud music throughout day and night. Even if the current applicant intends to be respectful, should the business change hands in the future, such an unrestricted usage could cause problems at a later date and we would have no recourse to object.

We trust the municipality will take these matters into consideration in granting any consent use for the venue bearing in mind the rural nature of the area, the ease with which sound carries and the damaging effect on neighbouring businesses of human-generated noise. We would also like to see the outcome of any decision, so that we know where we stand for the future.

Yours faithfully,

Christopher and Anna Whitehouse

|                  |                    |
|------------------|--------------------|
| FILE NO:         | Pin 4   660        |
|                  | Klein Rivier Kloof |
| SCAN NO:         | STF 127            |
|                  |                    |
| COLLABORATOR NO: | 1198016            |

18 JAN 2021

Christopher Whitehouse  
Phillipskop Mountain Reserve  
P.O. Box 1059  
Stanford 7210  
Western Cape  
South Africa  
Cell: 073 621 1808  
Website: [www.phillipskop.co.za](http://www.phillipskop.co.za)  
Facebook: [Phillipskop](#)  
Instagram: [@PhillipskopSA](#)  
Twitter: [@PhillipskopSA](#)  
Pinterest: [Phillipskop](#)

**A Conradie**

**From:** "Servaas" <servaasconradiesa@gmail.com>  
**Sent:** Friday, 11 December 2020 15:03  
**To:** Alida Conradie  
**Subject:** Portion 4; No 660; Amendment of the approved site development plan

**VIR AANDAG:**  
**S MÜLLER, DIREKTEUR INFRASTRUKTUUR EN BEPLANNING**

Met verwysing na u geregistreerde poststuk gedateer 10 November 2020 - verwysing PTN 660/4 die volgende:

Kommentaar wat vir my, eienaar van die aangrensende plaas 626 of te wel "Bergplaas" nie duidelik blyk uit die beplanningsdokumente wat ek ontvang het nie, die volgende:

- 1 Die Infrastruktuur t o v toegangsroetes en 'n behoorlike pad (Servituutpad) op die ontwikkelende gebied aan die westelike grens van Winterwater Plaas wat lei na Bergplaas moet herstel en mooi gemaak word; die pad sal ook gebruik word deur besoekers aan die Witwater Ontspanningsfasiliteite;
- 2 DRINKWATERVOORSIENING: Drinkwater voorsieningsdam is geleë in die grondgebied van Bergplaas en voorsien water aan Witwater 626, 4/660 en 3/660. Daar moet behoorlik navorsing gedoen word i v m die toekomstige getalle van mense wat afhanklik sal wees van die beskikbare water. 'n Mikro-spa is ook afhanklik van groot volume watervoorsiening.

Ek hoop dat hierdie ontwikkeling wat gaan plaasvind tot voordeel van die hele gebied sal wees.

Die uwe

Servaas Conradie  
 EIENAAR - PLAAS 626



TP-2. Inhoof  
 (S. van Nieuw)

|                  |                 |
|------------------|-----------------|
| FILE NO:         | PN 4/660        |
|                  | Klein Liva Klod |
| SCAN NO:         | STF 660         |
|                  |                 |
| COLLABORATOR NO: |                 |
|                  | 1498065         |

TP-A Theart  
(S vld merwe)



# Project Office

Town Planning & Project Management

Our Reference: 20/65  
Your reference: PTN 4/660 RCAL

27 January 2021

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

|                          |
|--------------------------|
| FILE NO: Ptn 4   660     |
| Klein Rivier Kloof       |
| SCAN NO:<br>11           |
| COLLABORATOR NO: 1501495 |

**Attention:** Mr SW van der Merwe

**PORTION 4 OF FARM KLEIN RIVIER KLOOF 660 CALEDON: RESPONSE TO OBJECTIONS FOR AN APPLICATION FOR CONSENT USE AND AMENDMENT OF A SITE DEVELOPMENT PLAN**

Objections were received from:

- C & A Whitehouse; and
- S Conradie.

One of the objections was written in Afrikaans and is responded to in English as the planning application is in English.

**Response to the support of the subject application.**

| Comment  | Response  |
|--|---|
| "We are neighbours to Farm 660-4 and note that an application has been made for an additional dwelling unit, wellness centre and place of entertainment. We have no objections to the building of either the tourist accommodation or the one that is intended to be used for the place of entertainment. We also support the establishment of a wellness centre." | The neighbour supports the submitted application. |

**Response to noise related consideration.**

|   |   |
|---|---|
| <p>"We do have a concern though regarding the unspecified nature of the "place of entertainment" in the application. We understand from the applicants that this is mainly to be used as a place for holding weddings. Again we have no objection to such an implied use but the application goes beyond that referring to it merely as a "4.1 function venue" and "14.3.3 to be used for weddings and a variety of functions which will be tailored towards the individual needs of the different clients". While the application goes on to say that they will not emit excessive noise and not impact adversely on neighbours, there is no limits within the application to actually ensure this is so."</p>   | <p>The application for a place of entertainment is primarily to allow the hosting of weddings. Should the applicant envisage hosting other functions such as birthday celebrations etc, which are of a similar scale and impact as weddings, the definition of place of entertainment for which a consent use was applied would accommodate these land uses. No additional impact on the ability of surrounding property owners to occupy respective properties in comfort is therefore projected to occur.</p> <p><b>Noise mitigation measures</b></p> <ol style="list-style-type: none"> <li>1. The proposed entertainment venue is located 50m from the boundary line and this distance acts as a sound buffer from the surrounding farms;</li> <li>2. The entertainment venue is enclosed as illustrated in the elevations submitted with the application; and</li> <li>3. Weddings and functions would not occur daily but occasionally which invariably reduces the impact which will be experienced by surrounding property owners.</li> </ol> <p>The locational and activity circumstances which are listed above act as noise mitigation measures.</p> |
| <p>"Phillipskop Mountain Reserve is situated in natural surroundings and the business is dependent upon people coming to the reserve and accommodation who want to enjoy the peace and quiet that goes with such a setting. Noise here carries exceptionally easily across long distances, and is accentuated by the hillside, especially the deep bass beat connected with music. Although we are up to 2km from the venue, we have in the past experienced noise from events held at neighbouring farms as far away as 4km. These have negatively affected the experience of our clients and damaged the business.</p> <p>A "place of entertainment" permits the user to "generate noise from music or revelry on a regular basis and to operate outside normal business hours". No emits on this are placed in the application and as such would allow the applicant free rein to provide whatever are "the individual needs of the different clients". While the size of the venue would limit this to some degree, the</p> | <p>The concern raised by the objector regarding noise which was emitted from a different farm located 4km away is noted. The irresponsible excessive noise emitted on the farm is not a reflection of the noise levels which can be projected to be emitted on the subject property due to a variation of behaviour on different farms which is informed by the level of managerial strictness and control over the behaviour of guests.</p> <p>The objector correctly cites that the size of the entertainment venue which measures 95m<sup>2</sup> would limit the amount of people who would enter the venue and the noise which can possibly be emitted. The purpose of the place of entertainment applied for is not for continuous revelry which persists over several days and nights attended by thousands of people and characterised by DJs who play amplified music which would invariably avert the noise impacts which are projected by the objector.</p>  |



|  |  |
|--|--|
| <p>noise generation, either in loudness or length of time, are not limited at all. It would not be out of the scope of the application to provide an all weekend party with loud music throughout day and night."</p>  |  |
| <p>"Even if the current applicant intends to be respectful, should the business change hands in the future, such an unrestricted usage could cause problems at a later date and we would have no recourse to object."</p>  | <p>The intent of the applicant is respectful as hinted by the objector. The OM may impose conditions of approval which pertain to noise to avert the likelihood of excessive noise being generated on the subject property if it changes hands which would function as a recourse mechanism.</p>   |
| <p>"We trust the municipality will take these matters into consideration in granting any consent use for the venue bearing in mind the rural nature of the area, the ease with which sound carries and the damaging effect on neighbouring businesses of human-generated noise. We would also like to see the outcome of any decision, so that we know where we stand for the future."</p> | <p>The OM has a good reputation of making impartial planning decisions which are in the interest of the public after considering the merits of the planning application and comments from the public. It has been illustrated in previous responses that noise which would be generated on the subject property will not be as excessive as projected by the objector and the OM is empowered to lay down noise-related conditions of approval which are in the interest of the public. The outcome of the planning decision will be forwarded to the objector and an opportunity to object will be granted in promotion of good governance.</p> |

**Response to objections not related to the submitted planning application.**

|  |   |
|--|---|
| <p>"Die Infrastruktuur tov toegangsroetes en 'n behoorlike pad (Servituutpad) op die ontwikkelende gebied aan die westelike grens van Winterwater Plaas wat lei na Bergplaas moet herstel en mooi gemaak word; die pad sal ook gebruik word deur besoekers aan die Witwater Ontspanningsfasiliteite"</p>   | <p>The concerns which are related to the maintenance of the road are not a reflection of the desirability of the planning application.</p> <p>The maintenance of the servitude is a matter to be addressed in terms of the conditions of the servitude agreement between the parties.</p>       |
| <p>"DRINKWATERVOORSIENING: Drinkwater voorsieningsdam is gelee in die grondgebied van Bergplaas en voorsien water aan Witwater 626, 4/660 en 3/660. Daar moet behoorlik navorsing gedoen word ivm die toekomstige getalle van mense wat afhanklik sal wees van die beskikbare water. 'n Mikro-spa is ook afhanklik van groot volume watervoorsiening."</p> | <p>This application has been circulated by the OM to BGCMA for comments on potable water-related considerations. Although no negative comments have been received thus far, should concerns be raised, mitigations will be proposed which will sufficiently address the objector's concern.</p> |

4/4

**Conclusion**

There is general support for the submitted planning application and the only concern raised is related to the probable noise impact that is mitigated by the small scale of the proposed venue building. The objection regarding the maintenance of the road is not related to the submitted planning application.

It is requested that the OM approve the submitted planning application as there are no substantive circumstances raised by the objectors which justify the refusal thereof.

Yours faithfully

A handwritten signature in black ink, appearing to read "Rea Jankie", is written over a faint, circular stamp or watermark.

**REA JANKIE**  
**TOWN PLANNER (B/8392/2017)**

Annexure F

|                 |                  |
|-----------------|------------------|
| File reference: | PTN 4/660        |
| Admin           | MM               |
| Date:           | 10 November 2020 |



## INTERNAL MEMORANDUM

|              |                            |
|--------------|----------------------------|
| From         | : Town Planning Department |
| Town Planner | : P Roux (Town Planner)    |

TO:




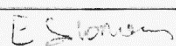
|                              |                            |                                    |                                 |
|------------------------------|----------------------------|------------------------------------|---------------------------------|
| <u>Area Manager</u>          | <u>Building Department</u> | <u>District Health</u>             | Electrical Department           |
| <u>Environmental Officer</u> | <u>Fire Department</u>     | <u>Infrastructure and Planning</u> | <u>Local Heritage Committee</u> |
| <u>Operational Services</u>  | <u>Traffic Department</u>  | <u>Ward Councillor (D Coetzee)</u> | <u>Waste Management</u>         |

|                         |   |
|-------------------------|---|
| Applicant               | MESSRS WRAP PROJECT OFFICE ON BEHALF OF WHITE WATER FARM CC     |
| Property Details        | FARM NO. 660/4, KLEIN RIVIER KLOOF                              |
| Application Description | CONSENT USE AND AMENDMENT OF THE APPROVED SITE DEVELOPMENT PLAN |

## ATTACHMENTS :

|                              |   |
|------------------------------|---|
| 1. Notice                    | Should the information be insufficient for you to make an informative comment, please list any additional documentation that you would require to make informed comments. |
| 2. Locality Plan             |   |
| 3. Site & Ground Floor Plans |   |
| 4. Motivation                |   |

## YOUR DEPARTMENT'S COMMENTS:

|  |   |                        |  |                        |  |   |   |
|--|---|------------------------|--|------------------------|--|---|---|
| The Fire Department have no objection, subject to compliance with provision of SANS 10400-A  |   |                        |  |                        |  |   |   |
| 2016, SANS-T: 2020 & By Law Relating to Community Fire Safety  |   |                        |  |                        |  |   |   |
| <table border="1"> <tr> <td colspan="2" style="text-align: center;"><b>ASSISTANT CHIEF</b></td> </tr> <tr> <td colspan="2" style="text-align: center;"><b>Enrico Solomons</b></td> </tr> <tr> <td style="text-align: center;"></td> <td style="text-align: center;">           PO Box 20    Tel: 028 313 8979<br/>           HERMANUS    Fax: 028 313 1493<br/>           7200         </td> </tr> </table> |   | <b>ASSISTANT CHIEF</b> |  | <b>Enrico Solomons</b> |  |  | PO Box 20    Tel: 028 313 8979<br>HERMANUS    Fax: 028 313 1493<br>7200 |
| <b>ASSISTANT CHIEF</b>   |   |                        |  |                        |  |   |   |
| <b>Enrico Solomons</b>   |   |                        |  |                        |  |   |   |
|   | PO Box 20    Tel: 028 313 8979<br>HERMANUS    Fax: 028 313 1493<br>7200 |                        |  |                        |  |   |   |
| Signature:    | Date: 11 NOV 2020   |                        |  |                        |  |   |   |

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

- Building Control Department to confirm that all structures on the property/ies are in accordance with the approved building plans.

|   |
|---|
| <b>COMMENTS REQUIRED BY: 18 DECEMBER 2020</b> |
|---|



Ameyure G 1/2

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

TP. N. Shead  
(S. ud n Nene)

REFERENCE: 16/9/6/1-21/61 (Job 23637)  
ENQUIRIES: Ms GD Swanepoel  
DATE: 3 December 2020

The Municipal Manager  
Overstrand Municipality  
Gansbaai Administration  
PO Box 26  
GANSBAAI  
7220



Attention: Mr S van der Merwe

Dear Sir

**PORTION 4 OF FARM 660, OVERSTRAND MUNICIPAL AREA: MINOR ROAD 4032: APPLICATION FOR CONSENT USE AND AMENDMENT OF APPROVED SITE DEVELOPMENT PLAN**

1. Your letter PTN 660/4 dated 6 November 2020 refers.
2. The subject property is located 7km east from Stanford and takes access off Minor Road 4032.
3. This application is for the following:
  - 3.1 Consent Use for a place of entertainment, additional dwelling unit, tourist accommodation and wellness spa and
  - 3.2 Amendment of the Site Development Plan to accommodate a place of entertainment and the proposed land uses.
4. The approved access for the previous land uses is off Main Road 267 at  $\pm$ km6.66, and this access should also be used for the additional land uses applied for.
5. This Branch offers no objection to the application in terms of the Land Use Planning Act 3 of 2014.

Yours faithfully

  
SW CARSTENS  
For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT

|                  |                   |
|------------------|-------------------|
| FILE NO:         | PTN 4/660 ✓       |
|                  | Klein River Klomp |
| SCAN NO:         | Farm 660          |
| COLLABORATOR NO: | 1497697           |

2/2

**ENDORSEMENTS**

1. Overstrand Municipality  
Attention: Mr S van der Merwe (e-mail: svdmerwe@overstrand.gov.za)
2. WRAP  
Attention: R Kotzé (e-mail: wrap@telkomsa.net)
- 3. District Roads Engineer  
Paarl
4. Mr Hein Uys (e-mail)
5. Mr SW Carstens (e-mail)
6. Mr F Fakier (e-mail)

Annexure H



ILifa leMveli leNtshona Koloni  
Erfenis Wes-Kaap  
Heritage Western Cape

**Our Ref:** HM/ OVERBERG/CALEDON/4/660  
**Case No:** 20111711SB1117E  
**Enquiries:** Stephanie-Anne Barnardt  
**E-mail:** stephanie.barnardt@westerncape.gov.za  
**Tel:** 021 483 5959  
**Date:** 11 December 2020

*TP. A. Theart  
(S. Ud Moad)*

Reatlehle Jankie  
PO Box 1247, Hermanus, 7200  
admin@wrapgroup.co.za

**RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: FINAL**  
In terms of Section 38(4) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003

**NOTIFICATION OF INTENT TO DEVELOP: PROPOSED ADDITIONAL DWELLING UNITS, VENUES, SPA FOR TOURISM ON PTN 4 OF FARM 660, WHITE WATER FARM, OFF THE MAIN ROAD 267, CALEDON, SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)**

**CASE NUMBER: 20111711SB1117E**

The matter above has reference.

Heritage Western Cape is in receipt of additional information for the above matter received on 26 November 2020. This matter was discussed at the Heritage Officers meeting held on 7 December 2020.

You are hereby notified that, since there is no reason to believe that the proposed additional dwelling units, venues, spa for tourism on Ptn 4 of Farm 660, White Water Farm, Off the main Road 267, Caledon will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

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

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

HWC reserves the right to request additional information as required.

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

*[Signature]*  
.....  
Colette M Scheermeyer  
Acting Chief Executive Officer



|                  |                       |
|------------------|-----------------------|
| FILE NO:         | AN 4160 ✓             |
|                  | <i>Kein Kije Klod</i> |
| SCAN NO:         | Heritage              |
| COLLABORATOR NO: | 1490892               |

17 DEC 2020

[www.westerncape.gov.za/cas](http://www.westerncape.gov.za/cas)

Street Address: Pretoria Assurance Building, Green Market Square, Cape Town, 8000 • Postal Address: P.O. Box 1665, Cape Town, 8000  
Tel: +27 (0)21 497 5959 • E-mail: [capheritage@westerncape.gov.za](mailto:capheritage@westerncape.gov.za)

Annexure I

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR CONSENT USE & AMENDMENT OF SITE  
DEVELOPMENT PLAN: FARM NO.660/4, KLEIN RIVIER KLOOF**

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

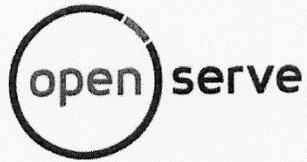
**Conditions:**

1. that the developer arrange with ESCOM for the provision of electricity and that he complies with all conditions as may be set by ESCOM;
2. that no water and sewer services from Overstrand Municipality is available and the developer will be responsible to obtain the necessary approval, licence and permits from the applicable authorities (Water and Sanitation, Health, Bocma etc.) for the use of any other water resources and the extraction thereof;
3. that the developer is responsible to provide potable water to the development that complies with SANS0241 standards and that relevant proof be submitted to the Senior Manager: Engineering Services, Overstrand Municipality;
4. that waste water disposal be done in a safe and healthy manner and that plans thereof be submitted to the Municipality and DWA for approval;
5. that, as no municipal refuse removal services are rendered in the area, the owner is responsible for removal of all refuse generated on the property, and disposal thereof at a registered municipal waste transfer station or –waste disposal facility;
6. that the developer complies to all the conditions set by Department Of Water Affairs & Bocma.

*p.p. R. Coobler*  
**DENNIS HENDRIKS**  
SENIOR MANAGER: ENGINEERING SERVICES

*11/03/2021*  
**DATE**

Annexure J 1/3



Division of Telkom SA SOC Ltd

3 Park Lane, North End, East London  
East London  
5201

Our reference: **SWIP\_WCN\_1028\_21**  
Your reference: PTN 660/4  
Enquiries: N Mali  
Tel : +27 43 742 0357 / +27 81 436 6290  
Fax : +27 742 0665  
Email : Ndilekam@Openserve.co.za

11 April 2021

Attention: Mr S Muller

Overstrand Municipality  
P O Box 20  
HERMANUS  
7200

### OPTIC FIBRE & COPPER PLANT AFFECTED

**WAY LEAVE APPLICATION : PORTION 4 (PORTION OF PORTION 1) OF FARM KLEIN RIVIER KLOOF NO 660 CALEDON DIVISION OVERSTRAND MUNICIPAL AREA - APPLICATION FOR CONSENT USE AND AMENDMENT OF THE APPROVED SITE DEVELOPMENT PLAN - MESSRS WRAP PROJECT OFFICE ON BEHALF OF WHITE WATER FARM CC.**

With reference to your application received **29 March 2021**.

**As important cables are affected, please contact our representative MELT Van AS at telephone number 021 852 1717 / 081 363 7873 / MeltVA@openserve.co.za at least 48 hours prior of commencement on construction work**

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

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

Approval is granted, subject to the following conditions.

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

As per sketch attached, Open Serve infrastructure will be affected, consequently the conditions below and on the attached legend will apply.

Telecommunication services position is shown as accurately as possible but should be regarded as approximate only.

Should alterations or relocation of existing infrastructure be required, such work will be done at the request and cost of the applicant.

Please notify this office within 21 working days from this letter of acceptance and if any alternative proposal is available or if a recoverable work should commence.

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

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

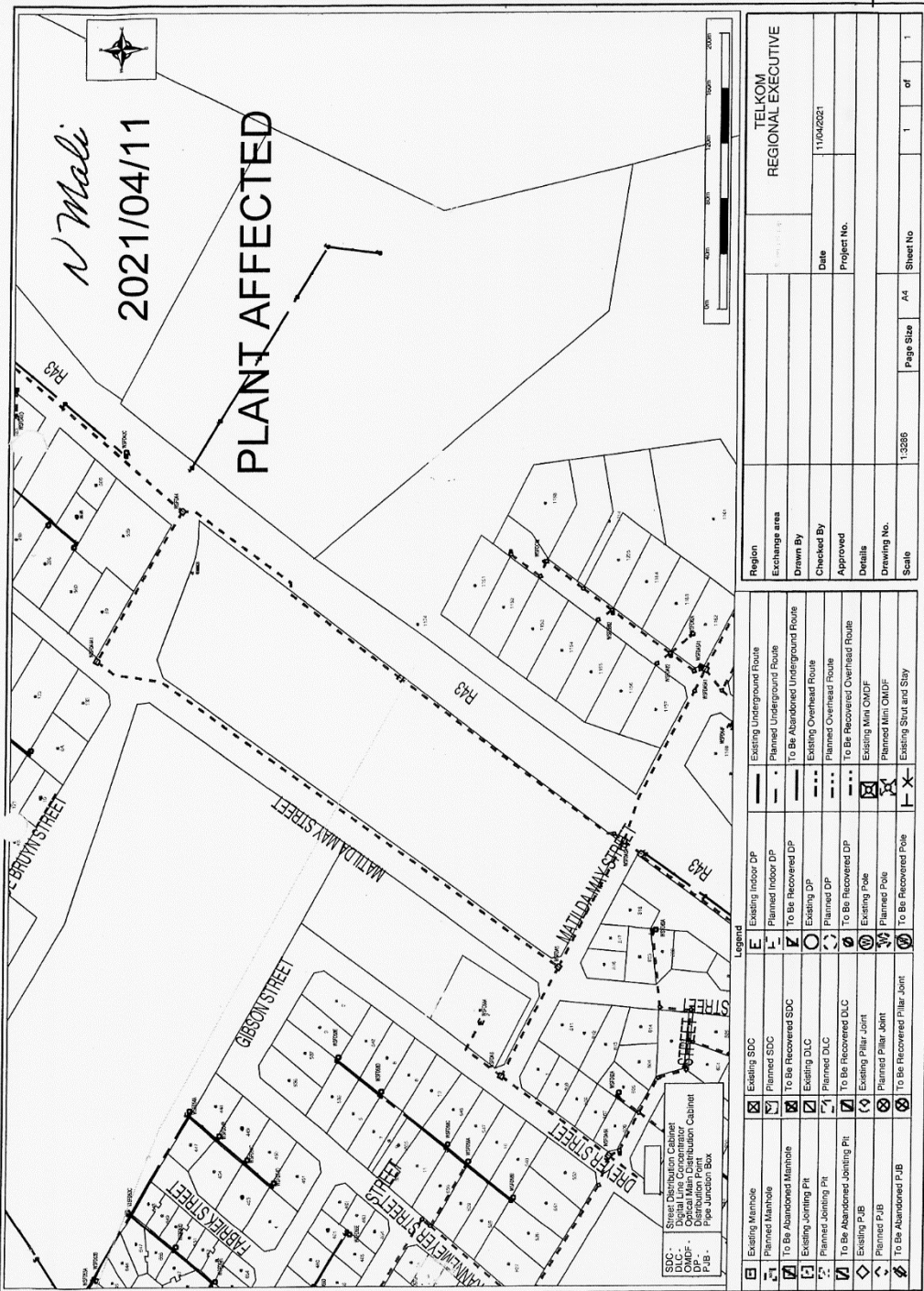
All Open Serve rights remain reserved.

Yours faithfully

*N Mali*

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



|               |                           |
|---------------|---------------------------|
| Region        | TELKOM REGIONAL EXECUTIVE |
| Exchange area |                           |
| Drawn By      |                           |
| Checked By    | Date 11/04/2021           |
| Approved      | Project No.               |
| Details       |                           |
| Drawing No.   |                           |
| Scale         | 1:3285                    |
| Page Size     | A4                        |
| Sheet No      | 1 of 1                    |

| Legend |                                   |
|--------|-----------------------------------|
|        | Existing Manhole                  |
|        | Planned Manhole                   |
|        | To Be Abandoned Manhole           |
|        | Existing Joining Pit              |
|        | Planned Joining Pit               |
|        | To Be Abandoned Joining Pit       |
|        | Existing PJB                      |
|        | Planned PJB                       |
|        | To Be Abandoned PJB               |
|        | Existing Indoor DP                |
|        | Planned Indoor DP                 |
|        | To Be Recovered DP                |
|        | Existing DP                       |
|        | Planned DP                        |
|        | To Be Recovered DP                |
|        | Existing Pole                     |
|        | Planned Pole                      |
|        | To Be Recovered Pole              |
|        | Existing Underground Route        |
|        | Planned Underground Route         |
|        | To Be Abandoned Underground Route |
|        | Existing Overhead Route           |
|        | Planned Overhead Route            |
|        | To Be Recovered Overhead Route    |
|        | Existing Mini OMDP                |
|        | Planned Mini OMDP                 |
|        | Existing Strut and Stay           |

33