

4.9**PORTION 2 (A PORTION OF PORTION 1) (OLD OAK) OF THE FARM OUDE BOSCH NO. 637, DIVISION OF CALEDON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE : MESSRS WRAP PROJECT OFFICE ON BEHALF OF CRYSTAL KLOOF (PTY) LTD**

**Ptn 2 of Farm 637 RCAL
P Roux
15 September 2021**

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application was received on 16 July 2020 from Messrs WRAP Project Office on behalf of Crystal Kloof (Pty) Ltd on Portion 2 of the Farm Oude Bosch No. 637, Division Caledon in terms of Section 16(2)(o) of the Overstrand By-Law on Municipal Land Use Planning, 2015 (By-Law) for consent use in order to accommodate a restaurant, place of entertainment and tourist building (farm shop/stall) on the property.

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

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

Portion 2 of the Farm Oude Bosch No. 637, near Stanford is zoned as Agricultural Zone 1 and measures 127,6603 ha in extent. The property is developed with a manor house, three (3) additional dwellings and associated outbuildings which include an agricultural barn. Access is obtained from a gravel road which leads from the R43.

4. SUMMARY OF APPLICANT'S MOTIVATION

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

- ❖ Application is made to convert the existing farm into a venue and restaurant. It is proposed that the building will be utilised for a dual purpose. For majority of the time the structure will be used as a restaurant and on special occasions it will serve as a place of entertainment.
- ❖ The existing structure's footprint will be maintained for the restaurant use while a small expansion is planned for the kitchen and toilet facilities.
- ❖ The footprint of the structure will be 77m² while the outside seating area for functions will be 2500m².
- ❖ Consent use is therefore made for a tourist facility and place of entertainment. The applicant motivates that the place of entertainment will attract a maximum of 100 guests at a single event and will be characterised by the generation of some music. The events will occur occasionally and will not constitute a continuous high impact activity, this will allow for the rural character of the subject farm to be

maintained. The site has natural characteristics which lends itself to be the ideal scenery for weddings and other celebrations. The existing barn will accommodate a tourist facility (restaurant) and farm shop/stall. The proposed uses will function interchangeably to accommodate the proposed events venue after hours and over weekends and in normal operating hours the barn will function as a restaurant and farm shop/stall.

- ❖ The proposed consent uses will allow the property owner to generate additional streams of income to help maintain the farm. Although the Covid-19 pandemic and the lockdown regulations had a negative effect on the tourist facilities; the proposed uses on the farm will allow the farm owners to strategically revive the tourism industry once the lock down regulations are eased. The location and rural area are renowned for tourist activities and facilities. The proposed uses are therefore considered to complement and be in harmony with the prevailing tourism fabric of the rural area.
- ❖ The subject property and the surrounding properties are zoned for Agriculture Zone 1: Agricultural purposes. The zoning of the property will remain unchanged.
- ❖ Surrounding land uses include agriculture, conservation, and tourism.
- ❖ The Title Deed has no restrictions that needs to be removed in terms of the conveyancer's certificate which was submitted.
- ❖ The proposal is in line with the spatial planning guidelines (WCSDf, SDF) applicable to the area.
- ❖ The proposal does not trigger listed activities in terms of NEMA.
- ❖ The proposal is consistent with the planning principles in terms of LUPA and SPLUMA.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Notices	Yes	11 September 2020	16 October 2020
Ward councillor	Yes	10 August 2020	16 October 2020
Total comments	FOUR		
Total letters of support	NONE		
Was public participation undertaken in accordance with Section 46 - 50 of the By-Law on Municipal Land Use Planning?			Yes
Was the application processed correctly?			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA?			Yes

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

Name	Date received	Summary of comments
Building Department	01/09/2020	Overstrand Building Department does not have any objection.
Fire Services	11/09/2020	Annexure F.

Waste Management	17/09/2020	Annexure G.
Eskom	02/10/2020	Annexure H.
Open Serve	02/10/2020	Annexure I.
Heritage and Aesthetics Committee	15/10/2020	Proposed usages are consistent with the surroundings. Supported.
Department of Environmental Affairs and Development Planning: <i>Component: Environmental</i>	21/10/2020	Annexure J.
Breede-Gouritz Catchment Management Agency (BGCMA)	13/11/2020	Annexure K.
Engineering Services	08/12/2020	Annexure L.
CapeNature	18//01/2021	Annexure M.
Environmental Section	15/10/2020	Annexure N.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

Notices were served on the affected property owners. Three (3) objections were received and one (1) objection was received late. The points of objections and comments are similar from the various interested and affected parties and will therefore be grouped together. Persons who commented on the application are A & Y Ivey, JP Bergh, L Ivey & H Knight and E Ivey.

- 1. There is a confusion regarding the total number of dwellings and structures to be built on the property and where they are going to be placed. We require a site plan.***

Response from applicant

A site development plan was attached to the submitted proposal as Plan 3 which illustrated the scale and placement of all the structures on the subject farm.

Response from town planner

The main proposal for the application is the proposed alterations to the existing restaurant building in order to use it as a venue/entertainment area, the diagrams for this was circulated with the application. The existing dwelling units are historical approvals which do not form part of the current application. Should the commentator wish to view the documents relating to the aforesaid then they could have enquired them from the municipality.

- 2. The present height restriction for a barn is 9m. No greater height will be permitted.**

Response from applicant

The height of the present agricultural barn will be kept at 9m as there is no immediate intent to increase its height.

Response from town planner

The subject structure which is to be used as a venue/place of entertainment will be limited in height as stated by the commentor.

- 3. The structures and dwelling must conform to the previous conditions of approval given by the Department of Agriculture dated 10 January 2011.**

Response from applicant

The Department of Agriculture supported the submitted application and the conditions of approval which were imposed was complied with.

Response from town planner

Comment from both parties is noted, any additional conditions made by the Department of Agriculture will be stipulated as a condition.

- 4. The Title Deed has a Water Servitude NO K742 dated 24 July 1984 and registered 15 August 1984. This servitude was transferred to PM Grant and 3 others (Erven 637 portion 3, 4, 5 and 6 on 14 February 2001 T009815/2001. The water supply to Old Oak has been divided between Crystal Kloof and Zilvermijnbosch. Crystal Kloof is entitled to less than half of the water flowing in the public stream. Title Deed T16090/75 Endorsement K742/1984 and T009815/2001.**

Response from applicant

According to the Title Deed, which was submitted with the planning application, Crystal Kloof (Pty) Ltd is entitled to use one half of all the water flowing in the public stream.

Response from town planner

No objection was received from BGMCA and the Title Deed as referred to by the applicant, does allow for usage of water from the stream. The property owner of the subject property is not allowed to alter or prohibit the stream in terms of Environmental Law. Further, the servitude agreement is between private parties and should be dealt with between the private parties. Lastly, should the application be approved, a condition will be imposed that prior to the approval of building plans the applicant must provide approval from BGMCA as stated in the agency's comment.

- 5. The property falls within the Klein River Catchment Area and the stream provides essential inflow of water to the Klein River Vlei/Lagoon. In addition, each property owner must ensure that there is water for the Ecological Reserve.**

Response from applicant

The owner of the subject property does not over abstract water on the premises which leaves sufficient inflow water into the Klein Rivier Vlei/Lagoon.

Response from town planner

The applicant's response is noted.

6. During the dry season there is a limited supply of water.Response from applicant

The impact which the drought has had on the availability of water is not related to the land use practices on the subject farm and is not disputed.

Response from town planner

The applicant's response is noted. However, the property owner can provide additional water tanks to catch rainwater to reduce the reliance on the stream, this can be stipulated as a condition of approval.

7. The existing three dwelling units have been flooded in the past when the stream broke its banks and spread across a wide area. It is essential that the mountain stream is able to spread over a large area into the wetlands both for the survival of the wetlands and to protect the R43 and the access road to the property. The interference with the vegetation on the stream banks and heavy flooding caused the stream to erode and deepen into the alluvial soil to bedrock and form a donga. The buildings should be located outside the flood area in order to be protected from potential floods waters. No interference of the natural stream because this stream is an important source of water for the area.Response from applicant

The three (3) existing additional dwelling units have been approved at the existing location by DEA&DP and there is no intention to relocate these units.

Response from town planner

The response from the applicant is noted and agreed with.

8. It is noted that the sewerage system to be used is conservancy tanks which will be serviced by a private contractor and not septic tanks. This is essential that the property owner mitigate ground pollution.Response from applicant

The rationale for the existing buildings using conservancy tanks which are serviced by a private contractor and not septic tanks is to avoid sewage contaminating the ground water which would pose a health hazard for the water users downstream.

Response from town planner

The response from the applicant is noted and agreed with. The property owner will be required to ensure that the conservancy tanks are functioning correctly.

- 9. The application for place of entertainment – the owners wish to establish a venue for weddings and celebrations for a limited number of persons. Approval may be given subject to defined conditions which must be enforced.**

Response from applicant

This is correct as the Overstrand Municipality may impose conditions of approval to limit the scale of activities on the subject property.

Response from town planner

Should the application be approved then a condition as requested by the commenter will be imposed in order to limit the impact of the activities. It should be noted that the approval does not prohibit the property owner from complying with the Overstrand Events By-law.

- 10. The number of people must be limited i.e. 100 persons.**

Response from applicant

The place of entertainment is intended only to attract a maximum of 100 people as cited by the commenter.

Response from town planner

Please refer to previous response.

- 11. The tourist facility will be used as a venue and as a restaurant. The approval may be given subject to defined conditions. Which must be enforced.**

Response from applicant

This illustrates that the commenter supports the submitted application in principle but only wishes for conditions of approval to be imposed and enforced by the Overstrand Municipality which will ensure that the land use activities do not become a nuisance. The Overstrand Municipality has a track record of imposing reasonable conditions of approval which are generally intended to ensure that the nature of approved land use activities do not become a nuisance to neighbours of the property in question which can be expected in the decision letter of this application.

Response from town planner

The required and relevant conditions will be imposed in order to limit the impact of the use on the adjacent property owners.

12. We support the recommendation given by the Department of Agriculture 11 January 2011:

- ***The buildings and activities must not contribute to the loss of Critical Biodiversity Areas; Critical Ecological Support Areas; Buffer Areas to Critical Biodiversity Areas.***
- ***If these buildings and activities are placed on localities near to rivers and ecological corridors the listed activities in terms of N.E.M.A no 107 of 1998 as well as principles of the PSDF must be noted.***
- ***No contamination of surface and ground water occur as a result of the proposed development.***
- ***The proposed dwellings should be compact, unobtrusive and respect the local vernacular.***
- ***It is agreed that the subject property has limited agricultural potential due to some environmental constraints. A proposal that involves development without negative impact on environmentally sensitive areas is to be recommended.***

Response from applicant

- The barn where the land use is proposed to be changed into a place of entertainment/restaurant is only proposed for expansion for an area which measures 77m² in an already disturbed area which will not further lead to the loss of critical biodiversity areas, critical ecological support areas and buffer areas.
- The existing building which is proposed to be converted into a restaurant and place of entertainment has been approved at the current location and does not contravene NEMA.
- No contamination of surface and ground water currently occurs on the subject property and it is not projected to change with the approval and implementation of this proposal.
- The existing building for which an application was submitted was historically used as an agricultural barn which conforms to the architectural styling which is prevalent in rural areas. This proposal entails the renovation of the building to be more suitable as a place of entertainment and restaurant in a manner which is not obtrusive to the local vernacular design of the area.
- The rationale for the submitted proposal was to promote a tourism land use that would avert disturbing the environmental sensitivity which is prevalent on the subject farm.

Response from town planner

The comment/recommendation which was provided by the Department of Agriculture in 2011 was adhered to by the property owner. The current application mainly makes use of the existing structures on the property with a small section being extended which is to be used as a kitchen and a proposed toilet area. No objection was received from Cape Nature, BGCMA, DEA&DP Environmental Section and Overstrand Environmental Section however special care must be taken by the applicant when developing the additional footprint, the comments from the aforementioned departments will be inserted as conditions should the application be approved.

13. Noise to be controlled - no loud music which can disturb the neighbours or fauna on the property and neighbourhood. No noise after midnight.

Response from applicant

The place of entertainment is highly unlikely to operate daily as events generally tend to be held occasionally which coincidentally limits the scale and intensity of the activity which can occur on the subject property. The proposed restaurant is not projected to play excessively noisy music as people are drawn to restaurants in rural areas due to the tranquillity of the areas. Considering the above, the stringent limitation that no noise after midnight be played will not be necessary.

Response from town planner

A condition relating to the management of noise may be inserted.

14. Lighting must be limited.

Response from applicant

Lighting will be done in a manner which does not contravene any municipal by-laws to avert any visual disturbance to the neighbours.

Response from town planner

The Municipality does not have a Lighting By-Law or Policy, it is therefore the imperative of the property owner to ensure that the lighting use is low key and does not affect the adjacent property owners.

15. A condition must be set that states: "consent use lodges with the current owners only and lapses with the sale of the property and is not transferrable. If the owners sell the property or there is a successor in title for whatever reason, the approval will lapse. The new owners will need to apply for consent use if they wish.

Response from applicant

An approved consent use is a permanent land use right which vests on the property and not the property owner and cannot lapse if implemented within the time frames which are prescribed by the Overstrand Municipality. The condition of approval which is sought by the commenter conflicts with the OMZS prescripts, and it is proposed that the Overstrand Municipality set this suggestion aside.

Response from town planner

The rationale of the applicant is agreed with, the consent use is fixed to the property, conditions relating to the management of the use will therefore be of high importance should the application be approved.

16. We disagree with the statement in 11.4 that the increase of people will contribute to the safety on the subject property and have a positive impact on well-being of surrounding property owners. The greater number of people attracted to the area will have a converse affect and increase the

potential for criminal activity. Strict control of visitors and employees will be necessary to prevent trespassing on the surrounding properties.

Response from applicant

The proposed place of entertainment and restaurant is projected to attract genteel clientele which will enhance surveillance on the subject farm and surrounding farms and will not attract criminals or unsavoury characters who may pose a threat to the safety of the rural residents as purported by the commenter. The entrance and egress to the subject property will be strictly controlled to prevent any trespassing which will be an additional security measure which will be applied on the subject property.

Response from town planner

Both comments are noted, however the onus will be placed on the property owner to ensure proper security and management of establishment and the proposed activities on the farm.

17. The Graton Trustees support the principle of diversification of activities on agricultural land to generate income, but the activities must be subject to conditions. Portion 2 Farm 637 is recognised as supporting critical biodiversity, threatened wetlands and a property of natural beauty on a scenic route in the Overstrand. These features must be protected against damage as a result of the proposed consent use. Sensitive and conservation recognised development can enhance the attraction of the natural potential of the property.

Response from applicant

The commenter supports the submitted application and acknowledges that the proposed land use is viable as it allows the property owner to generate an income while protecting the natural beauty, environmental sensitivity and scenic route along the subject farm.

Response from town planner

Comments are noted.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

N/A

9. MUNICIPAL ASSESSMENT OF COMMENTS

All relevant departments provided positive comments.

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 proposed place of entertainment and restaurant will create employment opportunities and will not further perpetuate spatial injustices.

Spatial Sustainability

No natural habitat is impacted upon and it will have no negative influence on the environment.

Efficiency

The application will optimize the use of existing structure and property in terms of the existing services available on the site and site use ability.

Spatial Resilience

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

Good Administration

The application follows the required planning procedures and a good public participation process has been followed.

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

Same as Point 10.2 above.

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

The proposed use is consistent with the policies of the Spatial Development Framework for rural areas.

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

N/A

10.6 Impact on Municipal Engineering Services

The existing services are available and managed by the property owner, the Municipality does provide any services to the property.

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

N/A

10.8 Existing and proposed zoning comparisons and considerations

The proposal complies with the development parameters applicable to Agricultural Zone 1.

10.9 Additional Planning Motivation For Removal of Restrictive Condition

N/A

11. THE DESIRABILITY OF THE PROPOSAL

The subject property is located outside of the urban edge of Hermanus on Portion 2 of the Farm Oude Bosch No. 637, which is situated on the northern side of the R43 and at the foot of the Klein Rivier Mountain.

The property measures approximately 127,6603 ha in extent and is zoned Agricultural Zone 1. The property is developed with a manor house, three (3) additional dwellings and associated outbuildings which include an agricultural barn.

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

- To convert the existing barn into a venue, restaurant and farm stall. It is proposed that the building will be utilised for a dual purpose. For majority of the time the structure will be used as a restaurant and on special occasions it will serve as a wedding venue or for functions and events with outside seating areas.
- The existing structure's footprint will be maintained for the restaurant use whilst a small expansion is planned for the kitchen and toilet facilities. The footprint of the structure will be 77m² while the outside seating area for functions will be 2500m².
- Consent use is therefore made for a tourist facility (farm stall) and place of entertainment

Access to the property is gained from a gravel road which leads from the R43 and links the farm with Stanford and Hermanus.

It should be noted that the existing structure (barn) will be altered to accommodate the venue, restaurant and farm stall, only a small portion will be extended to allow for the addition of a kitchen and toilet facilities. Given the proposed utilization of the structure it is foreseen that the impact will be minimal on the natural environment.

The Department of Health does not have any objection regarding the application subject to conditions. Comment received from the Overstrand Environmental Section and DEA&DP: Environmental indicated that the proposed activity will not

trigger any listed activities in terms of the National Environmental Management Act (NEMA) as the existing dwelling which has building plan approved will be utilized.

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

The management of the property will also have to adhere to the Municipality's Events By-law and should additional activities be held, which are not excluded from the said policy, then an application in terms of the policy must be submitted to the Area Manager. The approval will limit the use of the property for events, functions and wedding which cannot accommodate more than a 100 people as motivated by the applicant.

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

Further, no objections were received from the adjacent property owners.

Considering the above discussion, the application is considered desirable.

12. RECOMMENDATION

1. that the comments received be noted;
2. that the application on Portion 2 of the Farm Oude Bosch No. 637, Division Caledon in terms of Section 16(2)(o) of the Overstrand By-Law on Municipal Land Use Planning, 2015 (By-Law) for consent use in order to accommodate a restaurant, place of entertainment and tourist building (farm shop/stall) on the property, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval only pertains to the proposed Site Development Plan, as submitted with the application dated July 2020 and attached hereto;
 - (b) that proper management is undertaken to ensure that the proposed use will not be detrimental to the peacefulness and amenity of the surrounding area;
 - (c) that alternative eco-friendly ways to capture water be investigated and implemented by the property owner in order to lessen the dependence on the river water;
 - (d) that the use of the venue be restricted to events and functions such as weddings and celebrations with an occupancy of no more than 100 people;

- (e) that the selling or serving of liquor on the property will be subject to the owner obtaining the necessary Liquor Licence;
 - (f) that the applicable rates and service tariffs, as determined by the annual budget is applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (g) that the venue complies with Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector;
 - (h) that signage complies with the Municipal By-Law on Signage, may be displayed on the premises;
 - (i) that the conditions of Fire Services and Engineering Services (attached as Annexures F and L), be complied with;
 - (j) that the conditions of Eskom, Open Serve , Breede-Gouritz Catchment Management Agency and CapeNature (attached as Annexures H, I, K and M), be complied with;
 - (k) that the parking area, as per the Site Development Plan, must be properly demarcated;
 - (l) that this approval does not absolve the landowner from compliance with any other relevant legislation, and
 - (m) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
3. that the applicant and persons who commented be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditional approval.

13. REASONS FOR RECOMMENDATION

- ❖ The application has followed due procedure.
- ❖ No objections were received from the departments.
- ❖ Ample and practical parking for the guests can be provided on the property.
- ❖ The proposed use of the property does not have a negative effect on the character of the area.
- ❖ The proposed use will diversify the uses on the farm in order to make the farm more financially sustainable.
- ❖ The proposal will aim to use the scenic and natural environment to promote the tourism industry, thus in line with the forward planning documentation of the Municipality.
- ❖ The use is not regarded as being undesirable from a town planning point of view.

14. ANNEXURES

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Development Plan
Annexure D:	Comments received
Annexure E:	Comment from applicant
Annexure F:	Comment: Fire
Annexure G:	Comment: Waste Management
Annexure H:	Comment: Eskom
Annexure I:	Comment: Open Serve
Annexure J:	Comment: DEA&DP, <i>Component: Environmental</i>
Annexure K:	Comment: Breede-Gouritz Catchment Management Agency
Annexure L:	Services Report
Annexure M:	Comment: CapeNature
Annexure N:	Comment: Overstrand Environmental Section

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**

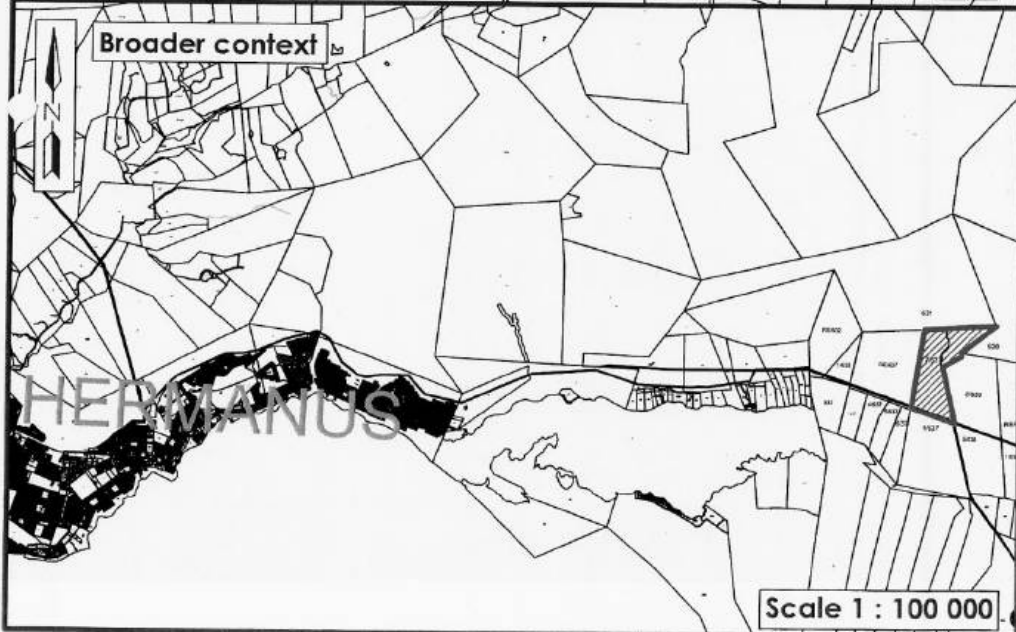
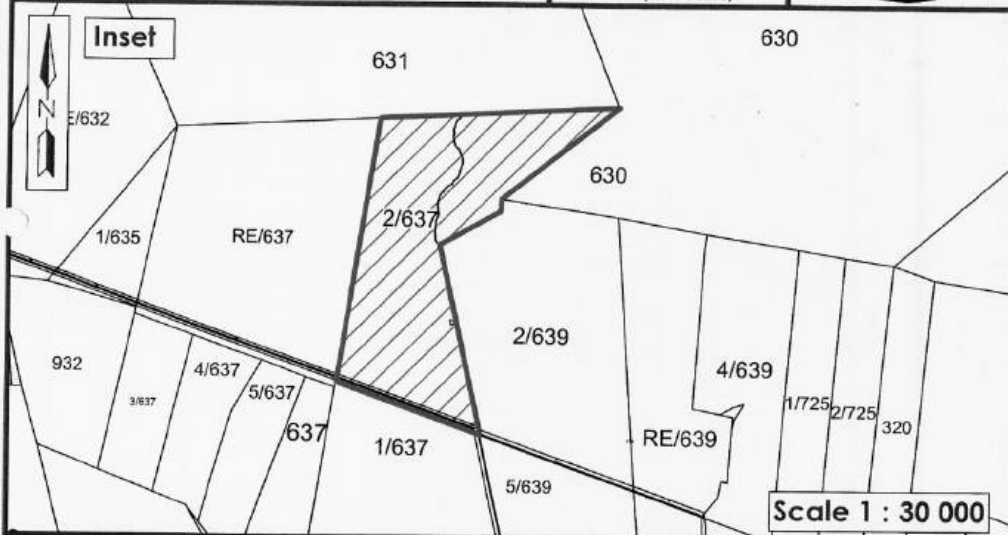
Signature: _____

Date: _____

Plan 1: Locality Plan Portion 2 of The Farm Oude Bosch 637 Caledon

 Subject property (127.6603ha)

Tel: 028 313 1411
Email: admin@wrapgroup.co.za
Plan 1.1
Unit 8, Standard House, Off Royal and Dirkie Uys Street, Hermanus, 7200
Plan prepared by: Reathlele Jankie
All distances are approximate and subject to a survey





MOTIVATION

1. ABBREVIATIONS

OMZS	Overstrand Municipality Zoning Scheme, 2013 as amended in 2020
SDF	Overstrand Municipality Spatial Development Framework, 2020
OM	Overstrand Municipality
OM By-Law	Overstrand Municipality By-Law on Municipal Land Use Planning, 2015
OMGMS	Overstrand Municipal Growth Management Strategy, 2010
LUPA	Land Use Planning Act, 2014
DEADP	Western Cape Department of Environmental Affairs and Development Planning
WCLUPGRA	Western Cape Land Use Planning Guidelines Rural Areas
DTPW	Western Cape Department of Transport and Public Works
DAFF	National Department of Agriculture, Forestry and Fisheries
SDP	Site Development Plan
AGRI	Agriculture Zone 1: Agriculture

2. SUMMARY OF STATUS QUO PROPERTY DETAILS

Property description	Portion 2 of Farm Oude Bosch 637 Caledon
Registered owner	Crystal Kloof (Pty) Ltd
Consultant	WRAP Project Office
Restrictive title deed conditions	None
Property extent	127,6603 ha
Current zoning	Zoning: Agriculture Zone 1: Agriculture Primary use: agriculture, crèche, <u>dwelling house</u> , guest rooms, home occupation; Consent uses (which may be applied for): additional dwelling units, agricultural industry, animal care centre, aquaculture, day care centre, <u>farm shop / stall</u> , fertilizer plant, guest house, hotel, institution, intensive animal farming, intensive horticulture, lodge, mining, place of assembly, <u>place of entertainment</u> , place of instruction, plant nursery, riding stables, service trade, tourist accommodation, <u>tourist facilities</u> , transmission apparatus, utility services, wellness centre, 4 x 4 trail.
Consent uses approved	Farm store and (3) additional dwelling units

3. BACKGROUND

- 3.1 A consent use approval was granted in 2011 for the following (refer **Annexure C**):
- 3.1.1 Farm store; and
 - 3.1.2 Three (3) additional dwelling units.
- 3.2 The following land uses, which are primary rights, are currently present on the property:
- 3.2.1 Agricultural workshop.



MOTIVATION

4. PROPERTY OWNERS INTENT

The property owner envisages combining the land use of the approved farm store with a restaurant and venue where patrons would be served meals and alcoholic beverages. The land use rights which are sought for the restaurant are intended to primarily be within the footprint of the existing building with the only building footprint expansion being a proposed kitchen and toilets (to be built on short stilts, raising the building from the ground) which collectively measure 77m².

When functions are held, the restaurant area, as well as an outside terrace area of approximately 2500 m², will serve as a restaurant/venue area.

The tourism industry in Hermanus and globally has been decimated by the impacts of the Covid 19 and associated regulations. The rationale for the owner submitting this land use application now is to ensure that the land use rights will be in place once the regulations are lifted to be able to commence with operations. While the application is processed, the property owners will observe new post Covid 19 market trends and devise a new tourism business model which will be responsive to the most recent trends in the industry.

5. PROCEDURE TO ACHIEVE THE DEVELOPERS INTENT

The land use rights required for the implementation of this proposal to be feasible will herewith be illustrated:

5.1 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.

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."

The proposed venue is planned to attract a maximum of 100 people at a single event and will be characterised by the generation of some music. The events are projected to occur occasionally, and this will not constitute a continuous high impact activity which would maintain the rural character of the subject farm. The subject property is located along the R43 which is described as a scenic route in the OM and is an ideal location for a venue. The mountain backdrop towards the north of the subject property is an ideal background for photographs and the recording of for instance weddings and other celebratory proceedings.

The subject farm has some environmentally sensitive areas with mountains to the north which limits the ability of the owner to generate an income from agricultural activities. The proposed venue would be a source of income for the owner and enable some of the profits to be used towards the general maintenance of the farm. This maintenance would enhance the visual value of the subject property along the scenic R43 route.



MOTIVATION

5.2 Consent use for tourist facilities to accommodate a restaurant in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015.

The OMZS defines tourist facilities as follow:

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

The definition of tourist facilities makes provision for a restaurant which is defined as follow:

"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;"

The guests of the restaurant is proposed to be served meals and alcoholic beverages. The definition of a restaurant makes provision for the onsite consumption of liquor. WRAP has also applied for an on-consumption liquor license. A copy of the submitted liquor licence will be circulated by the SAPS Designated Liquor Officer to the OM for comment.

The restaurant will also cater for events and functions to be held at the venue. Functions and venues are synonymous with the consumption of food and beverages and this consent use would enable that. The venue, farms stall and the restaurant are proposed to function interchangeably in the same building. The food and beverages would also serve as an additional income for the property owner and increase the labour intensity of the proposed land use which constitutes a positive economic impact amid high unemployment levels.

5.3 Existing approved consent use for a farm shop/stall:

The OMZS defines a farm shop/stall as follow:

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

The farm shop/stall and restaurant will operate during normal business hours and the restaurant and venue will function after hours and over weekends. The restaurant will provide the food and beverages to the functions to be held at the venue. This will serve as a steady additional income stream which would guarantee the financial sustainability of the subject farm. The variety of goods which will be sold will be informed by a market needs analysis which the property owners are conducting during this lockdown period.

6. APPLICATION

Considering the land use rights which are sought by the owner of the subject property, the following additional consent uses, over and above the existing approved farm shop/stall, is applied for:

- 6.1 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; and
- 6.2 Consent use** for tourist facilities to accommodate a restaurant in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015.



MOTIVATION

7. RURAL FABRIC

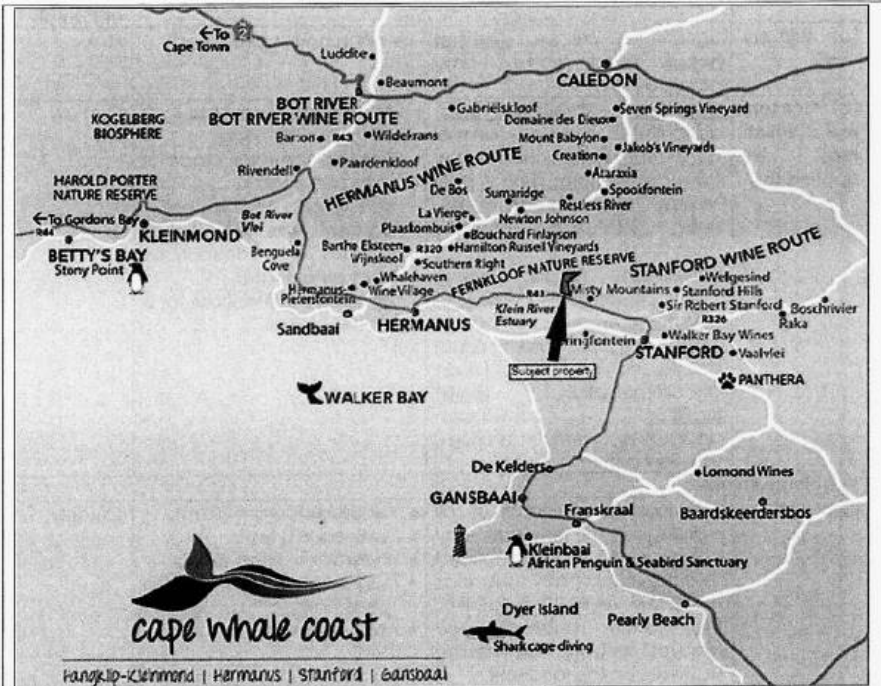


Figure 1 illustrates all the wineries, restaurants, venues and tourist related facilities in the Kleinmond, Hermanus, Stanford and Gansbaai rural area.

While the lockdown regulations have had a negative impact on the tourism industry in Hermanus, figure 1 illustrates that the rural areas in Hermanus have a strong and historic rural tourism base. The proposal for a restaurant/venue to complement the approved farm shop/stall on the subject property is in harmony with the prevailing tourism fabric of the rural area as illustrated in figure 1 and can be regarded as a compatible land use.

8. TITLE DEED



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Title deed T14019/1996 was perused and there are no restrictive title deed conditions which prohibit the land use rights which are sought in this application.

9. ZONING

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

Agriculture Zone 1: Agriculture			
	Parameters	Proposal	Deviate or comply
(a) Primary use	agriculture, crèche, <u>dwelling house</u> , guest rooms, home occupation;	Dwelling house (proposed)	N/A
(b) Consent use (which may be applied for)	<u>additional dwelling units</u> , agricultural industry, animal care centre, aquaculture, day care centre, <u>farm shop / stall</u> , fertilizer plant, guest house, hotel, institution, intensive animal farming, intensive horticulture, lodge, mining, place of assembly, <u>place of entertainment</u> , place of instruction, plant nursery, riding stables, service trade, tourist accommodation, <u>tourist facilities</u> , transmission apparatus, utility services, wellness centre, 4 x 4 trail.	<ul style="list-style-type: none"> • Approved consent use for 3 additional dwellings • Consent use for a place of entertainment to accommodate a venue; • Consent use for tourist facilities to accommodate a restaurant; and • Approved consent use for a farm shop/stall. 	Comply
Development rules			
Floor space	The total floor space of all buildings on the land unit, may not exceed 5 000m ² ; provided that the municipality may relax this requirement if it is satisfied that such buildings are required for bona fide farming activities on the land unit.	<ul style="list-style-type: none"> • Venue/restaurant 204m²; • Disabled WC 4m²; • Undercover stoep 84m²; • Proposed kitchen and toilets 77m²; • Additional dwelling unit 1 - 72m²; • Additional dwelling unit 2 - 51m²; • Additional dwelling unit 3 - 144 m²; and • Existing agricultural barn - 100m². Total 1320m ² .	Comply
Building lines	Street and common boundary building lines are all 30m.	Venue/restaurant 188m from the boundary; Additional dwelling unit 1 - 93m from the boundary;	Comply



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		Additional dwelling unit 2 – 89m from the boundary; Additional dwelling unit 3 – 112m from the side boundary; Agricultural workshop 193m from the boundary.	
Height	<p>(i) The maximum height of a building, measured from the base level to the top of the structure is 8,0 m, provided that;</p> <p>(ii) Agricultural buildings other than dwelling units shall not exceed a height of 12,0 m measured from the base level to the top of the structure; and where the municipality is satisfied that a greater height is necessary for the agricultural function of the building, it may permit such greater height; and</p> <p>(iii) Earth banks and retaining structures shall comply with 16.6, provided that earth banks and retaining structures, which in the opinion of Council are associated with the bona fide agricultural activities, are exempt from the requirements of 16.6.</p>	<p>(i) 9,076m (existing building, originally built as an agricultural barn);</p> <p>(ii) N/A;</p> <p>(iii) Comply</p>	Comply
Parking	<p>The provision of parking is provided in accordance with Section 17.1.3 of the OMZS: Restaurant and farm shop/stall = 6 bays per 100m². Place of entertainment = 1 bays per 4 seats</p>	<p>The parking calculation will be made on the restaurant, farm shop/stall and place of entertainment to illustrate the sufficiency of parking regardless of the proposed rotational use.</p> <ul style="list-style-type: none"> • The restaurant and farm shop/stall which include the outside undercover stoep have a GLA of 312m² and 18,79 parking bays are required; • The place of entertainment will seat a 	Comply



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		maximum of 100 people and 25 bays are required. • A total of 25 bays are provided which meets the parking requirement of the rotational land uses.	
Loading	The minimum off street loading requirements must be provided to the satisfaction of the Engineering Department.	No loading provided as this is subject to the request of the Engineering Department.	Comply

10. SERVICES

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

10.1 Solid waste

Solid waste is collected from the premises and dumped by the owner at the Stanford transfer station.

10.2 Electricity

Electricity to the existing buildings is supplied by Eskom.

10.3 Water

There is an existing water stream from which water for human consumption is taken as a General Authorisation on the farm.

10.4 Sewage

Sewage will be contained in a conservancy tank to be serviced by a private contractor.

10.5 Access and egress

Access to the subject property is gained from Trunk Road 02802 at the 15,59km marker as per the approval (refer **Annexure E**).

11. 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.

11.1 Need and desirability

Desirability, amongst others, refers to two components where need refers to "time" and desirability refers to "place". In other words, is it the right time and is it the right place for locating the proposed type of land use/activity? The land use rights which are sought by the owner are proposed at the most ideal place as illustrated in Section 6 of this motivation report. This planning submission is made at the ideal time as it is gearing up for the implementation of this proposal post lockdown which affords the property owner with sufficient time to devise a detailed business plan which is responsive to current post



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lockdown conditions. The considerable job losses which have occurred in the tourism industry due to the lockdown necessitates a strategy by landowners and entrepreneurs to revive the tourism industry once the Covid 19 regulations are eased which is urgently needed at this point.

11.2 Impact on views, sunlight and character of the area

The building where the venue, restaurant and farm stall land uses are proposed already exist. This proposed land use change will therefore not be an additional visual impact/imposition and have no impact on the views, sunlight and character of the area.

11.3 Economic impact

Venues, restaurants and farm shops/stalls are generally labour intensive compared to environmental conservation which the subject property may be used for. This will therefore enable the employment of unskilled and semi-skilled employees. The proposed farm store/stall will operate on days when the venue/restaurant will not be operating which will ensure permanent employment opportunities which is a positive economic impact. The incomes which the employees will earn will be spent on other enterprises and businesses in Hermanus which can be regarded as a positive economic impact as it will contribute towards the reviving of the economy of the area.

11.4 Impact on safety and wellbeing

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

11.5 Social impact

Functions at venues contribute towards creating ties between family and friends which is a positive social impact. Functions at venues are also generally characterised by the interaction of people from different socio-cultural backgrounds which can be regarded as a positive social impact which leads to social cohesion.

11.6 Environmental considerations

The existing buildings are located within a delineated wetland area as per Cape Farm Mapper. The buildings were however built many years ago.

This proposal constitutes an expansion of the existing and approved building footprint by 77m² which is below the 100m² trigger in terms of NEMA. The extension will also be constructed on short stilts/concrete footings for which excavation of less than 10 cubic meters will be required. We are therefore of the opinion that no basic assessment will be required.

12. SPLUMA MOTIVATION REQUIREMENTS

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

12.1 Public interest

The approval and implementation of this proposal will lead to additional taxes being collected by SARS which will be used for service delivery which is in the public interest.



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12.2 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 Hermanus rural areas have numerous venues/restaurants and farm stalls. Considering the compatibility of this proposal with the surrounding as illustrated in Section 7, other farmers will not in any way have land use rights which are enjoyed devalued or foregone.

12.3 Respective rights and obligations of all those affected

The evaluation of the land use rights and obligations of all those affected will be maintained if this proposal is approved. 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 and for the proposed tourist related activities to not interfere with the rights enjoyed by neighbouring property owners. The farm shop/stall does not constitute a noisy activity and will be more frequently operational compared to the venue/restaurant. The combination of these activities will ensure that the land use rights enjoyed by neighbours are not infringed upon.

13. SPATIAL PLANNING POLICIES

The consistency of this proposal with all relevant spatial planning policies was investigated. This is a relevant consideration in terms of Section 66 (1) (h), (i) (u) (k) and (l) of the OM By-Law:

13.1 WCLUPGRA

The policy promotes appropriate growth of the rural economy in appropriate locations. Policy proposals in the WCLUPGRA which are pertinent to this proposal are recorded below:

13.1.1 The Overstrand plays an important role in the Western Cape from a tourism perspective.

A venue/restaurant and farm shop/stall also functions as a tourist attraction. This proposal is intended to contribute to the important role which tourism plays in the economy of the Overstrand.

13.1.2 Promote additional land uses to facilitate diversification and value adding in rural areas in the form of restaurants and venue facilities.

The proposed venue/restaurant and farm shop/stall are aimed at promoting diversification through value adding land uses in rural areas as prescribed.

13.1.3 Promote tourist and recreational opportunities as a form of diversification.

The vast size of the subject farm will enable venue guests to wander around and take photos on the premises. This will contribute to the subject farm being used as a recreational facility without any clearance of vegetation.

13.2 PSDF

The aim of the PSDF is to give spatial expression to the national and provincial development agendas and serves as a basis for coordinating, integrating, and aligning ground delivery of national and provincial departmental programmes. The framework also aims to communicate the government's spatial development intentions to the private



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sector and civil society. Policy proposal which are pertinent to this proposal are recorded below.

13.2.1 The Overstrand is a significant leisure, lifestyle, holiday and economic centre.

The proposed venue/restaurant and approved farm shop/stall is intended to contribute towards the character of the Overstrand as a leisure, lifestyle and holiday centre.

13.2.2 Safeguarding and celebrating the Western Cape's unique cultural, scenic resources, on which the tourism economy depends.

The drive along the R43 is one of the most scenic drives due to the beauty of the farms which are well maintained in the rural area. The location of the subject property within proximity to this scenic drive is one of the factors which informed the property owners selecting the subject property for this proposed venue/restaurant and farm stall/shop.

13.2.3 The integrity of the Province's natural and built environments is also of critical importance to the further development of tourism.

The natural environment on the subject farm and the mountain backdrop will be used to market the viability of the proposed tourism land uses to prospective clients and will enable the further development of tourism as prescribed.

13.3 SDF

The SDF identifies areas where growth and changes are projected and contains policy proposals which ensure that this occurs to the benefit of the inhabitants of the area. Policy proposal in the SDF which are pertinent to this proposal are recorded below.

13.3.1 Promote the Greater Hermanus as a tourism destination.

This proposal is intended to contribute towards promoting the Hermanus rural area as a tourism destination as prescribed by the SDF.

13.3.2 Stimulate economic activity in a responsible manner.

The proposal for the establishment of a venue/restaurant and farm stall/shop within a rural area is a responsible stimulation of economic activities as that capitalises on the scenic value of the area.

13.2.3 Conserve and improve the visual quality of the landscape.

The proposed venue/restaurant and farm shop/store are in a building which is easily visible from the R43 scenic route. Venues and restaurants generally tend to be more visually appealing compared to farm shops/stores. The proposed land use will result in the renovation of the building which will contribute towards visual enhancement of the status of the R43 as a scenic route.

14. PLANNING PRINCIPLES

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

14.1 Spatial Justice



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

14.2 Spatial Sustainability

Spatial sustainability refers to the need to promote mixed use rural environments which allow for a functional space economy to flourish. The subject proposal promotes complementary mixture of a venue/restaurant and farm store/stall in addition to the 3 approved additional dwelling units. The land uses will also allow for a functional economy to flourish which will all lead to spatial sustainability.

14.3 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 subject property has limited agricultural potential due to some environmental constraints. This proposal entails the optimal development of the subject property without compromising on environmentally sensitive areas which is a hallmark of efficiency.

14.4 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.

14.5 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.



RECOMMENDATION

15. EVALUATION

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


- 15.1 The approval and implementation of this proposal will contribute towards the enhancement of the tourism image of the area.
- 15.2 The approval and implementation of this proposal will also unlock employment/economic opportunities in the rural area which will be positive impact in the area.

16. RECOMMENDATION

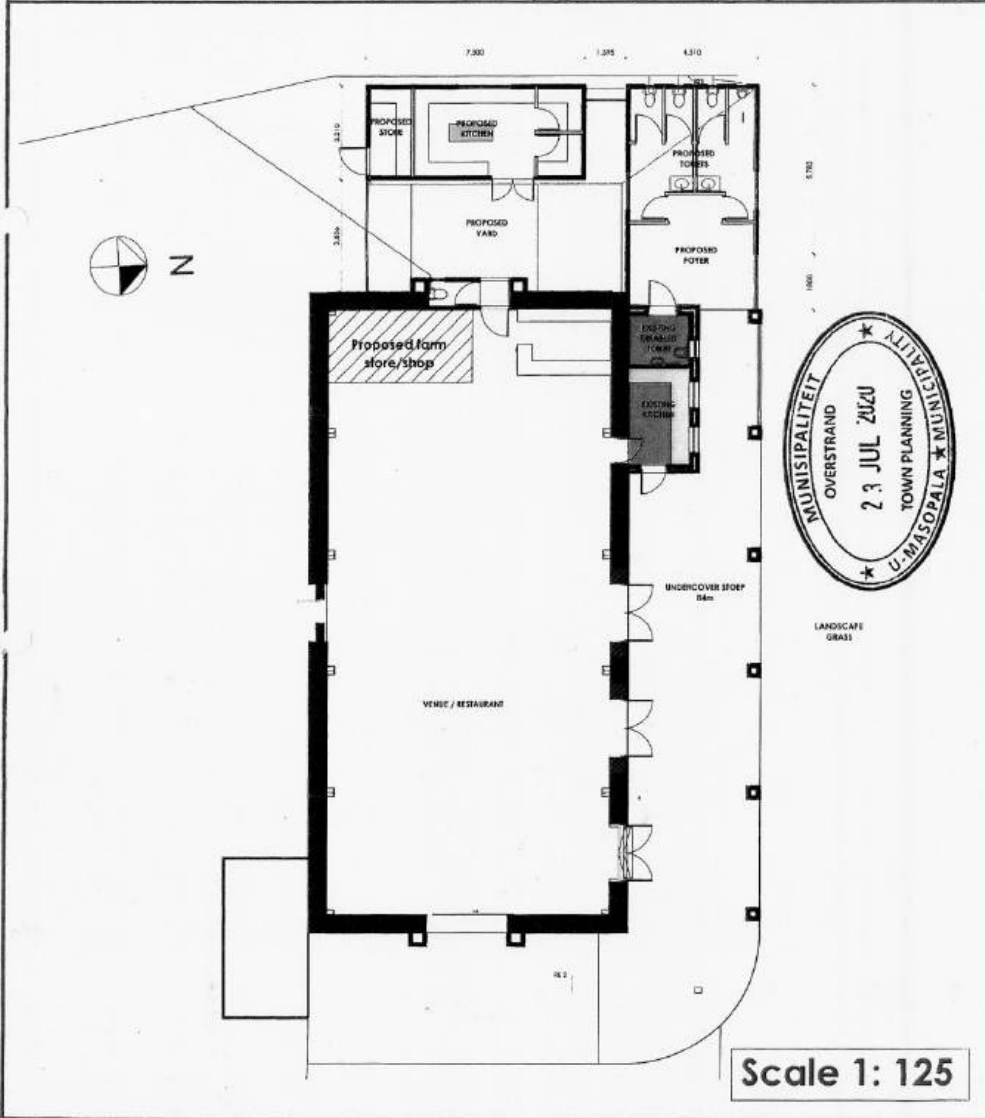
It is recommended that the following is approved:

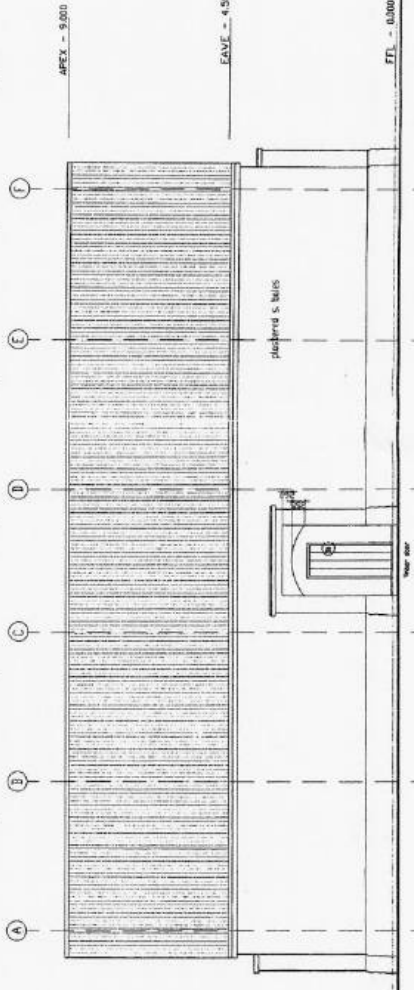
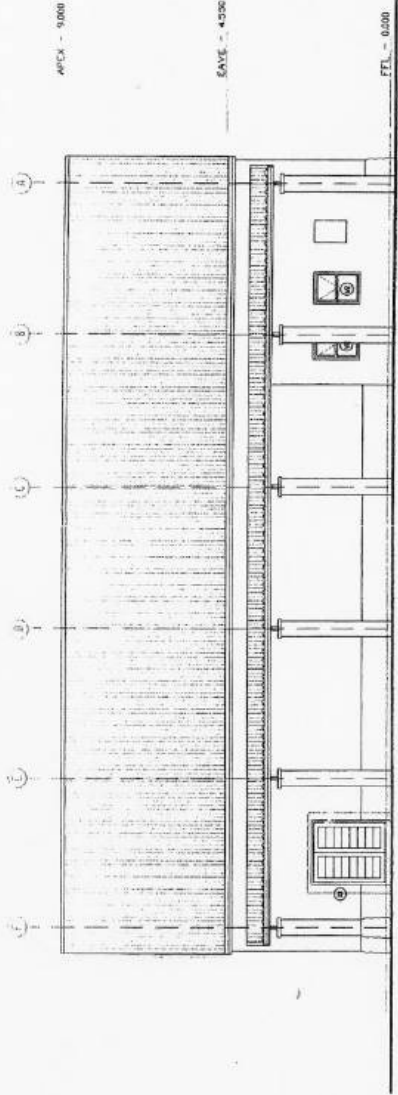
- 16.1 **Consent use** for a place of entertainment to accommodate a venue in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015; and
- 16.2 **Consent use** for tourist facilities to accommodate a restaurant in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015.

**Proposed Farm Store/Stall, Place of Entertainment (Venue) and Restaurant
Portion 2 of The Farm Oude Bosch 637 Caledon**

 Farm store/stall	
NEW COVERED FLOOR AREA:	77m²
EXISTING GROUND FLOOR:	
VENUE, RESTAURANT AND FARM STALL/SHOP	204m ²
DISABLED WC	4m ²
UNDERCOVER STOEP	84m ²
OPEN STOEP	69m ²
TOTAL AREAS:	341m²

Based on drawings by
Finkayson van der Merwe
Tel: 028 313 1411
Email: admin@wrapgroup.co.za
Plan 1.1
Unit 8, Standard House, Cnr Royal and
Dikkie Uys Street, Hermanus, 7200
Plan prepared by: Reathlele Jankie
All distances are approximate
and subject to a survey



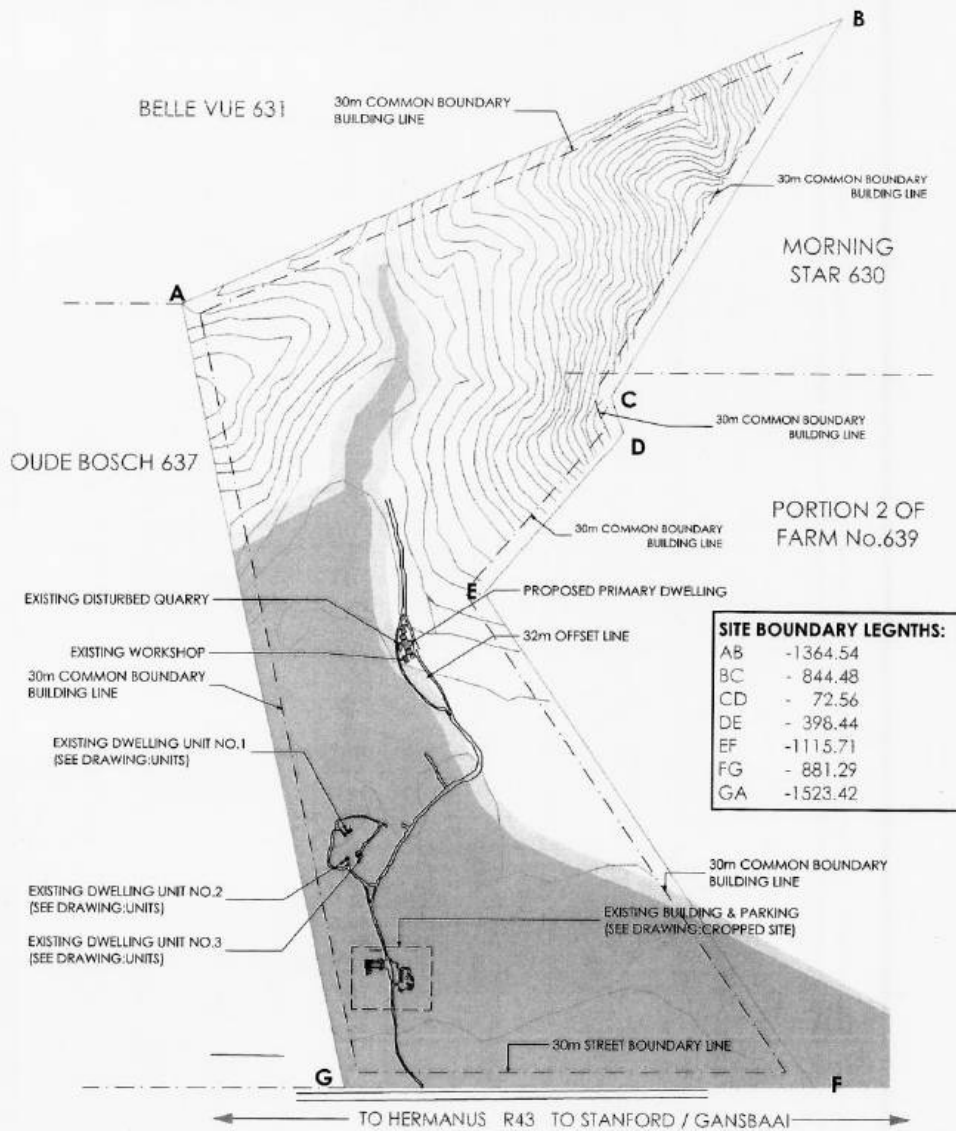


Andrew Finlayson
 ARCHITECT

PROJECT
 NEW WINERY ON CRYSTAL
 KLOOF

DATE	09/06/08	BY	AF
DRAWING NO	0507A12	REV	0
PROJECT NO	07/08	SHEET	1/100

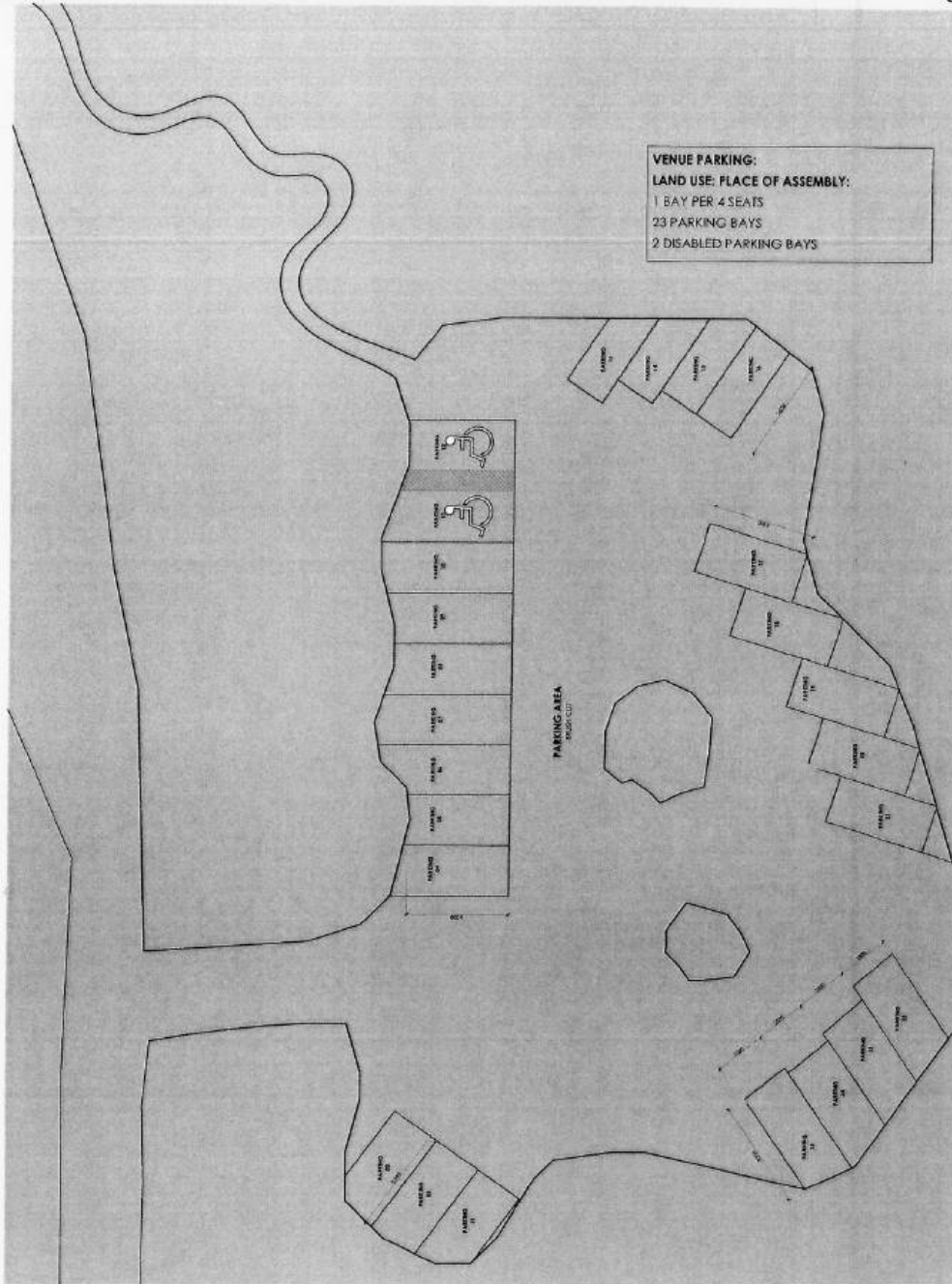
NORTH & SOUTH ELEVATIONS



SITE BOUNDARY LEGNTHS:	
AB	-1364.54
BC	- 844.48
CD	- 72.56
DE	- 398.44
EF	-1115.71
FG	- 881.29
GA	-1523.42

SITE PLAN LAYOUT
SCALE 1:10 000

LEGEND:
WETLANDS



CRYSTAL KLOOF | PARKING LAYOUT
Scale 1:250 | JULY 2020

A Conradie

From: Andrew Ivey <andrew@icare4u.co.za>
Sent: 14 October 2020 03:53 PM
To: A Conradie
Cc: 'Yvonne'
Subject: FW: Portion 2 of Farm 637
Attachments: Annexures.pdf



TP. A. Heath
 (P. Roux)

Dear Alida

Could you please register us as I+AP's with respect to the application on portion 2 of Farm 637. Our concerns relate to water usage, noise and increased numbers of people on the farm.

Kind regards

Andrew and Yvonne Ivey
 3 Innesbrook, Fairways Avenue

FILE NO:	Pin 2/637	STF
	Jude Bosch	✓
SCAN NO:	Andrew	
COLLABORATOR NO:	1469181	

16 OCT 2020

A Conradie

From: Elspeth Ivey <reivey@iafrica.com>
Sent: 15 October 2020 01:01 PM
To: A Conradie
Cc: Patrick Rorke; Mark F Webber; jean kuiper; Elspeth Ivey; John Bergh
Subject: Portion 2 of Farm No 637, RCAL, Overstrand Municipal Area: Application for Consent Use:
Attachments: Granton Trust - Consent Use Portion2.637, Oct.2020_0.doc

File Reference: Ptn 2/637 RCAL
 - Attention:P.Roux
 Ms a Conradie

Dear Ms Roux /

Portion 2 of Farm No 637, RCAL, Overstrand Municipal Area : Application for Consent Use: WRAP Project Office on Behalf of Crystal Kloof Pty Ltd.

Thank you for the Notice of the above application for consent use. The Trustees of Granton Trust T. 4156/99 request that you register the Trust as an I&AP in the application for consent use for a restaurant, place of entertainment (venue), a tourist building (farm shop/stall) and a primary dwelling. Granton Trust owns property 637/Rem RCAL which adjoins the above property on north of R43. The property 637/Rem RCAL is a proclaimed Private Nature Reserve known as Oudebosch Private Nature Reserve. Development on the abovenamed property will have direct impact on our property which we maintain as a near-pristine as possible and which adds value to the recognised scenic route between Hermanus and Stanford.

Attached please find a copy of our comment in this application.

Contact details for Granton Trust are: Contact person: Mrs E L L Ivey ;
 address: reivey@iafrica.com Postal Address P O Box 235 Stanford 7210. email
 082 7707320 landline 028 3140263 cellphone

We look forward to further correspondence on this Application. Regards

Webber
 Trust

J P Bergh, E L L Ivey, H Knight, M F

Trustees of Granton



October 2020

TP-N. Heart
(P. Roux)

File Reference: Ptn 2/637 RCAL - Attention: P.Roux

Dear Ms Roux / Ms a Conradie

FILE NO:	Ptn 2/637 Oude Bosch ✓
SCAN NO:	Elsbeth
COLLABORATOR NO:	1469164

Portion 2 of Farm No 637, RCAL, Overstrand Municipal Area : Application for Consent Use: WRAP Project Office on Behalf of Crystal Kloof Pty Ltd.

Thank you for informing me of the abovenamed application for Consent Use and Departure. The Trustees of Granton Trust request to be registered as an I.&A.P for this application.. Granton Trust owns property 637/Rem which adjoins property Portion 2/637 on the western boundary.

The Trustees of Granton Trust comment as follows:

BACKGROUND

- In January 2011, Notice was given of an application for consent use for the establishment of a tourist facility (restaurant/wedding venue), farmstore, and five additional dwelling units on the property 637 Portion 2 - Notice 5/2011.
- We were informed on 10 October 2011, that at a Majoral Committee meeting on 28.09.2011, approval was given for consent use on Portion 2 Farm 637 for the establishment of a farm store and three (3) additional dwelling units subject to certain conditions.
- We submit that the conditions given for approval by Department of Agriculture and Department of Transport and Public Works, together with Comments from the Engineering Services Department of Overstrand Municipality be enforced.

CURRENT APPLICATION

The application under review is for consent use in order to accommodate a restaurant, place of entertainment and tourist building (farmshop/stall) on the property and in addition a primary dwelling house. We comment as follows:-

1. Water.- There is an endorsement in the Applicant's Title Deed by Water Servitude No K742 dated 24 July 1984 and registered 15.08.1984. This endorsement was transferred to P M Grant & 3 others (Erven 637 portion 3,4,5, and 6 on 14.02.2001.T 009815*2001
 - 1.1 Title Deed – the water supply registered in the subject's property's title deed allows the applicant less than half the water flowing in the public stream across the property. The Granton Trust is entitled to half the water and the whole of Old Oak/Zilvermijnbosch is entitled to half the supply. The supply to Old Oak has been divided between Crystal Kloof (above the R43) and Zilvermijnbosch(below R43) . Therefore Crystal Kloof is entitled to less than half the water flowing in the public mountain stream. Title Deed T16090/75 Endorsement K742/1984 and T009815*2001.
 - 1.2 The property falls within the Klein River Catchment Area and the stream provides essential inflow of water to the Klein River Vlei/lagoon. In addition each property owner must ensure that there is water for the Ecological Reserve.
 - 1.3 During the dry season, especially in the past few years of drought, there can be a limited supply of water available for use on 637/2.
2. Buildings
 - 2.1 There is confusion with regard to the total number of dwellings and structures to be built or renovated and finally to be in place on the property. We request a SITE PLAN giving details of the buildings and their place on the property.
 - 2.2 Height restriction - The present Agricultural Barn/workshop is 9m in height. No greater height of building must be permitted.
 - 2.3 The buildings/dwellings must conform to the Conditions for Approval given by the Department of Agriculture dated 10.01.2011.
 - 2.4 Environmental considerations Potential Flooding and erosion. The existing 3 dwelling units have been flooded in the past, when the stream broke its banks and spread across a wide area. It is essential for the mountain stream to be able to spread over a large area into the wetlands both for the survival of the wetlands and to protect the R43 and the access road to the property owned by Trustees of Granton Trust. Interference with the vegetation on the banks of the stream, followed by heavy rain, caused the stream to erode deep into the alluvial soil to bedrock and form a "donga". Thus the buildings should be located outside the flood area or be protected from potential flood waters. No interference of the natural stream because this stream is an important source of water for the the Ecological Reserve, the surrounding vegetation, the wetlands and the

16 OCT 2020

Klein River Estuary.

3. Sewage. We note that Sewage will be contained in a conservancy tank to be serviced by a private contractor and NOT in septic tanks or soak away/French drain system. There are a number of water users downstream from the buildings and pollution from sewage and waste water must be prevented.

4. Application for Place of Entertainment. The owners wish to establish a venue for weddings and celebrations for a limited number of persons. Approval may be given subject to defined conditions which must be enforced.

4.1 No high activity is to be permitted. The number of people to be limited and controlled i.e. 100 persons for single event is suggested.

4.2 Noise to be controlled - no loud music which can disturb the neighbours or fauna on the property and neighbourhood.

No noise after midnight (12 pm).

4.3 Lighting to be limited- no bright lights which will disturb neighbours or impact on fauna.

5. Application for Tourist facilities to accommodate a Restaurant.

5.1 The existing building to be renovated to be used as the restaurant. Seating to be in the building and on the outside terrace.

5.2 The restaurant will also cater for events and functions to be held at the venue.

Approval may be given subject to defined conditions, which must be enforced,. See conditions above in Place of Entertainment.

6. Security.

6.1 We disagree with the statement in Item 11.4 that an increase of people will contribute to the safety on the subject property and have a positive impact on well-being of surrounding property owners. We suggest that the greater number of persons attracted to the area will have a converse affect and increase the potential for criminal activity.

6.2 Strict control of visitors and employees will be necessary to prevent trespassing on the surrounding properties.

7. Environmental Considerations. We support the recommendations given by the Department of Agriculture- 2011-01-11.

7.1 The buildings and activities must not contribute to the loss of Critical Biodiversity Areas; Critical Ecological Support Areas; Buffer Areas Areas to Critical Biodiversity Areas.

7.2 If these buildings and activities are placed on localities near to rivers and ecological corridors the listed activities in terms of N.E.M.A. No 107 of 1998 as well as principles of the PSDF must be noted.

7.3 No contamination of surface and ground water occur as result of the proposed development

7.4 The proposed dwellings should be compact, unobtrusive and respect the local vernacular.

7.5 It is agreed that the subject property has limited agricultural potential due to some environmental constraints (Item 14.3). A proposal that involves development without negative impact on environmentally sensitive areas is to be recommended.

8 .Future Use of the Property with regard to Consent Use.

8.1 The present owners are aware of the natural environment and seek to find an economic means to maintain the critical biodiversity and beauty of the property.

8.2 A Condition for Approval should include "Consent Use lodges with the current owners only and lapses with the sale of property and is not transferable. If th owner sells the property or there is a successor in title for whatever reason, the approval will lapse. The new owners will need to apply for consent use if they wish."

Conclusion: The Granton Trustees support the principle that there be diversification of activities on Agricultural land to generate income but these activities must be subject to conditions which protect the natural value of the property. Farm Portion 2 Erf 637 is recognised as supporting critical biodiversity, threatened wetlands and a property of natural beauty on a scenic route in the Overstrand. These features must be protected against damage from possible damage by the proposed consent use. Sensitive and conservation recognised development can enhance the attraction of the natural potential of the property.

Regards

Granton Trustees : J P Bergh, E L L Ivey, H Knight
Granton Trust IT

Portion 2/637 – Oudebosch Private Nature Reserve

Contact person: E L L Ivey, P O Box 235, Stanford 7210, email reivey@iafrica.com
cellphone 082 7707320 landline 028 3140263

TP n. / heart
(P. Roux)

ANNEXURE E 1/5



Project Office

Town Planning & Project Management

Our Reference: 19/101
Your reference: Ptn 2/637 RCAL

22 October 2020

The Municipal Manager
Overstrand Municipality
P O Box 20
HERMANUS
7200

Attention: Mr P Roux

FILE NO:	PAU 2/637 STR
	Oude Bosch ✓
SCAN NO:	
	Farm 637
COLLABORATOR NO:	
	1472711

RESPONSE TO PUBLIC COMMENTS FOR THE APPLICATION FOR CONSENT USE: PORTION 2 OF FARM OUDE BOSCH 637 CALEDON

Your letter dated 20 October 2020, refers.

Comments were received from A & Y Ivey, JP Berh, ELL Ivey and H Knight.

Response to comments pertaining to the scale of the submitted application.

Comment	Response to comment
"There is confusion with regard to the total number of dwellings and structures to be built or renovated and finally to be in place on the property. We request a SITE PLAN giving details of the buildings and their place on the property."	A site development plan was attached to the submitted proposal as Plan 3 which illustrated the scale and placement of all the structures on the subject farm.
"Height restriction - The present Agricultural Barn/workshop is 9m in height. No greater height of building must be permitted."	The height of the present agricultural barn will be kept at 9m as there is no immediate intent to increase its height.
"The buildings/dwellings must conform to the Conditions for Approval given by the Department of Agriculture dated 10.01.2011."	The Department of Agriculture supported the submitted application and the conditions of approval which were imposed were complied with.

TP 20 OCT 2020 28 OCT 2020

Response to comments pertaining to water related considerations.

Comment	Response to comment
<p>"Water - There is an endorsement in the Applicant's Title Deed by Water Servitude No K742 dated 24 July 1984 and registered 15.08.1984. This endorsement was transferred to P M Grant & 3 others (Erven 637 portion 3,4,5, and 6 on 14.02.2001.T 009815*2001. Title Deed - the water supply registered in the subject's property's title deed allows the applicant less than half the water flowing in the public stream across the property. The Granton Trust is entitled to half the water and the whole of Old Oak/Zilvermijnbosch is entitled to half the supply. The supply to Old Oak has been divided between Crystal Kloof (above the R43) and Zilvermijnbosch(below R43). Therefore Crystal Kloof is entitled to less than half the water flowing in the public mountain stream. Title Deed T16090/75 Endorsement K742/1984 and T009815*2001."</p>	<p>According to the title deed, which was submitted with the planning application, Crystal Kloof (Pty) Ltd is entitled to use one half of all the water flowing in the public stream.</p>
<p>"The property falls within the Klein River Catchment Area and the stream provides essential inflow of water to the Klein River Vlei/lagoon. In addition, each property owner must ensure that there is water for the Ecological Reserve."</p>	<p>The owner of the subject property does not over abstract water on the premises which leaves sufficient inflow water into the Klein Rivier Vlei/Lagoon.</p>
<p>"During the dry season, especially in the past few years of drought, there can be a limited supply of water available for use on 637/2."</p>	<p>The impact which the drought has had on the availability of water is not related to the land use practices on the subject farm and is not disputed.</p>
<p>"Environmental considerations. Potential Flooding and erosion. The existing 3 dwelling units have been flooded in the past, when the stream broke its banks and spread across a wide area. It is essential for the mountain stream to be able to spread over a large area into the wetlands both for the survival of the wetlands and to protect the R43 and the access road to the property owned by Trustees of Granton Trust. Interference with the vegetation on the banks of the stream, followed by heavy rain, caused the stream to erode deep into the alluvial soil to bedrock and form a "donga". Thus, the buildings should be located outside the flood area or be protected from potential flood waters. No interference of the natural stream because this stream is an important source of water for the Ecological Reserve, the surrounding vegetation, the wetlands and the Klein River Estuary."</p>	<p>The 3 existing additional dwelling units have been approved at the existing location by DEADP and there is no intention to relocate these units.</p>



Response to comments pertaining to services related considerations.

Comment	Response to comment
"We note that Sewage will be contained in a conservancy tank to be serviced by a private contractor and NOT in septic tanks or soak way/French drain system. There are a number of water users downstream from the buildings and pollution from sewage and waste water must be prevented."	The rationale for the existing buildings using conservancy tanks which are serviced by a private contractor and not septic tanks is to avoid sewage contaminating the ground water which would pose a health hazard for the water users downstream.

Response to comments pertaining to the impact and implications of the approval and implementation of this proposal.

Comment	Response to comment
"Application for Place of Entertainment. The owners wish to establish a venue for weddings and celebrations for a limited number of persons. Approval may be given subject to defined conditions which must be enforced."	This is correct as the OM may impose conditions of approval to limit the scale of activities on the subject property.
"No high activity is to be permitted. The number of people to be limited and controlled i.e. 100 persons for single event is suggested."	The place of entertainment is intended only to attract a maximum of 100 people as cited by the commenter.
"Application for Tourist facilities to accommodate a Restaurant. The existing building to be renovated to be used as the restaurant. Seating to be in the building and on the outside terrace. The restaurant will also cater for events and functions to be held at the venue. Approval may be given subject to defined conditions, which must be enforced. See conditions above in Place of Entertainment."	This illustrates that the commenter supports the submitted application in principle but only wishes for conditions of approval to be imposed and enforced by the OM which will ensure that the land use activities do not become a nuisance. The OM has a track record of imposing reasonable conditions of approval which are generally intended to ensure that the nature of approved land use activities do not become a nuisance to neighbours of the property in question which can be expected in the decision letter of this application.
"Environmental Considerations. We support the recommendations given by the Department of Agriculture- 2011-01-11. <ul style="list-style-type: none"> • The buildings and activities must not contribute to the loss of Critical Biodiversity Areas; Critical Ecological Support Areas; Buffer Areas to Critical Biodiversity Areas. • If these buildings and activities are placed on localities near to rivers and ecological corridors the listed activities in terms of N.E.M.A. No 107 of 1998 as well as principles of the PSDF must be noted. 	<ul style="list-style-type: none"> • The barn where the land use is proposed to be changed into a place of entertainment/restaurant is only proposed for expansion for an area which measures 77m² in an already disturbed area which will not further lead to the loss of critical biodiversity areas, critical ecological support areas and buffer areas; • The existing building which is proposed to be converted into a restaurant and place of entertainment has been approved at the current location and does not contravene NEMA;



<ul style="list-style-type: none"> • No contamination of surface and ground water occur as result of the proposed development. • The proposed dwellings should be compact, unobtrusive and respect the local vernacular. • It is agreed that the subject property has limited agricultural potential due to some environmental constraints (Item 14.3). A proposal that involves development without negative impact on environmentally sensitive areas is to be recommended." 	<ul style="list-style-type: none"> • No contamination of surface and ground water currently occurs on the subject property and it is not projected to change with the approval and implementation of this proposal; • The existing building for which an application was submitted was historically used as an agricultural barn which conforms to the architectural styling which is prevalent in rural areas. This proposal entails the renovation of the building to be more suitable as a place of entertainment and restaurant in a manner which is not obtrusive to the local vernacular design of the area; and • The rationale for the submitted proposal was to promote a tourism land use that would avert disturbing the environmental sensitivity which is prevalent on the subject farm.
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Response to commentor pertaining to proposed conditions of approval.

Comment	Response to comment
<p>"Noise to be controlled - no loud music which can disturb the neighbours or fauna on the property and neighbourhood. No noise after midnight (12 pm)."</p>	<p>The place of entertainment is highly unlikely to operate daily as events generally tend to be held occasionally which coincidentally limits the scale and intensity of the activity which can occur on the subject property. The proposed restaurant is not projected to play excessively noisy music as people are drawn to restaurants in rural areas due to the tranquillity of the areas. Considering the above, the stringent limitation that no noise after midnight be played will not be necessary.</p>
<p>"Lighting to be limited- no bright lights which will disturb neighbours or impact on fauna."</p>	<p>Lighting will be done in a manner which does not contravene any municipal by laws to avert any visual disturbance to the neighbours.</p>
<p>"Future Use of the Property with regard to Consent Use. The present owners are aware of the natural environment and seek to find an economic means to maintain the critical biodiversity and beauty of the property. A Condition for Approval should include "Consent Use lodges with the current owners only and lapses with the sale of property and is not transferable. If the owner sells the property or there is a successor in title for whatever reason, the</p>	<p>An approved consent use is a permanent land use right which vests on the property and not the property owner and cannot lapse if implemented within the time frames which are prescribed by the OM. The condition of approval which is sought by the commenter conflicts with the OMZS prescripts and it is proposed that the OM set this suggestion aside.</p>



approval will lapse. The new owners will need to apply for consent use if they wish."

Response to comments pertaining to security related considerations.

Comment	Response to comment
"We disagree with the statement in Item 11.4 that an increase of people will contribute to the safety on the subject property and have a positive impact on well-being of surrounding property owners. We suggest that the greater number of persons attracted to the area will have a converse affect and increase the potential for criminal activity. Strict control of visitors and employees will be necessary to prevent trespassing on the surrounding properties."	The proposed place of entertainment and restaurant is projected to attract genteel clientele which will enhance surveillance on the subject farm and surrounding farms and will not attract criminals or unsavoury characters who may pose a threat to the safety of the rural residents as purported by the commenter. The entrance and egress to the subject property will be strictly controlled to prevent any trespassing which will be an additional security measure which will be applied on the subject property.

Response to the conclusion by the commentor.

Comment	Response to comment
"The Granton Trustees support the principle that there be diversification of activities on Agricultural land to generate income, but these activities must be subject to conditions which protect the natural value of the property. Farm Portion 2 Erf 637 is recognised as supporting critical biodiversity, threatened wetlands and a property of natural beauty on a scenic route in the Overstrand. These features must be protected against damage from possible damage by the proposed consent use. Sensitive and conservation recognised development can enhance the attraction of the natural potential of the property."	The commenter supports the submitted application and acknowledges that the proposed land use is the viable as it allows the property owner to generate an income while protecting the natural beauty, environmental sensitivity and scenic route along the subject farm.

Conclusion

The commenter supports the submitted application in principle but requested that conditions of approval be imposed which are far too onerous. It is therefore requested that the OM set aside the conditions which are proposed by the commenter and rather impose conditions which tend to be conventionally imposed on developments of a similar type and scale as the one which was submitted.

Yours faithfully

R JANKIE

TOWN PLANNER (B/8392/2017)

ANNEXURE F



File reference:	PTN 2/637 RCAL
Admin	MM
Date:	10 September 2020

INTERNAL MEMORANDUM

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

TO:

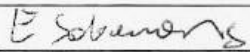
<u>Area Manager</u>	<u>Building Department</u>	<u>District Health</u>	<u>Electrical Department</u>
<u>Environmental Officer</u>	<u>Fire Department</u>	<u>Infrastructure and Planning</u>	<u>Local Heritage Committee</u>
<u>Operational Services</u>	Traffic Department	<u>Ward Councillor (D Coetsee)</u>	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

Applicant	Wrap Project Office on behalf of Crystal Kloof (Pty) Ltd
Property Details	Ptn 2/637 of the Farm Oude Bosch
Application Description	CONSENT USE

ATTACHMENTS :

1. Notice	Should the information be insufficient for you to make an informative comment, please list any additional documentation that you would require to make informed comments.
2. Locality Plan	
3. Site & 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	
(Detailed Fire Protection Plan to be provided)	
ASSISTANT CHIEF Enrico Solomons <small>PO Box 25 HERMANUS 7200 Tel: 028 213 8979 Fax: 028 313 1493</small>	
Date: 11 SEP 2020	
Signature: 	Date: _____ Email: esolomons@overstrand.gov.za

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 properties are in accordance with the approved building plans.

COMMENTS REQUIRED BY: 16 OCTOBER 2020
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File reference:	PTN 2/637 RCAL
Admin	MM
Date:	10 September 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>	<u>Electrical Department</u>
<u>Environmental Officer</u>	<u>Fire Department</u>	<u>Infrastructure and Planning</u>	<u>Local Heritage Committee</u>
<u>Operational Services</u>	Traffic Department	<u>Ward Councillor (D Coetzee)</u>	<u>Waste Management</u>

Applicant	Wrap Project Office on behalf of Crystal Kloof (Pty) Ltd
Property Details	Ptn 2/637 of the Farm Oude Bosch
Application Description	CONSENT USE

ATTACHMENTS :

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

YOUR DEPARTMENT'S COMMENTS:

No objection from Solid Waste Planning.	
Note that should the waste volumes generated increase significantly the owner could be required to stop disposing of the waste at the Stanford drop off and have transport the waste directly to the Gaansbaai landfill site instead for disposal.	
Signature: 	Date: 17/09/2020

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 properties are in accordance with the approved building plans.

COMMENTS REQUIRED BY: 16 OCTOBER 2020
--



Overstrand Municipality

Date: 2020/10/02

aconradie@overstrand.gov.za

Enquiries:

WayleavesWesternOU@eskom.co.za

WAYLEAVE APPLICATION: Consent use : Ptn 2/637, Oude Bosch, Division Caledon :
Hermanus

YOUR REF: Ptn 2/637 RCAL

ESKOM REF: 02327-20

THIS IS NOT AN APPROVAL TO START CONSTRUCTION

I hereby inform you that Eskom has no objection to 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.

1. **Eskom services are affected by your proposed works and the following must be noted:**

- a) Eskom has no objection to the proposed work and include a drawing indicating Eskom 11kV/LV underground services in close proximity.
- b) Please note that underground services indicated are only approximate and the onus is on the applicant to verify its location.
- c) There may be LV overhead services / connections not indicated on this drawing.
- d) The successful contractor must apply for the necessary agreement forms and additional cable information not indicated on included drawing, in order to start construction.

Application for Working Permit must be made to:

Customer Network Centre: Caledon

Dirk Swart / Francois Swart

028 214 5710 / 028 214 5713 / 083 502 2590

SwartDi@eskom.co.za

Include Eskom Wayleave as-built drawings and all documentation, when applying for Working Permit.

Should it be necessary to move, relocate or support any existing services for possible future needs, it will be at the developer's cost. Application for relocating services must be made to Customer Services on 08800 37566 or customerservices@eskom.co.za

**Distribution Division - Western Region [Land Development]
Western Region**
Eskom Road, Brackenfell 7560 PO Box 222, Brackenfell 7561 SA
Tel +27 86 003 7596 www.eskom.co.za
Eskom Holdings SOC Limited Reg No 2002/015527/30

2. Underground Services

The following conditions to be adhered to at all times:

- a) Works will be carried out as indicated on plans.
- b) No mechanical plant to be used within 3.0m of Eskom underground cables.
- c) All services to be verified on site.
- d) Cross trenches to be dug by hand to locate all underground services before construction work commences.
- e) If Eskom underground services cannot be located or is grossly misplaced from where the wayleave plan indicates, then all work is to be stopped and Graham Hector from the Land Development Office to be contacted on 021 980 3551 / HectorG@eskom.co.za, to arrange the capturing of such services.
- f) In cases where proposed services run parallel with existing underground power cables the greatest separation as possible should be maintained with a minimum of 1000mm.
- g) Where proposed services cross underground power cables the separation should be a minimum of **300mm** with protection between services and power cables. (Preferably a concrete slab)
- h) No manholes, catch-pits or any structure to be built on top of existing underground services.
- i) Only walk-behind (2 ton Bomac type) compactors to be used when compacting on top of and 1 metre either side of underground cables.
- j) If underground services cannot be located then the Customer Network Centre (CNC) should be consulted before commencement of any work.
- k) **No work can take place within the servitude of a 66kV Cable or 13kV Cable if indicated.** Should you need to undertake any work within the proximity of our 66kV or 132kV Cables please contact Graham Hector on 082 7720 359 or graham.hector@eskom.co.za

3. O.H. Line Services:

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

Voltage	Building restriction either side of centre line
11 / 22kV	9.0 m
66kV	11.0 m
132kV	15.5 m

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

Voltage	Not closer than:
11 / 22kV	3.0 m
66kV	3.2 m
132kV	3.8 m

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

Voltage	Safety clearance above road:
11 / 22kV	6.3 m
66kV	6.9 m
132kV	7.5 m

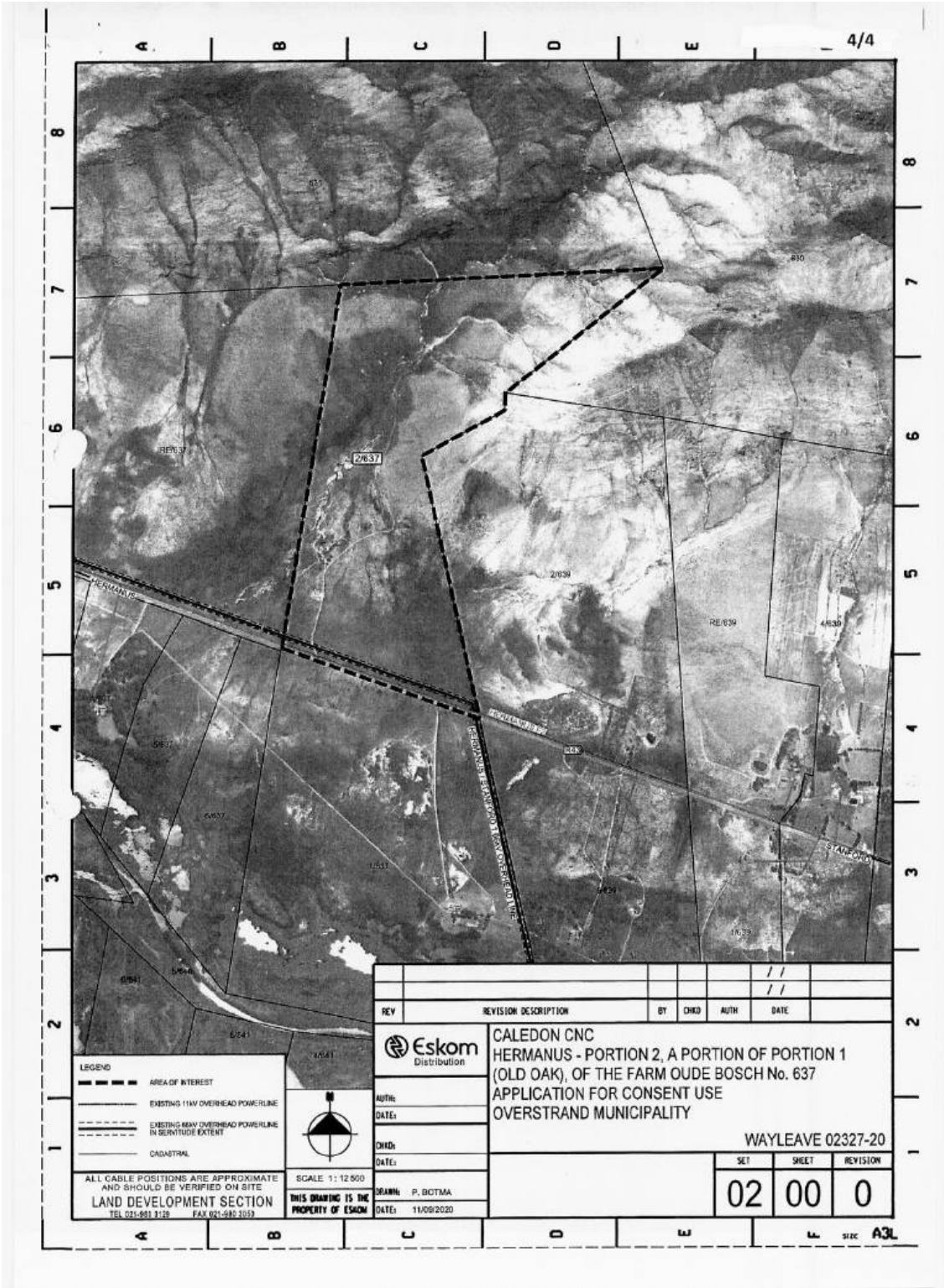
- f) That existing Eskom power lines and infrastructure are acknowledged as established infrastructure on the properties and any rerouting or relocation would be for the cost of the applicant/developer.
- g) That Eskom rights or servitudes, including agreements with any of the landowners, obtained for the operation and maintenance of these existing power lines and infrastructure be acknowledged and honoured throughout its lifecycle which include, but are not limited to:
- i. Having 24 hour access to its infrastructure according to the rights mentioned in (a) above,
 - ii. To perform maintenance (structural as well as servitude – vegetation management) on its infrastructure according to its maintenance programmes and schedules,
 - iii. To upgrade or refurbish its existing power lines and infrastructure as determined by Eskom,
 - iv. To perform any other activity not listed above to ensure the safe operation and maintenance of the Eskom power lines or infrastructure.
- h) Eskom must have at least a 10m obstruction free zone around all pylons (not just a 10m radius from the centre).
- i) Eskom shall not be liable for the death or injury of any person, or for loss of or damage to any property, whether as a result of the encroachment or use of the area where Eskom has its services, by the applicant, his/her agent, contractors, employees, successors in title and assignee.
- j) The applicant indemnifies Eskom against loss, claims or damages, including claims pertaining to interference with Eskom services, apparatus or otherwise.
- k) Eskom shall at all times have unobstructed access to and egress from its services.
- l) Any development which necessitates the relocation of Eskom's services will be to the account of the developer.
- m) Lungile Motsisi MotsisiL@eskom.co.za, Eskom: Transmission must be contacted on 011 800 5734 to comment on behalf of the 400 kV OVERHEAD POWERLINES. NO WORK WITIN THIS SERVITUDE OR UNDERNEATH POWERLINES IS ALLOWED until comment from Eskom Transmission has been obtained.

4. NOTE

Wayleaves, Indemnity form (working permit) and all as-built drawings issued by Eskom to be kept on site at all times during construction period.

Yours faithfully

LAND DEVELOPMENT (BRACKENFELL)



LEGEND

- AREA OF INTEREST
- EXISTING 11KV OVERHEAD POWERLINE
- EXISTING 11KV OVERHEAD POWERLINE IN SURVEYED EXTENT
- CADASTRAL

ALL CABLE POSITIONS ARE APPROXIMATE AND SHOULD BE VERIFIED ON SITE

LAND DEVELOPMENT SECTION
TEL 021-881 3128 FAX 021-881 3053



SCALE 1: 12 500

THIS DRAWING IS THE PROPERTY OF Eskom

REV	REVISION DESCRIPTION	BY	CHKD	AUTH	DATE



CALEDON CNC
HERMANUS - PORTION 2, A PORTION OF PORTION 1 (OLD OAK), OF THE FARM OUDE BOSCH No. 637
APPLICATION FOR CONSENT USE
OVERSTRAND MUNICIPALITY

WAYLEAVE 02327-20

APTH: _____
DATE: _____
CHKD: _____
DATE: _____
DRAWN: P. BOTMA
DATE: 11/09/2020

SET	SHEET	REVISION
02	00	0

SIZE **A3L**



Division of Telkom SA SOC Ltd

10 Jan Smuts Drive
Pinelands
7404

Janice Fortes

Tel: 021 414 5616

Fax: 086 478 5461

Email: JaniceF@openserve.co.za

Our Ref.: WWIP_WCN+0870_20

Your Ref.: Ptn 2/637 RCAL

2 October 2020

Attention: Marlize Miller

Overstrand Municipality

Dear Sir / Madam

PLANT AFFECTED - OPTIC FIBRE

WAYLEAVE APPLICATION – PORTION 2, A PORTION OF PORTION 1 (OLD AOK) OF THE FARM OUDE BOWSCH NO 637, DIVISION OF CALEDON

With reference to your application dated 10 September 2020.

As important OPTIC FIBRE 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.

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

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.

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

Approval is granted, subject to the following conditions.

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



Janice Fortes
for
Selwyn Bowers
Operations Manager
Wayleave Management: Western Region



This wayleave, Reference Number **WWIP WCN+0870 20** is valid for 1: from date here of and is subject to the following conditions:

1. No mechanical plant or vibrator type compactors may be used within three metres of any Open Serve plant (I.E. any Telecommunication equ above or below ground level).
2. The position of our plant affected by the proposal is indicated as appro and **Melt van As** at telephone number **021 852 1717/081 363 7873** email adress : **MeltVA@openserve.co.za** must be contacted at le prior to commencement of the work, upon which the actual location of Plant will be indicated on site.
3. A written request must be submitted to Open Serve for consideration should the applicant require our plant to be relocated. The cost of such relocation will be recoverable from the applicant.
4. It is the responsibility of the applicant to verify the existance of the indicated plant and to notify Open Serve immediately should the applic locate any Open Serve plant which is not indicated on the plans.
5. Should the applicant expose any Open Serve plant, the safeguard there be the applicant's full responsibility.
6. Failing to comply with the above conditions or any special conditions addendum hereto will be regarded as gross negligence and the applica will be held responsible for the damage or loss as a result thereof.

Date: 02 October 2020

By: J. Fortes

For Wayleave Managem
Western Cape

Legend	
1. Underground Pipe	
2. Underground Cable	
3. Manhole	
4. Street Distributio Cabinet (SDC)	
5. Jointing Pit / AJB	
6. Jointing Pillar (PJ)	
7. Pipe Junction Box (B/S)	
8. Robot Control	
9. Pole	

10. Stay	---
11. Strut	---
12. Aerial Cable (A/C)	---

The pipeline indicated contains OPTIC FIBRE cables.
Melt Van As @ telephone 021 852 1717/081 363 7873
must be contacted at least 48 hours before commencement of wor

ANNEXURE J 1/2



Western Cape
Government



Department of Environmental Affairs and Development Planning
Ayesha Hamdulay
Development Management
Ayesha.Hamdulay@westerncape.gov.za | Tel.: 021 483 0756

TR N. Conradie
(P. Roux)

REFERENCE: 16/3/3/6/E2/27/1204/20
DATE: 21 October 2020

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

FILE NO:	File 637
	Oude Bosch
SCAN NO:	18
COLLABORATOR NO:	1471533

Attention: A. Conradie / P. Roux

Tel.: (028) 313 8900
E-mail: aconradie@overstrand.gov.za

Dear Sir/Madam

THE APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) WITH RESPECT TO THE PROPOSED FUNCTION VENUE, RESTAURANT, FARM STALL, ABLUTION AND KITCHEN FACILITIES ON PORTION 2 OF THE FARM OUDE BOSCH NO. 637, CALEDON

1. The planning application report received by this Department via electronic mail correspondence on 11 September 2020, refers.
2. This letter serves to confirm the applicability of the EIA Regulations, 2014 (as amended) as defined in Government Notice ("GN") No. R.982, R.983 (Listing Notice 1), R.984 (Listing Notice 2) and R.985 (Listing Notice 3), with respect to the proposed activity.
3. Based on the information provided by you, this Directorate notes the following:
 - 3.1. The proposed function venue, restaurant, farm stall and associated infrastructure with a footprint of approximately 361m² will be established within existing buildings;
 - 3.2. The existing building will be expanded by approximately 77m² on raised stilts within 32m of a watercourse; and
 - 3.3. The expansion of the existing building will not result in the removal, moving, excavation of 10m³ of material from a watercourse.
4. In light of the above, you are herewith informed that the proposed activity does not trigger any Listed Activity in terms of the EIA Regulations, 2014 (as amended).
5. This determination is based on the following:
 - 5.1. The development footprint of the building to be located within 32m of a watercourse will be less than 100m²; and
 - 5.2. Less than 10m³ of sand/soil will be excavated/moved/removed from a watercourse.
6. Written Environmental Authorisation is therefore not required from the Competent Authority (in this instance, this Directorate) prior to the undertaking of the said development on the proposed site.



22 OCT 2020

www.westerncape.gov.za
Department of Environmental Affairs and Development Planning

7. However, should any revision of your proposed development comprise any activities that constitute a Listed Activity, as defined in Listing Notice 1, 2 or 3 of the EIA Regulations, 2014 (as amended), an application for Environmental Authorisation must be submitted to the Competent Authority and authorisation obtained before the development proposal may be commenced with on the site.
8. Please note that this comment does not make a determination on the applicability of the EIA Regulations, 2014 (as amended) with respect to the additional 3 dwellings with footprints approximately 72m², 51m² and 144m², respectively. No information on the location and dates when these units were developed have been provided.
9. You are reminded of the general 'Duty of Care' towards the environment in terms of Section 28(1) of the NEMA which states: "*Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.*"
10. This Department reserves the right to revise or withdraw its comments and request further information from you based on any information received.

Your interest in the future of the environmental is greatly appreciated.

Yours faithfully



pp HEAD OF COMPONENT

DIRECTORATE: DEVELOPMENT MANAGEMENT - REGION 1

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING



BREEDE-GOURITZ
CATCHMENT MANAGEMENT AGENCY



TP - A Theart
(P Roux)

51 Baring Street Worcester 6850, Private Bag X3055 Worcester 6850

Enquiries: F. Smith Tel: 023 346 8000 Fax: 023 347 2012 E-mail: fsmith@bgcma.co.za

Our Reference no: 4/10/1/G40L/Oude Bosch 637/2, Hermanus Date: 13 November 2020

Overstrand Municipality
P. O. Box 20
Hermanus
7200

For Attention: P. Roux

Sir/Madam,

APPLICATION FOR CONSENT USE: PORTION 2, A PORTION OF PORTION 1 (OLD OAK) OF THE FARM OUDE BOSCH NO 637, DIVISION OF CALEDON, OVERSTRAND MUNICIPAL AREA.

With reference to your letter dated 10/09/2020 together with the Motivational report by WRAP (On behalf of Crystal Kloof (Pty) Ltd) (File Number 19/101), dated JULY 2020, attached to the letter with Overstrand municipal file reference number Ptn 2/637 RCAL and received by BGCMA on 14/09/2020, herewith the following:

The BGCMA in principle, has no objection against the proposed application for consent use but the following apply:

1. The planned development should not have any detrimental impact on water resources, both surface- and groundwater resources.
2. Even though the development is existing and said to be located within a delineated wetland, special care should be taken with the additional 77m² which is to be added to the current footprint. The BGCMA therefore requests information on the associated risk to the regulatory area/wetland, as a result of the proposed construction.
3. The (current and future) water use seems to be of a commercial nature, and not used solely for domestic purposes only. An increase in the taking of water from a resource, as well as the anticipated volumes, need to be communicated with the BGCMA.

In addition:

4. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use should be adhered to.
5. Polluted storm water should be contained and managed in such a way that it does not pose an additional threat to surface- and groundwater resources.

FILE NO: Ptn 2/637 ✓
Oude Bosch STF
SCAN NO: Farm 637
COLLABORATOR NO: 1487312

- 7 DEC 2020

www.bgcma.co.za

Please be advised that no activities may commence without the appropriate approvals/authorizations (where needed) from the responsible authority.

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

Also be advised that the comment provided is in the interest of responsible water resource management. The BGCMA reserves the right to revise initial comments and request further information based on any additional information that might be received.

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

Please ensure to quote the above reference in doing so.

Yours faithfully,



JAN VAN STADEN
CHIEF EXECUTIVE OFFICER (ACTING)

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: PORTION 2 OF THE FARM 637,
OUDE BOSCH**

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

Conditions:

1. that the developer arrange with ESKOM for the provision of electricity and that he complies with all conditions as may be set by ESKOM;
2. that no water 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 Manager: Water Infrastructure & Quality (Tel: 028 313 5046), Overstrand Municipality;
4. that waste water disposal be done in a safe and healthy manner and that plans thereof be submitted to the Municipality and DWA for approval;
5. that the developer complies to all the conditions set by Department Of Water Affairs & Bocma;
6. that, as there is currently no municipal sewer network in the vicinity, Portion 2 of the Farm 637 must be provided with adequate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services (Hermanus), and to which the sewer services on the development must connect to;
7. that the Municipality does not have the capacity to service the proposed development with regards to removal of sewerage from the property. The owner is therefore responsible for removal of sewerage from the property, and thereof at a licensed municipal sewerage treatment facility;

8. that alternatively, sewer treatment facilities that are approved by the Department of Water Affairs may be provided for disposal of sewer from the developments. Written proof of such approval is to be submitted to the Municipality;
9. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to minimum requirements of SANS 140400 – P: 2010: Drainage;
10. 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;
11. that on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
12. that access can be obtain from the existing access to Ptn 2 of the Farm 637, Oude Bosch.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

gangster



CONSERVATION INTELLIGENCE

postal 16 17th Avenue, Voëlkop, Hermanus, 7200
 physical 16 17th Avenue, Voëlkop, Hermanus, 7200
 website www.capenature.co.za
 enquiries Rhett Smart
 telephone 087 067 866 8017
 email rsmart@capenature.co.za
 reference LS14/2/6/1/7/2/637-2_consent_Stanford
 date 13 January 2021

Overstrand Municipality: Hermanus Administration
 P.O. Box 20
 Hermanus
 7200

*TP. n. / heat
 (P. Roux)*

Attention: Petrus Roux
 By email: aconradie@overstrand.gov.za

Dear Petrus

Application for Consent Use for Expansion of Tourism Facilities on Portion 2 of Farm Oudebosch 637, Crystal Kloof, Stanford (Overstrand Municipality ref: Rem Ptn 2/637 RCAL)

CapeNature would like to thank you for the opportunity to comment on the application and would like to make the following comments. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the application.

The application is for the expansion of existing tourism/hospitality facilities. The expansion will be mainly within an existing building footprint although the building will be expanded by 77 m². The building footprint is located within a wetland as mapped by NFEPA and an aquatic Critical Biodiversity Area (CBA) apart from the footprint. The expansion area will be located on stilts so as to not impact on the surrounding wetland conditions. The footprint will be below the trigger for NEMA and building on stilts further excludes the triggering of the relevant listed activities. It should be noted that the property is mapped as a private nature reserve according to the CapeNature GIS layer, however further investigation has revealed that this appears to be incorrect.

CapeNature does not object to the application, provided that construction is limited to summer and early autumn to minimize the impact on wetlands and that it is ensured that construction is undertaken in accordance with an environmental management plan (EMP) and/or method statements ensuring that best practice is implemented to prevent impacts on wetlands e.g. pollution. It must be ensured that the conservancy tank which serves the facility is of good quality, well maintained and regularly emptied to ensure that no leakage or spillage takes place which can impact on the wetlands and potentially the Klein River Estuary. There should be conditions of approval in this regard.

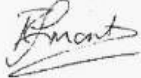
CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.

The Western Cape Nature Conservation Board trading as CapeNature
 Board Members: Associate Prof Danver Hendricks (Chairperson), Prof Gavin Manevalot (Vice Chairperson), Marguerite Louster, Mr Nevoon Burton, Dr Colin Johnson, Prof Aubrey Reddinghuis, Mr Paul Slack

FILE NO: <i>Pin 2/637</i> ✓
<i>Oude Bosch</i>
SCANNED BY: _____
COLLABORATOR NO: <i>1497999</i>

18 JAN 2021

Yours sincerely

A handwritten signature in black ink, appearing to read "Rhett Smart", with a horizontal line underneath.

Rhett Smart
For: Manager (Landscape Conservation Intelligence)

Office of the Director:
Infrastructure & Planning
Environmental Management

**OVERSTRAND
ENVIRONMENTAL SECTION**

Kantoor van die Direkteur:
Infrastruktuur & Beplanning
Omgewingsbestuur

Enquires Benjamin Kondokter
Navrae
Imibuzo

Ref Farm 637/2 Oude Bosch

Datum
Date 15 October 2020
Isuku

To Alida (Town planning) via email

RE: APPLICATION FOR CONSENT USE OF THE FARM 637/2 OUDE BOSCH

Overstrand Environmental Management Section wishes to comment on the application for consent use in order to accommodate a restaurant, place of entertainment and tourism building tourism

The above mentioned application does not have any implications on the Overstrand Environmental Management Overlay Zone (EMOZ) and NEMA Regulations, but for the place of entertainment the applicant have to submit a noise management plan to the Overstrand Environmental Management Section for reviewing and approval, the applicant have to comply with the Overstrand Municipality Events By - Law

The Environmental Management Section does not have any objection to the above mentioned application.

Please feel free to contact me should any questions arise.

Regards

B.Kondokter
Nms: **MR S MULLER**
DIRECTOR: INFRASTRUCTURE & PLANNING