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PORTION 229 OF THE FARM AFDAKSRIEVER NO 575, BENGUELA COVE, A DIVISION OF CALEDON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR AMENDMENT OF THE EXISTING APPROVED SITE DEVELOPMENT PLAN, AMENDMENT OF CONDITIONS IN RESPECT OF AN EXISTING APPROVAL AND EXTENSION OF THE PERIOD OF VALIDITY OF AN APPROVAL: WRAP PROJECT OFFICE ON BEHALF OF BENGUELA COVE INVESTMENTS (PTY) LTD

HBENG 229/575 (4595/2024)**H Olivier****24 November 2025****(028) 313 8900****Hermanus Administration**

1. EXECUTIVE SUMMARY

An application was received on 26 February 2024 from WRAP Project Office on behalf of Benguela Cove Investments (Pty) Ltd on Portion 229 of the Farm Afdaksrivier No 575, Benguela Cove, Division Caledon in terms of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 for the following:

- ❖ **Amendment of the existing approved site development plan** in terms of Section 16(2)(l) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 to accommodate the proposed new buildings/structures such as a wedding venue and picnic pods, as well as the expansion of the existing winery for storage purposes.
- ❖ **Amendment of conditions in respect of an existing approval** in terms of Section 16(2)(h) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 to allow for the new wedding venue building to be used as a place of entertainment.
- ❖ **Extension of the period of validity of an approval** in terms of Section 16(2)(i) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 to extend the validity period for the Departure approval for an additional 5 years to operate a market and utilize portions of the buildings for places of entertainment.

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

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

Portion 229 of Farm 575 is zoned Special Zone (Tourism Business). It is developed with a wine cellar, restaurant and is also used as a venue for entertainment such as weddings, functions and live music entertainment. It further has rights for a market, splash pool and put-put course. The property measures 5,381ha in extent.

The property owners now want to build a new wedding venue, extend the wine cellar and extend the validity period of approvals previously granted

4. SUMMARY OF APPLICANT'S MOTIVATION

THE MOTIVATION CAN BE SUMMARIZED AS FOLLOWS:

Amendment of approved SDP

- ❖ A wedding venue, winery extensions and picnic pods are proposed. This will increase the functionality of the Estate.
- ❖ The picnic pods will enhance the picnic experience and protect guests from the elements. It will also help increase the income stream and boosts on-site sales such as wine and picknick baskets.

Amendment of Conditions in respect of an existing approval

- ❖ The amendment is to change the place of entertainment rights that was approved for the restaurant and wine cellar.
- ❖ Place of entertainment rights are also requested for the proposed free standing wedding venue, to be able to provide live music to guests, such as live music performances.
- ❖ This will enhance Benguela Coves as a premier destination for gatherings, celebrations and entertainment.

Extension of the period of validity on an approval

- ❖ The market and place of entertainment rights were limited to be used for a 5-year period from March 2019, with a possibility for an extension of time.
- ❖ Application is made to extend the approval period with 5 years, to 2029.
- ❖ The market and place of entertainment contribute to economic growth and vitality.
- ❖ It enhances the overall experience of the estate.
- ❖ There are no restrictive conditions in the Title Deed prohibiting the application.
- ❖ The application complies with the Special Zone parameters with the only departures being the existing market and place of entertainment rights.
- ❖ 244 parking bays will be provided, which is in line with the parking requirements.
- ❖ The project will not have a significant impact on services. Electricity is obtained from Eskom, and water from the municipality. The property is connected to the sewer network and solid waste is collected and moved to collection points, where the municipality collect it.
- ❖ Access and egress are from the R43 road.

Need and desirability

- ❖ Socio economic
It will create jobs, it will increase tourism, it will enhance existing infrastructure, additional revenue will be generated, and it will help with cultural and social enrichment.
- ❖ Compatibility with surrounding uses
Estate has won numerous prizes showing popularity and the expansion will capitalize on this appeal.

- ❖ No real impact on Heritage value, biophysical environment, safety and health or traffic and parking.
- ❖ The property is not situated in an EMOZ area
- ❖ It is situated in a Landscape HPOZ. The significance is not large.
- ❖ In line with the Overstrand Municipality SDF, 2020 as it promotes the area as a tourism destination. The development will be sustainable, and the ecological significance of the estuary ecosystem will not be impacted.

Consideration in terms of the Planning Principles:

Spatial Justice

Not Applicable.

Spatial Sustainability

Will not negatively impact valuable agricultural land, environmentally sensitive areas or scenic landscapes or contribute to urban sprawl.

Spatial Resilience

The proposal is not in conflict with spatial planning and policies.

Good Administration

Good public participation process will be followed by the Municipality.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
E-mail notices & site notice	Yes	19 June 2024	26 July 2024
Internal departments	Yes	19 June 2024	26 July 2024
Ward councillor	Yes	19 June 2024	26 July 2024
Total comments	SEVEN (7)		
Letters of support	ONE (1)		
Was public participation undertaken in accordance with Section 46 – 50 of the By-Law on Municipal Land Use Planning?			Yes
Was the application processed correctly (if no, elaborate below):			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			Yes

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

Name	Date received	Summary of comments
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Building Control	24/06/2024	No objection.
Municipal Environmental Division	08/08/2024	No objection, as all activities is taking place within the existing development footprint.
Engineering Services	02/07/2024	Annexure F.
Western Cape Government: EADP (Environmental)	21/10/2024	Annexure G.
Cape Nature	21/08/2024	Annexure H.
Western Cape Government: Infrastructure (Road Planning)	24/04/2025	Annexure I.
Telkom	09/07/2024	Annexure J.
Eskom	11/07/2024	Annexure K.
Western Cape Heritage	03/10/2024	Annexure L.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

Notices were e-mailed to surrounding residents, all property owners within Benguela Cove and the Homeowners Association. A notice board was also placed on-site by the applicant's consultant.

In the public participation process seven (7) letters of objection and one (1) letter of no-objection were received.

OBJECTIONS

- ✚ M Prew
- ✚ Dr. K Strömer and Dr. B Helgers
- ✚ J & Dr K Wellner
- ✚ M Brandstetter
- ✚ V& IM Buchholz
- ✚ NB Buchholz
- ✚ SM Dermott

NO-OBJECTION

- H Alcock

The applicant was provided with an opportunity to respond to the objections received. The objections and support letter are attached as Annexure D and the applicant's response are attached as Annexure E respectively.

The objections, the applicant's reply and the Municipal Town Planners response thereon can be summarized as follows:

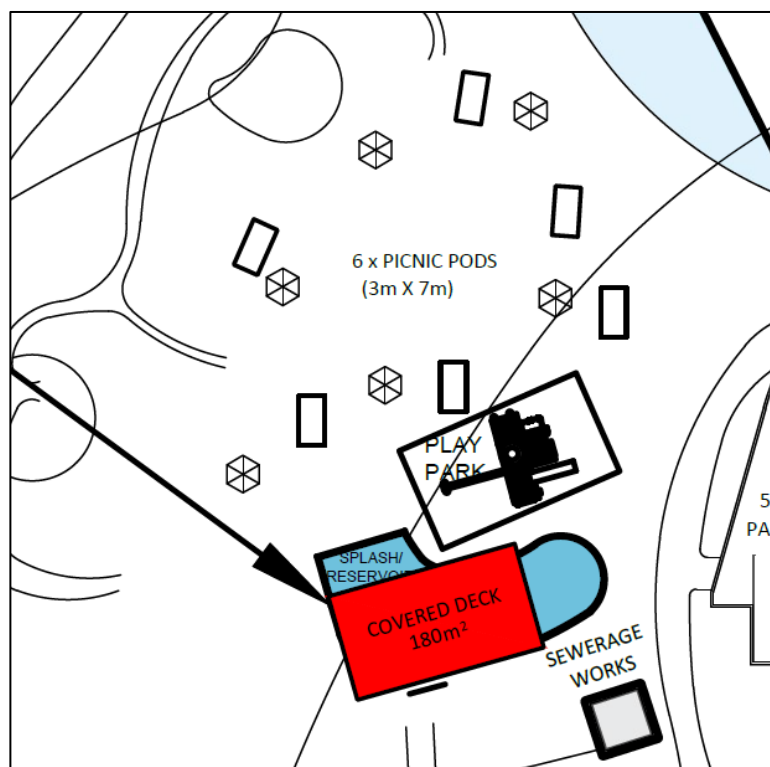
OBJECTION 1 - PICNIC PODS

- *The pods should only be on the Business site and not in the vineyards.*
- *How would sanitation be dealt with?*
- *Pod locations were not clearly indicated, neither its design nor size.*
- *How would security be dealt with the pods.*

APPLICANT'S RESPONSE

The picnic pods are strategically placed to enhance the property's value and offer unique recreational opportunities without infringing on communal areas or impacting security and environmental integrity.

Location and Security: The location of the picnic pods is clearly outlined in the submitted plans, specifically within Portion 229 of the Farm 575, Caledon, and not within any communal or homeowners' association areas.



The placement ensures that they remain within the designated commercial district, thereby aligning with surrounding area and zoning regulations.

Security and Access: Robust security measures are already in place to prevent unauthorized access to any other part of the estate, ensuring the safety and privacy of nearby homeowners.

Sanitation and Facilities: Adequate sanitary facilities are provided at the minigolf as well as the restaurant area, ensuring that all health and hygiene standards are met.

Environmental Considerations: The design and operation of the picnic pods are carried out with careful attention to preserving the ecological balance, the area where the pods are proposed is disturbed and is not expected to have a negative impact.

Design and Aesthetics: Each picnic pod is approximately 21 square meters in extent and 3 meters high, designed to harmonize with the landscape and maintain the aesthetic of the area. The materials and design are chosen to blend seamlessly with the surroundings.

TOWN PLANNER'S RESPONSE

The applicant sufficiently addressed the concerns regarding location and size of the pods.

No sanitation facilities will be provided at the pods and facilities at the put-put and restaurant will have to be used.

Concerns regarding environmental concerns was also addressed.

It is indicated in the application that the pods will also be able to be used in conjunction with the wedding venue. There are concerns that if the pods are used during the evenings by rowdy noisy guests that it will be very difficult to control noise levels at these scattered pods. It would be advisable that the pods only then be used in the mornings and afternoons, but not in the night. This can be controlled with a specific condition to such affect.

OBJECTION 2 - TRAFFIC AND PARKING

- *What are the parking requirements for the venue, and is there compliance?*
- *The increase in traffic would increase the dangerous traffic condition at the intersection with the R43.*
- *There are no alternative emergency access points other than the existing R43 access/egress point.*
- *The larger the venue the more the traffic and safety concerns.*

APPLICANT'S RESPONSE

The proposal to relocate the wedding venue to a stand-alone structure is intended to enhance operational efficiency while continuing to uphold the standards previously set.

It is important to emphasize that the wedding venue has an existing land use approval and will operate in the same manner, with no significant changes expected in traffic patterns to accommodate the changes proposed.

Parking Solutions: The proposed development complies with the parking requirements set out by the municipality when the special zone for the property was approved.

Parking arrangements will be organized to ensure orderly access and departure, reducing the risk of congestion.

The owners are not looking to have more than 300 people at any event on the farm, there is more than sufficient parking to accommodate the proposal.

Road Safety: Recognising the safety concerns associated with the single access road and the R43, several measures are in place to mitigate risks and ensure a smooth flow of traffic. These measures include the implementation of scheduled entry and exit times designed to stagger the arrival and departure of vehicles, thus preventing congestion at peak times.

By carefully coordinating the flow of traffic, the estate's residents and guests can move freely without delay, minimising any potential inconvenience or risk. Additionally, guests naturally arrive at the venue at staggered and varied times, further reducing the impact of traffic congestion at the start of an event.

It is also important to note that the access point in its current position was approved for several reasons by all relevant authorities when the development of the estate was originally approved. This historical approval considered traffic safety, access efficiency, and environmental impact, ensuring that the current access road is suitable for both everyday use and event-related traffic.

Moreover, the application was circulated to the local authority's engineering department as well as the Western Cape Department of Transport and Public Works. If comments from either are received it will be addressed.

Through these comprehensive strategies, the estate is well-equipped to handle the traffic demands of large events while maintaining a safe and pleasant environment for both residents and guests.

Emergency vehicles: In the event of an emergency, it is imperative that emergency vehicles are given priority and the right of way to ensure a rapid response. The estate is committed to always maintaining clear and unobstructed access for emergency services.

On-site protocols are in place to ensure that emergency vehicles can navigate the estate efficiently. Traffic marshals and security personnel will be trained to manage traffic promptly, ensuring that all other vehicles yield to emergency services when necessary. This will allow emergency responders to reach any location on the estate swiftly and without delay.

The estate's commitment to safety extends beyond regular traffic management to include comprehensive emergency preparedness plans.

By prioritising emergency vehicle access, the estate can effectively safeguard the well-being of residents, guests, and staff, providing peace of mind to all involved.

TOWN PLANNER'S RESPONSE

In terms of the parking ratios 4 parking bays must be provided for every 100m² GLA. In terms of the proposal 244 parking bays is required and provided, which is in line with the required rate.

The comments regarding traffic safety and emergency access points to the R43 are noted. The application was circulated to the Municipal Engineering Division and the Department of Transport. These departments/divisions are the specialists with traffic

matters, and they did not indicate any concerns regarding traffic safety and emergency access points.

OBJECTION 3 - ENVIRONMENTAL IMPACT

- *The noise of the activities will impact bird and animal life.*
- *Nocturnal animals will be impacted by noise and lights, that is why street lighting in the estate is discreet.*
- *The noise impact will impact the RAMSAR site.*

APPLICANT'S RESPONSE

Preservation of the local wildlife and natural habitats is a top priority, and the owners have always maintained this stance. All the changes proposed are located on areas that are historically disturbed, and it does not have an impact on any of the fauna and flora in the area.

The proposal was discussed with an environmental consultant, and her opinion is that listed activities are not triggered in terms of the National Environmental Management Act. The Benguela Cove Lagoon Wine Estate, whose owners are members, is associated with numerous establishments dedicated to conservation and sustainability:

➤ **World Wildlife Fund (WWF)** for Nature:

Benguela Cove Lagoon Wine Estate has been awarded the top award for excellence for its exceptional commitment to the collective conservation of threatened habitats in South Africa's Succulent Karoo and the Cape Floral Kingdom, as well as for outstanding dedication to environmentally responsible farming practices.

➤ **Cape Leopard Trust:**

Benguela Cove Lagoon Wine Estate has installed a wildlife camera in collaboration with The Cape Leopard Trust. The aim of this collaboration is to raise awareness of broader biodiversity issues and to affirm their commitment to the conservation of local ecosystems. The footage captured is shared on their website and social media.

➤ **iNaturalist**

➤ **Bird Life South Africa:**

Benguela Cove is a recommended accommodation partner.



The comments suggesting that the proposed uses will negatively affect the environment are not supported by factual evidence. Furthermore, sustainable practices and mitigation strategies are implemented to protect the natural habitat, demonstrating a commitment to environmental stewardship.

TOWN PLANNER'S RESPONSE

The application was circulated to DEADP who indicated that no listed activities are triggered. The application was also circulated to the Municipal Environmental Division who indicated that the areas that will be used for the activities are already disturbed areas.

The application was also circulated to Cape Nature, who indicated their support for the application.

OBJECTION 4 - NOISE IMPACT

- *The hours of operation of the wedding venue are not clear and the expected noise levels.*
- *The noise will impact nesting blue cranes.*
- *Larger events will create greater noise.*
- *There were previous cases in 2019 of high noise levels, and regular disturbance for houses closer to the wedding venue.*
- *The miniature golf and concerts have loud music and creates noise.*
- *The applicant cannot control noise levels especially late at night.*
- *Increased traffic means increased noise.*
- *Owners do not comply with the 7dB (A) ambient noise previously stipulated in the original wedding venue approval.*

APPLICANT'S RESPONSE

The previous application included a Noise Impact Assessment, which was conducted at the request of the municipality. The application was approved, and the current proposal only adds the wedding venue in a different location and the pods.

• **Operational Times and Noise Levels:**

The venue will adhere to strict operational hours and noise regulations to ensure minimal disturbance to residents and wildlife.

As a step to ensure the objections are taken into consideration, weddings will conclude by 12:00 PM, and noise levels will be monitored to comply with municipal standards. Measures such as soundproofing and strategic speaker placement will be implemented to minimise noise pollution. Regular checks and a direct line for complaints will ensure adherence to these standards.

This will be done in terms of the "Noise Control Regulations" promulgated under the Environmental Conservation Act 1999 (Act 72 of 1992). The music volumes emanating from the premises will at all times be controlled in such a manner that it adds less than 7dB(A) to the ambient noise.

Additionally, the previous approval granted also had specific conditions in terms of operation times, and these are not proposed to be amended:

'that market stalls are only allowed to operate on Fridays between 17:00 and 21:00 and Saturdays between 10:00 and 15:00.'

- **Noise from Entertainment Elements:**

Any additional entertainment elements will be carefully planned and designed to minimise noise impact. Events will primarily occur indoors or in designated areas where sound can be effectively managed. The owners are committed to maintaining its serene environment while enhancing the experience for visitors and residents alike.

- **Past Noise Nuisances:**

The owners acknowledge these comments but are not aware of any complaints received. Community feedback will be actively sought to continuously improve noise management practices.

TOWN PLANNER'S RESPONSE

The comments are noted.

With places of entertainment noise is always a concerning factor. With the previous approval entertainment activities was limited to the restaurant and parts of the wine cellar. This was then to mitigate the noise levels.

The proposed new wedding venue will be a new custom-built building, and the applicant can implement good soundproofing measures to the building.

It is noted that the applicant indicates that "events will primarily occur indoors or in designated areas". Considering the previous approvals for place of entertainment areas where concerts or live music will be held, will have to be limited to inside the new wedding venue, the restaurant and wine cellar, and not in other open areas.

The comments with regards to the noise from the mini golf course is noted, but it is an existing use and not being evaluated at this stage.

Comments with regards to noise from vehicles are noted, but it is a business area, and a certain amount of traffic should have been expected.

In the past when the place of entertainment rights was approved some verbal complaints were received from residents in Benguela Cove. In the last year or two no specific complaints were received, which could mean that noise mitigation measures have been improved.

OBJECTION 5 - IMPACT ON EXISTING SERVICES

- *Does the sewer system have capacity to deal with the extra load.*
- *Previously there were sewerage problems and water shortages.*
- *No detail was provided about the expected impact on services.*

APPLICANT'S RESPONSE

As previously mentioned, no new proposals/uses are being introduced. Weddings have already been conducted on the property. The current proposal only includes the creation of a separate structure which is not expected to have more of an impact on the existing services. The other additional extensions are also not expected to have an impact on the existing services.

While the historic occurrences of blockages and spillovers are noted, it is important to emphasise that attributing these issues to specific events or activities is difficult.

The owners will however continue to monitor water usage and sewage output closely, and if required infrastructure improvements will be made as necessary to ensure uninterrupted service.

TOWN PLANNER'S RESPONSE

The comments are noted.

The application was circulated to the Municipal Engineering Division, who is the specialist with regards to services. No additional engineering information was requested from such Division.

They also indicated that should additional bulk or link services be required, it will have to be upgraded at the cost of the developer. Should any upgrades be required for stormwater, water or sewer, it will be at the cost of the developer.

Electricity to the site is provided from Eskom. Eskom has no objection against the application.

OBJECTION 6 - HISTORICAL APPROVALS

- *Did the Departure approval for the stalls and place of entertainment not lapse after 5 years?*
- *It appears that previous conditions of approval have not been complied with, as houses close to the venue can still hear extensive noise.*
- *How would record be hold of all the approvals?*
- *The proposals are not in line with the original Site Development Plan.*
- *Any extension of time should again be for a limited time.*

APPLICANT'S RESPONSE

The application for an extension was submitted within the required timeframes to ensure compliance with the By-Law. Specifically, the application was submitted in late February 2024, well within the necessary period to request an extension.

It is important to reiterate that none of the original conditions are being proposed for amendment except for the following:

- Only an extension of the timeframe.
- Location where the 'place of entertainment' is allowed.

The rest of the approved conditions will still be adhered to, and the owners are committed to maintaining compliance. The proposal to expand functions beyond the courtyard was never proposed except for the new wedding venue.

There were however never any formal complaints submitted by any persons regarding compliance with previous conditions.

The proposal is to ensure there is regular monitoring of noise levels and adherence to operational guidelines.

The alteration of the conditions is to allow the 'place of entertainment' inside the new wedding venue, as was allowed inside the restaurant and winery.

TOWN PLANNER'S RESPONSE

The conditions of approval did stipulate that should the owner want to extend the Departure rights; application be made within the 5-year approval period. The By-Law also stipulates that any extension of an approval of time should at least be submitted prior to the date the approval lapses.

The onus is on the applicant to ensure compliance with all conditions of approval. With this change in the place of entertainment all previous conditions of approval will still be applicable, and new conditions can also be stipulated.

All old approvals are on record with the Municipality.

A Departure approval can only be allowed for a maximum period of 10 years, and such period includes any extensions. This Departure approval for place of entertainment can therefore only be valid up to 2029. Thereafter a new planning application in another format will have to be submitted for consideration for any such rights in future.

The comment regarding the original Site Development Plan is noted. It appears that the original developer made other development proposals. The property owner can however develop Tourism Business uses on the property, the uses proposed compliments tourism business.

OBJECTION 7 - IMPACT ON SURROUNDING AREA

- *Will impact peace and seclusion.*
- *Events and markets are not compatible with the surrounding area.*
- *Events will be moved to the outside.*
- *Increased noise and light pollution will impact area.*
- *There will be additional costs for infrastructure and security, and no detail is provided who will carry the cost.*
- *Increase in visitors creates security concerns.*
- *The application ignores the impact on the residents, the HOA land and the vineyards.*

APPLICANT'S RESPONSE

Preserving the Estate's Vision:

No fundamental changes to the estate's character are intended. Instead, the new facilities aim to enhance the experience while respecting the original spirit of the development.

The owners are committed to ensure:

- **Consideration of Homeowners' Interests:**

Homeowners' interests and environmental considerations are integral to the process. The application confirms that the previous conditions imposed to protect homeowners' interests will continue to apply. This includes adherence to noise regulations, limits on temporary structures, and specific operational hours.

In addition, the proposal includes measures to address potential concerns, such as noise levels and waste management practices. These steps aim to ensure that the development remains in harmony with the natural surroundings and continues to respect the established residential environment.

The commitment to maintaining these conditions reflects a dedication to preserving the balance between commercial interests and the well-being of both the community and the environment.

- **Financial Impact on Homeowners:**

The comments of concern are noted, but it is important to note that the owners are also members of the Homeowners Association and owns a significant number of properties in the estate.

If there are ever costs involved, the owners of the subject property will be required to share any additional costs arising from increased activities and efforts will be made to ensure it does not unduly burden homeowners. BCI is committed to transparent communication regarding any financial implications and will work with the Homeowners Association (HOA) to ensure fair cost distribution.

- **Commitment to Regulations and Conditions:**

The current application is for the extension of the existing approvals without altering the conditions. These conditions include noise level restrictions and operational guidelines, ensuring that activities do not disrupt the residential atmosphere. The only modification is to allow entertainment within the new wedding venue, which aligns with previously permitted uses. Compliance with all municipal conditions will be strictly adhered to.

- **Transparency and Community Engagement:**

The owners value the input of homeowners and is committed to transparency. The application was circulated to ensure all homeowners are aware of the proposed application. This allowed the homeowners opportunities for feedback and collaboration to achieve a balance between development and community well-being.

In conclusion, owners are dedicated to fostering a community that thrives on both residential and commercial activities while respecting the foundational principles of Benguela Cove. It is believed that through careful planning and consideration, the estate can continue to offer an exceptional living experience alongside sustainable growth.

TOWN PLANNER'S RESPONSE

The existing use on the site already includes a restaurant, wine cellar, miniature golf course, splash pool, areas used as place of entertainment for weddings, functions or live music at times, and market stalls at times.

The proposal to construct a building for wedding/function venue is in line with the existing land uses on the property. It is to be noted that in terms of Tourism Business a conference facility can also be accommodated on the site as a primary right. The increase in visitors and traffic to the site would also have increased if a conference facility was developed. Events will not be moved to the outside, but within the new buildings.

The impact of additional light and noise are noted. The Special Zone site is however set back a fair distance from the residential erven, and this should help mitigate any additional impact from the new building.

The picnic pods should not have a major impact on surrounding properties, and it is also recommended that the use of such pods should be limited to specific hours.

The extension to the wine cellar will help with production, and owners of erven in the estate share in the profit of the wine sales and should benefit from such extensions.

The fact is that Portion 229 is zoned Special Zone for Tourism Business. The existing land uses and proposed uses promote tourism, and this is in line with the aims of the zoning of the property. The business site was approved with the larger development, and the residents should have expected some form of impact from activities on the site. It is also the opinion that should the venue, especially for the weddings, functions and music concerts be held indoors and good sound management is applied, the impact on surrounding estate management can be managed to acceptable levels.

The comment that the additional uses could require infrastructure upgrades at a cost, are noted. This is a matter that the developer, HOA and homeowners must resolve in terms of their Constitution.

OBJECTION 8 - COMMUNITY ENGAGEMENT

- *The applicant should have engaged with affected homeowners before applying.*
- *There was no community engagement and is no financial benefit for the community of Benguela Cove.*
- *The HOA is controlled by the Developer as only 1 of the 4 trustees is voted in by the residents.*
- *There is a non-alignment with the interests of the residents.*

APPLICANT'S RESPONSE

- **Consultation with Homeowners:**

The proposal acknowledges the importance of homeowner engagement and consultation. While the formal planning application process follows established protocols, it is recognised that proactive communication with the community could have facilitated a more collaborative approach. Moving forward, efforts will be made to enhance dialogue with homeowners to address concerns and seek input on future projects.

- **Income and Cost Implications:**

The assertion that the project will only benefit the owners and not the homeowners is noted. The owner of the subject property however does a lot to ensure the entire estate is managed appropriately. Recognised as one of the top 100 best vineyards in the world of 2023, Benguela Cove Lagoon Wine Estate offers guests an exceptional experience with world-class attractions and exquisite wines.

- **Unsubstantiated Assertions:**

Statements regarding the benefits of the proposal, including local economic development and job creation, are based on standard practices and anticipated outcomes associated with similar projects.

The application aims to support a vision that includes sustainable tourism and environmental conservation. While the language used may be considered promotional, the intention is to align the proposal with broader community and environmental goals. Specific, actionable plans will be provided to substantiate the projected benefits and address any concerns about the proposal's impact.

- **Presentation of the Project:**

The suggestion to present the project to homeowners before submitting the application is valuable. In future instances, increased efforts will be made to engage with the community early in the process to gather feedback and address concerns proactively. This approach aims to foster a more inclusive decision-making process and ensure that the interests of all stakeholders are considered.

- **Transparency and Community Engagement:**

The owners value the input of homeowners and is committed to transparency; the application was circulated to ensure all homeowners are aware of the proposed application. That allowed the homeowners opportunities for feedback and collaboration the motivation is that it will achieve a balance between development and community well-being.

In conclusion, the owners are dedicated to fostering a community that thrives on both residential and commercial activities while respecting the foundational principles of Benguela Cove. It is believed that through careful planning and consideration, the estate can continue to offer an exceptional living experience alongside sustainable growth.

TOWN PLANNER'S RESPONSE

The fact that the developer did not consult with the estate residents is noted, but this is a matter that must be discussed at the HOA meetings to ensure better communication between the parties.

The make-up of the HOA trustees and alignment with estate residents' expectations is also an internal matter, that must be dealt with at the right platform.

The erf is a private property, and the property owner does have the right make an application on his/her property.

OBJECTION 9 - WEDDING VENUE OPERATIONS

- *What will the operating hours be?*
- *What is the maximum capacity of the wedding venue?*
- *Increase in people will increase noise levels, how will this noise be controlled?*
- *The venue will be used as a multi-purpose venue.*
- *Should only be approved with limited hours, limit the types of gatherings and to specific noise levels.*

APPLICANT'S RESPONSE

- **Noise Concerns from Wedding Celebrations:**

Concerns regarding noise impact from late-night wedding celebrations are acknowledged. The owners are committed to ensuring that all activities, including weddings, comply with the noise restrictions set forth by the municipality in its decision letters. Measures will be implemented to manage noise levels effectively and minimise disturbance to surrounding residents. The owners are dedicated to adhering to the specified noise limits and will work with local authorities to ensure compliance.

- **Multi-Purpose Use of the Venue:**

The proposal to use the wedding venue for additional entertainment purposes aims to enhance its functionality and provide a versatile space for various events.

The property has a primary right for a tourism business which includes conference facilities.

However, it is important to establish clear and enforceable conditions to address concerns about potential misuse.

The venue will be subject to strict regulations, including:

- **Operating Hours:** The venue will operate within designated hours to minimise disruption, with a suggested cut-off time of 00:00 for activities.
- **Noise Levels:** Maximum noise levels will be enforced, adhering to the existing restrictions of adding less than 7 dB(A) to ambient noise.
- **Types of Gatherings:** Specific types of gatherings and events will be defined to ensure that the use of the venue aligns with community expectations and minimises disturbances.

- **Monitoring and Enforcement:**

The goal is to balance the needs of the community with the operational requirements of the venue, ensuring that all activities are conducted in a manner that respects the residential environment and the interests of the surrounding homeowners.

TOWN PLANNER'S RESPONSE

The applicant provided clarity on the operating hours and noise level control.

In terms of the approval the place of entertainment rights provides for weddings, functions and live music/acts. It is thus multi-purpose limited to these uses. Previously in the report it is indicated that the venue will not cater for more than 300 people at one time.

OBJECTION 10 - PROPERTY VALUE

APPLICANT'S RESPONSE

The concern about the perceived shift from the original vision of Benguela Cove, from an exclusive, quiet area to a more commercially oriented destination, is acknowledged. It is recognised that the introduction of new facilities and activities, such as mini-golf, splash parks and various tours, has led to a perception of increased commercialisation.

However, it is important to clarify the following points:

- **Commitment to the Original Vision:**

The intention is not to deviate from the core values and vision of Benguela Cove. Efforts will be made to ensure that any new developments or changes are in harmony with the estate's original character, focusing on maintaining a balance between commercial interests and residential tranquillity.

- **Value of Property:**

The impact of proposed changes on property values is noted. The subject property always had a commercial enterprise component that prides itself in its operation which is the reason the property has won awards in the past. When the residential properties were sold the plan was always to have commercial activities on the property and this has not changed, but as motivated in the application, the owners have identified opportunities and necessities to further enhance the overall visitor experience address.

- **Balancing Commercial and Residential Interests:**

The aim is to enhance the estate's amenities without compromising its core values. New developments will be carefully planned to complement the existing environment and ensure that they do not undermine the quality of life for homeowners.

The owners are committed to working collaboratively with homeowners to ensure that the estate's original vision is preserved while allowing for thoughtful and responsible development.

TOWN PLANNER'S RESPONSE

The comment by the applicant is noted. The objection with regards to the possible impact on property values is speculative.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

See Paragraph 7 above.

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

See Paragraph 7 above.

Internal and external departments

The application was supported by all internal municipal departments and external provincial and semi-state institutions.

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

N/A

Spatial Sustainability

The application is within the urban edge around Benguela Cove, and a site earmarked for Tourism Business purposes. It will not impact on agricultural land and considering the comments of the various environmental specialists and Departments on environmental sensitivity, no objections were received.

Efficiency

The proposal will help develop the property to its full potential and provide for additional activities and increase income potential on the site.

Spatial Resilience

The proposal is well aligned with spatial plans and policies and will help promote the tourism business.

Good Administration

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

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

Same as Point 10.2 above.

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

The property is situated in an area identified as an urban development area in terms of the Overstrand Municipal Wide SDF, 2020. This means that development can take place in this area.

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

N/A

10.6 Impact on Municipal engineering services

The area is already serviced, and the application is supported by the Engineering Services Department. Any required upgrades will be for the account of the developer

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

N/A

10.8 Existing and proposed zoning comparisons and considerations

The property is zoned Special Zone: Tourism Business. Departures have also been approved for a place of entertainment and market stalls. This application will extend the validity time frame for the Departures, allow a new wedding venue building and some picnic pods. It is in line with the other existing land uses on the property.

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

N/A

12. THE DESIRABILITY OF THE PROPOSAL

Portion 229 of Farm 575 is a Special Zone: Tourism Business site in the Benguela Cove Wine Estate, approximately 10km west of Hermanus.

It is developed with a wine cellar, restaurant and is also used as a venue for place of entertainment such as weddings, functions and live music/acts. It further has rights for a market, splash pool and put-put course.

The property measures 5,381ha in extend.

The property owners now want to build a new wedding venue of 768m² in extend, extend the wine cellar storage area with 575m², create picnic pods with a total area of 138m² in extend, and construct and a deck next to the splash pool. Application is also made to extend the Departure approval that would allow the operation of the market stalls and entertainments rights (such as weddings, functions and live music/acts entertainment) for a further 5 years.

The application was advertised, and seven (7) objections and one (1) support were received. The objections were discussed in detail in this report.

The following points of objection will be further discussed:

Impact on surrounding erven

The application entails a new wedding venue building, some extensions to the existing winery and some additional picnic pods on the grass bank area.

The extension to the winery will have no real impact, as the extension is for storage purposes.

The wedding venue and picnic pods will be situated on the grass bank area that is buffered by a hill from the nearest residential properties to the south approximately 170m away. The residential properties to the west and northwest are situated approximately 130m and 290m away and is at a much lower gradient than the wedding venue and picnic pods. The residential properties to the north are situated approximately 410m from the new buildings.

It is not debatable that the buildings and lights will be visible from some of the properties, but then this area was always earmarked for business activities. From a visual perspective the new buildings would therefore not have a much greater impact on surrounding residences than the existing buildings.

Scale of wedding venue and noise impact of new additions

This is a valid concern and was also mentioned with previous applications for place of entertainment and market stall applications. The planning office did receive some verbal complaints, and some more written complaints with this application.

A condition was stipulated in the previous approval for Departure for a place of entertainment that the noise levels be less than 7dB(A) to ambient noise, and that a report be submitted to show what mitigating measures will be implemented to address any noise pollution. No report with mitigating measures were found on municipal records.

It is still the opinion that the areas used for entertainment being portions of the restaurant (and courtyard) and winery can be sufficiently managed with some control measures. The new wedding venue will be purpose built, and most entertainment for larger groups with the noise element will be within such building. The concerns with regards to the scale and operation is noted, but with good planning the building can be soundproofed, and this will be required at the stage the building plan is submitted for such building. With weddings and larger functions moving to the purposes-built building, this could lead to a reduction in noise levels.

The applicant also recommended that the wedding venue hours be limited to 12h00. This will mitigate noise impact on surrounding property owners.

The picnic pods will be on a grassed area that is already used by visitors for seating when waiting for children using the splash pool and put-put course. The picnic pods will help muffle the sound to the surrounding area. The only concern is that because it will be a formal roofed structure it will also be used at night, which can then create additional noise in the evenings. It is recommended that the picnic pods only be used in the mornings and afternoon up to 18h00, to limit additional sound from this area in the evenings.

A purpose-built main wedding/function building with good sound proofing and managing the picnic pods operation hours, will help to mitigate noise from the property.

Impact on services, traffic impact and parking

The application is supported by the engineering division. This is a private development, and should any services have to be upgraded, it will be for the developer's account.

The applicant indicated that 244 parking bays is required in terms of the ratio of 4/100 Gross leasable floor area. More than 244 parking bays is provided. The Department of Transport also had to comment on the application, considering the possible increase in traffic to and from the R43 Provincial Road. They support the application.

The application was circulated to all relevant state and municipal departments, and they support the application.

Benguela Cove Wine Estate has a residential component and a business site created to provide facilities for tourists. The modern wine estates have restaurants, wedding venues, market stalls and hold music events and live shows. Most wine estates also have areas for picnics. The proposed expansion of the existing activities is therefore not out of character with commercial wine estates, it all comes down to the proper mitigation of traffic, noise and managing security during events or market days.

It is therefore the opinion that this application can be supported, but that before any further live music or live acts or functions with loud music take place. a report be submitted to the Municipality for all areas in the existing building being used for such activities, with the mitigating measures that will be implemented to address any possible noise pollution, and that such measures be complied with.

Detailed mitigating measures for noise reduction and soundproofing must also be submitted with the proposed wedding venue building plan, and applied the measures applied to the building when constructed.

The picnic pods should also not be rented out in the evenings as it will be impossible to control sound from these open pods, and it is recommended that their operating time be limited to 18h00.

The new wedding venue must also be limited to operate only up to 12h00, to mitigate impact on surrounding property owners.

13. RECOMMENDATION

1. that the objections be noted.
2. that the application in terms of Section 16(2)(l) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 for the **Amendment of the existing approved site development plan on Portion 229 of Farm 575 Benguela Cove**, to accommodate the proposed new buildings/structures such as a wedding venue and picnic pods, as well as the expansion of the existing winery for storage purposes, **be approved**, in terms of the provisions of Section 61 of the By-Law,
3. that the application in terms of Section 16(2)(h) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 on Portion 229 of Farm 575, Benguela Cove, for amendment of conditions in respect of an existing approval to allow for the new wedding venue building to be used as a place of entertainment, **be approved**, in terms of the provisions of Section 61 of the By-Law.
4. that the application in terms of Section 16(2)(i) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 on Portion 229 of Farm 575, Benguela Cove, to extend the validity period of the Departure approval for an additional 5 years to operate a market and utilize portions of the buildings for places of entertainment, **be approved**, in terms of the provisions of Section 61 of the By-Law.
5. that the approvals in Points 2 - 4 be subject to the following conditions:
 - (a) that the approvals only relate to buildings/structures as indicated on Site Development Plan 23.139(v2) dated 27 May 2024;
 - (b) that approval for the extension of time of the Departure approval for the place of entertainment and market stall rights is only valid for an additional period of 5 years from the original date of approval, and lapses on **7 May 2029**;
 - (c) that all conditions in the decision letter dated 3 April 2019 still be applicable and be complied with except Conditions 1(a), 1(m) and 2(a);
 - (d) that any place of entertainment activities in the new wedding venue building is limited to 12h00pm;
 - (e) that the hours the picnic pods may be used is limited to 18h00pm;
 - (f) that adequate provision be made to manage the behaviour of patrons (both inside and outside the building) and for security and protection of surrounding properties, patrons, vehicles, etc.;
 - (g) that no activities constituting a source of public nuisance shall be carried out;

- (h) that commercial rates and service tariffs as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (i) that this approval is not an approval in terms of any other legislation;
 - (j) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department be complied with at that stage;
 - (k) that the Overstrand Municipality retains the right to enforce any relevant legislation, as well as law and order on the premises, on the landowner/s;
 - (l) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (m) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with, and
 - (n) that all the conditions in the services report (attached as Annexure F), be complied with.
6. That the following comments be noted:
- ❖ Western Cape Government: EADP (Environmental) (Annexure G);
 - ❖ Cape Nature (Annexure H);
 - ❖ Department of Transport (Annexure I);
 - ❖ Telkom (Annexure J),
 - ❖ Eskom (Annexure K), and
 - ❖ Western Cape Heritage (Annexure L).
7. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 regarding the above decisions.

14. REASONS FOR RECOMMENDATION

- ❖ All relevant municipal departments and external departments/institutions support the application.
- ❖ The objections raised about the impact on surrounding properties and noise impact is not supported, as the site is an earmarked business site and business development should have been expected by surrounding property owners. Surrounding residential properties is a fair distance from the site and with good soundproofing noise impact would be limited.
- ❖ Objections regarding services, parking and traffic is not supported as the application is supported by the Western Cape Government: Infrastructure (Road Planning) and the Municipal Engineering Services Department.
- ❖ Mitigation measures have been inserted in the conditions of approval to limit the hours of operation of the new wedding/function venue building, the hours the picnic pods may be used, and that all areas with place of entertainment right limit noise levels.

- ❖ The application is in line with the general principles of SPLUMA and LUPA as this development will be efficient as the property will be developed to its full potential and have a positive impact on the tourism industry.
- ❖ The Overstrand Municipality Spatial Development Framework, 2020 identifies this area as an area for urban development and it is within the urban edge, therefore development of the property is supported.
- ❖ The application is desirable.

15. ANNEXURES

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Development Plans
Annexure D:	Objections & support letter received
Annexure E:	Applicant's reply to objections
Annexure F:	Services Report
Annexure G:	Comment: Western Cape Government: EADP (Environmental)
Annexure H:	Comment: Cape Nature
Annexure I:	Comment: Western Cape Government: Infrastructure (Road Planning)
Annexure J:	Comment: Telkom
Annexure K:	Comment: Eskom
Annexure L:	Comment: Western Cape Heritage
Annexure M:	Previous Departure approval letter dated 3 April 2019

SIGNATURES**REGISTERED PLANNER**Name: **HENK OLIVIER**SACPLAN Reg No: **B/8128/2004**

Signature: _____

Date: _____

REGISTERED PLANNERName: **H VAN DER STOEP**SACPLAN Reg No: **A/1708/2013**

Signature: _____

Date: _____

1. Locality Plan Portion 229 of the Farm Afdakrivier 575, Caledon

Plan prepared by: Veronica Jansen

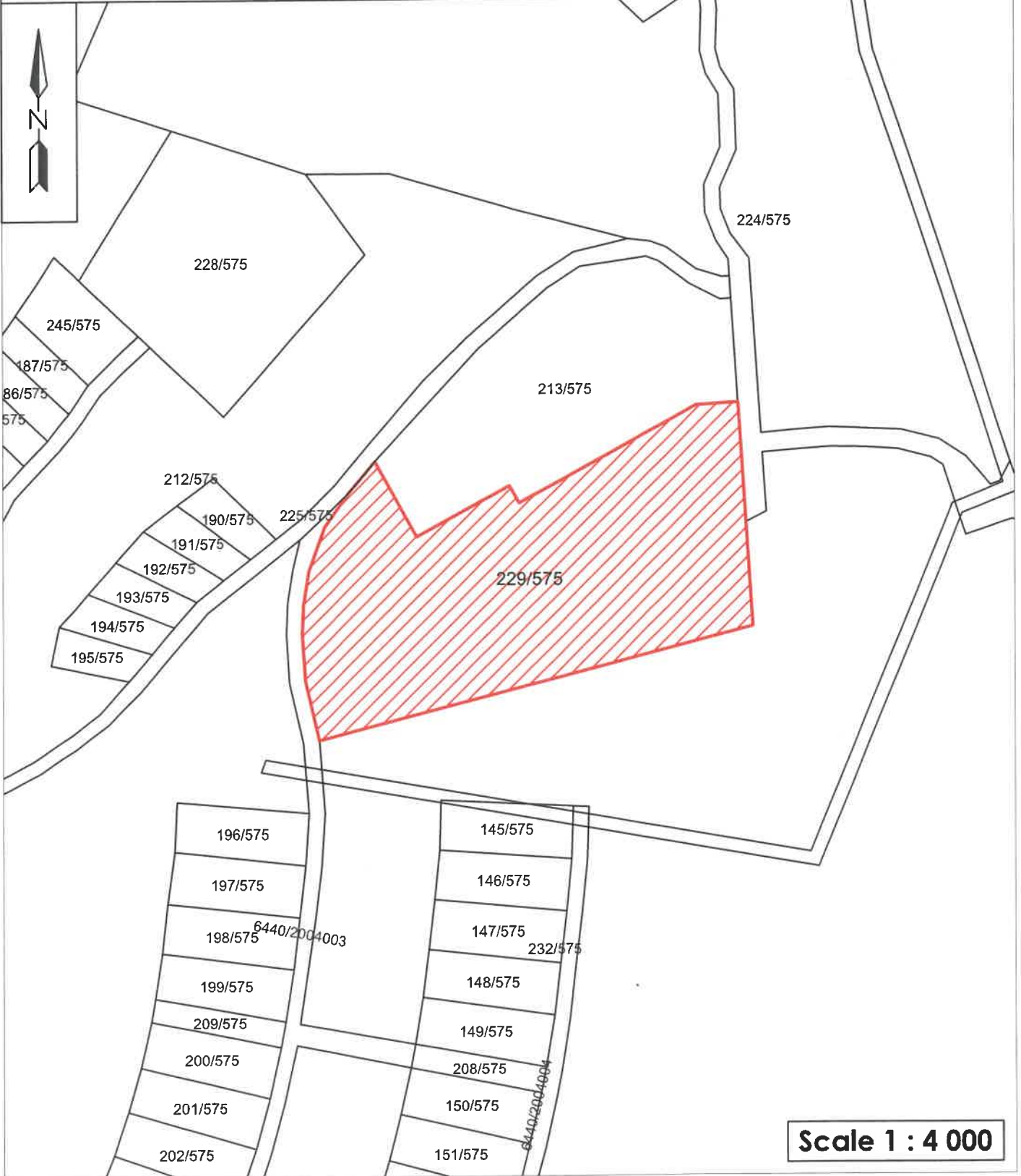
Tel: 028 313 1411

Email: admin@wrapgroup.co.za

Unit B, Standard House,
Corner of Royal and Dirkie Uys
Street Hermanus, 7200

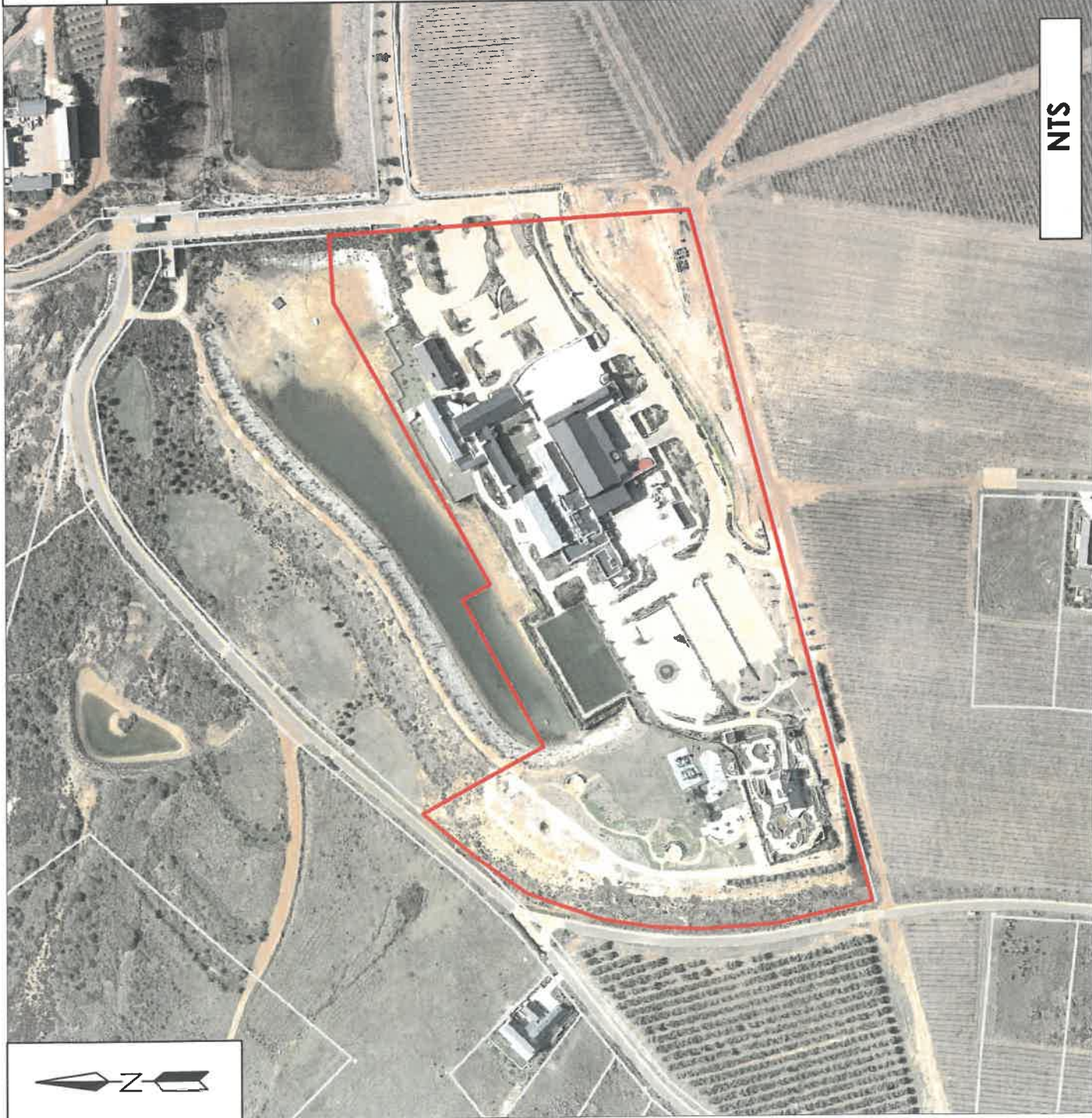


Project Office
Town Planning & Project Management



Scale 1 : 4 000

3. Aerial Plan
 Portion 229 of the Farm
 Afdakrivier 575, Caledon



NTS

Plan prepared by: Veronica Jansen

All distances are approximate
 and subject to a survey

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

Unit B, Standard House,
 Corner of Royal and Dirkie Uys
 Street Hermanus, 7200



Project Office
 Town Planning & Project Management



1. ABBREVIATIONS

OM	Overstrand Municipality
OMLUS	Overstrand Municipality Land Use Scheme, 2020
BY-LAW	Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020
PSDF	Western Cape Provincial Spatial Development Framework, 2014
MSDF	Overstrand Spatial Development Framework, 2020

2. PROPERTY DETAILS

Property Description	Portion 229 of Farm Afdaks Rivier 575 in the Overstrand Municipality, Division Caledon, Western Cape Province
Extent	5,3815ha
Zoning	Special Zone

3. BACKGROUND AND INTENT

The subject property, Portion 229 of Farm Afdaks Rivier 575, Caledon, is situated along the R43 and serves as a prominent tourist destination, wine farm, and residential development. Refer to **Plan 1 - Locality Plan** for its precise location. WRAP Project Office was appointed to submit a land use application on their behalf, as detailed in **Annexure A - Power of Attorney**.

Over the past few years, the owners have been steadily developing the property, incrementally enhancing provisions across the entire estate, with particular focus on the subject property as a primary investment. Notably, the property holds historic approval permitting the use of the restaurant and wine cellar as venues for entertainment including weddings, functions, and live music performances.

Furthermore, approval has been granted for the establishment of a market on the property, complemented by various attractions such as the splash park and wine cellar, which have contributed to Benguela Cove Lagoon Wine Estate's status as a highly successful and sought after destination. Recognized as one of the top 100 best vineyards in the world of 2023, Benguela Cove Lagoon Wine Estate offers guests an exceptional experience with world-class attractions and exquisite wines.

In response to the property's ongoing expansion, the owners have identified opportunities and necessities to further enhance the overall visitor experience. Consequently, plans include the introduction of a new wedding venue to enrich guests' experiences. Additionally, there is a proposal to extend and expand the wine cellar area, necessitating an amendment to the site development plan. Finally, approval for the extensions of the validity period for several historic approvals, which were granted nearly five years ago, are also sought.



MOTIVATION

The owners as part of their ongoing development and in response to identified opportunities, proposed the introduction of picnic pods. These pods will serve as additional structures designed to offer guests a unique and enhanced recreational experience on the property, protecting them from the elements.

These pods will provide several benefits as Picnic Pods:

Picnic pods will enhance the visitor experience at Benguela Cove Lagoon Wine Estate. Firstly, they will offer a private, comfortable, and aesthetically pleasing setting, ideal for small gatherings, family outings, or romantic picnics. This intimate environment allows guests to enjoy the scenic beauty of Benguela Cove Lagoon Wine Estate in a dedicated space away from the more bustling areas of the estate, creating an exclusive ambiance. Refer to **Annexure D: Proposed Picnic Pod designs**.



Figure 2: Proposed picnic pod structures

Moreover, the picnic pods diversify Benguela Cove Lagoon Wine Estate's attractions. Adding this unique offering helps differentiate the estate from other wine farms and tourist destinations, attracting more visitors seeking varied experiences. The inviting space encourages guests to spend more time at the estate, potentially increasing their overall satisfaction and willingness to return.

From a business perspective, the picnic pods present new revenue opportunities. They can be rented out to guests for specific time slots, creating a new income stream for the

File 23/139

Portion 229 of Farm Afdaks Rivier 575, Caledon
Amended June 2024



MOTIVATION

estate. This can be especially lucrative during peak visiting times and special events. Additionally, guests using the picnic pods are likely to purchase additional items such as picnic baskets, wine, and other refreshments, further boosting on-site sales.

The picnic pods also complement Benguela Cove Lagoon Wine Estate's existing attractions, such as the splash park, market, and wine cellar. By adding an additional layer of enjoyment, these pods enhance the overall appeal of the estate. Furthermore, they can be integrated into events like weddings, live performances, and functions, providing unique spaces for guests to relax and socialize, thereby enriching the overall event experience.

Sustainable and aesthetic design considerations are also a key advantage. The picnic pods can be constructed using eco-friendly materials, aligning with sustainable practices and appealing to environmentally conscious visitors. Their strategic placement within the landscape ensures they blend seamlessly with the natural surroundings, preserving the estate's scenic charm.

4.2 AMENDMENT OF CONDITIONS IN RESPECT OF AN EXISTING APPROVAL to allow the new wedding venue to be used for a place of entertainment:

As previously mentioned, the owners obtained approval in March 2019 to repurpose the restaurant and wine cellar as a place of entertainment. This approval encompassed the authorisation of functions, including the establishment of a wedding venue within these designated areas.

However, the current proposal seeks to amend the existing approval to allow the owners to construct a new proposed freestanding wedding venue to also serve as a venue that will be able to provide live music to the guests being entertained for additional forms of entertainment, notably live music performances. It is essential to note that the owners remain committed to upholding all other conditions stipulated by the municipality in their approval granted in 2019.

This amendment reflects the evolving needs and desires of the community and visitors to Benguela Cove Lagoon Wine Estate, aiming to enhance the overall experience by offering a diverse range of entertainment options. By expanding the scope of permissible activities within the wedding venue, the owners seek to further contribute to the vibrancy and attractiveness of Benguela Cove Lagoon Wine Estate as a premier destination for gatherings, celebrations, and entertainment.

4.3 EXTENSION OF THE PERIOD OF VALIDITY OF AN APPROVAL:

The land use approval dated March 2019 allows the owners to operate a market and utilise portions of the existing structures for places of entertainment. Condition 1(m) states:

"that the approval is only valid (5) years, but application can be made within the time period for and extension of time;"



MOTIVATION

The owners had numerous events and major success as a result of the land uses that were approved in 2019 and as a result application is made to extend the validity period for an additional 5 years that will see the approval be extended to 2029.

The approval granted has proven to be instrumental in fostering a vibrant and thriving community within the estate. By permitting the operation of a market and the utilization of existing structures for a place of entertainment, the approval has not only enriched the offerings within Benguela Cove Lagoon Wine Estate but has also contributed to its economic growth and vitality.

Since its inception, the approved land uses have facilitated numerous events, attracting visitors from near and far and significantly enhancing the overall experience for residents and guests alike. These events have not only served as platforms for community engagement and social interaction but have also been key drivers of local commerce, supporting small businesses and artisans while stimulating economic activity within the surrounding areas.

Moreover, the success achieved through the approved land uses underscores their importance in the ongoing development and sustainability of Benguela Cove Lagoon Wine Estate as a premier destination. By extending the validity period of the approval for an additional five years, the owners aim to build upon this success and continue fostering a dynamic and inclusive environment that appeals to residents, visitors, and stakeholders alike.

Furthermore, the collaborative efforts between the owners and other stakeholders within the estate demonstrate a commitment to responsible and responsive management. By actively addressing queries, questions, and concerns in a swift and efficient manner, they uphold the highest standards of community engagement and ensure that the needs and interests of all parties are duly considered and accommodated.

5. LAND USE ENVIRONMENT

The subject property is part of the Benguela Cove Lagoon Wine Estate Lagoon Wine Estate, located on the banks of the Bot-Kleinmond Estuarine System. The Benguela Cove Lagoon Wine Estate Lagoon Wine Estate is a unique estate that is home to an Agri-residential development where residential properties are mixed with a very successfully operated wine farm. There are several different land uses surrounding the subject property. The surrounding area's zonings are illustrated in **Plan 2 (zoning plan)**.

6. TITLE DEED

Title deed T32226/2006 (refer **Annexure B**) was perused and there are no restrictive conditions that prohibits the approval of the applications being made.

7. ZONING

The following zoning parameters were assessed in conjunction with the Special Zone OMLUS zoning as this is a relevant consideration in terms of Section 66 (1) (q) of the OM By-Law:



MOTIVATION

SPECIAL ZONE		Parameters	Uses on property	Comply/ deviate										
Primary use	Tourism business, house of worship		<ul style="list-style-type: none"> • Conference (wedding venue) • Splash Park • Wine Cellar • Restaurant • Deli 	Comply										
Consent use	None		N/A	N/A										
Departures	-		<p>Approved</p> <ul style="list-style-type: none"> • Place of entertainment • Market 	-										
Development parameters														
Floor factor	0.75		0.11	Comply										
Coverage	50%		11%	Comply										
Height	At most 8m or 2 storeys, provided that in the case of the winery, the maximum height shall be 14m.			Comply										
Street building line	10m		N/A	N/A										
Side building line	A minimum of 10m provided that council may lay down building lines in the interest of public health and safety or to enforce any law or right.		10m	Comply										
Parking	At least 1 parking bay per 25m ² of the total floor space provided that in the case of a "Place of Worship" 1 parking bay per 5 seats.		<table border="1"> <thead> <tr> <th colspan="2">AREA SCHEDULE (EXISTING)</th> </tr> <tr> <th>Name</th> <th>Area</th> </tr> </thead> <tbody> <tr> <td>EXISTING MINI GOLF</td> <td>230 m²</td> </tr> <tr> <td>EXISTING DELI</td> <td>300 m²</td> </tr> <tr> <td>EXISTING WINERY, RESTAURANT, STORE</td> <td>3912 m²</td> </tr> </tbody> </table>	AREA SCHEDULE (EXISTING)		Name	Area	EXISTING MINI GOLF	230 m ²	EXISTING DELI	300 m ²	EXISTING WINERY, RESTAURANT, STORE	3912 m ²	Comply
AREA SCHEDULE (EXISTING)														
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EXISTING MINI GOLF	230 m ²													
EXISTING DELI	300 m ²													
EXISTING WINERY, RESTAURANT, STORE	3912 m ²													



MOTIVATION

AREA SCHEDULE (PROPOSED)	
Name Area	Extent
NEW COVERED DECK	180 m ²
NEW STORE ADDITION TO WINERY	575 m ²
NEW WEDDING VENUE	768 m ²
PICNIC PODS	138 m ²

Parking Requirement
 Floor Area Extent = 6103m²
 1 Parking Bay per 25 m²
 6103m² / 25 m² = 244 Parking Bays Required

244 Parking Bays Provided



MOTIVATION

8. SERVICES

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

Electricity, Water, Sewage and Solid Waste

Services to the property include electricity from ESKOM and municipal water from the Fisherhaven Reservoir. The proposal of this application is not expected to have significant impacts on the existing services, as the proposed uses will not demand additional services capacity.

The subject property is connected to the existing sewer network and system of the estate.

Solid waste is collected and moved to designated points and collected by the OM.

Access and Egress

Access and egress to the property is gained from the R43.

9. NEED AND DESIRABILITY

The need and desirability of the approval and implementation of this proposal in accordance with Section 66 (1) (c) of the OM By-Law can be illustrated as follow:

Need and desirability.

The need for the land use application was a result of addressing all the land use requirements and ensuring the property meets the requirements of the owners. To achieve this, the owners are required to apply for a permanent departure from the building line.

<p>Socio-economic impact</p>	<p>The proposal is expected to have several positive socio-economic impacts on the surrounding community and the broader region. Here are some potential positive effects:</p> <ul style="list-style-type: none"> • Job Creation: The implementation of the proposal, which includes the addition of a permanent wedding venue, and winery storage, is likely to generate additional employment opportunities. These opportunities span various sectors, including construction, hospitality, event management, and winery operations. The creation of jobs can contribute to reducing unemployment rates and improving the economic well-being of individuals and families within the community.
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MOTIVATION

	<ul style="list-style-type: none"> • Increased Tourism: The addition of new facilities such as a permanent wedding venue enhances the attractiveness of Benguela Cove Lagoon Wine Estate as a tourist destination. This increase in tourist appeal can lead to a rise in visitor numbers, benefiting local businesses such as restaurants, accommodation providers, and retail establishments. Additionally, a boost in tourism can stimulate economic growth through increased spending on goods and services in the area. • Enhanced Infrastructure: The proposal may necessitate improvements or expansions to existing infrastructure, such as roads and utilities, to support the new facilities. These enhancements not only benefit the property but also improve infrastructure for the broader community. Upgraded infrastructure can lead to increased property values, improved accessibility, and a better quality of life for residents. • Revenue Generation: The addition of commercial facilities like a wedding venue and winery storage can generate revenue for the owners and local authorities through lease agreements, permit fees, and taxes. This revenue can be reinvested in community development projects, public services, and infrastructure upgrades, further enhancing socio-economic conditions in the area. • Cultural and Social Enrichment: The proposed facilities, particularly the wedding venue, can serve as platforms for cultural and social events, fostering community cohesion and promoting cultural exchange. Events hosted at these venues can contribute to the preservation and celebration of local traditions, while also providing opportunities for social interaction and community engagement.
<p>Compatibility with surrounding uses</p>	<p>The proposal is situated in a tourism-rich area that has garnered numerous accolades, indicating strong support from visitors and the broader community. By expanding upon this foundation,</p>



MOTIVATION

	the proposal aims to capitalize on the area's existing appeal and further enhance its offerings.
Impact on the external engineering services	Refer Section 8.
Impact on safety, health and wellbeing of the surrounding community	As stated throughout the motivation, the owners will take great care to ensure the proposed uses are also not expected to have a negative impact on the safety, health and wellbeing of the surrounding community.
Impact on heritage	The subject property is not listed in the OM Heritage Register.
Impact on the biophysical environment	The owners have taken cognisance of the environmental aspects in the area and have proposed the additional structures in a way that does not have a negative impact on the surrounding environmental area.
Traffic impacts, parking, access and other transport related considerations	The proposal will not have an impact on traffic, parking or access. There is sufficient on-site parking to accommodate all the additions proposed.

Impact on views, sunlight and character of the area

The property is located in an agricultural setting that is coupled with a residential development. The area has been zoned and is being operated for tourism related facilities which is also being sought through the current proposal. The proposed additions are not expected to have a negative effect on views or sunlight of any other property owner.

Economic impact

The proposal allows the owners to generate additional income from the operation of these additions all of which will create employment opportunities to crew member, staff and cleaners etc that will be earning a living.

Opportunity cost

An opportunity cost in the context of land use planning refers to a development proposal that leads to the devaluation or foregoing of valued land use rights of interested and affected parties when an application is approved. The proposal is not predicted to have a negative impact on the surrounding properties.

10. POLICIES AND REGULATIONS

10.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

The property is not located within the EMOZ.

10.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)

The property is classified by the "LANDSCAPES HPOZ" of which the purpose is the following:

File 23/139
Portion 229 of Farm Afdaks Rivier 575, Caledon
Amended June 2024



MOTIVATION

“Purpose: To ensure that any land use application resulting in additional rights complies with the existing character and contextual significance:

- To protect and enhance landscapes identified as having high natural, scenic and heritage significance and which contribute to the character and sense of place in the Overstrand and its economic base.*
- To promote the cultural, tourism, environmental and amenity potential of significant Overstrand landscapes.”*

To ensure compliance with the HPOZ it is of importance that certain aspects need to be provided and addressed in terms of Overstrand Municipality Heritage Protection Overlay Zone Regulations, 2020:

Section 20 – 22 states the following -

“20

The Overstrand Municipality By-Law on Municipal Planning, 2020, will apply in respect of all applications, processes and decisions contemplated in these regulations.

21

In considering an application for written consent in order to undertake an activity in terms of the Heritage Protection Overlay Zone, the Municipality may require from an applicant whatever information it deems necessary in order for an informed decision to be made regarding the application.

22 This could include, inter alia:

22.1 statements of significance;

22.2 heritage research;

22.3 photographs, including contextual photographs;

22.4 results of public consultation;

22.5 impact assessments; and

22.6 comment from affected and interested bodies.”

Statements of Significance

The heritage significance of the subject property is not large.

Heritage Research

No additional heritage research was done.

Photographs, Including Contextual Photograph

Aerial maps were included into the application, refer to **Plan 3 – Aerial Plan**.

Results of Public Consultation

Regarding this application, an extensive public participation process will be followed. If any comments are received regarding the heritage aspect it will be addressed accordingly.



MOTIVATION

Impact Assessments

No impact assessments were conducted.

Comment From Affected and Interested Bodies

The application will be circulated to interested and affected bodies for comment.

10.3 Spatial Planning Policies

This proposal aligns seamlessly with the provisions outlined in both the Western Cape Provincial Spatial Development Framework, 2014, and the Overstrand Spatial Development Framework, 2020 (OMSDF). The OMSDF underscores the importance of ensuring accessibility, safety, and attractiveness of key tourism destinations such as Benguela Cove Lagoon Wine Estate and Arabella through the maintenance and development of new facilities. The owners are fully committed to this vision and aim to facilitate continued development by introducing new facilities that enhance the overall experience for visitors and residents alike.

Furthermore, the OMSDF emphasises the importance of preserving the sensitivity of the estuary. This proposal has been carefully crafted to ensure that it has no adverse effects on the estuary. The owners are acutely aware of the ecological significance of the estuarine ecosystem and are committed to ensuring that all operations remain compliant with environmental regulations and best practices.

In summary, this proposal not only aligns with the strategic objectives outlined in the Western Cape Provincial Spatial Development Framework and the Overstrand Spatial Development Framework but also demonstrates a proactive approach to environmental stewardship by safeguarding the sensitivity of the estuary. Through thoughtful planning and adherence to environmental standards, the owners aim to contribute positively to the sustainable development and preservation of the surrounding landscape.

11. PLANNING PRINCIPLES

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

Spatial justice

Spatial justice refers to planning proposals that do not contribute towards the perpetuation of apartheid spatial development imbalances. The proposal to add new additions to the property is not expected to have an effect on past spatial injustices.

Spatial sustainability and efficiency

Spatial sustainability refers to planning proposals that ensure the protection of valuable agricultural land, environmentally sensitive and biodiversity-rich areas, as well as scenic and cultural landscapes while limiting urban sprawl. This proposal will

File 23/139

**Portion 229 of Farm Afdaks Rivier 575, Caledon
Amended June 2024**



MOTIVATION

not impact any of the aspects listed above. The owners will also ensure that the area is maintained while maximizing the property's intended use.

Spatial resilience

This proposal is not in conflict with any spatial planning policies or other OM regulations which is a hallmark of resilience.

Good administration

The OM has a credible track record of good administration regarding the method of public participation. Public participation forms an integral part of the land use planning process.

The public participation process provides people who may be affected by the proposal with an opportunity to provide comment and to raise issues of concern about the proposal or make possible suggestions that may result in an enhanced outcome of which both parties benefit. Comments will be reviewed and considered after which it will be addressed accordingly.



12. EVALUATION

This application aims to balance the functional necessity of these essential facilities - that include a wedding venue, and extension of the winery all being focused on tourism related activities or activities that attract more people to the Overstrand area. This while ensuring compliance with the required conditions outlined in the OMLUS. This includes the dimensions and other specifications of the structure.


In conclusion, the application has indicated that the owners are seeking to enhance the Benguela Cove Lagoon Wine Estate area. Through collaborative efforts and adherence to established frameworks such as the Western Cape Provincial Spatial Development Framework and the Overstrand Spatial Development Framework, the proposed development aims to strike a balance between economic growth and environmental sustainability.

The approval of the application is imperative to allow the vision of creating a vibrant and inclusive community. By endorsing this proposal, not only would local economic development and job creation but also reinforces its commitment to sustainable tourism practices and environmental conservation be. The application as motivated above and throughout this report is regarded as a desirable enterprise that will add value to the area while creating economic activity and providing employment opportunities.

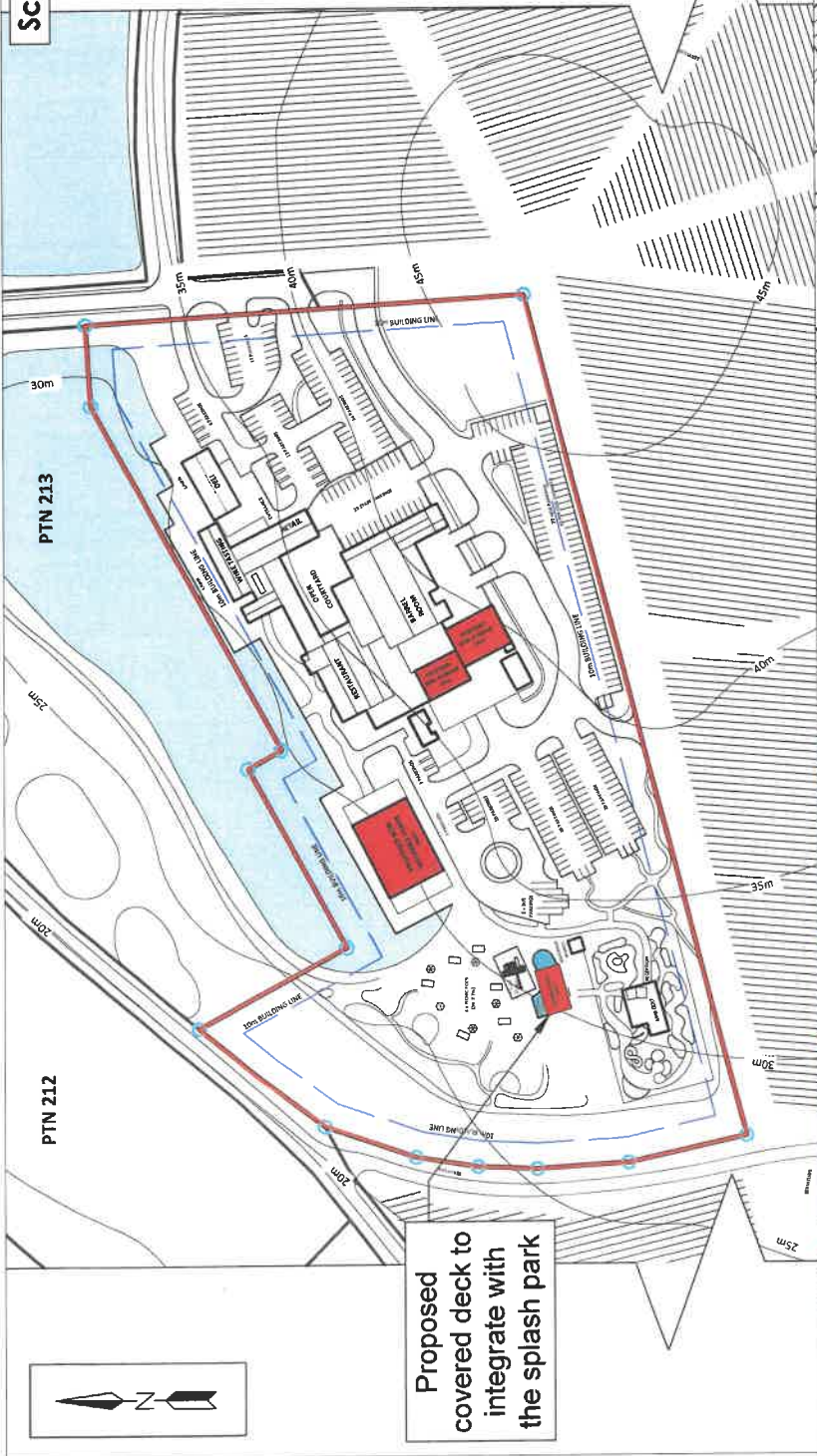
13. RECOMMENDATION

Based on the abovementioned motivation, it is recommended that the following be approved:

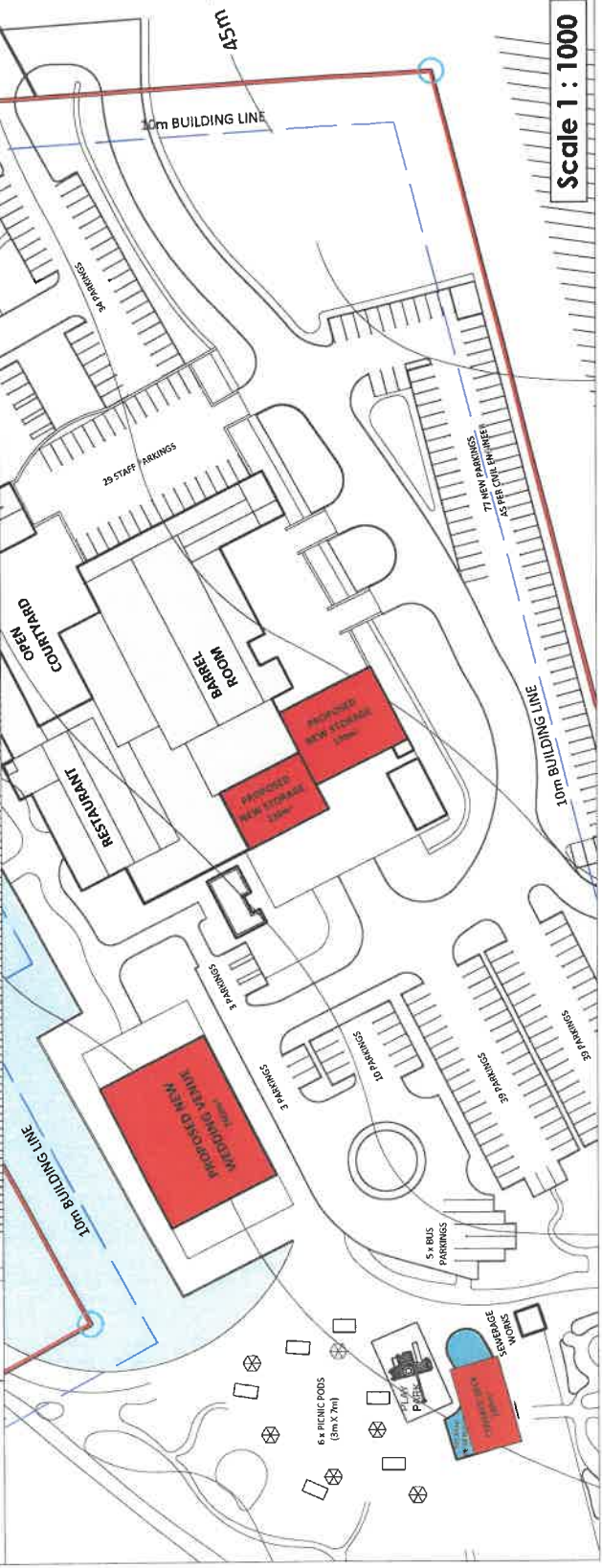
- 13.1 Amendment of an approved site development plan** in terms of section 16(2)(l) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.2 Amendment of conditions in respect of an existing approval** to allow the new wedding venue to be used for a place of entertainment in terms of Section 16(2)(h) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020; and
- 13.3 Extension of the period of validity of an approval** in terms of section 16(2)(i) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

<p>4. Amended Site Development Plan Portion 229 of the Farm 575, Caledon</p>
<p>Portion 229 of the Farm 575, Caledon Extent = 53810m²</p>
<p><u>Existing Area Schedule:</u></p> <p>Mini Golf - 230m² Dell - 300m² Winery, Restaurant, Store - 3912m²</p> <p>4442m²</p>
<p><u>Proposed Area Schedule:</u></p> <p>New Covered Deck - 180m² New Storage - 575m² New Wedding Venue - 768m² Picnic Pods - 138m²</p> <p>1661m²</p>
<p>Combined total extent - 6103m²</p>
<p>Plan Number: 23.139(V2)</p> <p>Plan prepared by: Thian Jansen on 27/05/2024 Based on plans by Quintessential Design - Brent Kuhn All distances are approximate and subject to a survey Tel: 028 313 1411 Email: admin@wrapgroup.co.za</p>
<p>Unit B, Standard House, Corner of Royal and Dirkie Uys Street Hermannus, 7200</p>
 <p>Project Office Town Planning & Project Management</p>

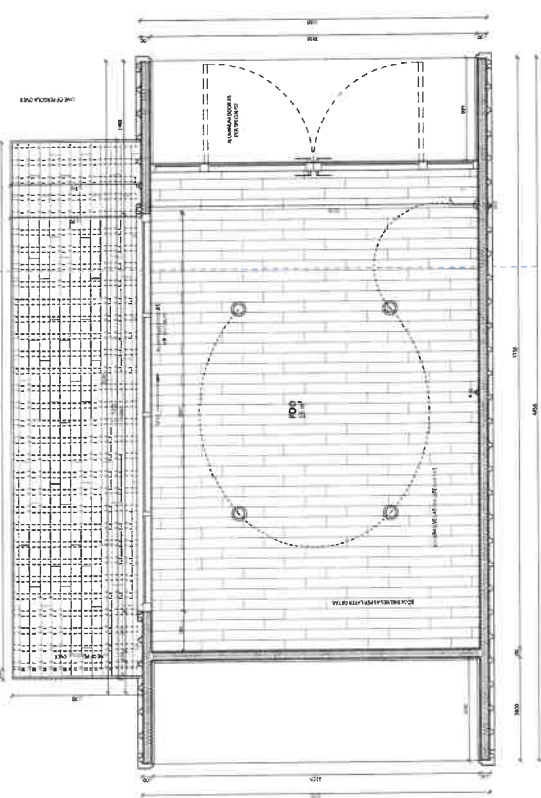
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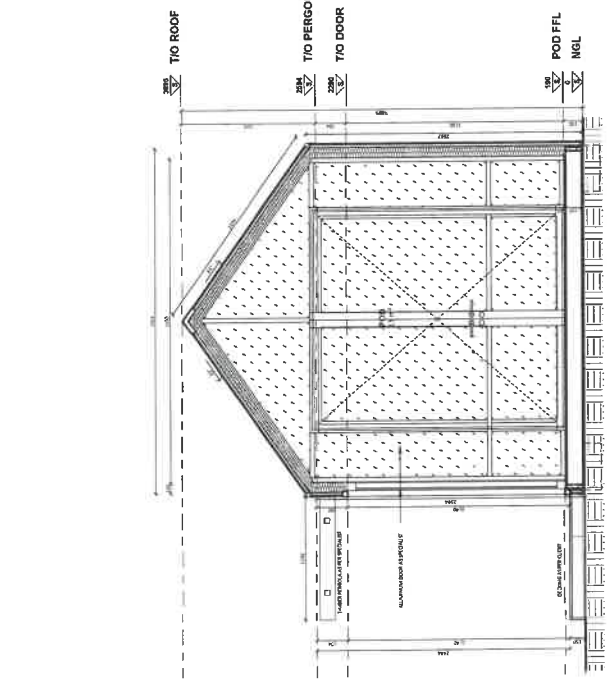
Scale 1 : 1000



DECKING
DESIGN INTENT - AS PER CLIENT
SPECIFICATION



GROUND FLOOR PLAN
SCALE: 1:25



SECTION A-A
SCALE: 1:25

QUINTESSENTIAL
DESIGN

BRIEF NUMBER: QD-2021-01-01
DATE: 14/01/2021
PROJECT: BENGUELA COVE
DRAWN BY: J. SMITH
CHECKED BY: J. SMITH
DATE: 14/01/2021

NO.	DATE	REVISION	DESCRIPTION

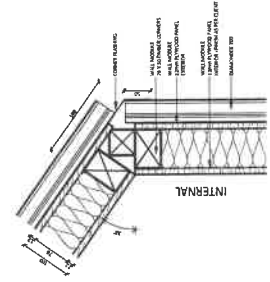
GENERAL NOTES:

- THIS DRAWING IS THE PROPERTY OF QUINTESSENTIAL DESIGN AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF QUINTESSENTIAL DESIGN.
- ALL WORK IS TO BE CARRIED OUT IN ACCORDANCE WITH THE relevant standards and specifications.
- THE DRAWING IS NOT TO BE SCALED. DIMENSIONS TO BE USED: ALL DIMENSIONS ARE IN MILLIMETRES UNLESS OTHERWISE STATED.
- ALL LEVELS AND DIMENSIONS TO BE CHECKED ON SITE BY THE CONTRACTOR BEFORE WORK COMMENCES AND ANY DISCREPANCIES TO BE REPORTED IMMEDIATELY TO THE ARCHITECT.
- THE CONTRACTOR SHALL IN ALL ASPECTS OF THE WORK comply with the relevant standards and specifications.
- REGULATIONS PREVALENT IN TERMS OF THE FACT OR THE relevant standards and specifications.
- THIS DRAWING MUST BE READ IN CONJUNCTION WITH ALL THE relevant drawings, schedules and specifications FROM THE PROJECT AND ALL OTHER CONTRACT DOCUMENTS TO THE PROJECT.

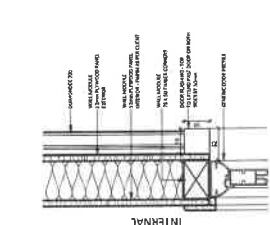
2/2



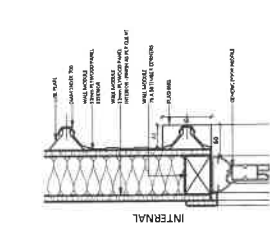
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FOR: BENGUELA COVE		PROJECT: CS 000-1		REVISION:	
CLIENT: BENTHAMIZE PARTNERSHIP (SA)	ARCHITECT: ENGINEER	BENGUELA COVE			
QUERY:	ARCHITECT:	BENGUELA COVE			
NO.	DATE	REVISION	DESCRIPTION	CONTRACTOR	



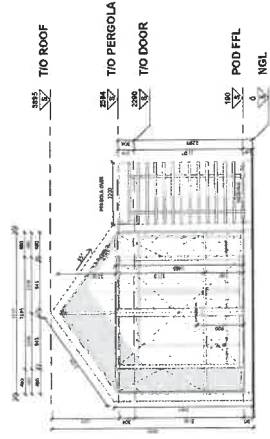
ROOF DETAIL
SCALE: 1:5



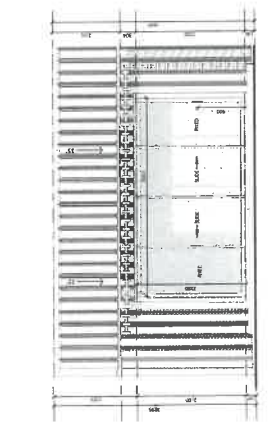
DOOR DETAIL - SECTION
SCALE: 1:5



DOOR DETAIL - PLAN
SCALE: 1:5

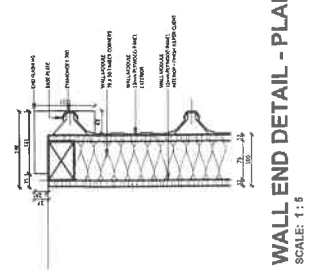


EAST ELEVATION
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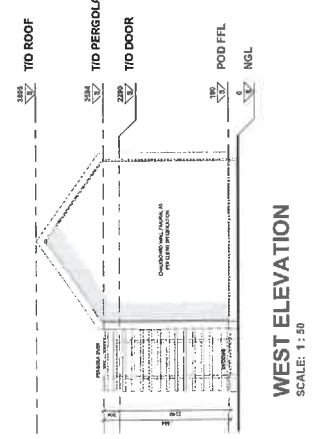


NORTH ELEVATION
SCALE: 1:50

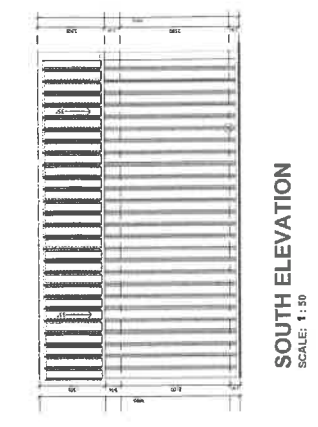
LOCATION	IN/OUT	FINISH	DOOR NO.	Q1	DOOR TYPE	ALUMINIUM	ALUMINIUM	DOOR NO.	Q2	DOOR TYPE	ALUMINIUM	ALUMINIUM
DOOR	IN	WOOD	1	1	WOOD	WOOD	1	1	1	WOOD	WOOD	1
DOOR	OUT	WOOD	2	2	WOOD	WOOD	2	2	2	WOOD	WOOD	2



WALL END DETAIL - PLAN
SCALE: 1:5



WEST ELEVATION
SCALE: 1:50



SOUTH ELEVATION
SCALE: 1:50

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
04 JUL 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Annexure D1/22

Dear Ms Gillion

We refer to the notice of Amendment of the existing approved site received on 19th June 2024 in regards to Benguela Cove Investments.

We, Michael Prew and myself – Plot 176, Benguela Cove Estate, have the following comments and objections:

Regarding the Picnic Pods:

In principle we do not mind the proposed picnic pods but with some important provisos, which we would like to get addressed. It has to be ensured, that the location of these pods will be restricted to the commercial district. If they would be located in the vineyards: what would be the regulations and plans regarding security for homeowners, how would the guests be transported to the pods? What arrangement would be made for toilets for the said guests. We therefore object to a possible location within the public grounds of the homeowners association of Benguela Cove or within the vineyards due to security reasons (homes at Benguela do not have any walls and fences based on the building guidelines). There are also possible sanitary issues, difficult guest management and protection of nature.

Regarding the Place of Entertainment:

We would like the municipality not to deviate from their meanwhile expired approval from 2019. Furthermore the following questions have to be addressed:

What is the maximum capacity of this new venue? Where would the the guests be parking? It must be kept in mind that if an event would happen, for example, from 6:00pm to 8:00pm, and the event has 600 guests, arriving in perhaps 300 cars, where would they park? And more importantly how can access and departure be safely arranged? We have only one access road in and out of the estate. The exit and entry on to the R 43 with cars driving past at 120 Km per hour is relatively risky at best during the day and actually dangerous at night. This influx would not be over a period of time either as people tend to arrive and depart at a set time for events. Will the Traffic Police be involved in safely regulating traffic on the national road? This is over and above homeowners who will struggle to leave and arrive at these times. How will emergency access be organised in event of an accident or fire if the only access road is blocked by arriving or departing visitors?

Then in addition to this: what would be the times of operation for this venue in regard to noise and what the maximum permitted noise level will be – the current regulations were often not adhered to (see further below please).

This could directly impact a pair of resident nesting blue cranes that have successfully raised chicks for approximately 5 years now in direct vicinity of the proposed venue (approx 100 meters away).

We would also like to inquire if the existing sewage system has the capacity of dealing with large crowds. This will directly impact homeowners as the system is not designed for this and the estate often had blockages and spill overs due to festivities at the commercial district.

The proposal casually mentions the municipal permission (19.3.2019) for a market area and place of entertainment despite the fact that the timeframe of 5 years for

FILE NO. Ptn 229/575
Akdakrivier
SCAN NO.
2076923

TP

said market has lapsed and a regular market was never established. The original approval by Overstrand had certain restrictions and the mitigation measures aimed to limit the impact on the residential component and to find a balance with the commercial interests.

In total there were 18 conditions set by the municipality with for example:

- limited activities to inside the courtyard of the commercial district,
- no temporary marquee tents to be used,
- noise level restrictions (to add less than 7dB(A) to ambient noise),
- market stalls (max 40) only inside the courtyard and
- restricted to operate Fridays 17:00-21:00 and Saturdays 10:00-15:00 and
- that any application for an extension of the 5 year approval has to be done within the time period.

It is important to mention that BCI's application is not done within the time frame set by the municipality and departs from the original permission substantially by proposing to move functions now outside of the approved courtyard venue. We can not comment if all municipal restrictions were adhered to in the past 5 years – we think in general yes, as a regular market was never established and music performances happened mostly inside the courtyard. But the defined noise levels were definitely broken often by the music functions inside the courtyard. I recall one of several cases when one homeowner on the beach measured the much too high noise levels on the 5th of April 2019 at 23:00 and complained about the disturbance by the music from inside the courtyard. Especially the homeowners houses close to the commercial district suffer often under extensive noise. But even at our house, we can hear the music. This would get even worse if music functions would be allowed outside the courtyard. Some new houses have been built within a 100-200 m radius of the proposed wedding venue and I doubt that these homeowners would be pleased with high noise levels on a regular base on week-ends.

Close to the proposed wedding venue (towards North) is common ground with renosterveld and small bushes, which is used by an abundant bird life (regular nesting blue cranes), some porcupines, even small bucks and the occasional rooikat. The Hermanus Bird Club is doing regular walks at Benguela. Constant high noise levels by weekend wedding functions (which normally last deep into the night) would definitely have a negative impact on this pristine wildlife environment and on the homeowners who have invested a lot of money in their properties.

Re: Ptn 229/575 Benguela⁸⁷ Cove

REKORDBEHEER
02 JUL 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

3/22

Dear Ms Gillion,

We would like to make a few comments on the project mentioned in the subject from the perspective of an affected homeowner.

TP - A Theart (H Olivier)

We have been living in house 240, Benguela cove estate, since 2020.

Unfortunately, we were unable to determine from the application submitted by BCI where the picnic pods are to be built or how many of them are planned. Placing them in the vineyards would lead to security problems for the homeowners, as access would not be possible without complex checks on all guests. It would also have to be clarified who would be responsible for the additional costs incurred in order to ensure the necessary administrative and organizational tasks. It would also have to be ensured that sufficient sanitary facilities are available. There are also many animals, some of them rare, living in the vineyards, which would be seriously disturbed by additional unrest.

In order to be able to give an assessment of the extent to which the planned measure would change life on the estate, a number of important details are missing. With the information available, an assessment is therefore only possible to a very limited extent.

Regarding the idea of establishing additional entertainment elements on the estate, we cannot really imagine how this can be done without causing significant noise pollution. For larger events with several hundred participants, we also fear increasing difficulties due to the expected volume of traffic on the estate and in front of the estate at the beginning and end of such events.

At the beginning of the development of Benguela Cove, the plan was to establish a winery and to embed houses in the vineyards. An undeniable advantage for the homeowners is the peace, seclusion and proximity to largely untouched nature. While we understand the need to optimize BCI's commercial interests, there is a fear that this basic idea will gradually be abandoned. Previous ideas such as a helicopter landing pad in the middle of nature or commercial shipping on the lagoon also appear as kind of slowly but continuously shifting baselines. We want to live peacefully together in harmony with the winery, the restaurant and also with the hotel construction that has been promised since the estate was planned but has not yet been realized.

An event location with hundreds of guests for a few hours, an unforeseeable number of day guests for picnics with parties, unavoidable noise and hustle and bustle does not really fit with the original idea of the estate and would also reduce the value of the houses and have a negative impact on nature. Music events, individual day tourism or markets, helicopter landing pads or commercial shipping on the lagoon are, in our view, not compatible with responsible handling of the protected Bot River Estuary embedded in the Kogelberg Nature Reserve.

Kind regards

Dr. Klaus Strömer and
Dr. Beate Helgers
Houseowner of BC 240

FILE NO. Ptn 229/575
Benguela
SCAN NO.
COLLABORATOR NO.
2071322

TP

01 JUL 2024

Re: HBENG 229/575
TP-A Thearts
(Hollivier)

Dear Ms Gillion

We refer to the notice of Amendment of the existing approved site received on 19th June in regards to Benguela Cove Investments.

4/22

We, Dr. Karsten Wellner and myself – Plot 243, Benguela Cove Estate, have the following comments and objections:

Regarding the Picnic Pods:

In principle we do not mind the proposed picnic pods but with some important provisos, which we would like to get addressed. It has to be ensured, that the location of these pods will be restricted to the commercial district. If they would be located in the vineyards: what would be the regulations and plans regarding security for homeowners, how would the guests be transported to the pods? What arrangement would be made for toilets for the said guests. We therefore object to a possible location within the public grounds of the homeowners association of Benguela Cove or within the vineyards due to security reasons (homes at Benguela do not have any walls and fences based on the building guidelines). sanitary issues, difficult guest management and protection of nature.

Regarding the Place of Entertainment:

We would like the municipality not to deviate from their meanwhile expired approval from 2019. Furthermore the following questions have to be addressed:

What is the maximum capacity of this new venue? Where would the the guests be parking? It must be kept in mind that if an event would happen, for example, from 6:00pm to 8:00pm, and the event has 600 guests, arriving in perhaps 300 cars, where would they park? And more importantly how can access and departure be safely arranged? We have only one access road in and out of the estate. The exit and entry on to the R 43 with cars driving past at 120 Km per hour is relatively risky at best during the day and actually dangerous at night. This influx would not be over a period of time either as people tend to arrive and depart at a set time for events. Will the Traffic Police be involved in safely regulating traffic on the national road? This is over and above homeowners who will struggle to leave and arrive at these times. How will emergency access be organised in event of an accident or fire if the only access road is blocked by arriving or departing visitors?

What would be the times of operation for this venue in regard to noise and what the maximum permitted noise level will be – the current regulations were often not adhered to (see further below please).

This could directly impact a pair of resident nesting blue cranes that have successfully raised chicks for approximately 5 years now in direct vicinity of the proposed venue (approx. 100 meters away)

We would also like to inquire if the existing sewage system has the capacity of dealing with large crowds. This will directly impact homeowners as the system is not designed for this and the estate often had blockages due to festivities at the commercial district.

The proposal casually mentions the municipal permission (19.3.2019) for a market area and place of entertainment despite the fact that the timeframe of 5 years for said market has lapsed and a regular market was never established. The original approval by Overstrand had certain restrictions and the mitigation measures aimed to limit the impact on the residential component and to find a balance with the commercial interests. In total there were 18 conditions set by the municipality, for example:

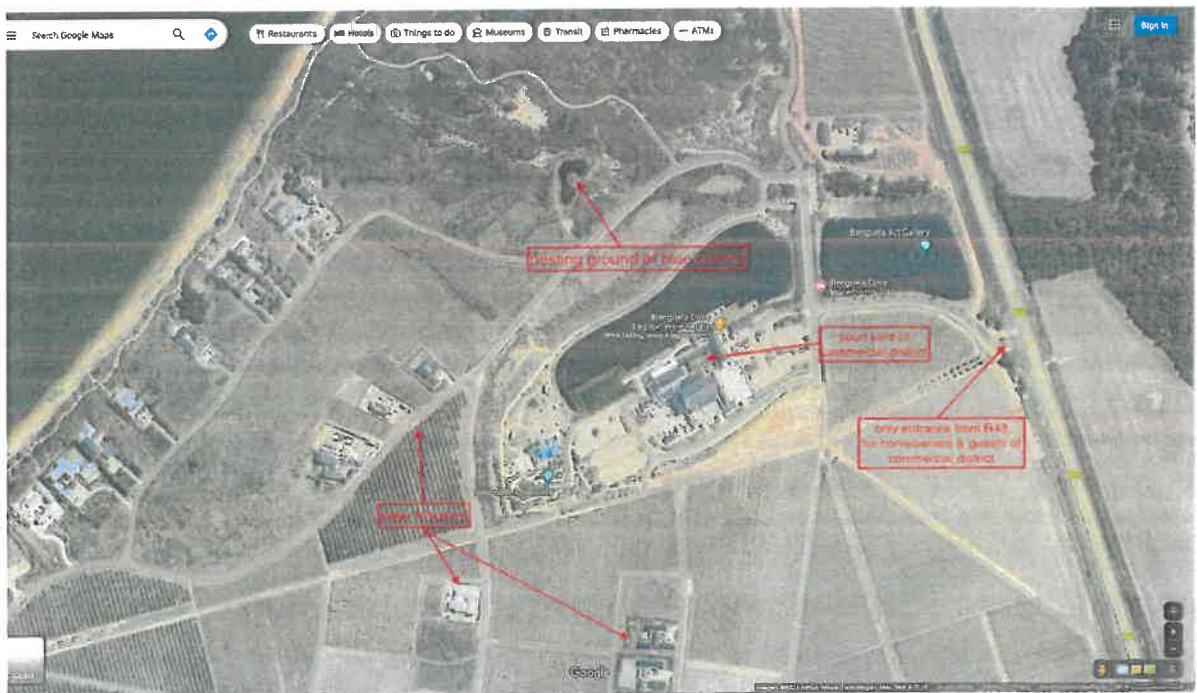
FILE NO. Ptn 229/575
Afdaksrivier
SCAN NO. Ptn 229
2018244

TP- 4 JUL 2024

- limited activities to inside the court yard of the commercial district,
- no temporary marquee tents to be used,
- noise level restrictions (to add less than 7dB(A) to ambient noise),,
- market stalls (max 40) only inside the court yard and
- restricted to operate Fridays 17:00-21:00 and Saturdays 10:00-15:00 and
- that any application for an extension of the 5 year approval has to be done within the time period.

It is important to mention that BCIs application is not done within the time frame set by the municipality and departs from the original permission substantially by proposing to move functions now outside of the approved court yard venue. We can not comment if all municipal restrictions were adhered to in the past 5 years – we think in general yes, a regular market was never established and music performances happened mostly inside the court yard. But the defined noise levels were definitely broken often by the music functions inside the court yard. I recall one of several cases when one homeowner on the beach measured the much too high noise levels on the 5th of April 2019 at 23:00 and complained about the disturbance by the music from inside the court yard. Especially the homeowners houses close to the commercial district suffer often under extensive noise. But even at our house, which is approx. 1.2 km away to the North West, we can hear the music. This would get even worse if music functions would be allowed outside the court yard. Some new houses have been built within a 100-200 m radius of the proposed wedding venue and I doubt that these homeowners would be pleased with high noise levels on a regular base on week-ends.

Close to the proposed wedding venue (towards North) is common ground with renosterveld and small bushes, which is used by an abundant bird life (regular nesting blue cranes), some porcupines, even small bucks and the occasional rooiakat. The Hermanus Bird Club is doing regular walks at Benguela. Constant high noise levels by weekend wedding functions (which normally last deep into the night) would definitely have a negative impact on this pristine wildlife environment and on the homeowners who have invested a lot of money in their properties.



Jeanne & Dr. Karsten Wellner

Jeanne Wellner
Dr. Karsten Wellner

Loretta Gillion

TP⁹⁰ A Theart
(Holivier)

REKORDBEHEER

08 JUL 2024

6/22

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

From: Michael Brandstetter
Sent: Wednesday, 03 July 2024 15:33
To: Loretta Gillion
Subject: PORTION 229 OF THE FARM AFDAKSRIEVER NO. 575, BENGUELA COVE, A DIVISION OF CALEDON: APPLICATION FOR AMENDMENT OF THE EXISTING APPROVED SITE DEVELOPMENT PLAN, AMENDMENT OF CONDITIONS IN RESPECT OF AN EXISTING APPROVAL AND EXTENSION OF THE PERIOD OF VALI...

PORTION 229 OF THE FARM AFDAKSRIEVER NO. 575, BENGUELA COVE, A DIVISION OF CALEDON: APPLICATION FOR AMENDMENT OF THE EXISTING APPROVED SITE DEVELOPMENT PLAN, AMENDMENT OF CONDITIONS IN RESPECT OF AN EXISTING APPROVAL AND EXTENSION OF THE PERIOD OF VALIDITY OF AN APPROVAL: WRAP PROJECT OFFICE ON BEHALF OF BENGUELA COVE INVESTMENTS (PTY) LTD

Dear Ms. Gillion,

We refer to the notice of Amendment regarding Benguela Cove Investments received on 19th June. We, Martina and Michael Brandstetter, from Plot 81, Benguela Cove Estate, have the following comments and objections:

Picnic Pods:

We do not mind the proposed picnic pods in principle but have important conditions. These pods must be located exclusively in the commercial district. If they are placed in the vineyards, we have concerns about security for homeowners, transportation arrangements for guests, and sanitation facilities. Without clear plans addressing these issues, we object to placing the pods within the public grounds of the homeowners association or within the vineyards due to potential security risks (homes at Benguela do not have walls or fences as per building guidelines), difficulties in guest management, and protection of nature.

Place of Entertainment:

We request that the municipality adheres to the previously approved 2019 guidelines and addresses the following:

- **Maximum Capacity and Parking:** Clarify the maximum capacity of the new venue and detailed parking arrangements. Considering events with a large number of guests (e.g., 600 guests arriving in 300 cars), there needs to be a safe and organized parking solution. The estate has only one access road, making entry and exit during events potentially hazardous, especially with cars driving at high speeds on the R43. We seek assurance that the Traffic Police will be involved in managing traffic to ensure safety. Additionally, plans for emergency access in case of accidents or fires need to be outlined.
- **Operational Times and Noise Levels:** We need specific information on the operational hours of the venue and maximum permitted noise levels. Past events have often exceeded noise regulations, causing disturbances to homeowners. This issue will be aggravated if functions are allowed outside the courtyard, affecting even more residents, including those whose houses are in a close radius of the proposed venue. Furthermore, high noise levels could disrupt the local wildlife, including a pair of nesting blue cranes that have successfully raised chicks for five years in proximity to the proposed venue.
- **Sewage System Capacity:** Verify if the existing sewage system can handle large crowds. The system has previously experienced blockages and spillovers due to festivities in the commercial district, impacting homeowners.

The proposal mentions a municipal permission dated 19.3.2019 for a market area and place of entertainment, but this approval has expired without a regular market being established. The original approval included 18 conditions to limit the impact on the residential area, such as restricting activities to the courtyard, prohibiting temporary tents, setting noise level limits, limiting market stalls, and defining operating times (Fridays 17:00-21:00 and Saturdays 10:00-15:00). The current application significantly deviates from these conditions by proposing functions outside the approved courtyard venue.

TP

FILE NO. Pbn 229/575
 Afdaksriever
 SCAN NO.
 2079094
 COLLABORATOR NO.

In the past, noise level restrictions have often been violated during music functions in the courtyard, disturbing homeowners. This issue will worsen if events are permitted outside the courtyard. Additionally, the proposed venue is close to common grounds with wildlife, including blue cranes, porcupines, and occasional rookats. Constant high noise levels from weekend events could negatively impact this pristine environment and disturb homeowners who have invested significantly in their properties.

Kind regards
Michael Brandstetter

8/22

**Volkhard + Ilse Marianne
Buchholz**

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
23 JUL 2024
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OVERSTRAND MUNICIPALITY

22nd July, 2024

TP-A Theart
(H Olivier)

Overstrand Municipality
Town Planning
16 Paterson Street

Hermanus, 7200

via E-Mail: enquiries@overstrand.gov.za
loretta@overstrand.gov.za

Dear Madame,
Dear Sirs,

Ref.: Portion 229 of Farm 575, Afdakrivier

APPLICATION FOR AMENDMENT OF EXISTING APPROVED SITE PLAN; AMENDMENT OF CONDITION IN RESPECT OF CONDITION OF AN EXISTING APPROVAL

We refer to the above matter and notice received from your office. The following is placed on record formally.

We are owners of plot and house 182 at Benguela Cove and members of the Benguela Cove Home Owner Association and writing to you to **comment and object** to the a.m. application in respect of the wedding venue, the picnic pods and to extend the validity period for an additional 5 years to operate a market.

Preliminary remark

In principle, we accept that the applicant has legitimate business interests. However, as the majority owner and controller of the estate's board, he also has a duty to make decisions in the interests of the HOA members and to take their interests into account.

Perhaps it would have saved everyone involved, including the Municipality, a lot of work and trouble if the applicant had presented his project to the affected homeowners before submitting the planning application. It would then have been possible to discuss the impact on the homeowners and find a solution that was acceptable to all involved.

In any case, noise nuisances already occur from time to time, in particular from the miniature golf course and also loud music at concerts organized by the applicant.

182 Benguela Cove
Hermanus, 7200

FILE NO. Ptn 229/575
Afdakrivier
SCAN NO.
COLLABORATOR NO.
2087421

TP
23 JUL 2024

9/22

**Volkhard + Ilse Marianne
Buchholz**

REASONS AND COMMENTS FOR OUR OBJECTION.

A) Objection to the construction of a wedding hall and picnic pods.

1. As mentioned above, we are surprised that the interests of the directly affected homeowners and the surrounding nature are not mentioned in the application, nor are their interests adequately considered.
2. With the operation of a wedding hall of 760 sqm and 6 so-called picnic pods will inevitably be significant activities, both in the preparation of such events and their implementation. This will result in increased traffic volume, increased resource consumption and what worries us most in more noise and light pollution.
3. Especially when wedding celebrations last late into the night, the surrounding residents of the estate would be bothered by noise. It seems impossible to us that the applicant will and can comply with the conditions set by the municipality in its decision letters of 2019 and 2021.
4. The same reason or even more also apply to the music events mentioned in the application.
5. Of course, the surrounding nature will be also severely affected by light and noise. May we remind of the fact that parts of Benguela Cove are a globally recognized nature reserve for birds. Benguela is home of many nocturnal animals such as owls, bats, fiery-necked nightjar, lynx etc. they would be negatively affected by bright light and noise. This was also the reason from the beginning of the Benguela Cove development why street lighting was extremely discreet and only installed at certain points.
6. In this context, we refer to the attached decision of the Municipality of January 27, 2021. This Decision sets out clear conditions which the applicant must comply with. With the operation of the wedding hall and the construction and operation of so-called picnic pods, these conditions are undermined or impossible to meet.
As a side note, it would be worthwhile for the Municipality to check whether the applicant has met the conditions at that time and objectively collected the requested data and transmitted it to the Municipality.
7. The application mentions the community's desire and income for the estate. Both are empty sentences and in our opinion without any substance.
 - 7.1 Firstly, the Benguela community was never informed or consulted about the project and income would only be generated for the investor.
 - 7.2 No income would be generated for the homeowners or HOA; on the contrary, costs would arise for wear and tear on the infrastructure and additional security measures. The application should therefore contain a detailed list of the additional costs to be expected and the distribution of these costs. The application makes no provision for this at all.

**Volkhard + Ilse Marianne
Buchholz**

B) Objecting to the extension of the permit from March 2019 to hold a market.

An extension of the permit together with a possible approval of the current application and the permits from 2019 and 2021 would lead to a confusing situation in which it would be difficult to determine in later years what was actually approved and permitted. However, it is reasonable to assume that the applicant is pursuing precisely this goal and that he can do whatever he wants in the coming years.

In closing we would like to point out that we are exercising our right of objection because the experience of the last few years has shown us that BCI is rigorously pursuing its interests with no regard to the interests of the homeowners of Benguela Cove. Since BCI also controls the HOA board, our only way is to appeal to the municipality to protect the legitimate interests of the Benguela Cove Home Owner.

We therefore re-iterate that we appeal to the Overstrand Municipality to reject this Application in respect of constructing a wedding hall and picnic pods and to extend the permit from March 2019 for further 5 years.

Yours faithfully


(Volkhard Buchholz)


(Ilse M. Buchholz)

Navrae:
Enquiries: H Olivier (Town Planner)

Lêerverwysing:
File Reference: HBENG 229/575

Aansoek ID:
App ID: 2948/2019

Datum:
Date: 27 January 2021



TOWN PLANNING / STADSBEPLANNING
HERMANUS

V & IM Buchholz
PO Box 28
KLEINMOND
7195

REGISTERED MAIL

Dear Sir

DECISION LETTER TO PERSONS WHO COMMENTED

**PORTION 229 OF FARM 575, BENGUELA COVE, OVERSTRAND MUNICIPAL AREA:
AMENDMENT OF SITE DEVELOPMENT PLAN: MESSRS WRAP ON BEHALF OF BENGUELA
COVE INVESTMENTS (PTY) LTD**

1. Your comment / objection regarding the above application refers.
2. You are hereby notified in terms of Section 62 of the Overstrand By-law on Municipal Land Use Planning of the decision made by the Municipal Planning Tribunal on 26 November 2020.
3. The Resolution in terms of Section 61 of the Overstrand By-Law on Municipal Land Use Planning, with conditions, are as follows:

RESOLVED

- *1. *that the application in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) for amendment of the Site Development Plan applicable to Special Zone II site on Portion 229 of Farm 575 to accommodate a water play park and wooden deck, be approved in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:*
 - (a) *that building plans for the structures be duly approved by the Benguela Cove Estate Home Owners Association (HOA) be submitted to the Municipality within three (3) months of the date of the approval letter;*
 - (b) *that a Landscape Plan be submitted to the Municipality, duly approved by the HOA, addressing specifically a noise control barrier and be submitted to the Municipality within three (3) months of the date of the approval letter;*
 - (c) *that any alterations or work required to comply with conditions (a) and (b) above, be complied with within six (6) months of the final approval date of this application;*

- (d) that in terms of the "Noise Control Regulations" promulgated under the Environmental Conservation Act, 1989 (Act 72 of 1989) the music volumes emanating from the premises at all times be controlled in such a manner that it adds less than 7dB(A) to ambient noise;
- (e) That, should it be necessary to provide any additional ablution facilities due to the additional people visiting the site, it be provided to the satisfaction of the Building Department;
- (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
- (g) that adequate provision be made to manage the behaviour of patrons;
- (h) that a scaled Site Development Plan be provided to the Municipality, clearly showing parking required and parking provided, the size of the water play park and wooden decking to the satisfaction of the Senior Manager: Town and Spatial Planning;
- (i) that all conditions in the Services Report be complied with;
- (j) that all the conditions of the Western Cape Government : Transport & Public Works be complied with; and
- (k) that all the conditions of Telkom be complied with.
2. that the applicant and objectors 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 decision."
4. Reasons for the above decision are as follows:
- ❖ With the specific conditions of the approval, the Benguela Cove Home Owners Association (HOA) will be provided the opportunity to consider building plans for the applications and also ensure that any service contracts and levies between the developer and HOA be duly addressed.
 - ❖ The property has a potential to be used for tourism related businesses.
 - ❖ Some of the objections were valid concerns, whilst the applicant also has some reasonable expectations to utilize the property for expanded tourist business uses. Mitigating conditions would create the balance to protect both parties' interests.
 - ❖ All relevant municipal and state departments support the application.
 - ❖ In terms of comments received from municipal and state departments, no concerns were raised regarding availability of services or traffic impact.
 - ❖ The submission of a Landscape Plan indicating a noise barrier to immediate residents, would mitigate such concern and help protect the character of the surrounding low-density residential component.
 - ❖ The applicant had to submit this planning application, whilst another planning application was being considered on the site, due to the illegal construction of some structures. This fact was however clearly indicated in this application, and considering that the previous application for place of entertainment and market stalls was significantly scaled down in the approval thereof. The process followed and information provided was sufficient to consider this application.
 - ❖ At this stage three hundred and five (305) parking bays are provided for in terms of the approved SDP, and only two hundred and fifty seven (257) parking bays are required at most. This provides for forty eight (48) additional parking bays, of which approximately only a maximum of seven (7) would be required for the water play park.
 - ❖ The SDP submitted did not indicate a scale, but considering the fact that the structures exist, the 10m building line is clearly shown on the plan and the size of the market stall areas and place of entertainment areas were provided on the SDP. The SDP was sufficient to consider the application.
 - ❖ The objectors did not provide substantial proof that it is a requirement that the HOA had to provide their consent for the application for the amendment of the SDP. All owners and the

HOA also duly were provided the opportunity to partake in the public participation process and objections were duly considered.

5. You are hereby informed of your right to appeal to the Appeal Authority in terms of Section 78(2) of the By-law.

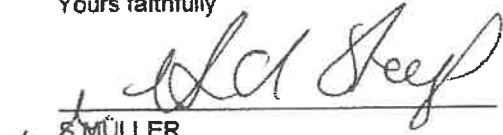
5.1 The appeal form must be completed and should be directed to the Appeal Authority (Executive Mayor) and received **within 21 days of notification** of this decision together with proof of payment of the appeal fee (R3351-00).

5.2 The appeal form is available at request or alternatively on the Municipal website (www.overstrand.gov.za).

5.3 Contact details are as follows:

Physical address :	16 Paterson Street, Hermanus, 7200
Postal address :	PO Box 20, Hermanus, 7200
E-mail address :	loretta@overstrand.gov.za

Yours faithfully



S MÜLLER

DIRECTOR : INFRASTRUCTURE AND PLANNING


**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR AMENDMENT OF SITE DEVELOPMENT PLAN: PTN 229 OF
FARM NO.575, BENGUELA COVE (2948/2019)**

Stormwater (SW)	:	According to the master plan by the Developer
Electricity	:	Eskom
Water	:	According to the master plan by the Developer
Sewer	:	According to the master plan by the Developer
Roads and traffic	:	In order

Conditions:

1. that the applicant must comply with all statutory requirements that may be applicable to the undertaking of the proposed development;
2. that only the existing municipal services and service connections will be available to the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage
4. that the developer indemnifies and keep the Council indemnified against all actions, proceedings, claims and demands, costs, damages and expenses arising out of the establishment of the development, the provision of services to the development or the use of servitude areas or municipal property;
5. that the developer may enter into an agreement with the Council to install or upgrade bulk and/or link municipal services and amenities at an agreed cost, subject to the following:
 - 5.1 such costs to be established in accordance with a system which is fair, equitable, transparent, competitive and cost effective;
 - 5.2 such costs shall be set-off against (part or full) development contributions payable in respect of engineering services;
 - 5.3 to the extent that such costs exceed the development contributions payable, the Council will refund the developer the difference with interest calculated at the prime rate, when funds are available.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE



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

TR A Theart
(H Olivier)

REFERENCE: 16/9/6/1-21/149 (Job 25925)

ENQUIRIES: Ms GD Swanepoel

DATE: 25 June 2019

The Municipal Manager
Overstrand Municipality
PO Box 20
HERMANUS
7200

Attention: Mr H Olivier

Dear Sir

FILE NO:	Ph 229/575
SCAN NO:	
COLLABORATOR NO:	299070

PORTION 229 OF FARM 575, BENGUELA COVE: TRUNK ROAD 28: APPLICATION FOR AMENDMENT OF APPROVED SITE DEVELOPMENT PLAN: WRAP ON BEHALF OF BENGUELA COVE INVESTMENTS (PTY) LTD

1. Your letter dated 3 June 2019 refers.
2. The subject property is located 2 km north of Fisherhaven and takes access off Trunk Road 28.
3. This application is for the amendment of the approved site development plan in order to erect a water play park, wooden deck and seating area.
4. This Branch offers no objection to the application in terms of the Land Use Planning Act, No 3 of 2014.

Yours faithfully

SW CARSTENS
For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT

25 JUL 2024

Nico Boris Buchholz

TP - A Theart
(H vld Stoep)

16/22

House 130
Benguela Cove
Hermanus
South Africa

Overstrand Municipality
Town Planning Section
loretta@overstrand.gov.za

July 25, 2024

Ref.: PORTION 229 OF THE FARM AFDAKSRIVIER NO. 575, BENGUELA COVE, A DIVISION OF CALEDON:
APPLICATION FOR AMENDMENT OF THE EXISTING APPROVED SITE DEVELOPMENT PLAN, AMENDMENT
OF CONDITIONS IN RESPECT OF AN EXISTING APPROVAL AND EXTENSION OF THE PERIOD OF VALIDITY
OF AN APPROVAL: WRAP PROJECT OFFICE ON BEHALF OF BENGUELA COVE INVESTMENTS (PTY) LTD

Dear Sir or Madam,

I am writing to you regarding the above subject.
The purpose of this letter is to comment and **object to the application**.

I am the home owner of plot 130 – Benguela Cove and a member of the HOA.

General Objection:

- Objection 1 – General:
Please note that the application has little or no regard to the impact it may have on the residents and wildlife who live on the estate !
In general, if approved, the proposed changes may have a significant negative impact on the lifestyle, safety and security of some residents, the wildlife and the environment.
Benguela Cove was envisaged as a private residential low density, rural, in “the middle of nature” estate, undisturbed by the daily activities of towns and cities and a sanctuary for some wildlife.
When I purchased my property at Benguela Cove I gave consideration to the site development plan and the approved activities. I think I am entitled to have a reasonable expectation for the spirit of this to remain unchanged. The proposed change may fundamentally impact the character and vision of the estate through the continued aggressive pursuit of commercial activities at site 229/575.
- Objection 2 – Impact on Property Value
Some may say that applicant has a history of wanting to make Benguela Cove appealing to a much wider audience by changing the original vision of the estate from an exclusive, quiet area to that of a mass, high impact tourism destination. Specifically introducing facilities like mini-golf, a splash park, multiple bus parking bays, powered boat tours, kayak tours, helicopter flights are testament of that changed vision towards commercialization.
As the result I am concerned that the value of my property may be negatively impacted as the result of the proposed changes.

FILE NO. Ptn 229/575
Afdakrivier
SCAN NO.
COLLABORATOR NO.
2089135

TP 25 JUL 2024

Objection – Amendment Of Conditions In Respect Of An Existing Approval (Wedding Venue, Live Music):

- Objection 3: Noise Disturbance Through Increased Human Activities:
Benguela Cove is a very quiet area with very little background noise. Consequently noise, incl. that generated by humans (talking, singing, music, etc.) travels extremely well, particularly if amplified electronically. Weddings are not known for their noise restraint.
A wedding venue could mean such an increase in noise, predominantly on weekends and nights.
 - a. Increased human activity particularly in the evenings and at night will significantly increase the noise levels on the estate and disturb residents.
 - b. Increased human activity particularly in the evenings and at night will significantly increase the noise levels on the estate and disturb wildlife. This is true in general but particularly at the bird sanctuary on the wetlands of ERF 220/575 which is an internationally recognized RAMSAR site.
- Objection 4: Road Traffic Disturbance:
Apart from increased road safety risks, an increase in road traffic has the same effects on noise as those mentioned in Objection 1.
- Objection 5: Demand On Infrastructure & Services – Capacity Concerns:
The application states that “proposed uses will not demand additional services capacity”
Given that we have on occasions a sewage problems and had water shortages in the past, could the applicant please provide the underlying calculations to substantiate this statement.
- Objection 6: Security & Safety For Residents:
Increased human traffic also means that criminal activities are less detectable and get masked. Security at the residential estate is rudimentary at the best of times and breaches of unauthorized people in the residential area are not uncommon.
- Objection 7: Scope Of Application:
 - a. The applicant is seeking the broadest scope of approval by re-designating the land as a “place of entertainment” and seeking to facilitate a “diverse range of entertainment options. The activities allowed or could be construed to fall into this category are too broad, not restrictive enough, provide few guardrails, are easy to abuse and the consequences difficult to foresee.
The applicant must state what specific activities it wants to engage in, at what times, to what noise level, to what capacity, instead of wanting to be issued “card blanche”.
 - a. Please note that the application states that the wedding venue “can be used for a place of entertainment” (Page 18) and be used “as a premier destination for gatherings, celebrations and entertainment (Page 8).
To me this means that the facility is envisaged to be multi-purpose (i.e. not just weddings) and can be used for any event that could be broadly classed as “entertainment” or “gatherings”. This is not acceptable.

I strongly object to this amendment but if you are minded to approve it partially, it has to come with strict conditions, such as operating hours (e.g. no activities after 1700), max noise levels, exactly what type of gatherings, etc. Activities must be monitored and restrictions enforced to avoid abuse and non-compliance.

Objection - Amendment of an approved site development plan (Picnic Pods):

- **Objection 8 – Location Picnic Pods:**
I cannot find the location of the proposed picnic pods on the application. This is essential in an assessment.

- **Objection 9 – Picnic Pod Size and Design**
The documents you have provided me with does not include Appendix D “Proposed Picnic Pod Design”. The house/ Picnic Pod in Figure 2 (page 7) looks substantial (approx. 20m2 and 3m high) and I cannot see how erf 229/575 can support many pods or integrate them aesthetically. Hence my suspicion that the omission of the location might be deliberate.
- **Objection 10**
Same as objection 3-6 above

If approved, the location should be restricted to be within the boundaries of 229/575. The vineyards outside the area must be specifically excluded. The max number of picnic pods should be specified and so should be the exact location.

Objection – Extension Of The Period Of An Approval:

The application states that the initial application “significantly enhanced the overall experience for residents”. In my case I can categorically say that this is not true and it is a statement that is at best misleading.

The applicant has not always followed 3.1.d of the “decision letter” 27-01-2021 which states that: “the music volumes emanating from the premises at all times be controlled in such a manner that it adds less than 7 dB(A) to ambient noise”.

- **Objection 11:**
I object to an extension on the grounds that previous restrictions have not always been adhered to, were not monitored or enforced.
- **Objection 12:**
I object on the same grounds as I objected to the initial amendment application. Please refer to my previous letter.

If an extension was granted, please specify a similar extension period as before (i.e.3- 5 years) and NOT make it permanent.

Further Points To Note:

To fully understand the application and the applicant kindly consider the following:

1. **No Consultation With Homeowners:**
Similar to all previous applications, please note that I and all individual HOA members I communicate with have at no stage been consulted by the applicant about this application. Hence the application cannot be viewed as the agreed desire of the majority of individual plot-/ home owners.
2. **Beguella Cove Lagoon Wine Estate:**
The application frequently mentions “Beguella Cove Lagoon Wine Estate” and “the owners”. Please note that this could be misunderstood to include areas outside erf 229/575 (i.e. the vineyards and residential section) and the residents. This is not the case. Any reference to “Beguella Cove Lagoon Wine Estate” in the application (e.g. “enhancing the provisions across the entire estate” (Page 5)) solely refers to the commercial district and “the owners” refer to the owners of BCI and not individual homeowners.
The application largely ignores and avoids to mention the impact on residential areas, HOA land, vineyards and the homeowners.

3. HOA vs. HOA trustees vs. BCI (developer) vs. BCI (operator of winery and related activities):
Decisions on behalf of the HOA are made by the Board of Trustees on a simple majority basis. The HOA has 4 trustees, 2 nominated by the developer (BCI, the applicant) and two voted for by HOA members (home and plot owners). As unsold developer plots or plots transferred into shell companies entitles the developer to have one vote per plot towards trustee elections, one additional HOA trustee was essentially voted for by the developer, giving the developer (BCI) a majority to make decisions on behalf of the HOA. The potential for conflicts of interest are obvious and all correspondence with the HOA to support the application needs to be considered in this context.
4. Non-Alignment of Interests:
The vision and interests for the estate between many individual home-/ plot owners and the operator of the winery and related tourist facilities may not be the same and diverging. One party may be interested in aggressive commercial expansion whilst the other focuses on preserving the existing situation, as seems to be the case here.
5. Past Transgressions:
There is a history of activities without permission, homeowner approval or consultation or in violation of stipulated conditions.
 - a. Pontoon Boat:
For many seasons boat tours for hire were run from HOA land.
The determination of the operation of the boat as not being legal has not stopped its commercial usage. This also speaks to the inability of the authorities to effectively monitor and enforce rules and the operator to adhere to restrictions.
 - b. Helicopter Tours 2022/23
Commercial helicopter flights were introduced without the necessary approvals and had to be ceased.
 - c. Commercial kayak tours were advertised and operated in 2023 from HOA Land
6. Unproven Assertions In The Application:
Statements like: "The approval of the application is imperative to allow the vision of creating a vibrant and inclusive community. By endorsing the proposal, not only would local economic development and job creation but also reinforces its commitment to sustainable tourism practices and environmental conservation be" (p18) should be disregarded and considered to diminish the case of the applicant. Not only are sentences like this nonsensical buzzword "gobbledygook", they also include statements which are factually unsubstantiated, misleading, thus meaningless and must be ignored.

In summary, I object due to the reasons outlined above.

I am strongly opposed to the proposed changes contained in the application for "Amendment Of Conditions In Respect Of An Existing Approval (Wedding Venue, Place of Entertainment)" and "Extension Of The Period Of An Approval".

I am opposed to the "Amendment of an approved site development plan" (Picnic Pods) if they are built on 229/575 and strongly oppose if there was an initiative built them outside erf 229/575 or have movable structures.

Please contact me if I can be of assistance to you.

Best regards

W. Zully

20/22



Overstrand Municipality
Town Planning
16 Paterson Street
Hermanus, 7200

25 July 2024

via E-Mail: enquiries@overstrand.gov.za
loretta@overstrand.gov.za

*TP - A Theart
(Holivier)*

Dear Madame,
Dear Sirs,

**Ref.: Portion 229 of Farm 575, Afdakrivier
APPLICATION FOR AMENDMENT OF EXISTING APPROVED SITE PLAN; AMENDMENT OF CONDITION IN
RESPECT OF CONDITION OF AN EXISTING APPROVAL**

We refer to the above matter and notice received from your office. The following is placed on record formally.

We Pumatech Properties (Pty) Ltd are owners of the consolidated stand 245 (188 and 189) at Benguela Cove and are paid-up members of the Benguela Cove Home Owner Association. We are writing to you to **comment and object** to the application in respect of the wedding venue, the picnic pods and to extend the validity period for an additional 5 years to operate a market.

Preliminary remark

In principle, we accept that the applicant has legitimate business interests. However, as the majority owner and controller of the estate's board, he also has a duty to make decisions in the interests of the HOA members and to take their interests into account.

Perhaps it would have saved everyone involved, including the Municipality, a lot of work and trouble if the applicant had presented his project to the affected homeowners before submitting the planning application. It would then have been possible to discuss the impact on the homeowners and find a solution that was acceptable to all involved.

In any case, noise nuisances already occur from time to time, in particular from the miniature golf course and also loud music at concerts organized by the applicant. Please also bear in mind the prevailing wind direction that carries and amplifies the noise.

REASONS AND COMMENTS FOR OUR OBJECTION.

A) Objection to the construction of a wedding hall and picnic pods.

1. As mentioned above, we are surprised that the interests of the directly affected homeowners and the surrounding nature are not mentioned in the application, nor are their interests adequately considered.

2. The operation of a wedding hall of 760 sqm and 6 so-called picnic pods will inevitably be significant activities, both in the preparation of such events and their implementation. This will result in increased traffic volume, increased resource consumption and what worries us most is more noise and light pollution.

3. Especially when wedding celebrations last late into the night, the surrounding residents of the estate would be bothered by noise. It seems impossible to us that the applicant will and can

FILE NO. *Pbn 229/575*

Afdakrivier

SCAN NO.

2091316

30 JUL 2024

TP

comply with the conditions set by the municipality in its decision letters of 2019 and 2021.

4. The same reason or even more also applies to the music events mentioned in the application.

5. Of course, the surrounding nature will be also severely affected by light and noise. May we remind of the fact that parts of Benguela Cove are a globally recognized nature reserve for birds. Benguela is home to many nocturnal animals such as owls, bats, fiery-necked nightjar, lynx etc. They would be negatively affected by bright light and noise. This was also the reason from the beginning of the Benguela Cove development why street lighting was extremely discreet and only installed at certain points.

6. In this context, we refer to the attached decision of the Municipality of January 27, 2021. This The decision sets out clear conditions which the applicant must comply with. With the operation of the wedding hall and the construction and operation of so-called picnic pods, these conditions are undermined or impossible to meet.

As a side note, it would be worthwhile for the Municipality to check whether the the applicant has met the conditions at that time and objectively collected the requested data and transmitted it to the Municipality.

7. The application mentions the community's desire and income for the estate. Both are empty sentences and in our opinion without any substance.

7.1 Firstly, the Benguela community was never informed or consulted about the project and income would only be generated for the investor.

7.2 No income would be generated for the homeowners or HOA; on the contrary, costs would arise for wear and tear on the infrastructure and additional security measures. The application should therefore contain a detailed list of the additional costs to be expected and the distribution of these costs. The application makes no provision for this at all.

B) Objecting to the extension of the permit from March 2019 to hold a market.

An extension of the permit together with a possible approval of the current application and the permits from 2019 and 2021 would lead to a confusing situation in which it would be difficult to determine in later years what was actually approved and permitted. However, it is reasonable to assume that the applicant is pursuing precisely this goal and that he can do whatever he wants in the coming years.

In closing we would like to point out that we are exercising our right of objection because the experience of the last few years has shown us that BCI is rigorously pursuing its interests with no regard to the interests of the homeowners of Benguela Cove.

Since BCI also controls the HOA board, our only way is to appeal to the municipality to protect the legitimate interests of the Benguela Cove Home Owner.

We therefore re-iterate that we appeal to the Overstrand Municipality to reject this Application in respect of constructing a wedding hall and picnic pods and to extend the permit from March 2019 for further 5 years

Kind Regards,

Sean Mac Dermott (obo PumaTech Properties Pty Ltd)

(Support)

106

Loriaan Isaacs

22/22

OVERSTRAND MUNICIPALITY
REKORDBEHEER
20 JUN 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

From: Harry Elcock <
Sent: Wednesday, 19 June 2024 20:41
To: Loriaan Isaacs
Cc: Loretta Gillion
Subject: Re: Portion 229 of Farm 575 Benguela Cove - Public Participation - You are regarded as a potentially affected property owner

Good day

Thank you for this correspondence. I have no objections and support this development.

Regards

Harry Elcock

FILE NO. Ptn 229/575
SCAN NO.
COLLABORATOR NO.
2065424

On 19 Jun 2024, at 12:33, Loriaan Isaacs <loriaanisaacs@overstrand.gov.za> wrote:

To whom it may concern

PORTION 229 OF THE FARM AFDAKSRIVIER NO. 575, BENGUELA COVE, A DIVISION OF CALEDON: APPLICATION FOR AMENDMENT OF THE EXISTING APPROVED SITE DEVELOPMENT PLAN, AMENDMENT OF CONDITIONS IN RESPECT OF AN EXISTING APPROVAL AND EXTENSION OF THE PERIOD OF VALIDITY OF AN APPROVAL: WRAP PROJECT OFFICE ON BEHALF OF BENGUELA COVE INVESTMENTS (PTY) LTD

You are regarded as a potentially affected property owner.

Attached please find a self-explanatory notice for your attention.

Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) requires that notice must be given, and Section 49 allows for a period of not less than 30 days from the date on which notice was given to affected persons to submit comments, objections or representations in respect of a land use planning applications. Council, during a meeting held on 30 November 2023, resolved that such notice be given via e-mail in accordance with the provisions of the Electronic Communications and Transactions Act, 25 of 2002. Due to ongoing difficulties in service delivery experienced by the South African Post Office, and as per the aforesaid Council resolution, **NO** registered mail/letters will be forwarded in the interim period.

Kindly regard this email as your formal notification of such land use application. Kindly provide your comment, objection or representations, if any, directly to Loretta Gillion (loretta@overstrand.gov.za) on or before **26 July 2024**.

Also note that the notice will be available at the Town & Spatial Planning Department, and on the municipal webpage at the following link: <https://www.overstrand.gov.za/en/documents/town-planning/land-use-planning-applications>

TP 20 JUN 2024

Annexure E
|||



Project Office

Town Planning & Project Management

Our Reference: 23/139
Your Reference: Ptn 229 of Farm 575, HBENG (4595/2024)

23 August 2024

The Municipal Manager
Overstrand Municipality
P O Box 20
HERMANUS
7200

Attention: Mr Henk Olivier

PORTION 229 OF THE FARM 575, CALEDON: APPLICATION FOR THE AMENDMENT OF SITE DEVELOPMENT PLAN, AMENDMENT OF CONDITIONS IN RESPECT OF AN EXISTING APPROVAL AND EXTENSION OF THE PERIOD OF VALIDITY OF AN APPROVAL

Your email received on 2 August 2024, refers.

Seven (7) objections and one (1) letter of support were received, all of which will be addressed within this response.

- **M Prew**
- **Dr. K Strömer and Dr. B Helgers**
- **J & Dr K Wellner**
- **M Brandstetter**
- **V & IM Buchholz**
- **NB Buchholz**
- **SM Dermott**

FILE NO. Ptn 229/575
Afdak Olivier
SCAN NO.
COLLABORATOR NO.
2107290

Project Planning | Project Feasibility | Land Use Applications | Project Execution Management | Liquor Licensing

Unit B, Standard House,
Cnr Royal and Dirkie Uys Street
Hermanus

PostNet Hermanus Suite 170
Private Bag X16, Hermanus,
7200

Tel: +27 (0)28 313 1411
Email: admin@wrapgroup.co.za
Web: www.wrapgroup.co.za



TP

LETTER OF SUPPORT	RESPONSE
<p><i>H Elcock</i></p>	<p>The letter and its contents are noted.</p>
PICNIC PODS	RESPONSE TO OBJECTIONS
<ul style="list-style-type: none"> • <i>M Prew</i> • <i>Dr. K Strömer and Dr. B Helgers</i> • <i>J & Dr K Wellner</i> • <i>NB Buchholz</i> • <i>SM Dermott</i> 	<p>Response to Objections on Picnic Pods: The picnic pods are strategically placed to enhance the property's value and offer unique recreational opportunities without infringing on communal areas or impacting security and environmental integrity.</p> <p>Location and Security: The location of the picnic pods is clearly outlined in the submitted plans, specifically within Portion 229 of the Farm 575, Caledon, and not within any communal or homeowners' association areas.</p> <div data-bbox="555 705 1284 1422" style="text-align: center;"> <p>6 x PICNIC PODS (3m X 7m)</p> <p>PLAY PARK</p> <p>SPASHY RESTROOM</p> <p>COVERED DECK 180m²</p> <p>SEWERAGE WORKS</p> <p>5 PAR</p> </div> <p>The placement ensures that they remain within the designated commercial district, thereby aligning with surrounding area and zoning regulations.</p> <p>Security and Access: Robust security measures are already in place to prevent unauthorized access to any other part of the estate, ensuring the safety and privacy of nearby homeowners.</p> <p>Sanitation and Facilities: Adequate sanitary facilities are provided at the minigolf as well as the restaurant area, ensuring that all health and hygiene standards are met.</p> <p>Environmental Considerations: The design and operation of the picnic pods are carried out with careful attention to preserving the ecological balance. The area where the pods are proposed is disturbed and is not expected to have a negative impact.</p>

	<p>Design and Aesthetics: Each picnic pod is approximately 21 square meters in extent and 3 meters high, designed to harmonize with the landscape and maintain the aesthetic of the area. The materials and design are chosen to blend seamlessly with the surroundings.</p>
TRAFFIC & PARKING	RESPONSE TO OBJECTIONS
<ul style="list-style-type: none"> • <i>M Prew</i> • <i>Dr. K Strömer and Dr. B Helgers</i> • <i>J & Dr K Wellner</i> • <i>M Brandstetter</i> • <i>V& IM Buchholz</i> • <i>NB Buchholz</i> • <i>SM Dermott</i> 	<p>Response to Objections on Traffic and Parking: The proposal to relocate the wedding venue to a stand-alone structure is intended to enhance operational efficiency while continuing to uphold the standards previously set.</p> <p>It is important to emphasize that the wedding venue has an existing land use approval and will operate in the same manner, with no significant changes expected in traffic patterns to accommodate the changes proposed.</p> <p>Parking Solutions: The proposed development complies with the parking requirements set out by the municipality when the special zone for the property was approved.</p> <p>Parking arrangements will be organized to ensure orderly access and departure, reducing the risk of congestion.</p> <p>The owners are not looking to have more than 300 people at any event on the farm, there is more than sufficient parking to accommodate the proposal.</p> <p>Road Safety: Recognising the safety concerns associated with the single access road and the R43, several measures are in place to mitigate risks and ensure a smooth flow of traffic. These measures include the implementation of scheduled entry and exit times designed to stagger the arrival and departure of vehicles, thus preventing congestion at peak times.</p> <p>By carefully coordinating the flow of traffic, the estate's residents and guests can move freely without delay, minimising any potential inconvenience or risk. Additionally, guests naturally arrive at the venue at staggered and varied times, further reducing the impact of traffic congestion at the start of an event.</p> <p>It is also important to note that the access point in its current position was approved for several reasons by all relevant authorities when the development of the estate was originally approved. This historical approval considered traffic safety, access efficiency, and environmental impact, ensuring that the current access road is suitable for both everyday use and event-related traffic.</p> <p>Moreover, the application was circulated to the local authority's engineering department as well as the Western Cape Department of Transport and Public Works. If comments from either are received it will be addressed.</p>

	<p>Through these comprehensive strategies, the estate is well-equipped to handle the traffic demands of large events while maintaining a safe and pleasant environment for both residents and guests.</p> <p>Emergency vehicles: In the event of an emergency, it is imperative that emergency vehicles are given priority and the right of way to ensure a rapid response. The estate is committed to always maintaining clear and unobstructed access for emergency services.</p> <p>On-site protocols are in place to ensure that emergency vehicles can navigate the estate efficiently. Traffic marshals and security personnel will be trained to manage traffic promptly, ensuring that all other vehicles yield to emergency services when necessary. This will allow emergency responders to reach any location on the estate swiftly and without delay.</p> <p>The estate's commitment to safety extends beyond regular traffic management to include comprehensive emergency preparedness plans.</p> <p>By prioritising emergency vehicle access, the estate can effectively safeguard the well-being of residents, guests, and staff, providing peace of mind to all involved.</p>
<p>ENVIRONMENTAL IMPACT</p>	<p>RESPONSE TO OBJECTIONS</p>
<ul style="list-style-type: none"> • M Prew • Dr. K Strömer and Dr. B Helgers • J & Dr K Wellner • M Brandstetter • V& IM Buchholz • NB Buchholz • SM Dermoff 	<p>Preservation of the local wildlife and natural habitats is a top priority, and the owners have always maintained this stance. All the changes proposed are located on areas that are historically disturbed and it does not have an impact on any of the fauna and flora in the area.</p> <p>The proposal was discussed with an environmental consultant, and her opinion is that listed activities are triggered in terms of the National Environmental Management Act. The Benguela Cove Lagoon Wine Estate, whose owners are members, is associated with numerous establishments dedicated to conservation and sustainability:</p> <ul style="list-style-type: none"> - World Wildlife Fund (WWF) for Nature: Benguela Cove Lagoon Wine Estate has been awarded the top award for excellence for its exceptional commitment to the collective conservation of threatened habitats in South Africa's Succulent Karoo and the Cape Floral Kingdom, as well as for outstanding dedication to environmentally responsible farming practices. - Cape Leopard Trust: Benguela Cove Lagoon Wine Estate has installed a wildlife camera in collaboration with The Cape Leopard Trust. The aim of this collaboration is to raise awareness of broader biodiversity issues and to affirm their commitment to

	<p>the conservation of local ecosystems. The footage captured is shared on their website and social media.</p> <ul style="list-style-type: none"> - iNaturalist - BirdLife South Africa: Benguela Cove is a recommended accommodation partner. <div data-bbox="518 472 1382 584" style="border: 1px solid black; padding: 5px; text-align: center;"> </div> <p>The comments suggesting that the proposed uses will negatively affect the environment are not supported by factual evidence. Furthermore, sustainable practices and mitigation strategies are implemented to protect the natural habitat, demonstrating a commitment to environmental stewardship.</p>
TRAFFIC & PARKING	RESPONSE TO OBJECTIONS
<ul style="list-style-type: none"> • M Prew • Dr. K Strömer and Dr. B Helgers • J & Dr K Wellner • M Brandstetter • V& IM Buchholz • NB Buchholz • SM Dermott 	<p>The previous application included a Noise Impact Assessment, which was conducted at the request of the municipality. The application was approved, and the current proposal only adds the wedding venue in a different location and the pods.</p> <ul style="list-style-type: none"> • Operational Times and Noise Levels: The venue will adhere to strict operational hours and noise regulations to ensure minimal disturbance to residents and wildlife. <p>As a step to ensure the objections are taken into consideration, weddings will conclude by 12:00 PM, and noise levels will be monitored to comply with municipal standards. Measures such as soundproofing and strategic speaker placement will be implemented to minimise noise pollution. Regular checks and a direct line for complaints will ensure adherence to these standards.</p> <p>This will be done in terms of the "Noise Control Regulations" promulgated under the Environmental Conservation Act 1999 (Act 72 of 1992). The music volumes emanating from the premises will at all times be controlled in such a manner that it adds less than 7dB(A) to the ambient noise.</p> <p>Additionally, the previous approval granted also had specific conditions in terms of operation times and these are not proposed to be amended:</p> <p><i>'that market stalls are only allowed to operate on Fridays between 17:00 and 21:00 and Saturdays between 10:00 and 15:00.'</i></p> <ul style="list-style-type: none"> • Noise from Entertainment Elements: Any additional entertainment elements will be carefully planned and designed to minimise noise impact. Events will primarily occur indoors or in designated areas where sound can be effectively managed. The owners are committed to maintaining its serene

	<p>environment while enhancing the experience for visitors and residents alike.</p> <ul style="list-style-type: none"> • Past Noise Nuisances: The owners acknowledge these comments but are not aware of any complaints received. Community feedback will be actively sought to continuously improve noise management practices.
<p>IMPACT ON EXISTING SERVICES</p>	<p>RESPONSE TO OBJECTIONS</p>
<ul style="list-style-type: none"> • M Prew • J & Dr K Wellner • M Brandstetter • NB Buchholz 	<p>As previously mentioned, no new proposals/uses are being introduced. Weddings have already been conducted on the property. The current proposal only includes the creation of a separate structure which is not expected to have more of an impact on the existing services. The other additional extensions are also not expected to have an impact on the existing services.</p> <p>While the historic occurrences of blockages and spillovers are noted, it is important to emphasise that attributing these issues to specific events or activities is difficult.</p> <p>The owners will however continue to monitor water usage and sewage output closely, and if required infrastructure improvements will be made as necessary to ensure uninterrupted service.</p>
<p>HISTORIC APPROVAL</p>	<p>RESPONSE TO OBJECTIONS</p>
<ul style="list-style-type: none"> • M Prew • J & Dr K Wellner • M Brandstetter • V& IM Buchholz • NB Buchholz • SM Dermott 	<p>The application for an extension was submitted within the required timeframes to ensure compliance with the By-Law. Specifically, the application was submitted in late February 2024, well within the necessary period to request an extension.</p> <p>It is important to reiterate that none of the original conditions are being proposed for amendment except for the following:</p> <ul style="list-style-type: none"> • Only an extension of the timeframe; • Location where the 'place of entertainment' is allowed. <p>The rest of the approved conditions will still be adhered to, and the owners are committed to maintaining compliance. The proposal to expand functions beyond the courtyard was never proposed except for the new wedding venue.</p> <p>There were however never any formal complaints submitted by any persons regarding compliance with previous conditions.</p> <p>The proposal is to ensure there is regular monitoring of noise levels and adherence to operational guidelines.</p> <ul style="list-style-type: none"> • The alteration of the conditions is to allow the 'place of entertainment' <u>inside</u> the new wedding venue, as was allowed inside the restaurant and winery.

IMPACT ON THE SURROUNDING AREA	RESPONSE TO OBJECTIONS
<ul style="list-style-type: none"> • <i>Dr. K Strömer and Dr. B Helgers</i> • <i>V& IM Buchholz</i> • <i>NB Buchholz</i> • <i>SM Dermott</i> 	<p>Preserving the Estate's Vision: No fundamental changes to the estate's character are intended. Instead, the new facilities aim to enhance the experience while respecting the original spirit of the development. The owners are committed to ensure:</p> <ul style="list-style-type: none"> • Consideration of Homeowners' Interests: Homeowners' interests and environmental considerations are integral to the process. The application confirms that the previous conditions imposed to protect homeowners' interests will continue to apply. This includes adherence to noise regulations, limits on temporary structures, and specific operational hours. <p>In addition, the proposal includes measures to address potential concerns, such as noise levels and waste management practices. These steps aim to ensure that the development remains in harmony with the natural surroundings and continues to respect the established residential environment.</p> <p>The commitment to maintaining these conditions reflects a dedication to preserving the balance between commercial interests and the well-being of both the community and the environment.</p> <ul style="list-style-type: none"> • Financial Impact on Homeowners: The comments of concern are noted, but it is important to note that the owners are also members of the Homeowners Association and owns a significant number of properties in the estate. <p>If there are ever costs involved, the owners of the subject property will be required to share any additional costs arising from increased activities and efforts will be made to ensure it does not unduly burden homeowners. BCI is committed to transparent communication regarding any financial implications and will work with the Homeowners Association (HOA) to ensure fair cost distribution.</p> <ul style="list-style-type: none"> • Commitment to Regulations and Conditions: The current application is for the extension of the existing approvals without altering the conditions. These conditions include noise level restrictions and operational guidelines, ensuring that activities do not disrupt the residential atmosphere. The only modification is to allow entertainment within the new wedding venue, which aligns with previously permitted uses. Compliance with all municipal conditions will be strictly adhered to. <ul style="list-style-type: none"> • Transparency and Community Engagement: The owners value the input of homeowners and is committed to transparency. The application was circulated to ensure all homeowners are aware of the proposed application. This allowed the homeowners opportunities for feedback and collaboration to

	<p>achieve a balance between development and community well-being.</p> <p>In conclusion, owners are dedicated to fostering a community that thrives on both residential and commercial activities while respecting the foundational principles of Benguela Cove. It is believed that through careful planning and consideration, the estate can continue to offer an exceptional living experience alongside sustainable growth.</p>
<p>COMMUNITY ENGAGEMENT</p>	<p>RESPONSE TO OBJECTIONS</p>
<ul style="list-style-type: none"> • <i>M Prew</i> • <i>Dr. K Strömer and Dr. B Helgers</i> • <i>J & Dr K Wellner</i> • <i>M Brandstetter</i> • <i>V& IM Buchholz</i> • <i>NB Buchholz</i> • <i>SM Dermott</i> 	<ul style="list-style-type: none"> • Consultation with Homeowners: The proposal acknowledges the importance of homeowner engagement and consultation. While the formal planning application process follows established protocols, it is recognised that proactive communication with the community could have facilitated a more collaborative approach. Moving forward, efforts will be made to enhance dialogue with homeowners to address concerns and seek input on future projects. • Income and Cost Implications: The assertion that the project will only benefit the owners and not the homeowners is noted. The owners of the subject property however does a lot to ensure the entire estate is managed appropriately. Recognised as one of the top 100 best vineyards in the world of 2023, Benguela Cove Lagoon Wine Estate offers guests an exceptional experience with world-class attractions and exquisite wines. • Unsubstantiated Assertions: Statements regarding the benefits of the proposal, including local economic development and job creation, are based on standard practices and anticipated outcomes associated with similar projects. The application aims to support a vision that includes sustainable tourism and environmental conservation. While the language used may be considered promotional, the intention is to align the proposal with broader community and environmental goals. Specific, actionable plans will be provided to substantiate the projected benefits and address any concerns about the proposal's impact. • Presentation of the Project: The suggestion to present the project to homeowners before submitting the application is valuable. In future instances, increased efforts will be made to engage with the community early in the process to gather feedback and address concerns proactively. This approach aims to foster a more inclusive decision-making process and ensure that the interests of all stakeholders are considered.

	<ul style="list-style-type: none"> • Transparency and Community Engagement: The owners value the input of homeowners and is committed to transparency, the application was circulated to ensure all homeowners are aware of the proposed application. The allowed the homeowners opportunities for feedback and collaboration the motivation is that it will achieve a balance between development and community well-being. In conclusion, owners are dedicated to fostering a community that thrives on both residential and commercial activities while respecting the foundational principles of Benguela Cove. It is believed that through careful planning and consideration, the estate can continue to offer an exceptional living experience alongside sustainable growth.
<p>WEDDING VENUE OPERATIONS</p>	<p>RESPONSE TO OBJECTIONS</p>
<ul style="list-style-type: none"> • V& IM Buchholz • NB Buchholz 	<ul style="list-style-type: none"> • Noise Concerns from Wedding Celebrations: Concerns regarding noise impact from late-night wedding celebrations are acknowledged. The owners are committed to ensuring that all activities, including weddings, comply with the noise restrictions set forth by the municipality in its decision letters. Measures will be implemented to manage noise levels effectively and minimise disturbance to surrounding residents. The owners are dedicated to adhering to the specified noise limits and will work with local authorities to ensure compliance. • Multi-Purpose Use of the Venue: The proposal to use the wedding venue for additional entertainment purposes aims to enhance its functionality and provide a versatile space for various events. The property has a primary right for a tourism business which includes conference facilities. However, it is important to establish clear and enforceable conditions to address concerns about potential misuse. The venue will be subject to strict regulations, including: <ul style="list-style-type: none"> - Operating Hours: The venue will operate within designated hours to minimise disruption, with a suggested cut-off time of 00:00 for activities. - Noise Levels: Maximum noise levels will be enforced, adhering to the existing restrictions of adding less than 7 dB(A) to ambient noise. - Types of Gatherings: Specific types of gatherings and events will be defined to ensure that the use of the venue aligns with community expectations and minimises disturbances. • Monitoring and Enforcement: The goal is to balance the needs of the community with the operational requirements of the venue, ensuring that all activities are conducted in a manner that respects the residential environment and the interests of the surrounding homeowners.

PROPERTY VALUE	RESPONSE TO OBJECTIONS
<ul style="list-style-type: none"> • NB Buchholz 	<p>The concern about the perceived shift from the original vision of Benguela Cove, from an exclusive, quiet area to a more commercially oriented destination, is acknowledged. It is recognised that the introduction of new facilities and activities, such as mini-golf, splash parks, and various tours, has led to a perception of increased commercialisation.</p> <p>However, it is important to clarify the following points:</p> <ul style="list-style-type: none"> • Commitment to the Original Vision: The intention is not to deviate from the core values and vision of Benguela Cove. Efforts will be made to ensure that any new developments or changes are in harmony with the estate's original character, focusing on maintaining a balance between commercial interests and residential tranquillity. • Value of Property: The impact of proposed changes on property values is noted. The subject property always had a commercial enterprise component that prides itself in its operation which is the reason the property has won awards in the past. When the residential properties were sold the plan was always to have commercial activities on the property and this has not changed, but as motivated in the application, the owners have identified opportunities and necessities to further enhance the overall visitor experience address. • Balancing Commercial and Residential Interests: The aim is to enhance the estate's amenities without compromising its core values. New developments will be carefully planned to complement the existing environment and ensure that they do not undermine the quality of life for homeowners. <p>The owners are committed to working collaboratively with homeowners to ensure that the estate's original vision is preserved while allowing for thoughtful and responsible development.</p>

Conclusion

In conclusion, all comments and objections regarding the proposed application have been carefully considered and addressed. The intention is to ensure that the project aligns with the historically approval with small amendments that will enhance the estate's appeal as a premier destination. Efforts will be made to maintain the tranquillity and exclusivity that residents value, even as new amenities are introduced.

The owners are committed to engaging constructively with all stakeholders, ensuring that the interests and values of the Benguela Cove community are upheld. This includes adhering to conditions set by the municipality and mitigation measures to minimise any potential negative impacts on residents.

The proposal aims to strike a balance between commercial interests and the quality of life for homeowners, ensuring that the estate continues to thrive as a cherished and aesthetically



pleasing environment. Considering the comprehensive response to objections and the commitment to preserving the estate's character, it is recommended that the planning application be approved as submitted.

Yours faithfully

A handwritten signature in black ink that reads "Jansen".

T JANSEN
PROFESSIONAL TOWN PLANNER (A/2858/2019)

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR AMENDMENT OF THE EXISTING APPROVED SITE
DEVELOPMENT PLAN, AMENDMENT OF CONDITIONS IN RESPECT OF AN
EXISTING APPROVAL & EXTENSION OF THE PERIOD OF VALIDITY OF AN
APPROVAL: PTN 229 OF FARM NO.575, BENGUELA COVE (4595/2024)**

Stormwater (SW)	:	According to the master plan by the Developer
Electricity	:	Eskom
Water	:	According to the master plan by the Developer
Sewer	:	According to the master plan by the Developer
Roads and traffic	:	In order

Conditions:

1. that the applicant must comply with all statutory requirements that may be applicable to the undertaking of the proposed development;
2. that only the existing municipal services and service connections will be available to the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage
4. that the developer indemnifies and keep the Council indemnified against all actions, proceedings, claims and demands, costs, damages and expenses arising out of the establishment of the development, the provision of services to the development or the use of servitude areas or municipal property;
5. that the developer may enter into an agreement with the Council to install or upgrade bulk and/or link municipal services and amenities at an agreed cost, subject to the following:
 - 5.1 such costs to be established in accordance with a system which is fair, equitable, transparent, competitive and cost effective;
 - 5.2 such costs shall be set-off against (part or full) development contributions payable in respect of engineering services;
 - 5.3 to the extent that such costs exceed the development contributions payable, the Council will refund the developer the difference with interest calculated at the prime rate, when funds are available.

p.p. D. Hendriks
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

02/07/2024
DATE



Department of Environmental Affairs and Development Planning
Ntanganedzeni Mabasa
 Directorate: Development Management, Region 1
 Ntanganedzeni.Mabasa@westerncape.gov.za | Tel: 021 483 2803

REFERENCE: 16/3/3/6/E2/27/1499/24
 DATE: 21 October 2024

Wrap Project Office
 Private Bag X16
HERMANUS
 7200

Attention: Ms. Veronica Jansen

Dear Madam

FILE NO. Ptn 229/575
Afdakrivier
SCAN NO.
COLLABORATOR NO.
2144603

TP - A Theart
(Hollivier)

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
23 OCT 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Tel.: (028) 313 1411
 Email: admin@wrapgroup.co.za

THE APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) TO THE PROPOSED AMENDMENT OF THE EXISTING APPROVED SITE DEVELOPMENT PLAN ON PORTION 229 OF THE FARM AFDAKSRIVIER NO. 575, BENGUELA COVE, OVERSTRAND MUNICIPAL AREA.

1. The correspondence issued by the Directorate: Development Management (Region 1) ("this Directorate") on 19 August 2024 and the electronic copy of the additional information, as received on 20 September 2024, refer.
2. This Directorate's aforementioned correspondence highlighted that the amendment of the existing approved site development plan may trigger Activity 12 of Listing Notice 3 as defined in terms of the EIA Regulations, 2014 (as amended) if the development requires the clearance of 300m² or more of the endangered indigenous vegetation type that is mapped on the farm.
3. Based on the additional information received on 20 September 2024, it was highlighted that the proposed additions and amendments to the existing approved site development plan will be located on previously disturbed footprints that do not contain the mapped endangered indigenous vegetation. Hence, the proposed additions and amendments will not result in the clearance of 300m² or more of endangered indigenous vegetation. Activity 12 of Listing Notice 3 will therefore not be triggered by the proposal. Environmental Authorisation is therefore not required from the competent authority prior to the proposed amendment of the existing approved site development plan on Portion 229 of the Farm Afdakrivier No. 575, Benguela Cove, Overstrand Municipal Area.
4. This determination is solely based on the additional information received and should any revision of the proposed development trigger any listed activity(ies) as defined terms of Listing Notice 1, 2 & 3, an application must be submitted and environmental authorisation obtained before such activity(ies) may commence.
5. The applicant is reminded of his/her general duty of care and the remediation of environmental damage, Section 28(1) of NEMA specifically states that – "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm

to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."

6. Please note that the applicant must comply with any other statutory requirements that may be applicable to the undertaking of the activity.
7. The Directorate reserves the right to revise its comments and request further information from you based on any new or revised information received.

Yours faithfully

Andrea

Thomas

Digitally signed by Andrea
Thomas
Date: 2024.10.21 12:40:48
+02'00'

ppHEAD OF COMPONENT

DIRECTORATE: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Cc: (1) Ms. Marlice Miller Overstrand Municipality

Email: mmiller@overstrand.gov.za



Western Cape
Government

Department of Environmental Affairs and Development Planning
Ntanganedzeni Mabasa
Directorate: Development Management, Region 1
Ntanganedzeni.Mabasa@westerncape.gov.za | Tel: 021 483 2803

REFERENCE: 16/3/3/6/6/E2/27/1288/24
DATE: 19 August 2024

TP - A Theart
(H Olivier)

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

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
20 AUG 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Attention: Ms. Marlize Miller

Tel.: (028) 313 8900
Email: mmiller@overstrand.gov.za

Dear Madam

THE APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) TO THE PROPOSED AMENDMENT OF THE EXISTING APPROVED SITE DEVELOPMENT PLAN ON PORTION 229 OF THE FARM AFDAKSRIVIER NO. 575, BENGUELA COVE, OVERSTRAND MUNICIPAL AREA.

- The electronic copy of the abovementioned documents, as received by the Directorate: Development Management (Region 1) ("this Directorate") on 19 June 2024, refer.
- This letter serves as an acknowledgement of receipt of the correspondence by this Directorate.
- According to the information contained in the correspondence, this Directorate notes the proposal entails the following:
 - The proposed amendment of the existing approved site development plan on Portion 229 of Farm Afdakrivier No. 575, Benguela Cove, Overstrand to allow for a new wedding venue (768m²), six picnic pods (138m²), the addition of a storage area (575m²) to the existing winery, and a covered deck (180m²) to integrate the splash park.
 - The total footprint of the proposed additions to the development is approximately 1661m².
 - Based on available mapping resources the site is mapped to contain endangered Elim Ferricrete Fynbos. No watercourses are mapped on the site.
 - The site is zoned Special Zone and is located outside the urban area of Hermanus.
- Your attention is drawn to the listed activities in terms of the NEMA EIA Regulations, 2014 (as amended) as defined in Listing Notices ("LN") 1, 2 & 3 of 7 April 2017. Based on the information provided, the proposed development, as described above may trigger the following listed activity requiring environmental authorisation prior to commencement:

If the development requires the clearance of 300m² or more of the endangered indigenous vegetation types that is mapped on the farm, it will trigger the following listed activity:

FILE NO. Ptn 229/575
Afdakrivier
SCAN NO.
PTN 229
COLLABORATOR NO.
2105129

Activity 12 of Listing Notice 3

The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.

i. Western Cape

- i. **Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;**
 - ii. Within critical biodiversity areas identified in bioregional plans;
 - iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on even in urban areas;
 - iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or
 - v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.
5. If applicable, written authorisation will be required from the competent authority prior to the undertaking of the said activity.
 6. The Application Form, as well as other relevant forms and guidelines, are available from this Directorate's website: <http://eadp-westerncape.kznshf.gov.za/>.
 7. This Directorate reserves the right to revise or withdraw any comments or request further information from you based on any information received.

Yours faithfully

**Andrea
Thomas**

pp HEAD OF COMPONENT

**DIRECTORATE: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Digitally signed by
Andrea Thomas
Date: 2024.08.19
17:46:38 +02'00'

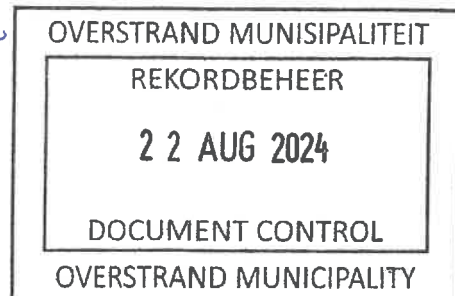


CONSERVATION INTELLIGENCE: SOUTH

postal 16 17th Avenue, Voëlklip, Hermanus, 7200
 physical 16 17th Avenue, Voëlklip, Hermanus, 7200
 website www.capenature.co.za
 enquiries Rhett Smart
 telephone 087 087 8017
 email rsmart@capenature.co.za
 reference LS14/2/6/1/7/2/575-229_SDP_Fisherhaven
 date 21 August 2024

Overstrand Municipality
 P.O. Box 20
 Hermanus
 7200

TP - A Theart
 (H Olivier)



Attention: Henk Olivier
 By email: loretta@overstrand.gov.za

Dear Mr Olivier

Application for Amendment to the Site Development Plan and Conditions of Approval for Entertainment Facilities on Portion 229 of Farm Afdakrivier 575, Benguela Cove Estate, Fisherhaven
 (Overstrand Municipality ref: Ptn 229 of Farm 575, HBENG; 4595/2024)

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 an amendment to the site development plan and conditions of approval to permit a wedding venue and six picnic pods. The facilities are located within the existing entertainment node which is fully transformed as a result of these activities. The proposed additional activities will have negligible additional impact on biodiversity. CapeNature therefore does not object to the application.

Regards

RSmart

Rhett Smart

For: Manager: Landscape Conservation Intelligence South

FILE NO. Ptn 229/575
Afdakrivier
SCAN NO.
COLLABORATOR NO.
2106698



Western Cape Government

Department of Infrastructure
Vanessa Stoffels

Chief Directorate: Road Planning

Vanessa.Stoffels@westerncape.gov.za | Tel: 021 483 4669

Ref: 16/9/6/1-21/149 (Application No: 2024-07-0019)

The Municipal Manager
Overstrand Municipality
P O Box 20
HERMANUS
7200

*TP - A Theart
(H Olivier)*

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
15 MAY 2025
<i>Reeds deur die Stelsel</i>
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Attention: L Isaacs

Dear Madam

PORTION 229 OF FARM AFDAKSRIVIER NO.575, CALEDON: APPLICATION FOR AMENDMENT OF THE EXISTING APPROVED SITE DEVELOPMENT PLAN, AMENDMENT OF CONSDITIONS IN RESPECT OF AN EXISTING APPROVAL AND EXTENSION OF THE PERIOD OF VALIDITY OF AN APPROVAL

- The following refers:
- This Branch letter 16/9/6/1-21/149 (2024-07-0019) dated 16 August 2024.
- WRAP Project Office`s letter 23/139 to this Branch dated 06 March 2025.
- The site visit dated 02 April 2025.
- The subject property is located 2km north of Fisherhaven and takes access off Trunk Road 28 Section 1.
- This application is for the following:
 - The amendment of the approved site development plan to accommodate proposed new structures.
 - The amendment of conditions in respect of an existing approval.
 - Extension of the period of validity of an approval.
- During the site visit, it was discovered that the illegal advertising signs and flags within the road reserve boundary of Trunk Road 28 Section 1 were removed.
- This Branch withdraws its objection and offers no objection to the proposal in terms of the Land Use Planning Act 3 of 2024.

Yours Sincerely

DD FORTUIN
For **DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE BRANCH**
DATE: 24 APRIL 2025

FILE NO. <i>Pkn 229/575</i>
<i>Afdaksrivier (Benguela)</i>
SCAN NO.
COLLABORATOR NO.
<i>2650392</i>





**Western Cape
Government**

Department of Infrastructure

Vanessa Stoffels

Chief Directorate: Road Planning

Vanessa.Stoffels@westerncape.gov.za | Tel: 021 483 4669

Ref: 16/9/6/1-21/149 (2024-07-0019)

The Municipal Manager
Overstrand Municipality
P O Box 20
HERMANUS
7200

*TP - A Theart
(H Olivier)*



Attention: L Isaacs

Dear Madam

PORTION 229 OF FARM AFDAKSRIVIER NO.575, CALEDON: APPLICATION FOR AMENDMENT OF THE EXISTING APPROVED SITE DEVELOPMENT PLAN, AMENDMENT OF CONSDITIONS IN RESPECT OF AN EXISTING APPROVAL AND EXTENSION OF THE PERIOD OF VALIDITY OF AN APPROVAL.

1. Your letter 4595/2024 to this Branch dated 19 June 2024.
2. The subject property is located 2km north of Fisherhaven and takes access off Trunk Road 28 Section 1.
3. This application is for the following:
 - 3.1. The amendment of the approved site development plan to accommodate proposed new structures.
 - 3.2. The amendment of conditions in respect of an existing approval.
 - 3.3. Extension of the period of validity of an approval.
4. Please furnish this Branch with approval of the advertising signage and flags within the road reserve boundary of Trunk Road 28/1.
5. This Branch will re-consider your application upon receipt of the information requested in paragraph 4.

Yours Sincerely

pp

SW CARSTENS

~~For DEPUTY DIRECTOR GENERAL TRANSPORT INFRASTRUCTURE BRANCH~~

~~DATE: 16 AUGUST 2024~~

FILE NO. Ptn 229/575
Afdaksrivier
SCAN NO.
COLLABORATOR NO.
2104319

19 AUG 2024



ENDORSEMENTS

1. Overstrand Municipality
Attention: Ms L Isaacs (e-mail: loriaanisaacs@overstrand.gov.za)
2. Wrap Project Office
Attention: Mr T Jansen (e-mail: admin@wrapgroup.co.za)
3. District Roads Engineer
Paarl
4. Mr C Cronje (e-mail)
5. Ms PZ Govu (e-mail)
6. Mr S Carstens (e-mail)

Annexure J 1/3



OVERSTRAND MUNISIPALITEIT
 REKORDBEHEER
 10 JUL 2024
 DOCUMENT CONTROL
 OVERSTRAND MUNICIPALITY

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

TP- A Theart
 (Hollivier)

Our reference: WWIP_WCN_22483_24
 Your reference: Ptn 229 of Farm 575, HBENG
 Enquiries: N Mali
 Tel : +27 81 436 6290
 Email : Ndilekam@Openserve.co.za

09 July 2024

Overstrand Municipality
 P O Box 20
 HERMANUS
 7200

OPTIC FIBRE & COPPER PLANT AFFECTED

WAY LEAVE APPLICATION : PORTION 229 OF THE FARM AFDAKSRIEVER NO 575 BENGUELA COVE, A DIVISION OF CALEDON: APPLICATION FOR AMENDMENT OF THE EXISTING APPROVED SITE DEVELOPMENT PLAN, AMENDMENT OF CONDITIONS IN RESPECT OF AN EXISTING APPROVAL AND EXTENSION OF THE PERIOD OF VALIDITY OF AN APPROVAL: WRAP PROJECT OFFICE ON BEHALF OF BENGUELA COVE INVESTMENTS (PTY) LTD.

Dear Mr S Muller

With reference to your application received 01 July 2024.

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

I hereby inform you that Open Serve approves the proposed work indicated on your drawing in principle. This approval is valid for six (06) months only, after which reapplication must be made if the work has not been completed.

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

Approval is granted, subject to the following conditions.

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

TP - 9 JUL 2024

FILE NO. Ptn 229/575
Afdaksrivier
SCAN NO.
COLLABORATOR NO.
2080744

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

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

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

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

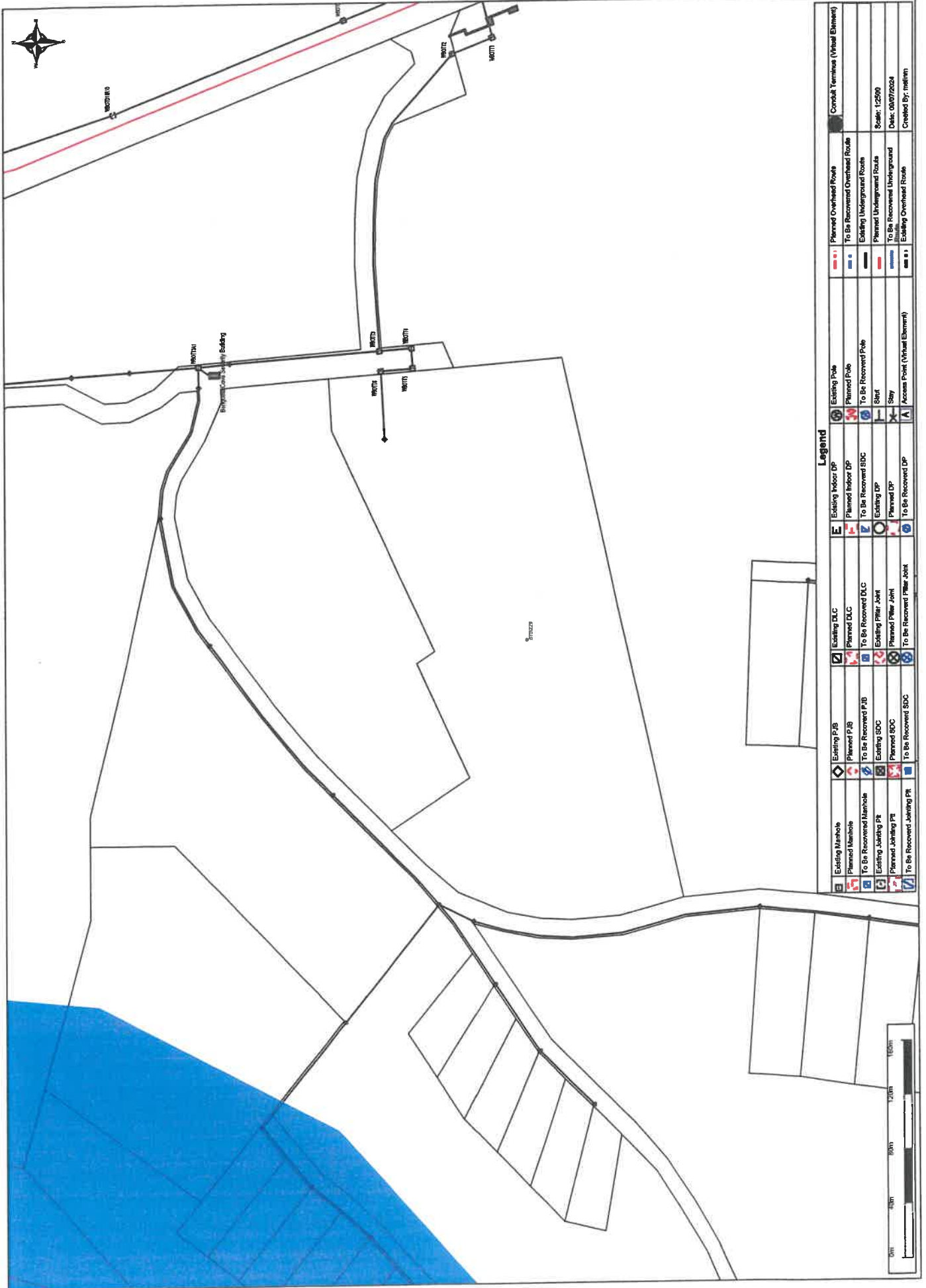
Should Open Serve infrastructure be damaged while work is undertaken, kindly contact our representative immediately.

All Open Serve rights remain reserved.

Yours faithfully

N Mall

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



Legend

	Existing Manhole		Existing PJB		Existing DLC		Existing DP		Existing Pole		Planned Overhead Route		Consult Terminus (Visual Element)
	Planned Manhole		Planned PJB		Planned DLC		Planned Indoor DP		Planned Pole		To Be Recovered Overhead Route		
	To Be Recovered Manhole		To Be Recovered PJB		To Be Recovered DLC		To Be Recovered SDC		To Be Recovered Pole		Existing Underground Route		
	Existing Jointing Pit		Existing SDC		Existing Pole Joint		Existing DP		Start		Planned Underground Route		
	Planned Jointing Pit		Planned SDC		Planned Pole Joint		Planned DP		Stay		To Be Recovered Underground Route		
	To Be Recovered Jointing Pit		To Be Recovered SDC		To Be Recovered Pole Joint		To Be Recovered DP		Access Point (Visual Element)		Existing Overhead Route		





Overstrand Municipality

Loretta@overstrand.gov.za

130

OVERSTRAND MUNISIPALITEIT

REKORDBEHEER

1 1 JUL 2024

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

TP-A Theart
(Huid Stoop)

Annexure K1/4

Date: 2024/07/11

Enquiries:

WayleavesWesternOU@eskom.co.za

WAYLEAVE APPLICATION: Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law : PORTION 229 OF THE FARM AFDAKSRIVIER NO 575 BENGIIFI A COVE A

YOUR REF: Ptn 229 of Farm 575, HBENG (4595/2024)

ESKOM REF: 15344-24

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 Overhead and 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 08600 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 7566 www.eskom.co.za
 Eskom Holdings SOC Limited Reg No 2002/015527/30

FILE NO. Ptn 229/575
Hangklip
SCAN NO.
COLLABORATOR NO.
2081416

TP 11 JUL 2024

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 Nancy Piliso from the Land Development Office to be contacted at PilisoN@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 132kV Cable if indicated.** Should you need to undertake any work within the proximity of our 66kV or 132kV Cables please contact Nancy Piliso at PilisoN@eskom.co.za to arrange a site visit.

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 MosisiL@eskom.co.za. Eskom: Transmission must be contacted on 011 800 5734 to comment on behalf of the 400 kV OVERHEAD POWERLINES. NO WORK WITHIN THIS SERVITUDE OR UNDERNEATH POWERLINES IS ALLOWED until comment from Eskom Transmission has been obtained.

4. **NOTE**

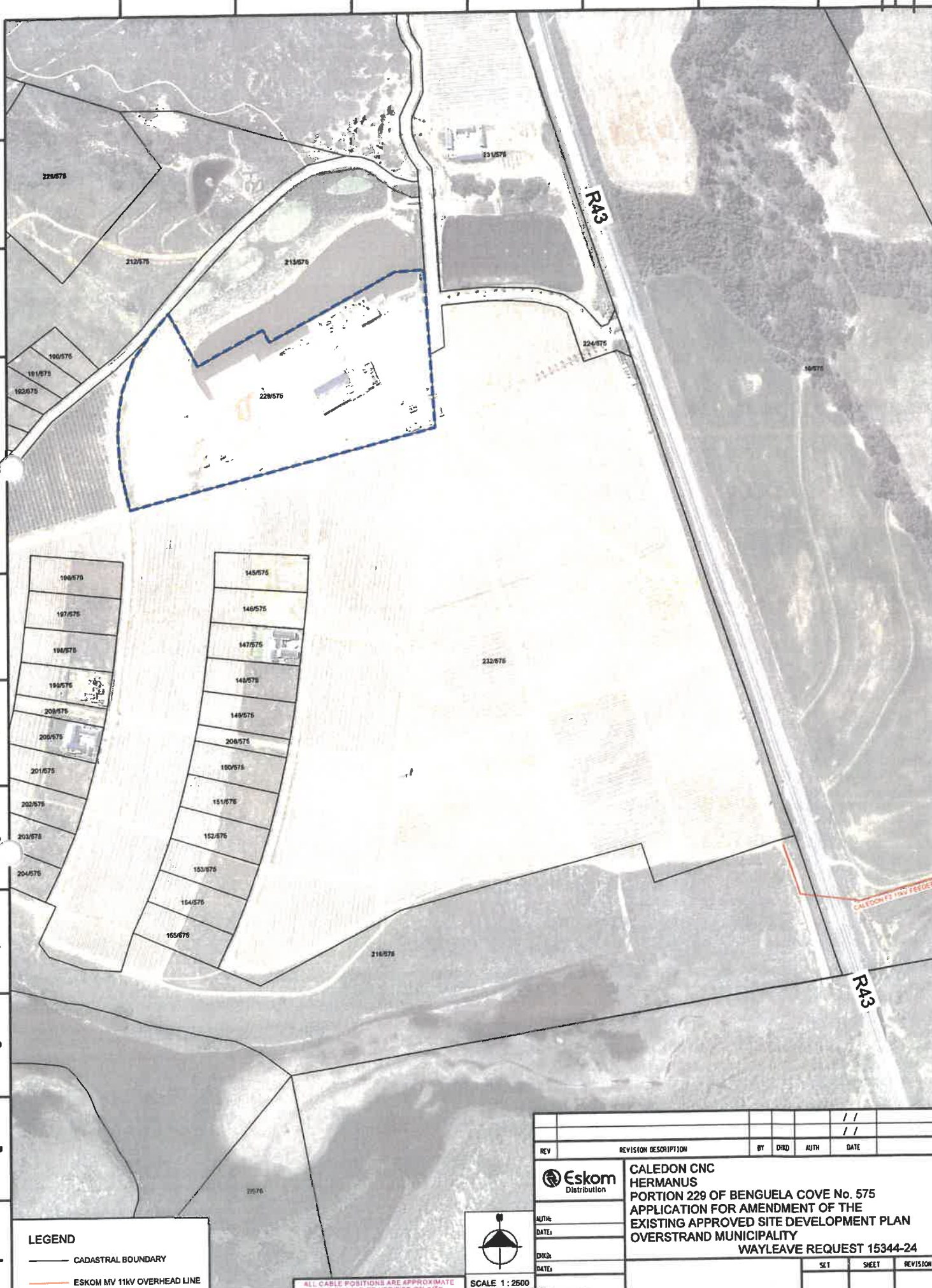
Wayleaves, Indemnity form (working permit) and all as-built drawings issued by Eskom to be kept on site at all times during construction period.

Yours faithfully

LAND DEVELOPMENT (BRACKENFELL)

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LEGEND

- CADASTRAL BOUNDARY
- ESKOM MV 11kV OVERHEAD LINE
- - - AREA OF INTEREST

ALL CABLE POSITIONS ARE APPROXIMATE AND SHOULD BE VERIFIED ON SITE
LAND DEVELOPMENT SECTION
 TEL: 021-300 3179 FAX: 021-300 2023



SCALE 1 : 2500
 THIS DRAWING IS THE PROPERTY OF ESKOM

REV	REVISION DESCRIPTION	BY	CHKD	AUTH	DATE

	CALEDON CNC HERMANUS PORTION 229 OF BENGUELA COVE No. 575 APPLICATION FOR AMENDMENT OF THE EXISTING APPROVED SITE DEVELOPMENT PLAN OVERSTRAND MUNICIPALITY WAYLEAVE REQUEST 15344-24		
	AUTH: L. FOURIE DATE: 2024/06/20	SET: SHEET: REVISION:	SIZE: A2L

Annexure L 1/2

03 OCT 2024

Our Ref: HM / OVERBERG/ THEEWATERSKLOOF/ CALEDON/ PORTION 229/ FARM 575
Case No.: HWC24053105CSI0514
Enquiries: Chiara Singh
E-mail: Chiara.Singh@westerncape.gov.za
Tel: 021 829 3325



Thian Jansen | Wrap Project Office (PTY) LTD
adminfp@wrapgroup.co.za | 072 122 7704

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

NOTIFICATION OF INTENT TO DEVELOP: PROPOSED AMENDMENT OF A PREVIOUSLY APPROVED SITE DEVELOPMENT PLAN WHICH INCLUDES A NEW WEDDING VENUE, THE EXTENSION AND EXPANSION OF THE EXISTING WINE CELLAR, A NEW COVERED DECK, AND PICNIC PODS, ON PORTION 229 OF FARM 575, FARM AFDAKSRIEVER, CALEDON, SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter received. This matter was discussed at the Heritage Officers Meeting held on the 30th of September 2024.

You are hereby notified that, since there is no reason to believe that the proposed amendment of a previously approved site development plan which includes a new wedding venue, the extension and expansion of the existing wine cellar, a new covered deck, and picnic pods on Portion 229 of Farm 575, Farm Afdaksrivier, Caledon, will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required. HWC chance finds procedure to be included in the environmental authorization.

Record of Decision Issued in accordance with drawing:

No: 23.139
Dated: 27/05/2024
Drawings prepared by: Thian Jansen

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

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

HWC reserves the right to request additional information as required.



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

Waseefa Dhansay
Assistant Director: Professional Services

Heritage Western Cape
Erfenis Wes-Kaap
ILifa leMveli leNtshona Koloni
03 October 2024

FILE NO. Ptn 229/575
Afdaksrivier
SCAN NO.
2133360
COLLABORATOR NO.
www.westerncape.gov.za/cas

03 OCT 2024 TP

<p>4. Amended Site Development Plan Portion 229 of the Farm 575, Caledon</p>	<p>Portion 229 of the Farm 575, Caledon Extent = 53810m²</p> <p><u>Existing Area Schedule:</u></p> <p>Mini Golf - 230m² Deli - 300m² Winery, Restaurant, Store - 3912m²</p> <p>4442m²</p> <p><u>Proposed Area Schedule:</u></p> <p>New Covered Deck - 180m² New Storage - 575m² New Wedding Venue - 768m² Picnic Pods - 138m²</p> <p>1661m²</p> <p>Combined total extent - 6103m²</p>	<p>Heritage Western Cape Erénis Wes-Kaap ILifa leMveli leNtshona Koloni</p> <p>03 October 2024</p> 	<p>Plan Number: 23.139(V2) Plan prepared by: Thian Jansen on 27/05/2024 Based on plans by Quintessential Design - Brent Rahme All distances are approximate and subject to a survey</p> <p>Tel: 028 313 1411 Email: admin@wrapgroup.co.za</p> <p>Unit B, Standard House, Corner of Royal and Dirkie Lys Street Hermanus, 7200</p>	 <p>Project Office Team Planning & Project Management</p>
-----------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------





Navrae
Enquiries: H Olivier (Town Planner)

Lêerverwysing:
File Reference: HBENG 229/575 (3817)

Datum:
Date: 3 April 2019

WRAP
R Jankie
PO Box 1247
HERMANUS
7200

REGISTERED MAIL

Dear Sir

DECISION LETTER TO APPLICANT

**PORTION 229 OF FARM 575, BENGUELA COVE, OVERSTRAND MUNICIPAL AREA:
AMENDMENT OF SITE DEVELOPMENT PLAN AND DEPARTURE: MESSRS WRAP ON BEHALF
OF BENGUELA COVE INVESTMENTS (PTY) LTD**

1. The application received on 20 October 2017 refers.
2. You are hereby notified in terms of Section 62 of the Overstrand By-law on Municipal Land Use Planning of the decision made by the Authorised Official on 19 March 2019.
3. The Resolution in terms of Section 61 of the Overstrand By-Law on Municipal Land Use Planning, with conditions, are as follows:

RESOLVED

- "1. *that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) for a departure from the provisions of the Special Zone applicable to Portion 229 of Farm 575 to accommodate a market area and place of entertainment, be approved in terms of the provisions of Section 61 of the By-Law, but subject to the following conditions:*
- (a) *that only areas within the existing main restaurant and wine cellar may be used as place of entertainment, limited for wedding and other functions, live music/acts;*
 - (b) *that no temporary marquee tents may be used for place of entertainment purposes (or wedding venue);*
 - (c) *that in terms of the "Noise Control Regulations" promulgated under the Environmental Conservation Act, 1989 (Act 72 of 1989) the music volumes emanating from the premises at all times be controlled in such a manner that it adds less than 7dB(A) to ambient noise;*
 - (d) *that the applicant submit and implement migratory measures to address any noise pollution, to the satisfaction of the Senior Manager: Town and Spatial Planning, before the applicant may act on this approval;*
 - (e) *that market stalls may only be placed in the court yard between the existing buildings, limited to forty (40) stalls;*

- (f) *that only low level lighting may be provided for the market area, not protruding above the existing buildings;*
 - (g) *that market stalls are only allowed to operate on Fridays between 17:00 and 21:00, and Saturdays between 10:00 and 15:00;*
 - (h) *that that building plans be submitted to the Building Department for any changes to the building or for temporary structures;*
 - (i) *that should it be necessary to provide any additional ablution facilities due to the additional people visiting the site, it be provided to the satisfaction of the Building Department;*
 - (j) *that the parking within the southern boundary of the site be formalized, before acting on this approval;*
 - (k) *that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;*
 - (l) *that adequate provision be made to manage the behaviour of patrons (both inside and outside the buildings) and protection of surrounding properties;*
 - (m) *that the approval is only valid for five (5) years, but application can be made within the time period be made for and extension of time;*
 - (n) *that the approval is not transferable and if the owner sells the property or there is a successor in title to the property for whatever reason, this approval will lapse;*
 - (o) *that the Municipality reserves the right to rescind this approval without payment of compensation should any justified objection be received to the manner in which the place of entertainment and market stalls functions or should the operation be found detrimental to the peacefulness and amenity of the surrounding area;*
 - (p) *that the approval is subject to a population certificate as required by the Overstrand Community Fire Safety By-Law PW6454 of 2007;*
 - (q) *that should the property owner want to host larger events he/she will have to apply in terms of the Overstrand Municipality Events By-Law, 2018 for such activities, and*
 - (r) *that all the conditions in the Services Report be complied with.*
2. *that the application in terms of Section 16(2)(i) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to amend the Site Development Plan for Portion 229 of Farm 575, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following condition:*
- (a) *that only the market stall area and areas for place of entertainment purposes as approved in 1 above be approved and an amended Site Development Plan be submitted to reflect only such areas to the satisfaction of the Senior Manager: Town and Spatial Planning.*
3. *that the applicant and objectors be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decision."*

4. Reasons for the above decision are as follows:

- ❖ The Benguela Cove Home Owners Association indicated that they do not have to give consent for this application to be considered.
- ❖ The property has a potential to be used for tourism related businesses.

- ❖ The approval of the application to a limited scale with regard to the market stalls and only allowing place of entertainment facilities inside buildings, would help to limit traffic and also help limit noise pollution to acceptable levels.
 - ❖ With the mitigation measures proposed it is the opinion that the impact on the residential component would be limited and the character protected.
 - ❖ Some of the objections were valid concerns, whilst the applicant also have some reasonable expectations to utilize the property for more commercial uses, but this down scaled approval with mitigating conditions would create the balance to protect both parties' interests.
 - ❖ All relevant state and municipal departments support the application.
 - ❖ In terms of comments received from municipal and state departments, no concerns were raised regarding availability of services or traffic impact.
5. You are hereby informed of your right to appeal to the Appeal Authority in terms of Section 78(2) of the By-law.
- 5.1 The appeal form must be completed and should be directed to the Appeal Authority (Executive Mayor) and received **within 21 days of notification** of this decision together with proof of payment of the appeal fee (R3034-00).
- 5.2 The appeal form is available at request or alternatively on the Municipal website (www.overstrand.gov.za).
- 5.3 Contact details are as follows:
- | | |
|--------------------|--------------------------------------------------------------------------|
| Physical address : | 16 Paterson Street, Hermanus, 7200 |
| Postal address : | PO Box 20, Hermanus, 7200 |
| E-mail address : | loretta@overstrand.gov.za |
6. Kindly note that in view of the fact that objections were received against the proposal, the rights are still not in place until the prescribed 21 days of registration of this letter have passed and it is confirmed by our offices that there has been no appeal received against the proposal.

Yours faithfully



S MÜLLER
DIRECTOR : INFRASTRUCTURE AND PLANNING

ANNEXURE A

SDP of Portion 229 of Farm Afdaks Rivier 575

Portion 229 of Farm Afdaks Rivier 575 (5,3815 ha)

Building lines

Place of entertainment

Stalls

DEVELOPMENT DATA GLA	
DELI	180m ²
WINETASTING	348m ²
WINETASTING COV. OUTSIDE AREA	172m ²
RETAIL GROUND FLOOR	285m ²
ADMIN FIRST FLOOR	118m ²
RESTAURANT	770m ²
RESTAURANT OUTSIDE AREA	201m ²
CONVENTION CENTRE	403m ²
CONVENTION STORE ROOM	111m ²
MINI GOLF	201m ²
DEVELOPMENT DATA NON - GLA	
WINERY	861m ²
Wine cellar	2801m ²
Ground floor	62m ²
First floor	180m ²
Plant room/cubans	82m ²
Lift/commodation	50m ²
Generator room	50m ²
BARREL ROOM	97m ²
SEWERAGE WORKS	97m ²
COVERED CIRCULATION	466m ²
CONVENTION COV. CIRCULATION	185m ²
ABLUTION	346m ²
300 PARKING BAYS	
TOTAL	7857m ²
COVERAGE	14.6%

OVERSTRAND MUNICIPALITY
DEPARTMENT : TOWN PLANNING
P O BOX 20, HERMANUS, 7200

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

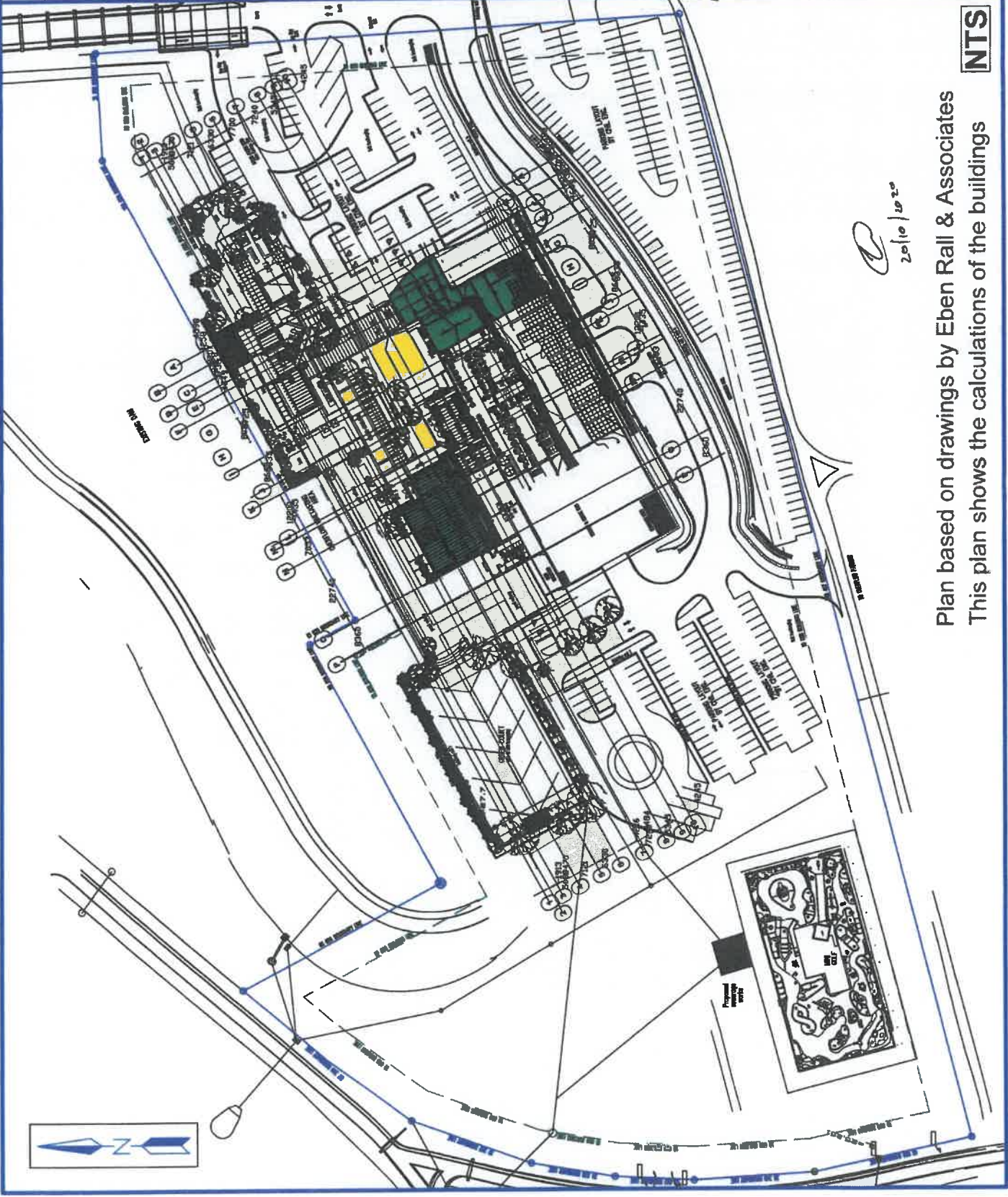
Unit B, Corner of Royal and Dirkie Uys Street, Hermanus, 7200

Plan prepared by: Reathle Jankie

All distances are approximate and subject to a survey



Project Office
Town Planning & Project Management



[Signature]
20/10/2020



Plan based on drawings by Eben Rall & Associates
This plan shows the calculations of the buildings

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR AMENDMENT OF SITE DEVELOPMENT PLAN: PTN 229 OF
FARM NO.575, BENGUELA COVE (2948/2019)**

Stormwater (SW)	:	According to the master plan by the Developer
Electricity	:	Eskom
Water	:	According to the master plan by the Developer
Sewer	:	According to the master plan by the Developer
Roads and traffic	:	In order

Conditions:

1. that the applicant must comply with all statutory requirements that may be applicable to the undertaking of the proposed development;
2. that only the existing municipal services and service connections will be available to the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage
4. that the developer indemnifies and keep the Council indemnified against all actions, proceedings, claims and demands, costs, damages and expenses arising out of the establishment of the development, the provision of services to the development or the use of servitude areas or municipal property;
5. that the developer may enter into an agreement with the Council to install or upgrade bulk and/or link municipal services and amenities at an agreed cost, subject to the following:
 - 5.1 such costs to be established in accordance with a system which is fair, equitable, transparent, competitive and cost effective;
 - 5.2 such costs shall be set-off against (part or full) development contributions payable in respect of engineering services;
 - 5.3 to the extent that such costs exceed the development contributions payable, the Council will refund the developer the difference with interest calculated at the prime rate, when funds are available.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE



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

*TR A Thent
(H Olivier)*

REFERENCE: 16/9/6/1-21/149 (Job 25925)

ENQUIRIES: Ms GD Swanepoel

DATE: 25 June 2019

The Municipal Manager
 Overstrand Municipality
 PO Box 20
HERMANUS
 7200

Attention: Mr H Olivier

Dear Sir

FILE NO:	<i>Ph 229/575</i>
SCAN NO:	
COLLABORATOR NO:	<i>1299070</i>

PORTION 229 OF FARM 575, BENGUELA COVE: TRUNK ROAD 28: APPLICATION FOR AMENDMENT OF APPROVED SITE DEVELOPMENT PLAN: WRAP ON BEHALF OF BENGUELA COVE INVESTMENTS (PTY) LTD

1. Your letter dated 3 June 2019 refers.
2. The subject property is located 2 km north of Fisherhaven and takes access off Trunk Road 28.
3. This application is for the amendment of the approved site development plan in order to erect a water play park, wooden deck and seating area.
4. This Branch offers no objection to the application in terms of the Land Use Planning Act, No 3 of 2014.

Yours faithfully

SW CARSTENS
 For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT