



**MEETING OF THE  
MUNICIPAL PLANNING TRIBUNAL  
(MPT)**

**A G E N D A**

<b>DATE:</b>	<b>28 NOVEMBER 2024</b>
<b>VENUE:</b>	<b>TOWN PLANNING COMMITTEE ROOM</b>
<b>TIME:</b>	<b>10:00</b>

# OVERSTRAND MUNICIPALITY

Office of the Chairperson: MPT  
Civic Centre  
HERMANUS  
7200

21 November 2024

**TO : THE MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL**

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

**NOTICE IS HEREBY GIVEN** that the **Municipal Planning Tribunal (MPT)** will go into session in the **Town Planning Committee Room** on **Thursday, 28 November 2024** at **10:00** to consider the attached agenda.

**H JANSER (MS)**  
**CHAIRPERSON : MUNICIPAL PLANNING TRIBUNAL**

**Distribution:**

1. Ms H Janser (Chairperson)
2. Mr S Müller (Vice Chairperson)
3. Mr H Blignaut (Member)
4. Ms R Louw (Member)
5. Mr R Kuchar (Authorised Official)
6. Mr S van der Merwe (Senior Town Planner)
7. Ms H van der Stoep (Senior Town Planner)
8. Secretariat

# MUNICIPAL PLANNING TRIBUNAL (MPT)

28 November 2024

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**1. OPENING**

**2. APPLICATIONS FOR LEAVE OF ABSENCE**

**3. CONFIRMATION OF MINUTES**

**3.1 Minutes of a Municipal Planning Tribunal Meeting held on 31 October 2024**

**4. ITEMS FOR CONSIDERATION**

**4.1 PORTION 74 OF THE FARM BAARDSKEERDERBOS NO. 213, BREDASDORP DIVISION: APPLICATION FOR CONSENT USE, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS INTERACTIVE TOWN AND REGIONAL PLANNING ON BEHALF OF S MEINTJIES**

Report attached

**4.2 ERF 726, 72 BUFFELS ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION AND REZONING: PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF ENTK FAMILY TRUST**

Report attached

**4.3 ERF 7182, 39 MARINE DRIVE, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE (TOURIST ACCOMMODATION): MESSRS WRAP PROJECT OFFICE ON BEHALF OF SUNNY SEAS PROPERTIES (PTY) LTD**

Report attached

**4.4 ERF 338, 4 HOTEL CRESCENT, ROOIELS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF A RESTRICTIVE TITLE DEED CONDITION, DEPARTURES AND DETERMINATION OF ADMINISTRATIVE PENALTY: PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF HMMM BELEGGINGS TRUST**

Report attached

## 4.1

**PORTION 74 OF THE FARM BAARDSKEERDERBOS NO. 213, BREDASDORP DIVISION:  
APPLICATION FOR CONSENT USE, DEPARTURE AND DETERMINATION OF AN  
ADMINISTRATIVE PENALTY: MESSRS INTERACTIVE TOWN AND REGIONAL  
PLANNING ON BEHALF OF S MEINTJIES**

Ptn 74/213 GRBRE (4387/2023)

SW van der Merwe

31 Oktober 2024

(028) 313 8900

Hermanus Administration

**1. EXECUTIVE SUMMARY**

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 29 May 2023 from Messrs Interactive Town and Regional Planning on behalf of S Meintjies for the following:

- ❖ **consent use** in terms of Section 16(2)(o) of the Overstrand Municipality Municipal Land Use Planning Amendment By-Law, 2020 for place of instruction and tourism accommodation;
- ❖ **departure** in terms of Section 16(2)(b) of the By-Law to relax the western lateral building line from 30m to 22m and the eastern lateral building line from 30m to 4m to accommodate existing storage buildings (two sheds) and animal shelter, and
- ❖ **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law to legalise the existing storage buildings (two sheds) and animal shelter.

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

**2. DECISION AUTHORITY**

Municipal Planning Tribunal

**3. BACKGROUND / SITE HISTORY**

The subject property is located outside the urban edge on the southern periphery of Baardskeerdersbos and measures 15,5455ha in extent. The property is zoned for agricultural purposes and developed with a primary dwelling ( $\pm 250\text{m}^2$ ), animal shelters ( $\pm 65\text{m}^2$  and  $25\text{m}^2$ ) and a shed / stable building ( $\pm 280\text{m}^2$ ). Access is obtained from Rivier Street.

Most of the property save for the south-eastern corner is situated within the Baardskeerderbos Heritage Protection Overlay Zone (HPOZ). The property is partially within the Riverine Environmental Management Overlay Zone (EMOZ) due to the Boesmansrivier that traverse the northeastern section of the property. The property is partially located within a Critical Biodiversity Area (CBA) and Ecological Support Area (EAS) as indicated on the SDP.

The property owner bought the property during 2021 which was home to the Olive Farm Trust, a previously failed olive farm in poor condition. The owner saw potential to make the property self-sufficient and that the property lend itself to a blended economic approach focussing on a mixture of small-scale farming, ecotourism, environmental entrepreneurship, training and tourism accommodation to make the property viable.

The applicant proposes the establishment of a place of instruction that equips trainees with skills for agricultural and eco-tourism entrepreneurship situated in an existing 60m<sup>2</sup> storage shed. The proposed tourism accommodation comprises three accommodation pods each measuring between 24m<sup>2</sup> to 30m<sup>2</sup> in extent and will accommodate 4 students or tourists each. The pods will be self-catering with camping style kitchens situated more than 100m from the Boesmansriver and more than 32m from on-site waterbodies as indicated on the proposed SDP.

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

The motivation for the application is as follows:

- The proposal consists of small-scale place of instruction / tourism accommodation related to agriculture.
- The proposed use is consistent with the land use of the surrounding area.
- Application is consistent with the Overstrand Spatial Development Framework, IDP, Western Cape Rural Development Guidelines and Baardskeerdersbos Precinct Plan.
- Place of instruction: proposed training facility will be accommodated in an existing building (60m<sup>2</sup>) and will equip trainees with skills to become environmental / ecotourism entrepreneurs.
- Tourism accommodation consists of 3 movable accommodation pods to minimise impact on the environment as no foundations are constructed.
- Tourism accommodation pods maintain a 100m setback from the Boesmansrivier and 32m from waterbodies (i.e. wetlands) on the property.
- The existing sheds and stables encroachment the western lateral building line, as well as the shed (proposed training facility) over the southern lateral building were constructed by the previous owner.

#### ADMINISTRATIVE PENALTY

##### ***(a) nature, duration, gravity and extent of the contravention***

Existing 60m<sup>2</sup> shed to be converted to a training facility that encroach the southern lateral building line from 30m to 4m. Existing shed / stables that encroach the western lateral building line from 30m to 22m.

##### ***(b) the conduct of the person (allegedly) involved in the contravention***

The previous owner was responsible. The owner had the understanding when buying the property that all the buildings on the property was approved. The applicant is willing and co-operative to rectify the contravention.

##### ***(c) whether the unlawful conduct was stopped***

The applicant is in process of applying to rectify the contravention.

***(d) a report by a quantity surveyor in matters of unauthorised building/construction***

Due to small-scale nature of the encroachments no quantity surveyor was involved.

***(e) whether the person allegedly involved in the contravention has previously contravened this By-Law or a previous planning law.***

The property owner has not to the applicant's knowledge previously contravened the By-Law.

- The property is self-sufficient with services and developed with a solar system, although it also has an Eskom connection.
- Water supply is from a seep system on the farm purified by a reverse osmosis system. An application for a 2ha water use license is currently in process.
- Sewage disposal for the accommodation pods will be by means of composting toilets as part of the farms biodigester setup and will form part of the training. The existing outbuilding (future training facility) is connected to an on-site sewage tank.
- Recycled solid waste will be dropped off at the Gansbaai facility.
- Engineering services is off grid and will not result in extension of municipal services.
- Accommodation pods will be accessed by means of a boardwalk.
- The farm has an existing access to the north and east. The latter will only be used as an emergency access. Main vehicle access will be via River Street from the north via an existing internal dirt road.
- The property comprises of a CBA, wetlands, waterbodies and ecological support areas indicated on the SDP. The existing shed and animal shelters is situated in the CBA. The proposed training facility being in an existing building and on previously disturbed land will not negatively impact environmental attributes as no existing vegetation will be removed.
- The ecotourism and environmental entrepreneurship would be operated by Five Trails NPO/NPC, namely Five Trails NPC.
- Training will occur via online platform, whilst practical training to occur on the property comprising:
  - solar systems / solar small builds;
  - waste management techniques, recycling and waste economics;
  - water purification and setting up of efficient and smart community systems supporting training & irrigation requirements;
  - tourism training to guide experiences as a historian / cultural custodian, guest house, restaurant & support services, and
  - ethical farming focussing on growing food and managing livestock.
- Envisage two training sessions per month, lasting four days with a maximum of 12 participants at a time.
- Maximum number of annual training beneficiaries of 250 people.
- The existing sheds / animal shelters are situated within a CBA. The training facility being an existing footprint / previously disturbed land will not negatively impact upon the CBA.
- Proposed accommodation pods are situated outside the ESA and the wetlands.
- The proposal will not negatively impact upon the CBA, ESA & Wetlands on the property.

**DEVELOPMENT PROPOSAL IMPACTS**Municipal and community benefits

Increased economic viability through diversification, lower carbon footprint, trainees equipped to create own jobs, thus reducing unemployment in the area, to facilitate environmental harmonious living, protection and preservation of important ecosystems, self-sustaining and economically viable agricultural practices, visitors will also benefit business in the surrounding area.

Agricultural impact

Farm has a history of failed agriculture as a result of poor solid, small scale arable ground (less than 5ha) and harsh weather conditions, thus small-scale agriculture and livestock are the only options but are not viable. The applicant proposes diversification focussing on a mix of small-scale farming, ecotourism, environmental entrepreneurship training and accommodation making the property economically viable.

Biodiversity impact

Buildings in the CBA are located on disturbed footprints, whilst also situated outside wetlands and ESA's on the property. Proposed training facility will be accommodated within an existing footprint. Accommodation pods have a small footprint, situated on a mobile platform and constructed from environmentally friendly material and will be off grid and will therefore not have a material impact on the natural environment.

Heritage impact

No heritage buildings will be impacted upon. The accommodation pods will blend in with the agricultural and rural character of the area.

Socio economic impact

Proposal contributes to economic viability and sustainability of the farm creating additional income opportunities. Surrounding area to benefit economically by visitors / trainees & accommodation facilities. Trainees returning home will also benefit their communities through creation of own environmental / eco-tourism enterprises, thus triggering further job creation.

Engineering Services / Infrastructure

Proposal involves low impact, off grid, low carbon ecotourism enterprise, thus no material impact from engineering services is foreseen. Existing infrastructure in terms of roads, access and parking is sufficient for the proposal. An additional boardwalk to the accommodation pods is proposed.

Access and transport considerations

Proposal will not have a significant impact on traffic due to the small scale thereof as training and accommodation will have a maximum of 12 visitors at any given time. Access is obtained from Main Road Baardskeerdersbos linking with the R43 regional road. Eighteen parking bays will be located on previously disturbed land.

Safety, health and well-being

The property owners' vision is to create a holistic lifestyle that supports healthy living, rejuvenation of the land, growing income earning opportunities and balance for people living on the farm including fauna and flora. The proposed training is directed at environmental entrepreneurship that positively impacts the planet, local environment and local communities. The property is also part of the local "plaaswag" with on-site security systems in place. The proposal is therefore not considered to detract from the safety, health and wellbeing of the residents and visitors to the farm.

Land use character compatibility

Development is related to and supports agricultural practices on the property, will unlock additional sources of income, increasing the viability of the property, comprise limited development with a small footprint and mobile platform, no material impact upon CBA's, ESA's or wetlands.

- Proposal is consistent with the planning principles in terms of LUPA and SPLUMA

**5. ADMINISTRATIVE COMPLIANCE**

Methods of advertising		Date published	Closing date for comments
Internal departments	<b>Yes</b>	13 June 2023	21 July 2023
Registered Notices	<b>Yes</b>	14 June 2023	21 July 2023
Ward Councillor	<b>Yes</b>	08 April 2022	13 May 2022
Total comments	<b>NONE</b>		
Total letters of support	<b>NONE</b>		
Was public participation undertaken in accordance with section 46 - 50 of the By-Law on Municipal Land Use Planning?			<b>Yes</b>
Was the application processed correctly (if no, elaborate below):			<b>Yes</b>
Is the proposal consistent with the principles referred to in chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			<b>Yes</b>

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

Name	Date received	Summary of comments
Fire Department	13/06/2023	The Fire Department has no objection subject to compliance with the provision of SANS 10400 A:2016; 10400-T:2020 and the By-Law relating Fire safety.
Building Department	13/06/2023	No objection. The building plan application must comply with all applicable law.

Local Heritage	14/06/2023	Supported.
Department of Environmental Development and Planning: <i>Planning</i>	03/07/2023	Attached as Annexure D.
Department of Agriculture (Provincial)	17/07/2023	Attached as Annexure E
Eskom	27/07/2023	Attached as Annexure F.
OpenServe	28/07/2023	Attached as Annexure G.
Health	31/07/2023	Attached as Annexure H.
Department of Environmental Development and Planning: <i>Environmental</i>	08/08/2023	No listed activities.
Department of Agriculture, Land Reform and Rural Development	19/02/2024	No objection.
Engineering Services	31/05/2024	Attached as Annexure I.

## 7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

The subject application was circulated to the surrounding property owners and the relevant municipal departments, and no objections or negative comments were received. The application was also circulated to the relevant government departments that supports the proposal save for the Western Cape Department of Agriculture and Western Cape Department of Environmental Affairs, Development Management.

The comments are attached as per Annexures D and E and the applicant's response as Annexure J.

The comment / objections are summarised as follows:

### Western Cape Department of Agriculture

The department is of the view that a place of instruction is an institutional zoning best suited in the urban area. The property does not qualify for three additional dwelling units in terms of the size of the property, thus only one accommodation pod is supported, but not in the current location on agricultural land.

### Western Cape Department of Environmental Affairs, Development Management

The department states that community facilities and institutions in terms of the Western Cape Rural Development Guidelines should be situated within existing settlements. In cases where on farm facilities are justified, they should be located the guidelines advocates the re-use of existing farm buildings. The guidelines also advocate short term tourism accommodation. The property however only qualifies for one additional dwelling unit. Further, the department did not object to the proposed building line relaxations for Bonafede agricultural infrastructure but does not support building line relaxations for non-agricultural uses.

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

### Place of Instruction

The applicant did not respond to the comment that a place of instruction is an institutional zoning, best suited in an urban area.

### Building line relaxation

The applicant did not provide a response.

### Number of dwelling units

The applicant is of the view that the accommodation pods cannot be considered as dwelling units due to their scale that is much smaller than a dwelling unit that will normally house a family. The accommodation pods will primarily be used by students.

### Location of accommodation pods

The applicant is of the view that the comment from Department of Agriculture not supporting the location of the pods on agricultural land contradicts the comment from Department of Environmental Affairs; Development Management that support the establishment of appropriately scaled tourism accommodation across the rural landscape as the rural landscape mainly comprises agricultural land. The proposal is small scale with the tourism accommodation taking up less than 0,06% of the agricultural land on the property.

The applicant motivates the location of the accommodation pods as follows:

- Location is within the failed olive grove.
- Total area of buildings (including pathways and access) is less than 300m<sup>2</sup>.
- The structures are movable (i.e. do not have foundations) and can be moved should the land in future be required for cultivation.
- Location is outside restrictive areas on the property with reference to building / environmental setbacks.
- Material and building practices are in line with economic and ecological practices.
- Access utilises existing road infrastructure.
- Location from operational and education perspective away from training facility / classrooms offers better opportunities for reflection by students away from classes.

## 9. MUNICIPAL ASSESSMENT OF COMMENTS

### Place of Instruction

The application property abuts the urban edge of Baardskeerdersbos and obtains access from the R43 through Baardskeerdersbos via River Street. Due to the nature of the training the location on-site is justified. The place of instruction is small scale and will be accommodated within an existing 60m<sup>2</sup> building, with two 4-day training sessions per month with a maximum of 12 participants per session, thus with the Western Cape Rural Development Guidelines and the SDF.

**Building line relaxation**

The proposed training facility is situated in an existing agricultural building to be repurposed for training purposes thus in line with the provisions of the rural guidelines.

The department did not object to the proposed building line relaxations for bona-fide agricultural infrastructure but does not support building line relaxations for non-agricultural uses. The existing structure will maintain a 4m set back from the property boundary and the proposed use as training facility is not considered to adversely affect vested rights of adjoining properties.

**Number of dwelling units**

In addition to the applicant's comment, the accommodation pods do not have foundations and do not contain kitchens, thus not considered to be a dwelling unit. The application property qualifies for two additional dwelling units of up to 250m<sup>2</sup> in terms of the density model. The proposed pods with a 30m<sup>2</sup> footprint each, without foundations will have a far lesser impact when compared to the construction of additional dwelling units with a combined footprint of up to 500m<sup>2</sup> and is therefore considered desirable.

**Location of accommodation pods**

The applicants' statement that the comment from Department of Agriculture contradicts the comment from Department of Environmental Affairs, Development Management on the basis that the rural landscape predominantly comprises agricultural land is not agreed with. Although agricultural land is part of the rural landscape, within the Overstrand area the rural landscape predominantly comprises indigenous vegetation in nature reserve's / private nature reserves and agricultural land.

The applicants' motivation for the location of the accommodation pods on agricultural land being movable structures with a small footprint that will allow for cultivation of the land if it is required in future is however supported.

**10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)****10.1 Background**

N/A

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

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

**Spatial Justice**

The subject proposal will not perpetuate past spatial injustices as it will create economic opportunities and employment opportunities to trainees.

**Spatial sustainability**

The proposed land use does not impact negatively on the spatial sustainability of the area. The proposed land use will ensure sustainable development through the creation of a new tourist attraction and a means to generate funds. The new tourist attraction will also result in more people visiting surrounding areas. The proposed land use is in line with the land use of the subject property as well as surrounding properties.

**Efficiency**

Proposal is considered efficient as it will diversify the farm economy whilst also providing training and promotion of sustainable, ecofriendly agricultural practices.

**Spatial Resilience**

The proposal is consistent with the SDF and applicable policies that adhere to the principles of spatial sustainability.

**Good administration**

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

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

Same as Point 10.2.

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

Consistent with the Spatial Development Framework and Western Cape Rural Development Guidelines.

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

N/A

**10.6 Impact on Municipal engineering services**

The property will be self-sufficient with an off-grid electricity system, although it has an Eskom connection.

Water supply is provided from an on-site seep system that is purified through a reverse osmosis system.

The accommodation pods will be provided with composting toilets whilst existing farm buildings will be serviced via sewage conservancy tanks.

The property owner is responsible for disposal of solid waste to an approved municipal waste transfer facility.

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

The competent authority confirmed that the proposal does not trigger NEMA.

The proposal due to its limited scale does not trigger the provisions of Section 38 of the National Heritage Resources Act.

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

The application is in line with the Overstrand Land Use Scheme that accommodates a place of instruction and tourism accommodation as a consent use via an application process.

The application property is situated within the Baardskeedersbos HPOZ and the Riverine EMOZ.

### **11. THE DESIRABILITY OF THE PROPOSAL**

The property is situated adjacent the Baardskeedersbos Urban edge and obtain access from the R43 through Baardskeedersbos via River Street. The Boesmansrivier traverse the property, whilst existing farm buildings are situated within a CBA, albeit on previously disturbed land. The north / eastern portion of the property are also situated within an ecological support area. The property also contains 2 dams.

#### **PROPOSED CONSENT USE FOR PLACE OF INSTRUCTION AND TOURISM ACCOMMODATION**

The applicants' main objectives are to lower the carbon footprint, grow an opportunity rich property and to provide training with focus on environmental entrepreneurship / eco-tourism. Training is provided by Five Trails, a registered NPC with training initiatives focussing on environmental entrepreneurship / eco-tourism.

The proposed place of instruction will be situated in a repurposed farm building of 60m<sup>2</sup> situated in a previously disturbed area. The applicant proposes a 15m<sup>2</sup> pergola addition. Being situated on disturbed areas within the CBA but outside the ESA and wetlands the proposed place of instruction is not considered to adversely impact on the natural environment.

The proposed training is also linked to the use of the land i.e. agriculture/eco-tourism and being situated in an existing building, the proposal it is not considered inconsistent with the rural development guidelines.

The 3 proposed accommodation pods have a combined footprint of 90m<sup>2</sup>. The site location is outside the CBA, ESA and on-site wetlands and maintains a 100m setback from the Boesmansrivier. The construction does not require foundations.

As such the accommodation pods could be moved should the area in future be required for agricultural purposes. The proposal is therefore consistent with the Western Cape Rural Development Guidelines.

The proposed consent uses are consistent with the SDF since the limited scale of the development will not detract from the character of the rural landscape due to its small scale whilst at the same time allows diversification of income. Furthermore, the proposal allows for appropriately scaled development that will benefit also the surrounding community promoting the agricultural and tourism value of the area.

The property is situated within the Baardskeerdersbos HPOZ. The proposal is not considered to detract from the scenic quality of the scenic drive or the character of the rural landscape and is also supported the Overstrand Heritage and Aesthetics Committee.

The application was circulated to Environmental Management Services which department did not object in terms of the EMOZ.

Access and egress to the subject property is obtained from Main Road which links up with the R43 regional road to the southeast and in turn links up with the R137 regional road further to the southeast.

#### **PROPOSED DEPARTURE**

The applicant acquired the property in 2021. The shed / storage building to be converted to place of instruction are visible on aerial photography in 2014 and the shed / stables from 2016. The outbuildings are situated respectively 22m and 4m from the lateral property boundaries. The applicant seeks to legalise the encroachments via the departure application. The structures exist for a number of years without any known complaints. The retention therefore is not considered to adversely affect the character of the area or vested rights of adjoining properties and is therefore supported.

#### **DETERMINATION OF AN ADMINISTRATIVE PENALTY**

##### ***(a) nature, duration, gravity and extent of the contravention***

The total extent of the building line encroachment for the existing shed (to be converted into a training facility) is 60m<sup>2</sup>. The encroachment of the shed / stables over the western lateral building line amounts to 74m<sup>2</sup>.

##### ***(b) the conduct of the person (allegedly) involved in the contravention***

The property owner bought the property with the respective buildings encroaching the building line by the former owner. The applicant's understanding was that all buildings on the property at the time of purchase were approved. The applicant on own accord seeks to legalize the structures via an application process.

##### ***(c) whether the unlawful conduct was stopped***

The structure has already been constructed.

**(d) a report by a quantity surveyor in matters of unauthorised building/construction**

The applicant is of the view that due to the nature and small scale of the encroachment a QS report is not required.

**(e) whether the person allegedly involved in the contravention has previously contravened this By-Law or a previous planning law.**

The property owner has not contravened the By-Law before.

The encroaching structures are evident on historic aerial photographs from 2014 and 2016 respectively. The applicant acquired the property during 2021 with the understanding that the buildings had been approved and submitted the application on own accord. Despite the aforesaid, the onus remains on the current owner to do his due diligence prior to the acquisition of the property. Having had regard to the aforesaid it is recommended that an administrative penalty be imposed for 1% of the built cost as per municipal tariff, currently R20 253,00. Being non habitable agricultural buildings (shed, storage and animal shelter) it is recommended that only 50% of the municipal built cost tariff be levied, i.e. R10 266,00.

Municipal built cost tariff 2024/25	Area of encroachment	Percentage	Total
R10266,00	134m <sup>2</sup>	1%	R13756,44

In view of the above, it is the opinion that the application under consideration holds sufficient merit not to be deemed undesirable from a town planning perspective.

## 12. RECOMMENDATION

1. that the comment be noted;
2. that the application for consent use in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) on Portion 74 of the Farm Baardskeerderbos No. 213, Division Bredasdorp to accommodate a place of instruction and three accommodation pods, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application for departure in terms of Section 16(2)(b) of the By-Law to relax the western lateral building line from 30m to 22m and the eastern lateral building line from 30m to 4m to accommodate existing storage buildings (two sheds) and an animal shelter, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the approvals in paragraphs 1. and 2. above be subject to the following conditions:
  - (a) that this approval is only for the development as indicated on the site development plan 101 dated 19/10/2021 as submitted with the application;
  - (b) that the consent use is not transferable;

- (c) that building plans be submitted to the Building Department for approval and that all conditions of the Building- and the Fire Departments at that stage, be complied with;
  - (d) that all the conditions imposed by Eskom, Telkom (OpenServe), and Health (attached as Annexures F-H O) be complied with.
  - (e) that the conditions in the Services Report (attached as Annexure J), be complied with
  - (f) that applicable rates and service tariffs, as determined by the annual budget be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
  - (g) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
  - (h) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
5. that of an administrative penalty in terms of Section 90(4) of the By-Law to legalise the existing storage buildings (two sheds) and stables be imposed, and that the administrative penalty fee of R13 756,44 be payable within 60 (sixty) days of this decision, and
  6. that the applicant and objector be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

### 13. REASONS FOR RECOMMENDATION

- ❖ The application has followed due procedure.
- ❖ No additional access roads required.
- ❖ No removal of indigenous vegetation.
- ❖ The proposal will contribute the tourism and rural economic development.
- ❖ The proposal will not adversely impact vested rights or the character of the rural landscape or natural environment.

### 14. ANNEXURES

Annexure A:	Locality Plan
Annexure B:	Site Development Plan
Annexure C:	Motivation Report
Annexure D:	Comment: Department of Environmental Affairs and Development Planning: <i>Planning</i>
Annexure E:	Comment: Department of Agriculture
Annexure F:	Comment: Eskom
Annexure G:	Comment: Telkom (OpenServe)
Annexure H:	Comment: District Health
Annexure I:	Services Report
Annexure J:	Response from applicant

**SIGNATURES**



**REGISTERED PLANNER**

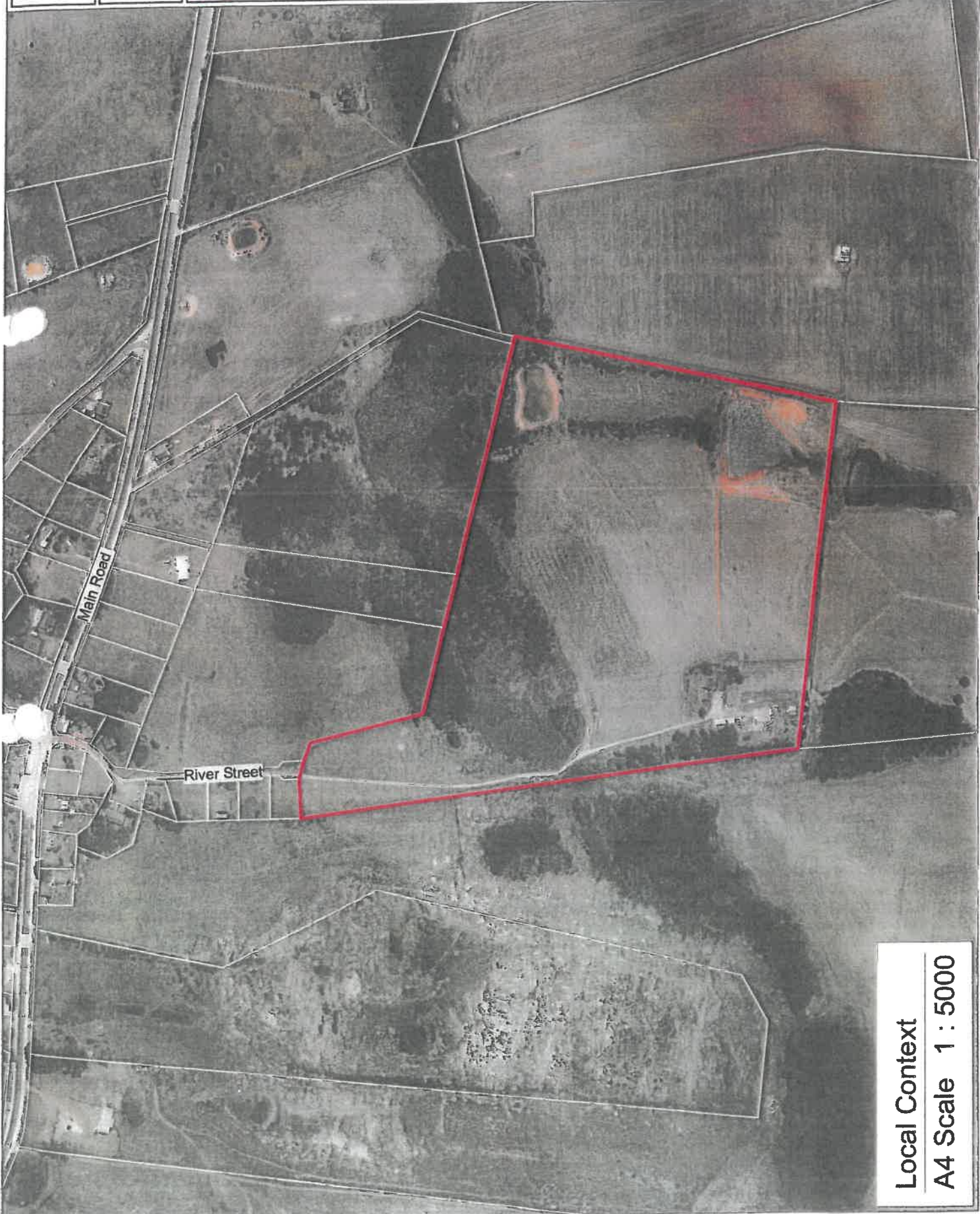
Name: **SW VAN DER MERWE**

SACPLAN registration number: **A/1850/2014**

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

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

<p><b>PROJECT</b> Portion 74 of Farm 213 Baardskeersbos</p>	<p><b>TITLE</b> Locality Plan Local Context</p>	<p><b>Application Area</b></p> 		<p><b>DISCLAIMER</b> INTERACTIVE TOWN &amp; REGIONAL PLANNING MAKES NO WARRANTY OF ANY KIND, EXPRESSED OR IMPLIED, WITH REGARD TO THE ACCURACY, COMPLETENESS, OR CURRENTNESS OF THE INFORMATION CONTAINED HEREIN. THE INFORMATION IS PROVIDED AS IS, WITHOUT WARRANTY OF ANY KIND, AND IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS PROVIDED. THE CLIENT ACCEPTS FULL RESPONSIBILITY FOR THE USE OF THIS INFORMATION AND THE CLIENT'S DECISIONS. THIS DOCUMENT IS THE PROPERTY OF INTERACTIVE TOWN &amp; REGIONAL PLANNING AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF INTERACTIVE TOWN &amp; REGIONAL PLANNING.</p>	<p><b>CLIENT</b></p>	<table border="1"> <tr> <td><b>DATE</b></td> <td>2023/08/15</td> </tr> <tr> <td><b>CHECKED BY</b></td> <td>Debra</td> </tr> <tr> <td><b>DATE</b></td> <td>2023/08/15</td> </tr> <tr> <td><b>PROJECT NUMBER</b></td> <td>001</td> </tr> <tr> <td><b>SCALE (A)</b></td> <td>As Indicated</td> </tr> <tr> <td><b>COMMISSION NUMBER</b></td> <td>101</td> </tr> </table> <p><b>Interactive Town &amp; Regional Planning</b>        111 Main Street, 2nd Floor, Unit 101        Johannesburg 2001, South Africa        Tel: +27 (0) 11 480 4400        Email: info@itrip.co.za</p>	<b>DATE</b>	2023/08/15	<b>CHECKED BY</b>	Debra	<b>DATE</b>	2023/08/15	<b>PROJECT NUMBER</b>	001	<b>SCALE (A)</b>	As Indicated	<b>COMMISSION NUMBER</b>	101
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<b>COMMISSION NUMBER</b>	101																	



**Local Context**  
**A4 Scale 1 : 5000**

<b>4. Motivation</b>	
<p><b>Motivation for the application:</b></p> <p>Refer to <b>Annexure H</b> for the Site Development Plan</p>	<p><b>a. Introduction &amp; Background</b></p> <p><b>i. Location and Origin of Application Area</b></p> <p>The application area consists of a 15.5455ha farm located on the southern periphery of Baardskeerdersbos within the Overstrand Municipal area west of Gansbaai and north of Pearly Beach, as well as in close proximity to the R43 to the south thereof.</p> <p>In June 2021 the owner moved onto the application area which was home to the Olive Farm Trust, a previously failed olive farm in a poor condition. The new owner however saw in it the potential to become a self-sufficient and contributory space.</p> <p>The property lends itself well to a blended economic approach that would focus on a mix of small-scale farming, ecotourism, environmental entrepreneurship training and tourist accommodation to make it economically viable.</p> <p>This is what attracted the owner to the property and what they would be interested investing in for the future.</p> <p><b>ii. Context of Application Area</b></p> <p><b>1. History &amp; Character of the area</b></p> <p>The character of Baardskeerdersbos is that of a hamlet - a small village or group of houses - whilst for those passing by on the R317, it may be considered as a gateway to the coast or to the countryside.</p> <p>Baardskeerdersbos is the result of the expansion of a modest family settlement on a VOC loan farm that depended on subsistence farming and the exploitation of coastal resources to a hamlet.</p> <p>It not only has historical significance but is also architecturally significant as a late 19th and early 20th century farming settlement, with much of its modest vernacular architecture intact. Also intact is the organic layout of the original farm settlement.</p> <p>It is a rare example of a hamlet that has undergone relatively little development during the mid to late 20th century.</p> <p>The historical settlement pattern of inter alia "country villages" such as Baardskeerdersbos, have resulted in attractive living environments, which create and attract substantial tourism, and therefore economic value for the region.</p> <p><b>2. Existing &amp; Planned Land-Use and Buildings</b></p> <p>The farm consists of a history of failed agriculture due to poor soil (clay), small scale arable ground (less than five hectares) and very harsh weather conditions with heavy rain in winter and very hot and windy summers. Small scale agriculture or livestock are the only real options if it was to be farmed and neither would be commercially viable.</p> <p>In accordance with the current zoning the owner is investing in both domestic fruit and vegetables as well as a small micro-greens commercial operation and some domestic livestock.</p> <p>More specifically, the existing and planned land uses and buildings on the application area consist of the following:</p> <p><u>Existing Agricultural and Related Land-uses</u></p> <ul style="list-style-type: none"> <li>• Livestock enclosures and paddocks currently covering an extent of around 3,5 ha possibly to be expanded to around 4,5 ha, as phase 1 is completed</li> <li>• Veggies currently for domestic use covering an extent of 0,15 ha</li> <li>• Olives covering an extent of 0,5 ha (The olive trees are in poor condition, provide no fruit and were there from the last failed farm project)</li> <li>• Shed/Stables covers an extent of 280sqm with solar on the roof and Micro Greens inside</li> </ul>



- Main Dwelling covering an extent of approximately 250sqm, with 2 parking bays
- Animal shelters around 65sqm and 25sqm
- Temporary shed around 60sqm to be renovated for the proposed Training Centre
- Two internal dirt roads from the northern and eastern entrances/exits respectively

Planned Agricultural and Related Land-Uses

- No irrigation cultivated grains covering an extent of 1,5 ha maximum
- Fynbos rehabilitation covering an extent of 2,5 ha
- Training facility covering an extent of 60 to 80sqm
- Tourist accommodation pods with pods ranging between 24 and 30 sqm per pod
- Three parking areas accommodating 16 parking bays
- Two footpaths from the proposed parking areas to the two proposed consent use land-uses, respectively

iii. SWOT Analysis & Holistic Vision for the Farm

The following strengths, weaknesses, opportunities and threats were identified on the application area by the owner:

<p><b>Strengths</b></p> <ul style="list-style-type: none"> <li>• Position</li> <li>• Ease of access</li> <li>• Assets             <ul style="list-style-type: none"> <li>o Shed</li> <li>o Some water</li> <li>o Paddocks</li> <li>o Open space</li> <li>o Layout supporting training opportunities</li> <li>o Some infrastructure</li> </ul> </li> </ul>	<p><b>Weaknesses</b></p> <ul style="list-style-type: none"> <li>• Soil quality - Clay</li> <li>• Water restrictions</li> <li>• Cost of investment</li> <li>• Zoning</li> </ul>
<p><b>Opportunities</b></p> <ul style="list-style-type: none"> <li>• Microgreens</li> <li>• Accommodation</li> <li>• Training</li> <li>• Community Benefit</li> <li>• Ecotourism</li> <li>• Economic development</li> </ul>	<p><b>Threats</b></p> <ul style="list-style-type: none"> <li>• Municipal restrictions</li> <li>• Investment required</li> <li>• Viability reliant on consent of use application approved</li> <li>• Weather</li> <li>• Political instability</li> </ul>

In view of the analysed strengths, weaknesses, opportunities and threats, the question asked by the owner was how the farm could become commercially viable and how this would or could positively impact those who visit and also the community at large in a positive way.

Subsequently, in order to ensure economic viability through diversification and sustainability, the vision of the owner and her family is to create a holistic lifestyle which supports healthy living, rejuvenation of the land, growing income earning opportunities and providing balance for the people that live here as well as for the animals, plants and birds.

One of the income-earning as well as contributory opportunities identified for this farm is to enable young people from the area to grow their skills in Environmental Entrepreneurship so that they can open up income earning opportunities for themselves that positively impact the planet, the local environment and local communities.



The following are specific **objectives** for the farm:

**a. Lower the carbon footprint**

The intention of the owner is to reduce the carbon footprint for the farm in the following ways:

- i. Energy footprint reduced and moved onto Solar – almost completed
- ii. Water footprint reduced and made more efficient with storage, recycling and reuse and home purification – almost completed
- iii. Waste management – almost completed
- iv. Food – the owner and her family want to expand their ability to grow their own food at scale namely Vegetables, Chickens and eggs, Fruit as well as Seed and grain

**b. Grow an opportunity rich farm**

The following business opportunities on the application area have been identified namely:

- i. Micro Greens
- ii. Permaculture/ Syntropic Food Forests
- iii. Tourist Accommodation
- iv. Training in Ecotourism and Environmental Entrepreneurship
- v. Ancient Grains

**c. Provide Training**

A focus on Environmental Entrepreneurship – as the owner and family grow their skills they want to share with others also combining it with the work they have been doing in entrepreneurship for two decades into an environmental entrepreneurship platform and short on site courses that change the opportunity horizon for young people. These could include a focus on Solar, Water, Waste, Food, Abundance as well as Books and Games as a part of FiveTrails offering.

**b. Development Objective & Application Proposal**

With regards to the diversification of the farm economy, the **development objective** includes to establish a small-scale place of instruction which equips the trainees with skills for environmental entrepreneurship as well as to provide small-scale tourism accommodation on the application area for the trainees and for other visitors to the subject farm.

As the proposed place of instruction and tourism accommodation are not accommodated under the permitted primary land-uses for an agricultural zoning, a consent use for this purpose is thus required.

The proposed training facility within the existing shed exceeds and will exceed the southern common building line and is required to be addressed in this application. Furthermore, the existing shed/stables exceeds the western building line which needs to be legalized.

Subsequently the **application proposal** is as follows:

- **Consent use** for place of instruction
- **Consent use** for tourist accommodation
- **Building line departures** for the existing shed to be converted into the training facility and for the existing shed/stables
- **Determination of Administrative Penalty** for the existing shed to be converted to the training facility as well as for existing shed/stables

**c. Development Proposal**

The proposed training facility and tourist accommodation are directly related to the agricultural practices and support the rural character of the application area and could therefore not be practically and efficiently located within the urban area.



The proposal consists of the following development components/applications namely, a place of instruction, tourism accommodation, existing shed/stables to be legalized, access, roads, parking and off-grid engineering services which are illustrated in the site development plan in Figure 11 below and/or further discussed in more detail.

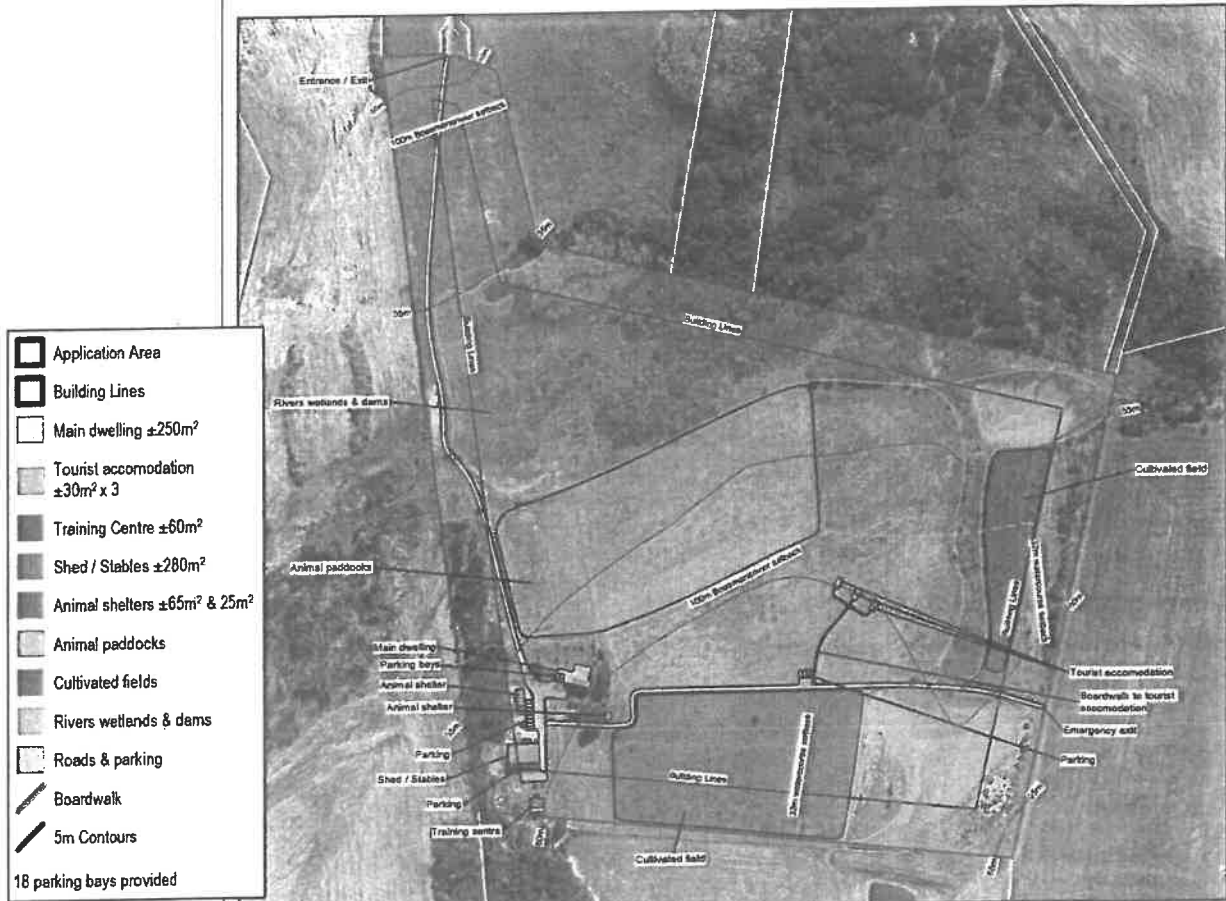


Figure 12: Proposed Site Development Plan

i. Place of Instruction

The proposal is for a place of instruction which will equip the trainees with the necessary skills for becoming environmental and eco-tourism entrepreneurs. Refer to Figure 13 below for a photo of the existing shed to be converted into the proposed training facility.

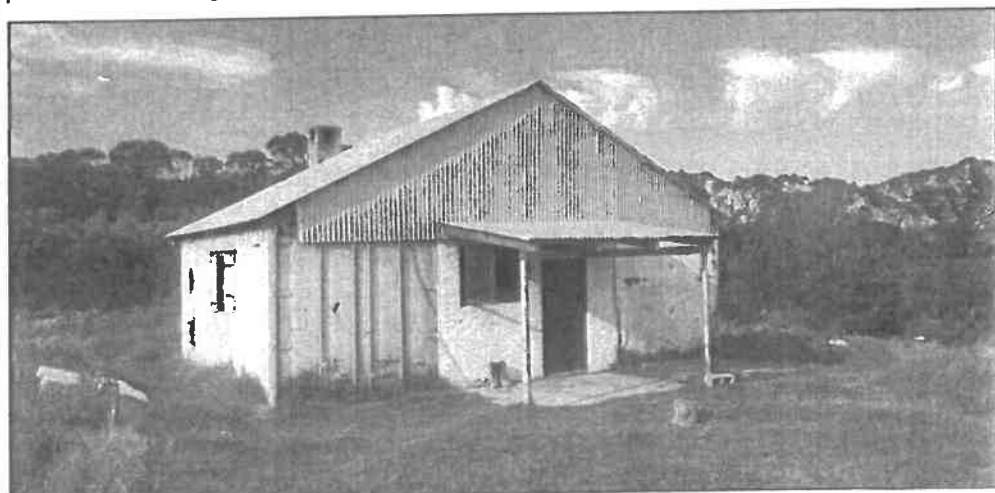


Figure 13: Proposed Training Facility



The new infrastructure would include renovating a temporary shed consisting of containers at the back of the farm. According to the owner, these plans have been previously approved. The containers are not able to be moved so will remain in the present location. The shed is in bad shape and will need to be completely renovated but the footprint will remain the same except for a small covered outside area/ pergola around 15sqm to be added on the northern side. The roof has already been refurbished and repaired. The training facility will represent a small footprint with floor space dimensions around 60 to 80sqm and will consist of a kitchenette or food station, two small training rooms and a central training area. Currently the solar system supplies electricity and off-grid water is also available.

The proposed training facility therefore will be located on previously disturbed land within an existing temporary footprint, except for the planned small expansion for the covered area/ pergola on the northern side of the shed. In view hereof, the critical biodiversity area within which the existing shed/ proposed training facility is located, will not be affected as the existing indigenous vegetation will be preserved.

The existing shed, to be renovated for the proposed training facility, exceeds the southern building line by 26m up to 4m from the southern boundary, for which a building line departure and the determination of an administrative penalty is applied in this application.

The temporary nature of the building proposed for training consisting of containers, also minimizes the impact on the environment as no permanent foundations are constructed.

The Ecotourism and Environmental Entrepreneurship would be operated by a registered NPO/NPC namely FiveTrails NPC. This organisation is fully dedicated to growing capacity in young people to run their own Ecotourism and Environmental Entrepreneurship initiatives. The offering will consist of a strong online learning platform that enables learners to grow their capacity (skill, mindset, knowledge, interconnectedness and resources) to ideate, grow and sustain environmental entrepreneurship projects. The offering will also have a practical component which brings them to a training institution to achieve the following:

- Solar systems and small solar builds
- Waste management techniques, recycling, and waste economics
- Water purification and setting up of efficient and smart community systems to support drinking and irrigation requirements
- Tourism Training as a guide to experiences, as a historian, as a cultural custodian, as a guesthouse operator, as a restaurant, as a support service
- Ethical farming focussing on growing food and managing livestock

Training sessions will typically last four days and will have a maximum of 12 participants at a time. The aim is to host two training sessions per month with a maximum number of annual trainees at 250 beneficiaries.

Some courses will be linked to accredited programmes and there will also be a specific focus on recruiting in the area and in the municipality.

FiveTrails is already raising funds for these activities and the following high-level model for the next 12 months of development has been created, as illustrated in Figure 12 below.

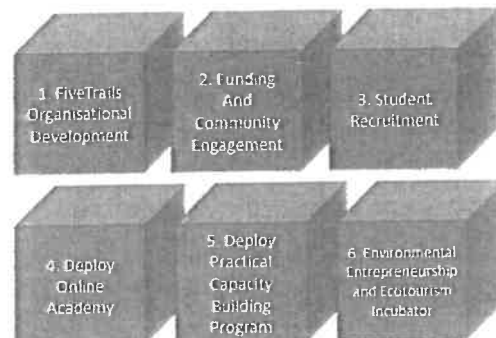
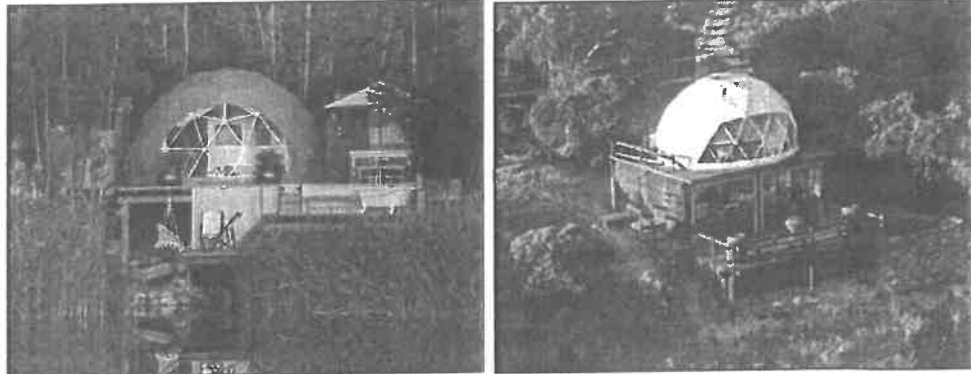


Figure 14: Training Development Model



ii. **Tourist accommodation**

The proposed tourist accommodation will consist of 3 movable accommodation pods supporting a maximum of 12 students or guests at a time. Refer to Figure 14 below for examples of an accommodation pod as proposed.



**Figure 15: Examples of Accommodation Pod**

Please note that these images are only to illustrate the general concept of the proposed pods, that they are not a precise representation of the proposal and that the proposed actual built pods may contain several differences to the images.

Pods are proposed to range between 24 and 30 sqm per pod with each pod sleeping 4 guests.

The tourists would be self-catering in the pods where small camping type kitchens would be provided.

The students attending training would be supplied with all their food but for the most part this would come from the veggie garden and sources from local producers. The food would be prepared in the training kitchenette or on open fires outside and would also be part of the training experience where students would be expected to cook together and clean up and would therefore represent an important social element of the short training sessions.

The proposed geodesic domes are efficient both in terms of cost, space, thermal and wind resistance.

The pods will be movable and therefore minimize impact on the environment as no permanent foundations are constructed.

The pods are proposed to be located outside the 100m setback area of the Boesmansriver to the north of the application area and also outside the 32m setback area of the existing water bodies, wetlands and ecological support areas on the application area.

Guests would consist of trainees attending the courses offered by the proposed training facility and other visitors to the farm wanting to experience the rural lifestyle and interested in eco-and agri-tourism.

iii. **Legalization of Existing Shed to be renovated for Place of Instruction and of Existing Shed/Stables**

The existing shed/stables on the western side of the application area which was built by the previous owner, exceeds the western common building line by 8m up to 22m from the western erf boundary. In order to legalize this building, the following two applications are included in this application namely a building line departure as well as the determination of an administrative penalty.

The existing shed, to be renovated for the proposed training facility, exceeds the southern building line by 26m up to 4m from the southern boundary, for which a building line departure and the determination of an administrative penalty is applied in this application.



The following information with regards to the administrative penalty is provided as required according to Chapter X, Section 90(3):

(a) The nature, duration, gravity and extent of the contravention:

The nature, duration, gravity and extent of the contravention has been described in detail in this motivation report and includes the following contraventions;

- The existing 60m<sup>2</sup> shed to be converted into a training facility on the southern side of the application area which exceeds the southern 30m common building line by 26m up to 4m from the southern erf boundary.
- The existing shed/stables on the western side of the application area which exceeds the western 30m common building line by 8m up to 22m from the western erf boundary.

(b) The conduct of the person (allegedly) involved in the contravention:

The contraventions exist as a result of the previous owner who erected these buildings. The understanding of the current owner was that all the buildings on the application area at the time of purchasing the property, were approved.

It is evident from this application that the applicant/owner is co-operative and willing to rectify the existing contravention and to follow the correct statutory procedure to apply to legally accommodate the existing shed to be converted into a training facility, as well as the existing shed/stables.

(c) Report by a quantity surveyor in matters of unauthorised building/construction:

Due to the nature and small scale of the contravention, a report by a quantity surveyor is non-applicable.

(d) Whether the unlawful conduct was stopped

Due to the nature of the contravention being building line transgressions not causing a material impact on the environment, the most practical, non-destructive and cost-efficient way to stop the unlawful conduct is by legalising the contraventions, for which the applicant/owner is in the process of applying through this application.

(e) Whether the person allegedly involved in the contravention has previously contravened this By-Law or a previous planning law

No, according to our knowledge, the applicant/owner has not previously contravened this By-Law or a previous planning law.

iv. Engineering Services & Infrastructure

Achieving the stated vision requires some initial infrastructure change which involves lowering the carbon footprint of the application area in the following way:

Electricity

A solar system is already set up on the farm, but not connected to Eskom although there is a connection on the farm. This would provide all the electricity needed for the proposed development. The owner is hoping that the accommodation pods may be stand alone for education purposes - the system is a 15KVA solution.

Water

The water is also supplied from the farm and is an existing small scale seep system. This is purified through a two-stage system for general use and through a reverse osmosis system for all drinking water. This would be extended to the pods if the consent use application succeeds and the training venue is already connected. An application is currently in process for a 2 Ha water use license from the appropriate government departments.



Sewerage

The sewerage system is existing for the shed to be converted into a training facility and the Overstrand Municipality will come to remove it when full. At the moment it is not being used. The pod compost toilets will be processed as part of the farm's bio digester setup which will be part of the training experience.

Solid Waste

Solid waste is dropped off at the Gansbaai facility. Solid waste would be recycled and would also be small scale.

Roads

The condition of the access road is good but requires regular maintenance during the rainy season, however is very stable in the dry season. This road is usable by small sedans. Upgrading is not planned but maintenance will be done regularly if the consent use application is approved. The width of the road is sufficient for trucks and is the same width as the access road to the property from town. The narrowest part of the road is 3m wide.

It is evident that engineering services will be off-grid and will not lead to any extensions of municipal reticulation networks.

Existing infrastructure in terms of vehicle and pedestrian access and parking are considered mostly sufficient for the proposal. Additionally, a boardwalk for pedestrian access to the accommodation pods, is proposed.

v. Access and Parking

The subject farm is accessible via two existing dirt road accesses to the north and to the east of the farm respectively. Both accesses are from the Baardskeerdersbos Main Road which links up with the R43 regional road to the southeast and in turn links up with the R137 regional road further to the southeast.

Access to the proposed training and tourist accommodation facilities will optimize existing infrastructure for vehicle access and will also consist of footpaths to minimize impact on the environment.

The following access to the training facility and tourist accommodation is proposed:

The entrance on the northern side of the farm will provide main vehicle access to the visitors. The entrance on the eastern side of the farm is proposed as an emergency exit only.

From the northern main entrance, the existing internal dirt road provides vehicle access to the visitors. Two parking bays are provided for the main dwelling. For the visitors, eight parking bays are proposed on the eastern side of the animal shelter and 5 parking bays on the southern side of the shed/stables with three parking bays along the eastern emergency exit road, close to the accommodation pods.

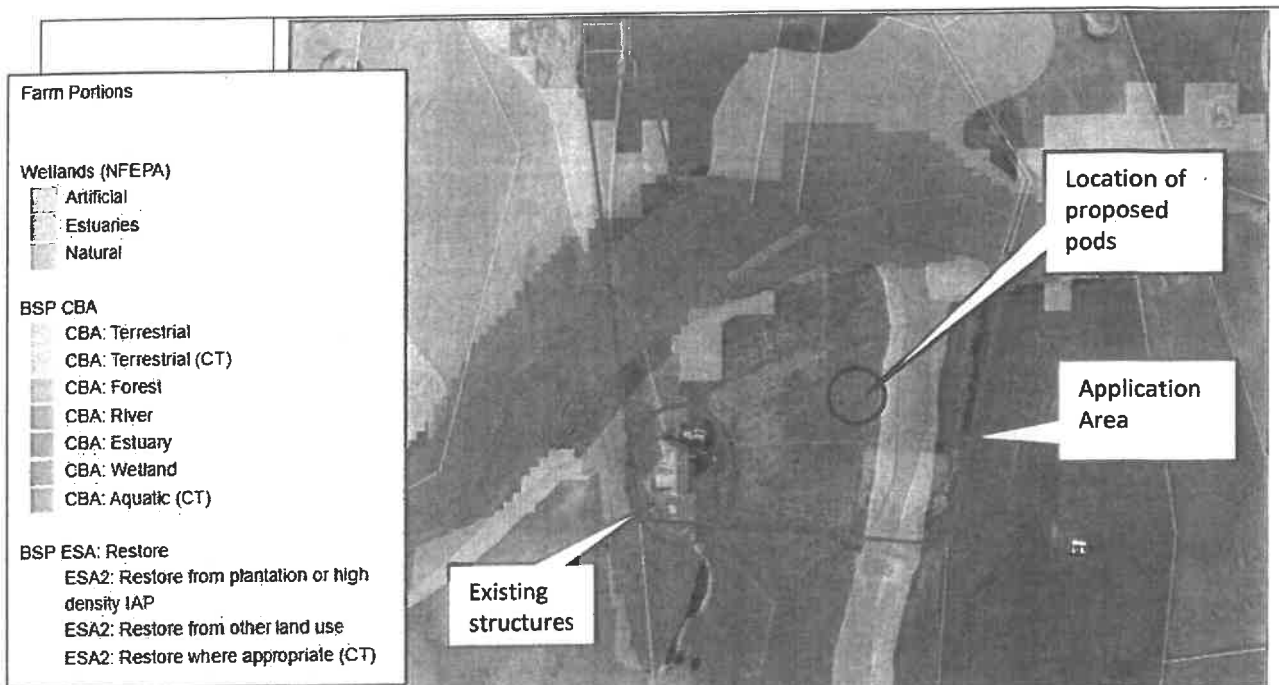
Footpaths including existing disturbed areas, the existing internal eastern road and the proposed boardwalk from the proposed parking areas will provide access to the training facility and to the accommodation pods, respectively as illustrated in the SDP in Figure 11 and will minimize the impact of infrastructure on the environment, also enhancing the rural experience of the farm.

Eighteen parking bays are considered sufficient as the guest accommodation owner/manager & teacher will reside in the dwelling house and the training facility students will also utilize the tourist accommodation.

vi. Environmental Component

The application area consists of existing water bodies, wetlands, critical biodiversity areas and ecological support areas as illustrated in the environmental plan in Figure 16 below as well as in Annexure J.





**Figure 16: Cape Farm Mapper extract - wetlands, critical biodiversity areas and ecological support areas**

From the environmental plan, it is evident that there are existing sheds and an animal shelter in Critical Biodiversity Areas. However, the proposed uses will not impact on the environmental attributes in any way as the proposed training facility will mostly be located on an existing footprint and previously disturbed land. The critical biodiversity area within which the proposed training facility will be located will thus not be affected as no existing natural vegetation will be removed.

The accommodation pods are proposed outside the 100m setback area of the Boesmansriver to the north as well as outside the 32m setback area from the three existing water bodies, consisting of two dams and the Boesmans River tributary, on the eastern side of the farm. Therefore, the proposed pods will be located outside the wetlands and ecological support areas.

In summary, the wetlands, the ecological support areas and the critical biodiversity areas will not be affected by the proposed locations of the small-scale training facility and tourist accommodation pods.

**d. Desirability**

The desirability of the proposal will be discussed by explaining how the proposal is endorsed by the relevant spatial planning policies namely, the Overstrand MSDF, 2020, the Overstrand Final 2021–22 IDP Review, the Western Cape Land-Use Planning Guidelines Rural Areas, 2019 and the Baardskeerdersbos Precinct Plan, 2015 as well as by discussing the foreseen impacts of the proposal.

**i. Policy Endorsement Checklist**

<b>Policy Criteria/Guidelines</b>	<b>Criteria met?</b>	<b>Explanation of how criteria are met</b>
The role of the Western Cape Department of Agriculture is focused on facilitating the development of farm workers through <u>training and development initiatives.</u>	✓	The proposal supports this focus and takes it a step further, by inter alia proposing a place of instruction to train learners in environmental and eco-tourism entrepreneurship.



	Successful land reform, <u>job creation</u> and rising agricultural production will contribute to the development of an inclusive rural economy.	✓	The proposal is foreseen to contribute to job creation and the development of an inclusive rural economy by equipping learners from the area and surrounds to create their own environmental businesses.  Furthermore, the local businesses in town and the surrounds are foreseen to benefit by the attraction of students and other visitors to the proposed facilities.
	Diversify rural economy and accommodating a greater <u>diversity of compatible land use activities</u> on farms and in the rural landscape in general.	✓	The proposal aims to diversify the farm economy by providing compatible land-use activities related to the agricultural production on the farm and the rural character of the area.
	Channelling <u>public investment in rural development initiatives</u> (i.e. land reform, agrarian transformation, environmental rehabilitation, enterprise development, etc.) to areas where it can offer real and sustained improvements to beneficiaries, and the rural community.	✓	The proposal represents a rural development initiative in an area where it can offer real and sustained improvements to beneficiaries and the rural community.  The aim is to train 12 learners per month adding up to 250 learners per year. The training facility represents a small-scale development which incrementally trains and benefits the learners from the Overstrand area and elsewhere, adding up to a substantial number of beneficiaries per year who in turn can contribute to their own communities.
	Appropriately scaled tourism development based on the agricultural and heritage value of the region	✓	The proposal is small scale and based on the agricultural and heritage value of the region.
	Buildings should include appropriate buffers, landscaping and screening to reduce their visual impact on the rural landscape.  Their buildings should complement the farm's vernacular.	✓	The proposed buildings will consist of mobile wooden accommodation pods and temporary containers to be renovated and upgraded, which will complement the farm's vernacular. The proposed buildings are not situated directly on the internal roads and will be screened by indigenous vegetation.
	Tourist accommodation in the rural landscape should be clustered in visually discreet nodes.	✓	The three proposed small-scale accommodation pods will be clustered together in a visually discreet node.
	Sufficient Accessibility	✓	The main access is to the north of the farm from the Baardskeerdersbos main road which joins up with the R43 in close proximity to the southeast, thus ensuring good accessibility to the surrounding towns and from further afield.



			Sufficient access to the proposed facilities are provided by the existing internal dirt road from the main northern farm entrance to the proposed parking areas and from the parking areas via footpaths.
Limited development considered consistent with the draft HPOZ and EMOZ regulations  wetlands, floodplains and important vegetation remnants should be kept in a natural state.  100m away from rivers & 32m set-back from waterbodies	✓		The proposal represents limited development consistent with the draft HPOZ and EMOZ regulations by careful positioning of mobile and temporary buildings on an existing disturbed area and footprint within the critical biodiversity area and outside set-back areas thus preserving the environmental attributes in a natural state.
Land uses ancillary to or associated with agriculture should be located within or peripheral to the farmstead precinct (preferably in re-used or replaced farm buildings and disturbed areas), not on good or moderate soils, and linked to existing farm access roads and the services network, in visually unobtrusive locations, and be self-sufficient in terms of servicing (i.e. no extension of infrastructure networks to remote locations) the services should not have a negative impact on the environment.	✓		The training facility will consist of a renovated temporary building on an existing footprint in a disturbed area. The proposal will make use of off-grid engineering services. Access consists of existing dirt roads and proposed parking on disturbed land as well as along proposed footpaths including existing disturbed areas, existing eastern dirt road and proposed boardwalk.
Ensuring economic viability	✓		Economic viability of the farm is increased by investing in various smaller scale agricultural activities including both domestic fruit and vegetables as well as a small micro-greens commercial operation and some domestic livestock. The economic viability is foreseen to be further increased by the introduction of non-agricultural but related land uses including small-scale tourist accommodation and a training facility.
Not impose real costs or risks to the municipality	✓		The proposal is foreseen to benefit the municipality by equipping learners from the area to create their own jobs in eco-tourism and environmental entrepreneurship, thus reducing unemployment as well as by lowering the carbon footprint, diversifying



			the agricultural production and the rural economy as well as by operating off-grid. Furthermore, the municipality is also foreseen to benefit from the local economic stimulation of the area as a result of the proposal.
	Promote enterprise opportunities within the food system and promote sustainable farming practices. Development proposals should be more food sensitive and support interventions related to Food Assistance, Food Safety, Resource Management and an Inclusive Food Economy	✓	The training will include inter alia courses regarding sustainable agricultural practices and food production, attracting especially young people to the farm to build their capacity to run entrepreneurial initiatives that deliver value to the environment and to isolated communities.
	A site development plan must be submitted to the municipality for consideration. The exact proposed footprint must be shown on the site development plan, it should illustrate the placement of the activity in relation to existing buildings on the farm, and provide details on infrastructure provision, engineering services, access and parking arrangements and the position and nature of all proposed signage and landscaping.	✓	Refer to Figure 11 for the Site Development Plan.
	To provide for institutions serving agricultural production (e.g. agricultural schools and research facilities).	✓	The proposal will provide a training facility serving inter alia sustainable and eco-friendly agricultural production.
	Development applications should contain detailed information and maps indicating the habitat type(s) on the site and location of CBAs, ESAs and any other special or rare biodiversity features	✓	Refer to Figure 14 for the Environmental Plan.
	It is therefore necessary for the applicant to, when submitting a land use application, motivate for the development and why the	✓	The proposed training facility and tourist accommodation are directly related to the agricultural practices and support the rural character of the application area and could



<p>land use cannot be accommodated in the urban area and to provide information on the long-term effect that the development may have on:</p> <ul style="list-style-type: none"> <li>• the municipality (resources and financial),</li> <li>• agricultural activities, production and sustainability, risk and finances,</li> <li>• biodiversity and ecological infrastructure and</li> <li>• the scenic, heritage and cultural landscape.</li> </ul>		<p>therefore not be practically and efficiently located within the urban area.</p> <p>Furthermore, refer to b. "Development Proposal Impacts" for a discussion of the various foreseen positive impacts on the environment as a result of the proposal.</p>
<p>ii. <b>Development Proposal Impacts</b></p> <p>a) <b>Municipal and Community Benefits</b></p> <p>The proposal is foreseen to benefit the municipality by increasing the economic viability of the farm through diversification, by lowering the carbon footprint as well as by equipping trainees to create their own jobs in eco-tourism and environmental entrepreneurship, thus reducing unemployment in the area.</p> <p>By equipping the trainees to create their own employment the surrounding and other communities are foreseen to benefit through the availability of eco-friendly services, awareness creation and further job creation.</p> <p>The proposal would furthermore set an example for environmentally harmonious living, protecting and preserving important eco-systems and the adoption of self-sustaining and economically viable agricultural practices, potentially triggering other similar initiatives in the area and elsewhere.</p> <p>Furthermore, the local businesses in town and the surrounds could benefit by the attraction of visitors to the proposed facilities, by potentially providing additional customers and stimulating the local economy.</p> <p>Therefore, the proposal is foreseen to result in significant benefits for the municipality and for the surrounding communities.</p> <p>b) <b>Agricultural Impact</b></p> <p>The farm has a history of failed agriculture due to poor soil (clay), small scale arable ground (Less than five hectares) and very harsh weather conditions with heavy rain in winter and very hot and windy summers. Small scale agriculture or livestock are the only real options if it was to be farmed and neither would be commercially viable.</p> <p>The property however lends itself nicely to a blended economic approach that would focus on a mix of small-scale farming, ecotourism, environmental entrepreneurship training and accommodation to make it economically viable.</p>		



Therefore, the proposal is considered to impact positively on the agricultural activities of the application area and is foreseen to enable the surrounding and other communities to implement eco-friendly agricultural practices as well.

**c) Biodiversity Impact**

As all proposed buildings are located outside wetlands and ecological support areas and on already disturbed footprints within the critical biodiversity areas, no material impact is foreseen on the natural environment.

The proposed training facility will be accommodated mostly within the existing footprint of the temporary shed.

The accommodation pods will be designed with the following environmentally friendly criteria in mind:

- Small footprint
- Environmentally friendly materials
- Mobile platform
- Off grid
- Comfortable, simple

Therefore, no material impact on the natural environment is foreseen.

**d) Heritage Impact**

No heritage buildings will be impacted by the proposal as the proposed training facility will consist of renovating and upgrading the existing temporary shed and the new mobile accommodation pods are to be designed in an environmentally friendly way, blending in with the agricultural and rural character as well as local vernacular of the area.

**e) Socio-economic Impact**

The proposal is foreseen to contribute to the economic viability and sustainability of the farm itself by creating additional income opportunities.

The surrounding area may also benefit economically as visitors attracted by the training and tourist accommodation facilities are likely to visit the town and surrounding areas as well, thus potentially creating additional income for the surrounding businesses.

Furthermore, the socio-economic benefits are foreseen to expand outward to the local and other communities when the trained beneficiaries return to their own communities to create environmental and eco-tourism enterprises, potentially triggering further job creation as well as raising awareness of the benefits of economically viable and sustainable eco-friendly agricultural practices.

**f) Engineering Services & Infrastructure**

Achieving the stated vision requires some initial infrastructure change which involves lowering the carbon footprint of the application area.

The proposal involves a low environmental impact, low carbon footprint off-grid ecotourism enterprise both for visiting students and other guests, and therefore no material impact from engineering services on the environment, is foreseen.

Existing infrastructure in terms of vehicle and pedestrian access and parking are considered mostly sufficient for the proposal. Additionally, a boardwalk for pedestrian access to the accommodation pods, is proposed.



g) Access & Transport Considerations

The proposal is foreseen to have an insignificant impact on traffic due to the small-scale of the proposed facilities which will provide training and accommodation for a maximum of 12 visitors at a time.

Sufficient access to the application area is provided from the Baardskeerdersbos main road which links up with the R43 regional road further to the south-east of the application area.

Access to proposed training and tourist accommodation facilities will optimize existing infrastructure for vehicle access and will also consist of footpaths (existing and proposed) to further minimize impact on the environment.

Eighteen parking bays on previously disturbed land are considered sufficient as the guest accommodation owner/manager & teacher will reside in the dwelling house and the training facility students will also utilize the tourist accommodation.

iii. Safety, Health & Well-being

The vision of the family is to create a holistic lifestyle which supports healthy living, rejuvenation of the land, growing income earning opportunities and provides balance for the people that live on the farm, the animals, plants and birds.

Furthermore, the vision of this farm is to enable young people from the area to grow their skills in Environmental Entrepreneurship so that they can open income earning opportunities for themselves that positively impact the planet, the local environment and local communities.

The adherence to the relevant municipal regulations for all land-use applications, building structures, infrastructure and engineering services is foreseen to maximize the safety of the proposal.

Regarding the security on the application area, the owner is a member of the local "Plaaswag", the farm is fenced and the gates are locked at night with security night lights and cameras around the house.

The proposal is foreseen to impact positively on the safety, health and well-being of residents and visitors on the farm.

iv. Land-Use and Character Compatibility

The proposal is compatible with the rural and agricultural character of the application area and of the surrounding areas for the following reasons:

- Related to, supportive of and supported by the agricultural practices on the farm
- Foreseen to provide additional sources of income increasing economic viability and sustainability of the farm
- Limited development consisting of buildings with a small and temporary footprint and mobile platform
- No material impact on critical biodiversity areas or wetlands and ecological support areas foreseen
- Foreseen to benefit the local and other communities in terms of training, environmental awareness creation and improved socio-economic conditions

The proposal is considered compatible with the land-uses and character of the application area and of the surrounding area.



**e. Planning Principles**

In terms of Chapter VI of the Spatial Planning and Land Use Management Act, 2013 the following Planning Principles have been applied to the application site:

- 1) **Spatial Justice** which refers to the need for redressing the past apartheid spatial development imbalances and aims for equity in the provision of access opportunities, facilities, services and land.

**Possible results of the development**

Anyone will be able to gain access to the agricultural and rural tourism experience on the farm and will have the opportunity to train and become environmental or eco-tourism entrepreneurs.

The application proposal is **consistent** with **spatial justice**.

- 2) **Spatial Sustainability** which refers to the fact that a spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscapes and ultimately limits urban sprawl.

**Possible results of the development**

The proposal will potentially increase the economic viability and the sustainability of the existing farm due to the additional income generating opportunities and the eco-friendly nature and purpose of the proposed facilities. Through training and awareness creation economically viable and sustainable businesses may also be created in the surrounding and in other communities.

The application proposal can thus be deemed to be **spatially sustainable**.

- 3) **Efficiency** which refers to the manner in which settlements themselves are designed to function in such a way that there will be a minimum need to travel long distances to access services, facilities and opportunities.

**Possible results of the development**

The proposal is considered efficient as it will contribute to diversifying the farm economy while providing valuable training and promoting sustainable, eco-friendly agricultural practices foreseen to benefit the local and other communities as well.

The proposal is considered efficient for the following reasons:

- Located outside setback areas and on previously disturbed footprints within the critical biodiversity area
- Off-grid and cost-efficient engineering services
- Optimizes and utilizes existing infrastructure for access and parking
- Utilizes footpaths to further minimize environmental impact
- Renovation and upgrade of existing unused temporary shed
- Mobile accommodation pods without permanent foundations minimizing environmental impact

The application proposal is **consistent** with the **efficiency principle**.

- 4) **Spatial Resilience** which, in the context of land use planning, refers to spatial plans, policies and land use management systems which should enable communities to be able to resist, absorb and accommodate any economic and environmental shocks which might occur in a timely and efficient manner.

**Possible results of the development**

The proposal is foreseen to contribute to the economic viability and sustainability of the farm through diversification of the economy and the implementation of eco-friendly agricultural practices.



	<p>Furthermore, the proposal is foreseen to impact positively on the socio-economic status of the trainees by equipping them with the ability to create their own environmental enterprises.</p> <p>The surrounding businesses should also benefit economically through the additional visitors attracted to this area by the proposed facilities.</p> <p>The proposal therefore, should enable the subject farm and surrounding and other communities to resist, absorb and accommodate any economic shocks which may occur in a timely and efficient manner.</p> <p>The proposal is not foreseen to materially impact on the environment due to the location, small scale and low impact of the proposed uses. Rather the proposal will contribute to the environment by utilising off-grid engineering services and by training others to respect the environment while creating an income and becoming self-sustaining in the process.</p> <p>The application proposal is <b>consistent</b> with the principle of <b>spatial resilience</b>.</p> <p>5) <b>Good Administration</b> which, in the context of land use planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role players ensure that a joint planning approach is pursued.</p> <p><b>Possible results of the development</b></p> <p>Consultive practices are being followed in this application as it is done in consultation with the Planning Department of the Municipality who will also advertise the application in such a manner as to enable the Government and the general public to participate in the eventual decision-making process.</p> <p>The application proposal is <b>consistent</b> with the principle of <b>good administration</b>.</p>
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## 5. Conclusion

The application as motivated in this report is regarded **desirable** within its local context and well-integrated within the existing community land-use activities.

The proposal would provide a training facility and tourist accommodation, contributing to diversification of the farm economy while equipping the trainees with valuable environmental entrepreneurial skills and by creating awareness of eco-friendly and sustainable agricultural practices. In turn the proposal is foreseen to positively impact on the economy and on the environmental awareness of the local and other communities, potentially impacting positively on the mindsets of future generations and on the planet.

It is therefore recommended that the application **be approved** in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020, as follows:

- **Consent use** for place of instruction on Ptn 74 of Farm 213 Baardscheerders Bosch, Bredasdorp in terms of Chapter IV, Section 16(2)(o).
- **Consent use** for tourist accommodation on Ptn 74 of Farm 213 Baardscheerders Bosch, Bredasdorp in terms of Chapter IV, Section 16(2)(o).
- **Departure** to relax the western common building line from 30m to 22m to allow for an existing shed/stables in terms of Chapter IV, Section 16(2)(b).
- **Departure** to relax the southern common building line from 30m to 4m to allow for an existing shed/proposed place of instruction in terms of Chapter IV, Section 16(2)(b).
- **Determination of an administrative penalty** in terms of Chapter IV, Section 16(2)(q).





**InterActive Town & Regional Planning**  
**PO Box 980**  
**Hermanus**  
**7200**

OVERSTRAND MUNISIPALITEIT  
 REKORDBEHEER  
 APR 2024  
 DOCUMENT CONTROL  
 OVERSTRAND MUNICIPALITY

**Reference: Farm 213 Baardskeerdersbos Ptn 74**  
**Date: 11 April 2024**

**Addendum to motivation report: Portion 74 of the farm Baardskeerdersbos 213**

A request was received from the local authority for an additional motivation for the location of the proposed accommodation.

The following sketch reflect the proposed location of the accommodation in the form of pods for students and /or guests:



This request is partly in response to the comments from the Western Cape Government: Department of Agricultural, Land Use Management indicating that a pod is not supported on agricultural land.

For background confirmation purposes and also as mentioned in the motivation report, the accommodation is proposed to consist of 3 movable wooden structures without permanent foundations and ranging between 24m<sup>2</sup> and 30m<sup>2</sup> per pod with each pod sleeping 4 guests, thus accommodation maximum of 12 students or guests at a time. The pictures below shows typologies of such accommodation.

TRP

**FILE NO.** PAN 74/213  
 Baardskeerdersbos  
**SCAN NO.**  
 \_\_\_\_\_  
**COLLABORATOR NO.**  
 2029553



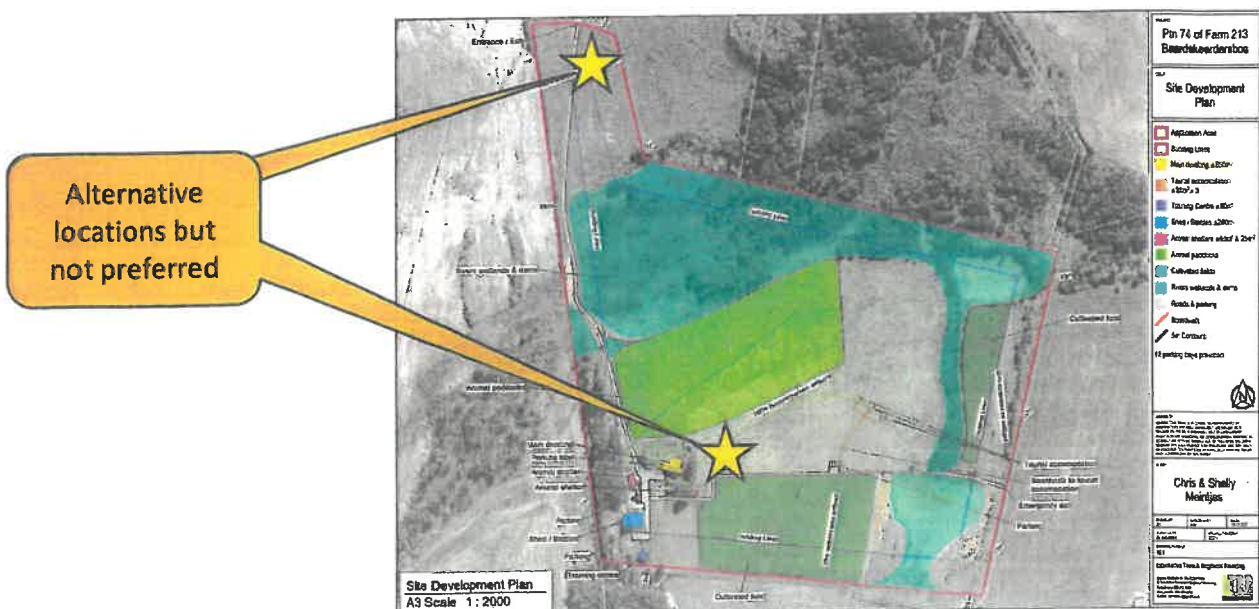
The structures are proposed to be located outside the 100m setback area of the Boesmansriver to the north of the application area and also outside the 32m setback area of the existing water bodies, wetlands and ecological support areas on the application area.

The motivation for the positioning of the specific location on Portion 74 of Farm 213 Baardskeerdersbos is the following:

- It forms part of a failed olive grove.
- The total area of the buildings is less than 300m<sup>2</sup> for the entire facility including buildings, pathways, accesses.
- The structures will be mobile / movable structures, thus if the land need to be used for cultivating of land in future, the structures can be removed.
- The location is outside any restrictive areas such as building or environmental setback lines.
- Materials and building practices intended to be used are in line with economical and ecological practices.
- Access will be utilizing existing road infrastructure, i.e. no new roads or access points will be required.
- From an operational and educational perspective, the location of the accommodation, distant from the classrooms, provides better opportunity for reflection and rest for the students after a day's lectures.

To conclude, the accommodation will be well managed and be of low impact given that it is proposed to be used for Eco Tourists and more importantly for a place of learning for Sustainability Leadership and Regenerative Farming on a failed olive grove outside any restrictive areas.

Lastly, it should be mentioned that the following locations may also be considered as alternative sites, but is not the preferred options:



Your favourable consideration of this application will be appreciated.

Regards

André Wiehahn Pr Pln A 927/96

**Pin 74 of Farm 213  
Baardskeedersbos**

**Site Development  
Plan**

- Application Area
- Building Lines
- Main dwelling ±250m<sup>2</sup>
- Tourist accommodation ±30m<sup>2</sup> x 3
- Training Centre ±60m<sup>2</sup>
- Shed / Stables ±280m<sup>2</sup>
- Animal shelters ±65m<sup>2</sup> & 25m<sup>2</sup>
- Animal paddocks
- Cultivated fields
- Rivers wetlands & dams
- Roads & parking
- Boardwalk
- 5m Contours

37



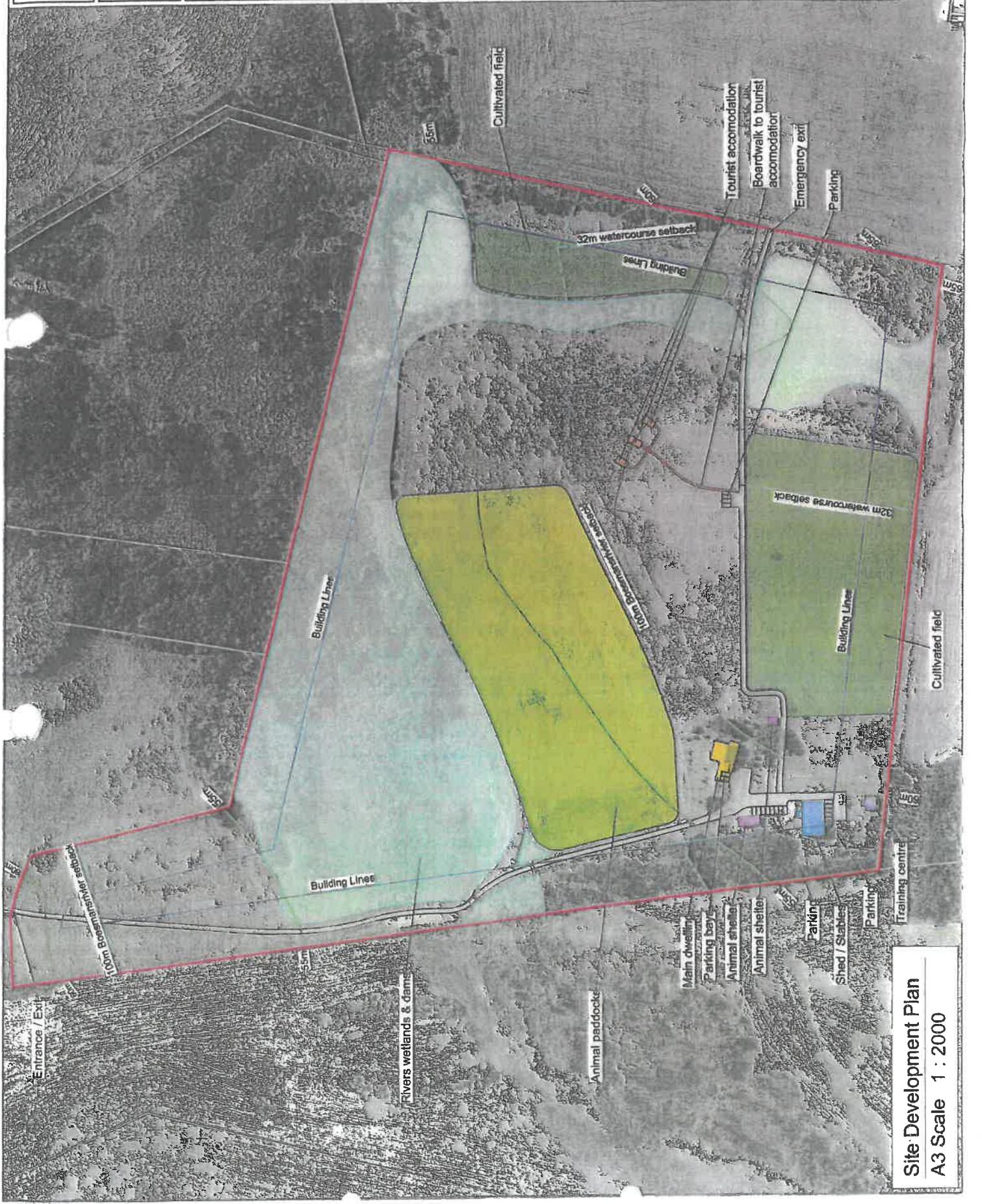
AGREEMENT  
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**Chris & Shelly  
Meinijes**

DRAWN BY JAN	CHECKED BY JAN	DATE 19/10/2021
SCALE OR AS As Indicated	PROJECT NUMBER 0001	
DRAWING NUMBER 101		

**InterActive Town & Regional Planning**

Active Websites: Pin 74, 2027/1946  
 InterActive Town & Regional Planning  
 Telephone: 082 212 2100  
 Cell phone: 082 48 48 886  
 E-mail: info@interactivepin.com

**Site Development Plan  
A3 Scale 1 : 2000**



**Western Cape  
Government**

Department of Environmental Affairs and Development Planning

Dalene Carstens

Directorate: Development Management (Region 2)

dalene.carstens@westerncape.gov.za | Tel: 061 404 8133

Reference: 15/3/2/12/BO3



The Municipal Manager  
Overstrand Municipality  
PO Box 20  
HERMANUS  
7200

TP. N. Theart  
(S. ud nemo)

FILE NO.	PTN 74/213
	Baardscheedersbos
SCAN NO.	
	PTN 74
COLLABORATOR NO.	
	1875814

**REQUEST FOR PROVINCIAL PLANNING COMMENT: APPLICATION FOR CONSENT USES, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: PORTION 74 OF THE FARM BAARDSCHEEDERS BOSCH NO. 213, BREDASDORP DIVISION**

1. Your request for comment, dated 09 June 2023, has reference.
2. The application property is zoned "Agriculture Zone I" and measures 15,55 ha in extent.
3. The development as proposed, is for the following:
  - 3.1 **Consent use** for a place of instruction to provide training in Eco-tourism and Environmental Entrepreneurship (from within an existing shed).
  - 3.2 **Consent use** for tourist accommodation for 3 units (24m<sup>2</sup> – 30m<sup>2</sup> pods accommodating 4 guests each) for visitors and trainees.
  - 3.3 **Permanent departure** from the western building line (22m in lieu of 30 m) and from the southern building line (4m in lieu of 30 meter) to accommodate the existing shed and stable.
4. In terms of the Western Cape Land Use Planning Guidelines for Rural Areas, 2019, community facilities and institutions should, where possible, be located within existing settlements. In instances where "on farm" community facilities are sufficiently justified, the Guidelines advocate for the re-use of existing farm structures or disturbed footprints.

03 JUL 2023

5. The Western Cape Land Use Planning Guidelines for Rural Areas (2019) encourages the establishment of short-term tourism accommodation across the rural landscape, provided said accommodation is of an appropriate scale and form relative to the property on which it is located. Apart from tourist accommodation within a resort, where resort density norms can be applied to determine the number of units, the Guidelines advocate for the additional dwelling density model for any other type of tourist accommodation and for properties smaller than 50ha in size.
6. In terms of the aforesaid provisions, a property measuring 15,55ha would only be entitled to one additional dwelling unit, further to any other buildings as are reasonably connected to the main farming activities, including residential accommodation for the farmer, farm manager and farm labourers.
7. Whilst there is no objection to the proposed building line relaxations to accommodate bona fide agricultural infrastructure, building line relaxations for non-agricultural uses should not be supported.

**Kobus Munro**

Digitally signed by Kobus Munro  
Date: 2023.06.28 07:58:18 +02'00'

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

Cotato



Western Cape  
Government

Cor Van Der Walt  
LandUse Management  
Email: Cor.VanderWalt@westerncape.gov.za  
tel: +27 21 808 5099 fax: +27 21 808 5092

TP. D. Theart  
(S. van der Merwe)



OUR REFERENCE : 20/9/2/4/1/299  
YOUR REFERENCE : 213/74 Grbre  
ENQUIRIES : Cor van der Walt

Overstrand Municipality  
PO Box 20  
HERMANUS  
7200

Att: Mr. SW van der Merwe

FILE NO. P/N 74/213 ✓
Boardskeerderbos
SCAN NO.
PTN 74
COLLABORATOR NO.
1884832

**APPLICATION FOR CONSENT USE, DEPARTURE AND DETERMINATION OF AN  
ADMINISTRATIVE PENALTY: DIVISION BREDASDORP  
PORTION 74 OF THE FARM BAARDSCHEERDERS BOSCH NO 213**

Your application of 09 June 2023 has reference.

A place of instruction is considered an Institutional zoning and best suited in the urban area. The property does not qualify for three (3) additional dwelling units in terms of the size of the property.

Furthermore, one pod is supported but not in the current location, which is on agricultural land.

Please note:

- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.

- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely



**Mr. CJ van der Walt**

**LANDUSE MANAGER: LANDUSE MANAGEMENT**

**2023-07-06**



Overstrand Municipality

alida@overstrand.gov.za

TP- n. /head 42  
(S. ud name)

FILE NO. <u>PN 74/213</u>
<u>Boardskardasbos</u>
SCAN NO.
COLLABORATOR NO.
<u>1890487</u>



Date: 2023/07/26

Enquiries:

WayleavesWesternOU@eskom.co.za

**WAYLEAVE APPLICATION:** Application for Consent Use, Departure and a Determination of a Administrative Penalty : Portion 74 of Farm Baardscheerders Bosch No. 213 Bredasdorp Division · Baardscheerders Bosch

**YOUR REF:** 213/74 Grbre

**ESKOM REF:** 11050-23

### 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.

- Eskom services are affected by your proposed works and the following must be noted:**
  - Eskom has no objection to the proposed work and include a drawing indicating Eskom Overhead and underground services in close proximity.
  - Please note that underground services indicated are only approximate and the onus is on the applicant to verify its location.
  - There may be LV overhead services / connections not indicated on this drawing.
  - 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

27 JUL 2023

## 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 MotsisL@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)**



TP-17. /heort  
(S. vd w. name)



FILE NO. <u>ANU 74/213</u>
<u>Baardscheeders bosch</u>
SCAN NO.
COLLABORATOR NO.
<u>1891220</u>

10 Jan Smuts Drive  
Pinelands  
7404

Gideon Rossouw  
Tel: 0614193857

Email: Gideonr@openseve.co.za

Our Ref.: WWIP\_WPB+2480\_23

Your Ref.: Portion 74

28 July 2023

Attention : Marlize Miller  
Overstrand Municipality  
16 Paterson Street  
Hermanus  
7200

**NO SERVICES AFFECTED**

**WAYLEAVE APPLICATION : Portion 74 of farm Baardscheeders bosch no 213 ,Bredasdorp division, overstrand Municipal area. Appl for consent use,departure and determination of an administrative penalty:messrs interactive town and regional planning on behalf of S Meintjies**

With reference to your letter received 09 June 2023

I hereby inform you that Openseve approves the proposed work indicated on your drawing in principle. This approval is valid for 6 months only, after which reapplication must be made if the work has not been completed.

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

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

Internal Use

Approval is granted, subject to the following conditions.

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

Please notify this office immediately if you locate any Openserve plant that was not indicated. Please contact our representative **Melt van As** at telephone number 0813637873/MeltVA@openserve.co.za

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

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

All Openserve rights remain reserved.

Yours faithfully  
**Gideon Rossouw**  
for  
**Selwyn Bowers**  
**Operations Manager**  
**Wayleave Management: Western Region**

**PLANT NOT AFFECTED**

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

**Melt van As/0813637873/MeltVA@openserve.co.za**

**Refence number**  
**WWIP\_WPB+2480\_23**

**Marked Up**  
**Gideon Rossouw**

**Date**  
**28-Jul-23**





SDC - Street Distribution Cabinet  
 DLC - Digital Line Concentrator  
 OMDF - Optical Main Distribution Cabinet  
 DP - Distribution Point  
 PJB - Pipe Junction Box

Legend		Region	
	Existing SDC		Existing Underground Route
	Planned SDC		Planned Underground Route
	To Be Recovered SDC		To Be Abandoned Underground Route
	Existing DLC		Existing Overhead Route
	Planned DLC		Planned Overhead Route
	To Be Recovered DLC		To Be Recovered Overhead Route
	Existing Pillar Joint		Existing Mini OMDF
	Planned Pillar Joint		Planned Mini OMDF
	To Be Recovered Pillar Joint		Existing Strut and Stay

Region	Peatty Beach
Exchange area	Gideon Rossouw
Drawn By	
Checked By	
Approved	
Details	Service not affected
Drawing No.	WWIP_WPB+2480_23
Scale	1:7204

Screen Name	TELKOM REGIONAL EXECUTIVE	
Date	28/07/2023	Portion 74
Project No.		
Page Size	A4	Sheet No



File reference:	213/74 GRBRE
Date:	9 June 2023
	MM

## INTERNAL MEMORANDUM

From	:	Town Planning Department
Town Planner	:	Mr SW van der Merwe (Senior Town Planner)

TO:


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

Applicant	MESSRS INTERACTIVE TOWN AND REGIONAL PLANNING ON BEHALF OF S MEINTJIES
Application Description	APPLICATION FOR CONSENT USE, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY
Property Details	PORTION 74 OF FARM BAARDSCHEERDERS BOSCH NO. 213, BREDASDORP DIVISION, OVERSTRAND MUNICIPAL AREA:

## ATTACHMENTS :

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

## YOUR DEPARTMENT'S COMMENTS:

Applicant to apply for Health Certificate in terms of MHS By-law & National legislation to operate as ACCOMMODATION ESTABLISHMENT, "Before Occupancy". Forms to be obtained from MHS Offices Hermanus.	
Signature:	
Date:	31/07/2023

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

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

**COMMENTS REQUIRED BY:**

**14 JULY 2023**

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR CONSENT USE, DEPARTURE & DETERMINATION  
OF AN ADMINISTRATIVE PENALTY: PORTION 74 OF FARM  
BAARDSCHEERDERS BOSCH NO 213, BREDASDORP DIVISION  
(4329/2023)**

Electricity	:	Eskom area
Stormwater	:	In order
Water	:	In order
Sewer	:	In order
Roads and traffic	:	In order

**Conditions:**

1. that the developer arrange with ESKOM for the provision of electricity and that he complies with all conditions as may be set by ESKOM;
2. that the development connects to the municipal water system at his/her own cost. The developer will be responsible for the cost of all link and bulk service pipelines.
3. that if no water Overstrand Municipality is available, the developer is responsible to provide potable water to the development that complies with SANS0241 standards and that relevant proof be submitted to the Manager: Water Infrastructure & Quality (Tel: 028 313 8972), Overstrand Municipality;
4. that waste water disposal be done in a safe and healthy manner and that plans thereof be submitted to the Municipality and Department of Water & Sanitation for approval;
5. that the developer complies to all the conditions set by Department Of Water & Sanitation and BGCMA;
6. that, as there is currently no municipal sewer network in the vicinity, Portion 74 of Farm 213 must be provided with adequate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services (Gansbaai), and to which the sewer services on the development must connect to;
7. that alternatively, sewer treatment facilities that are approved by the Department of Water & Sanitation may be provided for disposal of sewer from the developments. Written proof of such approval is to be submitted to the Municipality;

8. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to minimum requirements of SANS 140400 – P: 2010: Drainage;
9. that stormwater discharged from higher lying properties and generated in the catchment area of Portion 74 of Farm 213 be allowed to drain freely through the property;
10. that on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services ;
11. that access can be obtained via the existing access routes(s) to Portion 74 of Farm 213, that any additional and / or extended vehicle entrances will be for the owner's account.

  
**DENNIS HENDRIKS**

**SENIOR MANAGER: ENGINEERING SERVICES**

  
**DATE**

14 MAR 2024

TP. n. /healk  
(S. van Merwe)

## InterActive Town &amp; Regional Planning

Postal Address: P.O. Box 980, Hermanus, 7200  
 Tel: 028 312 1668  
 Cell Phone: 082 466 0490  
 E-Mail: info@iatrptco.zc

Date: 12 March 2024

Reference: BBos Portion 74

FILE NO. <b>PN 74/213</b>
<b>B. Bosch</b>
SCAN NO.
COLLABORATOR NO.
<b>2014831</b>

The Administrator, Town & Spatial Planning Department, Overstrand Municipality

**PORTION 74 OF FARM BAARDSCHEERDERS BOSCH NO 213, BRADASDORP DIVISION OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: RESPONSE TO COMMENTS**

Your request for a written response to the letters from the Department of Environmental Affairs and Development Planning, Directorate: Development Management (Region 2) and Western Cape Government, Department of Agricultural: Land Use Management. In addition to the above the Engineering department requested additional information.

**A. Background:**

The following is specific of reference from the above communications:

**1. Department of Environmental Affairs and Development Planning, Directorate: Development Management (Region 2)**

"5. The Western Cape Land Use Planning Guidelines for Rural Areas (2019) encourages the establishment of short-term tourism accommodation across the rural landscape, provided said accommodation is of appropriate scale and form relative to which the property on which it is located. Apart from tourist accommodation within a resort, where resort density norms can be applied to determine the number of units, the Guidelines advocate for the additional dwelling density model for any other type of tourist accommodation and for properties smaller than 50ha in size.

6. In terms of the aforesaid provisions, a property measuring 15,55ha would only be entitled to one additional dwelling unit, further to any other buildings as are reasonably connected to the main farming activities, including residential accommodation for the farmer, farm manager and farm labourers.

7. Whilst there is no objection to the proposed building line relaxations to accommodate bona fide agricultural infrastructure, building line relaxations for non-agricultural uses should not be supported."

**2. Western Cape Government: Department of Agricultural, Land Use Management**

"A place of instruction is considered an institutional zoning and best suited in the urban area. The property does not qualify for three (3) additional dwelling units in terms of the size of the property.

Furthermore, one pod is supported but not in the current location, which is on agricultural land."

**3. Request from the Engineering Department**

"All water supplied to the general public must be fit for human consumption. The applicant needs to provide the following information:

- Full SANS 204 Water samples from an SANAS accredited lab.

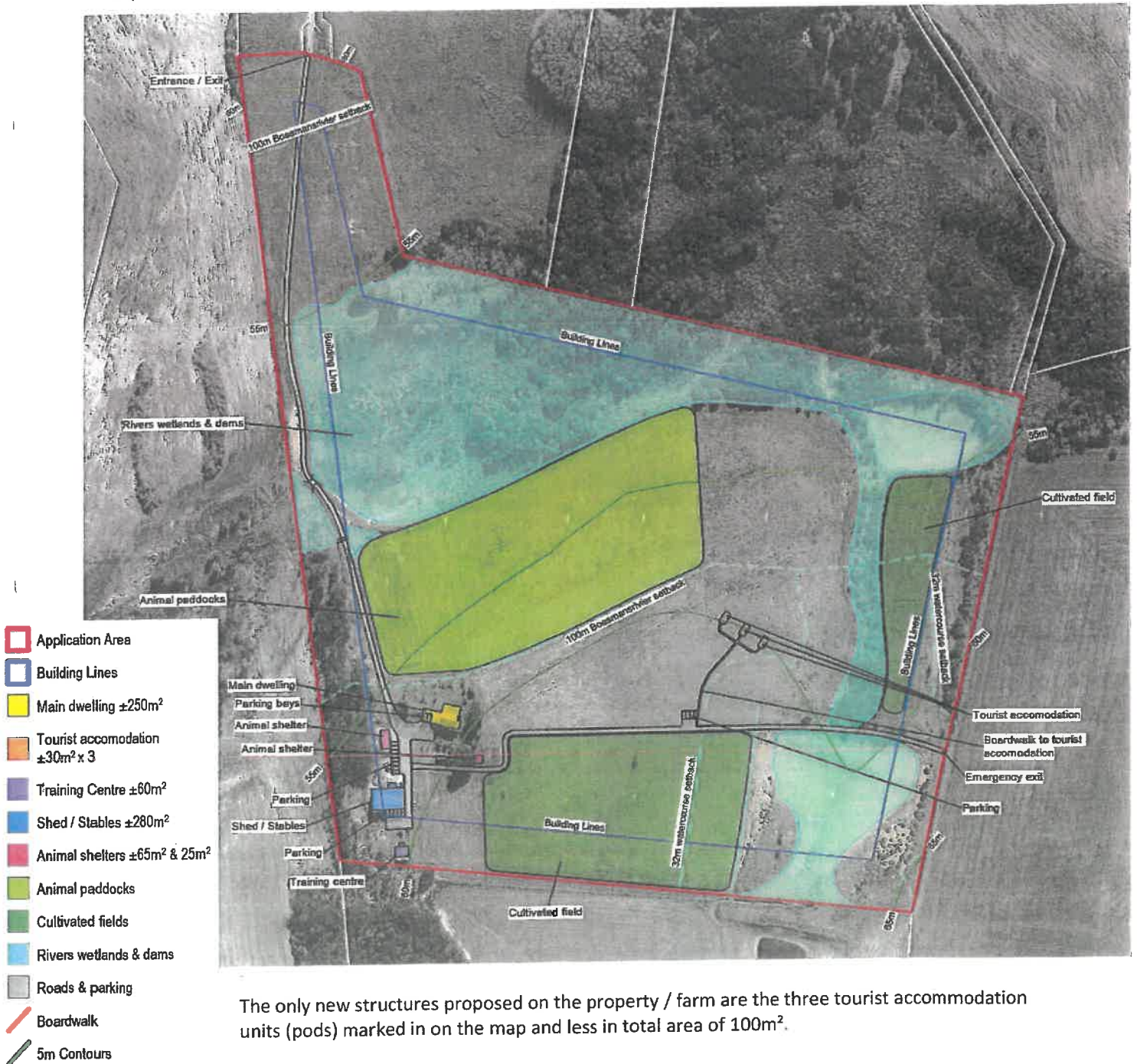
TP

- Proof / Application for water use licence. More detail on the water usage (volumes, process, system etc.) and purification process.
- More detail on the farm’s bio digester set-up and the planned compost toilets.”

**B. Summary of the application**

The 15.5455ha application area, located on the southern periphery of Baardscheeders Bosch, consists of a working farm with livestock and cultivated fields.

The application is made to establish a place of instruction, provide a small-scale tourism accommodation for trainees and other visitors to the farm using the same structures, as well as to legalize the existing buildings on the property historically built within the property’s building lines. The master plan is shown on the following map extracted from the application:



The only new structures proposed on the property / farm are the three tourist accommodation units (pods) marked in on the map and less in total area of 100m<sup>2</sup>.

18 parking bays provided

### C. Response to comments

#### 1. Response to the comment with regards to the number of dwelling units allowed in relationship with the size of the farm.

Both the Western Cape Government Departments of Agricultural and Environmental Affairs and Development Planning commented that the size of the farm (15,55ha) would only allow one additional dwelling unit further to the buildings connected to the main farming activity.

It is emphasized that in terms of new infrastructure; three pods for are proposed to accommodate either 12 students or 12 tourists respectively. Both authorities interpret that these pods are dwelling units, however they are student or tourist accommodation to be used during the tutoring periods. Therefore the three units are used for transient accommodation/stay of the learners of farm visitors within these self-catering units each consisting of 4 beds each.

In terms of the Overstrand Municipality Land-Use Scheme, 2020 the following definitions are applicable:

- **Place of Instruction**- “ means a place for education at pre-school, school or post school levels (including a day care centre, a crèche, a farm school, a nursery school, a primary school, a secondary school, a college, a lecture hall, a university, a research institute, an environmental research or other educational centre) and associated uses such as boarding hostels or a civic facility for the promotion of knowledge to the community such as a convent, a monastery, a public library, a public art gallery or museum or a place of instruction in sport or other physical discipline where the main objective is instruction (as opposed to participation by public sector as competitors or spectators) but excludes a reformatory, industrial school, commercial conference facility, institution, health centre or in-house business training centre;”
- **A dwelling unit** – “means a unit containing one or more inter-leading rooms with adequate sanitary facilities and a kitchen, used for the accommodation and housing of a single family, and may be included in or separate from the main building on the property;
- **Tourist Accommodation** -“means the letting of rooms or individual unit(s) (including a dwelling house/unit) on a temporary basis to transient guests where a daily or weekly tariff is applicable and includes a guest house, backpackers establishment, camp sites, and associated amenities, provided that the use complies with the requirements of any other relevant legislation;
- **Self-catering accommodation**- means sole occupancy unit(s) for transient guests, consisting of one or more rooms and self-contained public areas, e.g. kitchen, dining area and lounge;

As part of the application preparation, the local authority was consulted, resulting to ensure all bases were covered, to include tourist accommodation as the objective is to also provide for small-scale tourism accommodation for trainees and other visitors to the farm during the training sessions (meeting of 21 May 2021) even though the definition of a Place of Instruction makes provision for “boarding hostels”.

It is not intended at all to house families (but students) as per the definition of a dwelling unit. The accommodation will be let out on a temporary basis to students at an agreed tariff and there considered to be compliant with the definition also of “Tourist Accommodation”

Subsequent to the above, the opinion is evident that these facilities cannot be considered as dwelling units and it is also evident that the scale is substantially smaller than that of a dwelling unit where a family will be housed. In practice these three pods can be linked to one another with passages to form a larger pod in order to comply with the said departments interpretation.

## 2. Location of the pods

The second non-supportive point is about the location of the proposed pods. The Department of Agricultural has indicated that pod(s) are not supported on agricultural land. The comment is in contradiction with that of the Department of Environmental Affairs and Development Planning which “encourages the establishment of short-term tourism accommodation across the rural landscape, provided said accommodation is of appropriate scale and form relative to which the property on which it is located.” In terms of the Western Cape Land Use Planning Guidelines for Rural Areas (2019). The rural landscape consists mainly of agricultural land. The scale of the three proposed pods is small. The three pods all together will take up less than 100m<sup>2</sup>- thus being on a very small scale use relative to the farm, implying the accommodation area for the Place of Instruction will take up less than 0.06% of the agricultural land. The Department of Environmental Affairs and Development Planning: Environment, supported the proposal from an environmental impact perspective.

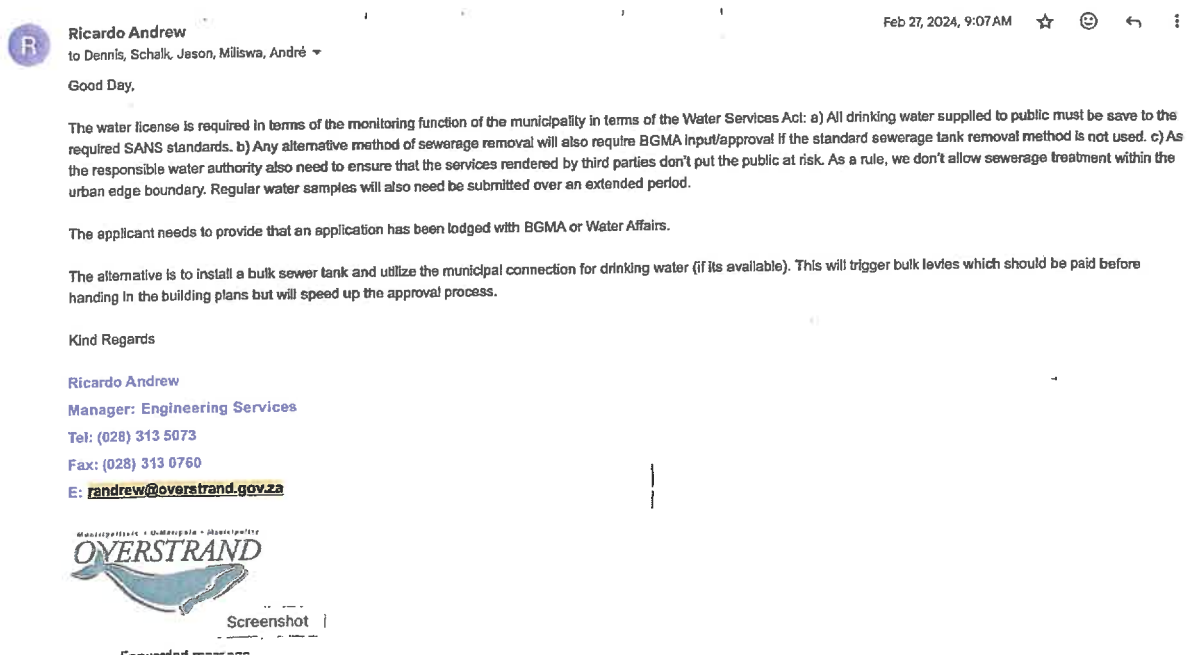
The impact of the area and location of the proposed pods are insignificant, however, the owners indicated that they are prepared to reposition the pods to an alternative acceptable position if required.

## 3. Engineering Services

The municipal engineers have requested for the following as part of the application:

- a Full SANS 204 Water samples from an SANAS accredited lab.
- Proof / Application for water use license. More detail on the water usage (volumes, process, system etc.) and purification process.
- More detail on the farm’s bio digester set-up and the planned compost toilets.”

In a follow-up communication requesting why a water-use license is required, the municipal engineer responded in an email dated 27 February 2024 as follows “



In reply to the municipal engineer’s response, the property owner confirmed during a telephone discussion on 11 March 2024 that he is prepared to install a bulk sewer tank and to connect to the municipal water system as part of a process, before handing in building plans.

#### D. Conclusion

The scale of the proposal is small, given that in addition of the existing activities, the only additions involve three additional pods to accommodate not more than 12 trainees or visitors to the farm. Furthermore the application involve the conversion of an existing 60m<sup>2</sup> shed into a training centre.

No additional dwelling units accommodating a single family are proposed. However, given the size of the farm, the pods can be linked to each other, if required, to create one unit for the transient guests of the training centre or visitors to the farm.

The location of the pods of less than 100m<sup>2</sup> in total (small scale) will not take up material agricultural land and the area and impact are considered insignificant.

Lastly the owners are prepared provide a bulk sewer system for the pods and also link up with the municipal water system in order to ensure that safe potable water is provided to learners and visitors (i.e. general public) and in accordance with the requirements of the relevant authorities.

Given this, we request that this application be considered favourable.

Kind Regards,



**Andre Wiehahn** Pr Pln A/927/1996