



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

A G E N D A

DATE:	27 NOVEMBER 2025
VENUE:	TOWN PLANNING COMMITTEE ROOM
TIME:	11:00

OVERSTRAND MUNICIPALITY

Office of the Chairperson: MPT
Civic Centre
HERMANUS
7200

20 November 2025

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, Hermanus on **Thursday, 27 November 2025** at **11:00** 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)

27 November 2025

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4.1 PORTION 6 OF THE FARM BAARDSCHEERDERS BOSCH NO. 213, DIVISION BREDASDORP, OVERSTRAND MUNICIPALITY: APPLICATION FOR CONSENT USE: MESSRS TOWN AND COUNTRY CREATIVE LAND SOLUTIONS ON BEHALF OF STRANDVELD BOEREVERENIGING

Report attached

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Report attached

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Report attached

4.4 PORTION 78 (A PORTION OF PORTION 45) OF THE FARM 559, HANGKLIP SMALLHOLDINGS, A DIVISION OF CALEDON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USES: PLATINUM TOWN AND REGIONAL PLANNERS ON BEHALF OF KOGELBERG BIOSPHERE RESERVE COMPANY AND OVERSTRAND MUNICIPALITY

Report attached

- 4.5 ERF 1029, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE, RELAXATION OF THE TITLE DEED STREET BUILDING LINE AND DETERMINATION OF ADMINISTRATIVE PENALTY: FVS TOWN AND REGIONAL PLANNERS ON BEHALF OF W & R VALENTE**

Report attached

4.1

PORTION 6 OF THE FARM BAARDSCHEERDERS BOSCH NO. 213, DIVISION BREDASDORP, OVERSTRAND MUNICIPALITY: APPLICATION FOR CONSENT USE: MESSRS TOWN AND COUNTRY CREATIVE LAND SOLUTIONS ON BEHALF OF STRANDVELD BOEREVERENIGING

**Ptn 6/213 GRBRE (4618/2024)
SW van der Merwe
11 November 2025**

(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 05 June 2024 from Messrs Town and Country Creative Land Solutions for the following:

- ❖ **Consent use** in terms of Section 16(2)(o) of the By-Law to accommodate tourist facilities (community market and function venue) and place of entertainment (live music).

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 on the northern side of Baardskeerderbos. The property is zoned Agriculture Zone 1 and measures 0,8569ha in extent. The property owned by the Strandveld Boerevereniging and developed with a restaurant, community hall in the old school as well as outbuildings. The majority of the erf is vacant and used for parking purposes as required. The old school is used as a restaurant and meeting place for the community.

The title deed of the property contains the following restriction:

“Die eiendom in sy geheel moet uitsluitlik vir die doeleindes van Gemeenskapsgerigte aktiwiteite aangewend word en indien die eiendom of enige gedeelte daarvan na die oordeel van die Republiek van Suid-Afrika nie vir die doeleindes van Gemeenskapsgerigte aktiwiteite aangewend word nie, val die eiendom met inbegrip van alle verbeterings, terug aan die Staat sonder dat die Staat vergoeding daarvoor betaal: Met dien verstande dat indien die onroerende goed wat aan die Staat terugval deur die begiftigde op enige wyse beswaar is die begiftigde die Skenker vrywaar van alle verpligtinge ten opsigte van sodanige beswaring: Met dien verstande verder dat indien die begiftigde die eiendom verbeter na die 24ste Februarie 1994 deur die aanbring van aanbouing en die oprigting van geboue die skenker in sy absolute diskresie kan besluit.”

A community market was conducted by former tenants of the Strandveld Boerevereniging. The use stopped. The Boerevereniging submitted an application on

behalf of the current tenant for consent use for a tourist facility (community market, and function venue) and to conduct a place of entertainment (live music). The following are proposed as indicated on the proposed SDP:

- In addition to the existing restaurant, kitchen and ablutions a function venue inside the existing hall measuring 225m² that has a maximum capacity of 100 people.
- Occasional live entertainment on Saturdays up to 23:00 hours inside the hall.
- Country market will operate once per week on Saturdays between 08:00 and 17:00 hours.
- Market stalls will be available inside the hall as well as outside.
- The outside market area has a footprint of 1000m².
- On-site parking is available on the grassed area which will be marked out to retain the rural character.

4. SUMMARY OF APPLICANT'S MOTIVATION

THE MOTIVATION CAN BE SUMMARIZED AS FOLLOWS:

- No alterations to existing buildings are proposed.
- No heritage elements of the site will be impacted upon.
- Proposal does not trigger NEMA.
- Proposal will formalise the use as community market that had been operation for a number of years previously.
- Proposal will diversify the activities and facilities available to the community and will also assist in making the property financially viable.
- Market area accommodated in the Old School Hall ($\pm 225\text{m}^2$) as well as the open area ($\pm 1000\text{m}^2$) in front of the building.
- A maximum of 50 stalls is anticipated.
- Market area will operate once per week on a Saturday between 08:00 and 17:00.
- Market will sell food products, crafts and homemade products.
- Function venue inside the hall will be used for fundraisers, weddings, social events, funerals and live music.
- Function venue is 225m² in extent and has the use of the ablution and kitchen facilities used for the restaurant and has a maximum capacity is 100 people.
- Live music is required on occasion for events, i.e. market days but on occasion as main event and will be accommodated inside the building.
- Access exists from Standveld Street.
- On-site parking is available in the area in front of the building.
- The property is connected to municipal water.
- Sewage is disposed of by means of a conservancy tank.
- Electricity is provided by Eskom.
- Rubish collection occurs once per week from a central storage facility.
- Proposal is consistent with the SDF that permits tourism development based on agricultural and heritage value of the region.
- Proposal is consistent with the Baardskeerdersbos Precinct Plan that recognise the importance of the property as one of the main community facilities linking with the CBD, church and community hall.
- HPOZ / EMOZ – The proposal will not adversely impact on the HPOZ being recognised in the Overstrand Heritage Survey as high social value lined to meeting place, boeremusiek music festivals, local community meetings and community education programs. The proposal will also not impact on environmental resources.

- Area characterised by agricultural uses and rural dwellings.
- Proposal will not have an impact on the character of the area.
- No visual impact as no additions buildings will be constructed.
- Proposal ensures optimal use of the property.
- Proposal is not considered to impact existing rights on existing land use rights being inside existing buildings.
- Market events being once per week the impact is considered acceptable on neighbours.
- Live music will be limited to the inside of the hall that can accommodate a maximum of 100 people. Music will not be allowed after 23:00.
- The existing restaurant re allowed to sell liquor until 02:00 in the morning. The property therefore has an established business element.
- Consistent with the PSDF, that amongst others promotes a variety of tourist attractions, but not at the cost of the natural environment.
- Consistent with the planning principles in terms of LUPA and SPLUMA.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
E-mail Notices, Registered mail and Site Notice	Yes	15 October 2024 and 03 December 2024	22 November 2024 and 17 January 2025
Internal Departments	Yes	15 October 2024	22 November 2024
Ward councillor	Yes	15 October 2024	22 November 2024
Total comment	TWO (2)		
Total letters of support	NONE		
Was public participation undertaken in accordance with Section 46 - 50 of the By-Law on Municipal Land Use Planning?			Yes
Was the application processed correctly?			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA?			Yes
In case of application for removal, amendment, or suspension of restrictive title conditions if notices in accordance with Section 35(3)(d) of the By-Law on Municipal Land Use Planning was served on all persons mentioned in the title deed for whose benefit the restriction applies?			N/A

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

Name	Date received	Summary of comments
Building Department	15/10/2024	No objection. Any proposed new structures will require a building plan application that must comply with all applicable law.
Local Heritage	16/10/2024	No comment.
Fire Services	16/10/2024	No objection, subject to compliance with the provisions of SANS 10400 A:2016, 10400-T:2024 and the By-Law relating to fire safety.
District Health	23/10/2024	Approved. Ensure continuous safe drinking water, waste management and sanitary facilities and other environmental health related matters.
Eskom	25/11/2024	Attached as Annexure F.
Environmental Management Services	25/11/2024	No objection.
Engineering Services	02/12/2024	Attached as Annexure G.
OpenServe (Telkom)	20/12/2024	Services not affected.
Department of Agriculture (Provincial)	04/02/2025	No objection.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

Notices were e-mailed and registered notices were served upon interested and affected parties in the area and the applicant's consultant also placed on-site notice board during the public participation period.

An objection letter was received from Karel van der Merwe, owner of Portion 188 of the Farm Baardskeerdersbos No. 213 as well as a late objection from S Vingerhoets the owner of Portion 54 of the Farm Baardskeerdersbs No 213. The applicant was provided with an opportunity to respond to the comments received. The comments are attached as Annexure D and the applicant's response are attached as Annexure E, respectively.

The objectors did not object to the community market and daytime functions. Objections relate to past unregulated nighttime functions by former tenants of the property owner. The main grounds of objection are summarised as follows:

K van der MerwePOINT OF OBJECTION

Objects against the “occasional’ live music and entertainment as the previous and current lessees have informed neighbours that they have the “right” to play loud music until 02h00 every night’

RESPONSE FROM APPLICANT

The Ou Skool doesn’t currently have any approval for live music and events and are only applying now. It is understood that previous lessees did not respect neighbour’s privacy in the past.

The owners and new lessees understand that the venue is in among houses and that an acceptable noise level must be maintained. They want to co-operate in future and make sure that noise does not exceed acceptable noise restrictions.

RESPONSE FROM TOWN PLANNER

The property is used as a restaurant for a number of years and is in possession of a valid business licence and liquor license that did not include an entertainment licence. The restaurant has a liquor licence that permits the sale of liquor until 02:00 in the morning.

Former tenants conducted the place of entertainment as well as a community market without permission. The property owner in meantime submitted the application on behalf of the current tenant to legalise the historic use of the property as community market, music events such as the Baardskeerdersbos Orkes which is also evident in the heritage description. Although the property is zoned agriculture the title deed restricts the use to community purposes.

The proposed place of entertainment (live music) will be accommodated inside the building which has a maximum capacity of 100 people. In case of a business license for entertainment, noise mitigation measures should be considered. As such, together with hours of operation, i.e. no loud music after 23:00 hours the applicant will be required to appoint a registered noise consultant and implement the recommended mitigation measures to ensure the proposed place of entertainment will not detract from vested rights of adjoining community in the vicinity.

POINT OF OBJECTION

The Baardskeerdersbos Precinct Plan clearly indicates that restaurants, pubs and live music is allowed next to main road. I don’t see why the Old School should be exempted. If they have daytime functions, market etc it is to the benefit of all, but not loud music, this should be a personal choice and imposed on anyone.

RESPONSE FROM APPLICANT

In terms of the Precinct Plan, Portion 6 is indicated in this document as a “Social Foci”, where open space can be provided. This property is seen as one of the main community facilities in Baardskeerdersbos that should be linked to the CBD, church and community hall in terms of this document. In terms of the heritage document of

2009, Portion 6 holds a high social value as meeting place, boeremusiek music festivals; local community meetings; also, for community education programs.

The social value of the property is acknowledged in the forward planning documents. The owner will make sure that current and future lessees adhere to noise restrictions, to ensure that special events are well managed and do not have a negative impact on neighbours.

RESPONSE FROM TOWN PLANNER

The applicant's comment is noted and agreed with. The objection mainly relates to loud music, which impact could be mitigated to acceptable levels with conditions of approval.

S Vingerhoets

POINT OF OBJECTION

Ms Vingerhoets objects to an event that took place on the 7th of December, where noise levels between 42 – 61 decibels were measured. Comment that should events of this nature be held regularly, she is objection.

RESPONSE FROM APPLICANT

Comment was received after the closing period.

This event was booked through the previous lessee and the current lessee confirmed that the noise spiralled out of control. Not even the police managed to stop the party.

It was a wedding, and the groom brought a huge speaker that he bought specifically for this event. The current lessees stopped the noise in the end, by pulling out the plug.

This type of noise will not be tolerated in future. Music at special events will be turned down at 23h00 and will have to be confined to the venue hall at night.

The owner will in future be cautious to keep to the approved time limitations and to adhere to national and local regulations and By-Laws with regards to noise pollution.

RESPONSE FROM TOWN PLANNER

The objection was late and not regarded valid. The content will however be evaluated, and the objector will be notified of the outcome.

The property owner submitted the application to obtain the necessary approvals and will ensure that the establishment and current tenant operate within the acceptable norms and standards. As per the response above, the opinion is held that noise impact could be mitigated with approval conditions and will be further discussed in the evaluation of the item below.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

N/A

9. MUNICIPAL ASSESSMENT OF COMMENTS

No objections were received from the relevant internal and external government departments against the proposal.

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 property has been used for community relates uses in the past which will be formalised by the proposal ensuring the economic sustainability of the property.

Spatial sustainability

Proposal is sensitive to the natural environment and heritage resources while provided much needed community / tourist facilities.

Efficiency

Proposal demonstrates efficiency by optimising the use of the existing resources and add value (i.e. diversification). Proposal will add value to existing property rights by expanding uses on the property.

Spatial Resilience

The proposal makes the existing activities more economically sustainable. 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 Baardskeerdersbos Precinct Plan.

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

N/A

10.6 Impact on municipal engineering services

No impact upon municipal services.

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

The proposal does not trigger the provisions of NEMA or 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 provides for consent use (agri-industry) through an application process.

The application property is situated within the Baardskeerdersbos HPOZ. Being situated in an existing building will not adversely impact upon the HPOZ. The proposal is supported by OHAC.

11. THE DESIRABILITY OF THE PROPOSAL

The Strandveld Boerevereniging leases the restaurant on the property. Former tenants were responsible for the unauthorised land use (community market / live music) resulting in the alleged noise and disturbance complaints.

The Boerevereniging on behalf of the new lessee appointed Town and Country to obtain consent use to conduct tourist facilities (venue and community market) and place of entertainment (occasional live music) and will ensure that the premises is managed in accordance with the conditions of approval, should the application be supported.

The use of the hall as a venue is supported being inside of the building and limited to an area of 225m², with kitchen and ablution facilities shared with the restaurant. The restaurant is in possession of a liquor license permitting trading until 2:00 am in the morning. Thus, despite the adjacent smallholdings / residences in the vicinity, the property has an established commercial use / character going back more than 20 years. Despite the objections relating to alleged noise and disturbance, to date the municipality did not have a formal complaint history. The title deed limits to use of the property to "gemeenskapsgerigte aktiwiteite" which the proposal envisages in accordance with an internal legal opinion. Should it not be the case, the property will fall back to the state.

The use of the property as a venue and community market is supported by interested and affected parties and not objected against. The opinion is held it will promote tourism in the area, diversify tourist offering, increasing the viability of the property

and provide much needed employment opportunities whilst promoting the region at a scale that is compatible with the character of the area.

Although sufficient outside space is available for parking, the applicants indicate a market area of 800m² requires 32 on-site parking bays at a ratio of 4 bays per 100m² GLA, which ratio is not agreed with. The parking requirement for a market is considered far greater, as each market stall typically have a trader that arrive with a vehicle and likely a trailer before attracting clients. The outside market stalls will require at least two parking bays per market stall.

On-site parking for the restaurant at a ratio of 4 bays per 100m GLA requires four on-site parking bays to be provided, whilst the venue / hall will trigger 25 on-site parking bays at a ratio of 1 parking bay per four seats. As such, the applicant, should be application be considered desirable, will be required to submit a detailed SDP including the number and size of market stalls and the applicable parking ratio and parking layout to the satisfaction of the municipality. It is proposed that parking will be market out on the existing grassed area in line with the rural character of the area.

The proposed occasional live entertainment will be conducted from inside the building. The property plays an important social / community function in relation to its setting and heritage character as per the Baardskeerdersbos Precinct Plan and Overstrand Heritage Survey. The latter states amongst others as follows”

“Significance Historical and spatial landmark in town. Historical role in the community as a school, allowing local education of (white) children. Current high social value as meeting place, boeremusiek music festivals; local community meetings, also used for community education programs.”

Having had regard to the above proposed live music events is not out of keeping having had regard to the historic use of the property. The applicant, however, will be responsible to ensure that live events, be managed so as not to adversely affect vested rights of adjoining properties in nearby vicinity of the property. In this regard should the recommendation be accepted, live music will be limited to Saturdays only and no later than 23:00 hours, whilst the applicant prior to implementation of live music will have to appoint a registered noise specialist in accordance with the Western Cape Noise Control Regulations to ensure noise mitigation is implemented in order to safeguard vested rights of the surrounding residential community.

Having had regard to the evaluation above, the proposal will facilitate to ensure optimal use of the property, ensuring long term viability through the re-introduction of the well-known community market, venue and occasional live music events. The community market will be once per week during daytime, whilst live events will be limited to the inside of the old school building, be subject to a time limited and acoustic measures to be implemented the impact of the proposal could be mitigated to an acceptable level.

Sufficient space is available on the property to accommodate on-site parking in accordance with the requirements of the scheme regulations. The applicant will however be required to submit a detailed parking layout for approval by the Authorised Official, demonstrating compliance with the requirements of the scheme regulations.

The proposal will not have an impact upon municipal services.

Electricity is provided by Eskom who did not object to the proposal.

The proposal does not trigger the provisions of NEMA and is supported by the municipal Environmental Services Department, nor triggers Section 38 of the National Heritage Resources Act.

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 application for **consent use** in terms of Section 16(2)(o) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Portion 6 of the Farm Baardskeerderbos Bosch No. 213, Division Caledon for tourist facilities (venue / community market) and place of entertainment (live music), **be approved** in terms of the provisions of Section 61 of the By-Law subject to the following conditions:
 - (a) that prior to the commencement of the development a detailed dimensioned site development plan and parking layout be submitted, indicating the market area, maximum number of market stalls, applicable parking ratio for approval by the Authorised Official;
 - (b) that the development of the property be limited to the buildings / structures and uses indicated on the site development plan approved under paragraph (a) above;
 - (c) that the community market may be conducted once per week on Saturdays between the hours 08:00 and 17:00;
 - (d) that live music may only be conducted inside the hall building and no later than 23:00 hours;
 - (e) that prior the commencement of live music, the applicant at his cost appoints a suitably qualified noise consultant to recommend mitigation measures, be responsible for the implementation of any such recommended mitigation measures to ensure the place of entertainment (live music) is conducted in accordance with the prescribed norms and standards in terms of the Western Cape Noise Control Regulations;
 - (f) that on-site parking is in accordance with the approved site development plan in paragraph (a) and (b) above at all times be marked out and available on-site;
 - (g) that building plans be submitted to the Building Department for approval within 60 days from the approval and that all conditions of the Building- and the Fire Departments at that stage, be complied with;
 - (h) that all the conditions imposed by Eskom (attached as Annexures F), be complied with;
 - (i) that the conditions in the Services Report (attached as Annexure G), be complied with;

- (j) that the applicable rates and service tariffs, as determined by the annual budget is applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (k) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (l) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
2. 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 regarding the above decision.

13. REASONS FOR RECOMMENDATION

- ❖ The application has followed due procedure.
- ❖ The proposal will not adversely impact vested rights or surrounding property owners.
- ❖ The proposal will not adversely impact the character of the rural landscape.
- ❖ The proposal is consistent with the planning principles in terms of LUPA and SPLUMA.
- ❖ Proposal is consistent with the SDF and Baardskeerdesbos Precinct Plan.
- ❖ The proposal contributes to tourism, economic development and employment at a scale that is compatible with the character of the area.
- ❖ The impact of the proposal could be successfully mitigation with implementation of mitigation measures.

14. ANNEXURES

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Development Plan
Annexure D:	Comment received
Annexure E:	Response from applicant
Annexure F:	Comment: Eskom
Annexure G:	Services Report

SIGNATURES

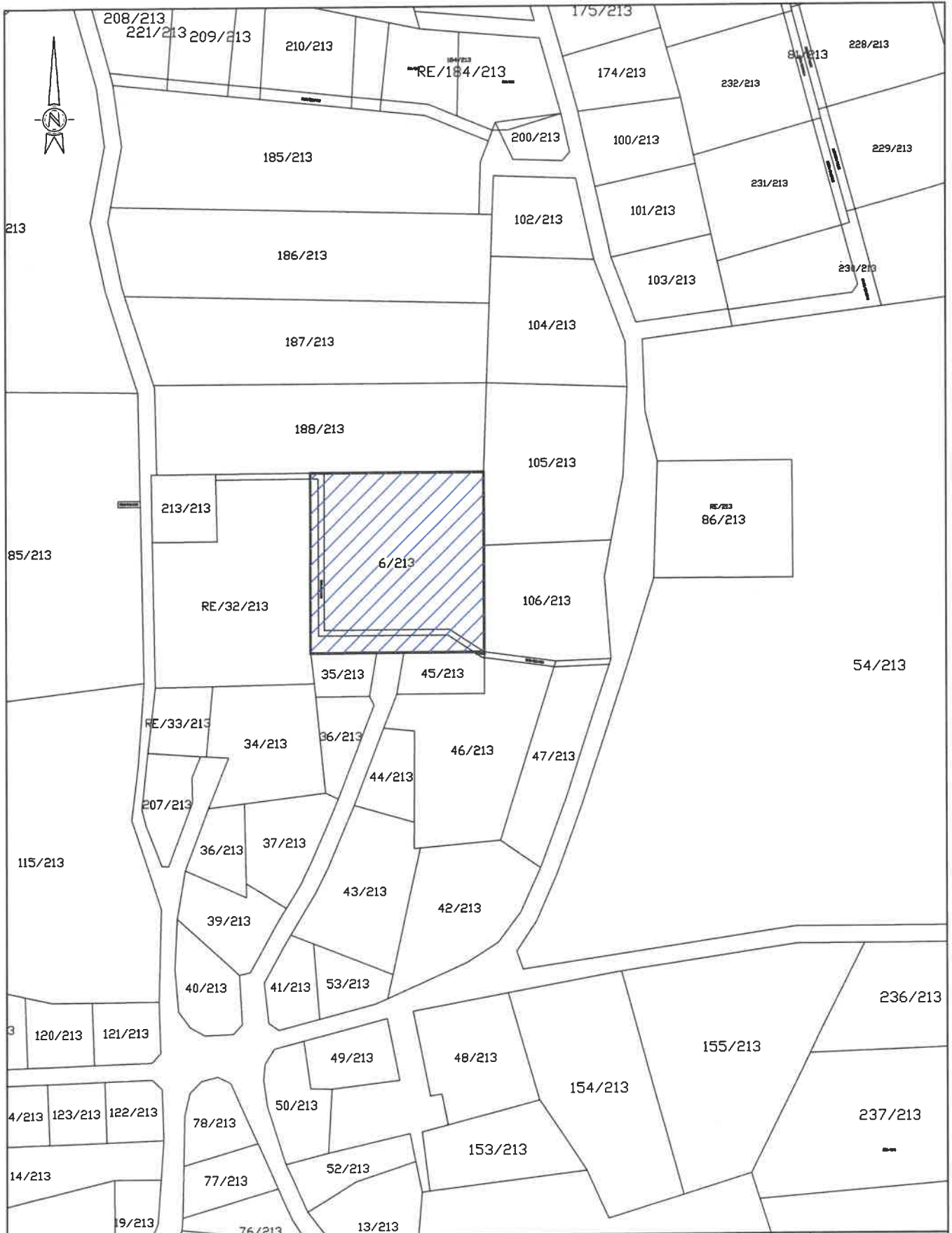
REGISTERED PLANNER

Name: **SW VAN DER MERWE**

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

Signature: _____

Date: _____



Town & Country
Creative Land Solutions

P.O. Box 1085
Bredasdorp
7280

Tel. 028 424 1545
Fax. 028 425 2085

E-mail: towncountry@vodamail.co.za

PROJECT
**LOCALITY PLAN: PORTION 6 OF FARM 213,
BREDASDORP DIVISION
OVERSTRAND MUNICIPALITY**



Land Surveyors • Town Planners

DRAWN LT	CHECKED LT
SCALE 1: 2 500	DATE MAY 2024
DWG No.	REVISION
Notes:	

MOTIVATIONAL REPORT
PROPOSED CONSENT USE FOR A NUMBER OF TOURIST FACILITIES:
PORTION 6 OF FARM NO 213, BREDASDORP DISTRICT

Ref. BRE/3154

1. INTRODUCTION & BACKGROUND

This office was appointed by Die Strandveldse Boerevereniging to prepare the town planning application for consent uses on Portion 6 of Farm Baardscheerders Bosch No 213, Bredasdorp RD. The application is required to allow for a community market, function venue and live music on the premises.

The site is known as the Ou Skool and has been used for many years as a Restaurant, live music and market area where the community get together for meetings, social events and selling their locally produced products. Approval was previously granted for the restaurant, but application is then now required for the market area, live music and a function venue, that will contribute towards more facilities for the local community and also making the future existence of the property financially viable. No alternations to existing buildings are proposed and no heritage elements of the site will be impacted on or compromised.

2. APPLICATION

Application is made for:

- A Consent Use for tourist facilities (community market and function venue) and place of entertainment (for purposes of live music on occasion) on the "Agriculture Zone I" zoned property; The Overstrand Municipality Land Use Scheme is applicable.

In terms of the Overstrand Municipality Land Use Scheme:

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

“place of entertainment” means a place used for commercial entertainment which may attract large numbers of people, operates outside normal business hours or generates noise from music or revelry on a regular basis and includes a cinema, a theatre, an amusement park, a dance hall or a night club and gambling and live music;

The place of entertainment will however only be used for live music on occasion.

“market” means an outdoor venue for the sale of fresh produce, food and beverages, crafts, art and manufactured goods to the public;

At this point, it should be noted that the EIA Regulations (Listing notices of 2017), as amended and promulgated in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) are not applicable to the subject property as:

Listing Notice 1

(27) The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for-

(i) the undertaking of a linear activity; or

(ii) maintenance purposes undertaken in accordance with a maintenance management plan.

No area will be cleared, as the proposal is inside an existing building and outside on a cleared area.

(28) Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture or afforestation on or after 01 April 1998 and where such development:

(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or

(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare; excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.

The area is inside an urban area, no new land will be developed.

(56) The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometer-

(i) where the existing reserve is wider than 13,5 meters; or

(ii) where no reserve exists, where the existing road is wider than 8 metres;

excluding where widening or lengthening occur inside urban areas.

No roads will be widened by more than 6 metres, or lengthened by more than 1 kilometre.

All roads are existing.

Listing Notice 3

(4) The development of a road wider than 4 metres with a reserve less than 13,5 metres. Areas outside urban areas;

(aa) Areas containing indigenous vegetation;

(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined;

No new roads area created.

3. PROPERTY DESCRIPTION

Portion 6 of Farm 213 Bredasdorp RD is registered under T84518/1995. GPS coordinates of the farm are 34°35'30"S and 19°34'.16.35"E.

TOTAL AREA	8569m ²
REGISTERED OWNER	Die Strandveldse Boerevereniging
Boundaries: North	Portion 188 of Farm 213
East	Portions 105 and 106 of Farm 213
South	Portions 35 and 45 of Farm 213
West	Portion 32 of Farm 213

The subject property is located on the northern side of Baardskeedersbos. The farm falls under the jurisdiction of the Overstrand Municipality and is situated amongst other farm portions in this area. The property is developed with an old school and outbuildings, with the majority of the erf vacant and used for parking purposes as required. The Old School is in use as a restaurant and meeting place for the community. Please see attached a locality plan and extract from a google image below.



Google Earth image, indicating the farm extent.

4. TITLE DEED CONDITION

There is a condition in the title deed that read as follow:

1. Die EIENDOM in sy geheel moet uitsluitlik vir die doeleindes van Gemeenskapsgerigte aktiwiteite aangewend word en indien die EIENDOM of enige gedeelte daarvan na die oordeel van die REPUBLIEK VAN SUID-AFRIKA nie vir die doeleindes van Gemeenskapsgerigte aktiwiteite aangewend word nie, val die EIENDOM met inbegrip van alle verbeterings, terug aan die Staat sonder dat die Staat vergoeding daarvoor betaal: Met dien verstande dat indien die onroerende goed wat aan die Staat terugval deur die BEGIFTIGDE op enige wyse beswaar is die begiftigde die SKENKER vrywaar van alle verpligtinge ten opsigte van sodanige beswaring: Met dien verstande verder dat indien die BEGIFTIGDE die EIENDOM verbeter na die 24ste Februarie 1994 deur die aanbring van aanbouing en die oprigting van geboue die SKENKER in sy absolute diskresie kan besluit:

The uses applied for are required to formalise the community market that was already operational for years, to diversify the activities and facilities available to the community. New uses applied for will still be in favour of the community, but it will also assist in making the property financially more viable – to allow for its existence in the future.

5. CURRENT ZONING

The subject property is zoned as “Agriculture Zone I” in terms of the Overstrand Integrated Zoning Scheme. No change in zoning is proposed.

The restaurant was approved a long time ago and remains operational. The restaurant has a valid liquor license.

6. THE DEVELOPMENT PROPOSAL

The Ou Skool property is well known for its established restaurant, weekend markets and live music. It was however recently discovered that the required town planning approvals are not in place for the markets or live music. Application is made for:

- a) A market area (inside the existing building and outside)
- b) Function venue
- c) Live music

- a) The market area will be accommodated in the Old School (restaurant) hall (225m²), and the open area in front of the building, next to and behind the parking area, as indicated on the site plan. The entire area that will be used for this market area will be roughly 1000m² and includes circulation areas between stalls inside the hall and also outside.

With stall sizes varying, it is anticipated that there will be roughly a maximum of 50 stalls at a time. Products that will be sold include food products (springrolls, jams, potjiekos, bread, etc., crafts and homemade products (leather, clothing, etc).

The market area will be operational at most once a week on a Saturday, between 08h00 and 17h00.

- b) Function Venue: The hall that forms part of the Old School building is proposed as a function venue, to allow for, for example weddings, funerals, live music events and fundraisers. The hall has an area of ±225m² and has the use of the ablution and kitchen that is also used for restaurant purposes. The restaurant will not be open to the general public when there is a function.

The maximum number of people that can be accommodated is 100.

- c) Live music: The client would like to also allow for live music on occasion, that will include market days, functions and also allowing for live music as the main event on occasion. The live music will be accommodated inside the venue / market hall. Live music that has proven to be very popular in the past was for example the Baardskeersdersbos Orkes.



Photo 1. Photo of the existing Ou Skool, with the parking area in front.

7. ACCESS & ADDITIONAL TRAFFIC

- Access to the property is existing and taken from Strandveld Street.
- Parking is provided in the open parking area in front of the Ou Skool and when more parking is required on the lawns surrounding the buildings, as was done on previous occasions. Since a larger amount of parking is only required when there is a market or event, the parking areas will not be formalised in the sense of permanent paving. When required the lawn will be mowed and the car park marked out. This will maintain the rural character of the site.

Marking Requirements were worked as follow:

Use	Regulation	Proposed area of development	Parking Required
Restaurant	4 parking bays for every 100m ²	100m ²	4
Function Hall (max 100 people)	1 Bay for 4 seats	225m ² - maximum 100 people	25
Market area	4 parking bays for every	Approximately 800m ²	32

(excluding the 225m² of the function hall	100m ²		
Dwelling House	2 bays per house	1 house	2
Total			63

The site plan indicates that there are at least 105 parking spaces available on site. More than sufficient parking is available.

8. SERVICES

Water

Municipal water is used in the house, restaurant and proposed function and market area. Rainwater harvesting tanks are also already in place and used to water the garden.

Sewerage

A closed system conservancy tank is used and is emptied by the Municipality as required.

Electricity

Electricity is provided by Eskom and already available at the different buildings. No additional electricity is required.

Rubbish removal

Rubbish is removed by the Overstrand Municipality weekly. Rubbish is stored in a central point until collection.

9. ENVIRONMENTAL APPLICATION

A basic assessment in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) will not be required, since none of the regulations are triggered. No additional buildings are proposed and no land will be cleared for the proposed activities.

10. EXISTING POLICY FRAMEWORKS

10.1 OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK

From the document the following:

‘Overstrand Municipality works towards creating a An Environmentally Sustainable and Resilient Overstrand

Environmental management towards achieving sustainability is a vital component of sound urban and regional planning. It can be explained as a combination of spatial planning and land-use management of urban and rural areas, focused at meeting the needs of the current population without unduly compromising the natural environment or the ability of future generations of meeting their needs. A key component of environmental sustainability is environmental resilience, referring to the ability of ecosystems to recover from the impacts of natural hazards in the short to medium term and to adapt to future scenarios such as climate change in the long term. Some landscape features are more likely to support biodiversity resilience to climate change than others.

The key contributors to achieving an environmentally sustainable and resilient area are spatial planning and design that considers environmental attributes and physical constraints, judicious rural land-use management and the safeguarding of biodiversity features that provide key ecosystem services. Areas important for climate change resilience need to be managed and conserved through a range of mechanisms including land-use planning, environmental impact assessments, protected area expansion, and collaboration with industry sectors to minimise their spatial footprint and other impacts.

One of the important aims will be to Protect Biodiversity and agricultural resources. This can be achieved through:

- i. The existing pattern of development should be maintained and the establishment of new nodes or settlements should not be encouraged. If, however, the Municipality deem a new node or settlement to be desirable, the proposed development thereof should take place in a manner consistent with the overarching long term vision and spatial directives of this MSDF.*

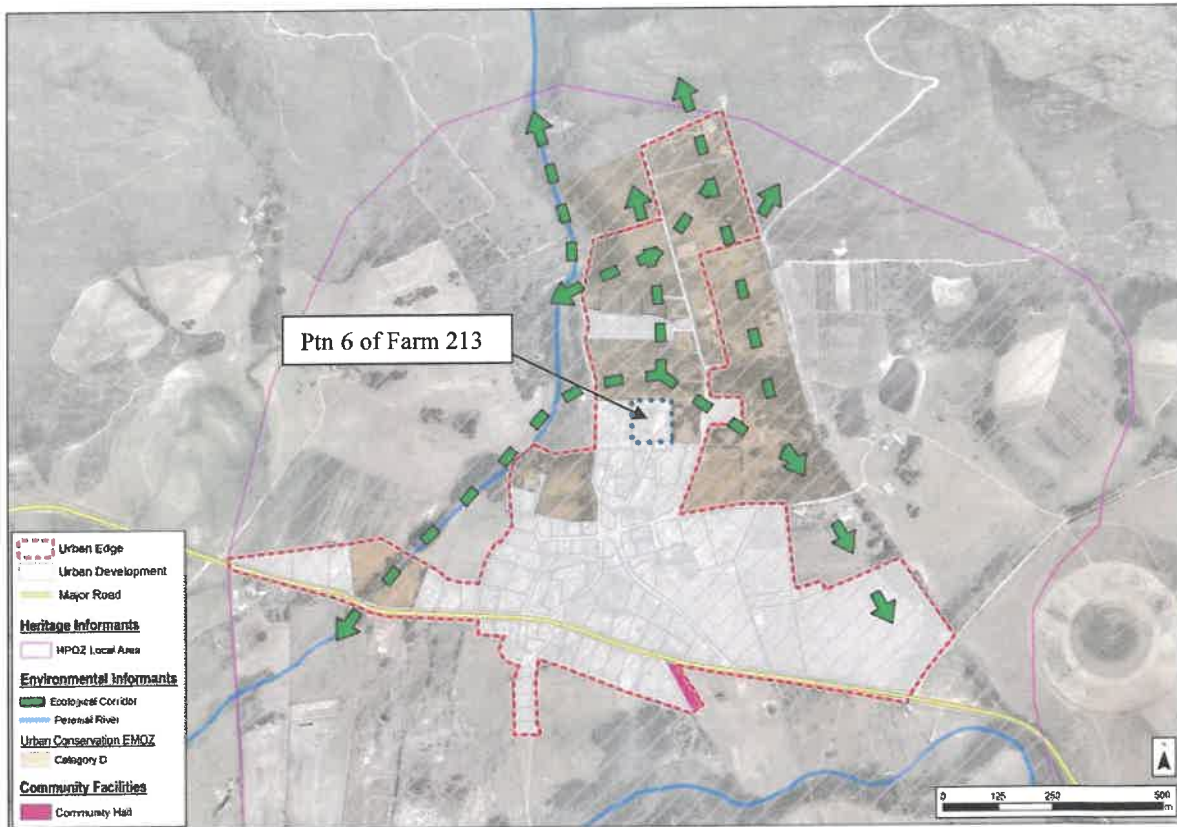
- ii. *Ensure that development is confined within urban edges and growth is managed based on sustainable densification principles.*
- iii. *Prevent unsustainable change in land use of biodiversity rich rural areas, existing agricultural activity and soil with agricultural potential to other uses.*
- iv. *Ensure that existing agricultural activity and soils with high production potential is retained.*
- v. *Minimise the fragmentation of rural land by managing rural development based on the Overstrand SDF Rural Land Use Policy.*
- vi. *Subdivision of agricultural land should be strongly resisted except where it is consistent with the requirements as stipulated by Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) and the related policy of the responsible department (SDF Policy P.1, 2006).*
- vii. *The desirability of designating mining areas should take into account the worth of the material to be extracted against the long term costs to the visual quality of the area, the potential loss in agricultural production, as well as the impacts on existing rights of neighbouring property owners*

The Spatial Development Framework indicates that **Baardskeedersbos** has a rural residential and associated agricultural production function. It is noted that: 'The majority of the privately owned land in the northern part of the settlement consist of biodiversity corridors and was therefore included in an urban conservation EMOZ.

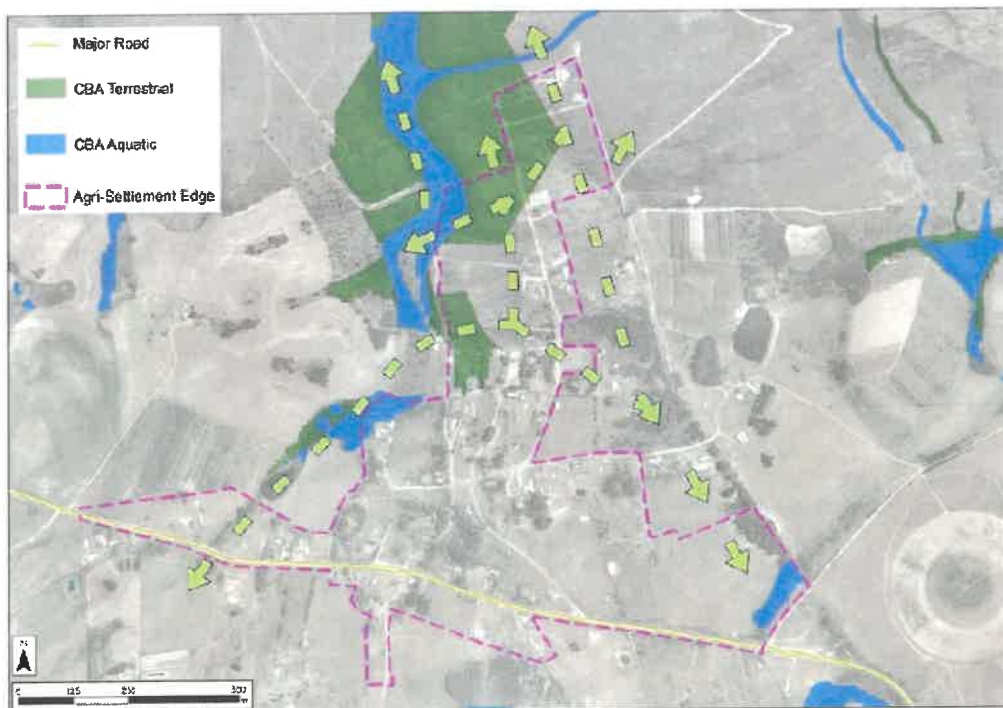
The document notes that the following should be promoted:

- the role of the area as an agricultural zone of special significance.
- appropriately scaled tourism development based on the agricultural and heritage value of the region;
- rural cottage industries;
- appropriate residential development on a scale and in a form that retains the village character of Baardskeedersbos;
- the role of the area as an agricultural zone of special significance;
- appropriately scaled tourism development based on the agricultural and heritage value of the region.

The document indicates Portion 6 of Farm 213 inside the Urban Edge and as part of the Urban Area. Please refer to the plan extract below.



Map taken from the SDF: Plan 38 Baarskeerdersbos Status quo.



Plan 69: 2050 Spatial Proposal Baardskeerdersbos

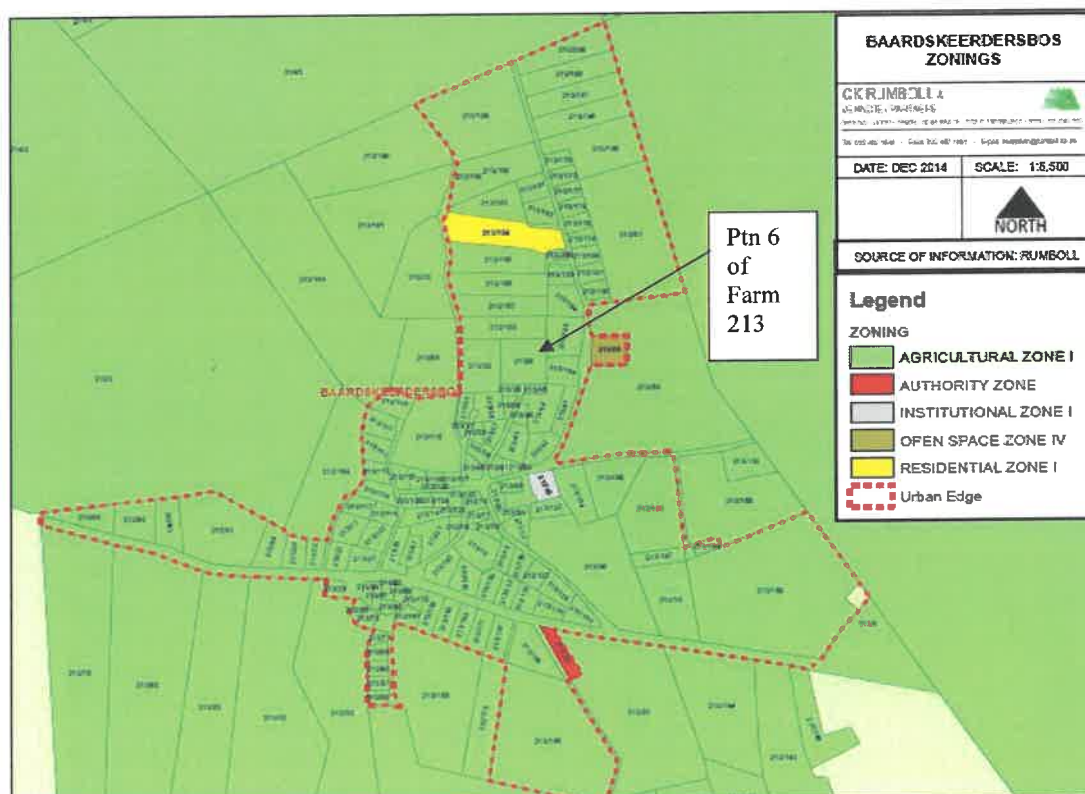
The proposal complies with this document, seeing that the proposed uses are mainly inside the existing building and no additional infrastructure is required. The proposed tourist facilities are of an appropriate scale and will not have an impact on the environmental or heritage value of the area.

10.2 OVERSTRAND GROWTH MANAGEMENT STRATEGY

The Overstrand Growth Management Strategy is not applicable to Baardskeerdersbos, since no significant densification is proposed for this village.

10.3 BAARDSKEERDERSBOS PRECINCT PLAN

A Precinct plan was drafted by a multi-disciplinary professional team and finalised in 2015. The team was appointed by the Department of Rural Development and Land Reform. In this precinct plan Portion 6 of Farm 213 is indicated as outside the proposed Urban Edge, please see below.

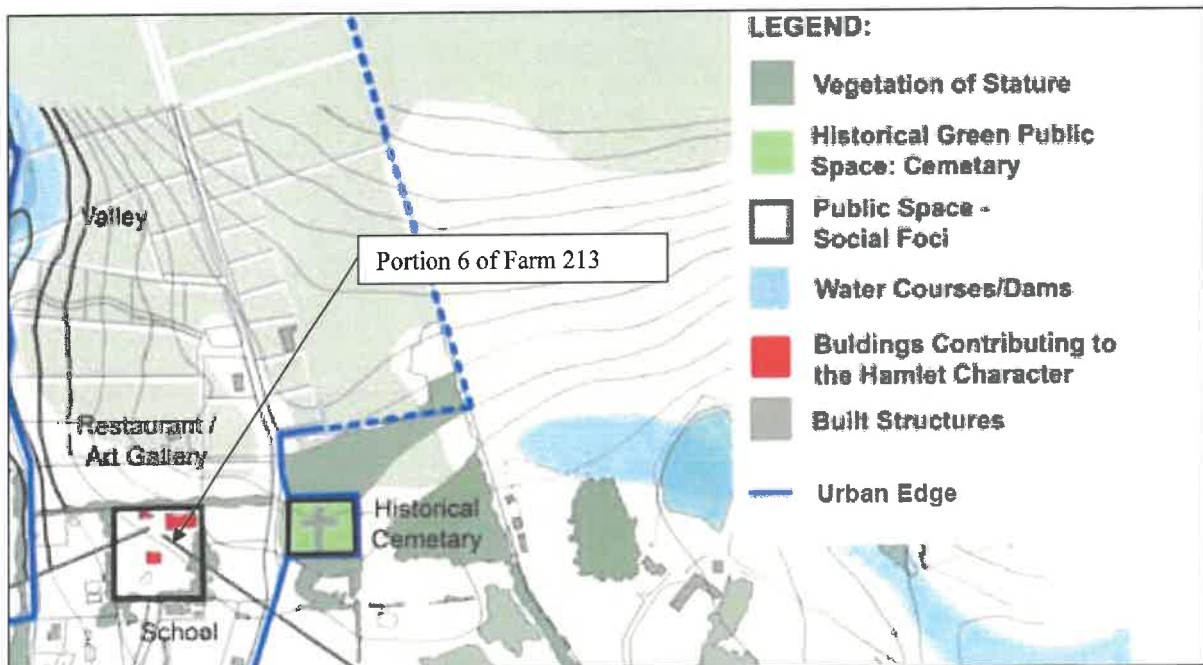


Extract from the zoning plan included in the Precinct Plan, 2015, indicating the zoning of the portion and also the position of the Urban Edge.

Development Parameters proposed in this document:

7.1.2 Development parameters:

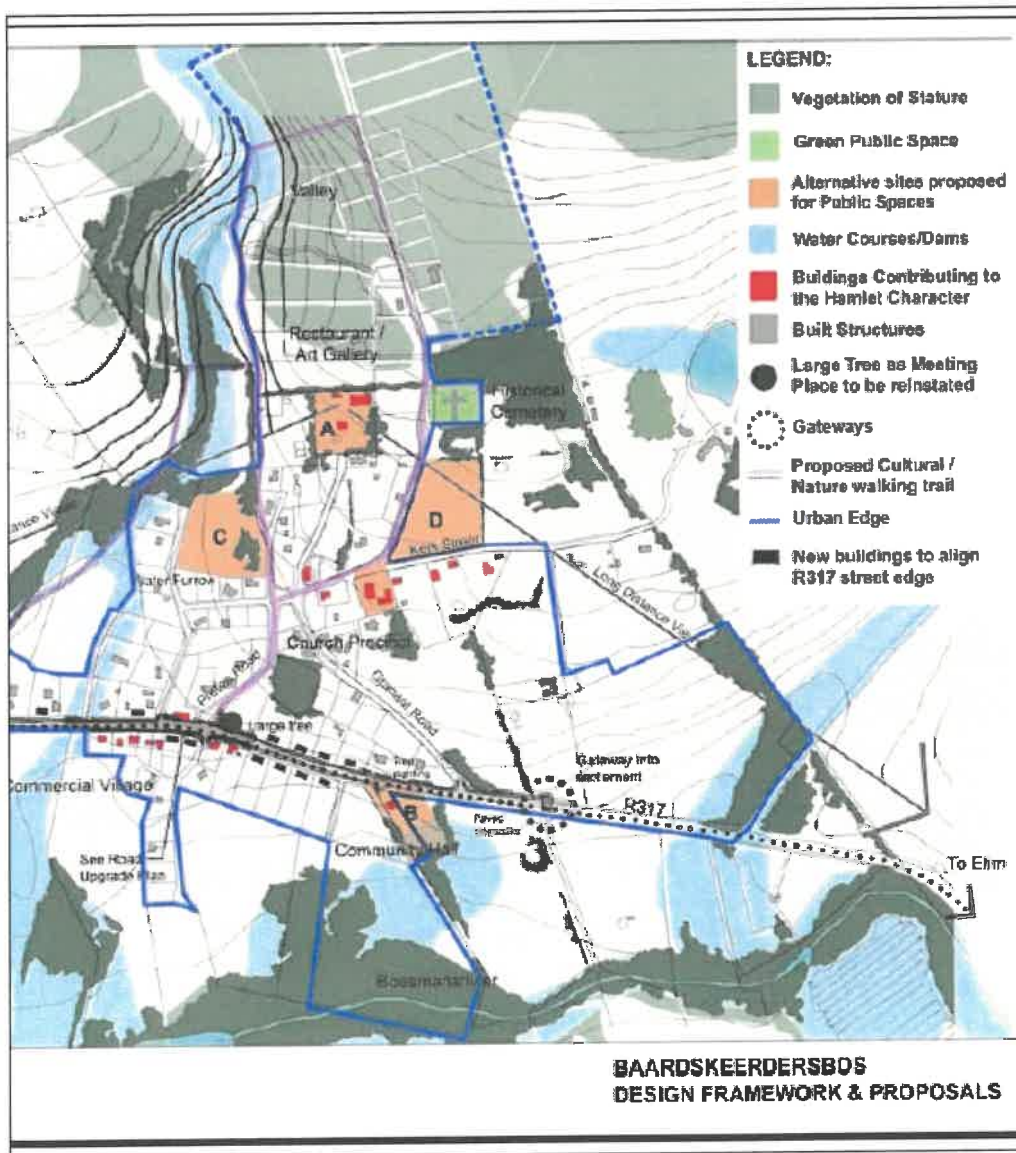
1. Erven in the Hamlet portion should be a minimum of 4000m².
2. The architecture should conform to the Cape vernacular and in particular with regards to mass, form and height.
3. The landscaping on large erven should be more intense, and agriculture is encouraged.
4. Permission to be sought from local authority to build an additional dwelling. The footprint of the additional dwelling should be smaller than the footprint of the main dwelling.



Extract from a plan indicating the Heritage and Landscape indicators in the Baardskeerdersbos Precinct Plan

The buildings indicated on the above Precinct Plan are of heritage significance. No changes are proposed to any of the buildings.

Portion 6 is indicated in this document as a 'Social Foci', where open space can be provided. This property is seen as one of the main community facilities in Baardskeerdersbos that should be linked to the CBD, church and community hall in terms of this document.



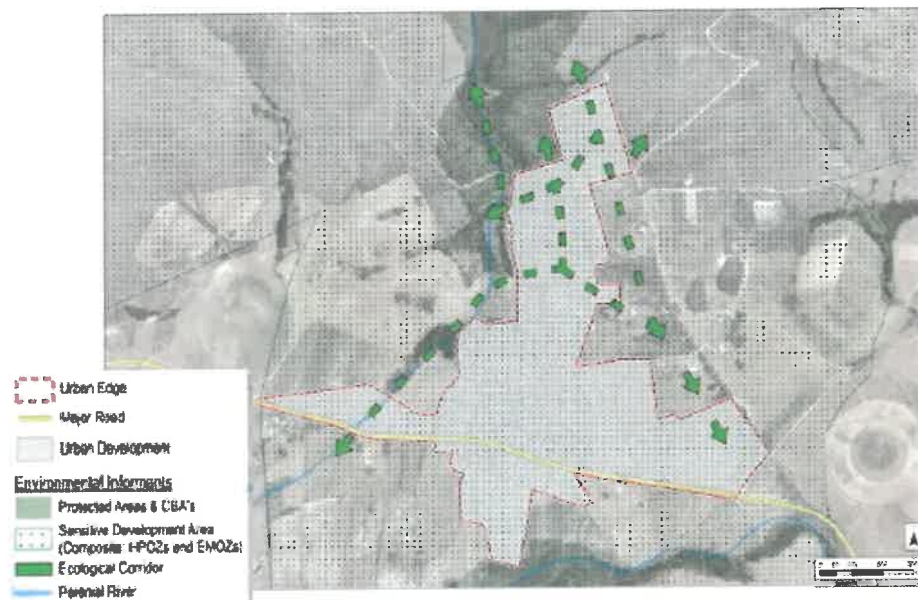
Baardskeerdersbos Design Framework and Proposals

The proposal to use Portion 6 of Farm 213 partially as a community market, is in line with this proposal – seeing that it will be used for a community purpose where the outside area will be used as part of the existing buildings.

10.4 MUNICIPAL HERITAGE AND ENVIRONMENTAL OVERLAY ZONE REGULATIONS

The purpose of the Overlay Zones is 'to protect and manage undeveloped conservation-worthy public owned land within the Overstrand's urban edge, and adjacent buffer areas, while promoting the retention of viable priority ecological corridors in areas that are to be developed, to ensure an integrated 'conservation and development' approach that will enhance living conditions for the communities of the Overstrand'.

The area inside the urban edge of Baardskeedersbos is entirely included in the area demarcated as a Sensitive Development area in terms of Environment and Heritage.



Plan 71: Baardskeedersbos Spatial Proposal 2020

No natural vegetation is however visible on Portion 6 of Farm 213. The majority of the farm is covered with lawns / grass, with lines of blue gum trees on the boundaries. The property is not

indicated as located on an ecological corridor. It is not believed that the proposal could have an environmental impact of any nature.

In terms of the heritage document that was compiled in 2009, by the Overstrand Heritage Landscape Group (OHLG), the following:

<p>Site name: Strandveld Pub Type of resource: Building Location: 3419 DA & DC: 34 35' 8.47" S, 19 34' 16.67" E Google Earth 2009 Er/Farm : 213/6 Address: Baardskeerdersbos</p> <p>Description: Old school building built c1922 Materials: Brick; corrugated iron Associated landscape features:</p> <p>Original use: School Current use: Single storey Landscape type: Evolving Design/Style: Construction date: 1920s Historical period in which constructed: Union Theme: Permanent rural settlement Tourism Education</p> <p>Historical information:</p> <p>Heritage Status: Previous status under National Monuments Act:</p> <p>Current status under National Heritage Resources Act: Older than 60 Approved grading: Suggested grading: 3A Responsible heritage authority: HWC</p> <p>Significance: Ability to demonstrate expansion and formalization of settlement in early 20th century. Original fabric fairly intact. Historical and spatial landmark in the town. Historical role in the community as a school, allowing local education of (white) children. Current high social value as meeting place, boeremusiek music festivals; local community meetings; also used for community education programs.</p> <p>Constraints and Opportunities:</p> <p>Heritage Management Recommendations: Ongoing repair and maintenance Formal protection in terms of zoning scheme regulations (Grade 3A)</p> <p>- Conserve</p>	
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Extract from the Baardskeerdersbos Heritage document, June 2009

It is noted that the building should be conserved. It is mentioned that the building currently holds a high social value as meeting place, boeremusiek music festivals; local community meetings; also for community education programs.

The document is fully compliant with this document in that the buildings are conserved. The application being made is also to formalise the activities that were already taking place in 2009, to enhance the value of the property for the community.

10.5 PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK (PSDF)

The PSDF is prepared at a provincial level and therefore sets out important principles that inform decision making at a local level. The document contains a complex set of policies that are applicable to the whole province. The most applicable challenges and opportunities set forth in this case are:

- Undeveloped potential in tourism markets, especially in some rural areas where new product opportunities for cultural, adventure and ecotourism exist. This potential should be utilised, but in an environmentally responsible manner;
- Environmental damage due to inadequate environmental management. Uncontrolled growth and development will start affecting the 'landscape' resource. A symbiotic relationship needs to be developed where features are protected as assets for tourism, while tourism generates the motivation and finances to protect environmental resources;
- Linking of tourism resources by theme, promotion, product differentiation, transportation can create a better offer, thereby drawing a larger market;
- Increase variety of tourist attractions and activities in focus areas to induce tourists to stay longer, and encourage returns;

The proposal is in line with this document, seeing that the proposal doesn't have an environmental impact, but it will contribute towards more tourist attractions in Baardskeerdersbos.

10.6 SECTION 42 OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (SPLUMA) AND CHAPTER 6 OF THE LAND USE PLANNING ACT (LUPA)

The Spatial Planning and Land Use Management Act (SPLUMA) and Land Use Planning Act (LUPA) are applicable. One of the main objectives of these acts is to provide a framework for spatial planning and land use management to address past spatial and regulatory imbalances.

Section 42 of SPLUMA and Chapter 6 of LUPA prescribe certain aspects that have to be taken into consideration when deciding on an application. These are:

- development principles set out in Chapter 2 of SPLUMA
- protect and promote the sustainable use of agricultural land

- national and provincial government policies
- the municipal spatial development framework; and take into account—
 - (i) the public interest;
 - (ii) the constitutional transformation imperatives and the related duties of the State;
 - (iii) the facts and circumstances relevant to the application;
 - (iv) the respective rights and obligations of all those affected;
 - (v) the state and impact of engineering services, social infrastructure and open space requirements; and
 - (vi) any factors that may be prescribed, including timeframes for making decisions.

SPLUMA and LUPA sets out the following 5 main development principles applicable to spatial planning, land use management and land development:

1. Spatial justice
2. Spatial sustainability
3. Efficiency (optimising the use of existing resources and infrastructure)
4. Spatial resilience (allow for flexibility in spatial plans)
5. Good administration

Compliance with SPLUMA & LUPA Principles:

As discussed in this report, this development proposal is consistent with the approved statutory spatial policy framework for the area, as well as the Provincial Spatial Development Framework. The table below indicates how the proposed development will be consistent with the SPLUMA principles.

SPLUMA & LUPA Principle	Compliance
Spatial Justice	The property has been in use as a community facility for a long period. The application will formalise these uses and ensure the economic sustainability of Portion 6 of Farm 213.
Spatial Sustainability	The proposal is in line with existing overhead planning documents.

	The development proposal is sensitive to the natural environment and heritage resources, while providing in much needed community and tourist facilities.
Spatial Efficiency	The proposed uses make use of existing resources. The development adds value to the existing property rights, by expanding uses on the property.
Spatial Resilience	The proposed uses will help to make the existing activities economically more sustainable.
Good Administration	This principle has no direct bearing on the application; however, the Overstrand Municipality is obligated to consider the application fairly and within the timeframes provided in terms of the municipal planning bylaw.

11. DESIRABILITY

11.1 Title Deed

- The title deed notes that uses should be community orientated activities. The proposal is fully compliant with this restriction / condition.

11.2 Physical Characteristics of the Property

- The proposed uses will not impact negatively on the physical characteristics of the property, since no additional permanent structures are proposed outside the existing built-up area.

11.3 Overhead Planning

The project complies with the overhead planning for the area:

- The proposal is in line with the Spatial Development Framework and other overhead planning documents for this area by making use of existing infrastructure.

11.4 Compliance with SPLUMA & LUPA

The proposal is in compliance with the principles of SPLUMA & LUPA.

11.5 Agricultural Activities

There are no agricultural activities on the property, other than a small vegetable garden.

11.6 Character of the Area

The area surrounding the farm is characterised by agricultural uses and rural dwellings. With the uses applied for, already being practiced for decades on this property, the formalisation of rights, will not have an impact on the character of the area.

11.7 Visual Impact

There will be no visual impact, since no additional buildings will be erected.

11.8 Potential of the Site

By making use of existing infrastructure, inside existing buildings, optimal use is made of available resources. The use will not have any impact on existing activities or on any sensitive environmental area.

The site needs to be preserved for community facilities, but the expense of the upkeep of the heritage buildings and large grounds becomes significant if the property doesn't generate an income. The

proposed uses (community market, function hall and live music) will ensure that the property remains available for community purposes.

11.9 No impact on Existing Rights

Given the fact that the proposal is consistent with spatial planning policy, and the fact that these facilities are located inside existing buildings, it is the considered opinion that the proposed application will not have an undue impact on any of the existing land use rights.

11.10 Impact on Neighbours

The consent uses applied for have mostly been in use for many years. These uses have an impact on neighbours, but it has been indicated that some of the neighbours enjoy the activity on the erf and others participate in the weekend market, or contribute to weddings held at the facility.

With the market area being only once a week during daytime, the impact of these events should be acceptable. The live music and functions could, however, generate noise, that could have an impact on neighbours. With it being inside the hall of the Old School, it is anticipated that the noise will be contained. The venue is also fairly small and only a maximum of a 100 people can be accommodated. Due to the scale of the venue, the impact should be manageable. Live music will also not be allowed to play later than 11h00 at night.

The existing restaurant are allowed to sell liquor until 02h00 in the morning. The property therefore also has an established business element.

12. CONCLUSION


The proposed consent uses will make use of infrastructure and resources that are already available on the property. Most of the proposed uses were already in place for many years, but the correct processes were not followed to formalise their use.

The proposal should not have an undue negative impact on surrounding neighbours, seeing that the uses have been taking place historically. The consent use will not impact negatively on the character of the property. The proposal is in line with national and provincial legislation, as well as policy documents and is acceptable in terms of desirability. Land uses of this nature contribute towards strengthening the entire tourism market of the area and provides the community with the opportunity to market their own products.

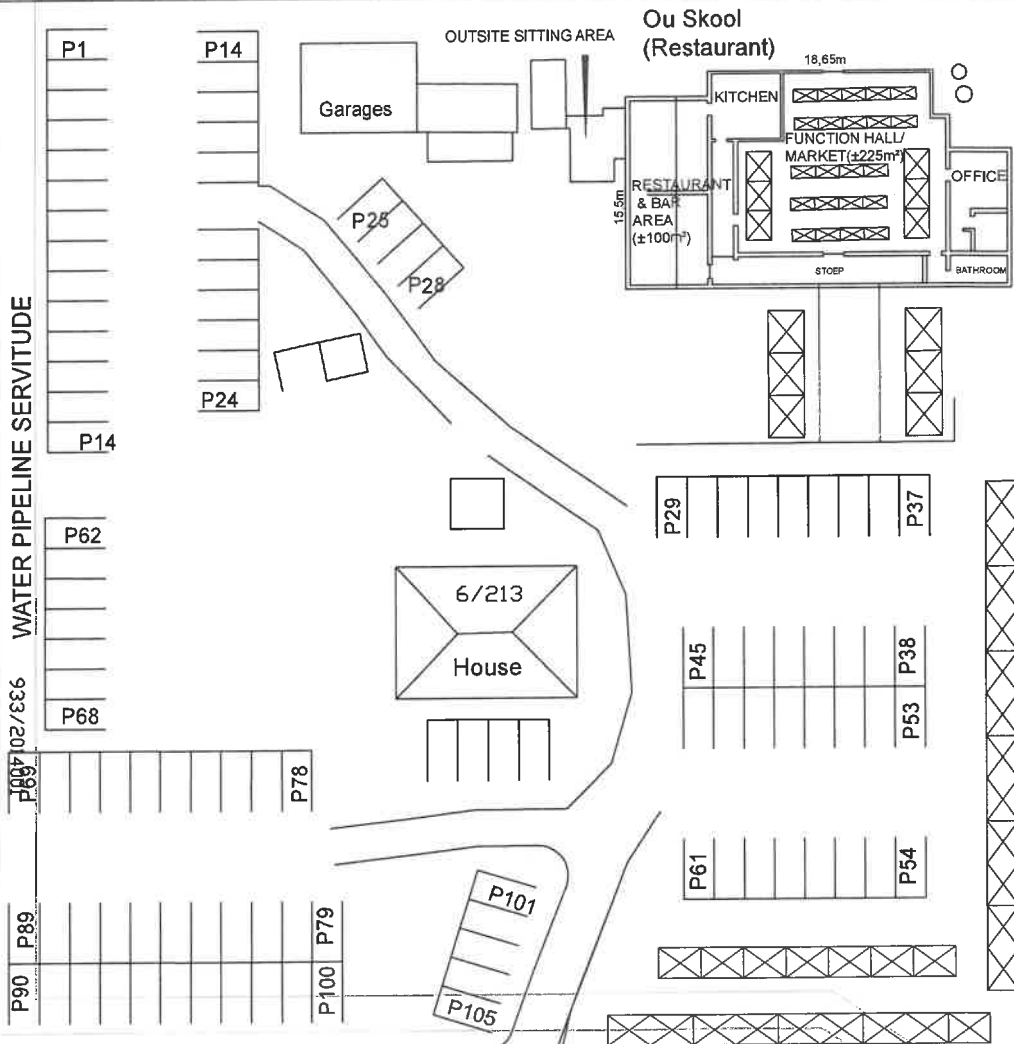
NOTES:

FUNCTION HALL FLOOR AREA: ±225m²

NUMBER OF PARKING BAYS: 105

 APPROX NUMBER OF MARKET STANDS (±50 STANDS)

188/213



35/213

Strandveld Street

45/213

Town & Country

Creative Land Solutions

P.O. Box 1085
Bredasdorp
7280

Tel. 028 424 1545
Fax. 028 425 2085

E-mail: towncountry@vodamail.co.za

PROJECT
**SITE PLAN: PORTION 6 OF FARM 213,
BREDASDORP DIVISION
OVERSTRAND MUNICIPALITY**



Land Surveyors • Town Planners

DRAWN

LT

SCALE

1: 600

DWG No.

BRE/3154

Notes:

CHECKED

LT

DATE

MAY 2024

REVISION

TP - A Theart
(S vld Merwe)

Alida Conradie

From: Karel Van der Merwe <
Sent: Wednesday, 13 November 2024 12:31
To: Alida Conradie
Cc: Enquiries; Marlize Miller
Subject: Re: PORTION 6 OF THE FARM BAARDSCHEERDERS BOSCH NO. 213, BREDASDORP DIVISION - PUBLIC PARTICIPATION - You are regarded as a potentially affected property owner
Attachments: NOTICE - PTN 213-6 GBBOS (Consent use).pdf

Good day Alida

I own portion 188 of 213 and we are in the process of building a residence for personal use.

I OBJECT to the proposed licensing of "occasional" live music and entertainment as the previous and current lessees have informed neighbours that they have the "right" to play loud music until 02H00 EVERY night. I have yet to see the proof.

They have played **very** loud music on a regular basis with our direct neighbours suffering as the sound travels from the pub deck. Our house is going to be **20M** away from their pub and its not feasible.

The BBo precinct plan clearly indicates that restaurants, pubs and live music is allowed next to main road. I don't see why the old school should be exempted. If they have daytime functions, markets etc it is to the benefit of all, but not loud music, this should be a personal choice and not imposed on anyone.

I came here for the peace and quiet.

Regards
Karel van der Merwe

10 Kloof street
Baardskeerderbos

On 15 Oct 2024, at 15:33, Marlize Miller <mmiller@overstrand.gov.za> wrote:

alida@overstrand.gov.za

FILE NO. Ptn 6 213
GBB
SCAN NO.
COLLABORATOR NO.
2468844

P

Alida Conradie

From: Sue Vingerhoets
Sent: Thursday, 09 January 2025 20:53
To: Alida Conradie
Subject: Re: FW: PORTION 6 OF THE FARM BAARDSCHEERDERS BOSCH NO. 213, BREDASDORP DIVISION, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: TOWN & COUNTRY CREATIVE LAND SOLUTIONS ON BEHALF OF STRANDVELD LANDBOU VERENIGING

Dear Alida,

With regards to the above application, I would like to object due to an unreasonable level of noise from a week of revelry and a specific event on the 7th of December. The application document allows for events that have noise at a reasonable level and finish at 11pm. This was definitely not the case that night. While a once-off event can be tolerated, if this venue has regular events of this nature, I certainly object to a license being granted.

While I would like to support local business of all kinds, I moved away from town to live in a quiet environment. This will not be the case if parties of this nature happen regularly.

We are 218m from the venue.

Our measured ambient decibel level is 11 decibels, with gusting wind raising it to 22 decibels.

We measured 42-61decibels that night. I can't imagine how loud it was for the direct neighbours.

Perhaps the licence holder should install better sound-proofing such that the ambient sound level does not increase by more than 7 decibels as the bylaws state, as well as adhering to the hours dictated by the law.

I hope this can be resolved for all parties involved.

Sincerely,

On Tue, 17 Dec 2024, 09:51 Sue Vingerhoets,
 Thank you.

/rote:

It's a difficult situation. One wants to support this local business but also moved away from town for quiet.

I will submit a letter Alida. I appreciate being kept informed.

Regards,
 Sue Vingerhoets

On Tue, 17 Dec 2024, 09:49 Alida Conradie, <alida@overstrand.gov.za> wrote:

Dear Ms Vingerhoets,

Kindly note that a few of the potentially affected property owners, did not have email addresses and some emails were returned undelivered. Due to the aforementioned notices with regard to the application has been sent to these owners by registered mail on 03 December 2024. The closing date for comment/objections is 17 January 2025.

You are welcome to send your comment/objections to me.

Kind Regards

Alida Conradie

Administrative Officer, Town- and Spatial Planning

Directorate: Planning & Development, Overstrand Municipality, Hermanus

A: 16 Paterson Street, Hermanus, 7200 P: P O Box 20

T: 028 313 8900 | F: 028 313 2093 | E: alida@overstrand.gov.za

From: Alida Conradie

Sent: Friday, 06 December 2024 11:49

To: Sue Vingerhoets

Subject: RE: PORTION 6 OF THE FARM BAARDSCHEERDERS BOSCH NO. 213, BREDASDORP DIVISION, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: TOWN & COUNTRY CREATIVE LAND SOLUTIONS ON BEHALF OF STRANDVELD LANDBOU VERENIGING

Good day Ms Vingerhoets,

Unfortunately, no extension of time is allowed for the submission of objections. Your objection is therefore deemed invalid; however, your comment will be sent to the applicant for comment and addressed in the planning report during assessment of the application by the town planner.

You will also be informed of the decision, but your right to appeal the decision and/or conditions of approval is forfeited.

Kind Regards

Alida Conradie*Administrative Officer, Town- and Spatial Planning**Directorate: Planning & Development, Overstrand Municipality, Hermanus*A: 16 Paterson Street, Hermanus, 7200 P: P O Box 20T: 028 313 8900 | F: 028 313 2093 | E: alida@overstrand.gov.za**From:** Sue Vingerhoets _____**Sent:** Thursday, December 5, 2024 5:23 PM**To:** Alida Conradie <alida@overstrand.gov.za>**Subject:** PORTION 6 OF THE FARM BAARDSCHEERDERS BOSCH NO. 213, BREDASDORP DIVISION, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: TOWN & COUNTRY CREATIVE LAND SOLUTIONS ON BEHALF OF STRANDVELD LANDBOU VERENIGING

Good day Alida.

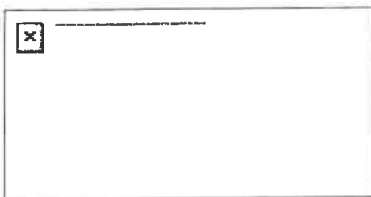
With regards to the above letter of objection, I was not planning to object and hence did not send anything before the 22nd of November.

However, for the last week there has been extremely loud music every afternoon and if this is what they deem to be managed reasonable sound, I would like to object now. I realise it is past the deadline so if there is another route to follow, please advise me.

Kind regards,

Sue Vingerhoets

54/213 Baardskeerdersbos

**Overstrand
Municipality****A:** 1 Magnolia Street

Hermanus. 7200

P: P.O Box 20, Hermanus,
7200**T:** +27 (0)28 313 8000 | **F:**
+27 (0)28 312 1894**E:**enquiries@overstrand.gov.za**W:** www.overstrand.gov.za



REF: BRE/3154

2 February 2025

For Attention: Mr Schalk van der Merwe
 Overstrand Municipality
 P.O Box 20
 Hermanus
 7200

Sir

**PROPOSED CONSENT USE FOR TOURIST FACILITIES: PORTION 6 OF FARM
 BAARDSCHEERDERS BOSCH NO 213, DIVISION BREDASDORP**

With reference to the above and comments received during the public participation process.
 Two comments were received from:

1. Karel van der Merwe
2. Sue Vingerhoets

A summary of the comments and our response:

1. Karel van der Merwe (objection received in time)

COMMENT RECEIVED	OUR RESPONSE
<p>Objects against the "occasional" live music and entertainment as the previous and current lessees have informed neighbours that they have the 'right' to play loud music until 02h00 every night'</p>	<p>The Ou Skool doesn't currently have any approval for live music and events and are only applying now. It is understood that previous lessees did not respect neighbour's privacy in the past.</p> <p>The owners and new lessees understand that the venue is in among houses and that an acceptable noise level must be maintained. They want to co-operate in future and make sure that noise does not exceed acceptable noise restrictions.</p>

	<p>The owner will in future be cautious to keep to the approved time limitations and to adhere to National and Local Regulations and By-Laws with regards to Noise pollution.</p>
<p>'The BBos precinct plan clearly indicates that restaurants, pubs and live music is allowed next to main road. I don't see why the old school should be exempted. If they have daytime functions, market etc it is to the benefit of all, but not loud music, this should be a personal choice and imposed on anyone.'</p>	<p>In terms of the precinct plan, Portion 6 is indicated in this document as a 'Social Foci', where open space can be provided. This property is seen as one of the main community facilities in Baardskeedersbos that should be linked to the CBD, church and community hall in terms of this document.</p> <p>In terms of the Heritage document of 2009, Portion 6 holds a high social value as meeting place, boeremusiek music festivals; local community meetings; also for community education programs.</p> <p>The social value of the property is acknowledged in the forward planning documents. The owner will make sure that current and future lessees adhere to noise restrictions, to ensure that special events are well managed and do not have a negative impact on neighbours.</p>

2. Sue Vingerhoets (this comment was received after the commenting period closed)

COMMENT RECEIVED	OUR RESPONSE
<p>Ms Vingerhoets objects to an event that took place on the 7th of December, where noise levels between 42 – 61 decibels were measured.</p> <p>Comment that should events of this nature be held regularly, she is objecting.</p>	<p>This event was booked through the previous lessee and the current lessee confirmed that the noise spiraled out of control. Not even the police managed to stop the party.</p> <p>It was a wedding, and the groom brought a huge speaker that he bought specifically for this event. The current lessees stopped the noise in the end, by pulling out the plug.</p>

	<p>This type of noise will not be tolerated in future. Music at special events will be turned down at 23h00 and will have to be confined to the venue hall at night.</p> <p>The owner will in future be cautious to keep to the approved time limitations and to adhere to National and Local Regulations and By-Laws with regards to Noise pollution.</p>
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IN CONCLUSION

From personal conversations and also the responses received, it is clear that no-one objects against the market and day-time functions, but there are objections against night time functions that were held unregulated in the past.

The new lessees are also Baardskeerdersbos residents and also noted that activities at the Ou Skool were previously completely out of control. The owner will make sure that contracts will lessees will include rules in terms of noise.

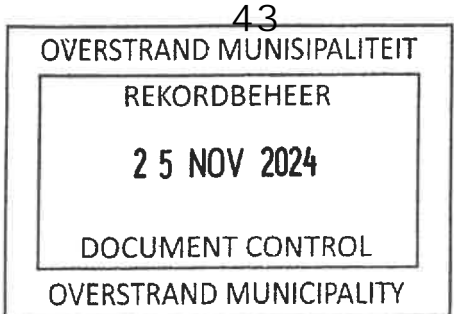
It can be noted, that previously the tv / sound system remote was available to anyone in the restaurant to pick songs and adjust the volume. Strict management has now been put in place to regulate noise in general.

We hope you find the above in order.

Yours Faithfully



Louna Truter
For Town & Country



Annexure F14

Overstrand Municipality

alida@overstrand.gov.za

TP - A Theart
(S + Id Merkle)

Date: 2024/11/25

Enquiries:

WayleavesWesternOU@eskom.co.za

WAYLEAVE APPLICATION: Application for Consent Use : PORTION 6 OF THE FARM BAARDSCHEERDERS BOSCH NO. 213, BREDASDORP DIVISION · GANSRAAI

YOUR REF: 213/6 GBBOS

ESKOM REF: 16718-24

THIS IS NOT AN APPROVAL TO START CONSTRUCTION

I hereby inform you that Eskom has no objection to the proposed work indicated on your drawing in principle. This approval is valid for **12 months** only, after which reapplication must be made if the work has not been completed.

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

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

Application for Working Permit must be made to:

Customer Network Centre: Caledon

Dirk Swart / Francois Swart

028 214 5710 / 028 214 5713 / 083 502 2590

SwartDi@eskom.co.za

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

Should it be necessary to move, relocate or support any existing services for possible future needs, it will be at the developer's cost. Application for relocating services must be made to Customer Services on 08600 37566 or customerservices@eskom.co.za

FILE NO. Ptn 61213
GBBas
SCAN NO.
01
COLLABORATOR NO.
2559880

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

25 NOV 2024



2. Underground Services

The following conditions to be adhered to at all times:

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

3. O.H. Line Services:

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

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

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

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

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

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

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



LEGEND

- ESKOM MV OVERHEAD LINE
- ESKOM LV UNDERGROUND CABLE
- CADASTRAL BOUNDARY
- - - - AREA OF INTEREST

REV	REVISION DESCRIPTION	BY	CHKD	AUTH	DATE

	CALEDON CNC BREDASDORP DIVISION PORTION 6 OF THE FARM BAARDSCHEERDERS BOSCH NO. 213 WAYLEAVE OVERSTRAND MUNICIPALITY	WAYLEAVE 16718-24		
		ELECTRIFICATION TO BE CONFIRMED ON SITE	SET	SHEET
SCALE 1 : 500 THIS DRAWING IS THE PROPERTY OF ESKOM DATE: 2024/10/22		05	00	00

ALL CABLE POSITIONS ARE APPROXIMATE AND SHOULD BE VERIFIED ON SITE
LAND DEVELOPMENT SECTION
 TEL 021-989 3119 FAX 021-980 3053



**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR CONSENT USE: PORTION 6 OF THE FARM 213,
BAARDSCHEERDERS BOSCH, DIVISION BREDASDORP (4618/2024)**

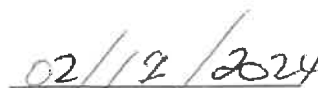
Electricity	:	Eskom area
Stormwater	:	In order
Water	:	In order
Sewer	:	In order
Roads and traffic	:	In order

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 only the existing water connection will be available to the development, should any larger capacity be required, the upgrading will be for the owner's cost.
3. that, as there is currently no municipal sewer network in the vicinity, Portion 6 of Farm 213 must be provided with adequate sewer conservancy tanks, which must comply with the standards of the Division: Engineering Services(Hermanus), and to which the sewer services on the development must connect to;
4. 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;
5. that any commercial food preparation facilities (eg. restaurant / guesthouse etc.) must be provided with a grease trap which must comply with the specifications and standards of the Division: Civil Engineering Services.
6. that stormwater discharged from higher lying properties and generated in the catchment area of Portion 6 of Farm 213 be allowed to drain freely through the property;
7. that on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Division: Engineering Services;



**RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL**


DATE