

4.5**PORTION 59 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 A BRITZ****Ptn 59/213 GRBRE (5203/2026)****SW van der Merwe
29 September 2026****(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 30 March 2026 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 at tourist facility / farmstall on the property.

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 application property is situated on the corner of Main Road and River Street, Baardskeerdersbos and is zoned Agricultural Zone 1. The property is currently vacant and measures 0,879ha in extent. The property is situated amongst other farm shops and tourist facilities in the area.

Uses surrounding the application property includes residential and commercial uses. Opposite to the north is a liquor store and petrol pump and a restaurant to the west.

The proposed development seeks to establish a small-scale, tourism-oriented facility that will serve both residents and visitors travelling through the area by offering a variety of farm stall products, deli products, unique gifts and locally produced goods. The proposal will have a maximum footprint of 250m² and will provide for the following:

- Local produce and farm-related products.
- Lifestyle products, that could include handicrafts, body care, curios and gifts.
- A deli-style retail component.
- A small coffee shop / café catering for visitors and travellers.
- The tasting and sale of small-batch or craft beer, wine and locally produced distilled alcoholic beverages.
- Informal seating areas for visitors.
- The opportunity to do tastings of some of the products that's offered for sale.

Access and parking will be provided from River Street at the applicable parking ratio of four (4) on-site parking bays per 100m² Gross Leasable Area (GLA).

4. SUMMARY OF APPLICANT'S MOTIVATION

The motivation for the application is as follows:

- ❖ There are no agricultural activities that will be impacted upon.
- ❖ Surrounding area contain commercial uses and rural dwellings.
- ❖ Proposal will enhance the existing character providing tourists with more variety.
- ❖ The proposed building will a barn style building and will be designed to enhance the character of the area.
- ❖ Baardskeerdersbos and surrounds are known for its rural landscape, agricultural activities and tourism appeal.
- ❖ Visitors travelling through the region are often attracted to small-scale farm stalls and local product outlets, which creates an opportunity for the proposed development to function as a destination stop.
- ❖ With the property located on Main Road, on an activity street, it is very accessible and visible.
- ❖ Development will be carefully planned and integrated with the surrounding rural environment.
- ❖ Location of the property within an agricultural landscape also provides the potential to create a farm-stall style destination that promotes locally produced goods and deli and artisanal products, thereby supporting local farmers and small-scale producers from through-out South Africa.
- ❖ Property has the potential to accommodate a low-intensity tourism-related activity that enhances the economic viability of the area while maintaining the rural character and environmental quality that makes the Baardskeerdersbos area attractive to visitors.
- ❖ No undue impact on existing land use rights.
- ❖ The proposal will provide economic benefit to the owner and in addition potential for employment opportunities is created.
- ❖ The proposal will also provide residents, small scale producers and artisans to supply products for sale, thereby expanding the local value chain.
- ❖ Electricity provided by Eskom.
- ❖ Municipal water connection is available.
- ❖ Sewage will be a closed conservancy tank system and will be removed by the municipality.
- ❖ Solid waste will be removed by the municipality.
- ❖ Proposal does not trigger listed activities in terms of NEMA.
- ❖ There are no title deed restrictions that prohibit the proposal.
- ❖ Proposal is consistent with the SDF, of an appropriate scale and not to detract from the environmental / heritage value of the area.
- ❖ Consistent with the Baardskeerdersbos Precinct Plan, 2015 as commercial land uses / cottage industries are encouraged adjacent Main Road (R317).
- ❖ Consistent with the planning principles in terms of LUPA/SPLUMA, namely:

Spatial Justice

Spatial sustainability promotes land uses that are environmentally responsible and compatible with their surrounding context. The proposed tourist facility is small in scale and compatible with the rural agricultural character of the area. The development will make sure that the visual and environmental character of the area is maintained.

Spatial Sustainability

Spatial sustainability promotes land uses that are environmentally responsible and compatible with their surrounding context. The proposed tourist facility is small in scale and compatible with the rural agricultural character of the area. The development will make sure that the visual and environmental character of the area is maintained.

Spatial Efficiency

Spatial efficiency promotes the optimal use of land and existing infrastructure. The proposal makes productive use of a currently vacant property and utilises the existing road network and available service infrastructure. The development represents a low-intensity land use that can be accommodated without placing undue pressure on existing infrastructure.

Spatial Resilience

Spatial resilience refers to the ability of settlements to adapt to changing social, economic and environmental conditions. The proposed development contributes to economic diversification within the rural area by introducing a tourism related activity that complements agricultural land uses. This diversification strengthens the long-term sustainability and resilience of the local rural economy.

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.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local Newspaper	Yes	08 May 2026	12 June 2026
Notices and Site Notice	Yes	07 May 2026	12 June 2026
Internal Departments	Yes	07 May 2026	12 June 2026
Ward councillor	Yes	07 May 2026	12 June 2026
Total comments	One (1) petition submitted by Baardskeerdersbos Business Association		
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
Health	08/05/2026	Premises must apply for certificate of Acceptability before operation of the shop/coffee shop. Certificate of Acceptability is compulsory in Reference to Regulation 638 of 22 June 2018.
Building Department	13/05/2026	No objection. The building plan must apply with all applicable law.
Local Heritage	14/05/2026	No comment.
Fire Services	21/05/2026	No objection, subject to compliance with the National Building Regulations, Act 103 of 1977, SANS 10400: T & W and Overstrand Community Fire Safety By-Law PN 6454-2007.
Development Control	09/06/2026	Attached as Annexure F.
Environmental Management Services	12/06/2026	No objection.
OpenServe (Telkom)	13/05/2026	No objection.
Breede-Olifants Catchment Management Agency	06/07/2026	No objection.
CapeNature	07/07/2026	No objection.
Department of Transport and Public Works	13/08/2026	No objection.
Department of Environmental Affairs and Development Planning, <i>Environmental</i>	26/08/2026	No listed activities

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

The application was advertised in the local media, and registered notices were served upon interested and affected parties. A petition was received from the Baardskeerdersbos Business Association (BBBA). The petition from the BBBA also included an objection from Celestina Vineyards. The applicant responded separately to latter. For the purposes of the application the petition received is regarded one objection.

<u>Name</u>		<u>Date submitted</u>	<u>Valid</u>	<u>Invalid</u>
Baardskeerdersbos Business Association on behalf of the owners of the following properties: • Old School Restaurant, Portion 6 of the Farm Baardskeerdersbos Nr. 213 • General and Liquor Store, Portion 25 of the Farm Baardskeerdersbos Nr. 213 • Baardskeerdersbos Coffee Shop, Art Gallery and Deli, Portion 41 of the Farm Baardskeerdersbos Nr. 213 • Primi Restaurant, Portion 64 of the Farm Baardskeerdersbos Nr. 213 • Anru Farm Stall and Shop, Portion 83 of the Farm Baardskeerdersbos Nr. 213 • Junction 52, Portion 164 of the Farm Baardskeerdersbos Nr. 213 • Marietjies Pub and Grill, Portion 172 of the Farm Baardskeerdersbos 213	Objector 1	17/06/2026	X	
Caroline Rillema, Celestina Vinyards, Portion 156 of the Farm Baardskeerdersbos Nr. 213 (<i>letter of objection was included in the submission by the Baardskeerdersbos Business Association</i>)	Objector 1	17/06/2026	X	

The main grounds of objection are summarised as follows:

POINT OF OBJECTION

The objection is submitted on behalf of the newly established Baardskeerdersbos Business Association (BBBA), representing seven businesses, and therefore should be regarded as an objection by seven businesses rather than one.

RESPONSE FROM APPLICANT

The number of objectors does not determine the planning merits of an application. The Municipality is required to consider the substance of each planning concern rather than the number of persons or businesses supporting or opposing an application. While the comments of the Business Association are acknowledged, the application must ultimately be assessed against the applicable legislation, planning policies and the desirability criteria contained in SPLUMA, LUPA and the Overstrand Municipal Planning By-law.

RESPONSE FROM TOWN PLANNER

The applicant's comment is noted and agreed with in so far as it relates number of objections. Having had regard to the provisions of Section 51 of the By-law the submission by the Baardskeerdersbos Business Association is regarded a petition which is defined as follows as it was submitted under a single complaint letter combining seven property / business owners in the Baardskeerdersbos area.

Section 51 of the By-law contains the following requirements for petitions:

- “(1). Comments in respect of an application submitted by the public in the form of a petition must clearly state-*
- (a) (i) the full name, surname, national identity number and physical address of each signatory;*
 - (ii) the full name, surname, postal address, telephone number, email and facsimile of no more than two specified persons to whom further communication relating to the application may be directed; provided that where such information is not made available, the Municipality shall direct further communication only to the first person who signed such petition and whose address is known; and only the first objector will be recorded as the legal objector;*
 - (iii) each page of a petition containing the signature of a petitioner shall contain at least a summary of the objection;*
 - (iv) the interest of the body or person in the application;*
 - (v) an affidavit stating that he or she is not colluding with any applicant, objector or appellant and is willing to act in regard to the application or appeal as the Municipality may direct.*
 - (b) The reasons for the petition must be set out in sufficient detail-*
 - (i) The facts and circumstances which explain the comments contained within the petition;*
 - (ii) The undesirable effect which the application will have on the area and/or demonstrate that she or he will be adversely affected by the decision;*
 - (iii) Any aspect of the application which is not considered consistent with applicable policy.*
- (2) Any written notification by the Municipality to petitioners shall be regarded as sufficient if such notification is sent to the persons contemplated in 50 (1)(f) and 51 (1)(a)(ii).*
- (3) A petition that does not comply with the above requirements, will not be considered and processed as a valid petition and will not be regarded as an objection.*

Having had regard to the content of Section 51(3) of the By-Law the petition submitted does not comply with Section 51(a)(i),(ii), (iii) and (v) and Section 51(b) (i), (ii) and (iii).

The applicant however did comment on the points of objection raised by the petitioner. Since the petition does not constitute a valid objection, the petitioner will not be shown on his / her right of appeal.

POINT OF OBJECTION

There is insufficient market demand and Baardskeerdersbos lacks the population and critical mass to support another farm stall or similar business.

RESPONSE FROM APPLICANT

Market demand and commercial viability are business considerations that are ultimately borne by the owner and developer. Municipal planning legislation does not require an applicant to demonstrate the commercial success of a proposed business before land use rights may be granted. The proposal simply seeks permission for an additional land use that is specifically provided for as a consent use in the Agriculture Zone I zoning. Whether the business succeeds commercially is determined by the market and not by the land use approval process.

RESPONSE FROM TOWN PLANNER

The applicant's comment is noted and agreed with. In addition, the proposal is consistent / in character with developed in the area and consistent with the Baardskeerdersbos Precinct Plan as approved by Council.

POINT OF OBJECTION

Existing similar businesses are already struggling, and additional competition will negatively affect rentals, profitability and property values.

RESPONSE FROM APPLICANT

Protection of existing businesses from lawful competition is not a recognised planning principle. Healthy competition generally benefits consumers, promotes improved services and contributes to a more diverse tourism offering. The proposal is intended to complement, rather than replace, existing businesses by strengthening Baardskeerdersbos as a tourism destination. A greater variety of attractions encourages visitors to remain in the village longer, increasing the likelihood that they will visit multiple establishments during the same trip. This aligns with the objectives of the Provincial Spatial Development Framework, which encourages diversification of tourism products and the strengthening of rural tourism destinations.

RESPONSE FROM TOWN PLANNER

Applicant's comment is noted and agreed with as business competition is not a relevant planning consideration.

POINT OF OBJECTION

The proposal will require expensive infrastructure upgrades.

RESPONSE FROM APPLICANT

No evidence has been submitted to support this assertion. The application confirms that the development can connect to existing municipal water infrastructure, Eskom electricity supply, municipal refuse removal and a conservancy tank system. The proposal is small in scale, with a building footprint of approximately 250m², and no significant upgrading of municipal infrastructure is anticipated.

RESPONSE FROM TOWN PLANNER

The applicant's comment is noted and agreed with. In addition, the proposal is supported by the relevant municipal service departments.

POINT OF OBJECTION

Financial return metrics suggest that the proposal will have a poor return on investment and negatively affect other businesses.

RESPONSE FROM APPLICANT

Financial return on investment is not a planning consideration. Municipal land use applications are assessed in terms of statutory planning principles, policy compliance, infrastructure capacity, environmental considerations and desirability. The financial performance of either the proposed business or neighbouring businesses is not a land use criterion upon which a planning application should be approved or refused.

RESPONSE FROM TOWN PLANNER

The applicant's comment is noted and agreed with.

POINT OF OBJECTION

The proposal conflicts with heritage bylaws, aesthetics and the character of the town.

RESPONSE FROM APPLICANT

No evidence has been provided demonstrating a conflict with the applicable heritage or environmental provisions. The motivation specifically addresses the Baardskeerdersbos Precinct Plan, Municipal Heritage and Environmental Overlay Zone Regulations and the Overstrand Spatial Development Framework. The property is vacant, located within the urban edge and the proposed building is intended to be a modest barn-style structure that complements the established rural character of the village. The final architectural design will remain subject to normal building plan approval processes and any applicable heritage requirements.

RESPONSE FROM TOWN PLANNER

The applicant's comment is noted and agreed with. The Overstrand Heritage and Aesthetics Committee (OHAC) did not object to the proposal based on the provisions of the Baardskeerdersbos Heritage Protection Overlay Zone (HPOZ). Furthermore, upon submission of building plans the proposal will be referred to OHAC for comment.

POINT OF OBJECTION

The owner of Celestina Vineyards indicates that she has invested substantially in her business and believes the proposal will adversely affect her investment and may not succeed because visitor numbers are low during the week.

RESPONSE FROM APPLICANT

The investment made by neighbouring property owners is acknowledged and respected. However, planning legislation cannot protect existing businesses from future competition. The proposed tourist facility is intended to broaden the range of visitor experiences available in Baardskeerdersbos and thereby strengthen the village as a tourism destination. Increased visitor attraction and longer visitor stay have the potential to benefit surrounding businesses, including wine farms, restaurants, accommodation establishments and other retail outlets. Whether the proposed business succeeds commercially remains the responsibility and risk of the applicant

RESPONSE FROM TOWN PLANNER

The applicant's comment is noted and agreed with.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

N/A

9. MUNICIPAL ASSESSMENT OF COMMENTS

N/A

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

Principal seeks to redress spatial imbalances and improved access to economic opportunities. Proposal will contribute to the rural economy, employment opportunities and create a platform for small scale entrepreneurs to sell their products as well as an accessible tourism stop promoting economic activity in Baardskeerdersbos.

Spatial sustainability

Principal promotes land uses that are environmentally responsible and compatible with their surrounding context. The proposed tourist facility is small in scale and compatible with the rural agricultural character of the area. The development will make sure that the visual and environmental character of the area is maintained.

Efficiency

Principal promotes the optimal use of land and existing infrastructure. The proposal makes productive use of a currently vacant property and utilises the existing road network and available service infrastructure. The development represents a low-intensity land use that can be accommodated without placing undue pressure on existing infrastructure.

Spatial Resilience

Principal refers to the ability of settlements to adapt to changing social, economic and environmental conditions. The proposed development contributes to economic diversification within the rural area by introducing a tourism related activity that complements agricultural land uses. This diversification strengthens the long-term sustainability and resilience of the local rural economy.

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

The proposal being located with the urban edge of Baardskeerdersbos adjacent the Main Road is consistent with the SDF 2020 and the Baardskeerdersbos Precinct Plan that encourage tourist facilities / cottage industries adjoining the R317.

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

N/A

10.6 Impact on municipal engineering services

The proposal is supported by the Municipal Engineering Services Department subject to conditions.

The property is situated within the Eskom supply area. The application was circulated to Eskom, who did not provide a comment.

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 for tourist facilities / farm stall through an application process.

The application property is situated within the Baardskeerdersbos HPOZ and was referred to OHAC for comment.

11. THE DESIRABILITY OF THE PROPOSAL

The property is situated within the urban edge of Baardskeerdersbos as per the SDF (2020) and the Baardskeerdersbos Precinct Plan, 2015, which promotes appropriately scaled tourism development based on the agricultural and heritage value of the region.

The proposed development seeks to establish a small-scale, tourism-oriented facility that will serve both residents and visitors travelling through the area by offering a variety of farm stall products, deli products, unique gifts and locally produced goods. The proposal will have a maximum footprint of 250m² and will provide for the following:

- Local produce and farm-related products.
- Lifestyle products, that could include handicrafts, body care, curios and gifts.
- A deli-style retail component.
- A small coffee shop / café catering for visitors and travellers.
- The tasting and sale of small-batch or craft beer, wine and locally produced distilled alcoholic beverages.
- Informal seating areas for visitors.
- The opportunity to do tastings of some of the products that's offered for sale.

The proposal is fully consistent with the SDF as well as the Baardskeerdersbos Precinct Plan that promotes business mixed with residential uses and tourism along Main Road, which are as follows:

- Commercial use.
- Restaurants and guest houses / tourism accommodation.
- Cottage and light industry of non-pollutant nature.
- Home occupation.
- Arts and crafts and pottery.
- Cultural activities and festivals related to food, art, performance.
- Variety of crop production, including orchards.

The building will be a barn style building with a maximum footprint of 250m². Compliance with the Baardskeerdersbos HPOZ will be considered during building plan submission stage. The proposal is not expected to alter or negatively impact the rural character of the area, visual amenity of the locality or vested rights of adjoining property. It should also be noted that none of the residential properties in the vicinity objected. The objection from the Baardskeerdersbos Business Association for the reasons outlined in paragraph 7 is not a valid objection and as such will be notified of the outcome only. Also, business competition is not a relevant planning consideration. Thus, the property owner is responsible to do their own market research.

The property is easily accessible from the Main Road via River Street from which access to the on-site parking area will be obtained. The proposed parking area complies with the minimum requirements and is supported by engineering services.

The proposal will complement the tourist offering in Baardskeerdersbos, whilst providing a platform for local entrepreneurs and artisans to sell their goods. In addition, the proposal will also facility employment opportunities and contribute to the local economy.

The property is situated within the Heritage Protection Overlay Zone promulgated in terms of the Overstrand Municipal Land Use Planning Amendment By-law, 2020 and was referred to the Overstrand Heritage & Aesthetics Committee for comment who did not raise any objection to the proposed development.

There are not title deed conditions that restricts the proposed development.

The proposal does not trigger the provisions of NEMA or Section 38 of the National Heritage Resources Act.

Considering the above, the application is considered to be of a scale that is in line with the rural, tourist / agricultural character of the area, will not adversely impact upon biodiversity or eco system functioning, vested rights of adjoining properties whilst promoting tourism and economic development and therefore considered desirable.

12. RECOMMENDATION

1. that the application in terms of Section 16(2)(o) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Portion 59 of the Farm Baardscheerders Bosch No. 213, Bredasdorp Division for **consent use** (tourist facility / farm shop), **be approved** in terms of the provisions of Section 61 of the By-Law subject to the following conditions:
 - (a) that the consent use be limited to the building / structures indicated on the Site Development Plan Drawing No. *BRE/3152* dated *MAY 2024* submitted with the application;
 - (b) that a parking layout be submitted for approval by the Authorised Official demonstrating on-site parking provision in accordance with the provisions of the applicable scheme regulations;
 - (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 the conditions in the Services Report (attached as Annexure F), be complied with; and
 - (e) 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;
2. that the applicant 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.
- ❖ 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 rural guidelines.
- ❖ The proposal contributes to tourism, economic development and employment at a scale that is compatible with the character of the area.

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: Services Report

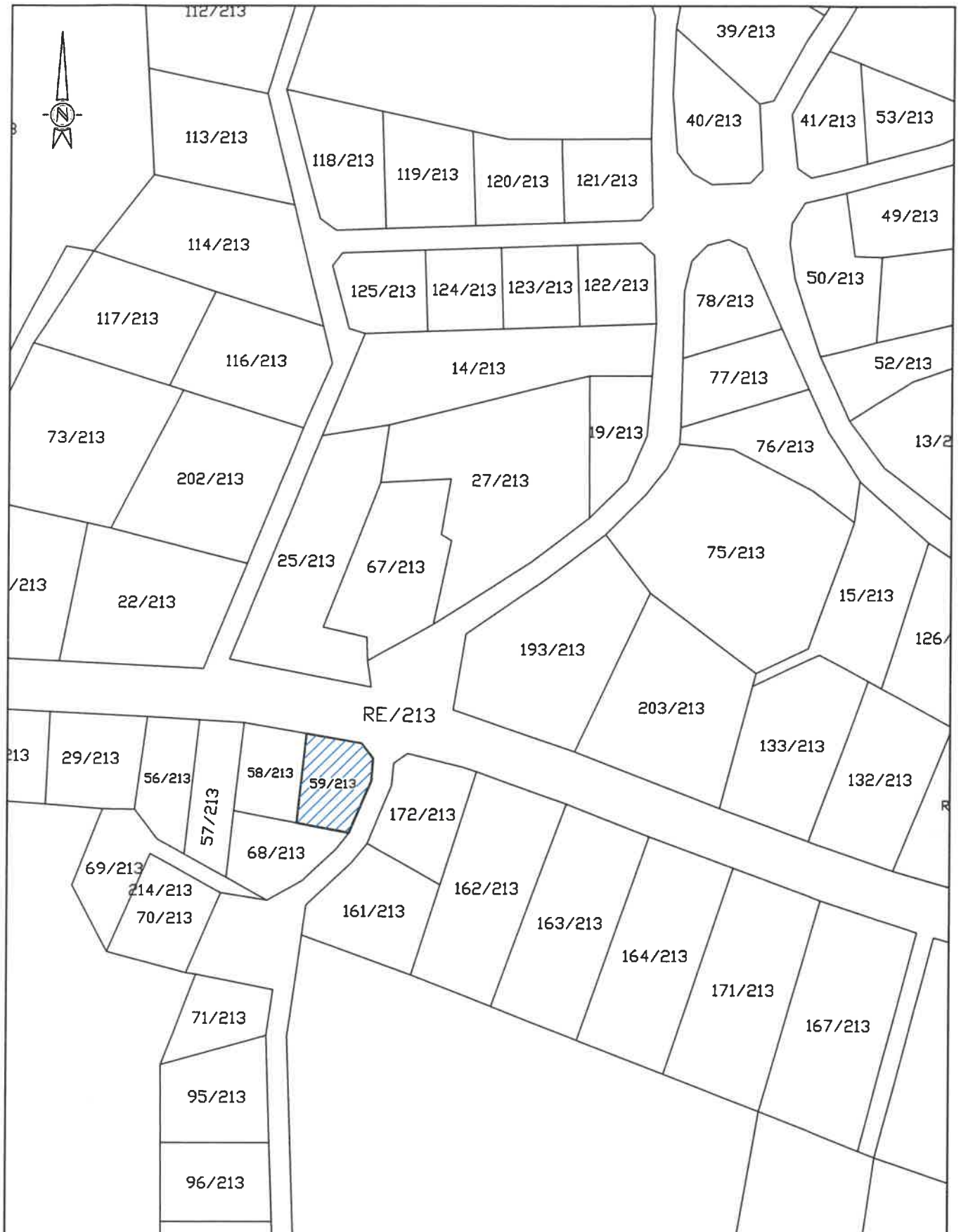
SIGNATURES**REGISTERED PLANNER**

Name: **SW VAN DER MERWE**

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

Signature: _____

Date: _____



Town & Country
Creative Land Solutions

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PROJECT
**LOCALITY PLAN: PORTION 59 OF FARM 213,
BREDASDORP DIVISION
OVERSTRAND MUNICIPALITY**



Land Surveyors • Town Planners

DRAWN

LT

CHECKED

LT

SCALE

1: 2 000

DATE

JAN 2026

DWG No.

REVISION

Notes:

MOTIVATIONAL REPORT
PROPOSED CONSENT USE FOR A TOURIST FACILITY: PORTION 59
OF FARM NO 213, BREDASDORP DISTRICT

Ref. BRE/3419

1. INTRODUCTION & BACKGROUND

This office was appointed by Ms Amke Britz to prepare and submit a town planning application in terms of the applicable land use planning legislation to the Overstrand Municipality.

The purpose of this application is to obtain the Municipality's approval for a Consent Use in order to allow the development of a farm stall / tourist facility on Portion 59 of Farm Baardscheerders Bosch No. 213, Bredasdorp RD.

The property is currently vacant and forms part of a rural agricultural area within Baardskeerdersbos. It is favourably located along Main Road, with high visibility and accessibility to passing traffic. The proposed development seeks to establish a small-scale, tourism-oriented facility that will serve both local residents and visitors travelling through the area by offering a variety of farm stall products, deli products, unique gifts and locally produced goods.

The application therefore seeks to create a compatible tourism-related activity that will complement the rural character of the surrounding area.

2. APPLICATION

Application is made for:

- A Consent Use for a farm stall / tourist facility 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;*

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 59 of Farm 213 Bredasdorp RD is registered under T17613/2023. GPS coordinates of the property are 34°35'25,36"S and 19°34'.06.98"E.

TOTAL AREA	879m ²
REGISTERED OWNER	Amke Britz
Boundaries: North	Main Road and Portion 25 of Farm 213 and Portion 67 of Farm 213
East	Portion 172 of Farm 213
South	Portion 68 of Farm 213
West	Portion 58 of Farm 213

The subject property is located on the southern side of Baardskeedersbos, along Main Road. The town falls under the jurisdiction of the Overstrand Municipality and is situated amongst other farm portions and tourist facilities in this area. The property is vacant. Please see attached a locality plan and extract from an aerial photo below.

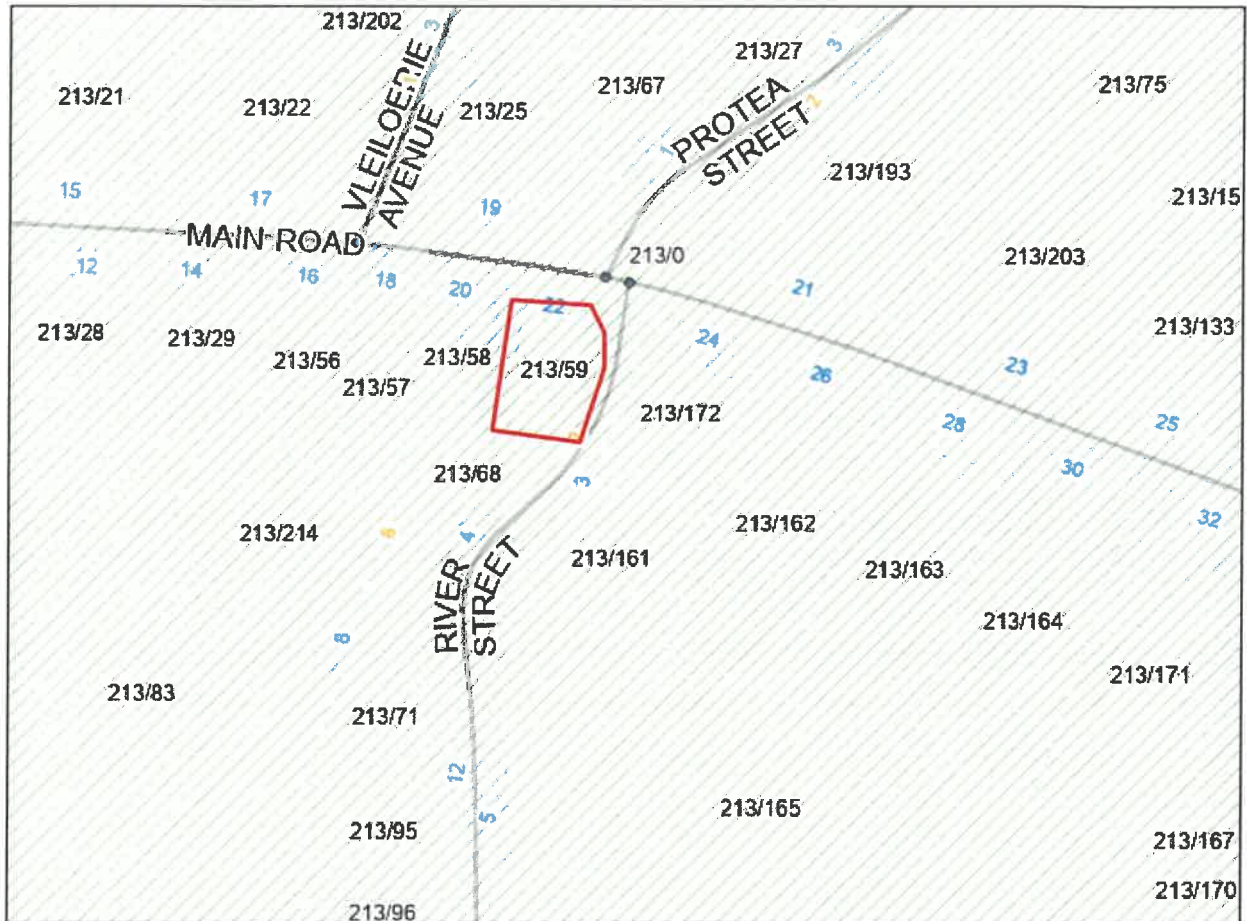


Extract from a Cape Farm Mapper, aerial photo, to indicate the location of Portion 59.

4. TITLE DEED

The Title Deed applicable to the property was reviewed to determine whether any restrictive conditions exist that may prohibit or restrict the proposed development. There are no restrictive title deed conditions noted that can have an impact on the proposed consent use.

The subject property is zoned as “Agriculture Zone I” in terms of the Overstrand Zoning Scheme. Primary Uses include agriculture, crèche, dwelling house, guest rooms and home occupation. Please see below an extract from the applicable zoning plan.



Consent uses that can be applied for, include

additional dwelling units, agricultural industry, animal care centre, aquaculture, day care centre, **farm shop/stall**, fertiliser plant, guest house, hotel, institution, intensive animal farming, intensive horticulture, lodge, mining, place of assembly, place of entertainment, place of instruction, plant nursery, riding stables, service trade, tourist accommodation, **tourist facilities**, transmission apparatus, utility services, wellness centre and 4x4 trail.

Uses surrounding Portion 59 of Farm 213 include commercial and residential uses. Please see below photos of the surrounding properties.



Photo towards the north of the existing shop and liquor store.



Photo towards the east, of the existing restaurant.



Photo towards the south of a nursery and dwelling.

6. THE DEVELOPMENT PROPOSAL

Portion 59 of Farm is located on Baardskeerderbos's Main Road and part of a rapidly growing tourist destination.

The applicant proposes the establishment of a small-scale tourist facility / farm stall that will provide a unique rural tourism experience.

The development will include a combination of the following components:

- Local produce and farm-related products.
- Lifestyle products, that could include handicrafts, body care, curios and gifts.
- A deli-style retail component
- A small coffee shop / café catering for visitors and travelers
- The tasting and sale of small-batch or craft beer, wine and locally produced distilled/ alcoholic beverages
- Informal seating areas for visitors
- The opportunity to do tastings of some of the products that's offered for sale.

The concept is to create a small destination stop for tourists, offering a variety of products from all over, but also especially promoting locally produced goods and supporting local producers and entrepreneurs.

The facility will be designed to remain consistent with the rural character and scale of the area and will not function as a large commercial centre. With the erf being small, the footprint of the proposal will be limited to approximately 250m².



Photo of Portion 59 of Farm 213, where the development is proposed.

At this stage, the final architectural design of the building has not yet been finalised. However, the owner intends to construct a barn-style building, which is considered appropriate to the rural setting, and which will complement the agricultural and rural character of the surrounding area. Please find below an image that illustrates the architectural style envisioned by the owners.



Architectural style of the proposed farm stall / tourist facility

The architectural approach will aim to integrate the development sensitively within the existing landscape and build form of the Baardskeerdersbos area.

7. ACCESS & ADDITIONAL TRAFFIC

- Access to the property will be taken from River Street.
- Parking will be provided on-site at a ratio of 4 bays per 100m² GLA.

Parking Requirements were calculated as follows:

Use	Regulation	Proposed use area	Parking Required
Farm shop / tourist facility / coffee shop area	4 bays / 100m ²	250m ²	10
Total			10

The site plan indicates that there are 11 on-site parking bays available.

8. SERVICES

Water

Connection to the existing municipal water reticulation system is possible. Water saving measures will be put in place and will include dual flush toilet systems and rainwater harvesting to supplement the municipal water.

Sewerage

A closed system conservancy tank will be installed and emptied by the Municipality as required.

Electricity

Eskom is responsible for electricity reticulation within the Baardskeerdersbos area. The proposed development will be supplied with electricity through a connection to the existing network.

Rubbish removal

Rubbish will be removed by the Overstrand Municipality. Rubbish will be stored in a secure area 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.

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:

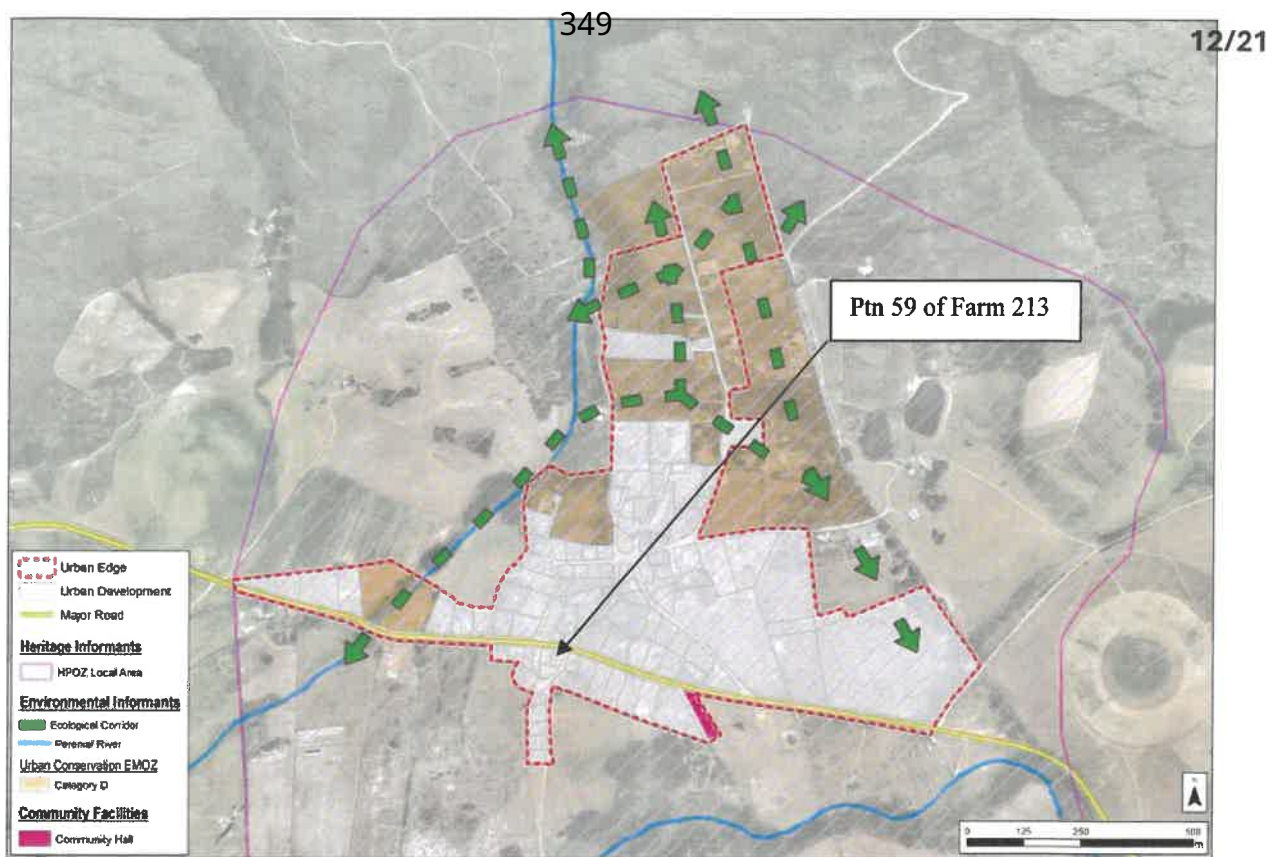
- i. *The existing pattern of development should be maintained, and the establishment of new nodes or settlements should not be encouraged. If, however, the Municipality deems a new node or settlement to be desirable, the proposed development thereof should take place in a manner consistent with the 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 Baardskeerdersbos 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 consists of biodiversity corridors and was therefore included in an urban conservation EMOZ.

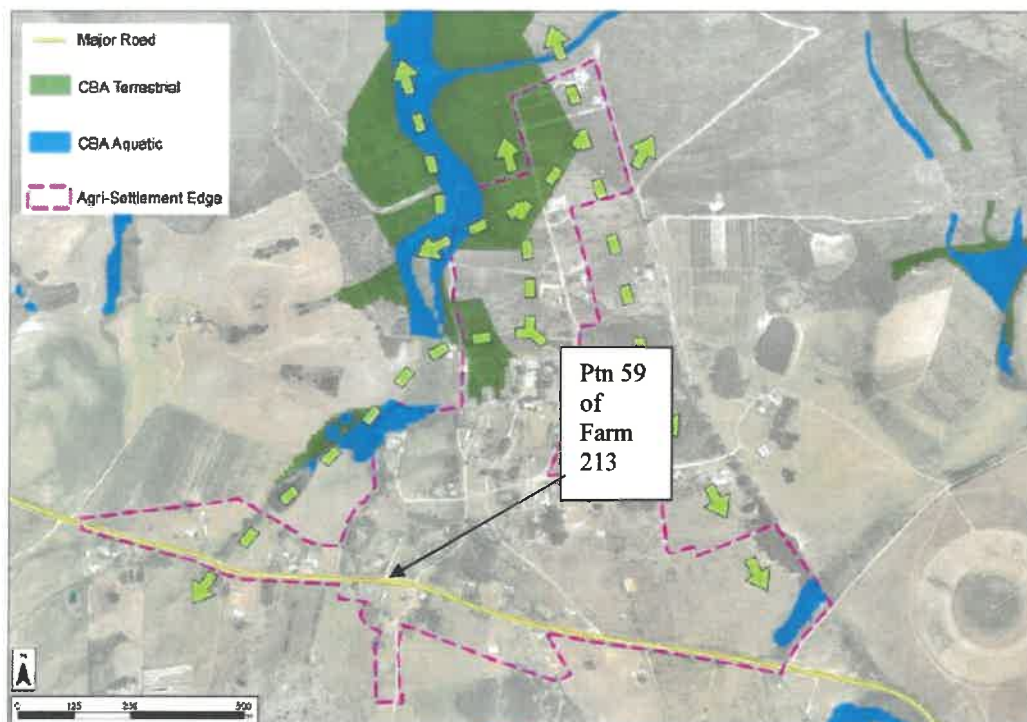
The document notes that the following should be promoted:

- 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 Baardskeerdersbos;

The document indicates Portion 59 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. Portion 59 is located within an urban development area.



Plan 69: 2050 Spatial Proposal Baardskeerdersbos

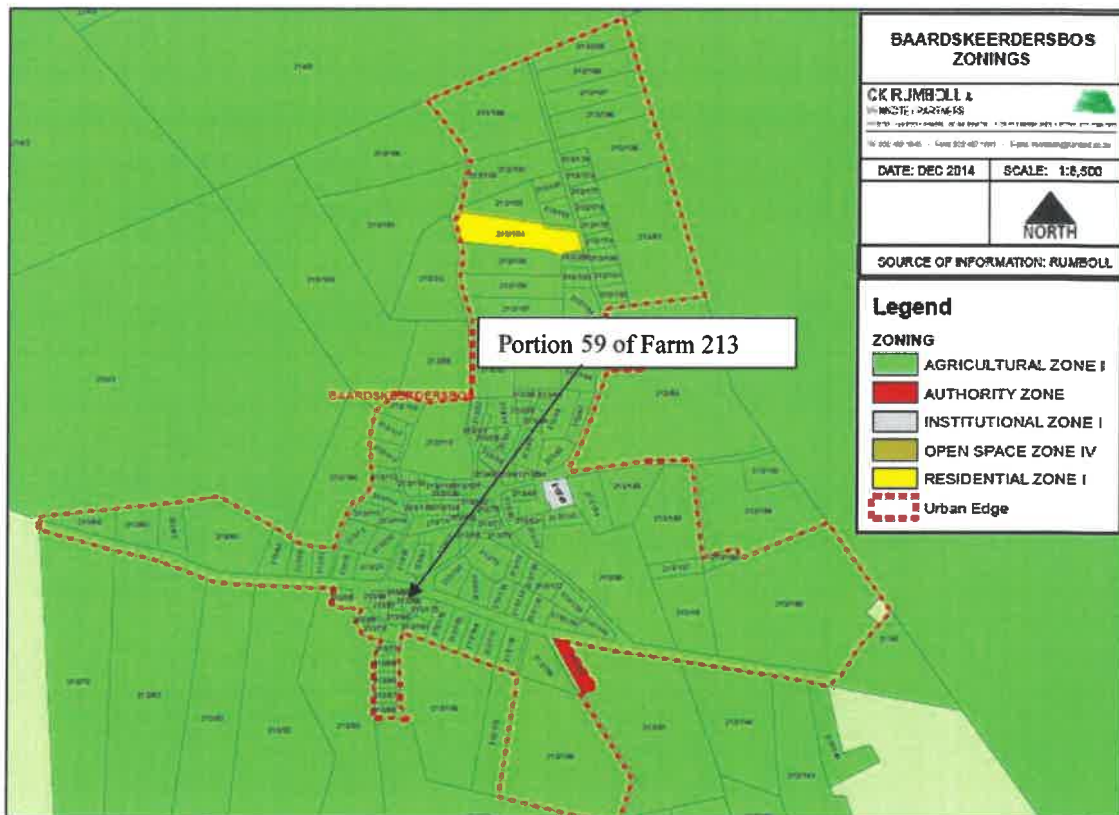
The proposal complies with this document, seeing that the proposed use is in an urban development area and can connect to infrastructure in the surrounding area. The proposed tourist facilities are of an appropriate scale and will not have an impact on the environmental or heritage value of the area.

10.2 OVERSTRAND GROWTH MANAGEMENT STRATEGY

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

10.3 BAARDSKEERDESBOS PRECINCT PLAN

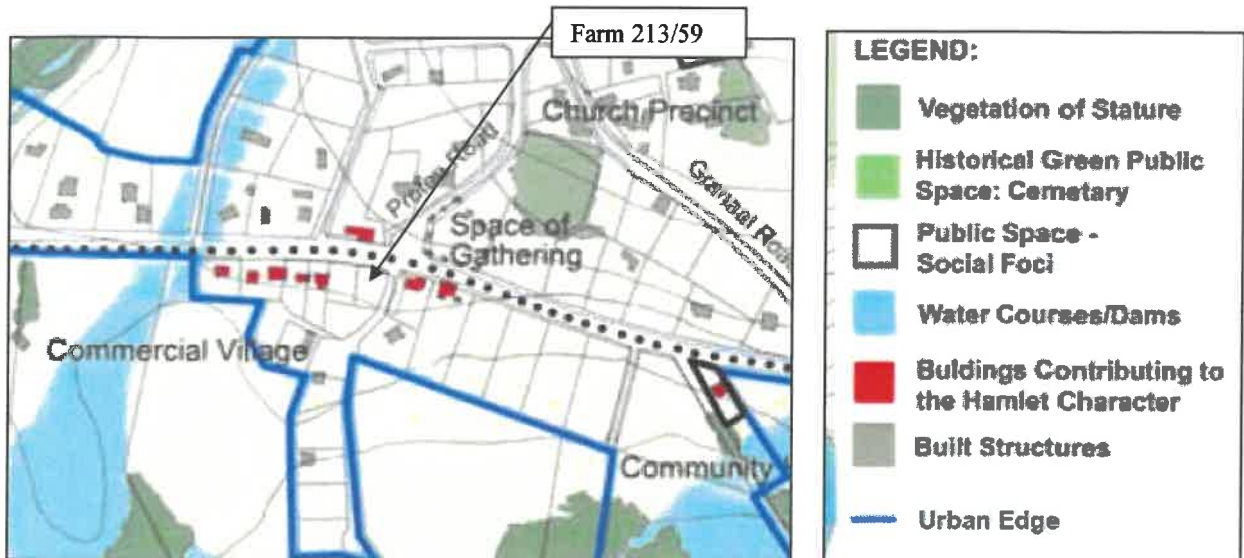
A Precinct plan was drafted by a multi-disciplinary professional team and finalised in 2015. The team was appointed by the Department of Rural Development and Land Reform. In this precinct plan Portion 59 of Farm 213 is indicated inside the proposed Urban Edge, please see below.



Extract from the zoning plan included in the Precinct Plan, 2015, indicating the zoning of the portion as Agricultural Zone 1 and also included in the Urban Edge.

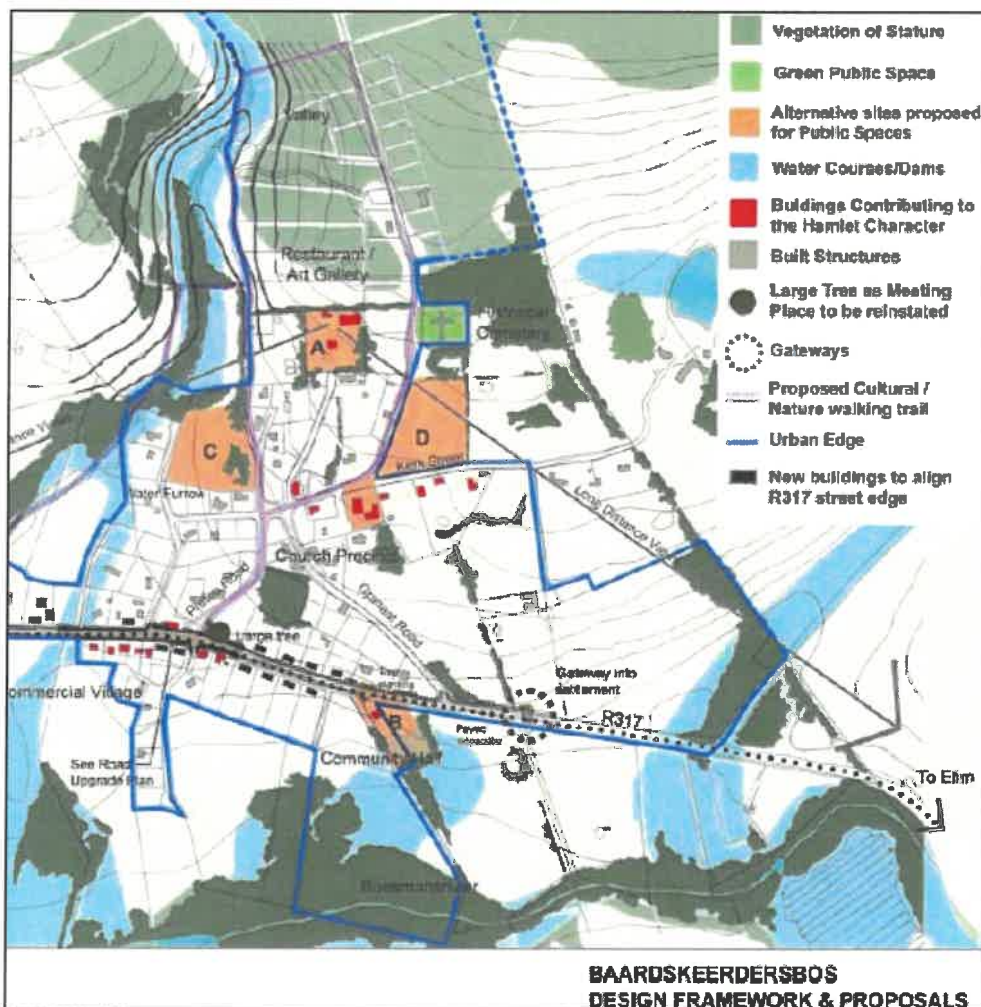
Appropriate land uses according to the precinct plan:

- commercial uses should be encouraged along the R317.



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

Even though Portion 59 is vacant, surrounding erven have buildings, as indicated on the above Precinct Plan, that contributes to the Hamlet character. Special care will have to be taken to do a development that will maintain this character.



Baardskeedersbos Design Framework and Proposals

#BRE/3419

The proposal to use Portion 59 of Farm 213 as tourist facility complies with forward planning documents. Placing the proposed building along Main Road, further complies with the Design Framework.

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 Baardskeerdersbos is entirely included in the area demarcated as a Sensitive Development area in terms of Environment and Heritage.



Plan 71: Baardskeerdersbos Spatial Proposal 2020

No natural vegetation is however visible on Portion 59 of Farm 213. The majority of the property is covered grass, and trees. 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), it can be noted that with Portion 59 being vacant, it was not included in this document.

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 set of policies that are applicable to the whole province. The most applicable 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 Baardskeedersbos.

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	Spatial justice seeks to redress spatial imbalances and improve access to economic opportunities. The proposed tourist facility will contribute to the local rural economy by creating opportunities for a small-scale shop owner and local entrepreneurs to sell their products. The development will also provide an accessible tourism stop that promotes economic activity within the Baardskeedersbos area.

Spatial Sustainability	Spatial sustainability promotes land uses that are environmentally responsible and compatible with their surrounding context. The proposed tourist facility is small in scale and compatible with the rural agricultural character of the area. The development will make sure that the visual and environmental character of the area is maintained.
Spatial Efficiency	Spatial efficiency promotes the optimal use of land and existing infrastructure. The proposal makes productive use of a currently vacant property and utilises the existing road network and available service infrastructure. The development represents a low-intensity land use that can be accommodated without placing undue pressure on existing infrastructure.
Spatial Resilience	Spatial resilience refers to the ability of settlements to adapt to changing social, economic and environmental conditions. The proposed development contributes to economic diversification within the rural area by introducing a tourism-related activity that complements agricultural land uses. This diversification strengthens the long-term sustainability and resilience of the local rural economy.
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

- There are no restrictions contained in the deed that could have an impact on the proposed use.

11.2 Physical Characteristics of the Property

- The proposed uses will not impact negatively on the physical characteristics of the property, since the property is vacant and fairly flat. All building lines will be maintained.

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 and will therefore not be impacted on.

11.6 Character of the Area

The area surrounding the property is characterised by commercial uses and rural dwellings. The proposed tourist facility will enhance the existing character, providing tourists with more variety.

11.7 Visual Impact

The new building will be designed to enhance the area in which it is located and will comply with guidelines proposed in overhead documents in terms of architectural style.

11.8 Potential of the Site

Firstly, the site is located within the rural area of Baardskeerdersbos, which forms part of the municipal area of the Overstrand Municipality. The broader area is well known for its rural landscape, agricultural activities and growing tourism appeal. Visitors travelling through the region are often attracted to small-scale farm stalls and local product outlets, which creates an opportunity for the proposed development to function as a destination stop. With the property located on Main Road, on an activity street, it is very accessible and visible.

Secondly, the property is currently vacant, which provides an opportunity for development without the need to remove or alter existing structures. This allows the site to be developed in a manner that is carefully planned and integrated with the surrounding rural environment.

The location of the property within an agricultural landscape also provides the potential to create a farm-stall style destination that promotes locally produced goods and deli and artisanal products, thereby supporting local farmers and small-scale producers from through-out South Africa.

The property has the potential to accommodate a low-intensity tourism-related activity that enhances the economic viability of the area while maintaining the rural character and environmental quality that makes the Baardskeedersbos area attractive to visitors.

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 proposed use is in line with surrounding commercial activities. The development of Portion 59 will strengthen this node and attract even more visitors.

11.11 Financial Benefit

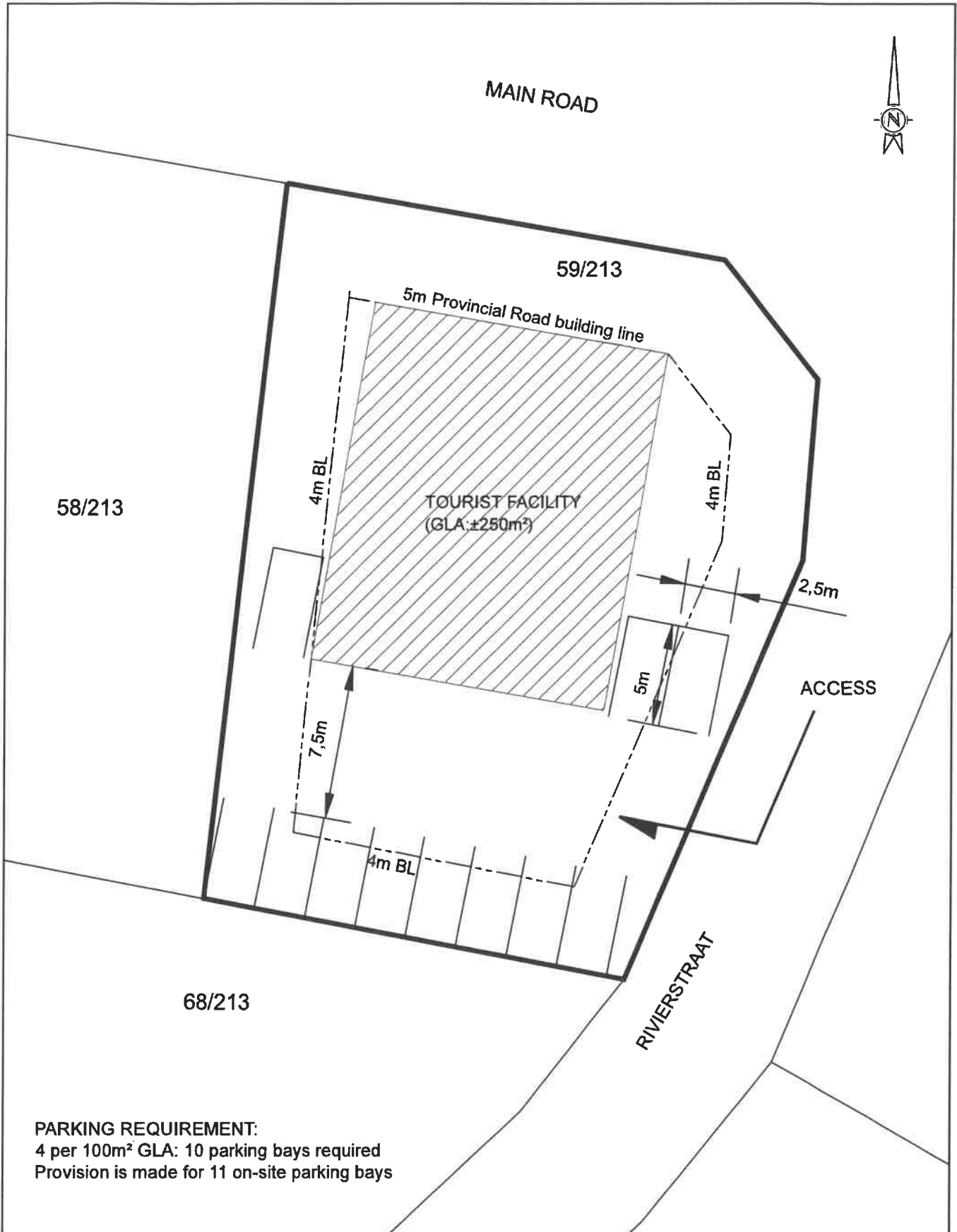
The proposed tourist facility will provide an economic benefit to the property owner, with the development of her vacant property.

In addition, the proposed development has the potential to create employment opportunities, through the operation of the farm stall, coffee shop and associated activities. The facility may also provide opportunities for local residents, small-scale producers and artisans to supply products for sale, thereby expanding the local value chain. By providing a platform for locally produced goods, the development supports the principle of “strength through numbers,” whereby collaboration between local producers enhances their collective market presence and economic viability.

The proposal will therefore contribute positively to local economic growth within Baardskeerdersbos and the broader area of the Overstrand Municipality.

12. CONCLUSION

The proposed consent use will make use of infrastructure that is already available in the area surrounding Portion 59. The proposal should not have an undue negative impact on surrounding neighbours, seeing that there are existing commercial activities. 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 also strengthening the Overstrand economy in general with the creation of additional job opportunities.



Town & Country
Creative Land Solutions

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083 412 4698

E-mail: towncountry@vodamail.co.za

PROJECT

SITE PLAN: PTN 59 OF FARM 213, BREDASDORP RD
OVERSTRAND MUNICIPALITY



Land Surveyors • Town Planners

DRAWN

LT

SCALE

1: 400

DWG No.

BRE/3419

Notes:

CHECKED

LT

DATE

NOV 2025

REVISION

1

ALL AREAS AND DISTANCES
SUBJECT TO FINAL SURVEY



DIRECTORATE: PLANNING & DEVELOPMENT
TOWN & SPATIAL PLANNING (16 Paterson Street / PO Box 20 HERMANUS, 7200 / Tel: 028 313 8900)
LAND USE PLANNING APPLICATION RESPONSE FORM
 E-mail address: landuse@overstrand.gov.za

APPLICATION DETAILS

Application erf number:

Portion 59 of Farm 213

APP ID:

5203/2026

How did you receive notice of the application?

Via email.

STATE YOUR INTEREST IN THE APPLICATION:

See attached objection by the Baardskerkersbos Business Association and Celestina Vineyards



TICK RELEVANT BOX

OBJECTION

COMMENT

SUPPORT

REASONS FOR OBJECTION / COMMENT / SUPPORT:

Please see attached.

Feel free to continue on separate page(s)...

PERSONAL INFORMATION (To be completed in full – Compulsory)

Name & surname (PRINT)

Details attached.

Your erf number:

Company/Trust details:

Postal address:

Contact details:

Cell:

079 605 T334

E-mail address:

Charl12charl@outlook.com

Signature:

[Signature]

Date:

12/06/26

Please note that in terms of the Protection of Personal Information Act (POPIA), you will be entering into a public process and as such agree and consent to your name, surname, contact details and comment(s) may be disclosed/used in the application process. Any objection, comment or representation received as a result of a public notice process must be in writing and addressed to the person mentioned in the notice within the time period stated in the notice.

1. Executive Summary: The below objection to Application 5203/2026 is made on behalf of the Baardskeerdersbos Business Association (BBBA) The BBBA currently represents:

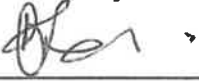
1.1 Anru Farm Stall and Shop (erf 83/213)



1.2 Baardskeerdersbos Coffee Shop, Art Gallery and Deli (erf 41/213)



1.3 Marietjie's Pub and Grill (erf 172/213)



1.4 General and Liquor store (off site consumption) (erf 25/213)



1.5 Junction 52 Farm Stall (erf 164/213)



1.6 Old school Restaurant, Pub and Function venue (erf 6/214)



1.7 Primi Restaurant and Pub (erf 64/213)



The BBBA was formally established on June 10th 2026 in order to promote an increase the variety of businesses in the area and to ensure healthy competition and tourism promotion to the town.

The application in question does not align with the vision and the responsible expansion of the business offerings in Baardskeerdersbos.

This application should thus not be seen as one objection but as an objection that represents seven independent businesses.

2. Market & Demographic Mismatch: For this specific type of applied business there is a huge lack of critical mass. Small towns, like Baardskeerdersbos, have limited population growth, low median incomes, and an over-saturation of this specific retail

format as applied for (application 5203/2026 for erf 213/59). All the existing businesses of the BBBA and the applicant are also within a one kilometer range of each other.

3. Over-Leasing Risk: There are currently similar existing commercial businesses in very close proximity that are on sale, demonstrating that the new space will struggle to command the necessary income and rental rates as well as uphold the current property value.

4. Infrastructure Deficits: With two of the busiest commercial businesses in Baardskeerdersbos adjacent and opposite the concerned application (erf 213/59) a small town like Baardskeerdersbos lacks the municipal infrastructure especially parking. Furthermore the lack of law enforcement, for locals who consume alcohol right in front of the application premises due to no alternative space for leisure activities in the town is a critical issue and will have an adverse effect on tourism, rather than promoting it. It will require expensive upgrades and regulation that would be detrimental for the said application as well as the adjacent current businesses and significantly reduce profit margins for all concerned.

5. Financial Return Metrics: Present standard financial ratios for all the other similar businesses in Baardskeerdersbos is the main reason for objecting to this proposal (e.g., Net Present Value and Internal Rate of Return) and it will have a negative or critically low Return on Investment (ROI) to all concerned.

6. Community Alignment: It also has to be emphasized that the proposed development conflicts with local bylaws concerning heritage and aesthetics, and the town's character in general.



CELESTINA

EMAIL: carowine2@mweb.co.za

CONTACT: Caroline Rillema 084 558 0210

10th June 2026

To whom it may concern

It has come to my attention that a new development is planned in the Baardskeerdersbos main road. After having heard what it entails and what the offerings are going to be, I decided to make contact and put forward my misgivings about the project.

As the owner of the above-named wine producing farm, I have spent a substantial amount of money over the past twenty three years, investing in Baardskeerdersbos. This entailed establishing my vineyards, a wine production cellar and obtaining a liquor licence to have visitors and to sell wine at cellar door.

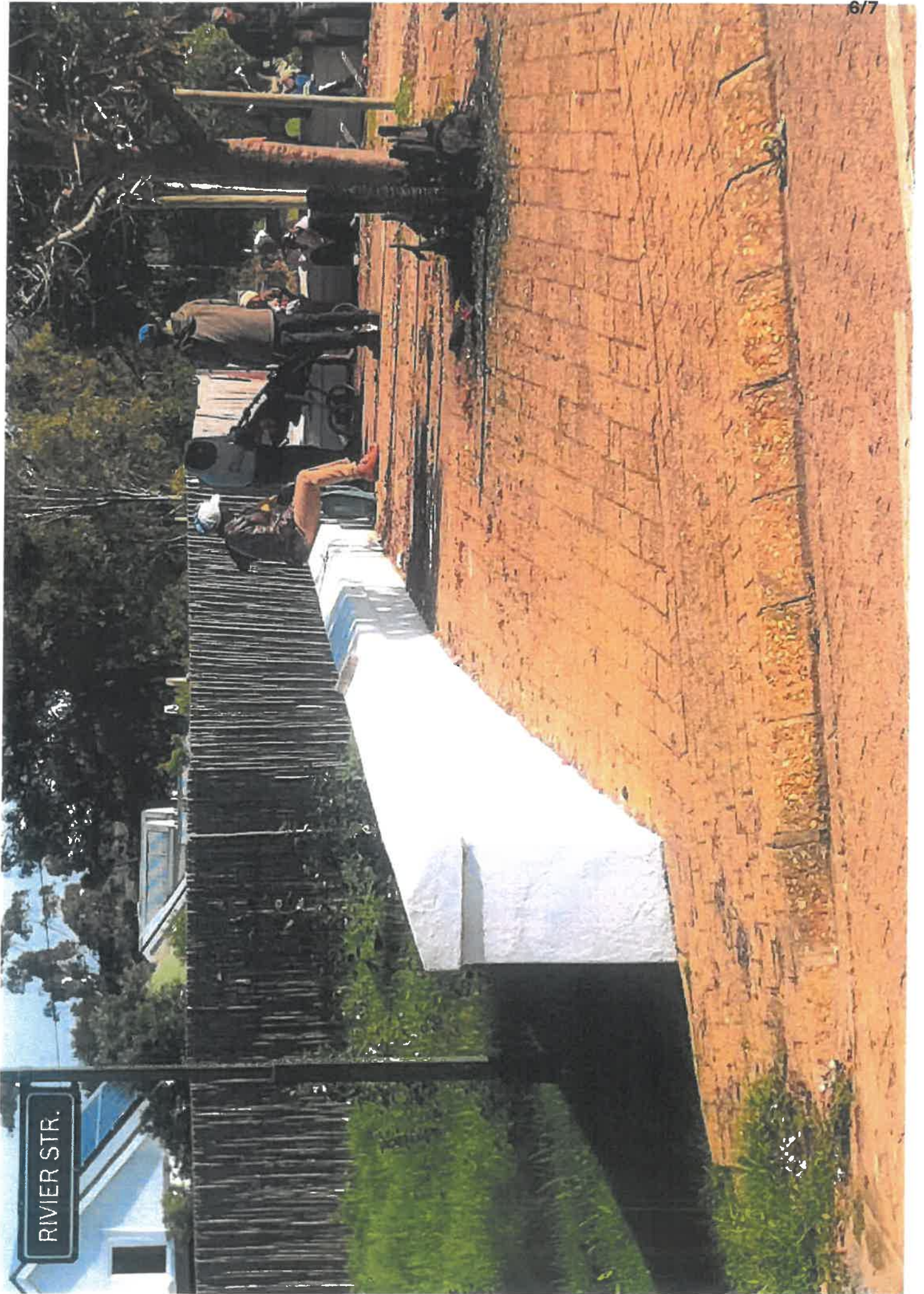
This new development will adversely affect my investment. I also feel that it will not succeed as during the week, very few people come to the village. Only over Summer weekends will it attract people.

Regards

Caroline Rillema

ADDRESS: Celestina Vineyard, CNR Kerk & Uitsig Straat, Baardskeerderbos, Cape Agulhas









Land Surveyors • Town Planners

REF: BRE/3154

2 July 2026

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

Sir

PROPOSED CONSENT USE: PORTION 59 OF FARM BAARDSCHEERDERS BOSCH NO 213, DIVISION BREDASDORP

With reference to the above and comments received during the public participation process.

Comments were received from:

- Baardskeersbos Business Association (Established on the 10th of June)
- Caroline Rilemma of Celestina

Our response to the comment received as follows:

Objection	Planning Response
The objection is submitted on behalf of the newly established Baardskeerdersbos Business Association (BBBA), representing seven businesses, and therefore should be regarded as an objection by seven businesses rather than one.	The number of objectors does not determine the planning merits of an application. The Municipality is required to consider the substance of each planning concern rather than the number of persons or businesses supporting or opposing an application. While the comments of the Business Association are acknowledged, the application must ultimately be assessed against the applicable

Objection	Planning Response
	legislation, planning policies and the desirability criteria contained in SPLUMA, LUPA and the Overstrand Municipal Planning By-law.
There is insufficient market demand and Baardskeerdersbos lacks the population and critical mass to support another farm stall or similar business.	Market demand and commercial viability are business considerations that are ultimately borne by the owner and developer. Municipal planning legislation does not require an applicant to demonstrate the commercial success of a proposed business before land use rights may be granted. The proposal simply seeks permission for an additional land use that is specifically provided for as a Consent Use in the Agriculture Zone I zoning. Whether the business succeeds commercially is determined by the market and not by the land use approval process.
Existing similar businesses are already struggling and additional competition will negatively affect rentals, profitability and property values.	Protection of existing businesses from lawful competition is not a recognised planning principle. Healthy competition generally benefits consumers, promotes improved services and contributes to a more diverse tourism offering. The proposal is intended to complement, rather than replace, existing businesses by strengthening Baardskeerdersbos as a tourism destination. A greater variety of attractions encourages visitors to remain in the village longer, increasing the likelihood that they will visit multiple establishments during the same trip. This aligns with the objectives of the Provincial Spatial Development Framework, which encourages diversification of tourism products and the strengthening of rural tourism destinations.

Objection	Planning Response
The village lacks sufficient parking and infrastructure, and people consuming alcohol outside existing businesses create problems.	The concerns regarding public behaviour are unrelated to the proposed consent use. The applicant cannot reasonably be held responsible for existing public order or law enforcement issues within the village. With regard to parking, the application demonstrates that all parking required in terms of the Overstrand Land Use Scheme will be provided on-site. Eleven parking bays are proposed where ten are required for the approximately 250 m² development. Visitors to the facility will therefore be accommodated on the property itself and should not place additional pressure on public parking.
The proposal will require expensive infrastructure upgrades.	No evidence has been submitted to support this assertion. The application confirms that the development can connect to existing municipal water infrastructure, Eskom electricity supply, municipal refuse removal and a conservancy tank system. The proposal is small in scale, with a building footprint of approximately 250 m², and no significant upgrading of municipal infrastructure is anticipated.
Financial return metrics suggest that the proposal will have a poor return on investment and negatively affect other businesses.	Financial return on investment is not a planning consideration. Municipal land use applications are assessed in terms of statutory planning principles, policy compliance, infrastructure capacity, environmental considerations and desirability. The financial performance of either the proposed business or neighbouring businesses is not a land use criterion upon which a planning application should be approved or refused.
The proposal conflicts with heritage	No evidence has been provided demonstrating a

Objection	Planning Response
bylaws, aesthetics and the character of the town.	conflict with the applicable heritage or environmental provisions. The motivation specifically addresses the Baardskeerdersbos Precinct Plan, Municipal Heritage and Environmental Overlay Zone Regulations and the Overstrand Spatial Development Framework. The property is vacant, located within the urban edge and the proposed building is intended to be a modest barn-style structure that complements the established rural character of the village. The final architectural design will remain subject to normal building plan approval processes and any applicable heritage requirements.
The owner of Celestina Vineyards indicates that she has invested substantially in her business and believes the proposal will adversely affect her investment and may not succeed because visitor numbers are low during the week.	The investment made by neighbouring property owners is acknowledged and respected. However, planning legislation cannot protect existing businesses from future competition. The proposed tourist facility is intended to broaden the range of visitor experiences available in Baardskeerdersbos and thereby strengthen the village as a tourism destination. Increased visitor attraction and longer visitor stay have the potential to benefit surrounding businesses, including wine farms, restaurants, accommodation establishments and other retail outlets. Whether the proposed business succeeds commercially remains the responsibility and risk of the applicant.

Various relevant tourism strategies exists that explains the importance of strength in numbers. These documents include:

1. National Rural Tourism Strategy (Department of Tourism, 2012)

This is probably the strongest document for your application.

The Strategy specifically promotes:

- packaging rural tourism products;
- creating tourism nodes;
- linking complementary tourism products;
- encouraging collaboration between tourism businesses;
- creating destination experiences rather than isolated attractions.

It states that the strategy seeks to:

"...ensure a developmental approach upon packaging rural tourism products and opportunities in South Africa. This approach also prioritises spatial nodes with growth potential in order to stimulate growth of the tourism industry."

2. Provincial Spatial Development Framework (Western Cape)

You already refer to this in your motivation.

The PSDF specifically encourages:

- increasing the variety of tourism attractions;
- linking tourism products;
- product differentiation;
- encouraging visitors to stay longer.

It specifically states that:

"Linking tourism resources by theme, promotion, product differentiation and transportation can create a better offer, thereby drawing a larger market."

and

"Increase the variety of tourist attractions and activities in focus areas to induce tourists to stay longer and encourage return visits."

3. Tourism Sector Masterplan (2023)

This is the newest national tourism policy.

It repeatedly states that tourism should be developed through:

- partnerships;
- strengthening destination competitiveness;
- diversified tourism products;
- broadening participation;
- creating opportunities for SMMEs;
- collaboration between stakeholders.

It identifies tourism's value chain and interlinkages with other economic sectors as a key reason tourism generates local economic growth and employment.

CONCLUSION

The objections received during the public participation process have been carefully considered and addressed. While the concerns raised by business owners regarding commercial viability and increased competition are acknowledged, these issues relate primarily to private commercial interests and are not, in themselves, determinative land use planning considerations. The assessment of this application must instead be guided by the applicable legislative framework, planning policies and the desirability criteria contained in the Spatial Planning and Land Use Management Act (SPLUMA), the Western Cape Land Use Planning Act (LUPA), the Overstrand Municipal Planning By-law and the Overstrand Land Use Scheme.

As demonstrated in the accompanying motivation report, the proposed tourist facility complies with the applicable statutory and policy framework, including the Overstrand Spatial Development Framework, the Baardskeerdersbos Precinct Plan, the Municipal Heritage and Environmental Overlay Zone Regulations and the Provincial Spatial Development Framework. The proposal represents an appropriately scaled tourism-related land use on a vacant property situated within the Baardskeerdersbos urban edge and along Main Road, where planning documents encourage appropriately located commercial and tourism activities.

Importantly, national and provincial tourism policy promotes the diversification of tourism products, collaboration between tourism enterprises and the strengthening of rural destinations through a greater variety of complementary attractions. The National Rural Tourism Strategy encourages the development of tourism nodes and the packaging of complementary tourism products, while the Provincial Spatial Development Framework specifically advocates increasing the variety of tourism attractions to encourage visitors to stay longer and return more frequently. These policy objectives recognise that successful rural tourism destinations are strengthened by a critical mass of complementary attractions rather than by limiting new investment or protecting existing businesses from lawful competition.

The proposed tourist facility should therefore be viewed as an investment in the long-term sustainability and competitiveness of Baardskeerdersbos as a rural tourism destination. By broadening the range of experiences available to visitors, the proposal has the potential to increase visitor numbers, extend the duration of visits, encourage greater local spending and create opportunities for collaboration between local producers, artisans and existing businesses. The economic benefits are therefore not confined to the applicant but have the potential to accrue to the broader local community and tourism economy.

Furthermore, the proposal makes productive use of a currently vacant property in Main Road, utilises existing infrastructure, provides adequate on-site parking, respects the rural and heritage character of Baardskeerdersbos through an appropriate architectural approach, and will not result in any unacceptable impacts on neighbouring properties or municipal services.

In light of the above, it is respectfully submitted that the objections do not raise planning grounds that outweigh the clear policy support and planning merits of the proposal. The application is consistent with the objectives of sound spatial planning, sustainable rural development and local economic growth, and it is therefore recommended that the application for a Consent Use for a Tourist Facility on Portion 59 of Farm 213 be approved.

We hope you find the above in order.

Yours Faithfully



Louna Truter
For Town & Country

**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR CONSENT USE: PORTION 59 OF THE FARM 213,
BAARDSCHEERDERS BOSCH, DIVISION BREDASDORP (5203/2026)**

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 59 of Farm 213 must be provided with adequate sewer conservancy tanks, which must comply with the standards of the Division: Engineering Services(Gansbaai), 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 59 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**

09/06/2026
DATE