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FARM 905, RESTLESS RIVER, HEMEL-EN-AARDE VALLEY, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE, CONSENT USE, AMENDMENT OF CONDITIONS IN RESPECT OF EXISTING APPROVAL, AMENDMENT OF APPROVED SITE DEVELOPMENT PLAN AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: WRAP PROJECT OFFICE ON BEHALF OF HERMANUS ABERDEEN 44 PTY LTD

RCAL Farm 905 (4418/2023)

**H Olivier
7 July 2025**

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application was received on 26 June 2023 from WRAP Project Office on behalf of Hermanus Aberdeen 44 (Pty) Ltd on Farm 905 Restless River, Hemel-en-Aarde Valley in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **Consent use** in terms of Section 16(2)(o) in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to accommodate an additional dwelling unit; utilize the additional dwelling unit for tourist accommodation; convert the existing main dwelling into a guesthouse; and permit a tourist facility to operate a restaurant and wine-tasting facility.
- ❖ **Departure** in terms of Section 16(2)(b) in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to relax the northern lateral building line from 30m to 23.3m and the western lateral building line from 30m to 16,5m to accommodate the staff room and bathroom, and to relax the eastern lateral building line from 30m to 0.8m; 1.6m and 10.4m respectively to accommodate a storage area, an extension to the existing storage room and a proposed pool house.
- ❖ **Amendment of the existing approved site development plan** in terms of Section 16(2)(l) in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to accommodate proposed new buildings as well as the expansion of existing buildings on the property.
- ❖ **Amendment of conditions in respect of an existing approval** in terms of Section 16(2)(h) in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to accommodate the expansion of the existing agricultural industry from 391m² to 910m² and the existing tourist facility from 33m² to 660m².
- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the unauthorised construction of the staff room.

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

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

The subject property operates primarily as a wine farm. The property owners have decided to expand the business by applying to operate a restaurant and a guest house on the farm.

4. SUMMARY OF APPLICANT'S MOTIVATION

- ❖ The property owner will be operating a restaurant and relocating the tasting facility to a new proposed structure.
- ❖ The existing main dwelling house will be converted into a guest house that will serve as tourist accommodation.
- ❖ The primary use of the farm will remain agricultural.
- ❖ The proposal is to increase the uses allowed.
- ❖ The additional dwelling unit aims to cater for transient guest seeking an immersive rural experience.
- ❖ The proposed conversion of the main dwelling into a guest house enhances the range of accommodation choices available on the property.
- ❖ The additional unit and guest house creates an opportunity to educate visitors about sustainable farming practises and the significance of environmentally responsible behaviour.
- ❖ The main house will have four (4) guest rooms.
- ❖ The property owners are utilising and unutilised space in front of the existing vineyard to establish the additional dwelling unit.
- ❖ The proposal is to have little impact on the existing vineyards as it affects the production of the wine farm.
- ❖ The approved tasting facility will be relocated to a new proposed building which will be utilised as a restaurant and tasting facility.
- ❖ The establishment of a restaurant adds an additional revenue stream to the wine farm.
- ❖ The wine sales and restaurant can generate income through food sales, attracting a broader customer base and will mitigate potential risks associated with relying solely on wine sales.
- ❖ The winery will be adding a storage facility to accommodate larger volume of wine production.
- ❖ The expanded storage capacity will contribute to the overall feasibility and efficiency of the winery operation.
- ❖ A larger winery benefits the visitor experience and hospitality aspects with more space; the winery can accommodate larger groups of visitors.
- ❖ The property owners illegally erected a staff room with an extent of 30m².
- ❖ The staff room was constructed to enhance the comfort and amenities available to the staff.
- ❖ The staff room is not proposed as a sleeping facility but solely for daily use.
- ❖ The property will also consist of a pool house that is encroaching the eastern building line.
- ❖ The position of the pool house complements the design and style of the main dwelling.
- ❖ The application also proposes to expand the agricultural and tourism facility from the approved 391m² to 910m², which includes the storage facility.
- ❖ The proposal is also to combine the proposed tourist facility (restaurant) and operate both tasting facility and wine sale and restaurant in such building.

- ❖ A new proposed entrance to the restaurant will be on the western side of the property.
- ❖ The restaurant will have a total of 29 parking bays.
- ❖ Due to the new structures on the property an amendment of the SDP is required.
- ❖ All services are available on the property.
- ❖ The new structures will not be in sensitive EMOZ or HPOZ zones.
- ❖ In line with SDF as it would help with economic growth and employment opportunities.

PLANNING PRINCIPLES:

Spatial Justice

The application will not contribute to spatial injustices.

Spatial Sustainability and Efficiency

The proposal is to continue utilising the property for more than what is currently approved and continue the efforts to create new space.

Spatial Resilience

The proposal is not in conflict with any spatial planning policies or other OM regulations.

Good Administration

The Municipality follow a good administrative process with prescribed time frames.

ADMINISTRATIVE PENALTY

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

The unauthorised staff room has an extent of 30m². No further information was given.

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

The current property owners contravened.

(c) A report by a quantity surveyor in matters of unauthorized building/construction.

A quote was not obtained for the illegal work from a building contractor.

(d) Whether the unlawful conduct was stopped

The unauthorised building works are in existence.

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

The property owners have not contravened before.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
E-mail notices & site notice	Yes	22 August 2023 1 November 2023	29 September 2023 8 December 2023
Internal departments	Yes	22 August 2023	29 September 2023
Ward councillor	Yes	22 Augusts 2023	29 September 2023
Total comments	ONE (1)		
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 (if no, elaborate below):			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			Yes

(It is to be noted that a second notice was sent out to surrounding neighbours because the departure application did not originally include a departure to relax the western lateral building line to 16,5m.)

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

Name	Date received	Summary of comments.
Fire Department	11/08/2023	Supported subject to compliance with SANS 10400 and the By-Law relating to safety.
Environmental Management Services	10/10/2023	No objection.
Engineering Services	02/02/2025	See Annexure F.
BOCMA	11/09/2024	See Annexure G.
Cape Nature	23/10/2023	See Annexure H.
Western Cape Government: EADP (Planning)	20/10/2023	See Annexure I.
Western Cape Government: Transport & Public Works	12/09/2023	See Annexure J.
Eskom	20/09/2023	See Annexure K.
Western Cape Government: EADP (Environmental)	14/02/2024	See Annexure L.
Telkom	06/10/2023	See Annexure M.

District Health	10/10/2023	See Annexure N.
Western Cape Government: Agriculture	20/10/2023	See Annexure O.
Municipal Waste Management	29/09/2023	No objection

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION.

E-mail notifications were sent out to the potentially affected properties.

An objection was received from Diane Forster on behalf of CochYBondhu. The applicant was provided with the opportunity to respond to the objection. See Annexure D and E respectively.

The objection, applicant's reply, and municipal Town Planner's comments are summarized as follows:

OBJECTION

➤ **Coch Y Bondhu**

The objector has safety concerns regarding the position of the staff room that is next to the entrance gate of CochYBondhu Estate. There is concern that various permanent and casual staff will congregate at this point.

The pine trees that were planted to screen the container does not help as workers sleep on the northern side on sunny days.

Better screening should be placed to the northern and western side of the container.

APPLICANT'S RESPONSE

There have however never been any incidents that would substantiate the safety concerns. As the objector mentioned, the owner has already taken the initiative by planting trees to screen the existing staff room. This was done purely for aesthetic purposes from the objector's perspective, as it does not add any value to the owner.

It is important to note that both sides of the fence where the trees have been planted are owned by Restless River. If required, workers from Restless River can access this portion, and only a right of way is registered in favour of CochYBondhu. This means that CochYBondhu does not own that land, as it is still in the ownership of Restless River.

Additionally, the safety concern is acknowledged, but as the situation currently stands, there are two fences that must be crossed before anyone can access CochYBondhu from Restless River, and as noted above, no such incidents have occurred to date.

In addition, regarding the concerns about staff activities near the northern boundary, it is acknowledged that workers may use the area for breaks due to the natural shade and warmth. This activity however falls within their legitimate use of the designated staff areas, and steps will be taken to ensure that the use of this space remains orderly and considerate of neighbouring properties.

TOWN PLANNER'S RESPONSE

The objection and applicants' response are noted.

The fact is, should the staff room be set back 30m from the common boundary line, it would only be approximately 10m further away from the CochYBondhu Estate entrance. Workers will still be able to access the area. There is also two control points with security gates that help with security.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

See Point 7 above.

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

See Point 7 above.

Internal/External Departments

BOCMA and the Municipal Engineering Branch had some concerns regarding water use and sewerage, but these matters were resolved.

It is to be noted that DEADP: Planning indicated that they recommend that the Western Cape Rural Guidelines be complied with and the additional dwelling be limited to 175m², tourist accommodation should be in existing buildings, and where new buildings are constructed, it should be on previously disturbed footprints and not on cultivated land. Parking arrangements should not be on cultivated vineyards so to impact negatively on agricultural production.

The Department of Agriculture Western Cape indicated that they have no objection against the application, but recommend the additional dwelling be limited to 175m² in extend, new buildings should be located within the farmhouse precinct and not on cultivated land, and no parking should be allowed on cultivated land. The SDP must be amended.

It is to be noted that the applicant was informed about the comments of DEADP: Planning and the Department of Agriculture Western Cape, but no further comments or amended SDP was received from the applicant on the recommendations.

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

10.1 Background

N/A

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

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

The objectives relating to:

Spatial Justice

N/A

Spatial sustainability

The new buildings are not proposed on environmentally sensitive land. Some buildings are proposed on agricultural land between cultivated portions of land, and this could impact the agricultural productivity of the farm.

Efficiency

This is a small farm and by utilizing it for tourist related purposes would make it an efficient way to use the land more productively.

Spatial Resilience

Should the farming activity have an economic downturn, the additional land uses could help limit the economic impact, and vice versa.

Good administration

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

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

Same as Point 10.2 above.

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

The SDF allows for some tourism related uses in the Hemel-en-Aarde Valley, as long as it does not impact the agricultural potential of the property.

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

N/A

10.6 Impact on Municipal engineering services

The Engineering Branch did request some additional information regarding water use and management of sewerage. They support the application.

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

N/A

10.8 Existing and proposed zoning comparisons and considerations

The application is in line with the Overstrand Spatial documents.

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

N/A

12. THE DESIRABILITY OF THE PROPOSAL

Farm 905 Restless River is situated in the Hemel-en-Aarde Valley and has an extent of 17, 5896 ha. The property is zoned Agriculture Zone I.

There is an existing winery on the property. It is the intent of the property owners to expand the use of the property by converting the main dwelling, which has an extent of 439m² into a 4-bedroom guest house and to construct an additional dwelling of 250m² in extent to accommodate tourists visiting the farm. The owners also want to open a restaurant of 660m² in extent, which will be combined with wine tasting.

The property has a previous approval for a winery of 391m². Application is made to amend a condition of approval to expand the existing agricultural industry to 910m². Application is also made to amend the existing Site Development Plan to accommodate the new buildings and uses as mentioned above.

A new access road is also being proposed that will lead to the new restaurant and wine tasting facility with 29 parking bays, to accommodate tourists.

Departure applications have also been submitted to accommodate the staff room and bathroom with an extent of 30m², which is encroaching the northern lateral building line from 30m to 23.3m and the western lateral building line from 30m to 16,5m, and the eastern lateral building line from 30m to 0.8m, 1.6m and 10.4m to accommodate storage area, an extension to the existing storage room and a proposed pool house respectively.

The application received one (1) objection from the neighbouring property regarding the staff room which is bordering their property and could be a safety risk. The property owner has planted trees along the fence where the staff room is situated, to visually block the structure. The fact is, should the staff room be set back 30m from the common boundary line, it would only be approximately 6,7m further away from the CochYBundhu estate entrance and boundary, and therefore should not have much less of an impact if it is set back by 6,7m. Workers will still be able to access the area anyway as it is still part of the property and only a right-of-way servitude in favour of CochYBundhu.

Concerns about security are noted, but there are two security gates in the servitude right-of-way area, and it is difficult to see how the building line encroachment will negatively impact security of CochYBundhu.

The other building line departures are for the proposed pool house 10,4m from the eastern lateral boundary, and some expansion and new storage areas 0,8m and 1,6m from the eastern boundary. The pool room will still be approximately 10m from the property boundary. It will be 120m² in extent but because of its use and the fact that it is situated next to a boundary with another farm, with no habitable farm buildings close to it on the adjacent farm, would not impact the neighbour negatively. There are also large trees on the border between the farms.

The proposed storage areas will be 0,8m from the property boundary. It will mostly function for the storage of equipment. The fact that the area on the adjacent farm is not developed with habitable buildings that could be impacted makes its impact on the adjacent property very low. It will also help ensure that buildings on the farm are constructed within the farmhouse precinct.

The application for Consent Use to utilize the additional dwelling as a self-catering tourist accommodation is also supported. In the circulation process the Western Cape Government: EADP (Planning) and the Western Cape Government: Agriculture indicated their support for the application but recommended the additional dwelling unit be limited to 175m² in extend and that the new building be placed in the farmhouse precinct. These comments are in line with the Western Cape Land Use Planning Guidelines 2019 for Rural Areas, which provides certain criteria to ensure non-agricultural activities does not have a negative impact on agricultural activities or production.

These Departments comments are not supported relating to the additional dwelling, as the Overstrand Municipality Amended Land Use Scheme, 2020 provides the additional dwelling units on farms of a maximum size of 250m².

These Departments comments are however supported regarding the placement of the additional dwelling unit. The application is to place it on the northern portion of the farm, between existing cultivated vines. This could impact the existing farming activities, and the portion of the farm can be utilized for the planting of vines. It is recommended that the additional dwelling unit be re-allocated to the farmhouse precinct.

The proposal to construct a 660m² restaurant and wine tasting facility and 29 parking bays between existing vines in the centre of the farm, is also not in line with the Western Cape Land Use Planning Guidelines, 2019. Western Cape Government: EADP (Planning) and the Western Cape Government: Agriculture recommended that the restaurant and parking not be placed on cultivated land, and although it is debatable if the portion proposed for the restaurant is cultivated, it is situated between existing vines. It therefore does have the potential to be utilized for agricultural purposes, and there are concerns that a restaurant area between existing cultivated vines could impact farming activities. The recommendation of these departments that the facility and parking be placed in the farmhouse precinct is supported.

The amendment of the condition to enable the increase of the size of the winery from 391m² to 910m² is supported. This is merely the extension of the existing wine cellar, and it will help with production and also create additional job opportunities.

The application to amend the existing Site Development Plan can be supported, but this will have to be subject to the condition that the proposed additional dwelling unit and the restaurant with parking area be placed in the farmhouse precinct. It is to be noted that there is a significant size open portion of land situated north of the largest dam on the farm. At this stage a goods dry store is proposed on a portion of this piece of land. With some re-arrangements the restaurant and parking area can be accommodated in this area, and the additional dwelling can also be placed closer to the farmhouse precinct.

By expanding the wine farm with a guest house and restaurant will add additional revenue to the wine farm and will attract more visitors to the farm. The larger winery will also benefit the visitors experience as well as the hospitality aspects with more space that will be available to accommodate larger groups.

The application is in line with the SDF as it would promote economic growth and employment opportunities.

The application is supported by BOCMA, Cape Nature, Western Cape Government: EADP (Environmental) and the Municipal Environmental Management Services Department and Western Cape Government: EADP (Planning). Eskom and Telkom also support the application from a services perspective. The Department of Agriculture and Department of Transport and Public works support the application as well.

The application will not have a major visual impact, impact neighbours or the character of the area.

Considering the above, the application is desirable and is supported.

APPLICATION FOR EXEMPTION OF ADMINISTRATIVE PENALTY

In terms of the By-Law the applicant must provide the following in terms of Section 90.(3) of the By-Law, namely:

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

The property owner erected the staff room and bathroom unaware that they must apply for the departure application. Both buildings of a total 30m² are over the building lines. The staff room and bathroom are over the 30m northern building line up to 23,3m from the farm boundary and over the 30m western lateral building line 16,5m from the farm boundary.

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

The current owner is responsible for the illegal building work.

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

A quantity surveyor report was not submitted, due to the small scale of the encroachments.

(d) *whether the unlawful conduct was stopped, and*

The construction work was already finished.

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

It is indicated that the existing property owner has not previously contravened this By-Law.

It is requested that the applicant not be exempted from paying an administrative penalty fee, for the following reasons:

The property owner is responsible for the staff room and bathroom erected on the property.

No quantity surveyor report was submitted; therefore, the Municipal Building tariff will be used to calculate the administrative penalty fee.

CALCULATION OF ADMINISTRATIVE PENALTY:

A 5% penalty fee will be imposed on the illegal staff room.

Unauthorised encroachment

Municipal Tariff:	R21 468,00
Encroachment:	30m ²
Calculation:	R21 468,00 (Municipal Building Tariff per m ²) x 30(m ²) encroachment = R644 040,00
Contravention Penalty:	5%x R644 040,00

TOTAL CONTRAVENTION PENALTY: R32 202,00

Considering the above, the application is supported, but it is recommended that an administrative penalty fee be made applicable.

13. RECOMMENDATION

1. that the objection be noted.
2. that the application in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Farm 905 Restless River, Hemel-en-Aarde Valley for a **consent use** to accommodate an additional dwelling, tourist accommodation to convert the existing main dwelling into a guest house and use the additional dwelling for tourist accommodation, and a tourist facility to operate a restaurant and wine tasting facility, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(b) of the of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a **departure** to relax the northern lateral building line from 30m to 23.3m and the western lateral building line from 30m to 16,5m to accommodate the staff room and bathroom, and to relax the eastern lateral building line from 30m to 0.8m;1.6m and 10.4m respectively to accommodate a storage area, an extension to the existing storage room and a proposed pool house, **be approved**, in terms of the provisions of Section 61;
4. that the application in terms of Section 16(2)(l) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Farm 905 Restless River, Hemel-en-Aarde Valley for the **amendment of the site development plan** to accommodate the proposed new buildings as well as the expansion of the existing buildings, **be approved**, in terms of the provisions of Section 61;

5. that the application in terms of Section 16(2)(h) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Farm 905 Restless River, Hemel-en-Aarde Valley for the **amendment of conditions** in respect of an existing approval to accommodate the expansion of the existing agricultural industry from 391m² to 910m² and the existing tourist facility from 33m² to 660m², **be approved**, in terms of the provisions of Section 61;
6. that the approvals in Points 1 – 5 above, be subject to the following conditions:
 - (a) that a **revised** Site Development Plan be submitted, with the amendments that the tourist facility (restaurant and wine tasting) with parking and the additional dwelling unit be re-located to the farmhouse precinct, to the satisfaction of the Senior Manage: Town and Spatial Planning;
 - (b) that the tourist accommodation be limited to the four (4) guestrooms and proposed dwelling unit;
 - (c) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control– and the Fire Departments be complied with at that stage;
 - (d) that the owner/manager must reside on the property to oversee the tourist accommodation;
 - (e) that adequate provision be made to manage the behaviour of patrons (both inside and outside the buildings) and protection of surrounding properties;
 - (f) that commercial rates and taxes, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (g) that the site must have a dedicated waste storage area as per part of the National Building Regulations (SANS 10400), and all refuse must then be removed from the property to a registered dump site;
 - (h) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (i) that there be compliance with all relevant Health and Fire Regulations;
 - (j) that all the conditions in the Services Report (attached as Annexure F), be complied with, and
 - (k) that all the conditions of Department of Agriculture Western Cape (attached as Annexure O), be complied with.

7. that the following comments be noted:
- BOCMA (Annexure G);
 - Cape Nature (Annexure H)
 - Western Cape Government: EADP (Planning) - (Annexure I);
 - Eskom (Annexure K);
 - Western Cape Government: EADP (Environmental) - (Annexure L);
 - Telkom (Annexure M), and
 - Western Cape Government: Infrastructure (Road Planning) - (Annexure J).
8. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Farm 905 Restless River, Hemel-en-Aarde Valley for the unauthorised encroachments over the building lines of the staff room and bathroom was considered and that an administrative penalty **be imposed of R32 202,00** payable within sixty (60) days of the final decision.
9. that the applicant and objector be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

14. REASONS FOR RECOMMENDATION

POINT 1 - 6

- ❖ The application has followed due procedure
- ❖ The objection that the placement of the staff room and bathroom would impact residents in CochYBundhu and the safety of residents are not supported, as the impact would not be much more than if there is compliance with the 30m building line, a mere 6,7m further away from the boundary with CochYBundhu.
- ❖ None of the internal departments have objected to the application.
- ❖ No new Municipal services will be required.
- ❖ No external State Departments objected to the application.
- ❖ The Western Cape Government: Agriculture and Western Cape Government: EADP (Planning) recommendation that the additional dwelling unit and the restaurant and wine tasting facility with parking be relocated to the farmhouse precinct is supported. Their requirements are to comply with the Western Cape Land Use Planning Guidelines, 2019, for Rural Areas, which provides certain criteria to ensure non-agricultural activities do not have a negative impact on agricultural activities or production.
- ❖ The recommendation by the Western Cape Government: Agriculture and Western Cape Government: EADP (Planning) that the additional dwelling unit be limited to 175m² in line with the Western Cape Land Use Planning Guidelines, 2019, is not supported, as the Overstrand Municipality Amendment Land Use Scheme, 2020 allows for an additional dwelling of a size of 250m² on farms.
- ❖ The application is in line with SPLUMA principles, and the additional land uses would ensure the land is used more efficiently and provide it with spatial resilience as additional income can be generated should the production of the farm take an economic downturn.
- ❖ The Western Cape Government: EADP (Environmental), Cape Nature and the Municipal Environmental Division supports the application, and therefore it is the opinion that the application will not have a negative environmental impact.

- ❖ The Municipal Engineering Department, BOCMA, Eskom and Western Cape Government: Infrastructure (Road Planning) supports the application, and therefore there is no concerns regarding services and accessibility.
- ❖ The application is in line with the aims of the Overstrand SDF, which promotes tourism.
- ❖ It is not foreseen that the application will have a negative effect on the character of the area or on surrounding property owners.

POINT 8

- ❖ The existing property owner is responsible for placing the staff room and bathroom over building lines; therefore, an Administrative Penalty Fee is imposed.

15. ANNEXURES

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Development Plan
Annexure D:	Objection received
Annexure E:	Applicant's response to objection received
Annexure F:	Services Report
Annexure G:	Comment: BOCMA
Annexure H:	Comment: Cape Nature
Annexure I:	Comment: Western Cape Government: EADP (Planning)
Annexure J:	Comment: Western Cape Government: Infrastructure (Road Planning)
Annexure K:	Comment: Eskom
Annexure L:	Comment: Western Cape Government: EADP (Environmental)
Annexure M:	Comment: Telkom
Annexure N:	Comment: District Health
Annexure O:	Comment: Western Cape Government: Agriculture

SIGNATURE**AUTHOR:**

Name: **H OLIVIER**

SACPLAN Reg No: **B/8128/2004**

Signature: _____

Date: _____

REGISTERED PLANNER

Name: **H VAN DER STOEP**

SACPLAN Reg No: **A/1708/2013**

Signature: _____

Date: _____

1. Locality Plan Farm 905, Caledon

 Subject property

Plan prepared by: Thian Jansen

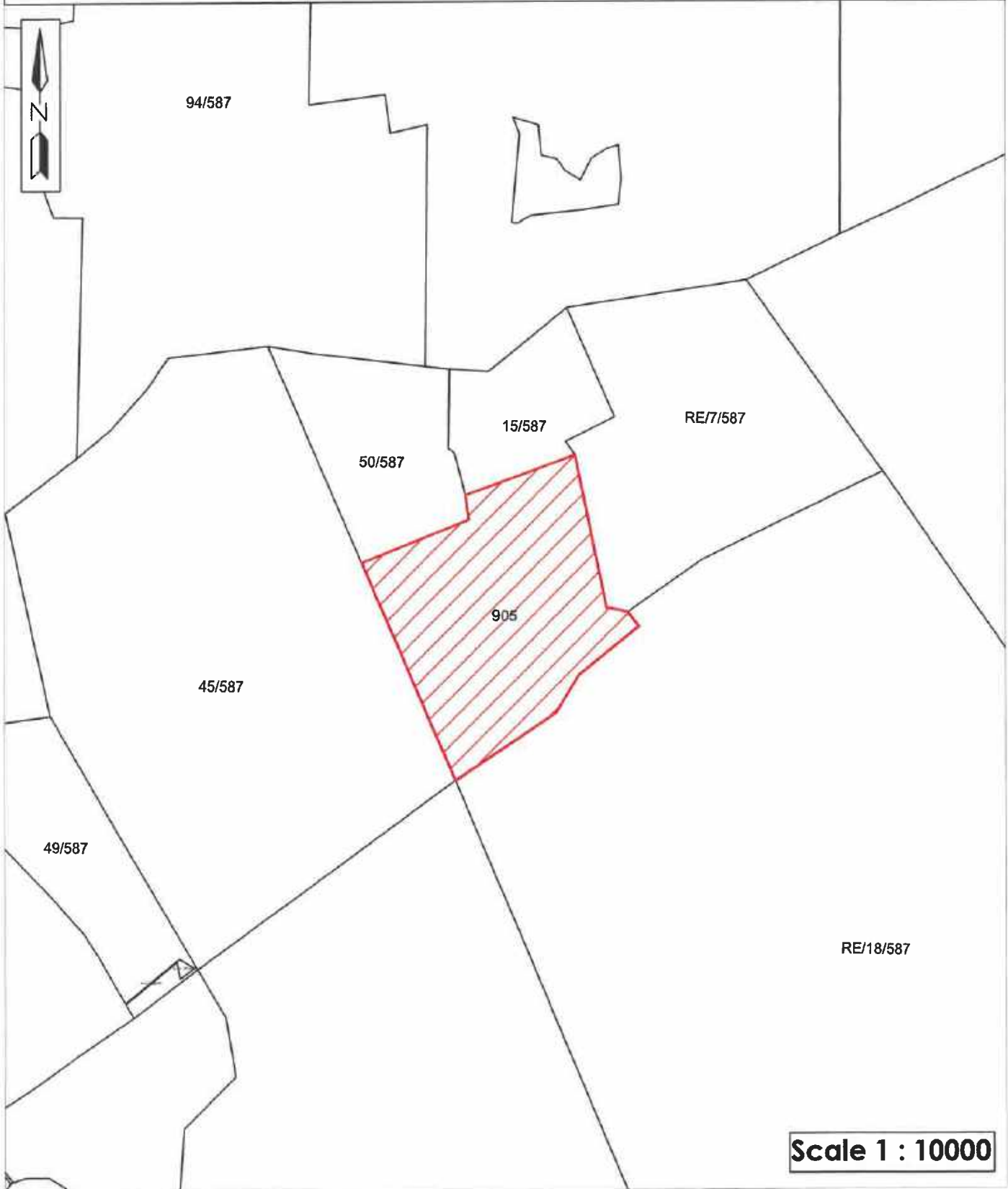
Tel: 028 313 1411

Email: admin@wrapgroup.co.za

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



Project Office
Town Planning & Project Management



Scale 1 : 10000

3. Aerial Plan Farm 905, Caledon

Plan prepared by: Thian Jansen

All distances are approximate
and subject to a survey

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

Unit B, Standard House,

Corner of Royal and Dirkie Uys

Street Hermanus, 7200



Project Office

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NTS



MOTIVATION

1. ABBREVIATIONS

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

2. PROPERTY DETAILS

Farm Description	Farm 905, Caledon
Extent	17,5896 Ha
Zoning	Agricultural Zone 1: Agriculture

3. BACKGROUND AND INTENT

The subject property, known as Farm 905, Caledon, is situated in the Hemel en Aarde Valley, as depicted in **Plan 1 - Locality**. Since 2005, Hermanus Aberdeen 44 CC has been the owner of the property, and they have commissioned WRAP Project Office to prepare the land use application on their behalf, as specified in **Annexure A – Power of Attorney and Resolution**.

The subject property primarily operates as a wine farm, focusing on grape cultivation and wine production, a venture that the owners have developed over the past two decades. In response to growing market demand, the property owners are actively exploring opportunities to broaden the farm's uses. Over the years, the owners have successfully obtained approvals for several departures while also allowing the farm to function as a wine farm, encompassing a winery, wine tasting facilities, and wine sales. **Annexure C – Historic Approval**.

Building from this foundation, the property owners envision further expansion by establishing a restaurant and relocating their tasting facility to the new proposed structure. Additionally, they intend to repurpose the existing main dwelling as a guest house, while proposing an additional dwelling unit on the farm that can serve as tourist accommodation. Although the primary use of the farm will continue to be agriculture and the cultivation grapes, the proposal is to increase the uses allowed. Furthermore, approval of certain applications is necessary, which includes an application for the determination of an administrative penalty to ensure compliance with the OMLUS.

Application is made for the following:

- Consent Use for an Additional Dwelling Unit;
- Consent Use for Tourist Accommodation;
- Consent Use for a Tourist Facility (Restaurant);
- Consent Use for a Guest House;
- Departure from the 30m building lines;
- Amendment of conditions in respect of an existing approval;
- Amendment of an Approved Site Development Plan; and



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- Determination of an administrative penalty.

4. PROCEDURE TO ACHIEVE THE PROPERTY OWNER'S INTENT

- 4.1 Consent Use** to allow an additional dwelling unit in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 4.2 Consent Use** to allow a guest house in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 4.3 Consent Use** for tourist accommodation in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

Additional dwelling units is defined by the OMLUS as the following:

“additional dwelling units” means dwelling(s) in the Agriculture Zone 1 which are not required for the accommodation of bona fide persons involved in the agricultural practice on the property concerned;”

The proposed additional dwelling unit aims to cater for transient guests seeking an immersive rural experience amidst the captivating vineyards cultivated on the farm. Introducing additional accommodation options for tourists on the property offers several advantages. Firstly, it provides visitors with a unique and authentic opportunity to embrace rural life and firsthand farming practices. This respite from the fast-paced urban environment allows guests to unwind and reconnect with nature.

Furthermore, the proposed conversion of the main dwelling into a guest house enhances the range of accommodation choices available on the subject property. The proposed accommodations are designed to offer a diverse array of outdoor activities and experiences, such as hiking, horseback riding, and mountain biking, which are not commonly found in urban areas. This promises an unforgettable and thrilling vacation for tourists.

In addition, the presence of the additional unit and guest house creates an opportunity to educate visitors about sustainable farming practices and the significance of environmentally responsible behaviour. Notably, the additional dwelling will be partially powered by solar energy in the future, aligning with the interests of eco-tourists who strive to minimize their ecological footprint while traveling.

Another advantage of the supplementary accommodations, encompassing the guest house and additional dwelling unit, is the potential for a more personalized and intimate experience compared to larger, more commercialised hotels. Guests can engage with the farm owners and staff, gain insights into local culture and traditions, and receive tailored recommendations for nearby attractions and activities.

Overall, additional accommodation for tourists on a farm can provide a unique and authentic vacation experience, offering a chance to reconnect with nature, learn about sustainable farming practices, and enjoy personalized, intimate hospitality. (Refer to **Plan 4.1 and 4.2 – SDP**).



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The main house is proposed to have 4 four bedrooms that will be used as guest rooms. Refer to **Annexure C – Architectural Drawings of the Main Dwelling and garage structures.**

It is important to note, the property owners are utilising an unutilised space in front of the existing vineyards to establish the additional dwelling unit. The proposal is to have as little impact as possible on the existing vineyards as it affects the production of the farm winery if vineyards are affected.

4.4 Consent Use to allow a tourist facility (Restaurant) in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

The property owners also have the vision to relocate their approved tasting facility to a new proposed building, as illustrated on the SDP (Plan 4). The new structure will be utilised as a restaurant as well as the tasting facility for the wine farm.

Combining the restaurant and tasting facility enhances the overall customer experience. Visitors to the wine farm can enjoy a seamless and comprehensive experience by indulging in a delectable dining experience while also having the opportunity to sample and appreciate the farm's wines. This integrated approach ensures customer satisfaction and provides a holistic and immersive experience for wine enthusiasts and food connoisseurs.

The restaurant as a tasting facility showcases the synergy between the wine farm and the culinary offerings. Guests can savour exquisite dishes that complement the wines produced on the farm, creating a harmonious pairing that highlights the farm's distinct flavours and enhances the overall enjoyment of the wine.

From a business perspective, the establishment of a restaurant adds an additional revenue stream to the wine farm. In addition to wine sales, the restaurant can generate income through food sales, attracting a broader customer base. This diversification of revenue helps to strengthen the financial stability of the wine farm and mitigates potential risks associated with relying solely on wine sales.

Furthermore, a restaurant operating as a tasting facility attracts a wider range of customers beyond wine enthusiasts. Food lovers, tourists, and those seeking a unique dining experience can be enticed to visit the property. This broader market reach, opens up opportunities for increased brand exposure and customer acquisition, ultimately driving growth for the wine farm.

The restaurant and tasting facility also act as powerful marketing tools for the wine farm. Each customer who dines at the restaurant has the opportunity to taste and appreciate the wines, potentially leading to direct wine sales and cultivating long-term customer relationships. Additionally, the restaurant serves as a platform for promoting the farm's brand, values, and story, further establishing its reputation in the industry.

In summary, the proposed restaurant will combine dining and wine tasting, creating a synergy between the culinary and viticultural aspects of the wine farm. This approach will improve the overall customer experience, generate multiple revenue streams, increase market penetration, and reinforce the brand's presence. As a result, the venture appears to be a compelling and lucrative opportunity for the property owners to pursue.



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It is important to note, the property owners are utilising an unutilised space within the existing vineyards to establish the tourist facility. The proposal is to have as little impact as possible on the existing vineyards as it affects the production of the farm winery if vineyards are affected.

4.5 Permanent Departure from the 30m building lines in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

The proposed development of the farm necessitates the following departures:

4.5.1 Permanent Departure from the eastern lateral building line from 30m to 0,8m to allow the proposed lean-to storage area in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

4.5.2 Permanent Departure from the eastern lateral building line from 30m to 0,8 & 1,6m to allow the proposed storage extension in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

The property owners are envisaging increasing the operation of the winery that was historically approved. This includes additions to the winery as well as additional storage that will be used for both the winery as well as equipment that is regular used in the winery.

By adding extra storage facilities, the winery will be able to accommodate a larger volume of wine production and effectively manage its inventory. This increased storage capacity is crucial for the winery's growth as it ensures the availability of sufficient space to store and age the wine during the production and maturation process.

Furthermore, the expanded storage capacity will contribute to the overall feasibility and efficiency of the winery's operation. With more storage space available, the winery can optimize its production schedule and meet the demands of a growing customer base. This improved operational efficiency not only enhances the winery's productivity but also allows for better quality control and consistency in the wines produced.

Additionally, the expansion of the winery to a larger scale offers several significant advantages in terms of its functionality and utilization. Firstly, a larger winery provides increased production capacity, allowing for the processing of higher volumes of grapes and wine production. This expanded capacity is crucial in meeting the growing demand for the winery's products and catering to a wider customer base. By accommodating larger batches of grapes, the winery can streamline its operations, optimize workflow, and enhance overall efficiency.

Furthermore, a larger winery allows for improved storage capabilities. It provides ample space to properly store and age wines, ensuring optimal conditions for maturation. With dedicated areas for different wine varieties and enhanced temperature and humidity controls, the winery can maintain the quality and consistency of its wines over extended periods. This expanded storage capacity also enables the winery to hold back wines for longer aging, resulting in more complex flavours and enhanced overall wine quality.



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In addition to increased production and storage capabilities, a larger winery fosters a spirit of innovation and experimentation. With more space available, winemakers have the freedom to explore new grape varieties, fermentation techniques, and aging methods. This facilitates creativity and allows for the production of a broader range of wines, catering to diverse consumer preferences and expanding the winery's portfolio.

A larger winery also benefits the visitor experience and hospitality aspect. With more space, the winery can accommodate larger groups of visitors. This creates opportunities for hosting guided tours, educational programs, and special events, enhancing the overall visitor experience and promoting brand awareness. The increased capacity for hospitality activities also contributes to additional revenue streams for the winery.

Refer Plan 4.2 – SDP Inset illustrating the proposed departures.



Figure 1: Proposed permanent departures to the storage extension and equipment storage.

4.5.3 Permanent Departure from the northern building line from 30m to 23,3m to allow the existing staff room and bathrooms in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

4.5.4 Permanent Departure from the western building line from 30m to 16,5m to allow the existing staff room and bathrooms in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

The property owners have undertaken improvements on the farm by constructing a small staff room that encroaches upon the northern and western building line. This staff room serves as a way to enhance the comfort and amenities available to the staff, the proposal is to approve the existing staff room as it was built over the 30m building line, the location was selected as to not impact the existing vineyards. No additions are being planned and only the current footprint and structure is proposed to be approved by the municipality. In addition to the staff room a row of trees was planted as to limit the visual impact of the structure while additional measures were taken to clad the structure materials that are more suited to the environment.

Importantly, it should be noted that no sleeping facilities are being proposed in the staff room, as its purpose is solely for daily use. The focus is on improving the working environment and providing a comfortable space where staff members can relax, have meals, and store their personal belongings while carrying out their duties on the farm.



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The staff room is a commitment from the property owners to the well-being and satisfaction of their employees. The space which is used by the staff contributes to a positive work environment and employee morale. **Refer Plan 4.3 – SDP Inset** illustrating the proposed departures.

We received a comment suggesting that the staff room could potentially affect the safety of neighbouring properties. However, since no evidence has been provided, and there have been no reported incidents that property owners are aware of, the possibility that the staff room could compromise the safety of any surrounding properties is merely a statement.

The essential point to remember is that there are fences separating the properties, and the responsibility for personal security still rests squarely on each individual property owner. It cannot be reasonably expected that individuals not liable for private property should be obligated to address security concerns on behalf of others.

It is crucial to emphasize that there are existing fences in place demarcating the boundaries between these neighbouring properties. Furthermore, it is essential to acknowledge that the onus for ensuring personal security lies with each respective property owner. It is unreasonable to demand that those who bear no liability for private property take on the responsibility of addressing security issues on behalf of others. In a shared community, it is incumbent upon each property owner to actively uphold their personal security measures and obligations.

4.5.5 Permanent Departure from the eastern building line from 30m to 10,4m to allow a proposed pool house in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

The pool house is considered an outbuilding linked to the main dwelling, of which the definition is:

*"means a structure, whether attached or separate from the main building, which is ancillary and subservient to the main building on a land unit and includes a building designed to be used for the garaging of motor vehicles, for storage purposes and any normal activities in so far as these are usually and reasonably required in the connection with the main dwelling as well as the accommodation of recreational activities such as a **pool room**, braai room, lapa and gazebo and the practising of hobbies (which may not cause a nuisance and/or disturbance and/or noise and/or damage to a neighbouring property or properties or premises), outbuildings are primary uses under each zoning except in open space zones where the Municipality may permit outbuildings should it be deemed necessary;"*

- **Functional Integration:** The position of the pool house was selected as a way that optimizes its functional integration with the main dwelling and the overall layout of the property. This allows for a more cohesive and convenient arrangement, ensuring easy access and connectivity between the pool house and the main living areas.
- **Enhanced Aesthetics:** Departing from the side building line can contribute to the visual appeal and architectural harmony of the property. It provides an opportunity to position the pool house in a manner that complements the design and style of the main dwelling, creating a visually pleasing and cohesive aesthetic. This attention to



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aesthetics can enhance the overall attractiveness of the property and its surrounding environment.

- **Privacy and Enjoyment:** Departing from the side building line can help create a more private and secluded setting for the pool house. By strategically positioning it, the pool house can offer a peaceful and tranquil space for recreational activities, such as poolside gatherings, barbecues, or relaxation. This ensures a comfortable and enjoyable environment for residents and guests.
- **Flexibility in Design:** Departing from the side building line offers flexibility in the design and layout of the pool house. It allows for creative solutions in optimizing the available space, accommodating desired features, and ensuring functionality. This flexibility can lead to a pool house design that meets the specific needs and preferences of the property owners while adhering to relevant regulations and guidelines.

4.6 Amendment of conditions in respect of an existing approval in terms of Section 16(2)(h) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

As mentioned, the property owners have obtained an approval to allow them to utilise the farm for a winery, wine tasting facilities, and wine sales, subject to the following condition of approval:

“6(a) that this approval for consent uses are restricted to an agricultural industry (winery) 391m² and tourism facility (tasting facility) of 33m².”

4.6.1 This application is proposing to expand on both the agricultural industry and the tourism facility. The proposal is for the following:

Use	Approved Extent	Proposed Extent
Agricultural Industry (winery)	391m ²	910m ² (including storage)



Figure 2: Proposed agricultural industry (including storage).

4.6.2 The proposal is also to combine the proposed tourist facility (restaurant) and operate both tourist facilities together (tasting facility/ wine sale and restaurant).



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Use	Approved Extent	Proposed Extent
Tourist Facility (Tasting facility and Restaurant)	33m ² (Tasting)	660m ² (Tasting Facility & Restaurant)

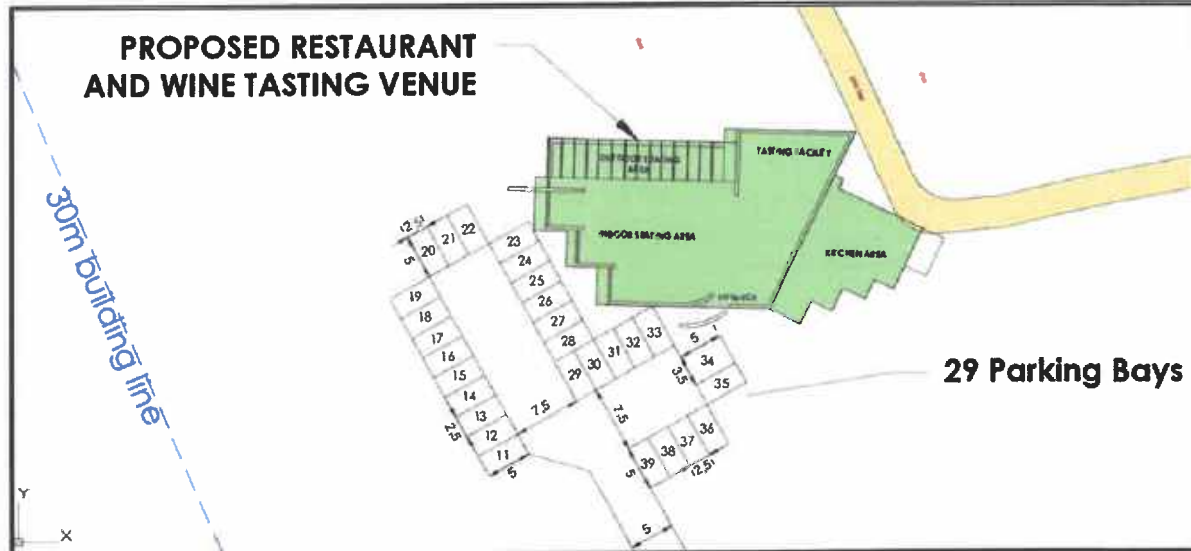


Figure 3: Proposed tourist facility (Tasting facility and Restaurant).

4.7 Amendment of Site Development Plan (SDP) in terms of Section 16(2)(L) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

The current SDP was approved in 2021 (Plan Number – farm905.drw (06/2020)), which SDP is attached together with the historical approval as Annexure C. With the proposal to add several new structures and expand on existing structures the SDP requires amendment. Refer Plan 4.1, 4.2, 4.3 & 4.4 which is proposed to replace the existing approved site development.

4.8 Determination of an administrative penalty in terms of Section 90(5) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

The construction of the staff room has already occurred. To ensure compliance with the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 it is of importance to include the determination of an administrative penalty in this application.

We however would like to request that the administrative penalty is waived as this application serves as method to rectify the contraventions that occurred. The property owners were unaware that they were required to submit this land use application beforehand and would not have constructed the structure before approval was not received.

Section 90(3) of the By-law requires the following information:

The nature, duration, gravity and extent of the contravention

The existing staff room has an extent of ±30m². The structure does not have a negative impact on the surrounding area and is not predicted to affect any other property owners.



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This application serves as evidence that the property owners are taking corrective action to address the By-law violation, and therefore, it is requested that no administrative penalty be imposed since no complaints have been received against its position.

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

The intention was never to knowingly contravene the provisions of the OMLUS. The property owners added the structure to the property, but there was never any malintent.

A report by a quantity surveyor in matters of unauthorised building/construction

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

Whether the unlawful conduct was stopped

The structures have already been built.

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

To the knowledge of this office, the property owners have not previously contravened the By-Law.

5. APPLICATION

Considering the above, application is made for the following:

- 5.1 **Consent Use** to allow an additional dwelling unit in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 5.2 **Consent Use** to allow a guest house in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 5.3 **Consent Use** for tourist accommodation in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 5.4 **Consent Use** to allow a tourist facility (Restaurant) in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 5.5 **Permanent Departure** from the 30m building lines in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020:
 - 5.5.1 **Permanent Departure** from the eastern lateral building line from 30m to 0,8m to allow the proposed lean-to storage area in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
 - 5.5.2 **Permanent Departure** from the eastern lateral building line from 30m to 0,8 & 1,6m to allow the storage extension in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
 - 5.5.3 **Permanent Departure** from the northern building line from 30m to 23,3m to allow the existing staff room and bathrooms in terms of Section 16(2)(b) of the



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Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

5.5.4 Permanent Departure from the western building line from 30m to 16,5m to allow the existing staff room and bathrooms in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

5.5.5 Permanent Departure from the eastern building line from 30m to 10,4m to allow a proposed pool house in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

5.6 Amendment of conditions in respect of an existing approval in terms of Section 16(2)(h) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

5.7 Amendment of Site Development Plan (SDP) in terms of Section 16(2)(L) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

5.8 Determination of an administrative penalty in terms of Section 90(5) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

6. LAND USE ENVIRONMENT

The subject property is situated in the Hemel en Aarde Valley, in an agricultural area where neighboring properties are used for agricultural and tourism-related purposes. This makes the proposed development on the subject property well-aligned with the existing land uses in the area.

The surrounding properties have different land uses, and their zonings are depicted in **Plan 2**, which illustrates the zoning in the area. Furthermore, the subject property's location within the agricultural zone presents an opportunity to showcase the natural beauty of the area and promote agricultural tourism. By developing the property as a tourist facility, visitors can learn about the agricultural practices in the area and experience the local culture, which can enhance their overall experience.

7. TITLE DEED

Title deed T634/2005 (refer **Annexure B – Title Deed**) was perused and there are no restrictive conditions that prohibit the proposed development of the property. Take note due to certain conditions within the title deed does the application need to be circulated to the Department of Transport of Public Works.

8. ZONING

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



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AGRICULTURE ZONE 1: AGRICULTURE (AGRI)																										
	Land Use Restrictions																									
Parameters	Proposed	Comply/ deviate																								
Primary use	Agriculture, Crèche, Dwelling House, Guest Rooms and Home Occupation.	Comply																								
Consent uses that may be applied for	<p>Approved:</p> <ul style="list-style-type: none"> • Agricultural Industry; and • Tourist Facilities (Tasting). <p>Proposed:</p> <ul style="list-style-type: none"> • Additional Dwelling Unit; • Tourist Accommodation; • Guest House; and • Tourist Facilities (Restaurant). 	Applied for and motivated.																								
Floor Space	<p>The total floor space of all buildings on the land unit may not exceed 5000m², provided that the Municipality may relax this requirement if it is satisfied that such buildings are required for bona fide farming activities on the land unit.</p> <table border="1"> <thead> <tr> <th colspan="2">Existing Structures</th> </tr> </thead> <tbody> <tr> <td>Manor House</td> <td>439m²</td> </tr> <tr> <td>Garage</td> <td>113m²</td> </tr> <tr> <td>Winery</td> <td>444m²</td> </tr> <tr> <td>Workshop</td> <td>208m²</td> </tr> <tr> <td>Total</td> <td>1204m²</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th colspan="2">Proposed Structures & Additions</th> </tr> </thead> <tbody> <tr> <td>Proposed Dry goods store</td> <td>240m²</td> </tr> <tr> <td>Proposed Staff Dayroom</td> <td>30m²</td> </tr> <tr> <td>Proposed Tractor Store</td> <td>200m²</td> </tr> <tr> <td>Additional Dwelling</td> <td>250m²</td> </tr> <tr> <td>Winery Addition</td> <td>320m²</td> </tr> </tbody> </table>	Existing Structures		Manor House	439m ²	Garage	113m ²	Winery	444m ²	Workshop	208m ²	Total	1204m²	Proposed Structures & Additions		Proposed Dry goods store	240m ²	Proposed Staff Dayroom	30m ²	Proposed Tractor Store	200m ²	Additional Dwelling	250m ²	Winery Addition	320m ²	Comply
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		<table border="1"> <tr> <td>Proposed Restaurant and Tasting Venue</td> <td>660m²</td> </tr> <tr> <td>Pool House</td> <td>120m²</td> </tr> <tr> <td>Lean-to Equipment Storage</td> <td>90m²</td> </tr> <tr> <td>Storage Addition</td> <td>56m²</td> </tr> <tr> <td>Total</td> <td>1977m²</td> </tr> <tr> <td colspan="2">Total Floor Space</td> </tr> <tr> <td colspan="2">3170m²</td> </tr> </table>	Proposed Restaurant and Tasting Venue	660m ²	Pool House	120m ²	Lean-to Equipment Storage	90m ²	Storage Addition	56m ²	Total	1977m ²	Total Floor Space		3170m ²		
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<p>Building Lines</p>	<p>The street and common boundary building lines are determined in accordance with the area of the land unit as specified in the table below.</p> <p>Greater than 10 ha: Street boundary building lines = 30,0 m Common boundary building lines = 30,0 m</p>	<p>Existing and approved departures</p> <ul style="list-style-type: none"> Manor House from - 30m to 23m. Garage from - 30m to 20m. Winery from - 30m to 8m & 14m. <p>Proposed Departures</p> <ul style="list-style-type: none"> Proposed Pool House from - 30m to 10,4m. Proposed Equipment from - 30m to 0,8m. Proposed Storage Addition from 30m to 0,8m & 1,6m. Existing Staff Room from 30m to 23,3m & 16,5. <p>No structures are higher than the allowable 8,0m</p>	<p>Applied for and motivated.</p>														
<p>Height</p>	<p>The maximum height of a building, measured from the base level to the top of the structure, is 8,0 m, provided that agricultural buildings other than dwelling units shall not exceed a height of 12,0 m, measured from the base level to the top of the structure, and where the Municipality is satisfied that a greater height is necessary for the agricultural function of the building, it may permit such greater height.</p>		<p>Comply</p>														
<p>Parking</p>	<p>Parking and access shall be provided on the land unit in accordance with Chapter 17.1.</p>	<ul style="list-style-type: none"> Additional Dwelling Unit – 2 Parking Bay provided; 	<p>Comply</p>														



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	<ul style="list-style-type: none"> • Additional dwelling units = One bay • Guest House = One bay per guest room • Restaurant = One bay per 100m² GLA 	<ul style="list-style-type: none"> • Guest House – 4 Bedrooms = 8 Parking Bays provided; • Restaurant and Tasting Facility = 660m² GLA 660 / 100 x 4 = 26,4 Parking Bays 29 Parking Bay provided; <p>There are 36 parking bays required, with 39 being provided.</p>	
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9. SERVICES

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

Electricity, Water, Sewage and Solid Waste

The subject property has been equipped with solar power as well as linked to Eskom for back up if it is ever required.

Water is obtained from a borehole and surface runoff water that is collected in the earth dam. The water is filtered and fit for human consumption.

Solid waste is collected and kept on-site and taken to the waste transfer station in the surrounding area.

Access and Egress

The existing access and egress are obtained from the R320, at marker 10.25km. The proposal is to add an additional access from the western boundary to access the new restaurant across right of way servitude K320/2021.

10. NEED AND DESIRABILITY

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

Need and desirability

Socio-economic impact	<p>The proposals outlined above have the potential to generate several positive socio-economic impacts in the surrounding area.</p> <p>Firstly, the establishment of additional accommodation options, such as the guest house and the proposed dwelling unit for transient guests, can contribute to the local economy. By attracting tourists and visitors to the farm, these accommodations create opportunities for increased spending on local goods and services. Visitors may dine at local restaurants, shop at nearby stores, and engage in various activities and attractions in the area. This influx of tourism can stimulate economic growth, generate employment opportunities, and support local businesses.</p> <p>Moreover, the addition of a restaurant within the winery premises can have significant socio-economic benefits. It can act as a catalyst for culinary tourism, attracting food enthusiasts and wine lovers to the region. This can result in increased patronage for the winery, leading to higher sales of their products. Additionally, the restaurant itself may require staff, suppliers, and other support services, thereby creating job opportunities and fostering economic activity.</p>
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MOTIVATION

	<p>Furthermore, the proposed expansion of the winery operation, including the increased storage capacity and production capabilities, can have a positive socio-economic impact. It can lead to higher production volumes, allowing the winery to meet growing market demands, both locally and potentially internationally. This increased production can create a ripple effect, benefiting suppliers of grapes, equipment, packaging materials, and transportation services. It can also support the local agricultural sector by creating a steady market for grape growers in the area.</p> <p>The introduction of outdoor activities and experiences, such as hiking, horseback riding, and mountain biking, can attract outdoor enthusiasts and adventure seekers to the region. This not only diversifies the farm's offerings but also promotes healthy lifestyles and eco-tourism. It encourages visitors to explore the natural beauty of the area, potentially leading to the development of supporting businesses, such as outdoor equipment rentals, guided tours, and local guides.</p> <p>Overall, the proposed developments have the potential to enhance the socio-economic landscape of the area. They can stimulate tourism, generate employment opportunities, support local businesses, and contribute to the overall economic growth and vitality of the community. Additionally, these developments can foster a sense of pride in the local region, showcasing its unique agricultural heritage, culinary delights, and natural attractions to visitors from far and wide.</p>
<p>Compatibility with surrounding uses</p>	<p>The proposed developments are designed to be compatible with the surrounding area, taking into consideration the existing landscape, architectural style, and environmental context.</p> <p>Firstly, the establishment of a larger winery and additional accommodation options aligns with the agricultural character of the region. The area is known for its vineyards and wine production, and the expansion of the winery operations maintains and enhances this agricultural identity. The proposed developments are designed to complement the natural beauty of the surrounding landscape, ensuring minimal visual impact and preserving the scenic qualities of the area.</p> <p>Additionally, the architectural design of the proposed structures can be carefully integrated into the existing built environment. Attention will be given to materials, colours, and design elements that harmonize with the local</p>



MOTIVATION

	<p>architectural style and aesthetic. This ensures that the new buildings blend seamlessly with the surrounding structures, creating a cohesive and visually pleasing environment.</p> <p>Furthermore, the proposed outdoor activities and experiences, such as hiking, horseback riding, and mountain biking, will be planned in a manner that respects and protects the natural surroundings. Trails will be designed to minimize ecological impact, avoiding sensitive habitats or protected areas. Proper signage and education initiatives can be implemented to promote responsible behaviour and environmental stewardship among visitors.</p>
Impact on the external engineering services	Refer Section 9.
Impact on safety, health and wellbeing of the surrounding community	It is not predicted that the proposal will have an impact on safety, health and wellbeing of the surrounding community. In fact, the proposed project has the potential to provide a number of benefits to the community, such as increasing the number of tourists that visits the area.
Impact on heritage	The subject property is not listed in the OM Heritage Register.
Impact on the biophysical environment	Based on the information available, it is not expected that the proposed development will have any adverse effects on the biophysical environment. This is because the areas where the proposed developments are planned have a history of being disturbed.
Traffic impacts, parking, access and other transport related considerations	Refer to Section 9.

The property owners have tasked WRAP Project Office with submitting this application to ensure the proposed development aligns with policies, legislation, and title deed conditions, in pursuit of their vision.

Impact on views, sunlight and character of the area

The additions currently being proposed on the subject property is not predicted to impact any other property owners negatively. Firstly, the establishment of a larger winery and additional accommodation options aligns with the agricultural character of the region. The area is known for its vineyards and wine production, and the expansion of the winery operations maintains and enhances this agricultural identity. The proposed developments are designed to complement the natural beauty of the surrounding landscape, ensuring minimal visual impact and preserving the scenic qualities of the area.

Additionally, the architectural design of the proposed structures can be carefully integrated into the existing built environment. Attention will be given to materials, colours, and design elements that harmonize with the local architectural style and aesthetic. This



MOTIVATION

ensures that the new buildings blend seamlessly with the surrounding structures, creating a cohesive and visually pleasing environment.

Overall, if the development is carefully planned and constructed with consideration for the surrounding environment and neighbouring properties, it has the potential to positively contribute to the local tourism industry while preserving the natural beauty of the area.

Economic impact

The proposed development has the potential to generate a positive economic impact for the local community. The additions proposed could increase tourism activity in the area, providing more opportunities for visitors to stay in the region and contribute to the local economy. This could lead to an increase in demand for local goods and services, such as restaurants, shops, and activities.

Overall, the proposed development has the potential to generate a positive economic impact for the local community by increasing tourism activity, creating job opportunities, and providing revenue streams for small businesses.

11. POLICIES AND REGULATIONS

11.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

The property is not located within the EMOZ.

11.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)

The subject property is located adjacent the R320 which is considered as a scenic route. The proposed development will add to the appeal of the route by providing tourist with more to see and do along the route.

11.3 Spatial Planning Policies

WCLUPGRA

Policy preface

The policy document aims to create alignment between the changed legislative planning landscape since the promulgation of SPLUMA and LUPA and intends to implement the provincial agenda in rural areas. The policy acknowledges that the Western Cape rural areas are faced with escalating development pressures and provides clarity to local municipalities to manage development in rural areas more effectively. The Western Cape rural areas are cited as a unique rural asset base which requires concrete efforts to ensure a sustainable spatial trajectory.

Broad policy objectives

The objectives of the policy include the promotion of sustainable development in rural locations while safeguarding the ecological infrastructure. The policy also highlights that rural communities should have greater economic and social opportunities which enable successful job creation and contribute towards an inclusive rural economy.



MOTIVATION

The compliance of this proposal with the policy proposals in the WCLUPGRA which are pertinent to this proposal are recorded below:

The policy also provides the importance of non-agricultural land uses and state the economic viability thereof. The policy cites that rural tourism and recreational facilities and activities should not compromise farm production which is not the case in this situation.

PSDF

The PSDF is a product of a provincial inter-departmental and inter-governmental collaboration under the guidance of the inter-departmental steering committee in collaboration with the private sector, academia, and non-governmental organisations. This broad participatory process has created a shared spatial vision that is intended to inform spatial development patterns in urban and rural areas in the province.

Consistency with the PSDF

Throughout the PSDF, economic development is a widespread term used and focussed on economic development is an aspect that is important to ensure the Provincial economy contributes to the National economy.

The continual growth of the Provincial economy means that economic activity should be stimulated in lower spheres of the government. This application to add additional economic activities into an area where there are not many options available, will have a positive impact on the Overstrand Municipality as more employment options are created.

The application then relates to the development of economic activity which is in line with the PSDF.

MSDF

The SDF's purpose is to ensure compliance with national, provincial and district legislation policies and principles. The SDF aims to provide sufficient guidance regarding what constitutes appropriate spatial development land uses and direction within the urban edge. The SDF was drafted after considering input from other state departments and the public and provides a shared spatial vision which the development proposal should ideally attempt to synchronise with.

Consistency with the MSDF

To ensure compliance with the principles and objectives set out by the PSDF and the National Development Plan, the MSDF was synthesised through the influence of these policies and frameworks.

Ensuring economic development take place in the OM, would ensure sustainable growth of the municipal area. As previously mentioned, the subject property is in an area where economic activity is low to not existing. The property owners are proposing utilising the subject property's unique location to develop another source of income that in turn allows them to ensure employment opportunities are available on the farm.

These uses, although a small economic link in the Overstrand Municipality, still has a role to play, which allows the proposed uses to stay aligned with the MSDF.



MOTIVATION

12. PLANNING PRINCIPLES

Chapter 2 of SPLUMA contains 5 uncompromisable planning principles by which each development application must be guided. Policy proposals in SPLUMA which are pertinent to this proposal are recorded below:

Spatial justice

Spatial justice refers to planning proposals that do not contribute towards the perpetuation of apartheid spatial development imbalances. This proposal to add additional uses to the subject property is not considered to have a negative impact on past spatial injustices.

Spatial sustainability and Efficiency

Spatial sustainability refers to planning proposals that result in communities that are viable. This proposal is to continue utilising the property for more than what is currently approved and continue the efforts to create new space and allow the property owners to stay on top of the requirements and movements of the demand.

Spatial resilience

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

Good administration

The Overstrand Municipality has demonstrated a solid history of effectively incorporating public participation into its administrative processes. Public participation is a crucial aspect of the land use planning process.

This process allows individuals who may be impacted by the proposal to provide feedback and raise any concerns or make suggestions that may lead to a more favourable outcome for all parties involved. All comments received will be carefully reviewed and taken into consideration before being addressed appropriately.



RECOMMENDATION

13. EVALUATION

The proposed expansion of the subject property's land use rights would add significant value to the property by providing additional opportunities for tourists on the farm. The property's existing potential for tourism-related activities would also be enhanced by the proposed developments.

Furthermore, the proposals are consistent with the surrounding area and are not expected to create nuisance land uses that could negatively impact neighbouring properties. In fact, the proposals are in harmony with all relevant spatial planning policies, indicating that the property owners have considered the necessary considerations and regulations required for such developments.

The proposed structures are not arbitrary and have been designed with due consideration for relevant spatial planning policies to ensure that they are in compliance with zoning regulations and environmental guidelines. As such, the proposals are expected to complement and enhance the existing character of the area while providing additional economic benefits to the local community.

14. RECOMMENDATION

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

- 14.1 **Consent Use** to allow an additional dwelling unit in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 14.2 **Consent Use** to allow a guest house in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 14.3 **Consent Use** for tourist accommodation in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 14.4 **Consent Use** to allow a tourist facility (Restaurant) in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 14.5 **Permanent Departure** from the 30m building lines in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020:
 - 14.5.1 **Permanent Departure** from the eastern lateral building line from 30m to 0,8m to allow the proposed lean-to storage area in terms of Section 16(2)(b) of the



RECOMMENDATION

Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

- 14.5.2 **Permanent Departure** from the eastern lateral building line from 30m to 0,8 & 1,6m to allow the storage extension in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 14.5.3 **Permanent Departure** from the northern building line from 30m to 23,3m to allow the existing staff room and bathrooms in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 14.5.4 **Permanent Departure** from the western building line from 30m to 16,5m to allow the existing staff room and bathrooms in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 14.5.5 **Permanent Departure** from the eastern building line from 30m to 10,4m to allow a proposed pool house in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 14.6 **Amendment of conditions in respect of an existing approval** in terms of Section 16(2)(h) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 14.7 **Amendment of Site Development Plan (SDP)** in terms of Section 16(2)(L) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 14.8 **Determination of an administrative penalty** in terms of Section 90(5) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

4.1 Proposed Site Development Plan

Farm 905, Caledon

Existing Structures	
Manor House	439m ²
Garage	113m ²
Winery	444m ²
Workshop	208m ²
Total	1204m ²
Proposed Structures & Additions	
Proposed Dry goods store	240m ²
Proposed Staff Dayroom	30m ²
Proposed Tractor Store	200m ²
Additional Dwelling	250m ²
Winery Addition	320m ²
Proposed Restaurant and Tasting Venue	660m ²
Pool House	120m ²
Lean-to Equipment Storage	90m ²
Storage Addition	54m ²
Total	1966m ²
Total Floor Space	3170m ²

Plan number: 23/41/003/4.1

Date - 06/10/2023

Plan prepared by: Thian Jansen
Based on plans provided by Douglas Carr

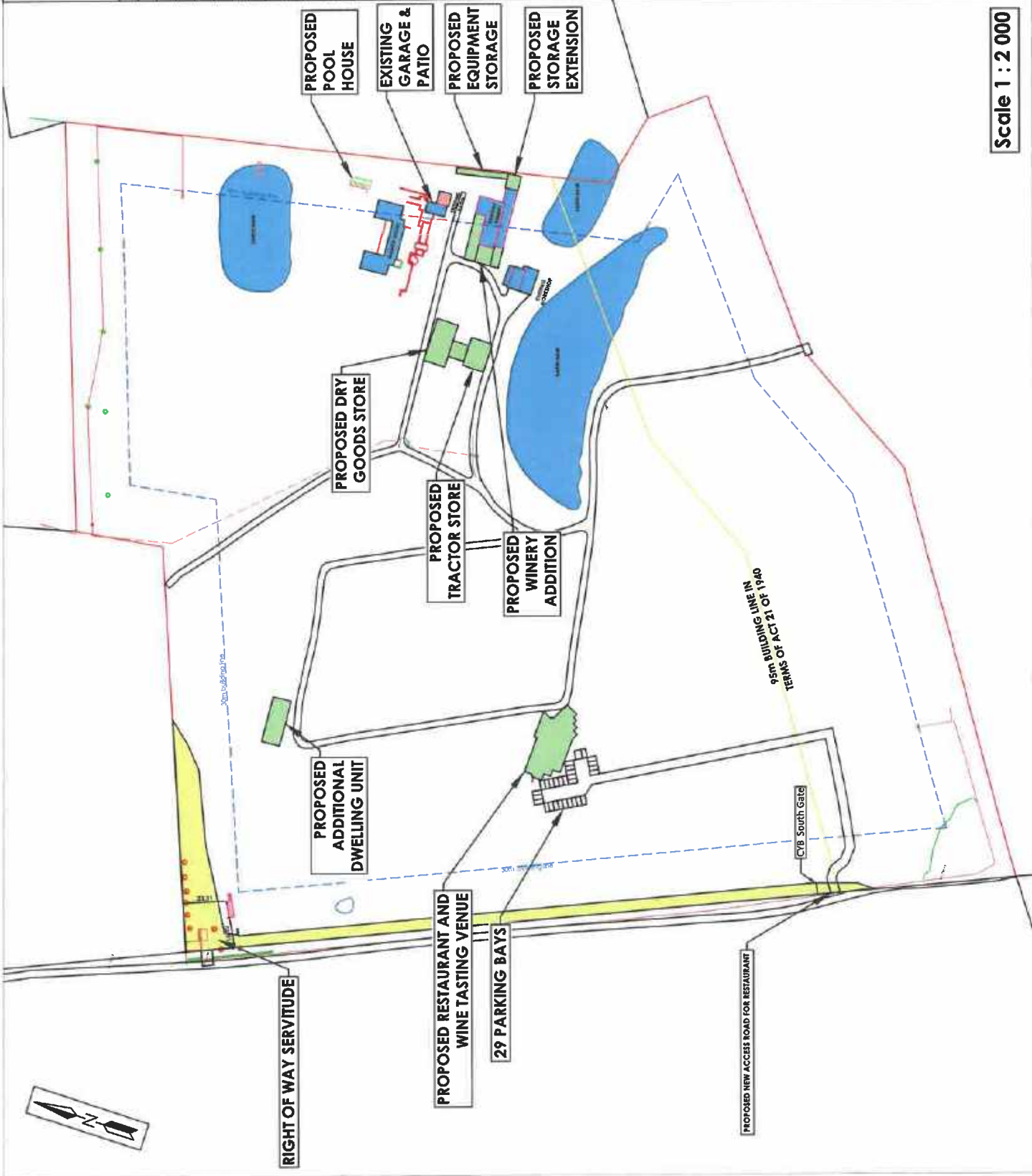
All distances are approximate and subject to a survey

Tel: 028 313 1411

Email: admin@wrapgroup.co.za
Unit B, Standard House,
Corner of Royal and Dikkie Uys
Street Hermanus, 7200



Project Office
Town Planning & Project Management



Scale 1 : 2 000

4.2 INSET of Proposed Site Development Plan

Farm 905, Caledon

Existing Departures

- Manor House from - 30m to 23m
- Garage from - 30m to 20m
- Winery from - 30m to 8m & 14m

Proposed Departures

- Proposed Pool House from - 30m to 10,4m
- Proposed Equipment from - 30m to 0,8m
- Proposed Storage Addition from 30m to 0,8m & 1,6m

Plan number: 23/41/003/A.2

Date - 07/10/2023

Plan prepared by: Thilan Jansen
Based on plans provided by Douglas Carr

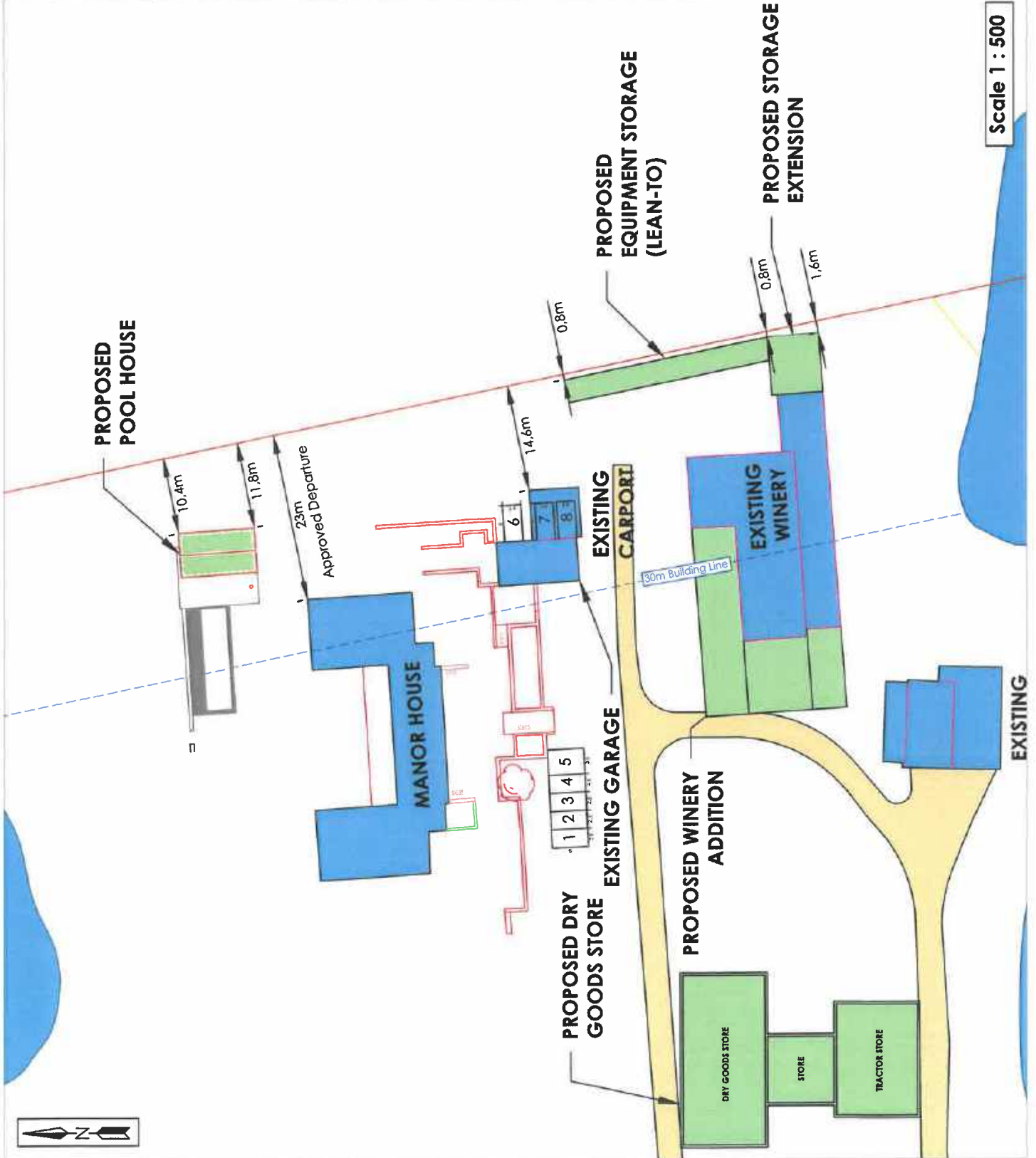
All distances are approximate and subject to a survey

Tel: 028 313 1411


Email: admin@wrapgroup.co.za
Unit 6, Standard House,
Corner of Royal and Dirkie Uys
Street: Hermanus, 7200

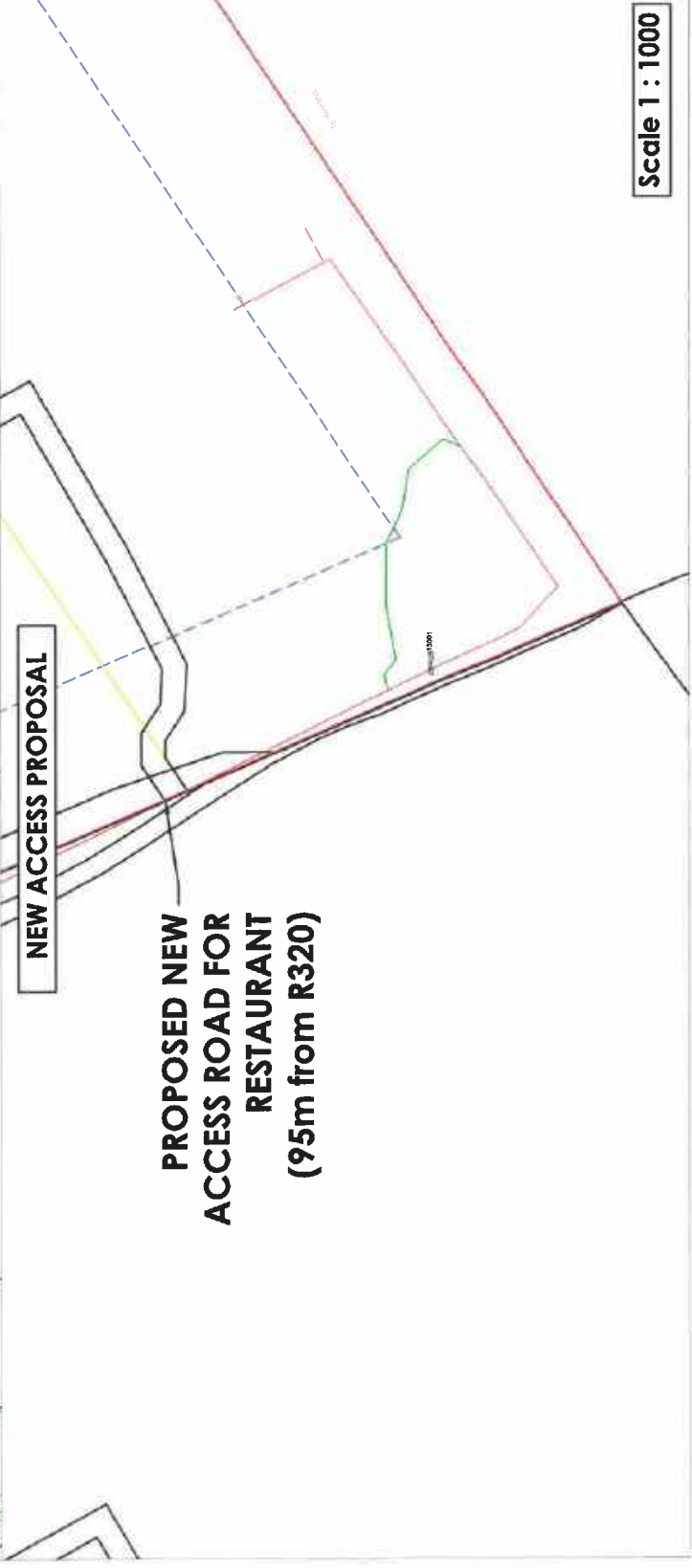
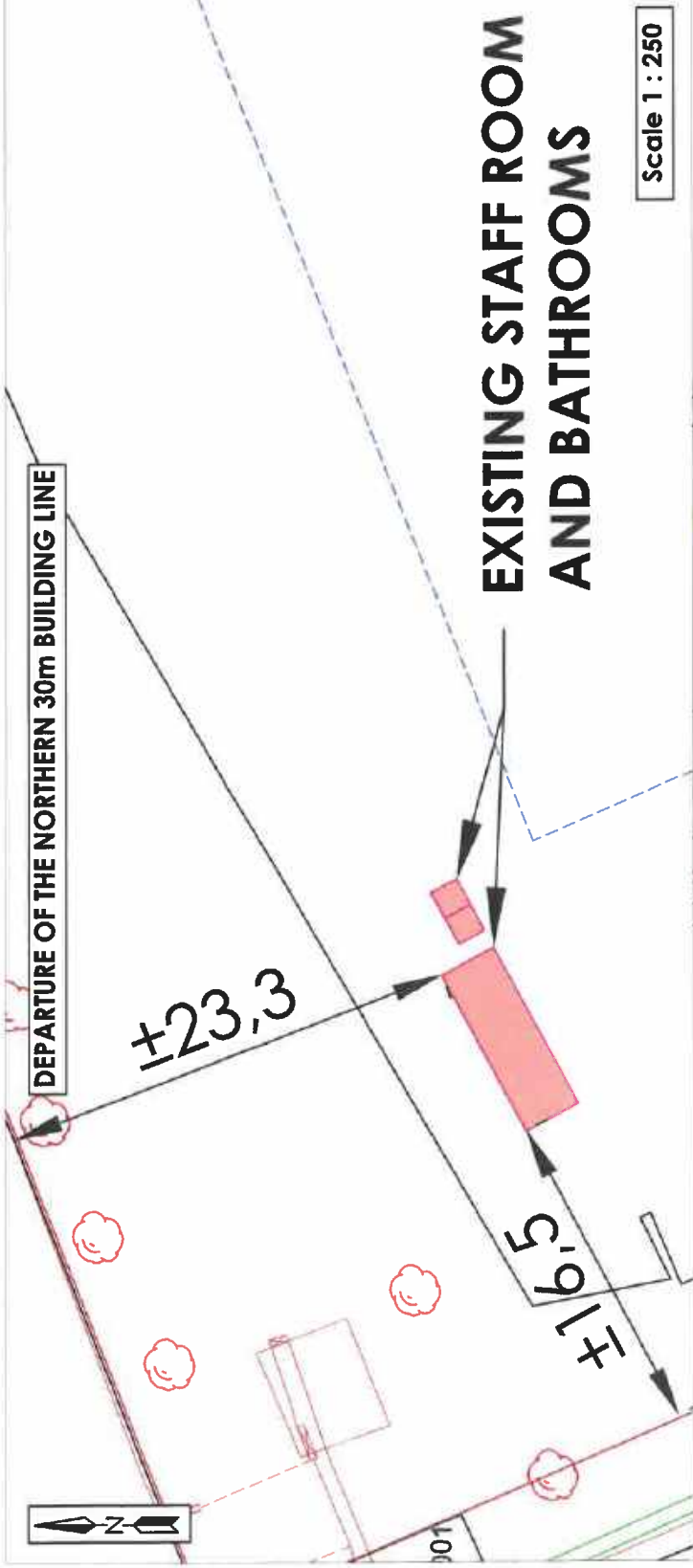


Project Office
Town Planning & Project Management



Scale 1 : 500

<p>4.3 INSET of Proposed Site Development Plan</p> <p>Farm 905, Caledon</p>	<p>Proposed Departures</p> <ul style="list-style-type: none"> Existing Staff Room from 30m to 23.3m Existing Staff Room from 30m to 16.5m 	<p>Plan number: 23/41/003/4.3 Date - 09/10/2023</p> <p>Plan prepared by: Thion Jansen Based on plans provided by Douglas Carr</p> <p>All distances are approximate and subject to a survey</p> <p>Tel: 028 313 1411</p> <p>Email: admin@wrapgroup.co.za Unit 8, Standard House, Corner of Royal and Dirkie Uys Street Hermanus, 7200</p>	 <p>Project Office Town Planning & Project Management</p>
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**4.4 INSET of
Proposed
Site Development Plan**

Farm 905, Caledon

TAKE NOTE THESE PLANS ARE CONCEPTUAL AND SUBJECT TO FINAL SUBMISSION TO THE OVERSTRAND MUNICIPALITY'S BUILDING CONTROL DEPARTMENT

Plan number: 23/41/003/4.4

Date - 07/10/2023

Plan prepared by: Thian Jansen
Based on plans provided by Douglas Carr

All distances are approximate
and subject to a survey

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

Unit B, Standard House,

Corner of Royal and Dikie Uys

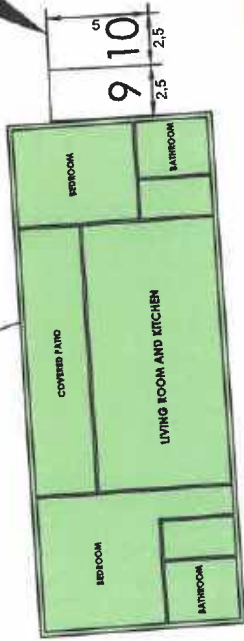
Street Hermanus 7200



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Town Planning & Project Management

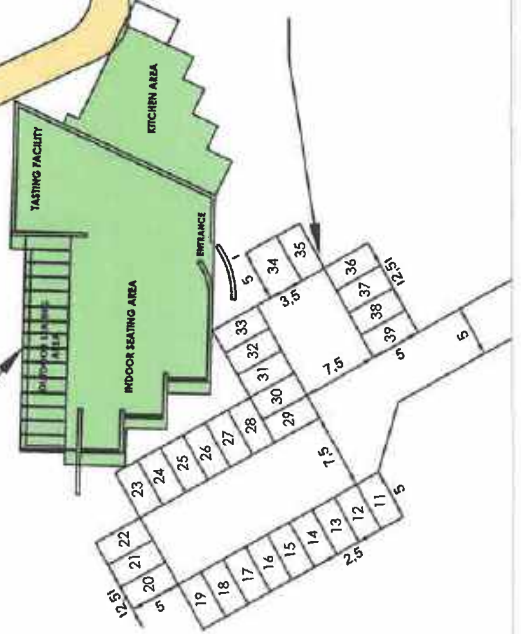
2 PARKING BAYS

PROPOSED ADDITIONAL DWELLING UNIT



Scale 1 : 250

**PROPOSED RESTAURANT
AND WINE TASTING VENUE**



29 Parking Bays

Scale 1 : 500

PROFESSIONAL DESIGNER ARCHITECTURE & INTERIORS
 10000 148th Avenue, Suite 100, Richmond, BC V6V 2G9
 Tel: 604-273-1111 Fax: 604-273-1112
 www.douglasarr.com
 S.A.C.A.P. Reg. 1863
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PROJECT INFORMATION
 PROJECT NO: 2022/600
 PROJECT TITLE: MAIN DWELLING
 CLIENT: ABERDEEN 44 PTY LTD
 ON SITE: BELLISH RIVER
 10000 148th Avenue, Suite 100, Richmond, BC V6V 2G9
 Tel: 604-273-1111 Fax: 604-273-1112
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DATE 22.02.2022
ISSUE FOR INFORMATION

VER	DATE	DESCRIPTION
0	22.02.2022	Issue for INFORMATION

CLIENT/CLIENT REPRESENTATIVE
 ARCHITECT
 ARCHITECT

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SCALE 1:100
DRAWN BY E.A.
CHECKED BY D.J.C. 15/63
DATE FEB 2022

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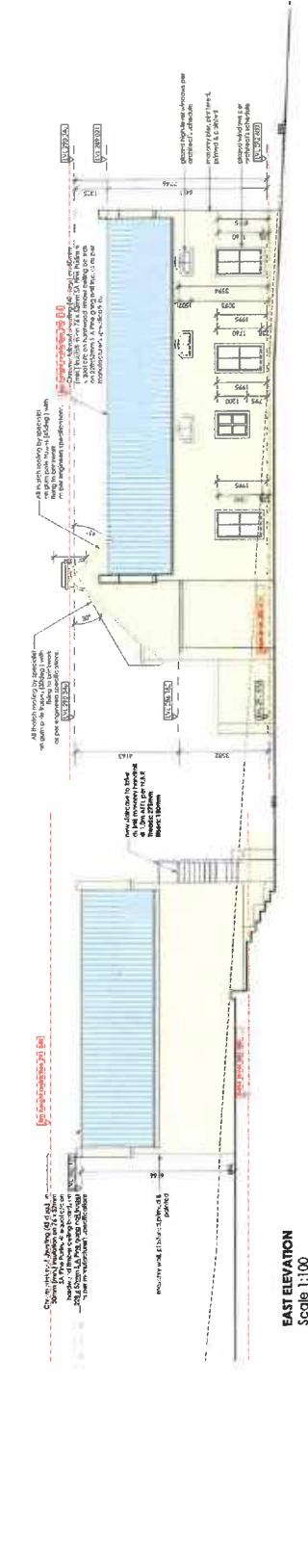
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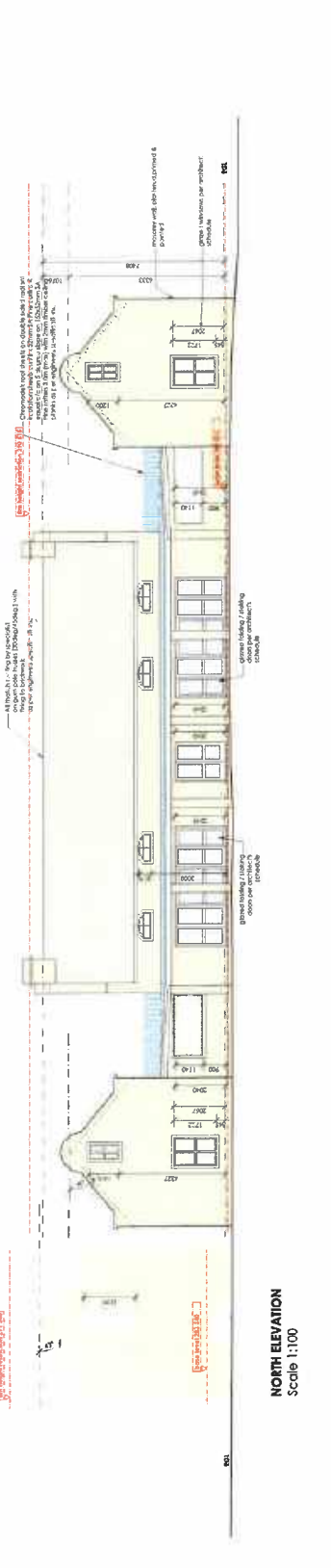
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EAST ELEVATION
 Scale 1:100



NORTH ELEVATION
 Scale 1:100



WEST ELEVATION
 Scale 1:100



SOUTH ELEVATION
 Scale 1:100

336

27 September 2023

Re-Application 4418/2023_ File 905 RCAL

Comments concerning application for Permanent Departure of Staffroom Placement

From: Diane Forster, Chairperson CochYBondhu, portion 50 of farm 587, Hemel en Aarde Valley, Hermanus 7201.

Wrap has advised us (CYB) that OM have been made aware that the placement of the existing Staff structures on the building lines are not depicted accurately on the drawing supplied for application 4418/2023 and that the application will be amended and re-circulated to neighbours in due course.

The present proposal is to legalise the position of the now existing structures. We understand that the upgrade the facility with a kitchenette would require a separate application once permanent departure has been achieved.

Understanding all of the above, our comments for consideration are as follows:

Impact on Safety

Where the container is currently positioned, the reality of what happens with the staff from RR is that Workers tend to lie up directly along the fence on the North side as it's simply warmer as well as lying around right on the West side at our Northern gate entrance. For long periods of time during the course of the year, it is not just the permanently employed workers from Restless River, **but rather casual migrant workers that come and go using this facility.**

This does concern us as the current positioning of the staffroom unfortunately leaves us vulnerable as potentially having a safety impact on our Estate. It's a sad fact that a large percentage of crime is initiated through an 'Insider' often due to intimidation from outside.

In theory, the planted pine trees by Mr Wessels were designed to screen off the container, but I don't think anyone anticipated that the staff would prefer to take their break on the sunny side along our fence overlooking CYB property as well as sleeping right at our Northern entrance gate during breaks. ***Please refer to images below for visual context.***

Besides that, the way the trees are growing over the container, at some point, they are going to need trimming which will leave the area and the back of the container more visually exposed.

Perhaps there is potentially a better solution that could be reached between us with better screening off on both the North and West sides of the containers to prevent us having a potential safety risk over time and improve security.

Regarding this matter, we did approach Wrap projects with our concerns and to gain clarity on the future intension of the Staff day quarters current positioning thereof and were hoping to discuss the practicality of this matter. Thian Jansen from Wrap projects, representing Mr Wessels, clarified matters for us where he could, however, he was advised by Mr Wessels that all concerns from us be addressed through the formal public participation process.

The new Winery and Restaurant is going to be lovely and we wish Restless River all the success.

We hope that we can have the opportunity to reach a mutually better solution for the Staffroom relaxation area positioned right at the Northern entrance to CYB Estate. The intention herewith is not intended to create any delays, but rather to reach a better neighbourly agreement.

Kind Regards,
Diane Forster





Example of seating placed overlooking CYB properties for Lunch breaks





Project Office

Town Planning & Project Management

Our Reference: 23/41
Your Reference: 905, RCAL

15 October 2024

The Municipal Manager
Overstrand Municipality
P O Box 20
HERMANUS
7200

Sir

FARM 905, RESTLESS RIVER, HEMEL EN AARDE VALLEY, A DIVISION OF CALEDON: APPLICATION FOR DEPARTURE, CONSENT USE, AMENDMENT OF CONDITIONS IN RESPECT OF EXISTING APPROVAL, AMENDMENT OF APPROVED SITE DEVELOPMENT PLAN AND DETERMINATION OF AN ADMINISTRATIVE PENALTY

The comment received is addressed herein.

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
16 OCT 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

*TP - A Theart
(H Olivier)*

FILE NO. Farm 905
Hemel & Aarde
SCAN NO.
COLLABORATOR NO.
2140702

16 OCT 2024

OBJECTION**Diane Forster obo CochYBondhu**

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Where the container is currently positioned, the reality of what happens with the staff from RR is that Workers tend to lie up directly along the fence on the North side as it's simply warmer as well as lying around right on the West side at our Northern gate entrance. For long periods of time during the course of the year, it is not just the permanently employed workers from Restless River, but rather casual migrant workers that come and go using this facility.

This does concern us as the current positioning of the staffroom unfortunately leaves us vulnerable as potentially having a safety impact on our Estate. It's a sad fact that a large percentage of crime is initiated through an 'Insider' often due to intimidation from outside.

In theory, the planted pine trees by Mr Wessels were designed to screen off the container, but I don't think anyone anticipated that the staff would prefer to take their break on the sunny side along our fence overlooking CYB property as well as sleeping right at our Northern entrance gate during breaks. Please refer to images below for visual context.

Besides that, the way the trees are growing over the container, at some point, they are going to need trimming which will leave the area and the back of the container more visually exposed.

Perhaps there is potentially a better solution that could be reached between us with better screening off on both the North and West sides of the containers to prevent us having a potential safety risk over time and improve security."

RESPONSE

The comments received are noted.

There have however never been any incidents that would substantiate the safety concerns. As the objector mentioned, the owner has already taken the initiative by planting trees to screen the existing staff rooms. This was done purely for aesthetic purposes from the objector's perspective, as it does not add any value to the owner.



The picture above is important as it illustrates the existing situation on the property. The green areas represent the screening trees that were planted, and the red line marks the fence on Restless River's property. It is important to note that both sides of the fence (RED) are owned by Restless River. If required, workers from Restless River can access this portion, and the right of way is registered only in favour of CochYBondhu. However, this does not mean that CochYBondhu owns that land as it is still in the ownership of Restless River.

Additionally, the safety concern is acknowledged, but as the situation currently stands, there are two fences that must be crossed before anyone can access CochYBondhu from Restless River, and as noted above, no such incidents have occurred to date.

In addition, regarding the concerns about staff activities near the northern boundary, it is acknowledged that workers may use the area for breaks due to the natural shade and warmth. This activity however falls within their legitimate use of the designated staff areas, and steps will be taken to ensure that the use of this space remains orderly and considerate of neighbouring properties.

Conclusion

Considering the response, it is recommended that the planning application be approved as submitted.

Yours faithfully



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

**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR DEPARTURE, CONSENT USE, AMENDMENT OF
CONDITIONS IN RESPECT OF EXISTING APPROVAL, AMENDMENT OF
APPROVED SITE DEVELOPMENT PLAN & DETERMINATION OF AN
ADMINISTRATIVE PENALTY: FARM 905, RESTLESS RIVER, DIVISION
OF CALEDON (4418/2023)**

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

Conditions:

1. that the developer arrange with ESKOM for the provision of electricity and that he complies with all conditions as may be set by ESKOM;
2. that no water from Overstrand Municipality is available and the developer will be responsible to obtain the necessary approval, licence and permits from the applicable authorities (Water and Sanitation, Health, BGCMA etc.) for the use of any other water resources and the extraction thereof;
3. that the developer is responsible to provide potable water to the development that complies with SANS0241 standards and that relevant proof be submitted to the Senior Engineer: Water Infrastructure & Quality (Tel: 028 313 8972), Overstrand Municipality;
4. that waste water disposal be done in a safe and healthy manner and that plans thereof be submitted to the Municipality and Department of Water & Sanitation for approval;
5. that the developer complies to all the conditions set by Department Of Water & Sanitation and BGCMA;
6. that, as there is currently no municipal sewer network in the vicinity, Farm 905 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;
7. that the Municipality does not have the capacity to service the proposed development with regards to removal of sewerage from the property. The owner is therefore responsible for removal of sewerage from the property, and thereof at a licensed municipal sewerage treatment facility;

8. that alternatively, sewer treatment facilities that are approved by the Department of Water & Sanitation may be provided for disposal of sewer from the developments. Written proof of such approval is to be submitted to the Municipality;
9. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to minimum requirements of SANS 140400 – P: 2010: Drainage;
10. that stormwater discharged from higher lying properties and generated in the catchment area of Farm 905 be allowed to drain freely through the property;
11. that, as no municipal refuse removal services are rendered in the area, the owner is responsible for removal of all refuse generated on the property, and disposal thereof at a registered municipal waste transfer station or-waste disposal facility.
12. that on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Division: Engineering Services;
13. that access can be obtained via the existing access routes(s) to Farm 905, that any additional and / or extended vehicle entrances will be for the owner's account. The Provincial Engineer must however provide comment in this regard.



RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL

04/02/2025
DATE



BREED-OLIFANTS

Cnr Mountain Mill & East Lake Road, Worcester 6850, Private Bag X3055 Worcester 6849

Our Reference no: 4/10/1/G40H/Hemel & Aarde 905, Caledon RD

Date: 11 September 2024

Overstrand Municipality
P. O. Box 20
Hermanus
7200

For Attention: L Isaacs

Madam,

ADDITIONAL COMMENT: FARM 905, RESTLESS RIVER, A DIVISION OF CALEDON: APPLICATION FOR DEPARTURE, CONSENT USE, AMENDMENT OF CONDITIONS IN RESPECT OF EXISTING APPROVAL, AMENDMENT OF APPROVED SITE DEVELOPMENT PLAN AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: WRAP PROJECT OFFICE ON BEHALF OF HERMANUS ABERDEEN 44 (PTY) LTD

With reference to your electronic letter dated 22/08/2023, with Town Planning Reference Number: 905 RCAL, together with the Motivational report by WRAP with file reference number: 23/41, our initial comment dated 25/10/2023, herewith the following:

The BOCMA would like to reiterate that there is no objection against the proposal, but the following is important:

1. There is now a good understanding of what occurs on the property, what is authorized in terms of Existing Lawful Water Use and what was Generally Authorized. The only option to pursue, would be a water use license application. Therefore, the main condition is to obtain water use authorization.
2. However, it is understood that the water user has undertaken to address and already commenced addressing the water use issue, by means of a water use license application process. This satisfies the BOCMA's requirement, as long as the outcome is fast-tracked and approval put in place.

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

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

Please ensure to quote the above reference in doing so.

Yours faithfully,

Handwritten signature or initials, possibly "J.V.S.", in dark ink.

JAN VAN STADEN
CHIEF EXECUTIVE OFFICER (ACTING)



BREED-OLIFANTS
WATER AND ENVIRONMENTAL SERVICES

TP-A Theart
(Holliver)

Cnr Mountain Mill & East Lake Road, Worcester 6850, Private Bag X3055 Worcester 6849

Our Reference no: 4/10/1/G40H/Hemel & Aarde 905, Caledon RD

Date: 25 October 2023

Overstrand Municipality
P. O. Box 20
Hermanus
7200

For Attention: L Isaacs

Madam,

FARM 905, RESTLESS RIVER, A DIVISION OF CALEDON: APPLICATION FOR DEPARTURE, CONSENT USE, AMENDMENT OF CONDITIONS IN RESPECT OF EXISTING APPROVAL, AMENDMENT OF APPROVED SITE DEVELOPMENT PLAN AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: WRAP PROJECT OFFICE ON BEHALF OF HERMANUS ABERDEEN 44 (PTY) LTD

With reference to your electronic letter dated 22/08/2023, with Town Planning Reference Number: 905 RCAL, together with the Motivational report by WRAP with file reference number: 23/41, herewith the following:

The BGCMA has no objection against the proposal, but the following should be clarified:

1. The BOCMA has no objection against the proposed Consent Use for an additional dwelling unit, Consent Use for tourist accommodation, Consent Use for a tourist facility (restaurant), Consent Use for a guest house, Departure from the 30m building lines, Amendment of conditions in respect of an existing approval, Amendment of and Approved Site Development Plan, and Determination of administrative penalty.
2. However, issues of increased sewage load, volume and treatment of raw sewage, have not been clarified in the report. Kindly indicate the expected volumes of sewage per day and indicate whether the treatment method and capacity would be sufficient to accommodate the extra load and volume.
3. Please provide proof of a water use registration and/or water use authorization for the property in terms of irrigation, as well as that for the borehole to be used for domestic purposes.

The following however, should be considered going forward:

4. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use should be adhered to.
5. Sewage disposal methods need to be addressed.
6. Polluted storm water should be contained and managed in such a way that it does not pose an additional threat to surface- and groundwater resources.
7. Any future development should not have a detrimental impact on water resources, both surface- and groundwater resources.

FILE NO. Farm 905

Hemel & Aarde

SCAN NO.

COLLABORATOR NO.

1939326

01 NOV 2023

TP

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

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

Please ensure to quote the above reference in doing so.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'J. Van Staden', written over a faint, illegible stamp or background.

JAN VAN STADEN
CHIEF EXECUTIVE OFFICER (ACTING)



CONSERVATION INTELLIGENCE

postal 16 17th Avenue, Voëlklip, Hermanus, 7200
 physical 16 17th Avenue, Voëlklip, Hermanus, 7200
 website www.capenature.co.za
 enquiries Rhett Smart
 telephone 087 087 8017
 email rsmart@capenature.co.za
 reference LS14/2/6/1/7/2/905_consent&dep_Hemel-en-Aarde
 date 23 October 2023

Overstrand Municipality
 P.O. Box 20
 Hermanus
 7200

TP - A theart
 (H Olivier)

OVERSTRAND MUNISIPALITE
REKORDBEHEER
23 OCT 2023
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

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

Dear Mr Olivier

Application for Consent Use, Departure and Amendment of Conditions of Approval and Site Development Plan for Expansion of Tourism Facilities and Winery on Farm 905, Restless River, Hemel-en-Aarde Valley (Overstrand Municipality ref. no.: 905 RCAL; 4418/2023)

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

The application is for tourism accommodation and facilities and expansion of the winery. The property is classified as No Natural and based on the aerial imagery has been transformed across the entire extent by agricultural activities, confirming the classification. There are no natural watercourses mapped on the site.

The proposed expansion of the development footprint will not result in the loss of any natural habitat or impact on freshwater features. In terms of services, water is obtained from a borehole and is stored on an off-stream dam on site. The sewage provision is however not described and must be included and evaluated. In particular, we wish to raise concern regarding the treatment of the effluent from the winery which must be adequately managed.

In conclusion, CapeNature does not object to the proposed development, however the proposed management of wastewater must be described and must ensure that impacts on the water quality of groundwater and surface water are minimized. Confirmation should be obtained from DEA&DP regarding NEMA listed activities, however there is no evidence that activities related to watercourses or clearing of indigenous vegetation will be triggered.

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


The Western Cape Nature Conservation Board trading as CapeNature

Board Members: Associate Prof Denver Hendricks (Chairperson), Prof Gavin Maneveldt (Vice Chairperson), Ms Marguerite Loubser, Mr Mervyn Burton, Dr Colin Johnson, Prof Aubrey Reddinghuis, Mr Paul Slack

FILE NO. Farm 905 Hemel & Aarde.
SCAN NO.
COLLABORATOR NO. 1934265

23 OCT 2023

Yours sincerely

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

Rhett Smart
For: Manager (Landscape Conservation Intelligence)



Western Cape
Government

OVERSTRAND MUNISIPALITEIT

REKORDBEHEER

29 AUG 2023

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

Department of Environmental Affairs and Development Planning

Kobus Munro

Directorate: Development Management (Region 2)

Kobus.Munro@westerncape.gov.za | Tel: 083 701 1890

Reference: 15/3/2/12/BO3

Director: Infrastructure and Planning

Overstrand Municipality

PO Box 20

HERMANUS

7200

TP. N. Heaile
(M. Olivia)

FILE NO.	Farm 905 ✓
	Mand & Naide
SCAN NO.	
	Farm 905
COLLABORATOR NO.	
	1907445

REQUEST FOR PROVINCIAL PLANNING COMMENT: APPLICATION FOR DEPARTURE, CONSENT USE, AMENDMENT OF SDP/CONDITIONS OF APPROVAL AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: FARM NO. 905, CALEDON DIVISION

1. Your request for further comment, dated 20 August 2023, has reference.
2. The application under consideration is to obtain the development rights to establish a restaurant and wine tasting facility on the property. Additionally, the proposal is to repurpose the existing main dwelling as a guest house, whilst constructing a 250m² additional dwelling unit on the farm that can serve as tourist accommodation. The subject property is zoned Agricultural Zone I and measures 17.59ha in extent.
3. The Western Cape Land Use Planning Guidelines for Rural Areas, 2019, encourages the establishment of additional ancillary on-farm activities that support rural tourism opportunities, are in scale with the farmstead precinct and improve the economic viability of agricultural enterprises.
4. It is recommended that additional dwelling units be restricted to 1 unit per 10ha up to a maximum of 5 units, with a maximum floor area of 175m² in extent.
5. The Guidelines provide further that tourist accommodation should preferably make use of existing buildings, with due regard to the natural and heritage significance of the site under consideration. Where new buildings are erected, these should be

TP 28 AUG 2023

located on previously disturbed footprints and not on cultivated land. Likewise, parking arrangements should not be accommodated on cultivated vineyards, so as not to impact negatively on agricultural production.

Kobus Munro Digitally signed by Kobus Munro
Date: 2023.08.25 16:40:54 +02'00'

DIRECTOR: DEVELOPMENT MANAGEMENT - REGION 2



Annexure J

Infrastructure
Vanessa Stoffels

Chief Directorate: Road Planning
Vanessa.Stoffels@westerncape.gov.za | Tel: 021 483 4669

Ref: TPW/CFS/RP/LUD/REZ/SUB-21/212 (Job 27993)

The Municipal Manager
Overstrand Municipality
PO Box 20
HERMANUS
7200

Attention: Mr H Olivier

Dear Sir

FILE NO.	Kam 905
	1/land & Road
SCAN NO.	
COLLABORATOR NO.	1914531

FARM RESTLESS RIVER 905, CALEDON: APPLICATION FOR DEPARTURE, CONSENT USE AND AMENDMENT OF THE APPROVED SITE DEVELOPMENT PLAN

1. Letter 4418/2023 to this Branch dated 22 August 2023.
2. The subject property is located 9km north from Hermanus and takes access off Main Road 269 at ±km10.26 RHS.
3. The application is for the following:
 - 3.1. Departure from the 30m eastern side building line to accommodate storage area and proposed pool house.
 - 3.2. Consent use to allow additional dwelling unit, guesthouse, and a restaurant.
 - 3.3. Amendment of conditions of approval to accommodate the expansion of the existing winery from 391m² to 910m² and the existing wine tasting facility from 33m² to 660m².
 - 3.4. Amendment of the approved site development plan to accommodate new structures as well as the expansion of existing structures on the property.
 - 3.5. Determination of administrative penalty for the unauthorised construction of the staff room.
4. This Branch offers no objection to the proposal in terms of the Land Use Planning Act 3 of 2014.

Yours Sincerely

SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE

DATE: 11 SEPTEMBER 2023



Annexure K 1/4

Overstrand Municipality

Date: 2023/09/20

Loretta@overstrand.gov.za

Enquiries:

WayleavesWesternOU@eskom.co.za

WAYLEAVE APPLICATION: Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land : RESTLESS RIVER HFMEI FN AARDF VAI I FY · Hermanus

YOUR REF: FARM 905

ESKOM REF: 11878-23

THIS IS NOT AN APPROVAL TO START CONSTRUCTION

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

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.	Farm 905
	Hand & Made
SCAN NO.	
	Farm 905
COLLABORATOR NO.	
	1917994

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

TP
20 Sep 2023

2. Underground Services

The following conditions to be adhered to at all times:

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

3. O.H. Line Services:

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

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

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

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

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

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

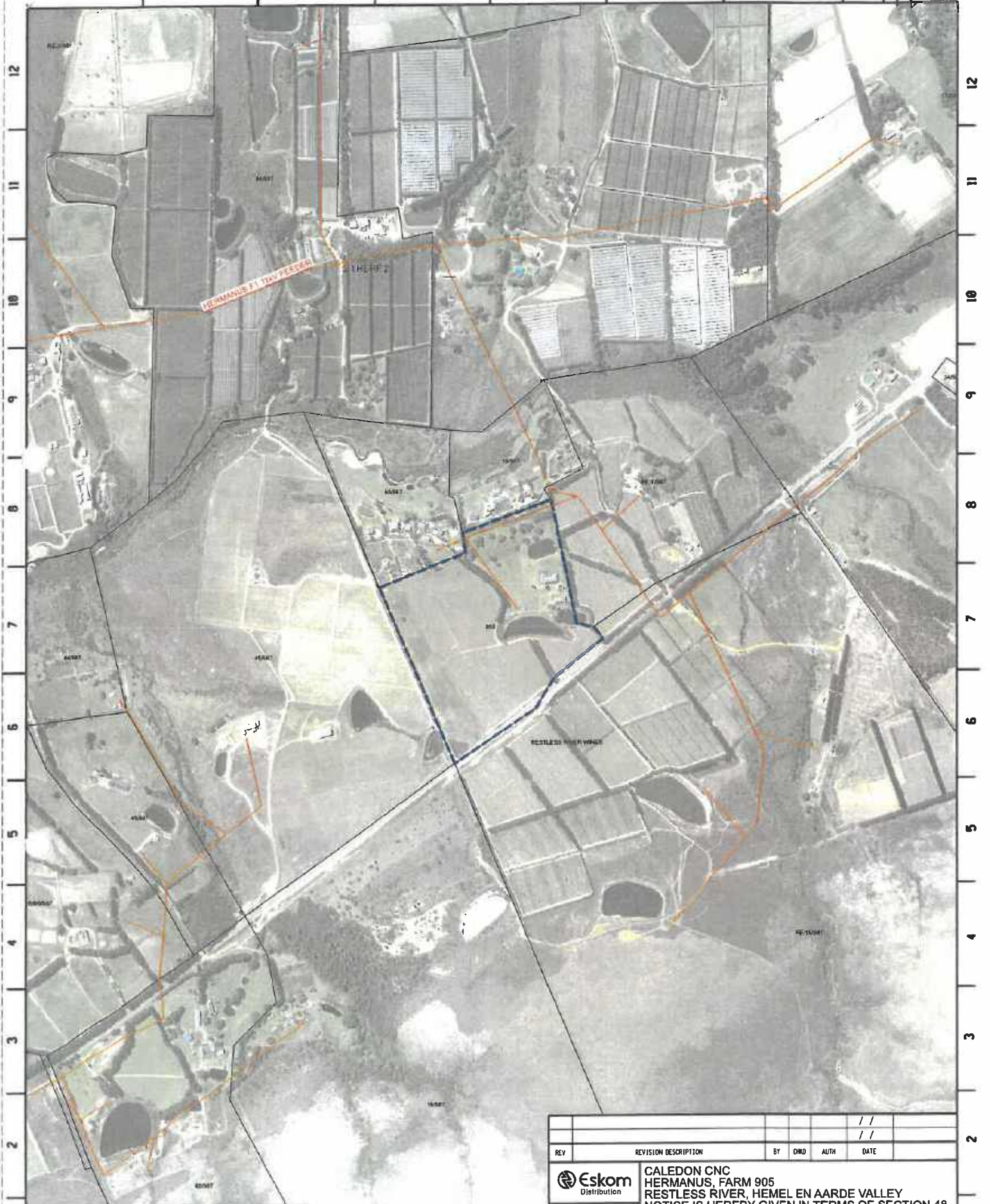
- f) That existing Eskom power lines and infrastructure are acknowledged as established infrastructure on the properties and any rerouting or relocation would be for the cost of the applicant/developer.
- g) That Eskom rights or servitudes, including agreements with any of the landowners, obtained for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

4. **NOTE**

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

Yours faithfully

LAND DEVELOPMENT (BRACKENFELL)



LEGEND

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

ALL CABLE POSITIONS ARE APPROXIMATE AND SHOULD BE VERIFIED ON SITE
LAND DEVELOPMENT SECTION
 TEL: 011-380 3111 FAX: 021-491 2615



SCALE 1 : 5 600
 THIS DRAWING IS THE PROPERTY OF ESKOM

REV	REVISION DESCRIPTION	BY	CHKD	AUTH	DATE

CALEDON CNC
HERMANUS, FARM 905
RESTLESS RIVER, HEMEL EN AARDE VALLEY
 NOTICE IS HEREBY GIVEN IN TERMS OF SECTION 48 OF THE OVERSTRAND MUNICIPALITY AMENDMENT BY-LAW ON MUNICIPAL LAND OVERSTRAND MUNICIPALITY

AUTH: _____
 DATE: _____
 CHD: _____
 DATE: _____

WAYLEAVE 11878-23

SET	SHEET	REVISION
02	00	00

DATE: 2023/08/26

NAME: T. MCITAKALI
 DATE: 2023/08/26



**Western Cape
Government**

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

REFERENCE: 16/3/3/6/1/E2/27/1705/23

DATE: 14 February 2024

The Board of Directors
 Aberdeen 44 Pty Ltd
HERMANUS
 7200

Attention: Mr Craig Brian Wessels

Cell: 083 245 6556
 Email: craig@restlessriver.com

Dear Sir

APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) TO THE PROPOSED DEVELOPMENT ON FARM NO. 905, HEMEL AND AARDE VALLEY.

1. The electronic copy of the abovementioned document, as received by the Directorate: Development Management (Region 1) ("this Directorate") on 24 November 2023, refers.
2. This letter serves as an acknowledgement of receipt of the correspondence by this Directorate.
3. According to the information contained in the correspondence, this Directorate notes the following:
 - 3.1 A land use planning application for Farm No. 905, Hemel Aarde Valley is currently underway, which includes the following:
 - 3.1.1 A departure to relax the building lines to accommodate a staff room, storage area, an extension to the existing storage room, and a proposed pool house;
 - 3.1.2 A consent use to accommodate an additional dwelling unit for tourist accommodation, to convert the existing main dwelling into a guesthouse, and to allow a tourist facility to operate a restaurant/wine tasting facility;
 - 3.1.3 The tourist accommodation will cater for a maximum of 12 people;
 - 3.1.4 An amendment of condition to accommodate the expansion of the existing agricultural industry from 391m² to 910m² and the existing tourist facility from 33m² to 660m²; and
 - 3.1.5 An amendment of the existing approved site development plan to accommodate the new and expanded structure.
 - 3.1.6 An additional access road will be constructed from the western boundary to access the new restaurant.
 - 3.1.7 The total development footprint of the proposed development is approximately 1977m².
 - 3.2 The farm is transformed, comprising a single residential dwelling, vineyards, and associated infrastructure.
 - 3.3 No watercourses are located on the site. The dams on the site are man-made and located off-stream.
 - 3.4 According to available mapping resources, the site contains Elim Ferricrete Fynbos vegetation, which is classified as an endangered vegetation type. However, the areas proposed for new development have been disturbed, with no natural vegetation remaining.

- 3.5 The site is zoned Agricultural Zone 1, is located outside the urban area, and is within 5km of the Fernkloof Nature Reserve.
4. Your attention is drawn to the listed activities in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") EIA Regulations, 2014 as defined in Listing Notices 1, 2, and 3. Be advised that the proposed development as described above will not trigger any listed activity(ies) as defined in terms of the EIA Regulations, 2014 (as amended). Environmental Authorisation is therefore not required prior to the proposed development on Farm No. 905 in the Hemel and Aarde Valley.
5. The above is based on the following:
- 5.1 The proposed development will be located in transformed areas and will not result in the clearance of indigenous vegetation.
 - 5.2 There are no watercourses present on the site and the proposed development will not be located within 32m of a watercourse.
 - 5.3 The proposed tourist facility will accommodate less than 15 people.
6. Should any revision of the proposed development on the said farm trigger any listed activity(ies) as defined terms of Listing Notice 1, 2 & 3, an application must be submitted and environmental authorisation obtained before such activity(ies) may commence
7. The applicant is reminded of his/her general duty of care and the remediation of environmental damage, Section 28(1) of NEMA specifically states that – "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."
8. Please note that the applicant must comply with any other statutory requirements that may be applicable to the undertaking of the activity.
9. This Directorate reserves the right to revise or withdraw its comments and request further information from you based on any new or revised information received.

Yours faithfully

PP HEAD OF COMPONENT
DIRECTORATE: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Cc: (1) Ms Penelope Aplon (Overstrand Municipality)
(2) Ms Michelle Naylor (Lornay Environmental Consulting)

Email: paplon@overstrand.gov.za
Email: michelle@lornay.co.za



TP. n. Aheak
(H. Olivia)

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
06 OCT 2023
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

OPENSERVE (PTY)LTD – Western Cape
Jan Smuts Drive, Pinelands

Contact Person: Ihlaam Peters
Tel: 081 347 7443
Email: ihlaamp@openserve.co.za

Our Ref: WWIP_WHMN3663_23
Your Ref: 1905 RCAL

FILE NO. Farm 905
1-bond & Aarde
SCAN NO.
Farm 905
COLLABORATOR NO.
1927525

05 October 2023

Attention: Loriaan Isaacs

Overstrand Municipality
Town & Spatial Planning

Dear Sir/Madam

NO SERVICES AFFECTED

WAYLEAVE: FARM 905, RESTLESS RIVER, HEMEL & AARDE VALLEY

With reference to your letter received August 2023.

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

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

Approval is granted, subject to the following conditions.

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

Please notify this office immediately if you locate any Open Serve plant that was not indicated. Please contact our representative MELT VAN AS at telephone number 08136378873/MeltVA@openserve.co.za.

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

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

All Open Serve rights remain reserved.

Yours faithfully



Ihlaam Peters

for

WAYLEAVE MANAGEMENT



OpenServe plan details

TELKOM REGIONAL EXECUTIVE	
Completed By	J Polans
Client	
Client ref	06/10/2023
Date	
OpenServe ref	WVPS_WPHANBBEL_23
Details	NO SERVICES AFFECTED
Page Size A3	

Legend	
	Existing Manhole
	Planned Manhole
	To Be Abandoned Manhole
	Existing Joining Pit
	Planned Joining Pit
	To Be Abandoned Joining Pit
	Existing Pipe Junction Box
	Planned Pipe Junction Box
	To Be Abandoned Pipe Junction Box
	Existing Street Distribution Cabinet
	Planned Street Distribution Cabinet
	To Be Recovered Street Distribution Cabinet
	Existing Digital Line Concentrator
	Planned Digital Line Concentrator
	To Be Recovered Digital Line Concentrator
	Existing Pillar Joint
	Planned Pillar Joint
	To Be Recovered Pillar Joint
	Existing Indoor Distribution Point
	Planned Indoor Distribution Point
	To Be Recovered Indoor Distribution Point
	Existing Distribution Point
	Planned Distribution Point
	To Be Recovered Distribution Point
	Existing Pole
	Planned Pole
	To Be Recovered Pole
	Existing Underground Route
	Planned Underground Route
	To Be Abandoned Underground Route
	Existing Overhead Route
	Planned Overhead Route
	To Be Recovered Overhead Route
	Existing Mini Optical Main Distribution Cabinet
	Planned Mini Optical Main Distribution Cabinet
	Existing Strut and Stay



File reference:	Farm 905 (4418/2023)
Date:	22 August 2023
	LI

INTERNAL MEMORANDUM

From	: Town Planning Department
Town Planner	: Henk Olivier

TO:

<u>Area Manager</u>	<u>Building Control Department</u>	<u>District Health</u>	<u>Electrical Department</u>	<u>Environmental Officer</u>
<u>Fire Department</u>	<u>Infrastructure and Planning</u>	<u>Local Heritage Committee</u>	<u>Operational Services</u>	Property Administration
<u>Tourism</u>	Traffic Department	<u>Ward Councillor</u>	<u>Waste Management</u>	

Applicant	WRAP PROJECT OFFICE ON BEHALF OF HERMANUS ABERDEEN 44 PTY LTD
Property Details	FARM 905, RESTLESS RIVER, A DIVISION OF CALEDON
Application Description	APPLICATION FOR DEPARTURE, CONSENT USE, AMENDMENT OF CONDITIONS IN RESPECT OF EXISTING APPROVAL, AMENDMENT OF APPROVED SITE DEVELOPMENT PLAN AND DETERMINATION OF AN ADMINISTRATIVE PENALTY

ATTACHMENTS :

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

YOUR DEPARTMENT'S COMMENTS:

Apply for Certificate of Acceptability for a food premises for the restaurant & wine tasting facility / winery. Apply for a Health Certificate for the Accommodation establishment (Guest House) at the Overberg District Municipality.	
Signature: <i>[Signature]</i>	Date: 10 October 2023

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

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

COMMENTS REQUIRED BY: 29 September 2023



Western Cape
Government

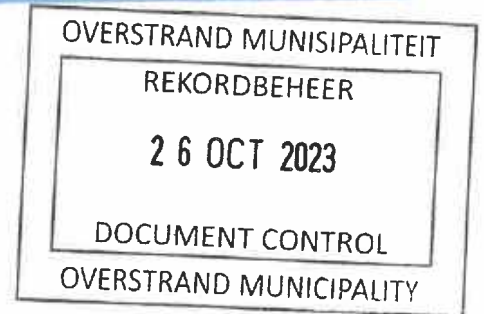
Cor Van Der Walt
LandUse Management

Email: Cor.VanderWalt@westerncape.gov.za
tel: +27 21 808 5099 fax: +27 21 808 5092

OUR REFERENCE : 20/9/2/4/2/900
YOUR REFERENCE : 905 RCAL
ENQUIRIES : Cor van der Walt

Overstrand Municipality
PO Box 20
HERMANUS
7200

Att: Mr H Olivier



TP-A Theart
(H Olivier)

**APPLICATION FOR DEPARTURE, CONSENT USE, AMENDMENT OF CONDITIONS:
DIVISION CALEDON
FARM NO 905**

Your application of 22 August 2023 has reference.

1. In principle the Western Cape Department of Agriculture: Land Use Management has no objection, however the following is recommended:
 - a) That the additional dwelling unit be restricted to 175m² as per the Rural Guidelines.
 - b) All new buildings must be located within the farmhouse precinct and not on cultivated land.
 - c) Parking should not be permitted on cultivated land.
2. In this regard the SDP must be amended accordingly.

Please note:

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

FILE NO. Farm 905
Hemel & Aarde
SCAN NO.
COLLABORATOR NO.
1936006

TP
26 OCT 2023

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

Yours sincerely



Mr. C. J. van der Walt

LANDUSE MANAGER: LANDUSE MANAGEMENT

2023-10-20

Copy:

WRAP Consultancy

PO Box 1247

HERMANUS

7200

