

## **FARM 631, BELLE VUE, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: FIRST PLAN TOWN & REGIONAL PLANNERS ON BEHALF OF SEE-EIKE TRUST (PTY) LTD**

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), that an application has been received for **consent use** in terms of Section 16(2)(o) of the By-Law to accommodate tourist accommodation and tourist facilities (hiking trails) on the property.

Full detail regarding the proposal is available for inspection during weekdays between 08:00 and 16:30 at the Division: Town and Spatial Planning at 16 Paterson Street, Hermanus, Stanford library, Queen Victoria Street, Stanford and on the municipal webpage at the following link <https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/>. Any written comments may be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law to the Municipality (16 Paterson Street, Hermanus / (e) [landuse@overstrand.gov.za](mailto:landuse@overstrand.gov.za)) on or before **26 June 2026**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **Mr. P Roux** at 028-313 8983. The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Division: Town and Spatial Planning where a municipal official will assist them in order to formalize their comment.

*Please note that in terms of the Protection of Personal Information Act (POPIA), you will be entering into a public process and as such agree and consent to your name, surname, contact details and comment(s) may be disclosed / used in the (application) process.*

## **PLAAS 631, BELLE VUE, OVERSTRAND MUNISIPALE AREA: AANSOEK OM VERGUNNINGSGEBRUIK: FIRST PLAN TOWN & REGIONAL PLANNERS NAMENS SEE-EIKE TRUST (EDMS) BPK**

Kennis word hiermee gee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening), dat 'n aansoek om **vergunninggebruik** ingevolge Artikel 16(2)(o) van die Verordening ontvang is om toerisme-akkommodasie en toerismefasiliteite (staproetes) op die eiendom te akkommodeer.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Afdeling: Stads- en Streekbeplanning, Hermanus, Stanford Biblioteek, Queen Victoria Street, Stanford en op die munisipale webtuiste by die volgende skakel <https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/>. Enige kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening na die Munisipaliteit (Patersonstraat 16, Hermanus / (e) [landuse@overstrand.gov.za](mailto:landuse@overstrand.gov.za)) voor of op **26 Junie 2026**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan **Mr. P Roux** by 028-313 8983. Die Munisipaliteit mag weier om die kommentaar te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Afdeling: Stads- en Streekbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

*U aandag word gevestig op die Bepalings van die "POPI" Wet, en aangesien u opmerking deel sal uitmaak van 'n openbare deelname proses, u derhalwe toestem dat u naam, van en kontakbesonderhede openbaar gemaak mag word.*

## **IFAMA 631, BELLE VUE, INDAWO KAMASIPALA WASE-OVERSTRAND: ISICELO SOKUSETYENZISWA KWEMVUME: FIRST PLAN TOWN & REGIONAL PLANNERS EGAMENI LE SEE-EIKE TRUST (PTY) LTD**

Isaziso ngoko ke sinikezelwa ngokwemiqathango yeCandelo lama-48 loMthetho kaMasipala wase-Overstrand oLungisiweyo woCwangciso loSetyenziso loMhlaba kaMasipala, ka-2020 (uMthetho kaMasipala), ukuba isicelo **sokusetyenziswa kwemvume** sifunyenwe ngokwemiqathango yeCandelo 16(2)(o) loMthetho kaMasipala sokulungiselela indawo yokuhlala yabakhenkethi kunye nezibonelelo zabakhenkethi (iindlela zokuhamba intaba) kwipropati.

linkcukacha ezipheleleyo malunga neziphakamiso ziyafumaneka ukuze zihlolwe ngexesha leentsuku zeveki phakathi kwentsimbi ye-08:00 neye-16:30 kwiCandelo: Ucwangciso lweDolophu kunye neNdawo e-16 Paterson Street, Hermanus, Stanford library, Queen Victoria Street, Stanford nakwiphepha lewebhu likamasipala kweli khonkco lilandelayo <https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/>. Naziphi na izimvo ezibhaliweyo zingangeniswa ngokwemiqathango yeCandelo lama-51 kunye nelama-52 loMthetho kaMasipala okhankanyiweyo kuMasipala (16 Paterson Street, Hermanus / (e) [landuse@overstrand.gov.za](mailto:landuse@overstrand.gov.za)) ngomhla okanye ngaphambi koko **26 EyeSilimela 2026**, ucaphule igama lakho, idilesi kunye neenkukacha zoqhagamshelwano, umdla wakho kwisicelo kunye nezizathu zezimvo. Imibuzo ngefowuni ingathunyelwa **kuMnu. P Roux** ku-028-313 8983. UMasipala unokwala ukwamkela izimvo ezifunyenwe emva komhla wokuvala. Namphi na umntu ongakwaziyo ukufunda okanye ukubhala angatyelela iCandelo: Ucwangciso lweDolophu kunye neNdawo apho igosa likamasipala liza kubanceda ukuze liqinisekise ukuba izimvo zabo zisemthethweni.

*Nceda uqaphele ukuba ngokwemiqathango yoMthetho woKhuseleko lweNkcukacha zoBuqu (i-POPIA), uza kungena kwinkqubo yoluntu kwaye ngenxa yoko uyavumelana kwaye uyavuma ukuba igama lakho, ifani, iinkcukacha zoqhagamshelwano kunye noluvo/nezimvo zakho zinokutyhilwa /zisetenziswe kwinkqubo (yesicelo).*



# LAND USE MAP FARM BELLE VUE 631 CALEDON



CLIENT:  
SEE-EIKE TRUST (Pty.) Ltd

PLAN NO	FP/0426/1178
DATE	APRIL 2026

**FIRST PLAN** TOWN PLANNERS  
STADSBEPLANNERS

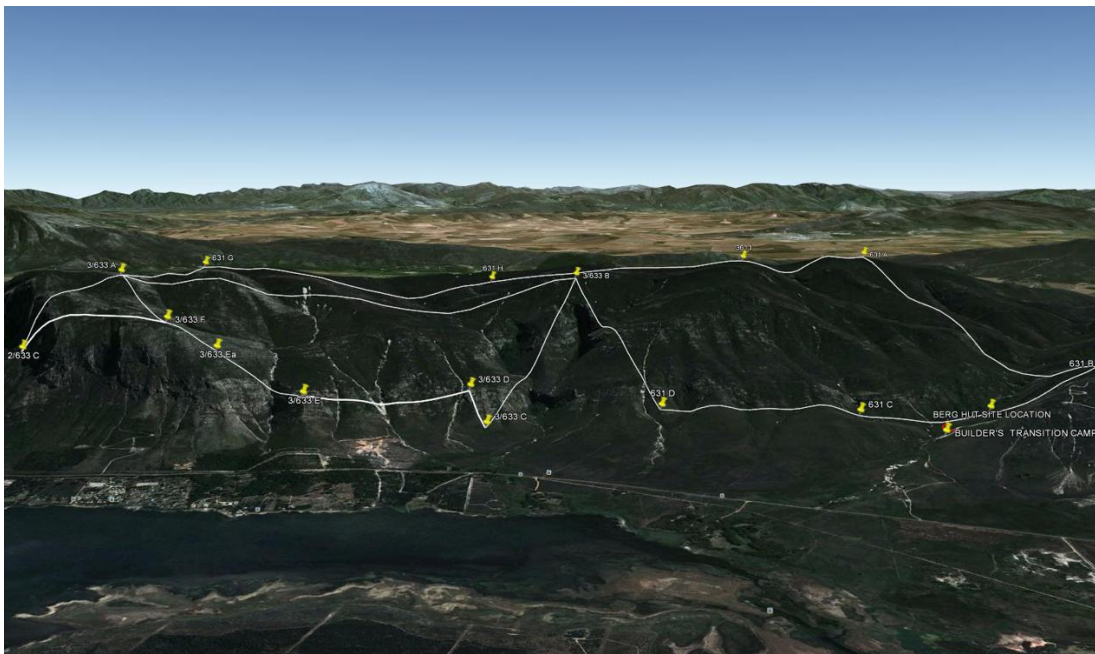
+27 (21) 930-7183 | info@firstplan.co.za | www.firstplan.co.za

# BELLE VUE

## MOUNTAIN HUT & HIKING TRAIL

APPLICATION FOR A CONSENT USE  
FOR TOURIST ACCOMMODATION  
AND  
A TOURIST FACILITY

BELLE VUE FARM 631 CALEDON



**Client:** See-Eike Trust (Pty) Ltd  
**Applicant:** First Plan Town & Regional Planners  
**Reference:** FP/0426/1178  
**Date:** April 2026



# BELLE VUE MOUNTAIN HUT AND HIKING TRAIL

## APPLICATION FOR A CONSENT USE FARM 631 BELLE VUE CALEDON

### SECTION A

### EXECUTIVE SUMMARY

#### 1. SUMMARY OF APPLICATION AND PROPERTY DETAIL

**Table 1: Property details**

<b>Property description</b>	Farm Belle Vue No 631 Caledon in the Kleinrivier Mountains between Hermanus & Stanford
<b>Property address</b>	Farm 631, R43 Stanford
<b>Application components/description</b>	<p>Applications in terms of Section 16(2)(o) of the Overstrand Amended By-Law on Municipal Land Use Planning (2020) for a Consent Use on land zoned Agriculture Zone I for:</p> <ul style="list-style-type: none"> <li>• An existing dwelling to be used by transient guests for Tourist Accommodation (a mountain hut)</li> <li>• Existing mountain/hiking trails to be used by transient guests for recreational purposes.</li> </ul>
<b>Site extent</b>	±573,2940 ha
<b>Title Deed Numbers</b>	T27850/1967
<b>Surveyor General</b> ▪ Erf Diagrams	SG Diagram 696/1873
<b>Registered owner</b>	See-Eike Trust (Pty) Ltd
<b>Current zoning</b>	Agriculture Zone I
<b>Current land use</b>	Private Dwelling /Mountain/Hiking Trail
<b>Zoning Scheme</b>	Overstrand Municipality Land Use Scheme 2020

## SECTION B

### BACKGROUND INFORMATION

#### 2. HISTORIC BACKGROUND

The Belle Vue Farm no 631 Caledon (hereafter referred to as the subject property), located in the mountains north of the R43 between Hermanus and Stanford, was acquired by the See-Eike Trust (Pty) Ltd (hereafter referred to as SET) as part of a land acquisition along the Klein Rivier Lagoon, to establish a Christian camping ministry and retreat. The properties along the lagoon include RE/723, 30/723, 31/723 and 24 further subdivisions for cottages in support of the ministry, all zoned Resort Zone. With students of the “Berg and Toer Klub” (BTK) of the Stellenbosch University in mind, the youth ministry was expanded during 2010, by the provision of a mountain hut, and later also a hiking trail, on the Farm Belle Vue no. 631. Due to the limited size and scale of the facility needed, building plans for the mountain hut was submitted and approved as a “dwelling” and it has since been used by the BTK as such. (Refer to Annexure 1: Copy of Approved Building Plans & Occupancy Certificate)

SET however became aware that the use of the mountain hut by the BTK, technically required special permission from the Overstrand Municipality, this because it was primarily used by student groups and not by a single-family unit as define by the Primary Rights under the Overstrand Zoning Scheme and the Building Plan Approval i.e.

*“dwelling house” means a self-contained, inter-leading group of rooms used for the accommodation and housing of a single family.*

When SET became aware of this possible transgression, notice was served on the BTK to cease their use of the mountain hut until all the necessary land use approval have been secured, hence this application now submitted.

#### 3. PRE-APPLICATION MEETINGS

Although an official Pre-application consultation is not required for all application, the applicant engaged with the Overstrand Planning Department to discuss the above scenario and to reach consensus on a practical way forward. It was agreed that that Overstrand Zoning Scheme specifically provided for Consent Uses under the

Agriculture Zone 1 to accommodate mountain huts and hiking trails and that various such facilities exist in the Overstrand Area, and that these facilities are generally supported as part of the region's tourism offering to local residents and tourists alike. Specific reference was made to the Overstrand Zoning Scheme providing for the approval of the following two land uses as Consent Uses under Agriculture Zone 1 as defined by the Overstrand Zoning Scheme:

***“tourist accommodation”** means the letting of rooms or individual unit(s) (including a dwelling house/unit) on a temporary basis to transient guests...*

and

***“tourist facilities”** means amenities for tourists or visitors such as lecture rooms, restaurants, picnic areas, gift shops, cafés, restrooms, **recreational facilities**...*

and where

***“recreational facilities”** means the use of land to practice a particular sport or combination of sports **and general recreation**...*

It is important to note the word definition of “Consent Use” as per the Overstrand Zoning Scheme i.e. *“consent use” means a land use permitted in terms of a particular zoning with the approval of a Municipality.*

Consent Uses as listed within each specific zoning category are deemed compatible with the primary rights within that specific zoning category, and that such uses should be approved by the delegated authority, subject to the necessary application(s), technical assessment, and recommendations by the Municipal Planning Department.

#### **4. BRIEF**

With the historical background to the current land use, as well as the provisions of the Overstrand Zoning Scheme in mind, the See-Eike Trust (Pty) Ltd has appointed First Plan Town and Regional Planners under power of attorney to prepare and submit the necessary applications in terms of the Overstrand Municipality By-Law on Land Use Planning (2020) to regularise the use of the approved mountain hut as a tourist accommodation facility and the use of the mountain trails as a tourist facility. (Refer to Annexure 2: Power of Attorney and Resolution)

## 5. APPLICATION

Application is herewith officially submitted for a Consent Use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning for:

- 5.1. **Tourist accommodation**, to use the approved dwelling on the subject property for the accommodation of transient guests including but not limited to the Stellenbosch University Berg en Toer Klub (BTK)
- 5.2. **Tourist facilities**, for the transient guests including but not limited to the Stellenbosch University Berg en Toer Klub (BTK), to use the subject property including the mountain trails for hiking and recreational purposes.

(Refer to Annexure 3: Application forms)

## SECTION C

### TECHNICAL OVERVIEW

#### 6. PROPERTY REGISTRATION AND OWNERSHIP

The subject property is registered at the deeds office vide titel deed T27850/1967 as the Farm Belle Vue no. 631 Caledon. In terms of the title deed, it is registered in the name of the See-Eike Trust (Pty) Ltd with company reg. no. 67/6679. (Refer to Annexure 4: Copy of the **Title Deed**)

The subject property is registered at the Surveyor general vide SG Diagram no. 696/1873. In terms of the registered diagram the property covers ±573,5ha in extent. (Refer to Annexure 5: Property Diagram)

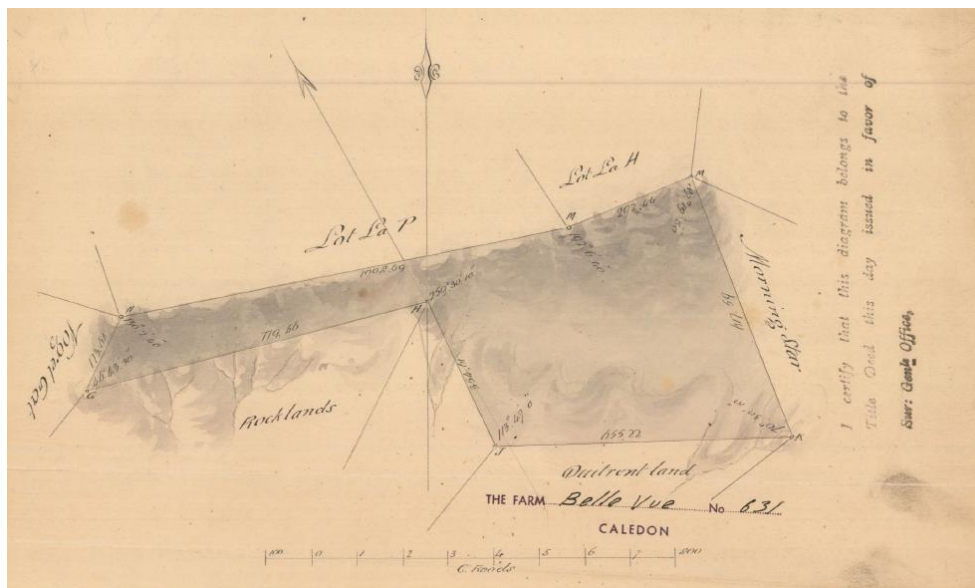


Figure 1: Extract from the Property Diagram

#### 7. LOCALITY, ACCESS AND TOPOGRAPHY

##### 7.1. LOCALITY

The subject property falls under the jurisdiction of the Overstrand Municipality and is located in the Klien Rivier Mountains along the R43 between Voëlklip Hermanus and Stanford. It is approximately 10km east of Hermanus and 8km west of Stanford and situated above the Klein Rivier coastal plane and along the southern slopes of the

Klein Rivier Mountains overlooking the Klein Rivier lagoon, enjoying spectacular views towards Walker Bay and the Danger Point Peninsula. (Refer to Figures 2 & 3 below and Annexure 6 & 7: Regional and Local Context Plans)



Figure 2: Locality of the Subject Property along the Klein Rivier Mountains

The existing dwelling/mountain hut is found on the southeastern corner of the subject property, being tucked away in a narrow valley, hiding it from sight of properties below and passing traffic along the R43.



Figure 3: Location of the mountain hut on the subject property

## 7.2. ACCESS

The subject property is “land locked” with no public road frontage. Access has thus been secured via an official access servitude registered in favour of Farm Belle Vue 631 (the dominant tenement) across Portion 2 of The Farm Oude Bosch no. 637 (the servient tenement) commonly known as Crystal Kloof, vide SG Diagram no. 2174/2009. (Refer to Figures 2 & 3 preleaf and 4 below and Annexure 8: Copy of Access Servitude Diagram)

Important to note that from point D on the said servitude diagram, pedestrian access to the mountain hut is only possible via a mountain hiking trail.

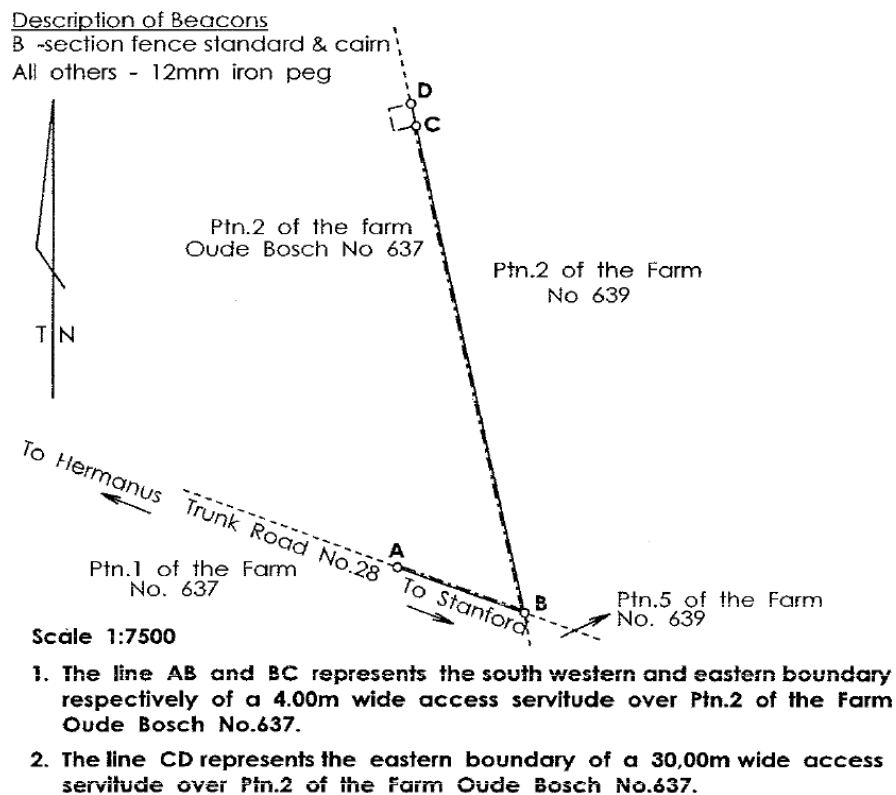


Figure 4: Extract from Access Servitude Diagram

## 7.3. TOPOGRAPHY

The valley hiding the mountain hut from the public eye, start at a height of  $\pm 80\text{m}$  above MSL, with the hut located  $\pm 570\text{m}$  up the valley at a height of  $\pm 140\text{m}$  above MSL, with further steep slopes above the hut before reaching the local peak at a height of  $940\text{m}$  above MSL.



Figure 5: Topography

## 8. ZONINGS AND LAND USES

### 8.1. ZONINGS

#### 8.1.1. THE SUBJECT PROPERTY

The subject property is zoned Agriculture Zone 1 in terms of the Overstrand Zoning Scheme: 2020. Refer to Figure 6 overleaf and Annexure 9: Zoning Plan)

In terms of its zoning, the following uses are accommodated as either primary or consent uses:

- Primary rights: agriculture, crèche, dwelling house, guest rooms and home occupation
- Consent Uses: additional dwelling units, agricultural industry, animal care centre, aquaculture, day care centre, farm shop/stall, fertiliser plant, guest house, hotel, institution, intensive animal farming, intensive horticulture, lodge, mining, place of assembly, place of entertainment, place of instruction, plant nursery, riding stables, service trade, tourist accommodation, tourist facilities, transmission apparatus, utility services, wellness centre and 4x4 trail. (accentuation provided)

As mentioned in the introduction, a dwelling house has been approved on the subject property, but the intended use of this dwelling was from the outset for it to serve as



years only been visited by shareholder families and maintenance team, an unfortunate situation that is to be resolved by the approval of this application.



Figure 7: Existing dwelling/mountain hut on site

Other than this dwelling, a hiking trail is also found on site. The trail expose visitors to the natural beauty of creation, the spectacular landscape, Cape Fynbos and leads hikers to two lookout points with uninterrupted views towards the Klein Rivier Lagoon, Walker Bay and Danger Point in the far south.

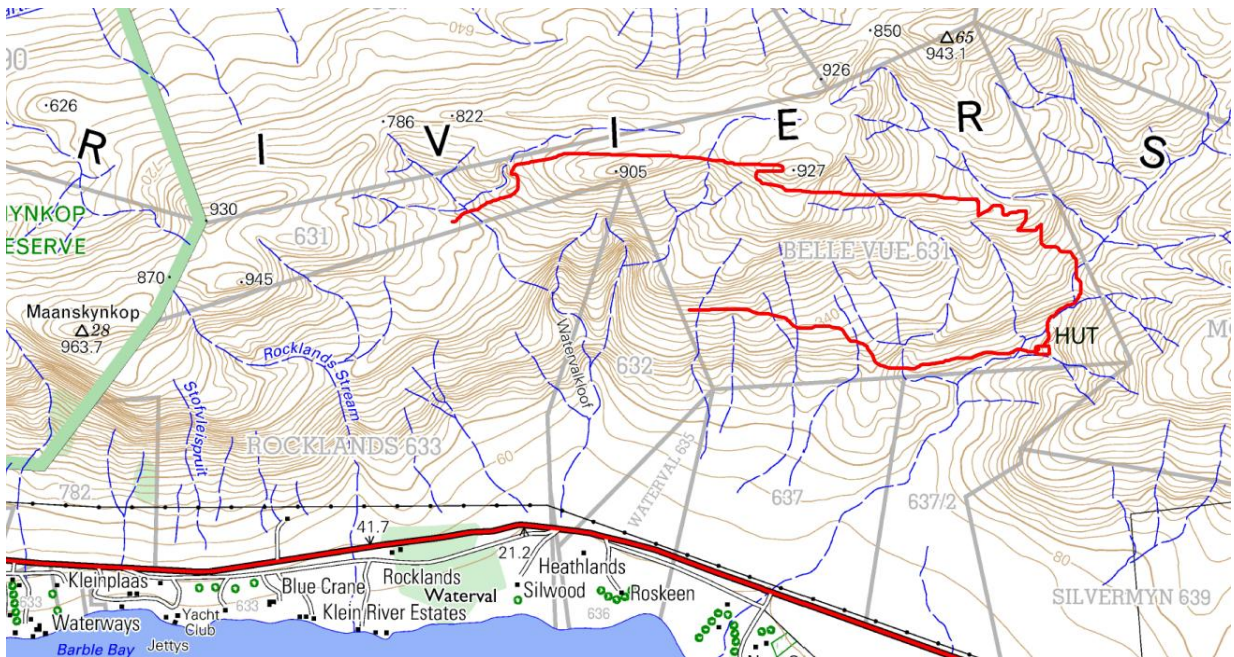


Figure 8: Rough indication of the hiking trail on the subject property

### 8.2.2. SURROUNDING PROPERTIES

The surrounding properties clearly reflect the importance of tourism in the local economy and the demand for such facilities and activities in the area. A quick web search revealed the common occurrence of tourist venues in the surrounding area and the information to follow merely serves to help the decision maker to develop an understanding of the character of the area and land uses commonly found here, this to assist them when having to apply their minds to the desirability of the proposed tourist accommodation and facilities in its local context.

(Refer to Figure 9 below for the location of the facilities referenced in paragraphs i) to ix) to follow – most of them located along the mountain side of the R43 and R326 and descriptions as per online info available. (Also refer to Annexure 10: Land Use Indication)



Figure 9: Tourist accommodation/facilities along the R43/R326

**i) The Vogelgat Private Nature Reserve**

(Google pin: <https://maps.app.goo.gl/VwYoTihovVBdbEE7A>)

The facility accommodates various mountain huts (tourist accommodation units) and hiking trails (tourist facilities)



**Vogelgat Private Nature Reserve**



Figure 10: Extract from the Vogelgat online information

ii) **Rocklands Petting Farm**

(Google pin: <https://maps.app.goo.gl/GZQMid127JQiu4A67>)

The facility accommodates a petting farm and coffee shop.



Figure 11: Extract from the Rocklands online information

iii) **Extreme Tactical Airsoft**

(Google pin: <https://maps.app.goo.gl/qZ55eds1RckmmpoV8>)

The facility hosts an adventure/airsoft combat terrain



Figure 12: Extract from the Extreme Tactical Airsoft online information

**iv) Crystal Kloof Events Venue**

(Google pin: <https://maps.app.goo.gl/iPKSQRq2SZUaLuDEA>)

Crystal Kloof hosts a function/wedding venue



Figure 13: Extract from the Crystal Kloof online information

**v) Misty Mountain Vineyard**

(Google pin: <https://maps.app.goo.gl/mcaVm2Y5J1dLGR4p8>)

Misty Mountain hosts a winery and tasting/sales area



Figure 14a: Extract from the Misty Mountain online information: Entrance gate



Figure 14b: Extract from the Misty Mountain online information: Winery

**vi) AfriCamps at Stanford Hills**

(Google pin: <https://maps.app.goo.gl/nr1f2RE3JhPzayui8>)

AfriCamps accommodates a restaurant and overnight accommodation

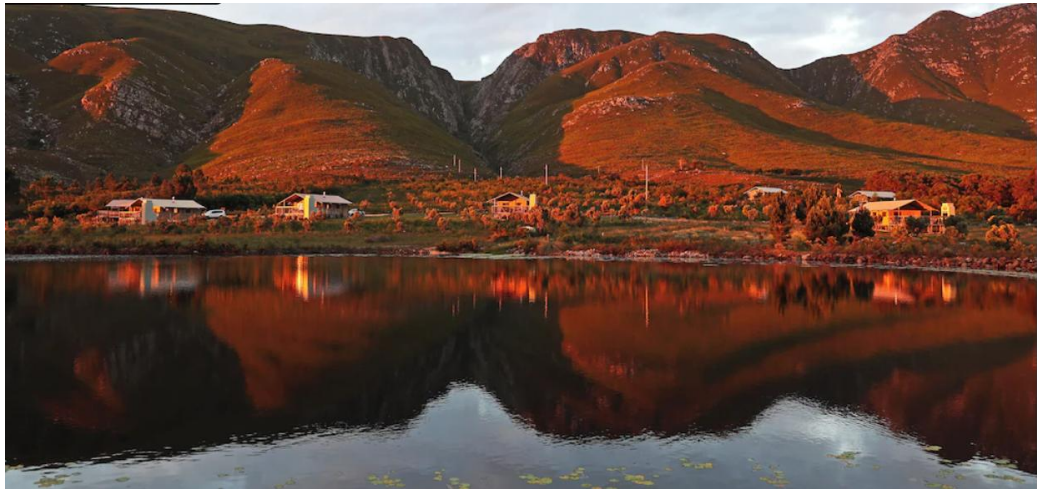


Figure 15: Extract from the AfriCamps at Stanford Hills online information

**vii) Saddleworth Farm**

(Google pin: <https://maps.app.goo.gl/LdTCyEaCJZQpTDL8A>)

Overnight accommodation and tourist activities (hiking, swimming, canoeing etc)



Figure 16: : Extract from the Saddleworth Farm Self-catering online information

**viii) Phillipskop Eco Chalets**

(Google pin: <https://maps.app.goo.gl/KuyTwxAN4mRMb4RE7>)

Phillipskop hosts hiking, picnics etc.



Figure 17: Extract from Phillipskop Mountain Reserve online information

**ix) White Water Farm**

(Google pin: <https://maps.app.goo.gl/qjd4CxsovjxUZbFVA>)

White Water Farm accommodates a restaurant, overnight accommodation etc.



Figure 18: : Extract from the White Water Farm online information

The presence of such large number of tourist accommodation establishments (mountain huts, bed and breakfasts, guest houses), as well as tourist facilities (restaurants, private nature reserves with hiking trails and/or picnic areas, outdoor activities etc.), is a clear indication of the support of the relevant authorities for such activities to be accommodated and promoted outside of the urban areas and on land zoned agriculture and conservation and that such facilities and activities are deemed desirable for the area.

## SECTION D

# CONSENT USE PROPOSAL

### 9. PROPOSED CONVERSION OF DWELLING TO TOURIST ACCOMMODATION

#### 9.1. COMPLIANCE WITH ZONING PARAMETERS

**9.1.1. Building Lines:** The existing dwelling now to be approved as a tourist accommodation facility, is located  $\pm 150\text{m}$  from the southern boundary and  $\pm 400\text{m}$  from the eastern boundary of the subject property. This is well within the building line restrictions for structures to be at least 30m from any property boundary. (Refer to Figure 19 below)

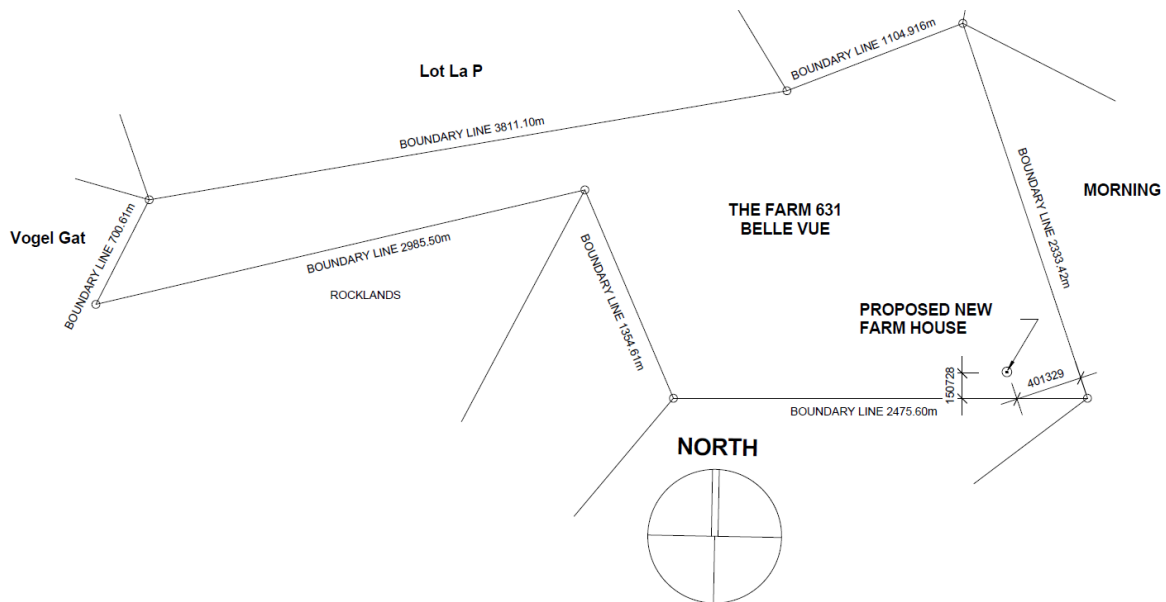
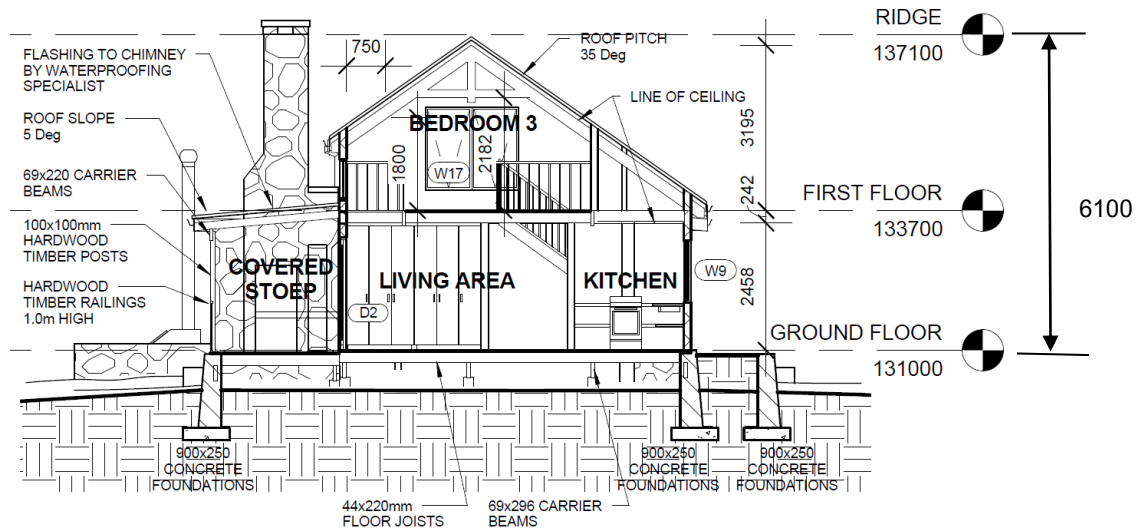


Figure 19: Position of the mountain hut

**9.1.2. Height:** The building as approved, comprises of two levels:

- A ground floor level of 2,458m high accommodating the living areas, kitchen and bathrooms, two bedrooms and a covered stoep, and
- A 1<sup>st</sup> floor level accommodating a loft bedroom with a total height of 3,195m.

The total height of the dwelling is  $\pm 6,1\text{m}$ , this being well within the max height restriction of 8m as per the applicable zoning parameters. (Refer to Figure 20 overleaf)



### SECTION B-B

Figure 20: Cross-Section

## 9.2. ACCOMMODATION CAPACITY

The design of the dwelling as approved and that was meant to serve as a mountain hut for students, made provision for 20 people, with an average group size anticipated of 6 to 12 persons. The dwelling however provided shelter for 40 persons in case of rain. These numbers are accommodated in bedroom 1 (two bunks for 4 people), bedroom 2 (four bunks for a further 8 people), and a sleeping loft (space for another 8 people), but the latter can accommodate another 20 students for emergency shelter if necessary. As a guideline, group sizes have generally been limited to a maximum of 20 students.

There is thus no intension to increase the current capacity of the dwelling/mountain hut as part of this application.

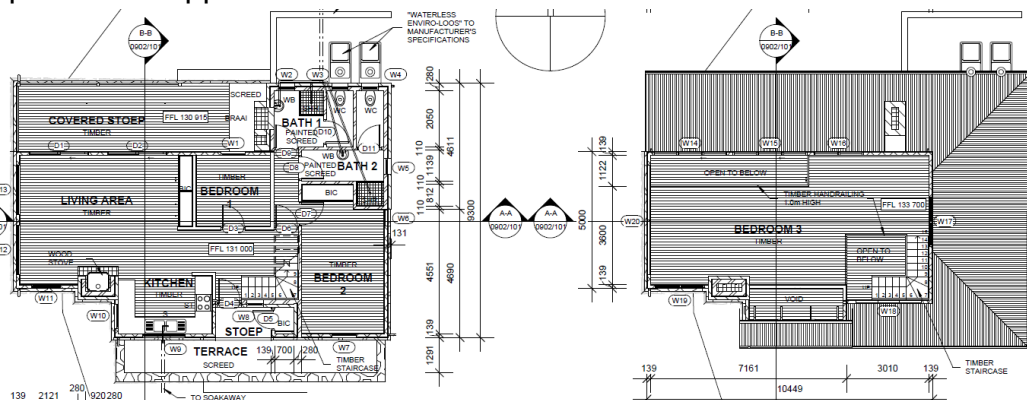


Figure 21: Ground & 1st Floor

### 9.3. SERVICES

It must be noted that the existing dwelling has been constructed as per the approved building plans, and all the necessary services have been provided and inspected after completion for the issuing of the compliance and occupancy certificates. (Refer to Annexure 1: Copy of Occupancy Certificate)

There is thus no need for any additional work to be done for the existing dwelling to be used as a tourist accommodation facility.

#### 9.3.1. WATER

Water is obtained from the stream that runs on the southern side of the Berghut. Upstream of the hut is a small pool where a pipe catches water and supplies it to a storage tank situated above and on the eastern side of the hut. From there it gravity feeds into the water reticulation pipework for the two bathrooms and kitchen.

#### 9.3.2. WASTE WATER

The approved building plans made provision for a dual foul water system. “Waterless enviro-loos” are handling “black water” from the bathrooms while “grey water” outlets (basins & showers) are connected to a soak-away system.

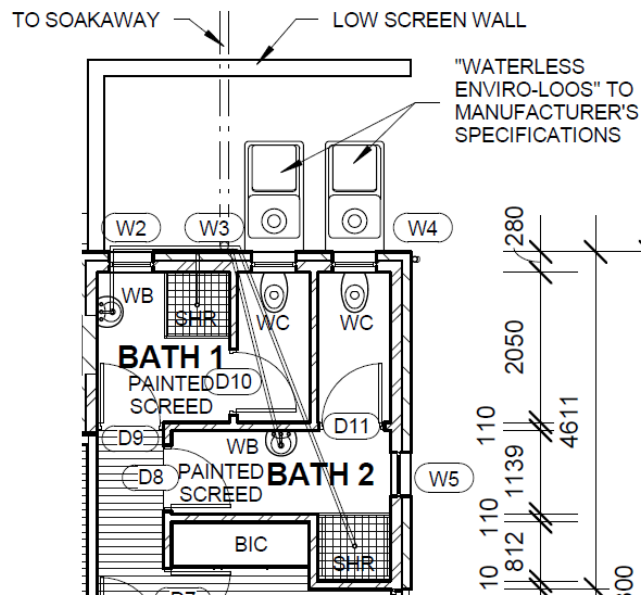


Figure 22: Extract from the approved building plans

#### 9.3.3. ENERGY PROVISION

The mountain hut is off grid with only a simple solar energy system for the few LED lights, while a gas geyser is used for cooking and warm water. Being a rustic facility

with only the basic amenities mainly aimed at students from the BTK, services are spartan (a lifestyle characterized by extreme simplicity, strict self-discipline, austerity, and a lack of luxury or comfort) and are to be maintained as such.

**9.3.4. REFUSE REMOVAL**

There is no public refuse removal from the mountain hut, and everything carried to the hut is again removed when leaving for disposal at home as part of the visitors' domestic refuse.

**9.3.5. ACCESS**

**9.3.5.1. APPROVED ACCESS SERVITUDE**

As per paragraph 6 above, the subject property is land locked with no direct access to the R43. An official access servitude has however been registered in favour of Farm Belle Vue 631 (the subject property as the dominant property) across Portion 2 of The Farm Oude Bosch no. 637 (the servient property), the latter farm also commonly known as Crystal Kloof, vide SG Diagram no. 2174/2009, with the last ±1.5km being a pedestrian access only via a mountain hiking trail. (Refer to Annexure 8 & 11: Copy of Servitude Registrations)

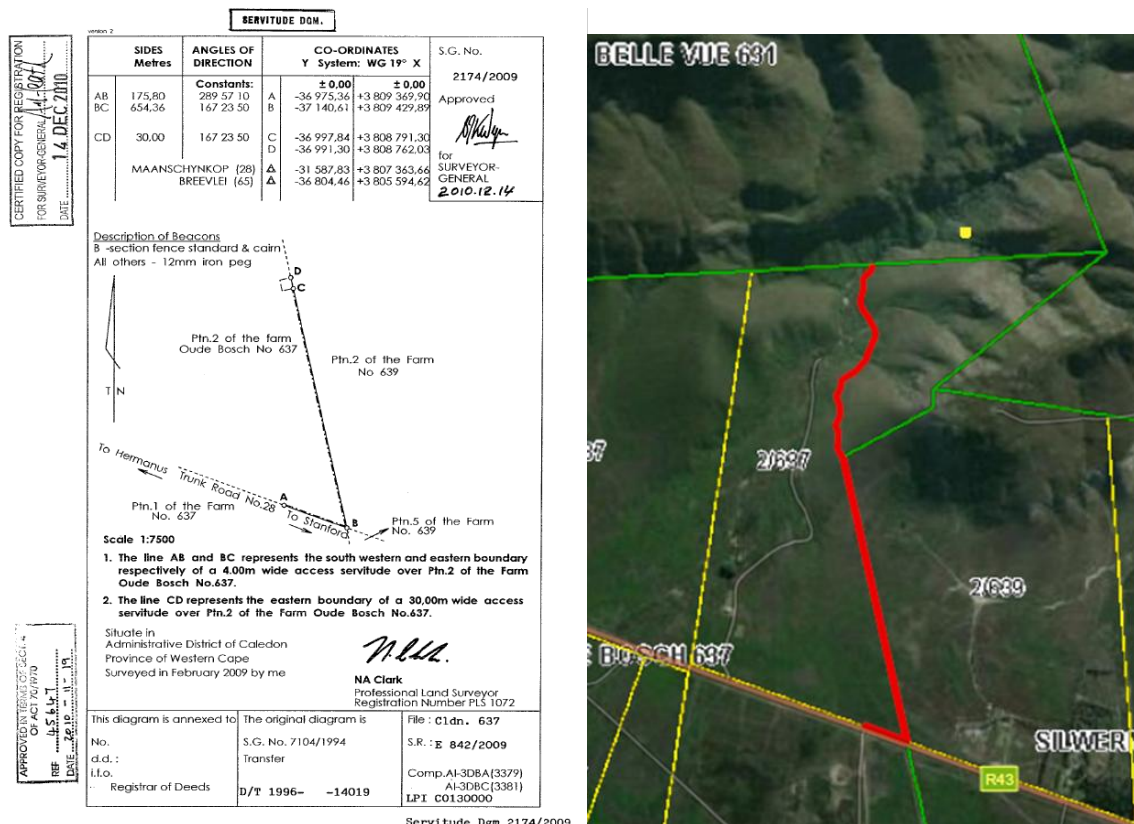


Figure 23: Approved access servitude as also indicated in red above.

The access servitude makes provision for a separate entrance from the R43 approximately 550m east of the current entrance gate to Crystal Kloof and its function venue. The access point has been upgraded and provided for by the Provincial Roads Department as part of their recent upgrading of the R43.

The upgraded access has been provided by the Provincial Roads Department by way of a roadside stormwater channel crossing and a farm gate. No changes are considered and the status quo will thus be maintained.

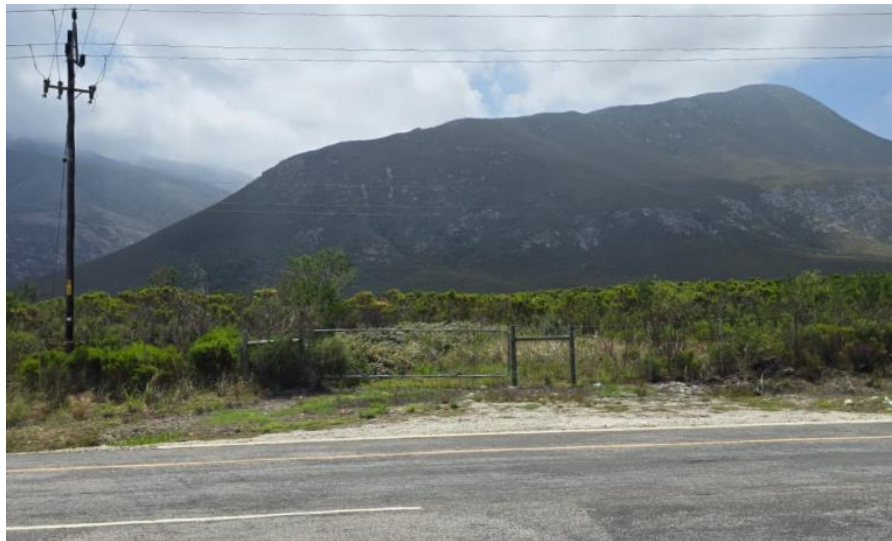


Figure 24: Servitude access as provided by the Provincial Roads Department

The entrance provided by the Provincial Roads Department is also directly across the entrance to Zilvermijnbosch on the southern side of the R43, this to ensure safety and the coordination of farm access points along the R43.

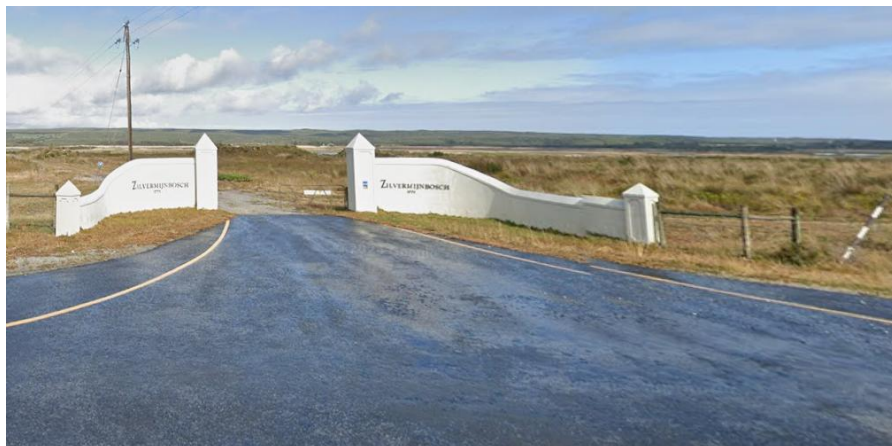


Figure 25: Access to Zilvermijnbosch directly opposite

**9.3.5.2. APPROVED USAGE OF ACCESS SERVITUDE**

Not only has a servitude access been registered in favour of the subject property, but the specific use thereof has also been defined in the Deed of Servitude registered against both Farm Belle Vue 631 (the subject property as the dominant tenement) and Portion 2 of The Farm Oude Bosch no. 637 (as the servient tenement) that specifically stipulates the exact position, alignment, widths and function of the various servitudes. (Refer to Figure 26 below and 27 overleaf as well as Annexure 11: Copy of Deed of Servitude)

Held by Deed of Transfer No. T14019/1996 shall be subject to

- (a) a 4 metre wide access right of way servitude for vehicular purposes in favour of the farm Belle Vue Number 631 Measuring 573, 2940 hectares Held by Deed of Transfer No. T27850/1967 the south western and eastern boundary of which servitude is represented by the lines AB and BC respectively on the attached servitude diagram SG No. 2174/2009.
- (b) a 30 metre wide access servitude for parking in favour of the farm Belle Vue Number 631 Measuring 573, 2940 hectares Held by Deed of Transfer No. T27850/1967 the eastern boundary of which servitude is represented by the line CD on the attached servitude diagram SG No. 2174/2009.
- (c) a 2 metre wide contour footpath servitude in favour of the farm Belle Vue Number 631 Measuring 573, 2940 hectares Held by Deed of Transfer No. T27850/1967 the centre line of which servitude is represented by the curved line AB on the attached servitude diagram SG No. 2173/2009.
- (d) a 2 metre wide contour footpath servitude in favour of the farm Belle Vue Number 631 Measuring 573, 2940 hectares Held by Deed of Transfer No. T27850/1967 the eastern boundary of which servitude is represented by the line BC on the attached servitude diagram SG No. 2173/2009.

Figure 26: Servitude technical description as per Deed of Servitude

The Deed of Servitude furthermore not only specify the exact alignments, widths and purpose, but also the usage thereof, this to prevent any misunderstanding between the dominant and servient tenements.

It is therefore important to note that the purpose of the mountain hut and the access servitudes serving the property, has from the outset been part of the Christian

camping ministry efforts of the See-Eike Trust (Pty) Ltd, and for this reason the usage of the access servitudes has also been clearly defined in the Deed of Servitude as not only being for the enjoyment of the land owner, but also for transient guests – in this case specifically also for students from the BTK.

**2.3 The dominant owner's use of the servitude**

2.3.1 The dominant owner and all users of the servitude right of way, the parking area and contour footpath shall do so at their own risk and if necessary appropriate signs to this effect shall be erected by the dominant owner at its cost, in clearly conspicuous places.

2.3.2 The dominant owner will also include all the persons that it receives on its property as its guests; specifically but not exclusively school children on outward bound excursions and students of the 'Berg en Toer Klub' of Stellenbosch as well as the shareholders of the dominant owner. In all cases they would have to have the prior written approval or a valid permit by the dominant owner allowing them access to the property by means of the servitude access right of way and they shall adhere to the Code of Conduct which the dominant owner has compiled for all visitors to the mountain properties as determined from time to time and which Code of Conduct will be made available to all users of the servitude areas and contour path when written approval as aforesaid is granted to them.

Figure 27: Servitude usage confirmation as per Deed of Servitude

The use of, and access to tourist accommodation and facilities on the subject property has thus been registered as such on the title deed of Portion 2 of The Farm Oude Bosch no. 637 (Crystal Kloof) and this application should therefore merely be seen as the formalisation of such facilities with the Overstrand Municipality and not to seek approval from Crystal Kloof as the servient tenement.

### **9.3.5.3. CONFIRMATION OF ACCESS FROM THE PROVINCIAL ROADS DEPARTMENT**

Irrespective of the Provincial Roads Department's provision of the new entrance and access gate as per the registered servitude, the servitude entrance off the R43 was also confirmed by them in e-mail communications. (Refer to Annexure 12: Copy of access confirmation by the Provincial Roads Department)

**9.3.5.4. CONFIRMATION FOR CLEARING OF THE SERVITUDE FROM THE DEA&DP**

To date, an informal access arrangement with Crystal Kloof and the use of their entrance gate, prevented the necessity of formalising access in accordance with the registered access servitudes. This has however now become a necessity and approval has now also been requested from the Provincial Department of Environmental Affairs and Development Planning (DEA&DP) to clear the access servitude for this purpose.

Dr Johan Neethling has been appointed to represent the See-Eike Trust (Pty) Ltd at the DEA&DP and confirmation has been received that the servitude can be cleared to serve both as a fire break as access to the Belle Vue Farm, without the necessity for any further environmental applications or approvals. (Refer to Annexure 13: Copy of Environmental Authorisation)

**10. HIKING TRAIL**

While transient guests visit the mountain hut, they can also use the local hiking trail on the property that offers them an opportunity to enjoy the spectacular beauty of creation, and specifically the rugged Klein Rivier mountain landscape, the Cape Fynbos and the unique views towards the Klein Rivier Lagoon and across Walker Bay with Hermanus towards the west and Stanford, De Kelders and Gansbaai towards Danger Point in the far south.

The route leads hikers to two lookout points as roughly reflected in Figure 28 below.

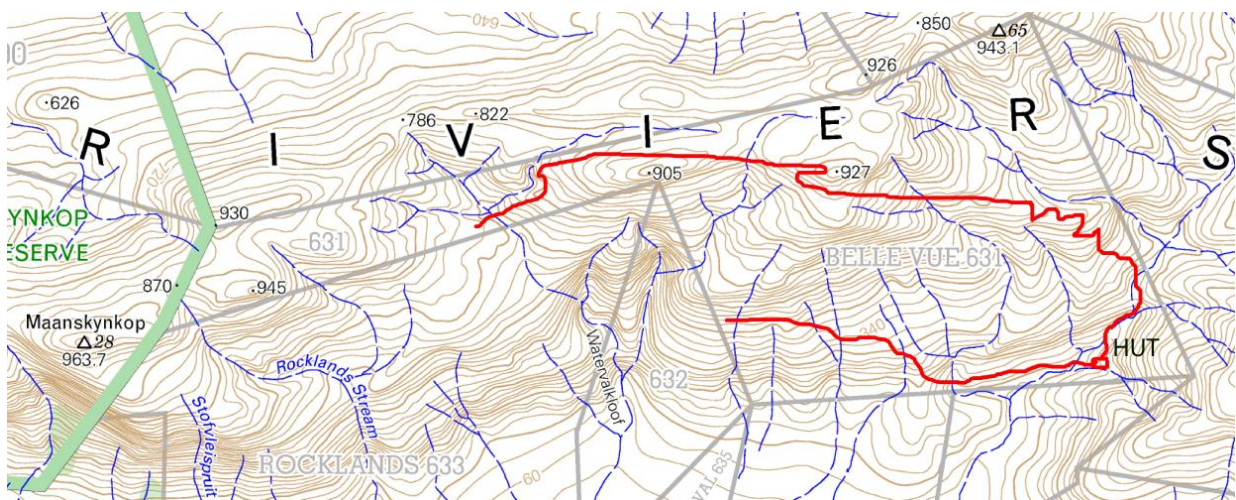


Figure 28: Rough indication of the hiking trail on the subject property

## SECTION E

### COMPLIANCE WITH DECISION-MAKING CRITERIA WHEN CONSIDERING AN APPLICATION

#### 11. COMPLIANCE WITH SECTION 66(1) OF THE OVERSTRAND BY-LAW ON MUNICIPAL LAND USE PLANNING (OMBLUP)

##### 11.1. Application submitted in terms of this By-law

Application is duly submitted in terms of Section 16.2 of the OMBLUP.

##### 11.2. Procedure followed in processing the application

The application will be submitted to the Overstrand Municipality who will process in terms of Chapter V of the OMBLUP.

##### 11.3. Desirability of the proposed utilisation of land

The desirability of the application has been motivated taking zoning, surrounding land uses, planning policy, availability of services, the general safety and well-being of the local community etc. into consideration.

##### 11.4. Comments in response to the notice of the application

The application will be advertised in terms of the Overstrand Municipality's advertising policy and members of the public and relevant government departments will be offered to opportunity to comment on the application.

##### 11.5. Response by the applicant to the comments referred to above

After the closing date for comment, the applicant will assess all comments submitted by interested and affected parties (I&APs) for a final assessment and recommendations by Overstrand Planning to the decision maker.

##### 11.6. Investigations carried out in terms of other laws relevant to the application.

Reports from the Provincial Departments of Environmental Affairs and Development Planning as well as Roads and Transport infrastructure have been submitted as part of this application, but any additional that might be deemed necessary will be supplemented as part of the application process.

### 11.7. Registered planner’s written assessment of the application

The responsible and registered municipal planner will assess the application for the necessary final recommendations to the decision maker.

### 11.8. Integrated Development Plan & Municipal Spatial Development Framework (MSDF)

The application referenced the MSDF as part of the IDP in its desirability assessment and motivations.

Although the MSDF focusses mainly on the management of growth within the urban settlement of the Overstrand Municipality, it also acknowledges the need to maintain the unique character of the local rural areas. Section 5.9.2. of the OMSDF specifically promotes the importance of tourist development. (Refer to Figure 29 below)

#### 5.9.2 Stanford 2020-2030 MSDF Spatial Proposal

As outlined in detail in Section 2.7.5. Stanford is a rural settlement located 22km east of Hermanus, with a unique rural character dated from the mid-nineteenth century. Key to the future of Stanford is retaining and enhancing its heritage character and resources. The MSDF proposal for this settlement is underpinned by this objective (refer Plan 62).

#### 5.9.2.1 Local Spatial Development and Growth Management Principles

- i* **Promote:**
  - conservation of the historical townscape and heritage resources (Refer draft Stanford HPOZ);
  - rural tourism development based on the ecological and heritage value of the region;
  - urban expansion in less sensitive areas;
  - a balanced mix of residential development;
  - Stanford as a retirement and tourism village.

Figure 29: Extract from the OMSDF

The proposed Tourist Accommodation and Tourist Facilities that will operate from an existing approved building, are considered a desirable and appropriate land use in context of the surrounding zonings and land uses as also promoted by the MSDF.

### 11.9. Applicable LSDF

LSDF’s form part of the MSDF and will be dealt with under the desirability assessment by the registered municipal planner.

**11.10. Applicable policies of the Municipality that guide decision-making**

The municipality will process the application and adhere to Chapter VI of the OMBLUP to guide their decision-making process.

**11.11. Provincial Spatial Development Framework**

The Overstrand MSDF complies with the PSDF and as such will adhere to all its provisions and requirements.

**11.12. Where applicable, Regional Spatial Development Framework**

The application is restricted to a Consent Use that does not require the rezoning of a property or deviation from the MSDF and will thus not impact a regional SDF.

**11.13. Policies, principles, norms & criteria by National and Provincial Government**

The nature of this application, being a local small scale land use proposal in compliance with existing zoning allowances and municipal policy provisions, will not trigger any norms or criteria by National or Provincial Government not already covered in the application.

**11.14. Matters referred to in Section 42 of the SPLUMA**

The Municipal Planning Tribunal (MPT) will adhere to the requirements of SPLUMA when exercising their decision-making powers.

**11.15. Principles referred to in Chapter VI of the LUPA**

These principles are applicable to organs of state when assessing an application and will be considered by the MPT representing the Overstrand Municipality when deciding on an application.

**11.16. The relevant provisions of the Land Use Scheme**

This proposed Consent Use application has thoroughly taken the Overstrand Municipality Land Use Scheme (2020) into consideration and has motivated the desirability of the proposal with the Primary Rights and Consent Uses in mind.

**12. COMPLIANCE WITH LAND USE PRINCIPLES ITO CHAPTER 2 OF SPLUMA**

Table 2: SPLUMA Principles

DEVELOPMENT PRINCIPLES	KEY CONSIDERATIONS
<p><b>Spatial Justice</b></p> <p>A socially just society is based on the principles of equality, solidarity, and inclusion.</p>	<p>The proposed tourist accommodation and facility will promote tourism in Overstrand, and</p>

<p>Past spatial and other development imbalances should be redressed through improved access to and use of land by disadvantaged communities.</p>	<p>as such, will contribute to employment opportunities for local residents and to continued economic growth of the region where tourism is one of the major contributors to job creation and economy growth of the region.</p>
<p><b>Spatial Sustainability</b></p> <p>Land development should be spatially compact, resource-frugal, compatible with cultural and scenic landscapes, and should not involve the conversion of high potential agricultural land or compromise ecosystems. Resilience is about the capacity to withstand shocks and disturbances such as climate change or economic crises, and to use such events to catalyse renewal, novelty and innovation. The focus should be on creating complex, diverse and resilient spatial systems that are sustainable in all contexts.</p>	<p>The facilities on the subject property already exist and the approval of the proposed consent use will not encourage urban sprawl. It is currently and will in future still make use of off grid services and it will thus have no impact on municipal services provisions. It also does not have any impact on prime and unique agricultural land.</p>
<p><b>Spatial Efficiency</b></p> <p>Efficiency relates to the form of settlements and use of resources - compaction as opposed to sprawl; mixed-use as opposed to mono-functional land uses; residential areas close to work opportunities as opposed to dormitory settlement, and prioritisation of public transport over private car use. When a settlement is compact higher densities provide thresholds to support viable public transport, reduce overall energy use, and lower user costs as travel distances are shorter and cheaper.</p>	<p>The proposed consent use will operate from an existing building, and it will exploit the natural beauty of the site and the area in general and services already available on site.</p> <p>The use of the subject property for tourist accommodation and facilities, will furthermore ensure the long-term viability and upkeep of the property that is otherwise not possible due to the restrictions on farming due to environmental constraints.</p>
<p><b>Good Administration</b></p> <p>Compliance with legislative land development processes is required.</p>	<p>The application complies with, and will also be processed by the municipality in terms of, the minimum requirements as prescribed by the SPLUMA</p>

<p><b>Accessibility</b></p> <p>Improving access to services, facilities, employment, training and recreation, and safe and efficient transport modes is considered essential. Accessibility is also defined by convenient and dignified access to private and public spaces for people with impaired mobility.</p>	<p>The site is remotely located, and accessibility here, rather refers to access that will be made available through the approval of this application, to members of the public who reside in urban areas, and who would otherwise not have the opportunity to experience nature in its purest form.</p>
<p><b>Quality and Liveability</b></p> <p>The quality of an environment directly contributes to its liveability.</p>	<p>The proposed tourist accommodation and facilities will potentially not only complement the urban population of Overstrand, but all who might visit, as a break away opportunity to reconnect with their Creator and nature in general, and by doing so, it will improve the quality of the lives of those living in urban environments.</p>

## **SECTION F**

### **REASONS FOR SUPPORT**

#### **13. SUMMARY OF MOTIVATION/REASONS FOR SUPPORT**

- 13.1. The proposed Consent Use for Tourist Accommodation (mountain hut) and Tourist Facility (hiking trail) comply with the criteria for decision making and desirability as set out in Section 66 of the Overstrand By-Law on Municipal Land Use Planning 2020
- 13.2. The proposed Consent Use for Tourist Accommodation (mountain hut) and Tourist Facility (hiking trail) will be in accordance with the land use development principles of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014).
- 13.3. The proposed Consent Use for Tourist Accommodation (mountain hut) and Tourist Facility (hiking trail) will comply with the guidelines and objectives of the Overstrand Municipal Spatial Development Framework.
- 13.4. The scale and nature of the proposed Tourist Accommodation (mountain hut) and Tourist Facility (hiking trail) will be is compatible and complementary to the character of the surrounding area.
- 13.5. The proposed Tourist Accommodation (mountain hut) and Tourist Facility (hiking trail) will not have any negative impact on abutting properties or the surrounding area.
- 13.6. The proposed Tourist Accommodation (mountain hut) and Tourist Facility (hiking trail) will create employment opportunities and an income for residents and thus support socio-economic upliftment.
- 13.7. The proposed Tourist Accommodation (mountain hut) and Tourist Facility (hiking trail) will have no negative impact on heritage or the bio-physical environment.
- 13.8. Income generated by proposed Tourist Accommodation (mountain hut) and Tourist Facility (hiking trail) will enable the landowner to better maintain the subject property to the benefit of the local community and environment alike.
- 13.9. The proposed Tourist Accommodation (mountain hut) and Tourist Facility (hiking trail) will have no impact on existing municipal infrastructure.

Table 3: Desirability Summary

<b>DESIRABILITY ASSESSMENT – SUMMARY TABLE</b>				
	<b>Category</b>	<b>Yes/No</b>	<b>Conflict</b>	<b>Desirable</b>
1.	Compatibility with zoning	Yes, as consent use	No	Yes
2.	Compatibility with surrounding land uses	Yes, tourist facilities common in area	No	Yes
3.	Building line compliance	Yes	No	Yes
4.	Height compliance	Yes	No	Yes
5.	Regulation departures required	No	No	Yes
6.	Policy compliance (MSDF)	Yes	No	Yes
7.	Approved access	Yes	No	Yes
8.	Available/existing services	Yes	No	Yes
9.	Visual impact mitigation	Yes, hidden in valley out of sight of R43	No	Yes
10.	Approved building plans	Yes, 2010	No	Yes
11.	Approved occupancy certificate	Yes, issued 2010	No	Yes
12.	Unauthorised building work	No, built to approved plans	No	N/A
13.	Unauthorised land use	No, BTK usage stopped '24	No	N/A
14.	Environmental benefits	Yes, usage will facilitate alien clearing and better maintenance	No	Yes
15.	Environmental impacts	No, utilise existing dwelling – no new construction	No	Yes
16.	Fire management /benefits	Yes, servitude clearing will provide new fire break	No	Yes
17.	Social/lifestyle benefits	Religious perspective – yes exposure to the Gospel Worldly perspective – yes encourage value driven life	No	Yes
18.	Public benefits	Yes, public access to private amenity	No	Yes

## SECTION G

### CLOSING STATEMENT

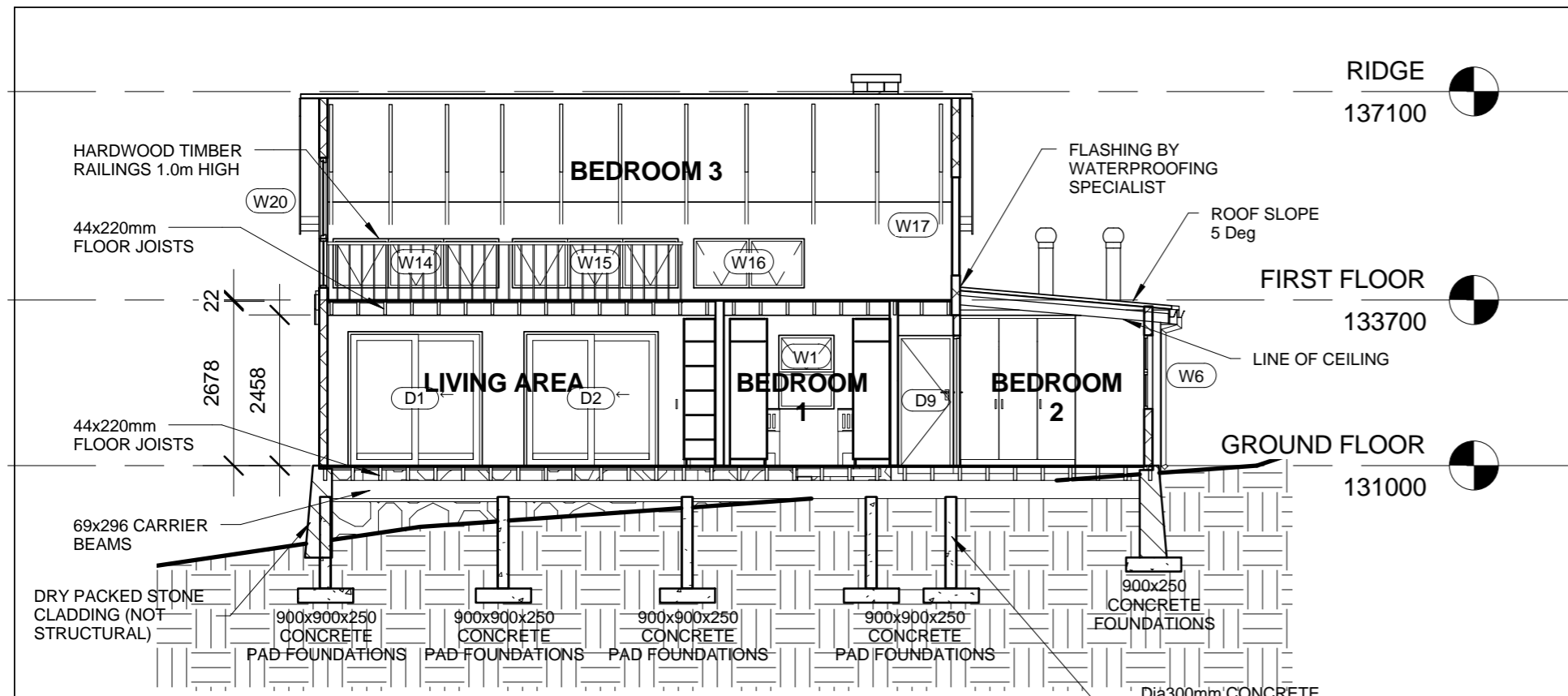
#### 14. CONCLUSION

It is the opinion of **FIRST PLAN Town and Regional Planners** that the approval of this application will be in line with the criteria for decision making and desirability as set out in Section 66 of the Overstrand By-Law on Municipal Land Use Planning 2020. The proposed Consent Use for Tourist Accommodation (mountain hut) and Tourist Facility (hiking trail) will also be in line with the land use development principles of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014).

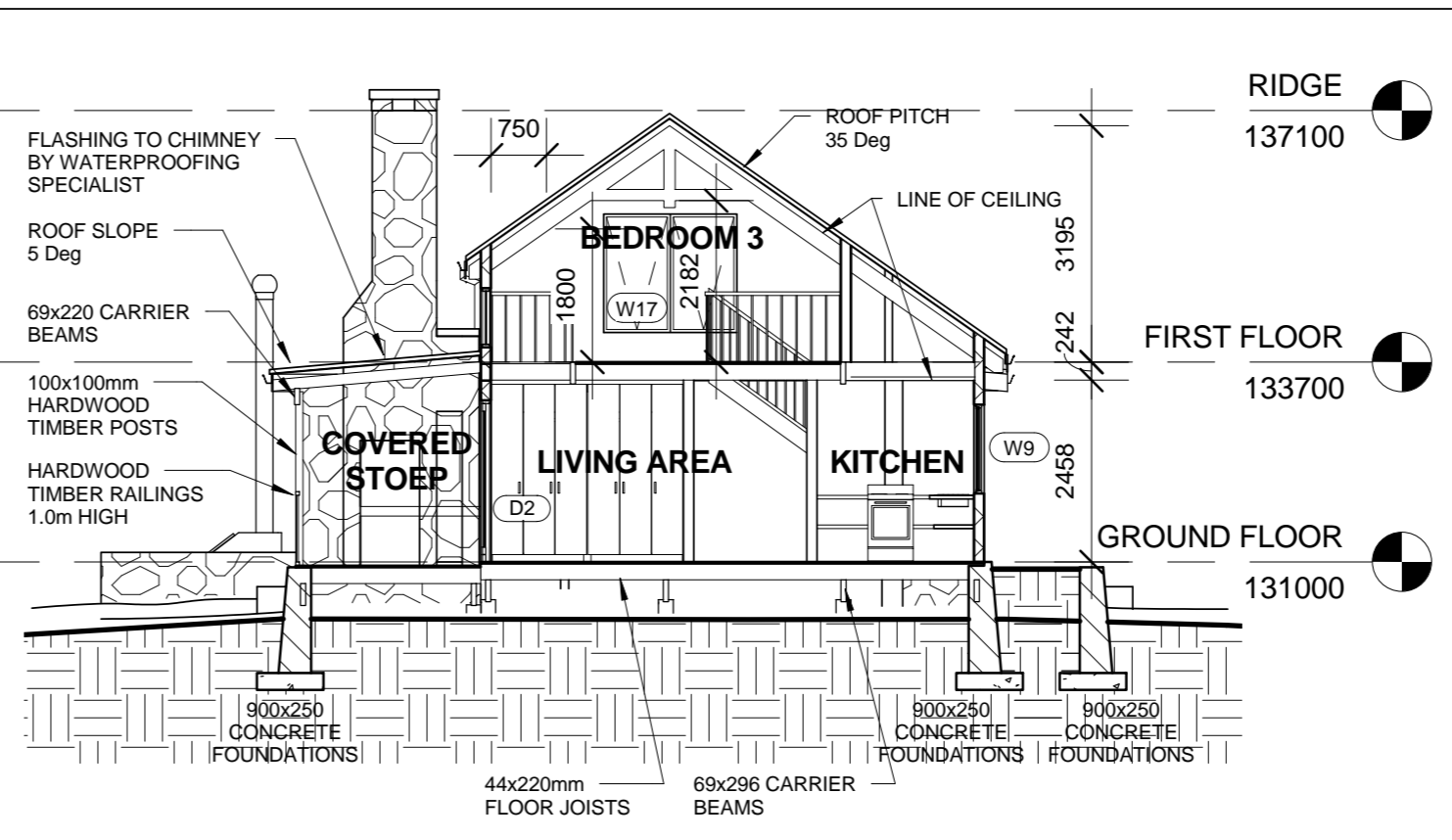
#### 15. RECOMMENDATION

Due to the above-mentioned **FIRST PLAN Town and Regional Planners** therefore submit that there is no reason that the approval of this application will impede on anybody's rights as it will ensure the optimum use and enhancement of the subject property to the long-term benefit of all.

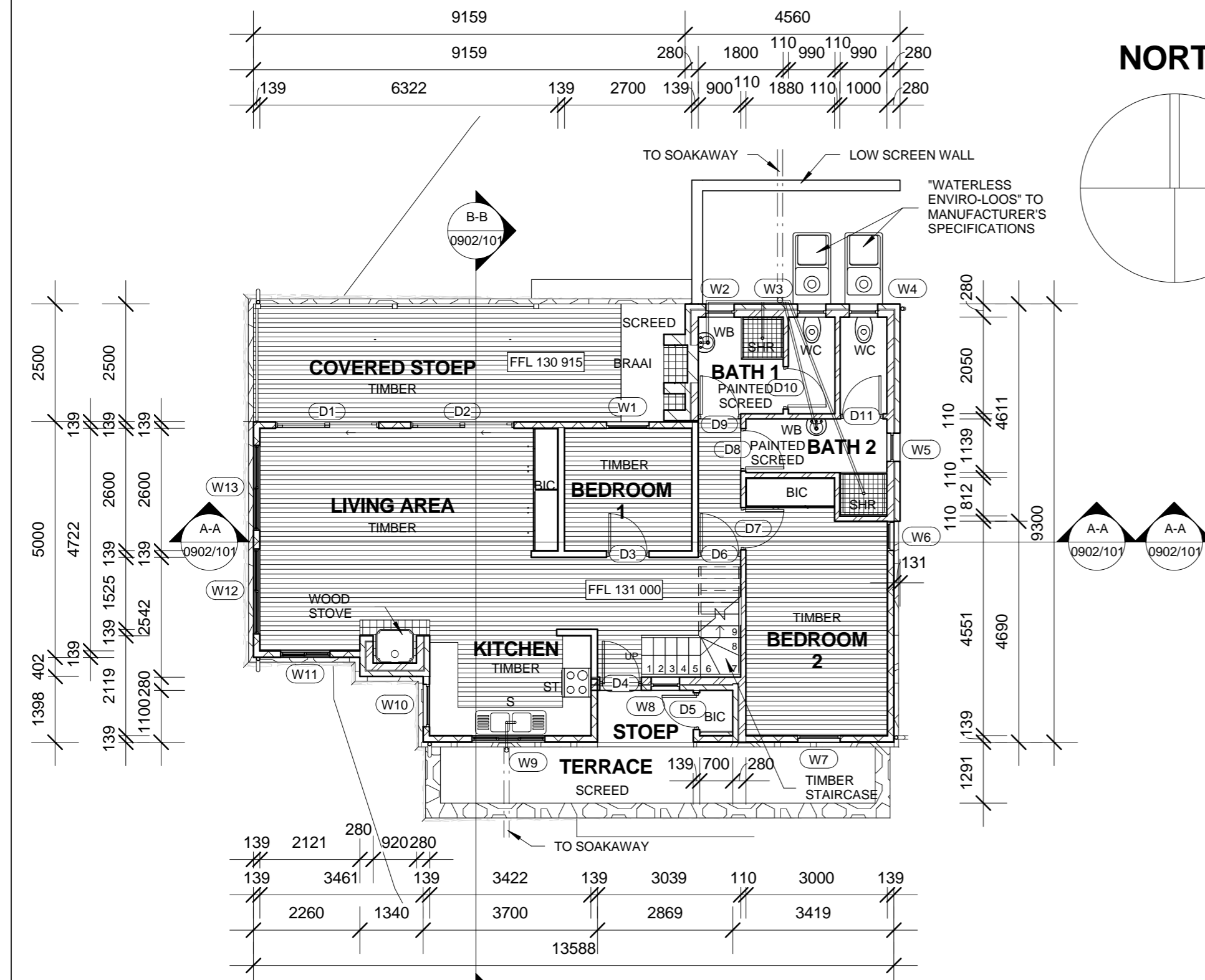
The representative decision-making body of the Overstrand Municipality is therefore respectfully requested to support this application for approval.



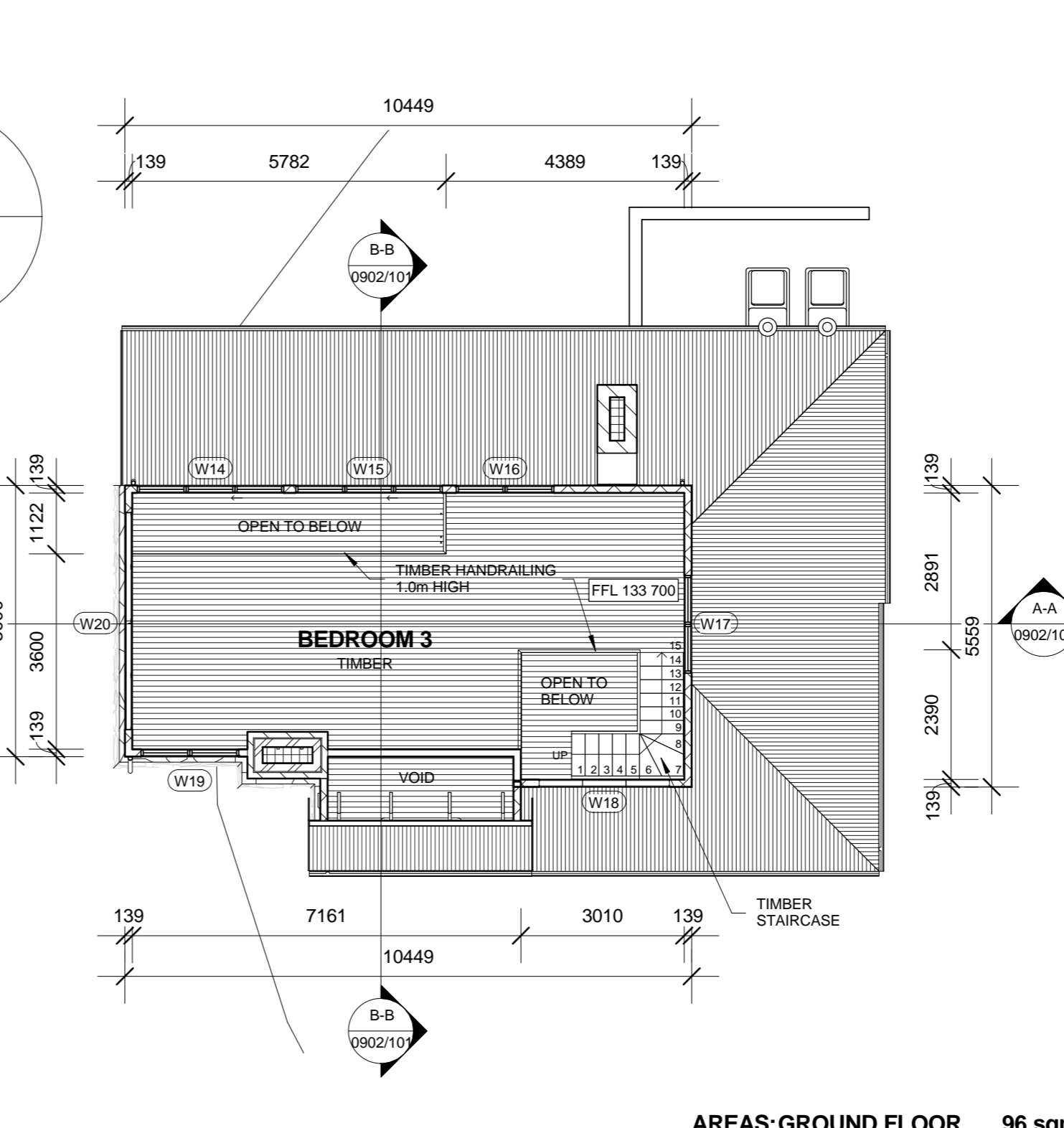
**SECTION A-A**  
1 : 100



**SECTION B-B**  
1 : 100



**GROUND FLOOR**  
1 : 100



**FIRST FLOOR**  
1 : 100

AREAS: GROUND FLOOR	96 sqm
UPPER FLOOR	36 sqm
COVERED STOEPS	25 sqm
<b>TOTAL</b>	<b>157 sqm</b>
<b>COVERAGE TOTAL</b>	<b>121 SQM</b>

**NOTES:** (Read together with drawing Nos. 0902/102 and 103.)  
These drawings are copyright of the Architect. Do not scale, refer only to figured dimensions. All dimensions and levels to be checked on site prior to setting out. Any discrepancies to be reported to the Architects immediately.

All work to be done in accordance with the National Building Regulations. All DPC's vertical and horizontal to conform to SABS 0400 section KK15 with regards to quality and positioning. Windows to be minimum of 10% of floor area and 5% openable for ventilation.

All glazing to comply with part N of the National Building Regulations and SABS 0137 - access doors and sidelights to have safety glass. Windows lower than 500mm above finished floor level, windows lower than 1800mm above pitch line of stairs to have safety glass.

Dimensions to staircase, treads minimum 250mm and risers maximum 200mm and minimum 2100mm head clearance measured vertically from pitch line.

**ROOFS:**  
Main house roof: Painted Zincalume roof sheeting on 50x75mm purlins at max. 1140mm centres, fixed with galv. drive screws. Trusses to be made up on site to Engineer's details (Treated SA Pine) at approx. 900 mm centres. Purlins to be tied to rafters and roof trusses with hurricane clips. Trusses to be tied to walls with galv. hoop iron built in min. 600mm deep. Roof pitch at 35 degrees and 5 degrees as shown on sections.  
Stoop roofs: Zincalume corrugated Profile roof sheeting on 52x75mm purlins at max. 1140mm centres, fixed with galv. drive screws. Rafters to be 44x145 Treated SAP PAR at approx. 900mm centres tied to walls and stoep edge carrier beam with galv. hoop iron built in min. 600mm deep and hurricane clips as applicable. Roof slopes at 5 degrees. Stoep edge carrier beam to be 269x69mm treated Lamteco beams bolted to 100x100mm hardwood timber posts.

**EAVES:**  
Eaves projection to be 200mm with closed soffits 220x32mm. Fibre Cement timber fascias all round. Gutters to be Watertite seamless aluminium ogee profile. White epoxy coated installed by specialist, and downpipes to be 75mm Dia. UPVC.

**CEILING:**  
Ceilings to upper floor and single storey section be 12mm treated SA Pine T&G ceiling board nailed on top of rafters.  
External: To Eaves closures 4mm Nutec fibre cement sheets with quadrant and half round cover strips on 32x32mm SAP battens at 450mm centres to underside of rafters or trusses.

**STONE WALLS:**  
External stone walls. Composite stonework external and brick internal to thickness shown on plan.  
Internal walls to bathrooms. 110mm and 230mm walls construction in cement bricks in preparation for plaster finish. Walls to be painted inside. Rafter ends to be wrapped in plastic where built into walls. Openings less than 3 metres in width to be spanned with precast concrete lintels built in minimum of 220mm either side of opening with min. of 5 courses brickforce reinforced brickwork above. Reinforced concrete lintels to openings wider than 3,0m to Engineer's details.

(Notes continued on Drawing No. 0902/102)

Architect :  
Reg No. 4087

Owner :

Project :  
**HOUSE BELLE VUE**  
PROPOSED NEW HOUSE ON THE FARM  
631 BELLE VUE FOR THE SEE EIKE TRUST(Pty)Ltd

Drawing Title:  
**COUNCIL DRAWINGS: PLANS & SECTIONS**

Date : AUG 2011 Drawn by JW

Scale : 1 : 100 Sheet size A2

Drawing number : 0902/101 Rev -

**GREGG GODDARD ARCHITECT**  
Res & Office : 11 Irene Avenue, Somerset West  
Postal Address : P.O. Box 167, Betty's Bay, 7141  
Telephone and fax : (021) 852 6671

(Notes continued from Drawing No. 0902/101)(Read together with drawing Nos. 0902/101 and 103.)

**TIMBER FRAMED WALLS:**  
 Balloon Frame Construction to all timber framed walls. Studs to be 38x114mm at 450mm centres. Bottom and top plate to be 38x114mm. Noggings to be 38x114mm. Fire stops to be used to each concealed space. Wall plate to be 114x38mm. All timber framed walls to comply with SABS 082 Code of practice for timber framed buildings. Internal finish to be 12.6mm painted Fibre cement boards and externally Nutec fibre cement building planks, on Sialation all nailed to timber frames.

**FLOORS:**  
 Upper and lower timber floors to be 22mm T&G SAP timber floor boards on 44x222 PAR SAP floor joist at 450mm centres. Floors to bathrooms and in front of fire places to be painted 30mm screed on 100mm concrete surface bed on DPC on compacted filling.

**TIMBER DECKS:**  
 Timber decking to be 105x22mm treated hardwood timber floor boards with 10mm spacings between boards on 44x220mm floor joists at 450mm centres. Floor joists to be built into walls and fixed to 69x296mm lamtico edge carrier beam. Carrier beam to be bolted to Dia300mm concrete filled fibre cement posts.

**WINDOWS:**  
 All windows to be Wispeco powder coated aluminium to Architect's window schedule

**SLIDING DOORS:**  
 All sliding doors to be Wispeco powder coated aluminium to Architect's door schedule.

**TIMBER DOORS AND FRAMES:**  
 Interior doors and frames to be timber as per schedule. Exterior door and frame to be hardwood timber to Architect's schedules.

**GLAZING:**  
 All glazing to comply with SABS 0137 and AAAMSA Regulations and any glazing to doors and to windows within 500mm of the floor level to comply with safety glazing regulations.

**SILLS:**  
 All sills to be fibre cement externally and timber internally.

**STAIRCASE:**  
 Staircase to be timber to Architect's details.  
 Treads : 250x44mm  
 Risers : x15 @ 180mm  
 Timber handrails and balustrades to Architect's details.  
 Handrails : ex 69x44mm hardwood at 1 000mm high.  
 Balustrades : 32x32mm hardwood at max. 99mm spaces between.  
 Stringers : 296x69 laminated timber  
 Posts : 69x69mm timber

Architect :  
 Reg No. 4087

Owner :

Project :

# HOUSE BELLE VUE

PROPOSED NEW HOUSE ON THE FARM  
 631 BELLE VUE FOR THE SEE EIKE  
 TRUST(Pty)Ltd

Drawing Title:

## COUNCIL DRAWINGS: ELEVATIONS

Date : AUG 2011 Drawn by jw

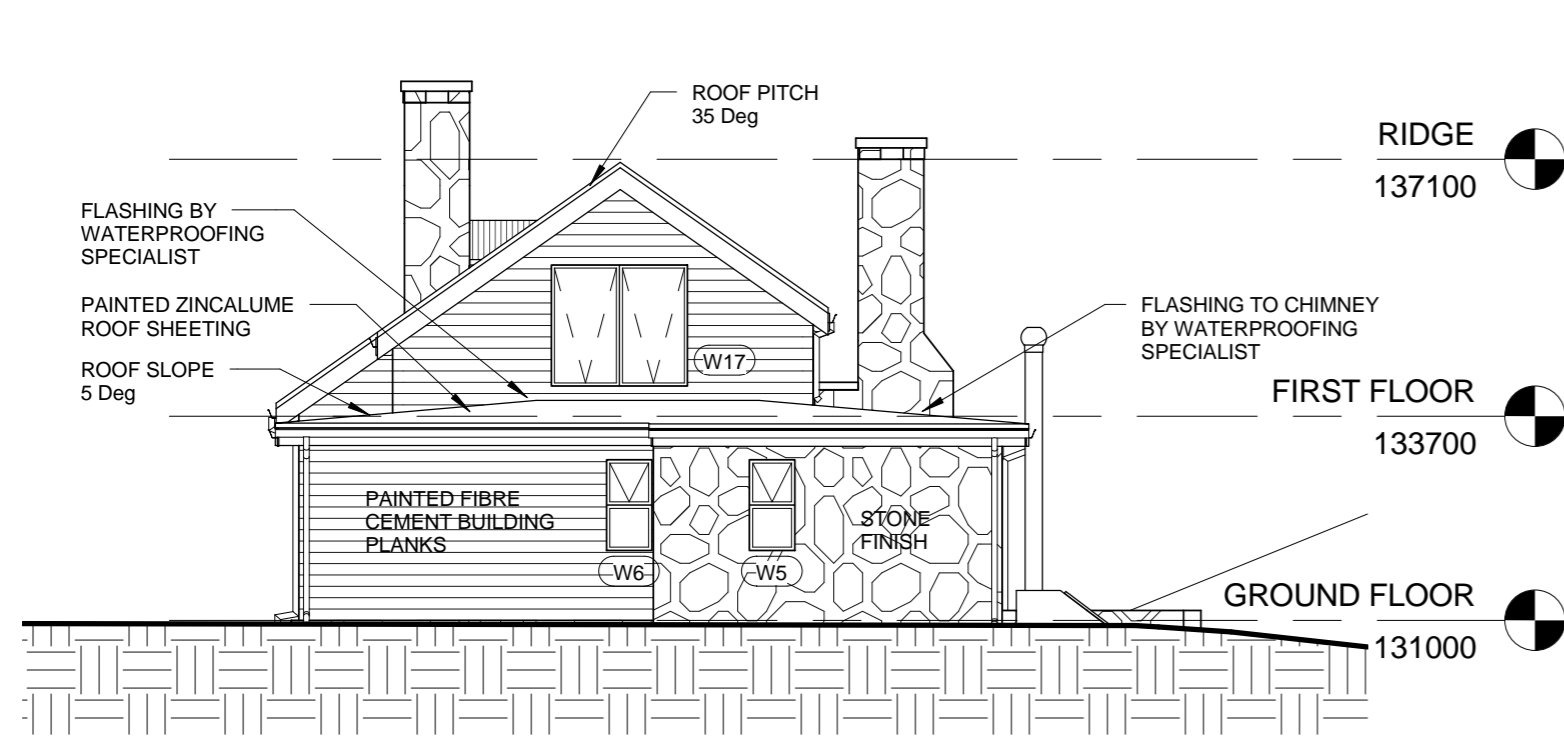
Scale : 1 : 100 Sheet size A2

Drawing number : 0902/102 Rev -

### GREGG GODDARD ARCHITECT

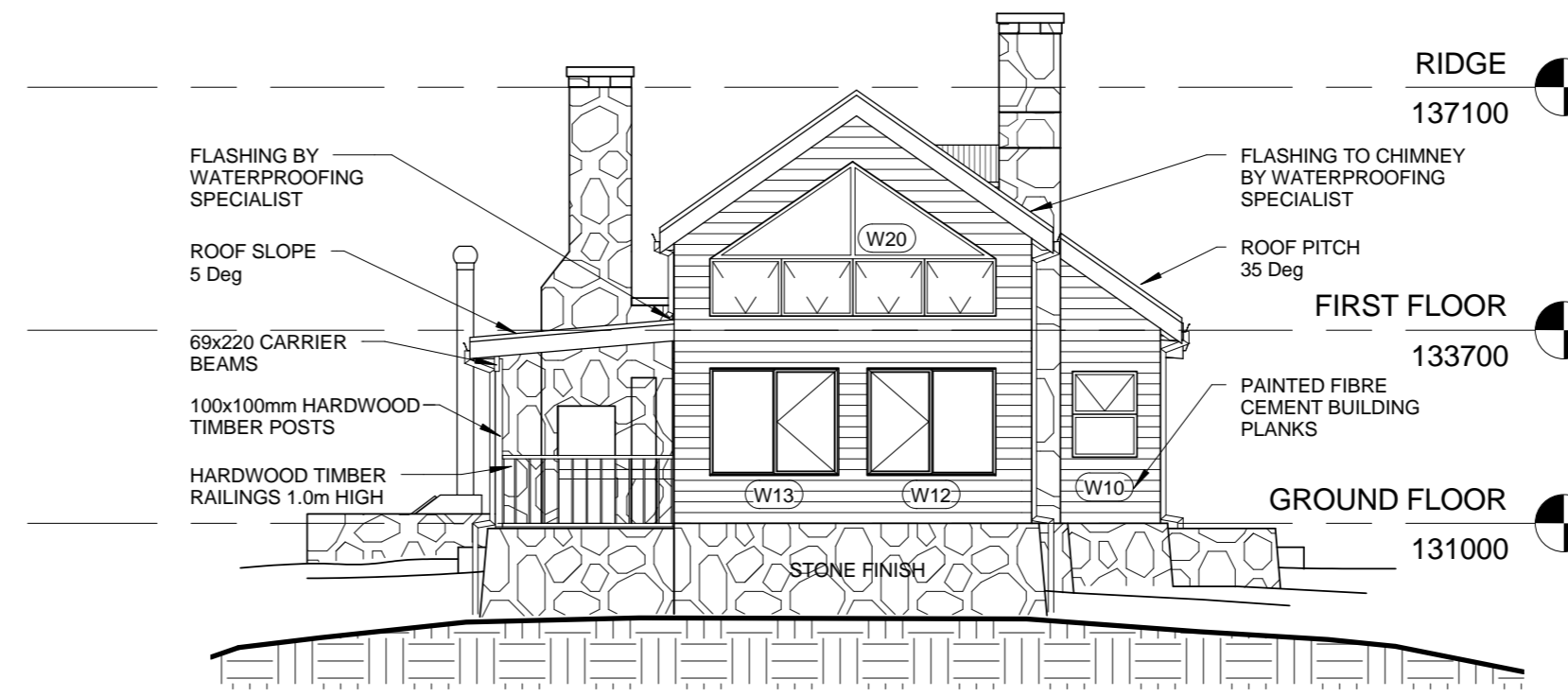
Res & Office : 11 Irene Avenue, Somerset West  
 Postal Address : P.O. Box 167, Betty's Bay, 7141

Telephone and fax : (021) 852 6671



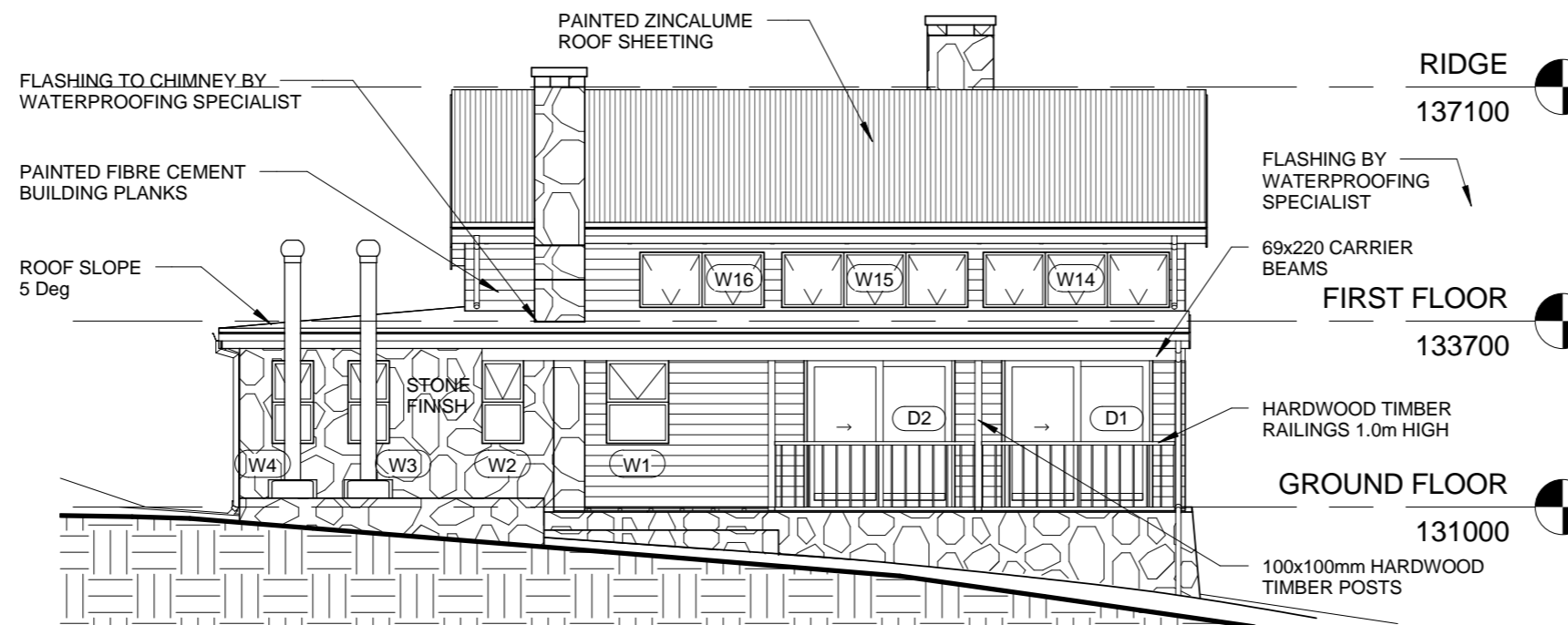
### EAST ELEVATION

1 : 100



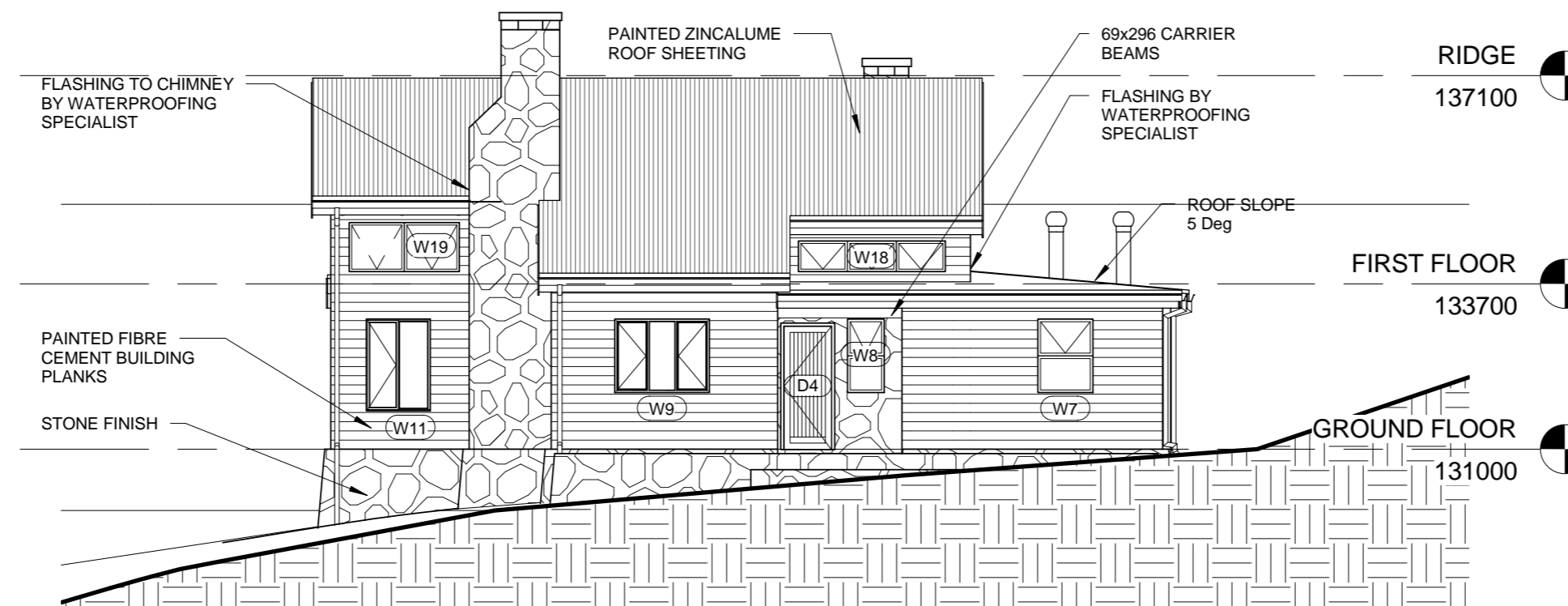
### WEST ELEVATION

1 : 100



### NORTH ELEVATION

1 : 100



### SOUTH ELEVATION

1 : 100