

LAND USE PLANNING ASSESSMENT REPORT FOR LANGEBERG MUNICIPAL PLANNING TRIBUNAL
(In terms of Sections 56, 65 & 66 of the Langeberg Land Use Planning Bylaw PN 264/2015, 30 July 2015)

REM, PORTION 11 & PORTION 23 OF KLAAS VOOGDS RIVIER 40, REM/KLAAS VOOGDS RIVIER 35 AND PORTION 2 OF GOEDVERTROU 45, ROBERTSON:

- SUBDIVISION, CONSOLIDATION AND SERVITUDES;
- DEPARTURE FROM BUILDING LINES; AND
- CONSENT FOR GUEST LODGE AND TOURIST FACILITIES (LECTURE ROOMS)

Date of meeting: 29 January 2021

Reference number	15/4/12/2, 5 & 9	Application submission date	8 November 2019	Date report finalised	17 December 2020
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PART A: AUTHOR DETAILS

First name(s) & Surname	Tracy Brunings
Job title	Assistant Town and Regional Planner
SACPLAN registration number	Pr. Pln A/951/1997

PART B: PROPERTY DETAILS

Property description (in accordance with Title Deed)	Rem (14,5942ha.), Ptn 11 (32,4514ha.) and Ptn 23 (1268m²) of Klaas Voogds Rivier 40; Rem Klaas Voogds Rivier 35 (2,6576ha.) and Ptn 2 of Goedvertrou 45, Robertson (42,3620ha.)					
Physical address	±5,6km north west of Ashton, on MR5946		Town	Rural – Klaas Voogds West		
Current zoning	Agricultural Zone I	Extent (m2 /ha)	As above.	Are there existing buildings on the property?	Y	N
Applicable zoning scheme	Langeberg Integrated Zoning Scheme, 2018					
Current land use	Guest House, natural veld and agriculture			Title Deed number & date	KVR 40/R T453240/2018 KVR40/11/R T55188/2010 KV40/23 T55188/2010 KVR 35/R T32320/2017 Goedvertrou 45/2 T29221/2001	
Any restrictive title conditions applicable	Y	N	If Yes, list condition number(s)	Water rights and servitudes.		
Any third party conditions applicable?	Y	N	If Yes, specify	Water rights and servitudes.		
Any unauthorised land use/building work	Y	N	If Yes, explain	The old main dwelling house has been converted into 8 en-suite guest rooms – a penalty fee has been paid; building plans have been lodged.		

PART C: APPLICATION DESCRIPTION

Application has been lodged in terms of Section 15(2) of the Langeberg Land Use Planning Bylaw, PN 264/2015, for the following:

Subdivisions:

- Subdivision of Klaas Voogds Rivier 40/R (14,5942ha.) into portion A (2,03ha.), B (2,29ha.), C (3,55ha.) and Rem/40 (6,7242ha.).
- Subdivision of Klaas Voogds Rivier 40/11/R (32,4514ha.) into portion D (26,67ha.) and Rem/40/11 (5,7814ha.).
- Registration of 4m wide water pipeline servitude and dam servitude (1600m²) over proposed consolidated farm comprising proposed ptn D/ Klaas Voogds Rivier 40/11/R, Klaas Voogds Rivier 40/R and Klaas Voogds Rivier 40/23, in favour of Rem/ Klaas Voogds Rivier 40/11.

Consolidations:

- Ptn A/40/R (2,03ha.) and Klaas Voogds Rivier 40/11/R (5,7814ha.) = 7,8114ha.
- Ptn B/40/R (2,29ha.) and Klaas Voogds Rivier 35/R (2,6576ha.) = 4,9476ha.
- Ptn C/40/R (3,55ha.) and Goedvertrou 45/2 (42,362ha.) = 45,912ha.
- Ptn D/40/11/R (26,67ha.) and Rem Klaas Voogds Rivier 40 (6,7242ha.), and Ptn 23/40 (1268m²) = 33,521ha.

Departures:

- Departure from the 30m building lines to 29m, 15m and 9m to accommodate existing structures relative to proposed new boundaries.

Consent Uses:

- Consent to expand the Guest Lodge to 20 guest rooms, with a total floor area of $\pm 830\text{m}^2$ (12 guest rooms in existing buildings of $\pm 580\text{m}^2$; 8 guest rooms in existing building of $\pm 250\text{m}^2$).
- Consent for a Tourist Facility (existing restaurant).
- Consent for Tourist Facilities comprising two lecture rooms of 200m² each.

An exemption certificate is also requested, in terms of Section 24(1)(f)(iv) of the LLUPB, 2015, for a 6m wide right of way over Rem/40 in favour of Klaas Voogds Rivier 35/R, along the alignment of an existing access way.

PART D: BACKGROUND & SUMMARY OF APPLICANTS MOTIVATION

A copy of the applicant's motivation report is attached at Annexure A. Plans are attached at Annexure B.

Subdivisions and consolidations are proposed so as to realign the boundaries between 5 farms to create 4 new farms. The applicant motivates that the realigned boundaries will facilitate the more optimal use of land by serving the following purposes:

- Provision of additional usable agricultural land to Klaas Voogds Rivier 40/11/R (grazing for horses).
- Provision of additional usable agricultural land to Klaas Voogds River 35 (vineyard).
- Provide land adjoining the existing quarry on Goedvertrou 45/2 for rehabilitation purposes.
- Consolidate additional land with the Guest Lodge, which land has limited agricultural potential but does have aesthetic and recreational value (walking trails) to the Guest Lodge.

The applicant wishes to upgrade and add to the guest accommodation previously approved on Rem of Klaas Voogds River 40, and known originally as Rosendal, now named "The Lab".

In addition, it is planned to build a new building adjoining the guest accommodation on the southern side of the MR5946, comprising two "lecture rooms", with provision for 10 parking bays. The applicant states that "Lectures will be focused on sustainable environmental planning and design, as well as the latest technology" and "the lecture rooms and Guest Lodge will compliment and support each other for optimal usage" (p10 of motivation report).

The applicant motivates that the scale of this proposed development is smaller than the previous approved applications on Re/40 and the resultant development will be located on a much bigger farm (33,5ha.).

The applicant motivates that the proposed development is consistent with the PSDF, the LSDF, the WCBSP, the WC Land Use Planning Guidelines for Rural Areas (March 2019), and the development principles in terms of SPLUMA and LUPA.

Services: Sewage is stored in 3 existing conservancy tanks, which are pumped by the Municipality. Municipal electricity and solar power are used. Water demand is calculated at $\pm 50\text{m}^3$ per month ($\pm 50\,000\text{lt}$), which is $\pm 2\%$ of the monthly water allocation which will apply to this property after subdivision. This water is stored in 4 existing 10 000lt tanks. Drinking water is purchased in Robertson from Healthy Mineral Water, which uses a reverse osmosis system with added minerals.

PART E: SUMMARY OF PUBLIC PARTICIPATION

Public participation required in terms of Sections 45- 49 of the By-law?

Y

N

Where participation is required,
state method of advertising

Press

Notices

Ward Councillor

Other

PART F: SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

The application was advertised in the normal manner on 18 February 2020 and letters were sent to the surrounding property owners.

Two objections were received from neighbours. The location of the objector's properties relative to the application site is shown on the google image below.



A copy of the objections are attached at **Annexure C** and summarized below:

Objection 1: J Koornneef

Mr Koornneef owns Rietvallei 115/20 and Re/115, ± 0,6km to the SSW of the application site. The objection relates to the following:

- The proposal will result in a redistribution of arable land, together with water rights, between neighbours, with no arable land left on the farm that accommodates the current Guest House.
- The proposed up-scaling to 20 bedrooms will have a significant impact and no EIA has been conducted to assess these impacts.
- The proximity of the guest accommodation to the objector's property is a concern in terms of light impact (the existing evening lights are a major light polluter / eyesore); and noise impact (based on recent "stag nights").

The objector suggests that the subdivision and consolidation be approved, but that a business plan must be submitted prior to a decision on the expansion of the guest accommodation and venue, which he considers the applicant to have "unconvincingly introduced as Lecture Rooms".

Objection 2: M McCullough

Mr. McCullough's property is located $\pm 1,6$ km NE of the application site. His concerns relate to the following:

- The proposed increase in scale will have unacceptable impacts on traffic, road and pedestrian safety. The entrance to Klaas Voogds Primary School is 170m from the Lab's entrance.
- The proposed subdivision would result in an agriculturally zoned property which has no agricultural activities and is effectively entirely a business property, with only a tenuous link to agri-tourism.
- The proposed development is not consistent with the aim of preserving the agricultural and rural character of the area.
- The applicant has already constructed the expanded Guest Lodge. Asking for approval after acting appears to be regrettably effective. If approved, what is the likelihood of the Municipality enforcing the agreed conditions over time?

The owner and applicant responded to the objectors' concerns as follows (refer to **Annexure D**):

Applicant's Response to Objection 1:

There is existing approval for a Guest Lodge (already built) and for a wellness centre and wine sales and tasting facility (not yet built). The new application is for 8 new bedrooms in the old main dwelling on the northern side of MR5946. No functions venue is proposed, and no events have been held at The Lab. The proposed lecture rooms are to provide the opportunity to teach and convey latest technology and trends in sustainable design and energy saving, from within a building which illustrates practically the use of green technology. This use will support the existing and proposed accommodation and catering facilities, and replaces the previous approval for a wellness centre and wine sales/tasting facility that was much larger than the proposed lecture rooms and is no longer appropriate due to the proposed subdivisions and consolidations (i.e. vineyard will become part of the neighbouring property).

DEA&DP has confirmed that an EIA is not required for this proposed development.

The white and blue low voltage lights at the existing entrance and the fairy lights in the palm tree add ambience for the guests dining in the approved restaurant.

Applicant's Response to Objection 2:

The application provides for additional parking. MR5946 is already a popular tourist route with all tourist facilities contributing to traffic. The WC Department of Transport has no objection to the application.

The existing agricultural activities on the farm are small, and are more viably farmed as part of adjoining farms. The remaining tourist uses will be surrounded by a larger area of natural veld which complements the tourist uses. The Klaas Voogds area is not only a "sea of agriculture", but includes natural veld which is not suitable for cultivation, as well as tourist accommodation and facilities. Not only agri-tourism uses are permitted by consent on agricultural land, but all Tourist Facilities such as restaurants and accommodation that contributes to agricultural sustainability.

The only unauthorized activity on the farm is the conversion of an existing house to guest accommodation which action had a very small impact; all other uses are approved and legal. The proposed lecture rooms will replace the larger, previously approved wine tasting / spa facility and will have much less impact than the previous approval given the smaller scale of the lecture room building, and its location as part of the existing development node.

PART G: SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS (Annexure E)

Name	Date received	Summary of comments	Recommendation:		
			Support	Object	Comment
Manager: Civil Engineering Services	27.02.20	Water quality tests must be conducted and provided to the Civil Engineering Department. Sewage disposal is via conservancy tanks. No septic tanks permitted.			Comment
Manager: Electrical Engineering Services	24.02.20	Standard conditions relating to Municipal electricity supply. All supply cables between ptn A and ptn B; and between Re/40 and ptn A must be removed.			Comment

Cape Winelands District Municipality: Health	13.02.20	No household services (water, refuse, sewage disposal, electricity) will be provided by the CWDM. Such services must be provided in accordance with CWDM requirements (attached).			Comment
Department of Transport	17.03.20	No objection (attached).	Support		
Cape Nature	–	No comment received. Note: The proposed development is restricted to existing buildings and previous agricultural land - there will be no disturbance of natural areas.			
DEA&DP (Environmental)	30.03.20	No listed activities are triggered, as the expanded accommodation is within an existing building, and the scale is below the various thresholds.			Comment
DEA&DP (Land Use)	–	No comment received.			
Provincial Department of Agriculture (Elsenburg)	–	No comment received.			
National Dept of Agriculture	18.03.20	Approved in terms of Act 70/1970.	Support		
Breede Gouritz Catchment Management Agency for DWAF	27.03.20	No objection to the proposed subdivision, with proportional water allocation. The amended water listings must be changed with the WUA, after the new properties are registered. (attached).	Support		
Eskom	-	No comment. Not in Eskom supply area.			
Heritage	26.11.19	Application in terms of S38 of NHRA 25/1999 is not required. Should any heritage resources be discovered during execution of development, works must be stopped and HWC notified.			Comment
Ward Councilor	-	No comment.			

PART H: MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

Criteria for Assessing the Land Use Application:

In terms of Section 65 of the Langeberg Land Use Planning Bylaw, PN 264/2015, of 30 July 2015 a land use application is required to be assessed in terms of the following:

- Desirability of the proposed use (with reference to Province's "Relevant Considerations Guideline").
- Compliance with relevant plans (IDP, SDF, PSDF): The proposal must be consistent with the forward planning vision for the application area. Only in exceptional circumstances should deviation from these policies and/or plans be considered.
- Compliance with relevant policies and principles.
- Compliance with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014): In terms of section 49 of LUPA consideration must be given to applicable spatial development frameworks and structure plans, and the desirability of the proposal must be determined. In addition, the proposal must be consistent with the land use planning principles referred to section 59 (spatial justice, spatial sustainability, efficiency and good administration).
- Compliance with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013): The proposal must be consistent with the principles of spatial justice, spatial sustainability, efficiency, spatial resilience and good administration. Public interest, constitutional transformation imperatives, facts and circumstances of the application, rights and obligations of those affected, impact on engineering services/social infrastructure/open space requirements, *inter alia*, must be taken into account.

Assessment of Subdivision and Land Use applications:

Given the above assessment criteria, the key issues for consideration include:

- Zoning Scheme provisions and title deed conditions.
- The desirability of the subdivision, consolidation and proposed land uses.
- The scale of the proposed development on the specific farm and relative to surrounding land uses.
- Compliance with the PSDF and Langeberg SDF.
- Impact on the surrounding agricultural area and particularly the objectors' properties and their existing rights.
- Provision for servicing in terms of water supply, sewage disposal, parking and vehicular access.

The property is located on MR 5946 (also known as "school road"), off the Klaas Voogds West Road (DR1369). The applicable Zoning Scheme is the Langeberg Integrated Zoning Scheme (LIZS), 2018 and the farms are zoned Agricultural Zone I

PROPOSED SUBDIVISIONS, CONSOLIDATIONS AND SERVITUDES:

The extent and land use of the existing farms is as follows:

EXISTING FARM	EXTENT (ha.)	LAND USE
KVR 40/R	14,5942ha.	Guest House ("The Lab", previously Rosendal) with 12 guest rooms and restaurant, ±5ha. cultivated lands (vineyards, lucerne and orchards), 2 dams, 3 workers' houses, veld.
KVR 40/11/R	32,4514ha.	±4,3ha. grazing, horse stables, 4 dams, veld.
KVR 40/23	0,1268ha.	Dwelling house and outbuildings converted to 8 guest rooms.
KVR 35/R	2,6576ha.	1,8ha. cultivated lands, dwelling house
Goedvertrou 45/2	42,3620ha.	Quarry (±8ha.) and veld
Total	92,192ha.	

The extent of the proposed farms and associated land use is as follows:

PROPOSED FARM	EXTENT (ha.)	LAND USE
A/40/R + KVR 40/11/R	7,8114ha.	±4,3ha. grazing, horse stables, 4 dams, veld + ±1,8ha. additional grazing.
B//40/R + KVR 35/R	4,9476ha.	1,8ha. cultivated lands, dwelling house + ±1,1ha. vineyards.
C/40/R + KVR 45/2	45,912ha.	Quarry (±8ha.) and veld + ± 3ha. additional veld.
D//40/R + KVR 40/R	33,521ha.	12-room Guest House with restaurant ("The Lab"), ±2ha. cultivated lands (orchards), 2 dams, 3 workers' houses, veld + 8 guest rooms.
Total	92,192ha.	

With reference to the WC Land Use Planning Guidelines for Rural Areas (2019, p35-36), the existing and proposed subdivisions are below the norms for the minimum size of agricultural land units. However, no additional cadastral entities are being created; rather the number of farms will be reduced from five to four. The current split remainder of 40/R will also be resolved. As such, the proposed boundary realignments are consistent with the stated goal to "promote consolidation of farming landscapes and prevent their fragmentation" (p39).

There are no conditions of title that restrict the proposed subdivision and consolidation; and the National Department of Agriculture (Consent No 55165, 18/03/2020) supports the proposed subdivisions and consolidations.

The Department of Transport supports the application and has no objections to the access points and parking proposals. The proposed 6m wide right of way over Rem/40 in favour of Klaas Voogds Rivier 35/R is exempt in terms of Section 24(1)(f)(iv) of the LLUPB, 2015.

The water pipeline and dam servitudes cover existing infrastructure and there is no objection to these servitudes from neighbours or any of the commenting authorities.

With reference to the principles of efficiency and good administration, there will be no implications for municipal engineering services arising from the realigned farm boundaries.

Conclusion: The proposed subdivision, consolidation and servitudes are desirable and consistent with relevant policies and principles.

PROPOSED LAND USES:

1. Zoning and Title Deed Conditions:

- 1.1. In 2004, a portion of Rem of Klaas Voogds 40, Robertson was rezoned to Residential Zone V, and a Restaurant and eight bedroomed guest house were built, known as Rosendal. In terms of the Langeberg Integrated Zoning Scheme, 2018, this "spot zoning" of Residential Zone V was translated to Agricultural Zone I with Consent for Guest Lodge and Tourist Facilities (restaurant).
- 1.2. In 2014, approval was granted for Tourist Facilities for a spa facility and wine sales and tasting centre to complement the existing guest accommodation. This Tourist Facility has not been built, but the approval remains valid.
- 1.3. In addition to the existing consent for a Tourist Facility (existing restaurant), and Guest Lodge, application is now lodged for consent to expand the Guest Lodge to 20 guest rooms. The 20 rooms will comprise a floor area of $\pm 830\text{m}^2$ (12 guest rooms in two existing buildings totaling $\pm 580\text{m}^2$ as already approved to the south of MR5946; and 8 new guest rooms in an existing building of $\pm 250\text{m}^2$ to the north of MR5946).
- 1.4. A Guest Lodge is a consent uses within the Agricultural Zone I in the LIZS, 2018, and is defined as follows:

"guest lodge"

Land use description: "guest lodge" means an appropriately scaled establishment that provides temporary residence and meals for transient guests and—

- (a) includes a small conference or training facility and also caters for business meetings and self-catering accommodation facilities; and
- (b) does not include a restaurant.

Application is made for 20 rooms and 40 paying guests, which is the maximum size that may be permitted in terms of the development parameters for a Guest Lodge.

- 1.5. Application is also lodged for consent for Tourist Facilities comprising two lecture rooms of 200m^2 each, within a proposed new building adjoining the existing Guest Lodge and Restaurant. Tourist Facilities are consent uses within the Agricultural Zone I in the Langeberg Integrated Zoning Scheme, 2018, and the definition includes provision for "lecture rooms" as follows:

"tourist facilities"

Land use description: "tourist facilities" means amenities for tourists or visitors and—

- (a) includes lecture rooms, restaurants, gift shops, restrooms, farmers' market and recreational facilities; and
- (b) does not include an off-road trail, a hotel, wellness centre, or tourist accommodation.

Lecture rooms are not specifically defined in LIZS, 2018, or the WC Land Use Planning Guidelines Rural Areas, but are generally regarded as small-scale facilities linked to agricultural land use and other approved consent uses in the Agricultural zone I. This type of use is also consistent with the Guest Lodge definition (as above), which includes provision for "a small conference or training facility and also caters for business meetings ..." There is a need to consider what scale would be appropriate to the specific site conditions.

- 1.6. There are no conditions of title that restrict the proposed land uses.

Conclusion: The proposed Guest Lodge (maximum of 20 rooms) and an appropriately scaled Tourist Facility (lecture rooms) may be permitted by consent in the Agricultural Zone I. (Scale is addressed in par 2.4 below).

2. Desirability of the proposed use in the proposed location and at the proposed scale:

2.1. The surrounding land use is predominantly agricultural, with agri-industries and tourism developments, as well as natural veld on the steeper portions of the farms. Tourist facilities and accommodation in the area include: Mo & Rose Guest House and restaurant, Galloway Guest House, Mallowdeen B&B, Vierkopen Wine Cellar, Kranskop Wine Estate, Villa Verde Guest House, Pat Busch Nature Reserve, Fraai Uitsig restaurant and accommodation and Marbrin Olive Estate. The proposed expanded Guest Lodge development will complement this well-established tourism route and strengthen an existing guest establishment that has been in operation on the application site for some 15 years. Additional job opportunities will also be created by the expanded Guest Lodge.

2.2. The objectors raise concerns about the creation of a farm with no farmed land and only business uses. This is a relevant consideration, and the following comments address this concern, *inter alia*:

2.2.1. The existing agricultural activities on the farm are relatively small (± 5 ha.), and the realigned boundaries will facilitate the more optimal use of agricultural land by consolidating existing farmed land with adjoining properties which are already using these portions for agricultural purposes, namely: grazing for horses and vineyard. The approval of the proposed land uses will not impact on the extent of land under agricultural production.

2.2.2. The remaining tourist uses, which comprise "The Lab" guest lodge will be located on a much bigger farm (33,5 ha) than at present with more land that can be used for related tourist activities such as walking, bike riding, and bird watching in the mountainous area. This surrounding larger area of natural veld not only complements the tourist uses, but also complies with the definition of agriculture which includes:

'agriculture'

Land use description: "agriculture" means the cultivation of land for raising crops and other plants, including plantations, the keeping and breeding of animals, birds or bees, stud farming, game farming, a riding school or **natural veld**, and—
(a) includes—

2.2.3. The development of a guest lodge with a total floor space of 830m², plus a reception area and restaurant of ± 360 m², all within existing buildings, represents low-key, small-scale development, which does not negatively impact on the agricultural potential or rural character of the area. The proposed scale of development is considered appropriate to the receiving environment of the proposed farm of 33,521ha. (0,36% coverage).

2.3. However, given the relatively small farm sizes in the Klaas Voogds area and the combination of land uses proposed on the application site, additional new buildings on the application site should be limited in scale and location. In this regard, the reservations expressed by the objectors in relation to the proposed lecture rooms are considered to be valid. There is no motivation given for the proposed scale of the "lecture rooms" and details relating to this use are limited e.g. "Students will most probably stay overnight" (p7 of motivation report); and training will relate to technological trends in energy saving and sustainability (p10 of motivation report).

2.4. Given the above, the following concerns and issues were discussed with the applicant, where-after the applicant agreed that the proposed scale had not been sufficiently considered and that a smaller building of not more than 200m² would be sufficient for the envisaged use and would be more compatible with the surrounding area:

2.4.1. An average classroom is approximately 65m², with 75m² being suitable for a board-room type layout. Two lecture rooms of 75m² each, with additional space for a reception/entrance and ablution facilities would not require more than 200m². This is half the size of the proposed facility.

2.4.2. The existing (approved) guest lodge comprises two buildings of ± 250 m² each. The proposed lecture room building of 400m² whilst located "behind" the existing guest units is at a higher elevation and would visually dominate the landscape, from both the west (Klaas Voogds West Rd) and the east ("school road").

2.4.3. A building of some 200m² would be visually similar to, but secondary to the main use of the Guest Lodge and more compatible with the surrounding landscape.

2.4.4. A building of 200m² is more appropriately scaled to fit within the existing farm werf, with shared parking facilities.

2.4.5. A smaller building will also partially address the neighbour's concern that this facility could be used to accommodate larger functions rather than lectures and training, and that this would negatively impact on the surrounding area in terms of noise and traffic.

2.4.6. The motivation to host lectures and training from the farm, using the green technology of the Guest Lodge, is accepted as a reason for locating such use on the farm, but the proposed scale is not justified. Larger scaled facilities should be located in the urban centres as recommended in the WC Land Use Planning Guidelines, Rural Areas (2019, p55):

- Any facility not directly related to the rural landscape should preferably be located within, or peripheral to, urban centres. The obligation is on the applicant to illustrate why the land use cannot be accommodated in the urban area.

2.5. Approval of a small tourist facility to complement the guest accommodation would be a more suitable land use than the currently approved relatively large-scale wellness centre. In exchange for the approval of such a small-scale Tourist Facility (lecture rooms), the owner is willing to relinquish the previous approval of the wellness centre. If the Tourist facility is not approved as part of this approval, the previous approval for Tourist Facilities (wellness spa and wine sales and tasting venue) which had a bigger footprint than 400m² (440m² floor area over a split level, and a further 325m² for adjoining outdoor and water feature area), will remain valid. This is not considered to be desirable as the change in cadastral boundaries and land use render the previous approval inappropriate in this changed context.

Conclusion: The proposed Guest Lodge, with a maximum of 20 rooms, and related, down-scaled Tourist Facilities (lecture rooms) (maximum of 200m²) are desirable and appropriately scaled and will complement the established Klaas Voogds tourism route. The proposed lecture rooms will replace the larger, previously approved wine tasting / spa facility and have much less impact than the previous approval, given the smaller scale of the lecture room building, and its location as part of the existing development node.

3. Compliance with the relevant SDF's and other planning guidelines and legislation:

- 3.1. The proposal is considered to be in keeping with the overall aims of the Provincial SDF, the Langeberg SDF and the Provincial Rural Land Use Planning Guidelines (2019):
- 3.1.1. The Western Cape Provincial SDF (March 2014) identifies the comparative advantage of the different districts as well as identifying a number of Spatial Policies. The proposed development is consistent with Langeberg's identified comparative advantage in the agricultural and tourism sectors and is consistent with the policies to "diversify and strengthen the rural economy", and "grow the Western Cape economy in partnership with the private sector and other organisations".
- 3.1.2. The proposed guest lodge accommodation will occupy existing buildings and will not compromise the natural environment or the municipality's ability to deliver on its mandate. The proposed lecture rooms, at the agreed reduced scale will be built on existing disturbed land, with very limited impact on land previously used for agricultural purposes (orchards).

3.1.3. With reference to the Langeberg Spatial Development Framework, this area is intended for agricultural purposes. With reference to the Spatial Planning Categories (SPCs) in terms of the Langeberg SDF, the property falls within existing "Transformed" and "Buffer 1" SPCs. The proposed development is consistent with the desired management objectives for these SPCs.

3.1.4. The WC Land Use Planning Guidelines, Rural Areas (March 2019) recommend that, while a range of holiday accommodation should be provided for tourists to experience the Western Cape's unique rural landscape, such accommodation must be appropriately scaled and located to reinforce rural landscape qualities. More specifically, Chapter 11: Tourist and recreational facilities (p54) provides the following guidelines, *inter alia*:

11.2 GUIDANCE FOR IMPLEMENTATION

- Whilst tourist and recreational facilities should be accommodated across the rural landscape (i.e. in all SPCs), the nature and scale of the facility provided needs to be closely aligned with the environmental characteristics of the local context.

Further, on p55 it is stated that:

- The appropriate nature and scale of a facility within a particular context should be determined by considering:
 - the extent of the cadastral portion, and
 - the sensitivity of, and impact on, the receiving environment (i.e. agricultural or natural).

As discussed above, the proposed 400m² lecture rooms are not considered to be aligned with the character of the area. Nor has the applicant illustrated the need for such a development within the rural context. The applicant has agreed that down-scaling this use to 200m² would be more appropriate to the environmental and agricultural characteristics of the Klaas Voogds valley and the size of the farm and existing buildings.

The proposed development, will not adversely effect the natural systems, agricultural resources or the municipality's resources to deliver required services. The substantially reduced scale of the proposed new building, which will comprise the Tourist Facilities, will minimise the visual impact. Accordingly the proposed development will meet the following guideline:

- Rural tourism and recreation facilities and activities should not compromise farm production, and must be placed to reinforce the farmstead precinct.

3.1.5. Similarly, in terms of the Guidelines for Assessing Land Use Management Applications in Rural Areas (CWDM, 2006), the use of existing buildings is encouraged, and development should have a "low visual impact with appropriate scale and vernacular design in relation to surrounds". The proposed development complies with these guidelines to the extent that the Guest Lodge uses existing buildings and the fact that the applicant is willing to downscale the proposed new building.

Conclusion: The proposed Guest Lodge and related Tourist Facilities are consistent with the PSDF, LSDF, and WC Land Use Planning Guidelines, Rural Areas (March 2019).

4. Impact on the agricultural area and particularly the objectors' properties and their existing rights:

- 4.1. As discussed in 2.2.1 – 2.2.3, above, the proposed uses will not adversely impact on land under agricultural production and the National Department of Agriculture has approved the application in terms of Act 70/1970 (Consent 55165, 18/3/2020).
- 4.2. Heritage Western Cape do not require further assessment in terms of Section 38 of the National Heritage Resources Act No. 25 of 1999.
- 4.3. DEA&DP has confirmed that the proposed development will not adversely impact on the natural environment, and that the scale of the proposed development does not trigger any listed activities in terms of the EIA Regulations in terms of the National Environmental Management Act No. 107 of 1998 (NEMA).
- 4.4. The existing lighting is relatively limited and cannot be considered a source of light pollution to the two objectors who are located 0,6km and 1,6km away from the application site. No other neighbours have expressed concern about noise or light pollution, and three immediately adjoining neighbours have confirmed that they have not experienced any problems in this regard. The applicant states that no events have been held at the guest lodge. Nonetheless, conditions of approval are included in the recommendation below, to mitigate against any potential adverse impact in terms of noise and lights.
- 4.5. The following point made by one of the objectors, is regrettably true at a general land use compliance level, namely: "Asking for approval after acting appears to be regrettably effective". The applicant has however paid the relevant penalty fees; and appropriate enforcement procedures will be implemented in terms of the Bylaw should conditions not be complied with in the future.

Conclusion: There will be no impact on land under agricultural production and no adverse impacts on neighbours or the surrounding area in terms of their existing rights. No assessments are required in terms of the Heritage Resources Act 25/1999 or the EIA regulations in terms of NEMA 107/1998. Conditions of approval are recommended to mitigate potential noise and light impacts.

5. Can the proposed development be appropriately serviced?

- 5.1. The provision of water supply, sewage disposal, electricity supply and refuse removal remain the responsibility of the owner. The owner will be required to comply with the specified requirements of the Langeberg Municipality, CWDM and BGCMA with regard to the provision of these services. Proof has been submitted of sufficient water supply; and sewage conservancy tanks are already in existence and pumped by the Municipality.
- 5.2. MR5946 is already a popular tourist route with all tourist facilities and agricultural land uses contributing to traffic. The Department of Transport has no objection to the proposed development. No unacceptable impacts on traffic and road safety were identified in relation to the proposed land uses. The fact that the guest lodge is split across this road, with the majority of parking on one side is not the most desirable development design, but has more of an implication for the convenience of guests than from a road safety point of view in terms of other road users.
- 5.3. There is sufficient space adjoining the existing buildings, on previously disturbed land, which is suitable for additional parking which is required in order to meet the parking requirements in Chapter 42 of the LIZS, 2018.

The table on the following page shows the required parking in order to comply with these requirements:

Land Use	LIZS 2018: Parking Requirements	Proposal	Notes
Restaurant	4 bays/100m ² GLA: ±7 bays required	See Total below	The restaurant is mostly used by guests staying at the Guest Lodge i.e. there is only intermittent additional demand for parking beyond that required for guests.
Existing 12 rooms S of MR 5946 (Note: building plan approval for 8 rooms)	Guest Lodge: 1 bay per bedroom and 1 bay for visitor's/employees: 13 bays required		
Existing 8 rooms N of MR5946	Guest Lodge: 1 bay per bedroom and 1 bay for visitor's/employees: 8 bays required		
Total for restaurant and guest units	<u>28 bays</u> required for existing built development, plus parking for owner/manager.	Provision for <u>29 bays</u> for guest accommodation and restaurant.	Sufficient parking is indicated on the Site Development Plan in terms of the LIZS requirements.
Proposed Lecture Rooms: max 40 persons	No specific requirement for "Lecture Rooms": Place of Instruction: 1.5/office plus 1 per 6 students = 3 + 7 = <u>10 bays</u> Conference facilities: 8 bays per 10 seats i.e. 32 bays. Or, assuming at least 2 people come in one car: 20 bays would be a practical requirement.	Provision for <u>10 bays</u> for lecture rooms.	If all attendees at the lecture rooms stay over in Lodge, the proposed parking is more than sufficient. If the Lodge is fully booked and the lecture rooms are used separately, there could be a shortfall of parking. There is sufficient vacant land at the rear of the guest lodge which could be used informally on such exceptional occasions.

Conclusion: All services can be supplied for the proposed development and there will be no impact on municipal resources in terms of service provision. Conditions of approval are recommended in relation to service provision and parking requirements in terms of the LIZS, 2018.

6. The relaxations of the 30m building line are all required to accommodate existing structures which will fall partially within the building line relative to the proposed new boundary. There is no reason why these relaxations should not be approved – there is no adverse impact on existing or proposed services or access for fire-fighting purposes; and no objections have been raised in this regard.

Conclusion: The relaxation of the 30m building line, as shown on the Site Development Plan (KVR40/11, 23 & R etal- LBM-TP), is supported.

PART I: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

Not applicable.

PART J: RECOMMENDATION

That, in terms of section 60 of the Langeberg Municipal Land Use Planning Bylaw PN 264/2015, the Langeberg Municipal Planning Tribunal **approves** the following application on Klaas Voogds Rivier 40/11, 23 and Rem; Klaas Voogds Rivier 35/Rem and Goedvertrou 45/2, as depicted on the plans marked KVR40/11, 23 & R etal- LBM-OP(a) and (b) and TP (Jan 2021) and subject to the conditions of approval, in terms of Section 66 of the aforementioned Bylaw, as set out in the attached Annexure (**Annexure F**):

Subdivisions:

- Subdivision of Klaas Voogds Rivier 40/R (14,5942ha.) into portion A (2,03ha.), B (2,29ha.), C (3,55ha.) and Rem/40 (6,7242ha.).
- Subdivision of Klaas Voogds Rivier 40/11/R (32,4514ha.) into portion D (26,67ha.) and Rem/40/11 (5,7814ha.).
- Registration of 4m wide water pipeline servitude and dam servitude (1600m²) over proposed consolidated farm comprising proposed ptn D/ Klaas Voodgs Rivier 40/11/R, Klaas Voodgs Rivier 40/R and Klaas Voodgs Rivier 40/23, in favour of Rem/ Klaas Voodgs Rivier 40/11.

Consolidations:

- Ptn A/40/R (2,03ha.) and Klaas Voodgs Rivier 40/11/R (5,7814ha.) = 7,8114ha.
- Ptn B/40/R (2,29ha.) and Klaas Voodgs Rivier 35/R (2,6576ha.) = 4,9476ha.
- Ptn C/40/R (3,55ha.) and Goedvertrou 45/2 (42,362ha.) = 45,912ha.
- Ptn D/40/11/R (26,67ha.) and Rem Klaas Voogds Rivier 40 (6,7242ha.), and Ptn 23/40 (1268m²) = 33,521ha.

Departures, as shown on the Site Development Plan:

- Departure from the 30m building lines to 29m, 15m and 9m to accommodate existing structures relative to proposed new boundaries.

Consent Uses, as shown on the Site Development Plan:

- Consent to expand the Guest Lodge to 20 guest rooms (12 guest rooms south of MR 5946; and 8 guest rooms north of MR 5946, all within existing buildings).
- Consent for a Tourist Facility (existing restaurant).
- Consent for Tourist Facilities comprising two lecture rooms.

That the registration of a 6m right-of-way servitude over Rem/40 in favour of Klaas Voogds Rivier 35/R, as depicted on the plan marked KVR40/11, 23 & R etal- LBM-OP(b), is determined to be **exempt** from the provisions of Sections 15 and 20-23 of the Langeberg Municipal Land Use Bylaw, PN 264/2015, in terms of Section 24(1)(f)(iv) of the aforementioned Bylaw.

Reasons for Decision:

1. There will be no adverse impact on land under agricultural production and the number of farms will be reduced from five to four. The National Department of Agriculture supports the application.
2. The Guest Lodge and related Tourist Facilities are restricted to an appropriate scale and will complement the established Klaas Voogds tourism route. The proposed scale of the lecture rooms is not justified: A smaller building of not more than 200m² is determined to be sufficient for the envisaged use and more compatible with the existing farm werf and surrounding area. Larger scaled facilities should be located in the urban centres as recommended in the Western Cape Land Use Planning Guidelines, Rural Areas (2019).
3. The proposed lecture rooms will replace the larger, previously approved wine tasting / spa facility and have less impact than the previous approval, given the smaller scale of the building, and its location as part of the existing development node.
4. The DEA&DP confirms that no impact assessment is required in terms of the NEMA EIA regulations.
5. The Department of Transport supports the proposed development.

It is noted that the applicant has paid a penalty fee for expanding the Guest Lodge prior to approval.

PART K: ANNEXURES

Annexure A	Application
Annexure B	Plans: Locality, SG Plan, Site Plans and Building Floor Plans
Annexure C	Objections from neighbours
Annexure D	Applicant's response to objections
Annexure E	Comments from Departments: CWDM, Dept of Transport, DEA&DP, BGCMA, Heritage
Annexure F	Conditions of Approval and Schedule 1

PART L: SIGNATURES FOR DECISIONS BY TRIBUNAL

Author name: Tracy Brunings, Assistant Town and Regional Planner

Date: 17 December 2020

Registered planner name : Tracy Brunings

SACPLAN registration number: Pr. Pln A/951/1997

Date: 17 December 2020

APPROVED

APPROVED CONDITIONALLY

APPROVED IN PART

REFUSED

LANGEBERG MUNICIPAL PLANNING TRIBUNAL

Date:

PART L: SIGNATURES FOR AUTHORISATION

Authorised for submission to Tribunal

.....
JV BRAND
MANAGER: TOWN PLANNING / BESTUURDER : STADSBEPLANNING

.....
DATUM

.....
M JOHNSON
DIRECTOR: ENGINEERING SERVICES / DIREKTEUR: INGENIEURS DIENSTE

.....
DATUM

MOTIVATIONAL REPORT

**APPLICATION FOR RE-ALIGNMENT
(subdivisions & consolidations) OF COMMON BOUNDARIES
BETWEEN FIVE FARMS:
REMAINDER (& COUPLED WITH PTN 23) AND PTN 11 KLAAS
VOOGDS RIVIER NO 40, REMAINDER OF KLAAS VOOGDS RIVIER
NO 35 AND PTN 2 GOEDVERTROU NO 45, district ROBERTSON
as well as
Application for departure from building line, registration of
water pipe line servitude and exemption for private ROW &
dam servitude
as well as
CONSENT FOR THE EXPANSION OF THE FORMER ROSENDAL
SPA/EXISTING "THE LAB" : PROPOSED GUEST LODGE WITH 20
GUEST ROOMS & LECTURE ROOMS**

1. INTRODUCTION / PURPOSE

The purpose of this application is to obtain approval in terms of the Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA) as well as the Subdivision of Agricultural Act, 1970 (Act 70 of 1970) for the re-alignment of boundaries between five neighbouring farms in Robertson District, i.e:

- Remaining Extent of Klaas Voogds Rivier No 40,
- Remainder of Portion 11 of Klaas Voogds Rivier No 40,
- Portion 23 (Portion of Portion 11) of Klaas Voogds Rivier No 40 (notarial inked with R/40),
- Remainder of Klaas Voogds Rivier No 35, and
- Portion 2 of Goedvertrou No 45.

All four owners will benefit from the proposed re-alignments.

In addition, because of the re-alignments, a dam and water pipe line servitude and private right-of way need to be registered and approval has to be obtained for a departure from the 30m building line.

In addition, approval needs to be obtained for the existing dwelling house that was converted to eight guest rooms on Portion 23 of farm Klaas Voogds Rivier No 40. These rooms are the extension of the existing guest house and tourist facilities on the Remaining Extent of the farm Klaas Voogds Rivier No 40 (former Rosendal Spa and now called "The Lab").

The application includes also a consent for lecture rooms attached to the existing facility.

2. LEGISLATION APPLICABLE

2.1 LAND USE PLANNING ACT, 2014 (ACT 3 OF 2014), LANGEBERG MUNICIPAL LAND USE PLANNING BYLAW 2015 & LANGEBERG IZS 2018

The owner of land or his/her agent may apply to the Municipality in terms of Chapter 15(2) of the Langeberg By-law on Municipal Land Use Planning, PN 264/2015, for subdivisions (including the registration of servitudes), consolidations, permanent departures from the development parameters of the zoning scheme as well as consent uses contemplating in the Scheme.

In terms of Section 24(1)(g)(i) the subdivision (including the registration of a servitude) and consolidation of land does not require the approval of the Municipality when the land is exclusively used for agricultural purposes and the application requires approval in terms of legislation regulating the subdivision of agricultural land and does not lead to urban expansion. Both the subdivisions and registration of a servitude area larger than 225m² require approval from the Minister of Agriculture (see below).

No legislation exist for the consolidation of land and therefore the consolidation application is not exempted from this Act. These two applications are however interdependent and need to be done simultaneously.

According to Section 24(1)(f)(iv) the registration of a servitude for a private right of way is exempted from approval, but the Municipality has to indicate the exemption on the subdivision plan.

All the farm portions are zoned Agricultural Zone I according to the Langeberg Integrated Zoning Scheme, P.N. 71/2018. The application will have no impact on the current zonings, since the land use will remain unchanged except for the expansion of the existing facilities that are regarded as consent uses on agricultural land:

The former Rosendal Spa / now called "The Lab" obtained a footprint zoning of Residential Zone IV (guest house) and consent use for a restaurant in 2004, as well as for a wellness centre and wine tasting facility in 2014.

According to the new approved Langeberg Integrated Zoning Scheme (IZS) of 2018, the guest house, tourist facilities (restaurant & wine tasting facility), wellness centre and lecture rooms (as part of tourist facilities) are all consent uses on Agricultural Zone 1 land.

As the definition of a guest house allows for no more than 6 guest rooms, the existing facility will be regarded as a guest lodge that allows maximum 20 guest rooms.

Therefore, with reference to Section 7(1) of the Langeberg Integrated Zoning Scheme, 2018, the previous Residential V zoning is reclassified to "Agriculture Zone 1, with consent for Guest Lodge and tourist facilities.

2.2 SUBDIVISION OF AGRICULTURAL LAND ACT, 1970 (ACT 70 OF 1970)

According to Section 3(a) of Act 70 of 1970, agricultural land shall not be subdivided unless the Minister has consented in writing.

According to Section 6A(a) and 6(aA) of this Act, the registration of a right of way and pipe line servitude of less than 15m wide and a servitude area of maximum 225m² are exempted from ministerial consent. The existing dam/proposed dam servitude is 1600m² in extent.

2.3 HERITAGE WESTERN CAPE DEPARTMENT OF CULTURAL AFFAIRS AND SPORT

Heritage Western Cape requires a Notification of Intent to Develop (NID) application for the construction of a pipe line over 300m in length in terms of Section 38(1)(a) of the National Heritage Resources Act (NHRA), 1999. A water pipe line has been constructed from the top dam on Re/Ptn 11 Klaas Voogds Rivier No 40 to the western portion of the farm to irrigate the grazing/lucerne on that portion of the farm. This pipeline is approximate 500m long.

Any development that will change the character of a site exceeding 5000m² in extent also requires a NID application in terms of Section 38(1)(c)(i). The proposed expansion area of the guest lodge is, however, only 2235m² in extent.

Although more than three farms are involved in this re-alignment application, the change of common boundaries do not impact on the character of the area as the land use remain the same (agriculture with guest lodge, restaurant and wellness centre).

An application to HWC for the water pipeline has been submitted.

2.4 PREVIOUS APPROVALS IN TERMS OF THE LAND USE PLANNING ORDINANCE, 198 (ORDINANCE 15 OF 1985) & SECTION 8 PROVINCIAL SCHEME REGULATIONS, 1988

Approval has been obtained on 3 June 2004 from the erstwhile Breede River Winelands Municipality for a rezoning from Agriculture 1 to Residential Zone V (guest house) for an area of 3000m² as well as a consent use for a tourist facility (restaurant and related infrastructure) of 1000m² on the Remainder of the farm Klaas Voogds Rivier No 40.

The definition of a guest house in the Section 8 Provincial Scheme Regulations was:

"Guest house means a dwelling house which is used for the purpose of letting individual rooms for residential accommodation, with or without meals, and which exceeds the restrictions of a bed and breakfast establishment, provided that

- (a) The dwelling house is retained in a form which can easily be re-used by a family as a single dwelling house, and*
- (b) All amenities and provision of meals shall be for the sole benefit of bona fide lodgers."*

An additional approval for consent was granted by the Langeberg Municipality on 10 June 2014 for tourist facilities that included a wellness centre (reception area, 3 spa rooms, sauna and heated swimming pool) and wine sales and tasting relating to the existing restaurant on the same land with a footprint of 1050m².

With reference to Section 7(2) of the Langeberg Integrated Zoning Scheme, 2018, development of the application site is subject to the conditions specified in the previous approvals. These conditions were mostly standard conditions that will be applicable on the new proposals also.

3. THE PROPERTIES

The application properties are located approximately 5,6km north-west of Ashton and 8,5 km east of Robertson in the Klaasvoogds area:

The Remaining Extent of Klaas Voogds Rivier No 40, district Robertson is 14,5942 ha in extent and belongs to Livinafrica Pty Ltd according to Deed of Transfer T453240/2018.

The farm consists of two separate portions, the main and largest part on both sides of Minor Road 5946 and the other small (3,55ha) and narrow part (proposed Ptn C) to the western side of Divisional Road 1369.

This farm is notarial linked to Portion 23 of Klaas Voogds Rivier No 40 and may not be alienated or bonded or dealt with in any way separately from Portion 23 Klaas Voogds Rivier No 40.

Re/Farm 40 consists of 2 cultivated lands, 2 dams, 3 workers houses (2 built before the 2006 NEMA regulations that included the 32m restriction from water) and one of 38m² at a later stage) and the former Rosendal Spa that is now called "The Lab".

Proposed Ptn C consists of veld.

Portion 23/40 consists of an old dwelling house and outbuilding that were converted to eight guest rooms.

Remainder of Portion 11 (portion of Portion 13) of the farm Klaas Voogds Rivier No 40, district Robertson is 32,4514 ha in extent and belongs to Roaming Rock Estate CC according to Deed of Transfer T55188/2010. It consists of 4,3 ha grazing/lucerne, barn for horses and dam in the western part of the property, and veld / kop and three dams in the eastern part. A water pipe line servitude has been registered from the middle dam to the Remainder of Portion 1 of Farm 45.

Another water pipe line has been constructed approx. 3 years ago from the top dam to the western part of the farm – this needs to be registered.

[The lowest dam is currently no in use due to a faulty tap.]

Remainder of Klaas Voogds Rivier No 35, district Robertson is 2,6576 ha in extent and belongs to Michele Theron according to Deed of Transfer T32320/2017. It consists of 1,8 ha cultivated lands/grazing, river and a dwelling house.

A private right-of-way needs to be registered over Re/Farm 40 to this property.

Portion 2 of the farm Goedvertou No 45, district Robertson is 42,3620 ha in extent and belongs to Barend Hermanus Van As according to Deed of Transfers T29221/2001 and T101713/1996.

This farm is not located adjacent to the three farms above, but is located next to the second piece of Re/Farm 40 (proposed Ptn C) on the western side of Divisional Road 1369.

It consists of a quarry of approx. 8,3 ha in extent and veld. The quarry has been worked up to the northern boundary of the farm.

4. THE PROPOSAL

Application is made for the following in terms of the Langeberg Municipality: Integrated Zoning Scheme Bylaw of 18 May 2018:

In terms of Section 15(2)(d):

- Subdivision of Re/Klaas Voogds Rivier No 40 into a Remainder (RE/40) of 6,7242 ha and Ptn A of 2,03 ha and Ptn B of 2,29 ha and Ptn C of 3,55ha;
- Subdivision of Re/Ptn 11 Klaas Voogds Rivier No 40 into a Remainder (RE/11/40) of 5,7814 ha and Ptn D of 26,67 ha; and
- Registration of a 4m wide water pipe line servitude (approx. 500m long) as well as the registration of a dam servitude area (abcde) of 1600m² over/on proposed Ptn D in favour of RE/11/40.

In terms of Section 15(2)(e):

- Consolidation of Ptn A with RE/11/40;
- Consolidation of Ptn B with Re/Klaas Voogds Rivier No 35 (2,6576 ha);
- Consolidation of Ptn C with Ptn 2 of farm Goedvertrou No 45 (42,3620 ha);
- Consolidation of Ptn D with RE/40; and
- Consolidation of Ptn 23/40 (1268m²) with RE/40.

In terms of Section 15(2)(b):

- Permanent departure from the 30m building line applicable on Re/40 (The Lab) to 29m (deck at dam), 15m applicable on the pool with deck, the southern guest and spa rooms, as well as 9m (small wall).

In terms of Section 15(2)(o):

- Consent use for the expansion of the existing guest lodge with 12 guest bedrooms with an additional 8 guest bedrooms (total 20 guest bedrooms) on the northern side of Minor Road 5946 within a disturbed area of 833m² (excluding parking in an area of 1230m² that serves also the existing, approved facility to the south of MR5946) on the consolidated Re/40, 23/40 and Ptn 11/40:
 - 7 linked bedrooms of 175m² each;
 - 1 separate bedroom with patio of 48m²;
 - Store room (15m²); and
 - Walkway, 26 parking bays and access road. [This include also parking for the facility to the south of MR5946 as there is not adequate parking].

Meals will be provided at the already approved guest house on the other side of the MR5946.

The manager lives on-site in a room as part of the southern building that hosts also the spa rooms.

- Consent use for tourist facility: 2 lecture rooms of 200m² each that will cater for 40 students in total. This will be located next to the existing spa facilities and provision will be made for 10 additional parking bays (minimum 1 per 6 students + 1,5 per classroom) in an area of 845m² in total. Provision will be made for day visitors, but parking may be shared with the resident guests, as the students will most probably stay overnight. Access to the parking will be obtained from the existing entrance along the back of the rooms.

In terms of Section 24(1)(f)(iv):

- Exemption for 6m wide private right of way servitude over Re/40 in favour of Farm R/35.

5. MOTIVATION: NEED AND DESIRABILITY

The applicants want to re-align the common boundaries between the different farms for various reasons:

1. *Swap of land between Re/40 (Livinafrica) and Ptn 11/40 (Roaming Rock) and selling of Ptn B to M Theron (Farm 35):*

Livinafrica is swapping Ptn A of 2,03 ha of cultivated lands for Ptn D of 26,67 ha veld / mountainous land:

Due to topography, Roaming Rock is restricted to farm only on the western portion of Ptn 11/40 and needs additional grazing land for its horses. The eastern part of the farm (proposed Ptn D) consist of veld/mountainous land that cannot be cultivated.

Livinafrica bought the farm mainly for its guest accommodation/ tourist facilities and is not actively involved in farming. The only vineyard left (proposed Ptn B) is already farmed by the owner of Farm 35 in the expectation of buying this portion.

The proposed Ptn A is a cultivated land, but is not utilized by the current owner and lies vacant. [Portion A has a crooked western boundary to cater for the large palm tree with fairy lights that is a visual attraction from the guest lodge's stoep.]

Ptn D will add aesthetic and recreational (walking in nature) value to the guest lodge.

The surrounding area remains agriculture with higher value as it can be utilized optimally by the two neighbours.

M Theron has a small farm and the vineyard (proposed Ptn B) will add agricultural value to the farm.

The vineyard is not farmed by the owner of "the Lab" and no wine will be produced by him from this vineyard. The previously approved wine tasting facility on Re/40 will be omitted.

The physical character of the area will be improved as agricultural land will be better/optimal utilized by neighbours to ensure improved food security.

In addition, Farm ²³35/40 has been notarial tied to Re/40, but will now be consolidated and become one cadastral unit.

Services (water):

Livinafrica has 8 ha water registered at the Klaas Voogds Water Users Association. As the 4,3 ha agricultural land will be swapped for veld/mountainous land, 3 ha of water will be sold to Roaming Rock and 1 ha of water to Michele Theron.

The proposed re-alignment will have no impact on other services.

2. *Selling of proposed Ptn C to Bennie van As (Ptn 2/45):*

Proposed Ptn C of 3,55ha lies separate from the Re/40 on the other side of District Road 1369 and is not utilized by Livinafrica – it is veld land without any water. Although this land has no value for the current owner, it will contribute to the adjacent Ptn 2/45 as it will be used for effective rehabilitation of the mining operations up to the northern boundary of Ptn 2/45.

No services will be impacted upon.

3. *Registration of servitudes:*

The registration of servitudes are required because of the change in ownership and required access to services.

A water pipe line was constructed from the middle dam on Ptn 11/40 up to the eastern boundary of Re/1/45 in favour of Portion 10 of the farm Klaas Voogds Rivier No 40. This was registered in 2007 – see SG Diagrams 5589/2007 and 5590/2007, as well as on page 4 in Deed of Transfer T55188/10.

Because of difficult management of water turns between farms, approximately 3 years ago the owner of Ptn 11/40 constructed a new pipeline along the shortest route and in the most cost-effective manner from the top dam on the eastern portion of Ptn 11/40 to the western portion of the farm that is cultivated.

Because of the proposed change of ownership, this pipe line needs to be secured and registered according to the new Bylaw. A servitude area of 1600m² for the top dam

abcde on the Subdivision Plan is added to the application to secure the water source in favour of the owner of Re/Ptn 11/40.

The proposed 6m wide right-of-way servitude in favour of Farm 35 follows the existing ROW servitude 3049/2003 and is extended to the existing road across Farm R/40 and proposed Portions A and B to Farm 35.

4. Expansion of existing guest accommodation & supporting lecture rooms & departure from building line

The existing guest lodge has been enlarged by 8 additional rooms that are allowed according to the Scheme. Existing structures were renovated and transformed in guest rooms, therefore no additional structures were built. These structures are hidden and therefore the visibility impact is low.

The scale of the present application is much smaller than the previous approved applications on Re/40:

- The area for the existing (approved) guest lodge and proposed lecture rooms to the south of Minor Road 5946 are smaller (3191m²) than the approved 4000m² area in 2004;
- The 900m² footprint double storey wellness centre that was approved in 2014 will be discarded;
- The existing (approved) guest lodge and lecture rooms will be in one node with one access road and shared parking;
- The additional 8 guestrooms are located within existing structures with no additional footprint; and are hidden from the road; and
- The guest lodge will be located on a much bigger farm (33,5 ha) than as present with more land that can be used for tourist activities such as walking, bike riding, and birds watching in the mountainous area. The aesthetic value of the surrounding agricultural land will become more attractive as it will be more sustainable and maintained.

As inadequate parking are provided on the southern side of Minor Road 5946 for the already approved 12 rooms, the parking area to the north of Minor Road 5946 is also essential also for the existing/approved spa. The actual area with guest rooms that will be added to the guest lodge (without parking) is therefore only 833m².

Adequate parking is available – 39 parking bays at both sides of Minor Road 5946.

As the last vineyard will be subdivided from Re/40, the approved wine tasting facility cannot be justified. In addition, as wellness treatments can easily and most often

preferably be performed within the guest bedrooms, and the majority of treatments are done on resident guests, the need for a large wellness centre has become questionable. However, the current facility does not have adequate space for lecture rooms and the owner indicated that such a facility will be much more supportive to a lodging facility that provides overnight accommodation for 40 people. Night sessions can also be accommodated as students can sleep over.

Lectures will be focused on sustainable environment planning and design, as well as the latest technology. The lodge is accessible to many surrounding towns and a good example of green energy.

The lecture rooms and guest lodge will compliment and support each other for optimal usage.

Adequate parking (10 bays) will be provided in front of the proposed lecture rooms.

The proposed new location will have less impact on agricultural land as the previous approvals.

As it is located on already disturbed land/garden adjacent to the guest rooms, it will have a much less visual and minimal bio-diversity impact.

The use of an existing house on the northern side of the Re/40 for guest accommodation adds further value to the facility to the south of road MR5946 by providing modern and luxury additional accommodation with beautiful views to the mountains as well as a large parking area that is needed for clients making use of the facilities on both sides of the road.

Therefore, although the guest lodge is located on both sides of the road, it can be seen as one node with accesses across each other and shared parking.

5. Departure of 30m building line:

The proposed common subdivision line between RE/40 and Ptn A has been drawn in such a way to maximize the area available for lucerne/oats/teff for the horses on Ptn 11/40. The alignment follows the dam and is drawn 15m away from the patio at the guest rooms in the southern building. A small wall is located 9m from the boundary line. The impact of the encroachment will be small as Ptn A will be farmed with lucerne/oats/teff with no change in land use. It was agreed between the owners that a "soft" fence will be erected that will not be unattractive to the guest lodgers.

6. CONSISTENCY WITH APPLICABLE LEGISLATION AND POLICIES/GUIDELINES

6.1 Provincial Spatial Development Framework (PSDF), 2014

Objective 8 and 9 of the PSDF address environmental sustainability and the protection of biodiversity and agricultural resources. The strategies include the provision of the highest protection to rivers and remaining areas of critical biodiversity area (CBAs) as well as the prevention of the inappropriate conversion of biodiverse rich rural areas, existing agricultural activity and soil with agricultural potential and important cultural and scenic landscapes to other uses.

Principles listed in the PSDF are, *inter alia*, the optimization of the use of existing resources including such resources relating to agriculture, land, minerals, bulk infrastructure, roads, transportation and social facilities, as well as the encouragement of environmentally sustainable land development practices and processes.

The re-alignment proposals will improve agricultural sustainability without impact negatively on environmental resources.

The proposed expansion of the existing guest lodge and change in location of the previous approval will not impact negative on agriculture land or biodiversity areas as only existing structures/disturbed land and a small piece of previously cultivated land with access and services were/will be used optimally.

Only a portion of the parking area, store and pool are located within the CBA area (see CBA plan attached) with low impact.

Renewable resources are used by means of the many solar panels on top of the roof of the guest rooms.

6.2 Langeberg Spatial Development Framework (LSDF), March 2014

According to the LSDF, it is important that the arable land resource comprising existing as well as potential farming areas is retained and improved and not converted to other uses, especially urban development. This should be encouraged to locate on non-arable land.

The SDF proposes that the highest priority be given to maintaining the natural resources within this rural system as follow by allowing a minimum of 32m from river and wetland banks and more if necessary should be kept free of urban development and intensive agriculture so as to protect the water quality and quantity essential for agriculture, industry and domestic use; and the extension of the formal and informal conservation

areas, already extensively protecting the critical biodiversity area network, especially by promoting private nature reserve and *permitting resort development within the relevant guidelines as an incentive*. This will promote economic growth and employment creation in the tourism sector as well as promote bio-diversity conservation.

The existing guest lodge and proposed expansion adhere to these principles.

6.3 Western Cape Biodiversity Spatial Plan, 2017

The application site falls within already disturbed area with no indigenous vegetation. The CBA map shows the existing guest lodge, old dwelling house (now guest rooms) and proposed alternative area for previous approval are located outside conservation areas.

6.4 Western Cape Land Use Planning Guidelines Rural Area, March 2019

According to these guidelines, tourist accommodation in the rural landscape should be allowed if of appropriate scale and form. It should be:

- clustered in visually discreet nodes;
- facilitate access to the conservation area of the Province;
- not detract from the rural character of the landscape and the primary agricultural activities;
- preferable make use of existing buildings;
- located within or near the farmstead and adjacent to existing roads; and
- located outside 100m from a river bank.

The proposed facilities adhere to the above as all three portions, i.e. (i) 12 guest bedrooms with spa rooms and restaurant, (ii) new 8 guest bedrooms with parking for the whole development and (iii) proposed spa will be clustered on one strengthened node.

The enlarged guest lodge will provide access to its clients to a natural / conservation area (proposed Ptn D).

The proposed new 8 guest rooms were existing buildings adjacent to MR5946. The new lecture rooms will be in support and an extension of the existing guest lodge, in comparison with the previous approved location for a wellness centre and wine tasting facility that was a distance apart with a separate entrance.

The whole facility is located outside 110m from a river.

6.5 Development Principles in terms of SPLUMA and LUPA

Development principles are referred to in Section 42 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA) and Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA). The application is also motivated by these principles:

- **Spatial Justice (need)**

Social justice targets the disadvantaged groups in society by making opportunities, facilities, services and/or land accessible to all.

The proposed re-alignment application with associated servitudes improve all four land owners' opportunities to strengthen their farms with no negative impact on each other.

"The Lab" is one of the well-known existing accommodation/tourist facilities in the Breede Valley area that contributes to tourism and the economy of the region. The additional 8 guest bedrooms and lecture rooms will add value to the existing lodge by providing modern and alternative type of accommodation and a training facility with overnight accommodation.

- **Spatial Sustainability (desirability)**

Spatial sustainability refers to cost effective developments (for both the owner and the Municipality), the protection of agricultural land for food security and land development in desirable locations.

The adding of eight more guest rooms in an existing dwelling house and outbuilding on the farm provides for economy of scale where it is more cost effective and sustainable for the owner.

It is in a desirable location as it is the conversion/upscale of an existing house outbuilding on already disturbed land and outside the terrestrial Critical Biodiversity Area (CBA) (except for parking, store and swimming pool) close to the site.

- **Efficiency**

Efficiency is the optimization of the use of land by using existing resources and infrastructure.

The proposed re-alignments of farm boundaries will optimize of the farms:

- Farm 35 will be enlarged and strengthened by receiving a vineyard block already farmed by the owner of Farm 35;
- Ptn 11/40 will be strengthened with more land for grazing for his horses;

- Ptn 2/45 will have needed additional land for rehabilitation of his mining activities up to the borders of his farm; and
- Re/40 will have additional natural veld in support of his guest lodge and lecture rooms (aesthetic value and outdoor activities). In addition, Ptn 23/40 and Re/40 will become one cadastral unit.

An existing house and outbuilding have been transformed for optimal use and additional value in the form of additional and alternative guest rooms to an existing guest lodge.

- **Spatial resilience**

It is the capacity and ability of a community to address and manage disasters such as environmental degradation, resource scarcity and climatic shocks. Therefore to evaluate a land use for this principle, the chance of contributing to such disasters can be evaluated.

The development falls primarily outside conservation areas and will not pose any environmental risks.

It is an expansion of an already successful tourist facility with minimal impact on the surrounding environment.

Most of the roofs are covered with solar panels to ensure green energy and independence.

- **Good administration**

Good administration in the context of land use planning refers to an integrated approach between land owners, planning consultants and the administered authority (Municipality) guided by policies and legislation with inputs by all role players.

The various guidelines, policies and relevant legalization were taken into account in the preparation of this application and will be evaluated accordingly by the Langeberg Municipality, with input from the various role players and affected parties.

7. SERVICES (applicable on consent use application)

No farming is taken place currently on the Remainder of Portion 11 of the farm Klaas Voogds Rivier No 40. The selling of 4 ha of his 8 ha water has been discussed prior in this report.

Services applicable on the rezoning application applicable on the expansion of the existing The Lab guest lodge are:

Water

Water use can be calculated as follows:

With a capacity of 20 rooms, a number of 40 people maximum (same as 40 students in lecture rooms) can be expected X 150 per person per day X 2 days per weekend X 4 weekends in a month = 48m³ water per month.

OR

With 30% occupancy: 12 people X 150 X 365 days per year /12 months = 55m³ per month.

After 4 ha will be sold to the neighbours, Re/40 will have 4 ha of water left that is 30 000m³ per year or 2500m³ per month. It

This water is stored in 4 jojo tanks of 10 000m³ each near the irrigation dam and flows with a pipeline to the guest lodge. This water is only used for household purposes.

All drinking water is bought / refilled at Healthy Mineral Water at 3 Adderley Street, Robertson – see proof of invoices attached.

Healthy mineral water is micro structured, radioactive free with minerals and trace elements. Reverse osmosis water is used and 84 minerals and trace elements identical to those found in the blood plasma in the human body are added to be absorbed directly by the blood cells for immediate hydration.

Therefore the farm has more than enough water for the guest lodge with 20 guest bedrooms, restaurant and lecture rooms.

Sewerage

Three conservancy tanks of 70m³ (at new guest rooms), 27m³ (at existing spa facility) and 3,4m³ (at worker's houses) respectively are located on Re/Farm 40.

These are pumped out by the Langeberg Municipality – see attached proof.

Electricity

Municipal electricity is combined with solar power on the roofs of the various buildings that provide in all needs. The rooms are equipped with a high technology automation function. An electric vehicle charging station is also available.

Access and parking

Access is obtained to the southern and northern portion of the guest lodge/wellness centre/restaurant from MR5946.

Twenty five parking bays are provided to the north of MR5946 that is adequate to serve all guest rooms. Additional parking (approx. 7) will also be made available if and when the ~~wellness centre is built.~~
lecture rooms are

Solid waste storage and removal

A demarcated waste storage area is located at the parking area to the north of MR5946. The solid waste is removed twice a week by Emily Selemog, a local entrepreneur from Robertson who collects and transport solid waste to the Robertson Municipal dumping site – see proof of signed agreement, invoice to “Rosendal” as well as delivery notice at the dumping site attached.

8. CONCLUSION / SUMMARY

The proposed re-alignment of boundaries between four farm owners will benefit all farmers that will ensure more sustainability cadastral units and increasing food security.

The proposed change and expansion of the existing guest lodge “The Lab” will add value to the existing lodge and tourist facility without any detrimental impact on the surrounding environment.

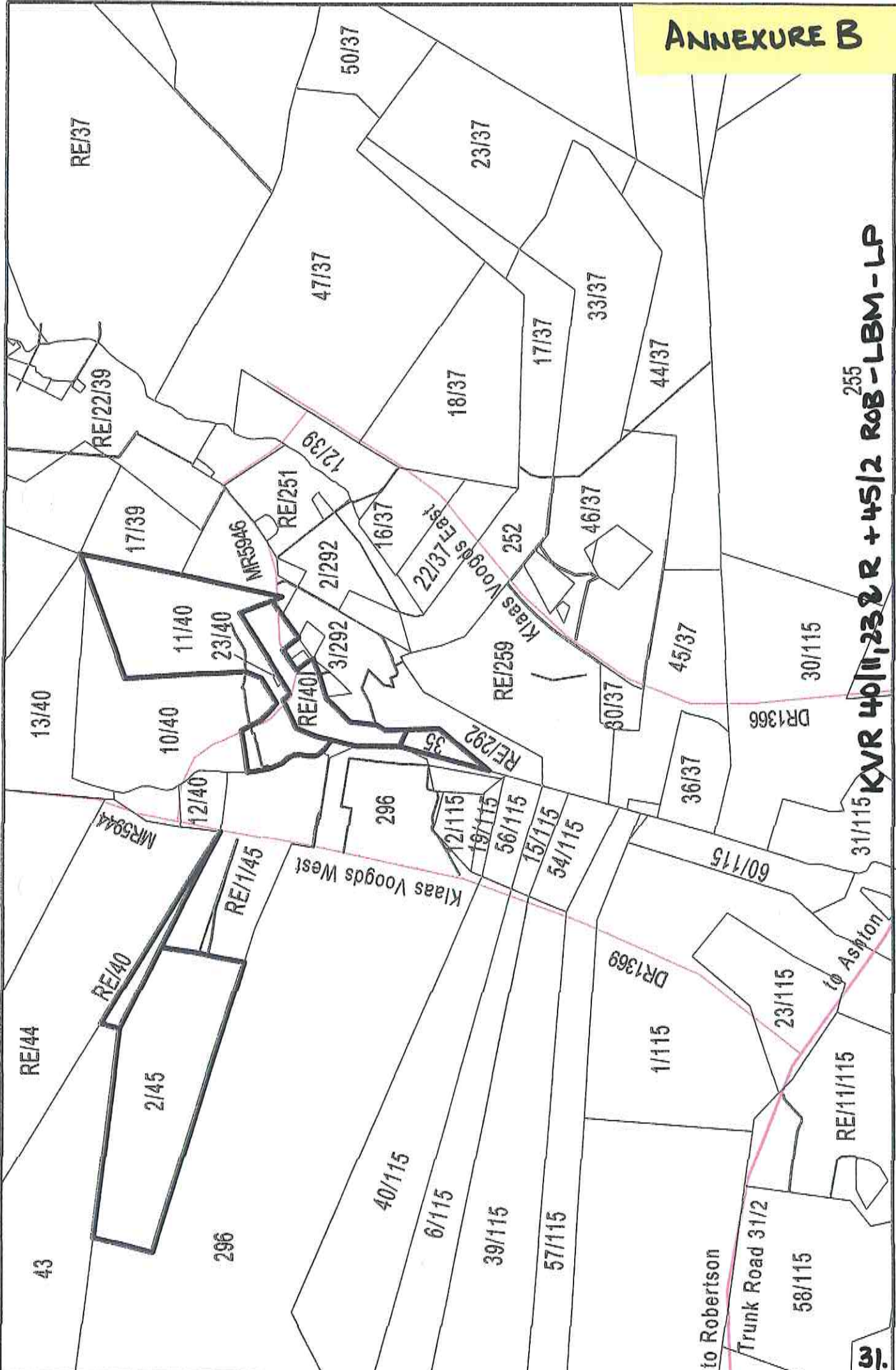
The application is therefore both needed and desirable from a land use point of view.

ANNEXURE B

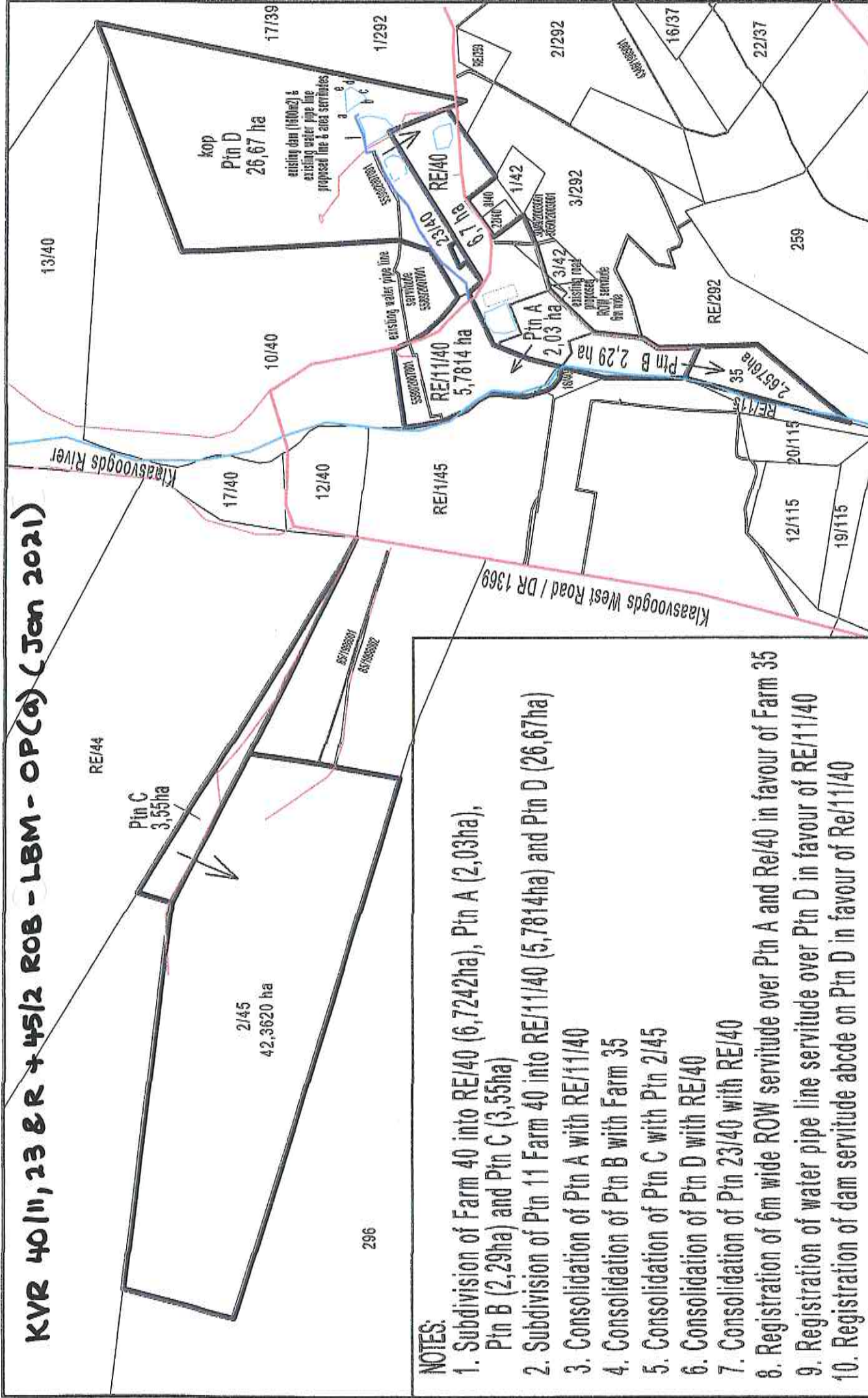


LOCALITY PLAN: RE/35, RE & PTNS 11 & 23 FARM 40, PTN 2/45, ROBERTSON RD

KVR 40/11, 23 & R + 45/2 RoB - LBM - LP



KVR 40/11, 23 & R 45/2 ROB - LBM - OP(a) (Jan 2021)



NOTES:

1. Subdivision of Farm 40 into RE/40 (6,7242ha), Ptn A (2,03ha), Ptn B (2,29ha) and Ptn C (3,55ha)
2. Subdivision of Ptn 11 Farm 40 into RE/11/40 (5,7814ha) and Ptn D (26,67ha)
3. Consolidation of Ptn A with RE/11/40
4. Consolidation of Ptn B with Farm 35
5. Consolidation of Ptn C with Ptn 2/45
6. Consolidation of Ptn D with RE/40
7. Consolidation of Ptn 23/40 with RE/40
8. Registration of 6m wide ROW servitude over Ptn A and Re/40 in favour of Farm 35
9. Registration of water pipe line servitude over Ptn D in favour of RE/11/40
10. Registration of dam servitude abcde on Ptn D in favour of Re/11/40

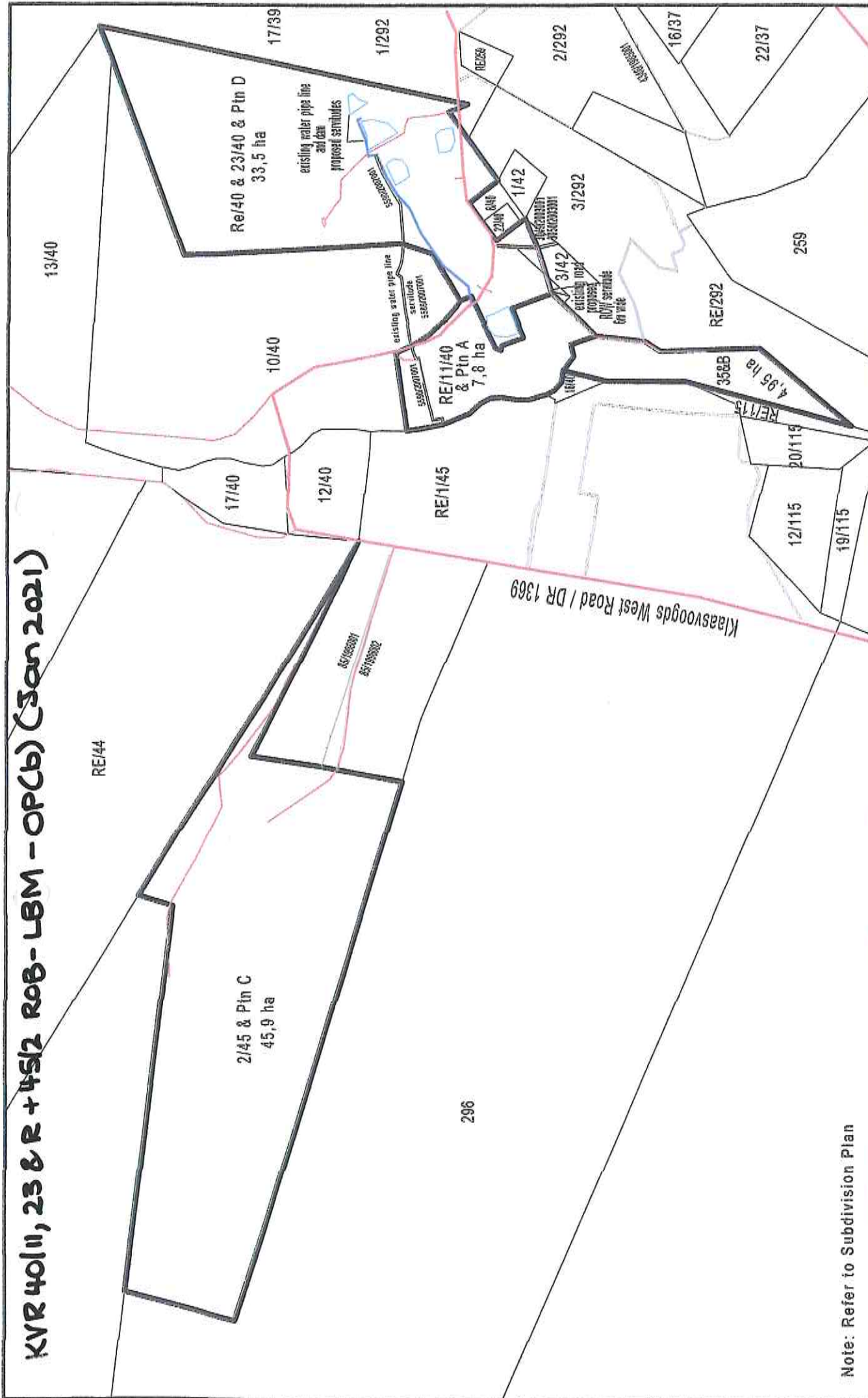
SUBDIVISION PLAN: RE/KLAAS VOOGDS RIVIER NO 35, RE & PTNS 11 & 23 KLAAS VOOGDS RIVIER NO 40 & PTN 2 GOEDVERTROU NO 45, DISTRICT ROBERTSON



SCALE 1:12000

Plan: SUB_Re/40ROB_Okt19

KVR 4011, 23 & R + 4512 ROB - LBM - OP(b) (Jan 2021)



Note: Refer to Subdivision Plan

CONSOLIDATION PLAN: FOUR NEW FARMS IN KLAASVOOGDS, ROBERTSON RD

SCALE 1:12000

Plan: CON_Re40ROB_Okt19



[illegible]

consolidated farm Re/40 & Ptn D & Ptn 23/40

Re/11/40 & Ptn A

~~KVR 40/11, 23 & R + 45/2 ROB - LBM - TP (Jan 2021)~~

Plan: SDP Re/40ROB Jan 20



MINISTARSTVO
OBRAZOVANJA I
NAUKA
REPUBLIKE SRBIJE

34

OBJECTION 1

To: Langeberg Municipality
 The Manager: Town Planning
 3 Piet Retief Street
 Montagu, 6720
 c/o: tbrunings@langeberg.gov.za

Received per email
 14/03/2020
 TUB-90

Reference: your invitation to comment dated 18 February: Applicant Umsiza Planning/Klaas Voogds
 Date: 14 March 2020

Dear Sir/Madam,

As an immediate neighbor of one of the involved properties, and because of our location relative to Rosendal/The Lab, I welcome your invitation to respond to the proposal. My observations and comments are as follows:

- It appears that Rosendal/The Lab (Rosendal hereafter) is shedding/selling all its agricultural land and agricultural activities, and is retooling its business plan.
- As a part of this process, Rosendal's arable land (with water-rights) will be distributed to neighbouring farms, with clear benefits to new owners.
- The current classification of the Rosendal guest-house (no more than 6 guest rooms) is Residential IV¹ (or V²) consent use on Agricultural Zone 1 land.
- Rosendal seeks permission to extend the number of rooms from 6 to 20³, requiring a reclassification from Guest House to Guest Lodge⁴.
- In addition, Rosendal wants to build a 400 m² venue, rather unconvincingly introduced as Lecture Rooms⁵; the stated intent is to improve the occupancy rate of the (20) bedrooms.

The proposed upscaling of a 6-bedroom guest house to a 20-bedroom guest lodge with venue will have a significant influence on life in the Klaas Voogds valley. An (environmental) impact study is not included with the proposal, manifestly a source of grave concern.

Of the usual concerns, light and noise pollution stand out. For example, in the recent past a large number of red, white and blue lights⁶ were positioned near the Rosendal entrance which were visible throughout the Klaas Voogds Valley. I also mention the projected⁷ 'tree with fairy lights' as a major light polluter/eyesore. With respect to noise, in the recent past 'stag nights' have disturbed the peace, and if the venue were leveraged for wedding parties etc., as seems probable, the same would apply.

In conclusion I respectfully suggest that, if practical, the Municipality could approve the redistribution of the land but would hold-over permission to extend Rosendal to 20 bedrooms/40 guests, and add a venue, until a tolerable (business) plan is available/submitted.

Sincerely,
 Jan Koornneef
 Owner Rietvallei 115/20 & Re/115

¹ Page 3, Line 2.

² Page 3, Line 11.

³ It appears that (some of) the additional rooms have already been realized; Page 2, Line 1.

⁴ The proposal assumes that the zoning as Agriculture 1 can survive the shedding of the arable land.

⁵ "Lectures will be focused on sustainable environment planning and design"; Page 10, Line 7.

⁶ Making it appear more like a Texas Whorehouse than an environmentally sensitive guest facility.

⁷ Plan: SDP_Re/40ROB_Jan 20. Also: "... large palm tree with fairy lights that is a visual attraction from the guest lodge's stoep"; Page 7, Line 24.

Tracy Brunings

From: Michael McCullough <ligspel@barvallei.co.za>
Sent: Wednesday, 18 March 2020 8:01 PM
To: admin@langeberg.gov
Cc: Tracy Brunings
Subject: Comment Letter Klaasvoogds The Lab Application
Attachments: Comments on The Lab application.docx

Tracy

Attached is my objection letter to the 'Lab' application.

Regards

Michael McCullough

Comments regarding land use application for 'The Lab'

A review of the documents submitted on behalf of the applicant in support of expanded lodging capacity, changes in land use and regulatory forgiveness for previous failures to obtain permission for development activities invites four comments.

1. The proposed expansion of guest accommodations from twelve to twenty rooms is likely to significantly increase the intensity of vehicular traffic on Klaasvoogds East and West Roads in general, and on Skoolpad in particular. The public roads in Klaasvoogds are the customary pedestrian routes used by young children going back and forth to Klaasvoogds Primary School, by older children walking to meet school buses and by domestic and field workers walking back and forth among area farms. It should be noted that the entrance to Klaasvoogds Primary School is 170 metres from the entrance to the applicant's tourist complex.

An increase in vehicular traffic by visitors unfamiliar with the area, particularly at night, is likely to elevate the risk of injury to local pedestrians. In the past accident risks accompanying increased vehicular traffic have been regularly cited as sufficient reason to oppose applications for alternate land uses proposed by local farmers. In the spirit of equity, the same standard should be applied to the owners of local tourist facilities.

2. The proposed sub-division of various parcels of agriculturally zoned land owned or controlled by the applicant (Farm RE/40) and the subsequent incorporation of those parcels along with water rights into surrounding agriculturally zoned properties will have the effect of creating an island of tourist activity surrounded by a sea of agriculture. This 'island' would retain the advantages of agricultural zoning without the uncertainty and expense of applying for a zoning change.

Several further advantages would be conferred by becoming a farm in name only: no fields to maintain; no crops to spray, prune and harvest; no irrigation to manage; no farmworkers to pay; no farming related operating expenses and overhead. All of which illustrate the functional gap between the applicant's property and surrounding properties, whether smallholdings or working farms.

3. The proposals noted in Section 2 appear to be contrary to the spirit if not the precise definition of agricultural zoning. To that point, there appears to be a reservoir of local sentiment regarding the value of preserving Klaasvoogds as a bucolic, agricultural environment, uncluttered by overt and unsightly commercial development. The establishment of what can be fairly described as a resort with an only incidental relationship to *agri*-tourism is contrary to the consistently expressed desire by an activist portion of the Klaasvoogds community to keep things as they are or, at the very least, as they perceive them to be. Whether in the form of written objections to the applicant's proposal or subsequent petitions for regulatory or legal relief, the community is likely to

keep the controversy surrounding the applicant's proposal on a slow boil for the foreseeable future.

4. Among other things, the applicant appears to be requesting a pass for previous actions taken contrary to existing regulations. If such a pass is granted, the effect would be an acknowledgement of two classes of Klaasvoogds residents: those who abide by existing legal and regulatory frameworks, and those who don't. An ongoing sense of frustration exists among the 'abiders' regarding the perceived lack of authority on the part of the Municipality to enforce zoning, building and land use regulations.

Given the persistence of the above perception, the all too frequent strategy of acting now and begging forgiveness later seems to be regrettably effective in our community. This invites an uncomfortable question, if this proposal is partially or wholly approved, what is the likelihood of the Municipality enforcing agreed upon terms and conditions over time?

Given the uncertainty surrounding the applicant's ultimate objectives and the incompatibility of a large scale tourist operation with only a tenuous link to agri-tourism, it seems prudent to request that the Tribunal reject the proposal in its present form. A new submission including *inter alia* detailed descriptions of previous tourism projects promoted by the applicant, feedback from the communities in which they are located and strategies for maintaining the present agricultural character of the property would likely find a warmer reception from the Klaasvoogds community than the current offering.

Michael McCullough

Ligspel Plaas

Klaasvoogds Oos Pad

Box 42 Klaasvoogds Stasie 6707

ligspel@barvallei.co.za

076 532 5507

14 April 2020

Municipal Manager
Langeberg Municipality
Private Bag X 2
ASHTON
6715

For attention: Tracy Brunings

REMAINDER, PORTIONS 23 AND 11 OF FARM KLAAS VOOGDS RIVIER NO 40, REMAINDER OF FARM KLAAS VOOGD RIVIER NO 35 AND PORTION 2 OF FARM GOEDVERTROU NO 45, ALL ROBERTSON DISTRICT:

APPLICATION FOR RE-ALIGNMENT BETWEEN 5 FARMS, REGISTRATION OF SERVITUDES, CONSENT USE, DEPARTURE, AMENDMENT OF PREVIOUS CONDITION OF APPROVAL & EXEMPTION:

REPLY ON OBJECTIONS RECEIVED

The following objections were received on the above-mentioned application:

Jan Koomneef:

1. Upscaling of a 6 bedroom guest house to a 20 bedroom guest lodge with venue will have significant influence in the valley – an EIA has to be done.
2. Impacts:
 - Light pollution: red, white and blue lights near the entrance and tree with fairy lights.
 - Noise pollution: recent past stag nights have disturbed the peace, and will continue when venue is approved for wedding parties.

Michael McCullough:

3. Increase in vehicular traffic
The expansion is likely to significantly increase the intensity of traffic of the Klaasvoogds roads that are the customary pedestrian routes used by children and workers during the day, as well as during the night.
4. The re-alignment application will create an island of tourist activity surrounded by a sea of agriculture, with no need for changing the zoning.
5. The development is in contrast with preserving the agricultural nature of the Klaasvoogds area without unsightly commercial development. The facility has no relationship to agri-tourism.

6. The applicant requests a pass for previous actions taken.

Reply on the objections are as follows (similar numbered):

1. Apologies as the report was unclear: Approval was obtained under the old legislation for the existing 12 guest bedrooms (then called guest house). Under the new legislation, 12 rooms will be defined as a guest lodge as the definition of guest house has changed. The new application only entails 8 new bedrooms as on page 6 of the motivational report. These 8 rooms are located on the opposite side of Minor Road 5946.

An EIA is not required according to DEADP – ~~letter~~ letter attached.

The application for lecture rooms was made to replace the previous approved much larger wine tasting facility and spa as these uses are not feasible due to the lack of vineyard on the farm and the changed need for spa facilities (focused on room service/internal overnight guests).

The owner is involved in high technology devises and operations and has identified the opportunity to teach and convey the latest trends, especially in the field of sustainable environmental planning and design. The need to save energy and to use nature optimally for energy resources is growing daily and rapidly. These impacts needs to be taught and awareness should be conveyed, including investigating and learning new technology.

As technology get older each day, there is a definite and growing and continuous need for such courses/lectures.

The proposed facility will be ideal to host educational courses in the latest technology with supporting accommodation and catering facilities, especially while being a good example of green technology itself.

The application does not include a venue/wedding venue.

2. No events have been held at The Lab.

There are white and blue low voltage LED lights at the entrance of the existing, approved guest lodge. The fairy lights in the palm tree is a nice gesture for guests enjoying food in the restaurant. These comments are not land-use related and cannot be considered.

3. Except for the eight additional guest bedrooms, the application provides for additional and adequate space for parking for the existing facility (with very limited parking) as well as the additional rooms to the north of Road MR5946.

This will ensure that cars be parked within the provided parking area and not in the street.

The proposal contributes rather to the safety of pedestrians.

MR5946 is not constructed for pedestrian or the use of parking. It is not safe for children or workers to walk in any road.

This is a popular tourist area with alternative tourist facilities such as olive and wine tastings, restaurants, and other guest accommodation that all contribute to traffic.

Western Cape Government Transport and Public Works indicated that they have no objection against the application.

4. The only remaining agricultural land is one block of vineyard and one cultivated field that are not being used optimally by the owner. It would be better to optimise the use of agricultural land i.e.:
- adding the last vineyard to another owner that has maintained the vineyard for the past year already; and
 - adding the last cultivated land to another owner that need more land for grazing for his horses.

It is therefore more desirable to trade these portions for mountainous veld that support the existing and approved tourist uses on Re/40. It is not only a "sea of agriculture", but the immediate environment does also include natural veld that cannot be cultivated.

Tourist accommodation and facilities are consent uses on agricultural land that contribute to the sustainability of farms – this principle is supported on all three spheres of government as many farms are not economically feasible.

5. The existing Guest Lodge has been approved and is legal. This application is only for the extension of the existing facility, making use of an existing house with outbuilding and adding land for adequate and safe parking. The two lecture rooms (also consent uses) were added because of a need that was identified and to replace the larger and already approved wine tasting/spa facility (not feasible any more).

These extensions are not one visible from MR5946 and are hidden away behind existing structures and koppies. The proposed lecture rooms will be located between the existing guest lodge and the Klaasvoogds Primary School. The application site has therefore not agriculture in nature for many years.

This application will not impact negatively on the existing facility and approvals, but will rather add value due to the parking area and replacement of the spa/tasting facility (in a separate node) with the smaller lecture rooms as part of the existing development node.

Not only agri-tourism facilities are allowed as consent uses on agricultural land, but all tourism uses such as restaurants and accommodation that contribute to the sustainability of a farm.

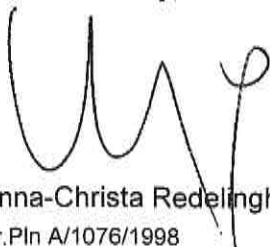
6. The owner has bought the approved Rosendal facility and saw the opportunity to make use of an old unused dwelling house/outbuilding on the property to be converted into additional rooms. Although this action was not legal, the impact is small (existing structures).

The "large scale tourist operation" has already been approved in the past.

The request for a new submission including other projects is totally illogical and impractical with no relevance to this application.

For your consideration please.

Yours sincerely,



Anna-Christa Redelinghuys
Pr.Pln A/1076/1998

REFERENCE: 16/3/3/6/B1/14/1046/20

ENQUIRIES: Ms Bernadette Osborne

DATE: 30/03/2020

The Municipal Manager
Langeberg Municipality
Private Bag X2

ASHTON

6715

Attention: Mr M Johnson

Tel: (023) 615 8000

Fax: (023) 615 1563

Dear Sir

THE APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: THE PROPOSED APPLICATION FOR RE-ALIGNMENTS OF COMMON BOUNDARIES BETWEEN FIVE FARMS, CONSENT USES, SERVITUDES, DEPARTURE AND EXEMPTION ON REMAINDER AND PORTIONS 11 AND 23 OF FARM NO. 40, REMAINDER OF FARM NO. 35 AND PORTION OF FARM NO. 45, ROBERTSON.

1. The abovementioned document and letter dated 18 February 2020, as received by the Department on 19 February 2020, refer.
2. Based on the information provided it is this Department's understanding that the proposal entails the following:
 - The proposed application for re-alignments of common boundaries between five farms, consent uses, registration of servitudes, a departure and exemption on Remainder and Portions 11 and 23 of Farm No. 40, Remainder of Farm No. 35 and Portion 2 of Farm No. 45, Robertson, for the expansion of an existing tourist facility.
 - The existing tourist facility obtained a footprint zoning to Residential Zone IV (guest house) and a consent use for a restaurant from the Breede River Winelands Municipality on 3 June 2004.
 - The existing tourist facility obtained approval for a consent use to allow for tourist facilities (wellness centre and wine sales and tasting) on a portion of Remainder of the Farm Klaas Voogds Rivier No. 40, Robertson from the Langeberg Municipality on 10 June 2014.
 - The existing dwelling houses were converted to eight guest rooms on Portion 23 of Farm Klaas Voogds Rivier No. 40, Robertson. These rooms are an extension of the existing tourist facility consisting of twelve guest rooms.
 - The application also includes a consent use to allow for two lecture rooms of 200m² each next to the existing tourist facility.

- According to the available mapping resources an artificial wetland is located in close proximity to the existing tourist facility and indigenous vegetation is present on the site, namely *Brede Alluvium Renosterveld*, which is classified as vulnerable.
 - The site is located outside the urban area of Robertson.
3. Your attention is therefore drawn to the listed activities in terms of the NEMA EIA Regulations, 2014 as defined in Listing Notices 1, 2 and 3. Please be advised that the proposed development does not constitute any listed activities as defined in the NEMA EIA Regulations, 2014. Environmental Authorisation is therefore not required from this Department prior to the proposed development.
4. The above is based on the following:
 - The proposed application for re-alignments of common boundaries between five farms, consent uses, registration of servitudes, a departure and exemption on Remainder and Portions 11 and 23 of Farm No. 40, Remainder of Farm No. 35 and Portion 2 of Farm No. 45, Robertson, do not trigger activities in terms of the NEMA EIA Regulations, 2014.
 - The existing dwelling house was converted to eight guest rooms on Portion 23 of Klaas Voogds Rivier No. 40, Robertson and therefore does not trigger activities in terms of the NEMA EIA Regulations, 2014.
 - The proposed two lecture rooms of 200m² each next to the existing tourist facility does not trigger the applicable thresholds of the listed activities in terms of the NEMA EIA Regulations, 2014.
5. However, should any revision of the proposed development constitute a listed activity(ies) in terms of the NEMA EIA Regulations, 2014 as defined in Listing Notices 1, 2 and 3 an application must be submitted and environmental authorisation obtained before such activity(ies) may commence.
6. The applicant must comply with any other statutory requirements that may be applicable to the development.
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. This Department reserves the right to revise its initial comments and request further information from you based on any new or revised information received.

Yours faithfully

HEAD OF COMPONENT
ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING



CAPE WINELANDS DISTRICT MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

NAVRAE/ENQUIRIES/IMIBUZO:
TELEFOON/TELEPHONE/UMNKEBA:
FAKS/FAX/IFEKSI:
E-POS/E-MAIL/IE-MAIL:
U VERW/YOUR REF/IREF YAKHO:
ONS VERW/OUR REF/IREF YETHU:

ST McLean
023 626 8324
-
smcclean@capewinelands.gov.za
15/2/6/1

Van Reenensstraat 44 Street
50
ROBERTSON
6705

13 February 2020

The Municipal Manager
Langeberg Municipality
Private Bag X 2
ASHTON
6715

For attention: M. Johnson
Director: Engineering Dept.

**PROPOSED APPLICATION FOR RE-ALIGNMENTS (5 FARMS); CONSENT USE,
SERVITUDES, DEPARTURE & EXEMPTION: REMAINDER & PORTION 23 &
PORTIONS 11 OF FARM 40, REMAINDER OF FARM 35 AND PORTION 2 OF THE
FARM 45 DISTRICT OF ROBERTSON.**

Application dated 27 January 2020 refers:

Municipal Health Services of the CWDM supports the application subject to:

1. Service Delivery:

No domestic services (drinking water, sanitation, electrical and refuse removal services) are supplied by CWDM.

2. Sanitation:

No sewerage systems may be placed below any flood line or nearer than 100 meters from any river, stream or other water system.

3. Waste Management:

Domestic refuse must be collected, stored and removed in such a manner so as not to form any environmental health risks \ nuisances.

4. Provision of Drinking Water:

All premises must be provided with drinking water which complies to the provisions of SANS 241. Water needs to be regularly tested and records kept for scrutiny – as per application form an outside source will be used to supply drinking water. An up to date water sample analysis report needs to be submitted to this office for scrutiny.

5. General:

In the event of change of Ownership, the current Certificate of Acceptability issued on the kitchen will lapse. Any renovations done to the kitchen will also result in the current COA lapsing.

All new building works will need to be approved by the Langeberg Municipal Building Department as such.

Proposed lecture rooms will need be compliant to standards set out regarding sanitation facilities.

This office reserves the right to call for additional requirements if deemed necessary at any later stage;

Yours sincerely,

A handwritten signature in black ink, appearing to be 'H Prins', written over a horizontal line.

For: Municipal Manager
Mr. H Prins
STM



**Western Cape
Government**

Transport and Public Works

ROAD NETWORK MANAGEMENT

Email: Grace.Swanepoel@westerncape.gov.za

tel: +27 21 483 4669

Rm 335, 9 Dorp Street, Cape Town, 8001

PO Box 2603, Cape Town, 8000

REFERENCE: TPW/CFS/RP/LUD/REZ/SUB-04/203 (Job 27631)

ENQUIRIES: Ms GD Swanepoel

DATE: 17 March 2020

The Municipal Manager
Langeberg Municipality
Private Bag X2
ASHTON
6715

Attention: Mr M Johnson

Dear Sir

REMAINDER PORTIONS 11 AND 23 OF FARM KLAAS VOOGDS 40, REMAINDER FARM 35 AND PORTION 2 OF FARM 45, ROBERTSON: MINOR ROAD 5946: PROPOSED SUBDIVISION, CONSOLIDATION, CONSENT USE AND DEPARTURE

1. Your letter dated 18 February 2020 refers.
2. The subject properties are located 9 km east from Robertson and take access off Minor Road 5946.
3. This application is for the following:
 - 3.1 Subdivision and consolidation as set out on plan number: SUB_Re/40ROB_Okt19 and CON_Re/40ROB_Okt19;
 - 3.2 Departure from the 30m building line to 29m;
 - 3.3 Consent Use in order to accommodate an additional 8 guest bedrooms (12 guest bedrooms exist already);
 - 3.4 Consent Use for 2 lecture rooms of 200 m² each.
4. This Branch offers no objection to the application in terms of the Land Use Planning Act, No 3 of 2014.

Yours faithfully

SW CARSTENS

For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT

ENDORSEMENTS

1. Langeberg Municipality
Attention: M Johnson (e-mail: admin@breeland.gov.za)
2. Applicant: Umsiza Planning
Attention: A-C Redelinghuys (e-mail: annachris@mweb.co.za)
3. Mr SW Carstens (e-mail)
4. Mr F Fakier (e-mail)

Tracy Brunings

Subject: FW: Application for re-alignments and consent uses: Rosendal WATER

From: Elkerine Rossouw [<mailto:erossouw@bgcma.co.za>]
Sent: 27 March 2020 11:58 AM
To: Anna-Christa Redelinghuys; lbruwer@lando.co.za
Cc: Vatiswa Myeza
Subject: RE: Application for re-alignments and consent uses: Rosendal WATER

4/10/1/H40L/Farm Rosendal 40(Rem), Robertson

Dear Anna-Christa,

Thank you for taking the time to clarify the issue.

The BGCMA will support the application as described for the re-alignment and consent use of the properties as described in that the property will be subdivided with a portion of water allocated to them..

Kind Regards,

Elkerine Rossouw

Water Use Specialist
Email: erossouw@bgcma.co.za
Tel: 023 3468000



BREED-GOURITZ
CATCHMENT MANAGEMENT AGENCY

From: Anna-Christa Redelinghuys [<mailto:annachris@mweb.co.za>]
Sent: 26 March 2020 11:28 AM
To: lbruwer@lando.co.za
Cc: Elkerine Rossouw
Subject: FW: Application for re-alignments and consent uses: Rosendal WATER

Hallo Louis
Sien onder asb.

Elkerine – sien asb mail onder van Hannes du Bois wat 'n verduideliking gee en dit reeds met Louis Bruwer uitgeklaar het.

Groete
Anna-Christa

From: Anna-Christa Redelinghuys [<mailto:annachris@mweb.co.za>]
Sent: 19 March 2020 12:01 PM

To: 'lbruwer@lando.co.za'

Subject: FW: Application for re-alignments and consent uses: Rosendal WATER

Hallo Louis

Sien asb die e-pos van Elkerine onder-aan, asook Hannes se repliek asb.

Sal jy asb skriftelik bevestig of jy ten gunste is van die wateruitruiling tussen 3 plase in Klaas Voogds (sien uittreksel onder) soos versoek – sien plan aangeheg asb?

Ek heg die plase se watersertifikate aan.

Laat weet as jy nog info nodig het.

Baie dankie,

Anna-Christa

Uittreksel uit motiveringsverslag:

Services (water):

Livinafrica has 8 ha water registered at the Klaas Voogds Water Users Association.

As the 4,3 ha agricultural land will be swapped for veld/mountainous land, 3 ha of water will be sold to Roaming Rock and 1 ha of water to Michele Theron.

From: Hannes du Bois [<mailto:hannes@jpdubois.co.za>]

Sent: 19 March 2020 11:32 AM

To: 'Anna-Christa Redelinghuys'

Subject: RE: Application for re-alignments and consent uses: Rosendal WATER

Beste Anna-Christa

Ek dink Elkerine het hierdie feite verkeerd.

Water word nie oor en weer verkoop aan 'n eiendom (of onderverdeling daarvan) wat dit nog nooit gebruik het nie.

Al wat gebeur is dat 'n gedeelte van die water waarvoor die totale stuk grond (voor onderverdeling) ingelys is, saam verkoop word met die onderverdeelde eiendomme van daardie stuk grond.

Die water was nog altyd op daardie grond gebruik (voor onderverdeling) en word 'n gedeelte van die water bloot saam met die afverkoopte onderverdeelde grond verkoop en oorgedra.

Artikel 25 verbied dit nie.

Wat Artikel 25 verbied, is water wat op een stuk grond gebruik was ook in die vensterperiode, nou apart van daardie grond verkoop word om gebruik te word op heeltemal ander grond waarop dit nog nooit gebruik was nie.

Ek het hierdie aspek spesifiek met Louis Bruwer uitgeklaar en hy was heeltemal tevrede dat die Water Raad dit sal goedkeur deur bv. bloot die inlystings te verander nadat die onderverdelings geregistreer is en elke onderverdeling sal dan 'n nuwe inlysting kry.

Ek stel voor jy wys jou beoogde onderverdelings en die voorgestelde nuwe inlystings aan Louis Bruwer sodat hy daarop kommentaar kan lewer om te sê dat die besproeiingsraad geen probleem daarmee het nie, want die water wat vir besproeiing aangewend is op die stukke grond voor onderverdeling, word nou bloot steeds op die onderverdeelde stukke grond aangewend en die Waterwet verbied dit nie.

Ek dink omdat jy verwys het na die feit dat water "will be sold", klink asof dit nou apart van die eiendom waaraan dit kleef of gekleef het, verkoop word om aangewend te word op grond waar dit nog nooit voorheen aangewend was of voor ingelys was nie.

Dit is glad nie wat hier gebeur nie.

Onthou dat geen water aan Bennie van As se stuk grond wat hy aankoop, oorgedra word nie. Daardie stuk grond word bloot gekonsolideer met sy huidige eiendom.

Raadpleeg dus vir Louis sodat hy vir jou op hulle briefhoof hulle standpunt stel rondom die beoogde onderverdelings, konsolidasies en die gebruik van 'n gedeelte van die ingelyste water van die hele stuk grond op twee onderverdeelde stukke daarvan.

Groete

Hannes

DU BOIS

PROKUREURS

Audrey Fortuin

Kerkstraat 23, Posbus 466, Robertson 6705
Tel : 023 626 6523 • Faks: 023 626 6577
Epos : hannes@jpdubois.co.za

WORCESTER KANTOOR : 22 FAIRBAIRNSTRAT



PROKUREURS • AKTEBESORGERS • BOEDELBEREDDE



FRAUD ALERT: Our office will never change or amend our trust account banking details via email or other electronic forum. Please contact our office for formal verification should you receive any correspondence of such nature. You should not act on any email purportedly from us changing our bank details, but kindly inform us immediately.

From: Anna-Christa Redelinghuys [<mailto:annachris@mweb.co.za>]

Sent: 19 March 2020 10:27

To: 'Hannes du Bois'

Subject: FW: Application for re-alignments and consent uses: Rosendal WATER

Hallo Hannes

Sien onder asb.

Wat beteken dit? Mag daar nie water uitgeruil word nie/verkoop word nie? Of mag dit gedoen word as die Waterraad dit goedkeur?

Sien bl 8 van motiveringsverslag asb. (wateruitruiling)

Groetnis

Anna-Christa

From: Elkerine Rossouw [<mailto:erossouw@bgcma.co.za>]

Sent: 19 March 2020 09:52 AM

To: admin@breeland.gov.za; annachris@mweb.co.za

Subject: Application for re-alignments and consent uses: Rosendal

4/10/1/H40L/Farm Rosendal 40(Rem), Robertson

Dear Anna-Christa,

I have received the application for Re-alignment and sub-division etc. applied for the properties Re/Klaas Voogds Rivier no 35, Re & Prts 11 & 23 Klaasvoogds Rivier no 40 and Ptn 2 Goedvertrou 45 in Robertson. Please note that at this stage the BGCMA cannot support the application as the BGCMA cannot **condone the selling of water between entities**. Water may only be surrendered and applied for under Section 25(2) of the National Water Act through the licencing process.

The issue of swapping and subdivision of land must be clear that no trading of water is occurring.

Please clarify by means of a table the following:

1. Any other water sources that is not linked to the Water Users Association i.e. boreholes / springs etc. per property
2. What each property will be having after the subdivision and consolidation process.
3. A letter from the Klaas Voogds Irrigation Board that supports the abovementioned process and confirms that they will be able to deliver water at these properties as noted via their infrastructure.

Thank you

Kind Regards,

Elkerine Rossouw

Water Use Specialist

Email: erossouw@bgcma.co.za

Tel: 023 3468000



BREDE-GOURITZ
CATCHMENT MANAGEMENT AGENCY

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REGISTERED POST

Our Ref: HM/ CAPE WINELANDS/ BREEDE RIVER WINELANDS/ ROBERTSON/
PORTION 11 OF FARM 40
Case No.: 19110607LB1112E
Enquiries: Lwazi Bhengu
E-mail: Lwazi.Bhengu@westerncape.gov.za
Tel: 021 483 9689
Date: 26 November 2019



Roaming Rock Estate CC
Portion 11 Klaas Vaagds Rivier No. 40
Robertson
6705

RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: FINAL
In terms of Section 38 (4) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape
Provincial Gazette 4061, Notice 298 of 2003

NOTIFICATION OF INTENT TO DEVELOP: PROPOSED WATER PIPELINE, PORTION 11 OF FARM 40, ROBERTSON, SUBMITTED IN TERMS OF SECTION 38 (4) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

CASE NUMBER: 19110607LB1112E

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter received on the 12th of November 2019. This matter was discussed at the Heritage Officers meeting held on the 18th of November 2019.

You are hereby notified that, since there is no reason to believe that the proposed Water Pipeline, Portion 11 of Farm 40, Robertson, will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately and Heritage Western Cape must be notified without delay.

This letter does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.

HWC reserves the right to request additional information as required.

Should you have any further queries, please contact the official above and quote the case number.

Yours faithfully


.....
Dr. Mxolisi Dlamuka
Chief Executive Officer, Heritage Western Cape

www.westerncape.gov.za/cas

Street Address: British Consulate Building, Garden of Eatin' Square, Cape Town 8001 • Postal Address: Private Bag 2006, Cape Town 8001
• Tel: +27 (0)21 483 9689 • Email: lwazi.bhengu@westerncape.gov.za
Street Address: British Consulate Building, Garden of Eatin' Square, Cape Town 8001 • Postal Address: Private Bag 2006, Cape Town 8001
• Tel: +27 (0)21 483 9689 • Email: lwazi.bhengu@westerncape.gov.za

CONDITIONS OF APPROVAL

IN TERMS OF SECTION 66 OF THE LANGEBERG LAND USE PLANNING BYLAW PN 264/2015, 30 July 2015)

REM, PORTION 11 & PORTION 23 OF KLAAS VOOGDS RIVIER 40, REM/KLAAS VOOGDS RIVIER 35 AND PORTION 2 OF GOEDVERTROU 45, ROBERTSON: SUBDIVISION, CONSOLIDATION AND SERVITUDES; DEPARTURE FROM BUILDING LINES; AND CONSENT FOR GUEST LODGE AND TOURIST FACILITIES (LECTURE ROOMS)

1. At least one of the subdivisions must be registered separately within 5 years after the date of the approval, failing which the approval will lapse regardless of whether a survey diagram has been approved by the Surveyor-General or not.
2. The subdivision plan will only be endorsed in terms of Section 60 of the aforementioned Bylaw after:
 - 2.1 the applicant has accepted these conditions in writing by means of the standard agreement (Schedule 1), and
 - 2.2 draft survey diagrams with the new property descriptions have been submitted by a Land Surveyor to the Municipal Town Planning Department.
3. Condition 2 of this approval must be complied with before a Certificate may be issued in terms of Section 28 of the aforementioned Bylaw. This certificate must be submitted with the transfer documents before the subdivision will be registered in the Deeds Office.
4. The development and use of the property and buildings must be substantially in accordance with the plans marked KVR 40/11,23&R *etal*-LBM-LP, OP(a) & (b) and TP (Jan 2021), and subject to the following specific requirements:
 - 4.1. Guest accommodation is restricted to a maximum of 20 rooms in total, sleeping no more than 40 guests, within the existing buildings as shown on the Site Development Plan marked KVR 40/11,23&R *etal*-LBM-TP (Jan 2021).
 - 4.2. The Tourist Facilities (Lecture Rooms) are restricted to a total maximum floor space of 200m² for all components of the facility including required ablution facilities. The facility is not approved as a Functions Venue. Any proposed change in use will be the subject of a new application.
 - 4.3. The height of any new built development is restricted to single storey.
 - 4.4. The above development must be operated and managed with the overall aim of ensuring a development which is complimentary to the surrounding peaceful, rural character.
5. Provision must be made for the following, to the satisfaction of the Manager: Town Planning:
 - 5.1. A minimum of 39 parking bays, plus one disabled bay.
 - 5.2. A loading / unloading area and turning space for delivery and service vehicles.
 - 5.3. The parking area/s and traffic circulation areas must be as compact and unobtrusive as possible.
 - 5.4. A suitably located and screened refuse collection area.
 - 5.5. Only low-level lighting, to the satisfaction of the Manager: Town Planning may be utilised.
6. Building plans conforming to the National Building Regulations (Act No. 103 of 1977), and including a Site Development Plan and parking plan, must be submitted to the Langeberg Municipality for approval for all existing and new building work:
 - 6.1. The existing rural character of the area must be enhanced through the use of colours, materials and other aesthetic elements in the building and layout design, which complement the surrounding landscape and existing historic buildings.
 - 6.2. No shade cloth or other built roofing material, including solar panels, is permitted in the parking area – the use of trees and other indigenous vegetation or vines over pergolas is strongly recommended where shading is required.
7. Water, sewage disposal and refuse disposal services must be provided by the owner. Such services must be provided in accordance with the requirements of the Langeberg Municipality, Cape Winelands District Municipality's Environmental Health Department and the Department of Water Affairs (BGCMA), including the following specific requirements:
 - 7.1. Drinking water provided for the general public must be to the standard of SANS 241 specifications. Regular monitoring of water quality must be done by the owner to ensure that it complies with this standard and results submitted to CWDM and the Langeberg Municipality.

- 7.2. No septic tanks are permitted. Provision must be made for conservancy tanks for sewage disposal. Approval must be obtained from the Langeberg Municipality for the location and servicing of such tanks. The tank/s must comply with all the minimum prescribed specifications regarding content and fittings and provision must be made for the tanker to turn around with as little negative environmental impact as possible. As this is a commercial use, the volume of sewage must be metered on a monthly basis and a removal programme needs to be scheduled to ensure that the conservancy tank is pumped well within time before over flowing. The sewer disposal system must be inspected on a regular basis for seepage as a precautionary approach against any sewage leaving the system and causing pollution.
- 7.3. All solid waste must be collected and disposed of weekly, to an approved solid-waste disposal site, and in terms of a written agreement with the relevant authority. The minimisation of waste must be promoted in the operation of the facility and natural materials which can be composted must be stored and disposed in such a way as to prevent any nuisance from arising.
- 7.4. The conditions imposed by the Cape Winelands District Municipality (Health), in their letter dated 13 February 2020, ref. 15/2/6/1 (attached) must be complied with.
- 7.5. In terms of the on-going use of the site, the owner must comply with any conditions which may be imposed by the Breede Gouritz Catchment Management Agency and the Klaas Voogds Water Users' Association. There is a legal obligation to comply with all the relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding the withdrawal of water and registration of water use, including the following:
 - 7.5.1. The current water use registration for water users, must be adjusted with the relevant authority within 30 days of the properties being registered, to reflect the applicable registered water uses on each farm. It is the applicant's responsibility to ensure prior agreement between owners of the effected properties with regard to the allocation of water.
 - 7.5.2. It is the responsibility of the applicant to confirm that the potential use of groundwater on the property is permitted under any General Authorisations and / or if a licence in terms of Section 41 of the Water Act, 1998 may be required.
8. With regard to Municipal Electricity the owner is responsible for the costs associated with any relocation of existing services, new connections, upgrading or alterations to existing electrical connections or networks, and the associated applicable Bulk Services Levy, at the tariffs which are applicable at that time. All supply cables between ptn A and ptn B; and between Re/40 and ptn A must be removed. The use of solar panels must comply with municipal requirements.
9. Any conditions which may be imposed by the Department of Transport must be complied with.
10. No name, advertising sign or tourism board may be erected without written approval of the relevant authorities.
11. The restrictions of any law and regulations relating to noise control are applicable to the property and the owner is obliged to ensure that the operation does not cause any undue noise nuisance, as described in the Western Cape Noise Control Regulations (PN 200/2013 of 20 June 2013).
12. This approval is only valid where all the above conditions have been complied with. The owner must sign the attached agreement. Where there is any uncertainty regarding the conditions, please contact the Town Planning Department.

Notes:

This approval applies to the proposed consolidated farm comprising ptn D/40/11/R, Klaas Voogds Rivier 40/R and Klaas Voogds 40/23, and replaces entirely the approvals dated 3 June 2004 and 10 June 2014 relating to Klaas Voogds Rivier 40/R.

The exercise of the land use rights in terms of the Agricultural Zone I is subject to all relevant legislation, including the Environmental Impact Assessment regulations in terms of the National Environmental Management Act No. 107 of 1998 and the Conservation of Agricultural Resources Act No 43 of 1983.

SKEDULE / SCHEDULE 1

Ooreenkoms / Agreement

aangegaan deur / entered into by

.....
Volle name en van / Full name

.....
Identiteitsnommer / Identity number

.....
Adres / Address

(die aansoeker / the applicant)

met die **Langeberg Munisipaliteit / with the Langeberg Municipality**

ten opsigte van die volgende ontwikkeling, soos goedgekeur op:
in respect of the following development, as approved on:

29 January 2021

REM, PTN 11 & PTN 23 OF KLAAS VOOGDS RIVIER 40, REM/KLAAS VOOGDS RIVIER 35 AND PORTION 2 OF GOEDVERTROU 45, ROBERTSON:

- SUBDIVISION, CONSOLIDATION AND SERVITUDES;
- DEPARTURE FROM BUILDING LINES; AND
- CONSENT FOR GUEST LODGE AND TOURIST FACILITIES (LECTURE ROOMS)

Die aansoeker aanvaar die voorwaardes ten opsigte van bogenoemde goedkeuring en onderneem om toe te sien dat die voorwaardes nagekom sal word. Die aansoeker vrywaar voorts die Munisipaliteit teen enige eis wat mag voortspruit as gevolg van die uitoefening van gemelde goedkeuring.

The applicant accepts the conditions attached to the abovementioned approval and undertakes to ensure compliance with the conditions. The applicant furthermore indemnifies the Municipality against any claims which may arise due to the exercise of such approval.

Geteken op die / Signed on the dag van / day of 20.....

te / at

.....
Aansoeker / Applicant

.....
Datum