



ENQUIRIES | NAVRAE: Ms. H van der Stoep (Senior Town Planner)
FILE REF | LEËRVERW: KHANG 141/559
APP ID | AANSOEK ID: 3762/2021
DATE | DATUM: 11 July 2022

Dear Sir / Madam

DECISION LETTER TO PERSONS WHO COMMENTED

**PORTION 141 (A PORTION OF PORTION 133) OF THE FARM HANGKLIP NO. 559, DIVISION CALEDON:
APPLICATION FOR REMOVAL AND AMENDMENT OF RESTRICTIVE TITLE DEED CONDITIONS, CONSENT
USE AND DEPARTURE: PLANNING PARTNERS ON BEHALF OF FREE LIFE TRUST**

1. Your comment/objection regarding the above application refers.
2. You are hereby notified in terms of Section 62 of the Overstrand By-law on Municipal Land Use Planning of the decision made by the Municipal Planning Tribunal on 30 June 2022.
3. The Resolution in terms of Section 61 of the Overstrand By-Law on Municipal Land Use Planning, with conditions, are as follows:

RESOLVED:

- “1. that the application in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020 for the **removal** of restrictive title deed conditions C.1., C.2., C.3., C.4., C.5., C.6., C.7., C.8., C.9., C.10., C.11. and C.12. as contained in Title Deed T8920/2005 applicable to Portion 141 (a Portion of Portion 133) of the Farm Hangklip No. 559, to accommodate this application, **be approved** in terms of the provisions of Section 61;
2. that the application in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020 for the **amendment** of restrictive title deed condition C.13. as contained in Title Deed T8920/2005 applicable to Portion 141 (a Portion of Portion 133) of the Farm Hangklip No. 559, **be approved**, in terms of the provisions of Section 61, to read as follows:

“No public garages or filling stations shall be erected on the land”;
3. that the application in terms of Section 16.(2)(o) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 on Portion 141 (a Portion of Portion 133) of the Farm Hangklip No. 559 for a consent use for an Agricultural Industry to accommodate a distillery, tasting room and a farm shop/stall, **be approved** in terms of the provisions of Section 61;
4. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 on Portion 141 (a Portion of Portion 133) of the Farm Hangklip No. 559 for a departure to relax the street building line from 30m to $\pm 23,2$ m to accommodate the proposed application, **be approved** in terms of the provisions of Section 61;

5. *that the application in terms of Section 16.(2)(o) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 on Portion 141 (a Portion of Portion 133) of the Farm Hangklip No. 559 for a consent in terms of the Overstrand Municipality Environmental Overlay Zone, Coastal Zone to "Commercial" activity and "Construction or placement of any permanent object, building, shelter, pathway or structure", be approved in terms of the provisions of Section 61;*
6. *that the application in terms of Section 16.(2)(o) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 on Portion 141 (a Portion of Portion 133) of the Farm Hangklip No. 559 for a consent in terms of the Overstrand Municipality Environmental Overlay Zone, Protected area Buffer Zone to "Commercial" activity and "Construction or placement of any permanent object, building, shelter, pathway or structure" and "Buildings/ structures associated with taking of water, storing of water, impeding or diverting flow, stream flow reduction, altering the bed, banks, course characteristics, outflow structures or discharge pipes", be approved in terms of the provisions of Section 61;*
7. *that the approval in Points 1 – 6, be subject to the following conditions:*
 - (a) *that the micro distillery and farm shop be restricted to the existing building (stables);*
 - (b) *that the farm shop/stall only be available to the guided tour groups to the distillery;*
 - (c) *that the consent use not be transferable;*
 - (d) *that the Waste Management Plan, submitted by Green Africa Group be approved by the Waste Management & Engineering Services Departments;*
 - (e) *that an Environmental Management Plan be submitted to the Environmental Management Department for approval;*
 - (f) *that a 6-monthly water sample report be submitted to the Environmental Management Services Department of the Municipality for the determination of the efficiency of the existing septic tank. The sample point and parameters to be tested and determined by the Environmental Management Services Department, and the sampling cost be for the applicant.*
 - (g) *that a Fire Management Plan be submitted to the Fire Department for approval;*
 - (h) *that the site development plan be submitted to the Senior Manager: Town & Spatial Planning for approval;*
 - (i) *that operational management be restricted to guided tours between 10:00 to 18:00 on weekends only as indicated in the motivation;*
 - (j) *that an application for water use licence permit be applied for;*
 - (k) *that no activities pertaining to the consent use may commence before proof has been provided that the water use licence permit has been applied for and building plans are approved;*
 - (l) *that all the conditions in the Services Report be complied with;*
 - (m) *that all the conditions imposed by the municipal Environmental Management Services Department be complied with;*
 - (n) *that all the conditions imposed by the municipal Waste Management Department be complied with; and*
 - (o) *that all the conditions imposed by BGCMA be complied with.*
8. *that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decisions."*

4. Reasons for the above decision are as follows:

- ❖ The application is in line with forward planning documents.
- ❖ It will contribute to tourism and rural economic development.
- ❖ The development is a micro-scale development in an existing structure.
- ❖ The application for the removal of restrictive title deed conditions has obtained the consent from the holder of the personal servitude.
- ❖ An extensive Waste Management Plan has been submitted to address pollution concerns.
- ❖ Access to the property is from a municipal road and not a private road/servitude.

5. You are hereby informed of your right to appeal to the Appeal Authority in terms of Section 78(2) of the By-law.

5.1 The appeal form must be completed and should be directed to the Appeal Authority (Executive Mayor) and received **within 21 days of notification** of this decision together with proof of payment of the appeal fee (R3502-00).

5.2 The appeal form is available at request or alternatively on the Municipal website (www.overstrand.gov.za).

5.3 Contact details are as follows:

Physical address : 16 Paterson Street, Hermanus, 7200
Postal address : PO Box 20, Hermanus, 7200
E-mail address : loretta@overstrand.gov.za

Yours faithfully



S MÜLLER

DIRECTOR : INFRASTRUCTURE AND PLANNING