



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DUPLICATE RECEIPT

Receipt M/c: DIR1 Duplicate Rec.No: 187037 Date: 14/12/2021

Local Authority: Stellenbosch Municipality

1 STB

N

2500.00

12200103520000 05236 LU/13550-1

DIRECT 200103520000 LU/13550-1685/5 LU/13550-ERF 1685/5

X100 Key: STB -009-20211214-00000032

X10 Key : STB D000018703700001

AMPTELIKE KWITANSIE / OFFICIAL RECEIPT

✉ 17, STELLENBOSCH 7599

☎ 021 808-8578 / 8547 / 8546

📠 021 886 7318

SLEGS MASJIENGEDRUKTE KWITANSIES GELDIG/ONLY MACHINE PRINTED RECEIPTS VALID • ONTVANG SONDER BENADELING VAN REGTE/RECEIVED WITHOUT PREJUDICE TO RIGHTS

**TAX INVOICE****STELLENBOSCH**
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

PO BOX 17, STELLENBOSCH, 7599
PLANNING & ECONOMIC DEVELOPMENT: PLANNING

DATE:	2021-12-14	DOCUMENT NO:	720317
ERF / FARM NO:	1685/5	CREATED BY:	Nicole Katts
LOCALITY:	Pniel Road, PAARL FARMS	APPLICATION NO:	LU/13550
OWNER'S NAME:	Boschendal Founders Estate 5 (Pty) Ltd	APPLICATION VAT NO:	4510165428
ADDRESS:	PO Box 4436 Claremont Cape Town 7735	VAT NO:	4700102181
		APPLICANT:	Nisa Mammon - Visionplan CC t/a NM Associates Planners and Designers
		TEL NO:	0216711138

FEE DESCRIPTION	AMOUNT PER UNIT (R)	NUMBER OF UNITS	VOTE NUMBER	AMOUNT (R)
TEMPORARY DEPARTURE/OCCASIONAL USE OF LAND/CONSENT USE IN TERMS OF THE ZONING SCHEME/TECHNICAL APPROVAL/PERMISSION IN TERMS OF ZONING SCHEME/PERMISSION REQUIRED IN TERMS OF THE TITLE DEED: Submitted in urban and rural areas - Submitted in urban and rural areas, Per application per property	2500.00	1	20180711011476	2500.00
<div>FILE NR: OUTGOING POST F1685/5 P SCAN NR: COLLABORATOR NR:</div> <div>STELLENBOSCH MUNICIPALITY PLANNING AND DEVELOPMENT SERVICES 23 DEC 2021 RECEIVED</div>				
TOTAL AMOUNT PAYABLE				2500.00
VAT INCLUDED @ 15%				326.09

ALL TARIFFS INCLUDE 15% VAT FROM 1 JULY 2021 TO 30 JUNE 2022

CALCULATED BY

NAME: Nicole Katts

SIGNATURE

DATE: 14.12.2021

PAYMENTS MUST BE MADE AT THE APPLICABLE DISTRICT OFFICE
CHEQUES TO BE MADE PAYABLE TO STELLENBOSCH
MUNICIPALITYAPPLICANT TO RETURN THIS FORM TO THE ADVICE CENTRE FOR
DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT

VERIFIED BY

NAME:

SIGNATURE

DATE:

BANKING DETAILS FOR EFT PAYMENT:

ACCOUNT HOLDER: Stellenbosch Municipality
BANK: First National Bank (FNB)
ACCOUNT NUMBER: 62869253684
BRANCH CODE: 210554
REFERENCE: LU/_____ and ERF/FARM _____Please use both the Land Use Application number and the Erf/Farm
number indicated on this invoice as a reference when making EFT
payment.

Nicole Katts

From: Nicole Katts
Sent: Tuesday, 14 December 2021 09:07
To: Nisa Mammon
Subject: INVOICE: APPLICATION FOR TEMPORARY DEPARTURE - FARM 1685/5, PAAR DIVISION
Attachments: INV - FARM 1685-5 PAARL DIVISION.pdf

Good day Nisa

Your land use application for Farm 1685/5, Paarl Division is considered complete, you may now pay the following fees into Council's bank account within the next two (2) working days. Please provide this office with a copy of your proof of payment.

Application is made for the following:

- Temporary Departure



Kind regards / Vriendelike Groete

Nicole Katts

Administrative Officer: Customer

Interface and Administration

Planning & Economic Development

T: +27 21 808 8318

43 Andringa Str, Eikestad Mall, 3rd

Floor

www.stellenbosch.gov.za



PLANNING & ECONOMIC DEVELOPMENT

LAND USE APPLICATION COMPLIANCE CHECKLIST ITO S38 OF THE LAND USE PLANNING BYLAW, 2015				Date of Submission of Application	08/12/2021	
Erf / Erven/ Farm no	1685/5	Portion(s) if farm		Allotment Area	Paarl	
Owner / Applicant	Nisa Mammon – VISIONPLAN CC T/A NM & ASSOCIATES PLANNERS AND DESIGNERS			Contact number	083 450 3252	
Email address	nisa@visionplan.co.za					
INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION				ADMIN TO VERIFY ¹		PLANNER TO EVALUATE ²
				YES	NO	
1. Completed application form that is signed				✓		
2. Power of Attorney / Owners' Consent if the applicant is an agent				✓		
3. Bondholders' consent						
4. Proof that applicant is authorized to act on behalf of an entity						
5. Proof of ownership or rights held in land						
6. Motivation based on criteria in s65				✓		
7. SG diagram or General Plan				✓		
8. Locality plan				✓		
9. Site development plan or plan showing the land development				✓		
10. Subdivision plan						
11. Permission for required servitude						
12. Title Deed				✓		
13. Conveyancer's certificate				✓		
14. Feedback on Pre-application scrutiny				✓		
15. Minutes of Pre-consultation Meeting						
16. Consolidation plan						
17. Street name and numbering plan						

¹ Verification by Admin only of the documentation attached and completeness of application and not the correctness thereof.

² Technical evaluation by Planner of the documentation attached for completeness and correctness thereof.

**APPLICATION FOR TEMPORARY DEPARTURE FOR A PORTION OF PORTION 5 OF FARM
1685, PAARL AT BOSCHENDAL: TENTED CAMP**

December 2021



Source: Rennie Scurr Adendorff Architects (September 2021)

Compiled by:



P.O. Box 44386
Claremont
7735
Tel: 021 671 1138

Prepared for:

Boschendal Founders Estate 5
(Pty) Ltd

P.O Box 35
Pniel Main Road
7681
Tel: 021 870 4200

Contents

Contents	i
1. Introduction.....	1
1.1 Background	1
1.2 Locality	2
1.3 Application Details	5
1.4 Consultation with Stellenbosch Municipality: Pre-application	6
1.5 Other Applications.....	7
1.5.1 National Environmental Management Act (NEMA) Section 24(G) Application.....	7
1.5.2 National Water Act (NWA) Application	7
1.5.3 National Heritage Resources Act (NHRA) Section 27(18) Application	7
1.6 Public participation stakeholders and interested and affected parties	8
1.7 Structure of the report	8
2. Legal and Policy Framework	9
2.1 Legal Context.....	9
2.1.1 Spatial Planning and Land Use Management Act (SPLUMA), No. 16 of 2013	9
2.1.2 Western Cape Land Use Planning Act (LUPA), No. 3 of 2014	10
2.1.3 National Environmental Management Act (No. 107 of 1998) (NEMA)	11
2.1.4 National Water Act (No. 36 of 1998) (NWA)	11
2.1.5 National Heritage Resources Act (No. 25 of 1999) (NHRA)	12
2.1.6 Stellenbosch Municipality Land Use Planning By-law, 20 October 2015, (SM LUPBL)	13
2.1.7 Stellenbosch Municipality Zoning Scheme By-law, 1 November 2019, (SM ZSBL)	13
2.1.8 Conditional Approvals granted on 23 December 2005	14
2.2 Policy Context	16
2.2.1 National Development Plan: Vision for 2030, 2012 (NDP)	16
2.2.2 Western Cape Provincial Spatial Development Framework, 2014 (PSDF)	16
2.2.3 Stellenbosch Municipality Integrated Development Plan (IDP) 2017-2022 – Fourth Review May 2021	17
2.2.4 Stellenbosch Municipality Spatial Development Framework – approved 11 November 2019 (SM SDF)	17
2.2.5 Stellenbosch Municipality Heritage Inventory	18

2.2.6	Boschendal Sustainable Development Initiative (BSDI): Planning Policy and Development Strategy, Inception Phase Report, 5 November 2004	19
2.2.7	Boschendal Draft Conceptual Framework (CF) (2019)	22
3.	Contextual and Site analysis	24
3.1	Site Context	24
3.1.1	Natural Setting	24
3.1.2	The site within Boschendal Estate and Founders Estate	24
3.1.3	Land Use setting.....	25
3.1.4	Boschendal and Founders Estate access	26
3.1.5	Existing zoning context.....	29
3.2	The site	30
3.2.1	Existing geological and topographical setting	30
3.2.2	Existing Land Use and Access	33
3.2.3	Existing Environmental features	35
3.2.4	Heritage resources and indicators	38
3.2.5	Existing Services and infrastructure	39
4.	Description of Tented Camp	40
4.1	Site Layout, operation and access	40
4.2	Tented Camp Structures	44
4.2.1	Accommodation Units	44
4.2.2	Communal / operations tents:	45
4.3	Landscape and approach to site making.....	46
4.3.1	Siting of structures within the landscape.....	46
4.3.2	Existing landscape interventions	48
4.3.3	Landscape Design related mitigation measures	49
4.4	Infrastructure and services.....	51
4.4.1	Existing storm water infrastructure	51
4.4.2	Existing potable water infrastructure	51
4.4.3	Existing fire water infrastructure	52
4.4.4	Existing sewer infrastructure.....	53
4.4.5	Existing solid waste services.....	54
4.4.6	Existing electrical infrastructure	54
4.4.7	Existing telecommunications infrastructure	55
4.4.8	Infrastructure and services related mitigation measures.....	56
5.	Motivation for Temporary Departure	58

5.1	The application is compliant with relevant national, provincial and municipal legal and policy frameworks.....	58
5.2	The application's contribution to agri-tourism.....	61
5.3	The application supports current agricultural land use.....	61
5.4	The application supports and enhances the natural environment	61
5.5	The application protects and conserves the heritage and cultural landscape.....	62
5.6	Socio-economic impact.....	62
5.7	The impact of the application on municipal engineering services.....	62
5.8	Impact on traffic, parking, access and other transport related considerations	62
6.	Conclusion and recommendations	63
7.	References	64

LIST OF FIGURES

Figure 1:	Location of Farm 1685/5 and the subject site within Boschendal Estate	3
Figure 2:	Temporary Departure site area on Farm 1685/5	4
Figure 3:	Location of FE 5 within the current agricultural planting framework for Boschendal Estate (Source: Boschendal, 2020)	27
Figure 4:	FE 5 within the Dwars River Valley and Boschendal Estate.....	28
Figure 5:	Visual Issues	32
Figure 6:	Local Land Use and Access arrangement	34
Figure 7:	Tented Camp Site Development Plan (Author: NMA)	43

LIST OF INSERTS

Insert 1:	Site Locality	2
Insert 2:	Gradings from Stellenbosch Municipality Heritage Inventory (Source: SM, 2017. Site marked with a black star)	19
Insert 3:	Boschendal Development Framework: Plan 1 - Concept Development Plan (Extract from Boschendal et al., 2004).....	21
Insert 4:	Boschendal Draft Conceptual Framework: Preliminary Spatial Concept for Boschendal, Revision1 (15 October 2021) (Author: NM & Associates, 2019)	23
Insert 5:	Land use character zones (extracted from Boschendal Draft Conceptual Framework, NM & Associates, 2019, adapted 2021).....	25
Insert 6:	Extract of current zoning map (Source: Stellenbosch Municipality, 2019, adapted by NMA) (site indicated by black star)	29
Insert 7:	Views of the site from far	31

Insert 8: Close views of the site	31
Insert 9: Watercourses, riparian areas, and watercourse buffers with ecologically based setback lines for the tented camp site (Source: Freshwater Consulting in Chand, 2021).....	35
Insert 10: Vegetation Map of project area (Biodiversity Africa in Chand, 2021)	37
Insert 11: SEI map of the project area (Biodiversity Africa in Chand, 2021)	37
Insert 12: Aerial View of Tented Camp site	41
Insert 13: Typical accommodation unit for 2 people (Unit 4)	45
Insert 14: Generic plan of tented accommodation showing top structure comprising bedroom, bathroom and deck space	45
Insert 15: Structures within the communal / operations area	46
Insert 16: Structures within the broader landscape	47
Insert 17: Existing Landscape interventions	48
Insert 18: Path leading from the Camp to the dam	49
Insert 19: Existing site roads	49
Insert 20: Existing potable water supply	52
Insert 21: Existing fire water supply.....	53
Insert 22: Existing sewer reticulation system	54
Insert 23: Existing electrical supply and reticulation system.....	55
Insert 24: Existing Telecommunications system	56

LIST OF TABLES

Table 1: Application and Property Details	5
Table 2: Pre-application items raised and Applicants responses	6
Table 3: Ownership of the surrounding BE farm portions	8
Table 4: Ownership of the surrounding farm portions	8
Table 5: Extract from Section 201(1) of the Stellenbosch Municipality Zoning Scheme By-Law	13
Table 6: Tented Camp: Floor Areas	41

LIST OF ANNEXURES

Annexure A: Stellenbosch Municipality Founders' Estates Decision letter in terms of LUPO, 23 December 2005

Annexure B: Application Form

Annexure C: Power of Attorney

Annexure D: Title Deed

Annexure E: Conveyancer's Certificate

Annexure F: SG Diagram and Noting Sheet

Annexure G: Zoning Certificate

Annexure H: EIA Applicability Checklist DEA&DP response, 17 September 2020

Annexure I: Pre-application feedback from Stellenbosch Municipality, 07 October 2020

Annexure J: Letter of support from FE 3, 4, 5, 6 and Farm 1674/1

Annexure K: Interested and Affected parties (Chand, 2021)

Annexure L: Email from WCG: DTPW: Chief Engineer: Land Transport

LIST OF APPENDICES

Appendix 1: Site Sensitivity verification and Agricultural Compliance Statement (Johann Lantz, 10 October 2021)

Appendix 2: Civil Engineering Services Report (Mike Hurworth and Associates Consulting Engineers, 28 October 2021)

LIST OF ABBREVIATIONS

BE	Boschendal Estate
BEFEPOA	Boschendal Estate's Founders Estates' Property Owners Association
BAR	Basic Assessment Report
DEA&DP	Western Cape Department of Environmental Affairs and Development Planning
EMPr	Environmental Management Programme
FE	Founders Estate
HIA	Heritage Impact Assessment
HWC	Heritage Western Cape

LUPA	Western Cape Land Use Planning Act, No. 3 of 2014
LUPO	Land Use Planning Ordinance, Ordinance 15 of 1985
NEMA	National Environmental Management Act, No. 107 of 1998
NDP	National Development Plan: Vision for 2030, 2012
NGL	Natural Ground Level
NHRA	National Heritage Resources Act, No. 25 of 1999
NTS	Not to scale
SAHRA	South African Heritage Resources Act
SDP	Site Development Plan
SMA	Stellenbosch Municipal Area
SM IDP	Stellenbosch Municipality Integrated Development Plan (IDP) 2017-2022 – Fourth Review May 2021
SM SDF	Stellenbosch Municipal Spatial Development Framework, 2013 – approved revision, 28 May 2018
SM ZSBL	Stellenbosch Municipality Zoning Scheme By-law, 2019
SM LUPBL	Stellenbosch Municipality Land Use Planning By-law (20 October 2015)
WC PSDF	Western Cape Provincial Spatial Development Framework, 2014

1. Introduction

1.1 Background

NM & Associates Planners and Designers (registered as Visionplan cc) were appointed by Boschendal Founders Estate 5 (Pty) Ltd to prepare and submit an application for a Temporary Departure for an already constructed tented camp to accommodate 14 guests, on Founders' Estate 5 being Portion 5 of Farm 1685, Paarl at Boschendal, hereinafter referred to as FE 5. In order to do so, it is necessary to make an application in terms of Chapter III, Section 15(2)(c) and Chapter IV of the Stellenbosch Municipality Land Use Planning By-law of 2015 (SM LUPBL) to apply for a Temporary Departure.

In 2005, FE 5 was approved by Stellenbosch Municipality (SM) as part of a consolidation, subdivision and registration of lease area application for 19 units on the Founders' Estate, made in terms of the then Land Use Planning Ordinance (LUPO) No. 15 of 1985 subject to certain conditions of approval (CoA). Refer to Annexure A. The approvals granted for 18 FE's permit the utilisation of the properties for agricultural purposes in terms of the LUPO Section 8 Scheme, on a 99-year leasehold basis and at the same time, also permit a development area of 8000m² (referred to as the Excluded Area) on which the construction of new buildings is limited to one new farmstead.

In the case of FE 5, the 8000m² Excluded Area is vacant and the Tented Camp has been constructed on a portion of the agricultural unit that forms part of the approved 99-year leasehold area.

It must be noted that in terms of Condition (iii) "the utilisation of the buildings to be erected on the 18 agricultural units, shall be within the parameters of the zoning of agricultural Zone 1 at all times." Note Agricultural Zone 1 is to be read as Agriculture and Rural Zone in terms of the SM ZSBL (2019).

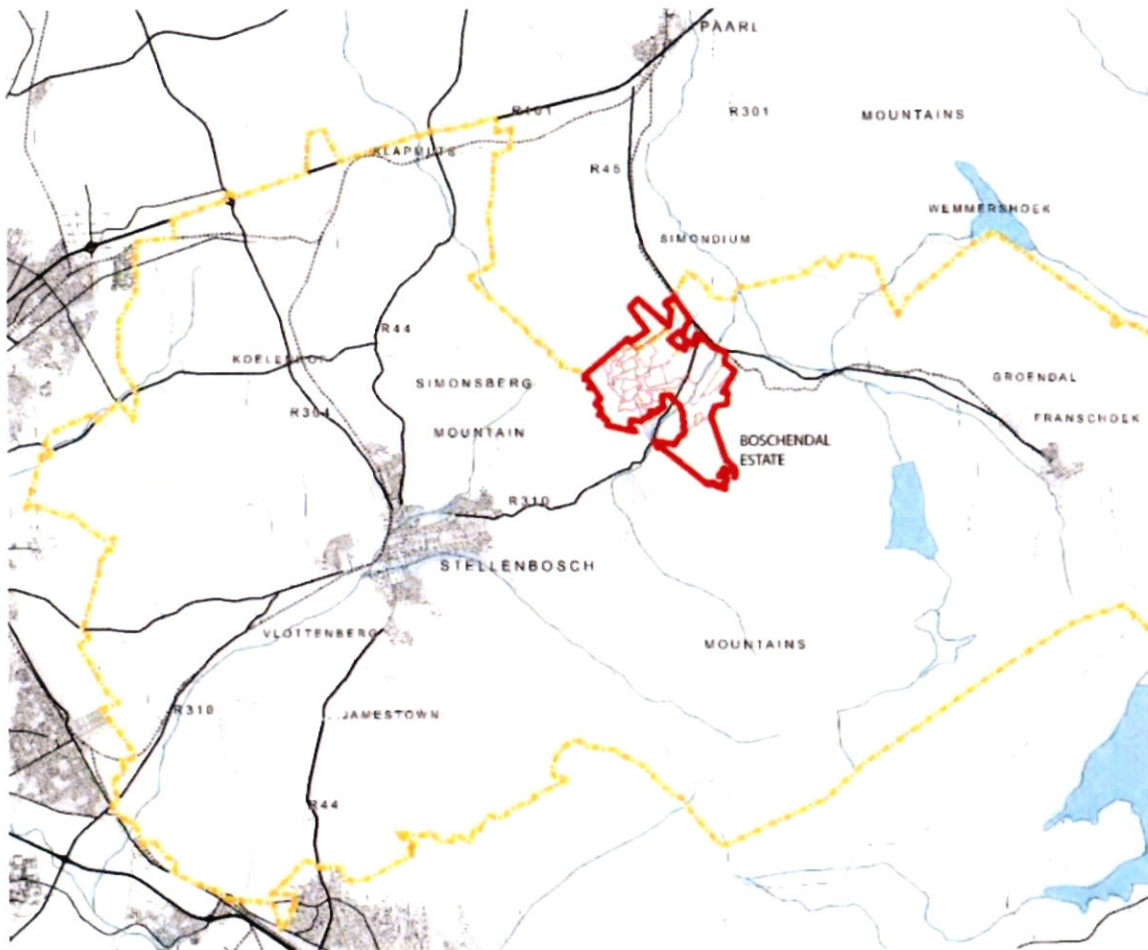
Furthermore, Condition (viii) states that "the buildings on the Agricultural unit must be limited to one new farmstead per farm. The only other buildings permitted are those required for bona fide agricultural purposes for the farming unit as a whole."

Lastly, according to Condition (xx), "no extensions to the existing buildings or the construction of any new buildings may occur without prior approval of the Council, as well as SAHRA and / or Heritage Western Cape." see Annexure A.

The Tented Camp is an unauthorised land use as it currently stands in terms of the approvals granted in 2005, and requires land use regularisation.

1.2 Locality

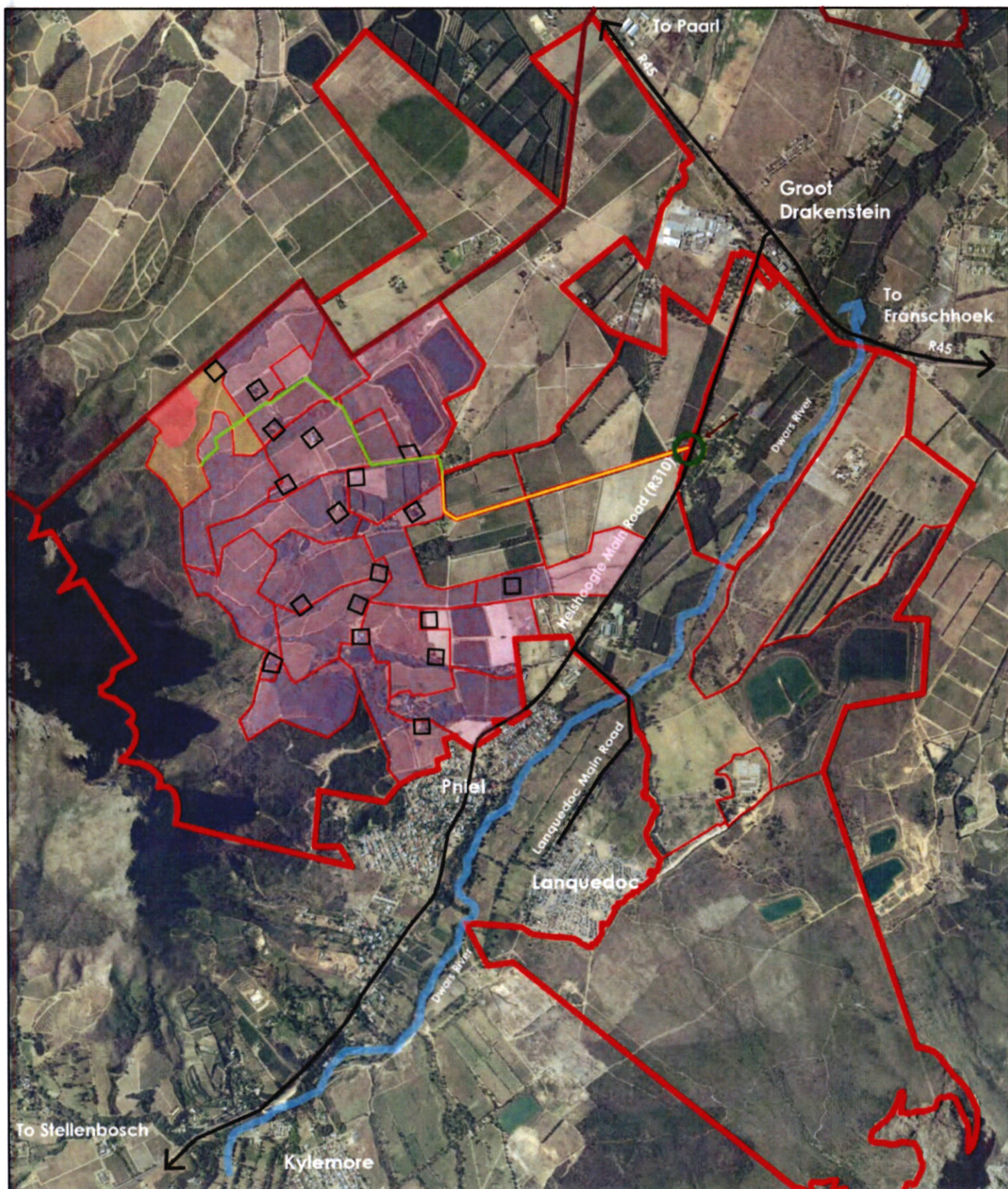
FE 5 is situated on the Founders' Estates which form part of the larger Boschendal Estate (BE). BE is situated between Stellenbosch and Paarl, in the Dwars River Valley between the Simonsberg and Drakenstein Mountains, north of Pniel and south of the R45 (see Insert 1 below).













Insert 1: Site Locality

Founders Estate is located west of the R310 and within the Stellenbosch Municipality. The Founders' Estates are accessed off the R310 at the Avenue 1685 public access gate (see Figure 1 below).

FE 5 measures approximately 26.25ha in extent. Figure 2 depicts the Temporary Departure site area of approximately 6ha.



Key

- | | | | |
|--|--|---|---|
|  | Stellenbosch Municipal Boundary |  | Application Area |
|  | Boschendal Estate |  | Founders' Estates 8000m² Excluded Areas |
|  | Farm portion boundaries |  | Existing gravel farm roads |
|  | Founders' Estates (Farms 1685/2 to 19) |  | Avenue 1685 (with access servitude) |
|  | Farm 1685/5 |  | Avenue 1685 public access gate |

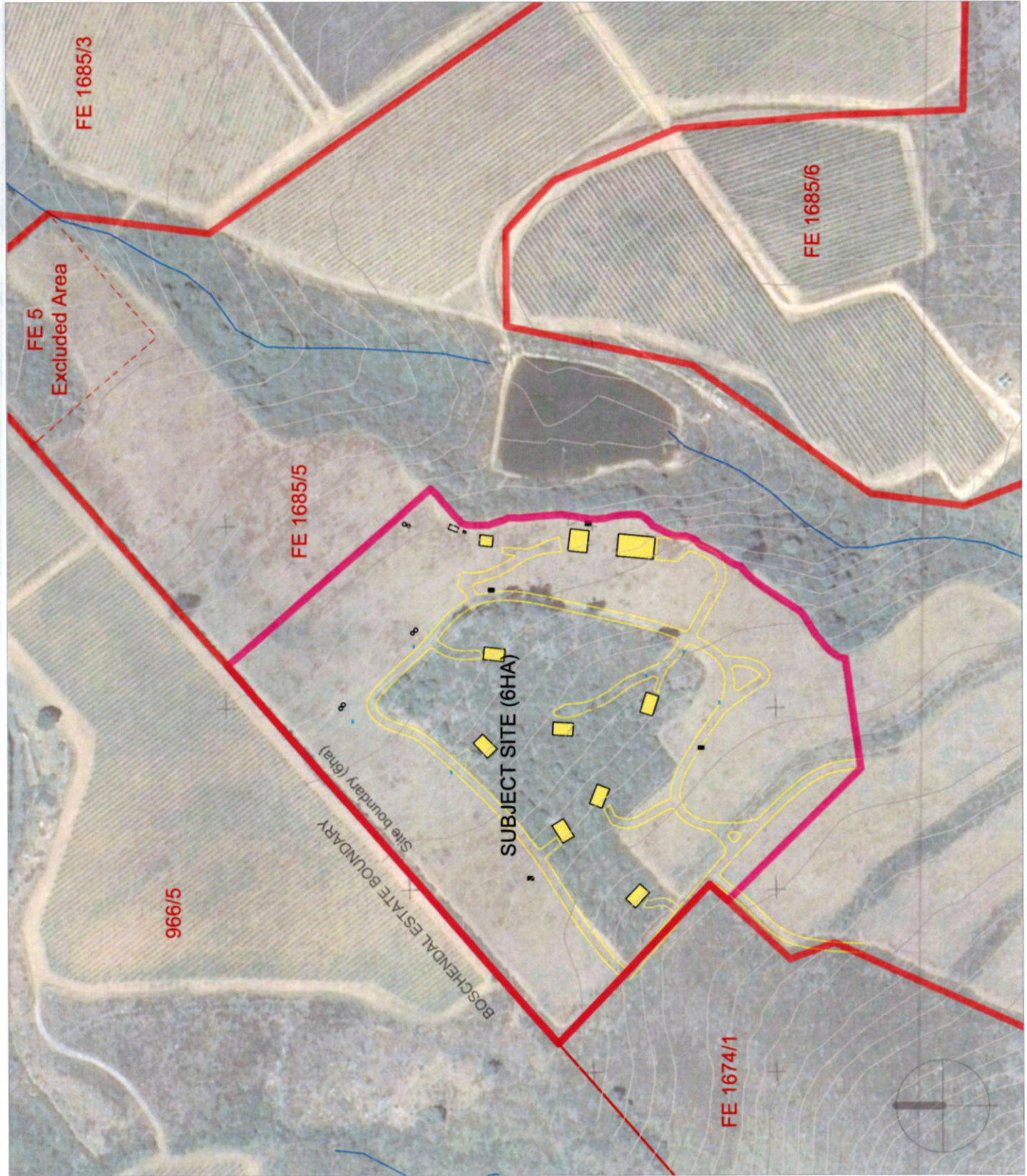
Scale 1: 30 000 @ A4

0 200 400 1000m



BOSCHENDAL:
FARM 1685/5 (FE 5)

FIGURE 1: LOCATION OF FARM 1685/5 WITHIN BOSCHENDAL ESTATE AND ACCESS



Key





-  Decks with Tents
-  Tented Camp Site boundary
-  FE 5 boundary
-  Contours (2m)

FIGURE 2: TEMPORARY DEPARTURE
SITE AREA ON FARM 1685/5



BOSCHENDAL
PORTION 5 OF FARM 1685
TENTED CAMP

1.3 Application Details

Application is hereby made for a Temporary Departure, in terms of Chapter III, Section 15 (2)(c) and Chapter IV of the SM LUPBL, with a view to regularising an existing tented camp to "utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land" (SM LUPBL).

Table 1: Application and Property Details

Application details	Application for Temporary Departure in terms of SM LUPBL to permit a Tented Camp for 14 guests	Refer to Annexure B: Application Form
Applicant	NM & Associates Planners & Designers, on behalf of Boschendal Founders Estate 5 (Pty) Ltd	Refer to Annexure C: Power of Attorney
Land Owner	Boschendal Founders Estate 5 (Pty) Ltd	Refer to Annexure D: Title Deed (T73858/2008)
Conditions of Title	a) After subdividing the property into 18 portions, as referred to in the consent by the Department of Agriculture in terms of the Subdivision of Agricultural Land Act, 1970, No 39884, the said properties shall not be further subdivided.	Refer to Annexure E: Conveyancer's Certificate The Condition of Title has no implications for the application for Temporary Departure and does not have to be removed.
Mortgage Bond	There is no mortgage bond registered against the property	
Property Description	Portion 5 of Farm 1685, Paarl	Refer to Annexure F: SG Diagram and Noting Sheet
Farm Portion Extent	Approximately 26.25ha (Note: approximately 6ha has been designated for the Tented Camp – See Figure 2)	Total floor area is $\pm 988\text{m}^2$. Refer to Chapter 4.
Current Zoning	Agriculture and Rural Zone	Refer to Annexure G: Zoning Certificate
Impact Assessments	NEMA Section 24(G) application	Refer to Annexure H: EIA Applicability Checklist DEAD&P response dated 17 September 2020. See Chapter 2, 2.1.3 and Chapter 3, 3.2.3 for the findings of the environmental baselines and assessments
	NHRA Section 27(18) application	See Chapter 2, 2.1.5 and Chapter 3, 3.2.4 for the findings of the heritage baseline and assessment.
Current Land Use	<ul style="list-style-type: none"> Fallow land Vineyards (Unauthorised) tented camp Reservoir Dam 	
Area of Jurisdiction	Stellenbosch Municipality	

1.4 Consultation with Stellenbosch Municipality: Pre-application

In terms of Stellenbosch Municipality's application requirements and in order to prepare a comprehensive and complete application, a pre-application screening form was submitted to SM: Land Use Management Department on 08 September 2020, after a site visit by officials of this Department, Boschendal Staff and Directors and Boschendal's Professional Consultant Team held on 04 September 2020. Further correspondence regarding the outcome of the Applicability Checklist submitted to DEADP in respect of FE 5 was also submitted to the SM: Land Use Management Department on 18 September, 2020. The attached response to the pre-application submission made, from SM's Pedro April dated 07 October 2021, is included in this application for the record as Annexure I. The key components that this application must pay attention to in respect of this response include the following, as itemised in Table 2 below.

Table 2: Pre-application items raised and Applicants responses

Reference No. in SM's correspondence dated 07 October 2020	Item Raised in SM's correspondence dated 7 October 2021	Clarification from Applicant
3.1	Reference to two properties namely: 1685/5 and 1685/16 Paarl Division.	This application pertains only to Farm 1685/5 (FE 5).
3.2	Reference to Temporary Departure and Consent Use	This application applies only for Temporary Departure to regularise an already constructed Tented Camp.
3.3	Amendment of Condition of Approval and proposal on how the condition must read	There is no application for the amendment of any of the conditions of approval granted in 2005.
3.4	Reference made to a restaurant. If used for the general public, an application for consent for a tourist facility must be submitted.	The restaurant referred to is a space where guests staying in the Tented Camp can congregate and use communally and is not for the use of the general public.
3.5	A site development plan (SDP) in compliance with Section 16 of the SM Zoning Scheme By-law (2019) must be provided and clearly indicate all existing and proposed buildings on the subject property	The SDP is provided in Chapter 4.
3.6	Floor plans of the existing and proposed buildings, with clear indication of the proposed land use per building and room, must be provided.	The location and the extent of the tent decks as well as the typical floor plans of the accommodation tents are provided in Chapter 4.
3.7	A Conveyancer's Certificate must	Refer to Annexure E, attached.

	be submitted, confirming that there are no restrictive conditions that prohibit the proposed activities on FE 5 within Founders' Estates.	There are no restrictive conditions that have to be removed.
3.8	Consent from the HoA / Property Owner's Association and compliance with Architectural Guidelines for the Founders' Estate as specified in previous approvals, must be provided.	<p>Although established, the Home Owners' Association, BEFEPOA, has been inactive since the last land transaction took place on the Founders' Estate. A letter of support from the owners of adjacent farm portions was therefore obtained. Refer to Annexure J.</p> <p>The approved Founders Estates Design Guidelines (2010) do not apply to the Tented Camp as it is located outside of the Excluded Area. Refer to Chapter 2, Section 2.1.8 for further details and Annexure J.</p>

1.5 Other Applications

1.5.1 National Environmental Management Act (NEMA) Section 24(G) Application

Chand Environmental Consultants have confirmed that a NEMA Section 24(G) process must be followed to rectify the unlawful commencement of listed activities in the form of the existing constructed tented camp in terms of the NEMA EIA Regulations 2014 (as amended). The development triggers a number of listed activities, as confirmed by DEA&DP in a letter dated 17 September 2020. The NEMA Section 24G Application will be submitted to DEA&DP imminently.

1.5.2 National Water Act (NWA) Application

Chand Environmental Consultants have confirmed that a General Authorisation is required due to the camp's location within a regulated area of a watercourse (Chand, 2021). An online application process to DWA is currently underway.

1.5.3 National Heritage Resources Act (NHRA) Section 27(18) Application

The Tented Camp was constructed without a permit from SAHRA as required in terms of Section 27(18) of the NHRA. SAHRA has requested an HIA to form part of the EIA which is required under Section 24(G) of NEMA. Winter and Rennie, Scurr and Adendorff Architects initiated the heritage process by submitting a Section 27(18) application and Heritage Statement to the following interested and affected parties for comment::

- Stellenbosch Municipality: Department of Spatial Planning, Heritage and Environment: Heritage Section
- Drakenstein Heritage Foundation

- Stellenbosch Heritage Foundation
- Stellenbosch Interest Group
- Franschhoek Heritage and Ratepayers Association
- Pniel Heritage and Cultural Trust.

Although no objections from the above were received there were some comments and suggested conditions for SAHRA to consider. The Section 27(18) application and Heritage statement has since been submitted to SAHRA. The application process will feed into the NEMA process and requirements for public participation in terms of advertising and notification of Interested and Affected Parties. This broader public process will be the responsibility of the environmental assessment practitioner.

1.6 Public participation stakeholders and interested and affected parties

The identified property owner stakeholders and affected parties include 5 properties owned by Boschendal (See table 3 below) and the neighbouring farms (See table 4). Other key stakeholders who may have an interest in this application and who will be consulted through the EIA process are listed in Annexure K.

Table 3: Ownership of the surrounding BE farm portions

Farm Portion	Land Owner	Municipal Jurisdiction
Portion 1 of Farm 1674	Boschendal (Pty) Ltd	Stellenbosch Municipality
Portion 3 of Farm 1685	Boschendal Founder's Estate No 3 (Pty) Ltd	Stellenbosch Municipality
Portion 4 of Farm 1685	Boschendal Founder's Estate No 4 (Pty) Ltd	Stellenbosch Municipality
Portion 6 of Farm 1685	Boschendal Founder's Estate No 6 (Pty) Ltd	Stellenbosch Municipality
Portion 7 of Farm 1685	Boschendal Founder's Estate No 7 (Pty) Ltd	Stellenbosch Municipality

Table 4: Ownership of the surrounding farm portions

Farm Portion	Land Owner	Municipal Jurisdiction
Portion 5 of Farm 966	Nederburg Wine Farms Ltd	Drakenstein Municipality

1.7 Structure of the report

This document is structured into six chapters. After this introductory chapter, Chapter 2 examines the legal and policy context. Chapter 3 unpacks the key contextual informants at a local and site scale. Chapter 4 describes the development and

Chapter 5 motivates the application for Temporary Departure in accordance with the relevant policy and provisions of the SM LUPBL and ZSBL. Chapter 6 concludes the report with recommendations.

2. Legal and Policy Framework

2.1 Legal Context

The following section provides an overview of the national, provincial and local legal frameworks that are relevant to this application.

2.1.1 Spatial Planning and Land Use Management Act (SPLUMA), No. 16 of 2013

The intention of SPLUMA is to transform the inequitable South African spatial landscape. It also contains key principles and objectives for spatial planning and land use. The objects of SPLUMA (section 3 of the Act) are to:

- a) Provide for a uniform, effective and comprehensive system of spatial planning and land use management for the Republic;
- b) Ensure that the system of spatial planning and land use management promotes social and economic inclusion;
- c) Provide for development principles and norms and standards;
- d) Provide for the sustainable and efficient use of land;
- e) Provide for cooperative government and intergovernmental relations; and
- f) Redress the imbalances of the past and to ensure that there is equity in the application of spatial development planning and land use management systems.

The following principles contained in Section 7 of SPLUMA apply to spatial planning, land development and land use management:

- (a) the principle of spatial justice,
- (b) the principle of spatial sustainability,
- (c) the principle of efficiency,
- (d) the principle of spatial resilience,
- (e) the principle of good administration

The following principles are pertinent to the application:

(b) the principle of spatial sustainability, whereby spatial planning and land use management systems must-

(ii) ensure that special consideration is given to the protection of prime and unique agricultural land;

(vi) promote land development in locations that are sustainable and limit urban sprawl; and

(c) the principle of efficiency, whereby-

(i) land development optimises the use of existing resources and infrastructure;

- (e) the principle of good administration, whereby-
- (iv) the preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications, include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them; and

Implications:

The land on which the tented camp is located is part of the land leased by Boschendal (Pty) Ltd for agricultural purposes (see Section 1.1). Once the tented camp is removed in time, parts of the site can return to playing an agricultural role. The tented camp currently optimises the use of existing assets and infrastructure by maximising on the existing landscape setting, farm roads and existing water and power supply infrastructure. On the matter of good administration, all stakeholders will be afforded the opportunity to provide inputs on this land use application.

2.1.2 Western Cape Land Use Planning Act (LUPA), No. 3 of 2014

In line with the objects and principles of SPLUMA, Chapter VI of LUPA contains land use planning principles which are pertinent to planning applications. Sections 59(1) to 59(5) define the principles as follows:

- a) The principles of spatial justice - section 59(1);
- b) The principles of spatial sustainability - section 59(2);
- c) The principles of efficiency - section 59(3);
- d) The principles of good administration - section 59(4); and
- e) In section 59(5), the act states that "land use planning is guided by the principle of spatial resilience, whereby flexibility in spatial plans, policy and land use management systems is accommodated to ensure sustainable livelihoods in communities most likely to suffer the impact of economic and environmental shocks."

Furthermore, the land use planning principles in LUPA pertaining to spatial sustainability, states in section 59 (2) (a) (ii), amongst other things, that "land use planning should – ensure that special consideration is given to the protection of prime, unique and high potential agricultural land".

Implications:

The proposal does not reduce the extent of existing agricultural plantings as it is located on a portion of FE 5 which was cleared of vines in 2014. Furthermore, the temporary nature of the land use ensures that the land currently occupied by the camp can revert to agriculture after 5 years. The proposed land use increases the economic resilience of the subject farm as it enables additional income generation that can help to sustain existing agricultural activities on FE 5. It also stimulates the local tourism industry that creates employment opportunities. Lastly the tented camp optimises the use of existing assets in the form of the natural landscape and existing farm infrastructure.

2.1.3 National Environmental Management Act (No. 107 of 1998) (NEMA)

The National Environmental Management Act (NEMA) provides the framework for decision-making for individuals, institutions, and government in terms of environmental management. Section 24 of the Act lists activities that may not commence prior to obtaining authorisation for such activities from environmental authorities. The Act requires that any development applications that trigger these listed activities must include an environmental assessment, either in the form of a Basic Assessment Report (BAR) or a full Environmental Impact Assessment (EIA), determined by the relevant environmental authority after an EIA applicability checklist has been submitted. The Western Cape Government Department of Environmental Affairs and Development Planning (DEA&DP) is the relevant environmental authority in the case of the Tented Camp.

Implications:

A checklist was submitted to DEA&DP on the 3 August 2020 and a response was received on the 17 September 2020 requesting that a Section 24(G) application be made for the unauthorised development. The letter also confirmed that the development triggers a number of listed activities. See Annexure H for DEA&DP's response.

A Section 24(G) is underway to obtain the required Environmental Authorisation and to rectify the unlawful commencement of listed activities. In this regard a number of specialist inputs and assessments including a Freshwater ecosystems Report, Terrestrial invertebrate Assessment, Ecological Report and Heritage Statement, have been undertaken.

The assessments, including the HIA, have established that the Tented Camp has not resulted in irreversible adverse impacts and that all impacts identified can be mitigated to an acceptable level. The camp must however still be regularised and the recommended mitigation measures strictly implemented. The mitigation measures are to be incorporated into an Environmental Management Programme (EMPr), a draft of which will be attached to the 24(G) application. None of the specialists have recommended that the activity be ceased immediately.

The agricultural study confirmed that there has been no impact on agricultural resources (Lanz, 2021), as the site does not possess ideal soils for planting of crops.

On balance, the key finding of the NEMA process is that the negative impacts realised are outweighed by the temporary, small-scale nature of the facility and the eventual rehabilitation of the site, which will result in a positive long term impact.

2.1.4 National Water Act (No. 36 of 1998) (NWA)

The Act provides for integrated management of all aspects of water resources. As a result of the structures' locations within 100m of a river and within 500m of a wetland, authorisation from the DWS is required. A Risk Assessment undertaken by specialists

determines the level of risk to water resources and the necessity for applying for authorisation to the DWS.

Implications:

A Risk Assessment showed that the risk associated with the proposed development can be reduced to low, assuming all recommended mitigation measures are implemented, and that a General Authorisation in terms of Section 21(c) and (i) of the NWA will be applicable. A General Authorisation application process has been initiated with the process intending to run in parallel with the NEMA process.

2.1.5 National Heritage Resources Act (No. 25 of 1999) (NHRA)

Section 27(18) of the National Heritage Resources Act (NHRA) requires that any person who intends to undertake alterations to any heritage site requires a permit issued by the heritage resources authority responsible for the protection of such site. The responsible heritage resources authority in this case is the South African Heritage Resources Agency (SAHRA) as the Founders' Estates, of which FE 5 forms a part, are a declared National Heritage Site. The applicant is therefore required to furnish SAHRA with details regarding the location, nature and extent of the proposed development. In the case of the Tented Camp, being unauthorised, SAHRA have requested the HIA to form a part of the EIA that is required in terms of Section 24(G) of NEMA.

It is important to note that the Heritage Consultants responsible for the Section 27(18) application have recommended that SAHRA decide on the following in terms of the unauthorised work:

- No action be taken in terms of Section 51(1) d of the NHRA given the tread-lightly, low visual impact and temporary nature of the tented camp and that heritage significance has not been irreversibly damaged.
- The decision to not pursue criminal charges be subject to a number of conditions as outlined below:
 - a. The life-span of the tented camp be temporary as specified by the Temporary Departure application (5 years) in terms of section 15 (2)(c) of the SM LUPBL.
 - b. No expansion of the tented camp may be undertaken without a permit from SAHRA in terms of Section 27(18) of the NHRA.
 - c. A homestead on the Excluded Area of FE 5 not be constructed until the Temporary Departure to regularise the tented camp from a land use and planning perspective has lapsed and the tented camp has been removed.
 - d. A number of visual mitigation measures be implemented.

Implications:

The heritage consultant has submitted a Section 27(18) application to SAHRA, detailing the nature of the unauthorised work and providing an assessment thereof. The NHRA application will feed into the NEMA public participation process in terms of advertising and notification of Interested and Affected Parties.

Furthermore, the consultants have recommended that no action be taken in terms of the NHRA given the tread-lightly, low visual impact and temporary nature of the tented camp, subject to conditions a) to d) outlined above.

2.1.6 Stellenbosch Municipality Land Use Planning By-law, 20 October 2015, (SM LUPBL)

The SM LUPBL was adopted in 2015 and all land use and / or land development applications or amendment applications for the Stellenbosch Municipal Area must be submitted in terms of this By-law and follow procedures outlined in chapter IV of the By-law.

Implications:

This application for a temporary departure is made in terms of Section 15(2)(c) of the LUPBL that is “a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land”. The application must comply with the procedural and administrative requirements set out in Chapters III and IV of the LUPBL.

2.1.7 Stellenbosch Municipality Zoning Scheme By-law, 1 November 2019, (SM ZSBL)

The applicable zoning scheme is the SM ZSBL. FE 5 is zoned Agriculture and Rural Zone in terms of this By-law. Refer to Annexure G for the zoning certificate.

The Tented Camp is regarded as a Tourist Accommodation Establishment in terms of the definitions contained in the SM ZSBL. Tourist Accommodation Establishments are permitted as a Consent Use in an Agriculture and Rural Zone in terms of Section 201(1) of the SM ZSBL. See Table 5 below.

Table 5: Extract from Section 201(1) of the Stellenbosch Municipality Zoning Scheme By-Law

AGRICULTURE AND RURAL ZONE	
PRIMARY USES	CONSENT USES
<ul style="list-style-type: none"> • Agricultural building (≤2000m²) • Agriculture • Dwelling house • Forestry • Natural environment • Occasional use (one event/year) • Private road • Polyunnel (≤2000m²) • Second dwelling • Employee housing (one unit) 	<ul style="list-style-type: none"> • Abattoir • Additional dwelling units (max 4) • Airfield • Airstrip • Agricultural industry (≥2000m²) • Camping site • Day care centre • Freestanding base • Telecommunication station • Helicopter landing pad • Intensive feed farming • Kennel • Market • Occasional use (> one event/year) • Plant nursery • Polyunnel (>5000m²) • Renewable energy structure • Service trade

	<ul style="list-style-type: none"> • Tourist accommodation establishment • Tourist facility (new buildings or exceeding threshold)
--	--

It must be noted that the Tented Camp is located within the Dwars River Valley Rural Conservation Overlay Zone and therefore requires permission from the municipality prior to certain activities identified in Section 246 (2) of the SM ZSBL commencing.

Implications:

A Tented Camp is not permissible as a primary use in terms of the Agriculture and Rural Zone. Given the intended temporary nature of the Tented Camp it is more appropriate to make an application for a Temporary Departure to establish rights to operate the existing tented camp, than applying for a Consent Use.

The Tented Camp will be assessed in terms of Section 246(2) of the SM MPBL through the findings of the Heritage Statement and from a land use perspective. Refer to Chapter 3, Section 3.2.4.

2.1.8 Conditional Approvals granted on 23 December 2005

As stated in Chapter 1, the subject site forms part of the Founders' Estates, comprising 18 farm portions (Portions 2 to 19 of Farm 1685, Paarl) measuring between 21 and 44ha each approved by Stellenbosch Municipality in its letter of approval, dated 23 December 2005, issued under the Land Use Planning Ordinance (Ordinance 15 of 1985). See Annexure A for the Stellenbosch Municipality Founders' Estates Decision letter, 23 December 2005. The approval in terms of the LUPO Section 8 Scheme required that 18 Farm portions be the subject of a 99-year lease agreement to ensure the portions continue to be utilised for agricultural purposes (see also section 1.1). The majority of FE portions are still in the ownership of Boschendal (Pty) Ltd.

The 2005 approvals permit the owners of each FE portion the rights to construct (or alter an existing farmstead) within an identified 8000m² area referred to as the Excluded Area. (See Figure 1 for the location of these Excluded Areas on each FE farm portion). The following Conditions of Approval extracted from the 2005 LUPO approval have particular relevance to this application:

- Condition (iii) "the utilisation of the buildings to be erected on the 18 agricultural units, shall be within the parameters of the zoning of agricultural Zone 1 at all times." Note Agricultural Zone 1 is to be read as Agriculture and Rural Zone in terms of the currently approved SM ZSBL.
- Condition (viii) states that "the buildings on the Agricultural unit must be limited to one new farmstead per farm. The only other buildings permitted are those required for bona fide agricultural purposes for the farming unit as a whole."
- Condition (xvi) states that "any requirements of the South African Heritage Resources Agency shall be complied with"

- Condition (xx) states that "no extensions to the existing buildings or the construction of any new buildings may occur without prior approval of the Council, as well as SAHRA and / or Heritage Western Cape."

The tented camp was constructed outside the Excluded Area. According to Winter et. al (2021) the Tented Camp is therefore not subject to the approved Founders Estates Design Guidelines (2010). The role of the Master Review Committee (MRC) and the MRC design review process are therefore also not applicable to the Tented Camp. However, while the Design Guidelines do not address the Tented Camp, there are a number of overall heritage objectives, principles, and guidelines that are applicable to ensure the Grade 1 status of the Founders Estate and broader landscape are not impacted. The HIA addresses this.

Implications:

In order to ensure that the intentions behind the conditions are upheld, this application will be for temporary rights to allow the Tented Camp to operate for a limited period of 5 years. The Tented Camp will have to be assessed in terms of its impact on the broader environment and heritage resources but not according to the guidelines established for the Excluded Area.

Development of the farmstead will be constructed on the Excluded Area after removal of the Tented Camp and the land on which the Tented Camp is located currently, returned to a state to fulfil the original purposes intended in the Founders' Estates Land Use Approvals granted in 2005.

2.2 Policy Context

The purpose of this section is to review the key policies and planning frameworks, and their implications for the site.

2.2.1 National Development Plan: Vision for 2030, 2012 (NDP)

The NDP promotes 2 key spatial priorities pertinent to the planning of Boschendal Estate including FE 5:

1. Rural Transformation which focuses on the promotion and development of an inclusive and integrated rural economy. The NDP's rural strategy focuses particularly on land reform, agrarian transformation, sustainable livelihoods and employment creation and clear environmental conservation and protection to guide development in rural areas.
2. Building environmental sustainability and resilience through adaptation and mitigation measures against the impact of climate change, particularly focusing on maintaining the integrity of eco-systems.

Implications:

The Tented Camp supports the above principles of the NDP. The camp operators are committed to alien clearing, the protection of Species of Conservation Concern, reintroduction of representative species on site and rehabilitation of impacted areas after removal of the Tented Camp. Furthermore the camp will from time to time accommodate conservation management teams and volunteers to assist with conservation management interventions of the site and adjacent areas in terms of the proposed mitigation measures identified in the EMP_r to be approved with the Environmental Authorisation.

2.2.2 Western Cape Provincial Spatial Development Framework, 2014 (PSDF)

The purpose of the PSDF is among others things, to guide the location and form of public investment. To support the PSDF, it is prudent to understand the principles that inform public investment decisions and align the private sector's response accordingly, wherever possible. It is also important to indicate the challenges that the provincial government sees as significant for the rural economy and the concomitant public investment policies that are pursued to address these challenges.

The PSDF promotes the principles of diversification and strengthening of the rural economy. Both these principles are strongly advocated for in the Western Cape's agricultural areas generally, including the Stellenbosch Municipal area within which Boschendal Estate and the Founders' Estates, are located. The PSDF promotes the tourism and hospitality industry to allow for the diversification of the agricultural and rural economy, particularly through farming, heritage, and eco- and agri-tourism.

Implications:

This application promotes the diversification and strengthening of the local Dwars River rural economy. The Tented Camp will contribute to the financial sustainability of FE 5 while acknowledging the importance of the heritage, landscape, agricultural land use and environmental resources of the area.

2.2.3 Stellenbosch Municipality Integrated Development Plan (IDP) 2017-2022 – Fourth Review May 2021

The Stellenbosch Municipality IDP defines the vision for the Stellenbosch Municipality and Greater Stellenbosch Area as a “Valley of Opportunity”. To support the vision, a number of strategic focus areas were defined, two of which are relevant in the context of motivating for the Tented Camp:

- **Valley of possibility** (Unlocking of possibilities to encourage opportunity for enterprise, creativity and business development to address unemployment, poverty, income inequality and skills shortages that impact the economy).
- **Green and sustainable valley** (Acknowledgement of the importance of the multiple dimensions of the environment on which Stellenbosch's residents rely including the natural, economic, social and cultural dimensions of the environment. This focus area talks to the importance of the spatial dimension of all of these including losing agricultural land to urban development)

The IDP notes that the agricultural sector is still recovering from the provincial drought. Simultaneously it identifies the need for local economic development including tourism initiatives that can create jobs and upskill residents without resulting in a reduction of land for agriculture or impacting on the natural environment negatively.

Implications:

This application acknowledges the IDP vision of a “Valley of Opportunity” by utilising existing scenic and environmental assets for tourism purposes, to help diversify and sustain the current rural economy.

2.2.4 Stellenbosch Municipality Spatial Development Framework – approved 11 November 2019 (SM SDF)

The Stellenbosch Municipal Spatial Development Framework is an approved and obligatory spatial framework in terms of the Municipal Systems Act (32 of 2000). The aim of the framework is to guide spatial form in the Stellenbosch Municipal Area (SMA) and outline associated strategies and policies to achieve the desired spatial outcomes, in alignment with the IDP's vision and objectives stated above. The SM SDF was approved by Council on 11 November 2019.

The SM SDF identifies 7 principles to guide the spatial development of Stellenbosch and provides planning and design guidelines and principles to direct spatial form in the SMA. The principles include the following:

- Maintain and grow natural assets
- Respect and grow cultural heritage
- Direct growth to areas of lesser natural and cultural significance as well as movement opportunity
- Clarify and respect the different roles and functions of settlements
- Clarify and respect the roles and functions of different elements of movement structure
- Ensure balanced, sustainable communities
- Focus collective energy on critical lead projects

The SM SDF states that agriculture and tourism are the Municipality's most competitive economic sectors. The SM SDF also encourages the conservation of Stellenbosch's natural environment and heritage assets. The SM SDF is clear that the sense of place of an area must be protected at all costs. Against this background, the SM SDF (2019: 52) proposes that "the areas and spaces – built and unbuilt – that embody the cultural heritage and opportunity of Stellenbosch need to be maintained intact, and that others provide the opportunity for new activity, in turn exposing and enabling new expressions of culture".

Implications:

Making use of lightweight decks and temporary structures assists to preserve agricultural land and contributes to protecting and reinforcing the sense of place and overall rural character of the area while supporting the viability of the Boschendal Estate and the local economy. The heritage specialist has determined that the Tented Camp has limited temporary impact on views and the Cape Winelands Cultural landscape. Alien clearing and rehabilitation of the natural vegetation remnants, after removal of the Tented Camp will also contribute to protection of the sense of place.

Thus, the sense of place of the area is protected in the long term, with conservation of the natural environment and heritage assets, aligning with the goals of the SDF in this regard.

2.2.5 Stellenbosch Municipality Heritage Inventory

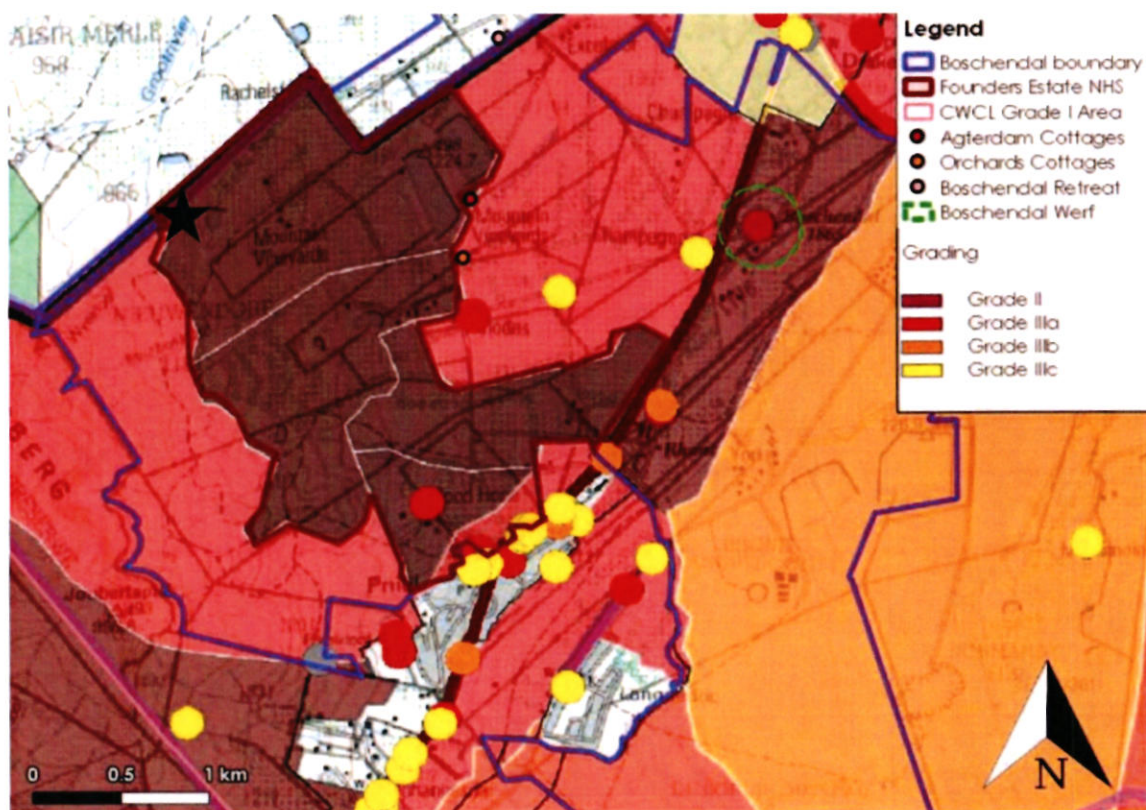
The Stellenbosch Municipality Heritage Inventory (SMHI) (Todeschini and Jansen, 2017) supports the National Heritage Resources Act (NHRA), and is a tool to encourage the protection of the tangible and intangible resources found within the Stellenbosch municipal boundary. A large focus of the Inventory is on the landscape in order to contribute towards protection of the Grade 1 Cape Winelands Cultural Landscape. The SMHI divided the landscape into landscape units depending on their attributes and was limited to the compilation of a tangible heritage inventory. This resource has been used to inform the heritage statement being compiled by the heritage specialist. See insert 2.

A summary of the key resources highlighted for attention and consideration, are the following:

- The Grade I Cape Winelands Cultural Landscape,
- The Founders' Estates National Heritage Site (Grade 1),
- A character area A07: Founders' Estates", Grade IIIa. This character area, "comprises the area between the R45 at the north east, Joubert's Peak in the Simonsberg at the south west, the Helshoogte Road (R310) to the east, and Pniel the south-east. The SMHI notes that the presence of the mountain determines the main character of the character area, providing a natural backdrop to the extensive vineyards on its foothills." The SMHI states that this landscape unit has a high level of historic, social, scenic and cultural value.

Implications:

The visual impact of the Tented Camp must be considered and minimised / mitigated as far as possible so that it does not impact on the highly valued cultural landscape. The Heritage statement will assess it in terms of the inventory landscape gradings.



Insert 2: Gradings from Stellenbosch Municipality Heritage Inventory (Source: SM, 2017. Site marked with a black star)

2.2.6 Boschendal Sustainable Development Initiative (BSDI): Planning Policy and Development Strategy, Inception Phase Report, 5 November 2004

The BSDI was an initiative collectively formulated by Boschendal, Two Rivers and Anglo American Farms (Amfarms) and the affected communities of the Dwars River Valley in order to facilitate a number of large land transactions, agreements and projects to be undertaken by the landowners and a Community Trust (Boschendal

Treasury Trust) that was setup through the SDI process. This complicated set of transactions and agreements was primarily a result of a decision by Amfarms to rationalise their non-core assets and sell Boschendal, which it did successfully in 2003 to a consortium. This consortium made use of the proposed Concept Plan contained in the BSDI Planning Policy and Development Strategy (see Insert below) with the Founders' Estates marked in medium-green. Boschendal (Pty) Ltd subsequently acquired the rights to the subdivision and development of the eighteen (18) Founders' Estates on 23 December 2005 (see also Chapter 1).

While the Boschendal Sustainable Development Initiative (BSDI) has no legal status, it is important as it provides context to the Founders' Estates.

2.2.7 Boschendal Draft Conceptual Framework (CF) (2019)

The Boschendal Draft Conceptual Framework was submitted to Stellenbosch Municipality firstly, to articulate Boschendal's vision for development on the farm into the future; secondly, to feed into Stellenbosch Municipality's review process of the Stellenbosch Municipality Spatial Development Framework, which was approved by Council on 11 November 2019 (see also Section 2.2.4 above); and thirdly, to provide a larger scale Framework for the Boschendal Estate within which site specific applications can be assessed by Stellenbosch Municipality.

The Conceptual Framework is informed by a set of broad overarching principles. These are (2019: 66):

- Socio-cultural sensitivity
- Social justice and Inclusivity
- Economic resilience
- Environmental resilience
- Agricultural resilience
- Sustainability

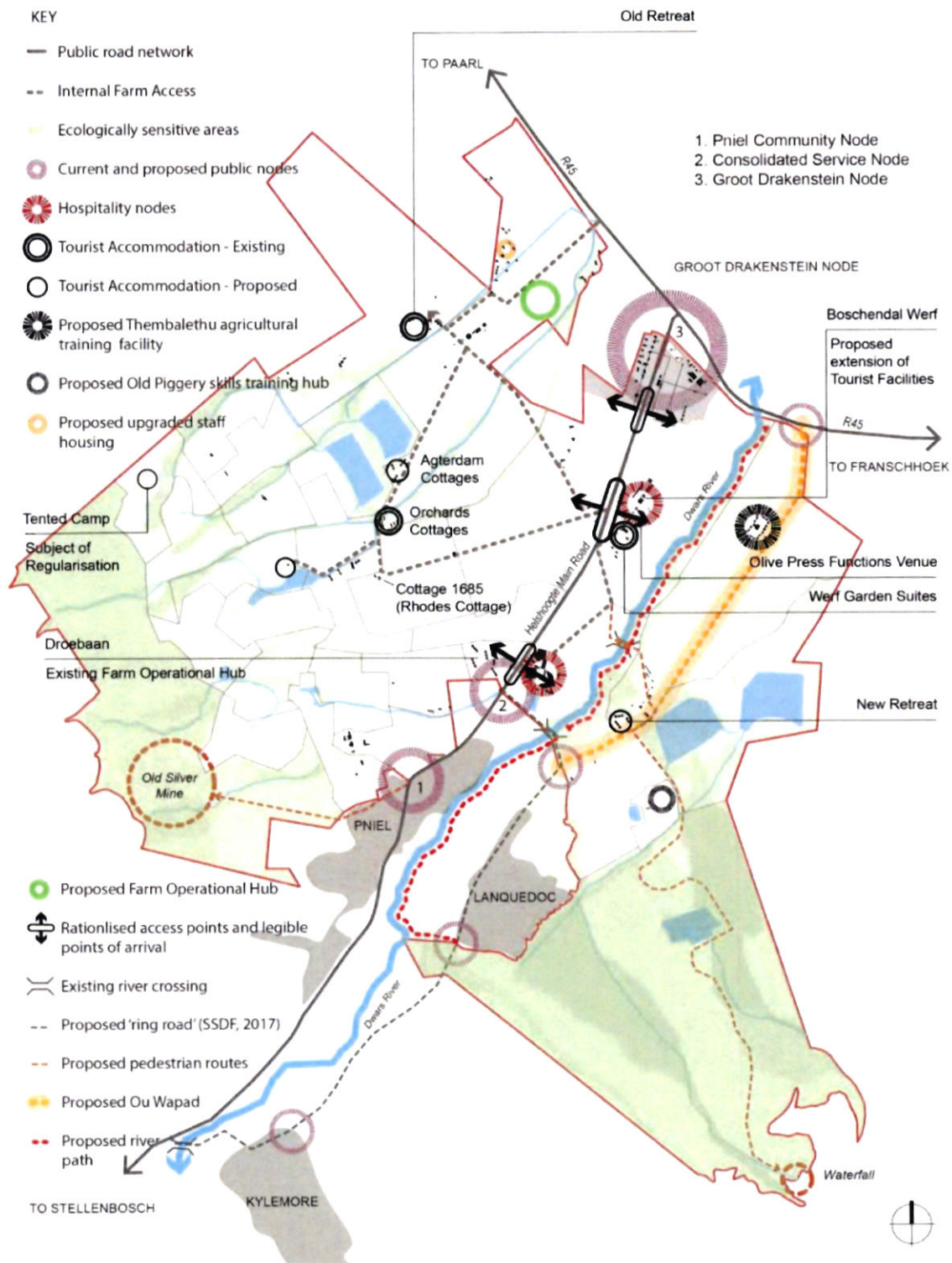
A Restorative Redevelopment Approach informed primarily by the principles of social justice and inclusivity guided where and how new interventions on the farm could be optimally located (2019:42). It led to the identification of opportunities for repurposing of existing structures and infrastructure, opportunities to maximise on the farms existing natural assets as well as opportunities to reinstate historic linkages across the Dwars River Valley landscape. This approach ensured that the farm can adapt to a changing world, while still addressing the past and the legacy of exclusion (ibid.)

The tented camp was identified in the CF (see Insert 3 below) as a tourism opportunity to maximise on the isolated nature of the upper slopes of the Simonsberg where visitors can get closer to the conservation areas. Use of the identified site for a tented camp was seen as an opportunity to involve visitors potentially in the Estates' environmental programmes such as alien clearing for example and to create further hospitality related job opportunities.

It must be noted that the framework is a background document and guide, and has no legal status. While the document remains as submitted to SM in 2019, the Spatial Concept was updated in October 2021 to reflect the current development on the Estate.

Implications:

The proposal aligns with the principles and proposals contained in the Boschendal Draft Conceptual Framework.



Insert 4: Boschendal Draft Conceptual Framework: Preliminary Spatial Concept for Boschendal, Revision1 (15 October 2021) (Author: NM & Associates, 2019)

3. Contextual and Site analysis

3.1 Site Context

3.1.1 Natural Setting

Boschendal Estate, on which the tented camp is located as part of the Founders' Estates, is situated within a dramatic valley setting surrounded by mountain ranges and associated conservation areas. The Tented Camp is located on the middle to lower slopes of the Simonsberg Mountains overlooking the Dwars and Berg River Valleys.

The western part of the Boschendal Estate, in which the subject site is located, is farmed more intensively than the eastern parts, and contains extensive areas of fruit orchards, vineyards and pastures. Streams and narrow corridors of indigenous vegetation cross this western portion of the Estate creating a mosaic effect. The site, located on FE 5, is part of this mosaic and includes fallow lands that were once planted as well as remnants of the natural vegetation and a stream which drains the upper slopes of Simonsberg and ultimately flows into the Berg River through various tributaries.

3.1.2 The site within Boschendal Estate and Founders Estate

Boschendal Estate is situated at the junction of the Dwars River Valley containing the settlements of Pniel, Lanquedoc, Johannesdal and Kylemore, and the Berg River Valley which includes settlements such as Simondium, Meerlust Bosbou, Groot Drakenstein, La Motte, and Franschhoek.

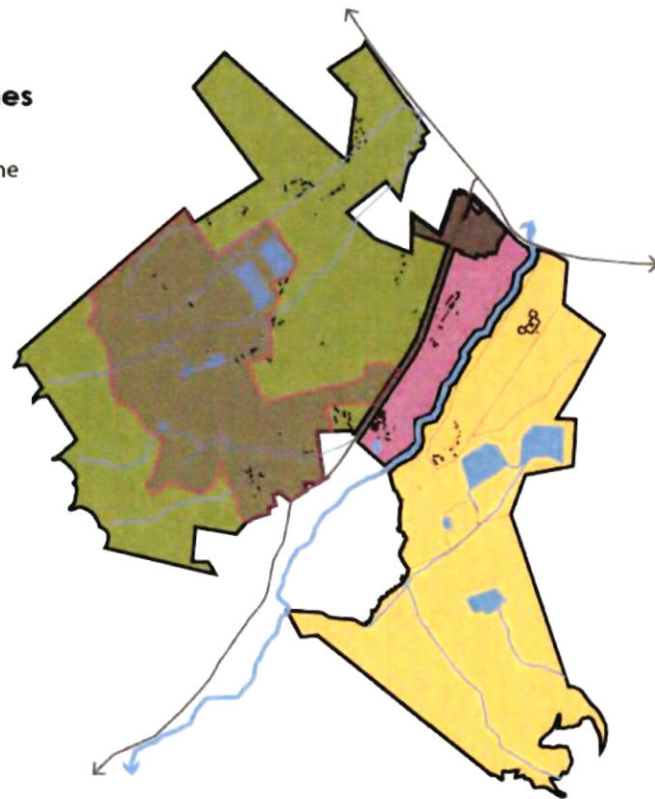
The Boschendal Estate is bisected by the R310 (Helshoogte Road), with the Estate's northern edge defined by the R45. The R45 and R310 are important district routes that connect Boschendal Estate to the urban centres of Stellenbosch, Paarl and Franschhoek (see Figure 4).

The Estate is further split by the Dwars River. Insert 5 below (extracted from the Boschendal Draft Conceptual Framework, 2019) is a diagrammatic representation of the estate as three distinct parts defined by the district routes and the Dwars River valley. FE 5, to which the site belongs, is part of the western precinct which is used predominantly for farming and tourist accommodation.

The site is located on the extreme western edge of the BE. The subject site's location on the periphery and higher slopes of the BE lends itself to being a low-key tourist accommodation offering that benefits from a quieter setting closer to the wilderness of the mountains.

Proposed Land Use Character Zones

- Core Farming / tourist accommodation zone
- Farming / hospitality zone
- Farming / community zone
- Village Node
- Founders' Estates



Insert 5: Land use character zones (extracted from Boschendal Draft Conceptual Framework, NM & Associates, 2019, adapted 2021)

3.1.3 Land Use setting

Boschendal is predominantly used for farming of grapes for wine production, stone fruit, livestock, and game (see Figure 3). FE 5 is used for agricultural purposes, with established vineyards located east of the stream. FE 5 is located at the interface of the agricultural lands with the wild slopes of the Simonsberg Mountain slopes. Some of FE 5, including parts of the application site which are fallow land that once had vines but which according to Lanz (2021), were removed due to the altitude not being suitable for quality wine production. The surrounding farm portions are used for agricultural purposes and specifically the growing of vines.

BE has two main hospitality hubs associated with the old Boschendal and Rhone manor houses (see Figure 4). These hubs of activity comprise restaurants, tourist-related retail, wine production, tasting and sales facilities, a farm shop, deli and tourist accommodation. Outside of these hospitality hubs are several other homesteads, clusters of agricultural buildings and old labourers' cottages used for a combination of tourist accommodation, conference facilities, staff accommodation and farm related activities.

The closest built structures are the homesteads and clusters of agricultural buildings located on the neighbouring Farms 1685/3, 1685/4 and 1685/7. The closest farm buildings to the site are approximately 400m east of the site on Farm 1685/3. The historical Nieuwedorp Homestead cluster on Farm 1685/11 and Cottage 1685 (Farm 1674/6) are located approximately 1.5km away to the east.

Farm 1674/1, to the immediate southwest of FE 5, is used largely for conservation purposes, a portion of it being part of the Simonsberg Nature Reserve, and a part of the broader Hottentots Holland Mountain Catchment Area.

Farm 966/5, located to the west of the site and outside of the Boschendal Estate boundary is also used for agricultural purposes.

3.1.4 Boschendal and Founders Estate access

Public access onto Boschendal Estate occurs off Helshoogte Road which is a Provincial Main Road (Class 2). Access for the public into the western part of the Estate including the Founders' Estates is via the Avenue 1685 entrance gate. Internal farm roads including Avenue 1685 located in an existing road servitude that traverses Portions 6 and 7 of Farm 1674 of the Boschendal Estate then provide access to the various visitor destinations including the subject portion.

The site is located approximately 4km via farm roads from the security gate on Helshoogte Road. See Figure 4 for the location of the main public entrance gate and access route to FE 5.



Key

- | | | |
|---|--|---|
| Boschendal Estate | — Rivers | Apples |
| Farm portion boundaries | Dams | Citrus |
| Founders' Estates (Farms 1685/2 to 19) | Plums | Lemons |
| Farm 1685/11 (FE 11) | Vineyards | Olives |
| Major Roads | Pears | |

Scale 1: 30 000 @ A4

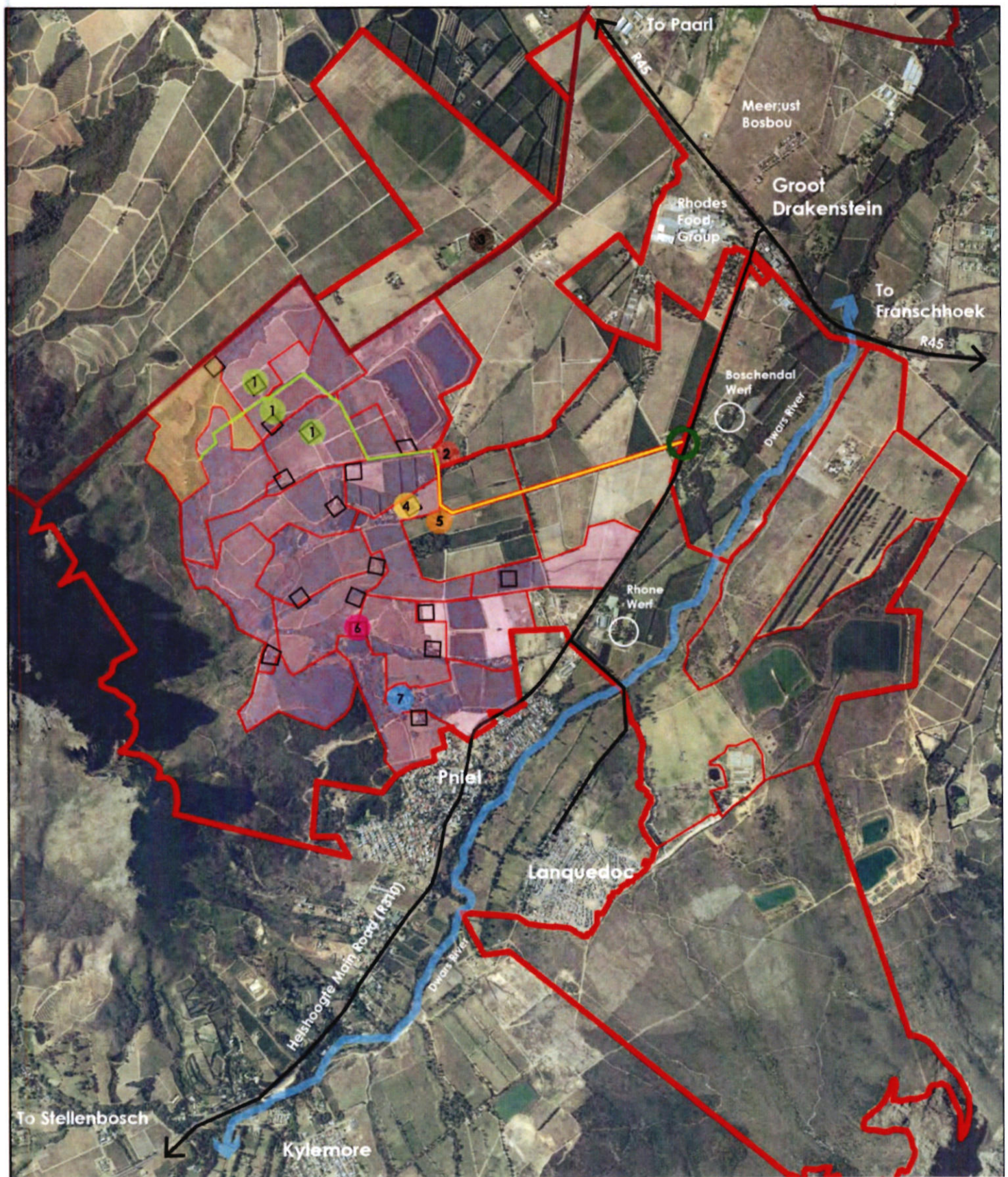
0 200 400 1000m



BOSCHENDAL:
FARM 1685/5 (FE 5)

FIGURE 3: LOCATION OF FE 5 WITHIN THE CURRENT AGRICULTURAL PLANTING FRAMEWORK FOR BOSCHENDAL ESTATE
(SOURCE: BOSCHENDAL, 2020)

nm & associates
PLANNERS AND DESIGNERS



Key

- | | | |
|--|---|-------------------------------|
| Stellenbosch Municipal Boundary | Founders' Estates 8000m ² Excluded Areas | Orchards Cottages |
| Boschendal Estate | Existing gravel farm roads | Nieuwedorp Homestead Werf |
| Farm portion boundaries | Avenue 1685 (with access servitude) | The Retreat |
| Founders' Estates (Farms 1685/2 to 19) | Avenue 1685 public access gate | Cottage 1685 (Rhodes Cottage) |
| Farm 1685/5 | Farming-related buildings | Mountain Villa |
| | Farming-related buildings | Goedehoop Homestead |

Scale 1: 30 000 @ A4

0 200 400 1000m



BOSCHENDAL:
FARM 1685/5 (FE5)

FIGURE 4: FE 5 WITHIN DWARS RIVER VALLEY AND BOSCHENDAL ESTATE

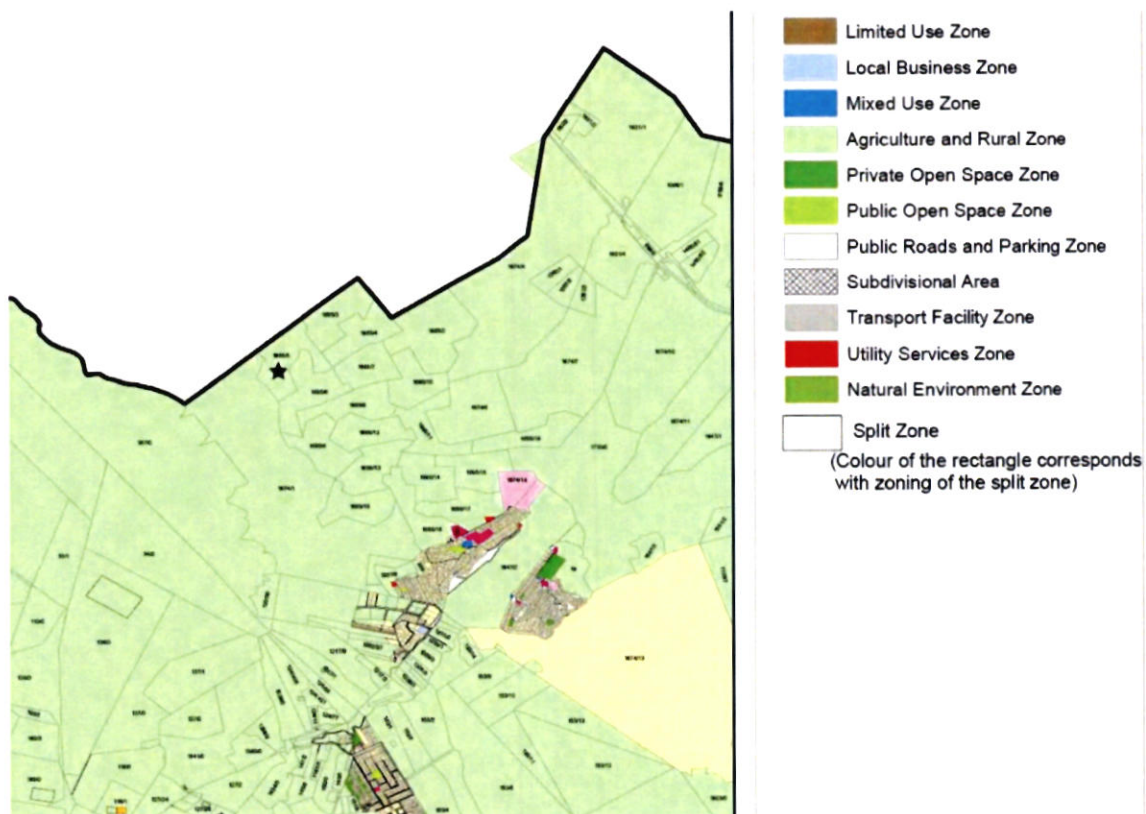
nm & associates
PLANNERS AND DESIGNERS

3.1.5 Existing zoning context

Boschendal is predominantly zoned Agriculture and Rural zone in terms of the SM ZSBL. The local surrounding areas are also largely zoned Agriculture and Rural zone with the exception of the settlements of Pniel, Lanquedoc and Kylemore which have a mix of residential, community and commercial zonings.

While Boschendal is zoned Agriculture and Rural in terms of the ZSBL, (see Insert 6 below), over time additional rights and consent uses have been approved for various existing buildings on Boschendal to be used for tourist related and hospitality functions permitted within the Agriculture and Rural zone. New buildings for non-agricultural related uses have been avoided. In this way the integrity of the agricultural lands has been protected.

The intention of this application for a Temporary Departure to permit the existing unauthorised Tented Camp, is to continue to protect the integrity of the agricultural zone in the long term and the original intent of the Founders' Estates to secure the Estate for agricultural purposes.



Insert 6: Extract of current zoning map (Source: Stellenbosch Municipality, 2019, adapted by NMA) (site indicated by black star)

3.2 The site

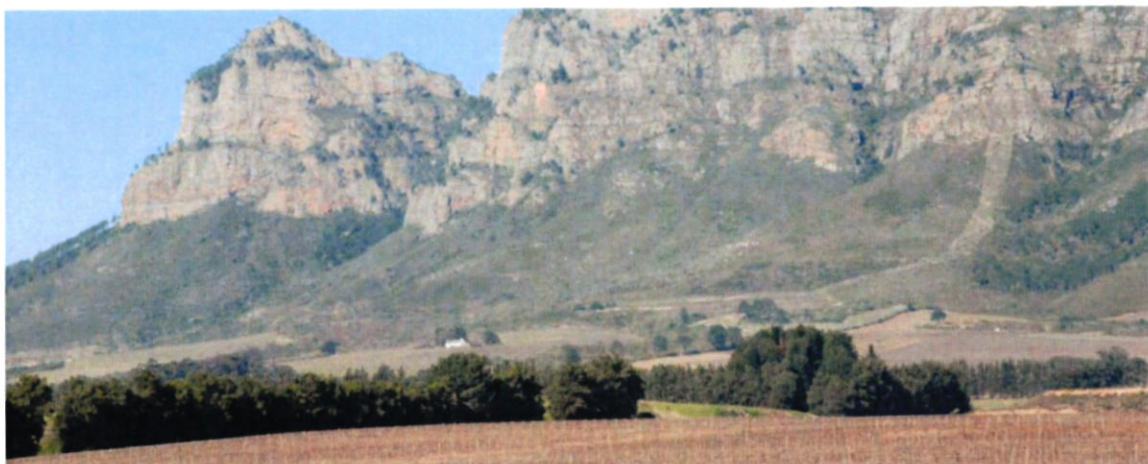
3.2.1 Existing geological and topographical setting

The site is located on middle slopes of the Simonsberg at a height of approximately 370m AMSL above the farmed zone of the Boschendal Estate and at the interface of the farmland with the naturally vegetated slopes. The Tented Camp site drops approximately 35m over its full extent towards the northeast. This represents a fall of about 13%. The tent decks generally allow for the natural slope to be respected as they 'float' above the ground surface. The Mess Tent and Guest Support Tent are the only structures that are located on an intentionally cut platform. The platform is located approximately 7m above the Dam.

The site consists of a layer of stony colluvial material overlying a deeply weathered granite saprolite with high clay content. The colluvium is derived from the sandstone slopes above (Winter et al., 2021). Where the clayey ground surface is exposed, it can become sticky in the wetter months.

Given the siting of the camp on the slopes of Simonsberg, visibility is a concern. In this regard a Visual Impact specialist has been consulted to inform the heritage indicators and mitigation measures.

Conclusions from the visual impact specialist are that notwithstanding the site's location on the upper slopes of the Simonsberg, the structures are not visible when viewed from the public road network in particular the R45 and the R310. See Insert 7 below for the views off the R45. Local views of the site are also fortunately limited due to the complex nature of the local topography in which low ridges block views of the site from other neighbouring FE portions. See Insert 8 below for localised views of the site, both of which are from within the subject portion. Figure 5 locates the views that are shown in the photos below and the location of potential screening to mitigate the visual impact which is mostly local.



View a: Far view from the northwest off the R45

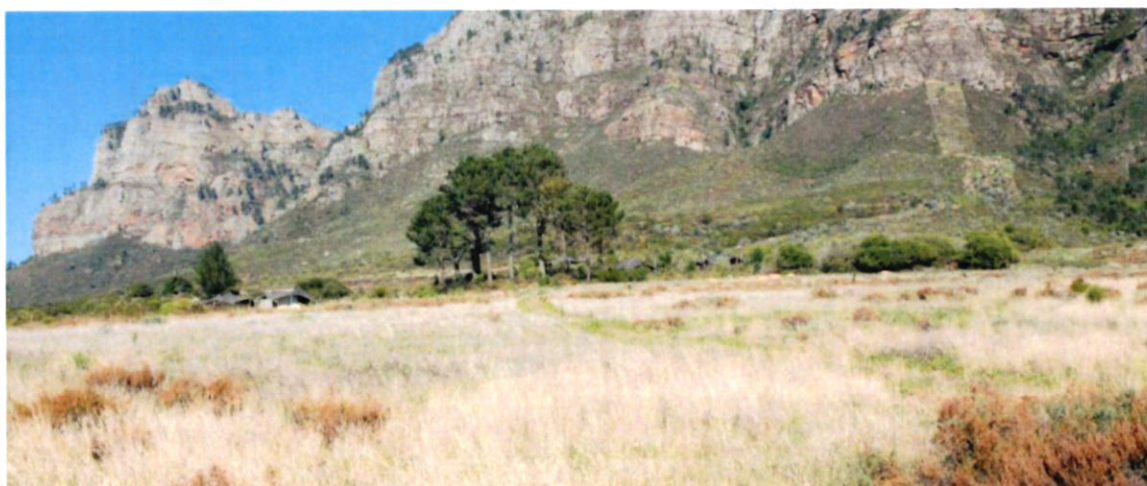


View b: Far view from the North off the R45

Insert 7: Views of the site from far



View c: Close view from the west, looking across the dam on FE 5. Note the most visible tents



View d: View looking upslope from the FE 5's Excluded Area towards the site.

Insert 8: Close views of the site

Key

- 1 Tent structures reference numbers
- 1 Tent structures requiring screening
- Local ridgelines
- Established Alien trees
- Significant indigenous trees / tree clusters on site
- Areas for planting to serve potential screening role on site
- Watercourses
- Site Boundary
- FE 5 boundary
- Contours (2m)
- a Long View from R45
- b Long view from R45
- c Close view from eastern side of dam
- d Close view from FE 5 Excluded Area

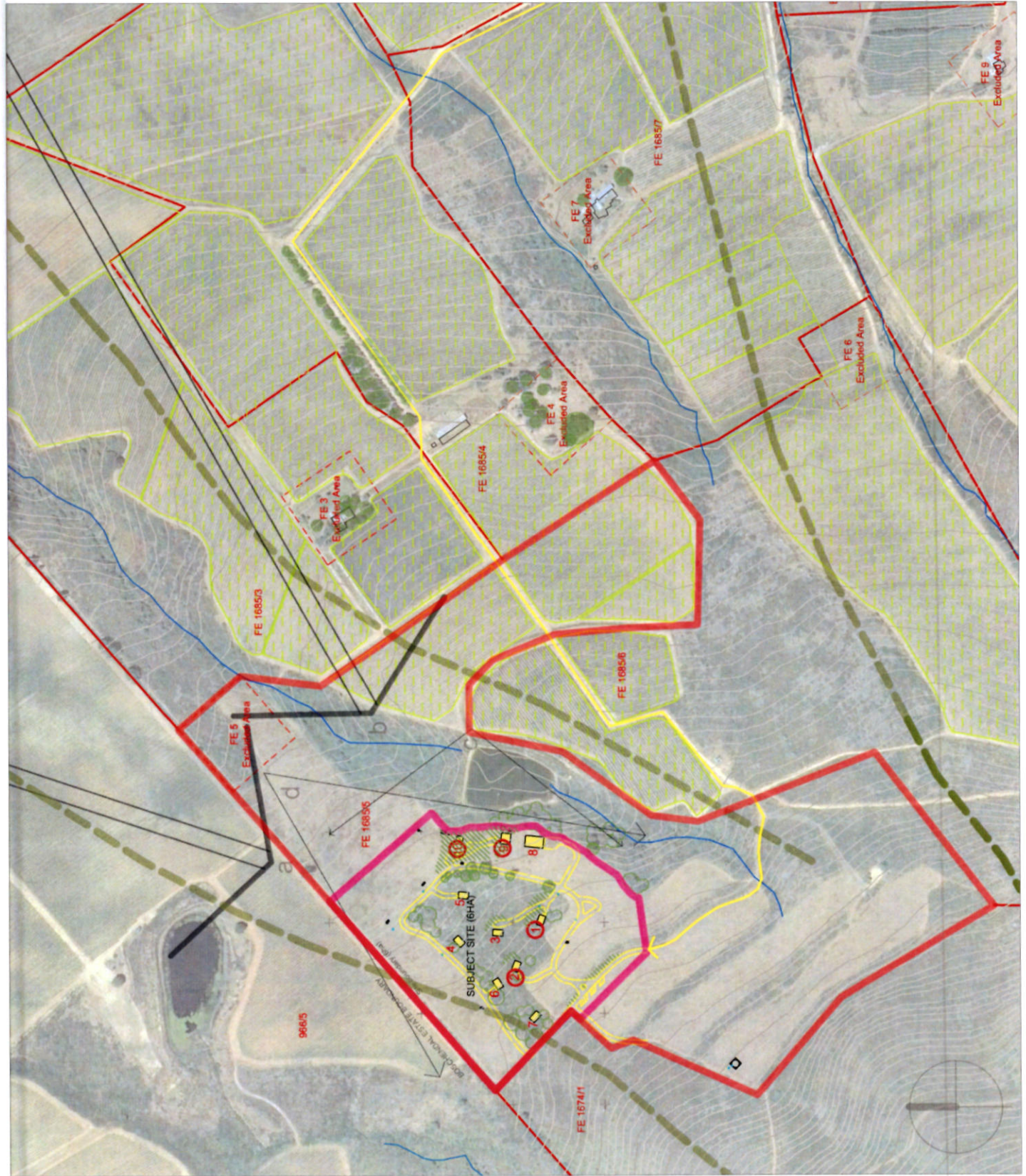


FIGURE 5: VISUAL ISSUES

Scale 1:4000 @ A3
0 40 100 200m

BOSCHENDAL
PORTION 5 OF FARM 1685
TENTED CAMP

nm & associates
PLANNERS AND DESIGNERS

3.2.2 Existing Land Use and Access

Direct access for vehicles to the subject site is somewhat circuitous, requiring vehicles to head up the slope first before descending to the tents on existing farm roads. This is required to avoid crossing a wide watercourse. See Figure 6 for the approach route. A ring-road around the subject site, following the alignment of previous farm access roads, provides access to small driveways off this ring-road to provide access to each tent structure for a vehicle if necessary.

Land use on the subject portion and within the immediate surrounds is shown in Figure 6. Vineyards on the subject portion are located east of the watercourse on the ridge. The vineyards within Founders Estate are notably located on the ridges and not in the watercourses. A Site Sensitivity verification and Agricultural Compliance Statement confirms that parts of the site (those areas where the communal / operations tents are currently located) were previously under vine but these vines were removed in 2014 for reasons unrelated to the current Tented Camp development.

Key

- Cadastral boundaries
- Founders' Estate's Excluded Areas
- FE 5 boundary
- Site Boundary
- Access route to site
- Vineyards
- Contours (2m)

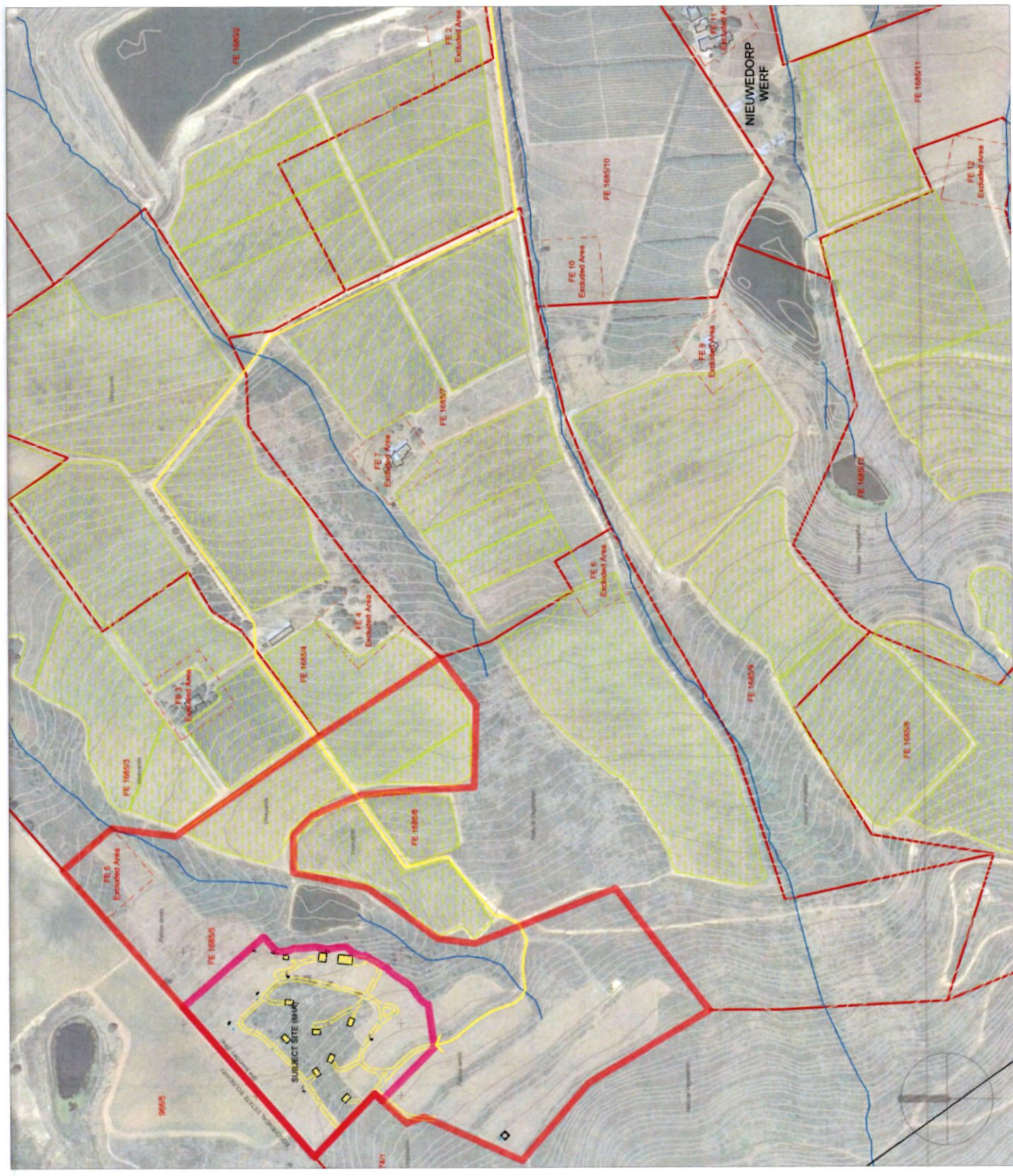


FIGURE 6: LOCAL LAND USE AND ACCESS ARRANGEMENT

Scale 1:5000 @ A3
0 25 50 100 250m

BOSCHENDAL
PORTION 5 OF FARM 1485
TENTED CAMP

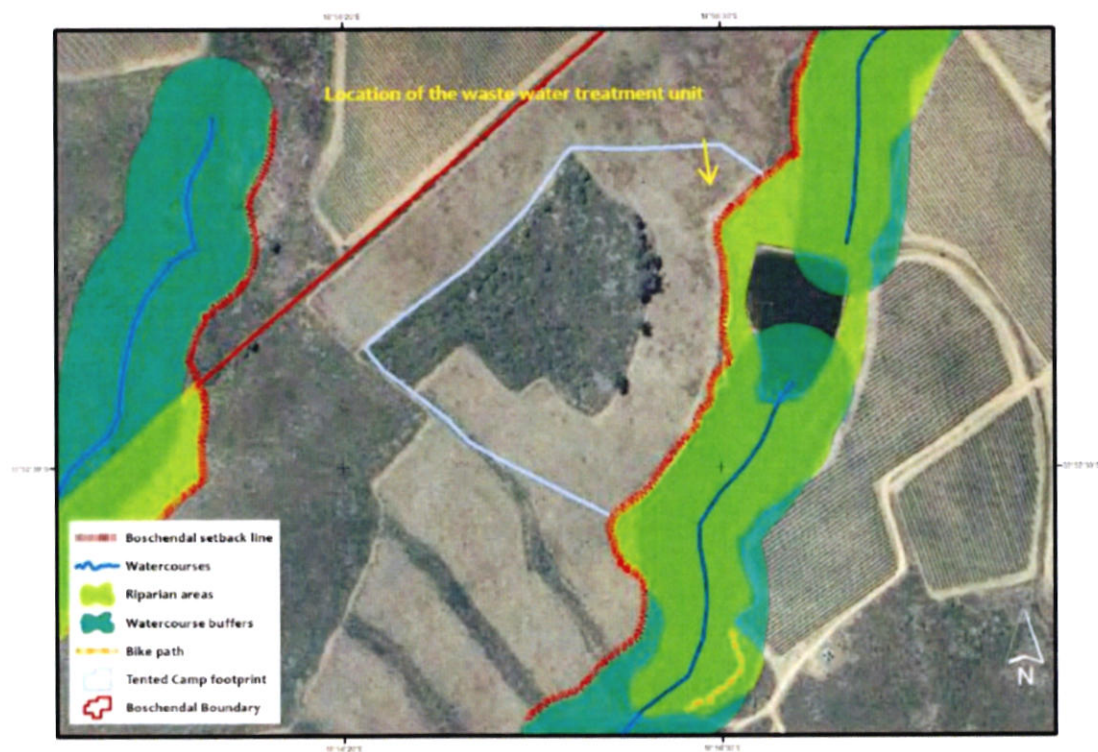
nm & associates
PLANNERS AND DESIGNERS

3.2.3 Existing Environmental features

The tented camp and associated infrastructure are located within an area partly comprising vegetation of the Boland Granite Fynbos type, which is classified as vulnerable (Biodiversity Africa, 2021). The accommodation tents are located within a patch of this indigenous vegetation which also includes a number of alien species. Other structures and infrastructure appear to be located on land which has been transformed through agricultural use, closer to a stream and an in-channel man-made dam.

A site survey by Kate Snaddon of Freshwater Consulting (2021), resulted in a recommended buffer for stream 1 above the dam of 42m for the Construction Phase and 42m for the Operational Phase, reducing to 36m for the Construction Phase and 33m for Operational Phase below the dam (ibid.). These buffers, measured from the midline of the channel are shown in Insert 9 below. Note that the dam is considered as an "inline" dam and as such does not have its 'own' buffer.

The protocol for the determination of buffers for watercourses states that the buffer must include the delineated riparian area, thus the final setback line follows the outer boundary of either the ecological buffer, or the riparian area, whichever is the widest (ibid.). This setback line can be seen in a dashed red line in Insert 9.



Insert 9: Watercourses, riparian areas, and watercourse buffers with ecologically based setback lines for the tented camp site (Source: Freshwater Consulting in Chand, 2021)

From a freshwater eco-systems perspective, impacts relating to the construction and eventual removal of the Tented Camp infrastructure were all assessed as being, at worst, of low negative significance, if the mitigation measures recommended are

implemented. Due to the fact that most of the infrastructure has been put in place, it was possible for the specialist to visit the site and assess whether site construction had in fact had an unexpectedly high impact on Stream 1 and its riparian area. The site survey confirmed that there are few residual impacts post-construction. However, the specialist reiterates that it is important that mitigation measures recommended for the demolition / removal phase are implemented, in order to maintain this low level of negative impact on the site. (Freshwater Consulting, 2021).

Mitigation measures will address the following cumulative concerns with respect to the freshwater ecology in this area:

- Loss of open space, through catchment hardening;
- Loss or fragmentation of riverine or wetland habitat, as a result of encroachment into ecosystems and/or their ecological buffers;
- Deterioration in water quality, from discharge of stormwater or treated waste water into natural areas and ecosystems.

Mitigation measures will also help to manage the following activities which could impact negatively on the resource quality of the watercourses on Boschendal Estate, and downstream:

- Discharge of treated waste water from package units, and untreated stormwater runoff into the riparian areas, wetlands or watercourses;
- Clearing of vegetation for preparation of construction sites, and for landscaping, and for operational maintenance of infrastructure;
- Maintenance of gravel roads, tracks and boardwalks;
- Proximity of developments to sensitive areas, resulting in the disturbance of fauna and flora through noise and light pollution, and trampling / cycling.

The site does not contain any Critical Biodiversity Areas (CBA) however there is a patch of Terrestrial Ecological Support Area (ESA) 1 in the part of the site where the seven accommodation tents, a few short sections of their driveways, and a sewer line are located (ibid.). Disturbances appear to have been kept to a minimum and have had a relatively low impact on the ecological functioning of the ESA patch of fynbos in which they have been built.

A ground-truthing undertaken by Biodiversity Africa to assess the ecology of the site confirmed the nature of and sensitivity of the vegetation and fauna. See Insert 10 below for a survey of the vegetation types and Insert 11 for the defined Site Ecological Importance (SEI).



Insert 10: Vegetation Map of project area (Biodiversity Africa in Chand, 2021)

Insert 11: SEI map of the project area (Biodiversity Africa in Chand, 2021)

Due to the small footprint of the camp, and the raised platforms which allows ecological processes to continue uninterrupted beneath the structures, the SEI was determined to be of moderate significance. However if any further clearing is to occur within the affected vegetation patch it is likely that the SEI will increase to high.

Biodiversity Africa also undertook a faunal investigation and identified a number of amphibians, reptiles, birds and mammals that could be found on site. The specialists suggest that the fauna would have been minimally influenced by the installation of the tents in the first place.

In conclusion, impacts on the vegetation and fauna are said to be of moderate significance but with mitigation, can be reduced. (Biodiversity Africa, 2021). Mitigation measures will include measures to ensure alien eradication and control, the protection of Species of Conservation Concern and reintroduction of representative species on site. Planting for rehabilitation purposes will have to be indigenous and approved by a botanist.

The recommended mitigation measures identified by the various specialists will be detailed in the EMP to be approved as part of the Environmental Authorisation. The mitigation measures will be split between those applicable to the operations phase and those applicable to construction/decommissioning phases. A high level summary list of the main recommended mitigation measures can be found in Chapter 4, Section 4.3.3 and Section 4.4.8. The detailed technical measures and guidelines will be expanded on in the EMP proposed to be approved with the Environmental Authorisation.

3.2.4 Heritage resources and indicators

Boschendal Estate is situated in the heart of the Cape Winelands Cultural Landscape which is a Grade I heritage resource. The Stellenbosch Municipal Area Heritage Inventory and Management Plan (Todeschini and Jansen, 2017) locates the site within a Grade IIIa character area within the Founders' Estates National Heritage Site (Grade 1). As noted in Chapter 2, Section 2.1.7, the Tented Camp is also located within the Dwars River Valley Rural Conservation Overlay Zone.

For this reason, it was necessary for Heritage Specialists working in close association with a Landscape Architect to prepare a Heritage Statement identifying and assessing the heritage resources affected by the camp and the visual impact. The Heritage statement also identified actions required to mitigate impacts on the heritage resources.

The heritage resources are identified at three scales as follows:

Founders Estate:

The National Heritage Status of the estate is noted for its historical, social, aesthetic, architectural and archaeological value. The cohesive and iconic visual quality of the agricultural slopes forming a backdrop to a number of set pieces such as Cottage 1685 (Rhodes cottage), Goedehoop and Nieuwedorp, is of specific value. The landscape structure comprising fields and windbreaks, water courses and tree lined routes give it a unique quality. The manner in which the historic built forms lie in the landscape, nestled in tree copses and typically avoiding steep exposed slopes is also of significance. While there are parts of the Founders' Estates that are archeologically significant, FE 5 is not one of them.

Landscape Zone C:

The Founders' Estates comprises three broad landscape zones, the Tented Camp being located in Zone C, the upper slopes (above 320m contour line). Zone C comprising the Simonsberg upper slopes, provides an uncluttered backdrop to the Founders' Estates' agricultural foreground.

Portion 5 of Farm 1685:

FE 5 has both natural and cultural significance, given the presence of the vineyards and a stream with its densely vegetated edges. The natural vegetation and dam edged with dense riverine vegetation distinguishes it from the adjacent FE's.

An extensive list of indicators was developed for each of the scales described above and these were used to measure impact of the tented camp on the resources identified above.

What is of critical importance is that the tented camp, as part of the Landscape Zone C, has a high degree of visibility. In the context of the initial guidelines for FE limiting new development in this zone and requiring strict controls for any development above the 265m contour line, the following are especially important to inform the mitigation going forward:

- The upper slopes should be understood as a place of retreat and refuge;
- Any development in this zone should be 'wrapped and embedded in nature and agriculture';
- New development should have limited footprints and be designed to tread lightly on the landscape;
- New development should be limited to not exceed the combined cultural, visual and environmental carrying capacity of the site;
- Roads and parking should be carefully considered in terms of the potential for scarring and to ensure minimal visual intrusion;
- Parking should be obscured and excessive cut and fill in these zones avoided;
- The architecture must be recessive and use more natural materials and more muted earth colours; and
- Signage and lighting must be low-key and not visually intrusive

The outcome of the assessment by the heritage and landscape consultants concluded that the unauthorised work has not caused irreversible damage to heritage significance mainly due to the tread lightly, low visual impact and temporary nature of the tented camp. However, the unauthorised work does have some impact which can be addressed through specific remedial actions / mitigation measures related to roads and parking, clearing and excavation, signage and lighting and landscaping. A list of the main recommended heritage related mitigation measures can be found in Chapter 4, Section 4.3.3 with detailed technical measures and guidelines to be listed in the EMP that is proposed to be approved with the Environmental Authorisation.

Furthermore, the Tented Camp from a land use and heritage perspective does not contravene the provisions of Section 246 (2) of the SM ZSBL as it does not involve any of the activities listed under a) to f) of Section 246 (2) of the SM ZSBL.

3.2.5 Existing Services and infrastructure

The subject portion has been supplied with the necessary services. The existing services and infrastructure are described in detail in Chapter 4, Section 4.4.

4. Description of Tented Camp

As indicated in the introduction to this application, the Tented Camp already exists and is an unauthorised land use. It has thus not been used for the purposes intended. As such it is presented here as a proposal along with the mitigation actions that are required to fulfil the conditions set by the various specialists' towards reducing impact, with a view to seeking the Municipality's support.

4.1 Site Layout, operation and access

The Tented Camp located on a Portion of FE 5, on the upper slopes of the Boschendal Estate is distanced from the main upmarket tourist accommodation nodes and provides a low impact, less formal accommodation offering. It is likely to attract guests wanting to be closer to nature and wanting direct access to the mountain slopes for recreational and leisure purposes. Other guests may occupy the accommodation to access programmes run by Boschendal, offering guests opportunities to work on harvest and conservation related activities.

The Tented Camp is located on a 6ha portion of the FE 5 identified in Figure 7, below and is comprised of the following:

- Seven tents for accommodation of two people each serviced with their own bathrooms and limited self-catering facilities. The tents accommodate a maximum of 14 people on the site in total at any one time. Tents are located on decks measuring approximately 78 to 83m² each.
- A large mess tent where guests staying on site can congregate as a group if necessary. This tent deck is approximately 246m² in extent.
- A guest support tent with a communal kitchen facility and toilets. The tent deck is approximately 125m² in extent.
- A staff tent. This is necessary to ensure at least one staff member can be available onsite while guests are staying. It will have space for an informal administrative desk, toilet and storage. The tent deck is approximately 43m² in extent.

The total area under deck is 988m². See Table 6 below for a breakdown of the deck areas and internal areas per tented structure.

Table 6: Tented Camp: Floor Areas

	Deck Area	Top structure (enclosed / roofed area)	Use
Accommodation Tents	73-83m ² each	±46m ²	Double Bedroom with bathroom and mini kitchen facility
Mess Tent	246m ²	±110m ²	Open plan lounge, gathering space
Guest Support Tent	125m ²	±52.3m ²	Toilets, storage, communal kitchen
Staff Tent	43m ²	±14m ²	Administration / Storage, Toilet
Total	988m ²	±222m ²	

The tented accommodation units are tucked into a patch of indigenous vegetation so as to provide a combination of privacy and views of the Berg River Valley below. The communal / operations related tents are located at a lower level, within the open fallow lands close to the dam. See Insert 12 below.



Insert 12: Aerial View of Tented Camp site

The site will be approached from the southeast using existing farm roads. These access roads will take guests to the top end of the site where they will park along the edge of an existing road, where 7 new informally defined parking bays along the road edge, are provided. Guests will walk down to their units from here or be picked up by a staff vehicle (golf cart type vehicle) that will be available on site to shuttle guests to their respective units, if necessary. Guest vehicles will be able to access the individual units by private vehicle using an existing gravel ring road, if so desired but this will be discouraged to limit vehicular movement around the site

Access around the site will be primarily by foot using the existing roads and pathways.

The gravel road that circulates around the site will provide access to the respective units, and the communal / operations tents for servicing purposes.

As there will only be a maximum of 7 vehicles at any one time, no Traffic Impact Study is required in support of this application. This was confirmed by the Chief Engineer: Land Transport of the Western Cape Provincial Department of Public Works in an email dated 06 September 2021, on inquiry from Lynne Pretorius of ITS in an email of the same date. Refer to Annexure L.

Key

1-7

Accommodation Tents

8

Mess Tent

9

Guest support Tent

10

Staff Office Tent

Vehicular approach

Established Alien trees

Significant existing indigenous trees / tree clusters

Ecological Buffer (Kate Shaddon 2021)

Areas for planting of indigenous trees for visual screening. See Restoration Plan and EMP for species guideline

Outdoor gathering areas

Decks with Tents

Site boundary

FE 5 boundary

Contours (2m)

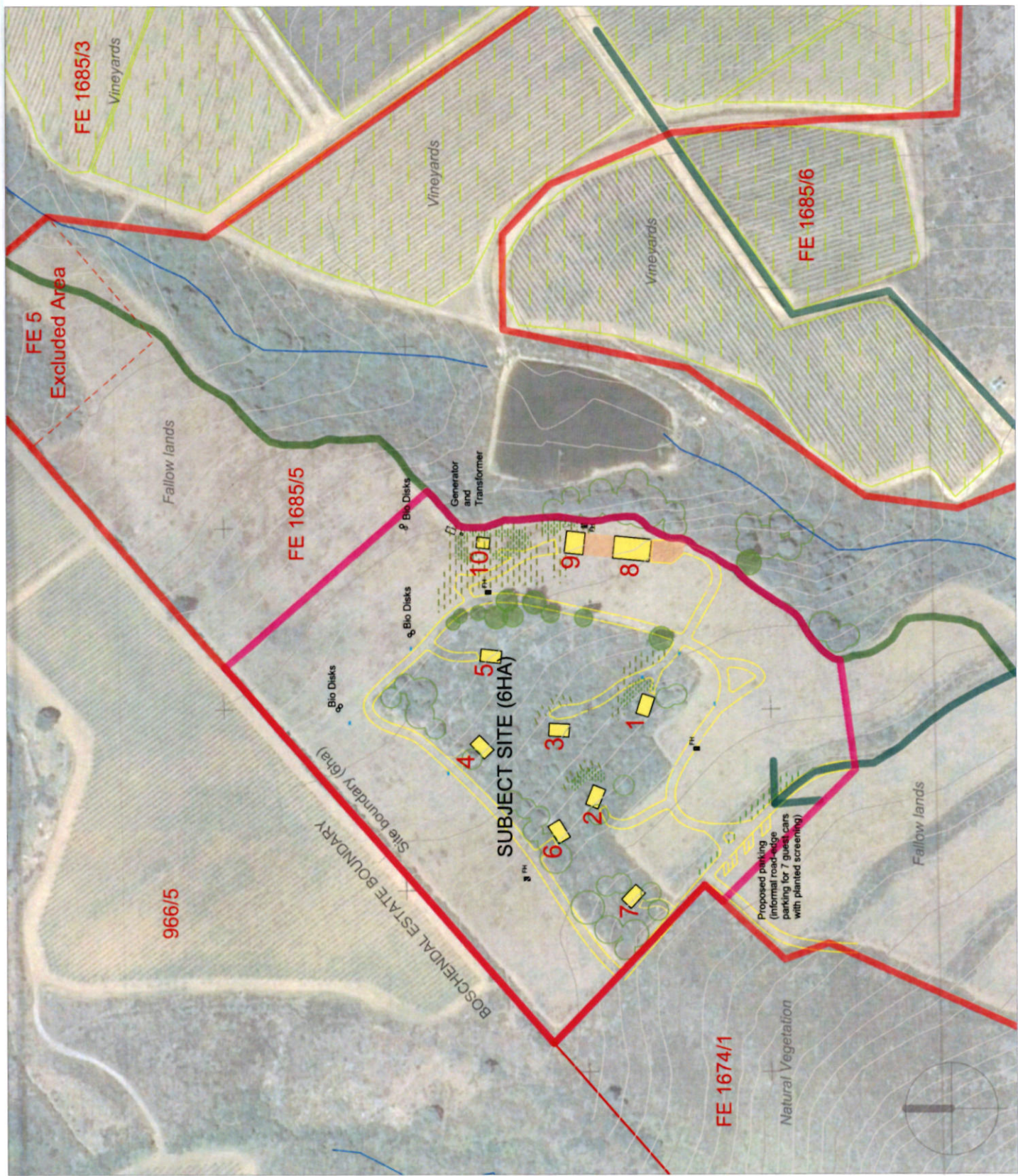


FIGURE 7: TENTED CAMP
SITE DEVELOPMENT PLAN

Scale 1:2000 @ A3

0 20 50 100m

100m

BOSCHENDAL

PORTION 5 OF FARM 1685

TENTED CAMP

nm & associates

PLANNERS AND DESIGNERS

4.2 Tented Camp Structures

4.2.1 Accommodation Units

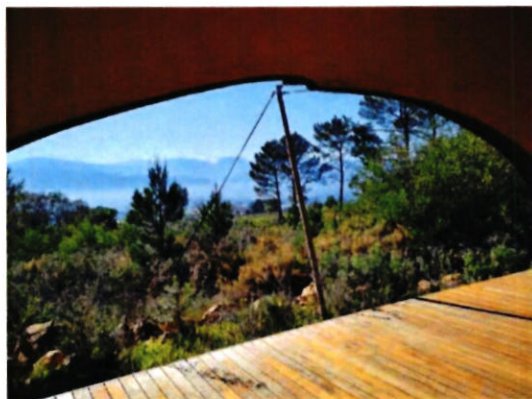
Each unit comprises a wooden deck which rests on a steel frame supported by steel legs that are embedded in a concrete footing. The top structures comprise of compressed wood walling covered by canvas with a dark grey, neutral coloured stretch "gazebo-type" roof covering that is pegged directly to the ground around the platform. The top height of the canvas roofs are approximately 4.5m above the deck level. See Insert 13 below. The decks are approximately 11.3m x 7.1m in size (see insert 13 below) and vary between 0.2m and 1.5m above natural ground level (NGL) due to the slope on which they sit. The top structures (enclosed areas under roof) are approximately 46m² each. The images below show a typical accommodation unit sitting within the landscape:



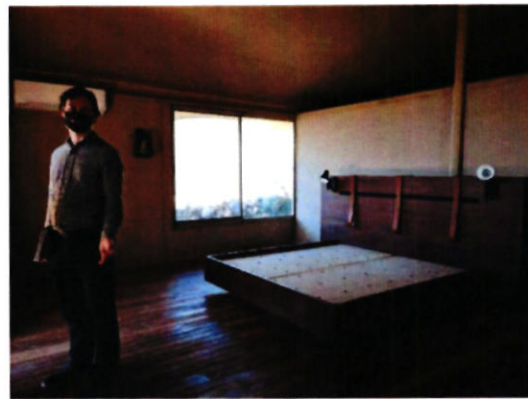
View of Unit from the ring road



Western elevation



View over Berg River Valley



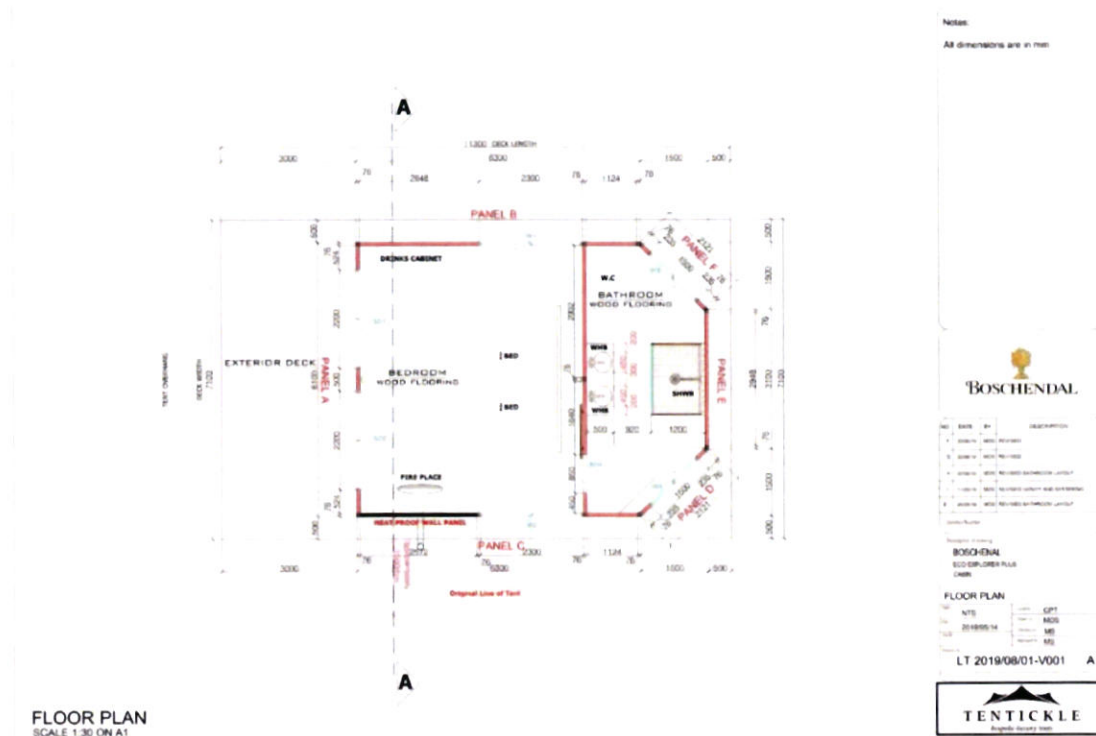
Internal view 1



Approach to tent

Internal view 2 showing door to bathroom

Insert 13: Typical accommodation unit for 2 people (Unit 4)



Insert 14: Generic plan of tented accommodation showing top structure comprising bedroom, bathroom and deck space

4.2.2 Communal / operations tents:

These structures comprise wooden decks which rest on a steel frame supported by steel legs that are embedded in a concrete footing. The top structures comprise of compressed wood walling covered by canvas with a dark grey, neutral coloured stretch "gazebo-type" roof coverings that are pegged directly to the ground around the platform. The decks are connected to the ground via sets of timber stairs in strategic locations. The roofs vary in height due to the tents' varied coverage. Fenestration is minimal.

The Mess Tent is comprised of one single open plan space of approximately 110m² furnished as a lounge. The guest support tent of approximately 52.3m² has a small kitchen for guests to share, a guest toilet facility containing 4 toilets and a small store room. The staff (administration) tent is approximately 14m² and comprises a room with a small bathroom and desk. See insert 15 below for views of the communal / operations tents.



Mess Tent southern (upslope) elevation



Mess Tent northern elevation



Guest support tent southern (upslope) elevation as seen from the mess tent deck



Guest support tent northern (downslope) elevation



Staff office tent western elevation



Staff office tent southern (upslope) elevation

Insert 15: Structures within the communal / operations area

4.3 Landscape and approach to site making

Vegetation on site includes a cluster of mature Monterey pines (*Pinus radiata*), as well as indigenous thicket, including wild olive, surrounded by overgrown but once fallow fields. Mountain fynbos occurs on the slopes above the camp and in pockets on the site. Dense indigenous thicket locates along the drainage line.

4.3.1 Siting of structures within the landscape

The overall approach to locating the tented structures was to embrace and maximise the site's "wild" setting. For this reason the accommodation tents were

embedded in the existing indigenous vegetation. Their chosen locations were informed by the need for privacy and to maximise on views over the valley below.

The communal / operations tents were located in the fallow lands on a platform cut into the slope, tucked behind the edge of the riparian vegetation zone. As a result these tents are minimally visible from the R45.

The images below in insert 16 illustrate how the accommodation tents' location within the existing indigenous thicket, and in the case of the communal / operations tents, how their location along the edge of the riparian corridor, help the camp to merge with the landscape.



View from above (Source: Rennie Scurr Adendorff Architects)



Accommodation tents within the indigenous thicket

Insert 16: Structures within the broader landscape

4.3.2 Existing landscape interventions

Landscaping interventions to date have been focussed on the need for shade and surface stabilisation. Previous planting has been mostly indigenous and informally arranged so as to avoid a "gardenesque" intervention.

Existing landscaping interventions comprise low gabion basket walls, gravel surfaces and planting to stabilise cut slopes and visually soften the area around the Mess and Guest Support Tent. See the images below in Insert 17 for the landscaping as it exists currently.



Northern aspect of the mess tent showing cut planted slope behind the communal tents



Southern aspect of the mess tent showing arrival space and cut planted slope.



Planting around the periphery of the mess tent adjacent to riparian zone.

Insert 17: Existing Landscape interventions

A path leading down to the dam and across the dam wall from the Guest Support Tent comprising sleepers and gravel infill is the only structured pedestrian infrastructure on site. See Insert 18 below.



Insert 18: Path leading from the Camp to the dam

Roads are simply made as they were will never be heavily trafficked. See insert 19 below. The road circulating around the site is a simple cleared track with stone edges. The access roads to the individual tents off this road are narrower and finished with bark chip.

The seven new parking bays upslope of the camp are to be made as simply and informally as possible using gravel stone chip and / or bark chips and with as little disturbance of the existing vegetation as possible.



Ring Road circulating around the site



Typical individual tent access roads

Insert 19: Existing site roads

4.3.3 Landscape Design related mitigation measures

The focus of further landscaping will be on screening using new planting and rehabilitation of the existing indigenous vegetation. This will help to integrate the

camp into the existing landscape and add value to Boschendal's conservation programmes which to date have been largely focussed on the areas above Founders' Estates and FE 5. Other landscape measures are required to ensure that visual issues don't arise in time due to the operations intended on site.

The following is a summary list of the main landscape design related mitigation recommendations made by the heritage and environmental specialists assessing the unauthorised Tented Camp. A full and detailed list of the specialists' recommended mitigation measures will be available in the EMP to be approved as part of the Environmental Authorisation and should be consulted before any further design or implementation work is undertaken on site.

High level recommended mitigation measures:

- Gardenesque planting layouts and exotic plant materials are not permitted.
- Landscaping requiring ongoing maintenance around the tents must be kept to a minimum, especially within the ecological buffers.
- No kikuyu grass is allowed anywhere on site.
- Planting of suitable fast growing indigenous trees in strategic locations around Tents, 1, 2, 9 and 10 for visual screening purposes should be actioned. See Site Development Plan (Figure 7) for suggested location of tree planting. Species selection must be informed by the guidelines contained in the EMP.
- The 1.6 ha central patch of vegetation within which the accommodation tents are located should be restored to represent natural Boland Granite Fynbos. This includes removal of aliens and re-introduction of representative species.
- It is recommended that the vegetation around the tent platforms is restored using species indigenous to Boland Granite Fynbos to increase diversity.
- Only indigenous plant species typical of the local vegetation and approved by a botanist should be used for rehabilitation purposes.
- Only species indigenous to the vegetation associated with Simonsberg Mountain should be planted within this vegetation type.
- It is recommended that *Protea burchelli* and *Hermannia rugosa* are replanted within the impacted patch of Boland Granite Fynbos.
- Signage should be kept to a minimum and limited to 1.2m high and have a dark background as per existing signage
- No advertising signage, flags or banners are permitted
- Outdoor lighting should generally be kept to a minimum if not eliminated. To reduce visual impact, lighting should consist of low level bulkhead or bollard type lighting with reflectors that cast the light downwards. The light source should not be visible. Internal lighting should be shielded from view from outside as far as possible through the use of curtains, blinds etc. To reduce impact for invertebrates, motion detector control and sealed fittings are recommended. Light

should always be directed away from the stream. Bulbs and fittings should be as environmentally friendly as possible – See EMPr for suggested specifications.

- Existing exposed embankments must be vegetated to stabilise cut slopes.
- Where existing roads are not required any more, these should be revegetated or narrowed according to guidelines contained in the EMPr.
- Parking should be located in unobtrusive positions and in small groups of 2 or 3 along existing roads. No new imported surfacing with the exception of mulch or stone chips is permitted.
- Visitors should be discouraged from walking on the natural bed and banks of the stream.
- Bicycle paths through the riparian area around the stream must be limited, and no new paths constructed.
- All pathways must be regularly checked for signs of erosion, and stabilised or re-routed should this occur.

More detailed and technical explanations of the required mitigation measures are contained in the EMPr to be approved with the Environmental Authorisation.

4.4 Infrastructure and services

The following section is a brief summary of the existing services based on inputs by MH and Associates. See Appendix 2 for the Civil Engineering Services Report.

4.4.1 Existing storm water infrastructure

There is no existing formalised storm water infrastructure on the site. The tent roofs discharge stormwater onto the ground and this flows naturally into the landscape. All structures that make up the Tented Camp are raised to allow a free flow of stormwater across the natural surface and allow for absorption. The roads are compacted sand, and some are covered with gravel or chips, which also promote absorption and replenishment of ground water.

4.4.2 Existing potable water infrastructure

A spring, pump station and 116m³ water tank / reservoir located upslope at an elevation of 413m AMSL and southwest of the site supply the tented camp. The camp is linked via a 90mm HDPE line to this storage reservoir which gravity feeds the tents at a constant pressure of 4.3 to 5 bar via a 63mm diameter ring main and 32mm HDPE connector pipes to the tents. An inline aggregate filtration system and water purification system has been installed to improve the water quality. An inline ultra-violet water purification system will be installed prior to commissioning of the Tented Camp to ensure regulated standards for potable water are achieved.

While farm dams on Farm 1685/2 supply other parts of the western precinct of Boschendal Estate, there are future plans to connect the Founders' Estates,

including FE 5 to the municipal water supply infrastructure at Pniel. See Insert 20 below for water infrastructure servicing the camp.

Anticipated potable water consumption is as follows:

- a) Accommodation unit: 150l/day average x 8 units 1200l/day
- b) Kitchen unit: 250 l/day average x 1 unit 250l/day

This is a very low consumption due to the fact that the camp is not permanently occupied.



Insert 20: Existing potable water supply

4.4.3 Existing fire water infrastructure

The tented camp is serviced by a 160mm PVC hydrant main which is an open loop system connected to each of the tents by 32mm HDPE pipes. There are 4 strategically placed hydrant standpipes located around the site. The ring main is supplied from a high pressure submersible borehole pump currently drawing water from the farm dam. See Insert 21 for fire water infrastructure servicing the camp.



Insert 21: Existing fire water supply

4.4.4 Existing sewer infrastructure

The tents are connected via a water-borne piped system that discharges into three sets of Kingspan Bio-Disk sewerage disposal units buried downslope and to the north of the site. U-PVC sewer pipelines of 150mm diameter, lead from each tent and form a gravity fed network with three arms that flow towards the respective Kingspan Bio-Disk tanks. The pipes have been installed underground (where they are located in roads), or in trenches covered by rocks.

The treated water discharge from the Bio-disk units currently flows into the natural landscape and guaranteed by Bio-Disc to have achieved standards of "General Limits" as published by the National Water Act.

The Kingspan Bio-disk system is an internationally accepted sewerage treatment system. The system used for the tented camp treats the raw effluent via its patented system to liquid discharge quality of "General Limits." See Insert 22 below for sewer related infrastructure servicing the camp.

The anticipated treated water discharge volumes would be 75% of the anticipated water consumption as follows: $0,75 \times 1450 \text{ l/day} = 1088 \text{ l/day}$.

The capacity of the existing sewage system is deemed adequate to service the needs of the Tented Camp guests.



Insert 22: Existing sewer reticulation system

4.4.5 Existing solid waste services

Refuse generated on the Boschendal Estate is currently collected by BE management and taken to Droebaai for separation after which it is collected by a private company to be dumped at a registered site.

4.4.6 Existing electrical infrastructure

Boschendal Estate's internal distribution network supplies electricity to FE 5 via an existing 11kV overhead powerline and a buried cable along the top of the dam wall.

A 3.3kV / 380V step-down transformer, located on a concrete platform below the site and buried electrical cabling connecting to electrical kiosks at each tent and each set of Bio-disks, constitutes the sites reticulation system. A diesel generator is located adjacent to the stepdown transformer as a backup. See Insert 23 below for electrical infrastructure servicing the camp.



Insert 24: Existing Telecommunications system

4.4.8 Infrastructure and services related mitigation measures

The following is a summary list of the main operations related mitigation measures made by the environmental specialists assessing the unauthorised Tented Camp. A full and detailed list of the specialists' recommended mitigation measures will be available in the EMPr to be approved as part of the Environmental Authorisation and should be consulted before any further design or implementation work is undertaken on site.

High level recommended mitigation measures:

- No new infrastructure should be placed in areas of high sensitivity. If new infrastructure is required, it should be located in the transformed area. (fallow land)
- Discharge of treated waste water from package units, and untreated stormwater runoff must not enter into the riparian areas, wetlands or watercourses;
- Wastewater conveyance, storage or treatment infrastructure must be placed outside of the delineated ecological buffers.
- All sewage storage facilities must be regularly checked for leaks and overflow.
- Nitrate levels must be monitored regularly (every 2- 3 months) and the recycle stages adapted to ensure that levels are within General Limits.
- The area immediately around the treatment Units should be protected with a berm, which would catch surface water flowing out of any of the components.

- Treated wastewater should be directed to a soakaway downslope of each Unit, and not discharged to the stream, or used for irrigation on the site.
- Stormwater should not be conveyed directly (e.g. by pipe or drain) into the stream but must flow along unlined swales, permeable areas, and bioswales
- As a principle, hardened areas should be associated (where possible) with vegetated filter strips (broad, sloped vegetated areas that accept shallow runoff from hardened surfaces), bioswales (landscaped areas that are designed to remove silt and a number of pollutants from runoff, through ensuring that water flows slowly along these gently sloping (<6% slope) features, often planted with grass or other plant species, mulch or riprap), and / or bio-retention systems (vegetated areas where runoff is filtered through a filter media layer, e.g. sand, as it percolates downwards), all of which are designed to reduce the quantity of runoff leaving a hardened surface and entering the stormwater system.

5. Motivation for Temporary Departure

This chapter motivates the Temporary Departure application to regularise an already constructed (unauthorised) Tented Camp, on FE 5 being Portion 5 of Farm 1685, Paarl at Boschendal.

5.1 The application is compliant with relevant national, provincial and municipal legal and policy frameworks

This application complies with the relevant national, provincial and municipal legislation and policy frameworks as described in Chapter 2 of this document and motivated below:

- Spatial Planning and Land Use Management Act, No. 16 of 2013
- Western Cape Land Use Planning Act, No. 3 of 2014.

The proposal contributes to the protection of agricultural land by making use of lightweight temporary structures that can be removed in time to make way for agriculture. Furthermore, the proposed land use optimises the use of the existing landscape and farm infrastructure. The proposal thus aligns with the principles of spatial sustainability and efficiency in SPLUMA and LUPA.

As far as good administration goes, even though the Tented Camp has already been constructed, all stakeholders will be afforded the opportunity through this land use application and the 24(G) NEMA application, to provide their inputs.

- National Environmental Management Act, No. 107 of 1998

As noted in Chapter 1, a NEMA Section 24(G) application process has commenced. This will facilitate a retrospective Environmental Authorisation and rectify the unlawful commencement of listed activities in terms of the NEMA EIA Regulations 2014 (as amended).

As noted in Chapter 2, the environmental specialists have concluded that the Tented Camp would be acceptable with the implementation of all recommended mitigation measures, and none have recommended that the activity be ceased immediately. The mitigation measures are incorporated into an Environmental Management Plan (EMPr), a draft of which will be attached to the 24(G) Application.

On balance, the key finding of the NEMA process is that the negative impacts realised are outweighed by the temporary, small-scale nature of the facility and the eventual rehabilitation of the site, which could result in a positive impact.

- National Heritage Resources Act, No. 25 of 1999

As noted in Chapter 1, a Section 27(18) application process has already commenced which will facilitate a retrospective Heritage Authorisation and rectify the unlawful commencement of work within a National Heritage Site, to form part of the 24(G) application in terms of NEMA. The Heritage Statement has been circulated to selected interested and affected parties listed in Chapter 1, Section 1.5.3, after which it will be submitted to SAHRA and simultaneously, feed into a broader public participation process in terms of the NEMA requirements.

The heritage consultants responsible for the heritage application have recommended that SAHRA supports the application as the Tented Camp has not caused irreversible damage to heritage significance, predominantly due to the tread-lightly, low visual impact and temporary nature of the Tented Camp.

- Stellenbosch Municipality Land Use Planning By-law, 20 October 2015

As noted in Chapter 1, this application is submitted in terms of Chapter III, Section 15(2)(c) and Chapter IV of the SM LUPBL, from a procedural point of view.

Even though the Tented Camp has already been constructed on FE 5 and deemed an unauthorised land use, it is desirable in terms of Section 65 (c) of the SM LUPBL as it is in keeping with the rural, heritage significant and conservation worthy landscape of the Founders' Estates and Cape Winelands Cultural Landscape. It is also desirable from a locational perspective being situated at the foothills of the Simonsberg, visually protected from direct public sight. Furthermore, the Tented Camp is relatively limited in scale, height and form and therefore has no negative impact on surrounding property owners' rights.

Although the entire development is distributed over approximately 6ha (refer to Chapter 4, Figure 7: Site Development Plan), the Camp has a limited footprint of approximately 988m² (1.6% of the 6ha portion and 0,37% of the total FE 5's extent measuring 26,25ha). It makes use of tread-lightly materials and methods and touches the earth minimally.

- Stellenbosch Municipality Zoning Scheme By-law, 1 November 2019

Even though this application is for Temporary Departure that is, *'to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land'*, the Tented Camp as a land use aligns with the purpose of an Agriculture and Rural Zone in terms of Chapter 20 of the SM ZSBL. Furthermore, this application applies only to a portion of FE 5 measuring approximately 6ha in extent (Refer to Chapter 4, Figure 7). It is not only temporary in its nature, scale and form but also adds to the rural ambience of the particular location of FE 5, at the foothills of the Simonsberg mountains.

Moreover, the Tented Camp does not negatively impact on the views from the public roads protected in terms of Section 246 (2) of the SM ZSBL through the Dwars River Rural Development Overlay Zone.

It must also be noted that existing rights of FE 5 awarded in terms of the 2005 approvals outlined in Chapters 1 and 2, are not compromised in the long term as the 8000m² Excluded Area is neither affected by the current Tented Camp development nor is the potential of the site application area compromised for future agricultural use. The intention is for the Excluded Area to be developed only after the temporary rights for the Tented Camp have expired, should this application be approved. At that stage, the application site area will revert to its Agriculture and Rural Zone status, and agricultural usage.

- National Development Plan: Vision for 2030, 2012

The Tented Camp supports the principles of the NDP, particularly rural transformation and environmental sustainability and resilience by creating limited employment opportunities while supporting conservation of significant vegetation that contributes to addressing soil health and the resilience of the agricultural lands.

As mentioned in Chapter 2, the camp operators are committed to alien clearing, the protection of Species of Conservation Concern, reintroduction of representative species on site and rehabilitation of impacted areas after removal of the Tented Camp as recommended by the environmental specialists. Furthermore conservation management teams and volunteers will from time to time be accommodated in the Camp to assist with conservation and mitigation measures of the site and adjacent areas in terms of the proposed mitigation measures identified in the EMPr to be approved with the Environmental Authorisation.

- Western Cape Provincial Spatial Development Framework, 2014

The PSDF encourages economic growth and the protection of biodiversity, heritage, scenic landscapes and agricultural areas. This application promotes conservation of the heritage resources, landscape qualities, agricultural lands and biodiversity of the area.

- Stellenbosch Integrated Development Plan 2017-2022 – Fourth Review May 2021

This application acknowledges the IDP vision of a "Valley of Opportunity" by utilising existing scenic and environmental assets for tourism purposes, to help diversify and sustain the local rural economy.

- Stellenbosch Municipality Spatial Development Framework (2019) – approved 11 November 2019 (SM SDF)

Making use of lightweight decks and tent structures will assist to preserve agricultural land and contribute to protecting and reinforcing the sense of place and overall rural character of the area while supporting the viability of the Boschendal Estate and the local economy.

According to the heritage assessment, the Tented Camp has minimal impact on views and the Cape Winelands Cultural Landscape. Furthermore the camp operators are committed to alien clearing and rehabilitation of the sensitive vegetation through the operational and post operational phases as recommended by the environmental specialists which will contribute to the protection of the area's sense of place. The Tented Camp therefore aligns with goals contained within the SDF.

5.2 The application's contribution to agri-tourism

A key part of Boschendal Estate's vision is to create a healthy and sustainable agricultural landscape including agri-tourism to contribute towards conservation of the natural heritage and biophysical environment, upliftment of surrounding communities and building a viable commercial business for those whose incomes depend on it. This supports the 2014 Western Cape Provincial Spatial Framework's objective of strengthening and diversifying the rural economy through agri-tourism.

As a land use, the Tented Camp is desirable in so far as it supports and complements existing agricultural land uses and promotes agri-tourism.

5.3 The application supports current agricultural land use

The proposed development does not impact agricultural activities at Boschendal as there is no agricultural activity taking place on the site as it stands now. The Agricultural Compliance Statement that forms part of the NEMA application (see Appendix 1), concluded that the Tented Camp will not have an unacceptable negative impact on the agricultural production capability of the site, and that the land use is therefore acceptable from an agricultural impact perspective (Lanz, 2020). Furthermore, the Tented Camp is a temporary land use and will be removed after five years, to allow the currently fallow land to revert to agricultural use.

The Tented Camp aims to utilise the landscape as an asset to stimulate tourism and economic opportunities at Boschendal which in turn helps to ensure the sustainability of the farm as an agricultural concern.

5.4 The application supports and enhances the natural environment

The 24(G) NEMA application establishes that there are limited impacts on the natural environment but these can be mitigated. Mitigation such as the alien clearing and rehabilitation of impacted areas after removal of the Tented Camp as recommended by the environmental specialists, amongst others, will contribute to the long-term conservation of critical natural features and systems that exist at the interface of the natural and farm lands. In this respect, the interventions on the site proactively raise awareness of the need to manage the interface between farmed land and natural areas.

As stated above under the *National Development Plan*, conservation management teams and volunteers will from time to time be accommodated in the Camp to assist with conservation and the recommended mitigation measures.

5.5 The application protects and conserves the heritage and cultural landscape

As indicated earlier in Chapter 2 of this application, the Heritage assessment that considered the impact of the Tented Camp on existing heritage resources established that the unauthorised work has not caused irreversible damage to heritage significance, predominantly due to the tread-lightly, low visual impact and temporary nature of the Tented Camp and recommended that no action be taken against the unauthorised land use, subject to certain conditions outlined in Chapter 2, Section 2.1.5.

It is noted that the Tented Camp is one of the reasons why rehabilitation of the natural vegetation will be implemented as an important component of the Cultural Landscape.

5.6 Socio-economic impact

Boschendal's vision includes a commitment to conserve, preserve and restore the environmental and social aspects of the farm and positively contribute to its surrounding context. This vision aligns with the vision expressed in the current Stellenbosch Municipality Integrated Development Plan (2017-2022) of a "valley of Opportunity". It also builds on the focus of creating a "green and sustainable valley," by contributing to protecting and enhancing environmental assets and natural resources.

While not a large employment creator, the Tented Camp construction created temporary employment for a small crew on site through the construction phase. The operational phase will create approximately 7 permanent jobs for the local community, 80% of which will be for disadvantaged individuals. This will contribute to the positive cumulative impact on the local community by providing income and upskilling in the tourism, hospitality and conservation management industries.

5.7 The impact of the application on municipal engineering services

The temporary Tented Camp is mostly off grid and independent of the municipal supply systems thus limiting the need for new services and capacity in broader supply and reticulation systems. Refer to Chapter 4, section 4.4.

5.8 Impact on traffic, parking, access and other transport related considerations

The impact on traffic is negligible given the limited capacity of the Tented Camp which accommodates at most, 14 guests and a maximum of 7 vehicles at any one time. The WCG: DTPW is in agreement that the number of guests accessing the site will not impact negatively on the capacity of the existing road network (refer to Chapter 4, section 4.1 and Annexure L).

6. Conclusion and recommendations

This Temporary Departure application is submitted in terms of Chapter III, Section 15(2)(c) and Chapter IV of the 2015 Stellenbosch Municipality Land Use Planning By-law. It motivates for the regularisation of an already constructed (unauthorised) Tented Camp for 14 guests, on a portion of FE 5 being Portion 5 of Farm 1685, Paarl as depicted in Chapter 4, Figure 7: Site Development Plan.

The application demonstrates that the Tented Camp will have very limited negative impact on the surrounding environment, heritage resources including landscape, transport and traffic and engineering services. It also demonstrates that by implementing the mitigation measures recommended by the heritage and environmental specialists as contained in the EMPr to be approved with the Environmental Authorisation (including the eventual decommissioning of the site and rehabilitation of the affected areas), as well as the participation of all relevant interested and affected parties, that not only will the rural character of FE 5, the Founders' Estates in general and Boschendal Estate be maintained, but the agricultural landscape and activities will be reinforced and conserved in time.

It is therefore recommended that:

- i) This application for Temporary Departure for a Tented Camp for 14 guests be approved; and
- ii) No penalties be imposed in terms of Section 86 (1)(b) of the SM LUPBL, 2015.

7. References

Biodiversity Africa. 2021. Boschendal Tented Camp S24g Ecological Report

Chand. November 2021. NEMA 24(G) Application: Draft Environmental Impact Report: Tented Camp on Founders Estate 5, Farm 1685 /5, Paarl (FE 5)

Freshwater Consulting. October 2021. Environmental Impact Assessment of Founders Estate 5: Tented Camp, Boschendal Estate: Freshwater Ecosystems

Lanz, Johann. 10 October 2021. Site sensitivity verification and Agricultural Compliance Statement for NEMA 24G application for FE 5 (Pty) Ltd Tented Camp

MH&A Consulting Engineers. 28 October 2021. Civil Engineering Services Report

Winter, S and Rennie, Scurr Adendorff Architects. 26 October 2021. Heritage Statement: Tented Camp, Founders Estates National Heritage Site, Boschendal Farmlands, Dwars River Valley, Stellenbosch: Application submitted to SAHRA ito Section 24(G) of NEMA in fulfilment of the heritage component of a rectification application

ANNEXURES

**Annexure A: Stellenbosch Municipality Founders' Estates
Decision Letter in terms of LUPO, 23 December 2005**



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Navrae / Enquiries
U verwysing / Your ref.
Ons verwysing / Our Ref.
Datum / Date
Telefoon / Telephone
Faks / Fax

U von Molendorff

Farm 1674/2, Paarl
2005-12-23
021-808 8682
021-808 8651

REGISTERED POST

Friedlaender Burger & Volkmann
P O Box 154
STELLENBOSCH
7599

Sir / Madam

APPLICATION FOR CONSOLIDATION, SUBDIVISION AND REGISTRATION OF A LEASE AREA : FARMS 1674/2, 1674/5, 1674/8 AND 1674/9, PAARL DIVISION : BOSCHENDAL FOUNDERS ESTATE

Your application in the abovementioned regard, refers.

The Council at a recent meeting resolved as follows:

- (a) that the consolidation of Farms 1674/2, 1674/5, 1674/8 and 1674/9, Paarl, to create an agricultural unit of $\pm 420,2110$ ha, **be supported**;
- (b) that, in terms of Section 25 of the Land Use Planning Ordinance, 1985 (No 15 of 1985), the application to subdivide the newly created agricultural unit (420ha) into 19 units, namely: 18 agricultural units (between 21ha and 44ha) and a unit containing a technical centre (9ha), as shown in ANNEXURE E, **be approved**;
- (c) that, in terms of Section 25 of the Land Use Planning Ordinance, 1985 (No 15 of 1985), the registration of a lease area over an area of ± 400 ha as shown in ANNEXURE D, which includes the 18 farms (excluding $\pm 8\,000\text{m}^2$ on each unit) in favour of Boschendal Winery Ltd, **be approved**;
- (d) that the consolidation of the 9ha portion which is to contain a technical centre, with Portion 12 of the Farm No 1674, Paarl, **be supported**;
- (e) that Council approve the application, subject to the outcome of the Heritage Study, currently conducted. As soon as necessary heritage inputs are received, the report will be submitted to Council for consideration if necessary and the applicant will be informed of the decision thereof;
- (f) that, in terms of Section 42(1) of the Land Use Planning Ordinance, 1985 (No 15 of 1985), the approvals granted in the paragraph (a) to (d) above, shall be subject to the following conditions:

- (i) that Council's support for the establishment of the Founders Estate small farms shall not be interpreted that it necessarily will support the further applications that will follow;
- (ii) that the approved diagrams of the newly created and consolidated properties be submitted to Council for clearance and record purposes;
- (iii) that the utilization of the buildings to be erected on the 18 agricultural units, shall be within the parameters determined by the zoning of Agricultural Zone 1 at all times;
- (iv) that a copy of the lease agreement to be entered into with Boschendal Wines (Pty) Ltd, be submitted to Council for record purposes. The lease may not be altered in any way without Council's approval;
- (v) that the final location of the 8 000m² areas on each agricultural unit excluded from the leasehold area, be determined in terms of a visual impact study which illustrates that the selected sites will have the least possible visual impact. Cognizance must be taken of the outcome of the relevant Heritage Impact Study in this regard;
- (vi) that a set of architectural guidelines, which address the architectural appearance, and finish of the buildings to be erected, be submitted to Council for scrutiny. The style and colour of the buildings must be sensitive and reconcilable with the surrounding environment;
- (vii) that any outside lighting of the buildings be installed in such a way that it will have the minimum impact on the surrounding rural area;
- (viii) that the buildings on the agricultural units be limited to one new farmstead per farm. The only other buildings permitted are those required for bona fide agricultural purposes for the farming unit as a whole;
- (ix) that a Homeowners Association be established for the 18 Founders Estate agricultural units. A suitable Constitution must be compiled and submitted to Council for approval;
- (x) that a landscaping plan for the development be submitted to Council for scrutiny as well as an implementation programme;
- (xi) that the Council reserves the right to request further landscaping proposal to screen any development visually from all lookout points, roads and surrounding properties, should the Council deem it necessary at a later date;
- (xii) that no fences are allowed between the 18 units which will be farmed as a unit;
- (xiii) that appropriate environmental management be exercised over the lease area and a proposal as to how this is to be achieved be submitted to Council for scrutiny;
- (xiv) that the following conditions, as well as any further conditions imposed by the District Roads Engineer, be complied with:
 - that the necessary servitudes be registered and recorded in the title deeds of the relevant properties prior to the alienation of the affected units;
 - that copies of all the diagrams, inclusive of servitudes be submitted to the Cape Winelands District Municipality as well as the Stellenbosch Municipality;

- (xv) that any conditions imposed by the Director: Engineering and Technical Services shall be adhered to;
- (xvi) that any requirements of the South African Heritage Resources Agency shall be complied with;
- (xvii) that any requirements of the Department of Environmental Affairs and Development Planning shall be complied with;
- (xviii) that the approval applies only to the subdivision in question and shall not be construed as authority to depart from any other legal prescriptions or requirements;
- (xix) that a detailed development plan, indicating the location of all existing and proposed buildings/structures, the proposed land uses, access roads, parking, and landscaping, etc, be submitted to Council as well as to SAHRA for approval;
- (xx) that no extensions to the existing buildings or the construction of any new buildings may occur without prior approval of the Council, as well as SAHRA and/or Heritage Western Cape;
- (xxi) that the approval shall be subject to written confirmation by the applicant/owner to the Municipality that the provisions of the Extension of Security Act, 1997 (Act 62 of 1997), have in all respects been complied with. The construction of new laborer's cottages shall not be allowed on the Estate prior to the approval of the Municipality;
- (xxii) that, from a local economic point of view, it is required that preference be given to the employment of local labour from the Dwars River Valley in the farming activities within the lease area. Proposals of how this is to be achieved must be submitted to Council; and
- (xxiii) that the owner or his assignee must confirm in writing that the aforementioned conditions shall be adhered to, before the approval shall come into affect.

Yours faithfully


P EXECUTIVE DIRECTOR : ECONOMIC FACILITATION SERVICES

/sm
F1674/2

ANNEXURE D

PLAN D

LEASE AREA OVER
CONSOLIDATED FARM

NOTES:

1. THE FARMER LOCATED IN THE
ADJACENT & LEASE AREA, FOR THE
IN INTEREST AND CONSIDER ALL THE
FOLLOWING AREAS, BEING THE
2. THE POSITION OF THE CONSIDER
AREAS TO BE FURNISHED BY
MUNICIPALITY

ROLL	NO.	DATE	REF. NO.
120	100	SEPTEMBER 1967	

FRIEDLAENDER, RUMMER
& VOLKMAR
LAND SURVEYORS
LANDMETERS

BY COUNCIL STREET - HENDON RD
PO BOX 100 - HENDON 100



PLAN E

FOUNDER'S ESTATE SUBDIVISION

1. APPROXIMATELY 1/4 SEC. 16, T. 14 N., R. 10 E., S. 4 E.,
COUNTY OF HENRY, MISSOURI
2. CONTAINING 2.00 ACRES
3. CHASE ALLEN
4. APPROXIMATELY 1/4 SEC. 16, T. 14 N., R. 10 E., S. 4 E.,
COUNTY OF HENRY, MISSOURI
5. APPROXIMATELY 1/4 SEC. 16, T. 14 N., R. 10 E., S. 4 E.,
COUNTY OF HENRY, MISSOURI

NO.	ACRES
1	0.04
2	0.04
3	0.04
4	0.04
5	0.04
6	0.04
7	0.04
8	0.04
9	0.04
10	0.04
11	0.04
12	0.04
13	0.04
14	0.04
15	0.04
16	0.04
17	0.04
18	0.04
19	0.04
20	0.04
21	0.04
22	0.04
23	0.04
24	0.04
25	0.04
26	0.04
27	0.04
28	0.04
29	0.04
30	0.04
31	0.04
32	0.04
33	0.04
34	0.04
35	0.04
36	0.04
37	0.04
38	0.04
39	0.04
40	0.04
41	0.04
42	0.04
43	0.04
44	0.04
45	0.04
46	0.04
47	0.04
48	0.04
49	0.04
50	0.04
51	0.04
52	0.04
53	0.04
54	0.04
55	0.04
56	0.04
57	0.04
58	0.04
59	0.04
60	0.04
61	0.04
62	0.04
63	0.04
64	0.04
65	0.04
66	0.04
67	0.04
68	0.04
69	0.04
70	0.04
71	0.04
72	0.04
73	0.04
74	0.04
75	0.04
76	0.04
77	0.04
78	0.04
79	0.04
80	0.04
81	0.04
82	0.04
83	0.04
84	0.04
85	0.04
86	0.04
87	0.04
88	0.04
89	0.04
90	0.04
91	0.04
92	0.04
93	0.04
94	0.04
95	0.04
96	0.04
97	0.04
98	0.04
99	0.04
100	0.04

4. PORTION 1 TO 100 ACRES
1076 1/2 ACRES 1076 1/2 ACRES

NO.	ACRES	DATE
1	0.04	APRIL 1955
2	0.04	APRIL 1955
3	0.04	APRIL 1955
4	0.04	APRIL 1955
5	0.04	APRIL 1955
6	0.04	APRIL 1955
7	0.04	APRIL 1955
8	0.04	APRIL 1955
9	0.04	APRIL 1955
10	0.04	APRIL 1955
11	0.04	APRIL 1955
12	0.04	APRIL 1955
13	0.04	APRIL 1955
14	0.04	APRIL 1955
15	0.04	APRIL 1955
16	0.04	APRIL 1955
17	0.04	APRIL 1955
18	0.04	APRIL 1955
19	0.04	APRIL 1955
20	0.04	APRIL 1955
21	0.04	APRIL 1955
22	0.04	APRIL 1955
23	0.04	APRIL 1955
24	0.04	APRIL 1955
25	0.04	APRIL 1955
26	0.04	APRIL 1955
27	0.04	APRIL 1955
28	0.04	APRIL 1955
29	0.04	APRIL 1955
30	0.04	APRIL 1955
31	0.04	APRIL 1955
32	0.04	APRIL 1955
33	0.04	APRIL 1955
34	0.04	APRIL 1955
35	0.04	APRIL 1955
36	0.04	APRIL 1955
37	0.04	APRIL 1955
38	0.04	APRIL 1955
39	0.04	APRIL 1955
40	0.04	APRIL 1955
41	0.04	APRIL 1955
42	0.04	APRIL 1955
43	0.04	APRIL 1955
44	0.04	APRIL 1955
45	0.04	APRIL 1955
46	0.04	APRIL 1955
47	0.04	APRIL 1955
48	0.04	APRIL 1955
49	0.04	APRIL 1955
50	0.04	APRIL 1955
51	0.04	APRIL 1955
52	0.04	APRIL 1955
53	0.04	APRIL 1955
54	0.04	APRIL 1955
55	0.04	APRIL 1955
56	0.04	APRIL 1955
57	0.04	APRIL 1955
58	0.04	APRIL 1955
59	0.04	APRIL 1955
60	0.04	APRIL 1955
61	0.04	APRIL 1955
62	0.04	APRIL 1955
63	0.04	APRIL 1955
64	0.04	APRIL 1955
65	0.04	APRIL 1955
66	0.04	APRIL 1955
67	0.04	APRIL 1955
68	0.04	APRIL 1955
69	0.04	APRIL 1955
70	0.04	APRIL 1955
71	0.04	APRIL 1955
72	0.04	APRIL 1955
73	0.04	APRIL 1955
74	0.04	APRIL 1955
75	0.04	APRIL 1955
76	0.04	APRIL 1955
77	0.04	APRIL 1955
78	0.04	APRIL 1955
79	0.04	APRIL 1955
80	0.04	APRIL 1955
81	0.04	APRIL 1955
82	0.04	APRIL 1955
83	0.04	APRIL 1955
84	0.04	APRIL 1955
85	0.04	APRIL 1955
86	0.04	APRIL 1955
87	0.04	APRIL 1955
88	0.04	APRIL 1955
89	0.04	APRIL 1955
90	0.04	APRIL 1955
91	0.04	APRIL 1955
92	0.04	APRIL 1955
93	0.04	APRIL 1955
94	0.04	APRIL 1955
95	0.04	APRIL 1955
96	0.04	APRIL 1955
97	0.04	APRIL 1955
98	0.04	APRIL 1955
99	0.04	APRIL 1955
100	0.04	APRIL 1955

FRIEDLANDER, BURGER
& VOLLMANN
LAND SURVEYORS
LAND SURVEYORS

ANNEXURE I

BY GEORGE HENRY - HENRY HENRY
100 ACRES 100 ACRES

Annexure B: Application Form



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

www.stellenbosch.gov.za/planning-portal/

SUBMIT COMPLETED FORM TO landuse.applications@stellenbosch.gov.za

LAND USE PLANNING APPLICATION FORM

(Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015) and other relevant legislation)

KINDLY NOTE: Please complete this form using BLOCK letters and ticking the appropriate boxes.

PART A: APPLICANT DETAILS

First name(s)	NAJMUNNISA (SHORT NAME: NISA)				
Surname	MAMMON				
Company name (if applicable)	VISIONPLAN CC T/A NM & ASSOCIATES PLANNERS AND DESIGNERS				
Postal Address	PO BOX 44386, CLAREMONT, CAPE TOWN				
		Postal Code	7735		
Email	nisa@visionplan.co.za				
Tel	021 671 1138	Fax	021 671 0930	Cell	083 450 3252

PART B: REGISTERED OWNER(S) DETAILS (If different from applicant)

Registered owner(s)	BOSCHENDAL FOUNDERS ESTATE 5 (PTY) LTD				
Physical address	BOSCHENDAL ESTATE, PNIEL ROAD, GROOT DRAGENSTEIN, FRANSCHHOEK				
		Postal code	7680		
E-mail	williamg@alphawealth.co.za				
Tel	021 870 4200	Fax		Cell	082 559 9100

PART C: PROPERTY DETAILS (in accordance with title deed)

Erf / Erven / Farm No.	Farm 1685	Portion(s) if Farm	5	Allotment area	Paarl
Physical Address	FOUNDERS' ESTATES C/O BOSCHENDAL ESTATE, PNIEL ROAD, GROOT DRAGENSTEIN, FRANSCHHOEK, 7680				
Current Zoning	Agriculture and Rural Zone	Extent	26.25 ha	Are there existing buildings?	Y X N
Applicable Zoning Scheme	STELLENBOSCH MUNICIPALITY ZONING SCHEME BY-LAW, 2019				

Current Land Use	FALLOW LAND, VINEYARDS, (UNAUTHORISED) TENTED CAMP, RESERVOIR, DAM									
Title Deed number and date	T	73858/2008 DATED 21/11/2008								
Attached Conveyance's Certificate	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	Any Restrictions to the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate. a) After subdividing the property into 18 portions, as referred to in the consent by the Department of Agriculture in terms of the Subdivision of Agricultural Land Act, 1970, No 39884, the said properties shall not be further subdivided. Note: This Condition of Title has no implications for the application for Temporary Departure and does not have to be removed.							
Are the restrictive conditions in favour of a third party(ies)?	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	If Yes, list the party(ies):							
Is the property encumbered by a bond?	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	If Yes, list the bondholder(s):							
Is the property owned by Council?	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	If Yes, kindly <u>attach a power of attorney</u> from the Manager Property Management							
Is the building located within the historical core?	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	Is the building older than 60 years?	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) ¹	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	If Yes, kindly indicate which section are triggered and attached the relevant permit if applicable. 27(18)	
Any existing unauthorized buildings and/or land use on the subject property(ies)?	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	If yes, is this application to legalize the building / land use ² ?		<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N				
Are there any pending court case(s) / order(s) relating to the subject property(ies)?	<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N	Are there any land claim(s) registered on the subject property(ies)?		<input type="checkbox"/> Y	<input checked="" type="checkbox"/> N				

PART D: PRE-APPLICATION CONSULTATION

Has there been any pre-application consultation?	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	If Yes, please attach the minutes of the pre-application consultation.
Has the pre-application scrutiny form been submitted?	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	Please see the written feedback attached (see Annexure H in motivation report).

PART E: LAND USE PLANNING APPLICATIONS AND APPLICATION FEES PAYABLE
APPLICATIONS IN TERMS OF SECTION 15 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015)

Tick	Type of application: Cost are obtainable from the Council Approved tariffs
<input type="checkbox"/>	15(2)(a) rezoning of Land
<input type="checkbox"/>	15(2)(b) a permanent departure from the development parameters of the zoning scheme

¹ All applications triggered by section 38(1)(a) - (e) in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999) may not be processed without a permit issued by the relevant department

² No application may be submitted to legalize unauthorised building work and or land use on the property if a notice has been served in terms of Section 87(2)(a), and until such time a Section 91 Compliance Certificate have been issued in terms of the Stellenbosch Land Use Planning By-law (2015)

X	15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land
	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement
	15(2)(e) a consolidation of land that is not exempted in terms of section 24
	15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit
	15(2)(g) a permission required in terms of the zoning scheme
	15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval
	15(2)(i) an extension of the validity period of an approval
	15(2)(j) an approval of an overlay zone as contemplated in the zoning scheme
	15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram
	15(2)(l) a permission required in terms of a condition of approval
	15(2)(m) a determination of a zoning
	15(2)(n) a closure of a public place or part thereof
	15(2)(o) a consent use contemplated in the zoning scheme
	15(2)(p) an occasional use of land
	15(2)(q) to disestablish a home owner's association
	15(2)(r) to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services
	15(2)(s) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building
	15(2)(6) when the Municipality on its own initiative intends to conduct land development or an activity
	15(2)(l) amendment of Site Development Plan
	15(2)(l) Compilation / Establishment of a Home Owners Association Constitution / Design Guidelines

OTHER APPLICATIONS

Deviation from Council Policies/By-laws	R
Consent / Permission required in terms of a title deed	R
Technical approval in terms of the Zoning Scheme Bylaw, 2019	R
Other (specify): _____	R
TOTAL A:	R

PRESCRIBED NOTICE AND FEES (for completion and use by official)**

Tick	Notification of application in media	Type of application	Cost
	SERVING OF NOTICES	Delivering by hand; registered post; electronic communication methods	R
	PUBLICATION OF NOTICES	Local Newspaper(s); <i>Provincial Gazette</i> ; site notice; Municipality's website	R
	ADDITIONAL PUBLICATION OF NOTICES	Site notice, public meeting, local radio station, Municipality's website, letters of consent or objection	R
	NOTICE OF DECISION	<i>Provincial Gazette</i>	R
	INTEGRATED PROCEDURES	T.B.C	R
TOTAL B:			R
TOTAL APPLICATION FEES* (TOTAL A + B)			R

* The complete application should first be submitted without the payment of any applicable application fees. Only when satisfied that a complete and accurate application has been submitted, will a proforma invoice be submitted to the applicant with payment instructions. Application fees that are paid to the Municipality are non-refundable and once proof of payment is received, the application will be regarded as duly submitted.

**All indigent residents who are registered as such with the Municipality and with proof submitted together with application

will be exempted from applicable fees for Permanent Departure applications including but not limited to building lines, coverage, height, bulk, parking. Contact: Indigent.office@stellenbosch.gov.za or 021 808 8501 or 021 808 8579

*** The applicant is liable for the cost of publishing and serving notice of an application. Additional fees may become applicable and the applicant will be informed accordingly.

BANKING DETAILS

Account Holder Name: Stellenbosch Municipality
 Bank: FIRST NATIONAL BANK (FNB)
 Branch no.: 210554
 Account no.: 62869253684
 Payment reference: LU/_____ and ERF/FARM _____

Please use both the Land Use Application number and the Erf/Farm number indicated on the invoice as a reference when making EFT payment

DETAILS FOR INVOICE

Name & Surname/Company name (details of party responsible for payment)	VISIONPLAN CC T/A NM & ASSOCIATES PLANNERS AND DESIGNERS
Postal Address	PO BOX 44386, CLAREMONT, CAPE TOWN , 7735
Vat Number (where applicable)	4510165428

PART F: DETAILS OF PROPOSAL

Building line encroachment	Street		From	m	To	m
	Street		From	m	To	m
	Side		From	m	To	m
	Side		From	m	To	m
	Aggregate side		From	m	To	m
	Rear		From	m	To	m
Exceeding permissible site coverage			From		To	
Exceeding maximum permitted bulk / floor factor / no of habitable rooms			From		To	
Exceeding height restriction			From	m	To	m
Exceeding maximum storey height			From	m	To	m
Consent/Conditional Use/Special Development						
To permit.....						
in terms of Section.....of the.....Zoning Scheme Regulations						
Other (please specify)	Application for a temporary departure in terms of Section 15(2)(c) of the Stellenbosch Municipality Land Use Planning By-law of 2015 to regularise an already constructed tented camp for 14 guests, on Portion 5 of Farm 1685, Paarl.					

Brief description of proposed development / intent of application:

Application for a temporary departure in terms of Chapter III, Section 15(2)(c) and Chapter IV of the Stellenbosch Municipality Land Use Planning By-law of 2015 to regularise an already constructed (unauthorised) tented camp for 14 guests, on Founders' Estate 5, being Portion 5 of Farm 1685, Paarl, located at Boschendal.

PART G: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION FOR LAND USE PLANNING APPLICATION

Complete the following checklist and attach all the information and documentation relevant to the proposal. Failure to submit all information and documentation required will result in the application being deemed incomplete.

Information and documentation required

XY	N	Power of attorney / Owner's consent if applicant is not owner	Y	N	Bondholder's consent (if applicable)
Y	XN	Resolution or other proof that applicant is authorised to act on behalf of a juristic person	Y	N	Proof of any other relevant right held in the land concerned
XY	N	Written motivation pertaining to the need and desirability of the proposal	XY	N	S.G. diagram / General plan extract (A4 or A3 only)
XY	N	Locality plan (A4 or A3 only) to scale	XY	N	Site development plan or conceptual layout plan (A4 or A3 only) to scale
Y	N	Proposed subdivision plan (A4 or A3 only) to scale	Y	XN	Proof of agreement or permission for required servitude
Y	N	Proof of payment of application fees	XY	N	Proof of registered ownership (Full copy of the title deed)
XY	N	Conveyancer's certificate	XY	N	Written feedback of pre-application scrutiny and Minutes of pre-application consultation meeting (if applicable)
Y	N	XN/A Consolidation plan (A4 or A3 only) to scale	Y	N	X N/A Land use plan / Zoning plan (A4 or A3 only) to scale
Y	N	XN/A Street name and numbering plan (A4 or A3 only) to scale	Y	N	XN/A 1 : 50 / 1:100 Flood line determination (plan / report) (A4 or A3 only) to scale
Y	N	X N/A Landscaping / Tree plan (A4 or A3 only) to scale	Y	XN	N/A Home Owners' Association consent
X Y	N	N/A Abutting owner's consent	XY	N	N/A Services Report or indication of all municipal services / registered servitudes
XY	N	N/A Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD)			

XY	N	N/A	Copy of original approval and conditions of approval		Y	N	XN/A	Proof of failure of Home owner's association
Y	N	X N/A	Proof of lawful use right		XY	N	N/A	Any additional documents or information required as listed in the pre-application consultation form / minutes
Y	N	X N/A	Required number of documentation copies		Y	N	X N/A	Other (specify)

PART H: AUTHORISATION(S) SUBJECT TO OR BEING CONSIDERED IN TERMS OF OTHER LEGISLATION

XY	N	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc.	Specific Environmental Management Act(s) (SEMA) (e.g. Environmental Conservation Act, 1989 (Act 73 of 1989))		
			Y	X N/A	National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
			Y	X N/A	National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
			XY	N/A	National Water Act, 1998 (Act 36 of 1998)
			Y	X N/A	Other (specify)
Y	X N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)			
XY	N/A	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)			
Y	X N/A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations			
XY	N/A	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)			
Y	XN	Do you want to follow an integrated application procedure in terms of section 44(1) of the Stellenbosch Municipality Land Use Planning By-Law? If yes, please attach motivation.			

SECTION I: DECLARATION

I hereby wish to confirm the following :

1. That the information contained in this application form and accompanying documentation is complete and correct.
2. I'm aware that it is an offense in terms of section 86(1)(e) to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct.
3. I am properly authorized to make this application on behalf of the owner and that a copy of the relevant power of attorney or consent is attached hereto.
4. Where an agent is appointed to submit this application on the owner's behalf, it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent only to the agent and that the owner will regularly consult with the agent in this regard.
5. I confirm that the relevant title deed(s) have been read and that there are no restrictive title deed restrictions, which impact on this application, or alternatively an application for removal/suspension or amendment forms part of this submission.
6. I confirm that I have made known all information relating to possible Land / Restitution Claims against the application property.
7. It is the owner's responsibility to ensure that approval is not sought for a building or land use which will be in conflict with any applicable law.
8. The Municipality assesses an application on the information submitted and declarations made by the owner or on his behalf on the basis that it accepts the information so submitted and declarations so made to be correct, true and accurate.

9. Approval granted by the Municipality on information or declarations that are incorrect, false or misleading may be liable to be declared invalid and set aside which may render any building or development pursuant thereto illegal.
10. The Municipality will not be liable to the owner for any economic loss suffered in consequence of approval granted on incorrect, false or misleading information or declarations being set aside.
11. Information and declarations include any information submitted or declarations made on behalf of the owner by a Competent Person/professional person including such information submitted or declarations made as to his or her qualification as a Competent person and/or registration as a professional.
12. A person who provides any information or certificate required in terms of Regulation A19 of the National Building Regulations and Building Standards Act No 103 of 1977 which he or she knows to be incomplete or false shall be guilty of an offence and shall be prosecuted accordingly.
13. A person who supplies particulars, information or answers in a land use application in terms of the Stellenbosch Municipality Land Use Planning By-law knowing it to be incorrect, false or misleading or not believing them to be correct shall be guilty of an offence and shall be prosecuted accordingly.
14. The Municipality will refer a complaint to the professional council or similar body with whom a Competent Person/professional person is registered in the event that it has reason to believe that information submitted or declaration/s made by such Competent Person/professional person is incorrect, false or misleading.
15. I am aware that by lodging an application, the information in the application and obtained during the process may be made available to the public.

Applicant's signature:



Date:

07/12/2021

Full name:

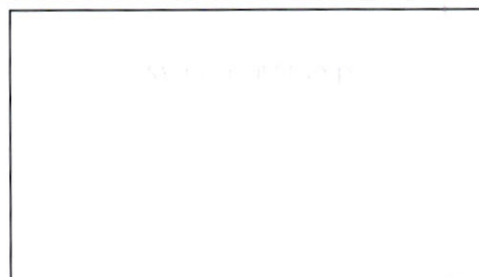
NAJMUNNISA MAMMON (SHORT NAME:
NISA)

Professional capacity:

PRINCIPAL PROFESSIONAL PLANNER
(A919/1996)**FOR OFFICE USE ONLY**

Date received: _____

Received By: _____



Annexure C: Power of Attorney



BOSCHENDAL

FOUNDED IN 1885

SPECIAL POWER OF ATTORNEY

I, the undersigned, William George who by my signature hereto warrants that I am duly authorised, Representing Boschendal (Pty) Ltd, the sole shareholder of Founders Estate 5 (Pty) Ltd Reg no. 2006/023139/07, registered owner of the below-mentioned property:

Hereby nominate and appoint **VISIONPLAN CC t/a NM & Associates Planners and Designers** with power of Substitution to be my lawful representative in the application in terms of the Land Use Planning Act (No.3 of 2014), the Stellenbosch Municipality Land Use Planning By-law (P.N.354/2015) and the Stellenbosch Municipality Zoning Scheme By-law (27 September 2019) for the Council to consider granting approval for the required Land Use Application to regularise the tented camp on the below mentioned property:

**PORTION 5 OF FARM 1685, BOSCHENDAL
SITUATED IN THE STELLENBOSCH MUNICIPALITY, DIVISION OF PAARL, WESTERN
CAPE PROVINCE, HELD UNDER THE TITLE DEED NO. T73858/2008**

In addition to the above, **NM & Associates Planners and Designers** may obtain all documents, make all other necessary applications in accordance with any other law to achieve the approval of a land use application as outlined above, and may engage with the authorities on my behalf in all matters relating to this abovementioned application and further may represent me at any inquiry in relation to the abovementioned matters and generally do whatever may be necessary or desirable to procure the approval of the application.

Authorised Signatory

Date: 28 September 2021

Annexure D: Title Deed

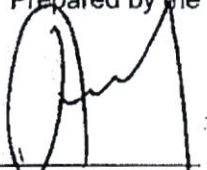
TITDS

117

41

Cluver Markotter Inc
Cluver Markotter Building
Mill Street
Stellenbosch
7600


Prepared by me


CONVEYANCER
JAL DE WAAL

FEE
110.00
R. 95.00

BC00059480/2016
GEKANSLEER
CANCELLED

REGISTRATEUR/REGISTRAR

VERBODEN MORTGAGED
VR FOR R 22 000 000.00
B 067817/08
21 NOV 2008

REGISTRATEUR/REGISTRAR

PREFERENCE OF
NOTARIAL DEED
0000001318/2008
WAIVED IFO
BONDHOLDER

VIR ENDOSSEMENTE KYN GLADSKY
FOR ENDORSEMENTS SEE PAGE 19

T 073858/08

DEED OF PARTITION TRANSFER

(in terms of Section 26 of the Deeds Registries Act, 1937 (No 47 of 1937))

BE IT HEREBY MADE KNOWN THAT:

THAT

MICHELLE VAN WYK

appeared before me the REGISTRAR OF DEEDS at CAPE TOWN, he, the said
Appearer, being duly authorised thereto by virtue of:

a Power of Attorney signed at STELLENBOSCH on 26 SEPTEMBER 2008
granted to him by:

1. BOSCHENDAL FOUNDERS ESTATE 2 (PROPRIETARY) LIMITED
NO. 2006/023676/07

DATA / VERIFY
27 NOV 2008
VAN WYK JENNY

DATA / CAPTURE
26 NOV 2008
MASIU T

19

PREFERENCE OF
LEASE K1316/2008 L
WAIVED IFO
BONDHOLDER R

VERBIND		MORTGAGED	
VIR FOR R 18 400 000,00		[Signature]	
B 16763-2016	[Signature]		
07 OCT 2016	REGISTRATEUR/REGISTRAR		

BO 2381472020
GEKANSLEER CANCELLED
REGISTRATEUR/REGISTRAR
17 SEP 2020

RECEIVED

AND

a Power of Attorney signed at STELLENBOSCH on 26 SEPTEMBER 2008
granted to him by:

2. **BOSCHENDAL FOUNDERS ESTATE 3 (PROPRIETARY) LIMITED**
NO. 2006/023695/07

AND

a Power of Attorney signed at STELLENBOSCH on 26 SEPTEMBER 2008
granted to him by:

3. **BOSCHENDAL FOUNDERS ESTATE 4 (PROPRIETARY) LIMITED**
NO. 2006/023167/07

AND

a Power of Attorney signed at STELLENBOSCH on 26 SEPTEMBER 2008
granted to him by:

4. **BOSCHENDAL FOUNDERS ESTATE 5 (PROPRIETARY) LIMITED**
NO. 2006/023139/07

AND

a Power of Attorney signed at STELLENBOSCH on 26 SEPTEMBER 2008
granted to him by:

5. **BOSCHENDAL FOUNDERS ESTATE 6 (PROPRIETARY) LIMITED**
NO. 2006/023078/07

AND

a Power of Attorney signed at STELLENBOSCH on 26 SEPTEMBER 2008
granted to him by:

6. **BOSCHENDAL FOUNDERS ESTATE 7 (PROPRIETARY) LIMITED**
NO. 2006/022999/07

AND

a Power of Attorney signed at STELLENBOSCH on 26 SEPTEMBER 2008
granted to him by:

7. **BOSCHENDAL FOUNDERS ESTATE 8 (PROPRIETARY) LIMITED**
NO. 2006/023032/07

AND

a Power of Attorney signed at STELLENBOSCH on 26 SEPTEMBER 2008
granted to him by:

8. **BOSCHENDAL FOUNDERS ESTATE 9 (PROPRIETARY) LIMITED**
NO. 2006/022753/07

AND

a Power of Attorney signed at STELLENBOSCH on 26 SEPTEMBER 2008
granted to him by:

9. **BOSCHENDAL FOUNDERS ESTATE 10 (PROPRIETARY) LIMITED**
NO. 2006/023527/07

AND

a Power of Attorney signed at STELLENBOSCH on 26 SEPTEMBER 2008
granted to him by:

10. **BOSCHENDAL FOUNDERS ESTATE 11 (PROPRIETARY) LIMITED**
NO. 2006/023498/07

AND

a Power of Attorney signed at STELLENBOSCH on 26 SEPTEMBER 2008
granted to him by:

11. **BOSCHENDAL FOUNDERS ESTATE 12 (PROPRIETARY) LIMITED**
NO. 2006/023252/07

AND

a Power of Attorney signed at STELLENBOSCH on 26 SEPTEMBER 2008
granted to him by:

12. **BOSCHENDAL FOUNDERS ESTATE 13 (PROPRIETARY) LIMITED**
NO. 2006/023209/07

AND

a Power of Attorney signed at STELLENBOSCH on 26 SEPTEMBER 2008
granted to him by:

13. **BOSCHENDAL FOUNDERS ESTATE 14 (PROPRIETARY) LIMITED**
NO. 2006/023333/07

AND

a Power of Attorney signed at STELLENBOSCH on 26 SEPTEMBER 2008
granted to him by:

- 14. BOSCHENDAL FOUNDERS ESTATE 15 (PROPRIETARY) LIMITED**
NO. 2006/023240/07

AND

a Power of Attorney signed at STELLENBOSCH on 26 SEPTEMBER 2008
granted to him by:

- 15. BOSCHENDAL FOUNDERS ESTATE 16 (PROPRIETARY) LIMITED**
NO. 2006/015486/07

AND

a Power of Attorney signed at STELLENBOSCH on 26 SEPTEMBER 2008
granted to him by:

- 16. BOSCHENDAL FOUNDERS ESTATE 17 (PROPRIETARY) LIMITED**
NO. 2006/023258/07

AND

a Power of Attorney signed at STELLENBOSCH on 26 SEPTEMBER 2008
granted to him by:

- 17. BOSCHENDAL FOUNDERS ESTATE 18 (PROPRIETARY) LIMITED**
NO. 2006/023254/07

AND

a Power of Attorney signed at STELLENBOSCH on 26 SEPTEMBER 2008 granted to him by:

18. BOSCHENDAL FOUNDERS ESTATE 19 (PROPRIETARY) LIMITED
NO. 2006/022621/07

AND the said Appearer declared that whereas his said Principals heretofore held and possessed in joint ownership:

REMAINDER FARM NO 1685 BOSCHENDAL in the Municipality
STELLENBOSCH, Division PAARL, Province of the WESTERN CAPE

IN EXTENT: 411,2168 (FOUR HUNDRED AND ELEVEN COMMA TWO
ONE SIX EIGHT) HECTARES

HELD by the Transferee by virtue of Deed of Transfer No
T 073854 / 08 /2008 in equal shares

AND WHEREAS the said joint owners have agreed on **4 September 2008** to partition the said land by sub-dividing the same according to their respective interests therein and receiving transfer in severalty of such sub-divided portions;

NOW, THEREFORE, the said Appearer in his capacity aforesaid and in pursuance of the above in part recited agreement, declared that he did by these presents, cede and transfer in full and free property unto and on behalf of the said

BOSCHENDAL FOUNDERS ESTATE 5 (PROPRIETARY) LIMITED
NO. 2006/023139/07

Its successors and titles or assigns,

PORTION 5 of the FARM NO 1685 BOSCHENDAL in the Municipality of
STELLENBOSCH, Division PAARL, Province of the WESTERN CAPE

IN EXTENT: 26,2549 (TWENTY SIX COMMA TWO FIVE FOUR NINE)
Hectares

AS WILL APPEAR from the annexed Diagram S.G. No 7524/2007 and held by
Deed of Transfer No. T 3854 / 08 / 2008

A. **SUBJECT** to the conditions referred to in Deed of Transfer
No. T 11413/1897.

B. By Notarial Deed No. K 190/2001S the above property is **ENTITLED** to:

1. A water pipeline servitude 2,00 metres wide, the north western boundary whereof is represented by the line w1x1y1G on Diagram No. 3176/2000 annexed to Deed of Transfer No. T 17276/ 2001

together with a general right of way to gain access to the said pipeline servitude over Portion 1 of the Farm No. 1631, Stellenbosch Municipality, Division of Paarl in extent 102,4981 Hectares held by Deed of Transfer No. T 17276/ 2001.

2. A water pipeline servitude 2,00 metres wide the western boundary whereof is represented by the line bcdefgh on Diagram No. 3179/2000 annexed to Deed of Transfer No. T 17276/ 2001

together with a general right of way to gain access to the said pipeline servitude over Portion 4 of the Farm No. 1631, Stellenbosch Municipality, Division of Paarl, in extent 30,3951 Hectares held by Deed of Transfer No. T 17276/ 2001.

- 3.1. A pipeline servitude 2 metres wide the north western boundary whereof is represented by the line Aa on Diagram No. 3182/2000 annexed to Deed of Transfer No. T 17276/2001.
- 3.2. A pipeline servitude 2 metres wide the north eastern boundary whereof is represented by the line ab on Diagram No. 3182/2000 annexed to Deed of Transfer No. T 17276/2001.
- 3.3. A pipeline servitude 2 metres wide the south western boundary whereof is represented by the line AM on Diagram No. 3182/2000 annexed to Deed of Transfer No. T 17276/2001

together with a general right of way to gain access to the said pipeline servitudes, over Portion 1 of the Farm No. 1632, Stellenbosch Municipality, Division of Paarl, in extent 4274 square metres held by Deed of Transfer No. T 17276/ 2001

Subject to conditions as will more fully appear from said Notarial Deed.

C. By Deed of Transfer No. T 17276/2001

ENTITLED to an electric power transmission servitude 2,00 metres wide, the centre line whereof is represented by the line tu on Diagram No. 3179/2000 annexed thereto over Portion 4 of the Farm No. 1631, Stellenbosch Municipality, Division of Paarl, in extent 30,3951 thereby transferred.

D. By Deed of Transfer No T17499/2004 the within property is ENTITLED to a general servitude of right of way over

- (a) Portion 6 of the Farm Boschendal No. 1674, in the Stellenbosch Municipality, Division of Paarl, Western Cape Province in extent 42,4407 hectares

and

- (b) Portion 7 of the Farm Boschendal No. 1674, in the Stellenbosch Municipality, Division of Paarl, Western Cape Province in extent 106,6670 hectares held thereunder to provide unrestricted access to the within property

As will more fully appear from said Deed of Transfer.

- E. By Notarial Deed No K210/2004S dated 6 February 2004, as will appear from Deed of Transfer No T17501/2004, the withinmentioned properties are:

1. SUBJECT to

- (a) A pipeline servitude 3 metres wide for the purpose of conveying irrigation and domestic water pumped from the dams thereon over the within properties.
- (b) A general servitude of right of way 5 metres wide to provide access to the within properties for purposes of maintenance, repair, cleaning and replacement.

in favour of

1. Portion 3 of the farm Boschendal No 1674 situate in the Stellenbosch Municipality, Division of Paarl, Western Cape Province.

In extent 115,9123 (one hundred and fifteen comma nine one two three) hectares

2. Portion 4 of the farm Boschendal No 1674 situate in the Stellenbosch Municipality, Division of Paarl, Western Cape Province.

In extent 165,2636 (one hundred and sixty five comma two six three six) hectares

3. Portion 6 of the farm Boschendal No 1674 situate in the Stellenbosch Municipality, Division of Paarl, Western Cape Province.

In extent 42,4407 (forty two comma four four nought seven) hectares

4. Portion 7 of the farm Boschendal No 1674 situate in the Stellenbosch Municipality, Division of Paarl, Western Cape Province.

In extent 106,6670 (one hundred and six comma six six seven nought) hectares

5. Portion 11 of the farm Boschendal No 1674 situate in the Stellenbosch Municipality, Division of Paarl, Western Cape Province.

In extent 76,0665 (seventy six comma nought six six five) hectares.

6. Portion 13 of the farm Boschendal No 1674 situate in the Stellenbosch Municipality, Division of Paarl, Western Cape Province.

In extent 341,9417 (three hundred and forty one comma nine four one seven) hectares.

7. Portion 1 of the farm No 1647, situated in the Stellenbosch Municipality, Division of Paarl, Western Cape Province.

In extent 49, 5372 (forty nine comma five three seven two) hectares.

(hereinafter called Portion 1/1647)

8. The remainder of the Farm Old Bethlehem No. 153 situated in the Stellenbosch Municipality, Division of Stellenbosch, Province of the Western Cape

In extent 78,2330 (seventy eight comma two three three nought) hectares

9. Portion 1 of the Farm Old Bethlehem No. 153 situated in the Stellenbosch Municipality, Division of Stellenbosch, Province of the Western Cape.

In extent 13,1701 (thirteen comma one seven nought one) hectares.



10. Portion 2 of the Farm Old Bethlehem No. 153 situated in the Stellenbosch Municipality, Division of Stellenbosch, Province of the Western Cape.

In extent 20, 2962 (twenty comma two nine six two) hectares.

11. Portion 4 of the Farm Old Bethlehem No. 153 situated in the Stellenbosch Municipality, Division of Stellenbosch, Province of the Western Cape.

In extent 27, 6944 (twenty seven comma six nine four four) hectares.

12. Portion 5 of the Farm Old Bethlehem No. 153 situated in the Stellenbosch Municipality, Division of Stellenbosch, Province of the Western Cape.

In extent 28,5183 (twenty eight comma five one eight three) hectares.

13. Portion 6 of the Farm Old Bethlehem No. 153 situated in the Stellenbosch Municipality, Division of Stellenbosch, Province of the Western Cape.

In extent 91,5997 (ninety one comma five nine nine seven) hectares

14. Portion 7 of the Farm Old Bethlehem No. 153 situated in the Stellenbosch Municipality, Division of Stellenbosch, Province of the Western Cape.

In extent 11,7002 (eleven comma seven nought nought two) hectares.

15. Portion 9 of the Farm Old Bethlehem No. 153 situated in the Stellenbosch Municipality, Division of Stellenbosch, Province of the Western Cape.

In extent 17,8637 (seventeen comma eight six three seven) hectares.

16. Portion 10 of the Farm Old Bethlehem No. 153 situated in the Stellenbosch Municipality, Division of Stellenbosch, Province of the Western Cape.

In extent 21,2846 (twenty one comma two eight four six) hectares

17. Portion 11 of the Farm Old Bethlehem No. 153 situated in the Stellenbosch Municipality, Division of Stellenbosch, Province of the Western Cape.

In extent 19,1588 (nineteen comma one five eight eight) hectares

18. Portion 12 of the Farm Old Bethlehem No. 153 situated in the Stellenbosch Municipality, Division of Stellenbosch, Province of the Western Cape.

In extent 69,6436 (sixty nine comma six four three six) hectares

19. Portion 13 of the Farm Old Bethlehem No. 153, situated in the Stellenbosch Municipality, Division of Stellenbosch, Province of the Western Cape.

In extent 29,8347 (twenty nine comma eight three four seven) hectares.

The aforesaid properties 1-19 all HELD by Deed of Transfer No T17499/2004

- 20 Portion 2 of the Farm 1647 situated in the Stellenbosch Municipality, Division of Paarl, Province of the Western Cape.

In extent 69, 2495 (sixty nine comma two four nine five) hectares.

Held by Deed of Transfer No T17500/2004

2. **ENTITLED** to the benefit of

- (a) A pipeline servitude 3 metres wide over the 20 properties described in Condition A above for the purpose of conveying irrigation and domestic water pumped from the dams thereon over such properties.
- (b) A general servitude of right of way 5 metres wide over the 20 properties described in Condition A above to provide access thereto for purposes of maintenance, repair, cleaning and replacement.

SUBJECT to such conditions as will more fully appear from such Notarial Deed.

- F. By Notarial Deed of Servitude of Restraint No K787/2005S dated 13 July 2005, as will appear from Deed of Transfer No T17501/2004, the above properties are subject to a servitude of restraint on competing business in favour and enforceable by DGB (Proprietary) Limited, No. 1946/021311/07, as the Lessee of lease over Farm Le Rhone, being Portion 12 of the Farm 1674 in extent 188,3148 hectares and held by Notarial Deed of Lease No K785/2005L for as long as the lease is in force.

As will morefully appear from the said Notarial Deed.

- G. By Notarial Deed of General Servitude Rights of Access and Traversing Rights, Sewerage, Effluent, Electricity and Water Rights No K 786/2005S dated 13th July 2005, as will appear from Deed of Transfer No T17501/2004, the above properties are subject and entitled, as the case may be, to the following servitudes in favour of DGB (Proprietary) Limited, No. 1946/021311/07 its administrators and assigns and successors-in-title (hereinafter referred to as the "TENANT", in its capacity as tenant under Lease No K785/2005L (registered this day), for the duration of the said lease:

- (a) subject and entitled as the case may be, to a servitude of mutual access and traversing rights;
- (b) subject to an electricity servitude over Portion 9 of the Farm Boschendal No 1674, extending 80,1969 (eighty comma one nine six nine) hectares (para 5 of T17501/2004);
- (c) subject to a sewerage servitude;
- (d) subject to a servitude relating to effluent;
- (e) subject to a servitude relating to water usage in respect of Portion 8 of the Farm Boschendal No 1674, extending 50,2598 (fifty comma two five nine eight) hectares (para 4 of T17501/2004) and Portion 9 of the Farm Boschendal No 1674, extending 80,1969 (eighty comma one nine six nine) hectares; and

- (f) subject to the condition that the owner of the property shall be obliged to register of all or any of the abovementioned servitudes, as may be applicable, in favour of the TENANT in the event that the TENANT takes transfer of the ownership of any or all of the properties (which shall include portion 12 of the Farm Boschendal No 1674, extending 188,3148 (one eight eight comma three one four eight) hectares or any portion thereof),

as will more fully appear from the said Notarial Deed.

H. BY VIRTUE of Notarial Deed of Lease No K 1316/08⁽⁶⁾ /2008L, as will appear from Certificate of Consolidated Title No T13852, ⁽⁵⁾2008, the withinmentioned property is subject to a Long Term Notarial Lease Agreement for a period of 99 years as from 1 July 2007 in favour of Boschendal Winery (Proprietary) Limited, No 2004/020895/07. As will more fully appear from the said Notarial Deed with Diagram SG No 3515/2008 annexed.

I. SUBJECT FURTHER to the following condition imposed by the Stellenbosch Municipality in terms of Section 42(1) of the Land Use Planning Ordinance (No 15 of 1985), upon the approval of the subdivision of Portions 2, 5, 8 and 9 of the Farm Boschendal No 1674 in the Municipality of Stellenbosch, Division Paarl, Province of the Western Cape, as will appear from Deed of Transfer No T13854⁽⁸⁾ /2008:

- (a) The property shall not be alienated without the written consent of BOSCHENDAL ESTATE FOUNDERS' ESTATES PROPERTY MEMBERS ASSOCIATION (Registration No: 2008/010914/08) (Association Incorporated under Section 21 of the Companies Act, No 61 of 1973) (hereinafter referred to as BEFEPOA), having been obtained to the effect that there has been full compliance by the registered owner of the property with Articles 5.2 to 5.9 (both

inclusive) of the Memorandum and Articles of Association of BEFEPOA.

J. SUBJECT AND ENTITLED to the following condition imposed by the Stellenbosch Municipality in terms of Section 42(1) of the Land Use Planning Ordinance (No 15 of 1985), upon the approval of the subdivision of Portions 2, 5, 8 and 9 of the Farm Boschendal No 1674 in the Municipality of Stellenbosch, Division Paarl, Province of the Western Cape:

(a) As the case may be, a servitude right of access or egress 2,5 (two comma five) metres wide or 3 (three) metres wide, whichever is applicable, over and in favour of the withinmentioned property.

K. SUBJECT FURTHER to the following condition imposed by the Joint Owners of Remainder Farm No 1685 Boschendal in terms of the Partition Agreement dated 4 September 2008:

(a) After subdividing the property into the 18 portions, as referred to in the Consent by the Department of Agriculture in terms of the Subdivision of Agricultural Land Act, 1970, No 39884, the said properties shall not be further subdivided.

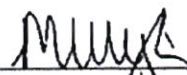
WHEREFORE the Appearer, renouncing all the right and title his Principals heretofore jointly had to the premises, on behalf of aforesaid, did, in consequence, also acknowledge his said Principals with the exception of the above transferee to be entirely dispossessed of and disentitled to the land hereby transferred; and that, by virtue of these presents, the said

BOSCHENDAL FOUNDERS ESTATE 5 (PROPRIETARY) LIMITED
NO. 2006/023139/07

or its Successors in Title or assigns, now is and henceforth shall be entitled thereto conformably to local custom, the State, however reserving its rights, and finally acknowledging his remaining Principals to have received as a consideration transfer on this day of their respective share in the landed property partitioned as aforementioned.


IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the Registrar of Deeds at Cape Town on 21 November 2008



q.q.

In my presence



REGISTRAR OF DEEDS

CERTIFIED COPY FOR REGISTRATION
FOR SURVEYOR-GENERAL
DATE 25 FEB 2008

Friedlaender, Burger & Volkmann - Land Surveyors

SIDES Metres		ANGLES OF DIRECTION	CO-ORDINATES System WG 19°		S.G. No.
			Y	X	7524/2007
		Constants :	0,00	0,00	Approved.
AB	526,00	229 00 00	A +	5884,05	+ 3749680,71
BC	89,83	319 07 20	B +	5287,07	+ 3749335,63
CD	88,12	7 25 00	C +	5228,27	+ 3749403,55
DE	243,96	325 08 50	D +	5239,65	+ 3749490,93
EF	197,83	326 55 00	E +	5100,12	+ 3749691,05
FG	81,56	52 53 50	F +	4992,13	+ 3749856,81
GH	115,35	91 29 10	G +	5057,18	+ 3749906,01
HJ	75,48	177 32 20	H +	5172,49	+ 3749903,02
JK	81,20	175 08 50	J +	5175,73	+ 3749827,61
KL	72,90	157 15 30	K +	5182,60	+ 3749746,70
LM	38,03	133 15 10	L +	5210,78	+ 3749679,47
MN	51,98	89 52 00	M +	5238,48	+ 3749653,41
NP	103,63	11 55 00	N +	5290,46	+ 3749653,53
PQ	119,94	35 56 30	P +	5311,86	+ 3749754,93
QR	51,23	7 41 40	Q +	5382,26	+ 3749852,04
RS	207,79	338 47 30	R +	5389,12	+ 3749902,81
ST	212,62	52 27 50	S +	5313,95	+ 3750096,53
TU	195,11	149 02 00	T +	5482,55	+ 3750226,07
UV	141,16	130 43 30	U +	5582,94	+ 3750058,77
VW	148,19	204 13 10	V +	5689,92	+ 3749966,67
WX	25,70	159 38 20	W +	5629,13	+ 3749831,52
XY	60,23	223 12 10	X +	5638,07	+ 3749807,43
YA	120,27	133 31 10	Y +	5596,84	+ 3749763,53
497	PNIEL	△ +	3832,38	+ 3751650,78	
498	RHODESDAM	△ +	4138,34	+ 3749355,50	

Note:

The figure Aa1zCDEFGHJKLMNPQRSTUWXYZ represents a leasehold area vide Diagram No. 7519/2007, D/T

The figure ABCDEFGHJKLMNPQRSTUWXYZ represents 26,2549 hectares

of land, being

PORTION 5 OF THE FARM NO. 1685 BOSCHENDAL

Situate in the Stellenbosch Municipality
Administrative District of Paarl
Surveyed in Aug. 2000 - Jun. 2003,
Oct. - Nov. 2006 & Oct. 2007 by me

Province of Western Cape

PLS 0080 D P Burger Pr Land Surveyor

This diagram is annexed to No. T-13858/08 Dated 21 NOV 2008 i.f.o. Registrar of Deeds	The original diagram is No. 7518/2007 Annexed to Filed as Plan No. 7518/2007	File No. Parl.1685 S.R. No. 3226/2007 Comp. BH-8BDD (3767) BH-8DBB (3779) LPI C0550000
--	--	--

FARM 1685/5 PAARL

STELLENBOSCH MUNISIPALITEIT
STELLENBOSCH MUNICIPALITY

Erf / Erwe onderverdeel kragtens Artikel 25 van
Erf / Erven subdivided in terms of Section 25 of
Ordonnansie Nr. 15 van 1985 en hierin uiteengesit.
Ordinance No. 15 of 1985 and herein reflected in
in order vir registrasie ingevolge Artikel 31: (1)
order for registration in terms of Section 31: (1)

Municipal Beaufort
Municipal Manager

Datum
Date

CERTIFIED COPY FOR REGISTRATION
FOR SURVEYOR-GENERAL
DATE 25 FEB 2008

Friedlaender, Burger & Volkmann - Land Surveyors

Beacon Description

All beacons are 16mm iron pegs

S.G. No.

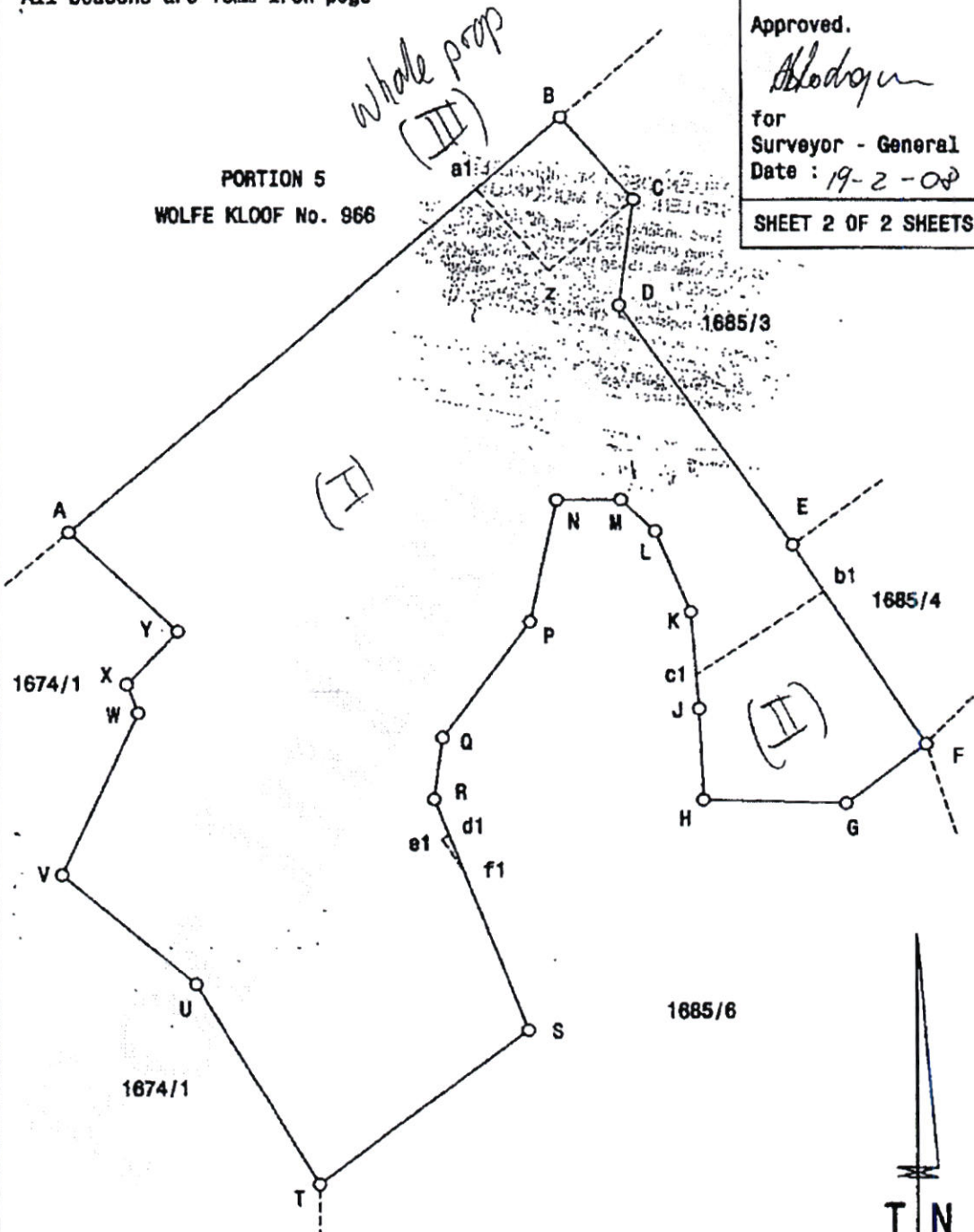
7524/2007

Approved.

Blodgen
for
Surveyor - General
Date: 19-2-08

SHEET 2 OF 2 SHEETS

PORTION 5
WOLFE KLOOF No. 966



PORTION 5 OF THE FARM NO. 1685 BOSCHENDAL

Administrative District of Paarl

Surveyed in Aug. 2000 - Jun. 2003,
Oct. - Nov. 2006 & Oct. 2007
by me

D P Burger

PLS 0080

D P Burger

Pr Land Surveyor

SCALE 1 : 5000

FARM 1685/5 PAARL

APPROVED IN
OF ACT 17/1970
REF 39884
DATE 2005-06-01

APPROVED IN TERMS OF SECT. 25
OF ORD. 15/1885
REF Farm 1674/2, Paarl
DATE 2005-12-23

STELLENBOSCH MUNISIPALITEIT
STELLENBOSCH MUNICIPALITY

Erf / Erwe onderverdeel kragtens Artikel 25 van
Erf / Erven subdivided in terms of Section 25 of
Ordinansie Nr. 15 van 1985 en hierin uiteengeset.
Ordinance No. 15 of 1985 and herein reflected in
in order vir registrasie ingevolge Artikel 31 (1)
order for registration in terms of Section 31 (1)


Munisipale Bestuurder
Municipal Manager


Datum
Date

Annexure E: Conveyancer's Certificate



CONVEYANCER CERTIFICATE

I/We Kara Fischer

(conveyancer's name and surname)

Practising at:

Walkers Inc, Cape Town, Province of the Western Cape

(firm and place of practice)

In respect of:

Portion 5 of the Farm Boschendal

(full property description [erf / farm] as it appears in title deed of same)

Hereby certify that a search was conducted in the Deeds Registry, regarding the said property (ies) (including both current and earlier title deeds/pivot deeds/deeds of transfer):

1. Please see annexure A attached hereto

2.

3.

4.

5.

6.

7.

8.

For example Deed of Transfer T12345/2000 or Certificate of Registered Sectional Title S11234/2000 (description of title deed number and date)

KF



A. IDENTIFY RESTRICTIVE TITLE CONDITIONS (if any)

Categories		Are there deed restrictions (indicate below)		Title Deed and Clause number if restrictive conditions are found
1.	Use of land	Y	N	
2.	Building lines	Y	N	
3.	Height	Y	N	
4.	Number of Dwellings	Y	N	
5.	Bulk floor area	Y	N	
6.	Coverage/built upon area	Y	N	
7.	Subdivision	Y ✓	N	T73858/2008 - Clause K
8.	Servitudes that may be registered over or in favour of the property	Y	N	
9.	Other Restrictive Conditions	Y	N	



B. INDICATE AFFECTED PARTIES AS PER TITLE DEED (if any)

in respect of which it was found that there "ought to exist" conditions with reference to Section 83(4) to (6) of the Land Use Planning By-law (2015) registered against such a property (ies) prohibiting it from being utilised/developed for the following purposes (as contained in the accompanying deed)

a.	Organ(s) of State that might have an interest in the restrictive condition	Minister of Agriculture
b.	A person whose rights or legitimate expectations will be affected by the removal/suspension/amendment of a restriction condition.	Other owners of portions of the Farm Boschendal
c.	All persons mentioned in the deed for whose benefit the restrictive condition applies	

C. PROCESS BY WHICH RELEVANT CONDITIONS WILL BE ADDRESSED

(If other, see accompanying deed)

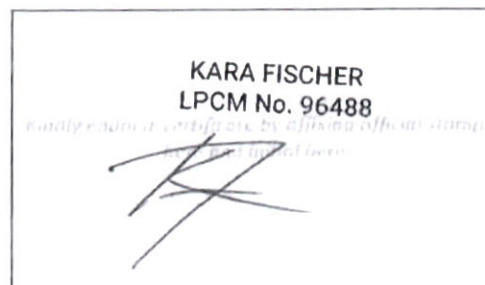
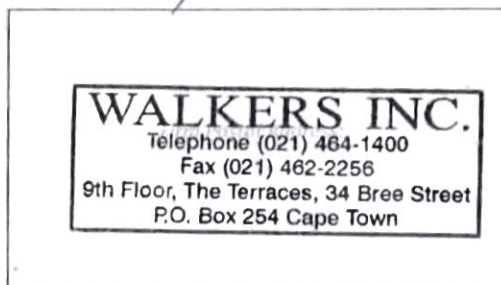
Application in terms of Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015)	Notarial Deed of Cancellation (Submit Copy of Signed Agreement)	Action by way of court order (Submit Copy of the Court Order)	If Other, Please Specify

Please note that the applicants do not intend to subdivide and therefore none of the above is to be followed.

Signed at Cape Town (Place) on this 4th (Day) October (Month) of 2021....

Full names and Surname: KARA FISCHER
LPCM No: 96488

Signature: [Signature]



Tel: 021 464 1400

Email: karaf@walkers.law

Cell: 0828520843

WALKERS

est 1828

attorneys | conveyancers | notaries

9th Floor The Terraces 34 Bree Street
Cape Town South Africa
PO Box 254 Cape Town 8000 South Africa
Docex 31 Cape Town
Telephone 021 464 1400
International +27 21 464 1400
website: www.walkers.law

To whom it may concern

Our reference JP/KF/AK
Account number W42304
Direct line 021 464-1435

Direct email karaf@walkers.law
Your reference
Date 01 October 2021

PORTION 5 OF THE FARM BOSCHENDAL NO.1685

ANNEXURE A TO CONVEYANCER'S CERTIFICATE

I, the undersigned, KARA FISCHER, a Conveyancer practising at Walkers Inc. of Cape Town, hereby certify that:

1. I have searched the records of the Deeds Office at Cape Town in order to ascertain if the above-mentioned property is affected by any restrictive title conditions.
2. The list of deeds I have examined for the aforementioned purpose is as follows:
T11413/1897
T2406/1897
T2060/1890
T2059/1890
T239/1884
T271/1864
T24/1852
T199/1848

DIRECTORS Gunnar Dahl BA LLB (Chairman) Taryn Herbert B Bus Sci LLB Amien Hoosain BA LLB Roxanne Ker BA LLB
John Lee BA LLB Juna Phillips BProc Belinda van der Vyver BA LLB LLM Jerome Veldsman B Com LLB
CONSULTANTS Charl Theron BA LLB Denis Lloyd BA LLB
ASSOCIATE Kara Fischer BA LLB
PRACTICE MANAGER Zenobia de Kock Bcompt

Walkers Inc. registration number 1997/011662/21



The following Title Deeds are illegible as they are in Dutch and incomplete however they do not appear to contain restrictive conditions.

Grant Cape Quitrents Volume 6 Number 13 dated 15 December 1822

T81/1794

T172/1725

T1301/1719

T162/1716

T78/1702

Grant Stellenbosch Freeholds Volume 1(2) Number 270 dated 25 October 1690

Grant Stellenbosch Freeholds Volume 1(2) Folio 264 dated 20 October 1690

Grant Stellenbosch Freeholds Volume 1(2) Number 268 dated 20 October 1689

3. I have found no restrictive title conditions in the above titles and the only conditions applicable to the property are as set out in the current title deed, Deed of Transfer no. T73858/2008 none of which are restrictive besides the following condition:

"K. SUBJECT FURTHER to the following condition imposed by the Joint Owners of Remainder Farm No. 1685 Boschendal in terms of the Partition Agreement dated 4 September 2008.

(a) After subdividing the property into the 18 portions, as referred to in the consent by the Department of Agriculture in terms of the Subdivision of Agricultural Land Act, 1970, No 39884, the said properties shall not be further subdivided"

Signed at Cape Town on 30th September 2021



CONVEYANCER
Kara Fischer

Annexure F: Surveyor General Diagram and Noting Sheet

SIDES Metres		ANGLES OF DIRECTION	CO-ORDINATES System WG 19°		S.G. No. 7524/2007
		Constants :	Y	X	
			0,00	0,00	
AB	526,00	229 00 00	A +	5684,05	+ 3749680,71
BC	89,83	319 07 20	B +	5287,07	+ 3749335,63
CD	88,12	7 25 00	C +	5228,27	+ 3749403,55
DE	243,96	325 06 50	D +	5239,65	+ 3749490,93
EF	197,83	326 55 00	E +	5100,12	+ 3749691,05
FG	81,56	52 53 50	F +	4992,13	+ 3749856,81
GH	115,35	91 29 10	G +	5057,18	+ 3749906,01
HJ	75,48	177 32 20	H +	5172,49	+ 3749903,02
JK	81,20	175 08 50	J +	5175,73	+ 3749827,61
KL	72,90	157 15 30	K +	5182,60	+ 3749746,70
LM	38,03	133 15 10	L +	5210,78	+ 3749679,47
MN	51,98	89 52 00	M +	5238,48	+ 3749653,41
NP	103,63	11 55 00	N +	5290,46	+ 3749653,53
PQ	119,94	35 56 30	P +	5311,86	+ 3749754,93
QR	51,23	7 41 40	Q +	5382,26	+ 3749852,04
RS	207,79	338 47 30	R +	5389,12	+ 3749902,81
ST	212,62	52 27 50	S +	5313,95	+ 3750096,53
TU	195,11	149 02 00	T +	5482,55	+ 3750226,07
UV	141,16	130 43 30	U +	5582,94	+ 3750058,77
VW	148,19	204 13 10	V +	5689,92	+ 3749966,67
WX	25,70	159 38 20	W +	5629,13	+ 3749831,52
XY	80,23	223 12 10	X +	5638,07	+ 3749807,43
YA	120,27	133 31 10	Y +	5596,84	+ 3749763,53
497	PNIEL	△ +	3832,38	+ 3751650,78	
498	RHODESDAM	△ +	4138,34	+ 3749355,50	
Note:					
The figure Aa1zCDEFGHJKLMNPQRSTUWXY represents a leasehold area vide Diagram No. 7519/2007 , D/T 3515/2008					
The figure ABCDEFGHJKLMNPQRSTUWXY represents 28,2549 hectares of land, being					
PORTION 5 OF THE FARM NO. 1685 BOSCHENDAL					
Situate in the Stellenbosch Municipality					
Administrative District of Paarl					
Province of Western Cape					
Surveyed in Aug. 2000 - Jun. 2003,					
Oct. - Nov. 2006 & Oct. 2007 by me					
PLS 0080 D P Burger Pr Land Surveyor					
This diagram is annexed to No. 773858/2008		The original diagram is No. 7518/2007		File No. Parl.1685	
Dated i.f.o.		Annexed to		S.R. No. 3226/2007	
Registrar of Deeds		Filed as Plan No. 7518/2007		Comp. BH-88DD (3767)	
				BH-80BB (3779)	
				LPI C0550000	
				FARM 1685/5 PAARL	

PR

S

Friedlaender, Burger & Volkmann - Land Surveyors

Beacon Description

All beacons are 16mm iron pegs

S.G. No.

7524/2007

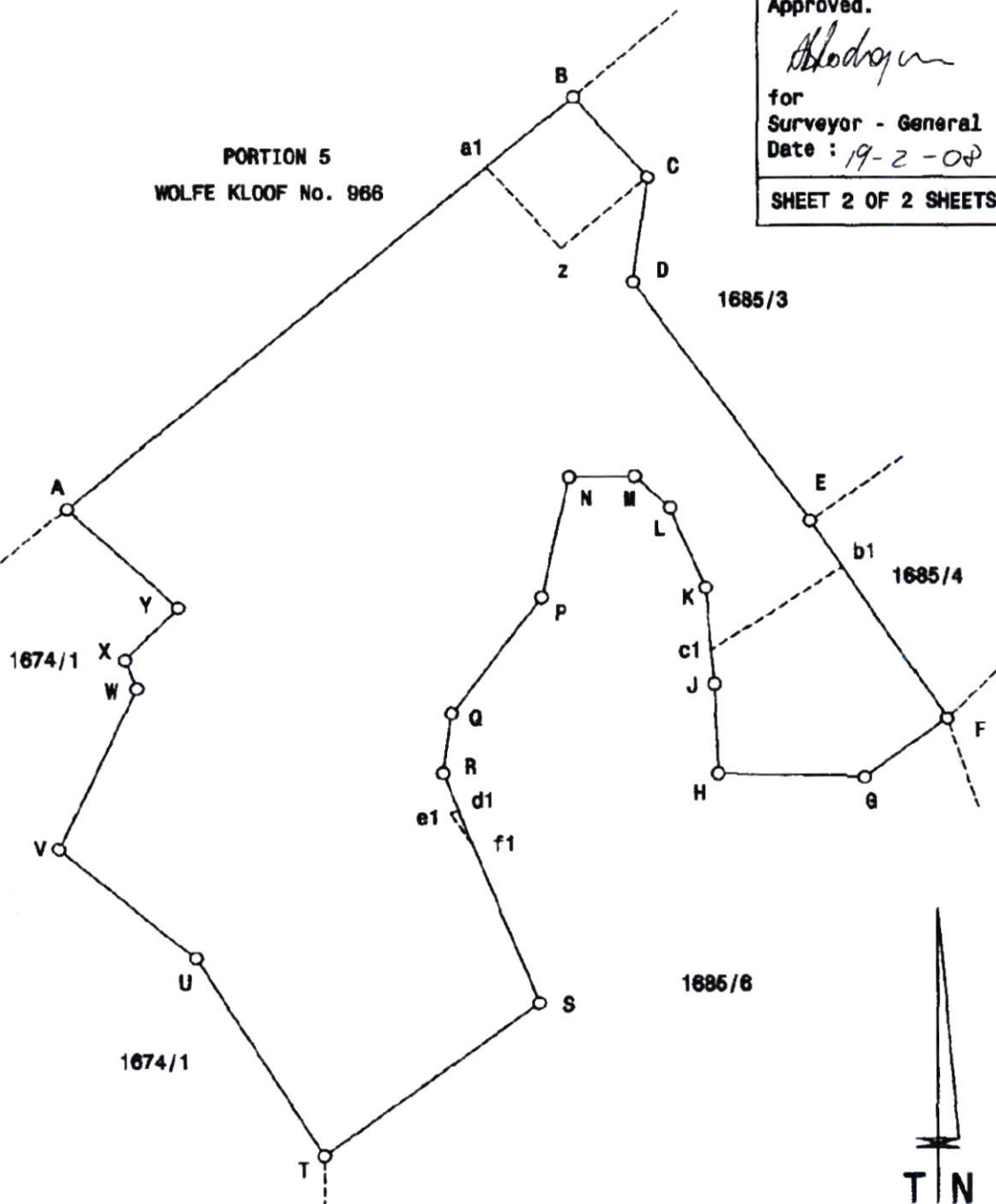
Approved.

[Signature]

for
Surveyor - General
Date : 19-2-07

SHEET 2 OF 2 SHEETS

PORTION 5
WOLFE KLOOF No. 986



PORTION 5 OF THE FARM NO. 1685 BOSCHENDAL

Administrative District of Paarl

Surveyed in Aug. 2000 - Jun. 2003,
Oct. - Nov. 2006 & Oct. 2007
by me

[Signature]

PLS 0080

D P Burger

Pr Land Surveyor

FARM 1685/5 PAARL

SCALE 1 : 5000

APPROVED IN TERMS OF SECT. 4
OF ACT 70/1970
REF 39884
DATE 2006-06-01

APPROVED IN TERMS OF SECT. 25
OF ORD. 15/1985
REF Farm 1674/2, Paarl
DATE 2005-12-23

S

Annexure G: Zoning Certificate



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Our Ref : 1685/5
Contact person : B Zondo
Contact no : (021) 808 8951
Date : 21 July 2020

ZONING CERTIFICATE

FARM 1685/5 PNIEL.

It is hereby certified that the zoning of Farm 1685/5 Pniel, in terms of the Stellenbosch Municipality Zoning Scheme By-Law is:

AGRICULTURE AND RURAL ZONE

PRIMARY USES	ADDITIONAL USES (Technical approval)	CONSENT USE (APPLICATION REQUIRED)
<ul style="list-style-type: none">• Agricultural building ($\leq 2000\text{m}^2$)• Agriculture• Dwelling house• Forestry• Natural environment• Occasional use (one event/year)• Private road• Polytunnel ($\leq 2000\text{m}^2$)• Second dwelling• Employee housing (one unit)	<ul style="list-style-type: none">• Agricultural building ($> 2000\text{m}^2$)• Agricultural industry ($< 2000\text{m}^2$)• Bed and breakfast establishment• Employee housing (exceeding one unit)• Guest house• Home day care centre• Home occupation practice• Polytunnel ($\leq 2001\text{m}^2$ and $\leq 5000\text{m}^2$)• Rooftop base telecommunication station• Tourist dwelling units• Tourist facility (existing buildings)	<ul style="list-style-type: none">• Abattoir• Additional dwelling units (max 4)• Airfield• Airstrip• Agricultural industry ($\leq 2000\text{m}^2$)• Camping site• Day care centre• Freestanding base telecommunication station• Helicopter landing pad• Intensive feed farming• Kennel• Market• Occasional use ($> one event/year$)• Plant nursery• Polytunnel ($> 5000\text{m}^2$)• Renewable energy structure• Service trade• Tourist accommodation establishment• Tourist facility (new buildings or exceeding threshold)• Any additional use exceeding the threshold set out in this chapter

Director: Planning & Economic Development

Please Note:

Where discrepancies exist between the zoning information contained in this certificate and any Council decision, Council's decision override the contents of this zoning certificate.

**Annexure H: EIA Applicability Checklist DEAD&P response,
17 September 2020**



REFERENCE: 16/3/3/6/1/B3/28/1149/20

DATE: 17/09/2020

The Board of Directors
Boschendal (Pty) Ltd
P. O. Box 35
PNIEL
7681

Attention: Mr. S. Groenewald

Cell: (072) 294 8556

Email: Stephen@Boschendal.co.za

Dear Sir

RE: APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED), WITH RESPECT TO THE DEVELOPMENT OF A TENTED CAMP ON FOUNDER'S ESTATE PORTION 5 OF FARM NO. 1685, AND BOARDWALK ALONG THE DAM ON PORTION 16 OF FARM NO. 1685, PNIEL

1. The correspondence dated 3 August 2020, as received by this Department on 14 August 2020, refers.
2. Following the review of the abovementioned correspondence, this Department draws your attention to the following:
 - 2.1 Mountain Villa and boardwalk on Portion 16 of Farm No. 1685:
 - 2.1.1 The construction of the Mountain Villa and the boardwalk nearby took place in late 2012/early 2013.
 - 2.1.2 Small sections of land have been cleared and excavated for the installation of the poles. There may have been some minor clearing of vegetation within the footprint of the boardwalk (noting that the boardwalk is raised so much vegetation exists underneath it in present day). The boardwalk is located along the banks of the dam and within the riparian area of Stream 5, which has a cobble bed, with what appears to be perennial surface flow.
 - 2.1.3 There would also have been land clearing, excavation, and levelling for the development of the house (i.e. Mountain Villa).
 - 2.1.4 A road network traversing the centre of the site, next to and within the original wetland area.
 - 2.2 **Please note the following with respect to the Mountain Villa and boardwalk on Portion 16 of Farm No. 1685:**
 - 2.2.1 According to the Department's database, no previous correspondence was issued by the Department with respect to the Mountain Villa.

2.2.2 A section of the Mountain Villa, boardwalk, jetty and the aviary, are structures located within 32m of a watercourse that exceeds 100m². At the time of construction of the structures, the following listed activities in terms of the NEMA EIA Amendment Regulations, 2010 would have been applicable. Find below a description of the listed activity and its similarly listed activity in terms of the NEMA EIA Regulations, 2014 (as amended):

Table 1: Listed activities applicable to the Mountain Villa and boardwalk

Listing Notice 1 of the EIA Amendment Regulations of June 2010:	Listing Notice 1 of the EIA Regulations 2014 (as amended):
<p>Activity Number 11: The construction of:</p> <ul style="list-style-type: none"> (i) canals; (ii) channels; (iii) bridges; (iv) dams; (v) weirs; (vi) bulk storm water outlet structures; (vii) marinas; (viii) jetties exceeding 50 square metres in size; (ix) slipways exceeding 50 square metres in size; (x) buildings exceeding 50 square metres in size; or (xi) infrastructure or structures covering 50 square metres or more <p>where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</p>	<p>Activity Number 12: The development of—</p> <ul style="list-style-type: none"> (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or (ii) infrastructure or structures with a physical footprint of 100 square metres or more; <p>where such development occurs—</p> <ul style="list-style-type: none"> (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; — <p>excluding—</p> <ul style="list-style-type: none"> (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies; (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies; (dd) where such development occurs within an urban area; (ee) where such development occurs within existing roads, road reserves or railway line reserves; or (ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the

	commencement of development and where indigenous vegetation will not be cleared.
--	--

The abovementioned is based on:

- A section of the Mountain Villa, boardwalk, jetty and the aviary, are structures located within 32m of a watercourse that exceeds 100m².

2.3 Tented camp on Portion 5 of Farm No. 1685:

- 2.3.1 A larger tent and platform near the dam which would be used as a restaurant.
- 2.3.2 A tent and platform that would be used as a kitchen.
- 2.3.3 A tent and platform that would be used as an office/staff facility.
- 2.3.4 The seven accommodation tents are tucked into a patch of vegetation which comprises a combination of alien and indigenous species. Each tent can sleep two guests. Each structure comprises a wooden deck/ platform which rests on a steel frame supported by steel legs that are individually cemented into the ground for support. The top structures comprise of compressed wood walling covered by canvas with a stretch "gazebo-type" roof which pin to the ground around the platform. It is noted in Figure 36 that the inside of the accommodation tent has a double bed and what appears to a single fold up bed/stretcher on the left side.
- 2.3.5 Four small bio septic tanks.
- 2.3.6 A 116m³ water tank/reservoir.

Table 2: Listed activities applicable to the tented camp area:

Listing Notice 1 of the EIA Regulations 2014 (as amended):	Listing Notice 3 of the EIA Regulations 2014 (as amended):
<p>Activity Number 12: The development of—</p> <p>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</p> <p>(j) infrastructure or structures with a physical footprint of 100 square metres or more;</p> <p>where such development occurs—</p> <p>(a) within a watercourse;</p> <p>(b) in front of a development setback; or</p> <p>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</p> <p>excluding—</p> <p>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</p> <p>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in</p>	<p>Activity Number 4: The development of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <p>i. Western Cape</p> <p>i. Areas zoned for use as public open space or equivalent zoning;</p> <p>ii. Areas outside urban areas;</p> <p>(aa) Areas containing indigenous vegetation;</p> <p>(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</p> <p>iii. Inside urban areas:</p> <p>(aa) Areas zoned for conservation use; or</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</p>

<p>Listing Notice 2 of 2014 applies;</p> <p>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</p> <p>(dd) where such development occurs within an urban area;</p> <p>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</p> <p>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</p>	
Possibly listed activity	
	Listing Notice 3 of the EIA Regulations 2014 (as amended):
	<p>Activity Number 6: The development of resorts, lodges, hotels, tourism or hospitality facilities that sleeps 15 people or more.</p> <p>i. Western Cape</p> <p>i. Inside a protected area identified in terms of NEMPAA;</p> <p>ii. Outside urban areas;</p> <p>(aa) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; or</p> <p>(bb) Within 5km from national parks, world heritage sites, areas identified in terms of NEMPAA or from the core area of a biosphere reserve; -</p> <p>excluding the conversion of existing buildings where the development footprint will not be increased.</p>

The abovementioned is based on:

- The structures (restaurant tent, office, kitchen etc.) within 32m of the watercourse exceeds the 100m² threshold.
- Access roads (ranging in width from approximately 3.7m to approximately 5m) between the accommodation tents were constructed in an area containing indigenous vegetation.
- Confirmation of whether the tents are able to accommodate more than 2 people must be provided because it will determine whether Activity 6 of LN 3 is applicable or not.

2.4 Since the abovementioned activities has been commenced with, without obtaining the required Environmental Authorisation. Section 24G process must be followed to rectify the unlawful commencement of listed activities in terms of the NEMA EIA Regulations 2014 (as amended).

3. Please note that the applicant must comply with any other statutory requirements that may be applicable to the undertaking of the activity.
4. Kindly quote the abovementioned reference number in any future correspondence concerning the proposed development.
5. This Department reserves the right to revise or withdraw its comments and request further information based on any information received.

Yours faithfully



HEAD OF COMPONENT

ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC to: (1) Ms. M. Penwarden (Chand Environmental Consultants cc)
(2) Mr. S. van der Merwe (Stellenbosch Municipality)

Email: marielle@chand.co.za
Email: schalk.vandermerwe@stellenbosch.gov.za

**Annexure I: Pre-application feedback from Stellenbosch
Municipality, 07 October 2020**

From: [Pedro April](#)
To: ["nisa@visionplan.co.za"](mailto:nisa@visionplan.co.za)
Cc: [Chrizelle Kriel](#); ["Jens"](#)
Subject: {Disarmed} Farm No. 1685/5, Paarl Division: Founder Estate Tente Camp Facility
Date: 07 October 2020 11:55:07 PM
Attachments: [image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[1.png](#)
[2.png](#)
[3.png](#)

NM& Associates Planners and Designers

Dear Nisa Moolman

1. Your pre-application scrutiny submission on the above property, refers.
2. Your submission has been duly scrutinized for your intended land use and / or land development application.
3. Your intended land use and/ or land development application needs to address the following requirements to satisfy the prevailing provisions in the Stellenbosch Land Use Planning Bylaw (2015) [SLUPB] and Stellenbosch Zoning Scheme Bylaw (2019) [SZSB]:
 - 3.1 Reference is made of two properties within the pre-scrutiny assessment documentation; Farm No. 1685/5 and 1685/16, Paarl Division. Should application be made on two different properties, its advisable that the applications be split per property.
 - 3.2 The application documentation provided contradicts the application applied for, considering that reference is made to a temporary departure and amendment of the conditions of approval in the listed application categories, but in the proposal details the application is described as a consent use for a tourist accommodation establishment. Clarity must be given, which application category is applied for.
 - 3.3 When reference is made to the amendment of a condition of approval, the proposal on how the new condition must read (to make provision for the proposals) must be indicated in the report.
 - 3.4 Reference is made of a restaurant, which is accommodated under a tourist facility in the Zoning Scheme By-law (2019) for which no application is made. Should it be the intend to establish a restaurant that cater for the general public and application for consent use for a tourist facility must be submit. Alternatively confirmation must be given that the structure will only be used as a dining facility for the guest to the proposed

tourist accommodation establishment.

- 3.5 A site development plan in compliance with Section 16 of the Stellenbosch Municipal Zoning Scheme By-law 2019 must first be submitted before a final application is submitted, clearly indicating the siting and use of all existing and proposed buildings. Building lines in relation to new structures to be constructed must be indicated.**
 - 3.6 Floor plans of the existing and proposed buildings, with clear indication of the proposed lands use per building and room must be provided.**
 - 3.7 A conveyancers certificate must be submitted, confirming that there is no restrictive title deed conditions that prohibit the proposed activities on the site within the Founders Estate.**
 - 3.8 Consent from the HOA/Property Association and confirmation of compliance to Architectural Guidelines for the Founders Estate as specified in previous approvals must be provided.**
4. The intended land use and/ or land development application also needs to fulfil the requirements as stipulated in Section 38 of the SLUPB. The required application documents and related information on any applicable Bylaws, Policies and Spatial Plans are available on the Planning Portal of the **Municipal Website.**
(<https://www.stellenbosch.gov.za/documents/planning-and-building-plans/planning-portal>)
5. Please note that the sole purpose of this pre-application scrutiny feedback is to facilitate an accurate approach for the intended land use and/ or land development application. The feedback should consequently not be interpreted to represent any position on the merit nor desirability of such intended land use and/ or land development application, which can only be determined once a complete application has been received and duly processed and decided on by the authorized decision maker.
6. It should also be noted that the complete application should first be submitted without the payment of any applicable application fees. Only when satisfied that a complete and accurate application has been submitted, will a proforma invoice be submitted to the applicant with payment instructions. Once proof of payment is received, the application will be regarded as duly submitted in accordance with a notice as contemplated in terms of Section 41(1)(c)(i) of the SLUPB.
7. For any enquiries on this correspondence please respond by e-mail to the writer hereof.

Yours faithfully



Pedro April
Senior Town Planner
Department:
Land Use Management
Directorate:
Planning & Economic Development
Stellenbosch Municipality

T: +27 21 808 8683 | Fax: +27 21 886 6899

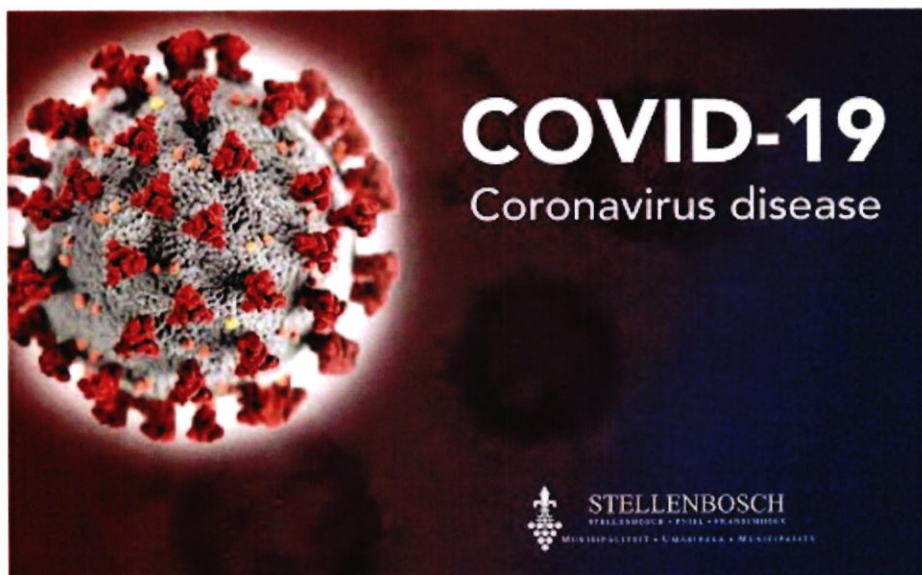
43 Andringa Str, Eikestad Mall, 3rd Floor,
Stellenbosch, 7600

www.stellenbosch.gov.za



Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions published at the following link:

http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm



Visit the dedicated COVID-19 page on our municipal website for information on this disease:

<https://www.stellenbosch.gov.za/documents/general/>

For official COVID-19 advice, updates and queries:

- National Hotline 0800 029 999
- Provincial Hotline 021 9284102
- WhatsApp 0600 123 456

Stay alert, stay updated and stay safe.



STELLENBOSCH
STELLENBOSCH • FRÍES • FRANSCHHOEK
MUNICIPALITEIT • UMAMPAKA • MUNICIPALITY



About Stellenbosch Municipality

Our mission is to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens.

Our head office is at Town House Complex, Plein Street, Stellenbosch, 7600, South Africa. For more information about Stellenbosch Municipality, please call +2721-808-8111, or visit **MailScanner has detected a possible fraud attempt from "www.stellenbosch.gov.za&_BAD_BAD_target=" claiming to be www.stellenbosch.gov.za**

Disclaimer:

The information contained in this communication from pedro.april@stellenbosch.gov.za sent at 2020-10-07 23:54:57 is confidential and may be legally privileged. It is intended solely for use by jens@visionplan.co.za and others authorized to receive it. If you are not jens@visionplan.co.za you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the contents of this information is strictly prohibited and may be unlawful. Powered by [IOCO](#)

**Annexure J: Letter of support from FE 3, 4, 5, 6 and Farm
1674/1**



BOSCHENDAL

FOUNDED IN 1829

Date: 27 October 2021

The Municipal Manager
Stellenbosch Municipality
Plein Street
Stellenbosch
7600

For Attention: Ms. Chrizelle Kriel / Mr. Ulrich von Molendorff

Dear Madam / Sir

LETTER IN SUPPORT OF FARM 1685/5 IN RESPECT OF BEFEPOA's ROLE AND DESIGN GUIDELINES: APPLICATION FOR TEMPORARY DEPARTURE

I, the undersigned, William George who by my signature hereto warrant that I am duly authorised, as representative of Boschendal (Pty) Ltd, Reg no. 2002/023534/07, registered owner of the below-mentioned property, confirm the following in response to Stellenbosch Municipality's requirement for consent from the Home Owner's Association and compliance with Architectural Guidelines in correspondence addressed to NM & Associates Planners and Designers dated 07 October 2020.

1. In conformance with Condition (ix) of the Stellenbosch Municipality Founders' Estates Approval letter dated 23 December 2005, a Property Owners Association, Boschendal Estate Founders' Estates Property Owners' Association (BEFEPOA), a company incorporated under Section 21 of the Companies Act, 1973, was established for the 18 Founders Estates agricultural units.
2. Although constituted, BEFEPOA has been inactive since the last land transaction took place.
3. There have only been two land transactions between the time of approval and presently. Boschendal (Pty) Ltd owns the remaining 16 Founders' Estates.
4. As the current owners of the direct neighbouring properties to Farm 1685/5 namely, Founders' Estates 1685/ 3, 4, 6 and 7 as well as Farm 1674/1, Paarl and on behalf of these properties, we are aware of the proposed land use application for Temporary Departure to regularise the existing Tented Camp on Founders' Estate 1685/5, and support the regularisation of the said land use.



BOSCHENDAL

FOUNDED IN 1829

5. Furthermore, we advise that as the Tented Camp is not located on the Excluded Area of Founders Estate 1685/5, the approved Design Guidelines do not apply.

Yours faithfully

Mr William George

**Annexure K: Interested and Affected parties (Chand,
2021)**

NAME	SURNAME	ORGANISATION	Designation	EBF FARM NUMBER	ADDRESS 1	ADDRESS 2	TOWN	POSTAL CODE	TELEPHONE	FAX	CELLPHONE	EMAIL #1
COMPETENT AUTHORITY												
Shaileeq	Mallick	Department of Environmental Affairs and Development Planning: Compliance										Shaileeq.Mallick@westerncape.gov.za
STATE DEPARTMENTS/AUTHORITIES/ BODIES												
Mare-Lies	Oosthuizen	Department of Environmental Affairs and Development Planning: Chief Directorate: Development Planning: Management (Region 2)	Head of Component: BA (Cape Winelands and Overberg)		4th Floor, Ullrich Building, 1 Dorp Street, Cape Town				214 835 756			Mare-Lies.Oosthuizen@westerncape.gov.za
Pieter	Van M	Department of Environmental Affairs and Development Planning: Development Planning	Head of Department		8th Floor, Room 8-07, 1 Dorp Street, Cape Town, 8000	Private Bag X9086, Cape Town, 8000	Cape Town	8000	021 483 4091			Pieter.vanM@westerncape.gov.za
Eddie	Hanekom	Department of Environmental Affairs and Development Planning: Waste Management	Head of Department		5th Floor, Property Centre, 3 Dorp Street, Cape Town		Cape Town	8001	021 483 2728			Eddie.Hanekom@westerncape.gov.za
Etienne	Roux	Department of Environmental Affairs and Development Planning: Pollution Management	Specialised Environmental Officer: Waste Management Licensing		4th Floor, Property Centre, 3 Dorp Street, Cape Town		Cape Town	8001	021 483 8378			Etienne.Roux@westerncape.co.za
Gottlieb	Arendse	Department of Environmental Affairs and Development Planning: Air Quality	Provincial Air Quality Officer		Private Bag X9086, Cape Town, 8000		Cape Town	8000	021 950 7100			G.Arendse@pwws.gov.za
Joy	Leamer	Department of Environmental Affairs and Development Planning: Waste Management	Senior		6 Floor Property Centre, 3 Dorp Street		Cape Town	8001	021 483 2747		084 409 6509	Joy.Leamer@westerncape.gov.za
Lance	McBain-Charles	Department of Environmental Affairs and Development Planning: Biodiversity					Cape Town	8001	021 483 2747			Lance.McBain-Charles@westerncape.gov.za
Marlene	Laros	Department of Environmental Affairs and Development Planning: Pollution Management					Cape Town	8001				Marlene.Laros@westerncape.gov.za
Maximile	Langa	Western Cape Government: DE&ADP					Cape Town	8001				Maximile.Langa@westerncape.gov.za
Zaahir	Tooth	Department of Environmental Affairs and Development Planning: Waste Management			2nd Floor, Property Centre, 1 Dorp Street, Cape Town		Cape Town	8001	021 483 0752			Zaahir.Tooth@westerncape.gov.za
Simon	Botha	Department of Environmental Affairs and Development Planning: Pollution Management					Cape Town	8001				Simon.Botha@westerncape.gov.za
Arabel	McClendon	Department of Environmental Affairs and Development Planning: Pollution Management			2nd Floor, Property Centre, 1 Dorp Street		Cape Town	8001	021 483 2640			Arabel.McClendon@westerncape.gov.za
OTHER ORGANS OF STATE												
Alana	Duffel-Carham	Cape Nature	Conservation Intelligence Manager - Landscape Central		Private Bag x5014 Reserve Jonkershoek Road Stellenbosch				218 668 000		082 727 2691	aduffel-carham@capenature.co.za
Alvin	Cope	Western Cape Government: Road Network Management			PO Box 2603		Cape Town	8000	021 483 2009			alvin.cope@westerncape.gov.za
Annette	Geertema	Department of Agriculture, Forestry & Fisheries			Private Bag X1	Main Building, Eberburg, Muldersvlei Road	Eberburg	7607				AnnetteS@dafiff.gov.za
Francis	Steyn	Western Cape Department of Agriculture	Director: Sustainable Resource Management, LandCare Programme									francis@ebsburg.com
Brandon	Layman	Department of Agriculture	LandUse Manager		3rd Floor, Main Building, Eberburg, Muldersvlei Road		Eberburg	7606	021 808 5090			Brandon.L@ebsburg.com
Keith	Cloete	Western Cape Dept. of Health			Room 120-06, 4 Dorp Street, Cape Town	PO Box 2040, Cape Town, 8000	Cape Town	8000	021 483 4473/ 021 483 4470			Keith.Cloete@westerncape.gov.za
Dru	Martheze	Department of Transport and Public Works-POWC - National	Head of Department		PO Box 2803, Cape Town, 8000		Cape Town	8000	021 483 2177			drumartheze@pww.gov.za
Malcolm	Watkins	Western Cape Government: Road Network Management			PO Box 2603		Cape Town	8000	021 483 2203			malcolm.watkins@westerncape.gov.za
Grace	Swanepoel	Western Cape Department of Transport and Public Works			PO Box 2603		Cape Town	8001	021 483 4669		072 835 8741	Grace.Swanepoel@pww.gov.za
Brend	du Preez	Western Cape Department of Transport and Public Works			PO Box 2603		Cape Town	8000	021 553 4167	086- 559 5327	083 701 2299	Brend@turkgoon.co.za

Jacqueline	Samson	Western Cape Department of Human Settlements	Head of Department (HOD)							Private Bag X9083, Cape Town, 8000	Cape Town	8001	021 483 2869			Jacqueline.Samson@westerncape.gov.za
Nathan	Adriaanse	Western Cape Department of Human Settlements	Head of Communication							Private Bag X9083, Cape Town, 8000	Cape Town	8001	021 483 2868			Nathan.Adriaanse@westerncape.gov.za
Jacqui	Gooch	Western Cape Department of Transport and Public Works	Head of Department							Private Bag X9185, Cape Town, 8000	Cape Town	8000	0860 212 414			HOD.TransportPublicWorks@westerncape.gov.za
Darryl	Colenbrander	National Department of Environment, Forestry and Fisheries (DEFF), Biodiversity and Conservation											021 487 2155		082 317 3443	Darryl.Colenbrander@cape.gov.za
Solly	Fouie	Department of Economic Development and Tourism	Head of Department							PO Box 979, Cape Town, 8000	Cape Town	8000	021 483 3840			ecohead@westerncape.gov.za
Crystal	Le Brun	Department of Economic Development and Tourism	Office of the Head of the Department							PO Box 979, Cape Town, 8000	Cape Town	8000	021 483 3840			crystal.lebrun@westerncape.gov.za
Mike	Stryen	SANParks								P.O. Box 37, Constantia, 7848	Constantia	7848	021-701 0527			michael@sanparks.org
Nelisa	Indabeni	Department of Human Settlements, Water and Sanitation (DHSWS)											021-941 4140		083 661 8770	nelisam2@dwes.gov.za
Harry	Thompson	Department of Transport and Public Works WCG								PO Box 2603, Cape Town 8000	Cape Town	8000	21 483 4469	071 483 2146	073 263 4864	harry.thompson@westerncape.gov.za
Mary	Jones	Department of Agriculture, Land Reform and Rural Development											21 606 5008			Mary.Jones@agr.gov.za
ADJACENT LANDOWNERS																
William	George	Nederburg Wine Farms Ltd		Portion of 5 of 946						Groenheid Farm, Stellenbosch, 7605 South Africa	Drakenstein		021 809 7000/ 021 809 8508/ 021 862 3104			info@nederburg.com
William	George	Boschendal (Pty) Ltd		Portion 1 of Farm 1674							Stellenbosch					William@aphaweaith.co.za
William	George	Boschendal (Pty) Ltd		Portion 3 of Farm 1685							Stellenbosch					William@aphaweaith.co.za
William	George	Boschendal (Pty) Ltd		Portion 4 of Farm 1685							Stellenbosch					William@aphaweaith.co.za
William	George	Boschendal (Pty) Ltd		Portion 6 of Farm 1685							Stellenbosch					William@aphaweaith.co.za
William	George	Boschendal (Pty) Ltd		Portion 7 of Farm 1685							Stellenbosch					William@aphaweaith.co.za
Simon	Oling	Goede Hoop		Portion 17 of Farm 1685							Stellenbosch					goldling@cloud.com
WARD COUNCILORS																
Alfred	Fransburg	Ward 1 Councillor														Alfred@fransburg Stellenbosch.gov.za
Xoliswa	Mdenka	Stellenbosch Municipal Councillor Mayco	PR Councillor Portfolio Councillor Parks, Open Spaces and Environment												08 448 16844	xoliswa.mdenka@stellenbosch.gov.za
FAIR PAYERS ASSOCIATION																
André	Pelzer	Stellenbosch Ratepayers Association	Chairperson							PO Box 399	Stellenbosch	7599				secretary@stellenboschratespayers.org
		Franshoek Heritage & Ratepayers Association								Private Bag X19	Franshoek	7690	021 876 2861			info@frps.co.za
REGISTERED HERITAGE CONSERVATION BODIES/AUTHORITIES																
Patricia	Borha	Stellenbosch Interest Group	Chairperson							P.O. Box 2017, Diermang, 7601			021 885 7417/ 021 887 6727			info@stellenboschinterestgroup.org
Berla	Hayes	Stellenbosch Interest Group	Secretary							PO Box 2217, Matland, 7601	Matland	7601	021 886 4741			info@stellenboschinterestgroup.org
Ronel	Fouie	Stellenbosch Heritage Foundation								P.O. Box 3003, Matland, 7602	Matland	7602			07 669 5292	chairperson@stellenboschheritage.co.za OR chloerose@stellenboschheritage.co.za
Dr Bill	Annas	Drakenstein Heritage Foundation														info@stellenboschheritage.co.za
Janine	Myburgh	Prins Heritage and Cultural Trust														prinsheritage@gmail.com
																troubadour.co.za
Fonke	Makhanya	South African Heritage Resources Agency (SAHRA)	Chairperson							11 Harrington Street, Zonnebloem	Cape Town	8001	021 462 4502		083 296 4815	fonke@bondsdesign.co.za OR info@sa-hra.org.za
Adv Lungisa	Molapo	South African Heritage Resources Agency (SAHRA)	Acting CEO													molapo@sa-hra.org.za
Dumitani	Sibayi	South African Heritage Resources Agency (SAHRA)	Heritage Conservation Management Executive Officer													dibayi@sa-hra.org.za
Modisi	Dlamuka	Heritage Western Cape											021 483 9598	021 483 9845		herheritage@westerncape.gov.za

Stephanie	Barnard	Heritage Western Cape	Heritage Officer	3rd Floor, Protea Assurance Building, Green Market Square	Protea Assurance Building, Green Market Square, Cape Town 8000	Cape Town	8001			Stephanie.Barnard@heritage-cape.gov.za
Wesela	Donny	Heritage Western Cape		Heritage Resource Council, Private Bag X9067		Cape Town	8000	021 483 9543		wesela.donny@heritage-cape.gov.za OR Pamela.Meyer@heritage-cape.gov.za
LOCAL AUTHORITY										
Schalk	van der Merwe	Stellenbosch Municipality: City, Safety & Protection Services: Stellenbosch Municipality	Local Authority: Environmental Planner	123 Merimoon Ave, Jan Marais Park		Stellenbosch	7600	021-808 8679		Schalk.VanderMerwe@stellenbosch.gov.za
Barbara-Ann	Henning	Stellenbosch Municipality: Spatial Planning, Heritage & Environment	Local Authority	43 Andringa Street, Eikestad Mall, 3rd Floor		Stellenbosch	7600	021-808 8656	021-886 6899	Barbara-Ann.Henning@stellenbosch.gov.za
Quinton	Bailey	Cape Winelands Biosphere Reserve / Cape Winelands District Municipality: Environmental Management	District Municipality	P.O. Box 100		Stellenbosch	7599	021 888 5194	021 887 4797	Quinton@capewineland.gov.za
Kelcy	Le Kour	Cape Winelands District Municipality: Environmental Management	District Municipality					021 887 4797		kelcy@capewineland.gov.za
Bernabe	de la Bot	Stellenbosch Municipality: Spatial Planning, Heritage and environment	Local Authority	PO Box 17		Stellenbosch	7599		021 808 8200	bernabe.delabot@stellenbosch.gov.za
Francis	van Eck	Cape Winelands District Municipality: Engineering & Infrastructure Services Department	District Municipality	PO Box 100		Stellenbosch	7599		021 882 9931	Francis@capewineland.gov.za
		Stellenbosch Planning and Advisory Committee - Stellenbosch Municipality		7600		Stellenbosch	7600	218 088 111		contact.stellenbosch@stellenbosch.gov.za
Tyone	King	Stellenbosch Municipality: Development (Infrastructure Services)	Local Authority	133 Dorp Street		Stellenbosch		021 8088680		Tyone.King@stellenbosch.gov.za
OTHER POTENTIAL INTERESTED AND AFFECTED PARTIES										
Storlin	Miller	Bochandaal Farm Worker Forum	Co-Chairperson							StorlinMiller@gmail.com
Munika	Nkomo	Bochandaal Farm Worker Forum	Co-Chairperson							nkomomunika@bochandaalfarm.co.za
Jonk	Heister	Cape Winelands Biosphere Reserve							079 747 4632	jonkheister@gmail.com

**Annexure L: Email from WCG: DTPW: Chief Engineer: Land
Transport**

From: barend@sturgeons.co.za
To: Lynne Pretorius
Cc: "Nisa Mammon"; "Jody Paterson"; "Nigel Winter"; "Tyrone King"; Harry Thompson; Schalk Carstens; Grace Swanspoel
Subject: RE: Farm 1685/5, Paarl at Boschendal Estate - query about a temporary departure application
Date: Monday, 06 September 2021 16:12:26
Attachments: [image001.png](#)

Hi Lynne,

Long see no time LOL I am doing well, hope you too.

A TIS would not be required. Nisa can address access in her report for which you can do a very short write-up.

Kind regards

Kind regards | Vriendelike groete

Barend du Preez Pr Eng

On behalf of:

Chief Engineer: Land Transport

Transport and Public Works

WESTERN CAPE GOVERNMENT

Address: 9 Dorp Street, Cape Town 8001, PO Box 2603, Cape Town 8000

Tel: +27 21 553 4167

Fax: +27 86 559 5327

Mobile: +27 83 701 2299

Website: www.westerncape.gov.za



"All views or opinions expressed in this electronic message and its attachments are the view of the sender and do not necessarily reflect the views and opinions of the Western Cape Government (the WCG). No employee of the WCG is entitled to conclude a binding contract on behalf of the WCG unless he/she is an accounting officer of the WCG, or his or her authorised representative. The information contained in this message and its attachments may be confidential or privileged and is for the use of the named recipient only, except where the sender specifically states otherwise. If you are not the intended recipient you may not copy or deliver this message to anyone."

From: Lynne Pretorius <lynn@itsglobal.co.za>

Sent: Monday, 06 September 2021 2:29 pm

To: barend@sturgeons.co.za

Cc: Nisa Mammon (nisa@visionplan.co.za) <nisa@visionplan.co.za>; Jody Paterson (jody@visionplan.co.za) <jody@visionplan.co.za>; Nigel Winter (nigell.winter@stellenbosch.gov.za) <nigell.winter@stellenbosch.gov.za>; Tyrone King <Tyrone.King@stellenbosch.gov.za>

Subject: Farm 1685/5, Paarl at Boschendal Estate - query about a temporary departure application

Hello Barend

I hope that you are doing well. We have not spoken for a while.

ITS is involved in the Boschendal Estate ongoing developments and we have been requested to advise whether a Transport Impact Statement is required for a temporary departure application for a period of 5 years to permit a tented camp (7 units) which was established in 2020 on Boschendal Estate, (Farm 1685/5, Paarl Division) which forms part of the Founders' Estates.

Is this needed for a temporary departure application, considering that it is only 7 units? Can you advise what will be required from a transport perspective in support of such an application? We initially made contact with Nigell Winter of Stellenbosch, but he advised that Stellenbosch is not the road authority for this portion of the R310 and that I should follow up with you/Province. Can you provide some guidance on whether any further transport input is required to support the temporary departure application?

Waiting to hear from you.

Regards

Lynne

Lynne Pretorius
Director
Western Cape Office



lynn@itsglobal.co.za
+27 84 616 3753
+27 21 914 6211
www.itsglobal.co.za

The information contained in this e-mail is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. If you are not the intended recipient of this e-mail, the use of this information or any disclosure, copying or distribution is prohibited and may be unlawful. If you received this in error, please contact the sender and delete the material from any computer. The content of this e-mail does not place any legal obligation on Innovative Transport Solutions unless sent by a Director or an employee formally authorised.

THINKING GLOBAL, ACTING LOCAL

APPENDICES

**Appendix 1: Site Sensitivity Verification and Agricultural
Compliance Statement (Johann Lantz, 10 October 2021)**

**Site sensitivity verification
and Agricultural Compliance Statement
for NEMA 24G application
for FE5 (Pty) Ltd Tented Camp**

1 Introduction

A retrospective Environmental Authorisation is being sought for the above development. In terms of the National Environmental Management Act (Act No 107 of 1998) (NEMA) and due to the potential agricultural sensitivity of the site, the application for environmental authorisation requires an agricultural assessment.

The location of the camp development on Boschendal Wine Estate is shown in figure 1.



Figure 1. The footprint of the camp development (blue outline) on Boschendal Wine Estate.

Johann Lanz was appointed as an independent agricultural specialist to conduct the agricultural assessment. The objective and focus of an agricultural assessment is to assess whether or not the development has had an unacceptable agricultural impact or not, and based on this, to make a recommendation on whether it should be approved or not.

The aim of the protocol for the specialist assessment and minimum report content requirements of environmental impacts on agricultural resources is to preserve valuable agricultural land for agricultural production. Valuable land is considered to be predominantly scarce arable land that is suitable for the viable production of cultivated crops.

2 Site sensitivity verification

The screening tool classifies agricultural sensitivity according to only two independent criteria – the land capability rating and whether the land is cultivated or not. All cultivated land is classified as at least high sensitivity, based on the logic that if it is under cultivation, it is indeed suitable for cultivation, irrespective of its land capability rating.

The screening tool sensitivity categories in terms of land capability are based upon the Department of Agriculture's updated and refined, country-wide land capability mapping, released in 2016. Land capability is defined as the combination of soil, climate and terrain suitability factors for supporting rain fed agricultural production. It is an indication of what level and type of agricultural production can sustainably be achieved on any land. The higher land capability values (≥ 8 to 15) are likely to be suitable as arable land for the production of cultivated crops, while lower values are only likely to be suitable as non-arable, grazing land, or at the lowest extreme, not even suitable for grazing.

A map of the proposed development overlaid on the screening tool sensitivity is given in Figure 2. The depicted footprint of the camp in Figures 1 and 2 comprises the main body of the camp which is located in land that has never been utilised for agricultural production because of the limitations imposed by large boulders and very rocky soils. Two tents to the east are located in ex vineyard land. Vines were removed from all of the surrounding lands at this altitude before 2009 because these lands were not considered to be sufficiently suitable for quality wine production. This land is rated as high agricultural sensitivity by the screening tool because it is classified as cultivated land. It has not however been cultivated since 2014, and so should no longer be classified as cultivated.

The land capability rating of the site varies between 8 and 10. Values of 8 translate to a medium agricultural sensitivity, and values of 9 and 10 translate to a high agricultural sensitivity. However, the land capability data is modelled, small scale data that is not necessarily accurate over the detail of a small site, such as the one being assessed here.

The land capability rating of the site is disputed by this assessment. The small scale data does not capture the detail of the site, the majority of which has never been cultivated because it is

extremely limited by large boulders and very rocky soils (see Figure 3). Such soils do not justify a land capability rating of more than 7, which would translate to an agricultural sensitivity of medium.



Figure 2. The proposed development area (blue outline) overlaid on agricultural sensitivity as identified by the screening tool (yellow = medium; red = high; dark red = very high).

This site sensitivity verification verifies the entire site as being of less than high agricultural sensitivity. The required level of agricultural assessment is therefore confirmed as an Agricultural Compliance Statement.

3 Agricultural Compliance Statement

As discussed above, most of the development impacts land that has no agricultural value and that does not therefore require conservation as agricultural production land. Theoretically, the two small footprints to the east are on land that could be considered suitable for supporting crop production. However it is important to note that the land is part of a high functioning wine estate that has absolutely no agricultural use for the impacted land, and it would not be used for agricultural production, whether the camp development was located there or not.

Because of this, the camp development does not have an unacceptable negative impact on the

agricultural production capability of the site. Therefore, from an agricultural impact point of view, it is recommended that the development be approved. The protocol requirement of confirmation that all reasonable measures have been taken through micro-siting to avoid or minimise fragmentation and disturbance of agricultural activities, is not relevant because no agricultural activities are impacted. There are no Environmental Management Programme inputs required for the protection of agricultural potential on the site.

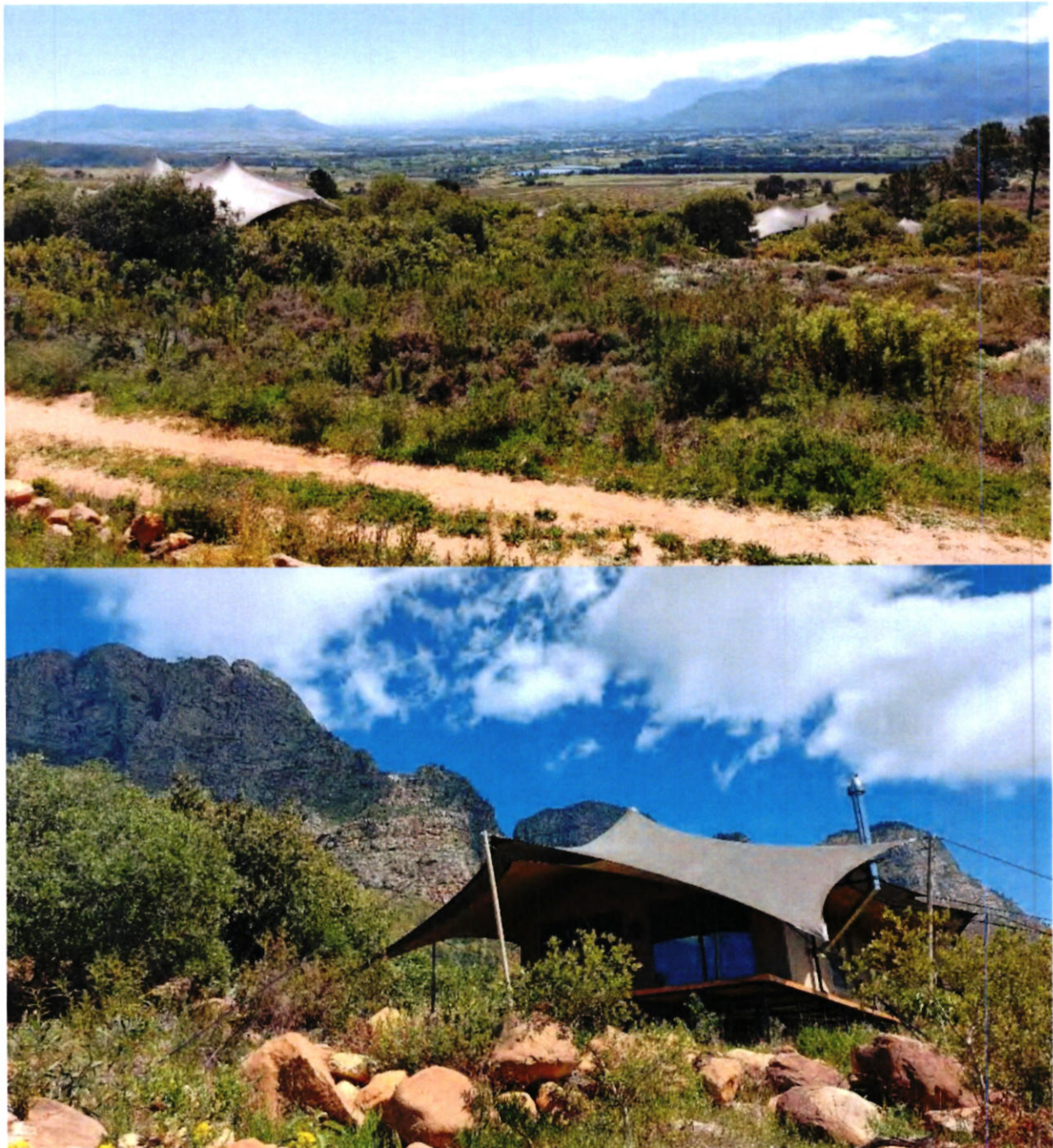


Figure 3. Photographs showing the bouldery land on which the camp is located.

The conclusion of this assessment on the acceptability of the proposed development and the recommendation for its approval is not subject to any conditions. In completing this statement, no assumptions have been made and there are no uncertainties or gaps in knowledge or data that are relevant to it. No further agricultural assessment of any kind is required for this application.

The required relevant experience, proving the specialist's fitness for completing this assessment, is given in the curriculum vitae overleaf.

A handwritten signature in black ink, appearing to read 'J. Lanz', with a stylized, flowing script.

J. Lanz (Pr.Sci.Nat.)

10 October 2021

Johann Lanz

Curriculum Vitae

Education

M.Sc. (Environmental Geochemistry)	University of Cape Town	1996 - 1997
B.Sc. Agriculture (Soil Science, Chemistry)	University of Stellenbosch	1992 - 1995
BA (English, Environmental & Geographical Science)	University of Cape Town	1989 - 1991
Matric Exemption	Wynberg Boy's High School	1983

Professional work experience

I have been registered as a Professional Natural Scientist (Pri.Sci.Nat.) in the field of soil science since 2012 (registration number 400268/12) and am a member of the Soil Science Society of South Africa.

Soil & Agricultural Consulting Self employed 2002 - present

In the past 5 years of running my soil and agricultural consulting business, I have completed more than 120 agricultural assessments (EIAs, SEAs, EMPRs) in all 9 provinces for renewable energy, mining, urban, and agricultural developments. My regular clients include: Aurecon; CSIR; SiVEST; Arcus; SRK; Environamics; Royal Haskoning DHV; Jeffares & Green; JG Afrika; Juwi; Mainstream; Redcap; G7; Mulilo; and Tiptrans. Recent agricultural clients for soil resource evaluations and mapping include Cederberg Wines; Western Cape Department of Agriculture; Vogelfontein Citrus; De Grendel Estate; Zewenwacht Wine Estate; and Goedgedacht Olives.

In 2018 I completed a ground-breaking case study that measured the agricultural impact of existing wind farms in the Eastern Cape.

Soil Science Consultant Agricultural Consultants International (Tinie du Preez) 1998 - 2001

Responsible for providing all aspects of a soil science technical consulting service directly to clients in the wine, fruit and environmental industries all over South Africa, and in Chile, South America.

Contracting Soil Scientist De Beers Namaqualand Mines July 1997 - Jan 1998

Completed a contract to advise soil rehabilitation and re-vegetation of mined areas.

Publications

- Lanz, J. 2012. Soil health: sustaining Stellenbosch's roots. In: M Swilling, B Sebitosi & R Loots (eds). *Sustainable Stellenbosch: opening dialogues*. Stellenbosch: SunMedia.
- Lanz, J. 2010. Soil health indicators: physical and chemical. *South African Fruit Journal*, April / May 2010 issue.
- Lanz, J. 2009. Soil health constraints. *South African Fruit Journal*, August / September 2009 issue.
- Lanz, J. 2009. Soil carbon research. *AgriProbe*, Department of Agriculture.
- Lanz, J. 2005. Special Report: Soils and wine quality. *Wineland Magazine*.

I am a reviewing scientist for the *South African Journal of Plant and Soil*.

DECLARATION OF THE SPECIALIST

Note: Duplicate this section where there is more than one specialist.

I, **Johann Lanz**, as the appointed Specialist hereby declare/affirm the correctness of the information provided or to be provided as part of the application, and that I:

- in terms of the general requirement to be independent:
 - other than fair remuneration for work performed/to be performed in terms of this application, have no business, financial, personal or other interest in the activity or application and that there are no circumstances that may compromise my objectivity; or
 - am not independent, but another specialist that meets the general requirements set out in Regulation 13 have been appointed to review my work (Note: a declaration by the review specialist must be submitted);
- in terms of the remainder of the general requirements for a specialist, am fully aware of and meet all of the requirements and that failure to comply with any the requirements may result in disqualification;
- have disclosed/will disclose, to the applicant, the Department and interested and affected parties, all material information that have or may have the potential to influence the decision of the Department or the objectivity of any report, plan or document prepared or to be prepared as part of the application; and
- am aware that a false declaration is an offence in terms of regulation 48 of the 2014 NEMA EIA Regulations.

Signature of the specialist:



Date: **10 October 2021**

Name of company: **Johann Lanz – soil scientist (sole proprietor)**

**Appendix 2: Civil Engineering Report (Mike Hurworth and
Associates Consulting Engineers, 28 October 2021**



CONSULTING ENGINEERS

EST 1991

CIVIL ENGINEERING SERVICES REPORT

PROJECT:

TENTED CAMP
FOUNDERS ESTATE 5
BOSCHENDAL ESTATE

PROJECT NUMBER: S6999/2021

DATE: 28 October 2021



PREPARED BY:

M HURWORTH

CHECKED BY:

M HURWORTH

M HURWORTH & ASSOCIATES cc
43 Goldbourne Road, Kenilworth, Cape Town
021 762 6290
admin@mha-engineers.co.za

EMPOWERMENT THROUGH ENGINEERING
M A HURWORTH Pr. Eng. 900251 BSc (Civ Eng)
REG. NO. CK 1991/017472/23
A member of SAICE, CESA and SAISC

TABLE OF CONTENTS

1	TERMS OF REFERENCE	3
2	BACKGROUND	3
3	TENTED CAMP SERVICES	4
3.1	POTABLE WATER	4
3.2	FIRE WATER	6
3.3	FOUL SEWER.....	7
3.4	STORMWATER.....	10
3.5	TELECOMMUNICATIONS	11
3.6	ROADS.....	12
3.7	ELECTRICAL	13
3.7.1	MAIN ELECTRICAL SUPPLY POINT	13
3.7.2	TENTED VILLAGE MAIN SUPPLY POINT	13
3.7.3	ELECTRICAL RETICULATION DIAGRAM	14
4	RECOMMENDATIONS.....	15
5	CONCLUSION.....	15

1 TERMS OF REFERENCE

MHA Consulting Engineers have been commissioned to undertake an investigation of existing services and to report on the services connections to the existing Tented Camp on Founders Estate 5 , Boschendal Estate.

The existing Tented Camp was unlawfully constructed and is currently serviced from the Boschendal Estate internal bulk reticulation infra-structure.

2 BACKGROUND

The services report is to support an application for a Temporary Departure for a portion of Portion 5 of Farm 1685, Paarl at Boschendal to regularise an existing Tented Camp.

The property affected is registered as Portion 5 of the Farm 1685 , Boschendal Estate , and is owned by Founders Estate 5 (Pty) Ltd, known as FE 5.

The current Tented Camp is considered a "temporary site" , as it will be dismantled and removed when the area defined for development of a farmstead in terms of the Founders' Estates LUPO approvals of 2005 is developed .

The foundations for the top structures are not buried foundations. They are pre-cast concrete blocks filled with concrete placed on top of the ground , onto which the light-weight structures are fixed.

Services are buried in shallow trenches and covered with rock and loose material. This will enable un-intrusive removal of these services when the site is dismantled.

Services include:

1. Potable water from the farm reticulation system .
2. Fire water from the farm system
3. Foul sewer reticulation to a set of Bio-Disks as an interim system until the Boschendal estate bulk water-borne sewer reticulation system is installed. The new Farmstead units will then be connected to the new system.
4. Stormwater-surface discharge.
5. Telecommunications.
6. Electrical from the current Boschendal overhead reticulation system.

3 TENTED CAMP SERVICES

3.1 POTABLE WATER



The image above is a schematic layout of the current potable water system.

The potable water is fed from a water storage reservoir as indicated. The reservoir and water supply line were constructed to service the tented camp.

The reservoir is supplied from the existing farm natural water reserve. There is a constant supply of natural spring water in very close proximity to the reservoir that keeps the reservoir water levels constant. The reservoir has an elevation of 413m AMSL.

The reservoir supplies water under gravity flow to the tented camp via a 90mm diam HDPE class 12 water main. A constant pressure under gravity head of 4.3 bar to 5.0 bar is achieved.

An in-line aggregate filtration system and water purification system has been installed to improve water quality. A new in-line ultra-violet water purification system will be installed prior to commissioning of the tented camp to ensure that regulated potable water standards are achieved.

The reservoir supply is connected to a 63mm diam HDPE CL12 water ringmain that is the secondary supply to the tented camp units.

Each accommodation unit is then connected to the ringmain with a 32mm diam PVC unit connection.



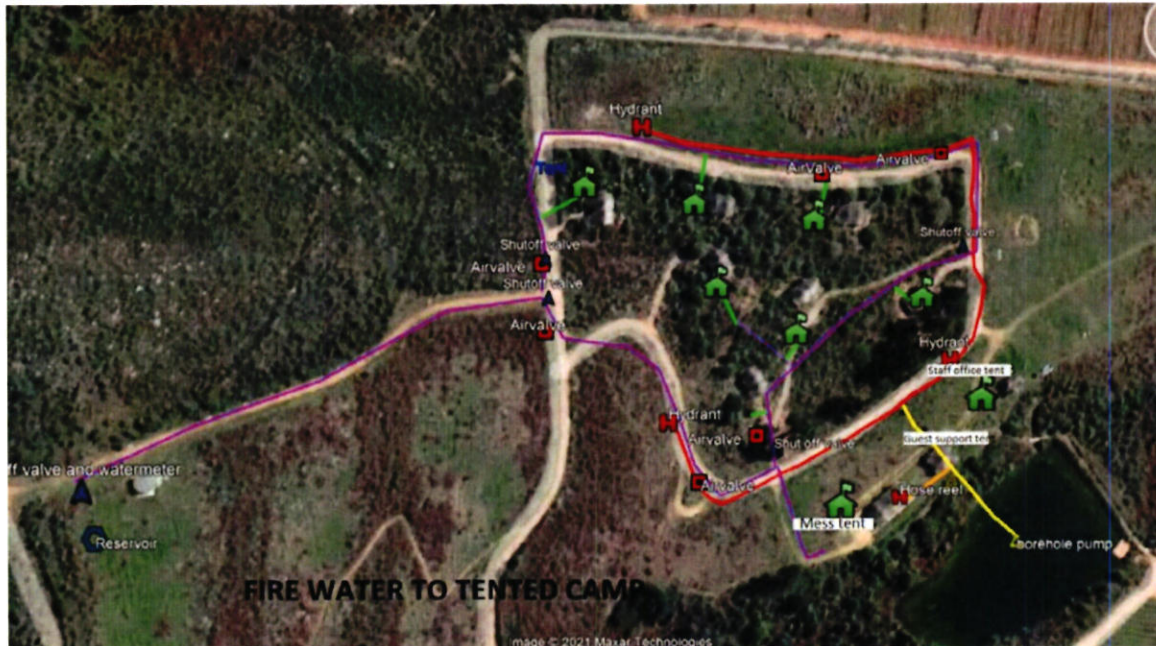
32mm PVC water connection to each unit with lever action isolating valve

Anticipated potable water consumption :

- | | | |
|----------------------|----------------------------|-----------|
| 1. Accomodation unit | 150l/day average x 8 units | 1200l/day |
| 2. Kitchen unit | 250 l/day average x 1 unit | 250l/day |

This is a very low consumption which is expected as these are not permanently occupied.

3.2 FIRE WATER



The tented camp has a hydrant main as indicated on the image above.

This is not a closed ring-main system. This is an open loop system.

The ringmain is supplied from a high pressure submersible borehole pump currently drawing water from the farm dam.

This water is un-filtered (filtration is not required).

The water pressure is unknown at this stage. The system will be checked to ensure that at least a constant 4 Bar pressure and the required flow is achieved at each fire hydrant standpipe.



Typical hydrant standpipe .

There are 4 strategically placed around the units

3.3 FOUL SEWER



There are three independent foul sewer disposal systems.

All accommodation units including the mess tent are connected to a water-borne piped system that discharges into a Kingspan Bio-Disk sewerage disposal unit.

Each unit is connected to a 110mm diam uPVC sewer main that flows under gravity flow to the Kingspan Bio-disk unit.

The three systems are indicated in the image above.



Individual units connected to
sewer mains

The Kingspan Bio-disk system is an Internationally accepted sewerage treatment system. The system used for the tented camp treats the raw effluent via its patented system to liquid discharge quality of "General Limits".

[illegible]

The anticipated treated water discharge volumes would be 75% of the anticipated water consumption.

$$0,75 \times 1450 \text{ l/day} = 1088 \text{ l/day}$$

The treated water discharge currently flows into the natural landscape through a “soak-away” system (graded rock and stone trench) and guaranteed by Bio-Disc to have achieved standards of “General Limits” as published by the National Water Act (see below) . Sampling is done regularly and the system recycle process is adjusted to ensure compliance , particularly with respect to the Nitrate levels.

DEPARTMENT OF WATER AFFAIRS – GENERAL AND SPECIAL AUTHORISATION

Discharge limits and conditions set out in the National Water Act, Government Gazette No. 20526, 8 October 1999

Wastewater limit values applicable to discharge of wastewater into a water resource

SUBSTANCE/PARAMETER	GENERAL LIMIT	SPECIAL LIMIT
Faecal Coliforms (per 100 ml)	1 000	0
Chemical Oxygen Demand (mg/l)	75*	30*
pH	5.5-9.5	5.5-7.5
Ammonia (ionised and un-ionised) as Nitrogen (mg/l)	3	2
Nitrate/Nitrite as Nitrogen (mg/l)	15	1.5
Chlorine as Free Chlorine (mg/l)	0.25	0
Suspended Solids (mg/l)	25	10
Electrical Conductivity (mS/m)	70 mS/m above intake to a maximum of 150 mS/m	50 mS/m above background receiving water, to a maximum of 100 mS/m
Ortho-Phosphate as phosphorous (mg/l)	10	1 (median) and 2.5 (maximum)
Fluoride (mg/l)	1	1
Soap, oil or grease (mg/l)	2.5	0
Dissolved Arsenic (mg/l)	0.02	0.01
Dissolved Cadmium (mg/l)	0.005	0.001
Dissolved Chromium (VI) (mg/l)	0.05	0.02
Dissolved Copper (mg/l)	0.01	0.002
Dissolved Cyanide (mg/l)	0.02	0.01
Dissolved Iron (mg/l)	0.3	0.3
Dissolved Lead (mg/l)	0.01	0.006
Dissolved Manganese (mg/l)	0.1	0.1
Mercury and its compounds (mg/l)	0.005	0.001
Dissolved Selenium (mg/l)	0.02	0.02
Dissolved Zinc (mg/l)	0.1	0.04
Boron (mg/l)	1	0.5

* After removal of algae

The solid waste is collected by the Boschendal estate management on a regular basis , which at this stage is a quarterly cycle and disposed of at a Municipal discharge site.



Current Bio-Disc system in the landscape

3.4 STORMWATER

There is no formal Stormwater disposal system.

The free-form tented structures discharge stormwater onto the ground and this flows naturally into the landscape.



General rainfall flows naturally into the landscape.

3.5 TELECOMMUNICATIONS



WiFi has been provided as per the attached image above.

The installation includes:

- A pole mounted receiver antennae disc (see image)



- Reticulated 25mm black conduit as shown above. This conduit will be buried at the “road” crossings at a shallow depth of 500mm and will be loose laid through the vegetation connecting the various tents.
- The conduit will contain the ethernet cables. There are no power cables in these conduits.

This system will be removed when the tented camp is dismantled and removed.

3.6 ROADS



The road network is informal and as shown on the image above.

There has only been vegetation removal in the road reserve areas and the roads follow the natural terrain and contours.

Light passenger vehicles that do not have high clearance and 4x4 capabilities will not be able to use these roads.

The idea is that all guests park at the end of the accessible road and are then ferried to their accommodation units by a single vehicle provided by the service provider.

The tents are linked by a series of informal footpaths for guest access.



Typical ring road

3.7 ELECTRICAL

The tented camp has fully functional electrical reticulation system in place. The layout is as shown on the diagram below. The essential details of the system is described as follows:

3.7.1 MAIN ELECTRICAL SUPPLY POINT

The main supply is connected from an existing Farm overhead line feeding an existing 315kVA Transformer. That transformer supplies a kiosk alongside it – Kiosk “A”

A 150A 380V 3-phase supply is fed from Kiosk “A” to an adjacent 380V / 3,3kV step-up transformer which then feeds via an underground cable at 3,3kV to the Tented Village Main Supply Point.

3.7.2 TENTED VILLAGE MAIN SUPPLY POINT

The main supply point at the Tented Village contains a 3,3kV / 380V step-down transformer which supplies a feed into a kiosk – Kiosk “B” that is connected to the changeover panel of the standby Generator. Kiosk “B” is the main feeder to the Tented Village and contains supplies to: Staff Accommodation, Mess tent, Fire Pump Panel and a feeder to Kiosk “C”.

Kiosk “C”

Kiosk “C” contains supplies to: Unit 5, BioDisc Panel 1, BioDisc Panel 2 and a feeder to Kiosk “D”

Kiosk “D”

Kiosk “D” contains supplies to: Unit 1, Unit 2, Unit 3 and a supply to Kiosk “E”

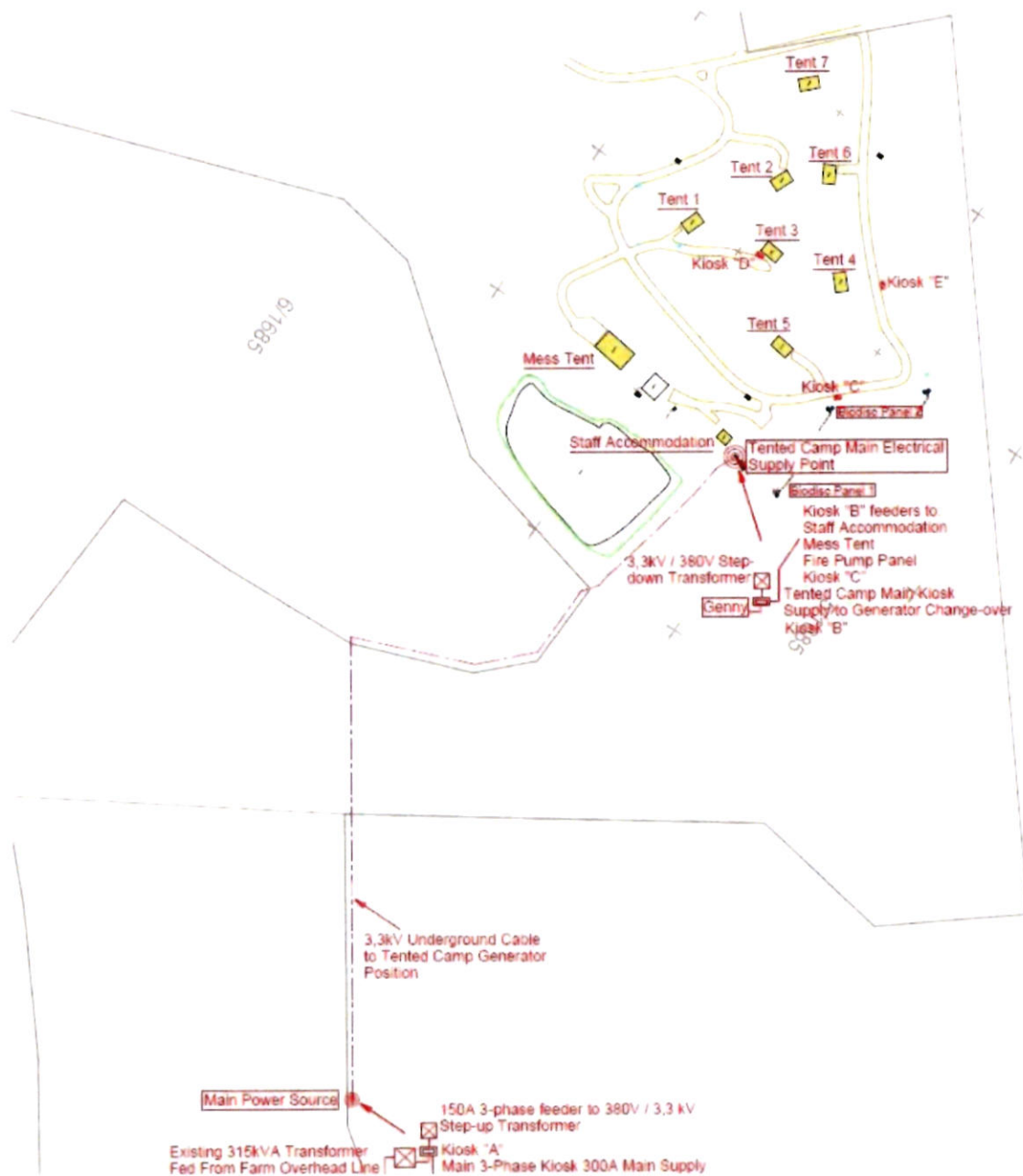
Kiosk “E”

Kiosk “E” contains supplies to: Unit 4, Unit 6 and Unit 7.

The existing Electrical Reticulation system is considered of satisfactory size to cater for the ongoing use of the Tented Village. We would recommend that a full inspection is carried out to ensure continuing compliance with SANS 10142 regulations and that a Certificate of Compliance is supplied if one does not already exist.

Further it is recommended that the generator is tested and a full maintenance program is instituted to ensure ongoing faultless service so that the fire main pumped system is not compromised.

3.7.3 ELECTRICAL RETICULATION DIAGRAM



4 RECOMMENDATIONS

A the current tented camp is considered "temporary" until Founders state 5 is developed, we would recommend that the current services provided be maintained and serviced.

All services should be tested and checked to ensure integrity and full functionality.

These system must be regularly checked and flushed .

These services are adequate for the immediate and future requirements of the tented camp.

5 CONCLUSION

The services as indicated will have minimal affect on the surrounding environment as well as a minimal affect on the bulk service infra-structure of Boschendal Estate.

The consumption of water is minimal and the foul sewer discharge can be comfortably accommodated.

M HURWORTH & ASSOCIATES CC

maHurworth Pr Eng 900251

M A HURWORTH Pr Eng