

**OVERSTRAND MUNISIPALITEIT:
RESTANT GEDEELTE 23 VAN DIE
PLAAS NR. 695, UYLENKRAAL,
AFDELING CALEDON: AANSOEK VIR
WYSIGING VAN
GOEDKEURINGVOORWAARDES EN
GOEDGEKEURDE
TERREINONTWIKKELINGSPLAN,
HERSONERING,
VERGUNNINGSGEBRUIK EN DIE
BEPALING VAN 'N ADMINISTRATIEWE
BOETE: MNRE ATLAS TOWN PLANNING
NAMENS LH & IH FOURIE**

Kennis word hiermee gee kragtens Artikel 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening), dat 'n aansoek ontvang is wat van toepassing is op die bogenoemde eiendom, naamlik;

- 1. Wysiging van goedkeuringsvoorwaardes en goedgekeurde terreinontwikkelingsplan** in terme van Artikel 16(2)(h) van die Verordening, ten einde die uitbreiding van die oord te akkommodeer.
- 2. Hersonerig** in terme van Artikel 16(a) van die Verordening van 'n gedeelte van die Restant Gedeelte 23 van die Plaas Uylenkraal No. 695 (±14ha) vanaf Landbousone 1 na 'n Oordsone.
- 3. Vergunningsgebruik** in terme van Artikel 16(2)(o) van die Verordening, ten einde die konstruksie van 10 vakansie akkommodasie eenhede op die eiendom toe te laat.
- 4. Bepaling van 'n administratiewe boete** in terme van Artikel 16(2)(q) van die Verordening, ten einde die ongemagtigde uitbreiding van die oord te akkommodeer.

Volle besonderhede rakende die voorstel hierbo is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. Enige kommentare moet skriftelik wees, u naam, adres, en kontakbesonderhede bevat, sowel as u belang in die aansoek en die redes vir kommentaar, welke kommentaar die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) moet bereik voor of op **1 Julie 2022**. Telefoniese navrae kan gerig word aan die **Senior Stadsbeplanner, Mnr SW van der Merwe** by 028 313 8900.

Die Munisipaliteit mag weier om kommentare te aanvaar na die sluitingsdatum. Enige persone wat nie kan lees of skryf nie kan bogenoemde toepaslike Munisipale Departement besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer.

Munisipale Bestuurder, Overstrand Munisipaliteit, Posbus 20, **HERMANUS**, 7200

Munisipale Kennisgewing Nr. 55/ 2022

**OVERSTRAND MUNICIPALITY:
REMAINDER PORTION 23 OF THE FARM
NO. 695, UYLEN KRAAL, CALEDON
DIVISION: APPLICATION FOR
AMENDMENT OF CONDITIONS OF
APPROVAL AND APPROVED SITE
DEVELOPMENT PLAN, REZONING,
CONSENT USE AND DETERMINATION
OF AN ADMINISTRATIVE PENALTY:
MESSRS ATLAS TOWN PLANNING ON
BEHALF OF LH & IH FOURIE**

Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), that the following application has been received applicable to the above-mentioned property, namely:

- 1. Amendment of conditions of approval and approved site development plan** in terms of Section 16(2)(h) of the By-Law, in order to accommodate the expansion of the resort.
- 2. Rezoning** in terms of Section 16(a) of the By-Law, of a portion of the Remainder Portion 23 of the Farm Uylenkraal No. 695 (±14ha) from Agriculture Zone 1 to Resort Zone.
- 3. Consent use** in terms of Section 16(2)(o) of the By-Law, in order to permit the construction of 10 holiday housing units.
- 4. Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law, in order to accommodate the unauthorised expansion of the resort.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, 16 Paterson Street, Hermanus and Gansbaai Library, Main Road, Gansbaai. Any comment must be in writing, quoting your name, address and contact details, as well as your interest in the application and the reasons for comment, which comment must reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) on or before **1 July 2022**. Telephonic enquiries can be made to the **Senior Town Planner, Mr SW van der Merwe** at 0283138900.

The Municipality may refuse to accept comments received after the closing date. Any persons who cannot read or write may visit the above appropriate Municipal Department where a Municipal official will assist them in formulating their comment.

Municipal Manager, Overstrand Municipality, P.O. Box 20, **HERMANUS**, 7200

Municipal Notice No. 55/2022

**UMASIPALA WASE-OVERSTRAND:
INTSALELA YOMHLABA 23 YEFAMA
INOMBOLO. 695, UYLEN KRAAL,
ICALEDON ICANDELO: ISICELO
SOKULUNGISWA KWEMIQATHANGO
YOKUVUMELELWA KWAYE
KWAMNIKELWE ISICWANGCISO
SOPHUHLISO LWESIZWA, UKUSENYWA
KWAKHONA, UKUSETYENZISWA
KWEMVUME NOKUMISELWA
KWESOHLWAYO SOLAWULO: UMESSRS
ATLAS TOWN PLANNING EGAMENI LIKA
LH & IH FOURIE**

Isaziso siyanikezelwa ngokweCandelo lama-47 nelama-48 loMthetho kaMasipala woLungiso loMthetho kaMasipala kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, ka-2020 (uMthetho kaMasipala), sokuba esi sicele silandelayo sifunyenwe sisebenza kule ndawo ikhankanywe ngasentla, eyile:

- 1. Ukulungiswa kwemiqathango** yesivumelwano kunye nokwamkelwa kunye nesicwangciso esiphunyeziweyo ngokwemigaqo yeCandelo le-16(2)(h) loMthetho kaMasipala, ukuze ukulungiselela ukwandiswa kwe-rezort.
- 2. Ucando ngokutsha ngokweCandelo le-16(a)** loMthetho kaMasipala, inxenye yeNtsalela yeSahlulo sama-23 seFama i-Uylenkraal enguNombolo 695 (±14ha) isuka kuMmandla wezoLimo 1 ukuya kwindawo ekuchithelwa kuyo iiholide.
- 3. Imvume yokusetyenziswa** ngokweCandelo le-16(2)(o) loMthetho kaMasipala, ukuze kuvumeleke ukusetyenziswa kweyunithi ezili-10 kwipropati "yeZindlu zeHolidi".
- 4. Ukumiselwa kwesohlwayo solawulo ngokwemigaqo** yeCandelo le-16(2)(q) loMthetho kaMasipala, ukuze kulungiselelwe ukwandiswa okungagunyaziswanga kwe-rezort.

linkcukacha ezipheleleyo malunga nesilindululo ziyafumaneka ukuze zihlolwe ngeentsuku zomsebenzi phakathi kweyure-08:00 ne-16:30 kwiSebe: loCwangciso lweDolophu, 16 Paterson Street, Hermanus kwaye nakwiThala Leencwadi laseGansbaai, eMain Road, eGansbaai. Nawuphi na umbono kufuneka ubhalwe, ucapuhle igama lakho, idilesi kunye neenkukacha zonxibelelwano, umdla kwisicelo, kunye nesizathu sokuphawula. Ezezimvo kufuneka zifike kumasipala e (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za)w ngomhla okanye phambi komhla ka **1 uJulayi 2022**. Imibuzo ngefowuni ingathunyelwa kuMchwangcisi weDolophu, uMunu **SW van der Merwe** kule nombolo yomnxeba 028-313 8900.

UMasipala angala ukuthatha izimvo ezifunyenwe emva komhla wokuvulwa. Nabani na ongakwazi ukufunda nokubhala angahambela kwiSebe lokuCwangcisa lweDolophu apho igosa likamasipala liza kuncedisa ukuze ukwazi ukuqulunqa uluvo lwakho.

Umlawuli kaMasipala, uMasipala wase-Overstrand, P.O. Box 20, **HERMANUS**, 7200

Isaziso sikaMasipala esinguNombolo. 55/2022

Introduction

1.1 Background

The subject property is Remainder Portion 23 of Farm Uylenkraal Nr 695, Division Caledon, generally known as Strandskloof Park. Approval was initially granted during 2009 to use a portion of this farm as a caravan park with the necessary ablution facilities etc. A further application was later submitted and approved to permit a function venue. The tourist related facilities are a major source of income given that the farm has very limited agricultural potential.

The owner has since expanded the resort unlawfully. He was sanctioned to rectify this matter and various discussions were held with officials of the municipality as well as the Department of Environmental Affairs and Development Planning (DEA&DP) in this respect. An application to obtain environmental authorisation has consequently been submitted by Cornerstone Environmental Consultants. This application is still in process and hence it was discussed with officials to delay the submission of the land use application pending progress with the particular application. Various specialist studies have since been conducted and it was deemed fit to also submit the land use application at this stage.

After discussions with officials of the municipality, it was agreed to apply for the rezoning of the entire area of the farm which is designated for the resort. As per the stipulations of the Zoning Scheme, the area was surveyed and clearly depicted on a zoning plan. The application will thus entail a split zoning of the property and not a cadastral subdivision. In the process, application is also made for the determination of a contravention penalty in order to address the unlawful building work and use of the property.

1.2 Brief and application

ATLAS Town Planning was consequently requested to prepare a land use application aimed at addressing the unlawful use of the property and to accommodate future expansion of the resort on a portion of Remainder Portion 23 of Farm Uylenkraal Nr 695, Division Caledon. The necessary power of attorney is attached to the application.

Application is herewith made:

- i) In terms of 16(2)(h) of the Overstrand Municipal Planning By-Law of 2015 for the amendment / removal of conditions imposed as per the decision of the Mayoral Committee dated 26 November 2008 pertaining to the restriction of the resort to 50 caravan stands as per the approved Site Development Plan at the time;
- ii) In terms of Section 16(2)(q) of the Overstrand Municipal Planning By-Law of 2015 for the determination of a contravention penalty pertaining to the unauthorised building work and land use on a portion of Remainder Portion 23 of Farm Uylenkraal Nr 695, Division Caledon;
- iii) In terms of Section 16(2)(a) of the same By-Law for the rezoning of a portion of Remainder Portion 23 of Farm Uylenkraal Nr 695, Division Caledon measuring approximately 14ha to Resort Zone, as depicted on the proposed Zoning and Site Development Plans.
- iv) In terms of Section 16(2)(o) of the same By-Law for a consent use to also permit 10 units for use as "Holiday housing", as depicted on the proposed Site Development Plan.

Property Details

2.1 Property Description

This application has bearing on Remainder Portion 23 of Farm Uylenkraal Nr 695, Division Caledon, Western Cape Province. The property measures 127.05ha and is registered in the names of *Lambert Hendrik & Isabel Helena Fourie*. The property is not encumbered by a bond. A copy of the title deed (T101637/2002) is attached to the application. The application involves the expansion of an existing use and it is evident that there aren't any restrictive title deed conditions pertaining to the current or intended use.

2.2 Locality

The subject property is located in the Franskraal area, approximately 5km off the R43 on the road leading to Baardskeerdersbos. The resort is a well-known landmark in the

area and access to the property has been formalised with the name of the resort (Strandskloof Park) clearly visible from the adjacent road.

2.3 Existing land use and zoning

The property has a split zoning of Agricultural Zone 1 and Resort Zone in terms of the Overstrand Zoning Scheme Regulations. The use of the property dates back to 2009 when approval was granted to permit a caravan park with 50 stands with the necessary ablution and recreational facilities and the site being developed accordingly. Consent was later granted to also permit a function venue. The property is not actively farmed and alternative uses are limited to residential dwellings, outbuildings and sheds. The resort has essentially become the predominant land use and source of income and this application is directed at the area measuring +/-14ha as depicted on the proposed zoning plan as "Resort Zone".

The Site Development Plan depicts the current lawful use being the approved stands (50) and buildings in green, the unlawfully constructed cottages (8), kiosk (1) and ablution blocks (3) in orange as well the proposals to expand the number of stands (blue), cottages, ablution facilities and other complimentary uses (red).

2.4 Physical characteristics

The application has bearing on an area measuring +/-14 ha which equates to roughly 10% of the registered area of the farm. The remaining extent of the farm accommodates existing dwellings, sheds, outbuildings, Bloekom and Mirtel forests as well as an area previously used to mine sand. The farm has very limited agricultural potential and the resort has become the predominant land use.

The vegetation on the site can be classified as indigenous with heavy alien infestation. Albeit that the mapping of the area refer to traces of Overberg Sandstone Fynbos (critically endangered ecosystem) and Agulhas Limestone Fynbos (vulnerable ecosystem), historical photographs of the area shows open farmland and it is considered unlikely that any indigenous vegetation remained. A Milkwood forest is located on the northern portion of the resort. These trees are protected and there is no intention to have this area cleared due to the aesthetical value it adds to the resort.

The site shows no traces of any wetlands or watercourses even though it was mapped as such before. The explanations offered was that these areas were likely transformed in the past due to farming activities and the construction of the Baardskeerdersbos Road prior to the development of the caravan park. The presence of vast areas of dense alien vegetation is likely to also have impacted on this.

The conservation status of the site is dealt with in detail in the ongoing application to obtain environmental authorisation for the proposed facility. The specialist studies suggest that the development proposal would not have a material impact on the existing vegetation and water sources.

2.5 Unauthorised use and building works

As stated before, the resort was initially approved as a caravan park with 50 stands and complimentary facilities such as ablution facilities and outdoor recreational areas. Approval was later granted to also permit a multi-purpose function venue to be used in conjunction with the resort. The owner has however expanded the resort over time without the necessary approvals. In this respect it should be stated that the rectification of this contravention is two-fold and includes both contraventions of the regulations issued in terms of the National Environmental Management Act (Act 107 of 1998) and the Overstrand Municipal Planning By-Law of 2015. The owners have commissioned both processes. The submission of the land use planning application with associated application for the determination of a contravention penalty in the terms of the By-Law had to be delayed pending the processing of the application in terms of NEMA.

The Overstrand Municipal Planning By-Law is prescriptive w.r.t timelines for the submission of such applications and when fines determined would be payable. As stated, it was discussed with officials to hold back the By-Law application pending adequate progress with the NEMA application.

The nature of the contraventions relates to both unauthorised use and building works. Approval was initially granted for a caravan park with 50 stands and the current number of stands are 95. The success with the caravan park resulted in a growing demand for alternative accommodation types. Prompting the owners to introduce cottages. In total, 8 cottages, a kiosk and 3 additional ablution blocks have since been constructed without planning or building department approval. The position and sizes of the

respective buildings are clearly shown on the Site Development Plan with the total square metres for unauthorised building works amounting to 1154m².

In terms of the By-Law, the following information should be provided to assess the penalties to be imposed:

a) Nature, duration, gravity and extent of the contravention

As per the information provided above, the resort was expanded from the approved 50 caravan stands to 95 stands and the introduction of new cottages, a kiosk and 3 new ablution blocks amounting to 1154m². It is difficult to determine exactly when these improvements became fully functional, but is estimated to have happened over the last 5 years. The contravention relates to both the construction as well as use of these facilities.

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

The property is owned by Lambert Hendrik & Isabel Helena Fourie and to our knowledge neither has been found guilty of contravention the By-Law in the past. They are regarded as valuable members of the society and have been making a positive contribution to the local economy over the years.

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

The report is still outstanding and will be provided in due course. The building works relate to 1154m² and it should be noted that the works were carried out on the principle of "owner/builder". It is thus not reasonable to apply generally accepted market rates and hence the report has not been finalised.

It is very difficult to determine the value of the unauthorised use. One measure would be the size of the unauthorised use in relation to the property. The total unauthorised building works and additional camping sites for which approval has not been granted would roughly equate to 2000m² which in the context of a 120ha farm amounts to less than half a percentage. The municipal valuation of the property is indicated as R4,67m. It is proposed that the contravention be considered holistically.

d) Whether the unauthorised conduct has stopped

The constructed buildings have not been demolished nor have the operations of the resort stopped / reverted back to the approved 50 caravan stands. The resort, like

many businesses in the area, is still recovering from the impacts of the hard lockdown and relies on this income to be economically sustainable.

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

As stated, the owners have to our knowledge not previously contravened the current or previous planning By-Laws. The actions of the owners to proceed with these expansions prior to obtaining the necessary approvals cannot be condoned. It is however imperative to also give consideration that the resort is the primary source of income. Tourism is a major contributor to the local economy and the resort expanded a lot quicker than what was initially envisaged. Strandskloof Park is a very well-known resort that attracts tourists from all parts of the country due to the level of service offered. The owners are desirous to address the wrong doings of the past and would like to obtain all relevant approvals to ensure that this landmark will be an asset for the greater Overstrand region for years to come. Building plans have been drawn up for all the unauthorised structures and will be submitted for approval once this application is finalised.

Planning context

3.1 Surrounding land uses

The subject property is generally surrounded by Agricultural Zoned properties. Albeit undeveloped to date, it appears that the property to the north is also earmarked for resort style accommodation within a nature reserve. This type of development is indicative of areas where the natural habitat is not conducive for bonafide agricultural use.

3.2 Existing forward planning and policy frameworks

The Overstrand Spatial Development Framework is applicable to this area. Other relevant forward planning and policy frameworks are the Western Cape Rural Land Use Guidelines 2019, the Environmental Management Framework and the fact that the property is located in a Heritage Protection Overlay Zone: Scenic Route.

The SDF is used as a guide for appropriate use of land within the boundaries of the Overstrand Municipality. The SDF places a lot of emphasis on the existing residential

nodes within the Overstrand Municipal area ranging from Rooi-Elis to Pearly Beach. The SDF is less direct pertaining to the objectives for the rural areas albeit that it acknowledges the contributions with respect to sustainable agriculture and the preservation of the unique environmental characteristics of the area.

The SDF goes as far as to state that *"Overstrand's economy and ecology are inseparable and the natural environment is widely regarded as the region's single largest asset"*. The area leans very heavily on tourist related activities and it is therefore imperative that the scale and built form of such facilities is consistent with the character of the area. Various resorts are situated in the Overstrand region and Strandskloof Park is located in close proximity of quite a few of these, most noticeably the Uilenkraalsmond Resort situated approximately 5km to the south.

The SDF has identified the following strategic objectives when it comes to tourism:

- i) *Overstrand to maintain and strengthen its tourism sector*
- ii) *Ensure that tourism destinations are accessible, safe and attractive by means of maintaining and developing new facilities*

The application is aimed at addressing the unauthorised land use and building works and this will allow the municipality the opportunity to manage the use whilst it is further aimed at making provision for future expansion. The application is therefore believed to be aligned with the relevant forward planning frameworks and policies and general objectives for the area.

The Western Cape Rural Land Use Guidelines 2019 forms part of the Provincial Spatial Development Framework with the key objective being to promote sustainable development in rural areas. The document provides guidelines w.r.t land uses in the rural zone and addresses in particular tourist related facilities and accommodation in this zone as a means to diversify farming income. It is imperative that such land uses should not:

- *have a significant negative impact on biodiversity, ecological system services or the coastal environment;*

- *lead to the loss or alienation of agricultural land or has a cumulative impact there upon;*
- *compromise existing or potential farming activities;*
- *compromise the current and future possible use of mineral resources;*
- *be inconsistent with the cultural and scenic landscape within which it is situated;*
- *lead to inefficient service delivery or unjustifiable extensions to the municipality's reticulation networks;*
- *impose real costs or risks to the municipality delivering on their mandate; and*
- *infringe on the authenticity of the rural landscape.*

The opinion is held that this application is generally aligned with the objectives of the particular forward planning policy.

This application process runs parallel with an application in terms of the National Environmental Management Act and various studies and reports have been conducted in this respect. Environmental Management aspects are thus dealt with extensively and this includes the impact on heritage. The appointed heritage consultant has concluded that this application will not have any material heritage impact. Albeit that the property is located in an overlay zone (Scenic Route), the consultant is of the opinion that the proposed expansion of the resort will not have a material impact on the contextual landscape given that there is an existing impact. The relevant reports will be made available.

3.3 Legal aspects

Land Use applications are dealt with in accordance with the Land Use Planning Act (Act 3 of 2014), the Spatial Planning and Land Use Management Act of 2013 and consequent Municipal Planning By-Laws. Application is made in terms of Sections 16(2)(a), (h), (o) and (q) of the Overstrand Municipal Planning By-Law of 2015.

The application triggers listed activities in terms of the National Environmental Management Act (Act 107/1998) and an application to obtain environmental authorisation has been submitted to the Department of Environmental Affairs and

Development Planning. This application deals with both the unlawful commencement of activities as well as the authorisation sought to expand the resort. The relevant consultants has also engaged with Heritage Western Cape to ensure compliance with the regulations issued in terms of the National Heritage Resources Act (Act 25 of 1999).

4. **Development Proposal**

The proposed resort covers an area of +/-14 ha. It should be stated that this does not refer to clearance of a new site for this use – the resort is existing and the future expansion is all planned within an already disturbed portion of the farm. The 14ha area essentially outlines the existing area leading from the road to the southern-most part of the resort. The internal road network is existing whilst the lawned areas have been cleared over the years. The intention is to apply for a split zoning in order to accommodate all the resort related uses in a predefined portion on the property. The area has been surveyed and is depicted on both the proposed zoning plan and site development plan.

The existing approval provides for 50 caravan stands with ablution facilities, internal road network, outdoor recreational areas as well as a multi-purpose function hall. The report has already dealt with unlawful expansion of the resort which includes additional stands, 8 cottages, 3 ablution facilities as well as a kiosk. The resort has expanded rapidly over the past few years. The intention is therefore to allow for future expansion in terms of both caravan stands and cottages for short term rental.

The SDP depicts the various scenarios, being existing and approved buildings and stands, unauthorised buildings as well as future additions. It is the intention to obtain land use rights for the expansion of the resort from 50 stands, ablution facilities and a multi-purpose function hall to:

- 95 camping sites
- 42 cottages (10 to be used a Holiday Housing)
- 5 ablution blocks
- expansions to existing multi-purpose hall
- associated recreational facilities including kiosk, putt-putt course, swimming pool, outdoor recreational areas, office, staff accommodation and internal road

network

Building plans will be submitted for all structural elements and will be generally in accordance with the proposals as per the Site Development Plan. It must however be noted that the SDP depicts to total extent of the resort after all the potential future expansions. After due consideration, it was decided to earmark 10 of the proposed cottages as "Holiday Housing". These units are depicted on the proposed Site Development Plan as P15 – P24 and is situated along the southern portion of the resort. The number of units do not exceed the permissible parameters and is regarded as an alternative accommodation type to enable longer periods of occupancy and the potential to be alienated on a sectional title basis. The units are however still viewed as an integral part of the resort.

It is not possible to predict at this stage when exactly the full potential of the resort will be achieved. The SDP provides for amongst others future extensions to the existing venue. It is not the intention for the building to accommodate more people for events, but to increase the floor space in order to provide for indoor recreational facilities such as table tennis courts, pool tables and the like for use by residents during inclement weather and thus making sure that the resort caters for all seasons. The extensions are shown on the SDP to provide for this, but formal building plans will be submitted at the time.

It is envisaged that the resort will in particular be in operation over weekends and holiday periods. Given that the resort has been operating on a limited scale, it is safe to assume that the use and associated impacts are known to in particular those who may be affected by it. In this respect it should be stated that the resort is well managed and have not been the cause of a nuisance to anyone concerned.

4.1 Socio - Economic Impact

Socio-economic impact assessment focuses on evaluating the impacts of a proposed development or land use on the community's social and economic well-being. The proposed used is aligned with the tourism sector and in particular short term, holiday accommodation. The development proposal is further aligned with the Overstrand Spatial Development Framework's objectives of maintaining and developing tourist facilities, largely due to the positive overall economic impact of these uses on the

region as a whole. The area has a real problem with unemployment and the spin-offs not only in terms of employment at the resort, but also the associated shops / restaurants / tourist attractions etc. is considerable. It should be noted that the resort initially provided employment for about 3 – 4 employees, being a manager and general labour. It is envisaged that the number of people employed will gradually increase to beyond 20 employees ranging from a manager, office staff, maintenance manager, cleaners and general labour. Whilst this does not seem like a large number, one should take cognisance of the economic injection this provides. The employees all have extended families / dependants and employment offers the opportunity to plough back into the local economy.

The increased land use rights will also result in financial gain for the municipality w.r.t future property rates and taxes. All of the above will be achieved without having an adverse effect on the overall social and economic well-being of residents in the area.

4.2 Safety, health and well-being of surrounding community

The subject property is located in a rural setting on a property measuring in the extent of 130ha. The nearest property is separated by a major road. The property has been used as a resort for many years and the access arrangement and general use is known to those affected by it. The application relates to the expansion of this resort in future and to legalise certain unlawful activities. The process is ongoing but to date all specialist studies suggests that the development will not have an adverse impact. The resort is well managed and future development will also be done in a manner which will ensure that it does not negatively impact on the safety, health or general well-being of the surrounding community. The property is very big and development can easily take place within the prescribed development parameters.

4.3 Consistency w.r.t surrounding land uses

As stated, the property is located in a rural setting with mostly agricultural zoned properties surrounding it. An environmentally sensitive area is located on the opposite side of the Baardskeerdersbos Road and it appears that certain stands have been reserved within this area for resort style accommodation. In view of the aforementioned, the proposed use is deemed compatible with surrounding land uses.

4.4 Traffic and Parking

The property is located approximately 5km north of the R43 in the direction of Baardskeerdersbos. Access has been formalised with the entrance gate positioned approximately 50m from the shoulder of the road and offering good sight distances in both directions. The application is for the expansion of the existing resort which functions predominantly over weekends and holiday periods, thus not in the general peak hours. A traffic impact statement or study were not deemed necessary given the location of the property, the adequate sight distances and the fact that more than adequate stacking is available on-site to not have any impact on the external road network.

The resort has been functioning with a 5m internal road network for some time and parking is available on every individual stand. Large lawned areas are available to accommodate any overflow parking or for use at the function venue. With the approval of the function venue, it was illustrated that at least 40 parking bays could be provided for this venue and this can easily be increased if need be.

It is a safe statement to make that the +/-14ha site once fully developed can accommodate 95 camping sites, 42 cottages and a multi-purpose function hall with the required on-site parking. The venue are in most instances used by holiday makers whom then too make reservations at either the camping site or cottages. It should also be borne in mind that holiday makers generally make use of 1 vehicle per stand and the expected traffic and parking impacts even in peak season is not expected to be significant in the context of the larger road network.

4.5 Engineering Services

Bart Senekal Consulting Engineers was appointed to report on engineering services. The detailed report is attached to the application. The conclusions of this report is as follows:

Water supply

The demand for potable water was calculated at 42.4 kl.day.

No bulk water infrastructure of the Overstrand Municipality exists near the property and the development will be serviced with water from boreholes and fountains on the property. Water is treated to meet SANS 241 Drinking Water Quality Standards and

the test results attached to the report supports this. In addition, the property has a 30kl/month allocation on the Kraaibos Dam watermain which traverses the property.

Sewage

The demand was calculated at 42,4kl/day.

No bulk water infrastructure exists and the development will be served by means of conservancy tanks emptied by the Overstrand Municipality sewage tanker service. The report recommends that this arrangement be kept in place.

Electricity

The report did not deal with electricity services. It was however noted before that Escom is the service provider. The development also make use of gas installations as primary source of energy. The owner has further introduced measures to become less dependent from the existing electricity network and hence no problems are envisaged in this respect.

It was therefore concluded that the proposed development can be supported from an engineering point of view.

4.6 Heritage Impact

It is not believed that this application will have any heritage impact. The relevant department has however been notified about the proposed development as part of the process to obtain environmental authorisation. A Heritage Consultant was approached to assist with this matter and the report concludes that the application will not have any material heritage impact.

4.7 Environmental Impact

The proposed development trigger listed activities as issued in terms of the National Environmental Management Act (Act 107/1998). Cornerstone Environmental Consultants was appointed to deal with this as well as the necessary application regarding unlawful activities conducted without prior consent. To date, various specialist studies have been concluded and these suggest that the proposed development will not have an adverse impact on the environment. This process is however ongoing and requires further public consultation. The Record of Decision

from the Department of Environmental Affairs and Development Planning will be made available once issued.

4.8 Compliance with other legislation

It was stated earlier in the report that the application has bearing on various legislative requirements. Notwithstanding the information in this report, it is also important to refer to in particular the decision making criteria as stipulated in terms of Section 42 of the Spatial Planning and Land Use Management Act of 2013.

It can be surmised that:

- The application to permit the expansion of the Strandskloof Park resort will not have any negative impact on the welfare or well-being of the general public. The property is fairly isolated and the proposed activities, even at larger scale, is not expected to impact on the neighbours. The development is however expected to benefit the greater community given that the area relies heavily on tourism.
- The process being followed is transparent and relevant information is available in the application documents. The planning history of the property and related information is clear and the same applies to the objectives and motivation for the application.
- The application will have no material impact on the rights of property owners in the immediate area. Any obligations resulting from this application will rest with the municipality and the owner insofar as these have bearing on the processing of the application and fulfilment of requirements pertaining thereto.
- The principle of a resort at the proposed location was assessed before and this application relates to the scale / expansion of the resort. It is apparent that the development can be accommodated from an infrastructure point of view and given that most of the services are privately provided, it is conceded that the development is not likely to impact significantly on the infrastructure network.

5. **Conclusion**

Strandskloof Park is a well-established resort and has been a great attraction and asset to Gansbaai and surrounds. The actions of the owners to expand the resort without prior consent cannot be condoned. They have since complied with requests to address the situation and the necessary studies and applications have been instigated. It has been a lengthy process to date and they are eager to have the matter resolved. The owners therefore appeal to the municipality to be considered when assessing this part of the application.

The opinion is held that the proposed development will not have any negative impact on surrounding properties and that all technical requirements can be met. The proposal is deemed to be consistent with the relevant forward planning policy and objectives for the area. It is therefore trusted that this application will receive the necessary support.

