

PORTION 5 (A PORTION OF PORTION 2) OF THE FARM HEMEL EN AARDE NO. 587, DIVISION OF CALEDON: APPLICATION FOR DEPARTURE, CONSENT USE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: WRAP PROJECT OFFICE ON BEHALF OF GREEN WILLOWS PROPERTIES 231 (PTY) LTD

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) that an application has been received for the following:

- **Departure** in terms of Section 16(2)(b) of the By-Law to relax the lateral building line from 30m to ±7,81m to accommodate a proposed additional dwelling unit (existing ruin).
- **Consent use** in terms of Section 16(2)(o) of the By-Law, to accommodate five additional dwelling units for tourist accommodation.
- **Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law for the unauthorised construction of two additional dwelling units.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, Paterson Street, Hermanus. Any comments must be in writing in accordance with the provisions of Sections 51 and 52 of the By-Law to reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / loretta@overstrand.gov.za) on or before **15 September 2023**, quoting your name, address and contact details, interest in the application and the reasons for comment. Telephonic enquiries can be made to the Town Planner, **Mr. H Olivier** at 028-313 8900. The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them in order to formalize their comment.

GEDEELTE 5 ('N GEDEELTE VAN GEDEELTE 2) VAN DIE PLAAS HEMEL EN AARDE NR. 587, AFDELING VAN CALEDON: AANSOEK OM AFWYKING, VERGUNNINGSGEBRUIK EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: WRAP PROJECT OFFICE NAMENS GREEN WILLOWS PROPERTIES 231 (PTY) LTD

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) dat 'n aansoek vir die volgende ontvang is:

- **Afwyking** ingevolge Artikel 16(2)(b) van die Verordening om die syboullyn vanaf 30m tot ±7,81m te verslap om 'n voorgestelde addisionele wooneenheid (bestaande ruïne) te akkommodeer.
- **Vergunningsgebruik** ingevolge Artikel 16(2)(o) van die Verordening, om vyf addisionele wooneenhede vir toeristeverblyf te akkommodeer.
- **Bepaling van 'n administratiewe boete** ingevolge Artikel 16(2)(q) van die Verordening vir die ongemagtigde konstruksie van twee addisionele wooneenhede.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. Enige kommentaar op die voorstel moet skriftelik wees ingevolge Artikels 51 en 52 van die Verordening en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / loretta@overstrand.gov.za) bereik voor of op **15 September 2023**, met u naam, adres en kontakbesonderhede, belang in die aansoek sowel as die redes vir kommentaar. Telefoniese navrae kan gerig word aan die Stadsbeplanner, **Mnr. H Olivier** by 028-313 8900. Die Munisipaliteit mag weier om die kommentaar te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

INXALENYE 5 (INXALENYE YENXALENYE 2) SEFAMA I-HEMEL EN AARDE NO. 587, ICANDELO LE-CALEDON: ISICELO SOKUPHAMBUKA, UKUSETYENZISWA KWEMVUME NOKUMISELWA KWESOHLWAYO SOLAWULO: WRAP PROJECT OFFICE EGAMENI GREEN WILLOWS PROPERTIES 231 (PTY) LTD.

Isaziso siyanikezelwa ngokweCandelo lama-48 loMthetho kaMasipala woLungiso loMthetho kaMasipala kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, ka-2020 (uMthetho kaMasipala) sokuba isicelo sifunyenwe soku kulandelayo:

- Sokuphambuka ngokweCandelo le-16(2)(b) loMthetho kaMasipala ukuze kucuthwe umda wesakhiwo osecaleni ukusuka kwi-30m ukuya kwi-±7,81m ukuze kulungiselelwe indawo yokuhlala eyongezelelweyo ecetywayo (inxuwa intshabalalo endala).
- Imvume yokusetyenziswa ngokweCandelo le-16(2)(o) loMthetho kaMasipala, ukulungiselela iindawo zokuhlala ezintlanu ezongezelekileyo zokuhlalisa abakhenkethi.
- Ukumiselwa kwesohlwayo solawulo ngokweCandelo le-16(2)(q) loMthetho kaMasipala kulwakhiwo olungagunyaziswanga lwezindlu ezimbini ezongezelelweyo zokuhlala.

linkcukacha ezipheleleyo malunga nesi sindululo ziyafumaneka ukuze zihlolwe ngeentsuku zokusebenza ngamaxesha okusebenza phakathi kwentsimbi ye-08:00 neye-16:30 kwiSebe: Zicwangiso ngeDolophu, ePaterson Street, eHermanus. Naziphi na izimvo mazibhalwe phantsi ngokungqinelana namalungiselelo eCandelo lama-51 kunye nelama-52 oMthetho kaMasipala ukuze zifike kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / loretta@overstrand.gov.za) ngomhla okanye phambi kowama-**15 EyoMsintsi 2023**, ucaphula igama lakho, idilesi kunye neenkukacha zoqhagamshelwano, umdla kwisicelo kunye nezizathu zokuphawula. Imibuzo ngomnxeba ingenziwa kuMchwangciso weDolophu, uMnu. **H Olivier** kule nombolo 028-313 8900. UMasipala unokwala ukwamkela izimvo ezifunyenwe emva komhla wokuvula. Nabani na ongakwaziyo ukufunda okanye ukubhala angandwendwela iSebe loCwangciso weDolophu apho igosa likamasipala liya kuthi limncedise ukuze abhale ngokusesikweni izimvo zakhe.

1. Locality Plan

Portion 5 of the Farm Hemel-en-Aarde 587, Caledon

 Subject property

Plan prepared by: Thian Jansen

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

Unit B, Standard House,
Corner of Royal and Dirkie Uys
Street Hermanus, 7200



Project Office
Your Farming & Project Management





1. ABBREVIATIONS

OM	Overstrand Municipality
OMLUS	Overstrand Municipality Land Use Scheme, 2020
By-Law	Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020
PSDF	Western Cape Provincial Spatial Development Framework, 2014
LUPA	Western Cape Land Use Planning Act, 2014.
MSDF	Overstrand Spatial Development Framework, 2020

2. PROPERTY DETAILS

Consultant	WRAP Project Office
Farm Property	Portion 5 of the Farm Hemel en Aarde Valley 587, Caledon
Extent	120,5697ha
Zoning	Agricultural Zone 1: Agriculture

3. BACKGROUND AND INTENT

The subject property, known as Portion 5 of Farm Hemel en Aarde Valley 587 in Caledon, is situated in the Hemel en Aarde Valley, as depicted in Plan 1 - Locality. Since 2012, Green Willows Properties 231 (Pty) Ltd has been the owner of the property, and they have commissioned the WRAP Project Office to prepare the land use application on their behalf, as specified in Annexure A – Power of Attorney and Resolution.

The primary function of the subject property is to breed stallions, which the owners have been doing for the past two decades. However, the owners have a vision to expand the property's utilization by providing additional accommodations. In the past they have received requests from neighbouring property owners who operate wedding venues, inquiring about extra lodging for their guests. Recognizing the demand, the property owners have built two cottages on the land, but they soon realized that they require land use approval for them. Therefore, the proposal is to approve a site development plan that outlines the current and proposed uses of the property.

Although the primary use of the farm will continue to be agriculture and the breeding of stallions, the proposal includes additional accommodations. Furthermore, approval of the following applications is necessary, which involves an application for a determination of an administrative penalty to ensure compliance with the OMLUS.

- Consent Use for additional dwelling units;
- Consent Use for tourist accommodation;
- Departure of building lines; and
- Determination of an administrative penalty.



4. PROCEDURE TO ACHIEVE THE PROPERTY OWNER'S INTENT

4.1 Consent Use to allow additional dwelling units in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020

4.2 Consent Use for tourist accommodation in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

Additional dwelling units are defined by the OMLUS as the following:

"additional dwelling units" means dwelling(s) in the Agriculture Zone 1 which are not required for the accommodation of bona fide persons involved in the agricultural practice on the property concerned;"

These dwelling units are proposed to be used for transient guests that would visit the subject property to experience the rural nature of the property while being treated to the beauty of the stallions being bread on the farm. These additional dwelling units for tourists on a farm is a positive for several reasons. Firstly, it provides a unique and authentic experience for visitors, allowing them to experience rural life and farming practices first hand. This can be a refreshing break from the hustle and bustle of city life, offering a chance to unwind and reconnect with nature.

Moreover, farm accommodations often offer a range of outdoor activities and experiences such as hiking, horseback riding, mountain biking, which are not typically available in urban areas. This can make for a memorable and exciting vacation experience for tourists.

In addition, these units can also offer an opportunity for visitors to learn about sustainable farming practices and the importance of environmentally responsible behaviour as these additional dwelling units will be powered by solar. This can be especially relevant for tourists who are interested in eco-tourism and seek to reduce their environmental impact while traveling.

Another advantage of the additional dwelling units' accommodations is that they often provide a more personalized and intimate experience compared to larger, more commercialised hotels. Visitors can interact with the owners and staff of the farm, learn about the local culture and traditions, and receive personalised recommendations for local attractions and activities.

Overall, additional accommodation for tourists on a farm can provide a unique and authentic vacation experience, offering a chance to reconnect with nature, learn about sustainable farming practices, and enjoy personalized, intimate hospitality.

The proposal is to have three cottages on each of the contour lines that lead up the mountain (Refer to **Plan 4.1** and **4.2 – SDP**). These cottages will be self-catering and located in specific that offers visitors with spectacular views of the valley. Refer to the figures on the following page:



Figure 1: Images of the existing cottages

The remaining two additional dwelling units being proposed are located on the western boundary of the property; these are two existing structures that were discovered by the property owners when alien clearing was being done. The structures are ruins of historic accommodation on the property and the vision is to rebuild and renovate them to be used as tourist accommodation.



Figure 2: Existing ruins to be renovated.

4.3 Departure from the western 30m building line to 7,81m in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

Obtaining a departure to allow the renovation of an encroaching existing ruin to an additional dwelling unit closer than 30m from the boundary line on a farm holds significant advantages. Firstly, the utilization of the historic ruins for this purpose not only preserves their cultural and historical significance but also revitalizes them as functional spaces. By repurposing these ruins into accommodation, the farm gains a unique selling point that sets it apart from other properties. The blend of heritage and modern living creates an enticing allure for potential visitors and residents, attracting those who appreciate the charm and character of such structures.

Furthermore, the absence of building plans and the inability to determine the age of the remaining ruin should not hinder the proposal. Instead, it offers an opportunity for creative freedom in the renovation process. By aiming to retain as much of the original structure as possible, the farm can maintain the authenticity and aesthetics of the ruins while incorporating necessary upgrades to ensure comfortable living conditions. This adaptive reuse of the ruins not only showcases sustainable practices but also contributes to the farm's overall appeal as an environmentally conscious and culturally aware destination.

A departure application is required due to the proximity of the ruin to the boundary line. The additional dwelling not only expand the farm's capacity to accommodate guests but also diversifies its revenue streams. By offering more accommodation options, the farm can attract a wider range of visitors and generate additional income. This, in turn, can contribute to the overall sustainability and growth of the farm, providing economic benefits while preserving its unique heritage. Refer to **Plan 4.3 – Departure plan**.



Figure 3: Proposed Departure.

4.4 Determination of an administrative penalty in terms of Section 90(5) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

The addition of these two cottages have already occurred. To ensure compliance with the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 it is of importance to include the determination of an administrative penalty in this application.

We however would like to request that the administrative penalty is waived as this application serves as method to rectify the contraventions that occurred. The property owners were unaware that they were required to submit this land use application beforehand and would not have constructed these cottages before approval was not received.

Section 90(3) of the By-law requires the following information:

The nature, duration, gravity and extent of the contravention

The property was improved with two cottages (application is being made to add another however it has not been constructed). The location of these two cottages is indicated below:

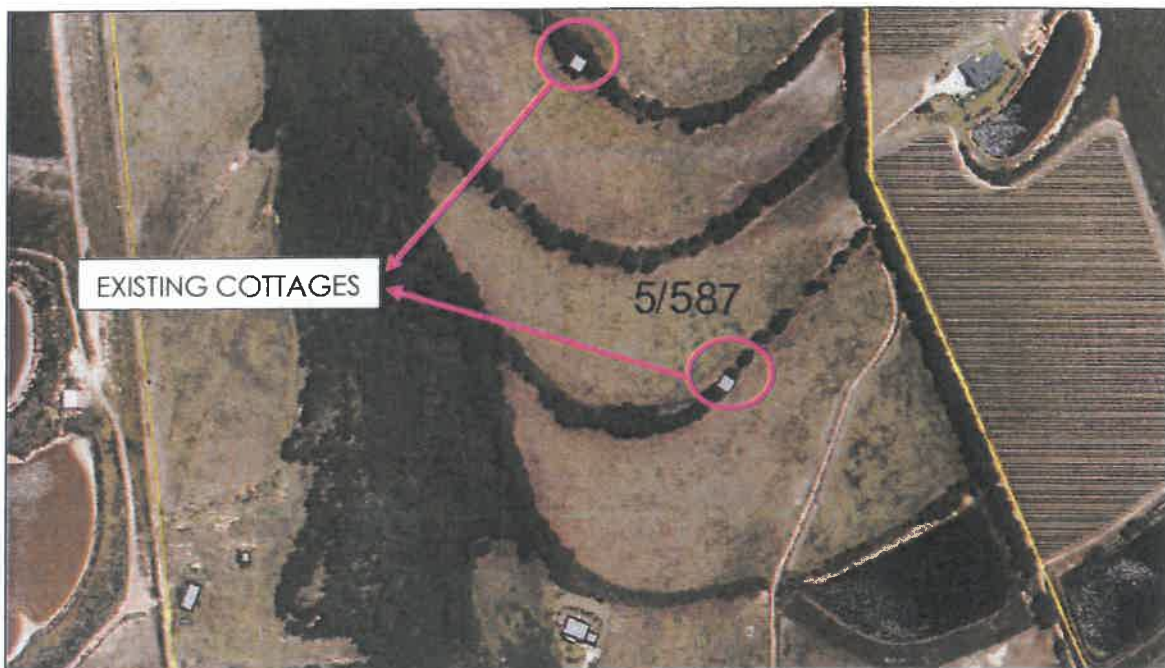


Figure 4: Existing two cottage (±81m² each)

The illustrated locations in which the cottages have been constructed measure approximately 81m² in size each, with dimensions of 9m x 9m. This application serves as evidence that the property owners are taking corrective action to address the By-law



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violation, and therefore, it is requested that no administrative penalty be imposed since no complaints have been received, and the usage is not unusual in the area.

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

The intention was never to knowingly contravene the provisions of the OMLUS. The property owners added the structures to the property, but there was never any malintent.

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

Due to the small-scale nature of the encroachment no quantity surveyor was involved.

Whether the unlawful conduct was stopped

The cottages are being used for tourist accommodation and being rented out to transient guests.

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

To the knowledge of this office, the property owners have not previously contravened the By-Law.

5. APPLICATION

Considering the above, application is made for the following:

- 5.1 Consent Use** to allow additional dwelling units in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 5.2 Consent Use** for tourist accommodation in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 5.3 Departure** from the western 30m building line to 7,81m in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 5.4 Determination of an administrative penalty** in terms of Section 90(5) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

6. LAND USE ENVIRONMENT

The subject property is situated in the Hemel en Aarde Valley, in an agricultural area where neighboring properties are used for agricultural and tourism-related purposes. This makes the proposed development on the subject property well-aligned with the existing land uses in the area.

The surrounding properties have different land uses, and their zonings are depicted in **Plan 2**, which illustrates the zoning in the area. Furthermore, the subject property's location within the agricultural zone presents an opportunity to showcase the natural beauty of the area and promote agricultural tourism. By developing the property as a



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tourist facility, visitors can learn about the agricultural practices in the area and experience the local culture, which can enhance their overall experience.

7. TITLE DEED

Title deed 33973/2015 (refer **Annexure B – Title Deed**) was perused and there are no restrictive conditions that prohibit the proposed development of the property.



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8. ZONING

The following zoning parameters were assessed in conjunction with the OMLUS zoning as this is a relevant consideration in terms of Section 66 (1) (q) of the OM By-Law:

AGRICULTURE ZONE 1: AGRICULTURE (AGR1)		
Land Use Restrictions		
Parameters	Proposal	Comply/ deviate
Primary use	Agriculture, Crèche, Dwelling House, Guest Rooms and Home Occupation.	Comply
Consent uses that may be applied for	Additional Dwelling Units , Agricultural Industry, Animal Care Centre, Aquaculture, Day Care Centre, Farm Shop/Stall, Fertiliser Plant, Guest House, Hotel, Institution, Intensive Animal Farming, Intensive Horticulture, Lodge, Mining, Place of Assembly, Place of Entertainment, Place of Instruction, Plant Nursery, Riding Stables, Service Trade, Tourist Accommodation, Tourist Facilities, Transmission Apparatus, Utility Services, Wellness Centre And 4x4 Trail.	Applied for and motivated.
Floor Space	The total floor space of all buildings on the land unit may not exceed 5000m ² , provided that the Municipality may relax this requirement if it is satisfied that such buildings are required for bona fide farming activities on the land unit.	Existing Buildings – ±2924m ² Any additional buildings will be added to the existing floor space when building plans are submitted and approved.
Building Lines	The street and common boundary building lines are determined in accordance with the area of the land unit as specified in the table below. Greater than 10 ha:	All building lines are being adhered to, except for the existing ruin that requires a departure from the 30m western building line. Existing Ruin – 30m to ±7,81 m



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	<p>Street boundary building lines = 30,0 m Common boundary building lines = 30,0 m</p> <p>The maximum height of a building, measured from the base level to the top of the structure, is 8,0 m, provided that agricultural buildings other than dwelling units shall not exceed a height of 12,0 m, measured from the base level to the top of the structure, and where the Municipality is satisfied that a greater height is necessary for the agricultural function of the building, it may permit such greater height.</p>	<p>No structures are higher than the allowable 8,0m</p>	<p>Comply</p>
<p>Parking</p>	<p>Parking and access shall be provided on the land unit in accordance with Chapter 17.1.</p> <ul style="list-style-type: none"> • Additional dwelling units = One bays 	<ul style="list-style-type: none"> • Existing dwelling and managers residence requires 4 parking bays; • Five additional dwelling units require 5 parking bays; <p>There are 9 parking bays required, which is being supplied on-site at each cottage and/or residence.</p>	<p>Comply</p>



9. SERVICES

The availability of services is a relevant consideration in terms of Section 42(1)(c)(v) of SPLUMA and is herewith illustrated.

Electricity, Water, Sewage and Solid Waste

The subject property has been equipped with solar power as well as linked to Eskom for back up if it is ever required.

Water will be obtained using a borehole and surface runoff water that is collected in the earth dam. The water will be filtered and be fit for human consumption.

Solid waste will be collected and kept on-site and taken to the waste transfer station in the surrounding area.

Access and Egress

Access and egress to the subject property is gained from the R320 through servitude roads traversing neighbouring farms Portions 49 and 64 of the Farm Hemel en Aarde 587, Caledon giving access to Portions 2 and 5 of the Farm Hemel en Aarde 587, Caledon. (Refer plan 5)

10. NEED AND DESIRABILITY

The need and desirability of the approval and implementation of this proposal in accordance with Section 66 (1) (c) of the OM By-Law can be illustrated as follow:

Need and desirability

Socio-economic impact	<p>The proposed development on the subject property is expected to have a significant socio-economic impact on the local community. By expanding the accommodation options for tourists, the proposal can increase tourism activity, which can have a positive impact on the local economy. Increasing tourism activity can create new job opportunities, stimulate local businesses, and provide revenue streams for small businesses.</p> <p>Furthermore, by showcasing the natural beauty of the surrounding area and promoting sustainable farming practices, the proposal can help preserve the local environment and promote a more sustainable future for the community. This can have a positive impact on the community's well-being and future prospects, both economically and socially.</p>
Compatibility with surrounding uses	<p>The proposed development on the subject property is compatible with the surrounding area as it aligns with the area's existing land uses and</p>



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	<p>promotes sustainable development. The surrounding properties are used for agricultural and tourism-related uses, and the proposed development is consistent with this. By adding additional uses to the subject property in an agricultural area, it can help promote the area's existing land uses and heritage.</p> <p>Additionally, the proposal aims to showcase the natural beauty of the surrounding area and promote sustainable farming practices. This is compatible with the area's agricultural land uses and can help preserve the local environment.</p>
Impact on the external engineering services	Refer Section 9.
Impact on safety, health and wellbeing of the surrounding community	It is not predicted that the proposal will have an impact on safety, health and wellbeing of the surrounding community. In fact, the proposed project has the potential to provide a number of benefits to the community, such as increasing the number of tourists that has visits the area.
Impact on heritage	The subject property is not listed in the OM Heritage Register.
Impact on the biophysical environment	Based on the information available, it is not expected that the proposed development will have any adverse effects on the biophysical environment. This is because the areas where the proposed developments are planned have a history of being disturbed.
Traffic impacts, parking, access and other transport related considerations	Refer to Section 9.

The property owners have tasked WRAP Project Office with submitting this application to ensure the proposed development aligns with policies, legislation, and title deed conditions, in pursuit of their vision.

Impact on views, sunlight and character of the area

The additional dwelling units being proposed at the subject property, are all situated in a unique location, on the contour lines to provide privacy and views of the valley. Based on current assessments, it is not expected that the proposed developments will cause any damage to the surrounding area or negatively impact neighbouring property owners. However, it is important to ensure that the development is designed and constructed in a way that minimizes any potential negative impacts on the environment and neighbouring properties. Which is being achieved by using natural colours and elements in the construction of these cottages.

To achieve this, the development plans should consider factors such as the placement, size, and design of the proposed structures to minimize any negative effects on the



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surrounding landscape and to ensure that neighbouring properties are not negatively impacted.

Overall, if the development is carefully planned and constructed with consideration for the surrounding environment and neighbouring properties, it has the potential to positively contribute to the local tourism industry while preserving the natural beauty of the area.

Economic impact

The proposed development has the potential to generate a positive economic impact for the local community. The additional accommodation options, including the proposed additional dwelling units, could increase tourism activity in the area, providing more opportunities for visitors to stay in the region and contribute to the local economy. This could lead to an increase in demand for local goods and services, such as restaurants, shops, and activities.

Overall, the proposed development has the potential to generate a positive economic impact for the local community by increasing tourism activity, creating job opportunities, and providing revenue streams for small businesses.

11. POLICIES AND REGULATIONS

11.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

The portion of subject property is located in the "Mountain Catchment EMOZ" and "Protected Area Buffer EMOZ".

The purpose of the "Mountain Catchment EMOZ" is to protect and conserve the ecology and water provision functions of priority unprotected mountain catchments, to ensure optimal water security for the Overstrand communities and to preserve the significant eco-cultural tourism value of the Overstrand's natural mountain landscape character.

And the purpose of the "Protected Area Buffer EMOZ" is to protect the integrity of National, Provincial and Municipal Nature Reserves from negative external pressures/impacts while reducing pressure on core areas and to assist in preserving their value to the eco-cultural tourism economy of the Overstrand through alignment of appropriate land use and regulation.

These new additional structures are not located in these EMOZ and it is not predicted to have an effect on the EMOZ.

11.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)

The top portion of the subject property is located in the "Landscapes HPOZ" and its purpose is to protect and enhance landscapes identified as having high natural, scenic and heritage significance and which contribute to the character and sense of place in the Overstrand and its economic base.



These new additional structures are not located in these HPOZ and it is not predicted to have an effect on the HPOZ.

11.3 Spatial Planning Policies

WCLUPGRA

Policy preface

The policy document aims to create alignment between the changed legislative planning landscape since the promulgation of SPLUMA and LUPA and intends to implement the provincial agenda in rural areas. The policy acknowledges that the Western Cape rural areas are faced with escalating development pressures and provides clarity to local municipalities to manage development in rural areas more effectively. The Western Cape rural areas are cited as a unique rural asset base which requires concrete efforts to ensure a sustainable spatial trajectory.

Broad policy objectives

The objectives of the policy include the promotion of sustainable development in rural locations while safeguarding the ecological infrastructure. The policy also highlights that rural communities should have greater economic and social opportunities which enable successful job creation and contribute towards an inclusive rural economy.

The compliance of this proposal with the policy proposals in the WCLUPGRA which are pertinent to this proposal are recorded below:

As previously mentioned, the number of additional dwelling units proposed are in line with the guidelines set out in Section 4.5 of the policy. The policy also provides the importance of non-agricultural land uses and state the economic viability thereof. These land uses include tourist accommodation and additional dwelling units both of which are included in the application. The policy cites that rural tourism and recreational facilities and activities should not compromise farm production which is not the case in this situation.

PSDF

The PSDF is a product of a provincial inter-departmental and inter-governmental collaboration under the guidance of the inter-departmental steering committee in collaboration with the private sector, academia, and non-governmental organisations. This broad participatory process has created a shared spatial vision that is intended to inform spatial development patterns in urban and rural areas in the province.

Consistency with the PSDF

Throughout the PSDF, economic development is a widespread term used and focussed on. Economic development is an aspect that is important to ensure the Provincial economy contributes to the National economy.

The continual growth of the Provincial economy means that economic activity should be stimulated in lower spheres of the government. This application to add additional



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economic activities into an area where there are not many options available, will have a positive impact on the Overstrand Municipality as more employment options are created.

The application then relates to the development of economic activity which is in line with the PSDF.

MSDF

The SDF's purpose is to ensure compliance with national, provincial and district legislation policies and principles. The SDF aims to provide sufficient guidance regarding what constitutes appropriate spatial development land uses and direction within the urban edge. The SDF was drafted after considering input from other state departments and the public and provides a shared spatial vision which the development proposal should ideally attempt to synchronise with.

Consistency with the MSDF

To ensure compliance with the principles and objectives set out by the PSDF and the National Development Plan, the MSDF was synthesised through the influence of these policies and frameworks.

Ensuring economic development take place in the OM, would ensure sustainable growth of the municipal area. As previously mentioned, the subject property is in an area where economic activity is low to not existing. The property owners are proposing utilising the subject property's unique location to develop another source of income that in turn allows them to ensure employment opportunities are available on the farm.

These uses, although a small economic link in the Overstrand Municipality, still has a role to play, which allows the proposed uses to stay aligned with the MSDF.



12. PLANNING PRINCIPLES

Chapter 2 of SPLUMA contains 5 uncompromisable planning principles by which each development application must be guided. Policy proposals in SPLUMA which are pertinent to this proposal are recorded below:

Spatial justice

Spatial justice refers to planning proposals that do not contribute towards the perpetuation of apartheid spatial development imbalances. This proposal to add additional uses to the subject property is not considered to have a negative impact on past spatial injustices.

Spatial sustainability and Efficiency

Spatial sustainability refers to planning proposals that result in communities that are viable. This proposal is to continue utilising the property for more than what is currently approved and continue the efforts to create new space and allow the property owners to stay on top of the requirements and movements of the demand.

Spatial resilience

This proposal is not in conflict with any spatial planning policies or other OM regulations which is a hallmark of resilience.

Good administration

The Overstrand Municipality has demonstrated a solid history of effectively incorporating public participation into its administrative processes. Public participation is a crucial aspect of the land use planning process.

This process allows individuals who may be impacted by the proposal to provide feedback and raise any concerns or make suggestions that may lead to a more favourable outcome for all parties involved. All comments received will be carefully reviewed and taken into consideration before being addressed appropriately.



13. EVALUATION

The proposed expansion of the subject property's rights would add significant value to the property by providing additional opportunities from accommodating guests on the farm. The property's existing potential for tourism-related activities would also be enhanced by the proposed developments.

Furthermore, the proposals are consistent with the surrounding area and are not expected to create nuisance land uses that could negatively impact neighbouring properties. In fact, the proposals are in harmony with all relevant spatial planning policies, indicating that the property owners have taken into account the necessary considerations and regulations required for such developments.

The proposed structures are not arbitrary and have been designed with due consideration for relevant spatial planning policies to ensure that they are in compliance with zoning regulations and environmental guidelines. As such, the proposals are expected to complement and enhance the existing character of the area while providing additional economic benefits to the local community.

14. RECOMMENDATION

Based on the abovementioned motivation, it is recommended that the following be approved:

- 14.1 **Consent Use** to allow additional dwelling units in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 14.2 **Consent Use** for tourist accommodation in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 14.3 **Departure** from the western 30m building line to 7,81m in terms of Section 16(2)(b), of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 14.4 **Determination of an administrative penalty** in terms of Section 90(5) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

4.1 Proposed
Site Development Plan
Portion 5 of the Farm
Hemel-en-Aarde 587, Caledon

Existing Structures

- Main Dwelling House - 473m²
- Managers Dwelling - 238m²
- Additional Dwelling Units - 81m² x 2
- Barn - 506m²
- Stables - 1000m²
- Office and Labourers Accommodation - 270m²
- Labourers Accommodation - 275m²

Total Existing Footprint - 2924m²

Proposed Structures

- Renovated Ruins (Additional Dwelling Units) - 154m²
- Additional Dwelling Unit - 81m²

Total Proposed Footprint - ±3159m²

13 JUL 2023

Plan prepared by: Thiam Jansen

All dimensions are approximate and subject to a survey

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

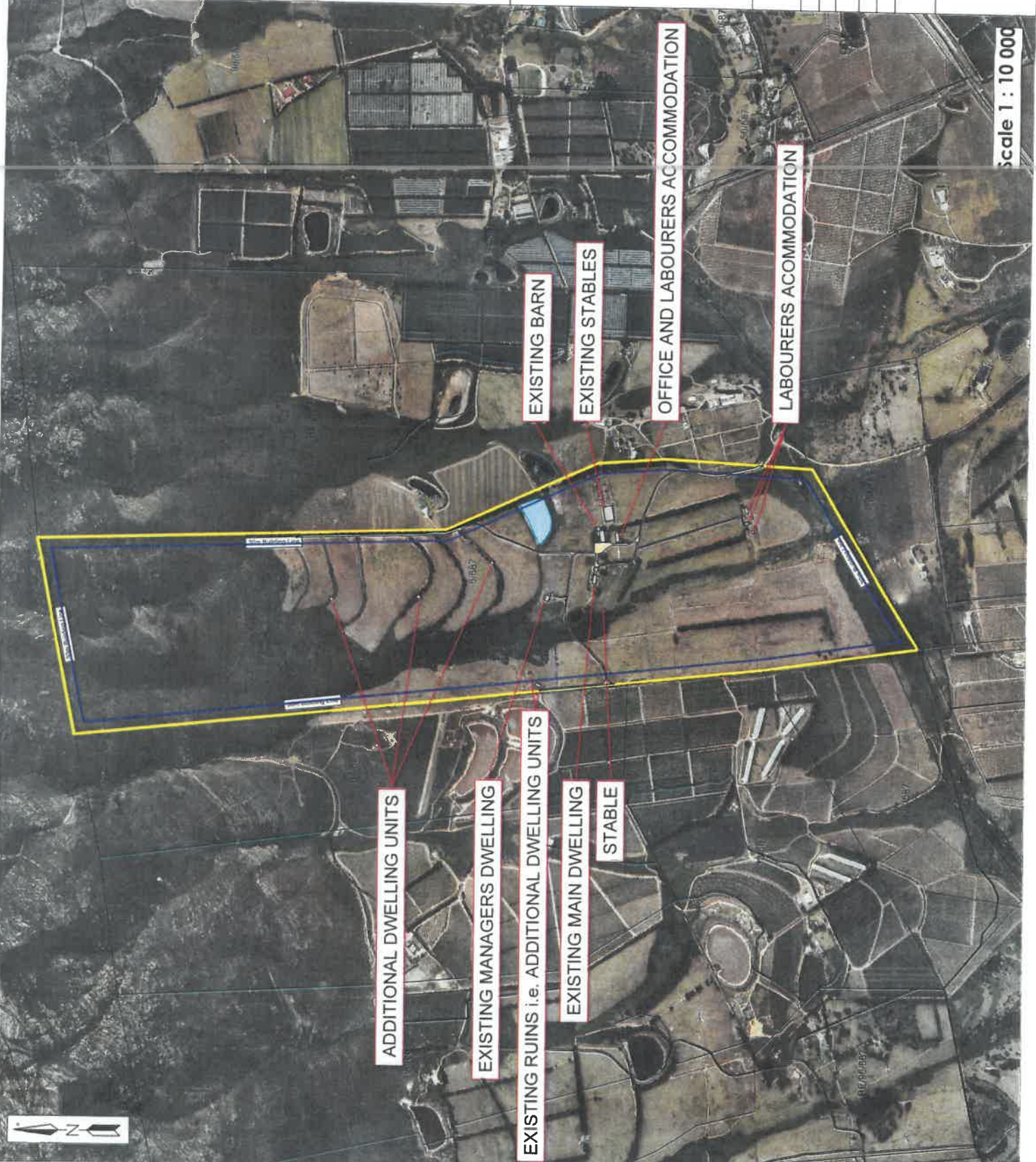
Unit B, Standard House,

Corner of Royal and Dikle Uys

Street Hermanus, 7200



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ADDITIONAL DWELLING UNITS

EXISTING MANAGERS DWELLING

EXISTING RUINS i.e. ADDITIONAL DWELLING UNITS

EXISTING MAIN DWELLING

STABLE

EXISTING BARN

EXISTING STABLES

OFFICE AND LABOURERS ACCOMMODATION

LABOURERS ACCOMMODATION

Scale 1 : 10 000



4.2 INSET Proposed Site Development Plan
 Portion 5 of the Farm Hemelen-Aarde 587, Caledon

Existing Structures

- Main Dwelling House - 473m²
- Managers Dwelling - 238m²
- Additional Dwelling Units - 81m² x 2
- Barn - 506m²
- Stables - 1000m²
- Office and Labourers Accommodation - 270m²
- Labourers Accommodation - 275m²

Total Existing Footprint - 2924m²

Proposed Structures

- Renovated Ruins (Additional Dwelling Units) - 154m²
- Additional Dwelling Unit - 81m²

Total Proposed Footprint - ±3159m²

13 JUL 2023

Plan prepared by: Thian Jansen

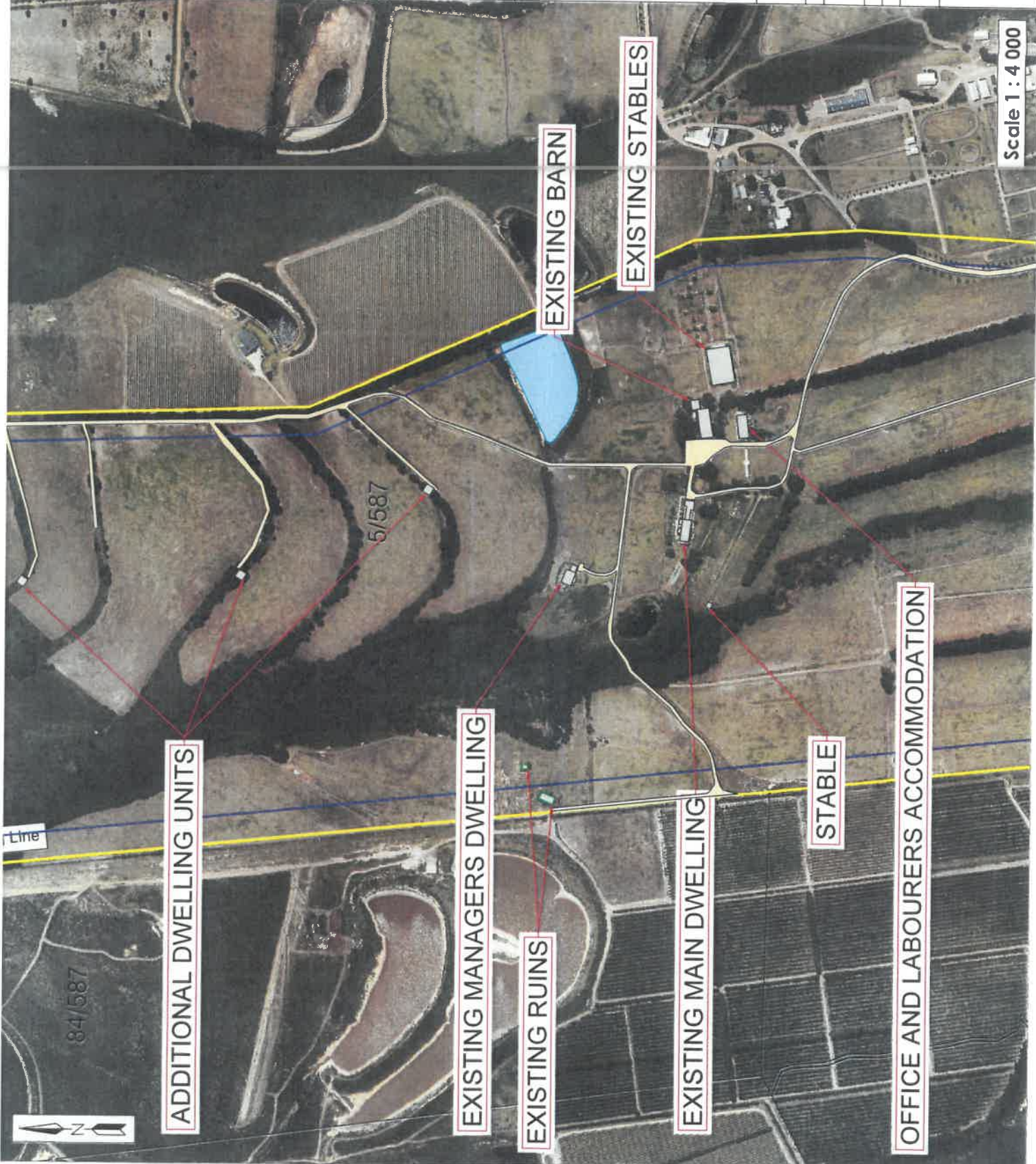
All distances are approximate and subject to a survey

Tel: 028 313 1411

Email: admin@wrapgroup.co.za
 Unit 8, Standard House,
 Corner of Royal and Dirkie Uys
 Street Hermanus 7200



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Scale 1 : 4 000

4.3 INSET Proposed
Site Development Plan
Portion 5 of the Farm
Hemet-en-Aarde 587, Caledon

Existing Structures

- Main Dwelling House - 473m²
- Managers Dwelling - 238m²
- Additional Dwelling Units - 81m² x 2
- Barn - 506m²
- Stables - 1000m²
- Office and Labourers Accommodation - 270m²
- Labourers Accommodation - 275m²

Total Existing Footprint - 2924m²

Proposed Structures

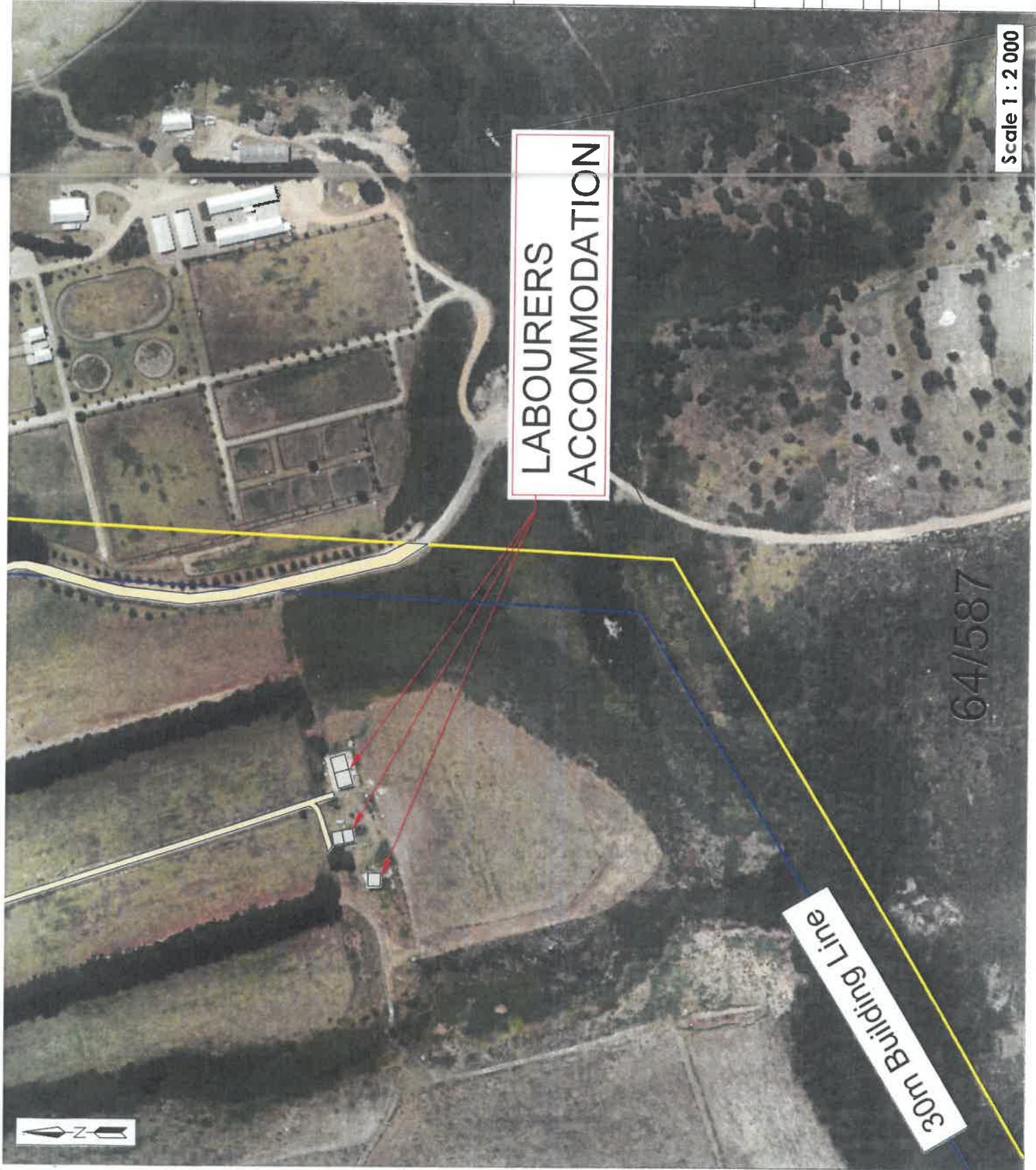
- Renovated Ruins (Additional Dwelling Units) - 154m²
- Additional Dwelling Unit - 81m²

Total Proposed Footprint - ±3159m²

13 JUL 2023

Plan prepared by: Thian Jansen
All distances are approximate and subject to a survey

Tel: 028 313 1411
Email: admin@wrapgroup.co.za
Unit B, Standard House,
Corner of Royal and Dirkie Uys
Street Hermanus 7200



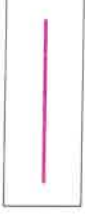
**LABOURERS
ACCOMMODATION**

30m Building Line

64/587

Scale 1 : 2 000

Plan 5 - ACCESS ROAD PLAN
Portion 5 of the Farm
Hemel-en-Aarde 587, Caledon



Access is obtained from R320
at marker ± 9.2 km

Traversing Portions 49 and 64
of the Farm Hemel en Aarde,
Caledon

13 JUL 2023

Plan prepared by: Thian Jansen

All distances are approximate
and subject to a survey

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Unit 8, Standard House,
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NTS