

FARM NO. 1012, CALEDON DIVISION, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR AMENDMENT OF SITE DEVELOPMENT PLAN AND DETERMINATION OF ADMINISTRATIVE PENALTY: M DE VILLIERS ON BEHALF OF MOSAIC LAGOON LODGE (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:

- amendment of the approved site development plan in terms of Section 16(2)(l) of the By-law in order to accommodate the existing buildings, 4 offices, a curio shop, preparation and storage building, carport and gas storage, and
- determination of an administrative penalty in terms of Section 16(2)(q) of the By-law.

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 and at the Gansbaai Library, Main Road, Gansbaai. Any written comments must be submitted in accordance with the provisions of Sections 51 and 52 of the said By-law and be submitted at the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / alida@overstrand.gov.za) on or before **5 November 2021**, quoting your name, address and contact details, interest in the application, as well as the reasons for comment. Telephonic enquiries can be made to **Mr SW van der Merwe** 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.

PLAAS NR. 1012, AFDELING CALEDON, OVERSTRAND MUNISIPALE AREA: AANSOEK OM WYSIGING VAN TERREINONTWIKKELINGSPLAN EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: M DE VILLIERS NAMENS MOSAIC LAGOON LODGE (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:

- wysiging van die goedgekeurde terreinontwikkelingsplan in terme van Artikel 16(2)(l) van die Verordening ten einde die bestaande geboue, 4 kantore, 'n kuriowinkel, voorbereidings- en stoorgebou, motorafdak en gasstoor te akkommodeer; en
- bepaling van 'n administratiewe boete ingevolge Artikel 16(2)(q) van die Verordening.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus en die Gansbaai Biblioteek, Hoofweg, Gansbaai. Enige skriftelike kommentaar op die voorstel moet ingevolge die bepalings van Artikels 51 en 52 van die Verordening ingedien word en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / alida@overstrand.gov.za) bereik voor of op **5 November 2021**, met vermelding van u naam, adres, kontakbesonderhede, belang in die aansoek, sowel as die redes vir kommentaar. Telefoniese navrae kan gerig word aan **Mnr SW van der Merwe** 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.

IFAMA ENGUNOMBOLO 1012, WORTELGAT ROAD, CALEDON DIVISION, UMMANDLA WOMASIPALA WASE-OVERSTRAND: ISICELO SOKULUNGISWA KWESICWANGCISO SOPHUHLISO LWENDAWO NOKUMISELWA KWESOHLWAYO SOLAWULO: M DE VILLIERS EGAMENI LEMOSAIC LAGOON LODGE (PTY) LTD

Isaziso sinikwa ngokwemiqathango yeCandelo 48 loMthetho kaMasipala oLungisiweyo woMasipala wase-Overstrand ongoCwangciso lokuSetyenziswa koMhlaba kaMasipala, 2020 (uMthetho kaMasipala), sokokuba isicelo sifunyenwe soku kulandelayo:

- ukulungiswa kwesicwangciso sophuhliso oluvunyiweyo lwendawo ngokwemiqathango yeCandelo 16(2)(l) loMthetho kaMasipala ukulungiselela ukufakwa kwezakhiwo esele zikho, ii-ofisi, ivenkile ethengisa izinto yinto, ukulungiswa nesakhiwo sokugcina izinto, ikhapoti kunye nendawo yokugcina igesi; kunye
- ukumiselwa kwesohlwayo solawulo ngokwemiqathango yeCandelo 16(2)(q) loMthetho kaMasipala.

linkcukacha ezipheleleyo malunga nesi sindululo ziyafumaneka ngeentsuku zomsebenzi phakathi kweyure-08:00 ne-16:30 kwiSebe: Town Planning, 16 e-Paterson Street, e-Hermanus, kunye neThala lencwadi e-Gansbaai, Main Road, e-Gansbaai. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zamaCandelo 51 nelama-52 alo Mthetho kaMasipala zithunyelwe kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) ngomhla okanye ngaphambi komhla wama- **5 EyeNkanga (uNovemba) 2021**, unike igama lakho, idilesi neenkukacha zonxibelelwano lwakho, umdla wakho kwesi sicelo nezizathu zokunika izimvo. Xa ufuna ukubuza into malunga nesi saziso ungatsalela umnxeba **kuMnu SW van der Merwe** kule nombolo 028-313-8900. UMasipala angala ukuzamkela izimvo ezifike emva komhla wokuvalwa. Nabani na ongakwaziyo ukufunda okanye ukubhala makaye kwiSebe loCwangciso lweDolophu apho igosa likamasipala liya kumncedisa azibhale izimvo zakhe.

2. PROPOSED DEVELOPMENT

In order for the smooth continuation of the business which we bought as a running concern we needed to build an office/curious shop as well as a storage unit and a carport for the lodge vehicles. These were all previously at a different property that did not form part of the sale of Farm 1012. Thus we needed to facilitate these units near the lodge for operational reasons as soon as possible to continue to provide the necessary level of service for a 5 Star Lodge.

These units were constructed on previously cleared land and did not interfere with the surrounding fynbos of the area.

The units also fall under the 5 meter contour line but is build higher than the lodge itself on the edge of the parking lot. The lodge have already been approved by Overstrand Municipality as well as the last submitted SDP by WRAP.

No changes were made to the existing resort buildings as per previous approvals and Site Development Plans.

3. CHARACTER OF ENVIRONMENT

The subject farm is located near Stanford which, with the surrounding area, functions increasingly as a popular tourist destination and a retirement area. Farm 1012 Caledon is located approximately 7,7 km from Stanford and is known as Mosaic Lagoon Lodge, providing boutique overnight accommodation which is centrally located to the area for whale watching, marine tours, shark cage diving and exploring the Overberg Wine Region.

The northern part of Farm 1012 Caledon is located within the Klein Rivier Lagoon. The property is bound the following:

- Farm 923 Caledon, Portion 3 of the Farm 637 Caledon, Portion 4 of the Farm 637 Caledon and Portion 5 of the Farm 637 Caledon to the north;
- Portion 5 of 640 Caledon and Portion 6 of 641 Caledon to the east;
- Farm 721 Caledon to the south; and
- Remainder 1 of Farm 723 Caledon and Portion 34 of 723 Caledon to the west.

4. TITLE DEED AND PROPERTY DETAILS

The title deed of the subject property relates to the entire farm which has a split zoning of Agriculture Zone 1: Agriculture (AGR1) and a Special Zone. Herewith are the title deed details of the subject property:

Farm No. 1012, Caledon, in the Overstrand Municipality, Division of Caledon, Province of the Western Cape.

Ownership Title – Mosaic Lagoon Lodge Pty Ltd
 Deed Number – T11743/2020
 Approximate Extent – 376.3905 ha

Title Deed Restrictions	Compliance of the proposed SDP
<p>1.1 The property/ies or any of them may be used for the following purposes: residential purposes; agriculture (including but not limited to viticulture, the farming of fruit, vegetables and herbs, stock farming and the farming and exportation of indigenous flowers, fresh or dried); the provision or undertaking of religious, educational and/or environmental resource centres or projects; tourism, including but not limited to the letting of holiday accommodation; the creation of labour opportunities for poor and/or underprivileged persons, including the manufacture and sale of arts and crafts and small scale agricultural or farming enterprises; the promotion and sale of arts and crafts, including any project or enterprise encouraging or teaching the manufacture of arts and crafts, the restoration and/or renovation of any buildings on the properties; the creation of a private nature reserve in collaboration with the Department of Environmental Affairs or such other similar governmental authority or body; the provision of outdoor activities to the such as horse trails, hiking trails, sailing and canoeing (provided however that this does not require the construction of anything more than a small jetty for the mooring of small sailing boats) and other similar types of activities; the development and use of resources situated in, about or on the property; provided however that insofar as the permitted activities require the construction of buildings or other improvements on the property/ies the following shall apply:-</p>	<p>The amended SDP has a resort which in terms of the title deed can be described as holiday accommodation. The holiday accommodation functions under one umbrella as approved in the Special Zone.</p> <p>Spa (tourism), curio shop (tourism), dining and kitchen area.</p> <p>An office and storage area which is supporting the tourism facilities together with a carport for the business vehicles.</p>
<p>1.1.1 for purposes of the undermentioned restrictions: where the restriction relates to the properties, the properties, whether in</p>	<p>Comply</p>

<p>their present form or after subdivisions and subsequent consolidations if any, shall be regarded as one cohesive whole and such restrictions or conditions shall apply as if the properties formed one entity and where the restriction relates to a "portion", a "portion" shall mean either a portion/property currently forming part of the properties or any new portion created by sub-division and/or subsequent consolidation;</p>	
<p>1.1.2 in the case of buildings for dwelling units, 1 primary dwelling unit and up to 5 additional dwelling units shall be allowed per portion, and such dwelling units shall be limited to a total area of 400 square metres (with exception of 1 primary dwelling unit), provided that the garages or store rooms, if any, forming part of or adjoining to such dwelling unit shall not be taken into account in calculating the aforesaid area. An exception shall be made for the size of 1 of the primary dwelling units to be limited to a total area of 1000 square metres. "Primary dwelling unit" or "Additional dwelling unit" shall mean a dwelling constructed for residential use and/or guest/holiday use, and/or staff housing, which provides accommodation for no more than 12 people;</p>	<p>The SDP also indicates a farm manager's residence located on the portion of the property which is zoned Agriculture Zone 1. The residence is 265m² extent. No additional dwelling units are planned at this stage.</p>
<p>1.1.3 in the case of office buildings or building for retail activities, not more than 3 such office or retail buildings shall be allowed on the properties and no one such building shall exceed 200 square metres;</p>	<p>The proposed new office/curious shop is about 75 square metres and the new storage and prep kitchen is about 27 square metres. The carport is 72 square metres.</p>
<p>1.1.4 there shall be no restrictions on the number and size of any buildings or improvements reasonably required for agricultural activities carried on the properties, which buildings and improvements shall include, but not be limited to, stables, store houses, pack houses, cold storage rooms, sorting houses and vinification facilities;</p>	<p>Except for the existing farm manager's residence, no other agricultural buildings are planned.</p>
<p>1.1.5 in the case of buildings for educational purposes, not more than two buildings shall be allowed on the properties, each of such buildings to be limited to 400 square metres and in the case of building for religious purposes, not more than two buildings shall be allowed or) the properties, each of such buildings to be limited to 300 square metres;</p>	<p>There are no buildings for educational and religious purposes currently on the property.</p>
<p>1.1.6 the area limitations for buildings set out in clauses 1.1.1 to 1.1.5 above, both inclusive, shall, regardless of the purposes for which it is being used, not apply to the current homestead on the properties, which is known as "The Haunted House" or "Spookhuis"; provided that no alterations or renovations which will increase the area thereof may, without the prior written consent of the Grantee, be effected to such Homestead;</p>	<p>The "Haunted House" and "Spookhuis" are not on the subject property.</p>

<p>1.2 It is recorded that the list of activities and purposes set out in clause 1.1 is not a numerous clauses or closed list of activities and purposes, and that the activities that may be conducted on each of the properties and the purposes for which each of the properties may be used shall not be limited to the activities and purposes specifically mentioned, but that those activities and purposes are merely specified in order to impose restrictions and limitations on the commercial and industrial use of the properties as set out in clause 1.3:</p>	<p>The proposal complies.</p>
<p>1.3 Save with the prior consent of the Grantee, its successors-in-title or assigns, the property may not be used for any commercial or industrial purpose except where such commercial or industrial purpose relates or is to or arises out of the purposes or activities or uses of the property allowed in terms of clause 1.1, provided further that such exceptions shall not be construed to include the construction of shopping malls, casinos, hotels or office blocks, for the rental of office space to persons not involved in the activities referred to in clause 1.1:</p>	<p>n/a</p>
<p>1.4 Save with the prior consent of the Grantee, its successors-in-title or assigns, no township, high density housing settlement or sectional title scheme may be established on the property: save that such restriction shall not be construed as prohibiting the construction of housing or accommodation units reasonably required for labourers, employees and management employed in respect of the property or for holiday accommodation, subject to the provisions of clauses 1.1.1 to 1.1.5:</p>	<p>n/a</p>
<p>1.5 Save with the prior consent of the Grantee, its successors-in-title or assigns, the property may not be subdivided, however such consent shall not be required for any subdivision/s and/or consolidation/s and subsequent subdivision/s (regardless of whether such subdivision/s and/or consolidation/s are effected at the same or at different times) which will result in the aggregate area covered by the properties (being portion 7 of the farm Springfontein No. 641, portion 8 of the farm Springfontein No. 641, portion 1 of the farm Wortelgat No. 723 and portion 10 (portion of portion 5 De Plaat) of the farm Riverside no. 640, all in the Theewaterskloof Municipality, as are contained in Deed of Transfer Number T22432/1970), after such subdivision/s consisting of not more than 7 (seven) subdivided portions of not less than area 30 hectares each:</p>	<p>n/a</p>
<p>1.6 Nothing in these conditions shall be interpreted or construed as giving the</p>	<p>n/a</p>

<p>Grantee the right to restrict or prohibit the sale and transfer of any one of the properties or subdivision/s, separately from the rest, provided that such property or subdivision shall still be subject to the conditions contained herein;</p>	
<p>1.7 Save with the prior consent of the Grantee, its successors-in-title or assigns, the property may not be used for the farming of pigs;</p>	n/a
<p>1.8 It is specifically stipulated that none of the aforementioned restrictions or conditions in clauses 1.1 to 1.5, all inclusive, shall be applicable to or enforceable against, or registerable against the title deeds of, any of the following:</p> <p>1.8.1 a portion of Portion 1 of the Farm Wortelgat No. 723 (forming part of the properties) which adjoins Portion 31, a portion of Portion 4 of the Farm Wortelgat No. 723 and which, after the subdivision thereof, will not exceed 2 hectares;</p> <p>1.8.2 a subdivision of the properties creating a separate portion not exceeding 2 hectares consisting of the land on which the current homestead known as "The Haunted House" or "Spookhuis" is situated and of the land immediately surrounding such homestead, in the event that such subdivision is required or is desirable as a result of the declaration of such area as a heritage site or as a protected area, as defined or contemplated in the National Heritage Resources Act 25 of 1999;</p> <p>it being further specifically stipulated that, in the event of all or any such portions being created and dealt with in accordance with the foregoing, then the definition of "properties" shall be deemed to exclude all, or any of such portions and any subdivision creating such portions shall not be regarded as a subdivision in terms of clause 1.5 and shall therefore not detract from or reduce the number of subdivisions that may be effected with respect to the properties in terms of that clause.</p>	n/a
<p>1.9 It is recorded and agreed that the activities which are permissible on the property/ies and which have been listed herein do not form a conclusive list and the Grantee hereby agrees that it shall not unreasonably withhold its consent for any commercial or industrial activity in respect of any use or purpose of the property which not specifically mentioned or covered by the list of activities. The Owner and the Grantee record that the conclusion and registration of this notarial agreement arises out of their common intention that the property/ies be developed and used in an environmentally friendly, ecologically sound and socially</p>	n/a

responsible manner, so that the natural beauty of the property is preserved whilst still allowing access to the property for members of the public and tourists. The Grantee therefore undertakes in favour of the Owner, and its successors in title, to give its consent for any reasonable development of the property which complies with the above criteria.	
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5. DESIRABILITY

In terms of Section 55 (b) and (c) Land Use Planning Act; 2014 an application can be refused based on it being undesirable. The measure to assess the desirability of the application is the consistency of the application with spatial development frameworks, applicable structure plans, the principles referred to in Chapter VI and guidelines issued by the Provincial Minister regarding the desirability of proposed development.

The existing resort, curio shop, main dining area, kitchen, spa, main dwelling and proposed office, storage unit and carport need to be desirable and consistent with the logic character of the rural area and add value for the owner and the community. The Department of Environmental Affairs and Development Planning (DEADP) published a Guideline on Need and Desirability as part of the EIA Guideline and Information Document Series. Although this application does not include an environmental authorization application, the desirability guidelines set out in the document are also applicable in planning.

In terms of the above, several questions need to be asked with regard to the need and desirability of a proposal, which include the following:

Need and desirability measure	Yes/ or No	No Applicability to the subject farms
Is the land use considered within the timeframe intended by the existing approved SDF agreed to by the relevant environmental authority?	YES	The application for the amendment of the SDP does not contradict the SDF.
Does the community/area need the activity and the associated land use concerned?	YES	There is a definite need in the rural areas of Stanford for a resort to promote the rural area as a viable tourist destination.
Are the necessary services with adequate capacity currently available, or must additional capacity be created to cater for the development?	YES	There are sufficient services available on the subject property and the services section of this report will elucidate this in detail.
Is this development the best practicable environmental option for this land/site?	YES	The proposed buildings are on previously cleared land adjacent to the already approved parking lot with no interference of the nature surroundings.
Would the approval of this application compromise the integrity of the existing approved and credible municipal IDP and SDF as agreed to by the relevant authorities?	NO	The approval of this application will not in any way undermine approved IDP or SDF.
Do location factors favour this land use?	YES	The northern part of the subject property is part of the Klein River Lagoon and the existing resort facilities and associated outbuildings enjoy a great view of the lagoon. This leads to

		tourists flocking to the subject property for tranquillity and makes the tourists have a greater sense of appreciation for natural systems.
How will the activity or the land use associated with the activity applied for, impact on sensitive natural and cultural areas?	NO	The amendment of the SDP will not have any impact on sensitive natural or cultural areas as the subject property's overnight resort already exist. The design of the resort is also in harmony with the surrounding natural area. The only buildings which is proposed is a office, storage unit and carport which is a primary right under the special zoning and is proposed outside of the critical biodiversity area and the wetland.
Will the proposed activity or the land use associated with the activity applied for, result in unacceptable opportunity costs?	NO	The proposed land use applied for will not result in unacceptable opportunity cost.
Will the proposed land use result in unacceptable cumulative impact?	NO	The proposal will not have any adverse impact on the society and the environment.

5.1 Services

For the proposed development to be viable it is necessary for services such as water, sewage, electricity and roads to be available. The owner must ensure that all required services comply with prescribed standards.

5.2 Water

Water on the subject property is provided from a borehole.

5.3 Traffic impacts, parking access and other transport related considerations

Access to the subject property is gained from the Wortelgat Road. There are 8,31 parking bays required and 35 parking bays are provided. The dimensions of the parking bays are 5m by 2,5m (refer Plan 3). The parking layout configuration has been designed in a manner to ensure the safety of pedestrians and motorists.

Access to the resort and tourist facilities is gained at 2,4 km from OP04016. Access to the farm manager's residence is gained at 6.6 km from OP04017.

5.4 Electricity

Electricity on the subject property is provided by Eskom.

6. ZONING OVERLAY

The subject property has a split zoning of Agriculture Zone 1: Agriculture (AGR1) and Special Zone in terms of an approval letter issued by the Overstrand Municipality 9 May 2006. The zoning plan indicates the co-ordinates of the zonings by referring to the SG diagram of the subject property.

6.1 Agriculture Zone 1

The proposed additional units are not situated on the Agriculture Zone of the property.

6.2 Special Zone

The proposed additional units (office, storeroom and carport) is situated in the Special Zone section of the property.

Definitions

All definitions contained in this zoning scheme, other than the following definitions, will be applicable:

“Additional dwelling unit” means a dwelling unit which may be erected with the consent of the local authority on a land unit where one dwelling unit has been erected or is in the process of being constructed, and in the case of agricultural land not exceeding a total of 5 dwelling units per cadastral unit (excluding a caretaker's dwelling).

“Agriculture” means the cultivation of land for crops and plants, or the breeding of farm animals, or the operation of a game farm and the breeding of game on an extensive basis on the natural veld or land (subject to any applicable legislation), and includes only such activities and buildings as are reasonably connected with the main farming activities, but does not include the consent uses applicable to the agricultural zone.

“Farm stall” means a building/structure which does not exceed 100m² in floor space, including storage facilities which are accommodated on agricultural land where goods are sold whether to employees or to the general public, but does not include coffee shops or tourist related facilities.

“Farm store” means a building/structure which does not exceed 100m² in floor space, including storage facilities, which is accommodated on an agricultural land unit, where products which are produced and processed on the same land unit, are sold whether to employees or to the general public, but does not include coffee shops or tourist related facilities.

“Nature reserve” means a national conservation area, or a privately-owned conservation area which is registered as such with the relevant authorities, which consists of an area which is utilized as a game park or reserve for fauna and/or flora in their natural habitat, and may include tourist accommodation subject to the approval of the relevant authorities.

“Nursery” means a property or part thereof which is utilized for the cultivation and selling of plants, and may include a greenhouse, which enterprise may not be accommodated on a Nature Reserve.

“Riding school” means a place or enterprise for hiring out horses for payment as well as training in horsemanship and may include a rider's centre as well as the facilities for the care and stabling of horses, which enterprise may not be accommodated on a Nature Reserve.

“Tourist accommodation” means the utilization of a and/or building on the site for tourist related activities and includes facilities such as restaurants, guest houses for overnight accommodation, gift shops, and lecture rooms, but does not include, in the case of tour operators, parking or storage of busses or related tour vehicles.

	Development parameters	Proposal	Compliant/deviate
Colour notation	Blue green	Blue is no longer applicable as the colour notation is grey in terms of the zoning maps issued by the Overstrand Municipality.	N/A
Primary uses	Agriculture, nature reserve	Tourist accommodation in the form of the resort, spa, curio shop/office, storage and carport.	Comply
Consent uses	Additional dwelling units, farm store, farm stall, intensive feed farming, riding school nursery, tourist accommodation	N/A	N/A
Land use restrictions			
Building line	10m	The closest building is located 244m from the boundary line of the farm.	
Height	8,5m (measured from the highest point of any part of the building / structure vertically down to the natural ground level abutting the structure.) The local authority may however restrict this height further, where it is deemed to have a detrimental visual impact.	4,5m	Comply
Coverage	As required by the local authority.	0,033%	Comply
Density	As required by the local authority.	Resort as approved.	Comply
Parking	As required by the local authority. Boarding house/guest house = 1 bay Shops/offices = 6 bays per 100m ²	Resort = 5 parking bays Curio shop and spa = 3,31 bays 8,31 parking bays required 35 parking bays provided	Comply
Further land use restrictions	The above primary uses, when	Amendment of the site development	Comply

	<p>combined on a land unit, must be indicated on a detailed site development plan, which plan must also indicate the cadastral co-ordinates of the areas, and the plan of which must be submitted to the local authority for approval. Further, all existing buildings / structures on the cadastral land unit must be indicated on the site development plan, and any building plans for buildings / structures to be erected in future, must be accompanied by a revised site development plan.</p>	<p>plan attached.</p>	
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6.3 Heritage Protection Overlay Zone

Scenic Drive and Landscapes of Very High Natural, Scenic and Heritage Significance

A route of Regional Scenic Significance cuts through the subject property but the proposed additional buildings does not have an impact on this and can not be seen from this route neither can it be seen from the R43 which is also a route of Regional Scenic Significance going from Stanford to Hermanus.

There is no buildings of Heritage value on this property.

This property falls within the Very High Natural Landscape Significance but the resort applicable has already been approved within this area and the additional buildings does not alter or have any effect on the landscape or environment as it's on previously disturbed land and on the edge of the resort parking area. Minimum to no impact on it's surroundings.

6.4 Environmental Management Overlay Zone

Coastal Protection Zone and Urban Conservation Zone

The subject property falls within the Coastal Protection zone as well as the Urban Conservation Zone but does not take part in any of the prohibited activities.

Farm 1012 forms part of the Walker Bay Fynbos Conservancy through which it works together with neighbouring farms to conserve the fauna and flora of the area. As funds are available through the conservancy patches of land are being cleared of alien species periodically and also through woodcutting making use of local residents to earn an income.

The property is also in the process of being declared a Nature Reserve with the help and collaboration of Birdlife South Africa and the World Wildlife Fund.

**PROHIBITED ACTIVITIES IN OVERSTRAND ENVIRONMENTAL MANAGEMENT
OVERLAY ZONES**

PROHIBITED ACTIVITY	Applicable Environmental Management Overlay Zone (EMOZ)		
	Coastal	Urban Conservation	Farm 1012
Agricultural practices within this EMOZ which may cause water logging and siltation.	X	X	COMPLY
Planting or harbouring of declared alieninvasive plant species on properties located within and adjacent to this EMOZ.	X	X	Doing alien clearing through the Walker Bay Fynbos Conservancy & on our own.
Planting or harbouring of declared emerging weeds on properties within and adjacent to this EMOZ.	X	X	COMPLY
Planting or harbouring of locally important emerging weed species within and adjacent to this EMOZ.	X	X	COMPLY
Development or agriculture on slopes steeper than 1:4.	X	X	COMPLY
Development above the 120m geographical contour line.		X	COMPLY
Development on the crest of a mountain, ridge or hill.		X	COMPLY
Establishment of Informal settlements or Temporary Relocation Areas.	X	X	COMPLY
No land user within this EMOZ may utilise the vegetation in a vlei, marsh or within the flood area of watercourse in a manner that may cause the deterioration or damage to the natural agricultural resources.	X	X	COMPLY
Placement of religious symbols or memorabilia.	X	X	COMPLY
Harvesting /collection of kelp / seaweed in municipal designated "no-take" zones.	X	X	N/A
Harvesting, collection, moving, loading drying of kelp /seaweed, with a valid Seaweed Harvesting Permit or an exemption in terms of Section 81 or the MLRRA issued by the DAFF.	X	X	N/A
Stockpiling, drying, processing or loading of marine resources beyond areas designated, demarcated and signposted	X	X	N/A

by the Municipal Council for such purposes.			
Modification of the littoral active zone / functional dune systems in absence of approved management plans.	X	X	COMPLY
Feeding, disturbing / pursuit of fauna.	X	X	COMPLY
Disturbance, modification or destruction of the environment or species within special management areas designated, demarcated and signposted by the Municipal Council from time to time.	X	X	COMPLY
Defacing/damaging / removing of any notice, sign, barrier building or other infrastructure.	X	X	COMPLY
Playing or tampering with any rope, float, buoy, vessel, shelter or similar life - saving device.	X		N/A
Staying overnight.	X	X	Only overnight stays allowed in approved resort
The discharging of domestic effluent / grey water into all natural systems.	X	X	COMPLY
Tampering with security / surveillance infrastructure.	X	X	COMPLY
Defacing of rocky outcrops and placement of memorial plaques, religious symbols or structures on natural features.	X	X	COMPLY
Graffiti, vandalism or damaging of municipal infrastructure.	X	X	COMPLY
Littering	X	X	COMPLY
Disposal of cigarette butts, ash or other hazardous materials in any place or manner other than a receptacle designated for such items	X	X	COMPLY
Dog walking / exercising of dogs in non- designated zones.	X	X	COMPLY

ACTIVITIES ONLY PERMITTED WITH COUNCIL CONSENT IN OVERSTRAND ENVIRONMENTAL OVERLAY ZONES

A) ACTIVITIES ONLY PERMITTED WITH COUNCIL CONSENT	Applicable Environmental Management Overlay Zone (EMOZ)		
	Coastal	Urban Conservation	Farm 1012
Permission for the utilization of access routes to permitted kelp / seaweed harvesting sites.	X	X	N/A
Removal or destruction of vegetation which is protected and/or of conservation concern.	X	X	COMPLY
Dune maintenance on private land as per approved dune maintenance management plans.	X	X	N/A
Excavation and destruction or removal of substrate (soil, substrate, rock, shellgrit, dune sediment, mineral deposits).	X	X	COMPLY
Discharging of pool backwashing or untreated grey water or the channelling of storm water into open spaces without the necessary approval from the Municipality.	X	X	COMPLY
B) PERMIT UPON APPROVAL BY DELEGATED AUTHORITY AND / RECEIPT OF TARIFF	Coastal	Urban Conservation	Farm 1012
Installation of conservancy tanks or biological treatment plants within 50 metres from the edge of a watercourse / wetland.	X		N/A
Access from private properties to open spaces, including the removal of vegetation and the establishment of paths, structures and infrastructure.	X	X	All paths, structures and infrastructures are existing and proposed buildings are old previously cleared land
Commercial filming.	X	X	Comply
Construction or placement of any temporary object, building, shelter, path or structure.	X	X	The hot tub at the resort is of a temporary nature and is noted on the SDP seeking approval.
Use of engine or motor driven vehicles, remotely piloted aircraft or any other means of transport or other conveyances beyond designated, demarcated and signposted areas	X	X	Comply
Launching of vessels at registered launch sites.	X		N/A

ACTIVITIES ONLY PERMITTED WITH COUNCIL CONSENT	Applicable Environmental Management Overlay Zone (EMOZ)		
	Coastal	Urban Conservation	Farm 1012
C) COUNCIL AUTHORISATION PENDING Consent Use Application / Lease Agreement / Applicable Tariffs as applicable			
Buildings / Structures associated with: Taking of water, storing of water, impeding or diverting flow, stream flow reduction, altering the bed, banks, course characteristics, outflow structures or discharge pipes.	X	X	Comply
Application for the designation of industrial sites and activities associated with the seaweed harvesting, collection, drying, transport and processing fishery.	X	X	N/A
Encroachment of private buildings, structures, infrastructure, access routes.	X	X	Comply
Commercial Harvesting/collection and removal of any natural resource.	X	X	N/A
Construction or placement of any permanent object, building, shelter, pathway or structure.	X	X	New proposed buildings addressed in SDP submitted for approval

7. SPATIAL PLANNING INITIATIVES

The Western Cape Provincial Spatial Development Framework (2014) and Overstrand Municipality Growth Management Strategy was assessed, and the amendment of the SDP does not trigger any provisions in the documents.

8. PLANNING PRINCIPLES

An analysis of the applications' consistency with the planning principles was analysed. It is herewith highlighted how the amendment of the SDP is consistent with the spatial planning principles are in terms of Section 42 of the Spatial Planning and Land Use Management Act, 2013 and Chapter VI of the Land Use Planning Act, 2014.

Planning principles	Consideration and impact
Spatial Justice "Refers to the need to redress the past apartheid spatial development imbalances and aim for equity in the provision of access opportunities, facilities, services and land."	The approval of the amended SDP will not in any way contribute to perpetuating the spatial imbalances caused by apartheid spatial planning.
Spatial Sustainability "A spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscape and ultimately limits urban sprawl."	The proposal will not in any way compromise on biodiversity rich areas as well as the scenic and cultural landscape and will not cause urban sprawl. The proposed office, storage and carport is strategically located on the edge of the resort parking on previously cleared space.
Efficiency "Efficiency refers to the need to create settlements that optimise the use of space, energy, infrastructure, resources and land."	The amended SDP depicts that the structures on the property optimise on the development potential existing on the subject property while blending in with the existing rural context. The amended SDP is therefore efficiently using space, resources and land while being sensitive to the existing rural character.
Spatial Resilience Spatial resilience in the context of land use planning refers to spatial plans, policies and land use management systems should enable the communities to be able to resist, absorb and accommodate these shocks and to recover from these shocks in a timely and efficient manner.	The proposal for the amendment of the SDP is not in contrast with any provisions in the applicable spatial policies.
Good Administration Good administration in the context of land use planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role players ensure a joint planning approach is pursued.	The Overstrand Municipality has an integrated consultative planning process where the application is discussed with all role players.

9. EVALUATION

The synopsis will outline how the application is practicable and viable on the site. The evaluation will consider site specific circumstances and how the application fits into the character of the area.

Application

- Amendment of the site development plan in terms of Section 16(2)(1) of the Overstrand By Law on Municipal Land Use Planning, 2015.

Character of the environment

The subject property is located 7,7km from Stanford and the village increasingly functions as

a popular tourist destination. The farms in Stanford also function as tourism establishments or farming enterprises and the amended SDP depicting the tourism establishment with its support buildings blends in with the rural character of the area.

Title deed

An examination of the title deed T11743/2020 reveals that there are title deed restrictions and it will herewith be assessed how this proposal is compliant with the title deed details.

- The amended SDP contains tourist facilities, a resort and a dining and kitchen area with an office, storage unit and carport.
- The subject property already has an approved resort as depicted on the SDP and the total extent of the resort 355m².
- The SDP also indicates a farm manager's residence of 265m².
- The existing spa has an extent of 55m².

Need and desirability

- The amendment of the SDP is not in contrast with any provisions in the SDF.
- There is a definite need in Stanford for additional tourist offerings which would promote Stanford as a viable tourist destination.
- The services section of this report has unpacked the availability of services in detail.
- The relevant resource data reveals that there is a critical biodiversity area and wetland on the subject property (refer Plan 4)
- The northern part of the subject property is an estuary and will attract tourists due to the beauty of the place and cause tourists to have a greater appreciation for natural systems.
- The amendment of the SDP will not have any impact on culturally sensitive areas and not result in an unacceptable cumulative impact nor will there be any impact on the surrounding fynbos as the proposed office, storage and carport will be on a previously cleared piece adjacent to the parking area that has already been approved in a previous SDP.

Zoning Overlay

Agriculture Zone 1: Agriculture

The zoning overlay for Agriculture Zone 1: Agriculture (AGR1) only relates to the portion of the subject erf with this zoning.

- A farm manager's residence is a primary right.
- The farm manager's residence is located 111m from the boundary line and does not encroach on the 30m building line.
- Two parking bays are required, and 4 parking bays are provided.
- A two-storey building is permitted, and the farm manager's residence is only a single storey building.
- The height of the farm manager's residence is 3,6m.

Special zone

The special zone only pertains to existing structures and their supporting buildings which are on the part of the property zoned special zone.

- The overnight tourist accommodation is a primary right.
- The office and storage as well as the carport fall within the primary right of the tourist accommodation as these are support buildings for fulfilling the main business which is providing 5 Star Tourist Accommodation and service.
- The closest building is located 244m from the boundary line and does not encroach on the 10m building line.
- The existing structures are 3,5m high and below the permissible 8,5m height restriction, the proposed office is the highest of the new buildings and stands at 4.5m.
- The coverage of the existing buildings and proposed dwelling house is 0,033%.
- There is a requirement of 8,31 parking bays and 35 parking bays are provided.

- The amended site development depicts all the existing and proposed uses.

Heritage Zone

A route of Regional Scenic Significance cuts through the subject property but the proposed additional buildings does not have an impact on this and can not be seen from this route neither can it be seen from the R43 which is also a route of Regional Scenic Significance going from Stanford to Hermanus.

There is no buildings of Heritage value on this property.

This property falls within the Very High Natural Landscape Significance but the resort applicable has already been approved within this area and the additional buildings does not alter or have any effect on the landscape or environment as it's on previously disturbed land and on the edge of the resort parking area.

Environmental Zone

The subject property falls within the Coastal Protection zone as well as the Urban Conservation Zone but does not take part in any of the prohibited activities.

Farm 1012 forms part of the Walker Bay Fynbos Conservancy through which it works together with neighbouring farms to conserve the fauna and flora of the area. As funds are available through the conservancy patches of land are being cleared of alien species periodically and also through woodcutting making use of local residents to earn an income.

The property is also in the process of being declared a Nature Reserve with the help and collaboration of Birdlife South Africa and the World Wildlife Fund.

Spatial planning initiatives

The Western Cape Provincial Spatial Development Framework (2014) and Overstrand Municipality Growth Management Strategy was assessed, and the amendment of the SDP does not trigger any provisions in the documents.

Planning principles

- Spatial justice: the approval of the amended site development plan will not in any way perpetuate the spatial development imbalances caused by apartheid planning.
- Spatial sustainability: the approval of the site development plan will not compromise on agriculturally viable land and will not cause urban sprawl. The proposed office, storage and carport is strategically located on the edge of the resort parking on previously cleared space.
- Efficiency: the approval of the amended site development plan will enable the subject property to use land and resources while being sensitive to the immediate rural context of the village.
- Spatial resilience: this proposal is not in contrast with the any spatial planning documents.
- Good administration: The Overstrand Municipality has an integrated consultative planning process where the application is discussed with all role players.

This application took into consideration the site-specific circumstances of the subject property, title deed restrictions, and services connected to the property, various planning policies and the planning principles.

10. ADMINISTRATIVE PENALTY

Regarding the determination of an administrative penalty the request is that no administrative penalty be issued due to the following reasons:

- the subject property is a rural property with no interference to any of the neighbours
- the office and storage building as well as the carport erected is an integral part of running the resort/lodge efficiently and the property exchanged ownership during October 2019 just before the high tourist season of our area and the building previously housing these functions is not located on Farm 1012 and was not part of the sale agreement
- the office, storage and carport was erected on previously cleared land so no damage was done to the surrounding Fynbos and environment
- shortly after erecting these buildings our country went into a National State of Disaster with the whole country under lockdown and the tourist industry in a massive downward spiral of which they are still trying to climb
- the necessary building plans and site development plans were drawn up with the first version ready in November 2020 when the formal process started to get all plans approved by Overstrand Municipality and Town Planning
- however this has not been a smooth process as the owner of Farm 1012 inherited a lot of unfinished work from the previous owner relating to Overstrand Municipality without their knowledge
- everything has been done in their power to rectify all outstanding business and documents with Overstrand Municipality and a lot of work has been done in this regard.
- no additional income has or will be generated from these additional buildings as they are purely of a supporting nature to the main business which is the already approved and established resort/lodge.

Application of an Administrative Penalty	Farm 1012
the nature, duration, gravity and extent of the contravention;	A small office, store room and car port was build on previously disrupted land on the edge of the current approved parking in order to continue business smoothly after the sale of the property. The buildings still fall within the land use and zoning for this property.
the conduct of the person (allegedly) involved in the contravention;	The owner acted in good faith wanting the best for the business as discussed in above paragraph
a report by a quantity surveyor in matters of unauthorised building/construction;	n/a
whether the unlawful conduct was stopped; and	No, but rectified as soon as we could.
whether the person allegedly involved in the contravention has previously contravened this By-Law or a previous planning law.	No

11. RECOMMENDATION

This motivation report has provided clear analyses of the proposed amendment of the site development plan. The proposal has also been proven to be desirable as it has tangible benefits to the current business and property owner.

Considering the above, it is recommended that the following application be approved:

- Amendment of the site development plan in terms of Section 16(2)(l) of the Overstrand By Law on Municipal Land Use Planning, 2015.
- No Administrative Penalty be issued as per Article 90(3)(a) to (e) of the OVERSTRAND AMENDMENT BY-LAW ON MUNICIPAL LAND USE PLANNING, 2020

ANNEXTURES AND MAPS

1. Latest approved SDP dated 25 May 2021
2. Amended SDP to be approved
3. Overlay Zone Map 10 – Stanford – Scenic Routes
4. Overlay Zone Plan 1 – Coastal Protection Zone
5. Overlay Zone Plan 5 – Urban Conservation
6. Overlay Zone Plan 5 - 9A & 9B
7. Overlay Zone Plan B Overstrand Wide
8. Zoning Certificate
9. Conveyancer's Certificate as received from previous owners of the property
10. Surveyor Diagram 1 & 2
11. Zoning Plan
12. Locality Plan
13. Old Title Deed T4208/2016
14. Current Title Deed T11743/2020
15. Building Plans – Original Lodge/Bushcamp
16. Building Plans – Office/Curious Shop, Storage Unit and Carport
17. Proof of payment for scrutiny fees for building plans
18. Proof of payment for fee for the amendment of the SDP
19. Special Zone Approval
20. Notule t.o.v magtiging om namens maatskappy dokumente te onderteken

3. OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK, MAY 2020

The Municipal Spatial Development Framework is a sectoral component of the IDP that, in terms of the MSA, is aimed at providing general direction to guide decision making on an ongoing basis, aiming at the creation of integrated, sustainable and habitable regions, cities, towns and residential areas.

3.1 Spatial Context

Overstrand Municipality is located along the south western coastline of the Overberg District Municipal area, within the Western Cape Province of South Africa. The Overberg area borders the City of Cape Town in the west, the Cape Agulhas Municipality to the east and the Theewaterskloof Municipality to the north.

Spatial transformation is advocated given the enormous costs imposed by existing spatial divides. The NDP identifies infrastructure as essential for development and prioritises; upgrading informal settlements on suitably located land; rolling out public transport systems; improving freight logistics; augmenting water supplies; diversifying the energy mix towards gas (i.e. imported liquid natural gas and finding domestic gas reserves) and renewables; and rolling-out broadband access. It emphasises that it is required to implement strategically chosen catalytic interventions to achieve spatial transformation in a manner that supports locally driven spatial governance, to promote a low carbon economy, prevent marginalised housing and to manage and reduce the impact of in-migration to reduce urban sprawl.

In-migration is a key challenge for the Overstrand. This is specifically challenging given the limited amount of developable land. The application of urban edges to manage and protect the pristine further renders the in-migration of large numbers of people highly challenging. The Overstrand natural key spatial policy mechanism being applied to facilitate growth in a positive and structured manner is via its Growth Management Strategy (OGMS) which advocates densification and land intensification. The NDP goal of spatial transformation is to a large extent realised by application of the OGMS. The continued implementation thereof and integration of its key principles with the MSDF is therefore a profound effort in realising the NSDP goals with an emphasis on spatial transformation and reduction of urban sprawl.

3.2 Our Rural and Urban Environments

On a Municipal scale, Overstrand consists of three broad landscape zones namely the coastal belt, coastal plain and mountainous areas. The landscapes are traversed by a system of riverine corridors. The coastline stretches from False Bay to the Cape Agulhas Peninsula with thirteen coastal towns located in this area. The coastal plain forms the base for mainly extensive agricultural activities such as the farming of wheat, flowers, canola and dairy products. A number of small towns function as service centres for the area. The mountainous zones are comprised of amongst other, expansive protected natural areas, privately owned forest plantations, small-holdings and larger agricultural holdings, including wine farms.

Tourism is a major economic driver in the Overstrand and its popularity as a holiday destination results in a fourfold increase of its population over the holiday seasons. In addition to the pristine beaches dotting the coastline the Overstrand boasts of three Blue Flag beaches and a number of major tourism areas/attractions of national and international significance.

Hermanus, the business and cultural heart of the Overstrand, is situated between mountains and the Atlantic Ocean and is a 1½ hour (140 km) scenic drive from Cape Town. Tourism is a main contributor to the economy of Hermanus and businesses catering for the robust hospitality industry are plentiful. Hermanus is also known as the best land based whale watching destination in the world.

A number of smaller scale recreational resort nodes are located along lagoons and estuaries formed as the result of the regional system of riverine corridors originating in the upper mountain areas and terminating at the coastline. Land use trends related to agricultural areas of the municipality include the development of non-agricultural land uses aimed at supplementing bona fide farming activities. Some trends entail the replacement of agriculture with other land use types. This being mainly the result of economically non-viable agricultural operations, and contributes to the need for alternative income sources. The main categories of non-agricultural uses in this context are game lodges, resorts, small holdings, farm stalls, guest accommodation, extensive industries and agri-industries.

3.3 Stanford

Stanford is an increasingly popular tourist destination due to its historical character - the settlement dates from the mid-nineteenth century. The town is located on the banks of the Klein River, 22km east of Hermanus and 21km west of Gansbaai.

The Klein River on the northern side of the village, the stream originating from "Die Oog" flowing towards the Klein River, as well as the R43 and R326 Provincial Roads, collectively form the structuring elements of Stanford. Stanford's residential suburbs on the western side of the R43 (North of the natural water course which drains into the Klein River) are renowned for its historical grid layout pattern. The more recent suburbs to the east of the aforementioned water course are characterised by higher density more modern layout patterns, although informed to an extent by the said historical grid layout. The eastern suburbs were laid out based on the garden city concept.

The historical grid layout and Cape vernacular townscape is regarded as such a significant heritage resource, that the Overstrand Municipality delineated this entire area as a individual and unique draft HPOZ (Refer Municipal Website for detail). In addition to the aforementioned, the area south of the natural spring (i.e. "Die Oog") and the area that connects to the non-perineal river that bisects the town have been included in one urban conservation EMOZ (draft) (therefore protected in terms of the draft EMOZ regulations). Stanford's historical townscape, its significant heritage resources related thereto as well as its natural resources are therefore very well protected. In terms of urban land uses, the town has a distinct business area along its main road with industrial areas located along the R43. In terms of services infrastructure delivery, the following should be noted:

- The Stanford road network is well established and functions at an acceptable service level.
- The fresh water source serves the village via a well-developed water reticulation network.
- A small part of the town relies on septic- and conservancy tanks that need to be connected to the existing sewage network that had recently been upgraded. The upgrade of the WWTW has been completed.
- The town is adequately serviced in terms of stormwater management.
- Bulk electricity is supplied by the Municipality and is sufficient.
- Sufficient capacity exists with regards to the solid waste management system.

3.4 Key policies directing future management and development

Key Policies	Proposed Development
Ensure that environmentally sensitive areas, significant cultural landscapes and heritage sites are protected and enhanced.	No heritage sites on site of development, proposed buildings is on already disturbed land on the edge of the current parking lot of the existing lodge.
Ensure the protection of prominent indigenous vegetation and the habitats of indigenous fauna.	Proposed buildings is on already disturbed land on the edge of the current parking lot of the existing lodge.
Ensure that development is confined within urban edges and growth is managed based on sustainable densification principles.	The proposed new buildings is on the edge of the current parking lot of the lodge on already disturbed land well within the current footprint of the lodge.
Encourage and support the development of networks of open space that sustain and enhance eco-system functioning, connect fragments of vegetation, protect waterways and regenerate the natural environment.	The property is 376ha of which 99% is open space. A lot of the property is covered in alien species which are being cleared in cooperation with Flower Valley and the Walker Bay Fynbos Conservancy.
Encourage natural dune processes to occur where appropriate and proactively work towards reducing coastal erosion.	A lot of the property is covered in alien species which are being cleared in cooperation with Flower Valley and the Walker Bay Fynbos Conservancy.
Encourage the design and construction of new developments and retrofitting of existing buildings based on low environmental impact design principles, the utilisation of energy efficient sources and locally sourced materials.	The existing lodge is build complete of out natural locally sourced materials through wood and stone. The proposed new buildings is modern low energy buildings complimenting the look and feel of the existing buildings.
Roads traversing the outstanding scenery of the Overstrand Municipality should be designated as scenic routes, and views and vistas from these routes should be protected from insensitve development.	No new roads are planned and all existing roads are being used as to not have any new impact on the surrounding fynbos.
Ensure that facilities/amenities cater for the need of all of the Overstrand's inhabitants including those reliant on public transport, the elderly and physically impaired.	The facilities is open to all and public transport can be used to get to the lodge. However transport is provided to staff free of charge in and out from Stanford.
Create a network of well-designed public spaces that support participation in social, recreational and cultural events.	The Wortelgat Road has a number of different tourist attractions on and is becoming a tourist hot spot of it's wine. From wine farms, villas, restaurants, lodges and spa facilities.
Ensure that tourism destinations are accessible, safe and attractive by means of maintaining and developing new facilities.	In order to operately safely and attractively the new buildings for office and storage space has been proposed as it was previously hosted by a different property which no longer forms part of this property. Having a 5 Star Tourism rating it's critical to operate attractively, safely and practically.

3.5 Summary

Adding the proposed new buildings (office, storage and carport) will not adversely affect the Overstrand Spatial Development Plan. As Tourism forms an integral part of this plan it's important that facilities are maintained and developed accordingly. When we bought the property in 2019 none of these support activities to the lodge could be carried out at the lodge itself and therefore new buildings were proposed to house the stock of the lodge safely, have a effective and supportive office space for administrative staff and have a secure space for all the lodge vehicles. All of this we managed to do on already disturbed land and NO extra load was put on our sewerage and water usage. Accordingly the new proposed buildings with the existing buildings fall well within the guidelines of the Overstrand Spatial Development Framework.

4. WESTERN CAPE LAND USE PLANNING GUIDELINES, RURAL

4.1 Objectives of the rural area guideline

Forming part of the roll-out of the PSDF, the objectives of the Rural Areas Guideline are to:

- Promote sustainable development in appropriate rural locations throughout the Western Cape, and ensure the inclusive growth of the rural economy.
- Safeguard priority biodiversity areas and the functionality of the Province's life supporting ecological infrastructure and ecosystem services (i.e. environmental goods and services).
- Maintain the integrity, authenticity and accessibility of the Western Cape's significant farming, ecological, coastal, cultural and scenic rural landscapes, and natural resources.
- Assist Western Cape municipalities to plan and manage their rural areas more effectively, and to inform the principles of their zoning schemes and spatial development frameworks in a pro-active manner.
- Provide clarity to all role players and partners (public and private) on the type of development that is appropriate beyond the current built-up areas, suitable locations where it could take place, and the desirable form and scale of such development.

Whilst the Rural Areas Guideline is informed by complementary rural planning policies and - development strategies of all spheres of government, this Guideline specifically focusses on the spatial planning of rural areas and the management of pressures for land use change in the context of the Western Cape. **The Rural Areas Guideline gives a broad guideline of the type and extent of activities supported in a rural context and should contribute to the ease-of-doing-business in rural areas and fast track development in the Province.**

4.2 Overview of the Western Cape's Rural Landscape

The Western Cape is the fourth largest of the nine provinces, with an area of 129 449km² and makes up 10.6% of the country's land surface. The PSDF Specialist Study: Significance of Heritage and Scenic Resources 2014, provides more information on the landscape context of the Province. In this study, a geomorphological approach was used because it was found that geology and landform was an overriding trait in determining landscape types at a broad scale. Together with the coastline, the mountain ranges belonging to the Cape Fold Belt are without doubt, the most significant assets in scenic terms, providing ample leisure opportunities and consequently the foundation of the Western Cape's tourism economy. The settlement chronology of the Western Cape from the 17th century onwards, as well as the spatial distribution and origins of numerous historical settlements, are one aspect of a very complex and diverse heritage overview of the Province, ranging from its ancient fossil and pre-colonial archaeological record, to its early and later colonial, apartheid and democratic periods.

4.2.1 The Overberg

The District of Overberg consists of Theewaterskloof, Swellendam, Overstrand and Cape Agulhas Municipalities. The District plays an important role from a food security and agricultural and tourism perspective. A dynamic tension exists between supporting tourism along the coast and preventing the further loss of coastal and marine ecosystems.

4.3 Rural Vision

The Western Cape economy is founded on the Province's unique asset base. These include farming resources, that make the Western Cape the country's leading exporter of agricultural commodities and whose value chains (e.g. agri-processing) underpin the Province's industrial sector; and its natural capital (i.e. biological diversity) and varied scenic and cultural resources which are the attraction that makes the Western Cape the country's premier tourism destination. The Western Cape seeks to ensure: 1) sustainable development of its rural areas; 2) conservation of their biological diversity; 3) functionality of ecosystems; 4) protection of agricultural productive land; and 5) safeguarding of rural heritage and culture.

4.4 Spatial Planning Categories

The Rural Areas Guideline distinguish between six SPCs, namely:

- Core 1
- Buffer 1
- Agriculture
- Core 2
- Buffer 2
- Settlement

Biodiversity priorities are divided into the following Biodiversity Spatial Plan Map Categories:

- Protected Area
- Critical Biodiversity Area
- Critical Biodiversity Area: Degraded
- Ecological Support Area
- Ecological Support Area: Restore
- Other Natural Areas
- No Natural Remaining

Farm 1012 falls within a Critical Biodiversity Area and as such Core 1.

4.4.1 Guidelines on land use and activities in the Core 1 SPC

Permitted Activities	Farm 1012
Essentially Core areas are 'no-go' areas from a development perspective. Accordingly, human impact must be restricted to ensure that there is no further loss of natural habitat.	The current lodge with proposed new buildings take up less than 1% of the property with the rest of the 376ha being natural veld.
Conservation management activities, such as alien clearing, research and environmental education should be encouraged.	Alien clearing is being carried out on the property through various ways in cooperation with Stanford Locals and the Walker Bay Fynbos Conservancy.
Subject to stringent controls the following biodiversity-compatible land uses (i.e. those of very low impact) may be accommodated in Core 1 areas: non-consumptive low impact eco-tourism activities, such as recreation and tourism (e.g. hiking trails, bird and game watching, and visitor overnight accommodation); and — harvesting of natural resources (e.g. wild flowers for medicinal, culinary or commercial use), subject to a management plan demonstrating the sustainability of harvesting.	Mosaic Lagoon Lodge offer low impact eco-tourism with guided nature based activities and overnight accommodation as per the permitted activities. At this stage NO wild harvesting is allowed on the property.

Controlled livestock grazing and game farming must be informed by the habitat type, grazing potential and other site sensitivities. Where Core areas are identified on land that has no formal conservation status (e.g. private farm), no further loss of natural habitat should occur and lower than standard stocking rates are encouraged.	NO livestock on the property.
Powerlines may be permissible under certain conditions.	NO overhead powerlines on the property.
Given the often high visual or aesthetic value of these landscapes, no large-scale eco-tourism developments to be permitted.	The existing buildings and proposed new buildings are well hidden within the natural surroundings making it aesthetically pleasing.
Land consolidation should be encouraged and subdivision prohibited.	Farm 1012 has been consolidated and now only forms one title deed where it used to be 6.

4.5 Conservation

Biodiversity, heritage and scenic resources all form part of the rural conservation agenda, both at landscape and farm level. The WCG approach to Conservation is to formally protect priority conservation areas, establish ecological linkages across the rural landscape, and mainstream a conservation ethic into all rural activities.

Farm 1012 already forms part of the Walker Bay Fynbos Conservancy through which we aim to play a part in conservation. Furthermore during 2021 we are working towards being declared a Private Nature Reserve in cooperation with Birdlife SA and the WWF.

4.6 Rural Accommodation

Given the Western Cape's unique rural communities and landscapes, tourism offers exciting prospects to diversify and strengthen the rural economy. Accordingly, the WCG approach to Rural Accommodation, is to facilitate the provision of a variety of short term tourism accommodation across the rural landscape, that is in keeping with the local character.

Accommodation in the rural areas cater for:

- Tourist Accommodation, including resorts and nature reserves; and
- Agri worker housing.

4.6.1 Tourist Accommodation

Objectives

Objectives	Farm 1012
To provide a range of opportunities, including different typologies, for tourists and visitors to experience the Western Cape's unique rural landscapes; e.g. additional dwelling units on farms, B&Bs, guesthouses, backpacker lodges, lodges, resorts, hotels, and camping sites.	Existing 5 Star Lodge showcasing what our area has to offer to South African as well as International Guests. Proposed new buildings is in support to the existing lodge being an office, storage room and carport.
To offer more people access to unique tourism and recreational resources in sought-after natural areas, where it would not otherwise have been possible.	Existing 5 Star Lodge showcasing what our area has to offer to South African as well as International Guests.
To contribute towards the sustainability and well-being of the relevant areas where tourist accommodation is considered.	There is currently a staff of 17 local residents providing an income to their families. Stanford residents are also provided the opportunity to make wood through alien clearing again providing for their families. Then there is also the conservation in cooperation with various partners

	as mentioned before.
To align the scale and form of overnight facilities with the character and qualities of the Western Cape's diverse rural areas.	The existing lodge is a small 5 suite establishment well hidden within the surrounding Milkwoods. The proposed new buildings fits in with the existing buildings and still only takes up less than 1% of the total property.
To diversify farm income.	NO farm income.
To provide accommodation in proclaimed nature reserves.	In the process of being declared a private nature reserve.

4.7 Summary

The existing lodge (accommodation establishment) has already been authorised through various means and this application does not apply to a complete new establishment. It only wishes to address the adding of a office space, storage facility and carport in order to operate practically and cost effectively. Looking at the Western Cape Land Use Planning Guidelines, the proposed new buildings fall within the guidelines and should be supported.

5. Cross-referencing of structures

Proposed new buildings as per SDP dated 16/06/2021:

- Building 10 – Office/Curious Shop
- Building 11 – Prep/Storage Facility
- Building 12 – Storage Unit for equipment (not new, bought with property)
- Building 13 – Carport/Covered parking for lodge vehicles

6. ADDITIONAL PARKING AREA

The additional parking area that is indicated on the SDP is NOT a formal parking area, in fact it is our firebreak. We thought that we might just show that there is additional parking space available for what ever reason or even in the case of an emergency where vehicles have to be moved from the formal parking area away from the lodge.

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GENERAL:

1. All work to comply with NATIONAL BUILDING REGULATIONS.
2. Habitable rooms to have min. 13% floor area cross-ventilation.
3. Vertical D.P.C. to all changes in floor levels.
4. All work to be carried out in accordance with local authority requirements.
5. All work to be carried out in accordance with local authority requirements.
6. All levels unless otherwise indicated are finished floor levels.
7. Finished floor levels are to be min. 150mm above N.G.L.
8. Any discrepancies are to be reported to the offices of the Architects.
9. All glazing is to comply with part M of the NBR.

LEGEND:

- New Brickwork
- New Timberwork
- New Steel
- New Foundation/Concrete
- New Sewer Line
- New Stormwater Line

No.	Date	Description	B
Revision Schedule			

PROJECT:
Farm 1012 - Caledon (Maryke De Villiers)

DESCRIPTION:
Site Development Plan & Parking Layout

SCALE:
As indicated

DRAWING DATE:
2021/05/21

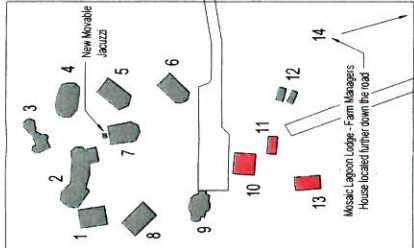
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JG

PLOT DATE:
2021/08/04 12:55:22

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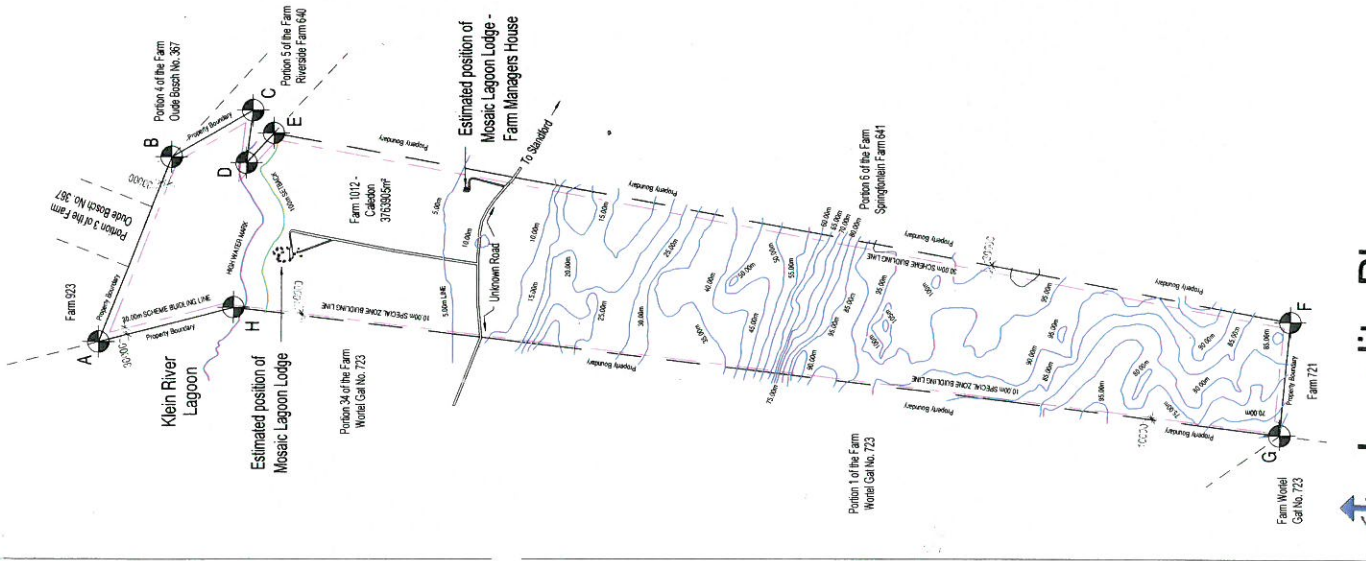
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 jg@gericke-argitektoniese.co.za
 Lid van SAIT : S07023



No.	Description	Area	Longitude	Latitude
1	Unit 2	84,20m²	19°38'05"E	34°42'03"S
2	Dining/Bar Facility Area	171,10m²	19°38'07"E	34°42'03"S
3	Pool Facility	50,50m²	19°38'08"E	34°42'01"S
4	Boma Area	108,20m²	19°38'10"E	34°42'02"S
5	Unit 4	74,10m²	19°38'10"E	34°42'02"S
6	Unit 5	73,10m²	19°38'11"E	34°42'02"S
7	Unit 3	74,10m²	19°38'09"E	34°42'04"S
8	Unit 1	74,10m²	19°38'05"E	34°42'02"S
9	Spa Facility	106,10m²	19°38'06"E	34°42'01"S
10	Office/Cash Shop	72,20m²	19°38'07"E	34°42'02"S
11	Prep Storage Facility	27,40m²	19°38'09"E	34°42'02"S
12	Storage Units for Equipment	41,70m²	19°38'11"E	34°42'01"S
13	Carport/Gas Storage Area	81,00m²	19°38'07"E	34°42'01"S
14	Farm Managers House	206,70m²	19°38'33"E	34°42'28"S
Total Area		1342,80m²		
Coverage		0,035%		



Locality Aerial Illustration



Locality Plan

1 : 25000

