

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

**3.
TOWN PLANNING: CONCERNS IN RESPECT OF SPECIFIC RESORTS IN THE
OVERSTRAND MUNICIPALITY**

15/1/3/10/4

R Kuchar

Senior Manager : Town & Spatial Planning

8 June 2022

(028) 313 - 8900

1. Executive Summary

To submit and item to Council providing information about concerns from a town planning perspective in respect of specific resorts in the Overstrand Municipality.

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town- and Spatial Planning
Property Administration

3. Compliance with Strategic Priorities

- Provision of democratic, accountable and ethical governance
- Creation and maintenance of a safe and healthy environment
- Promotion of tourism, economic and social development

4. Delegated Authority

Executive Mayor

5. Legal Requirements

- Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)
- Amendment of the By-Law on Municipal Land Use Planning 2020
- Administration of Immovable Property Policy of Overstrand Municipality, as amended

6. Background/Discussion/Conclusion

6.1. Background

The below table provides a list of resorts, camping sites and caravan parks as identified within the Overstrand Municipality. Certain properties of concern were identified which requires action to ensure land use compliance in terms

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law).

RESORTS / CAMP SITES / CARAVAN PARKS IN OVERSTRAND MUNICIPAL AREA				
Area	Erf/ Farm	Resort Name	Owner	Zoning
Hangklip	Farm 559/29 Hangklip Smallholdings	Hangklip Hotel	Hangklip Prop Trust	Resort
	Farm 559/101 Hangklip Smallholdings	Hangklip 101	Hangklip 101 Share Block (Pty) Ltd	Resort
	Farm 559/59 Hangklip Smallholdings	Glen Graig	Glen Graig Training Centre	Community
	Farm 559/92 Hangklip Smallholdings	Oudebosch Cape Nature Resort	Provincial Dept of Transport & PW	Agriculture
Betty's Bay	Erf 2419 Betty's Bay	Disakloof Camping	Disakloof Jeugterrein	Resort
Kleinmond	Farm 562 Caledon Regional District	Palmiet Caravan Park	Overstrand Municipality	Open Space Zone 1
	Erf 5462 Kleinmond	Kleinmond Caravan Park	Overstrand Municipality	Special
	Farm 563/8 Caledon Regional District	Unknown name	WJC Mitchell	Agriculture
Middelvllei	Farm 892/0 Caledon Regional District	Elephant Farm	Elephant Ventures Africa CC	Agriculture
	Farm 566/8 Caledon Regional District	Meerensee	Meerensee Body Corporate	Resort
Hawston	Various	Meerenbosch	Various (Sectional Title)	Resort
	Various	Sandown Bay	Various (Sectional Title)	Resort
	Erven 174 - 178, 400, 2408, 2409 Hawston	Hawston Caravan Park	Overstrand Municipality & Hawston Bestuurs Komitee (174)	Resort
Fisherhaven	Erf 775 Fisherhaven	Fisherhaven Yacht Club	Overstrand Municipality	Public Open Space
Vermont	Erf 927 Vermont	Paradise Park	Magna Business Services (Pty) Ltd	Resort
	Erf 939 Vermont	Amana	Afrika Evangeliese Bond	Resort
Onrus	Farm 581 Caledon Regional District	Onrus Caravan Park	Overstrand Municipality	Resort
	Farm 581/364 Caledon Regional District	Kingswood Park	Devandtim Shareblock Co (Pty) Ltd	Resort
Sandbaai	Farm 581/336 Caledon Regional District	Habonim Campsite & Conference	Adama (Pty) Ltd	Resort
	Various	Mountain View Holiday Accommodation	Various (Sectional Title)	Resort
Voëlklip	Erven 4831 & 5327 Hermanus	De Mond	Overstrand Municipality	Resort
	Erf 4831 Hermanus (Kleinrivier)(to the east)	Undeveloped resort portion (Not De Mond)	Overstrand Municipality	Resort
	Erf 4833 Hermanus (Maanskybaai)	Lakeview chalets	Overstrand Municipality	Resort
Kleinrivier	Farm 633/6 Caledon Regional District	Unknown name	Lagoon Farms (Pty) Ltd	Agriculture
	Farm 633/29 Caledon Regional District	Hermanus Yacht Club	Hermanus Yacht Club	Resort
	Farm 633/27 Caledon Regional District	Blue Crane Park	Blue Crain Inv Pty Ltd	Resort
	Farm 633/34 Caledon Regional District	Lagoon Edge	Lagoon Edge Body Corporate	Resort
	Various	Lagoon Rock	Various (Sectional Title)	Resort
	Various	Wortelgat	Various (Sectional Title)	Resort
Stanford	Farm 1012/0 Caledon Regional District	Springfontein	Mosaic Lagoon Lodge (Pty) Ltd	Agriculture
	Farm 646/1 Caledon Regional District	Blue Moon	Biz Afrika 62 (Pty) Ltd	Resort
	Farm 660/14 Caledon Regional District	Stanford Valley Guest Farm	Ouboskraal (Pty) Ltd	Agriculture
	Farm 764/0 Caledon Regional District	Stanford Hills Farm tented accommodation	Stanford Hills Estate (Pty) Ltd	Agriculture
	Farm 679/18 Caledon Regional District	Paapjes Valley Farm Camp Site	H&N Grever	Agriculture
Gansbaai	Erf 207 Gansbaai	Gansbaai Caravan Park	Overstrand Municipality	Resort
Franskraal	Erven 1717 - 1720 Franskraal	Franskraal Caravan Park	Franskraal Karavaanpark BK	Resort
	Farm 708/19 Caledon Regional District	Pierre Jeanne Gerber Private Nature Reserve	PJA Gerber	Resort
	Farm 707 Caledon Regional District Gbay	Uilenkraalsmond	Overberg District Municipality	Resort
	Farm 220/2 Bredasdorp Regional Distr Gbay	Sandown Estate	Southern Spirit Props 25 (Pty) Ltd	Resort footprints
	Farm 695/23 Caledon Regional Distr Gbay	Strandskloof Caravan Park	LH&H Fourie	Resort
Pearly Beach	Farm 695/56 Caledon Regional Distr Gbay	?Separate portions - not acted on	TJ Hellenberg	Resort portions
	Erf 1556 Pearly Beach	Milkwood Chalets	WL Jordaan	Resort
	Erf 2644 Pearly Beach	Unknown name	FJM Komen	Resort
	Erf 1892 Pearly Beach	Holiday Accommodation	PSP Eiendomme CC	Resort
	Original Erf 2604 Pearly Beach	Pearly Beach Holiday Resort	Sectional Title	Resort and other
Legend:	Key concerns			
	Permanent residents; however, formalised			

Table 1: Resorts, campsites and caravan parks in Overstrand Municipality

The properties of concern (as marked in orange in the above table) are as follow and have been investigated for further consideration of the way forward:

1. Gansbaai Caravan Park
2. Franskraal Caravan Park
3. Pierre Jeanne Gerber Private Nature Reserve
4. Uilenkraalsmond Resort
5. Die Dam Public Holiday Resort

The properties are zoned Resort Zone in terms of the current Overstrand Municipality Land Use Scheme, 2020 (Scheme), which permits the following primary land use rights within the Resort Zone: conservation use, holiday accommodation, private open space, private road and tourist accommodation.

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

The relevant accommodation types permitted in terms of the zoning (unless otherwise limited or approved) are defined in terms of the Scheme as follow:

Holiday accommodation means “a harmoniously designed and built development used for holiday and recreational purposes, whether in private or public ownership, which: (i) consists of a single enterprise in which accommodation is supplied on a temporary basis and or by means of time-sharing only; (ii) may include the provision of a camping site, mobile home park and dwelling units; (iii) may also accommodate a restaurant and/or shop; indoor and outdoor recreation facilities for the use of paying lodgers and occupants of the establishment but excludes a hotel or conference centre”.

Tourist accommodation means “the letting of rooms or individual unit(s) (including a dwelling house/unit) on a temporary basis to transient guests where a daily or weekly tariff is applicable and includes a guest house, backpackers establishment, camp sites, and associated amenities, provided that the use complies with the requirements of any other relevant legislation”.

The current land use rights as per previous approvals or historic approvals (as could be obtained from records where readily available) are discussed below.

6.2. Discussion

The current land use rights as per previous approvals or historic approvals (as could be obtained from records where readily available) are discussed as follow:

6.2.1. Gansbaai Caravan Park

Gansbaai Caravan Park is accommodated on a portion of Erf 207 Gansbaai and owned by the Overstrand Municipality. The property was initially zoned for Resort Zone 1 purposes in terms of the then relevant zoning scheme regulations. The current zoning of the property is Resort Zone in terms of the Overstrand Municipality Land Use Scheme, 2020.

Gansbaai Caravan Park has 59 stands of which 14 are semi-permanent stands with structures on them. Lease agreements have been entered into during 1992 with the lessees, which agreements included an option of renewal for the lessee. In May 1995 Council approved that the said lease agreements be automatically renewed every six months as long as the lessee’s municipal account was not in arrears. The Property Administration Department has confirmed that, according to records there are no valid lease agreements in place as the previous agreements have all lapsed. The remaining temporary stands at the Gansbaai caravan park are managed and administered by the Area Manager Gansbaai with the help of a Resort Manager.

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

The land use of the property is not as per the Resort Zone of the property as the 14 semi-permanent structures are not available to the general public and 7 of the 14 structures are being occupied on a permanent basis. The matter will be discussed with the relevant municipal departments and addressed accordingly.



Figure 1: Overstrand Municipality GIS 2020 imagery of Gansbaai Caravan Park

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

dated 17 September 2010 confirmed that a new land use planning application had to be submitted as the initial application had been closed subsequent to the refusal from the Provincial Department. Therefore, the property currently has approval for Resort Zone limited to 50 stands, together with a subdivision creating Erven 1717 - 1721 Franskraalstrand, subject to certain conditions.

Currently, as per imagery from Google Earth dated 22 September 2021, an estimated number of structures counted on the property equates to more than 90 structures. The number of structures exceeds the number of stands originally approved and it is suspected that the structures are being occupied on a permanent basis, which is not permitted in terms of the Resort Zone. When comparing the aerial photography of 2020 available on the Overstrand Municipality GIS with the aerial photography of 2021 available on Google Earth, it is evident that expansion of the caravan park by means of construction of additional structures is continuously taking place.

The process to take action in terms of the Municipality Amendment By-Law on Municipal Land Use Planning, 2020 is already in motion. A notice of non-compliance will be served onto the property owner in due course providing instruction to cease the unauthorised land uses and to rectify the matter.



Figure 3: Overstrand Municipality GIS 2020 imagery of Franskraal Caravan Park

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**



Figure 4: Google Earth imagery dated 22 September 2021 of Franskraal Caravan Park

6.2.3. Pierre Jeanne Gerber Private Nature Reserve

Pierre Jeanne Gerber Private Nature Reserve is accommodated on Portion 19 of the Farm Fransche Kraal No. 708 Caledon and owned by Pierre Jeanne Alexander Gerber. The property is a proclaimed private nature reserve and was initially zoned for Resort Zone 1 purposes in terms of the then relevant zoning scheme regulations. The current zoning of the property is Resort Zone in terms of the Overstrand Municipality Land Use Scheme, 2020.

Land use planning approval was granted on 7 November 1988 for the rezoning of the subject property from Agriculture Zone 1 to Resort Zone 1 in terms of the then Section 8 Zoning Scheme Regulations, limited to the development of 30 chalets and 177 caravan stands, together with associated facilities (which included a swimming pool, shop, small golf course with club house, parks and a recreation hall). The land use rights on the property therefore are currently limited to holiday accommodation. Certain investigations have prompted the department's opinion that the property does not function as per the definition of holiday accommodation, neither operates within the limits as prescribed in the land use planning approval. Up to date, not all of the original conditions of approval have been complied with. A site development plan has not yet been approved. A plan for the attempt of a site development plan was submitted on 16 May 2011; however, the plan did not

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

meet the standards and requirements as were conveyed to the property owner, neither coincided with the original land use planning approval. It is suspected that the operation of the property is not as per the definition and intention of the zoning nor the definition of holiday accommodation, and that a number of the units are being occupied permanently. Additionally, the units are not made available to the public as per the intention of holiday accommodation and do not function as a single enterprise providing holiday accommodation to the public.

There are minor discrepancies between the aerial photography of 2020 from the Overstrand Municipality GIS and the aerial photography dated 22 September 2021 from Google Earth.

A notice of non-compliance has already been served onto the property owner to cease the unauthorised land uses and to rectify the matter. The case is being monitored and further action will be taken as required in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.



Figure 5: Overstrand Municipality GIS 2020 imagery of Pierre Jeanne Gerber Private Nature Reserve

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**



Figure 6: Google Earth imagery dated 22 September 2021 of Pierre Jeanne Gerber Private Nature Reserve

6.2.4. Uilenkraalsmond Resort

Uilenkraalsmond Resort is accommodated on the Farm U.K.R. West No. 707 Caledon and owned by the Overberg District Municipality. The property was initially zoned for Resort Zone 1 purposes in terms of the then relevant zoning scheme regulations. The current zoning of the property is Resort Zone in terms of the Overstrand Municipality Land Use Scheme, 2020.

This department has no record in respect of land use right approvals or approved site development plans. The zoning has been indicated on zoning maps as Resort Zone 1 (amended to Resort Zone). In terms of the current Overstrand Municipality Land Use Scheme 2020, the primary right within the Resort Zone is holiday accommodation, which does not permit permanent residency, and requires the accommodation to be available to the public.

No supporting records could be found in the Overstrand Municipality Archives in respect of the historic land use rights on the property. The Overberg District Municipality Archives were investigated, and no approvals could be obtained. Documentation was available which indicated that Uilenkraalsmond has been used as a camping site since 1959 (possibly earlier) as could be determined from a proclamation in the Government Gazette PK 786/1959, which dealt with the amendment of resort tariffs and referred to camping regulations from

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

1954. The said regulations published in terms of PK 405/1954 on 7 May 1954, refers to Uilkraalsmond as a Public Recreation Resort. The definition of camping as per these regulations refers to occupation of a tent, wagon, motor vehicle, caravan or temporary structure for accommodation or sleep purposes or shelter against the weather.

Historic correspondence between the Department of Agricultural Credit and the former Divisional Council refers to Uilenkraalsmond as a former outspan for groups migrating from place to place. Correspondence from the department dated 17 July 1975 refers to the recall of the Outspans Act and the alienation of the former outspans, amongst others Uilkraalsmond, to the Divisional Council. In light of the aforementioned, it is clear that the property had been utilised as a public resort since the 1950's with the subsequent zoning of Resort Zone 1 (currently Resort Zone).

The Overberg District Municipality Uilenkraalsmond Resort 2016/2017 – 2018/2019 Financial Planning Report stated the resort comprises 555 semi-permanent stands (rented out on a 9 years and 11 months lease agreement), 6 labour houses, 40 chalets, 110 camping sites with electricity, and additionally presents numerous proposals for improvement of the resort, some of which included permanent rental opportunities. The use of the property for 555 semi-permanent stands and/or other permanent rentals, are in contravention with the zoning of the property. Selling of property can also not occur as has been seen advertised on the web.

Extensive correspondence and meetings have occurred with the Overberg District Municipality and the Provincial Department over the years. In a meeting held on 24 August 2015 regarding coastal resorts Uilenkraalsmond and Die Dam, it was confirmed that the Overberg District Municipality Municipal Manager then, Mr David Beretti, was aware of the fact that the land uses were not permitted in terms of the zoning. It was stated that quotations were obtained to attend to the required rezoning applications and related investigations. The necessary funds for the excessive costs were not available and assistance from the Department of Environmental Affairs and Development Planning was requested, but not obtained. In a letter dated 11 May 2016 to the Overberg District Municipality, it was conveyed that funds would have to be utilised by the Overberg District Municipality to compile a status quo report; however, the matter has not been resolved.

Correspondence with the Overberg District Municipality will recommence, and the required steps taken to address the unauthorised land use of the property.

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**



Figure 7: Overstrand Municipality GIS 2020 imagery of Uilenkraalsmond Resort



Figure 8: Google Earth imagery dated 22 September 2021 of Uilenkraalsmond Resort

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

6.2.5. Die Dam Public Holiday Resort

Die Dam Public Holiday Resort is accommodated on the Farm Die Dam No. 302 Bredasdorp and owned by the Overberg District Municipality. The property was initially zoned for Resort Zone 1 purposes in terms of the then relevant zoning scheme regulations. The current zoning of the property is Resort Zone in terms of the Overstrand Municipality Land Use Scheme, 2020.

The Deed (Deed D 1438/1) in respect of the property of Die Dam limits development of the property to a public holiday resort (in today's terminology) which is accommodated within the Resort Zone with holiday or tourist accommodation as primary rights. These primary rights are to be exercised by means of short-term letting to transient guests.

An extract of the wording of the Deed D 1438/1 is:

“(a) Die grond moet alleenlik as ‘n openbare rusoord gebruik en ontwikkel word en die Minister van Lande sal geregtig wees om nakoming van hierdie voorwaarde af te dwing. Niks hierin vervat sal die gebruik van die grond of enige gedeelte daarvan vir sodanige ander doeleindes in die openbare belang as wat die Staatspresident mag goedkeur uitsluit nie.....”

(g) Die Staatspresident sal die reg hê om die grond of gedeelte daarvan, sonder betaling van vergoeding weer in besit te neem indien die Afdelingsraad van Bredasdorp, sy opvolgers in titel of regsverkrygendes, te eniger tyd versuim om enige van die vereistes neergelê in voorwaarde (d) hierbo na te kom of versuim om die grond tot bevrediging van die Minister van Lande as ‘n openbare rusoord te ontwikkel of te administreer soos bepaal in voorwaarde (a) hierbo....”

Extensive correspondence and meetings have occurred with the Overberg District Municipality and the Provincial Department over the years. In a meeting held on 24 August 2015 regarding coastal resorts Uilenkraalsmond and Die Dam, it was confirmed that the Overberg District Municipality Municipal Manager then, Mr David Beretti, was aware of the fact that the land uses were not permitted in terms of the zoning. It was stated that quotations were obtained to attend to the required rezoning applications and related investigations. The necessary funds for the excessive costs were not available and assistance from the Department of Environmental Affairs and Development Planning was requested, but not obtained.

In a letter dated 11 May 2016 to the Overberg District Municipality, it was conveyed that funds would have to be utilised by the Overberg District Municipality to compile a status quo report. In 2016, attempts were made by the Overberg District Municipality to provide historic information to address the matter; however, these were not sufficient to resolve the matter.

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

As per a report submitted on 12 October 2016, existing development of Die Dam entails 83 camping sites, 2 chalets, 5 labour dwellings and 128 semi-permanent stands which are rented out to holiday makers on a semi-permanent basis (9 years and 11 months) by means of a lease agreement. The camping sites and chalets are permitted in terms of the zoning and the restriction within the Deed; however, the 128 semi-permanent stands which are rented out on a rental period of 9 years and 11 months are in contravention with the Resort Zone and the restriction held in the Deed.

In light of the zoning of the property together with the restriction in the Deed, the semi-permanent renting out of stands are not permitted and in contravention with the Overstrand Municipality Land Use Scheme, 2020.

Correspondence with the Overberg District Municipality will recommence, and the required steps taken to address the unauthorised land use of the property.



Figure 9: Overstrand Municipality GIS 2020 imagery of Die Dam Public Holiday Resort

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**



Figure 10: Overstrand Municipality GIS 2020 imagery of Die Dam Holiday Resort (west wing)



Figure 11: Overstrand Municipality GIS 2020 imagery of Die Dam Holiday Resort (east wing)

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

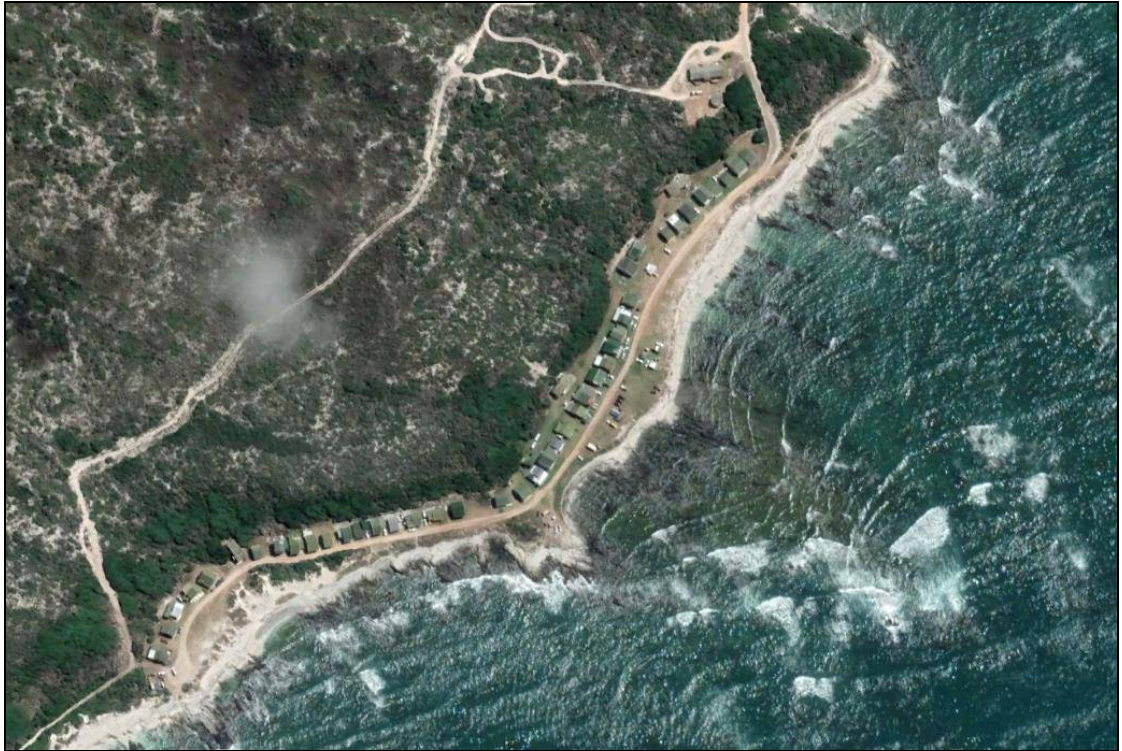


Figure 12: Google Earth imagery dated 6 February 2021 of Die Dam Holiday Resort (west wing)



Figure 13: Google Earth imagery dated 6 February 2021 of Die Dam Holiday Resort (east wing)

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

6.3. Conclusion

That Council take note of the information about concerns from a town planning perspective in respect of specific resorts in the Overstrand Municipality.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

None

RECOMMENDATION:

that the information about concerns from a town planning perspective in respect of specific resorts in the Overstrand Municipality be noted.

RESPONSIBLE OFFICIAL:	N GERBER
TARGET DATE FOR IMPLEMENTATION:	N/A
TARGET DATE TO INFORM APPLICANT:	N/A
TARGET DATE TO INFORM OBJECTOR:	N/A

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting : 26 September 2022)**

**3.
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OVERSTRAND MUNICIPALITY**

15/1/3/10/4

R Kuchar

8 June 2022

Senior Manager : Town & Spatial Planning

(028) 313 - 8900

**THIS MATTER SERVED BEFORE THE INVESTMENT & INFRASTRUCTURE
PORTFOLIO COMMITTEE ON 7 SEPTEMBER 2022, WHICH COMMITTEE
RECOMMENDED AS FOLLOWS:**

RECOMMENDATION:

1. that the information about concerns from a town planning perspective in respect of specific resorts in the Overstrand Municipality **be noted**;
2. that the necessary actions to address the discrepancies identified in the survey, **be stated**; and
3. that a realistic timeframe **be determined** for the finalisation of this exercise.

RESPONSIBLE OFFICIAL:

N GERBER

TARGET DATE FOR IMPLEMENTATION:

N/A

TARGET DATE TO INFORM APPLICANT:

N/A

TARGET DATE TO INFORM OBJECTOR:

N/A