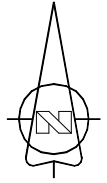


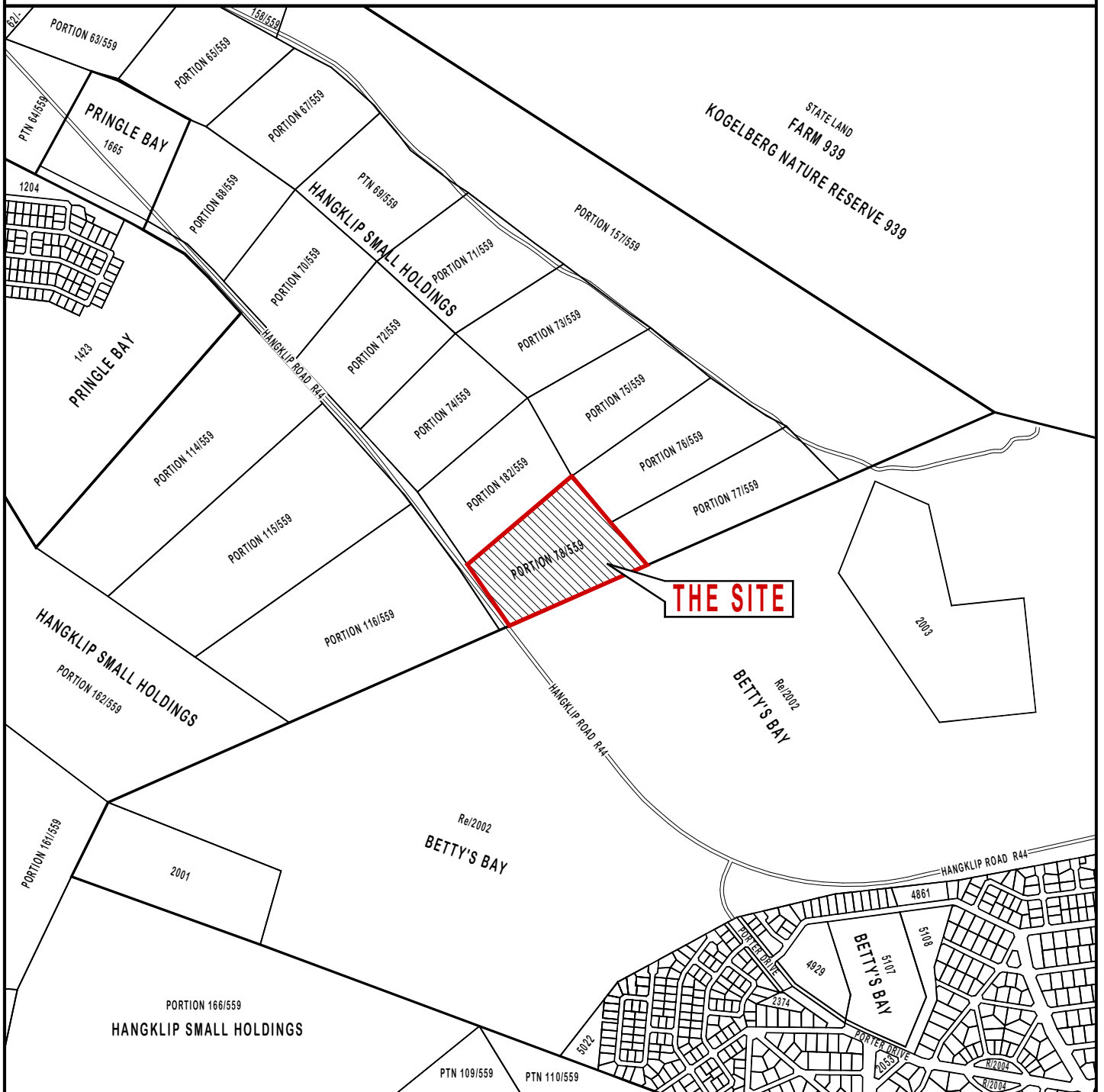
OVERSTRAND MUNICIPALITY	OVERSTRAND MUNISIPALITEIT	UMASIPALA WASE-OVERSTRAND
<p><u>PORTION 78 (A PORTION OF PORTION 45) OF FARM 559, HANGKLIP SMALLHOLDINGS, A DIVISION OF CALEDON: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USES: PLATINUM TOWN AND REGIONAL PLANNERS ON BEHALF OF KOGELBERG BIOSPHERE RESERVE COMPANY AND OVERSTRAND MUNICIPALITY</u></p> <p>Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), of the following application applicable to Portion 78 of Farm 559 (a portion of portion 45), Hangklip Smallholdings (the property), namely:</p> <p><u>Removal of Restrictive Title Deed Conditions</u> Application in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed conditions B.b), B.d), B.e), B.o), B.p), B.r) and B.s) as contained in Title Deed T102546/2000 of the property to accommodate the proposed land uses on the property.</p> <p><u>Consent uses</u> Application in terms of 16(2)(o) of the By-Law, for the following:</p> <p>(i) agriculture to accommodate an animal care centre to rescue, rehabilitate and release wild animals back into the wild and;</p> <p>(ii) a place of instruction to accommodate an environmental research or other educational centre for all forms of wildlife care, rehabilitation, and training.</p> <p>Full details regarding the proposals above are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town and Spatial Planning, 16 Paterson Street, Hermanus and at the Betty's Bay Library, Clarence Drive, Betty's Bay .</p> <p>Any comments must be in writing and reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) on or before 20 December 2024, with your name, address, contact details, interest in the application and the reasons for comment. Telephonic inquiries can be made to the Senior Town Planner, Mrs. H. van der Stoep at 028-3138900. The Municipality may refuse to accept comments after the closing date. Any person who cannot read or write can visit the Town and Spatial Planning Department where they will be assisted by a municipal official in formulating their comments.</p>	<p><u>GEDEELTE 78 ('N GEDEELTE VAN GEDEELTE 45) VAN DIE PLAAS 559, HANGKLIP KLEINHOEWES, AFDELING VAN CALEDON: AANSOEK OM OPHEFFING VAN BEPERKENDE TITELAKTEVOORWAARDES EN VERGUNNINGSGEBRUIKE: PLATINUM STADS- EN STREEKBEPANNERS NAMENS KOGELBERG BIOSPHERE RESERVE COMPANY EN OVERSTRAND MUNISIPALITEIT</u></p> <p>Kragtens Artikel 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die onderstaande aansoek van toepassing op Gedeelte 78 ('n gedeelte van gedeelte 45) van die Plaas 559, Hangklip Kleinhoewes (die eiendom), naamlik:</p> <p><u>Opheffing van Beperkende Titelaktevoorwaardes</u> Aansoek ingevolge Artikel 16(2)(f) van die Verordening vir die opheffing van beperkende titelaktevoorwaardes B.b), B.d), B.e), B.o), B.p), B.r) and B.s) soos vervat in Titelakte T102546/2000 van die eiendom om die voorgestelde grondgebruike op die eiendom te akkommodeer .</p> <p><u>Vergunningsgebruike</u> Aansoek ingevolge Artikel 16(2)(o) van die Verordening vir die volgende:</p> <p>(i) landbou om 'n diersoersentrum te akkommodeer om wilde diere te red, te rehabiliteer en in die natuur vry te laat en;</p> <p>(ii) 'n plek van onderrig om 'n omgewingsnavorsing of ander opvoedkundige sentrum vir alle vorme van wildversorging, rehabilitasie en opleiding te akkommodeer.</p> <p>Besonderhede aangaande die voorstel lê ter insae gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stads- en Streekbeplanning te Patersonstraat 16, Hermanus en by die Betty'sbaai Biblioteek, Clarenderylaan, Betty'sbaai.</p> <p>Enige kommentaar moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) voor of op 20 Desember 2024, met u naam, adres, kontak besonderhede, belang in die aansoek en die redes vir kommentaar. Telefoniese navrae kan gerig word aan die Senior Stadsbeplanner, Me. H. van der Stoep by 028-3138900. Die Munisipaliteit mag weier om kommentare te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stads- en Streekbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer.</p>	<p><u>INXENYE YAMA-78 (INXENYE YE NXENYE YAMA-45) YE-FAMA 559, HANGKLIP SMALLHOLDINGS, ICANDELO LASE-CALEDON: ISICELO SOKUSUSWA IMIQATHANGO YESIQINISEKISO ESITHINTELWEYO KUNYE NEMVUME YOKUSETYENZISWA: PLATINUM TOWN KUNYE NE-REGIONAL PLANNERS EGAMENI LE KOGELBERG BIOSPHERE RESERV COMPANY KWAKUNYE NO-MASIPALA WASE-OVERSTRAND</u></p> <p>Isaziso sikhutshwe ngokwemiqathango yamaCandelo 47 kunye nelama-48 loMthetho kaMasipala oLungisiweyo woMasipala wase-Overstrand ongoCwangciso lokuSetyenziswa koMhlaba kaMasipala, 2020 (uMthetho kaMasipala), sesicelo ezilandelayo esisebenza kwiNxenye yama-78 se-Fama 559 (inxenye yenxeny yama-45), i-Hangklip Smallholdings (ipropati), eyile:</p> <p><u>Ukususwa koMqathango oneZithintelo kwiTayitile</u> Isicelo ngokwemiqathango yeCandelo 16(2)(f) loMthetho kaMasipala sokokuba kususwe imiqathango yezithintelo setayitile yobunini B.b), B.d), B.e), B.o), B.p), B.r) no-B.s) njengoko kuqulethwe kwiSivumelwano soBuninimhlaba. T102546/2000 yepropati ukulungiselela usetyenziso lomhlaba olucetywayo kwipropati.</p> <p><u>Ukusetyenziswa kwemvume</u> Ukusetyenziswa ngokwemiGaqo ye-16(2)(o) yoMthetho kaMasipala, koku kulandelayo:</p> <p>(i) ulimo ukulungiselela iziko lolondolozo lwezilwanyana, ukuhlangula, ukubuyisela kwisimo sangaphambili kunye nokukhulula izilwanyana zasendle ukuba zibuyele endle;</p> <p>(ii) indawo yokufundisa ukulungiselela uphando ngokusingqongileyo okanye elinye iziko lemfundo kuzo zonke iintlobo zokhathalelo lwezilwanyana zasendle, ukubuyisela kwisimo sangaphambili kunye noqeqesho.</p> <p>linkcukacha ezipheleleyo mayela nesi siphakamiso ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini phakathi kwentsimbi ye-08:00 neye-16:30kwiSebe: Lezicwangciso Zedolophu neNdawo, 16 Paterson Street, e-Hermanus nakwiThala leeNcwadi lase- Betty's Bay, Clarence Drive, e-Betty's Bay.</p> <p>Naziphi na izimvo ezibhaliweyo mazifike kwaMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) ngomhla okanye ngaphambi komhla wama-20 uDisemba 2024, zibe negama lakho idilesi, iinkcukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zokuhlomla kwakho. Imibuzo ngefowuni ingathunyelwa ku-Mcwangcisi Omkhulu weDolophu, Nkskz. H. van der Stoep ku-028-3138900. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvala. Nabani ongakwazi ukufunda nokubhala angahambela kwiSebe Lezicwangciso zeDolophu neNdawo apho baza kuncedwa ligosa likamasipala ukwakha uluvo nokubhala izimvo zakhe.</p>
<p>Dr DGI O'Neill Municipal Manager / Munisipale Bestuurder / Umphathi Kamasipala PO Box / Posbus / Ibhokisi yePosi 20 HERMANUS 7200</p> <p style="text-align: right;"><i>Notice No / Kennisgewing nr / Inombolo yesaziso: 194/2024</i></p>		

LOCALITY MAP

PORTION 78/559, HANGKLIP SMALL HOLDINGS



SCALE: 1 : 15 000



REFERENCE



THE APPLICATION

Overstrand Office:
52 Seaview Drive,
BETTY'S BAY
Cell : 072 184 9621
Email : amund@vodamail.co.za



Pretoria Office:
61 Woodlands Avenue,
PECANWOOD
Cell : 083 226 1316
Email : dehaas@telkomsa.net



PIETER DE HAAS (PR. PLN (A/283/1985))
BA. Honnoreus (Economics)
B. Art. et Scien. (Planning)

Mobile: 083 226 1316
Email: dehaas@telkomsa.net

Postnet Suite #51
Private Bag X15
Somerset West
7129

AMUND BENEKE (PR. PLN (A/680/1992))
M.Com (Business Management)
B. Art. et Scien. (Planning)

Mobile: 072 184 9621
Email: amund@vodamail.co.za

MEMORANDUM

PORTION 78 OF THE FARM 559, HANGKLIP SMALLHOLDINGS

SIMILTANEOUS APPLICATION:

- 1) THE AMENDMENT, SUSPENSION OR DELETION OF CERTAIN TITLE RESTRICTIONS
- 2) CONSENT USE

A. PROPERTY DESCRIPTION

The property is known as Portion 78 (a portion of Portion 45) of the farm Hangklip 559. The Locality Map is attached as **Annexure B**.

Portion 78 (a portion of Portion 45) of the farm Hangklip 559 is approximately 8.7872ha in extent. The SG Diagram is attached as **Annexure C**.

B. OWNERSHIP

The property is registered in the name of the Hangklip-Kleinmond Municipality. Title Deed T102546/2000 is attached as **Annexure D**.

The Overstrand Municipality is the "Successor-in-law" of the Hangklip-Kleinmond Municipality. The "Special Power of Attorney" is attached as **Annexure E**.

There is no bond registered against the said property.

C. LOCATION

Portion 78 (a portion of Portion 45) of the farm Hangklip 559 is located to the south of the R44 Road (Clarence Drive/Hangklip Road), between Betty's Bay and Pringle Bay (**Annexure B**).



D. ZONING

Portion 78 (a portion of Portion 45) of the farm Hangklip 559 is zoned “*undetermined*” according to the GIS System of the Overstrand Municipality.

During discussions with the Municipality it was indicated that the zoning will be changed from “*undetermined*” to “*Rural Zone 2: Conservation Usage (R2)*” when issuing a Zoning Certificate.

The Zoning Certificate is attached as **Annexure F**.

E. APPLICATION

It is the intention of the Lessee (Kogelberg Biosphere Reserve Company)(Lease Agreement attached as **Annexure G**) to establish a Rehabilitation Center for injured wildlife at Portion 78 (a portion of Portion 45) of the farm Hangklip 559, and to train Field Rangers in the rehabilitation of injured wildlife.

To enable the said Company in this regard, a simultaneous Application is, therefore, submitted:

- **Application 1:** The restrictive conditions in Title Deed T102546/2000 that could impact on the proposed consent use are Conditions B. b), d), e), o); p), r) and s).

It, therefore, is requested that the restrictive conditions be amended, suspended or deleted in terms of Sections 16(2)(f) of the Overstrand Municipality Amendment By-law on Municipal Land-use Planning (2020).

The following principles in the Western Cape Land-use Planning Act (2014), Section 39 (5), are discussed:

- The financial or other value of the rights: It is the intention of the Lessee to establish a Rehabilitation Center for injured wildlife at Portion 78 (a portion of Portion 45) of the farm Hangklip 559, and to train Field Rangers in the rehabilitation of injured wildlife. The removal, suspension or amendment of Conditions B. b), d), e), o); p), r) and s), therefore, will have no financial benefit for any person or entity.
- The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal: Taking cognizance of the intention of the Lessee to establish a Rehabilitation Center for injured wildlife at Portion 78 (a portion of Portion 45) of the farm Hangklip 559, and to train Field Rangers in the rehabilitation of injured wildlife, the removal, suspension or amendment of Conditions B. b), d), e), o); p), r) and s) will have no personal benefit for any person or entity.
- The social benefit of the restrictive condition remaining in place, and/or being removed / amended: Taking cognizance of the intention of the Lessee to establish a Rehabilitation Center for injured wildlife at Portion 78 (a portion of Portion 45) of the farm Hangklip 559, and to train Field Rangers in the rehabilitation of injured wildlife, the removal,

suspension, or amendment of Conditions B. b), d), e), o); p), r) and s) will have no social impact on society.

- Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some of those rights: the removal, suspension, or amendment of Conditions B. b), d), e), o); p), r) and s) will only remove some of the conditions in the applicable Title Deed.
- **Application 2:** The consent from the Overstrand Municipality, in terms of 16(2)(o) of the Overstrand Municipality Amendment By-law on Municipal Land-use Planning (2020), is requested for the following land-uses: “*agriculture*” and “*place of instruction*”.

Portion 78 (a portion of Portion 45) of the farm Hangklip 559 is zoned “*undetermined*”. During discussions with the Municipality it was indicated that the zoning will be changed from “*undetermined*” to “*Rural Zone 2: Conservation Usage (R2)*” when issuing a Zoning Certificate.

The Overstrand Municipality Land-use Scheme (2020) stipulates under “*Rural Zone 2: Conservation Usage (R2)*” the following:

- a) **Primary use:** “*conservation use, dwelling house, guest rooms and home occupation*”; and
- b) **Consent use:** amongst others “*agriculture*” and “*place of instruction*”.

- “**Agriculture**”, in terms of the said Land-use Scheme, means “*the cultivation of land for crops and plants, including plantations, the keeping and breeding of animals, beekeeping, bird farming or the operation of a game farm, may comprise natural veld and includes only such activities and buildings as are reasonably connected to the main farming activities such as residential accommodation for the farmer, farm manager and farm labourers and the packing of agricultural produce grown on the property but excludes intensive horticulture, intensive animal farming, agricultural industry, and a farm shop*” (my underlining).
- “**Place of Instruction**”, in terms of the said Land-use Scheme, means “*a place for education at pre-school, school or post-school levels (including a day care centre, a crèche, a farm school, a nursery school, a primary school, a secondary school, a college, a lecture hall, a university, a research institute, an environmental research or other educational centre) and associated uses such as boarding hostels or a civic facility for the promotion of knowledge to the community such as a convent, a monastery, a public library, a public art gallery or museum or a place of instruction in sport or other physical discipline where the main objective is instruction (as opposed to participation by the public sector as competitors or spectators) but excludes a reformatory, industrial school, commercial conference facility, institution, health centre or in-house business training centre*” (my underlining).

The following needs to be noted:

- It is not the intention of the Lessee to accommodate any students on the Farm Portion. They will be accommodated in the Guest Houses in Betty's Bay and Pringle Bay. They will be transported on a daily basis to the intended Rehabilitation Center for training sessions; and
- Only a Caretaker will reside on the Farm on a permanent basis.

F. NEED AND DESIRABILITY

F.1 PROPERTY

The property is known as Portion 78 (a portion of Portion 45) of the farm Hangklip 559.

F.2 APPLICABLE LEGISLATION

The following legislation is applicable:

- The Spatial Planning and Land-use Management Act, 2013 (Act 16 of 2013)(SPLUMA);
- The Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020; and
- The Overstrand Municipality Land-use Scheme, 2020.

F.3 APPLICABLE PLANNING POLICIES / DOCUMENTS

F.3.1 SPATIAL PLANNING AND LAND-USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013)(SPLUMA)

The following principles for development in the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA), are discussed:

- ***Section 7(a) The principle of spatial justice***
Section 7(b) the principle of spatial sustainability
Section 7(c) the principle of efficiency
Section 7(d) the principle of spatial resilience, whereby flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks

Portion 78 (a portion of Portion 45) of the farm Hangklip 559 is located to the north of the R44 Road, between Pringle Bay and Betty's Bay.

The Overstrand Municipality Spatial Development Framework (SDF)(2020) regards the R44 from (i.e.) Gordonsbaai to Kleinmond as a Development Corridor. In general terms can a development corridor be defined as a *geographical area identified as a priority for investment to catalyze economic growth and development*. Along this R44-Corridor is coastal towns such as Rooi Els, Pringle Bay, Betty's Bay and Kleinmond located. The R44-Corridor links with the R43-Development Corridor (Hermanus / Stanford / Gansbaai) further on.

Portion 78 (a portion of Portion 45) of the farm Hangklip 559 is earmarked as a Farm Portion that lies withing the following Zones:

- Environmental Management Overlay Zone (EMOZ). An EMOZ is purposed at regulating land uses within environmental sensitive areas to affect the preservation thereof; and
- Heritage Protection Overlay Zone (HPOZ). An HPOZ is purposed at regulating land uses within heritage sensitive areas to affect the preservation thereof.

The proposed consent use for the land-uses "*agriculture*" and "*place of instruction*" to establish/operate a Rehabilitation Center for injured wildlife will have no negative impact on either Zone.

- **Section 7(e) the principle of good administration**

The required public participation process, in accordance with the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, will be sufficiently dealt with via the advertising of the proposed Suspension/Amendment/Deletion of certain Restrictive Title Conditions and Consent Use Application. Their respective rights and all those affected will be adequately addressed during this process. The "*audi alterem partum- rule*", therefore, will have been complied with. The intrinsic knowledge of the process and the distribution of the Application to internal and external parties (where applicable) will also lead indisputably to the adherence of this requirement.

- **Section 42(c) take into account –**

- (i) **the public interest**
- (iv) **the respective rights and obligations of all those affected**

The required public participation process, in accordance with the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, will be sufficiently dealt with via the advertising of the proposed Suspension/Amendment/Deletion of certain Restrictive Title Conditions and Consent Use Application. The respective rights and all those affected will



be adequately addressed during this process. The "*audi alterum partum-rule*", therefore, will have been complied with. The intrinsic knowledge of the process and the distribution of the Application to internal and external parties (where applicable) will also lead indisputably to the adherence of this requirement.

(ii) *the constitutional transformation imperatives and the related duties of the State*

The proposed Consent Use for "*agriculture*" and "*place of instruction*" forms part of and supplement the development character of the broader Nature Reserve/Biosphere Area from a legal point to enhance the development of the broader area within a concise space. It will also have no negative impact on the Environmental Management Overlay nor the Heritage Protection Overlay Zones. The simultaneous Application, therefore, adheres to the constitutional and transformation imperatives and the related duties of the State in the sense that, prior the exercising of the land-use rights, the correct legal procedure and route are followed to assist the State, and in this case the Overstrand Local Municipality, to exercise its mandate to comply with the Constitution.

(iii) *the facts and circumstances relevant to the application*

It is the intention of the Lessee (Kogelberg Biosphere Reserve Company)(Lease Agreement attached as **Annexure G**) to establish a Rehabilitation Center for injured wildlife at Portion 78 (a portion of Portion 45) of the farm Hangklip 559, and to train Field Rangers in the rehabilitation of injured wildlife.

The following needs to be noted:

- It is not the intention of the Lessee to accommodate any students on the Farm Portion. They will be accommodated in the Guest Houses in Betty's Bay and Pringle Bay. They will be transported on a daily basis to the intended Rehabilitation Center for training sessions; and
- Only a Caretaker will reside on the Farm on a permanent basis.

(v) *the state and impact of engineering services, social infrastructure and open space requirements*

Engineering services (electricity, roads, storm water drainage, sewer and water) are readily available.

Within the broader development itself will ample open space be provided.

F.3.2 The National Development Plan (NDP)

The NDP is the supreme and overarching plan for South Africa that sets out the most crucial objectives and actions that need to be undertaken in the Republic of South Africa. The focus is to eliminate poverty and reduce inequality by 2030. The following sets out some of the key interventions that the NDP seeks to achieve:

- Significantly reduce unemployment and increase the size of the economy through a range of actions.
- Invest in economic infrastructures, such as electricity, water, public transport, and broadband networks.
- Enhance environmental sustainability and resilience.
- Develop an inclusive rural economy through agri-processing and agriculture, tenure security, land reform.
- Increase trade within Southern Africa.
- Transform our human settlements, by co-locating places of work and human settlements, densifying our settlements, and improving public transport.
- Improve education, training, and innovation at all levels of the education system.
- Improve the health outcomes of the country.
- Enhance and ensure social protection and build safer communities.
- Build a capable state.
- Fight corruption.
- Promote nation-building.

While the NDP is an extensive plan with a significant amount of detail, more detailed Spatial Development Frameworks (SDF's) are needed at provincial level, district level and municipal level. These SDF's should be local tools through which the NDP is implemented.

F.3.3 Western Cape Provincial Spatial Development Framework (PSDF)

This PSDF aims to put in place a coherent framework for the Province's urban and rural areas that:

- gives spatial expression to the national and provincial development agendas;
- serves as basis for co-ordinating, integrating and aligning "*on the ground*" delivery of national and provincial departmental programmes;
- supports municipalities to fulfil their municipal planning mandate in line with the national and provincial agendas; and
- communicates government's spatial development intentions to the private sector and civil society.

In taking this forward the PSDF applies the following spatial principles:

- **Spatial Justice:** A socially just society based on the principles of equality, solidarity, and inclusion. Past spatial and other development imbalances should be redressed through improved access to and use of land.
- **Sustainability and Resilience:** Land development should be spatially compact, resource-frugal, compatible with cultural and scenic landscapes, and should not involve the conversion of high potential agricultural land or compromise ecosystems. The focus must be on creating complex, diverse and resilient spatial systems that are sustainable in all contexts.
- **Spatial Efficiency:** Efficiency relates to the form of settlements and use of resources - compaction as opposed to sprawl; mixed-use as opposed to mono-functional land uses; residential areas close to work opportunities as opposed to dormitory settlement, and prioritisation of public transport over private car use.
- **Accessibility:** Improving access to services, facilities, employment, training and recreation, and safe and efficient transport modes is essential to achieving the stated settlement transitions of the NDP and One Cape 2040. Accessibility is also defined by convenient and dignified access to private and public spaces for people with impaired mobility.
- **Quality and Liveability:** The quality of an environment directly contributes to its liveability. Legible built environments are characterized by the existence of landmarks such as notable buildings and landscaping, well- defined public spaces, as well as navigable street networks.

To deliver on the Western Cape Growth Strategic Objectives, the PSDF focuses on growing the economy, building greater environmental resilience and much better inclusion. It is summarised as follows:

- Growing the Western Cape economy in partnership with the private sector, non-governmental and community-based organisations;
- Using infrastructure investment as primary lever to bring about the required urban and rural spatial transitions; and
- Improving oversight of the sustainable use of the Western Cape's spatial assets.

These focus points are the pillars for the more detailed Spatial Development Frameworks (SDF's) at district level (Overberg DC) and municipal (Overstrand LM) level.

F.3.4 Overberg District Spatial Development Framework (ODSDF)

The purpose of ODSDF is to:

- Prepare a spatial perspective of the current developmental status quo within the Overberg District Municipality (ODM) to inform a basis for discussion on key spatial issues and linkages to other sector plans and opportunities to inform the Districts' future spatial development;



- Review and update the spatial vision and strategic direction of the municipality, to inform the drafting/amendment of the Integrated Development Plan (IDP) of the ODM; and
- Review and update the Spatial Development Framework proposals to guide local municipalities in the District regarding future spatial planning, strategic decision-making, and regional integration. The Overberg District SDF will focus on the following:
 - Identifying the structure and role of settlement,
 - transportation, and regional services infrastructure across and between the local municipalities within the district area.
 - Classifying areas that require protection and conservation (i.e., protected areas), which include threatened ecosystems, critical biodiversity areas, valuable agricultural land, water catchment areas, and other resources of value within the District.
 - Identifying growth nodes, priority investment areas, and areas of rural decay within the District.
 - Classifying areas that require protection and conservation (i.e., protected areas), which include threatened ecosystems, critical biodiversity areas, valuable agricultural land, water catchment areas, and other resources of value within the District.
 - Resolving contradictions between the planning visions of the District's local municipalities.
 - Describing the general urban design principles to be applied in all settlements located in the District. Critically, the District SDF must guide local municipalities in the development of their own SDF's, without impeding on local-level planning detail. The District sets the framework and context for local municipalities to work within. It is also critical that the District aligns to the Provincial and National planning and policy context. It is therefore clear that the District must operate within a well-defined (at the conceptual level) policy and planning context and therefore is constrained to these insofar as proposals that can be made.

F.3.5 Overstrand Integrated Development Planning (IDP)

The Integrated Development Plan (IDP) is a municipality's principal strategic plan that deals with the most critical development needs of the municipal area (external focus) as well as the most critical governance needs of the organization (internal focus). It aims to co-ordinate the work of local and other spheres of government in a coherent plan to improve the quality of life for all the people living in an area. It should consider the existing conditions and problems and resources available for development. The projects within the IDP are linked to the municipality's budget.

F.3.6 Overstrand Municipality Spatial Development Framework (SDF)

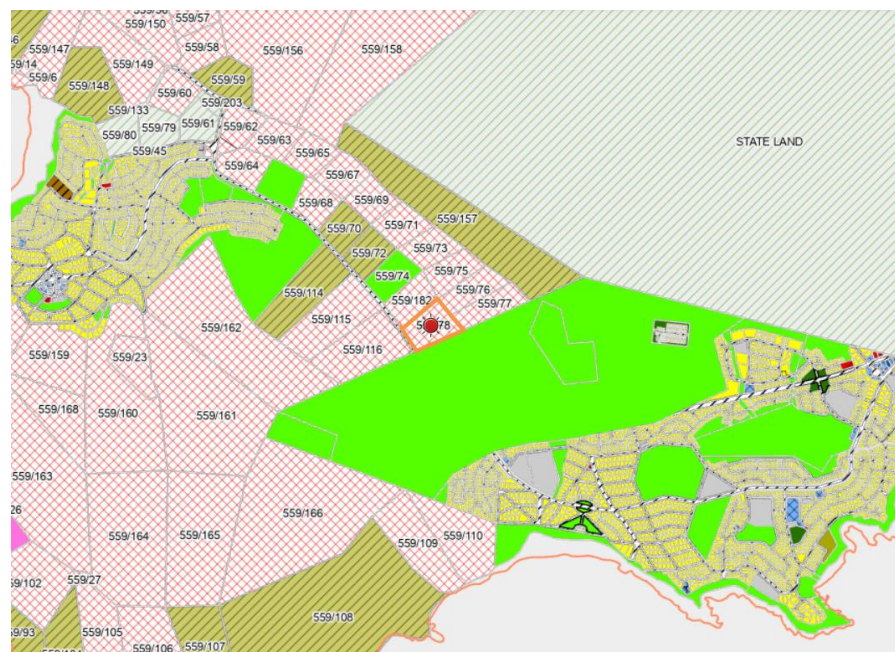
The Municipal Spatial Development Framework is a sectoral component of the IDP that, in terms of the Municipal Systems Act, is aimed at providing general direction to guide decision making on an ongoing basis, aiming at the creation of integrated, sustainable, and habitable regions, cities, towns and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

Within the SDF a hierarchal classification of zones is based on the nature of the function of the nodes, considering factors such as population size, influence sphere, interconnectivity, service delivery as well as informants from the Growth Potential of Towns Study, 2014 (GPTS).

The following key strategic land-use proposals are proposed:

- Conservation of the natural environment, particularly its combination of riverine estuarine conditions and sandy beaches; and
- Spatial integration and accessibility of the different land-use components through (i.e.) pedestrian linkages.

Portion 78 (a portion of Portion 45) of the farm Hangklip 559 is located to the south of the R44 Road (Clarence Drive/Hangklip Road), between Betty's Bay and Pringle Bay.





The areas surrounding the said property are characterized by land-uses such as “*conservation usage*” and “*nature reserve*”.

Pringle Bay is surrounded by protected CBA areas. These areas must be preserved and maintained. This is structurally formalized in the EMOZ regulations.

The following Local Spatial Development and Growth Management Principles for Pringle Bay are applicable to the broader Pringle Bay Area:

- To promote, amongst others:
 - the conservation of the existing coastal village character of Pringle Bay;
 - the conservation of the natural environment within which the broader Pringle Bay Area is located;
 - the role of the area to serve as a transitional zone between the Kogelberg Nature Reserve and the coastline; and
 - the heritage value of the broader region;
- To restrict, amongst others:
 - further expansion beyond the existing urban edge;
 - inappropriate housing forms and architectural treatment, particularly on steep slopes and highly visible locations adjacent to scenic routes; and
 - land uses / development as per the provisions of the HPOZ regulations.
- To maintain, amongst others:
 - the HPOZ and EMOZ regulations; and
 - Sensitive Development Areas.
- The unique sense of place should be maintained by implementation of the EMOZ and the HPOZ Regulations. These areas are based on environmentally sensitive resources and should be protected as far as possible in their natural state. Limited development could be considered in accordance with the provisions of the HPOZ and EMOZ regulations.
- In short, the rural development of the broader Pringle Bay Area should be protected in terms of its heritage and environmental resources. Only restricted and carefully considered development should be permitted.

The Betty’s Bay Area to the west specifically is also surrounded by protected CBA areas. These areas should also be preserved and maintained. This is structurally formalized in the EMOZ regulations. The following Local Spatial Development and Growth Management Principles, amongst others, are applicable:

- To promote, amongst others:
 - the conservation of the sensitive natural resources, including the inland lake wetland system, state and private nature reserves and the interface between the mountain backdrop and urban settlement (EMOZ);

- the role of the area as to serve as a transitional zone between the Kogelberg Nature Reserve and the coastline; and
- the heritage value of the region.
- To restrict, amongst others:
 - extensive expansion beyond the urban edge; and
 - land uses / development as per the provisions of the HPOZ and EMOZ regulations.
- To maintain, amongst others:
 - adherence to the HPOZ and EMOZ regulations; and
 - the interface of the mountain backdrop and urban settlement.
- To contain, amongst others:
 - the urban footprint of the broader Betty's Bay Area as far as possible within a clearly defined urban edge.

It is evident that within Sensitive Development Areas, the unique sense of place should be maintained by implementation of the HPOZ and EMOZ Regulations. These areas are based on environmental and heritage sensitive resources and should be protected as far as possible in its natural state. Limited development could be considered in accordance with the provisions of the HPOZ and EMOZ regulations. Only restricted and carefully considered development should be permitted.

The proposed Consent Use for “*agriculture*” and “*place of instruction*”, specifically the intended Rehabilitation Center for injured wildlife, forms part of and supplement the development character of the broader Nature Reserve/Biosphere Area. It will also have no negative impact on the Environmental Management Overlay nor the Heritage Protection Overlay Zones.

F.3.7 Motivation

It is the intention of the Lessee (Kogelberg Biosphere Reserve Company)(Lease Agreement attached as **Annexure G**) to establish a Rehabilitation Center for injured wildlife at Portion 78 (a portion of Portion 45) of the farm Hangklip 559, and to train Field Rangers in the rehabilitation of injured wildlife.

The consent from the Overstrand Municipality, in terms of 16(2)(o) of the Overstrand Municipality Amendment By-law on Municipal Land-use Planning (2020), is requested for the following land-use “*agriculture*” and “*place of instruction*”.

The Overstrand Municipality Land-use Scheme (2020) defines it as follow:

- “**Agriculture**”, in terms of the said Land-use Scheme, means “*the cultivation of land for crops and plants, including plantations, the keeping and breeding of animals, beekeeping, bird farming or the operation of a game farm, may*”



comprise natural veld and includes only such activities and buildings as are reasonably connected to the main farming activities such as residential accommodation for the farmer, farm manager and farm labourers and the packing of agricultural produce grown on the property but excludes intensive horticulture, intensive animal farming, agricultural industry, and a farm shop” (my underlining).

- **“Place of Instruction”**, in terms of the said Land-use Scheme, means “a place for education at pre-school, school or post-school levels (including a day care centre, a crèche, a farm school, a nursery school, a primary school, a secondary school, a college, a lecture hall, a university, a research institute, an environmental research or other educational centre) and associated uses such as boarding hostels or a civic facility for the promotion of knowledge to the community such as a convent, a monastery, a public library, a public art gallery or museum or a place of instruction in sport or other physical discipline where the main objective is instruction (as opposed to participation by the public sector as competitors or spectators) but excludes a reformatory, industrial school, commercial conference facility, institution, health centre or in-house business training centre” (my underlining).

The following needs to be noted:

- It is not the intention of the Lessee to accommodate any students on the Farm Portion. They will be accommodated in the Guest Houses in Betty’s Bay and Pringle Bay. They will be transported on a daily basis to the intended Rehabilitation Center; and
- Only a Caretaker will reside on the Farm on a permanent basis.

The preliminary Site Development Plan is attached as **Annexure H**.

G. ENGINEERING SERVICES

Engineering services infrastructure (i.e. electricity, water, sewer and storm water drainage) are readily available.

H. ENVIRONMENTAL ISSUES

The proposed Application will have no negative effect on the environment. No environmental authorization is needed.



Platinum

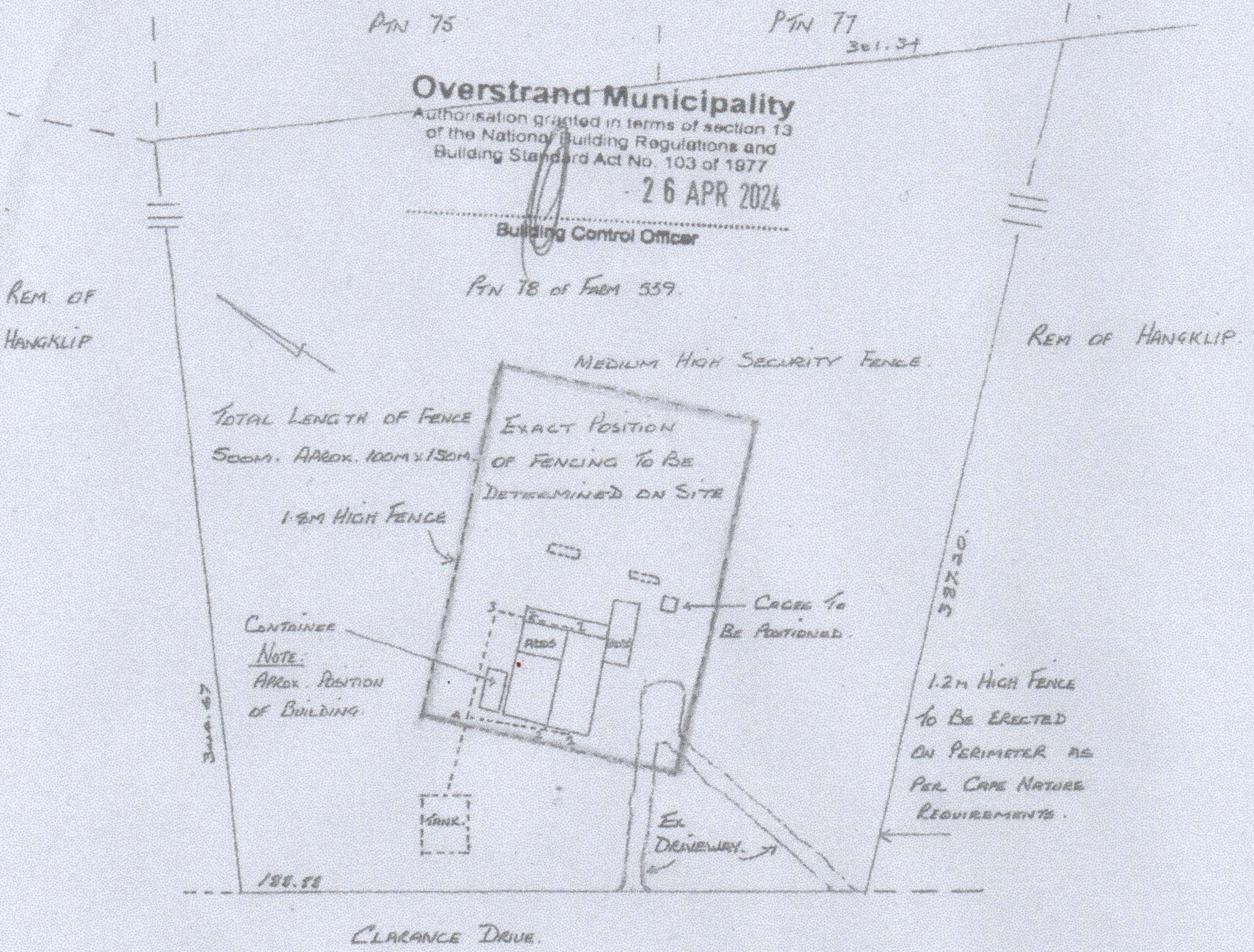
TOWN PLANNERS

I. CONCLUSION

In view of the above mentioned it is recommended that Overstrand Local Municipality approves:

- The amendment, suspension or deletion, in terms of Sections 16(2)(f) of the Overstrand Municipality Amendment By-law on Municipal Land-use Planning (2020), of Restrictive Conditions B. b), d), e), o); p), r) and s) in Title Deed T102546/2000; and
- The granted of consent by the Overstrand Municipality, in terms of 16(2)(o) of the Overstrand Municipality Amendment By-law on Municipal Land-use Planning (2020), for the following land-use “*agriculture and place of instruction*” to be implemented on Portion 78 (a portion of Portion 45) of the farm Hangklip 559.

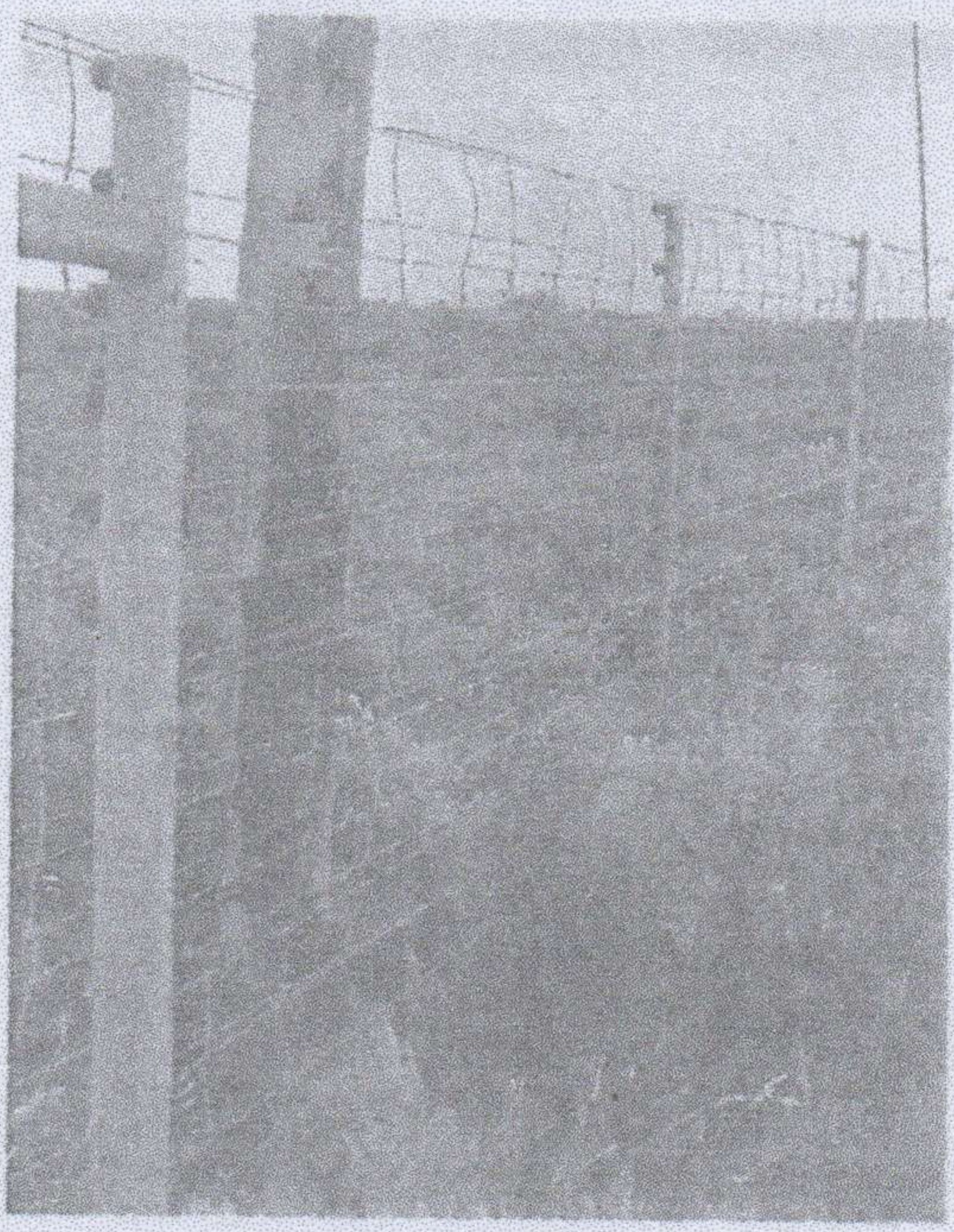
-----0-----



Overstrand Municipality
 Authorisation granted in terms of section 13
 of the National Building Regulations and
 Building Standard Act No. 103 of 1977
26 APR 2024
 Building Control Officer

PTN 78 of Farm 559

SITE PLAN
SCALE 1: 8000



MEGUM EDITH REYNEKE

ALL DIMENSIONS TO BE CHECKED ON SITE BEFORE COMMENCING WORK.

PROPOSED MINOR WORKS
 SECURITY FENCING
 FOR:
KOGELBERG BIOSPHERE RESERVE
FARM 559 PTN 78
HANGKLIP

AUTHORISED SIGNATURE

DRAWN BY: M. REYNEKE	DATE: APRIL 2024
PR. NO. ST0125.	KOG /24/04/01

M. R. P.
Architectural Solutions
 DESIGN- TOWN PLANNING- PROJECT MANAGEMENT
 17 Steyn Street, Napier 7270 ;C 083 701 8780
 megum@netactive.co.za