

FARM LANGVERWACHT NO. 896, CALEDON DIVISION, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION, CONSENT USE, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS WRAP PROJECT OFFICE ON BEHALF OF J GRIFFIOEN

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

- ❖ **Subdivision** in terms of Section 16(2)(d) of the By-Law to subdivide Farm No. 896 into (2) two portions, namely Portion A (± 7 Ha in extent) and a Remainder ($\pm 499.8341\text{m}^2$ in extent);
- ❖ **consent use** in terms of Section 16(2)(o) of the By-Law, to accommodate a place of instruction (school) on the proposed Portion A;
- ❖ **departure** in terms of Section 16(2)(b) of the By-Law, to relax the northern common boundary building line from 10m to 7.4m, to accommodate the existing farm labours accommodation; 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, 16 Paterson Street, Hermanus and at the Stanford Library, Queen Victoria Street, Stanford. Any written comments must be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law and reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) on or before **Friday, 21 June 2024**, quoting your name, address and contact details, interest in the application and the reasons for comment. Telephonic enquiries can be made to **Senior Town Planner, 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.

LANGVERWACHT PLAAS NR. 896, AFDELING CALEDON, OVERSTRAND MUNISIPALE AREA: AANSOEK OM ONDERVERDELING, VERGUNNINGSGEBRUIK, AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: MNRE WRAP PROJECT OFFICE NAMENS J GRIFFIOEN

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

- ❖ **Onderverdeling** ingevolge Artikel 16(2)(d) van die Verordening, om Plaas Nr. 896 in (2) twee gedeeltes te onderverdeel naamlik Gedeelte A (± 7 Ha groot) en 'n Restant ($\pm 499.8341\text{m}^2$ groot);
- ❖ **vergunningsgebruik** ingevolge Artikel 16(2)(o) van die Verordening, om 'n plek van onderrig (skool) op die voorgestelde Gedeelte A te akkommodeer;
- ❖ **afwyking** ingevolge Artikel 16(2)(b) van die Verordening, om die noordelike grensboulyn te verslap vanaf 10m na 7.4m, om die bestaande plaaswerkers akkommodasie 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 by Stanford Biblioteek, Queen Victoriastraat, Stanford. Enige kommentaar op die voorstel moet skriftelik ingedien word ingevolge die bepalings van Artikels 51 en 52 van die Verordening en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) bereik voor of op **Vrydag, 21 Junie 2024**, met u naam, adres en kontakbesonderhede, belang in die aansoek sowel as die redes vir kommentaar. Telefoniese navrae kan gerig word aan **Senior Stadsbeplanner, 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.

FAMA LANGVERWACHT INOMBOLO 896, ICANDELO LASECALEDON, UMMANDLA WOMASIPALA WASE-OVERSTRAND: ISICELO SOKWAHLULWA, IMVUME YOKUSETYENZISWA, UKUTENXA KUNYE UKUMISELWA KWESOHLWAYO SOLAWULO: WRAP PROJECT OFFICE EGAMENI J GRIFFIOEN

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

- ❖ **Ulwahlulo** ngokweCandelo le-16(2)(d) loMthetho kaMasipala, ukwahlulahlula Fama Langverwacht inombolo 896 ibeyi (2) izahlulo mbini ezizezi, iSahlulo A esizihetha ezingama ± 7 ha ngokomlinganiselo kunye neSahlulo esiNtsalelayo ± 499.8341 ha ngokomlinganiselo;
- ❖ **Imvume yokusetyenziswa** ngokweCandelo 16(2)(o) loMthetho kaMasipala, kwiziko lemfundo (isikolo) kwicandelo A elicetywayo;
- ❖ **Ukutenxa** ngokweCandelo le-16(2)(b) loMthetho kaMasipala ukuze kucuthwe umda womda oseMantla ukusuka kwi-10m ukuya kwi-7.4m ukuze kuhlaliswe izindlu zabasebenzi basezifama ezikhoyo; kunye
- ❖ **Ukumiselwa kwesohlwayo solawulo** ngokwemigaqo yeCandelo 16(2)(q) lomthetho kamasipala.

Inkcukacha mayela nesindululo siyafumaneka ukuze sihlolwe phakathi evekini ngamaxesha omsebenzi ukusuka kwintsimbi ye08:00 ukuya kweye16:30 kwiSebe: Izicwangciso Zedolophu kwanombolo 16 Paterson Street, eHermanus nakwiThala leencwadi laseStanford, kwiSitalato iQueen Victoria, eStanford. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zamaCandelo 51 nelama-52 alo Mthetho uYilwayo yaye maziithunyelwe kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) ngomhla okanye ngaphambi wama- **Ulwesihlanu, 21 uJuni 2024** unike igama lakho, idilesi neenkukacha zonxibelelwano nawe, umdla wakho kwesi sicelo nezizathu zokunika izimvo. Imibuzo ngomnxeba ingenziwa kuMchwangcisi weDolophu ngokutsalelwa umnxeba, uMnu. SW van der Merwe kule nombolo 028-313 8900. Umasipala angala ukuzamkela izimvo ezifike emva komhla wokuvulwa. Nabani na ongakwaziyo ukufunda okanye ukubhala makaye kwiSebe loYilo lweDolophu apho igosa likamasipala liya kumncedisa azibhalelizimvo zakhe.

1. Locality Plan Farm Langverwacht 896, Caledon



Subject property

Plan prepared by: Thian Jansen

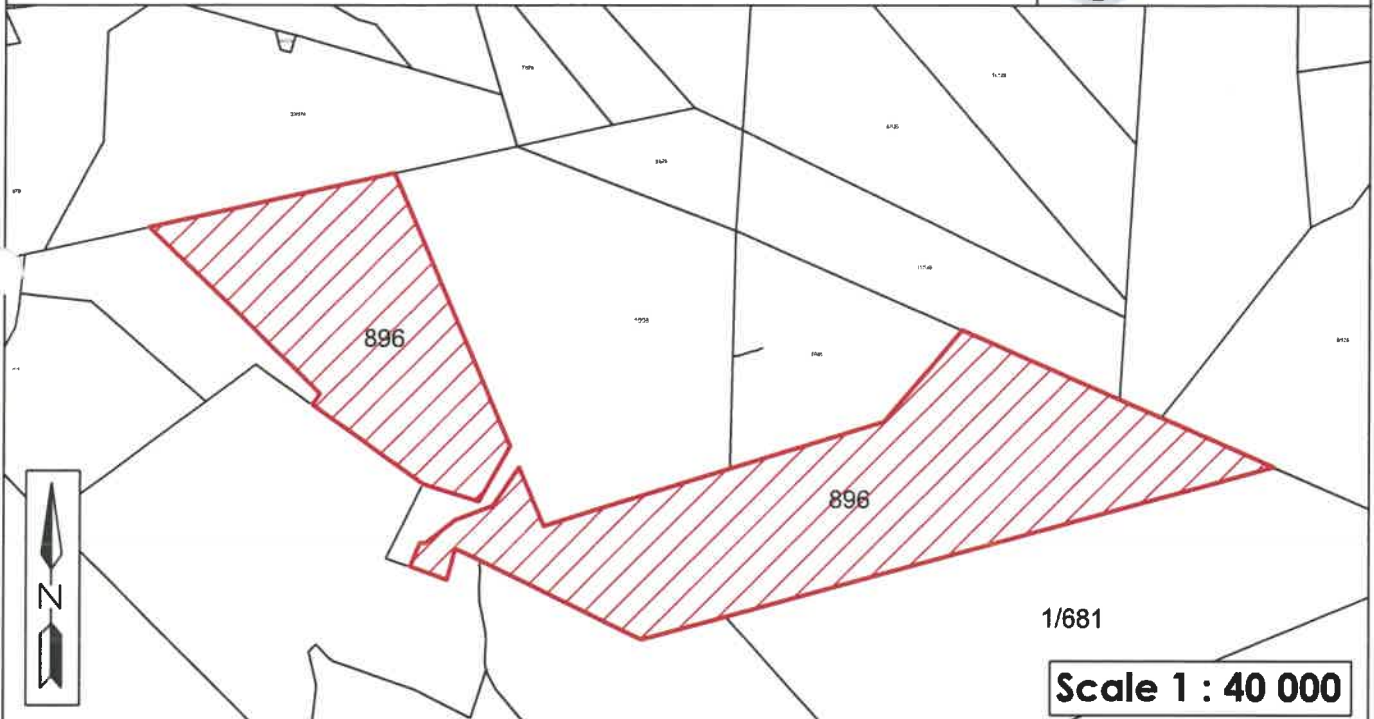
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Project Office
Town Planning & Project Management





1. ABBREVIATIONS

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

2. PROPERTY DETAILS

Consultant	WRAP Project Office
Farm Number	The Farm Langverwacht No. 896, Caledon
Extent	506,8341 Ha
Zoning	Agriculture Zone 1: Agriculture

3. BACKGROUND AND INTENT

The Farm Langverwacht No. 896, Caledon hereafter referred to as the subject property, is located 17 km from Stanford, refer to **Plan 1: Locality**. The property owner appointed WRAP Project Office to submit a land use application on his behalf, refer to **Annexure A: Power of Attorney**.

The property was purchased and registered in 2022 into the name of Johan Griffioen. The property was previously owned by Culterra Kwekery (Nietgedacht) CC and an agreement of sale determined that the previous owners (J N Smith) may submit this application to subdivide a small portion from the subject farm in order to continue owning and operating a place of instruction (farm school) that have been operating on Farm Langverwacht 896, Caledon for more than a decade.

A consent use application is also required to continue operating the place of instruction on the proposed Portion A of the subject property. The place of instruction accommodates the existing farm school that was approved in 2013. Fynbos Academy and Career School located on the subject farm, is serving learners from Grade RR to Grade 7, which started from humble beginnings in an old farm shed on the subject property.

Approval for the subdivision of the farm as described was obtained from the Department of Agriculture, Land Reform and Rural Development prior to submission of this application for the subdivision of the farm as described. Refer to **Annexure C: Department of Agriculture, Land Reform and Rural Development approval**. As a result, approval of the following applications is required:

- Subdivision of the Farm Langverwacht No. 896, Caledon into two portions, namely Portion A (±7Ha) and the Remainder (±499,8341Ha);
- Consent use for a place of instruction;
- Permanent departure from the common boundary building line to accommodate the existing agricultural workers' accommodation; and



- Determination of an administrative penalty.

4. PROCEDURE TO ACHIEVE THE OWNER'S INTENT

WRAP compiled this report to ensure that the owner's requirements are met. The following is proposed:

4.1 Subdivision of the Farm Langverwacht No. 896, Caledon;

The property is proposed to be subdivided into two portions, namely Portion A and the Remainder of the Farm. The farm is utilised for both agriculture and educational purposes and the agricultural uses consists of ± 65 ha dryland (45 ha of planted fynbos & 20 ha of wheat fields) and ± 40 ha irrigated grazing. The remaining areas consist of $\pm 385,0341$ ha of natural untouched fynbos and ± 16.8 ha that represents sites/dams/roads, including the educational facility.

The two portions will therefore have the following approximate extents:

Portion A	± 7 Ha
Remainder	$\pm 499,8341$ Ha

The purpose of the subdivision is to create Portion A which makes up a small portion of the subject property and contains only the educational facility and some residences utilised by the staff employed by the farm school. The proposed Portion A cannot be solely used for agricultural purposes as there is a stream, access roads and an existing educational facility located thereon. Limited agricultural and livestock areas will be used for agricultural educational purposes.

The objective of this proposal is to maintain the agricultural viability of the remainder property, while simultaneously allowing the subdivision in order for the farm school to operate independently, by the owners and operators of the school. This will allow the proposed new owners of Portion A to manage the farm school to ensure its future operation is secured. The proposed subdivision will have no agricultural impact. The natural ecosystems will still be protected on the proposed Remainder, while the farm schools' future, for the children of the entire surrounding community, is secured.

It should be reiterated that the sole purpose of the subdivision is to enable the school to function independently from the rest of the farm. As previously mentioned, the application for subdivision has already received approval from the National Department of Agriculture, administering the Subdivision of Agricultural Land Act, 70 of 1970. The proposal is to limit the current- or any future owner from only utilising the property for educational purposes. Firstly, it is recommended that the SDP be approved, and any amendment made thereto, should be approved by the municipality. Secondly, an inclusion of a title deed restriction that restricts the owner to only use the property for educational purposes linked to agricultural teaching methods. The proposal is to have the restriction read as follows:



MOTIVATION

"The owner is prohibited from utilizing the premises for any purpose other than educational activities directly related to agricultural teaching methods."

This will ensure that any amendment or additional structures proposed on the property, will have to be utilised for educational purposes. Any amendment thereto would require the municipality's approval.

4.2 Consent use for a place of instruction to allow a farm school;

The educational facility located on Portion A of the farm was founded by Koos and Joanie Smith, the previous owners of Langverwacht. The owners saw the desperate need of the communities they worked with and had the vision of a rural (farm) school with small classes and individual attention, was born.

The farm school, trading as the *Fynbos Community Foundation (FCF)* was officially registered as an NPO in November 2012. The FCF has developed and implemented the Rural Education SA (RESA) program, to address the educational, social and vocational needs of rural children in South Africa. The ultimate goal is to equip children to become self-sufficient, well-rounded individuals.

The program has successfully been implemented in three schools namely Fynbos Academy and Career School on Langverwacht Farm and Blouville Academy and Career School outside Wellington. The schools are all operated by RESA. Thriving, vibrant, positive learning environments have been created and will continue to grow from strength to strength. Many lives have been impacted positively as the RESA schools provide a beacon of hope in struggling communities.

In 2017 FCF established two Career Schools for young people between the ages of 14 and 18 years of age where the focus is on both academic and practical development. This is a 4-year course where learners are enabled to qualify in preparation for entering the employment market or equipped to engage in entrepreneurial activity.

The Academy prides itself in a holistic approach and goes beyond pure academic education by providing a wholesome daily meal to each learner as well as teaching them crucial life skills. All facets of the children's lives are taken into consideration.

The children are able to interact with and care for the animals on the farm as well as learn about farming practices and how to grow food to be self-sustainable. The learners take part in sports activities, art classes and eisteddfods and are provided with access to good medical care. The educational agricultural enterprise used for teaching will assist in providing funds to the school by selling the crop/livestock to local consumers that in turn will be reinvested in the school to ensure it is sustainable.

It should be noted that municipal approval was previously obtained for the educational facility on the Farm 896 Langverwacht, Caledon. Refer **Annexure D – Historic Municipal Approval**.

The approval contains a condition that states that the approval for departure for a place of instruction and hostel is not transferable and lapse, should the property change



MOTIVATION

ownership or there is a successor in title. Due to the sale of the property, the approval had lapsed, which is the reason for the application for the place of instruction.

A summary of what was approved and what is proposed is seen in **Table 2**.

Table 2: Historically approved and proposed summary for a place of instruction on the subject property

	HISTORICALLY APPROVED	PROPOSED
Maximum learners	30 Learners	75 Learners
Hostel/ Accommodation facility	25 Learners	25 Learners
Grades	Pre-school – Grade 7	Pre-school – Grade 9
Facilities	6 Classrooms Staff room Boarding hostel	8 Classrooms Staff room Boarding hostel
Parking required	Undisclosed	9 Parking Bays required

The application is to allow a maximum of 75 learners that will be attending the farm school ranging from Pre-school to Grade 9. These learners are all local children from the surrounding farms whose parents work and live in the rural area.

To assist the learners with transport to school, the farm school operate four buses, which cover a total of over 100km on gravel roads to take the learners to school and home again each day. Therefore, the school has sufficient space for the required 9 parking bays. Referring to **Plan 5 – Site Development Plan (SDP)**, although 10 parking bays are allocated, the parking bays are not demarcated on-site. This decision reflects that while parking facilities are available, they are underutilized due to the majority of learners commuting to and from school via the buses or on foot, because of its rural setting.

4.3 Permanent Departure from the common boundary building line to allow the agricultural workers' accommodation

There are several existing agricultural workers' accommodation, most of which are located within the building line. One structure of the existing agricultural workers' accommodation is located slightly encroaching the common building line. As a result of the proposed subdivision to establish Portion A, the building line applicable is 10m.

This workers' accommodation serves as a critical component of the farm's infrastructure, supporting the essential day-to-day operations of the school and the agricultural area of Portion A. Its preservation ensures continuity in agricultural activities without the need for costly relocation or demolition. The minor deviation of 3,53m is unlikely to significantly impact the Remainder of the Farm as the owner has given consent for the subdivision.

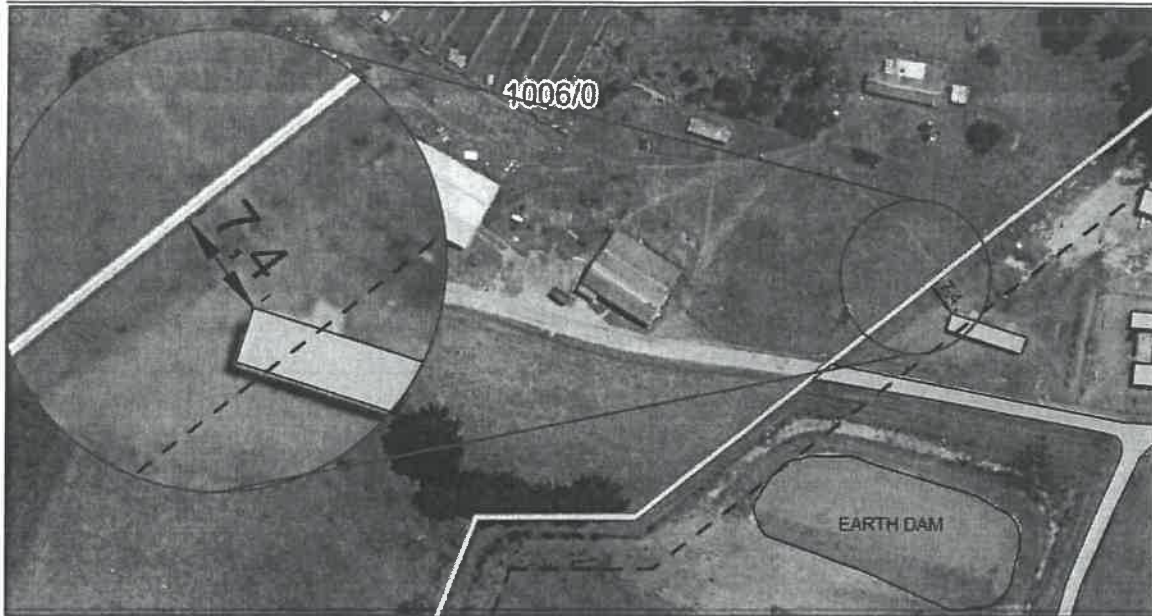


Figure 1: Proposed Departure

Additionally, having suitable accommodation closer to the workplace enhances the well-being and satisfaction of agricultural workers, contributing to a stable and productive workforce.

4.4 Determination of an administrative penalty

The requirement to include an administrative penalty needs to be addressed due to condition 1.(f) of the historic approval, which states that the approval is non-transferable and will lapse upon any change in property ownership or succession in title. Despite the transfer of the subject property to a new owner in March 2022, the sales agreement contains specific provisions regarding the school portion of the farm.

A clause within the sales agreement determines that the seller retains exclusive use of the portion (Portion A) for a lease period of nine years and eleven months from the date of registration of transfer to the purchaser. Moreover, it allows the previous owners the right to apply for consent to register a lease agreement exceeding ten years and/or to subdivide the property during the lease period.

It is essential to emphasize that the school has been managed and maintained under the stewardship of the previous owner, who obtained the historic approval. Furthermore, efforts have been actively undertaken to secure approval for the subdivision of Portion A following the sale of the property. The recent approval of the application received from the Department of Agriculture, Land Reform, and Rural Development underscores this commitment.

In light of these circumstances, a request for a reduced administrative penalty is warranted. The proactive engagement of the previous owner in securing approval for subdivision, coupled with the continued care of the school, demonstrates a commitment to compliance and responsible property management.



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

The nature, duration, gravity and extent of the contravention

Section 4.1 indicates the nature and gravity of the additions that were constructed without prior approval. The total extent of the unlawful use of the structure is:

Use of the school structures	±1 154m ²
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The conduct of the person (allegedly) involved in the contravention

The current owner allowed the school to be operated as previously approved. It is important to note that no malicious intent was found in their actions and the owner aimed to allow the school to provide essential services to the surrounding community.

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

No unauthorised building work was conducted as only the use of the structures was contravening in terms of the OMLUS.

Whether the unlawful conduct was stopped

As a result of the necessary use, the school is still operating.

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

To the knowledge of this office, the property owner has not previously contravened the By-Law.

5. LAND USE ENVIRONMENT

The property is located in an agricultural area surrounded by other Agricultural Zone 1 zoned properties. The surrounding area's zonings are illustrated in **Plan 2** (zoning plan).

6. TITLE DEED

Title deed T7806/2022 of the Farm Langverwacht No. 896, Caledon (refer **Annexure B**) was perused and there are no restrictive conditions that prevent the proposal to subdivide the farm and obtain approval for a consent use to operate a place of instruction.

7. ZONING

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



MOTIVATION

AGRICULTURE ZONE 1: AGRICULTURE (AGRI)		
Land Use Restrictions		
Parameters	Proposal	Comply/ deviate
Primary use	Agriculture, Crèche, Dwelling House , Guest Rooms and Home Occupation.	Comply
Consent uses that may be applied for	Additional Dwelling Units, Agricultural Industry, Animal Care Centre, Aquaculture, Day Care Centre, Farm Shop/Stall, Fertiliser Plant, Guest House, Hotel, Institution, Intensive Animal Farming, Intensive Horticulture, Lodge, Mining, Place of Assembly, Place of Entertainment, Place of Instruction , Plant Nursery, Riding Stables, Service Trade, Tourist Accommodation, Tourist Facilities, Transmission Apparatus, Utility Services, Wellness Centre And 4x4 Trail.	Deviate Applied for and motivated.
Floor Space	The total floor space of all buildings on the land unit may not exceed 5000m ² , provided that the Municipality may relax this requirement if it is satisfied that such buildings are required for bona fide farming activities on the land unit.	Comply
Building Lines	The street and common boundary building lines are determined in accordance with the area of the land unit as specified in the table below. <10ha and > 1ha: Street boundary building lines = 10,0 m Common boundary building lines = 10,0 m	Deviate Applied for and motivated.
Height	The maximum height of a building, measured from the base level to the top of the structure, is	Comply

FILE 22/151
THE FARM LANGVERWACHT NO. 896
MARCH 2024



MOTIVATION

	<p>8,0 m, provided that agricultural buildings other than dwelling units shall not exceed a height of 12,0 m, measured from the base level to the top of the structure, and where the Municipality is satisfied that a greater height is necessary for the agricultural function of the building, it may permit such greater height.</p>		
<p>Parking</p>	<p>Parking and access shall be provided on the land unit in accordance with Chapter 17.1.</p> <ul style="list-style-type: none">• Dwelling house = 2 on-site parking bays per dwelling unit• School = 1 bay per classroom or office plus a stop-and-drop facility	<ul style="list-style-type: none">• Existing dwelling house requires 2 parking bays;• Place of instruction requires 9 parking bays with a stop-and-drop facility. <p>The Portion A is able to accommodate the required 11 parking bays.</p>	<p>Comply</p>



8. SERVICES

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

Electricity, Water, Sewage and Solid Waste

The subject property is connected to the available existing networks in the area. Electricity is provided by ESKOM and sewage is managed by the owners currently. Sewage is kept in closed conservancy tanks that are serviced by private companies at the cost of the owners.

Water is obtained through various methods such as collecting surface runoff, and boreholes.

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

Access and Egress

Access and egress to the subject property is gained from a subordinate provincial road. Should the application be approved, the Remainder and Portion A will be accessed by the same road as both the Remainder and Portion A will have access to the said road. Therefore, the approval and implementation of this proposal will not change this.

9. NEED AND DESIRABILITY

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

Need and desirability.

The need for the land use application is a result of addressing all the land use requirements and ensuring the property meets the needs of the owner. To achieve this, the proposed applications are required.

Socio-economic impact	The proposed subdivision will have significant benefits. Firstly, it serves as an educational beacon, providing essential learning opportunities for children interested in agriculture while nurturing skilled labour within the industry. The farm school not only delivers vital training programs but also generates employment for educators, administrators, and support staff within the rural area, thus curbing unemployment rates and fostering economic stability in the surrounding rural area. Additionally, by co-existing with traditional farming activities, the farm school cultivates community engagement and unity, acting as a nexus for farmers,
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MOTIVATION

	<p>learners and residents to exchange insights and cultivate bonds which strengthens the social cohesion of the area. Furthermore, by preserving agricultural heritage and the promotion of environmental stewardship via sustainable farming practices, it secures the enduring vitality of rural communities, thereby fostering their holistic development and prosperity.</p>
<p>Compatibility with surrounding uses</p>	<p>It is not predicted that the proposal of the subdivision and consent use is out of line with the surrounding area as all structures and uses are existing and not proposed to be altered or proposed to be out of character with the agricultural surrounding.</p>
<p>Impact on the external engineering services</p>	<p>Refer to Section 9.</p>
<p>Impact on safety, health and wellbeing of the surrounding community</p>	<p>It is predicted that the proposal will have a positive impact on safety, health, and wellbeing of the surrounding community.</p> <p>Firstly, by providing educational opportunities for children from rural areas, the farm school can contribute to enhancing safety within the community. The presence of this school in the area may improve the overall safety by discouraging risky behaviour and promoting responsible decision-making among community members.</p> <p>Secondly, the school- and continuing farming activities may promote better health outcomes for the rural community. Access to education on agriculture and nutrition at the school may increase awareness of healthy eating habits and the importance of a balanced diet, leading to improved overall health among learners and their families within the area. Furthermore, by practicing sustainable farming methods, such as organic farming and crop rotation, the farm may contribute to a healthier environment with reduced exposure to harmful chemicals and pesticides. This, in turn, can have positive effects on the physical health of community members and the quality of local ecosystems.</p> <p>Lastly, the farm school serves as a focal point for social interaction, bringing together learners, parents, teachers, and farmers. This sense of community belonging, and connection can have positive effects on mental health and wellbeing, reducing feelings of isolation and loneliness commonly experienced in rural areas. Additionally, the promotion of environmental</p>



MOTIVATION

	stewardship and sustainable practices instilled by the farm school can foster a sense of pride and purpose among community members, contributing to their overall satisfaction and wellbeing.
Impact on heritage	The subject property is not listed in the OM Heritage Register.
Impact on the biophysical environment	It is not predicted that the proposal will have an impact on the biophysical environment, because the school- and residential buildings are existing structures. By implementing sustainable agricultural techniques, the proposal may enhance biodiversity and soil health. The proposal also focusses on environmental education and community engagement that fosters stewardship and collective action for conservation, promoting long-term sustainability and resilience of the ecosystem. Through these efforts, the proposal has the potential to create a harmonious balance between agricultural activities and environmental preservation, benefitting both the local community and the broader biophysical landscape.
Traffic impacts, parking, access and other transport related considerations	The proposal will not have an impact on traffic, parking or access, as the subdivided portion A and the Remainder will still use the accesses as are currently being used. As previously mentioned, most learners make use of the buses for transport to- and from the farm school.

Impact on views, sunlight and character of the area

The subject property is located in an agricultural setting and the property is being used for agricultural purposes as well as an educational facility at present. However, it should be noted that no additions are being applied for, all operation will occur within the existing structures located on the farm.

Due to the use remaining the same, the surrounding properties have become accustomed to these structures, therefore, it is not expected that it will have an impact on the views, sunlight or character of the area.

Economic impact

The proposal is not expected to have a long- or short-term economic impact as this is a farm school that is registered as an NPO, and the focus of the school is to ensure the development of children from the surrounding rural area.

Opportunity cost

An opportunity cost in the context of land use planning refers to a development proposal that leads to the devaluation or foregoing of valued land use rights of interested and affected parties when an application is approved. The proposal is not predicted to have a negative impact on the surrounding properties.

FILE 22/151
THE FARM LANGVERWACHT NO. 896
MARCH 2024



Environmental impact

A portion of the subject property is located within an environmentally important area. Refer to Section 10 below.

10. POLICIES AND REGULATIONS

10.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

The subject property is located within the Mountain Catchment Environmental Management Overlay Zone, otherwise known as the Mountain Catchment EMOZ. The purpose of the Mountain Catchment EMOZ is to protect and conserve the ecology and water provision functions of priority unprotected mountain catchments.

It is important to note that the proposed subdivision and consent use will not be located within this zone, therefore, it cannot have an effect on the overlay zone.

10.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)

The proposed subdivision is located along a scenic drive, as no additional structures or change of use is being proposed it is not expected to have an impact on the scenic route. However, the Stanford Heritage Committees will be afforded the opportunity to comment on the application during the public- and authority commenting period.

10.3 Spatial Planning Policies

WCLUPGRA

Policy preface

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

Broad policy objectives

The Western Cape Government's approach to community facilities and institutions in rural areas, is that community facilities that serves rural communities, should be located within existing settlements, except when travel distances are too far, or rural population concentrations justifies the location of community facilities in rural areas.

The WCLUPGRA provides guidance for implementation:

WCLUPGRA Guidelines	Response
Where ever practical, community facilities should be located in settlements. Location within the rural landscape may be required in	The farm is located approximately 17km from Stanford, the closest town, with several hundred farms in the area. The

FILE 22/151
THE FARM LANGVERWACHT NO. 896
MARCH 2024



MOTIVATION

exceptional cases when travel distances are too far, or rural population concentrations justifies the location of community facilities in rural areas.	school has experienced continued support and capacity.
In extensive agricultural areas, it is preferable to locate rural community facilities and institutions in Buffer 2 SPCs, and along regional accessible roads.	This is noted and complied with. The gravel road running though the farm is connected to the regional road (R326).
In instances where community facilities are justified "on-farm", existing farm structures or existing footprints should be utilised, with local vernacular informing the scale, form and use of materials.	This is complied with; the farm school is existing, and no additional structures are being proposed.
Facilities to be located on disturbed areas and areas of low agricultural potential.	No additional structures are being proposed.
The nodal clustering of community facilities in service points should be promoted, with these points accommodating both mobile services and fixed community facilities (e.g. health, pension payments). The scale and frequency of services provided will be as per departmental specifications (e.g. Health, Education, Social Development, etc.)	N/A
The subdivision of agricultural land to accommodate community facilities or institutions should be discouraged and lease agreements are preferred so that the buildings can be re-used for agricultural activities if the service is discontinued.	<p>This is noted, however due to the existing circumstance and change of ownership, the proposed subdivision is considered the only option to continue the operation of the school.</p> <p>These are unique circumstances that is supported by the Department of Agriculture, Land Reform and Rural Development.</p> <p>In addition, the school will serve a dual purpose by educating children of the importance of agriculture and exposing them to the techniques and information required to be trained in a craft to become employed.</p>
Wherever possible new community facilities should be located in settlements and not in isolated locations and should	This is complied with. As previously mentioned, the children being accommodated in the school are children from the farm workers in the

FILE 22/151
 THE FARM LANGVERWACHT NO. 896
 MARCH 2024



MOTIVATION

<p>be for the exclusive or primary use of the farm/local rural community.</p>	<p>area, benefiting the rural community from its location.</p>
<p>Only activities that are appropriate in a rural context, generate positive socio-economic returns, and do not compromise the environment or ability of the municipality to deliver on its mandate should be accommodated. The long-term impact on the municipality (resources and financial); agricultural activities, production and sustainability, risk and finances; and the scenic, heritage and cultural landscape should be considered when decisions are taken.</p>	<p>As stated above, the proposed location for the place of instruction is not expected to have a negative impact on the environment, including agricultural viability and heritage aspects.</p> <p>However, it is anticipated that educating these children on subjects that will ultimately have a positive effect on the agricultural environment in the area will benefit both the children and the environment in the long term.</p>
<p>Development applications should include a locality plan to indicate how it contributes to the clustering of nodal facilities.</p>	<p>Due to the absence of other community institutions in the area, this proposal is essential for the continued operation of the school. It's crucial to acknowledge that having multiple education facilities in close proximity can result in detrimental effects.</p>
<p>A site development plan must be submitted to the municipality for consideration. The exact proposed footprint must be shown on the site development plan, it should illustrate the placement of the facility in relation to existing buildings on the farm, and provide details on infrastructure provision, engineering services, access and parking arrangements and the position and nature of all proposed signage and landscaping.</p>	<p>This is noted and complied with.</p>

PSDF

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

Consistency with the PSDF

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

**FILE 22/151
THE FARM LANGVERWACHT NO. 896
MARCH 2024**



MOTIVATION

The continual growth of the province creates a need for educational facilities. One of the main spatial visions being focussed on is to ensure everyone has access to good education, this includes everyone in cities, towns and rural villages.

As stated in in the PSDF, *"most of the education and health facilities in the Western Cape are located within the urban areas, following the strong concentration of both population and economic activity within these urban cores. The framework continues to state that this leads to an uneven distribution of amenities and services across the Provincial landscape, with overcrowding and under provision in some areas and under-utilised facilities in others."*

The application aims to provide educational facilities in an area where it is rarely found, this will increase access thereto and ensure the community surrounding the school is well serviced.

MSDF

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

Consistency with the MSDF

To ensure alignment with the principles and objectives outlined in the Provincial Spatial Development Framework (PSDF) and the National Development Plan (NDP), the Municipal Spatial Development Framework (MSDF) was crafted with these policies and frameworks in mind.

Facilitating economic development within the Overstrand Municipality (OM) is paramount for fostering sustainable growth across the municipal area. As previously noted, the subject property is situated in an area characterized by limited to negligible economic activity. In response, the previous property owner proposes to capitalize on the unique location of the subject property to establish an additional income stream for educators and agricultural workers while also providing necessary educational opportunities that is related to agricultural for children in this rural area. This initiative aims to generate employment opportunities on the farm, thereby making a tangible contribution to local economic advancement.

Although the proposed use represents a modest economic link within the Overstrand Municipality, it nonetheless plays a crucial role, maintaining alignment with the MSDF. Furthermore, the policy underscores the population growth across the entire Overstrand Area, including Stanford. Addressing the increase in Stanford's population is imperative, especially on the surrounding farms, and the proposed use of an existing educational facility will not only benefit the Stanford's rural area but also contribute to the educational provisions of the Overstrand Municipality as a whole.



11. PLANNING PRINCIPLES

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

Spatial justice

Spatial justice refers to planning proposals that do not contribute towards the perpetuation of apartheid spatial development imbalances. This proposal aims to provide equal access to education which attempt to rectify past spatial injustices.

Spatial sustainability and Efficiency

Spatial sustainability refers to planning proposals that result in communities that are viable. This proposal to subdivide intends to ensure the school will be allowed to operate while the maximum potential of the subject property is unlocked.

Spatial resilience

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

Good administration

The OM has a credible track record of good administration regarding the method of public participation. Public participation forms an integral part of the land use planning process.

The public participation process provides people who may be affected by the proposal with an opportunity to provide comment and to raise issues of concern about the proposal or make possible suggestions that may result in an enhanced outcome of which both parties benefit. Comments will be reviewed and considered after which it will be addressed accordingly.



12. EVALUATION

The proposal needs to be evaluated on the basis that the subject property has more than sufficient space to accommodate the subdivision of the farm, including the operation of an existing farm school together with all agricultural uses at present. It has to be noted that the school will operate as it has been for the past decade with an increase in learners from 30 - to 75 learners, two additional classrooms that will be accommodated for within the existing structures and will provide education from pre-school up to Grade 9. The proposal requires approval as the previous approval lapsed due to the change of ownership.

The permanent departure is also motivated due to the existing structure that is within the building line and being used for agricultural workers' accommodation. The determination of the administrative penalty is motivated to be reduced due to the school portion still being under management by the previous owner who received the historic approval. The previous owner is also leasing the farm portion where the farm school is situated on.

This proposal is in harmony with all relevant spatial planning policies which illustrates that the applicant did not arbitrarily invent this application but had due consideration for relevant spatial planning policies.

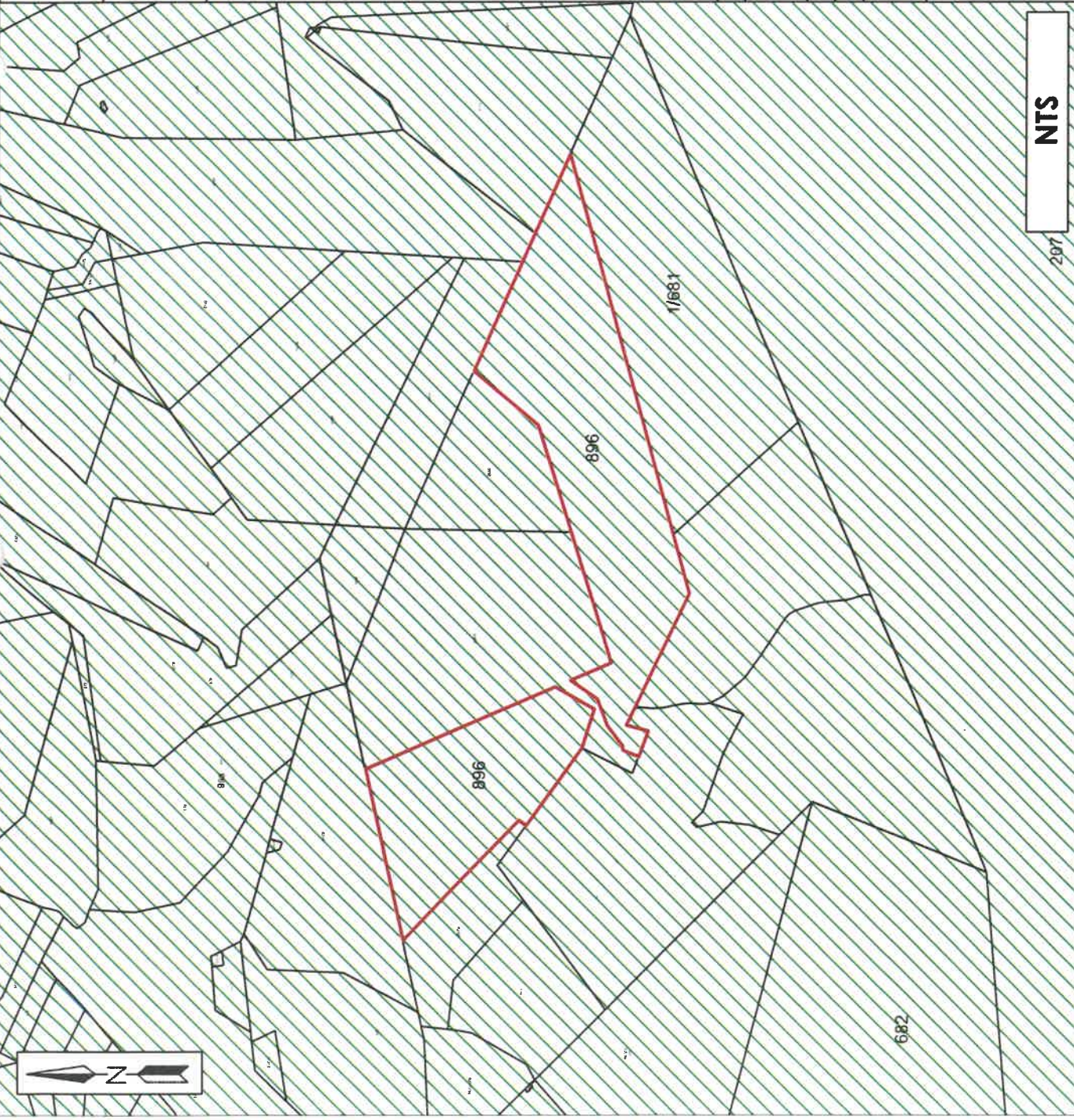
13. RECOMMENDATION

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

- 13.1 Subdivision** into Portion A, ± 7 Ha and the Remainder, $\pm 499,8341$ Ha in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.2 Consent Use** for a place of instruction on proposed Portion A in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.3 Permanent departure** from the 10m northern common boundary building line to 7,4m to allow the existing agricultural workers' accommodation in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020; and
- 13.4 Determination of an administrative penalty** in terms of Section 90(5) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

2. Zoning Plan
The Farm Langverwacht 896,
Caledon

Agricultural Zone 1 : Agriculture



NTS

Plan prepared by: Veronica Jansen

All distances are approximate
and subject to a survey

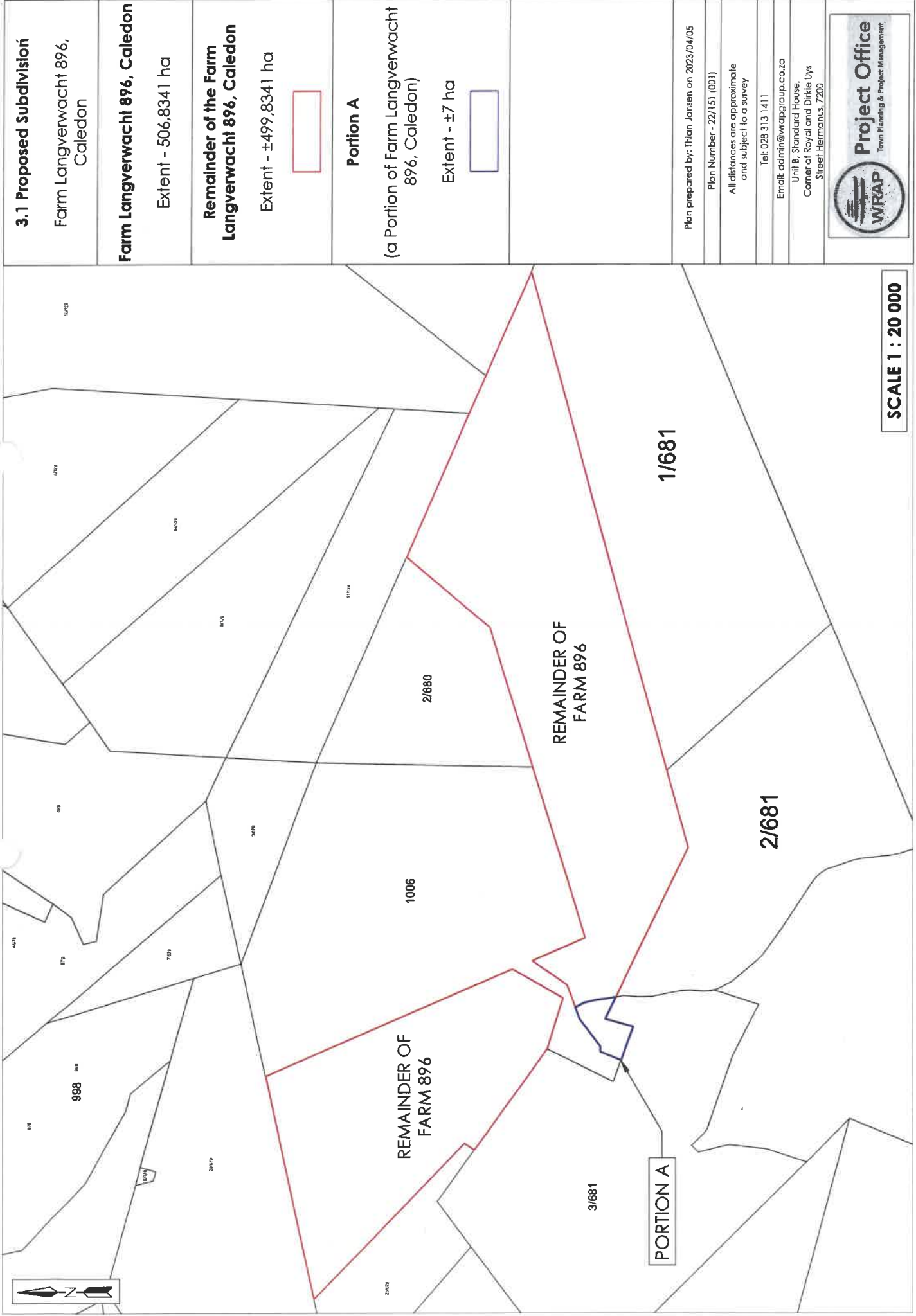
Tel: 028 313 1411

Email: admin@wrapgroup.co.za

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



Project Office
Town Planning & Project Management



3.1 Proposed Subdivision

Farm Langverwacht 896,
Caledon

Farm Langverwacht 896, Caledon

Extent - 506,8341 ha

**Remainder of the Farm
Langverwacht 896, Caledon**

Extent - ±499,8341 ha



Portion A

(a Portion of Farm Langverwacht
896, Caledon)

Extent - ±7 ha



Plan prepared by: Thian Jansen on 2023/04/05

Plan Number - 22/151 (001)

All distances are approximate
and subject to a survey

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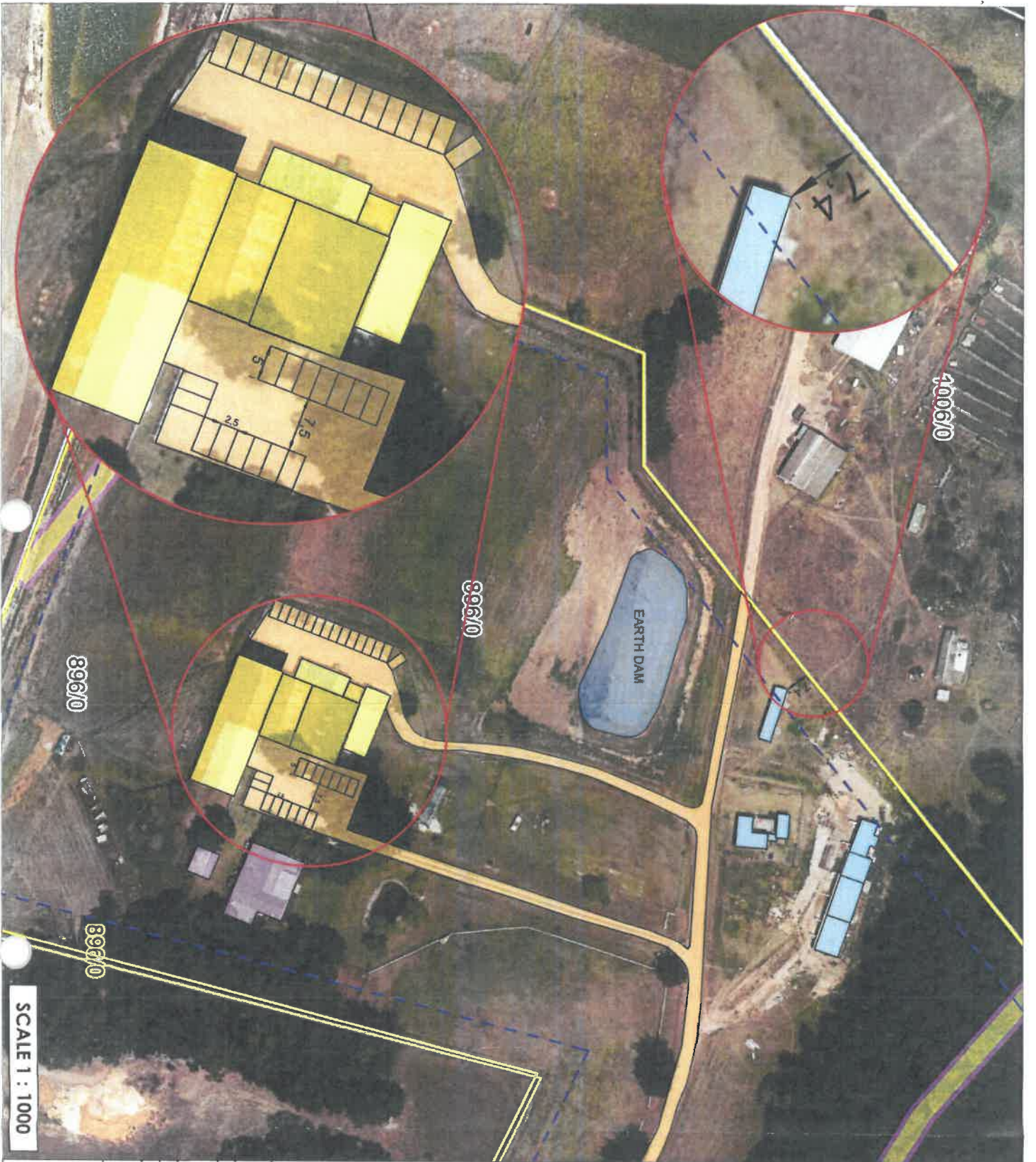
Unit B, Standard House,

Corner of Rooyal and Dikkle Uys





Street, Hermanus, 7200



SCALE 1 : 20 000



Proposed
Site Development Plan - Inset
 Farm Langverwacht 896, Caledon

-  Dwelling House (±355m²)
-  Existing Farm School (±1154m²)
-  Agricultural Workers' Accommodation (±380m²)
-  Proposed 10m Building Line

Plan prepared by: Thien Jensen on 2024/03/22

Plan Number - 22/151 (001)

All distances are approximate and subject to a survey

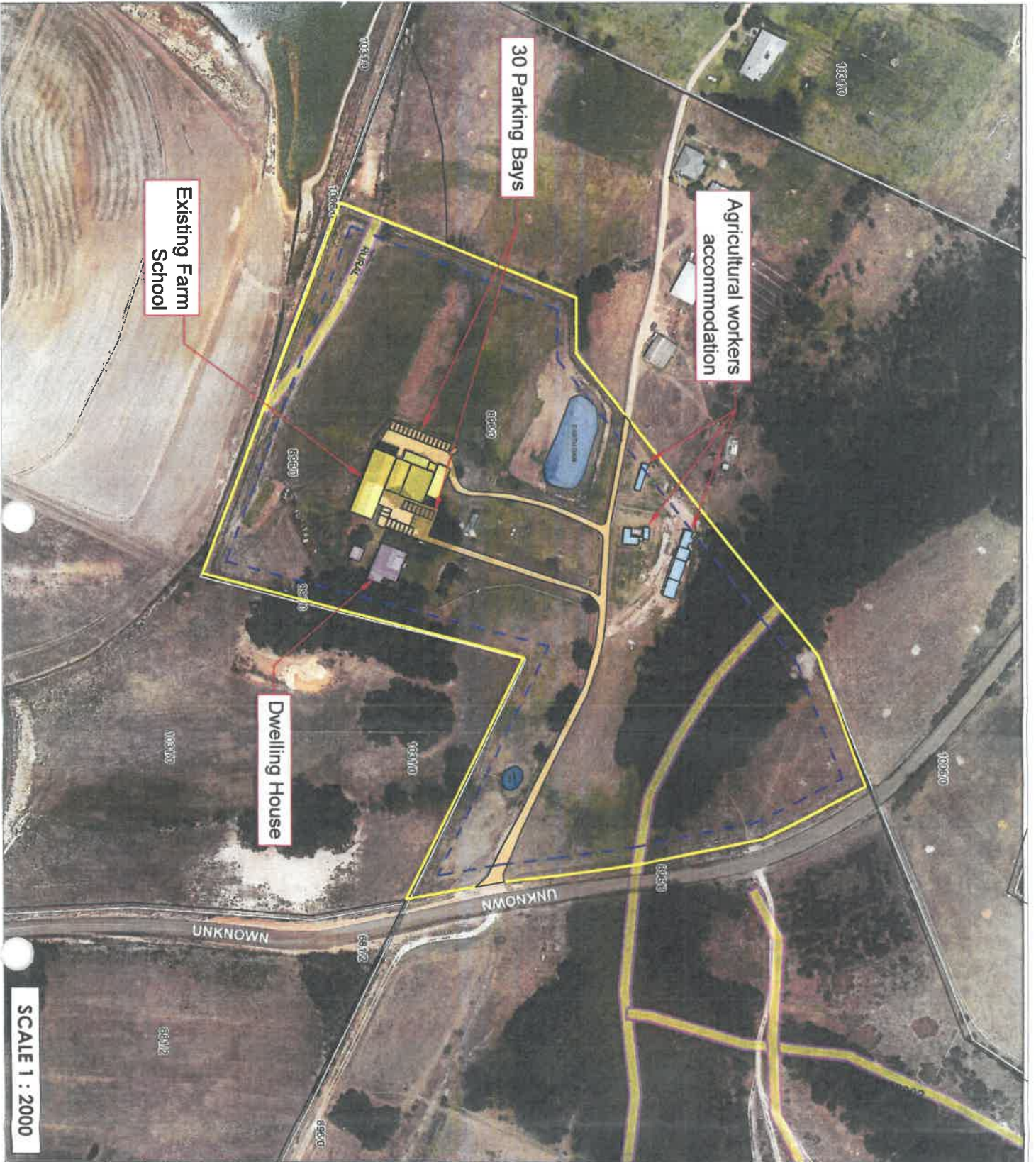
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Project Office
 Team Planning & Project Management



SCALE 1 : 2000

Proposed Site Development Plan
Farm Langverwacht 896, Caledon

- Dwelling House (±355m²)
- Existing Farm School (±1154m²)
- Agricultural Workers' Accommodation (±380m²)
- Proposed 10m Building Line

Plan prepared by: Thian Jansen on 2024/03/22

Plan Number - 22/151 (001)

All distances are approximate and subject to a survey

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