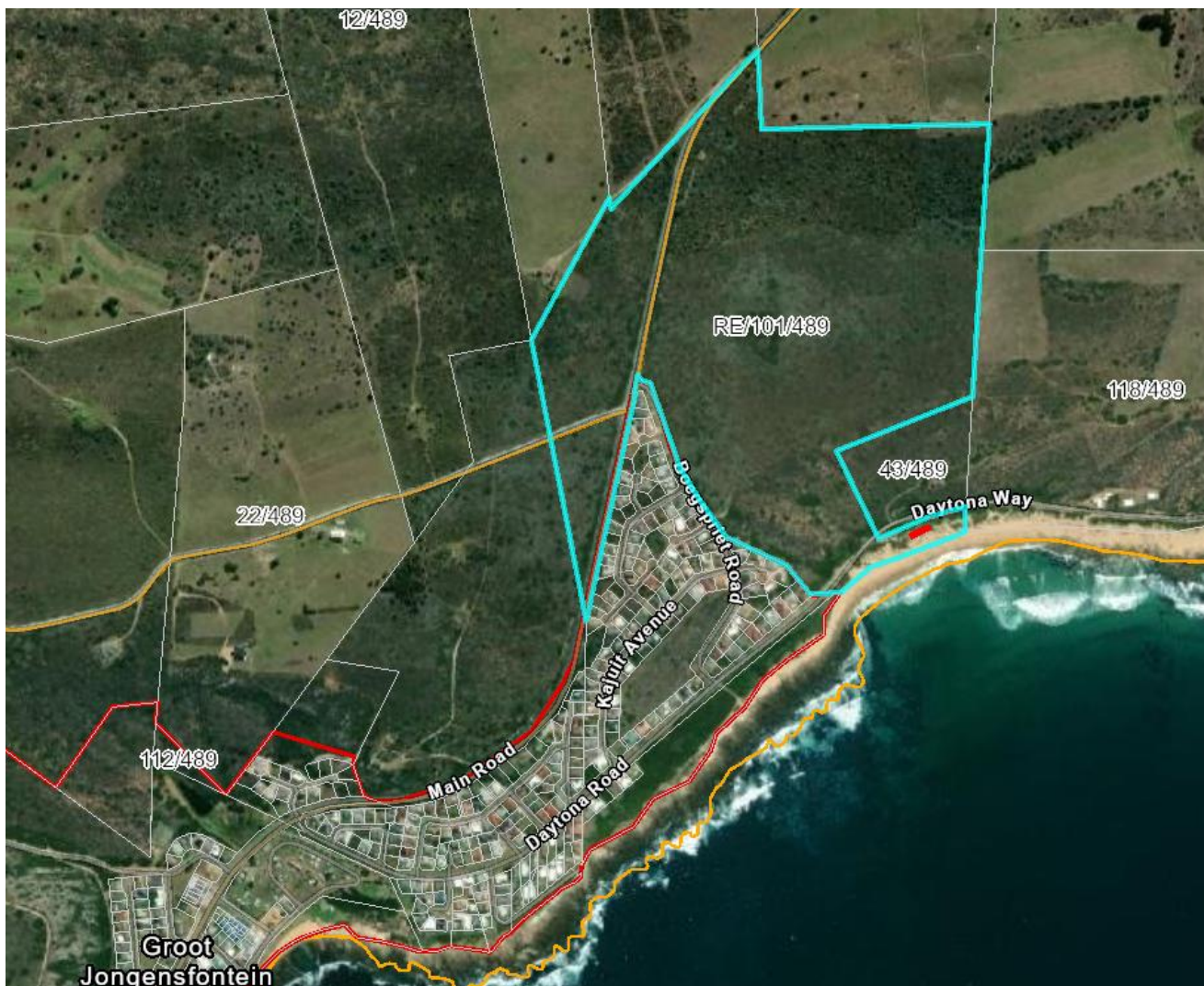


MOTIVATION REPORT

**PROPOSED CONSENT USE FOR TOURIST
ACCOMMODATION ON REMAINDER PORTION 101 OF
FARM ZWARTE JONGERSFONTEIN No. 489, SITUATED IN
THE MUNICIPALITY OF HESSEQUA AND THE
ADMINISTRATIVE DISTRICT OF RIVERSDALE.**



Stads- en Streekbeplanners
Town and Regional Planners

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1. APPLICATION

Application is being made for a Consent Use on an Agricultural Zone I property, Remainder Portion 101 of the Farm Zwarte Jongersfontein No. 489, Riversdale, in terms of Section 15.(2)(o) of the By-Law on Land Use Planning for Hessequa Municipality, 2015, for the purpose of developing six (6) tourist accommodation units with a total built area of 60m² each.

2. BACKGROUND

The total extent of the property on which the development of the six units is proposed is approximately 61.7115 ha, but due to environmental considerations only ±1.83ha thereof is earmarked for the development of six tourist accommodation units.

This land unit previously formed part of the same property on which Jongensbaai was developed, viz. Portion 101 of the Farm Zwarte Jongersfontein No. 489. It became a remainder thereof after the said township was developed and was excluded from the urban edge when the S.D.P. was finalised.

After Jongensbaai was developed an application was lodged for township development on the subject of this application, but evidently due to a concern about the availability of water it was not approved. As the currently proposed development has a reduced water demand, the issue of securing an adequate water supply has been resolved through the successful drilling of a new borehole, which yields sufficient water of a quality and quantity that meets the minimum required standards.

3. PURPOSE

The purpose of this application is to add value and provide functionality to a small portion of a land unit of which the remainder cannot readily be used optimally in accordance with its primary land use right, viz. Agricultural Zone I, due to environmental constraints and limited agricultural potential. By exploiting the tourist potential of this portion, as will be discussed in this report, the goal of adding value to the property can be achieved.

4. MOTIVATION

4.1 NEED

The caravan park currently serves as the primary, fully developed large-scale holiday destination for tourists visiting Jongensfontein. In addition to the caravan park, a number of guest houses and self-catering accommodation options are also available in Jongensfontein, catering to a variety of tourist preferences. Given the demand for guest houses and self-catering accommodation, there is also a growing need for a nature-orientated, self-catering accommodation format in the area. There is,

however, no such facility in or in the immediate proximity of Jongensfontein. The proposed consent use for holiday accommodation located sensitively in a natural environment within walking distance from the only sandy beach at Jongensfontein, which forms part of this property, will satisfy this demand without putting any burden on the service infrastructure of Jongensfontein or marring the character of this popular seaside village.

4.2 DESIRABILITY

PHYSICAL CONDITIONS

4.2.1 TOPOGRAPHY

The portion of land on which the six holiday accommodation units are proposed has a gradual south facing slope which offers an unobstructed view towards the sea. None of the access roads or positions in which these units will be built have slopes steeper than 1:6. Therefore, the gradient of the areas where the proposed development will take place is not a consideration for the purpose of implementing it.

4.2.2 BOTTOM CONDITIONS

The soils on the property consist of Glenroza and/or Mispah forms (other soils may occur), while lime is also present.

The geology of the site is calcerous sandstone of the Bredasdorp Group as well as coastal outcrops of the Table Mountain Group.

The greyish, sandy soils have a high erodibility factor of 0.63 according to a study published by Cape Farm Mapper. These soil conditions, however, will not have an adverse effect on the proposed development as the units will be constructed on elevated frames which do not require any substantial cut and fill, while the roads will have a hardened gravel surface with efficient stormwater run-off points to channel rain water towards the deep sandy bottom which facilitates good local drainage.

4.2.3. VEGETATION

The following quote is an extract from a report by Cape EAPrac Environmental Assessment Practitioners:

“Ms Bianke Fouche from Confluent Consulting was appointed to investigate and determine the botanical/biodiversity sensitivity of the property.

The Screening Tool highlights the site as having ‘Medium’ sensitivity and ‘Very High’ sensitivity respectively.”

“The reasons for these sensitivity allocations include both a high diversity of plant species, inclusive of species of special concern (SCC) and protected species, in addition to the site being earmarked as a critical biodiversity area (CBA), being part

of a Biodiversity Priority Area (BPA) which is supported by ecosystem threat status of the vegetation found on the majority of the site having a 'Endangered' status (Hartenbos Dune Thicket) that consists of a fynbos-thicket mosaic type vegetation."

"Following the site sensitivity verification, the specialist was able to confirm that the site is indeed highly sensitive from a botanical/biodiversity perspective with the Albertinia Sand Fynbos covering the majority of the site whilst Blombos Strandveld is found along the southern portion of the site closest to the coast.

The different types of vegetation have been mapped and used to inform the overall ecological sensitivity of the property."

"The ecological site sensitivity in terms of biodiversity is confirmed as 'Very High', whilst the botanical site sensitivity verification is confirmed to be 'High'."

"The area earmarked for development of the tourist units partially falls within an area dominated by species of special concern, however considering the existing access point at this location, it is sensible to focus development in this area albeit very limited."

"Given the verified site sensitivity the Basic Assessment application process will have to be informed by a detailed Botanical/Biodiversity impact assessment. Micro-siting of units may be necessary to avoid SCC if noted within the designated development area."

The area identified as being suitable for the selective positioning of a limited number of accommodation units (pods) covers an area of approximately 1.83ha.

4.2.4. FLOOD LINES

The site is not in the close proximity of a river or an area where high volumes of stormwater is generated. Although stormwater run-off coming from Jongensbaai is diverted to a drainage course in the area it will not have any adverse effect on the proposed development as will be discussed in Par. 4.6. Therefore, the flood line is not an issue which requires further comment.

4.2.5. SENSITIVITIES

The sensitivities on this property, with specific reference to the portion thereof involved in this application, is discussed in detail in the environmental report by Cape EAPrac Environmentalist. According to the following summary of a study carried out by Cape EA Prac the sensitivity of the portion of the property where the proposed development will take place is of such nature that it will not cause any disturbance or damage to the eco system thereof:

“Based on the outcome of the site sensitivity verification (SSRV) provided by the key specialists, it is confirmed that the site is overall sensitive from a faunal, botanical and biodiversity perspective. The majority of the property is untransformed and consist of natural vegetation. The exception being the existing infrastructure/access and areas previously transformed (most likely for access to the property) by the previous landowner. The aquatic features on the property are situated along the lower portion of the property and apart from potential infrastructure, this area will not be affected by the development.

“Services must be planned (routes for water pipelines) to avoid the drainage lines if possible. Pipeline routes should ideally be aligned i.e. same route from borehole to the reservoir and back to the pods, to minimise disturbance. And attention must be given to stormwater design and erosion control measures as part of the more detail design.

“It is noted that the sustainable yield supply of the borehole must be such that it does not impact on other lawful water users (engineers to confirm).

The proposal for a low key tourist development in the form of six (6) glamping pods was informed by the outcome of the SSV and can be presented to the Competent Authority as part of the Basic Assessment application process”.

4.2.5. WATER TABLE

The site where the development is proposed, is situated well above any area where a high water table is present. Therefore, this is not an issue which may have an adverse effect on the proposed development.

4.2.6. DRAINAGE PATTERN

The Remainder Portion 101 of Farm Zwarte Jongersfontein No. 489 has a deep sandy bottom which facilitates sufficient local drainage of stormwater run-off originating on this farm. The dense vegetation on the property also slows down stormwater run-off which promotes good drainage.

Stormwater run-off coming from Jongensbaai and Boegspriet Street is, however, concentrate at the entrance to the proposed development and diverted onto the property via a deep channel from where it follows the natural drainage course towards the sea. This issue will be dealt with by means of an efficient stormwater design by Element Consulting Engineers as discussed in their service report attached to this application as Annexure 13.

4.2.8. FILLINGS AND EXCAVATIONS

As mentioned in the above, the six holiday accommodation units will be constructed on elevated platforms which require hardly any fillings or excavations which may destabilize the terrain.

4.3. EXISTING PLANNING AND LEGISLATION

4.3.1. SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013, (S.P.L.U.M.A.)

4.3.1.1. SPATIAL JUSTICE

- **Past spatial and other development imbalances must be redressed through improved access to and use of land.**

Due to the environmental sensitivity of Remainder 489/101 only a small portion thereof, viz. ± 1.83 ha, is suitable for the development of a meagre six holiday accommodation units with a total footprint of only 60m² each.

Therefore, this property is not suitable to redress past spatial imbalances through improved access to and use of land.

- **Spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterised by widespread poverty and deprivation.**

Due to the considerations discussed in the above, this objective is not readily achievable with this application.

- **Spatial Planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons.**

As discussed in the above, the environmental sensitivity of the entire property, with the exception of ± 1.83 ha, this land unit does not lend itself to compliance with this objective considering that the land is zoned Agriculture Zone I and excluded from the urban edge.

- **Land use management systems must include all areas of a Municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas, informal settlements and former homeland areas.**

A pragmatic approach to the management of land use systems to follow flexible and appropriate processes to facilitate housing for the disadvantaged community is of paramount importance, but due to considerations as previously discussed, the present application is not fit to facilitate this process.

- **Land development procedures must include provisions that accommodate access to secure tenure and the incremental upgrading of informal areas.**

This principle does not apply to the application as the property is zoned Agriculture Zone I and situated outside the urban edge and not within or close to an informal area.

- **A Municipal Planning Tribunal considering an application before it, may not be implemented or restricted in the exercise of its discretion solely on the ground that the value of land or property is affected by the outcome of the application.**

This principle does not apply to the application.

4.3.1.2. PRINCIPLE OF SPATIAL SUSTAINABILITY

- **Promote land development that is within the fiscal, institutional and administrative means of the Republic.**

The proposed development of tourist accommodation units is related to a privately owned property whereby no fiscal, institutional and administrative involvement by state agencies are relevant.

- **Ensure that special consideration is given to the protection of prime and unique agricultural land.**

Although Remainder Portion 101 of Farm Zwarte Jongersfontein No. 489 is zoned Agriculture Zone I it has not being used for grazing purposes for many years due to the low carrying capacity of the indigenous vegetation thereon. Furthermore, there are also no cultivated fields which is probably also due to the conservation worthy vegetation on the property.

By developing only 6 pods on the entire property of which the extent of the total built area and parking will cover only $\pm 468\text{m}^2$ and the total area covered by the internal service roads will be $\pm 1296.29\text{m}^2$ it is evident that this development will not jeopardize the agricultural potential thereof should it found to be viable in future.

- **Uphold consistency of land use measures in accordance with the environmental management instruments.**

The environmental management instruments which may form part of the conditions imposed on approval of this application will be strictly adhered to in terms of an Environmental Management Plan.

- **Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments.**

All the infrastructure required to service the proposed development will only partially be dependent on municipal involvement as solar power will be installed, but for the removal of garbage, the developer will enter into an agreement with the municipality to undertake this service. Water will be obtained from an existing borehole on the property – Copy of certificate of compliance with quality and quantity of source attached as Annexure 14. The roads will also be constructed and maintained by the developer as it will be in private ownership.

- **Promote land development in locations that are sustainable and limit urban sprawl.**

The proposed development is merely aimed at providing tourist accommodation on a very limited scale next to an existing township development. Therefore, there is no danger that it may result in uncontrolled urban sprawl as the rest of the property is classified as environmentally sensitive.

- **Result in communities that are viable.**

The proposed development is not aimed at the creation of a viable community as the six tourist accommodation units will provide only transient or short term overnight accommodation to tourists. Therefore, the principle of creating a viable community is not the goal of the proposed development.

4.3.1.3. PRINCIPLE OF EFFICIENCY

- **Land development optimises the use of existing resources and infrastructure.**

The proposed development will not be dependent on existing infrastructure, but as the presently unused water borehole is considered as a resource, the proposed development will ensure that it will be used optimally. It should be pointed out that a hydrologist has confirmed that the extraction of water from the borehole will have no influence on the underground water source from where Jongensfontein gets its water from – see report dd. January 2024 attached as Annexure 14.

- **Decision-making procedures are designed to minimise negative financial, social, economic, or environmental impacts.**

As a privately owned property sensible decision making to have minimal negative consequences when developing it is primarily the responsibility of the owner. It is also not foreseen that a decision to support the proposed development of tourist accommodation will have any negative financial, social economic or environmental effect on anyone, but the owner. It will in fact benefit the local economy as tourists from elsewhere will support

business facilities in Jongensfontein right through the year contrarily to holiday home owners who visit Jongensfontein only periodically.

- **Development applications procedures are efficient and streamlined and timeframes are adhered to by all parties.**

Adherence to prescribed timeframes vest with the municipality and therefore the applicant has no control over it.

4.3.1.4. PRINCIPLE OF SPATIAL RESILIENCE

This principle which is primarily aimed at a sustainable way of life for communities that are most vulnerable to economic and environmental setbacks, is not readily applicable to this application.

4.3.1.5. PRINCIPLE OF GOOD ADMINISTRATION

- **All spheres of government ensure an integrated approach to land use and land development that is guided by the spatial planning and land use management systems as embodied in this Act.**

The Municipality, Department of Environmental Affairs and the Department of Agriculture are the three authorities involved with the process of evaluating this application. These authorities follow an integrated process whereby inputs are made to the municipality to take a final decision on the application. Therefore, this application is aimed at addressing all issues related to the different disciplines.

- **Policies, legislation and procedures must be clearly set in order to inform and empower members of the public.**

Procedures of the public participation process for the purpose of this application will be complied with as prescribed when the application receives a Section 38 Land Use Planning By-Law, 2015 letter of compliance.

4.3.2. LAND USE PLANNING ACT, 2014 (L.U.P.A.)

As far as the proposed Consent Use is concerned, there is a great deal of duplication between the principles of spatial justice, sustainability, good administration and resilience that are pursued under this legislation, but which have already been discussed in par 4.3.1. above. Therefore, these principles will not be discussed again.

4.3.3. NATIONAL, PROVINCIAL AND LOCAL GOVERNMENT POLICIES AND MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK

National, Provincial and Local Government Policies set out and put in place coherent policies and frameworks to support municipalities fulfilling their municipal planning mandate in line with national and provincial agendas. This application is made in terms of Section 15 of the Land Use Planning By-Law of Hessequa, 2015. The local policies and frameworks of the municipality take the policies and frameworks of National and Provincial Government into consideration and therefore only the Hessequa Municipal Spatial Development Framework, 2017, (H.S.D.F.) will be discussed for the purpose of this application.

4.3.4. WESTERN CAPE LAND USE PLANNING GUIDELINES, 2019 (W.C.L.U.P.G.):

4.3.4.1. Conservation

- **Protect and conserve important terrestrial, aquatic (rivers, wetlands and estuaries) and marine habitats, as identified through a Systematic Biodiversity Planning or similar conservation process.**

There is no terrestrial, aquatic or marine habitats present on the property which may be affected by the proposed development. The high water mark is approximately 350m from the nearest accommodation unit while the height difference is approximately 45m.

- **Facilitate the formal protection of priority conservation areas (public and private), as well as implementing conservation management actions for CBAs and ESAs that are not formally proclaimed nature reserves.**

According to a botanical study carried out by Cape E Prac Environmental Consultants on Remainder Farm Zwarte Jongersfontein 489/101 it was found that there is conservation worthy vegetation on the property, while a small portion thereof, approximately 1.83ha, was found to be not too sensitive to be developed selectively. The remainder of the property will not form part of this development proposal. Conservation management measures will be implemented to protect areas which are priority conservation areas, although it is not a formal nature reserve.

- **Towards mitigating the impacts of climate change, to establish ecological corridors across the rural landscape.**

The low impact of the proposed development is a measure towards mitigating the impact of climate change on the existing ecological corridor currently stretching from the coastline to the hinterland of Jongensfontein which will remain intact. As only a small centrally located portion of Rem. Farm 489/101 is involved by the development proposal a wide ecological corridor between the inland and the coast is kept open.

- **Protect the scenic qualities of the Western Cape's cultural and natural landscapes.**

As shown on Annexure 17 the proposed units will blend in with the natural character of the environment and therefore it will not have any negative impact on the scenic qualities of the cultural and natural landscape of the province.

- **Protect the Western Cape's rural 'sense of place' and structures of heritage and archaeological significance and ensure that new development respects cultural landscapes and sites.**

There are no heritage structures with archaeological significance on the site which may make an impact on the 'sense of place' of this area. There is in fact no development of any kind on the property.

4.3.4.2. Agriculture

- **Protect agriculture as the primary land use in the rural landscape.**

The proposed development will have no impact on agriculture as a primary land use in a rural landscape as the property abuts a developed township $\pm 60\text{m}$ away from the closest accommodation unit - see Annexure 8 for SDP.

Therefore, it cannot be regarded as a pristine rural landscape anymore.

Furthermore, it should also be mentioned that the property is zoned Agriculture Zone I implicating that the primary land use thereof is agriculture, while tourist accommodation is a consent use. Due to the sensitivity of the vegetation on the property, with the exception of the 1.83ha earmarked for the proposed development, the land has a low grazing potential which is probably the reason why it is presently and most likely also in the past not been used for agricultural purposes.

- **Restrict the fragmentation of agricultural landscapes and promote consolidation, except small-scale farming enterprises for land reform purposes.**

This application does not involve any form of subdivision and therefore this objective is not relevant. Furthermore, although the land unit is zoned for agricultural purposes, its actual suitability for such a use is compromised by the presence of sensitive indigenous vegetation, which requires protection and limits any potential for conventional agricultural activities. Therefore, utilising the land for tourist accommodation presents an opportunity to derive some form of beneficial use, thereby offering a measure of compensation to the owner for the restrictions imposed by the presence of sensitive indigenous vegetation.

- **Protect, maintain and enhance viable agricultural units and encourage sustainable farming practices.**

The land in question is not currently, nor has it recently been used for agricultural purposes. As a result, the promotion of sustainable farming practices on this site is not practically feasible.

- **Provide for small-scale farming and facilitate land and agrarian reform.**

The subject of this application is not suitable to comply with this objective for reasons discussed in the above.

- **Improve the economic viability of farms through the intensification and diversification of agricultural production and improve enterprise opportunities within the food system.**

The land concern does not have the necessary agricultural potential to comply with this objective.

- **Improve food resource management (availability of food/food security) and an inclusive food economy (assistance to access to food).**

For reasons discussed in the above this objective is also not realistic.

- **Sustainable land management is to be tested and monitored.**

The proposed development is a mechanism to secure the sustainable management of this land unit as a conservation worthy asset to the environment as it will go hand in hand with a rehabilitation process.

- **Encourage the economic viability of agricultural enterprises through the introduction of non-agricultural land uses including tourist accommodation and facilities and additional dwelling units.**

As this land unit does not have the agricultural potential to be exploited to the full, it does, however, have the potential for tourist accommodation which will enhance the economic viability thereof as a rural land unit.

4.3.4.3. Land Reform

- **To support land reform projects that comply with the prescripts of government dwellers in a sustainable manner that are compatible with unique Western Cape circumstances. Non-viable and uncontrolled settlement formation /urbanisation in rural areas are not supported.**

Due to the limited size of this land unit and the presence of conservation worthy vegetation thereon this objective is not achievable.

- **To guard against inappropriate land development proposed under the guise of land reform.**

Given that this land unit is only viable for tourism-orientated land use, the application of land reform measures in this context would be inappropriate and unsustainable.

4.3.4.4. Rural Accommodation

4.3.4.4.1 Tourist Accommodation

It is justifiable to regard tourist accommodation as comparable to a resort and therefore the applicable criteria for resorts as stipulated in Par. 19 related to 'Rural Accommodation' in the Guidelines, should also be extended to tourist accommodation developments as provided for in the Scheme Regulations.

Definition: "Tourist Accommodation" means a harmoniously designed and built holiday development used for holiday or recreational purposes, whether in private or public ownership, that:

- Consists of a single enterprise that provides accommodation by means of short-term or timesharing only;
- May include the provision of a camping site, caravan park, chalets, mobile park, resort shop, etc.;
- Does not include a hotel or wellness centre.

Therefore, since the proposed tourist accommodation development complies with the definition and development parameters for a resort, as stipulated in the Scheme Regulations, the same criteria should also be applied to assess the need and desirability thereof.

Tourist accommodation in the Western Cape is summarised as follows:

"Tourism offers exciting prospects to diversify and strengthen the rural economy. Accordingly, the Western Cape Rural Area Guidelines' approach to Rural Accommodation, is to facilitate the provision of a variety of short term tourism accommodation across the rural landscape that is in keeping with the local character."

This quotation from the Guidelines emphasizes the importance the Western Cape Rural Area Guidelines places on the promotion of tourism in the province. The extent to which the proposed development meets the criteria for enhancing the value of tourist accommodation as a resort can be assessed as follows:

4.3.4.4.1.1 Objectives:

- **To provide a range of opportunities, including different typologies, for tourist and visitors to experience the Western Cape's unique rural landscapes; e.g. additional dwelling units on farms, B&B's, guesthouses, backpacker lodges, resorts, hotels and camping sites.**

The zoning of Rem. Farm 489/101 is Agricultural Zone I according to the Hessequa Integrated Zoning Scheme By-Law. It provides for tourist accommodation as a consent use. Therefore, the proposed development is in

compliance with not only the Western Cape Land Use Planning Guidelines for Rural Areas, but also the Integrated Zoning Scheme.

- **To offer more people access to unique tourism and recreational resources in sought-after natural areas, where it would not otherwise have been possible.**

Presently Jongensfontein offers only urban related tourist accommodation, while no provision is made for nature orientated accommodation in a truly unique and sought-after area with pristine natural vegetation and the one and only sandy beach in this area.

In light of the above, it is evident that the proposed tourist accommodation as a consent use aligns with this objective of the Guidelines.

- **To contribute towards the sustainability and well-being of the relevant areas where tourist accommodation is considered.**

Jongensfontein is regarded as a prime tourist destination with only one-dimensional, urban-orientated tourist accommodation currently available, the introduction of nature-based options will contribute to the sustainability and overall wellbeing of this seaside town as a popular tourist destination.

Jongensfontein is a sought-after urban tourist accommodation. The proposed rural accommodation units in the close proximity thereof will not only add a wider variety of tourist accommodation options, but will also contribute towards the sustainability and well-being of Jongensfontein as a tourist destination.

- **To align the scale and form of overnight facilities with the character and qualities of the Western Cape's diverse rural areas.**

Key issues:

- **Understanding the objective:**

This objective aims to ensure that overnight tourist accommodation facilities respect and reflect the distinct rural character, natural landscape and cultural heritage of the Western Cape's varied countryside.

The low density, low key and limited size architectural design of the proposed units are in complete harmony with its natural environment.

- **Contextual Relevance:**

The Western Cape comprises a wide variety of rural landscapes. Each of these areas has its own sense of place and environmental sensitivities. Therefore, the development theme of the proposed

development is tailor-made to compliment the sense of place of this unique parcel of land next to Jongensfontein.

- **Scale and Form Considerations:**

As previously pointed out the size and footprints of each of the 'pods' with related areas cover an area of a mere 60m², with 18m² parking area, while the total length of the roads is only 381.91m covering an area of approximately 1296m². The total height of the 'pods' is restricted to only 3.6m in order to minimise the visual impact thereof. The positioning of the 'pods' on the higher lying portion of the area demarcated as the less sensitive portion of the property is aimed at facilitating efficient gravitation of sewerage to the conservancy tank close to the entrance of the development.

This approach toward the planning of form and scale of the proposed development supports the long-term viability of tourism in this rural area by ensuring that growth does not come at the expense of landscape integrity and community identity.

The scale and form of the proposed overnight accommodation units will add value to the character and qualities of this rural area as proofed by the format and limited scale of the development depicted on the attached Site Development Plan and visual representations of the units (see Annexures 8 and 17).

- **To diversify farm income.**

Due to the high botanical sensitivity of the majority of this farm and the relative low agricultural potential thereof the land is not used for agricultural or any other purpose. Therefore, the proposed tourist accommodation units will generate an alternative revenue stream right through the year. It will not only benefit the owner of the farm, but also businesses in Jongensfontein where tourists visiting the units will spend their money. It will add value to this property by generating an income which does not exist at present.

- **To provide accommodation in proclaimed nature reserves.**

The land concerned is not a nature reserve and therefore this objective is not achievable. Due to the findings of the botanical study it is, however, treated as such with the result that only a limited number of units are proposed.

4.3.4.4.1.2 Guidance for implementation:

- **Large scale tourist accommodation should preferably be provided in or close to urban areas.**

The guidelines stipulate that the unique and strength of the source and size of the land unit should be the main informants in determining the size (i.e. number of units) of the resort. Considering the size of the property (61ha) and the unique quality of the source, viz. the sandy beach and natural vegetation, justify a medium size resort with 11-30 units according to Table 4 in Par. 10.1 of the Guidelines. The area on the property demarcated as 'less sensitive', is, however, only 1.83ha in extent. Therefore, the proposal provides for only 6 units to be in line with a 'small' resort as provided for in Table 4 allowing for 1-10 units. The floor areas for these units are not allowed to be more than 120m² per unit, but the sizes of the six units now applied for are only 60m² each plus 18m² parking area. The restricted number of accommodation units is intentionally designed to align with the area's natural character, offering an exclusive and high-end experience to discerning tourists.

- **Tourist accommodation in the rural landscape should be clustered in visually discreet nodes.**

The purpose of clustering the proposed six tourist accommodation units in a visually discreet node serves multiple purposes in preserving the rural character and natural beauty of the landscape. Instead of scattering individual units across the terrain, which can lead to visual fragmentation and environmental degradation, grouping accommodation units in a compact, well-sited cluster minimises the overall visual impact on the landscape. The proposed clustered development will reduce the ecological footprint by limiting the extent of disturbed land and enabling shared infrastructure.

Furthermore, it creates a coherent layout that can be measured from natural ground level to the highest point of the building.

The Hessequa Integrated Zoning Scheme By-law allows for tourist accommodation as a consent use for land zoned Agricultural Zone I with no limitation on the number of units. The stipulation related to 'additional dwellings' as a consent use, however, is applicable in which event a total of one primary dwelling plus five additional dwellings not exceeding a floor space of 200m² each would have been allowed, while the floor area of each of the proposed units is a mere 60m². Given the attributes and suitability of the terrain for tourism-orientated accommodation, as previously discussed, a consent use for this format of accommodation is pursued instead of applying for additional dwellings.

Furthermore, it should be emphasised that 'additional dwellings' do not necessarily need to be located in close proximity to a natural resource such as a sandy beach, whereas such a location is of utmost importance for a resort offering tourist accommodation to function in a sustainable manner.

- **A resort development should be closely associated with a resource which clearly benefits and distinguishes the site, in terms of its enmity value, from surrounding properties.**

The only sandy beach in and around Jongensfontein directly borders the property that is the subject of this application. The indigenous vegetation on the site not only contributes to the natural character of the terrain, but also enables the tourist accommodation units to be discretely nestled within the landscape.

Accordingly, the selected terrain, intended to increase the provision of tourist accommodation in the region, meets the criteria required to be considered a legitimate natural resource which are essential prerequisites for the development of a facility that provides tourist accommodation.

- **Resort applications outside urban areas can only be considered if linked to a unique resource, unless the area in question has already been demarcated for resort development in terms of an approved SDF overlay zone.**

As outlined above, the terrain's suitability for tourist accommodation development has already been established as it is in fact linked to unique resources, viz. a sandy beach to which it has direct access as well as a natural landscape which it forms part of.

- **Resorts may not be located within productive agricultural landscapes, but must be situated adjacent to a natural feature or resource (e.g. dam, river) that offers a variety of leisure and recreation opportunities (e.g. hiking, mountain biking, water based activities), and is well connected to regional routes.**

Due to the high botanical sensitivity of the farm, its productive agricultural value is considered to be low. The presence of ecological valuable vegetation limits the extent to which the land can be cultivated or transformed for intensive agricultural purposes. As a result, the farm is more suited to low-impact land uses that preserve its environmental integrity. This includes nature-based tourism, conservation initiatives or eco-sensitive development, all of which can contribute to the local economy, while safeguarding the area's biodiversity.

The development forms part of a property that is directly adjacent to a sandy beach suitable for swimming and surfing, as well as a rocky coastal area ideal for angling. This unique coastal setting offers a wide range of leisure and recreational opportunities for visitors.

Access to the proposed development is via Boegspriet Road only approximately 320m from the main road which connects Jongensfontein and Still Bay. Therefore, the development proposal also complies with the condition that it must be connected to a regional route.

- **If a property of 50ha or less is located within 1.0km of the high-watermark of the sea or a tidal river additional dwellings may not be allowed unless it complies with the Municipal Zoning Scheme with regard to “additional dwelling units”.**

The total size of Remainder Farm 489/101 is 61ha and therefore it exceeds 50ha and the proposed development thereon is less than 1.0km from the high- watermark, viz. ±320m.

The Zoning Scheme does not impose a ban on the development of “additional dwellings” or resort development (tourist accommodation) closer than 1.0km from the high-watermark. Therefore, this consideration is not applicable to this development proposal. This is especially relevant in the context of tourist accommodation, where closeness to a natural recreational asset like the beach is critical to ensuring the appeal and successful operation of the resort. In all fairness, it will be unrealistic to locate tourist accommodation 1.0km away from the high-watermark, as its close proximity to the beach and the associated recreational opportunities it offers, is precisely what is needed for it to function optimally as a desirable and competitive tourist destination.

4.3.4.5 Tourist and Recreational Facilities

- **To diversify the Western Cape’s rural economic base into the tourism and recreation sectors and develop these sectors on a sustainable and equitable basis.**

The proposed tourist accommodation is a commendable example of diversification of the rural economic base which will add substance on a sustainable and equitable basis.

- **To offer a range of appropriate nature, cultural and agri-based rural tourism facilities, and recreational opportunities across the rural landscape (e.g. animal sanctuary, paintball, shooting ranges and conference facilities).**

The proposed tourist accommodation is one of several components of a nature- and agricultural-based rural tourist facility, carefully designed to align with the environmental characteristics of the local contexts.

- **To provide citizens access to resources, the coast and the rural landscape.**

The proposed development is well-suited to meet the objective of providing access to resources as it not only facilitates direct access to the only sandy beach in the area, but it is also thoughtfully integrated into the natural landscape surrounded by indigenous vegetation.

4.3.4.6 Rural Business

As the proposed development is not aimed at providing a business which will serve the needs of local communities the objectives in this regard are not achievable and will therefore not be discussed.

4.3.4.7 Mining and Industry in the rural areas

Mining and industrial orientated land uses do not form part of this application as the land concerned is not suitable for that. Consequently, it will not be discussed for the purpose of this application.

4.3.4.8 Community Facilities and Institutions

The proposed development is of limited scale and exclusively aimed at providing a unique accommodation experience for transient tourists. Therefore, the objectives aimed at promoting community facilities and institutions are not relevant.

4.3.5 BY-LAW ON MUNICIPAL LAND USE PLANNING OF HESSEQUA MUNICIPALITY, 2015

According to Section 38 the following documents are required in support of the application:

4.3.5.1 **Annexure 1**, application form fully completed and signed by the applicant;

4.3.5.2 **Annexure 2**, Company Resolution;

4.3.5.3 **Annexure 3**, Proof of Company Membership;

4.3.5.4 **Annexure 4**, Power of Attorney to Nel & de Kock Town and Regional Planners by the authorised representative;

4.3.5.5 **Annexure 5**, Motivation Report by Nel & de Kock Town and Regional Planners;

4.3.5.6 **Annexure 6**, Copy of Surveyor General Plan is attached to this application;

4.3.5.7 **Annexure 7**, Locality Map is attached to this application;

4.3.5.8 **Annexure 8**, Site Development Plan No. SP03 by Architectural Responsive Design is attached to this application;

4.3.5.9 **Annexure 9**, Proof of Payment will be provided in due course as it is made available to the applicant;

4.3.5.10 **Annexure 10**, Copy of Title Deed No. T37355/2023 is attached to this application;

4.3.5.11 **Annexure 11**, Conveyancer Certificate by Martina Tomé is attached to this application;

4.3.5.12 **Annexure 12**, Specialist Environmental Screening Summary by Cape EAPrac Environmental Practitioners;

4.3.5.13 **Annexure 13**, Engineering Services Report by Element Consulting Engineers; and

4.3.5.14 **Annexure 14**, Freshwater Compliance Statement by Dr. James Dabrowski;

4.3.5.15 **Annexure 15**, Site Sensitivity Verification Report by Cape EAPrac Environmental Practitioners;

4.3.5.16 **Annexure 16**, Specialist terrestrial plant species and terrestrial biodiversity theme site sensitivity verification by Bianke Fouché;

4.3.5.17 **Annexure 17**, Visual representations of the proposed tourist accommodation units; and

4.3.5.18 **Annexure 18**, Pre-Application Minutes dd. 18/07/2025.

4.3.6 HESSEQUA MUNICIPALITY INTEGRATED ZONING SCHEME BY-LAW, 2018

4.3.6.1 Land use description for Tourist Accommodation: a harmoniously designed and built holiday development, used for holiday or recreation purposes, whether in private or public ownership.

The proposed six holiday accommodation units comply fully with the above description applicable to this land use as previously discussed – see images of proposed units attached as Annexure 17.

4.3.6.2 Development Parameters.

The development parameters as stipulated in the Integrated Zoning Scheme are relevant to Resort Zoning and therefore it is indirectly applicable to tourist accommodation as a Consent Use on Agricultural Zone I. The following parameters may, however, be relevant as the municipality must lay down conditions with regard to:

- **Density.**
Density is not an issue as only six units are proposed on a land unit in extent of 61ha which implies a density of 10.1 units per hectare.
- **Layout.**
The layout of the proposed units is depicted on the Site Development Plan which accompanies this application as Annexure 8. The proposal complies with geometrical design standards related to the road layout, intersections and slopes. Furthermore, the alignment of the roads, which covers a total area of approximately $\pm 1\,296\text{m}^2$ with a total length of $\pm 382\text{m}$, is aimed at avoiding sensitive vegetation. The units are positioned on slopes flatter than 1:6 and also outside natural drainage areas. The units are positioned at a sufficiently elevated level to allow for the efficient gravitational flow of sewerage to the conservancy tank located at the entrance of the proposed development.
- **Landscaping:**
As the units will be nestled amongst natural vegetation no artificial landscaping will be done in order to preserve the natural character of the area.
- **Building Design:**
The design of the proposed units will be based on the 'Tiny Home' concept called 'Pods' with a total footprint of 60m^2 . The parking for each unit will cover an area of 18m^2 , while the enclosed spaces and decks will cover a total area of 156m^2 and 204m^2 respectively. Visual representations of the proposed units are attached as Annexure 17.
- **Site Development Plan (S.D.P.):**
A Site Development Plan (SP03) which clearly indicates the position of all structures, stands, services and internal roads is attached as Annexure 8.

4.3.7 HESSEQUA MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK, 2017

The Hessequa Spatial Development Framework, 2017 (HSDF) contains no notable recommendations specific to tourist accommodation in Jongensfontein, apart from a diagram indicating that a small portion of Remainder Farm 489/101, located south of the proposed development site, has been earmarked for conservation purposes. It is important to note, however, that the proposed development of six tourist accommodation 'pods' falls outside this designated conservation area and is therefore not affected by it.

4.3.8 TITLE DEED

According to a Conveyancer Certificate by Martina Tomé, dd. 3 July 2025, Title Deed No. T000037355/2023 contains no conditions that restrict or prohibit the proposed development.

4.4 CHARACTER OF THE ENVIRONMENT

The subject of this application is situated outside the Urban Edge, across the road from an established neighbourhood on the western side thereof, viz. Jongensbaai. This land unit is not being used for agricultural purposes and is covered with indigenous vegetation lending a rural character thereto. Directly to the north the terrain abuts the Still Bay/Jongensfontein Road with a split remainder of the property on the opposite side of the road. The terrain is, however, largely bordered by cultivated land along its northern boundary. The property situated directly to the east thereof is also partially cultivated.

The southern boundary of the property is the high-water mark of the sea which abuts the only sandy beach in Jongensfontein. The positioning of the proposed units is such like that it offers an unobstructed sea view to all the proposed units.

Thanks to the low density of the proposed development and natural appearance and character thereof it will not mar the existing character of this part of Jongensfontein, but will rather add value to the general ambience of the area.

4.5 POTENTIAL OF THE PROPERTY

4.5.1 AGRICULTURE

As only a very small portion of the property is required for the proposed development the agricultural potential thereof was not investigated. The whole property is covered with indigenous vegetation and therefore it is unlikely that it has been used for agricultural purposes for some time. However, if the property does have a high potential for agricultural purposes the low key development now proposed will not detract from the use thereof for agricultural purposes in future.

4.5.2 CONSERVATION

A botanical analysis of the property was carried out by Cape E-Prac Environmental Consultants. It was found that the property is covered with conservation worthy indigenous vegetation, except for a small portion, approximately 1.83ha in extent, where it is not that sensitive and the development is proposed. Therefore, largely the property has a high conservation potential, but not to the extent that the status thereof will be affected by the proposed development.

4.5.3 MINING

The mining potential of the property was not evaluated, but even if economically exploitable natural sources are present it will not be advisable to mine it due to the conservation worthy vegetation thereon.

4.5.4 RECREATION

Thanks to the closeness of the site to the sea, the view it offers and the natural environment the potential thereof for recreational purposes is high. Therefore, the inherent recreational potential of the property supports its economic viability and justifies its proposed utilisation for tourist-related accommodation purposes, as set out in this application. This aligns with broader spatial planning objectives aimed at promoting sustainable economic development in this rural area.

4.5.5 RESIDENTIAL

The location of Rem. Farm 489 next to the coastline, the view it offers, good access and favourable topography confirm the high potential thereof for residential purposes. Unless appropriate measures are implemented to mitigate the property's conservation value, its potential for conventional residential development will remain theoretical and unlikely to be realised.

4.6 LOCATION AND ACCESSIBILITY

The property which is the subject of this application is located between the Still Bay/Jongensfontein road in the north, township development to the west thereof, the sea forming the southern boundary and a rural area to the east.

As Boegspriet Road forms the western boundary of the property access thereto is good. The preferred point of access is directly opposite Kompas Close. The proposed intersection will comply with the relevant geometrical standards applicable to the design of roads. The horizontal and vertical lines of sight in both directions are in compliance with applicable geometrical design standards. Notably the existing intersection of Kompas Close with Boegspriet Road offers a shorter distance to the nearest horizontal curve than the proposed new access point, which has nonetheless demonstrated a history of safe operational performance.

It should, however, be mentioned that the proposed point of access coincides with a stormwater drainage channel coming from Jongensbaai and Boegspriet Road. This issue will be dealt with by applying sound engineering principles for the design of an effective stormwater drainage system.

4.7 PROVISION OF SERVICES

The following information related to the provision of services was provided by Element Consulting Engineers:

4.7.1 WATER

“The Average Annual Daily Demand (AADD) for the proposed development is calculated at approximately 3.6 kl/day.

“Bulk water for the development will be obtained from two existing boreholes BH1 & BH2, situated on the property.

“The yield (131kl/day) and quality of the borehole are acceptable for the proposed development; this has been confirmed with a new 2025 report.

“The water abstracted will be filtered and stored in a 10kl tank from where it will be gravity fed to the proposed development.

4.7.2 SEWER

“The property is not serviced with a municipal sewer connection and a municipal sewer network is not available in the area.

“The construction of a central conservancy tank is specified.

“The conservancy tank will be placed close to the main access gate where sewer will be removed by vacuum truck.

“The Average Dry Weather Flow (ADWF) created by the proposed land use is calculated at approximately 3.0kl/day.

“The conservancy tank will be emptied during peak-season on a twice-weekly basis and during off-season on an ad-hoc basis.

“Visual inspection of the tank will be performed by the supervisor on a daily basis during peak season and on a weekly basis during low season.

4.7.3 ROADS AND ACCESS

“Proposed access to the development is obtained via Boegsprit Road at the intersection with Kompas Close.

“Access onto Boegsprit Road will be side road stop controlled from the development's access road.

“Access will be controlled by remote controlled sliding gate. Stacking distance of two vehicles will be provided in front of the gate.

“Sight distance at the proposed access point are excellent in both the horizontal and vertical alignments and satisfactory for development purposes.

4.7.4 TRAFFIC IMPACT STATEMENT.

“A traffic Impact Statement (TIS) is not required due to the insignificant number of trips generated by this proposed development.

“The trip generation of the eventual fully developed proposed development is estimated at approximately 4 trips for the peak hour of the adjacent road network.

“The traffic impact of the proposed development will be negligible from a traffic engineering perspective.

“The proposed development will be used as holiday accommodation further reducing the impact during the peak hour.

4.7.5 TRAFFIC CALMING.

“During discussions with the Hessequa Municipality, it was requested that the developer construct traffic calming speed humps in Boegspriet Road on the northern approach to the intersection with Kompas Close and the development access in order to improve road safety in the stretch of road.

“Detail designs of the speed humps will be submitted to the municipality for approval during the detail design stage.

4.7.6 STORMWATER

“The proposed development drains in a south-easterly direction.

“Stormwater design on this proposed development will utilize the zero concentration methodology. No concentration or accumulation of stormwater will hence be allowed. All internal roads and parking areas will be constructed in line with the gradient, using well compacted gravel surfaces. Stormwater will hence run over the roads as part of the landscape.

“Energy dissipation will be performed at all gutter outlets in order to further limit concentration.

“All the above will result in negligible increased stormwater runoff from the site.

“An existing municipal stormwater outlet is situated at the proposed access point under the proposed access road. This municipal stormwater pipe will be extended to daylight adjacent to the access road. The existing stormwater channel outlet will be protected with gabion mattresses as erosion protection.

4.7.7 SOLID WASTE

“Solid waste will be removed from units by the caretaker on a daily basis. A formal waste collection area will be provided adjacent to the access gate. A formal arrangement for the removal of solid waste needs to be entered into with the Hessequa Municipality.

4.7.8 ELECTRICITY

“A bulk electrical supply to the proposed development is not available from the municipality and is not required.

“Each unit will be supplied with an individual roof mounted PV Solar and battery system. Units will be equipped with gas stoves and gas geysers in order to limit the design requirements of the PV Solar system.

“Individual solar and battery operated terrain lightning will be provided along the access road and at the access gate.

“The access gate will be operated by solar and battery backup gate motor.

4.7.9 RECOMMENDATIONS

“With reference to the conclusions above, the following are recommended:

“That the proposed development be approved from an engineering design perspective.

“That all conceptual design specifications and standards be accepted and approved.

“That all detail designs be performed to the satisfaction of the local municipality and other authorities, in line with the proposals contained in the report.”

4.8 CONSTRUCTION PHASE

All six tourist accommodation units will be developed as one phase. As the units are pre-fab they only need to be installed on-site which should be a relatively quick process. This building method is preferred as it will not only reduce disturbing building activities in the area, but will also cause least damage to the environment.

5. CONCLUSION

As rationalized in this report it is evident that the proposed consent use for the purpose of developing six tourist accommodation units on a portion of Rem. Farm 489/101 will not only satisfy the need for this type of facility, but will also be desirable in terms of the criteria set for this format of land use. Therefore, it is trusted that the application will enjoy Council's favourable consideration.

Nel & de Kock Town and Regional Planners
Per: Deon Nel Pr. PIn A/520/1987

July 2025