



**MUNISIPALITEIT OVERSTRAND
GEDEELTE 99 VAN DIE PLAAS
BAARDSCHEERDERS BOSCH NR. 213,
AFDELING BREDASDORP: AANSOEK OM
ONDERVERDELING EN HERSONERING: MNRE
PLAN ACTIVE STAD -EN STREEKSBEPLANNERS
NAMENS WYLE HC GROENEWALD**

Ingevolge Artikels 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die volgende aansoek van toepassing op Gedeelte 99 van die Plaas Baardscheerders Bosch Nr. 213, Afdeling Bredasdorp (die eiendom), naamlik:

Hersonering

Aansoek ingevolge ingevolge Artikel 16(2)(a) van die Verordening, vanaf Landbousone 1 (AGR1) na Landelikesone 1 (R1).

Onderverdeling

Aansoek ingevolge Artikel 16(2)(d) van die Verordening, ten einde die eiendom in vier (4) gedeeltes, naamlik Gedeelte A ongeveer 1ha, Gedeelte B ongeveer 1ha, Gedeelte C ongeveer 0,4970ha en Gedeelte D ongeveer 1ha te onderverdeel.

Besonderhede aangaande die voorstel lê ter insae gedurende weksdae tussen 08:00 and 16:30 by die Departement Stadsbeplanning te Patersonstraat 16, Hermanus en by die Gansbaai Biblioteek, Hoofweg, Gansbaai. Enige kommentare moet skriftelik ingedien word ingevolge die bepaling 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 **13 Januarie 2023**, met u naam, adres en kontak besonderhede, belang in die aansoek en redes vir kommentaar. Telefoniese navrae kan gerig word aan die **Senior Stadsbeplanner, Mnr SW Van der Merwe** by 028-3138900. Die Munisipaliteit mag weier om kommentare te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer.

Munisipale Bestuurder, Overstrand Munisipaliteit, Posbus 20, HERMANUS, 7200

Munisipale Kennisgewing Nr. 161/2022

**OVERSTRAND MUNICIPALITY
PORTION 99 OF THE FARM
BAARDSCHEERDERS BOSCH NO. 213,
DIVISION BREDASDORP: APPLICATION FOR
REZONING AND SUBDIVISION: MESSRS
PLAN ACTIVE TOWN AND REGIONAL
PLANNERS ON BEHALF OF THE LATE HC
GROENEWALD**

Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) of the following applications applicable to Portion 99 of the Farm Baardscheerders Bosch No. 213, Division Bredasdorp (the property), namely:

Rezoning

Application in terms of Section 16(2)(a) of the By-Law, from Agricultural Zone 1 (AGR1) to Rural Zone 1 (R1).

Subdivision

Application in terms of Section 16(2)(d) of the By-Law, in order to subdivide the property in four (4) portions, namely Portion A approximately 1ha, Portion B approximately 1ha, Portion C approximately 0.4970ha and Portion D approximately 1ha in extent.

Details regarding the proposal is available for inspection during weekdays between 08:00 and 16:30 at the Department Town Planning at 16 Paterson Street, Hermanus and at the Gansbaai Library, Main Road, Gansbaai. Any written comments must be submitted in accordance with the provisions of Sections 51 and 52 of the said By-law and reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za on or before **13 January 2023**, quoting your name, address and contact details, interest in the application and reasons for comment. Telephonic enquiries can be made to the **Senior Town Planner, Mr SW van der Merwe** at 028-313 8900. The Municipality may refuse to accept comment 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.

Municipal Manager, Overstrand Municipality, P.O. Box 20, HERMANUS, 7200

Municipal Notice No. 161/2022

**UMASIPALA WASEOVERSTRAND
INXALENYE YAMA-99 YEFAMA
IBAARDSCHEERDERS BOSCH NO. 213,
NESAHLULO SE- BREDASDORP: ISICELO
SOKUCANDA KWAKHONA
NOKWAHLULUHLULA: MESSRS PLAN
ACTIVE TOWN AND REGIONAL PLANNERS
EGAMENI LONGASEKHOYO U-HC
GROENEWALD**

Kukhutshwe isaziso esingemiba yeSoloty lama47 nelama48 nguMasipala waseOverstrand elingokuHlomela uMthethwana kaMasipala ngeZicwangciso Zokusetyenziswa koMhlaba kaMasipala ku2020 (Umthethwana) ongezi zicelo zilandelayo ezisebenziseka kwiNxalenye engu99 yeFama eyaziwa ngeFarm Baardscheerders Bosch No. 213, Division Bredasdorp (ezemihlaba nezindlu), ebizwa ngokuba:

Ukucanda kwakhona

Isicelo ngokwemiba yeSoloty le16(2)(a) loMthethwana weZowuni ukusuka kwiZowuni 1 yeZolimo eyaziwa nge Agricultural Zone 1 (AGR1) neZowuni yeNdawo zaseMaphandleni-1 eyaziwa ngeRural Zone 1 (R1).

Ukwahluluhlula

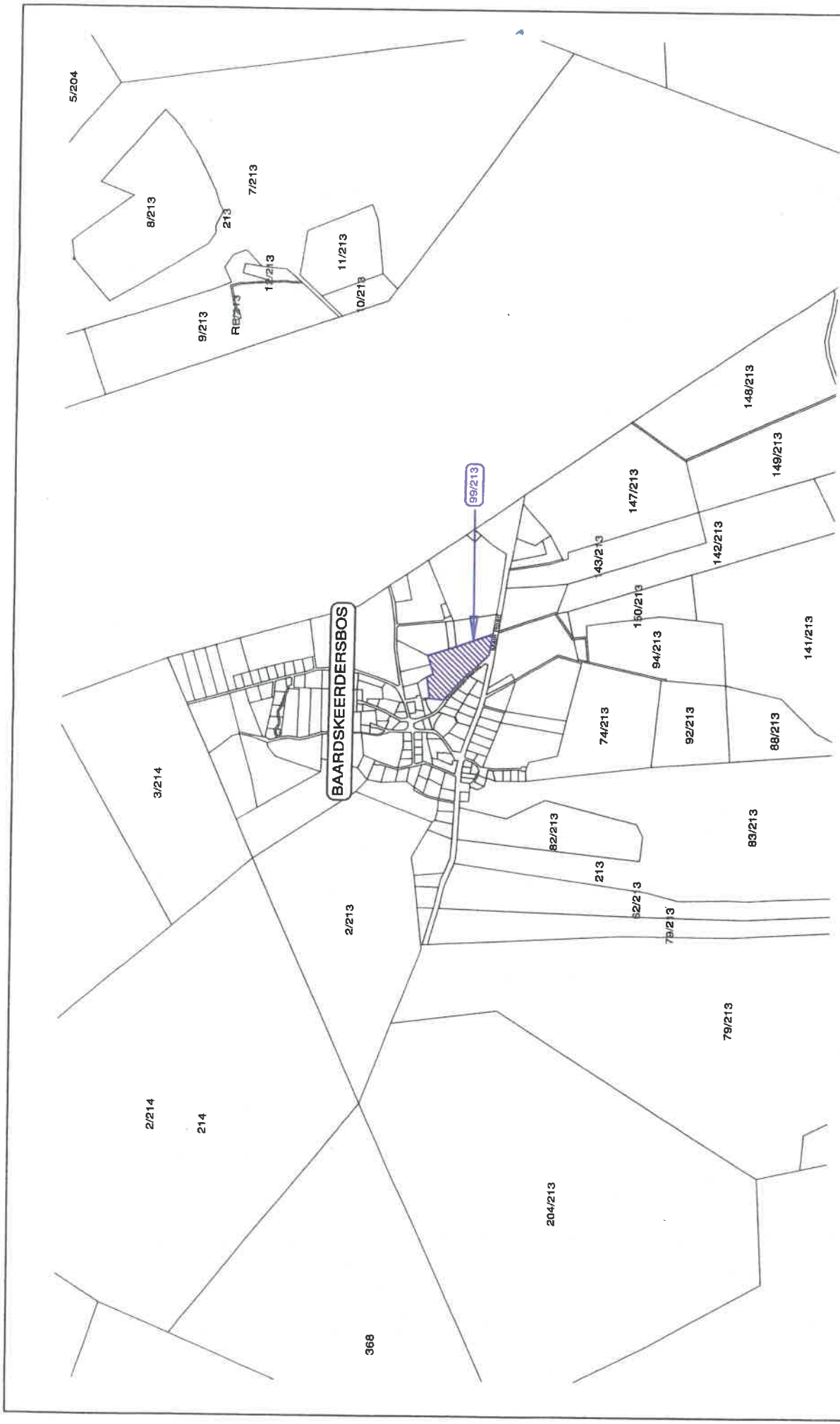
Isicelo esingemiba yeSoloty le16(2)(d) loMthethwana ukuze kwahlulwe phakathi isiza sibe zinxalenye ezahlulwe zane (4) ezaziwa ngeNxalenye A emalunga neh e1 ubungakanani obumayela ne1ha, iNxalenye B ebungakanani bumayela ne1ha, iNxalenye C enobungakanani obumayela ne0.4970ha neNxalenye D ebungakanani bumayela ne 1ha ngokomyinge.

linkcukacha ezipheleleyo ngesi siphakamiso ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini phakathi kwentsimbi yesi08:00 neye16:30 kwiSebe LeDolophu: Iizcwangciso zeDolophu, 16 Paterson Street, Hermanus and Gansbaai Library, Main Road, Gansbaai. Zonke izimvo mazibhalwe phambili, uchaze igama lakho, idilesi neenkukacha ofumaneka kuzo, kunye nomdla wakho kwesi sicelo nezizathu zokuhlomla, luze uluzo lwkaho lufike kwaMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) ngomhla okanye ngaphambi **13 EyoMqungu 2023**. Imibuzo ngefowuni ingabuzwa kuMchwangcisi weDolophu oMkhulu, uMnu SW van der Merwe kwa-0283138900.

UMasipala angala ukwamkela izimvo zakho ezifike emva komhla wokuvala. Nabani na ongakwazi ukufunda nokubhala angahambela kiwSebe likaMasipala elifanelekileyo apho igosa likaMasipala liza kunceda ukuhlomla ngokusemthethweni.

Umlawuli kaMasipala, Masipala waseOverstrand, P.O. Box 20, HERMANUS, 7200

Municipal Notice No. 161/2022



	Property Description: PORTION 99 OF THE FARM BAARDSKEERDEBOS BOSCH NO. 213	Plan Description: LOCALITY MAP	Scale: NTS Drawing Nr: farm213-99.dwg Date: SEPTEMBER 2022
	All distances approximate and subject to survey. COPY RIGHT RESERVED		

PROPOSED SUBDIVISION & REZONING
PORTION 99 OF THE FARM BAARDSCHEERDERS
BOSCH NO. 213
OVERSTRAND MUNICIPALITY
DIVISION: BREDASDORP

MOTIVATION REPORT

1. BACKGROUND

The company Plan Active has been appointed by Mr H. Groenewald, the executor of the estate of the late Mr H.C. Groenewald, the owner of Portion 99 of the farm Baardscheerders Bosch no. 213, to submit an application for the subdivision and rezoning of Portion 99 of the farm Baardscheerders Bosch no. 213.

The subject property will be subdivided into four (4) portions and transferred to the heirs of the estate to give effect to the last will of Mr H.C. Groenewald. Since the proposed property sizes will be 0,4970ha and 1ha in extent respectively after subdivision and solely used for rural-residential living purposes, it is proposed to rezone Portion 99 of the farm Baardscheerders Bosch no. 213 from Agriculture Zone 1: Agriculture to Rural Zone 1: Agricultural Small Holdings to accommodate the land use of the respective portions after subdivision.

2. APPLICATION DETAILS

Application is made in terms of:

- Chapter 4, Section 16(2)(d) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, for the subdivision of Portion 99 of the farm Baardscheerders Bosch no. 213;

- Chapter 4, Section 16(2)(a) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, for the rezoning of Portion 99 of the farm Baardscheerders Bosch no. 213 from Agriculture Zone I: Agriculture to Rural Zone I: Agricultural Small Holdings;
- The Subdivision of Agricultural Land Act, Act 70 of 1970, for the subdivision of Portion 99 of the farm Baardscheerders Bosch no. 213;
- Act 21 of 1940 for the subdivision of land adjacent to a road under jurisdiction of the District Road Engineer;
- The consent from the District Roads Engineer concerning the restrictive title deed conditions imposed in terms of the Ribbon Development Act, Act 21 of 1940.

3. GENERAL APPLICATION INFORMATION

3.1 PROPERTY DESCRIPTION

The subject property is situated in Baardskeerdersbos and borders Main Road to the south and Granaat Road to the west. Refer to the locality plan attached.

The property description is as follows:

Property description	Extent	Title deed No.
Portion 99 of the farm Baardscheerders Bosch no. 213	3,4970ha	T50940/2000

The subject property is situated in a rural-residential and agricultural environment.

3.2 ZONING

The subject property is zoned Agriculture Zone I: Agriculture.

Most of the surrounding properties are zoned Agriculture Zone I with a few exceptions.

These are single erven hosting:

- the community hall, zoned Authority Zone,
- the church, zoned Institutional Zone,
- the graveyard, zoned Open Space and

- some houses, zoned Residential Zone I.

There are also a few erven zoned Rural Zone 1: Agricultural Small Holdings.

3.3 LAND USE

The land is used for rural-residential living purposes. There are no existing agricultural activities on the subject property. The subject property is developed with two dwellings and associated outbuildings. The oldest structure on the subject property (existing dwelling) is ±50 years old.

Most land uses in Baardskeedersbos are residential. This includes erven with formal housing or less formal housing (tents, caravans or wooden houses or vacant temporary housing). There are an equal number of vacant erven as there are erven used for residential purposes exclusively. There are also a few plots used for residential purposes where horses and other domestic livestock are kept. Some of the bigger erven are used solely for agricultural purposes including grazing.

There are two sites used for community amenities which include a church (privately owned) and community centre (owned by the municipality). There is also a pump station as well as a nursery situated on separate erven. There are a few sites along the Main Road and one in the core of the village that are used for business purposes including pubs, a shop, a liquor store, restaurants and an art gallery.

The subject property is mostly surrounded by rural-residential and agricultural land uses.

3.4 PROPOSED DEVELOPMENT

The following are proposed:

- The subdivision of Portion 99 of the farm Baardscheeders Bosch no. 213 in terms of Chapter 4, Section 16(2)(d) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, as follows:
 - Portion A: ±1ha

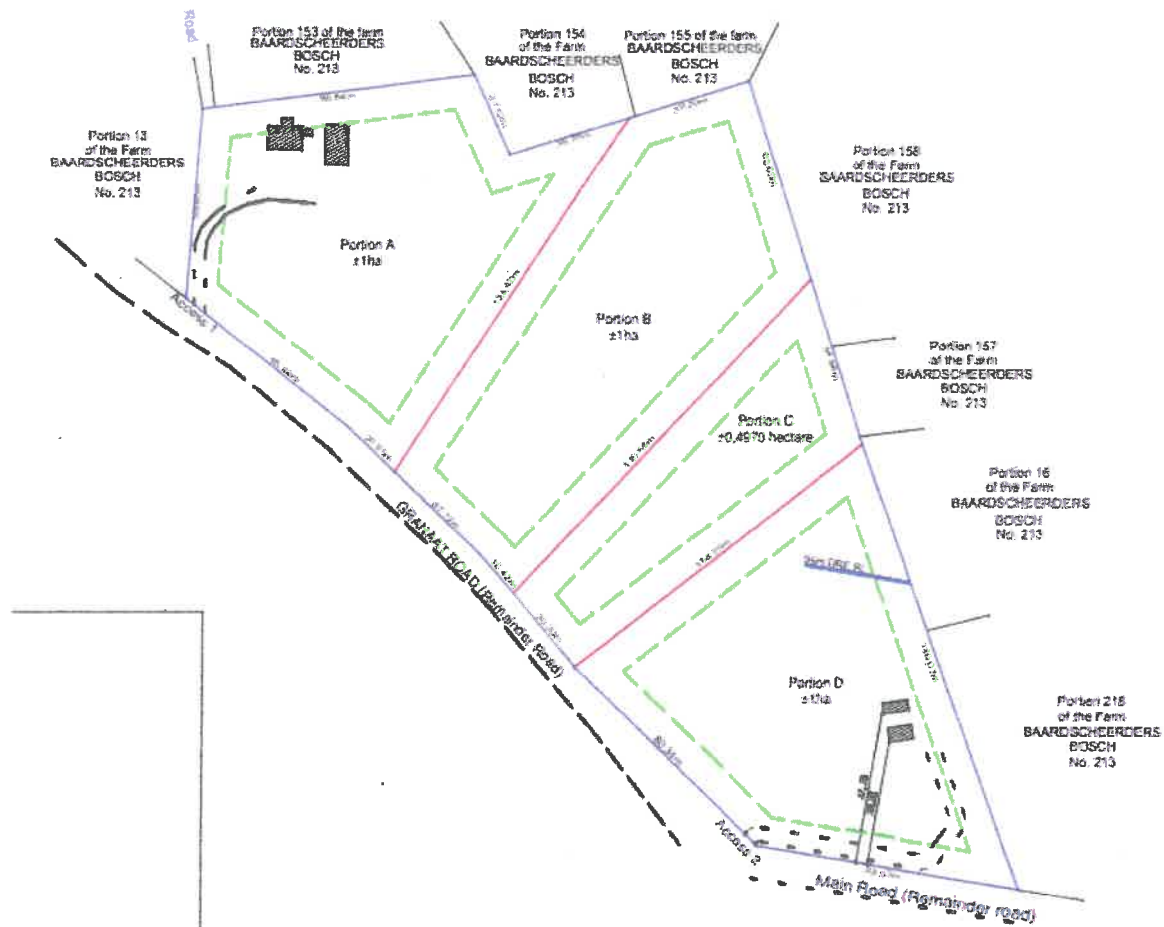
- Portion B: ±1ha
 - Portion C: ±0,4970ha
 - Portion D: ±1ha
- The rezoning of Portions A, B, C and D, portions of Portion 99 of the farm Baardscheeders Bosch no. 213, from Agriculture Zone I: Agriculture to Rural Zone I: Agricultural Small Holdings in terms of Chapter 4, Section 16(2)(a) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020;
 - The subdivision of agricultural land (Portion 99 of the farm Baardscheeders Bosch no. 213) in terms of the Subdivision of Agricultural Land Act, Act 70 of 1970;
 - The subdivision of land adjacent to a road under jurisdiction of the District Road Engineer in terms of the Ribbon Development Act, Act 21 of 1940;
 - The consent from the District Roads Engineer concerning the restrictive title deed conditions imposed in terms of the Ribbon Development Act, Act 21 of 1940.

The subject property will be subdivided into four (4) portions and transferred to the heirs of the estate to give effect to the last will of Mr H.C. Groenewald. The sizes of the respective portions after subdivision were agreed upon before the passing of Mr Groenewald. Since the proposed portion sizes will be 0,4970ha and 1ha in extent respectively after subdivision and solely used for rural-residential living purposes, it is proposed to rezone Portion 99 of the farm Baardscheeders Bosch no. 213 from Agriculture Zone 1: Agriculture to Rural Zone 1: Agricultural Small Holdings to accommodate the true land use of the respective portions after subdivision.

It is proposed to subdivide Portion 99 of the farm Baardscheeders Bosch no. 213 into four (4) portions as follows:

- Portion A: ±1ha
- Portion B: ±1ha
- Portion C: ±0,4970ha
- Portion D: ±1ha

Refer to the subdivision plan. The existing structures on the farm do not impact on the proposed subdivision lines.



Map 1: Subdivision plan

It is also the intent to rezone Portions A, B, C and D, portions of Portion 99 of the farm Baardscheerders Bosch no. 213, from Agriculture Zone I: Agriculture to Rural Zone I: Agricultural Small Holdings. The existing and proposed use of the subject property is solely for rural-residential purposes. There are no agricultural activities present on the subject property. All four portions after subdivision will be used for rural-residential purposes. In addition, the respective sizes of 0,4970ha (Portion C) and 1ha (Portions A, B and D) are more in line with small holding property sizes than agricultural farm portions.

The Baardskeerdersbos Precinct Plan (2015) restricts erf sizes to a minimum of 4000m² or more. The guideline stipulates that subdivisions can only be allowed if erf sizes are adhered to and if remainders of erven are of the same or larger extent. All the proposed portions after subdivision will meet the minimum erf size requirement of 4000m².

The proposed subdivision lines (new boundaries) will have no impact on any of the existing structures on the respective portions after subdivision. In addition, it is not proposed to deviate from any land use restrictions applicable to Rural Zone 1: Agriculture Small Holdings

to accommodate the proposed subdivision. Stricter building lines will apply to the respective portions after subdivision. Although the existing dwelling on Portion A will be positioned within the 10m common boundary building line, this is an approved (historic) structure (± 50 years old) and the erf boundary at this position will remain unchanged. As a result, a deviation from the common boundary building line is not required.

It is important to note that the proposed subdivision does not lead to the fragmentation of agricultural land since the subject property is not used for agricultural purposes. This a rural-residential property and will continue to be used for rural-residential purposes after subdivision. In addition, the title deed of the subject property restricts the use of the property for anything else other than bona fide residential use (refer to Title Deed no. T50940/2000, par. 1.B.3. on page 3).

No water rights will be transferred to accommodate the proposed subdivision.

The proposed subdivision and rezoning do not have a negative impact on the surrounding properties and are not in contrast to the existing land use tendencies in the surrounding environment.

3.5 CHARACTER OF THE ENVIRONMENT

The area is characterised by mostly rural-residential and agricultural activities. Although the zoning of Portion 99 of the farm Baardscheeders Bosch no. 213 will change (from Agriculture Zone 1 to Rural Zone 1), the land use for the portions after subdivision and rezoning will remain unchanged (rural-residential living). In the light of the aforementioned the proposal to subdivide and rezone the subject property is in line with the existing character of the area. Although additional rural-residential portions are created, the proposal meets the minimum erf size requirement of 4000m² for the area. Erven of $\pm 1,4$ ha in extent are situated to the east of the subject property. Erven ranging between ± 2000 m² to 6500m² in extent are situated to the north and north-west of the subject property. And erven of ± 2000 m² in extent are situated to the west of the subject property. It is therefore evident that the proposal is in line with the existing character (land use and erf sizes) of the area.

3.6 THE POTENTIAL OF THE PROPERTY (DESIRABILITY OF THE PROPOSED UTILIZATION)

Due to the size and land use of the subject property it has the potential to be subdivided and rezoned. In addition, the subject property is situated within the Baardskeerdersbos urban (rural) edge and surrounded by smaller small holding / rural-residential portions. The proposed subdivision and rezoning have no impact on agricultural land or existing structures. The use of the subject property is not for agricultural purposes and it is clear from the restriction in the title deed that the intent with previous subdivisions was to use the properties in this area of Baardskeerdersbos for rural-residential living purposes only.

The property will meet the minimum erf size requirement for the area as stipulated in the Baardskeerdersbos Precinct Plan (2015).

3.7 ECONOMIC IMPACT

The proposed subdivision and rezoning will have a positive impact on the economy of the area.

The proposal will allow the creation of four Rural Zone 1 portions with property sizes that are compatible to the area. The application will also favour the sale of the portions in future (if applicable) and will have a positive impact on the property values of adjacent properties.

The future construction of new dwellings on Portions B and C, portions of Portion 99 of the farm Baardscheerders Bosch no. 213, will create temporary employment opportunities. Portions B and C will possibly be occupied by new families in future who will invest and spend in the immediate area. One family will continue to reside on Portions A and D, who will also continue to invest in the local economy of the area.

The proposed subdivision and rezoning will create three (3) additional rural-residential erven in a well-located area.

3.8 SOCIAL IMPACT

The proposal will have no impact on the social wellbeing of the area. One family per portion will continue to occupy the two respective portions after subdivision and rezoning. No negative social impacts are anticipated.

There will be no impact on the social wellbeing and social coherence of the adjacent community given the extent of the proposed portions after subdivision and rezoning as well as the fact that the zoning and land use of the newly created rural-residential portions will be in line with the zoning and land uses associated with the immediate area.

It is submitted that the development proposal is compatible with the character of the area and does not impact negatively on the rights of anyone else.

3.9 IMPACT ON SAFETY, HEALTH AND WELLBEING OF SURROUNDING COMMUNITY

The proposed subdivision and rezoning will have no impact on the general safety and wellbeing of the surrounding community.

Furthermore, new development on the newly created portions in future will conform to the relevant land use and construction guidelines of the municipality. The latter will ensure the safe construction of additions and guarantee the safety and minimal noise pollution during construction to the immediate community.

Since the proposed subdivision and rezoning are not associated with a noxious trade with polluting air emissions the impact on the health of the community will be kept to a minimum.

3.10 IMPACT ON EXTERNAL ENGINEERING SERVICES

3.10.1 PROVISION OF SERVICES

The subject property is fully serviced. New services for the additional portions created will be provided in line with the Overstrand Municipality's regulations for installing services infrastructure.

A bulk services contribution levy will be payable to supplement municipal services and amenities in accordance with the relevant legislation and as determined by the Council.

Water supply

The spatial planning policies for the area indicate that there are two boreholes that will provide sufficient water until 2030. Water is stored in the reservoir and will be treated by an ultra-filter plant currently under construction. Overstrand Municipality is a Water Services Authority (WSA), which is responsible for providing water services to those living within its jurisdiction – including Portion 99 of the farm Baardscheerders Bosch no. 213 (existing municipal water connection).

Solid waste

Solid waste is currently collected weekly and transported to the Gansbaai landfill site. This will remain unchanged for the newly created portions.

Sewerage

The status quo of most erven in Baardskeerdersbos is on-site septic tanks and soak aways systems. All relevant spatial planning policies recommend on-site treatment facilities (i.e. conservancy tanks) for future developments.

Electricity

Eskom is the electricity provider to the area. access points

Stormwater disposal

Stormwater planning and design will be done in accordance with the municipality's guidelines / stormwater management plan for Baardskeerdersbos.

3.10.2 TRAFFIC IMPACT, PARKING AND ACCESS

There are two existing access point to Portion 99 of the farm Baardscheerders Bosch no. 213. Both these access points are in Granaat Road and give access to the two existing

dwellings on the subject property. Refer to the subdivision plan for the positions of the respective access points. It is proposed to keep the existing access point to Portion A (access no. 1 from Granaat Road). Access points to Portions B and C (also from Granaat Road) will only be determined once the portions are developed for rural-residential purposes in future. Portion D has an existing access point (access no. 2 in Granaat Road). It is proposed to keep this access point (instead of taking access from the Divisional Road / Main Road).

These access points are adequate and would not need to be changed to facilitate the proposed subdivision and rezoning.

There is ample space available on Portions A, B, C and D, portions of Portion 99 of the farm Baardscheerders Bosch no. 213, to provide at least two parking bays on site.

The traffic flow of Baardskeerdersbos will be slightly impacted if the 2 vacant portions are also developed. It is however anticipated that a mere additional six vehicles will travel to the newly created portions. A Traffic Impact Assessment / Statement is not required since the proposed subdivision and rezoning do not create an additional fifty trips or more to the area and since the access to the newly subdivided portions can easily be addressed.

3.11 TITLE DEED AND DISTRICT ROADS ENGINEER CONSENT

The title deed T50940/2000 has no restrictions that need to be removed for this application to be approved. However, the consent from the District Roads Engineer must be obtained for the following since conditions 1.B.1-3 were imposed in terms of the Ribbon Development Act, Act 21 of 1940:

- To keep the existing access points to Portions A and D and allow two new access points in future (Portions B and C) as a result of the proposed subdivision of the subject property into four portions;
- To accommodate existing structures that encroach the 95m Divisional Road building line. The existing structures are positioned $\pm 39\text{m}$ and $\pm 48\text{m}$ respectively from the street boundary. We herewith apply for the relaxation of the 95m Divisional Road building line to accommodate the existing structures;
- To continue to use the newly created Portions A, B, C and D for rural residential purposes.

Application is therefore made for consent from the District Roads Engineer concerning the above title deed conditions.

A conveyancer's certificate is not included with this application since the title deed is straight forward. There is no bond registered against the subject property.

3.12 FORWARD PLANNING & OTHER LAND USE DOCUMENTS

3.12.1 PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK (2014)

DEVELOPMENT OUTSIDE THE URBAN EDGE

The PSDF (2014) stipulates that compatible and sustainable rural activities of an appropriate scale and form can be accommodated outside the urban edge (except in bona fide wilderness areas). The following criteria apply in assessing consistency with this policy:

- Does not alienate unique or high value agricultural land or compromise existing farming activities.
- Does not compromise the current or future possible use of mineral resources.
- Is consistent with the cultural and scenic landscapes within which it is situated.
- Does not involve extensions to the municipality's reticulation networks (i.e. served by off-grid technologies)
- Does not impose real costs or risks to the municipality delivering on their mandate.
- Does not infringe on the authenticity of rural landscapes.

The proposed subdivision and rezoning comply with the criteria specified by the PSDF (2014):

- Where applicable / relevant, existing roads and access points will be used to accommodate the proposed new portions (keeping the impact on the environment to a minimum).
- There is no impact on the agricultural productive landscape since the subject property is already used primarily for rural-residential living purposes. The title deed also restricts the use for bona fide residential purposes only.
- The proposed subdivision and rezoning do not compromise any possible future use of mineral resources.

- The subject property is fully serviced. Additional services as described in Section 3.7.1 can be provided on site without having a negative impact on the environment.
- The proposed subdivision and rezoning are a small-scale development to keep the impact on the rural landscape to a minimum.

From the above it is evident that the proposed subdivision and rezoning are consistent with the PSDF's (2014) criteria to reach the Provincial objectives to strengthen and diversify the rural economy.

3.12.2 OVERBERG DISTRICT SPATIAL DEVELOPMENT FRAMEWORK (2017)

The objective of the ODSD (2017) is to optimise the rich and balanced mix of the Overberg's agriculture, tourism, heritage, conservation resources and eco system services within their scenic setting. With this application conserving the natural environment and maintaining the agricultural landscape are still promoted, and careful consideration is given to appropriate development rights in line with the spatial planning policies applicable to Baardskeerdersbos. In addition, the rural-residential land use for Portion 99 of the farm Baardscheerders Bosch no. 213 is promoted and consistent with the Baardskeerdersbos Precinct Plan (2015).

3.12.3 OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK (2020)

The *Overstrand Spatial Development Framework (2020)* stipulates that Portion 99 of the farm Baardscheerders Bosch no. 213 is situated inside the urban edge of the Overstrand region demarcated for Baardskeerdersbos. The policy earmarks the subject property for urban development purposes. Refer to the SDF Plan (2020) for the Overstrand region below:



Plan 71: Baardskeedersbos Spatial Proposal 2020

Map 2: Overstrand SDF: Baardskeedersbos Spatial Proposal (2020)

The Overstrand SDF (2020) promotes appropriate residential development on a scale and in a form that retains the rural village character of Baardskeedersbos. However, the SDF restricts subdivisions and development that changes the rural character of the village. With any new development proposals, the unique village / rural character must be maintained. The development footprint must be contained within the defined rural edge of the town.

Portion 99 of the farm Baardscheeders Bosch no. 213 will be subdivided into four portions and rezoned for rural-residential purposes. Due consideration was given to the detailed planning for the area (Baardskeedersbos Precinct Plan, 2015). The subject property falls within the rural development edge and meets the minimum erf size requirement for the consideration of subdivision in the area (4000m²). As previously mentioned, erven of ±1,4ha in extent are situated to the east of the subject property. Erven ranging between ±2000m² to 6500m² in extent are situated to the north and north-west of the subject property. And erven of ±2000m² in extent are situated to the west of the subject property. It is therefore evident that the proposal is in line with the existing rural character (land use and erf sizes) of the

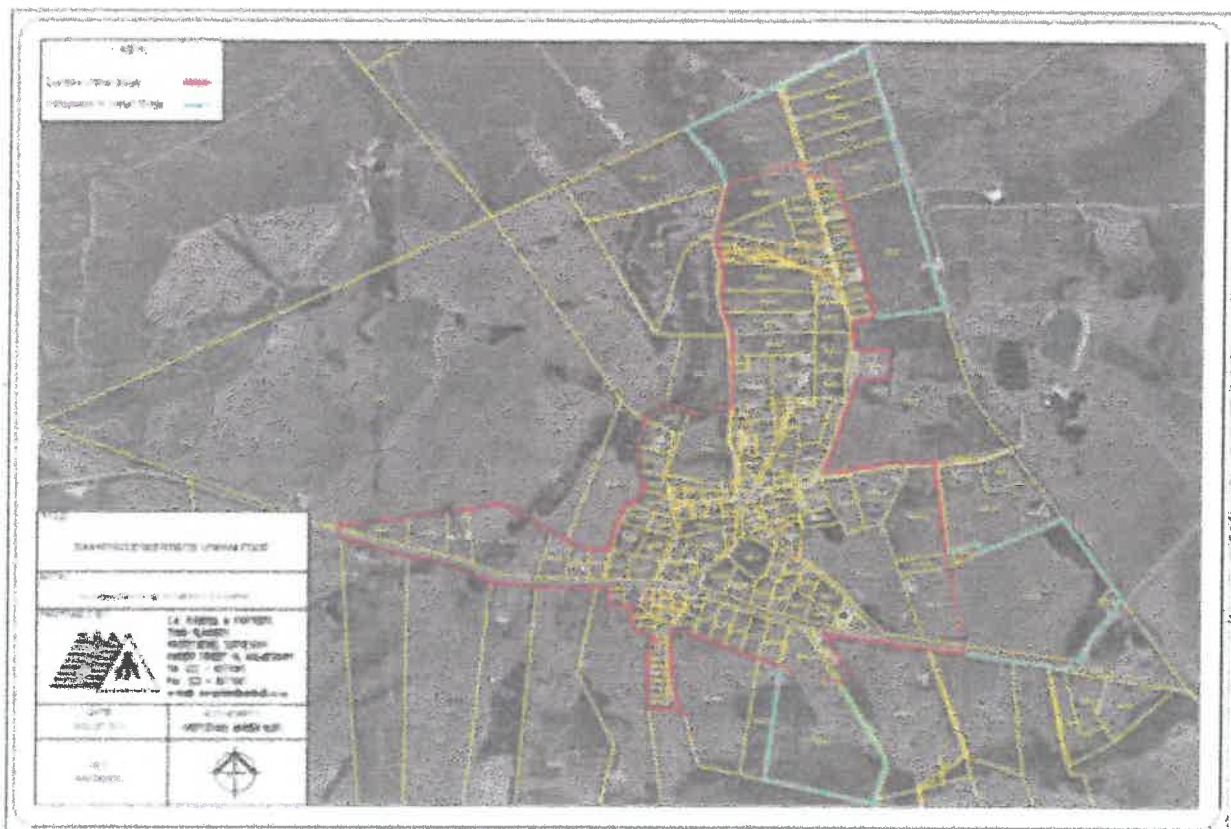
area. The proposal will maintain the unique village / rural character of Baardskeedersbos.

From the above it is evident that the proposed subdivision and rezoning adhere to and fall within the spatial planning policies for the Overstrand area.

3.12.4 BAARDSKEEDERSBOS PRECINCT PLAN (2015)

Urban edge

Given the current urban edge, there is a need to contain development within some areas of expansion within the urban edge. There is also a need to include some outlying erven within the urban edge to ensure consistency of policy implementation. The settlement's growth is determined by business activities along the main road, scattered community activities (old and new), the historical subdivision pattern and the need to access municipal services. The proposed urban edge for Baardskeedersbos is illustrated by the Diagram below. The red line indicates the existing edge and the blue line the proposed expansions as supported by the public participation process conducted in July 2014.



*Map 3: Existing and expanded urban edge for Baardskeedersbos
(Baardskeedersbos Precinct Plan, 2015)*

Strategies and compliance

One of the spatial strategies for the future development of Baardskeerdersbos is to improve development control. The latter can be done by restricting erf sizes to a minimum of 4000m² or more. Subdivision must only be allowed if erf sizes are adhered to and if remainders of erven are of the same or larger extent.

Portion 99 of the farm Baardscheerders Bosch no. 213 will be subdivided into four portions and rezoned for rural-residential purposes. Due consideration was given to the detailed planning for the area (Baardskeerdersbos Precinct Plan, 2015). The subject property falls within the rural development edge and meets the minimum erf size requirement for the consideration of subdivision in the area (4000m²). The proposal is thus in line with the existing rural character (land use and erf sizes) of the area. The proposal will maintain the unique village / rural character of Baardskeerdersbos.

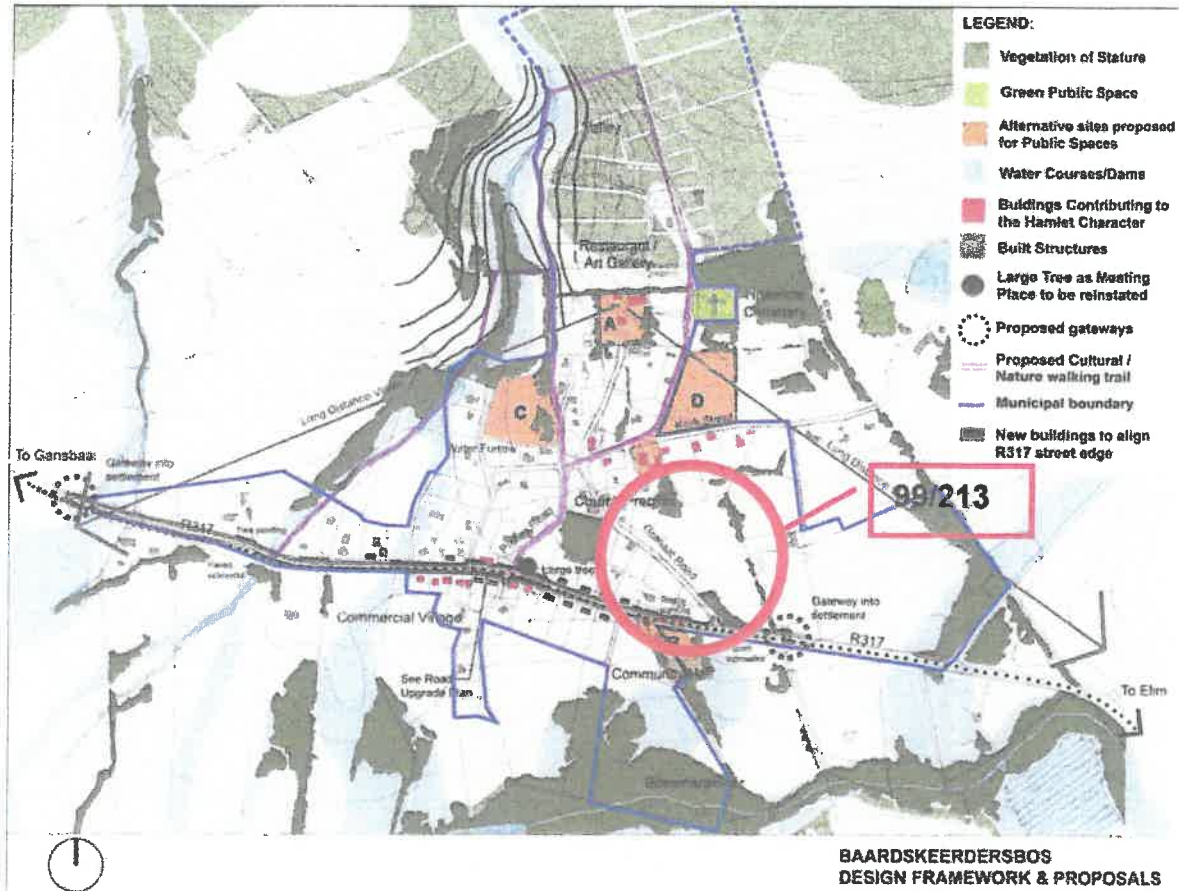
The Baardskeerdersbos Precinct Plan (2015) provides set parameters for development and defined spaces for the development of the respective portions after subdivision. No development proposals for the respective portions are available; however future development will have to meet all the relevant land use and precinct plan requirements. The proposed subdivision and rezoning meet the minimum street front requirement of at least 20m.

3.13 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION

3.13.1 HERITAGE VALUE

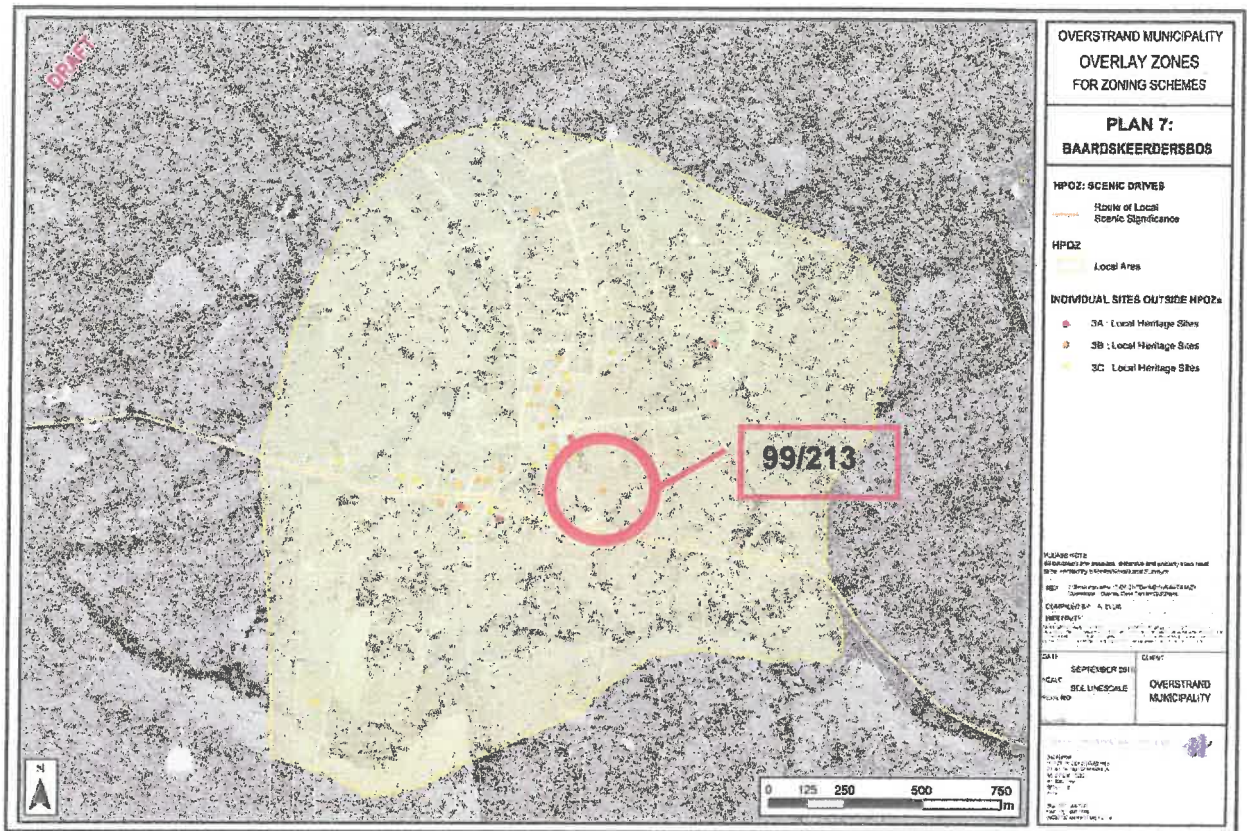
Although the subject property is larger than 5000m², the application does not involve changing the character of a site larger than 5000m². Although a subdivision and rezoning is proposed (the proposal is to subdivide a property of 3,4970ha into four portions and rezone the newly created portions from Agriculture Zone 1: Agriculture to Rural Zone 1: Agricultural Small Holdings), the land use and character of the property is already for rural-residential purposes. The latter will remain unchanged and the proposal does therefore neither change the character of the site nor the character of the area. Consequently, it is our opinion that the proposed subdivision and rezoning does not trigger Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

According to the Baardskeedersbos Precinct Plan (2015) forty-three conservation worthy heritage resources were identified within the settlement. The buildings marked red on the Heritage & Landscape Indicators Map form part of this resource and define the hamlet. From the map below it is evident that Portion 99 of the farm Baardscheeders Bosch no. 213 is not included in the hamlet.



*Map 4: Heritage and Landscape Indicators for Baardskeedersbos
(Baardskeedersbos Precinct Plan, 2015)*

The subject property has a 3B Local Heritage classification. Refer to the Heritage Protection Overlay Zone Plan for Baardskeedersbos below:



*Map 5: Baardskeerdersbos Heritage Protection Overlay Zone
(Overstrand Municipality Land Use Scheme, 2020)*

The precinct plan stipulates that no Grade 3B building or structure and/or listed on the Provincial Heritage Register, other than an internal wall, surface or component, shall be demolished, altered or extended nor shall any new building or structure be erected on the property occupied by such building or structure without the Municipality's special consent. The Municipality shall not grant its special consent if such proposed demolition, alteration, extension or new building or structure will be detrimental to the character and /or significance of the building or structure.

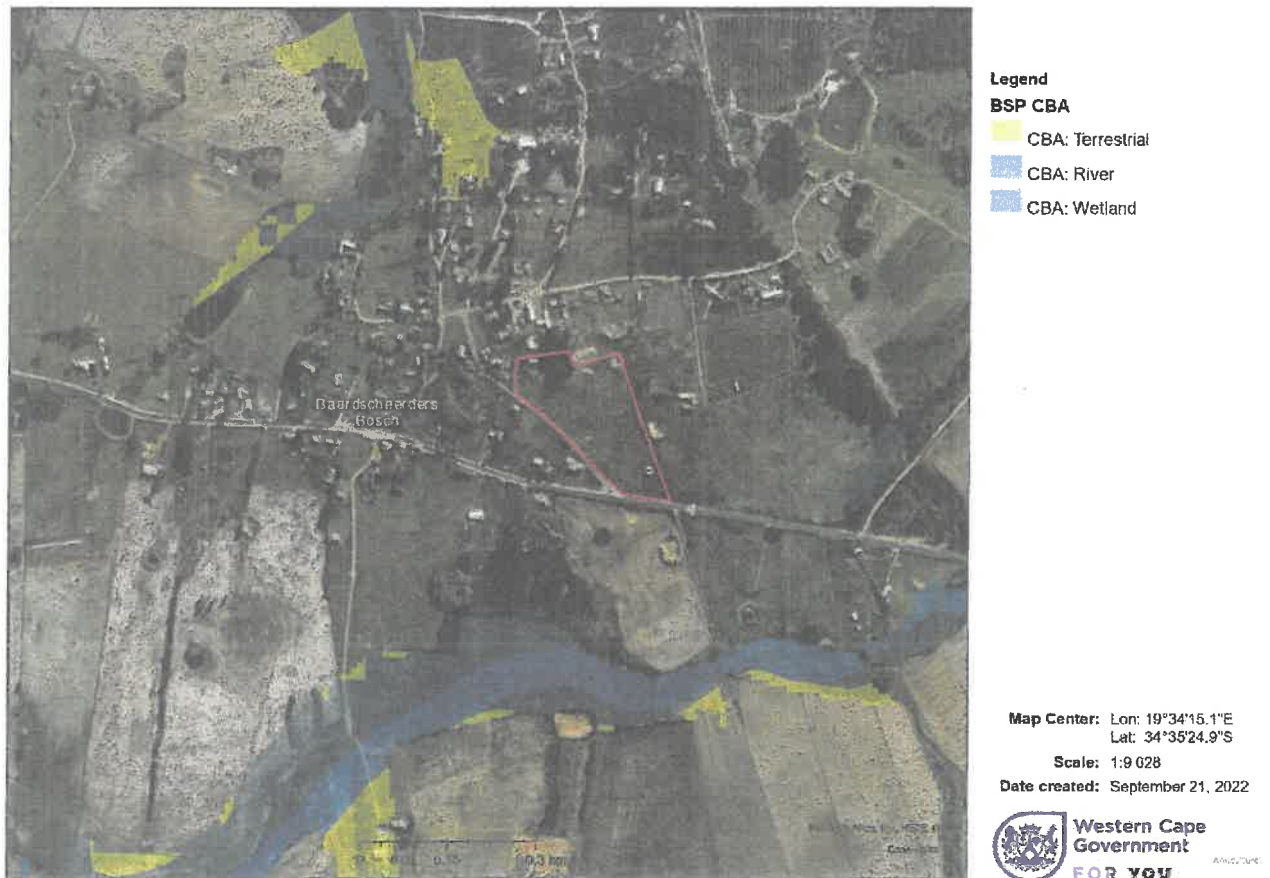
According to our client the oldest structure on the subject property is ±50 years old. All structures will remain unchanged for the purposes of the subdivision and rezoning. The proposed subdivision and rezoning respect the urban edge and urban sprawl / encroachment of residential development into farmland is not proposed with this application. The subdivision and rezoning proposal are sympathetic to the historically significant pattern of Baardskeerdersbos and meets the minimum erf size requirement of 4000m². The development of the newly created portions in future will meet the heritage guidelines as stipulated in the Baardskeerdersbos Precinct Plan (2015).

To our knowledge there are no archaeological remains on the subject property. The subject property is also not associated with slavery or any person / group of heritage significance.

3.13.2 ENVIRONMENTAL IMPACT

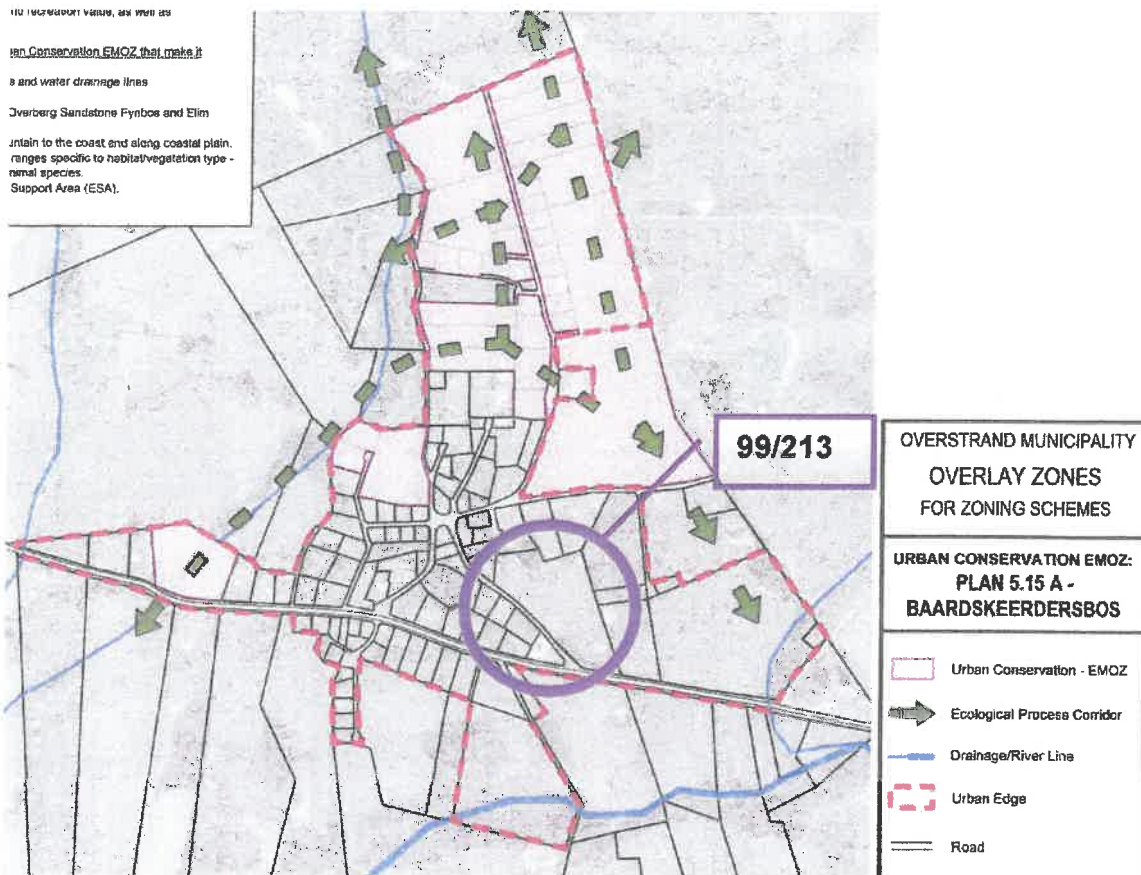
The proposed subdivision and rezoning application does not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

The Critically Biodiversity Area (CBA) Map for the subject property is included below. From the image it is evident that the subject property does not fall within a CBA.



Map 6: Critically Biodiversity Area Map for Baardskeerdersbos

An Environmental Management Overlay Zone (EMOZ; 2020) applies to Baardskeerdersbos. The subject property is not situated within an Urban Conservation area. Refer to the Urban Conservation EMOZ plan below:



Map 7: Baardskeerdersbos Environmental Management Overlay Zone
(Overstrand Municipality Land Use Scheme, 2020)

Future building plan / land use applications will have to conform to the relevant environmental and land use legislation.

From the above it is evident that the proposed subdivision and rezoning will not have a negative impact on the environment.

3.14 PLANNING PRINCIPLES

The planning principle of spatial resilience does not apply to this application.

Spatial justice: The proposed application will not further promote the spatial development imbalances. This application is to create additional small holdings (rural-residential erven). The proposed application is in character with the existing rural / village character of the area where similar applications have been approved in the past and therefore the approval of the

proposed application will not be spatially biased.

Spatial sustainability: The proposed subdivision and rezoning are to create an additional three (3) portions for rural-residential living purposes. As motivated in the previous sections of this report the proposal does not impact negatively on the character of the area or the existing rights of adjacent property owners. The subject property is developed. No impact on the heritage value of the site or greater Overstrand rural area is anticipated. The impact on the biophysical environment will also be kept to a minimum as described in the previous sections of this report.

Furthermore, the proposed subdivision and rezoning will have no adverse impact on the spatial sustainability of Baardskeedersbos. The extent of the subject portions after subdivision, the shapes of the newly created portions, the use of existing access points from Granaat Road (no access points proposed from Main Road), the existing rural-residential use that will remain unchanged, the compliance with the minimum erf size requirement and spatial planning policies for the area, etc. allow for the consideration and approval of the proposed subdivision and rezoning without having an adverse impact on the spatial sustainability of the area. The proposed subdivision and rezoning are to an improved property within an established rural-residential area and therefore will not impact on the sensitive environment.

Efficiency: The subject property is easily accessible and conveniently located next to existing roads. The proposal creates cadastral units in line with the existing portion sizes and character of the Baardskeedersbos area.

It is motivated that the proposed subdivision and rezoning proof to be efficient as it relates to more responsible resource use or sustainable development. Furthermore, the proposal is efficient in that it optimizes existing resources. The proposal further promotes development within the demarcated urban edge and does therefore not promote urban sprawl.

Good administration: Our firm is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's bylaw and related provincial and national land use planning legislation. All measures will be taken to ensure an efficient and streamlined process within the applicable timeframes as stipulated by the Overstrand Municipality's Amendment By-law

on Municipal Land Use Planning, 2020.

4. RECOMMENDATION

When this application is evaluated, it is important to take note of the following:

- The proposed subdivision and rezoning will not have a negative impact on the current character and land values of the surrounding small holdings and farms;
- The proposed zoning is deemed a more appropriate zoning for the portions after subdivision since the subject property is currently being used and will continue to be used for rural-residential living purposes. The title deed also restricts the land use to *bona fide residential use*;
- The proposed subdivision and rezoning do not constitute the fragmentation of agricultural land since the subject property is already only 3,5ha in extent, does not accommodate any agricultural activities and is restricted (in terms of the title deed) to the exclusive use of *bona fide residential use* only;
- After the subdivision and rezoning the viability of each small holding portion is not considered less than the original portions' viability;
- No additional access routes or access points will be created on Main Road. The access points to Portions B and C will be determined with building design and building plan submission in future;
- There are no environmental aspects that will negatively impact on the application and the application will not have a negative impact on any environmental factors;
- There is no / a low impact on the heritage value of the subject property and area as a whole;
- The proposed subdivision and rezoning of the subject property comply with the spatial planning policies of the area;
- The application is fully compliant with the applicable planning principles described in the LUPA (2014) and SPLUMA (2013).

The application can be supported for your favourable evaluation. The opinion is held that this application will have no negative impacts in the area and that it will contribute towards the Overstrand rural area's significance and value.



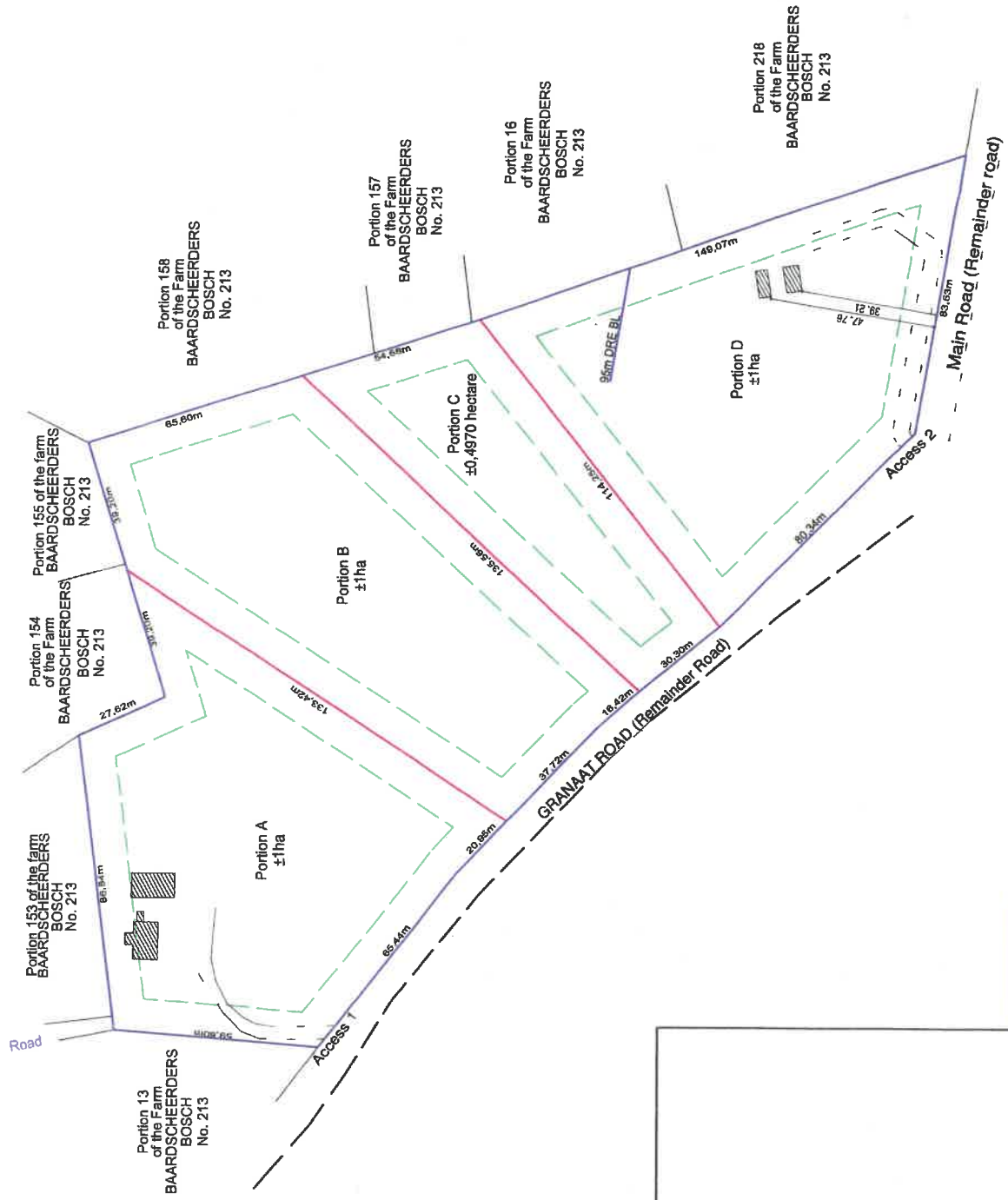
Scale: 1:1250
 Drawing Nr: lamr13-99a.dwg
 Date: SEPTEMBER 2022

Plan Description:
SUBDIVISION PLAN

Property Description:
PORTION 99 OF FARM BAARDSCHEERDERS BOSCH NO. 213

All distances approximate and subject to survey.
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 Town & Regional Planners
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NOTES:

- Farm boundaries
- Subdivision lines
- Existing structures
- 10m scheme building lines
- Existing tar road (Granaat Road)
- 95m Divisional Road building line

It is proposed to subdivide Portion 99 of farm Baardscheerders Bosch no. 213 into four portions as follows:
 Portion A: ±1ha
 Portion B: ±1ha
 Portion C: ±0,497ha
 Portion D: ±1ha

It is proposed to rezone Portions A, B, C and D from Agriculture Zone 1: Agriculture to Rural Zone 1: Agricultural Small Holdings