



OVERSTRAND MUNISIPALITEIT
ONGEREGISTREERDE ERF 3457, HAWSTON
(’N GEDEELTE VAN GEDEELTE 6 VAN PLAAS
575, AFDAKSRIVIER, GEDEELTE CALEDON):
AANSOEK OM ONDERVERDELING EN
HERSONERING: URBAN DYNAMICS SOUTH
CAPE (nms AFDAKSRIVIER EIENDOMS
ONTWIKKELING (PTY) LTD)

Kragtens Artikel 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die onderstaande aansoeke van toepassing op Ongeregistreerde Erf 3457, Hawston (’n Gedeelte van Gedeelte 6 van Plaas 575, Afdakrivier) (die eiendom), vir die:

1. **onderverdeling** ingevolge Artikel 16(2)(d) van die Verordening van bogenoemde eiendom in 2 gedeeltes naamlik, Gedeelte A (± 23,4ha) en ’n Restant (± 42,24ha);
2. **hersonering** ingevolge Artikel 16(2)(a) van die Verordening van Onderverdeelde Gedeelte A vanaf Landbousone 1: Landbou (AGR1) na Oopruimtesone 1: Natuurrreservaat (OS1).

Besonderhede aangaande die voorstel lê ter insae gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning te Patersonstraat 16, Hermanus.

Enige kommentaar moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) voor of op **29 April 2022**, met u naam, adres, kontak besonderhede, belang in die aansoek en die redes vir kommentaar. Telefoniese navrae kan gerig word aan die **Stadsbeplanner, Mnr. H. Olivier** 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. **31/2022**

OVERSTRAND MUNICIPALITY
UNREGISTERED ERF 3457, HAWSTON (A
PORTION OF PORTION 6 OF FARM 575,
AFDAKSRIVIER, DIVISION CALEDON):
APPLICATION FOR SUBDIVISION AND
REZONING: URBAN DYNAMICS SOUTH
CAPE (obo AFDAKSRIVIER EIENDOMS
ONTWIKKELING (PTY) LTD)

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 Unregistered Erf 3457, Hawston (a Portion of Portion 6 of Farm 575, Afdakrivier) (the property) for the:

1. **subdivision** in terms of Section 16(2)(d) of the By-Law to subdivide the above property into 2 portions namely; Portion A (± 23,4ha) and a Remainder (± 42,24ha).
2. **rezoning** in terms of Section 16(2)(a) of the By-Law of Subdivided Portion A from Agricultural Zone 1: Agriculture (AGR1) to Open Space Zone 1: Nature Reserve (OS1).

Full details regarding the proposals above are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, 16 Paterson Street, Hermanus.

Any comments must be in writing and reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) on or before **29 April 2022**, with your name, address, contact details, interest in the application and the reasons for comment. Telephonic inquiries can be made to the **Town Planner, Mr. H. Olivier** at 028-3138900. The Municipality may refuse to accept comments after the closing date. Any person who cannot read or write can visit the Town Planning Department where they will be assisted by a municipal official in formulating their comments.

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

Municipal Notice No. **31/2022**

UMASIPALA WASE-OVERSTRAND
ISIZA ESINGABHALISWANGA ESINGUERF 3457,
EHWASTON (INXALENYE EYINXALENYE 6
KWIFAMA 575, E-AFDAKSRIVIER, KWICANDELO
LASECALEDON: ISICELO SOKUCANDA
KWAKHONA, UKWAHLULA-HLULA,;
NGABAKWA URBAN DYNAMICS SOUTH CAPE
(egameni leAFDAKSRIVIER
EIENDOMSONTWIKKELING(PTY)LTD)

Kukhuthswe isaziso esimayela nemiba yeSoloty lama47 nelama-48 loMthethwana kaMasipala waseOverstrand OngeZicwangciso Zokusetyenziswa koMhlaba kaMasipala ku2020 (uMthethwana) ngokwezicelo ezilandelayo nezisebenza kwiSiza esingabhaliswanga esisebenza kwiSiza esinguErf 3457, Hawston (Inxalenye yeNxalenye 6 yeFama engu575, eAfdakrivier (isiza/umhlaba):

1. **Ukwahlulahlula** ngokwemiba yeSoloty le-16(2)(d) yoMthethwana ukwahlulahlula isiza esingentla sibe zinxalenye ezimbini-2 ezibizwa; inxalenye A/Portion A (±23,4ha) neNtsalela (±42,24ha);
2. **Ukucanda** kwakhona ngokwemiba yeSoloty 16(2)(a) loMthethwana weNxalenye enguPortion A ukusuka kwiZowuni yeZolimo Agricultural Zone:1 Ezolimo/Agriculture (AGR1) ukuya kwiNdawo evulelekileyo enguZowuni 1: Umyezo Wezilwanyana/Nature Reserve (OS1).

Iinkcukacha ezipheleleyo ezimayela nezi ziphakamiso zingentla ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini phakathi kwentsimbi ye8:00 neye16:30 kwiSebe: Izicwangciso NgeDolophu, 16 Paterson Street, Hermanus.

Naziphi na izimvo mazibhalwe zize zifike kwaMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) ngomhla okanye ngaphambi komhla **wama-29 uAprili 2022**, uchaze igama lakho, idilesi, iinkcukacha ofumaneka kuzo, umdla wakho kwesi sicelo kunye nezizathu zakho zokuhlomla. Imibuzo ngefowuni ingabuzwa ku**Mcwangcisi weDolophu, Mnu.H. Olivier** kwa028-3138900. UMasipala angala ukwamkela izimvo emva komhla wokuvala. Nabani na ongakwazi ukubhala nokufunda angahambela kwiSebe Lezicwangciso ngeDolophu apho igosa likamasipala liza kumnceda ukungenisa izimvo zakhe ngokusemthethweni.

Umlawuli kaMasipala, Overstrand Municipality, P.O. Box 20, **HERMANUS**, 7200

Inombolo yeNothisi kaMasipala.**31/2022**

Unregistered Erf 3457 Hawston

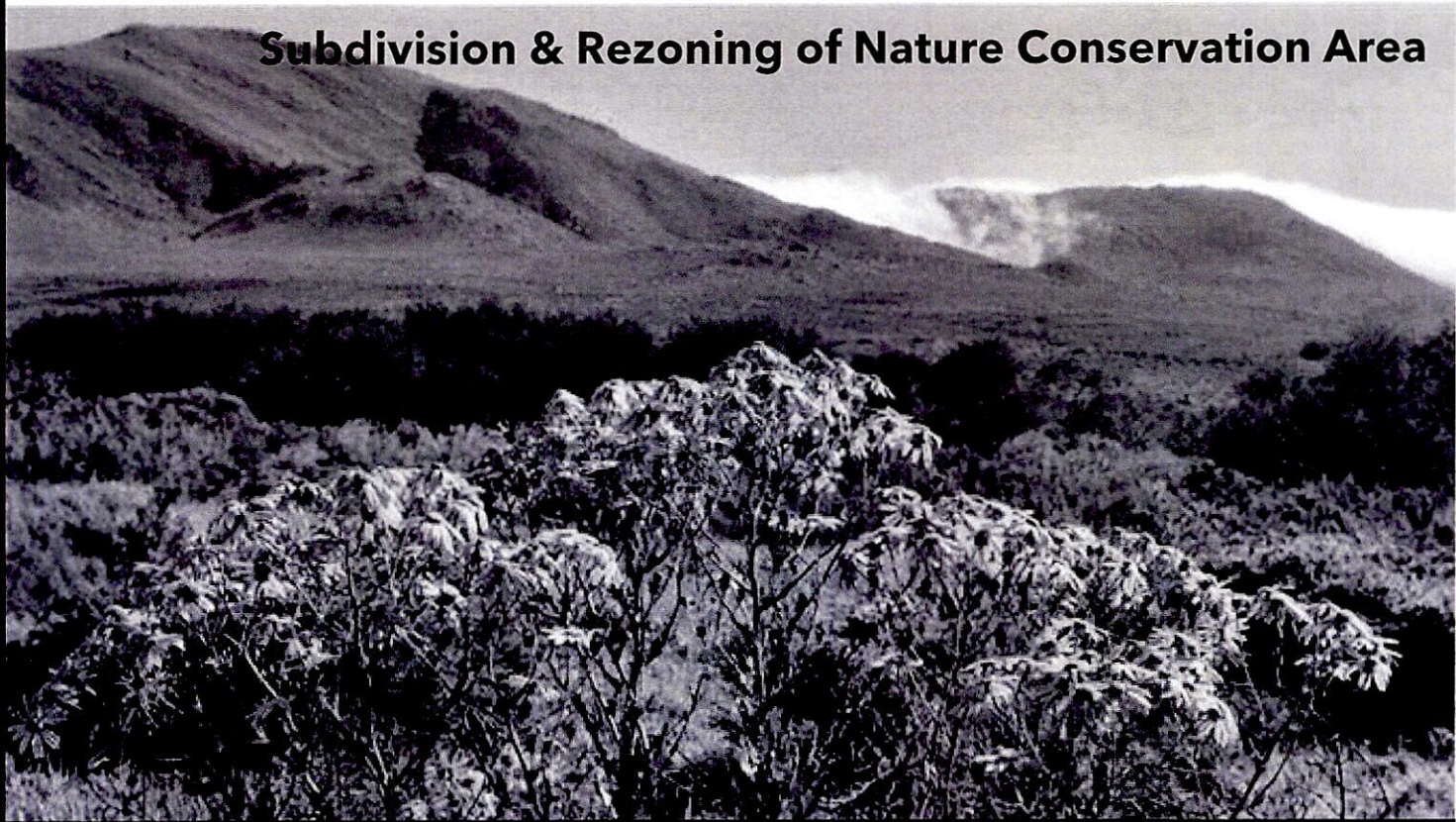
(Portion of Portion 6 of Farm 575, Afdakrivier)

Caledon Division, Hawston

Motivation Report:

Application in terms of the By-Law on
Municipal Land Use Planning, 2020

Subdivision & Rezoning of Nature Conservation Area



9 December 2021

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Urban Dynamics
Town & Regional Planners



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SECTION 1**INTRODUCTION****1.1 BACKGROUND & INTRODUCTION**

Urban Dynamics South Cape, consulting Town and Regional Planners, were appointed by Afdaksvier Property Development, to prepare and submit an application for the subdivision and rezoning of a portion (**unregistered Erf 3457 Hawston**) of the farm Afdaksvier 575/6 Caledon division.

The application is required in terms of an approval condition forthcoming from the Environmental Impact Assessment (EIA) process that was undertaken in terms of the National Environmental Management Act (NEMA, 1998). The delineation and configuration of the subdivision is therefore predetermined by correspondence from Cape Nature, confirmed in the aforementioned Environmental Authorisation of 2011 (amended 2016). Given the aforementioned, the principle of subdividing and rezoning the nature conservation area has already been established and is entrenched as part of the existing approvals for business development on a portion of the parent property.

1.2 PROPERTY DESCRIPTION AND OWNERSHIP

The application area (*Refer Figure 1.1*) is described in the title deed as follows:

SUBJECT PROPERTY	EXTENT (HA)	DEED OF TRANSFER	REGISTERED OWNER
Portion 6 of the Farm Afdaks Rivier no 575, Caledon	85,6532	T34607/2006	AFDAKSRIEVER EIENDOMS ONTWIKKELING

Table 1.1: Property Description

The above-mentioned title deed has been perused by conveyancers, Smith Tabata Buchanan Boyes Attorneys, confirming that there are no restrictive title deed conditions registered which prevent the property from being rezoned or subdivided. Furthermore, with reference to Table 1 above, as part of the business development on a portion of Farm 6/575, subdivisional diagrams have already been prepared and approved by the Surveyor General (SG) Office, with the remaining portion being allocated an erf number as per table 2 below:

SUBJECT PROPERTY	EXTENT (HA)	DEED OF TRANSFER	REGISTERED OWNER
Erf 3457 Hawston (Unregistered portion of Portion 6 of the Farm Afdaks Rivier no 575, Caledon)	65,649	unregistered	unregistered

Table 1.2: Property Description



1.3 CURRENT ZONING AND LAND USE

The application area (65,649 ha) is currently zoned, in terms of the valid approved zoning rights, as Subdivisional Area Zone (alternatively Agriculture Zone 1). When the ± 20 hectares of business development was subdivided off from the property, the zoning of the remainder portion was not addressed in any detail, hence the view that the zoning of the remainder reverts to Agriculture Zone 1.

It is noted that **Act 70 of 1970 does not apply to the property**, as clearly notated on the attached approved SG diagrams and General Plans.

Figure 1.1 shows the application area within its regional context.



Figure 1.1: Locality Plan

Figure 1.2 shows the application area relative to the boundaries of Portion 6 of Farm 575 Afdakrivier, including the subdivided business development area.



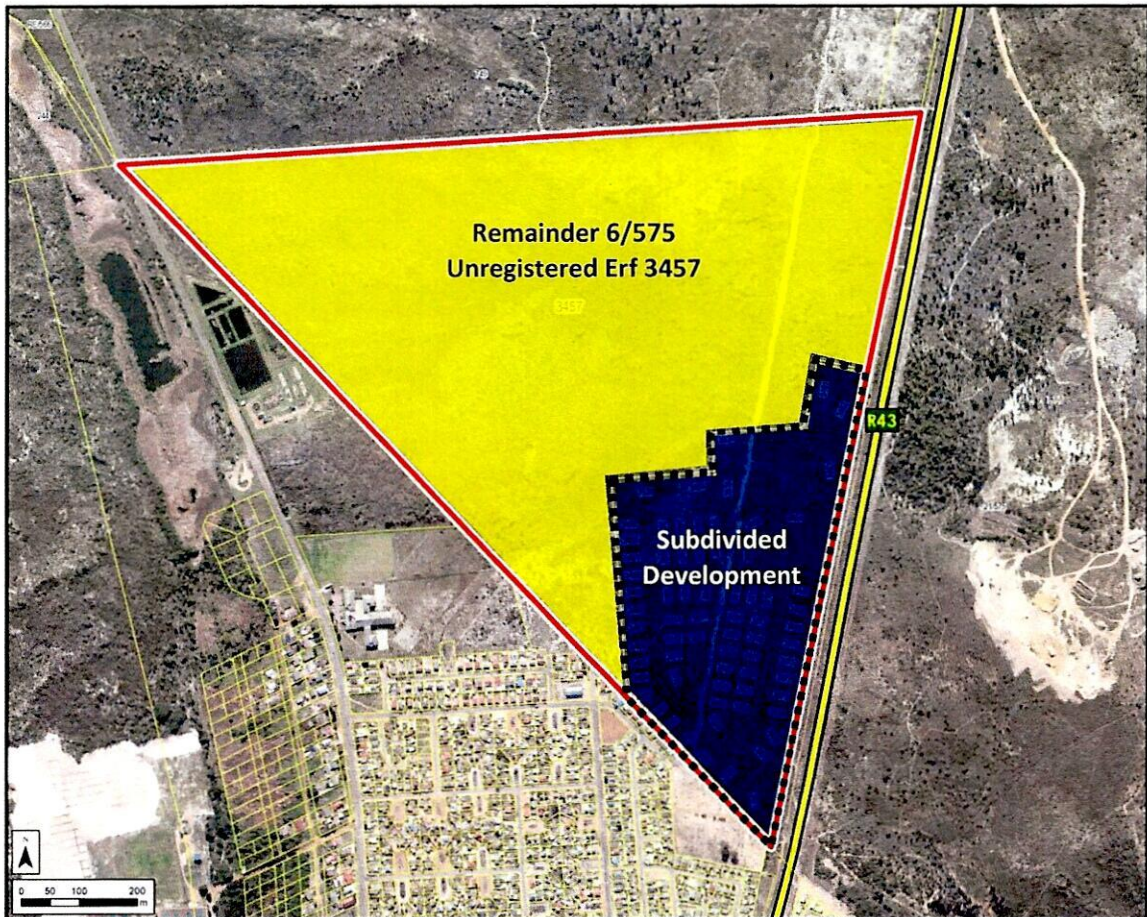


Figure 1.2: Local Context Aerial Cadastral Plan

1.4 APPLICATION DETAILS

Application is hereby made, as follow (refer attached Application Form):

- The **subdivision** of unregistered Erf 3457 Hawston (Remainder Portion 6 of the Farm Afdaks Rivier No 575) into two portions, namely portion A ($\pm 23,4$ ha) and the remainder of Erf 3457 Hawston ($\pm 42,24$ ha), in terms of Section 16(2)(d) of the Overstrand By-Law on Municipal Land Use Planning (2020) – refer Figure 1.3.
- The **rezoning** of subdivided portion A of unregistered Erf 3457 Hawston (Remainder Portion 6 of the Farm Afdaks Rivier no. 575) from Agricultural I Zone to **OPEN SPACE ZONE 1: NATURE RESERVE (OS1)** for the purpose of nature reserve and conservation use, as described in the Overstrand Municipality Land Use Scheme (2020), in terms of Section 16(2)(a) of the Overstrand By-Law on Municipal Land Use Planning (2020).

Figure 1.3 indicates the proposed subdivision.



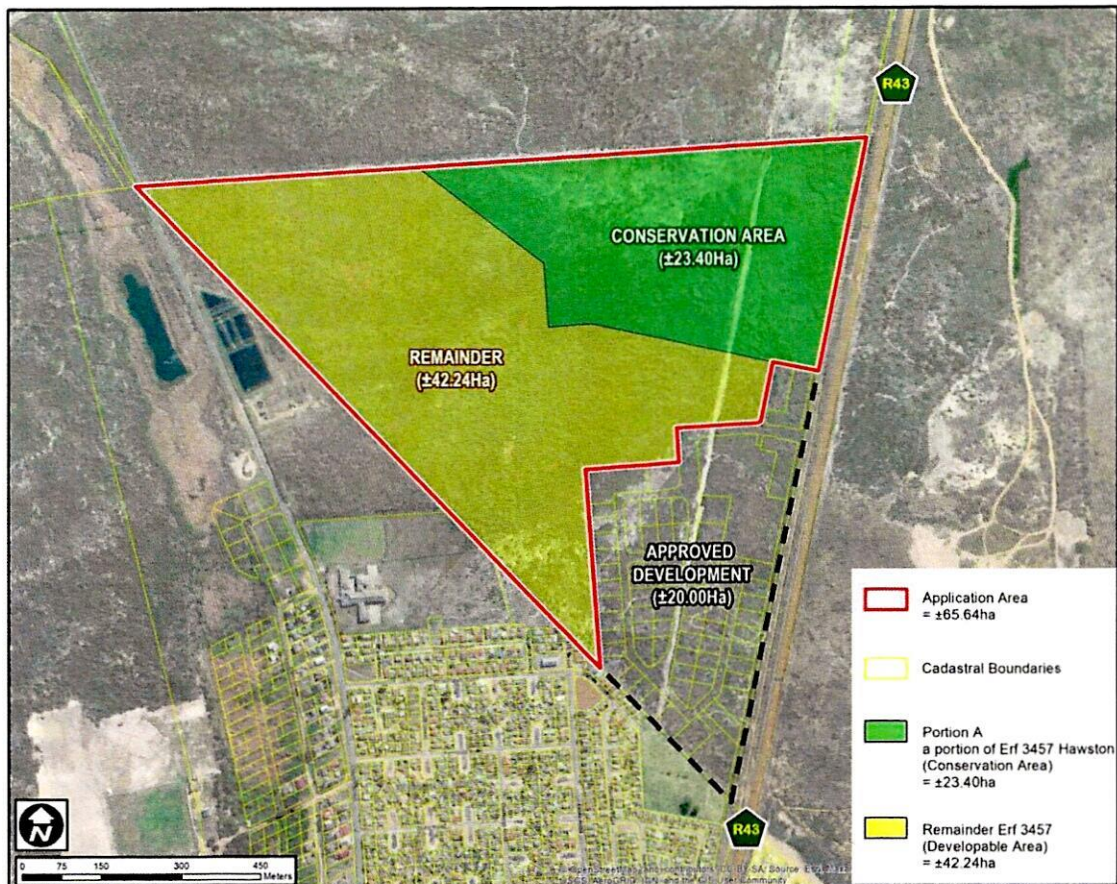


FIGURE 1.3: SUBDIVISION PLAN

Table 1.3: Proposed Subdivision Portions

Portion	Extent	Use
Approved Development	20 hectares	Business
Portion A	23,4 hectares	Nature Conservation
Remainder Erf 3457	42,24 hectares	Undeveloped (future consideration)

Note: This application does not include any proposals for the remaining portion of the property, marked as '*Developable Area (± 42,24ha)*' in Figure 1.3 above. Any future proposals for development of such portion will be subject to all relevant statutory requirements.



SECTION 2 MOTIVATION

2.1 INTRODUCTION

The application herein intends to create a subdivided portion for establishing a nature conservation area of ± 23,4 hectares. The delineation, form and extent of the subdivision was determined during the EIA process in 2010 – 2011, with the condition for creating the proposed nature reserve being imposed in terms of the Environmental Authorisation (2011, amended 2016). It is now the intention of this subdivision application to act on the said approval condition accordingly.

2.2 ENVIRONMENTAL AUTHORISATION

During the EIA process in 2010-2011, detailed botanical assessments were undertaken on the application site (refer attached Botanical Report), including environmental sensitivity analysis, which informed the decisions taken and conditions imposed for the business development on a portion of the parent property.

With specific reference to the Environmental Authorisation (2011, amended 2016), the following condition was imposed, which forms the basis for this subdivision application:

- 6. The 23.4 ha of biophysically sensitive land (as indicated in Appendix A) must be set aside for conservation purposes. The recommendations with respect to the management of the conservation area as detailed in the Basic Assessment Report ("BAR") dated August 2010 compiled by Louis de Villiers of deVilliers Brownlie Associates must be implemented and adhered to (Attached hereto as Appendix B).

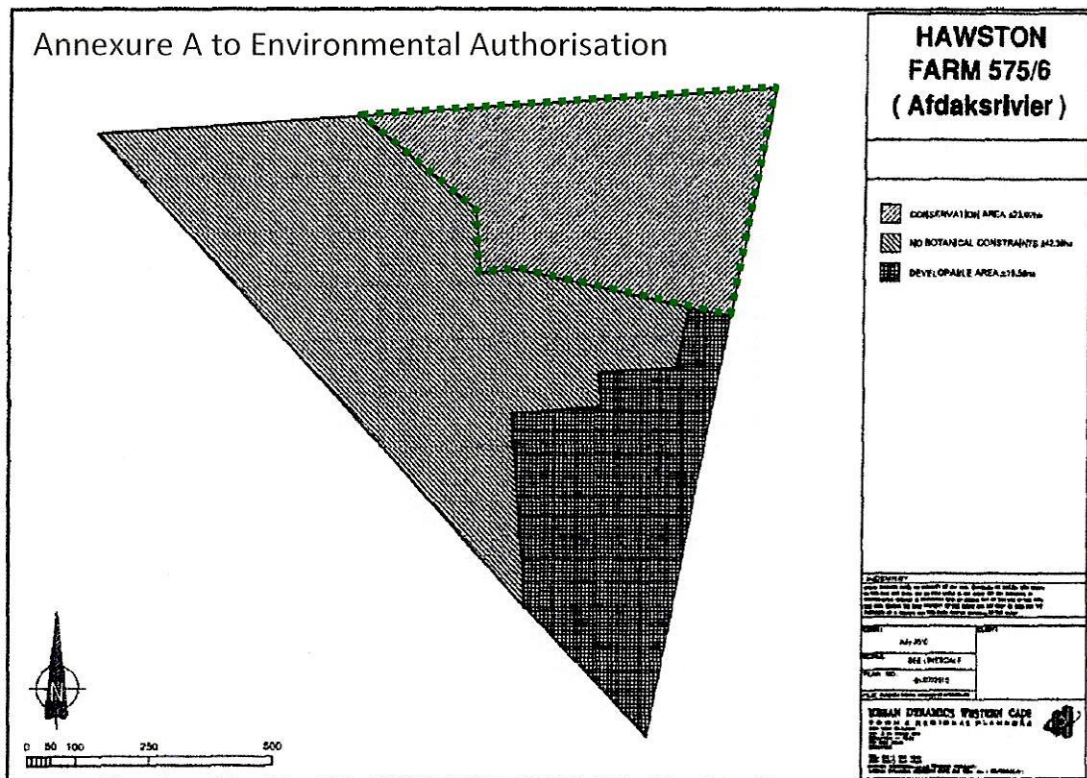


Figure 2.1: Site Subdivision Configuration – Annexure B to the Environmental Authorisation



With reference to Condition 6 of the EA and the required delineation of the conservation area, it is clear that the proposed subdivision plan (refer Figure 1.3 above) is fully aligned and wholly consistent with the said approval condition.

It is further important to note that the proposed boundaries of the conservation area already make provision / include for a 25m-wide buffer within the boundaries of the subdivided conservation area, hence not requiring any additional buffers outside of the subdivision boundaries. This is confirmed in the botanical report attached hereto.

2.3 ENVIRONMENTAL / CONSERVATION MANAGEMENT

During the EIA process, Cape Nature and the Overstrand Municipal Environmental Department were consulted on the delineation of the conservation area, while future management of the area also formed part of discussions. Correspondence with Cape Nature were considered and incorporated into the Environmental Authorisation. This application for subdivision and rezoning does not include the detailed management rules, objectives and specifications, which will be negotiated separately between the landowners, Cape Nature and the Overstrand Municipality. It is however noted that the Environmental Authorisation did include certain aspects relating to management of the space, which should inform the process of determining the management and future responsibilities w.r.t. the proposed conservation area, namely:

- **CONDITION 10 OF THE ENVIRONMENTAL AUTHORISATION**

10. The following recommendations adapted from the Botanical Assessment compiled by Coastal and Environmental Consultants must be implemented and adhered to:
 - 10.1. The integrity of the individual natural systems must be restored through woody alien clearing and rehabilitation using indigenous species.
 - 10.2. Key invasive alien species *inter alia* *Leptospermum laevigatum* and *Acacia Saligna* must be cleared.
 - 10.3. All areas cleared of alien vegetation, and which would form part of the conservation area must be rehabilitated.
 - 10.4. All other areas which lack indigenous vegetation and possesses vegetation of poor quality must be rehabilitated with locally occurring indigenous vegetation.
 - 10.5. A buffer with a minimum width of 25m must be maintained between the development and the conservation area.
 - 10.6. Vegetation of a good quality must be retained wherever possible, while vegetation of a medium quality must be rehabilitated.



- **MANAGEMENT RECOMMENDATIONS (Annexure B To The Environmental Authorisation)**

1. The proposed conservation area, approximately 22.98 ha in extent, should be subdivided from Farm Afdakrsrivier 575/6 into a separate cadastral unit and should be zoned for conservation purposes in terms of the provisions of the relevant Zoning Scheme Regulations.
The applicant is required to demonstrate, prior to the commencement of any construction activities associated with the development, that the required approval processes for the subdivision of the proposed conservation area from Farm Afdakrsrivier 575/6, and the rezoning thereof for conservation purposes, have commenced, although these approval processes need not necessarily have been completed prior to the commencement of any such construction activities.
2. The applicant is required to hand the proposed conservation area to the Local Authority when the Local Authority is able to manage the identified adjacent ecological corridor for conservation purposes so that the proposed conservation area may be incorporated into, and be managed with, the ecological corridor reflected in Figure 3 of the Biodiversity Assessment.
3. The applicant is required, prior to handing the proposed conservation area to the Local Authority, to clear the proposed conservation area of alien vegetation and rehabilitate same using locally occurring indigenous species as may be appropriate, and such work is to be undertaken under the guidance of a botanical specialist.
4. The applicant is required, prior to the transfer of any of the erven within the proposed development to third parties, to establish a trust fund for the purposes of funding the clearing of the proposed conservation area of alien vegetation and for rehabilitating same using locally occurring indigenous species as may be appropriate.
The value of such a trust fund should be equivalent to the cost of clearing the proposed conservation area of alien vegetation and for rehabilitating same using locally occurring indigenous species as may be appropriate, using Department of Water Affairs approved methodology for same.
5. The applicant is required to prepare a management plan for the ongoing management of invasive alien plants within the proposed conservation area, using Department of Water Affairs approved methodology for such ongoing management. It is a further requirement that this management plan should be handed to the Local Authority upon handing the proposed conservation area to the Local Authority.
6. Access to, and pathways across, the proposed conservation area should be limited to a few demarcated areas, and information boards outlining the conservation value of the area should be erected for the purposes of user education and to encourage custodianship.

2.4 POLICY CONSISTENCY

It should be noted that the proposed subdivision and rezoning of the application area for conservation of ± 23,4 hectares nature area, is fully aligned with the latest policy objectives for the area, including:

- Provincial Spatial Development Framework, PSDF 2014
- Overstrand Municipal Spatial Development Framework, 2020
- Overstrand Environmental Management Overlay Zones, 2020 (EMOZ)

The above policies are all in support of biodiversity conservation and sustainable development, based on finding a balance between urban development, creating economic opportunities in response to growing population, and conserving critical biodiversity. The proposed conservation area will align most positively with these objectives, as it will secure important biodiversity and ecological corridors forming part of the regional biodiversity context of the Overstrand, promoting the mountain to coast linkages and the natural systems linking to the Botriver estuary area.



2.5 PLANNING PRINCIPLES OF SPLUMA

With reference to the current legislative and policy requirements, the proposed subdivision & rezoning to establish a nature conservation area on a portion the application site does not relate directly to the planning principles of the national Spatial Planning & Land Use Management Act (SPLUMA, 2013) and the provincial Land Use Planning Act (LUPA, 2014). However, in general terms, alignment with the said principles can be described as follows:

Land Use Planning Principles (LUPA, 2014)	Compliance/ Response
Spatial Justice	Fully Compliant The proposed conservation area will promote the protection of vital biodiversity corridors, which will be to the greater benefit of future generations, without any negative impact in terms of exclusion, segregation of discrimination.
Spatial Sustainability	Fully Compliant The proposal in fact promotes a balanced approach to sustainable development, as it secures important environmental resources within the context of surrounding urban developments.
Efficiency	Fully Compliant Utilising existing resources.
Good Administration	Fully Compliant The application is submitted in terms of the relevant legislation and will be processed accordingly.
Spatial Resilience	Fully Compliant The symbiotic relation between urban development and nature conservation is critical to ensuring spatial resilience. It allows for nature and man to coincide within close relation, within a managed context changing over time.

Table 3.1: Planning Principles Assessment



2.6 DESIRABILITY CRITERIA I.T.O. THE OVERSTRAND MUNICIPALITY BY-LAW (2020)

The proposed subdivided nature conservation area on a portion of unregistered Erf 3457 Hawston was forthcoming from the detailed environmental and planning assessments for the business development on a portion of Farm 6/575 Afdakrivier. The merit for the proposed conservation area has therefore already been confirmed in the said environmental processes in terms of NEMA.

The subdivision and rezoning application herein is therefore made in order to align with the outcome and recommendations of the above-mentioned processes. Notwithstanding, when assessed in terms of the desirability criteria for decision making in terms of the Overstrand Planning By-Law (2020), the following are noted:

- **Positive response** to local and site-specific conditions, and **compatibility with the character of surrounding area**, taking into consideration site sensitivities;
- **Compliance** and alignment with current spatial planning policies;
- **Promoting sustainable development**, i.e. finding a balance between urban development and nature conservation;
- Nature conservation forms a key part of the attributes, attractions and tourism offering of the Overstrand area. The proposed conservation area will contribute to further promote the Overstrand as a destination of choice;
- Future administration and management of the conservation area will create certain employment opportunities, to the benefit of local communities;
- **No adverse impact** on biodiversity or natural resources. In fact, the proposal will promote conservation of biodiversity and natural resources most positively.

Following the above assessment, it is clear that the proposed subdivision and rezoning to establish a 23,4ha nature conservation area on a portion of unregistered Erf 3457 Hawston, is fully aligned with decision making criteria of the Overstrand By-Law on Municipal Planning (2020), and should be supported for approval accordingly.

2.7 CONCLUSION

When considering the above-mentioned motivation, desirability criteria and planning principles, it can be concluded that the proposed rezoning and subdivision application for conservation purposes on a portion of unregistered Erf 3457 Hawston (portion of Portion 6 of Farm 575 Afdakrivier), is **fully consistent with the relevant criteria of desirability as well as planning principles**. **No negative implications are envisioned** in terms of the character of the surrounding area, existing development rights, existing spatial policies, safety and welfare of the community as well as the conservation of the natural and built environment.



SECTION 3**CONCLUSION & RECOMMENDATION****3.1 CONCLUSION**

The application as motivated in this report, for the rezoning and subdivision of a portion of unregistered Erf 3457 Hawston (portion of Portion 6 of Farm 575 Afdakrivier), has been thoroughly assessed and seeks to adhere to existing approval conditions. When assessed in terms of the latest current legislation and policies, the proposed rezoning and subdivision remains aligned with all relevant updated / new statutory and policy directives. Furthermore, the **desirability and merit of the proposal is underpinned by the outcome of the EIA process, which imposed the proposed conservation area as an approval condition.**

3.2 RECOMMENDATION

Given the aforementioned, it is our considered opinion that the following application can be recommended for approval in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning (2020), namely:

- The **subdivision** of unregistered Erf 3457 Hawston (Remainder Portion 6 of the Farm Afdaks Rivier No 575) into two portions, namely Portion A (\pm 23,4 ha) and the remainder of Erf 3457 Hawston (\pm 42,24 ha), in terms of Section 16(2)(d) of the Overstrand By-Law on Municipal Land Use Planning (2020) – refer Figure 3.
- The **rezoning** of subdivided Portion A of unregistered Erf 3457 Hawston (portion of Remainder Portion 6 of the Farm Afdaks Rivier no. 575) from Agricultural I Zone to **OPEN SPACE ZONE 1: NATURE RESERVE (OS1)** for the purpose of nature reserve and conservation use, as described in the Overstrand Municipality Land Use Scheme (2020), in terms of Section 16(2)(a) of the Overstrand By-Law on Municipal Land Use Planning (2020).

Figure 3.1 indicates the proposed subdivision.



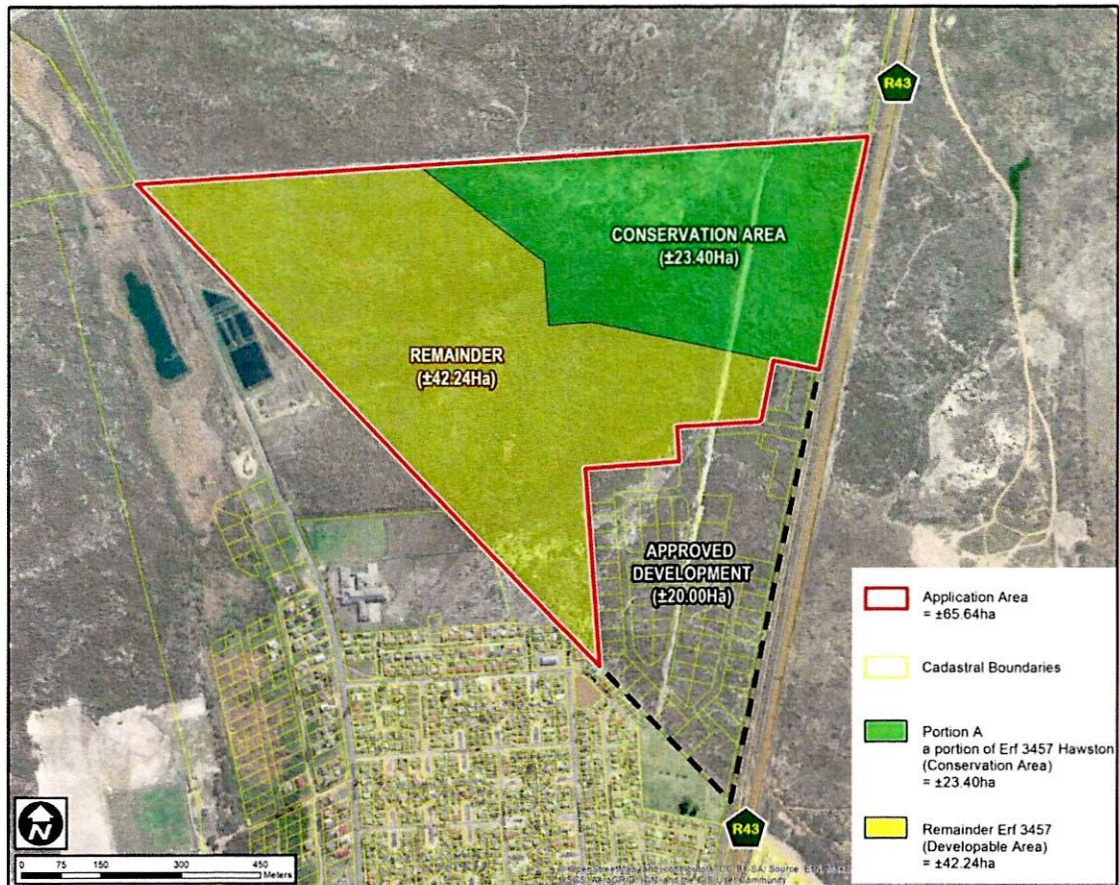


FIGURE 3.1: SUBDIVISION PLAN

Portion	Extent	Use
Approved Development	20 hectares	Business
Portion A	23,4 hectares	Nature Conservation
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