

**REMAINDER OF FARM GLENFRUIN NO. 578 AND PORTION 1 (JACKALS DANS) OF THE FARM BELSVLEI NO. 830, A DIVISION OF CALEDON: APPLICATION FOR SUBDIVISION AND CONSOLIDATION: PLAN ACTIVE (obo JM WILSON AND DJ VILJOEN)**

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 that an application has been received as follows:

- Subdivision in terms of Section 16(2)(d) to subdivide Remainder Farm Glenfruin No. 578 into a Portion A (± 30,2505ha) and a Remainder (± 259,212ha).
- Consolidation in terms of Section 16(2)(e) of Portion A (± 30,2505ha) with Portion 1 of the Farm Belsvlei No. 830 to realign the farm boundaries and to enlarge the agricultural land for farming / conservation purposes.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, Paterson Street, Hermanus. 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 / [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) on or before **4 June 2021**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **Mr. H Olivier** at 028-313 8900. The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them in order to formalize their comment.

**RESTANT VAN PLAAS GLENFRUIN NR. 578 EN GEDEELTE 1 (JACKALS DANS) VAN DIE PLAAS BELSVLEI NR. 830, 'N GEDEELTE VAN CALEDON: AANSOEK OM ONDERVERDELING EN KONSOLIDASIE: PLAN ACTIVE (nms JM WILSON EN DJ VILJOEN)**

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Gewysigde Verordening vir Munisipale Grondgebruikbeplanning, 2020 dat 'n aansoek soos volg ontvang is:

- Onderverdeling ingevolge Artikel 16(2)(d) om Restant van Plaas Glenfruin Nr. 578 onderverdeel in 'n Gedeelte A (± 30,2505ha) en 'n Restant (± 259,212ha).
- Konsolidasie ingevolge Artikel 16(2)(e) om Gedeelte A (± 30,2505ha) met Gedeelte 1 van die Plaas Belsvlei Nr. 830 te konsolideer vir die herbelyning van die plaasgrense, om so die landbougrond vir boerdery- / bewaringsdoeleindes te vergroot.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. Enige skriftelike kommentaar moet ingevolge die bepaling van Artikels 51 en 52 van die Verordening ingedien word en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) voor of op **4 Junie 2021**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan **Mnr. H Olivier** by 028-313 8900. Die Munisipaliteit mag weier om die kommentaar te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer

**INTSALELA YEFAMA IGLNFRUIN NO. 578 NENXALENYE E-1 (JACKALS DANS) YEFAMA IBELSVLEI NO. 830, ICANDELO LECALEDON: ISICELO SOKWAHLULAHULA NOKUYONDELELANISA: NGABAKWAPLAN ACTIVE (egameni likaJM WILSON noDJ VILJOEN)**

Kukhutshwe isaziso esimayela nemibayeSoloty lama48 Lesihlomelo SoMthethwana kaMasipala waseOverstrand Ngezcwangciso Zokusetyenziswa koMhlaba ku2020 esithi kufunyenwe isicelo esime ngolu hlobo:

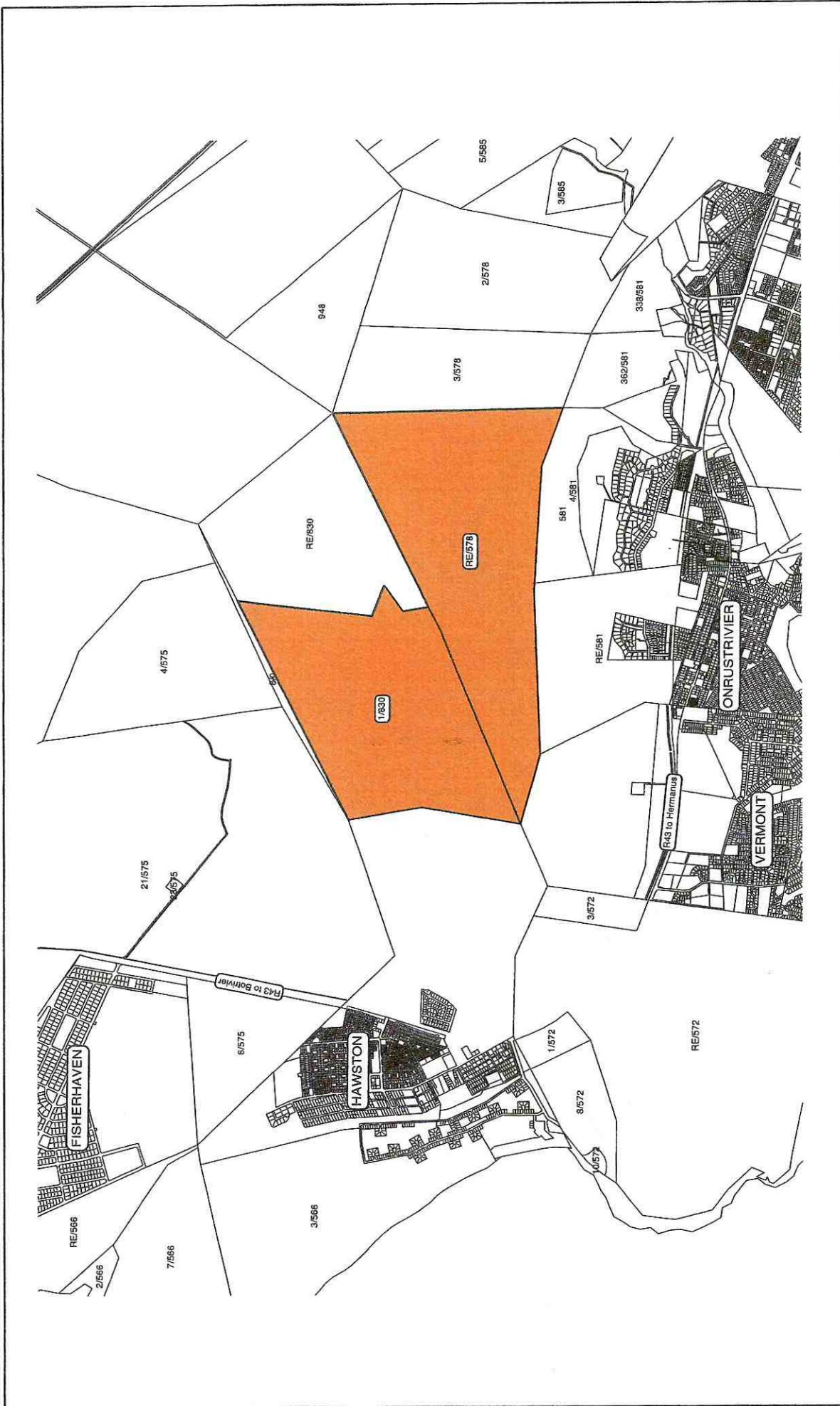
- Ukwahlulahlula ngokwemiba yeSoloty le16(2)(d) ukwahlula kwkahona Intsalela yeFama iGlenfruin No. 578 ibe yiNxalenye A (± 30,2505ha) neNtsalela (± 259,212ha).
- Uyondelelaniso ngokwemiba yeSoloty le16(2)(e) yeNxalenye A (± 30,2505ha) neNxalenye 1 yeFama iBelsvlei No. 830 ukungqamanisa imida yefama nokwandisa umhlaba wezolimo ukuze kuqhutywe imisebenzi yolimo/nangenjongo zolondolozo.

linkcukacha ezipheleleyo mayela nesi siphakamiso ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini ukusuka kwintsimbi ye08:00 ukuya ku16:30 kwiSebe: lizcwangciso ngeDolophu, Paterson Street, Hermanus. Naziphina izimvo ezibhaliweyo zingangeniswa ngokwezibonelelo zeSoloty lama51 nelama52 Omthethwana ochazwe ngentla zize zifike kwaMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) ngomhla okanye ngaphambi **komhla wama4 uJuni ka2021**, uchaze igama lakho, idilesi neenkukacha ofimaneka kuzo, umdla wakho kwesi sicelo nezizathu zokuhlomla. linkcukacha ngefowuni zingabuzwa ku**Mnu. H Olivier** kwa028-313 8900. UMasipala angala ukwamkela izikhazazo ezifunyenwe emva komhla wokuvala. Nabani na ongakwazi ukufunda nokubhala angandwendwela iSebe Lezcwangciso ngeDolophu apho igosa likaMasipala liza kumnceda afake izimvo zakhe ngokusemthethweni.

Tel: 028 313 8900 | Fax: 028 313 2093 | E-mail: [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)

PO Box 20 | **HERMANUS** 7200

[www.overstrand.gov.za](http://www.overstrand.gov.za)



	Stads- en Streetsplanners Town & Regional Planners	All distances approximate and subject to survey. COPY RIGHT RESERVED	Property Description: <b>REFARM GLENFRUIN NO. 578          &amp; PORTION 1 OF THE FARM          BELSVLEI NO. 830</b>	Plan Description: <b>LOCALITY MAP</b>	Scale: NTS Drawing Nr: 18m528-re-1.dwg Date: MARCH 2021

**PROPOSED FARM BOUNDARY RE-ALIGNMENT  
(SUBDIVISION & CONSOLIDATION)**

**REMAINDER FARM GLENFRUIN NO. 578 &  
PORTION 1 OF THE FARM BELSVLEI NO. 830**

**OVERSTRAND MUNICIPALITY  
DIVISION: CALEDON**

**MOTIVATION REPORT**

**1. BACKGROUND**

The company Plan Active has been appointed by J.M. Wilson, the owner of Remainder farm Glenfruin no. 578, and D.J. Viljoen, the owner of Portion 1 of the farm Belsvlei no. 830, to submit an application for the farm boundary re-alignment by means of a subdivision of Remainder farm Glenfruin no. 578 and consolidation with Portion 1 of the farm Belsvlei no. 830 to create a newly consolidated portion.

Remainder farm Glenfruin no. 578 is 289,4625ha in extent and held by title deed no. T27311/1969. Portion 1 of the farm Belsvlei no. 830 is 249,9921ha in extent and held by title deed number T9032/2020.

It is the intention of the owners of the subject properties to realign the farm boundaries to enlarge the agricultural land for farming / conservation purposes on Portion 1 of the farm Belsvlei No. 830 with  $\pm 30,2505$ ha. The proposed subdivision line follows the existing incorrect fence line. Portion 1 of the farm Belsvlei no. 830 has been using a portion of Remainder farm Glenfruin no. 578 due to the incorrect position of the existing fence line. The farm boundary realignment will allow Portion 1 of the farm Belsvlei no. 830 to acquire the portion of land from Remainder farm Glenfruin no. 578, already being used by the subject property. A small triangle section will be included in the subdivision to ensure that the new farm boundary does not require that many beacons to create an even more asymmetrically shaped portion after the farm boundary realignment. It therefore makes sense to realign the farm boundaries as described.

## **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 Remainder farm Glenfruin no. 578;
- Chapter 4, Section 16(2)(e) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, for the consolidation of Portion A, a portion of Remainder farm Glenfruin no. 578, with Portion 1 of the farm Belsvlei no. 830;
- The Subdivision of Agricultural Land Act, Act 70 of 1970, for the subdivision of Remainder farm Glenfruin no. 578 and consolidation of a portion of Remainder farm Glenfruin no. 578 with Portion 1 of the farm Belsvlei no. 830.
- Act 21 of 1940 for the subdivision of land adjacent to a road under jurisdiction of the District Road Engineer.

## **3. GENERAL APPLICATION INFORMATION**

### **3.1 PROPERTY DESCRIPTION**

The subject properties are situated  $\pm 14$ km from Hermanus, situated on the eastern side of Trunk Road R28 (and north of Onrustrivier / Vermont). Refer to the locality plan and aerial photograph attached.

Remainder farm Glenfruin no. 578 is 289,4625ha in extent and held by title deed no. T27311/1969. Portion 1 of the farm Belsvlei no. 830 is 249,9921ha in extent and held by title deed number T9032/2020.

The property descriptions of the respective portions are as follow:

<b>Property description</b>	<b>Extent</b>	<b>Title deed No.</b>
Remainder farm Glenfruin no. 578	289,4625ha	T27311/1969
Portion 1 of the farm Belsvlei no. 830	249,9921ha	T9032/2020

The subject properties are situated in an agricultural environment.

### **3.2 ZONING**

The subject properties are zoned Agriculture Zone I and are utilized as such.

Surrounding properties are zoned for Agriculture Zone I purposes.

### **3.3 LAND USE**

The land is used for agricultural purposes. Existing activities on Remainder farm Glenfruin no. 578 are mainly dry land (Fynbos / mountainous land). Existing activities on Portion 1 of the farm Belsvlei no. 830 are mainly dry land (Fynbos / mountainous land).

The following structures can be found on Portion 1 of the farm Belsvlei no. 830:

- Farmhouses;
- Storerooms;
- Concrete dams.

The following structures can be found on Remainder farm Glenfruin no. 578

- Cell phone towers.

Land uses that surround the subject properties are agricultural and conservation related land uses.

### **3.4 PROPOSED DEVELOPMENT**

The following are proposed:

- The subdivision of Remainder farm Glenfruin no. 578 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: ±30,2505ha;
  - Remainder: ±259,212ha.
- The subdivision of agricultural land (Remainder farm Glenfruin no. 578) in terms of the Subdivision of Agricultural Land Act, Act 70 of 1970, as follows:
  - Portion A: ±30,2505ha;
  - Remainder: ±259,212ha
- Consolidation of Portion A, a portion of Remainder farm Glenfruin no. 578, of ±30,2505ha with Portion 1 of the farm Belsvlei no. 830 of 249,9921ha in terms of Chapter 4, Section 16(2)(e) of the Overstrand Municipality’s Amendment By-law on Municipal Land Use Planning, 2020, to create a newly consolidated portion of ±280,2426ha.
- 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.

It is the intention of the owners of the subject properties to realign the farm boundaries to enlarge the agricultural land for conservation purposes on Portion 1 of the farm Belsvlei no. 830 with ±30,2505ha. The proposed subdivision line follows the existing incorrect fence line as indicated on the farm boundary realignment plan. Portion 1 of the farm Belsvlei no. 830 has been using a portion of Remainder farm Glenfruin no. 578 due to the incorrect position of the existing fence line. The farm boundary realignment will allow Portion 1 of the farm Belsvlei no. 830 to acquire the portion of land from Remainder farm Glenfruin no. 578 already being used by the subject property. A small triangle section (western corner of Remainder farm Glenfruin no. 578) will be included in the subdivision to ensure that the new farm boundary does not require that many beacons to create an even more asymmetrically shaped portion after the farm boundary realignment and to not create a split remainder portion. It therefore makes sense to realign the farm boundaries as described.

For the realignment of Remainder farm Glenfruin no. 578 and Portion 1 of the farm Belsvlei no. 830 it is proposed to subdivide Remainder farm Glenfruin no. 578 as follows:

TOTAL AREA:	289,4625ha
AREAS FOR SUBDIVISION:	PORTION A: ±30,2505ha REMAINDER: ±259,212ha
OWNER:	J.M. Wilson

TITLE DEED	T27311/1969
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Refer to the aerial photograph with the subdivision overlay and the subdivision and consolidation plan attached.

It is then proposed to consolidate Portion A, a portion of Remainder farm Glenfruin no. 578, with Portion 1 of the farm Belsvlei no. 830 as follows:

Portion A, a portion of Remainder farm Glenfruin no. 578, of ±30,2505ha in extent  
*to be consolidated with*

Portion 1 of the farm Belsvlei no. 830 of 249,9921ha in extent  
to create newly consolidated Portion 1 of the farm Belsvlei no. 830 of ±280,2426ha in extent.

Refer to the subdivision and consolidation plan attached. No new portions are created – the proposal is merely to realign farm boundaries.

Portion A, a portion of Remainder farm Glenfruin no. 578, is a portion of dry land (Fynbos / mountainous land) with cell phone towers present of this portion. It is the intention to correct the farm boundary and include a small triangle portion as described above to allow the owner of Portion 1 of the farm Belsvlei no. 830 to continue to manage / conserve the Fynbos area that already forms part of their portion (when considering the incorrect fence line).

The zonings of the subject properties will remain unchanged.

The existing farming activities and land uses (mainly mountainous land / Fynbos) will prevail with the proposed farm boundary re-alignment.

The subject properties are located in an area characterised by similar agricultural farm units (refer to the locality plan). The proposal is therefore consistent with the existing farm sizes in the area.

It is not proposed to deviate from any land use restrictions applicable to Agriculture Zone 1 to accommodate the proposed farm boundary realignment.

The number of employees on the respective farms will remain unchanged.

The proposed subdivision and consolidation (farm boundary realignment) do not have a negative impact on the surrounding farms and are not in contrast to the existing land use tendencies in the surrounding environment. We therefore do not anticipate any problems with the proposed application.

### **3.5 CHARACTER OF THE ENVIRONMENT**

The area is characterised by mostly agricultural activities. The zoning and existing land uses (agriculture) will remain unchanged and consequently the proposal to realign the farm boundary is in line with the existing character of the area. The proposed farm boundary realignment does also not create any additional portions (there will still be only two portions after the farm boundary realignment). Visually the character of the area will therefore remain unchanged.

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

Due to the size of and land uses on the subject properties the subject properties have the potential to be realigned. The proposed farm boundary realignment has no impact on the existing agricultural activities or structures on any of the existing farm portions. It will however ease the farming activities / conservation of Fynbos areas since Portion 1 of the farm Belsvlei no. 830 already farms / uses the portion (Portion A) currently demarcated within the incorrect fence line and triangle portion area.

### **3.7 IMPACT ON EXTERNAL ENGINEERING SERVICES**

#### **3.7.1 PROVISION OF SERVICES**

All services on the subject properties already exist. The services infrastructure for the respective portions after the farm boundary realignment will remain unchanged.

#### **3.7.2 AVAILABLE WATER**

No water rights will be transferred to accommodate the proposed farm boundary realignment.

No water registration / lawful water use certificates are available.

### **3.7.3 TRAFFIC IMPACT, PARKING AND ACCESS**

Access to both the subject properties will remain unchanged and will be from the existing farm roads that connect to the R43 / Trunk Road R28. Refer to the aerial photograph attached.

The existing access points are adequate and would not need to be changed to facilitate the activities on the re-aligned farm portions.

### **3.8 TITLE DEED**

The title deeds no. T27311/1969 and T9032/2020 have no restrictions that need to be removed for this application to be approved.

### **3.9 FORWARD PLANNING & OTHER LAND USE DOCUMENTS**

#### **3.9.1 OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK (2020)**

The *Overstrand Spatial Development Framework (2020)* stipulates that the subject properties are situated outside the urban edge in the rural areas of the Overstrand region. The aforementioned policy earmarks the subject properties as agricultural and other natural areas in terms of land use. The subject properties are earmarked for protected areas with an Environmental Management Overlay and Heritage Protection Overlay Zones that applies to both the sites.

The subject properties will be used for agricultural and conservation purposes only. It is not

proposed to change the zoning or land use of the subject properties to accommodate the proposed farm boundary realignment. No new development is proposed with the application at hand.

From the above it is evident that the proposed farm boundary realignment of Remainder farm Glenfruin no. 578 and Portion 1 of the farm Belsvlei no. 830 adheres to and falls within the spatial planning policies for the Overstrand area.

### **3.10 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION**

#### **3.10.1 HERITAGE VALUE**

The proposed subdivision and consolidation (farm boundary realignment) do not trigger any listed activities in terms of Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

Although the subject properties fall within a Heritage Protection Overlay Zone (HPOZ), the application only proposes a minor amendment to the farm boundary. No new development is proposed. The proposed farm boundary realignment will therefore still promote the management and protection of the area and all HPOZ guidelines / principles will remain applicable to the new realigned farm portions.

#### **3.10.2 ENVIRONMENTAL IMPACT**

The proposed subdivision and consolidation (farm boundary realignment) do not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

Although the subject properties fall within an Environmental Management Overlay Zone (EMOZ), the application only proposes a minor amendment to the farm boundary. No new development is proposed. The proposed farm boundary realignment will therefore still promote the conservation of the area and all EMOZ guidelines / principles will remain applicable to the new realigned farm portions.

### 3.11 PLANNING PRINCIPLES

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

Spatial justice: It is submitted that the proposed farm boundary realignment is compatible with the character of the area and does not impact negatively on the rights of anyone else. The impact on the biophysical environment will be low since the subject properties have been in existence since 1873 and 1991 respectively and are developed. No impact on the heritage value of the site or greater Overstrand rural area is anticipated.

The proposed application will not further promote the spatial development imbalances. This application is to realign two farm portions only. The proposed application is in character with the existing rural 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 farm boundary realignment is to allow the owner to realign the farm boundaries. Consequently, the proposed subdivision and consolidation (farm boundary realignment) do not impact negatively on the character of the area or the existing rights of adjacent property owners. The impact on the biophysical environment will also be kept to a minimum as described in Section 3.10.2.

Furthermore, the realignment of the farm boundary will have no adverse impact on the spatial sustainability of the respective farm portions after the farm boundary realignment. The extent of the subject properties, the shapes of the subject properties, the position of the access road (that intersects the two farm portions), the existing agricultural activities to remain unchanged, the compliance with the spatial planning policies for the area, etc. allows for the consideration and approval of the proposed farm boundary realignment without having an adverse impact on the spatial sustainability of the area. The proposed farm boundary realignment is to an improved farm within an established agricultural area and therefore will not impact on the sensitive environment.

Efficiency: The subject properties are easily accessible and conveniently located next to an existing farm road. The proposal creates cadastral units in line with the existing agricultural

activities and features on the farms while also taking into consideration possible future agricultural activities for the respective portions.

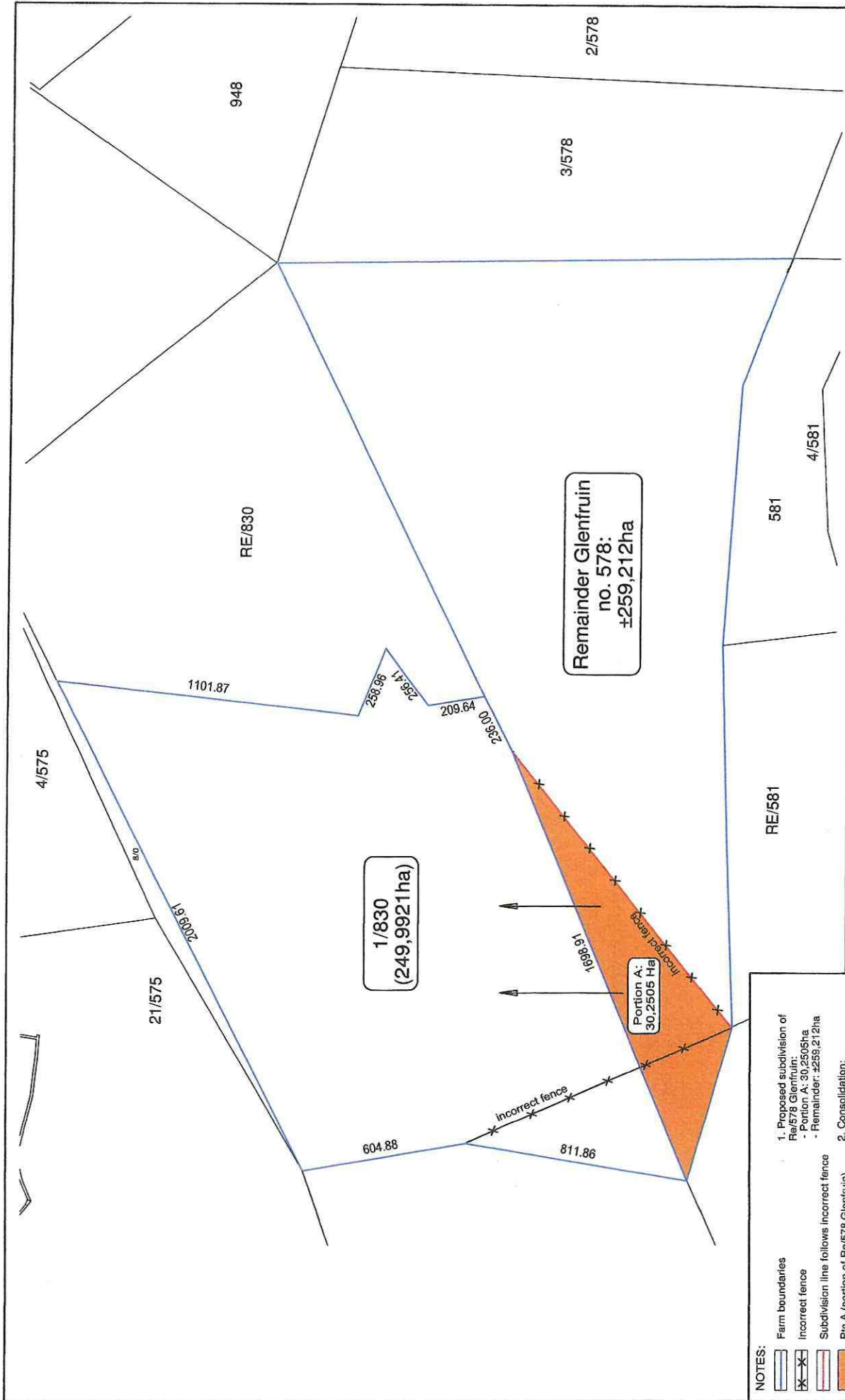
Good administration: Our firm is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's bylaw 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:

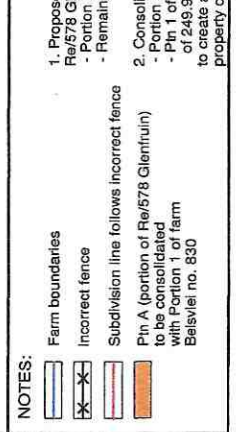
- The proposed farm boundary realignment constitutes a minor amendment to the farm boundaries;
- The proposed subdivision and consolidation (farm boundary realignment) will not have a negative impact on the current character and land values of the surrounding farms;
- The zoning will remain Agriculture Zone I;
- The proposed farm boundary realignment does not constitute the fragmentation of agricultural land since no additional farm portions are created;
- After the subdivision and consolidation (farm boundary realignment) the viability of each farm portion is not less than the original portions' viability;
- No additional access routes or access points will be created;
- 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;
- The proposed subdivision and consolidation (farm boundary realignment) of the subject properties comply with the spatial planning policies of the area.

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.



<b>Scale:</b> 1:12 500 <b>Drawing Nr:</b> farm578-re.s.dwg <b>Date:</b> MARCH 2021	
<b>Plan Description:</b> FARM BOUNDARY REALIGNMENT (SUBDIVISION & CONSOLIDATION) PLAN	
<b>Property Description:</b> REMAINDER FARM GLENFRUIN NO. 578 & PORTION 1 OF FARM BELSVLEI NO. 830	
<b>All distances approximate          and subject to survey.</b>	<b>COPY RIGHT RESERVED</b>
<b>PLA<sup>n</sup> Active</b> Stads- en Streeksbeplanners Town & Regional Planners	

- NOTES:**
- 1. Proposed subdivision of Re/578 Glenfruin:
    - Portion A: 30,250.5ha
    - Remainder: ±259,212ha
  - 2. Consolidation:
    - Portion A: 30,250.5ha with Pin 1 of farm Belsvlei no. 830 of 249,992.1ha to create a newly consolidated property of 280,242.6ha.





Scale: 1:27 500  
 Drawing Nr: farm578-re-a-s.dwg  
 Date: MARCH 2021




Plant Description:  
 AERIAL MAP:  
 SUBDIVISION  
 OVERLAY

Property Description:  
 REMAINDER FARM GLENFRUIN  
 NO. 578 & PORTION 1  
 OF FARM BELSVLEI NO. 830

All distances approximate  
 and subject to survey.  
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 Stads- en Streeksbeplanners  
 Town & Regional Planners

**NOTES:**

-  Farm boundaries
-  Incorrect fence
-  Subdivision line follows incorrect fence

1. Proposed subdivision of Farm 578 Glenfruin:  
 - Portion A: 30,2505ha  
 - Remainder: ±259,212ha

2. Consolidation:  
 - Portion A: 30,2505ha with Portion 1 of farm Belsvlei no. 830  
 - Portion A: 30,2505ha  
 - Remainder: ±259,212ha  
 to create a newly consolidated property of 280,2468ha.